

**North Little Rock Planning Commission  
Regular Meeting  
September 13, 2011**

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Acting Chairman Chambers 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  
Belasco  
Chambers  
Dietz  
Foster  
White

**Members Absent:**

Parker (Excused)  
Chairman Clifton (Excused)  
Vacant Position

**Staff Present:**

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

**Others Present:**

Beth White, Alderwoman  
Debi Ross, Alderwoman

**Approval of Minutes:**

Motion was made and seconded to approve the August meeting minutes as submitted. The minutes were approved with (5) affirmative votes.

Motion was made and seconded to excuse Mr. Parker, Chairman Clifton and Mr. White from today's meeting. This was approved with eight (5) affirmative votes.

**Administrative:**

Mr. Voyles introduced Ron Harris as the new Planning Commissioner starting in October. Mr. Harris was there to observe today's meeting. Mr. Voyles also stated that items 5 and 7 have been postponed until next month.

**Subdivision Administrative:****A. NS-2253-11 Chapman Addition, Lot 1 (Preliminary plat of a residential lot on the south side of Col Maynard Rd and east of Craig Road)**

- 1. Meet the requirements of Pulaski County, including:**
  - a. Show Certificate of owners.
  - b. Obtain flood development permit from Pulaski County Public Works.
  - c. Obtain driveway permit from Pulaski County Public Works.
  - d. Comply with NPDES requirements.
  - e. Show access easements to landlocked parcels.
  - f. County must sign plat before City will sign plat.
- 2. Requirements before the final plat or replat will be signed:**
  - a. Final plat will be submitted in CAD compatible DXF and/or DWG format, tied to Arkansas State Plane Coordinates.
  - b. County must sign plat before City will sign plat.
- 3. Meet the requirements of the City Engineer, including:**
  - a. Show the dimension for the proposed ROW dedication for Col. Maynard Road. The Preliminary Plat indicates a ROW dedication; however, it is not clear how much is proposed.
  - b. Show the Base Flood Elevation of the Floodplain on the Preliminary Plat.
  - c. Label the minimum finished floor elevation of any structure within the Floodplain. The first floors of any building are to be a minimum of 1' above any flood plain. (add as note)
  - d. A permit to develop in the Floodplain will be required by Pulaski County prior to construction in the Floodplain.
- 4. Meet the requirements of Community Planning, including:**
  - a. Provide the standard requirements of Zoning and Development Regulations.
- 5. Meet the requirements of the Master Street Plan, including:**
  - a. Sidewalks or waiver of sidewalks not required as lot at building line is greater than 150'.
  - b. Allow waiver of ½ street improvements.
  - c. Provide ROW dedication.
- 6. Meet the requirements of the Screening and Landscaping ordinance, including:**
- 7. 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.
- 8. Meet the requirements of CAW, including:**
  - a. Water is not available from CAW.
- 9. Meet the requirements of NLR Wastewater, including:**
  - a. No sewer available.

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 (5) affirmative votes.

**B. SPR-2254-11 D and B Commercial Park, Lot 10 (Site Plan review of a warehouse addition to Glazer's located at 11101 Smitty Lane)**

- 1. Meet the requirements of the City Engineer, including:**
  - a. The first floors of any building are to be a minimum of 1' above any flood plain.

- b. Prior to any excavation/street cuts within street ROW, obtain CNLR Excavation and Barricade Plan Application/Permit.
  - c. Regional Storm water Detention requirements were met at the time of the subdivision construction.
  - d. If the project is over 5.0 acres of disturbed area, an NOI from ADEQ is required.
  - e. Acquire the Storm water Management Permit from the NLR City Engineer's office.
  - f. The two proposed driveways shall be concrete apron to the ROW per City of NLR requirements and a curb cut permit from the City Engineer's office is required.
  - g. The proposed driveway at the NW corner of the lot needs to be a minimum of 10' from property line.
  - h. An easement along the North property line for drainage will need to be added or shown. It is recommended for a 20' easement designated for drainage and utilities.
- 2. Meet the requirements of Community Planning, including:**
    - a. Provide the standard requirements of Zoning and Development Regulations.
    - b. Dumpster screening to match building.
    - c. Allow fences as shown.
    - d. All exterior lighting shall be shielded and not encroach onto neighboring properties.
  - 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 street trees 40' on center, as shown.
    - d. Provide 20 parking lot shade trees, none shown on new paving.
    - e. 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. No electronic changeable copy sign permitted.
  - 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. 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.
  - 7. Meet the requirements of NLR Wastewater, including:**
    - a. A complete set of drawings for development must be submitted to NLR Wastewater. Include size, slope, material and route of service.

