

FILE NO.: Z-7905-B

NAME: The Fountain Short-form PCD

LOCATION: Located at 2809 Kavanaugh Boulevard

DEVELOPER:

James D. Bryant
319 President Clinton Avenue, Suite 202A
Little Rock, AR 72201

SURVEYOR:

Global Surveying Consultants, Inc.
6511 Heilman Court
North Little Rock, AR 72118

AREA: 0.11 acres

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

WARD: 3

PLANNING DISTRICT: 4

CENSUS TRACT: 15.01

CURRENT ZONING: C-3, General Commercial District

ALLOWED USES: General Commercial/Retail

PROPOSED ZONING: PCD

PROPOSED USE: Allow an existing deck to be replaced and allow additional square footage to be added without providing on-site parking.

VARIANCE/WAIVERS: None requested.

BACKGROUND:

On August 29, 2005, the Little Rock Zoning Board of Adjustment approved a variance request for this site to allow a parking variance for the Fountain. The zoning ordinance would typically require the placement of 15 off-street parking spaces for the use. Although there was on-street parking the site contained no off-street parking.

On April 24, 2006, the Little Rock Zoning Board of Adjustment approved a variance to allow a deck addition with a reduced setback and a variance from the off-street parking requirement. With the deck addition five (5) additional parking spaces would have typically been required to serve the use. There was no off-street parking proposed with the deck addition. The deck was proposed uncovered with only hand rails around the perimeter. The deck was proposed with a 4.75-foot to 5-foot rear yard setback. The C-3, General Commercial Zoning District typically requires a 25-foot rear yard setback.

Conditions of approval required the deck structure to remain uncovered and unenclosed on its south and west sides, a building permit was required for the deck construction and there was to be no outdoor speakers or amplification for the outdoor seating/deck area. In addition after meeting with the Hillcrest Residents Neighborhood Association the applicant offered the following additional conditions: The employees of the Fountain were to park in the Delta Trust parking lot, the Fountain was to place signs on the front door/windows of 2809 Kavanaugh Boulevard informing customers of the available parking in the Delta Trust parking lot and the deck was to be shortened by four (4) feet to allow the underside (south side) of the structure to be screened with lattice and planter boxes.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant is requesting a rezoning of the site from C-3, General Commercial District, to PCD, Planned Commercial Development District, to allow the Hillcrest Fountain located at 2809 Kavanaugh Boulevard to replace an aging wood deck and covered bar located on the south side of the building with a new deck and enclosed bar. The Fountain, a bar, occupies 1,980 square feet of the building and Canon Grill, a restaurant, occupies 2,242 square feet of the building. The new deck is proposed containing 508 square feet unenclosed space and an enclosed bar containing 510 square feet. The new deck and enclosed bar will be utilized primarily by the Hillcrest Fountain with a portion being utilized for egress by the Canon Grill. The proposed project also attempts to work around existing trees located on the south edge of the deck and will include landscape improvements on the south side of the project.

The applicant is proposing to construct a roof deck and stairs, that will not exceed 349 square feet of floor area to be constructed above the newly created bar area.

The applicant is also proposing renovation of approximately 375 square feet of interior space to allow the conversion of an existing storage area into an office, restrooms and space for a small walk-in cooler.

B. EXISTING CONDITIONS:

The property is located within the business district of Hillcrest. There are commercial uses located to the north, south, east and west of the site. There is a large parking lot located to the south of the site which is shared by a number of the businesses in the area. There are however single-family homes located to the

west of this site along Palm Street and to the north of the site across Kavanaugh Boulevard along I Street.

C. NEIGHBORHOOD COMMENTS:

All property owners located within 200 feet of the site along with the Hillcrest Residents Neighborhood Association were notified of the public hearing.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

No comment.

E. UTILITIES/FIRE DEPARTMENT/PARKS/COUNTY PLANNING:

Little Rock Water Reclamation Authority: Sewer available to this site.

Entergy: Entergy will likely need to meet on site and review the plans more closely for this proposal. An Entergy pole with three (3) phase power and a transformer bank exists on the southwest corner of the proposed deck replacement/extension area. All OSHA and NESC required clearance requirements to electrical lines will need to be maintained during and after construction activities. Contact Entergy in advance to discuss future service requirements, new facilities locations and adjustments to existing facilities (if any) as this project proceeds.

Centerpoint Energy: No comment received.

AT & T: No comment received.

Central Arkansas Water: No comment received.

Fire Department: No comment.

Parks and Recreation: No comment received.

County Planning: No comment.

F. BUILDING CODES/LANDSCAPE:

Building Code: Project is subject to full commercial plan review and approval prior to issuance of a building permit. For information on submittal requirements and the review process, contact a commercial plans examiner:

Curtis Richey at 501.371.4724; crichey@littlerock.gov or
Mark Alderfer at 501.371.4875; malderfer@littlerock.gov.

Landscape:

1. Site plan must comply with the City's landscape and buffer ordinance requirements.
2. Any existing landscape areas shall be protected as per City of Little Rock Landscape Ordinance (Section 15-100). Any trees or vegetation located in close proximity to construction shall have the area within the dripline fenced and protected from development activities. Any exiting landscape or irrigation disturbed by construction shall be repaired or replaced before completion and final acceptance of the project.
3. 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 preserving trees of six (6) inch caliper or larger.

G. TRANSPORTATION/PLANNING:

Rock Region Metro: Location is served by METRO on route 1 Pulaski Heights. We have no objections to the deck replacement project.

