

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

JUNE 3, 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
Dan Harpool
Troy Laha
Obay Nunnley, Jr.
Bill Rector
Billy Rouse
Candice Smith
Jeff Yates

Members Absent: J. T. Ferstl

City Attorney: Debra Weldon/Tom Carpenter

III. Approval of the Minutes of the April 22, 2010 Meeting of the Little Rock Planning Commission. The Minutes were approved as presented.

LITTLE ROCK PLANNING COMMISSION
PLANNING – REZONING – CONDITIONAL USE HEARING

JUNE 3, 2010

4:00 P.M.

I. OLD BUSINESS:

- A. Z-6957-N Lot 20, Colonel Glenn Centre Business School and
Retail Center – Conditional Use Permit
SE Corner of Colonel Glenn Square and Commercial
Centre Drive
- B. Z-8535 Vance Accessory Dwelling – Conditional Use Permit
1801 Fair Park Blvd.
- C. Z-3276-F Davis Auto Detail – Conditional Use Permit
125 Gamble Road

II. NEW BUSINESS:

<u>Item Number:</u>	<u>File Number:</u>	<u>Title</u>
1.	<u>G-23-419</u>	Bishop Street – Right-of-Way Abandonment Between West 17 th and West 18 th Streets
2.	<u>G-23-420</u>	West 17 th Street – Right-of-Way Abandonment Immediately east of Marshall Street
3.	<u>Z-7744-A</u>	Under Grace Ministries Parolee Housing Facility – Special Use Permit 10905 West Markham Street
4.	<u>Z-8552</u>	Powell Day Care Family Home – Special Use Permit 7808 West 25 th Street
5.	<u>Z-8553</u>	Pippins Day Care Family Home – Special Use Permit 5304 Keats Drive
6.	<u>Z-3592-M</u>	Pinnacle Classical Academy Private School – Conditional Use Permit 11001 Kanis Road
7.	<u>Z-5427-B</u>	Huffman Office Warehouse – Conditional Use Permit SE corner of Kanis Road and Cherry Brook Drive

II. NEW BUSINESS: (CONTINUED)

<u>Item Number:</u>	<u>File Number:</u>	<u>Title</u>
8.	<u>Z-5468-A</u>	Western Hills Methodist Church Day Care Center – Conditional Use Permit 4601 Western Hills Avenue
9.	<u>Z-6425-C</u>	Little Rock Urban Prep Charter School – Conditional Use Permit 6711 West Markham Street
10.	<u>Z-7066-A</u>	Ross Adult Day Care Center – Conditional Use Permit 2506 S. Valentine Street
11.	<u>Z-8551</u>	Pippins Adult Day Care Center – Conditional Use Permit 3819 Baseline Road
12.	<u>Z-8554</u>	Lot 2, Biehslich Addition Hotel – Conditional Use Permit 6100 S. University Avenue
13.	<u>G-25-207</u>	Wright Avenue Street Name Change to Annie McDaniels Abrams Avenue Wright Avenue, from Chester to Woodrow Streets
14.		Presentation of Proposed Amendments to Chapters 31 and 36 of the Code of Ordinances
15.	<u>LU10-09-01</u>	Land Use Plan Amendment in the I-630 Planning District generally along 12 th Street to Office, Commercial, Mixed Use, Public Institutional and Mixed Use-Urban
16.		A revision of the River Market Design Overlay District (Sec. 36-350 through Sec. 36-367).

June 3, 2010

ITEM NO.: A

FILE NO.: Z-6957-N

NAME: Lot 20, Colonel Glenn Centre Business School and Retail Center – Conditional Use Permit

LOCATION: SE corner of Colonel Glenn Square and Commercial Centre Drive

OWNER/APPLICANT: Colonel Glenn Centre, Inc./McGetrick and McGetrick

PROPOSAL: A conditional use permit is requested to allow for construction of a building to contain a business school and retail center on this C-4 zoned, 5.3± acre tract.

STAFF REPORT:

On April 6, 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:

On May 24, 2010, the applicant requested that the item be withdrawn. Staff recommends approval of the withdrawal request.

PLANNING COMMISSION ACTION:

(JUNE 3, 2010)

The applicant was not present. There were no objectors present. Staff informed the Commission that, on May 24, 2010, the applicant had requested withdrawal of the item. There was no further discussion. The item was placed on the consent agenda and approved for withdrawal by a vote of 10 ayes, 0 noes and 1 absent.

June 3, 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.

June 3, 2010

ITEM NO.: C

FILE NO.: Z-3276-F

NAME: Davis Auto Detail – Conditional Use Permit

LOCATION: 125 Gamble Road

OWNER/APPLICANT: Dorothea Davis

PROPOSAL: Revised conditional use permit to allow continued operation of an existing auto detail shop.

STAFF REPORT:

On February 10, 2010, the applicant requested deferral of the item to the June 3, 2010 meeting. Staff recommends approval of the requested deferral.

PLANNING COMMISSION ACTION: (MARCH 11, 2010)

The applicant was not present. There were no objectors present. Staff informed the Commission that, on February 10, 2010, the applicant had requested deferral of the item to the June 3, 2010 meeting. There was no further discussion. The item was placed on the consent agenda and approved for deferral by a vote of 9 ayes, 0 noes and 2 absent.

STAFF UPDATE:

On May 4, 2010, the applicant advised staff that she wished to withdraw the application. Staff recommends approval of the withdrawal request.

PLANNING COMMISSION ACTION: (JUNE 3, 2010)

The applicant was not present. There were no objectors present. Staff informed the commission that, on May 4, 2010, the applicant had requested withdrawal of the item. There was no further discussion. The item was placed on the consent agenda and approved for withdrawal by a vote of 10 ayes, 0 noes and 1 absent.

June 3, 2010

ITEM NO.: 1

FILE NO.: G-23-419

Name: Bishop Street – Right-of-Way Abandonment
Location: Between West 17th and West 18th Streets
Owner/Applicant: Arkansas Baptist College/Robert Turner
Request: To abandon the sixty (60) foot wide Bishop Street right-of-way located between West 17th and West 18th Streets
Purpose: Pedestrian traffic/use area

PROPOSAL/REQUEST:

The applicant proposes to abandon the sixty (60) foot wide Bishop Street right-of-way located between West 17th and West 18th Streets (between Blocks 37 and 38, Centennial Addition) (60 feet by 300 feet). The abandonment is being requested in order to use the area as a pedestrian traffic/use area in conjunction with the Arkansas Baptist College campus.

STAFF REVIEW:

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

As noted in paragraph G., none of the utilities object to the abandonment request. Three (3) of the utilities request the area be retained as a utility easement due to existing service lines. The Public Works Department comment is as follows:

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

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 currently contains approximately thirty (30) feet of pavement with curb and gutter along both sides.

D. Development Potential:

After abandonment and development of the new student housing facility, the area of abandonment will be used as a pedestrian traffic/use area.

E. Neighborhood and Land Use Effect:

Arkansas Baptist College facilities are located along the west side of the right-of-way, including a multi-purpose building and gymnasium. One (1) of the properties along the west side of the right-of-way (1718 Bishop Street) is not yet owned by the college. The area of right-of-way is currently fenced and being used as a construction staging area for construction of a new Arkansas Baptist College student housing facility (previously approved by Planning Commission) along the east side of the right-of-way. Site work is currently taking place for the new facility.

F. Neighborhood Position:

The Central High and Downtown 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. Retain area as utility easement for existing sewer mains.

Entergy: No objection to abandonment.

CenterPoint Energy: No objection to abandonment. Retain area as utility easement for existing natural gas facilities. CenterPoint Energy will retain ingress/egress to the existing facilities.

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

Water: No objection to abandonment. Retain area as utility easement for existing water facilities.

H. Reversionary Rights:

This one (1) block section of Bishop Street was platted with the Centennial Addition, between Blocks 37 and 38. Once abandoned, the right-of-way will be split equally between the lots or either side of the right-of-way area. 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:

(MAY 13, 2010)

Robert Turner was present, representing the application. Staff presented the application and explained the proposed right-of-way abandonment. Staff noted that there were no outstanding issues associated with the abandonment request, and that the right-of-way area would be retained as a utility easement.

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

STAFF RECOMMENDATION:

Staff recommends approval of the requested Bishop Street right-of-way abandonment, subject to the entire area of abandonment being retained as a utility and drainage easement.

PLANNING COMMISSION ACTION:

(JUNE 3, 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.

June 3, 2010

ITEM NO.: 2

FILE NO.: G-23-420

Name: West 17th Street – Right-of-Way Abandonment
Location: Immediately east of Marshall Street
Owner/Applicant: Arkansas Baptist College/Robert Turner
Request: To abandon the sixty (60) foot wide West 17th Street right-of-way located immediately east of Marshall Street, running for approximately 1 ½ blocks.
Purpose: Pedestrian traffic/use area

PROPOSAL/REQUEST:

The applicant proposes to abandon the sixty (60) foot wide West 17th Street right-of-way located immediately east of Marshall Street, running for 1 ½ blocks (between Blocks 29 and 37 and Blocks 28 and 38, Centennial Addition) (60 feet by approximately 510 feet). The abandonment is being requested in order to use the area as a pedestrian traffic/use area in conjunction with the Arkansas Baptist College campus.

STAFF REVIEW:

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

As noted in paragraph G., none of the utilities object to the abandonment request. Four (4) of the utilities request the area be retained as a utility easement due to existing service lines. The Public Works Department comment is as follows:

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

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 currently contains approximately thirty (30) feet of pavement, with curb and gutter along the north side of the right-of-way. The area of pavement currently functions as a one-way street (east to west) from Martin Luther King Drive to Marshall Street. The north half of the pavement is utilized as angled parking spaces for the Arkansas Baptist College campus.

D. Development Potential:

After abandonment and development of the new parking facility to the south, the area of abandonment will be used as a pedestrian traffic/use area.

E. Neighborhood and Land Use Effect:

Arkansas Baptist College facilities are located on the north and south sides of the right-of-way. The college owns the vacant lots on the south side of the right-of-way (southeast corner of West 17th Street and Marshall Street), which will be developed into a campus parking lot in the near future (previously approved by Planning Commission).

