

North Little Rock Planning Commission
Regular Meeting
October 14, 2014

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
Belasco
Chambers
Dietz
Foster
Harris
Phillips
White, Chairman

Absent Members:

Clifton

Staff Present:

Robert Voyles, Director
Shawn Spencer, Asst. Director
Matt Fleming, City Attorney
Keisa Stewart, Secretary

Others Present:

Alderman Maurice Taylor
Alderman Linda Robinson
Alderman Bruce Foutch

Approval of Minutes:

Motion was made and seconded to approve the September meeting minutes as submitted. The minutes were approved with (7) affirmative votes.

Motion was made and seconded to excuse Mr. Clifton from today's meeting. The minutes were approved with (7) affirmative votes.

Administrative:

An attached letter from Entergy on Items B and 6.

Development Review Committee:**A. NS-2417-14 Pine Street Elementary Addition – Lots 1-2 (Preliminary plat of a lot located NE corner of Locust and 19th Streets)**

- 1. Requirements before the final plat/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. Provide ½ of ROW for 19th Street.
 - c. Provide 25' setback along Locust and allow encroachment of building.
 - d. Provide 25' setback along 19th and allow encroachment.
 - e. Sidewalks not required on Locust Street and are existing on 19th.
 - f. Provide a 10' Utility Easement around the perimeter of Lots 1 and 2. Where the two lot lines join together, a utility easement is not necessary.
 - g. Provide a 25' property line radius ROW dedication at corner.
- 2. Meet the requirements of the City Engineer, including:**
 - a. Detention plan will be provided with any future development.
 - b. Owner's Engineer shall submit final plat to City Engineer prior to receiving final Planning Department approval.
 - c. Patch / replace any sidewalk between driveways on lot 2.
 - d. Driveway radii returns built to City Engineer's specifications.
 - e. Driveways shall not be closer than 40' to adjoining streets or 10' from adjoining property lines.
 - f. Obtain driveway/curb cut from City Engineer.
- 3. Meet the requirements of Community Planning, including:**
 - a. Provide the standard requirements of Zoning and Development Regulations.
 - b. Provide cross access easement on plat as shown.
 - c. Provide 6 foot front yard landscape strip between property line and paving on lot 2.
 - d. Allow 6' front yard chain link fence on Lot 1.
- 4. Meet the requirements of the Master Street Plan, including:**
 - a. Provide ½ of ROW for 19th Street.
- 5. Meet the requirements of the Screening and Landscaping ordinance, including:**
 - a. Postpone screening and landscaping requirements until future development/redevelopment.
- 6. 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.
- 7. Meet the requirements of the Fire Marshal, including:**
 - a. Provide an approved fire protection plan.
 - b. Meet Fire Marshal's requirements on fire hydrant location.
 - c. Fire hydrants to be within 400 feet of all areas of building.
- 8. Meet the requirements of CAW, including:**
 - a. Water is available to the site.
 - 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. Contact CAW for requirements on backflow protection on meter services.
 - e. Contact CAW for requirements on size and location of the meter.
 - f. Provide static pressure, residual pressure and flow for nearest fire hydrant.
- 9. Meet the requirements of NLR Wastewater, including:**

- a. Show the location of the existing sewer mains and sizes.
 - b. Show the location of the Manholes along with rim elevations and flow line elevations.
- 10. Meet the requirements of Central Arkansas Transit Authority (CATA), including:**
- a. The area is currently served by CATA at 17th and Locust – approx. 2 blocks away.
 - b. CATA only concern would be the waiver of sidewalks that could make it difficult for persons with disabilities safe access to this location.

Mr. Chambers stated the applicant met with the Development Review Committee and has agreed to all the requirements. There were no additional comments from Commissioners or the audience. Mr. Chambers abstain. The motion to approve was passed with (6) affirmative (1) abstain and (2) absent votes.

