

**North Little Rock Planning Commission  
Regular Meeting  
August 11, 2009**

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Chairman Clifton called the regular meeting of the North Little Rock Planning Commission to order at 4:50 PM in the Council Chambers, City Hall.

**Members Present:**

Alexander  
Armstrong  
Belasco  
Chambers  
Dietz  
Foster  
Parker  
White, Vice Chairman  
Clifton, Chairman

**Members Absent:**

None

**Staff Present:**

Robert Voyles, Director  
Shawn Spencer, Asst. Director  
Sheryl Ricker, Secretary

**Others Present:**

Paula Jones, Asst. City Attorney  
Jeremy Peppas, NLR Times  
Jake Sandlin, Ark. Demo-Gazette  
Billy Brown, Asst. City Attorney  
Alderman Maurice Taylor

**Administrative:**

- Arkansas Planning Association Fall Conference- September 17<sup>th</sup> and 18<sup>th</sup> – Little Rock

Mr. Voyles stated it will be held in Little Rock in the Little Rock River Market district this year.

Chairman Clifton stated he would encourage all the new Commissioners to attend this.

## **Approval of Minutes:**

Motion was made and seconded to approve the July minutes as submitted. The minutes were approved with eight (8) affirmative votes (Mr. White was a few minute late).

## **Subdivision Administrative:**

A. **SPR-2151-09** O.T. Branch Addition, Lot A (site plan review of an addition to a warehouse at 3113 East Washington)

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

- a. Recommend waiver of the "in lieu of" since this is expansion of existing development.
- b. Obtain erosion control permit from City Engineer and ADEQ before any site work is started.
- c. Provide the indicated 25' driveway radius.
- d. All driveways are to be concrete in the ROW.
- e. Secure curb cut permit from the City Engineer.
- f. Obtain a stormwater permit from the 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 the final plat will be signed or a building permit issued.
- c. Provide dumpster location with screening to match building.
- d. Allow front yard fence.

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

- a. Indicate sidewalks on the Site Plan and provide 5' sidewalks/ramps to ADA standards and City standards.

### **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 40' on center.
- d. Provide one parking lot shade trees.
- e. Provide a continuous screen for any parking spots that face a street or abutting property.
- f. Recommend City Council waive the required 4 foot side yard landscape strip between property line and parking lot. (Applicant is to obtain a sponsor for waiver legislation.)

### **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.

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

- a. Provide an approved fire protection plan. (Fire Marshal is concerned about building access. Provide a mechanism to the Fire Department to enter the property.)
- b. Fire hydrants to be within 400 feet of all areas of building.
- c. All exterior portions of a building must be within 150' of a FD access road.

### **7. Meet the requirements of the CAW and NLR Wastewater and Electric, including:**

- a. All CAW requirements in effect at the time of request for water service must be met.

- b. Contact CAW for requirements on backflow protection on meter services.
- c. A complete set of final plans/drawings for development must be submitted to NLR Wastewater.

There were no additional comments from Commissioners or the audience. The motion to approve as amended passed with eight (8) affirmative votes.

**B. Rep-2152-09** Innerplan Office Subdivision, Lots 1R and 2 (replat of a single lot into 2 lots located along Innerplan Drive near Maumelle Blvd)

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

- a. Provide storm water detention on Lot 2 at the time of lot development/site plan review. Storm Water Detention calculations are to be approved by City Engineer and an approved copy provided to Planning Department.
- b. Relocate the common property line so that there is 150' of width at the building line on Lot 1R.
- c. Provide easements for drainage and utilities.
- d. Avoid any adjoining wetland or obtain clearance from the Corp of Engineers.
- e. Obtain erosion control permit from City Engineer and ADEQ before any site work is started.

**2. Meet the requirements of Community Planning, including:**

- a. Indicate lots with a solid line and the roadway right-of-way detached from any lot.
- b. Tract A and the street are not a part of the replat.
- c. Provide the standard requirements of Zoning and Development Regulations.
- d. Final plat and/or Site Plan Review 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 or a building permit issued.
- e. Set the 2 required subdivision boundary corner monuments with blank brass caps. This is to be done before a final plat will be signed.
- f. Obtain and submit a standard control data form for each required subdivision boundary corner tied to a NLR geodetic control monument by closed traverse before the final plat will be signed.
- g. Provide 5' utility/drainage easements along either side of the common property lines of Lots 1R and 2.

**3. 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. Do not remove trees along the south line of Lot 1R to provide a buffer to dissimilar zoning.

