

**North Little Rock Planning Commission
Regular Meeting
June 11, 2019**

Vice-Chairman White 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
Chambers
Dietz
Foster
Phillips
Wallace
White, Vice- Chairman

Members Absent:

Belasco
Clifton, Chairman

Staff Present:

Shawn Spencer, Director
Timothy Reavis, Assistant Director
Mike Mosley, Deputy City Attorney
Alyson Jones, Secretary

Approval of Minutes:

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

Administrative:

Motion was made and seconded to excuse members Belasco and Chairman Clifton.

Subdivision Administrative:

SD2019-22 Maverick Addition, Tract 1A-R (SPR of an industrial shops building located at 13301 Valentine Rd.)

- 1. Permit requirements/approvals submitted before a building permit will be issued:**
 - a. Provide stormwater plan including detention calculations showing pre and post site runoff, demonstrating that proposed detention volume is sufficient.
 - b. Provide CNLR Stormwater Permit with stormwater plans showing silt fence, storm inlet protection, and drainage details.
 - c. Provide CNLR Floodplain Development Permit.
 - d. Provide Arkansas Department of Environmental Quality (ADEQ) Stormwater Permit.
 - e. Provide Arkansas Department of Health approval for water and sewer facilities.
 - f. Prior to construction, Owner's Architect/Engineer shall submit approved construction plans and specifications (PDF format) to the City Engineer.
- 2. Meet the requirements of the City Engineer, including:**
 - a. Provide grading plan and detailed contours for detention ponds.
 - 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.
- 3. Meet the requirements of Community Planning, including:**
 - a. Provide the standard requirements of Zoning and Development Regulations.
 - b. All exterior lighting shall be shielded and not encroach onto neighboring properties.
- 4. Meet the requirements of the Master Street Plan**
- 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 automated underground irrigation to all required trees and shrubs.
 - c. Provide street trees 40' on center. In lieu of planting shade trees for the truck parking spaces, plant street trees along Valentine Rd from the driver's quarters to the end of the property.
 - d. Provide (24) parking lot shade trees as shown.
 - 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 buffer between dissimilar uses or zoning. Do not remove trees from full buffers.
- 6. Meet the following requirements concerning signage:**
 - a. All signs require a permit and separate review.
- 7. Meet the requirements of the Fire Marshal, including:**
 - a. Provide an approved fire protection plan.
 - b. Meet Fire Marshal's requirements on fire hydrant location.
 - c. Gravel areas shall be able to support 75,000 lbs per the 2012 Fire Code.
 - d. Sprinkler system required.
- 8. Meet the requirements of CAW.**
- 9. Meet the requirements of NLR Wastewater, including:**
 - a. Please make a formal submittal to NLRW for review and approval.

- b. Provide oil interceptor.

10. Meet the requirements of Rock Region Metro (CATA)

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.

SD2019-23 Sutton's Subdivision, Lot 4R (Replat of an industrial lot located at approximately 8400 MacArthur Dr.)

- 1. Engineering requirements before the plat will be signed:**
 - a. Provide half of 120' ROW along MacArthur.
- 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 easements around property perimeter.
 - c. Provide 25' front building line. Show on drawing.
 - d. Meet the requirements of Pulaski County.
- 3. Meet the requirements of Community Planning, including:**
 - c. 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 or a signed waiver.
 - b. Provide half of 120' ROW along MacArthur.
- 5. Meet the requirements of the Fire Marshal**
- 6. Meet the requirements of CAW**
- 7. Meet the requirements of NLR Wastewater, including:**
 - a. Public sanitary sewer shall be relocated by the developer.
 - b. Please make a formal submittal to NLRW for review and approval.
- 8. Meet the requirements of Pulaski County, including:**
 - a. Provide bill of assurance.

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.

SD2019-24 Esplanade Subdivision, Lot 1 (Preliminary Plat & SPR of an apartment complex located at 2101 River Rd.)

- 1. Engineering requirements before the plat will be signed:**
 - a. Provide stormwater management plan and detention calculations.
 - b. Provide half street improvements (street, drainage, curb, gutter and sidewalk) or a performance bond for River Road.
 - c. Provide full street improvements for Esplanade Rd. or a performance bond.

