

LITTLE ROCK PLANNING COMMISSION  
PLANNING – REZONING – CONDITIONAL USE HEARING

MINUTE RECORD

JANUARY 28, 2010

4:00 P.M.

I. Roll Call and Finding of a Quorum

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

II. Members Present: Tom Brock  
William Changose  
Marcus Devine  
J. T. Ferstl  
Dan Harpool  
Obay Nunnley, Jr.  
Bill Rector  
Billy Rouse  
Candice Smith  
Jeff Yates

Members Absent: Troy Laha

City Attorney: Cindy Dawson

III. Approval of the Minutes of the December 17, 2009 Meeting of the Little Rock Planning Commission. The Minutes were approved as presented.

LITTLE ROCK PLANNING COMMISSION  
PLANNING – REZONING – CONDITIONAL USE HEARING  
JANUARY 28, 2010  
4:00 P.M.

I. OLD BUSINESS:

<u>Item Number:</u>	<u>File Number:</u>	<u>Title</u>
A.	<u>Z-1465-B</u>	Little Rock Prep, Inc. Charter School – Conditional Use Permit 4601 S. University Avenue
B.	<u>LU09-04-03</u>	Land Use Amendment from Office and Park/Open Space to Office NE corner of N. University Avenue and Evergreen Street
B.1.	<u>Z-1859-I</u>	Rezoning from R-2 to O-3 NE corner of N. University Avenue and Evergreen Street
C.	<u>Z-8508</u>	Rezoning from R-2 to I-2 11812 Vimy Ridge Road
D.	<u>LU09-11-01</u>	Land Use Amendment from Office to Commercial along Kaufman Road, south of Kanis Road

II. NEW BUSINESS:

<u>Item Number:</u>	<u>File Number:</u>	<u>Title</u>
1.	<u>Z-6646-A</u>	Rezoning from O-3 and I-2 to I-3 SW corner of East 15 <sup>th</sup> and Boyce Streets
2.	<u>Z-8515</u>	Rezoning from R-2 to I-2 11125 Interstate 30
3.	<u>Z-8517</u>	Rezoning from R-2 to C-4 12722 Interstate 30

II. NEW BUSINESS:

<u>Item Number:</u>	<u>File Number:</u>	<u>Title</u>
4.	<u>Z-4237-B</u>	Second Baptist Church Neighborhood Health Clinic – Conditional Use Permit 6111 West 83 <sup>rd</sup> Street
5.	<u>Z-4671-C</u>	Trinity United Methodist Church Columbarium – Conditional Use Permit 1101 N. Mississippi Avenue
6.	<u>Z-8283-A</u>	Luer Special Event Center – Conditional Use Permit 4800 Baseline Road
7.	<u>Z-8516</u>	Best Billiard Hall and Special Event Center – Conditional Use Permit 4800 Asher Avenue
8.	<u>G-25-206</u>	Commerce Street Name Change to River Market Avenue located from President Clinton Avenue to Capitol Avenue
9.		Hillcrest DOD Revision – Revisions to Ordinance No. 19,782 Hillcrest Design Overlay District for an area generally bounded by Markham Street, University Avenue, “L” Street, the north ravine of Allsopp Park, Cantrell Road and Woodrow Street.

January 28, 2010

ITEM NO.: A

FILE NO.: Z-1465-B

NAME: Little Rock Urban Prep, Inc. Charter School –  
Conditional Use Permit

LOCATION: 4601 S. University Avenue

OWNER/APPLICANT: SBF Investments II, Inc./Rick Freeling, RPM and  
Little Rock Urban Prep

PROPOSAL: A conditional use permit is requested to allow a  
charter school for young males in grades kindergarten  
through 8<sup>th</sup> grade with an enrollment cap of 696  
students on this C-4 zoned 9.14 acre tract.

---

1. SITE LOCATION:

The site is located on the east side of S. University Avenue, approximately ¼ mile south of Asher Avenue.

2. COMPATIBILITY WITH NEIGHBORHOOD:

The property is located along the S. University Avenue Commercial corridor. Just north of the site is the University/Asher/Colonel Glenn intersection which contains a wide range of C-3 commercial uses. Just north and south of the site are OS zoned floodways. The floodway designation continues to the east of the site. An undeveloped Planned Development is located north of site. South of the site are a variety of uses including a golf driving range and a church. Across S. University Avenue, uses include a technical school, the City's Animal Village, First Tee and a vacant auto sales lot. The proposed reuse of this vacant property for a school is compatible with uses and zoning in the area.

All owners of properties located within 200 feet of the site, any residents within 300 feet who could be identified and SWLR United for Progress and the University District were notified of this request.

3. ON SITE DRIVES AND PARKING:

The parking requirement for elementary and middle schools is 1 space per classroom plus 1 space for every employee plus adequate stacking space for drop-off and pickup of students. This school is proposed to have a total of 63 employees and 696 students who will be located in 36 classrooms. A total of 99 parking spaces are required. 138 spaces are proposed. Two separate drop-off/pickup areas and associated stacking lanes are proposed; one in front of the school and the second on the west

side of the school. Staff is continuing to analyze the proposed vehicle stacking to determine if it is sufficient.

4. SCREENING AND BUFFERS:

If rehabilitation costs of the project exceeds 50% of the replacement costs then the site must be brought up to code; including the landscape ordinance.

5. PUBLIC WORKS COMMENTS:

The property lies within the 100 year floodplain of Fourche Creek. No future construction of any structures, improvements to the interior of the structures over 50% of the market value of the structures are allowed without the entire structure being in compliance with the current City of Little Rock Floodplain regulations (Chapter 13). The installation of any new parking areas, or placement of fill material are not allowed within the floodplain prior to City approval and issuance of a Grading Permit for Special Flood Hazard areas. Provide an appraisal of the structure(s) prepared by a licensed appraiser. Provide an estimate of the cost of the proposed improvements to the structure prepared by a licensed contractor.

A small portion of the northeast corner of the site appears to be located in the floodway. The floodway must be shown in an easement or dedicated to the City of Little Rock. A 25 ft. access easement is required adjacent to the floodway.

Applicant needs to provide a traffic study to determine if there is sufficient room for pickup and drop-off.

6. UTILITY, FIRE DEPT. AND CATA COMMENTS:

Wastewater: Sewer available to this project.

Entergy: No Comments received.

CenterPoint Energy: No Comments received.

AT&T (SBC): No Comments received.

Water: No Objection.

Fire Department: Fire sprinklers may be required. Additional fire hydrant will be required.

County Planning: No Comments.

CATA: The site is located on a CATA bus route.

---

SUBDIVISION COMMITTEE COMMENT:

(OCTOBER 8, 2009)

The applicants were present. Staff presented the item and noted additional information was needed regarding use of the specific buildings, signage, number of employees and classrooms, site lighting, fencing, playground and outside play areas, dumpster location and vehicle stacking areas. The applicants presented a site plan showing responses to some of the issues. Staff commented that the proposed stacking space for student drop-off and pickup appeared inadequate. A discussion followed of possible alternatives.

Public Works Comments were discussed. The applicants stated they understood the floodplain issue and felt they could comply with floodplain regulations.

Fire Department and Landscape Comments were noted. Again, the applicants stated they would comply with the conditions.

The applicants were advised to respond to staff issues by Wednesday, October 14, 2009. The Committee forwarded the item to the full Commission.

---

STAFF ANALYSIS:

The C-4 zoned, 9.14 acre tract located at 4601 S. University Avenue is occupied by vacant commercial buildings and asphalt paved parking lots. The property was previously occupied by an automobile/truck sales business and has been vacant for several years. Two buildings are located on the south half of the site. The larger, one-story, metal building contains approximately 32,285 square feet in area. The second one-story, metal building contains approximately 7,287 square feet in area. The west half of the north half of the property contains a small, 800 square foot building and a large, paved parking lot. The east half of the north half of the property is currently undeveloped and tree-covered. Access to the site is via a single driveway off of a fully signalized intersection onto S. University Avenue.

