

LITTLE ROCK PLANNING COMMISSION
PLANNING – REZONING – CONDITIONAL USE HEARING

MINUTE RECORD

AUGUST 26, 2010

4:00 P.M.

I. Roll Call and Finding of a Quorum

A Quorum was present being nine (9) in number.

II. Members Present: Tom Brock
William Changose
Marcus Devine
J. T. Ferstl
Dan Harpool
Troy Laha
Bill Rector
Billy Rouse
Jeff Yates

Members Absent: O Bray Nunnley, Jr.
Open Position

City Attorney: Cindy Dawson

III. Approval of the Minutes of the July 15, 2010 Meeting of the Little Rock Planning Commission. The Minutes were approved as presented.

LITTLE ROCK PLANNING COMMISSION
PLANNING – REZONING – CONDITIONAL USE HEARING
AUGUST 26, 2010
4:00 P.M.

I. OLD BUSINESS:

- A. Z-5392-B Cloverdale Middle School Parking Expansion and Improvements – Conditional Use Permit
6300 Hinkson Road

II. NEW BUSINESS:

<u>Item Number:</u>	<u>File Number:</u>	<u>Title</u>
1.	<u>G-23-421</u>	“O” Street/Davis Avenue – Right-of-Way Abandonment Adjacent to 1600 N. Fillmore Street
2.	<u>LU10-19-01</u>	A Land Use Plan Amendment in the Chenal Planning District at the north side of Kanis Road, just east of Rahling Road from Residential High Density and Park/Open Space to Office, Commercial and Park/Open Space.
2.1	<u>Z-8576</u>	Rezoning from R-2 and AF to O-2, C-3 and PR North side of Kanis Road, 400 feet east of Edswood Road
3.	<u>G-25-208</u>	Lewis Street Name Change to Bishop Warren Drive Lewis Street; from West 12 th Street to Charles Bussey Avenue
4.	<u>Z-8130-A</u>	Arkansas Baptist College – Revised POD 1811 West 16 th Street and 1604 Wolfe Street
5.	<u>Z-8575</u>	Holy Souls Catholic Church – Conditional Use Permit 5323 "H" Street and 824 N. Harrison Street
6.	<u>Z-8577</u>	Sonic/Geyer Springs – Conditional Use Permit 8100 Geyer Springs Road
7.	<u>Z-8578</u>	Sonic/University – Colonel Glenn Conditional Use Permit Southwest corner of S. University Avenue and Colonel Glenn Road

II. NEW BUSINESS: (CONTINUED)

<u>Item Number:</u>	<u>File Number:</u>	<u>Title</u>
8.	<u>Z-8579</u>	Deloney Day Care Center – Conditional Use Permit 8001 Mabelvale Cut-Off Road
9.	<u>Z-8580</u>	Arkansas Baptist College Student Lounge – Conditional Use Permit 1515 Martin Luther King Drive
10.	<u>LU10-09-02</u>	A Land Use Plan Amendment in the I-630/Boyle Park District changing Various Areas from Residential Low Density, Public Institutional, Park/Open Space, Suburban Office, Commercial, Industrial to Residential Low Density, Public Institutional, Suburban Office, Mixed Use and Light Industrial.
11.		Planning Commission Bylaw Amendments
12.		2010 Zoning and Subdivision Ordinance Amendments
13.	<u>LU10-01-</u>	A Land Use Plan Amendment in the areas surrounding the Little Rock National Airport and Port to ‘clean-up’ the Plan for this vicinity from Residential, Commercial, Industrial and Agricultural to Industrial, Light Industrial, Commercial and Mixed Use.
14.	<u>A-320</u>	Cooper Orbit Road Annexation, north of Cooper Orbit Road, near Glisten Lane

August 26, 2010

ITEM NO.: A

FILE NO.: Z-5392-B

NAME: Cloverdale Middle School Parking
Lot Expansion and Improvements

LOCATION: 6300 Hinkson Road

OWNER/APPLICANT: LRSD/Peters and Associates

PROPOSAL: A conditional use permit is requested to allow for an expansion of new parking spaces and improvements to existing parking on this R-2 zoned public school site.

1. SITE LOCATION:

The property is located south of West 83rd Street, north of Hinkson Road, approximately one block west of Geyer Springs Road.

2. COMPATIBILITY WITH NEIGHBORHOOD:

The school has been a part of this neighborhood many years, predating the area's annexation into the City. If done appropriately, the addition of more on-site parking should not affect the school's continued compatibility with the neighborhood. The campus is located at the eastern edge of the residential neighborhood, where uses transition to the commercial Geyer Springs corridor. Other institutional uses in the immediate vicinity include churches located to the north and east, a charter school located one block to the east and a day care to the east.

Notice of the public hearing was sent to 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 Cloverdale Neighborhood Associations.

3. ON SITE DRIVES AND PARKING:

The site contains a total of approximately 111 on-site parking spaces spread over the campus. An 18-space lot is located on the north side of the building with access off of W. 83rd Street. A 10-space lot is located east of the school with access off of Holland Lane, a private street. A total of 32 spaces are located in the area in front of the school with access off of Holland Land and Hinkson Road. Parking lots located on the west part of the school property (adjacent to the cafeteria and where the elementary school was previously located) contain a total of 48 spaces.

The District is proposing to construct 9 additional spaces east of the school, off of Holland Lane. Two smaller parking lots containing a total of 22 spaces are proposed to be constructed at the northeast corner of the campus, with access off of Holland Lane. The parking lot within the circular drive in front of the school is proposed to be enlarged by the addition of 55 new spaces. Once the construction of new spaces and renovation of some of the existing spaces is complete, the site will contain 187 on-site parking spaces, a net gain of 76 spaces.

Parking standards for a middle school are 1 space per classroom and 1 space for each teacher, employee and administrator. The school contains 52 classrooms, with 66 teachers and 26 other employees. Based on these numbers, the campus should contain 144 on-site parking spaces.

4. SCREENING AND BUFFERS:

Compliance with the City's landscape and buffer ordinances is required. The proposed site plan does not provide the 36± foot street buffer required on both the West 83rd Street and Hinkson Road perimeters. Additionally, the proposed parking lot on the West 83rd Street perimeter does not provide the minimum 9-foot wide landscape strip required by the Landscape Ordinance.

5. PUBLIC WORKS COMMENTS:

1. West 83rd Street and Hinkson Road are classified as commercial streets. Dedicate right-of-way to 30 feet from centerline.
2. Repair any damaged curb, gutter and sidewalks.
3. The stormwater detention ordinance applies to this property.
4. The proposed parking lot at the northeast corner of the site does not comply with driveway spacing requirements.

6. UTILITY, FIRE DEPT. AND CATA COMMENTS:

Wastewater: Sewer available to this project.

Entergy: No comments received.

Centerpoint Energy: No comments received.

AT&T (SBC): No comments received.

Water: NO OBJECTIONS.

Fire Department: Approved as submitted.

County Planning: No Comments.

CATA: The site is not located on a CATA bus route. The nearest route is located on Geyer Springs Road, to the east.

SUBDIVISION COMMITTEE COMMENT:

(JUNE 24, 2010)

Ernie Peters was present representing the application. Staff presented the item and noted additional information was needed regarding potential signage, site lighting and fencing. Staff noted the site plan needed additional labeling to more clearly show the property lines and dimensions to the proposed parking so that staff could determine if the buffer and landscape ordinances are being complied with. Staff also stated it was not clear what the existing right-of-way was on the abutting streets.

Staff asked the applicant to provide the total number of classrooms, grades of children and total number of employees and children so that a parking requirement could be determined. Staff also asked the applicant to provide the total number of parking spaces on site; existing now and after the proposed expansion. Staff informed the Committee that there had been concerns voiced by an area resident that the school was not using all of the existing parking.

Mr. Peters responded that there were 78 parking spaces on the site in close proximity to the school and an additional 30 space located on the west side of the campus; away from the school building. During the ensuing discussion, Commissioner Laha suggested the school make more use of the existing parking on site.

The applicant was advised to respond to staff issues by Wednesday, July 1, 2010.

STAFF ANALYSIS:

Cloverdale Magnet Middle School is located on the R-2 zoned property at 6300 Hinkson Road. The school is located on the east half of the 16± acre LRSD property. An elementary school used to be located on the west half. The school site contains a 52 classroom building, a detached cafeteria building, approximately 111 parking spaces distributed around the campus and play areas. Of the 111 spaces, approximately 60 are located in close proximity to the building. The remainder are located on the west side of the campus, some distance away from the building.

The District is proposing to increase on-site parking from 111 spaces to 187 spaces. Based on Ordinance Standards, this school should have 144 parking spaces. Two new parking lots are proposed at the northeast corner of the campus. These lots will contain a total of 22 spaces. 10 new spaces are proposed east of the building, taking access off of Holland Lane. The parking lot in front of the school is proposed to be expanded and improved to add 55 spaces. All of the new spaces are in close proximity to the school building.

While staff is supportive of the concept of providing additional on-site parking spaces, there are issues with this specific plan. The proposed parking lot at the northeast corner of the campus does not provide for the required zoning buffer of 36 feet or the minimum street perimeter landscape strip of 9 feet. A landscape strip of 7 feet is proposed along West 83rd Street. Additionally, the driveway to this proposed parking lot does not comply with driveway spacing requirements from 83rd Street. To construct the new parking area in front of the school, a park-like area within the existing circular drive will be mostly removed. The proposed new parking does not provide the required 36-foot zoning street buffer. At its closest point, the new parking is located within 10.6 feet of the Hinkson Road property line.

Staff believes there are options available, including placing a new parking lot west of the school, off of West 83rd Street. It is possible access could even be taken through an existing parking lot located north of the school. Additional area for parking is available on the west side of the campus. This area is within reasonable distance from the main school building and is even closer to the cafeteria building, which is connected to the main building by a covered walkway.

Staff believes any proposed new parking should comply with the City's buffer and landscape ordinances. Placement of the new parking without the benefit of appropriate buffers could potentially impact area residents and property owners.

STAFF RECOMMENDATION:

Staff recommends denial of the application as filed.

PLANNING COMMISSION ACTION:

(JULY 15, 2010)

The applicant was present. There was one objector present. Staff informed the Commission that, on July 13, 2010, the applicant had requested deferral of the item. Staff recommended deferral of the item to the August 26, 2010 agenda.

August 26, 2010

ITEM NO.: A (Cont.)

FILE NO.: Z-5392-B

A motion was made to waive the Commission's bylaws in regard to the late deferral request. That motion was approved by a vote of 10 ayes, 0 noes and 1 absent. A motion was then made to defer the item to the August 26, 2010 agenda. That motion was approved by a vote of 10 ayes, 0 noes and 1 absent.

STAFF UPDATE:

The applicant has submitted a revised site plan, which addresses the issues raised by staff. The small parking lot previously shown at the northeast corner of the site has been eliminated; thus addressing the buffer and driveway spacing concerns in that area. The parking lot in front of the school (fronting onto Hinkson Road) has been modified so that the required 36-foot zoning street buffer is provided. The revised plan was presented at the August 5, 2010 Subdivision Committee meeting. The committee determined there were no outstanding technical issues.

UPDATED STAFF RECOMMENDATIONS:

Staff recommends approval of the revised plan subject to compliance with the comments and conditions outlined in Sections 4 and 5 of the agenda staff report.

PLANNING COMMISSION ACTION:

(AUGUST 26, 2010)

The applicants were present. There were four objectors present. Staff presented the item and a recommendation of approval as outlined in the "updated staff recommendation" above.