**4. Meet the requirements of the Fire Marshal, including:**

- a. Provide an approved fire protection plan.

**5. Meet the requirements of the CAW and NLR Wastewater and Electric, including:**

- a. Provide utility easements.
- b. All CAW requirements in effect at the time of request for water service must be met.

**6. Street Lights:**

- a. Street light are required.
- b. Install one street light at Maumelle Blvd.
- c. The other street lights will be installed on lot 2

There were no additional comments from Commissioners or the audience. The motion to approve as amended passed with eight (8) affirmative votes.

**C. Rep-2153-09**      Rose City Oil Mill Addition, Lot B (replat of 3 lots into 1 and site plan review of an addition to a tire store at 4017 East Broadway)

- 1. Meet the requirements of the City Engineer, including:**
  - a. Allow storm water "in lieu of" fee for the 1890 expansion at \$5000/acre.
  - b. Obtain erosion control permit from City Engineer and ADEQ before any site work is started.
  - c. Driveway radii returns built to City Engineer's specifications.
  - d. All driveways are to be concrete in the ROW.
- 2. Meet the requirements of Community Planning, including:**
  - a. Provide the standard requirements of Zoning and Development Regulations.
  - b. Final plat and/or Site Plan Review 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 or a building permit issued.
  - c. Waive the rear yard setback to 4.8' as exists with the current building corner.
  - d. Provide dumpster screening to match building.
- 3. 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 4 street trees.
  - d. Require a 6' by 6' cut out with a street tree and shrubs at each cut out.
  - e. Provide 4 foot side yard landscape strip along the East property line and waive the West landscape strip with Council approval.
- 4. 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.
- 5. Meet the requirements of the Fire Marshal, including:**
  - a. Provide an approved fire protection plan. The plan should state that no tires shall be stored within 50' of the building and omits the wood fence. The wood fence blocks access around the proposed building. Provide access to 3 sides of the building.
  - b. Provide all weather access to three sides of the building.
  - c. Fire hydrants to be within 400 feet of all areas of building.
- 6. Meet the requirements of the CAW and NLR Wastewater and Electric, including:**
  - a. All CAW requirements in effect at the time of request for water service must be met.
  - b. Contact CAW for requirements on backflow protection on meter services.
  - c. A complete set of drawings for development must be submitted to NLR Wastewater.

There were no additional comments from Commissioners or the audience. The motion to approve as amended passed with eight (8) affirmative votes.

D. **NS- 2154-09** Ranchettes at Deer Meadows, Lot 16A and 16B (preliminary plat and site plan review of a storage building at Colonel Maynard and Spectrum Road)

**1. 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.
- c. Set the 2 required subdivision boundary corner monuments with blank brass caps. This is to be done before a final plat will be signed.
- d. Obtain and submit a standard control data form for each required subdivision boundary corner tied to a NLR geodetic control monument by closed traverse before the final plat will be signed.
- e. Final plat approval subject to posting bond for required public improvements to be constructed including street, street lighting, street trees and screening.
- f. SPR required on undeveloped lots or any new construction on existing developed lots.
- g. Provide 70' ROW dedication for new industrial road.

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

- a. Provide irrigation to all required trees.
- b. Provide street trees 40' on center.
- c. Provide an 8' fence along the north property line from Col Maynard to levee to buffer this and the western property from residential uses.

**3. Meet the requirements of the Fire Marshal, including:**

- a. Provide an approved fire protection plan to NLR standards with indicated hydrants.
- b. Provide a minimum 1500 gallons per minute of water shall be supplied for fire protection.

**4. Meet the requirements of the CAW and NLR Wastewater and Electric, including:**

- a. Provide 15' utility easements outside the road ROW – north side only.
- b. Sanitary sewer is not available in the area and adequate septic systems will need to be provided.

**5. Meet the requirements of the City Engineer, including:**

- a. Provide storm water detention on each lot. Storm Water Detention calculations are to be approved by City Engineer and an approved copy provided to Planning Department before the final plat will be signed.
- b. Avoid any adjoining wetland or obtain clearance from the Corp of Engineers.
- c. Provide erosion control plan to City Engineer for approval.
- d. Obtain an ADEQ soil erosion permit.
- e. Provide 25' property line radius at SE corner of tract 16-A.
- f. All driveways area to have a concrete apron to adjoining streets with minimum 5' radius curbs.
- g. Road to be built to City requirements of 24' pavement and 6' shoulders if annexed. Provide a road to County standards if not annexed, that being 28' pavement and 8' shoulders.
- h. Establish a 30' front setback on plat.
- i. Provide 70' ROW dedication for new industrial road.

