

PLANNING COMMISSION MEETING

NOVEMBER 20, 2006

The regular meeting of the Conway Planning Commission was called to order at 7:00 p.m., Monday, November 20, 2006, by Vice Chairman Adam Thomas who asked that commissioners individually introduce themselves to the audience. Commissioners present at the meeting were Bill Graff, Mary Etta Qualls, Todd Smithhart, Terry Sossong, Junior Storie, and Adam Thomas. Commissioners absent were Velton Daves, Ron Fields, Chris Riggins, and Tina Sherwood.

Mr. Thomas 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. The meeting tonight departed a bit from the general format. Because there were only two members of the Subdivision Committee present for that meeting, a quorum could not be achieved for a vote on each of those items on the subdivision punch lists requiring planning commission action. Therefore each of those items required a motion and vote by the full commission. Staff reports require no action and include site plans, lot splits, mergers, and minor subdivisions filed for record. Site plans reported: The Fieldhouse, 3665 London Avenue. Lot splits, mergers, and minor subdivisions filed for record: Scherman Heights—Lot 1A Replat, Pine Wood Subdivision, and Museum Road Replat.

The October 2006 minutes were approved as submitted on a 6 – 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. Vice Chairman Thomas who is also the Subdivision Committee chairman presented that committee's report and made the motion for each item requiring action. Terry Sossong seconded each motion made by Mr. Thomas. The vote on each item is shown at the end of the item.

SUBDIVISION REPORT

1. Kevin and Tom Watson request for a variance to contribute \$15 per linear foot to the general sidewalk fund in lieu of building the sidewalk in North Hills Subdivision was approved 6 – 0 on a motion made by Adam Thomas and seconded by Junior Storie. North Hills Subdivision is outside Conway's city limits but within its territorial jurisdiction.
2. Hal Crafton request for preliminary plat approval of Chestnut Meadows Subdivision Phase III was approved 6 – 0 subject to the amended punch list on a motion made by Terry Sossong and seconded by Junior Storie.

PUNCH LIST:

BASIC INFORMATION NEEDED ON THE PLAT

1. The layout of all proposed sidewalk systems are needed, along with relevant dimensions and bearings. The sidewalks must be identified on the plat.
2. Street names that are not similar to existing street names are needed for all proposed streets. Dalton Drive is similar to Dayton Street. The street name must be changed to a street as approved by the Planning Department staff.
3. Lot lines with appropriate dimensions are needed. Dimensions are needed on the south side of lot 83 along the curve.
4. A phasing plan outlining the boundaries for each phase and the location of all CAGIS monuments for the subdivision is needed. A minimum of two CAGIS monuments shall

be placed in each subdivision or subdivision phase exceeding ten (10) acres. For subdivisions of ten (10) acres or less in size, no new CAGIS monumentation is required. However, these smaller subdivisions must all be tied to CAGIS monumentation. Two CAGIS monuments will be required for Phases II and III combined.

ADDITIONAL INFORMATION NEEDED, BUT NOT ON THE PLAT

5. Existing streets, buildings, water courses, railroads, culverts, utilities and easement on and adjacent to the tract are needed. The easement on the east side of the plat in Chestnut Meadows Phase II must be identified.
6. A draft of any Bill of Assurance proposed for the subdivision generally describing proposed covenants, restrictions and conditions applicable to the property included in the submitted plat is needed.

GENERAL DESIGN REQUIREMENTS

7. 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.
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."

STREET DESIGN REQUIREMENTS

9. 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. Staff recommends traffic calming on the east side of Piedmont Drive and the middle of Fortnight Drive. *The Planning Commission requires traffic calming on the east side of Piedmont Drive and the middle of Fortnight Drive with the locations at the discretion of the City Engineer.* (6 – 0)
10. 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.
11. Street intersections shall be laid out as nearly at right angles as possible, with no angle of less than 75 degrees. *A request for variance has been received to allow Dalton Drive and Fortnight Drive and Piedmont Drive and Fortnight Drive to be less than 90 degrees.* *The Planning Commission approves this request.* (6 – 0)

EASEMENT DESIGN REQUIREMENTS

12. 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. A drainage easement must be provided on the north side of lots 70-72 as shown on the Overall Drainage Plan.
13. Utility easements as required Conway Corporation are needed.
14. Drainage easements as required by the City Engineer are needed.

