

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

JULY 15, 2010

4:00 P.M.

I. Roll Call and Finding of a Quorum

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

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

Members Absent: Candice Smith

City Attorney: Cindy Dawson

III. Approval of the Minutes of the June 3, 2010 Meeting of the Little Rock Planning Commission. The Minutes were approved as presented.

LITTLE ROCK PLANNING COMMISSION
PLANNING – REZONING – CONDITIONAL USE HEARING
JULY 15, 2010
4:00 P.M.

I. OLD BUSINESS:

- A. Z-8554 Lot 2, Biehslich Addition Hotel – Conditional Use Permit
6100 S. University Avenue

- B. Z-8535 Vance Accessory Dwelling – Conditional Use Permit
1801 Fair Park Blvd.

II. NEW BUSINESS:

<u>Item Number:</u>	<u>File Number:</u>	<u>Title</u>
1.	<u>Z-1791-D</u>	Rezoning from O-2 to C-3 11 Candlewood Drive
2.	<u>LU10-15-01</u>	A Land Use Plan Amendment from Public Institutional to Commercial along Mabelvale Cut-Off, east of Chicot Road.
2.1	<u>Z-5150-A</u>	Rezoning from R-2 to C-3 North side of Mabelvale Cut-Off, 300 feet east of Chicot Road
3.	<u>Z-8569</u>	3612 Baseline Road Short-Form PCD
4.	<u>Z-5392-B</u>	Cloverdale Middle School Parking Expansion and Improvements – Conditional Use Permit 6300 Hinkson Road

July 15, 2010

ITEM NO.: A

FILE NO.: Z-8554

NAME: Lot 2, Biehslich Addition Hotel –
Conditional Use Permit

LOCATION: 6100 S. University Avenue

OWNER/APPLICANT: Home Bank of Arkansas/Albert King

PROPOSAL: A conditional use permit is requested to allow for the construction of a 30-room hotel on this I-2 zoned, .91± acre lot.

1. SITE LOCATION:

The property is located on the west side of S. University Avenue, two tracts north of 65th Street.

2. COMPATIBILITY WITH NEIGHBORHOOD:

The site is located in an area of fairly intense commercial and light industrial uses and zoning. University Avenue is lined with a variety of such uses. A single family neighborhood is located to the west, across Mabelvale Pike. Access to this site will be from the commercial area along University. Allowing a small hotel on this I-2 zoned property would appear to be compatible with uses and zoning in the area and should have less impact on nearby properties than if the site were developed with some of the allowable I-2 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, Geyer Springs, South Brookwood and Meadowcliff-Brookwood Neighborhood Associations were notified of this request.

3. ON SITE DRIVES AND PARKING:

The proposed 30-room hotel requires 33 parking spaces (1 per room plus 10%). A single driveway is proposed off of University Avenue, providing access to 37 parking spaces.

4. SCREENING AND BUFFERS:

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

The dumpster is located within the nine foot (9) wide perimeter landscape strip; remove.

A small amount of building landscaping will be required with this application.

Areas set aside for buffers and landscaping appear to be sufficient in area.

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

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

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

5. PUBLIC WORKS COMMENTS:

1. At the time of issuance of a building permit, provide design of street conforming to the Master Street Plan. Construct one-half street improvement to Mabelvale Pike including 5-foot sidewalks with planned development. The new back of curb should be located eighteen (18) feet from centerline.

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

The Little Rock Fire Department needs to evaluate this site to determine whether additional public and/or private fire hydrant(s) will be required. If additional fire hydrant(s) are required, they will be installed at the Developer's expense.

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.

METERS AND FIRESERVICE CONNECTIONS WILL BE MADE FROM MABELVALE PIKE.

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 tests 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.

VICINITY MAP NEEDS TO BE CORRECTED.

Fire Department: Place fire hydrants per Code.

County Planning: No Comments.

