CITY OF CONWAY
PLANNING COMMISSION MEETING
THURSDAY, AUGUST 6, 2015
CITY HALL CONFERENCE ROOM – 53:30 P.M.

Present:  Brantley Green, Chris Guidera, James Young, Wren McMeekin, Larry Foye, David Jordan
Absent:  Tammy Hughes, Howard Henry, Chris Sansbury
Staff:  Adam Emrick, Planning Director; Barbara Tessier, Secretary
Others:  Randy Beverly

I. CALL TO ORDER

Chairman Green called the meeting to order at 5:35 p.m.

II. APPROVAL OF MINUTES

Young made a motion, seconded by Foye, to approve the July 9, 2015 minutes as written. The vote in favor was unanimous. The motion carried.

III. REZONING

A. Request by Beverly Homes, LLC to rezone approximately 4.94 acres of property located on Community Drive in the former Carsens Ferry Planned District (TMS 122-00-04-074 / PIN 33704030021) from the existing Planned District (PD) to Medium Density Residential (R-2) for the purpose of adding to adjacent Rivertown Row Phase II subdivision and providing required road access.

Emrick said this property was currently zoned PD because it had been intended to be developed as a commercial tract within the mixed use, Carsens Ferry subdivision. Carsens Ferry had been foreclosed upon and was recently bank owned. Emrick said parcels of this property were now being sold and would all likely be amending plans to accommodate the redevelopment of the lots.

Emrick said just to the north of this parcel was Rivertown Row, Phase II, which would contain a total of 67 single family homes broken down into two phases of development. He said the first phase, which had already begun infrastructure improvements would contain 37 homes. Phase II B required a second road access which would be constructed in the parcel subject to this rezoning.
Emrick said staff recommended the approval of this rezoning request as the character of the area is consistent with the requested zoning district, and it would allow for the required road construction for Rivertown Row Phase II.

Jordan asked who owned the clubhouse. Emrick said it had been two banks at one time, but he thought it was now owned by a single identity.

Randy Beverly was present at the meeting. He said they had bought this property to provide the second access required by the city. He said they might be able to get a few more lots of the property as well.

Guidera made a motion, seconded by Jordan, to approve the requested rezoning as presented. The vote in favor was unanimous. The motion carried.

IV. AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE

A. Consideration of an amendment to Article 5 of the Unified Development Ordinance (UDO) to amend the Parking, Storage and Use of Recreation Vehicles ordinance to include a prohibition on parking on the street or in the City right-of-way.

Emrick said the current ordinance Section 5.2.6 restricted the parking of recreational vehicles, including boats, jet skis and campers to a carport, garage or rear yard only. He said staff had encountered a loop hole in that a recreational vehicle parked in the street in front of a residence was not specifically prohibited in this section.

Emrick said staff recommended approving the amendment to Article 5 of the UDO relating to parking, storage and use of recreational vehicles.

Guidera asked Emrick if the city was enforcing this section of the ordinance. Emrick said they were. Emrick said he wrote letters giving the owners 14 days in which to remove the vehicle in violation. Emrick said there had been violations in several subdivisions. Green asked how many he was talking about. Emrick said in the 100's. Emrick said one of the people who received a violation letter was going before the Board of Zoning Appeals. He said he was holding off on more enforcement until he saw how the variance request fared.

Jordan said with Conway being a river city and everyone having boats, why did we have this law. Jordan said he had a copy of the ordinance from Florence. He said they had an exemption that if the RV or boat was less than a certain length, like 20'), for front and side yard parking. Jordan said that would allow for parking
a john boat. He said a john boat was not as offensive as a 26' center console, dual motor sitting in the driveway. Emrick asked if Jordan wanted him to relay that to Council. Jordan said yes. McMeekin asked how someone with a large boat would get it into their back yard. Jordan said he would have to rent a storage space. Board members agreed that clean, well-kept boats did not bother them. Young said an RV was more offensive than a boat.

Emrick said the question before the Board today was whether or not they wanted to add the prohibition of parking in the street or City right-of-way to the existing ordinance. The Board agreed none of the recreational vehicles should be parked in the street. Emrick said if they wanted to vote on that and then have him take the 20’ exemption to Council for their consideration, he would be happy to do so.

Green reiterated what they were discussing, and that was no parking of recreational vehicles over 24 hours in the street or right-of-way. Young asked if recreational vehicles also meant four wheelers on trailers. Emrick said he would interpret those to be included.

Jordan said he thought they should not send Emrick back to Council with the 20’ exemption, and just put the change in their motion. Jordan said he thought they should replace section 5.2.6. Young asked if they could rewrite it at this point. Emrick said it could be done.

Jordan made a motion, seconded by Guidera, to amend Section 5.2.6 as highlighted in bold below:

5.2.6 Parking, Storage & Use of Recreational Equipment

For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, that exceed 20 feet in length and cases or boxes used for transporting recreation equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored in the public right-of-way or in the street, or on any lot in a residential district except in a car port or enclosed building or rear yard, provided however that such equipment may be parked anywhere on residential premises not to exceed twenty-four (24) hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

The vote in favor was unanimous. The motion carried.
B. Consideration of an amendment to Article 10 of the Unified Development Ordinance (UDO) to amend the Park and Open Space Dedication requirements.