**6. Meet the requirements of Pulaski County (if the property is not annexed into City):**

- a. Final plat to be signed by County before City signs.
- b. Road to be built to county standards for industrial road (28' paving and 8' shoulders).
- c. Establish a 40' front setback on plat.
- d. Provide a Bill of Assurance;
- e. Provide a source of title;

- f. Show State Plane Coordinates;
- g. Show North Little Rock city limits;
- h. Provide a vicinity map;
- i. Provide an electronic copy of the replat;
- j. FEMAS panel number;
- k. Change Spectrum Road name as it is a conflict with another county road;
- l. Build the private street to 28' pavement width with 8' shoulders;
- m. Provide drainage plans;
- n. Provide a 40' setback on the north property line;
- o. Provide a turn radius at the southeast corner of lot 16-A;
- p. Verify fire service;
- q. Provide proof of water supply;
- r. Pay \$33.00 review fee.

The applicant is annexing this property into the city so item 6 does not apply. If it is not annexed into the city then item 6 will apply.

There were no additional comments from Commissioners or the audience. The motion to approve as amended passed with eight (8) affirmative votes.

- E. **NS-2155-09** Faulkner Crossing, Phase 3 and 4 (preliminary plat of next phases of an existing residential subdivision at Hwy 391 and Faulkner Lake Rd)

**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. 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. The first floors of any building are to be a minimum of 1' above any flood plain.
- e. Driveways no closer than 35' of adjoining streets or 10' of other property lines.
- f. Provide street signs and illumination on new streets.
- g. Drainpipes in the ROW are to be RCP with flared end section. Provide access easements to off-site drainage ways and indicate maintenance drainage easements along the drainage ways.
- h. All driveways are to be concrete in the ROW.
- i. Obtain a stormwater permit.

**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 or a building permit issued.
- c. Provide dedicated recreational area in phase 4 as presented.
- d. Corner lots allowed to have two 20' front yard setbacks.
- e. Allow waivers of lot area (min. 6000 sq ft)
- f. Allow waiver of lot width (min 55' interior, 70' corner)
- g. Allow waiver of front yard setback on non-collector streets (min 20' setback).
- h. Garages are to be 25' back from property lines.

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

- a. Provide 5' sidewalks/ramps to ADA standards and City standards.
- b. Provide street improvements.
- c. Provide ROW dedication.
- 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 street trees 40' on center.
- 5. Meet the requirements of the Fire Marshal, including:**
  - a. Provide an approved fire protection plan.
  - b. Provide a temporary secondary entrance and exit with this phase. (Attach an illustration.)
- 6. Meet the requirements of the CAW and NLR Wastewater and Electric, including:**
  - a. Provide utility easements. NLR Electric requires a 10' utility easement adjoining the sidewalks.
  - b. All CAW requirements in effect at the time of request for water service must be met.
  - c. Contact CAW for requirements on backflow protection on meter services.
  - d. A complete set of drawings for development must be submitted to NLR Wastewater.
  - e. Install street light with poles placed approximately 2' from the curb.
  - f. Install fire hydrants with hydrants being set approximately 2' to 3' from the curb.

There were no additional comments from Commissioners or the audience. The motion to approve as amended passed with eight (8) affirmative votes.

**F. NS-2156-09** Northshore Business Park, Lot 13, Block 10 (preliminary plat and site plan review of a golf driving range at the end of Northshore Cove)

- 1. Meet the requirements of the City Engineer, including:**
  - a. Storm Water Detention previously waived.
  - b. Do not add fill in the floodway.
  - c. A floodplain development permit is required for all development in the floodplain.
  - d. Obtain erosion control permit from City Engineer and ADEQ before any site work is started.
  - e. The first floors of any building are to be a minimum of 1' above any flood plain.
  - 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. Final plat and/or Site Plan Review 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 or a building permit issued.
  - c. The sale or development of any of Lots 4-9, Block 10 requires the immediate completion of the street construction.
  - d. With street construction, provide a 20' paved driveway to the southern corners of Lots 6 and 7.
  - e. Refine building placement to define traffic flow and to maintain a 30 foot setbacks of any lot line.
  - f. No fence is to be within a front building line.
- 3. 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 parking lot shade trees.
  - d. Provide a continuous screen for any parking spots that face a street or abutting property.
- 4. 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.
- 5. 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 building.
  - c. Fire hydrants to be within 400 feet of all areas of building.
- 6. Meet the requirements of the CAW and NLR Wastewater and Electric, including:**
- a. Provide utility easements.
  - b. All CAW requirements in effect at the time of request for water service must be met.
  - c. Contact CAW for requirements on backflow protection on meter services.
  - d. A complete set of drawings for development must be submitted to NLR Wastewater.

