

MINUTES
REGULAR MEETING
CITY OF MAUMELLE PLANNING COMMISSION
JULY 22, 2021; 6:30 PM
CITY HALL

COMMISSION MEMBERS PRESENT

Mike Fisher
Darrell Stephens
Vacant
Scott Smith
Hall Ramsey
David Gershner
Craig Johnson

COMMISSION MEMBERS ABSENT

STAFF MEMBERS PRESENT

Lydia Dreher, Planning & Permits Technician
Melissa Krebs, 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 6:30 PM

ANNOUNCEMENTS

Scott Grummer stated the following items received staff level review and recorded plats: Majestic Pointe Lot 117R being a Lot Merger was approved and filed; Hillemann Addition approved by the Commission was filed.

Mr. Grummer shared concerns mentioned by Commissioners on consistency and timing of when information is provided for agenda items. He stated his department would be working with applicants to have applications vetted prior to submission to reduce the amount of review work needed in preparation for subcommittee and the Public Hearing. He also stated they will be providing the agenda 3 days prior to the Public Hearing as stated in the bylaws to give the department more time for review and assembly of the agenda, but will work with Commissioners if information is needed sooner for their review. He also stated that the Land Use Update, which was announced earlier in the year, that staff, has completed their internal review, and will be working with the Mayor's office to roll out the public input process in August. Information will be provided at the first of August about this.

Commissioner Johnson requested that when the Agenda Packet is released, minimal if no changes were made at that point to items coming before the Commission, and Mr. Grummer affirmed. Commissioner Fisher stated concerns of getting the packet three days prior removes the weekend for review by Commissioners and he had a concern with that. Mr. Grummer stated

information will be provided prior to subcommittee, and that he will work with Commissioners to get them what they need in sufficient time for their review.

APPROVAL OF MINUTES

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

MOTION: Commissioner Fisher made a motion to approve the minutes as presented. Commissioner Ramsey seconded the motion and the motion passed unanimously.

PUBLIC COMMENT

Chairman Gershner opened public hearing at 6:40 P.M.

OLD BUSINESS

None

NEW BUSINESS

1) Pinnacle Heights Subdivision

a) Proposed Annexation

Mr. Grummer stated this item was a subdivision in the County that was previously approved in the month of April by Planning Commission, after meeting requirements from a denial the previous month. He stated as part of the preliminary plat approval for this subdivision, the applicant was required to annex into the City, prior to getting their Civil Plans approved and moving forward with infrastructure, so this item is to comply with that requirement. Mr. Grummer stated the applicant has filed their petition with the County, but it has not been released yet, so the City is running its accepting Ordinance concurrently with the County's release to prevent delay once released. He stated the Land Use is to change from ETJ (Extra Territorial Jurisdiction) to SFD (Single Family Detached) and the Zoning from County to R-1 Single Family. Staff recommended a do pass to City Council to Accept the Annexation of Pinnacle Heights Subdivision

Chairman Gershner called the first public comment

Jay Greelen, 135 Ridgeland Dr. stated an anonymous letter alerted him of this. He understands the subdivision was approved and Ridgeland is a collector, but concerns with the amount of traffic, speed and construction traffic. He wanted to voice concerns over the future of Ridgeland as a quiet street, and asked if there are other routes into this area other than Ridgeland Dr.

Scott Myers, 119 Ridgeland Dr. does not want to see the increase in traffic count, and said no additional exit point is shown other than emergency exits, and feels additional access should be taken from other roads than just Ridgeland, so he said he is against this action.

Susan Maybry, 111 Traveler Lane, brought forth a petition that stated due to the greatly increased traffic, traffic noise, wear and tear on the street and loss of acres of wildlife habitat, they do not support the building of a multiplied number of

new homes in the Ridgeland area, which were signed by 60 residents, 57 of whom live on Ridgeland.

Gary Rouse, 107 Ridgeland stated same concerns with traffic and risk to small kids, loud music and noise. He wished additional ingress/egress points be added to reduce the impact on Ridgeland into the future.

Chairman Gershner read a public comment he received from Jim Model at 170 Ridgeland Dr. at the end of the cul-d-sac where the road will be extended who stated similar concerns as previous commenters of loss of green space, additional traffic and disruptions.

