

PLANNING COMMISSION MEETING

March 19, 2007

The regular meeting of the Conway Planning Commission was held Monday, March 19, 2007. Chairman Adam Thomas called the meeting to order at 7:00 p.m. and asked that commissioners individually introduce themselves to the audience. Commissioners present at the meeting were Ron Fields, Bill Graff, Aliza Jones, Sandra Mabry, Todd Smithhart, Terry Sossong, Junior Storie, and Adam Thomas. Commissioners Mary Etta Qualls and Chris Riggins were absent.

Mr. Thomas 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: Arvest Bank, 2600 Donaghey Avenue, and Metropolitan National Bank, 2400 Donaghey Avenue. Lot splits, mergers, and minor subdivisions filed for record: Hobbs Addition, Replat of Lots 3 and 4 West Ridge Subdivision, and Peterson Subdivision.

The February 2007 minutes were approved as submitted on an 8 – 0 vote on a motion for approval made by Terry Sossong and seconded by Bill Graff.

Mr. Thomas then called on Junior Storie to make the Subdivision Committee report.

SUBDIVISION REPORT

1. Kevin and Tom Watson request for sidewalk variance or waiver to contribute the amount of \$15 per linear foot to the general sidewalk fund in lieu of constructing sidewalk along Crabapple Drive in the Replat of Lot 131 North Hills Subdivision was granted 8 – 0 subject to the amended punch list on a motion made by Junior Storie and seconded by Terry Sossong.

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. Gladstone Drive must be identified.
3. The Certificate of Preliminary Survey Accuracy is needed.
4. The Certificate of Preliminary Plat Approval is needed.

ADDITIONAL INFORMATION NEEDED, BUT NOT ON THE PLAT

5. 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.
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. 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.

EASEMENT DESIGN REQUIREMENTS

8. Utility easements as required Conway Corporation are needed.
9. Drainage easements as required by the City Engineer are needed.

LOT DESIGN REQUIREMENTS

10. No lot shall be more than four times as deep as it is wide. *A request for variance has been received to allow lots 138 and 139 to be more than four times as deep as they are wide. The Planning Commission approves this request.*
11. 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

12. 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 pay the city \$15.00 per linear foot for the sidewalk to be built at a location of the City Council's discretion. The Planning Commission approves this request to pay the city \$15.00 per linear foot in lieu of constructing sidewalk along Crabapple Drive.*
13. 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.
14. Sidewalks shall link sidewalks of adjoining lots so as to provide a continuous "ribbon" of pedestrian access throughout the community.

EXPIRATION OF PLAT

15. Plats will expire at the end of one year from acceptance of the Preliminary Plat unless an extension is requested and granted by the Planning Commission. The Replat of Lot 131 North Hills Subdivision will expire on February 20, 2008.
2. Hartland Development request for preliminary plat approval of Replat of Lot 2R Conway Marketplace East Phase 2 was approved 8 – 0 subject to the amended punch list on a motion made by Junior Storie and seconded by Terry Sossong.

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

1. The boundary dimensions on the north side of lot 2A must be shown.
2. Lot lines with appropriate dimensions are needed. Dimensions are needed for the north side of Lot 2A.

EASEMENT DESIGN REQUIREMENTS

3. Utility easements as required Conway Corporation are needed.
4. Drainage easements as required by the City Engineer are needed.

LOT DESIGN REQUIREMENTS

5. Lots must abut upon a public street except where a dedicated access easement 25' in width in C-1, C-3 or O-1 zones has been approved by the Planning Commission. *A request for variance has been received to allow lot 2B to not have any street frontage*

and have access by a 36' access easement from Dave Ward Drive and 30' and 33' access easements from Hogan Lane. The Planning Commission approves this request.

UTILITY DESIGN REQUIREMENTS

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

SIDEWALK DESIGN REQUIREMENTS

7. Sidewalks are required along both sides of all streets. Assurances for the sidewalk have been received with the filing of Conway Marketplace East Subdivision.

