

**North Little Rock Planning Commission
Regular Meeting
April 13, 2010**

Chairman Clifton called the regular meeting of the North Little Rock Planning Commission to order at 4:45 PM in the Council Chambers, City Hall.

Members Present:

Alexander
Armstrong
Belasco (Arrived at 4:55)
Chambers
Clifton, Chairman
Dietz
Parker
White, Vice Chairman

Members Absent:

Foster

Staff Present:

Shawn Spencer, Assistant Director
Samantha Evans, Secretary

Others Present:

Paula Jones, Asst. City Attorney

Administrative:

Mr. Spencer stated that he received three letters and one petition in opposition of Rezoning #1519/1600 West 58th Street. Mr. Spencer included the letters and petition in the Commissioners' file for review.

Roll Call:

Roll was called; a motion was made and seconded to excuse those absent from the meeting. The motion was approved with (7) affirmative votes and (2) absent.

Approval of Minutes:

Motion was made and seconded to approve the February meeting minutes as submitted. The minutes were approved with (7) affirmative votes and (2) absent.

Subdivision Administrative:

A. SPR-2182-10 Collins Industrial Park, Lot 5 (Site Plan Review of a office/warehouse located at approximately 15 Collins Industrial Road)

- 1. Meet the requirements of the City Engineer, including:**
 - a. Provide storm water detention. Storm Water Detention calculations are to be approved by City Engineer and an approved copy provided to Planning Department.
 - b. Obtain erosion control permit from City Engineer and ADEQ before any site work is started.
 - c. The first floors of any building are to be a minimum of 1' above any flood plain.
 - d. Driveway radii returns built to City Engineer's specifications.
 - e. Drainpipes in the ROW are to be RCP with flared end section.
 - f. All driveways are to be concrete in the ROW.
 - g. Secure curb cut from City Engineer.
- 2. Meet the requirements of Community Planning, including:**
 - a. Provide the standard requirements of Zoning and Development Regulations.
 - b. Site Plan Review of the development will be submitted in CAD compatible DXF and/or DWG format, tied to Arkansas State Plane Coordinates before a building permit issued.
 - c. Provide screening to match building (wood fence not permitted).
 - d. Meet the 30' setback at rear of property.
 - e. Dumpster location meets all requirements for an accessory structure.
- 3. Meet the requirements of the Master Street Plan, including:**
 - a. Sidewalks not required in industrial subdivision
- 4. Meet the requirements of the Screening and Landscaping ordinance, including:**
 - a. All disturbed areas are to be sodded or seeded, fertilized, watered and mulched.
 - b. Provide irrigation to all required trees.
 - c. Provide 5 street trees.
 - d. Provide 10 parking lot shade trees, 6 of which must be located on the interior of the parking lot.
 - e. Provide a continuous screen for any parking spots that face a street or abutting property.
- 5. Meet the following requirements concerning signage:**
 - a. All signs require a permit and separate review.
 - b. No pole sign permitted. No electronic changeable copy sign permitted.
- 6. Meet the requirements of the Fire Marshal, including:**
 - a. Provide an approved fire protection plan.
 - b. Provide all weather access to three sides of the buildings. FD can provide options.
 - c. Fire hydrants to be within 400 feet of all areas of building.
 - d. All exterior portions of a building must be within 150' of a FD access road.
- 7. Meet the requirements of CAW, including:**
 - a. All CAW requirements in effect at the time of request for water service must be met.

- b. Submit plans for water facilities and/or fire protection system to CAW for review.
- c. Approval of plans by AR Dept of Health Engineering Division is required.
- d. Contact CAW for requirements on backflow protection on meter services.

8. Meet the requirements of NLR Wastewater, including:

- a. A complete set of drawings for development must be submitted to NLR Wastewater.

Mr. Chambers stated the applicant met with the Subdivision Committee and has agreed to all the requirements. There were no additional comments from Commissioners or the audience. The motion to approve passed with (7) affirmative votes and (2) absent.