Chairman Gershner allowed additional commenters who failed to complete a request to speak at the beginning of the meeting.

Jeff Lingo, 126 Breckenridge stated a horrific event of a subdivision of Phase 18 Maumelle Valley Estates with noise of rocks being broken and construction noise. He also stated severe drainage and erosion issues in the area, and asked if a walking trail or green space will be in the back of Breckenridge to buffer. Mr. Lyon brought up on the screen showing the proposed subdivision, and pointed out an approximate 20-foot buffer, which is a drainage easement to manage storm water, but no trails in that area are proposed. Mr. Lingo stated he understood the wooded area was not permanent, but voiced concern of the loss of green space, and asked if modifications could be made to incorporate green space and possible trails between Breckenridge lots and Pinnacle Heights lots. He also asked for limitations of construction on the weekends to limit noise.

Mr. Grummer stated staff received seven calls with concerns similar to what has been stated, which comments were provided to commissioners.

Jess Griffin, the applicant's representative wanted to address some concerns. He stated they are following the Master Street Plan, have not asked for any variances, is proposing high end housing, and Ridgeland is a collector built and designed to handle all the traffic. He stated it is only fair to the City this development be annexed in to allow revenue from this development pay for services of the City. They are leaving 20 foot and 30-foot buffers, and have several detention ponds and erosion control plans to protect adjoining properties. Commissioner Fisher asked if the preliminary plat had been approved.

Mr. Grummer stated this is an annexation request only, and the preliminary plat has already been approved contingent upon annexation. He stated if the proposed subdivision is not annexed into the City, then the applicant could still build the subdivision through County oversight and approval. If not annexed, the City would not have code enforcement, police or fire oversight, and the City would not be able to restrict their access to Ridgeland Dr.

Commissioner Johnson asked if there had been a traffic analysis on Ridgeland. Mr. Grummer stated the City will be getting counters out there to get the current average daily trip counts, and said an analysis was done on the estimated number during preliminary review, and estimated an increase of approximately 1800 average daily trip, which Ridgeland as a collector can handle 5000, and had sufficient capacity to accommodate the expansion.

John Wright, 1 Country Club Circle, stated they filed a plat called Pinnacle Heights, and objected to the name. Mr. Grummer asked if it was a preliminary or final, and Mr. Wright stated it was filed. Mr. Grummer asked Mr. Wright to get him information on this after the meeting, and the name can be adjusted later on this proposal if the name is not available.

Commissioner Johnson stated in light of the all the good comments that have come out of this meeting, this gives the commission good caution as other developments come through.

Commissioner Fisher asked for clarification on how to handle the name issue raised by Mr. Wright, and Mr. Grummer stated this is a staff level adjustment that can be made prior to Final Plat approval.

MOTION: Commissioner Ramsey made a motion for a Do Pass Recommendation to City Council to Accept Annexation of Pinnacle Heights Subdivision.

Commissioner Fisher seconded the motion and the motion passed unanimously.

b) Proposed Amendment to the Master Land Use Map from ETJ to SFD

Mr. Grummer stated the request is to change the land use from ETJ (extra-territorial jurisdiction) to SFD (Single Family Detached). Staff recommends a do pass to City Council to amend the Master Land use Map.

MOTION: Commissioner Johnson made a motion for a Do Pass Recommendation to City Council to amend the Master Land Use Map from ETJ to SFD for property described as Pinnacle Heights Subdivision.

Commissioner Ramsey seconded the motion and the motion passed unanimously.

c) Proposed Amendment to the Master Zoning Map from County to R-1

Mr. Grummer stated the request is for rezoning from County to R-1 single-family detached zoning. Staff recommends a do pass to City Council to amend the Master Zoning Map.

MOTION: Commissioner Ramsey made a motion for a Do Pass Recommendation to City Council to amend the Master Zoning Map from County to R-1 for property described as Pinnacle Heights Subdivision.

Commissioner Fisher seconded the motion and the motion passed unanimously.

