

LITTLE ROCK PLANNING COMMISSION

SUBDIVISION HEARING

SUMMARY AND MINUTE RECORD

FEBRUARY 5, 2009

4:00 P.M.

I. Roll Call and Finding of a Quorum

A Quorum was present there being ten (10) members present.

II. Members Present:

J. T. Ferstl  
Troy Laha  
Jeff Yates  
Jerry Meyer  
William Rector  
Chauncey Taylor  
Obay Nunnley, Jr.  
"Goose" W. Changose  
Billy Rouse  
Candice Smith

Members Absent:

Pam Adcock

City Attorney:

Cindy Dawson

III. Approval of the Minutes of the December 18, 2008 Meeting of the Little Rock Planning Commission. The Minutes were approved as presented.

LITTLE ROCK PLANNING COMMISSION  
SUBDIVISION AGENDA  
FEBRUARY 5, 2009

OLD BUSINESS:

<u>Item Number:</u>	<u>File Number:</u>	<u>Title:</u>
A.	<u>S-1622</u>	Skyhawk Circle Preliminary Plat, located at 4500 Skyhawk Circle. <ul style="list-style-type: none"><li>• Zoning Map</li><li>• Sketch Map</li></ul>
B.	<u>S-502-J</u>	John Barrow Addition Replat Lots 10R – 13R, Block 71 and Right of Way Abandonment for Zion Street, located on the Northeast Corner of West 38 <sup>th</sup> and Zion Streets. <ul style="list-style-type: none"><li>• Zoning Map</li><li>• Sketch Map</li></ul>
C.	<u>Z-6640-A</u>	Bailey Revised Short-form POD, located at 1723 North University Avenue. <ul style="list-style-type: none"><li>• Zoning Map</li><li>• Land Use Map</li><li>• Sketch Map</li></ul>
D.	<u>Z-2725-B</u>	McGee Short-form PID, located at 8624 I-30. <ul style="list-style-type: none"><li>• Zoning Map</li><li>• Land Use Map</li><li>• Sketch Map</li></ul>
E.	<u>S-1280-M</u>	Valley Falls Estates Collector Street Deferral, located on the East side of Valley Falls Estates abutting Lots 13A – 13D and Lots 14 - 18. <ul style="list-style-type: none"><li>• Sketch Map</li><li>• Preliminary Plat</li></ul>

F.            LU08-19-02      Land Use Plan Amendment – Chenal Planning District, located on the East side of Rahling Road, South of Pebble Beach Drive, a change from Low Density Residential and Single-family to Multi Family, Commercial, Office, Single Family and Open Space.

- Zoning Map
- Land Use Map

F.1.          Z-8165-A      Revision to previously approved rezoning application, located on the East side of Rahling Road, South of Pebble Beach Drive.

- Zoning Map
- Land Use Map
- Sketch Map

NEW BUSINESS:

I.    PRELIMINARY PLATS:

<u>Item Number:</u>	<u>File Number:</u>	<u>Title:</u>
1.	<u>S-1432-A</u>	Stagecoach Crossing Preliminary Plat, located on the Southeast corner of Baseline Road and Stagecoach Road. <ul style="list-style-type: none"><li>• Zoning Map</li><li>• Sketch Map</li></ul>
2.	<u>S-1494-A</u>	Blankenship's Addition Replat Lots 10 R – 11R, Block 2, located on the Southeast corner of Leander Drive and Vogler Street. <ul style="list-style-type: none"><li>• Zoning Map</li><li>• Sketch Map</li></ul>
3.	<u>S-1628</u>	Cantrell Road at LaMarche Drive Subdivision Preliminary Plat, located at the intersection of Cantrell Road and LaMarche Drive/Taylor Loop Road West on the North side of Cantrell Road. <ul style="list-style-type: none"><li>• Zoning Map</li><li>• Sketch Map</li></ul>

II. PLANNED DEVELOPMENTS:

<u>Item Number:</u>	<u>File Number:</u>	<u>Title:</u>
4.	<u>Z-5742-B</u>	Hearne Building Short-form PCD, located at 1001 Wright Avenue. <ul style="list-style-type: none"><li>• Zoning Map</li><li>• Land Use Map</li><li>• Sketch Map</li></ul>
5.	<u>Z-6120-O</u>	Governor's Manor Revised PD-R, located at 38 Pennsylvania Court. <ul style="list-style-type: none"><li>• Zoning Map</li><li>• Land Use Map</li><li>• Sketch Map</li></ul>
6.	<u>Z-8310-A</u>	Smith Development Revised Short-form PCD, located at 7801 Cantrell Road and 2200 Watt Street. <ul style="list-style-type: none"><li>• Zoning Map</li><li>• Land Use Map</li><li>• Sketch Map</li></ul>
7.	<u>Z-7876-A</u>	Parrot Bay Pools Short-form PCD, located South of Stagecoach Road and West of Sibley Hole Road and East of I-430. <ul style="list-style-type: none"><li>• Zoning Map</li><li>• Land Use Map</li><li>• Sketch Map</li></ul>
8.	<u>Z-8425</u>	Barber Short-form PID, located at 2011 East Roosevelt Road. <ul style="list-style-type: none"><li>• Zoning Map</li><li>• Land Use Map</li><li>• Sketch Map</li></ul>

III. OTHER ITEMS:

<u>Item Number:</u>	<u>File Number:</u>	<u>Title:</u>
9.	<u>G-23-406</u>	Chicot Road – Abandonment of excess right of way, located on the West side of Chicot Road at University Avenue. <ul style="list-style-type: none"><li>• Zoning Map</li><li>• Sketch Map</li></ul>
10.	<u>G-23-407</u>	Asbury Road Right of Way Abandonment, located South of Kanis Road adjacent to Lots 10, 11 and 13 - 16 Asbury Acres. <ul style="list-style-type: none"><li>• Zoning Map</li><li>• Sketch Map</li></ul>

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ITEM NO.: A

FILE NO.: S-1622

NAME: Skyhawk Circle Preliminary Plat

LOCATION: Located at 4500 Skyhawk Circle

DEVELOPER:

Rebekah Price  
4500 Skyhawk Circle  
Little Rock, AR

ENGINEER:

White Daters and Associates  
24 Rahling Circle  
Little Rock, AR 72223

AREA: 6.78 acres

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

CURRENT ZONING:

PD-C – Current request to revoke the zoning and restore R-2, Single-family

PLANNING DISTRICT:

19 - Chenal

CENSUS TRACT:

42.11

VARIANCES/WAIVERS REQUESTED: A variance to allow the creation of lots utilizing private streets, Section 31-231.

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The applicant requested on October 13, 2008, this item be deferred to the December 18, 2008, public hearing. Staff is supportive of the deferral request.

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PLANNING COMMISSION ACTION:

(OCTOBER 30, 2008)

The applicant was not present. There were no registered objectors present. Staff presented the item stating the applicant had submitted a request on October 15, 2008, requesting the item be deferred to the December 13, 2008, public hearing. Staff stated they were supportive of the deferral request.

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SUBDIVISION

ITEM NO.: A (Cont.)

FILE NO.: S-1622

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There was no further discussion of the item. 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, 1 absent and 1 open position.

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STAFF UPDATE:

The applicant contacted staff on December 3, 2008, requesting a deferral of this item to the February 5, 2009, public hearing. Staff is supportive of the deferral request.

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PLANNING COMMISSION ACTION:

(DECEMBER 18, 2008)

The applicant was not present. Staff presented the item stating the applicant had contacted them on December 3, 2008, requesting a deferral of the item to the February 5, 2009, public hearing. Staff stated they were supportive of the deferral request.

There was no further discussion of the item. The chair entertained a motion of approval of the item as recommended by staff. The motion carried by a vote of 6 ayes, 0 noes, 2 absent and 3 open positions.

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STAFF UPDATE:

The applicant has not contacted staff concerning this request since the previous public hearing. Staff recommends this item be deferred to the March 19, 2009, public hearing.

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PLANNING COMMISSION ACTION:

(FEBRUARY 5, 2009)

The applicant was not present. There were no registered objectors present. Staff presented the item stating the applicant had not contacted them concerning the request since the previous public hearing. Staff presented a recommendation the item be deferred to the March 19, 2009, public hearing.

There was no further discussion of the item. The Chair entertained a motion for approval of the Consent Agenda as presented by staff. The motion carried by a vote of 10 ayes, 0 noes and 1 absent.

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ITEM NO.: B

FILE NO.: S-502-J

NAME: John Barrow Addition Replat Lots 10R – 13R, Block 71 and Right of Way Abandonment for Zion Street

LOCATION: Located on the Northeast Corner of West 38<sup>th</sup> and Zion Streets

DEVELOPER:

James McDaniel  
P.O. Box 250  
Sweet Home, AR 72164

SURVEYOR:

Brooks Surveying  
20820 Arch Street Pike  
Hensley, AR 72065

AREA: 0.517 acres      NUMBER OF LOTS: 3      FT. NEW STREET: 0 LF

CURRENT ZONING: R-3, Single-family

PLANNING DISTRICT: 10 – Boyle Park

CENSUS TRACT: 24.06

VARIANCES/WAIVERS REQUESTED: None requested.

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The applicant requested on December 2, 2008, this item be deferred to the February 5, 2009, public hearing. Staff is supportive of the deferral request.

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PLANNING COMMISSION ACTION:

(DECEMBER 18, 2008)

The applicant was not present. Staff presented the item stating the applicant had contacted them on December 2, 2008, requesting a deferral of the item to the February 5, 2009, public hearing. Staff stated they were supportive of the deferral request.

There was no further discussion of the item. The chair entertained a motion of approval of the item as recommended by staff. The motion carried by a vote of 6 ayes, 0 noes, 2 absent and 3 open positions.

February 5, 2009

SUBDIVISION

ITEM NO.: B (Cont.)

FILE NO.: S-502-J

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STAFF UPDATE:

The applicant has not contacted staff concerning this request since the previous public hearing. Staff recommends this item be deferred to the March 19, 2009, public hearing.

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PLANNING COMMISSION ACTION:

(FEBRUARY 5, 2009)

The applicant was not present. There were no registered objectors present. Staff presented the item stating the applicant had not contacted them concerning the request since the previous public hearing. Staff presented a recommendation the item be deferred to the March 19, 2009, public hearing.

There was no further discussion of the item. The Chair entertained a motion for approval of the Consent Agenda as presented by staff. The motion carried by a vote of 10 ayes, 0 noes and 1 absent.

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ITEM NO.: C

FILE NO.: Z-6640-A

NAME: Bailey Revised Short-form POD

LOCATION: Located at 1723 North University Avenue

DEVELOPER:

Mary Jane Bailey  
2112 County Club Lane  
Little Rock, AR 72207

SURVEYOR:

Ollen Dee Wilson  
P.O. Box 604  
North Little Rock, AR 72115

AREA: 0.14 acres

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

CURRENT ZONING: POD

ALLOWED USES: Bailey Real Estate and Insurance Office, Single-family

PROPOSED ZONING: Revised POD

PROPOSED USE: General and Professional Office, Single-family

VARIANCES/WAIVERS REQUESTED: None requested.

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BACKGROUND:

Ordinance No. 18,014, adopted by the Little Rock Board of Directors on May 18, 1999, rezoned this site from R-2, Single-family to POD for the applicant's use of the single-family residential structure as a real estate office and insurance office and single-family as an alternative use. The office use of the property could not be transferred to a future office user without approval of an ordinance revising the POD. The hours of operation were approved from 8:00 am to 5:30 pm Monday through Friday, with some weekend activity.

The Board of Directors also approved a deferral of the right of way dedication for Cantrell Road and University Avenue and the required street improvements until the property was redeveloped. The specifics of the deferral were for right of way dedication on Cantrell Road and University Avenue beyond dedication to 30 feet on Cantrell Road

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SUBDIVISION

ITEM NO.: C (Cont.)

FILE NO.: Z-6640-A

and 27 feet on University Avenue. The deferral included a deferral of the improvements of the corner radius and a 5 foot sidewalk on University Avenue. (Ordinance No. 18,015 adopted May 18, 1999)

A. PROPOSAL/REQUEST:

The applicant is now requesting a revision to the POD to allow the site to be marketed to general and professional office users. The applicant is requesting single-family as an allowable alternative use for the property. There are no exterior changes proposed for the site. The site contains three (3) parking spaces accessed from the alley. The structure is a single story frame residential structure containing 1,294 square feet. The hours of operation are proposed as were previously approved.

B. EXISTING CONDITIONS:

The site contains a 1,294 square foot structure currently occupied by Bailey Real Estate Company. Access to the site is gained by utilizing an existing 20 foot alley which is located along the east property line. Three parking spaces have been constructed within the rear yard area and a screening fence has been located along the southern property line. There are single-family residences located immediately south of the site, across the alley to the east and across University Avenue to the west and northwest. Office and commercial uses are located across Cantrell Road to the north.

C. NEIGHBORHOOD COMMENTS:

As of this writing, staff has received several informational phone calls from area property owners. All property owners located within 200 feet of the site, all residents, who could be identified, located within 300 feet of the site and the Heights Neighborhood Association, the Forest Park Neighborhood Association and the Normandy Shannon Property Owners Association were notified of the Public Hearing.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. University Avenue is classified on the Master Street Plan as a principal arterial. Future dedication of right-of-way will be 65 feet from centerline due to the arterial-arterial intersection when the property re-develops. No dedication is required with this application.

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ITEM NO.: C (Cont.)

FILE NO.: Z-6640-A

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Wastewater: Sewer available to this property.

Entergy: No comment received.

Center-Point Energy: No comment received.

AT & T: No comment received.

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

Fire Department: No comment.

County Planning: No comment.

CATA: The site is located on CATA Bus Route #21 – the University Avenue Route.

F. ISSUES/TECHNICAL/DESIGN:

Planning Division: This request is located in the Heights Hillcrest Planning District. The Land Use Plan shows Low Density Residential for this property. The applicant has applied for Revised Short-form POD. The request does not change the structures and maintains the office use with the possibility of returning to single-family use, no Land Use Plan amendment is required.

Master Street Plan: Cantrell Road and University Avenue are both Principal 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. Entrances and exits should be limited to minimize negative effects of traffic and pedestrians on both of these streets since they are Principal Arterials. 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 the immediate vicinity.

Neighborhood Action Plan: This area is covered by the Heights Neighborhood Plan. The Zoning Goal states: "Require all non-residential development to submit a PZD for zoning changes. We do not support any zoning changes that are in conflict with the Future Land Use Plan. Any change must be consistent with the character of the neighborhood."

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ITEM NO.: C (Cont.)

FILE NO.: Z-6640-A

Landscape: No comment on the proposed change in the allowable use of the property.

