

PLANNING COMMISSION MEETING

February 21, 2006

The regular meeting of the Conway Planning Commission was called to order at 7:00 p.m., Tuesday, February 21, 2006, by Chairman Velton Daves who introduced new planning commissioner Bert Alexander before requesting that individual commissioners introduce themselves to the audience. Present at the meeting were Velton Daves, Bert Alexander, Ronald Fields, William Graff, Tina Sherwood, Terry Sossong, Junior Storie, and Adam Thomas. Mary Etta Qualls was absent from the meeting, and Chris Riggins arrived following the vote on item 6 in the Subdivision Report.

Mr. Daves briefly outlined the meeting format that can basically be broken down into three sections. First are staff reports, then agenda items, and thirdly discussion items. Staff reports require no action and include site plans, lot splits, mergers, and minor subdivisions filed for record. Four site plans were approved as stipulated in the applicable Zoning or Subdivision Ordinance. Those plans were for East Oakwood Apartments, 1651 Hairston Avenue; Wendy's, 3750 Dave Ward Drive; Hendrix Wellness Center, 1500 Harkrider Street; and Woodard Medical Clinic, 525 Hendrix Cove. Lot splits, mergers and minor subdivisions filed for record included Scherman Heights PUD—Doctor's Replat. Near the end of the meeting, minutes from the January meeting were approved 8 – 0 as submitted on a motion made by Adam Thomas and seconded by Tina Sherwood.

The meeting next moved on to standing committee reports and the public hearing portion of the meeting. Mr. Daves called on Subdivision Chairman Adam Thomas to make that committee's report.

SUBDIVISION REPORT

1. Tom Watson request for preliminary plat approval of Southwind Subdivision Phase IV was held in committee at the applicant's request.
2. Conway Development Corporation request for preliminary plat approval of Guy Murphy Industrial Park was approved 8 – 0 based on stated changes in the amended punch list as shown below on a motion made by Adam Thomas and seconded by Junior Storie.

PUNCH LIST

BASIC INFORMATION NEEDED ON THE PLAT

1. The address of the surveyor is needed.
2. The date of the survey is needed.
3. The present zoning classification of the adjoining land contiguous to the boundary of the proposed subdivision is needed. The land to the east, west and south must show the zoning or be noted if they are county.
4. The layout of all proposed streets are needed, along with relevant dimensions and bearings. Dimensions and bearings are needed for the centerline of all roads.

5. Street names that are not similar to existing street names are needed for all proposed streets. Guy Murphy Boulevard will be connecting with East German Lane extended. The street name must remain the same unless approved by the Planning Commission.
6. Lot lines with appropriate dimensions are needed.

ADDITIONAL INFORMATION NEEDED, BUT NOT ON THE PLAT

7. Natural features within the proposed subdivision including drainage channels, bodies of water, wooded areas and other significant features are needed.
8. Existing streets, buildings, water courses, railroads, culverts, utilities and easement on and adjacent to the tract are needed.
9. A draft of any Bill of Assurance proposed for the subdivision generally describing proposed covenants, restrictions and conditions applicable to the property included in the submitted plat is needed.
10. Where a subdivision involves property other than entire lots that have already been through the subdivision process, copies of a deed or deeds dated on a date no less than ten years prior to the filing of the plat are needed to assure that no parcels less than five acres in area are being created through this platting.

GENERAL DESIGN REQUIREMENTS

11. An easement of adequate width to accommodate the required floodway shall be provided on the plat. The easement shall clearly identify the easement as a "100-year Floodway". The plat shall have a note that reads as follows: "No structures, fill or obstructions shall be placed in the 100 year Floodway easement. No reshaping of the surface within the 100 year Floodway easement shall be made without the approval of the City Engineer. No fences shall be in the floodway easement."
12. Minimum floor elevations shall be placed on the plat for all lots less than three (3) feet above the computed one hundred (100) year flood elevation. The minimum finished flood elevation shall be established at one (1) foot above the computed one hundred (100) year flood elevation.
13. *Due to the unknown lot size required to accommodate the needs of potential industrial residents, a request for variance has been received to allow to record final plats as small as one lot per plat with each lot having street frontage on a street improved to city standards, be adequately served by utilities, lots a minimum width of 200 feet (for open ditch lots) and generally conform to the approved preliminary plat. The Planning Commission approves the minimum single lot final plat.*

STREET DESIGN REQUIREMENTS

14. The rights-of-way of all streets must conform to the Master Street Plan and the requirements of Table 1, Street Classification & Design Standards, City of Conway in the Subdivision Ordinance. Amity Road is classified as a Minor Arterial and requires a 40' right-of-way dedication.
15. The minimum horizontal radii of all streets must conform to the Master Street Plan and the requirements of Table 1, Street Classification & Design Standards, City of Conway in the Subdivision Ordinance. The radii of the streets must be shown.
16. Compliance is required with all the footnotes in Table 1, Street Classification & Design Standards, City of Conway in the Subdivision Ordinance. All streets without curb and gutters must have a 10' drainage easement on both sides of the streets.
17. Cul-de-sac streets or courts designed to have one end permanently closed or streets or street loops with a single access shall have a distance no greater than 650 feet from the point of access to the nearest point of the furthest lot with the distance measured along the shortest route within the street right-of-way. Exception: A street may be 1120 feet in length with a right-of-way of 60 feet in width and with a paved width from back of curb to back of curb of 40 feet if it meets all other cul-de-sac requirements. The long cul-de-sac of Whitten Road must be 40 feet from back of curb to back of curb.

18. Any cul-de-sac over 750 feet in length must have fire department approval. Conway Fire Marshall, Randy Freeman, has approved the cul-de-sac over 750 feet.
19. State Fire Code 503.0.5 states that dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. Anything other than the following cul-de-sac requirement must be approved by the Conway Fire Marshall. Randy Freeman has approved the extended length for the stub out.
20. Where collector and arterial streets intersect other collector or arterial streets, the curb radii at the intersection shall not be less than 31.5 feet.
21. Property line corners at street intersections shall be rounded with a radius of at least 28 feet.

EASEMENT DESIGN REQUIREMENTS

22. Easements shall be provided for utilities where a subdivision is traversed by a water course, drainage way, channel or stream, or there shall be provided a storm water easement conforming substantially with the lines of the water course and shall be adequate for such intended purpose. The 20' drainage easement on the north side of lot #1 must be shown.
23. Utility easements as required Conway Corporation are needed.
24. Drainage easements as required by the City Engineer are needed.

BLOCK DESIGN REQUIREMENTS

25. Blocks over 1500 feet in length are prohibited. The block on the east side of the subdivision is over 1500 feet in length. This condition must be corrected.
26. Blocks over 1000 feet in length may require a public crosswalk within a dedicated easement of not less than 15 feet in width including a paved crosswalk not less than five feet in width to provide pedestrian circulation. The block on the east side of the plat and the two blocks on the west side of the plat are over 1000 feet in length. A public crosswalk will be required.

LOT DESIGN REQUIREMENTS

27. The minimum building setback (building line) shall be no less than 25 feet from the right-of-way of the front street, or as required by the Zoning Ordinance. The 25' setback must be shown along lots 1 & 4 along Amity Road.
28. All existing buildings must be shown to meet the minimum setback requirements from all lot lines or they must be modified or moved to meet those setback requirements. The buildings in lot #14 must be shown and must meet the minimum setback.
29. A minimum building setback line shall be established on the plat not less than 25 feet from any floodway boundary.

UTILITY DESIGN REQUIREMENTS

30. Fire hydrants shall be placed so that the furthest point of a lot in a commercial subdivision is no more than 400 feet from the nearest hydrant located on the same street. Variances must be approved by the Planning Commission and Fire Chief.

EXPIRATION OF PLAT

31. Plats will expire at the end of one year from acceptance of the Preliminary Plat unless an extension is requested and granted by the Planning Commission. The Guy Murphy Industrial Park will expire on February 21, 2007.

AUTHORIZATION TO PROCEED

32. Receipt of an approved or conditionally approved copy of the Preliminary Plat, together with an approved copy of the Improvements Plan shall constitute authorization of the Planning Commission for the subdivider to proceed with the preparation of the Final Plat, the installation of improvements, and the staking out of lots and blocks. The subdivider, after conditional approval of the Preliminary Plat, shall complete all improvements required under this regulation.

3. Stewart McConnell, 4JM Inc., request for preliminary plat approval of Spencer Mountain Phase I was approved 7 – 1 based on stated changes in the amended punch list as shown below on a motion made by Adam Thomas and seconded by Junior Storie. Bill Graff voted against granting preliminary plat approval because he felt the commission would be trading children's safety for the convenience and economy of the developer by placing the sidewalk abutting the curb.