Little Rock Urban Prep, Inc. is requesting approval of a conditional use permit to allow a public charter school to occupy the property. The proposed charter school will educate young men in grades kindergarten through eighth grade with an enrollment cap of 696 students. Employees will consist of 48 teachers and 15 support staff.

The larger building will be remodeled to contain offices, classrooms, kitchen, dining/auditorium and a gymnasium. The smaller building will be remodeled to contain a library/audio center and staff lounge. An addition onto the smaller building will contain additional classrooms. The two buildings will be tied together with a small addition. Playground area will be located adjacent to the main building. The new classroom addition will have a setback of 20± feet from the rear (east) property line. The C-4 zoning district typically requires a rear yard setback of 25 feet. Staff is supportive of this slight reduction in setback since the property to the east is undevelopable floodway.

The large area of asphalt paving will be removed from the west half of the north half of the property and a football field will be installed in its place. Seating bleachers and a building containing locker rooms, restrooms and concession stands will be built on the east side of the football field. A new, 72 space parking lot will be constructed on the currently undeveloped east half of the north half of the property. The Zoning Ordinance would typically require a buffer of 20 feet on the east side of the proposed new parking lot. The applicant is proposing a 9-foot wide landscape strip in this area to comply with the landscape ordinance. Staff is supportive of the reduction in the buffer depth since the property to the east is undevelopable floodway. Staff is also supportive of a reduced buffer depth along S. University in front of the new football field. Again, a 9-foot landscape strip is shown in this area. The proposed landscape strip and grassy football field are a substantial improvement over the existing asphalt parking lot that currently extends nearly to the front property line.

The existing asphalt paved area in front (west) of the main building will be configured to provide additional landscaping, parking and pickup/drop-off space. The existing buffer along S. University Avenue in this area is deficient but staff is supportive of allowing the reuse of the paved area as proposed. Additional landscaping in the form of a landscaped island and lawn will greatly enhance this area. A substantial grassy area is located in the University Avenue right-of-way as well which provides the appearance of more buffer.

The applicant has stated all remodeling and new construction will comply with the City's requirements for construction in the floodplain. The small portion of the property at the northeast corner of the site has been indicated as floodway and will be shown as an easement. Site lighting will consist of parking lot/driveway lighting and football field lighting. A single ground mounted sign will be placed on the site. Signage will comply with that allowed in commercial zones. No fencing is currently shown on the site plan; however, it is anticipated that the playground area and ball field will be fenced.

In response to staff's request, the applicant has shown areas for stacking of vehicles and multiple locations for drop-off and pickup of students. Staff is

January 28, 2010

ITEM NO.: A (Cont.)

FILE NO.: Z-1465-B

continuing to work with the applicant to determine if the stacking is sufficient to prohibit vehicles from stacking onto S. University Avenue.

To staff's knowledge there are no other outstanding issues. The proposed school is a good reuse of a vacant site, which could lead to additional revitalization of unused properties in the area. There is no bill of assurance covering this acreage tract.

---

STAFF RECOMMENDATION:

Staff is supportive of the proposed C.U.P. The final recommendation is forthcoming, depending upon resolution of the vehicle stacking question.

---

PLANNING COMMISSION ACTION:

(NOVEMBER 5, 2009)

The applicants were not present. There were no objectors present. Staff informed the Commission that, on October 27, 2009, the applicants had requested deferral of the item to the December 17, 2009 agenda to allow time to work with staff on traffic issues. There was no further discussion.

The item was placed on the consent agenda and approved for deferral by a vote of 7 ayes, 0 noes, 2 absent and 2 open positions.

---

STAFF UPDATE:

On November 17, 2009, the applicant requested deferral of the item to the January 28, 2010 meeting to allow additional time to work on traffic issues. Staff supports the deferral request.

---

PLANNING COMMISSION ACTION:

(DECEMBER 17, 2009)

The applicants were not present. There were no objectors present. Staff informed the Commission that the applicants had requested deferral of the item to the January 28, 2010 meeting to allow additional time to work on traffic issues. There was no further discussion. The item was placed on the consent agenda and approved for deferral by a vote of 8 ayes, 0 noes, 1 absent and 2 open positions.

STAFF UPDATE:

The requested traffic study was completed and reviewed by City Staff. The revised plan results in two separate drop-off/pick up areas. Both areas are accessed from the driveway located along the west side of the property, in front of the existing building. K-4 drop-off/pick up is located in front of the existing building. A new driveway will extend around the south side of the existing building and continue north between the two buildings. The second drop-off/pick up point will be in this area. Modifications were made to the main entry driveway to prevent conflicting traffic movements and to clearly define the traffic pattern for the drop-off/pick up traffic. The site will contain 118 parking spaces, still in excess of the 99 spaces required by the Code. The City's Traffic Engineering staff has reviewed and approved the plan. To staff's knowledge, there are no outstanding issues.

---

STAFF RECOMMENDATION:

Staff recommends approval of the requested CUP subject to compliance with the comments and conditions outlined in Sections 4, 5 and 6 of the agenda Staff Report.

---

PLANNING COMMISSION ACTION:

(JANUARY 28, 2010)

The applicant was present. There were no objectors present. Staff presented the item and a recommendation of approval subject to compliance with the conditions as noted 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 9 ayes, 0 noes and 2 absent.

January 28, 2010

ITEM NO.: B

FILE NO.: LU09-04-03

Name: Land Use Plan Amendment – Heights Hillcrest Planning District

Location: the northeast corner of Evergreen and University Avenue

Request: Park/Open Space and Office to Office

Source: William C. Goolsby

PROPOSAL / REQUEST:

A Land Use Plan amendment in the Heights Hillcrest Planning District from Park/Open Space and Office to Office. The office category represents services provided directly to consumers (e.g., legal, financial, medical) as well as general offices which support more basic economic activities.

EXISTING LAND USE AND ZONING:

The property is about one acre in size and is currently zoned R-2 Single Family and O-3 General Office. The area fronting University Avenue and Evergreen Drive is shown R-2 zoning with the O-3 portion facing Van Circle. This site is wooded and undeveloped. The area immediately west of this site is zoned R-2 and is developed with single family residences. The area immediately south of this site is shown as O-2 and is undeveloped. Southeast of this site is zoned R-2 with a conditional use for an elementary school. The southwest corner of University and Evergreen Drive is zoned O-3 and is developed with medical offices that front University Avenue.

FUTURE LAND USE PLAN AND RECENT AMENDMENTS:

The amendment site is currently shown as Park/Open Space and Office on the Future Land Use Plan. The Park/Open Space is a strip about 100 feet wide that fronts University Avenue and Evergreen Drive. The Park/Open Space strip extends north and east of this amendment site. The Office extends are Van Circle. West of this site is all shown as Residential Low Density. South of this site is shown as Public Institutional. Southwest is shown as Office.

May 18, 2004, Ordinance 19095 was passed to amend the northeast corner of the Markham and University intersection from Multi Family and Office to Community Shopping.

MASTER STREET PLAN:

University Avenue 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. Evergreen Drive is a Collector. The primary function of a Collector Street is to provide a connection from Local Streets to Arterials. Entrances and exits should be limited to minimize negative effects of traffic and pedestrians on University Avenue since it is a Principal Arterial. 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.

PARKS:

According to the Master Parks Plan, this area is within eight blocks of a park or open space. Prospect Terrace Park on L Street is the closest park within range, and a school is located just south of the application site.

HISTORIC DISTRICTS:

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

CITY RECOGNIZED NEIGHBORHOOD ACTION PLAN:

This area is included in the Heights Area Neighborhood Action Plan. The Zoning goal states: "Require all non-residential development to submit a Planned Development 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."

ANALYSIS:

The current application was filed with an attached rezoning for the northeast corner of University Avenue and Evergreen Drive. The request is a change from Park/Open Space to Office and from R-2 Single Family to O-3 General Office. This area has been shown as Park/Open Space for many years and has never been developed. This portion of University Avenue is a Minor Arterial and has been developed as an office corridor. This amendment site is surrounded on three sides by office zonings. A portion of this property owner's area is already shown as Office on the Future Land Use plan and is already zoned O-3.

