



CITY OF CONWAY, ARKANSAS PLANNING COMMISSION

June 20, 2023 • 6:30pm • 1111 Main Street

Planning Commission meeting procedures (per by-laws adopted July 19, 1993; amended September 20, 2021)

***Order and conduct for public hearings: Following the announcement of the item by the Chair, Planning Staff will present the report findings. Following Staff presentation the Applicant is granted up to 10 minutes for additional presentation with subsequent favorable public comments limited to 3 minutes per person. If opposed parties are present the initial speaker is then granted up to 10 minutes with each subsequent public comment limited to 3 minutes per person. No person shall address the Planning Commission without first being recognized by the Chair and stating his/her name and address for the public record. All questions/ remarks shall be made from the podium and addressed through the Chair to the Commission as a whole. Any group with common interest shall select a speaker to address the Commission on behalf of the group; repetitive comments will be limited.*



City of Conway

PLANNING COMMISSION

June 20, 2023

PLANNING COMMISSION

Rebekah Fincher, Chair
Laura King, Vice-Chair
Drew Spurgers, Secretary
Alexander Baney
Adam Bell
Mark Ferguson
Latisha Sanders-Jones
Lori Quinn
Ethan Reed
Jensen Thielke

The Conway Planning Commission makes recommendations to the City Council on public hearing items. Items reviewed on this agenda will be considered by the City Council as early as **July 11, 2023.**

Items not approved by the Planning Commission/Board of Zoning Adjustment may be appealed to the City Council within 30 days of the date of denial.

Call to Order [Board of Zoning Adjustment] and Roll Call.

Finding of a Quorum.

Approval of Minutes. May 15, 2023

I. Variance Review**

- A. Request for zoning variance to allow reduced lot depth for property located at 1709 Robins Street (VAR-0523-0080)

Adjourn.

Call to Order [Planning Commission] and Roll Call.

Finding of a Quorum.

Approval of Minutes. May 15, 2023

II. Public Hearings**

- A. Request to rezone property at 1700 South Boulevard from R-2A to R-2* (REZ-0423-0061)
B. Request for conditional use permit to allow a *Childcare Facility* in the R-2 zoning district for property located at 1700 South Boulevard (CUP-0523-0082)
C. Request to rezone ±11.60 acres located east of Padgett Road at the intersection of Spencer Lake Drive from A-1 to PUD (PUD-0323-0042)

III. Announcements/Additional Business

- A. Staff Reports discussion
B. Additional items as decided by the Commission

Adjourn.

Request for Zoning Variance: Reduced minimum lot depth

I.A

1709 Robins Street

APPLICANT/AUTHORIZED AGENT

Tyler Group
240 Skyline Dr, Ste 3000
Conway, AR 72032

OWNER

Tim Andrews
PO Box 10334
Conway, AR 72034



SITE DATA

Location. Rear portion of 1709 Robins St. New lot will be addressed off Torreyson St.

Site Area. ±0.15 acres.

Current Zoning. R-2 (Low Density Residential District).

Existing Structures. 671 sf detached structure.

Overlay. None.

Requested Zoning Variances.

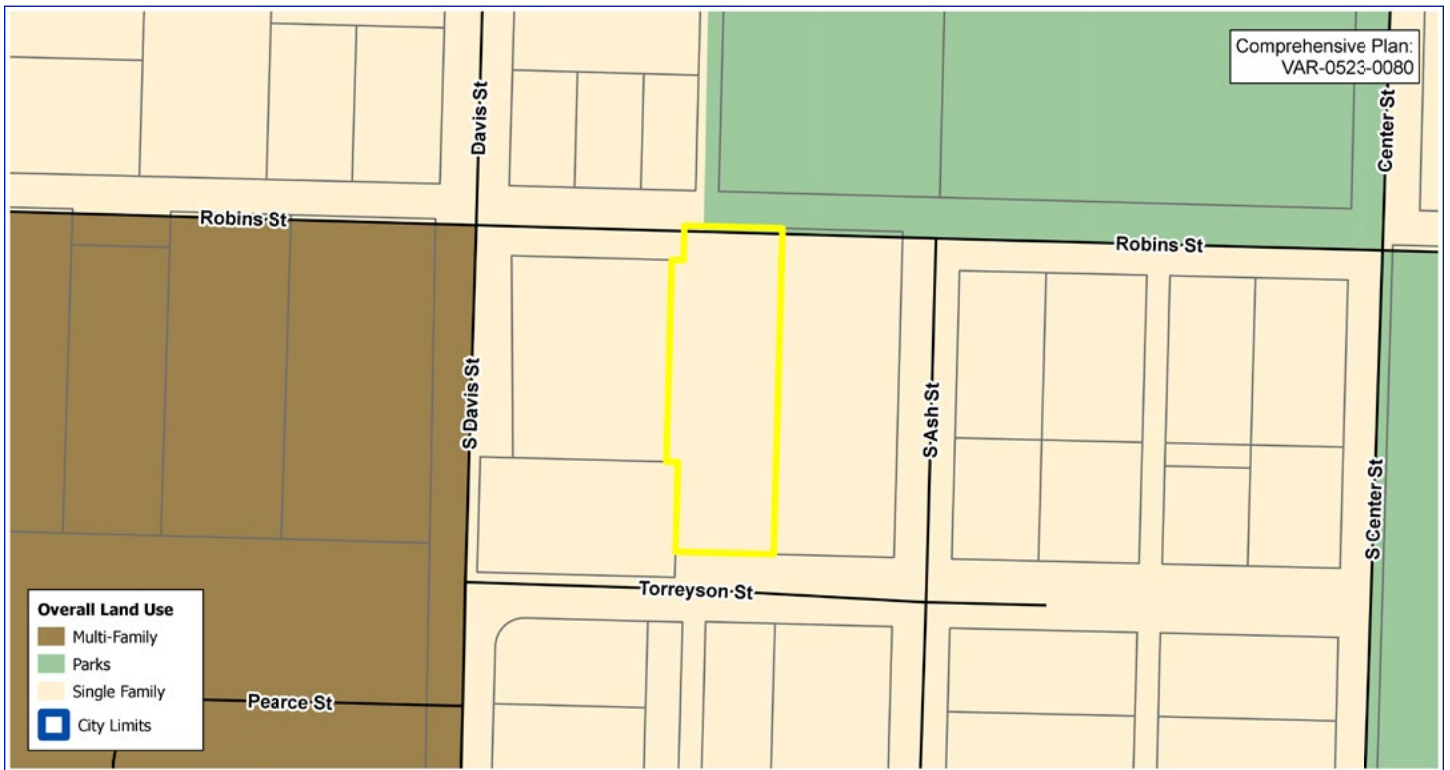
- Reduce lot depth from 100' to 85'.
- Reduce front setback from 25' to 20'

General Overview. The applicant is proposing to split the existing lot at 1709 Robins St to accommodate the construction of a new single-family home or duplex on the newly created lot. This action would necessitate the granting of two variances to accommodate the lot split. The first is a reduction in the front setback for the existing structure on proposed Lot 2 from 25' to 20'. The second is a reduction in the required lot depth for Lot 2 from 100' to 75'. There is a gazebo on the property the owner would like to keep with Lot 1. The gazebo is connected to the home and carport on Lot 1 via a paved sidewalk.

Request for Zoning Variance: Reduced minimum lot depth

I.A

1709 Robins Street



Request for Zoning Variance: Reduced minimum lot depth

I.A

1709 Robins Street

Zoning Ordinance Regulations. R-2 zoning district requires:

- Setbacks: Front/Exterior 25', Sides 6', Rear 20'
- Lot Depth: 100'

Basis of Variance Review. The Planning Commission acting as the Board of Zoning Adjustment, should only grant zoning variances if strict enforcement of the zoning ordinance will cause undue hardship due to circumstances unique to the individual property. Variances should only be granted when it is demonstrated that such action will be in keeping with the spirit and intent of the ordinance. The Commission may impose conditions in granting a variance to ensure compliance and to protect adjacent property.

STAFF COMMENTS

- The newly created lot will front Torreyson St which is a dead-end street. There are currently no plans to extend Torreyson St in either direction.
- The gazebo on the property is connected to both the existing home and carport located on Lot 1 via paved side paths. It is reasonable to want this gazebo to remain as a part of Lot 1 given this layout.
- The existing home to the west sits roughly in the same location as the existing structure on the proposed new lot, making it an appropriate location for infill development without disrupting the overall pattern of development in the area.
- The minimum lot area of 6,000 sf will be met.
- Allowing the variance would not preclude the applicant from meeting all other requirements of the zone.
- Granting the variance would not likely harm adjacent property.

STAFF RECOMMENDATIONS

Staff recommends approval of the variance with conditions on the basis that granting the variance would allow appropriate development of the site without harming adjacent property. Planning recommends approval of this variance request with the following conditions:

Recommended conditions of approval:

1. The applicant shall be required to replat the property for the variance to become effective.
2. Variance shall only apply a new lot created fronting Torreyson St. The existing and remaining lot, fronting Robins St, shall meet all required minimum standards for the zoning district in accordance with the Conway Zoning Code and Subdivision Ordinance.

SAMPLE MOTION

I move to accept the staff recommendation to approve the request with the condition indicated in the staff report on the basis that, as conditioned, it allows for appropriate use of the property and would not likely negatively impact adjacent property.