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

SUBDIVISION COMMITTEE COMMENT:

(MAY 13, 2010)

The applicants were present. Staff presented the item and noted additional information was needed regarding building materials and height, signage, site lighting and fencing. Staff asked if there would be any other uses such as a conference/meeting space, restaurant or lounge. Staff noted the survey did not correctly indicate the 25 foot building lines along both street frontages, as noted

July 15, 2010

ITEM NO.: A (Cont.)

FILE NO.: Z-8554

on the 1969 plat. In response to a question from staff, the applicant indicated there would be no swimming pool.

Public Works, Utility and Landscape Comments were noted. The applicant was advised to contact those agencies if there were any questions.

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

STAFF ANALYSIS:

A conditional use permit is requested to allow for the construction of a two-story, 30-room hotel on this vacant, I-2 zoned, .91± acre lot. The proposed hotel will not contain any other uses such as conference/meeting space, restaurant or lounge. The site will not have a swimming pool.

Access to the site will be from University Avenue. There will be no access from Mabelvale Pike, to the rear. The building will be constructed of wood frame with E.I.F.S. and stone exterior. The building will have a pitched roof and the building will have a height of approximately 28 feet. A single ground-mounted sign not to exceed 30 feet in height will be located on the University Avenue perimeter. A wall sign will also be permitted on the building façade facing University Avenue. Paved parking is provided for 37 vehicles, exceeding the ordinance requirement of 33 spaces. Dumpster screening will be installed to comply with ordinance.

The applicant responded to most of the issues raised at Subdivision Committee, as noted above. A corrected survey has been submitted, showing the 25' building lines along both street perimeters. To staff's knowledge, there are no outstanding issues. The proposed use would appear to be compatible with uses and zoning in the area. The 1969 bill of assurance for Biehshich Addition 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 in Sections 4, 5 and 6 of the agenda staff report.

July 15, 2010

ITEM NO.: A (Cont.)

FILE NO.: Z-8554

2. All site lighting is to be low level and shielded downward and into the site.
 3. The ground sign is not to exceed 30 feet in height and 72 square feet in area (as allowed in the I-2 District).
-

PLANNING COMMISSION ACTION:

(JUNE 3, 2010)

The applicant was not present. There were no objectors present. Staff recommended deferral of the item to the July 15, 2010 meeting to allow the applicant to meet with neighbors. There was no further discussion. The item was placed on the consent agenda and approved for deferral by a vote of 10 ayes, 0 noes and 1 absent.

STAFF UPDATE:

The applicant has met with area neighborhood associations since the June 3, 2010 Commission meeting. The applicant has amended the application to include the installation of a 6-foot tall wood privacy fence along the Mabelvale Pike perimeter of the site and the condition that there will be no windows on the building's west façade (facing Mabelvale Pike).

Staff continues to recommend approval of the amended application.

PLANNING COMMISSION ACTION:

(JULY 15, 2010)

The applicant was present. There were no objectors present. One person was present in support. Staff informed the Commission that the Cloverdale, Meadowcliff-Brookwood and SWLRUP Neighborhood Associations had voted to support the application and the South Brookwood Neighborhood Association had voted not to oppose the item.

Staff informed the Commission that the application had been amended to include the installation of a 6-foot tall wood privacy fence along the Mabelvale Pike perimeter of the site and to include the condition that there will be no windows on the building's west facade (facing Mabelvale Pike).

Staff recommended approval of the amended application, including all comments and conditions noted in the "staff recommendation" above. There was no further discussion. The item was placed on the consent agenda and approved as recommended by staff by a vote of 10 ayes, 0 noes and 1 absent.

July 15, 2010

ITEM NO.: B

FILE NO.: Z-8535

NAME: Vance Accessory Dwelling – Conditional Use Permit

LOCATION: 1801 Fair Park Blvd.

OWNER/APPLICANT: Rick Vance

PROPOSAL: A conditional use permit is requested to allow conversion of the existing accessory building on this R-3 zoned lot into an accessory dwelling.

STAFF REPORT:

On April 8, 2010, the applicant requested deferral of the item to the June 3, 2010 meeting. Staff recommends approval of the deferral request.

