

PLANNING COMMISSION MEETING

September 17, 2007

The regular meeting of the Conway Planning Commission was held Monday, September 17, 2007. Present at the meeting were: Adam Thomas, Junior Storie, Bill Graff, Sandy Mabry, Todd Smithhart, and Terry Sossong. Ron Fields, Aliza Jones, Mary Etta Qualls, and Chris Riggins were absent.

Chairman Adam Thomas called the meeting to order at 7:00 p.m. and requested that commission members introduce themselves to the audience present.

Mr. Thomas then explained that the meeting is generally divided into two halves—the first half being the Subdivision Committee report and the second half the public hearing and at the end possibly some discussion items.

Staff reports on the agenda require no action and include site plans, lot splits, mergers, and minor subdivisions filed for record. For September one site plan was reported—Kidz University, 2130 Spring Valley Drive. Lot splits, mergers, and minor subdivisions filed for record: Spring Valley Subdivision Tract D Replat.

The first item of business was the August minutes. Mr. Smithhart made a motion to approve the minutes as submitted. Mr. Storie seconded the motion. It passed 6 – 0.

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

SUBDIVISION REPORT

1. Nabholz Properties, Inc. request for preliminary plat approval of Family Services Agency Replat was granted 6 – 0 on a motion made by Mr. Storie and seconded by Mr. Sossong to grant approval subject to the amended punch list. Nothing on the punch listed required action.

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. The Certificate of Preliminary Survey Accuracy is needed.
3. The Certificate of Preliminary Plat Approval is needed.

ADDITIONAL INFORMATION NEEDED, BUT NOT ON THE PLAT

4. The direction of flow of all water courses entering the tract shall be indicated.
5. The direction of flow of all water courses leaving the tract shall be indicated.
6. The drainage area of all water courses above the points of entry shall be noted.

GENERAL DESIGN REQUIREMENTS

7. 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.

8. 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."
9. 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.
10. 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.

EASEMENT DESIGN REQUIREMENTS

11. Utility easements as required Conway Corporation are needed.
12. Drainage easements as required by the City Engineer are needed.

LOT DESIGN REQUIREMENTS

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 are required along both sides of all streets. Sidewalks must meet all requirements in Table 1, Street Classification & Design Standards, City of Conway.
16. 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.
17. 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.
18. 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.

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

21. 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 Family Services Agency Replat will expire on September 17, 2008.
2. Tyler Surveying & Mapping request on behalf of Bobby Spradlin for a one-year extension of the preliminary plat approval for West Plains PUD Subdivision was approved 6 – 0 on a motion made by Mr. Storie to grant the extension. Sandra Mabry seconded the motion that passed 6 – 0.
 3. Danny R. Cook's request on behalf of MCMCH, LLC for preliminary plat approval of Hometown Subdivision was granted 6 – 0 on a motion made by Mr. Storie and seconded by Terry Sossong that preliminary plat approval be granted subject to the amended punch list.

PUNCH LIST:

BASIC INFORMATION NEEDED ON THE PLAT

1. The present zoning classification of the land to be subdivided and of the adjoining land contiguous to the boundary of the proposed subdivision is needed.
2. The layout of all proposed sidewalk systems are needed, along with relevant dimensions and bearings. Sidewalks must meet the sidewalk on the proposed overpass.
3. Street names that are not similar to existing street names are needed for all proposed streets. Linda Loop must be divided into three street names. Additional street names must be submitted and approved by the Planning Department staff.
4. Lot lines with appropriate dimensions are needed. C7 and C14 must be clarified.
5. Proposed easements with appropriate dimensions are needed. The easement along the proposed railroad overpass must be identified.
6. 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

7. Natural features within the proposed subdivision including drainage channels, bodies of water, wooded areas and other significant features are needed.
8. The direction of flow of all water courses entering the tract shall be indicated.
9. The direction of flow of all water courses leaving the tract shall be indicated.
10. The drainage area of all water courses above the points of entry shall be noted.
11. The downstream drainage channel and drainage structures substantially impacted by the subdivision shall be shown.
12. Existing buildings, water courses, culverts, utilities and easement on the tract 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.
17. 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.
18. 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.
19. An easement shall be placed around the high water limits of the detention area.

ACCESS DESIGN REQUIREMENTS

20. 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. *A request for variance has been received to have the two access roads off Meadowlake Road to be less than one half the length of the maximum overall diagonal dimension of the subdivision because of the grade of the*

railroad overpass. The Fire Marshall has approved the two access roads. *The Planning Commission approves this request.*

STREET DESIGN REQUIREMENTS

21. The designers of residential streets are encouraged to lay them out to slow the use by through traffic. *The Planning Commission requires that traffic calming techniques be employed along the eastern and southern portions of Linda Loop at the discretion of the City Engineer.*
22. 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.

EASEMENT DESIGN REQUIREMENTS

23. Easements shall be provided for utilities where a subdivision is traversed by a water course, drainageway, 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.
24. Utility easements as required Conway Corporation are needed.
25. Drainage easements as required by the City Engineer are needed.