Planning Division: This request is located in Heights Hillcrest Planning District. The Land Use Plan shows Commercial (C) for this property. The Commercial category includes a broad range of retail and wholesale sales of products, personal and professional services, and general business activities. Commercial activities vary in type and scale, depending on the trade area that they serve. The applicant has applied for rezoning from C-3 (General Commercial District) to PCD (Planned Commercial District) to replace an existing deck and increase the floor area by adding a roof deck without providing any additional parking. The request is within the Hillcrest Overlay District.

Master Street Plan: North of the property is Kavanaugh Boulevard and it is shown as a Collector Street on the Master Street Plan. Plan. The primary function of a Collector Road is to provide a connection from Local Streets to Arterials. This street may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

Bicycle Plan: There is a Class III Bike Route shown on Kavanaugh Boulevard. These bike routes require no additional right-of-way, but either a sign or pavement marking to identify and direct the route.

H. SUBDIVISION COMMITTEE COMMENT: (August 9, 2017)

The applicant was not present. Staff presented an overview of the item stating they would work with the applicant to resolve any outstanding technical issues associated with the request prior to the Commission hearing the item. There were

no more issues for discussion. The Committee then forwarded the item to the full Commission for final action.

I. ANALYSIS:

The applicant submitted a revised cover letter to staff addressing their concerns from the August 9, 2017, Subdivision Committee meeting. The applicant has indicated the southern setback previously provided and the landscape and plant materials in place will not be removed. The applicant has also indicated the deck will be larger than currently constructed but the expanded area is along the west side of the deck. The applicant indicates all commitments made with the 2006 Board of Adjustment approval will continue to apply.

The request is a rezoning of the site from C-3, General Commercial District, to PCD, Planned Commercial Development District, to allow the Hillcrest Fountain to replace an aging wood deck, allow a portion of the deck to be enclosed with a bar and allow a roof deck over the proposed bar area. The deck is located on the south side of the building.

There are two (2) businesses located within the structure separated by a common wall. The Fountain occupies 1,980 square feet of the building and Canon Grill occupies 2,242 square feet of the building. The new deck is proposed containing 508 square feet of unenclosed space and the enclosed bar is proposed containing 510 square feet. The area will be utilized primarily by the Hillcrest Fountain with a portion being utilized for egress by the Canon Grill. The applicant is proposing to construct a roof deck with stairs over the bar area which will not exceed 349 square feet of floor area. The roof deck will be below the existing building height.

The applicant is also proposing renovation of approximately 375 square feet of interior space to allow the conversion of an existing storage area into an office, restrooms and space for a small walk-in cooler.

The total square footage proposed by the applicant including indoor and outdoor space is 3,345 square feet. As indicated the site is located within the Hillcrest Design Overlay District which has development standards related to parking. The Overlay states parking requirements within the District shall be fifty (50) percent of that required by Article VIII of the Little Rock Code of Ordinances. The maximum parking allowed for this District shall be the minimum standard established in Article VIII of the Little Rock Code of Ordinances. Parking for a restaurant/bar is typically based on one (1) parking space per 100 gross square feet of floor area. With the allowed fifty (50) percent reduction of the Overlay this would result in the need for 16 on-site parking spaces.

The Overlay also states where on-street parking is allowed it shall be credited toward the parking requirements at a rate of one (1) space per ten (10) linear feet of street frontage. It appears the building, both for the Cannon Grill and the

Fountain, has a total of 54.35 linear feet of street frontage. This would allow for five (5) on street parking spaces for the building.

The applicant indicates the proposed project will work around the existing trees located on the south edge of the deck and will include landscape improvements on the south side of the project.

The applicant has indicated there are no other changes proposed for the site. The request includes the allowance of all C-3, General Commercial Zoning District uses as allowable uses for the site. The applicant is also requesting the allowance of signage and fencing as allowed within the Commercial Zones and within the Hillcrest Design Overlay District.

Staff is supportive of the applicant's request. The applicant is seeking a rezoning from C-3, General Commercial Zoning District to PCD, Planned Commercial Development District, to allow an expansion of the total square footage for the site. The applicant has indicated there will be no outdoor speakers or amplification for the outdoor seating/deck area and all landscaped areas will be maintained. To staff's knowledge there are no remaining outstanding technical issues associated with the request. Staff does not feel the reconstruction of the deck and the additional seating area will have a significant impact on the area.

J. STAFF RECOMMENDATION:

Staff recommends approval of the request subject to compliance with the comments and conditions as outlined in paragraphs D, E and F of the agenda staff report.

Staff recommends the development continue to comply with the 2006 Zoning Board of Adjustment conditions as follows:

- a. There is to be no outdoor speakers or amplification for the outdoor seating/deck area.
- b. The employees of the Fountain are to park in the Delta Trust parking lot.
- c. The Fountain is to place signs on the front door/windows of 2809 Kavanaugh Boulevard informing customers of the available parking in the Delta Trust parking lot.
- d. The deck is to be four (4) feet from the southern property line to allow the underside (south side) of the structure to be screened with lattice and planter boxes.

PLANNING COMMISSION ACTION:

(AUGUST 31, 2017)

The applicant was present. There were no registered objectors present. Staff presented the item with a recommendation of approval of the request subject to compliance with the comments and conditions as outlined in paragraphs D, E and F of the agenda staff report. Staff presented a recommendation the development continue to comply with the 2006 Zoning Board of Adjustment conditions as follows:

- a. There is to be no outdoor speakers or amplification for the outdoor seating/deck area.
- b. The employees of the Fountain are to park in the Delta Trust parking lot.
- c. The Fountain is to place signs on the front door/windows of 2809 Kavanaugh Boulevard informing customers of the available parking in the Delta Trust parking lot.
- d. The deck is to be four (4) feet from the southern property line to allow the underside (south side) of the structure to be screened with lattice and planter boxes.

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