Emrick said the UDO required 15% of the total land be provided as open space. He said that did not factor out streets or wetlands. He said the former Zoning Ordinance used a formula based on the number of lots times the average family size (2.49 at the last Census) times .008 (the minimum amount of open space determined by the National Park Surface needed per person for healthy living). He gave an example of a subdivision of 59 total acres under the UDO would require 8.85 acres of open space whereas under the former Zoning Ordinance, only 2.32 acres would be required for open space.

Emrick said he thought the reasoning behind the rewrite was to make the calculation easier and to provide more and better quality open space. He said it appeared that what the city was getting was open space that was put in corners of subdivisions where it was not being used to its best potential. He said the UDO called for high quality open space. He said because so much open space was required, there was little high quality improvements being made to the open space area.

He posed the questions to the Board if the open space standards were acceptable, should the focus be more on the quality of the open space rather than the quantity, if developers should have the option to bond open space to future phases of the development, whether fee-in-lieu options to city Parks and Recreation be encouraged as an option instead of open space, and whether or not there should be minimum or maximum requirements. He said for example, like at Country Club manor where the subdivision was less than an acre, should the open space requirement be waived or pay a fee-in-lieu. He asked if there should be cap on the amount of open space required.

Emrick said he would go over the amendments he had made to see what the Board thought about them. He told the Board they could make any changes they thought necessary even if it meant disregarding what changes he had suggested.

Emrick said the first thing he did was delete the current open space calculation in the UDO and reverted back to the previous calculation based on the number of lots not on the total gross amount of land. He said he also added that the open space should be installed prior to the recording of the final plat. He said this would guarantee a higher quality of open space because it would be a selling point for the subdivision and not an afterthought that was being tacked on the back corner.
Emrick said if less than one (1) acre was required, the Planning Commission would have the option to waive the requirement or require a fee-in-lieu.

Emrick said water surfaces could still be counted as 25% even with the reduced amount, but only they installed either a fountain to keep the water looking clean or if the water surface is incorporated as an amenity with a pier or dock.

Emrick said he left the Suitability section pretty much as is except to change the spelling of compliment to the correct spelling of complement in D.6 and he added if there was an existing or planned open space or green space, it would be required to be incorporated. He said in theory if there was ever a bike plan for the city to the neighborhood, you would have to tie into it.

Emrick said he took out the Planned Development option because he added it to the Residential Development.

Young asked about the fee-in-lieu use. Emrick said it would be used to upgrade or put new parks near the subdivision. Guidera asked if the calculation rate for the fee was advantageous to the city. Emrick said you take the fair market value of the acreage for the calculation.

McMeekin asked why there was open space. He said he lived in a subdivision with no open space. Guidera said it was so people to gather in their own neighborhood rather than going to a public park. McMeekin asked who had to pay for the amenities in the open space. Emrick said the developer would be responsible for putting the amenities in. McMeekin said afterward it would be up to the HOA to keep it maintained and that might not happen. He said he thought they should be able to fine the HOA if the open space was not kept up. Emrick said the city had a property maintenance ordinance in place already.

Emrick said the city required Rivertown Row to put in a mulch path around the pond, which the developer did, but the HOA has voted to remove it. He said even without the path, it is still open space. He said the path had not been a selling point either.

Jordan said he thought the fee-in-lieu should have a cap so there would have to be some open space. Emrick said it could be looked at on a case-by-case basis.

Guidera asked what triggered the open space requirement. Emrick said 5 lots or more. Guidera said one acre with good equipment was better than a large tract with minimal equipment.

Emrick said the Sherwood Forest Park was a good example of fee-in-lieu funds being used. Jordan asked who approved the fee-in-lieu. Emrick said the Planning Commission approved the fee-in-lieu.
Emrick did a quick review of the changes he had made to the existing ordinance. He said there were no changes to 10.A. Section B.1 he changed the 15% open space requirement back to the previous calculation. He also added the sentence that open space would be installed prior to the recording of the final plat. He made no changes to B.2 and B.3. In B.4, he gave the option to waive the requirement of open space for a subdivision of less than one (1) acre or to allow payment of fee-in-lieu. In B.5, water surface can only be counted at 25% of open space, and may only be considered as usable open space if a size fountain is installed and maintained at the expense of the developer or HOA and/or the pond or lake is made an active amenity by installing a dock or pier suitable for fishing or boating. Emrick said he could add “any other amenity as determined by the Planning Commission.” The Board liked this addition. Emrick said he deleted C. Planned District and now C. was Suitability. He said the second sentence would be entirely deleted, which said no more than 25% of the required usable open space shall be in form of water surfaces because it was included in B.5. The third sentence referencing wetlands was removed because wetlands would no longer be considered because the open space would be calculated on the number of lots and not gross total area. Emrick said the next change under 5.C.5 was the addition of the language...to take advantage of “other existing or planned open space.” The last change was to the spelling in 5.D.6 of compliment to complement.

Jordan made a motion, seconded by Foye, to approve staff’s recommended amendment changes to Article 10, Section 5 as presented. The vote in favor was unanimous. The motion carried.

V. PUBLIC INPUT

There was none.

VI. ADJOURN

There being no further business to come before the Board, the meeting adjourned at 6:15 p.m.

Approved and signed this ___ day of ___, 2015.

Brantley Green, Chairman