

PLANNING COMMISSION MEETING

August 20, 2007

Chairman Adam Thomas called the regular meeting of the Conway Planning Commission to order at 7:00 p.m., Monday, August 20, 2007. Present were commissioners Ron Fields, Bill Graff, Aliza Jones, Sandra Mabry, Mary Etta Qualls, Chris Riggins, Todd Smithhart, Terry Sossong, Junior Storie, and Adam Thomas. Following their customary procedure, commissioners introduced themselves individually to the audience present.

Chairman Thomas then explained that planning commission meetings are basically divided into three parts—staff reports, committee reports, and the public hearing. Staff reports require no action and include site plans, lot splits, mergers, and minor subdivisions filed for record. One site plan was reported—Bianca Business Center at 2115 Washington Avenue. Lot splits, mergers, and minor subdivisions filed for record: Browne Replat.

The July 2007 minutes were approved as submitted on a 10 – 0 vote on a motion for approval made by Terry Sossong and seconded by Junior Storie.

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

SUBDIVISION REPORT

1. Applicant Richard Collins' request for a sidewalk variance or waiver for Cresthaven Subdivision Phase III to contribute the amount of \$15 per linear foot to the general sidewalk fund in lieu of constructing required sidewalks was approved 10 – 0 on a motion made by Junior Storie and seconded by Terry Sossong.
2. Applicant Eric Turner's request for a one year extension to the letter of credit that guarantees completion of sidewalk construction in Mill Pond Acres was amended to two years in the Subdivision Committee meeting and presented as such to the full planning commission that approved the amended extension request 10 – 0 on a motion made by Junior Storie and seconded by Sandra Mabry.
3. Watson Rankin & Associates, LLC request for preliminary plat approval of Shadow Ridge Subdivision Phase II was granted 10 – 0 subject to the amended punch list on a motion made by Mr. Storie and seconded by Aliza Jones.

Punch List:

BASIC INFORMATION NEEDED ON THE PLAT

1. A legal description of the property with exact boundary lines, bearings and distances is needed. The bearing on the south side of the plat must be corrected in the legal description.
2. Street names that are not similar to existing street names are needed for all proposed streets. A street name must be provided and approved by the Planning Department Staff for the stub out to the east.
3. Lot lines with appropriate dimensions are needed. The distance of 56.42 at the southwest corner of lot 145 must be corrected.
4. Proposed easements are needed. A drainage/floodway easement must be shown with the ditch unless the ditch is moved to be included with the street drainage.

ADDITIONAL INFORMATION NEEDED, BUT NOT ON THE PLAT

5. The direction of flow of all water courses entering the tract shall be indicated.
6. The direction of flow of all water courses leaving the tract shall be indicated.

7. The drainage area of all water courses above the points of entry shall be noted.
8. The downstream drainage channel and drainage structures substantially impacted by the subdivision/replat shall be shown.
9. Existing streets, buildings, water courses, railroads, culverts, utilities and easement on and adjacent to the tract are needed. The easements in Phase I that is adjacent to Phase II must be shown.
10. Where the method of disposal of waste water is other than connection to a public waste water system, detailed information shall accompany the plat.
11. 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.
12. Improvement plans for each new utility system are needed.
13. 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

14. 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.
15. 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."
16. 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

17. 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. *The Planning Commission requires traffic calming at the discretion of the City Engineer along the south side of Lazy Creek Drive.*
18. 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 method of traffic calming must also be approved by the County Judge. Judge Scroggin has expressed that he does not like speed humps.
19. The Planning Commission may authorize a new boundary street when the subdivider agrees to dedicate the entire right-of-way and construct all the required improvements. *A request for variance has been received to allow the western portion of Lazy Creek Trail*

to be a boundary street. The Planning Commission approved this request at the February Planning Commission meeting.

20. 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. Exceptions: 1. 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. 2. A residential street may be 1120 feet in length with 50 feet of right-of-way and 27 feet of paved width from back of curb to back of curb if all lots provide no less than 90 feet of width at the building line per dwelling unit and it meets all other cul-de-sac requirements. The length of the cul-de-sac is more than 1120 feet in length. Shadow Ridge Subdivision Phase I must be filed before this plat.

EASEMENT DESIGN REQUIREMENTS

21. Utility easements as required by Conway Corporation are needed.
22. Drainage easements as required by the City Engineer are needed.

LOT DESIGN REQUIREMENTS

23. Every lot must slope to a street or to a drainage easement.

UTILITY DESIGN REQUIREMENTS

24. 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. A letter must be received from Beaverfork Water concerning the distance of the fire hydrants.
25. Where a public sanitary sewer is not readily accessible, an alternative method of sewage disposal for each lot or a community sewage disposal system may be used when in compliance with the standards of the Health Department and the Subdivision Ordinance.
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 the Conway Corporation prior to approval of the Final Plat by the Planning Commission.

SIDEWALK DESIGN REQUIREMENTS

27. The location and dimensions of the sidewalk along Acklin Gap Road must be shown on the plat and described in the sidewalk notes. Careful thought must be used for the location of the sidewalk in relation to the street and drainage ditch.
28. 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.
29. 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.

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. The Shadow Ridge Subdivision Phase II will expire on February 20, 2008.