PLANNING COMMISSION ACTION: (APRIL 22, 2010)

The applicant was not present. There were no objectors present. Staff presented the item and informed the Commission of the applicant's deferral request. There was no further discussion. The item was placed on the consent agenda and deferred to the June 3, 2010 agenda. The vote was 11 ayes, 0 noes and 0 absent.

STAFF UPDATE:

The applicant has not responded to issues raised at the April 1, 2010 Subdivision Committee meeting. Staff recommends deferral of this item to the July 15, 2010 Commission meeting.

PLANNING COMMISSION ACTION: (JUNE 3, 2010)

The applicant was not present. There were no objectors present. Staff informed the Commission that the applicant had not responded to issues raised at the April 1, 2010 subdivision committee meeting. Staff recommended deferring the item to the July 15, 2010 commission meeting. There was no further discussion. The item was placed on the consent agenda and approved for deferral by a vote of 10 ayes, 0 noes and 1 absent.

July 15, 2010

ITEM NO.: B (Cont.)

FILE NO.: Z-8535

STAFF UPDATE AND RECOMMENDATION:

There has been no further contact from the applicant. Staff recommends withdrawal of the item, without prejudice.

PLANNING COMMISSION ACTION:

(JULY 15, 2010)

The applicant was not present. There were no objectors present. Staff informed the Commission that there had been no further contact from the applicant. Staff recommended withdrawal of the item, without prejudice. There was no further discussion. The item was placed on the consent agenda and approved for withdrawal, without prejudice by a vote of 10 ayes, 0 noes and 1 absent.

July 15, 2010

ITEM NO.: 1

FILE NO.: Z-1791-D

Owner: Joe D. Whisenhunt
Applicant: Robert Brown
Location: 11 Candlewood Drive
Area: 1.32 Acres
Request: Rezone from O-2 to C-3
Purpose: Incorporate property into adjacent property to the south for future development.
Existing Use: Undeveloped

SURROUNDING LAND USE AND ZONING

North – Undeveloped properties; zoned R-5, O-2 and MF-12

South – Kroger Store development; zoned C-3

East – Multifamily development; zoned PRD

West – Mini-warehouse development; zoned PCD

A. PUBLIC WORKS COMMENTS:

1. Due to the proposed use of the property, the Master Street Plan specifies that Candlewood Drive for the frontage of this property must meet commercial street standards. Dedicate right-of-way to 30 feet from centerline.
2. Provide proposed maximum centerline grade of Candlewood Drive.
3. Provide location of proposed driveway(s).
4. Provide a letter prepared by a registered engineer certifying the sight distance at the intersections comply with 2004 AASHTO Green Book standards.

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 Pinnacle Valley, Secluded Hills and Westbury Neighborhood Associations were notified of the rezoning request.

D. LAND USE ELEMENT:

This request is located in the River Mountain Planning District. The Land Use Plan shows Commercial and Residential Low Density for this property in combination with the property immediately south. The applicant has applied for a rezoning from O-2 Office to C-3 General Commercial. The Land Use Plan is general in nature and the request is to enlarge an existing commercial area both shown on the Land Use Plan as Commercial and zoned for that use. The request does not require a change to the Land Use Plan. This area is covered by the River Mountain Neighborhood Landscaping and Excavation Ordinance.” The plan does not address new commercial development.

Master Street Plan:

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

Bicycle Plan:

There are no bike routes shown in the immediate vicinity.

E. STAFF ANALYSIS:

Joe D. Whisenhunt, owner of the 1.32 acre property located at 11 Candlewood Drive, is requesting to rezone the property from “O-2” Office and Institutional District to “C-3” General Commercial District. The rezoning is proposed in order to incorporate the property into the property immediately to the south for future re-development of the Kroger Store facilities.

The property is currently undeveloped and mostly wooded. The property has varying degrees of slope, with the slope being generally upward from south to north.