B. SPR-2183-10 Springhill Development, Lot 8, Block 4 (Site Plan Review of AR Urology offices located at SE corner of Stockton Drive and Springhill Drive)

1. Meet the requirements of the City Engineer, including:

- a. Provide storm water detention. Storm Water Detention calculations are to be approved by City Engineer and an approved copy provided to Planning Department.
- b. Obtain erosion control permit from City Engineer and ADEQ before any site work is started.
- c. The first floors of any building are to be a minimum of 1' above any flood plain.
- d. Driveway radii returns built to City Engineer's specifications.
- e. Provide street signs and illumination on new streets.
- f. Drainpipes in the ROW are to be RCP with flared end section.
- g. All driveways are to be concrete in the ROW.
- h. Secure curb cut from City Engineer.

2. Meet the requirements of Community Planning, including:

- a. Provide the standard requirements of Zoning and Development Regulations.
- b. Site Plan Review of the development will be submitted in CAD compatible DXF and/or DWG format, tied to Arkansas State Plane Coordinates before a building permit issued.
- c. Dumpster screening to match building.
- d. Approve waiver of 11 parking spots at full build out.

3. Meet the requirements of the Master Street Plan, including:

- a. Provide full street, sidewalk, curb and gutter improvements with temporary turnaround.

4. Meet the requirements of the Screening and Landscaping ordinance, including:

- a. All disturbed areas are to be sodded or seeded, fertilized, watered and mulched.
- b. Provide irrigation to all required trees.
- c. Provide street trees as shown.
- d. Approve waiver to allow 4 street trees to serve as parking lot shade trees.
- e. Provide a continuous screen for any parking spots that face a street or abutting property.

5. Meet the following requirements concerning signage:

- a. All signs require a permit and separate review.
- b. No pole sign permitted. No electronic changeable copy sign permitted.

6. Meet the requirements of the Fire Marshal, including:

- a. Provide an approved fire protection plan.
- b. Fire hydrants to be within 400 feet of all areas of building.

7. Meet the requirements of CAW, including:

- e. All CAW requirements in effect at the time of request for water service must be met.
- f. Submit plans for water facilities and/or fire protection system to CAW for review.
- g. Approval of plans by AR Dept of Health Engineering Division is required.
- h. Contact CAW for requirements on backflow protection on meter services.

8. Meet the requirements of NLR Wastewater, including:

- a. A complete set of drawings for development must be submitted to NLR Wastewater.

Mr. Chambers stated the applicant met with the Subdivision Committee and has agreed to all the requirements. There were no additional comments from Commissioners or the audience. The motion to approve passed with (7) affirmative votes and (2) absent.

C. NS-2184-10 Springhill Development, Lot 7, Block 4 (preliminary plat review of a lot located on south side of Stockton between Springhill Dr and Smokey Lane)

1. Meet the requirements of the City Engineer, including:

- a. Provide storm water detention plans at SPR.
- b. Avoid any adjoining wetland or obtain clearance from the Corp of Engineers.
- c. Obtain erosion control permit from City Engineer and ADEQ before any site work is started.
- d. Provide street signs and illumination on new streets.

2. Meet the requirements of Community Planning, including:

- a. Provide the standard requirements of Zoning and Development Regulations.
- b. Final plat of the development will be submitted in CAD compatible DXF and/or DWG format, tied to Arkansas State Plane Coordinates before the final plat will be signed.
- c. SPR required for development.

3. Meet the requirements of the Master Street Plan, including:

- a. Provide full street, sidewalk, curb and gutter improvements to Smokey Lane.
- b. Provide full ROW dedication.

4. Meet the requirements of CAW, including:

- a. Water is not available to this property without an extension.
- b. All CAW requirements in effect at the time of request for water service must be met.
- c. Submit plans for water facilities and/or fire protection system to CAW for review.

5. Meet the requirements of NLR Wastewater, including:

- a. A complete set of drawings for development must be submitted to NLR Wastewater.

Mr. Chambers stated the applicant met with the Subdivision Committee and has agreed to all the requirements. There were no additional comments from Commissioners or the audience. The motion to approve passed with (7) affirmative votes and (2) absent.

