

LITTLE ROCK PLANNING COMMISSION
PLANNING – REZONING – CONDITIONAL USE HEARING
MINUTE RECORD

JUNE 25, 2009

4:00 P.M.

I. Roll Call and Finding of a Quorum

A Quorum was present being seven (7) in number.

II. Members Present: Pam Adcock
William Changose
Troy Laha
Jerry Meyer
Obay Nunnley, Jr.
Billy Rouse
Jeff Yates

Members Absent: J. T. Ferstl
Bill Rector
Candice Smith
Chauncey Taylor

City Attorney: Cindy Dawson

III. Approval of the Minutes of the May 28, 2009 Meeting of the Little Rock Planning Commission. The Minutes were approved as presented.

LITTLE ROCK PLANNING COMMISSION
PLANNING – REZONING – CONDITIONAL USE HEARING
JUNE 25, 2009
4:00 P.M.

I. OLD BUSINESS:

- A. LA0027 A Land Alteration Variance request from Section 29-190 for property located at 6900 Cantrell Road.

- B. Z-8454 Love Day Care Family Home – Special Use Permit 7618 West 38th Street

II. NEW BUSINESS:

<u>Item Number:</u>	<u>File Number:</u>	<u>Title</u>
1.	<u>G-23-410</u>	West 29 th Street – Right-of-Way Abandonment West of Fair Park Blvd.
2.	<u>G-23-411</u>	Children’s Way – Right-of-Way Abandonment Between West 10 th and West 13 th Streets
3.	<u>LU09-04-02</u>	Land Use Plan Amendment in Heights Hillcrest Planning District at 1900 Block of West 3 rd Street from Office to Commercial
3.1	<u>Z-8161-A</u>	Rezoning from R-3 and I-2 to C-3 Adjacent to 1900 West 3 rd Street
4.	<u>Z-8460</u>	Nichols Day Care Family Home – Special Use Permit 1921 Kimberly Drive
5.	<u>Z-8461</u>	Porter Day Care Family Home – Special Use Permit 60 Lakeshore Drive
6.	<u>Z-8463</u>	Wamala Family Care Facility – Special Use Permit 22 Ivy Drive
7.	<u>Z-4159-B</u>	Steitler Mini-Warehouse – Conditional Use Permit 9500 I-30

II. NEW BUSINESS: (CONTINUED)

<u>Item Number:</u>	<u>File Number:</u>	<u>Title</u>
8.	<u>Z-5668-G</u>	Home Depot – Revised Conditional Use Permit 12610 Chenal Parkway
9.	<u>Z-6624-A</u>	Little Rock Fire Department West Little Rock Fire Station – Conditional Use Permit 4500 Rahling Road
10.	<u>Z-7982-A</u>	Oak Forest United Methodist Church – Revised Conditional Use Permit 2402 S. Tyler Street
11.	<u>Z-8061-A</u>	Reddig Counselors’ Office – Conditional Use Permit 1301 Cumberland Street
12.	<u>Z-8459</u>	Kern Accessory Dwelling – Conditional Use Permit 317 N. Spruce Street
13.	<u>Z-8462</u>	Pulaski Baptist Association – Conditional Use Permit 9400 Colonel Glenn Road

June 25, 2009

ITEM NO.: A

FILE NO.: LA-0027

NAME: Valley Heights Land Alteration Retaining Wall Variance Request

LOCATION: 6900 Cantrell Road

APPLICANT: Valley Heights Apartments II Limited Partnership

APPLICANT'S REPRESENTATIVE: David Henry

CURRENT ZONING: R5

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

A. PROPOSAL/REQUEST:

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

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

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

B. EXISTING CONDITIONS:

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

C. NEIGHBORHOOD COMMENTS:

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

D. ENGINEERING COMMENTS:

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

E. LANDSCAPE COMMENTS:

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

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

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

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

G. ANALYSIS:

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

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

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

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

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

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

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

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

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

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

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

H. STAFF RECOMMENDATION:

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

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

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

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

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

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

Staff recommends denial of the variance request.

PLANNING COMMISSION ACTION:

(APRIL 30, 2009)

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

June 25, 2009

ITEM NO.: A (Cont.)

FILE NO.: LA-0027

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

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

PLANNING COMMISSION ACTION:

(MAY 28, 2009)

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

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

PLANNING COMMISSION ACTION:

(JUNE 25, 2009)

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

June 25, 2009

ITEM NO.: B

FILE NO.: Z-8454

NAME: Love Day Care Family Home – Special Use Permit

LOCATION: 7618 West 38th Street

OWNER: Javier Linares

APPLICANT: Shelia Love

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

A. Public Notification:

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

B. Staff Analysis:

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

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

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

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

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

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

Day care family home:

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

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

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

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

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

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

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

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

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

D. Staff Recommendation:

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

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

PLANNING COMMISSION ACTION:

(MAY 28, 2009)

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

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

PLANNING COMMISSION ACTION:

(JUNE 25, 2009)

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

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

June 25, 2009

ITEM NO.: 1

FILE NO.: G-23-410

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

Location: West of Fair Park Blvd.

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

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

Purpose: To create a secured parking lot.

PROPOSAL/REQUEST:

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

STAFF REVIEW:

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

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

B. Master Street Plan:

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

C. Characteristics of Right-of-Way Terrain:

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

D. Development Potential:

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

E. Neighborhood and Land Use Effect:

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

F. Neighborhood Position:

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

G. Effect on Public Services or Utilities:

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

Entergy: No objection to abandonment. No easements requested.

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

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

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

H. Reversionary Rights:

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

I. Public Welfare and Safety Issues:

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

SUBDIVISION COMMITTEE COMMENT:

(JUNE 4, 2009)

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

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

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

STAFF RECOMMENDATION:

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

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

PLANNING COMMISSION ACTION:

(JUNE 25, 2009)

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

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

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

June 25, 2009

ITEM NO.: 2

FILE NO.: G-23-411

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

Location: Between West 10th and West 13th Streets

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

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

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

PROPOSAL/REQUEST:

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

STAFF REVIEW:

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

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

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

B. Master Street Plan:

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

C. Characteristics of Right-of-Way Terrain:

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

D. Development Potential:

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

E. Neighborhood and Land Use Effect:

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

F. Neighborhood Position:

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

G. Effect on Public Services or Utilities:

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

Entergy: No comment received.

CenterPoint Energy: No comment received.

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

Water: Central Arkansas Water has no objection to closure of this right-of-way, as described. However, CAW has existing water facilities, including 12-inch and 16-inch water mains and multiple meters located within this area and requires that the entire right-of-way be retained as a utility easement. Two existing public fire

hydrants will become private and the future maintenance of those hydrants shall be the responsibility of Arkansas Children's Hospital.

H. Reversionary Rights:

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

I. Public Welfare and Safety Issues:

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

SUBDIVISION COMMITTEE COMMENT:

(JUNE 4, 2009)

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

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

STAFF RECOMMENDATION:

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

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

PLANNING COMMISSION ACTION:

(JUNE 25, 2009)

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

June 25, 2009

ITEM NO.: 2 (Cont.)

