

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

SEPTEMBER 17, 2009

4:00 P.M.

I. Roll Call and Finding of a Quorum

A Quorum was present being eleven (11) in number.

II. Members Present: Pam Adcock
William Changose
J. T. Ferstl
Troy Laha
Jerry Meyer
Obay Nunnley, Jr.
Bill Rector
Billy Rouse
Candice Smith
Chauncey Taylor
Jeff Yates

Members Absent: None

City Attorney: Cindy Dawson

III. Approval of the Minutes of the August 6, 2009 Meeting of the Little Rock Planning Commission. The Minutes were approved as presented.

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

Location: West of Fair Park Blvd.

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

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

Purpose: To create a secured parking lot.

PROPOSAL/REQUEST:

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

STAFF REVIEW:

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

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

B. Master Street Plan:

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

C. Characteristics of Right-of-Way Terrain:

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

D. Development Potential:

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

E. Neighborhood and Land Use Effect:

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

F. Neighborhood Position:

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

G. Effect on Public Services or Utilities:

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

Entergy: No objection to abandonment. No easements requested.

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

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

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

H. Reversionary Rights:

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

I. Public Welfare and Safety Issues:

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

SUBDIVISION COMMITTEE COMMENT: (JUNE 4, 2009)

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

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

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

STAFF RECOMMENDATION:

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

1. The area of abandonment being retained as a utility and drainage easement.
 2. A Knox box being installed as required by the Fire Department.
 3. Execution of an access easement agreement, granting new access to the Pi Kappa Alpha property.
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PLANNING COMMISSION ACTION: (JUNE 25, 2009)

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

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

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

PLANNING COMMISSION ACTION: (AUGUST 6, 2009)

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

September 17, 2009

ITEM NO.: A (Cont.)

FILE NO.: G-23-410

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

PLANNING COMMISSION ACTION:

(SEPTEMBER 17, 2009)

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

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

September 17, 2009

ITEM NO.: B

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.

1. SITE LOCATION:

The property is located on the north side of I-30, west of Chicot Road and just east of the Town and Country Neighborhood.

2. COMPATIBILITY WITH NEIGHBORHOOD:

The property fronts onto the I-30 Access Road in an area of mixed zoning and uses. As “OS” zoned floodway is adjacent to the east. A large area of C-4 zoned properties extends further to the east, along the interstate. An area of undeveloped, R-2 zoned property is located to the north. A wooded drainageway/creek separates this site from that adjacent R-2 zoned property. An R-2 zoned residential neighborhood is located west of the site. A 50’ wide, “OS” zoned buffer separates this site from the neighborhood. An area of I-2, C-4 and C-3 zoned properties extends along the interstate to the west. The interstate right-of-way abuts to the south with an area of C-3, C-4 and I-2 zoned properties beyond.

All owners of properties located within 200 feet of the site, all residents within 300 feet who could be identified and the SWLR United for Progress and Town and Country Neighborhood Associations were notified of this request. A letter of support has been received from SWLR United for Progress.

3. ON SITE DRIVES AND PARKING:

Access to the site is proposed via a single driveway off of the interstate access road. Four parking spaces are located adjacent to the office. Driveways and parking are located adjacent to each of the mini-warehouse buildings as is typical for such developments. No areas of outside storage for RV’s, boats and campers are proposed.

4. SCREENING AND BUFFERS:

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

The western perimeter of the site has a fifty foot (50') open space area that is to be undisturbed. The plan submitted reflected that area to be a "clear zone". This is not allowed; revise.

The zoning buffer ordinance requires a thirty nine foot (39') land use buffer along the northern perimeter of the site. Seventy percent (70%) of this area is to remain undisturbed. Currently, buildings are being proposed in this area; therefore, these structures must be moved out of this minimal area.

The zoning buffer ordinance requires a twenty-six (26') foot wide land use buffer along the eastern perimeter of the site. Seventy percent (70%) of this area must remain undisturbed.

The zoning buffer ordinance requires an average thirty-nine (39') foot wide street buffer along Interstate 30. Currently, this minimal amount isn't being met; revise.

The Landscape Ordinance requires a thirty (30') foot wide landscape strip along Interstate 30. A variance from this minimal amount must be obtained from the City Beautiful Commission prior to the issuance of a building permit.

The Landscape Ordinance requires a nine (9') foot wide landscape strip around the sites entirety. A variance must be obtained from the City Beautiful Commission prior to the issuance of a building permit.

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 site. Credit toward fulfilling Landscape Ordinance requirements can be given when properly preserving trees of six (6) inch caliper.

5. PUBLIC WORKS COMMENTS:

1. Obtain permits for improvements within State Highway right-of-way from AHTD, District VI. The western driveway must be constructed with concrete per AHTD specification.
2. 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.
3. Storm water detention ordinance applies to this property. Show the proposed location for storm water detention facilities on the plan.
4. 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.
5. A special Grading Permit for Flood Hazard Areas will be required per Section 8-283 prior to construction.
6. In accordance with Section 31-176, floodway areas must be shown as floodway easements or be dedicated to the public. In addition, a twenty-five (25) foot wide access easement is required adjacent to the floodway boundary.
7. The minimum Finish Floor elevation of one (1) foot above the base flood elevation is required to be shown on plat and grading plans.
8. The driveway located in the floodway must be removed along with any fill including the existing gravel located in the floodway.

COMMENTS BASED ON REVISED SITE PLAN

1. The driveway located in the floodway on the southeast portion of the site must be removed along with any fill material including the existing gravel located in the floodway;
2. The floodway must be shown in a floodway easement or dedicated to the City of Little Rock;
3. The twenty-five (25) foot access easement adjacent to the floodway should be located outside of the floodway not within the floodway;
4. Storm water detention ordinance applies to this property. Show the proposed location for storm water detention facilities on the plan;
5. The proposed minimum finish floor elevation of one (1) foot above the base flood elevation is required to be shown on the proposed plan and on the final plat;

6. The west driveway off the interstate frontage road must be concrete and constructed per AHTD standards.

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: All Central Arkansas Water requirements in effect at the time of request for water service must be met. 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: Approved as submitted.

County Planning: No Comments.

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

SUBDIVISION COMMITTEE COMMENT:

(June 4, 2009)

The applicant was present. Staff presented the item and noted there was additional information needed including building heights, building and roof materials, signage, fencing and lighting. The applicant was asked to label building setbacks and to provide hours of operation and access. Staff noted dumpster locations and screening needed to be indicated and a phasing plan provided. Staff asked that the landscape areas be labeled and the "OS" zoned portion of the site be indicated as to remain undisturbed. Staff asked the applicant to label areas of outdoor storage and to provide justification for the proposed gravel parking area.

Public Works Comments were addressed next. Staff noted an NPDES permit would be required prior to construction and a special grading permit for flood hazard areas was required. Staff noted floodway areas needed to be shown as easements or dedicated to the City and a 25-foot wide access easement was required adjacent to the floodway boundary. Staff noted the driveway and any fill which had been placed in the floodway needed to be removed.

September 17, 2009

ITEM NO.: B (Cont.)

FILE NO.: Z-4159-B

Landscape Comments were discussed. Staff noted that the plan did not provide the required areas of buffer and landscaping. Individual areas were noted.

The applicant responded that he was not sure if he would proceed with the application. He was advised to respond to staff by Wednesday June 10, 2009 by either responding to issues raised by staff or by informing staff if he chose to withdraw or defer.

SUBDIVISION COMMITTEE COMMENT: (REVISED AUGUST 27, 2009)

The applicant submitted a revised plan based on the June 4, 2009 Subdivision Committee review. The applicant was present. Staff stated some additional information was needed. Staff requested the applicant provide the hours of operation and access.

