

**North Little Rock Planning Commission
Regular Meeting
January 14, 2020**

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:

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

Members Absent:

Banks
Deitz

Staff Present:

Shawn Spencer, Director
Timothy Reavis, Assistant Director
Mike Mosley, Deputy City Attorney
Alyson Jones, Secretary
Jerry Robinson, Fire Marshal

Approval of Minutes:

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

Administrative:

A motion was made and seconded to excuse members Banks and Dietz.
Item number one was postponed.

Mr. Spencer stated that Staff had included a draft copy of the revisions to the zoning ordinance for all of the commissioners. He stated that this was only a draft and anyone could call the Planning office with questions or concerns. He said public comments would be heard at the February Planning Commission meeting.

Mr. Chambers asked if Staff had a goal on the date it would become active in the ordinance.

Mr. Spencer stated that the goal is April to midyear.

Mr. Chambers asked why it would take longer than March.

Mr. Spencer said that they would like to have it out by March but realistically it would be April. He asked all Planning Commissioners to go over and review the changes. He told them to call with any suggestions.

Mr. Chambers stated that he was impressed with the new ordinance. He stated that after every title is a useful purpose listed. He believes it was very well written.

Subdivision Administrative:

A. SD2019-51 Riverwalk Townhomes, Lot 1 (SPR, Replat & PUD at 1300 W. 4th St.)

- 1. Before the plat is signed provide an approved City Council Ordinance rezoning the property to a PUD.**
- 2. Provide a parking plan for the development.**
- 3. Provide a livable open space plan for the development.**
- 4. Engineering requirements before the plat will be signed:**
 - a. Pay the drainage in-lieu fee of \$5,000/acre for commercial development of providing on-site detention.
 - b. Provide ½ street improvements (street, drainage, curb and gutter, sidewalk, cross walks) before a certificate of occupancy will be issued. Street improvements must be approved by City Engineer and accepted by City Council.
 - c. Meet the City Engineers requirement on property line corner radius at West 4th and Alley.
- 5. 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 10' utility easement around the north and east property perimeter.
 - c. Provide 7.5' utility easement around the south and property perimeter.
 - d. Provide 24' access and utility easement as shown.
- 6. 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 Grading Permit application to City Engineer with grading plans.
 - 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.
 - e. Provide copy of Arkansas Department of Environmental Quality (ADEQ) Stormwater Permit to City Engineer.
 - f. 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.

- g. Prior to construction, Owner's Architect/Engineer shall submit signed construction plans and specifications (PDF format) to NLR Planning Department.

7. 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. 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.
- c. Meet the City Engineers requirements on driveway radii.

8. Meet the requirements of Community Planning, including:

- a. Provide the standard requirements of Zoning and Development Regulations.
- b. No fence is to be within a front building line.
- c. All exterior lighting shall be shielded and not encroach onto neighboring properties.

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

- a. Provide 6' sidewalk directly behind curb and gutter.
- b. Provide ½ street improvements.

10. 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 5 street trees along W. 4th.
- d. Provide 6 foot front yard landscape strip between property line and paving.
- e. Provide 4 foot side yard landscape strip between property line and paving.
- f. Provide buffer between dissimilar uses or zoning. Do not remove trees from full buffers.

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. Provide an approved fire protection plan.
- b. Must meet requirements of 2012 AFC.
- c. Must also meet requirements of CAW for hydrant placement. At present water supply mains are insufficient.

13. Meet the requirements of CAW, including:

- a. All Central Arkansas Water requirements in effect at the time of request for water service must be met.
- b. A water main extension will be needed to provide water service to this property.
- c. Additional fire hydrant(s) will be required. Contact the North Little Rock Fire Department to obtain information regarding the required placement of the hydrant(s) and contact Central Arkansas Water regarding procedures for installation of the hydrant(s).
- d. 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. Approval of plans by the Arkansas Department of Health Engineering Division and Little Rock Fire Department is required.

14. Meet the requirements of NLR Wastewater, including:

- 15. No comments or objections.

16. Meet the requirements of Rock Region Metro (CATA), including:

- a. This site is about two blocks from our stop at Pike & 7th (2018 ridership: 767).

17. Meet the requirements of NLR Electric, including:

- a. Transformer and power locations.

Mr. Chambers stated the applicant met with the Development Review Committee and has agreed to all the requirements.

Chairman Clifton asked for any additional comments from Commissioners or the audience.

Mr. Foster stated that he struggles with this request due to the worry of it setting a precedent for future requests. He believes that it could cause problems in the future with the increasing density.

The motion to approve passed with (7) affirmative votes.