The general area contains a mixture of uses and zoning. A Kroger Store along with bank and restaurant uses are located on the C-3 zoned property to the south, along the north side of Cantrell Road. Undeveloped MF-12, R-5 and O-2 zoned properties are located to the north. A multifamily development is located to the east. A mini-warehouse facility is located to the west.

The City's Future Land Use Plan designates this property as Residential Low Density and Commercial when combined with the property to the south (Kroger Store development). The requested C-3 zoning does not require an amendment to the Land Use Plan.

Staff is supportive of the requested C-3 rezoning. Staff views the request as a "clean-up" type issue. The 1.32-acre property in question will be combined with the property immediately to the south for future re-development of the Kroger Store facilities. Staff believes the requested C-3 rezoning is appropriate and fits within the C-3/commercial zoning pattern in this general area. The commercial zonings to the west extend further to the north than the north boundary of the proposed C-3 zoning. Staff believes the requested C-3 rezoning will have no adverse impact on the adjacent properties or the general area.

F. STAFF RECOMMENDATION:

Staff recommends approval of the requested C-3 rezoning.

PLANNING COMMISSION ACTION:

(JULY 15, 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 10 ayes, 0 noes and 1 absent.

July 15, 2010

ITEM NO.: 2

FILE NO.: LU10-15-01

Name: Land Use Plan Amendment – Geyer Springs West Planning District

Location: North side of Mabelvale Cut-Off, 300' east of Chicot Road

Request: Public Institutional to Commercial

Source: Staff

PROPOSAL / REQUEST:

Land Use Plan amendment in the Geyer Springs West Planning District from Public Institutional to Commercial. The applicant has applied for a rezoning from R-2 to C-3 General Commercial. This property is adjacent to Commercial on the west and the south sides. The YMCA is no longer the owner thus public type uses no longer are likely for this site. A private individual now wishes to develop the land. In these instances, the future land use categories surrounding the property can be appropriate for the property in question.

EXISTING LAND USE AND ZONING:

The amendment area is currently zoned R-2 Single Family and has a vacant building and a carport-type structure on the property. It was originally supposed to be a YMCA site, but it was never developed as such. To the west is zoned C-3 Commercial and is used for a gas station and a carwash. To the north, northwest, and northeast is zoned R-2 and is vacant. Further east along Mabelvale Cutoff is zoned R-2 with a few single family residences and a church. To the south of this amendment is zoned C-3 for a Dollar General Store and two commercial lots which are currently for sale. The northwest and southwest corners of Chicot Road and Mabelvale Cutoff are also zoned C-3 and are vacant.

FUTURE LAND USE PLAN AND RECENT AMENDMENTS:

The amendment area is currently shown as Public Institutional on the Future Land Use Plan. Surrounding it to the north and east is Residential Low Density. To the south, southwest, and west is shown as Commercial. The area along Chicot Road to the northwest is shown as Suburban Office.

The last land use plan amendment in this vicinity was in 2002 with a change from Single Family to Suburban Office on the east side of Chicot Road and south of Vega Road.

MASTER STREET PLAN:

Mabelvale Cut-Off 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 Mabelvale Cut-off since it is a Minor Arterial. This street may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

BICYCLE PLAN:

There are no bike routes planned in the immediate vicinity.

PARKS:

According to the Master Parks Plan, this area is within eight blocks of a city park. Thom Park is two blocks east of Chicot Road and north of Mabelvale Cutoff and provides recreation opportunities to the neighborhood.

HISTORIC DISTRICTS:

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

ANALYSIS:

This application is for the building and property located on the north side of Mabelvale Cutoff, approximately 300' east of Chicot Road. This property was once planned for a YMCA development. It was shown on the Future Land Use Plan as Public/Institutional to represent this use, but the YMCA never developed. Immediately west and south is shown as Commercial on the Plan. This application would basically just extend the existing Commercial north and east to include the old YMCA site.

