

PLANNING COMMISSION MEETING

March 20, 2006

The regular meeting of the Conway Planning Commission was called to order at 7:00 p.m., Monday, March 20, 2006, by Chairman Velton Daves who then asked that individual commissioners introduce themselves to the audience. Present at the meeting were Velton Daves, Bert Alexander, Ronald Fields, Mary Etta Qualls, Chris Riggins, Tina Sherwood, Junior Storie, and Adam Thomas. William Graff and Terry Sossong were absent from the meeting.

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 Lot 1 Cimarron Park, 2705 Blaney Hill Road; Advance Auto Parts, 2110 Harkrider Street; Metropolitan National Bank (addition), 2895 Dave Ward Drive; and Joey's Seafood & Grill, 755 Club Lane. Lot splits, mergers and minor subdivisions filed for record included Ramada Inn Replat and Scherman Heights PUD—Shopping Center Replat. Minutes from the February 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/Generation Builders request for preliminary plat approval of Southwind Subdivision Phase IV was approved 8 – 0 subject to stated changes in the amended punch list as shown below on a motion made by Adam Thomas and seconded by Junior Storie.

PUNCH LIST

EASEMENT DESIGN REQUIREMENTS

1. Pedestrian trail and pathway systems should link open space corridors through major utility, drainage and other easements and another easement for the pathways should be established within that easement. The Comprehensive Plan shows a pathway across this property. This condition must be resolved.

LOT DESIGN REQUIREMENTS

2. Minimum lot depth must conform to the requirements of the Zoning Ordinance. *A request for variance has been received to allow all lots to not be 100 feet in depth at their shallowest points. The Planning Commission approves this request.*
3. No lot shall be more than four times as deep as it is wide. *A request for variance has been received to allow Lot 8 to be more than four times as deep as it is wide at the street frontage. The Planning Commission approves this request.*

UTILITY DESIGN REQUIREMENTS

4. Where a public sanitary sewer is within 300 feet of any point of a subdivision, the subdivider shall install a system of sewer lines and provide connection to each lot. *A request for variance has been received to not require Lot 8 to be connected to the public sanitary sewer system and allow for a septic tank. **This condition must be corrected.***

5. If a sanitary sewage treatment system or septic tank system is to be installed, plans for such system shall be approved by the State Department of Health and the Conway Corporation prior to approval of the Final Plat by the Planning Commission.
6. 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.

EXPIRATION OF PLAT

7. 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. South Wind Subdivision Phase 4 will expire on October 17, 2006.
2. Hal Crafton/Rush-Hal Development request for preliminary plat approval of Fieldstone Subdivision Phase II was approved 8 – 0 subject to 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. A vicinity map showing the location and acreage of the subdivision/replat must be shown. The vicinity map must show College Avenue instead of Wescon Lane.
2. A legal description of the property with exact boundary lines, bearings and distances is needed. The distances are needed for all dimensions in the legal description.
3. 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

4. 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

5. 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.
6. 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."
7. 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.

STREET DESIGN REQUIREMENTS

8. Property line corners at street intersections shall be rounded with a radius of at least 28 feet. The radius must be increased at the intersection of Amethyst Drive and Gemstone Drive.

EASEMENT DESIGN REQUIREMENTS

9. Utility easements as required by Conway Corporation are needed.
10. Drainage easements as required by the City Engineer are needed.

LOT DESIGN REQUIREMENTS

11. 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 38-42 as double frontage lots. The Planning Commission approves this request.*
12. 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.
13. Every lot must slope to a street or to a drainage easement.

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.

SIDEWALK DESIGN REQUIREMENTS

15. Sidewalks are required along both sides of all streets. Sidewalks must meet all requirements in Table 1, Street Classification & Design Standards, City of Conway. The sidewalk must be shown for all street frontage for lot #46.
16. 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.
17. 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.
18. Sidewalks shall link sidewalks of adjoining lots so as to provide a continuous "ribbon" of pedestrian access throughout the community.
19. 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

20. 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. Fieldstone Subdivision Phase II will expire on March 20, 2007.