LOT DESIGN REQUIREMENTS

15. Minimum lot depth must conform with the requirements of the Zoning Ordinance. *A request for variance has been received to allow lots 84-87 to be less than 100 feet at their shallowest point. The Planning Commission approves this request. (6 – 0)*
16. Double frontage lots other than corner lots fronting on two streets shall not be platted except under extreme circumstances, as may be approved by the Planning Commission. *A request for variance has been received to allow lot 56 of Phase II to be a double frontage lot. The Planning Commission approves this request. (6 – 0)*

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.

SIDEWALK DESIGN REQUIREMENTS

18. 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. A note must be placed on the plat stating that the homeowner/builder is responsible for the sidewalk along Dalton Drive, Fortnight Drive and Piedmont Drive.
19. 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. A note must be placed on the plat that the developer is responsible for the sidewalk along the back side of lot #56 of Phase II if the lot is approved as a double frontage lot.
20. Sidewalks shall link sidewalks of adjoining lots so as to provide a continuous "ribbon" of pedestrian access throughout the community.

EXPIRATION OF PLAT

21. Plats will expire at the end of one year from acceptance of the Preliminary Plat unless an extension is requested and granted by the Planning Commission. Chestnut Meadows Phase III will expire on November 20, 2007.

AUTHORIZATION TO PROCEED

22. Receipt of an approved or conditionally approved copy of the Preliminary Plat, together with an approved copy of the Improvements Plan shall constitute authorization of the Planning Commission for the subdivider to proceed with the preparation of the Final Plat, the installation of improvements, and the staking out of lots and blocks. The subdivider, after conditional approval of the Preliminary Plat, shall complete all improvements required under this regulation.
3. Hal Crafton request for preliminary plat approval of Shepherd's Creek Subdivision was approved 6 – 0 subject to the amended punch list on a motion made by Terry Sossong and seconded by Junior Storie.

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

1. A legal description of the property with exact boundary lines, bearings and distances is needed.
2. The date of the survey is needed. The date of survey must show the correct year.
3. 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.

4. The layout of all proposed sidewalk systems are needed, along with relevant dimensions and bearings. The sidewalks must also be shown along Lee Andrew Lane.
5. Street names that are not similar to existing street names are needed for all proposed streets. Lee Andrew Road must be changed to Lee Andrew Lane.
6. A phasing plan outlining the boundaries for each phase and the location of all CAGIS monuments for the subdivision is needed. A minimum of two CAGIS monuments shall be placed in each subdivision or subdivision phase exceeding ten (10) acres.

ADDITIONAL INFORMATION NEEDED, BUT NOT ON THE PLAT

7. Natural features within the proposed subdivision including drainage channels, bodies of water, wooded areas and other significant features are needed.
8. 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.
9. Where a subdivision involves property other than entire lots that have already been through the subdivision process, copies of a deed or deeds dated on a date no less than ten years prior to the filing of the plat are needed to assure that no parcels less than five acres in area are being created through this platting. Since the deed goes to the centerline of Lee Andrew Lane, the boundary of the plat must be to the centerline and show half of the needed right-of-way dedication.

GENERAL DESIGN REQUIREMENTS

10. 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.
11. 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."
12. Minimum floor elevations shall be placed on the plat for all lots less than three (3) feet above the computed one hundred (100) year flood elevation. The minimum finished flood elevation shall be established at one (1) foot above the computed one hundred (100) year flood elevation.

ACCESS DESIGN REQUIREMENTS

13. 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. A third access road will be provided in a future phase that will meet the requirement for fire code. The Conway Fire Marshal has approved the third access road as shown in the sketch plan.

