

# PLANNING COMMISSION MEETING

## May 21, 2007

The regular meeting of the Conway Planning Commission was held Monday, May 21, 2007. Present at the meeting were Bill Graff, Mary Etta Qualls, Chris Riggins, Todd Smithhart, Terry Sossong, Junior Storie, and Adam Thomas. Aliza Jones, Sandy Mabry, and Todd Smithhart were absent.

Planning Commission chairman Adam Thomas 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 were Central Arkansas Real Estate addition/home-to-office conversion, 708 Donaghey Avenue; Rock Solid Church, 550 8<sup>th</sup> Avenue; and Massey Apartments, 356 Farris Road. Lot splits, mergers, and minor subdivisions filed for record: Replat of Lots 1A-1 and 10C Sherman Heights and Rock Solid Addition.

The April 2007 minutes were approved as submitted on a 7 – 0 vote on a motion for approval made by Terry Sossong and seconded by Bill Graff.

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

### **SUBDIVISION REPORT**

1. Tri-Con Builders request for a variance for street length for Nichole Place Subdivision Phase III was granted subject to the amended punch list on a 7 – 0 vote on a motion made by Junior Storie and seconded by Terry Sossong. Item #20 was the only item requiring action at this meeting.

#### **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 other 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 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 by 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. *A request for variance has been received to allow the block to the south to be more than 1500 feet. The Planning Commission approves this request.*
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 Siebenmorgan Road. This condition must be corrected.*
23. *A request for variance has been received no 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 no 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.
2. Rush-Hal Development LLC request for Preliminary Plat approval for Weatherstone Subdivision Phase II was granted subject to the amended punch list on a 7 – 0 vote on a motion made by Junior Storie and seconded by Ron Fields.

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

1. The present zoning classification, if any, of the land to be subdivided and of the adjoining land contiguous to the boundary of the proposed subdivision is needed. The zoning to the north of the plat must be corrected and the zoning to the south side of the phase must be shown.
2. Street names that are not similar to existing street names are needed for all proposed streets.
3. Lot lines with appropriate dimensions are needed. Dimensions are needed on the south side of lot 68 and the north side of lot 72.
4. Proposed easements are needed. Drainage easements as shown on the street and drainage plans must be shown.
5. The source of water supply must be shown.
6. The method of disposal of waste water must be shown.
7. 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**

8. The Certificate of Preliminary Engineering Accuracy is needed on each set of street and drainage plans. The Certificate of Preliminary Engineering Accuracy must be signed.
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. 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. 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**

12. 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. Marble Drive is more than 150 feet in length and must have an approved area for turning around fire apparatus.
13. 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.

#### **EASEMENT DESIGN REQUIREMENTS**

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

#### **BLOCK DESIGN REQUIREMENTS**

16. 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.*
17. 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. The Planning Commission approves this request.*

#### **LOT DESIGN REQUIREMENTS**

18. 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 63-67 to be double frontage lots as shown on the master sketch plan. The Planning Commission approves this request with access to these lots from the south side only.*

#### **UTILITY DESIGN REQUIREMENTS**

19. Fire hydrants must be placed so that the furthest point of a lot in a residential subdivision is no more than 600 feet from the hydrant located on the same street.

#### **SIDEWALK DESIGN REQUIREMENTS**

20. 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.
21. Sidewalks shall link sidewalks of adjoining lots so as to provide a continuous "ribbon" of pedestrian access throughout the community.

#### **EXPIRATION OF PLAT**

22. 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. Weatherstone Subdivision Phase II will expire on May 21, 2008.

#### **AUTHORIZATION TO PROCEED**

23. 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. Tri-Con Builders request for a one-year extension of final plat approval for Makenna Cove Subdivision was granted on a 7 – 0 vote on a motion made by Junior Storie and seconded by Ron Fields.
4. Generation Builders request for a one-year extension of the letter of credit that guarantees sidewalks for South Wind Subdivision Phase IV was granted on a 7 – 0 vote on a motion made by Junior Storie and seconded by Ron Fields.