This area is currently shown as Park/Open Space which significantly impacts the property owners ability to develop the land. The Park/Open Space has been on the future land use plan for a very long time and staff is not able to determine why this PK/OS buffer was originally placed on this arterial/collector corner. A

January 28, 2010

ITEM NO.: B (Cont.)

FILE NO.: LU09-04-03

change to Office would be an appropriate change and would fit in with the character of University Avenue. The area is not big enough or configured to be used as a recreation use and there is not a need to have an 'OS' buffer between Office use and a school or other office uses.

NEIGHBORHOOD COMMENTS:

Notices were sent to the following neighborhood associations: Hillcrest, Evergreen and South Normandy. Staff has received two comments from area residents.

STAFF RECOMMENDATIONS:

Staff believes the change is appropriate.

---

PLANNING COMMISSION ACTION:

(DECEMBER 17, 2009)

There being only eight Planning Commissioners present the Applicant requested that the item be deferred until January 28, 2010. A motion was made to defer the item to the January 28, 2010 Planning Commission meeting. By a vote of 8 for and 0 against the item was deferred.

---

STAFF UPDATE:

There have been no changes to this application.

---

PLANNING COMMISSION ACTION:

(JANUARY 28, 2010)

Walter Malone, Planning Staff reviewed the Land Use Plan designations in the area. Mr. Malone indicated the Park/Open Space area appears to have been for a buffer from University Avenue and the uses to the west and south. This was to 'protect' a proposed development that did not occur. The zoning and land use is office/institutional to the south and a major street is to the west. It is not normal practice to buffer office from other office or a major street. Staff is supportive of changing the Plan and removing the Open Space 'buffer' on the Plan.

Mr. Monte Moore, Planning Staff reviewed the related re-classification (see item B.1 Z-1859-I for a full minutes of Mr. Moore's comments and citizen comments). A motion was made to approve the Plan change as filled, by a vote of 9 for 1 against the motion was approved.

January 28, 2010

ITEM NO.: B.1

FILE NO.: Z-1859-I

Owner:	William and Deborah Goolsby and Roy Jolly
Applicant:	William Goolsby
Location:	Northeast corner of N. University Avenue and Evergreen Street
Area:	Approximately 1.42 Acres
Request:	Rezone from R-2 to O-3
Purpose:	Future office development
Existing Use:	Undeveloped

---

#### SURROUNDING LAND USE AND ZONING

North – Undeveloped strip and office use; zoned R-2 and O-3

South – Undeveloped property and middle school campus (across Evergreen Street); zoned O-2 and R-2

East – Office/Clinic uses; zoned O-3

West – Single family residences (across University Avenue); zoned R-2

#### A. PUBLIC WORKS COMMENTS:

1. The centerline of the University Avenue right-of-way is not shown. University Avenue is classified on the Master Street Plan as a principal arterial. Dedication of right-of-way to 55 feet from centerline will be required.
2. With site development, provide design of street conforming to the Master Street Plan. Construct a right turn lane on Evergreen Street including moving the 5-foot sidewalks with planned development.
3. Where a principal arterial street (University Avenue) intersects an existing collector street (Evergreen Street), the applicant shall dedicate an additional 10 ft. of right-of-way beyond that required for a collector street (60 ft.), measured from the centerline of the right-of-way for a right turn lane. This additional right-of-way shall normally be 250 ft. in length measured from the intersecting right-of-way lines shall normally have a radius of 75 to 100 ft.

4. At time of development, sidewalks with appropriate handicap ramps are required to be installed along University Avenue in accordance with Sec. 31-175 of the Little Rock Code and the Master Street Plan.

B. PUBLIC TRANSPORTATION ELEMENT:

The site is located on CATA Bus Route #21 (University Avenue Route). Route No. 8 (Rodney Parham Route) runs along "H" Street to the south.

C. PUBLIC NOTIFICATION:

All owners of property located within 200 feet of the site, all residents within 300 feet who could be identified, and the Hillcrest, Evergreen, South Normandy, Normandy-Shannon and Prospect Terrace Neighborhood Associations were notified of the rezoning request.

D. LAND USE ELEMENT:

This request is located in the Heights Planning District. The Land Use Plan shows Park/Open Space/Office for this property. The applicant has applied for a rezoning from R-2 to O-3.

A Land Use Plan amendment is a separate item on this agenda.

Master Street Plan:

University Avenue 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. Evergreen Drive is a Collector. The primary function of a Collector Street is to provide a connection from Local Streets to Arterials. Entrances and exits should be limited to minimize negative effects of traffic and pedestrians on University Avenue since it is a Principal Arterial. 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 included in the Heights Area Neighborhood Action Plan. The Zoning goal states: "Require all non-residential development to submit a Planned Development 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.”

E. STAFF ANALYSIS:

William and Deborah Goolsby and Roy Jolly, owners of approximately 1.42 acres of property located at the northeast corner of N. University Avenue and Evergreen Street, are requesting to rezone the property from “R-2” Single Family District to “O-3” General Office District. The rezoning is proposed for future office development. The property consists of part of Lots 3-C-AR and 3-C-BR, Hillside Village Subdivision.

The property proposed for rezoning is made up of a 100 foot wide strip along N. University Avenue and a 50 foot wide strip along Evergreen Street which were zoned R-2 in 1965. The property was zoned R-2 to serve as a buffer for the overall zoning (approximately 50 acres) to the north and east. At the time the zoning took place, it was anticipated that a large hospital campus would be developed.

The site is currently undeveloped and mostly tree covered. The property slopes downward from east to west and north to south. There is a drainage way which runs north/south along the west property line.

The general area contains a mixture of uses and zoning. There are office/clinic uses immediately north and east of the site, with multifamily developments further north and east. Single family residences are located across N. University Avenue to the west. Office uses are located to the southwest, across the intersection of N. University Avenue and Evergreen Street. Undeveloped O-2 zoned property and the Forrest Heights Middle School Campus are located to the south, across Evergreen Street.

The City’s Future Land Use Plan designates this property as park/open space. A Land Use Plan amendment to office is a separate application on this agenda.

Staff is supportive of the requested rezoning to O-3. Staff views the request as reasonable. The property requested for rezoning is area that was set aside (and zoned R-2) as a buffer area, as part of a much larger piece of property (approximately 50 acres) that was planned for a large hospital campus development. Of course, the hospital development never materialized. The overall property developed into a variety of uses, with the Prospect Building to the north, and multifamily and small office uses at the center and south portions. The property immediately north and east of the subject property developed as small (one and two-story) office/clinical-

type uses in more of a park-like setting. Staff believes continuation of the small office-type development to this property will have no adverse impact on the surrounding properties. The applicant needs to be aware of the fact that the property consists of pieces of two (2) platted lots, and before ownership of the lots can be split and a building permit issued for new development, a replat must be filed with staff.

F. STAFF RECOMMENDATION:

Staff recommends approval of the requested O-3 rezoning.

---

PLANNING COMMISSION ACTION:

(DECEMBER 17, 2009)

William Goolsby was present, representing the application. There was one (1) person present in opposition. Mr. Goolsby requested the application be deferred to the January 28, 2010 Agenda based on the fact that only eight (8) commissioners were present. The deferral was offered by the Commission.

There was a motion to defer the application to the January 28, 2010 Agenda. The motion passed by a vote of 8 ayes, 0 nays, 1 absent and 2 open positions.

---

PLANNING COMMISSION ACTION:

(JANUARY 28, 2010)

William Goolsby was present, representing the application. There were six (6) persons present in opposition. Staff presented the application with a recommendation of approval.

William Goolsby addressed the Commission in support of the application. He reserved speaking time to address concerns raised by the other persons present.

Esther Rogers addressed the Commission in opposition to the application. She asked where the access drive(s) to the property would be. Staff noted that this being a straight rezoning application, no site development issues had been addressed. Mrs. Rogers noted concerns with property values and the proximity of nearby schools. She explained that traffic to and from the site was an issue, noting that there had been several accidents at the intersection of University and Evergreen. She noted that there was vacant office space in the area. The topography of the site was also discussed as a concern.