B. SD2020-1 White Oak Village, Phase 3, Lots 1-4 (preliminary plat of a residential subdivision on White Oak Dr.)

1. 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.
- b. Provide sidewalk along White Oak Dr.

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 10' utility and drainage easement on front of property as shown.
- c. Provide 15' wide sewer easement for existing sewer main.
- d. Provide average slope of the lots per Article 14 of the subdivision ordinance.
- e. Provide letter from City Engineer that the plat meets the requirements for hillside regulations.

3. Meet the requirements of Community Planning, including:

- a. Provide the standard requirements of Zoning and Development Regulations.

4. 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.

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

- a. All disturbed areas are to be sodded, fertilized, watered and mulched.
- b. Provide buffer between dissimilar uses or zoning. Do not remove trees from full buffers.

6. 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.

7. Meet the requirements of CAW, including:

a. All CAW requirements in effect at the time of request for water service must be met.

8. Meet the requirements of NLR Wastewater, including:

- a. White Oak connection fee required.
- b. Provide a 15’ wide sewer easement with the existing sewer main centered in said easement.

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 passed with (7) affirmative votes.

Public Hearing:

1. Postponed

2. Rezone #2019-23

To rezone from R-4 to a PUD to allow for townhomes at 1300 W. 4th St.

Chairman Clifton stated the applicant was present and agreed to all of the recommendations in an earlier meeting with the Design review Committee. He asked if there were any questions or comments on the application.

Mr. Chambers stated that he agreed with Mr. Foster’s previous statements on the application.

Mr. White asked the applicant if the homes would be built from the ground up or if they were prefabricated.

Mr. Pownall stated that they would be built from the ground up.

Chairman Clifton asked for any questions or comments.

Chairman Clifton asked for a roll call to vote.

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

Rezone #2019-23 was approved with (7) affirmative votes.

3. Special Use #2020-1

To allow a women’s residency job and life skills training program in a C-3 zone located at 1401 Main St.

Chairman Clifton asked the applicant to state name and address.

Attorney Pat Hays stated that he is representing the applicant, Ms. Supha Xayprasith- Mays. He stated that people make mistakes and need help to transition back into society. He stated that he would like everyone to fully understand the request before making a decision. He stated that this facility would equip women with the tools, desire, and social skills to make it an easier transition into society. He stated that the applicant, Ms. Mays, has lots of training and education.

Mr. Chambers asked if the dotted line covering two-thirds of half of the block was the north edge of the parking lot.

Mr. Hays stated that he believed it was the south edge.

Mr. Chambers asked if they were only considering the existing part of the building.

Mr. Hays agreed.

Chairman Clifton read the staff's comments and conditions for everyone to get a better understanding.

Mr. Foster stated that the applicant previously agreed to an employee being present on the property for supervision 365 days a year, 7 days a week, and 24 hours a day.

Mr. Hayes stated that this facility would assist individuals in transitioning back into society from incarceration. It will be a gradual process to make sure it is a functional and positive plan.

Mr. Foster stated that he believes it was a good idea to read the conditions for the neighbors to get a better understanding of what was being requested in their neighborhood. He stated that in the Design Review meeting the applicant stated that the residents would be allowed outside in a designated fenced in area. He would like to add this to the conditions.

Chairman Clifton asked Ms. Mays to give an overview of the program.

Ms. Mays stated that she has been working in this area of job placement with women and children for over 30 years. She went on to discuss previous clients that she has trained. She stated that a mistake doesn't make you a bad person. She stated that sometimes people needed multiple chances.

She said she wants to work with the community in a joint venture.

Ms. Mallory Goff stated that she is a representative of the Pulaski County Sheriff's Office. She continued to explain that our community is in need of a program like this. Also, she stated that we should realize that these residents will be entering back into our communities even if we don't have a program to equip them with. She stated that the residents will go through a 12 week selection program before being selected for the program. Also, the majority of residents will be low level drug offenders.

Chairman Clifton asked the applicant if there is an existing program similar to this in Pulaski County.

Mr. Goff confirmed there is an existing program but this would be the first program outside of the facility.

Chairman Clifton asked if she had an estimate of how many have graduated from the program.

Ms. Goff stated that is still a little early to measure recidivism. She stated that 3 women's classes and 4 men's classes have graduated the program. She stated that none of the current graduates have reoffended.

Chairman Clifton asked for any public comments against the application.

Mr. Benny O'Neil gave the Planning Commissioners a handout of information about the community and the affects this program would have on it.