Public Works Staff commented on the revised plan and noted the driveway and any fill material located in the following on the southeast portion of the site must be removed. Staff noted the floodway should be shown in an easement or dedicated to the City and the 25 ft. access easement adjacent to the floodway should be located outside of the floodway. Staff commented that stormwater detention facilities needed to be indicated on the plan and the minimum finished floor elevation of buildings was required to be shown. Lastly, staff stated the driveway off of the access road needed to be constructed to AHTD standards.

The applicant was advised to respond to staff issues by September 2, 2009. The Committee forwarded the item to the full Commission.

STAFF ANALYSIS:

The applicant is requesting approval of a conditional use permit to allow for construction of a mini-warehouse development on this C-3 zoned, 5.4± acre tract. The site currently contains a partially constructed metal frame building. The applicant proposes to construct a total of seven, one-story metal buildings on the site. The buildings will contain both standard and climate-controlled mini-warehouse storage units. The facility will contain approximately 348 units. The partially completed building, when finished, will have a height of 14 feet and will have a brick front façade. This building will contain the conditioned units. A small office area will be located at the front of this building. The remaining 6 buildings will have a height of 8.5 feet to 9.5 feet. These buildings will contain the remainder of the standard units.

A single driveway will provide access to the site. A parking lot will be located adjacent to the office. Fences and gates will control access to the remainder of

the site. Paved driveways are located on the site to provide access to the various mini-warehouse buildings. A 6-foot tall chain link fence with security wire will enclose the developed portion of the site. Lighting will consist of wall mounted light fixtures placed on the various buildings. No areas of outside storage are proposed for items such as RV's, campers or boats. Signage will comply with that allowed in commercial districts.

The applicant has responded to the various issues raised at the two Subdivision Committee meetings. The hours of operation for the office are Monday through Friday, 8:00 a.m. to 5:00 p.m.; Saturday, 8:00 a.m. to 12:00 p.m. and closed on Sunday. Gate hours for access to the units are 7 days a week, 7:00 a.m. to 8:00 p.m. 24 hours access will be granted on a case by case basis. It is anticipated that less than 1% will have such access. The site plan has been revised to address all Public Works Comments regarding detention, access and floodway issues. Some minor modification will need to be made to the proposed landscaping along the southeast perimeter of the site. Otherwise the site complies with the landscape ordinance provisions. A 50-foot wide undisturbed "OS" strip will be retained along the western perimeter. The chain link security fence will be placed on the applicant's side of the "OS" strip and an additional landscape strip will be placed within the fenced area. As proposed, the "OS" buffer and landscape area ranges from 58.86 feet to 75 feet in width along the west perimeter. The buildings are designed so that the buildings nearest the west perimeter are accessed only from the east side so that the buildings themselves actually provide additional screening. The site abuts a 300± foot wide floodway on the east. The landscape and buffer strip adjacent to the floodway varies from 9 feet to over 40 feet. The required 25 foot floodway access easement overlays much of this area. Staff is supportive of this configuration since the 300 foot wide floodway provides adequate open space and the property on the east side of the floodway is zoned C-4. A 39-foot wide land use buffer is required along the north perimeter where the site abuts undeveloped, R-2 zoned property. A creek/drainageway separates the two properties. The applicant is proposing to intrude into a portion of this buffer with a driveway. Landscaping will be installed in this area. Staff believes it is appropriate to require landscaping at 1 ½ times the Ordinance for plant size and numbers to enhance the screening in this area.

Staff is supportive of the request. The property is zoned C-3 which would allow the by-right development of the property with any of a number of commercial uses. The proposed mini-warehouse use is a relatively quiet and unobtrusive use. The site is buffered on the east and west by "OS" zoned buffer and floodway and fronts onto the interstate. There is no bill of assurance for this acreage tract.

STAFF RECOMMENDATION:

Staff recommends approval of the requested C.U.P. subject to compliance with the comments and conditions outlined in Sections 4, 5 and 6 of the agenda staff report.

Staff recommends approval of a variance to allow a reduction in the land use buffer on the north and east perimeters subject to landscaping being installed along the north perimeter at 1 ½ times the landscape ordinance requirement for size and plant numbers to provide entranced screening.

STAFF REPORT:

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

PLANNING COMMISSION ACTION:

(JUNE 25, 2009)

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

STAFF UPDATE:

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

PLANNING COMMISSION ACTION:

(AUGUST 6, 2009)

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

September 17, 2009

ITEM NO.: B (Cont.)

FILE NO.: Z-4159-B

PLANNING COMMISSION ACTION:

(SEPTEMBER 17, 2009)

The applicant was present. There were no objectors present. A letter of support had been received from Southwest Little Rock United for Progress. A letter of opposition had been received from an unidentified resident of the Town and Country neighborhood. Staff presented the item and a recommendation of approval subject to compliance with the conditions outlined in the "staff recommendation" above. There was no further discussion.

The item was placed on the consent agenda and approved as recommended by staff. The vote was 10 ayes, 0 noes and 1 absent.

September 17, 2009

ITEM NO.: C

FILE NO.: Z-8484

NAME: Perry Day Care Family Home – Special Use Permit

LOCATION: 9418 Southboro Drive

OWNER: Maggie Perry

APPLICANT: Maggie Perry

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

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 Windamere, OUR and SWLR United for Progress Neighborhood Associations were notified of the public hearing.

B. Public Works Comments:

No Comments.

C. Staff Analysis:

9418 Southboro Drive is located on the west side of Southboro Drive, south of Southwick Drive and immediately east of the McClellan High School campus. The properties to the north, south and east are zoned R-2 and contain single-family residences.

The applicant's home is a one-story brick and frame single-family residence, which is typical of those in the neighborhood. The rear yard is fenced and should provide a safe play area. The proposed hours of operation are from 6:00 a.m. to 6:00 p.m., Monday through Friday. There may be an additional employee if required by the State.

There is a one-car wide driveway from Southboro Drive, which widens to a two-car width, with parking for four (4) vehicles. The applicant will typically have one (1) vehicle parked on the driveway during day care hours. There is a Southwestern Bell utility outlet located on the north side of the drive, which prohibits it from being widened from the street. Staff believes the driveway will be sufficient for the drop-off and pick-up of children. Inspection of the property revealed no non-operational vehicles on the site

and no vehicles parked on unpaved area. The applicant is currently caring for no children at this location.

The applicant submitted a copy of the Bill of Assurance for the subdivision, which was recorded in 1965 and appears to still be valid. It contains the following language related to land use:

“Except for Lots 1, 2, 3, 17, 18 and 19, all lots shall be used for residential property only and no structure other than one detached single family dwelling shall be erected thereon. Lots 1, 2, 3, 17, 18 and 19 may be used for any use now permitted under E-1 zoning in the City of Little Rock, Arkansas.”

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

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.

D. Subdivision Committee Comments: (July 16, 2009)

Maggie Perry was present, representing the application. Staff presented the proposed day care family home issue.

In response to a question raised by staff, Ms. Perry noted that the hours of operation would be 6:00 am. to 6:00 p.m., Monday through Friday.

The size of the existing driveway was discussed. Staff explained that space exists for parking four (4) vehicles on the driveway.

The procedure for notifying surrounding property owners was discussed. Ms. Perry indicated that she probably would need additional time to notify the surrounding owners as required.

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

E. Staff Recommendation:

Staff recommends approval of the Special Use Permit to allow a day care family home at 9418 Southboro 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.

STAFF UPDATE:

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

PLANNING COMMISSION ACTION:

(AUGUST 6, 2009)

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

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

PLANNING COMMISSION ACTION:

(SEPTEMBER 17, 2009)

Maggie Perry was present, representing the application. There was one (1) person present in support and two (2) persons present in opposition. Staff presented the application with a recommendation of approval.

Ruth Bell addressed the Commission in support of the application. She explained that the proposed day care family home complied with ordinance standards and should be approved.

Pat Gee, with Upper Baseline Neighborhood Association and SWLR United for Progress, spoke in opposition. She noted that both groups opposed the application. She expressed concern with traffic in the area. She noted that the neighborhood had worked hard to make the area safe.