- Location: 200 Ridgeland Dr
- H Bradley Walker, Applicant Representative

2) Bradley Family Property

a) Proposed Annexation

Mr. Grummer stated the owner approached the City with the interest to annex into the City. The property abuts the city along the railroad tracks, and has already been released from the County, pending acceptance by the City for the

Annexation. He stated the property abuts Hwy 365 on the north side, Old Maumelle Rd. on the east side and the railroad tracks on the south. The owner is requesting zoning of C-1 Commercial for the portion abutting Hwy 365, which C-1 Village Center is consistent with property located near Arterial and Collector streets. He stated the remaining property is to be zoned R-1 for single family residential. Staff recommends a do pass recommendation to accept the annexation for the property described as the Bradley Family Property.

Mr. Grummer stated staff received 14 calls, mostly requesting more information. He also clarified that this is one property owner requesting voluntary annexation, and no adjoining properties are being annexed. He stated approximately 900 feet of Old Maumelle Road would be taken in that abuts the property.

Chairman Gershner moved to Public Comments.

Beverly Edwards, 9411 Edwards Lane, stated concerns with traffic for those who live along Old Maumelle Rd. She asked if there was anything planned for this development, and requested clarification for this process, and how will they be notified in the future. Mr. Grummer stated no plans have been presented, and any future improvements to the road would be tied to a potential development. He further clarified that the County has already released this property to be annexed into Maumelle, so this is the ordinance accepting the land into the City. He stated after Planning Commission, this item would go to City Council for approval, which will be the two meetings in August and the first meeting in September for its third and final reading. Mr. Lyon further clarified as to the potential locations of road access to Hwy 365, but that no decisions will be made until a development plan is presented to the City. After further discussion, Mr. Grummer restated that this request is just an annexation, and there are no plans proposed for development on this property, so the City does not have specific information that was being requested by the applicant.

Mr. Rick Scott, 10502 Panther Mountain Rd., stated this annexation will put the his residence within 1 mile of the Cities boundary, and his area will now fall within the 1 mile ETJ and requirements for planning review by the City. He further stated Maumelle would be creating an island based on the railroad disconnected from the City due to the railroad, and no direct access due to the railroad.

Commissioner Johnson asked how this property was determined to be contiguous to the City boundary, and Mr. Grummer affirmed that the State GIS Dept. reviewed the legal and confirmed it is contiguous and does not create an island, making it eligible for annexation. Mr. Johnson also asked about the services offered to the property of just Police and Fire, and if that was the entire City would provide, and Mr. Grummer affirmed that the standard services the City provides is Fire and Police. He stated sanitation is typically determined during development review, as some developments use private commercial sanitation instead of City.

MOTION: Commissioner Johnson made a motion for a Do Pass Recommendation to City Council to Accept Annexation of Property described as Bradley Family Property.

Commissioner Smith seconded the motion and the motion passed unanimously.

b) Proposed Amendment to the Master Land Use Map from ETJ to SFD & COMM

Mr. Grummer stated the Land Use Map Amendments for the Bradley Annexation proposed is from Extra Territorial Jurisdiction to Single Family Detached Land Use for the property abutting the railroad tracks on the south and Old Maumelle Rd on the east, and Commercial Land Use for the property abutting Hwy 365. He stated staff recommends a do pass to City Council to approve the Land Use Map amendments for this property.

Commissioner Fisher asked if this would be two actions or one, and after discussion it was determined both requests are on one Ordinance, so only one action is in order.

MOTION: Commissioner Fisher made a motion for a Do Pass Recommendation to City Council to amend the Master Land Use Map from ETJ to COMM & SFD for property described as Bradley Family Property.

Commissioner Johnson seconded the motion and the motion passed unanimously.

c) Proposed Amendment to the Master Zoning Map from County to C-1 & R-1

Mr. Grummer stated the parcel to the north on this item is proposed to be zoned to C-1, which is the lightest commercial type, and the R-1 zone is the lowest density single family detached residential. He stated staff recommends a due pass recommendation to amend the master-zoning map from County to C-1 and R-1 for the Bradley Property.

MOTION: Commissioner Smith made a motion for a Do Pass Recommendation to City Council to amend the Master Zoning Map from County to C-1 & R-1 for property described as Bradley Family Property.

