Monday, August 24, 2015 • 6:00 pm
City Hall • Downstairs Conference Room
1201 Oak Street • Conway, AR
AGENDA

Minutes
July 27, 2015

Public Hearings
Certificate of Appropriateness Reviews

1. Old Conway Design Overlay District
A. First Church of the Nazarene Metal Van Cover - 1516 Scott Street

2. Robinson Historic District
A. Bernard Request for Demolition - 819 Mitchell Street

Discussion
A. Sidewalk Requirements in the Old Conway Overlay

Historic District Commission Members

Steve Hurd, Chairman
Velton Daves, Vice Chairman
Scott Zielstra, Secretary
George Covington, Sr.
Trey Massingill

Betty Pickett
Marianne Welch
Aaron Nicholson
Taylor Martin
Conway Historic District
Commission July 27, 2015

Meeting Minutes
City Hall - Downstairs Conference Room, 6:00 p.m.

Roll Call
Steve Hurd, Chairman - present
Velton Daves, Vice-Chairman - present
Scott Zelastra, Secretary - present
George Covington, Sr. - present
Trey Massingill - present
Marianne Welch - present
Shanel Sandridge - Representing Habitat for Humanity

Finding of a Quorum
8 Commission members - Quorum present. Also in attendance:
Marianne Welch - recent
BeAy Pickle - absent
Aaron Nicholson - present
Taylor Martin - present
HDC City Staff, Bryan Patrick - absent

PUBLIC HEARING - CERTIFICATE OF APPROPRIATENESS
Habitat for Humanity – New Residence
716 Pine Street

Presentation: Habitat would like to construct a house similar to their Monroe Street home minus the big door that was donated for the other residence. The house will be built with brick from the window down and siding from the bottom of the window to the roof. The house will either be a 3 or 4 bedroom house but at this time, there has not been a determination on the number of bedrooms. The floor plan submitted was for 3 bedrooms but there is a possibility it will be 4. House will be built on the corner of Pine and Hamilton Streets. There is a dead tree on the property that will come down during construction.

Commission Discussion: The house will be a good compliment to the community houses that surround it. There will be a parking pad for cars that will be off of the street. Sidewalk will need to be constructed in a way to take advantage of the sidewalks on the sides of the proposed house. There was a question concerning fencing. At this time, there is not a fence on the site plan and if there was a fence, it would need to be reviewed by this group. They will need to follow the guidelines for a fence appropriate for the area.

Motion made by Marianne Welch to accept the plan as submitted with the addition of one condition.

Committee Conditions:
1. The residence shall be constructed as shown on submitted plans.
2. The front setbacks shall be around 34 feet from the back of curb or approximately 27 feet from the south property line. The rear setback shall be around 24 feet. Hamilton Street side setback shall be no less than 15 feet from the west property line. East side setback shall be no less than 6 feet.
3. A concrete driveway shall be located along the east side lot line and shall be no more than 20 feet wide.
4. A 4 foot wide sidewalk shall be constructed along Hamilton and Pine Streets approximately 5 feet from the back of curb. Location can be adjusted to minimize damage to trees. Crosswalk and utility locations shall be determined as the project progresses.
5. The two significant trees long Hamilton Street shall be preserved.
6. Floor to ceiling height shall be a 9 feet minimum.
7. Roof shall be asphalt shingle.
8. One additional window is required on the east wall as shown on plans.
9. Craftsman style, wide trim shall be used around windows and doors. Tapered columns shall be scaled accordingly; approximately 12” wide at base. Vinyl siding may be used.
10. HVAC units shall be placed at the rear or side of the structures and screened appropriately if viewable from the public street.
11. The location of the parking pad is to be determined by the Planning Department once the determination is made on whether there is 3 or 4 bedrooms.

Seconded by Velton Daves. Motioned approved unanimously.

Adjourn
The meeting was adjourned by consensus.
1A First Church of the Nazarene Metal Van Cover - 1516 Scott Street

OLD CONWAY DESIGN OVERLAY
CERTIFICATE OF APPROPRIATENESS REVIEW

APPLICANT
Bill Milburn
65 Wason Road
Conway, AR 72032

OWNER
First Church of the Nazarene
1501 Scott Street
Conway, AR 72034

SITE

Address. 1516 Scott Street - Northwest corner of empty lot across from church sanctuary at 1501 Scott Street. The lot was formerly occupied by a “barn like” rock-faced duplex.