FILE NO.: G-23-411

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

June 25, 2009

ITEM NO.: 3

FILE NO.: LU09-04-02

Name: Land Use Plan Amendment – Heights Hillcrest Planning District

Location: 1900 block of West 3rd Street

Request: Office to Commercial

Source: David Pearlstein, For Capitol View Properties

PROPOSAL / REQUEST:

A Land Use Plan amendment in the Heights Hillcrest Planning District from Office to Commercial. Commercial represents a wide range of retail and wholesale sales. The applicant has applied for a rezoning from I-2 Industrial and R-3 Single Family to C-3 General Commercial for a parking lot expansion to serve a C-3 zoned property. Prompted by this Land Use Amendment request, the Planning Staff expanded the area of review to include area west of this site along West 3rd Street. This expansion would include businesses that are already zoned and used for commercial business.

EXISTING LAND USE AND ZONING:

The property is currently zoned C-3 and is occupied by an electrician office, a photography studio, a liquor store and a restaurant/bar. The northern portion of this amendment is zoned R-3 and is vacant. Beyond this area to the north is zoned R-5 Urban Residence District and is mostly vacant with a few apartment and duplex residences. The area to the south, east and northeast of this amendment is shown as I-2 Industrial zone and is undeveloped and wooded.

FUTURE LAND USE PLAN AND RECENT AMENDMENTS:

This area is currently shown as Office on the Future Land Use Plan. This Office extends to the west and north to 2nd Street. North of the amendment site is shown as Residential High Density. Park/Open Space (PK/OS) is shown to the south and east of this site for a future bike route. Beyond the PK/OS is shown as Public Institutional for the State Capitol complex. This area has not had a change to the land use plan since 2000.

MASTER STREET PLAN:

West 3rd Street is a Minor Arterial. A Minor Arterial provides connections to and through an urban area and their primary function is to provide short distance travel within the urbanized area. Entrances and exits should be limited to minimize negative effects of traffic and pedestrians on West 3rd Street since it is a Minor Arterial. This street may

require dedication of right-of-way and may require street improvements for entrances and exits to the site. West 2nd 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. West 2nd is currently not built to standard.

BICYCLE PLAN:

A Class I is proposed for the open space along the railroad tracks to the east of this area. 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, this area is within eight blocks of a park or open space. The Arkansas School for the Deaf is located to the northwest and has lots of open space and a playground. This site is also close to the State Capitol, which has many acres of open space available for recreation.

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 Capitol View/Stift Station Neighborhood Plan. Their Neighborhood Image goal states: "Promote new businesses that fits the image of the neighborhood," but the Plan does not elaborate on what type of businesses fit that image.

ANALYSIS:

This area has been zoned for commercial uses for many years but has been shown on the Future Land Use Plan as Office for the past ten or more years. The uses have varied over the years on this block between Battery Street and the railroad viaduct, but they have been consistently commercial in nature. The area is currently comprised of a restaurant/bar called Star Bar, a liquor store, an electric contractor and a large retail space that is currently for lease. This amendment will modify the land use plan to be more in line with the existing and probable future uses of this section of West 3rd Street. The existing neighborhood near this amendment site is a mixture of office, commercial, multi-family residential, single-family residential and public institutional uses. This area's character is influenced by the proximity of the State Capitol complex and downtown Little Rock. One block north of West 3rd Street transitions into single family

residences with a mixture of apartment buildings, some duplexes and single family residences. Many of these residences near West Markham appear to be rental units and several of the lots are vacant. These residential units are oriented towards the east or west, so they will not face the commercial uses. Also, the residences in this area are located at a higher elevation because of the varying topography in this part of town. This difference in elevation can also provide a level of separation from the commercial uses along West 3rd Street and. The non-residential uses are mostly oriented to 3rd and have been historically non-residential in nature. The City believes that the 'pocket' of residential to the north remains a viable and stable residential neighborhood, and this change should not affect the neighborhood adversely.

The applicant's original request was for the area located at what is known as Star Bar to be amended to Commercial for the addition of a parking lot to the north of the restaurant. Staff reviewed the surrounding area for conformance with the zoning and existing use pattern and identified several changes thought to be mostly 'clean-up' amendments to reflect existing zoning and/or existing uses. This amendment is intended to make the Future Land Use Plan a more suitable representation of current and likely mid-term future uses for this area.

NEIGHBORHOOD COMMENTS:

Notices were sent to Capitol View Stiff Station Neighborhood Association. Staff has received no comments from area residents.

STAFF RECOMMENDATIONS:

Staff believes the change is appropriate.

PLANNING COMMISSION ACTION:

(JUNE 25, 2009)

The item was placed on consent agenda for approval. By a vote of 7 for, 0 against and 4 absent the consent agenda was approved.

June 25, 2009

ITEM NO.: 3.1

FILE NO.: Z-8161-A

Owner:	Capitol View Properties, LLC
Applicant:	David Pearlstein
Location:	Immediately north of and adjacent to 1900 West 3 rd Street
Area:	0.5 Acres
Request:	Rezone from R-3 and I-2 to C-3
Purpose:	Parking lot for adjacent commercial building
Existing Use:	Undeveloped

SURROUNDING LAND USE AND ZONING

North – Undeveloped lots and single family residences; zoned R-3, R-5 and I-2

South – Commercial building (same ownership as subject property); zoned C-3 and I-2

East – Railroad right-of-way; zoned I-2

West – Various commercial buildings and uses, vacant single family structure, multifamily facility; zoned R-3, C-3, PCD and PD-C.

A. PUBLIC WORKS COMMENTS:

1. Due to the proposed use of the property, the Master Street Plan specifies that West 2nd Street 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 design of street conforming to the Master Street Plan. Construct one-half street improvement to West 2nd Street including 5-foot sidewalks with planned development. The new back of curb should be located 15.5 feet from centerline. At least 18 ft. of pavement must be provided.
3. 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).

4. Streetlights are required by Section 31-403 of the LR code. Provide plans for approval to Traffic Engineering. Streetlights must be install prior to platting/certificate of occupancy. Contact Traffic Engineering 379-1813 (Steve Philpott) for more information.

B. PUBLIC TRANSPORTATION ELEMENT:

The site is located on a CATA Bus Routes #1 Pulaski Heights Route and #8 Rodney Parham Route, which run along West 3rd Street.

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 Capitol View Stiff Station Neighborhood Association were notified of the rezoning request.

D. LAND USE ELEMENT:

This request is located in the Heights Hillcrest Planning District. The Land Use Plan shows Office for this property. The applicant has applied for a rezoning from R-3 and I-2 to C-3 General Commercial. A Land Use Plan amendment is a separate item on this agenda.

Master Street Plan:

West 3rd Street is a Minor Arterial. A Minor Arterial provides connections to and through an urban area and their primary function is to provide short distance travel within the urbanized area. Entrances and exists should be limited to minimize negative effects of traffic and pedestrians on West 3rd Street since it is a Minor Arterial. 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 I is proposed for the open space along the railroad tracks to the east of this area. 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 Capitol View/Stiff Station Neighborhood Plan. Their Neighborhood Image goal states: "Promote new businesses that fits the image of the neighborhood," but the Plan does not elaborate on what type of businesses fit that image.

