

**North Little Rock Planning Commission
Regular Meeting
February 9, 2021**

Chairman Clifton called the regular meeting of the North Little Rock Planning Commission to order at 4:00 PM in the Council Chambers, City Hall.

Members Present In-person:

Chambers
Foster
Clifton, Chairman

Members Present via Phone / Zoom:

Dietz
Phillips
Wallace
White

Member Absent

Banks
Belasco

Staff Present:

Shawn Spencer, Director
Tim Reavis, Assistant Planning Director
Elaine Lee, Assistant City Attorney
Alyson Jones, Secretary

Approval of Minutes:

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

Administrative:

Items 4 and 10 are postponed.

Planning Commission Items:

1. SD2021-5 McCain Mall Addition, Block 1, Lots 4AR & 4BR (Replat and SPR for a restaurant at 4221 Warden Rd.)

1. Engineering requirements before the plat will be signed:

- a. If there is an increase of impervious surface, pay the drainage in-lieu fee of \$5,000/acre for commercial development.
- 2. Planning requirements before the plat will be signed:**
 - a. Plat will be submitted to NLR Planning Department in CAD compatible DXF and/or DWG format, tied to Arkansas State Plane Coordinates.
 - b. Provide cross access easement on plat between lots 4AR & 4BR.
 - c. Provide 40' building line as shown.
 - d. Provide 15' sewer easement as shown.
 - e. Provide 10' utility easement as shown.
- 3. Permit requirements/approvals submitted before a building permit will be issued:**
 - a. A signed and recorded plat must be on file with the Planning Department.
 - b. Provide CNLR Stormwater Permit application to City Engineer with half size erosion control plan showing silt fence, storm inlet protection, and drainage details.
- 4. Meet the requirements of Community Planning, including:**
 - a. Provide the standard requirements of Zoning and Development Regulations.
 - b. Provide parking calculations for lot 4BR.
 - c. Provide dumpster location.
 - 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. Sidewalks not required due to location along access road.
- 6. Meet the requirements of the Screening and Landscaping ordinance, including:**
 - a. All disturbed areas are to be sodded, fertilized, watered and mulched.
 - b. Provide automated underground irrigation to all required trees and shrubs.
 - c. Provide (7) street trees 30' on center for lot 4AR.
 - d. Replace (4) street trees along lot 4BR.
 - e. Provide (7) parking lot shade trees.
 - f. Parking lot shade trees must be located within the parking lot or a maximum distance of 10' from the edge of the parking lot.
 - g. Provide a continuous screen of shrubs for any landscape strip adjacent to any parking area. Shrubs shall be eighteen (18) inches in height at planting and be planted a maximum three (3) feet apart.
 - h. Ground cover, grass, or mulch of shredded bark or stone shall be applied in all landscaped areas to reduce moisture loss and to improve the appearance of plantings near streets.
 - i. Provide 6 foot front yard landscape strip between property line and paving.
 - j. 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.
- 8. Meet the requirements of the Fire Marshal, including:**
 - a. Provide an approved fire protection plan.
 - b. Meet the requirements of the 2012 Arkansas Fire Prevention Code.
 - c. If the occupant load is 100 or more, the building must have an automatic sprinkler system.
- 9. Meet the requirements of CAW.**

10. Meet the requirements of NLR Wastewater, including:

- a. Submit plans to NLRW for review and approval.
- b. Grease interceptor and sampling manhole are required
- c. Service line material shall be SDR 26 or 21 PVC.

Mr. Chambers stated the applicant met with the Development Review Committee and has agreed to all the requirements and recommendations. The Design Review Committee recommends approval.

There was no other comments from the audience.

Chairman Clifton called for a vote.

Banks	Absent	Dietz	Yes	Wallace	Yes
Belasco	Absent	Foster	Yes	White	Yes
Chambers	Yes	Phillips	Yes	Clifton	Yes

The application did not pass with (7) affirmative votes.

