

MINUTES
REGULAR MEETING
CITY OF MAUMELLE PLANNING COMMISSION
March 25, 2021; 6:30 PM
CITY HALL

COMMISSION MEMBERS PRESENT

Mike Fisher
Roy Andrews
Scott Smith
Hall Ramsey
David Gershner
Craig Johnson

COMMISSION MEMBERS ABSENT

Adrian Greene

STAFF MEMBERS PRESENT

Melissa Krebs, Madam City Attorney
Scott Grummer, Director Planning & Permits Dept.
Jason Lyon, Planner II

Chairman Gershner called the meeting of the Maumelle Planning Commission to order at 6:31 P.M.

ANNOUNCEMENTS

Mr. Grummer stated the Country Club of Arkansas Lot 621R Replat was filed, which was previously reviewed and approved by Planning Commission.

APPROVAL OF MINUTES

Chairman Gershner asked for comments and/or changes to the February 2021 minutes as submitted.

Commissioner Johnson stated his attendance needed to show absent only.

MOTION: Commissioner Fisher made a motion to approve the minutes as corrected.

Vice Chairman Andrews seconded the motion and the motion passed unanimously.

PUBLIC COMMENT

Chairman Gershner opened public hearing at 6:32 P.M.

OLD BUSINESS

None

NEW BUSINESS

1) Proposed Final Plat of Hillemann Addition

- **Holloway Engineering, Applicant.**

Mr. Grummer stated this Final Plat is located in the Cities extra-territorial jurisdiction to the east in Marche, and will require right of way dedication to the county for the road way. All County and City staff comments have been addressed with the exception of the lot being three times more than it is wide. The applicant is requesting a variance to Section 70-135(c) to allow this lot to be more than three times as deep as it is wide, because surrounding lots have been configured this way. The Commissioners have been provided with a copy of the subdivision variance checklist. Staff recommends approval of the variance request and approval of the Final Plat contingent on meeting City and County Staff comments and any additional Commissioner comments. Mr. Grummer noted the variance would need to be a separate item.

Commissioner Johnson asked if the Board of Zoning Adjustments would need to be convened, and Mr. Grummer said no since this was not a zoning variance.

MOTION: Commissioner Fisher made a motion to place the variance on the agenda.

Vice Chairman Andrews seconded the motion, and the motion passed unanimously.

Commissioner Johnson asked if staff prepared the variance checklist, and Mr. Grummer affirmed he did.

MOTION: Commissioner Johnson made a motion to approve the variance for the Hillemann Addition.

Commissioner Hall seconded the motion and the motion passed unanimously.

Chairman Gershner called for any additional questions or comments concerning the Final Plat for the Hillemann Addition.

MOTION: Commissioner Hall made a motion to approve the Final Plat for the Hillemann Addition.

Commissioner Smith seconded the motion and the motion passed unanimously.

2) Proposed Preliminary Plat of Pinnacle View Subdivision

- **Holloway Engineering, Applicant**

Mr. Grummer stated this request for approval of the preliminary plat for Pinnacle Heights Subdivision, previously Pinnacle View. It is a 221 lot Phased single family detached subdivision, with a neighborhood clubhouse and pool. It lies in the County, on 80 acres immediately to the West of the Maumelle City limits at the current terminus of Ridgeland Drive. This project will connect Ridgeland Drive to Settlement Road consistent with both the City and County Master Street Plan. The developer has Tract A of North Ridge Subdivision under contract, which will allow for a 60-foot-wide extension of Ridgeland Drive to the City limit line. The applicant is proposing the extension of Ridgeland to be a public road, but the connecting residential roads to be private gated roads.

The City Engineer recommends converting Phase VII to one large tract until secondary access is acquired. If annexed into the City of Maumelle and Private Streets are developed, these are not allowed in R-1 zoning. Current Bill of Assurance does not specify how Private roads and public areas are to be maintained. This must be provided prior to approval of the Final Plat.

County comments were provided, and include concerns over Settlement Road not having the necessary width to accommodate the proposed traffic generated by this subdivision without substantial improvement being constructed, and to provide a traffic study for Settlement Road going west.