F. Neighborhood Position:

The Central High and Downtown 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. Retain area as utility easement for existing sewer mains.

Entergy: No objection to abandonment.

CenterPoint Energy: No objection to abandonment. Retain area as utility easement for existing natural gas facilities. Centerpoint Energy will retain ingress/egress to the existing facilities.

AT& T (SBC): No objection to abandonment. Retain area as utility easement for existing facilities.

Water: No objection to abandonment. Retain area as utility easement for existing water facilities.

H. Reversionary Rights:

This 1 ½ block section of West 17th Street was platted with the Centennial Addition, between Blocks 29 and 37 and Blocks 28 and 38. Once abandoned, the right-of-way will be split equally between the lots on either side of the right-of-way area. 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:

(MAY 13, 2010)

Robert Turner was present, representing the application. Staff presented the application and explained the proposed right-of-way abandonment. Staff noted that there were no outstanding issues associated with the abandonment request, and that the right-of-way area would be retained as a utility easement.

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

STAFF RECOMMENDATION:

Staff recommends approval of the requested West 17th Street right-of-way abandonment, subject to the entire area of abandonment being retained as a utility and drainage easement.

PLANNING COMMISSION ACTION:

(JUNE 3, 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.

June 3, 2010

ITEM NO.: 3

FILE NO.: Z-7744-A

NAME: Under Grace Ministries Parolee Housing Facility –
Special Use Permit

LOCATION: 10905 West Markham Street

OWNER: Tisdale Properties and Development, LLC

APPLICANT: Under Grace Ministries, Inc./Randy Frazier

PROPOSAL: A Special Use Permit is requested to allow a Parolee Housing Facility to be operated in the existing structure located on the C-3 zoned property at 10905 West Markham Street.

A. Public Notification:

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

B. Public Works Issues:

1. Markham Street is classified on the Master Street Plan as a minor arterial with special design standards. A dedication of right-of-way thirty-five (35) feet from centerline will be required.
2. The structure is located within the 100-year floodplain of Rock Creek.

C. Staff Analysis:

10905 West Markham Street is located on the south side of West Markham Street, west of Shackleford Road. A one-story apartment building (Hidden Creek Senior Apartments) currently occupies the site. The building is located near the center of the site. There is paved parking on the north side of the building. Two (2) drives from West Markham Street (one entry only, one exit only) serve as vehicular access to the site. A gravel driveway extends along the west side of the building and leads to a service area at the southwest corner of the building. There are two (2) small accessory storage buildings in the rear yard area.

The properties to the north, east and west are zoned C-3 and contain a mixture of commercial uses, including restaurants, retail and hotel/motel uses. The property immediately south is zoned OS to recognize a floodway area. The Birchwood single-family neighborhood is located across the floodway further south.

The applicant, Under Grace Ministries, proposes to utilize the existing apartment structure as a Parolee Housing Facility. The facility will have an initial occupancy of approximately ten (10) residents with a gradual increase of up to sixty (60). The residents will be required to pay rent to live at the Center and will be housed in apartment units in the same configuration as the units presently exist. They may reside at the Center for up to two (2) years. The program for the residents is voluntary and the residents may leave the program at any time on their own volition or Under Grace Ministries may remove them from the program if they are not complying with its requirements or are not paying rent.

The applicant provided the following additional information with respect to operation of the facility:

“The Center will work in collaboration with the Department of Community Corrections (“DCC”) and local colleges to offer residents of the Center the opportunity to become better citizens and family members by furthering their education, enhancing their life skills and participating in community development. Residents of the Center will include both men and women but will not include violent criminal offenders or sex offenders. They will be selected using a thorough process which will include personal interviews, vocational assessments, psychological assessments, and performance in the DCC. The programs at the Center will include mandatory employment, participation in twelve-step recovery, attendance of process group meetings, participation in Celebrate Recovery, and pursuit of spiritual education and life skills classes. A high school diploma or equivalency will be required for acceptance into the program and residents will be expected to pursue a higher education.”

“Under Grace Ministries intends to make some renovations to the existing apartment building on the property. Some renovations may require permits from the City of Little Rock, but there will be no increase in the size of the building or other improvements constructed on the property.”

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

- (4) family care facility, group care facility, group home, parolee or probationer housing facility, rooming, lodging and boarding facility.

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

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

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

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

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

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

According to an area survey, there are no other similar residential-type facilities within 1,500 feet of the property. The site is located on CATA Bus Route #5 (West Markham Route). Additionally, the applicant has not submitted bill of assurance information for this property.

At the May 13, 2010 Subdivision Committee meeting the applicant was asked to provide information with relation to the total number of paved parking spaces which exist on the site. As of this writing, the applicant has failed to submit the requested information.

Section 8-406(a) of the City's Buildings and Building Regulations Ordinance (minimum area per dwelling unit) requires 150 square feet for the first occupant and 100 square feet for each additional occupant. Section 8-406(b) (minimum area per bedroom) requires 70 square feet for the first occupant and 50 square feet for each additional occupant. Staff is unsure as to whether the applicant's plans for resident occupancy will comply with these ordinance standards.

Staff is not supportive of the requested special use permit to allow a parolee housing facility at 10905 West Markham Street. Staff does not feel that this will be an appropriate location for this type of residential facility. The property is located in an area of commercial zoning, with surrounding uses including retail, restaurant and hotel/motel. Staff believes that if the Hidden Creek Senior Apartments were to close, commercial redevelopment of this property would be most appropriate. Staff also has concerns with the total (60) number of persons proposed to live in this facility. Staff is unsure as to whether the individual apartment units are large enough to house this many residents. Additionally, staff does not know whether the site contains enough paved parking to serve the proposed residential use. Staff's overall concern is that this property is not an appropriate location for this type and size of parolee housing facility.

D. Subdivision Committee Comments: (May 13, 2010)

Paul Chapman and Randy Frazier were present, representing the application. Staff briefly described the proposed special use permit. In response to questions from staff, Mr. Chapman noted that the facility would include 23 apartment units with two (2) employees. In response to a question from the Committee, it was noted that Under Grace Ministries would purchase the property. The Public Works Comments were discussed, in particular floodplain issues.

Randy Frazier made comments to the Committee, noting that Under Grace Ministries should not have to go through the Special Use Permit process for the proposed use.

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

E. Staff Recommendation:

Staff recommends denial of the requested Special Use Permit to operate a parolee housing facility at 10905 West Markham Street.

PLANNING COMMISSION ACTION:

(JUNE 3, 2010)

Randy Frazier, Paul Chapman, Warren Woodham, Drew Baker, and Mike Robinson were present, representing the application. There were two (2) objectors present. Staff presented the application with a recommendation of denial.

Randy Frazier addressed the Commission in support of the application. He explained that the proposed use did not fit the definition of parolee housing facility, and reviewed the definition. He explained that persons living in this facility would be through the Department of Community Corrections, and noted that he felt the proposed use did not need a special use permit. Tom Carpenter noted that parolees of the Department of Community Corrections were through the Department of Corrections. This issue was briefly discussed.

Randy Frazier made additional comments in support of the application. He explained that this was an appropriate location for the proposed use, which would be as apartment-type use. He noted that none of the residents would be violent or sex offenders. He stated that anyone could rent an apartment at this location.

Warren Woodham also spoke in support. He explained the history of Under Grace Ministries and its programs. He explained specifics about the proposed use, and who would be involved in the program. He explained that this was an ideal location for the proposed use, with commercial uses in the area for employment and a bus route.

Drew Baker also spoke in support. He explained that this was a good location for the proposed use. He noted that this type of transitional residential facility was needed. He explained that the typical resident was a drug offender.

Jacob Chi addressed the Commission in opposition. He noted that his family owned several businesses in the area. He explained that the parolee housing facility was not an appropriate use of the area. He noted the use should be located at a quieter location with little traffic.

Steven Hester, representing Shotgun Dan's restaurant, also spoke in opposition. He explained that Shotgun Dan's had been there for 25 years. He explained that the current use of the property was senior apartments, and the proposed use was largely different and not appropriate for the area.

Mr. Frazier explained that the facility will be a controlled environment. He noted that the property was probably not viable for a future commercial use. He explained that the proposed parolee housing facility was a good use for the property.

Commissioner Changose asked about the issue of separation of uses. Tony Bozynski, Director of Planning and Development, noted that there were no similar uses in the area. Commissioner Changose asked if Under Grace Ministries had an alternate location for the proposed facility. Mr. Woodham stated that there was no alternate location.

Commissioner Rector asked about specifics of the program and if they were conditions of the application. Mr. Frazier briefly discussed the proposed program. Commissioner Nunnley asked if there would be on-site supervision. Mr. Woodham stated that there would be supervision.

Commissioner Laha asked if any of the persons representing the application lived within one-quarter mile of the property. None of the applicants responded.

There was additional discussion of the proposed use. There were additional comments related to security and number of employees. Dale Shopp noted that he would be director of the facility and that he would be one (1) of three (3) employees at the facility.

There was additional discussion related to the Department of Corrections and what conditions would be placed on the application.

Commissioner Changose explained that the specifics of the program should be conditions of the application.

Commissioner Devine explained that the property would function as an apartment complex for parolees with conditions and supervision of the Department of Community Corrections and Under Grace Ministries.

Commissioner Nunnley commented on the concentration of parolees at one (1) location.

Chairman Yates asked how many units were in the building. Mr. Frazier stated that there were 23 apartment units. Chairman Yates asked if there was sufficient parking on the site. Staff stated that the ordinance required 34 parking spaces

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ITEM NO: 3 (Cont.)

FILE NO.: Z-7744-A

and that the applicant had committed to providing the appropriate parking spaces if they did not currently exist.

There was a motion to approve the special use permit application. The motion failed by a vote of 1 aye, 8 nays, 1 absent and 1 abstention (Smith).

June 3, 2010

ITEM NO.: 4

FILE NO.: Z-8552

NAME: Powell Day Care Family Home – Special Use Permit

LOCATION: 7808 West 25th Street

OWNER: Betty J. Powell

APPLICANT: Betty J. Powell

PROPOSAL: A Special Use Permit is requested to allow a Day Care Family Home to be operated in the single family residence located on the R-2 zoned property at 7808 West 25th Street.

