

PLANNING COMMISSION MEETING

OCTOBER 16, 2006

The regular meeting of the Conway Planning Commission was called to order at 7:15 p.m., Monday, October 16, 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, Chris Riggins, Todd Smithhart, Terry Sossong, and Junior Storie. Commissioners absent were Mary Etta Qualls, Tina Sherwood, 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: Shinwari Medical Offices, 3020 College Avenue, and OK Corral, 1715 East Oak Street. Lot splits, mergers, and minor subdivisions filed for record: none.

The September 2006 minutes were approved as submitted on a 7 – 0 vote. Motion for approval was made by Bill Graff and seconded by Ron Fields.

The meeting moved on to standing committee reports followed by the public hearing portion of the meeting. Mr. Daves called on Junior Storie to make the subdivision committee report in the absence of Adam Thomas, committee chairman.

SUBDIVISION REPORT

1. Bill Adkisson request for a one year extension to the letter of credit as guarantee for sidewalk construction in The Crossing at Audubon subdivision. Mr. Storie moved that the request for the one year extension be granted. Mr. Sossong seconded. The motion passed 7 – 0.
2. Hal Crafton request for a one year extension to the letter of credit as guarantee for completion of subdivision improvements for The Links at Cadron Valley Subdivision. Mr. Storie moved that the request for the one year extension be granted. Mr. Sossong seconded. Motion passed 7 – 0.
3. Hal Crafton request for a one year extension to the final plat approval of Marlise Manor Subdivision Phase III. Mr. Storie moved that the request for the one year extension be granted. Mr. Sossong seconded. Motion passed 7 – 0.
4. Scott Brooks request for a one year extension to the letter of credit as guarantee for completion of subdivision improvements for Brookstone Subdivision. Mr. Storie moved that the request for the one year extension be granted. Mr. Sossong seconded. Motion passed 7 – 0.
5. Robert French/Charles Day request for second preliminary plat approval for Summit Estates Subdivision. Mr. Storie moved to give a second preliminary plat approval subject to the amended punch list. Mr. Sossong seconded. The motion passed 7 - 0.

PUNCH LIST:

BASIC INFORMATION NEEDED ON THE PLAT

1. The present zoning classification of the land to be subdivided and of the adjoining land contiguous to the boundary of the proposed subdivision is needed. The zoning of the city limits at the southwest corner of the plat is needed. Also, County must be noted on the east, west and north sides of the plat.

2. The layout of all proposed sidewalk systems are needed, along with relevant dimensions and bearings.
3. Proposed easements with appropriate dimensions are needed. Dimensions are needed for the north/south waterline in the middle of the subdivision.

ADDITIONAL INFORMATION NEEDED, BUT NOT ON THE PLAT

4. Contour intervals of the property of not more than two feet where the overall average slope is less than 4% grade and not more than five feet where the slope is greater than 4% are needed.
5. Existing buildings adjacent to the tract are needed. The house/accessory building on lot 32 Lakeview Acres is on or very close to the lot line of lot 45. The building must be shown.
6. State Health Department approval of any new water supply and/or sewage system, if the requirement of the subdivision is to be met by any other means than by connecting to the water supply or sewage system operated by the City of Conway and/or the Conway Corporation is needed.
7. 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

8. An easement of adequate width to accommodate the required floodway shall be provided on the plat. The easement shall clearly identify the easement as a "100-year Floodway". The plat shall have a note that reads as follows: "No structures, fill or obstructions shall be placed in the 100 year Floodway easement. No reshaping of the surface within the 100 year Floodway easement shall be made without the approval of the City Engineer. No fences shall be in the floodway easement."
9. Minimum floor elevations shall be placed on the plat for all lots less than three (3) feet above the computed one hundred (100) year flood elevation. The minimum finished flood elevation shall be established at one (1) foot above the computed one hundred (100) year flood elevation.

STREET DESIGN REQUIREMENTS

10. The maximum grades of all streets must conform to the Master Street Plan and the requirements of Table 1, Street Classification & Design Standards, City of Conway in the Subdivision Ordinance. The City Engineer and Fire Marshall, Randy Freeman, have approved a grade up to 12% for Andover Road. *A request for variance has been received to allow Andover Road to be a 12% grade. THE PLANNING COMMISSION APPROVES THIS REQUEST.*
11. Variances for grades up to 12% for residential and 15% for minor residential require approval by the Fire Chief and Planning Commission. The City Engineer and Fire Department have approved a grade up to 12% for Coachlight Lane. A request for variance has been received to allow Coachlight Lane with a 12% grade. *THE PLANNING COMMISSION APPROVES THIS REQUEST.*
12. 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 both curves on Andover Road to be a radius of 215 instead of the required 400 feet. *THE PLANNING COMMISSION APPROVES THIS REQUEST.*
13. Compliance is required with all the footnotes in Table 1, Street Classification & Design Standards, City of Conway in the Subdivision Ordinance. The following note must be placed on the plat. "No further subdivision creating lots less than the minimum for the open ditch road and no density greater than one dwelling unit per lot shall occur

without improving the entire length of the streets to the minimum requirements for narrower lots.”

14. 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 REQUIRES TRAFFIC CALMING ALONG BLUE RIDGE ROAD AND BERSHIRE ROAD PER CITY ENGINEER.
15. 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.
16. 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 two portions of Andover Road to be boundary roads. THE PLANNING COMMISSION APPROVES THIS REQUEST.
17. Proper access in the form of stub streets or temporary deadend 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. A RIGHT-OF-WAY IS REQUIRED AT THE EAST END OF BLUE RIDGE ROAD SO THAT IT CAN CONNECT TO GAPVIEW ROAD AT A FUTURE DATE.
18. 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 streets to not be 90 degrees. THE PLANNING COMMISSION APPROVES THIS REQUEST FOR THE INTERSECTIONS OF ANDOVER ROAD AND BLUE RIDGE ROAD, ANDOVER ROAD AND BERSHIRE ROAD, COACHLIGHT LANE AND BERSHIRE ROAD, AND COACHLIGHT LANE AND TANGER TRAIL.