Ernie Peters addressed the commission and described the proposal. He said the plan had been modified to address staff's concerns about buffers and driveway spacing. He said the improvements would also address drainage concerns on the site. Mr. Peters said there would be no new driveways onto public streets. He also described proposed sidewalk improvements on the east side of the school, where buses pick up and drop off students.

Pam Adcock, of 6205 Hinkson Rd., spoke in opposition to the item. She stated she had lived at that location for 17 years and most of the other neighbors were also opposed to the school's plans. Ms. Adcock stated there was no reason to destroy the front of the school property by taking away green space to construct parking. She stated there appeared to be adequate parking on the site based on the number of vacant parking spaces she observes daily. Ms. Adcock said the school should fit in the neighborhood and not look like an institutional site. She said the trees indicated to be preserved would likely die when the new parking is

constructed. She asked the Commission to not allow the school to construct any more parking lot lighting. Ms. Adcock said there were other areas on the campus that were better for placement of new parking. She spoke of the history of the relationship between the school and the neighborhood and said the neighborhood had most often supported the school. She said the school was asking for more parking than the minimum established by the zoning ordinance. Ms. Adcock showed photographs of other areas on the campus that she felt were better for use as parking.

Pat Gee, Vice-president of SWLRUP, spoke in opposition. She spoke of the importance of maintaining green space and of preserving mature trees. She questioned the cost of the project and wondered if it was an appropriate use of tax dollars.

William Vinson, principal of the school, addressed the Commission. He said there was a need for more parking near the front of the school, not just for the teachers but also for parents and other visitors. He noted that the proposed parking was in close proximity to the cafeteria and gymnasium. Mr. Vinson stated the conversion of the school to a charter school had created the need for more parking. He said there would only be minimum lighting on the sidewalks and ramps.

Commissioner Devine talked about the new Chenal Elementary and noted that school had parking at the front of the building which was available for parents and other visitors.

Commissioner Changose commented that putting the parking at the northwest corner of the building, off of 83rd Street, would work. Mr. Vinson responded that parking at the back of the school would not provide good access to the gym, cafeteria and front entrance.

There was a discussion of the required number of parking spaces and the number of spaces on the overall site.

There was a motion to approve the application, including all staff comments and conditions. The motion failed by a vote of 2 ayes, 7 noes, 1 absent and 1 open position.

August 26, 2010

ITEM NO.: 1

FILE NO.: G-23-421

Name: "O" Street/Davis Avenue – Right-of-Way
Abandonment

Location: Adjacent to 1600 N. Fillmore Street

Owner/Applicant: Akasha Hull

Request: To abandon the twenty-five (25) foot
"O" Street/Davis Avenue right-of-way
adjacent to 1600 N. Fillmore Street
(25 feet by 139.5 feet)

Purpose: To construct a driveway and garage

PROPOSAL/REQUEST:

The applicant is requesting to abandon the twenty-five (25) foot "O" Street/Davis Avenue right-of-way adjacent to Lot 5, Block 27, Mountain Park Addition (1600 N. Fillmore Street). The abandonment is requested to construct a driveway and garage to serve the residence at 1600 N. Fillmore Street.

STAFF REVIEW:

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

As noted in paragraph G., none of the utilities object to the abandonment request. Two (2) of the utilities require part of the area be retained as a utility easement due to existing service lines. The Public Works Department comment is as follows:

1. Easements are required for all storm water drainage areas. A fifteen (15) foot wide drainage easement should be established along the southern right-of-way line.

B. Master Street Plan:

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

C. Characteristics of Right-of-Way Terrain:

The area of right-of-way is currently undeveloped with few trees. The area is mostly grass-covered. There is a drainage ditch within the south half of the right-of-way area.

D. Development Potential:

After abandonment, the adjacent property owner to the north proposes to construct a driveway and garage to serve the residence.

E. Neighborhood and Land Use Effect:

Single family residences are located north, east and northwest of the abandonment area. The Arkansas River Valley Montessori School is located to the south at 1509 N. Pierce Street.

F. Neighborhood Position:

The Forest Park and Prospect Terrace Neighborhood Associations 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 to abandonment.

Entergy: No objection to abandonment.

Centerpoint Energy: No objection to abandonment.

AT&T (SBC): No objection to abandonment. Retain south ten (10) feet of the area of abandonment as an easement.

Water: No objection to abandonment. Retain area as easement or replat an easement of seven and one-half (7.5) feet from the centerline of the existing main.

H. Reversionary Rights:

This 25 foot wide (north half) section of "O" Street/Davis Avenue right-of-way was platted with the Mountain Park Addition to the north. The south half of the right-of-way was apparently never dedicated with development of the property to the south. Therefore, once abandoned, the right-of-way

will revert to the owner of Lot 5, Block 27, Mountain Park Addition (1600 N. Fillmore Street). According to an abstract company, there are no recorded reversionary rights for this right-of-way.

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:

(AUGUST 5, 2010)

Akasha Hull was present, representing the application. Staff described the proposed right-of-way abandonment, noting that the applicant had submitted all required documentation.

There being no outstanding issues associated with the abandonment request, the Committee forwarded the application to the full Commission for resolution.

STAFF RECOMMENDATION:

Staff recommends approval of the requested "O" Street/Davis Avenue right-of-way abandonment, subject to the south 15 feet of the area of abandonment being retained as a utility and drainage easement.

PLANNING COMMISSION ACTION:

(AUGUST 26, 2010)

The applicant was present. There were no objectors present. Staff presented the item and a recommendation of approval. There was no further discussion. The item was placed on the Consent Agenda and approved as recommended by staff. The vote was 9 ayes, 0 noes, 1 absent and 1 open position.

August 26, 2010

ITEM NO.: 2

FILE NO.: LU10-19-01

Name: Land Use Plan Amendment – Chenal Planning District

Location: North side of Kanis Road, just east of Rahling Road

Request: Residential High Density to Office and Commercial

Source: Tim Daters, for Maidie B. Shearer Revocable Trust

PROPOSAL / REQUEST:

A Land Use Plan amendment in the Chenal Planning District from Residential High Density to Office and Commercial.

EXISTING LAND USE AND ZONING:

The property is currently zoned R-2 Single Family and AF Agricultural Forestry. It is about eleven acres in size, minus the area shown as floodway. Part of this property is vacant and part is used as an animal clinic. The land south of this amendment site is zoned R-2 and is developed with large tract single family residences. Part of this area is undeveloped still. To the east of this area is a recently approved Planned Commercial Development for retail and mini warehouses. To the west of this site is zoned C-3 and is wooded and undeveloped. To the north is zoned Planned Office Development for a proposed medical office complex.

FUTURE LAND USE PLAN AND RECENT AMENDMENTS:

This area is shown as Residential High Density and Park/Open Space on the Future Land Use Plan. The Park/Open Space is shown to represent the Rock Creek floodway. To the north of this site is shown as Mixed Use. To the east and west is shown as Commercial. The south side of Kanis is shown as Residential High Density.

LU08-19-01 was approved by Ordinance 19,986 to change an area northwest of this site from Residential High Density to Commercial and Neighborhood Commercial.

LU06-19-07 was approved by Ordinance 19,722 for multiple staff updates along Kanis Road including a change from Residential High Density to Commercial to the west of this amendment site.

LU06-19-02 was approved by Ordinance 19,582 to change an area of Residential High Density to Mixed Office Commercial just north of the Rock Creek floodway.

LU05-19-03 was a change to the east of this current amendment from Residential High Density and Office to Commercial and Office. It was approved by Ordinance 19,462.

MASTER STREET PLAN:

Rahling Road is a Principal Arterial. The primary function of a Principal Arterial is to serve through traffic and to connect major traffic generators or activity centers within urbanized areas. Kanis Road 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 Kanis Road since it is a Minor Arterial. These streets may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

BICYCLE PLAN:

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

PARKS:

According to the Master Parks Plan, this area is within eight blocks of a park or open space. The Champagnolle Neighborhood Park is located to the northwest of this property.

HISTORIC DISTRICTS:

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

ANALYSIS:

In 2006, the Board of Directors requested City staff to review the Land Use Plan along Kanis Road from Chenal Parkway to Stewart Road. This was made as the result of a Land Use Plan amendment just west of Chenal Parkway on the north side of Kanis Road from Residential High Density to Commercial. Staff had been opposed to this request in part due to concerns that it could lead to further commercial requests along Kanis, making Kanis lined with commercial from Chenal Parkway to at least the alignment of the proposed West Loop. The resulting amendment package was based on the goal of maintaining existing zoned multifamily areas and protecting the low density single family areas to the south of Kanis Road.

This planning effort used Kanis Road as a dividing line between lower density (rural to extra-urban development) and higher density (more traditional suburban subdivisions) development areas. During the last four years this pattern has held, with the north side of Kanis Road not only being more dense but also more non-residential. The addition of a medical office campus development and zoning for several mixed use (office/commercial) developments north of Kanis Road has expanded the area of service and retail businesses. The amendment site is part of the southern edge of a large office-commercial, business district for far west Little Rock.

The south side of Kanis Road has a use pattern that is large lot residential, rural in nature. Currently Kanis Road is a two-lane 'county road', but the Master Street Plan shows it as a four-lane divided Arterial (or five-lane Arterial). This road can be the transition from non-residential to residential uses. The Land Use Plan shows an area of Residential High Density south of the site in question that will continue to be the transition from this higher density business district and the low density large lot home sites to the south. After review of the area, both use and zoning, the proposed change to Office and Commercial will not cause any undesirable land use conflicts in the area.

NEIGHBORHOOD COMMENTS:

Notices were sent to the following neighborhood associations: Witry Court, Champagnolle Court and Bascom Place. Staff has received no comments from area residents. The property under review is not located in an area covered by a City of Little Rock recognized neighborhood action plan.

STAFF RECOMMENDATIONS:

Staff believes the change is appropriate.

PLANNING COMMISSION ACTION:

(AUGUST 26, 2010)

The item was placed on the consent agenda for approval. By a vote of 8 for and 0 against, 1 recusal (Yates), 1 absent and 1 vacant the consent agenda was approved.

August 26, 2010

ITEM NO.: 2.1

FILE NO.: Z-8576

Owner: Maidie B. Shearer Revocable Trust
Applicant: Tim Daters, White-Daters and Associates
Location: North side of Kanis Road, approximately
400 feet east of Edswood Road
Area: Approximately 11.16 Acres
Request: Rezone from R-2 and AF to C-3, O-2 and PR
Purpose: Future office/commercial development
Existing Use: Partially undeveloped with single family
residence and pet boarding business

SURROUNDING LAND USE AND ZONING

North – Undeveloped property; zoned POD

South – Single family residences and undeveloped property
(across Kanis Road); zoned R-2

East – Single family residence and RV storage; zoned PCD

West – Undeveloped property; zoned C-3

A. PUBLIC WORKS COMMENTS:

1. Kanis Road is classified on the Master Street Plan as a minor arterial. A dedication of right-of-way 45 feet from centerline will be required.
2. In accordance with Section 31-176, floodway areas must be shown as floodway easements or be dedicated to the public. In addition, a 25 foot wide access easement is required adjacent to the floodway boundary.

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 Champagnolle Court,

Bascom Place and Witry Court Neighborhood Associations were notified of the public hearing.

D. LAND USE ELEMENT:

This request is located in the Chenal Planning District. The Land Use Plan shows Residential High Density and Park/Open Space for this property. The applicant has applied for a rezoning from AF and R-2 to C-3 and O-2. A Land Use Plan amendment is a separate item on this agenda.

The property under review is not located in an area covered by a City of Little Rock recognized neighborhood action plan.

Master Street Plan:

Rahling Road is a Principal Arterial. The primary function of a Principal Arterial is to serve through traffic and to connect major traffic generators or activity centers within urbanized areas. Kanis Road 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 Kanis Road since it is a Minor Arterial. These streets may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

Bicycle Plan:

Class I bike routes are proposed along Rahling Road and Kanis Road. A Class I bikeway is built separate from or alongside a road. Additional paving and right-of-way may be required.