BLOCK DESIGN REQUIREMENTS

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. *A request for variance has been received to not require a public crosswalk to the east or south.* *The Planning Commission approves this request.*

LOT DESIGN REQUIREMENTS

27. Minimum lot depth must conform with the requirements of the Zoning Ordinance. *A request for variance has been received to allow lots 63 and 71 to be less than 100 feet in depth for a distance of 60 feet.* *The Planning Commission approves this request for Lot 63. Lot 71 must be changed at the discretion of the Planning Department.*
28. No lot shall be more than four times as deep as it is wide. *A request for variance has been received to allow lots 12, 13 and 30 to be more than four times as deep as they are wide.* *The Planning Commission approves this request.*
29. 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.
30. 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 30-41 to be double frontage lots to the proposed right-of-way for the Salem Road overpass.* *The Planning Commission approves this request.*
31. Building lines shall be established for both front and rear lot lines for double frontage lots. The building line along the proposed Salem Road overpass must be identified.
32. 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

33. 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

34. Sidewalks are required along both sides of all streets. Sidewalks must meet all requirements in Table 1, Street Classification & Design Standards, City of Conway. The sidewalk must meet the sidewalk for the railroad overpass on Meadowlake Road.

EXPIRATION OF PLAT

35. 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. Hometown Subdivision will expire on September 17, 2008.

AUTHORIZATION TO PROCEED

36. 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.

4. John Pennington request on behalf of PH LLC for preliminary plat approval of Club Villas Subdivision was granted 6 – 0 on a motion made by Mr. Storie to give preliminary plat approval subject to the amended punch list. Ms. Mabry seconded the motion.

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

1. The present zoning classification of the land to be subdivided and of the adjoining land contiguous to the boundary of the proposed subdivision is needed.
2. Proposed easements are needed. All easements must be identified.
3. For subdivisions of ten (10) acres or less in size, no new CAGIS monumentation is required. However, these smaller subdivisions must all be tied to CAGIS monumentation.

ADDITIONAL INFORMATION NEEDED, BUT NOT ON THE PLAT

4. 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.

STREET DESIGN REQUIREMENTS

5. Additional street paving and right-of-way, in the form of turning lanes may, upon consultation with the City Engineer and/or the Planning Staff, be required along arterial streets at intersections with other arterial or collector streets. The City Engineer and/or the Planning Staff recommends additional right-of-way at the intersection of Country Club Road and Prince Street. The Planning Commission must determine if this additional right-of-way and/or turning lanes are required.
6. Compliance is required with all the footnotes in Table 2, Street Classification & Design Standards, City of Conway in the Subdivision Ordinance. For subdivisions that abut collectors, the lots shall be configured to reduce the potential number of curb cuts on those streets to the minimum reasonable number. *The Planning Commission requires shared curb cuts for lots 2 through 19.*

EASEMENT DESIGN REQUIREMENTS

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

LOT DESIGN REQUIREMENTS

9. Minimum lot width must conform with the requirements of the Zoning Ordinance. The lot widths do not meet the 150' lot width as required in an A-1 zone. This condition must be corrected.
10. Minimum lot area must conform with the requirements of the Zoning Ordinance. The lot areas do not conform with the minimum one acre lot as required in an A-1 zone. This condition must be corrected.

11. 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. All building lines must be identified and must meet the Zoning Ordinance.
12. 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 accessory buildings built across proposed lot lines must be removed before the plat is filed.

UTILITY DESIGN REQUIREMENTS

13. 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.

EXPIRATION OF PLAT

14. 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. Club Villas Subdivision will expire on September 17, 2008.

AUTHORIZATION TO PROCEED

15. 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

5. Jim Rankin, Trinity Development Company, request to rezone from O-2 to O-1 property located approximately 300 feet north–northeast of the Donaghey Avenue/Meadowlake Road intersection, directly in front of the original phase of June Beene Apartments (the western-most apartments) was recommended for approval on a motion made by Bill Graff and seconded by Junior Storie. Motion passed 6 – 0. Speaking in support of the request was the applicant Mr. Rankin. Mr. Thomas called for others who wished to speak in support of the request. There were none. He then called for those who would like to speak in opposition. There were none.
6. Joe Darter and Margaret Darter request to rezone from R-1 to O-2 property located at 449 Reedy Road was denied 6 – 0 on a motion made by Junior Storie and seconded by Bill Graff. This followed an initial vote on the same motion that failed 5 – 0 – 1 with Terry Sossong abstaining. At Mr. Thomas's call for those wishing to speak in support of the request, Attorney Bob Henry of Henry & Henry Attorney came forward to speak on behalf of the applicants Joe Darter and Margaret Darter. Mr. Thomas called for others wishing to speak in support of the request. There were none. Mr. Thomas then called for those who would like to speak in opposition. Those who came forward to speak against the rezoning request were Melissa West, 3690 Shock Loop; Debbie Schaefer, 341 Shock Loop; James Wilbanks, 3520 James Court; and David Stearns, 3560 James Court. Mr. Wilbanks also submitted a letter to the Planning Commission from James Johnson of 3503 James Court. Mr. Johnson could not be present because of a sick spouse. An opinion was expressed that this rezoning was being done solely to increase the value of the property but that it is not in the best interests of the majority. Comment was made in commission that such a rezoning seemed premature at this time and speculative since there apparently is not a use proposed

for the property in line with the requested zoning and applicant's stated intent is to continue living on the property until it is sold.

