

PLANNING COMMISSION MEETING

April 17, 2006

A time of prayer was observed by all present for Planning Commissioner Bert Alexander who died following a boating accident at the end of a missionary trip to Nicaragua. Following the observance, Planning Commission Chairman Velton Daves called this regular meeting of the Conway Planning Commission to order at 7:00 p.m., Monday, April 17, 2006, and asked that individual commissioners introduce themselves to the audience. Present at the meeting were Velton Daves, Ronald Fields, Bill Graff, Mary Etta Qualls, Chris Riggins, Tina Sherwood, Terry Sossong, Junior Storie, and Adam Thomas.

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. No site plans were reported at this meeting. Lot splits, mergers and minor subdivisions filed for record included The Shops @ Conway Commons and Lot 46 Cresthaven Phase II. Minutes from the March meeting were approved 9 – 0 as submitted on a motion made by Adam Thomas and seconded by Tina Sherwood.

The meeting 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. Hartland Development request for an extension of the preliminary plat approval for Heritage Place at the Village was granted a one month extension to June 16, 2006, on a 9 – 0 vote. The motion was made by Adam Thomas and seconded by Bill Graff who expressed concern about the excessive length of Stanford Circle that runs west some 2215 feet after entry into the subdivision from South Salem Road, before making a 180 degree bend at a half circle and going south for another 800 or so feet and exiting onto Nutter Chapel Road. Mr. Graff suggested that an exit at the west end of Stanford Circle would be preferable to having such an excessively long distance from entrance to exit as well as giving future residents an added route in and out of the subdivision.
2. Fred Langford request for preliminary plat approval of Langford Subdivision was approved 9 – 0 subject to stated changes in the amended punch list as shown below on a motion made by Adam Thomas and seconded by Terry Sossong.

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 and the boundary of the subdivision must match.

2. The layout of all proposed sidewalk systems are needed, along with relevant dimensions and bearings.
3. The Certificate of Preliminary Survey Accuracy is needed.
4. The Certificate of Preliminary Plat Approval is needed.

ADDITIONAL INFORMATION NEEDED, BUT NOT ON THE PLAT

5. 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.
6. 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 deed, Book 617, Page 377, includes the Whisenhunt property to the east. A deed must be provided to show that that property has been separated for a period of 10 years or the property must be included in the Subdivision.

GENERAL DESIGN REQUIREMENTS

7. 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.
8. 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."
9. 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

10. Utility easements as required Conway Corporation are needed.
11. Drainage easements as required by the City Engineer are needed.
12. For subdivisions in I-3 zoning areas where each lot is 200 feet or more at the building line open ditches are allowed. A 10' drainage easement is required along the street right-of-way to accommodate the open ditch.

13. The following note must be placed on the plat. "No further subdivision creating lots less than 200' at the building line and no density greater than one dwelling unit per lot shall occur without improving the entire length of the street to the minimum requirements for narrower lots."

BLOCK DESIGN REQUIREMENTS

14. 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 from Ninth Avenue and J. R. Drive is over 1000 feet in length. A north/south public crosswalk will be required.

LOT DESIGN REQUIREMENTS

15. Lots must abut upon a public street except where private streets are approved by the Planning Commission in Planned Unit Developments or where a dedicated access easement 25' in width in C-1, C-3 or O-1 zones has been approved by the Planning Commission. Street frontage width must comply with the Zoning Ordinance requirements. A request for variance has been received to allow lot 2 with no street frontage and to allow a 50' access easement from the City of Conway. The Planning Commission approves this request contingent upon Board of Zoning Adjustment approval.
16. A variance must be received from the Board of Zoning Adjustments before a building permit can be issued for Lot #2.
17. An access easement must be provided by the City of Conway for Lot #2 before this plat can be filed.
18. Every lot must slope to a street or to a drainage easement.

UTILITY DESIGN REQUIREMENTS

19. 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.

SIDEWALK DESIGN REQUIREMENTS

20. Sidewalks are required along both sides of all streets. Sidewalks must meet all requirements in Table 1, Street Classification & Design Standards, City of Conway.
21. 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. A sidewalk easement may need to be provided on the lots to keep the sidewalk outside of the drainage ditch.
22. 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.
23. 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.