E. STAFF ANALYSIS:

Maidie B. Shearer Revocable Trust, owner of the 11.16 acre property located on the north side of Kanis Road, approximately 400 feet east of Edswood Road, is requesting to rezone the property from "R-2" Single Family District and "AF" Agriculture and Forestry District to "C-3" General Commercial District (2.893 acres) and "O-2" Office and Institutional District (8.265 acres). The floodway area, which runs through this property, is proposed to be zoned "PR" Park and Recreation District, as it is shown on the Parks Masterplan as part of a trail system. The rezoning is being proposed for future commercial/office development.

The majority of the property is currently undeveloped and mostly wooded. The AF zoned portion contains a small single family-type structure, which is being utilized as a pet boarding business. There is a single family residence at the northeast corner of the overall property. A creek runs through the property from the southeast corner to the northwest corner, with a three (3) acre lake within the north portion of the property.

The general area contains a mixture of uses and zoning. Undeveloped POD zoned property is located to the north. Single family residences and undeveloped R-2 zoned property are located across Kanis Road to the South. PCD zoned property is located to the east, with undeveloped C-3 zoning to the west.

The City's Future Land Use Plan designates this property as Residential High Density and Park/Open Space. A Land Use Plan Amendment to change the Residential High Density to Office and Commercial. The area of Park/Open Space (floodway area) will remain.

Staff is supportive of the requested rezoning. Staff views the requested rezoning as reasonable. The general area contains a mixture of zonings, with the abutting properties to the east and west having commercial designations. The property to the north is zoned POD. The requested C-3 and O-2 zoning will be a continuation of the non-residential zoning along the north side of Kanis Road, west of Chenal Parkway. Staff believes the proposed C-3 and O-2 zoning, with the floodway being zoned PR, will have no adverse impact on the adjacent properties or the general area.

F. STAFF RECOMMENDATION:

Staff recommends approval of the requested C-3 and O-2 rezoning, subject to the area of the property located in the regulatory floodway being zoned PR.

PLANNING COMMISSION ACTION:

(AUGUST 26, 2010)

The applicant was present. There were no objectors present. Staff presented the item and a recommendation of approval. There was no further discussion. The item was placed on the Consent Agenda and approved as recommended by staff. The vote was 8 ayes, 0 noes, 1 recusal (Yates), 1 absent and 1 open position.

August 26, 2010

ITEM NO.: 3

FILE NO.: G-25-208

Name: Lewis Street Name Change to Bishop Warren Drive

Location: Lewis Street, from West 12th Street to Charles Bussey Avenue

Petitioner: Greater Christ Temple Pentecostal Church

Request: To rename that portion of Lewis Street, located from West 12th Street to Charles Bussey Avenue, to Bishop Warren Drive.

Abutting Uses and Ownership:

One church (applicant) and 13 single family residences front onto and take an address from this 8 block section of Lewis Street. Four (4) of the houses are vacant. The petition was signed by the church and residents of eight (8) of the nine (9) remaining occupied residences.

Neighborhood Effect:

The addresses of the church and 13 residential properties will change.

Neighborhood Position:

The petition requesting the street name change was signed by the church and 8 of the 9 occupied single family residences. Notice of the public hearing was sent to all parties, including the owners of the 4 unoccupied residences.

Staff notified the Forest Hills, Hope, Midway and Stephens Area Faith Neighborhood Associations. As of this writing, no opposition has been voiced to staff.

Effect on Public Services:

Thirteen street signs will need to be changed at a cost of approximately \$100.00 per sign for a total cost of approximately \$1,300.00.

None of the reviewing agencies have voiced opposition to the proposed name change.

Staff Analysis:

The membership of Greater Christ Temple Pentecostal Church, located at 1200 Lewis Street, is petitioning to have the portion of Lewis Street located between West 12th Street and Charles Bussey Avenue renamed to Bishop Warren Drive in recognition of Bishop Emeritus Leodies Warren.

In 1942, Bishop Warren began his pastorate at Bethlehem Temple Church in North Little Rock. He later moved the church to 3412 West 17th Street in Little Rock and renamed it Christ Temple Pentecostal Church. In 1980, the church purchased the property at 1200 Lewis Street and subsequently constructed the existing facilities. Bishop Warren pastored for 67 years and now serves as pastor emeritus. In 2009, Bishop Warren received a recognition award from Governor Mike Beebe, honoring him for his outstanding humanitarian services.

The church had previously filed an application, requesting to rename West 12th Street for Bishop Warren. That application was denied by the Planning Commission in December 2009. At the suggestion of the Planning Commission, the church pursued the current application to rename a portion of Lewis Street.

The portion of Lewis Street to be renamed has logical beginning and ending points on both ends at major streets, 12th and Bussey. Staff believes the intersecting streets will help to provide a logical transition to the new street name. Staff has no knowledge about the basis for the Lewis Street name. It is one of three streets (Lewis, Peyton, Abigail) that provide a transition from the “tree” streets to the east and the “president” streets to the west.

STAFF RECOMMENDATION:

Staff recommends approval of the request to rename that portion of Lewis Street located between West 12th Street and Charles Bussey Avenue to Bishop Warren Drive.

PLANNING COMMISSION ACTION:

(AUGUST 26, 2010)

The applicants were present. There were no objectors present. Staff presented the item and a recommendation of approval. There was no further discussion. The item was placed on the consent agenda and approved by a vote of 9 ayes, 0 noes, 1 absent and 1 open position.

August 26, 2010

ITEM NO.: 4

FILE NO.: Z-8130-A

NAME: Arkansas Baptist College Revised Short-form POD

LOCATION: 1811 West 16th Street and 1604 Wolfe Street

DEVELOPER:

Arkansas Baptist College
1621 Dr. Martin Luther King Drive
Little Rock, AR 72202

ENGINEER:

Blaylock Threet
1510 S. Broadway
Little Rock, AR 72202

ARCHITECT:

SCM
10411 West Markham, Suite 220
Little Rock, AR 72205

AREA: 31,780 sq. ft. NUMBER OF LOTS: 1 zoning lot FT. NEW STREET: None

CURRENT ZONING: POD

ALLOWED USES: Classrooms, community center and offices for
Inner City Future Net

PROPOSED ZONING: Revised POD

PROPOSED USE: Day care, classrooms, offices and housing for Arkansas
Baptist College

VARIANCES/WAIVERS REQUESTED: None requested.

BACKGROUND:

On December 7, 2006, the Commission voted to recommend approval of Inner City Future Net's planned office proposal to use the structure at 1811 West 16th Street as administrative offices and the structure at 1604 Wolfe Street for educational activities.

Together the two buildings were to serve as a type of community center. Ordinance No. 19,627 was passed by the Board of Directors on January 2, 2007, establishing the Inner City Future Net Short-form PD-O.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

Arkansas Baptist College is requesting a revision to the POD to allow the structure at 1811 West 16th Street to be used for the College's Kiddie Kollege day care center and the structure at 1604 Wolfe Street to be used to house the college's Upward Bound program. Future uses for the 1604 Wolfe Street structures may include faculty housing, office space or additional space for the Kiddie Kollege.

B. EXISTING CONDITIONS:

Both 1811 West 16th and 1604 Wolfe are one-story, frame residential structures. 1604 Wolfe appears to be residential in use at this time. 1811 West 16th appears to be occupied by a nonresidential use but there is little activity and no signage. There is no on-site parking.

C. NEIGHBORHOOD COMMENTS:

Notice was sent to the owners of all properties located within 200 feet of the site, all residents within 300 feet who could be identified and the Central High, Downtown and Wright Avenue Neighborhood Associations.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

No Comments.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Wastewater: Sewer available to this project.

Entergy: No comment received.

Centerpoint Energy: No comment received.

AT&T (SBC): No comment received.

Water: NO OBJECTION.

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

Contact Central Arkansas Water regarding the size and location of the water meter.

Fire Department: Approved as submitted. Fire sprinklers may be required.

County Planning: No Comments.

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

F. ISSUES/TECHNICAL/DESIGN:

Planning Division: This request is located in the Central City Planning District. The Land Use Plan shows Single Family for this property. The applicant has applied for a Revised Planned Office Development to allow the continued use of the existing structures for various activities of Arkansas Baptist College.

The uses proposed with the Planned Development are of a public – quasi-public nature. As with all Public Institutional uses a Land Use Plan is not required. When Staff conducts the next land use review of the area, if the development is in place a ‘clean-up’ amendment to Public Institutional may be included for the Commission’s consideration at that time.

Master Street Plan: Wolfe Street, Battery Street, and 16th Street are all shown as Local Streets on the Master Street Plan. These streets may require dedication of right-of-way and may require street improvements. The primary function of a Local Street is to provide access to adjacent properties.

Bicycle Plan: Existing or proposed Class I, II or III Bikeways are not in the immediate vicinity of the development.

City Recognized Neighborhood Action Plan: The property under review is not located in an area covered by a City of Little Rock recognized neighborhood action plan.

Landscape Issue: Proposed privacy fence to enclose the playground area is to be constructed with the finished side facing outward.

G. SUBDIVISION COMMITTEE COMMENT: (AUGUST 5, 2010)

Robert Turner was present representing Arkansas Baptist College. Staff presented the item and noted some additional information was required regarding signage, parking, site lighting and dumpster location. Staff asked the applicant to provide a maximum enrollment for the day care and to indicate

where drop-off/pick-up would occur. Staff noted the site was located within the Central High Design Overlay District and if the redevelopment costs exceed 50% of the structures' assessed value, the overlay's regulations would apply. Mr. Turner responded that it was unlikely that the minor remodeling required would exceed that threshold since the buildings had been previously remodeled by Inner City.

Public Works, Landscape and Utility Comments were noted. The applicant was advised to respond to staff issues by August 11, 2010. The Committee forwarded the item to the full Commission.

H. ANALYSIS:

Ordinance No. 19,627, passed on January 2, 2007, approved the use of the residential structures at 1811 West 16th and 1604 Wolfe Street for various educational and office uses for Inner City Future Net. Arkansas Baptist College has now acquired the property and is requesting a revision to the POD zoning to allow the structures to be used for various activities.

1811 West 16th Street is proposed to be used for Kiddie Kollege, the College's day care center. The day care will have a maximum enrollment of 25 children. Currently, there are 3 full-time and 1 part-time employees. A 6-foot wood privacy fence will be erected in a portion of the rear yard to accommodate a playground. Only minor renovations are required to accommodate the use. Drop-off/pick-up will occur in the alley adjacent to the structure. Employees will utilize existing college parking lots or on-street parking.

The structure at 1604 Wolfe Street is to be used for facility housing, office space or additional use for the Kiddie Kollege. No changes are proposed for the site.

At both buildings, no signage, no new site lighting and no dumpster are proposed. No on-site parking will be constructed. The only external change will be the privacy fence behind 1811 West 16th. The applicant has reconfirmed that no trees will be removed. Trash collection cans are located on the west side of 1811 West 16th, off of the alley. That area is screened by a privacy fence.

The site is located in the Central High Design Overlay District. It appears no changes are being made to the site, which might violate the DOD. The overlay parking requirement is 50% of the typical ordinance requirement. As an office use, 1604 Wolfe Street would typically require two spaces. Only one space is required under the overlay. The proposed day care would typically require 5 spaces. Only 2 are required under the overlay. The college is not proposing to construct any on-site parking, desiring to maintain the existing residential character of the site.

To staff's knowledge, there are no outstanding issues. The century old bill of assurance for Centennial Addition is handwritten and somewhat illegible but likely does not address use issues.

