

PLANNING COMMISSION MEETING

SEPTEMBER 18, 2006

The regular meeting of the Conway Planning Commission was called to order at 7:00 p.m., Monday, September 18, 2006, by Chairman Velton Daves who asked that commissioners individually introduce themselves to the audience. Commissioners present at the meeting were Velton Daves, Ron Fields, Bill Graff, Mary Etta Qualls, Chris Riggins, Tina Sherwood, Todd Smithhart, Terry Sossong, Junior Storie, and Adam Thomas.

Mr. Daves briefly outlined the meeting format that can basically be broken down into three sections. First are staff reports, then agenda items, and thirdly discussion items. Staff reports require no action and include site plans, lot splits, mergers, and minor subdivisions filed for record. Site plans reported: The Gardens at Conway Commons, 1755 Village Commons Drive; Furniture Row, 200 Amity Road; Florentz Estates, 1125 Addy Brook Street; Metropolitan National Bank, 1055 East Oak Street; and Fellowship Bible Church addition, 1501 Hogan Lane. Lot splits, mergers, and minor subdivisions filed for record: Lachowsky Replat and Conway Marketplace East Replat of Lot 4R.

The August 2006 minutes were approved as submitted on a 10 – 0 vote. Motion for approval was made by Adam Thomas and seconded by Bill Graff.

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 subdivision report.

SUBDIVISION REPORT

1. Discussion continued in the Subdivision Committee on clarification of the Subdivision Ordinance regarding the sidewalk requirement for new boundary streets. The committee reached consensus that in almost every case they could put forward there is not a requirement to build sidewalks on the opposite side of the property being developed. So the motion suggested by the Subdivision Committee and stated by Adam Thomas is that no sidewalks are required on the side of a new **residential** boundary street that is not being developed. Junior Storie seconded the motion. It passed 10 – 0.
2. On a unanimous vote, Tri-Con Builders, represented by Tyler Surveying, requested and was granted a one-year extension to the preliminary plat approval of Nichole Place Subdivision Phase III. Motion was made by Adam Thomas and seconded by Junior Storie.

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 correct zoning must be shown for the Conway Public Schools and Larry Freyaldenhoven properties.
2. Lot lines with appropriate dimensions are needed. The chord bearings are needed for lots 155, 161, 180, 181, 182, 183, 194, 195, 196, 197 and 222.
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. The CAGIS monument that this subdivision is tied to must be noted on the plat.

ADDITIONAL INFORMATION NEEDED, BUT NOT ON THE PLAT

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

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.

ACCESS DESIGN REQUIREMENTS

12. The maximum number of single family and two family residential units served by a single access shall be thirty (30). For more than thirty (30) living units, there shall be no fewer than two (2) separate and approved fire apparatus access roads. These two access roads shall be placed a distance apart equal to not less than one half of the length of the

maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses. For more than two hundred (200) living units, three (3) access routes must be provided. Two access roads must meet the above separation requirements, the third access must be no less than 200 feet from any other access, measured from centerline to centerline of street right-of-ways. This plat has only two accesses from East German Lane for a total of 222 lots. A third access must be provided.

STREET DESIGN REQUIREMENTS

13. All methods to slow traffic must meet all relevant city regulations and must be approved by the City Engineer and the Planning Director.
14. Multiple uses of traffic slowing methods are encouraged in an area.
15. Street intersections shall be laid out as nearly at right angles as possible, with no angle of less than 75 degrees. *A request for variance has been received to allow the intersection of Angeline Drive and Marissa Street to be less than 90 degrees. **THE PLANNING COMMISSION APPROVES THIS REQUEST.***
16. Property line corners at street intersections shall be rounded with a radius of at least 28 feet. The radius must be changed to meet the new fire code at the northwest intersection of Rachel Drive and Marissa Street.