D. SPR-2185-10 North Argenta Add, Lots 1-4, Block 34 (Site Plan Review of a law office located at the SE corner of Main and 16th Streets)

- 1. Meet the requirements of the City Engineer, including:**
 - a. Provide storm water detention "in lieu of" fee of \$5000/acre.
 - b. Obtain erosion control permit from City Engineer and ADEQ before any site work is started.
 - c. The first floors of any building are to be a minimum of 1' above any flood plain.
 - d. Driveway radii returns built to City Engineer's specifications.
 - e. All driveways are to be concrete in the ROW.
 - f. Secure curb cut from City Engineer.
- 2. Meet the requirements of Community Planning, including:**
 - a. Provide the standard requirements of Zoning and Development Regulations.
 - b. Site Plan Review of the development will be submitted in CAD compatible DXF and/or DWG format, tied to Arkansas State Plane Coordinates before a building permit issued.
 - c. Dumpster screening to match building.
 - d. Replat lots into 1 lot. Include on the plat; 20 foot front yard setbacks on Main and 16th, and dedicate 10' for alley.
 - e. Move building to front building line.
- 3. Meet the requirements of the Master Street Plan, including:**
 - a. Provide 5' sidewalks/ramps to ADA standards and City standards along 16th and Main
 - b. Continue sidewalks to edge of alley
- 4. Meet the requirements of the Screening and Landscaping ordinance, including:**
 - a. All disturbed areas are to be sodded or seeded, fertilized, watered and mulched.
 - b. Provide irrigation to all required trees.
 - c. Provide 6 street trees 40' on center.
 - d. Provide 2 parking lot shade trees must be at the furthest 10' from edge of paving.
- 5. Meet the following requirements concerning signage:**
 - a. All signs require a permit and separate review.
 - b. Provide sign location on site plan.
 - c. No pole sign permitted. No electronic changeable copy sign permitted.
- 6. Meet the requirements of the Fire Marshal, including:**
 - a. Provide an approved fire protection plan.
 - b. Fire hydrants to be within 400 feet of all areas of building.
- 7. Meet the requirements of CAW, including:**
 - a. All CAW requirements in effect at the time of request for water service must be met.
 - b. Submit plans for water facilities and/or fire protection system to CAW for review.
 - c. Approval of plans by AR Dept of Health Engineering Division is required.
 - d. Contact CAW for requirements on backflow protection on meter services.
- 8. Meet the requirements of NLR Wastewater, including:**
 - a. A complete set of drawings for development must be submitted to NLR Wastewater.

Mr. Chambers stated the applicant met with the Subdivision Committee and has agreed to all the requirements. There were no additional comments from Commissioners or the audience. The motion to approve passed with (7) affirmative votes and (2) absent.

E. NS-2186-10 Scott Pentecostal Church Add, Lot 1 (preliminary plat review of a lot for a church located on Highway 165 across the street from the Post Office)

- 1. Meet the requirements of the City Engineer, including:**
 - a. Provide storm water detention plan at SPR.
 - b. Obtain erosion control permit from City Engineer and ADEQ before any site work is started.
 - c. Secure Highway permit for driveways.
- 2. Meet the requirements of Community Planning, including:**
 - a. Provide the standard requirements of Zoning and Development Regulations.
 - b. SPR required for development.
 - c. Final plat of the development will be submitted in CAD compatible DXF and/or DWG format, tied to Arkansas State Plane Coordinates before the final plat will be signed.
 - d. Provide 10' easement around west, south and east property lines.
 - e. Show centerline of road on plat.
- 3. Meet the requirements of the Master Street Plan, including:**
 - a. Provide dedication for ½ of the required ROW on Hwy 165.
- 4. Meet the requirements of CAW, including:**
 - a. Water is not available from CAW, area is inside Grand Prairie Water System.
- 5. Meet the requirements of NLR Wastewater, including:**
 - a. Connection is not available to NLRWW, approval for an assembly building must be from AHD.
- 6. Meet the requirements of Pulaski County, including:**
 - a. Provide line on plat for County to sign. County must sign before the City will sign.
 - b. SPR with County and City required at time of development.

Mr. Chambers stated the applicant met with the Subdivision Committee and has agreed to all the requirements. There were no additional comments from Commissioners or the audience. The motion to approve passed with (7) affirmative votes and (2) absent.

F. NS-2128-08 Overbrook Addition, Phase 19 (one time 12 month extension)

Mr. Chambers stated the applicant met with the Subdivision Committee and has agreed to all the requirements. There were no additional comments from Commissioners or the audience. The motion to approve passed with (7) affirmative votes and (2) absent.

