

LITTLE ROCK PLANNING COMMISSION
PLANNING – REZONING – CONDITIONAL USE HEARING

MINUTE RECORD

AUGUST 6, 2009

4:00 P.M.

I. Roll Call and Finding of a Quorum

A Quorum was present being ten (10) in number.

II. Members Present:

- Pam Adcock
- J. T. Ferstl
- Troy Laha
- Jerry Meyer
- Obray Nunnley, Jr.
- Bill Rector
- Billy Rouse
- Candice Smith
- Chauncey Taylor
- Jeff Yates

Members Absent: William Changose

City Attorney: Debra Weldon

III. Approval of the Minutes of the June 25, 2009 Meeting of the Little Rock Planning Commission. The Minutes were approved as presented.

LITTLE ROCK PLANNING COMMISSION
PLANNING – REZONING – CONDITIONAL USE HEARING
AUGUST 6, 2009
4:00 P.M.

I. OLD BUSINESS:

- | | | |
|----|-----------------|--|
| A. | <u>LA0027</u> | A Land Alteration Variance request from Section 29-190 for property located at 6900 Cantrell Road. |
| B. | <u>Z-8454</u> | Love Day Care Family Home – Special Use Permit
7618 West 38 th Street |
| C. | <u>G-23-410</u> | West 29 th Street – Right-of-Way Abandonment
West of Fair Park Blvd. |
| D. | <u>G-23-411</u> | Children’s Way – Right-of-Way Abandonment
Between West 10 th and West 13 th Streets |
| E. | <u>Z-8461</u> | Porter Day Care Family Home – Special Use Permit
60 Lakeshore Drive |
| F. | <u>Z-8463</u> | Wamala Family Care Facility – Special Use Permit
22 Ivy Drive |
| G. | <u>Z-4159-B</u> | Steitler Mini-Warehouse – Conditional Use Permit
9500 I-30 |
| H. | <u>Z-8459</u> | Kern Accessory Dwelling – Conditional Use Permit
317 N. Spruce Street |

II. NEW BUSINESS:

- | <u>Item Number:</u> | <u>File Number:</u> | <u>Title</u> |
|---------------------|---------------------|--|
| 1. | <u>Z-8473</u> | Rezoning from R-4 and C-3 to O-3
Southwest corner of 12 th and Wolfe Streets |
| 2. | <u>G-23-412</u> | Alley Right-of-Way Abandonment
Block 175, Original City
Block bounded by West 8 th , West 9 th , S. State and S.
Gaines Streets |

II. NEW BUSINESS: (CONTINUED)

<u>Item Number:</u>	<u>File Number:</u>	<u>Title</u>
3.	<u>Z-3929-A</u>	Smith Day Care Family home 12214 Chicot Road
4.	<u>LU09-09-01</u>	A Land Use Plan Amendment in the I-630 Planning District at the northeast corner of West 10 th Street and Jonesboro Street from Residential Low and Park/Open Space to Office.
4.1	<u>Z-8477</u>	Rezoning from R-3 and R-4 to O-1 Located generally north of West 10 th Street, South of I-630 and between Jonesboro Street and S. Madison Street.
5.	<u>G-23-413</u>	Right-of-Way Abandonments <ul style="list-style-type: none">• S. Madison Street between I-630 and Maryland Avenue• S. Monroe Street between I-630 and West 10th Street• West 9th Street (Maryland Avenue) between Jonesboro Street and S. Madison Street• Unnamed Street/alley located in Blocks 6 and 11, Cunningham's Addition• Alley rights-of-way within Blocks 5 and 12, Cunningham's Addition
6.	<u>Z-8483</u>	Rezoning from R-2 to C-3 Behind 5401 S. University Avenue
7.	<u>Z-8484</u>	Perry Day Care Family Home 9418 Southboro Drive
8.	<u>Z-4420-E</u>	Greater Center Star Baptist Church Parking lots and garage building – Conditional Use Permit Northwest corner of State and Short 32 nd Street and East side of Riffel Avenue one lot North of 33 rd Street.
9.	<u>Z-6443-A</u>	Adams Office – Conditional Use Permit 904 Rock Street

II. NEW BUSINESS: (CONTINUED)

<u>Item Number:</u>	<u>File Number:</u>	<u>Title</u>
10.	<u>Z-8478</u>	Downtown Little Rock CDC Modular Home – Conditional Use Permit 1519 Commerce Street
11.	<u>Z-8482</u>	Stingley Auto Repair – Conditional Use Permit 2225 Cottdale Lane
12.	<u>Z-8485</u>	Heights Real Estate Company Day Care Center Playground – Conditional Use Permit West of 8218 Cantrell Road
13.	<u>LU09-05-01</u>	A Land Use Plan Amendment in the Downtown Planning to change various areas from Mixed Use Urban to Public Institutional to recognize existing uses.

August 6, 2009

ITEM NO.: A

FILE NO.: LA-0027

NAME: Valley Heights Land Alteration Retaining Wall Variance Request

LOCATION: 6900 Cantrell Road

APPLICANT: Valley Heights Apartments II Limited Partnership

APPLICANT'S REPRESENTATIVE: David Henry

CURRENT ZONING: R5

VARIANCES/WAIVERS REQUESTED: An appeal request of the corrective action of a Notice of Violation dated March 3, 2009 requiring removal of the wall or some less minor modifications to comply with the Land Alteration Regulations. A variance request to exceed the maximum retaining wall height, maximum slope, and install alternative landscaping as found in Sec. 29-190 of the Land Alteration Regulations.

A. PROPOSAL/REQUEST:

The applicant is requesting an appeal of the corrective action of a Notice of Violation dated March 3, 2009 requiring removal of the wall or some less minor modifications to comply with the Land Alteration Regulations. The applicant is also requesting a variance from the Land Alteration Regulations to exceed the maximum retaining wall height, maximum slope, and install alternative landscaping as found in Sec. 29-190. The retaining wall is located on the southwest corner of Valley Heights Apartments at 6900 Cantrell Road. The retaining wall was installed during the construction of a new 3 story apartment building. The certificate of occupancy is being held until the issue is resolved to the City's satisfaction.

The retaining wall is out of compliance with the Land Alteration Regulations in the following way:

1. The wall is a total of 33 feet tall. The maximum allowable height of the entire terraced wall is 30 feet with 1 to 2 terraces. Each wall cannot exceed 15 feet in height;
2. The horizontal terrace bench of the wall is about 4.0 feet wide. The minimum allowable width of the horizontal terrace bench is 10 feet for two (2) 15 foot retaining walls;
3. Trees are not planted on the horizontal terrace bench of the wall. The Land Alteration Regulations require 2 rows of evergreen trees to be planted 5 feet between the rows and each tree staggered 15 feet apart.

B. EXISTING CONDITIONS:

The subject property is located on the north side of Cantrell Road just west of N. Hughes Street. The subject property is zoned R5. R2 zoned properties are located to the north. C3 zoned properties are located to the west. One of those properties is the Blackmon Chiropractic Clinic. To the south is Cantrell Road. Further to the south across Cantrell Road are C3 zoned properties such as Stein Mart, restaurants, and others. To the east are condominiums and apartments zoned R5. The retaining wall is only visible from within the property.

C. NEIGHBORHOOD COMMENTS:

Certified mail notices were sent by the applicant to neighboring properties as per ordinance requirements. As of this writing, staff has received various communications from Dr. Chris Blackmon, an adjacent property owner, stating concerns pertaining to the stability of the retaining wall. A phone call was also received from Gary Simmons of the Kingwood Neighborhood Association requesting a general explanation of the violations and other pertinent information.

D. ENGINEERING COMMENTS:

1. Retaining wall design plans prepared by a registered professional engineer have been provided to staff for review. Provide a letter prepared by a registered professional engineer certifying the retaining wall as constructed, not as designed, meets or exceeds necessary safety and stability factors for walls of this type.
2. The design drawings submitted to civil for review does not appear to match what was constructed at the site. Submit in written and electronic form an as-built plan showing:
 - a. the top and toe of the wall;
 - b. edge of excavation;
 - c. edge of clearing;
 - d. corresponding stationing as shown on the design plans; and
 - e. the dimensions of the highest course of the geogrid mats for all walls in the southwest portion of the property.

E. LANDSCAPE COMMENTS:

1. The site is more than 2 acres in size; therefore, any/all landscape plans should be stamped by a Registered Landscape Architect from the State of Arkansas.

2. Any/all newly planted landscaping must have an automatic irrigation system installed.
3. Due to the abnormality of the size and structure of the wall landscaping should included evergreen vegetation growing up the retaining walls, growing down the retaining walls, and include trees and/or large shrubs on the benches of the walls; within the limits of the structural capacity. (to be determined by your landscape architect).
4. Any/all disturbed areas about the wall or below the wall are to be re-established with vegetation to discourage run-off and/or erosion of the area(s).

F. SUBDIVISION COMMITTEE COMMENTS: (April 8, 2009)

Bruce Tidwell of Friday, Eldredge, and Clark and John Johnson of Henry Construction were present representing the applicant. Staff stated the comments as written above. Mr. Tidwell asked questions pertaining to the specifics of the certification and the as-built drawing. Jeff Yates told the applicant's representatives to meet with staff and work thru the comments. There was no further discussion of the item. The Committee then forwarded the item to the full Commission for final action.

G. ANALYSIS:

About half of the approximately 733 linear feet of retaining wall is out of compliance with the Land Alteration Regulation in at least two of the items listed below. The retaining wall is only visible from within the property. At the closest point, the newly constructed apartment building is located 6 inches from the retaining wall. Issues have been raised about the stability of the retaining walls. It is believed the anchoring geogrid mats were not installed at the lengths specified in the design plans.

The retaining walls are out of compliance with the Land Alteration Regulations in the following ways:

1. The walls are a total of 33 feet tall. The maximum allowable height of the entire terraced wall is 30 feet with 1 to 2 terraces. Each wall cannot exceed 15 feet in height;
2. The horizontal terrace bench of the wall is about 4.0 feet wide. The minimum allowable width of the horizontal terrace bench is 10 feet for two (2) 15 foot retaining wall;
3. Trees are not planted on the horizontal terrace bench of the wall. The Land Alteration Regulations require 2 rows of evergreen trees to be planted 5 feet between the rows and each tree staggered 15 feet apart.

The certificate of occupancy is being held until the noncompliance issues are resolved to the City's satisfaction.

During staff's building permit review process, the retaining walls shown on the grading and drainage plan was reviewed and found to be in conformance with the Land Alteration Regulations. However, the structural design drawings were not submitted to staff as required by code.

At some point, the wall design was then modified from the original configuration, however, plans were not submitted to staff for review. Further along in the construction process, the design plans were again revised and again not submitted to staff for review. In summary, a total of three (3) design plans were prepared for the walls and only the original set of plans were submitted to staff for review prior to construction.

Staff has received an as-built drawing of the wall prepared by a licensed surveyor. The wall shows to be constructed about 2.5 feet shorter than shown on the design plans. The lower wall is about 14.5 feet tall with a horizontal terrace of about 4 feet wide. The upper wall above the horizontal terrace is about 18.67 ft tall for a length of about 35 feet. The width requirement of the horizontal terrace is required for aesthetic purposes to provide a flat area for planting evergreen trees. It is not for structural purposes. The as-built drawing also showed the anchoring geogrid mats are shorter than shown on the design plans.

Based on the as-built drawing and visual inspection, the registered engineer who designed the wall submitted to staff a certification of the stability of the wall. He stated, "The overall upper wall stability meets or exceeds the factors of safety used in the original design." He also stated, "The wall should continue to perform in accordance with the standards or practice adequately over the long term." With the certification letter, the engineer also provided engineering analysis assuming the existing conditions of the wall. The analysis shows the strengths of the wall are twice the required factor of safety design strengths for sliding and overturning. The wall also exceeds 10 times the required factor of safety design strength for bearing capacity. The engineer observed visually the retaining wall and did not observe any wall face movement which he says would be indicative of improper geogrid placement.

The retaining wall is only visible from within the property. At the time of writing, staff has not received a landscape plan but has met with a registered landscape architect and agreed on the landscaping to be provided. Staff will receive the landscape plan prior to the hearing for confirmation of the provided landscaping.

Currently, the owner of the neighboring property to the southwest (Blackmon Chiropractic Clinic) and the applicant are in litigation pertaining to the retaining wall because during construction of the wall, it has been alleged that excavation

occurred on the neighboring property and portions of the wall's anchoring geogrid mats are installed on Dr. Blackmon's property. The trespassing on the neighboring property is a civil matter which the City is not a party to. As a result of the lawsuit, if the anchoring geogrid mats are required to be removed the wall will have to be modified or maybe rebuilt.

H. STAFF RECOMMENDATION:

Staff has spent considerable time reviewing this application. Staff has several concerns about this variance. The original building permit plans provided to the City for approval were modified two (2) separate time after the building permit was issued and those changes were never resubmitted to staff for review. The original building permit plans complied with the Land Alteration Regulations. The two (2) revised plans did not.

Staff is concerned that the engineers and contractor designed and built this wall not in conformance with the approved building permit plans. It was known the wall was not in conformance with Land Alteration Regulations but still did not modify the plans to comply with the regulations; did not bring the noncompliance issue to the attention of staff; and proceeded to finish the wall and construct the apartment building just inches away.

Staff has concerns that the as-built drawing does not comply with any of the three (3) plans prepared by the engineer.

Staff is concerned about the lack of documentation by the contractor during the construction process for such a huge liability like a large retaining wall built so close to an apartment building. The documentation of construction of retaining wall is an industry standard.

Staff is concerned about the lack of planning by the engineer and the contractor in designing and building a wall with an apparent encroachment onto the adjacent property.

Staff has concerns about the stability of the wall. While the engineer has provided an as-built certification that the wall stability exceeds all factors of safety, his opinion could only be formed by looking at portions of the wall system. In the engineer's words, it would be impossible to look at the entire system without removal of the wall. If the wall slides, overturns or collapses, human safety and property damage are at risk.

Staff recommends denial of the variance request.

I. PLANNING COMMISSION ACTION: (APRIL 30, 2009)

The applicant was present. There were registered objectors present. Staff presented the item stating the applicant had submitted a request dated April 30, 2009, requesting deferral of the item to the May 28, 2009, public hearing. Staff

stated the deferral request would require a waiver of the Commission's By-laws with regard to the late deferral request.

There was no further discussion of the item. A motion was made to waive the Commission's By-laws with regard to the late deferral request. The motion carried by a vote of 9 ayes, 0 noes and 2 absent. The chair entertained a motion for placement of the item on the consent agenda for deferral as recommended by staff. The motion carried by a vote of 9 ayes, 0 noes and 2 absent.

PLANNING COMMISSION ACTION: (MAY 28, 2009)

Staff informed the Commission that the applicant submitted a letter on May 13, 2009 requesting the item be deferred to the June 25, 2009 Agenda. Staff supported the deferral request.

The Chairman placed the item before the Commission for inclusion within the Consent Agenda for deferral to the June 25, 2009 Agenda. A motion to that effect was made. The motion passed by a vote of 10 ayes, 0 nays and 1 absent. The application was deferred.

PLANNING COMMISSION ACTION: (JUNE 25, 2009)

The applicant was not present. There were no registered objectors present. Staff recommended that the item be deferred to the August 6, 2009 agenda to allow additional time to study the wall issue. There was no further discussion. The item was placed on the consent agenda and deferred to August 6, 2009 by a vote of 7 ayes, 0 noes and 4 absent.

J. STAFF UPDATE: (JULY 28, 2009)

Since the original agenda date of this item on April 30, 2009, litigation pertaining to the retaining wall between Valley Heights Apartments and Blackmon Chiropractic Clinic has been resolved. The property where the geogrid mats encroached upon the Blackmon property has been acquired by Valley Heights Apartments and is no longer subject to the potential to be removed. A letter dated July 6, 2009 from James D. Rankin III, Attorney for the Blackmons, was received by staff stating all disputes have been resolved with Valley Heights Apartments and the Blackmons are withdrawing all previous objections to the Valley Heights Apartments' retaining wall. The letter continued and stated the Blackmons are now in support of the Planning Commission granting the requested variance and the certificate of occupancy.

August 6, 2009

ITEM NO.: A (Cont.)

FILE NO.: LA-0027

No other telephone calls or letters have been received objecting to the variance request for the retaining wall.

Staff currently has contracted with Terracon Consulting Engineers & Scientists to conduct a technical review of the file documents pertaining to stability of the retaining wall. This review will examine the stability calculations, assumptions, tension strengths, design plans, as-built plans, density test results, pictures, and field reconnaissance of the viewable parts of the wall. At time of writing, the final report of the technical review has not been completed for review by staff. The results of the report will be presented to the Planning Commission along with a staff recommendation prior to the hearing date.

PLANNING COMMISSION ACTION:

(AUGUST 6, 2009)

Staff requested deferral of this item to the September 3, 2009 meeting to allow additional time for a geotechnical study to be performed on the soils located behind the retaining wall. A review of all design plans, calculations, density tests, and photographs pertaining to the construction of the retaining wall have been conducted which raised several questions pertaining to the parameters used in the design calculations. The deferral was approved by a vote of 10 ayes, 0 nays, and 1 absent.

