CITY OF CONWAY
PLANNING COMMISSION MEETING
THURSDAY, FEBRUARY 7, 2013
CITY HALL CONFERENCE ROOM – 5:30 P.M.

Present: Bradley Green, Bill Gobbel, David Jordan, Gerald Wallace, Hank Grabarz,
Fran Humphries, Larry Foye

Absent: Chris Guidera

Staff: Michael Leinwand, Planning Director; Barbara Tessier, Secretary

Others: Kevin Sansbury, John Fogelsonger, Bill Shannon, Ridgewood West; Earl
McDaniels, Paige Bird, Raymond Tiller, Rivertown Row, Jim Edwards,
Oak Place, James Barfield, Meadow Farms

I. CALL TO ORDER

Chairman Wallace called the meeting to order at 5:30 p.m.

II. APPROVAL OF MINUTES

Green made a motion, seconded by Jordan, to approve the January 10, 2013
minutes as written. The vote in favor was unanimous. The motion carried.

III. LETTERS OF CREDIT

A. Oak Place

Leinwand said this letter of credit was for sidewalks and street trees. He said this
letter of credit did not expire until May, which was three months away, but he thought it
was better to discuss it in advance. He said the following letters of credit on the agenda
were also not due to expire until later on.

Leinwand said this subdivision only had a total of 14 lots. He said only four lots
had been built on since the letter of credit was established in May of 2009. He said
because only four building permits had been issued, Staff recommended the extension
of this letter of credit for another year in the same amount.

Wallace asked Leinwand if he thought the amount of money was adequate.
Wallace asked if the developer wished to address the Board. Edwards said he could
get his engineer to review the work left to be done. He said the amount would probably
be less since they had more sidewalks and trees installed now. He said he didn’t mind
extending it at the same amount either. Wallace asked Edwards if he wanted the letter
of credit extended. Edwards said he did want the letter of credit extended. Jordan said he might as well re-evaluate and lower the amount if that was the case. Edwards said they were also getting ready to start two more houses.

Wallace said since the new ordinance had been passed, they were trying to set a policy where after five years, letters of credit would not be given extensions. He said there was an awful lot of sidewalks and trees not being installed, but if Edwards was proceeding, he did not foresee any problems.

Humphries made a motion, seconded by Jordan, to approve a one-year extension to the Oak Place letter of credit. The vote in favor was unanimous. The motion carried.

Leinwand asked the Board if it would be acceptable if Staff approved whatever reduction the engineer and city staff agreed upon. The Board felt that was acceptable.

B. Meadow Farms

Leinwand said this letter of credit was for sidewalks. He said this letter of credit had been first issued in May 2006. He said of the 47 lots in the subdivision, only 24 lots had homes on them. He said the homes were clustered in one area of the subdivision. He said because only 50% of the lots were built on, Staff recommended an extension of another year.

Barfield, the developer, said they kept the community well-kept. He said there were no complaints about the sidewalks. He said they had one circle area almost complete. He said hopefully things would pick up. He said they had two houses sold. He said they had gotten bank approval on one today. He said there was another one they were sure of, too.

Jordan made a motion, seconded by Grabarz, to extend the Meadow Farms letter of credit for an additional year. The vote in favor was unanimous. The motion carried.

C. Carsens Ferry (2)

Wallace said the Carsens Ferry letters of credit were for site work. Leinwand said this subdivision had gone into foreclosure. He said the only surety the city had were the letters of credit. He said Staff recommended the extension of the letters of credit until there was activity.

Wallace asked if anyone was present on behalf of Carsens Ferry. Leinwand said the bank had been contacted, but he had not received any response. Leinwand said the bank was Anderson Brothers Bank. He said the applicant's name was Independent Builders, but he did not think they had anything to do with the subdivision anymore.
Green asked if the bank was asking for the letter of credit. Leinwand said he had not been able to discuss it with the bank. Jordan said he didn’t think the Board should extend the letter of credit without hearing from the bank.