EXPIRATION OF PLAT

8. Plats will expire at the end of one year from acceptance of the Preliminary Plat unless an extension is requested and granted by the Planning Commission. The Replat of Lot 2R Conway Marketplace East Phase 2 will expire on March 19, 2008.
3. Kevin Watson and Jim Rankin request for variance for punch list items 19 and 26 to Shadow Ridge Subdivision was approved subject to the amended punch list in an 8 – 0 vote on a motion made by Junior Storie and seconded by Todd Smithhart. Each of these two items was voted on before the full commission since there was no one present at the subdivision meeting to speak for the request. Local surveyor Bobby French stated this was not his project but that he would speak for the request.

PUNCH LIST**NUMBER OF COPIES**

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

COMPUTER SUBMISSION

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

BASIC INFORMATION NEEDED ON THE PLAT

3. The signature and date of signature of all the owners of record are needed.
4. The signature and date of signature of the surveyor are needed.
5. All CAGIS monuments shown on the approved preliminary plat for the phase being final platted shall be monumented with approved monuments.
6. If any portion of the land being subdivided is subject to flooding, the limit of such flooding shall be noted and the appropriate 100 year floodplain and/or floodway shall be identified. The floodway and floodplain must be clearly identified.
7. The layout of all proposed sidewalk systems are needed, along with relevant dimensions and bearings.

ADDITIONAL INFORMATION NEEDED, BUT NOT ON THE PLAT

8. Where the method of disposal of waste water is other than connection to a public waste water system, detailed information shall accompany the plat.
9. 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.
10. Improvement plans for each new utility system are needed.
11. If the proposed subdivision/replat is a portion of a tract that is owned by the applicant, a preliminary master sketch plan for the entire tract must be submitted with the Preliminary Plat. The sketch plan must contain sufficient detail to allow the Planning Commission to

- determine general road alignments and lot configurations. A sketch plan is required for the Watson-Rankin property to the south and the Holliman property to the west.
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.
 13. 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. A copy of the Holliman deed for the property that was included in this subdivision is needed.
 14. As-built drawings of infrastructure improvements shall be submitted to the Street Department no less than one year after improvements are installed.
 15. Letters shall be submitted by the Conway Corporation and by each utility company which will have service lines in the proposed subdivision stating the utilities have been installed or assurances given by the utility company that improvements will be installed to the satisfaction of the City.

GENERAL DESIGN REQUIREMENTS

16. 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." The 100 year Floodway easement must be easily identified.
17. According to the digital drawing, the creek bed seems to be outside of the 100 year floodway as shown on the plat. The 100 year flood plain also seems to cross the creek. The city engineer must approve the floodway and 100 year floodplain boundaries.

ACCESS DESIGN REQUIREMENTS

18. 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. Phase II must be filed at the same time as this phase to provide the second access.

STREET DESIGN REQUIREMENTS

19. 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. Variances for grades up to 12% for residential and 15% for minor residential require approval by the Fire Chief and Planning Commission. *A request for variance has been received to allow Breezy Circle to have a grade of 11.97% with Fire Marshall approval. The Planning Commission approves this request. (8 – 0)*
20. 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 to slow traffic and to discourage cut through traffic. 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. The Planning Commission requires traffic calming along Shadow Falls Drive and Shadow Ridge Road subject to the Conway City's Engineer's approval.
21. The Planning Commission requires traffic calming along Lazy Creek Trail at the discretion of the City Engineer.

22. 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 Shadow Falls Drive as a boundary street. The Planning Commission approves this request.*

EASEMENT DESIGN REQUIREMENTS

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

BLOCK DESIGN REQUIREMENTS

25. Blocks over 1500 feet in length are prohibited. *A request for variance has been received to allow the block to the north to be more than 1500 feet in length. The Planning Commission approves this request.*