The City policy for commercial land use is to develop using the 'node' concept. That concept is based upon the idea that retail, commercial and businesses should be grouped around major intersections. These uses should not line major roads. This is done in part to reduce traffic issues along these major arterials. Under this 'node' concept, non-residential uses on Mabelvale Cutoff should be concentrated at major intersections like this one at Mabelvale Cutoff and Chicot Road.

By making this amendment, the area of commercial at the intersection of Chicot Road and Mabelvale Cut-off Road will be more logical and still concentrated as a node. Most of the new commercial development at this intersection has been on

July 15, 2010

ITEM NO.: 2 (Cont.)

FILE NO.: LU10-15-01

the east side, with both the service station and carwash and also the former YMCA land and the new Dollar Store to the south of the application. This application would essentially expand the existing node 300' east and would mirror the commercial shown on the south side of Mabelvale Cutoff.

NEIGHBORHOOD COMMENTS:

Notices were sent to the following neighborhood associations: West Baseline, Legion Hut, Chicot, Rob Roy Way and Southwest Little Rock United for Progress. Staff has received no comments from area residents. This area is covered by the Cloverdale Watson Neighborhood Plan. Their Land Use and Zoning goal states: "Support Land Use and Zoning changes that will improve the community with minimum negative impacts."

STAFF RECOMMENDATIONS:

Staff believes the change is appropriate.

PLANNING COMMISSION ACTION:

(JULY 15, 2010)

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

July 15, 2010

ITEM NO.: 2.1

FILE NO.: Z-5150-A

Owner: Carl R. Brown, Jr. and Reagan Brown
Applicant: Carl R. Brown, Jr. and Reagan Brown
Location: North side of Mabelvale Cut-Off, 300 feet east of Chicot Road
Area: 3.81 Acres
Request: Rezone from R-2 to C-3 (with condition)
Purpose: Future commercial development
Existing Use: Undeveloped

SURROUNDING LAND USE AND ZONING

North – Undeveloped property and single family residences; zoned R-2

South – Undeveloped property and Dollar General Store (across Mabelvale Cut-Off); zoned C-3

East – Single Family residences; zoned R-2

West – Convenience Store with gas pumps development; zoned C-3

A. PUBLIC WORKS COMMENTS:

1. Mabelvale Cut-Off is classified on the Master Street Plan as a minor arterial with special design standards. A dedication of right-of-way 35 feet from centerline will be required. The centerline of the right-of-way should be provided on the survey.

B. PUBLIC TRANSPORTATION ELEMENT:

The site is not located on a CATA bus route. Bus Routes #17 (Mabelvale – Downtown Route) and #17A (Mabelvale – UALR Route) run along Chicot Road and Mabelvale Cut-Off to the west.

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 Chicot, Rob Roy Way, West Baseline, Legion Hut and SWLR United for Progress Neighborhood Associations were notified of the public hearing.

D. LAND USE ELEMENT:

This request is located in the Geyer Springs West Planning District. The Land Use Plan shows Public Institutional for this property. The applicant has applied for a rezoning from R-2 to C-3 General Commercial. This property is adjacent to Commercial on the west and the south sides. The YMCA is no longer the owner thus public type uses no longer are likely for this site. A private individual now wishes to develop the land. A Land Use Plan Amendment has been placed on the agenda for consideration.

This area is covered by the Cloverdale Watson Neighborhood Plan. Their Land Use and Zoning goal states: "Support Land Use and Zoning changes that will improve the community with minimum negative impacts."

Master Street Plan:

Mabelvale Cut-Off 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 Mabelvale Cut-Off since it is a Minor Arterial. This street may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

Bicycle Plan:

There are no bike routes planned in the immediate vicinity.