- d. Street design for Esplanade Rd & River Rd to meet City Engineer requirements.
 - e. Street improvements must be approved by City Engineer and accepted by City Council.
- 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. Pay for street signs.
 - c. Street names to be approved by Planning Staff.
 - d. Provide 50 ft. ROW dedication along for Esplanade Circle as shown.
 - e. Provide dedicated detention easement on the plat.
 - f. Provide 10' utility easements around property perimeter.
- 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. A Pre-Construction meeting must be scheduled with the City Engineer for any projects that require work within street ROW.
 - c. Provide CNLR Grading Permit application to City Engineer with grading plans.
 - d. Provide CNLR Floodplain Development permit application to City Engineer. Provide CNLR
 - e. Stormwater Permit application to City Engineer with half size erosion control plan showing silt fence, storm inlet protection, and drainage details.
 - f. Provide copy of Arkansas Department of Environmental Quality (ADEQ) Stormwater Permit to City Engineer.
 - g. 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.
 - h. Prior to construction, Owner's Architect/Engineer shall submit signed construction plans and specifications (PDF format) to NLR Planning Department.
- 4. Meet the requirements of the City Engineer, including:**
- a. Prior to construction, a Pre-Construction meeting must be scheduled with the City Engineer for any projects that require work within street ROW.
 - b. Prior to any excavation/street cuts within street ROW, provide CNLR Excavation Permit to City Engineer and Barricade Plan Permit to NLR Traffic Services.
 - c. Contractor shall notify City Engineer at least 1 day prior to the construction of all stormwater pipes and inlet structures within City ROW.
 - d. 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 Community Planning, including:**
 - a. Provide the standard requirements of Zoning and Development Regulations.
 - b. Dumpster to have masonry screening.
 - c. Allow fence as shown
 - d. All exterior lighting shall be shielded and not encroach onto neighboring properties.
- 6. 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 along River Rd. and both sides of Esplanade.
 - b. Provide full street improvements for Esplanade Circle.
- 7. 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 (29) street trees as shown,
 - d. Provide (31) parking lot shade trees as shown. Half of the shade trees should be planted in the interior of the lot.
 - 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 parking spots that face a street or abutting property.
 - g. Provide 6 foot front yard landscape strip between property line and paving.
 - h. Provide 4 foot side yard landscape strip between property line and paving.
 - i. Provide buffer between dissimilar uses or zoning. Do not remove trees from full buffers.
- 8. Meet the following requirements concerning signage:**
 - a. All signs require a permit and separate review.
- 9. Meet the requirements of the Fire Marshal, including:**
 - a. Provide an approved fire protection plan.
 - b. Meet Fire Marshal's requirements on fire hydrant location.
 - c. Fire hydrants to be within 400 feet of all areas of building.
 - d. Consult with CAW and a Fire Suppression Company to ensure adequate fire suppression coverage and water supply.
- 10. Meet the requirements of CAW**
- 11. Meet the requirements of NLR Wastewater, including:**
 - a. Location of sewer mains to meet NLRWW requirements
- 12. Meet the requirements of Rock Region Metro (CATA), including:**
 - a. Recommend completing sidewalk connection between Building B and River Rd

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.

SD2019-25 The Venue @ Oakdale, Lot 1 (Preliminary Plat & SPR for an event center located south of the intersection of Kellogg Acres & Oakdale Rd.)

- 1. Before the plat will be signed, provide City Council Ordinance rezoning the property to a PUD to allow an event center.**
- 2. Access to any landlocked lots to be limited to private use. Any public commercial / retail access to the landlocked lot will be permitted once it is replatted into a lot that has direct access to a public road.**
- 3. Before a certificate of occupancy will be issued, all of the City of Sherwood's requirements regarding Kellogg Acres Rd are to be met.**
- 4. Engineering requirements before the plat will be signed:**
 - a. Provide on-site storm water detention as well as clear calculations showing that detention volume is sufficient, or demonstrate to City Engineer that on-site detention is not required (based on proposed development) by providing detention calculations showing pre and post site runoff comparisons.
 - b. Show and label boundary of detention area.
- 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. Plant for street trees or provide a bond.
 - c. Provide 15' utility easements around property perimeter.
 - d. Show 40ft building line on plat around property.
- 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 for each driveway 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, meet the requirements of the City of Sherwood.
 - 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. Driveways shall have 25' minimum radii and be built according to CNLR standard details (available at NLR Engineering Department).
 - d. Widths of driveways shall be 10' minimum to 40' maximum.
 - e. All driveways are to be concrete within the ROW.