7. John Pennington, PH LLC request to rezone from A-1 to R-1 property located at the northwest corner of the Prince Street at Country Club Road intersection and extending north along Country Club Road for approximately one-quarter of a mile was denied 6 – 0 on a motion made by Bill Graff and seconded by Junior Storie. Mr. Thomas called for those who wished to speak in support of the request. PH LLC managing member John Pennington came forward to speak for PH LLC's rezoning request. The requested rezoning is in compliance with the comprehensive plan, stated Mr. Pennington. He went on to say that PH LLC is a residential home builder and it is their intent to subdivide the property into 20 separate lots with Lot 1 encompassing the existing home at the intersection of Prince and Country Club. The remaining 19 lots will be developed into single family homes approximately 1300 to 1500 square feet in size with the garages to the rear. Every two houses would share a driveway in order to minimize curb cuts on Country Club. Mr. Thomas called for others who wished to speak in support of the request. There were none.

Mr. Thomas then called for those who would like to speak in opposition. Property owners in the Jefferson Place and Applewood Cove subdivisions came forward to speak against the request voicing concerns for their property values, increased traffic, and children's safety. All voiced their opposition to the proposed subdivision that would have single family homes and lots smaller than those in their own subdivisions.

Mark Strickland, 3 West Point, Jefferson Place subdivision, said his back door faces Country Club and he has concerns about this development—the square footage; the materials; brick homes? What they're going to look like. But also the consistency of these homes with those in the area neighborhoods—Jefferson Place and Applewood Cove. It seems inconsistent with the area and he's concerned with the dollar value being decreased with these homes being built. Also, he's concerned about the garages. Did not fully understand where they will be built—westernmost side of the lot. How is that going to affect traffic flow for Country Club with Julia Lee Moore School just down the road? Also, where are the kids going to play that are in these homes? But the biggies, he said, are dollar value, consistency in the neighborhoods, being single dwelling homes, not knowing how they're going be built, what materials are gonna be used, twenty lots in that narrow area. Those are just some of the major red flags that he's seeing.

Leigh Lassiter Counts, 1010 Applewood Drive, Applewood Cove subdivision, said she and her husband Dr. Richard Counts have a lot that directly backs up to the property in question. Although she shares several of the previous speaker's concerns she said her concerns are more immediate because their lot is adjacent to this property. She did not realize the garages would be on the back side of the houses which would mean that her lovely beautiful backyard will look out into twenty garages. That very much affects her property value. Also, regarding consistency with the neighborhoods surrounding it, Applewood Cove has a square foot minimum of 2500 square feet and that's for all the property backing up directly to this lot on the east. As you can see, that's a very different size constraint. Another concern of hers is public green space. There are beautiful trees on that lot and she would hate to see them cut down. Having seen the proposed drawings for this, it looks like there will hardly be any space between each of these houses. That almost makes her concerned that it would be rezoned as residential one for single family units; it almost looks like they're so close they could be duplexes. And you can see how that might even be so because they're sharing a driveway. If you're intending to sell these to individual homeowners, who owns the driveway

if they share a driveway? She has concerns there. Also, beyond the public green space and her own personal property value is that traffic corner. It is heavily used already. She works at Hendrix and drives that way every day, turning onto Prince and then Country Club to get to Tyler. With the school there, it is a very congested turn in. Her concern is for someone turning onto Country Club to go north, there's no turn lane for them to turn into their driveways so you're going to have a back up of traffic where it's not expected. Her final concern, having driven up and down Country Club every day to go to work for the past year and two months, there are no other driveways that open onto Country Club in that spread and she thinks it is a major safety concern for the children that walk to school.

Chairman Thomas stated R-1 is a residential zoning and the commission can't put any kind of restrictions on what it would be and asked Mrs. Counts what she would suggest they do with the property other than say no and make him keep it as a field forever. She said she understands it is very valuable real estate and that's one of the reasons they bought there. Because it's close for her to get to work; it's close to Kroger; and it's a great location close to the school there and she didn't think she would have a problem with say ten houses going in there but the sheer volume of houses—twenty houses with the possibility of forty cars since hardly anybody has one car anymore. Forty cars going in and out of there everyday at 8 o'clock in the morning when everybody goes to work and that's such a busy traffic intersection anyway. She's not really familiar with the rezoning laws but she is concerned with the congestion of twenty houses in that one very narrow, very long, skinny lot. Being a fundraiser by trade and not knowing a lot about stuff like this, she did not have a solution but said they would be willing to talk about a compromise. She doesn't have a problem with houses being built behind theirs and knew it would happen eventually with such a prime piece of real estate, but she does have a problem with property values and being congruent with the areas around where they live.