E. STAFF ANALYSIS:

Carl R. Brown, Jr. and Reagan Brown, owners of the 3.81-acre property located on the north side of Mabelvale Cut-Off, 300 feet east of Chicot Road, are requesting to rezone the property from "R-2" Single Family District to "C-3" General Commercial District (with condition). The rezoning is being proposed for future commercial development. The applicant is proposing to eliminate the following uses as permitted/possible uses with the proposed C-3 zoning:

- Beverage Shop
- Bar Lounge or Tavern
- Event Center
- Private Club with dining or bar service
- Sexually Oriented Business

The property is undeveloped mostly grass-covered. There are some trees located within the east portion of the property. There is a one-story concrete block building near the center of the property. The building was constructed with the past YMCA use of the property. There is also a curb cut from Mabelvale Cut-Off at the southwest corner of the property.

The general area contains a mixture of uses and zoning. Undeveloped R-2 zoned property is located to the north, with residences further north. Single family residences are located to the east. A convenience store with gas pumps and car wash facility is located to the west, at the northeast corner of Mabelvale Cut-Off and Chicot Road. A Dollar General Store is located on the C-3 zoned property to the south across Mabelvale Cut-Off. There is also undeveloped C-3 zoned property to the south.

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

Staff is supportive of the requested rezoning. Staff views the requested rezoning as reasonable. The City's Future Land Use Plan designates the property immediately to the west as well as to the south (across Mabelvale Cut-Off) as Commercial. The requested C-3 zoning will be a continuation of the commercial node at the intersection of Mabelvale Cut-Off and Chicot Road. It will essentially match the C-3 zoned area across Mabelvale Cut-Off, with respect to the length of C-3 zoning from Chicot Road along Mabelvale Cut-Off. Staff believes the proposed C-3 zoning (with condition) and future commercial development of the property will have no adverse impact on the adjacent properties or the general area.

F. STAFF RECOMMENDATION:

Staff recommends approval of the requested C-3 rezoning with the following condition:

The following uses will be prohibited uses and not allowed on the C-3 zoned property:

- Beverage Shop
- Bar Lounge or Tavern
- Event Center
- Private Club with dining or bar service
- Sexually Oriented Business

July 15, 2010

ITEM NO: 2.1 (Cont.)

FILE NO.: Z-5150-A

PLANNING COMMISSION ACTION:

(JULY 15, 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 10 ayes, 0 noes and 1 absent.

July 15, 2010

ITEM NO.: 3

FILE NO.: Z-8569

NAME: 3612 Baseline Road Short-form PCD

LOCATION: Located at 3612 Baseline Road

DEVELOPER:

John Hall, Agent for Bank of the Ozarks
5317 JFK Blvd.
North Little Rock, AR 72116

ENGINEER:

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

AREA: 1.27 acres

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

CURRENT ZONING: R-2, Single Family

ALLOWED USES: Single Family, Nonconforming C-3 uses

PROPOSED ZONING: PCD

PROPOSED USE: Coin laundry, private appliance repair, selected C-3 uses

VARIANCES/WAIVERS REQUESTED:

1. Deferral of proposed landscape improvements, to coincide with AHTD's project to improve Scott Hamilton Road.
-

BACKGROUND:

The R-2 zoned property is occupied by a one-story, brick and block, 11,320 square foot commercial building. Asphalt paved parking is located both in front of and behind the building. The property was annexed into the City in 1987 and was zoned R-2 Single Family. It was assigned a C-3 nonconforming status in recognition of the commercial use that occupied the building at that time. Southwest Produce most recently occupied the building. That business closed in November 2009. The applicant initially approached staff about allowing the proposed coin laundry to occupy the building under the site's C-3 nonconforming status. In the meantime, he also filed for C-3 zoning to bring the property into compliance with zoning. In response to comments

made by the Board of Directors regarding zoning of nonconforming properties as well as a possible change to how the City addresses rezoning of developed nonconforming properties, the applicant amended the application to a PCD.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant is requesting rezoning of the site from R-2 to PCD to allow use of the existing building for a coin laundry and a private, appliance repair shop for the applicant who owns several coin laundries. Also requested are C-3 uses less and except the following uses:

- Beverage Shop
- Bar, lounge or tavern
- Event center
- Private club with dining or bar service
- Sexually oriented business of any kind

B. EXISTING CONDITIONS:

The site contains a one-story, 11,320 square foot commercial building and paved parking. The site was developed prior to the area being annexed into the City. The parking extends from property line to property line with no landscaping. The Baseline Road frontage was improved some time ago by the State and includes curb and gutter and a single driveway onto the site. The Scott Hamilton and Christen Road frontages are not improved. A portion of the lot extends along Christen Road, behind the property adjacent at 3618 Baseline Road. That portion of the site is gravel covered and used as access to the rear of the 3618 property.