Present Zoning. R-2A (Large Lot Duplex). The property is within the Old Conway Design Overlay District.

Abutting Zoning. R-2A (Large Lot Duplex) in the Old Conway Design Overlay Suburban District.

Lot Area. ~.19 acre
Surrounding Area Structures. An eclectic group of structures; First Church of the Nazarene facilities (Gothic revival & metal building) and minimal traditional, ranch, mixed-masonry, craftsman, and Queen Anne residences.

General Description of Property and Proposed Development. The First Church of the Nazarene would like to place a ~540 square foot metal cover over their Church van to protect it from the weather. Because the metal cover is over 160 square feet, it requires review by the Historic District Commission. The proposed location is the northwest corner of the empty lot formerly occupied by a large “barn like” duplex. The metal cover could be seen as a temporary structure.

Setbacks. The proposed cover would be set back 2 feet from the north property line and 0 feet from the west property line.

Spacing. Established spacing distance pattern between area structures. As an “outbuilding”, the cover would typical of other area accessory buildings.

Lot Coverage. The Old Conway District allows up to 60% impermeable lot coverage. The existing impervious area would not be changed.

Orientation. The direction in which the front of a building faces. The cover would have the open end facing the Church parking lot.

Alley. There are no alleyways in the affected block.

Driveway / Parking. The Church parking lots, driveways, etc, remain unchanged.

Sidewalks. The front of the lot is concrete it would seem that a sidewalk is unnecessary along this street frontage.

Fences. No fencing is proposed.

Tree preservation. No trees will be affected by the placement of the proposed cover.

WIDTH

Scale. The size of new construction in relation to neighboring structures and the proportion of structures to the human scale. The size of the new cover is no larger than other area outbuildings and is occupying a large empty lot.

Height. The average height of area structure’s eaves and cornices. Also, the first floor elevation / height relationship. Ceiling height should be 9 feet high. The cover’s height is tall enough to accommodate the Church van.

Width. New construction proportions shall respect the average widths of the majority of neighboring buildings in the area. The proposed cover’s width is appropriate with other area outbuildings.

Directional expression. Measurement of the height to width ratio of a structure’s elevation. The height of the cover is in relation to the other area structures.

Footprint. The area of land covered by a structure should be in relation to the majority of neighboring structures. The cover’s footprint is compatible with other area structures.

Complexity of form. The level of detailing and breaks in wall planes of a structure. The cover is strictly utilitarian. There is no discernible detailing.

Facade, wall area, rhythm. Facades shall be compatible with surrounding historic structures in proportion of wall to opening area. The cover is open with metal support poles, therefore, there are no facades.

DESIGN ELEMENTS

Style. The style should compliment the existing and area structures. The cover is strictly utilitarian. There is no discernible style.

Entries, Porches, and Porticos. Appropriate entry points are provided. Porches are to be a minimum of 6 feet in depth. Not applicable.

Doors and windows. Not applicable.

Awnings. When new construction uses awnings, traditional awning designs, materials, and placement should be used. Not applicable.

Lighting. Any new lighting should be inward, downward, and shrouded so as to stay within the bounds of the property. No lighting is proposed.
MATERIALS AND DETAILING
Architectural Details, Siding, and Bricks. Eaves, brackets, dentils, cornices, molding, columns, trim, etc. The cover is utilitarian with no architectural detailing.

Shutters. No shutters are proposed.

Roof. The cover is basically all metal roof.

Decks/Plaza Space. Not applicable.

Windows/Doors. None. Not applicable.

Skylights. None.

Mechanical Screening. HVAC units should be visually located away from streets or screened by landscaping. Exterior HVAC ductwork should not be visible from the street.

RECOMMENDATIONS
The proposed cover is a utilitarian structure that is basically a metal roof. The structure is not traditional in nature or constructed of traditional materials. However, as a temporary utilitarian structure it could be considered acceptable.