I. STAFF RECOMMENDATION:

Staff recommends approval of the requested POD subject to compliance with the following conditions:

1. Compliance with the comments and conditions outlined in Sections D, E and F of the agenda staff report.
2. Compliance with all applicable building and fire codes for conversion of these structures for the proposed uses.
3. Any other improvements to the buildings and properties must comply with the Central High Design Overlay District criteria.

PLANNING COMMISSION ACTION:

(AUGUST 26, 2010)

The applicants were present. There were no objectors present. Staff presented the item and a recommendation of approval as 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 9 ayes, 0 noes, 1 absent and 1 open position.

August 26, 2010

ITEM NO.: 5

FILE NO.: Z-8575

NAME: Holy Souls Catholic Church – Conditional Use Permit

LOCATION: 5323 “H” Street

OWNER/APPLICANT: Catholic Diocese of Arkansas/Anthony Taylor, Bishop

PROPOSAL: A conditional use permit is requested to allow for the use of the Benedict House, a former convent, for various parish activities. The property is zoned R-3.

1. SITE LOCATION:

The site is located on the south side of “H” Street, between Harrison and Tyler Streets.

2. COMPATIBILITY WITH NEIGHBORHOOD:

The property has served as a convent for over 80 years. The church is proposing the continued use of the site for church activities. A few changes are proposed to the site but the building will maintain its historic character that has been a part of the community for over so many years.

Holy Souls Church and school are located across “H” Street to the north. The Francis Allen School is located across Tyler Street to the west. Single-family residences make up most of the neighborhood around the site, including to the south and east.

All owners of properties located within 200 feet of the site, all residents within 300 feet who could be identified and the Hillcrest Resident Association were notified of the proposal. The applicants attended an HRA meeting and hosted a second neighborhood meeting to discuss the proposal.

3. ON SITE DRIVES AND PARKING:

The site has no real on-site parking. None is proposed. As an extension of the church, parking will be provided on the church campus, to the north. The Hillcrest Overlay permits on-street parking to fulfill parking requirements at the rate of one space for every 10 feet of street frontage. The site has 120± feet of frontage on Tyler Street, allowing 12 spaces. No parking is permitted on the “H” Street frontage.

A drop-off lane is proposed to be constructed off of “H” Street and the alley. The alley will be improved from the drop-off lane to “H” Street.

4. SCREENING AND BUFFERS:

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

The zoning buffer ordinance requires a nine (9) foot wide land use buffer along the southern property line next to the residentially zoned property. Seventy percent (70%) of this area must remain undisturbed.

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 southern perimeter of the site. Credit towards fulfilling this requirement can be given for existing trees and undergrowth that satisfies this year-around requirement.

Street trees are both highly encouraged and appreciated.

5. PUBLIC WORKS COMMENTS:

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

6. UTILITY, FIRE DEPT. AND CATA COMMENTS:

Wastewater: Sewer available to this project.

Entergy: No comment received.

Centerpoint Energy: No comment received.

AT&T (SBC): No comment received.

Water: NO OBJECTION.

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

Contact Central Arkansas Water regarding the size and location of the water meter.

Fire Department: Approved as submitted.

County Planning: No Comments.

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

SUBDIVISION COMMITTEE COMMENT:

(AUGUST 5, 2010)

At the time of Subdivision Committee review, the application included both 5323 "H" Street and 824 N. Harrison. The application was subsequently amended to remove the 824 N. Harrison property.

The applicant was present. Staff presented the item and noted additional information was needed regarding dumpster location, site lighting, signage and building height. The applicant was asked to provide additional details on the proposed uses and the square footage of the buildings.

Staff noted the site was located in the Hillcrest Design Overlay District and the plan would be reviewed for compliance with the district standards.

Public Works, Landscape and Utility Comments were noted.

The applicant commented that the proposal would be discussed at the August Hillcrest Residents Association meeting and a second neighborhood meeting would also be held.

The Committee forwarded the item to the full Commission after advising the applicant to respond to staff issues by August 11, 2010.

STAFF ANALYSIS:

When the application was initially filed, it included the properties at 5323 "H" Street and 824 N. Harrison Street. The application was subsequently amended to remove the 824 N. Harrison site.

Our Lady of the Holy Souls Catholic Church is requesting a conditional use permit to allow for use of the former convent building, the Benedict House,

located at 5323 "H" Street for various church related activities. The Benedict House is a brick structure containing two-floors and a basement. Total square footage is 7,710 square feet. A two-story, 750 square foot addition is proposed to be constructed onto the building's east side for a new elevator and to provide an accessible entrance. A drop-off lane will be constructed. A parking pad for a scout trailer will be placed at the rear of the site as will a small storage building that is currently located on the main church campus.

The interior of the building will be remodeled. The building exterior will be cleared and new energy efficient windows will be installed. Site lighting will consist of under canopy lighting at the building's entrances, wall-mounted security lighting with full cut-offs on the buildings and a possible pole-mounted fixture at the drop-off driveway. All lighting will comply with the Hillcrest Design Overlay District criteria. A six foot tall wood privacy fence will enclose the rear yard. The fence has been pulled back so that it does not extend past the building on the Tyler Street perimeter. New landscaping will be installed at the drop-off driveway. No dumpster will be located on the site. Trash is gathered and taken to an existing dumpster on the Holy Souls campus. The new addition will not exceed the existing building height of 30'9". The addition exceeds ordinance required setbacks for the zoning district. Signage will consist only of a wall sign above the front entrance indicating "Benedict House". No ground mounted signs are proposed.

The applicant has submitted the following information regarding the specific uses proposed for the site:

- a) Basement Level: Scout Center. Meeting rooms and storage for Holy Souls sponsored Cub, Girl, and Boy Scout troops and Venture Crew. Generally scout activities take place between 3:30 and 6:00 PM on most days of the school week, except Wednesday. Venture Crew meetings may extend to as late as 8:00 PM. Weekend use of the facility by the scouts is generally related to off-site activities.
- b) First Floor: Parish Meeting Rooms. This area is intended to meet the parish's need for general meeting space to accommodate both parish and neighborhood organizations that share the limited space currently available. These groups include the following (approx. meeting times noted):

- CYM (6:00 – 8:00 PM)
- Scouts (3:30 – 8:00 PM)
- Church Committees (Noon Hour or early evening)
- Scripture Study (7:00 – 9:00 PM)
- Stephen Ministry (6:30 – 9:00 PM)
- Senior's Group (10:00 AM – 2:00 PM)

School Committees (Noon Hour or early evening)
Altar Society (7:00 – 9:00 PM)
Knights of Columbus (6:30 – 10:00 PM)
Hillcrest Residents Association (6:00 – 8:00 PM)
Neighborhood Watch (6:00 – 8:00 PM)

- c) Second Floor: Catholic Youth Ministry (CYM): Youth activity center for Jr. High and Sr. High school aged young adults. Will consist of meeting spaces, activity areas and game room. CYM meets on Wednesday evenings beginning around 6:00 PM with most activities ending by 8:00 PM. During the school year the facility may be kept open later to accommodate post-football game activities or dances (held at Allen Center across “H” Street from building), but is typically closed by 10:00 PM on these occasions. Overnight group “lock-ins” for Sr. High students and chaperones are scheduled periodically during the school year, but as the lock-in name implies, the students remain in the facility throughout the night.

The replacement cost for the building is \$1,172,000 and the anticipated development cost is \$750,000. Those numbers trigger compliance with the Hillcrest DOD. Staff believes the site plan complies with the DOD.

To staff’s knowledge, there are no outstanding issues. The bill of assurance is handwritten and somewhat illegible but likely does not address use issues. The applicant responded to the issues raised at Subdivision Committee as noted in the analysis above. Staff believes the continued use of the Benedict House for church related activities, as proposed, is an appropriate use for the site.

STAFF RECOMMENDATION:

Staff recommends approval of the requested CUP subject to compliance with the following conditions:

1. Compliance with the comments and conditions in Sections 4, 5 and 6 of the agenda staff report.
2. All new improvements must comply with the Hillcrest Design Overlay District criteria.

PLANNING COMMISSION ACTION:

(AUGUST 26, 2010)

The applicants were present. There were no objectors present. Staff presented the item and a recommendation of approval as outlined in the “staff recommendation” above. There was no further discussion. The item was placed on the consent

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ITEM NO.: 5 (Cont.)

FILE NO.: Z-8575

agenda and approved as recommended by staff. The vote was 9 ayes, 0 noes, 1 absent and 1 open position.

August 26, 2010

ITEM NO.: 6

FILE NO.: Z-8577

NAME: Sonic/Geyer Springs – Conditional Use Permit

LOCATION: 8100 Geyer Springs Road

OWNER/APPLICANT: Tommy Lasiter under contract to D. L. Rogers Co./
Ron Tabor, Joe White

PROPOSAL: A conditional use permit is requested to allow for construction of an eating place with drive in service on this C-3 zoned property.

1. SITE LOCATION:

The property is located on the west side of Geyer Springs Road, between Mitchell Drive and Nova Lane.

2. COMPATIBILITY WITH NEIGHBORHOOD:

The site is located on the intensely developed Geyer Springs commercial corridor. The area is characterized by a wide variety of commercial uses, including other fast food restaurants and automobile related uses. The proposed use 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, Cloverdale and Windamere Neighborhood Associations were notified of the request. SWLR United for Progress voted at their August 2010 meeting to support the application.

3. ON SITE DRIVES AND PARKING:

Access to the site is from Geyer Springs Road. Traffic Engineering has approved the modified plan to allow two driveways; one entry only and one exit only. A third driveway will provide access from the site, through the properties to the south to Nova Lane. A cross access easement will be executed to allow this driveway. The site contains covered and uncovered parking stalls and a drive up pick up lane and window.

4. SCREENING AND BUFFERS:

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

The zoning street buffer requires a nine (9) foot wide street buffer along Geyer Springs Road. Currently, the street landscape buffer strip is deficient.

The landscape ordinance requires a nine (9) foot wide perimeter landscape strip around the site's entirety. Currently, the site is deficient along all the perimeters of the site. A variance must be obtained from the City Beautiful Commission prior to the issuance of a building permit.

Interior islands must be a minimum of seven foot six inches (7'6") in width and a minimum of three hundred (300) square foot in area to qualify towards the landscape ordinance. These islands are also to be evenly distributed throughout the site.

The dumpster pad is currently located within the landscape strip; relocate out of the landscape perimeter.

A small amount of building landscaping will be required.

Street trees are both highly encouraged and appreciated.

An automatic irrigation system is required.

5. PUBLIC WORKS COMMENTS:

1. Geyer Springs Road 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. The plan must be modified to show the centerline of the right-of-way.
2. Due to the proposed use of the property, the Master Street Plan specifies that Frenchman's Lane for the frontage of this property must meet commercial street standards. Dedicate right-of-way to thirty (30) feet from centerline. Revise the plan to show the centerline of the right-of-way of Frenchman's Lane.
3. The proposed driveway from the south closest to Geyer Springs Road must be closed due to the short distance from Geyer Springs Road.

6. UTILITY, FIRE DEPT. AND CATA COMMENTS:

Wastewater: Sewer available to this project.

Entergy: No comment received.

Centerpoint Energy: No comment received.

AT&T (SBC): No comment received.

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

A water main extension will be needed to provide water service to this property.

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.

Please submit plans for water facilities and/or fire protection system to Central Arkansas Water for review. Plan revisions may be required after additional review. Contact Central Arkansas Water regarding procedures for installation of water facilities and/or fire service. Approval of plans by the Arkansas Department of Health Engineering Division and Little Rock Fire Department is required.