2. SD2021-6 Giles Addition, Block 11, Lot 9 (SPR for townhomes at 312 Parker St.)

1. Permit requirements/approvals submitted before a building permit will be issued:

- a. Pay the drainage in-lieu fee of \$5000/acre for commercial development instead of providing onsite detention.
- b. Provide sidewalks.
- c. A signed and recorded plat must be on file with the Planning Department.
- d. If applicable, Provide CNLR Grading Permit application to City Engineer with grading plans.
- e. Provide CNLR Stormwater Permit application to City Engineer with half size erosion control plan showing silt fence, storm inlet protection, and drainage details.
- f. Provide CNLR driveway/curb cut permit application to City Engineer.
- g. Prior to construction, Owner's Architect/Engineer shall submit signed construction plans and specifications (PDF format) to NLR Planning Department.

2. Meet the requirements of the City Engineer, including:

- a. Driveway radii shall be labeled and shall have 25' minimum radii and be built according to CNLR standard details (available at NLR Engineering Department).

3. Meet the requirements of Community Planning, including:

- g. Provide dumpster location or an enclosed area for 10 waste bins (5 trash + 5 recycling bins). The 10 waste bins to be equally accessible.
- h. Provide 5 parking spots (1 per unit).
- i. All exterior lighting shall be shielded and not encroach onto neighboring properties.

4. Meet the requirements of the Master Street Plan, including:

- b. Provide 5' sidewalks and ramps with green space between sidewalk and curb to ADA standards and City standards.

5. Meet the requirements of the Screening and Landscaping ordinance, including:

- k. All disturbed areas are to be sodded, fertilized, watered and mulched.
- l. Street trees to be located on the property, not the ROW.

m. Provide a continuous screen of shrubs for any landscape strip adjacent to any parking area. Shrubs shall be eighteen (18) inches in height at planting and be planted a maximum three (3) feet apart.

6. Meet the following requirements concerning signage:

b. All signs require a permit and separate review.

7. Meet the requirements of the Fire Marshal, including:

d. Provide an approved fire protection plan.

e. Must meet the requirements of the 2012 Arkansas Fire Prevention Code including:

i. Each unit extends from the foundation to the roof

ii. Dwellings shall be separated by 2-hour fire-resistance-rated wall assemblies (R302.2)

8. Meet the requirements of CAW.

9. Meet the requirements of NLR Wastewater.

Mr. Chambers stated the applicant met with the Development Review Committee and has agreed to all the requirements and recommendations. The Design Review Committee recommends approval.

There was no comment from the audience.

Chairman Clifton called for a vote.

Banks	Absent	Dietz	Yes	Wallace	Yes
Belasco	Absent	Foster	Yes	White	Yes
Chambers	Yes	Phillips	Yes	Clifton	Yes

The application passed with (7) affirmative votes.

3. SD2021-7 Grandview Place Addition, Lots 1R, 2R, 2A, 3R, & 4R (Replat of a residential subdivision on W. 52nd St.)

1. Engineering requirements before the plat will be signed:

b. Provide sidewalks or a performance bond.

2. Planning requirements before the plat will be signed:

f. Provide 10' utility easements along front property line.

g. Provide 15' sanitary sewer easement to cover the sewer mains on the property.

h. R0 zoning requires one side yard building line to be at least 10ft.

i. Provide a performance bond for 1 tree per residential lot to allow trees to be planted at the time of a building permit. Final inspection will not be approved until tree has been planted.

3. Permit requirements/approvals submitted before a building permit will be issued:

c. A signed and recorded plat must be on file with the Planning Department.

4. Meet the requirements of Community Planning, including:

j. All exterior lighting shall be shielded and not encroach onto neighboring properties.

5. Meet the requirements of the Master Street Plan, including:

c. Provide 5' sidewalks and ramps with green space between sidewalk and curb to ADA standards and City standards.

- 6. **Meet the requirements of the Screening and Landscaping ordinance, including:**
 - n. All disturbed areas are to be sodded, fertilized, watered and mulched.
- 7. **Meet the requirements of the Fire Marshal, including:**
 - f. Provide an approved fire protection plan.
- 8. **Meet the requirements of CAW.**
- 9. **Meet the requirements of NLR Wastewater, including:**
 - d. Provide 15' sanitary sewer easement to cover the sewer mains on the property.

Mr. Chambers stated the applicant met with the Development Review Committee and has agreed to all the requirements and recommendations. The Design Review Committee recommends approval.