Mr. O'Neil stated that he is an adjoining property owner. He stated that he has owned the property for 20 years and has enjoyed the peace and quiet. He stated that he has two main concerns. The first concern is 1st time drug offenders. Second concern is 2nd time drug offenders. He stated that he has practiced law for 20 years. He said there are other programs in place to help them, such as drug school and rehab. He said that if they are in jail, then they have failed to fulfill the requirements for probation and other opportunities. He went on to list several questions about the effects on the community. He stated that he already has a sex offender in his residential neighborhood and he has no control over that. He stated that he doesn't need to deal with it at work as well. He said the request was arbitrary and capricious.

Mr. Foster asked the applicant for the address of his property.

Mr. O'Neil stated the locations were 1418 and 1423 Main St.

Mr. Ken Davenport stated that he is the representative for DJD Properties located at 1501 Main St. He stated all previous arguments were about the work that is done in the facility not the use of the property. He asked why this location is being considered. He asked if the yellow line would be the retaining wall on the north side of the building.'

Mr. Chambers confirmed it was the retaining wall.

Mr. Davenport shared Article 21 of the North Little Rock Zoning Ordinance, the permitted use table. He asked which category would the use of the property fit in.

Mr. Spencer stated that Special Use means the use is not located in the property.

Mr. Davenport stated that there are four special uses listed in the table.

Mr. Spencer stated that those for were added to keep the confusion down.

Mr. Davenport asked if this would be considered a halfway house.

Mr. Spencer denied the statement.

Mr. Davenport asked how he could tell if it is allowed by looking at the table.

Mr. Spencer stated that there is an explanation of the table earlier on in the chapter.

Mr. Davenport asked if this area, from the viaduct bridge to the High School, was being considered for more halfway housing. He asked what governing body would be over this facility.

Mr. Chambers asked for clarification on if the special use is for the business, the owner, or the property.

Mr. Spencer stated that a Special Use is only good for the property owner that it is issued to.

Mr. Chambers stated that the approval could be revoked if the conditions were not met or the owner changed.

Mr. Chambers asked if the Special Use would be issued to Tima Investments, LLC.

Mr. Davenport asked if this was perpetuity or temporary.

Mr. Chambers stated that it was temporary and limited to the time that Tima Investments owns the property.

Mr. Davenport asked if Tima is spelled Tima or Tema.

Mr. Chambers said you spell it Tima.

Mr. Davenport asked if Mr. Spencer agreed, due to it being listed two ways.

Mr. Spencer stated that he is going by what was listed by the Pulaski County Assessor's Office.

Chairman Clifton stated that if the owner closed the business the property would return to its original use.

Mr. Davenport stated that the city has been developing the Argenta area and feels it should continue to the High School.

Mr. Chambers advised him to ask the city to do a development study on the area and present it to the City Council.

Mr. Davenport asked if this is how they started developing Argenta.

Mr. Chambers stated that a group of hard working people would not take no for an answer.

Mr. David Hunt, 1333 Main St.

Mr. Hunt stated that the request is a noble cause but doesn't believe it is right for this neighborhood.

He stated that his tenant is UAPB Life Training and Skills Center. He said they are open for both day and night school. He is concerned for the students of his property and young students going to the Boys and Girls Club after school. He asked if there was a time frame or process in place for the review of the use.

Mr. Chambers stated that a time frame for review could be added to the conditions.

Mr. White asked if there was any requirement on the distance from a school to a property with this use.

Mr. Spencer stated that there are no distance requirements.

Mr. Hays stated that the applicant was receptive to the condition of a review period. He continued to tell us about a rehabilitation center he approved as mayor some time ago. He stated it was built in an underdeveloped area. Now is surrounded by half a million dollar homes. He expressed that he understands the fear of such a difficult use. Also, he believes in the benefits of the review period and ongoing monitoring.

Mr. Mosley stated that in reference to the required distance between a school and this property use, there are requirements for certain offenders. He advised staff to clarify the type of offenses allowed for the residents. The felony type and level allowed at the property should be stated in the conditions to make sure the distance requirements are met.

Mr. Foster asked if the applicant was opposed to limiting the program to a certain offense.

Ms. Mays stated that her clients are mothers.

Mr. Foster asked if it would be limited to first offenders.

Ms. Mays stated that she wants to work with the community to make this work for everyone.

Mr. Hunt asked the applicant if they had a definitive number of how many employees would be supervising.

Ms. Mays stated that there would be three employees during the day.

Mr. Hunt stated that he heard that applicant say the residents would have to pass required drug tests, but he wants to know if that includes alcohol testing.

Ms. Mays stated that alcohol use would not be allowed either.

Mr. Hunt asked what the exterior fence would be like.