Mr. Grummer reminded that the approval is at the Planning Commission level, and will not go to the City Council. Also, the applicant does not have an Approved Preliminary Plat, until all conditions are met, and the Preliminary Plat is executed by both City and County officials.

Staff recommends Approval of the Preliminary Phased Plat contingent on meeting County and City approval of Street and Drainage plans, and meeting City Staff, County and Commissioner Requirements.

Melissa Bradford, 168 Ridgeland Dr., voiced opposition to the subdivision, with concerns that she bought her house years ago because it is in a private cul-d-sac, and with many children playing in the streets of this area, it would be very unsafe to add this subdivision.

Mary Garrett, 169 Ridgeland Dr., voiced concern being right next to the property that the development would increase the traffic on Ridgeland to such a great degree and the plan did not show a way for some of that traffic to exit on Settlement Road. She stated that she wished the development would consider greenspace between the proposed development and the existing homes. She stated the plans call for a dog park that backs up to her neighbors pool, and he being in a wheel chair, was unable to attend and voice concerns over that issue.

Mary Patton, 153 Hibiscus, moved to Maumelle in 1983, and played a large part in the Cities development working for Jess Odom. She stated they have title to acres and acres of land in Maumelle, and they are trying to determine what to do with it all. This is a part of the acreage that they own, and are pleased with the development plans that they have. She provided active listings to the commissioners, showing only 12 active house listings in the City, and stated the City has a limited supply of available housing. She stated this land is the only available land for development of new housing in the City, and believes the development would be very good for the City, and this development is also a matter of need for the City.

Fred Patton, 153 Hibiscus Dr, stated they have had the parcel of land at the end of Ridgeland Dr. for many years and have had it for sale, although their for sale signs always disappear. He stated this property is the natural entrance to this development, and are in favor because they see the positive growth for the City with this development.

Commissioner Johnson asked the applicants representative, Jess Griffin, the applicants willingness to annex. Mr. Griffin stated that the owner plans on annexing, and is waiting on approval from the Commission. They met with the Mayor, City Attorney and Planning Staff to set the ground work, so all they need to do is get the paperwork done and the Bill of Assurance. He stated on the roads, they wish to do them Public, and set them up in the same way as the IM subdivision (Cypress Bay Development), where the gates open automatically.

Commissioner Johnson asked the City Attorney whether there is a requirement for the Preliminary Plat to be approved in order to request Annexation. The City Attorney stated that it can still be approved in the ETJ, but is still subject to the requirements of the Cities subdivision ordinance, and does not require to be annexed for the plat to be approved. Commissioner Johnson asked if the property could be annexed into the City based on how the property sits currently.

Chairman Gershner clarified Commissioner Johnson's question by asking if anything on this plat does not conform to Maumelle standards, whether the City would have an issue with annexing

this property, or other words, should they be treating this as if it were in the City if the intent is to Annex. City Attorney Krebs said that it could be annexed before being platted.

Commissioner Johnson stated he did not understand why the Bill of Assurance and the other items had to be complete before Annexation occurred. He stated that the applicants response led him to believe that those items needed to be prepared before Annexation request moving forward. City Attorney Krebs stated that the Bill of Assurance would only need to be approved prior to the Final Plat approval, not before Annexation.

Commissioner Johnson asked the applicant if the intent is to Annex, then why are they trying to approve the Preliminary Plat prior to the request for Annexation.

Mr. Griffin stated that they have met with the Mayor and are trying to get the Annexation going. Commissioner Johnson stated that they would be approving the preliminary plat as if it were in the ETJ, and asked Mr. Grummer whether there is a difference between the approvals of being in the City versus the ETJ. Mr. Grummer stated that there is nothing different between the review of plats in the City or outside the City as it pertains to section 70 of the Subdivision Ordinance. Mr. Grummer stated if the Preliminary Plat is approved, then they are still required to meet the City requirements of Section 70, but the City does not enforce Section 94 of the Zoning Ordinance in the County.