PUNCH LIST

BASIC INFORMATION NEEDED ON THE PLAT

1. The date of the drawing must be shown.
2. A legal description of the property with exact boundary lines, bearings, and distances is needed.
3. The date of the survey is needed.
4. The present zoning classification of the adjoining land contiguous to the boundary of the proposed subdivision is needed.
5. The layout of all proposed sidewalk systems are needed, along with relevant dimensions and bearings.
6. Street names that are not similar to existing street names are needed for all proposed streets. A street name must be provided for the stub out between lots 53 & 55. Stage Coach Road already exists and should be a continuation of Grand Teton Drive.
7. Lot lines with appropriate dimensions are needed. The dimensions must be readable on the east side of lot 8 and the south side of lot 31. Also, the angles must be shown for the curves for lots 14, 15, 37, 38 and 39.
8. Proposed easements are needed. The easement on the south side of lot 31 must be dashed.
9. A phasing plan outlining the boundaries for each phase and the location of all CAGIS monuments for the subdivision is needed. A minimum of two CAGIS monuments shall be placed in each subdivision or subdivision phase exceeding ten (10) acres.
10. All dimensions in the legal description must be shown on the plat.

ADDITIONAL INFORMATION NEEDED, BUT NOT ON THE PLAT

11. Natural features within the proposed subdivision including drainage channels, bodies of water, wooded areas and other significant features are needed.
12. Improvement plans, including typical cross sections and centerline profiles for any new street system, are needed. The plans must be at a readable scale.
13. Improvement plans for any new drainage system, including location, size and construction of drainage ways and structures and typical cross sections and centerline profiles are needed. The plans must be at a readable scale.
14. The Certificate of Preliminary Engineering Accuracy is needed on each set of street and drainage plans.
15. A draft of any Bill of Assurance proposed for the subdivision generally describing proposed covenants, restrictions, and conditions applicable to the property included in the submitted plat is needed.
16. Where a subdivision involves property other than entire lots that have already been through the subdivision process, copies of a deed or deeds dated on a date no less than ten years prior to the filing of the plat are needed to assure that no parcels less than five acres in area are being created through this platting. The deeds show the property line going to the centerline of Padgett Road. The boundary of the subdivision must extend to the centerline of Padgett Road as in the deed and right-of-way for the road must be dedicated.

GENERAL DESIGN REQUIREMENTS

17. The development plans shall include and identify a prepared and dedicated flowage path or floodway that will accommodate a one hundred (100) year frequency storm event across and through the development. The floodway shall be uniformly graded along the length of the floodway such that water will not pond or accumulate on the surface due to humps or depressions along the route. Computations for the quantity of storm water runoff, sizing of the floodway and elevation of the one hundred (100) year flood shall be prepared by a registered professional engineer and submitted to the City Engineer for review and approval. The computations shall be made using usual and accepted methods and procedures as approved by the City Engineer. A floodway will not be required where less than five (5) acres of adjacent lands drains onto the developed property and the total drainage area is less than five (5) acres.
18. An easement of adequate width to accommodate the required floodway shall be provided on the plat. The easement shall clearly identify the easement as a "100-year Floodway". The plat shall have a note that reads as follows: "No structures, fill or obstructions shall be placed in the 100 year Floodway easement. No reshaping of the surface within the 100-year Floodway easement shall be made without the approval of the City Engineer. No fences shall be in the floodway easement."
19. Minimum floor elevations shall be placed on the plat for all lots less than three (3) feet above the computed one hundred (100) year flood elevation. The minimum finished flood elevation shall be established at one (1) foot above the computed one hundred (100) year flood elevation.
20. Storm water detention or another storm water flow reduction measures shall be provided where existing downstream subdivisions or developments have storm drainage systems with a capacity of less than a ten (10) year frequency storm. The requirement does not apply to the inadequate natural streams or creeks flowing through undeveloped areas. The storm water detention facilities shall be designed to provide a holding area such that storm water runoff can be accumulated and released through at an outlet structure. The required storage volume and outlet structure shall be sized to release the storm water at a rate that does not exceed the capacity of the downstream storm drainage system or a computed runoff rate equal to that of the pre-development conditions of the proposed development, whichever is the greater. The detention facilities shall be based on a twenty-five (25) year frequency storm event. Computations for the sizing of the detention facilities and outlet structure shall be prepared by a registered professional engineer and submitted to the City Engineer for review and approval. The computations shall be made using usual and accepted methods and procedures as approved by the City Engineer.
21. Detention basins may be either wet basins having a permanent pool of water for aesthetic purposes or a dry basin that retains no water other than that required during the storm event. A dry basin shall be graded and shaped to provide for the positive drainage of surface water from all portions of the basin. A concrete paved channel may be required from the inlet pipe to the outlet pipe to provide a maintainable bottom area.
22. An easement shall be placed around the high water limits of the detention area.

STREET DESIGN REQUIREMENTS

23. The maximum grades of all streets must conform to the Master Street Plan and the requirements of Table 1, Street Classification & Design Standards, City of Conway in the Subdivision Ordinance. The street plans are not at a readable scale. The contour map shows part of Spencer Lake Drive, Timber Knoll Drive and possibly Grand Teton Drive to be over 12% grade as required for a residential street. This condition must be corrected.
24. In steep areas, through streets should generally follow contour lines rather than cross them.

25. The designers of residential streets are encouraged to lay them out to slow the use by through traffic. The Planning Commission may require that traffic calming techniques be employed. The Planning Commission determines that traffic calming techniques are required on Grand Teton Drive and Spencer Lake Drive.
26. All methods to slow traffic must meet all relevant city regulations and must be approved by the City Engineer and the Planning Director. Multiple uses of traffic slowing methods are encouraged in an area.
27. New boundary streets (those bordering the perimeter of the property) shall be avoided except where the requirement of the Master Street Plan provides a defined alignment. In that event, the developer of the proposed plat shall dedicate no less than one-half of the specified right-of-way as noted on the Master Street Plan and Table 1, Street Classification & Design Standards, City of Conway in the Subdivision Ordinance. A request for variance has been received to allow the future Wescon Lane to be a boundary street. The Planning Commission approves this request.
28. The Planning Commission may authorize a new boundary street when the subdivider agrees to dedicate the entire right-of-way and construct all the required improvements. A request for variance has been received to allow Spencer Lake Road and Grand Teton Drive to be new boundary streets with the developer building the streets. The Planning Commission approves this condition.
29. In the case of temporary dead-end streets, which are stub streets designed to provide future connections with unsubdivided adjacent areas, the Planning Commission may require a temporary easement for a turnaround. A request for variance has been received to not require the turnaround at the western end of Spencer Lake Drive. The Planning Commission approves this request.
30. The centerline of no more than two streets shall intersect at any one point. Stage Coach Road should be a continuation of Grand Teton Drive.
31. Street intersections shall be laid out as nearly at right angles as possible, with no angle of less than 75 degrees. A request for variance has been received to allow the intersection of Grand Teton Drive and Padgett Road to be less than 90 degrees. The Planning Commission approves this request subject to approval of the City Engineer.
32. Local street centerline offsets shall be no less than 125 feet. A request for variance has been received to allow the offset for Grand Teton Drive to be less than 125 feet from Pewter Drive. This condition must be corrected.
33. Property line corners at street intersections shall be rounded with a radius of at least 25 feet. The radius must be shown for both streets at Padgett Road.

EASEMENT DESIGN REQUIREMENTS

34. Easements across lots or centered on rear or side lot lines shall be provided for utilities and shall be at least 10 feet in width. The easement on the west side of the plat must be 10 feet instead of 7.5 feet.
35. Utility easements as required Conway Corporation are needed.
36. Drainage easements as required by the City Engineer are needed.

LOT DESIGN REQUIREMENTS

37. Minimum lot width, depth & area must conform with the requirements of the Zoning Ordinance. A request for variance has been received to allow lots 38, 44, 41, 55, 57 and 58 to not conform to the lot width or depth requirement for pedestrian pathways, landscaping, easements and to be noted as unbuildable lots. The Planning Commission approves this request.
38. Minimum lot depth must conform with the requirements of the Zoning Ordinance. A request for variance has been received to allow lots 1, 3, 4, 6, 14, 17, 20, 34, 36, 39, 47 and 48 to be less than 100 feet in depth at their shallowest points. The Planning Commission approves this request.

39. Double frontage lots other than corner lots fronting on two streets shall not be platted except under extreme circumstances, as may be approved by the Planning Commission. *A request for variance has been received to allow lots 14-21 as double frontage lots. The Planning Commission approves this request.*
40. On double frontage lots, a planting screen easement of at least 10 feet shall be provided along the portion of the lot abutting a traffic artery or other use where screening is required. There shall be no right of access across the planting screen easement and such restriction shall be clearly designated on the plat and within any Bill of Assurance.
41. Every lot must slope to a street or to a drainage easement.

UTILITY DESIGN REQUIREMENTS

42. Fire hydrants must be placed so that no lot in a subdivision is more than 600 feet from the hydrant located on the same street.