Commissioner Fisher seconded the motion and the motion passed unanimously.

- Location: 23705 Hwy 365 N & 14025 Old Maumelle Rd
- Susan Bradley, Applicant Representative

3) Diamond Center (CCA PHASE 18 Tract 4)

a) Proposed Conditional Use Permit to allow Drive-in Restaurant in PRD Zone

Mr. Grummer stated this is conditional use permit for a drive-in restaurant in a PRD, being in the end unit of a proposed 5-unit strip center, having a total combined square footage of over 7000 square feet. He stated 10 public comments were received by phone, with the main concerns being not wanting commercial in the area or within close proximity to residential, potential noise from the use, and concerns over traffic on Country Club Parkway. Mr. Grummer stated the commercial is part of the 4% allowed within the Country Club of Arkansas PRD for the C-1 zone, and being situated as out parcels to the Diamond Center Complex and in close proximity to Diamond Park Dr., which is functioning as a Collector due to the changes on White Oak Crossing and commercial development adjoining it. He also stated the future roundabout to connect the Parkway with Counts Massie and White Oak Crossing will assist with the traffic issues in this area, and is reasonable to expect further commercial development in the area to grow with these changes. Mr. Grummer shared aspects of the Analysis provided in the packet that describes the reasons for the staff recommendations on this item. He also stated he reached out to the developer of CCA who affirmed these parcels were originally designed and sold to private investors for the purpose of commercial

development. Staff recommended a do pass recommendation to City Council contingent on meeting all Staff, Engineering and Planning Commission comments, with the condition that the drive-thru be limited to operational hours from 7am to 10pm. Mr. Grummer clarified that if the Conditional Use fails at City Council, the Site Plan can still be approved as a separate action.

Jennifer Gunderman, 321 Corondela, stated she is not opposed, but has recommendations rooted in four broad objectives of “enhancing our safety”, “enhancing the value to our community”, “enhancing the residential property value” and “enhancing the beautification of the developed property”:

1. Pertaining to enhancing the value of our community & safety, in light of the baseball fields and family friendly aspect of the community, Mrs. Gunderman recommends that businesses locating in the area be restricted to those having a family friendly business mission by setting permanent restrictions so that no adult style businesses are allowed to lease space such as tattoo, tobacco or liquor stores, which are fine in other areas, but being in close proximity to residential, these types, which target people 18 yrs or older, do not enhance the safety of the children in the area. by targeting.
2. Pertaining to enhancing the beautification and property values in the area, Mrs. Gunderman asks that this development be required to have attractive exteriors such as:
 - a. Earth and Natural tone façade materials such as stone and brick used at the Shell station.
 - b. Since the back of the building faces the ball field, she requests the back of the building be required to have the same finished look.
 - c. That along the rear lot line adjacent to the ball field be required to have a row of tall growing evergreen trees for screening the rear similar to pine trees found around the ball fields.
 - d. That along the north lot line facing the residential that a row of tall growing evergreen trees be required as screening similar to pine trees found around the ball fields.
 - e. That upkeep of the landscape is maintained, and to see that trash is routinely picked up.

Ron Farrell, 102 Cabanel Dr., stated he moved into his home 11 years ago, and his home is directly next to this proposed development. He stated there is a drastic need for additional parking in the area, and that this property would be better used as parking. He is against any commercial being built next to the residential area. He stated the Bill of Assurance states no parcel will have access to Country Club Parkway.

Pat Farrell, 102 Cabanel Dr., stated she has lived in her home for 11 years, and that the proposed is too close to their home, and has concerns over the ability to sell their home in the future being next to commercial. She stated she objects to the commercial development.

Commissioner Johnson asked for clarification for the drive-thru request listed on the application versus the conditional use for a drive-in restaurant. Mr. Grummer stated the applicant requested a drive thru on the site, but is not limiting the use to just a restaurant. He stated it could be a pharmacy or a dry cleaner, but due to the lack of a clear definition for drive-thru in the ordinance, and due to the proximity of the development to the residential, and the potential for a restaurant type use, staff recommended the conditional use

Commissioner Johnson asked if staff looked at whether the drive-thru could be oriented away from the residential, and Mr. Grummer stated they did, and that the building would have to be oriented differently to accomplish this, but would be problematic due to the direction traffic can flow for the drivers-side window to be against the building.