E. STAFF ANALYSIS:

Capitol View Properties, LLC, owner of the 0.5 acre property located immediately north of and adjacent to 1900 West 3rd Street, is requesting to rezone the property from "R-3" Single Family District and "I-2" Light Industrial District to "C-3" General Commercial District. The rezoning is proposed to allow construction of a new parking lot to serve the commercial building at 1900 West 3rd Street.

The property is current undeveloped and mostly grass covered. Small areas of the site are covered with gravel. The site is relatively flat.

The general area contains a mixture of uses and zoning. There are undeveloped lots, zoned R-3 and R-5, located to the north and northwest, with single family residences further north. There is a commercial building to the south. Additional commercial buildings are located to the west and southwest, along West 2nd and West 3rd Streets. There is also a vacant single family residence and a multifamily structure to the west. Railroad right-of-way is located immediately to the east.

The City's Future Land Use Plan designates this property as Office. A proposed Land Use Plan Amendment to Commercial is a separate item on this agenda.

Staff is supportive of the requested rezoning to C-3. Staff views the request as reasonable. The proposed C-3 zoning will represent a continuation of the commercial zoning pattern in this area, along the north side of West 3rd Street. The commercial zoning (C-3, PCD and PD-C) for the properties to the west extend northward to the West 2nd Street right-of-way, which is the north boundary of the subject property. Staff feels that development of this property as a parking lot to serve the adjacent commercial will be an appropriate use of the property. Staff believes the proposed C-3 zoning will have no adverse impact on the adjacent properties or the general area.

F. STAFF RECOMMENDATION:

Staff recommends approval of the requested C-3 rezoning.

PLANNING COMMISSION ACTION:

(JUNE 25, 2009)

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

June 25, 2009

ITEM NO: 3.1 (Cont.)

FILE NO.: Z-8161-A

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

June 25, 2009

ITEM NO.: 4

FILE NO.: Z-8460

NAME: Nichols Day Care Family Home – Special Use Permit

LOCATION: 1921 Kimberly Drive

OWNER: Robert Nichols

APPLICANT: Robert Nichols

PROPOSAL: A Special Use Permit is requested to allow a Day Care Family Home to be operated in the single family residence located on the R-2 zoned property at 1921 Kimberly Drive.

STAFF NOTE:

Staff has determined that the proposed day care use does not meet the qualifications for a day care family home. This location is not the full time residence of the caregiver(s). Therefore, the application must be re-filed as a conditional use permit. Staff recommends the Special Use Permit application be withdrawn.

PLANNING COMMISSION ACTION:

(JUNE 25, 2009)

Staff informed the Commission that the application needed to be withdrawn, as the proposed day care use did not meet the requirements for a day care family home and needed to be refiled as a conditional use permit.

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

June 25, 2009

ITEM NO.: 5

FILE NO.: Z-8461

NAME: Porter Day Care Family Home – Special Use Permit

LOCATION: 60 Lakeshore Drive

OWNER: Karlisha Porter

APPLICANT: Karlisha Porter

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

A. Public Notification:

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

B. Staff Analysis:

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

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

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

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

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

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

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

Day care family home:

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

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

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

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

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

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

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

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

D. Staff Recommendation:

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

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

PLANNING COMMISSION ACTION:

(JUNE 25, 2009)

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

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

June 25, 2009

ITEM NO.: 6

FILE NO.: Z-8463

NAME: Wamala Family Care Facility – Special Use Permit

LOCATION: 22 Ivy Drive

OWNER: Juliet Wamala

APPLICANT: Christian Nwofor

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

A. Public Notification:

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

B. Staff Analysis:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

D. Staff Recommendation:

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

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

PLANNING COMMISSION ACTION:

(JUNE 25, 2009)

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

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

June 25, 2009

ITEM NO.: 7

FILE NO.: Z-4159-B

NAME: Steitler Mini-Warehouses – Conditional Use Permit

LOCATION: 9500 I-30

OWNER/APPLICANT: Four States Investments/Ronald Steitler

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

STAFF REPORT:

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

PLANNING COMMISSION ACTION:

(JUNE 25, 2009)

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

June 25, 2009

ITEM NO.: 8

FILE NO.: Z-5668-G

NAME: Home Depot – Revised Conditional Use Permit

LOCATION: 12610 Chenal Parkway

OWNER/APPLICANT: Home Depot USA

PROPOSAL: A revision to the previously approved conditional use permit is requested to allow for additional outdoor storage and staging areas for materials and merchandise. The 14.7± acre tract is zoned C-3.

1. SITE LOCATION:

The property is located on the north side of Chenal Parkway, at its intersection with West Markham Street.

2. COMPATIBILITY WITH NEIGHBORHOOD:

The property is located within the intensely commercial area around the Chenal Parkway/Markham Street intersection. The immediate area is characterized by multiple commercial uses on C-2, C-3 and PZD zoned properties. The uses include big box retail, automobile sales and services and numerous other larger and smaller commercial businesses. An area of PR zoned floodway borders the site on the north. The use of the site as a home center is compatible with uses and zoning in the area. Staff does have concerns about the specific aspects of this revised C.U.P.

All owners of properties located within 200 feet of the site, all residents within 300 feet who could be identified and the Parkway Place and Gibraltar Heights Neighborhood Associations were notified of this request.

3. ON SITE DRIVES AND PARKING:

The existing home center and enclosed and unenclosed garden center areas contain a total of 135,342 square feet; requiring 367 on-site parking spaces. The site contains 582 parking spaces. Nine (9) of those spaces located in front of the contractor's entrance are used for equipment rental display. Ten (10) spaces located east of the garden center are proposed to be lost to unloading and staging of landscape goods.

4. SCREENING AND BUFFERS:

Site plan must comply with the City's landscape and buffer ordinance requirements.

June 25, 2009

ITEM NO.: 8 (Cont.)

FILE NO.: Z-5668-G

All on site fencing, landscaping, and dumpster enclosures must be in good condition or replaced/repared in conjunction with this application.

5. PUBLIC WORKS COMMENTS:

No Comments.

6. UTILITY, FIRE DEPT. AND CATA COMMENTS:

Wastewater: Sewer available to this project.

Entergy: No comment received.

CenterPoint Energy: Approved as submitted.

AT&T (SBC): No comment received.

Water: Care must be taken not to disrupt fire department access or access to fire hydrants. A minimum of three (3) feet of clearance is required on all sides of fire hydrants.

Fire Department: Approved as submitted.

County Planning: No Comments.

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

SUBDIVISION COMMITTEE COMMENT:

(JUNE 4, 2009)

Dana Hawkins, Home Depot store manager, was present. Staff presented the item and noted some additional information was needed. Staff asked what specific time frame was requested for each of the additional outdoor storage areas, if it was to be seasonal or year-long. Staff asked what measures would be taken to contain the additional areas.

Utility and Landscape Comments were noted. Staff stated all on site fencing and landscaping must be in good condition or replaced/repared. Central Arkansas Water commented that care must be taken not to disrupt Fire Department access or access to fire hydrants.

The applicant was advised to respond to staff issues by Wednesday, June 10, 2009. The Committee forwarded the item to the full Commission.