Request for Zoning Variance: Reduced minimum lot depth

I.A

1709 Robins Street



View of rear of 1709 Robins St looking N



Torreyson St intersection at S Ash St, looking W



View of front of 1709 Robins St looking S



Property adjacent across Robins St



Property adjacent to the W



Property adjacent to the E

Request to Rezone: R-2A to R-2

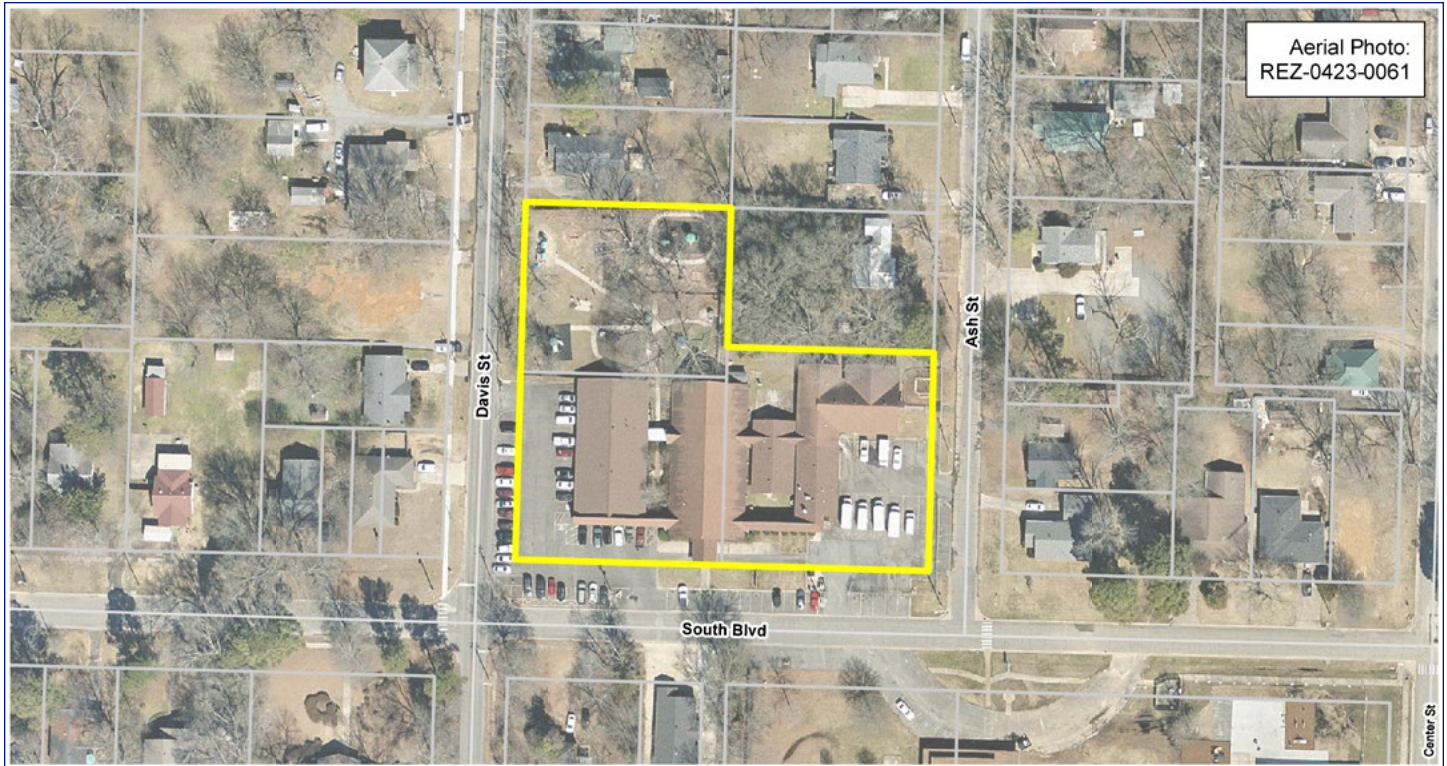
1700 South Boulevard

APPLICANT/AUTHORIZED AGENT

Emily Ferris
Sowell Architects
1315 North St, Ste 100
Conway, AR 72034

OWNER

Milestones Services, Inc./Faulkner County Day School
1700 South Blvd
Conway, AR 72034



SITE DATA

Location. 1700 South Blvd.

Site Area. ±1.86 acres.

Current Zoning. R-2A (Two-Family Residential).

Requested Rezoning. R-2 (Low Density Residential).

Adjacent Zoning. West, East, North, South: R-2A (2 properties with Conditional Use Permits to allow Religious Activities at 1715 South Blvd and Office with adjacent parking at 222 Ash St).

Existing Structures. Approximately 26,984 sf of childcare and supporting facilities plus associated outdoor play area equipment.

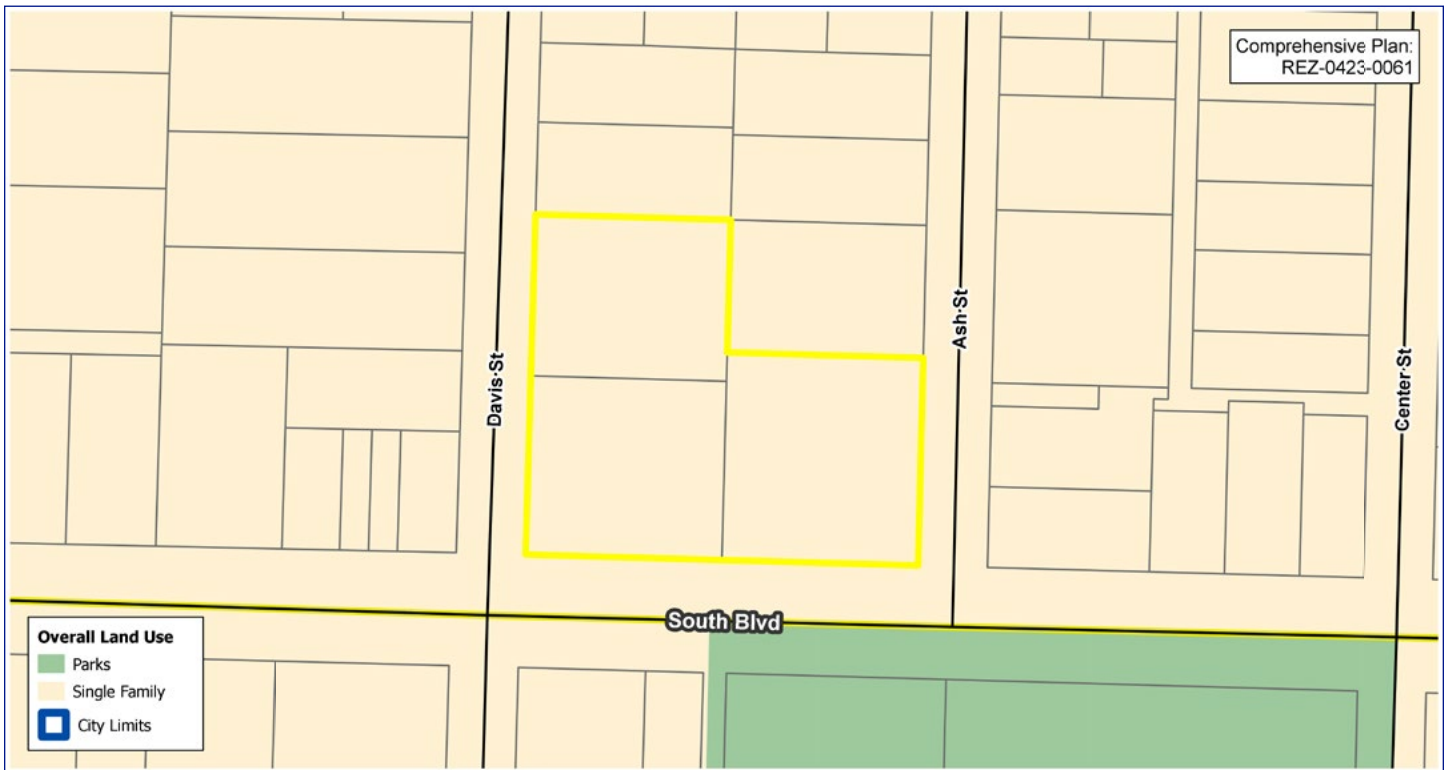
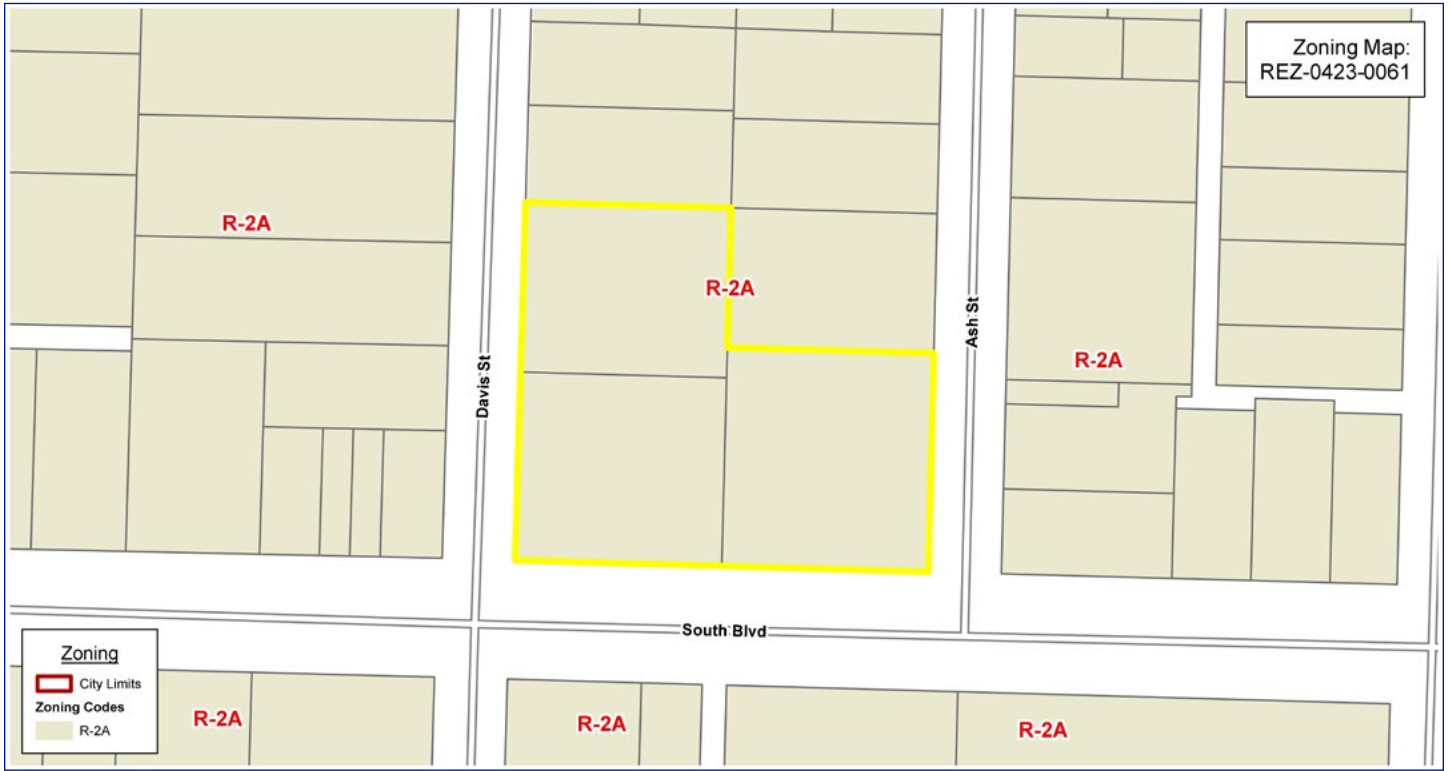
Overlay. Old Conway Design Overlay District, Suburban Zone.