Stephen Karlson, 8 Brandwine Cove, Jefferson Place subdivision, stated the prime concern they all have is a safety issue—a safety issue for their children. The best he could say for the plan presented was that it was opportunistic. Having lived in other parts of the country, he said that when he looked at the dimensions of this, he is reminded of shotgun houses. To get more houses on a piece of property, you make them narrow and you make them run deep. Because of the way this design is made, you are going to end up with houses like this.

Secondly, said Mr. Karlson, the traffic pattern already is at its optimum in terms of usage. You have a school there; you have school buses; anybody who has watched the traffic patterns in the morning knows that people bring their children to the school both ways. And in the afternoon if you go by the school, you see how the parents come by and pick up their children. If you add nineteen of these houses with shared driveways, what you're gonna have is somewhere about thirty to forty cars backing out, obstructing traffic, causing a safety hazard. And the result will be that it will make the entire area deteriorate.

Mr. Karlson then spoke of the way Conway is developing, there has to be some kind of similar housing that flows from one area to another; you don't have an incongruous building plan in which the houses that are around those areas are somewhere about 2000 square feet or so—some more. The dimensions of the grounds are larger than what is planned here. And then, you're going to put these right in the middle. The value of the homes in back, in front, to the sides either way is, I would say, close to one and a half to twice the value of what this proposed subdivision is. If the project goes through like it is designed here, he said he could think of only one reason why the city would endorse something like this and that's because that it has as many taxable units as possible for that piece of

property and he would hate to think that we live in a city that is reduced to that type of thinking. If there is going to be houses there, the lots should be regulated in conjunction with what the lots are in the area. He does not think that is unfair; there is equity in that. If you look at the homes in Jefferson Place, if you look at the homes in the subdivision behind, if the lots could be developed along this area here to be in conformance with that type of standard, I don't think you would have as many complaints. But I think you are looking at some very serious problems here and I think this should be denied at this time until, perhaps, the developers rethink what it is they want to do. He sees very little benefit here. He's obviously aiming at a very much lower income level that he wants in order to sell these houses. I can tell you for certain the people who buy these, if they have children—and they probably will—they're not gonna want those children to play on a small lot and they're not gonna want them to play on Country Club. Most likely they are going to send them across the street to Jefferson Place and told ride your bicycles over there. Go over there and play. And in doing so, they will have to cross Country Club in order to do it. This is a bad plan; I think you can all see that. And I would like you to think in terms of what's best for the community.

In response to Mr. Graff's question about how many residences in this strip would be agreeable to you, Mr. Karlson said the houses or lots should be as big as the ones in the neighborhood. He said they can go across the street and see what's in Jefferson Place; they can go to the subdivision behind and see what's there. If they redraw this, maybe it will come out with eight or ten. But I would say this, spoke Mr. Karlson, why would someone want to share a driveway. He asked if anyone on the board shared a driveway and went on to ask why should it be okay to share a driveway in this area right here. Anytime you put people into a small area, the smaller area, you're going to have friction. It's tough enough to be a neighbor, he said, with everything going right—you try to jam people up and you're going to have a problem.

Mr. Thomas confirmed his understanding with the Planning Director that the Planning Commission cannot put restrictions such as minimum lot size on a rezoning request. Mr. Karlson said this simplifies the issue and makes it more adversarial in that this is a bad plan and should be denied. In response to Mr. Thomas's query, what would you suggest we do with this land instead, Mr. Karlson indicated if he had the experience, the expertise, and the knowledge of real estate, he could discuss this with the commission, but he does not and said he would have to let others answer that. He did say that this plan is totally opportunistic. Most of the time, said Mr. Thomas, R-1 zoning is what everybody dreams of being next to them and he understands why there are concerns here. It's because this gentleman is coming forward and being honest about what he wants to do. He could have just said I want it to be R-1 zoning and left it at that. But he has decided to share what his plans are with it in trying to make them fit. So I'm struggling, continued Thomas, with what would you suggest we do with the land versus it staying A-1 and being a field forever. Mr. Karlson said if he did not have an answer for Mr. Thomas in terms of his options, then all he could say was that this should be looked at as unacceptable and left as it is. The current A-1 zoning would allow a maximum of five residential structures on the land—one residence per acre.

Sloan Powell, 16 Lexington Drive, Jefferson Place subdivision, said she walks the kids to school and ride bikes with them. It's taking your life into your own hands currently. There is no sidewalk; there is no bike lane; there is no guard whatsoever against cars going 50 to 55 currently. Her concerns about this development would be cars parked on the street in front of these houses. There's no turn lane; there's no way to get out of the way of a car. She did

not think it was congruent with the current neighborhoods. The houses are much smaller. Jefferson Place has a 2500 square foot minimum as well as Applewood Cove. Julia Lee Moore not only serves Pre-K through fourth grade, it is also a shuttle for intermediate students as well as middle school students. So there are a number of students walking in the morning and in the afternoon. We are trying to encourage our children to be active, she said, and this is not encouraging that at all—it is making it very, very dangerous.

