

PLANNING COMMISSION MEETING

AUGUST 21, 2006

The regular meeting of the Conway Planning Commission was called to order at 7:00 p.m., Monday, August 21, 2006, by Chairman Velton Daves who asked that commissioners individually introduce themselves to the audience. Present at the meeting were Velton Daves, Ron Fields, Bill Graff, Chris Riggins, Tina Sherwood, Todd Smithhart, Terry Sossong, Junior Storie, and Adam Thomas. Mary Etta Qualls was absent. The chairman welcomed Todd Smithhart, newly appointed planning commission member who will serve out Bert Alexander's term.

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: Harris Offices, 955 Carson Cove. Lot splits, mergers, and minor subdivisions filed for record: none.

The July 2006 minutes were approved as submitted on a 9 – 0 vote. Motion for approval was made by Bill Graff and seconded by Junior Storie.

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 the report.

SUBDIVISION REPORT

1. Conway Development Corporation request for preliminary plat approval of The Meadows Phase 2 was granted. Adam Thomas made the motion to approve the preliminary plat subject to the amended punch list. Terry Sossong seconded the motion. It passed 9 – 0.

PUNCH LIST

BASIC INFORMATION NEEDED ON THE PLAT

1. The present zoning classification of the adjoining land contiguous to the boundary of the proposed subdivision is needed. The zoning and the ownership on the north side of the plat is needed.
2. Street names that are not similar to existing street names are needed for all proposed streets. Maple Loop is similar to Maple Ridge Circle, Maple Street and Maplewood Drive. The street name must be changed and approved by the Planning Department.
3. Proposed easements must be identified.
4. 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

5. Existing streets, buildings, water courses, railroads, culverts, utilities and easement on and adjacent to the tract are needed. Sturgis Road and the sidewalk on the east side of lot 5B must be shown.
6. A draft of any Bill of Assurance proposed for the subdivision generally describing proposed covenants, restrictions and conditions applicable to the property included in the submitted plat is needed.

7. Where a subdivision 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

8. 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. *A request for variance has been received to allow C9 and C10 curves to be less than the required 450' radii. The Planning Commission approves this request.*
9. 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.
10. The Planning Commission may authorize a new boundary street when the subdivider agrees to dedicate the entire right-of-way and construct all the required improvements. *A request for variance has been received to allow Executive Center Blvd. and Meadow Loop to be boundary streets. The Planning Commission approves this request.*
11. 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 streets to not be at right angles. The Planning Commission approves this request.*
12. Where collector and arterial streets intersect other collector or arterial streets, the curb radii at the intersection shall not be less than 31.5 feet.

EASEMENT DESIGN REQUIREMENTS

13. Utility easements as required Conway Corporation are needed.
14. Drainage easements as required by the City Engineer are needed.

BLOCK DESIGN REQUIREMENTS

15. 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 to the north is 1087 feet. A request for variance has been received to not require a public crosswalk to the north. The Planning Commission approves this request.*

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 all lots to be less than 100 feet in depth at their shallowest point. 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 lots 4, 5A and 5B as double frontage lots. The Planning Commission approves this request.*
18. Building lines shall be established for both front and rear lot lines for double frontage lots. The building line must be shown for Lot 4 along Sturgis Road.
19. 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. A planting screen easement must be placed along Meadow Loop.

UTILITY DESIGN REQUIREMENTS

20. Fire hydrants shall be placed so that the furthest point of a lot in a commercial subdivision is no more than 400 feet from the nearest hydrant located on the same street.

SIDEWALK DESIGN REQUIREMENTS

21. 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. The sidewalks at the intersection of Meadow Loop and Maple Ridge Circle must extend to the curb.

EXPIRATION OF PLAT

22. Plats will expire at the end of one year from acceptance of the Preliminary Plat unless an extension is requested and granted by the Planning Commission. The Meadows Phase 2 will expire on August 21, 2007.

AUTHORIZATION TO PROCEED

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

2. Clarification of the Subdivision Ordinance as it pertains to the sidewalk requirement where a developer builds a boundary street was discussed in the subdivision committee meeting. The item generated much discussion including views expressed by builders and developers present at the meeting. The committee decided to give the information time to soak in before taking any action. Adam Thomas made a motion that this item be held in committee until the September meeting. Terry Sossong seconded the motion. It passed 9 – 0.