A. Public Notification:

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

B. Staff Analysis:

7808 West 25th Street is located on the north side of West 25th Street, between Quebec Drive and Montreal Drive. The properties to the east, west and south are zoned R-2 and contain single-family residences. Properties to the north are zoned R-2 and R-4.

The applicant's home is a two-story brick and frame residence, and is typical of those in the general area. The rear yard is fenced and should provide a safe play area. The applicant proposes to operate the day care family home from 6:00 a.m. to 6:00 p.m., Monday through Friday. The applicant notes that she cares for three (3) children for one (1) parent after hours from 3:00 p.m. to 9:00 p.m., Monday through Friday and 8:00 a.m. to 9:00 p.m. on Saturday. The applicant has also noted that she will have one (1) employee, her daughter, who also resides at this location.

There is a two-car wide driveway from West 25th Street, with parking for six (6) vehicles including the garage. Staff feels this will allow sufficient space for drop-off and pick-up of children. On inspection of the site, staff observed no vehicles parked on unpaved areas. Staff also observed no vehicles on the site which are not operational.

The applicant is currently providing care for five (5) children at this location, and has been doing so for two (2) years. The applicant is in the process of being licensed by the State for up to ten (10) children.

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

The applicant submitted a copy of the Bill of Assurance for this neighborhood which was recorded in 1963. It contains the following language with respect to land use:

“LAND USE AND BUILDING TYPE. No lot shall be used except for residential purposes. No building shall be erected, altered, placed, or permitted to remain on any lot other than one detached single family dwelling not to exceed 2 ½ stories in height and a private garage for not more than two cars.”

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

Day care family home:

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

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

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

To staff's knowledge, there are no outstanding issues associated with this application. Staff feels that the proposed day care family home at this location will have no adverse impact on the general area. Based on information provided by the State, there are no permitted/licensed day care family homes or day care centers within 300 feet of the site. There is an operating day care family home at 2515 Montreal Drive which is just outside the 300 foot separation. Additionally, staff has received no complaints from neighbors since the applicant began caring for children at this address, for the past two (2) years.

C. Subdivision Committee Comments: (May 13, 2010)

Betty Powell was present, representing the application. Staff briefly described the proposed day care family home use. Ms. Powell noted that she has been caring for up to five (5) children at this residence for two (2) years. In response to a question from staff, Ms. Powell explained the proposed hours of operation, as noted in paragraph B. of this report. She also noted that her daughter who also lives at this location will help care for the children and be the only employee. Ms. Powell stated that she had received approval from the City's Fire Marshall.

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

D. Staff Recommendation:

Staff recommends approval of the Special Use Permit to allow a day care family home at 7808 West 25th Street, subject to the following conditions:

1. Compliance with the site and location criteria in Section 36-54(e)(3).
2. There is to be no signage beyond that permitted in single family zones.
3. Outdoor activities, including playground use, are to be limited to day-light hours.
4. The hours of operation and number of children are limited to those proposed by the applicant, and noted in paragraph B. of the staff report.

PLANNING COMMISSION ACTION:

(JUNE 3, 2010)

Betty J. Powell was present, representing the application. There were no objectors present. Staff presented the application with a recommendation of approval.

Betty J. Powell addressed the Commission in support of the application. She explained that she has been caring for five (5) children at this location for two (2) years, with no complaints from neighbors.

Ruth Bell also spoke in support. She explained that day care family homes which comply with ordinance standards should be allowed.

Troy Laha asked about the hours of operation. He noted that some of the day care use extended beyond 6:00 p.m. He discussed the issue of bills of assurance for neighborhoods.

Commissioner Rector discussed the proposed use of the property and the definition of single family residential. This issue was briefly discussed.

There was a motion to approve the application as recommended by staff. The motion passed by a vote of 6 ayes, 3 nays and 2 absent. The application was approved.

June 3, 2010

ITEM NO.: 5

FILE NO.: Z-8553

NAME: Pippins Day Care Family Home – Special Use Permit

LOCATION: 5304 Keats Drive

OWNER: Jameeka L. Pippins

APPLICANT: Jameeka L. Pippins

PROPOSAL: A Special Use Permit is requested to allow a Day Care Family Home to be operated in the single family residence located on the R-2 zoned property at 5304 Keats Drive.

A. Public Notification:

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

B. Staff Analysis:

5304 Keats Drive is located on the north side of Keats Drive, between Shelly Drive and Dreher Lane in the Windamere Subdivision. All surrounding properties are zoned R-2 and contain single family residences. There is a large apartment complex located further south.

The applicant's home is a one-story brick and frame single family residence, and is typical of those in the general area. The rear yard is fenced and should provide a safe play area. Proposed hours of operation are 6:00 a.m. to 6:00 p.m., Monday thru Friday. The applicant notes that there is one (1) parent with two (2) children which she cares for from 2:30 p.m. to 11:30 p.m. four (4) out of every six (6) days. The applicant has noted that she will have one (1) employee which lives off-site.

There is a two-car wide driveway from Keats Drive with parking for six (6) vehicles including the carport. Staff feels this will allow sufficient space for drop-off and pick-up of children. On inspection of the site, staff observed no vehicles parked on unpaved areas. Staff also observed no vehicles on the site which are not operational.

The applicant is currently providing care for five (5) children at this location, since March, 2010. The applicant is in the process of being licensed by the State for up to ten (10) children.

The principal use of the property will remain single family residential. No signage beyond that allowed in single family zones will be permitted. The applicant submitted a copy of the bill of assurance for this subdivision which was recorded in 1956. The bill of assurance contains the following language:

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

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

Day care family home:

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

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

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

To staff's knowledge, there are no outstanding issues associated with this application. Staff feels that the proposed day care family home at this location will have no adverse impact on the general area. Based on information provided by the State, there are no permitted/licensed day care family homes or day care centers within 300 feet of the site. Additionally, staff has received no complaints from neighbors since the applicant began caring for children at this address, as of March, 2010.

C. Subdivision Committee Comments: (May 13, 2010)

Jameeka Pippins was present, representing the application. Staff briefly described the proposed day care family home use. Ms. Pippins noted that she has been caring for up to five (5) children at this location for three (3) months. In response to a question from staff, Ms. Pippins explained the proposed hours of operation, as noted in paragraph B. of this report. Ms. Pippins also noted that she would have one (1) employee who resides off-site. In response to a question from the Committee, Ms. Pippins stated that she was the owner and resident of 5304 Keats Drive.

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

D. Staff Recommendation:

Staff recommends approval of the Special Use Permit to allow a day care family home at 5304 Keats Drive, subject to the following conditions:

1. Compliance with the site and location criteria in Section 36-54(e)(3).
2. There is to be no signage beyond that permitted in single family zones.
3. Outdoor activities, including playground use, are to be limited to day-light hours.
4. The hours of operation and number of children are limited to those proposed by the applicant, and noted in paragraph B. of the staff report.

PLANNING COMMISSION ACTION:

(JUNE 3, 2010)

Jameeka L. Pippins was present, representing the application. There were five (5) objectors present. Staff presented the application with a recommendation of approval.

Jameeka L. Pippins addressed the Commission in support of the application. She explained that she currently cared for five (5) children at this location and wished to expand to ten (10) children. Commissioner Nunnley asked how large the house is. Ms. Pippins noted that the house was 1,000 square feet in area.

Ruth Bell spoke in support of the application. She noted support for day care family homes which complied to ordinance standards.

Pat Gee, vice-president of the Southwest Little Rock United for Progress, spoke in opposition. She noted that the bill of assurance did not allow business uses. She noted that there were other day care uses in the area. She explained that the Windamere Neighborhood Association opposed the application.

Bonnie Shelton, of 5308 Keats Drive, also spoke in opposition. She noted that the neighborhood was not an appropriate location for a day care use. She stated that Ms. Pippins should locate in a commercial location.

Ms. Pippins noted that there would be security cameras on the site. She explained that the children she cared for after hours were dropped off at the parent's location, and that there was no pick-up of children at this location after hours. Commissioner Nunnley asked Ms. Pippins if she lived at 5304 Keats Drive. Ms. Pippins stated that she did live there. Ms. Pippins noted that she would have no pick-up of children after 6:00 p.m.

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ITEM NO: 5 (Cont.)

FILE NO.: Z-8553

Commissioner Rouse asked Ms. Shelton if she had any problems with the day care use of five (5) children since March, 2010. Ms. Shelton stated that she had no problems, but there had been increased traffic.

Commissioner Laha noted that several day care uses in the area had closed because of lack of business. He made general comments related to day care uses in neighborhoods and a past bill of assurance court case.

There was a motion to approve the application as revised by the applicant (no pick-up of children after 6:00 p.m.), and recommended by staff. The motion failed by a vote of 5 ayes, 4 nays and 2 absent. The motion failed and the application was denied.

June 3, 2010

ITEM NO.: 6

FILE NO.: Z-3592-M

NAME: Pinnacle Classical Academy Private School –
Conditional Use Permit

LOCATION: 11001 Kanis Road

OWNER/APPLICANT: Rose Hill Church of the Nazarene/Holley Peters

PROPOSAL: A conditional use permit is requested to allow a small private school to locate in a portion of the existing church located on this R-2 zoned, 2.16 acre tract.

1. SITE LOCATION:

The church is located on the south side of Kanis Road, approximately two blocks west of Shackleford Road.

2. COMPATIBILITY WITH NEIGHBORHOOD:

The church is located in an area of mixed zoning and uses. Most of the properties in the area around the site are zoned and developed commercially. A large area of C-2 and O-3 zoned properties extends to the south. Portions of this area are undeveloped and other portions contain various office and commercial uses. Undeveloped C-2 zoned property is located to the north. A painting contractor's office is located on a portion of the nonconforming, R-2 zoned property to the west. Other uses in the area include retail, hotels and offices.

Allowing the small private school to occupy a portion of the existing church is an appropriate use for the property.