There were no additional comments from Commissioners or the audience. The motion to approve as amended passed with eight (8) affirmative votes.

**G.NS-2157-09**                      Cooper Farm Addition, Lots 1-3 (preliminary plat of subdivision west of the Desoto Sand property along Faulkner Lake Road)

- 1. Meet the requirements of the City Engineer, including:**
- a. Storm water detention is not required as all runoff is directed to existing wetlands and the Faulkner Lake Drainage Basin.
  - 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. Drainpipes in the ROW are to be RCP with flared end section.
  - e. All driveways are to be concrete in the ROW.
- 2. Meet the requirements of Community Planning, including:**
- a. Provide the standard requirements of Zoning and Development Regulations.
  - b. Establish a lot number plan to be approved by staff with the two proposed lots on Faulkner Lake Road being Lots 1 and 2 and assign other parcels as needed with unique numbers for the seven residential parcels on Faulkner Lake.
  - 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 or a building permit issued.
  - d. Provide a public right-of-way and paved street from Faulkner Lake Road northerly approximately 300' to past the intersection with the realigned Brett Road as presented on the site plan. The continuation of the haul road is to be a private drive and not required to be paved. The intersection with private Brett Road will serve as a "hammer-head" turn around should both extensions be gated.

- e. Provide a 60' easement from the entrance street to each of the seven residential lots along Faulkner Lake. Allow the existing gravel road as a private road with the understanding that if any subdivisions of that area is proposed, the private road is to be paved and meet City road standards.

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

- a. Recommend a waiver of the sidewalk along Faulkner Lake Road with completed waiver forms.
- b. Provide 40' of right-of-way along Faulkner Lake Road and defer widen until a development is proposed on the adjoining property.
- c. The haul road is to be shown as an access easement to connect Brett Road to the Arkansas State Game and Fish Commission parcel #23R03500010003.
- d. A floodplain development permit is required.

**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. Recommend a buffer waiver of the fence and trees along the southern portion of the seven lots along Faulkner Lake where this residential property joins industrial property.

**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.

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

- a. Provide an approved fire protection plan.

**7. Meet the requirements of the CAW and NLR Wastewater and Electric, including:**

- a. Provide a NLR Electric a 20' utility easement for power distribution lines to be located along the northern border of the industrial lot, the same being adjoined to the southern boundary of the seven residential lots on Faulkner Lake.
- b. Provide a 10' utility and drainage easement along the Faulkner Lake Road right-of-way.
- c. All CAW requirements in effect at the time of request for water service must be met.

There were no additional comments from Commissioners or the audience. The motion to approve as amended passed with eight (8) affirmative votes.

**Public Hearing – Old Business:**

NONE

**Public Hearing – New Business:**

1. Rezone # 1492 / Special Use # 675. To rezone from R-1 to R-2 to allow a Special Use, and then a Special Use to allow for a manufactured home in a R-2 zone. The request is located at 4319 Aspen Drive.

Chairman Clifton asked the applicant to come forward and state his name for the record.

Both Mr. Reyes and Mr. Wheat came forward and stated their names.

Mr. Voyles stated the applicant wants to put a used mobile home on one lot, that previously has been used for several. There are a few septic tanks on the lot now. There is opposition that wants to speak after discussion. Mr. Voyles passed around pictures of the mobile home.

Chairman Clifton stated they had a petition from the Meadowland Property Owners Association. Chairman Clifton asked if there was any one in the audience that would like to speak against this application.

Mr. Reynolds stated he wanted to speak against it. He stated he is Chairman of the Meadowlanes Property Owners Assoc. He has a petition that everyone has signed objecting to the manufactured home. They are not opposed to him doing something to the property. They just oppose a mobile home. They would not have problem with a modular home.

Mr. Wheat stated the property belonged to his parents and he lived on it twice. If Mr. Reyes can move a mobile home on this property while building a home and improve the property why can't he. There are no problems with the sewer systems. There are two small septic tanks and a new 1000 gallon tank that just needs fill lines.

Mr. Chambers stated there are viable options for the property. He stated it could be returned to a status of single family. He stated the Commission could put a lot of restrictions on the mobile home. Would the neighborhood agree to a time limit for the mobile to be there until the permanent house could be there? Would that be an acceptable solution?