EASEMENT DESIGN REQUIREMENTS

17. Utility easements as required Conway Corporation are needed.
18. Drainage easements as required by the City Engineer are needed.
19. 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. *A request for variance has been received to not require the pathway easement as shown in the Comprehensive Plan until a connecting easement is obtained to the south. **THIS CONDITION MUST BE CORRECTED.***

BLOCK DESIGN REQUIREMENTS

20. Blocks over 1500 feet in length are prohibited. The block on the south side of this subdivision when included with Nichole Place Subdivision, Phase II is approximately 2107.1 feet in length. This condition must be corrected.
21. 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 on the south or west side of Rachel Drive. **THIS CONDITION MUST BE CORRECTED. CROSSWALKS WILL BE REQUIRED BETWEEN LOTS 216 – 217 AND LOTS 200 – 201.***

LOT DESIGN REQUIREMENTS

22. In no case shall a lot be permitted where the lot is fronted by a stub-out or street termination. In such cases, dead-end fire apparatus turnarounds shall be provided. Lot 175 is located on a stub out to the future Siebenmorgan Road. This condition must be corrected.
23. Minimum lot depth must conform with the requirements of the Zoning Ordinance. *A request for variance has been received to allow lots 155, 158, 159, 160, 161, 195, 196 and 197 to be less than 100 feet in depth at their shallowest points. **THE PLANNING COMMISSION APPROVES THIS REQUEST.***
24. Lots 156, 157, 162, 163, 164, 180 and 183 are also not 100 feet in depth at their shallowest points. No variance has been requested for these lots. This condition must be corrected.
25. 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 158-174 as double frontage lots.

THE PLANNING COMMISSION APPROVES THIS REQUEST.

26. Every lot must slope to a street or to a drainage easement.

UTILITY DESIGN REQUIREMENTS

27. Fire hydrants must be placed so that the furthest point of a lot in a residential subdivision is no more than 600 feet from the hydrant located on the same street. Variances must be approved by the Planning Commission and Fire Chief.

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

EXPIRATION OF PLAT

29. 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. Nichole Place Subdivision Phase III will expire on September 19, 2007. *Applicant has requested a one-year extension of the preliminary plat approval.*

THE PLANNING COMMISSION GRANTS APPLICANT'S REQUEST FOR A ONE-YEAR EXTENSION OF THE PRELIMINARY PLAT. PRELIMINARY PLAT APPROVAL FOR NICHOLE PLACE SUBDIVISION PHASE III WILL EXPIRE ON SEPTEMBER 19, 2007.

3. The vote was also unanimous to grant a one-year extension to Hartland Development, represented by Central Arkansas Professional Surveying (CAPS), on the letter of credit ensuring sidewalk construction in Conway Marketplace East Phase 1. The motion was made by Adam Thomas and seconded by Bill Graff.
4. Hartland Development, again represented by CAPS, requested and was granted a one-year extension to the letter of credit ensuring sidewalk construction in Conway Marketplace East Phase 2. The vote was 10 – 0 on the motion made by Adam Thomas and seconded by Ron Fields.
5. The vote was 9 – 1 on a motion made by Adam Thomas and seconded by Terry Sossong to deny the request by Cathie and Andy Connaughton/McMillen Surveying for a variance from the requirement to construct sidewalks for the Replat of Lots 3 & 4 West Ridge Subdivision. Junior Storie voted against the motion to deny. Item #29 in the punch list below now reads **THE PLANNING COMMISSION APPROVES THIS REQUEST SUBJECT TO THE \$15.00 PER LINEAR FOOT PAYMENT TO THE CITY TO BUILD SIDEWALKS IN ANOTHER AREA OF TOWN.** Item #30 was stricken from the punch list on a 10 – 0 vote on a motion made by Terry Sossong and seconded by Ron Fields. In the discussion on this item, it was brought out that the ordinance with regards to sidewalks is either/or. There is no option to waive this requirement entirely for building sidewalks. Sidewalks are either built at site or a \$15.00 per linear foot payment is made to the city to build sidewalks in another area of the town where they are needed.

PUNCH LIST:

NUMBER OF COPIES

1. After review, twelve copies and the original tracing or a reproducible mylar are needed for filing. Patching and pasting of paper or other attachments to the plat is not acceptable.

