

PLANNING COMMISSION MEETING

June 18, 2007

The regular meeting of the Conway Planning Commission was held Monday, June 18, 2007. Present at the meeting were Junior Storie, Ron Fields, Aliza Jones, Sandra Mabry, Todd Smithhart, and Chris Riggins. Adam Thomas, Bill Graff, Mary Etta Qualls, and Terry Sossong were absent.

As acting chairman, Mr. Storie called the meeting to order and requested that commission members introduce themselves to the audience present. As is customary at the start of each meeting, Mr. Storie reminded all those present that the Planning Commission functions as an advisory board to the City Council and as such makes recommendations to them regarding applications for rezoning, conditional use, and building moving. If the Planning Commission denies an application for rezoning or conditional use, the applicant has thirty days from the date of the denial to appeal the decision to the City Council if they so choose.

Mr. Storie then went on to explain that meetings are basically divided into three parts—the first being staff reports and committee reports, then public hearing on agenda items, and discussion items. 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 Padgett Road Elementary School, 1400 Padgett Road; CAT² Professional Offices, 2035 Maple Ridge Circle; Cook Rental Properties (office/commercial), 1355 Dave Ward Drive; Ruby Tuesday, 2400 Sanders Street; River Town Bank, 4025 College Avenue; and Twice the Ice, 2850 Prince Street Suite 130. Lot splits, mergers, and minor subdivisions filed for record: Replat of Lots 17-21, Block 10, R. L. Hayes Addition and Peterson Subdivision Correction.

The May 2007 minutes were approved as printed on a 6 – 0 vote on a motion for approval made by Aliza Jones and seconded by Todd Smithhart.

Mr. Storie, who is also the Subdivision Committee chair, gave that committee's report.

SUBDIVISION REPORT

1. Moix Family LLC and Felix Moix request for preliminary plat approval of Replat of Lot-3 Christina Subdivision was granted 6 – 0 subject to the amended punch list on a motion made by Junior Storie and seconded by Sandra Mabry.

PUNCH LIST:

BASIC INFORMATION NEEDED ON THE PLAT

1. The present zoning classification of the land to be replatted and of the adjoining land contiguous to the boundary of the proposed replat is needed. Zoning is needed on the west side of Lot #3A. The zoning for this property in the notes section must show O-2 and R-1.
2. Lot numbers should be changed to 3A, 3B and 3C.
3. The easement/zoning line on the south side of Lots 2A & 3A are very confusing. Different line types must be shown for the gas easement, the utility easement and the zoning boundary.
4. Dimensions are needed for all easements that do not follow the lot line. Proper dimensions are needed to identify the location of the gas easement.

5. Street names that are not similar to existing street names are needed for all proposed streets. Farmers Lane is similar to Farm Road just outside the City Limits. Another street name will need to be submitted and approved by the Planning Department.

ADDITIONAL INFORMATION NEEDED, BUT NOT ON THE PLAT

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

GENERAL DESIGN REQUIREMENTS

7. 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

8. 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 Farmers Lane to be a boundary street.*

The Planning Commission approves this request.

EASEMENT DESIGN REQUIREMENTS

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

LOT DESIGN REQUIREMENTS

11. Minimum lot depth must conform with the requirements of the Zoning Ordinance. *A request for variance has been received to allow Lot 2A to be less than 100 feet at its shallowest point.* *The Planning Commission approves this request.*
12. No lot shall be more than four times as deep as it is wide. *A request for variance has been received to allow lots 2A and 3A to be more than four times as deep as they are wide.* *The Planning Commission approves this request.*
13. Every lot must slope to a street or to a drainage easement.

UTILITY DESIGN REQUIREMENTS

14. 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

15. 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.
16. 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.
17. 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.
18. Sidewalks shall link sidewalks of adjoining lots so as to provide a continuous "ribbon" of pedestrian access throughout the community.

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

EXPIRATION OF PLAT

20. 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 3 Christina Subdivision will expire on June 18, 2008.

AUTHORIZATION TO PROCEED

21. 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. Northridge LLC request for a one-year extension of the letter of credit that guarantees sidewalk completion for North Hills Subdivision was granted on a 6 – 0 vote on a motion made by Junior Storie and seconded by Todd Smithhart.
 3. Richard and Barbara Collins request for preliminary plat approval for Cresthaven Subdivision Phase III was granted 6 – 0 subject to the amended punch list. Motion was made by Mr. Storie and Ms. Mabry seconded.

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 zoning for Cresthaven Subdivision Phase III is needed.
2. Street names that are not similar to existing street names are needed for all proposed streets.
3. The source of water supply must be shown.
4. The method of disposal of waste water must be shown.
5. A phasing plan outlining the boundaries for each phase and the location of all CAGIS monuments for the subdivision is needed. A minimum of two CAGIS monuments shall be placed in each subdivision or subdivision phase exceeding ten (10) acres.

ADDITIONAL INFORMATION NEEDED, BUT NOT ON THE PLAT

6. Where the method of disposal of waste water is other than connection to a public waste water system, detailed information shall accompany the plat.
7. 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.
8. If the proposed subdivision 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. The sketch plan must show the collector extending to the boundary of the subdivision instead of connecting to a cul-de-sac of Phase II. Also, stub outs to the undeveloped property to the south must be shown so that there will be no block over 1500 feet in length.