C. NEIGHBORHOOD COMMENTS:

Notice of the proposed rezoning was sent to all owners of properties located within 200 feet of the site, all residents within 300 feet who could be identified and the Upper Baseline and SWLR United for Progress Neighborhood Associations. The applicant is scheduled to meet with both associations prior to the Commission hearing.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. Scott Hamilton Drive is classified on the Master Street Plan as a minor arterial. A dedication of right-of-way as shown on the AHTD Scott Hamilton Drive Improvement Project will be required.

2. Due to the proposed use of the property, the Master Street Plan specifies that Christen Road Street for the frontage of this property must meet commercial street standards. Dedicate right-of-way as shown on the AHTD Scott Hamilton Drive Improvement Project.
3. A radial dedication of right-of-way is required at the intersection of Christen Road and Scott Hamilton Drive as shown on the AHTD Scott Hamilton Drive Improvement Project.
4. A radial dedication of right-of-way is required at the intersection of Scott Hamilton Drive and Baseline Road as shown on the AHTD Scott Hamilton Improvement Project.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

This application was originally filed as a C-3 rezoning and was subsequently refiled as a PCD. It has not been reviewed by the utilities. The applicant must provide review comments from each of the reviewing agencies and must comply with those comments prior to approval of permits for remodeling of the building or occupancy of the site.

F. ISSUES/TECHNICAL/DESIGN:

Planning Division: This request is located in the Geyer Springs East Planning District. The Land Use Plan shows Commercial for this property. The applicant has applied for a rezoning from R-2 to PCD with C-3 uses. The request does not require a change to the Land Use Plan.

This area is covered by the Upper Baseline Neighborhood Plan. Their Economic Development Goal states: "Encourage and establish neighborhood-oriented businesses."

Bicycle Plan: There are no bike routes planned in the immediate vicinity.

Landscape: The site is occupied by an existing building and a paved parking lot. Section 15-85 of the Landscape Ordinance states:

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

Although the applicant has stated the rehabilitation cost of the building will not exceed fifty (50) percent of its replacement cost, the applicant is proposing to make substantial upgrades to the site in the way of landscaping. Landscape islands will be installed in the rear parking lot, perimeter landscape strips will be installed along Scott Hamilton and Christen Drive and a landscaped area will be created on the Baseline Road frontage of the site. The size and number of trees and shrubs in these new proposed landscape areas do comply with Ordinance standards.

G. SUBDIVISION COMMITTEE COMMENT: (June 24, 2010)

The applicant was present. Staff presented the item and noted little additional information was required. The applicant was advised to provide information regarding signage, new fencing, new site light and dumpster location. The applicant was asked to provide information on proposed changes to the exterior of the building and to specify the use of the gravel area at the northwest corner of the parking lot.

Public Works Staff explained that the State Highway Department had a proposed project to improve Scott Hamilton Road and the applicant was dedicating required right-of-way on Scott Hamilton, Christen Drive and the Baseline Road/Scott Hamilton intersection to comply with the AHTD plan.

The applicant stated it was his desire to defer putting in the perimeter landscape improvements until the Highway Department project was complete since anything installed in that area would likely be destroyed during the construction process. The Committee agreed that a deferral was appropriate. Staff commented that the AHTD project would likely commence in 2011.

The applicant was advised to respond to Staff issues by June 30, 2010. The Committee forwarded the item to the full Commission.