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

3. ON SITE DRIVES AND PARKING:

Access to the site is via two driveways off of Kanis Road. Parking wraps around the sides and rear of the building. There appear to be approximately 50 paved parking spaces on the site. The proposed maximum enrollment is 43 students with 7 employees. The school will use 4 classrooms and the church's fellowship hall. The existing parking and drop-off/pickup spaces are more than sufficient for the proposed use.

4. SCREENING AND BUFFERS:

No comments on this use-only issue.

5. PUBLIC WORKS COMMENTS:

No Comments.

6. UTILITY, FIRE DEPT. AND CATA COMMENTS:

Wastewater: Sewer available to this project.

Entergy: No comments received.

Centerpoint Energy: No comments received.

AT&T (SBC): No comments received.

Water: NO OBJECTIONS.

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

Contact Central Arkansas Water if additional fire protection or metered water service is required.

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 (10) days of installation and annually thereafter. Contact the Cross Connection Section at 377-1226 if you would like to discuss backflow prevention requirements for this project.

Fire Department: Approved as submitted.

County Planning: No Comments.

June 3, 2010

ITEM NO.: 6 (Cont.)

FILE NO.: Z-3592-M

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

SUBDIVISION COMMITTEE COMMENT:

(MAY 13, 2010)

The applicants were present. Staff presented the item and noted little additional information was needed. Staff asked the applicants to provide the maximum proposed enrollment and number of employees. The applicants were asked to provide days and hours of operation, a signage plan and to locate the playground area.

In response to questions from the Committee, the applicants responded that the school was to be a fee-based private school and the facility had been inspected and approved by building codes and the fire marshall.

Utility Comments were noted. The applicants were advised to contact those agencies with any questions. The applicants were advised to respond to staff issues by May 19, 2010. The Committee forwarded the item to the full Commission.

STAFF ANALYSIS:

Rose Hill Church of the Nazarene is located on the R-2 zoned, 2.16 acre tract at 11001 Kanis Road. The site contains the church building and an asphalt paved parking lot. The rear portion of the site is undeveloped and contains a grass-covered field and some woods.

Pinnacle Classical Academy, a fee-based private school, is requesting approval of a conditional use permit to allow the school to utilize a portion of the church during the week. The school proposes to utilize some of the church's classrooms and the fellowship hall. The school is a private kindergarten through fifth grade school with a maximum proposed enrollment of 43 students with 7 employees. The school will operate Monday through Friday, 8:15 a.m. – 2:30 p.m.

A second ground sign will be installed on the site to accommodate the school. The new sign will be 5' X 5' and no more than 6' in height. The sign will be placed near the eastern driveway. No new fencing will be installed on the site. The playground area will be located at the rear of the property, on the grass field.

The applicant responded to issues raised at Subdivision Committee, as noted above. To staff's knowledge there are no outstanding issues. The proposed use of this existing church facility for a small private school appears to be an

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ITEM NO.: 6 (Cont.)

FILE NO.: Z-3592-M

appropriate use and is compatible with uses in the area. There is no bill of assurance for this acreage tract.

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 Section 6 of the agenda staff report.
 2. Compliance with all applicable building code, fire code and state code requirements for use of this existing facility for the proposed use.
-

PLANNING COMMISSION ACTION:

(JUNE 3, 2010)

The applicant was present. There were no objectors present. Staff presented the item and a recommendation of approval, subject to compliance with the comments and conditions outlined in the "staff recommendation" above. There was no further discussion. The item was placed on the consent agenda and approved as recommended by staff. The vote was 10 ayes, 0 noes and 1 absent.

June 3, 2010

ITEM NO.: 7

FILE NO.: Z-5427-B

NAME: Huffman Office Warehouse – Conditional Use Permit

LOCATION: SE corner of Kanis Road and Cherry Brook Drive

OWNER/APPLICANT: James and Terry Barnes/Brandon Huffman

PROPOSAL: A conditional use permit is requested to allow for construction of an office-warehouse on this O-3 zoned, .88 acre lot.

STAFF REPORT:

On May 24, 2010, the applicant refiled this project as a Planned Office Development rezoning. Staff recommends withdrawal of this CUP request.

PLANNING COMMISSION ACTION:

(JUNE 3, 2010)

The applicant was not present. There were no objectors present. Staff informed the commission that the application had been refiled as a planned development and this C.U.P. application should be withdrawn. There was no further discussion. The item was placed on the consent agenda and approved for withdrawal by a vote of 10 ayes, 0 noes and 1 absent.

June 3, 2010

ITEM NO.: 8

FILE NO.: Z-5468-A

NAME: Western Hills Methodist Church Day Care Center –
Conditional Use Permit

LOCATION: 4601 Western Hills Avenue

OWNER/APPLICANT: Western Hills United Methodist Church/Tom Herndon

PROPOSAL: A conditional use permit is requested to allow a day care center to be operated in a portion of the existing church located on this R-2 zoned, 5.6± acre tract.

1. SITE LOCATION:

The church is located on the northeast corner of Western Hills Avenue and Melba Drive, approximately ¼ mile south of Colonel Glenn Road.

2. COMPATIBILITY WITH NEIGHBORHOOD:

The church is located on the eastern edge of the Western Hills neighborhood. The city-owned First Tee golf course is located adjacent to the north and east. Western Hills Elementary School is located across Melba Drive to the south. The former Western Hills golf course and Country Club are located further to the south. Single family homes are located to the west, across Western Hills Avenue. Allowing the use of a portion of this existing church facility for a small day care center appears to be an appropriate use that is compatible with uses in the area.

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

3. ON SITE DRIVES AND PARKING:

Access to the site is via driveways onto both Western Hills Avenue and Melba Drive. The site contains paved parking for 50+ vehicles. The day care is proposed to have a maximum enrollment of 35 children with 7 staff members, requiring 10 parking spaces. There is sufficient parking and drop-off/pickup space to accommodate the proposed use.

4. SCREENING AND BUFFERS:

No comments on this use-only issue.

5. PUBLIC WORKS COMMENTS:

1. Western Hills Avenue 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.
2. A twenty (20) foot radial dedication of right-of-way is required at the intersection of Western Hills Avenue and Melba Street.

6. UTILITY, FIRE DEPT. AND CATA COMMENTS:

Wastewater: Sewer available to this project.

Entergy: No comments received.

Centerpoint Energy: No comments received.

AT&T (SBC): No comments received.

Water: NO OBJECTIONS. All Central Arkansas Water requirements in effect at the time of request for water service must be met.

Contact Central Arkansas Water if additional fire protection or metered water service is required.

A Capital Investment Charge based on the size of the 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 (10) days of installation and annually thereafter. Contact the Cross Connection Section at 377-1226 if you would like to discuss backflow prevention requirements for this project.

Fire Department: May require fire sprinkler system and fire hydrant. Contact Fire Marshall's office at 918-3757.

County Planning: No Comments.

June 3, 2010

ITEM NO.: 8 (Cont.)

FILE NO.: Z-5468-A

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

SUBDIVISION COMMITTEE COMMENT:

(MAY 13, 2010)

The applicants were present. Staff presented the item and noted little additional information was needed. In response to a question from staff, the applicants indicated no new signage or fencing would be erected. In response to a question from the Committee, the applicants stated the age of the children was anticipated to be up to 3 to 4 years old.

Utility and Public Works Comments were discussed. The applicants were 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:

Western Hills United Methodist Church occupies the R-2 zoned, 5.6 ± acre tract located at 4601 Western Hills Avenue. The site contains two church buildings and paved parking and driveways. The Children's Learning Center of Pulaski Heights United Methodist Church in collaboration with Western Hills UMC are requesting approval of a conditional use permit to allow the operation of a day care center utilizing a portion of the existing Western Hills UMC facility.

The maximum proposed enrollment is 35 children with up to 7 employees. Days and hours of operation are proposed as Monday through Friday, 7:30 a.m. to 5:30 p.m. The playground area is located adjacent to the church building. No changes are proposed to the site.

Staff believes the proposed day care center is an appropriate use. The day care will be utilizing a portion of an existing church facility. There is more than sufficient parking and drop-off/pick-up area to accommodate the use. To staff's knowledge there are no outstanding issues. There is no bill of assurance for this acreage tract.

STAFF RECOMMENDATION:

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

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ITEM NO.: 8 (Cont.)

FILE NO.: Z-5468-A

1. Compliance with the comments and conditions in Sections 4, 5 and 6 of the agenda staff report.
2. Compliance with all applicable building code, fire code and state code requirements for use of this existing facility for the proposed use.

PLANNING COMMISSION ACTION:

(JUNE 3, 2010)

The applicants were present. There were three objectors present. One letter of opposition had been received from the Westwood Neighborhood Association. Staff presented the item and a recommendation of approval, subject to compliance with the comments and conditions outlined in the "staff recommendation" above.

Courtney Frizzel, program director for the Pulaski Heights UMC Children's Learning Center, stated they were working with Western Hills UMC to provide quality child care for area residents.

Tom Herndon, a trustee with Western Hills UMC, stated there was a need for quality childcare in the area. He stated the childcare would provide jobs and would allow others to go to work.

Of the three persons who turned in cards in opposition to the item, Eric Hale and Michelle McElway indicated they did not wish to speak.

Roderick Dunn, president of the Westwood Neighborhood Association, spoke in opposition to the item. He stated the Association opposed days care centers in the neighborhood. Mr. Dunn quoted from the letter the Association had submitted in which he referenced the neighborhood action plan. In that plan, the neighborhood stated its opposition to any additional daycares in the area other than for along Col. Glenn Rd. He stated there were several day cares located along Col. Glenn and there was no need for this day care.

Ms. Frizzel reiterated the need for additional childcare in the area. She noted the presence of two nearby elementary schools and the State's Workforce Center.

Commissioner Rouse commented that there was an elementary school directly across the street. He asked Mr. Dunn how allowing this church to have a day care center would harm the neighborhood. Mr. Dunn responded that the school was existing and the neighborhood opposed any new day cares. Commissioner Rouse responded that he saw this as a different case since the church was an existing institutional use.

June 3, 2010

ITEM NO.: 8 (Cont.)