COMPUTER SUBMISSION

2. The final plat must be submitted in a computer compatible media in a format as determined by the Planning Department.

BASIC INFORMATION NEEDED ON THE PLAT

3. The name of the replat is needed. "Westridge" must be changed to "West Ridge".
4. Application for review and approval of the final plat is needed.
5. The names of adjacent subdivisions are needed. The property owner(s) on the east side of the plat must be shown.
6. The signature and date of signature of all the owners of record are needed.

7. The signature and date of signature of the surveyor are needed.
8. A vicinity map showing the location and acreage of the replat must be shown. The boundary of the replat must be shown on the vicinity map along with the total acreage of the replat.
9. A legal description of the property with exact boundary lines, bearings and distances is needed. The legal description of the boundary of the replat is needed along with the total acreage to the nearest one-tenth of an acre is needed.
10. A certified boundary survey of the property with bearings and distances referenced to survey lines and established subdivisions with complete and accurate field notes of said boundaries is needed. The total boundary dimensions must be shown on the outside of the plat. The east side of the plat must show the total dimensions on the outside of the plat and the lot dimensions on the inside. (Only the distance of each lot is needed where the angle is the same.)
11. The lines with dimensions of all adjacent land, streets, alleys, easements and adjacent subdivisions shall be shown.
12. Adjusted Arkansas State Plan Coordinates (NAD-83 (1997)) shall be shown for all boundary corners and all corners of record utilized.
13. A statement indicating the ratio error closure of the field work is needed.
14. The present zoning classification of the land to be replatted and of the adjoining land contiguous to the boundary of the proposed replat is needed.
15. 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.
16. The location of all survey monuments shall be indicated on the plat. A survey monument must be shown at the southern tip of lot 4a.
17. The true courses and distances to the two (2) nearest established section corners or benchmarks or other recognized permanent monuments shall be accurately denoted.
18. The preliminary certificates must be removed.

ADDITIONAL INFORMATION NEEDED, BUT NOT ON THE PLAT

19. 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.
20. Where a 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. A deed must be provided that shows a part of Lot 4 to be sold off at least 10 years ago.
21. Letters shall be submitted by the Conway Corporation and by each utility company which will have service lines in the proposed subdivision stating the utilities have been installed or assurances given by the utility company that improvements will be installed to the satisfaction of the City.

EASEMENT DESIGN REQUIREMENTS

22. Utility easements as required Conway Corporation are needed.
23. Drainage easements as required by the City Engineer are needed.

LOT DESIGN REQUIREMENTS

24. Minimum lot depth must conform with the requirements of the Zoning Ordinance. *A request for variance has been received to allow lot 3a to be less than 100 feet at the shallowest point. **THE PLANNING DIRECTOR APPROVES THIS REQUEST.***
25. No lot shall be more than four times as deep as it is wide. *A request for variance has been received to allow Lot 4a to be more than 4 times as deep as it is wide. **THE PLANNING DIRECTOR APPROVES THIS REQUEST.***

26. Every lot must slope to a street or to a drainage easement.

UTILITY DESIGN REQUIREMENTS

27. 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

28. 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.

29. *A request for variance has been received to waive the sidewalk requirement. **THE PLANNING COMMISSION APPROVES THIS REQUEST SUBJECT TO THE \$15.00 PER LINEAR FOOT PAYMENT TO THE CITY TO BUILD SIDEWALKS IN ANOTHER AREA OF TOWN.***

30. *A request for variance has been received to waive the \$15.00 per linear foot payment to the city to build sidewalks in another area of town. The Planning Commission must approve this request or this condition must be corrected. **THE PLANNING COMMISSION VOTED 10 – 0 TO STRIKE ITEM #30 FROM THE PUNCH LIST.***

31. 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.

32. A note(s) shall be shown on the plat indicating the responsibility of sidewalk construction (Developer and/or Homeowner/Builder).

33. 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.

FEE REQUIREMENTS

34. Appropriate fees must be paid. This will include both filing fees with the City and with the County.

ASSURANCE OF COMPLETION OF INFRASTRUCTURE

35. Sidewalk improvements must be completed or a performance bond, cash deposit, or irrevocable letter of credit must be submitted to the City to assure completion.

EXPIRATION OF PLAT

36. 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 Replat of Lots 3 & 4 West Ridge Subdivision will expire on August 8, 2007.

