

PLANNING COMMISSION MEETING

June 19, 2006

The regular meeting of the Conway Planning Commission was called to order at 7:00 p.m., Monday, June 19, 2006, by Chairman Velton Daves who asked that individual commissioners introduce themselves to the audience. Present at the meeting were Velton Daves, Bill Graff, Mary Etta Qualls, Chris Riggins, Tina Sherwood, Terry Sossong, Junior Storie, and Adam Thomas. Ronald Fields 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: Southerland Imports, 720 Sixth Street; EM Building, 1100 Oak Street; Hilton Garden Inn, 805 Amity Road; and Reliance Health Care, 824 Salem Road. Lot splits, mergers, and minor subdivisions filed for record: Bishop's Replat.

The May 2006 minutes were approved as submitted on an 8 – 0 vote. The motion was made by Bill Graff and seconded by Terry Sossong.

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

SUBDIVISION REPORT

1. Roy Massey request for a one year extension of the preliminary plat approval for Valley Creek Subdivision and a variance to allow a 120-foot street centerline offset, instead of the required 125 feet, between proposed Floyd Drive and Simms Street at their intersections with Hubbard Road was granted on an 8 – 0 vote contingent on the amended punch list as shown below. Adam Thomas made the motion to grant the requested extension and variance. Chris Riggins seconded it.

PUNCH LIST

BASIC INFORMATION NEEDED ON THE PLAT

1. Application for review and approval of the preliminary plat is needed.
2. The date of the drawing must be identified.
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 be the same.
5. The date of the survey is needed.
6. The present zoning classification of the adjoining land contiguous to the boundary of the proposed subdivision is needed.
7. The layout of all proposed sidewalk systems are needed.
8. Street names that are not similar to existing street names are needed for all proposed streets. Valley Creek Drive is similar to Valley Cove and Valley Ridge Drive. The Planning Commission must approve the name Valley Creek Drive or the name must be changed to a name that is approved by the Planning Department staff.
9. Lot lines with appropriate dimensions are needed. Corrected dimensions must be shown on the south side of lot #3 and the west side of lot #25.
10. 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. A second monument location must be shown.

ADDITIONAL INFORMATION NEEDED, BUT NOT ON THE PLAT

11. The direction of flow of all water courses entering the tract shall be indicated.
12. The direction of flow of all water courses leaving the tract shall be indicated.
13. The drainage area of all water courses above the points of entry shall be noted.
14. The downstream drainage channel and drainage structures substantially impacted by the subdivision/replat shall be shown.
15. Existing utilities and easement on and adjacent to the tract are needed. The easements bordering in Countrywood and Timberpeg Subdivisions must be shown.
16. The Certificate of Preliminary Engineering Accuracy is needed on each set of street and drainage plans.
17. 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.
18. Where a subdivision/replat involves property other than entire lots that have already been through the subdivision process, copies of a deed or deeds dated on a date no less than ten years prior to the filing of the plat are needed to assure that no parcels less than five acres in area are being created through this platting.

STREET DESIGN REQUIREMENTS

19. Proper access in the form of stub streets or temporary dead-end streets shall be provided to adjacent unplatted property unless, in the judgment 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.
20. 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. The cul-de-sac meets the exception requirement.
21. A street that does not extend to the boundary of a subdivision shall be no closer than 50 feet to that boundary. A request for variance has been received to allow Valley Creek Drive to be closer than 50 feet to the boundary in lot #3 and lot #25. The Planning Commission approves this request.
22. Local street centerline offsets shall be no less than 125 feet. The centerline offset with unbuilt West Simms Street must be shown to be at least 125 feet. *A request for variance has been received to allow the centerline offset between proposed Floyd Drive and Simms Street to be 120 feet at their intersections with Hubbard Road in order to accommodate sidewalks and preserve an existing tree. The Planning Commission approves this request.*

EASEMENT DESIGN REQUIREMENTS

23. Easements shall be provided for utilities where a subdivision is traversed by a water course, drainageway, channel or stream, or there shall be provided a storm water easement conforming substantially with the lines of the water course and shall be adequate for such intended purpose.
24. Utility easements as required Conway Corporation are needed.
25. Drainage easements as required by the City Engineer are needed.
26. Where possible, pedestrian trail and pathway systems should link open space corridors through major utility, drainage and other easements and another easement for the pathways should be established within that easement. The width and dimensions of the pedestrian trail must be shown.

BLOCK DESIGN REQUIREMENTS

27. 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 Planning Commission determines developer is not required to build the public crosswalk inside the Pedestrian/Bike Trail Easement.