August 6, 2009

ITEM NO.: B

FILE NO.: Z-8454

NAME: Love Day Care Family Home – Special Use Permit

LOCATION: 7618 West 38th Street

OWNER: Javier Linares

APPLICANT: Shelia Love

PROPOSAL: A Special Use Permit is requested to allow a Day Care Family Home to be operated in the single family residence located on the R-2 zoned property at 7618 West 38th Street.

A. Public Notification:

All owners of property located within 200 feet of the site, all residents within 300 feet who could be identified, and the John Barrow and Westwood Neighborhood Associations were notified of the public hearing.

B. Staff Analysis:

7618 West 38th Street is located on the north side of West 38th Street, between Whitfield and Stannus Streets. The properties to the east, west and south are zoned R-2 and contain single family residences. There is undeveloped R-2 zoned property to the north. There are several vacant lots in the area.

The applicant's home is a one-story frame single family residence, and is typical of those in the general area. The applicant is in the process of fencing a portion of the rear yard which will provide a safe play area. The applicant proposes to operate the day care family home from 6:00 a.m. to 6:00 p.m., Monday through Friday. The applicant has noted that she will have one (1) part-time employee.

There is a one-car wide driveway from West 38th Street with parking for three (3) vehicles. The applicant has noted (at the suggestion of staff) that, if approved, the driveway will be widened to a two (2) car width within 30 days of the approval. This will provide parking for five (5) vehicles. Staff feels that this will allow sufficient space for drop-off and pick-up of children. On reinspection of the site, staff observed no vehicles parked on unpaved areas. Staff also observed no vehicles on the site which are not operational.

The applicant is currently providing care for eight (8) children at this location, since March, 2009. The applicant is in the process of being licensed by the State for up to ten (10) children.

The principal use of the property will remain single family residential. No signage beyond that allowed in single family zones will be permitted. The applicant submitted a copy of the bill of assurance for the subdivision which was recorded in 1907. The bill of assurance is a handwritten document and not legible. It likely contains no provisions regarding property use.

Section 36-54(e)(3) of the City of Little Rock Zoning Ordinance establishes the site and location criteria for day care family homes as follows:

Day care family home:

- a. This use may be located only in a single family home, occupied by the care giver and which is the full time residence of the care giver.
- b. Must be operated within licensing procedures established by the State of Arkansas. State regulations shall control the number of employees residing off premises.
- c. The use is limited to ten (10) children including the care givers.
- d. The minimum to qualify for special use permit is six (6) children from households other than the care givers.
- e. This use must obtain a special use permit in all districts where day care centers are not allowed by right.
- f. After the effective date of this subsection, no Special Use Permit will be approved for a day care family proposed to be located within 300 feet of a licensed day care center or an operating day care family home for which a Special Use Permit has previously been approved. For the purposes of this subsection, the distance between properties shall be measured in a straight line without regard to intervening structures or objects, from property line to property line.
- g. All day care family homes located in the City of Little Rock are required to obtain a City of Little Rock business license and to pay an annual business tax as specified in Chapter 17. of the Code.

- h. A copy of the day care family home's current State of Arkansas license must be submitted to the City Collector's Office each year at the time of payment of the annual business tax.
- i. All vehicles must be parked on an on-site paved surface.
- j. All vehicles located on the site must be operational.
- k. All pick-up and drop-off of children shall be on the property's driveway and not on the public right-of-way unless otherwise approved by the Planning Commission.
- l. Special Use Permits for day care family homes shall be reviewed by staff every three (3) years for compliance with the development criteria and Planning Commission approval.
- m. The Fire Marshall must approve use of the residence for the proposed day care family home.

Special Use Permits are not transferable in any manner. Permits cannot be transferred from owner to owner, location to location or use to use.

To staff's knowledge, there are no outstanding issues associated with this application. Staff feels that the proposed day care family home at this location will have no adverse impact on the general area. Based on information provided by the State, there are no permitted/licensed day care family homes or day care centers within 300 feet of the site. Additionally, staff has received no complaints from neighbors since the applicant began caring for children at this address, as of March, 2009.

C. Subdivision Committee Comments: (April 23, 2009)

Shelia Love was present, representing the application, along with two (2) parents of children she cares for. Staff briefly described the proposed day care family home use. Staff suggested that the driveway be widened to a two-car width. Ms. Love indicated that the driveway would be widened. Staff also noted that an inspection of the property revealed two (2) vehicles parked in the grass next to the driveway. Ms. Love indicated that the cars were moved and would not be parked on the grass any more.

Commissioner Yates asked how long Ms. Love had been at this location. Ms. Love stated that she has lived there since February, 2009. She explained that she previously had a day care on Kanis Road for three (3) years. She also indicated that she leased the property in question.

Commissioner Laha stated that drop-off and pick-up of children had to be off-street. Ms. Love explained that she and her parents understood.

After the discussion, the Committee forwarded the application to the full Commission for final action.

D. Staff Recommendation:

Staff recommends approval of the Special Use Permit to allow a day care family home at 7618 West 38th Street, subject to the following conditions:

1. Compliance with the site and location criteria in Section 36-54(e)(3).
2. There is to be no signage beyond that permitted in single family zones.
3. Outdoor activities, including playground use, are to be limited to day-light hours.
4. The driveway must be widened and paved to a two-car width within 30 days of the Commission's approval.

PLANNING COMMISSION ACTION:

(MAY 28, 2009)

Staff informed the Commission that the applicant did not send the notices to surrounding property owners in a timely manner. Staff noted that the notices were mailed nine (9) days prior to the public hearing, rather than the minimum of 15 days as required by the Commission. Staff recommended deferral of the application to the June 25, 2009 Agenda.

The Chairman placed the item before the Commission for inclusion within the Consent Agenda for deferral to the June 25, 2009 Agenda. A motion to that effect was made. The motion passed by a vote of 10 ayes, 0 nays and 1 absent. The application was deferred.

PLANNING COMMISSION ACTION:

(JUNE 25, 2009)

The applicant was present. There were no objectors present. The applicant requested a deferral to the August 6, 2009 Agenda based on the fact that only seven (7) commissioners were present. The deferral was offered by the Commission, not to be charged to the applicant.

There was a motion to defer the application to the August 6, 2009 Agenda. The motion passed by a vote of 7 ayes, 0 nays and 4 absent.

PLANNING COMMISSION ACTION:

(AUGUST 6, 2009)

Shelia Love was present, representing the application. There were no objectors present. Staff presented the application with a recommendation of approval. Shelia Love added no comments to the staff presentation.

Commissioner Nunnley asked if any of the children Ms. Love currently cared for lived on site. Ms. Love stated that there were none. Commissioner Rouse asked if Ms. Love was currently licensed by the State. Ms. Love stated that she was not, but was in the process of becoming licensed, and just needed City approval.

Commissioner Laha asked if the driveway had already been widened, and about stacking space for vehicles. Ms. Love explained that the driveway had been widened and designed so that five (5) vehicles could park. Ms. Love stated that there has been no problem with parking. Commissioner Laha noted that he was opposed to day care family homes.

Commissioner Adcock asked if Ms. Love rented the property. She stated that she did, and had approval from the property owner.

Vice-Chairman Yates asked if an approved special use permit could be transferred to another person or location. Staff explained that it could not.

Commissioner Meyer noted that there was vacant commercial zoned property in the area where a day care could be located.

Commissioner Nunnley commented on the interest of allowing day care family homes in neighborhoods. This issue was briefly discussed.

There was a motion to approve the special use permit application, as recommended by staff. The motion passed by a vote of 6 ayes, 4 nays and 1 absent. The application was approved.

August 6, 2009

ITEM NO.: C

FILE NO.: G-23-410

Name: West 29th Street – Right-of-Way Abandonment

Location: West of Fair Park Blvd.

Owner/Applicant: University of Arkansas Little Rock/DCI, Inc. (Robert Brown)

Request: To abandon approximately 516 feet of the 40-foot wide West 29th Street right-of-way located immediately west of Fair Park Blvd.

Purpose: To create a secured parking lot.

PROPOSAL/REQUEST:

The request is to abandon approximately 516 feet of the 40-foot wide West 29th Street right-of-way, located immediately west of Fair Park Boulevard. There is currently a paved driveway located within the right-of-way, which runs through UALR parking lot #15. The driveway contains curbs, gutters and landscaping along both sides. The driveway currently serves the parking lot and the Pi Kappa Alpha fraternity property at its west end. The abandonment is requested in order to gate and fence the right-of-way area to create a secured parking lot. UALR will grant the Pi Kappa Alpha property new access from West 28th Street to the south.

STAFF REVIEW:

A. Public Need for this Right-of-Way:

As noted in paragraph G., none of the utility companies object to the abandonment request. Three (3) utilities request the area of abandonment be retained as a utility easement. The Public Works Department has no comments on the abandonment request.

B. Master Street Plan:

The City's Master Street Plan designates this right-of-way as a local street. Therefore, there are no Master Street Plan issues associated with the abandonment request.

C. Characteristics of Right-of-Way Terrain:

There is currently a paved driveway within the right-of-way, which serves UALR parking lot #15.

D. Development Potential:

After abandonment, the area of right-of-way will be gated and fenced to create a secured parking lot.

E. Neighborhood and Land Use Effect:

The general area contains a mixture of uses. UALR parking areas are located on the north and south sides of the right-of-way, with other UALR property to the south and west. The Lions World Services for the Blind is located across Fair Park Blvd. to the east. There are also a number of single-family homes in the area.

F. Neighborhood Position:

The Curran-Conway and Fair Park Neighborhood Associations and the University District were notified of the abandonment request. As of this writing, staff knows of no objectors to the abandonment request.

G. Effect on Public Services or Utilities:

Wastewater: No objection but an easement must be retained for existing sewer main located in right-of-way.

Entergy: No objection to abandonment. No easements requested.

CenterPoint Energy: No objection to abandonment. Retain area of abandonment as a utility easement.

AT& T (SBC): No objection to abandonment. No easements requested.

Water: Central Arkansas Water has no objection to closure of this right-of-way, as described. However, CAW has existing water facilities located within this area and requires that the right-of-way be retained as a utility easement. This will allow for the development of additional parking lots for UALR.

H. Reversionary Rights:

The applicant submitted a letter from an abstract company noting that no reversionary rights were found filed of record in the Records of Pulaski County, Arkansas.

I. Public Welfare and Safety Issues:

Abandoning this right-of-way will have no adverse impact on the public welfare and safety. The Little Rock Fire Department has reviewed and approved the abandonment request, subject to Knox box entry being required.

SUBDIVISION COMMITTEE COMMENT:

(JUNE 4, 2009)

Robert Brown was present, representing the application. Staff briefly described the abandonment request. Staff noted that the area of abandonment would be retained as a utility easement.

The issue of the Pi Kappa Alpha property located to the west was discussed. Staff noted that UALR would grant the Pi Kappa Alpha property new access from West 28th Street to the north.

After the discussion, the Committee forwarded the issue to the full Commission for resolution.

STAFF RECOMMENDATION:

Staff recommends approval of the requested West 29th Street of right-of-way abandonment, subject to the following conditions:

1. The area of abandonment being retained as a utility and drainage easement.
 2. A Knox box being installed as required by the Fire Department.
 3. Execution of an access easement agreement, granting new access to the Pi Kappa Alpha property.
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PLANNING COMMISSION ACTION:

(JUNE 25, 2009)

Staff informed the Commission that the applicant submitted a letter on June 25, 2009 requesting this application be deferred to the August 6, 2009 Agenda. Staff supported the deferral request.

With a vote of 7 ayes, 0 nays and 4 absent, the Commission voted to waive their bylaws and accept the request for deferral being less than five (5) business days prior to the public hearing.

The Chairman placed the item before the Commission for inclusion within the Consent Agenda for deferral to the August 6, 2009 Agenda. A motion to that effect was made. The motion passed by a vote of 7 ayes, 0 nays and 4 absent. The application was deferred.

August 6, 2009

ITEM NO.: C (Cont.)

FILE NO.: G-23-410

PLANNING COMMISSION ACTION:

(AUGUST 6, 2009)

Staff informed the Commission that the applicant submitted a letter to staff on July 27, 2009 requesting the application be deferred to the September 17, 2009 Agenda. Staff supported the deferral request.

The Chairman placed the item before the Commission for inclusion within the Consent Agenda for deferral to the September 17, 2009 Agenda. A motion to that effect was made. The motion passed by a vote of 10 ayes, 0 nays and 1 absent. The application was deferred.

August 6, 2009

ITEM NO.: D

FILE NO.: G-23-411

Name: Children's Way – Right-of-Way Abandonment

Location: Between West 10th and West 13th Streets

Owner/Applicant: Arkansas Children's Hospital/Cromwell Architects and Engineers (Kent Taylor)

Request: To abandon three (3) blocks of the 60-foot wide Children's Way right-of-way located between West 10th and West 13th Streets.

Purpose: To create a private drive to serve the hospital facilities.

PROPOSAL/REQUEST:

The request is to abandon three (3) blocks of the 60-foot wide Children's Way right-of-way, located between West 10th and West 13th Streets. This represents approximately 1,000 feet of right-of-way. There is currently a paved roadway with curb, gutter and sidewalks within the right-of-way area. The paved roadway serves Arkansas Children's Hospital facilities, including parking areas, along both sides of the right-of-way. The abandonment is requested in order to create a private drive to serve the hospital facilities.

STAFF REVIEW:

A. Public Need for this Right-of-Way:

As noted in paragraph G., of the utility companies who have responded to staff, none have an objection to the abandonment. Central Arkansas Water and Little Rock Wastewater request the area of abandonment be retained as a utility easement. The applicant is still negotiating with AT & T regarding easement issues. Letters have not been received from Entergy or CenterPoint Energy. The Commission can proceed in addressing the abandonment issue. However, the request will not go before the City Board of Directors until proper responses have been received from all utility companies. The Public Works Department comment is as follows:

- Drainage easements should be maintained in the right-of-way to convey storm water from adjacent property.

B. Master Street Plan:

The City's Master Street Plan designates this right-of-way as a local street. Therefore, there are no Master Street Plan issues associated with the abandonment request.

C. Characteristics of Right-of-Way Terrain:

There is currently a paved roadway with curb, gutter and sidewalks within the right-of-way area.

D. Development Potential:

After development, the area of abandonment will be utilized as a private driveway to serve Arkansas Children's Hospital facilities.

E. Neighborhood and Land Use Effect:

Arkansas Children's Hospital facilities, including parking lots, are located along both sides of the right-of-way proposed for abandonment.

F. Neighborhood Position:

The Central High Neighborhood Association was notified of the abandonment request. As of this writing, staff knows of no objectors to the abandonment request.

G. Effect on Public Services or Utilities:

Wastewater: Little Rock Wastewater has several sewer mains located in the right-of-way of Children's Way (Marshall Street) between 10th Street and 12th Street. Little Rock Wastewater has no objection to the road closure for this portion but an easement must be retained for Little Rock Wastewater use. Between 12th and 13th Streets Little Rock Wastewater has no sewer main in this portion of right-of-way and has no objection to the road closure and an easement does not need to be retained for this portion.

Entergy: No comment received.

CenterPoint Energy: No comment received.

AT& T (SBC): No final comment received. The applicant is currently working with the utility to address easement issues.

Water: Central Arkansas Water has no objection to closure of this right-of-way, as described. However, CAW has existing water facilities, including 12-inch and

16-inch water mains and multiple meters located within this area and requires that the entire right-of-way be retained as a utility easement. Two existing public fire hydrants will become private and the future maintenance of those hydrants shall be the responsibility of Arkansas Children's Hospital.

H. Reversionary Rights:

The applicant submitted a letter from an abstract company noting that no reversionary rights were found filed of record in the Records of Pulaski County, Arkansas.

I. Public Welfare and Safety Issues:

Abandoning this right-of-way will have no adverse impact on the public welfare and safety. The Little Rock Fire Department has reviewed and approved the abandonment request.

SUBDIVISION COMMITTEE COMMENT:

(JUNE 4, 2009)

Kent Taylor was present, representing the application. Staff briefly described the abandonment request. Staff noted that the entire area of abandonment would be retained as a utility easement, as per utility comments received. Staff noted that letters were needed from AT&T, Entergy and CenterPoint Energy. Staff noted that the abandonment request would not be sent to the Board of Directors until the letters were received. The issue was briefly discussed. Staff also noted that a letter from an abstract company addressing the reversionary rights was needed.

After the discussion, the Committee forwarded the request to the full Commission for resolution.

STAFF RECOMMENDATION:

Staff recommends approval of the requested Children's Way right-of-way abandonment, subject to the following conditions:

1. The entire area of abandonment will be retained as a utility and drainage easement.
2. The abandonment request will not be taken to the City Board of Directors until all utility letters are received by staff.