Mr. Grummer also stated pertaining to the appropriateness of the commercial building in relation to the adjacent residential, he referred to a previous approved strip mall at 105 Country Club Parkway, where Marco's Pizza is, being approximately 50 feet from the adjacent residential property, and the proposed site is 80 feet.

Chairman Gershner stated the concerns of the Bill of Assurance not allowing a curb cut on Country Club Parkway, may require re-orientation of the building regardless. City Attorney Krebs stated the City does not enforce the Private Bills of Assurance, but it would be best to look into it, to see if any conflict would arise. Chairman Gershner acknowledged Mr. John Wright, 1 Country Club Circle and Country Club Development to the podium to provide clarification on the BOA. Mr. Wright stated the BOA is specific to the residential subdivision only, and does not pertain to the commercial lots. Mr. Wright also shared how these properties were designed for commercial around the ball field, and they sold the land as commercial to private investors/developers for commercial development. Mr. Grummer also pointed out that being privately owned, the City would have to purchase these lots to expand parking, which the City has not indicated interest in expanding its park space.

Randall Cove, 305 Corondelet Lane, stated during tournaments, there are cars and RV's parked all up and down the Parkway, and having a restaurant would create more traffic and issues. He stated he is not against the development but thinks the City should look at the parking issues created around the tournaments.

Earl Ray, 327 Corondelet Lane, stated traffic issues, along with the traffic that is going to happen with the opening of the school. He is against the restaurant due to traffic increase.

Orlando Martinez, 4-Kingdom court, stated the Marco's Pizza site has more trees shielding that site and is not comparable. He stated concerns over all the commercial coming in, and feels resident's concerns are not being heard, that residents do not want any commercial in the area, period. Commissioner Johnson thanked Mr. Martinez for his comments and stated a position on the Planning Commission is available if interested.

Resident, 16 Joe Lane (2nd video 25min), stated he disagrees with the commercial development, being too close to residential and the kids playing in the area.

Tim Clark, 4 Shady Cove, stated the current owners plans is not to put a restaurant at the time being, but interest is in a pharmacy, to serve the assisted living center. He stated smaller mom and pop type, smaller size retail.

Commissioner Fisher clarified to the commenters that five individual units are being proposed, and not one large single use.

Mr. Grummer stated the use of a restaurant is allowed by right, but the restaurant use with a Drive-in is restricted to Conditional use, but the drive through would not necessarily be restricted for a pharmacy or other use. City Attorney Krebs stated the Conditional Use is specific to a drive-in in the context of a restaurant.

John Pownell with Thomas Engineering, applicant's representative, stated he does not know the owners intent for tenants, but the realtor is trying to secure that now. He stated on these small developments, with some businesses, it is a key element and critical to operations to remain open with COVID restrictions to have a drive thru. Mr. Clark, realtor stated an insurance agency, laundry cleaners, and a pharmacy has contacted them for possible tenancy.

Chairman Gershner stated the definition for Drive-in restaurant encourages "consumption in vehicle" and may not fit in this situation, and may not cover a drive thru restaurant. He also stated a pharmacy may not be restricted to a drive thru.

After further discussion and clarification from the City Attorney that the Conditional Use should be applied for by the owner/operator of the business, and tied to a business, not the building, as well as the drive thru could be constructed and allowed to operate as a pharmacy by right without restriction for a drive thru, it was determined the conditional use was pre-mature, and that a recommendation of deferral was appropriate until an applicant comes forward that fits the criteria of use that would make it appropriate to apply.

MOTION: Commissioner Ramsey made a motion for a Deferral Recommendation to City Council to approve a Conditional Use Permit to allow a Drive-in Restaurant in a PRD Zone for property located at 1020 Country Club Pkwy.

Commissioner Fisher seconded the motion and the motion passed unanimously.

b) Proposed Preliminary Plat

Mr. Grummer stated the applicant has complied with the checklist items except for #5, all easements should be labeled appropriately, building line on the north line should be shown as 15 feet, and the drainage easement for detention should be shown, which may go underground, and City Engineer review and approval will be required. No improvements will be dedicated to the City with this plat. Staff recommended approval contingent on meeting all staff, City Engineer and Planning Commissioner comments.