NOTE: *The Planning Commission deleted items 19 through 25 pertaining to Alley Design Requirements since they are not applicable to this subdivision. Former items 26 through 52 have been renumbered to maintain consecutive numbering.*

EASEMENT DESIGN REQUIREMENTS

19. 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.
20. Utility easements as required Conway Corporation are needed.
21. Drainage easements as required by the City Engineer are needed.

BLOCK DESIGN REQUIREMENTS

22. Blocks over 1500 feet in length are prohibited. A request for variance has been received to allow blocks over 1500 feet in length. THE PLANNING COMMISSION APPROVES THIS REQUEST.
23. 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 any crosswalks. A CROSSWALK IS REQUIRED BETWEEN LOTS 50 AND 51. THIS CONDITION MUST BE CORRECTED.

LOT DESIGN REQUIREMENTS

24. 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.
25. In the territorial jurisdiction, lots must be no less than 60 feet wide and no less than 100 feet in depth. A request for variance has been received to allow lots 2, 3, 10, 13-

- 18, 23, 24, 32-34, 36 and 56 to be less than 100 feet in depth at their shallowest point.
THE PLANNING COMMISSION APPROVES THIS REQUEST.
26. No lot shall be more than four times as deep as it is wide. A request for variance has been received to allow lots 11 and 25 to be more than four times as deep as they are wide. THE PLANNING COMMISSION APPROVES THIS REQUEST.
27. 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 line must be shown on lots 8 & 9 along Tanager Trail, along lots 24 & 25 along Kingfisher Circle and along lots 45 and 46 along Blue Ridge Road.
28. Corner lots shall be at least 75 feet in width at the building line. A request for variance has been received to allow lot 33 to be less than 75 feet in width on Bershire Road.
THE PLANNING COMMISSION APPROVES THIS REQUEST.
29. Double frontage lots other than corner lots fronting on two streets shall not be platted except under extreme circumstances, as may be approved by the Planning Commission. A request for variance has been received to allow lots 2, 8, 15-17, 23-25, 34 and 35 to be double frontage lots. THE PLANNING COMMISSION APPROVES THIS REQUEST.
30. Building lines shall be established for both front and rear lot lines for double frontage lots. Building lines are required on the back side of lots 8 & 9 along Tanager Trail and the back side of lots 24 & 25 along Kingfisher Circle.
31. 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.
32. Every lot must slope to a street or to a drainage easement.

UTILITY DESIGN REQUIREMENTS

33. 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.
34. Minimum clearance of twenty-six (26) feet must be provided around a fire hydrant.
35. If a sanitary sewage treatment system or septic tank system is to be installed, plans for such system shall be approved by the State Department of Health and the Conway Corporation prior to approval of the Final Plat by the Planning Commission.

SIDEWALK DESIGN REQUIREMENTS

36. Sidewalks are required along both sides of all streets. Sidewalks must meet all requirements in Table 1, Street Classification & Design Standards, City of Conway.
37. 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.
38. 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. The developer is responsible for the sidewalk on both sides of Andover Road.
39. 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. The homeowner/builder is responsible for the sidewalk on both sides of Baywood Drive, Blue Ridge Road, Bershire Road, Coachlight Lane, Day Ridge Circle and the sided being developed along Tanager Trail and Kingfisher Circle except as noted below.

40. 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. The developer is responsible to build the sidewalk along Tanager Trail for lot numbers 2, 8 and 9, along Coachlight Lane or Bershire Road for lot number 23 and along Kingfisher Circle for lot numbers 24 and 25.
41. Sidewalks shall link sidewalks of adjoining lots so as to provide a continuous "ribbon" of pedestrian access throughout the community.
42. 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.
43. 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. The sidewalks with open ditch design standards must have sidewalks a minimum of five feet wide placed outside the open ditch. This must be shown on the sidewalk plans.

EXPIRATION OF PLAT

44. Plats will expire at the end of one year from acceptance of the Preliminary Plat unless an extension is requested and granted by the Planning Commission. Summit Estates will expire on October 16, 2007.

AUTHORIZATION TO PROCEED

45. 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.
6. Allen Shaver/Shaver Properties request for preliminary plat approval for Replat of Lots 29-32 Block 10, R. L. Hays Addition. Mr. Storie moved to give preliminary plat approval subject to the amended punch list. Mr. Sossong seconded. Motion passed 7 – 0.

PUNCH LIST:

BASIC INFORMATION NEEDED ON THE PLAT

1. The name of the replat is needed.
2. A vicinity map showing the location and acreage of the replat must be shown. The vicinity map must show the property being replated and the acreage of the replat.
3. A legal description of the property with exact boundary lines, bearings and distances is needed. The plat must show the bearings and distances of the boundary of the replat that includes the right-of-way dedication.
4. The date of the survey is needed.

5. 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. The correct zoning must be shown for the lots being replatted and the zoning for the adjoining property must be shown.
6. The layout of all proposed sidewalk systems are needed, along with relevant dimensions and bearings.
7. Proposed easements are needed.
8. 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.
9. The Certificate of Preliminary Survey Accuracy is needed.
10. The Certificate of Preliminary Plat Approval is needed.

EASEMENT DESIGN REQUIREMENTS

11. Utility easements as required Conway Corporation are needed.
12. Drainage easements as required by the City Engineer are needed.