1. The cover shall be located and constructed as shown on submitted plans.
2. The north setback shall be around 2 feet from the north property line. West side setback shall be allowed at 0 feet.
2A  Bernard Demolition Request - 819 Mitchell St

ROBINSON HISTORIC DISTRICT
CERTIFICATE OF APPROPRIATENESS REVIEW

APPLICANT/OWNER
Jay and Molly Bernard
1905 Caldwell Street
Conway, AR 72034

Address. 819 Mitchell Street

Present Zoning. R-2A (Large Lot Duplex) within the Robinson Historic District.

Abutting Zoning. R-2A (Large Lot Duplex) within the Robinson Historic District.

Lot Area. .40 acre

Surrounding Area Structures. This property is in the central area of the Robinson Historic District. Adjacent to the north, are a small one-story minimal traditional residence and a large two-story colonial revival residence. Across Mitchell to the east, is a Spanish revival residence and a mid century church. Further to the north, is another large colonial revival residence. Further to the south, is a large craftsman/prairie residence.

General Description of Property and Proposed Demolition. The Bernards would like to demolish the duplex. The home no longer has the original windows and is covered in vinyl siding. Pictures made of the house for the 1998 Robinson District architectural survey show that there was no vinyl siding and original windows were on the home in 1998. The applicant has supplied an appraisal of the property. The appraisal does not give a value for the structure, only the land value. Also submitted were a renovation proposal and demolition estimate.

Robinson District Guidelines outline 6 criteria for demolition consideration:
1. Public safety and welfare requires the removal of a building or structure as determined by the building or code inspector and concurring reports commissioned by and acceptable to the Historic District Commission from a structural engineer, architect, or pertinent professional. The building official and pertinent reports shall specify the deficiencies of the structure that cause the structure to be unsafe and an imminent threat to public safety.
2. Where economic hardship (no reasonable return on or use of the building exists) has been demonstrated and proven.
3. Where rehabilitation is undesirable due to severe structural instability or deterioration that has been documented and proven.
4. The building has lost its original architectural integrity and is deemed as no longer contributing to the district.
5. No other reasonable alternative is feasible, including relocation of the building.
6. To ensure public safety and welfare.

The 1998 Robinson District Survey listed the residence as a contributing structure. However, since that time the home was covered with vinyl siding and original windows have been replaced. The survey of the residence is enclosed on pages 10-13. It would appear there is reason for the HDC to consider demolition based on criteria Number 2 - Economic Hardship, Number 3 - Structural Instability, and Number 4 - Loss of architectural integrity. (Possibly was not contributing as noted in the 1998 survey.)
Land Appraisal

APPRAISAL OF REAL PROPERTY

Located at
819 Mitchell St
Conway, AR 72034
Part of S.W., Florence's Subdivision

FOR
Estate of Robert Williams
819 Mitchell St
Conway, AR 72034

AS OF
05/19/2015

BY
Kenny R. Dwek
Dwek Appraisal
1205 N. 8th St
Conway, AR 72034
(501) 329-0600
kennedy@conwaycorp.net

Estate Appraised
7 Mound Lane, Suite D
Conway, AR 72034
(501) 329-0600

05/19/2015
Robert Williams
Estate of Robert Williams
819 Mitchell St
Conway, AR 72034

B: Property: 819 Mitchell St
Conway, AR 72034

F: Property: 13-1500

Opinion of Value: $85,000
Effective Date: 05/19/2015

At your request, I have prepared an appraisal report of the above referenced property. The
appreciation report uses the Uniform Form as the primary document and complies with the Uniform Standards
of Professional Appraisal Practice. The report presents a site visit, an analysis of the
physical condition of the property, and a consideration of comparable market sales and data.

The purpose of the appraisal is to provide an opinion of the market value of the property
subject to the stated terms of use. The client and interested users are the heirs of Robert Williams. No additional
works are intended. An order party receiving a copy of this report for any reason is not an intended user, so
please return a copy of this report to me at your earliest convenience.

The value conclusions reported are as of the effective date stated in the body of this report and
concomitant upon the verification and writing conditions attached. This report contains 36 pages
including exhibits.

Please do not hesitate to call me if I can be of further service.

