R-23-58

RESOLUTION NO. _____

A RESOLUTION REVERSING THE PLANNING COMMISSION'S DENIAL OF A REPLAT AND SITE PLAN FOR PROPERTY LOCATED AT 412 PARKER STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES.

WHEREAS, on March 14, 2023, the North Little Rock Planning Commission considered an application for a replat and site plan review for 28 townhomes located at 412 Parker Street in the City of North Little Rock, Arkansas (see Planning staff's write-up for the item attached hereto as Exhibit A; the proposed replat attached hereto as Exhibit B, and the proposed site plan attached hereto as Exhibit C); and

WHEREAS, the application was previously reviewed by the Design Review Committee on February 22, 2023, and the Design Review Committee determined that the proposed development met the minimum requirements of the zoning ordinance, the subdivision ordinance, and the master street plan; and

WHEREAS, after hearing objections from a resident in the area, the Planning Commission voted not to approve the application; and

WHEREAS, the Arkansas Supreme Court has held that when a subdivision application meets the minimum requirements of a City's zoning, subdivision, and master street plan ordinances, the Planning Commission does not have the discretion to deny the application; and

WHEREAS, the developer filed a timely notice of appeal with the Planning Department pursuant to Section 10.8 of the Subdivision Ordinance (Ordinance No. 7946); and

WHEREAS, the Planning Department has submitted a written report as required by Section 10.8 of the Subdivision Ordinance setting forth the facts and circumstances of the case and the decision of the Planning Commission (report attached as Exhibit D); and

WHEREAS, notice has been sent to surrounding property owners, and a legal advertisement of notice of a public hearing to be held on March 27, 2023 at 6:00 p.m. has been placed in the newspaper.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That the City Council has considered the appeal of the Planning Commission's denial of the application for a replat and site plan approval for property located at 412 Parker Street, North Little Rock, Arkansas, and more particularly described as

Lot A, Block 9, Giles Addition to the City of North Little Rock Pulaski County, Arkansas

SECTION 2: That the City Council finds that the application and the site plan meet the minimum requirements of the zoning, subdivision, and master street plan ordinances and that the decision of the Planning Commission was made in error.

SECTION 3: That the decision of the Planning Commission is hereby REVERSED and the replat of the property and the site plan is hereby approved effective immediately, subject to the conditions outlined in Exhibit A.

SECTION 4: That this Resolution shall be in full force and effect from and after its passage and approval.

PASSED:

APPROVED:

Mayor Terry C. Hartwick

SPONSOR:

Council Member Maurice Taylor

ATTEST:

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/ABF

FILED 10:50 A.M. _____ P.M.
By A. Fields
DATE 3-21-23

Diane Whitbey, City Clerk and Collector
North Little Rock, Arkansas

RECEIVED BY S Ussery

Item # 17
SD2023-24 Giles Add, Lot A, Blk 9 (Replat & SPR for 28 townhomes @ 412 Parker St)

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1. **The property is zoned C6 which requires a front setback of zero. Revise the plan to "pull the buildings up to the ROW" on W 4th, W 7th and Parker Streets.**

2. **Driveway radii shall be labeled and shall have 20' minimum radii and be built according to CNLR standard details (available at NLR Engineering Department). The current design shows driveway radii of less than 20'.**

3. **Engineering requirements on detention:**
   a. Provide on-site stormwater detention as well as clear calculations showing that detention volume is sufficient or pay in-lieu fee.

4. **Engineering requirements before the plat will be signed:**
   a. Provide ½ street improvements (street, drainage, curb and gutter, sidewalk, streetlights) or a performance bond.
   b. Provide ROW dedication on W 4th St of 5' as shown on the plat.
   c. Street improvements must be approved by City Engineer and accepted by City Council.
   d. Provide 20' property line corner radius.
   e. Show and label boundary of detention area as a drainage easement, if applicable.

5. **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. 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.
   c. Provide CNLR Stormwater Permit application to City Engineer with half size erosion control plan showing silt fence, storm inlet protection, and drainage details.
   d. Provide CNLR driveway/curb cut permit application to City Engineer if applicable.
   e. Provide copy of Arkansas Department of Health approval for water and sewer facilities to NLR Planning Department if an extension of a main is required.
   f. Prior to construction, Owner's Architect/Engineer shall submit signed construction plans and specifications (PDF format) to NLR Planning Department.
   g. 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.

EXHIBIT
A

6. **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. Driveways shall not be closer than 40' to adjoining streets or 10' from adjoining property lines.
   e. Spacing between proposed commercial/industrial driveways shall not be closer than 40'.
   f. Driveway widths shall be labeled and shall be 10' minimum to 40' maximum.
   g. All driveways are to be concrete within the ROW.