Carla Coleman also spoke in opposition. She also noted concern with traffic in the area. She stated that the bill of assurance for the neighborhood did not allow the use.

Maggie Perry addressed the Commission in support of the application. She explained that her house was adjacent to McClellan High School and there were many children in the area every day. She noted that there were several different routes to her house. She also noted that a nearby day care on Geyer Springs Road had recently closed.

In response to question from Commissioner Adcock, Ms. Perry explained that she was not interested in opening a day care center, only a day care family home. Ms. Perry also noted that she was in the process of being licensed by the State.

In response to questions from Commissioner Nunnley, Ms. Perry noted that she was a real estate agent. She also noted that her daughter would help her with the day care use.

Staff noted that there were no other day care uses within 300 feet of Ms. Perry's property.

In response to questions from Commissioner Laha, Ms. Perry noted that her clients lived throughout the city. She noted that all drop-off and pick-up of children would be done in the driveway area. The hours of operation were briefly discussed. Commissioner Laha noted that he was opposed to businesses in neighborhoods.

Ms. Coleman discussed other issues related to the neighborhood.

Commissioner Rector commented in support of day care family homes. Commissioner Nunnley made additional comments in support of the application.

Commissioner Adcock asked if Ms. Perry would charge for her day care service. Ms. Perry noted that she would, but would also accept persons who could not afford day care.

September 17, 2009

ITEM NO: C (Cont.)

FILE NO.: Z-8484

There was a brief discussion of the commercial properties in the area which were vacant and could be used for a day care center.

Commissioner Smith asked Ms. Perry if she was familiar with the Quality Rating Improvement System for day care uses. Ms. Perry noted that she was and would be taking yearly classes.

There was a brief discussion of what the ordinance allows for day care uses in residential areas.

There was a motion to approve the application, as recommended by staff. The motion passed by a vote of 7 ayes, 3 nays and 1 absent. The application was approved.

September 17, 2009

ITEM NO.: 1

FILE NO.: Z-8493

Owner: BSILR, LLC
Applicant: Robert D. Holloway, The Holloway Firm, Inc.
Location: 6510 Woodson Road
Area: Approximately 3.70 Acres
Request: Rezone from R-2 and I-2 to C-3
(with condition)
Purpose: Wire cable and sling storage, with light
assembly and shipping
Existing Use: Vacant commercial buildings

SURROUNDING LAND USE AND ZONING

North – School, animal clinic and mixed commercial/industrial uses
(across West 65th Street); zoned R-2, C-3, I-2 and PID

South – Single family and two-family residences; zoned R-2 and R-4

East – Mixed commercial/industrial uses (across Woodson Road);
zoned I-2

West – Mixed commercial/industrial uses; zoned R-2, C-3 and I-2

A. PUBLIC WORKS COMMENTS:

1. West 65th Street is classified on the Master Street Plan as a minor arterial. A dedication of right-of-way 45 feet from centerline will be required.
2. Due to the proposed use of the property, the Master Street Plan specifies that Woodson Road for the frontage of this property must meet commercial street standards. Dedicate right-of-way to 30 feet from centerline.

B. PUBLIC TRANSPORTATION ELEMENT:

The site is not located on a CATA Bus Route.

C. PUBLIC NOTIFICATION:

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

D. LAND USE ELEMENT:

This request is located in the 65th Street East Planning District. The Land Use Plan shows Commercial for this property. The applicant has applied for a rezoning from R-2 and I-2 to C-3 with conditions.

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

Master Street Plan:

65th 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. Woodson Road is a Local Street. The primary function of a Local Street is to provide access to adjacent properties. Local Streets which are abutted by non-residential zoning/use or more intensive zoning than duplexes are considered as "Commercial Streets". These streets have a design standard the same as a Collector. These streets may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

Bicycle Plan:

There are no bike routes in the immediate vicinity.

Neighborhood Action Plan:

This area is covered by the Geyer Springs/Wakefield Neighborhood Plan. The Transportation Goal states: "Widen Woodson Road to Master Street Plan standards."

E. STAFF ANALYSIS:

BSILR, LLC, owner of the 3.70 acre property located at 6510 Woodson Road, is requesting to rezone the property from "R-2" Single Family District and "I-2" Light Industrial District to "C-3" General Commercial District (with condition). The rezoning is proposed in order to utilize the existing commercial structures for wire cable and sling storage, with light assembly and shipping. A conditional use permit to allow this use is a

separate application on this agenda. The applicant has offered a condition for the proposed C-3 zoning to eliminate the following uses as permitted uses for the property:

- bar, lounge or tavern
- establishment for the care of alcoholic, narcotic or psychiatric patients
- pawn shop
- private club with dining or bar service
- special event center

Currently there is a one-story brick commercial building within the east half of the property, including a covered, unenclosed area. There is also a small metal building on the site. Access drives from Woodson Road serve the property. There is an area of paved parking on the south side of the buildings. The west portion of the property is undeveloped.

There is a mixture of uses and zoning in this immediate area. A school and animal clinic are located immediately to the north. Mixed commercial/industrial uses are located further north across West 65th Street. Single family and two-family residences are located to the south. Mixed commercial/industrial uses are located to the west and east (across Woodson Road).

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

Staff is supportive of the requested rezoning to C-3 (with condition). Staff views the request as reasonable. The property has a history of being utilized as a Southwestern Bell Telephone maintenance facility, including outdoor storage of materials. The rezoning of this property to C-3 (with condition) will be consistent with the other commercial and light industrial zonings in this area along the West 65th Street corridor. Staff believes use of this property as an enclosed commercial use 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, subject to the following condition, as offered by the applicant:

The following uses will not be permitted within the C-3 zoning:

- bar, lounge or tavern
- establishment for the care of alcoholic, narcotic or psychiatric patients
- pawn shop
- private club with dining or bar service
- special event center

PLANNING COMMISSION ACTION:

(SEPTEMBER 17, 2009)

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

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

September 17, 2009

ITEM NO.: 1.1

FILE NO.: Z-8493-A

NAME: Arkansas Sling Company – Conditional Use Permit

LOCATION: 6510 Woodson Road

OWNER/APPLICANT: BSILR, LLC/The Holloway Firm

PROPOSAL: A conditional use permit is requested to allow Arkansas Sling Company to operate an office/warehouse with light assembly, packaging and shipping on this site. The property is zoned R-2 Single Family. A request to rezone the property to C-3 General Commercial is a separate item on this agenda (Z-8493).

1. SITE LOCATION:

The site is located on the west side of Woodson Road, one lot south of West 65th Street.

2. COMPATIBILITY WITH NEIGHBORHOOD:

The property is located in an area of mixed uses and zoning, transitioning from the industrial uses located along 65th Street to the single-family neighborhood located to the south. Industrial use and zoning are located to the east, west and north. A C-3 zoned veterinary clinic is adjacent to the north. This property is a part of a larger tract that at one time was occupied by the phone company. A day care center occupies one of the phone company's former buildings to the northwest. Single-family homes are located to the south. Under this proposal, the only change to the site will be the enclosing of an existing canopy structure. The proposed use appears to be a good transitional use, which is compatible with uses in the area.

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

3. ON SITE DRIVES AND PARKING:

The site is accessed by existing driveways off of Woodson Road. A 20 space, paved parking lot is located south of the building. Additional parking and loading area is located on the north side of the building. No changes to the driveways or parking are proposed.

4. SCREENING AND BUFFERS:

Any new paved areas must comply with the City's Landscape and Buffer Ordinances.

Section 15-85. Remodeling and expansion projects.