LOT DESIGN REQUIREMENTS

28. Minimum lot depth must conform with the requirements of the Zoning Ordinance. A request for variance has been received to allow lots 3, 6, 8, 9, 13, 16 and 25 to be less than 100 feet at their shallowest points. The Planning Commission approves this request.
29. No lot shall be more than four times as deep as it is wide. A request for variance has been received to allow lot 17 to be more than four times as deep as it is wide. The Planning Commission approves this request.
30. The minimum building setback (building line) shall be no less than 25 feet from the right-of-way of the front street, or as required by the Zoning Ordinance. The building lines must be shown for lots 3, 17 & 18.
31. 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. Lot #3 must have a setback of 25 feet from both Hubbard Road and Valley Creek Drive.
32. 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. A request for variance has been received to allow buildings in lots 1-3 to be inside the building line. The Planning Commission approves this request.
33. All existing buildings inside the proposed right-of-way must be removed before the filing of this plat.
34. Every lot must slope to a street or to a drainage easement.
- 34A. Lot 25 is approved as an unbuildable lot and must be shown as such.

UTILITY DESIGN REQUIREMENTS

35. 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

36. 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 for Salem Road. Sidewalks must meet all requirements in Table 1, Street Classification & Design Standards, City of Conway.
37. 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

38. 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. Valley Creek Subdivision will expire on July 19, 2005. *A request for a one year extension to the expiration date for the Preliminary Plat has been received. The Planning Commission grants this request for a one year extension. The Valley Creek Subdivision Preliminary Plat will expire on July 19, 2007.*

2. Rush/Hal Development request for preliminary plat approval of Chestnut Meadows Subdivision Phase II was approved 8 – 0 subject to stated changes in the amended punch list as shown below on a motion made by Adam Thomas and seconded by 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 beginning point of the legal description must be shown on the plat.
2. Lot lines with appropriate dimensions are needed. Dimensions are needed between lots 43 & 44.
3. A phasing plan outlining the boundaries for each phase and the location of all CAGIS monuments for the subdivision is needed. A minimum of two CAGIS monuments shall be placed in each subdivision or subdivision phase exceeding ten (10) acres. For subdivisions of ten (10) acres or less in size, no new CAGIS monumentation is required. However, these smaller subdivisions must all be tied to CAGIS monumentation.

ADDITIONAL INFORMATION NEEDED, BUT NOT ON THE PLAT

4. A draft of any Bill of Assurance proposed for the subdivision generally describing proposed covenants, restrictions and conditions applicable to the property included in the submitted plat is needed.
5. Where a subdivision/replat involves property other than entire lots that have already been through the subdivision process, copies of a deed or deeds dated on a date no less than ten years prior to the filing of the plat are needed to assure that no parcels less than five acres in area are being created through this platting.

GENERAL DESIGN REQUIREMENTS

6. 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.
7. 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."
8. 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.
9. 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.

10. 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.
11. An easement shall be placed around the high water limits of the detention area.

STREET DESIGN REQUIREMENTS

12. 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 Calloway Drive.*
13. 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.
14. In the case of temporary dead-end streets, less than 150 feet in length, which are stub streets designed to provide future connections with unsubdivided adjacent areas, the Planning Commission may require a temporary easement for a turnaround. *A request for variance has been received to allow a hammerhead turnaround at the west end of Piedmont Drive. The Planning Commission approves this request.*
15. Local street centerline offsets shall be no less than 125 feet. *A request for variance has been received to allow the centerline offset of Calloway Drive and Bronze Trail to be less than 125 feet. The Planning Commission approves striking this request since the requirement for the street centerline offset will be met by the developer.*

LOT DESIGN REQUIREMENTS

16. Minimum lot depth must conform with the requirements of the Zoning Ordinance. *A request for variance has been received to allow lots 43 through 55 to be less than 100 feet at their shallowest points. The Planning Commission approves this request.*
17. 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 lot #56 as a double frontage lot. The Planning Commission approves this request.*
18. 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. *The Planning Commission determines that a planting screen easement be required along the extension of Bronze Trail.*

UTILITY DESIGN REQUIREMENTS

19. 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.

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. 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.
22. 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.

23. 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.
24. 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.
25. Sidewalks shall link sidewalks of adjoining lots so as to provide a continuous "ribbon" of pedestrian access throughout the community.
26. If, during the construction of a building or any other improvements upon a lot or by any other actions, the sidewalk(s) are damaged, the party responsible for the construction or other actions shall repair the sidewalk(s) to the satisfaction of the City.

EXPIRATION OF PLAT

27. 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. Chestnut Meadows Subdivision Phase II will expire on June 19, 2007.

AUTHORIZATION TO PROCEED

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

3. Rausch Coleman request for preliminary plat approval of Crossings on the Green Planned Unit Development 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 Terry Sossong.