Contact Central Arkansas Water regarding the size and location of the water meter.

A Capital Investment Charge based on the size of meter connection(s) will apply to this project in addition to normal charges. This fee will apply to all connections including metered connections off the private fire system.

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 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. Fire hydrant may be required.

County Planning: No Comments.

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

SUBDIVISION COMMITTEE COMMENT:

(AUGUST 5, 2010)

The applicants were present. Staff presented the item and noted additional information was needed regarding fencing, signage and building setbacks. It was noted that portions of the canopies extend across platted building lines but do meet the zoning setbacks. The applicant was advised to indicate a masonry or wood wall opposite the order board to provide sound deflection.

Public Works, Utility and Landscape Comments were discussed. Staff noted the proposed driveway did not comply with ordinance standards. The plan also indicated two driveways entering the property to the south. Staff commented that the cross driveway nearest the street could not be permitted.

Discussion focused on the applicant's proposal to create a cross access easement through the property to the south, to provide access to Nova Lane, and a proposal to create a shared parking arrangement with the property to the south. Staff expressed concerns that creating the additional parking spaces for the Taco Bell site would result in the loss of a required landscape strip. The applicant stated they would review some options and bring a revised plan to staff.

The applicants were advised to respond to staff issues by August 11, 2010. The Committee forwarded the item to the full Commission.

STAFF ANALYSIS:

Sonic is proposing to construct a new drive-in restaurant on the C-3 zoned property located at 8100 Geyer Springs Road. The applicants continued to work with staff to address the issues raised at Subdivision Committee. A revised plan has been submitted that staff supports.

The development includes an 1,806 square foot building, covered drive-in stalls, a small area of outdoor dining and a drive-thru lane. A wrought iron enclosed playground area will be located at the rear of the site. Two driveways will provide access from Geyer Springs Road. The two driveways have been located and designed to satisfy traffic engineering requirements. An existing access driveway off the rear of the site onto Frenchman's Lane will be closed. A cross access easement is to be executed with the property owners to the south, allowing access from this site to Nova Lane where a traffic signal at Geyer Springs Road exists. As part of the proposal, a portion of this property will be placed in a parking easement to allow the Taco Bell located adjacent to the south to be able to create some angled parking spaces. Staff had initial concerns that the new Taco Bell spaces would result in the loss of landscaping. The applicant has addressed those concerns by providing the required width of perimeter

landscaping to satisfy both the Sonic and Taco Bell requirements. The southern half of the perimeter landscape strip will be placed in a landscape easement to assure that it is perpetually maintained as landscaping for the Taco Bell perimeter.

Days and hours are proposed as 6:00 a.m. to 1:00 a.m., 7 days a week. All site lighting will be low level and directional, directed away from adjacent properties. An automatic irrigation system to water landscape areas will be provided.

A 6-foot tall wood fence will be placed along the western edge of the site opposite the order board to satisfy the requirement for a sound deflector. The setbacks for the building itself exceed ordinance requirements. Portions of two of the drive in stall canopies extend over the platted building line along Geyer Springs. Even so, they still meet the Zoning Ordinance required setbacks for C-3 property. A signage plan has been submitted which seems to imply a desire to have wall signs without direct street frontage. Staff will support signage that complies with ordinance standards; one ground sign and wall signage on the building façade facing the street.

To staff's knowledge, there are no outstanding issues. The bills of assurance for the three subdivisions within which the property lies are either expired or have language stating use of the property shall conform to the applicable zoning ordinances of the City of Little Rock.

If the CUP is approved, the applicant will have to complete a one-lot replat reflecting the change in the building line for the canopies. Proof of a cross access easement through the two adjacent properties must be provided prior to a building permit being issued. Documentation regarding the landscape and parking easement along the shared Sonic/Taco Bell perimeter must be provided in conjunction with the building permit submittal.

STAFF RECOMMENDATION:

Staff recommends approval of the requested CUP subject to compliance with the following conditions:

1. Compliance with the comments and conditions outlined in Sections 4, 5 and 6 of the agenda staff report.
2. Signage must comply with that allowed in the C-3 commercial district.
3. Proof of a cross access easement across the properties to the south to reach Nova Lane must be submitted prior to a building permit being issues.

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FILE NO.: Z-8577

4. Appropriate documentation creating the perpetual landscape and parking easement must be provided prior to a building permit being issued.
5. A one-lot replat must be completed reflecting the change in the front building line for the drive-in stall canopies.

PLANNING COMMISSION ACTION:

(AUGUST 26, 2010)

Chairman Jeff Yates recused on this item.

The applicants were present. There were no objectors present. Staff presented the item and a recommendation of approval as 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 8 ayes, 0 noes, 1 absent, 1 open position and 1 recusal (Yates).

August 26, 2010

ITEM NO.: 7

FILE NO.: Z-8578

NAME: Sonic/University – Conditional Use Permit

LOCATION: Southwest corner of University Avenue and Colonel Glenn Road

OWNER/APPLICANT: David Elrod under contract to D. L. Rogers/
Ron Tabor, Joe White

PROPOSAL: A conditional use permit is requested to allow for construction of an eating place with drive in service on this C-3 zoned property.

1. SITE LOCATION:

The site is located at the southwest corner of S. University Avenue and Colonel Glenn Road.

2. COMPATIBILITY WITH NEIGHBORHOOD:

The property is located within the area of the Asher-Colonel Glenn-University intersection. Most properties in the area are zoned and occupied as commercial. Two multifamily developments are located across Colonel Glenn to the north. The proposed use is compatible with zoning and 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, Westwood, Curran Conway, College Terrace Neighborhood Associations and the University District were notified of this request. SWLR United for Progress voted to approve the application.

3. ON SITE DRIVES AND PARKING:

Access to the site will be from driveways onto Colonel Glenn, University and from within the commercial development via access easements between the lots. A total of 53 parking spaces are provided as is a drive up window. The driveway off of Colonel Glenn has been modified to address public works concerns.

4. SCREENING AND BUFFERS:

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

The landscape ordinance requires a nine (9) foot wide perimeter landscape strip around the site's entirety. Currently, the area is deficient along the northern, western and northeasterly perimeters of the site. A variance must be obtained from the City Beautiful Commission prior to the issuance of a building permit.

The site plan reflects a "Landscape Easement" along the northern perimeter of the site; however, a driveway is located within this easement area; revise.

An additional interior island is needed along both aisles of parking.

Interior islands must be a minimum of seven foot six inches (7'6") in width and a minimum of three hundred (300) square foot in area to qualify towards the landscape ordinance. These islands are also to be evenly distributed throughout the site.

Street trees are both highly encouraged and appreciated.

An automatic irrigation system to water landscaped areas will be required.

Prior to the issuance of a building permit, it will be necessary to provide an approved landscape plan stamped with the seal of a Registered Landscape Architect.

5. PUBLIC WORKS COMMENTS:

1. The driveway on Colonel Glenn Road is too close to the Colonel Glenn Road. The minimum distance is seventy-five (75) feet from the back of curb to the center of the driveway. The driveway could remain at the proposed location and the driveway be striped as one way into the Sonic from Colonel Glenn Road. For additional information, contact Bill Henry in Traffic Engineering at 379-1816.

6. UTILITY, FIRE DEPT. AND CATA COMMENTS:

Wastewater: Sewer available to this project.

Entergy: No comment received.

Centerpoint Energy: No comment received.

AT&T (SBC): No comment received.

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

A water main extension will be needed to provide water service to this property.

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.

Please submit plans for water facilities and/or fire protection system to Central Arkansas Water for review. Plan revisions may be required after additional review. Contact Central Arkansas Water regarding procedures for installation of water facilities and/or fire service. Approval of plans by the Arkansas Department of Health Engineering Division and Little Rock Fire Department is required.

Contact Central Arkansas Water regarding the size and location of the water meter.

A Capital Investment Charge based on the size of meter connection(s) will apply to this project in addition to normal charges. This fee will apply to all connections including metered connections off the private fire system.

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 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: The site is located on a CATA bus route.

SUBDIVISION COMMITTEE COMMENT:

(AUGUST 5, 2010)

The applicants were present. Staff presented the item and noted additional information was needed regarding signage, fencing and building setbacks. Staff requested additional information on two areas indicated as "patio areas". Staff noted a masonry or wood wall was required opposite the order board to provide sound deflection.

Public Works, Utility and Landscape Comments were discussed. It was noted that the minimum landscape strip was not being provided on the site's western perimeter and along the northeast corner of the site. Staff noted a portion of the driveway nearest Colonel Glenn Road was intruding into an area labeled as a landscape easement.

The applicants stated they would work with staff to resolve any issues. The Committee directed the applicants and respond to staff issues by August 11, 2010. The item was forwarded to the full Commission.

STAFF ANALYSIS:

Subsequent to the Subdivision Committee meeting, the applicants met with staff to resolve the various site plan issues. A revised site plan was submitted to staff, which addressed the Public Works and landscape concerns.

Sonic is requesting approval of a conditional use permit to allow for the construction of a drive-in restaurant on the C-3 zoned lot located at the southwest corner of Colonel Glenn and S. University. The development includes an 1,806 square foot building, parking, covered stalls and a drive-through pick up window. Additionally, the site will contain a playground area, a sand volley ball court and an area of outdoor seating. Those three areas will be enclosed by a wrought iron fence. This type of Sonic development is a new concept for the Little Rock area and is aimed at families with children as well as the students attending nearby UALR.

Days and hours of operation are proposed as 6:00 a.m. to 1:00 a.m., 7 days a week. The building meets all required setbacks with the exception of one corner of one of the canopies, which extends over a 40 foot platted building. The canopy does meet the C-3 zoning requirements. The plan was revised to provide landscaping areas that meet, and in most cases, exceed the Ordinance requirements. All site lighting will be low level and directional, aimed away from adjacent properties. An automatic irrigation system will be installed to water landscape areas. A signage plan has been submitted which appears to indicate wall signs without direct street frontage. Staff will support signage that complies with commercial district standards; appropriate ground signage and wall signs on

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the facades facing the two streets. The driveway off of Colonel Glenn Road has been modified to address traffic engineering concerns.

To staff's knowledge, there are no outstanding issues. The bill of assurance for A.G.C. addition provided by the applicant does not address use issues. If the CUP is approved, the applicant will have to complete a one-lot replat reflecting the change in the building line to accommodate the canopy.

STAFF RECOMMENDATION:

Staff recommends approval of the requested CUP subject to compliance with the following conditions:

1. Compliance with the comments and conditions outlined in Sections 4, 5 and 6 of the agenda staff report.
2. Signage must comply with that allowed in the C-3 zoning district.
3. A masonry or wood wall must be placed opposite the order board to provide sound deflection.
4. A one lot replat must be completed to reflect the change in the building line to accommodate the canopy encroachment.
5. Proof of cross access easements must be provided.

PLANNING COMMISSION ACTION:

(AUGUST 26, 2010)

Chairman Jeff Yates recused on this item.

The applicants were present. There were no objectors present. Staff presented the item and a recommendation of approval as 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 8 ayes, 0 noes, 1 absent, 1 open position and 1 recusal (Yates).

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ITEM NO.: 8

FILE NO.: Z-8579

NAME: Deloney Day Care Center – Conditional Use Permit

LOCATION: 8001 Mabelvale Cut-Off

OWNER/APPLICANT: Ronnie and Rita Deloney

PROPOSAL: A conditional use permit is requested to allow for use of this existing residential structure as a day care center for up to 20 children. The property is zoned R-2.

1. SITE LOCATION:

The property is located on the south side of Mabelvale Cut-Off, between Chicot Road and Legion Hut Road.