LOT DESIGN REQUIREMENTS

13. Minimum lot depth must conform with the requirements of the Zoning Ordinance. *A request for variance has been received to allow lots 29R and 32R to be less than 100 feet in depth. THIS CONDITION MUST BE CORRECTED.*
14. Minimum lot area must conform with the requirements of the Zoning Ordinance. *A request for variance has been received to allow lot #32R to be less than 6000 feet in area. THIS CONDITION MUST BE CORRECTED.*
15. 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 line must be shown for both Vine Street and Third Avenue.
16. All existing buildings must be shown to meet the minimum setback requirements from all lot lines or they must be modified or moved to meet those setback requirements. The building across the lot line must be removed before the plat is filed.

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.

SIDEWALK DESIGN REQUIREMENTS

18. Sidewalks are required along both sides of all streets. Sidewalks must meet all requirements in Table 1, Street Classification & Design Standards, City of Conway.
19. 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.
20. 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.
21. 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.

22. 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

23. 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 29-32, Block 10, R. L. Hays Addition will expire on October 16, 2007.
7. Fred Langford request to remove the requirement to construct a crosswalk for Cantrell Field Overrun Subdivision (formerly Langford Subdivision) was granted on a 7 – 0 vote. Junior Storie made the motion to remove the requirement for a crosswalk between Lots 1 and 2 for the Cantrell Field Overrun Subdivision and for the crosswalk easement. Terry Sossong seconded the motion.
 8. Bobby Spradlin request for preliminary plat approval of West Plains PUD. Mr. Storie moved to give preliminary plat approval subject to the amended punch list. Mr. Sossong seconded. Motion passed 7 – 0.

PUNCH LIST:

BASIC INFORMATION NEEDED ON THE PLAT

1. The address of all the owners of record are needed.
2. The layout of all proposed sidewalk systems are needed, along with relevant dimensions and bearings.
3. Street names that are not similar to existing street names are needed for all proposed streets.
4. Lot lines with appropriate dimensions are needed. Dimensions are needed on the south side of lot 1 along Glenwood Drive and the north side of lot 2 along the new right-of-way for Tyler Street.

ADDITIONAL INFORMATION NEEDED, BUT NOT ON THE PLAT

5. The direction of flow of all water courses entering the tract shall be indicated.
6. The direction of flow of all water courses leaving the tract shall be indicated.
7. The drainage area of all water courses above the points of entry shall be noted.
8. The downstream drainage channel and drainage structures substantially impacted by the replat shall be shown.
9. Improvement plans, including typical cross sections and centerline profiles for any new street system, are needed.
10. Improvement plans for any new drainage system, including location, size and construction of drainageways and structures and typical cross sections and centerline profiles are needed.
11. The Certificate of Preliminary Engineering Accuracy is needed on each set of street and drainage plans.
12. 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

13. 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."

14. 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.
15. 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.
16. 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.
17. An easement shall be placed around the high water limits of the detention area.

STREET DESIGN REQUIREMENTS

18. The width 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 the street width to be 24 feet instead of the required 27 feet from back of curb to back of curb.*
THIS CONDITION MUST BE CORRECTED.
19. Minimum clearance of twenty (20) feet must be provided on each side of an island within street right-of-way. Right-of-way must extend ten (10) feet beyond outside curbs where islands are used. The Fire Marshall, Randy Freeman, is requiring the 20 feet of pavement on each side of the island. *A request for variance has been received to allow only 12 feet on each side of the islands instead of the required 20 feet.* *THIS CONDITION MUST BE CORRECTED.*
20. The minimum horizontal tangent distances between reverse curves 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 the distance between reverse curves to be 37.49 feet instead of the required 50 feet.* *THE PLANNING COMMISSION APPROVES THIS REQUEST.*
21. Compliance is required with all the footnotes in Table 1, Street Classification & Design Standards, City of Conway in the Subdivision Ordinance.

22. Cul-de-sac streets tend to reduce the number of connections and choices available for people traveling by automobile and increase congestion on other streets. Where cul-de-sacs are utilized, pedestrian and bicycle pathways to allow linkages with like abutting properties and the street system may be provided. Construction standards for the pedestrian and bicycle pathways shall be the same as for sidewalks. For instance, pathways could be provided linking the backs of lots fronting on the termination of cul-de-sacs and providing access to sidewalks along through streets. It is recommended to have a pathway easement from the end of the cul-de-sac to the pedestrian trail as shown on the Comprehensive Plan.
23. A street that does not extend to the boundary of a subdivision shall be no closer than 50 feet to that boundary. The west side of the southern portion of West Plains Drive is less than 50 feet to the boundary. This condition must be corrected. *A request for variance has been received to allow the south entrance's right-of-way to be less than 50 feet from the western boundary line. THE PLANNING COMMISSION APPROVES THIS REQUEST.*

EASEMENT DESIGN REQUIREMENTS

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 shall link open space corridors through major utility, drainage and other easements and another easement for the pathways shall be established within that easement. A pathway is shown on the Comprehensive Plan along the floodway. A pathway easement must be shown inside the floodway.