Public Hearing – Old Business:

Mr. White asked Mr. Spencer for a follow-up of the memorandum sent to Kent Vestal and John Burkhalter regarding a traffic signal on Maumelle Boulevard at Vestal.

Mr. Spencer stated that the City received approximately \$6,000 from Kent Vestal and John Burkhalter for the traffic signal. The city will pay the remainder of the cost with state and federal grants.

Public Hearing – New Business:

1. **Conditional Use #63.** To allow a residence with a tattoo parlor in a C-3 zone. The request is located at 4603 East Broadway.

The applicant, Mr. Scott Diffie, was present. He stated that he received and agreed to the conditions that were placed on his request by the Subdivision Committee.

Mr. Chambers asked for the Commissioners to take note of condition #8 that states the applicant/owner understands that failure to comply with these conditions may result in loss of the Conditional Use and/or loss of Business License and/or removal of Electric Power Meter.

Mr. Chambers stated that this condition will be added to all future applications as a means of retribution if the applicant does not comply with all the conditions

Chairman Clifton asked if anyone was present to speak for or against the request. No one was present.

There were no additional comments from Commissioners or the audience.

Conditions:

1. Hours of operation to be noon to 10pm.
2. Remove existing pole sign.
3. No pole sign permitted. If a monument sign is requested the maximum square footage is to be 16 square feet.
4. Provide 1 street tree at east property line.
5. Maximum of 3 work stations allowed.
6. Applicant must meet all applicable Federal, State, County and City requirements,
7. business license to be issued after Planning Staff confirmation of requirements,
8. applicant/owner understands that failure to comply with these conditions may result in loss of the Conditional Use and/or loss of Business license and/or removal of Electric Power meter.

Chairman Clifton asked for a roll call vote on the application.

Alexander	Yes	Foster	Absent
Armstrong	Yes	Parker	Yes
Belasco	Yes	White	Yes
Chambers	Yes	Clifton	Yes
Dietz	Yes		

Conditional Use #63 was approved with (8) affirmative votes and (1) absent vote.

- 2. Rezone #1521.** To rezone property from R-3 to I-2 to recognize an existing tool manufacturing business. The request is located at 1317 Orange Street.

Postponed until May 11, 2010 Planning Commission meeting.

- 3. Rezone #1522.** To rezone property from R-3 to R-4 to allow a triplex. The request is located at 909 W. 34th Street.

The applicant, Mr. Larry Carroll, was present. Mr. Carroll explained his request to divide the existing structure adding a third rental unit by discontinuing his attached workshop. He stated that he also resides at the location.

Mr. Chambers reiterated that the primary reason for the rezone is to allow a third meter at the house. Mr. Carroll stated that the third meter would allow him to separate his primary residence utilities from his tenants.

Chairman Clifton asked if there was anybody in the audience who wanted to speak on this item. Ms. Carroll read two letters from property owners in support of the application.

There were no additional comments from Commissioners or the audience.

Chairman Clifton asked for a roll call vote on the application.

Alexander	Yes	Foster	Absent
Armstrong	Yes	Parker	Yes
Belasco	Yes	White	Yes
Chambers	Yes	Clifton	Yes
Dietz	Yes		

Rezone #1522 was approved with (8) affirmative votes and (1) absent vote.

- 4. Rezone #1519.** To rezone property from R-1 to R-2 to allow a Special Use. The request is located at 1600 West 58th Street.

The applicant, Mrs. Anita Williams, was present. She stated that she received and agreed to the conditions that were placed on her request by the Subdivision Committee.

Chairman Clifton asked if there was anyone in the audience that would like to speak for or against this application.

Ms. Linda Bunda spoke against the application. Ms. Bunda read a letter addressed to the Commissioners.

The letter stated:

I am writing regarding the application for Special Use #689 of 1600 West 58th Street, North Little Rock, AR 72118 to allow a Daycare in an R-1 residential zone. Reginald Williams is listed as the owner of the property and Mrs. Anita Williams as the applicant. The request is being presented at today's Planning Commission meeting.

Any commercial use of a property in a residential area has an adverse affect on the values of the surrounding properties. And, once a Special Use rezoning is granted, precedence has been established and it would be easier for another party at another time to obtain one. We who live in the neighborhood bought our homes in a residential area because we want to live in a residential neighborhood, not a commercial area.