Commissioner Johnson asked if there is a difference through the permitting application process, whether permits could be issued before the Final Plat is approved. Mr. Grummer stated the Final Plat process is the same and verification of infrastructure improvements would have to be verified prior to Final Plat approval.

Mr. Grummer also mentioned that the road extension to this area, was originally designed on the North Ridge Subdivision Plat to be able to extend to this area. He clarified the parcel of land at the end of Ridgeland dr., being 60 feet wide and extending to the edge of the adjacent property was placed there for future Annexation or growth.

Mr. Johnson asked whether the intent was to gate the proposed connection to Settlement road or whether this was meant to be a through street to Hwy 365 per the Master Street Plan. Mr. Grummer stated the intent was to build Phase I which would be 30 homes, then Phase II would create the connection to Settlement road, but would be a secondary Fire Access road only, not a primary access. Mr. Johnson asked if some point in time whether this emergency gate on Settlement would go away. Mr. Griffin stated they designed the plat so that could be possible in order to fulfill the intent of the Master Street Plan, but the County does not want them to connect, because Settlement road is not to the standard to service through traffic. Mr. Griffin stated he felt the City did not want the connection, nor do the adjacent property owners, although the Bradley's were ok with the development. He stated he provided 60 foot of right of way and met the intent of the code, so when they do annex, everything would be in compliance with City standards. He further stated that the secondary access is only required for emergency and is not required as having two primary access points.

Commissioner Fisher asked if when this development is fully built out, whether there will only be one access in and out. Mr. Griffin stated yes, unless there is an emergency, which there will be two other ways out which will be emergency. He stated the connection may happen many years down the road, but right now, no one wants to connect Settlement.

Commissioner Johnson asked the applicant whether they have verified that County right of way abuts their property. Mr. Griffin stated he had not looked into that, but he knows it is on the master street plan. Commissioner Johnson clarified by asking what does the applicant intend to do to get the connection to where the right of way starts in order to fulfill the requirements of a secondary connection. Do they plan on acquiring the right of way or is it already there. Mr. Griffin stated he did not have the answer to that, but that there is paved road all the way to the property line, and believes there is already right of way there. He also stated that there is a new bridge crossing that was built further down Settlement that is 36 feet wide, built to Collector

status. He said they would not have a gate in the future blocking access to Settlement when the road is improved in the future, but for now it would be a gate with a Knox box to allow Emergency vehicles to enter.

Mr. Johnson asked what the process is for Annexation. City Attorney Krebs stated that the application needs to go to the County for approval. Commissioner Johnson asked the applicant whether they have started that process with the County, and Mr. Griffin stated they have told the County it is their intent to Annex into the City.

Mr. Grummer clarified that the Subdivision Ordinance does not have provisions requiring annexation when approving the preliminary plat. He stated he is not sure whether the approval or denial of the preliminary plat could be based upon whether the applicant chooses to Annex in or not. City Attorney Krebs further stated that they would have to comply with all of the Subdivision ordinances according to State Statute.

City Attorney Krebs asked for clarification concerning fulfillment of the Master Street Plan, as this plat would not do that with a gate blocking access to Settlement road. Mr. Griffin stated that regardless of whether they stay in the County or Annex into the City, the County would make them place a gate blocking access to Settlement Road, until such time that Settlement road is improved to handle the traffic. City Attorney Krebs questioned whether the Master Street Plan would need to be amended, but Mr. Griffin stated the connection is on the Counties Master Street plan and it is all intended to mesh together, but until the adjacent property is developed and Settlement road improved, they do not want through traffic. If someone were to develop that property now, they would have to improve the road.

Commissioner Andrews asked whether Settlement Road was sufficient to handle emergency vehicles, and Mr. Grummer confirmed that Maumelle Fire Department drove up Settlement Road and stated that it was improved sufficiently to handle emergency vehicles. He stated that Settlement road access is not the issue, but Tracks road to the north is unable to handle emergency traffic, and there is a proposed access there as well.