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.
   b. Repair or replace any curb and gutter or sidewalk damaged in the public right-of-way with the issuance of a building permit.
   c. Provide ½ street improvements to all abutting streets as required by the City Engineer.
   d. Provide ROW dedication on W 4th St of 5' as shown on the plat.
   e. A 20' radial dedication of ROW is required at the intersection of W 4th & Parker Streets & W 7th & Parker Streets.

8. **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.

9. **Meet the requirements of Community Planning, including:**
   a. Provide the standard requirements of Zoning and Development Regulations.
   b. Dumpster(s) to have masonry screening on three sides and an opaque gate.
   c. No fence is to be located in front of the buildings.
   d. Curb and gutter required on all parking lots. Show or label on drawing.
   e. Wheel stops shall be required when parking areas abut sidewalks, landscaped areas or pedestrian areas. Show or label on drawing.
   f. All exterior lighting shall be shielded and not encroach onto neighboring properties.

10. **Meet the requirements of the Screening and Landscaping ordinance, including:**
   a. All disturbed areas are to be sodded, fertilized, watered and mulched.
   b. Any new site development must comply with the City's minimal landscape and buffer ordinance requirements.
   c. Provide (23) street trees as shown.
   d. Provide (8) parking lot shade trees. Trees 10' feet from the edge of parking area may serve for the parking lot shading requirements.
   e. Provide a continuous row of shrubs around parking areas.
   f. Note turf, groundcover, or mulch (species or type) on the development plan.

11. Meet the following requirements concerning signage:

a. All signs require a permit and separate review.

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

a. Meet the requirements of the 2021 Arkansas Fire Prevention Code including:
   i. 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 a yard or public way on at least two sides.
   ii. If there are dwellings above other dwellings the buildings shall be sprinklered. (Volume 2 Section 903.2.8, 903.3)
   iii. If each dwelling unit extends from the foundation to the roof they will be separated by fire resistance rated walls in accordance with R302.2.
   iv. Fire Apparatus access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of the building. (Volume 1 Section 503.1.1)
   v. Fire Apparatus access roads shall have an unobstructed width of not less than 20 feet. (Volume 1 Section 503.2.1)
b. Fire Apparatus access roads will support 85,000 lbs. (NLR Ordinance 9267)
c. Alley to be improved to City Engineer and Fire Marshal specifications.

13. Meet the requirements of CAW, including:

a. Submit plans for water facilities and/or fire protection system to Central Arkansas Water for review. Plan revisions may be required after additional review.
b. Contact Central Arkansas Water regarding procedures for installation of water facilities and/or fire service. Approval of plans by the Arkansas Department of Health Engineering Division and North Little Rock Fire Department is required.

14. Meet the requirements of NLR Wastewater, including:

a. Provide flow projections for the proposed development.
b. Submit a full set of plans to NLRW for review and approval prior to construction.

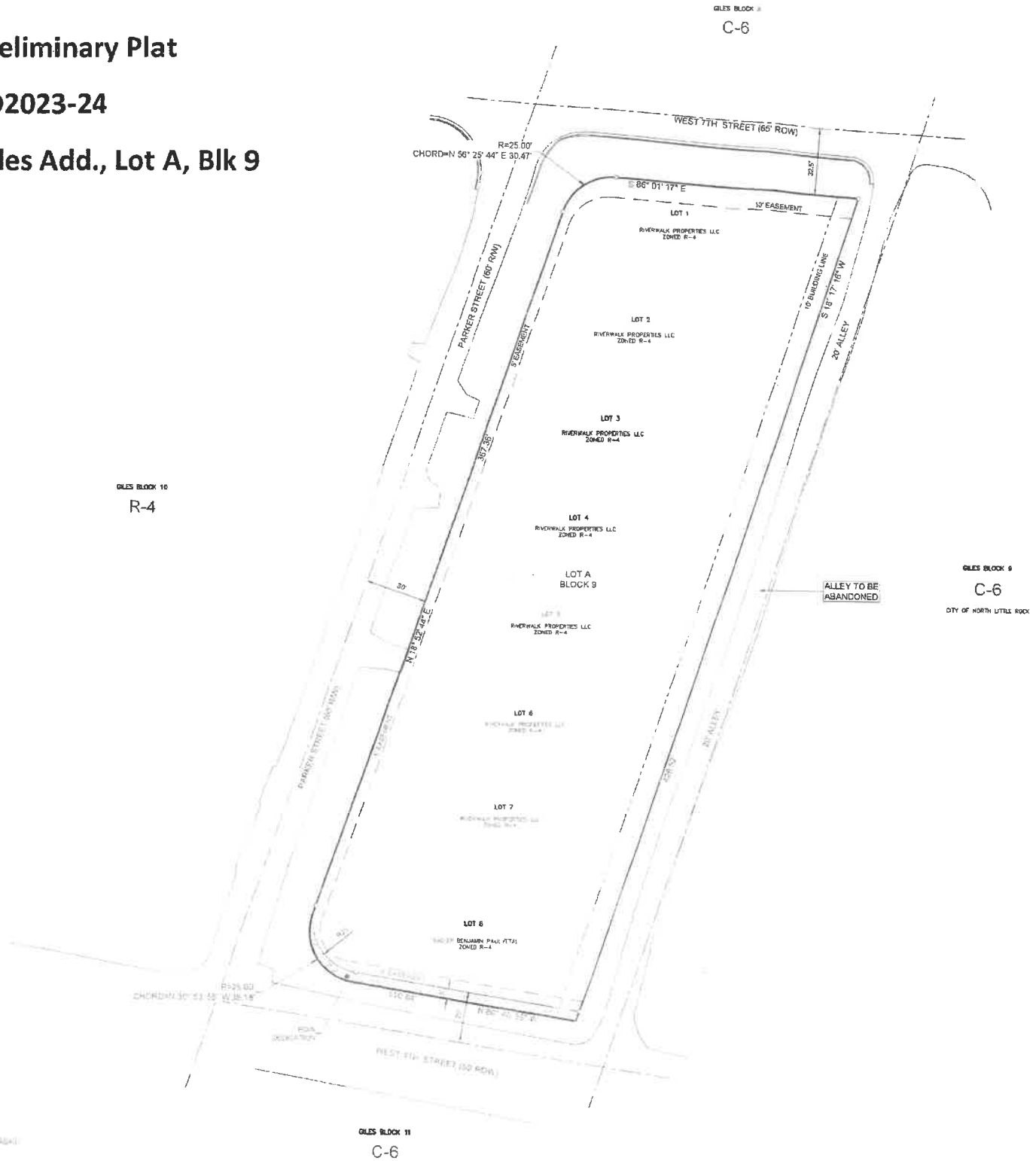
15. Meet the requirements of NLR Electric.

