

North Little Rock Planning Commission
Regular Meeting
November 9, 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
Chambers
Foster
Parker
White
Clifton, Chairman

Members Absent:

Dietz (excused)

Staff Present:

Robert Voyles, Director
Shawn Spencer, Assistant Director
Samantha Evans, Secretary

Others Present:

Paula Jones, Asst. City Attorney
Russ Elrod, Code Enforcement
Mike Smith, City Engineer

Approval of Minutes:

Motion was made and seconded to approve the October meeting minutes as submitted. The minutes were approved with (8) affirmative votes.

Motion was made and seconded to excuse Mr. Dietz from today's meeting. This was approved with eight (8) affirmative votes.

Administrative:

Mr. Voyles presented the 2011 Planning Commission Calendar to the Commissioners.

Mr. Voyles presented a memorandum to the Commissioners received from Code Enforcement and Fire Marshal regarding Special Use #695.

Subdivision Administrative:**A. SPR-2215-10 Barton Addition, Lot A, Block A (Site Plan Review of Daniel Moving and Storage located north of the intersection of Magnolia and SA Jones Drive)**

- 1. Meet the requirements of the City Engineer, including:**
 - a. Provide storm water detention "in lieu of" fee of \$5000/acre for building area and concrete.
 - b. Obtain erosion control permit from City Engineer and ADEQ before any site work is started.
 - c. All driveways are to be concrete in the ROW.
 - d. 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 dumpster location with screening to match building.
 - d. Allow existing fence.
- 3. Meet the requirements of the Master Street Plan, including:**
 - a. Provide 5' sidewalks/ramps to ADA standards and City standards on SA Jones.
- 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 buffer between dissimilar uses or zoning along west property line.
- 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.
 - c. 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.
 - e. Contact CAW for requirements on size and location of the meter.
- 8. Meet the requirements of NLR Wastewater, including:**
 - a. Service is available.
 - b. A complete set of drawings for development must be submitted to NLR Wastewater.
 - c. Indicate location of sewer main with respect to new building.

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 as submitted passed with (8) affirmative votes.

B. NS-2219-10 Ridge at North Little Rock, Ph 2 (Preliminary plat and Site Plan Review of apartments located at Pershing Blvd and Tech Avenue)

- 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. Provide riprap stone at end of 24' cmp at East end of culvert.
 - d. Repair damaged concrete pavement on Tech Avenue.
 - e. Relocated storm drain at South end of apartment building. Replace with concrete pipe.
 - 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. Provide 10' easement on north property line.
 - d. Provide access easement across this lot from northern lot to Tech Ave. Provide recorded access easement across lot to the north. (lots could be sold separately)
 - e. Dumpster screening to match building.
- 3. Meet the requirements of the Master Street Plan, including:**
 - a. Provide 5' sidewalks/ramps to ADA standards and City standards on Pershing and Tech.
 - b. Provide dedication for 80' ROW on Pershing Blvd.
- 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. Crepe myrtle does not count as street trees or parking lot shade trees.
 - d. Provide 14 street trees 40' on center.
 - e. Provide 15 parking lot shade trees. 7 parking lot shade trees are to be internal to the lot.
 - f. 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. 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. Provide all weather access to three sides of the building.
 - c. 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. A complete set of drawings for development must be submitted to NLR Wastewater.
- b. Provide alternate plan for existing sewer main that is currently 30 feet deep and too close to proposed building.

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 as submitted passed with (8) affirmative votes.

C. NS-2220-10 Country Club of Arkansas, Ph 25, Lots 1-265 (Preliminary plat review of single family subdivision located between Counts Massie Road and Paul Eells Drive)

Mr. Chambers stated the applicant has yet to submit a sidewalk waiver; therefore, the subdivision committee will require for the applicant to put in sidewalks along the streets in the subdivision.

Mr. John Wright, the owner of the lot, was present. He stated he was unaware that they had to have the sidewalk waiver at today's meeting. Mr. Wright stated he will meet with his representative to devise a plan to meet the conditions.

Conditions:

- 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. Provide street signs and illumination on new streets. Street lights and signs to be installed before plat will be signed.
 - d. Drainpipes in the ROW are to be RCP with flared end section.
 - e. Submit street and drainage construction plans to the City Engineer for approval prior to construction.
- 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. 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. Allow phasing of project.
 - f. All common areas to have individual lot numbers.
 - g. Provide a dedicated active playground area that has access to public ROW and parking. Playground to be fully equipped and functional before Phase 4-7 plat will be signed.
 - h. Subdivision to provide two access points.
 - i. Lots abutting Paul Eells are not to have vehicular access to Paul Eells.