- (a) All vehicular use areas which were in existence prior to the effective date of this article may continue as nonconforming until such time a building permit is issued to rehabilitate a structure on the property exceeding fifty (50) percent of the current replacement cost of the structure. At such time fifty (50) percent of the existing vehicular use area shall be brought into compliance with this chapter and shall continue to full compliance on a graduated scale based upon the percentage of rehabilitation cost.
- (b) Additionally, all vehicular use areas which were in existence prior to the effective date of this article may continue as nonconforming until such time as a building permit is granted to enlarge or reconstruct a structure on the property exceeding ten (10) percent of the existing gross floor area. At such time ten (10) percent of the existing vehicular use area shall be brought into compliance with this chapter and shall continue to full compliance on a graduated scale.

5. PUBLIC WORKS COMMENTS:

- 1. W. 65th Street is classified on the Master Street Plan as a minor arterial. A dedication of right-of-way forty-five (45) feet from centerline will be required.
- 2. Due to the proposed use of the property, the Master Street Plan specifies that Woodson Road for the frontage of this property must meet commercial street standards. Dedicate right-of-way to thirty (30) feet from centerline.

6. UTILITY, FIRE DEPT. AND CATA COMMENTS:

Wastewater: No comments received.

Entergy: Approved as submitted.

CenterPoint Energy: No comments received.

AT&T (SBC): No comments received.

Water: All Central Arkansas Water requirements in effect at the time of request for water service must be met. 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) required, they will be installed at the Developer's expense. Contact Central Arkansas Water if additional fire protection or metered water service is required.

Fire Department: Approved as submitted. Fire hydrant will be required at time of Building Permit.

County Planning: No Comments.

CATA: A CATA bus route is located one (1) block west of the site, at 65th Street and Geyer Springs.

SUBDIVISION COMMITTEE COMMENT:

(AUGUST 27, 2009)

The applicant was not present. Staff presented the item and noted little additional information was needed. Staff requested additional information regarding signage, site lighting and building materials. Staff noted that all uses would be required to take place entirely within the enclosed building.

Public Works, Utility and Landscape Comments were noted.

Staff stated they would meet with the applicant to discuss the comments.

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

STAFF ANALYSIS:

The R-2 zoned property located at 6510 Woodson Road is a lot that was created from a larger tract that previously was occupied by the phone company. This lot contains a 100 ft. X 30 ft. brick building, a 20 ft. X 20 ft. metal building and asphalt paved parking and driveways. A 100 ft. X 130 ft. canopy extends out from the brick building. The applicants propose to enclose the canopy and attach it to the brick building. The property is proposed to be used by Arkansas Sling Company as an office/warehouse with light assembly/packaging and shipping of the materials. A proposal to rezone the property from R-2 to C-3 is a separate

item on this agenda (Z-8493). A C.U.P. is requested to allow the proposed use under the C-3 zoning.

The canopy structure will be enclosed with an ICF wall system with a textured applied finish system (TAFS) exterior. A pair of garage doors will be located on the north and south facades. An existing 6 foot tall chain link security fence will be retained. A 6 foot tall wood fence is located along the southern perimeter of the site from Woodson Road to the back edge of the parking lot. A 20 space, paved parking lot is located south of the building. Additional parking and loading area is located on the north side of the building. No changes to the drives or parking are proposed. This low-volume operation will employ 2-3 persons. The hours of operation are primarily day time business hours. Signage is proposed to consist of a monument style ground sign and wall signs on the north, south and east facades of the canopy. Staff will support a variance to allow the wall sign on the north side of the façade without direct street frontage. Staff does not support placing a sign on the south façade, facing the residential properties. No additional site lighting is proposed. All existing lighting will be shielded downward and into the site to prevent light trespass onto adjacent properties. All proposed activities will occur within the enclosed buildings.

To staff's knowledge, there are no outstanding issues. Staff is supportive of the proposed C.U.P. The bill of assurance for Lot 1, Victory Addition states "The site shall not be used for purposes other than the uses as prescribed in the Little Rock Zoning and Subdivision Ordinances."

STAFF RECOMMENDATION:

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

1. The site must be rezoned to C-3 general commercial district.
2. Compliance with the comments and conditions outlined in Sections 4, 5 and 6 of the agenda staff report.
3. Any dumpster to be placed on the site must be located north of the building and screened to comply with the Code.
4. The 6-foot tall wood screen fence along the south perimeter is to be maintained in good condition.
5. All site lighting is to be shielded downward and into the site.

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ITEM NO.: 1.1 (Cont.)

FILE NO.: Z-8493-A

6. All uses are to take place only within the enclosed building.
 7. Signage is to be limited to a monument style ground mounted sign and wall signage on the north and east facades of the canopy/building.
-

PLANNING COMMISSION ACTION:

(SEPTEMBER 17, 2009)

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

The item was placed on the consent agenda and approved as recommended by staff. The vote was 10 ayes, 0 noes and 1 absent.

September 17, 2009

ITEM NO.: 2

FILE NO.: Z-8494

Owner: CBS Interests, LLC
Applicant: Sam Light, Scott Equipment Company
Location: South side of Interstate 30, 400 feet east of the southeast corner of I-30 and Sibley Hole Road
Area: Approximately 3 acres
Request: Rezone from R-2 to I-2
Purpose: Equipment display
Existing Use: Undeveloped

SURROUNDING LAND USE AND ZONING

North – Mixed commercial and light industrial uses (across I-30); zoned C -4 and PD-C

South – Church and undeveloped property (across Sibley Hole Road); zoned R-2

East – Undeveloped floodway; zoned R-2

West – Industrial Uses; zoned I-2

A. PUBLIC WORKS COMMENTS:

1. Sibley Hole Road is classified on the Master Street Plan as a collector street. A dedication of right-of-way 30 feet from centerline will be required.
2. The City of Little Rock FIRM Panel 0501810092 F does not show the floodway boundary to exist as shown on the survey. Provide proof of the floodway boundary as shown on survey.

B. PUBLIC TRANSPORTATION ELEMENT:

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

C. PUBLIC NOTIFICATION:

All owners of property located within 200 feet of the site, all residents within 300 feet who could be identified, and the Mavis Circle, Pinedale and

SWLR United for Progress Neighborhood Associations were notified of the rezoning request.

D. LAND USE ELEMENT:

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

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

Master Street Plan:

Sibley Hole Road is a Collector. The primary function of a Collector Street is to provide a connection from Local Streets to Arterials.

Bicycle Plan:

There are no bike routes in this immediate vicinity.

Neighborhood Action Plan:

This area is covered by the Chicot West/I-30 South Neighborhood Action Plan. The Economic Development Goal states: "Provide a mixed commercial/residential environment that will promote the safety, attractiveness, and value of the area while creating a competitive and adaptable economic climate that encourages investment and diversity of employment opportunities."

E. STAFF ANALYSIS:

CBS Interest, LLC, owner of approximately three (3) acres of property located along the south side of Interstate 30, approximately 400 feet east of Sibley Hole Road, is requesting to rezone the property from "R-2" Single Family District to "I-2" Light Industrial District. The rezoning is requested in order to utilize the property for equipment display, an expansion of Scott Equipment Company, which is located immediately to the west at 10923 I-30.

The site is currently undeveloped and mostly grass covered. Some site work has recently taken place in preparation of the property's development.

The general area contains a mixture of commercial and light industrial uses located along I-30. Mixed commercial and light industrial uses are

located across I-30 to the north. Light Industrial uses are also located to the west. There is undeveloped floodway property immediately to the east, with mixed commercial and light industrial uses further east. A church development and undeveloped property is located across Sibley Hole Road to the south.

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

Staff is supportive of the requested rezoning to I-2. Staff views the request as reasonable. The property requested for rezoning is that portion of the ownership, which is not located in the floodway. The property will be utilized as an expansion of the Scott Equipment Company development, which is located immediately to the west. The rezoning to I-2 represents a continuation of the light industrial zoning along the south side of I-30. The property to the west, as well as the property to the east (east of the floodway) is currently zoned I-2. Staff believes the proposed I-2 zoning will have no adverse impact on the adjacent properties or the general area.