Williams Goolsby addressed the Commission. He explained that his development of the property as office would not have an adverse impact on traffic in the area. Access to the property was discussed. Mr. Goolsby explained

that access to the site would probably be from a driveway from Evergreen Street, across from the west entry drive to the Forest Heights Middle School campus. He explained that development of the property would not be immediate. He noted that his office development would be in character with other office developments in the area.

Commissioner Devine asked when the property would be developed. Mr. Goolsby explained that he did not know exactly. He stated that he did not have a buyer for the property, and the rezoning was for future development.

Commissioner Nunnley asked if site plan review would be required for the property. Staff noted that site plan review would be required only if multiple buildings were proposed.

The topography of the property was discussed. Walt Simpson addressed the Commission, noting that the property was too sloped for development. Mr. Goolsby explained that office development of the property would have no adverse impact on the nearby schools. The issue of the configuration of the property was discussed. Jonathan Rogers also addressed the Commission in opposition.

There was a motion to approve the Land Use Plan Amendment for the property (LU09-04-03). The motion passed by a vote of 9 ayes, 1 nay and 1 absent.

There was a second motion to approve the rezoning application. The motion passed by a vote of 9 ayes, 1 nay and 1 absent. The rezoning was approved.

January 28, 2010

ITEM NO.: C

FILE NO.: Z-8508

Owner: William Spencer  
Applicant: William Spencer and Eron McCullar  
Location: 11812 Vimy Ridge Road  
Area: 1.34 Acres  
Request: Rezone from R-2 to I-2  
Purpose: Auto sales  
Existing Use: Single family residence

---

SURROUNDING LAND USE AND ZONING

North – Light industrial use and church; zoned I-2 and R-2

South – Single family residence and convenience store;  
zoned R-2 and C-3

East – Undeveloped property (across Vimy Ridge Road);  
zoned I-3

West – Light industrial use; zoned I-2

A. PUBLIC WORKS COMMENTS:

1. Vimy Ridge 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.

B. PUBLIC TRANSPORTATION ELEMENT:

The site is not located on a CATA bus route.

C. PUBLIC NOTIFICATION:

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

D. LAND USE ELEMENT:

This request is located in the Otter Creek Planning District. The Land Use Plan shows Light Industrial for this property. The applicant has applied for a rezoning from R-2 to I-2 Light Industrial.

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

Master Street Plan:

Vimy Ridge Road is a Minor Arterial on the Master Street Plan. 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.

Bicycle Plan:

There are no bike routes shown in the immediate vicinity.

Neighborhood Action Plan:

This area is located within the Chicot West – I-30 South Neighborhood Plan area. The Plan calls for the widening of Alexander Road and Vimy Ridge Road. The Plan asks that the City of Little Rock review the zoning and Land Use Plan for this area every three to five years.

E. STAFF ANALYSIS:

William Spencer, owner of 1.34 acres of property located at 11812 Vimy Ridge Road, is requesting to rezone the property from “R-2” Single Family District to “I-2” Light Industrial District. The property is located on the west side of Vimy Ridge Road, approximately 500 feet north of Alexander Road. The rezoning is proposed for a small auto sales use.

A one-story brick and frame single family residence is located within the north half of the property. There is a one-car wide driveway from Vimy Ridge Road near the northeast corner of the property. The rear portion of the property is partially tree-covered.

The general area contains a mixture of uses and zoning. A light industrial use, zoned I-2, is located immediately north and west of the subject property. Undveloped I-3 zoned property is located across Vimy Ridge Road to the east, with an industrial use to the northeast. A single family residence (also owned by William Spencer) is located immediately to the

south. A convenience store and undeveloped C-3 zoned property are located further south at the intersection of Vimy Ridge Road and Alexander Road.

The City's Future Land Use Plan designates this property as "Light Industrial". The proposed I-2 zoning does not require an amendment to the future plan.

Staff is supportive of the requested rezoning to I-2. Staff views the request as appropriate. As noted previously, the property is designated as "Light Industrial" by the City's Future Land Use Plan. All surrounding properties are designated as "Light Industrial" and "Industrial". The properties immediately north and west are currently zoned I-2 and occupied by a large light industrial use. The property across Vimy Ridge Road to the east is undeveloped and zoned I-3. Staff believes continuation of the light industrial zoning along the west side of Vimy Ridge Road will have no adverse impact on the adjacent properties or general area.

F. STAFF RECOMMENDATION:

Staff recommends approval of the requested I-2 rezoning.

---

PLANNING COMMISSION ACTION:

(DECEMBER 17, 2009)

Staff informed the Commission that the application needed to be deferred to the January 28, 2010 Agenda.

The item was placed on the Consent Agenda and deferred to the January 28, 2010 agenda, as recommended by staff, by a vote of 8 ayes, 0 nays, 1 absent and 2 open positions.

---

PLANNING COMMISSION ACTION:

(JANUARY 28, 2010)

The applicants were present. There were no objectors present. Staff presented the item and a recommendation of approval. There was no further discussion. The item was placed on the consent agenda and approved as recommended by staff. The vote was 9 ayes, 0 noes and 2 absent.

January 28, 2010

ITEM NO.: D

FILE NO.: LU09-11-01

Name: Land Use Plan Amendment – I-430 Planning District

Location: both sides of Kaufman Road, south of Kanis Road

Request: Office to Commercial

Source: John McKay, Rector, Phillips, Morse, Inc.

PROPOSAL / REQUEST:

Land Use Plan amendment in the I-430 Planning District from Office to Commercial. Commercial represents a broad range of retail and wholesale services.

EXISTING LAND USE AND ZONING:

The property is zoned O-3 General Office and is approximately 11 acres in size. The site is partially used for seven single family residences and is partially vacant. There is also a small cemetery in the southern portion of the amendment site. The area to the west of this site is zoned O-2 with multiple conditional use permits for the Arkansas Heart Hospital, two hotels, two banks, and two restaurants. The area north of this amendment site is also zoned O-2 and has long been used for the Farm Bureau offices. South and east of this site is bounded by Interstate 430.

FUTURE LAND USE PLAN AND RECENT AMENDMENTS:

There has been one land use plan amendment in this vicinity since 2000. Ordinance 20070 was approved in 2008 to change the property at the southwest corner of Kanis and Shackleford Roads from Community Shopping to Commercial. The southeast corner of that intersection was also proposed to change from Office to Commercial, but the application was withdrawn.

This area is shown as Office on the Plan. Office is also shown immediately north and south of this area. The area west of this amendment is shown as Commercial and Suburban Office. The area east of this site is shown as Suburban Office.

MASTER STREET PLAN:

Kanis and Shackelford Roads are both Minor Arterials on the Master Street Plan. 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 these streets since they are Minor Arterials. These streets may require dedication of right-of-way and may require street improvements for entrances and exits to the site. Kaufman Road is 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.

BICYCLE PLAN:

There are no bike routes shown in this immediate vicinity.

PARKS:

According to the Master Parks Plan, this area is within eight blocks of a city park. Camp Aldersgate is located just south of Interstate 430.

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 the John Barrow Neighborhood Plan. Their Business and Commercial Goal states: "To enhance the climate directed towards encouraging new businesses and commercial establishments to located in the area as well as retention of existing businesses."

ANALYSIS:

This amendment area is located along both sides of Kaufman Road, which is just south of Kanis Road. This area has been shown on the Land Use Plan as Office for more than ten years. This amendment would add approximately 11 acres of new commercial use area, changing from Office to Commercial. The amendment site is bounded on the east and south sides by Interstate 430. This interstate has been designated as a scenic corridor, so any development in this area must ensure the scenic views are protected.

This area of Little Rock has seen major growth in the last ten years. The land along Shackleford south of I-430 has become a major community shopping center and the neighborhood to the east of I-430 has seen a renewal of interest with the influx of new development and growth. While Hicks Interurban is an older subdivision, the neighborhood has seen 85 single family building permits issued since 2000 between Aldersgate Road and Junior Deputy Road.

Kanis Road has long been developed as an office corridor, and the future land use plan has aimed to keep the commercial uses along Kanis to the west of Shackleford Road. There is still vacant and undeveloped land west of this site that is shown as Commercial on the future land use plan and zoned for commercial use. There does not seem to be a need for more commercial land in this area. Commercial is already located at the northwest and southwest corners of the Kanis/Shackleford intersection, and there is a non-conforming restaurant use on the southeast corner.