PLANNING COMMISSION ACTION:

(JUNE 25, 2009)

Kent Taylor was present, representing the application. There was one (1) person present with concerns. Mr. Taylor requested a deferral to the August 6, 2009 Agenda based on the fact that only seven (7) Commissioners were present. The deferral was offered by the Commission, not to be changed to the applicant.

There was a motion to defer the application to the August 6, 2009 Agenda. The motion passed by a vote of 7 ayes, 0 nays and 4 absent.

PLANNING COMMISSION ACTION:

(AUGUST 6, 2009)

Kent Taylor was present, representing the application. There was one (1) objector present. Staff presented the application with a recommendation of approval.

Kent Taylor addressed the Commission in support of the application. He explained that Children's Way (Marshall Street) had previously been abandoned north of W. 10th Street. He noted the hospital uses on both sides of the right-of-way. He noted that there was other north/south rights-of-way to the east and west. He explained that the abandonment was consistent with the hospital master plan that was previously presented to the Commission.

Robert Jones, President of the Capitol Hill Neighborhood Association, spoke in opposition. He presented a petition of opposition. He noted that Children's Hospital did not notify neighbors of the request. He discussed parking issues associated with the hospital. He noted that abandoning the right-of-way would change vehicular circulation in the area.

There was a brief discussion of the previous abandonment of Children's Way (Marshall Street) north of W. 10th Street.

Mr. Taylor noted that there were buffer areas between the hospital facilities and nearest residents. He noted that W. 10th Street had been improved for better circulation. He explained that the reason for abandoning this right-of-way was to provide safer pedestrian access in the area.

Commissioner Nunnley asked if it had been considered to open the right-of-way area to vehicular traffic after hours. Mr. Taylor explained that the right-of-way area needed to be controlled for safety and security reasons. Commissioner Nunnley expressed opposition to the application.

Vice-Chairman Yates noted support for the application. The issue of Children's Hospital Master Plan was discussed. Mr. Taylor made additional comments in support of the application. Future neighborhood contact by the hospital was discussed.

August 6, 2009

ITEM NO.: D (Cont.)

FILE NO.: G-23-411

The Capitol Hill Neighborhood boundary was discussed. Commissioner Rouse explained that the portion of the street to be abandoned was not a through access. Chairman Taylor noted support of the application. There was a brief discussion of the right-of-way's ownership.

There was a motion to approve the right-of-way abandonment, as recommended by staff. The motion passed by a vote of 8 ayes, 2 nays and 1 absent. The application was approved.

August 6, 2009

ITEM NO.: E

FILE NO.: Z-8461

NAME: Porter Day Care Family Home – Special Use Permit

LOCATION: 60 Lakeshore Drive

OWNER: Karlisha Porter

APPLICANT: Karlisha Porter

PROPOSAL: A Special Use Permit is requested to allow a Day Care Family Home to be operated in the single family residence located on the R-2 zoned property at 60 Lakeshore Drive.

A. Public Notification:

All owners of property located within 200 feet of the site, all residents within 300 feet who could be identified, and the Broadmoor Neighborhood Association and University District were notified of the public hearing.

B. Staff Analysis:

60 Lakeshore Drive is located on the north side of Lakeshore Drive, between Archwood and Bellemeade Drives. All surrounding properties are zoned R-2. Single-family residences are located to the east, west and south. The Broadmoor Neighborhood Park and lake are located to the north.

The applicant's home is a one-story brick and frame residence, and is typical of those in the neighborhood. The rear yard is fenced and should provide a safe play area. The applicant proposes to operate the day care family home from 6:30 a.m. to 6:00 p.m., Monday through Friday. The applicant has noted that she will only have an employee if required by the State.

There is a two-car wide driveway from Lakeshore Drive with parking for at least eight (8) vehicles. Staff feels this will allow sufficient space for drop-off and pick-up of children. On inspection of the site staff observed no vehicles parked on unpaved areas. Staff also observed no vehicles on the site which are not operational.

The applicant is currently caring for four (4) children at this location, since May 2009. The applicant is in the process of being licensed by the State for up to ten (10) children.

The principal use of the property will remain single family residential. No signage beyond that allowed in single-family zones will be permitted.

As of this writing, the applicant has not submitted a copy of the bill of assurance for the neighborhood. The applicant initially informed staff that a bill of assurance could not be located at the county courthouse. Staff believes a current bill of assurance does exist for the subdivision and has asked the applicant to research it further.

Section 36-54(e)(3) of the City of Little Rock Zoning Ordinance establishes the site and location criteria for day care family homes as follows:

Day care family home:

- a. This use may be located only in a single family home, occupied by the care giver and which is the full time residence of the care giver.
- b. Must be operated within licensing procedures established by the State of Arkansas. State regulations shall control the number of employees residing off premises.
- c. The use is limited to ten (10) children including the care givers.
- d. The minimum to qualify for special use permit is six (6) children from households other than the care givers.
- e. This use must obtain a special use permit in all districts where day care centers are not allowed by right.
- f. After the effective date of this subsection, no Special Use Permit will be approved for a day care family proposed to be located within 300 feet of a licensed day care center or an operating day care family home for which a Special Use Permit has previously been approved. For the purposes of this subsection, the distance between properties shall be measured in a straight line without regard to intervening structures or objects, from property line to property line.
- g. All day care family homes located in the City of Little Rock are required to obtain a City of Little Rock business license and to pay an annual business tax as specified in Chapter 17. of the Code.
- h. A copy of the day care family home's current State of Arkansas license must be submitted to the City Collector's Office each year at the time of payment of the annual business tax.

- i. All vehicles must be parked on an on-site paved surface.
- j. All vehicles located on the site must be operational.
- k. All pick-up and drop-off of children shall be on the property's driveway and not on the public right-of-way unless otherwise approved by the Planning Commission.
- l. Special Use Permits for day care family homes shall be reviewed by staff every three (3) years for compliance with the development criteria and Planning Commission approval.
- m. The Fire Marshall must approve use of the residence for the proposed day care family home.

Special Use Permits are not transferable in any manner. Permits cannot be transferred from owner to owner, location to location or use to use.

To staff's knowledge, there are no outstanding issues associated with this application. Staff feels that the proposed day care family home at this location will have no adverse impact on the general area. Based on information provided by the State, there are no permitted/licensed day care family homes or day care centers within 300 feet of the site. Additionally, staff has received no complaints from neighbors since the applicant began caring for children at this address, as of May, 2009.

C. Subdivision Committee Comments: (June 4, 2009)

Karlisha Porter was present, representing the application. Staff briefly described the proposed day care family home use. Staff noted that some additional information was needed (hours of operation and employees). Ms. Porter stated that she would provide the information to staff. She noted that she has been caring for four (4) children at this location since May, 2009.

Staff noted that the applicant needed to submit a bill of assurance for the neighborhood. Staff explained that there is likely a current bill of assurance.

After the discussion, the Committee forwarded the application to the full Commission for final action.

D. Staff Recommendation:

Staff recommends approval of the Special Use Permit to allow a day care family home at 60 Lakeshore Drive, subject to the following conditions:

1. Compliance with the site and location criteria in Section 36-54(e)(3).
 2. There is to be no signage beyond that permitted in single family zones.
 3. Outdoor activities, including playground use, are to be limited to day-light hours.
-

PLANNING COMMISSION ACTION:

(JUNE 25, 2009)

Staff informed the Commission that the applicant did not complete the notices to surrounding property owners as required. Staff recommended deferral of the application to the August 6, 2009 Agenda.

The Chairman placed the item before the Commission for inclusion within the Consent Agenda for deferral to the August 6, 2009 Agenda. A motion to that effect was made. The motion passed by a vote of 7 ayes, 0 nays and 4 absent. The application was deferred.

STAFF UPDATE:

Staff has determined that Karlisha Porter is not the owner of 60 Lakeshore Drive. The property is owned by Ann Wilson. Staff received a letter from Ms. Wilson on June 30, 2009. Ms. Wilson states in her letter that she has "no intention" of giving Ms. Porter permission to operate a day care family home or file for the special use permit for the property. Therefore, staff recommends the application be withdrawn.

PLANNING COMMISSION ACTION:

(AUGUST 6, 2009)

Staff informed the Commission that the application needed to be withdrawn, as the applicant had not received authorization from the property owner to proceed with the application.

The Chairman placed the item before the Commission for inclusion within the Consent Agenda for withdrawal. A motion to that effect was made. The motion passed by a vote of 10 ayes, 0 nays and 1 absent. The application was withdrawn.

August 6, 2009

ITEM NO.: F

FILE NO.: Z-8463

NAME: Wamala Family Care Facility – Special Use Permit

LOCATION: 22 Ivy Drive

OWNER: Juliet Wamala

APPLICANT: Christian Nwofor

PROPOSAL: A Special Use Permit is requested to allow a Family Care Facility to be operated in the single family residence located on the R-2 zoned property at 22 Ivy Drive.

A. Public Notification:

All owners of property located within 200 feet of the site, all residents within 300 feet who could be identified, and the Meadowcliff/Brookwood and SWLR United for Progress Neighborhood Associations were notified of the public hearing.

B. Staff Analysis:

22 Ivy Drive is located on the west side of Ivy Drive between Greenway Drive and S. Meadowcliff Drive, within the Meadowcliff Addition. The property contains a one-story frame single family structure which is typical of the residences in the neighborhood. There is a one-car wide driveway from Ivy Drive, with parking for three (3) vehicles including the carport. The rear yard area is fenced. All surrounding properties are zoned R-2 and contain single family residences.

The property owner, Juliet Wamala, is requesting a Special Use Permit to utilize the residence as a Family Care Facility. The facility will serve as a residence for three (3) elderly persons. The residents will be referred to the home by the State Department of Health – Aging and Elderly Services. There will be one (1) caregiver on the site at all times, working twelve (12) hour shifts. A nurse from the Aging and Elderly services will pay periodic visits to the site.

Transportation for the residents will be provided by the caregiver on the Aging and Elderly Services. The elderly residents will not drive. There should be ample space on the existing driveway for parking the caregiver's vehicle and vehicle of other person(s) sent from the Aging and Elderly Services. The site is not located on a CATA bus route. Route #17 (Mabelvale-Downtown Route) runs along Greenway Drive to the north and

Route #17A (Mabelvale-UALR Route) runs along University Avenue to the east.

The applicant submitted a copy of the Bill of Assurance for the neighborhood which was recorded in 1954 and appears to still be in effect. The Bill of Assurance contains the following language:

“Land Use and Building Type. No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single-family dwelling not to exceed two stories in height.”

Section 36-54(e)(4) of the City’s Zoning Ordinance provides the following provisions for Family Care Facilities, as adopted by the Board of Directors on September 6, 2005:

1. family care facility, group care facility, group home, parolee or probationer housing facility, rooming, lodging and boarding facility.

(a) Separation, spacing and procedural requirements for family care facilities, group care facilities, group homes, parolee or probationer housing facilities and rooming, lodging and boarding facilities will be determined by the planning commission so as not to adversely impact the surrounding properties and neighborhood. Unless the commission determines that a different area is more appropriate, a neighborhood shall be defined as an area incorporating all properties lying within one thousand five hundred (1,500) feet of the site for which the permit is requested.

(b) There shall be a presumption that a special use permit for a group home of 5, 6, 7, or 8 handicapped persons will be granted if all ordinance requirements are met, except that individuals whose tenancy would constitute a direct threat to the health or safety of other individuals of whose tenancy would result in substantial physical damage to the property of others shall not be allowed in such a home.

(c) Issues that the planning commission will consider during its review of a family care facility, group care facility, group home, parolee or probationer housing facility, or rooming, lodging and boarding facility include, but are not limited to:

1. Spacing of existing similar facilities.
2. Existing zoning and land use patterns.

3. The maximum number of individuals proposed to be served, the number of employees proposed and the type of services being proposed.
4. The need and provision for readily accessible public or quasi-public transportation.
5. Access to needed support services such as social services agencies, employment agencies and medical service providers.
6. Availability of adequate on-site parking.

(d) The fire marshal must approve the use of any structure proposed as a family care facility, group care facility, group home, parolee or probation housing facility, or rooming, lodging and boarding facility.

(e) Family care facilities, group care facilities, group homes and parole or probation housing facilities shall be operated within any and all applicable licensing and procedural requirements established by the State of Arkansas.

According to an area survey, there are no other elderly housing or transitional residential facilities within 1,500 feet of the property.

Staff is supportive of the requested Special Use Permit to allow a Family Care Facility at 22 Ivy Drive. Staff believes the request is reasonable. The facility will be the residence for only three (3) elderly citizens. The caregiver at the residence will work a twelve (12) hour shift, with only two (2) caregivers coming to the site in each 24 hour period. A nurse from the State's Aging and Elderly Services will visit the site periodically, probably once or twice per week. The traffic generated by this residential use will likely be no more than a typical single family residence. The City's Zoning Ordinance typically allows up to four (4) unrelated persons to live together as a single family residential use. Although there will only be three (3) unrelated residents at this site, staff felt it appropriate to require the Special Use Permit due to the fact the caregiver will not be a resident (the fourth unrelated resident). As noted previously, a survey of the area by staff found no other elderly housing or transitional-type residential facilities within 1,500 to 2,000 feet of this site. Staff believes the proposed elderly housing residential use of the existing residence at 22 Ivy Drive will have no adverse impact on the adjacent properties or the general area.

C. Subdivision Committee Comments: (June 4, 2009)

Christian Nwofor was present, representing the application. Staff briefly described the proposed family care facility. Staff noted the family care facility would be a residence for three (3) elderly persons. Staff noted that some additional information was needed with relation to the caregiver(s) which would report to the site. Staff also noted that a survey was in the process of being completed to see if there were any similar type residential facilities within 1,500 feet of the site. The proposed family care facility use was briefly discussed.

After the discussion, the Committee forwarded the issue to the full Commission for final action.

D. Staff Recommendation:

Staff recommends approval of the Special Use Permit to allow a family care facility at 22 Ivy Drive, subject to the following conditions:

1. Compliance with the provisions for Family Care Facilities as per Section 36-54(e)(4) of the Code.
2. There is to be no signage beyond that permitted in single family zones.
3. The maximum occupancy of the family care facility is limited to three (3) persons.

PLANNING COMMISSION ACTION:

(JUNE 25, 2009)

Staff informed the Commission that the applicant did not complete the notices to surrounding property owners as required. Staff recommended deferral of the application to the August 6, 2009 Agenda.

The Chairman placed the item before the Commission for inclusion within the Consent Agenda for deferral to the August 6, 2009 Agenda. A motion to that effect was made. The motion passed by a vote of 7 ayes, 0 nays and 4 absent. The application was deferred.

PLANNING COMMISSION ACTION:

(AUGUST 6, 2009)

Juliet Wamala and Christian Nwofor were present, representing the application. There were three (3) persons present in opposition. Staff presented the application with a recommendation of approval.

August 6, 2009

ITEM NO: F (Cont.)

FILE NO.: Z-8463

There was a general discussion related to the proposed family care facility use and its difference from a single family use. Dana Carney, of the Planning Staff, explained that the people who would live at 22 Ivy Drive would live there because of the services provided. There was additional discussion of this issue. Mr. Carney noted that this application would not set a precedence.

Christian Nwofor addressed the Commission in support of the application.

Richard Daes, President of the Meadowcliff/Brookwood Neighborhood Association, spoke in opposition. He noted opposition to any business being operated in the neighborhood. He discussed the licensing procedure for this type of facility by the State. He expressed concern with the traffic that would be generated.

James Horton also spoke in opposition. He explained that the proposed use would disrupt the neighborhood.

Sandra Cook also spoke in opposition. She explained that a business should not be located in the neighborhood.

There was a brief discussion of who owned the property at 22 Ivy Drive and the State's licensing procedure for this type use. It was noted that Juliet Wamala was the property owner. Ms. Wamala addressed the Commission in support of the application. She stated that she would live at 22 Ivy Drive and serve as the caregiver.

There was discussion regarding the size of the residence. Ms. Wamala noted that it was a four (4) bedroom house.

Chairman Taylor explained that the proposed use would be more of a business than a residence. The ordinance requirements for family care facilities were discussed.

There was additional discussion about whether or not the proposed use needed a special use permit. Ms. Wamala stated that 22 Ivy Drive was going to be her full-time residence. The issue was discussed further.

There was a notion to approve the special use permit as recommend by staff, with the amendment that the property owner, Juliet Wamala, would live on the site. The notion failed by a vote of 2 ayes, 7 nays, 1 absent and 1 abstention (Smith). The application was denied.

August 6, 2009

ITEM NO.: G

FILE NO.: Z-4159-B

NAME: Steitler Mini-Warehouses – Conditional Use Permit

LOCATION: 9500 I-30

OWNER/APPLICANT: Four States Investments/Ronald Steitler

PROPOSAL: A conditional use permit is requested to allow for development of a mini-warehouse complex on this C-3 zoned, 5.4± acre tract.

STAFF REPORT:

On June 9, 2009, the applicant requested deferral of the item to the August 6, 2009 meeting to allow additional time to address site plan related issues. Staff supports the deferral request.

