

North Little Rock Planning Commission
Regular Meeting
June 14, 2011

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
Chambers
Dietz
Foster
Parker
White
Clifton, Chairman

Staff Present:

Shawn Spencer, Assistant Director
Paula Jones, City Attorney
Keisa Williams, Secretary

Approval of Minutes:

Motion was made and seconded to approve the May meeting minutes as submitted. The minutes were approved with 9 affirmative votes.

Administrative:

Subdivision Administrative:**A. Rep-2245-11 Weingarten's Subdivision, Lots 3A and 3B (replat of one lot into 2 lots located at southeast corner of Main and East 27th to allow a doctor's office)**

- 1. Meet the requirements of the City Engineer, including:**
 - a. The ROW requirement for Main Street complies with the Master Street Plan.
 - b. Existing sidewalks along Main Street appear to be in good condition.
 - c. Storm water detention plan to be determined at SPR.
 - d. Add note to replat stating "no curb cut other than where access easement permits".
- 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. Site Plan review required at development.
 - d. Waiver of 80' minimum lot width to 60' will be required due to site constraints.
- 3. Meet the requirements of the Master Street Plan.**
- 4. Meet the requirements of the Fire Marshal, including:**
 - a. Provide an approved fire protection plan.
- 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.
 - e. Contact CAW for requirements on size and location of the meter.
- 6. Meet the requirements of NLR Wastewater, including:**
 - a. A complete set of drawings for development must be submitted to NLR Wastewater at time of development.
 - b. Submit location of existing sewer main with respect to building limits to determine if there is a need to modify the building limits.

Mr. Chambers stated that applicant agreed to all the requirements and Subdivision Committee recommends approval. There were no additional comments from Commissioners or audience. A motion to approve as submitted passed with (9) affirmative votes.

B. SPR-2246-11 Lakewood Addition, Lot 3, Block 67 (Site Plan Review of a fuel station located at Kroger's at 2509 McCain Blvd)

- 1. Meet the requirements of the City Engineer, including:**
 - a. Obtain Storm water Management or erosion control permit from City Engineer.
 - b. Provide drainage calculations to City Engineer to include discharge of water off-site.
 - c. No Storm water Detention required since there is no additional impervious areas added.
 - d. Show finished grading contours or spot elevations for the proposed site development.

- e. The existing sanitary sewer line along the east property line appears to be out of the easement or too close to the edge of easement. Recommend for an additional five (5) foot easement.
 - f. Need to show service utilities to the proposed improvements such as electric, telephone, water, sewer, etc. Comply with utility requirements.
- 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.
 - 3. Meet the requirements of the Master Street Plan.**
 - 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 8 parking lot shade street trees.
 - 5. Meet the following requirements concerning signage:**
 - a. All signs require a permit and separate review.
 - 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.
 - e. Contact CAW for requirements on size and location of the meter.
 - 8. Meet the requirements of NLR Wastewater, including:**
 - a. No sewer service indicated

Mr. Chambers stated the applicant agreed to all the requirements and Subdivision Committee recommends approval. Mr. White asked where the location for the fuel station was. Mr. Chambers stated it will be located on the east side of the building as well as the pharmacy. There were no further comments from Commissioners or the audience. A motion to approve as submitted passed with (9) affirmative votes.

Public Hearing – Old Business:

1. **Special Use #705.** Withdrawn.
2. **Rezone #1554.** To rezone property from R-3 to C-4 to allow a contractors office. The request is located at 905 W. 34th Street.

The applicant, Mr. Gerardo Guzman was present.

Chairman Clifton asked if applicant is requesting a contractors office with outside storage.

Mr. Guzman stated that the name of the company is American Structure Repairing and they specialize in foundation repairing. When he purchased the land there was a special use for contractor’s office and he has been speaking with Mr. Spencer about how to come into compliance with city ordinances.

Chairman Clifton asked for any comments from commissioners or is there anyone in the audience that is for or against this application.