FILE NO.: Z-5468-A

Chairman Yates asked staff to comment on the action plan and to explain staff's recommendation, which appeared to be in contrast to the plan. Director of Planning Tony Bozynski responded that those plans were guidelines supported by both the City Board and Planning Commission. Mr. Bozynski stated this was a unique situation in that the day care was proposed to be located in an existing church that was actually located on the edge of the neighborhood in an institution area that contained the church, an elementary school and a City golf course. He stated access to the site was from a collector street.

A motion was then made to approve the application subject to compliance with all staff comments and conditions. The motion was approved by a vote of 9 ayes, 0 noes and 2 absent.

June 3, 2010

ITEM NO.: 9

FILE NO.: Z-6425-C

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

LOCATION: 6711 West Markham Street

OWNER/APPLICANT: Lutheran High School/Little Rock Urban Prep, Inc.,
Chris Travis

PROPOSAL: A conditional use permit is requested to allow an open enrollment charter school to locate in the former church – private school facility located on this R-2 zoned, 4.8± acre tract.

1. SITE LOCATION:

The property is located at the SE corner of West Markham and Hughes Streets.

2. COMPATIBILITY WITH NEIGHBORHOOD:

The school is located in an area comprised primarily of single family homes. Residential properties are located to the north and east, across Markham and Hughes Streets respectively. The Christ Lutheran Church and School are located to the south. The large tract of R-2 zoned property east of this site has previously been approved for future expansion of Christ Lutheran and the school. Additional residential uses, single and multifamily, are located east and south of Christ Lutheran's property. The two schools and church form an institutional node. The school will not be expanding beyond its existing boundaries.

The continued use of the site as a school is an appropriate use. The principal issue is that of traffic. The prior approval allowed an enrollment of up to 400 students. The current proposal is for up to 696 students. A traffic study has been completed and is being reviewed by Public Works staff. If traffic issues are adequately addressed, the proposed use should be compatible.

All owners of properties within 200 feet of the site, all residents within 300 feet who could be identified and the Briarwood and University Park Neighborhood Associations were notified of this request.

3. ON SITE DRIVES AND PARKING:

The proposed school is to have an enrollment of 696 students in grades kindergarten through 8th grade. There will be 36 classrooms, 44 teachers, 7 administrators and 60 kindergarten students. Those numbers require that the site have 93 parking spaces. The site contains 108 parking spaces. The site currently has 3 driveways onto Hughes Street. A traffic study has been completed by Peters and Associates to address the issue of drop-off/pick-up and vehicle stacking. That study is being reviewed by the City's Traffic Engineer and Public Works. The initial review of the study indicates a new "entry only" driveway being constructed on Markham Street, conversion of the two northern Hughes Street driveways to "exit only" and use of the southern Hughes Street driveway as full access, "entry and exit". A final report on staff's response to the traffic study will be presented at the public hearing.

4. SCREENING AND BUFFERS:

1. Any new vehicular use areas will need to be landscaped and buffered to comply with applicable City codes.

5. PUBLIC WORKS COMMENTS:

1. West Markham Street is classified on the Master Street Plan as a minor arterial with special design standards. A dedication of right-of-way thirty-five (35) feet from centerline will be required.
2. A twenty (20) foot radial dedication of right-of-way is required at the intersection of W. Markham Street and S. Hughes Street.
3. A traffic study should be provided which models pickup and drop-off of the 700 students along with stacking at the intersection of W. Markham and Hughes Street. The current traffic signal does not provide a protected left turn movement.

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.

Contact Central Arkansas Water if additional fire protection or metered water service is required.

A Capital Investment Charge based on the size of the 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 (10) days of installation and annually thereafter. Contact the Cross Connection Section at 377-1226 if you would like to discuss backflow prevention requirements for this project.

Fire Department: Approved as submitted.

County Planning: No Comments.

CATA: CATA bus routes are located on both W. Markham and Hughes Streets.

SUBDIVISION COMMITTEE COMMENT:

(MAY 13, 2010)

The applicants were present. Staff presented the item and noted little additional information was needed. Staff requested information regarding signage, dumpster location and screening, new fencing and site lighting.

Public Works, Utility and Landscape Comments were noted. Staff stated a traffic study was required. The applicants responded that Peters and Associates had been retained to prepare the study and it would be submitted to staff within the week.

The applicants were directed to contact the other agencies if there were questions about the other comments.

Staff asked that the applicants respond by Wednesday, May 19, 2010. The Committee forwarded the item to the full Commission.

STAFF ANALYSIS:

On February 5, 1988, the Planning Commission approved a conditional use permit allowing conversion of the former Olivet Baptist Church, located at 6711 West Markham Street, into the Lutheran High School. The approved plan included use of the existing building with no exterior changes to the building or the parking lots. Approval was granted subject to the following conditions:

1. Compliance with the Screening and Buffer Comments.
2. Compliance with Public Works Comments
3. The maximum enrollment will be 200 students.
4. Compliance with the following terms agreed to at the January 22, 1998 neighborhood meeting.
 - a. The school will construct additional parking on the site once the existing parking reaches 90% capacity.
 - b. The Lutheran Association and Christ Lutheran Church will share the cost with the City for a traffic light at the intersection of Hughes and Markham Streets. Their part will be between 20-25% of the cost of the traffic light, with the City paying the remaining 75-80%.

- c. The applicant will submit a plan showing how cars will enter and exit the parking lot for dropping off and picking up children at the school.
- d. The applicant will pay the cost for the installation of two flashing school zone signs on Hughes Street.

On May 11, 2000, the Commission approved a revision to the C.U.P. allowing for construction of a 16,000 square foot, detached gymnasium building and an increase in the student population from 200 to 250. The gymnasium building was to be located on the front of the property, with a 25 foot setback from the West Markham Street property line. This plan included the addition of 45 parking spaces, bringing the total number of proposed parking spaces to 136. The 45 new spaces were to be constructed once the existing, 91 space parking lot was regularly filled 90% usage. The school restated its agreement to participate in the cost of traffic signal at Markham and Hughes, as per the February 1998 C.U.P. approval. The Commission's approval was granted subject to the following conditions:

- a. Comply with the City's Landscape and Buffer Ordinances.
- b. Comply with Public Works Comments.
- c. Comply with Fire Department Comment.
- d. All exterior lighting must be low intensity and directed downward and inward to the property and not towards any residential zoned area.

On August 22, 2002, the Commission approved a revision to the C.U.P. allowing for construction of a two-story, 34,000 square foot gymnasium to be built as an addition to the school rather than as a freestanding structure. The addition also contained classroom space. The revision to the C.U.P. also included the future construction of a three-story classroom addition onto the north side of the existing building, the phased construction of an addition 100 parking spaces and increasing the student population from 250 to 400. The gymnasium addition and the phase I parking expansion (17 spaces) were constructed.

Approval was granted subject to compliance with the following conditions:

1. Compliance with the staff comments and conditions outlined in Sections 4, 5 and 6 of this report.
2. Compliance with the approved site plan and the development plan outlined in the applicant's cover letter and addendum; including the continued agreement to participate in the installation of a traffic signal at the intersection of West Markham and Hughes as agreed to in 1998.

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3. The Phase II parking is to be constructed at the time the three-story classroom addition is constructed or at the time the existing parking reaches 90% capacity, whichever occurs first.
4. Signage is to be limited to that permitted in office zones.
5. Site lighting is to be low-level and directional, aimed inward to the site.

Lutheran High School is now closing and an open enrollment charter school, Little Rock Urban Prep, Inc., is proposing to occupy the site. The proposed charter school is to have an enrollment of 696 students in grades kindergarten through 8th grade. No changes are proposed to the building other than for some interior remodeling to create additional classrooms. No additional parking is proposed. The wooded area north of the building will be used as playground area. A chain link fence will enclose the playground. Signage will consist of the existing stone wall-ground sign at the northwest corner of the property and possible wall signs on the building. Days and hours of operation are those typical for a public school. The dumpster has been indicated at the southeast corner of the site. The required dumpster screening will be installed.

A new "entry only" driveway will be installed off of West Markham Street. Two new light fixture will be installed on the east side of the driveway. The lighting will be low-level and shielded downward and into the site.

The traffic study has been completed and final review by staff is underway as of this writing. The major focus of the study is to assure that there is adequate stacking space on the site to accommodate students being dropped off in the morning and picked up in the afternoon. To accomplish this, a new "entry only" driveway is to be built off of Markham Street, the two northern driveways off of Hughes will be converted to "exit only" and the southern drive off of Hughes will be full access, "entry and exit". Three pick-up/drop-off locations will be located on the site. Staff's response to the study is forthcoming. There is no bill of assurance for this acreage tract.

To staff's knowledge, there are no outstanding issues. There is no bill of assurance for this acreage tract.

STAFF RECOMMENDATION:

Staff recommendation is forthcoming.

PLANNING COMMISSION ACTION:

(JUNE 3, 2010)

Chairman Jeff Yates recused on this item. Two persons present indicated they were opposed to the item, one indicated support and one had questions. Two e-mails from persons expressing concerns about traffic had been received by staff and forwarded to the Commission. A letter had been submitted by the Briarwood Area Neighborhood Association in which the Association stated it had no objection to the proposed school but wanted assurances that the City and the school would work to resolve any traffic issues.

Staff presented the item and a recommendation of approval subject to compliance with the comments and conditions outlined in Sections 4, 5 and 6 of the agenda staff report. Staff added the following additional condition to the Public Works comments:

“ After review of the traffic study dated May 19, 2010 for traffic associated with the operation of the UCPC School, staff believes the proposed plan is acceptable. The plan shows driveway and parking improvements, public street striping, on-site striping and signage to be installed. Prior to opening of the school, the driveway and parking improvements, public street striping, on-site striping and signage must be installed as shown on the May 19, 2010 traffic study. Plans must be submitted to staff for the proposed improvements for review prior to installation and permitting.”

Staff briefly described the traffic study results, noting particularly the installation of a new entrance-only driveway on Markham and the conversion of the two northernmost driveways on Hughes Street to one-way exit only driveways.

Commissioner Nunnley asked if the original approval to allow for the conversion of the church into the Lutheran High School limited use of the site to the Lutheran school only. Staff responded that this was a new application since the use was changing from a private school to a public charter school and the enrollment was changing from a maximum of 400 to a maximum of 696.