2. COMPATIBILITY WITH NEIGHBORHOOD:

The property is located in an area of mixed uses and zoning. The PCD zoned property adjacent to the west is occupied by an automobile repair business. Service Master Cleaning Company is adjacent to the east. A nonconforming contractor's yard is located across the street to the north. An adult day care center (also owned by the applicant) is located to the south. Most all other properties in the area are occupied by a variety of residential uses. The property is located on an arterial street. The City's Land Use Plan recommends Mixed Use for the area, supporting nonresidential uses.

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, Chicot, Rob Roy Way, West Baseline and Legion Hut Neighborhood Associations were notified of this request. SWLR United for Progress voted to not oppose this application.

3. ON SITE DRIVES AND PARKING:

The day care center will have a maximum enrollment of 20 children with 3 employees, requiring 5 parking spaces. The site contains a typical, 2-car wide driveway and carport. Additionally, a gravel driveway west of the house provides access to the property directly behind this site. That rear property contains a commercial building which houses an adult day care center. There is sufficient parking on this rear property to meet the needs of both the adult day care and proposed children's day care. Both properties are owned by this applicant. The driveway will be widened

slightly adjacent to the house to provide an appropriate drop-off/pick-up area.

4. SCREENING AND BUFFERS:

No Comments.

5. PUBLIC WORKS COMMENTS:

1. Due to the amount of traffic on Mabelvale Cut-off Road, backing a vehicle onto Mabelvale Cut-off Road from this property is considered unsafe. The proposed 10 x 10 foot vehicle turn around pad is insufficient and does not provide for adequate vehicle maneuvering. The driveway should be extended to the gravel road on the west to provide access to Mabelvale Cut-off Road.

6. UTILITY, FIRE DEPT. AND CATA COMMENTS:

Wastewater: Sewer available to this project.

Entergy: No comment received.

Centerpoint Energy: No comment received.

AT&T (SBC): No comment received.

Water: NO OBJECTION.

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

Contact Central Arkansas Water regarding the size and location of the water meter.

Fire Department: Approved as submitted. Fire sprinklers may be required.

County Planning: No Comments.

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

SUBDIVISION COMMITTEE COMMENT:

(AUGUST 5, 2010)

The applicants were present. Staff presented the application and noted little additional information was needed. Staff suggested using the existing gravel driveway that provides access to the rear of the property. Staff recommended widening the driveway to provide a drop-off/pick-up space next to the building. The applicants agreed to that proposal. During the discussion, the applicants stated one sign would be placed on the property to accommodate both the adult and children's day cares. The sign will not exceed 6 feet in height and 16 square feet in area.

With the applicants accepting staff's suggestion regarding the parking and drop-off, Public Works staff stated they were satisfied.

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

STAFF ANALYSIS:

The R-2 zoned property located at 8001 Mabelvale Cut-Off is occupied by a one-story, brick and frame, single-family residential structure. The property has a 2-car wide driveway accessing a double carport. The applicants are requesting approval of a conditional use permit to allow the house to be used as a day care center with a maximum enrollment of 20 children. The childcare center will have 2 full-time and 1 part-time employees. Days and hours of operation are Monday through Friday, 6:00 a.m. – 6:00 p.m. The existing, fenced rear yard will be used for playground area.

The property is located on an arterial street in an area of mixed zoning and uses. The applicants also operate an existing adult day care center in a commercial building located on the lot directly behind this property. Access to the adult day care center is via a gravel driveway off of Mabelvale Cut-Off that runs just west of and adjacent to this property. Parking for the childcare center will take place on the existing parking lot adjacent to the adult day care building. The driveway will be widened slightly to provide a drop-off/pick-up area adjacent to the childcare center. Signage will consist of a single ground-mounted sign that will serve both day cares. The sign will have a maximum area of 16 square feet (4' X 4') and a maximum height of 6 feet.

The bill of assurance for the two lot Perry Acres Subdivision may still be active and includes the following statement:

“No lot shall be used except for residential purposes.”

However, Lot 2 was previously rezoned to PCD for an automobile repair business.

To staff's knowledge there are no outstanding issues. The proposed childcare center appears to be an appropriate use for the site.

STAFF RECOMMENDATION:

Staff recommends approval of the requested CUP subject to compliance with the following conditions:

1. Compliance with the comments and conditions outlined in Sections 4, 5 and 6 of the agenda staff report.
 2. Compliance will all applicable fire and building codes for the conversion of this residential structure into a childcare center.
-

PLANNING COMMISSION ACTION:

(AUGUST 26, 2010)

The applicants were present. There were no objectors present. Staff presented the item and a recommendation of approval as 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 9 ayes, 0 noes, 1 absent and 1 open position.

NAME: Arkansas Baptist College Student Lounge –
Conditional Use Permit

LOCATION: 1515 Dr. Martin Luther King Drive

OWNER/APPLICANT: Arkansas Baptist College

PROPOSAL: A conditional use permit is requested to allow for construction of a student lounge to serve Arkansas Baptist College on this R-3 zoned property.

1. SITE LOCATION:

The site is located on the east side of Dr. Martin Luther King Drive, between West 15th and West 16th Streets.

2. COMPATIBILITY WITH NEIGHBORHOOD:

The property is located within the larger Arkansas Baptist College campus area. Although outside of the main campus body, this property and several others along MLK are being used or are proposed to be used for the college. Parking will be on existing campus parking lots. Uses in the general area are varied and include residential, commercial and the college. Staff believes the proposed use is appropriate for the site.

All owners of properties located within 200 feet of the site, all residents within 300 feet who could be identified and the Central High, Downtown and Wright Avenue Neighborhood Associations were notified of the Commission meeting.

3. ON SITE DRIVES AND PARKING:

The proposed use of the property is a student lounge building to serve the students at the college. Parking is already provided for the students who will then walk to the student lounge. No parking is proposed on this site.

Staff supports a parking variance to not require on-site parking for this lot.

4. SCREENING AND BUFFERS:

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

Street trees are both highly encouraged and appreciated.

Screening is required on the north and south property lines, from the front setback line to the rear property line.

5. PUBLIC WORKS COMMENTS:

1. Dr. Martin Luther King Drive 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. Revise plan to show the centerline of the right-of-way.

6. UTILITY, FIRE DEPT. AND CATA COMMENTS:

Wastewater: Sewer available to this project.

Entergy: No comment received.

Centerpoint Energy: No comment received.

AT&T (SBC): No comment received.

Water: NO OBJECTION.

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

Contact Central Arkansas Water regarding the size and location of the water meter.

Fire Department: Approved as submitted.

County Planning: No Comments.

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

SUBDIVISION COMMITTEE COMMENT:

(AUGUST 5, 2010)

Robert Turner was present representing the College. Staff presented the item and noted additional information was needed regarding signage, fencing, site lighting, typical hours of usage and building materials. Staff asked if there would be any outside use area.

Public Works, Utility and Landscape Comments were noted.

The applicant was advised to respond to staff issues by August 11, 2010. The Committee determined there were no outstanding issues and forwarded the item to the full Commission.

STAFF ANALYSIS:

Arkansas Baptist College is requesting approval of a conditional use permit to allow for construction of a student lounge building on the vacant, R-3 zoned lot located at 1515 Martin Luther King Drive.

The building will be one-story in height and will comply with the required zoning setbacks. The building will have a prefinished painted metal exterior. The front of the building and ¼ of the way down the sides will have a stone and EIFS finish similar to other buildings on the campus. Signage will consist of a ground sign and wall signage on the building's façade facing the street. A six-foot tall wood privacy fence will be erected on the north and south property lines, from the front setback line to the rear property line. The front yard will be landscaped. Two post-top pedestrian light fixtures on 14-foot tall poles will be placed on either side of the entry plaza in the front yard. Lighting will comply with dark sky regulations.

The interior of the building is basically one large room with separate restrooms, a janitor's closet and storage room. Amenities will include a television, wireless internet access, vending machines and various seating configurations. The lounge will also be used as a small assembly area for student meetings or group sessions. The College does not currently have a formal student lounge area and this facility will help to meet that need. Parking will be provided at existing parking lots on the campus. No on-site parking is needed since the lounge is to serve the students who are already on the campus. Hours of usage are proposed as 10:00 a.m. – 9:00 p.m., seven days a week. No outside use area is proposed. No dumpster is proposed.

To staff's knowledge, there are no outstanding issues. The applicant provided responses to the questions raised at Subdivision Committee and noted in the analysis above. The century-old bill of assurance for Centennial Addition is handwritten and illegible but likely does not address use issues.

STAFF RECOMMENDATION:

Staff recommends approval of the requested CUP subject to compliance with the following conditions:

1. Compliance with the comments and conditions outlined in Sections 4, 5 and 6 of the agenda staff report.

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2. Signage is to be limited to that allowed in the office-institutional zones.
3. All uses are to remain within the enclosed building.

Staff recommends approval of a parking variance to allow no on-site parking.

PLANNING COMMISSION ACTION:

(AUGUST 26, 2010)

The applicants were present. There was one objector present. Staff presented the item and a recommendation of approval as outlined in the "staff recommendation" above.

Billy Owens, Chief Financial Officer and Executive Vice-president of Arkansas Baptist College, spoke on behalf of the application. He stated the school's enrollment had grown to about 1,100 students and there was a need for a student lounge . Mr. Owens stated the College did not desire to create any problems for the neighborhood. He said the building would be used only during specified hours and would be insulated for sound. Mr. Owens stated the Campus' security officers would assure there were no problems.

Bobbie Singleton, of 1515 Dr. Martin Luther King Drive, spoke of concerns she had. She stated she was not opposed to the expansion of the College but she was opposed to having the student lounge so close to her home. She voiced concerns about trash, noise and traffic. She asked if a screening fence would be placed between her property and the student lounge site.

Billy Owens responded that the College had staff that went out every morning to pick up trash on the ABC campus.

Dana Carney, of the Planning staff, stated a six (6) foot tall, wood privacy fence would be erected along the north and south property lines of the student lounge property. He stated the fence would be constructed in "good neighbor" fashion; with the finished side facing out.

In response to a question from Commissioner Devine, Mr. Owens stated the College was committed to work with the neighbors and to be a good neighbor. He said they would meet with Ms. Singleton to address her concerns.

A motion was made to approve the application, including all staff comments and conditions. The motion was approved by a vote of 9 ayes, 0 noes, 1 absent and 1 open position.

August 26, 2010

ITEM NO.: 10

FILE NO.: LU10-09-02

NAME: Land Use Plan Amendment – I-630 & Boyle Park Planning Districts

LOCATION: 12th Street to Fourche Creek, Rock Creek to Washington

REQUEST: From Residential Low Density, Public Institutional, Park/Open Space, Suburban Office, Commercial and Industrial to Residential Low Density, Public Institutional, Suburban Office, Mixed Use and Light Industrial

SOURCE: City Staff and University District

PROPOSAL/REQUEST:

A Land Use Plan amendment package in the I-630 and Boyle Park Planning Districts from Residential Low Density, Suburban Office, Commercial, Industrial, Public Institutional, and Park/Open Space to Residential Low Density, Suburban Office, Light Industrial, Public Institutional, and Mixed Use. Residential Low Density represents single-family houses, including patio and cluster homes at a density of no more than 6 units per acre. Suburban Office represents low intensity development of office or office parks in close proximity to lower density residential. Public Institutional represents public and quasi-public facilities that provide a variety of services to the community. Mixed Use represents a mixture of residential, office and commercial uses to occur. Light Industrial represents like warehouse, distribution or storage uses or industrial in a 'park-like' setting. The application is requested to modify the City Land Use Plan to be more consistent with the recently developed and accepted University District Revitalization Plan.

