

**North Little Rock Planning Commission**  
**Regular Meeting**  
**February 9, 2010**

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Chairman Clifton called the regular meeting of the North Little Rock Planning Commission to order at 3:00 PM in the Council Chambers, City Hall.

**Members Present:**

Alexander  
Armstrong  
Chambers  
Dietz  
Foster  
Parker  
White, Vice Chairman

**Members Absent:**

Clifton, Chairman  
Belasco

**Staff Present:**

Robert Voyles, Director  
Shawn Spencer, Assistant Director

**Others Present:**

**Administrative:**

Mr. Voyles reported to the Commission about an email he had sent to Kent Vestal concerning a traffic signal at Maumelle Blvd and Vestal Blvd. Mr. Voyles stated that the owners of the apartments had agreed to pay a portion of a traffic signal through the Site Plan review process with the Planning Commission and now they were backing out of their agreement. Vice Chairman White asked if Staff could make a presentation at the next PC meeting.

A motion was made and seconded to accept Staff's memo into the minutes and to have Staff update the Commission at the March meeting. The motion was approved with (7) affirmative votes and (2) absent.

Copy of the email listed below:

**From:** Voyles, Robert  
**Sent:** Thursday, January 28, 2010 12:55 PM  
**To:** 'Kent G. Vestal, Jr.'  
**Cc:** Carter, Jason  
**Subject:** RE: Request that you transmit \$17,000 for signal

Your response to my offer constitutes a rejection of my offer and I will document it as such.

The Commission requirement in no way authorized you 1/3 of City cost. At that time, we could not assume federal participation at the time that letter was written and you were asked to pay 1/3 of the total cost of the signal. Without our transmitting \$17,000 to the AHTD this project will not proceed. You prepared the words written in your Letter of Credit, not the City. Our lack of response to your document does not amount to our concurrence. The words in your document does not release you of your obligations, does not generate a new agreement, and does not alter the Commission's requirements on your development. Your development, along with previously existing developments, has generated the need for this signal. We are not a partner with your development and do not share in any of your profits. The Commission can make requirements on developments that are proportionate to development. We can not retroactively place requirements on those other previous developments and, as you know, I sought participation of other private developments but received none.

I will ask the Legal Department to initiate action regarding this as it appears you are liable for at least \$60,000 and are now delaying an approved signal project that may reduce future accidents in the vicinity of your development. Please know I will also be directing your response to the Planning Commission to make them aware of your refusal to meeting previous obligations and request this be documented evidence of your lack of cooperation and request they be reminded of this act with future development proposals.

**From:** Kent G. Vestal, Jr. [mailto:vestal-development@comcast.net]  
**Sent:** Thursday, January 28, 2010 11:27 AM  
**To:** Voyles, Robert; Carter, Jason; Hays, Patrick  
**Cc:** John C. Burkhalter  
**Subject:** RE: Request that you transmit \$17,000 for signal

Robert:

It was a pleasure visiting with you Monday night at the White Oak Bayou Wetland Management Plan meeting.

I am in receipt of your letter dated January 26, 2010 addressed to me and Mr. Burkhalter requesting that we immediately remit \$17,000.00 representing 100% of the cost to the City of North Little Rock of installing a traffic signal at the intersection of Maumelle Blvd. and Vestal Blvd. I reviewed my notes from our meetings in late April and early May of 2008 regarding our agreement to share some of the costs of this signal. I also reviewed the terms of the Irrevocable Letter of Credit that the City required us to post so that the City would give us the Certificate of Occupancy for the buildings we had constructed, were completed, and ready for occupancy at the time. The terms of the Letter of Credit were acceptable to the City, as beneficiary, at the time we submitted it.

Based upon my notes and paragraph 3 of the Irrevocable Letter of Credit (a copy of which is attached hereto), we agreed to pay one-third of the cost to the City of installing the abovementioned traffic signal, not to exceed \$60,000. Given that the cost to the City is \$17,000, our one-third portion of this cost is \$5,666.67. If you agree with my assessment of this issue please let me know and I will immediately send you a check for the \$5,666.67. If you do not agree, we will all have to meet and rehash our discussions from 2008.

I look forward to hearing from you soon.

Sincerely,

**Kent G. Vestal, Jr., CPA**  
**Attorney at Law**

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North Little Rock, AR 72113  
(501) 753-7007  
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(501) 821-2527 Law Office

### **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 January meeting minutes as submitted. The minutes were approved with (7) affirmative votes and (2) absent.

### **Subdivision Administrative:**

- A. NS-2173-10 Springhill Development, Lot 8, Block 4 (revised preliminary plat - moving lot lines and locating building setbacks - located at NE corner of Stockton Drive and Springhill Drive)

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

- a. Provide storm water detention "in lieu of" fee of \$5000/acre or provide detention.
- b. Obtain erosion control permit from City Engineer and ADEQ before any site work is started.
- c. Submit roadway plans for Stockton to City Engineer for review and approval.
- d. Stockton improvements to be completed or bond issued prior to plat being signed.
- e. Provide street signs and illumination on new streets.
- f. Provide utility easements as needed/required.