Chris Travis, attorney representing UCPC, spoke in support of the item. He made reference to the traffic study. Mr. Travis stated they had met twice with the Briarwood Neighborhood and once with the University Park neighborhood. He stated all meetings were positive.

Ernie Peters, of Peters and Associates Engineers, spoke of the traffic study his firm had completed. He stated they had worked closely with Little Rock Traffic Engineering and had made changes as suggested by staff. Mr. Peters stated the conclusion was that the site could accommodate the school, with traffic

improvements noted in the plan and recommended by staff. He presented a power point showing elements of the traffic study.

Chris Travis stated information packets will be provided to parents of children at the school, including traffic instructions. He stated each will be specific based on the ages of the children and the specific drop-off/pick-up area. Mr. Travis stated parents will be instructed not to use the Briarwood neighborhood streets.

Nat Banihatti, of the Little Rock Traffic Engineer's office, stated staff had reviewed the traffic study and had worked with Mr. Peters. He stated staff had made suggestions and changes were made. Mr. Banihatti stated staff agreed that the traffic plan would work. Commissioner Nunnley asked if staff had considered the existing traffic flow through the neighborhood. Mr. Banihatti responded that they had and had come to the conclusion that the proposed school would not impact traffic in the neighborhood.

Ruth Bell, of the League of Women Voters, asked if the traffic study had taken into consideration the opening of the new Target store on S. University Avenue. She also asked what recourse there would be for the neighborhood if the traffic plan did not work.

Jim Bell, one of the directors of the Briarwood Area Neighborhood Association, read from the letter submitted by the Association. He asked that the school and City commit to addressing traffic issues. Mr. Bell stated he had three points of concern. He stated the Lutheran School currently had an enrollment of 121 students so the real increase in traffic is from 121 to 696, not 400 to 696. He stated there would be traffic generated by two schools since the Christ Lutheran elementary school, with an enrollment of 232 students, was located just to the south of this site. He stated additional traffic through the neighborhood would be generated by persons going to the new Target store.

Lynn Smith, of 2 Pilot Point Place, spoke also of his concerns with traffic. He stated he was already impacted by traffic created by Hall High School and Catholic High School. He questioned how the traffic model would relate to reality. Mr. Smith stated he also needed assurance that the students would be supervised. He referenced a recent incident where high school students were caught stealing from his property.

William Wooly, of 6904 Briarwood, spoke of his concerns. He stated the Lutheran High School approvals grew from 200, to 250, to 400. He stated the school never had more than 200 students. He stated traffic from Christ Lutheran School already backs onto Hughes Street. Mr. Wooly stated the proposed charter school would create traffic problems on Markham Street and would push traffic into the neighborhood.

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Lynn Smith asked why the school was locating at this site if the target students were to be from southwest and central Little Rock.

Chris Travis stated his client could not control traffic generated by Christ Lutheran School or Target. He stated UCPC could instruct its parents regarding traffic patterns. Mr. Travis stated the traffic study was comprehensive and complete and took into account all area uses. He stated the children were ages kindergarten through 8th grade and the children would never be turned loose in the neighborhood.

Mr. Peters commented that the peak hour traffic generated by Target would not conflict with the peak hour traffic generated by the school.

In response to a question from Commissioner Brock, applicant Jackie Jackson stated the school had a current enrollment of 562 students.

Commissioner Rouse commented that he did not know of any school in Little Rock that did not have traffic issues. Commissioner Nunnley stated he was not opposed to the school, only the proposed enrollment number. A brief discussion then followed between the two commissioners regarding traffic at various schools.

Commissioner Harpool asked if there would be off-duty police officers to help with traffic control. Ms. Jackson responded that there would be only at the beginning to help get people trained in the traffic pattern. She stated the practice would continue if it was found to be needed.

In response to a question from Commissioner Changose Ms. Jackson stated the children would be coming from the local school district, other school districts and from those being home-schooled. She stated the proposed school would be for boys only and would be filling a need.

Ruth Bell asked again what the recourse was for the neighborhood if the traffic plan did not work.

Ms. Jackson committed to continue working with the neighborhood to address any concerns.

A motion was made to approve the application, including all staff comments and conditions. The motion was approved by a vote of 7 ayes, 1 noe, 2 absent and 1 recusing (Yates).

June 3, 2010

ITEM NO.: 10

FILE NO.: Z-7066-A

NAME: Ross Adult Day Care Center – Conditional Use Permit

LOCATION: 2506 S. Valentine Street

OWNER/APPLICANT: Claudia Starks/Rhonda Ross

PROPOSAL: A conditional use permit is requested to allow for the use of the residential structure on this R-3 zoned lot as an adult day care center.

1. SITE LOCATION:

The property is located at the west side of Valentine Street, one block north of Asher Avenue.

2. COMPATIBILITY WITH NEIGHBORHOOD:

The property is located at the southern edge of a residential neighborhood where uses begin to transition to nonresidential. Single family residences are located adjacent to the site. The former Garland School is located across 25th Street to the north. Just to the south is a large area of commercial and industrial zoning located along Asher Avenue and Roosevelt Road. This small, 4 client, day care should be compatible with uses and zoning in the area. The property will maintain its residential appearance and character.

All owners of properties located within 200 feet of the site, all residents within 300 feet who could be identified and the Love, Goodwill and Stephens Area Faith Neighborhood Associations were notified of this request.

3. ON SITE DRIVES AND PARKING:

The day care is proposed to have a maximum enrollment of 4 clients with 2 employees, requiring 3 parking spaces. The site contains a singlewide driveway that is deep enough for two vehicles plus an additional space on a “flag pole” space perpendicular to the driveway. The parking meets the ordinance requirement.

4. SCREENING AND BUFFERS:

No Comments.

5. PUBLIC WORKS COMMENTS:

No Comments.

6. UTILITY, FIRE DEPT. AND CATA COMMENTS:

Wastewater: Sewer available to this project.

Entergy: No comments received.

Centerpoint Energy: No comments received.

AT&T (SBC): No comments received.

Water: NO OBJECTIONS.

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

Contact Central Arkansas Water if additional fire protection or metered water service is required.

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 (10) days of installation and annually thereafter. Contact the Cross Connection Section at 377-1226 if you would like to discuss backflow prevention requirements for this project.

Fire Department: Approved as submitted.

County Planning: No Comments.

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

SUBDIVISION COMMITTEE COMMENT:

(MAY 13, 2010)

The applicant was present. Staff presented the item and noted little additional information was needed. In response to a question from staff, the applicant indicated that the service would be available on weekends on an as-needed basis and the same hours of operation would apply.

Utility 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:

The applicant is requesting approval of a conditional use permit to allow for the use of the residential structure on the R-3 zoned lot located at 2506 S. Valentine Street as an adult day care center. The day care will have a maximum of 4 clients with 2 employees. This exact same application was approved by the Commission on July 26, 2001. The applicant subsequently decided not to pursue the activity at that time.

The property is occupied by a small, one-story, single family residence and paved parking for 3 vehicles. The only proposed changes to the property are to add a covered patio at the rear of the residence and some additional landscaping. A small sign is proposed to be placed in a front flower bed.

Days and hours of operation are proposed as Monday through Friday, 7:00 a.m. to 5:00 p.m. with extended hours available to 7:00 p.m. on an as-needed basis. Weekend service would also be available on an as-needed basis, utilizing those same hours.

Staff feels that the adult day care center as proposed, with only 4 clients and 2 employees will be compatible with uses in the area. To staff's knowledge, there are no outstanding issues. There is no bill of assurance for this acreage tract.

STAFF RECOMMENDATION:

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

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FILE NO.: Z-7066-A

1. Compliance with the comments and conditions in Section 6 of the agenda staff report.
2. Signage is to be limited to either a single wall sign not to exceed 1 square foot in an area or a single ground sign not to exceed 1 square foot in area and 6 feet in height.
3. Compliance with all applicable building codes, fire codes and state codes for conversion of this residential structure to accommodate the proposed use.

PLANNING COMMISSION ACTION:

(JUNE 3, 2010)

The applicant was present. There were no objectors present. Staff presented the item and a recommendation of approval, subject to compliance with the comments and conditions outlined in the "staff recommendation" above. There was no further discussion. The item was placed on the consent agenda and approved as recommended by staff. The vote was 10 ayes, 0 noes and 1 absent.

June 3, 2010

ITEM NO.: 11

FILE NO.: Z-8551

NAME: Pippins Adult Day Care Center –
Conditional Use Permit

LOCATION: 3819 Baseline Road

OWNER/APPLICANT: Eugene and Christy Simon/Jameeka Pippins

PROPOSAL: A conditional use permit is requested to allow for the use of the existing residential structure on this R-2 zoned, .97 acre tract as an adult day care center.

1. SITE LOCATION:

The site is located on the south side of Baseline Road, approximately 800 feet west of Hilario Springs Road.

2. COMPATIBILITY WITH NEIGHBORHOOD:

The site is located on an arterial street in an area of mixed zoning and uses. A day care center is adjacent to the west. A variety of residential, office and planned development zoned properties extend further to the west. Multifamily and an elementary school are located to the east. A variety of office and commercial uses and zoned properties are located along the north side of Baseline Road in this general area. Single family residences are located along Bruno Road to the south. Those residential properties are very deep, as is this property, providing adequate separation from the proposed day care center. The proposed use of the former veterinary clinic building as an adult day care center 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 Upper Baseline and SWLR United for Progress Neighborhood Associations were notified of this request.

3. ON SITE DRIVES AND PARKING:

The proposed day care is to have a maximum enrollment of eight clients with two employees, requiring 3 parking spaces. The property was previously occupied by a veterinary clinic and has a gravel and paved circular driveway with parking that will accommodate 5 to 6 vehicles. The applicant will pave the gravel portion of the driveway and will expand it slightly to accommodate additional parking and drop-off space.

4. SCREENING AND BUFFERS:

Any new vehicular use areas will need to comply with the City's Landscape and Buffer Ordinances.