- 8. 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. Allow 4' front yard wrought iron fence.
 - e. All exterior lighting shall be shielded and not encroach onto neighboring properties.
- 9. Meet the requirements of the Master Street Plan, including:**
 - a. Meet the requirements of the City of Sherwood.
- 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 street trees 20' on center.
 - d. Provide 29 parking lot shade trees as shown.
 - 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 parking spots that face a street or abutting property.
 - g. Provide 6 foot landscape strip between property line and paving.
 - h. 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.
 - b. Provide sign location on site plan.
 - c. No pole sign permitted.
 - d. No electronic changeable copy sign permitted.
- 12. Meet the requirements of the Fire Marshal, including:**
 - a. Provide an approved fire protection plan.
 - b. Meet Fire Marshal's requirements on fire hydrant location.
 - c. This building is classified as an A-3 per the 2012 Arkansas Fire Code and will be required to have a sprinkler system installed.
 - d. Access roads to meet 2012 Arkansas Fire Code width.
- 13. Meet the requirements of CAW**
- 14. Meet the requirements of NLR Wastewater, including:**
 - a. This property is served by Runyan Acers Improvement District
- 15. Meet the requirements of Rock Region Metro (CATA)**

Vice-Chairman asks for questions from commissioners and audience.

Wayne Ripple, 1205 Kellogg Acres Rd., stated that his property neighbors the property that is being considered for the replat. He stated that he never received any written notice. He said he just want to know what is going on there.

Mr. Spencer stated clarified that the owner was just asking to replat his 12 acre property into a four acre plot and an eight acre lot. He stated that the use of the four acres would be discussed later in the meeting.

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 Hearings:

1. Special Use #2019-8

To allow a storage container as an accessory structure in a C-3 zone located at 4800 E Broadway.

Vice-Chairman White asked if the applicant was present and to state name.

Steve Jenkins stated he was the property manager of 4800 E Broadway Rd. He is representing Cedric Chestnut with A-1 Appliances. He stated that Mr. Chestnut's business provides affordable appliances, which is a necessity in this neighborhood. He stated that the business is opportunistic. Therefore, Mr. Chestnut must acquire the appliances as they become available. He stated that Mr. Chestnut just needs more space. He believes that he has worked hard to develop the business. So he purchased a container and Mr. Jenkins helped him set it. Within about a month, code enforcement told them they needed a permit for the container. When they went to pull a permit they were told the conditions of use allowed. The container did not meet those requirements so they made a plan to meet the setback requirement. They surveyed the property and have provided the planning commission with a siteplan of where the proposed location will be. He stated that they can move the storage container to meet setback requirements but it will be closer to the two residential homes on the commercial property. Mr. Jenkins stated that he owns those the two residential homes. He stated that he spoke with the residents and they are not opposed to moving the container because they believe it will provide more security from the apartments surrounding the property. They asked for this to be approved to insure the success of the business.

Mr. Chambers stated that containers are becoming a popcorn issue in the city. He asked for staff to look at the policy the city has in place for the storage containers to help with this issue in the future.

Mr. Spencer stated that the current policy is only allowed for 30 days, if more time is needed they must go through the Planning Commission process.

Mr. Chambers stated that he can work with that.

Mr. Foster stated that from the siteplan given it shows that the container would be on the property line, leaving only five feet between the container and the structure at 4802 E Broadway. He suggested that the City Fire Marshall should come out and approve the safety of the container being that close to another structure.

Mr. Jenkins stated that the siteplan was not exact and there is more room than is shown on the siteplan. He stated that there is quite a bit of vegetation there. He stated that he would be open to meeting with the Fire Marshall.