AUTHORIZATION TO PROCEED

21. 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. Kevin Watson and Jim Rankin request for a one-year extension of the preliminary plat approval for Shadow Ridge Subdivision was granted 8 – 0 on a motion made by Adam Thomas and seconded by Bert Alexander.
4. Stewart McConnell, 4JM Inc., request for a one-year extension of the preliminary plat approval for Spencer Mountain Phase I was granted 8 – 0 as shown in punch list item #54 of the amended punch list that also amends item #45 on a motion made by Adam Thomas and seconded by Junior Storie. Petitioner's request gave the Subdivision Committee an opportunity to revisit the sidewalk issue and address the concerns expressed by Commissioner Bill Graff at the February meeting where he voted against granting preliminary plat approval for this subdivision 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. (See item #54 amending the granting of this variance.)*
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. *A request for extension has been received to have this plat expire on March 14, 2007. The Planning Commission grants this one-year extension and amends item #45 to require that where grades and steep terrain do not allow the required sidewalk spacing and it abuts the curb, that in*

those areas the curb must be a 6-inch upright curb and the sidewalk must be routed around mail boxes.

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.

5. Stewart McConnell, 4JM Inc., request for a one-year extension of the preliminary plat approval for Spencer Mountain Phase II was granted 8 – 0 as shown in punch list item #37 of the amended punch list that also amends item #31 on a motion made by Adam Thomas and seconded by Junior Storie. Petitioner's request also gave the Subdivision Committee an opportunity to revisit the sidewalk issue and address the concerns expressed by Commissioner Graff at the February meeting where he again voted against granting preliminary plat approval for this subdivision because of his concerns regarding the safety of those who would be using these sidewalks.

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. (See item #37 amending the granting of this variance.)*
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. **A request for extension has been received to have this plat expire on April 18, 2007. The Planning Commission grants this one-year extension and amends item #31 to require that where grades and steep terrain do not allow the required sidewalk spacing and it abuts the curb, that in those areas the curb must be a 6-inch upright curb and the sidewalk must be routed around mail boxes.**

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.

HELD IN COMMITTEE

REZONING

6. Richard and Brenda Graff request for rezoning from R-2A to MF-1 for property located at 406 Sixth Street was approved 8 – 0 on a motion made by Adam Thomas and seconded by Ron Fields. Public hearing on this item was occurred in January. At that meeting, the applicant changed his original request from MF-2 zoning to the less dense MF-1 and indicated he would seek MF-2 density through a conditional use permit request. Robert French was present to represent the applicant in this rezoning request. No one else came forward to speak on this item.
7. HCR Development request for rezoning from R-1 to MF-2 for property located south of Favre Lane and east of South Donaghey was approved 8 – 0 on a motion made by Adam Thomas and seconded by Junior Storie. This item was held in committee after public hearing at the February planning commission meeting at applicant's request to allow them to complete and present a site plan for the property. This 0.57 acres is part of a 5-acre tract previously rezoned from R-1 to MF-2 and both parcels comprise a proposed lot within Milestone Subdivision that has been approved but not yet filed for record. Present to speak for the rezoning and to present the site plan were Clayton Jones and Rex Lovelady of HCR Development and architect Dwayne Wilson. The drawing conforms to the requirements for MF-2 density. The proposed project includes 96 units in a total of six buildings. This 0.57 acres would be used to connect the project to Merrell Drive. Speaking against the rezoning

were Phyllis Wilson, Jenny Musgrove, and Ricky Garrett. Concern was again expressed about the additional traffic, its affect on the safety of area children walking to and from school as well as at other times, the lack of pedestrian crosswalks, and the abundance of apartments already located along South Donaghey.

CONDITIONAL USE

8. HCR Development conditional use permit request to allow MF-3 density in an MF-2 zone for property located south of Favre Lane and east of South Donaghey was withdrawn.

PROPOSED ORDINANCE

9. Discussion continued on a proposed ordinance to require certification of adequate drainage for residential lots. Junior Storie reported on the public meeting and discussion held by the ad hoc committee appointed at the February planning commission meeting to gain additional information on this issue of adequate drainage. Mr. Storie reported several builders attended the meeting and that one resident in particular, Ms. Eva Hall, spoke about the problem at Highpoint Subdivision. The staff report pretty much summarized what was discussed at the meeting. Most of the builders present believe the problems with lot drainage stem from a lack of enforcement of current ordinances already in place in regards to drainage easements and the need to raise awareness for all builders regarding drainage issues. The following four points came out of that meeting.