Mr. Guzman stated that if he doesn't get the full rezoning could he at least get the special use permit again.

Mr. Chambers stated that he cannot support C-4 zoning but he will support a Special Use.

Mr. White asked what would be the difference in C-3, C-4 with outside storage.

Mr. Spencer stated that a contractor's office is allowed in a C-4 but not in C-3. Staff is concerned with C-4 zoning once the applicant moves away. A special use goes with owner.

Chairman Clifton asked Mr. Guzman does he own this property.

Mr. Guzman stated that he owns the property. He thought that the property was already commercial use and when speaking to Mr. Spencer to get a business license he got a rude awakening. He understands that C-4 covers a large span uses.

Mr. Dietz asked would the applicant have any objections if the commissioners change that application from C-4 to Special Use.

Mr. Guzman said he would not have a problem with changing.

Mr. Spencer suggested that other option is to change it PUD and then it would become a permanent contractor's office and can only be used as a contractor's office.

Mr. Chambers stated that a PUD allows them to place conditions on the property, and those conditions would protect the neighborhood.

Mr. Spencer stated that those conditions would be same as the ones used in a special use.

Chairman Clifton asked if the applicant would like to amend this to a special use.

Mr. Guzman stated that Mr. Spencer brought up this option before and he is open to any suggestions to protect the community and neighborhood.

Chairman Clifton stated to move forward today he could ask the commissioners to change his request to a special use.

Mr. Chamber made a motion to change the rezoning application, with the applicant's permission; to a PUD with the following conditions: No loud noise after 7:00 p.m. or before 7:00 a.m., maintain a residential look, and operate as a contractor's office.

Motion was made and died due to lack of support.

Motion was made and seconded to approve a C-4 rezoning as requested.

Chairman Clifton asked if there were any other comments from commissioners.

Ms. Belasco asked did they need to make a motion on the land use.

Mr. Spencer stated that the vote is on the applicant’s request which includes the land use.

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

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

Rezone # 1554 was passed with 8 affirmative votes and 1 opposition vote.

Public Hearing-New Business:

3. **Rezone #1556.** Postponed. To rezone property from C-3 to R-2 to recognize existing homes and a Land Use Plan amendment. The request is located at 1405-1409 N. Olive.
4. **Rezone #1559.** To rezone property from I-2 to C-2 to allow general retail and a Land Use Plan amendment. The request is located at 11044 Highway 165.

The applicant, James Aunspaugh was present. He stated that he wants to rezone this property which currently has a bank with residual property next to it.

Chairman Clifton asked if there were any comments from the Commissioners.

Mr. Chambers asked if banks and convenient stores are allowed within the industrial classification.

Mr. Spencer stated that a bank is allowed, but not a convenience store. The bank would like to be in commercial zone and wants to sell the rest of property for commercial use.

There were no further comments from Commissioners or the audience.

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

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

Rezone #1559 was passed with 9 affirmative votes.

5. **Conditional Use #79.** To allow a tattoo studio in a C-3 zone. The request is located at 5320 MacArthur Drive.

The applicant, Ms. Melissa Holleman- Criner was present. She stated she received and understood the conditions from the Subdivision Committee.

Chairman Clifton asked if there were any comments from Commissioners or audience.

There were no further comments from Commissioners or the audience.

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

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

Conditional Use #79 passed with 9 affirmative votes.

Public Comments/Adjournment:

Mr. Chambers made a statement about Rezone #1556 1405-1409 N. Olive. He has trouble rezoning the entire block without notifying the property owners that they are about to go from C-3 to residential. Mr. Spencer stated that the property cannot be rezoned without notifying the property owners.

A motion was made to adjourn and it was seconded. The motion passed with 9 affirmative votes and the meeting was adjourned at 5:15 pm.

Passed: _____

Respectfully Submitted:

Norman Clifton, Chairman

Robert Voyles, Director