STAFF ANALYSIS:

On March 23, 1993, the Planning Commission approved a conditional use permit to allow a home center on this C-3 zoned property. The C.U.P. was originally approved for a Lowe's home center, which was not constructed. Home Depot developed the site based upon the approved C.U.P. One condition of the approved C.U.P. was that the area of outdoor storage and display was to be limited to the fenced-in garden center shown on the plan. No additional outside display, seasonal or otherwise, was approved for the site.

On March 19, 1998, the Commission approved a revision to the C.U.P. to allow static outdoor display on the sidewalk directly in front of the store and to allow a 60' X 100' area of temporary, seasonal display to be located adjacent to and east of the garden center. This 6,000 square foot area was to be used for seasonal display of bagged goods such as mulch and fertilizers and other seasonal merchandise. The seasonal display was to be limited to 120 days per year. A temporary chain-link fence was to be erected around the area, which was to be removed after the 120 day display period.

On July 29, 2004, the Commission approved a further revision to the C.U.P. to allow replacement of the temporary seasonal display area with a permanent expansion of the garden center. The slab was extended and the area was to be enclosed by a 20-foot tall, vinyl coated chain link fence to match the existing garden center. The area was to be uncovered and used on a year-round basis. Home Depot also proposed to continue the year round, static display of merchandise on the sidewalk directly in front of the store. Home Depot also proposed to use 3 parking spaces located in front of the contractor's entrance to display small trailers for sale.

Home Depot is now requesting approval of further revisions to the C.U.P. to allow additional outdoor areas for storage and staging of merchandise and materials. An area of approximately 1,125 square feet located on the west side of the building is proposed to be used for unloading concrete bag goods and staging of product to be brought into the store. This is to be a permanent staging area and used year round. An area of approximately 2,500 square feet located on the north side of the building is proposed to be used for permanent, year round storage of plant racks, pallets and recycled cardboard. An area of approximately 3,630 square feet located east of the open garden center is proposed to be used for unloading and staging of landscape bag goods from March 1 through August 31 annually. An area of approximately 4,520 square feet located north of the open garden center is proposed to be used storage and display of pave stone and rock bag goods from March 1 through August 31 annually.

June 25, 2009

ITEM NO.: 8 (Cont.)

FILE NO.: Z-5668-G

Staff is not supportive of the proposed revision to the C.U.P. Staff did support the 2004 revision, thinking that expanding the garden center would be preferable to maintaining the temporary, seasonal display. Staff felt that enclosing the outdoor display area within the expanded, fenced garden center was less unsightly than the previously approved, temporary option. At the 2004 Commission meeting, the store manager and district manager for Home Depot stated the new addition would include a loading area at the rear to help reduce congestion at the front of the store where customers load their vehicles. That does not appear to be the case as there is still substantial congestion in front of the store. Additionally, the Home Depot representative stated they would not be coming back asking for additional temporary, outside, seasonal display. Since 2004, the areas of outdoor display and storage have expanded into the areas included in this application. The store has been cited for the violation. The additional areas of outdoor storage and staging are, in staff's opinion, unsightly and will lead to additional congestion around the store. Staff believes no further expansion of outdoor storage, staging or display should be permitted.

STAFF RECOMMENDATION:

Staff recommends denial of the application.

PLANNING COMMISSION ACTION:

(JUNE 25, 2009)

The applicant, store manager Dana Hawkins, was present. There was one objector present. Staff presented the item and a recommendation of denial. Vice-chair Yates noted there were only 6 Commissioners present. He asked the applicant if he wished to defer to a later date in hopes that more Commissioners might be present. Mr. Hawkins responded that he wished to proceed.

Mr. Hawkins stated he had been at the store for four years and could not speak to any statement by prior management that they would not request additional outside display. He stated he tried to keep the store site clean. Mr. Hawkins stated the store's business had expanded since 2004 and it now generated \$44,000,000.00 in annual sales. He stated he had to have product in stock to meet customers' demands. Mr. Hawkins explained the need for the various areas of outside storage and staging. He stated the outside staging areas would allow daytime delivery with store stocking after hours, after customers have left.

Ruth Bell, with the League of Women Voters, spoke against the item. She stated this site keeps coming back to Commission, again and again, each time asking for more. Ms. Bell stated the areas of outside display were unsightly and unsafe.

Ms. Bell stated the zoning did not allow for outside display. She noted other businesses in the area were also not allowed outside display and storage. She stated the Commission needed to decide if this was an indoor use with limited outside use or and outdoor use such as a lumberyard. Ms. Bell stated this site keeps coming back to the Commission with the same issue and was not working under the current conditional use permit.

Mr. Hawkins responded that the store was very safety conscious. He stated it was hard to find a balance between providing service to his customers and complying with the conditions of the C.U.P.

Commissioner Rouse noted that this was an ongoing issue. He asked why Home Depot did not enclose the areas. Mr. Hawkins responded that the areas were not really shopping areas, that they were staging areas.

Vice-chair Yates asked Mr. Hawkins if the currently proposed plan met the store's needs. Mr. Hawkins responded that the site would be maxed out under this plan. Vice-chair Yates asked what would happen if the proposal was not approved. Mr. Hawkins responded it would result in an inability to provide the needed level of service which could lead to a loss of income and jobs for the store. Vice-chair Yates asked if Mr. Hawkins understood that approval would require repair of landscaping on the site. Mr. Hawkins stated he understood that. He stated the landscaping east of the store could also be enhanced.

A motion was then made to approve the application, subject to compliance with all staff comments and conditions, except the recommendation of denial. The motion failed with a vote of 4 ayes, 2 noes and 5 absent.

June 25, 2009

ITEM NO.: 9

FILE NO.: Z-6624-A

NAME: Little Rock Fire Department West Little Rock
Fire Station – Conditional Use Permit

LOCATION: 4500 Rahling Road

OWNER/APPLICANT: City of Little Rock, Gregory Summers – Fire Chief

PROPOSAL: A conditional use permit is requested to allow for
construction of a City Fire Station on this
undeveloped, 2.65 acre, R-2 zoned tract.

1. SITE LOCATION:

The site is located at the southwest corner of the intersection of Rahling Road and Taylor Loop Road.

2. COMPATIBILITY WITH NEIGHBORHOOD:

This site and all surrounding properties are zoned R-2, residential. Single family residences are located on the properties to the north, south and west. A church occupies the property across Rahling Road to the east. The proposed station will be located on the northern portion of the tract. The southern portion may be developed as a small, neighborhood park. Until that time, that portion of the site will remain wooded. The western portion of the site will remain wooded, providing a buffer against the residences located beyond a natural drainage ditch to the west. The property is located at the intersection of a collector and minor arterial street with another institutional used located nearby. LRFD intends to construct the building to be compatible with the surrounding homes. Staff believes the site could be developed to be compatible with the neighborhood.

All owners of properties located within 200 feet of the site, all residents within 300 feet who could be identified and the Westchester/Heatherbrae and Secluded Hills Neighborhood Associations were notified of this request.