Commissioner Johnson stated that this piece of property is not serviced by Maumelle Fire Department. City Attorney Krebs asked if the County Fire Department provided comments. Mr. Grummer stated he did not have comments from them yet.

Chairman Gershner asked the applicant for clarification that they said they had not verified that the county right of way extends to where that emergency gate is going to be, and whether they just reviewed the Master Street Plan. Mr. Griffin stated he believes there is, and he recalls an easement acquired by the Star property in order to gain access all the way to the City line. Chairman Gershner stated that the access is a critical piece in the puzzle and should be a readily ascertainable piece of information, and if you cannot verify for him that you have rights to the secondary access, then that is a major factor in his decision.

Mr. Grummer stated that he spoke with Steve Brummett, Director of Pulaski County Public Works, and he stated that Settlement road had a 50 foot right of way and is maintained by the County. Commissioner Johnson asked whether that maintenance was to the point of access to this development, and Mr. Grummer was unable to confirm specifically where the right of way ended. Commissioner Johnson stated the applicant didn't know before and doesn't know now.

Commissioner Ramsey stated that staff said 50 feet on Settlement, but it is 60 feet on the Cities. Mr. Grummer agreed and stated that Settlement would have to be improved in the future if it is to be used as a Collector road.

Commissioner Fisher asked if they are approving this preliminary plat whether they are approving the whole thing. Mr. Grummer stated they would be approving the whole Phased Preliminary Plat, similar to how Country Club of Arkansas was Phased in with one Master Plat.

Commissioner Johnson stated that there are no rules that require the applicant to Annex, but he stated the City would have to provide a mutual aid agreement for emergency services, and

would end up being the ones providing the emergency response to the area, so if it remains in the County, none of the tax base would go to support the City providing these services.

Dr. Dharamsey, 5 Brittney Dr., builder/developer stated that he met with the City and Mr. Grummer and all parties were in agreement that they want this to come into the City, so they just need to make this happen. Commissioner Johnson stated he would prefer them to commit to that before the preliminary plat, but that is his preference. Dr. Dharamsey stated the City wants it and they want it. Commissioner Johnson asked if the applicant would be willing to commit to Annexation prior to approval of the preliminary plat. Dr. Dharamsey responded no, as they are two completely separate issues. They prefer to get the preliminary plat approved, then the attorneys can talk to get the Annexation.

Chairman Gershner asked City Attorney Krebs if it would be proper for the Commission to approve the preliminary plat contingent on Annexation. City Attorney Krebs stated she does not think you can do that as they are looking at whether it complies with all of the Planning and Zoning Ordinances, and if it doesn't, then it should not be approved, and if it does, then it should be approved. She stated that she believes Annexation is desirable for both parties, but does not know when that is going to happen.

Commissioner Andrews stated didn't Mr. Grummer state that we are only review this for Subdivision, and that we do not review Zoning in the County. Mr. Grummer affirmed the City does not enforce Zoning in the ETJ, and also that Annexation is not an item of requirement in that section 70 of the subdivision ordinance.

Commissioner Johnson clarified that the County does not want gates on any roads dedicated to the County, so those roads would have to be Private. Mr. Dharamsey stated that the would come to an agreement with the City to Annex in. City Attorney Krebs stated that typically she draws up dedication documents upon approval of the Preliminary Plat, so she will not be doing that based on the fact that the property is in the County, or until it is Annexed in. Commissioner Johnson stated he knows the Applicant has the best intention, but things can fall apart, and in the case he sells it, the next developer may not have the best intentions in mind. Dr. Dharamsey stated look at his history of what he has done to know what he will do here.

Mr. Griffin said this approval is no different than Stonebrook which was approved in the County. City Attorney Krebs stated that Stonebrook is on Hwy 365 and has direct County Access, but this development does not, and requires direct access through a Maumelle residential neighborhood, so they are not comparable.

Commissioner Hall stated with 220 houses, that would be 440 additional cars going down Ridgeland Dr. Mr. Griffin stated a Collector is 36 feet back to back, and Commissioner Ramsey stated but this is the only way in and out, and said if an emergency happens on Ridgeland, this could impede access to the entire subdivision. Mr. Griffin stated that Ridgeland was 36' back to back, and is capable of handling 400 more cars.