SIDEWALK DESIGN REQUIREMENTS

43. Sidewalks are required along both sides of all arterial and collector streets and on both sides of all streets within commercial, office and institutional districts. The plans for the sidewalk are needed. Sidewalks must meet all requirements in Table 1, Street Classification & Design Standards, City of Conway. *A request for variance has been received to not require the sidewalk along the future Wescon Lane. The Planning Commission denies this request.* The future Wescon Lane must be changed to College Avenue.
44. *Another request for variance has been received to not require the above sidewalk along the extension of College Avenue on the south side of this plat due to the movement of the pedestrian trail from the south side of Spencer Lake to the north side of College Avenue extension. The developer is asking that since the College Avenue was widened to allow the Pedestrian/Bike Trail Path within the paving of the street, that this be continued into this area also and that no bond will be required for this unbuilt street for sidewalks. The Planning Commission approves this request.*
45. Sidewalks must be a minimum of five feet wide and located within the public right-of-way, with the edge closest to the street located five and one-half feet from the back of the curb. Sidewalks are not required to be constructed in a straight line, if such straight-line construction would damage trees, or if an aesthetic effect is desired and the Planning Commission approves. *A request for variance has been received to allow the sidewalks to be placed abutting the back of curb within the street right-of-way due to grades and steep terrains. The Planning Commission approves this request.*
46. All sidewalks shall be handicapped accessible to public streets at street corners and at designated mid-block public service drives/alleyways. Sidewalks shall meet American Disability Act Standards.
47. Sidewalks along streets classified as a collector or above shall be constructed by the subdivision developer concurrently with construction of the other subdivision infrastructure. Such construction shall be completed or assurance of construction equal to that required for other infrastructure improvements provided prior to the filing of the final plat. Such sidewalk construction, location, and responsibility shall be clearly identified and be a requirement of the final plat.
48. Sidewalks along streets classified as residential shall be constructed by the homeowner/builder. The sidewalk shall be installed prior to the final inspection and issuance of a certificate of occupancy. Sidewalks on lots that are not built out within three (3) years of final platting shall be the responsibility of the developer. A separate assurance for this completion shall be required prior to the filing of the final plat. This assurance shall be equal to the amount necessary to complete all sidewalks required within the subdivision. These funds shall be in the form of a letter of credit, performance bond, or cash deposit. The amount of sidewalk build out will be reviewed on an annual

basis and this assurance shall be adjusted according to the percent of sidewalk completion.

49. When a developer utilizes double frontage lots, the developer shall provide, as a condition of plat approval, sidewalks along the back lot line of double frontage lots if sidewalks are required by any other condition cited herein. In situations where the street along the rear of double frontage lots is not constructed or is in need of significant repair work and where there is a reasonable anticipation that the street will be built or repaired within the next five (5) years, the developer may, in lieu of building sidewalk(s) and with the approval of the Planning Commission, submit to the City funds adequate (as determined by the City Engineer) to build the sidewalk(s) in their entirety. These funds shall be in the form of cash or a check for immediate deposit. These funds shall be accounted for separately. If the sidewalk(s) are not built within five (5) years of the date of submission of the funds, the funds will be placed in the general sidewalk fund.
50. Sidewalks shall link sidewalks of adjoining lots so as to provide a continuous "ribbon" of pedestrian access throughout the community.
51. Sidewalks shall be a requirement for all new and pending subdivisions and replats submitted to the City of Conway for formal review.
52. If, during the construction of a building or any other improvements upon a lot or by any other actions, the sidewalk(s) are damaged, the party responsible for the construction or other actions shall repair the sidewalk(s) to the satisfaction of the City.
53. The property owner/developer may request a waiver from the required sidewalk construction. The Planning Commission shall review the following factors to determine whether or not to grant this waiver: (1) Pedestrian traffic generators such as parks and schools in the area. (2) The existence of a sidewalk network in the area. (3) The density of current and future development in the area. (4) The amount of pedestrian traffic likely to be generated by the proposed development. (5) Whether the terrain is such that a sidewalk is physically practical and feasible, and the extent to which trees, ground cover, and natural areas would be adversely impacted by the construction of the sidewalk. (6) The overall need for a sidewalk to be constructed on the lot. If a waiver is granted, the owner/developer shall contribute an amount of money in lieu of construction equal to \$20 per linear foot of the required sidewalk. This money shall be deposited into a general sidewalk fund to be used solely for the addition of new sidewalks and maintenance of the existing sidewalk network. The dispersal of money from this sidewalk fund shall be at the discretion of the Conway City Council. Contributions to this fund are to be expended within two (2) years to serve a sidewalk project. *A request for variance has been received to waive the requirement for the sidewalk along Grand Teton Lane that is east of this development. The Planning Commission approves this request and waives the \$20 per linear foot payment.*

EXPIRATION OF PLAT

54. Plats will expire at the end of one year from acceptance of the Preliminary Plat unless an extension is requested and granted by the Planning Commission. Spencer Mountain Subdivision will expire on March 14, 2006.
55. The Planning Commission approves the removal of Lots 52 – 55 and the western stub-out from Spencer Mountain Subdivision to accommodate the changes for Spencer Mountain Subdivision Phase II.

AUTHORIZATION TO PROCEED

56. Receipt of an approved or conditionally approved copy of the Preliminary Plat, together with an approved copy of the Improvements Plan shall constitute authorization of the Planning Commission for the subdivider to proceed with the preparation of the Final Plat, the installation of improvements, and the staking out of lots and blocks. The subdivider,

after conditional approval of the Preliminary Plat, shall complete all improvements required under this regulation.

4. Stewart McConnell, 4JM Inc., request for preliminary plat approval of Spencer Mountain Subdivision Phase II was approved 7 – 1 based on stated changes in the amended punch list as shown below on a motion made by Adam Thomas and seconded by Junior Storie. Bill Graff again opposed granting preliminary plat approval because of the sidewalk abutting the street. He felt this placement would be inviting drivers to be less careful in the neighborhood because if they're going a bit too fast to make the curve, you can always put two wheels on the sidewalk and continue on around the curve. In the same manner, if a driver wishes to park his car and doesn't want it entirely in the street, he can use half or three-fourths of the width of the sidewalk to park his automobile and essentially blocking the sidewalk and preventing its use by pedestrians.

PUNCH LIST

BASIC INFORMATION NEEDED ON THE PLAT

1. The address of all the owners of record are needed.
2. The address of the subdivider are needed.
3. The date of the drawing must be shown.
4. A legal description of the property with exact boundary lines, bearings and distances is needed. The legal description must reflect the replat of lots 52-55 of Spencer Mountain Subdivision Phase I and must also match the boundary of the subdivision.
5. Street names that are not similar to existing street names are needed for all proposed streets. The Planning Commission determines that no additional street name must be provided to avoid confusion of having the same street intersect twice on Spencer Lake Road.
6. Lot lines with appropriate dimensions are needed. Additional dimensions are needed for lots 1-3, 5-6, 9-14, 19-22 and 28-30.

ADDITIONAL INFORMATION NEEDED, BUT NOT ON THE PLAT

7. The Certificate of Preliminary Engineering Accuracy is needed on each set of street and drainage plans.
8. A draft of any Bill of Assurance proposed for the subdivision generally describing proposed covenants, restrictions and conditions applicable to the property included in the submitted plat is needed.
9. Spencer Mountain Subdivision Phase I must be filed before this plat can be filed.
10. The stub out to this phase from Spencer Mountain Subdivision Phase I must be closed before filing this plat.

GENERAL DESIGN REQUIREMENTS

11. The development plans shall include and identify a prepared and dedicated flowage path or floodway that will accommodate a one hundred (100) year frequency storm event across and through the development. The floodway shall be uniformly graded along the length of the floodway such that water will not pond or accumulate on the surface due to humps or depressions along the route. Computations for the quantity of storm water runoff, sizing of the floodway and elevation of the one hundred (100) year flood shall be prepared by a registered professional engineer and submitted to the City Engineer for review and approval. The computations shall be made using usual and accepted methods and procedures as approved by the City Engineer. A floodway will not be required where less than five (5) acres of adjacent lands drains onto the developed property and the total drainage area is less than five (5) acres.

12. An easement of adequate width to accommodate the required floodway shall be provided on the plat. The easement shall clearly identify the easement as a "100-year Floodway". The plat shall have a note that reads as follows: "No structures, fill or obstructions shall be placed in the 100 year Floodway easement. No reshaping of the surface within the 100 year Floodway easement shall be made without the approval of the City Engineer. No fences shall be in the floodway easement."
13. Minimum floor elevations shall be placed on the plat for all lots less than three (3) feet above the computed one hundred (100) year flood elevation. The minimum finished flood elevation shall be established at one (1) foot above the computed one hundred (100) year flood elevation.
14. Storm water detention or another storm water flow reduction measures shall be provided where existing downstream subdivisions or developments have storm drainage systems with a capacity of less than a ten (10) year frequency storm. The requirement does not apply to the inadequate natural streams or creeks flowing through undeveloped areas. The storm water detention facilities shall be designed to provide a holding area such that storm water runoff can be accumulated and released through at an outlet structure. The required storage volume and outlet structure shall be sized to release the storm water at a rate that does not exceed the capacity of the downstream storm drainage system or a computed runoff rate equal to that of the pre-development conditions of the proposed development, whichever is the greater. The detention facilities shall be based on a twenty-five (25) year frequency storm event. Computations for the sizing of the detention facilities and outlet structure shall be prepared by a registered professional engineer and submitted to the City Engineer for review and approval. The computations shall be made using usual and accepted methods and procedures as approved by the City Engineer.
15. Detention basins may be either wet basins having a permanent pool of water for aesthetic purposes or a dry basin that retains no water other than that required during the storm event. A dry basin shall be graded and shaped to provide for the positive drainage of surface water from all portions of the basin. A concrete paved channel may be required from the inlet pipe to the outlet pipe to provide a maintainable bottom area.
16. An easement shall be placed around the high water limits of the detention area.