Mr. Reynolds stated what would happen if you gave him 18 months to build the house and he didn't complete it.

Mr. Chambers stated we would allow him a certain amount of time to build it and then he would have to come back and renew it if he wasn't finished.

After more discussion on what could be done Chairman Clifton stated staff recommended approval with certain conditions.

Chairman Clifton asked how long the applicant thought it would take him to build his house and move the mobile home.

Mr. Wheat stated it took him 2 1/2 years to build his house and Mr. Reyes doesn't have the finances and he has to work a full time job.

Mr. Reyes stated he didn't know.

Chairman Clifton stated how much time you would ask the Planning Commission for to leave the mobile home on the property until it had to be moved.

Mr. White asked Mr. Voyles where the sewer line ran.

Mr. Voyles stated it ran down MacArthur and it was a private line. He stated Mr. Reynolds would know better how far the sewer line is from the properties.

Mr. Reynolds explained how the sewer ran and stated it is about 200 to 225 feet.

Chairman Clifton suggested adding an item 6 under recommendation that if it is within 300 ft they have to tie onto City sewer otherwise to have an approved septic system submitted. He asked for a motion.

A motion was made and seconded to add if the property is within 300 ft. they have to tie into the City's sewer otherwise to have an approved septic system submitted.

After more discussion on the septic tanks Chairman Clifton called for a vote on the application with the staff's and Commissioners recommendations.

<b>Alexander</b>	<b>Yes</b>	<b>Dietz</b>	<b>Yes</b>
<b>Armstrong</b>	<b>Yes</b>	<b>Foster</b>	<b>No</b>
<b>Belasco</b>	<b>Yes</b>	<b>Parker</b>	<b>No</b>
<b>Chambers</b>	<b>Yes</b>	<b>White</b>	<b>No</b>
<b>Clifton</b>	<b>No</b>		

The application passed to rezone the property from R1 to R2.

Chairman Clifton stated now the Commission has to vote on the special use.

Mr. Chambers stated he doesn't think they can put conditions on the rezoning but they can put conditions (items 1 thru 6) on the special use. The special use of having a mobile home on the property will expire if a residence is not built.

Ms. Belasco asked if the applicant agrees to these conditions and does he understand the conditions.

Chairman Clifton stated that all the requirements would have to be turned into the Planning Staff before a mobile home could be placed on the property.

Mr. White stated he feels the applicant doesn't understand what is required. He made a motion to table this for thirty (30) days.

Ms. Belasco seconded the motion and it passed unanimously with nine (9) affirmative votes.

2. Special Use # 676. To allow a daycare center in an R-3 zone. The request is located at 600 West 22<sup>nd</sup> Street.

Chairman Clifton asked the applicant to come forward and state their name.

Ms. Jackson stated she wanted to open a daycare at 600 W. 22<sup>nd</sup> St.

Chairman Clifton stated the Subdivision Committee reviewed this.

Mr. Chambers stated they had. He asked if the hours of operation were going to be from 6A.M. to Midnight.

Ms. Jackson stated that was correct.

Ms. Alexander asked the applicant how many children she was allowed. She stated the playground looked small.

Ms. Jackson stated DHS licensed her to keep 50 children at this location.

Ms. Alexander stated she is just concerned for the children's safety.

Chairman Clifton asked the applicant if she received a copy of the subdivision recommendations and conditions. He asked if she agreed to them.

Ms. Jackson stated she received a copy of them and agrees to them.

Ms. Belasco asked if the applicant runs a day care now. And how many children does she keep.

Ms. Jackson stated she does run another daycare on Hickory and DHS has licensed her to keep 32 children there.

Mr. Parker asked the applicant if the daycare at W. 22<sup>nd</sup> is currently operating now.

Ms. Jackson stated it was a daycare before but it is not open now.

Mr. Bill Brown, Asst. City Atty., stated Ms. Jackson has a third daycare at 2113 Cedar Creek, where she can keep 4 children. She is going before DHS to allow here to keep the children from Midnight to 6AM. He asked Ms. Jackson if this was correct.

Ms. Jackson stated it was correct.

Chairman Clifton asked if there was anyone that wanted to speak for or against this application.

The conditions are as follows:

1. Hours of operation from 6 AM to 12 PM.
2. Limit the number of children to 50 or an amount determined by DHS – whichever is lower,
3. Provide bumper stops so that there is a 3' walk area between the building and vehicles.
4. The playground is to have a 6' opaque fence.
5. Provide a rear door from the structure that provides direct access to the playground.