B. NS-2418-14 Delta Land Management Addition, Lot 1 (Preliminary plat and Site Plan Review of an office located on the south side of River Road across the street from 2003 River Road)

- 1. Requirements before the final plat will be signed:**
 - a. Final plat will be submitted in CAD compatible DXF and/or DWG format, tied to Arkansas State Plane Coordinates.
 - b. Provide approved City Council ordinance of rezoning from Cons to C-1.
- 2. Permit requirements/approvals before a building permit will be issued:**
 - a. Provide approved City Council ordinance of rezoning from Cons to C-1.
 - b. Building to meet all setback requirements.
 - c. Provide CNLR Stormwater Permit. Stormwater plans and detention calculations are to be approved by City Engineer and a written approval provided to Planning Department.
 - d. Provide CNLR Access Driveway/Curb Cut Permit.
 - e. Provide CNLR Floodplain Development Permit.
 - f. Provide Arkansas Department of Health approval for water and sewer facilities.
- 3. Meet the requirements of the City Engineer, including:**
 - a. Prior to construction, Owner’s Architect/Engineer shall submit approved preliminary plat, construction plans and specifications (PDF format) to the City Engineer.
 - b. Owner’s Engineer shall submit final plat (PDF Format) to City Engineer prior to receiving final Planning Department approval.
 - c. Development is located in a FEMA designated floodplain; the first floors of any building or house are to be a minimum of 1' above the 100-Year Base Flood Elevation (BFE). Finished floor elevation shown is 262.00. FEMA Base Flood Elevation (BFE) is 256.00.
 - d. Show and label limits of FEMA Floodplain and Floodway.
 - e. Structures located and built within the FEMA Floodplain shall be designed to resist Arkansas River flood current force at flood stage.
 - f. Design and construct driveway to City Engineer’s specifications.
 - g. Prior to any excavation/street cuts within the City Street Right-of-Way (ROW), obtain CNLR Excavation and Barricade Permits.
 - h. Obtain driveway/curb cut from City Engineer.
 - i. Cross drains in the ROW are to be RCP with flared end section unless approved by Engineering.
 - j. All driveways are to be concrete within the ROW.
- 4. Meet the requirements of Community Planning, including:**
 - a. Provide the standard requirements of Zoning and Development Regulations.
 - b. Driveway radius not to extend past property line.

- c. Meet the Flood Hazard ordinance requirements per FEMA and CNLR.
 - d. Dumpster to have masonry screening.
 - e. No fence is to be within a front building line.
 - f. All exterior lighting shall be shielded and not encroach onto neighboring properties.
- 5. Meet the requirements of the Master Street Plan, including:**
- a. Widen/patch/repair River Trail to City Engineers specifications.
- 6. 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 automated underground irrigation to all required trees and shrubs.
 - c. Provide (3) street trees.
 - d. Provide (2) parking lot shade trees.
 - e. Provide 6 foot front yard landscape strip between property line and paving.
 - f. Provide 4 foot side yard landscape strip between property line and paving.
- 7. 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.
- 8. Meet the requirements of the Fire Marshal, including:**
- a. Provide an approved fire protection plan.
 - b. Current hydrant placement is 420 feet from proposed location. Per NLR FD Agreement with CAW, hydrant placement shall be no further than 125 feet.
 - c. Meet Fire Marshal's requirements of fire hydrant location.
 - d. Fire hydrants to be within 400 feet of all areas of building.
- 9. Meet the requirements of CAW, including:**
- a. Water is available to the site.
 - 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.
 - f. Contact CAW for requirements on size and location of the meter.
 - g. Provide static pressure, residual pressure and flow for nearest fire hydrant.
- 10. Meet the requirements of NLR Wastewater, including:**
- a. Sewer is not available to the site.
 - b. A proposal to provide sewer will need to be submitted.
 - c. A complete set of drawings for development must be submitted to NLR Wastewater.
 - d. Attach to sanitary sewer line when it is made available.
- 11. Meet the requirements of Central Arkansas Transit Authority (CATA), including:**
- a. The area is currently served by CATA at 4th and Pike, approx. 6 blocks away.
 - b. CATA has concern that using the bike path instead of sidewalks that could make it difficult for persons with disabilities safe access to this location if future transit is provided in this area or for persons with disabilities a safe route to current transit service.