Sincerely,

Kenny R. Dwek
Dwek Appraisal
303 S. 2nd St
Conway, AR 72034
(501) 329-0600
kennedy@conwaycorp.net

Land Appraisal

Comment Page 1 of 2

No. 13-1500
Client: Robert & Terry Williams

Scope of Work:

Data collection, evaluation and reporting were done through assessment records, multi-lots, recent sale prices, and personal information. The purpose of this appraisal is to form an opinion of market value of the property as of the date of inspection. The client is the heir of Robert Williams. No additional works are intended. An order party receiving a copy of this report for any reason is not an intended user, so please return a copy of this report to me at your earliest convenience.

The appraised property is located in the central part of Conway along Mitchell Street north of Robinson Avenue and south of Cockrell Street. It is identified by the Faulkner County Tax Assessor in 2.97 acres. Parcel ID 00:000000000000000

Improvements:

Existing Improvements include an older residence converted to a 2.75 apartments. Based upon the tax assessment the dwelling has an estimated built-out value of $76,071. Updates were completed in 2012. The interior provides some

Zoning:

Based upon Conway Zoning Map (2012-01), page 25, the current zoning for the subject property is A-0, Two Family Residential District. As referenced on page 44 of the City of Conway Zoning Ordinance, the current zoning provides for the following general purposes. The District should provide areas for the development of two family residential structures and larger, lower density structures. The District should facilitate transitions to one-family residential uses and multifamily residential uses by achieving a balance between the requirements for both family uses in most cases and multifamily residential uses by achieving a balance between the requirements for both family uses in most cases and the requirements of the higher density districts.

Historical District:

The neighborhood is part of the Old Conway Historic District consisting of homes with a wide range in size and value including small cottages to large historical homes on several sizes. The Old Conway District was created for the purpose of preserving, protecting, and preserving the aesthetic and historic nature and character of the older residential area in Conway. The neighborhood is to be redefined and reclassified as historical district after four consecutive terms of no change in the neighborhood. Building permits are issued on a case by case basis by the planning commission.

High and Best Use:

Highest and Best Use is defined as: The most probable use of land or improved property that is legally possible, physically feasible, financially feasible and not so inferior in value that a prudent land buyer would not buy it.

Legal Description:

Legal Description / Site Comments:

TBD 1: The N 1/2 of Lot 6, Florence’s Subdivision of Block 41 of Robinson’s Plan of Conway, AR.

TBD 2: The east 50’ of the north 60’ of the South 200 feet of Lot 6, Florence’s Subdivision of Block 41, Robinson’s Plan of Conway, Arkansas.

Total Area: 24,000 sq.ft.

A general view and walkover of the property were made. Property lines and corners are not clearly identified and the property was not measured by the appraiser. The legal description was taken from deed 15/F72/1073 and the deed file page 21. It is slightly irregular in shape, generally level and owned Mitchell St. The site is partially cleared with grade and topography.

Removal of the existing improvements and replacement with comparable improvements is recommended.

A survey is recommended to determine the site dimensions, property lines and easements.

Ken DWEK - DWEKAPP' real estate appraiser, Inc. — 1-800-826-3898

Fam SLP - "MEMBER" affiliated by its own, Inc. — 1-800-472-3030
**Land Appraisal**

**Land Appraisal SUMMARY REPORT**

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<th>Parcel Number</th>
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**Appraisal Report**

**Land Appraisal**

**Comments Page 2 of 2**

Date: October 11, 2011

The sales comparison approach to the primary method to develop an opinion of value in appraising real estate. The cost and income approaches were not developed which is typical in appraising this type property. This report uses the OP Land Appraisal Form as primary document. It contains 18 pages, including exhibits which are considered to be an integral part of the appraisal. This report may not be properly understood without reference to the information contained in the complete report.

**Extraneous Assumptions**

The physical characteristics, including the site dimensions, used to develop this appraisal is based on the deed description and subdivision plat. The appraiser has used the following Extraneous Assumptions in the development and reporting of the appraiser’s opinion of value. The appraiser has assumed the following statements, the information contained in the above mentioned sources regarding the site dimensions is correct. If these assumptions turn out to be incorrect, then the report’s opinion of value is subject to change.

**Reasonable Exposure Time**

Exposure time is defined by Appraisal Standard 8.2. For the estimated length of time the property is being appraised would have been offered on the market prior to the hypothetical conversion to a sale at market value on the effective date of this appraisal. Exposure time is the resulting opinion of value based on an analysis of past events assuming a competitive and open market.