STREET DESIGN REQUIREMENTS

17. Street intersections shall be laid out as nearly at right angles as possible, with no angle of less than 75 degrees. Neither end of Cross Creek Loop is at a right angle with Spencer Lake Drive. *A request for variance has been received to allow all street intersections to be less than 90 degrees. The Planning Commission approves this request.*

EASEMENT DESIGN REQUIREMENTS

18. Easements shall be provided for utilities where a subdivision is traversed by a water course, drainage way, channel or stream, or there shall be provided a storm water easement conforming substantially with the lines of the water course and shall be adequate for such intended purpose. A drainage easement must be provided between lots 26 and 27 and the drainage inside lots 37 & 38 must be shown and identified.
19. Utility easements as required Conway Corporation are needed.
20. Drainage easements as required by the City Engineer are needed.

BLOCK DESIGN REQUIREMENTS

21. Blocks over 1500 feet in length are prohibited. *A request for variance has been received to allow the east/west block to more than 1500 feet in length. The Planning Commission approves this request.*
22. Blocks over 1000 feet in length may require a public crosswalk within a dedicated easement of not less than 15 feet in width including a paved crosswalk not less than five feet in width to provide pedestrian circulation. *A request for variance has been received*

to not require a public crosswalk and to approve the unbuildable lots as pedestrian trails. The Planning Commission approves this request based upon submitted plans.

LOT DESIGN REQUIREMENTS

23. Minimum lot width must conform with the requirements of the Zoning Ordinance. *A request for variance has been received to allow lots 37-39 to be less than the required width of the Zoning Ordinance and allow them to be unbuildable lots. The Planning Commission approves this request.*
24. Minimum lot depth must conform to the requirements of the Zoning Ordinance. *A request for variance has been received to allow lots 1, 2, 12, 21, 22, 28, 29, 34, & 37 to be less than 100 feet in depth at their shallowest points. The Planning Commission approves this request.*
25. Minimum lot area must conform with the requirements of the Zoning Ordinance. *A request for variance has been received to allow lots 37-39 to be less than 7500 square feet in area. The Planning Commission approves this request.*
26. No lot shall be more than four times as deep as it is wide. *A request for variance has been received to allow lots 37-39 to be more than four times as deep as they are wide. The Planning Commission approves this request.*
27. Corner lots shall have a setback of 25 feet from the front lot line and 25 feet from the exterior side lot line, or as required by the Zoning Ordinance. The setback along Spencer Lake Drive must be shown for lot #1.
28. Corner lots shall be at least 75 feet in width at the building line. Lot 22 is not 75 feet in width at the building line. This condition must be corrected.
29. Every lot must slope to a street or to a drainage easement.

UTILITY DESIGN REQUIREMENTS

30. Fire hydrants must be placed so that no lot in a subdivision is more than 900 feet from the hydrant located on the same street.

SIDEWALK DESIGN REQUIREMENTS

31. Sidewalks must be a minimum of five feet wide and located within the public right-of-way, with the edge closest to the street located five and one-half feet from the back of the curb. Sidewalks are not required to be constructed in a straight line, if such straight line construction would damage trees, or if an aesthetic effect is desired and the Planning Commission approves. *A request for variance has been received to allow the sidewalks to be placed abutting the back of curb within the street right-of-way due to grades and steep terrains. The Planning Commission approves this request.*
32. All sidewalks shall be handicapped accessible to public streets at street corners and at designated mid-block public service drives/alleyways. Sidewalks shall meet American Disability Act Standards.
33. Sidewalks along streets classified as residential shall be constructed by the homeowner/builder. The sidewalk shall be installed prior to the final inspection and issuance of a certificate of occupancy. Sidewalks on lots that are not built out within three (3) years of final platting shall be the responsibility of the developer. A separate assurance for this completion shall be required prior to the filing of the final plat. This assurance shall be equal to the amount necessary to complete all sidewalks required within the subdivision. These funds shall be in the form of a letter of credit, performance bond, or cash deposit. The amount of sidewalk build out will be reviewed on an annual basis and this assurance shall be adjusted according to the percent of sidewalk completion.
34. Sidewalks shall link sidewalks of adjoining lots so as to provide a continuous "ribbon" of pedestrian access throughout the community.
35. Sidewalks shall be a requirement for all new and pending subdivisions and replats submitted to the City of Conway for formal review.

36. If, during the construction of a building or any other improvements upon a lot or by any other actions, the sidewalk(s) are damaged, the party responsible for the construction or other actions shall repair the sidewalk(s) to the satisfaction of the City.

EXPIRATION OF PLAT

37. Plats will expire at the end of one year from acceptance of the Preliminary Plat unless an extension is requested and granted by the Planning Commission. Spencer Mountain Subdivision, Phase II will expire on April 18, 2006.

AUTHORIZATION TO PROCEED

38. Receipt of an approved or conditionally approved copy of the Preliminary Plat, together with an approved copy of the Improvements Plan shall constitute authorization of the Planning Commission for the subdivider to proceed with the preparation of the Final Plat, the installation of improvements, and the staking out of lots and blocks. The subdivider, after conditional approval of the Preliminary Plat, shall complete all improvements required under this regulation.

5. Stewart McConnell, 4JM Inc., request for preliminary plat approval of Spencer Lake PUD Phase I was approved 7 – 1 based on stated changes in the amended punch list as shown below on a motion made by Adam Thomas and seconded by Junior Storie. Bill Graff again opposed granting preliminary plat approval because of the sidewalk abutting the street. He felt this placement would be inviting drivers to be less careful in the neighborhood because if they're going a bit too fast to make the curve, you can always put two wheels on the sidewalk and continue on around the curve. In the same manner, if a driver wishes to park his car and doesn't want it entirely in the street, he can use half or three-fourths of the width of the sidewalk to park his automobile and essentially blocking the sidewalk and preventing its use by pedestrians.

PUNCH LIST**BASIC INFORMATION NEEDED ON THE PLAT**

1. A legal description of the property with exact boundary lines, bearings and distances is needed. The legal description must match the dimensions of the boundary of the subdivision.
2. The acreage to the nearest one-tenth of an acre is needed. The acreage of the legal description and the vicinity map must be the same.
3. If any portion of the land being subdivided is subject to flooding, the limit of such flooding shall be noted and the appropriate 100-year floodplain and/or floodway shall be identified.
4. The present zoning classification of the adjoining land contiguous to the boundary of the proposed subdivision is needed. The zoning of Spencer Lake must be shown.
5. The layout of all proposed sidewalk systems is needed, along with relevant dimensions and bearings.
6. Lot lines with appropriate dimensions are needed. The lot dimensions at the northeast corner of the lot are needed.

ADDITIONAL INFORMATION NEEDED, BUT NOT ON THE PLAT

7. A draft of any Bill of Assurance proposed for the subdivision generally describing proposed covenants, restrictions, and conditions applicable to the property included in the submitted plat is needed.

GENERAL DESIGN REQUIREMENTS

8. The development plans shall include and identify a prepared and dedicated flowage path or floodway that will accommodate a one hundred (100) year frequency storm event

across and through the development. The floodway shall be uniformly graded along the length of the floodway such that water will not pond or accumulate on the surface due to humps or depressions along the route. Computations for the quantity of storm water runoff, sizing of the floodway and elevation of the one hundred (100) year flood shall be prepared by a registered professional engineer and submitted to the City Engineer for review and approval. The computations shall be made using usual and accepted methods and procedures as approved by the City Engineer. A floodway will not be required where less than five (5) acres of adjacent lands drains onto the developed property and the total drainage area is less than five (5) acres.

9. An easement of adequate width to accommodate the required floodway shall be provided on the plat. The easement shall clearly identify the easement as a "100-year Floodway". The plat shall have a note that reads as follows: "No structures, fill, or obstructions shall be placed in the 100-year Floodway easement. No reshaping of the surface within the 100-year Floodway easement shall be made without the approval of the City Engineer. No fences shall be in the floodway easement."
10. Minimum floor elevations shall be placed on the plat for all lots less than three (3) feet above the computed one hundred (100) year flood elevation. The minimum finished flood elevation shall be established at one (1) foot above the computed one hundred (100) year flood elevation.

EASEMENT DESIGN REQUIREMENTS

11. Utility easements as required Conway Corporation are needed.
12. Drainage easements as required by the City Engineer are needed.

LOT DESIGN REQUIREMENTS

13. A minimum building setback line shall be established on the plat not less than 25 feet from any floodway boundary.

UTILITY DESIGN REQUIREMENTS

14. Fire hydrants must be placed so that the furthest point of a lot in a residential subdivision is more than 600 feet from the hydrant located on the same street. Variances must be approved by the Planning Commission and Fire Chief.
15. Minimum clearance of twenty-six (26) feet must be provided around a fire hydrant. This will include any fire hydrants on the private drive.