1600 West 58th Street is located at the corner of West 58th Street and Green Valley Drive, two very heavily traveled streets. That corner also is the stop for seven school buses and city buses. When you add the extra traffic to the Daycare of parents dropping off and picking u their children at those times, not to mention employees already parking there, the traffic becomes an even larger problem.

Families with children live next door to and across the street from 1600 West 58th Street. The children play outdoors and the increased traffic would create even more danger to their safety. Mrs. Williams has four children who also play with the neighborhood children.

I or anyone else with whom I have spoken does not begrudge Mrs. Williams her desire to make an honest living. We wish her business success, but at a location already zoned for a Daycare.

My husband, Jose', and I live two houses south of 1600 West 58th Street on the same side of Green Valley. We have lived here for 31 years and raised three children in this neighborhood. This is a well established family neighborhood with most of the residents signing the petition having owned their homes from 10 to 40 years. We want our neighborhood to remain so.

Ladies and Gentlemen of the Commission, I ask you one question. Would you want a Daycare or any other commercial enterprise next door to you?

Thank you for your consideration.

Sincerely,

Linda K. Bunda

Mr. Dennis Miles spoke against the application. He stated that he has lived in the neighborhood for fifteen years. It is a nice quiet neighborhood and he along with many of the neighbors he has spoken to want to remain a residential only neighborhood.

There were no additional comments from Commissioners or the audience.

Chairman Clifton asked for a roll call vote on the application.

Alexander	No	Foster	Absent
Armstrong	No	Parker	No
Belasco	No	White	No
Chambers	No	Clifton	No
Dietz	No		

Special Use #687 was denied with (8) no votes and (1) absent vote.

5. **Special Use #689.** To allow a home daycare in a R-2 zone. The request is located at 1600 West 58th Street.

Withdrawn

6. **Special Use #691.** To allow major car repair in a C-3 zone. The request is located at 2655 Pike Avenue.

The applicant, Greg Mueller, was present. Mr. Mueller stated that the area in question is located in the Pike Plaza Shopping Center. Over the last ten years, he has leased the space as a major auto repair business. In 2005 the Planning Commission restricted auto repair to C-4. Due to the location operating without an active business license for more than 12 months, the area is no longer non-conforming. Mr. Mueller stated they failed to realize that if the business license was not renewed every year, then they would lose the right to operate as an auto repair business. He is now asking the Planning Commission to grant a Special Use to allow the auto repair business to remain at that specific location both now and in the future.

Chairman Clifton asked Mr. Mueller if he has seen the staff recommendations and agreed with the conditions that were placed on his request. Mr. Mueller stated that he would like to change condition #2 that states no wrecked, repaired or to be repaired vehicles stored outside overnight. He would rather it state no more than three repaired or to be repaired vehicles stored outside overnight no more than three days at a time per vehicle.

Mr. Armstrong stated that a similar case had come before the Planning Commission in the past, in which the Planning Commission placed a stipulation on the application in regards to how long a business could store a wrecked or repaired vehicle outside overnight. Mr. Armstrong asked the Planning Commissioners to consider an amendment with similar stipulations for the above mentioned case.

Mr. Spencer stated that the City Council within the last two months recently wrote within the nuisance ordinance that all wrecked vehicles must be stored behind the building, behind the fence. Looking at the site plan, Mr. Spencer stated he does not see any additional space that could be used to store vehicles behind the location.

Mr. Chambers stated that the time limit is unenforceable. He went on to state that if his fellow Commissioners agree with the condition to allow the repair shop to store vehicles outside overnight, then he will side with the majority; however, he does not see the storage space that would allow an additional three cars to be stored outside of the repair shop.

Mr. Mueller pointed out the aerial map of the property to the Commissioners. He stated there is room to store cars on the site in front of the garage and in the off street parking spaces. In addition, he stated that he does not want to store wrecked vehicles on the property, just minor repaired vehicles.

Mr. Dietz asked Mr. Mueller if the shop could store the repaired vehicles inside the shop after hours. Mr. Mueller stated that the shop could do that except if there were ever an instance when there are more than three cars inside and someone brings in an additional car for repair work, the repair shop would not be able to store it, nor repair it.