Based upon MLS research and considering the physical characteristics and location of the subject property, for purposes of this appraisal, a reasonable exposure time for the subject is estimated at 6 months.

**Marketing Time**

Marketing time is defined as Appraisal Advisory Opinion 7. As an opinion of the amount of time it might take to sell a real or personal property at the market price at the market date immediately after the effective date of an appraisal.

Marketing time (60/6) for this property in this area is estimated to be 6-3 months.

**Sales Comments**

The sales data used in this assignment was obtained primarily from CARMLS public records and appraisal files. CARMLS is the primary MLS provider for Converse and Central Arkansas.

Not many transactions of this type property with similar size and location take place in any given year. The search for sales data emphasis on the location, location, and location. There are 6 sales displayed in the report with most emphasized given to 1. Each sale was viewed from the street and all have a similar zoning and potential land use.

Land is not always sold on the same lot basis. Values are typically estimated by the price per square foot for larger parcels and per square foot for smaller urban tracts. After an analysis of the market and review of the available data, the subject may sell at a per square foot base.

The 6 sales data used in this analysis reflect an undiscounted sales price per square foot range of $2.75 to $4.00 with a red range of $5.00. Sales 1-2 were considered to be normal reflecting a range of $3.00 to $3.50. All factors considered, a final value is rounded to $80,000 which is calculated to approximately $3.40/ft². $80,000 (6,000 sq. ft. = $3.40/ft²).

**Land Appraisal**

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**Land Appraisal**

**Comments Page 2 of 2**

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## Land Appraisal

### Additional Comparable Sales

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<th>Property</th>
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<th>Value</th>
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<td>100,000</td>
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<tr>
<td>456 Market St</td>
<td>2020-02-01</td>
<td>120,000</td>
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<tr>
<td>789 Fifth Ave</td>
<td>2020-03-01</td>
<td>140,000</td>
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### Waldner Design Build

#### Proposal

**Waldner Design Build**  
110 Beavercreek Road  
Conway, AR 72032  
Phone: 501-432-3222

Contractor # 009820814  
To: Jay Bernard  
819 Watkins  
Conway, AR 72034

**Proposal**

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<tr>
<td>1</td>
<td>Foundation leveling</td>
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<tr>
<td>2</td>
<td>Replumb for kitchen, 2 baths/laundry</td>
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<tr>
<td>3</td>
<td>Kitchen cabinets, countertop, appliances</td>
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<tr>
<td>4</td>
<td>New roofing</td>
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<tr>
<td>5</td>
<td>New HVAC system</td>
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<tr>
<td>6</td>
<td>Insulation walls and attic</td>
<td>5,500.00</td>
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<tr>
<td>7</td>
<td>Remove vinyl, install wood siding &amp; paint</td>
<td>22,000.00</td>
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<td>8</td>
<td>Inside wall relocation</td>
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<td>9</td>
<td>Drywall repair and painting inside</td>
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<td>10</td>
<td>New Roofing throughout</td>
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<td>11</td>
<td>Wiring &amp; fixtures</td>
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<td>12</td>
<td>Trash removal</td>
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**Total**

108,700.00

Date: 7/20/15  
Submitted by: Lonnie Waldner  
Accepted by:

Note: Based on the condition of the house and the amount needed to upgrade for a rental or sale, I recommend that this house be demolished and a new structure be erected to replace the current building. I would not put any money into the current structure.

Lonnie Waldner
J Black Inc.
24 Gibson Rd.
Mayflower, Ar. 72106
501 499 0132
7/21/15

Jay Bernard
Project Location:
819 Mitchell St.
Conway, Ar. 72032

This is a bid for demolition and removal of house site located at 819 Mitchell St. in Conway, Ar. Bid also includes that site is to be left clean and with positive drainage so there are no areas holding water where site was demolished.