PLANNING COMMISSION ACTION: (JUNE 25, 2009)

The applicant was not present. There were no objectors [present. Staff informed the Commission that the applicant had requested deferral of the item to allow more time to address the issues raised at Subdivision Committee. There was no further discussion. The item was placed on the consent agenda and approved for deferral to the August 6, 2009 agenda. The vote was 7 ayes, 0 noes and 4 absent.

STAFF UPDATE:

The applicant has not responded to issues raised at the June 4, 2009 Subdivision Committee meeting. Staff recommends deferring the item to the September 17, 2009 Agenda.

PLANNING COMMISSION ACTION: (AUGUST 6, 2009)

The applicant was not present. There were no objectors present. Staff informed the commission that the applicant had failed to respond to issues raised at subdivision committee in a timely manner. Staff recommended deferring the item to the September 17, 2009 agenda. There was no further discussion. The item was placed on the consent agenda and approved for deferral to the September 17, 2009 agenda by a vote of 10 ayes, 0 noes and 1 absent.

August 6, 2009

ITEM NO.: H

FILE NO.: Z-8459

NAME: Kern Accessory Dwelling – Conditional Use Permit

LOCATION: 317 N. Spruce Street

OWNER/APPLICANT: Philip Kern and Joan McEwey

PROPOSAL: A conditional use permit is requested to allow use of an accessory building for an accessory dwelling. The lot is zoned R-3.

1. SITE LOCATION:

The property is located on the east side of Spruce Street, north of "B" Street.

2. COMPATIBILITY WITH NEIGHBORHOOD:

The property is located in an area of R-3 zoned single-family residential properties. There are several properties in the general area that have similar accessory buildings although it is not clear whether they are accessory dwellings. This structure is only 500 square feet in area and contains one bedroom. There are no separate utilities. Staff believes the proposed accessory dwelling is not out of character with the overall Hillcrest area and should be compatible with the neighborhood.

All owners of properties located within 200 feet of the site, all residents within 300 feet who could be identified and the Hillcrest Neighborhood Association were notified of this request.

3. ON SITE DRIVES AND PARKING:

The principal dwelling and accessory dwelling require one parking space each. The site contains a single-wide driveway that can accommodate 3 to 4 vehicles. Although on-street parking is at a premium in this neighborhood, it is permitted and this property has 50 feet of frontage on the street. The alley is passable but in poor condition. It does appear to be used on a sporadic basis and could be used to access parking spaces which could be constructed at the rear of the lot, if necessary.

4. SCREENING AND BUFFERS:

No Comments.

5. PUBLIC WORKS COMMENTS:

No Comments.

6. UTILITY, FIRE DEPT. AND CATA COMMENTS:

Wastewater: Sewer available to this project.

Entergy: No comment received.

CenterPoint Energy: Approved as submitted.

AT&T (SBC): No comment received.

Water: Contact Central Arkansas Water if larger and/or additional water meter(s) are required.

Fire Department: Approved as submitted.

County Planning: No Comments.

CATA: CATA bus routes are located along Lee Avenue and West Markham Street, to the north and south of this site.

SUBDIVISION COMMITTEE COMMENT:

(JUNE 4, 2009)

Joan McEwey was present. Staff presented the item and noted no additional information was needed. Staff commented that a variance was required since the property owners would not be occupying either dwelling. A Committee member commented that a relative of the property was going to occupy the house (daughter).

The Committee determined there were no other issues and forwarded the item to the full Commission.

STAFF ANALYSIS:

The R-3 zoned lot located at 317 N. Spruce Street contains a one-story, frame, single-family residential structure and a separate one-story frame accessory building. The current property owners have recently completed remodeling the accessory building, converting it into an accessory dwelling. After being informed of the violation, they filed for a conditional use permit to allow the accessory dwelling to remain.

August 6, 2009

ITEM NO.: H (Cont.)

FILE NO.: Z-8459

The accessory dwelling is 500 square feet in area and contains one bedroom, one bath, a kitchen and living area. The structure matches the architecture of the house. There are no separate utilities. The utilities are connected to the house.

The Code requires the property owner to occupy one of the dwellings in the R-2 and R-3 zoning districts. The property owners do not live on-site and are in the process of moving out of state. Their daughter, who is a UAMS student, currently resides in the house. The accessory dwelling may be used by the property owners when they return to the City to visit or it may be rented out. The applicants submitted a statement from a title company stating no bill of assurance for Elmhurst Addition could be found.

Staff is supportive of the requested C.U.P. The small accessory dwelling seems to fit within the neighborhood. There is sufficient, stacked parking on site. In an area containing many rent units, the issue of owner occupancy does not seem to be a crucial.

STAFF RECOMMENDATION:

Staff recommends approval of the requested C.U.P. subject to the utilities remaining commented to the principal dwelling (no separate utilities).

Staff recommends approval of a variance to allow the accessory dwelling without the property owner having to occupy either dwelling.

PLANNING COMMISSION ACTION:

(JUNE 25, 2009)

The applicant was present. There was one objector present. There were only 6 Commissioners present. Vice-chair Yates asked the applicant if he wished to defer the item to a later date, allowing an opportunity to meet with the objector and in hopes that more Commissioners might be present. The applicant responded that he would take the deferral. A motion was made to defer the item to the August 6, 2009 meeting. The motion passed by a vote of 6 ayes, 0 noes and 5 absent.

PLANNING COMMISSION ACTION:

(AUGUST 6, 2009)

The applicant was present. There were no objectors present. Staff presented the item and a recommendation of approval subject to compliance with the conditions outlined in the "staff recommendation" above. There was no further discussion. The item was placed on the consent agenda and approved as recommended by staff. The vote was 10 ayes, 0 noes and 1 absent.

August 6, 2009

ITEM NO.: 1

FILE NO.: Z-8473

Owner: Wolfe Street Foundation
Applicant: Chester Phillips, Wolfe Street Foundation
Location: Southwest corner of West 12th and Wolfe Streets
Area: 0.63 Acres
Request: Rezone from R-4 and C-3 to O-3
Purpose: To recognize existing and past use of property
Existing Use: Office use (AA and Alanon meetings)

SURROUNDING LAND USE AND ZONING

- North – Children’s Hospital parking lot (across West 12th Street); zoned and O-2
- South – Thrift shop and barber/beauty salon; zoned O-3
- East – Children’s Hospital facilities (across Wolfe Street); zoned O-2
- West – Children’s Hospital grounds maintenance facility and gravel parking lot; zoned O-2

A. PUBLIC WORKS COMMENTS:

1. Due to the proposed use of the property, the Master Street Plan specifies that West 12th Street for the frontage of this property must meet commercial street standards. Dedicate right-of-way to 30 feet from centerline. Show the right-of-way centerlines on survey of West 12th Street and Wolfe Street.
2. A 20 foot radial dedication of right-of-way is required at the intersection of West 12th Street and Wolfe Street.

B. PUBLIC TRANSPORTATION ELEMENT:

The site is not located on a CATA Bus Route. Route #3 (Baptist Medical Center Route) runs along West 12th Street and Battery Street to the west.

C. PUBLIC NOTIFICATION:

All owners of property located within 200 feet of the site, all residents within 300 feet who could be identified, and the Central High and Capitol Hill Neighborhood Associations, and Park Street Alert Center were notified of the rezoning request.

D. LAND USE ELEMENT:

This request is located in the Central City Planning District. The Land Use Plan shows Public Institutional for this property. The applicant has applied for a rezoning R-4 and C-3 to O-3. The area surrounding this site to the west is shown as Mixed Office Commercial, so the request does not require a change to the Land Use Plan.

Master Street Plan:

West 12th Street and Wolfe Street are both Local Streets. The primary function of a Local Street is to provide access to adjacent properties. Local Streets which are abutted by non-residential zoning/use or more intensive zoning than duplexes are considered as "Commercial Streets". These streets have a design standard the same as a Collector. These streets may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

Bicycle Plan:

There are no bike routes in this immediate vicinity.

Neighborhood Action Plan:

This area is not covered by a City of Little Rock Neighborhood Action Plan.

E. STAFF ANALYSIS:

Wolfe Street Foundation, owner of the 0.63 acre property located at the southwest corner of West 12th and Wolfe Streets, is requesting to rezone the property from "R-4" Two-Family District and "C-3" General Commercial District to "O-3" General Office District. The property is comprised of Lots 9 through 12, Block 5, Centennial Addition. The rezoning is proposed to recognize the existing and past use of the property by the Wolfe Street Foundation.

A two-story frame building which houses the Wolfe Street Center is located within the south half of the property. A paved parking lot is located on the north side of the building. There are access drives from West 12th and Wolfe Streets.

The general area contains a mixture of uses. Children's Hospital facilities are located across Wolfe Street to the east. A grounds maintenance facility for the hospital is located to the west. A parking lot for the hospital is located to the north across West 12th Street. A thrift store and barber/beauty salon are located to the south along West 13th Street.

The City's Future Land Use Plan designates this property as Public Institutional. The requested zoning to O-3 does not require an amendment to the Land Use Plan based on the fact that the area immediately west of the site is designated as Mixed Office Commercial.

Staff is supportive of the requested rezoning to O-3. Staff views the request as reasonable. The proposed O-3 zoning will represent a continuation of the office zoning pattern in this area. The properties located to the north, east and west are zoned O-2. The property immediately south is zoned O-3. The applicant is not requesting O-2 zoning for this property based primarily on the fact that O-2 requires a minimum lot area of two (2) acres. Staff believes the proposed O-3 zoning to recognize the existing and past use of the property will have no adverse impact on the adjacent properties or the general area.

F. STAFF RECOMMENDATION:

Staff recommends approval of the requested O-3 rezoning.

PLANNING COMMISSION ACTION:

(AUGUST 6, 2009)

The applicant was present. There were no objectors present. Staff presented the application with a recommendation of approval.

The Chairman placed the item before the Commission for inclusion within the Consent Agenda for approval. A motion to that effect was made. The motion passed by a vote of 10 ayes, 0 nays and 1 absent. The application was approved.

August 6, 2009

ITEM NO.: 2

FILE NO.: G-23-412

Name: Alley – Right -of-Way Abandonment, Block 175,
Original City of Little Rock

Location: Block bounded by West 8th, West 9th, State and
Gaines Streets

Owner/Applicant: Dale Wilcox/William Ethridge

Request: To abandon the 20 foot wide east-west alley right-of-way
located within Block 175, Original City of Little Rock.

Purpose: General access to existing commercial building and employee
parking lot/future redevelopment of block.

PROPOSAL/REQUEST:

The applicant requests to abandon the twenty (20) foot wide alley right-of-way located within Block 175, Original City of Little Rock. The Block is bounded by West 8th Street, West 9th Street, State and Gaines Streets. The alley was originally platted as north-south alley. On January 12, 1920, the City Board passed Ordinance No. 2643 changing the direction of the alley to east-west. According to an abstract company, Kenneth Dale Wilcox Revocable Trust owns all of Block 175. The abandonment is being proposed in order to utilize the area of right-of-way for employee parking access, service entrance and future development within the block.

STAFF REVIEW:

A. Public Need for this Right-of-Way:

As noted in paragraph G., none of the utility companies object to the abandonment request. Entergy and AT & T request the area be retained as a utility easement due to existing service lines. The Public Works Department comment is as follows:

1. Drainage easements should be maintained in the right-of-way to convey storm water from adjacent property.

B. Master Street Plan:

There are no Master Street Plan issues associated with this abandonment request, as the right-of-way is not classified as a collector street or higher.

C. Characteristics of Right-of-Way Terrain:

The west half of the alley right-of-way is undeveloped and grass covered. The east half is paved and used to access the rear of the building within the north half of the block.

D. Development Potential:

After abandonment, the area of abandonment will be utilized as general access to the existing commercial building within the north half of the block and the employee parking area within the southeast portion of the block.

E. Neighborhood and Land Use Effect:

The Arkansas Graphics Building is located within the north half of the block. There is a paved and fenced parking lot within the southeast quarter of the block. The southwest quarter of the block is undeveloped and grass covered, with the exception of a cell tower located at the west end of the alley right-of-way.

F. Neighborhood Position:

The Downtown Neighborhood Association was notified of the abandonment request. As of this writing, staff knows of no objectors to the abandonment request.

G. Effect on Public Services or Utilities:

Wastewater: Little Rock Wastewater has no sewer mains located in this right-of-way and has no objection to the abandonment. No easement will be required to be retained by Little Rock Wastewater.

Entergy: Entergy will not object to the closing of the referenced alley, contingent upon the following:

- The existing alley will be retained as a utility easement and not blocked off from ingress and egress of utility vehicles for all normal and emergency work activities including, but not limited to, maintenance, service restoration, inspection, tree trimming, re-construction and meter reading.

CenterPoint Energy: CenterPoint Energy has no objection to the closing of the alley between State and Gaines Streets south of 8th Street within Block 175, Original City of Little Rock.

AT& T (SBC): AT &T has facilities within the alley right-of-way. No objection to abandonment. Retain area as a utility easement.

Water: Central Arkansas Water has no existing or planned facilities located within this right-of-way and has no objection to closure and abandonment of easement rights in the area described.

H. Reversionary Rights:

The applicant submitted a letter from an abstract company noting that no reversionary rights were found filed of record in the Records of Pulaski County, Arkansas.

I. Public Welfare and Safety Issues:

Abandoning this right-of-way will have no adverse impact on the public welfare and safety. The Little Rock Fire Department has reviewed and approved the abandonment request.

SUBDIVISION COMMITTEE COMMENT:

(JULY 16, 2009)

Dale Wilcox and Bill Ethridge were present, representing the application. Staff briefly described the alley abandonment request. Staff noted that the area of abandonment would be retained as a utility and drainage easement. The abandonment issue was briefly discussed. After the discussion, the Committee forwarded the issue to the full Commission for resolution.

STAFF RECOMMENDATION:

Staff recommends approval of the requested alley right-of-way abandonment, subject to the entire area of abandonment being retained as a utility and drainage easement.

PLANNING COMMISSION ACTION:

(AUGUST 6, 2009)

The applicant was present. There were no objectors present. Staff presented the application with a recommendation of approval.

The Chairman placed the item before the Commission for inclusion within the Consent Agenda for approval. A motion to that effect was made. The motion passed by a vote of 10 ayes, 0 nays and 1 absent. The application was approved.

August 6, 2009

ITEM NO.: 3

FILE NO.: Z-3929-A

NAME: Smith Day Care Family Home – Special Use Permit

LOCATION: 12214 Chicot Road

OWNER: Bodie and Laverne Smith

APPLICANT: Laverne Smith

PROPOSAL: A Special Use Permit is requested to allow a Day Care Family Home to be operated in the single family residence located on the R-2 zoned property at 12214 Chicot Road.

A. Public Notification:

All owners of property located within 200 feet of the site, all residents within 300 feet who could be identified, and the Oxford Valley, Legion Hut and SWLR United for Progress Neighborhood Associations were notified of the public hearing.

B. Public Work Comments:

1. Vehicles backing out onto Chicot Road creates unsafe driving conditions.

C. Staff Analysis:

12214 Chicot Road is located on the west side of Chicot Road, between Hillsboro Road and Bunch Road. The properties to the north and south are zoned R-2 and contain single-family residences. The property across Chicot Road to the east is undeveloped and wooded. There is a PID zoned development further south.

The applicant's home is a one-story brick and frame single-family residence which is typical of those in the neighborhood, along the west side of Chicot Road. A small, unfenced area in the rear yard is used for a play area. According to the applicant, the State has approved the play area since it is not adjacent to any streets. Proposed hours of operation are from 6:00 a.m. to 6:00 p.m., Monday through Friday. The applicant has noted that there will be no employees reporting to the site.

There is a paved driveway from Chicot Road at the northeast corner of the property. The driveway is a two-car width, with parking for four (4) vehicles. There is also a gravel area on the south side of the driveway

which has been used for parking/turn around space for a number of years. Staff feels that this will allow sufficient space for drop-off and pick-up of children. Given the past use of the gravel area on the south side of the driveway and the volume of traffic on Chicot Road, staff feels that it would be appropriate to allow the gravel area to be used as a vehicle "turn around" area, but not for parking.

Inspection of the property revealed two (2) non-operational vehicles parked on the grass in the rear yard area. If the special use permit is approved, the vehicles must be removed from the site within thirty (30) days. Inspection of the site also revealed one (1) vehicle parked on a gravel area next to the driveway. Staff informed the applicant that the vehicle needed to be parked on the paved driveway.

The applicant is currently caring for five (5) children at this location, and has been doing so since 1993. From 1978 to 1984 the applicant was licensed by the State to care for ten (10) children at this location. From 1984 to 1993 the applicant operated a day care center in the Scott Hamilton Road/Baseline Road area.

The principal use of the property will remain single family residential. No signage beyond that allowed in single family zones will be permitted. There is no bill of assurance for this property, as it is not in a platted subdivision.

