

City of Conway

006645

DN: REZ2005FEB01  
ID: REZ2005JAN01  
GL: 61434SE/61434Sw

ORDINANCE NO. 0-05-22

AN ORDINANCE AMENDING SECTIONS 201.1 AND 201.3 OF THE CONWAY LAND DEVELOPMENT CODE; REZONING PROPERTY LOCATED ON THE NORTH SIDE OF IRBY DRIVE ON THE PROPERTY FORMERLY OCCUPIED BY AND KNOWN AS THE CADRON VALLEY COUNTRY CLUB FROM R-2 TO PUD; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS:

SECTION 1: That the Zoning District Boundary Map of the Conway Land Development Code be amended by changing all the R-2 symbols and indications as shown on the Zoning District Boundary Map in an area described as follows:

A part of the W1/2 SE1/4 and E1/2 SW1/4 of Section 34, T-6-N, R-14-W, Faulkner County, Arkansas, being more particularly described as beginning at the SE corner of said W1/2 SE1/4 and run thence N88°49'32"W, along the south line of said SE1/4, 1334.53 feet; thence run N02°03'39"E, 210.00 feet; thence N88°14'46"W, 420.00 feet; thence S02°03'39"W, 210.00 feet to the south line of said SW1/4; thence run N88°14'46"W, along said south line, 902.97 feet to the SW corner of said E1/2 SW1/4; thence run N02°02'29"E, along the west line of said E1/2 SW1/4, 1469.46 feet; thence N78°42'47"E, 1206.07 feet; thence N02°28'29"W, 33.19 feet; thence N82°01'21"E, 87.20 feet; thence S05°57'54"E, 28.33 feet; thence S80°29'46"E, 148.82 feet; thence N03°09'39"W, 297.50 feet; thence N81°09'21"E, 70.40 feet; thence S16°59'34"E, 293.01 feet; thence N78°42'49"E, partway along the boundary of Nob Hill Subdivision, 1117.33 feet; thence S01°21'26"W, along the boundary of said subdivision, 2011.82 feet to the point of beginning. Containing 103.22 acres more or less.

to those of PUD, and a corresponding use district is hereby established in the area above described and said property is hereby rezoned.

SECTION 2: That all ordinances in conflict herewith are repealed to the extent of the conflict.


PASSED THIS 8<sup>th</sup> DAY OF March, 2005.

Approved:

  
MAYOR

Attest:

  
CITY CLERK

Doc#2005- 6569  
Date 03/31/2005  
08:07:02 AM  
Filed & Recorded in  
Official Records of  
Faulkner County  
SHARON RINNER  
FAULKNER COUNTY CIRCUIT CLERK  
Fees \$20.00  
by 

252/115

D.C.

1. Prior to start of major construction, concrete drives are to be extended 200 feet to 300 feet from Irby onto the property to mitigate dirt being pulled out onto Irby.
2. No liquor license or restaurant is to be allowed for this Planned Unit Development, although a snack bar is acceptable.
3. Detention pond(s) are to be built to accommodate a rainfall event equivalent to a fifty year rainfall event in a 24 hour period. A third party engineer will be hired by the city at the expense of the developer to verify that the engineering/construction plans for the detention system achieve that desired level of detention and to verify that finished construction of the detention system conforms to the plans. In the event of a future determination of the inadequacy of the detention system to meet this standard, the developer or current owner(s) shall be required to reconstruct the system to be in compliance with this standard.
4. The rate of discharge from the detention system is to be no greater than the downstream system will accommodate and this will also be verified by the third party engineer at both the plan and construction stages. In the event of a future determination of the failure of the discharge from detention system to meet this standard, the developer or current owner(s) shall be required to reconstruct the discharge structures to be in compliance with this standard.
5. Yearly maintenance report on detention pond to be submitted to City Engineer and be available for public review. Further, the detention system will be subject to review by the City Engineer or his designee on an annual basis with periodic reviews as necessary.
6. Smoke alarms are to be installed in all units.
7. Building manager(s) are to meet with the Conway Police Department at least once every four months to address calls of service and to address criminal activity reports. Calls for service and criminal activity reports will be kept on file *for a period of at least one (1) year* available for public viewing in the Manager(s) Office.
8. Hours of construction for the development are to be from 7:00 a.m. to 6:00 p.m., Monday through Saturday, with no construction to occur on state holidays.
9. Common open space totaling a minimum of 65.88 acres in golf course, parks, or other green space including roadways and cart paths is to be identified and dedicated on the property deed and Planned Unit Development for a period of 99 years.
10. Construction traffic is to be routed to and from the site by major collector and arterial roads with the prohibition that no construction traffic may enter or leave the site west on Irby through St John's Subdivision.
11. All single family homes will be a minimum of 2000 square feet heated and cooled with fully sodded lots ( front, back, and all sides) and constructed of at least 70% brick using architectural shingles on at least 8/12 pitched roofs and conforming to the requirements of R1 zoning.
12. At least one manager, two assistant managers (one for each cluster of apartments), and three safety officers will reside on the premises. Each cluster of apartments will have a resident assistant manager and the safety officers will split their residency between the two clusters at least one in each cluster.
13. Each apartment cluster will have one entrance/exit for general use and one entrance/exit that is designated for emergency use only accessible to emergency personnel by "closable/crashable" gates only if it does not conflict with city codes for fire, sanitation, or other city services.

14. Private drives are to align with existing city streets or meet the subdivision requirement to be offset at least 125 feet from said existing city streets.
15. Signage is to be of monument style in design and no more than 16 square feet maximum area per face, two faces per sign maximum, each for a possible two signs. The signs standards included in the Suburban Arterial Overlay District shall also apply to this PUD except where the above standards are more restrictive.
16. Developer will, at a minimum, plant the landscaping shopping list handed out at the February 15, 2005 meeting of the Conway Planning Commission. The landscaping plans shall be reviewed for compliance when the site plan is reviewed. Additional planting material is encouraged.
17. All retention ponds will be aerated to prevent stagnation and the spread of mosquitoes.
18. All lighting will be inward, downward, and shrouded in all zones (A,B,C,D,E, & F) including street lights. Light should be no more than one foot-candle at the perimeter of each zone with the exception of zone F where the regular street lighting along the private drive may be allowed greater light spill-over at the interior perimeter of the zone in order to provide adequate lighting along the street.
19. Public buildings are to meet ADA requirements.
20. Unit inspections records are to be retained in the Manager's Office and available for review by the public for a period of at least one (1) year.
21. Documented unit inspections are to be required and executed every three (3) to five (5) months with the documentation retained and available as stated in item 20 above.
22. Criminal background checks are to be required on all adults residing within the apartment complex.
23. Areas B and C are each limited to a maximum of 23 buildings with 12 units per building.
24. Painted wrought iron fencing is to be installed as shown on the proposed plan submitted for consideration.
25. No banners or other advertising can be affixed to the property or fence in any manner.
26. All roads are to be built to city standards for residential streets including a width of 27 feet for streets and a diameter of 96 feet for cul-de-sacs.
27. Timeframe for all construction including single-family homes to be completed is 30 months to begin from the time the site plan is approved by staff.
28. Developer is to be encouraged to save mature trees when possible.
29. Developer is to install sidewalks that will extend the length of the PUD property directly fronting Irby.
30. All trash dumpsters are to be enclosed within gated, bricked structures with a minimum of fifteen (15) feet by fifteen (15) feet square interior dimensions.
31. A street maintenance fund shall be created for the homes on separate lots for maintenance of their private drive. This maintenance fund should be funded by the seventeen (17) homeowners and maintained in a separate account inspectable by the city for the exclusive use of the homeowners in either through their property owners association or through their majority vote in maintaining their private street.
32. The owner or, in the case of a division of ownership, any and all owners of the common green space and the apartment clusters shall ensure the integrity of the storm water detention

and discharge system for the PUD.

33. Upon the failure of the owner(s) to properly maintain the storm water detention system, after notification by the city of any deficiencies and the elapse of a reasonable amount of time for the circumstances, the city reserves the right to enter the property and undertake whatever corrective actions are required for the upkeep or repair of the system. The city shall be due full compensation for any cost incurred for such actions taken in this regard and for the owner's (owners') negligence in failing to properly maintain the system.
34. In each of the apartment clusters the apartment structures are to be generally located around the perimeter of each cluster with the parking lots on the interior of each cluster.
35. The access to the seventeen (17) residential lots shall be a 27 foot curb street built to city standards with a 96 foot diameter cul-de-sac at its end. Its length and alignment are to be as shown on the accompanying PUD plat map and it shall not be a public street. Rather, it shall be a private access easement.
36. Apartment residents are prohibited from placing anything behind the buildings except what furniture could be reasonably used for the back patio.
37. The developer shall extend a sidewalk along the east side of Country Club Road from Irby Drive to connect with the existing sidewalk on Country Club Road south of Tyler Street. The developer will be allowed to meet the sidewalk requirement along Country Club Road for a concurrent project he is undertaking on the southwest corner of Country Club Road and Irby Drive by the placement of the sidewalk on the east side of Country Club Road. Any sidewalk requirement along Irby Drive for the developer's concurrent project is not waived by this section.