LOT DESIGN REQUIREMENTS

26. Lots must abut upon a public street except where private streets are approved by the Planning Commission in Planned Unit Developments or where a dedicated access easement 25' in width in C-1, C-3 or O-1 zones has been approved by the Planning Commission. *A request for variance has been received to allow Lot #1 to be serviced by a 25 foot access easement from Highway 65 across the Holliman property. If a variance is granted, the owner will allow an "unbuildable lot" status until replatted with its adjacent street frontage property. The Planning Commission approves this request. (8 – 0)*
27. 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 59, 81, 86, 93, 98, 105, 110, 117 and 122 to be less than 100 feet at their shallowest points. The Planning Commission approves this request.*
28. No lot shall be more than four times as deep as it is wide. *A request for variance has been received to allow lot 134 to be more than four times as deep as it is wide. The Planning Commission approves this request.*
29. Corner lots shall have a setback of 25 feet from the front lot line and 25 feet from the exterior side lot line, or as required by the Zoning Ordinance. The building line must be identified on the east side of Lot #3.
30. A minimum building setback line shall be established on the plat not less than 25 feet from any floodway boundary. The 25' floodway building line must be shown on the north side of Beaverfork Creek. Also, the building line on the south side of the creek must be identified as 25' floodway building line.
31. Every lot must slope to a street or to a drainage easement.
32. Addresses for each lot as assigned are needed on the plat.

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.
34. 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

35. Sidewalks are required along all collector and arterial streets. The plans for the sidewalk are needed. Sidewalks must meet all requirements in Table 1, Street Classification & Design Standards, City of Conway.
36. 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.

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.
39. A note(s) shall be shown on the plat indicating the responsibility of sidewalk construction (Developer and/or Homeowner/Builder).
40. Sidewalks shall link sidewalks of adjoining lots so as to provide a continuous "ribbon" of pedestrian access throughout the community.
41. If, during the construction of a building or any other improvements upon a lot or by any other actions, the sidewalk(s) are damaged, the party responsible for the construction or other actions shall repair the sidewalk(s) to the satisfaction of the City.

FEE REQUIREMENTS

42. Appropriate fees must be paid. The filing fee with the County must be paid.
43. Payment for any required street signs must be made to the Street Department prior to the filing of the plat.

ASSURANCE OF COMPLETION OF INFRASTRUCTURE

44. Street drainage and sidewalk improvements must be completed or a performance bond, cash deposit, or irrevocable letter of credit must be submitted to the City to assure completion. Assurance of one year's maintenance by the developer must also be provided.

EXPIRATION OF PLAT

45. 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. Shadow Ridge Subdivision Phase I will expire on March 5, 2008.

PUBLIC HEARINGS

REZONING

4. Barbara Ewell request to rezone from R-2A to O-3 property located at 703 and 705 Donaghey Avenue was approved 8 – 0 on a motion made by Terry Sossong and seconded by Junior Storie. Although this was the fourth item on the agenda, it was moved to the end of the agenda to be heard last at the request of local attorney Keith Faulkner who was present representing the property owner Barbara Ewell. The request was made in order to allow the prospective buyer of the property, Dr. Vafa Ferdowsian who was in surgery, to be present when it was heard. Motion was made by Sandy Mabry and seconded by Aliza Jones to hold this item to the end of the meeting as requested. Motion passed 8 – 0. Later, in speaking for this rezoning, Mr. Faulkner brought out that the character of this block is changing and has changed. Properties are now more institutional or office zoned for use than they are for any type of residential use in this block. Former city planning director Bill Polk, who is also Dr. Ferdowsian's father-in-law, spoke for the rezoning as did nearby property owners Steve Horton and Jason Hanson. No one spoke against the rezoning of these properties that had served as child care facilities for many years. J. C. Thessing who lives next door to this property at 725 Donaghey stated he and his wife have lived there for 20 some odd years and have no objection to this use of the property.