6. Vote was unanimous to grant the Hal Crafton/CAPS request for preliminary plat approval of Replat of Lot 3 Tommy Lewis Addition Phase II subject to the amended punch list. The motion was 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. Lot #3 needs to be added to the legal description.

2. The present zoning classification of the adjoining land contiguous to the boundary of the proposed replat 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. South Harkrider Drive must be added to State Hwy #365. Trip Drive sounds similar to Trent Drive. The street name must be changed to another street name that is approved by the Planning Department.
5. Lot lines with appropriate dimensions are needed. The dimension is needed on the east side of lot #3-A.
6. All 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. 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

8. The direction of flow of all water courses entering the tract shall be indicated.
9. The direction of flow of all water courses leaving the tract shall be indicated.
10. The drainage area of all water courses above the points of entry shall be noted.
11. The downstream drainage channel and drainage structures substantially impacted by the replat shall be shown.
12. If the proposed replat is a portion of a tract that is owned by the applicant, a preliminary master sketch plan for the entire tract must be submitted with the Preliminary Plat. The sketch plan must contain sufficient detail to allow the Planning Commission to determine general road alignments and lot configurations.
13. 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

14. 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.
15. 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."
16. 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.

17. 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.
18. 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.
19. An easement shall be placed around the high water limits of the detention area.

STREET DESIGN REQUIREMENTS

20. New boundary streets (those bordering the perimeter of the property) shall be avoided except where the requirement of the Master Street Plan provides a defined alignment. In that event, the developer of the proposed plat shall dedicate no less than one-half of the specified right-of-way as noted on the Master Street Plan and Table 1, Street Classification & Design Standards, City of Conway in the Subdivision Ordinance. The Planning Commission may authorize a new boundary street when the subdivider agrees to dedicate the entire right-of-way and construct all the required improvements. *A request for variance has been received to allow Trip Drive and Pointer Drive to be boundary streets. **THE PLANNING COMMISSION APPROVES THIS REQUEST.***
21. 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 intersections to be less than 90 degrees. **THE PLANNING COMMISSION APPROVES THIS REQUEST SUBJECT TO ROAD CONSTRUCTION AS SUBMITTED IN THE PLANS.***

EASEMENT DESIGN REQUIREMENTS

22. 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.
23. Utility easements as required Conway Corporation are needed.
24. Drainage easements as required by the City Engineer are needed.

LOT DESIGN REQUIREMENTS

25. Corner lots shall have a setback of 25 feet from the front lot line and 25 feet from the exterior side lot line, or as required by the Zoning Ordinance. The Zoning Ordinance requires a 40' exterior side setback from the lot line. A 40' building line is required along Tommy Lewis Drive and Trip Drive.
26. 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 3-A to be a double frontage lot. **THE PLANNING COMMISSION APPROVES THIS REQUEST.***

27. Building lines shall be established for both front and rear lot lines for double frontage lots. The rear building line must be 30' as stated in the Zoning Ordinance.
28. 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.
29. 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.

UTILITY DESIGN REQUIREMENTS

30. Fire hydrants shall be placed so that the furthest point of a lot in a commercial subdivision is no more than 400 feet from the nearest hydrant located on the same street. Variances must be approved by the Planning Commission and Fire Chief.

SIDEWALK DESIGN REQUIREMENTS

31. Sidewalks are required along both sides of all streets. Sidewalks must meet all requirements in Table 1, Street Classification & Design Standards, City of Conway. *A request for variance has been received to not require a sidewalk on both sides of the boundary streets. **THE PLANNING COMMISSION APPROVES THIS REQUEST.***
32. 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. The curb at the entrance of Trip Drive from South Harkrider Drive appears to flair out. The sidewalk must remain 5' from the back of curb. A sidewalk easement will be required if the sidewalk extends inside the lot line.
33. 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.
34. 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.
35. 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. This note should be removed from the plat to avoid confusion since there are no residential streets.

EXPIRATION OF PLAT

36. 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 Replat of Lot 3, Tommy Lewis Addition Phase II will expire on September 18, 2007.

AUTHORIZATION TO PROCEED

37. 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.