F. STAFF RECOMMENDATION:

Staff recommends approval of the requested I-2 rezoning.

PLANNING COMMISSION ACTION:

(SEPTEMBER 17, 2009)

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

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

September 17, 2009

ITEM NO.: 3

FILE NO.: G-25-203

Name: Burnett Road Street Name Change to Sweetwater Cove
Location: Burnett Road off of Pinnacle Valley Road
Petitioner: Kenny and Marianne Bailey, Cindy and Curtis Hazzard
Request: To change the name of Burnett Road to Sweetwater Cove.

Abutting Uses and Ownership:

The applicant's two single family homes are the only structures that abut this street. A 12± acre, undeveloped tract abuts most of the north side of the street. The owner of that tract has also signed the street name change petitions. The C.R.I. and P. Railroad right-of-way abuts the south side of the street. The street dead-ends into the Little Maumelle River.

Neighborhood Effect:

The name change will affect only the addresses of the two applicants.

Neighborhood Position:

All abutting property owners and residents have signed the petition of street name change. Notice was sent to the River Valley Neighborhood Association and the Coalition of West Little Rock Neighborhoods.

Effect on Public Services:

No opposition has been voiced by any of the reviewing agencies including Public Works, Utilities and Emergency Service providers. One street name sign will need to be changed.

Staff Analysis:

The property owners and residents abutting Burnett Road are requesting that the name of the street be changed to Sweetwater Cove. This short street extends east from Pinnacle Valley Road and dead-ends at the Little Maumelle River. Burnett Road is a narrow, chip-seal street with no curb, gutter or sidewalk. The street is the former alignment of Pinnacle Valley Road before the new bridge and street alignment were constructed several years ago. One undeveloped acreage tract and two single family residential properties abut the street. The owners of all of these properties have signed the petition requesting the street name change.

Staff is unaware of any outstanding issues and supports the proposed name change.

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ITEM NO.: 3 (Cont.)

FILE NO.: G-25-203

STAFF RECOMMENDATION:

Staff recommends approval of the request to rename Burnett Road to Sweetwater Cove.

PLANNING COMMISSION ACTION:

(SEPTEMBER 17, 2009)

The applicants were present. There were no objectors present. Staff presented the item and a recommendation of approval. There was no further discussion.

The item was placed on the consent agenda and approved as recommended by staff. The vote was 10 ayes, 0 noes and 1 absent.

September 17, 2009

ITEM NO.: 4

FILE NO.: LU09-18-01

Name: Land Use Plan Amendment – Ellis Mountain Planning District

Location: Northwest corner Kanis and Atkins Roads

Request: Residential Medium Density to Suburban Office

Source: Rick Threadgill

PROPOSAL / REQUEST:

A Land Use Plan amendment in the Ellis Mountain Planning District from Residential Medium Density to Suburban Office. Suburban Office provides for low intensity development of office uses in close proximity to residential areas. A Planned Zoning District is required to ensure compatibility.

EXISTING LAND USE AND ZONING:

The property is currently zoned R-2 and is about 3 acres ± in size. The site is undeveloped and is wooded. An area east and adjacent to this application is zoned O-1 Quiet Office and is vacant, cleared and undeveloped. To the west, northeast and north of this site is all zoned R-2 Single Family and is partially developed with single family residences. There is also a significant portion of this area that is still wooded and undeveloped. Immediately west on the R-2 zoned land is a VFW post at the corner of Gamble and Kanis Roads. To the south of this amendment site is zoned O-1 and O-3, but it is all either single family residences or vacant land. Southeast of this site is zoned C-3 Commercial and is wooded and vacant.

FUTURE LAND USE PLAN AND RECENT AMENDMENTS:

The application area and the surrounding areas to the west are currently planned for Residential Medium Density. Beyond the Residential Medium Density to the north is Residential Low Density. To the east and south is planned for Suburban Office. Neighborhood Commercial is shown to the southeast. These areas were all amended in 1999 under Ordinance 17,951 in an effort to update the Kanis Corridor. There have been no amendments in this area since that time.

MASTER STREET PLAN:

Kanis Road is shown as a Minor Arterial on the plan. A Minor Arterial provides connections to and through an urban area and their primary function is to provide short distance travel within the urbanized area. Atkins Road is a Local Street. The primary function of a Local Street is to provide access to adjacent properties.

Local Streets which are abutted by non-residential zoning/use or more intensive zoning than duplexes are considered as "Commercial Streets". These streets have a design standard the same as a Collector. These streets may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

BICYCLE PLAN:

There are no bike routes in the immediate vicinity.

PARKS:

According to the Master Parks Plan, the application area is within eight blocks of a park or open space. This park area is along Rock Creek, which runs between the lanes of Chenal Parkway.

HISTORIC DISTRICTS:

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

CITY RECOGNIZED NEIGHBORHOOD ACTION PLAN:

The property under review is covered under the Rock Creek Neighborhood Action Plan. The Plan's Office and Commercial goal states: "Adopt a policy of adhering to the Land Use Plan. Amendments should be made very rarely, only with neighborhood input, and only when it can be clearly demonstrated that the amendment will enhance the quality of life in the Rock Creek Neighborhood."

ANALYSIS:

The Land Use Plan along Kanis Road has been the subject of extensive study. This area of Kanis is on the edge of development in the City of Little Rock. The last major changes to take place along the Kanis corridor were the result of Ordinance 17,951 in 1999. This Ordinance changed most of the corridor to the categories that are now shown. It has taken time, but these land use categories are beginning to be utilized with the development of small offices and new residences. The Kanis area has emphasized that lower intensity uses are the most desirable for the region. The Rock Creek Neighborhood Action Plan specifically requested that the Future Land Use Plan be adhered to more closely with very limited amendments.

This area has been growing almost continually over the past twenty years. The changes made by Ordinance 17,951 have been in place for eight years. A

change in conditions should be identified for further modification of the plan. The application area was changed under this ordinance from Transition and Neighborhood Commercial to Residential Medium Density. Throughout this period of time, the use has remained mostly single family with several Planned Office Developments for this section of Kanis. A pattern of residential mixed with office uses is developing along Kanis. These land use categories need to be used as a guide for the future development of the Kanis corridor.

The development pattern to the north and west is predominately single family detached houses. Most of the houses are of similar size and lot size, with a mix of large lot single family and smaller lot subdivisions. To the east is planned for Suburban Office. There are currently single family houses and single family houses that have been converted to offices in this area. These buildings and any future Suburban Office or Single Family buildings would all be on a similar scale. There has not been much development along this stretch of Kanis Road. The newest addition is the Crackerbox convenience store west of this amendment site.

NEIGHBORHOOD COMMENTS:

Notices were sent to the Gibraltar Heights Pointe West Timber Ridge POA. Staff has received one informational call from an area resident.

STAFF RECOMMENDATIONS:

Staff believes the change is appropriate.

PLANNING COMMISSION ACTION:

(SEPTEMBER 17, 2009)

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

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ITEM NO.: 5:

Name: Central High Neighborhood Design Overlay District

Location: Roughly between Daisy Bates Drive, Dr. Martin Luther King Drive, 17th and Woodrow Streets

Request: Approve a Design Overlay District for the area

Source: Central High Neighborhood Inc, and Staff

On October 17, 1989, the Board of Directors passed an ordinance providing for the creation of Design Overlay Districts (DOD). There are five purposes listed in the ordinance. The ones that are appropriate to this application are the second purpose listed: "to encourage the redevelopment of an area consistent with a particular design theme" and the fifth "to give special attention to the existing architectural style or to the style which is planned so as to create an easily identified corridor in those districts identified as architecturally significant." The three other purposes deal with arterial roadways; significant natural features such as hillsides or watercourses; and to landscaping, signage, lighting, etc. on scenic parkway corridors and do not apply to this DOD.