Mr. Chambers stated that his main concern is for the Fire Department to get through in an emergency to fight a fire with that limited amount of space.

Mr. Jenkins stated that there is about 45 feet of more space to use to make more room for the safety in the case of an emergency.

Mr. Foster stated that he would like to see that the Fire Marshall review the site for safety concerns as well as what is being stored in the container.

Mr. Jenkins stated that the only thing that would be stored in the container would be used appliances, no paint or chemicals.

Vice-Chairman White asked Mr. Spencer to go over the guideline of a special use.

Mr. Spencer addressed Mr. Foster's concern ensure that item two is the requirement of being 10 feet from any structure which would cover the neighboring house and meet Fire Marshall code. He stated that a Special Use is issued to the applicant. If the property changes hands the Special Use would not be valid anymore.

Mr. Chambers asked Mr. Spencer to clarify that the Special Use is issued to the applicant not the property.

Mr. Spencer confirmed that he was correct.

Vice-Chairman White asked if there were any other questions or comments.

Vice-Chairman White asked for a roll call to vote.

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

Special Use #2019-8 was approved with (7) affirmative votes.

2. Conditional Use #2019-11

To allow an animal boarding business in a C-PH zone located at 3623 JFK Blvd.

Vice-Chairman White asked if the applicant was present and to state name.

Scott Campbell, 4411 Hazelwood Rd., stated that he is requesting to open a dog boarding company at 3626 JFK Blvd. He stated that the business would include grooming, training, and boarding dogs. He stated that he plans on upgrading the property and change the appearance for the better. He stated that there would be wood fenced in astro turf area in the back for the dogs to exercise and for training purposes. He acknowledged that he is aware of the noise concern. He stated that in order to help keep the noise down he would use interior sound foam in the ceiling area and extra padding on the walls as well as training the dogs through a K-9 enrichment program to adapt to different situations without being, stressed or scared, by occupying the mind to keep the barking down. He also addressed the concern of the waste and smells from the outside area. He stated that his employee would clean a lot, pretty much constantly to keep the odor down. He stated that he desires to keep a clean and healthy environment for the dogs and the neighbors. He believes that this is a growing business considering dogs are becoming more popular and are considered family members.

Mr. Foster asked Mr. Campbell where the waste will go when it is washed off of the astro turf.

Mr. Campbell stated that it would runoff like any other water would into the city gutters.

Vice-Chairman White stated that if the waste runs off in to the gutters it would end up in Lakewood Lake 1 causing more contamination of the lake not only from the waste but also from the cleaning materials. He asked Mr. Campbell how he would keep it from contaminating the lake.

Mr. Campbell stated that it would not contaminate the lake since they will be using environment and pet friendly products to clean the area. The product Wishy Washy would kill all harmful bacteria.

Vice-Chairman White asked if the poop would be picked up or washed away.

Mr. Campbell stated that it would be picked up.

Mr. Foster asked staff how the use of this product would be enforced to make sure that contamination does not become a bigger issue than it already is. He stated that they have already had to ban skiing and swimming in the lake due to contamination.

Mr. Spencer stated that there is not a system in place to regulate that.

Charlotte Mallun approached the stand and stated that she is a dog trainer working with this business. She explained how Wishy Washy works.

Mr. Foster asked if they could input some kind of treatment tank to treat the waste water before it is released into the gutters.

Ms. Mallun stated that the purpose of Wishy Washy is to treat the runoff water.

Mr. Chambers stated that he recommends that the City Engineer review the site and the runoff for approval. Mr. Chambers asked if that would be a condition to add to the requirements.

Mr. Spencer stated that it would be an added condition as well as NLR Waste Water.

Mr. Chambers stated that NLR Waste Water doesn't handle surface water.

Mr. Spencer said that the City Engineer would cover that aspect.

Mr. Foster expressed his concern with treating the runoff before it gets into the gutters.

Mr. Chambers questioned if his idea was like a septic tank or filter.

Mr. Foster confirmed that he was suggesting that sort of automatic treatment system.

Mr. Chambers stated that he wants the City Engineer to approve the runoff.

Vice-Chairman White asked staff if this complies with the runoff regulations.