- 1) Revise the Subdivision Ordinance as needed to require that lots be "drainage ready" before construction begins. This would include grading and as-built plans of the entire subdivision along with the establishment of elevation benchmarks.
- 2) Require builders to sign a "drainage awareness" statement upon obtaining a building permit.
- 3) Require fence and pool permits/inspections and develop standards for proper drainage.
- 4) Require a \$40 or appropriate fee for drainage administration as part of building permits.

Mr. Storie called on Planning Director Bryan Patrick to give a more detailed account of some of the points summarized above and he did. In the discussion that followed, City Engineer Ronnie Hall stated that what would work best for drainage would be concrete swales. If these get filled in, they're not hard to find for cleaning out. Earthen swales tend to get filled in particularly during landscaping. The city could possibly be responsible for maintenance of concrete swales. That would not be possible with earthen swales.

The Planning Commission asked that Mr. Patrick prepare an amendment to the Subdivision Ordinance for consideration at the May meeting that would address the requirement and specifications for swales—rear of the lot, side of the lot, or otherwise—as a mechanism to handle lot drainage in subdivisions. If it is required, Mr. Hall stated his would see it is incorporated into the plans and then built. He went on to say that it still would be great to have a "certification of completeness" and to have someone from the developer's side to say they have looked at it and they certify that all the improvements have been completed in accordance with the approved plans. The pools and fences permit is a somewhat separate issue but is needed to help protect swales from being filled in or blocked later. There needs to be some protection for these swales once built so that they aren't seen as "low spots" to be filled. Homeowners also need to be aware fences cannot be erected that block drainage. Some clearance is necessary at the bottom of the fence—perhaps six inches or so. Mr. Patrick was asked to have something on permitting pools and fences ready for consideration by the commission at the May meeting, also.

PUBLIC HEARING

CONDITIONAL USE

10. First Assembly of God Church **conditional use** permit request to allow a church and religious activities for property adjacent to Roller McNutt Funeral Home and located on the east side of the diagonal section of street that connects 7th Avenue and 8th Avenue was approved 8 – 0 on a motion made by Adam Thomas and seconded by Ron Fields.

Conditions attached to the motion to approve were

- 1) Lighting is required to be inward, downward, and shrouded with no more than one foot candle per square foot at the lot line.
- 2) Signage is required to be a monument sign.
- 3) No external sound system is allowed.
- 4) Construction route to the site shall be by way of Vine to Eighth Avenue during construction.

Present to speak for the conditional use were architect Rik Sowell, Pastor Mike McNeely, and church member Troy Fulfer. Bob Hogan who lives across the street from the proposed church welcomes having it for a neighbor but is concerned about the additional traffic on 8th Avenue, a street that is very narrow—only 17 feet in front of Mr. Hogan's house—with no shoulder and open ditches. To meet a large truck on this road, a driver needs to have two wheels on the grass. He has mentioned the problem to the City Engineer who has said he will look into it. Mr. Hall said it is a city street and something does need to be done about widening it if possible.

Mrs. Hogan asked about lighting. She said they have a problem with lights being left on at the park after 11:00 p.m. and her car was damaged by a baseball. Adam Thomas did remind everyone that the commission could only address conditions for the church property.

Street right-of-way was discussed, but since that is part of site plan review and will be captured during the site plan review process, a condition regarding it was deemed unnecessary. Signage is to be monument sign by condition, but is limited by zoning to 6 feet in height and 48 square feet per face.

11. Richard and Brenda Graff **conditional use** permit request to allow MF-2 density in an MF-1 zone was approved 8 – 0 on a motion made by Adam Thomas and seconded by Chris Riggins. Surveyor Robert French was present to represent the property owners on this request. No one spoke against this conditional use request. Conditions attached to the motion to approve were

- 1) Lighting is required to be inward, downward, and shrouded with no more than one foot candle per square foot at the lot line.
- 2) Signage is limited to monument style sign **only** with no external hanging banners on the fencing or the buildings.
- 3) No external sound system is allowed.
- 4) Additional fencing is required in those areas to the west and the offset to the southeast where there currently is none and it is required to be esthetically appropriate and to tie in to already existing fencing.