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 (5) affirmative votes, (1) abstain. Mr. Chambers abstained from this vote.

**C. SPR-2255-11 North Argenta Addition, Lot 7, Block 7 (Site Plan Review of a law office located at 2101 Main Street)**

- 1. Meet the requirements of the City Engineer, including:**
  - a. Prior to any excavation/street cuts within street ROW, obtain CNLR Excavation and Barricade Plan Application/Permit.
  - b. Pay the Storm water Detention Fee in lieu of improvements at \$5,000 per acre.
  - c. Acquire the Storm water Management Permit from the NLR City Engineer's office.
  - d. Curb cut permit from the City Engineer's office is required.
- 2. Meet the requirements of Community Planning, including:**
  - a. Provide the standard requirements of Zoning and Development Regulations.
  - b. If a dumpster is utilized in the future, its location must be approved by Subdivision Committee.
  - c. Provide 6' wood privacy fence along alley, starting at curb edge of parking lot. A concrete bollard at the start of the fence may be used to protect fence from vehicles.
  - d. All exterior lighting shall be shielded and not encroach onto neighboring properties.
  - e. Allow foundation permit after review from Commercial Plans Review staff.
- 3. Meet the requirements of the Master Street Plan, including:**
  - a. Meet ADA standards on sidewalks and ramps.
- 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, as shown.
  - d. Provide 1 parking lot shade tree, as shown.
  - e. Provide buffer between dissimilar uses or zoning. Do not remove trees from full buffers.
- 5. Meet the following requirements concerning signage:**
  - a. Move current existing sign 5 feet from property line.
  - b. All signs require a permit and separate review.
  - 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.
  - 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. Include size, slope, material and route of service.

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 (6) affirmative votes.

**Public Hearing**

1. **Rezoning #1556.** To rezone from C-3 to R-2 to recognize existing homes. The request is located at 1405-1409 N. Olive Street.

The applicant, Ms. Lella Colclough was not present, so staff represented on her behalf. Mr. Voyles stated that Ms. Colclough is trying to sell the house that is zoned C-3. Staff is asking for approval to rezone property to R-2 to recognize existing homes.

Chairman White asked if there were anyone for or against this rezoning.

Mr. Henry stated that he is staying in one of the houses that his mother, Ms. Colclough, is trying to rezone. He said that are two houses there and she is paying the taxes on both. He stated that she is not the owner of this property.

Mr. Voyles stated that the area was zoned C-3 back in the 60's and that Ms. Colclough presented herself as the owner and if that's not correct then this should be postponed until further notice.

Mr. Spencer stated that the rezoning has nothing to do with the selling of the property and Ms. Colclough and her son came in 6 months ago to apply for rezoning this property and asked Mr. Henry was he present at that time? He also asked did his mother know he was here speaking against this application.

Mr. Henry stated that his mother was not aware that he was there and he was not present at the time she applied for rezoning.

Chairman White asked Mr. Henry did he want this property to be residential. Mr. Henry said yes. Chairman White then asked why we would postpone this any further.

Mr. Spencer stated that he brought up the question that Ms. Colclough doesn't own it and his research shows she is the owner from tax records.

A motion was made and seconded to postpone for a month to figure out who the owner is. The motion was passed with (6) affirmative votes and (2) absent vote.

2. **Conditional Use# 82.** To allow a daycare and church in a C-4 zone. The request is located at 2323 E. Broadway.