BLOCK DESIGN REQUIREMENTS

27. Blocks over 1500 feet in length are prohibited. The block to the east is more than 1500 feet in length. *A request has been received to allow the north/south block on the east side of the subdivision to be more than 1500 feet in length. THE PLANNING COMMISSION APPROVES THIS REQUEST.*
28. 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 east is over 1000 feet in length. *A request for variance has been received to not extend a crosswalk to the eastern boundary of the subdivision. THIS CONDITION MUST BE CORRECTED TO THE PATHWAY EASEMENT.*

LOT DESIGN REQUIREMENTS

29. Minimum lot depth must conform with the requirements of the Zoning Ordinance. *A request for variance has been received to allow both lots to be less than 100 feet in depth at their shallowest points. 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. A building line of 30 feet from the right-of-way is required in an A-1 zone. The building line along all streets must be shown. *A request for variance has been received to allow a building line of 15 feet with the PUD. THE PLANNING COMMISSION APPROVES THIS REQUEST SUBJECT TO 20 FEET FROM THE SIDEWALK TO THE FRONT OF THE GARAGE.*
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 or PUD.
32. A minimum building setback line shall be established on the plat not less than 25 feet from any floodway boundary. The building line for the floodway must be identified as "25' Floodway Building Line".
33. Every lot must slope to a street or to a drainage easement.

UTILITY DESIGN REQUIREMENTS

34. 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

35. Sidewalks are required along both sides of all streets. Sidewalks must meet all requirements in Table 1, Street Classification & Design Standards, City of Conway. The sidewalk must be shown on the plat.
36. 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.
37. 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.
38. 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

39. 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. West Plains PUD Subdivision will expire on October 16, 2007.

AUTHORIZATION TO PROCEED

40. 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 HEARINGS**REZONING**

9. Bobby Spradlin request to rezone from A-1 to PUD property located at #1410, #1415, #1430, #1435 West Plains Drive and #3845 Tyler Street was granted on a 7 – 0 vote on Junior Storie's motion to approve with the below stated conditions attached. Motion was seconded by Terry Sossong.
- 1) A minimum 6-foot-high wood privacy fence with 2-by-4 cross members between 8-foot-high brick columns (8-foot spacing between pillars) must be installed along the north, east, and west property lines and connect to existing fencing to the south.
 - 2) A 27-foot-wide street with curb, gutter, and sidewalk is to be extended from Glenwood/Cumulus Drive to Tyler Street.
 - 3) No signage, banners, or advertising allowed on fences.
 - 4) Structures will be 100% brick construction.

Mr. Spradlin was present to speak for his rezoning request stating that he wants the property to be rezoned and developed so that he can recoup something on his 21-year investment. They propose to build town homes. Under roof, 3500 square feet, one unit. This is bigger than anything in Glenwood Subdivision, bigger than the apartments, bigger than 95% of anything in that community. These will improve the property value, he stated. They are very nice town homes that are almost exactly like what is built on Centennial Drive. They are trying to cater to the elderly community with full time lawn care and maintenance men to make a real quiet little subdivision out of this, he went on to say. These units will rent for \$1200 a month individually. This is not going to be a low [*sic* income] housing deal. It will be upper scale town homes. All the units will have garages and patios. The development will have sidewalks that are separated from the street by a 5-foot green strip. He also stated that this would not create any new flooding problems for Glenwood Subdivision. The flooding problems the subdivision currently has are due to beaver building their dams in the creek. Any drainage from rainwater will go to the creek.

Charles Coffman, 3841 West Tyler Street, stated he was not speaking against the development, but his only question was what kind of barrier fence are they intending to build to keep their puppy dogs and their grandchildren, and whatever else happens in the subdivision out of his yard. The chairman stated that had not been decided yet, but would be in about ten minutes.

Carla Cook, 3930 and 3910 Tailhook, came forward to state her property is adjacent to Mr. Spradlin's at the lowest point to the housing he proposes and that, unfortunately, she is very concerned about when the water comes out of the sky and dirt gets moved around because with the way that property sits in the cul-de-sac right now it has issues with flooding. She doesn't want her property or her tenant's to be flooded and she is also concerned about what type of barrier will be in place. She doesn't want the property already owned in the area to be devalued.

Chuck Tucker, 1455 West Plains Drive (Lot 6 in West Plains Subdivision), came forward to state he was here as the 5% whose property value won't be improved or benefited by this development. He bought an acre lot from Mr. Spradlin in 1995 at a fair market price at that point in time. He built his home there and intended to live there the rest of his life and raise his child there. He said he knows that as far as planning, we might not like a cul-de-sac, but as a homeowner with a young child—we do like cul-de-sacs. That's why he chose the property and that's why he bought there. That property was platted off, as Mr. Spradlin said, as six one-acre lots. He built a home that was appraised at a little over \$225,000 on the lot that it sits at right now. He doesn't think this will help his property values. But to protect the integrity of himself and his property, he would like to see a separation. You can call 'em patio homes, you can call 'em garden homes, you can call 'em whatever; but again, as Mr. Spradlin says, it's rental property. Mr. Tucker stated he built a single family dwelling on a one-acre lot that was platted for six one-acre lots with an agreed to 2000 square foot minimum and two car garage. When he purchased the property that was what was agreed upon to build there. Nice neighborhood—no traffic. The estimated traffic count shown for the property currently is 48 vehicles. With the proposed development, the projected traffic count is 287 vehicles. That is a high difference. In addition to the traffic, he also worries about flooding. He doesn't consider a wooden fence to be a permanent barrier. He would like to see a permanent barrier on any existing single family homes that are currently there. He doesn't feel that is too much to ask for that request. He asked that a 25-foot setback be maintained in addition to a permanent barrier.

The item was brought back into commission at which time the chairman asked Ronnie Hall about the drainage—was it drainage to the south or the east to the creek that was a

concern. Mr. Hall stated it was the drainage to the creek on the east and they would be required to install storm drainage pipes in their street system as well as make sure the water did not cross from this property into the Glenwood area with a swale that would lead to the creek.