The Central High Neighborhood Design Overlay District would be the third mostly residential design overlay district in the city. The Central City Redevelopment Corridor overlay was established in July 1999 and the Hillcrest DOD in July 2007. This proposed DOD is similar to these two above.

The Central High Neighborhood Design Overlay District surrounds the Central High School campus. Central High is a National Historic Landmark, one of five in the city. The area of the overlay is part of the Central High Neighborhood National Historic District, a collection of roughly 800 structures built between 1900 and 1930 reflecting various period architectural styles. These facts are the basis for the "redevelopment of an area consistent with a particular design theme" and "those districts identified as architecturally significant." This area has a great number of vacant lots and houses that are either vacant or in need of rehabilitation. This DOD attempts to have those renovations and infill houses made compatible with the existing historic architecture and development patterns of the original neighborhood.

The Central High Neighborhood, Inc. (CHNI) has been a partner for many years in the preservation of the neighborhood and planning for its future. In its strategic plan, one of the goals was a design overlay for the area. CHNI approached the City of Little Rock to facilitate the writing and advancement of this DOD with the

September 17, 2009

ITEM NO.: 5: (Cont.)

neighborhood groups and plans committee. This proposed DOD is part of the implementation of their plan.

Two mailings were sent to property owners concerning this DOD. In December 2008, 383 letters were mailed to property owners to obtain input on a draft of the ordinance. A copy of the draft was included in the letter. On the first mailing, Staff had contact with 18-24 people with phone calls of general nature questions, not understanding what this entailed, etc. Most people, when informed that this DOD applied only when renovations exceeded 50% of the value of the structure or additions to the structure, thought that this DOD would not concern them.

The Little Rock School Board was included in the discussions from the beginning of this DOD discussion. The School Board has requested that the current property owned by the district be omitted from the DOD. This is the superblock bounded by Daisy Bates, Park, 16th and Jones as well as the parking area north of Daisy Bates Drive and is shown in the graphics as the hole in the center of the DOD.

This is the only school in the city that is located in a National Historic Site. Central High School is a National Historic Landmark structure, the highest designation for historic structures in the country, which sets this school and campus apart from other schools in the city. The superblock of the campus is in the National Historic Site, but the parking north of Daisy Bates Drive is not.

This exemption for the Central's property is only for current property, not for future property that may be acquired for the school's use.

In addition, Central High School, is required to have a Conditional Use Permit (CUP) for any expansion of the school property or new buildings under the current zoning ordinance. Schools are a conditional use in R-4 Zoning. This CUP review could be a similar review to that prescribed by the DOD. In actuality, other properties that fulfill the requirements of the DOD (when zoned properly for the intended use) will only have a Staff review before obtaining a building permit. Whereas, Central High School has always been required to have a public hearing at the Planning Commission for a CUP with legal notification of surrounding property owners. As part of the CUP, Staff review comments on the DOD requirements would be included, since the DOD surrounds the school site.

The Plans committee met from January 2009 through July 2009 to review the draft DOD. The entirety of the draft was discussed and edited with comments from property owners being considered. Neighborhood representatives, Planning Commissioners, Staff and citizens attended.

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ITEM NO.: 5: (Cont.)

The second mailing to the property owners was mailed on August 19, 2009. A copy of the proposed ordinance was placed on the web. Copies were made available to individuals as requested. As of this printing, Staff has received thirteen comments from property owners. One was in opposition to the proposed ordinance and there were twelve callers with questions of a neutral nature.

The boundaries of the district are bounded by the following streets: W 12th Street, South Schiller Street, W Daisy L Gatson Bates Drive, Dr. Martin Luther King Jr. Drive, W 17th Street, and South Woodrow Street. The campus of Central High School and its parking lot north of Daisy Bates is not included in the DOD. The regulations apply to new development; expansion of existing development; tree protection and planting; and redevelopment exceeding 50 percent of the structures assessed values according to the county tax assessor minus land value. All existing structures on the effective date of this ordinance will be "grandfathered". Routine maintenance will not be subject to the requirements of this ordinance. A definition of routine maintenance is provided in the ordinance.

The DOD's main goal is to have new development and redevelopment of existing structures to blend in with the existing fabric of the neighborhood, addressing materials used on structures; siting and orientation of the primary, secondary and parking structures; mechanical service equipment concerns and parking. This DOD does not dictate an architectural style of individual structures. This is not a Local Ordinance Historic District. It does not state that new structures must be one architectural style or another. A DOD does not regulate (prevent) the removal of structures.

The DOD breaks down into two major parts: Single Family or Two Family zoned land (R-2, R-3 and R-4) and Multifamily and Non-residentially zoned land (all other properties). Provisions in the ordinance also cover sidewalks; utilities and services; and landscaping.

The Single Family or Two Family zoned land section has ten subsections. The subsections are summarized below:

- New roofs shall be a minimum of 8/12 pitch to blend with the historic roofs of the area. This would cover additions and new construction.
- The exterior of the buildings will be wood, brick, other masonry, or a material that resembles wood (i.e. vinyl siding.)
- The building shall be facing the same way as others on the developed block face.
- The primary entrances shall be consistent with others on the block face.

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- The front setback of the structures shall be reduced from 25' to 15' that is more consistent with the existing pattern of houses in the area.
- Parking pads cannot be located between the front of the house and the street. Surface parking is to be beside or behind the house utilizing a driveway or parking pads. Parking pads have been defined as hard surface areas, not informal areas on the grass.
- Locations of detached garages and carport shall be in the rear of the house. Doors on attached garages must face interior lot lines, alleys, or side streets.
- Accessory buildings may cover 40% of the rear yard setback, an additional 10% over the base zoning.
- New construction must have a front porch and renovations to the front facades of existing construction must include a front porch.
- The placement of mechanical service equipment shall be in the rear yard or on a rear-facing roof.

This section covers about 95 acres or 66.6% of the land area in the proposed DOD. R3 and R-4 zoned land comprises 91.44 acres with the remainder in CUP's.

The Multifamily and Non-residentially zoned land section has nine subsections addressing: orientation of structures; ground level facades; setbacks; drive through facilities; roofs; materials; parking requirements; and parking minimums, maximums and locations.

- The building shall face the principal street as defined by the Master Street Plan. This will mimic the original orientation of the commercial buildings. New construction shall have sixty percent of glass windows or display space to mimic historic building patterns.
- The front setback of the structures shall be at 10' to mimic historic building patterns.
- No drive through will be permitted on the front facades of buildings; they shall be in the rear or side facades.
- Both flat and pitched roofs are permitted. They shall match the adjacent buildings.
- The exterior of the buildings will be wood, brick, stone, other masonry, or a material that resembles wood (i.e. vinyl siding.)
- Parking requirements have been reduced in the DOD. The minimum amount shall be one-half of the minimum stated in the base zoning and

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the maximum parking allowed will be the amount stated as the minimum in the base zoning.

- No parking shall be permitted in the front yard setbacks. If a parking deck is built, it will have ground level uses that are not vehicular, i.e. shops, offices, etc.

Other minor sections include the mandating of sidewalks of different widths for residentially and non-residentially zoned property. The Utilities and Services section addresses burying utilities from the pole to the structure, dumpsters being placed in alleys or in common service areas and screening of service and waste removal areas. The landscaping section reinforces the buffering and landscaping requirements stated in other chapters of the code. Trees greater than 14 inches in diameter will be protected from damages of future development. The draft continues to dictate size of trees to be planted in different locations, both size at planting and maturity.

This section covers almost 48 acres or 33.3% of the land area in the proposed DOD. There is 2.45 acres of R-5 zoned land, 10.48 acres of office, 6.71 acres of commercial, and 25.20 acres of industrial. The I-2 and I-3 zoned land is along the railroad tracks to the west of the area. The remainder of 2.92 acres is zoned PR for Centennial Park located at 16th and Battery.

Following is the current draft of the ordinance.