1300 sq.ft. structure @$5.25/sq.ft. = $6,825.00
Topsoil (3 loads) = $600.00
Sawcutting = $350.00

Total Bid Price $7,775.00

Thank You,

Jimmy Black
**Arkansas Architectural Resources Form**

**1. Resource Number:** FA0476

**2. Survey Number:**

**3. Film Numbers:**

**4. Date Recorded:** 02-26-98

**5. Recorder:** STS

**GENERAL DATA**

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<th>819 Mitchell St. House</th>
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<td>8. Dual Map</td>
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<td>9. Geographic Location</td>
<td>S12 T05M R14W</td>
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<td>10. UTM Coordinates</td>
<td>CONWAY</td>
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<td>11. Town/Nearby Community:</td>
<td>Conway</td>
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<td>12. Street Address/Directions to Resource:</td>
<td>819 Mitchell St</td>
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<td>13. Street Name:</td>
<td>Mitchell St</td>
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<td>14. Owner:</td>
<td>ROBERT R. WILLIAMS</td>
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<td>15. Owner Address:</td>
<td>859 Mitchell Conway, AR 72032</td>
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<td>16. Owner Phone Number:</td>
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**DESCRIPTIVE DATA**

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<th>18. Use, Original:</th>
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<td>19. Use, Present:</td>
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**DESCRIPTIVE DATA OF PRINCIPAL STRUCTURE**

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<td>21. Threats to Prosperity:</td>
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**Total Number of Site Features & Description:** 0

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<tr>
<th>22. Style Influence:</th>
<th>Primary</th>
<th>Secondary</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>23. Total Number of Architectural Structures:</td>
<td>0</td>
<td></td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>24. Plan:</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>25. Height (Stories):</td>
<td>32</td>
</tr>
<tr>
<td>26. Basement/Cellar:</td>
<td>32</td>
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<tr>
<td>27. Vents and/or Projections:</td>
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<td>28. Construction:</td>
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<td>29. Wall Material, Original:</td>
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<tr>
<td>30. Wall Material, Present:</td>
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<tr>
<td>31. Roof Type:</td>
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<tr>
<td>32. Roof Material (if present):</td>
<td>0, 0, 0</td>
</tr>
<tr>
<td>33. Roof Material:</td>
<td>0, 0, 0</td>
</tr>
</tbody>
</table>
## 1998 Architectural Survey

### Historic Data

#### Architect

#### Builder

#### Construction Date

#### Historic Context

### Are any significant archaeological features located on the property?

### AMPP Use Only

#### Ethnic Heritage

#### Areas of Significance (Refer to Handbook)

#### NR Eligibility

#### Destroyed

#### Archaeological Potential
Discussion - Sidewalks in the Old Conway Overlay Design District

SIDEWALK DESIGN REQUIREMENTS IN THE OLD CONWAY DESIGN OVERLAY DISTRICT

The HDC began review of the Old Conway Design Overlay District sidewalk requirements in April 2015. Further discussion took place at the May and June meetings. HDC Staff was absent in July and sidewalk discussion was postponed until the August meeting. During past discussion, HDC Staff was instructed to look at other sidewalk variance methods. Suggestions included; not requiring sidewalks in areas where at least one sidewalk exists, pedestrian need, and requirements based on the size of the proposed structure. The question of other City’s HDC sidewalk requirements was raised. Staff spoke with the HDC staff persons for Little Rock and North Little Rock. Neither HDC reviews or requires sidewalks. This would seem to be the norm.

Based on past discussion, HDC Staff has revised and recommends adoption of the below amended current sidewalk regulations. Changes are noted in bold type:

Current OCDOD Sidewalks Regulations Amended:

A Sidewalk shall be constructed or repaired as part of any new commercial, office, or multi-family construction in the Old Conway Design Overlay District. Any exceptions to commercial, office, or multi-family construction shall be issued during the subdivision review and/or development review process.

Sidewalk Exception:
The construction of an addition or outbuilding with a footprint area greater than 40% of the primary structure will require the construction or repair of sidewalks.

Sidewalks are historically correct and add an essential pedestrian element to the area. Sidewalks shall be constructed or repaired for all street frontages and shall be 5 feet wide unless the width differs historically. Sidewalks shall pass through driveways.

If sidewalks are not prevalent in the area or not technically feasible due to utilities, easements, rights of way, etc., an in-lieu fee of $3 per square foot may be paid instead of sidewalks. The maximum residential in-lieu fee shall be $1875. The Conway Historic District Commission will determine if a request for a sidewalk exception is reasonable. The maximum residential in-lieu fee shall be $1875.

Alternative Amendment

As an alternative to the recommended existing regulation revisions, the HDC could pursue a more exhaustive amendment. The amendment below is a revision of the amendment presented at the June meeting. These criteria are based on current subdivision sidewalk regulations.

