

FILE NO.: Z-9047

NAME: Windamere Corner Shopping Center Short-form PCD

LOCATION: Located at 5412 Baseline Road

DEVELOPER:

LaPotosina
Attn. Jordan Naruaez
2701 Montreal Drive
Little Rock, AR 72209

SURVEYOR:

South Point Surveying
1082 Grant 708
Sheridan, AR 72150

AREA: 0.38 acres NUMBER OF LOTS: 1 FT. NEW STREET: 0 LF

CURRENT ZONING: R-2, Single-family

ALLOWED USES: Single-family, nonconforming retail center

PROPOSED ZONING: PCD

PROPOSED USE: Food store with less than 5,000 square feet to allow the sale of beer and/or wine and C-3, General Commercial District uses

VARIANCE/WAIVERS: None requested.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The property located at 5412 Baseline Road contains a commercial strip center. The property is currently zoned R-2, Single-family with a non-conforming status to allow the commercial uses to operate. The building was constructed in 1968 when the property was located outside the City limits of Little Rock. The building contains 5,700 square feet of floor area. There are multiple users located in the building including a restaurant and a small food store. Other uses include a barber shop and a jewelry store.

The applicant is requesting to rezone the site to PCD, Planned Commercial Development to allow the food store with less than 5,000 square feet the ability to sell beer. The applicant is also requesting C-3, General Commercial District uses as allowable uses for the property. Per Chapter 36-152 any rezoning of property occupied by a nonconforming use must be accomplished through the planned development process.

B. EXISTING CONDITIONS:

This area of Baseline Road contains a mixture of uses including, retail, office, mini-warehouse, used car sales, single-family and multi-family. There is retail center both east and west of this site. Each of the centers contain multiple user. The property to the north contains a mini-warehouse development and further north are single-family homes. There is an apartment development located to the northeast of this site.

C. NEIGHBORHOOD COMMENTS:

As of this writing, staff has received a few informational phone calls from area residents. All owners of property located within 200-feet of the site along with the Upper Baseline and the Windamere Neighborhood Associations and Southwest Little Rock United for Progress were notified of the public hearing.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. A 20 foot radial dedication of right-of-way is required at the intersection of Baseline Road and Shelley Street.
2. Due to the proposed use of the property, the Master Street Plan specifies that Shelley Street for the frontage of this property must meet commercial street standards. Dedicate right-of-way to 30 feet from centerline except for that part of the building that extend over the property line.
3. With future development or expansion, sidewalks with appropriate handicap ramps are required in accordance with Section 31-175 of the Little Rock Code and the Master Street Plan to be installed along Shelley Street.
4. The damaged driveway apron should be removed and replaced on Shelley Street.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Wastewater: No objection to this action. Any future redevelopment will require the sewer easement to be maintained. Contact Little Rock Wastewater Utility for additional information.

Entergy: Entergy does not object to this proposal. The building is already supplied with electric service. The customer should contact Entergy in advance if changes in the electrical service requirements to the building are required.

CenterPoint Energy: No comment received.

AT & T: No comment received.

Central Arkansas Water: No objection.

Fire Department: No comment.

Parks and Recreation: No comment received.

County Planning: No comment.

CATA: The site is located on CATA Bus Route #16 – the 65th Street Route.

F. ISSUES/TECHNICAL/DESIGN:

Building Code: No comment.

Planning Division: This request is located in the Geyer Springs East 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 a rezoning from R-2 (Single Family District) to PCD (Planned Commercial District) to allow the existing retail center on the site with the addition of alcohol sales.

Master Street Plan: Baseline Road is shown as a Principal Arterial and Shelly Road is a Local Street on the Master Street Plan. The primary function of a Principal Arterial Street is to serve through traffic and to connect major traffic generator or activity centers within an urbanized area. Entrances and exits should be limited to minimize negative effects of traffic and pedestrians on Baseline Road since it is a Principal Arterial. The primary function of a Local Street is to provide access to adjacent properties. Local Streets that are abutted by non-residential zoning/use or more intensive zoning than duplexes are considered as “Commercial Streets”. A Collector design standard is used for Commercial Streets. These streets may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

Bicycle Plan: A Class II Bike Lane is shown along Baseline Road. Bike Lanes provide a portion of the pavement for the sole use of bicycles.