**DIVISION 13. SEC. 36-AAA. DESIGN OVERLAY DISTRICT—
CENTRAL HIGH NEIGHBORHOOD DESIGN OVERLAY DISTRICT**

(a) Purpose and intent: The purpose of the Central High Neighborhood Design Overlay District (district) is to create a quality vital atmosphere for businesses (commercial or office) and residents through protecting the historical architectural integrity and sense of place of the District, by encouraging historic rehabilitation of existing structures, and in-fill development which is fully compatible with existing, historic building stock. Buildings, parking area, signage, landscaping, and street furnishings should all be designed to complement and encourage pedestrian use both day and evening. Proper planning is necessary to ensure visual clutter is avoided.

Guidelines and strategies must be in place to protect the district from the negative impact of poorly planned or incompatible projects. Incompatible development has the potential to destroy the attributes that will attract people to the district.

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(b) District boundaries. The district shall include all parcels within the area as described: Starting at the intersection of W 12th Street and South Woodrow Street, east along the centerline of W 12th Street to the intersection of South Schiller Street, thence south along the centerline of South Schiller Street to the intersection of W Daisy L Gatson Bates Drive, thence east along the centerline of W Daisy L Gatson Bates Drive to the intersection of Dr. Martin Luther King Jr. Drive, thence south along the centerline of Dr. Martin Luther King Jr. Drive, to the intersection of W 17th Street, thence west along the centerline of W 17th Street to the center line of South Woodrow Street, thence north along the centerline of South Woodrow Street to the point of beginning,

Less and except:

All properties bounded by W Daisy L Gatson Bates Drive on the north, Park Street on the east, West 16th Street on the south and Jones Street on the west; and Park Addition Block 7 Lots 1, 2 and 12; and Park Addition Block 6 Lots 4-9; and that part of Dennison Street located between 13th Street and W Daisy L Gatson Bates Drive.

Sec. 36-BBB. Definitions.

Block face: The total of all lots within a city block facing a single given city street.

Developed block face: A block face containing developed lots which comprise fifty (50) percent or more of the block face.

Driveway: A designated gravel or paved vehicular path that leads from the public or private street to a permanent parking location, i.e. a parking pad, carport, garage, etc. on private property.

New construction: Construction that is characterized by the introduction of new buildings or structures.

Undeveloped block face: A block face containing developed lots which comprise less than fifty (50) percent of the block face.

Sec. 36-CCC. Application of design regulations.

(a) The regulations in this ordinance shall be in addition to and shall overlay all other zoning districts and other ordinances requirements regulating the development of land so that any parcel of land lying in the overlay district shall also lie within one

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- (1) or more of the other underlying zoning districts. Therefore, all property within this overlay district will have requirements of both the underlying and overlay-zoning district in addition to other ordinance requirements regulating the development of land. In case of conflicting standards between this ordinance and other City of Little Rock ordinances, the overlay requirements shall control.
- (b) These regulations shall apply to new development, expansion of existing development, tree protection and planting, and redevelopment exceeding fifty (50) percent of the structure's assessed value according to the county tax assessor minus land value. In order to be compatible with the established neighborhood, new construction and landscaping shall comply with the following criteria. In the case of an undeveloped block face, the requirements shall relate to the adjacent block faces.
- (c) Applicants for building permits to redevelop existing structures in the District shall state on their application the expected value of interior and of exterior improvements to the structure. Before a building permit is issued for more than \$1,000 in exterior improvements to a structure, the permit shall be reviewed pursuant to Sec. 36 DDD by the Department of Planning and Development to determine whether the total of proposed improvements are likely to exceed 50% of the value of the structure, and thus trigger application of the design guidelines in this regulation.
- (d) Uses, structures or lots which existed on the effective date of this ordinance which do not conform to the standards and guidelines established in this ordinance, shall be treated as nonconforming according to the provisions of article III of this chapter. Nonconforming status shall not apply to construction of improvements in the public right-of-way required by the city, redevelopment, or expansion of existing development.
- (e) Routine repairs, maintenance and interior alterations shall not be subject to these regulations. Regular maintenance shall be defined as maintenance or repair of any exterior architectural feature which does not change but simply upgrades a structure, including but not limited to: repainting, replacing deteriorated porch flooring, stairs, siding or trim in the same material and texture, or replacing screens, gutters or downspouts. Regular maintenance does not involve a change in design, material, or

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outer appearance of any architectural feature. In the event of a dispute, to determine routine maintenance that does not require compliance with this section, the Department of Planning and Development shall follow guidelines established by the Little Rock Historic District Commission for routine maintenance that does not require HDC review.

- (f) To encourage owners of properties in the District to return them as much as possible to their original, historic appearance when built, the Director of the Department of Planning and Development shall promptly approve building permit requests within the boundaries of the district to return properties as near as possible to their appearance when built. To determine this, the director shall rely upon advice from the Department of Arkansas Heritage or Staff of the Little Rock Historic District Commission.
- (g) Demolitions shall not be subject to these regulations
- (h) Properties with Conditional Use Permits on non-residentially zoned land, churches, and schools, regardless of underlying zoning, shall conform to Sec. 36-FFF New Construction and Additions or Modifications to existing structures on Multi Family or Non-residentially zoned land. All other properties with Conditional Use Permits and Special Use Permits on residentially zoned land shall conform to Sec. 36-EEE. New Construction and Additions or Modifications to existing structures on Single Family or Two Family Zoned Land section.

Sec. 36-DDD. Review section.

The director of the department of planning and development shall determine compliance of all building permit requests within the boundaries of the district.

Sec. 36-EEE. New Construction and Additions or Modifications to existing structures on Single Family or Two Family Zoned Land.

In order to be compatible with the historic nature of the neighborhood, new construction and additions to existing structures shall comply with the following criteria. Plans for new construction, additions and modifications which are subject to this ordinance shall be submitted to the Department of Planning and Development. The Department will review plans for consistency with the detailed requirements of this ordinance and consistency with the historic

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nature of the District. In the case of an undeveloped block face, the requirements shall relate to the adjacent block faces.

- (a) *Roofs.* A roof pitch of less than 8:12 shall be prohibited. Decorative roof features such as metal cresting, tile ridge caps, or other ornamentation shall be reinstalled when roofing or doing roof repairs. Tile roofs shall be preserved.
- (b) *Materials.* The materials of the exterior shell shall be wood, brick, other masonry, or a material that resembles wood (i.e., vinyl siding, etc.)
- (c) *Orientation.* The orientation shall be consistent with that of other structures on the developed block face.
- (d) *Entrances.* The primary entrance shall be consistent with that of other structures on the developed block face.
- (e) *Setback.* The front yard setback for all R-2 and R-3 Single Family and R-4 Two Family district shall be 15 feet. All other setbacks shall be as prescribed by the property's zoning district.
- (f) *Parking in Residentially zoned districts:* No off-street parking pads are allowed between the front of the principal structure and a public street. Surface parking is to be located behind or adjacent to a structure. Driveways are permitted to be installed in the front yard setback, but not between the principal structure and a public street. Parking pads, as used in this section, are to be defined as permanent surfaces of concrete, asphalt, modular pavers, masonry, gravel or other permanent surfaces to be used for the purpose of parking or storage of vehicles.
- (g) *Detached Garage and carport* locations shall be located to the rear or the principal structure and shall not be located in the front setback. Attached garages must have garage door openings that face side streets, interior lot lines, or alleys.
- (h) *Accessory Buildings:* Accessory building coverage within the 25-foot setback from the rear property line shall be no more than 40% of the area in that section. Accessory building setbacks shall be as per Chapter 36-254 and 36-256.
- (i) *Porches:* Residential structures must have a front porch that is a passageway from the street to the front door of the

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unit(s) on new residential construction and additions / modifications to the front façade of existing residential structures.

- (j) *Mechanical service equipment* (including but not limited to air conditioner condensing units, transformers, solar collectors, satellite dishes, etc.) shall be located in the rear yards or on a rear-facing roof.