While this area has been changing over the past ten to twenty years, the amendment site has remained largely unchanged. It is still used as a residential street with substandard road conditions. A small cemetery is located at the southeastern portion of this amendment site, which will need to be factored in to any future development.

Kaufman Road is also used as an access to the Heart Hospital back parking lot. Any redevelopment of the land would have to take this into consideration. This amendment site is in close proximity to a very busy intersection with high volumes of western bound traffic. There is also concern about how a commercial development would be configured on this site with limited access for retail use. I-630 has been designated a scenic corridor, the area requesting a change prior frontage is along the interstate. Retail and commercial uses tend to want more signage which is counter to the goals of a scenic corridor. Staff has worked to keep this portion of Kanis reserved for an office corridor and to keep the commercial uses at the main intersections.

NEIGHBORHOOD COMMENTS:

Notices were sent to the following neighborhood association: John Barrow. Staff has received no comments from area residents.

STAFF RECOMMENDATIONS:

Staff believes the change is not appropriate.

January 28, 2010

ITEM NO.: D (Cont.)

FILE NO.: LU09-11-01

---

PLANNING COMMISSION ACTION:

(DECEMBER 17, 2009)

There being only eight Planning Commissioners present the Applicant requested that the item be deferred until January 28, 2010. A motion was made to defer the item to the January 28, 2010 Planning Commission meeting. By a vote of 8 for and 0 against the item was deferred.

---

STAFF UPDATE:

There have been no changes to this application.

---

PLANNING COMMISSION ACTION:

(JANUARY 28, 2010)

Walter Malone, Planning Staff reviewed the Plan designations in the area. Mr. Malone indicated that I-630 was a scenic corridor and commercial on small lots along it could lead to more signage which we would not like to see. Staff has to assume the area would redevelop as is with the multiple lots and a street down the middle. With the existing traffic patterns, parcel make-up, location and orientation, staff does not believe this would a better commercial than office location. Staff agrees that the existing use pattern of residential is appropriate to change to non-residential, but can not support this change from Office to Commercial on the Plan.

Mr. John McKay, representing the ownership and applicant, addressed the Commission. He asked the Commission and Staff how long the area had been Office and not redeveloped – twenty or more years. Mr. McKay reviewed the existing conditions and ownerships. He also reviewed some of the recent developments along Shackelford Road adjacent to the ownership. Mr. McKay questioned the lack of development required on Kaufman Road by several developments on Kaufman but only accessing Shackelford Road. Mr. McKay also discussed some of the recent Land Use Plan and re-classifications adjacent or near the ownership.

Mr. Mike McGrew addressed the Commission to speak in support of the application.

Ms. Ruth Bell, League of Women Voters reminded the Commission of the scenic corridor and the need to stay with the Plan.

Mr. McKay readdressed the Commission and indicated there was a need to re-develop the land and commercial was the best option for the redevelopment.

January 28, 2010

ITEM NO.: D (Cont.)

FILE NO.: LU09-11-01

---

There were a few questions about possible redevelopment (there are no specific plans but any development proposal would have to be reviewed through the zoning process). A few of the Commissioners expressed concern with changing the area with the current ownership pattern and lot configuration and that possibly a Planned Development or a development proposal to review would help.

A motion was made to approve the Plan change by a vote of 0 for and 10 against the motion failed.

January 28, 2010

ITEM NO.: 1

FILE NO.: Z-6646-A

Owner: Golden Eagle of Arkansas, Inc.  
Applicant: Tim Daters, White-Daters and Associates  
Location: Southwest corner of East 15<sup>th</sup> and Boyce Streets  
Area: Approximately 0.83 Acre  
Request: Rezone from O-3 and I-2 to I-3  
Purpose: Parking lot  
Existing Use: Undeveloped

---

#### SURROUNDING LAND USE AND ZONING

North – Restaurant and beverage distributorship (across East 15<sup>th</sup> Street); zoned I-3

South – Single family residences (across East 16<sup>th</sup> Street); zoned R-3

East – Parking lot (across Boyce Street); zoned I-3

West – Light industrial uses; zoned I-2

#### A. PUBLIC WORKS COMMENTS:

1. Due to the proposed use of the property, the Master Street Plan specifies that Boyce Street and East 16<sup>th</sup> Street for the frontage of this property must meet commercial street standards. Dedicate right-of-way to 30 feet from centerline.
2. A 20 foot radial dedication of right-of-way is required at the intersection of East 15<sup>th</sup> Street and Boyce Street.

#### B. PUBLIC TRANSPORTATION ELEMENT:

The site is located on CATA Bus Route #20 (College Station Route).

#### C. PUBLIC NOTIFICATION:

All owners of property located within 200 feet of the site, all residents within 300 feet who could be identified, and the Hanger Hill and East Little Rock Neighborhood Associations were notified of the rezoning request.

D. LAND USE ELEMENT:

This request is located in the I-30 Planning District. The Land Use Plan shows Industrial for this property. The applicant has applied for a rezoning from O-3 and I-2 Light Industrial to I-3 Industrial District.

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

Master Street Plan:

East 15<sup>th</sup> Street is a Collector. The primary function of a Collector Street is to provide a connection from Local Streets to Arterials. Boyce Street is 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 in the immediate vicinity.

Neighborhood Action Plan:

This area is covered by the East of I-30 Neighborhood Plan. The Plan does not address this issue.

E. STAFF ANALYSIS:

Golden Eagle of Arkansas, Inc., owner of the 0.83 acre property located at the southwest corner of East 15<sup>th</sup> Street and Boyce Street, is requesting to rezone the property from "O-3" General Office District and "I-2" Light Industrial District to "I-3" Industrial District. The rezoning is proposed for construction of a new parking lot to serve the large beverage distributorship business located across East 15<sup>th</sup> Street to the north. The property consists of Lots 45 and 46, Garden Homes Addition to the City of Little Rock. The property also fronts East 16<sup>th</sup> Street along its southern boundary.

The 0.83 acre property is currently undeveloped and mostly grass-covered. There are a few mature trees on the site. The overall site is mostly fenced with chain-link fencing. There is a gravel driveway from East 16<sup>th</sup> Street which served a residence which previously existed on the site.

The general area is predominantly zoned I-2 and I-3 with existing light industrial and industrial uses. There is a large beverage distributorship (also owned by Golden Eagle of Arkansas) located across East 15<sup>th</sup> Street to the north. A small restaurant is also located to the north. Industrial uses and light industrial uses are located east and west of the site. Single family residences are located to the south across East 16<sup>th</sup> Street.

The City's Future Land Use Plan designates this property as "Industrial". The proposed rezoning to I-3 does not require an amendment to the future plan.

Staff is supportive of the requested rezoning to I-3. Staff views the request as reasonable. The property is proposed for development of a parking lot to serve the beverage distributorship on the I-3 zoned property to the north across East 15<sup>th</sup> Street. This property, as well as the properties to the north, east and west, is designated as "Industrial" by the City's Future Land Use Plan. Staff believes continuation of the industrial zoning in this area, onto this property, is appropriate and will have no adverse impact on the adjacent properties or general area.

F. STAFF RECOMMENDATION:

Staff recommends approval of the requested I-3 rezoning.

---

PLANNING COMMISSION ACTION:

(JANUARY 28, 2010)

The applicants were present. There were no objectors present. Staff presented the item and a recommendation of approval. There was no further discussion. The item was placed on the consent agenda and approved as recommended by staff. The vote was 9 ayes, 0 noes and 2 absent.