MOTION: Commissioner Fisher made a motion to approve a Preliminary Plat for Lot 4 Phase 18 of Country Club of Arkansas contingent on meeting all Staff, City Engineer and Commissioner Comments.

Commissioner Johnson seconded the motion and the motion passed unanimously.

c) Proposed Preliminary Development Plan

Mr. Grummer stated the Landscape plan and site plan are on the Preliminary Development Plan. The site is oriented to Country Club Parkway, Sanitation is on the southeast corner away from the residential area, and additional screening on the north side adjacent to the residential area was provided.

Mr. Lyon stated this plan, landscape plan and commercial building design addresses many of the stated concerns earlier from the public comments. The landscaping rules along the perimeter are canopy trees every thirty feet, and added trees on the north and south side. A vertical canopy versus a horizontal canopy was recommended so as not to conflict with vehicular traffic through the drive-thru. The landscaping trees and hedgerows along the Parkway and Diamond Center meet the requirements. He stated all wall pack lights on the building are to be downward and shrouded to prevent excessive illumination to adjacent properties.

Commissioner Johnson stated whether the drive thru, pickup window or menu board should be taken off. City Attorney Krebs said they would not be able to operate as a restaurant without a conditional use, if the drive thru is approved, but stated the owner may wish to build it if allowed for other uses.

Mr. Grummer clarified that the existing site plan would be allowed by right based on previous discussion by the commissioners for a pharmacy or other allowed C-1 use, just not a restaurant which would require a conditional use permit to operate in that unit of the strip mall having a drive thru window.

Commissioner Fisher stated it may be appropriate to remove the menu board, and Mr. Grummer stated it might be appropriate to plan for its location on the site plan, but make

it a condition on the site plan/development plan approval. Commissioner Fisher stated his position would be to remove the menu board, and if a conditional use comes through, they can request it.

MOTION: Commissioner Ramsey made a motion for a do pass recommendation to City Council to approve a Preliminary Development Plan for Lot 4 Phase 18 of Country Club of Arkansas contingent on meeting all Staff, City Engineer and Commissioner Comments. Chairman Gershner requested clarification of whether Commissioner Fisher's comments to have the menu board removed from the site plan be incorporated into the motion, and Commissioner Ramsey confirmed, all commissioner comments to be included.

Commissioner Johnson seconded the motion and the motion passed 5 to 1.

d) Proposed Landscape Plan

No additional comments for this item, as all were addressed in previous discussion. Mr. Grummer asked whether the commissioners wished to acknowledge any of the requests from public comment as to the type and amount of screening.

MOTION: Commissioner Ramsey made a motion to approve a Landscape Plan for a proposed development located at 1020 Country Club Parkway contingent on meeting all Staff, City Engineer and Commissioner Comments.

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

e) Proposed Commercial Building Design

Mr. Grummer deferred to staff Planner Jason Lyon for staff comments. Mr. Lyon stated the building is five suites, using all primary earth tone stone, brick and stucco, with no EFIS, so will be of a higher quality material. He stated staff is waiting on the type of wall packs to be used on the building for lighting, but are required to be downward and shrouded.

MOTION: Commissioner Fisher made a motion to approve a Commercial Building Design for a proposed development located at 1020 Country Club Pkwy contingent on meeting all Staff, City Engineer and Commissioner Comments.

Commissioner Ramsey seconded the motion and the motion passed 5 to 1.

- Location: 1020 Country Club Pkwy
- Thomas Engineering, Applicant Representative

4) Devoe Bend Subdivision

a) Proposed Preliminary Plat

Mr. Grummer stated this is a vacant green field parcel, located to the northeast from the previous item, with a proposal of a gated private residential single-family detached community, along White Oak Bayou. He stated the green space for Tract B is within the floodplain, but the proposed housing on Tract A is not. Mr. Grummer

stated staff recommended approval contingent on meeting all staff, City Engineer and Commissioner Comments.