Commissioner Johnson asked Mr. Grummer how many staff comments were outstanding. Mr. Grummer stated he was unsure of the number. Mr. Griffin asked which items are left unfulfilled. Mr. Grummer stated that many of the checklist items happen after the approval of the Preliminary Plat, such as a final Bill of Assurance, SWPP and Soil Testing. Mr. Griffin stated he provided a draft Bill of Assurance as is required, Soil Testing is in process, and a SWPP is required, so construction won't begin without that. Mr. Grummer agreed, and he mentioned some of the Tracts remained unlabeled as to their future use. Mr. Griffin stated he attempted to label everything that would be future access as access, and everything else as Open Space.

MOTION: Commissioner Johnson made a motion to approve the Preliminary Plat of Pinnacle View Subdivision contingent upon meeting City Staff, County Staff, Engineering and Planning Commission requirements.

Commissioner Andrews seconded the motion and the motion failed 1 to 5.

3) Code Amendment: Request to amend the Master Zoning Map from C-3 to C-2 for property located North and East of Commercial Park Drive

• City of Maumelle, Applicant

Mr. Grummer stated this property is located on land due north and east from property the Commission approved last month to rezone to PRD, and is currently with the City Council. Staff met with the owner, Gene Pfeiffer, after that approval, and discussed the conflicts that the C-3 zoning would have with the low density residential proposed in the PRD zone. He stated the owner was in agreement to down zone the remaining property to C-2. A map was provided excluding the property owned by the Public Facilities Board, due to approvals needed by them. Mr. Grummer stated this down zoning would conform more with the Town Center area, creating a buffer and reduce the likelihood of heavier commercial showing up across the street from lower density residential, if approved by City Council. This would in effect prevent warehouses from being built across the street from residences. He stated this C-2 zone would allow R-3 type residential by right, which could allow for additional multifamily similar to the apartments to the north.

Mr. Grummer stated that staff recommends a do pass recommendation to City Council to rezone the subject property from C-3 to C-2

Commissioner Fisher asked if City Council does not approve the rezoning across the street, what impact would this have. Mr. Grummer stated staff informed the owner, Mr. Pfeiffer, that if the PRD rezoning is not approved, then he can pull this from the City Council Agenda. Mr. Grummer stated that staff recognizes that this area has set dormant for many years, and both staff and the owner agree that a change is needed, so even if the PRD is not approved by City Council, staff would still support this property being rezoned to C-2.

Commissioner Andrews asked if staff heard from any of the industrial owners, and staff stated no public comments were received.

Commissioner Ramsey made a motion for a “Do Pass” recommendation to City Council to amend the Master Zoning Map from C-3 to C-2 for property located North and East of Commercial Park Drive.

Commissioner Fisher seconded the motion, and the motion passed 5 to 1.

4) Code Amendment: Request to Amend Section 26-1 and 94-1 of Maumelle City Code concerning Short Term Rentals

• City of Maumelle, Applicant

Mr. Grummer stated this amendment is sponsored by City Council Members Doug Shinn and Michael Tierney. He read a statement from Council Member Tierney which stated “this amendment would create a registry of short-term hotel businesses operating within residential areas and establish a contact person to assist the Police and Fire Departments in the event of emergencies. Currently this is a shadow business and the City has no way to identify where these short-term hotels are operating, which are subject to sales tax like any other service. Creating this registry will enable the City to deal with the concerns of residents living next to these businesses, and assure that event venues do not occur in residential areas.”

Mr. Grummer read a statement by Council member Shinn which stated “It is the fastest growing segment of the hospitality industry and will continue to grow in our community. There are 22 in our area excluding short-term apartments. It is not just used by tourists, many business travelers are using them in our area

also. It is also subject to sales tax. Neighbors have expressed concern over strangers coming and going and a HOA representative also reached out to me with tracking questions. This addition to the code will assist in reaching agents of the rental in case of emergency.”