Section 36-54(e)(3) of the City of Little Rock Zoning Ordinance establishes the site and location criteria for day care family homes as follows:

Day care family home:

- a. This use may be located only in a single family home, occupied by the care giver and which is the full time residence of the care giver.
- b. Must be operated within licensing procedures established by the State of Arkansas. State regulations shall control the number of employees residing off premises.
- c. The use is limited to ten (10) children including the care givers.
- d. The minimum to qualify for special use permit is six (6) children from households other than the care givers.
- e. This use must obtain a special use permit in all districts where day care centers are not allowed by right.

- f. After the effective date of this subsection, no Special Use Permit will be approved for a day care family proposed to be located within 300 feet of a licensed day care center or an operating day care family home for which a Special Use Permit has previously been approved. For the purposes of this subsection, the distance between properties shall be measured in a straight line without regard to intervening structures or objects, from property line to property line.
- g. All day care family homes located in the City of Little Rock are required to obtain a City of Little Rock business license and to pay an annual business tax as specified in Chapter 17. of the Code.
- h. A copy of the day care family home's current State of Arkansas license must be submitted to the City Collector's Office each year at the time of payment of the annual business tax.
- i. All vehicles must be parked on an on-site paved surface.
- j. All vehicles located on the site must be operational.
- k. All pick-up and drop-off of children shall be on the property's driveway and not on the public right-of-way unless otherwise approved by the Planning Commission.
- l. Special Use Permits for day care family homes shall be reviewed by staff every three (3) years for compliance with the development criteria and Planning Commission approval.
- m. The Fire Marshall must approve use of the residence for the proposed day care family home.

Special Use Permits are not transferable in any manner. Permits cannot be transferred from owner to owner, location to location or use to use.

To staff's knowledge, there are no outstanding issues associated with this application. Staff feels that the proposed day care family home at this location will have no adverse impact on the general area. The site is located on Chicot Road which is classified as a principal arterial by the City's Master Street Plan. Based on information provided by the State, there are no permitted/licensed day care family homes or day care centers within 300 feet of the site. Additionally, staff has received no complaints from neighbors since the applicant began caring for children at this address, as of 1993.

D. Subdivision Committee Comments: (April 23, 2009)

Laverne Smith was present, representing the application. Staff presented the application, briefly describing the proposed day care use. In response to a question from staff, Mrs. Smith noted that she would have no employees other than herself and her husband.

Staff noted that two (2) nonoperational vehicles were observed on the site and that one (1) vehicle was parked on the gravel area, south of the driveway. These issues were discussed.

Public Works noted that it could create unsafe conditions for vehicles to back out onto Chicot Road. The issue of utilizing the gravel area as a turn around area was discussed.

After the discussion, the Committee forwarded the application to the full Commission for final action.

E. Staff Recommendation:

Staff recommends approval of the Special Use Permit to allow a day care family home at 12214 Chicot Road, subject to the following conditions:

1. Compliance with the site and location criteria in Section 36-54(e)(3).
2. There is to be no signage beyond that permitted in single family zones.
3. Outdoor activities, including playground use, are to be limited to daylight hours.
4. The existing gravel area along the south side of the paved driveway may be utilized for vehicular "turn around" only and not used for parking.
5. The two (2) nonoperational vehicles located in the rear yard area must be removed from the property within 30 days.

PLANNING COMMISSION ACTION:

(AUGUST 6, 2009)

Laverne Smith was present, representing the application. There were no objectors present. Staff presented the application with a recommendation of approval.

Laverne Smith addressed the Commission in support of the application. She gave a brief history of her day care use and experience.

August 6, 2009

ITEM NO: 3 (Cont.)

FILE NO.: Z-3929-A

Commissioner Nunnley asked if any of the children she cared for lived in the residence. She stated that they do not. She added that only her and her husband lived in the home.

Commissioner Laha asked Ms. Smith a series of questions. Ms. Smith noted that there would be no regular employees. She stated that the State approved the unfenced play area and that the two (2) non-operational cars would be removed from the rear yard area. The traffic along Chicot Road was discussed.

Commissioner Smith asked Ms. Smith if she would consider putting a fence around the play area. Ms. Smith explained that she would like to, but did not have the money.

There was a motion to approve the special use permit application, as recommended by staff. The motion passed by a vote of 6 ayes, 4 nays and 1 absent. The application was approved.

August 6, 2009

ITEM NO.: 4

FILE NO.: LU09-09-01

Name: Land Use Plan Amendment – I-630 Planning District
Location: the northeast corner of West 10th Street and Jonesboro Street
Request: Residential Low and Park/Open Space to Public Institutional
Source: Joe White, White Daters and Associates, Inc.

PROPOSAL / REQUEST:

A Land Use Plan amendment in the I-630 Planning District from Residential Low and Park/Open Space to Public Institutional. The applicant originally asked for a change to Office, but the applicant has since agreed to limit the O-1 zoning to library uses only. Public Institutional would more accurately represent a library use within a neighborhood, so the applicant has amended their request. Public Institutional represents public and quasi-public facilities that provide a variety of services to the community such as schools, libraries, fire stations, etc. The applicant has also applied for a rezoning from R-3 and R-4 to O-1.

EXISTING LAND USE AND ZONING:

This area is zoned R-3 and R-4. It is currently being used for single family residences with some vacant lots. Immediately north of this area is Interstate 630, which is not zoned. East and south of this amendment site is more R-3 and R-4 zoning for single family residences. West of this site is zoned PR for open space along Jonesboro Drive.

FUTURE LAND USE PLAN AND RECENT AMENDMENTS:

There have been no land use plan amendments in this area for more than ten years. The area is currently shown as Residential Low Density on the eastern half and Park/Open Space on the western half. The Park/Open Space (PK/OS) extends west, north and south to represent the green space along Jonesboro Drive and War Memorial Park on the north side of Interstate 630. The Residential Low Density (RLD) extends south to West 11th Street and east for eight blocks. RLD is also shown on the west side of the PK/OS along Jonesboro Drive.

MASTER STREET PLAN:

Jonesboro Drive is shown as a Collector. The primary function of a Collector Street is to provide a connection from Local Streets to Arterials. South Monroe Street, West 10th Street and Madison Street are all shown as Local Streets. The primary function of a Local Street is to provide access to adjacent properties. Local Streets which are abutted by non-residential zoning/use or more intensive

zoning than duplexes are considered as "Commercial Streets". These streets have a design standard the same as a Collector. These streets may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

BICYCLE PLAN:

There are no bike routes shown in the immediate vicinity. A Class III is shown along West 12th Street, which is located south of this application. A Class III bikeway is a signed route on a street shared with traffic. No additional paving or right-of-way is required. Class III bicycle route signage may be required.

PARKS:

According to the Master Parks Plan this area is within eight blocks of a park or open space. Just north of this area is the Little Rock Zoo and War Memorial Park.

HISTORIC DISTRICTS:

There are no city recognized historic districts that would be affected by this amendment.

CITY RECOGNIZED NEIGHBORHOOD ACTION PLAN:

The property under review is located in the Stephens Neighborhood Action Plan area. Their Neighborhood Revitalization goal states: "provide more facilities for the residents and visitors of the Stephens area to utilize."

ANALYSIS:

The original request for this amendment site was from Residential Low Density and Park/Open Space to Office to go along with a rezoning to O-1 Quiet Office. The applicant has since agreed that the O-1 zoning would be limited to library uses only and requested that the land use request be a change to Public Institutional to represent the library use. Staff was agreeable to this change in the application because Public Institutional is a much more suitable category to be shown so close to an existing neighborhood. The definition of the Public Institutional category states: "this category includes public and quasi-public facilities that provide a variety of services to the community such as schools, libraries, fire stations, churches, utility substations, and hospitals."

This area is being studied by the 12th Street Corridor Plan with the goal of revitalizing the neighborhoods in the community. The existing neighborhood

where this amendment is being proposed has seen many changes over the years. The blocks between I-630 and 12th Street are still predominately residential. While there are some vacant lots in this area, there are many well-maintained, structurally sound residences and this neighborhood is fairly stable. There has recently been a reinvestment in the area, shown by the new Madison Heights residential development at the intersection of Jonesboro and 12th Street. The 12th Street Corridor Plan addresses future residential infill for this neighborhood in an effort to not only encourage new residential units but to keep them in character with the existing neighborhood housing stock.

Since 2007, the Central Arkansas Library has expressed interest in building a new children's library in this area of the city. The original idea was to locate the library near War Memorial Park in the hope that it would help link the communities on the north and south sides of the interstate. This site was then designated as a potential site for a library in the 12th Street Corridor Plan.

The 12th Street Corridor Plan is nearing completion and is an effort to revitalize the neighborhood areas surrounding 12th Street (Interstate 630 on the north, Woodrow Street on the east, 16th Street on the south and University Avenue on the west). The 12th Street Plan also sites the need for better connectivity to War Memorial Park to the north of this site. Jonesboro Drive has an overpass across Interstate 630 and can serve as a secondary gateway to the 12th Street Corridor area, so a library at this site could bring more of a tie-in to the existing park areas to the north of the interstate. The Plan specifically calls for this area to be used as a future library site and the Central Arkansas Library System has stated that they intend to have this library also serve as a children's museum. This would put a facility for children within walking distance of many homes.

This amendment site has been used for single family residences for several decades. While Staff typically tries to buffer residential areas from more intense uses, Public Institutional is seen as an appropriate category to mesh with an existing neighborhood. A library can provide services directly to the area residents.

NEIGHBORHOOD COMMENTS:

Notices were sent to the following neighborhood associations: Forest Hills, Hope, War Memorial, Oak Forest, Fair Park Residents Association, and the University District. Staff has received no comments from area residents.

STAFF RECOMMENDATIONS:

Staff believes the change is appropriate.

August 6, 2009

ITEM NO.: 4 (Cont.)

FILE NO.: LU09-09-01

PLANNING COMMISSION ACTION:

(AUGUST 6, 2009)

The item was placed on consent agenda for approval. By a vote of 10 for and 0 against the consent agenda was approved.

August 6, 2009

ITEM NO.: 4.1

FILE NO.: Z-8477

Owner:	Various ownerships, including Central Arkansas Library System
Applicant:	Joe White, White-Daters and Associates and Dickson Flake, Colliers International
Location:	Generally north of West 10 th Street, south of I-630 and between Jonesboro Street and Madison Street
Area:	Approximately seven (7) acres
Request:	Rezone from R-3 and R-4 to O-1, with condition
Purpose:	Library, including education and other related use
Existing Use:	Single family residence (occupied and vacant) and vacant lots

SURROUNDING LAND USE AND ZONING

North – Ray Winder Field (across I-630); zoned PR

South – Single family residences and vacant lots (across West 10th Street); zoned R-3

East – Single family residences and vacant lots (across S. Madison Street); zoned R-3 and R-4

West – Single family residences and vacant lots (across Jonesboro Drive); zoned R-3 and O-3

A. PUBLIC WORKS COMMENTS:

1. Due to the proposed use of the property, the Master Street Plan specifies that West 9th Street for the frontage of this property must meet commercial street standards. Dedicate right-of-way to 30 feet from centerline.
2. Due to the proposed use of the property, the Master Street Plan specifies that Maryland Ave for the frontage of this property must meet commercial street standards. Dedicate right-of-way to 30 feet from centerline.

3. Due to the proposed use of the property, the Master Street Plan specifies that Monroe Street for the frontage of this property must meet commercial street standards. Dedicate right-of-way to 30 feet from centerline.
4. Due to the proposed use of the property, the Master Street Plan specifies that West 10th Street for the frontage of this property must meet commercial street standards. Dedicate right-of-way to 30 feet from centerline.
5. Due to the proposed use of the property, the Master Street Plan specifies that S. Madison Street for the frontage of this property must meet commercial street standards. Dedicate right-of-way to 30 feet from centerline.
6. A 20 foot radial dedication of right-of-way is required at the intersection of S. Monroe Street and West 10th Street on the west and east sides of the intersection.
7. A 20 foot radial dedication of right-of-way is required at the intersection of West 10th Street and S. Madison Street.
8. A 20 foot radial dedication of right-of-way is required at the intersection of West 9th Street, Maryland Ave., and S. Madison Street on the NW, NE, & SW corners.
9. A 20 foot radial dedication of right-of-way is required at the intersection of West 9th Street and S. Monroe Street.

B. PUBLIC TRANSPORTATION ELEMENT:

The site is not located on a CATA Bus Route. Route #3 (Baptist Medical Center Route) runs along West 12th Street to the south.

C. PUBLIC NOTIFICATION:

All owners of property located within 200 feet of the site, all residents within 300 feet who could be identified, and the Fair Park, Oak Forest, University District, Forest Hills, Hope and War Memorial Neighborhood Associations were notified of the rezoning request. Staff received a letter of support from the Fair Park Residents Association.

D. LAND USE ELEMENT:

This request is located in the I-630 Planning District. The Land Use Plan shows Residential Low and Park/Open Space for this property. The applicant has applied for a rezoning from R-3 and R-4 to O-1 for a library.

A Land Use Plan amendment from Residential Low and Park/Open Space to Public Institution is a separate item on this agenda.

Master Street Plan:

Jonesboro Drive is shown as a Collector. The primary function of a Collector Street is to provide a connection from Local Streets to Arterials. South Monroe Street, West 10th Street and Madison Street are all shown as Local Streets. The primary function of a Local Street is to provide access to adjacent properties. Local Streets which are abutted by non-residential zoning/use or more intensive zoning than duplexes are considered as "Commercial Streets". These streets have a design standard the same as a Collector. These streets may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

Bicycle Plan:

There are no bike routes shown in the immediate vicinity. A Class III is shown along West 12th Street, which is located south of this application. A Class III bikeway is a signed route on a street shared with traffic. No additional paving or right-of-way is required. Class III bicycle route signage may be required.

Neighborhood Action Plan:

The property under review is located in the Stephens Neighborhood Action Plan area. Their Neighborhood Revitalization goal states: "provide more facilities for the residents and visitors of the Stephens area to utilize."

E. STAFF ANALYSIS:

Dickson Flake (Colliers International) and Joe White (White-Daters and Associates), applicants for various owners of approximately seven (7) acres of property located generally north of West 10th Street, south of I-630, east of Jonesboro Drive and west of S. Madison Street, are requesting to rezone the property from "R-3" Single Family District and "R-4" Two-Family District to "O-1" Quiet Office District (with condition). The rezoning is proposed for a new public library development. The applicant has offered a condition for the proposed O-1 zoning to limit use of the property to the following use listing only:

- Library, including education and other related uses.

The overall property is comprised of the following lots, all within Cunningham's Addition to the City of Little Rock:

- Lots 2-4, Block 4
- Lots 2-7 and part of Lots 1 and 8, Block 5
- Lots 5-7 and part of Lots 1-4 and 8, Block 6
- Lots 7-12 and part of Lots 1-6, Block 11
- Lots 1R, 2R (replat of Lots 1-3) and 4-12, Block 12

There are currently five (5) occupied single-family residences and six (6) vacant single-family structures within the overall area proposed for rezoning. Most of the lots within the area are vacant and grass covered. There are a number of mature trees within the overall property.

The areas east, west and south of the area of rezoning are occupied by single-family residential structures. There are some vacant lots within these areas. Ray Winder Field is located across I-630 to the north.

The City's Future Land Use Plan designates this property as Residential Low and Park/Open Space. A Land Use Plan Amendment to Public Institution is a separate item on this agenda.

Staff is supportive of the requested rezoning to O-1 with condition. Staff views the request as reasonable. The applicant is limiting use of the O-1 zoning to a public library, with educational and related facilities. There are only five (5) occupied single-family structures within this seven (7) acres of property. Most of the lots are undeveloped. Staff believes development of this property as a library with related educational facilities is appropriate and will have no adverse impact on the adjacent properties or general area.

F. STAFF RECOMMENDATION:

Staff recommends approval of the requested O-1 rezoning, subject to the following condition, as offered by the applicant:

- The O-1 zoning will be limited to use as a library, including education and other related uses only.

PLANNING COMMISSION ACTION:

(AUGUST 6, 2009)

The applicant was present. There were no objectors present. Staff presented the application with a recommendation of approval.

August 6, 2009

ITEM NO: 4.1 (Cont.)

FILE NO.: Z-8477

The Chairman placed the item before the Commission for inclusion within the Consent Agenda for approval. A motion to that effect was made. The motion passed by a vote of 10 ayes, 0 nays and 1 absent. The application was approved.

August 6, 2009

ITEM NO.: 5

FILE NO.: G-23-413

Name: S. Monroe Street, S. Madison Street, Maryland Avenue and Alley – Rights-of-Way Abandonments

Location: North of West 10th Street, South of I-630 and between Jonesboro Street and S. Madison Street

Owner/Applicant: Various adjacent owners/Joe White, White-Daters and Associates and Dickson Flake, Colliers International

Request: To abandon portions of S. Monroe Street, S. Madison Street, Maryland Avenue and alleys with Blocks 5, 6, 11 and 12, Cunningham's Addition.