MASTER STREET PLAN:

University Avenue and Asher Avenue-Colonel Glenn Road are Principal Arterials on the Master Street Plan. 12th Street, Fair Park Boulevard and 36th Street are Minor Arterials on the Master Street Plan. Cleveland, Boyle Park Road, 19th Street, 28th Street, 29th Street, 32nd Street and Bryant Street are Collectors. The primary function of a Principal Arterial is to move vehicles and goods through and within the area –long distances. The primary function of a Minor Arterial is to move vehicles and goods within the area – short distances. The primary function of a Collector is to move vehicles and goods from local streets to the arterial network. These streets may require dedication of right-of-way and may require street improvements for entrances and exits to sites.

BICYCLE PLAN:

There are Class I Bike routes shown along Rock Creek through Boyle Park to Mabelvale Pike and along the north branch of Fourche Creek from Mabelvale Pike east and along Coleman Creek through the UALR campus. 28th Street from University to Fair Park Boulevard and 29th Street from Fair Park Boulevard east are shown as Class II Bike Routes. Class II Bike routes are shown on 12th Street and Fair Park Boulevard through the amendment area as well as the Boyle Park Road from Boyle Park to University Avenue and 32nd Street through the UALR campus. A Class I route is a separate right-of-way and pavement for the use of bicycles. A Class II route is within the street right-of-way and provides a minimum four-foot lane for the sole use of bicycles. A Class III route is within the street right-of-way and the bicycles and motor vehicles share the travel lane.

PARKS PLAN:

According to the Master Parks Plan, this entire area is within eight-blocks of a park or open space. Boyle Park, First Tee (Stephens Youth Golf), University, Oak Forest and Curran Conway Park are within the area. There are also several elementary and middle schools in the area with play-ground facilities.

HISTORIC DISTRICTS:

There is no city recognized historic district within the area of the amendments.

ANALYSIS:

At the May 28, 2009 meeting of the Little Rock Planning Commission the University District Partnership Revitalization Plan was presented. The Commission unanimous approved a resolution of support at that meeting. The University District Partnership Steering Committee had worked for over a year with residents, property owners, interested groups and a consultant team to develop the revitalization plan. As part of the document produced with this effort and presented to the Commission in May of 2009, there was included recommendations for the future development of the study area.

The future land use plan recommendation in the University District Revitalization Plan is slightly different in a few areas from the City of Little Rock Future Land Use Plan. Staff reviewed the differences between the two documents in the fall of 2009. A map illustrating the areas of difference was created. Staff and representatives of the University District met to discuss the differences and a 'package' of land use changes was developed in January 2010.

Ownership of the tracts where changes were suggested was identified and the owners were notified in mid-June of a meeting June 29, 2010 to review the amendment package. Just fewer than 100 notices were mailed for this meeting. There were approximately a dozen phone contacts and a few emails. All these contacts were informational except for one property owner who felt the southwest corner of University Avenue and Colonel Glenn Road should have the same designation as the other corners of that intersection. At the meeting on June 29th, approximately half-dozen individuals attended. All the comments and questions were informational, though one owner who is zoned I-3 Heavy Industrial implied they would prefer remaining Industrial.

Staff and representatives of the University Partnership met in early July to discuss the comments received and agreed to a final package of changes to present to the Little Rock Planning Commission. A letter was sent to ninety property owners notifying them of this hearing and that their property was part of the package of changes.

Staff believes the changes are generally minor in nature with many allowing the property owners additional future use options. From the meeting and contacts there does not appear to be any opposition to the 'package' of changes. To more easily understand the changes they will be reviewed by seven areas.

Starting with the area in the northwest – Cleveland and 12th Streets. There are two changes proposed. The amending Public Institutional to Suburban Office for the area east of Cleveland between 12th Street and Northmoor Drive. This is an office building and parking lot, zoned O-3 General Office. The other change is from Suburban Office to Residential Low Density along Charlotte Drive south of Northmoor Drive. This land is zoned O-3 General Office but has two residential developments of duplexes and some vacant land. These changes reflect the current and likely future uses of the land.

The next area is along the east side of University Avenue from Look to past 16th Street. The Land Use Plan shows Park/Open Space for the Coleman Creek drainage shed. However, the area is zoned C-3 General Commercial and has commercial and office buildings located on it. The change would be from Park/Open Space to Commercial. This change reflects the current and likely future use of the land.

The City block bounded by 29th and 30th Streets, between Harrison and Tyler is shown for Public Institutional Use. The proposed change is to Residential Low Density. The current zoning is R-3 Single-Family and there are single-family homes on the lots. Since the City normally does not show areas for Public Institutional use until the use is either approved via zoning or built, this area would not normally be shown for Public Institutional use. The next area proposed for a change is along the south side of 32nd Street between Irving and Monica Drives. The change would be from Residential Low Density to Public

Institutional. There is a Methodist Church on this land, thus the current and future likely use of the land is as a church – Public Institutional.

A large area from 36th Street to University Avenue along both sides of Colonel Glenn Road is proposed to change from Commercial to Mixed Use. Most of this land is currently zoned C-3 General Commercial, with one tract of C-4 Open Display Commercial on the north side and three larger areas of C-4 along the south side. Most of the uses are retail commercial in nature, however there is a church and some office uses as well. The University District Revitalization Plan recommends this area for Mixed Use. This is to encourage some residential and more office to locate in the area, partially to help make the over all area more densely populated to help support the areas already zoned for commercial use. Mixed Use allows commercial, office or residential use or any mix of the three uses as long as the Planned Zoning District process is used for re-classifications. Since the area is already zoned commercial (C-3 or C-4) a rezoning to a different commercial classification is not likely. A development that included a mix or is designed similar to that suggested in the University District Revitalization Plan is likely to require a Planned Zoning District.

Along the north side of Asher Avenue between University Avenue and Fair Park Boulevard two areas are shown changing to Public Institutional. The first is from University Avenue to Coleman Creek and is from Commercial to Public Institutional. This is a commercial center and out parcels. UALR currently owns over 95 percent of this land and has converted some of the center to University uses. The area is currently zoned C-3 General Commercial. The second area is along the west side of Fair Park Boulevard north of Asher Avenue. It is currently zoned I-2 Light Industrial and shown on the Plan for Industrial use. UALR has purchased this land and removed the previous uses. The Campus Plan for UALR shows both these areas as part of the campus for UALR.

The final areas are south of Asher Avenue either side of Mabelvale Pike. There is a small area southwest of 33rd Street and Polk currently zoned I-2 Light Industrial and used as a warehouse distribution. The change would be from Industrial to Light Industrial for this two-block plus area on the Land Use Plan. A larger area east of Mabelvale Pike south of Asher Avenue shown for Industrial is also proposed for Light Industrial on the Land Use Plan. This area is zoned I-2 Light Industrial and has several warehouse distribution and trucking uses as well as small vehicle repair uses. The current and likely future use of these areas is Light Industrial.

Staff Recommendation:
Approval

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PLANNING COMMISSION ACTION:

(AUGUST 26, 2010)

Walter Malone of the Planning Staff reviewed the proposed changes in the amendment package. A motion was made to approve the proposed Land Use Plan changes by a vote of 9 for and 0 against (1 absent, 1 vacant) the item was approved.

August 26, 2010

ITEM NO.: 11

PROPOSED BYLAW AMENDMENTS

The staff of the City Attorney's office and the Department of Planning and Development have reviewed the Planning Commission's bylaws and have proposed several changes. The bylaws require the proposed amendments to be presented in writing to the Planning Commission at a regular meeting and to be placed on the agenda of a subsequent regular meeting for action. The proposed amendments were presented in writing at the July 1, 2010 regular meeting. The specific proposed changes are as follow:

(1) Article IV. MEETINGS, Section A. Regular Meetings, Subsection 4.b:

4. Notices:

b. To Affected Parties - Notice to affected parties shall be provided as specified in paragraphs (1) through (6) below. Relative to paragraphs (2) through (6), requiring supplemental notice to neighboring property owners, the mailing of notice to the names and addresses that an applicant has obtained from an abstract company shall be considered adequate notice. If an applicant fails to provide the supplemental notice required herein, the Planning Commission shall defer action on such application until supplemental notice has been adequately provided, except as provided in these Bylaws at Article V.E.8.

REASON FOR THE CHANGE: The new language does not require a deferral for the applicant's failure to provide the supplemental notices when, under the circumstances, withdrawal is appropriate, such as the voluntary withdrawal by an applicant and the repeated failure of the applicant to attend hearings, provide requested information, or to provide required notice.

(2) Article IV. MEETINGS, Section A. Regular Meetings, Subsection 4.b.(7):

4. Notices

b.

(7) All properties involved in rezoning, conditional use permit, tower use permit, zoning site plan review, subdivision site plan review, special use permit, land alteration appeal or variance or Planned Unit Development applications shall be posted with a sign as follows:

1. Sites less than one acre in area - a sign 11" x 17";
2. Sites one acre to 10 acres in area - a sign 22" x 34";
3. Sites larger than 10 acres in area - a sign 4' x 4'.

These signs shall be provided by the Staff to applicants at the cost specified by the fee ordinance, Ordinance No. 18,622 (December 18, 2001) or any subsequent amendment thereto. These signs shall be posted on the site at least thirty (30) days prior to the meeting date. The signs are

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ITEM NO.: 11 (Cont.)

PROPOSED BYLAW AMENDMENTS

to remain posted on the property through the date of the Planning Commission hearing. Staff shall visually verify that the required sign has been posted on the property.

REASON FOR THE CHANGE: The current citation is to a superseded ordinance.

(3) Article IV, Section A.4.B.(8):

- (8) Notice of Amended Rezoning Applications - If an application for rezoning is amended to a more restrictive zoning classification by the applicant or the Commission at a Commission meeting, the Commission may, by majority vote of the members present at the meeting, waive the requirements for supplemental notice of the more restrictive zoning change to property owners within two hundred (200) feet of the tract, waive posting of a notice on the property, and waive the filing fee.

REASON FOR THE CHANGE: The Commission is not able to waive legal notice, which is a statutory requirement. In addition, if an applicant decides to seek a less restrictive zoning classification, a new application would have to be filed and all usual requirements met.

(4) Article V, Section E.6:

6. Zoning Calendar - All items that require Planning Commission review shall be considered only at a regular and scheduled meeting date. Applications recommended for approval by the Planning Commission that require Board of Directors action will be forwarded by the Secretary to the Board of Directors for consideration. Applications that require Board of Directors approval and that are recommended for denial by the Planning Commission will not be automatically referred to the Board of Directors,. All applicants will be notified of the procedure for appeal. Other persons who desire to appeal a decision shall be notified of the proper procedure upon request.

REASON FOR THE CHANGE: This is only a clarification of current procedure.

(5) Article V, Section E.7.b of the Bylaws states:

- b. Reconsideration - Except for cause and with the unanimous consent of all members present at a meeting, no matter on which final action has previously been taken shall be reopened for further consideration or action. If consideration is granted by the Commission, the case will be rescheduled for a subsequent regular meeting, a new application will be made (new fees, legal ad, and adjacent property owners re-notified so that they may have an opportunity to hear any new evidence and to be heard).

REASON FOR THE CHANGE: Because legal notice must be provided, it may be impossible from an administrative standpoint to reconsider a matter at the next regular meeting if the meeting occurs only two weeks later.

(6) Article V, Section E.7.c of the Bylaws states:

Reapplication - No identical or substantially identical application concerning a specific parcel or parcels of land that has been denied by the Planning Commission or Board of Directors may be made for a period of one (1) year.

REASON FOR THE CHANGE: The current language provides for a one-year period between identical or substantially identical applications regarding the same property when redistricting is sought, but this change makes clear that the same one-year period will apply to all applications before the Commission.