PUBLIC HEARING

3. George Harris/Andrew Hicks, Architect request to rezone from R-1 to C-3 property located at 1008 East Oak Street between Days Inn and Boomerang Car Wash was approved 9 – 0 on a motion made by Adam Thomas and seconded by Ron Fields. Architect Tim Dowty spoke for this rezoning that would consolidate the zoning on the lot to C-3. Presently a 50-foot strip at the north side of the lot is zoned R-1. A variance request for a curb cut less than 20 feet from the property line onto Pamela Lane had been previously submitted to the city council and approved. No one else came forward to speak on this rezoning request.
4. Faith Fellowship International Church request to rezone from A-1 to O-1 property located on the north and west sides of the soccer park extension of Trey Lane, across the street from Central Arkansas Golf Academy was approved 9 – 0 on a motion made by Ron Fields and seconded by Adam Thomas. Dwayne Wilson spoke for this request. He discussed their plans for developing the 12.9 acres in four phases. The southern half of the property is in the flood plain. Because of its proximity to the Central Arkansas Golf Academy and the soccer park, they propose to develop it as a football field with a track around it and a little league baseball field. The first phase will include a 10,000 square-foot youth facility that will house the Net Café and the sports fields. And then in the future, the second phase will be a children's facility, and then the church, followed by a bible school. This is their 5- to 10-year plan for development. Although their Net Café will be for church use, they want to make it open to the general public so that it is more fully utilized particularly when the football,

baseball, and track facilities are in operation. It will give families a place to go for a coke or snack when the sports activities are underway. No one else responded to the chairman's call for those who wished to speak either for or against this rezoning request.

5. Faith Fellowship International request for a conditional use permit to allow a non-profit restaurant as part of the church use for this property was approved 9 – 0 with the below stated conditions attached to a motion made by Adam Thomas that was seconded by Ron Fields. Mr. Wilson also spoke for this request that would let the church more fully utilize the space for the Net Café when the church is not using it. This will provide a place for families who use the fields and the soccer park and golfing academy to get a sandwich and a coke, a convenience not currently available in that area. Again, Mr. Wilson was the only speaker for this conditional use request. No one came forward to speak against it.
 - 1) Net Café hours of operation open to the general public are 10:00 a.m. to 10:00 p.m., Monday through Friday.
 - 2) Maximum square footage of Net Café is not to exceed 3000 square feet.
 - 3) Signage for the Net Café is limited to the building only.
 - 4) Signage for the 12.9 acre Faith Fellowship International Church ministry complex must comply with Overlay District requirements.
6. Verizon Wireless request to rezone from C-3 to RU-1 property located immediately east of the former Shoney's (Panda Café) in front of Faulkner Plaza shopping Center (Hobby Lobby) was approved 8 – 0 – 1 on a motion made by Adam Thomas and seconded by Bill Graff. Chris Riggins abstained from voting on this item. Those speaking for this rezoning request included local attorney Joe Don Winningham of Brazil, Adlong, Aydelott and Winningham law firm; Andy Cunningham and Tracy Wooden with Verizon Wireless; and local small business owner and attorney Daniel Goodwin. Local attorney Bill Adkisson was present to speak against this request on behalf of the Faulkner Plaza Shopping Center. Russ Meeks of Meeks and Associates, owner of the property immediately south of this proposed cell tower site, also spoke against the proposed rezoning that would place the tower on his north property line. The main concern expressed by Mr. Adkisson was safety. C-3 zoning would require a setback of 65 feet for this 100-foot structure. If rezoned to RU-1, no setback will be required. He also stated that back in the late 70's the height of the overpass at the interstate was one of the reasons that the Conway Airport could not be modified and this proposed tower would be twice as high as any other surrounding structure. His client is also concerned with the visual clutter this would add. This is not congruent with the master plan. This area is already zoned C-3 and RU-1 is not appropriate. Mr. Meeks expressed concern for this structure butting up against his south property line with no setback required. He felt the structure could be placed on the same property but not right up against his property line. Indeed, if safety is a concern, he has structures well within 100 feet of the proposed location. Mr. Wooden answered questions regarding how and why a particular site is chosen as a cell tower location. He also spoke about the structural safety of cell tower poles that have little wind resistance and therefore are not at all apt to fall in high winds.
7. Verizon Wireless request for a conditional use permit for a 100-foot cell tower at the location specified in item 6 was approved 9 – 0 with the below stated conditions attached to a motion made by Adam Thomas and seconded by Ron Fields. Verizon's representatives were as listed in item 6. There were no other speakers.
 - 1) Transmission tower must be monopole construction of flag pole design with no external antennae or cabling and flying the City of Conway flag.
 - 2) Fencing must be wood (opaque) and minimum of 6 feet in height.