The applicants, Mr. & Mrs. Wade were present. Mr. Wade stated that they want to open a church and daycare in that community. They stated that they received and understood the conditions.

Mr. Dietz asked where are you going to have the outside recreational area for the kids. He also asked if they will have to go through Subdivision.

Mr. Wade stated that it will be behind the building, on Laurel Street.

Mr. Spencer stated that this application went through Subdivision two months ago.

Mr. Foster asked what he is doing about parking for the church and daycare. He also asked if they meet city codes for onsite parking.

Mr. Wade stated that there are parking spaces on both sides of Laurel St. that they are using now.

Mr. Voyles stated that they probably don't meet the parking requirement; we require one parking space per every five seats in the sanctuary. He said that they are using the neighbors parking which are business locations.

Mr. Chambers stated that they need to provide a letter given permission from the neighbors stating that they can use their parking.

Chairman White asked if anyone in the audience is for or against.

There were no further comments from Commissioners or the audience.

Chairman White asked for roll call vote in the application.

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

Conditional Use #82 was approved with (6) affirmative votes and (2) absent votes.

- 3. **Conditional Use# 83.** To allow a machine shop in a C-4 zone. The request is located at 2114 W. 38<sup>th</sup> Street.

The applicant, Mr. Darrell Young was present; he stated that he would like a conditional use to continue his business. Mr. Young stated that he met with the Subdivision Committee and agrees to all conditions.

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

There were no further comments from Commissioners or audience.

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

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

Conditional Use # 83 was approved with (6) affirmative votes and (2) absent votes.

- 4. **Conditional Use# 84.** To allow car sales in a C-4 zone. The request is located at 2100 W 38<sup>th</sup> Street.

The applicant, Justin Walker was present; he stated he would like to sell 4 vehicles at a time at his existing business. It is a collision repair shop right now.

Chairman White asked Commissioners if they have any questions or concerns.

Mr. Dietz asked if the applicant understood the list of requirements and asked if he has a problem with any of those requirements set by the Subdivision Committee.

Mr. Walker stated that he does not have any problems.

Chairman White asked if anyone in the audience have any questions or concerns.

There were no further comments from Commissioners or audience.

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

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

Conditional Use # 84 was approved with (6) affirmative votes and (2) absent votes.

5. **Special Use#709. Postponed.** To allow a transitional home for 8 women in an R-3 zone. The request is located at 1418 W. 20<sup>th</sup> Street. **Postponed**

6. **Public Hearing# 1566.** To review zoning plan for the Crystal Hill Road area.

Mr. Voyles stated that they have continued to take comments from residents and property owners in the Crystal Hill area and have up zoned a considerable amount of the area to C-4 which is deviation from the original plan. Several property owners requested that their property be commercial and it is reflected on the current large map.

Chairman White asked if anyone wanted to speak on this issue.

Mr. Wayne McHughes represents his mother and daughter and they do not want their property zoned and he has request that these properties not be included in the proposed zoning plan.

Mr. Voyles asked for an amendment to delete Mr. McHughes mother and daughter property from zoning.

A motion was made and seconded to remove 6015-6025 Kelly Road from zoning plan.

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

The amendment passed with (6) affirmative votes and (2) absent votes.

Mr. Clifford Lee made a request for his property to be removed from the zoning plan as well. He stated that he does not want the City to have jurisdiction over his property. He requests a letter from the City of North Little Rock stating that his property has been removed from the zoning plan.

Chairman White stated that they will recommend this to City Council and when he goes before the council they will then vote, he can request the letter at that time.

A motion was made and seconded to remove 5600 and 5614 Von Road from the zoning plan.

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

The amendment passed with (5) affirmative votes, (1) opposition votes and (2) absent votes.

Mr. Stuart Vest stated that he is representing Mr. Joe Monroe who has requested his property to be zoned R-3 on Kelly Road. He just wanted to make sure that his request was granted.

Mr. Bob Hardin wanted to make sure that his request for I-1 zoning was also granted.

Mr. Voyles confirmed that both requests were shown on the map.

A motion was made and seconded to send this to City Council as amended.