Travis Cloud, 1155 Applewood Drive, Applewood Cove subdivision, said he has two young children he drives to school every morning; they pick them up in the afternoon; and car pool line, he can attest to the traffic congestion on Country Club. Forty cars, twenty houses, would increase the congestion. He is also concerned about the consistency of houses with what is already there in terms of square footage and average price. It's 2500 minimum with many being almost 3000 square feet in Applewood Cove and you are putting in some right behind these that are about half that size. The average price in Applewood Cove is maybe \$380. He did not know what the average was in Jefferson Place, but there is an inconsistency there. But the biggest thing, he said, is the safety of our kids. Julia Lee Moore is a neighborhood school; we are trying to promote it as a neighborhood school. Kids ride their bikes every single morning, every single afternoon, and parents are walking their children. I think, he said, we've got to take a very close look at the congestion and the safety of our children versus building twenty houses.

A previous speaker Mark Strickland put forward the suggestion that what could be there are garden homes, homes for the elderly, something like that could be a possibility that could fit into the area. He also brought up that it is his understanding the light at Julia Lee Moore is there because of the death of a child and that needs to be remembered—why we have the light there at Julia Moore for the congestion and safety of the area.

Debbie Clark, 32 Lexington Drive, Jefferson Place subdivision, said they have been there about 11 years and her house is directly on the corner of Lexington and Country Club so that the west side of her house faces on Country Club. She shares a lot of the same concerns that the residents of Applewood and Jefferson Place have expressed and she also understands Mr. Pennington wanting to make the most of the property value. She said when the ten acres that were left went for sale, she and her husband who live right there on the corner called in interest to buy that land and leave it as it was—green space—but the asking price then was about \$580,000 for just a little over four acres and although he is a physician, that is a little out of their price range, so they don't own it; somebody else does now. She went on to say she has three children and like other residents, she walks her children to school. She doesn't know if there are any plans—proposed plans to expand Country Club, to take some of the land that he has, to propose sidewalks or center lanes, and asked who would know that. Ronnie Hall stated that sidewalks would be built on the west side of Country Club as part of his project. Living right there on the corner, she said she can attest to the noise, the trash—we have Keep Arkansas Beautiful signs all over the place; we have an 800 number now on interstates; and in the city of Conway, my boys are out there picking up trash that people are dumping on the street of Country Club. So it's not just safety first of all, but there's beautification; there are city noise ordinances; but Country Club—there's a speed limit sign, 20 miles an hour, but midnight—two o'clock in the morning—there are some people out there who are not abiding by the speed limit signs and even during the day people are not abiding by those signs, so safety is definitely an issue.

Doug Strange, 3 Crown Point, Jefferson Place subdivision, said he has the same issues already raised by others, but he has one question. If you put forty (40) houses there and he

knows they're looking at doing a street behind these twenty (20) houses—putting those forty (40) cars there. First of all, if you dump that out, you're dumping it out onto Prince Street. In the morning he can't get out going to work; no one else can. Second of all, how wide is this road going to be to get forty (40) cars out at 7:30—8:00 in the morning, right next to the stoplight, right there at Country Club and Prince. His assumption is two cars per home. The projected increase for traffic impact is an increase from approximately 38 vehicle trip ends per day to approximately 191 vehicle trip ends per day. He doesn't see this working. It blocks that whole artery up. It just doesn't make sense. Is it the right thing for the city of Conway to dump these twenty houses into this area, congesting that whole bottleneck area?

Lee Lawrence, 7 Brandywine Cove, Jefferson Place subdivision, voiced concern about having the additional traffic. No other homes dump directly onto Country Club. The other point, these houses are not consistent with what's in the neighborhood. You go to Scherman Oaks, Applewood, Jefferson Place, the average size is probably around 3000; these houses are half that size. Commissioner Graff asked what do you envision for the use of this property. Mr. Lawrence replied that even if you deny this request, he still has the agricultural permit; he could build five homes. Mr. Lawrence sees no problem with that; it would be consistent with the area. The lots would be a little bit bigger. Jefferson Place has half-acre lots; these homes would have an acre lot. That would still be consistent with what's in the neighborhood. Scherman Oaks has half-acre or more. So you've got houses with large lots. He's planning on putting small little homes which will affect property values, which will affect congestion, which will affect safety—all these issues have a concern with people, particularly with three children who do walk to Julia Lee Moore.

Planning Director Bryan Patrick clarified that with the platting of this subdivision some new right-of-way dedication on Country Club would be required such that under the current A-1 zoning a maximum of only four houses could be on the property—the existing home and three new homes.

Bertie Doyle, 18 Lexington Drive, Jefferson Place subdivision, said their lot is three-fourths of an acre as many, many lots in Jefferson Place are. She asked for a definition of a duplex saying that she had seen emailed pictures of this and it appeared like duplexes to her. When two houses are connected at their sixty feet and these driveways connect, how much space should be between two houses to have a single dwelling? The answer to the question was six feet away from the property line which would be twelve feet between houses. She went on to declare the structures duplexes even though they are single family structures sharing no common walls. They look like duplexes and to take that small little property—they're duplexes.