3. ON SITE DRIVES AND PARKING:

The site will have access from both Taylor Loop Road and Rahling Road. A parking lot will be constructed in front of the building on the Taylor Loop side. Additional parking will be located behind the building. Fire engines will exit the site out of the drive on Taylor Loop Road and will enter the station from the Rahling Road drive.

4. SCREENING AND BUFFERS:

Site plan must comply with the City's landscape and buffer ordinance requirements.

An automatic irrigation system is required for all the newly planted landscaped areas on the site.

A landscape plan with the seal of a Registered Landscape Architect will be required prior to the issuance of a building permit.

The City Beautiful Commission recommends preserving as many existing trees as feasible on this tree-covered site. Credit toward fulfilling Landscape Ordinance requirements can be given when properly preserving trees of six (6) inch caliper or larger.

5. PUBLIC WORKS COMMENTS:

1. A Sketch Grading and Drainage Plan should be provided as required per Section 29-186 (e).
2. Taylor Loop Road is classified on the Master Street Plan as a collector street. A dedication of right-of-way thirty (30) feet from centerline will be required. Show the centerline of the right-of-way on the survey.
3. A twenty (20) foot radial dedication of right-of-way is required at the intersection of Taylor Loop Road and Rahling Road.
4. Easements are required for all storm water drainage areas. The existing creek should be located within a public dedicated drainage easement. The creek has been reported out of the banks during rain event. Considerations should be taken during improvement of the property.
5. Sidewalks with appropriate handicap ramps are required in accordance with Section 31-175 of the Little Rock Code and the Master Street Plan to be installed along Rahling Road at the property line.
6. With site development, provide design of street conforming to the Master Street Plan. Construct one-half street improvement to Taylor Loop Road including 5-foot sidewalks with planned development. The new back of curb should be located eighteen (18) feet from the centerline adjacent to the subject property. The widening will require the extension of the box culvert.

7. 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).
8. A grading permit in accordance with Section 29-186 (c) & (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.
9. Storm water detention ordinance applies to this property. Show the proposed location for storm water detention facilities on the plan.
10. 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.
11. Street Improvement plans shall include signage and striping. Traffic Engineering must approve completed plans prior to construction.
12. Street lights are required by Section 31-403 of the Little Rock Code. Provide plans for approval to Traffic Engineering. Street lights must be installed prior to platting/certificate of occupancy. Contact Traffic Engineering 379-1813 (Steve Philpott) for more information.
13. Per Section 29-189 (d), groups of trees and individual trees that are not to be removed or are located within required undisturbed buffer areas shall be protected during construction by protective fencing and shall not be used for material storage or for any other purpose.
14. Driveway locations and widths do must meet the traffic access and circulation requirements of Sections 30-43 and 31-210. The width of driveway must not exceed thirty-six (36) feet. A variance must be requested for the proposed driveway spacing. Provide distance from the center of the driveways to the intersecting right-of-way.

6. UTILITY, FIRE DEPT. AND CATA COMMENTS:

Wastewater: Sewer available to this project.

Entergy: Ten (10) foot UG easement required along both street frontages.

Centerpoint Energy: Approved as submitted.

AT&T (SBC): No comment received.

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 the meter connection(s) will apply to this project in

addition to normal charges. Due to the nature of this facility, installation of an approved reduced pressure zone backflow preventer assembly (RPZ) 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. The Little Rock Fire Department needs to evaluate this site to determine whether additional public and/or private fire hydrant(s) will be required. If additional fire hydrant(s) are required, they will be installed at the Developer's expense.

Fire Department: Install and place fire hydrants per code.

County Planning: No Comments.

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

SUBDIVISION COMMITTEE COMMENT:

(JUNE 4, 2009)

Fire Chief Gregory Summers and LRFD Administrative Services Manager Paula Patterson were present. Staff presented the item and noted some additional information was needed. Staff asked that the applicant provide information on building height and design, signage and fencing. Staff asked if fire engines would exit onto Rahling Road or Taylor Loop Road and at what point vehicle sirens would be activated. Staff noted the proposed park area would be developed as a separate phase.

Public Works Comments were discussed at length. The applicant was advised to have the street centerlines noted on the survey and to request a variance for driveway locations. It was noted that the remainder of the comments would apply at the time of building permit submittal.

Landscape and Utility Comments were noted.

Chief Summers informed the Committee that a neighborhood meeting was scheduled for June 15 at 5:30 p.m. He stated the meeting would be held at the CALS branch located on Rahling Circle.

The applicant was advised to respond to staff issues by Wednesday, June 10, 2009. The Committee forwarded the item to the full Commission.

STAFF ANALYSIS:

The City of Little Rock Fire Department is requesting approval of a conditional use permit to allow for construction of a new fire station on the R-2 zoned property located at 4500 Rahling Road. On March 4, 1999, a conditional use permit was approved for a fire station on this site. Due to a lack of funding, the station was not built. The City will be applying for an American Recovery and Reinvestment Act grant for funding to construct the fire station. One of the requirements for a city to receive this grant is to have a project that is “shovel-ready” at the time the grant is awarded. The City is proposing to construct a two-bay station on the north half of the site. The southern half is shown as a small, neighborhood park. Funding from the grant cannot be used toward the park. The Fire Department will work with staff of the City’s Park Department in an effort to have the park area constructed. Approval of the C.U.P. will allow the park to also be constructed but will not mandate that the park be constructed in conjunction with the station since funding will be from different sources.

The fire department proposes to construct a one-story building. Materials and design have not been selected. However, the department states the building will be constructed in a manner that is aesthetically compatible with the neighborhood. Signage will consist of wall signage containing the department name and station number. There are no plans for any fencing. Fire engines will exit the site onto Taylor Loop Road and enter the site from Rahling Road. This design is needed in order to eliminate the need for fire apparatus turning around on Rahling Road or the need for a traffic signal at this site. In accordance with federal law, vehicle sirens will be activated immediately upon exiting the station. There is no bill of assurance for this acreage tract.

Staff is supportive of the proposal to construct a fire station and neighborhood park on this site. Little Rock presently has a Class 2 rating with the Insurance Services Office (ISO). The ISO rating measures the major elements of a community’s fire suppression system and develops a numerical grade. Insurance companies use these ratings in establishing premiums for both commercial and residential property policies. This rating affects the entire city; consequently, the better the rating the lower the insurance premiums will be citywide.

The property at Taylor Loop and Rahling Road is located in the western part of the city, which has experienced tremendous growth in recent years. Little Rock’s westward growth has created a critical need for a fire station in that area. According to ISO, the criterion for station placement is determined by actual road miles. Engine company placement should be within 1.5 miles and ladder trucks should be within 2.5 miles of residential structures and business establishments.

This location will enable the Little Rock Fire Department to meet the parameters of the ISO regulations.

Variations are requested for driveway widths and spacing. City code requires driveways on collector streets such as Taylor Loop Road to be located 250 feet from other driveways or intersections and 125 ft. from the property line. Due to the configuration of the property along Taylor Loop Road, these code requirements cannot be met. Staff recommends approval of the variance for driveway spacing on Taylor Loop Road.

City code requires driveways on minor arterial streets such as Rahling Road to be located 300 feet from other driveways or intersections and 150 ft. from the property line. Since this driveway will be used for fire apparatuses to only enter the fire facility to eliminate the need for fire apparatus turning around on Rahling Road or the need for a traffic signal at this site, staff recommends approval of the variance for driveway spacing on Rahling Road.