STREET DESIGN REQUIREMENTS

14. The rights-of-way 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. Lee Andrew Lane is currently classified as a residential street. Only 25 feet of right-of-way dedication is required on this plat.
15. The designers of residential streets are encouraged to lay them out to slow the use by through traffic. The Planning Commission may require that traffic calming techniques be employed. *The Planning Commission determines that traffic calming is required along Bodleian Drive with the location at the City Engineer's discretion.* (6 – 0)
16. 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.
17. State Fire Code 503.0.5 states that dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. Anything other than the following cul-de-sac requirement must be approved by the Conway Fire Marshal.
18. Cul-de-sac turnarounds shall have a right-of-way diameter of 120 feet and a pavement diameter of 96 feet. Measurements assume back of curb to back of curb for a roll curb.
19. 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 street intersections to be less than 90 degrees. The Planning Commission approves this request.* (6 – 0)

EASEMENT DESIGN REQUIREMENTS

20. 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.
21. Utility easements as required Conway Corporation are needed.
22. Drainage easements as required by the City Engineer are needed.
23. 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 easement must be provided in the powerline easement on the west side of the property and in the creek bed to the power line easement.

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. A turn-a-round must be provided along the east end of Bodleian Drive and the south ends of Radcliffe and Merton Drives.
25. Minimum lot depth must conform with the requirements of the Zoning Ordinance. *A request for variance has been received to allow lots 1, 24-27, and 41 to be less than 100 feet at their shallowest point. The Planning Commission approves this request.* (6 – 0)

UTILITY DESIGN REQUIREMENTS

26. 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

27. Sidewalks are required along both sides of all streets. Sidewalks must meet all requirements in Table 1, Street Classification & Design Standards, City of Conway. Sidewalks must be shown along Lee Andrew Lane.
28. 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.

29. A note must be placed on the plat. "The homeowner/builder is responsible for the sidewalk along Lee Andrew Lane, Bodleian Drive, Radcliffe Drive, Longwall Drive and Merton Drive."
30. Sidewalks shall link sidewalks of adjoining lots so as to provide a continuous "ribbon" of pedestrian access throughout the community.

EXPIRATION OF PLAT

31. 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. Shepherd's Creek Subdivision will expire on November 20, 2007.

AUTHORIZATION TO PROCEED

32. 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.

4. Hal Crafton request for preliminary plat approval of Freeway Business Park Replat was approved 6 – 0 subject to the amended punch list on a motion made by Terry Sossong 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 replat is needed.
2. The layout of all proposed streets are needed, along with relevant dimensions and bearings. Dimensions are required at the north end of Pointer Drive.
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.

STREET DESIGN REQUIREMENTS

5. 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 this entire replat to be a boundary street. The Planning Commission approves this request. (6 – 0)*
6. 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 with final layout approval by the City Engineer. (6 – 0)*

LOT DESIGN REQUIREMENTS

7. 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 the newly created lot on the west side*

of Pointer Drive to be a double frontage lot. The Planning Commission approves this request. (6 – 0)

SIDEWALK DESIGN REQUIREMENTS

8. Sidewalks are required along both sides of all streets. Sidewalks must meet all requirements in Table 1, Street Classification & Design Standards, City of Conway.
9. 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.
10. 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.
11. 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.
12. 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.
13. The property owner/developer may request a waiver from the required sidewalk construction. The Planning Commission shall review the following factors to determine whether or not to grant this waiver: (1) Pedestrian traffic generators such as parks and schools in the area. (2) The existence of a sidewalk network in the area. (3) The density of current and future development in the area. (4) The amount of pedestrian traffic likely to be generated by the proposed development. (5) Whether the terrain is such that a sidewalk is physically practical and feasible, and the extent to which trees, ground cover, and natural areas would be adversely impacted by the construction of the sidewalk. (6) The overall need for a sidewalk to be constructed on the lot. If a waiver is granted, the owner/developer shall contribute an amount of money in lieu of construction equal to \$15 per linear foot of the required sidewalk. This money shall be deposited into a general sidewalk fund to be used solely for the addition of new sidewalks and maintenance of the existing sidewalk network. The dispersal of money from this sidewalk fund shall be at the discretion of the Conway City Council. Contributions to this fund are to be expended within two (2) years to serve a sidewalk project. A request for variance has been received to waive the sidewalk requirement on the boundary street. The Planning Commission approves this request to waive the requirement for building a sidewalk on a boundary street and for the \$15 per linear foot contribution to the general sidewalk fund in lieu of sidewalk construction. Sidewalks will be constructed by the owner/developer of the lots at a later date as part of site plan review. (6 – 0)