Mr. White asked are we requiring a performance bond in place of providing sidewalks.

Mr. Spencer stated that performance bond is required because the applicant does not know the placement of the driveways yet. This is to prevent them from having to tear up a sidewalk to place a driveway.

Mr. White stated he understood.

Mr. Dietz stated that he believed it was on 22nd St. not 52nd St.

Chairman Clifton stated that is located on 52nd St.

There was no comment from the audience.

Chairman Clifton called for a vote.

Banks	Absent	Dietz	Yes	Wallace	Yes
Belasco	Absent	Foster	Yes	White	Yes
Chambers	Yes	Phillips	Yes	Clifton	Yes

The application did pass with (7) affirmative votes.

4. Rezone 2021-4 WITHDRAWN To rezone from PUD to R2 to allow for a church at 4500 N. Hills Blvd

5. Rezone 2021-4 To amend the Land Use Plan from Duplex to Single Family and to rezone from C3 to R2 to allow for a single family house at 1700 N. Olive St.

Crystal Stanfield, daughter of the owner, Betty Doris, stated that the house burned in a fire and they want to rebuild and remodel the home.

Chairman Clifton asked Shawn Spencer if all of the requirements from the Design

Review Committee were met.

Mr. Spencer confirmed.

Mr. Chambers stated that this request is reverse spot zoning. It would put R2 property in the middle of a C3 zoned area. He stated that residential property is not as valuable as commercial property. He believes one way to avoid the loss in property value is to rezone to C6. This would allow the property to stay commercial and allow for a single family home to be built. It may cause some personal expense but would save the property value.

Mr. Spencer stated that staff would not support the C6 option was considered but will not allow the proper setbacks.

There was no comment from the audience.

Chairman Clifton called for a vote.

Banks	Absent	Dietz	Yes	Wallace	Yes
Belasco	Absent	Foster	Yes	White	Yes
Chambers	Yes	Phillips	Yes	Clifton	Yes

The application did pass with (7) affirmative votes.

6. Conditional Use 2021-1 To allow minor auto repair in a Commercial- Levy zone located at 3400 Camp Robinson Rd.

Ahmed “Tony” Alshuga stated his request.

Chairman Clifton asked the applicant if they agreed with all of the conditions provided by the Design Review Committee.

Tony confirmed that he did agree.

Chairman Clifton stated that there was much communication on the request. He asked staff if there was any opposition to the application.

Mr. Spencer stated that the only opposition was that tire sales are not allowed in the Levy overlay district. He stated that he is not able to take City Council action to remove this restriction. He stated that it would take an alderman or council member to sponsor the application.

Chairman Clifton asked if Conditional Use goes with the property.

Mr. Spencer confirmed.

Chairman Clifton said the leasee/ lessor have an agreement for assessment after 3 years.

Mr. Spencer confirmed.

Chairman Clifton asked if it is a Conditional Use even if he isn't able to renegotiate his lease the Conditional Use will still stay with the property.

Mr. Spencer confirmed. He stated that this was the only reasonable option because you cannot apply for a Special Use in an overlay district. He stated that if the requirements and conditions are not met elected officials may withdraw the Conditional Use if needed.

Mr. Chambers stated that one of the requirements is no outside vehicles allowed overnight. He said the next application is requesting to allow up to 6 vehicles overnight. He stated that it is only located 2 blocks away. He stated that the applicant cannot help it if someone drops off their car overnight or over the weekend and calls in the morning and ask them to fix it.

Tony stated that he does not intent to have any cars parked at the location overnight.

Mr. Chambers stated that even with the intention of not having overnight storage of vehicles if someone did drop off their vehicle then potentially the applicant could receive a citation. He asked if there is a revision that could be made.

Tony stated that when a car breaks down he will go to them so they don't leave their car overnight.

Chairman Clifton stated that Code Enforcement is pretty lenient when it comes to those type of things. He doesn't believe that would cause any issues.

Mr. Foster stated that this location is the front door of Levy. He stated that he received a call in opposition of this application due to the location being at the front door of Levy. He stated that lots of people have worked hard to set up the overlay district. He asked the applicant if they or the property owner have any plans of improving the look of the property to make it presentable.