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

- a. Site Plan Review required once final design is finished.
- b. Provide the standard requirements of Zoning and Development Regulations.
- 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. Set the 2 required subdivision boundary corner monuments with blank brass caps. This is to be done before a final plat will be signed.
- e. 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.
- f. Add note on plat "No access to Lot 8 from Springhill Drive"
- g. Allow 25 foot building setback along Stockton and Springhill.

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

- a. Provide 5' sidewalks/ramps to ADA standards and City standards.
- b. Provide full street improvements of Stockton to edge of Lot 8 with 120' diameter gravel turnaround.

- c. Provide ROW dedication.
- 4. Meet the requirements of the Fire Marshal, including:**
  - a. Provide an approved fire protection plan.
  - b. Confirm with Fire Marshal location of fire hydrant along Stockton Drive.
  - c. Provide full street improvements of Stockton to edge of Lot 8 with 120' diameter gravel turnaround.
- 5. 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.
- 6. Meet the requirements of NLR Wastewater, including:**
  - a. A complete set of drawings for development must be submitted to NLR Wastewater.
  - b. Gravity sanitary sewer service is not currently available on Lot 8.
  - c. Sewer main extension will be required.

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. Rep-2174-10      Clendenins Addition. Lots 1A and 1B, Block 9 (replat of one lot into two lots to allow 2 zero lot line residences)

- 1. Meet the requirements of the City Engineer, including:**
  - a. Provide storm water detention "in lieu of" fee of \$500/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. Driveways no closer than 35' of adjoining streets or 7' of other property lines.
  - e. Driveway radii returns built to City Engineer's specifications.
  - f. All driveways are to be concrete in the ROW.
  - g. Provide 10 foot property line radius at SE corner of Lot 1B.
  - h. Secure curb cut from City Engineer.
- 2. Meet the requirements of Community Planning, including:**
  - a. PUD must be approved by City Council.
  - b. Provide the standard requirements of Zoning and Development Regulations.
  - 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. Allow zero lot line development.
  - e. Allow lot sizes of 3500 square feet.
  - f. Allow 15' building setback on 6<sup>th</sup> and Alley.
  - g. Allow 6' building setback on Orange.
- 3. Meet the requirements of the Master Street Plan, including:**
  - a. Provide 5' sidewalks/ramps to ADA standards and City standards in the ROW.
- 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 3 street trees on each lot.

5. **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.
6. **Meet the requirements of CAW, including:**
  - a. All CAW requirements in effect at the time of request for water service must be met.
  - b. Water is not available without the extension of water main on 6<sup>th</sup> Street.
  - c. Main will need to be installed on Orange to the Lot 1A property line.
7. **Meet the requirements of NLR Wastewater, including:**
  - a. A complete set of drawings for development must be submitted to NLR Wastewater.
  - b. New service connections required for each residence.
  - c. Gravity sanitary sewer service is available on Orange.

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. Rep-2180-10      West Commercial Addition, Lot 15AR, Block 1 (replat of front building setback located at Parkstone Circle)

Mr. Chambers stated the applicant was asking to replat the front building line from 40 feet to 30 feet to recognize the existing location of the building. Financing for the building was dependant on the correction of this problem.

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:**

None

**Public Hearing – New Business:**

1. **Conditional Use #62.** To allow a daycare center in a C-3 zone that requires a Conditional Use. The location of the request is: 1819 Main Street, NLR, AR 72114.

The applicant, Alicia Doyle was present. She stated that she received and agreed to the conditions that were placed on her request.

Mr. Chambers stated that the applicant had met with the Subdivision Committee and the Subdivision Committee felt this was one of the better Daycare Center requests that the committee had seen.

Vice Chairman White asked if there was anybody in the audience who wanted to speak on this item. There were no additional comments from Commissioners or the audience.

Conditions:

1. Drop off / pick up to daycare to be from parking lot at side of building.
2. Provide fenced protection around air condition unit,
3. Provide handrails on steps at rear entrance,
4. The playground is to have a 6' wood fence.
5. Playground fence to have emergency exit into yard,
6. Meet DHS and City of NLR requirements for playground surface and equipment,
7. applicant must meet all applicable Federal, State, County and City requirements,
8. business license to be issued after Planning Staff confirmation of requirements,

Vice Chairman White asked for a roll call vote on the application.

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

Conditional Use #59 was approved with (7) affirmative votes and (2) absent votes.

2. **Rezone # 1512.** To rezone property from R-3 to PUD to allow 2 zero lot line residences on two 3,500 square feet lots. The request is located at 611 Orange Street.

*Postponed until March 9, 2010 Planning Commission meeting.*

**Public Comments/Adjournment:**

A motion was made to adjourn and it was seconded. The motion passed with (7) affirmative votes and the meeting was adjourned at 3:14 pm.

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

Respectfully Submitted:

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

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