G. SUBDIVISION COMMITTEE COMMENT: (October 9, 2008)

The applicant was not present. Staff presented the item stating the request was to change the proposed use of the property. Staff stated the original application allowed Ms. Bailey to operate her real estate office from the site as well as an insurance office. Staff stated the approval was not a transferable use. Staff stated the request was now to offer the site for sale to general and professional office users. There being no further issues for discussion, the Committee then forwarded the item to the full Commission for final action.

H. ANALYSIS:

There were no issues raised at the October 9, 2008, Subdivision Committee meeting in need of addressing. The applicant is proposing a revision to the previously approved Planned Office Development, POD, to allow the use of this site as a general and professional office use. The previous approval limited the office zoning to the applicant's occupancy and did not allow for the office use to transfer to future users. The cover letter indicates potential users are real estate, insurance, investment firm, law office, etc. The hours of operation are proposed as previously approved from 8:00 am to 5:30 pm Monday through Friday with some weekend activity.

Staff is not supportive of the proposed change to allow a general and professional office user without knowing the specifics of the future user. The original approval was limited to Bailey Real Estate and Insurance. The hours of operation were restricted and the number of employees was also restricted. Real estate and insurance office uses typically do not generate a great deal of customer traffic which lessen the need for parking. This may not be the case of a future office user. Single-family was approved as an alternative use for the property.

Staff was not supportive of the original application and staff is not supportive of the current request. The reason for staff's non-support are similar to concerns raised with the initial application. Staff has concerns with the limited number of parking spaces. The site contains three parking spaces and the request includes the allowance of three employees. If all employees are on-site there is no place for customers to park without blocking the alley or driveway, which was a concern with the original application. Also as previously stated staff feels the residential boundary lines have been established over the years in this area and should be maintained. There have been requests to allow the conversion of homes and structures to office and commercial uses along the south side of Cantrell Road in this area over the past few years. Staff has consistently not supported these request or inquiries. Staff feels an office use in this area is not appropriate and is not compatible with the adjacent single-family homes.

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SUBDIVISION

ITEM NO.: C (Cont.)

FILE NO.: Z-6640-A

I. STAFF RECOMMENDATIONS:

Staff recommends denial of the request.

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PLANNING COMMISSION ACTION:

(OCTOBER 30, 2008)

Ms. Mary Jane Bailey was present representing the request. There were registered objectors present. Staff presented the item with a recommendation of denial.

Ms. Bailey addressed the Commission on the merits of her request. She stated she was going to try to address staff's primary objections. She stated the site was different than the remaining homes on the south side of Cantrell Road such that the home faced University Avenue and did not face an adjoining home. She stated the home was cut-off from the remainder of the neighborhood by the median on University Avenue. She stated the site had three parking spaces, which served the needs of the office use. She stated the UPS and Postman used the parking lot area to serve the homes fronting on University Avenue since there was no front access to the homes on University Avenue. She stated the future uses of the site would be limited by the zoning. She stated the hours of operation, the number of employees and the use of the building would be a condition of the approval. Ms. Bailey provided the Commission with letters of support for the request indicating the office use had not impacted the adjoining residential homes.

Ms. Ruth Bell addressed the Commission in opposition. She stated she was representing the League of Women Voters on the issue and the League felt the site should not be allowed to become office. She stated the site was a viable site as a residential use. She stated the homes in the area were different than the Heights area in that the homes were affordable. She stated if the property was opened up for more intense use this would most definitely impact the future uses of the adjoining homes and the possibility of these homes also becoming a non-residential use.

Ms. Bailey stated the limits would be a part of the approval. She stated the hours of operation would not change, the site would be limited to three employees and the uses anticipated were quiet office uses.

The Commission questioned Ms. Bailey as to potential tenants. She stated she had received calls from an attorney, a CPA and a counselor. The Commission questioned if Ms. Bailey would consider withdrawing the item until she had a buyer. Ms. Bailey stated this was not acceptable. She stated without the zoning she would not be able to sell the

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ITEM NO.: C (Cont.)

FILE NO.: Z-6640-A

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site. The Commission questioned if she was willing to defer the item and come back to the Commission when she had a potential buyer for the property. She stated this was acceptable. The Commission questioned if the application were denied would she be limited to the one year rule for filing a new application. Staff stated they felt if she had a user then a new application could be filed within one year of the denial because the application would be substantially different.

There was a general discussion as to when the item would come back to the Commission. Commissioner Adcock requested a deferral of the item to the February 5, 2009, public hearing. A motion was made to defer the item to the February 5, 2009, public hearing. The motion carried by a vote of 10 ayes, 0 noes, 0 absent and 1 open position.

STAFF UPDATE:

The applicant has contacted staff requesting a deferral of this item to the March 19, 2009, public hearing. Staff is supportive of the deferral request.

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PLANNING COMMISSION ACTION:

(FEBRUARY 5, 2009)

The applicant was not present. There were no registered objectors present. Staff stated the applicant had contacted them requesting a deferral of the item to the March 19, 2009, public hearing. Staff stated they were supportive of the deferral request.

There was no further discussion of the item. The Chair entertained a motion for approval of the Consent Agenda as presented by staff. The motion carried by a vote of 10 ayes, 0 noes and 1 absent.

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ITEM NO.: D

FILE NO.: Z-2725-B

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NAME: McGee Short-form PID

LOCATION: Located at 8624 I-30

DEVELOPER:

Newman McGee  
901 Towne Oak Drive  
Little Rock, AR 72227

ENGINEER:

Mehlburger Engineering  
1218 West 3<sup>rd</sup> Street  
Little Rock, AR 72201

AREA: 3.55 acres    NUMBER OF LOTS: 1 Zoning Lot    FT. NEW STREET: 0 LF

CURRENT ZONING: I-2, Light Industrial District

ALLOWED USES: Light Industrial Uses

PROPOSED ZONING: PID

PROPOSED USE: I-2, Light Industrial District Uses and a specified list of additional uses

VARIANCES/WAIVERS REQUESTED: None requested.

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BACKGROUND:

An application for rezoning of this site from I-2, Light Industrial District to C-3, General Commercial District was withdrawn by the Planning Commission at their November 13, 2008, public hearing.

**APPLICANT'S STATEMENT:**

For the past thirty years one of the major activities of the Professor Bowl has been to provide social activities for youth and adults. Social dance is a popular activity for groups such as school celebrations or reunions, holiday groups and parties, birthday parties, family reunions, company business and church meetings. Dancing and music

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have always been and will be held to social acceptable standards and predicated on the principles of socially approved human behavior. Dance for youth groups is always under the guidance of counselors or teachers with adult supervision. Dancing by adult groups is strictly social with no suggestive sexual display. Dancing for entertainment or audiences or to illicit responses from audiences will be prohibited. No nudity or sexual explicit gestures will be allowed. Accompanying music is associated with the social atmosphere and the dance activity. Music will be ninety percent recorded. However, some groups may request to bring in live music from the local area or even from their group membership. A recording studio is planned for local amateur talent to learn about and record personal material and for party activities.

A. PROPOSAL/REQUEST:

The applicant is proposing to rezone the site from I-2, Light Industrial District to PID to allow the site to be used for future development with a specific list of uses and the allowance of the underlying I-2, Light Industrial District uses. The uses identified by the applicant as potential uses include Inside eating place with bar, Auctions and fundraisers for charity, Studio, broadcast/recording, Recorded/live music/dance, Activities, group meeting, birthday parties. There are no modifications proposed to the parking area. Only cosmetic repairs will be completed to the exterior of the building.

B. EXISTING CONDITIONS:

There is a one-story vacant commercial building located within the east half of the property. The building was previously used as a bowling facility. There is paved parking on the east and west sides of the building, with a paved driveway on the building's south side. A service drive is located along the north side of the building. Access drives are located along I-30 and Young Road. There is a billboard at the southeast corner of the property and a vacant single-family residential structure at the northwest corner of the tract.

There is a mixture of uses in this general area. Mixed light industrial uses are located on the I-2, Light Industrial District zoned property to the north (across Young Road) and west. A vacant single-family structure is located on the I-2, Light Industrial District zoned property to the east. An apartment complex and undeveloped property are located across I-30 to the south.

C. NEIGHBORHOOD COMMENTS:

As of this writing, staff has received several phone calls requesting additional information. Letters and calls have also been received expressing opposition to the request from area property owners. Southwest Little Rock United for Progress has called staff stating opposition to the request. All property owners located within 200 feet of the site, all residents, who could be identified, located within 300 feet of the site, the Wakefield Neighborhood Association and Southwest Little Rock United for Progress were notified of the Public Hearing.

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ITEM NO.: D (Cont.)

FILE NO.: Z-2725-B

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D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. Young Road is classified on the Master Street Plan as a collector street. A dedication of right-of-way 30 feet from centerline will be required. No private improvements can be located within the right of way.
2. With site development, provide the design of the street conforming to the Master Street Plan. Construct one-half street improvement to Young Road including 5-foot sidewalk with the planned development. The new back of curb will be located 18 feet from centerline of the existing right-of-way. The back of the new sidewalk will be located at the property line.
3. Driveway locations and widths do not meet the traffic access and circulation requirements of Sections 30-43 and 31-210. The width of driveway must not exceed 36 feet. The east and west driveways should be constructed with concrete aprons. The driveway in the center of the property should be removed.
4. All driveways shall be concrete aprons per City Ordinance.
5. Plans of all work in right-of-way shall be submitted for approval prior to start of work. Obtain barricade permit prior to doing any work in the right-of-way from Traffic Engineering at (501) 379-1805 (Travis Herbner).
6. Obtain permits prior to doing any street cuts or curb cuts. Obtain barricade permit prior to doing any work in the right-of-way. Contact Traffic Engineering at (501) 379-1805 (Travis Herbner) for more information.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Wastewater: Sewer available to this project.

Entergy: Approved as submitted.

Center-Point Energy: No comment received.

AT & T: No comment received.

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

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ITEM NO.: D (Cont.)

FILE NO.: Z-2725-B

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Fire Department: Approved as submitted.

County Planning: No comment.

CATA: The site is not located on a dedicated CATA Bus Route.

F. ISSUES/TECHNICAL/DESIGN:

Planning Division: This request is located in the Geyer Springs West Planning District. The Land Use Plan shows Industrial for this property. The applicant has applied for a rezoning from I-2 Light Industrial to Planned Industrial Development.

A Land Use Plan amendment is not required.

Master Street Plan: This application has frontage on Interstate 30 and on Young Road. Young Road is shown as a Collector. The primary function of a Collector Street is to provide a connection from Local Streets to Arterials. This street may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

Bicycle Plan: A Class III bike route is shown along Young Road. 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 Geyer Springs/Wakefield Neighborhood Plan covers this area. The Zoning and Future Land Use goal states: "Encourage developers to use the Planned Zoning Development (PZD) form of zoning rather than straight zoning to ensure appropriate businesses are brought into the neighborhood."

Landscape:

1. The site plan must comply with the City's minimal landscape and buffer ordinance requirements.
2. If the rehabilitation costs exceed fifty percent (50%) of the replacement cost of the building, then the parking lot and associated landscaping must be in full compliancy with both the buffer ordinance and the landscape ordinance.
3. All the landscaping, fencing, and dumpster enclosures should be in good condition or replaced in conjunction with this application.

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ITEM NO.: D (Cont.)

FILE NO.: Z-2725-B

G. SUBDIVISION COMMITTEE COMMENT: (November 20, 2008)

Mr. McGee was present representing the request. Staff presented an overview of the request stating there were additional items necessary to complete the review process. Staff requested Mr. McGee clearly define the proposed use identified as Recorded/Live music/Dance. Staff stated based on the square footage of the building and the number of parking spaces located on the site the plan appeared to be 30 spaces short of the typical ordinance requirements for the uses identified. Staff also questioned the days and hours of operation, dumpster locations and hours of service and requested Mr. McGee provide a signage plan.

Public Works comments were addressed. Staff stated Young Road was classified on the Master Street Plan as a collector street. Staff stated a dedication of right of way 30 feet from centerline was required. Staff also stated one-half street improvements were required to Young Road with the new sidewalk being located at the back of curb. Staff stated the driveways did not meet the current ordinance standard. Staff stated the east and west drives should be constructed with concrete aprons limited to 36 feet in width. Staff stated the center drive should be removed.

Landscaping comments were addressed. Staff stated if the rehabilitation cost exceeded fifty percent of the replacement cost of the building, then the parking lot and associated landscaping were required to be in full compliance with the City's landscape and buffer ordinances. Staff stated all fencing, existing landscaping and dumpster screening should be in good condition or replaced in conjunction with any modifications to the building or parking areas.

Staff noted comments from the various other reporting departments and agencies suggesting the applicant contact these agencies for additional information. There being no further issues for discussion, the Committee then forwarded the item to the full Commission for final action.

H. ANALYSIS:

The applicant submitted a revised cover letter to staff addressing a number of the issues raised at the November 20, 2008, Subdivision Committee meeting. Since the applicant does not have a final user for the building, he has identified a number of potential future uses for the site in addition to the current I-2, Light Industrial District zoning district uses. The request is to also allow a restaurant with bar service and active recreational game activities including amusement machines, pool and foosball tables. Also identified as a potential use of the building is to host events such as civic club meetings, birthday parties, family

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reunions, banquets, youth groups, business and church events and/or charitable auctions/fund raising. These events potentially will include music either as recorded music or by a live presentation. The events also may include dance by the participants. A studio, broadcast and recording has also been requested.

The hours of operation proposed are from Noon to 1:00 am daily. A dumpster for the site will be located on the southeast corner of the building with a privacy fence enclosure as required by Section 36-523. No limits on the hours of dumpster service have been provided.

The existing sign will be renovated to serve the site. The total height and area of the sign has not been identified. Staff recommends any future signage be limited to the total height and area of signage allowed in industrial zones or a maximum height of 30 feet and a maximum sign area of 72 square feet. An antique fire truck is located in front of the building. The fire truck will be utilized in the signage design. Some neon or lighted signage may be designed in association with the fire truck. No larger display or electronic board is planned. Staff recommends all building signage comply with Section 36-554 or a maximum of ten percent of the façade with street frontage. The existing billboard is proposed to remain.

The building contains 33,775 gross square feet and there are 307 parking spaces on the site. Based on the uses proposed, the parking typically required would be one space per 100 gross square feet of floor area, resulting in the need for 337 parking spaces.

There are no exterior modifications proposed to the parking lot area, landscaping or expansion to the existing building. Only modifications to the interior of the structure and cosmetic repairs will be completed to the exterior of the building. As indicated in the landscaping comments, if the rehabilitation costs exceed fifty percent (50%) of the replacement cost of the building, then the parking lot and associated landscaping must be brought into full compliance with both the buffer ordinance and the landscape ordinance.