SIDEWALK DESIGN REQUIREMENTS

16. Sidewalks are required along both sides of all streets. Sidewalks must meet all requirements in Table 1, Street Classification & Design Standards, City of Conway.
17. Sidewalks must be a minimum of five feet wide and located within the public right-of-way, with the edge closest to the street located five and one-half feet from the back of the curb. Sidewalks are not required to be constructed in a straight line, if such straight-line construction would damage trees, or if an aesthetic effect is desired and the Planning Commission approves. *A request for variance has been received to allow the sidewalks to be abutting the back of curb due to grades and steep terrains. The Planning Commission approves this request.*
18. All sidewalks shall be handicapped accessible to public streets at street corners and at designated mid-block public service drives/alleyways. Sidewalks shall meet American Disability Act Standards.
19. Sidewalks along streets classified as residential shall be constructed by the homeowner/builder. The sidewalk shall be installed prior to the final inspection and issuance of a certificate of occupancy. Sidewalks on lots that are not built out within three (3) years of final platting shall be the responsibility of the developer. A separate assurance for this completion shall be required prior to the filing of the final plat. This assurance shall be equal to the amount necessary to complete all sidewalks required within the subdivision. These funds shall be in the form of a letter of credit, performance

bond, or cash deposit. The amount of sidewalk build out will be reviewed on an annual basis and this assurance shall be adjusted according to the percent of sidewalk completion.

20. Sidewalks shall link sidewalks of adjoining lots so as to provide a continuous "ribbon" of pedestrian access throughout the community.
21. If, during the construction of a building or any other improvements upon a lot or by any other actions, the sidewalk(s) are damaged, the party responsible for the construction or other actions shall repair the sidewalk(s) to the satisfaction of the City.

EXPIRATION OF PLAT

22. Plats will expire at the end of one year from acceptance of the Preliminary Plat unless an extension is requested and granted by the Planning Commission. Spencer Lake P.U.D., Phase I will expire on February 21, 2007.

AUTHORIZATION TO PROCEED

23. Receipt of an approved or conditionally approved copy of the Preliminary Plat, together with an approved copy of the Improvements Plan shall constitute authorization of the Planning Commission for the subdivider to proceed with the preparation of the Final Plat, the installation of improvements, and the staking out of lots and blocks. The subdivider, after conditional approval of the Preliminary Plat, shall complete all improvements required under this regulation.

6. Jim Hawks, Tri-Con Builders, request for preliminary plat approval of Makenna Cove Subdivision was approved 8 – 0 based on stated changes in the amended punch list as shown below on a motion made by Adam Thomas and seconded by Junior Storie.

PUNCH LIST

BASIC INFORMATION NEEDED ON THE PLAT

1. The layout of all proposed sidewalk systems are needed, along with relevant dimensions and bearings. The sidewalk on corner lots must extend to the curb of the street.
2. Lot lines with appropriate dimensions are needed. Additional dimensions are needed for lots 62, 69 and 77.

ADDITIONAL INFORMATION NEEDED, BUT NOT ON THE PLAT

3. Improvement plans, including typical cross sections and centerline profiles for any new street system, are needed.
4. Improvement plans for any new drainage system, including location, size and construction of drainage ways and structures and typical cross sections and centerline profiles are needed.
5. The Certificate of Preliminary Engineering Accuracy is needed on each set of street and drainage plans.
6. A draft of any Bill of Assurance proposed for the subdivision generally describing proposed covenants, restrictions and conditions applicable to the property included in the submitted plat is needed.
7. Where a subdivision/replat involves property other than entire lots that have already been through the subdivision process, copies of a deed or deeds dated on a date no less than ten years prior to the filing of the plat are needed to assure that no parcels less than five acres in area are being created through this platting. The owner for Andrews Drive must be included on the plat.

GENERAL DESIGN REQUIREMENTS

8. The development plans shall include and identify a prepared and dedicated flowage path or floodway that will accommodate a one hundred (100) year frequency storm event across and through the development. The floodway shall be uniformly graded along the

length of the floodway such that water will not pond or accumulate on the surface due to humps or depressions along the route. Computations for the quantity of storm water runoff, sizing of the floodway and elevation of the one hundred (100) year flood shall be prepared by a registered professional engineer and submitted to the City Engineer for review and approval. The computations shall be made using usual and accepted methods and procedures as approved by the City Engineer. A floodway will not be required where less than five (5) acres of adjacent lands drains onto the developed property and the total drainage area is less than five (5) acres.

9. Minimum floor elevations shall be placed on the plat for all lots less than three (3) feet above the computed one hundred year flood elevation. The minimum finished flood elevation shall be established at one (1) foot above the computed one hundred (100) year flood elevation.

STREET DESIGN REQUIREMENTS

10. The designers of residential streets are encouraged to lay them out to slow the use by through traffic. The Planning Commission may require that traffic calming techniques be employed. *The Planning Commission determined in the May 2005 meeting that traffic calming be required along Andrews Drive, Potter Street, and Riley Street.*
11. All methods to slow traffic must meet all relevant city regulations and must be approved by the City Engineer and the Planning Director. Multiple uses of traffic slowing methods are encouraged in an area.
12. The designers of residential streets are encouraged to lay them out to discourage cut-through traffic. *The Planning Commission determined in the May 2005 meeting that no changes to discourage cut-through traffic be made to Andrews Drive.*
13. New boundary streets (those bordering the perimeter of the property) shall be avoided except where the requirement of the Master Street Plan provides a defined alignment. In that event the developer of the proposed plat shall dedicate no less than one-half of the specified right-of-way and construct all the required improvements. *A request for variance has been received to allow Trison Lane as boundary streets. The Planning Commission approved this request at the May 2005 meeting.*
14. The Planning Commission may authorize a new boundary street when the subdivider agrees to dedicate the entire right-of-way and construct all the required improvements. *A request for variance has been received to allow Andrews Drive as a boundary street. The Planning Commission approved this request at the May 2005 meeting.*
15. In the case of temporary dead end streets, which are stub streets designed to provide future connections with unsubdivided adjacent areas, the Planning Commission may require a temporary easement for a turnaround. *A request for variance has been received to not require a turnaround on Addy Brook Street. The Planning Commission approved this request at the May 2005 meeting.*
16. Street intersections shall be laid out as nearly at right angles as possible, with no angle of less than 75 degrees. *A request for variance has been received to allow all street intersections to be less than 90 degrees. The Planning Commission approved this request in the May, 2005 meeting.*

LOT DESIGN REQUIREMENTS

17. Minimum lot depth must conform to the requirements of the Zoning Ordinance. *A request for variance has been received to allow lots 1-10 and 81 to be less than 100 feet at their shallowest point. The Planning Commission approves this request.*
18. Every lot must slope to a street or to a drainage easement.

UTILITY & EASEMENT DESIGN REQUIREMENTS

19. Where possible, and particularly as shown on the Conway Pedestrian Bicycle Pathway/Trail Master Plan, pathway systems shall link other open space corridors and a pedestrian and bicycle pathways easement shall be established. The Comprehensive

Plan shows a Pedestrian Bicycle Pathway/Trail in this subdivision. A Pedestrian Bicycle/Trail easement must be shown.

20. Fire hydrants must be placed so that the furthest point of a lot in a residential subdivision is no more than 600 feet from the hydrant located on the same street. Variances must be approved by the Planning Commission and Fire Chief.

SIDEWALK DESIGN REQUIREMENTS

21. Sidewalks are required along both sides of all streets. Sidewalks must meet all requirements in Table 1, Street Classification & Design Standards, City of Conway.
22. Sidewalks must be a minimum of five feet wide and located within the public right-of-way, with the edge closest to the street located five and one-half feet from the back of the curb. Sidewalks are not required to be constructed in a straight line, if such straight line construction would damage trees, or if an aesthetic effect is desired and the Planning Commission approves.
23. Aside from the required sidewalks along collectors and arterials, an internalized pedestrian circulation system in the form of pathways, either along streets or not, may be constructed within subdivisions upon the request of the applicant and the approval of the Planning Commission. With concurrence of the City Council, the system may deviate from the construction requirements set out otherwise in this section, as long as the minimum dimensional requirements are met.
24. All sidewalks shall be handicapped accessible to public streets at street corners and at designated mid-block public service drives/alleyways. Sidewalks shall meet American Disability Act Standards.
25. Sidewalks along streets classified as residential shall be constructed by the homeowner/builder. The sidewalk shall be installed prior to the final inspection and issuance of a certificate of occupancy. Sidewalks on lots that are not built out within three (3) years of final platting shall be the responsibility of the developer. A separate assurance for this completion shall be required prior to the filing of the final plat. This assurance shall be equal to the amount necessary to complete all sidewalks required within the subdivision. These funds shall be in the form of a letter of credit, performance bond, or cash deposit. The amount of sidewalk build out will be reviewed on an annual basis and this assurance shall be adjusted according to the percent of sidewalk completion.
26. Sidewalks shall link sidewalks of adjoining lots so as to provide a continuous "ribbon" of pedestrian access throughout the community.
27. Sidewalks shall be a requirement for all new and pending subdivisions and replats submitted to the City of Conway for formal review.
28. If, during the construction of a building or any other improvements upon a lot or by any other actions, the sidewalk(s) are damaged, the party responsible for the construction or other actions shall repair the sidewalk(s) to the satisfaction of the City.
29. The property owner/developer may request a waiver from the required sidewalk construction. The Planning Commission shall review the following factors to determine whether or not to grant this waiver: (1) Pedestrian traffic generators such as parks and schools in the area. (2) The existence of a sidewalk network in the area. (3) The density of current and future development in the area. (4) The amount of pedestrian traffic likely to be generated by the proposed development. (5) Whether the terrain is such that a sidewalk is physically practical and feasible, and the extent to which trees, ground cover, and natural areas would be adversely impacted by the construction of the sidewalk. (6) The overall need for a sidewalk to be constructed on the lot. If a waiver is granted, the owner/developer shall contribute an amount of money in lieu of construction equal to \$20 per linear foot of the required sidewalk. This money shall be deposited into a general sidewalk fund to be used solely for the addition of new sidewalks and maintenance of

the existing sidewalk network. The dispersal of money from this sidewalk fund shall be at the discretion of the Conway City Council. Contributions to this fund are to be expended within two (2) years to serve a sidewalk project.