Purpose: Library development

PROPOSAL/REQUEST:

The applicant requests to abandon the following rights-of-way located generally north of West 10th Street, south of Interstate 630 and between Jonesboro Street and S. Madison Street as follows:

- S. Madison Street located between I-630 and fifty (50) feet north of Maryland Avenue (W. 9th Street).
- S. Monroe Street located between I-630 and W. 10th Street.
- Maryland Avenue (W. 9th Street) located between Jonesboro Street and S. Madison Street.
- Unnamed street/alley within Blocks 6 and 11, Cunningham's Addition.
- Alley rights-of-way within Blocks 5 and 12, Cunningham's Addition.

The abandonments are requested for the development of a public library and related facilities.

STAFF REVIEW:

A. Public Need for this Right-of-Way:

As noted in paragraph G., of the utility companies who have responded to staff, none have an objection to the abandonments. The utilities request portions of the rights-of-way to be retained as easements. The applicant is requesting that the areas be retained as easements with automatic abandonment of the easement(s) once the existing lines are relocated with new easements established. This can be taken care

of within the abandonment ordinance. A letter has not been received from AT & T. The Commission can proceed in addressing the abandonment issue. The request will not go before the Board of Directors until the letter has been received. The Public Works Department comment is as follows:

1. Drainage easements should be maintained in the right-of-way to convey storm water from adjacent property.

B. Master Street Plan:

The City's Master Street Plan designates these rights-of-way as local streets. Therefore, there are no Master Street Plan issues associated with the abandonment request.

C. Characteristics of Right-of-Way Terrain:

The current conditions of the rights-of-way are as follows:

- S. Madison Street – seventeen (17) feet of pavement with no curb and gutter.
- S. Monroe Street – eleven (11) feet to eighteen (18) feet of pavement with no curb and gutter.
- Maryland Avenue (W. 9th Street) – eighteen (18) feet of pavement with no curb and gutter between S. Madison Street and alley (Blocks 5 and 12). Remainder of right-of-way is undeveloped and grass covered.
- Unnamed street/alley (Blocks 6 and 11) – twenty-five (25) foot wide concrete street with curb and gutter.
- Alley (Blocks 5 and 12) – undeveloped and grass covered.

D. Development Potential:

After abandonment, the area of rights-of-way will be incorporated into the adjacent properties for future development of a public library, with educational and other related uses.

E. Neighborhood and Land Use Effect:

There are currently three (3) occupied single family residences and three (3) vacant houses located along the S. Monroe Street right-of-way. There are two (2) occupied single family residences and three (3) vacant structures along the west side of Madison Street, between W. 10th Street and I-630. The remainder of the adjacent properties are vacant lots.

F. Neighborhood Position:

The War Memorial, Oak Forest, Fair Park, Forest Hills, Hope and University District Neighborhood Associations were notified of the abandonment request. As of this writing, staff knows of no objectors to the abandonment application.

G. Effect on Public Services or Utilities:

Wastewater: Little Rock Wastewater has several sewer mains located in the right-of-way of Monroe Street and the alley between Monroe and Madison Streets. Little Rock Wastewater has no objection to the road closure but an easement must be retained for Little Rock Wastewater use anywhere an existing sewer main is located. When the relocation/abandonment of the existing sewer mains is complete, Little Rock Wastewater can relinquish their rights to these areas when a new easement is provided for all relocated lines.

Entergy: Entergy has facilities within much of this right-of-way either serving the existing neighborhood or serving adjacent areas. Entergy does not object to the right-of-way abandonment with the following stipulations:

- Monroe Street – Entergy has an overhead line that not only serves the reference area but also areas south and east of this area. Accordingly we require that the right-of-way be retained as a utility easement. After electric service is no longer needed within the project area, and a contract and payment have been secured for the relocation of this line, and replacement easements provided, Entergy will relinquish rights to this retained easement.
- Alley between Monroe and Madison – This alley must be retained as a utility easement as long as existing residences require electric service. When electric service to all residences served from this alley have been disconnected and are no longer needed, Entergy will remove the idle facilities and will relinquish this retained easement.
- Madison Street – This portion of the street must be retained as a utility easement if the existing street light needs to be kept in service. If not, please have the City send a request to remove the light. In that case no easement will need to be retained.

Centerpoint Energy: Centerpoint Energy does have active facilities located within the proposed right-of-way abandonment as marked on the received drawing. We will continue with relocation design and a cost estimate for reimbursement once we receive notice and details of provided easements.

AT&T (SBC): No comment received.

Water: Central Arkansas Water has no objection to closure of this right-of-way, as described. However, CAW has existing water facilities located within this area and

requires that a 12-inch main located in Maryland Avenue be relocated at the developer's expense to a location acceptable to Central Arkansas Water. There are also several 2-inch mains that run north and south in the rights-of-way being closed; these 2-inch mains can be abandoned.

H. Reversionary Rights:

The applicant submitted a letter from an abstract company noting that no reversionary clauses were found filed of record in the Records of Pulaski County, Arkansas.

I. Public Welfare and Safety Issues:

Abandoning these rights-of-way will have no adverse impact on the public welfare and safety. The Little Rock Fire Department has reviewed and approved the abandonment request.

SUBDIVISION COMMITTEE COMMENT:

(JULY 16, 2009)

Tim Daters was present, representing the application. Staff briefly described the proposed right-of-way abandonments. Staff noted that a letter addressing the request was needed from AT&T. Staff also noted that additional property owner authorizations were needed.

Mr. Daters explained that the intent was to retain areas as requested by the utilities, with the easements being automatically abandoned after relocation of existing utility lines and new easements being dedicated. This issue was discussed.

After the discussion, the Committee forwarded the request to the full Commission for resolution.

STAFF RECOMMENDATION:

Staff recommends approval of the requested right-of-way abandonments, subject to the following conditions:

1. The areas of abandonment will be retained as utility and drainage easements as requested by the utility companies and public works.
2. The utility easements will be automatically abandoned once the existing utility lines are relocated with new easements dedicated.
3. The abandonment request will not be taken to the City Board of Directors until all utility letters are received.

August 6, 2009

ITEM NO.: 5 (Cont.)

FILE NO.: G-23-413

PLANNING COMMISSION ACTION:

(AUGUST 6, 2009)

The applicant was present. There were no objectors present. Staff presented the application with a recommendation of approval.

The Chairman placed the item before the Commission for inclusion within the Consent Agenda for approval. A motion to that effect was made. The motion passed by a vote of 10 ayes, 0 nays and 1 absent. The application was approved.

August 6, 2009

ITEM NO.: 6

FILE NO.: Z-8483

Owner: 5401 S. University Building, LLC
Applicant: J. R. Young, Steward and Young, Inc.
Location: Behind 5401 S. University Avenue
Area: 0.10 Acre
Request: Rezone from R-2 to C-3
Purpose: Parking lot
Existing Use: Undeveloped

SURROUNDING LAND USE AND ZONING

North – Auto sales business; zoned C-4

South – Single family residences (along S. 61st Avenue) and office building (along Mabelvale Pike); zoned R-2 and C-3

East – Single family residences (along S. 61st Avenue); zoned R-2

West – Fire station and auto sales (across S. University Avenue); zoned C-3 and C-4

A. PUBLIC WORKS COMMENTS:

No Comments.

B. PUBLIC TRANSPORTATION ELEMENT:

The site is located on CATA Bus Routes #17 (Mabelvale – Downtown Route) and #17A (Mabelvale – UALR Route).

C. PUBLIC NOTIFICATION:

All owners of property located within 200 feet of the site, all residents within 300 feet who could be identified, and the Geyer Springs and SWLR United for Progress Neighborhood Associations were notified of the rezoning request.

D. LAND USE ELEMENT:

This request is located in the Geyer Springs East Planning District. The Land Use Plan shows Commercial for this property. The applicant has applied for a rezoning from R-2 to C-3.

The request does not require a change to the Land Use Plan.

Master Street Plan:

South University Avenue is a Principal Arterial. The primary function of a Principal Arterial is to serve through traffic and to connect major traffic generators or activity centers within urbanized areas. Entrances and exits should be limited to minimize negative effects of traffic and pedestrians on University since it is a Principal Arterial. This street may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

Bicycle Plan:

There are no bike routes shown in the immediate vicinity.

Neighborhood Action Plan:

This area is covered by the Geyer Springs/Wakefield Neighborhood Action Plan. Their Transportation and Infrastructure Goals states: "Install a traffic signal at University and 53rd Street."

E. STAFF ANALYSIS:

5401 S. University Building, LLC, owner of the 0.1 acre property located behind the building at 5401 S. University Avenue, is requesting to rezone the property from "R-2" Single Family District to "C-3" General Commercial District. The 0.1 acre is located at the northeast corner of the overall property at 5401 S. University Avenue which houses the Work Force Center. The rezoning is proposed in order to use the area as an extension of the existing parking lot on the site.

The 0.1 acre area is currently a gravel covered area at the base of a small hillside which runs along the rear (east side) of the Work Force building at 5401 S. University Avenue. The hillside was recently cut back, creating this level area proposed for extension of existing parking at the north end of the Work Force building.

The general area contains a mixture of uses and zoning. There are single family residences and an office building located east of the overall property at 5401 S. University Avenue. A fire station and auto sales/repair related businesses are located to the west across S. University Avenue. An auto sales business and convenience store are located to the north. An auto repair/tire business is located to the south.

The City's Future Land Use Plan designates this property as Commercial. The requested C-3 zoning does not require a change to the future plan.

Staff is supportive of the requested rezoning to C-3. Staff views the request as reasonable. The proposed C-3 zoning will represent a continuation of the commercial zoning pattern in this area, along the east side of S. University Avenue. The proposed area of rezoning represents additional property sharing common ownership with the 5401 S. University development. Staff feels the development of this 0.1 acre as additional parking to serve the adjacent commercial building will be an appropriate use of the property. Staff believes the proposed C-3 zoning will have no adverse impact on the adjacent properties or the general area.

F. STAFF RECOMMENDATION:

Staff recommends approval of the requested C-3 rezoning.

PLANNING COMMISSION ACTION:

(AUGUST 6, 2009)

The applicant was present. There were no objectors present. Staff presented the application with a recommendation of approval.

The Chairman placed the item before the Commission for inclusion within the Consent Agenda for approval. A motion to that effect was made. The motion passed by a vote of 10 ayes, 0 nays and 1 absent. The application was approved.

August 6, 2009

ITEM NO.: 7

FILE NO.: Z-8484

NAME: Perry Day Care Family Home – Special Use Permit

LOCATION: 9418 Southboro Drive

OWNER: Maggie Perry

APPLICANT: Maggie Perry

PROPOSAL: A Special Use Permit is requested to allow a Day Care Family Home to be operated in the single family residence located on the R-2 zoned property at 9418 Southboro Drive.

STAFF UPDATE:

The applicant contacted staff on July 23, 2009 and requested the application be deferred to the September 17, 2009 agenda to allow additional time to complete notifications to surrounding property owners. Staff supports the deferral request.

PLANNING COMMISSION ACTION:

(AUGUST 6, 2009)

Staff informed the Commission that the applicant contacted staff on July 23, 2009 and requested the application be deferred to the September 17, 2009 agenda to allow additional time to complete notifications to surrounding property owners. Staff supported the deferral request.

The Chairman placed the item before the Commission for inclusion within the Consent Agenda for deferral to the September 17, 2009 Agenda. A motion to that effect was made. The motion passed by a vote of 10 ayes, 0 nays and 1 absent. The application was deferred.

August 6, 2009

ITEM NO.: 8

FILE NO.: Z-4420-E

NAME: Greater Center Star Baptist Church Parking Lots and Garage Building – Conditional Use Permit

LOCATION: Northwest corner of State and Short 32nd and East side of Riffel Avenue, one lot north of 33rd Street

OWNER/APPLICANT: Greater Center Star Baptist Church/
Ron Woods, Architect

PROPOSAL: A conditional use permit is requested to allow for construction of church parking lots and a church van garage/storage building on these R-3 zoned lots.

1. SITE LOCATION:

The properties are located on the northwest corner of State and Short 32nd and on the east side of Riffel Avenue, one lot north of 33rd Street.

2. COMPATIBILITY WITH NEIGHBORHOOD:

The properties are located at the southern edge of the South End residential neighborhood. The church occupies the block bounded by West Short 32nd, West 33rd, IZard and Riffel. A vacant commercial building (formerly Sim's Bar BQ) is located at 33rd and Riffel. The boys and girls club is located on the south side of 33rd, across from the church. Another church is located just to the east, at 33rd and Gaines. The other properties in the area are either vacant or occupied by single-family residences. Allowing the proposed small, church parking lots and garage/storage building appears to be compatible with the neighborhood.

All owners of properties located within 200 feet of the site, all residents within 300 feet who could be identified and the MLK, Meadowbrook, South and South End Neighborhood Developers Neighborhood Associations were notified of this request.

3. ON SITE DRIVES AND PARKING:

The parking lot located west of Riffel is proposed to have one driveway off of Riffel and will contain 17 spaces. The parking lot at Short 32nd and State will have one driveway off of State Street and will contain 8 spaces.

4. SCREENING AND BUFFERS:

Compliance with the City's Landscape and Buffer Ordinances is required.

The property is located within the designated mature area of the City. The required provisions of the Landscape and Buffer Ordinances may be reduced by not more than twenty-five (25) percent.

Parking lot/garage; State Street

- a) A 6.75 foot buffer is required on the west perimeter.
- b) Screening is required on the west perimeter.
- c) At the two back-outs, the perimeter buffer and landscape strips fall below the minimum of 4.5 feet. Adjust accordingly or request a variance. Will also require City Beautiful Commission variance.

Riffel Street Parking Lot

- a) Perimeter buffers and landscape strips must not be less than 6.75 feet in width.
- b) Screening and buffer are required on the south perimeter where adjacent to residentially zoned property.
- c) Interior landscape areas must comprise at least eight (8) percent of any vehicular use area containing twelve (12) or more parking spaces. In order to apply toward the required eight (8) percent landscape area, the minimum size of an interior landscape area must be one hundred fifty (150) square feet for developments with one hundred fifty (150) or fewer parking spaces. Trees must be included in the interior landscape areas at the rate of one (1) tree for every twelve (12) parking spaces. Flexibility is permitted with placement of interior landscape islands, however, interior landscaping should be generally distributed throughout the vehicular use areas.

Interior planting island width must be not less than 7.5 feet in order to receive credit.

5. PUBLIC WORKS COMMENTS:

1. A twenty (20) foot radial dedication of right-of-way is required at the intersection of W. 32nd Street and S. State Street.
2. A twenty (20) foot radial dedication of right-of-way is required at the intersection of S. State Street and Short 32nd Street.
3. Due to the proposed use of the property, the Master Street Plan specifies that W. 32nd Street for the frontage of this property must meet commercial street standards. Dedicate right-of-way to thirty (30) feet from centerline.

Measures to control an increase in storm water drainage should be implemented to not cause damage onto adjacent property from the increased impervious area.

6. UTILITY, FIRE DEPT. AND CATA COMMENTS:

Wastewater: Sewer available to this project.

Entergy: Approved as submitted.

Centerpoint Energy: No comment received.

AT&T (SBC): No comment received.

Water: Also parking NE of 33rd and Riffel Avenue – Contact Central Arkansas Water if water service is needed.

Fire Department: Approved as submitted.

County Planning: No Comments.

CATA: The site is not located on a CATA bus route. A route is located nearby, at 33rd and Gaines.

SUBDIVISION COMMITTEE COMMENT:

(JULY 16, 2009)

The applicant was present. Staff presented the item and noted some additional information was needed regarding building design and setbacks, fencing and gates, signage and lighting. The applicant was advised to provide a copy of the bill of assurance. Public Works and Landscape Comments were discussed. It was noted that additional right-of-way was required for West 32nd and for the radii of the corners. Staff noted some deficiencies in the landscaping and screening shown on the plans. The applicant was advised that the site was located within the designated mature area of the City so there was some flexibility afforded.

The applicant was advised to respond to staff issues by Wednesday July 22, 2009. The Committee determined there were no other issues and forwarded the item to the full Commission.

STAFF ANALYSIS:

Greater Center Star Baptist Church is requesting approval of a conditional use permit to allow a small, church parking lot on the vacant, R-3 zoned property

located east of the church on Riffel Avenue and to allow a second, small parking lot and a garage/storage building on the vacant, R-3 zoned property located at the northwest corner of West Short 32nd and State Street.

The parking lot east of Riffel Avenue will have a single driveway off of Riffel and will contain 17 spaces. The parking lot at West Short 32nd and State will have a single driveway off of State Street and will contain 8 spaces. A 1,500+ square foot garage/storage building is proposed in conjunction with the parking lot at West Short 32nd and State. The building will be constructed with wood siding and brick veneer with a pitched roof. Two garage doors and a walk-in door will open onto the parking lot. The structure will have gables on the north and south ends and over the garage doors. The building will have setbacks of 10 feet on the west, 50+ feet on the east, 16.5 feet on the north and 32± feet on the south. A 6-foot tall wood privacy fence will be installed on the west perimeter of the lot, separating the garage and parking lot from the adjacent residential property.