Commissioner Johnson asked for clarification on the canoe/kayak access area whether that was public or private, as well as the gravel road accessing the Bayou, as to how that would be utilized. Mr. Grummer stated the development has one singular road access into the property from Milligan Dr., which becomes a private street once it crosses the property boundary. He stated staff engaged the developer concerning providing a public trail access to this part of the Bayou, as well as connecting to future trails from the northwest and east as a means to continue a trail system around the bayou connecting to the area by the softball field. Mr. Grummer stated the gates to the residential are north of the roundabout, and the gravel access is shown south of the gates, so the gravel access does appear to be open to the public, but Tract B is still privately owned, and access to this area will be restricted by the owner, until such time that an agreement with the City can be made to provide an expanded public access.

City Attorney Krebs asked if any public facilities would be dedicated to the public with this development, and Mr. Grummer stated it had not been worked out at this time, and deferred to applicant's representative.

Roy Andrews, Holloway Engineering stated the gates on the residential are meant to be open during the day, and closed during the night with card access only, but deliveries and trash would have access during the day.

Commissioner Johnson asked whether the whole thing is private, and Mr. Andrews affirmed it is a private development, but the gates are past the roundabout, so that traffic can turn around if they enter and the gates are closed. He also stated there has been discussions for some public access to Tract B, but modifications to adjacent subdivisions under development are needed, which are in the works.

Chairman Gershner asked if it is the applicant's intent to set up an improvement district for this development, and Mr. Andrews affirmed.

Commissioner Fisher inquired if any concerns by staff were made with the tear dropped cul-d-sac, and Mr. Andrews asked that the approval be conditioned upon those being approved by Fire and Public Works. Mr. Grummer stated that the cul-d-sacs were designed larger for easier turning, so Fire and Public works were ok with the design.

Commissioner Johnson asked whether an additional pedestrian gate would be needed along the backside, and Mr. Andrews mentioned one of staff comments was the need to address additional boundary fencing on the plan, but will consider this.

Jennifer Gunderman, 321 Corondelet Lane, stated she is one of the houses that backs up to this, and this was the first she heard of this. She stated she thought this area was part of the protected wetlands, and also drainage concerns, as there is no where for the water to go. She stated she had to install a \$15,000 drainage system at her house after moving in because of poor drainage in the area. Also, when the Bayou floods, the water encroaches very close, so she is not sure what needs to happen to make this development not flood or impact other houses. Mr. Grummer stated the City is paying closer attention to drainage, and that the developer will be responsible for getting their storm water to detention, and managing it before being

released into the Bayou, pointing out the areas on the plan for detention. He stated as to the wetlands, the area being developed is not within the protected wetland area.

Commissioner Johnson asked if the protected wetlands follows the Floodway line, and Mr. Lyon and Mr. Grummer affirmed the protected area does follow the Floodway line in this area, and which is privately owned.

MOTION: Commissioner Johnson made a motion to approve the Preliminary Plat for Devoe Bend Subdivision Contingent on meeting all staff, City Engineer, and Planning Commissioner Comments.

Commissioner Ramsey seconded the motion and the motion passed unanimously.

b) Proposed Preliminary Development Plan

Mr. Grummer stated staff recommended a do pass recommendation to City Council contingent on meeting all staff, City Engineer and Planning Commissioner comments.

MOTION: Commissioner Fisher made a motion for a Do Pass Recommendation to City Council to approve a preliminary development plan for Devoe Bend Subdivision Contingent on meeting all staff, City Engineer, and Planning Commissioner Comments.

Commissioner Johnson seconded the motion.

Commissioner Johnson asked for clarification on the discussions the City is having with the developer concerning public access, because as it stands currently, being on private land, the owner could restrict all access to the public. Mr. Grummer affirmed that currently they can, but is one of the reasons they separated part of the trail and gravel road to Tract B, so those details can be worked out moving forward. He stated that if anything changes beyond what can be approved at a staff level, this will come back to the commission. Mr. Grummer also stated that the owner has been very accommodating to working with staff in consideration of public spaces along this portion of the Bayou, as it is an asset to the City for community and economic development, and the developer sits on the White Oak Bayou conservancy, whose goal is in preservation of the Bayou.