City code requires the maximum driveway width to be 36 ft. in width. Since the facility is a fire station with fire apparatuses beyond the normal vehicle size with large turning radiuses, staff recommends approval of the variance to increase the driveway width to 40 feet.

STAFF RECOMMENDATION:

Staff recommends approval of the requested C.U.P. to allow construction of a fire station and park on this site subject to compliance with the comments and conditions outlined in Sections 4, 5 and 6 of the agenda staff report.

Staff recommends approval of the variances to allow reduced driveway spacing and increased driveway width as proposed.

PLANNING COMMISSION ACTION:

(JUNE 25, 2009)

The applicants were present. There were several objectors present. Letters of support had been received from an area resident and from the Westchester-Heatherbrae Neighborhood Association. Staff presented the item and noted some modifications had been made in response to concerns raised by the neighbors. Staff noted the driveway onto Taylor Loop Road had been removed and the site would have two driveways onto Rahling Road. Staff noted the building had been moved further south on the site, allowing for more buffering along Taylor Loop Road. Staff stated the park element had been removed from the plan since the building and parking had been pushed south

on the site. Staff stated there would likely be a future emergency traffic signal installed on Rahling Road since the fire trucks would now be exiting onto Rahling, not Taylor Loop. Staff noted an area along the west perimeter of the site was incorrectly labeled as an undisturbed tree mass. Public Works staff had determined that necessary drainage work on the creek that traverses the site would result in loss of some of that western tree mass. Staff recommended approval of the application, subject to compliance with the conditions outlined in Sections 4, 5 and 6 of the agenda staff report. Staff also recommended approval of driveway spacing variances for the driveways on Rahling Road and driveway width variances.

Little Rock Fire Chief Gregory Summers addressed the Commission. He stated the City had been trying to build a station in the area since 1998. He stated there was now the possibility of the City obtaining a grant to build the station. Chief Summers stated the criteria for the grant included the City having to own the land and having an approved plan. He stated the most recent ISO study showed the City to be five stations short of the recommended number for a City of Little Rock's size and population. Chief Summers stated the ISO study specifically identified this location for a station. Chief Summers stated the station would be designed to complement the neighborhood. He said it was appropriate to have fire stations in neighborhoods.

Cory Boelkens, of 4211 Wesley Drive, spoke in opposition. He cited concerns about the traffic, noise and reduced property values that could result from having a fire station in the neighborhood. Mr. Boelkens noted three stations that he said were within fifteen minutes of the neighborhood. He stated removal of the trees from the site would reduce privacy.

Kay Crutchfield, of 18 Hanna Lane, said she echoed the same sentiments. She questioned how the Fire Department determined service areas.

Forest Snow, of 4212 Forest Dale Dr., stated he had the same concerns. He presented a petition signed by 49 persons who opposed the proposed fire station. He suggested placing the station on Cantrell Road.

Marty White, of 4215 Wesley drive, said he had the same concerns. He stated he moved to his home in 2000 and knew the site was approved for a fire station but he did not know the details. He said other fire stations were not located within three-hundred feet of residences. Mr. White stated he would rather have a police substation than a fire station.

Preston Zachary, of 15211 Taylor Loop Road, voiced concerns about noise and drainage.

Franchelle Owen, of 4201 Wesley drive, voiced concerns about drainage and said she did not want to see a deep ditch.

Chief Summers responded that the project would address drainage concerns. He stated the Fire department did not need fifteen minute response times. He stated the goal was four minutes for initial response and eight minutes for full-on response. He stated the City was barely maintaining a Class 2 ISO rating. Chief Summers stated the fire insurance for every resident of the City would be affected if the ISO rating went up from a Class 2 to a Class 3. He stated he had met with neighborhood residents and had tried to address their concerns. Chief Summers stated the Fire Department was not trying to invade the community but was trying to enhance the community.

Commissioner Adcock asked Chief Summers to estimate the anticipated number of runs to be made from this station. Chief Summers responded that he estimated three-hundred calls per year and most would be medical responses.

In response to questions from Commissioner Rouse, Chief Summers stated the outside speakers on the site would only be used during daylight hours. He stated sirens on the vehicles would be operated as needed to exit the site onto the road. Chief Summers stated the area of need was now more clearly defined than ten years ago. He stated the building would likely be constructed of rock, brick and siding to match the architecture of the church located across Rahling Road. The Chief discussed the locations of other stations in west Little Rock and noted the area of required coverage was out of compliance with ISO standards.

Commissioner Laha noted to Mr. White that he had moved into his home in 2000, after the fire station had been initially approved. Mr. White stated he had not been made aware of plans for a station until a few months after he moved in. In response to a question from Commissioner Laha, Mr. White stated knowing about the station would have made a difference in whether or not he bought his property.

Commissioner Rouse asked Mr. White if the Chief's statement that the outside speakers would not be used after dark made a difference. Mr. White continued to question the need for the station.

Vice-chair Yates commented that the proposed station had been on the City's plans for many years. He stated the issue had been thoroughly discussed both in the past and currently.

A motion was made to approve the application, including the variances, subject to compliance with the comments and conditions noted in the staff recommendation above. The motion passed with a vote of 7 ayes, 0 noes and 4 absent.

June 25, 2009

ITEM NO.: 10

FILE NO.: Z-7982-A

NAME: Oak Forest United Methodist Church –
Conditional Use Permit

LOCATION: 2402 S. Tyler Street

OWNER/APPLICANT: Oak Forest United Methodist Church/
Ritchie Feuers, Ph.D., Trustee

PROPOSAL: A revision to a previously approved Conditional Use Permit is requested to allow for expansion of Shepherd's Hope Healthcare Ministry into the structure on this R-3 zoned lot.

1. SITE LOCATION:

The property is located on the west side of S. Tyler Street, one lot south of West 24th Street.

2. COMPATIBILITY WITH NEIGHBORHOOD:

The church has been located in this neighborhood for many years. The prior approval to allow the church-owned structure at 2404 S. Tyler Street for the Shepherd's Hope Healthcare Ministry has not had a negative impact on the neighborhood. The addition of 2402 S. Tyler to the healthcare ministry should also not impact the neighborhood negatively. The structure will retain its residential appearance. The activity is limited to the previously approved days and hours of operation. The existing church parking lot will be utilized.

All owners of properties located within 200 feet of the site, all residents within 300 feet who could be identified, the Fair Park, Oak Forest and Curran-Conway Neighborhood Association and the University District were notified of this request.

3. ON SITE DRIVES AND PARKING:

No changes are proposed to the existing drives or parking. Visitors to the health/dental clinic will continue to utilize the existing, 60+ space church parking lot. No clinic visitor parking will occur on this property.

4. SCREENING AND BUFFERS:

Site plan must comply with the City's landscape and buffer ordinance requirements.

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 northern property line next to residentially zoned property. Credit towards fulfilling this requirement can be given for existing trees and undergrowth that satisfies this year-around requirement.

5. PUBLIC WORKS COMMENTS:

No Comments.