Mr. Chambers stated the applicant met with the Development Review Committee and has agreed to all the requirements. There were no additional comments from Commissioners or the audience. The motion to approve as amended was passed with (6) affirmative, (1) opposed and (2) absent votes.

C. Rep-2307-12 Iron Mountain Addition, Lot 1R Tract A, Block 30 (Amend Site Plan Review of a church located at the SE corner of Pine and 14th)

1. Allow a 2' landscape strip along the north edge of the parking lot located at the NW corner of 13th and Vine Streets.

Mr. Chambers stated the applicant met with the Development Review Committee and has agreed to all the requirements. There were no additional comments from Commissioners or the audience. The motion to approve as amended was passed with (7) affirmative and (2) absent votes.

Public Hearings:

1. Conditional Use #129. To allow a daycare center in a C-3 zone located at 5201 East Broadway.

The applicant, Ms. Harris representing Ms. Anderson, was present. She explained that Ms. Anderson would like to expand her business to the location next door.

Chairman White asked if anyone in the audience or Commissioners would like to speak on the application.

There were no further comments.

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. All daycare centers / home daycares shall perform a sex offender residence check through the NLR Police Department according to their rules and procedures, to determine if a level 3 or level 4 registered sex offenders resides within 2000 feet of the proposed site for the daycare center / home daycare facility.

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

Alexander	Yes	Harris	Absent
Belasco	Yes	Phillips	Yes
Chambers	Yes	White	Yes
Dietz	Yes	Clifton	Absent
Foster	Yes		

Conditional Use #129 was approved with (7) affirmative and (2) absent votes.

2. Rezone #1697/Conditional Use #130. To rezone from C-3 to C-4 to allow a Conditional Use for car sales in a C-4 zone located at 5806 MacArthur Drive.

The applicant, Todd Armstrong, was present. He stated that he would like to change the zoning to have a small used car lot for his father to use. There will be 15 or less cars on this lot.

Ms. Belasco was inquiring as to why the zoning changes. She explained that a car lot could be allowed in a C-3 zone with a special use.

Mr. Armstrong stated that the conditional use could stay with the property. He stated that if the car lot was to lapse for a period of time he would have to reapply for the special use.

There was further discussion about this rezoning and the surrounding properties.

Chairman White asked if there were any further comments.

Mr. Shawn Spencer stated that there is a correction to #5 under the conditions. It should state the maximum vehicle allowed on the lot is 15.

A motion was made and seconded to allow no more than 15 cars on this lot.

Conditions:

The Planning Commission recommended to City Council that Item 1 be removed due to the owner of the abutting property requesting that a fence not be required due to safety concerns the owner has on exiting her property due to the fence blocking her site lines.

1. Six foot wood privacy fence shall be required when vehicle sales lot abuts a residential use. Fences shall not extend beyond the front building line of the abutting residential use.

Conditions:

2. Fences shall not be allowed in the front yard of a vehicle sales lot, except as mandated under Article 15 hereof.
3. Existing fences located in the front yard of a vehicle sales lot shall be removed, unless required when adjacent to residential use.
4. Vehicle sales lots shall not utilize barb wire or razor wire. Any existing barb wire or razor wire shall be removed.
5. There shall be a ratio of one vehicle per every 450 square feet of open lot area. This ratio shall include sales, employee, and customer vehicles. Open lot area does not include any structures. The number of vehicles limited on the site shall be 15.
6. All exterior vehicle sales lot lighting, located on a building or free standing, shall be shielded and directed downward. Lighting shall be directed away from abutting residential uses.
7. Sales vehicles shall be displayed on one of the following surfaces: asphalt paving or concrete. Asphalt paving shall meet the standards of the City Engineer. Sales vehicles shall not be displayed on grass or gravel surfaces.
8. All signage shall meet the requirements of Article 14 of the zoning ordinance.
9. No inoperable or wrecked vehicles shall be stored or sold from the sales lot. Vehicle sales lots shall not store inoperable or wrecked vehicles, nor any parts thereof, as those terms are defined under the North Little Rock Property Maintenance and Nuisance Abatement Code.
10. Vehicle sales lot shall be maintained at all times.
11. Sales vehicles shall be locked and secured after business hours.
12. Sales vehicles shall not be used as storage.