January 28, 2010

ITEM NO.: 2

FILE NO.: Z-8515

Owner: A and L Energy, Inc.  
Applicant: Robert Brown, Development Consultants, Inc.  
Location: 11125 Interstate 30  
Area: Approximately 6 Acres  
Request: Rezone from R-2 to I-2  
Purpose: Light Industrial Use  
Existing Use: Light Industrial Use

---

SURROUNDING LAND USE AND ZONING

North – Cemetery and mixed commercial uses (across I-30);  
zoned R-2, C-4 and PCD

South – Single family residences (across Meadow Lane);  
zoned R-2

East – Mixed light industrial uses; zoned I-2

West – Commercial/light industrial uses; zoned I-2

A. PUBLIC WORKS COMMENTS:

1. Due to the proposed use of the property, the Master Street Plan specifies that Meadow Lane for the frontage of this property must meet commercial street standards. Dedicate right-of-way to 30 feet from centerline. The centerline of the Meadow Lake right-of-way is not shown on the survey. The right-of-way should be dedicated to conform with the existing radius of the street.

B. PUBLIC TRANSPORTATION ELEMENT:

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

C. PUBLIC NOTIFICATION:

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

D. LAND USE ELEMENT:

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

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

Master Street Plan:

Interstate 30 is a freeway and is controlled by the State Highway Department.

Bicycle Plan:

There are no bike routes shown in the immediate vicinity.

Neighborhood Action Plan:

This area is covered by the Chicot West I-30 South Neighborhood Plan. Their Economic Development goal states: "Attract more light industrial uses to the area."

E. STAFF ANALYSIS:

A and L Energy, Inc., owner of the six (6) acre property located at 11125 Interstate 30, is requesting to rezone the property from "R-2" Single Family District to "I-2" Light Industrial District. The property is located on the south side of Interstate 30, approximately 1,000 feet east of the I-30/I-430 intersection. The rezoning is proposed to recognize the past (nonconforming) light industrial use of the property.

The property is currently occupied by a fence company. There is a structure housing offices and a warehouse-type structure located within the south half of the property. There is a gravel driveway from the I-30 frontage road, which serves as access to the site. A gravel parking area is located on the north side of the buildings. Areas of the property north, east and west of the existing buildings and gravel parking are used as outdoor storage of fence materials. There is Meadow Lane street frontage along the south (rear) and portion of the east side property lines.

The general area contains a mixture of uses and zoning. There are light industrial uses (zoned I-2) located east and west of the subject property,

along the south side of I-30. Single family residences are located to the south across Meadows Lane. A cemetery and mixed commercial uses (zoned R-2, C-4 and PCD) are located across I-30 to the north and northeast.

The City's Future Land Use Plan designates this property as "Light Industrial". The proposed I-2 zoning does not require an amendment to the future plan.

Staff is supportive of the requested rezoning to I-2. Staff views the request as reasonable. A nonconforming light industrial use has existed on the property for a number of years. The rezoning is proposed to essentially recognize the past use of the property. As noted previously, the City's Future Land Use Plan designates this property as "Light Industrial", as well as the property immediately east and west. The requested I-2 zoning represents a continuation of the light industrial zoning and uses along the south side of a major interstate. Staff believes the rezoning of this property to I-2 will have no adverse impact on the surrounding properties or the general area.

F. STAFF RECOMMENDATION:

Staff recommends approval of the requested I-2 rezoning.

---

PLANNING COMMISSION ACTION:

(JANUARY 28, 2010)

The applicants were present. There were no objectors present. Staff presented the item and a recommendation of approval. There was no further discussion. The item was placed on the consent agenda and approved as recommended by staff. The vote was 9 ayes, 0 noes and 2 absent.

January 28, 2010

ITEM NO.: 3

FILE NO.: Z-8517

Owner: Mountain Investments, LLC  
Applicant: Tim Zimmerman  
Location: 12722 Interstate 30  
Area: 4.20 Acres  
Request: Rezone from R-2 to C-4  
Purpose: Future commercial development  
Existing Use: Undeveloped

---

SURROUNDING LAND USE AND ZONING

North – Undeveloped property; zoned R-2

South – Mixed commercial/light industrial uses (across I-30);  
zoned R-2, C-4, I-2 and PCD

East – Undeveloped property; zoned R-2

West – Equipment storage and motel; zoned R-2

A. PUBLIC WORKS COMMENTS:

1. Portions of the property are shown in the 100 yr. floodplain. A Letter of Map Revision was recently approved for this property by FEMA. A special Grading Permit for Flood Hazard Areas will be required per Sec. 8-283 prior to construction.

B. PUBLIC TRANSPORTATION ELEMENT:

The site is not located on a CATA bus route.

C. PUBLIC NOTIFICATION:

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

D. LAND USE ELEMENT:

This request is located in the Otter Creek Planning District. The Land Use Plan shows Mixed Commercial Industrial for this property. The applicant has applied for a rezoning from R-2 to C-4 Open Display District. The request does not require a change to the Land Use Plan.

Master Street Plan:

Interstate 30 is a freeway and is controlled by the State Highway Department.

Bicycle Plan:

A Class I bikeway is proposed for a site just north of this application. A Class I bikeway is built separate from or alongside a road. Additional paving and right-of-way may be required.

Neighborhood Action Plan:

This area is covered by the Otter Creek Crystal Valley Neighborhood Plan. The Office and Commercial Development Goal states: "Support other more intense uses to locate on the peripheral of our study area where interstate traffic will support their larger markets."

E. STAFF ANALYSIS:

Mountain Investments, LLC., owner of the 4.20 acre property located at 12722 Interstate 30, is requesting to rezone the property from "R-2" Single Family District to "C-4" Open Display District. The property is located on the north side of Interstate 30, just west of the Geyer Springs First Baptist Church development. The rezoning is proposed for future commercial development of the property.

The site is currently undeveloped and mostly grass-covered. There is a gravel driveway from the I-30 frontage road which serves as access to the property. There is a wide drainage ditch along the front property line. The center portion of the property is at a lower grade than the remainder of the property. Additionally, there is a billboard located at the southwest corner of the site.

The general area contains a mixture of uses and zoning. There is a light industrial-type use and a motel immediately to the west, with undeveloped C-4 zoned property further west. Undeveloped R-2 zoned property is

located to the north and east. The Geyer Springs First Baptist Church development is located further to the east. A mixture of commercial and light industrial uses (zoned C-4, PCD, I-2 and R-2) is located across Interstate 30 to the south.

The City's Future Land Use Plan designates this property as "Mixed Commercial Industrial". The proposed rezoning to C-4 does not require an amendment to the future plan.

Staff is supportive of the requested rezoning to C-4. Staff views the request as reasonable. The property is located in an area of mixed commercial and industrial uses along the frontage of a major interstate. The requested C-4 zoning does conform to the future plan designation of "Mixed Commercial Industrial". Staff believes the future commercial development of this property will have no adverse impact on the adjacent properties or the general area.

F. STAFF RECOMMENDATION:

Staff recommends approval of the requested C-4 rezoning.

---

PLANNING COMMISSION ACTION:

(JANUARY 28, 2010)

The applicants were present. There were no objectors present. Staff presented the item and a recommendation of approval. There was no further discussion. The item was placed on the consent agenda and approved as recommended by staff. The vote was 9 ayes, 0 noes and 2 absent.

January 28, 2010

ITEM NO.: 4

FILE NO.: Z-4237-B

NAME: Second Baptist Church Neighborhood Health Clinic –  
Conditional Use Permit

LOCATION: 6111 West 83<sup>rd</sup> Street

OWNER/APPLICANT: Second Baptist Church/Rev. Kevin Kelly, Pastor

PROPOSAL: A conditional use permit is requested to allow for the use of a portion of this existing church building for a free neighborhood health clinic. The property is zoned R-2.

---

1. SITE LOCATION:

The property is located on the south side of West 83<sup>rd</sup> Street, one lot west of Geyer Springs Road.

2. COMPATIBILITY WITH NEIGHBORHOOD:

The church has been a part of this neighborhood for many years. A LRSD middle school is located to the west. A charter school and vacant C-3 zoned property are adjacent to the east. A day care center and vacant property are adjacent to the south. Vacant, O-3 zoned property is located across West 83<sup>rd</sup> to the north. Allowing the use of a portion of the existing church facilities for this health clinic ministry will not affect the church's continued compatibility with the neighborhood.

All owners of properties located within 200 feet of the site, all residents within 300 feet who could be identified and the Cloverdale and SWLR United for Progress Neighborhood Associations were notified of this proposal.