REZONING AND CONDITIONAL USE

10. Butterfield Stage LP request to rezone from A-1 to O-1 property located on Dave Ward Drive bounded by the Arkansas River on the west and the Toad Suck Lock and Dam on the north was approved 7 – 0 on a motion made by Terry Sossong and seconded by Ron Fields. Following the public hearing on this rezoning at the September meeting, this rezoning was held in committee with the option to re-open it for public input at the Planning Commission's discretion. Bill Adkisson was present representing Butterfield Stage and its owner Jay DeHaven who was also present at this meeting should his input be needed.
11. Butterfield Stage LP conditional use permit request for MF-3 density and General Retail in O-1 zoning was approved 7 – 0 on a motion made by Junior Storie that was seconded by Bill Graff. The only condition attached to this conditional use was that any site plans for these 32.24 acres shall be approved by the Planning Commission and the City Council.

Chris Spatz came forward to state they have no objection to development of this property, but the question that remains is one about density—how many apartments are there going to be. We heard four-to-six stories, so we're talking about a lot of people, he stated. And so the question of access into and out of that property is a concern. His property is to the south and it might be that in looking at the topography a road out of that property onto his property would make sense when looking at site plans and deciding where traffic should go.

Jay DeHaven came forward to state that as far as traffic it would be highly unusual if they did anything other than come off Dave Ward Drive. He stated that as a condition of annexation they gave an extra piece of ground along the highway to make sure that whole four-to-six lane road is eventually extended there—which is headed that way. He does not anticipate having any access going anywhere except the one entrance into Dave Ward Drive. One of the things they are hoping with this development—it is going to be very upscale—is also to keep it private and safe which, of course, increases the value and makes the units more saleable. The topography of the land is very difficult, but it is a very, very beautiful, too. How much of the 32 acres they will be able to develop is still unknown. They will be spending a sizeable amount of money in site planning, and fully expect to bring all of that back to the Planning Commission for approval and suggestions and changes prior to—including working drawings. At this stage, he said they are just looking for a zoning so he can turn the engineers, land planners, and architects loose saying we know we've got this parameter to work within. Dave Ward Drive is a very busy street and is going to be six lanes. That's where everything is headed. His development is going to draw people there, of course, but those people are still coming down Dave Ward Drive. He does not think that will be a problem.

Arles Ferrell James, 392 Katy Lane, stated he is not actually for or against the development. But he is concerned about traffic coming onto Dave Ward. Getting onto it from Katy Lane is already a problem, and it will become more so if the access is across from Katy Lane. He hopes that whoever is involved in determining flow of traffic from Dave Ward into that area will give adequate consideration to this issue. This is a state highway so the Arkansas Highway and Transportation Department will address traffic issues.

REZONING

12. Pruet Estate request to rezone from A-1 to O-2 property located about 400 feet southwest of the intersection of Prince Street and College Avenue with the address 4555 Prince Street was withdrawn following the public hearing at the request of Larry Graddy. Bill Adkisson made the request on behalf of Mr. Graddy. The deal to sell this property "fell through" nullifying the need for the rezoning.
13. Jackson L. and Ada S. Kingrey request to rezone from R-2A to O-3 property located at 931 Faulkner Street was approved 6 – 1 on a motion made by Terry Sossong and seconded by Todd Smithhart. Chris Riggins voted against the motion.

Mr. Kingrey stated they have an agreement to sell the property contingent on getting it rezoned to O-3 and being allowed to raze the existing buildings in order to place a three-story office building on the property. He stated they desire the rezoning even if they are not allowed to raze the building. The property has been a money pit ever since they bought it and they hope the rezoning will make it more saleable.

Mary Ann Welch, president of the Old Conway Preservation Society, spoke against the rezoning as well as the demolition. She stated the historian in their group shared that the house was built around 1915 and is a contributing structure to the Asa P. Robinson Historical District and will come under those guidelines. Their group feels the best use of the structure would be its restoration as a single family home in keeping with the historic district guidelines. They continue to oppose further encroachment of office zoning into residential areas. They feel there is more than enough potential office space in downtown Conway and would encourage those that want to develop office space in this area to look to downtown where we have a number of vacant structures.

CONDITIONAL USE

14. Conway Worship Center/Terry Long conditional use permit request for religious and church activities for the property located at 1655 South Donaghey Avenue at the southwest corner of Spring Valley Drive and South Donaghey Avenue was approved 7 – 0 on a motion made by Junior Storie and seconded by Bill Graff. Conditions attached to the motion to approve are as listed below.
 - 1) No outdoor sound system allowed.
 - 2) Lighting shall be inward, downward, and shrouded with no more than one foot-candle per square foot at the property line.
 - 3) The Planning Director and City Engineer will have final approval for any curb cuts to be made for this site.

They are initially proposing a 4000 square-foot building constructed of brick and vinyl materials. It will be a traditional looking church.

15. Lillie Colvin conditional use permit request for in home day care/child care for property located at 3183 Stacy Drive in Bainbridge Subdivision was held in committee until the November meeting on a motion made by Ron Fields that was seconded by Todd Smithhart. Motion to hold in committee passed 7 – 0.

