

PLANNING COMMISSION MEETING

April 16, 2007

The regular meeting of the Conway Planning Commission was held Monday, April 16, 2007. Present at the meeting were Bill Graff, Aliza Jones, Mary Etta Qualls, Chris Riggins, Todd Smithhart, Terry Sossong, Junior Storie, and Adam Thomas. Commissioners Ron Fields and Sandra Mabry were absent.

Mr. Thomas, as chairman, called the meeting to order and requested that commission members introduce themselves to the audience present.

Mr. Thomas then went on to explain that meetings are basically divided into two halves—the first half being the Subdivision Committee report and the second half the public hearing. Staff reports on the agenda require no action and include site plans, lot splits, mergers, and minor subdivisions filed for record. Site plans reported are Sowell and Russell Architects expansion, 920 Locust Avenue; Kymes-Lyons Physical Therapy clinic, 575 Club Lane; Suzuki Dealership, 1620 East Oak Street; Automaster, 1640 East Oak Street; and Arkansas Eye Care, 3000 College Avenue. Lot splits, mergers, and minor subdivisions filed for record: none.

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

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

SUBDIVISION REPORT

1. Conway Development Corporation request for preliminary plat approval of Guy Murphy Industrial Park was granted subject to the amended punch list on an 8 – 0 vote on a motion made by Junior Storie and seconded by Terry Sossong.

PUNCH LIST

BASIC INFORMATION NEEDED ON THE PLAT

1. The address of the surveyor is needed.
2. The date of the survey is needed.
3. The present zoning classification of the adjoining land contiguous to the boundary of the proposed subdivision is needed. The land to the east, west and south must show the zoning or be noted if they are county.
4. The layout of all proposed streets are needed, along with relevant dimensions and bearings. Dimensions and bearings are needed for the centerline of all roads.
5. Street names that are not similar to existing street names are needed for all proposed streets. Guy Murphy Boulevard will be connecting with East German Lane extended. The street name must remain the same unless approved by the Planning Commission.
6. Lot lines with appropriate dimensions are needed.

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. Existing streets, buildings, water courses, railroads, culverts, utilities and easement on and adjacent to the tract are needed.
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.

10. 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.

GENERAL DESIGN REQUIREMENTS

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.
13. *Due to the unknown lot size required to accommodate the needs of potential industrial residents, a request for variance has been received to allow to record final plats as small as one lot per plat with each lot having street frontage on a street improved to city standards, be adequately served by utilities, lots a minimum width of 200 feet (for open ditch lots) and generally conform to the approved preliminary plat. The Planning Commission approves the minimum single lot final plat.*

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. Amity Road is classified as a Minor Arterial and requires a 40' right-of-way dedication.
15. 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. The radii of the streets must be shown.
16. Compliance is required with all the footnotes in Table 1, Street Classification & Design Standards, City of Conway in the Subdivision Ordinance. All streets without curb and gutters must have a 10' drainage easement on both sides of the streets.
17. 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. The long cul-de-sac of Whitten Road must be 40 feet from back of curb to back of curb. *A request for variance has been received to allow a 30' wide industrial open ditch street standard instead of the 40' wide as required for the long cul-de-sac. The Planning Commission approves this request.*
18. Any cul-de-sac over 750 feet in length must have fire department approval. Conway Fire Marshall, Randy Freeman, has approved the cul-de-sac over 750 feet.
19. 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 Marshall. Randy Freeman has approved the extended length for the stub out.
20. 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.

21. Property line corners at street intersections shall be rounded with a radius of at least 28 feet.

EASEMENT DESIGN REQUIREMENTS

22. Easements shall be provided for utilities where a subdivision is traversed by a water course, drainage way, 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. The 20' drainage easement on the north side of lot #1 must be shown.
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. The block on the east side of the subdivision is over 1500 feet in length. A request for variance has been received to allow the block to the east to be more than 1500 feet in length due to Lake Conway. *The Planning Commission approves this request.*
26. Blocks over 1000 feet in length may require a public crosswalk within a dedicated easement of not less than 15 feet in width including a paved crosswalk not less than five feet in width to provide pedestrian circulation. The block on the east side of the plat and the two blocks on the west side of the plat are over 1000 feet in length. A request for variance has been received to not require any public crosswalk. *The Planning Commission approves this request.*

LOT DESIGN REQUIREMENTS

27. The minimum building setback (building line) shall be no less than 25 feet from the right-of-way of the front street, or as required by the Zoning Ordinance. The 25' setback must be shown along lots 1 & 4 along Amity Road.
28. All existing buildings must be shown to meet the minimum setback requirements from all lot lines or they must be modified or moved to meet those setback requirements. The buildings in lot #14 must be shown and must meet the minimum setback.
29. A minimum building setback line shall be established on the plat not less than 25 feet from any floodway boundary.