30. The Planning Commission may also grant a waiver to construct an internal pedestrian trail system in lieu of the required sidewalks. The pedestrian trail right-of-way shall be clearly noted on the final plat. Specifications for the right-of-way width, trail pavement, and other specifications shall be determined by the City Engineer and Planning Director.

EXPIRATION OF PLAT

31. Plats will expire at the end of one year from acceptance of the Preliminary Plat unless an extension is requested and granted by the Planning Commission. The Makenna Cove Subdivision will expire on February 21, 2007.

7. Chapelridge of Conway request for preliminary plat approval of Village Commons Subdivision was approved 8 – 1 based on stated changes in the amended punch list as shown below on a motion made by Adam Thomas and seconded by Junior Storie. On punch list item #17, Adam Thomas stated that this is to be a development for senior citizens and at a previous subdivision committee meeting developers were required to provide a stub out to Choate Street which they have agreed to do. But for security reasons for the senior citizens, they would like to place a breakdown-type gate across the stub out to limit access to this development. In an emergency the fire department could ram through the gate, but at other times traffic through the development would be limited. Bill Graff opposed granting preliminary plat approval for this development because of the very lack of connectivity demonstrated in item #17. He stated the city does not have enough connectivity between neighborhoods and through streets—that there are only about four or five streets that can be used to get from one side of the city to the other and that when we deliberately create a new neighborhood and do not provide connection where traffic can go through that neighborhood, we simply continue the system that has been in place here for the last two decades of more and more cul-de-sacs and no way to get from here to there and this is a further example.

PUNCH LIST

BASIC INFORMATION NEEDED ON THE PLAT

1. The date of the survey is needed.
2. The layout of all proposed streets is needed, along with relevant dimensions and bearings. The dimensions along Liberty Drive must be clarified.
3. The layout of all proposed sidewalk systems are needed, along with relevant dimensions and bearings. The sidewalk plans must be shown with the street plans and approved by the City Engineer. The sidewalks must also be shown on the plat.
4. Lot lines with appropriate dimensions must be readable.
5. A phasing plan outlining the boundaries for each phase and the location of all CAGIS monuments for the subdivision is needed. A minimum of two CAGIS monuments shall be placed in each subdivision or subdivision phase exceeding ten (10) acres. For subdivisions of ten (10) acres or less in size, no new CAGIS monumentation is required. However, these smaller subdivisions must all be tied to CAGIS monumentation.

ADDITIONAL INFORMATION NEEDED, BUT NOT ON THE PLAT

6. A draft of any Bill of Assurance proposed for the subdivision generally describing proposed covenants, restrictions and conditions applicable to the property included in the submitted plat is needed.

7. Where a subdivision/replat involves property other than entire lots that have already been through the subdivision process, copies of a deed or deeds dated on a date no less than ten years prior to the filing of the plat are needed to assure that no parcels less than five acres in area are being created through this platting.

GENERAL DESIGN REQUIREMENTS

8. The development plans shall include and identify a prepared and dedicated flowage path or floodway that will accommodate a one hundred (100) year frequency storm event across and through the development. The floodway shall be uniformly graded along the length of the floodway such that water will not pond or accumulate on the surface due to humps or depressions along the route. Computations for the quantity of storm water runoff, sizing of the floodway and elevation of the one hundred (100) year flood shall be prepared by a registered professional engineer and submitted to the City Engineer for review and approval. The computations shall be made using usual and accepted methods and procedures as approved by the City Engineer. A floodway will not be required where less than five (5) acres of adjacent lands drains onto the developed property and the total drainage area is less than five (5) acres.
9. An easement of adequate width to accommodate the required floodway shall be provided on the plat. The easement shall clearly identify the easement as a "100-year Floodway". The plat shall have a note that reads as follows: "No structures, fill or obstructions shall be placed in the 100 year Floodway easement. No reshaping of the surface within the 100 year Floodway easement shall be made without the approval of the City Engineer. No fences shall be in the floodway easement."
10. Minimum floor elevations shall be placed on the plat for all lots less than three (3) feet above the computed one hundred (100) year flood elevation. The minimum finished flood elevation shall be established at one (1) foot above the computed one hundred (100) year flood elevation.
11. Storm water detention or another storm water flow reduction measures shall be provided where existing downstream subdivisions or developments have storm drainage systems with a capacity of less than a ten (10) year frequency storm. The requirement does not apply to the inadequate natural streams or creeks flowing through undeveloped areas. The storm water detention facilities shall be designed to provide a holding area such that storm water runoff can be accumulated and released through at an outlet structure. The required storage volume and outlet structure shall be sized to release the storm water at a rate that does not exceed the capacity of the downstream storm drainage system or a computed runoff rate equal to that of the pre-development conditions of the proposed development, whichever is the greater. The detention facilities shall be based on a twenty-five (25) year frequency storm event. Computations for the sizing of the detention facilities and outlet structure shall be prepared by a registered professional engineer and submitted to the City Engineer for review and approval. The computations shall be made using usual and accepted methods and procedures as approved by the City Engineer.
12. Detention basins may be either wet basins having a permanent pool of water for aesthetic purposes or a dry basin that retains no water other than that required during the storm event. A dry basin shall be graded and shaped to provide for the positive drainage of surface water from all portions of the basin. A concrete paved channel may be required from the inlet pipe to the outlet pipe to provide a maintainable bottom area.
13. An easement shall be placed around the high water limits of the detention area.

ACCESS DESIGN REQUIREMENTS

14. Multi-family residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads. Exception: Projects having up to 200 dwelling units may have a single approved fire apparatus road when all buildings, including nonresidential occupancies, are equipped throughout with

approved automatic sprinkler systems installed in accordance with Section 903.3.1.1 or 903.3.1.2 of the International Fire Code. Projects having more than 200 dwelling units shall be provided with two separate and approved fire apparatus access roads regardless of whether they are equipped with an approved automatic sprinkler system.

15. The number of dwelling units on a single fire apparatus road shall not be increased unless fire apparatus access roads will connect with future development, as determined by code official.

STREET DESIGN REQUIREMENTS

16. The proposed street layout should be integrated with the street system in the adjoining subdivisions. *A request for variance has been received to not require a road connection to Choate Street in Nichole Place Subdivision. This condition must be corrected.*
17. *Another request for variance including a site plan showing the proposed development of Tract A has been received to not require a road connection to Choate Street in Nichole Place Subdivision. With the additional information, the planning commission approves this request subject to City Fire Marshall approval of the breakdown gateway at the stub out to Choate Street.*

EASEMENT DESIGN REQUIREMENTS

18. Utility easements as required Conway Corporation are needed.
19. Drainage easements as required by the City Engineer are needed.

BLOCK DESIGN REQUIREMENTS

20. Blocks over 1500 feet in length are prohibited. *A request for variance has been received to allow the east/west block to be over 1500 feet in length. The Planning Commission approves this request to this condition to the south.*
21. *The block to the north will be more than 1500 feet in length if item #17 is approved. The Planning Commission approves the length to the north.*
22. Blocks over 1000 feet in length may require a public crosswalk within a dedicated easement of not less than 15 feet in width including a paved crosswalk not less than five feet in width to provide pedestrian circulation.

LOT DESIGN REQUIREMENTS

23. Minimum lot depth must conform with the requirements of the Zoning Ordinance. *A request for variance has been received to allow Tract A and Tract B to be less than 100 feet at their shallowest points. The Planning Commission approves this request.*
24. No lot shall be more than four times as deep as it is wide. *A request for variance has been received to allow tract A to be more than four times as deep as it is wide. The Planning Commission approves this request.*
25. The minimum building setback (building line) shall be no less than 25 feet from the right-of-way of the front street, or as required by the Zoning Ordinance. The building line must be shown to be 50 feet for the RU-1 zoning and 25 feet for the multi-family zoning along all street right-of-ways.
26. Corner lots shall have a setback of 25 feet from the front lot line and 25 feet from the exterior side lot line, or as required by the Zoning Ordinance.
27. Every lot must slope to a street or to a drainage easement.