Staff has concerns with the request and a number of the uses identified as potential uses for the site. The requested restaurant use and the recording studio are allowable uses under the site's current zoning of I-2, Light Industrial District. Staff considers a number of the potential uses identified by the applicant as inside commercial amusement since this definition most closely defines the use and activities proposed. Amusement, commercial, inside is defined as an amusement enterprise wholly enclosed in a building, including, but not limited to

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a bowling alley, billiard parlor, or a facility intended for dancing whether or not a fee is charged for admission. These type activities are typically allowed in commercial zones. There are also concerns about the scope of some of the proposed uses. Allowing some uses could open the door to functions that more closely resemble a private club, bar or lounge.

As stated in the analysis section of the rezoning request withdrawn from consideration by the Commission at their November 13, 2008, public hearing staff does not feel this site is appropriate for these type of commercial uses. The property is located in an area of industrially zoned and used property. The industrial zoning in the area encompasses approximately 150 acres and is developing with industrial park uses. Staff feels the site can easily be developed for an industrial use to compliment the activities taking place in the area without a change in the zoning classification.

I. STAFF RECOMMENDATIONS:

Staff recommends denial of the request.

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PLANNING COMMISSION ACTION:

(DECEMBER 18, 2008)

The applicant was not present. Staff presented the item stating the applicant had contacted them on December 12, 2008, requesting a deferral of the item to the February 5, 2009, public hearing. Staff stated they were supportive of the deferral request.

There was no further discussion of the item. The chair entertained a motion of approval of the item as recommended by staff. The motion carried by a vote of 6 ayes, 0 noes, 2 absent and 3 open positions.

STAFF UPDATE:

The applicant contacted staff on January 23, 2009, requesting a deferral of this item to the March 19, 2009, public hearing. Staff is supportive of the deferral request.

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PLANNING COMMISSION ACTION:

(FEBRUARY 5, 2009)

The applicant was not present. There were no registered objectors present. Staff stated the applicant had contacted them on January 23, 2009, requesting a deferral of the item to the March 19, 2009, public hearing. Staff stated they were supportive of the deferral request.

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There was no further discussion of the item. The Chair entertained a motion for approval of the Consent Agenda as presented by staff. The motion carried by a vote of 10 ayes, 0 noes and 1 absent.

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ITEM NO.: E

FILE NO: S-1280-M

NAME: Valley Falls Estates Collector Street Deferral

LOCATION: East side of Valley Falls Estates abutting Lots 13A – 13D and  
Lots 14 - 18

OWNER/APPLICANT: Rick Ferguson

APPLICANT'S REPRESENTATIVE: White-Daters & Associates, Inc.

PROPOSAL: A five (5) year deferral of construction of one-half of a Collector  
Street on the east side of Valley Falls Estates Subdivision

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A. PROPOSAL/REQUEST:

On June 20, 2000, Ordinance No. 18,299 was approved by the Board of Directors for a deferral of construction of one half of the proposed collector street adjacent to the east property line of Valley Falls Estates Subdivision as shown on the Master Street Plan. The ordinance specifically deferred construction for a period of 5 years or until abutting street improvements are constructed, whichever occurs first. The ordinance defined the one-half improvements to consist of 12 ft. of pavement and an 8 ft. shoulder measured from centerline of the proposed right-of-way with sidewalk and open ditch.

With this application, the applicant is requesting an additional 5-year deferral of the one half street improvements for the collector street on the eastside of Valley Falls Estates Subdivision. The subject collector street will tie into LaMarche Drive at the south property line as shown on the Master Street Plan to eventually connect into Taylor Loop Road.

The applicant's reasoning for requesting an additional deferral is due to right-of-way and financing are not in place to make the connection to Taylor Loop Road. The applicant also states this section of street would be unusable until right-of-way and funds are available for the remaining portion of the street to Taylor Loop Road.

B. EXISTING CONDITIONS:

Four (4) properties are located to the east of the subject property and zoned R-2. These properties today take access from Carter Lane. Two (2) of the properties have residences built on the western half of the properties and two (2) of the properties have residences built on the eastern half of the properties closer to Carter Lane. The future right-of-way for LaMarche Drive will consist of the western 35 ft. of the four (4) properties.

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Four (4) properties are located adjacent to the north of the subject property and zoned R-2. One (1) of the properties is owned by the applicant. Four (4) properties exist where the future right-of-way of LaMarche Drive will be located north of Valley Falls Estates to Taylor Loop Road. Two (2) of the four (4) properties are owned by the applicant.

To the west are several larger properties each about 3 acres or larger zoned R-2 which should not be affected by this application.

To the south is a Chenal Valley subdivision zoned R-2. As part of this subdivision, Deltic is currently constructing LaMarche Drive to the south property line of Valley Falls Estates.

C. NEIGHBORHOOD COMMENTS:

As of this writing, staff has received comments from Deltic Timber Corp. opposing the approval of the 5-year deferral.

D. ENGINEERING COMMENTS:

Public Works Conditions:

1. Ordinance #15,594, approved on December 8, 1988 set the original design for LaMarche Drive. Ordinance #18,562 approved by the Board of Directors on September 18, 2001 amended the Master Street Plan to connect Taylor Loop Road at Lucky Lane to La Marche Drive. Ordinance #15,594 required the future street to have a 70 ft. right-of-way; 2 - 12 ft travel lanes; and 2 - 8 ft. paved shoulders with open ditches. Ordinance #18,299 adopted on June 20, 2000 deferred the one half street construction to LaMarche Drive for 5 years or until abutting street improvements are constructed, whichever occurs first. The ordinance continues and states the specific deferral is for one half street widening to 12 ft. of pavement and 8 ft. of shoulder from centerline, with sidewalk per Ordinance #15,594.
2. Has the right-of-way for the future street been dedicated to the City of Little Rock?
3. Staff recommends the deferral of the future street adjacent to Valley Falls Estates for 5 year or until adjacent development occurs. The future street should be constructed to collector street standards as shown on the Master Street Plan.

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FILE NO.: S-1280-M

E. SUBDIVISION COMMITTEE COMMENT:

(November 20, 2008)

Mr. Joe White of White-Daters and Associates was present representing the applicant. The item was explained to the commissioners and no questions were asked of Mr. White.

F. ANALYSIS:

The original deferral Ordinance # 18,299 was approved in 2000 for dedication of right-of-way and the construction of the one half street improvements along the east property line of Valley Falls Estates. The improvements were deferred for 5 years or until abutting street improvements are constructed, whichever occurs first. Per Ordinance # 15,594, the one half street improvements are to be 12 ft. of pavement with 8 ft. paved shoulders from centerline, with sidewalk. The required right-of-way dedication is for one half of a 70 ft. right-of-way.

The deferred street improvements will connect into LaMarche Drive which is currently being constructed to the south property line of Valley Falls Estates Subdivision. Per the Master Street Plan, LaMarche Drive is a collector street which will eventually connect into Taylor Loop Road near Lucky Lane just south of the new Little Rock Public School currently under construction.

The original deferral ordinance does not contain the conditions which are placed in the current deferral ordinances for residential subdivisions. Besides the time periods for construction being 5 years or until adjacent street development, the current deferral ordinances are also conditioned on the platting of a particular phase of lots in the subdivision. Usually the phase is not the last phase planned for development. Unlike commercial subdivisions, where the developer usually owns lots or buildings in the subdivision, in residential subdivisions the developer has less responsibility or ownership when the lots are sold and homes constructed.

The improvements will consist of constructing one half of LaMarche Drive from the south property line to the north property line of Valley Falls Estates Subdivision. This one half street will be constructed for approximately 1300 ft. and end at a pond and wooded area. From the north property line of Valley Falls Estates an additional 1000 ft. of street is still needed to be constructed to connect into Taylor Loop Road. The approved preliminary plat for Valley Falls Estates shows no vehicle access to be taken from LaMarche Drive. The plat does show an emergency only access. This access will not be accessible by emergency vehicles until the completion of construction of Valley Creek View and Vista Ridge Court in Valley Falls Estates. With this being the case, staff believes this additional 1300 ft. of half street improvements does nothing to improve the safety and access to Valley Falls Estates, adjacent properties, and the subdivisions to the south.

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The four (4) properties to the east of Valley Falls Estates are zoned R2. Two (2) of the properties have dedicated right-of-way for the LaMarche Drive and two (2) properties have not. At this time, none of these properties have an obligation to construct one half street improvements to the eastern half of LaMarche Drive. With this being the case, staff believes at least 20 ft. of asphalt pavement should be constructed adjacent to Valley Falls Estates as required by Ordinance #15,594 which was referenced in the Valley Falls Estates deferral ordinance. This 20 ft. of pavement will allow for two-way traffic if the connection is made to Taylor Loop Road in the future and allow access for emergency vehicles to Valley Falls Estates when the interior streets referenced above are completed. These improvements can be made by shifting the centerline of the street to the west away from the centerline of the proposed 70 ft. right-of-way.

G. STAFF RECOMMENDATION:

Staff recommends approval of the request for an additional deferral of the one half street improvements to LaMarche Drive adjacent to Valley Falls Estates Subdivision. Staff believes the deferral should be approved with the following conditions. The conditions are: 35 ft. of right-of-way shall be dedicated for the entire length of the property within 30 days of the adoption of the deferral ordinance; the deferral is for 5 years, or until future platting of any lot east of the existing platted lots, or until abutting street construction occurs to the north or east adjacent to Valley Falls Estates, whichever occurs first. Specifically, the one half street improvements will consist of constructing curb and gutter, 20 ft. of asphalt pavement, stormwater drainage improvements, streetlights, and sidewalk at the property line. With this construction the centerline of the street can be shifted to allow for these improvements.

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PLANNING COMMISSION ACTION:

(DECEMBER 18, 2008)

The applicant was present. There were registered objectors present. Chairman Taylor stated when there were eight (8) or fewer Commissioners present the practice of the Commission had been to allow the applicant the option of deferral of an item to a subsequent meeting. He questioned if the applicant desired a deferral of the item to the February 5, 2009, public hearing. Mr. Joe White stated his desire was to defer the item to the February 5, 2009, public hearing.

There was no further discussion of the item. The chair entertained a motion of approval of the item for deferral to the February 5, 2009, public hearing. The motion carried by a vote of 6 ayes, 0 noes, 2 absent and 3 open positions.

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ITEM NO.: E (cont.)

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STAFF UPDATE:

There has been no change to this application request since the previous public hearing. Staff continues to support the deferral request.

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PLANNING COMMISSION ACTION:

(FEBRUARY 5, 2009)

The applicant's representatives were present. There were no registered objectors present. Commissioner Yates stated as allowed by the Commission's By-laws he was requesting the item be deferred to the March 19, 2009, public hearing.

A motion was made to approve the deferral request. The motion carried by a vote of 10 ayes, 0 noes and 1 absent.

Chairman Taylor stated he was appointing a committee to review possible alternative solutions to the item. Chairman Taylor appointed Commissioners Laha, Rector and Yates to the committee. Chairman Taylor stated the committee would report their findings to the Commission at the March 19, 2009, public hearing.

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ITEM NO.: F

FILE NO.: LU08-19-02

Name: Land Use Plan Amendment - Chenal Planning District

Location: The east side of Rahling Road, south of Pebble Beach Drive

Request: Low Density Residential and Single Family to Multi Family, Commercial, Office, Single Family and Open Space

Source: Tim Daters, for Deltic Timber Co.

PROPOSAL / REQUEST:

The applicant has requested a deferral to the October 2, 2008 Planning Commission hearing. Staff is supportive of this request.

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PLANNING COMMISSION ACTION: (AUGUST 21, 2008)

The item was placed on the consent agenda for deferral to the October 2, 2008 hearing at the request of the applicant. By a vote of 9 for and 0 against the consent agenda was approved.

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PROPOSAL / REQUEST:

A Land Use Plan amendment in the Chenal Planning District from Low Density Residential and Single Family to Multi Family, Commercial, Office, Single Family and Park/Open Space. The applicant has also filed a large rezoning for this site and a Master Street Plan amendment for this site. The applicant is proposing these changes to allow for commercial uses, multi family residential which would accommodate ten to thirty six units per acre, office uses and some open space.

EXISTING LAND USE AND ZONING:

The property is vacant and undeveloped. It is currently zoned MF-18 and R-2 and is approximately 73 acres in size. All of the properties to the north, east and south are also zoned R-2 Single Family and are mostly developed with single family residences. A portion of that land is still vacant and undeveloped. The west side of Rahling Road is zoned OS Open Space and R-2 Single Family; this area is undeveloped. Southwest of the amendment area is zoned O-3 General Office for a medical office and MF-18 for an apartment complex. To the northwest along Rahling is a large area of undeveloped land that is zoned MF-12 Multi Family District.

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FUTURE LAND USE PLAN AND RECENT AMENDMENTS:

The amendment area is currently shown as Low Density Residential and Single Family on the future land use plan. This area is surrounded by Single Family on the north, east and south. There is a strip along the west side of Rahling shown as Park Open Space and a strip farther north along Rahling shown as Multi Family. West of the amendment area is shown as Mixed Use and Multi Family at the corner of Kirk and Rahling Roads.

August 15, 2006, Ordinance 19582 amended the eastern intersection of LaGrande and Rahling Roads from Multi Family to Mixed Office Commercial to allow for future development.

June 17, 2003, changes from Office, Multifamily, and Single Family to Multifamily and Low Density Residential located northeast of Chenal Parkway around Rahling Road. These changes were made to reflect new zoning in the area for future development.

MASTER STREET PLAN:

Rahling Road is shown as 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. Entrances and exits should be limited to minimize negative effects of traffic and pedestrians on Rahling since it is a Minor Arterial. Wellington Plantation Drive and Beckenham Drive are both shown as proposed Collectors through this site and intersecting with Rahling Road. The primary function of a Collector Street is to provide a connection from Local Streets to Arterials. These streets may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

BICYCLE PLAN:

A Class I bike route is shown along Rahling Road. A Class I bikeway is built separate from or alongside a road. Additional paving and right of way may be required.

PARKS:

According to the Master Parks Plan, half of the amendment area is within eight blocks of a park. The northern half of this amendment site is not within eight blocks according to the Parks Plan, although the west side of Rahling Road is zoned for Open Space and is used for a walking trail.

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HISTORIC DISTRICTS:

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

CITY RECOGNIZED NEIGHBORHOOD ACTION PLAN:

This area is covered by both the Rock Creek and the River Mountain Neighborhood Action Plans. Rock Creek's Residential goal states: Ensure that future developments of existing undeveloped land meet neo-traditional design standards, including the placement of neighborhood passive green space and community services within developing neighborhoods. River Mountain's Sustainable Environment goals states: Vigorously enforce the ordinance for hillside protection and for tree preservation.