24. 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 not require sidewalks in this subdivision since both lots will have 200 feet of street frontage if Plane Road is straightened out. [The Planning Commission approves this request.](#)

PARKING LOT ORDINANCE REQUIREMENTS

25. Any new lot lines must comply with the requirements of the Parking Lot Ordinance or receive a variance from the City Council.

EXPIRATION OF PLAT

26. 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. Langford Subdivision will expire on April 17, 2007.

3. RichSmith Development request for preliminary plat approval of Park Ridge Subdivision was approved 9 – 0 subject to stated changes in the amended punch list as shown below on a motion made by Adam Thomas and seconded by Terry Sossong.

PUNCH LIST

BASIC INFORMATION NEEDED ON THE PLAT

1. Application for review and approval of the preliminary plat is needed.
2. The graphic scale must be shown.
3. A vicinity map showing the location and acreage of the subdivision must be shown.
4. A legal description of the property with exact boundary lines, bearings and distances is needed. The legal description and the boundary of the subdivision must match.
5. The beginning point of the legal description must be shown on the plat.
6. The legal description for lot #1 must not include the right-of-way for East German Lane.
7. The date of the survey is needed.

8. The present zoning classification of the adjoining land contiguous to the boundary of the proposed subdivision is needed.
9. The layout of all proposed streets are needed, along with relevant dimensions and bearings. All dimensions are needed for Rich Smith Lane.
10. The layout of all proposed sidewalk systems are needed, along with relevant dimensions and bearings. The existing and proposed sidewalks must be shown on the plat. Dimensions are needed for the proposed sidewalks.
11. Lot lines with appropriate dimensions are needed. The dimensions for lot #1 must not include the dedicated right-of-way for East German Lane. Also, the dimensions for the west side of lot #1 are needed.
12. Proposed easements are needed.
13. The source of water supply must be shown.
14. The method of disposal of wastewater must be shown.
15. 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.

ADDITIONAL INFORMATION NEEDED, BUT NOT ON THE PLAT

16. Contour intervals of the property of not more than two feet where the overall average slope is less than 4% grade and not more than five feet where the slope is greater than 4% are needed.
17. If the proposed subdivision is a portion of a tract that is owned by the applicant, a preliminary master sketch plan for the entire tract must be submitted with the Preliminary Plat. The sketch plan must contain sufficient detail to allow the Planning Commission to determine general road alignments and lot configurations.
18. 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

19. 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.
20. 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.”

21. 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.
22. 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.
23. 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.
24. An easement shall be placed around the high water limits of the detention area.

ACCESS DESIGN REQUIREMENTS

25. Every subdivision or replat shall be served by a publicly dedicated street system that meets the access requirements of the Subdivision Ordinance. 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.
26. 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

27. 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 be required for RichSmith Lane.
28. 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.
29. 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. 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 Rich Smith Lane as a boundary street. The Planning Commission approves this request.
30. 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. Exceptions: 1. 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. 2. A residential street may be 1120 feet in length with 50 feet of right-of-way and 27 feet of paved width from back of curb to back of curb if all lots provide no less than 90 feet of width at the building line per dwelling unit and it meets all other cul-de-sac requirements. This cul-de-sac meets both exceptions. No action is required.
31. Any cul-de-sac over 750 feet in length must have fire department approval. Fire Marshall, Randy Freeman, have his approval on April 6, 2006.
32. 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 East German Lane and Rich Smith Lane to be at roughly 87.5 degrees. The Planning Commission approves this request.
33. Property line corners at street intersections shall be rounded with a radius of at least 28 feet. The 28' radius at the start of the cul-de-sac must be shown and noted.

EASEMENT DESIGN REQUIREMENTS

34. Utility easements as required Conway Corporation are needed.
35. Drainage easements as required by the City Engineer are needed.

LOT DESIGN REQUIREMENTS

36. Minimum lot depth must conform with the requirements of the Zoning Ordinance. A request for variance has been received to allow all lots to be less than 100 feet in depth at their shallowest points since none of the lines are

at right angles to Rich Smith Lane. The Planning Commission approves this request.