16. **Meet the requirements of Rock Region Metro.**

Preliminary Plat

SD2023-24

Giles Add., Lot A, Blk 9



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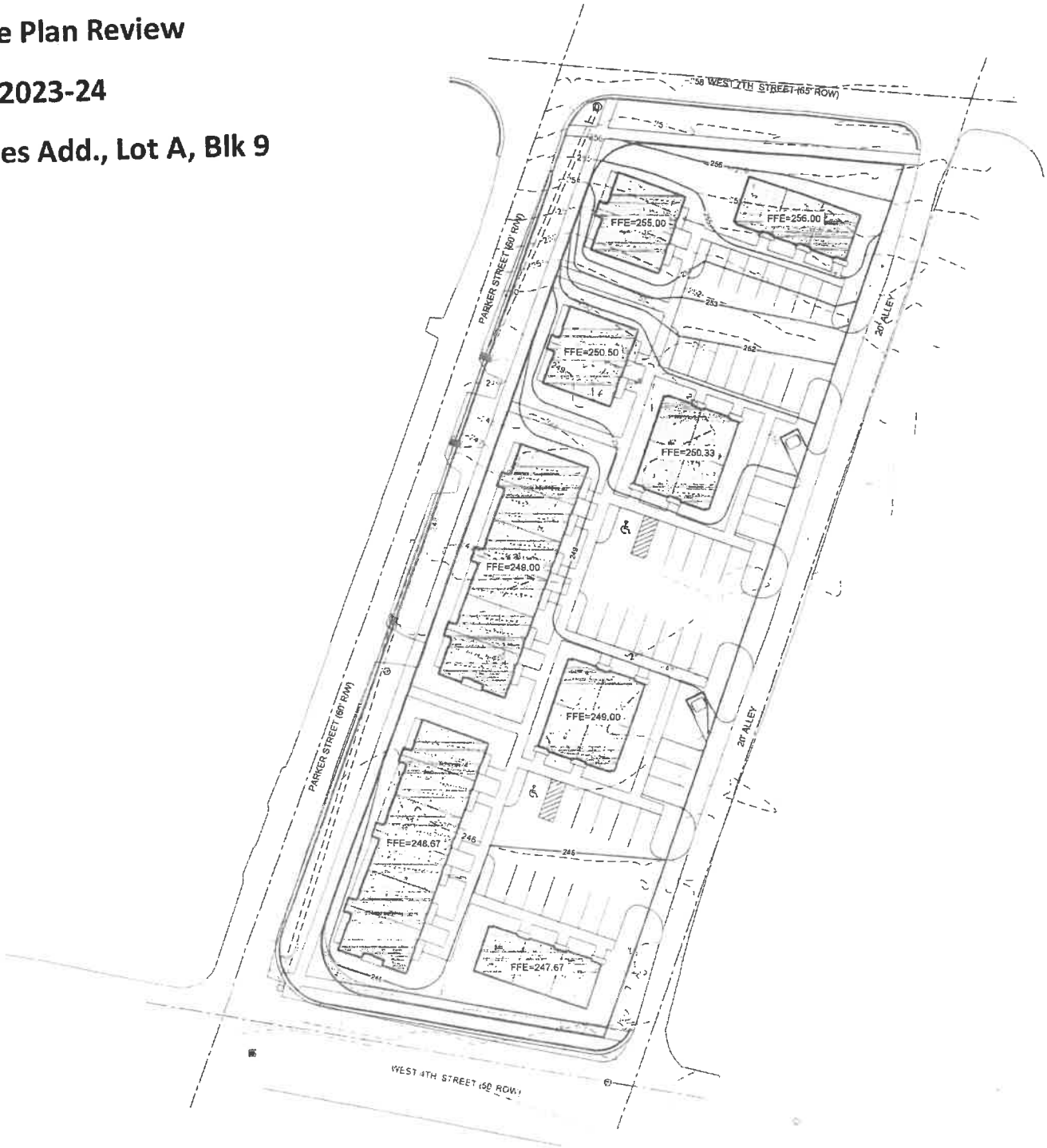
GRAPHIC SCALE
(IN FEET)
1 inch = 30 ft.