5. Tracy Gafner request to rezone from R-2 to C-3 the property located approximately 270 feet south of East Oak Street and immediately east of Conway Commons Shopping Center was denied 8 – 0 on a motion to deny made by Terry Sossong and seconded by Bill Graff. Steve Gafner and Tracy Gafner spoke for their request to rezone this property in order to expand their business. The property is actually owned by Trent Properties and leased by Steve and Tracy Gafner. The property, if rezoned, would be used to expand their shop and for storage of vehicles. Several residents of the nearby R-1 zoned area along Dendron Street expressed their concern and opposition to this rezoning that would further exacerbate the current situation that already exposes their residential neighborhood to noise pollution, air pollution, and the general trashiness that comes from being next to what is essentially a junk yard of damaged automobiles that hold water following rainfall and serve as breeding areas for mosquitoes, rats, and other vermin; and then there is the trash that is thrown from that property onto the residential properties. One resident also referred to the area as "wetlands" and questioned whether any studies had been done regarding the environmental impact of the oil and trash generated by a business such as this on the property. Flooding and flooding issues were also a matter of concern.

CONDITIONAL USE

6. Michella Gillum request for a conditional use permit for a child care facility for property located at 2100 Spring Valley Drive west off South Donaghey Avenue was approved 8 – 0 with the below stated conditions attached on a motion made by Sandy Mabry and seconded by Aliza Jones. Mrs. Gillum was present to speak for her request. Others who indicated they had no problems with this conditional use request were Carroll Bishop, an administrator of Conway Public Schools, and Roger Anderson, a resident of the area. A resident at 2180 Spring Valley Drive stated he was not necessarily against a child care facility at that location, but he was concerned about the foot traffic in relation to an increase in vehicle traffic in the area.
 1. Hours of operation are 6:30 a.m. to 6:00 p.m.
 2. Lighting is to be inward, downward, and shrouded.
 3. The number of children is limited to what the state of Arkansas regulations allow up to a maximum of 120 children.
 4. Fencing will be six feet high and run from the northern boundary of the parking lot to the northern boundary of the property, enclosing that area.
 5. No outdoor sound systems allowed.
 6. The structure is required to meet proposed development standards as outlined in proposed Article 1101 of the Zoning Ordinance.
 7. Dumpster enclosure to be masonry/brick veneer.
 8. The submitted site plan is subject to revision as needed by the current site plan review requirements, including but not limited to ingress/egress, dumpster location, parking lot design, cross/joint access, trees, and landscaping.
 9. Signage is limited to two 48 square foot wall mounted signs.
7. Massey request for conditional use permit for MF-1 density in R-2 zoning for property located at 308 Salem Road was denied 8 – 0 on a motion made by Junior Storie and seconded by Sandy Mabry. Present to speak for the request was local attorney Bill Adkisson representing the property owner Roy Massey in his request. Speaking against the request were Dawn Burnett, 298 Pickwicket; Bobby Atkins, 2903 Wicket; Sonia Bell, 2906 Wicket; Jim Lemieux, 309 Salem; Jane Garvey, 2905 Wicket Street; and Fred Williams, 307 Salem. Concerns expressed by those against the conditional use centered on increased traffic, the trash it generates (thrown from vehicles), and pedestrian safety as well as the safety of

children who are allowed to use the public street as a playground. Mr. Williams stated he likes progress, but he doesn't think it should encroach on a neighborhood so much that people living there can't live and live safely.

John Pennington, 935 Scherman Oaks Circle, was neither for nor against the conditional use. He developed 306 Salem, the property that borders the subject property to the south. He went on to state that he came to tonight's meeting to try to get a clarification from the flood plain administrator as to why the two floodways shown for this lot in the Valley Creek Subdivision and for his property do not line up. One huge issue when Mr. Pennington was developing his property was the floodway that basically determined the size of his building. When you match his floodway with the floodway on the subject property, they do not match up and he went on to state that as long as the flood plain administrator would put it on record that the two floodways would match, he thinks it would be pertinent because the floodway on the proposed site plan does not accurately reflect the actual floodway that is more than half of the subject property.

Roy Massey's son Eric of 3685 Gresham stated he is interested in helping his father develop this property and they prefer not to put only two duplexes on the property for no other reason than money particularly in view of what they paid for the property. They want to get as many units as they can on this lot.

OTHER

The meeting adjourned at 9:26 p.m. on a motion made by Terry Sossong and seconded by Aliza Jones. Vote to adjourn was unanimous.