The applicant responded to most of the issues raised at Subdivision Committee, as noted above. The revised plan indicated dedication of required right-of-way. Fencing will consist solely of the one privacy fence. No gates are proposed. A variance is requested from the requirement to provide screening on the south side of the parking lot east of Riffel Avenue. Although the adjacent property is zoned residential, it is occupied by a vacant commercial building. The minimum landscaping has been indicated. Some slight modification of the lot east of Riffel may be required to provide the required interior landscaping. A lighting plan has not been submitted. Staff will recommend that any site lighting be low-level and directional, aimed downward and into the site. No signage has been proposed. The bills of assurance for these older subdivisions do not address use issues.

To staff's knowledge, there are no outstanding issues. Staff is supportive of the requested C.U.P.'s.

STAFF RECOMMENDATION:

Staff recommends approval of the requested C.U.P. subject to compliance with the following conditions:

1. Compliance with the comments and conditions outlined in Sections 4, 5 and 6 of the agenda staff report.
2. Any site lighting is to be low-level and directional, shielded downward and into the site.

Staff recommends approval of a variance from the screening requirement on the south perimeter of the parking lot proposed on the east side of Riffel Avenue.

August 6, 2009

ITEM NO.: 8 (Cont.)

FILE NO.: Z-4420-E

PLANNING COMMISSION ACTION:

(AUGUST 6, 2009)

The applicant was present. There were no objectors present. Staff presented the item and a recommendation of approval subject to compliance with the conditions outlined in the "staff recommendation" above. There was no further discussion. The item was placed on the consent agenda and approved as recommended by staff. The vote was 10 ayes, 0 noes and 1 absent.

August 6, 2009

ITEM NO.: 9

FILE NO.: Z-6443-A

NAME: Adams Office – Conditional Use Permit

LOCATION: 904 Rock Street

OWNER/APPLICANT: Steven Adams

PROPOSAL: A conditional use permit is requested to allow use of the existing residential structure on this R-4A zoned lot for general/professional offices.

1. SITE LOCATION:

The site is located on the west side of Rock Street, one lot south of East 9th Street.

2. COMPATIBILITY WITH NEIGHBORHOOD:

The property is located in an area of mixed uses; including single family, two-family, multi-family and offices. Several of the older residential structures in the area have been converted to two-family and multifamily. A high rise multifamily building is located across 9th Street to the north. An office use is located across Rock Street to the east. The residential structure to the south previously housed an office use. A C.U.P. was approved in 1979 to allow that office use. A travel agency occupies two residential structures located across the alley to the west. The original C.U.P. for that office use was approved in 1976 and subsequently amended to allow for expansions. The applicant is proposing to utilize the existing residence for office use, while maintaining the residential character of the structure. Staff believes the use is compatible with the neighborhood.

All owners of properties located within 200 feet of the site, all residents within 300 feet who could be identified and the Downtown and MacArthur Park Neighborhood Associations were notified of this request.

3. ON SITE DRIVES AND PARKING:

The structure contains approximately 2,690 square feet of area. The applicant is proposing general office uses or a clinical type use. General Office would require 6 on-site parking spaces. A clinical type use with one clinician or doctor would also require 6 parking spaces. A 4-space, covered parking structure is located at the rear of the lot with access off of the alley. Additional on-street parking is available.

The parking is sufficient as long as the uses are limited to general office or a single clinician/doctor clinic.

4. SCREENING AND BUFFERS:

A six (6) foot tall, wood privacy fence is required to be placed on the north and south perimeters from the rear of the house to the rear property lines to provide screening for the parking. The fence must be constructed with the finished side facing out.

4A. HISTORIC DISTRICT COMMENTS:

- The Historic District Commission (HDC) does not regulate or review the use of any structure. The HDC does review any exterior alterations, changes or maintenance that is done to the exterior of the house or other improvements to the property. This includes any exterior changes to the structure (lighting, painting, roofing, windows, etc.) or to the landscape through any hardscape items (fences, walls, steps). Of particular interest to this item is signage, which is reviewed by the HDC.
- The MacArthur Park Historic District Guidelines for Rehabilitation and New Construction Section V1 describes the desired types of signage for this area as well as landscape features, lighting, parking areas, drives, etc. On page 71 of the Guidelines, it addresses the materials, locations, and design of the signage. Freestanding signs should be less than six square feet in area.
- The renovation or rebuilding of a garage in the location shown on the survey will not require review by the HDC since it cannot be viewed from the street. Any proposed signage will be required to be reviewed by the HDC in a public meeting. Contact the HDC Staff for deadlines, meeting dates and application process.

5. PUBLIC WORKS COMMENTS:

No Comments.

6. UTILITY, FIRE DEPT. AND CATA COMMENTS:

Wastewater: Sewer available to this project.

Entergy: Approved as submitted.

August 6, 2009

ITEM NO.: 9 (Cont.)

FILE NO.: Z-6443-A

CenterPoint Energy: No comment received.

AT&T (SBC): No comment received.

Water: Contact Central Arkansas Water if larger and/or additional water meter(s) are required.

Fire Department: Approved as submitted.

County Planning: No Comments.

CATA: The site is not located on a CATA bus route. Bus routes are located nearby, on Cumberland and East 9th Streets.

SUBDIVISION COMMITTEE COMMENT:

(JULY 16, 2009)

The applicant was present. Staff presented the item and noted additional information was needed; including proposed days and hours of operation, signage and square footage of the structure. Mr. Adams responded that the structure was one story with a partial second floor and contained 2,690 square feet. He said any signage would comply with the Historic District Guidelines. It was suggested by the Committee that he consider limiting hours to typical office hours, Monday through Friday. Staff stated screening would be required on the north and south perimeters of the site to provide screening of the proposed parking. Mr. Adams responded that a 6-foot tall, wood privacy fence already was in place.

Mr. Adams was advised to respond to staff issues by Wednesday July 22, 2009. The Committee determined there were no other issues and forwarded the item to the full Commission.

STAFF ANALYSIS:

The R-4A zoned property located at 904 Rock Street is occupied by a circa 1880's, historic, residential structure and a detached, covered parking structure. The residential structure is one-story with a partial second floor. The first floor contains 1,790 square feet and an additional 900 square feet is located on the second floor. The 20' X 36' covered parking structure adjacent to the alley was approved by the Board of Adjustment in 1998. The applicant is requesting approval of a conditional use permit to allow use of the residential structure for general offices or clinical type uses (doctor, therapist). The "floor" of the covered parking area will be paved, with access from the alley. No external renovations will be made to the residence other than those allowed under the guidelines of the Historic District Commission.

August 6, 2009

ITEM NO.: 9 (Cont.)

FILE NO.: Z-6443-A

Typical days and hours of operation are proposed as 8:00 a.m. to 8:00 p.m., Monday through Friday. Signage, as yet to be determined, will comply with Historic District Guidelines and will be submitted to the Historic District Commission for approval prior to installation. A six-foot tall wood privacy fence is located along the north and south property lines of the rear yard. The fence was previously constructed with the "finished" side facing inward. The property is located in the Original City of Little Rock and there is no bill of assurance.

Staff is supportive of the proposed use. The proposed conversion of the house into an office use is not out of character with the neighborhood. Staff does believe any proposed occupancy of the home should be limited to uses that will not generate a parking requirement greater than 6 spaces.

STAFF RECOMMENDATION:

Staff recommends approval of the requested C.U.P. subject to compliance with the following conditions:

1. Compliance with the screening requirements and Historic District Commission Comments outlined in Sections 4 and 4.A of the agenda staff report.
 2. Any occupancy of the structure is to be limited to a general office use or clinical type use (doctor, therapist) that will not generate a parking requirement greater than 6 spaces.
 3. The 6-foot privacy fence along the north and south perimeters is to be maintained. If it is replaced, it is to be constructed with the finished side facing outward.
-

PLANNING COMMISSION ACTION:

(AUGUST 6, 2009)

The applicant was present. There were no objectors present. Staff presented the item and a recommendation of approval subject to compliance with the conditions outlined in the "staff recommendation" above. There was no further discussion. The item was placed on the consent agenda and approved as recommended by staff. The vote was 10 ayes, 0 noes and 1 absent.

August 6, 2009

ITEM NO.: 10

FILE NO.: Z-8478

NAME: Downtown Little Rock CDC Modular Home –
Conditional Use Permit

LOCATION: 1519 Commerce Street

OWNER/APPLICANT: Downtown Little Rock CDC/
Scott Grummer, Executive Director

PROPOSAL: A conditional use permit is requested to allow for
placement of a modular home on this R-4 zoned lot.

1. SITE LOCATION:

The lot is located at the northeast corner of Commerce and East 16th Streets.

2. COMPATIBILITY WITH NEIGHBORHOOD:

The property is located in what is primarily a single-family neighborhood, although there are other uses in the vicinity. Two churches are located on the south side of East 16th Street, between Commerce Street and Park Lane. A few duplex residences are located nearby. An apartment building is located north of the site at 15th and Commerce. A special needs apartment building is located on the east side of Rock Street, south of 15th Street. The proposed use of the site for a single-family residence is compatible with the neighborhood.

All owners of properties located within 200 feet of the site, all residents within 300 feet who could be identified and the MacArthur Park, Pettaway and Downtown Neighborhood Associations were notified of this request.

3. ON SITE DRIVES AND PARKING:

One on-site parking space is required. The proposed plan indicates a driveway off of East 16th Street, at the rear of the lot.

4. SCREENING AND BUFFERS:

No comments on this single family application.

5. PUBLIC WORKS COMMENTS:

1. A twenty (20) foot radial dedication of right-of-way is required at the intersection of Commerce Street and E. 16th Street.

6. UTILITY, FIRE DEPT. AND CATA COMMENTS:

Wastewater: Sewer available to this project.

Entergy: Approved as submitted.

Centerpoint Energy: No comment received.

AT&T (SBC): No comment received.

Water: Contact Central Arkansas Water regarding obtaining water service to this property.

Fire Department: Approved as submitted.

County Planning: No Comments.

CATA: This site is not located on a CATA bus route. Routes are located nearby, on Daisy Bates and Rock Street.

SUBDIVISION COMMITTEE COMMENT:

(JULY 16, 2009)

The applicant was present. Staff presented the item and suggested that the design of the home should be compatible with homes in the area.

The applicant responded that the CDC Board had agreed that the home should conform with the design of homes in the neighborhood. He stated he had concerns with a suggestion that final plans be submitted for staff approval since the project was to be designed by students at the University. Staff responded that staff review for approval would not be required if the applicant agreed with the first of suggestion. The Committee suggested that the applicant send the proposal to the appropriate person at the University to see if there would be any problem implementing any conditions into the design of the home. Public Works Comment was noted.

The applicant was advised to respond to staff issues by Wednesday July 22, 2009. The Committee forwarded the item to the full Commission.

STAFF ANALYSIS:

The Downtown Little Rock Community Development Corporation (DLRCDC) is requesting approval of a conditional use permit to allow for placement of a

modular home on the vacant, R-4 zoned lot located at 1519 Commerce Street. The CDC in partnership with the University of Arkansas Fay Jones School of Architecture proposes to construct a single family home of approximately 1,000 – 1,200 square feet in area, one or two-story in height to be sold to an applicant meeting the criteria of 80% or below median household income. The project will be designed and constructed by the UA students and trucked from Fayetteville to the site. The home will be built using standard site built house criteria but will be moved in sections or modules to the site. Once at the site the home will be placed on the site utilizing standard site built house criteria for footings, foundations, etc. The Zoning Ordinance requires a conditional use permit for modular homes in Little Rock’s residential districts.

Staff is supportive of the concept. There are several positive aspects of the proposal; including the partnership between the CDC and UA, having a new residence located in this area and the provision of affordable housing.

The University has assured the CDC that they intend to engage the community and the CDC directors for preferred building design and multiple designs will be submitted for approval. The CDC has stated it is their intent to do more of these projects with the University, so they understand the need to design the first one to please the community with the hopes of being welcomed back on future projects. The property is not in an area which requires specific building design or with specific design criteria. In light of the applicant’s assurances, staff does not feel it is necessary to propose specific design criteria for the proposed single family residence.

The property is located in the Original City of Little Rock and there is no bill of assurance.

STAFF RECOMMENDATION:

Staff recommends approval of the request C.U.P. subject to compliance with Public Works Comments in Section 5 of the agenda staff report.

PLANNING COMMISSION ACTION:

(AUGUST 6, 2009)

The applicant was present. There were no objectors present. Staff presented the item and a recommendation of approval as noted in the “staff recommendation” above.

In response to a question from Commissioner Smith, Commissioner Ferstl stated local appraisers would compare this home to on-site housing in the area.

In response to a series of questions from Commissioner Smith. Downtown Little Rock Community Development Corporation (DLRCDC) Executive Director Scott Grummer stated the proposed home would be built to comply with the same building codes as any other site-built home and would most likely have wood frame construction. He stated he thought local lenders would consider this home as equivalent in value to a site-built home. He stated that all details had not been worked out due to having to meet UA's fall schedule. Mr. Grummer stated some of the homes to be built under this program would be market value. He stated the CDC's focus was currently on the area east of Main Street but they had scattered sites in the general area. He stated they had not done a market study to determine the affect modular homes would have on area property values. He stated this was not a new concept and he hoped it would lead to a long-term partnership with the university.

Commissioner Smith commented that a more detailed plan was usually submitted with conditional use permit applications. Mr. Grummer responded that a detailed plan was not currently available. Commissioner Smith asked when she would be able to see one. Mr. Grummer responded that the CDC would engage the community and any interested commissioners during the design phase. A discussion then followed regarding the possibility of requiring further review of the plan by staff. Dana Carney, of the Planning Staff, responded that staff review would be of no value unless the Commission set some parameters for the review.

Commissioner Smith stated she was concerned about quality development and asked Mr. Grummer if he would consent to further review. Mr. Grummer responded that he wished to move forward without delay due to the timing of the University's schedule. He said he was committed to keeping Commissioner Smith and area residents aware and involved.

Commissioner Smith asked staff why a plan was usually required with a conditional use permit. Tony Bozynski, Director of Planning and Development, replied that a plan was usually needed to determine if a proposed use was compatible with existing uses. He commented that this project was going to be very well scrutinized and would have more public review than any other site built home.

A motion was made to approve the application subject to compliance with all staff comments and conditions. The motion was approved by a vote of 8 ayes, 1 noe and 2 absent.

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ITEM NO.: 11

FILE NO.: Z-8482

NAME: Stingley Auto Repair – Conditional Use Permit

LOCATION: 2225 Cottdale Lane

OWNER/APPLICANT: Sam Mousa/Stephen Giles

PROPOSAL: A conditional use permit is requested to allow an auto repair garage to operate in the existing building on this C-3 zoned property.

1. SITE LOCATION:

The property is located on the west side of Cottdale Lane, near the southern terminus of the street.

2. COMPATIBILITY WITH NEIGHBORHOOD:

The site is located in an area of mixed uses and zoning. Midrise office buildings are located on O-1, O-2, O-3, C-3 and I-2 zoned properties across Cottdale Lane. A POD zoned building across Cottdale is being remodeled from offices into residential condominiums. The C-3 zoned buildings to the south contain a natural stone company and a home technology contractor's office. I-3 zoned properties to the south and west contain mini-warehouses, wholesale building supply companies and private clubs. The proposed use of a portion of this building for an auto repair business is compatible with uses and zoning in the area.

All owners of properties located within 200 feet of the site, all residents within 300 feet who could be identified and the Hillcrest Residents Association were notified of this request.

3. ON SITE DRIVES AND PARKING:

The site is accessed by two driveways off of Cottdale Lane. The property contain 30 marked parking spaces with room for an additional 4 parallel spaces along the driveway in front of the proposed auto repair business. The remainder of the site is occupied by a contractor's office and a natural stone company. Although parking appears tight on the property, it should be sufficient for the use. Staff believes no vehicles awaiting service should be parked on the street.

4. SCREENING AND BUFFERS:

No comments on this use-only issue.

5. PUBLIC WORKS COMMENTS:

No Comments.

6. UTILITY, FIRE DEPT. AND CATA COMMENTS:

Wastewater: Sewer available to this property.

Entergy: No comment received.

CenterPoint Energy: No comment received.

AT&T (SBC): No comment received.

Water: Contact Central Arkansas Water if larger and/or additional water meter(s) are required.

Fire Department: Approved as submitted.

County Planning: No Comments.

CATA: The site is not located on a CATA bus route. A route is located nearby, on Riverfront Drive.

SUBDIVISION COMMITTEE COMMENT:

(JULY 16, 2009)

The applicant was present. Staff presented the item and noted additional information was needed regarding the nature of the business. Staff also requested information regarding days and hours of operation and signage. Staff asked how much of the building would be used by the business and if vehicles would be kept outside after hours. Staff questioned if a wrecker service would be located on the site. The applicant was asked to provide a copy of the bill of assurance and to locate the dumpster on the site plan.

There were no additional comments to discuss. The applicant was advised to respond to staff comments by Wednesday July 22, 2009. The Committee forwarded the item to the full Commission.

