

**OFFICE OF THE CITY MANAGER
LITTLE ROCK, ARKANSAS**

**BOARD OF DIRECTORS COMMUNICATION
APRIL 18, 2017 AGENDA**

Subject:	Action Required:	Approved By:
<p>An ordinance waiving the Boundary Street Ordinance requirements for Madina Institute Short-Form PCD, located at 12123 Kanis Road.</p> <p>Submitted By:</p> <p>Planning & Development Department</p>	<p>√ Ordinance Resolution Approval Information Report</p>	<p>Bruce T. Moore City Manager</p>

SYNOPSIS	The applicant is requesting a waiver of the required boundary street improvements to Kanis Road adjacent to 12123 Kanis Road, the Madina Institute.
FISCAL IMPACT	Approval of the ordinance will result in cost of the street improvements becoming a public obligation.
RECOMMENDATION	Staff recommends denial of the requested boundary street ordinance waiver request. The Planning Commission voted to recommend denial of the request by a vote of 5 ayes, 4 nays and 2 absent.
BACKGROUND	Ordinance No. 21,260, adopted by the Little Rock Board of Directors on July 12, 2016, rezoned approximately 2.03 acres located at the southeast corner of Cherry Brook Drive and Kanis Road from PCD, Planned Commercial Development, and O-3, General Office District, to PCD. One (1) parcel was undeveloped and the other was an office warehouse for BBA Solutions. The Madina Institute proposed working to build a place for social, cultural and spiritual needs. Upon receiving zoning approval the Madina Institute purchased the property located at 12123 Kanis Road and the adjacent vacant lot to use site for office space for

**BACKGROUND
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adult and youth education, cooking classes, meditation workshops, community service initiatives and interfaith dialogue seminars. The large warehouse space was proposed as a multipurpose room for food and fellowship as well as for worship services. The west lot was to be developed into a parking lot.

As a condition of approval the applicant was to construct the boundary street improvements to Kanis Road. Public Works comments related to the street improvements and noted in the Planning Commission write-up for May 17, 2016, were:

- I. Kanis Road is classified on the Master Street Plan as a minor arterial. A dedication of right-of-way forty-five (45) feet from centerline will be required.
- J. With site development, provide the design of the street conforming to the Master Street Plan. Construct one-half street improvement to Kanis Road including five (5)-foot sidewalk with the planned development. The new curb should be constructed as shown on plan. The City of Little Rock is proposing a Kanis Road widening project to bid in August 2016. If a permit is issued for the proposed development prior to the bid date, the property owner is responsible to provide payment in-lieu of construction for the required street improvements and driveway apron.

The applicant has indicated the dedication of right-of-way will be provided as requested. The applicant is seeking a waiver of the boundary street ordinance requirements for the improvements along Kanis Road.

Section 30-283(e) of the Little Rock Code of Ordinances states where a public project is planned, construction of improvements or in-lieu cash contributions shall be required until the day of bid opening for public improvement. On or after the day of the bid opening, the owner of unplatted property abutting the project shall not be responsible for boundary street improvements unless planned improvements do not meet the master street plan requirements. City of Little Rock staff estimated the in-lieu cash contribution would be between \$60K and \$80K.

**BACKGROUND
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Kanis Road is scheduled for widening in the near future. Currently staff is working to complete right-of-way acquisition, after which time the project will be bid. Staff anticipates the bidding of the Kanis Road project will be no later than August 2017.

Staff is not supportive of the applicant's request for a waiver of the boundary street ordinance improvements to Kanis Road. The ordinance is very clear on the requirements for street improvements and when a developer is no longer required to provide the improvements. Based on the fact the developer is moving forward with a grading permit and building permit renovation request prior to the City bidding the Kanis Road project staff feels the developer should install the improvements are previously agreed and as required by City Ordinance.

The Planning Commission reviewed the proposed request at its March 16, 2017. Please see the attached Planning Commission minute record and site plan for the applicant's specific development proposal and the staff analysis and recommendation.