

**North Little Rock Planning Commission
Regular Meeting
September 14, 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:

Banks
Belasco
Chambers
Clifton, Chairman
Deitz
Foster
Phillips
Wallace
White, Vice- Chairman

Members Absent:

Staff Present:

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

Approval of Minutes:

A motion was made by Don Chambers and seconded by Charlie Foster to approve the August meeting minutes as presented. The motion passed unanimously.

Administrative:

Item #5 has been withdrawn
Item #6 will be heard last

Planning Commission items:

SD2021-39

McCain Mall, Lot 2CP (Replat and SPR of a restaurant at 3229 McCain Blvd)

- 1. Engineering requirements before the plat will be signed:**
 - a. Pay the drainage in-lieu fee of \$5000/acre for the increase of impervious surfaces.
 - b. Provide ½ street improvements or a performance bond.
 - c. Sidewalk location to be approved by City Engineer
- 2. Planning requirements before the plat will be signed:**
 - a. Provide 40' front yard setback along McCain Blvd.
 - b. Provide access easement on plat as shown.
 - c. Provide 10' utility easements around property perimeter as shown.
 - d. Provide a fifteen (15') foot wide exclusive sanitary sewer easement, centered over existing sanitary sewer main.
 - e. 10' underground existing electrical easement to be abandoned by City Council
- 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 dumpster location.
 - c. Dumpster to have masonry screening.
 - d. Masonry screen to be at least 5' from the property line.
 - 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. Provide 5' sidewalks and ramps with a minimum of 5' green space between sidewalk and curb to ADA standards and City standards.
 - b. Provide ½ street improvements.
- 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 (6) street trees along McCain as shown.
 - d. Provide (6) parking lot shade trees. Crepe Myrtles don't count.
 - e. Parking lot shade trees must be located within the parking lot or a maximum distance of 10' from the edge of the parking lot.
 - f. 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.
 - g. 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.
 - h. Provide 6 foot front yard landscape strip between property line and paving.

- i. 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 including:
 - Provide a fire safety and evacuation plan (Volume 1 Section 404)
 - Shall have 20' wide Fire Apparatus access road to within 150' of any portion of the building that will support 85,000 lbs. (Volume 1 Section 503.1, Appendix D, NLR Ordinance 9267)
 - Type A-2 occupancies with a fire area exceeding 5000 square feet or an occupant load of 100 or more require a sprinkler system. (Volume 1 Section 903.2.1.2)
- 9. Meet the requirements of CAW, including:**
 - a. All CAW requirements in effect at the time of request for water service must be met.
 - b. Please submit plans for water facilities and/or fire protection system to Central Arkansas Water for review. Plan revisions may be required after additional review. Contact Central Arkansas Water regarding procedures for installation of water facilities and/or fire service.
 - c. Approval of plans by the Arkansas Department of Health Engineering Division and North Little Rock Fire Department is required.
 - d. If there are facilities that need to be adjusted and/or relocated, contact Central Arkansas Water. That work would be done at the expense of the developer.
 - e. The facilities on-site will be private. When meters are planned off private lines, private facilities shall be installed to Central Arkansas Water's material and construction specifications and installation will be inspected by an engineer, licensed to practice in the State of Arkansas. Execution of Customer Owned Line Agreement is required.
- 10. Meet the requirements of NLR Wastewater, including:**
 - a. Require full set of plumbing and site plans for review.
 - b. Grease interceptor required.
 - c. Provide a fifteen (15') foot wide exclusive sanitary sewer easement, centered over existing sanitary sewer main.

Mr. Chambers stated that the applicant was present at the Design Review committee meeting and agree to all the items. The Design Review Committee recommends approval.

There were no comments.

Chairman Clifton asked for a roll call to vote.

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

The application passed 8 yes, 1 absent.