Tony stated that he will not leave anything outside and will keep everything clean.

Mr. Foster asked if there are any plans to remove the outdoor canopy on the property.

Brian Ashley, property owner, stated that they do not plan to destruct the canopy but do plan on painting it to make it look nicer. He stated that the tanks have been there for over 50 years. He stated that the applicant has offered more rent than they have been offered in several years. He stated that it would be a 3 year nonextendable lease. He stated that he plans of using the rent money over the next three years to improve the entire property.

Mr. Foster asked who would be responsible for painting.

The owner stated that the applicant would be responsible for painting.

Mr. White stated that this property has been an eyesore for several years. He stated there was nothing that could be done about it until now. He doesn't believe we should create another problem when Levy is trying come up with a plan to upgrade the area. He believes approval of this request would set Levy back another 3 years.

Mr. Chambers told Mr. Foster that they could add a condition requiring the property to be maintained at all times.

Mr. Foster stated that he understood but believes that it would be subjective to opinion. He stated it is hard for the City to enforce.

Chairman Clifton asked for any other comments from the audience.

Robert Cagle, 5200 Allen St., stated that he is a Levy resident. He asked if we would give Levy a chance.

There was no comment from the audience.

Chairman Clifton called for a vote.

Banks	Absent	Dietz	No	Wallace	No
Belasco	Absent	Foster	No	White	No
Chambers	No	Phillips	No	Clifton	No

The application did not pass with (0) affirmative votes.

7. Conditional Use 2021-2 To amend a conditional use request for light auto repair and service in a Commercial- Levy zone by allowing six vehicles to be parked outside overnight instead of zero located at 3504 Schaer St.

Chairman Clifton stated that when this use was permitted it was agreed that zero cars would be parked overnight. He stated that over the years the business has evolved and now needs outdoor parking. He asked what made the applicant decide to apply for this amendment.

Seth Bowman stated that he is representing William Timmons on the application. He stated that they received a citation a year ago that is causing them to go through this process.

Mr. Spencer stated that this issue has been to court and the judge sent the applicant to go through this process. He asked that applicant if that is correct.

Mr. Bowman stated that they are going through this process voluntarily.

Mr. Spencer stated that they are trying to go through this process to do it correctly. He stated that the previous owner Mr. Tolliver ran it properly without cars outside. The new operator is lease to own and needs parking overnight.

Chairman Clifton asked for any other comments from the audience.

Sam Emmerling, 909 W 35th St. and 900 W 36th St., stated that he has invested nearly half a million dollars in 10 years in this area. He stated that he is concerned with the possibility of trash collecting between the buildings. He said he has put fences up to keep people from going back on the building at 900 W 36th St. He wants to put up a fence between the two buildings where the applicant is proposing to park in the front. He is also concerned with the four white cars shown in the picture that are there most of the time. He asked if the applicant was requesting side or front parking. He said the cars impede the dumpster access so the driver has to drive over his concrete and it busts it. He stated that he is not opposed but would it include parking on the side. He stated that he does not have any vehicles except clients that park on the front at night due to running a business at night. He stated that he is trying to clean up the area.

Mr. Chambers asked if the white cars were on the property 8am to 5pm or all of the time.

Mr. Emmerling stated that he was not sure the exact timing of the vehicles but they were on the property most of the time. In the front they are adamant about not having cars in the front at night but there are cars on the side of the building at night.

Mr. Bowman stated that the applicant is willing to limit the request to the west of the front door to eliminate any problems with the access to the dumpster for Mr. Emmerling.

Mr. Timmons stated that during the daytime customers park in the front and the employees park on the side. He stated that two of the white cars are his employee's vehicles.

Chairman Clifton asked who owned the other two vehicles.

Mr. Timmons stated that they were cars that needed to be fixed.

Chairman Clifton asked for confirmation that the request if for 6 total cars to be allowed on the lot overnight.

Mr. Bowman confirmed and added that he is fine with parking being only allowed west of the front door of the Discount Auto to alleviate any concerns or interferences for Mr. Emmerling.

Mr. Chambers stated that he believes they are two good neighbors, that if they work together on the access the dumpster, he believes it come out right for both parties.