5. PUBLIC WORKS COMMENTS:

1. Baseline Road is classified on the Master Street Plan as a principal arterial with special design standards. A dedication of right-of-way forty-five (45) feet from centerline may be required. The survey provided does not show the centerline of Baseline Road and staff can not determine if a dedication of right-of-way is required. A survey should be provided showing the centerline of the right-of-way of Baseline Road.
2. The western driveway should be signed one way in and the eastern driveway should be signed one way out.
3. The gravel area of the driveway should have hard paved with either asphalt or concrete.

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

Contact Central Arkansas Water if additional fire protection or metered water service is required.

A Capital Investment Charge based on the size of meter connections(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 (10) days of installation and annually thereafter. Contact the Cross Connection Section at 377-1226 if you would like to discuss backflow prevention requirements for this project.

Fire Department: Approved as submitted.

County Planning: No Comments.

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

SUBDIVISION COMMITTEE COMMENT:

(MAY 13, 2010)

The applicant was present. Staff presented the item and noted little additional information was needed. The applicant was advised to submit a signage plan and to indicate any proposed fencing on the plan.

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

In response to a question from the Committee, the applicant stated the State Licensing Authority did not require a full-time director for adult day care centers with less than 15 clients. She stated she would serve as director and would have 2 employees.

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

STAFF ANALYSIS:

The R-2 zoned, .92± acre lot located at 3819 Baseline Road is occupied by a one-story block and frame residential-style structure and a paved and gravel circular driveway and parking area. The structure was occupied by a nonconforming veterinary clinic until fairly recently. The applicant is requesting approval of a conditional use permit to allow use of the existing structure as an adult day care center with a maximum enrollment of 8 clients with 2 employees.

The proposed days and hours of operation are Monday through Friday, 6:00 a.m. to 6:00 p.m. A small (3' X 4') sign is proposed for the site. The gravel portion of the existing circular driveway will be paved and widened slightly to accommodate

additional parking and drop-off space. The driveway will be signed to comply with Public Works requirements. A portion of the rear yard will be enclosed by a privacy fence to allow the clients to have a safe area to be outdoors when appropriate. Otherwise, no changes will be made to the site.

Staff believes the proposed use is appropriate for the site. The site is in an area of mixed zoning and uses and has a history of nonresidential use itself. The proposed small, adult day care center should be compatible with uses in the area. To staff's knowledge there are no outstanding issues. The bill of assurance for Rinke Garden Acres 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.
 2. Signage is to be limited to a single ground mounted sign not to exceed 3' X 4' in area and 6' in height.
 3. Compliance with all applicable building codes, fire codes and state codes for conversion of this structure to accommodate the proposed use.
-

PLANNING COMMISSION ACTION:

(JUNE 3, 2010)

The applicant was present. There were no objectors present. Staff presented the item and a recommendation of approval, subject to compliance with the comments and conditions outlined in the "staff recommendation" above. There was no further discussion. The item was placed on the consent agenda and approved as recommended by staff. The vote was 10 ayes, 0 noes and 1 absent.

June 3, 2010

ITEM NO.: 12

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

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.

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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.

June 3, 2010

ITEM NO.: 13

FILE NO.: G-25-207

Name: Wright Avenue Street Name Change to
Annie Abrams Avenue

Location: Wright Avenue, from Chester Street to
Woodrow Street

Petitioner: The New Africa Alliance, Muhammed K. Rasheed

Request: To rename Wright Avenue, Chester Street to
Woodrow Street, to Annie Abrams Avenue.

Abutting Uses:

This 18 block street is fronted by approximately 50 addresses. The majority of the addresses are nonresidential. It appears that about 10 residences front onto the street and take a Wright Avenue address. Several other businesses and residences take addresses from the intersecting streets. The nonresidential uses range from a school and lodge to a convenience store and radiator shop. Other uses include churches, doctor's office, furniture store and a variety of other small commercial and office uses. A few of the buildings do appear not to be occupied.

Neighborhood Effect:

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

Neighborhood Position:

The applicant submitted signatures in support of the proposed name change from 22 individuals indicating Wright Avenue addresses. As previously noted, approximately 50 addresses front onto Wright Avenue. A few of those addresses appear to be vacant structures. The 22 signatures appears to represent approximately 50% of the total occupied addresses on the street.

Notice of the Commission hearing was sent by staff to the Downtown, Central High, Wright Avenue, Goodwill, Love and Stephens Area Faith Neighborhood Associations.

The applicant is responsible for notifying all affected properties including occupants of apartments, business occupants and single family residents.

June 3, 2010

ITEM NO.: 13 (Cont.)

FILE NO.: G-25-207

Effect on Public Services:

No opposition has been voiced by any of the reviewing agencies.

The proposed name originally submitted by the applicant was Annie McDaniels Abrams Avenue. When informed by staff at the May 13, 2010 Subdivision Committee meeting that the name would not fit on a street sign blade, he agreed to the shortened name of Annie Abrams Ave.

Twenty-four (24) 9-inch street signs have to be made and replaced at a cost of \$2400 and three (3) 18-inch signs have to be made and replaced at a cost of \$2100. The total cost for manufacturing and installation of the new street signs is \$4500.

Staff Analysis:

The New Africa Alliance has submitted a proposal to rename Wright Avenue, from Chester Street to Woodrow Street, to Annie Abrams Ave. Supporting signatures from 22 individuals representing residents and businesses along the street have also been submitted.

The proposal has been submitted in recognition of Ms. Abrams' longtime service to the community and involvement in Little Rock Neighborhood issues.

STAFF RECOMMENDATION:

Staff recommends approval of the requested street name change.

PLANNING COMMISSION ACTION:

(JUNE 3, 2010)

The applicant was present. There was one registered objector present. Staff presented the item and a recommendation of approval.

The applicant, Muhammed Rasheed, spoke in support of the application. He spoke of Ms. Abrams' work for the community and asked the Commission to support the proposed street name change. He stated the proposal had the support of residents and businesses along the street.

A second person, Jamall ? spoke in support.

Director Erma Hendrix spoke in opposition. She read from a statement giving the history of the name of Wright Avenue. She stated it appeared the street was named for banker/developer Morehead Wright who developed several subdivisions in the area in the early 1900's. She presented a letter of opposition

from Carter radiator Service at 2505 Wright Avenue. Dir. Hendrix stated there were persons on the street who were not aware of the proposed name change. She voiced concerns about the possible cost to the City to change the street signs. She stated she felt it was more appropriate to rename numbered streets or streets with tree names, not streets that had been named for a person. Dir. Hendrix referenced an ordinance pending at the Board level that would protect streets that had been named for individuals. She appealed to the Commission to deny the application.

Mr. Rasheed stated he understood about Mr. Wright but he felt it was appropriate to rename the street for Ms. Abrams. He stated he had sent the required notices via certified mail.

Commissioner Nunnley stated he did not oppose recognizing Ms. Abrams but he felt renaming the street would lead to confusion. He also questioned if Dunbar School's historic status would be affected by the street name change. Staff responded that they could not answer that.

Commissioner Rector stated the City needed a better policy to deal with street name changes. Staff responded that one was potentially in the works at the Board level. Dir. Hendrix agreed.

Commissioner Laha commented that he had previously been affected by an address change and it had cost him much money.

Commissioner Nunnley commented that he would prefer to put this off until the new policy was adopted. He asked if the applicant would consider a deferral.

Commissioner Rouse stated he was in favor of renaming numbered streets, not streets that had named for an individual.

There followed a brief discussion of the value of deferring the application. It was agreed that the city needed a better policy for addressing street name changes.

The applicant stated he desired to go forward.

Several Commissioners commented in support of Ms. Abrams but not in support of renaming the street.

A motion was made to approve the application. The motion failed by a vote of 0 ayes, 9 noes and 2 absent.

June 3, 2010

ITEM NO.: 14 2010 ORDINANCE AMENDMENT PACKAGE

SUBJECT: Planning Commission receipt and acceptance of a Proposed Ordinance Amendment package for 2010; directing the Plans Committee to proceed with review and forwarding the results of that review for public hearing.

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.

June 3, 2010

ITEM NO.: 15

FILE NO.: LU10-09-01

NAME: Land Use Plan Amendment – I-630 Planning District (12th Street)

LOCATION: From University Avenue to Union Pacific RR, I-630 to 17th Street

REQUEST: From Residential Low Density, Residential Medium Density, Office, Commercial, Public Institutional, and Mixed Use to Office, Commercial, Public Institutional, Mixed Use, and Mixed Use-Urban

SOURCE: City Staff and 12th Street Corridor Steering Committee

PROPOSAL/REQUEST:

A Land Use Plan amendment package in the I-630 Planning District from Residential Low Density, Residential Medium Density, Office, Commercial, Public Institutional, and Mixed Use to Office, Commercial, Public Institutional, Mixed Use, and Mixed Use-Urban. Office represents a mixture of office related services. Commercial represents a broad range of retail and wholesale sales of products, personal and professional services, and general business activities. 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. Mixed Use-Urban represents a mix of residential, office and commercial uses not only in the same block but also within the same structure to allow dissimilar uses to exist, which support each other to create a vital area. The application is requested to modify the City Land Use Plan to be more consistent with the recently developed and accepted 12th Street Corridor Study.

MASTER STREET PLAN:

12th Street is a Minor Arterial on the Master Street Plan, as are Fair Park Boulevard and Woodrow Street. University Avenue is a Principal Arterial on the Master Street Plan and Pine and Cedar Streets 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:

12th Street from University Avenue to Pine/Cedar Streets is shown as a Class III bicycle route. 13th Street from Pine/Cedar Streets to Jones Street is shown as a Class II bicycle route. 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. Oak Forest, War Memorial and Fletcher Parks are within the area.

HISTORIC DISTRICTS:

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

ANALYSIS:

At the December 17, 2009 meeting of the Little Rock Planning Commission the 12th Street Corridor Study was presented. The Commission unanimous approved a resolution of support at that meeting. The 12th Street Corridor Steering Committee had worked for over a year with residents, property owners, interested groups and a consultant team to develop a framework to guide the future of the 12th Street Corridor from approximately University Avenue to Woodrow Street. As part of the document produced with this effort and presented to the Commission in December of 2009, land use plan recommendations for the future development of the study area were included.