ANALYSIS:

This amendment area is approximately 73 acres of undeveloped, wooded land along Rahling Road. This amendment proposes to add 41.13 acres of Multi Family, 19.91 acres of Commercial, 2.24 acres of Office, 7.99 acres of Park/Open Space and 1.62 acres of Single Family. The majority of this land is currently shown as Single Family on the Plan. This vicinity has been growing almost continually over the past twenty years. Many single-family subdivisions have been built during this time both to the east and to the south of this area. While much of this area is planned for Single Family use, the Land Use Plan has also allotted room for Low Density Residential and Multi Family Development. Along Rahling Road, there are currently 17 acres of undeveloped Multi Family and 28 acres of undeveloped Low Density Residential. Low Density Residential provides an option other than Single Family detached for future development. The Plan classifications and zoning have been in place for approximately two decades with no proposals for development.

Rahling Road provides the link between the major commercial center of Chenal Parkway with Cantrell Road to the north. When the Land Use Plan and zoning for the Chenal (Deltic) ownership and surrounding areas was approved in the mid-1980s, a major office and commercial center was proposed at and near the intersection of what is now Chenal Parkway and Rahling Road. This general area has been seen as the community or regional shopping and employment center of western Little Rock. The retail is just now developing with the recent construction of the 'Promenade at Chenal'.

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Rahling Road is not currently constructed to full Master Street Plan standard. The traffic volumes, while not yet to the number that would require the developer to widen Rahling, are moving beyond the normal design volume for a two-lane road. As development of this section of Little Rock continues based on the current Land Use Plan, Rahling Road volumes should reach Arterial design numbers in the next few years.

There is already a 28-acre section of Low Density Residential shown for a portion of this site. North of this site along Rahling Road is a 17 acre section of Multi Family that is undeveloped. This amendment is proposing to reconfigure this existing plan to add a net total of approximately 6.2 acres of Multi Family/LDR while adding 19.91 acres of Commercial to an area that is currently proposed for residential uses.

The Master Street Plan shows two Collector streets (Beckenham and Wellington Plantation Drives) intersecting Rahling Road near this amendment site. The neighborhoods to the east of this application have concerns about these connections and the traffic through their neighborhoods that may result. The applicant has filed a Master Street Plan amendment as a separate item on this agenda to modify the configuration of these two Collectors.

This application is also proposing to add 2.24 acres of Office and 19.91 acres of Commercial. This area of Little Rock still has nearly 100 acres of undeveloped Office within a mile of this application and approximately 40 acres of undeveloped Commercial and Neighborhood Commercial along Rahling Road just west of this application area. The existing commercial and office is part of a large 'node' around the Chenal Parkway-Rahling Road intersection and includes intersections of these roads with Kanis Road, Kirk Road and Wellington Boulevard (all Arterials).

Rahling Road has been planned to be residential with various densities of residential proposed on the Plan and zoned. There has already been some intensification of land use and zoning along Rahling Road in the Kirk Road and Chenal Valley Drive area. The City does have a Land Use Policy of discouraging 'stripping' or lining of Arterials with commercial uses and concentrating such uses in 'nodes'. The proposed amendment would continue to line Rahling Road with commercial uses. Office areas along Rahling Road are narrow lots with buildings designed and laid out with a 'retail feel', strengthening the 'strip' feel.

Showing several areas of different use implies multiple access points along Rahling, which is an Arterial. Access should be limited to Rahling because it is an Arterial. Multiple access points could have significant impact on pedestrian

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and vehicular traffic. While each of these separate areas might be designed and built to work together, the normal development pattern is for each separate use area to develop independently. The amendment would create at least four new use areas with all that is associated with this along Rahling Road.

Also, by placing destination uses (commercial and office) at the end of the collectors, the trips from the neighborhoods to the east and south of the application area could increase thereby causing more traffic on the collectors. Some trips from the immediate neighborhood might no longer proceed further west along the Arterial to areas at Kirk and Chenal Parkway, but stop at the proposed commercial and office areas. However, additional trips east of the amendment area, that might have been attracted to the commercial and office at Napa Valley and Rodney Parham may well move west along Beckenham to the proposed commercial and office areas. As well, trips that might have gone south and west along Kirk to commercial and office areas may be attracted up Wellington Plantation Drive to the proposed new uses.

NEIGHBORHOOD COMMENTS:

Notices were sent to the following neighborhood associations: Chenal Ridge POA and The Villages of Wellington. Staff has received four phone calls against this amendment from area residents.

STAFF RECOMMENDATIONS:

Staff believes the change is not appropriate.

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PLANNING COMMISSION ACTION:

(OCTOBER 2, 2008)

Walter Malone, Planning Staff reviewed the Land Use Plan in the area. Mr. Malone talked about the major commercial area at Rahling Road and Chenal Parkway. This area is only now beginning to develop after twenty years of zoning. There have been changes along Rahling Road to Commercial and Office around Kirk Road. Staff is concerned that by making the changes proposed, Commercial and Office, Rahling Road will be combined with commercial and office rather than the originally proposed various densities of residential.

Monte Moore, Planning Staff, presented the related reclassifications, Z-8165-A. (See Item A.1 for a complete minute record.) Most of the presentation by representatives of the applicant dealt with the transportation issues of the western part of Little Rock and some history of development of roads in the City. In addition, the applicant's consultant presented the findings of a traffic study dealing with the street changes and reclassifications.

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FILE NO.: LU08-19-02

A Motion was made to approve the Land Use Plan Amendment. By a vote of 8 for, 2 against the Plan amendment was approved.

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STAFF UPDATE:

The applicant has requested an amendment to their application to change the northern area from Multi Family to Office. Staff is still not supportive of this request.

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PLANNING COMMISSION ACTION:

(DECEMBER 18, 2008)

The item was placed on consent agenda for deferral to February 5, 2009 hearing. By a vote of 6 for, 0 against and 3 vacancies the consent agenda was approved.

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STAFF UPDATE:

There have been no changes to this application.

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PLANNING COMMISSION ACTION:

(FEBRUARY 5, 2009)

Walter Malone, Planning Staff reviewed the Land Use request change (changing the north Multifamily area to Office) and recent development trends in the area. Mr. Malone indicated that staff was still opposed to the application. Staff believes it is not appropriate to introduce non-residential uses at this location. The major commercial and office area has always been at the Rahling Road, Chenal Parkway intersection and this area is just now beginning development. There are still many acres of both commercial and office use shown on the Plan and zoned that are not developed. There has been some increase in use to office and commercial at the intersection of Chenal Valley Drive and Kirk Road with Rahling Road. Staff sees this request as continuing the commercial and office up along Rahling Road, which had been shown as a residential corridor. The result could be a stripping of Rahling, with the commercial (the office development typically is designed with a retail look). Also the typical development pattern for this use pattern would have multiple access points on Rahling Road, while a residential use pattern typically does not.

Commissioner Yates asked if the access had not been limited in the letter submitted by the applicant. Mr. Malone indicated the only access addressed in that proposal was to limit the multifamily access from Wellington Plantation. Mr. Malone reviewed some of the other proposed limitations, all are on the zoning.

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FILE NO.: LU08-19-02

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Mr. Monte Moore, Planning Staff reviewed the related zoning case (Z-8165-A). Mr. Bill Spivey, Tim Daters and Larry Peterson spoke on behalf of the applicant. There was some discussion about the need for neighborhood commercial and services and that this area would serve that market, rather than a community or regional level as that at Chenal Parkway and Rahling Road.

(See Minute record for item Z-8165-A, Item F.1 for a complete minute record)  
A motion was made to approve the requested Land Use Plan Amendment, by a vote of 4 for and 6 against the motion failed.

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ITEM NO.: F.1

FILE NO.: Z-8165-A

Owner:	Deltic Timber Corporation
Applicant:	Tim Daters, White-Daters and Associates
Location:	East side of Rahling Road, south of Pebble Beach Drive
Area:	20.30 Acres
Request:	Rezone from R-2 to O-3 (Revision to previously approved application)
Purpose:	Future development
Existing Use:	Undeveloped

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STAFF ANALYSIS:

On October 2, 2008, the Planning Commission approved a rezoning application for 68.93 acres of property located along the east side of Rahling Road, south of Pebble Beach Drive. The approved rezoning was from R-2 and MF-18 to OS, R-2, MF-18, O-3 and C-3. The proposed rezoning was divided into 14 areas, as described in the attached October 2, 2008 Planning Commission minute record.

Prior to action on the application by the Board of Directors, the applicant revised the application for 20.30 acres of the property, noted as "Area 2" in the attached minute record and sketches. The Planning Commission approved this 20.30 acres for a rezoning from "R-2" Single Family District to "MF-18" Multifamily District. The applicant is now requesting a rezoning from "R-2" to "O-3" General Office District for the 20.30 acres labeled as "Area 2". The Board of Directors has sent the revised portion of the application back to the Planning Commission for reconsideration.

All owners of property located within 200 feet of the overall property boundary (as per abstract list provided by the applicant), all parties who submitted a letter or e-mail to the original request (and provided a mailing address), all parties who attended the October 2, 2008 Planning Commission hearing and filled out a card, and the Chenal Ridge, Hillsborough and Village of Wellington Neighborhood Associations were notified of the Planning Commission public hearing on the revised application.

The revision to the application does not change staff's previous recommendation of denial. Staff did not support the proposed rezoning of "Area 2" to "MF-18". The revised request to rezone "Area 2" to "O-3" represents a more intense

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FILE NO.: Z-8165-A

zoning for this 20.30 acres. Staff continues to believe that development of this area as something other than its current zoning of single family residential would introduce a level of traffic, noise and light which would be detrimental to the existing adjacent single family neighborhoods.

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STAFF ANALYSIS:

Staff recommends denial of the requested revised rezoning to O-3.

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PLANNING COMMISSION ACTION:

(DECEMBER 18, 2008)

Staff informed the Commission that the applicant submitted a letter on December 15, 2008 requesting the application be deferred to the February 5, 2009 Agenda. Staff supported the deferral request.

With a vote of 6 ayes, 0 nays, 2 absent and 3 open positions, the Commission voted to waive their bylaws and accept the request for deferral being less than five (5) business days prior to the meeting.

The Chairman placed the item before the Commission for inclusion within the Consent Agenda for deferral to the February 5, 2009 Agenda. A motion to that effect was made. The motion passed by a vote of 6 ayes, 0 nays, 2 absent and 3 open positions.

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PLANNING COMMISSION ACTION:

(FEBRUARY 5, 2009)

Bill Spivey, Tim Daters, Larry Peterman and Ernie Peters were present, representing the application. There were two (2) persons present in support and two (2) persons present in opposition. Staff presented the revised application with a recommendation of denial. Staff noted that additional conditions had been offered by the applicant in a letter from Bill Spivey dated January 28, 2009.

Bill Spivey addressed the Commission in support of the application. He reviewed the previously approved application and discussed the proposed revisions. He explained that there had been meetings with neighborhood associations regarding the revised application. He discussed the letter dated January 28, 2009 which offered conditions for the overall rezoning.

Tim Daters also addressed the Commission in support of the application. He provided an aerial photo of the property and discussed the proposed rezoning. He discussed future access to the areas along Rahling Road.

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ITEM NO.: F.1 (Cont.)

FILE NO.: Z-8165-A

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Larry Peterman also spoke in support. He described the proposed O-3 zoning as “local office space” and explained how it would be different from the office zoning at Chenal Parkway and Rahling Road. He also explained that the proposed C-3 zoning would be developed as neighborhood commercial and would be different from the commercial development at Chenal Parkway and Rahling Road, which he described as “destination commercial”. He further discussed the proposed rezoning. Mr. Daters noted that Ernie Peters was present to discuss the traffic study if needed.

Jeff Cook addressed the Commission in opposition. He expressed concern with the proposed rezoning. He discussed the extension of Beckenham Drive with respect to the proposed rezoning. He noted concurrence with staff’s recommendation. He explained that the proposed rezoning would adversely effect the surrounding neighborhoods and create more traffic within his neighborhood. He noted that many area property owners were still opposed to the rezoning.

Ruth Bell, League of Women Voters, also spoke in opposition. She explained that long-range planning was a benefit to the City. She explained that the proposed rezoning did not comply with the City’s long-range land use plan.

Mr. Spivey explained that the proposed revisions to the application were a response to neighborhood requests. He noted that the proposed rezoning was a good-faith effort to develop the subject property, rather than a piece-meal attempt in the future. He pointed out that the proposal included R-2 zoned areas between the proposed MF-18, O-3 and C-3, and the existing single-family residential areas.

Dick Fletcher addressed the Commission in support of the application. He noted that his residence is approximately six (6) lots away from the proposed rezoning. He explained that he was in support of the rezoning with the revision to O-3.

Anthony Fulgran also spoke in support. He stated that he was president of the Chenal Ridge Neighborhood Association and that the neighborhood was in support of the revised application.

Commissioner Rector noted that the proposed area of MF-18 zoning as reduced by the applicant was approximately the same amount of acreage as currently zoned MF-18. He explained that the revisions were positive changes to the application.

Vice-Chair Yates asked about the life of the proposed deed restrictions for the R-2 zoned areas. Mr. Spivey noted that the restrictions would be as long as legally possible. Vice-Chair Yates explained that the City Board had made a previous commitment to have Beckenham Drive extend to Rahling Road. He made additional comments regarding neo-traditional development.

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Commissioner Taylor asked Mr. Cook to comment on the traffic in the Villages of Wellington neighborhood. Mr. Cook explained that traffic generated by the proposed MF-18 zoning would use Wellington Plantation Drive even if there was no direct access. He noted that the entire application was being reviewed with the proposed revisions/conditions. Cindy Dawson, City Attorney, explained that the entire application, as revised, was before the Commission for consideration.

Chairman Taylor commented on the changes the applicant had made in the application prior to Board action. He explained that he was not comfortable with the application and would be voting against it.

There was a motion to approve the requested Land Use Plan Amendment as revised by the applicant. The motion failed by a vote of 4 ayes, 6 nays and 1 absent.

There was a second motion to approve the rezoning application as revised by the applicant. The motion failed by a vote of 5 ayes, 5 nays and 1 absent. The revised Land Use Plan Amendment and rezoning applications were denied.