Mr. Bowman stated that they not previously met but will be exchanging contact information with Mr. Emmerling.

Mr. Foster asked Mr. Spencer if there should not be more than 6 cars during this application process.

Mr. Spencer stated that since day one there were zero cars allowed overnight.

Mr. Foster asked how long that has been.

Mr. Bowman stated 12 years.

Mr. Foster stated that he has previously driven by this property and there were 18 or 20 cars at a time. Also, he just left from down there and there were close to 25 cars there. He asked the applicant why they are asking for an exception to the rules when they cannot abide by the rules that are already in place and they are not abiding by them. He stated that the City does the best they can to enforce the rules but they can only do so much with the manpower and workload provided.

Mr. Dietz stated that he has a problem telling the previous applicants that he couldn't park any cars and telling this one yes they can park six cars. He stated that when he went by this place there were at least 10 cars.

Mr. Chambers stated that at the Design Review Committee meeting the applicant stated that the main problem was that they leave at 5pm on Friday and they come back and there are cars there that were left on the property by potential clients overnight and over the weekend.

Mr. Bowman stated that they can fit 19 to 20 vehicles inside the lot. He stated that this request is in reference to the hours which are 7am to 7pm and abbreviated schedule on Saturday. He stated that when the original rules were set by the Levy improvement district they were not specific. He said the previous owner, Mr. Tolliver, the original owner, was not busy enough to need this request. He stated that he is doing his best to go about this appropriately.

Chairman Clifton asked the applicant if they agreed to all of the recommendations from the Design Review Committee.

Mr. Timmons agreed.

Robert Cagle stated that there are usually 15 to 20 cars at this location. He stated that when the old fire station is torn down this location would become the front of Levy. He asked for the condition to stay as zero cars being allowed overnight.

Mr. White stated no matter the decision he doesn't believe the rules will be followed. He asked that the condition be held to zero cars allowed at night. He said that Code Enforcement is not out at night to enforce the six cars limit. He is concerned that the applicant has past violations. He asked that staff request Code to check this location for compliance. He is concerned that they are

asking for the allowance of six vehicles when they already have over 10 to 20 cars out there. Also, he stated that is concerning that the violation was given over a year ago and the applicant is just now addressing the issue.

Mr. Chamber asked the applicant if they would consider changing the request to limit it to three cars allowed overnight.

Mr. Bowman stated that three is better than zero but he is just trying to comply.

Mr. Chambers stated that he is trying to find a compromise.

Mr. Bowman stated that he originally had the request at 10 cars but lowered it to six. He would rather it go forward with six because that is the realistic number.

Mr. White added that this type of business with vehicles outside overnight would invite crime.

There was no comment from the audience.

Chairman Clifton called for a vote.

Banks	Absent	Dietz	No	Wallace	No
Belasco	Absent	Foster	No	White	No
Chambers	Yes	Phillips	Yes	Clifton	Yes

The application did not pass with (3) affirmative votes.

8. Conditional Use 2021-4 To allow a Tattoo Studio in a C3 zone at 2323 N. Poplar St.

Matthew O'baugh stated his request.

Chairman Clifton asked if he agreed with all of the conditions from the Design Review Committee.

Mr. O'baugh agreed.

Chairman Clifton asked for any comments from the audience.

Sadie Williams, NLR School District, stated that he would like to request that the applicant be required to perform background checks on all employees to make sure no one with a child abuse conviction is allowed to work at this location due to the location being adjacent to a student parking lot. He stated that he had spoken to Mr. O'baugh's wife and she stated that it would not be a problem for them to perform background checks.

Mr. Chambers stated that he doesn't know how to word that condition.

Chairman Clifton asked Ms. Lee, City Attorney, for advice.

Elaine Lee, City Attorney, stated that they should add the wording to include the restriction of anyone who has any conviction limiting distance to a school district or any other prohibited place because there may be another place nearby like this that the person would be prohibited from as well.

Mr. O'baugh asked if this was also a requirement for all other businesses in the area.

Chairman Clifton stated that he was no sure but this board has the right to add conditions to an application before it is approved but the applicant has the right to take the application to City Council and ask for the condition to be removed.