UTILITY DESIGN REQUIREMENTS

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

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. *A request for a one-year extension of the preliminary plat approval of the Guy Murphy Industrial Park has been received. The Planning Commission approves this request to extend preliminary plat approval for the Guy Murphy Industrial Park and it, therefore, is amended to expire on February 21, 2008.*

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.

2. Tri-Con Builders request for preliminary plat approval of Nichole Place Subdivision Phase III was granted subject to the amended punch list on an 8 – 0 vote on a motion made by Junior Storie and seconded by Terry Sossong.

PUNCH LIST

BASIC INFORMATION NEEDED ON THE PLAT

1. The present zoning classification of the adjoining land contiguous to the boundary of the proposed subdivision is needed. The correct zoning must be shown for the Conway Public Schools and Larry Freyaldenhoven properties.
2. Lot lines with appropriate dimensions are needed. The chord bearings are needed for lots 155, 161, 180, 181, 182, 183, 194, 195, 196, 197 and 222.
3. Proposed easements must be identified.
4. A phasing plan outlining the boundaries for each phase and the location of all CAGIS monuments for the subdivision is needed. A minimum of two CAGIS monuments shall be placed in each subdivision or subdivision phase exceeding ten (10) acres. The CAGIS monument that this subdivision is tied to must be noted on the plat.

ADDITIONAL INFORMATION NEEDED, BUT NOT ON THE PLAT

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

GENERAL DESIGN REQUIREMENTS

6. The development plans shall include and identify a prepared and dedicated flowage path or floodway that will accommodate a one hundred (100) year frequency storm event across and through the development. The floodway shall be uniformly graded along the length of the floodway such that water will not pond or accumulate on the surface due to humps or depressions along the route. Computations for the quantity of storm water runoff, sizing of the floodway and elevation of the one hundred (100) year flood shall be prepared by a registered professional engineer and submitted to the City Engineer for review and approval. The computations shall be made using usual and accepted methods and procedures as approved by the City Engineer. A floodway will not be required where less than five (5) acres of adjacent lands drains onto the developed property and the total drainage area is less than five (5) acres.
7. An easement of adequate width to accommodate the required floodway shall be provided on the plat. The easement shall clearly identify the easement as a "100-year Floodway". The plat shall have a note that reads as follows: "No structures, fill or obstructions shall be placed in the 100 year Floodway easement. No reshaping of the surface within the 100 year Floodway easement shall be made without the approval of the City Engineer. No fences shall be in the floodway easement."
8. Minimum floor elevations shall be placed on the plat for all lots less than three (3) feet above the computed one hundred (100) year flood elevation. The minimum finished flood elevation shall be established at one (1) foot above the computed one hundred (100) year flood elevation.
9. Storm water detention or another storm water flow reduction measures shall be provided where existing downstream subdivisions or developments have storm drainage systems with a capacity of less than a ten (10) year frequency storm. The requirement does not apply to the inadequate natural streams or creeks flowing through undeveloped areas. The storm water detention facilities shall be designed to provide a holding area such that storm water runoff can be accumulated and released through at an outlet structure. The required storage volume and outlet structure shall be sized to release the storm water at a rate that does not exceed the capacity of the downstream storm drainage system or a computed runoff rate equal to that of the pre-development conditions of the proposed

development, whichever is the greater. The detention facilities shall be based on a twenty-five (25) year frequency storm event. Computations for the sizing of the detention facilities and outlet structure shall be prepared by a registered professional engineer and submitted to the City Engineer for review and approval. The computations shall be made using usual and accepted methods and procedures as approved by the City Engineer.