Gobble said his concern was whether or not the prices were still good. He said a lot of serious work had to be done. He asked if anything had been done to say that the amount of money in the letters of credit would be enough to cover all the site work. Leinwand said Staff could do a more thorough review. Gobble said he understood that staff could review what still needed to be done, but how would they guarantee the work could be done for what amount was in the letters of credit. He said sidewalks and trees were one thing, but site work would be something different. Humphries said the letter of credit was based on 2008 prices. Gobbel said someone needed to assure the city that the remaining work could be done for those prices, and if not, the amount should be updated.

Wallace said another issue was if the developer was not responsible, what the bank would do.

Jordan said if the letter expired the city would be out the $128,000. Leinwand said the city could draw down on the letter of credit if the bank did not want to renew it. He said last year the bank did renew it.

Green said the stormwater protection was nonexistent in Carsens Ferry. He said any other project in the city where stormwater protection was not in place caused an issue. He said there was the whole thing of getting done but also of maintaining it.

Wallace said there was an issue whether or not the 2008 prices reflected current prices. Leinwand said it could be assessed. He said in 2008, 125% of the cost was required. He said that was an additional amount to the 2008 prices. He said he did not know if the additional amount covered prices 5 years later.

Jordan made a motion, seconded by Gobbel, to table the matter until the March 2013 meeting. The vote in favor was unanimous. The motion carried.

**D. Ridgewood West**

Gobble recused himself from this agenda item because he was the project engineer.

Wallace said this letter of credit was for sidewalks and street trees.

Leinwand said the subdivision was off Collins Jollie Road. He said the letter of credit was established in 2007. He said since then only 3 lots had been built on. He said because of the small number of permits issued, it was Staff’s recommendation to renew the letter of credit for another year.
Wallace asked if anyone was there to represent the subdivision. John Fogelsonger was present, but said he had nothing to add. Wallace asked if they were actively selling the lots. Fogelsonger said they had not been, but Sansbury could give more details on that. Kevin Sansbury, an agent for Century 21 McAlpine, said they would be starting three houses in the subdivision within the next 30 days. Gobble asked if the two houses that had been built were sold. Fogelsonger said one of the houses had been sold, but the owner was going to wait out the market and then sell. Fogelsonger said they were keeping the subdivision maintained.

Gobbel asked about the Bradford Pear trees they were slated to put in. Fogelsonger said they were going away from the Bradford Pears and going with Oaks instead.

Humphries made a motion, seconded by Jordan, to extend the Ridgewood West letter of credit for an additional year. The vote in favor was unanimous with Gobbel having recused himself. The motion carried.

E. Rivertown Row

Wallace said this letter of credit was for sidewalks, mulch walkways and street trees.

Leinwand said this letter of credit did not expire until July 2013. He said the only reason this was being brought before the Board now was the current owner of the subdivision asked that the Planning Commission consider the extension of the letter of credit. He said there was a letter from the developer in the Board’s package explaining he was in the process of selling the development. He said the sale of the development was contingent upon the renewal of the letter of credit for an additional year. He said Staff had no issues with the extension. Leinwand said there had been a lot of recent activity in the development.

Wallace asked if there was anyone there to represent Rivertown Row. McDaniels said the sale depended on whether or not he got the extension of the letter of credit. He said the sale would get him out of a bind. He said the potential developer bought about 20 lots and had most of them built already.

Jordan made a motion, seconded by Humphries, to extend the Rivertown Row letter of credit. The vote in favor was unanimous. The motion carried.

IV. PUBLIC INPUT

There was none.

Wallace asked if there was any Board input. Leinwand said CCU would be offering training in March. He said he would pass along the information when he got it.
V. ADJOURN

There being no further business to come before the Board, the meeting adjourned at 5:50 p.m.

Approve and signed this 7th day of March, 2013.

Gerald C. Wallace III, Chairman