Comprehensive Plan. Single Family Residential.

Project Traffic Impact. No increase in traffic is anticipated as no change in use is proposed. The rezoning request is to bring the long-established use of the site into zoning conformance through a Conditional Use permit.

Request to Rezone: R-2A to R-2

1700 South Boulevard



1700 South Boulevard

Current Traffic Counts. No traffic data is available for this site. The nearest data is 1,800 ADT - Conway Blvd (north of the intersection at South Blvd).

Flood/Drainage. No portion of the property lies within a FEMA flood hazard zone.

Utilities. The site is developed.

Master Street Plan. South Blvd – Major Arterial (100' ROW); Davis St - Collector (60' ROW).

Street Improvement. None planned at this time.

STAFF COMMENTS

- The applicant is requesting to rezone 1.86 acres+/- from R-2A to R-2.
- The applicant originally proposed a rezoning from R-2A to S-1 (Institutional). Due to public feedback at the May Planning Commission meeting (5/15/2023), the applicant verbally amended their application to seek rezoning to R-2 and has concurrently applied for a Conditional Use permit that would allow for the current use.
- This rezoning appears to create no change of use. The applicant is seeking the rezoning to bring the site up to current zoning standards through a Conditional Use permit.
- The land use plan designates this area as Single-Family Development. R-2 allows this site to be used by right for single family development or two family development. However, this site has been used as an institutional use for decades, first as a church and then as a school.
- The adjacent properties are zoned R-2A. This rezoning appears consistent with uses in the area.
- Any new development/redevelopment may be subject to development review in accordance with Article 10 of the Conway Zoning Code and Historic District Commission approval.
- The rezoning request will not likely negatively impact adjacent property.

STAFF RECOMMENDATION

Staff recommends approval of the rezoning. The proposed zoning would bring the site into zoning compliance and would not negatively impact adjacent property.

SAMPLE MOTION

I move to accept the staff recommendation to approve the rezoning request on the basis that it will bring this property into compliance and will not likely negatively impact adjacent property.

Request to Rezone: R-2A to R-2

1700 South Boulevard

II.A



View of subject property from Davis St looking E



View of subject property from Davis St looking E



View of subject property from South Blvd looking N



View of subject property from Ash St looking NW



Properties adjacent to the N (along Ash St)



Properties adjacent to the E, across Ash St

Request for Conditional Use Permit: Childcare Facility in R-2

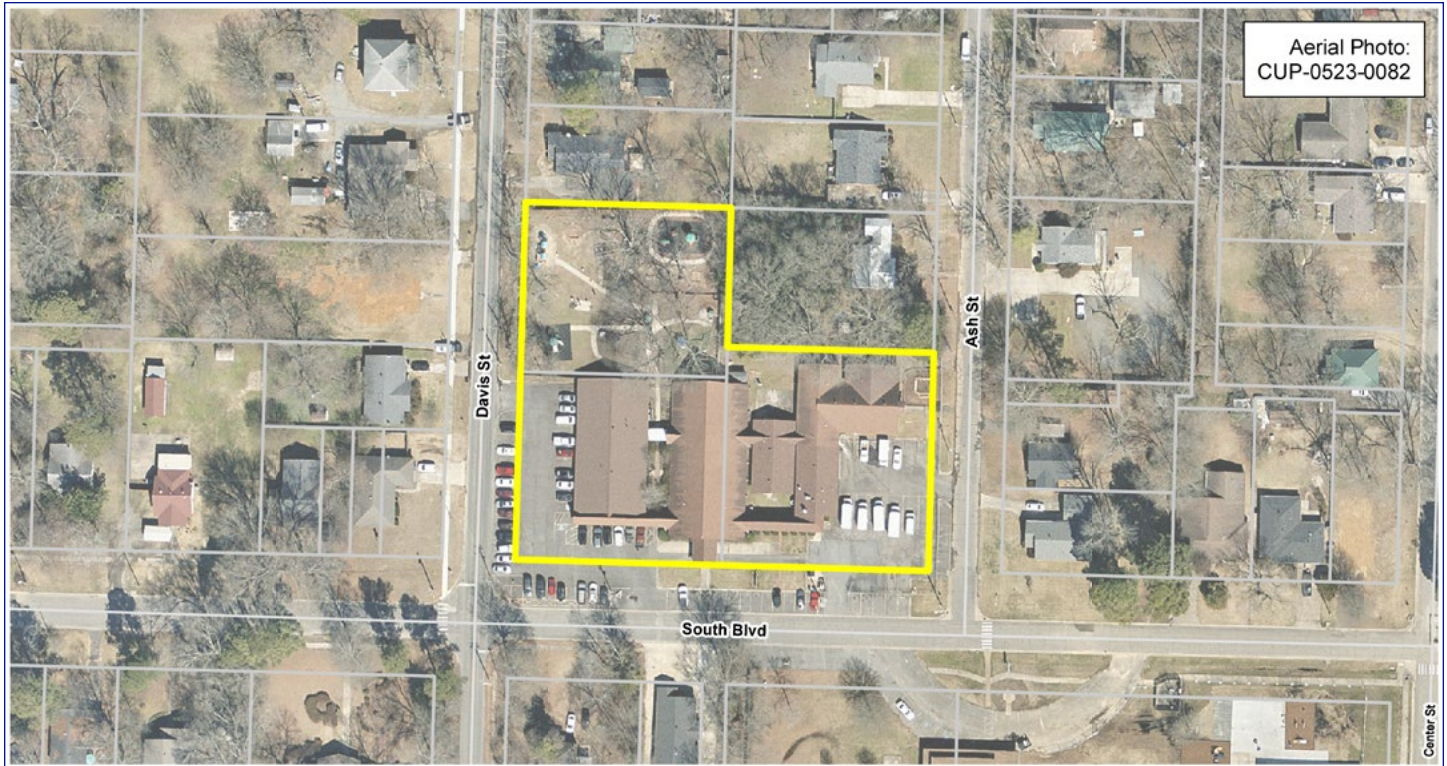
1700 South Boulevard

APPLICANT/AUTHORIZED AGENT

Emily Ferris
Sowell Architects
1315 North St, Ste 100
Conway, AR 72034

OWNER

Milestones Services, Inc./Faulkner County Day School
1700 South Blvd
Conway, AR 72034



SITE DATA

Location. 1700 South Blvd.

Site Area. ±1.86 acres.

Current Zoning. R-2A (Two-Family Residential).

Requested Conditional Use. Childcare Facility.