The future land use plan recommendation in the 12th Street Corridor Study is slightly different in a few areas from the City of Little Rock Future Land Use Plan. Staff reviewed the difference between the two documents in December 2009 and January 2010. A map illustrating the areas of difference was created. Staff and representatives of the Street Committee met to discuss the differences and a 'package' of land use changes was developed in January/February 2010.

All property owners of parcels where a difference was noted were notified and a meeting was held at the Hinton Resource Center to review the changes. Over 200 property owners were notified and over 50 attended the meeting on March 22, 2010. In addition just less than a dozen phone and email contacts were made to staff. Almost all of the questions were informational, the only other was a question about 'why now?'

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 five areas.

The eastern most area of change includes two changes. The first is north of 12th Street generally from Fillmore to Fair Park Boulevard. The amendment would be from Commercial and Mixed Use to Public Institutional. The change is to reflect a new sanctuary and parking for St. Marks Church. The land is currently zoned C-3 General Commercial, I-2 Light Industrial and PD-O Planned Development Office. There is a commercial retail center, some commercial uses, and support facilities for the Church currently on the properties. St. Marks does own all the property, and the Planning Commission has approved a PCD (Planned Commercial District) for a new sanctuary and parking for this land. The change would reflect the likely future development on the land.

The second change is at the southwest corner of Fair Park Boulevard and 12th Street. The amendment would be from Office and Residential Low Density to Commercial. The current zoning is C-1, 'Neighborhood Commercial' and the use is a Walgreen's drug store. The change would reflect the current and likely future use of the land.

The next area is either side of 12th Street generally from Tyler to Van Buren Streets. The amendment would be from Residential Low Density to Office. Along the south side of 12th Street, the zoning is C-3 General Commercial and the use is medical offices and related parking. Along the north side of 12th Street, the zoning is POD (Planned Office District) and R-3 Single Family. The use is parking related to medical offices. The change would reflect the current and likely future use of the land.

The next area, moving west, would be either side of 12th Street generally from Madison to Peyton Streets. The amendment would be from Commercial to Mixed Use. Along the north side of 12th Street, the zoning is C-3 General Commercial, PDC & PCD (Planned District Commercial, Planned Commercial District) and I-2 Light Industrial. The existing development pattern is various commercial and retail uses. Along the south side of 12th Street is zoned C-3 General Commercial and R-3 Single Family. The existing uses include a strip center, service station and other retail uses. The 12th Street Corridor Study envisions this area transitioning into a more urban commercial form with some residential mixed (possible on second floors). The change would allow the existing pattern to continue but also allows for the possible of redevelopment consistent with the 12th Street Corridor Study.

The next area is generally a 3-block wide area from I-630 to 14th Street, Elm Street to Oak Street. The amendment would be from Residential Low Density, Residential Medium Density, Office, Commercial, and Mixed Use to Mixed Use-

Urban. The areas north of 12th Street is zoned R-3 Single Family, R-4 Duplex, PCD (Planned Commercial District), O-3 General Office. Most of the existing uses are single-family or duplex. The area along 12th Street is zoned C-3 General Commercial, R-3 Single-Family, R-4 Duplex, R-5 Urban Residential PCD (Planned Commercial District) and POD (Planned Office District). The uses include various retail and commercial uses as well as the small church and single-family homes. The area south of 12th Street is zoned C-3 General Commercial, R-3 Single Family and R-4 Duplex. Most of the existing uses are single-family homes, with a business and vacant commercial building on 13th around Pine. The change is to allow the transition of the area consistent with the redevelopment proposed by the 12th Street Study. A second change is the block between 12th and 11th Streets, Maple and Valentine Streets. The amendment would be from Mixed Use and Residential Low Density to Public Institutional. The existing zoning is POD (Planned Office District) and R-3 Single Family. The current uses are vacant and single-family. The City has approved a redevelopment of this block for a group-housing situation with training, office and education facilities. The change would reflect the approved redevelopment of the land.

The next area is at the western end. It includes two changes. The first is from Residential Low Density to Public Institutional either side of Johnson north of 13th Street. This is land zoned R-3 Single-family but used as parking for a church on 12th Street. The change reflects the current and likely future use of the land. The second area is either side of Woodrow from I-630 to 12th Street. The amendment is from Commercial and Residential Medium Density to Mixed Use. The zoning is R-3 Single-family with C-3 General Commercial at the intersection of 12th Street and Woodrow Street, as well as O-3 General Office, I-2 Light Industrial and R-4 Duplex. The current uses are generally single-family homes north of 12th Street with some duplexes. At the intersection are commercial and retail uses. The change would allow the existing pattern to continue but also allows for the possible of redevelopment consistent with the 12th Street Corridor Study.

Staff sent out 229 notices of this public hearing to property owners the second week in May. In that letter, property owners were invited to send comments on the proposed changes to staff and/or attend the hearing to provide those comments to the Commission.

Staff Recommendation:
Approval

PLANNING COMMISSION ACTION:

(JUNE 3, 2010)

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

June 3, 2010

ITEM NO.: 16

Name: River Market Design Overlay District Revision

Location: An area generally bounded by riverfront Park, Interstate 30, Second Street, and Cumberland Street.

Request: Revise the Design Overlay District for the area

Source: Staff, River Market Ordinance Review committee, and River Market Design Review Committee

The City of Little Rock Board of Directors instructed the Planning Commission in early 2009 to review the River Market Design Overlay District ordinance for possible changes. The City Manager appointed a committee to review the ordinance and that committee meet between March 2009 and April 2010. The committee included property owners, a developer, a merchant, a restaurant owner, a representative of the Downtown Partnership, a Planning Commissioner, and a member of the Board of Adjustment.

Two public meetings were held for the property owners and other interested parties to attend, (one at the beginning and one near the end of the process). Summaries of all meetings were emailed to all participants of the first public meeting (and others that wished to be included on the email list) and the Review Committee after each committee meeting.

The committee took issues and comments from the first public meeting and worked through the list. Results were presented at the second public meeting. At that meeting, no one expressed opposition to what is included in the final draft. All persons involved were given notice of June 3rd meeting.

The River Market Ordinance Review Committee gained consensus on the package presented to the Planning Commission. A presentation was made to the River Market Neighborhood Association.

The changes below were generated by the River Market Ordinance Review Committee (RM ORC).

Sec 36-356. Building form

The building form section is where the height restriction is listed. Currently, the maximum height of all buildings “erected or structurally altered” is 48 feet. The proposal is to change it to be 60 feet. That will allow for four floors of commercial height of 15’ each or any combination of floors and heights that do not exceed 60 feet. This is an increase of 12 feet over the current language.

Change the term “lower level” to “Street level” when referring to a buildings style and form.

Sec 36-353 Signs
Sizes of signage

The Sign portion of the ordinance has some proposed changes. Most of the variances heard by the Board of Adjustment are regarding signage. The size allowable on wall signs, awning signs, and projecting signs has been increased to be double from what they are now. Currently, most businesses can have a 12 square foot sign, for example, a 3' x 4'. The proposed would let them have a 25 square foot sign, for example, a 5' x 5'. Signs facing the Arkansas River have increased in size also to a maximum of 10% of the façade. The requirements of letters being less than 18” in height, the requirements of lettering that cannot be more that 3/4 the height of the sign and the requirements of lettering that cannot be more than 60% of the total area of the sign are proposed to be removed from the ordinance.

Source of illumination

The source of illumination on signage is proposed to be changed. The current wording was to have lighting fixtures that are not visible, but the new wording proposed is to have the lighting fixtures be decorative and integral to the design of the sign or concealed.

Projecting Sign thickness

The thickness of projecting signs has been increased to include the working parts to make neon signs illuminated on each side.

Signs that face Arkansas River

In the section on signs that face the Arkansas River, add the work “building” to the end of the phrase festive atmosphere that has been established by the Riverfest Amphitheatre and the River Market.

Proposed Sec 36-366.1 Exceptions

Exceptions to Planning Commission and Board of Adjustment were clarified. Those changes that involve creating new or additional space will require a PZD with a hearing at the Planning Commission and Board of Directors. Those variances from the code that do not involve creating new or additional space will go the Board of Adjustment. The committee felt that larger projects should have an increased amount of public involvement. The Board of Adjustment and the Planning Commission hearing are just for those items that require a variance from the ordinance. All items require a hearing of the DRC.

Sec 36-366. Maintenance

Throughout the meetings with the committee and the public, litter was a topic that reoccurred. It was decided to add litter to that section as a city responsibility.

Sec 36-351. Boundaries

The current language lists the area in blocks and lots. If a person re-subdivides their land and renames the subdivision, a loophole is created to exempt them from the ordinance. The proposed change is to describe the area based on primarily street centerlines for a metes and bounds type description. The area of the Design Overlay District will not change.

Sec. 36-367. River Market District Design Review Committee.

Changes the makeup of the committee from three property owners or their representatives to two; add an additional design professional; and changes the representative from the entity that manages the River Market to a representative of the Downtown Partnership.

Sec. 36-358. Landscaping.

Recognizing the ginkgo trees on Second Street that replaced the Green Ash trees that died.

(The following change was generated by the RM DRC. It will be a separate vote at the Planning Commission and Board hearings.)

Sandwich Boards Signs

The number of sandwich boards allowed has been modified to a maximum of one every 25 feet not to exceed six per 300 feet, which would reduce potential clutter of too many sandwich boards. 300 feet is the standard block size in downtown and 25 feet is a standard store width. The DRC has proposed that the materials suitable for a sandwich board sign be changed from an all wood or wood products sign to also include plastic signs that are encased in wood or have simulated wood trim. Maintenance issues were addressed as to when the sign could be displayed, prevention of them overturning, and not being able to attach items to the signs (balloons, papers, etc.)

Staff has received comments from citizens during the public meetings, but has not received any phone calls or emails after the public meetings.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed changes.

PLANNING COMMISSION ACTION:

(JUNE 3, 2010)

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

June 3, 2010

There being no further business before the Commission, the meeting was adjourned at 7:45 p.m.

Date _____

Secretary

Chairman