37. No lot shall be more than four times as deep as it is wide. A request for variance has been received to allow Lot #3 to be more than four times as deep as it is wide. The Planning Commission approves this request.
38. 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.
39. 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.
40. Every lot must slope to a street or to a drainage easement.

UTILITY DESIGN REQUIREMENTS

41. 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.
42. Minimum clearance of twenty-six (26) feet must be provided around a fire hydrant.

SIDEWALK DESIGN REQUIREMENTS

43. Sidewalks are required along both sides of all streets. Sidewalks must meet all requirements in Table 1, Street Classification & Design Standards, City of Conway.
44. 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.
45. 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.
46. 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.
47. Sidewalks shall link sidewalks of adjoining lots so as to provide a continuous "ribbon" of pedestrian access throughout the community.
48. 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.

PARKING LOT ORDINANCE REQUIREMENTS

49. Any new lot lines must comply with the requirements of the Parking Lot Ordinance or receive a variance from the City Council.

EXPIRATION OF PLAT

50. 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. Park Ridge Subdivision will expire on April 17, 2007.

AUTHORIZATION TO PROCEED

51. 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**PROPOSED ORDINANCE**

4. Discussion continued on a proposed amendment to the Zoning Ordinance that would allow office use in residential zones by conditional use and it was held in committee pending further input at the May meeting by a vote of 8 – 1 on a motion made by Ron Fields and seconded by Tina Sherwood. Junior Storie opposed the motion. Staff is to prepare an ordinance that the Planning Commission can consider at the May meeting. Among those speaking on this proposed amendment were Tim O'Brien, Alice Gray, Helen Casteel, Vivian Hogue, and Scott Stevenson.

Tim O'Brien, 1807 Robinson Avenue, expressed his views on office by conditional use in residential zones and said much would depend on how the City Council as well as the Planning Commission used it as a tool. He does not want it to become a "get out of jail card" and stated his hope that the commission would see that it is not a good idea and that it should be used on a very limited basis, as well as being limited to the individual and not the property. He spoke of automatic conditions that could be placed on such a conditional use—exterior of the residence to remain unchanged; that it maintain its residential appeal; that parking be limited; noise; hours of operation, etc. He stated it should not be given *carte blanche*.

Alice Gray spoke about maintaining a residence's architectural compatibility with what is around it and limiting the conditional use to the person not the residence.

Helen Casteel who lives in the Hendrix Addition asked that the Planning Commission extend the time for considering this issue so that the members of the Hendrix College Addition could have additional time to study and research the matter. She agreed that it needs to be specific as to what is possible and not be an open invitation to play with things. Theirs is a stable neighborhood and they do not wish to see its destruction.

Mrs. Hogue stated first of all she would like not to see it at all, but the vagueness in this bothers her most about where these offices will be. Are you talking about the entire Old Conway area, or are you talking about on the outskirts? Mrs. Hogue said she was asked if she would rather see a dilapidated old house fixed up and an office put in it rather than see it come down, or just continue staying that way. She would

rather see it come down and another house built there in the style of those that are around it. Although the Zoning Ordinance speaks to the intent of the office zoning to "provide conversion of older structures no longer useful, serviceable, or desirable in present use to office use and to provide appropriate locations for offices which are in proximity to both residential and nonresidential zones," Mrs. Hogue said most of these that do go into the old houses, if you'll just notice, are not going into the dilapidated houses; they're going into the good ones. Mrs. Hogue's other concern was that, if it is a business, it will need more parking that will mean laying some concrete. And it's going to be a little bit hard for it if it's in conditional use to go back to residential and the people plant a garden in that concrete. She is a lot concerned and would rather not to see it at all. She is interested in knowing if there is a way to keep this out of the core of Old Conway and put it into the perimeters.