AUTHORIZATION TO PROCEED

31. 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**REZONING**

4. Ben Rives and Cliff Rives request for rezoning from A-1 to O-2 for property located at 4555 Prince Street was approved 10 – 0 on a motion made by Terry Sossong and seconded by Ron Fields. Kim Tyler of Tyler Surveying and Mapping was present representing the applicants on this request to rezone this 5.88 acre property. There were no other speakers either for or against this rezoning.
5. Allen Shaver request for rezoning from MF-3 to C-3 for property located immediately south of the former intersection of Harkrider Street and closed Clayton Street addressed as 1265 Harkrider Street was approved 10 – 0 on a motion made by Ron Fields and seconded by Junior Storie. Mr. Shaver spoke for his request stating that he plans to implement ATV, scooter, and motorcycle sales at the location. There were no other speakers either for or against this requested rezoning.
6. Dwight and Kathy Watson request for rezoning from A-1 to C-2 for property located at 105 and 107 Lower Ridge Road directly north of the intersection of Lower Ridge Road and the eastern terminus of Azalea Loop was denied 9 – 0 – 1 on a motion made by Chris Riggins and seconded by Junior Storie. Bill Graff abstained from voting on this item. The Watsons were present to speak for their request. Speaking against the request were Marsha Chase of #8 Azalea Loop and Azalea Loop property owner Pat Clark of 525 Bruce Street. Both speakers expressed the view that they could not support such a rezoning unless sewer and city water are available at the site.
7. MCMCH, LLC request for rezoning from A-1 and RMH to R-1 for property located southeast of the large curving intersection of Meadowlake Road and Salem Road north of the railroad tracks was approved 10 – 0 on a motion made by Junior Storie and seconded by Bill Graff. MCMCH, LLC general managing partner Danny Cook was present to speak for this rezoning request as were Donald Bryant and Johnny Irby.
8. Margaret S. Sellers and Frances S. Padgett request for rezoning from R-2 to C-3 for 3.9 acres of a 5.03 acre tract located at 2415 Old Morrilton Highway (Highway 64 West) was approved 7 – 2 – 1 on a motion made by Bill Graff and seconded by Ron Fields. Adam Thomas and Todd Smithhart voted against the motion to approve this rezoning and Terry Sossong abstained from voting. Both Mrs. Sellers and her daughter Fran Padgett were present to speak for the request. Local realtor Reda Salter was also present to support the requested rezoning. There were no other speakers either for or against this rezoning.

CONDITIONAL USE

9. Adkisson conditional use permit request to allow restricted retail for property located along College Avenue extended between Prince Street and Wescon Lane was approved 10 – 0 with the following conditions attached.

- 1) Development must conform to new proposed design standards. The standards include regulations concerning:
 - A. Tree Preservation
 - B. Site Coverage
 - C. Architectural Characteristics (Massing, Façade, Large Box-like Structures)
 - D. Curb Cuts, Parking Access, Cross Access
 - E. Screening and Fencing (Including Service Areas)
 - F. Landscaping
 - G. Lighting
 - H. Sidewalks
- 2) Buildable square footages will be limited to 45% restricted retail and 55% O-3 uses.
- 3) A 20-foot buffer shall be provided and maintained along the north property line.
- 4) Curb cuts shall be limited to three (3) curb cuts to the north and one (1) to the south.
- 5) Bike trail shall be rerouted wherever possible to avoid bicycle traffic crossing and/or intersecting with vehicle traffic.

Aliza Jones made the motion to approve the request with the above conditions attached. Bill Graff seconded the motion. Bill Adkisson was present to speak for his request. Also speaking in support of the request was Jack Castain who is assisting Mr. Adkisson and his wife Julie in their development of the property. Judy Corcoran, 4820 Canal Place in Westin Park, stated she was not necessarily against the conditional use but did have a couple of questions—one concerning Wescon Lane and its poor condition and the other the possible curb cuts along College and how these would affect the biking and walking trail.

10. Walton conditional use permit request to allow a day care and parking lot for property located on the east side of Markham Street one lot north of the intersection of Markham and Walnut streets at 1260 Markham was approved 10 – 0 on a motion that included the below stated conditions made by Aliza Jones and seconded by Ron Fields.

- 1) Old Conway Design Review Board standards apply to this project.
- 2) As required by Section 601.10 of the Zoning Ordinance, all outdoor play areas shall be fenced with a privacy fence not less than 6 feet high.
- 3) Additional privacy fencing not less than 6 feet high shall screen adjoining residences.
- 4) As required by Section 601.10 of the Zoning Ordinance, signage is limited to a non-illuminated wall sign no more than 4 square feet in area. No free standing or other signs are permitted.
- 5) As required by Section 601.10 of the Zoning Ordinance, the maximum number of children allowed is fifty-seven (57).
- 6) Hours of operation shall be 6:00 a.m. to 6:00 p.m., Monday through Friday.
- 7) No outdoor speaker system allowed.

Applicant Leona Walton was present to speak in support of her request. There were no other speakers either for or against this request.

DISCUSSION

11. The timeline for nomination of new Planning Commission members and committee assignments for 2008 were briefly discussed. The timeline adheres to the Blue Ribbon Ordinance passed by the City Council. Ads for the two positions will run on the Conway Corp channel as in past years. The nominating committee will break into a couple of teams that select their top two to three candidates to meet with the entire Planning Commission. Commissioners were asked to bring their calendars to the October meeting so that possible interview schedules could be discussed.

The meeting adjourned at 8:31 p.m. on a motion to adjourn made by Adam Thomas and seconded by Terry Sossong. The vote to adjourn was unanimous.