H. ANALYSIS:

The R-2 zoned property located at 3612 Baseline Road is occupied by an 11,320 square foot commercial building and paved parking. The site was developed prior to its annexation into the City in 1987 and has been occupied by a succession of commercial uses. Southwest Produce most recently occupied the building. That business closed in late 2009. The applicant is proposing to rezone the property to PCD, Planned Commercial District. Approximately 1/2 of the building is proposed for occupancy by a coin laundry. The proposed owner also owns other laundromats and is proposing to utilize a portion of the building for the repair and maintenance of his laundry machines. The applicant is also requesting C-3 uses for the site with the exception of Beverage Shop; Bar,

Lounge or Tavern; Event Center; Private Club with Dining or Bar Services; and Sexually Oriented Business of any kind. There will be no outside uses. All uses will remain within the enclosed building.

The applicant submitted responses to issues raised at Subdivision Committee. The existing building will be cleaned up and improved, including removal of plywood from most of the building front and replacement glass installed. The paved parking lot will be cleaned up and re-striped. Landscape islands will be installed in the rear parking lot, perimeter landscape strips will be installed on the Scott Hamilton Drive and Christen Road frontages and landscaping will be installed at the east end of the front parking lot. A dumpster, with required screening, will be placed at the northwest (back) corner of the building where it will also be shielded by the building on the adjacent property. The gravel area at the northwest corner of the property will be blocked off to prevent access from the paved parking lot. This gravel area actually provides access to the property adjacent to the west and will continue to do so. Signage will consist of wall signs on the three building facades which face Baseline, Scott Hamilton and Christen as well as a single ground mounted sign meeting commercial district standards on the Baseline Road frontage. At this time, the only new lighting proposed is under-canopy lighting on the front of the building. If lighting is installed in the parking lot area, the lighting will be low-level, directional, shielded downward and into the site. There is no bill of assurance for this acreage tract. No new fencing is proposed.

The Arkansas Highway and Transportation Department (AHTD) has scheduled improvements to Scott Hamilton Drive. It is expected that the project will commence in early 2011. The applicant is dedicating right-of-way on Scott Hamilton, Christen and at the Baseline/Scott Hamilton intersection as shown on the AHTD Scott Hamilton Improvement Project. The applicant is requesting a deferral of the installation of the perimeter landscape strips along the street frontages since it is likely that anything installed in those areas would be damaged or destroyed by the Highway Department construction.

Staff is supportive of the proposed rezoning. The rezoning will allow for the reuse of this existing commercial building and site. The applicant is proposing to make upgrades to the site, which will enhance the property and have a positive impact on the neighborhood and surrounding properties.

I. STAFF RECOMMENDATION:

Staff recommends approval of the requested PCD zoning subject to compliance with the staff comments and conditions outlined in Sections D, E and F of the Agenda Staff Report.

July 15, 2010

ITEM NO.: 3 (Cont.)

FILE NO.: Z-8569

Staff recommends approval of the requested deferral of the landscape improvements for one year or until they can be done in conjunction with the AHTD Scott Hamilton Improvement Project, whichever comes first.

PLANNING COMMISSION ACTION:

(JULY 15, 2010)

The applicant was present. There were no objectors present. There was one person present in support of the item. Staff informed the Commission that the Upper Baseline and SWLRUP Neighborhood Associations had voted to support the application.

Staff presented the item and a recommendation of approval, subject to compliance with the comments and conditions outlined in sections D, E, and F of the agenda staff report. Staff also recommended approval of a deferral of the landscape improvements for one year or until they can be done in conjunction with the AHTD Scott Hamilton Improvement Project, whichever comes first.

There was no further discussion. The item was placed on the consent agenda and approved as recommended by staff by a vote of 10 ayes, 0 noes and 1 absent.

July 15, 2010

ITEM NO.: 4

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.

July 15, 2010

ITEM NO.: 4 (Cont.)

FILE NO.: Z-5392-B

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.

July 15, 2010

ITEM NO.: 4 (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.

July 15, 2010

There being no further business before the Commission, the meeting was adjourned at 4:06 p.m.

Date _____

Secretary

Chairman