Adjacent Zoning. West, East, North, South: R-2A (2 properties with Conditional Use Permits to allow Religious Activities at 1715 South Blvd and Office with adjacent parking at 222 Ash St).

Existing Structures. Approximately 26,984 sf of childcare and supporting facilities plus associated outdoor play area equipment.

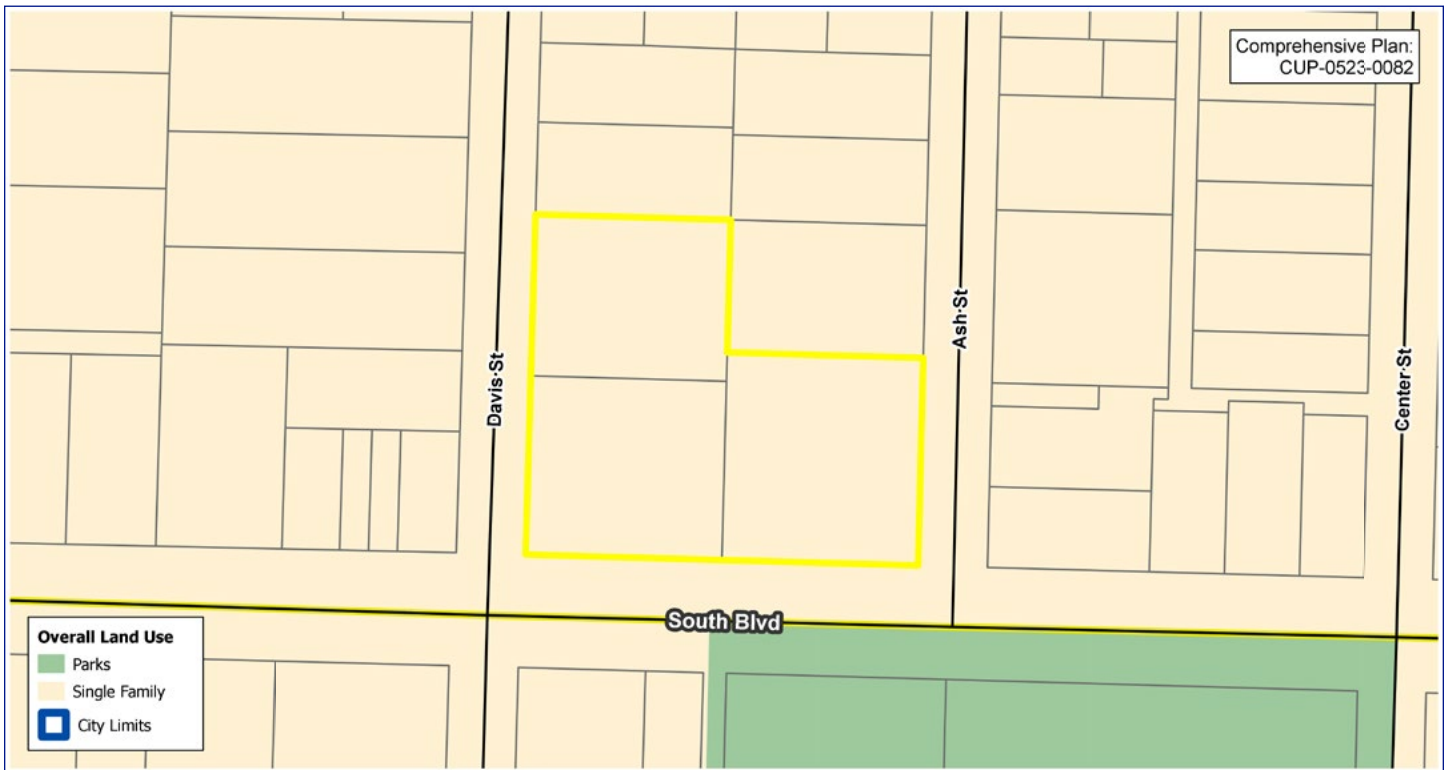
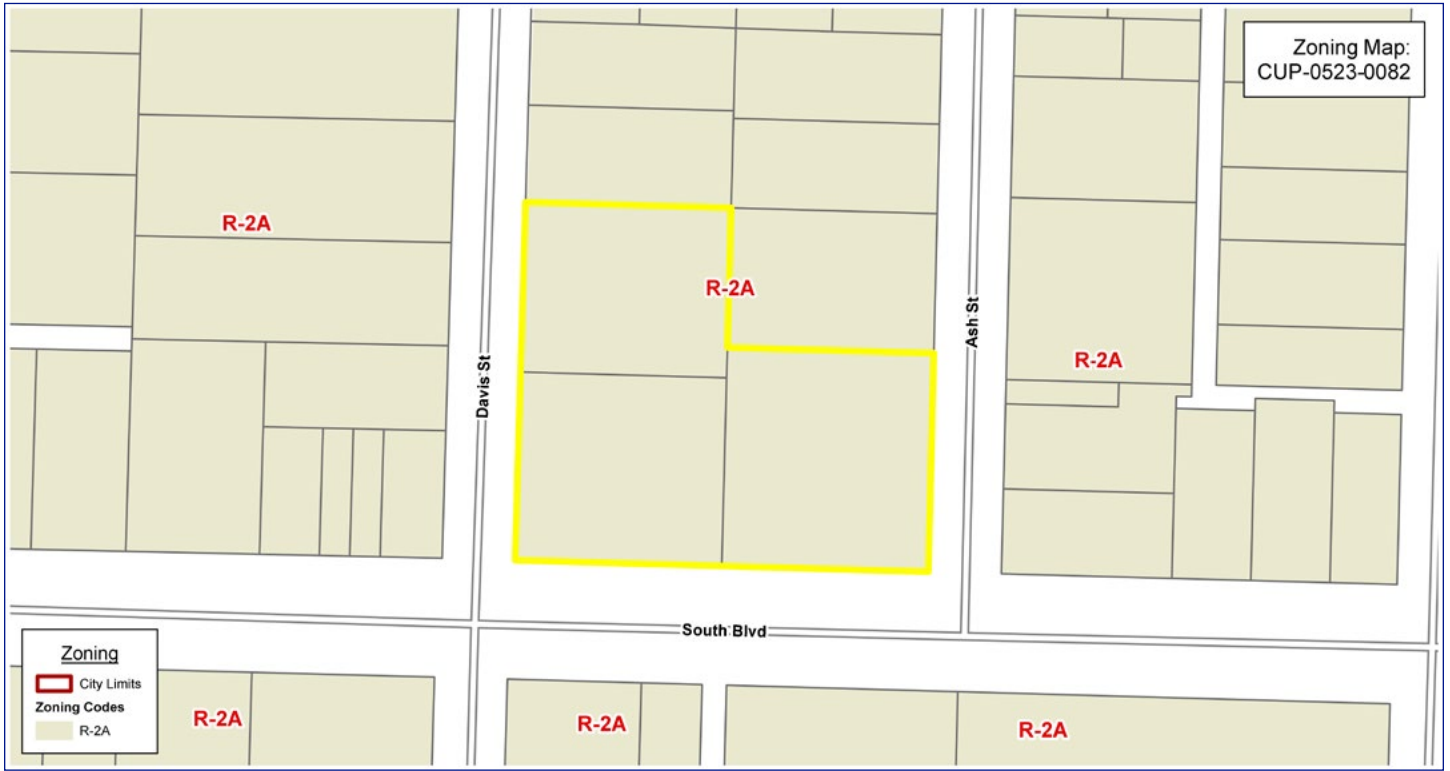
Overlay. Old Conway Design Overlay District, Suburban Zone.

Comprehensive Plan. Single Family Residential.

Project Traffic Impact. No increase in traffic is anticipated as no change in use is proposed. The rezoning request is to bring the long-established use of the site into zoning conformance through a conditional use permit.

Request for Conditional Use Permit: Childcare Facility in R-2

1700 South Boulevard



1700 South Boulevard

Current Traffic Counts. No traffic data is available for this site. The nearest data is 1,800 ADT - Conway Blvd (north of the intersection at South Blvd).

Flood/Drainage. No portion of the property lies within a FEMA flood hazard zone.

Utilities. The site is developed.

Master Street Plan. South Blvd – Major Arterial (100' ROW); Davis St - Collector (60' ROW).

Street Improvement. None planned at this time.

STAFF COMMENTS

- The applicant is requesting a conditional use permit to operate a childcare facility.
- Milestones Services, Inc has operated its children's early intervention and childcare programs at 1700 South Blvd location since 1996 (until 2017 it operated as Faulkner County Day School).
- This request appears to create no change of use, but will move the established use of the site toward compliance with the Zoning Code.
- The site has been used in an institutional capacity for several decades, first as a church and then as a childcare facility.

STAFF RECOMMENDATION

Staff recommends approval of the request with the suggested conditions. As conditioned, the proposed use would bring the site into zoning compliance and would help mitigate any negative impacts to adjacent property.