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ITEM NO.: 1

FILE NO.: S-1432 A

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NAME: Stagecoach Crossing Preliminary Plat

LOCATION: on the Southeast corner of Baseline Road and Stagecoach Road

DEVELOPER:

D2H  
3200 South Shackleford Road  
Little Rock, AR 72223

ENGINEER:

Hurricane Valley Inc. Professional Engineering Consultants  
c/o Charlie Best  
P.O. Box 118  
Bryant, AR 72022

AREA: 7.46 acres    NUMBER OF LOTS: 5    FT. NEW STREET: 0

CURRENT ZONING: C-3, General Commercial

PLANNING DISTRICT: 16 – Otter Creek

CENSUS TRACT: 41.03

VARIANCES/WAIVERS REQUESTED:

1. A variance from the Land Alteration Ordinance to allow grading of multiple lots with the development of a single lot.
  2. A variance to allow driveway spacing less than the typical 300 foot minimum spacing requirement as established in Sections 30-43 and 31-210.
- 

BACKGROUND:

The Little Rock Planning Commission reviewed and approved a preliminary plat on June 3, 2004, which allowed the subdivision of this 7.460-acre tract into three (3) non-residential lots. The lots were zoned C-3, General Commercial District. The lots ranged in size from 1.11 acres to 3.26 acres and a 35-foot platted building line adjacent to Stagecoach and Baseline Roads was approved. A portion of the plat area was located within the floodway. A 25-foot floodway easement, as required by City ordinance, was indicated.

On June 22, 2006, the Little Rock Planning Commission approved a one (1) year time extension for the preliminary plat. Per Section 31-94(e) a preliminary plat approved by the Planning Commission shall be effective and binding upon the Commission for two (2) years from the date of approval or as long as work is actively progressing, at the end of which time the final plat application for the

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subdivision must have been submitted to the planning staff. Any plat not receiving final approval within the period of time set forth shall be null and void, and the developer shall be required to submit a new plat of the property for preliminary approval subject to all zoning restrictions and the chapter. The Planning Commission may extend the original approval, for a period not to exceed one (1) additional year, when it can be demonstrated that there are no changes in the plat design or neighborhood that warrant a complete review.

The final plat has not been submitted as required by the Subdivision Ordinance and the preliminary plat has expired.

A. PROPOSAL/REQUEST:

The applicant now proposes to subdivide this 7.460-acre tract of C-3, General Commercial District zoned property into five (5) commercial lots. The lots will range in size from 0.996 acres to 1.64 acres. The plat indicates a 35-foot platted building line adjacent to Stagecoach and Baseline Roads. A portion of the plat area lies within the floodway. A 25-foot floodway easement will be dedicated to the City as required by City ordinance. The lots will be developed based on market demand. The required street improvements will be completed on an individual lot basis, as the lots are final platted.

The developer is seeking a variance from the Land Alteration Ordinance to allow grading of multiple lots when construction is imminent on a single lot.

B. EXISTING CONDITIONS:

The site is vacant and tree covered. Baseline Road is constructed as a four-lane roadway with a center turn lane adjacent to the site. Stagecoach Road is also constructed as a four-lane roadway with a center turn lane adjacent to the site.

Other uses in the area include commercial uses at the northwest and southwest intersection of Baseline Road and Stagecoach Road. There is an office use located to the north of the site and a single-family home is located to the south of the site.

C. NEIGHBORHOOD COMMENTS:

As of this writing, staff has not received any comment from area residents. All abutting property owners, Southwest United for Progress and the Otter Creek Homeowners Association were notified of the public hearing.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. Baseline Road is classified on the Master Street Plan as a principal arterial. Dedication of right-of-way to 55 feet from centerline will be required. An additional 10 feet of right-of-way

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should be dedicated for future dual left turn lanes for a principal arterial/minor arterial street intersection. At the intersection, the intersecting right-of-way lines must have a radius of 75 to 100 feet.

2. Stagecoach Road is classified on the Master Street Plan as a minor arterial. A dedication of right-of-way 45 feet from centerline will be required. At minor arterial/principal arterial street intersections, an additional 10 feet of right-of-way, measured from the centerline of the right-of-way shall be dedicated for a right turn lane and future dual left turn lanes on Stagecoach Road. This additional right-of-way must be 250 feet in length measured from the intersecting right-of-way. At the intersection, the intersecting right-of-way lines must have a radius of 75 to 100 feet.
3. With site development, provide the design of the street conforming to the Master Street Plan. Construct one-half street improvement to Baseline Road including 5-foot sidewalks at the property line with the planned development. An additional lane should be constructed with a transition for the right turn lane off Stagecoach Road. Contact Bill Henry in Traffic Engineering at 379-1816 for additional information. The installation and improvements are subject to acceptance and approval by the Arkansas State Highway and Transportation Department.
4. With site development, provide the design of the street conforming to the Master Street Plan. Construct one-half street improvement to Stagecoach Road including 5-foot sidewalks at the property line with the planned development. A right turn lane should be constructed with 250 feet of stack and a 150 foot taper. Contact Bill Henry in Traffic Engineering at 379-1816 for additional information. The installation and improvements are subject to acceptance and approval by the Arkansas State Highway and Transportation Department.
5. Obtain permits for improvements within State Highway right-of-way from AHTD, District VI.
6. Plans of all work in right-of-way shall be submitted for approval prior to start of work. Obtain barricade permit prior to doing any work in the right-of-way from Traffic Engineering at (501) 379-1805 (Travis Herbner).
7. A grading permit in accordance with Section 29-186 (c) and (d) will be required prior to any land clearing or grading activities at the site. Other than residential subdivisions, site grading and drainage plans must be submitted and approved prior to the start of construction. Variances from the Land Alteration Ordinance must be approved prior to the issuance of a grading permit.
8. The storm water detention ordinance applies to this property. Show the proposed location for storm water detention facilities on the plan.
9. If disturbed area is one (1) or more acres, obtain a NPDES storm water permit from the Arkansas Department of Environmental Quality prior to the start of construction.
10. A special Grading Permit for Flood Hazard Areas will be required per Section 8-283 prior to construction.
11. A minimum Finish Floor elevation of at least one (1) foot above the base flood elevation is required to be shown on plat and grading plans.
12. In accordance with Section 31-176, floodway areas must be shown as floodway easements or be dedicated to the public. In addition, a 25 foot wide access easement is required adjacent to the floodway boundary.
13. Street Improvement plans shall include signage and striping. Traffic Engineering must

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approve completed plans prior to construction.

14. Coordinate design of traffic signal upgrade with proposed street improvements. Plans must be forwarded to Traffic Engineering for approval.
15. Streetlights are required by Section 31-403 of the Little Rock code. Provide plans for approval to Traffic Engineering. If streetlights do not exist, streetlights must be installed prior to platting/certificate of occupancy. Contact Traffic Engineering 379-1813 (Steve Philpott) for additional information.
16. Driveway locations do not meet the traffic access and circulation requirements of Sections 30-43 and 31-210. The minimum driveway spacing on arterial streets is at least 300 feet and at least 150 feet from the property line. Only two (2) shared driveways can be built off Stagecoach Road and must not create a turn movement problem with the driveways on the west side of Stagecoach Road. Show driveway locations on the west side of Stagecoach Road. The driveway located on Baseline Road must demonstrate adequate sight distance from the bridge certified by a registered engineer to be permitted. The width of driveway must not exceed 36 feet.
17. Provide a Sketch Grading and Drainage Plan per Section 29-186 (e).

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Wastewater: Sewer main extension required, with easements, for Lot A. Contact Little Rock Wastewater Utility at 688-1414 for additional information.

Entergy: No comment received.

Center-Point Energy: No comment received.

AT & T: No comment received.

Central Arkansas Water: All Central Arkansas Water requirements in effect at the time of request for water service must be met. Waterline easements should be shown (Doc. #95-27135 & 95-30594). A Capital Investment Charge based on the size of connection(s) will apply to this project in addition to normal charges. This fee will apply to all connections including metered connections off private fire systems. Please submit plans for water facilities and/or fire protection system to Central Arkansas Water for review. Plan revisions may be required after additional review. Contact Central Arkansas Water regarding procedures for installation of water facilities and/or fire service. Approval of plans by the Arkansas Department of Health Engineering Division and Little Rock Fire Department is required.

Fire Department: Place fire hydrants per code. Contact the Little Rock Fire Department for additional information.

County Planning: No comment.

CATA: The site is not located on a dedicated CATA Bus Route.

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FILE NO.: S-1432-A

F. ISSUES/TECHNICAL/DESIGN:

Planning Division: No comment.

Landscape: No comment.

G. SUBDIVISION COMMITTEE COMMENT: (January 15, 2009)

The applicant was present. Staff presented an overview of the development stating a preliminary plat had previously been approved for the site to allow the creation of three (3) commercial lots. Staff stated the Commission had subsequently approved a one (1) year time extension. Staff stated the time for plat approval and time extension had expired and the final plat for the site had not been received. Staff stated the applicant was now requesting a preliminary plat to allow the creation of five (5) commercial lots on the site. Staff stated there were a few outstanding technical issues associated with the plat in need of addressing prior to the Commission acting on the request.

Staff requested the applicant provide the certifications, the proposed driveway locations, the limits of the flood plain and floodway and the proposed setbacks along the abutting roadways. Staff also requested the applicant provide the source of water and the means of wastewater disposal on the proposed plat.

Public Works comments were addressed. Staff stated a dedication of right of way 55 feet from centerline would be required along Baseline Road and 45 feet from centerline along Stagecoach Road. Staff stated with development of the site street improvements per the Master Street Plan would be required including curb, gutter and sidewalk. Staff stated dedication of additional right of way on Stagecoach Road for the addition of a turn lane was required. Staff stated an easement adjacent to the floodway was required per the storm water detention ordinance. Staff also stated the driveways indicated on the plat did not comply with the typical standards of the Boundary Street Ordinance and the Subdivision Ordinance and suggested the applicant relocate the north driveway on Stagecoach Road to the south to meet the 300 foot minimum driveway spacing criteria.

Staff noted comments from the other reporting departments and agencies suggesting the applicant contact them individually for additional clarification. There was no further discussion of the item. The Committee then forwarded the item to the full Commission for final action.

H. ANALYSIS:

The applicant submitted a revised preliminary plat to staff addressing most of the comments raised at the January 15, 2009, Subdivision Committee meeting. The plat is proposed as multi-phased with the required infrastructure and boundary street improvements being completed as the abutting lot is sold and final platted. The required boundary street improvements to Lots B, C, D and E will be sidewalk construction. The improvements for Lot A include the addition of a through lane and a right turn lane on Baseline Road and a right turn

SUBDIVISION

ITEM NO.: 1 (Cont.)

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lane on Stagecoach Road. No improvements to the intersection will be required with this plat. Storm water detention will be provided on a lot by lot basis.

The plat indicates the appropriate certifications and the limits of the floodplain. No portion of the site is located within the floodway but the eastern perimeter is located adjacent to the floodway. The plat indicates a 25-foot floodway/utility easement along this perimeter.

The plat is indicated with shared driveways and a 24-foot cross access easement to serve the lots. The driveway on Stagecoach Road located on Lot C has been located 293 feet from the intersection with Baseline Road. A second driveway on Stagecoach Road is located 259 feet from the driveway on Lot C. The final driveway on Stagecoach Road is located on Lot B. The driveway is 251 feet from the driveway on Lot E and 115-feet from the property line. A single driveway is located on Baseline Road. The driveway is located 200 feet from the intersection. The driveways as indicated will require a variance from the various minimum ordinance standards. The ordinance typically requires minimum driveway spacing on arterial roadways of 300 feet and a minimum of 150-feet from the property line. Staff is supportive of the driveways as indicated.

The lots are indicated ranging from 43,405 square feet to 71,639 square feet. The property is zoned C-3, General Commercial district which requires a minimum lot size of 14,000 square feet. The lots are indicated with more than adequate lot area to conform to the current zoning. A note on the plat indicates a 35-foot front building setback will be provided along Stagecoach and Baseline Roads.

The request includes a variance from the Land Alteration Ordinance to allow grading of multiple lots with the development of one lot. The advanced grading is necessary to allow materials on portions of the lots to be moved to other locations on the site. The site will not balance but the allowance of advanced grading will minimize the need for hauling in and out on this site. Additional fill on the low lots will be required at the time of development.

Staff is supportive of the request to allow the creation of five (5) commercial lots to be developed as the market demands. Staff is also supportive of the variance request to allow advanced grading of the site with the development of one of the proposed lots. To staff's knowledge there are no outstanding technical issues associated with the request. Staff feels the creation of these lots for future development with commercial uses should have a positive impact on the area.

I. STAFF RECOMMENDATION:

Staff recommends approval of the request subject to compliance with the comments and conditions as outlined in paragraphs D, E and F of the agenda staff report.

Staff recommends approval of the variance request from the Land Alteration Ordinance to allow grading of multiple lots with the development of one of the proposed lots.

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ITEM NO.: 1 (Cont.)

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Staff recommends approval of the variance request to allow the drives along the abutting arterial roadways with distances less than the typical 300-foot minimum standard.

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PLANNING COMMISSION ACTION:

(FEBRUARY 5, 2009)

The applicant was present. There were no registered objectors present. Staff presented the item with a recommendation of approval of the request subject to compliance with the comments and conditions as outlined in paragraphs D, E and F of the agenda staff report. Staff also presented a recommendation of approval of the variance request from the Land Alteration Ordinance to allow grading of multiple lots with the development of one of the proposed lots and the variance request to allow the drives along the abutting arterial roadways with distances less than the typical 300-foot minimum standard.

There was no further discussion of the item. The Chair entertained a motion for approval of the Consent Agenda as presented by staff. The motion carried by a vote of 9 ayes, 0 noes, 1 absent and 1 recusal (Commissioner Yates).

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ITEM NO.: 2.

FILE NO.: S-1494-A

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NAME: Blankenship's Addition Replat Lots 10R – 11R

LOCATION: located on the Southeast corner of Leander Drive and Vogler Street

DEVELOPER:

EMW Construction, Inc.  
c/o Ed Wright  
P.O. Box 241741  
Little Rock, AR 72223

ENGINEER:

White Daters and Associates  
24 Rahling Circle  
Little Rock, AR 72223

AREA: 0.51 acres    NUMBER OF LOTS: 3    FT. NEW STREET: 0 LF

CURRENT ZONING: R-2, Single-family

PLANNING DISTRICT: 10 – Boyle Park

CENSUS TRACT: 24.03

VARIANCES/WAIVERS REQUESTED:

1. A variance from the Subdivision Ordinance, Section 31-232(a), to allow a reduced lot width for the proposed lots.
  2. A variance from the Subdivision Ordinance, Section 31-256, to allow a reduced front building line of 15-feet adjacent to a residential street.
  3. A variance from the Subdivision Ordinance, Section 31-232(a), to allow lots with a reduced lot area.
- 

The applicant contacted staff on January 22, 2009, requesting a deferral of this item to the March 19, 2009, public hearing. Staff is supportive of the deferral request.