Mr. Parker stated that the parking lot, with more than one hundred customer parking spaces, could be used as an alternative to store the vehicles overnight. Mr. Armstrong stated that such storage would be an eye sore. Mr. Parker claimed that the repaired vehicles would be an eye sore wherever the vehicles are stored.

Chairman Clifton clarified that it is common for auto repair shops to store vehicles inside and outside of their shop; in the event a customer drops a car off after hours for repair in the morning. Chairman Clifton went on to state that he is alright with allowing the shop to store vehicles on the property, as long as the cars are not inoperable.

Mr. Chambers made a suggestion to amend condition #2 to state, no wrecked vehicles stored outside overnight.

Mr. White agreed with Mr. Chambers that requiring the repair shop to have no more than three vehicles, no longer than three days at a time is unenforceable.

Mr. Dietz asked if the repair shop will be doing any body work at the location. Mr. Mueller stated no. Mr. Dietz made a recommendation to prohibit body work at the location.

Chairman Clifton moved to approve the recommendation of no body work at the location. It was seconded. The motion to approve the recommendation passed with (8) affirmative votes and (1) absent vote.

Chairman Clifton moved to approve the amendment of condition #2 to state no wrecked vehicles stored outside overnight. It was seconded. The motion to approve the recommendation passed with (7) affirmative votes, (1) no vote, and (1) absent vote.

Chairman Clifton asked if there was anyone in the audience that would like to speak for or against this application. There were no comments from the audience.

Mr. Parker asked if there was approved parking for the repaired vehicles so that the vehicles would not interrupt traffic or block access to other areas of the shopping center. He has a problem with the parked cars blocking traffic if they are able to be parked in front of the garage. He objects to allowing the repaired vehicles parked in the area without a designated or approved spot for the vehicles. Mr. Parker went on to state that having lived in the neighborhood for many years, there have been businesses in the past in that location, in which the repaired cars caused such a problem that it blocked the flow of traffic on Parker Street.

Mr. White clarified that the Planning Commission is not approving to allow repaired or to be repaired vehicles to park in the right-of-way or block the flow of traffic; the Planning Commission is just voting on the condition to allow repaired or to be repaired vehicles stored outside overnight. If there are cars blocking the right-of-way or flow of traffic, code enforcement can prevent such occurrences.

There were no additional comments from Commissioners or the audience.

Conditions:

1. Hours of operation to be Mon-Sat, 7am-8pm.
2. No wrecked vehicles stored outside overnight.
3. Applicant must meet all applicable Federal, State, County and City requirements,
4. Business license to be issued after Planning Staff confirmation of requirements,
5. Applicant/owner understands that failure to comply with these conditions may result in loss of the Special Use and/or loss of Business License and/or removal of Electric Power Meter.
6. Body work is prohibited.

Chairman Clifton asked for a roll call vote on the application.

Alexander	Yes	Foster	Absent
Armstrong	Yes	Parker	No
Belasco	Yes	White	Yes
Chambers	Yes	Clifton	Yes
Dietz	Yes		

Special Use #691 was approved with (7) affirmative votes, (1) no vote and (1) absent vote.

Public Comments/Adjournment:

Chairman Clifton asked if there were any public comments from the public or the Commission. Mr. Chambers stated that he noticed a siding and roofing company at 905 W. 34th Street. He wanted to know if it was legal to have a commercial property in that area.

Mr. Spencer stated that many of the businesses have been there a long time and had been grandfathered in.

Mr. White asked if on-street parking is allowed in a C-2 or C-3 zone.

Mr. Spencer stated that C-6 is the only area that does not have parking requirements for on-site parking. All other zones have specific requirements to have some sort of on-site parking requirements. It is up to Public Works to determine if parking on the street is allowed, which is determine by traffic flow and whether or not it is accessible for a fire truck.

Mr. White also asked if there were regulations to prohibit individuals from storing trailers and RVs at their apartments and running businesses within their apartments.

Mr. Spencer stated that the regulations for apartments are the same for single family dwellings. An individual cannot store a trailer or RV on the street next to their apartment or in front of the apartment. If Mr. White notices such occurrences, he should notify Code Enforcement.

A motion was made to adjourn and it was seconded. The motion passed with (8) affirmative votes and the meeting was adjourned at 5:26 pm.

Passed: _____

Respectfully Submitted:

Norman Clifton, Chairman

Robert Voyles, Director