Speaking for this request were Allen Ellis, Darrell Patrick, Steve Matthews, Shivonna Fields, and Shelly Gamble. Mr. Ellis stated that he owns the subject property and that his tenant Mrs. Colvin approached him some months ago wanting to start a day care operation in the property and he agreed to her doing anything in the property that she rents from him that was legal. She approached the Department of Health and Human Services and they have worked with her from day one to the present. She has complied with everything legal the

state has required of her. About a month ago, purely by accident, they discovered that the city had a requirement that she have a permit to use this property for this purpose. Mrs. Colvin approached the state for clarification and they knew nothing about the city ordinance, but obviously said you've got to comply with city ordinance. That is why they're here tonight, he said. She has no intention of changing what she is already doing which is looking after an average five (5) to six (6) children. At the moment she has six (6) children, two (2) of which, they're free. She is a good, Christian, church-going lady. The property is maintained adequately; it is in a very good state and condition. He inspects it regularly. Mr. Ellis stated that there would be no signs on the property; that it was not his intention to have this property devalued in any way, shape, or form. He would not allow it. Mrs. Colvin wants to work with the residents. She is prepared to listen to them. She is not trying to hide anything and that is why they're here tonight, he said. And in no way is Mrs. Colvin trying to make this into some rather large moneymaking concern as others who might think that's what it's about. For all her adult life, she has been fostering children from poor homes, backward homes. She has many references. She relocated from Michigan to be with her son about 18 months ago and has been on that property ever since. As you can see, she has tried to stay in legal compliance and still is. He asked that the commission review everything he put forward to them, and to allay any fears Mrs. Colvin would come forward to answer any questions the commission might have. The hours of operation are normal hours of operation. She has a driveway where the children can be dropped off and picked up. There has never once been a complaint lodged against her to her knowledge or to her face on any aspect of what's going on at her property. Noise, driving—not anything to this lady up until now. He stated she is a good Christian church-going lady with the right heart and the right idea of what a child day care should be.

Darrell Patrick, 150 Peach Street in Cutter Ridge Subdivision, stated his son doesn't have a grandparent who lives within three hours of him or any other family. Mrs. Colvin is the closest thing to family they've got. She watches their boy and as his wife can attest, it's the only time that he won't scream, kick, or cry whenever they've tried to take him to anybody. She's the first person—he actually reaches for her, goes to her, and to a parent that means a lot. They've tried to keep him in public facilities. They're not misfortunate, or whatever. They're actually very fortunate, but to find somebody that is both CPR certified and has a home-based environment—a nanny, if you will—is something they really seek out. It's something that means a lot to them. If they can't be there with their son during the day, they are glad than Lillie can be. The public facilities in Conway are good, but when he has stayed there, he's had numerous health related issues. He's not had any health related issues since he's been staying at Lillie's. She keeps an impeccable house, stated Mr. Patrick. He doubted that any of our houses would be as clean. As for a public nuisance, she keeps five or six kids and that's not anymore than would be in a large family.

Steve Matthews, 1410 Stone Crest, told commissioners there seems to be a real need for child care. They recently had to look for child care for their granddaughter and have her staying at Lillie's. There is a real demand for it, he said. A lot of the commercial places are full and you just don't get the quality of child care that you do by having them in a private home. It is an incredible opportunity to get that kind of child care and to have it so convenient to them.

Shivonna Fields, 3630 Butterfly Drive, said she thinks it is very important to understand that when a parent is looking for child care versus an institution or a home day care, it's different qualities that you look for. No body can come up to this podium and say that her house is not impeccable. As for as manicured lawns—when the children are playing, they are in the backyard in a landscaped area with toys that are approved by the state of Arkansas. And I

think, she said, that is very important when you have a toddler or someone who needs care, who's comfortable with a home setting. And again, she only has five or six kids. At my house at dinner time, it's about five or six kids which is just family. Mrs. Fields said she really wanted to commend Mrs. Colvin for her day care and her efforts to keep it clean and in line with the state of Arkansas.

Shelly Gamble, 2585 Jayme Circle, stated her daughter has attended Mrs. Colvin's day care for the past year. It is so hard to find someone to watch your young child that you completely trust. Mrs. Colvin is just wonderful; there's no one like her, she said.

Mrs. Colvin came forward and also stated the facts surrounding her request. In addition, she stated that she did not know that keeping five or six kids would upset all these people. She did not know that. She does not have loud noise. She does not have people blowing horns. One child comes in at 5:15 of a morning, one at 5:30, and one at 7:10, and one at 7:30. It is not a traffic jam. No one is parking in front of her house. Kids are not yelling, and screaming, and hollering. She does not understand the problem. That is her main concern, to let you know that she was not trying to do anything underhanded. She did not know about zoning.

Those present speaking against this conditional use permit request were Alfred Busby, Marty Lefler, Tom Ludford, James Clarke, Leanne Lefler, David Linden, Janet Dail, Kathy Flanders, Michael Hinchcliff, Cindy Ludford, Charles Newman, Harold Rose, and Renee Branton. Mr. Busbee, 3188 Stacy Drive, stated that he would not impugn Mrs. Colvin's ability to take care of children—he's sure she is a very good day care provider. His concern is that the licensure she is seeking could allow her to keep up to 20 kids. He brought up a similar case heard in August and in particular cited the issues of additional traffic and the precedent in doing this. Although the commission cannot consider covenants and restrictions, Mr. Busbee did point out that those for the Bainbridge Subdivision state that no lot shall be used except for residential purposes. He did ask that the commission consider the traffic and safety issues associated with the increased traffic a day care would bring.

Marty Lefler, 8 Bainbridge, said that as a neighborhood it is a concern to have a business move into what you have lived in for 13 – 14 years. He said the neighborhood took some hits with the extension of Country Club. A lot of families sold their properties. Traffic increased greatly and a lot of families because of that concern moved out. There was a lot of turnover. He thinks the neighborhood has stabilized somewhat and that something like this would send a signal that who knows what else it would bring if a business were allowed to come into the area.

Tom Ludford gave 306 Country Club as his address and stated he had lived there about 15 years. As already mentioned earlier, one of his concerns is traffic. With College being increased in traffic flow, a four-way stop at Country Club, and with Country Club cutting over to Dave Ward Drive, there's a lot of people that use their subdivision. Instead of going all the way up to the stop sign, they'll take a left onto Hampton and cut through some of these side streets—whether it's Stacy, Amanda, or Schichtl. He's concerned that they already have quite a bit of that traffic and doesn't think they need to add any more. Right now, he said, they have an issue with the amount of traffic and the people that are driving through their subdivision that don't live in their subdivision so they are not as concerned, in his opinion, about the speed limits. Again, he said, what he is trying to protect, what they invested in, was a neighborhood—a neighborhood where they didn't have businesses.