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PLANNING COMMISSION ACTION:

(FEBRUARY 5, 2009)

The applicant was not present. There were no registered objectors present. Staff stated the applicant had contacted them on January 22, 2009, requesting a deferral of the item to the March 19, 2009, public hearing. Staff stated they were supportive of the deferral request.

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ITEM NO.: 2. (Cont.)

FILE NO.: S-1494-A

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There was no further discussion of the item. The Chair entertained a motion for approval of the Consent Agenda as presented by staff. The motion carried by a vote of 10 ayes, 0 noes and 1 absent.

February 5, 2009

ITEM NO.: 3.

FILE NO.: S-1628

NAME: Cantrell Road and LaMarche Drive Subdivision Preliminary Plat

LOCATION: located at the intersection of Cantrell Road and LaMarche Drive/Taylor Loop Road

DEVELOPER:

Pfeifer Development Company  
16623 Cantrell Road  
Little Rock, AR 72223

ENGINEER:

White Daters and Associates  
24 Rahling Circle  
Little Rock, AR 72223

AREA: 18.37 acres      NUMBER OF LOTS: 4      FT. NEW STREET: 550 LF

CURRENT ZONING: R-2, Single-family

PLANNING DISTRICT: 20 - Pinnacle

CENSUS TRACT: 42.05

VARIANCES/WAIVERS REQUESTED: None requested.

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The applicant submitted a request dated January 22, 2009, requesting withdrawal of this item. Staff is supportive of the withdrawal request.

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PLANNING COMMISSION ACTION:

(FEBRUARY 5, 2009)

The applicant was present. There were no registered objectors present. Staff presented the item stating the applicant had submitted a request dated January 22, 2009, requesting withdrawal of the item. Staff stated they were supportive of the withdrawal request.

There was no further discussion of the item. The Chair entertained a motion for approval of the Consent Agenda as presented by staff. The motion carried by a vote of 10 ayes, 0 noes and 1 absent.

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ITEM NO.: 4.

FILE NO.: Z-5742-B

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NAME: Hearne Building Revised Short-form PCD

LOCATION: 1001 Wright Avenue

DEVELOPER:

Archie Hearne, MD  
500 South University Avenue, Suite 103  
Little Rock, AR 72205

ENGINEER:

White-Daters and Associates  
24 Rahling Circle  
Little Rock, AR 72223

ARCHITECT:

Terry Burruss Architect  
614 Center Street  
Little Rock, AR 72201

AREA: 0.512 acres NUMBER OF LOTS: 1 Zoning Lot FT. NEW STREET: 0 LF

CURRENT ZONING: PCD

ALLOWED USES: Mixed Use Development, Residential, Office and Commercial - 65% Office and 35% Retail

PROPOSED ZONING: Revised PCD

PROPOSED USE: Medical Office, Coffee Shop, Art Gallery/Art Bookstore – 29% Office and 71% Retail

VARIANCES/WAIVERS REQUESTED: None requested.

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BACKGROUND:

Ordinance No. 16,509 adopted by the Little Rock Board of Directors on October 19, 1993, rezoned this site from R-4A to O-1.

Ordinance No. 19,729 adopted by the Little Rock Board of Directors on April 3, 2007, rezoned the property from O-1, Quiet Office to PCD. The approval allowed the construction of a single two story building containing 6,336 gross square feet and 23 on-site parking spaces. The building was

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ITEM NO.: 4 (Cont.)

FILE NO.: Z-5742-B

proposed with various leaseable spaces allowing six (6) to eleven (11) units depending on the unit arrangement and the unit size. The unit size averaged 647 square feet. A wood fence was proposed as perimeter treatment and screening.

A. PROPOSAL/REQUEST:

The request is now to amend the previously approved PCD to change the use mix of the development. A two-story building containing 6,250 square feet is proposed with a medical office occupying 1,825 square feet, an art bookstore/art gallery occupying 3,900 square feet and a coffee shop occupying 525 square feet. The result changes the previously approved office and commercial percentages from 65% office and 35% commercial to 29% office and 71% commercial. The approval is limited to Dr. and Ms. Archie Hearne's ownership and occupancy and is not proposed as a transferable use.

B. EXISTING CONDITIONS:

The site previously housed a drive through bank which has been removed. In this area of the City there are a number of institutional uses including two churches, Philander Smith College, Dunbar Community Center, Dunbar Middle School and a Central Arkansas Library facility. To the south of the site is a PD-C approved as an office use for Mr. Klean's Carpet and Janitorial service. Single-family homes are located to the southeast, southwest and northwest.

C. NEIGHBORHOOD COMMENTS:

As of this writing, staff has received one informational phone call from an area resident. The Downtown Neighborhood Association, all owners of property located within 200 feet of the site and all residents, who could be identified, located within 300 feet of the proposed development were notified of the public hearing.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. A 20 foot radial dedication of right-of-way is required at the intersection of Wright Avenue and Chester Street.
2. Sidewalks with appropriate handicap ramps are required in accordance with Section 31-175 of the Little Rock Code and the Master Street Plan. Sidewalk should be installed on the west side of the driveway on Wright Avenue to a point the right-of-way is perpendicular to the west property line.
3. Repair or replace any curb and gutter or sidewalk that is damaged in the public right-of-way prior to occupancy.
4. Storm water detention will not apply to the proposed development.
5. Plans of all work in right-of-way shall be submitted for approval prior to start of work. Obtain barricade permit prior to doing any work in the right-of-way from Traffic Engineering at (501) 379-1805 (Travis Herbner).

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E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Wastewater: Sewer available to this property.

Entergy: No comment received.

Center-Point Energy: No comment received.

AT & T: No comment received.

Central Arkansas Water: Contact Central Arkansas Water at 377-1225 regarding re-establishment of water to this site.

Fire Department: Approved as submitted.

County Planning: No comment.

CATA: The site is not located on a dedicated CATA Bus Route.

F. ISSUES/TECHNICAL/DESIGN:

Planning Division: This request is located in the Central City Planning District. The Land Use Plan shows Mixed Use for this property. The applicant has applied for a revised Short-form PCD to allow a mixed use development containing office, and commercial on the site.

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

Master Street Plan: Wright Avenue is shown as a Minor Arterial on the Master Street Plan and Chester Street is shown as a Collector. These streets may require dedication of right-of-way and may require street improvements. 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. Entrances and exits should be limited to minimize negative effects of traffic and pedestrians on Wright Avenue since it is a Minor Arterial. The primary function of a Collector Street is to provide a connection from Local Streets to Arterials.

Bicycle Plan: A Class II Bike Route is shown along Wright Avenue. A Class II bikeway is located on the street as either a five (5) foot shoulder or six (6) foot marked bike lane. Additional paving and right of way may be required. A Class III bike route is shown along Chester Street according to the Master Street Plan bicycle section. 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.

City Recognized Neighborhood Action Plan: The applicant's property lies in the area covered by the Downtown Neighborhood Action Plan. The Economic Development Goal is applicable. It states, "Attract other businesses and services, such as pizza places that make home

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deliveries, another grocery, another pharmacy, video stores, cafes, a sporting goods store, and more restaurants open after 8 p.m.” The placement of the gallery/bookstore and the coffee shop could assist in this goal.

Landscape:

1. The site plan must comply with the City’s landscape and buffer ordinance requirements.
2. The zoning buffer ordinance requires an eight foot (8) wide land use buffer to separate this proposed development from the residential property on western perimeter of the site. Seventy percent (70%) of these buffers are to remain undisturbed.
3. A six (6) foot high opaque screen, either a wooden fence with its face side directed outward, a wall, or dense evergreen plantings, is required along the western perimeter of the site. Credit towards fulfilling this requirement can be given for existing trees and undergrowth that satisfies this year-around requirement.
4. The landscape ordinance and the zoning buffer ordinance require a six foot nine inches (6’-9”) minimum landscape strip along the two abutting streets. A variance from the landscape ordinance requirements must be approved by the City Beautiful Commission prior to the issuance of a building permit for any lesser amount.
5. The landscape ordinance requires a minimum landscape strip of three feet (3) to be located between the parking lot and the building.
6. A water source must be located within seventy-five feet (75) of all landscaped areas.
7. These calculations take into account the proposed development is located within a designated mature area of the City.

G. SUBDIVISION COMMITTEE COMMENT: (January 15, 2009)

The owner’s representative was present representing the request. Staff presented an overview of the request stating there were few outstanding technical issues associated with the request. Staff stated a number of the comments listed under Planning Staff Comments were an outline of the previous approval and a comparison to the current request. Staff questioned the hours of the coffee shop. Staff also questioned the number of physicians to practice in the medical clinic.

Public Works comments were addressed. Staff stated a twenty (20) foot radial dedication of right of way was required at the intersection of Wright Avenue and Chester Street. Staff also stated sidewalks with appropriate handicap ramps were required along the abutting roadways. Staff stated prior to the issuance of a certificate of occupancy all broken curb, gutter and sidewalk was required to be replaced. Staff also stated all work in the right of way required a permit from Traffic Engineering.

Landscaping comments were addressed. Staff stated the zoning buffer ordinance required the placement of an eight (8) foot landscape strip in the areas abutting residentially zoned or used property. Staff also stated a six (6) foot screening fence or wall was required in these areas to screen the abutting residentially zoned or used properties. Staff stated the landscape and buffer ordinances required the placement of a minimum landscape strip of six (6) feet nine (9)

SUBDIVISION

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inches along the abutting roadways. Staff stated any variation from the Landscape Ordinance requirements would require approval from the City Beautiful Commission.

Staff noted comments from the various other reporting departments and agencies suggesting the applicant contact them directly for additional information and clarification. There was no further discussion of the item. The Committee then forwarded the item to the full Commission for final action.

H. ANALYSIS:

The applicant submitted a revised site plan and cover letter addressing most of the issues raised at the January 15, 2009, Subdivision Committee meeting. The revised cover letter states one (1) physician will staff the medical office. The hours of operation for the coffee shop are daily from 8:00 am to 6:00 pm.

The development is proposed as a mixed use development. The building will contain 6,250 square feet of which 1,825 square feet is proposed as a medical office serving one (1) physician, 525 square feet to be used as a coffee shop and 3,900 square feet as an art bookstore/art gallery. The parking breakdown for the site is six (6) spaces for the medical office, five (5) spaces for the coffee shop and thirteen (13) spaces for the art gallery resulting in 24 required spaces. The site plan indicates twenty-one (21) parking spaces. Staff is supportive of the parking as proposed. Although the ordinance would typically require twenty-four (24) parking spaces staff feels the art bookstore/art gallery and coffee shop will function in unison with patrons visiting the arts and coffee shop creating less demand for parking.

Signage is proposed consistent with signage allowed in office zones. A single ground mounted sign is proposed near the intersection of the two streets. Building signage is proposed consistent with the code, as a maximum of ten percent of the façade area on the façades abutting a public right of way.

The medical office will operate during typical office hours or 8:00 am to 5:00 pm Monday through Friday. The coffee shop and the art bookstore/art gallery will be open daily from 8:00 am to 6:00 pm. The gallery will also host showings and special events which are typically held during the evening hours. These events are anticipated to end by 10:00 pm.

The site plan indicates the placement of a single dumpster on the site near the southern perimeter of the site. The site layout is such that the location for the dumpster is limited. The site plan indicates the dumpster will be screened per the typical ordinance standards. The hours of dumpster service have been indicated from 6:00 am to 8:00 am.

Landscaping and screening has been indicated on the site plan. A six foot wood fence will be installed along the southern and eastern perimeters where located adjacent to single-family zoned or used property. Street buffers and parking lot landscaping will be installed per the Landscape and Zoning Buffer Ordinance requirements.

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SUBDIVISION

ITEM NO.: 4 (Cont.)

FILE NO.: Z-5742-B

The request limits the use of the property to the current applicant's occupancy and ownership.

Staff is supportive of the request. Although the development plan has been modified to create a larger percentage of commercial on the site, staff does not feel the proposed level of commercial activity will significantly impact the nearby residential uses. The site is indicated as Mixed Use on the City's Future Land Use Plan and the businesses proposed for this site will close in the early evening hours. The special events held by the art gallery will be held later in the evening but are not anticipated as a daily or even weekly activity. The application request is limited to Dr. and Mrs. Hearne and is not a transferable approval. The Commission and Board of Directors will have the opportunity to review any future uses of the site prior to the activities locating on the property to determine the level of commercial activity at the time of redevelopment. To staff's knowledge there are no outstanding technical issues associated with the request.

I. STAFF RECOMMENDATIONS:

Staff recommends approval of the request subject to the following conditions:

1. Compliance with the comments and conditions as outlined in paragraphs D, E and F of the agenda staff report.
2. The uses approved are limited to a medical office, a coffee shop and an art bookstore/art gallery.
3. The approval is limited to Dr. and Mrs. Archie Hearne and is not a transferable approval.

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PLANNING COMMISSION ACTION:

(FEBRUARY 5, 2009)

The applicant was present. There were no registered objectors present. Staff presented the item with a recommendation of approval of the request subject to compliance with the comments and conditions as outlined in paragraphs D, E and F of the agenda staff report. Staff also stated the uses approved were limited to a medical office, a coffee shop and an art bookstore/art gallery and the approval was limited to Dr. and Mrs. Archie Hearne and is not a transferable approval.

There was no further discussion of the item. The Chair entertained a motion for approval of the Consent Agenda as presented by staff. The motion carried by a vote of 10 ayes, 0 noes and 1 absent.

February 5, 2009

ITEM NO.: 5

FILE NO.: Z-6120-O

NAME: Capitol Lakes Estates Governors Manor Lot 10 Revised Long-form PD-R

LOCATION: located North of Capitol Hills Boulevard at Rushmore Avenue

DEVELOPER:

Rhett C. Gore  
38 Pennsylvania Court  
Little Rock, AR 72210

SURVEYOR:

West Land Surveying Inc  
420 A HWY 287  
Vilonia, AR

AREA: 0.25 acres NUMBER OF LOTS: 1 FT. NEW STREET: 0 LF

CURRENT ZONING: PD-R

ALLOWED USES: Single-family residential

PROPOSED ZONING: Revised PD-R

PROPOSED USE: Single-family residential – Revise a front building line to eliminate an encroachment

VARIANCES/WAIVERS REQUESTED: None requested.

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BACKGROUND:

The Little Rock Planning Commission reviewed a proposed preliminary plat application for the area at their April 22, 2004 Public Hearing. The Commission made a recommendation of approval of the proposed preliminary plat, which was then forwarded to the Little Rock Board of Directors for final action on September 7, 2004. The Little Rock Board of Directors denied the requested plat and associated variances and suggested the applicant refile the request as a PD-R through the planned development process.

