

PLANNING COMMISSION MEETING

December 18, 2006

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

Mr. Daves briefly outlined the meeting format that can basically be broken down into three parts. 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: G & K Investments Office Building, 7 Medical Lane. Lot splits, mergers, and minor subdivisions filed for record: Brookstone Subdivision (correction) and Hogan Professional Park.

The November 2006 minutes were approved as submitted on an 8 – 0 vote. Motion for approval was made by Adam Thomas and seconded by Bill Graff.

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

SUBDIVISION REPORT

1. Hal Crafton request for preliminary plat approval for Freeway Business Park Replat Phase II was approved 8 – 0 on a motion made by Adam Thomas and seconded by Todd Smithhart.

PUNCH LIST:

BASIC INFORMATION NEEDED ON THE PLAT

1. Street names that are not similar to existing street names are needed for all proposed streets. A street name must be provided and approved by the Planning Department.

STREET DESIGN REQUIREMENTS

2. 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 the street to be a boundary street. The Planning Commission approves this request.*
3. Cul-de-sac streets or courts designed to have one end permanently closed or streets or street loops with a single access shall have a distance no greater than 650 feet from the point of access to the nearest point of the furthest lot with the distance measured along the shortest route within the street right-of-way. Exception: A street may be 1120 feet in length with a right-of-way of 60 feet in width and with a paved width from back of curb to back of curb of 40 feet if it meets all other cul-de-sac requirements. *A request for variance has been received to allow the cul-de-sac street to be more than 650 feet in length with the paved width from back of curb to back of curb to be only 36 feet instead of 40 feet. The Planning Commission approves this request.*
4. Street intersections shall be laid out as nearly at right angles as possible, with no angle of less than 75 degrees. *A request for variance has been received to allow the intersection to be less than 90 degrees. The Planning Commission approves this request.*
5. 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.

LOT DESIGN REQUIREMENTS

6. 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 portion of the lot south of the new street to be a double frontage lot. The Planning Commission approves this request.*

UTILITY DESIGN REQUIREMENTS

7. 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

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. *A request for variance has been received to not require the sidewalk along the boundary street. The Planning Commission approves this request.*
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.

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 Phase 2 will expire on December 18, 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.

Following the Subdivision Committee report, Vice Chairman Thomas made a motion that the rules be suspended to reorder agenda items to placing item 4 ahead of items 2 and 3 since there would be a lot of discussion on both those items. Todd Smithhart seconded the motion that passed 8 – 0.

PUBLIC HEARINGS**REZONING**

2. New Plan Excel Realty Trust, Inc., request to rezone from PUD to C-3 property located on Skyline Drive (U.S. Highway 65N) was approved 8 – 0 on a motion made by Ron Fields that was seconded by Junior Storie. Deann Atkinson with Tyler Surveying and Mapping was present to represent the applicant on this rezoning request. This property is part of the development known as Conway Towne Centre and includes everything except the tracts where Office Depot and El Acapulco are situated. This property was zoned PUD in the 70's—a time when the PUD ordinance was not as detailed as it is now. No final development plan was required back then that would detail the requirements for setbacks, usage, green space, etc. The owners want to change to the C-3 zoning that is the same as the zoning used for Conway Commons. The uses would be the same type as now; they would just be doing some remodeling and revamping. The problem they have now with the PUD zoning is that they will have to come back before the Planning Commission each time they make any change. The C-3 zoning would allow them to keep the same type of uses they have now and will have in the future, but keep them from having to come back before the Planning Commission each time they want to do some sort of remodel. No one else came forward to speak either for or against this item.

REZONING & CONDITIONAL USE *(cont'd from November Meeting)*

3. & 4. Public hearing on the Civil Design, Inc., request on behalf of their client Three A Enterprises to rezone property located on Ash Street north of Mill from R-2A to MF-2 with a conditional use permit request to allow MF-3 density continued from the November meeting. After commenting that all commissioners not at last month's meeting had received a CD record of the hearing on this item so that there was no need to rehash points already made, Chairman Daves opened the hearing for 15 minutes of new input from each side. James Dreher with Civil Design came forward to speak for the requested rezoning and conditional use. Mr. Dreher stated that his client is already a property owner and landlord in that area and that the owner's sister would live in the one remaining home on the property and manage the proposed units. He presented a graphic displaying the current zoning for that and the surrounding properties as well as a layout of the property and a site plan giving an example of what might be done with the property. Developing the property and having it meet the requirements of Conway's newly adopted Old Conway Design Review Ordinance would not be a cheap endeavor. For the project to be feasible and be a quality project, the higher density is needed. No one else came forward to speak for this request.

Speaking against the rezoning and conditional use were Barbara Stroope, Sarah Bryan, Gary Tumilson, Eric Bryan, Anna Robins, and Bryan Green. Ms. Stroope briefly summarized the concerns raised at the last meeting by those against the rezoning and conditional use.

She also spoke of a possible "cottage" development on the property that was put forth by a speaker at the November meeting as a suitable use for the property. In response to her request for those present against the rezoning and conditional use to stand or raise their hands, approximately 75 persons responded.

In commission discussion following the public hearing, Bill Graff expressed concern that there was only one way in and out of this property. Chris Riggins made a motion to deny the requested rezoning that was seconded by Bill Graff. The motion to deny passed 8 – 0.

The denial of the rezoning rendered the conditional use request moot. But since it did require commission action, Adam Thomas made a motion to deny the conditional use request that was seconded by Ron Fields. Motion passed 8 – 0.

Before taking up the next item, Chairman Daves recognized the two new commissioners coming on board commencing in January. They are Aliza Jones and Sandy Mabry.

DISCUSSION AND OTHER BUSINESS

5. Junior Storie nominated Adam Thomas to serve as 2007 Planning Commission chair. Bill Graff seconded the nomination and it passed unanimously.

Mr. Graff nominated Junior Storie to be the Subdivision Committee chair and vice chair of the Planning Commission. Adam Thomas seconded the nomination. It passed unanimously.

Ron Fields nominated Mary Etta Qualls to be Planning Commission secretary. Adam Thomas seconded the nomination that passed unanimously.

The subdivision committee assignments for 2007 will remain the same except that Chris Riggins will replace Adam Thomas on the Subdivision Committee so that Mr. Thomas can attend the city council meetings. Sandy Mabry will fill the seat vacated by Commissioner Tina Sherwood on that same committee.

Remaining committee assignments will be made at the January commission meeting.

In other business, the chairman called for volunteers to serve as the Planning Commission representative on the Board of Zoning Adjustment and the Old Conway Design Review Board. Junior Storie volunteered and was confirmed to serve on the Board of Zoning Adjustment. Bill Graff agreed and was confirmed to serve on the Old Conway Design Review Board.

Mr. Daves turned the meeting over to newly elected chair Adam Thomas who recognized the members leaving the commission with an engraved plaque to each. The outgoing members were Tina Sherwood and Velton Daves.

The meeting adjourned at 8:00 p.m. on a motion made Adam Thomas and seconded by Velton Daves. Motion to adjourn passed unanimously.