Mr. Chambers stated that the property is fully enclosed by a fence.

Mr. Hunt questioned if it would run along 14th St, and the back and side of the building.

Mr. Hunt asked if the residents would be allowed leisure time in the front of the property.

Mr. May stated that the program is structured with therapy and classes and residents will not have time for leisure.

Mr. Hunt if the permit review could be more often to access the risk to the neighborhood. Also, he would like to see a security fence and cameras installed on the property.

Chairman Clifton stated that he agrees with the interior and exterior security as well as a review every two years.

Mr. Chambers stated that the exterior looks will be that of an office building sue to all of the work being held inside. He thinks if you add a wired fence it would make it more noticeable but he does agree it should be limited to first time offenders.

Mr. Mosley stated that he was only asking for clarification not to add a condition.

Mr. Chambers stated that in the Design Review meeting the applicant agreed to a decorative iron fence.

Mr. White stated that anyone can get over an average fence. He believes that this is not a good location with the surrounding schools. He said that the recovery center that was approved many years ago by Mr. Hays and is now looking at relocation. He said that there are not enough restrictions, not the right place, and too many children around.

Mr. Foster asked if the members could hear from anyone in support of the application.

There were more applicants that wanted to express their discomfort with the request.

Mr. Josh Davenport shared a survey of negative opinions from surrounding neighbors in the area.

Reddy Jenkins, 1500 Maple St, stated that it was an honorable effort but feels it would be less save for her tenants.

Mr. Foster made a motion to add all four conditions

Mr. Chambers made a motion to postpone the application so that the applicant would have time to talk with neighbors.

Mr. White stated that it would be a waste of time to postpone because he believes no matter what it will not work at this location.

Mr. Foster asked the public if there was anything the applicant could say or do to change their minds.

Mr. O'Neil stated that he would not say there is nothing that would change his mind, but it would have to be from within his soul.

Mr. Foster stated that he rescinds his previous motion.

Ms. Goff invited everyone to come visit with the candidates before making a final decision.

Chairman Clifton stated that even if it doesn't pass, the applicant will has the option to go before City Council with the recommendation of "do not pass".

Mr. Chambers made a motion to vote on the application with the added conditions. It was seconded by Ms. Belasco.

Chairman Clifton asked for any other questions or comments.

Conditions:

1. An on-site resident employee to supervise the residential portion of the program.
2. Sex offenders are not allowed to live in the facility.
3. Residents to be regularly drug tested.
4. A maximum of 10 residents allowed to live on-site.
5. No visitors / guests / non-members of the residency program are allowed to stay overnight at the facility, and are only allowed in common areas.
6. Security system, including cameras to be installed on the facility.
7. Provide off street parking at a rate of .75 parking spaces per occupant and 1 parking spot per employee.
8. Written approval and inspection report from the Fire Marshal required.
9. Provide a secure outside area for residents.
10. Provide a perimeter ornamental iron fence.
11. Special Use limited to the built area of the property.
12. Special Use request to be reviewed every 2 years.
13. Only 1st time drug offenders are to be residents.
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.
16. Any structures located on site shall meet all applicable Federal, State, County and City requirements and codes.

Chairman Clifton asked for a roll call to vote.

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

Special Use #2020-1 was not approved with only (1) affirmative votes.

Public Comments/Adjournment:

Chairman Clifton asked if there are any comments.

Mr. Foster asked if staff would hold a discussion workshop to go over the changes to the zoning ordinance.

Mr. Mosley stated that staff has done an excellent job on reworking the ordinance. He said that he asked that it not be discussed until the legal department is done reviewing it.

Mr. Foster stated that he would like one scheduled for after it is reviewed.

Mr. Spencer stated that the monthly Subdivision meeting would meet at 12pm to allow for time to discuss the changes.

Ms. Belasco asked if the workshop would be mandatory.

Mr. Spencer stated that it was not mandatory.

Mr. White asked what the distance requirement was for liquor stores to schools.

Mr. Spencer stated that it was 1200 feet.

Mr. White asked if a condition of this nature could be added on to the overall Special Use requirements.

Me. Spencer stated that with all Special Use case being different, he believed it would not be a good idea, due to it hindering some applicants that it should not. Instead, he believes it would be more efficient to just add a condition to the individual application.

Mr. Mosley stated that if the applicants actions violate the conditions then the city would have the right not only revoke the license but also prosecute. He stated that the city has many remedies to fix a problem with following conditions.

Mr. Chambers made a motion to adjourn.

Chairman Clifton adjourned the meeting at 5:28pm.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read 'Tim Reavis', written over a horizontal line.

Tim Reavis, Planning