PUBLIC HEARING

REZONING & CONDITIONAL USE

7. Applicant Bobby Spradlin, represented by Tyler Surveying, asked that the Planning Commission hold in committee until the October meeting his request for rezoning from A-1 to PUD for property located on West Plains Drive and Tyler Street. The commission voted unanimously to hold the request in committee on a motion made by Terry Sossong and seconded by Adam Thomas. The item was not opened for public hearing. The public hearing will occur at the October meeting of the Planning Commission.
8. David Hall represented Stewart McConnell on his request to rezone from R-1 to PUD property located on proposed Spencer Lake Drive that is in Phase I of the Spencer Lake Planned Unit Development. This 2.51 acres was intended to be part of the earlier PUD rezoning request but was inadvertently left out of the legal description for the public hearing. Phase II will meet the same requirements as Phase I. This is essentially correcting that omission. No one spoke against the request. Adam Thomas made the motion to approve this request; Ron Fields seconded. Motion passed 10 – 0.
9. Verizon Wireless request to rezone from MF-3 to RU-1 property located at 3005 Dave Ward Drive was approved unanimously on a motion made by Adam Thomas and seconded by Bill Graff. Speaking for this request were Joe Don Wunningham, Gene Salter, and Andy Cunningham. No one came forward to speak against the request.
10. Verizon Wireless request for a conditional use permit to allow a transmission tower/station (cell tower) on 0.02 acres located at 3500 Dave Ward Drive was approved unanimously with the below stated conditions attached. Adam Thomas made the motion to approve that was seconded by Terry Sossong.
 - 1) Verizon Wireless may erect a 100-foot transmission tower/station (Cell Tower) that must be of monopole construction and flag pole design with no external antennae or cabling allowed.
 - 2) A minimum 6-foot high wood privacy fence is required.
 - 3) No signage or banners 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) The City of Conway flag and/or the American flag may be flown from this structure.
 - 6) Verizon Wireless Tennessee Partnership, d/b/a Verizon Wireless, is responsible for maintaining the flag(s) in good repair and for replacing the flag(s) when notified by the City of Conway that one or both need to be replaced.
11. Kevin Watson/CAPS request to rezone from R-1 to RU-1 property located at 700 Padgett Road was approved unanimously on a motion made by Ron Fields and seconded by Terry Sossong. Robert French with CAPS spoke for this rezoning. Mr. Watson also spoke on behalf of his request. He operated his real estate office and construction business there prior to its being annexed into the city. If rezoned, he proposes to house the construction equipment currently being left outside in a storage facility/warehouse. This should enhance

the property. The site is totally compounded and locked up. No one came forward to speak against the request.

12. Mr. Watson also requested a conditional use permit for the same property that he asked to be rezoned to RU-1 in agenda item #11 to allow a general contractor facility for the property. No one came forward to speak against the conditional use permit request and it was approved unanimously on a motion made by Adam Thomas and seconded by Terry Sossong. The motion to approve had the following conditions attached.

- 1) Any additional lighting shall be inward, downward, and shrouded with no more than one foot candle per square foot at the perimeter.
- 2) No outdoor sound system allowed.
- 3) This conditional use permit for General Contractor facility is limited to Kevin Watson and spouse Michelle Watson and becomes null and void if and/or when the property is no longer owned by Kevin and Michelle Watson.

13. Butterfield Stage LP represented by Bill Adkisson requested to rezone from A-1 to O-1 32.24 acres located on Dave Ward Drive southeast of Toad Suck Lock and Dam. Mr. Jay De Haven who owns the limited partnership could not be present because of an injury to his son that required an MRI at the same time as this meeting. Mr. Adkisson stated this will be a big project and it is just not far enough along to show specific detail for property usage. When asked if the MF-3 requested in the conditional use would be apartments, condominiums, or what, Mr. Adkisson stated it was his assumption they would probably be condominiums because of the kind of high end project that Mr. De Haven has in mind apartments would probably not work. Commissioners expressed concern that this rezoning and conditional use are being requested with so little information available upon which to base a decision. In response to the question about why this was not done as a PUD, Mr. Adkisson stated that it was just so much easier and less time consuming than a PUD would be.