10. Detention basins may be either wet basins having a permanent pool of water for aesthetic purposes or a dry basin that retains no water other than that required during the storm event. A dry basin shall be graded and shaped to provide for the positive drainage of surface water from all portions of the basin. A concrete paved channel may be required from the inlet pipe to the outlet pipe to provide a maintainable bottom area.
11. An easement shall be placed around the high water limits of the detention area.

ACCESS DESIGN REQUIREMENTS

12. The maximum number of single family and two family residential units served by a single access shall be thirty (30). For more than thirty (30) living units, there shall be no fewer than two (2) separate and approved fire apparatus access roads. These two access roads shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses. For more than two hundred (200) living units, three (3) access routes must be provided. Two access roads must meet the above separation requirements; the third access must be no less than 200 feet from any other access, measured from centerline to centerline of street right-of-ways. This plat has only two accesses from East German Lane for a total of 222 lots. A third access must be provided.

STREET DESIGN REQUIREMENTS

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

EASEMENT DESIGN REQUIREMENTS

17. Utility easements as required Conway Corporation are needed.
18. Drainage easements as required by the City Engineer are needed.
19. Where possible, pedestrian trail and pathway systems should link open space corridors through major utility, drainage and other easements and another easement for the pathways should be established within that easement. *A request for variance has been received to not require the pathway easement as shown in the Comprehensive Plan until a connecting easement is obtained to the south. This condition must be corrected.*

BLOCK DESIGN REQUIREMENTS

20. Blocks over 1500 feet in length are prohibited. The block on the south side of this subdivision when included with Nichole Place Subdivision, Phase II is approximately 2107.1 feet in length. This condition must be corrected.
21. Blocks over 1000 feet in length may require a public crosswalk within a dedicated easement of not less than 15 feet in width including a paved crosswalk not less than five feet in width to provide pedestrian circulation. *A request for variance has been received to not require a public crosswalk on the south or west side of Rachel Drive. This*

condition must be corrected. Crosswalks will be required between Lots 216-217 and Lots 200-201.

LOT DESIGN REQUIREMENTS

22. *In no case shall a lot be permitted where the lot is fronted by a stub-out or street termination. In such cases, dead-end fire apparatus turnarounds shall be provided. Lot 175 is located on a stub out to the future Siebenmorgen Road. This condition must be corrected.*
23. *A request for variance has been received to not require a turnaround for the stub street accessing Lots 181 and 182. The Planning Commission approves this request.*
24. *Minimum lot depth must conform with the requirements of the Zoning Ordinance. A request for variance has been received to allow lots 155, 158, 159, 160, 161, 195, 196 and 197 to be less than 100 feet in depth at their shallowest points. The Planning Commission approves this request.*
25. *Lots 156, 157, 162, 163, 164, 180 and 183 are also not 100 feet in depth at their shallowest points. No variance has been requested for these lots. This condition must be corrected.*
26. *Double frontage lots other than corner lots fronting on two streets shall not be platted except under extreme circumstances, as may be approved by the Planning Commission. A request for variance has been received to allow lots 158-174 as double frontage lots. The Planning Commission approves this request.*
27. *Every lot must slope to a street or to a drainage easement.*

UTILITY DESIGN REQUIREMENTS

28. *Fire hydrants must be placed so that the furthest point of a lot in a residential subdivision is more than 600 feet from the hydrant located on the same street. Variances must be approved by the Planning Commission and Fire Chief.*
29. *Minimum clearance of twenty-six (26) feet must be provided around a fire hydrant.*

EXPIRATION OF PLAT

30. *Plats will expire at the end of one year from acceptance of the Preliminary Plat unless an extension is requested and granted by the Planning Commission. Nichole Place Subdivision Phase III will expire on September 19, 2007.*

PUBLIC HEARING

REZONING

3. *Brandon Potts request for rezoning from R-2 to MF-2 for property located on the southeast corner of College Avenue and Hubbard Road with the address 2611 College Avenue was approved 8 – 0 on a motion made by Junior Storie that was seconded by Bill Graff. Mr. Potts whose office is at 2823 College Avenue was present to speak for his rezoning request. He described the project he plans to construct on the site and stated it is intended to be for seniors. It is proposed to consist of seven (7) one-story buildings housing 40 living units. Approximately thirty percent of the living units are to be one-bedroom, 611 square feet rentals. The remaining units are 820 square feet, two-bedroom rentals. Mr. Potts presented signed statements from individuals supporting this rezoning and proposed use. No one came forward to speak against this proposed rezoning. When the item was brought back into commission, one commissioner expressed concern about the lack of rear exits in the units and the hazard this might pose for an elderly resident in case of fire or other catastrophe requiring the premises to be vacated in haste. A member of the audience, Tom Tucker of 2609 College, asked a question about the possibility of buffering the noise from traffic coming in and out of the driveway. The entire project will be fenced and there will be a brick wall.*