13. Vehicle sales lot and any structures located on the lot shall meet all applicable Federal, State, County and City requirements and codes.
14. Business license to be issued after Planning Staff confirmation of requirements.
15. Business license holder 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 Meter.

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

Alexander	Yes	Harris	Yes
Belasco	No	Phillips	Yes
Chambers	No	White	Yes
Dietz	Yes	Clifton	Absent
Foster	Yes		

Rezone #1697/Conditional Use #130 was approved with (6) affirmative, (2) opposed and (1) absent votes.

3. Conditional Use #131. To allow car sales in a C-4 zone located at 1700 East Broadway.

The applicant, Mr. Guzman, was present.

Mr. Spencer explained that the applicant agrees to all the conditions, but the applicant is asking for some leeway on #8. He stated that he would like a year wavier to defer paving the parking lot. Mr. Spencer stated that Commissioners cannot waive the condition but they can recommend to City Council to waive the condition for a year.

Mr. Foster asked who with the City would monitor that condition.

Mr. Spencer stated that there is no easy way for the City to keep up with this type of a condition.

Chairman White asked if anyone in the audience would like to speak on the application.

Alderman Robinson and Alderman Taylor are opposed to the waiver.

Mr. Spencer explained to Mr. Guzman that the Commissioners are going to vote on the application as is.

Mr. Guzman understood.

Conditions:

1. Sale of vehicles limited to the front 95 feet of the lot. The rear 45 feet (enclosed by fence) to be used for auto repair.
2. Fences shall not be allowed in the front yard of a vehicle sales lot, except as mandated under Article 15 hereof.
3. Existing fences located in the front yard of a vehicle sales lot shall be removed, unless required when adjacent to residential use.
4. Six foot wood privacy fence shall be required when vehicle sales lot abuts a residential use. Fences shall not extend beyond the front building line of the abutting residential use.

5. Vehicle sales lots shall not utilize barb wire or razor wire. Any existing barb wire or razor wire shall be removed.
6. There shall be a ratio of one vehicle per every 450 square feet of open lot area. This ratio shall include sales, employee, and customer vehicles. Open lot area does not include any structures. Number of vehicles permitted on the sales area to be 8 vehicles.
7. All exterior vehicle sales lot lighting, located on a building or free standing, shall be shielded and directed downward. Lighting shall be directed away from abutting residential uses.
8. Sales vehicles shall be displayed on one of the following surfaces: asphalt paving or concrete. Asphalt paving shall meet the standards of the City Engineer. Sales vehicles shall not be displayed on grass or gravel surfaces.
9. All signage shall meet the requirements of Article 14 of the zoning ordinance.
10. No inoperable or wrecked vehicles shall be stored or sold from the sales lot. Vehicle sales lots shall not store inoperable or wrecked vehicles, nor any parts thereof, as those terms are defined under the North Little Rock Property Maintenance and Nuisance Abatement Code.
11. Vehicle sales lot shall be maintained at all times.
12. Sales vehicles shall be locked and secured after business hours.
13. Sales vehicles shall not be used as storage.
14. Vehicle sales lot and any structures located on the lot shall meet all applicable Federal, State, County and City requirements and codes.
15. Business license to be issued after Planning Staff confirmation of requirements.
16. Business license holder 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 Meter.

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

Alexander	No	Harris	Yes
Belasco	Yes	Phillips	Yes
Chambers	No	White	Yes
Dietz	Yes	Clifton	Absent
Foster	Yes		

Conditional Use #131 was approved with (6) affirmative, (2) opposed and (1) absent votes.

4. Conditional Use #132. To allow outdoor display of rental equipment in a C-4 zone located at 3913 East Broadway.

The applicant, Mr. Mike Marlar representing Hum's, was present.

Chairman White asked if anyone in the audience or Commissioners would like to speak on the application.

Alderman Taylor expressed his concerns about the height of the outdoor equipment.

Mr. Voyles stated that their current site is zoned C-3 with allowed them to have heavy equipment.