PROPOSED ORDINANCES

12. An amendment to the Zoning Ordinance to allow greater lot coverage in the R-1 single-family residential zone was approved 8 – 0 for forwarding to the City Council with a recommendation for approval on a motion made by Junior Storie and seconded by Bert Alexander. People basically want a larger house on the same size lot. As for drainage, Ronnie Hall stated his office would increase the drainage runoff coefficient to handle the increased runoff and require a larger storm water sewer system be installed to handle the increased runoff. That will probably increase the cost of lots in the subdivision.
13. Chairman Daves referred a proposed amendment to the Zoning Ordinance that would allow office use in residential zones by conditional use to the Zoning Committee for further consideration and discussion and for a public meeting. Currently, a residence cannot be used wholly for office space. The only option for trying to do this is to have the residence rezoned to office. Allowing it to be requested by conditional use would let the planning commission propose to the city council a condition that would tie it to the individual so that the permit would cease to exist once the permit holder no longer owned the property or ceased to use it as office. It would let conditions be proposed that might preserve the neighborhood. Jack Jumper said if the plan is to keep residential neighborhoods healthy, then this is not something that you want to do. Jack Shepperd agreed with Mr. Jumper that if you allow one, then the next one is even easier. He said if you're going to live in a home, you don't want an office next to you. Alice Grey who lives on Mitchell Street asked about what types of businesses could move in with a conditional use. Bryan Patrick stated that here you would have to rely on the definition of office to determine what businesses could go into a residence since there isn't a definition for a "residential office" in the Zoning Ordinance. The current office definition allows a wide range of businesses including but not limited to addressing, duplicating, mailing lists, stenographic telephone messages and similar office services; advertising agency; animal clinic (enclosed) small animals; clinic—dental, medical or osteopathic, chiropodist, pharmacy, optical; computer, data processing or similar service; employment service; interior decorating shop; mobile home and/or subdivision sales office without display; offices—administrative, executive, general, professional, research, governmental. Mr. Patrick said a definition could be developed that would specifically address this type of use. Ms. Grey also expressed her concern about parking. She doesn't feel a residence with the whole front yard concreted for parking is appropriate for a neighborhood. If it's a residence, she would like to see it remain residential. It should not be rezoned to office. Mr. Jumper brought out that if a use is desirable, it is allowed from the start. According to theory—and Mr. Jumper agrees with this, it needs to be a benefit to the immediate surroundings. Very seldom, he said, is a request for conditional use got anything to do with a benefit for the people in the neighborhood. It isn't about that at all. It's about cheap property. That's why these uses are put where they put them. Covenants keep them out of R-1 and they are funneled over into R-2 and R-2A. The buffer zone was mentioned earlier. It was a compromise—a drawing of the line in the sand—to have a place for businesses that wanted to operate in a residential neighborhood. Donaghey was cited as a glaring example of what happens with conditional uses. Between Caldwell and College, the street is blighted because of conditional uses. Vivian Hogue said the thing that was so discouraging to her tonight was trying to figure out what we're all doing here? If we can't get anything done, and you all can't get anything done, what's going to happen? Is it just on the City Council? Do you all have no voice in anything? Do we not have any voice? That's the feeling we're getting, she said. Since this proposal just reads an office in all residential zones, she assumes that everyone is eligible to have a quiet office next to them. She wants "Old Conway" to remain "Old Conway." She doesn't want to see it be treated any

differently than somebody out in Centennial Valley. They're citizens of Conway just as much as those residents are. She went on to say this was an invasion of an area that is historic, and she did not say historic district because that is only a small area. There are already problems with some streets. College Avenue is fair game for anything. They are fair game for developers, realtors, anybody who wants to do what they want to do. She asked that if commissioners feel they have to send this on to the Council, that they just make it something that is sensible and not invasive, and to put a limit on where it can go. Mr. Jumper again stated that covenants and restrictions keep this type of thing out of most subdivisions that are R-1 and did so as far back as the '50s and that's why this ends up trying to go into R-2 and R-2A residential zoning. Also discussed was possibly having some built-in or automatic requirements on offices allowed in residential areas by conditional use such as limiting it to the specific applicant, parking limitations, specific kinds of offices, and perhaps excluding any such conditional use from the historic district. Discussion and consideration of this item will be continued at the April planning commission meeting.

OTHER

Junior Storie asked if planning commissioner eligibility could be discussed perhaps at the next meeting including enabling legislation for serving from the territorial jurisdiction, requirements, etc., that might give some guidance about who can and cannot serve—something that would give a basic understanding of the requirements, a blueprint to follow in looking for qualifications.

The meeting adjourned at 9:08 p.m. on a motion made by Adam Thomas and seconded by Tina Sherwood. Vote to adjourn was 8 to 0.