(7) Article V, Section E.8 of the Bylaws states:

Art. V. E. 8. Withdrawals - All withdrawals shall be governed by the following:

- a. No application that has been docketed for public hearing and advertised for such hearing shall be withdrawn, except as follows:
 1. An application may be withdrawn with a written request from the applicant of record at least five (5) working days prior to the public hearing.
 2. A motion must be made for the Commission to authorize withdrawal of an application. The same matter shall not be resubmitted for a period of one (1) year, unless the Commission authorizes the withdrawal without prejudice, in which case a new application for the same or substantially same matter may be filed at any time.
 3. An application may be withdrawn without prejudice by the Commission if neither the applicant nor the applicant's representative attends a second or subsequent meeting scheduled to hear the application, if the meeting was scheduled following a deferral for such failure of attendance at a previous scheduled meeting.
 4. The Commission may also vote to withdraw an application when:
 - (a) The applicant fails, for each of three (3) meetings in which the applicant's matter was docketed and advertised, to properly provide all notice as required to be provided by the applicant, or

(b) The applicant repeatedly fails to provide information requested by Staff, the Subdivision Committee, or the Planning Commission.

- b. An applicant may withdraw his or her application, without prejudice to re-filing the matter as a new application and without a vote of the Commission, at any time prior to the final preparation of the legal advertisement for the public hearing of the application.

REASON FOR THE CHANGE: The subsection on withdrawals clarifies and adds to the circumstances under which a withdrawal may be authorized. The applicant's failure to provide the required notice for 3 meetings at which the matter was docketed and advertised, the applicant's repeated failure to attend scheduled meetings to hear the application, and the applicants repeated failure to provide requested information are circumstances under which the Commission can vote to withdraw the application without prejudice.

(8) Article V, Section E.12.d of the Bylaws states:

- 12. Dissent - If a member of the Little Rock Planning Commission wishes to dissent from a majority opinion of the Commission, he or she shall communicate a written minority opinion to the following:
 - a. All Members of the Planning Commission
 - b. The Secretary of the Planning Commission
 - c. The City Attorney
 - d. The Mayor and Members of the Board of Directors.

REASON FOR THE CHANGE: The change clarifies that the Mayor is also to receive a copy of any dissenting opinion.

PLANNING COMMISSION ACTION:

(AUGUST 26, 2010)

The proposed bylaw amendments were presented. There was no further discussion. The item was placed on the consent agenda and approved by a vote of 9 ayes, 0 noes, 1 absent and 1 open position.

August 26, 2010

ITEM NO.: 12 2010 ORDINANCE AMENDMENT PACKAGE

SUBJECT: Planning Commission approval of a Proposed Ordinance Amendment package for 2010.

STAFF REPORT:

The subjects in this proposal have been accumulated by staff during the past years. If the Commission accepts this material as the 2010 work program for ordinance amendments, staff will distribute the material to contact persons. Comments received will be forwarded to the Plans Committee for inclusion in the discussion.

Once the Plans Committee completes its review, the completed package will be returned to the Commission.

PLANNING COMMISSION ACTION: (JUNE 3, 2010)

The proposed amendment package was presented to the Commission. There was no further discussion. The commission voted to accept the proposed package and to send it to the Plans Committee by a vote of 10 ayes, 0 noes and 1 absent.

STAFF UPDATE:

On June 14, 2010, copies of the proposed amendments were mailed to 263 persons and organizations, including all neighborhood associations and coalitions and a contact list of development and design professionals. Staff received two responses. The amendment package was discussed at the June 23 and July 7 Plans Committee meetings. After final review by the Committee, the amendment package has been forwarded to the Commission for action. Staff recommends approval of the proposed amendment package.

PLANNING COMMISSION ACTION: (AUGUST 26, 2010)

Staff presented each of the proposed ordinance amendments. There were no questions and no further discussion or comments. The item was placed on the consent agenda and recommended for approval by a vote of 9 ayes, 0 noes, 1 absent and 1 open position.

August 26, 2010

ITEM NO.: 13

FILE NO.: LU10-01

Name: Land Use Plan Amendment

Location: I-30, East Little Rock, Port and Port South Planning Districts

Request: Staff

PROPOSAL / REQUEST:

This land use plan amendment is being proposed after a thorough review of the I-30, East Little Rock, Port, and Port South Planning Districts. There are six areas proposed for changes:

1. The intersection of Roosevelt Road and Confederate Boulevard from Commercial to Mixed Use to protect surrounding school and residences from potential redevelopment.
2. One block east of Geyer Street between East 14th and East 17th Streets from Residential Medium Density to Industrial to reflect existing uses.
3. The proposed area for the East 9th Street expansion east of Bond Street from Park/Open Space to Industrial and Residential Medium Density to reflect the addition of the new roadway
4. The blocks bounded by Apperson Street, East 8th Street, Harrington Avenue and East 11th Street and the blocks bounded by Corning Avenue, East 6th Street, Carson Street, and East 10th Street from Residential Low Density, Residential Medium Density and Residential High Density to Light Industrial to reflect the properties purchased by the Little Rock Airport.
5. The northeast corner of Fourche Dam Pike and Lindsey Road from Industrial to Commercial to reflect current and likely future uses.
6. Approximately 1860 acres located east of Fourche Creek, South of Sloane Drive and west of Thibault Road from Agricultural to Industrial to reflect the Little Rock Port Authority's future plans for expansion.

EXISTING LAND USE AND ZONING:

1. This area is zoned: C-3 for a Kroger Store, a Family Dollar store and a Check Cashers business; R-3 with Fire Station Number 13; and I-2 for a liquor store, a church, an upholstery store and an auto parts store. The area west of this is zoned R-4 and is used for a public school. The area north and west is zoned R-3 for a firehouse and a cemetery. South of this area is zoned I-2 for a mixture of businesses and residences.

2. This area is zoned I-2 and I-3 for the old Arkla building and Ben Davis Industrial. East of this area is zoned I-2 and I-3 for large scale industrial operations. West is zoned R-4 for single family residences, and south is zoned R-3 for the cemetery.
3. This strip of PK/OS is zoned I-3 and is the future right of way for the Ninth Street extension. This area is surrounded by I-3 zoning on the north, west and south sides. To the east is zoned R-3 for single family residences.
4. This area is zoned mostly R-3 with some C-3, R-4 and I-2. All of these properties have been cleared and purchased by the Little Rock Airport for future development. This area is north and adjacent from a large tract of I-2 zoning for the airport. To the north, west and east sides are zoned R-3 and are mostly vacant.
5. This area is zoned C-3 for a truck stop and I-2 for a vacant lot. C-3 is immediately west and adjacent to this area, but the other three sides are all zoned I-2.
6. This area is currently not zoned. It is outside of the city limits, but it is within the extraterritorial planning boundary. This area is currently used by Southwestern Bell, Continental Express, Central Freight Trucking and other industrial uses and also for large farm tracts.

FUTURE LAND USE PLAN:

1. This area is currently shown as Commercial. The area North, West and East is shown as Public Institutional, and the area to the South is shown as Mixed Use and Service Trades District.
2. This area is shown as Residential Medium Density. The RM extends to the North and West, and Industrial extends east. Public Institutional is shown to the South.
3. This area is currently shown as Park/Open Space. South and adjacent is shown as Industrial while Residential Medium Density is shown to the North and East.
4. This area has been shown as Residential Medium Density and Residential High Density with a special coverage to only allow rezoning at the block level or above. The area is surrounded by Public Institutional, Light Industrial and Park/Open Space.
5. This area is shown as Industrial on the Plan and is surrounded by Industrial to the North, East and South. To the west is shown as Commercial.
6. This area is shown as Agricultural. Agricultural is shown to the South and West, while Industrial is shown to the North and the East.

ANALYSIS:

City Staff developed this amendment package. In an effort to update the Future Land Use Plan for the I-30, East Little Rock, Port and Port South Planning Districts, the area was examined. The area was reviewed for conformance with the zoning and the existing use pattern. Building permit and land reclassification activity were examined for signs of change within the study area. Staff reviewed the area and identified several

changes thought to be mostly 'clean-up' amendments to reflect existing zoning and/or existing uses. This package of amendments is designed to make the Future Land Use Plan a more suitable representation of current and likely mid-term future uses for this area.

The change in Area 1 is from Commercial to Mixed Use. This change is thought to offer more protection to the surrounding homes and school. The Mixed Use category would ensure the Planned Zoning Development process would be used to review any new zoning for appropriateness.

The change in Area 2 is from Residential Medium Density to Industrial. This area has been used for industrial type businesses for many years. It is separated from the neighborhood to the west by a levee and is served by a railroad spur to the east. This is a change to recognize the existing uses.

The change in Area 3 is from Park/Open Space to Industrial and Residential Medium Density to reflect the addition of the Ninth Street extension. The Park/Open Space was intended to serve as a buffer between the residential and industrial uses, but staff now feels that Ninth Street will serve that buffer.

The change in Area 4 is from Residential Medium Density and Residential High Density to Light Industrial to reflect the properties purchased by the Little Rock Airport for future expansion.

The change in Area 5 is a minor change from Industrial to Commercial to recognize the existing truck stop and to change another small lot, which could be a good space for a commercial business.

The change in Area 6 is from Agricultural to Industrial to reflect the Little Rock Port Authority's Future Plan. Most of the industrial land in this area is built up, so there is a definite need for more Industrial shown on our Plan.

The Planning and Development staff began reviewing this area at the beginning of 2010. After field visits and staff discussions, letters were sent to all neighborhood associations in the area, the airport, and the Port. We received some positive feedback to those letters, so staff then contacted all affected property owners. Staff received numerous phone calls in response to that letter and attended two neighborhood meetings to help explain the proposed changes. As a result of these meetings and discussions with the neighborhood, the proposed areas were modified to remove two controversial changes. The remaining changes seem to have no opposition. Staff re-notified all affected property owners of the upcoming Planning Commission meeting, but there has been no response as of this printing.

NEIGHBORHOOD COMMENTS:

Notices were sent to the following neighborhood associations: East Little Rock, East Roosevelt, Apple Blossom, Hanger Hill, College Station, Hermitage, Community Outreach and Granite Mountain. Notices were also sent to all affected property owners, the Little Rock Airport, Little Rock Port, Little Rock Housing Authority and Director Hendrix. Staff has received numerous comments from area residents. All are in support, and some were neutral. The property under review is not located in an area covered by a City of Little Rock recognized neighborhood action plan.

STAFF RECOMMENDATIONS:

This package of amendments is designed to make the Future Land Use Plan a more suitable representation of current and likely mid-term future uses for this area. Staff believes the change is appropriate.

PLANNING COMMISSION ACTION:

(AUGUST 26, 2010)

Walter Malone of the Planning Staff reviewed the proposed changes in the amendment package. A motion was made to approve the proposed Land Use Plan changes by a vote of 9 for and 0 against (1 absent, 1 vacant) the item was approved.

August 26, 2010

ITEM NO.: 14

FILE NO.: 320

NAME: Cooper Orbit Road Annexation

REQUEST: Accept 48.3 acres plus or minus to the City

LOCATION: Along the north side of Cooper Orbit Road at Glisten Lane

SOURCE: Mark Hodge, Agent for the Property Owners

On August 10, 2010, the applicant requested that this item be deferred.

Staff Recommendation:

Staff supports the deferral of this item to October 7, 2010.

PLANNING COMMISSION ACTION:

(AUGUST 26, 2010)

The item was placed on the consent agenda for deferral to the October 7, 2010 Planning Commission meeting. By a vote of 9 for and 0 against (1 absent, 1 vacant) the consent agenda was approved.

August 26, 2010

There being no further business before the Commission, the meeting was adjourned at 5:45 p.m.

Date _____

Secretary

Chairman