Mr. Spencer stated that he would have to check with the City Engineer.

Mr. Foster states that he just wants to protect the community but doesn't want to ask too much of the applicant. He just wants to make sure it will meet city regulations.

Mr. Campbell asked what the Hound's Lounge does for this.

Vice-Chairman White stated that the Hound's Lounge is in Sherwood.

Mr. Spencer corrected him and stated that it was in North Little Rock.

Mr. Chambers doesn't want to require more than they require for the Hounds Lounge. He stated that there is a lot of foot traffic in this area. He is recommending adding a condition that the City Engineer approve the surface waste disposal and give any suggestions for corrections. Also if it is not approved he would like the application to be revisited, if it is not taken care of through City Council.

Mr. Foster questioned if the applicant should withdraw or postpone the case until the next meeting with more board members.

Mr. Spencer stated that it would have to be approved by the City Engineer before it is allowed to be presented to City Council. If they cannot agree than an Alderman may sponsor the application.

Mr. Chambers made the motion to amend the application and it was seconded.

Vice-Chairman White asked for a roll call to vote on the amendment only.

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

Conditional Use #2019-11 amendment was approved with (7) affirmative votes.

Vice-Chairman White asked if Mr. Campbell agreed to the conditions of hours and noise level from 8am to 5:30pm.

Mr. Campbell stated that he did agree with those conditions.

Vice-Chairman White stated that his concern is that dogs need to go out to use the restroom before 8am.

Mr. Campbell stated that he would have to take the dogs out to use the restroom but they would not be roaming around or training before 8am.

Mr. Spencer stated that he has received calls about the Hound's Lounge being a noise nuisance when they take the dogs out early. He states that there are not any houses nearby. Also, Hound's Lounge's hours are from 7am to 7pm.

Vice-Chairman White stated there is more and more demands for this type of business. He stated that he believes that the hours should be amended to the same hours as the Hound's Lounge.

Mr. Spencer reassured that there are no house that back up to the Hound's Lounge like this property does.

Mr. Chambers stated that the hours of 8am to 5:30pm were chosen because those are the hours that the neighbors would be least likely to be disturbed because they would be at work.

Mr. Campbell stated that he was ok with keeping those hours.

Vice-Chairman White asked for public comments.

Sabra Williams states that she works with veterans at the VA hospital for two months. She stated that most of the veterans only have a dog for a family. She believes it would help the veterans and animals to have a safe place for them to stay while they are going through treatment.

Jim Fore, 505 W F Ave. and 114 W G Ave., stated that his house is only 13 feet from the property line of the proposed business. He stated that he believes it is a good idea but it is a terrible location. He stated that the business is planning on housing up to 15 dogs. He believes that it will not be likely that Mr. Campbell will be able to keep the dogs from barking in such a short time frame. He stated that it will bring down the value of the properties and the neighborhood. Also, he stated that he was worried about the runoff and chemicals, including contamination and smells. He stated that he believes that it would become a constant noise nuisance due to neighborhood dogs barking and reacting to the boarded dogs. He stated he has his real estate license and has researched how this will affect his property. He said that his property will decrease in value by \$30,000.

Paige Edgen, 123 W F Ave., stated that she lives in this neighborhood and loves dogs but she believes it will cause too much noise for her to enjoy the outdoors at her home. Also she states that neighbors are not in agreement with the approval of the business.

Karen Fore, 505 W F Ave., stated that she owns three dogs and the only way to keep dogs from barking is to cut their vocal cords due to their nature of security. She stated that she is a realtor and the property owners would be required to disclose the noise nuisance at the time of selling a home, which in turn will affect the value of the neighborhood.

JoAnn Berg, 115 W G Ave., stated that most of the homes in the neighborhood are older and she doesn't believe that the property values would be effected. She stated that as a homeowner it is your own responsibility to keep up the maintenance and value of their own property.

Terry Holden, 119 W G Ave., stated that she has no problem with the business. She believes that dogs bark for a reason and if you take that reason away there shouldn't be a problem. She stated that there wouldn't be barking at night due to it mostly just using for day care and not as much overnight boarding.

Mr. Chambers asked Mr. Campbell to explain the sound abatement fence.