UTILITY DESIGN REQUIREMENTS

28. Fire hydrants must be placed so that the furthest point of a lot in a residential subdivision is no more than 600 feet from the hydrant located on the same street. Variances must be approved by the Planning Commission and Fire Chief.
29. Minimum clearance of twenty-six (26) feet must be provided around a fire hydrant.

SIDEWALK DESIGN REQUIREMENTS

30. Sidewalks are required along both sides of all streets. Sidewalks must meet all requirements in Table 1, Street Classification & Design Standards, City of Conway.

31. Sidewalks must be a minimum of five feet wide and located within the public right-of-way, with the edge closest to the street located five and one-half feet from the back of the curb. Sidewalks are not required to be constructed in a straight line, if such straight line construction would damage trees, or if an aesthetic effect is desired and the Planning Commission approves.

EXPIRATION OF PLAT

32. Plats will expire at the end of one year from acceptance of the Preliminary Plat unless an extension is requested and granted by the Planning Commission. Village Commons will expire on November 21, 2006.

AUTHORIZATION TO PROCEED

33. Receipt of an approved or conditionally approved copy of the Preliminary Plat, together with an approved copy of the Improvements Plan shall constitute authorization of the Planning Commission for the subdivider to proceed with the preparation of the Final Plat, the installation of improvements, and the staking out of lots and blocks. The subdivider, after conditional approval of the Preliminary Plat, shall complete all improvements required under this regulation.

PUBLIC HEARINGS

REZONING and CONDITIONAL USE

8. Verena Moix **conditional use** permit request to allow hazardous material storage and chemical compounding or packaging for property located at 103 Amity Road was approved 8 – 0 on a motion made by Adam Thomas and seconded by Bill Graff. Conditions attached to the motion to approve were
- 1) The City Engineer and the Conway Fire Department must approve the formulas and calculations for the containment.
 - 2) Hours of operation for tanker trucks are 8:00 a.m. to 6:00 p.m.
 - 3) No external sound system is allowed.
 - 4) A landscape buffer must be provided to screen neighboring residents and properties from the perimeter fencing that Multi-Chem is required by applicable state and federal regulations to install since it will be 6-foot chain link fencing with barbed wire along the top.
 - 5) Signage must be monument style and conform to overlay district requirements (64 square feet per face, 8 feet in height, monument).
 - 6) The routes that must be taken by vehicles carrying hazardous chemicals must be approved by the Fire Department.

Bill Adkisson was present on behalf of the seller Verena Moix and the prospective buyer Don Havens. Mr. Adkisson gave a brief review of City Council action on their January rezoning request for this same property that was rejected on a 4 – 3 council vote but did agree to waive rules and reconsider the rezoning at such time as applicants return to council with a conditional use. Council focus was more on storage issues and conditional use issues than rezoning. Mr. Adkisson distributed a handout that explained a little bit about Multi-Chem, the company that has a contingent arrangement with Mr. Havens. This type of business is new to Conway and Faulkner County and after consulting with Planning Director Bryan Patrick the request for hazardous material storage and chemical compounding or packaging

seemed the most nearly appropriate conditional use request. Also present to answer possible questions were Don Havens, prospective buyer of the property; Bill Crimmins, Multi-Chem midcontinent and regional manager; and Cade Bourque, Multi-Chem environmental, health, and safety manager. Mr. Havens is a Conway resident living at 7 Jackie Lane. Mr. Crimmins gave the address 2 Westwind, Sand Springs, Oklahoma; and Mr. Bourque, 3401 West Admiral Doyle, New Iberia, Louisiana. Company representatives stated there would be no actual mixing of product onsite. Rather the product will arrive in bulk already mixed and be transferred to storage tanks and later loaded into smaller containers for use at the well site. Although the representatives addressed safety and the company's spill record as well as federal and state regulations they must meet, residents in the area were particularly concerned about their ground water and any possible contamination or disturbance to it. These residents do not have city water and well water is their only source of water for drinking, cooking, laundering, and hygiene. Possible contamination of the underground water is of vital concern to them. Attorney Phil Stratton was present representing residents. He spoke of having considerable experience in something called "inverse condemnation" and stated that when he was an attorney for the highway department, he was asked to do a special study on inverse condemnation. The concern was that when the highway department was doing blasting they were disturbing the underground water in the neighborhood. And even though the highway department did not take that land, they had to pay for it. Mr. Stratton went on to state the very nature of what they are asking to do here—bringing in hazardous materials—tells him it's an accident waiting to happen. These gentlemen haven't covered this subsurface water. This is a residential area dependent upon well water for their services. In talking to Mr. Stratton, residents' primary concern was what if something does happen. What if it contaminates their wells. That is of vital concern to them. These gentlemen didn't talk too much about EPA—Environmental Protection Agency. They talked about OSHA. That has nothing to do with this issue. It only covers their employees. This is a whole residential neighborhood of rural residents who rely on subsurface water—drinking, cooking, bathing, and whatever. He stated these people have the potential to contaminate that whole watershed and asked the commission to take that into consideration. He shared that inverse condemnation is a tort and it is one tort government can be sued for because it involves a taking of property rights. And if it happens ten years from now, the city may still be liable for an accident that happened—that contaminates their whole water—subsurface water—that provides these people with the necessities of life. They asked that the commission deny this conditional use and let these people build in a proper industrial complex that is going in next door to it.

Kristy Backy who lives at 107 Amity Road next door to this property came forward to ask about possible contamination of the air. She also asked how many plants they have in residential areas and which route they would use to bring these chemicals into the city. Amity Road, she stated, was not equipped for tankers to come in. Air quality will be governed by state and federal regulations for the facility. The fire department will determine the hazardous materials route. She also asked if there were a spill, would the drainage go directly into Lake Conway. These are some of the questions she has in addition to her concern about the well water. Mr. Bourque

said they do have several facilities in proximity to residences—at a guess around two to three hundred feet of a residence. Should there be a spill, Mr. Bourque stated it would not make it to Lake Conway. Air quality must meet ADEQ scrutiny.

9. HCR Development LLC request for **rezoning** from R-1 to MF-2 for property located south of Favre Lane about 400 feet from the intersection of South Donaghey and Favre Lane was held in committee on a 8 – 0 vote following the public hearing. Adam Thomas made the motion and Tina Sherwood seconded it. Surveyor Robert French was present representing the property owners. He made the request that the item be held over until the next meeting in order to allow architects to complete drawings to exhibit to the planning commission and to surrounding property owners who have some concerns about what may be done with this property and its possible effects to them. This 0.57 acres is at the south end of a 5-acre tract previously rezoned from R-1 to MF-2. No one else came forward to speak either for or against rezoning this small piece of property. There was some question about this being part of the "unfiled Milestone Subdivision." Mr. French stated that the streets and sewer were not as yet fully constructed. Typically a subdivision plat is not filed until after the streets are completed. This prevents lots from being built on before this infra-structure is in place.
10. HCR Development LLC request for a **conditional use** permit to allow MF-3 density in an MF-2 zone was also held in committee following the public hearing. This motion was made by Adam Thomas and seconded by Terry Sossong. Motion carried 8 – 0. Theodore Jones who lives at 1990 Favre Lane came forward to express his and his neighbors' opposition to this conditional use for MF-3 density. Mr. Jones said this is a small area not really equipped to handle the density of such a zoning. He stated that property owners did not oppose the earlier rezoning to MF-2 because they were threatened with another business going in at the location that could turn out to be just as undesirable a neighbor as the previous business located there. There is a new subdivision going in and work is just starting on widening the street. This area does not need the increase in traffic that MF3 density could bring. Phil Musgrove who lives at 1650 South Donaghey stated that the backside of his property adjoins this five acres and he would like to know exactly is going on. He said they have two different plans and he has not seen anything. He would like to see it remain one residential area. He is also concerned about the landscaping along his property and whether there would be any drainage issues. He would like a little more communication and more knowledge for the people with property in that area, particularly the ones that will be adjoining that about exactly what they are going to do with it. He asked if they would have another opportunity to actually see a plot plan, a landscaping plan, or whatever before they actually get the additional rezoning and conditional use. He would like to see if they will actually be building against the back of his property or putting a road through there or whatever. Phyllis Wilson who lives at 1630 South Donaghey said her property is between this five acres and Ellen Smith School. She is very concerned about the safety of the children living in the surrounding subdivisions who walk down Favre Lane to get to school. It concerned her when the property was rezoned to MF-2, but she is even more concerned for them with this MF-3 because it would mean even

more cars would be coming out of that subdivision. She is opposed to it for that reason as well as all the extra people it would bring. Karen Edwards, 1655 Highpoint Drive, also expressed concern about the safety of children and other pedestrians in the area. She said there is no crosswalk at Favre Lane and it is already hazardous children walking down Favre Lane. This would only make it more so. Ronnie Hall stated that sidewalks would remain as they are now. That means crossing from one side of Favre Lane to the other in order to stay on the sidewalk. Mr. Graff asked if there was someone who could talk to the reluctant property owners in that area and urge them to grant right-of-way for sidewalks so that it could be continuous. Mr. Jones seemed doubtful. He stated one property owner in particular was pretty adamant in his opposition to giving away any land.