James Clarke, 406 South Hampton, agreed with Mr. Ludford that the traffic through South Hampton is extremely heavy. Many times, they tried to get the city to do something to slow the traffic volume down. They sent the motorcycle policemen out; they have monitored that

area; they have given out many traffic tickets to speeders. They eventually came out and put traffic bumps on South Hampton and on Country Club which did slow traffic down just to the bump and then they would continue on. Many of us—I've lived at my residence for 19 years. My wife and I plan on retiring there. We raised a family there. The kids who were kids when we moved in now are teenagers. They have automobiles. Their automobiles—because the homes are smaller homes, the driveways are smaller—now many of the cars are parked on the street. So the street is already crowded because of the teenagers and the families that have grown up there. It's not a problem with the children; it's a traffic problem that we're afraid of, he said. He spoke of the children who walk their streets to catch the bus at College and South Hampton, the children who ride their skateboards, those that ride their bicycles and scooters, and the families that walk in the neighborhood. His main concern is the traffic problem and the possibilities—she doesn't want to expand now, he said, but what if her business is profitable and some friends come along and they ask her to take an additional child. It only takes one child at a time over a period of time, before you know it, she has ten or perhaps fifteen children which increases the traffic problem. We just ask that you take that into consideration for those of us longtime residents in this neighborhood who have done our best to keep the neighborhood up—that you take that into consideration—the volume of traffic that would come into that neighborhood—in and out.

Bill Rose, 310 South Hampton, said this is a residence and since she is renting—he has a rent house to the south of him—he would just hate to see anything open up—hate to see some business go next to him, too. He would rather see it stay residential like it is.

Charles Newman who lives on the corner lot at 309 South Hampton and Stacy said he lives next door and was not notified of the meeting. Another neighbor who lives back behind them was not notified. The playground that is supposed to be in the backyard, he said, is ten (10) yards from his bedroom. He likes to sleep. He's 80 years old and would like to give it another good year or two. He can't do that with fifteen (15) kids out there yelling and screaming and jumping off their slides and things like that. I certainly don't want it. I've been living in Conway since 1926 and this is a wonderful town. And we would like to keep it like that, he said. But when these shade tree businesses start up, it's going to ruin it. Absolutely.

Michael Hinchcliff, 3185 Stacy Drive, is the Colvins' neighbor. The Colvins are fine people, he said. They're honest and hardworking. However, he has personal concerns about the day care next door. He believes it exposes his children who are five (5) and six (6) to unnecessary hazards—mainly by traffic. His children are at a very impulsive age. Even though we tell them—and we watch them consistently—and ask them look both ways before you go into the street, they are still impulsive. They still will run into the street chasing a ball or because of the fact that we don't have sidewalks, if they're riding their bikes and circling the driveway and lose control, they're in the street. Regardless of how much—how closely we watch them and how closely we monitor them and tell them how dangerous the street is, they're still impulsive. And they still are exposed to traffic on the street. Regardless of how light the traffic may be that the Colvins bring in, or how heavy, it's traffic that is unwarranted and it does expose our children to unnecessary hazards. For that reason, he has to oppose any day care.

Cindy Ludford, 306 Country Club, asked that the commission consider not approving this basically because they are a residential neighborhood. They are all homeowners. She is concerned that if one permit is granted it will open up the door for everyone else to be allowed to get a conditional use by precedence. By precedence, she would like it to stay a residence instead of a business community. They are a subdivision. By subdivision, she means a community of residents. If we open up one conditional use for precedent, then we

are not a subdivision anymore. We are becoming, and slowly, a business/conditional use zoned area and not a subdivision. Ms. Ludford stated she has a vested interest in her home. Paid good money. Raised three kids. And would like to keep it that way as a residential community.

Kathy Flanders, 3186 Stacy Drive, stated that personally she finds Mrs. Colvin to be one of her close friends in the neighborhood and that she also keeps two children in her own home. She thinks Mrs. Colvin runs a very well run day care. But her concern is that if there is conditions and that number does grow, she has three daughters who are also at a spontaneous age and have been known to run in the street—that if those numbers do increase, and in watching children and having her name out there, she knows it can increase quickly—and she knows it has been stated Mrs. Colvin doesn't plan on it, but she is just worried about if in the future it becomes an issue. The safety of them in the street and the parking. They've actually had two vehicles in front of their house hit, she said. Not that it had anything to do with the Colvins. It was before they even moved here, she stated. So she just has a concern about that if traffic was to increase again.

David Linden said he and his wife Teresa have lived at 3190 Stacy for about twelve (12) years. He said that he just wanted to get on record that he is opposed to the conditional use permit primarily because of the precedent it could send to the rest of the neighborhood. We have a day care here, we could have another business in another area and he really doesn't want that happen to their neighborhood. He is also concerned with the safety of the kids. He sees the kids in the neighborhood out in the street quite a bit crossing the street from one house to the other. He lives on a corner and sees the cars come down College and they go a lot faster than they should down that hill. They may not all be cars that are going past Lillie's house but a lot of people go down that street. He said he knows where they're coming from and would hate to see anything happen to those kids.