Conditions:

1. Outdoor area for display of rental equipment limited to area shown on map,
2. applicant must meet all applicable Federal, State, County and City requirements,

3. business license to be issued after Planning Staff confirmation of requirements, and
4. 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.

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

Alexander	Yes	Foster	Yes	Clifton	Absent
Belasco	Yes	Harris	Yes		
Chambers	Yes	Phillips	Yes		
Dietz	Yes	White	Yes		

Conditional Use #132 was approved with (8) affirmative and (1) absent votes.

5. Special Use #766. To allow an event center in a C-3 zone located at 10910 Maumelle Blvd.

The applicant, Mr. Michael Johnson, was present. He explained that they would like to have an event center that consists of banquets, birthday parties, etc. The hours would be 7pm -11pm Monday –Friday, 8am -1am Saturday and Sunday.

Chairman White asked if they would sell alcohol.

Mr. Johnson stated that they would not sell alcohol but if an event was to serve alcohol they would be required to have security on site.

Mr. Foster asked staff if the site has been used as an event center previously.

Mr. Spencer answered no. He stated that they have a daycare on one side of the building and the center would be in the other half.

Chairman White asked if anyone in the audience or Commissioners have any further comments.

There were no further comments.

Conditions:

1. Staff member shall be present at all events,
2. No alcoholic beverages to be sold on premises,
3. Licensed security personnel to be provided at any event serving alcohol,
4. Hours of operation shall be (M-F, 7pm to 11pm) and (weekends, 8am – 1am)
5. Applicant must meet all applicable Federal, State, County and City requirements,
6. A business license is to be issued after Planning Staff confirms requirements, and
7. 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 Meter

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

Alexander	Yes	Harris	Yes		
Belasco	Yes	Phillips	Yes		
Chambers	Yes	White	Yes		
Dietz	Yes	Clifton	Absent	Foster	Yes

Special Use #766 was approved with (8) affirmative and (1) absent votes.

6. Rezone #1703. To rezone from Conservation to C-1 to allow office located at 2002 River Road.

The applicant, Mr. John Pownall, was present.

Mr. Foster asked if this will be built above the flood plain and how many stories.

Mr. Pownall stated that this will be an elevated structure; there will be space underneath the building.

Mr. Chambers stated that he is opposed to the development south of the levee to the river. He stated that he doesn't agree with spot zoning.

Mr. Robert Voyles gave a brief explanation about planning in the area and how this property should be developed.

Chairman White asked if there were any comment from the audience.

Mr. Wayne Burke, 1901 River Road, is opposed to this application.

Mr. Ferguson, representing his sister Ellen Ferguson, stated that she is asking the Commissioners not to approve this application.

Mr. Ron Burke, 1801 River Road, stated that he would like for any development to be deferred until an overall plan has been developed.

There was further discussion about developing a plan and setting up meeting in the future.

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

Alexander	No	Harris	No
Belasco	No	Phillips	No
Chambers	No	White	No
Dietz	No	Clifton	Absent
Foster	No		

Rezoning #1703 received a negative recommendation with (8) opposed and (1) absent votes.

7. Rezone #1705. To rezone from Conservation to I-2 to allow warehousing located at the NW corner of 19th and Hazel Streets.

The applicant, Mr. Mike Marlar, was present. General Properties would like to rezone to industrial to allow warehousing. He stated that staff recommended approval if an engineering study that was done by Marlar engineering and was submitted to the City Engineering.

Mr. Chambers states that he is in support of this application. They have met all requirements.

Chairman White asked if anyone in the audience or Commissioners have any comments.

There were no further comments.

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

Alexander	Yes	Harris	Absent
Belasco	Yes	Phillips	Yes
Chambers	Yes	White	Abstain
Dietz	Yes	Clifton	Absent
Foster	Yes		

Rezoning #1705 was approved with (6) affirmative, (1) abstain and (2) absent votes.

Public Comment/Adjournment:

Mr. Voyles stated that October 27, 2014 at 5:15pm, a consultant on the Jump Start projects will make a presentation to the Council and the community.

A motion was made to adjourn and it was seconded. The motion passed with (7) affirmative votes and the meeting was adjourned at 6:05pm.