

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

**BOARD OF DIRECTORS COMMUNICATION  
JULY 19, 2016 AGENDA**

<b>Subject:</b>	<b>Action Required:</b>	<b>Approved By:</b>
<p>An appeal of the Planning Commission’s denial of a Planned Zoning District titled SM Investments Midtown, LLC, Short-Form PCD, located at 4520 West Markham Street. (Z-2933-B)</p> <p><b>Submitted By:</b></p> <p>Planning &amp; Development Department</p>	<p>√ <b>Ordinance</b> Resolution Approval Information Report</p>	<p>Bruce T. Moore City Manager</p>

<b>SYNOPSIS</b>	The applicant is appealing the Planning Commission’s denial of a request to rezone the site from C-1, Neighborhood Commercial District, to PCD, Planned Commercial Development, to allow the remodeling of the existing building for a fast-food restaurant.
<b>FISCAL IMPACT</b>	None.
<b>RECOMMENDATION</b>	Staff recommends denial of the requested PCD zoning. The Planning Commission voted to recommend denial of the PCD zoning by a vote of 1 aye, 7 nays and 3 absent.
<b>BACKGROUND</b>	SM Investments Midtown, LLC, is requesting the rezoning of this site from the current C-1, Neighborhood Commercial District, to PCD, Planned Commercial Development. The property located at 4520 West Markham Street contains a 2,020 square-foot building currently occupied by One Banc. The intent is to renovate the existing bank building for use as a fast casual restaurant with a drive-thru window. The existing canopy and drive-thru lanes for the bank will be removed. The proposed occupant is Jimmy John’s Gourmet Sandwiches.

**BACKGROUND  
CONTINUED**

The site plan includes the placement of fifteen (15) parking spaces. The business has approximately thirty-five (35) employees and is open for business from 11:00 AM to 10:00 PM, seven (7) days per week. The proposed site plan outlines a slight redevelopment of the parking lot by closing one (1) entrance on Beechwood Street.

The site is currently zoned C-1, which allows an eating place inside. The zoning ordinance defines an eating place inside as an establishment where food is available to the general public for consumption within a building on the premises. The design of the building shall not include provision for the sale of foods by the use of a drive-through window, nor the consumption of foods by customers within vehicles parked on-site.

Staff is not supportive of the applicant's request. Although the site is zoned C-1, which would allow for a restaurant the type of restaurant is not as intense as the restaurant being proposed by the applicant. The applicant is requesting to rezone the site to allow for a fast-food restaurant with an order menu board and pick-up window. The pick-up window is proposed along the Beechwood Street side of the building which is directly across the street from single-family homes. To the north of the site there are also single-family homes. This site is one (1) of the primary entrances into the Hillcrest Neighborhood. Staff does not feel the placement of a fast-food restaurant at this location is appropriate.

The Planning Commission reviewed the proposed PCD request at its July 16, 2015, meeting and there were registered objectors present. All property owners located within 200 feet of the site along with the Hillcrest Residents Neighborhood Association were notified of the Public Hearing. Please see the attached Planning Commission minute record and site plan for the applicant's specific development proposal and the staff analysis and recommendation.