Sec. 36-FFF. New Construction and Additions or Modifications to existing structures on Multi Family or Non-residentially zoned land.

In order to be compatible with the historic nature of the neighborhood, new construction and additions to existing structures shall comply with the following criteria. Plans for new construction, additions, and modifications, which are subject to this ordinance, shall be submitted to the Department of Planning and Development. The Department will review plans for consistency with the detailed requirements of this ordinance and consistency with the historic nature of the District. In the case of an undeveloped block face, the requirements shall relate to the adjacent block faces.

- (a) *Orientation*: The primary facade of a non-residential building shall face the principal street. The principal streets, as referred to in this section, shall refer to the street having the highest classification according to the City Master Street Plan. Buildings located on corner lots shall have the same orientation as adjacent non-residential structures.
- (b) *Ground-level facade*. For new construction, at least sixty (60) percent of the ground-floor level facing pedestrian public circulation areas shall be glass-windows and/or displays.
- (c) *Nonresidential Building setback*: All commercially and office zoned properties within the boundaries of this districts shall have a ten foot (10') front set back with building sited at the front setback property line. Properties on street corners shall be sited on the property lines ten feet off the property lines abutting the street corner. There shall be a five feet side yard set back from residentially zoned properties, zero feet side yard set back from non-residentially zoned property and rear yard setback of 25 feet.

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- (d) *Drive through facilities:* No drive through facilities shall be permitted on front facades of buildings. Buildings, which are on a corner, shall be considered to have two front facades. Drive-through facilities are permissible on side or rear facades.
- (e) *Roofs.* Flat roofs and pitched roofs are permitted. Rooflines should follow predominant style of the adjacent buildings.
- (f) *Materials:* The materials of the exterior shell shall be brick, other masonry, wood, or a material that resembles wood (i.e., vinyl siding, etc.)
- (g) *Standard parking requirements.* Parking requirements within the district shall be fifty (50) percent of that required by article VIII of chapter 36.
- (h) *Maximum parking:* The maximum parking allowed shall be the minimum standard established in article VIII of chapter 36.
- (i) *Parking facilities.* Surface parking shall be limited to the side and rear of structures. No parking shall be allowed in the "front-yard setback." Parking structures shall have ground-level uses devoted to non-vehicular activities. Development of ground-level retail or office uses is encouraged.

Sec. 36-GGG. Sidewalks.

All public streets and drives shall have five-foot sidewalks on both sides of the vehicular area for non-residentially zoned property. All residentially zoned property shall have four-foot sidewalks on both sides of the vehicular area.

Sec. 36-HHH. Utilities and services.

- (a) All new utilities for developments within the district shall be buried. All new developments are required to place utilities and cabled services in subterranean locations from the pole to the structure.
- (b) Dumpster delivery and waste removal areas shall be located in alleys where available or in common service areas for multiple developments.

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- (c) In all areas, service and waste removal areas shall be screened and located away from public outdoor spaces and pedestrian areas. Dumpster screening as per [section] 36-253.

Sec. 36-III. Landscaping.

The regulations in this subsection shall apply to all development and redevelopment in the District.

- a) Land use buffers shall be as provided in subsection 36-522(b)(1). In areas where terrain variation is great or other features result in the loss of privacy, alternative designs and massing shall be considered.
- b) Parking lots shall meet all current landscape requirements (Chapter 15, Article IV) when development or redevelopment occurs as stated above. Variances from this provision will be heard by the City Beautiful Commission.
- c) Trees greater than fourteen (14) inches in diameter, measured at four and one-half (four 1/2) feet above the ground, shall be protected from removal and damages in future development of the district. Any development within fifty (50) feet of any such tree shall be reviewed prior to development to assure protective measures are included and in place. Tree removal can only be done if approved by the City's Urban Forester. Penalties for violations shall be as listed in Chapter 1-9. For trees in the Public Right-of-way, see Sec 15-51.
- d) Planting of trees in areas void of shade and canopy will be conducted as follows. Tree species will be selected based on its mature size, growth, habit, and optimal site requirements. In any development that requires compliance with the provisions of this district, at least two (2) trees shall be planted in the front yard setback. Trees shall be selected from the list of appropriate trees listed in Chapter 15.
- e) Ensure that tree plantings do not interfere with above or below ground utilities, obstruct views at intersections, or cause other public safety concerns.
- f) Trees planted on public lands shall be at least two inches in caliper and ten feet in height.
- g) The City's Urban Forester shall advise about tree selection, planting guidelines, and tree placement.
- h) Trees planted in tree grates or in cutouts within sidewalks shall have a minimum of thirty-six square feet area. Tree pits shall be excavated to a depth of a minimum of eighteen inches and backfilled with topsoil.

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Sec. 36-JJJ. Exceptions.

Property, if for any reason, that cannot be developed without violating the standards of this article shall be reviewed through the planned zoning district (PZD) section of the zoning ordinance, with the intent to devise a workable development plan which is consistent with the purpose and intent of the overlay standards.

RECOMMENDATION:

Staff recommends approval.

PLANNING COMMISSION ACTION:

(SEPTEMBER 17, 2009)

Brian Minyard, Planning Staff, made a brief presentation of the item and summarized the ordinance for the Commission and citizens present. He stated that there was a change that needed to be made to the proposed ordinance. On page 7 of the draft under Sec 36-CCC. Application of Design regulations, (b), the first sentence should read as follows: These regulations shall apply to new development and also to expansion or redevelopment if the expansion or redevelopment exceeds fifty (50) percent of the structure's assessed value according to the county tax assessor but not including land value.

Commissioner Troy Laha had a question on the sidewalk widths. Mr. Minyard stated that he believed it was four feet wide if placed on the property line with a grass strip between the walk and the curb of the road or five feet if placed on the back of the curb. The intention was to match the sidewalks that were present in the neighborhood. Vince Floriani, Public Works, stated that it was four feet wide with a passing zone every 200'. The ADA requirements provides for three feet wide walks.

Ethel Ambrose, CHNI president, spoke in favor of the DOD. She stated that the largest tourist draw in the city is Central High School and referenced the Cultural Landscape Report. This area needs economic development while maintaining the historic aspect of the neighborhood.

Vanessa Norton, area resident, spoke in favor of the DOD. She supports compatible development.

Ruth Bell, League of Women Voters, stated that the League was very supportive of the DOD. She stated that they were concerned with the "hole in the middle" of the DOD. She would encourage missionary work to be done to impress upon

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Little Rock School District of the importance to understand and cooperate with the DOD when changes are made to the campus.

Muskie Harris, area resident, spoke of concerns on the commercial area being devastated. He asked what the plan did for commercial development. Mr. Minyard stated that the plan decreased the setbacks and the parking requirements which allows for larger store with smaller parking which could be a benefit to the store owners.

Commissioner Yates began a discussion on the parking requirements in the proposed ordinance.

Mr. Harris asked about a proposal to add mini-storage units to the area just west of the railroad tracks. Mr. Tony Bozynski, Director of Planning, stated that this DOD did not cover use but the development could be made to comply with the proposed ordinance. Mr. Harris stated that he supports the DOD but thinks that there will be confusion for the developers.

Mrs. Ambrose added that the DOD is one piece of a long-range neighborhood plan, with a primary emphasis on economic development.

Commissioner Nunnley commented on the hole in the center of the DOD and expressed the wish that Central High School would participate in the DOD but he thinks that the National Parks Service will keep the school in check.

Commissioner Laha asked if any of this property was in the 100-year floodway. Staff responded no. He stated that he would go along with the neighborhood on the DOD so that they can determine their own destiny.

Commissioner Yates made a motion to approve the DOD as amended by Staff with Commissioner Bill Rector seconding. The motion was approved with 10 ayes and 1 absent.

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There being no further business before the Commission, the meeting was adjourned at 5:09 p.m.

Date _____

Secretary

Chairman