2. SD2021-40 City Grove Townhomes (Replat at 400 Maple St.)

1. **Development restricted to what was approved as part of the PUD zoning for the property as established by ordinance number 8441.**
2. **Provide a certificate of appropriateness from the Historic District.**
3. **Engineering requirements before the plat will be signed:**
 - a. Pay the drainage in-lieu fee of \$500/acre for residential development instead of providing onsite detention.
4. **Planning requirements before the plat will be signed:**
 - f. Provide access easement for shared driveways.
 - g. Provide a certificate on the plat for Municipal Property Owners' Improvement District No. 28.
 - h. Before the Planning Commission meeting, provide an updated Bill of Assurance that does not prevent the property from being replatted.
5. **Meet the requirements of Community Planning, including:**
 - g. Provide the standard requirements of Zoning and Development Regulations.
6. **Meet the requirements of the Master Street Plan, including:**
 - a. Sidewalks along Maple St. are existing.
7. **Meet the requirements of the Fire Marshal, including:**
 - c. Meet the requirements of the 2012 Arkansas Fire Prevention Code including:
 - Townhouse: A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with open space on at least two sides. (Volume 1 Chapter 2).
 - If there are dwellings above other dwellings the buildings shall be sprinklered. (Volume 1 Section 903.2.8, 903.3) or If each dwelling unit extends from the foundation to the roof they will be separated by 1 hour fire resistance rated walls. (Volume 3 Section R302.2)
8. **Meet the requirements of CAW, including:**
 - f. All CAW requirements in effect at the time of request for water service must be met.
 - g. If there are facilities that need to be adjusted and/or relocated, contact CAW. That work will be done at the expense of the developer.
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. There were no additional comments from Commissioners or the audience.

Chairman Clifton asked for a roll call to vote.

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

The application passed 8 yes, 1 absent.

3. Special Use #2021-17 To allow four shipping containers to be used for conducting business in a C6 zone at 2 Esplanade Dr.

Thomas Pownall of Thomas Engineering was present as was Blake Jackson, the developer.

Mr. Pownall stated they agreed to the conditions listed in the special use request as well as the requirements for the site plan review.

Sci Hoahwah speaking on behalf of family members who own the property at 2003 River Rd. adjacent to the development. He asked if the containers would be permanent. Mr. Chambers said yes.

Mr. Hoahwah was shown an architectural rendering of the proposal.

Mr. Foster asked for clarification on which property Mr. Hoahwah owns.

Mr. Hoahwah said this would open the door to other containers in the area.

Mr. Chamber asked if NLR has an ordinance that governs shipping containers.

Mr. Spencer said that the containers must meet all building codes if it used as a habitable space.

Mr. Chamber said this may be a precedent by allowing this proposed use in a shipping container.

Mr. Foster asked if the applicant would consider installing a bike lane in front of the business.

Mr. Pownall stated they had moved on from that option.

Mr. Foster asked if the City would oppose the applicant installing a bike lane.

Mr. Spencer said they could check with the City Engineer.

Mr. Foster asked Mr. Jackson if the City Engineer was OK with the installation of a bike lane, would they commit to installing one as part of this development.

Mr. Jackson stated that there is a bike trail on the south side of the road. The street detail should not change from phase 1 and phase 2. They are not willing to commit to installing a bike lane in front of the property.

Mr. Chambers made a motion to approve the special use with the conditions. Mr. Wallace seconded.

Mr. White questioned if the Commission really wanted shipping containers in this area.

Chairman Clifton asked for a roll call to vote with conditions.

1. Meet the requirements of Site Plan Review.

2. Converted shipping containers located on the lot shall meet all applicable Federal, State, County and City requirements and codes.
3. Business license to be issued after Planning Staff confirmation of requirements.
4. 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.

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

The application was approved with 7 affirmative votes, 2 no votes.