3. ON SITE DRIVES AND PARKING:

Access to the site is primarily off of a driveway onto West 83<sup>rd</sup> Street. Secondary driveways are located on Holland Lane. A driveway onto Hinkson Road is typically kept gated. The church has large areas of parking located to the east and south of the building. Smaller areas of parking are located directly adjacent to the west and south sides of the building. The church has more than sufficient parking to accommodate the proposed uses.

4. SCREENING AND BUFFERS:

No comments on this use-only issue.

5. PUBLIC WORKS COMMENTS:

No Comments.

6. UTILITY, FIRE DEPT. AND CATA COMMENTS:

Wastewater: Sewer available to this project.

Entergy: No comments received.

Centerpoint Energy: No comments received.

AT&T (SBC): No comments received.

Water: No objection.

Due to the nature of this facility, installation of an approved reduced pressure zone backflow preventer assembly (RPZA) is required on the domestic water service. This assembly must be installed prior to the first point of use. Central Arkansas Water (CAW) requires that upon installation of the RPZA, successful tests of the assembly must be completed by a Certified Assembly Tester licensed by the State of Arkansas and approved by CAW. The test results must be sent to CAW's Cross Connection Section within ten (10) days of installation and annually thereafter. Contact the Cross Connection Section at 377-1226 if you would like to discuss backflow prevention requirements for this project.

Fire Department: Approved.

County Planning: No Comments.

CATA: CATA bus route are located along Geyer Springs Road, just east of this site.

---

SUBDIVISION COMMITTEE COMMENT:

(JANUARY 7, 2010)

Fred Mosely and Rev. Kevin Kelly were present representing the application. Staff presented the item and noted there was little additional information needed.

In response to a question from staff, Rev. Kelly stated the typical hours of operation for the clinic would be evenings from 6:00 p.m. to 9:00 p.m. Staff noted that a resident of the neighborhood had requested that the driveway onto Hinkson Road continue to be kept gated to discourage its use. Rev. Kelly responded that they had no intent to use that driveway.

Utility Comments were noted.

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

---

STAFF ANALYSIS:

Second Baptist Church occupies the R-2 and O-3 zoned property located at 6111 West 83<sup>rd</sup> Street. The property contains two buildings occupied by a sanctuary, offices and classrooms. Parking lots are located on the east, south and west sides of the property. The church is requesting approval of a conditional use permit to allow use of a portion of the church's educational building for a free, neighborhood health clinic ministry. The health clinic is a collaborative effort of several churches and community groups coming together to meet the needs of area residents who do not have adequate health insurance. The clinic will be open from 6:00 p.m. to 9:00 p.m., two evenings per week. No changes will be made to the exterior of the building or to the parking and driveways. Some interior remodeling of the building will be required to create a waiting area, reception office and exam rooms. New ADA compliant restrooms will be installed.

To staff's knowledge, there are no outstanding issues. The addition of the health clinic ministry to this existing church appears to be an appropriate use. The use expands the church's ministerial activities to the community and should have no impact on area properties. There is no bill of assurance for this acreage tract.

---

STAFF RECOMMENDATION:

Staff recommends approval of the requested CUP subject to compliance with the Utility Comments in Section 6 of the agenda Staff Report.

---

PLANNING COMMISSION ACTION:

(JANUARY 28, 2010)

The applicant was present. There were no objectors present. Staff presented the item and a recommendation of approval subject to compliance with the conditions as noted in the "staff recommendation" above. There was no further

January 28, 2010

ITEM NO.: 4 (Cont.)

FILE NO.: Z-4237-B

discussion. The item was placed on the consent agenda and approved as recommended by staff. The vote was 9 ayes, 0 noes and 2 absent.

January 28, 2010

ITEM NO.: 5

FILE NO.: Z-4671-C

---

NAME: Trinity United Methodist Church Columbarium –  
Conditional Use Permit

LOCATION: 1101 N. Mississippi Avenue

OWNER/APPLICANT: Trinity UMC

PROPOSAL: A conditional use permit is requested to allow for the  
addition of a columbarium to this existing, R-2 zoned  
church site.

---

1. SITE LOCATION:

The property is located at the southeast corner of Evergreen and N. Mississippi.

2. COMPATIBILITY WITH NEIGHBORHOOD:

The church has been a part of this neighborhood for many years. Two other churches are located across Mississippi Street to the west. Single family residences are located adjacent to the south and across Evergreen to the north. An elementary school is adjacent to the east. The proposed columbarium is to be located at the northwest corner of the building, near the intersection of Mississippi and Evergreen. This small, park-like addition to the church's campus will not affect the church's continued compatibility with the neighborhood.

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

3. ON SITE DRIVES AND PARKING:

The church has large areas of parking located on the north, south and east sides of the building. Access to the parking is from both Mississippi and Evergreen. The property has more than sufficient parking to accommodate the proposed use.

4. SCREENING AND BUFFERS:

No Comments.

5. PUBLIC WORKS COMMENTS:

1. A twenty (20) foot radial dedication of right-of-way is required at the intersection of Mississippi Avenue and Evergreen Street.

6. UTILITY, FIRE DEPT. AND CATA COMMENTS:

Wastewater: Sewer available to this project.

Entergy: No comments received.

Centerpoint Energy: No comments received.

AT&T (SBC): No comments received.

Water: No objection.

Fire Department: No comments received.

County Planning: No Comments.

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

---

SUBDIVISION COMMITTEE COMMENT:

(JANUARY 7, 2010)

Randy Stocks was present representing the application. Staff presented the item and noted no additional information was needed.

Public Works Comments were briefly discussed.

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

---

STAFF ANALYSIS:

Trinity United Methodist Church occupies the R-2 zoned, 4.32± acre tract located at the southeast corner of Mississippi and Evergreen. The church has been at this location for many years. The property contains a large building occupied by a sanctuary, offices and classrooms. Parking is located on the north, south and east sides of the property. The church is requesting approval of a conditional use permit to allow the addition of a columbarium.

The columbarium will consist of a 5-foot tall masonry wall in a garden-like setting surrounded by landscaping. Benches and a fountain will complement the setting. The circular, masonry wall will contain compartments for ashes of the deceased. The prayer garden and columbarium will be located at the northwest corner of the building, between the building and the corner of Mississippi and Evergreen.

To staff's knowledge, there are no outstanding issues. The proposed prayer garden and columbarium should have no impact on other area properties. There is no bill of assurance for this acreage tract.

---

STAFF RECOMMENDATION:

Staff recommends approval of the requested CUP subject to compliance with the Public Works Comments in Section 5 of the agenda Staff Report.

---

PLANNING COMMISSION ACTION:

(JANUARY 28, 2010)

The applicant was present. There were no objectors present. Staff presented the item and a recommendation of approval subject to compliance with the conditions as noted 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 9 ayes, 0 noes and 2 absent.

January 28, 2010

ITEM NO.: 6

FILE NO.: Z-8283-A

---

NAME: Luer Special Event Center – Conditional Use Permit

LOCATION: 4800 Baseline Road

OWNER/APPLICANT: Jon Luer

PROPOSAL: A conditional use permit is requested to allow use of the existing building on this C-4 zoned property as an indoor soccer facility and a special events center.

---

STAFF REPORT:

On January 13, 2010, the applicant requested deferral of the item to allow additional time to respond to issues raised at the January 7, 2010 Subdivision Committee meeting. Staff recommends deferral of the item to the March 11, 2010 meeting.

---

PLANNING COMMISSION ACTION:

(JANUARY 28, 2010)

The applicant was not present. There were no objectors present. Staff informed the Commission that the applicant had requested deferral of the item to allow additional time to respond to issues raised at the January 2, 2010 subdivision committee meeting. There was no further discussion. The item was placed on the consent agenda and deferred to the March 11, 2010 meeting. The vote was 9 ayes, 0 noes and 2 absent.

January 28, 2010

ITEM NO.: 7

FILE NO.: Z-8516

---

NAME: Best Billards Hall and Special Event Center –  
Conditional Use Permit

LOCATION: 4800 Asher Avenue

OWNER/APPLICANT: Robert Best

PROPOSAL: A conditional use permit is requested to allow for the use of a portion of this existing, C-4 zoned building for a billards hall and special event center.