Commissioner Gershner called for any further discussion, and with none, the motion passed unanimously.

- Location: 1600 Milligan Dr
- Holloway Engineering, Applicant Representative

5) Harris Addition (PRD) (Previously Approved Preliminary Dev Plan & Plat)

a) Proposed Landscape Plan

Mr. Grummer stated this property is located off Commercial Park Dr., and was previously approved by the Commission and City Council for a re-zone from C-3 to PRD. In addition, Planning Commission approved the Preliminary Development Plan and Plat in a previous month, but the Landscape plan and elevation were missing, so the plans were approved

contingent upon sending those through for approval, which is being presented. Mr. Grummer deferred to staff planner Jason Lyon for further staff comments.

Mr. Lyon stated the only area of concern staff has, concerns an area along the private road internal to the development, a large concrete sidewalk is shown, where typically there is a hedgerow to block vehicle headlights from the parking lot. In addition, light pole locations were not indicated in the legend, so making sure the locations are shown appropriately. Mr. Grummer added that the hedgerow Mr. Lyon mentioned is not spoken to specifically in the ordinance, so is a recommendation by staff. He also pointed to the building specific detail showed shrubs in front of the units, which may serve for that purpose.

Commissioner Fisher asked for clarification for what Mr. Lyon mentioned as head in lighting, and staff clarified this comment was for internal of the development, not along Commercial Park Dr., which does not show on street driving at this time. Mr. Grummer also added that tree plantings were shown along the 27' paved road on the Maumelle Boulevard side to provide screening to the Boulevard.

MOTION: Commissioner Ramsey made a motion to approve the proposed Landscape Plan for Harris Addition (PRD) contingent on meeting all Staff, City Engineer and Planning Commissioner Comments.

Commissioner Smith seconded the motion and the motion passed unanimously.

b) Proposed Commercial Building Design

Mr. Grummer deferred to staff planner Jason Lyon for staff comments. Mr. Lyon mentioned the concerns from the previous subcommittee meeting with the use of architectural metal, which the applicant has addressed by replacing with high quality materials as listed in the ordinance. Mr. Grummer also added the need to add front pathways shown on the plan leading to Commercial Park Dr. to indicate fronts of buildings fronting the street.

MOTION: Commissioner Smith made a motion to approve the proposed Commercial Building Design for Harris Addition (PRD) contingent on meeting all Staff, City Engineer and Planning Commissioner Comments.

Commissioner Ramsey seconded the motion and the motion passed unanimously.

- Location: 95 Commercial Park Dr
- Holloway Engineering, Applicant Representative

6) Harris & Pfeifer Addition Revised Preliminary Plat

a) Revised Preliminary Plat for Harris Addition and Pfeifer Addition

Roy Andrews, Holloway Engineering requested this item be tabled to the month of August.

Commissioner Fisher made a motion to table this item to August 26, 2021.

Commissioner Johnson seconded the motion and the motion passed unanimously.

- Location: Commercial Park Dr
- Holloway Engineering, Applicant Representative

PUBLIC HEARING WAS CLOSED AT 8:58 P.M.

CITY COUNCIL LIAISON REPORTS

- July 6 – Chairman Gershner reported the first reading of Ord 1028 to Amend the Maumelle Zoning Map for Pfeifer Addition, which was tabled till the first meeting in October; Second reading of Ord 1035 accepting dedication of Streets and Drainage in Ph 24C of CCA; Resolution 2021-16 for a Conditional Use for a mini-golf course in the Industrial Park, which was Approved; Couple of resolutions regarding Entergy and the Counts Massie Extension
- July 19 – Commissioner Ramsey reported the Mayor requested to amend the agenda to put in a resolution as to how the Utility movement for the Crystal Hill Extension will be paid for while continued discussions with Entergy.

Chairman Gershner stated the City Council Liaison assignments for August 2 is Commissioner Johnson, and August 16 is Commissioner Stephens.

MOTION: Commissioner Johnson made a motion to adjourn.

Commissioner Smith seconded the motion and the motion passed unanimously.

The meeting was adjourned at 9:01 P.M.

Approved:

Chairman David Gershner, July 22, 2021