STAFF ANALYSIS:

The C-3 zoned property located at 8218 Cottondale Lane is occupied by two, one-story industrial buildings. The building on the western portion of the lot contains approximately 9,700 square feet of area. The applicant is requesting approval of a conditional use permit to allow use of up to 3,200 square feet of the building for an auto repair garage. His occupancy will be the northern end of the building where an existing garage door provides access from the parking lot.

Riverdale Automotive is described by the applicant as a "Luxury vehicle maintenance, mechanical repair, restoration and parts replacement establishment". There will be no body work or painting on the site. Proposed days and hours of operation are Monday through Friday, 7:30 a.m. to 6:00 p.m. Signage will consist of an awning sign over the garage door. Customer vehicles will be kept inside at night as much as possible. The building will hold 10 to 12 vehicles at night with overflow to be parked outside on the lot. No wrecker service will be located at the site and no car washing or detailing will be done at this site. The dumpster is located in an existing service area at the south end of the building. The bill of assurance for this lot in Riverfront Addition does not prohibit the proposed use.

Staff is supportive of the proposed use and believe the use is compatible with zoning uses in the area. To staff's knowledge, there are no outstanding issues.

STAFF RECOMMENDATION:

Staff recommends approval of the requested C.U.P. to allow the auto repair business, subject to compliance with the following conditions:

1. All auto repair and maintenance is to take place entirely within the enclosed building.
 2. There is to be no outside storage or display of vehicle parts, including tires.
 3. No vehicles in an obvious state of disrepair are to be kept outside of the building after hours.
 4. No vehicles awaiting repair are to be parked on the street.
-

PLANNING COMMISSION ACTION:

(AUGUST 6, 2009)

The applicant was present. There were several objectors present. Several letters and e-mails of support and opposition had been received by staff and forwarded to the Commission. Staff presented the item and a recommendation

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FILE NO.: Z-8482

of approval subject to compliance with the comments and conditions noted in the "staff recommendation" above.

Attorney Stephen Giles, representing the applicant, addressed the Commission. He stated this was a commercial use being proposed in a commercial zone. He stated he agreed with staff's recommendation and would reserve his time to respond to comments from the objectors.

Ross McCain, owner of the property at 2222 Cottdale Lane, spoke in opposition. He stated the proposed use was not compatible with uses in the area and considerable investment had been made to other buildings in the area. He stated an auto repair shop was still an auto repair shop regardless of and conditions that might be attached. Mr. McCain said the industrial uses along Jesse Road were not a part of the Cottdale Lane neighborhood.

Robert Eubanks, attorney representing Helen Murchison, an adjacent property owner, spoke in opposition. He stated there were concerns about parking and the effect the use would have on her customers. Mr. Eubanks stated the applicant was not currently moving the vehicles into the building after hours. He stated he was also speaking for Cottdale LLC, another area property owner who was also opposed to the auto repair business.

Mr. Giles stated the applicant and the property owner were also concerned about property values. Mr. Giles stated the owner of the property would not have rented the space to the applicant if he thought there would be an effect on his own property value. Mr. Giles stated the nature of the work to be done at the site was such that noise would be kept as low as possible, the hours of operation were reasonable and there would be no new outside lighting. He stated vehicles would be moved into the building after hours as much as possible and any left outside would be kept on the side of the driveway coming off of Cottdale Lane. Mr. Giles stated the applicant wanted to be a good neighbor and hoped to provide service to neighborhood businesses and residents.

Brian Stingley, the applicant, stated the majority of his clients were business professionals and he specialized in high-end automobiles. He stated he also serviced other makes of autos.

Vice-chair Yates commented that he understood the neighbors concerns about the exterior appearance of the building and site. He asked Mr. Stingley if he would consider bringing all vehicles into the building after hours and leaving them there until reopening each morning. Mr. Stingley responded that he could get 10-12 vehicles in the building, depending on the size of the vehicles, and he did not see where there would ever be more than 1 or 2 vehicles left outside after hours. Mr. Yates commented that could not support the applications under such

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conditions. Mr. Stingley then stated he would commit to keeping all vehicles inside the building after hours.

Commissioner Rector commented that he did not see how this proposed use would burden other properties in the area. Vice-chair Yates agreed.

A motion was made to approve the application as amended, including all staff comments and conditions. The motion was approved by a vote of 8 ayes, 1 no and 2 absent.

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ITEM NO.: 12

FILE NO.: Z-8485

NAME: Heights Real Estate Company Day Care Center
Playground – Conditional Use Permit

LOCATION: West of 8218 Cantrell Road

OWNER/APPLICANT: Heights Real Estate Company/Lewis Bunch

PROPOSAL: A conditional use permit is requested to allow a day care playground to be located on this R-2 zoned lot to serve a day care center located in the building on the C-3 zoned property adjacent to the east.

1. SITE LOCATION:

The lot is located on the north side of Cantrell Road, west of 8218 Cantrell Road.

2. COMPATIBILITY WITH NEIGHBORHOOD:

The proposed playground is to occupy only small portion of the vacant, .53 acre lot. The playground will be adjacent to the commercial shopping center, which is located east of the lot. Single family homes on large lots extend to the west. Vacant, R-2 zoned property is adjacent to the north. The properties to the west and north are also owned by this applicant. A large POD zoned office building and a C-3 zoned shopping center are located across Cantrell Road. Allowing the use of a small portion of this lot for a playground would not appear to have any impact on other properties in the area.

All owners of properties located within 200 feet of the site, all residents within 300 feet were notified of this request. There is no active neighborhood association in the vicinity of this site.

3. ON SITE DRIVES AND PARKING:

No new parking or drives are proposed. The day care is to be located in a lease space within the commercial building located adjacent to this playground site. The commercial shopping center has parking located both in front of and behind the building.

4. SCREENING AND BUFFERS:

No Comments.

5. PUBLIC WORKS COMMENTS:

No Comments.

6. UTILITY, FIRE DEPT. AND CATA COMMENTS:

Wastewater: Sewer available to this project.

Entergy: No comment received.

CenterPoint Energy: No comment received.

AT&T (SBC): No comment received.

Water: Contact Central Arkansas Water if additional water service is needed.

Fire Department: Approved as submitted.

County Planning: No Comments.

CATA: The site is not located on a CATA bus route.

SUBDIVISION COMMITTEE COMMENT:

(JULY 16, 2009)

The applicant was present. Staff presented the item and noted additional information was needed regarding days and hours of use of the playground. Staff requested details on the type and height of fence materials. The applicant was advised to provide a copy of the bill of assurance.

There were no additional comments to discuss. The applicant was advised to respond to staff comments by Wednesday July 22, 2009. The Committee forwarded the item to the full Commission.

STAFF ANALYSIS:

Heights Real Estate Company is requesting approval of a conditional use permit to allow for construction of a day care center playground on this R-2 zoned, .53 acre tract. The playground is to serve a day care center which will be located in a lower level, backside lease space in the adjacent shopping center. A fenced walkway will lead from the day care to the playground. The playground will be enclosed within a 40' X 50' area located on the lower east side of this lot. The property is currently vacant.

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No vehicle access is proposed to the lot. Parking will take place on the commercial lot adjacent to the east. The subject lot, the shopping center, the three residential lots extending to the west and the vacant property to the north are all owned by the applicant. The proposed playground has minimum visibility from Cantrell Road due to a drop in elevation of approximately 28 feet. A wooded ravine is adjacent to the north. The hours of operation for the day care center are Monday through Saturday, 6:00 a.m. to 8:00 p.m. Use of the playground will be limited to daylight hours. The playground will be enclosed by a 4-foot tall chain link fence. The 1925 bill of assurance for Hyland Homes Subdivision does not address use issues.

To staff's knowledge, there are no outstanding issues. Staff supports the proposed C.U.P. for the day care playground.

STAFF RECOMMENDATION:

Staff recommends approval of the requested C.U.P. as proposed.

PLANNING COMMISSION ACTION:

(AUGUST 6, 2009)

The applicant was present. There were no objectors present. Staff presented the item and a recommendation of approval subject to compliance with the conditions outlined in the "staff recommendation" above. There was no further discussion. The item was placed on the consent agenda and approved as recommended by staff. The vote was 10 ayes, 0 noes and 1 absent.

August 6, 2009

ITEM NO.: 13

FILE NO.: LU09-05-01

Name: Land Use Plan Amendment – Downtown Planning District

Location: Various

Request: Mixed Use Urban to Public Institutional

Source: Planning Staff

PROPOSAL / REQUEST:

These Land Use Plan amendments in the Downtown Planning District represent changes from Mixed Use Urban to Public Institutional to reflect existing land use in nine different areas of downtown. These areas are all surrounded by Mixed Use Urban or Public Institutional. These amendments are a result of the Downtown Framework for the Future review of the Land Use Plan.

1. Area 1 is located at the southeast corner of West Markham Street and South State Street. This area includes the City of Little Rock Planning and Development Department building and Public Works Department building.
2. Area 2 is located at the northwest corner of Broadway Street and West Second Street. This southern half of the block is owned by Pulaski County and is used for offices and parking.
3. Area 3 is the city block bounded by Broadway Street, West Second Street, South Spring Street and West Third Street. This block is owned by Pulaski County and is used for the Pulaski County Administration Building.
4. Area 4 is the city block bounded by Broadway Street, West Fourth Street, South Arch Street and West Capitol Avenue. It is part of the Federal Building.
5. Area 5 is located between West Markham Street on the south and La Harpe Boulevard on the north. This is the site of the Old State House.
6. Area 6 is also located between West Markham Street on the south and La Harpe Boulevard on the north with South Scott Street on the east. This area is the State Convention Center.
7. Area 7 is the Territorial Restoration site and the Historic Arkansas Museum. It is located just west of Cumberland Street between East 2nd Street and East 3rd Street.
8. Area 8 is south of East 4th Street, west of Rock Street, north of East Capitol Avenue and east of Cumberland Street. This area is the Central Arkansas Transit Authority main bus station.

9. Area 9 is two city blocks bounded by West Fourth Street, South Commerce Street, East Capitol Avenue and Interstate 30 frontage road. This is for the Main branch of the Little Rock Post Office.

Public Institutional represents public and quasi-public facilities that provide a variety of services to the community such as schools, libraries, fire stations, churches, utility substations, and hospitals. These proposed changes are intended to reflect existing conditions and zoning.

EXISTING LAND USE AND ZONING:

These nine areas are all zoned UU Urban Use District. They are all completely surrounded by UU zoning except for Area 7, which is adjacent to a Planned Residential Development.

FUTURE LAND USE PLAN AND RECENT AMENDMENTS:

This area is all shown as Mixed Use Urban on the Future Land Use Plan and has not been amended since 1999. Mixed Use Urban surrounds all of these areas. Some of these areas are adjacent to Public Institutional.

MASTER STREET PLAN:

1. Area 1 is located at State Street and West Markham Street. State Street is a Collector, and West Markham is a Local Street. The primary function of a Collector Street is to provide a connection from Local Streets to Arterials. The primary function of a Local Street is to provide access to adjacent properties. Local Streets which are abutted by non-residential zoning/use or more intensive zoning than duplexes are considered as "Commercial Streets". These streets have a design standard the same as a Collector.
2. Area 2 is located West 2nd Street and Broadway Street. Broadway is shown as a Principal Arterial, and West 2nd Street is a Minor Arterial. The primary function of a Principal Arterial is to serve through traffic and to connect major traffic generators or activity centers within urbanized areas. A Minor Arterial provides connections to and through an urban area and their primary function is to provide short distance travel within the urbanized area.
3. Area 3 is located between West 2nd Street on the north, West 3rd Street on the south, Broadway Street on the west, and Spring Street on the east. Broadway is shown as a Principal Arterial, Spring Street is a Local Street, and West 3rd Street and West 2nd Street are Minor Arterials. The primary function of a Principal Arterial is to serve through traffic and to connect major traffic generators or activity centers within urbanized areas. A Minor Arterial provides connections to and through an urban

area and their primary function is to provide short distance travel within the urbanized area. The primary function of a Local Street is to provide access to adjacent properties. Local Streets which are abutted by non-residential zoning/use or more intensive zoning than duplexes are considered as "Commercial Streets". These streets have a design standard the same as a Collector.

4. Area 4 is located between West 4th Street on the north, Capitol Avenue on the south, and Broadway Street on the east. Broadway is shown as a Principal Arterial, and West 4th Street and Capitol Avenue are Collectors. The primary function of a Principal Arterial is to serve through traffic and to connect major traffic generators or activity centers within urbanized areas. The primary function of a Collector Street is to provide a connection from Local Streets to Arterials.
5. Area 5 is located north of West Markham Street and south of La Harpe Boulevard. La Harpe Boulevard is a Principal Arterial, and West Markham Street is a Local Street. The primary function of a Principal Arterial is to serve through traffic and to connect major traffic generators or activity centers within urbanized areas. The primary function of a Local Street is to provide access to adjacent properties. Local Streets which are abutted by non-residential zoning/use or more intensive zoning than duplexes are considered as "Commercial Streets". These streets have a design standard the same as a Collector.
6. Area 6 is also bordered by La Harpe Boulevard on the north and West Markham Street on the south. South Scott Street is on the east side of Area 6, and Scott Street is a Minor Arterial. A Minor Arterial provides connections to and through an urban area and their primary function is to provide short distance travel within the urbanized area.
7. Area 7 is surrounded by East 2nd Street, South Scott Street and East 3rd Street. These streets are all Minor Arterials. A Minor Arterial provides connections to and through an urban area and their primary function is to provide short distance travel within the urbanized area. On the east side of Area 7 is the Cumberland Street, which is shown as a Collector. The primary function of a Collector Street is to provide a connection from Local Streets to Arterials.
8. Area 8 is located between East 4th Street on the north, South Rock Street on the east, East Capitol Avenue on the south, and Cumberland Street on the west. Cumberland Street is a Collector, and the primary function of a Collector Street is to provide a connection from Local Streets to Arterials. East 4th, East Capitol and South Rock Streets are all Local Streets. The primary function of a Local Street is to provide access to adjacent properties. Local Streets which are abutted by non-residential zoning/use or more intensive zoning than duplexes are considered as "Commercial Streets". These streets have a design standard the same as a Collector.

9. Area 9 is located between East 4th Street on the north, Interstate 30 frontage road on the east, East Capitol Avenue on the south, and South Commerce Street on the west. These streets are all shown as Local Streets. The primary function of a Local Street is to provide access to adjacent properties. Local Streets which are abutted by non-residential zoning/use or more intensive zoning than duplexes are considered as "Commercial Streets". These streets have a design standard the same as a Collector.

BICYCLE PLAN:

1. A Class III bike route is shown along the western edge of Area 1 on North State Street.
2. There are no bike routes shown surrounding Area 2.
3. There are no bike routes shown surrounding Area 3.
4. A Class III bike route is shown along the northern edge of Area 4 on West 4th Street.
5. A Class I bike route is shown north of Area 5 along La Harpe Boulevard.
6. A Class I bike route is shown north of Area 6 along La Harpe Boulevard.
7. There are no bike routes shown surrounding Area 7.
8. There are no bike routes shown surrounding Area 8.
9. A Class III bike route is shown along the western edge of Area 9 on South Commerce Street.

A Class I bikeway is built separate from or alongside a road. Additional paving and right of way may be required. A Class III bikeway is a signed route on a street shared with traffic. No additional paving or right-of-way is required. Class III bicycle route signage may be required.

PARKS:

According to the Master Parks Plan, these areas are all within eight blocks of a city park. Riverfront Park is located just north of La Harpe Boulevard.

HISTORIC DISTRICTS:

There are no city recognized historic districts that would be affected by this amendment.

CITY RECOGNIZED NEIGHBORHOOD ACTION PLAN:

These areas are all covered by the Downtown Little Rock Framework for the Future.

ANALYSIS:

City Staff developed this amendment package. As part of the Downtown Framework for the Future effort, the Future Land Use Plan was examined. The area was reviewed for conformance with the zoning and existing use pattern. Staff reviewed the Downtown area and identified nine changes thought to be mostly 'clean-up' amendments to reflect existing public uses. Each of the proposed areas currently has a public use located there – City, State, County or Federal. The land is also currently owned by a governmental entity as well as used by that entity.

The uses include governmental offices – City, County, State and Federal; museums; courtrooms; the convention center; and the transfer station (CATA center bus station). Each area is at least a city block in size or is adjacent to an existing area currently shown for Public Institutional Use. This package of amendments is designed to make the Future Land Use Plan a more suitable representation of current and likely mid-term future uses for this area.

NEIGHBORHOOD COMMENTS:

Notices were sent to the following neighborhood associations: the Downtown Partnership and the Downtown Neighborhood Association. Staff has received no comments from area residents.

STAFF RECOMMENDATIONS:

Staff believes the change is appropriate.

PLANNING COMMISSION ACTION:

(AUGUST 6, 2009)

The item was placed on consent agenda for approval. By a vote of 10 for and 0 against the consent agenda was approved.

August 6, 2009

There being no further business before the Commission, the meeting was adjourned at 7:21 p.m.

Date _____

Secretary

Chairman