Mr. Campbell stated that it would be an eight foot wood privacy fence with outdoor sound padding.

Mr. Foster asked what used were allowed in the C-PH zone.

Mr. Spencer stated that it is part of the Jumpstart program. He stated that C-PH zone is different than a normal commercial zone. Animal boarding requires a Conditional Use permit in this zone.

Mr. Foster stated what actions will be taken if the business ends up not being able to comply with requirements.

Mr. Spencer stated that the neighbors would have to call the non-emergency police line.

Mr. Mosley stated that Code Enforcement would have to regulate the complaints of noise, odor, and runoff. He stated that if the conditions are approved but not met they could be ticketed and taken to court or worked out with the city.

Mr. Foster asked what the C-PH zone was.

Mr. Spencer stated that it is in the Park Hill Overlay district and they have a regulation against Special Use cases. Therefore, it must be a Conditional Use permit.

Mr. Chambers stated that amended conditions for run off, fence height, and noise.

Vice-Chairman White asked the applicant if he agreed with the amendments.

Mr. Campbell confirmed that he agreed.

Ms. Mallun stated that they plan on keeping the dogs minds busy to keep them from being distracted by people and cars passing by.

Vice-Chairman White asked for a roll call to vote.

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

Conditional Use #2019-11 was approved with (6) affirmative votes.

3. Special Use #2019-7

To allow indoor retail in an I-2 zone located at 7420 Counts Massie Rd.

Vice-Chairman White asked if the applicant was present and to state name.

Tammy New and Dale Sagetti, 7420 Counts Massie Dr., stated that they want to open a consignment store in an Industrial area but there is also commercial property around them as well.

Vice-Chairman White asked if there was a store like this down the street from the projected address.

Ms. New confirmed there was another store close to their location.

Mr. Chambers asked the applicants if they agree with the conditions.

Ms. New stated that she had questions on the suggested hours.

Mr. Chambers stated that the suggested hours is just a range to stay within. It is not a requirement to be open all of the suggested hours.

Ms. New stated that the city was concerned about the barbwire fence. She stated that it was already existing and if not removed it would provide more security.

Mr. Foster made a motion to amend the conditions to remove conditions two and three.

Vice-Chairman White asked for a roll call to vote on the amendment.

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

Special Use #2019-7 amendment was approved with (5) affirmative votes.

Vice-Chairman White asked if there were any other questions or comments.

Vice-Chairman White asked for a roll call to vote.

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

Special Use #2019-7 was approved with (7) affirmative votes.

4. Special Use #2019-9

To allow an auto repair business in an R-3 zone located at 1705 Moss St.

Vice-Chairman White asked if the applicant was present and to state name.

Barbara Warner and Aaron Hinton, 1705 Moss St., stated that they want to move their business from the Pike Plaza Shopping Center to 1705 Moss St. due to business growth.

Mr. Spencer stated that the request is for a Special Use not a Rezone.

Mr. Chambers stated that the car repair business is messy. He requested that the applicants agree to keep the property cleaned up and tidy.

Applicants agreed.

Dave Woodson, 1701 Parker St., states that a junk yard in a residential area is a public nuisance and a criminal offense. He stated that he was concerned about the contamination from car fluids and tow trucks going in and out all day. He stated that the R-3 zone is in

place to protect homeowners and the neighborhood. He stated that the applicants have already begun to store cars at the location.

Vice-Chairman White said his only concern was with how it looks now. He asked if the owner had been sited or warned.

Mr. Hinton stated that the owner told him it was already zoned correctly so began to move cars in. Then he realized that information was incorrect so he contacted the Planning Department to see how to fix the mistake. He also stated that if it cannot be approved than they will find a new location. He reassured that they have a process of cleaning to keep the contamination down.

Mr. Foster stated that there is usually a condition for a buffer to separate residential and commercial properties. He asked if they should add this as a condition.

Mr. Reavis that the Design Review Committee recommended the conditions without the buffer.

Vice-Chairman White asked if there were any other questions or comments.

Mr. Woodson stated that the occupants of the surrounding homes are mostly tenants not owners. Therefore, the owners are not aware of the changes.