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

Public hearing #1566 passed with (5) affirmative votes and (1) opposed vote and (2) absent votes.

7. **Public Hearing# 1560. Postponed.** To review changes to the ETJ (extra territorial jurisdiction) zoning planning area. (presentation from City Attorney’s office) **Postponed.**

8. **Public Hearing#1564.** To review requirements for Community Gardens.

Ms. Bernadette Gunn stated that she is speaking to show support for community gardens. At the last meeting there were some concerns about the wording allowing individual property owners to start gardens. Ms. Gunn asked about non-profit organizations such as schools and churches that may want to start a garden but don’t qualify as a vacant lot.

Ms. Alexander asked do all the rules and regulations go for all the gardens. She stated that she knows someone who is interested in community gardening and didn’t know about the rules and regulations.

Ms. Gunn stated yes, as long as they register as community garden with the mayor’s office and the Fit to Live coordinator, then the rules will apply. Ms. Gunn stated that under the Fit to Live community garden grant, it is up to the garden group to set their own rules and regulations for that garden. The rules and regulations are viewed by the grant review panel; if it looks like an reasonable plan then it’s approved. If they are not asking to be registered from the city then we wouldn’t tell them what the rules and regulations for their garden.

Mr. Spencer stated that these rules only apply to the ones that registered, if a group of people want to do a registered garden then they would have a comply to the city rules. It would be to their advantage to register because they would be allowed to put a fence around the garden.

Mr. Foster asked would this prevent schools and churches from doing a garden.

Mr. Spencer stated that yes if it is on the school or church property. Those non-profit organizations can be added to the list.

Mr. Voyles stated that we originally had uses of property in all zones and it had to be approved as a certified garden. He said that there was discussion about single family lots then it went to being on vacant lots. He stated that if we went back to uses of all property when registered by the designated coordinator there maybe an easier way to regulate that. He suggests we go back to the original wording and just say on all property in item B.

Chairman White asked if the person over the garden wants a water meter, is that covered under the grant. He asked about retail sales from the community gardens and would they need a business license.

Ms. Gunn said yes if they get a community grant they will be able to use the grant money for the water meter. Ms. Gunn stated that she did talk with the City Clerks and was informed that they would need a business license but if they are a non-profit organization the fee will be waived.

Chairman White asked if there was any other question or concerns.

There were no comments or questions.

A motion was made and seconded to move this to City Council with the amendment.

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

Public hearing #1564 passed with (6) affirmative votes and (2) absent votes.

9. **Public Hearing#1569.** To add a “Smart Code” zoning district to the zoning ordinance.

Mr. Voyles stated that he would like to postpone this hearing because he thought that Lawrence Finn was going to speak on this hearing but he was absent.

Mr. Chambers stated that the way this ordinance is setup is that a district is formed and it would adopt a smart code for that district.

Mr. Foster stated that they are giving property owners another zoning category choice that they can request through City Council, the reason for this, especially in the downtown area, is because potential developers are asking do we have a smart code district. They stated that they don't want to invest into a piece of property and someone can be next to them with a less desirable use that will decrease their value.

Mr. Voyles stated that there were some people in the audience that would like to comment on the proposed ordinance.

Mr. Joe Barrack representative for the Homebuilders Association for Little Rock spoke. He cautioned against the implementation of smart code as some type of comprehensive planning tool. Smart code is based on many theories, it's not necessarily supposed to be a comprehensive planning tool. He stated that for the most part North Little Rock is already established, so something like this would be best for a rural community or a community that has a lot of green field that would like to expand.

Mr. Dietz asked is the proposal similar to what the Jacksons were going to do.

Mr. Voyles stated that it is similar and they adopted a TND ordinance, it's a traditional neighborhood development with a 40 acre minimum.

Chairman White asked if there were any other comments.

A motion was made and seconded to hold Public Hearing #1569 for 30 days.

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

**Public Comments/Adjournment:**

A motion was made to adjourn and it was seconded. The motion passed with (6) affirmative votes and the meeting was adjourned at 6:05 pm.

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

Respectfully Submitted:

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

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