Mr. Grummer added that this code would place restrictions on what type of events could be held at these short term rentals, such as a house in the middle of a residential neighborhood being used for weddings and other such gatherings.

Staff recommends “Do Pass” recommendation to City Council.

Commissioner Johnson asked if this matches up with adjoining Cities. City Attorney Krebs stated it aligns more with what Fayetteville is doing. Commissioner Johnson stated so you do not have to register unless you have 3 rental houses or less. City Attorney Krebs stated that was correct, and is pretty standard around the state. Commissioner Johnson stated so then we are not placing any burden on people who may want to get rent houses in Fayetteville or Bentonville, and the City Attorney affirmed, that it is similar to Fayettevilles.

MOTION: Commissioner Fisher made a motion for a do pass recommendation to City Council to Amend Section 26-1 and 94-1 of the Maumelle City code concerning Short Term Rentals.

Commissioner Andrews seconded the motion and the motion passed unanimously.

5) Code Amendment: Request to Amend Section 70-132 of Maumelle City Code concerning Private Streets.

- **City of Maumelle, Applicant**

Mr. Grummer stated this amendment was proposed by the Mayor, and goes in line with the subdivision that was just reviewed, which has long loops and long cul-d-sacs, and which the current ordinance only permits cul-d-sacs and short loop streets. He stated that in researching this, the wording of short loop and cul-d-sac streets were put there because in the past, developers built long streets that did not meet city standards, placing the burden on the residences, but now all streets including private streets are required by ordinance to meet City Design standards for construction, so this wording no longer applies.

Commissioner Comments/Requests:

MOTION: Commissioner Ramsey made a motion for a do pass recommendation to City Council to Amend Section 70-132 of Maumelle City Code concerning Private Streets.

Commissioner Andrews seconded the motion and the motion passed unanimously.

6) Discussion Item: Master Land Use Review

Mr. Grummer stated that Section 54-81 of the Maumelle City Code pertaining to Planning and Land Use states that the Planning Commission “shall cause” the land use plan to be reviewed a minimum of once every five years. The last review and new map adoption occurred on August 4, 2014, so it is past time for another review. A motion by the commission would be in order to initiate this process. He stated he did not have this as an item on the Agenda, so he stated this would need to be added.

MOTION: Commissioner Johnson made a motion to add this item to the Agenda

Commissioner Ramsey seconded the motion and the motion passed unanimously.

Chairman Gershner stated the item was added to the Agenda.

Commissioner Johnson asked staff if they needed time for this, and Mr. Grummer stated that this will take several months, and this is just to get the process started.

Chairman Gershner confirmed that this motion is the Commission requesting a review of the Master Land Use Plan be initiated by staff.

MOTION: Commissioner Ramsey made a motion for a review of the Land Use Plan.

Commissioner Fisher seconded the motion and the motion passed unanimously.

PUBLIC HEARING WAS CLOSED AT 7:33 P.M.

CITY COUNCIL LIAISON REPORTS

- March 1 – Commissioner Smith reported: There was a second reading of ordinance 1023 amending Maumelle Land Use Plan, an area at the former water management plant, and was a fairly lengthy discussion. There was a second reading of ordinance 1024 for the Master Zoning Map for that same area.
- March 15 – Commissioner Fisher reported: It was a very lengthy meeting lasting into 9pm. Dangerous Animals ordinance took up a large part of the time. Ordinance 1023 changing land use to SUR and 1024 changing zoning to PRD both passed. Approval of the CUP for Saint Nicholas Church, and first reading of ordinance 1025 and 1026 for the land use and zoning change for Mr. Pfeiffer of the SUR and PRD was read.

Chairman Gershner stated the City Council Liaison assignments for April 5th is Chairman Gershner, and April 19th is Commissioner Ramsey.

MOTION: Commissioner Johnson made a motion to adjourn.

Commissioner Andrews seconded the motion and the motion passed unanimously.

The meeting was adjourned at 7:36 P.M.

Approved:

Chairman David Gershner, March 25, 2021