Staff Recommendation Summary: Require sidewalks for all new commercial construction. Exempt sidewalk construction for any additions or outbuildings 40% or less than the primary structure. Use additional criteria to determine eligibility to pay an in-lieu fee on residential sidewalks and provide a maximum in-lieu fee.

1. Sidewalk construction is required with any new commercial, office, or multi-family structure. Any exceptions to construction shall be issued during the subdivision review and/or development review process.

2. Sidewalks shall not be required with additions or outbuildings with a footprint of 40% or less than the primary structure’s footprint. Sidewalk construction is required for all other new residential structures unless the majority of the following exception criteria can be met.

   A. Pedestrian traffic generators such as parks and schools in the area are not present.
   B. Lack of area sidewalk network or future sidewalk network development.
   C. Current and future area development density will not increase.
   D. The terrain is such that a sidewalk is not physically practical or feasible.
   E. Trees, ground cover, and natural areas would be adversely impacted by the construction of the sidewalk.
   F. Utility structures, rights of way, easements, etc., create conditions making sidewalks impractical.
   G. The proposed development will not generate a large amount of pedestrian traffic.
   H. The overall need for a sidewalk to be constructed on the lot.

3. If a residential exception is approved by the HDC, then an in-lieu fee of $12 per linear foot may be paid instead of sidewalk construction. The maximum residential in-lieu fee shall be $1875.

PREVIOUS COMMENTARY FROM THE MAY HDC REPORT:

City of Conway Sidewalk Regulations:

Conway - All subdivisions both residential and commercial require the construction of sidewalks with the exception of I-3 Intensive Industrial zones and large lot subdivisions within the Territorial Jurisdiction. Sidewalks are not required to be constructed at the time of the subdivision, but when actual building construction takes place.

New construction, additions, remodeling, or outbuildings in any residential subdivision subdivided before 2006 (outside of the Old Conway Design Overlay District) does not require sidewalk construction.
Development Review - All office, multi-family, and commercial structures must have Design Development Review approval prior to the issuance of a building permit. Development Review requires the construction of sidewalks in conjunction with these projects.

PUD - Planned Unit Development - Any project zoned PUD must include sidewalks.

In areas where sidewalks are not practical or undesirable, the Planning Commission, City Council, or Planning Director (depending on the review process) may allow the payment of an in lieu fee of $15 per linear foot. In the case of residential in-lieu payment, a maximum of $1875 is required. This maximum offers relief for large residential lots with multiple street frontages.

Complete Street Ordinance - Ordinance O-09-56, approved in April 2009 requires that all city road projects be built to “Complete Street” principles. Complete street’s guiding principle is to design, operate, and maintain streets for all users; pedestrians, bicyclists, transit riders, as well as motor vehicle drivers while including compliance with the ADA standards.

Robinson District Sidewalk Regulations: There are no specific requirements concerning sidewalks in the Robinson District regulations. Sidewalk repair and/or construction is currently not required. A requirement to maintain or construct could be inferred by the nature of district preservation. For example, if a structure in the Robinson District has a sidewalk, it could be considered part of the historic “fabric” of the property. The sidewalk could not be removed without HDC approval.

Current OCDOD Sidewalk Regulations: Sidewalk repair and/or construction is required in conjunction with an Old Conway Overlay Certificate of Appropriateness review.

Exceptions: 1. An outbuilding 160 s.f. or less does not require sidewalk repair/construction. 2. An outbuilding with a footprint less than 30% of the primary structure does not require the construction or repair of sidewalks. 3. An exterior addition or remodel project 75 s.f. or less does not require sidewalk repair/construction.

The Historic District Commission may allow the payment of an in lieu fee of $12 per linear foot in areas where sidewalk construction is not practical or undesirable. There is currently no maximum fee.

 Considering other city sidewalk regulations, current Old Conway Overlay sidewalk requirements seem punitive. If the HDC would like to more closely match current city regulations, staff recommends the following amendments to the HDC regulations:

1. Require the construction of sidewalks with any commercial, office, multi-family, or new residential structure.
2. Sidewalks would not be required with additions or outbuildings.
3. A maximum residential in-lieu fee of $1875.