Scott Stevenson who lives in the Hendrix Addition spoke of the incursion of quiet businesses into the neighborhoods and cited Clifton Street from Mill as an example of a beautiful street a part of which is close to urban blight because of this incursion of businesses. Driving in on Donaghey, the huge giant plastic toys in the day care centers; turn the corner, you can have your cat neutered for \$40—that's right in my face when I go to the store. I don't know if that's a neighborhood, he said. Signing ordinances, lighting ordinances, parking ordinances—yes, yes, yes! But again, a neighborhood is a neighborhood. And I think if any one of you lived in the old part and felt the value of the bricks, the bricks that are tied directly to downtown, the bricks that were made in our addition. That is something that the community has to have. That is the core of a downtown that the city council is spending so much money to try to capture. Downtown—the old lighting, the streets, and it's a wonderful thing. But if you save the downtown and then you turn around and go back here and it turns into a bunch of little businesses which—granted they may start out nice but as they get sold to somebody else, slowly but surely it goes downhill and the people that live next door—they don't want to live there, they move. So you'll lose that—it's subdivided house, it's rented, becomes a driveway, and then it's torn down and replaced by a duplex, and it's gone. He said it is a battle to save his end of town. He would just ask that the Planning Commission take the same 90-day period that the city council is taking with its moratorium on building permits in Old Conway and its Ad Hoc Committee to see what they come up with on building and work with the city council to come up with a plan that is compatible and we can keep the families and keep it safe. Most urban communities are moving to bring people back into downtowns because they have to have less law enforcement because it's a neighborhood—there's people out late at night, there's families, people sit on the porch, and you don't need the law enforcement because everybody watches over everybody else. But when it's nothing but businesses, they're vacant and then problems start.

Planning Commissioner Adam Thomas presented a few things that he put together and requested that the handout be read into the minutes. He gave some background on his request that the planning commission look at having offices in residential areas by conditional use permit as opposed to the only option currently open to it which is rezoning residential property to an office zoning. That option doesn't give the Planning Commission or the City Council any control over what happens to the

property once it is rezoned. The applicant would have the option of razing whatever structures are on the property and replacing them with whatever is allowed by the ordinances in an office zone regardless of how out of character it might be with the surrounding residential properties.

Recommendations for Allowing "Office" as Conditional Use for Residential Zones.

0-3 Zoning Allows:

- Addressing, Duplicating, Mailing and Message Services
- Advertising Agency
- Animal Clinic
- Bathing Beach: Public
- Clinic Dental, Medical, etc.
- Computer Data Processing Service
- Country Club
- Day Camp: Community
- Duplex
- Exploration for Minerals
- Garage Apartments
- Home Occupation
- Interior Decoration Shop
- Mobile Home or Subdivision Sales Office without Display
- Office
- Office Administrative, Executive, General, Professional, Research or Governmental
- Park or Playground
- Recreational Facilities Community
- Swimming Pool: Public
- Tennis Court: Public

Residential Conditional Use Recommendation

- Home Occupation
- Office
- Office Administrative, Executive, General, Professional, Research or Governmental

Recommendations for Automatic Conditions

- Hours of Operation: Limited to Monday to Saturday 8:00 am to 6:00 pm
- Signage: Limited to non-illuminated faceplate attached to the building no greater than 2 sq. ft.
- Architectural Compatibility: Any remodeling or new construction must be compatible with surrounding architecture and must be approved by ????. Compatibility would include the overall appearance, materials, setbacks, height, lot coverage, etc.
- Exterior/Interior Remodeling: Exterior remodeling covered by Architectural Compatibility. The interior is to be maintained in such a way to convert back to residential. Any interior remodeling must be approved by ???.
- Limiting Terms of Condition: Approval of these conditions is limited to the applicant. If the applicant does not own the property within 6 months of approval, the land

reverts back to the previous zoning. If the applicant no longer owns the land, then the land reverts back to the previous zoning.

- Lighting: Limited to what is normally permitted in residential areas and must be inward, downward and shrouded.
- Parking: Creation of additional parking over the existing parking must be approved by planning commission and city council.
- Screening / Buffering: Planning commission shall determine if any screen, fencing or landscaping is required to provide buffering for neighbors.
- Sidewalks: Construction of sidewalks required.