6. Meet DHS and City of NLR requirements for playground surface and equipment,
7. Provide 6 parking spaces on Allen and 3 spaces on 22<sup>nd</sup> Street.
8. Meet all other applicable Federal, State, County and City requirements.
9. Building to have written approval from Plumbing Inspector, Electric Inspector, Building Inspector and the Fire Marshal before business license can be issued.
10. Business license to be issued after Planning Staff confirmation of requirements,

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

<b>Alexander</b>	<b>Yes</b>	<b>Dietz</b>	<b>Yes</b>
<b>Armstrong</b>	<b>Yes</b>	<b>Foster</b>	<b>Yes</b>
<b>Belasco</b>	<b>No</b>	<b>Parker</b>	<b>Yes</b>
<b>Chambers</b>	<b>Yes</b>	<b>White</b>	<b>No</b>
<b>Clifton</b>	<b>Yes</b>		

3. Special Use # 677. To allow a daycare center in an R-3 zone. The request is located at 4509 Rogers.

Chairman Clifton asked the applicant to come forward and state their name.

Ms. Stewart stated her name and said she wanted to have a daycare at 4405 Rogers St.

Chairman Clifton asked if she received a list of the requirements and conditions and if she agrees to them.

Ms. Stewart stated she has received a copy of them and agrees to them.

Chairman Clifton asked if there was anyone in the audience who wanted to speak for or against the application.

Alderman Taylor stated he feels this would be a good project. It's a good thing for the neighborhood and he is for it.

A few others spoke for this saying it would be a good thing for the community. They all felt the children in the neighborhood needs this.

Ms. Belasco asked what the hours of operations were.

Ms. Stewart stated they would be from 6am to 6pm.

The conditions are as follows:

1. The playground is to have a 6' opaque fence.
2. Provide a rear door from the structure that provides direct access to the playground.
3. Playground fence to have emergency exit into yard,
4. Meet DHS and City of NLR requirements for playground surface and equipment,

- 5. applicant must meet all applicable Federal, State, County and City requirements,
- 6. business license to be issued after Planning Staff confirmation of requirements,

There was a motion made and seconded on the application.

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

<b>Alexander</b>	<b>Yes</b>	<b>Dietz</b>	<b>Yes</b>
<b>Armstrong</b>	<b>Yes</b>	<b>Foster</b>	<b>Yes</b>
<b>Belasco</b>	<b>Yes</b>	<b>Parker</b>	<b>Yes</b>
<b>Chambers</b>	<b>Yes</b>	<b>White</b>	<b>Yes</b>
<b>Clifton</b>	<b>Yes</b>		

4. Rezone # 1493. To rezone from R-1, C-2, C-6, GBW to R-1, I-1, C-2 and GBW and amend the Land Use Plan. The request is 362 acres located NE of intersection of Brett and Faulkner Lake Roads.

Chairman Clifton asked the applicant to come forward and state their name.

Mr. Morrison stated he is representing DeSoto Sand.

Mr. Dietz stated he knows the applicant has bent over backward to comply with the Subdivision Committee’s conditions and recommendations. He feels they deserve it.

Chairman Clifton asked if there was anyone who wanted to speak against this application. He asked if the Commissioners had any comments.

Mr. Voyles stated the legal description goes out into Faulkner Lake and they are showing that as residential. They would like to leave the water in Faulkner Lake as conservation and amend the concept plan according to one of the illustrations. He is asking to leave the portion of the south bank of Faulkner Lake as conservation.

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

<b>Alexander</b>	<b>Yes</b>	<b>Dietz</b>	<b>Yes</b>
<b>Armstrong</b>	<b>Yes</b>	<b>Foster</b>	<b>Yes</b>
<b>Belasco</b>	<b>Yes</b>	<b>Parker</b>	<b>Yes</b>
<b>Chambers</b>	<b>Yes</b>	<b>White</b>	<b>Yes</b>
<b>Clifton</b>	<b>Yes</b>		

**Public Comments/Adjournment:**

Mr. Bobby Taylor talked about a lot at the corner of Boyer and Middle Sts.

Mr. Reynolds made some more comments about the Aspen property.

A motion to adjourn was made and seconded. The motion passed with nine (9) affirmative votes and the meeting was adjourned at 6:00 pm.

Passed: \_\_\_\_\_

Respectfully Submitted:

\_\_\_\_\_  
Norman Clifton, Chairman

\_\_\_\_\_  
Robert Voyles, Director