PUNCH LIST

BASIC INFORMATION NEEDED ON THE PLAT

1. Application for review and approval of the preliminary plat is needed. (p. 8)
2. The graphic scale must be shown. (p. 14)
3. A legal description of the property with exact boundary lines, bearings and distances is needed. (p. 14) West line of Lots 7, 8, 9, and 10 of Rumker's Subdivision require bearing and dimension.
4. The date of the survey is needed. (p. 14)
5. The layout of all proposed streets are needed, along with relevant dimensions and bearings. (p. 15)
6. The layout of all proposed sidewalk systems are needed, along with relevant dimensions and bearings. (pp. 19, 43-46)

7. Street names that are not similar to existing street names are needed for all proposed streets. (p. 29) Crossing Circle is similar to Cross Street. The street name must be changed to a street name that is not similar to another street name inside the Conway mailing area. The name must be approved by the Planning Department staff.

8. Lot lines with appropriate dimensions are needed. (p. 15)

ADDITIONAL INFORMATION NEEDED, BUT NOT ON THE PLAT

9. A draft of any Bill of Assurance proposed for the subdivision generally describing proposed covenants, restrictions and conditions applicable to the property included in the submitted plat is needed. (p. 16)

GENERAL DESIGN REQUIREMENTS

10. Minimum floor elevations shall be placed on the plat for all lots less than three (3) feet above the computed one hundred (100) year flood elevation. The minimum finished flood elevation shall be established at one (1) foot above the computed one hundred (100) year flood elevation.
11. An easement shall be placed around the high water limits of the detention area. (p. 41)

STREET DESIGN REQUIREMENTS

12. The rights-of-way of all streets must conform to the Master Street Plan and the requirements of Table 2, Street Classification & Design Standards, City of Conway in the Subdivision Ordinance. (pp. 31-32)
13. 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. (p. 28)
13. (a) *A request for variance has been received to allow a 40-foot right-of-way instead of a 50-foot right-of-way. The Planning Commission approves this request.*

LOT DESIGN REQUIREMENTS

14. 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. (p. 35) *A request for variance has been received to allow lot 139 to be a double frontage lot. The Planning Commission approves this request.*
15. 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. (p. 35)
16. Every lot must slope to a street or to a drainage easement. (p. 35)

UTILITY DESIGN REQUIREMENTS

17. 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. (p. 42)
18. Utility easements as required by Conway Corporation are needed.
19. Drainage easements as required by the City Engineer are needed.

SIDEWALK DESIGN REQUIREMENTS

20. Sidewalks are required along both sides of all streets. The plans for the sidewalk are needed. Sidewalks must meet all requirements in Table 1, Street Classification & Design Standards, City of Conway. (pp. 31, 43)
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. 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. (p. 45)
22. 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. (p. 43)
 23. 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. (p. 44)
 24. Sidewalks shall link sidewalks of adjoining lots so as to provide a continuous "ribbon" of pedestrian access throughout the community. (p. 44) *A request for variance has been received to not require the sidewalk along the cul-de-sac of Village Common Drive that connects with Tracts A & C of Village Commons Subdivision. The Planning Commission approves striking this request since developer will meet this requirement.*
 25. 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. (p. 44)
 26. The Planning Commission may also grant a waiver to construct an internal pedestrian trail system in lieu of the required sidewalks. The pedestrian trail right-of-way shall be clearly noted on the final plat. Specifications for the right-of-way width, trail pavement, and other specifications shall be determined by the City Engineer and Planning Director. *A request for variance has been received to allow a 5-foot wide walking trail inside the project instead of along the street right-of-way. The Planning Commission approves this request with six access points from the outer part of this subdivision that are relatively equally spaced to allow access to the walking trail from that outer ring of houses.*
 27. 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. (p. 44)

EXPIRATION OF PLAT

28. 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 Crossings on the Green PUD will expire on June 19, 2007.

NOMINATING COMMITTEE REPORT

Mr. Daves called on Nominating Committee chairman Terry Sossong to give a brief update on the committee's progress in selecting a nominee to recommend to the city council to fill the vacancy created by the tragic death of Bert Alexander. Mr. Sossong stated he has the nominee applications and the committee will be setting up interviews and hopes to have a candidate to vote on for submission to the council at the next planning commission meeting.

CONSENT AGENDA

Item 4 was voted on apart from items 5 and 6 on the consent agenda. It was approved 6 – 2 on a motion made by Adam Thomas and seconded by Terry Sossong. Opposing the motion to approve the annexation request were Bill Graff and Tina Sherwood. Items 5 and 6 were

approved 8 – 0 on a motion to approve made by Terry Sossong and seconded by Adam Thomas. None present came forward to speak against these three requests.