6. UTILITY, FIRE DEPT. AND CATA COMMENTS:

Wastewater: Sewer available to this project.

Entergy: Approved as submitted.

CenterPoint Energy: Approved as submitted.

AT&T (SBC): No comment received.

Water: Contact Central Arkansas Water if larger and/or additional water meter(s) are required. Due to the nature of this facility, installation of an approved reduced pressure zone backflow preventer assembly (RPZ) 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 as submitted.

County Planning: No Comments.

CATA: A CATA bus route is located along Fair Park Boulevard.

SUBDIVISION COMMITTEE COMMENT:

(JUNE 4, 2009)

Dr. Ritchie Feuers was present and staff presented the item and noted little additional information was needed. In response to questions from staff, Dr.

Feuers stated there would be no signage on the site and no parking for the clinic would occur on the site. Dr. Feuers stated the large, church parking lot would continue to be utilized. Dr. Feuers stated the accessory building on the rear of the lot would continue to be used by the church for storage.

Utility and landscape comments were discussed. Staff stated some screening would be required between this lot and the single family occupied residence adjacent to the north.

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

STAFF ANALYSIS:

On January 19, 2006, the Commission approved a conditional use permit to allow Oak Forest United Methodist Church, in partnership with Fellowship Bible Church, to operate a health clinic ministry using the residential structure at 2404 S. Tyler Street. The church owns the block bounded by Fair Park Blvd., Tyler, West 24th and West 25th Streets other than the one lot located at the northeast corner of the block. The health clinic ministry was approved to operate no more than 3 days a week for a few hours each day beginning at 4:30 p.m. Parking for the clinic is provided by the existing 60+ space church parking lot. Other than for some interior remodeling to accommodate the use, no real changes were made to the residential structure.

The free health clinic, Shepherd's Hope, has been very successful in providing needed health care to residents of the City. The church has recently acquired the adjacent residence, located at 2402 S. Tyler Street. Shepherd's Hope proposes to expand the free clinic into this residential structure to provide free basic dental care to those in need. The dental clinic would operate at the same time as the health clinic. No changes in the previously approved days and hours of operation are proposed. As with the structure at 2404 S. Tyler, the structure at 2402 S. Tyler will maintain its residential appearance.

The church proposes to construct an enclosed walkway connecting the two structures. The walkway will provide an enclosed area to address weather concerns as well as security concerns. Connecting the two structures also allows for the consolidation of activities such as administrative, storage, equipment and supplies.

Staff is supportive of the proposal to expand the free clinic into the structure at 2402 S. Tyler and to connect 2402 and 2404 S. Tyler Street with an enclosed walkway. The properties are within the block occupied by the church and parking lot. As an expansion of the church's ministry, the proposed use should continue

to be compatible with the neighborhood. To staff's knowledge, there are no outstanding issues. The bill of assurance for Cherry and Cox Addition does not address use issues.

STAFF RECOMMENDATION:

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

1. Days and hours of operation of the clinic are to be limited to 3 days a week between the hours of 4:30 p.m. and 9:30 p.m.
 2. Signage is to be limited to the existing wall sign on the building at 2404 S. Tyler Street.
 3. Compliance with any applicable building code, fire department and utility requirements for conversion of this residential structure into the proposed clinic use.
-

PLANNING COMMISSION ACTION:

(JUNE 25, 2009)

The applicant was present. There were no objectors present. Staff presented the item and a recommendation of approval, subject to compliance with the comments and conditions outlined in the "staff recommendation" above. There was no further discussion. The item was placed on the consent agenda and approved by a vote of 7 ayes, 0 noes and 4 absent.

June 25, 2009

ITEM NO.: 11

FILE NO.: Z-8061-A

NAME: Reddig Counselors' Office – Conditional Use Permit

LOCATION: 1301 Cumberland

OWNER/APPLICANT: Karen Reddig

PROPOSAL: A conditional use permit is requested to allow for use of the existing structures on this R-4A zoned lot as offices for psychological counselors.

1. SITE LOCATION:

The site is located on the southeast corner of East 13th Street and Cumberland; just south of I-630.

2. COMPATIBILITY WITH NEIGHBORHOOD:

The property is located in an area that contains a variety of uses; both residential and nonresidential. The properties in this block of Cumberland are occupied by single-family residences, duplexes and multifamily. Within the broader area, there are office uses, a nursing home, a day care, vacant lots and additional multifamily. The I-630 right-of-way is located across East 13th Street, to the north. This quiet office use appears to be compatible with uses in the area.

Notice of the public hearing was sent to all owners of properties located within 200 feet of the site, all residents within 300 feet who could be identified and the MacArthur Park, Downtown and Pettaway Neighborhood Associations.

3. ON SITE DRIVES AND PARKING:

Including both the 1,400+ square foot residence and 775 square foot accessory building, the site contains 2,175 square feet of space that will be used for the counselors' offices. At a ratio of one parking space per 400 square feet of floor area, 5 parking spaces are required. The site contains a two-car garage and 2 paved spaces outside the garage. On-street parking is available in front of the property and along the sides of East 13th Street. There are no other developable properties north of the site, which might compete for on-street parking. Utilizing both on-site and on-street parking. There should be sufficient parking for this quiet office use.

4. SCREENING AND BUFFERS:

No Comments.

5. PUBLIC WORKS COMMENTS:

No Comments.

6. UTILITY, FIRE DEPT. AND CATA COMMENTS:

Wastewater: Existing sewer main located on property. No permanent building construction allowed within five foot of existing sewer main. Contact Little Rock Wastewater for details.

Entergy: Approved as submitted.

CenterPoint Energy: Approved as submitted.

AT&T (SBC): No comment received.

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

Fire Department: Approved as submitted.

County Planning: No Comments.

CATA: A CATA bus route is located one (1) block to the southeast, at Daisy Bates and Rock Street.

SUBDIVISION COMMITTEE COMMENT:

(JUNE 4, 2009)

Karen Reddig was present. Staff presented the item and noted little additional information was needed. Staff asked the applicant to provide the proposed use of the structure at the rear of the lot and to provide a signage plan. Staff noted the property was located in the MacArthur Park Historic District and any signage would have to be approved by the Historic District Commission.

Public Works Comments were noted.

The applicant was advised to respond to staff issues by Wednesday, June 10, 2009. The Committee forwarded the item to the full Commission.

STAFF ANALYSIS:

The R-4A zoned lot located at 1301 Cumberland Street contains a one-story, brick and frame residence and a separate, two-story accessory building. The accessory building contains a two-car garage on the ground floor and an accessory dwelling on the second floor. Use of the second floor of the structure as an accessory dwelling was approved by the Planning Commission on July 6, 2006.