Recommended conditions of approval:

1. Operating hours are limited to Monday – Friday, 7:00am – 5:00pm.
2. Approved uses are limited to childcare facility and accompanying early intervention children's therapy programs which are currently offered.
3. Any changes to or expansion of the approved use shall require an amended or new conditional use permit.
4. Any expansions or additions to the site, existing structures, or outdoor play area may be subject to site development review [in accordance with Article 10 of the Conway Zoning Code] prior to the issuance of building permits .
5. Any expansions or additions to the site, existing structures, or outdoor play area shall be subject to approval by the Historic District Commission and issuance of a certificate of appropriateness prior to the issuance of building permits.
6. All exterior lighting shall be inward, downcast, and shrouded to prevent light trespass onto adjacent property and shall comply with Article 10, Development Review Standards, of the Zoning Code.
7. Any new fencing shall comply with Article 10, Development Review Standards, of the Zoning Code. Fencing type and placement shall be approved by Planning Staff prior to installation.
8. The property shall be replatted, in accordance with the Conway Subdivision Ordinance, prior to the issuance of any future building permits.
9. No zoning variance, required as a result of the commencement of the conditional use, may be requested.
10. The conditional use permit shall expire if the use ceases for a consecutive period of greater than eighteen (18) months.
11. Any new signage shall be permitted and installed in accordance with Article 12 of the Conway Zoning Code and the Old Conway Design Overlay District Guidelines.

SAMPLE MOTION

I move to accept the staff recommendation to approve the request with the conditions indicated in the staff report on the basis that, as conditioned, it will move the proposed use of the site toward zoning compliance and would not likely negatively impact adjacent property.

Request for Conditional Use Permit: Childcare Facility in R-2

II.B

1700 South Boulevard



View of subject property from Davis St looking E



View of subject property from Davis St looking E



View of subject property from South Blvd looking N



View of subject property from Ash St looking NW



Properties adjacent to the N (along Ash St)



Properties adjacent to the E, across Ash St

Request to Rezone: A-1 to PUD

±11.60 acres east of Padgett Road at Spencer Lake Drive intersection

APPLICANT/AUTHORIZED AGENT

Landon Sanders
306 Salem Rd, Ste 106
Conway, AR 72034

OWNER

Pam Gray McDowell Investments, LLC
PO Box 10500
Conway, AR 72034



SITE DATA

Location. The east side of Padgett Rd at the Spencer Lake Dr and Padgett Rd intersection.

Site Area. ±11.60 acre.

Current Zoning. A-1 (Agricultural).

Adjacent Zoning. A-1, R-1 (One-Family Residential), and PUD (Planned Unit Development).

Requested Rezoning. PUD (Planned Unit Development).

Existing Structures. None.

Overlay. None.

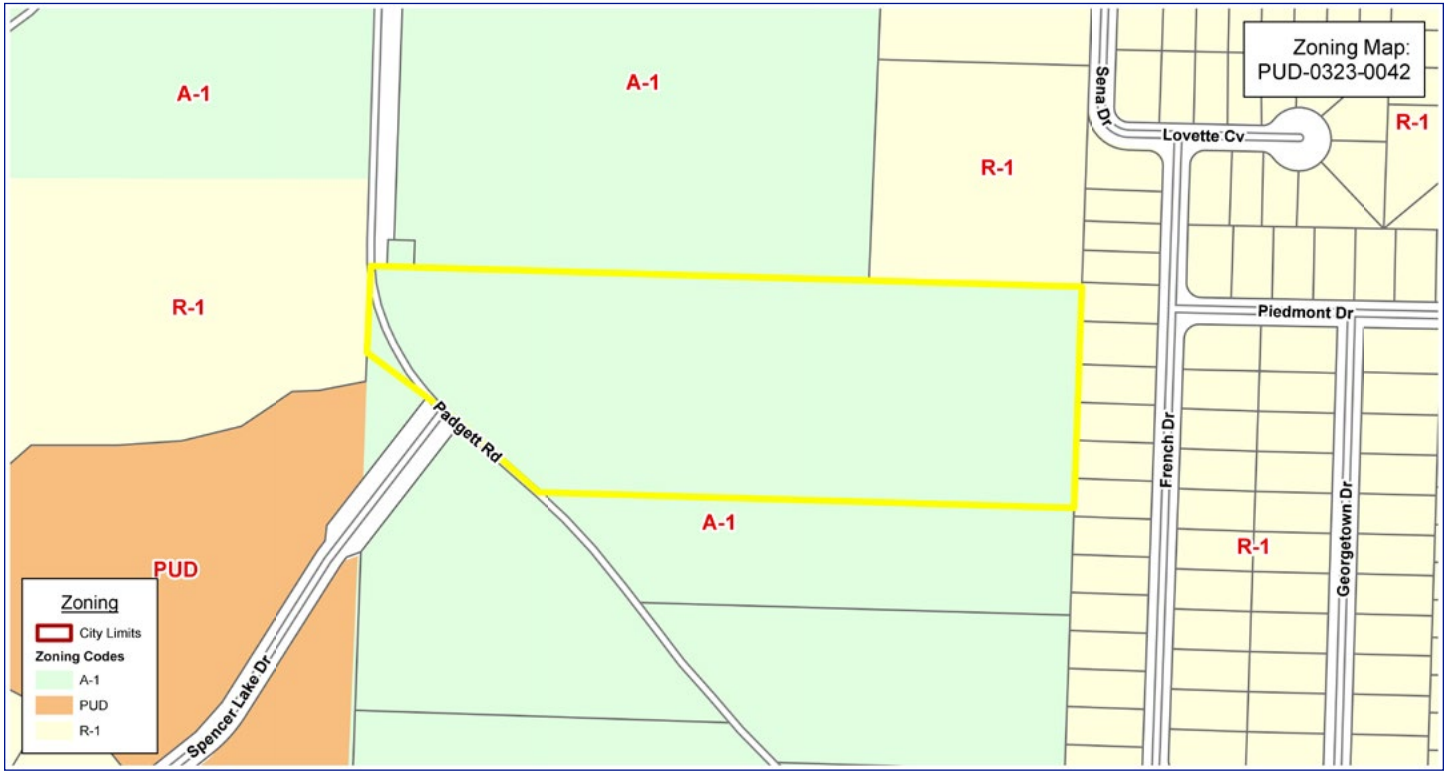
Comprehensive Plan. Single family.

Projected Traffic Impact. With a rezoning to PUD and developed at the proposed density (63 units), the development would generate an estimated 461 vehicle trips per typical weekday.

Current Traffic Counts. 970 ADT – Padgett Rd (north Padgett Rd and Prince St intersection); 760 ADT – Bay Hill Dr (west of Bay Hill Dr and Hogan Ln intersection).

Request to Rezone: A-1 to PUD

±11.60 acres east of Padgett Road at Spencer Lake Drive intersection



±11.60 acres east of Padgett Road at Spencer Lake Drive intersection

Flood/Drainage. A 1.25 acre lot is being dedicated as a detention basin in an area known to back up water from the lake. Drainage calculations and design is a part of the preliminary plat process beyond the rezoning of the property. The applicant will be required to meet the City of Conway's Drainage Criteria Manual requirements and other federal, state, and local laws and ordinances upon design of the facilities.

Utilities. Extension of utilities shall be coordinated with Conway Corporation.

Master Street Plan. The Master Street Plan indicates that Padgett Road is designated as a Minor Arterial. The proposal includes an interior minor street network with a future street extension to the northeast of the development.

Street Improvement. Street improvements will be subject to application of the City of Conway codes during Preliminary Plat development of this site. Primary development will be the internal street network.

STAFF COMMENTS

- The applicant was required to present the proposed Planned Unit Development concept to the public at a public information meeting that was held on April 27, 2023. 84 of the people in attendance indicated opposition to initial version of this proposal which included 144 multi-family units, including twenty-seven (27) 5-plex and three (3) triplex structures. The primary concerns were related to drainage, wildlife, compatibility with surrounding neighborhoods, property values of surrounding neighborhoods, and traffic.
- Approximately 50% of those in attendance at the April 27th meeting indicated that a development density closer to standard R-1 requirements would be more appropriate.
- The applicant agreed to modify the proposal to address concerns from the community and agreed to a second meeting with interested parties. This meeting was held on May 25, 2023 with 33 people present, 31 of which indicated opposition to the revised proposal.
- The applicant revised the proposal to create a single-family subdivision design, which is more compatible with the Comprehensive Plan, increased the detention area to accommodate concerns regarding water quality, drainage, and environmental considerations related to the lake, included a future stub-out to the north to provide future traffic routes other than Padgett Rd, reserved a larger lot (0.58-acre) at the front of the subdivision to echo larger lot sizes to the west, and provided a pedestrian walkway to the north to allow students [of Woodrow Cummins Elementary] to use sidewalks further away from Padgett Rd.
- The applicant conducted the second meeting as a Q&A between the applicant and audience. Concerns included water quality of the lake, detention, trash, sizes of homes, sizes of lots, the safety of the detention pond in proximity to the school, the size of the parking area in front of homes, on-street parking, and traffic.
- The applicant met with staff following the May 25th meeting and agreed to increase the distance between the back of the sidewalk and front of the garages to 20' to better accommodate parking and agreed to include a safety-bench around the detention pond to increase safety at the drainage facility.

STAFF RECOMMENDATION

The proposal appears to meet the Comprehensive Plan at this location and demonstrates terrain hardship requirements that are considered for a Planned Unit Development submission. The applicant has made multiple revisions to decrease density and align with the Comprehensive Plan and adjustments to consider public input. Staff recommends approval of the request with consideration of the following conditions.

Recommended PUD Development Plan conditions:

1. The PUD should be used for single-family residential only.
2. All standards and uses other than those defined by the development plan shall be governed by restrictions of the R-1 zoning district.
3. The distance between the back of the sidewalk and the garage shall be no less than 20-feet.
4. The detention pond shall include a safety bench or alternate method agreed upon by the City Engineer and the Applicant to improve safety considerations at the detention pond.

±11.60 acres east of Padgett Road at Spencer Lake Drive intersection

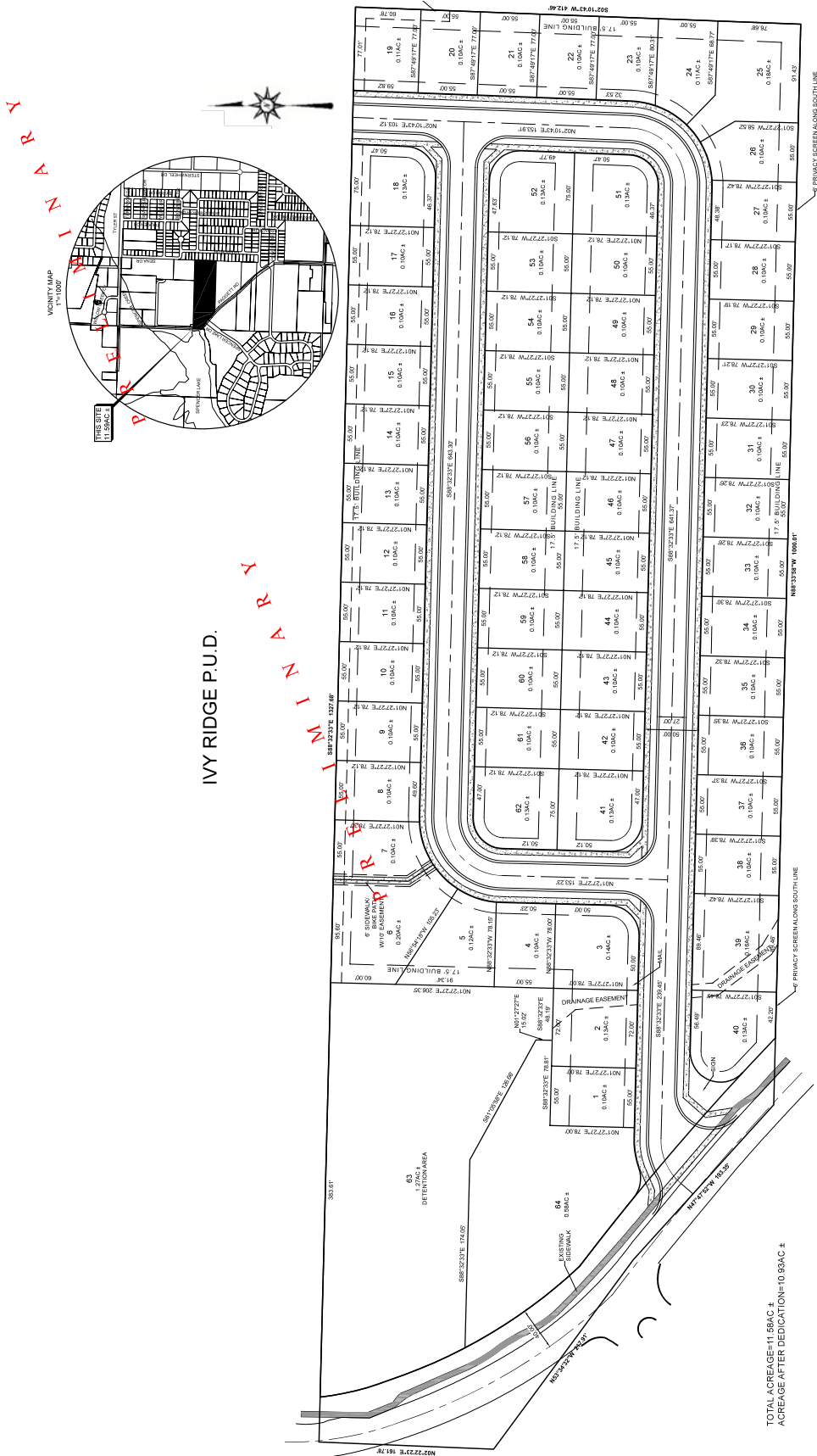
5. Buildings shall be of the following materials:
 - Brick/stone
 - Cement fiber board (Hardie® siding)
 - Wood
 - Other materials as approved by the Planning Director
6. Vinyl siding shall be prohibited.
7. Roofs shall have a pitch of 8/12 or greater; porches may have lesser pitch.
8. Roofs shall be only of architectural shingles.
9. No residential accessory structures shall be permitted on lots 1-62.
10. No fences in excess of 4 feet high shall be permitted in front yards. Any proposed fencing shall be approved by the Planning Director.
11. 5' sidewalks shall be required along both sides of the internal streets and link to the existing sidewalk along Padgett Rd as shown on the site plan.
12. A paved side path must be installed connecting the development to the adjacent school to the north.
13. The PUD shall be generally developed per the density and intent indicated on the site plan. Minor variations from the approved plan may be allowed by approval from the Planning Director.
14. Platting shall be required. Any additional rights of way, sidewalks, etc as required by the Subdivision Ordinance shall be dedicated and constructed.
15. Lot 63 shall be labeled unbuildable.
16. Setbacks shall be as follows: Front – 15'; Interior – 5'; Exterior – 15'; Rear – 17.5'. Additional details, such as utility/pedestrian easements, public right of way, etc shall be defined in the final development plan, plat, and PUD documents.

SAMPLE MOTION

I move to accept the staff recommendation to approve the rezoning request on the basis that it will allow for appropriate use of the property and will not likely negatively impact adjacent property.

Request to Rezone: A-1 to PUD

±11.60 acres east of Padgett Road at Spencer Lake Drive intersection



Request to Rezone: A-1 to PUD

±11.60 acres east of Padgett Road at Spencer Lake Drive intersection



View of subject property from Padgett Rd looking NE



Property adjacent to the W



Property adjacent to the W



Property adjacent to the N



Property adjacent to the N



Please accept this letter as our submission for justification rezone from A-1 to PUD on 11.60 acres immediately south of Woodrow Cummins Elementary School on Padgett Road in Ward 3 of the City of Conway.

Ivy Ridge PUD Features:

- 63 Single Family Detached lots
- Minimum 1,300 SF - 1st Floor
- Connected walkway to WCE campus
- Internal ribbon sidewalk system
- Optional Pocket Park deeded to City
- Single entrance to maximize safety
- Oversized stormwater site
- Minimum 2 Car Garage
- Buffer lot in front of Spencer Mo. entrance
- Enclosed Fenced Backyards
- Designated Crosswalk at entrance
- 21' driveway length exclusive of sidewalk

Rezone History:

The Initial submission included 133 townhouses arranged mostly in 5 plex buildings. Before our 1st public information meeting we received tremendous pushback from concerned citizens and planning staff was not in favor of the initial request. We opted to revise the proposal before our 1st public meeting. Our 1st meeting was productive but, not complete as our final design was not completed prior to the meeting. We voluntarily held a 2nd public meeting for the current proposal. The current Ivy Ridge proposal represents a 52% unit reduction from our first iteration and exclusively single family detached homes.

Conditions and aspects to be included in final development plan:

An out parcel, identified as lot 64 on the submitted plat, will be zoned consistent with R-1. For all other lots we request the following deviations from R-1:

• 10' Front Setback	• 17.5' Rear Setback
• 5' Side Setbacks	• Minimum Lot Size < 6,000 SF

We stipulate to following conditions to be ratified in the final development plan and where appropriate reflected in the covenants and restrictions.

- Minimum driveway length of 21' exclusive of the sidewalk ribbon. Driveway length defined as from the front of the garage wall to the back of the sidewalk. Sidewalk to be installed 5 feet from the back of the curb and minimum width of 5 feet.
- Maximum of 2 stories
- Minimum of 2 car garage
- First floor minimum square footage of 1,300 Square feet heat/cooled
- Prohibit accessory structures on lots 1-62

Specific to Lot 63:

- Incorporate a safety bench if a retention basin is utilized
- Design Lot 63 as a pocket park, while incorporating stormwater capture and discharge and low land mitigation. Lot 63 would be eligible for park impact fee credit and eligible to be gifted to the city via a Grant Deed.

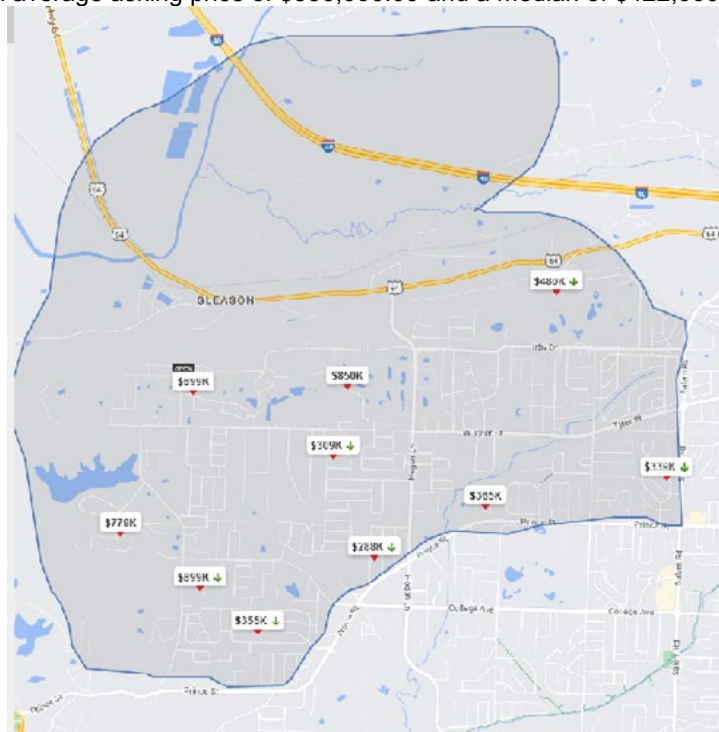
Justification for Rezone with supporting facts:

Housing demand in West Conway is strong and supply limited, specifically in Ward 3. Unfortunately, as the demand increases, so do acquisition and development costs. As a result, developers are forced to increase the size & price of the homes in unison to justify development. In order to bring a product to market that is profitable developers are forced to increase lot size to allow larger minimum square footages. This upward cyclical movement in size and price of homes effectively shuts out certain members of our community from areas where price appreciation has moved beyond their budgets.

We believe for a community to thrive adequate housing should be available for all walks of life. This includes our target market of young professionals, downsizing retirees, and families who desire their

children to have convenient access to schools. Ivy Ridge seeks to address all of these groups by offering smaller square footage in a highly-sought after area. To achieve this goal, density per acre must increase for the economics to allow the project to be feasible.

Shown below is a map dated 6/1/23 from Realtor.com showing all homes for sale in Ward 3 of the City of Conway which is generally north of Prince Street and west of Salem Road. 39 properties are listed for sale, and 29 are under contract and pending sale, of the 10 units remaining the least expensive home is \$288,000.00 with an average asking price of \$536,000.00 and a median of \$422,000.00.



Ivy Ridge’s proposal seeks to supply to the market a product that is non-existent in this part of Conway.

Why PUD not R-1?:

1. To achieve our stated goals of providing more affordable housing to Ward 3, we must achieve a higher density. The input costs of development have been increasing at a high rate, to justify the project financially we need to seek a higher unit per acre to allocate the increase in costs across more lots. Under R-1 we couldn’t achieve the smaller lot and therefore smaller house. PUD is the most advantageous method to achieve higher density while allowing city opportunities to place conditions on development.
2. The most efficient street layout for this parcel is a loop road design. This would result in double frontage lots inside the loop. Per Subdivision Regulations pg 36 *"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,..."*
3. PH LLC another company we own attempted a rezone on Country Club from A-1 to R-1 it was denied. The City denied R-1 to prevent an approved plat of 19 houses from having direct access to Country Club over purported concerns of traffic and safety. To our knowledge, A-1 to R-1 had never been denied in Arkansas. PH filed suit against the City of Conway, the case concluded at the Supreme Court of Arkansas in *PH LLC v. City of Conway*. PH lost, however; within the opinion, the SC acknowledged the City’s willingness to work with PH via a PUD as an alternative zone. SC suggested it was appropriate for PH to submit a PUD and that R-1 was not appropriate. Ultimately, Club Villas PUD was approved, subsequently modified & amended twice, resulting in a completed mixed-use development of 16 residential lots and a quiet office building. The litigation and subsequent negotiation for PUD is fundamental to how we pursue rezoning application to the City of Conway.

Density: Current proposed density is 5.76 units per acre (UPA):

This site is 10.93 acres with ROW deduction and overall legal is 11.60 acres. Ivy Ridge as presented yields a max density of 5.76 UPA. This density is well below the maximum allowable density of 7.26 UPA allowed by right in R-1. Below is a survey of PUD’s with higher or similar densities in Conway.

Residential PUDS approved throughout Conway (HPR=Horizontal Property Regime)

Acres	Units	Units Per Acre	Min Lot sq. ft.	Subdivision	Year Adopted	City Ward
4.01	26	6.48	4267	The Homes of StoneBrook Cove	2014	1
4.26	30	7.04	3382	Marvin Gardens PUD	2021	1
3.67	120	32.70	n/a	University Lofts PUD	2022	1
2.75	24	8.73	HPR	Hamilton-Boedeker PUD	2020	2
9.88	138	13.97	n/a	Crossings on the Greens PUD	2006	2
8.62		6.60	HPR	Spencer Lake Condominiums PH I PUD	2008	3
8.61	51	5.92	3950	Glenwood Village PUD	1996	3
5.94	30	5.05	HPR	West Plains PUD	2007	3
2.11	32	15.17	HPR	Irby TownHome PUD	1997	3
2.03	12	5.91	3944	The Cove at Cadron PUD	2012	3
2.97	19	6.40	4000	SouthCrest Subdivision PUD	2020	4
3.28	48	14.63	n/a	1600 Place PUD	2020	4
2.21	12	5.43	5200	Woodland Cove PUD	2019	4
2.47	15	6.07	4590	South Sterling PUD PH II	2022	4
14.27	82	5.75	5500	Bell Valley PUD	2023	4

SUBJECT PROPERTY

10.93	63	5.76		Ivy Ridge PUD	2023	3
-------	----	------	--	---------------	------	---

Traffic:

- Expected ~ 630 Vehicle Trips per Day
- Padgett is not a capacity currently
- Crosswalk installed at Entrance
- Padgett designated as Minor Arterial
- Single curb cut to maximize safety
- Walkway provided to WCE campus

Peak traffic flow for WCE pickup:

On May 2nd, 2023 we completed a physical inspection of the traffic related to School pickup at WCE. Afternoon pickup represents the most concentrated traffic due to the fixed time for pickup versus a variable drop-off time in the morning. In our view, morning drop-off traffic would not exceed the volume of pickup traffic. We noted several hundred feet of Padgett’s eastern shoulder was widened, presumably for the pickup traffic line, additionally noted a signalized crosswalk on Padgett. Traffic began to line up on Padgett Road at 2:45 pm, at 3:04 pm the traffic line had reached the end of the widened shoulder. The line ultimately ended just south of the southwest corner of our property. By 3:19 pm traffic line on Padgett had dissipated and was entirely contained within WCE campus. As a result of our inspection, we opted to decrease the curb cuts from 2 to 1. Deleting the northern curb cut, increases safety for students who walk to school and pedestrians attempting a street crossing at the signalized crosswalk. Additionally, the deletion of the north curb cut allows the pick-up line to stack as it does now. The window of time that any issue exists is from 3:04 pm to 3:15 pm. Excluding this 11 minute window this development has zero effect on school traffic. We made every attempt to alleviate traffic issues as it relates to WCE traffic.

Drainage/stormwater:

In response to drainage concerns, Lot 63 is entirely dedicated to addressing these issues. Our initial calculations determine a on-site excess stormwater storage of approximately .75 acres however by setting aside over 1.25 acres, we maximize our engineer’s ability to adequately mitigate any hydrology concerns and design an area that will address all issues that arise from the storm water flow, drainage considerations and low area mitigation. There are two primary drainage inputs onto the property. One natural drainage flowing south to north as it transverses the Hodges property. The other is man-made that originates at the outlet of Chesnut Meadows storm drain on the Eastern property line. Our construction plans will include a drainage system to account for these inputs with guidelines set forth by the City of Conway city engineer and in accordance with Conway’s drainage manual. We will comply with

all City, State, and Federal regulations regarding drainage & wetlands while being mindful of the recent SCOTUS ruling Sackett V. EPA.

Out Parcel Addition:

We have provided a buffer for residents in Spencer Mountain, identified as lot 64, of .58 acres zoned consistent with R-1. Per Arcountydata.com Spencer Mountain at the Lake Phase I only 5 lots are larger than .58 acres. Spencer Mountain at the Lake Phase II includes 33 lots on Brush Creek Loop average size is .64 acres. Lot 64, conveniently situated at the entrance of Spencer Mountain, provides an adequate buffer larger than most lots located in PH I and equivalent to the lots found in PH II of the Spencer Mountain area.

Zoning adjacent to school:

Some concerns from our 1st public meeting regarding zoning next to public schools. We wish to correct the record on the abutting zoning surrounding our 16 CSD campuses as it only goes to support our rezone request. Of the 16 public schools in Conway, ALL of them are abutted R-1 on at least one side which is 7.26 units per acre allowed by right. Furthermore, the following schools have more dense and intense zones abutting or directly adjacent to their respective campuses.

Carl Stuart Middle School abutted to the south with Mf-1 zone (12 units per acre) commonly known as Glenrock apartments. Adjacent to north, Homes at StoneBrook Cove zoned PUD with 6.48 units per acre. Higher than our current proposed density.