- 3) No signage allowed except that required by the FCC.
 - 4) No lighting allowed except that required by the FAA and for emergency lighting in the compound.
 - 5) Verizon Wireless Tennessee Partnership, d/b/a Verizon Wireless, is responsible for keeping the flag in good repair and for replacing the flag when notified by the City of Conway that it needs to be replaced.
8. Verizon Wireless request for a conditional use permit for a 100-foot cell tower on property located at 3715 Prince Street at the site of West Conway Mini Storage was approved 9 – 0 with the below stated conditions attached on a motion made by Adam Thomas and seconded by Ron Fields.
- 1) Transmission tower must be monopole construction of flag pole design with no external antennae or cabling.
 - 2) Fencing will be chain link and a minimum of 6 feet in height.
 - 3) No signage allowed except that required by the FCC.
 - 4) No lighting allowed except that required by the FAA and for emergency lighting in the compound.
 - 5) No flags or banners allowed on this pole.
9. At the request of applicant, the Verizon Wireless conditional use permit request for a cell tower at 3005 Dave Ward Drive was not heard. No public hearing was held.
10. Amanda Pendley conditional use request for in-home child care for up to 20 children on property at #1 Cedar Oak Drive was denied 9 – 0 on a motion made by Junior Storie and seconded by Chris Riggins. Wayne Pendley spoke on behalf of his wife's request. The Pendley's have met all requirements with the state for 10 children but because state requirements are changing to increase the limit allowed to 20, they are requesting that now rather than having to come back a second time. They are also requesting the conditional use because they did not seek one with their previous/current in-home child care business and the state contact for licensing informed them it would be needed if they were to be licensed by the state. Those speaking against the request included Margaret Jones, Mark Lewis, Darrell Crouch, and David Jones. A couple of emails were also sent to the Planning Commission opposing this conditional use. Concern was expressed about parking as well as the safety of anyone entering or exiting this lot at the corner of Meadowlake Road and Cedar Oaks Drive. Traffic on Meadowlake Road is heavy now but will increase significantly in the near future when The Links at Cadron Valley as well as Highpointe Apartments open. Mr. Lewis stated this would essentially be a business in a residential area. It will require a certain number of employees as well as parking for those employees. Having a business in a residential area will adversely affect property values. They believe it would be an unwise precedent to let what is essentially a business open in a residential neighborhood. It could be just the opening wedge in the decline of the neighborhood. What happens if the next person who comes along wants to open a dog kennel. Back in commission, the chairman stated said that once you put a conditional use and you rezone something—that's what a conditional use is, a rezoning—once you rezone something in a residential neighborhood, it's not residential anymore; its commercial. That's what happened to Donaghey when they went down there and did that. So keep that in mind, he said. As you can see, I'm not in favor of this, he stated. I feel like that once you rezone a residential neighborhood, the rest of the neighborhood is going to go commercial sooner or later. Another commissioner stated this is clearly an intrusion to a residential area—more so than some of the things that come before us. Another said that you know—particularly if you were to allow 20 children and one person is required for every five children—there are going to be at least four cars parked in their yard at all times.

DISCUSSION

11. Tom Courtway spoke briefly to the Planning Commission about *The Village at Hendrix*, the new traditional neighborhood development that Hendrix College is developing at the northeast corner of Harkrider and Siebenmorgen streets. Hendrix currently plans to approach the Planning Commission in September with their request for the Commission's approval for the City to adopt a TND Overlay smartcode document to be used in regulating the development. The document will encompass most aspects currently regulated by the City's zoning, subdivision, parking, and sign ordinances, and site plan review as well as other things.
12. A handout with the dates for selection of new planning commissioners to replace the two whose terms end on December 31st was given to each commissioner. The dates on the handout follow the requirements set by the Blue Ribbon Commission ordinance for filling vacancies on the City's various boards and commissions. The process starts on October 1st when the Mayor's office advertises in the local paper for nominations to fill the vacancies on all boards and commissions, and ends on December 14th when the City Council notifies those boards and commissions of its action on the nominations submitted to it and released to the news media on November 20, 2006. Commissioners whose terms end this year are Velton Daves and Tina Sherwood.

Adam Thomas made a motion seconded by Ron Fields that the proposed schedule for nominating new planning commission members be adopted as submitted in the revised handout. Motion passed 9 – 0.

OTHER

In response to an item discussed and voted on at last month's commission meeting, Mr. Graff requested that he be allowed to read into the minutes an excerpt from Nixon Adams' article "*Lessons from a Disaster*" that appeared in a comments section of *The Commissioner*, a publication of the American Planning Association, Summer 2006. Mr. Adams is a member of the Mandeville, Louisiana Planning and Zoning commissions. Mr. Daves stated, "I think this is something that we should listen to because it says significantly about our city." The request was granted and the text of that reading follows.

In my town, there was storm surge damage, but most problems were caused by fallen trees. Immediately following Katrina, it was obvious that the impact of thousands of trees falling on homes, streets, and utilities was much worse in our newer subdivisions. The difference was the grid system of streets in our older areas versus the limited entrances, cul de sacs, etc., in newer areas. Because of connectivity, most of our older sections were accessible within a few days, whereas some areas of newer subdivisions were inaccessible for weeks.

As the final item of business, Mr. Daves appointed Todd Smithhart to those committees to which Bert Alexander had been assigned.

The meeting adjourned at 9:02 p.m., following a motion for adjournment made by Bill Graff and seconded by Ron Fields. Motion to adjourn passed 9 – 0.