Mr. Foster stated that the applicant asked if there were any other businesses in the area with this requirement.

Mr. Spencer stated that it is a requirement for all daycares and such to perform background checks at the time of employment.

Chairman Clifton asked if the City Attorney's office could word the condition in a way that satisfies the intent of the commission.

Mr. O'baugh stated that no one under the age of 18 is allowed in his business.

Mr. Foster asked if it was state law that no one under 18 enter his business.

Mr. O'baugh stated it was not state law. He added that minors allowed with a parent present with both ID and birth certificate.

Chairman Clifton stated that he does not want to limit the applicant on being able to run their business.

Mr. Chambers asked Mr. Williams if it was a proximity issue or an age issue.

Mr. White stated it is a proximity issue.

Mr. Chambers stated that if you have been convicted of that type of crime, you already have a limitation on the distance you may come to a school.

Ms. Lee stated that this has a lot to do with personal responsibility for the convicted offender. She asked if there was an agreement between the school district and tattoo shop.

Mr. Williams stated that there was not an agreement. He stated that the school district has the capability to do the background checks and are willing to help in that aspects.

Mr. Chambers stated that sex offenders have a personal responsibility to maintain their distance from schools.

Ms. Lee stated that she would like to do more research before we put a condition like this on the application.

Mr. Chambers stated that this request to require background checks is not to restrict his hiring process, rather to make him aware of who he is hiring. He stated that due to the proximity of the NLRSD, background checks would not restrict his right to do business rather it would make him aware.

Ms. Lee said she believes that is fine.

Mr. Foster asked if Rick's Dive Shop or any other businesses in the area were required to do background checks.

Mr. Williams stated that he is not sure but he is only asking them to do background checks to protect the minors.

Mr. Foster stated that it is starting to be an issue of picking on the applicant.

Mr. Williams stated that the school even restricts entry to football games.

Mr. Foster stated that he is not comfortable with placing this condition on the application. He said there are already laws in place to protect this concern. He stated that he believes they are both good neighbors, with good report. He believes that they can work together to lessen this concern.

Mr. Chambers stated that they could put a condition but he also believes it could be self-fixing.

Mr. Williams stated that requiring a person with a record for breaking the law to report themselves is not a very trustworthy solution.

Mr. Foster asked if the condition would go with the property.

Mr. Spencer stated it applies to only the use. He stated that there is a state law prohibiting sex offender from coming within 500 feet of a school.

Ms. Lee stated she believes this condition is a large request for this application but she does not want to diminish the concerns of the school district.

Mr. White stated that there are state laws to protect the schools and whether they are enforced is up to the police and judges. He doesn't believe it is this board's place to put this type of condition on the application. He stated he agrees with Mr. Foster on this issue.

There was no comment from the audience.

Chairman Clifton called for a vote.

Banks	Absent	Dietz	Yes	Wallace	Yes
Belasco	Absent	Foster	Yes	White	Yes
Chambers	Yes	Phillips	Yes	Clifton	Yes

The application did pass with (7) affirmative votes.

9. Special Use 2021-5 To allow a Sheet Metal Fabrication business with outdoor storage in a C4 zone at 3609 MacArthur Dr.

Mr. Spencer reminded the commissioners to mute their mics when they are not talking.

Chairman Clifton stated that this business has been operating at this location for many years.

Mr. Spencer stated that the applicant came to get a business license at which time the zoning was checked. He stated that outdoor storage is not allowed at this location unless it is fenced in.

Chairman Clifton asked that applicant if they agreed to all of the conditions from the design review committee.

James Harper agreed and stated that he has included a drawing for a proposed fence.

There was no comment from the audience.

Chairman Clifton called for a vote.

Banks	Absent	Dietz	Yes	Wallace	Yes
Belasco	Absent	Foster	Yes	White	Yes
Chambers	Yes	Phillips	Yes	Clifton	Yes

The application did pass with (7) affirmative votes.

10. Special Use 2021-6 **POSTPONED To allow a Community Center for youth in a C1 zone at 5301 Summertree Dr.**

Public Comments/Adjournment:

There was no public comment.

The meeting was adjourned at 5:06pm

Respectfully submitted,

Tim Reavis, Planning