Florence Mattison Elementary abutted to west and north with R-2 which allows 12.45 UPA by right

Bob Courtway Middle School abutted to the east by RMH (mobile homes) 11.46 units per acre allowed by right, C-2 to the north and C-3 to the south both are intensive commercial zones

Simon Middle School abutted to the east by MF-1 (12 UPA), to the north RU-1 and PUD, to the west by R-2 (12.45 UPA)

Theodore Jones Elementary abutted by PUD to the northwest, and C-2 to the south

Sallie Cone Preschool campus is zoned R-2a and abutted by R-2a and R-2 (12.45 UPA)

Conway Junior High campus is zoned R-2a and abutted by R-2a to the north and east

Ida Burns Elementary abutted by R-2a to the east

Conway High School abutted with C-2, O-2, PUD which includes a Wal-Mart and Chick-fil-a

Ellen Smith Elementary abutted by O-2 to the south, and two PUD's adjacent to the east. 1600 Place PUD approved at a density of 14.83 UPA, Southcrest PUD density of 6.40 UPA. Both of these PUDs are more dense than our current proposal.

This list is irrefutable and demonstrates that we indeed have dense developments adjacent and abutting a majority of our 16 public school properties. We believe this supports our density and request.

Property values:

Frankly, diminished property values have been espoused by opponents of rezones since the advent of city-wide zoning. This is unjustified, unfounded, and unsupported by facts. Our companies have developed throughout Conway and never once have our developments degraded or blighted the immediate area property values. Quite the opposite has occurred, some of our older development's values have literally doubled from the initial sale price. The market price for Ivy Ridge homes is anticipated \$175 \$/pf. French Drive in Chesnut Meadows to our east has 5 houses sold or under contract for an average of \$154 \$/pf. This by definition is the antithesis of diminished property values. Ivy Ridge would provide a higher comp to the area than currently exist. As part of the PUD, not available under R-1, the Planning Department will inspect homes in Ivy Ridge to guarantee homes will be constructed with pre-approved materials for aesthetic consistency. This ensures surrounding owners the homes will be built to our normal high standard.

±11.60 acres east of Padgett Road at Spencer Lake Drive intersection

Owner occupied vs Non-Owner occupied:

In both public meetings, opponents continue to fixate on 'rentals'. Let me be clear and place on public record that we have NOT indicated that Ivy Ridge will be a "build for rent" community. We may build to rent, build to sell, or sell lots to third parties or any combination of these. Bottom line it simply is not relevant. This goes to the heart of city-wide zoning and land use. The decision that is before the Planning Commission and ultimately the City Council is simply whether Ivy Ridge, as proposed, is an appropriate use of the land located on Padgett Road. We believe it is appropriate and meets several goals listed in the comprehensive plan and fulfills Section 103 - Purpose of the Zoning Ordinance. We have submitted proposed covenants and restrictions for Ivy Ridge PUD. Therein you will find NO restriction on non-owner occupied properties (rental) within the development. We believe any such restriction is discriminatory and a clear violation of fair housing act. Additionally, we completed a cursory review of the covenants and restrictions of several surrounding neighborhoods. We found no restriction on non-owner properties. We restate our desire to provide housing options for all citizens of Conway regardless of whether our owners chose to occupy their homes or let.

Remain A-1:

Opponents of Ivy Ridge have made it clear they wish the site to remain A-1, with no rezoning. We disagree. By allowing A-1 to remain, the following incompatible uses would be allowed to remain by right: Agricultural Services either limited or commercial, Animal Hospital, Apiary, Arboretum, Retail Sale of farm products raised on premises, veterinarian service / large animal, Wholesaling or warehousing of farm products / or by-products, Farming: all legal plants and animals excluding pigs. It is entirely possible by right to build rows of chicken houses and sell manure from this site currently without ANY zoning change. This is farcical, the city council would not be protecting neighbors by allowing this zone to remain.

Recently our City Council unanimously adopted A-1 to R-1 in this immediate area of West Conway, clearing the way for platted subdivisions Lands End Ph I & II. Planning staff noted zero opposition and zero concerns for Padgett traffic, density, storm discharge into Spencer lake, over capacity of Woodrow Cummins Elementary, property value, etc. We made significant concessions related to density, our proposed density is below what is allowed by right under R-1. This PUD is in full compliance and consistent with the comprehensive plan. We look forward to the opportunity to convince city planners, planning commissioners, and council members that this is an appropriate land use and in compliance with the comprehensive plan.

Respectfully Submitted,

John Pennington, Managing Member
Nickels LLC



From: [Jim Stockdale](#)
To: [planning](#)
Subject: Ivy Ridge PUD
Date: Tuesday, May 30, 2023 3:03:30 PM

I'm contacting the commission again to voice my opposition to the Ivy Ridge PUD. I know that all of you have been inundated with emails concerning this. I want to thank you for taking your "volunteer" time (hours) to listen to the people of Conway about the proposal.

I am in agreement with each area of opposition - school traffic, proximity to WC elementary school, adjacent to Hodges' property, volume of proposed lots (63), wildlife concerns, water quality from runoff -silt, chemicals, trash/debris, etc.

Being an avid outdoorsman who fishes the lake regularly, I'm very concerned at the harm and damage this development would do to the lake quality and wildlife. My biggest questions are these: 1) If PUD is approved, will any govt. agency such as Army Corps of Engineers or Environmental Protection Agency be requested to do a study to see if any acreage on this property is a "wetlands?" 2) How could applicant dig a retention/detention pond without the lake "backflowing" into this pond, thus damaging the balance of wildlife & vegetation?

I've included a simple photo with a marking of area that most concerns me related to the effect on the lake.

Thanks again for taking time to read this!

Jim Stockdale
501-428-3526

Subject: Ivy Ridge PUD proposal feedback

Date: Thursday, June 1, 2023 at 8:10:34 AM Central Daylight Time

From: ronwill@conwaycorp.net <ronwill@conwaycorp.net>

To: planning <planning@conwayarkansas.gov>

CC: Mark Ledbetter <Mark.Ledbetter@conwayarkansas.gov>, Cindy Webb <cindy.webb@conwayarkansas.gov>, adam.bell@conwayarkansas.gov <adam.bell@conwayarkansas.gov>, Rebekah.fischer@conwayarkansas.gov <Rebekah.fischer@conwayarkansas.gov>, mark.ferguson@conwayarkansas.gov <mark.ferguson@conwayarkansas.gov>, alexander.baney@conwayarkansas.gov <alexander.baney@conwayarkansas.gov>

Conway Planning Commission/Ward 3 Council....in response to the Public Hearing held 5/25/23 and upcoming CPC meeting for 6/20/23 regarding the Ivy Ridge PUD proposal, please find below a few thoughts regarding this and reason(s) to consider opposing.

First, I do not deny that new developments are essential to the controlled growth of a city but a few points to consider/discuss on this proposal are:

* Would the retention/detention pond the Ivy Ridge plat shows being created bordering the WCE school property and right next to the sidewalk create an even greater safety/drowning hazard?

APPENDIX

* These 1/10 of an acre lot(s) shown on the Ivy Ridge plat for 3 bedroom/2 bath home with garage, driveway, patio, front entrance and sidewalks leave very little space for grass/trees that are essential to the overall environment. Assume this land would be clear cut if PUD proposal approved and if we continue a drip, drip, drip of eliminating the natural surroundings with neighborhoods having very little green space, we could create man made flood hazards.

* If this PUD is approved, it would most certainly lead to other similar type PUD's/MF in this area even though this area is targeted as R1 on the master plan to protect established neighborhoods. The only PUD close to this land was given an UPA of 3.48 based on city Ordinance 0-05-177. The UPA requested on the Ivy Ridge would be 65% greater density @ 5.76 UPA.

* Does the city of Conway have the present infrastructure/money to support the additional fire, police, utilities, schools, roads, etc. that will be needed to handle additional higher density PUD(s) neighborhoods that could add 1000's of citizens to West Conway?

* LOCATION, LOCATION, LOCATION.....As you know, location and its look and feel IS a primary factor in real estate values. Because this PUD would not be consistent/compatible with the look, feel and high standard of the majority of surrounding homes, it WILL effect home values and at best, it would cap values of existing homes.....at worst, it will bring down the value of existing homes and create less tax dollars in the long run for Conway.

In closing, the developers statement on this PUD's density of 5.76 UPA is being used so it fits his "investment guidelines". Please do not submit to one person "investment guidelines" but protect the 100's of home owners that have already made a big investment in their homes.

Please confirm receipt of this and if any feedback. Also, let me know if I should forward this email to the other Planning Commission members not in Ward 3 or other city officials.

Thanks Ron Williams 501-472-5062

APPENDIX

The following items, which do not require public hearings or Planning Commission action, have been reviewed and approved by the Director of Planning & Development and are being reported to the Planning Commission as required by the Zoning Code and Subdivision Ordinance.

Development Review Approvals

- Conway Corporation Operation Center, 1320 S German Ln (SDR-0223-0024)
- Westrock Coffee Dock Addition, 480 Exchange Ave (SDR-0323-0050)
- WestRock Co Addition, 198 Commerce Rd (SDR-0323-0054)
- Goddard School post approval review, 300 Hogan Ln (SDR-0323-0052)

Plats filed for record (Lot Splits, Lot Mergers, and Final Plats)

- Harps Food Stores, Inc (P2023-00028)
- Replat Lot 2 4555 Prince St LLC Subdivision (P2023-00029)
- Central Landing Phase 2 (P2023-00032)
- Replat Lot 2 Linn's Subdivision (P2023-00035)