## **PUBLIC HEARING**

### **REZONING (*held over from April meeting*)**

5. Watson Homes *et al* request to rezone from C-2 to PUD property at the northeast corner of the intersection of Donaghey Avenue and Meadowlake Road (known as North Market Plaza PUD) was approved 7 – 0 on a motion made by Terry Sossong and seconded by Chris Riggins. Included in the Planning Commission's motion to approve were five (5) additional conditions to the final development plan.
  - 1) The PUD shall be constructed as shown in the Land Use Plan and Final Development Plan.
  - 2) Existing trees shall be protected and preserved when possible.
  - 3) Buildings will require site plan review.
  - 4) The Final Development Plan shall reflect changes as noted concerning builder/developer definition, architectural standards/design review board, shared parking, parking numbers, and curb cuts to be approved by the Planning Director and/or the City Engineer.
  - 5) The final pattern book shall be reviewed by the Planning staff and approved by the Planning Director.

The public hearing on this item was held April 16 at the regular meeting of the Planning Commission. The item was held in committee at the applicant's request so that he could make a more in-depth presentation of his proposed development plan. Although a TND requires forty (40) acres for development, Mr. Watson stated this twenty-four (24) acre site incorporates many of the elements of a TND and of the Smart Code. The development is proposed to be an eclectic mix of retail and restaurants, office, and residential.

## **CONDITIONAL USE**

6. Pam McDowell-Brooks conditional use permit request to allow oil field services for property at 2955 Dave Ward Drive was approved 7 – 0 on a motion made by Bill Graff and seconded by Terry Sossong. The seven conditions attached to that approval were
  - 1) Lighting must be inward, downward, and shrouded.
  - 2) No external sound system allowed.
  - 3) Existing shrubs must be left in place.
  - 4) Hours of operation are to be 8:00 a.m. to 6:00 p.m. Monday through Friday, and **infrequent** Saturday/Sunday and off hours.

- 5) Conditional use is limited to the existing building.
- 6) Oversight by the City Fire Marshall is required.
- 7) The existing road where it intersects Dave Ward Drive is required to be graveled its full width of 25 feet for a distance southward of 30 feet.

Local attorney Frank Shaw was present to represent the applicant on this request. Ron Decou and Bob Allen were present to speak for T3 Energy Services, the prospective new tenant for the property. The property would be utilized by their well head division to assemble, test, paint, and repair equipment before delivery to the field. All their activity will be confined indoors during normal 8:00 to 5:00 or 6:00 working hours for the most part, although technicians will be on-call 24/7. Adjacent property owner Gene Salter stated his concerns had been addressed and he was not opposed to this use for the property. Henry Zimmerebner of 2990 Pheasant Road was not exactly against this but he stated he was not notified about the meeting even though his property is within the 200-foot parameter. He was concerned about any possible expansion and about how far south the operation might run. Casper Zimmerebner of 2950 Pheasant Road questioned whether notification had run in the newspaper for the public hearing. Verification of publication on May 3<sup>rd</sup> was provided. His concerns were possible expansion and working hours which the Commission had already addressed.

7. Sterling Properties LLC request for MF-1 density for the lot at 1911 Weems that is zoned R-2A was denied 7 – 0 on a motion made by Terry Sossong and seconded by Bill Graff. The R-2A zoning allows single-family residences and duplexes, but not on the same lot. Applicant has specifically stated it is their desire to construct three living units in the configuration of a single family residence and a duplex on this single lot. This property also falls under the Old Conway Design Review Overlay District and such a configuration is contrary to what that body approved at the time of Sterling Properties request to them. Present and speaking for this request was local surveyor Bobby French. Speaking against the request were area residents Sarah Bryan, Melissa Adams, and Betty Osborne.

## **BUILDING MOVING**

8. Garry Enderlin request for a building moving permit to move a 1250 square-foot home presently located at 2201 Robinson Avenue to a location at 1117 Watkins Street was approved 7 – 0 on a motion made by Bill Graff and seconded by Ron Fields. No one came forward to oppose the request, although Betty Osborne of 1172 Mitchell was concerned that it might be a rental property. Repairs to, and renovation of, the home will be made by Mr. Enderlin's son Ross who will also be living in the home. His original intent had been to renovate the structure previously located at 1117 Watkins but the house proved to be beyond redemption and fit only for destruction and removal.

The meeting adjourned at 8:45 p.m. on a motion made by Terry Sossong and seconded by Bill Graff. The vote was 7 – 0 on the motion to adjourn.