- j. RPZ are to be located as close to the house as possible and not at the street.
- 3. Meet the requirements of the Master Street Plan, including:**
 - a. Developer proposing to build sidewalks at the rear of the houses instead of at the streets within the subdivision. Provide signed sidewalk waiver to allow discussion at PC. (no waiver on Counts Massie and Paul Eells.)
 - b. Sidewalks to be 5 foot wide concrete, located in the public ROW.
 - c. Provide ½ street improvements on Counts Massie and Paul Eells, including concrete sidewalks.
 - d. Provide full street improvements on streets within the subdivision, including concrete sidewalks on both sides of the street.
 - e. 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 1 per lot (corner lots to provide 2 trees). Note to be provided on plat and in Bill of Assurance stating street tree requirements. Contract between builder and developer to state that the builder will meet street tree requirements before a CO will be issued. Example contract to be provided to Staff.
 - c. Provide buffer between dissimilar uses or zoning. Provide full screening between subdivision and any property zoned industrial or commercial. This is to be done before plat will be signed
- 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. Water is not available without extension of facilities.
 - 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.
 - d. Approval of plans by AR Dept of Health Engineering Division is required.
 - e. 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.
 - b. White Oak connection fees required. Counts Massie Improvement Dist may require connection.

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

D. Rep-2221-10 Fulks Subdivision, Lot A, Block 3 (Replat and Site Plan Review of a church located at Cedar and West 15th Streets)

Postponed until December 13, 2010 Planning Commission Meeting

Public Hearing – Old Business:

1. **Special Use #695.** To allow a mobile home park with 19 slips in a C-3 zone. The request is 4401 East Broadway. *Postponed from October meeting.*

The applicant, Mrs. Dortha Rhoades, was present. Mrs. Rhoades stated she has started the process in cleaning up the area and will put in a fence this month. She stated she has received the conditions placed upon her application; however, she would ask the Commissioners to reconsider allowing camper trailers at the site.

Mr. Ronnie Crafton, the applicant's son, stated of the two camper trailers on the site, one is his hunting camper trailer that he stores there and the other camper trailer is slated to be removed from the property by this week.

Chairman Clifton asked if there was anybody in the audience who wanted to speak on this item.

Ms. Lisa Spigner spoke on behalf of her mother against the application. She stated she appreciates the work Mrs. Rhoades and her sons have done to clean up the area; however she is concerned with allowing camper trailers to stay in the mobile home park. Ms. Spigner stated she considers Recreational Vehicles and camper trailers transient housing and it would be a detriment to the neighborhood to allow such housing at the mobile home park.

Ms. Spigner also presented a letter from another neighbor against the application and asked the Commissioners to require Mrs. Rhoades to put up a gate at the rear entrance.

Mrs. Rhoades stated she does not have any trouble from those who stay at the mobile home park. In order to illustrate this point, Mrs. Rhoades presented police reports dated back to 2008, in which her property was not listed.

Mr. Chambers stated he does not have an issue with having eighteen slips on the site. He stated he would like to change staff recommendations to designate four slips as Recreational Vehicle slips only.

Mr. Chambers asked the other Commissioners if they should recommend a time frame as to how long a camper should stay at the park.

Mr. Foster asked staff their opinion on how long a Recreational Vehicle should be allowed to stay in the mobile home park.

Mr. Spencer stated staff has no way to enforce a time frame at the site.

Chairman Clifton stated Burns Park has a thirty day limit and he agrees with Mr. Chambers to have designated slips for camper trailers and a time frame as to how long a camper trailer can stay at the site.

Russ Elrod with Code Enforcement stated Mrs. Rhoades has made significant progress in cleaning up the area and bringing the site up to code; however, he is against having camper trailers on the site. He stated having a time frame for the camper trailers would be hard to enforce.

Mr. Armstrong asked Mrs. Rhoades who regulates the area.

Mrs. Rhoades stated she regulates the area. She gives each resident a copy of rules, which she administers.

Ms. Spigner asked the Commissioners who will inspect the area if the applicant is non-compliant.