Michael Smyers, 15 Lexington Drive, Jefferson Place subdivision, stated all his neighbors had pretty well expressed the same views he would have. Lot size is less than half the average in the area, dictating home size less than half the size in the area is a concern of his. Nine curb cuts onto Country Club, the first curb cuts in that area, would be a concern. He also wondered if any of those twenty homes had an extra vehicle, boat, or otherwise—where in the world is that going to get parked? On Country Club, he suspected, where there are already a lot of traffic problems, and he suggested that perhaps staying A-1 and building comparable homes as to those in the neighborhood on comparable lots might be a solution.

Heather Thomason, 1060 Applewood Drive, Applewood Cove subdivision, stated they had just moved here not too long ago from Nashville, Tennessee, and she agrees with all her neighbors about the housing situation. She understands he needs to make some money,

but she agrees with the suggestion about the five homes or six homes. Something congruent with the neighborhood we live in already would be her suggestion.

Bill Robins, 12 Lexington Drive, Jefferson Place subdivision, stated his agreement with all his neighbors that have come up here in opposition to this. This is totally inconsistent with the area and he really can't say it any plainer than that. It is just as inconsistent as you can possibly get. Thirteen hundred square foot home compared to a twenty-five hundred square foot home—listen, let's be reasonable, gentlemen, ladies. I mean goodness sake! That was all he had to say.

Chairman Thomas brought the request back into commission for discussion. He said he struggles with this one; he really, really struggles with this. Sandra Mabry said she just has a problem with traffic. She drives there and she understands. Mr. Thomas went on to say he totally understands their concerns and wishes the gentleman was developing something differently, but if he hadn't told us what he was doing, it would probably have been—. Commissioner Mabry interjected, it wouldn't have mattered to me even if, I mean a house period on that, I just can't see how you can make a left hand turn in there when you are driving off of Prince going down Country Club the traffic congestion is unreal. I totally understand their point, said Thomas; it's inconsistent; it's gonna probably end up hurting some of their property values; I understand the safety concerns. But if he hadn't told us what he was doing, we would have approved it and he would have been able to go— Commissioner Storie interjected that it's like we're encouraging deceit here. Yes, agreed Chairman Thomas, it's almost like we're encouraging deceit and there's nothing we can really do about it. You cannot place restrictions on this rezoning. Commissioner Mabry said it wasn't fair to all those people that spent all the money they spent on their homes to see in—you know if I spent half million dollars on a home and just sit there and watch a fifteen hundred square foot home come in and see my property value go down, I'd be one of them talking today. Junior Storie said he went through and looked at the allowed uses for A-1 and asked when it said manufactured housing, what does it refer to? Planning Director Bryan Patrick said he (Mr. Pennington) could put in a doublewide if he wanted. As long as there are no covenants and restrictions on the property—and there likely aren't—he could put in five doublewides. Mr. Thomas said he understood their point; they would love to see it in big lots. But it sounds like the commission's choices are either three big lots or—A community park would be perfect, stated Mabry. Curb cuts are going to be the issue, said Commissioner Sossong, no matter how it's developed. How many street cuts are you going to put up onto Country Club?

Bill Graff then moved that the request be denied. Sandra Mabry seconded the motion to deny. Vote on the motion to deny was 5 – 0 – 1 with Adam Thomas abstaining. Mr. Thomas said he was struggling with this—doesn't know which way to go on it. The point Junior was making if this gentleman would have said I want to rezone this R-1, we would have approved it. And so, because he has a plan, I hate to penalize him. Mr. Sossong again went back to the curb cuts. If you make this residential, how many cuts are you allowing?

Can you deny a subdivision based on the design even if it meets the technical standards? That has never been done by the Planning Commission, but City Attorney Mike Murphy said it could be done based on the submitted proposal. If it stays A-1, then the lot size would be required to be a minimum of one acre. PUD zoning was brought up as an option to allow the commission to place limits on the development of the property. Discussion continued until Mr. Graff again moved that the request be denied. Mr. Storie seconded the motion. Motion

then passed 6 – 0. All I wanted to hear was that he had a way out; once I heard that—I'm good with denying it, said Thomas.