Site Plan Review

SD2023-24

Giles Add., Lot A, Blk 9



GRAPHIC SCALE

(IN FEET)
1 inch = 30 ft.

EXHIBIT

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The City of NORTH LITTLE ROCK

OFFICE OF COMMUNITY PLANNING

120 Main St. • North Little Rock, AR 72114-2134
Phone (501) 975-8835 • Fax (501) 975-8837

To: Mayor and Council Members

From: Shawn Spencer, Planning Director

Date: March 20, 2023

Re: Appeal of Planning Commission's denial of a Site Plan Review request at 412 Parker St. (ref: SD2023-24, Giles Addition, Lot A, Block 9 – 28 townhomes)

At the Design Review Committee (DRC) meeting on February 22, 2023, all four of the DRC members were present to review the request for a replat and Site Plan Review for 28 townhomes for property located at 412 Parker Street, North Little Rock, Arkansas (Lot A, Block 9, Giles Addition to the City of North Little Rock, Pulaski County, Arkansas). The DRC members reviewed the request and determined the proposed development met the minimum requirements of the zoning ordinance, the subdivision ordinance and the master street plan. The Chairman, Don Chambers, asked Thomas Pownall, agent for the developer, if the developer was agreeable to the requirements as proposed by the various city departments and reviewing agencies. Mr. Pownall stated the developer was agreeable to all the conditions as noted. The DRC Committee members, finding no concerns or issues with the project, then moved the item forward to the full Commission for final action.

On March 14, 2023, during the Public Hearing before the Planning Commission, Chairman Clifton called the item for discussion and Mr. Pownall came forward to represent the request. Mr. Chambers outlined the comments from the DRC meeting and stated the applicant had met with the DRC and was agreeable to all conditions recommended by the various city departments and reviewing agencies. Mr. Pownall confirmed that the developer agreed to all recommended conditions.

Mr. Cliff Hoofman, the only objector, addressed the Commission with concerns about traffic, density and property values. His concern regarding traffic was that Parker Street and 4th Streets would become a thoroughfare and residents would have difficulty leaving their homes. He stated that the developments which had occurred, the developments currently under construction and the developments which had been approved would also generate traffic in the area. He indicated that he was concerned about density in the area. He also provided a letter from a local realtor, Mollie Birch, stating that there is a negative impact on property values with increased non-owner occupied properties in the area.

During discussion of the item at the hearing, Mr. Chambers informed the Planning Commission members that under the Arkansas Supreme Court case of Richardson v. City of Little Rock, the Planning Commission did not have discretion to deny the requested replat and approve the site plan since the request met the minimum requirements of the zoning, master street plan, and subdivision ordinances. He stated that in that case, the Little Rock Planning Commission denied a subdivision development that met all of the City

EXHIBIT D

of Little Rock's subdivision, zoning and master street plan ordinances. Mr. Chambers stated the developer sued the City of Little Rock and the City lost the court case based on the fact all the ordinance requirements were met and the Commission denied the request. Mr. Chambers stated this proposed development met all of the City's ordinance requirements and should be approved.

The Planning Commission voted to not approve the proposed development (4 yes votes, 4 no votes, 1 absent), even though the development meets all the requirements of the City's zoning, subdivision, and master street plan ordinances. Three of the four DRC members who voted to approve the replat and site plan at DRC voted against the development at the Planning Commission. The developer filed a timely notice of appeal with the Planning Department, requesting an appeal of the denial to the North Little Rock City Council, as permitted by the Subdivision Ordinance.

SD #2023-24

1 inch = 150 feet

0 75 150 300 Feet

Date: 3/21/2023

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