EXPIRATION OF PLAT

14. 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 Freeway Business Park Replat will expire on November 20, 2007.

AUTHORIZATION TO PROCEED

15. 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.

5. Three A Enterprises, LLC request for preliminary plat approval of Pecan Grove Replat was approved 6 – 0 subject to the amended punch list on a motion made by Terry Sossong and seconded by Junior Storie.

PUNCH LIST:

BASIC INFORMATION NEEDED ON THE PLAT

1. The name of the replat is needed. Pecan Grove Subdivision should be changed to Pecan Grove Replat
2. A legal description of the property with exact boundary lines, bearings and distances is needed. The legal description and the dimensions on the plat must match. The legal description must also include the property being dedicated as right-of-way.
3. The boundary of the plat must include the entire legal description, including the cul-de-sac for Ash Street.
4. The zoning on the vicinity map must either be removed or corrected.
5. The layout of all proposed sidewalk systems are needed, along with relevant dimensions and bearings.
6. Proposed easements are needed.

ADDITIONAL INFORMATION NEEDED, BUT NOT ON THE PLAT

7. Existing alleys, buildings, utilities and easement on and adjacent to the tract are needed.
8. Improvement plans, including typical cross sections and centerline profiles for any new street system, are needed. Improvement plans are needed for the cul-de-sac.
9. The Certificate of Preliminary Engineering Accuracy is needed on each set of street and drainage plans.
10. A draft of any Bill of Assurance proposed for the subdivision generally describing proposed covenants, restrictions and conditions applicable to the property included in the submitted plat is needed.
11. 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.

STREET DESIGN REQUIREMENTS

12. Cul-de-sac turnarounds shall have a right-of-way diameter of 120 feet and a pavement diameter of 96 feet. Measurements assume back of curb to back of curb for a roll curb.
13. Property line corners at street intersections shall be rounded with a radius of at least 28 feet.

ALLEY DESIGN REQUIREMENTS

14. Alleys must have no less than 20 feet of right-of-way. The existing alley must be 20 feet or closed by the City Council.

EASEMENT DESIGN REQUIREMENTS

15. Utility easements as required Conway Corporation are needed.
16. Drainage easements as required by the City Engineer are needed.

LOT DESIGN REQUIREMENTS

17. Minimum lot depth must conform with the requirements of the Zoning Ordinance. *A request for variance has been received to allow Lot #1 to be less than 100 feet at it's shallowest point. The Planning Commission approves this request. (6 – 0)*
18. 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.
19. 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.

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

UTILITY DESIGN REQUIREMENTS

21. 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

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

23. 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.

24. 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.

25. 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.

26. If, during the construction of a building or any other improvements upon a lot or by any other actions, the sidewalk(s) are damaged, the party responsible for the construction or other actions shall repair the sidewalk(s) to the satisfaction of the City.

EXPIRATION OF PLAT

27. Plats will expire at the end of one year from acceptance of the Preliminary Plat unless an extension is requested and granted by the Planning Commission. The Pecan Grove Replat will expire on November 20, 2007.

AUTHORIZATION TO PROCEED

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

6. Crain Investments, LP request for preliminary plat approval of Crain's Replat #2 was approved 6 – 0 subject to the amended punch list on a motion made by Terry Sossong and seconded by Junior Storie.