Janet Dail stated she had lived at 402 South Hampton for eleven (11) years. She bought the house to retire. It's a quiet neighborhood. Traffic has increased since Country Club opened up. Everybody is cutting through Stacy and different areas to get through. She does not think a subdivision is the place for a day care center. She knows Mrs. Colvin is probably only going to do five (5), but she feels like everybody else, that number might increase and she wants the subdivision to stay the way it is. Otherwise, she said, there will be accountants wanting to work out of their house, clients coming in, and different things like that. She just wanted it on record that she does oppose.

Leanne Lefler, 8 Bainbridge Drive, said she has lived there fourteen (14) years. She is against having a day care in her neighborhood. She bought the last available lot on Bainbridge Drive and built a house there. She took that lot against all the other lots in Conway—at that time, Centennial was just starting; Shady Valley was just starting, all those—because everything around it was already built on. There was not anything someone could move a drugstore on next to her, or a McDonald's next to her, and that's why she bought that lot. And so she is very much against changing a residential area to make a business area out of it because people move there for that reason. Too, being a property owner, she really thinks that someone being a renter there a year could find another location for a day care. She went on to say she was sure she was a lovely person and does a great job but maybe just not in their neighborhood. But there are a lot of other rental properties in Conway that she could go to.

Renee Branton gave her address as 3182 Amanda and said she had lived there nineteen (19) years. Her concern is like everyone else's. She has lived there a long time. It is in a residential area. She doesn't want any can of worms opened up for later. Like everyone has

said, if this is zoned or a day care comes in, what can we have later, or can we have other day cares. She said she's a school teacher and understands where she's coming from. She also has two children and three grandchildren and understands the issues of day care. She also mentioned the traffic and said that she is concerned about what might happen in the future and she would like to see it stay as it is and she opposes the conditional use.

The public hearing ended and the item came back into commission. Although the commission did not seem to see the traffic impact as being that great an issue, some did have a problem with any type of business in a residential area. A similar case in August on Meadowlake was declined principally on grounds that it was an invasion into a residential R-1 area. A business in an R-1 is a business no matter how it's covered, and I just can't support this as a business in R-1, stated Mr. Daves. The other concern that they shared and the part I have a problem with, said Mr. Sossong, is the potential once you've established a beachhead so to speak, there will be others who will request that. They've got covenants and they can go and sue and all those things—there's a legal side to this in addition to that. But that is the part—I've been struggling, he said, because you've got someone who seems to have a loyal following, does a good job, and all those things, but just happens to be in the wrong place in my estimation. And if she could relocate and find another suitable spot somewhere else that is not so dense and so residential—it sounds like she would make a very good operator no matter where she is. This is difficult, but it is residential and obviously there is a strong contention in support of that. Mr. Riggins agreed that it is R-1, but since the complaints deal with traffic flow and increased numbers of children, he doesn't see why they can't have a condition that limits the number of children and thereby some of the traffic. She's been established for a year. I can go either way, he said. I understand about it being residential. It really shouldn't have been there from the start. Mr. Daves stated that he can look at it from this standpoint—if she had come before this body a year ago instead of just sliding in under the radar and just going ahead and starting it, he would still have been opposed to it traffic or not because it would just have been a business in a residential neighborhood, and business in residential neighborhoods are not congruent. It's just not good for the neighborhood, any neighborhood. Not just Bainbridge, but the same way along Meadowlake at—it's the same in any section of town, a business in a neighborhood is no longer a neighborhood, it's a business. Mr. Storie made a motion to deny this conditional use request. Bill Graff seconded the motion. Vote on this first motion was 5 – 1 – 1 with Ron Fields opposing the denial and Chris Riggins abstaining. Motion failed for lack of the necessary six (6) votes. In response to the chairman's query, what do we do now, Mr. Graff said we remind ourselves of what we did in August. We held to principle in August and that was that we do not have a business beginning in a residential area and we all stuck to it. Now what happened to that, asked Mr. Graff. Mr. Riggins said he understood that, but he thinks that every situation that comes before them is different. He doesn't think they can look at it and say this is what we did here. Every situation is different. Mr. Daves agreed and stated that no precedents are set. They don't set precedents. They take each case on its own merits. He looks at it that if she had come before them a year ago he would still have been opposed to her having a day care in a residential neighborhood—August, Meadowlake notwithstanding. Further discussion ensued after which Bill Graff moved that they revisit the question and he said that he moved for denial of the request. Junior Storie seconded the motion for denial. Vote on this second motion again failed on 5 – 1 – 1. After discussion of their available options, a motion was made by Ron Fields and seconded by Todd Smithhart to hold the item in committee until the November meeting in the hope that a full panel will be present and a majority up or down vote can be achieved. Motion to hold passed 7 – 0.

16. Conway Public Schools conditional use permit request for an elementary school and school activities on property located at 1400 Padgett Road, about 700 feet south of the intersection of Padgett Road and Tyler Street, on the east side of Padgett. Conway Public Schools administrator Carroll Bishop was present to speak for this request. Jim Stone and Ellen Smith are bulging at the seams according to Mr. Bishop. Another elementary school is sorely needed. Bill Graff made a motion that the request be approved with the below stated conditions attached. Chris Riggins seconded. The motion passed 7 – 0.
- 1) Lighting is to be inward, downward, and shrouded with no more than one foot-candle per square foot along the property line.
 - 2) Removal of any trees over 18 inches in diameter must first be approved by the Planning Director.

OTHER BUSINESS

The chairman appointed a nominating committee to select two applicants to recommend to the city council to fill slots that come open when he and Tina Sherwood rotate off the commission at the close of 2006. Mary Etta Qualls will chair the committee that will include members Terry Sossong, Todd Smithhart, and Junior Storie.

The meeting closed at 10:03 p.m. on a motion to adjourn made by Bill Graff and seconded by Ron Fields that passed 7 – 0.