---

STAFF REPORT:

On January 13, 2010, the applicant requested deferral of the item to allow additional time to respond to issues raised at the January 7, 2010 Subdivision Committee meeting. Staff recommends deferral of the item to the March 11, 2010 meeting.

---

PLANNING COMMISSION ACTION:

(JANUARY 28, 2010)

The applicant was not present. There were no objectors present. Staff informed the Commission that the applicant had requested withdrawal of the item. There was no further discussion. The item was placed on the consent agenda and approved for withdrawal. The vote was 9 ayes, 0 noes and 2 absent.

January 28, 2010

ITEM NO.: 8

FILE NO.: G-25-206

---

Name: Commerce Street Name Change to River Market Avenue

Location: Commerce Street, from President Clinton Avenue to Capitol Avenue

Petitioner: Downtown Little Rock Partnership

Request: To rename that portion of Commerce Street located from President Clinton Avenue to Capitol Avenue to "River Market Avenue".

---

Abutting Uses and Ownership:

This four-block section of Commerce Street contains a variety of uses.

From President Clinton Avenue to East 2<sup>nd</sup> Street, the uses include a LRPD kiosk, Sticky Fingerz Bar and Restaurant, the Cox Center of the Central Arkansas Library and the rear of a city-owned parking deck. The owner of the Sticky Fingerz property and the Director of CALS have signed the petition. Both properties take a Commerce Street address.

From East 2<sup>nd</sup> Street to East 3<sup>rd</sup> Street, the uses include the Capitol Commerce Center building, a surface parking lot and the I-30 entrance ramp. The Capitol Commerce Center building contains several offices and condominiums and takes a Commerce Street address. A signature of support has been provided from the Capitol Commerce Center. All parties in the building will be notified of the Planning Commission hearing.

From East 3<sup>rd</sup> Street to East 4<sup>th</sup> Street, the uses include the Tuf-Nut Lofts building, the Hampton Inn and the park-like west half of the Acxiom property. The Lofts have a 3<sup>rd</sup> Street address. A couple of retail-storefront uses in the Lofts building and the Hampton Inn have Commerce Street addresses. Signatures have been submitted from all three abutting properties supporting the proposed name change.

From East 4<sup>th</sup> Street to Capitol Avenue, the uses include the Office of Child Support Enforcement and the Downtown Branch of the US Postal Service. Neither takes a Commerce Street address. A signature of support for the name change has been provided by the Office of Child Support Enforcement.

Neighborhood Effect:

The name change will affect the addresses of some businesses and residents as noted above.

Neighborhood Position:

Based on the signatures supporting the petition provided to staff, it appears the majority of property owners and resident representatives support the name change.

Effect on Public Services:

No opposition has been voiced by any of the reviewing agencies. Five street name signs will need to be changed.

Staff Analysis:

The Downtown Little Rock Partnership has submitted a proposal to rename this portion of Commerce Street to River Market Avenue to expand on the energy and marketing of the River Market District. Commerce Street intersects President Clinton Avenue in the middle of the District. The proposed name change is hoped to facilitate potential synergies between development in the River Market District and the area extending to the south.

This proposal follows on the heels of a previous proposal to rename East 3<sup>rd</sup> Street to River Market Avenue. During the review and discussion of that proposal, it was stated by most all parties involved that a better choice would be to rename Commerce Street. The 3<sup>rd</sup> Street proposal was subsequently dropped.

STAFF RECOMMENDATION:

Staff recommends approval of the request to rename Commerce Street, from President Clinton Avenue to Capitol Avenue, to River Market Avenue.

---

PLANNING COMMISSION ACTION:

(JANUARY 28, 2010)

The applicant was present. There were no objectors present. Staff presented the item and a recommendation of approval. There was no further discussion. The item was placed on the consent agenda and recommended for approval by a vote of 9 ayes, 0 noes and 2 absent.

January 28, 2010

ITEM NO.: 9:

---

Name: Hillcrest Design Overlay District Revision

Location: An area generally bounded by Markham, University Markham Street, University Avenue, "L" Street, the north ravine of Allsopp Park, Cantrell Road and Woodrow Street.

Request: Revise the Design Overlay District for the area

Source: Staff, Hillcrest Residents Association, and the Hillcrest Merchants Association

This revision of the Hillcrest Design Overlay District (DOD), originally approved by the Board of Directors on July 17, 2007, is primarily to clarify policy set forth by the Planning Department in their implementation of the ordinance. As of this writing, there have been few projects that required a rezoning action before the Board. Those that did revealed portions of the ordinance that needed clarification.

There are multiple small changes to the ordinance that are primarily clarifications to the ordinance that involve codification of the policies set forth by Staff in an effort to implement the ordinance. In a clean up effort, some text has been moved from one section to another for clarity, and there is one Scribner's error that needs to be corrected. There are six other changes that are partially clarification and changes to the ordinance that had unintentional consequences that were not in the spirit of the original ordinance. These are described below. For the other changes, please refer to the text of the proposed ordinance.

There were two major categories in the original ordinance: Residential Development and Non-Residential Development. These categories have been renamed to Single Family and Two Family Developments; and Multi-Family and Non-residential Developments. This renaming of the divisions is more reflective of the uses in the neighborhood and the practical application of the ordinance. It also removes any new Multi-Family developments from the Residential category and places them into the new Multi-Family Non-residential category.

The original ordinance stated that multiuse projects could apply under the residential or the non-residential category. Staff was to approve the decision about which category under which they were to file. This proposal removes the option and the discretion of Staff and states that multiuse structures must conform to the Multi-Family and Non-Residential Section 36-434.15. This is shown on page 2, line 35 of the proposed text.

A paragraph has been added that adds Churches, schools and all properties that require Conditional Use Permits and Special Use Permits will be required to conform to the DOD. This is shown on page 2, line 40.

The front yard setback for properties zoned R-2, R-3 and R-4 will be changed from 25' to 15'. This will relieve unintended consequences that arose from the previous language. The ordinance states, and will continue to state that new houses will be within 10 percent variation of the averages of the two adjacent houses but not to encroach into the front yard setback. However, many homes in Hillcrest sit closer to the front property line than 25'. When this is the case, a new house would sit further back on the lot than the two adjacent houses, which was not the spirit of the original ordinance. This is shown on page 4, line 19.

Continuing on page 4, line 31, a survey was done utilizing the GIS for front yard setbacks. Many houses have front yard setbacks in the 15' to 25' range, but very few were less than 15'. When the averages are less than 15', this proposed language will place a build to line in the front yard at 15', which prohibits setting the house at a further distance back on the lot which would be counter contrary to the spirit of the ordinance.

Continuing on setbacks of Single and Two Family structures, page 5, line 5, this sets the front yard and side yard setbacks for lots that do not have a traditional front and side yard platted building lines. This is a setback, not a build to line. For example, where two lots were replatted/reconfigured into three, as is the case in multiple areas of the neighborhood, these lots do not have the traditional front and side designations that regulate front and side yard setbacks.

On page 6, line 23, this proposed change mandates that new multi-family structures and multi-family portions of multiuse structures will provide the minimum parking spaces as stated elsewhere in the parking standards of Chapter 36. The credit of on-street parking may be utilized. This proposed change would provide additional parking for multi-family structures over the current ordinance.

Staff has worked with the HRA to edit the existing ordinance to meet the intentions of the original ordinance, make it more understandable by the public, and easier to implement for Staff. These changes have been presented to the Hillcrest Residents Association and the Hillcrest Merchant Association. Both organizations have voted to support the proposed changes to the ordinance.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed changes.

January 28, 2010

ITEM NO.: 9 (Cont.)

HILLCREST DOD REVISION

PLANNING COMMISSION ACTION:

(JANUARY 28, 2010)

The item was placed on the consent agenda for approval and was passed with a vote of 9 ayes and 2 absent.

January 28, 2010

There being no further business before the Commission, the meeting was adjourned at 5:32 p.m.

Date \_\_\_\_\_

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairman