

FILE NO.: A-342

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NAME: Crystal Valley Trails Annexation

REQUEST: Accept 168.9 acres plus or minus to the City

LOCATION: Northside of Crystal Valley Road, north of Colonel Miller Road (15200 - 15800 blocks of Crystal Valley Road)

SOURCE: Harrison Kemp, Mann & Kemp PLLC

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GENERAL INFORMATION:

- This 100-percent owner annexation process request was submitted to the Pulaski County Judge's Office in July 2022. When approved it will include all adjacent road rights-of-way as is the custom for the County.
- The site is mostly wooded. There is a single-family house and a few out-buildings on a portion of the site. Approximately a year ago, the Little Rock Planning Commission approved a 551-lot single-family subdivision for the majority of this land.
- There is one property owner. This is a '100-percent' property owner annexation.
- The site is contiguous to the City of Little Rock along a portion of its eastern boundary (approximately 656 feet).
- The annexation request is to obtain City services.
- The site is rectilinear in shaped. The western boundary starting on Crystal Valley Road is approximately 3961 feet in length, south to north. The northernmost boundary is approximately 1293 feet. Then the boundary proceeds south approximately 1307 feet, then east approximately 1319 feet to the easternmost boundary. This easternmost boundary is approximately 656 feet, then proceeds west approximately 658 feet and then south approximately 1982 feet to Crystal Valley Road. The southernmost boundary is along Crystal Valley Road approximately 1971 feet.
- The site consists of approximately 168.9 acres. The current zoning is R-2, Single Family District. A preliminary plat for a single-family subdivision of 551 lots was approved for this land by the Little Rock Planning Commission in August 2021.

AGENCY COMMENTS:

Public Safety:

Fire: No Comment received.

Police: Little Rock Police Department has indicated they have a concern about the impact on police services due to an expanded city limit. This is both for patrols as well as emergency responses.

Infrastructure and Community Facilities:

Rock Region METRO Transit: No Comment received. Written

Parks and Recreation: No Comment received.

Public Works: The Public Works Department has indicated they have no concerns or issues with the annexation (Civil Engineering).

Pulaski County Planning: No Comment received.

Arkansas Geographic Information Office: AGIO expressed no concerns with the annexation and noted the applicant had followed ARK CODE 14-40-101.

Utilities:

Central Arkansas Water: No Comment received.

Entergy: No Comment received.

Reliant-Energy: No Comment received.

Little Rock Water Reclamation Authority: No Comment received.

AT&T: No Comment received.

Schools:

Little Rock: No Comment received.

The annexation area is not within the Little Rock School District.

Pulaski County Special: No Comment received.

The annexation area is within the Pulaski County Special School District.

ANALYSIS:

The area requesting annexation is contiguous with the city limits along approximately 655.7 feet of the easternmost boundary. The City of Little Rock annexed the contiguous land east of the request area in 2003 - via Ordinance 19050 (Dyke Annexation). The annexation area has been mostly wooded for a couple of decades. Prior to that the southern half of this land had been cleared. The southern portion of the annexation area has a gradual slope from southwest to northeast. There is a more significant rise in the northern sixth of the site, a 60-plus foot rise (ridgeline). Most of this steep terrain is not included as residential lots in the approved preliminary plat.

The property is zoned R-2, Single Family District. Based on the allowable number of units for the zoning of the land, the potential development is as many as a thousand single-family units. The Little Rock Planning Commission approved a 551-lot single-family subdivision on a large portion of this land in August of 2021. The preliminary plat proposes development in seven phases with the first phase including 75 single-family lots. Later phases range from 52 to 111 single-family lots per-phase. The applicant has not provided a timeline for development of the land. The existing one single-family house with a few out-buildings would be removed with this development.

The Land Use Plan Map shows the annexation area as Residential Low Density (RL) and Office (O). The Residential Low Density category provides for single-family homes at densities not to exceed 6 units per acre. Such residential development is typically characterized by conventional single-family homes but may include patio or garden homes and cluster homes, provided that the density remains less than 6 units per acre. The Office category represents services provided directly to consumers (e.g., legal, financial, medical) as well as general offices which support more basic economic activities. Except for the Office (O) area shown at the intersection of Colonel Miller and Crystal Valley Roads, RL is shown in all directions from the annexation area.

The land to the west is a large-tract single-family subdivision (Plantation Acres), zoned R-2 (Single Family District). The development consists of lots over 2-aces in size. To the north and northeast is land zoned R-2 and wooded. To the southeast are two large tracts zoned R-2 and AF (Agriculture and Forestry District) with single-family houses. Across Crystal Valley Road to the south are larger tracts (2-acre plus) most of which have single-family houses on them. Most of the land south of Crystal Valley Road is zoned R-2 or AF. The northern half of the tract at the northeast corner of Colonel Miller and Crystal Valley Roads is zoned O-3, General Office District. The Pulaski County Accessors records indicate that this property is being use as a single-family home (not taxed as a business). In the vicinity of the annexation the develop pattern is generally rural residential. To the east inside Little Rock is a developing single-family subdivision, Seinna Lake. It is a more traditional subdivision with lots just over a third of an acre in size.

The applicant has provided the City with a letter from the Arkansas GIS Office (AGIO) confirming the request meets all the requirements of Section 14-40-101 (dated June 14, 2021). This confirms that the area requesting annexation is contiguous to the City of Little Rock and all requirements of Arkansas Law have been fulfilled. This annexation is following the 100% owner annexation process. The request was submitted to the Pulaski County Judge's Office for approval in July 2022. The Judge's Order sets the exact boundaries of the annexation which by custom includes all adjacent rights-of-way.

Approximately 1971 linear feet of Crystal Valley Road is included in this annexation. Crystal Valley Road is a two-lane road without paved shoulders. There are open ditches on both sides of the road. Crystal Valley Road is shown on the Master Street Plan as a Minor Arterial. A Minor Arterial provides connections to and through an urban area and their primary function is to provide short distance travel within the urbanized area. The

design standard for a Minor Arterial is a four or five lane roadway with curb and gutter and sidewalks on both sides of the road. This road is not built to standard. There is no bike route shown in the vicinity of the annexation on the Master Bike Plan.

The preliminary plat approval requires the developer to construct the required improvements to north half of approximately 1200 linear feet of Crystal Valley Road. This would be the eastern portion of the 1971 linear feet included in the annexation. These improvements would be widening the roadway (addition of a travel lane) and installing underground storm drainage along the northern edge of the roadway. A sidewalk would also be required to be constructed along the north side of Crystal Valley Road at time of development. Similar improves are required on the western portion of Crystal Valley Road with Phase V of subdivision development.

Upon annexation, the City will be responsible for the continuing maintenance of approximately 1971 linear feet of roadway and related drainage structures. At time for development of the land the city will review and approve the design and construction of the required improves to Crystal Valley Road. Then the Public Works Department will be responsible for the continuing maintenance. The Public Works Department indicated they have no concerns or issues with the proposed annexation (Engineering Section).

The annexation will create an in-out-in-out situation along Crystal Valley Road. Starting at Stagecoach Road, Crystal Valley Road is within the city limits for 0.7 miles of roadway. When the road turns north, just west of Turnberry Drive, Crystal Valley Road is outside of the city limits. This annexation would bring a portion of Crystal Valley Road into the city, some 0.8 miles west of the exiting the city limits. The portion coming in to the City is some 0.37 miles the roadway. (Crystal Valley Road would be in the city for 0.7 miles, out for 0.8 miles then in for 0.37 miles then out). This is a similar pattern to that what already exists along Kanis Road from Chenal Parkway west passed Chenal Downs Boulevard.

There is an existing single-family structure on the land. The ultimate development proposal is for a single-family subdivision. The City shall have to provide solid waste service to the annexation area after development on the new houses. The City charges each residence a month fee for solid waste which is designed to fully cover the cost of providing the service. The Public Works Department, Solid Waste Division did not respond to the request for comment on the annexation.

There is not a water service line along Crystal Valley Road adjacent to the annexation area. A 12-inch service line is along Colonel Miller Road approximately 1340 feet to the south of the annexation. 12-inch water service lines can be found 2000 feet to the west (near Plantation Acres Drive) and 2020 feet to the east (near Sienna Lake Drive) along Crystal Valley Road. The nearest wastewater service line (10-inch line) is along Haw Creek to the south over 2000 feet away. To get access to this service line would require traversing land that will be outside of Little Rock (un-incorporated county). As part of the development of any land within the annexation area, the developer will have to extend these services from the existing service lines to any new development. No comments have been received from either Central Arkansas Water or Little Rock Water Reclamation on the proposed annexation.

The closest fire station (Station 24) is located at 8801 Stagecoach Road. From this station via existing streets is just under two miles to the annexation area. Station 18, at 11500 Mabelvale West Road, is the next closest station with runs of approximately 4 and a quarter miles to the annexation area over current roads. The Fire Department did not respond to the request for comments/concerns about this annexation. The Little Rock Police Department has indicated they have a concern about the impact on police services due to an expanded city limit. This is both for patrols as well as emergency responses. Initially the responses would be to any incident on the 1971 linear feet of added street. But long term would be the addition of some 551 homes and the streets created to support the subdivision. It should be noted that this will be done in increments over an unknown timeline.

Staff Recommendation:

Approval of the annexation.

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PLANNING COMMISSION ACTION:

(SEPTEMBER 8, 2022)

Walter Malone, Planning Staff, reviewed the Analysis section of the Staff Report with the Commission. Mr. Harrison Kemp, applicant, indicated he had nothing of substance to add to the staff presentation. He would come back and respond after the opposition had spoken.

Mr. David Witte, president of Plantation Acres, here to represent Plantation Acres, Sienna Lakes and Crystal Valley Neighborhoods presented a PowerPoint. Mr. Witte indicated that prior to the subdivision submission the neighborhoods had met with the applicant. At that time the owner indicated they had met the requirements and he was going to pursue his application as is. The neighborhoods were asking for a development similar to the subdivisions already in the vicinity. The neighborhoods are not against development, but we should not settle for just meeting the minimum requirements. Almost 100 percent of the residents of the surround neighborhoods oppose the proposed development. The annexation should be stopped to re-design the subdivision.

Mr. Witte showed a slide of the area. The site is forested, as is the land to the north and east. The Plantation acres subdivision is to the west. When the subdivision case was before the Commission the attorney shut-down discussion based on the 'Richardson Case'. Mr. Witte read a section from the ruling. He stated that this will forever change the area. It creates an enclave of city surrounded by Pulaski County. He discussed the Plantation Acres subdivision to the west and the differences it would have from the new development. He restated the concern about only meeting the minimums. This will have a negative impact on the values of the existing homes in the area. He showed a graphic of the two subdivisions. They are incompatible. The proposed subdivision would destroy the peace and beauty of Plantation Acres. He next showed a graphic for Sienna Lakes and talked about the lot sizes and values. The proposed subdivision is not compatible with Sienna Lakes. Mr. Witte read a quote from Rex Nelson on infill development versus

westward development. He finished with stating this would create a perfect storm to harm the area.

Ms. Melody Parsley, resident on the south side of Crystal Valley Road, continued the presentation. She is concerned about the health issues with all the water wells in the area. There are seven wells adjacent to the development. Will there be sediment in the wells? Will input into the aquifer be impacted? There will be massive land alterations as well as vegetation removal. This will cause sedimentation and flooding concerns. Ms. Parsley showed the floodplain maps for Haw Creek. This is the water source for her cattle and flows into the Eagle Hill golf course and on to Fourche Creek. She talked about flooding over Crystal Valley Road. The vegetation removal and increase in paved surfaces will have an impact – there has been no flood study. She shared a tweet from Pulaski County on Crystal Valley and Colonel Miller Roads being closed due to flooding in 2019. There needs to be a flood and environmental impact review on the water wells.

Mr. Witte took back over the presentation. He stated there have not been any flood or traffic studies. He noted the two right turns along Crystal Valley Road to the east. This is the path everyone will have to take including school buses and trucks as well as residents both current and future. He shared with the Commission the Neighborhood Plan for the area, reading the vision statement to preserve the green and naturally barriers. The neighborhoods concerns need to be addressed before development - respect the community health and safety concerns; prevent city enclave surrounded by County, developer work with community on issues of concern; protect property and home values.

Mr. Kemp, applicant, reminded the Commission that the issue is annexation not the density or type of development. The Commission has already approved the subdivision. The issues about the subdivision should not be a consideration on annexation. This includes flooding or traffic issues. They are not relevant for an annexation application. He did ask Mr. Joe White, Engineer, to address some of the flooding and engineering questions. Joe White, Joe White and Associates, stated that the approved subdivision meet all the regulations and each lot has a minimum 50-foot frontage. There are green areas within the proposed subdivision which results in a density of 3.5 units per acre. The developer even provided a buffer requested by a neighborhood in the Plantation Acres subdivision.

Mr. White indicated that this would not be much different from the comparison of Chenal Downs and Fletcher Valley Subdivision on Kanis Road. The proposed subdivision will be 'starter' homes. Not everyone can afford to live in a subdivision like Plantation Acres or Sienna Lakes. There is no Central Arkansas Water (CAW) infrastructure in the area. Working with CAW the developer will extend service lines from the south. CAW plans to connect this to the Sienna Lake area and improve their service. Water Reclamation has an oversized 10-in sewer line in Haw Creek to the south. The developer will extend this to the north and continue it to the west where others may be able to connect in the future. As for stormwater, the proposed subdivision will have at least two detention areas (one

in the southeast corner and one more central). He discussed Haw creek and its location relative to the development.

Mr. White indicated that there are other areas in Little Rock with subdivisions of various densities. This makes a more diversified area. The request is not an enclave it is just an irregular configuration. This is part of natural growth.

Commissioner Brook asked the opposition, if not this then what? Mr. Witte stated they wanted something that more closely reflected their community – density, noise creation, light. That the lot sizes needed to be increased to make the proposed area look more like the surround areas. Commissioner Haynes stated there are similar development patterns in the city. The subdivision issue has already been dealt with. This is just progress.

Sherri Latimer, City Attorney, discussed the Richardson cases and noted that it was about subdivision cases not annexations. The ruling only states that if one follows the subdivision regulations then the plat should be approved.

A motion was made to approve that annexation request. By a vote of 7 for, 1 against, 2 absent and 1 vacancy the motion was approved.