PUNCH LIST:

BASIC INFORMATION NEEDED ON THE PLAT

1. A legal description of the property with exact boundary lines, bearings and distances is needed. The legal description must reference Lot 3 Crain's Subdivision as filed for record Book H, Page 87.
2. The layout of all proposed sidewalk systems are needed, along with relevant dimensions and bearings. The sidewalk along Pamela Lane must extend to the property line and the sidewalk along Bob Courtway Drive should be one foot from the property line.

3. Street names that are not similar to existing street names are needed for all proposed streets. The street name must be shown for the right-of-way dedication for the arterial.
4. Lot lines with appropriate dimensions are needed. Dimensions are needed on the east side of lot 6 south of the curve.
5. Existing streets, buildings, water courses, railroads, culverts, utilities and easements on and adjacent to the tract are needed. The existing 50' access easement on the south side of lot 3A must be shown.
6. The boundary of the replat and the street right-of-way dedication must be clearly identified on the plat.

ADDITIONAL INFORMATION NEEDED, BUT NOT ON THE PLAT

7. 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.
8. The Certificate of Preliminary Engineering Accuracy is needed on each set of street and drainage plans.
9. A draft of any Bill of Assurance proposed for the subdivision generally describing proposed covenants, restrictions and conditions applicable to the property included in the submitted plat is needed.

GENERAL DESIGN REQUIREMENTS

10. Minimum floor elevations shall be placed on the plat for all lots less than three (3) feet above the computed one hundred (100) year flood elevation. The minimum finished flood elevation shall be established at one (1) foot above the computed one hundred (100) year flood elevation.

STREET DESIGN REQUIREMENTS

11. 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 a 500' radius for the new arterial dedication instead of the required 900' radius. The Planning Commission approves this request subject to the dedication of an 80' right-of-way for a road that will eventually tie in to Museum Road. (6 – 0)*

EASEMENT DESIGN REQUIREMENTS

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

BLOCK DESIGN REQUIREMENTS

14. 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 allow a block over 1000 feet without a crosswalk. The Planning Commission approves this request. (6 – 0)*

LOT DESIGN REQUIREMENTS

15. Minimum lot depth must conform with the requirements of the Zoning Ordinance. *A request for variance has been received to allow all lots to be less than 100 feet at their shallowest point. The Planning Commission approves this request. (6 – 0)*
16. 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 3A to be a double frontage lot. The Planning Commission approves this request. (6 – 0)*
17. On double frontage lots, a planting screen easement of at least 10 feet shall be provided along the portion of the lot abutting a traffic artery or other use where screening is required. There shall be no right of access across the planting screen easement and such restriction shall be clearly designated on the plat and within any Bill of Assurance.

The Planning Commission determines that a planting screen easement is not required along Pamela Lane. (6 – 0)

UTILITY DESIGN REQUIREMENTS

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

SIDEWALK DESIGN REQUIREMENTS

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 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.
22. A note shall be shown on the plat indicating the responsibility of sidewalk construction (developer and or homeowner/builder). The developer will be responsible for all required sidewalks.
23. Sidewalks shall link sidewalks of adjoining lots so as to provide a continuous "ribbon" of pedestrian access throughout the community.
24. 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

25. 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 Crain's Replat #2 will expire on November 20, 2007.
7. Kevin Watson *et al* request for preliminary plat approval for Ott Plaza Subdivision was held in committee on a 6 – 0 vote on a motion made by Bill Graff and seconded by Junior Storie. Commissioner Graff had questions about this plat that could not be answered fully to his satisfaction at the meeting without additional input from persons not in attendance. With only six commissioners at the meeting, achieving the necessary votes on each punch list item or even the overall punch list would not have been possible with even one dissenting vote or abstention.