Chris Spatz who, along with his wife, owns about 28 acres immediately south of the subject property came forward to state he was not against the property being rezoned to O-1. He said he would be glad to see that property developed and he does not oppose that development at all. The O-1 zoning for the entire property is low intensity land use. But he is opposed to the conditional use for MF-3 for 18 acres of that property. That is the highest density available for multifamily. Placement of the 18 acres is not specified, allowing developers to designate where the 18 acres would go. It doesn't allow planning to take place and certainly doesn't allow adjacent landowners to see what sort of affect that would have on their property. Mr. Spatz pointed out that MF-3 designation allows up to 24 units per acre which would work out to 432 units on those 18 acres. He said this proposal does not seem specific enough to him and it is his hope that the Planning Commission would return it to the developer and ask for a more specific plan.

Bill Graff made a motion that item 13 be held in committee for one month. Adam Thomas seconded the motion. It passed 9 – 1 with Junior Storie opposing the motion.

14. Butterfield Stage LP also requested a conditional use permit to allow MF-3 density for 18 acres of the larger 32.24 acres requested to be rezoned to O-1 in item #13. As stated in the public hearing on item #13, no location for the 18 acres has been specified and with the rezoning being held in committee, this item would seem moot. Again commissioners cited a lack of information upon which to base an informed recommendation. Terry Sossong made a motion seconded by Adam Thomas to hold the item in committee until next month. Motion passed 10 – 0. Public hearing on this conditional use will be held at the October meeting.

15. Didicom, LLC, conditional use permit request to allow a transmission tower/station (cell tower) on a 0.01 acre portion of the larger property addressed as 2125 Harkrider Street and known as the North Plaza Shopping Center but lying almost directly north of the Fleming Street/Jefferson Avenue intersection was approved 10 – 0 on a motion made by Adam Thomas and seconded by Terry Sossong. Conditions attached to the motion for approval are as stated below. Representing Didicom on this request was Joel Taylor from Fort Smith who indicated their primary client carrier would be Alltel, but that Didicom would like to co-locate as many carriers as possible on this site.

- 1) Didicom, LLC may erect a 120-foot transmission tower that must be of monopole construction and flag pole design with no external antennae or cabling allowed and painted to match the color of other structures in the North Plaza Shopping Center.
- 2) A minimum 10-foot high concrete block fence painted to match other structures in the North Plaza Shopping Center is required.
- 3) No signs, banners, advertising, or flags allowed except that signage required by the FCC.
- 4) No lighting allowed except that required by the FAA and emergency lighting inside the compound.
- 5) This conditional use applies to the submitted drawing and legal description of the 18-foot by 33-foot lease area only.

16. Hobbs Properties/Tyler Surveying request for a conditional use permit to allow a duplex in C-2 zoning for property at 2120 East Street was approved 9 – 0 on a motion made by Adam Thomas and seconded by Bill Graff. Conditions attached to the motion are as listed below. Deann Atkinson from Tyler Surveying was present to represent their client Hobbs Properties on this conditional use permit request.

- 1) One duplex—two dwelling units—allowed on this site.
- 2) Privacy fencing required on east property line.
- 3) Exterior building material will be brick.
- 4) Duplex must have a gable or hip roof.

Planning Commissioner Todd Smithhart recused himself on this item and left the room until the public hearing and vote on this item was complete.

DISCUSSION

17. Bryan Patrick presented information to commissioners on the Conway Traditional Neighborhood Development Overlay Ordinance being proposed. Mr. Graff stated that he would commend everybody that has been involved in putting this together and he would endorse very much the pushing forward of this with the council. He went on to make a motion that everyone involved with the development of the TND be commended for their efforts and that the Planning Commission endorses and recommends to city council that this subject be pursued. Adam Thomas seconded the motion. It passed unanimously.

Commissioner Riggins again expressed concern for the safety of pedestrians along Siebenmorgen Road because of the absence of any sidewalks.

The meeting adjourned at 9:34 p.m. on a motion made by Adam Thomas and seconded by Terry Sossong. Vote to adjourn was unanimous.