4. Ronald Robertson request for **annexation** into the city for property located on the north side of Siebenmorgen Road approximately 800 feet west of East Siebenmorgen Road/East German Lane intersection.
5. David and Patricia Skelton request for **annexation** into the city for property located along the north side of East Siebenmorgen Road approximately 250 feet east of East Siebenmorgen Road/Trison Lane intersection.
6. Rush/Hal request to **rezone** from A-1 to R-1 property located between Tyler Street and Padgett Road west of the Canterbury Place and Chestnut Meadows Subdivisions.

PUBLIC HEARING

REZONING

7. Rausch Coleman Conway, LLC request to **rezone** from MF-3 to PUD property located approximately 0.15 miles north of the intersection of East German Lane and East Oak Street at the western termination of Village Commons Drive (under construction) was approved 8 - 0 on a motion made by Adam Thomas and seconded by Tina Sherwood. The motion to approve included the additional conditions that signage be monument only and that no banners be allowed. Bill Adkisson introduced Rausch Coleman's Project Director Michael De Neve who spoke in support of the rezoning request and their proposed planned unit development Crossings on the Green. He asked to go on record as asking for consideration of a fifty percent (50%) reduction in park impact fees only, not in regards to roads, just parks since their project includes a significant amount of green space that will be maintained by the development but open for public use. Following Mr. De Neve's presentation, there were no other speakers either for or against the project.
8. Wal-Mart request to **rezone** from R-1 to PUD property located east of Morningside Drive and north of Prince Street was denied 6 – 2 on a motion to deny made by Junior Storie and seconded by Mary Etta Qualls. Bill Graff and Terry Sossong voted against the motion to deny this rezoning request. This request involved a total of 19.51 acres of land of which Wal-Mart would dedicate 12.09 acres to the City for park land and use 7.38 acres for their proposed Neighborhood Market with drive-through pharmacy and four-pump gas station project. Speaking on behalf of Wal-Mart for this rezoning request were Stephen Giles, attorney; Joseph Parsley, project engineer with Carlsen Consulting Engineers; Chuck Walker, director of planning and landscape architecture for Carlsen Consulting Engineers; Greg Simmons with Peters and Associates Engineers—traffic and transportation engineers; and Michael Hicks, architect. Mr. Giles emphasized that this was not a super center. It would essentially replace a Harvest Foods that was located in the same general area several years ago. The development would be 40,000 square feet, slightly larger than the Fred's across the street that occupies the former Harvest Foods location and much smaller than a typical Wal-Mart super center at 180,000 square feet, but that can get as large as 200,000 square feet. The development would provide a 12 acre green space in the form of a park that would buffer the neighborhood from the development as well as preserve the creek and also provide bike trail opportunity. They feel their project is smaller than Kroger and better buffered from the surrounding residential properties than either of the two Kroger stores. Each representative discussed an aspect of the project including the overall site usage, parking, architecture, landscaping, drainage, buffering, and traffic.

Among those speaking against the rezoning were Patsy Paul, Joey Ward, Phil Parrish, Jim Brown, Doreen Horlick, Brooke Lynn Hall, Pamela Roberts, Jasper Burton, Don Walizer, Sally Roberts, J.B. Robertson, Gene Beale, Cecily Ryan, Carol Stevens Daves, and Bill Lacy. The following text of a letter from Betty Taylor was read into the minutes.

Attn: Conway City Planning Commission

Re: Rezoning lots 3, 4, 5, and 6 J.O. Moore's subdivision

As a concerned citizen of the Smoking Oaks Subdivision, I wish to protest the rezoning of said lots for businesses, such as the proposed Wal-Mart. We of this area are adequately served by Fred's, across the street from the proposed site, and very ably served by Kroger's 5 blocks away. Traffic on Prince Street is sometimes backed up from Donaghey to Country Club. Traffic on Morningside, where traffic speed limits are exceeded already, would become even more trafficked. We do not need large transports bringing supplies to add to this confusion and danger. Wal-Mart already has a Super Center in easy reach of those who wish to shop there. I have to say- why do they think they are the only ones who can meet the needs? Why do they, that is Wal-Mart, want to come in and undermine those already adequately meeting the needs? Every individual person I have spoken with had said this is a ridiculous proposal.

This city needs to preserve green spaces, places neat and well tended, i.e. Parks, bike trails. There isn't much evidence that these needs are given much of a priority listing. I am clamoring for the proposed park in the same general area, and wish it would be extended to the very site of the proposed Wal-Mart.

I respectfully ask for this to be heard by all present.