11. Fran Lemon request for **rezoning** from R-2A to O-3 for property located at 616 Oliver Street was approved 8 - 0 on a motion made by Bill Graff and seconded by Junior Storie. Ms. Lemon was the only speaker on this rezoning. The property is part of an area that is a buffer or transitional zone and O-3 can be seen as an appropriate use for it.
12. Allen Shaver request for a **conditional use** permit to allow MF-2 density in C-3 zoning for property located at 1261 Harkrider Street immediately south of the former intersection of Harkrider and Clayton streets was denied 7 – 1 on a motion to deny made by Bill Graff and seconded by Ronald Fields. Terry Sossong voted against the motion to deny this conditional use permit. Mr. Shaver spoke for his request stating he needed the conditional use in order to get a separate meter for whoever will be living in the upstairs apartment. He will be able to separate the apartment from the business down below. A manager/caretaker is allowed in a C-3 zoning at the current time. Speaking against this request was neighboring business/property owner Taft Gault who owns a body shop next to this property. Mr. Gault doesn't object to the use Mr. Shaver has made of the property but he does object to the possibility that it might at some time be rented out simply as an apartment and give rise to a need for additional parking for the tenant and possible visitors. At present, it just meets the requirement of six spaces for an office of that square footage. Three parking spaces are required for every two apartment units and there isn't sufficient space for even a single additional space at this site. One commissioner suggested he might dedicate two of the current spaces to the apartment, but then he would not have sufficient parking spaces to meet ordinance requirements for a business. In order to build the current structures there now, Mr. Shaver received more than one concession or variance and Commissioner Bill Graff said that he would be of a mind at this point to say "Enough is enough."
13. Fritzie Vammen request for **rezoning** from R-2A to O-3 for property located at 1912 Washington Avenue at the southeast corner of the intersection of Washington and Harton Street was approved 7 – 1 on a motion made by Junior Storie and seconded by Terry Sossong. Chris Riggins opposed approving this rezoning. The property's owner Dan Stalnaker, as well as Ms. Vammen, spoke for this rezoning that he feels will help preserve the house. Ms. Vammen said she had the house inspected and it will need quite a bit of work in order to correct problems discovered during that

inspection. The wiring needs to be redone; some of the footings under the house need to be replaced, as well as some of the flashing. But she is willing to do this because she does want to preserve it. Speaking against the rezoning were Diane Robinson, 1204 Winfield, and Oneida Wright, 1170 Winfield, who wanted to see this subdivision that was the first platted subdivision in the city of Conway preserved. They had real concerns about allowing office zoning in the neighborhood, a traditional neighborhood. This is an old, historic neighborhood that is in the process of becoming an historic district. It covers a 3 by 3 block area—9 square blocks. The neighborhood is close and has a lot of pride. They get together twice a year for block parties and go Christmas caroling together. They are worried about having a business added to the corner—that it will make it that much easier to have additional businesses added to the fringes. Chris Riggins asked why with so much empty office space within the city do we have to go into the residential areas. His concern is for what happens if Ms. Vammen is no longer the owner of the property. The office zoning would allow something very different to replace the current structure. The idea of a conditional use for office in residential zoning was again brought up as a possible way to address some of the concerns of neighborhood residents. The commissioners felt this avenue was worth pursuing.

14. Trinity Development Co., Inc., request for a **conditional use** permit to allow a beauty shop (hair salon) on the westernmost parcel of two parcels on the north side of Donaghey Avenue north of Meadowlake Road and directly in front of June Beene Apartments was approved 8 - 0 on a motion made by Bill Graff and seconded by Adam Thomas. Conditions attached to the motion were

- 1) The developer will work with the city engineer for a proper alignment of a right exit only onto Donaghey with the only entrance to the property being from the June Beene Apartment driveway (*per Ronnie Hall create a right turn only island onto Donaghey with a sign posted in the island that reads "DO NOT ENTER" and "NO LEFT TURN"*).
- 2) Signage will be monument sign adhering to overlay district requirements.

Jim Rankin spoke for this conditional use permit request. There was no one present to speak against it.

15. Barry Macon request for a **conditional use** permit for religious activities for the property at 1695 South German Lane was approved 8 – 0 on a motion made by Adam Thomas and seconded by Bill Graff. The property is currently the site of an auto repair business and littered with numerous old cars. Conditions attached to the motion for approval were

- 1) If the property elevation changes 3 feet or more, a fence is required. If the change is less than 3 feet, a landscape hedge can be installed.
- 2) Lighting will be inward, downward, and shrouded with one foot candle per square foot at the property line.
- 3) Structure exteriors must be at least 60 percent face brick.
- 4) Signage must be a monument sign only.
- 5) Hours of operation are 7:00 a.m. to 9:00 p.m., seven days a week.

6) No outdoor sound system allowed.

Speaking for the conditional use was Barry Macon, pastor of the proposed 3000 – 3500 square-foot church. Patricia Hoskins also spoke for this conditional use. The church would be a small community-based church with about 100 members. In answer to the call for those who wanted to speak against this conditional use permit request, several residents came forward not to speak against the proposed use but to express their concern for the safety of children in their subdivision behind the property should lot preparation entail digging into the hillside so as to produce a sharp vertical drop-off. They would like to see a gradual sloping of the land or some type of fencing that would serve as a barrier.

REZONING RECONSIDERATION

16. Wayne LaRue came before the Planning Commission to request they allow him to make application to rezone the same property on which a previous request to rezone was denied in June 2005. By ordinance, a request for rezoning cannot be made for the same piece of property until one year has elapsed after the previous request. Adam Thomas made the motion to deny this request for rehearing. Bill Graff seconded the motion. Motion to deny passed on a 7 – 1 – 1 vote. Junior Storie voted against the motion to deny and Terry Sossong abstained from voting.

ANNEXATION

Bill Adkisson requested the Planning Commission to consider annexation of 32.24 acres of land on behalf of the property owner Charles Ward and the prospective buyer of the property the DeHaven Group, represented tonight by Jay DeHaven. Mr. DeHaven spoke of their intent for a premiere development for the entire 32 acres—some mid-rise condos, townhouses, some upscale apartments, possibly one restaurant on this property that has magnificent views overlooking the river and down on the lock and dam. They are just in the beginning stages of the development. Annexation is the first step. There were no other speakers. Terry Sossong made a motion to approve this annexation request. Adam Thomas seconded the motion. It passed 8 – 0. Bill Graff expressed some concern that the Planning Commission is being asked to annex property without sufficient information.

PROPOSED ORDINANCE

17. *Ordinance Requiring Drainage Certification of Residential Lots*

Junior Storie brought this item before the planning commission. He previously met with Ronnie Hall and Bryan Patrick to talk about an ordinance to correct standing water on residential lots. This issue may not warrant an ordinance after further study and public dialogue, but Mr. Storie feels the issue does need to be explored. Among the developers present to speak to this issue were Jim Hawks, Jim Rankin, Gene Salter, Tom Watson, and Luke Porter. Views expressed included that this was a homeowner problem, not the city or developer's problem; that it is a civil matter for the courts and property owner. Mr. Storie said that one builder in a key

location can cause a domino effect that extends to other builders and developers in the subdivision. The ordinance would seek to address problems with new home construction and problems caused by incorrect grading or filling of the lot and swales. The filling and improper grading can create a lack of drainage leading to ponding of water. An ordinance might require a registered landscape architect or civil engineer to certify a residential lot before a certificate of occupancy is issued. Only single-family and duplex residential lots would be covered since multi-family and commercial projects are subject to site plan review.

Chairman Velton Daves appointed an ad hoc committee to meet on this issue and get additional input. Mr. Storie will act as chair for this committee whose members are Tina Sherwood, Ron Fields, and Chris Riggins. The chairman expressed the view that more than one hearing was needed on this issue to let everyone who wants to speak on it have the opportunity to do so. He felt it should be done in a committee hearing so that the final version is what is brought before the entire commission. Mr. Hawks stated his opinion that the problems are more in the easements than in the yard itself and that the city already owns the easement. It's possible that these problems are caused by the homeowner and not the builder. Improperly constructed fences can also cause problems by blocking and/or changing the flow of water. One developer who builds out all the lots in his own subdivisions said that when you look at 50 lots in a subdivision there will be 49 that don't have a problem, but that one lot will. He asked if some type of elevation couldn't be made from the curb or set on each lot in the plat so that you will know that a lot will drain to the street.

Before the meeting adjourned, Adam Thomas proposed the commission consider a conditional use for office in R-2A and R-2. Mr. Daves asked Terry Sossong and Adam Thomas to investigate and report back to the commission before a committee is formed to draft an ordinance that the Mayor might be comfortable presenting to the council. The meeting adjourned at 10:45 p.m. on a motion made by Terry Sossong and seconded by Adam Thomas. Vote to adjourn was 8 to 0.