In a letter to the Planning Commission chairman dated November 21, 2006, the applicant requested that a special meeting of the commission be called to consider this item rather than delaying it until the meeting on December 18, 2006, and stated the justification for his request. The chairman agreed to call a special meeting for Monday, November 27, at 6:00 p.m. in the 1st floor conference room at City Hall. Many of the questions Mr. Graff had about this plat were addressed by the city's fire marshal and engineer prior to the meeting. Each item on the punch list requiring planning commission action was voted on by all commissioners present at the special meeting. The vote on each item is noted at the end of the item.

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

1. The layout of all proposed sidewalk systems are needed, along with relevant dimensions and bearings.
2. Street names that are not similar to existing street names are needed for all proposed streets. Arvest Drive is too similar to Arnett Lane. Another street name must be provided and approved by the Planning Department.
3. Lot lines with appropriate dimensions are needed.
4. The vicinity map must show the entire boundary of the plat.
5. A phasing plan outlining the boundaries for each phase and the location of all CAGIS monuments for the subdivision is needed. A minimum of two CAGIS monuments shall be placed in each subdivision or subdivision phase exceeding ten (10) acres.

ADDITIONAL INFORMATION NEEDED, BUT NOT ON THE PLAT

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

GENERAL DESIGN REQUIREMENTS

7. 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.
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.
10. 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.

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

STREET DESIGN REQUIREMENTS

13. The rights-of-way 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 all streets to have a reduced right-of-way. The Planning Commission approves this request. (7 – 0)*
14. 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 for the internal streets to have non standard pavement widths. The Planning Commission approves this request. (7 – 0)*
15. 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 20 is a requirement of the fire code. Conway Fire Marshal, Randy Freeman, does not approve anything less than the required 20 feet. *A request for variance has been received to not require 20 feet of pavement on each side of the islands inside the right-of-way. The Planning Commission approves this request subject to the Conway Fire Marshal's approval. (7 – 0)*
16. 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 residential horizontal radii requirements instead of commercial. The Planning Commission approves this request. (7 – 0)*
17. State Fire Code 503.0.5 states that dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. Anything other than a cul-de-sac must be approved by the Conway Fire Marshal. The Conway Fire Marshal approves the east end of Ott Plaza Drive terminating at a private road access easement if the easement is dedicated as such. *A request for variance has been received to allow the termination at the road easement. The Planning Commission approves this request subject to the dedication of the road at the east end of Ott Plaza Drive as a road easement. (7 – 0)*
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 not have streets at right angles. The Planning Commission approves this request. (7 – 0)*
19. Where collector and arterial streets intersect other collector or arterial streets, the curb radii at the intersection shall not be less than 31.5 feet. *A request of variance has been received to allow a lesser curb radii at intersections. The Planning Commission approves this request subject to a 28-foot radius at the west end of Ott Plaza Drive. (7 – 0)*
20. Property line corners at street intersections shall be rounded with a radius of at least 28 feet.

EASEMENT DESIGN REQUIREMENTS

21. 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.

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 2 to be less than 100 feet at it's shallowest point. The Planning Commission approves this request. (7 – 0)*
25. 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.
26. 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.
27. 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 all lots to be double frontage lots. The Planning Commission approves this request with the requirement for curb cuts on Donaghey and Meadowlake to be approved by the City Engineer and Planning Director. (7 – 0)*
28. Building lines shall be established for both front and rear lot lines for double frontage lots.
29. 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.
30. Every lot must slope to a street or to a drainage easement.

UTILITY DESIGN REQUIREMENTS

31. 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.
32. Minimum clearance of twenty-six (26) feet must be provided around a fire hydrant.