8. Jim Smith request to rezone from A-1 to C-3 property located on the north side of U.S. Hwy 64E at 1570 East Oak was forwarded to the city council without recommendation on a 6 – 0 vote on a motion made by Junior Storie and seconded by Sandy Mabry. At Mr. Thomas's call for those who wish to speak in support of the request, local attorney Bill Adkisson, representing the applicant Jim Smith on this rezoning request, came forward. He said the property in question is part of a larger tract, part of which is already zoned C-3. If the remaining part of the property is rezoned to C-3, Mr. Smith proposes to expand his business that is already located on the part of the property currently zoned C-3 that borders Oak Street. This zoning request is not congruent with the Comprehensive Plan but it is land locked and accessible only from Mr. Smith's drive. That severely limits any other possibility for its development. Mr. Thomas called for others who wished to speak in support of the request. There were none. Mr. Thomas then called for those who would like to speak in opposition. There were none. The item was brought back into commission for discussion. Mr. Thomas said that Jim Smith was a neighbor of his and he would not be participating in the discussion and would abstain from voting. Terry Sossong said the comments in the staff report are a strong advocacy towards residential development of this property and his question is how do you see this being developed as residential? Planning Director Bryan Patrick said personally he believes it could work well as multifamily. Adding five acres of commercial is quite extensive. Oak Street is already stripped out and in his opinion we don't need to add any more to that stripping. There was also discussion of access to those properties north of the commercial along Oak Street and an eighty-foot strip of A-1 property running north from Oak Street looks like a feasible option at some future time. Bill Graff said let's turn it around and ask how can the commercial part of the city grow if we don't designate more C-3 areas? Mr. Patrick expressed the opinion that the city has plenty of large C-3 areas. The growth plan shows the city in commercial nodes, not big red strips. We have Oak Street; we've got Harkrider. We suffer because of the red commercial strips we have now up around Lowes, the Old Morrilton Highway. That's the 1970's mentality of how to do commercial. If you have a major highway, major road, strip it out and put commercial all up and down. We know the results of that, said Mr. Patrick. Go up and down Oak Street any time of the day, or Harkrider any time of the day; get in front of Lowe's on a Friday afternoon—that's a pleasure. So that's what you get when you strip out highways. This is in addition to; it's already stripped. But the more commercial you add to the existing zone—two wrongs don't make a right basically. There are lots of commercial opportunities—plenty of commercial areas that are still not developed or that are underdeveloped, so there is lots of C-3 commercial opportunity in the city. Mr. Sossong said that without connectivity, it's hard to envision this going any other way right now. Bill Graff again moved for approval; Sandy Mabry seconded. Vote was 3 – 1 – 2 with Junior Storie voting against approval and Terry Sossong and Adam Thomas abstaining. Junior Storie made a motion that the request be forwarded without recommendation. Sandy Mabry seconded. The motion passed 6 – 0.

CONDITIONAL USE

9. Jeremy Baker conditional use request for doggie day care/kennel for property located at 910 Walnut Street was held in committee for further review on a motion to hold made by Junior Storie and seconded by Sandra Mabry. Vote on the motion was 6 – 0. Mr. Baker was present to speak for his request. He and his mother plan to open a doggie day care center/grooming and boarding where folks can drop off their dogs for a day like you do at a child day care center. Classrooms would be set up with web cams so owners could go

online and watch their dogs play all day and then pick them up in the afternoon. Those that are boarded overnight get to come out in day care, too. They're not just being left in a kennel. There will be grooming ladies available for the dogs. They have plenty of space for the dogs—6000 square feet. This is something he and his mother will be doing together. Outside they have approximately 20x80 feet of grass and concrete for the dogs. They will be bringing in pea gravel that can be raked, scooped, and cleaned, and then disposed of properly so it won't cause odors for any of the neighbors. This will be on the west side of the building and take in some area that Mr. Shaver is letting him use and fence in. Mr. Thomas called for others who wished to speak in support of the request. There were none.

Mr. Thomas then called for those who would like to speak in opposition. Mike Wilkinson, owner of Wilkinson's Mall in the middle of Conway, came forward to state his objections to the request. Those included the noise, the inappropriateness of the location for that type of business, the effect it will have on the image of an area that is seeking to improve itself with the Hendrix project and the downtown partnership, the effect on property values, and the danger to his customers and employees should an animal get loose and bite someone. It's a dangerous situation and it's a lousy situation and he hopes it doesn't happen.

Dwayne Gault, owner of Gault's Paint and Body Shop on the corner of Harkrider and Walnut, said he feels the same way as Mr. Wilkinson. It should be something maybe outside the city limits. There will be a lot of barking; it will be real smelly. In their shop, the doors are always open for cars and, of course, they've had dogs run in before from the neighborhood but with a kennel right there, it's just more dogs and you don't know what could happen. He just feels the same way speaking against this and maybe it could be something else. Later in the meeting Mr. Gault said that when customers come to pick up their cars at his business, they will be right next to this. It's not across the street like Wilkinson's.

Diane Cook, 735 El Paso, requested to speak though not in opposition to the request. The chairman asked her to come forward. She said this isn't going to be just any run-of-the-mill doggie day care that she and her son Jeremy Baker are proposing. It is going to be very high tech. There will be cameras inside where people can go online to see their animals to see what is going on. Anything that is excreted outside as far as stool is going to be picked up and bagged up and carried off. The urine will be sprayed down daily and washed down into the soil and they will spray whatever they need to in order to control odors. The dogs will mainly be inside. It's a very large building. They've gone to great detail in making it a high class doggie day care. It would be no different than having your children running around. It's not going to be just a dog kennel. These are house pets—small dogs that you don't have to be frightened of—people's pets that they keep in the home. They will be supervised at all times. The dogs will be allowed to go out for so many minutes and then be taken back in. The total number of animals they can house has not been set; they wanted to have room for growth. Just two classrooms alone are 3000 square feet not including the boarding center that is 1200 square feet with cinder block walls separating each puppy so that they can't urinate on one another. They may have four or five dogs at a time any given week with a few more perhaps over a holiday. As far as the noise, the building is 8 gauge metal on the outside with the better insulation on the inside and he came back in with liner panels and relined the inside walls to cut down on the noise factor. He also came back in and cut a 4-inch by 4-inch drain that comes underneath the whole doggie part where they stay the night, wraps throughout the building, and funnels into the septic system. It will be washed out; nothing will be coming outside. And when we put the pea gravel outside in the grass, it will be where we can rake and scoop it. When the dogs come out, and there will only be so many dogs per classroom, there will be one if not two people whose job it is to rake and scoop it up when the dogs go back in. Mr. Baker said he would bring as much pea

gravel in as he needs to in order to keep the odor down for these folks. He wants to be a good neighbor. He invited anyone who wants to come out and see the proposed facility. Mr. Baker said he raises English Mastiffs and knows what it takes to build a state-of-the-art facility and that they are more than welcome to come view that one also.