Betty Taylor
51 Timberlane Trail
Conway, Ar. 72034

Concerns expressed by those speaking against this rezoning included fears of increased traffic problems on Prince as well as Morningside and other local streets, crime, and danger to those small children using the public streets as a playground. What good, posed one speaker, is neighborhood shopping, if you ruin the neighborhood. This isn't needed, she said. There are two Wal-Mart Super Centers, a Kroger store down one block, a Fred's—so she doesn't see why this even has to be built there. The timing of the traffic study was also a point of concern—was it at a time when all the schools and colleges were in session. Issues also included large delivery vehicles, blowing trash, possible flooding, onsite security guards because of the crime and the kids hanging out there on Friday nights if it is a 24-hour facility and to make sure there aren't going to be gangs of people hanging out in the neighborhood or people coming from across town—west Conway, east Conway—to hang out in that parking lot because it's open 24 hours and they can go into Wal-Mart and get a coke. Concern was also voiced about container storage and parking lot sales that would be allowed at this site.

Another speaker asked planning commissioners to consider that Wal-Mart has yet to give a single compelling reason for putting this facility in this particular location. It's a neighborhood store that the neighborhood doesn't want and doesn't need. What is the benefit, he asked. What is the benefit to the neighborhood? What is the benefit to Conway? There is none. There's no compelling reason why there should even be a consideration for rezoning this property for this use. How many pharmacies does a neighborhood need? We have two. How many gas stations does a neighborhood need? We have three counting the Corner Pantry. How many grocery stores does a neighborhood need? What is the benefit, the

speaker questioned. Our position, he said, is that enough is enough. We're under assault and we've had it and we're going to fight back. And without compelling evidence that there is a need that has been demonstrated that is beyond an economic benefit only to Wal-Mart, there is going to be quite of bit of fuss if this proposal goes forward.

Commissioner Thomas was very concerned about the traffic and said the thing that resonated most with him was that you do have a Fred's right there, Kroger's five blocks away, you have pharmacies within the PUD at College and Salem and at Fred's and Kroger's, and he is asking himself the same question residents are asking, why do we need a Wal-Mart at that location that's going to provide those same needs. Commissioner Qualls agreed with Mr. Thomas saying those were her thoughts exactly. Mr. Thomas went on to say he felt the applicant would do the engineering on the flooding and through working with Mr. Hall could deal with that and the landscaping—given that this is a PUD—could be addressed by the Planning Commission. Ms. Qualls stated she just does not think there's a need in that particular spot for that. Mr. Daves stated he can't see where the proposed development was congruent with the Conway growth plan. It's residential; it's shown as a park, not a commercial node. The commercial node along Prince Street is already two times as large as it was originally planned and Mr. Daves said he could not see the need for it and can't support it. Ms. Qualls said she likes the concept of the neighborhood market but just does not think that is the place for it. Mr. Thomas agreed he liked the neighborhood store but it should be located somewhere that doesn't already have the proposed services. Maybe further out west, stated Qualls, where there is nothing out there. Well, that's why it's called a neighborhood, said Mr. Riggins. They want to be in a neighborhood. Other commissioners stated that there are neighborhoods further west that don't have the proposed services—that have areas already zoned commercial in close proximity to the neighborhoods. Hogan Road shouted one member of the audience. I think it would be great out west, out close to Padgett somewhere to have a nice neighborhood grocery store to go into, said Qualls. The thing that Commissioner Sossong questioned was the commission's picking a place for the store. The market will determine that, he said; economics will determine that. If people don't want to go shop there, that should be their decision. If the store doesn't go there for other reasons, I don't think it's this board or any board's ability to pick the economics of what makes sense. The marketplace will take care of that. Somebody's done a lot of studying the money to be invested in that site would be worthwhile and the only people to determine that are the people that shop there. That's ultimately what that boils down to. Saying that the area doesn't need it is not our call. Consumer quality will determine that. Whether it fits with the area and some of those things, I think that's what we really have to focus on. I don't think it fits with the area personally, interjected Mr. Daves. As a board, a planning commission, we should focus more on that aspect than it is what the market determines. If five of them went in there, and they all were supported, then the market will do that. It will sieve those things out. The character of the neighborhood, does it fit with that? Does this meld? Doesn't it meld? The traffic issues. Yes, there's a lot of traffic along there. Maybe get Mr. Hall's thoughts about Adam's idea of a right turn in and out that seems to be a very good one. Are there any plans to widen Prince Street. Mr. Hall said plans call for Prince to have four lanes with a middle turning lane at intersections at some future date as funds permit.