Ordinance No. 19,261 adopted by the Little Rock Board of Directors on January 4, 2005, rezoned the property from R-2, Single-family to PD-R to allow the development of the site with 45 single-family lots. The development indicated the average size of the lots as 50-feet by 90-feet. The lots were designed to accommodate “patio” or “garden style” homes with smaller yards. Buildable areas on the lots ranged from 4,600 to 2,150 square feet with the smallest allowable residence to be 1,600 square feet. A density of 4.9 units per acre was approved. The lots were to have a 12.5-foot front building

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FILE NO.: Z-6120-O

line, 5-foot side yard setbacks, and 10-foot rear yard setback. Each lot would have a minimum of 1,600 square feet of private open space. The applicant requested a reduced front building line, reduced lot depth, a reduced lot width on several of the proposed lots and a reduced minimum lot square footage. The subdivision was designed as a gated community but the gates would not be installed with the initial development. 1,327 linear feet of private streets, built to City standard was approved.

A. APPLICANT'S STATEMENT/PROPOSAL REQUEST:

The applicant is requesting to amend the current PD-R zoning for this single lot to allow an encroachment of the front brick steps which were constructed crossing the front platted building line. The existing home was constructed with a 12.5-foot front building line with the brick steps extending from the house to the public right of way. There are no other modifications proposed for the lot.

B. EXISTING CONDITIONS:

The basic infrastructure for the subdivision has been installed and a number of new homes have been constructed. A multi-family apartment complex is located to the south of the site. The multi-family development is proposed in three (3) phases with the first phase complete. Other uses in the area include the Oasis Renewal Center located northeast of the site and the Spring Valley Manor Subdivision located south of the area. Cooper Orbit Road borders the eastern boundary of the property. The roadway is a narrow unimproved roadway with deep ditches in several locations.

C. NEIGHBORHOOD COMMENTS:

As of this writing, staff has received several informational phone calls from area residents concerning the request. All residents who could be identified located within 300-feet of the site, the Spring Valley Manor Homeowners Association and all owners of property located within 200-feet of the site were notified of the public hearing.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

No comment.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Wastewater: No objection.

Entergy: No comment received.

Center-Point Energy: No comment received.

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FILE NO.: Z-6120-O

AT & T: No comment received.

Central Arkansas Water: No objection.

Fire Department: No comment.

County Planning: No comment.

CATA: The site is not located on a dedicated CATA Bus Route.

F. ISSUES/TECHNICAL/DESIGN:

Planning Division: This request is located in the Ellis Mountain Planning District. The Land Use Plan shows Single Family for this property. The applicant has applied for a revised Planned Residential Development to allow a building line revision.

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

Master Street Plan: Capitol Hills is shown as 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. Entrances and exits should be limited to minimize negative effects of traffic and pedestrians on Capitol Hills Boulevard since it is a Minor Arterial. Pennsylvania Court is shown as a Local Street. 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.

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

Landscape: No comment.

G. SUBDIVISION COMMITTEE COMMENT:

(January 15, 2009)

The applicant was not present. Staff presented an overview of the request stating there were no outstanding technical issues associated with the request. There was no further discussion of the item. The Committee then forwarded the item to the full Commission for final action.

SUBDIVISION

ITEM NO.: 5 (Cont.)

FILE NO.: Z-6120-O

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H. ANALYSIS:

There were no outstanding issues raised at the January 15, 2009, Subdivision Committee meeting in need of addressing. The request is an amendment to a PD-R zoning to allow an encroachment of the front brick steps which were constructed crossing the front platted building line. The existing home has been constructed with a 12.5-foot front building line as approved by the original PD-R zoning. As stated, the brick steps were constructed extending from the house across the previously platted front building line to the public right of way. The ordinance typically does not allow structures or encroachments into the front building setback without prior approval. A structure is defined as anything over 12-inches in height measured from the adjacent ground level.

If the Planning Commission and the Little Rock Board of Directors approve the building line variance, the applicant will have to complete a one-lot replat reflecting the change in the front platted building line for the existing steps. The applicant should review the filing procedure with the Circuit Clerk's office to determine if the replat requires a revised Bill of Assurance.

To staff's knowledge there are no outstanding technical issues associated with the request. Staff recommends approval of the request. Staff believes the proposed front setback and building line encroachment will have no adverse impact on the adjacent properties or the neighborhood. There are no other modifications proposed for the lot.

I. STAFF RECOMMENDATION:

Staff recommends approval of the request subject to compliance with the comments and conditions as outlined in paragraphs D, E and F of the agenda staff report and the completion of a one-lot replat reflecting the change in the front platted building line as approved by the Planning Commission and the Little Rock Board of Directors.

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PLANNING COMMISSION ACTION:

(FEBRUARY 5, 2009)

The applicant was present. There were no registered objectors present. Staff presented the item with a recommendation of approval of the request subject to compliance with the comments and conditions as outlined in paragraphs D, E and F of the agenda staff report and the completion of a one-lot replat reflecting the change in the front platted building line as approved by the Planning Commission and the Little Rock Board of Directors.

There was no further discussion of the item. The Chair entertained a motion for approval of the Consent Agenda as presented by staff. The motion carried by a vote of 10 ayes, 0 noes and 1 absent.

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ITEM NO.: 6

FILE NO.: Z-8310-A

NAME: Smith Development Revised Short-form POD

LOCATION: located at 7801 Cantrell Road

DEVELOPER:

Willis Smith Co.  
5 Inwood Circle, Suite 104  
Little Rock, AR 72211

SURVEYOR:

Brooks Surveying  
20820 Arch Street Pike  
Hensley, AR 72065

ARCHITECT:

Terry Burruss Architects  
614 Center Street  
Little Rock, AR 72201

AREA: 0.64 acres NUMBER OF LOTS: 1 zoning lot FT. NEW STREET: 0 LF

CURRENT ZONING: POD

ALLOWED USES: Office (70%) and Retail (30%)

PROPOSED ZONING: Revised POD

PROPOSED USE: Office (70%) and Retail (30%) – 560 square foot addition for inventory storage

VARIANCES/WAIVERS REQUESTED: None requested.

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BACKGROUND:

Ordinance No. 19,935 adopted by the Little Rock Board of Directors on March 18, 2008, rezoned the site from O-3, General Office District and C-3, General Commercial District to POD. The property contained two (2) parcels; one (1) zoned office and the second zoned commercially. Parcel 1 contained a building with approximately 5,068 square feet and was zoned O-3, General Office District. Parcel 2 contained a carwash facility (5 bays) and was zoned C-3, General Commercial District. The development was proposed in two (2) phases. The first Phase included the modification of the structure on Parcel 1 removing approximately 1,500 square feet and renting the space as commercial space. Phase II consisted of the removal of the carwash facility on Parcel 2 and the

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construction of a two (2) story office building containing 8,000 square feet. The driveway located on Biscayne Street was also proposed for removal during the Phase 2 construction. The only portion of the development which has been completed is the clothing store which is located within the building located on Parcel 1.

A. PROPOSAL/REQUEST:

The applicant now proposes to amend the previously approved PCD to allow an addition on the building located on Parcel 1. The addition is proposed to contain 560 square feet and will be used as inventory storage for the clothing store. There are no other modifications proposed to the previously approved development plan.

B. EXISTING CONDITIONS:

There building located on Parcel 1 contains a number of users including a clothing store. The multiple bay carwash remains on Parcel 2. Watt Street has been closed by the Highway Department and currently terminates in a cul-de-sac between this property and the McDonalds property located to the east. There is an alley located between the two buildings with an office building, facing Biscayne Drive located to the west. There are a series of drives which connect these properties to Biscayne Drive and the properties on Biscayne Drive to Watt and T Streets.

In the area, there are residential and non-residential uses. There is a beauty salon in a converted residential structure located to the west and a school located in a number of converted structures located to the south. There is an office building located on the southeast corner of T and Watt Streets.

C. NEIGHBORHOOD COMMENTS:

As of this writing, staff has received several informational phone calls from area residents. The Meriwether Neighborhood Association, all property owners located within 200 feet of the site and all residents, who could be identified, located within 300-feet of the site were notified of the Public Hearing.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. A 20 foot radial dedication of right-of-way is required at the intersection of Watt Street and T Street.
2. Repair or replace any curb and gutter or sidewalk that is damaged in the public right-of-way prior to occupancy.
3. Driveway locations and widths do not meet the traffic access and circulation requirements of Sections 30-43 and 31-210. The driveway on Biscayne Drive should be closed. In the previous application, it was agreed the driveway on Biscayne Drive would be closed with construction of Phase II of the development. This application is for an addition to Phase I and is not a part of Phase II.

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4. Sidewalks with appropriate handicap ramps adjacent to Watt Street are required. Continue the sidewalk along Cantrell Road in accordance with Section 31-175 of the Little Rock Code and the Master Street Plan. The sidewalk adjacent to Biscayne Drive should be continued to the sidewalk along Cantrell Road.
5. Plans of all work in right-of-way shall be submitted for approval prior to start of work. Obtain barricade permit prior to doing any work in the right-of-way from Traffic Engineering at (501) 379-1805 (Travis Herbner).
6. Storm water detention will not apply to the proposed development.
7. Due to the proposed use of the property, the Master Street Plan specifies that Watt Street and T Street for the frontage of this property must meet commercial street standards. Dedicate right-of-way to 30 feet from centerline. It is unsure from the plans provided if right-of-way exists to comply with the Master Street Plan.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Wastewater: Sewer available to this property.

Entergy: No comment received.

Center-Point Energy: No comment received.

AT & T: No comment received.

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

Fire Department: Install and place fire hydrants per code. Contact the Little Rock Fire Department for additional information.

County Planning: No comment.

CATA: The site is not located on a dedicated CATA Bus Route.

F. ISSUES/TECHNICAL/DESIGN:

Planning Division: This request is located in the West Little Rock Planning District. The Land Use Plan shows Mixed Office Commercial for this property. The applicant has applied for a revised Short form PCD.

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

Master Street Plan: Cantrell Road is shown as 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 Cantrell Road since it is a Principal Arterial. Watt Street is

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shown as a Local Street. 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. Biscayne Drive is shown as a Collector. The primary function of a Collector Street is to provide a connection from Local Streets to Arterials. 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.

Neighborhood Action Plan: This area is covered by the Midtown Neighborhood Action Plan. The Commercial Development goal states: " To increase the long-term viability of our retail, office, and medical centers, and prevent destabilization of surrounding neighborhoods" and "Support smart growth and positive in-fill development."

Landscape:

1. The site plan must comply with the City's landscape and buffer ordinance requirements.
2. The minimum zoning street buffer along Watt and T Streets is six feet nine inches (6'-9"). Any reduction requires approval from the City Beautiful Commission prior to the issuance of a building permit.

G. SUBDIVISION COMMITTEE COMMENT: (January 15, 2009)

The applicant was present. Staff presented an overview of the development stating there were few outstanding technical issues associated with the request. Staff stated a number of the comments listed under the Planning Staff Comments were related to the original approval and comparing the original approval with the current request. Staff stated the development was proposed in two phases. Staff stated the only item initiated was the placement of the clothing store in the building located on Parcel 1.

Public Works comments were addressed. Staff stated the original approval required the removal of the drive on Biscayne Drive during the second phase. Staff stated a dedication of right of way along T and Watt Streets was required per the Master Street Plan or 30 feet from centerline. Staff also stated sidewalks with appropriate handicap ramps were required along Watt Street and along Cantrell Road in accordance with Section 31-175 of the Little Rock Code of ordinances.

Landscaping comments were addressed. Staff stated the comments were similar to comments made with the original application. Staff stated the minimum street buffer along T and Watt Streets was six feet nine inches. Staff stated any variation from this minimum requirement would require approval from the Planning Commission and the City Beautiful Commission.

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Staff noted comments provided by the various other departments and agencies stating if there were specific concerns the applicant should contact the agency directly. There was no further discussion of the item. The Committee then forwarded the item to the full Commission for final action.

H. ANALYSIS:

There were no comments in need of addressing raised at the January 15, 2009, Subdivision Committee meeting. The request is to allow a revision to a previously approved PCD to allow an addition on the western wall of the retail building located on Parcel 1. The addition will contain approximately 560 square feet and will be used as inventory storage for the clothing store. The western wall of the existing building will be extended approximately eight (8) feet by seventy (70) feet. The building materials are proposed similar to the existing building construction of brick and block.

Staff is supportive of the request. The new construction is proposed for inventory storage and no expansion of sales area for the retail space. There are no other modifications proposed to the previously approved development plan. The development will remain a two phase development. The driveway located on Biscayne Drive will be removed during the second phase of development with the removal of the carwash and the construction of the new office building.

I. STAFF RECOMMENDATIONS:

Staff recommends approval of the request to allow the addition to be used as inventory storage subject to compliance with the comments and conditions as outlined in paragraphs D, E and F of the agenda staff report.

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PLANNING COMMISSION ACTION:

(FEBRUARY 5, 2009)

The applicant was present. There were no registered objectors present. Staff presented the item with a recommendation of approval of the request to allow the addition to be used as inventory storage subject to compliance with the comments and conditions as outlined in paragraphs D, E and F of the agenda staff report.

There was no further discussion of the item. The Chair entertained a motion for approval of the Consent Agenda as presented by staff. The motion carried by a vote of 10 ayes, 0 noes and 1 absent.

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ITEM NO.: 7.

FILE NO.: Z-7876-A

NAME: Parrott Bay Pools Short-form PD-C

LOCATION: located on the Southwest corner of Stagecoach Road and Sibley Hole Road and East of I-430

DEVELOPER:

Parrott Bay Pools LLC  
2020 Canal Point  
Little Rock, AR 72202

ENGINEER:

McGetrick and McGetrick Engineers  
10 Otter Creek Parkway, Suite A  
Little Rock, AR 72210

AREA: 0.82 acres    NUMBER OF LOTS: 1    FT. NEW STREET: 0 LF

CURRENT ZONING: PCD

ALLOWED USES: Swimming Pool Sales and Outdoor Display

PROPOSED ZONING: PD-C

PROPOSED USE: Swimming Pool Sales and Outdoor Display

VARIANCES/WAIVERS REQUESTED: A deferral of the required street improvements to Sibley Hole Road.

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BACKGROUND:

Ordinance No. 19,370 adopted by the Little Rock Board of Directors on August 1, 2005, rezoned the site from R-2, Single-family to PCD to allow the outdoor display of swimming pools. A building containing 4,000 square feet and ten (10) parking spaces were approved. The days and hours of operation were from 8:00 am to 5:30 pm Monday through Saturday. Ordinance No. 19,371 adopted by the Board of Directors on August 1, 2005, allowed for deferral of the required street improvements to Sibley Hole Road.