4. Kevin Watson request for rezoning from C-2 to PUD for property located on vacant land at the northeast corner of Meadowlake Road and Donaghey Avenue, specifically addressed as #1850 – #2080 Meadowlake Road and #2400 – #2620 Donaghey Avenue, was tabled at the applicant's request following the public hearing on the proposed rezoning in order to allow him the opportunity to present a complete development plan to the commission. Terry Sossong made a motion that was seconded by Aliza Jones to hold the item in committee. The motion passed 8 – 0. Mr. Watson stated it is their intention is to have a relatively high density, pedestrian friendly, neighborhood shopping district that offers shopping, dining, and luxury living. Their mixed use will include some C-3 type uses on parts of it, multi-family uses on parts of it, some quiet office on parts of it, and some C-2. This project has evolved over the past several months with help and input from various sources including the planning department, Rik Sowell working locally on the architecture, and Tyler Surveying & Engineering working on the infrastructure. Mr. Watson introduced Debbie Christian who is new to their firm but not to developing projects similar to this one. She will be seeking community input through questionnaires about what residents would like to see, followed by some door to door conversation with various neighborhood residents, and then some mass mail outs. Ms. Christian stated her focus will be mainly on the aesthetics. The type of buildings they will be envisioning are very modern yet traditional being seventy percent (70%) brick and thirty percent (30%) stucco. She stated they have already begun to survey the community and thus far feedback has been very favorable with respondents being very open to a walkable, diverse district that has a multitude of things to offer in the way of shopping, retail, bistro-type facilities—a total mixed use office package all in one. Mr. Thomas called for others who wished to speak in favor of the request. Linda Beene came forward to state that she owns six acres on the south side of Meadowlake Road and so is naturally pleased to see this imaginative development proposed. She did have a few questions concerning what this development across Meadowlake might do for the property owners on her side of the street some of whom have never had city water. Would his project possibly afford them the opportunity to get city water with a more reasonable tie-in cost. She also wanted to know what residents on the south side of Meadowlake would be looking at when they gazed north upon the south side elevations in this development. She went on to point out that he might want to consider acquiring and developing the property on the south side of Meadowlake. In addition to her six acres, there is one acre west of her property, and another six acres west of that. Also, she asked what would happen to the section of Meadowlake Road between Donaghey and Washington.

At the chairman's request, Mr. Watson came forward to address some of the questions voiced by Ms. Beene. He stated that the issue of water availability for the homeowners along Meadowlake Road had been discussed with engineering and with Conway Corporation and that they are certainly open and willing to work with the homeowners and told Conway Corp and engineering that they would do such to allow the homeowners at their (homeowners') expense to hook onto the new system. With the 10-inch piping all through there, pressure should be considerably improved. So that has been addressed. It's possible that sewer might be feasible for those homeowners also. The capacity will be there.

There was also discussion concerning the impact of traffic on that portion of Meadowlake Road between Donaghey and Washington. Mr. Watson stated they do not want to see that street become a cut through. They want it to remain a neighborhood type street with the bulk of the traffic continuing to use Donaghey.

No one came forward to speak against this proposed rezoning. The chairman brought the item back into commission and discussion continued.

5. Joanne Stevens request for rezoning from R-2A to HR for property located at 1912 Caldwell Street was approved 8 – 0 on a motion made by Terry Sossong that was seconded by Bill Graff. Ms. Stevens came forward to speak in support of her request. She currently resides at 4325 Gazebo Drive but wants to rezone this property and renovate and restore it as a residence for her and her mother. She is asking for the rezoning and for a conditional use that will let her have a bed and breakfast with the garage/gym renovated as a guest house for extended stays. Several residents of old Conway came forward to speak in favor of this rezoning including John Workman, 920 Mitchell; Marianne Welch, 1512 College; John Shank, 1605 Robinson; Rosalie Reavis, 567 Locust; and Robert Lloyd, 1605 Robinson. They were pleased to see the property being restored and found a bed and breakfast an acceptable use though Mr. Workman indicated he would like to think about the use of the garage as a guest house for extended stays.