Bill Graff stated his problem. We are a city of 50,000 and we're growing. And if we're going to grow, we have to have more office, industrial, commercial development. I don't control where it goes, but here is a commercial establishment wishing to be started in the city and it looks to him like in the long term it's going to benefit the city. Both Chris Riggins and Junior Storie agreed increasing traffic on Prince Street was a real sticking point for them, particularly with the widening of Prince Street not being on the radar as yet for a foreseeable future date.

Following the vote on the Wal-Mart rezoning request and at the 9 o'clock hour, the Chairman called for a short break that also gave those who were present only for the Wal-Mart item an opportunity to leave without disrupting the meeting. When Chairman Daves reconvened the meeting at 9:07 p.m., seven planning commissioners were present. Planning Commissioner Tina Sherwood left the meeting to attend to a family matter.

9. Pamax Management, Inc., request to amend the Scherman Heights PUD Final Development Plan for property located at 605 Salem Road—specifically Lot 1 north of the Walgreen Pharmacy currently under construction and south of McDonald's—to allow a restaurant with drive through was approved for forwarding to the City Council with the below stated conditions attached.
- 1) Only monument signage will be allowed internal to the Scherman Heights PUD.
 - 2) Lighting will be inward, downward, and shrouded.
 - 3) No curb cut will be allowed on Salem Road.
 - 4) The entire Scherman Heights Planned Unit Development is limited to only two (2) drive through restaurants.
 - 5) Trash containers will be screened with brick enclosures.

Pam and Max Felton, the two principals of Pamax Management, have a contract with Trinity Development—owner of the property—to buy slightly over a half acre of Lot 1. Although applicant specified Lot 1 that encompasses some 5.52 acres in their application, at the meeting their representative Bill Adkisson stated the Pamax request was for only about half an acre of Lot 1—an area approximately 130 feet by 250 feet. Mr. Adkisson said his clients propose building a Taco Bueno at the location and based on their experience with their Little Rock location, anticipate approximately sixty percent (60%) of their business would be drive-through sales. They consider a drive through necessary to their success at the Conway location.

Among those speaking against the request to amend were Kent Holder, Denton McCormick, Doreen Horlick, and Rodney Rice. Firstly, Mr. Holder pointed out that this request was accompanied by a letter signed by Jay Wellwood on behalf of M. J. Wellwood and Associates, Inc., as owners of Lot 2, offering to forfeit their permission in the PUD to have a drive through in and consenting to modify the PUD in favor of the drive through restaurant on Lot 1. He said he knew it was an oversight but Lot 2 is where McDonalds is located according to his records and he doesn't think McDonalds is ready to give up their drive through. Joey's, he said, is a good asset and he commends Mr. Rankin for working with the community to try and make this a nice planned unit development. But the letter states the very action I object to. It's not that Lot 4 had a drive through service authorized. There's no reason to consider this a privilege to be passed to another parcel. It's not what was presented to the committee with the original PUD or to the community. The difference is, in regard to the traffic concerns, the original PUD considers a traffic light at the intersection of Salem and Club Lane with no curb cuts to Salem. This benefits the high volume of traffic that could be expected from the drive through restaurant. The proposed location is 400 feet from that intersection and could hinder traffic flow on Salem beyond what was originally proposed even when fully developed. When you consider the traffic estimated to be over three times the amount estimated for the same property with high turnover, sit-down restaurant as reported under the traffic impact section of this proposal on page 9.2, it doesn't make sense to try to move that traffic down Salem and further aggravate the traffic problems. Considering the splitting of the 5.52 acres contained in Lot 1, Mr. Holder said a drive through restaurant could deter a more suitable tenant on the remainder of Lot 1. Approving this conditional use could likely color the usage that was presented and assumed by the original PUD which was considered in detail and approved by the City and the

adjoining property owners. It is his belief that approval of this conditional use request represents enough change to the original presentation to make him speak very strongly against it.

Mr. McCormick lives on College Avenue just across from the new Walgreens in this PUD. He has lived there for 16 years and spoken before the Planning Commission probably six times over the last few years in relation to this development. He briefly gave the history of those appearances and said he understands that through progress things go forward. That is why he believes many of those around the PUD accepted the Walgreens as a better alternative to the McDonalds that was originally proposed there. At the time that McDonalds was proposed there and that PUD was talked about, the thought was to keep the food enterprises north of Club Lane or more over behind Kroger as opposed to bringing them closer to the community. The curb cuts along Salem were another concern of his. There are too many now. More are not needed.

Both Ms. Horlick and Mr. Rice expressed concern about the amount of traffic on Salem already, especially at the area around College. Ms. Horlick pointed out that the McDonalds on Salem is either the number two or number three revenue maker in Conway, an indicator that this is a really busy area already—very busy. In addition to discussing the traffic, Mr. Rice brought out that there are no restrictions on the interior of the PUD limiting signs to monument signage. Currently a typical McDonalds type pylon sign could be installed to the interior of the PUD.