Chairman Clifton stated Code Enforcement will conduct inspections and there are conditions in place to remove Business License and/or Electric Power Meters if Mrs. Rhoades is noncompliant with the conditions.

A motion was made and second to recommend permitting 18 slips, with 4 slips designated as temporary spaces for travel trailers with a maximum of 30 day residency.

A motion was made and second to recommend adding a gate with a lockbox at the rear entrance to the park.

There were no additional comments from Commissioners or the audience.

Conditions:

1. Allow the reuse of previously used slips, limiting the total number to 18 slips. Four of the slips may be used as temporary RV rental slips, with a 30 day max on the length of stay. The temporary RV's must be hooked to utilities. Recreational Vehicles are to be used as private owner temporary vehicles and shall not be used as continuation of a unit for a permanent residence.
2. Any additional units added to the site, must bear the HUD manufactured home certification label.
3. Provide a 6' wood privacy fence on the east side of the property. Fence is to extend along the east property line from Dewayne Ave to the 90 degree turn in Clara Street.
4. Trash, brush, tree limbs to be removed from site and a general clean required.
5. Applicant must meet all applicable Federal, State, County and City requirements,
6. Rear gate to be locked at all times, with approved fire access'
7. Business license to be issued after Planning Staff confirmation of requirements, and
8. 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 Meters. Removal of power meters will involve a 90 day process and a public hearing at City Council.

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

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

Special Use #695 passed with (5) affirmative votes, (3) denied votes and (1) absent vote.

Public Hearing – New Business:

2. **Rezone #1539.** To rezone from I-2 to R-1 to allow single family subdivision. The request is 72 acres located at the end of Counts Massie.

The applicant, Mr. Bob Holloway was present. He stated he received and agreed to the conditions placed on his request.

Chairman Clifton asked if there was anybody in the audience who wanted to speak on this item. There were no 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	Absent		

Rezone #1539 was approved with (8) affirmative votes and (1) absent vote.

3. **Conditional Use #70.** To allow a developmental center and a daycare center in a C-3 zone. The request is located at 4601 East Broadway.

The applicant, Mr. Gary Yancy, was present. He stated he has received and agreed to the conditions placed on his request.

Mr. Foster asked Mr. Yancy the difference between a daycare and a developmental center.

Mr. Yancy stated the daycare will be geared towards providing care between the hours of 6am to 6pm for children ages 5-12, with evenings being training of young people over the age of 15.

Chairman Clifton asked if there was anybody in the audience who wanted to speak on this item.

Scott Diffy stated he had some questions and concerns about the request. He lives and works next door to the site and he is concerned that children will come onto his property.

Mr. Diffy also stated he is concerned about the building being a fire hazard. He stated if Mr. Yancy is able to bring the building up to code, then he is fine with Mr. Yancy's project.

Mr. Chambers explained there are conditions on the application to make sure that it is brought up to code.

Mr. Voyles stated staff made recommendations based upon the Fire Prevention Code, in which Mr. Yancy's building must meet all requirements based upon the 2007 Arkansas Fire Prevention Code.

Mr. Yancy stated he has demolished one building on the site. He plans to add a fence and bring the other building on the site up to code and meet the Commissioners recommendations.

Mr. Armstrong commended Mr. Yancy for taking the steps to build such a center for the youth.

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

Conditions:

1. Applicant must meet all applicable Federal, State, County and City requirements,
2. Business license to be issued after Planning Staff confirmation of requirements,
3. 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.
4. Playground to meet DHS and City of NLR requirements for playground surface and equipment,
5. Playground to be enclosed by 6' wood fence,
6. Entrance/exit to be marked as one way only and to be a hard surface,
7. Daycare hours to be 6am-6pm for children ages 5-12, and
8. Developmental Center hours to be 6pm-10pm for ages 16 and over.

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

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

Conditional Use #70 was approved with (6) affirmative votes, (2) denied votes and (1) absent vote.

4. **Special Use #698.** To allow a mobile catfish stand in a C-6 zone. The request is located at 710 Main Street.

The applicant, Ms. Margo Tenner, was present.

Chairman Clifton asked Ms. Tenner if she has read and agreed to the recommendations by the Subdivision Committee.

Ms. Tenner stated she has read the recommendations by the Subdivision Committee; however she does not agree with one of the recommendations. She stated she has some concerns regarding the condition that states she is not to set up at the same time the Farmers Market is open, as this request is in conflict with the Farmers Market site layout.