Commissioner Mary Etta Qualls asked about the possibility of amending some of the zoning, possibly creating an O-4 zone to address this since a conditional use doesn't guarantee compliance. However, commissioners asked how does this solve the problem. Planning Director Bryan Patrick said the O-3 office zone was built to address this very issue of allowing the use of older, possibly dilapidated, structures or homes in residential zones for office space. Currently, this is not being followed since these office rezonings are being allowed for homes that are still viable residences. A conditional use would give the planning commission and the city council an opportunity to set the bar high for those seeking this use of residential property. But the question was asked if these applicants are not currently following the ordinance in the types of residences they are requesting for office zoning, what reason is there to believe they would comply with the restrictions of a conditional use. Enforcement might then become the problem.

The chairman, after stating "we've about beat this dog to death this evening," asked fellow commissioners what they wanted to do. Junior Storie asked about determining where everyone stands on the issue and the chairman called for a straw vote. Mr. Storie, Mary Etta Qualls, Tina Sherwood, and Chris Riggins were against allowing office by conditional use. Velton Daves, Ronald Fields, Bill Graff, Terry Sossong, Adam Thomas supported it. Since there isn't a time constraint on this, Ron Fields made a motion seconded by Tina Sherwood to hold this item open and on the May agenda for further discussion. The motion passed 8 – 1 with Junior Storie voting against it. The chairman then asked that the Planning Director prepare a rough draft ordinance for a conditional use for office in residential zones. It will be read next month and more public input sought. The chairman also asked Mrs. Casteel to have the information ready from their Hendrix Addition group. Since there aren't any time constraints on this, the chairman stated that if it takes all summer, it just does.

PUBLIC HEARING

REZONING

5. Healthmark Services request to **rezone** from R-1 to MF-2 the property located at 1306 South Donaghey was withdrawn by applicant. Applicant indicated they will come back in May with a request to rezone the property to A-1 and seek a conditional use permit for their proposed Level II Assisted Living Unit. Todd Hightower spoke for Healthmark Services on this request. Also present

supporting this request were Liz Blankenship and her daughter Ashley. Chairman Daves asked why this particular piece of property? Why not one that was already for multi-family and more congruent with the growth plan of the city? As the owner, Mrs. Blankenship responded that she and her daughter who is a real estate agent had researched on the multi-list and they need at least the five acres as well as sewer, water, and utilities to the site. It was very difficult to find five acres within the city limits that had utilities to the site. In their research, they found this site and felt it was very conducive to what they want to do. Bill Graff expressed concern about the potential for irrational action by some residents simply because of the proximity to the floodway that runs through a portion of the property.

Adam Thomas sought clarification on Mr. Hightower's statement that this facility would not be a "nursing home," that it is "assisted living." In relation to allowed uses in the zoning matrix, it could fall into the A-1 zoning by conditional use and is most closely related to the definition for nursing home. Assisted living did not exist at the time the Zoning Ordinance was drafted.

Mrs. Blankenship spoke of her background in nursing and health care and stated that assisted living is a new form of housing for the aged in the state of Arkansas and became a form of housing in 2001 when the legislature made assisted living a new facility. Before that, it was residential care in nursing homes. Assisted living provides residents an opportunity to live in a less restrictive environment and continue to make their choices and to live in a more home like environment much longer. Mrs. Blankenship proposes to build an Assisted Living Level II that enables those people to live in an assisted living facility until such time they require 24-hour nursing care and must go to a nursing home. Assisted Living Level II also provides the ability for a Medicaid recipient to live in an assisted living facility whereas most Assisted Living Level I facilities are now private pay and so that's why we've chosen Assisted Living Level II to enable more people the benefit of assisted living. She cited Trillium Park as an example of a Level I facility. Services provided at Level II include nursing care, assistance with medication, administer medication, and providing the same nursing services that a nursing home would provide except they do not provide 24-hour nursing care. If they are bed-bound, they would not be kept in this facility. Residents will need to function on their own to a certain degree. One staff member per 25 residents must be on duty at night. They just do not provide round-the-clock nursing care.

Scott Laub, 1040 Summerwood in Woodland Springs subdivision, stated their subdivision supports this assisted living center and would welcome it. However, he said they would prefer to see any rezoning be under A-1 with a conditional use permit. Their concern is that MF-2 could leave the door open for apartments to appear in the future and it's their position in Woodland Springs that they have enough apartments in South Donaghey corridor as it is.

Jennifer McMullin spoke of the need for a Level II Assisted Living facility in Conway. Alice Gray expressed concern about evacuation plans in case flooding should occur. David Sanders who lives in Catherine Place said they do support rezoning to A-1 with conditional use and stated they recently went through great

trouble to increase drainage on Sugar Creek and asked that they bear in mind all that has been done on the Sugar Creek side of Donaghey to ensure the water flow because it all empties into that same creek that runs along there.

Speaking against the rezoning was Johnnie Lewis, resident of 2555 Grummer Lane and president of the Catherine Place homeowners association, stated they oppose any rezoning to multi-family. He said they already have enough on South Donaghey—it's created problems. They do not, in principle, oppose an assisted living center, although he said most of their residents would like to see Assisted Level I instead of II. However, he said if it was a conditional use in an A-1 zoning, it would prevent any further occurrences of apartments coming there or incursion of apartments. We are surrounded, he said, in speaking of the nursing home and apartments already in place around this subdivision that lies between Nutter Chapel and South Donaghey. Traffic in the mornings and the afternoon—coming in and coming out—is nearly unbearable now. Catherine Place residents are very concerned about what might happen if the property were rezoned MF-2 or MF-3. He asked that this be considered carefully.

Glen Spotwood who lives on an acre at 1330 South Donaghey also expressed concern about the traffic on this street. He said they like the country setting, their yard, and do not want the increased traffic that additional multi-family on Donaghey would bring. He agreed the area already has problems related to traffic congestion.

The item was brought back into commission and Adam Thomas stated he personally could not support the MF-2 rezoning but could support something like an A-1 rezoning with a conditional use for an assisted living center. Applicant then took the opportunity to withdraw this request in order to come back with a new request in May.

6. Hammett Family Properties LLC request to **rezone** from R-2A to MF-3 the property located at 444 Augusta Avenue was approved 9 – 0 on a motion made by Bill Graff and seconded by Junior Storie. Attorney Bill Adkisson represented the property owners on this request. Dimensions of the property prohibit its development as currently zoned. Property adjacent to this is already zoned MF-3 and has the same owners. No one else spoke either for or against this rezoning.
7. Carlton Burnett request to **rezone** from A-1 to C-3 property located in Cimarron Park Commercial Subdivision off Blaney Hill Road was forwarded to the city council without recommendation on a 7 – 2 vote on a motion made by Adam Thomas and seconded by Chris Riggins. Velton Daves and Terry Sossong voted against the motion. Surveyor Robert French was present to speak for this request that initially included Lots 4 and 6, and parts of Lot 1 and Lot 10 on Cimarron Drive; Lot 14 on Muskogee Road, Lot 15 on Vail Drive, and Lot 18 on Blaney Hill Road. Residents of nearby and/or adjoining properties speaking against the rezoning were Mary K. Sullivan, Shirley Mitchell and Linda Darlene Vaughn, and David Paladino. They spoke about the history of that area and expressed concerns about the traffic, safety of the children living in the area, the condition of the narrow paved dirt road with its open ditches and lack of shoulders, as well as pollution of the creek previously used

to water livestock that has since been rendered useless for that purpose by oil pollutants from commercial operations already in Cimarron Park. In response to a query from Adam Thomas, Mr. French stated that Mr. Burnett has no specific plans for this property at this time but is seeking to align the zoning of the specified property with that already in place in Cimarron Park. He went on to say that after listening to the comments of residents, Mr. Burnett wanted to withdraw Lots 4, 6, and 18 from this rezoning request in order to increase the buffer between the residential and commercial zones. Junior Storie made a motion seconded by Ron Fields that the rezoning be approved for Lots 14 and 15, and parts of Lots 1 and 10. The motion failed 5 – 3 – 1 for lack of a majority. Voting against approving the motion were Adam Thomas, Bill Graff, and Mary Etta Qualls. Chris Riggins abstained from voting. Adam Thomas made a motion seconded by Bill Graff that the rezoning be denied. Motion failed on a 4 – 5 vote, again for lack of a majority. Mary Etta Qualls and Chris Riggins joined Adam Thomas and Bill Graff in the vote to deny rezoning while Junior Storie, Tina Sherwood, Velton Daves, Ron Fields, and Terry Sossong voted against the motion to deny. Adam Thomas said the problem he had with the C-3 zoning was that the use for the property seems more in keeping with light industrial. But that zoning would probably not be any more appealing to residents of the area. A final motion was made to move this forward to the City Council with no recommendation.

8. Verizon Wireless request to **rezone** property at 2165 Old Morrilton Highway was not heard because of an error in the applicant's ad concerning current zoning of the property. Attorney Chris McKinney was present to speak for the applicant. He informed the commission that on Friday an error was discovered in the notices that went out and in the ad. The property is actually zoned A-1 and not R-2 as shown in their notices and ad. The city's attorney Mike Murphy stated that the notice requirements are plainly stated. Therefore the item was withdrawn.

CONDITIONAL USE

9. Verizon Wireless request for a **conditional use permit** to allow a transmission tower for property at 2165 Old Morrilton Highway was also not heard because of the same error in the applicant's notices and ad. It was withdrawn.
10. G. G. Glover and Associates request for a **conditional use permit** to allow Retail Restricted for property on the southeast corner of Amity Road and Bridgestone Drive with the addresses #1225 Bridgestone Drive and #200 and #250 Amity Road was approved 9 – 0 on a motion made by Bill Graff and seconded by Junior Storie. The Planning Commission attached several conditions to this conditional use permit request as stated below.
 - 1) Developer must improve Bridgestone Drive the full length of the property to meet the city's standard for a 36-foot wide street including curb, gutter, and sidewalk for one-half of the standard street (18 feet from back of curb to centerline). The remaining half of the street (18 feet) will be required at some future date when property to the north is developed. City engineer will have oversight on drainage and the issues related to dealing with the ditch.

- 2) Lighting is required to be inward, downward, and shrouded with no more than one foot candle per square foot at the property lines.
- 3) No external sound system is allowed.
- 4) An existing 115-foot wide buffer of trees and vegetation running the length of the east property line of Lots 1 and 2 is to remain and be maintained as a screening or buffering for land to the east of this property. Buffer is to be permanent—as long as the sun shines, the river flows, and grass grows.
- 5) Signage is limited to one monument sign conforming to Overlay District standards.
- 6) Wall signage is limited to 5 percent (5%) of wall area and no banners are allowed.
- 7) A tree preservation plan that preserves all significant large species trees such as but not limited to oak with a trunk diameter of 18 inches must be prepared and submitted as part of site plan review for this property and any tree removal must be approved by the City of Conway Planning Director.
- 8) Curb cuts are limited to one on Amity Road and one on Bridgestone Drive after Bridgestone Drive is improved for an 18-foot width to one-half the city's standard for a 36-foot wide street along the full length of the property.

Speaking for this request was Don Potter with Tim Tyler Surveying and Mapping. He stated a "furniture row" development is proposed for the property with the main entrance being from Amity Road and an exit onto Bridgestone Drive. A great deal of concern was expressed about the adverse impact of large delivery trucks on Bridgestone Drive. David Corliss came forward to ask commissioners to keep drainage in mind when considering this request as well as the narrowness of the road. Speaking against this conditional use were Daniel Albert, and Shawn and Cathy Carroll who expressed concern about Bridgestone Drive, drainage, and traffic.

DISCUSSION

The need to fill the vacancy created by Bert Alexander's death was briefly discussed. Adam Thomas made a motion seconded by Terry Sossong and passed 8 – 1 that filling this vacancy be delayed until the end of the year and have a 5 – 5 – 4 unless directed otherwise by the Planning Director or City Attorney. Velton Daves stated his preference to fill the vacancy now.

Three planning commission members were appointed to serve on the Ad Hoc Task Force charged with development of architecturally historically relevant standards for residential development in "Old Conway." They are Velton Daves, Bill Graff, and Tina Sherwood.

A new common email address has been set up for the Planning Commission following complaints that the address currently listed does not work. The new email address for the Planning Commission is conwayplanning@yahoo.com.

The meeting adjourned at 10:08 p.m. on a motion made by Terry Sossong and seconded by Bill Graff. Vote to adjourn was 9 to 0.