Bill Graff made a motion that the request to amend the Scherman Heights PUD for Lot 1 be approved with the newly attached conditions. Chris Riggins seconded the motion to approve. It passed 6 – 1 with Mary Etta Qualls voting against allowing the amendment.

10. Verizon Wireless request to **rezone** from A-1 to RU-1 property located at 2165 Old Morrilton Highway was approved 6 – 1 following a motion to reconsider and approve the rezoning after it failed 5 – 2 on an earlier motion. Both motions were made by Bill Graff and seconded by Adam Thomas. Terry Sossong and Junior Storie were the two votes to deny on the first motion. Mr. Sossong voted for approval on the second motion to reconsider and approve. Representing Verizon on their request were attorneys Joe Don Winningham, acting as local counsel for Verizon, and Andy Cunningham from Chatanooga, Tennessee. Also present for this request were Grant Hendrickson and his father James Hendrickson representing his father—also James Hendrickson—who is the property owner and could not attend the meeting. Verizon plans to construct a telecommunications tower at the location to extend and improve cell phone coverage. Mr. Cunningham stated that Verizon had looked at co-locating but the nearby water tower is not an option. Four carriers are already located on it. Commissioners were concerned that the tower be as unobtrusive as possible and blend in as much as is possible with its surroundings. In response to the chairman's question, Mr. Arnold with Conway Corp said it is currently in negotiations with Verizon concerning three water towers but not the one discussed here. Mr. Cunningham did say that Verizon is not in the business of building cell towers; they co-locate whenever possible. It saves them money. But in this case it is just not possible. For Verizon, the nearby water tower is not a viable option. It has reached a point where service could become degraded if an additional carrier were added.

CONDITIONAL USE

11. Verizon Wireless **conditional use permit** request to allow transmission tower/station (cell tower) for property located at 2165 Old Morrilton Highway if the property is rezoned to RU-1 was approved 7 – 0 on a motion to approve with the stated conditions attached that was

made by Bill Graff and seconded by Adam Thomas. Mr. Cunningham was present for this item also and felt it had pretty much been covered in the discussion on the attendant request for rezoning. No one else spoke either for or against this conditional use request. The conditions attached to the motion for approval are as stated below.

- 1) All cabling is to be inside the pole.
- 2) Pole is to be constructed from non-reflective materials.
- 3) No signage is allowed except for that required by FCC regulations.
- 4) Antennae are to be internal to the pole.
- 5) The 120' pole is to be of stealth manufacture.
- 6) Lighting is limited to only that lighting required by the FAA.

12. Verizon Wireless **conditional use permit** request to allow transmission tower/station (cell tower) for property located immediately east of the former Shoney's (Panda Café) in front of Faulkner County Plaza Shopping Center (Hobby Lobby) was not heard. Applicant will resubmit for public hearing at a future meeting.

13. Yolanda Diane Harris **conditional use permit** request to allow an adult day care for property located at 1109 Gum Street was approved 7 – 0 on a motion to approve with the stated conditions attached. Motion was made by Terry Sossong and seconded by Adam Thomas. Those stated conditions are

- 1) Hours of operation are to be 7:00 a.m. to 5:00 p.m., Monday through Friday and 9:00 a.m. to 3:00 p.m. every other Saturday.
- 2) No additional lighting shall be added to this property.
- 3) Signage shall be limited to 2' x 2' nameplate affixed to the building.
- 4) No outdoor sound system allowed.
- 5) Total number of patients/clients is limited to fifteen (15).
- 6) No additional parking allowed.

Ms. Harris was present to speak before the commission for her request. Also speaking for the request was past coworker and occupational therapist Sally Roberts who vouched for Ms. Harris' caring skills and abilities as a Certified Nurses Assistant. She said the health care field is very competitive right now and there is a real need for the type of service Ms. Harris is proposing. The state regulates this type of business and Ms. Harris is prepared to meet those requirements. Linda Paxton who is a resident of the Pine Street community and president of the Pine Street Corporation stated their support for Ms. Harris in this endeavor. Shelly Gant who is a recreational leader at Conway Human Development Center stated that Ms. Harris has consulted with her about what she does with clients at CHDC and that as a grandchild of two elderly grandparents she feels this would be very good for our community.

14. Conway Corp **conditional use permit** request to allow an electric substation for property located at 4798 Tyler Street along the north side of Tyler and across from its intersection with the eastern leg of Eve Lane was approved 7 – 0 on a motion to approve with the stated conditions attached that was made by Chris Riggins and seconded by Bill Graff. The conditions are as listed below.