SIDEWALK DESIGN REQUIREMENTS

33. Sidewalks are required along both sides of all streets. Sidewalks must meet all requirements in Table 1, Street Classification & Design Standards, City of Conway.
34. 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.
35. 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.
36. 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.
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. When a developer utilizes double frontage lots, the developer shall provide, as a condition of plat approval, sidewalks along the back lot line of double frontage lots if sidewalks are required by any other condition cited herein. In situations where the street along the rear of double frontage lots is not constructed or is in need of significant repair work and where there is a reasonable anticipation that the street will be built or repaired within the next five (5) years, the developer may, in lieu of building sidewalk(s) and with the approval of the Planning Commission, submit to the City funds adequate (as determined by the City Engineer) to build the sidewalk(s) in their entirety. These funds shall be in the form of cash or a check for immediate deposit. These funds shall be accounted for separately. If the sidewalk(s) are not built within five (5) years of the date of submission of the funds, the funds will be placed in the general sidewalk fund.
39. Sidewalks shall link sidewalks of adjoining lots so as to provide a continuous "ribbon" of pedestrian access throughout the community.
40. 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

41. Plats will expire at the end of one year from acceptance of the Preliminary Plat unless an extension is requested and granted by the Planning Commission. Ott Plaza P.U.D. will expire on November 20, 2007.

AUTHORIZATION TO PROCEED

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

HELD OVER

CONDITIONAL USE

8. Lillie Colvin conditional use permit request to allow in-home childcare for property at 3183 Stacy Drive was denied 6 – 0 on a motion made by Terry Sosson and seconded by Todd Smithhart. Public hearing on this item was held at the October 16 meeting of the Planning Commission. At that time, a quorum vote could not be reached on a motion to approve or another motion to deny this request. However, a motion was made and approved to hold this item in committee until the November meeting in the hope that a sufficient number of commissioners would be present and a motion to vote the item either up or down could be achieved. Commissioners did not want to send it to the council without a recommendation.

REQUEST FOR REHEARING

9. Esmeralda and Jose Castro request that the Planning Commission allow a public hearing in January to rezone property at 1655 Churchill Drive in Spring Valley Subdivision to a different zoning before one year has lapsed since a previous request to rezone the same property as required by ordinance and later than the next regular meeting as stated in the Planning Commission Bylaws was granted in a 6 – 0 vote on a motion made by Junior

Storie and seconded by Bill Graff. At the time of the July rezoning request, the property could not meet the acreage requirement for rezoning to PUD. Since the time of the original request for multifamily zoning, the ordinance regarding minimum acreage for PUDs has changed and the Castros would like the opportunity to make their case for PUD zoning as was suggested by some of those present to speak against the multi-family rezoning request at the earlier public hearing in July.

PUBLIC HEARING

REZONING AND CONDITIONAL USE

- 10. Civil Design, Inc. request to rezone from R-2A to MF-2 property located at 1220 and 1221 Ash Street was held in committee on a 6 – 0 vote on a motion made by Adam Thomas and seconded by Todd Smithhart following a public hearing that heard from all those present wishing to speak against the rezoning and conditional use requests. The motion also limited input from both sides of the issue to 15 minutes each at the next meeting. Commissioners had copies of petitions containing 140 signatures of individuals opposing this development and were handed an additional 41 signatures during the meeting. A letter from Ken Parker that spoke of the history of this old Conway neighborhood was read since he could not attend the meeting. Below is a list of those present at the meeting who spoke in opposition to these requests.

Tommy Trussell, 1135 Clifton Street
 Barbara Stroope, 1220 Davis Street
 Sarah Bryan, 1704 Mill Street
 Marianne Welch, 1512 College
 Jimmy Bryant, 1836 Bruce
 Walter Thompson, 1318 Davis Street
 Patty Siebenmorgen, 427 Western Avenue
 Jim Lane, 1840 Scott Street
 Tina McClain, 1020 Davis

Ed Appler, 1144 & 1150 Clifton
 Scott Stevenson, Hendrix Addition
 Dottie Cooper, 1115 Clifton
 Judy Flowers, 1121 Clifton
 Sheila Stroman, 1117 Clifton
 Mary Crawford, 1321 Davis
 Gary Tumilson, 1221 Mitchell Street
 Michelle Stanford, 1700 Mill Street

Issues addressed included increased traffic, parking, drainage, the inadequate road base, and noise pollution among others. Residents presented photos and spoke of the recently passed Old Town Conway ordinance and pattern book that seeks to preserve older neighborhoods and their character, the trees and shrubs that would be lost with the development as proposed, as well as a three story apartment complex being out of character with this neighborhood and with efforts to preserve it and its character as a neighborhood.