Mr. Wilkinson said he understands that this gentleman is going to rent or lease this property; he doesn't own it, so he could rent or lease and put what sounds like a pretty good business in a place where it oughta be instead of a place where it shouldn't be. One other thing is making it soundproof—he doesn't believe it. Number two, you gotta get them in and you gotta get them out of there.

Jean Wilkinson Spain said that dogs are kind of like children in a way. You can't always make them do what you want them to do. And as hard as you might try, they might be unruly and bark and be a nuisance. And that is one of the main things we are thinking about. That and the odors. She said Wilkinson's has been there a long time and the neighborhood has really improved a lot. It used to be very bad. But it has improved and there are a lot of homes around there still. And while the people who are in those homes haven't come to represent themselves tonight, I'm thinking the barking will annoy them. She went on to say that she doesn't think they will be able to control the barking when the dogs are outside. They do have a plan and that's better than no plan at all. But she doesn't see this working well when the dogs are outside.

The item was brought back into commission where discussion continued. Adam Thomas said they've boarded their dog at Chestnut Animal Clinic and he hasn't heard a lot of pet noises when he pulls up and even inside he doesn't really hear a whole lot. And inside he doesn't notice any odors. Another commissioner said he did not think it was a reasonable condition to expect the dogs to be inside all the time. He did not think Chestnut keeps them inside all the time. They take them out and walk them. It would be animal cruelty to make a dog stay inside all the time chimed another commissioner. If you boarded your dog for the weekend, it would stay in a little— said another. Do I agree with you that there's probably more appropriate places for this, asked Mr. Thomas? Yes. Do I think that it might be able to work? Maybe. Again, he said, he is open to their thoughts on this one. Discussion continued on what type of conditions might be put on a request such as this and what options might be available if there were smell or noise issues. Would code enforcement deal with it? Or would it be subject to animal control? City Attorney Mike Murphy brought up the city's animal control ordinance that requires a permit and has specific regulations for kennels and would probably address many issues such as the smell factor but probably not all. Mr. Patrick volunteered that in conversation with Animal Welfare Unit Manager Shona Osborn he learned that she is working with Mr. Baker to meet requirements of the city for a permit and that she does not have a problems with the proposed business. Mr. Sossong asked what restrictions would they have as far as number of dogs to board relative to size requirements? Are there any restrictions in place there? Mr. Graff suggested that before putting a bunch of conditions down on paper that an easy vote be taken and proceeded to make a motion to deny the request. Junior Storie seconded the motion. Mr. Sossong said he did not know that the commission had enough information. He's still on the fence. The city has a whole animal control ordinance that we don't know or understand because it is so new. But if the site is unsuitable—and he hears two people say they don't think it is—then he doesn't think it matters much. Mr. Thomas suggested playing this vote out and then after that Mr. Sossong might want to make a motion to hold this in committee while the Planning Department does a synopsis of what's in the animal control ordinance. Use that conditional use committee, suggested Mr. Storie. The vote was taken on Mr. Graff's motion. Vote on that was 3 – 0 – 3. Terry Sossong, Todd Smithhart, and Sandy Mabry abstained from voting.

Mr. Storie made a motion to hold the item in the conditional use committee for review. Sandra Mabry seconded the motion. Vote was 6 – 0 to hold in conditional use committee. Mr. Thomas read names of those on the committee: Mary Etta Qualls, Ron Fields, Aliza Jones, Sandy Mabry, and Junior Storie.

10. DISCUSSION

Chairman Thomas asked that commissioners look at their calendars and be prepared at the next meeting to look at some dates. Looking at the schedule for new committee members, October 31st is when the nominations will be closed and a recommendation to the City Council has to be made at the November 19 meeting. That gives commissioners the week of November 5th and November 12th to go through the interview process, whittle it down, and maybe bring three or four before the whole commission.

11. OTHER

Mr. Storie asked everyone to be considering the dates of Thursday, December 6, or Thursday, December 13, for a social Christmas gathering of commissioners, their spouses, and staff to be held at Centennial. Menu choices are grilled chicken breast or roasted pork loin. Cost will be \$13.95 per person. Since this is a social gathering only and business will not be discussed, Mr. Murphy informed commissioners it will not require that a reporter be invited. Mr. Storie will send a follow-up email reminding everyone of the proposed dates and the menu choices.

The meeting adjourned at 9:10 p.m. on a motion to adjourn made by Terry Sossong and seconded by Sandra Mabry. Vote was 6 – 0.