- 1) Pre-fabricated, 12-foot masonry wall (superior concrete product) shall surround installed transformer.
- 2) Installed transformer shall be a low-noise transformer.

Speaking for Conway Corporation on this request was Dale Gottsponer. The city's growth in population as well as commercial and industrial growth has generated a growth in electrical load requirements. The bulk of the growth is in west and northwest Conway and that is why they looked to the area they propose as a site for the substation. Issues Mr. Gottsponer

addressed included noise, screening, right-of-way, light pollution, safety, and traffic. He also provided a sample of the wall material that will surround the substation.

15. Hobbs Properties Inc. **conditional use permit** request to allow a duplex in a C-2 zone for property located at 1608 Fleming Street at the northeast corner of Fleming Street and East Street was approved 7 – 0 on a motion to approve with the stated conditions attached that was made by Bill Graff and seconded by Adam Thomas. The stated conditions are as listed below.

- 1) Duplex exterior shall be at least 70-percent brick or greater.
- 2) Duplex roof shall be a 7/12 pitched roof.
- 3) Only one duplex is allowed on this site.
- 4) Parking must conform to Zoning Ordinance requirements for R-2.

DeAnn Atkinson with Tyler Surveying appeared on behalf of Hobbs Properties in this conditional use permit request. The surrounding area already has a number of single family residences and duplexes in place. There is a dilapidated house on the property that would be demolished if the conditional use permit is allowed.

Richard Costello came forward on behalf of Paul and Mary Davies to enter their letter into the record. The Davies who own property at 1612 and 1612½ Fleming could not be at the meeting. A copy of the Davies letter is appended at the end of these minutes.

Mr. Sherrill who lives at 2108 East Street next to this property showed commissioners several pictures of the property in its current overgrown, unkempt, and dilapidated condition. Even though allowing a duplex would necessitate cleaning up the property, he would still prefer that it stay commercial. He doesn't want a duplex butting right up against his house as it would on one side. Also speaking against this conditional use was Cecil Carter. Mr. Carter echoed Mr. Sherrill about the illegal activities at the nearby rental properties including the apartments. People in and out all the time. Smoking pot. Many of the complaints brought up were more appropriately matters for code enforcement and the city's police.

Bill Graff asked Ms. Atkinson why the owner of the property wasn't present making the request and saying what he plans to do with the property and why he has let it remain in such dilapidated condition. Mr. Hobbs was present and came forward to answer those questions. He said he was not aware of the complaints brought up at this meeting. There were some issues with mowing at other properties around there and those were remedied. He originally bought the property with a partner two years ago and has owned it individually about a year. His partner encountered some financial difficulties and Mr. Hobbs bought him out. This delayed the process of doing anything with the property.

DISCUSSION

16. At the request of the City Council, the Planning Commission was asked to review a resolution to expand the enforcement of zoning, sign, and development in a limited area of the extra territorial jurisdiction adjacent to and north of Old Morrilton Highway and eastward to Highway 25. Junior Storie made a motion to go forward with this and extend the plans, ordinances, and regulations of the city's planning and zoning ordinances into the area described in Resolution R-06-20. Terry Sossong seconded the motion. Motion passed 7 – 0.

The meeting adjourned at 11:02 p.m. on a motion to adjourn made by Terry Sossong and seconded by Adam Thomas.

CONWAY PLANNING COMMISSION
VELTON DAVES, CHAIRMAN

06/17/06

DEAR MR. DAVES;

WE WOULD LIKE TO GO ON RECORD AS NOT
OPPOSING THE CONDITIONAL USE PERMIT AT 1606 AND
1608 FLEMING ST.

AS PROPERTY OWNERS OF 1612 AND 1612^{1/2} FLEMING,
WE ARE NOT AGAINST THE DEMOLITION OF THE 2
HOMES AND REPLACEMENT WITH DUPLEX'S, IF PROPER
PERMITS AND INSPECTIONS ARE SECURED. BECAUSE WE
WILL BE OUT OF TOWN ON 06/19/06, WE ARE UNABLE
TO ATTEND THE HEARING. HOWEVER, FOR THE PAST 10 YEARS
WE HAVE VOTED AND PAID TAXES IN CONWAY AND PLAN
TO CONTINUE.

THEREFORE, WE ENCOURAGE THE COMMISSION TO VOTE IN
FAVOR OF THIS CONDITIONAL USE APPLICATION AND WE HAVE
REQUESTED RICHARD COSTELLO PRESENT THIS LETTER
AT YOUR HEARING.

THANKS
Paul J. Davis
Mary J. Davies