The applicants are requesting approval of a conditional use permit to allow use of the structures as offices for a husband and wife team of psychological counselors. The office will operate from 8:30 a.m. – 5:00 p.m., Monday through Friday. Clients are seen generally two days a week. On those days, the counselors generally schedule a total of 12 appointments between the two counselors throughout the day. Two clients are seen at a time. The office will serve as the business/billing center for the practice as both counselors also work in Morrilton, Jonesboro, Hot Springs, Conway and Pine Bluff. The center will employ one full-time office coordinator and one part-time test scoring/filing person. On the two days a week that clients are seen, traffic to the site will consist of 2 to 3 employee cars and 2 to 4 clients at a time (due to overlap of appointment times). The other 3 days a week, 1 to 2 employee cars will be at the site. The principal activities will occur in the front (principal) structure. The rear structure will be used for parking, additional office space and storage, and no signage is planned at this time. However a small ground sign may be added later. The applicants state they are aware of the requirement to comply with Historic District guidelines and to receive Historic District Commission approval of any signage.

Staff is supportive of the proposed use as presented by these applicants. The level of proposed activity is a quiet office use that should be compatible with the neighborhood. The site is located at the northern edge of the neighborhood, with the I-630 right-of-way to the north. There is adequate parking available utilizing on-site and off-site parking. Directly across the intersection to the northwest, the zoning changes to UU Urban Use, which would have no requirement for on-site parking. The property is located in the Original City of Little Rock and there is no bill of assurance. Staff's support is predicated on the site being occupied as offices for these applicants only. The level of activity throughout the week as presented by these applicants contributes to the compatibility of the use with the neighborhood.

June 25, 2009

ITEM NO.: 11 (Cont.)

FILE NO.: Z-8061-A

STAFF RECOMMENDATION:

Staff recommends approval of the requested C.U.P. to allow this R-4A zoned property to be used as offices for Psychological Care Center, as proposed by these applicants.

PLANNING COMMISSION ACTION:

(JUNE 25, 2009)

The applicant was present. There were no objectors present. Staff presented the item and a recommendation of approval, subject to compliance with the comments and conditions outlined in the "staff recommendation" above. There was no further discussion. The item was placed on the consent agenda and approved by a vote of 7 ayes, 0 noes and 4 absent.

June 25, 2009

ITEM NO.: 12

FILE NO.: Z-8459

NAME: Kern Accessory Dwelling – Conditional Use Permit

LOCATION: 317 N. Spruce Street

OWNER/APPLICANT: Philip Kern and Joan McEwey

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

1. SITE LOCATION:

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

2. COMPATIBILITY WITH NEIGHBORHOOD:

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

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

3. ON SITE DRIVES AND PARKING:

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

4. SCREENING AND BUFFERS:

No Comments.

5. PUBLIC WORKS COMMENTS:

No Comments.

6. UTILITY, FIRE DEPT. AND CATA COMMENTS:

Wastewater: Sewer available to this project.

Entergy: No comment received.

CenterPoint Energy: Approved as submitted.

AT&T (SBC): No comment received.

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

Fire Department: Approved as submitted.

County Planning: No Comments.

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

SUBDIVISION COMMITTEE COMMENT:

(JUNE 4, 2009)

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

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

STAFF ANALYSIS:

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

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

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

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

STAFF RECOMMENDATION:

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

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

PLANNING COMMISSION ACTION:

(JUNE 25, 2009)

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

June 25, 2009

ITEM NO.: 13

FILE NO.: Z-8462

NAME: Pulaski Baptist Association – Conditional Use Permit

LOCATION: 9400 Colonel Glenn Road

OWNER/APPLICANT: Pulaski Baptist Association/Jeff Dial, Pastor of Life Line Baptist Church

PROPOSAL: A conditional use permit is requested to allow a health clinic ministry to be operated within the existing church located on this R-3 zoned property.

1. SITE LOCATION:

The property is located at the northwest corner of Colonel Glenn Road and Foster Street, just west of the Colonel Glenn/Stagecoach intersection.

2. COMPATIBILITY WITH NEIGHBORHOOD:

This existing church is located at the southern edge of a residential neighborhood, where uses transition to nonresidential. Undeveloped, R-2 zoned properties are adjacent to the northwest. A nonconforming industrial use is located one block to the north. Single family residences are located across Foster Street. A farmer's co-op, church and vacant commercial building are located on C-3 and C-4 zoned properties across Colonel Glenn to the south. Adding this medical clinic ministry to the existing church 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 John Barrow Neighborhood Association were notified of this request.

3. ON SITE DRIVES AND PARKING:

The church property has 28 marked parking spaces with paved room for an additional 10 spaces. The clinic will operate one evening a week so as not to conflict with typical worship times. The existing parking and driveways will not be changed and should provide sufficient parking for the neighborhood oriented medical ministry.

4. SCREENING AND BUFFERS:

No Comments.

5. PUBLIC WORKS COMMENTS:

No Comments.

6. UTILITY, FIRE DEPT. AND CATA COMMENTS:

Wastewater: Sewer available to this project.

Entergy: No comment received.

CenterPoint Energy: Approved as submitted.

AT&T (SBC): No comment received.

Water: Contact Central Arkansas Water if larger and/or additional water meter(s) are required. Due to the nature of this facility, installation of an approved reduced pressure zone backflow preventer assembly (RPZ) 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: No comment received.

County Planning: No Comments.

CATA: A CATA bus route is located along Colonel Glenn Road, adjacent to this site.

SUBDIVISION COMMITTEE COMMENT:

(JUNE 4, 2009)

A representative of the Pulaski Baptist Association was present. Staff presented the item and noted little additional information was needed. Staff asked for additional specifications on the proposed medical clinic ministry, including days and hours of operation and signage.

Utility comments were noted.

The applicant was advised to respond to staff issues by Wednesday, June 10, 2009. The Committee forwarded the item to the full Commission.

STAFF ANALYSIS:

The R-3 zoned property located at 9400 Colonel Glenn Road is occupied by a one-story, brick church structure and a paved parking lot. The building was formerly occupied by Green Memorial Baptist Church. The property is now owned by the Pulaski Baptist Association who, in partnership with Life Line Baptist Church, have reopened the facility with an emphasis on ministry to the Hispanic community. In conjunction with the typical worship activities of the church, a free medical clinic ministry is proposed.

The medical clinic ministry will utilize approximately 6 rooms within the church building. The staff will consist of volunteers from the medical community. The clinic will operate one night a week (Monday, Tuesday or Thursday) from 5:00 p.m. – 9:00 p.m. The existing parking lot will be utilized. The clinic will be focused primarily on meeting the medical needs of those in the Hispanic Community but other people groups will not be turned away if they have need for service. Signage will be included on the existing ground sign, if any is proposed.

Staff is supportive of the proposal. The free clinic will utilize rooms within the existing church building. Ample parking is available. The free clinic will help to meet health care needs of the surrounding community and should have no impact on nearby properties. To staff's knowledge there are no outstanding issues. The Euclid Place bill of assurance does not address use issues.

STAFF RECOMMENDATION:

Staff recommends approval of the requested C.U.P. to add a health clinic ministry to this existing church as proposed.

PLANNING COMMISSION ACTION:

(JUNE 25, 2009)

The applicant was present. There were no objectors present. Staff presented the item and a recommendation of approval, subject to compliance with the comments and conditions outlined in the "staff recommendation" above. There was no further discussion. The item was placed on the consent agenda and approved by a vote of 7 ayes, 0 noes and 4 absent.

June 25, 2009

There being no further business before the Commission, the meeting was adjourned at 5:42 p.m.

Date _____

Secretary

Chairman