

PLANNING COMMISSION MEETING

May 15, 2006

The regular meeting of the Conway Planning Commission was called to order at 7:13 p.m., Monday, May 15, 2006, by Chairman Velton Daves following the arrival of commissioners from the subdivision committee meeting that ran long. He asked that individual commissioners introduce themselves to the audience. Present at the meeting were Velton Daves, Ronald Fields, Bill Graff, Chris Riggins, Tina Sherwood, Terry Sossong, Junior Storie, and Adam Thomas. Mary Etta Qualls was absent.

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. Site plans reported: Russaw Heat & Air, 2645 Donaghey Avenue; Salter Properties Office Space, 805 Monroe Street; Salter Properties Warehouse, 705 Monroe Street; Benton Mini-Storage, 1709 Donaghey Avenue; PH LLC Office Space, 302 Salem Road; and All Secure Mini-Storage, 1050 John Mason Drive. Lot splits, mergers, and minor subdivisions filed for record: none.

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 a one year extension of the preliminary plat approval for Heritage Place at the Village was granted on an 8 – 0 vote subject to the extension of the east-west portion of Sanford Circle to Nutters Chapel Road as shown in amended punch list item #41. Adam Thomas made the motion to approve this request subject to the extension of the east-west portion of Sanford Circle to Nutters Chapel Road. Bill Graff seconded it.

PUNCH LIST

BASIC INFORMATION NEEDED ON THE PLAT

1. A vicinity map showing the location and acreage of the subdivision must be shown.
2. The present zoning classification of the land to be subdivided and of the adjoining land contiguous to the boundary of the proposed subdivision is needed.
3. The layout of all proposed sidewalk systems are needed, along with relevant dimensions and bearings.
4. Street names that are not similar to existing street names are needed for all proposed streets. Sanford Circle is similar to Stanford Drive in the County and Standlee Drive is similar to Stanley Russ Road. These street names must be changed to a street name not similar to an existing street name and approved by the Planning Department.
5. Lot lines with appropriate dimensions are needed. The bearing is needed between lots 130-144 and 145-159 and the dimension is needed on the north side of lot 176.
6. Proposed easements must be identified.
7. 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

8. 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.
9. Existing buildings on this tract and easements adjacent to the tract are needed.
10. 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

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.

ACCESS DESIGN REQUIREMENTS

17. For 100 or more living units, the two access routes must be no less than 330 feet apart, measured centerline to centerline of street rights-of-way, or a third access route must be provided. The Planning Commission must determine if these access routes are counted from the collector and arterial (new Nutters Chapel Road and South Salem Road) or coming from the entrances to this project. There is currently one entrance to this project. The Planning Commission determines that another entrance to this subdivision is required prior to the filing of this subdivision.

STREET DESIGN REQUIREMENTS

18. The minimum horizontal radii of all streets must conform to the Master Street Plan and the requirements of Table 1, Street Classification & Design Standards, City of Conway in the Subdivision Ordinance. South Salem Road is classified as a minor arterial with a minimum horizontal radii of 900. South Salem Road has a radius of 557.47 and 605.47. *A request for variance has been received to allow South Salem to have a radius less than 900 feet. The Planning Commission approves this request.*
19. 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 along Sanford Circle, Standlee Drive and Frauenthal Drive per requirements of the City Engineer.
20. 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.
21. 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 new Nutter Chapel Road and South Salem Road to be boundary streets that with the exception of the northern portion of South Salem Road, the entire road system will be dedicated and built by the developer. The Planning Commission approves this request.
22. Proper access in the form of stub streets or temporary deadend streets shall be provided to adjacent unplatted property unless, in the judgement of the Planning Commission, topographic conditions or physical constraints preclude reasonable provision of such access or alternate routes are or will be available in the future. A request for variance has been received to not require a stub out on the north side of the subdivision. The Planning Commission approves this request.
23. In the case of temporary deadend 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. State Fire Code 503.0.5 states that dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. Anything other than the following cul-de-sac requirement must be approved by the Conway Fire Marshall. A request for variance has been received to not require a turnaround at the north end of South Salem Road. The Planning Commission approves this request.
24. Street intersections shall be laid out as nearly at right angles as possible, with no angle of less than 75 degrees. The new Nutter Chapel Road is less than 90 degrees with the old Nutter Chapel Road, Sanford Circle and South Salem Road. Also, South Salem Road is less than 90 degrees with Standlee Drive and Sanford Circle and Traveller Road is less than 90 degrees with Standlee Drive. *A request for variance has been received to*

allow all intersections not 90 degrees to be as shown. The Planning Commission approves this request.

25. In proximity to intersections of collector streets and above in the Functional Classification System, centerline offsets shall be no less than 250 feet. Sanford Circle is less than 250 feet from the old Nutter Chapel Road. *A request for variance has been received to allow Sanford Circle to be less than 250 feet from Nutter Chapel Road. The Planning Commission approves this request.*
26. Additional street paving and right-of-way, in the form of turning lanes may, upon consultation with the City Engineer and/or the Planning Staff, be required along arterial streets at intersections with other arterial or collector streets. The City Engineer and Planning Staff does not recommend additional right-of-way and turning lanes at the intersection of South Salem Road and the extended Nutter Chapel Road. The Planning Commission determines that additional right-of-way and/or turning lanes are required to accommodate a roundabout.

EASEMENT DESIGN REQUIREMENTS

27. Utility easements as required Conway Corporation are needed.
28. Drainage easements as required by the City Engineer are needed.

BLOCK DESIGN REQUIREMENTS

29. Blocks over 1500 feet in length are prohibited. A request for variance has been received to allow the north side of Sanford Circle and the north side of Nutter Chapel/South Salem blocks to be more than 1500 feet in length. The Planning Commission approves this request.
30. 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 between Sanford Circle and Standlee Drive and between Traveller Road and South Salem Road. The Planning Commission approves this request.
31. A public crosswalk will be required on the west and north side of Sanford Circle, and the south side of Frauenthal Drive/Standlee Drive block.

LOT DESIGN REQUIREMENTS

32. Minimum lot depth must conform with the requirements of the Zoning Ordinance. A request for variance has been received to allow lots 12, 13, 49-51, 100, 113-116, 129, 130 and 170-179 to be less than 100 feet at their shallowest points. The Planning Commission approves this request.
33. All existing buildings must be shown to meet the minimum setback requirements from all lot lines or they must be modified or moved to meet those setback requirements. The house and out buildings on Nutter Chapel Road must be removed before this plat can be filed.
34. 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 1-13, 51, 116 and 170-176 to be double frontage lots. The Planning Commission approves this request.
35. 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.
36. At the Planning Commission's discretion, a fence or wall may be substituted for the planting easement and planting screen, but access is denied in the same manner as for the planting easement with the same requirements for noting the restriction.
37. Every lot must slope to a street or to a drainage easement.

UTILITY DESIGN REQUIREMENTS

38. 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

39. 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.

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

EXPIRATION OF PLAT

41. Plats will expire at the end of one year from acceptance of the Preliminary Plat unless an extension is requested and granted by the Planning Commission. The Heritage Place at the Village Subdivision, Phase I will expire on May 16, 2006. *The Planning Commission has received a request for a one year extension to this preliminary plat approval. The Planning Commission grants this request for the preliminary plat for Heritage Place at the Village Subdivision to expire on May 16, 2007, subject to the extension of the east-west portion of Sanford Circle to Nutters Chapel Road.*

2. Tom Day request for preliminary plat approval of Summit Estates Subdivision 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. Prior to the vote on Mr. Thomas's motion, Bill Graff asked for clarification on the connection of streets. Specifically, he asked how streets within the subdivision relate to Tanager Trail which is a 10- or 11-foot wide gravel trail. Surveyor Robert French offered clarification on this. Mr. Graff commented that, "generally speaking, we have again overlooked our ordinance and approved blocks that are over 1500 feet long. And we have again overlooked the need for crosswalks." He went on to state that he does not understand why these are in our ordinance if we are going to routinely ignore them. Mr. Thomas replied that in this case there were issues with the terrain of the land. It is very steep and it would have been very difficult to have sidewalks that would meet handicap requirements. The subcommittee did debate crosswalks and whether they had to meet that requirement. Terry Sossong commented the subcommittee also talked about the length in relation to the lot size. These lots are much larger in size than the normal lot on a 1500 foot block. There will be fewer residences and it won't be nearly as hard to get out.

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

1. The name and address of the subdivider are needed.
2. The date of the survey is needed.
3. The present zoning classification, if any, of the land to be subdivided and of the adjoining land contiguous to the boundary of the proposed subdivision is needed. The plat must state that the subdivision is in the County and the adjoining boundary must also show that it is in the County. The zoning is required for the corner that is inside the city limits of Conway.
4. The layout of all proposed streets are needed, along with relevant dimensions and bearings. Dimensions and bearings are needed for Andover road and the bearing is needed for the eastern portion of Berkshire Road.

5. The layout of all proposed sidewalk systems are needed, along with relevant dimensions and bearings. Careful thought needs to be given along roads without curb and gutter and sidewalk plans are required so that any builder/homeowner will know where to build the sidewalk.
6. Street names that are not similar to existing street names are needed for all proposed streets. Another street name must be provided along the northern east/west portion of Blue Ridge Road.
7. Lot lines with appropriate dimensions are needed. Complete dimensions for lots 17, 21, 51, 52, 55 and the line between lots 24-32 and 35-43 are needed.
8. Proposed easements are needed. The bearings and width of the waterline are needed.
9. The source of water supply must be shown.
10. The method of disposal of waste water must be shown.
11. 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

12. Existing streets, buildings, water courses, railroads, culverts, utilities and easement on and adjacent to the tract are needed. The house on the south side of Bluebird Lane appears to be very close to the property line. The house and distance must be shown on the plat.
13. Where the method of disposal of waste water is other than connection to a public waste water system, detailed information shall accompany the plat.
14. State Health Department approval of any new water supply and/or sewage system, if the requirement of the subdivision is to be met by any other means than by connecting to the water supply or sewage system operated by the City of Conway and/or the Conway Corporation is needed.
15. Improvement plans for each new utility system are needed.
16. Improvement plans for any new drainage system, including location, size and construction of drainageways and structures and typical cross sections and centerline profiles are needed.
17. The Certificate of Preliminary Engineering Accuracy is needed on each set of drainage plans.
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. 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."
20. 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.

ACCESS DESIGN REQUIREMENTS

21. Every subdivision or replat shall be served by a publicly dedicated street system that meets the access requirements of the Subdivision Ordinance. According to Judge John Wayne Carter, Bluebird Lane (where it continues east after turning to the north), Kingfisher Circle and that portion of Tanager Trail that borders this property are not

county maintained. Bluebird Lane and Tanager Trail would need to be brought up to standards before being accepted by the county. A request from the person(s) that constructed Kingfisher Circle would need to request the county to accept the road.

STREET DESIGN REQUIREMENTS

22. 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 maximum grade for Andover Road must be shown to be no more than 10%.
23. Variances for grades up to 12% for residential and 15% for minor residential require approval by the Fire Chief and Planning Commission. Portions of both Coachlight Lane and Blue Ridge Road appear to be over 10% grade. The exact grade must be shown and anything over 10% must be approved by the Planning Commission and Fire Marshall.
24. The minimum horizontal radii of all streets must conform to the Master Street Plan and the requirements of Table 1, Street Classification & Design Standards, City of Conway in the Subdivision Ordinance. The minimum horizontal radii for Andover Road must be no less than 200 feet as required with a Collector.
25. Compliance is required with all the footnotes in Table 1, Street Classification & Design Standards, City of Conway in the Subdivision Ordinance. *A request for variance has been received to allow lots 11 and 24 to be less than 150 feet in width as required for streets without curb and gutter. The Planning Commission approves this request.*
26. In steep areas, through streets should generally follow contour lines rather than cross them. *The Planning Commission approves the southern intersection of Andover Road and Blue Ridge Road if the 10% grade for both streets is met.*
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 employed along Bershire Road and Blue Ridge Road, subject to the city engineer's discretion.*
28. All methods to slow traffic must meet all relevant city regulations and must be approved by the City Engineer and the Planning Director.
29. Multiple uses of traffic slowing methods are encouraged in an area.
30. 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. *A request for variance has been received to allow the southern portion of Andover Road to be a boundary street. The Planning Commission approves this request.*
31. 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.
32. State Fire Code 503.0.5 states that dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. Anything other than the following cul-de-sac requirement must be approved by the Conway Fire Marshall. There are two streets that are over 150 feet in length that do not have an approved cul-de-sac. The Conway Fire Marshall has approved Baywood Drive as a stub out if a letter is provided that the road will continue to complete the road system in the near future. The general time frame for the next phase must be approved by the Conway Fire Marshall, Randy Freeman.
33. A temporary cul-de-sac must be provided at the south end of Andover Road until the road is extended to future road systems.
34. Cul-de-sac turnarounds shall have a right-of-way diameter of 120 feet and a pavement diameter of 96 feet. Measurements assume back of curb to back of curb for a roll curb.

35. 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 intersections to not be 90 degrees. The Planning Commission approves this request.*
36. Where residential streets intersect other residential, collector or arterial streets, the curb radii at the intersection shall not be less than 28 feet.
37. In proximity to intersections of collector streets and above in the Functional Classification System, centerline offsets shall be no less than 250 feet. The centerline offset between Bershire Road and the northern intersection of Blue Ridge Road must be a minimum of 250 feet.

EASEMENT DESIGN REQUIREMENTS

38. Utility easements as required Conway Corporation are needed.
39. Drainage easements as required by the City Engineer are needed.

BLOCK DESIGN REQUIREMENTS

40. Blocks over 1500 feet in length are prohibited. The block from lots 11-22 on the north side of Bershire Dr, the block from lots 24-32 on the south side of Bershire Drive, the block from lots 46- 55 on the south side of Blue Ridge Road and the block from lots 11- 13 & 56 of Summit Estates and lots 6 & 15 from Lakeview Acres are all over 1500 feet in length. *A request for variance has been received to allow all blocks to be more than 1500 feet in length. The Planning Commission approves this request.*
41. 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 south of Blue Ridge Road between Baywood Drive and Andover Road, the block between Blue Ridge Road and Bershire Road west of Andover Road, the block between Coachlight Lane and Andover Road north of Bershire Road and the block on the east side of the plat north of Andover Road are all over 1000 feet in length. *A request for variance has been received to not require any crosswalks. The Planning Commission approves this request.*

LOT DESIGN REQUIREMENTS

42. In the territorial jurisdiction, lots must be no less than 60 feet wide and no less than 100 feet in depth. *A request for variance has been received to allow lots 3, 10-17, 22, 23, 31- 33, 35, 52 & 56 to be less than 100 feet in depth at their shallowest point. The Planning Commission approves this request.*
43. Corner lots shall be at least 75 feet in width at the building line. *A request for variance has been received to allow lot 32 to be less than 75 feet in width on Bershire Road. The Planning Commission approves this request.*
44. 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 2, 8, 9, 16, 22-24 and 32 to be double frontage lots. The Planning Commission approves this request.*
45. Building lines shall be established for both front and rear lot lines for double frontage lots.
46. 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.
47. At the Planning Commission's discretion, a fence or wall may be substituted for the planting easement and planting screen, but access is denied in the same manner as for the planting easement with the same requirements for noting the restriction.
48. Every lot must slope to a street or to a drainage easement.

UTILITY DESIGN REQUIREMENTS

49. All subdivisions containing more than four lots within the corporate limits shall be provided with a water supply and distribution system approved by the Conway Corporation and meeting the requirements of the State Health Department.
50. 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.
51. Minimum clearance of twenty-six (26) feet must be provided around a fire hydrant.
52. 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.

SIDEWALK DESIGN REQUIREMENTS

53. Sidewalks are required along both sides of all streets. Sidewalks must meet all requirements in Table 1, Street Classification & Design Standards, City of Conway.
54. 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.
55. 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.
56. 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.
57. 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.
58. 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.
59. Sidewalks shall link sidewalks of adjoining lots so as to provide a continuous "ribbon" of pedestrian access throughout the community.

60. 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.
61. Sidewalks are to be constructed as required within the Conway city limits and within the Conway Territorial Jurisdiction. Subdivisions developed with open ditch design standards as addressed in Table 2, "Street Classifications and Design Standards", are also required to construct sidewalks.

EXPIRATION OF PLAT

62. 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. Summit Estates Subdivision will expire on May 15, 2007.

AUTHORIZATION TO PROCEED

63. 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 ORDINANCES

3. The Planning Director, City Engineer and Chief Building Inspector continue to work on a proposed amendment to the Subdivision Ordinance to require that lots be "drainage ready" before any construction begins. The proposed amendment should be ready for consideration at the June Planning Commission meeting.
4. Based on public comment and Planning Commission discussion from the March and April meetings, a draft ordinance was composed and presented to the Planning Commission for consideration that would allow office use in residential zones by conditional use. Those residents of Conway who spoke on this issue at the previous meetings again came forward to voice their opinions and concerns about allowing office in residential zones by conditional use as well as by rezoning residential property to office. The chairman requested that the letter from Scott Stevenson on behalf of the Hendrix College Addition homeowners be read into the record. Diane Robinson volunteered to read the letter aloud.

The residents of the Hendrix College Addition have met and spoken about the proposal for conditional use. We had quite a debate on the question, and many of us find ourselves sympathizing with points of view on both sides of the question. Most of us were very unhappy with the recent rezoning of the property on Washington Ave. to 0-3, but felt there were few options available.

We have a unique neighborhood, the oldest platted subdivision in Conway. We have many long-term residents, and we are fortunate to have a neighborhood in which people know one another, know one another's children and pets, and gather for events such as neighborhood potlucks and Christmas caroling.

It is our opinion that using homes as offices in a residential neighborhood such as this one is incompatible with its historic residential character and has the potential to degrade the neighborhood. Residents of a home in a residential area have a reasonable expectation that the neighborhood will remain residential. Businesses

change the character of the neighborhood in ways that are unacceptable to many. Therefore, we would be in favor of all rezoning requests in our neighborhood being denied. In the event that the planning commission and city council are unwilling to deny rezoning, we would strongly urge them to authorize conditional use under current zoning.

If conditional use is allowed, we feel that a number of conditions should be incorporated into the Ordinance. Some of these are similar or identical to existing recommendations.

1. **Use:** Acceptable uses would be limited to home occupation and quiet office.
2. **Adjacent Landowner Approval:** If a use other than residential is to be considered in a residential neighborhood, all landowners whose properties touch the lot in question, and those with lots within 100' of the lot in question must approve the use to be considered. This would, by definition, include homeowners / landowners across the street from the lot in question, even if more than 100' away. If any one of these landowners object, then the use will not be allowed. This rule would not be subject to variance.
3. **Parking:** No additional parking spaces may be constructed above and beyond what is in place at the time prior to the use being considered. Paving or concreting a front, side or back yard next to a residence is not acceptable. Parking must occur in existing drives or on the street. This would not be subject to variance.
4. **Signage:** Signage should be limited to a non-illuminated faceplate attached to the building, no greater than 2 sq. ft. and no greater in depth than 2". This must be attached to the main wall of the home and not to posts, porches, or other parts of the home. Variance limited to 10% of the square footage. Detached signs (monument signs; pole or pylon signs; yard signs; signs on fences or retaining walls, or any other sign not attached to the main wall of the building) and temporary signs or banners are specifically prohibited.
5. **Architectural Compatibility:** If a business is allowed, it should not be able to be discerned as a business based on type of construction, building materials, parking spaces, additions, and the overall appearance of the home. The only discernable element will be the sign. The approving body must be carefully chosen, in that these will be partially subjective decisions in many instances. We propose that an **Architectural Control Committee** be formed and composed of the following:
 - a. Two(2) architects who practice in the City of Conway, and who do primarily residential work.
 - b. Three(3) representatives of homeowners from areas most likely to be impacted by these conditional uses, for example, from the Hendrix College Addition.
 - c. A non-voting City staff member to coordinate the work, and be a resource to the Committee.Alternatively, the Historic District Commission could serve this role.
6. **Interior Remodeling:** The interior is to be maintained or remodeled in such a way as it can again be used as residential when the conditional use permit lapses.
7. **Zoning:** If a conditional use permit is granted, the actual zoning would not change. The conditional use permit would be temporary, and when the use is no longer in existence, the permit is deemed to have expired and any further conditional use requires re-application as if it were a totally new use.

8. **Screening & Buffering:** While screening and buffering is desirable and often used where a major business development abuts a residential neighborhood, we feel that addition of high fences, brick or rock walls is unsightly and will make the neighborhood look more like a place of business. Again, the only thing that should identify the business as a business is the wall mounted sign. If nothing is done to make the home look like something other than a home, extra screening and buffering should not be required.
9. **Major Thoroughfares:** We propose that conditional use permits only be allowed on major thoroughfares in a residential area. Business conditional uses of homes would not be allowed on residential streets unless they are major arterials. For example, in the Hendrix Addition, the streets on which business conditional uses would be allowed would be Harkrider and Washington. This would not be subject to variance.
10. **Hearing and Notification:** When an application is made for a conditional business use permit in a residential area / zone, a hearing will be scheduled and published in the local newspaper, and posted online on the City website. In addition, written notice, either by mail or direct delivery to each address, will be made to all residents, homeowners, and landowners within 1000' of any property line of the lot for which the permit is applied. Also, a sign at least 36" x 48" will be posted on the property for which a permit is desired for a period of 60 days prior to the hearing date. This will be provided and placed by City personnel, the cost of which will be born by the Applicant.
11. **Lighting:** Lighting is limited to what is normally permitted in residential areas and must be inward, downward, and shrouded.
12. **Sidewalks:** Sidewalks must be constructed and/or maintained.
13. **Hours of operation:** Limited to Monday to Saturday, 8:00 a.m. to 6:00 p.m.

Those speaking against allowing office in residential areas included Jack Jumper, Vivian Hogue, Mary Ann Welch, Alice Gray, and Helen Casteel. To determine if there was a need to continue discussion and work on this, Adam Thomas made a motion asking how many would be in favor of office by conditional use if the right conditions were placed on it. Terry Sossong seconded the motion. The vote was 6 – 2 against going forward with it. A simple majority was enough to kill this issue. Only Adam Thomas and Terry Sossong voted in favor of going forward with the proposed amendment.

PUBLIC HEARING

REZONING

5. Charles and Deb Prince request to **rezone** from R-2A to O-2 the property located on the northwest corner of Robinson and Faulkner Streets was approved 7 – 1 with Velton Daves voting against the rezoning. Bill Graff made the motion to recommend the rezoning. Junior Storie seconded. Charles Prince spoke for this request stating that it was no longer useful or desirable as a residential property. He has started repairs and reconditioning of the house which thus far has included raising the floor which had dropped about a foot and clearing the structure of pest infestation that the exterminator remarked was the worst he has seen. The property falls in an area identified in a previous city growth plan as a buffer area between residential and commercial zoning. The house and property face the county jail and county office buildings that are just across Faulkner Street. Leroy Hendricks of 1931 Robinson Avenue spoke against the rezoning saying it would be another domino into Old Conway. He also mentioned that it is a part of the historic district. Alice Gray also objected to rezoning the property because

of the many uses allowed by right of zoning in O-2 that would be inappropriate and undesirable as a residential neighbor.

6. Jason Sanderlin and George Roberts request to **rezone** from A-1 to RMH the property located north of Jeanna Drive off Reedy Road was withdrawn prior to this meeting date.
7. Debie Keathley request to **rezone** from R-1 to C-3 property located on Highway #64 East at 1715 East Oak Street was approved 8 – 0 on a motion made by Adam Thomas and seconded by Bill Graff. This property is part of a 245-foot deep parcel that is already zoned C-3 except for the rear 45 feet that is still R-1. The property was purchased under the assurance that it was zoned C-3—the R-1 zoning of the back 45 feet of the property was inadvertently overlooked. Architect Terry Burris was present to speak for this request and stated that the property was the site of a former BP station and an auto repair business was operated on the back footage of the property so that it has a previous history of commercial use. Harold Bates was the only other speaker. He asked exactly what the property owners plan to do with the property—that there is a lot of trash around there and they don't want any more.
8. Healthmark Services request to **rezone** from R-1 to A-1 property located at 1306 South Donaghey passed 8 – 0 on a motion made by Bill Graff and seconded by Junior Storie. Todd Hightower was present to speak for this request. Diane Bryant came forward on behalf of the Woodland Springs Property Owners Association to state their support for this rezoning request and for the conditional use permit request scheduled for public hearing later on the agenda. No one spoke against the rezoning.

CONDITIONAL USE

9. Healthmark Services request for a **conditional use permit** to allow an Assisted Living Level II facility (convalescent home) for property located at 1306 South Donaghey passed 8 – 0 on a motion made by Adam Thomas and seconded by Ron Fields. Conditions attached to the motion for approval were
 - 1) Lighting is required to be inward, downward, and shrouded with no more than one foot candle per square foot at the property lines.
 - 2) Signage is required to be a monument sign complying with A-1 zoning.
 - 3) No external sound system allowed.
 - 4) No building allowed in the flood plain.

Mr. Hightower again represented Healthmark Services and spoke in support of this request. The only other speaker was David Vondran who was present representing the Catherine Place home owners association. He presented two requests on their association's behalf. The first was that absolutely no development be placed within the flood plain along Stone Dam Creek because there are currently some flooding issues crossing Sugar Creek Drive and at the northeast corner of Catherine Place and the second was to express the concerns of some of their residents—not his own—that only a Level I facility be allowed under the conditional use. In response to Commissioner Graff's inquiry why Level I, Mr. Vondran replied their concerns were in regard to the number of private paid consumers versus the number of Medicaid clients. Mr. Hightower stated that Healthmark Services license for a Level II facility was granted by the state and that is what they want to build. Mr. Storie and Mr. Daves commented that the Level I/Level II seemed somewhat outside the commission's bailiwick. In response to Mr. Thomas's inquiry, Mr. Hightower discussed the differences between Level I and Level II assisted living care and gave an example of the type of service that might be provided to one of their Level II clients. Mr. Hightower stated that Healthmark has just recently been granted a permit of approval to build a Level II facility.

10. Interstate Group LLC request for a ***conditional use permit*** to again allow trailer sales for property located at 325 J. R. Drive lying west of and north of the intersection of J. R. Drive and Jeanette Drive, respectively, was approved 8 – 0 on a motion made by Bill Graff and seconded by Adam Thomas. Conditions attached to the motion for approval were

- 1) Lighting is required to be inward, downward, and shrouded with no more than one foot candle per square foot at the property lines.
- 2) Signage is required to be a monument sign complying with the requirements of the Overlay District.
- 3) No external sound system is allowed.

Michael Snow represented Interstate Group on this request before the Planning Commission. He stated the property was previously used for trailer sales but the previous owner had ceased using the property for that purpose more than a year ago. Therefore Interstate Group is seeking a conditional use permit to again allow such use for the property. There were no other speakers for or against this request. During the commission's discussion about conditions to place on the conditional use permit, Mr. Snow expressed their desire to have a much larger and higher pole mounted sign than what the commissioners proposed with its condition allowing only a monument sign complying with the Overlay District Ordinance. He was told he could try to talk to the city council about his sign when that body considers his conditional use permit request.

DISCUSSION

Planning Director Bryan Patrick informed the commission that the nominating process to name a new planning commissioner had been initiated as required by the Blue Ribbon Commission ordinance. May 30 is the deadline date for nominations. Thus far, only two nominations have been submitted to the City Clerk's office. Reporter Jessica Montgomery with the *Log Cabin Democrat* has agreed to write a story on the search for a new commissioner that will hopefully generate more nominations for the position. Commissioners volunteering to serve on the interview committee were Ron Fields, Bill Graff, Terry Sossong, and Mary Etta Qualls who, in her absence, was volunteered by some of her fellow commissioners.

The April 2006 minutes were approved 8 – 0 on motion made by Bill Graff and seconded by Ron Fields.

The meeting adjourned at 8:55 p.m. on a motion made by Terry Sossong and seconded by Ron Fields. Vote to adjourn was 8 to 0.