It was suggested that a planned urban development of cottage style homes with a common green area in the center for a garden, flowers all around, and garages for each cottage would be a more acceptable and suitable use for the property. The cottages would be around 1000sf or less. This would be more in keeping with the neighborhood. Residents want to work with the developers. They have a vested interest in what happens to the property.

- 11. Civil Design, Inc. request for a conditional use permit to allow MF-3 density in an MF-2 zone for property located at 1220 and 1221 Ash Street was also held in committee with input limited to 15 minutes from each side at the December meeting. The vote was 6 – 0 on Adam Thomas's motion that was seconded by Terry Sossong. Since public input about this issue was much the same as what was already presented on the rezoning and there being nothing new to add, there was no further discussion.

CONDITIONAL USE

12. Lula Lee request for a conditional use permit for in-home child care was forwarded to the City Council without recommendation on a 6 – 0 vote on Terry Sossong's motion that was seconded by Todd Smithhart. This action followed a motion to deny made by Mr. Sossong and seconded by Mr. Smithhart that failed for lack of sufficient votes—5 – 0 – 1 with Junior Storie abstaining.

Ms. Lee said the property was once used for daycare and that she would like to be able to care for up to 16 children in her home. She currently cares for five children.

Speaking against this conditional use request were Craig McCoy, 525 Milam Drive; Fred Tate, 31 Hummingbird Lane; J. Lucy, Stonebridge Subdivision; Robert Stone and Mary Ann Stone, 1805 Mockingbird; Ralph and Marilyn Worm, 40 Mockingbird Lane; Charles Milam, 820 Milam Drive.

Residents spoke of previous attempts to place businesses in their neighborhood—trailers, a beauty shop, barber shop, a dress shop, a nursery—all were defeated. Their covenants state no lot shall be used except for residential purposes, said Mr. McCoy. This house at one time, he said, was used for a nursing center and ended up piled in juvenile delinquents overnight from the court system. He went on to say the place had been nothing but trouble before when they had a daycare center ran there illegally—she was not licensed—at that time he didn't think you had to be. They want to live in a nice quiet neighborhood. They have a nice neighborhood; it's all residential; and they want to live in peace and quiet and not have businesses coming into their neighborhood. If they start with this, they are opening it up to happen over and over again. Mr. Stone spoke of the age of their neighborhood that is growing older and their feeling that this would not be an appropriate place for that type of business.

Mr. Lucy from the Stonebridge Subdivision asked the commissioners to vote against this daycare that would also bring more traffic through their subdivision.

Commissioner Storie was out of town prior to the meeting and did not have the opportunity to drive by this location and for that reason felt he could not vote either for or against this request.

As an observation, Commissioner Graff noted that the commission, although it cannot and does not set precedent, has handled these daycare requests that have come before it in recent months in a consistent manner.

13. Commissioners approved the 2007 Planning Commission schedule submitted for consideration by the Planning Department. The schedule was approved in a 6 – 0 vote on a motion by Bill Graff that was seconded by Junior Storie.

Mary Etta Qualls briefly reported on the activity of the nominating committee and made a motion seconded by Terry Sossong to recommend the names of Sandy Mabry and Aliza Jones to the City Council for approval to fill the two upcoming vacancies on the Planning Commission.

Commissioner Storie made a motion to ask that Chairman Velton Daves request the resignation of Tina Sherwood based on attendance and apparent lack of interest. Terry Sossong seconded. Motion passed 6 – 0.

Commissioners were asked to be thinking about nominees for next year's slate of officers prior to the December meeting. The meeting adjourned at 10:25 p.m. on a motion made by Terry Sossong that was seconded by Ron Fields and passed 6 – 0.