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. 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.

STREET DESIGN REQUIREMENTS

13. 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.
14. 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

15. Utility easements as required Conway Corporation are needed.
16. Drainage easements as required by the City Engineer are needed.
17. Sidewalk easements are needed if placed inside the property line.

BLOCK DESIGN REQUIREMENTS

18. Blocks over 1500 feet in length are prohibited. *A request for variance has been received to allow the block to the north from Topaz Drive and Sunglow Drive to be more than 1500 feet in length. The Planning Commission approves this request.*
19. *A request for variance has been received to allow the block to the south from the proposed stub out to Sunglow Drive to be more than 1500 feet in length. The Planning Commission approves this request.*
20. 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 to the north or the south. The Planning Commission approves this request.*

LOT DESIGN REQUIREMENTS

21. Minimum lot depth must conform with the requirements of the Zoning Ordinance. *A request for variance has been received to allow Lot 66 to be less than 100 feet in depth at its shallowest point. The Planning Commission approves this request.*
22. 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 65 & 66 to be double frontage lots. The Planning Commission approves this request with a 10-foot planting screen on the south side.*
23. On double frontage lots, a planting screen easement of at least 10 feet shall be provided along the portion of the lot abutting a traffic artery or other use where screening is required. There shall be no right of access across the planting screen easement and such restriction shall be clearly designated on the plat and within any Bill of Assurance.

UTILITY DESIGN REQUIREMENTS

24. All subdivisions containing more than four lots within the corporate limits shall be provided with a water supply and distribution system approved by the Conway Corporation and meeting the requirements of the State Health Department.
25. 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.
26. 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 Conway Corporation prior to approval of the Final Plat by the Planning Commission.

SIDEWALK DESIGN REQUIREMENTS

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

EXPIRATION OF PLAT

28. 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. Crethaven Subdivision Phase III will expire on June 18, 2008.

AUTHORIZATION TO PROCEED

29. 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.

PUBLIC HEARING**CONDITIONAL USE**

4. AJC Properties conditional use permit request for an automobile dealership for property at 1355 Exchange Avenue was approved 6 – 0 on a motion made by Ron Fields that was amended to include a condition to restrict external sound system use to the hours between 8:00 a.m. and 7:00 p.m., Monday through Saturday. Sandy Mabry seconded Mr. Fields' motion. An initial motion to approve without conditions failed 5 – 1 with Chris Riggins voting against the motion. Local surveyor Robert French was present to speak for this conditional use and answer any questions the commissioners might have. Also present to speak for the request was Jay Caldwell who stated the facility will be a LEED facility—Leadership in Energy and Environmental Design. It will be the first facility of its kind in Arkansas—a green facility designed to be environmentally sensitive. The facility will capture rainwater for use in landscaping as well as utilize other environment-friendly measures.

Many of the conditions normally considered for a conditional use don't apply in this instance because the property is zoned commercial and near industrial zoning, and because it is also subject to site plan review.

5. Union Baptist Church conditional use permit request for church and religious activities for property at 1257 Lincoln Street was approved 6 – 0 on a motion made by Sandy Mabry and seconded by Ron Fields. The motion included a condition that removal of existing trees eight (8) inches or more in diameter must be approved by the City of Conway Planning Director. Present and speaking for this request was Albert Harper, 199 Sturgis Road. No one else came forward to speak on this conditional use request.
6. Steve and Wendy Serio conditional use permit request for restricted retail for property at 2159 Prince Street was approved 6 – 0 on a motion made by Sandy Mabry that was seconded by Aliza Jones. Three conditions were attached to the motion.
 - 1) Hours of operation are limited to 7:00 a.m. to 9:00 p.m., Monday through Saturday, and closed on Sundays.
 - 2) Only foods prepared by use of a convection oven, toaster oven, or microwave oven may be sold.
 - 3) No external sound system allowed.

Wendy Serio was present to speak for her request. Also speaking was Robert Haskett who leases a building on the property for his business. No one else came forward to speak.

ZONING ORDINANCE AMENDMENTS

7. Planning Director Bryan Patrick presented a proposed ordinance to amend the Zoning Ordinance to allow taller buildings in S-1 and S-2 institutional zones. The number of floors will remain at six (6) but the additional height will allow for more space between floors where institutions such as the hospital can place wiring and other essential equipment. No one spoke against this proposed amendment and it was approved 6 – 0 to recommend passage of this amendment to the City Council. Motion was made by Sandy Mabry and seconded by Aliza Jones.
8. Mr. Patrick also presented a proposed ordinance that would amend the Zoning Ordinance to require notification to the public when a request denied by the Planning Commission is appealed to the City Council. No one else came forward to speak either for or against this proposed amendment to the Zoning Ordinance and the motion to recommend it for passage to the City Council passed 6 – 0. The motion was made by Aliza Jones and seconded by Sandra Mabry.

The meeting adjourned at 8:00 p.m. on a motion made by Mr. Storie and seconded by Aliza Jones.