In response to the chairman's call for those who would like to speak against the requested rezoning, Jack Jumper of 1011 Mitchell Street came forward. Although Mr. Jumper was glad to have the applicant in the neighborhood and to see the renovation being done at the "Dave Ward house," he could not support the rezoning to HR that he feels opens the property up to other home occupation uses.

CONDITIONAL USE

6. Joanne Stevens request for a conditional use permit to have a *bed and breakfast* at property located at 1912 Caldwell Street was approved 8 – 0 on a motion made by Mary Etta Qualls and seconded by Todd Smithhart with the following conditions attached.
- 1) Number of guest rooms is limited to four (4) plus one guest house to be used as one garage apartment unit.
 - 2) No external sound system is allowed.
 - 3) Parking is limited to the rear of the home
 - 4) Guest house may be used for one garage apartment unit.
 - 5) Owner must live on the premises as required by definition of "bed and breakfast" in the Zoning Ordinance.
 - 6) Any lighting shall be not more than one foot candle at the perimeter.
 - 7) Signage is limited to one non-illuminated signed nor more than six (6) square feet in area.
 - 8) Any fencing must meet requirements of the Historic District Commission.
 - 9) This conditional use is valid for current applicant only. Current applicant Joanne Stevens.

Ms. Stevens spoke for her conditional use permit request. Local designer Ivo Jones who is working on the restoration also spoke in support of the request. Jack Jumper again spoke about the HR zoning that allows a second residence on a single lot and stated that residential is being sacrificed to non-residential use and that old residential Conway is a benefit to all of Conway and it needs to stay residential. He opposes both the rezoning and the conditional use.

At the conclusion of item #6 at 9:10 p.m., the chairman called for a short five-minute break before moving forward with the remainder of the agenda.

7. Langford Properties request for a conditional use permit to allow *retail—high impact: farm equipment (implement) sales* for property zoned I-3 located at 1060 Runway Drive and/or 205 Tilk Road was approved 8 – 0 on a motion made by Junior Storie and seconded by Todd Smithhart with the following conditions attached.

- 1) Free standing signage is limited to no more than 25 feet tall and 150 square feet in area per side.
- 2) Signage lighting shall conform to FAA requirements.
- 3) Lighting is to be inward, downward, and shrouded.
- 4) Standard site plan review is required.
- 5) Parking is limited to 21 parking spaces.
- 6) Opaque fencing (non see-through) at least 6 feet in height is required on the north side and the south side of the property to hide the storage area, or suitable vegetation screening that will serve the same purpose.

Fred Langford was present to speak for his conditional use permit request and to address any questions or concerns the commissioners or those present might have. Also present and speaking for the request was Bill Hawkins, president of AG-Pro and a resident at 1301 Oliver Street in Stuttgart, who plans to open a John Deere dealership on that site if the conditional use permit is ultimately granted by the City Council. There was no response to the chairman's call for those who might wish to speak in opposition to this conditional use and it was, therefore, brought back into commission. Considerable discussion followed about the specific setup of the site and where the repair holding or storage area would be. Commissioners agreed they wanted that particular aspect of the business to be as invisible as possible to the public and that sufficient screening or fencing would be necessary to achieve that. Planning commissioners had been given copies of letters from two businesses near this location that object to a conditional use for this particular activity at this property.

8. Conway Development Corporation request for a conditional use permit to allow *storage and sales of flammable gases or liquids* (petroleum products, i.e., diesel fuel, gasoline, lubricants) in I-3 was approved 8 – 0 on a motion made by Bill Graff and seconded by Junior Storie. The only condition attached to this was that petroleum storage containment areas and equipment must meet Fire Department approval. Bill Adkisson was present representing CDC on this request. Bob Davis of Sheridan was present to represent Knox Nelson Oil Company, the business entity wanting the use in order to service the gas companies that are coming into the area. There were no other speakers either for or against this conditional use permit request.

The meeting adjourned at 10:00 p.m. on a motion to adjourn made by Terry Sossong and seconded by Bill Graff. Vote to adjourn was unanimous.