Vice-Chairman White asked for a roll call to vote.

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

Special Use #2019-9 was approved with (5) affirmative votes.

5. Rezone #2019-5

To rezone property located southeast of the intersection of Kellogg Acres Rd. & Oakdale Rd. from C-3 to PUD to allow an event center.

Vice-Chairman White asked if the applicant was present and to state name.

Todd Adams, 8932 Stillwater Rd., and Jason Bouwknegt, Halff+Marlar.

Vice-Chairman White asked the applicant if he agreed with all of the recommendations from the Design Review Committee.

Mr. Adams confirmed that he did agree with the recommendations. He stated that the property would be used for weddings and business meetings. He chose this location due to the beauty and luxury of the wooded, less populated area.

Mr. White asked how many people they were planning on allowing at each event.

Mr. Adams stated that they plan on staying around 300 people but the Fire Marshall has approved it for up to 500 people.

Vice-Chairman White asked if there would be enough parking for that many people.

Mr. Adams confirmed there would be enough parking.

Mr. Chambers asked staff why they are requesting a PUD zone instead of a regular rezone.

Mr. Spencer stated that the PUD would allow for only the approved use and conditions and a regular commercial zoning would allow any use that falls under that zone.

Vice-Chairman White asked if there were any other questions or comments.

Wayne Ripple, 25 Kellogg Acres Rd., stated that his property adjoins the property that is being considered. He stated that he can't believe they would want to put a wedding chapel. He stated that there are already plenty of those. He said that he heard that they would also be holding outdoor concerts. He stated that his bedtime is 10pm not midnight. He was concerned with the impact it would have on selling his home, if he ever decided too. He elaborated on how he was concerned about the noise and the traffic. He stated that people should go to the Old Mill for weddings. He was concerned that his circle drive would become heavily traffic by people turning around on the two lane road.

Bobbie Ripple, 25 Kellogg Acres Rd., stated that the owner rezoned the property 10 years ago for a strip mall that never was built. She stated that the proposed structure is beautiful. She believes it would be ok if it were just for weddings and business meetings, but not outdoor concerts. She is concerned that the use would end up changing to only outdoor concerts.

Mr. Spencer stated that it is presently zoned C-3 which allows hundreds of different business. He stated by changing it to a PUD it will only be allowed for the approved use.

Vice-Chairman White asked the applicants when they were planning on starting.

Mr. Adams stated it depends on approval time but as soon as possible.

Vice-Chairman White asked the applicant if they were planning on holding outdoor concerts.

Mr. Adams stated that the intent is to be predominantly a wedding venue.

Vice-Chairman White asked if there were any other questions or comments.

Vice-Chairman White asked for a roll call to vote.

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

Rezone #2019-5 was approved with (7) affirmative votes.

6. Rezone #2019-6

To rezone property located at 4140 JFK Blvd. from R-1 to C-2 to allow for a credit union.

Vice-Chairman White asked if the applicant was present and to state name.

Mr. Mosley stated that the applicant was his cousin for full disclosure.

Linda Jeffery, President of TruService Community Federal Credit Union, stated that she would like to rezone the property from residential to commercial. She stated that it was formally a US Bank and wants to open a credit union. She stated that they would update the building and freshen up the property.

Vice-Chairman White asked if there were any other questions or comments.

Mr. Chambers asked if she would consider complying with the current landscape artist.

Ms. Jeffery stated that she would comply

Vice-Chairman White asked if she would continue to allow the neighboring church members to park there.

Ms. Jeffery agreed.

Vice-Chairman White asked if there were any other questions or comments.

Vice-Chairman White asked for a roll call to vote.

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

Rezone #2019-6 was approved with (7) affirmative votes.

Public Comments/Adjournment:

Vice-Chairman asked if there are any comments.

Mr. Chambers expressed his concern with having too many storage units around the city.

Vice-Chairman White expressed his concern about the landscaping requirements for the North Hills apartments due to erosion. Also, proposed future use of wetlands and flood plains.

Mr. Foster made a motion to adjourn.

Vice-Chairman adjourned the meeting at 5:33pm.

Respectfully Submitted:



Tim Reavis, Planning