4. SD2021-41 Esplanade Subdivision, Lot 3 (Preliminary plat and SPR at 2 Esplanade Dr.)

- 1. Provide an approved special use ordinance from City Council.**
- 2. Engineering requirements before the plat will be signed:**
 - a. Detention for this lot was accounted for in phase 2.
 - b. Provide ½ street improvements (street, drainage, curb and gutter, sidewalk, street lights) or a performance bond.
 - c. Street improvements must be approved by City Engineer and accepted by City Council.
- 3. Planning requirements before the plat will be signed:**
 - a. Provide 10’ utility easement along River Rd. 5’ easement along Esplanade Circle and west property line.
 - b. Provide a 15’ wide exclusive sanitary sewer easement, centered over sanitary sewer main shown.
 - c. Provide a letter from a structural engineer for each of the containers. The letter should state the container is structurally sound and meets all City adopted codes.
- 4. Permit requirements/approvals submitted before a permit will be issued:**
 - a. A signed and recorded plat must be on file with the Planning Department.
 - b. City Engineer to approve crosswalk layout.
 - c. Prior to construction, Owner’s Engineer shall submit stormwater design report for review and approval by the City Engineer. Stormwater plans and detention calculations are to be approved by City Engineer and a written approval provided to Planning Department. Drainage submittal shall include, as a minimum, the following:
 - i. Proposed pipe material specifications.
 - ii. Proposed trench and bedding details, materials and specifications.
 - d. Provide CNLR Stormwater Permit application to City Engineer with half size erosion control plan showing silt fence, storm inlet protection, and drainage details.
 - e. Provide CNLR Floodplain Development Permit application to City Engineer.
 - f. Provide copy of Arkansas Department of Environmental Quality (ADEQ) Stormwater Permit to City Engineer.

- g. Prior to construction, Owner's Architect/Engineer shall submit signed construction plans and specifications (PDF format) to NLR Planning Department.
- h. Prior to construction, Owner's Architect/Engineer shall submit digital maps for all stormwater drainage features in an ArcGIS or AutoCAD file to the City Engineer. The digital maps shall be natively in State Plane coordinate system, Arkansas North Zone, North American Datum 1983, units as feet; or the map must have sufficient points for georeferencing. The associated attribute data table from the submitted file shall match the fields contained within the "SW Attribute Data Entry Template.xlsx" as provided by City Engineering Department. All Control, Linear, and Junction map features will be annotated by a unique identifier that will correspond to the same unique identifier in the "SW Attribute Data Entry Template.xlsx" or GIS attribute table. Data for each attribute column in the "SW Attributed Data Entry Template.xlsx" file shall be chosen from the drop-down options of each cell, or chosen as "Other" (if not listed) and described in the comments field. At the completion of the project, As-Builts of these shapefiles in ArcGIS or AutoCAD format, along with associated attribute data table, shall be submitted to the City Engineer.

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

- a. Prior to any excavation/street cuts within street ROW, provide CNLR Excavation Permit to City Engineer and Barricade Plan Permit to NLR Traffic Services.
- b. Contractor shall notify City Engineer at least 1 day prior to the construction of all stormwater pipes and inlet structures within City ROW.
- c. At the end of construction, Owner/Developer shall have a Professional Engineer, licensed in the State of Arkansas, certify that all street and stormwater improvements in conjunction with this subdivision and/or the proposed development have been inspected and constructed in accordance with the approved plans and meet all City of North Little Rocks Standard Specifications.
- d. If the proposed subdivision/development is located in a FEMA designated floodplain, the first floors of any structure or house are to be a minimum of 1' above the 100-Year Base Flood Elevation (BFE). At the completion of the project, submit Elevation Certificate to City Engineer.
- e. If the proposed subdivision/development is located in a FEMA designated floodplain, submit Letter of Map Revision Based on Fill (LOMR-F) at end of project and provide a copy of FEMA approval to City Engineer.

6. Meet the requirements of Community Planning, including:

- a. Provide the standard requirements of Zoning and Development Regulations.
- b. Allow 42" tall front yard fence as shown. A separate permit is required.
- c. Allow 42" tall brick wall at SE corner of the property around the stage. A separate permit is required.
- d. Dumpster to have masonry screening.
- e. Vertical storage container used as a sign is not included in this review.
- f. All exterior lighting shall be shielded and not encroach onto neighboring properties.
- g. Restroom container to be accessible by all other containers.
- h. A maximum of one food truck is allowed on the property.

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

- a. Provide 5' sidewalks and ramps with a minimum of 5' green space between sidewalk and curb to ADA standards and City standards to the end of the property along Esplanade Circle.
 - b. Provide ½ street improvements.
 - c. Provide half of 50' ROW.
- 8. 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 along River Road.
 - d. Provide 6 street trees along Esplanade Circle.
 - e. Provide 2 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.
- 9. Meet the following requirements concerning signage:**
- a. All signs require a permit and separate review.
- 10. 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 including:
 - There shall be a fire hydrant within 400' of any portion of an unsprinklered project. (Volume 1 Section 507.5.1)
 - Shall have 20' wide Fire Apparatus access road to within 150' of any portion of the project that will support 85,000 lbs. (Volume 1 Section 503.1, Appendix D, NLR Ordinance 9267)
- 11. Meet the requirements of CAW, including:**
- a. All CAW requirements in effect at the time of request for water service must be met.
 - b. If there are facilities that need to be adjusted and/or relocated, contact CAW. That work will be done at the expense of the developer.
- 12. Meet the requirements of NLR Wastewater, including:**
- a. Require full set of plumbing and site plans for review.
 - b. Grease interceptor required if food service permit exists.
 - c. Provide a fifteen (15') foot wide exclusive sanitary sewer easement, centered over sanitary sewer main shown.