Per Section 36-454(e), the applicant shall have three (3) years from the date of passage of the ordinance approving the preliminary approval to submit the final development plan. Requests for extensions of time shall be submitted in writing to the Planning Commission which may grant one (1) extension of not more than two (2) years. Time extensions shall be applied for by formal written request not less than ninety days prior to the first expiration date. Failure of the applicant to file a

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timely extension shall be cause for revocation of the PUD as provided in the ordinance. The applicant failed to request a time extension as required per the ordinance and is now seeking to establish the PD-C zoning to allow swimming pool sales with outdoor display. There are no other uses proposed.

A. PROPOSAL/REQUEST:

A single building is proposed containing 4,000 square feet and the site plan indicates ten (10) parking spaces. The development is proposed in two (2) phases. The building and parking area will take place in the first phase. The outdoor display area will be constructed in the second phase. The days and hours of operation are from 8:00 am to 5:30 pm Monday through Saturday as in the original approval.

The applicant is seeking a deferral of the boundary street ordinance requirements for Sibley Hole Road as approved in the original PCD request.

B. EXISTING CONDITIONS:

The site is a vacant cleared site. To the south of the site is a property zoned PCD containing a plant nursery. To the north and west of the site is public right of way for I-430. East of the site is a large wooded tract zoned C-2, Shopping Center District. Sibley Hole Road is a narrow unimproved road dead-ending south of this site.

C. NEIGHBORHOOD COMMENTS:

Southwest Little Rock United for Progress, all property owners located within 200-feet of the site and all residents, who could be identified, located within 300 feet of the site were notified of the public hearing. As of this writing staff has not received any comment from area residents.

D. ENGINEERING COMMENTS:

Public Works Conditions:

1. Due to the proposed use of the property, the Master Street Plan specifies that Sibley Hole Road for the frontage of this property must meet commercial street standards. Dedicate right-of-way to 30 feet from centerline.
2. With site development, provide the design of the street conforming to the Master Street Plan. Construct one-half street improvement to Sibley Hole Road including 5-foot sidewalks with the planned development. The new back of curb should be located 18 feet from centerline.
3. A grading permit in accordance with Section 29-186 (c) and (d) will be required prior to any land clearing or grading activities at the site. Site grading, and drainage plans will need to be submitted and approved prior to the start of construction.
4. Storm water detention ordinance applies to this property. Show the proposed location for

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storm water detention facilities on the plan.

5. If disturbed area is one (1) or more acres, obtain a NPDES storm water permit from the Arkansas Department of Environmental Quality prior to the start of construction.
6. A special Grading Permit for Flood Hazard Areas will be required per Section 8-283 prior to construction.
7. Provide existing topographic information at maximum five-foot contour interval. Show the limits of the 100-year floodway and floodplain.
8. A minimum Finish Floor Elevation of at least one (1) foot above the base flood elevation is required to be shown on plat and grading plans.
9. Streetlights are required by Section 31-403 of the Little Rock code. Provide plans for approval to Traffic Engineering. Streetlights must be installed prior to platting/certificate of occupancy. Contact Traffic Engineering 379-1813 (Steve Philpott) for more information.
10. Plans of all work in right-of-way shall be submitted for approval prior to start of work. Obtain barricade permit prior to doing any work in the right-of-way from Traffic Engineering at (501) 379-1805 (Travis Herbner).
11. The east property line should be better defined on the plan. That portion of the site's driveway that extends south must be removed if located in the right-of-way.
12. All driveways shall be concrete aprons per City Ordinance.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Wastewater: Sewer main extension required, with easements, for this project. A private force main system will not allowed.

Entergy: No comment received.

Center-Point Energy: No comment received.

AT & T: No comment received.

Central Arkansas Water: All Central Arkansas Water requirements in effect at the time of request for water service must be met. A Capital Investment Charge based on the size of connection(s) will apply to this project in addition to normal charges.

Fire Department: Place fire hydrants per code. Contact the Little Rock Fire Department at 918-3700.

County Planning: No comment.

CATA: The site is not located on a dedicated CATA Bus Route.

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F. ISSUES/TECHNICAL/DESIGN:

Planning Division: This request is located in the Otter Creek Planning District. The Land Use Plan shows Commercial for this property. The applicant has applied for a Planned Commercial Development to reestablish a previously approved PCD.

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

Master Street Plan: Sibley Hole Road is shown as a Local Street. 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: A Class II Bike Route is shown along Stagecoach Road. A Class II bikeway is located on the street as either a foot (5) foot shoulder or six (6) foot marked bike lane. Additional paving and right of way may be required.

Neighborhood Action Plan: This area is covered by the Westwood Pecan Lake Neighborhood Plan, but the plan does not address this issue.

Landscape: The site plan must comply with the City's landscape and buffer ordinance requirements.

G. SUBDIVISION COMMITTEE COMMENT:

(January 15, 2009)

The applicant was not present. Staff stated there were few outstanding technical issues associated with the request. Staff stated the site plan submitted was the approved site plan from the original PCD request. Staff stated the request was to establish a PD-C to allow swimming pool sales with outdoor display. Staff stated the original approval had expired. There was no further discussion of the item. The Committee then forwarded the item to the full Commission for final action.

H. ANALYSIS:

There were no outstanding technical issues associated with the request in need of addressing raised at the January 15, 2009, Subdivision Committee meeting. The request is to establish a PD-C to allow swimming pool sales with outdoor display.

The proposed days and hours of operation are from 8:00 am to 5:30 pm Monday through Saturday. A single pylon sign located near the southwest corner of the site is proposed with a maximum height of thirty-six feet (36') and a total sign area of one hundred sixty (160) square feet. There will be three (3) employees of the business.

SUBDIVISION

ITEM NO.: 7 (Cont.)

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The building will be constructed in the first phase and contain 4,000 square feet. In addition, a parking area containing ten (10) parking spaces will be constructed in the first phase. The ordinance requires a minimum of thirteen (13) parking spaces for a commercial establishment based on the indicated square footage. Although the parking indicated is not sufficient to meet the typical minimum parking required for a commercial business, staff feels ten (10) parking spaces is adequate to serve the proposed use of the site.

The applicant is requesting a deferral of the required street improvements to Sibley Hole Road. The road dead-ends just south of this site and further south, the Fourche Creek Bridge has been removed. The right of way on Sibley Hole Road is sufficient to meet Master Street Plan requirement. Staff is supportive of the deferral request for a period of five (5) years or until abutting development occurs, whichever occurs first. Staff feels the proposed use of the site will not generate a great deal of traffic that will require boundary street improvements at this time.

Staff is supportive of the proposed rezoning request. The applicant is requesting to establish a PD-C to allow swimming pool sales with outdoor display. To staff's knowledge, there are no outstanding technical issues associated with the request. The site was originally approved for this activity and there has been little change in the area since the original approval. The site is identified as Commercial on the City's Future Land Use Plan and there are commercially zoned properties to the south and east of the site. Staff does not feel the placement of the outdoor activity on the site will have any adverse impact on the adjoining properties.

I. STAFF RECOMMENDATION:

Staff recommends approval of the request subject to compliance with the conditions outlined in paragraphs D, E and F of the above staff report.

Staff recommends approval of the deferral request of the required street improvements to Sibley Hole Road for a period of five (5) years or until abutting development occurs, whichever occurs first.

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PLANNING COMMISSION ACTION:

(FEBRUARY 5, 2009)

The applicant was present. There were no registered objectors present. Staff presented the item with a recommendation of approval of the request subject to compliance with the conditions outlined in paragraphs D, E and F of the above staff report. Staff also presented a recommendation of approval of the deferral request of the required street improvements to Sibley Hole Road for a period of five (5) years or until abutting development occurs, whichever occurs first.

There was no further discussion of the item. The Chair entertained a motion for approval of the Consent Agenda as presented by staff. The motion carried by a vote of 10 ayes, 0 noes and 1 absent.

February 5, 2009

ITEM NO.: 8

FILE NO.: Z-8425

NAME: Barber Short-form PID

LOCATION: located at 2011 East Roosevelt Road

DEVELOPER:

Raymond Barber  
c/o Alfred Dugan  
103 East 24<sup>th</sup> Street  
Little Rock, AR 72206

SURVEYOR:

Donald Brooks Surveying  
20820 Arch Street Pike  
Hensley, AR 72065

AREA: 0.34 acres    NUMBER OF LOTS: 1    FT. NEW STREET: 0 LF

CURRENT ZONING: I-2, Light Industrial

ALLOWED USES: Light Industrial Uses

PROPOSED ZONING: PID

PROPOSED USE: Light Industrial Uses

VARIANCES/WAIVERS REQUESTED: None requested.

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The original request was to allow the use of the site for assembly. The applicant has provided staff with a letter indicating there will be no public assembly at this site. The activities taking place will be activities similar to those allowed in a recording studio, which is an allowed use under the current zoning. The applicant has secured a privilege license with the City for a recording studio. Staff recommends this item be withdrawn from consideration.

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PLANNING COMMISSION ACTION:

(FEBRUARY 5, 2009)

The applicant was not present. There were no registered objectors present. Staff stated the original request was to allow the use of the site with public assembly. Staff stated the applicant had provided them with a letter indicating there would be no public assembly at this site. Staff stated the activities taking place would be activities similar to those allowed in a recording studio, which was an allowed use under the current zoning. Staff stated the applicant had secured a privilege license with the City for a recording studio. Staff presented a recommendation the item be withdrawn from consideration.

February 5, 2009

SUBDIVISION

ITEM NO.: 8 (Cont.)

FILE NO.: Z-8425

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There was no further discussion of the item. The Chair entertained a motion for approval of the Consent Agenda as presented by staff. The motion carried by a vote of 10 ayes, 0 noes and 1 absent.

February 5, 2009

ITEM NO.: 9

FILE NO.: G-23-406

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Name: Chicot Road – right-of-way abandonment

Location: West side of Chicot Road, at its intersection with S. University Avenue

Owner/Applicant: J. A. Riggs Tractor Co.

Request: To abandon approximately 0.23 acre of the Chicot Road right-of-way, located along the west side of Chicot Road, at its intersection with S. University Avenue.

Purpose: Buffer and staging of construction equipment.

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STAFF REVIEW:

Public Works Issues:

1. The subject right-of-way was purchased by the City of Little Rock as part of the federal street improvement project for University Ave. and Chicot Road. Since the property was purchased with federal monies, per federal regulations, the City is not allowed to abandon the right-of-way, sell it, or give it to another entity.
2. Obtain a franchise agreement from Public Works (Bennie Nicolo, 371-4818) for the private improvements desired in the right-of-way.

Staff Note:

As noted in the Public Works comments, this portion of the Chicot Road right-of-way was purchased with Federal funds. Therefore, the City cannot abandon any of the right-of-way and convey it to another entity. Therefore, Staff recommends this application be withdrawn, without prejudice. The applicant has the option of applying for a franchise agreement with the Public Works Department for use of the right-of-way area.

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PLANNING COMMISSION ACTION:

(FEBRUARY 5, 2009)

Staff informed the Commission that the application needed to be withdrawn, without prejudice.

The Chairman placed the item before the Commission for inclusion within the Consent Agenda for withdrawal, without prejudice. A motion to that effect was made. The motion passed with a vote of 10 ayes, 0 nays, and 1 absent. The application was withdrawn, without prejudice.

February 5, 2009

ITEM NO.: 10

FILE NO.: G-23-407

Name: Asbury Road right-of-way abandonment

Location: Asbury Road platted right-of-way;  
south of Kanis Road

Owner/Applicant: Rocket Properties, Thomas and Carol Smelley

Request: To abandon the platted but undeveloped, 40 foot wide Asbury Road right-of-way located south of Kanis Road.

Purpose: To incorporate into potential future development

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STAFF REVIEW:

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

There is no public need for this platted but undeveloped right-of-way. Both abutting property owners have requested abandonment of the right-of-way.

B. Master Street Plan:

There is no Master Street Plan issue. The street is not indicated on the plan. A new collector street is being constructed just to the west, from Kanis Road to the Woodlands Edge development.

C. Characteristics of Right-of-Way Terrain:

The right-of-way is heavily wooded and undeveloped.

D. Development Potential:

The property to the west has been zoned to PCD for development of a mixed use development containing commercial and office uses. The property to the east is residential. Once abandoned, the area of the right-of way will be incorporated into the adjacent properties.

E. Neighborhood and Land Use Effect:

A recently approved Planned Development is located adjacent to the west. A new street is now being constructed through the Planned Development, connecting Kanis Road to the Woodlands Edge development to the south. The abutting property to the west contains a single family residence on a large tract.

F. Neighborhood Position:

The abutting property owners are the applicants. No other property owners are affected. Notice of the proposed abandonment was sent to the Parkway Place and Woodlands Edge Neighborhood Associations. No comment has been received from any parties other than the applicants.

G. Effect on Public Services or Utilities:

All public services and utilities have approved the right-of-way abandonment subject to the area of the right-of-way being retained as an easement.

H. Reversionary Rights:

The street was dedicated through the 1918 plat and bill of assurance for Asbury Acres. There were no reversionary clauses. The area of the abandoned right-of-way will revert to the abutting property owners, Rocket Properties and the Smelleys.

I. Public Welfare and Safety Issues:

The street was never built and has never been used for access. A new street is under construction just to the west. Abandoning this undeveloped right-of-way will not affect public welfare and safety.

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SUBDIVISION COMMITTEE COMMENT:

(JANUARY 15, 2009)

The applicant was present. Staff presented the item and commented that the right-of-way should not be abandoned until the new street to the west is constructed and accepted by the City as public right-of-way. The applicant stated the timing of completing the street would likely coincide with this application reaching the Board of Directors. The committee determined there were no issues and forwarded the item to the Commission.

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STAFF RECOMMENDATION:

Staff recommends approval of the request to abandon the 40 foot wide undeveloped Asbury Road right-of-way located south of Kanis Road, adjacent to tracts 10, 11, 13,14,15 and 16 of Asbury acres subject to the area of the abandoned right-of-way being retained as a utility easement.

Staff recommends that the right-of-way abandonment not be approved by the Board of Directors until the new street to the west is constructed and accepted by the City as public right-of-way.

February 5, 2009

ITEM NO.: 10 (Cont.)

FILE NO. G-23-407

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PLANNING COMMISSION ACTION:

(FEBRUARY 5, 2009)

The applicant was present. There were no objectors present. Staff presented the item and a recommendation of approval, subject to 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.

February 5, 2009

There being no further business before the Commission, the meeting was adjourned at 5:12 p.m.

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Date

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Chairman

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Secretary