Mr. Spencer states that Mr. Lewis, the property owner, has a Special Use for a Farmers Market on the same property Ms. Tenner is asking to place her mobile trailer. There are separate regulations that Mr. Lewis agreed to include having 10 x 10 tents where each tent has to be a certain color and use certain tables. Being that the Lewis's have never done the Farmers Market on their property, it should not be an issue. However, if the Lewis's were to start the Farmers Market back up, it would be a conflict of the two uses and that condition

would apply.

Ms. Tenner stated that condition was her only concern. She agrees with all other conditions and believes she has complied with everything the Subdivision Committee has asked her to do.

Ms. Paula Jones, the Assistant City Attorney, stated Ms. Tenner would have to get an Advertising and Promotion (A&P) permit for the site in order to sell food at the site. Ms. Jones advised Ms. Tenner to contact A&P for more information.

Ms. Tenner stated attaining the A&P permit was not required as a condition the Subdivision Committee requirements.

Mr. Spencer stated that having the A&P permit falls under the first condition that stated the applicant must meet all applicable Federal, State, County and City requirements.

Ms. Tenner stated she has the A&P permit for her restaurant, which is her home base for her mobile Catfish Stand.

Mr. Chambers stated to Ms. Tenner she will need to have an A&P permit for this address as well.

Chairman Clifton stated that if this application were to pass, she will need to get an A&P permit in order to get a building permit.

Mr. Spencer stated the business license is site specific. He stated to Ms. Tenner she will need to get a business license for her mobile trailer at the Main Street address. She will not be able to transfer her business license from her restaurant to the mobile stand.

Mr. Chambers asked Ms. Tenner what is the material being used for the skirting under the trailer.

Ms. Tenner stated the skirting came from a flag and banner vender and the vender assured her this is the type of skirting she could use.

Mr. Chambers stated the skirting is meant to give the trailer a permanent look and the skirting Ms. Tenner has does not appear permanent.

Ms. Tenner stated the trailer will not be permanent. Ms. Tenner stated she will move the stand every day after closing.

Mr. White asked Ms. Tenner how she will fulfill the condition that requires her to connect to sewer, water, and electrical utilities if she plans to move it every day.

Ms. Tenner stated in order to meet the condition she will connect to sewer, water, and electrical utilities at her restaurant at 807 Willow Street.

Mr. Chambers stated she cannot do that. The city's ordinance states that all trailers must connect to sewer, water, and electrical utilities; therefore, she must connect to these utilities

at the address on Main Street.

Ms. Tenner stated the trailer is a self-containing trailer. It has running water and a grease trap that only requires for her to connect to a generator or hook up to the building for electricity.

Chairman Clifton stated the trailer must be connected to utilities if it is a continued operation.

Mr. Chambers stated the Planning Commission has never approved a trailer that was self-contained.

Mr. Chambers stated normally the Subdivision Committee requires for trailers to stay on site at all times and only leave once per month; however, the Committee is only requiring for Ms. Tenner to leave her trailer on the premises for three days. This was considered a very lenient condition.

Ms. Tenner stated those were conditions discussed by the Subdivision Committee; however, the committee asked me to first meet all applicable Federal, State, County and City requirements. She stated she received a second letter from the city stating to meet other requirements that were added to her application.

Mr. White stated to Ms. Tenner that the items up for discussion today are city requirements.

Mr. White stated the city has never allowed a self containing trailer to not hook up to water, sewer, and electric; unless it's a onetime event or festival like Riverfest.

Ms. Tenner stated she would like to move the trailer every day because of the liability and security. She stated she has a lot of expensive equipment within the trailer.

Mr. Foster asked Ms. Tenner if she has met with the Historic Preservation Committee.

Ms. Tenner stated she has met with the Historic Preservation Committee and has filed for a Certificate of Appropriateness.

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

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

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

Special Use #698 was denied with (2) affirmative votes, (5) denied votes, (1) abstention and (1) absent vote.

5. **Special Use #699.** To allow a mobile home in an I-2 zone. The request is located at 3200 block Crystal Street.

Postponed until December 14, 2010 Planning Commission Meeting

Public Comments/Adjournment:

A motion was made to adjourn and it was seconded. The motion passed with (8) affirmative votes and the meeting was adjourned at 6:20 pm.

Passed: _____

Respectfully Submitted:

Norman Clifton, Chairman

Robert Voyles, Director