Mr. Chambers stated that the applicant met with the Design Review Committee and agreed to all the requirements. The Committee recommends approval. Commissioner Belasco seconded the motion.

There were no further comments.

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

The application was approved with 7 affirmative votes, 2 no votes.

Mr. Foster clarified that he voted no due to safety concerns for the bicycle community.

5. Conditional Use #2021-9 withdrawn - To allow a modular home in R3 at 914 F St.

6. Conditional Use #2021-11 To allow a warehouse with outdoor storage at 901 Judi Dr.

Thomas Pownall of Thomas Engineering was present representing the applicant. He agrees to the conditions.

Mr. Reavis stated that no comments from the surrounding property owners had been received.

There were no further comments.

Mr. Chambers moved for approval with conditions.

Conditions:

1. Outdoor storage restricted to only the rear yard and the northern side yard as shown on drawing.
2. Outdoor materials allowed to be stored up to a maximum height of 8 feet.
3. Provide trees every 20 feet on the north side of the property beginning at the front building line extending to the end of the outdoor storage area.
4. Any structures located on the lot shall meet all applicable Federal, State, County and City requirements and codes.
5. Business license to be issued after Planning Staff confirmation of requirements.
6. Business license holder 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 Clifton asked for a roll call to vote.

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

The application passed with 9 yes votes.

7. Conditional Use #2021-10 To allow an accessory dwelling unit at 3123 N. Olive St.

Laura Grenard, daughter of the applicant, was present representing her mother.

Mr. Clifton asked if there had been any changes since the Design Review Meeting.

Ms. Grenard stated that the addition to the dwelling is no longer over the setback line.

Mr. Spencer clarified that the addition is in compliance, but the original building is not behind the setback line.

There were no comments from anyone in the audience.

Mr. Chambers stated he didn't think this would be a setting a precedent because developments from time to time encroach on the building line.

Mr. Spencer stated that in this particular situation the zoning ordinance explicitly defines the conditions of accessory dwelling units.

Mr. Spencer stated that the ordinance does not address whether or not it is a rental unit.

Mr. Foster asked if anyone had called in opposition.

Mr. Spencer stated the calls received were inquiry calls, not opposition calls.

Chairman Clifton called for a vote on the application with conditions:

1. Building Codes: meet all residential building codes listed in Chapter 4, Section 1.1.1 of the North Little Rock Municipal Code.
2. Zoning Districts: only be permitted within R1, R2, R3, and R4 Zoning Districts.
3. Existing Dwelling: only be permitted on a platted lot with one (1) existing owner occupied single family dwelling.
4. Lot Size: only be permitted on platted lots of nine thousand (9,000) square feet or greater.
5. Location: be located in the rear yard of the platted lot.
6. Setbacks: be located ten (10) feet from any other structure or property line.
7. Lot Coverage: be limited to no more than fifty (50) percent lot coverage of the rear yard buildable area.
8. Construction Limitation: only be permitted within a single-story structure designed and constructed for the intended use as an accessory dwelling unit and must contain kitchen and bath facilities to facilitate habitation independent from the principal building.
9. Maximum Occupancy: be limited to an occupancy of one (1) family.
10. Number Allowed: be limited to one (1) accessory dwelling unit per platted lot.
11. Parking: provide one (1) off-street parking space that is located adjacent and abutting to the existing required parking area for the owner occupied single-family dwelling.
12. Utilities: require gas, water and electric utilities to be metered with the owner occupied single family dwelling.

13. All structures located on the lot shall meet all applicable Federal, State, County and City requirements and codes.

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

The application passed 8 yes, 1 no.

Public Comments/Adjournment:

Chairman Clifton adjourned the meeting at 4:35pm.