Landscape: No comment.

G. SUBDIVISION COMMITTEE COMMENT: (June 24, 2015)

The applicant was present. Staff presented the item stating there were few outstanding technical issues associated with the request. Staff requested the applicant provide the proposed uses of the property and any alternate uses.

Public Works comments were addressed. Staff stated a 20 foot radial dedication of right of way is required at the intersection of Baseline Road and Shelley Street. Staff stated with future redevelopment of the site or expansion sidewalks with appropriate handicap ramps were required in accordance with the boundary street ordinance.

Staff noted any future redevelopment of the site would require improvements to the site landscaping.

Staff noted the comments from the various other agencies. There were no more issues for discussion. The Committee then forwarded the item to the full Commission for final action.

H. ANALYSIS:

There were no outstanding technical issues in need of addressing via a revised site plan. The applicant is proposing to rezone the property at 5412 Baseline Road to recognize an existing commercial strip center which was constructed prior to the area being within the City limits of Little Rock. The building contains 5,700 square feet of floor area. There are twenty-five (25) parking spaces located on the site. There are multiple users located in the building including a restaurant and a small food store, a barber shop and a jewelry store. The days and hours of operation are from 6 am to midnight seven (7) days per week.

The applicant is requesting to rezone the site to PCD, Planned Commercial Development to allow the food store with less than 5,000 square feet the ability to sell beer. The applicant is also requesting C-3, General Commercial District uses as allowable uses for the property. Per Chapter 36-152 any rezoning of property occupied by a nonconforming use must be accomplished through the planned development process.

The applicant is not proposing any change to the existing signage. Currently the development utilizes building signage only. The applicant is requesting to continue to utilize building signage as allowed in commercial zones or a maximum of ten (10) percent of the façade area of the tenant lease space. The applicant is requesting should a ground sign be desired in the future ground signage be limited to signage allowed in commercial zones or a maximum of 36-feet in height and 160 square feet in area.

The plan includes a 5,700 square foot retail center with 25-parking spaces. Parking based on shopping center development criteria would be one (1) parking space per 225-gross square feet of floor area. The zoning ordinance would typically require 25-parking spaces to serve a commercial development of this type.

One principal purpose of the review for this type of use is to provide a forum for citizen input beyond the hearings held at State level by the ABC. Notices are sent to area neighborhood associations and property owners as required by the Commission by-laws. A sign is posted on the building, also as required by the by-laws. Notice of the hearing is posted in the newspaper. As of this writing, staff has received a few informational phone calls.

Staff provides the Commission with a list of businesses in the area with some level of alcohol sales. A neighborhood, for the purpose of defining zoning impact is defined elsewhere in the Code of Ordinances as those properties within 1,500 feet of the site under consideration.

Based on information from State Alcohol Beverage Control and from a survey conducted by staff, it appears the following businesses located within a 1,500 foot radius around the site have alcohol sales of some type:

Address	Business	Type of Permit
4918 Baseline Road	LaFrontea Mexi Grill	Restaurant – mixed drink
4920 Baseline Road	Fast Mart	Retail beer – off premise
5021 Baseline Road	Dollar General	Retail beer – off premise
5308 Baseline Road	Buy Ritz	Retail beer – off premise
5412 Baseline Road	Jaliscoz	Retail beer – on premise
5506 Baseline Road	Pit Stop Bar-B-Que	Restaurant – mixed drink
5820 Baseline Road	Liquor Exchange	Retail liquor
5917 Baseline Road	Wal-green's	Retail beer & wine – off premise
5924 Baseline Road	Country Mart #2	Retail beer – off premise
8801 Geyer Springs Road	Food Wise	Retail beer – off premise
8824 Geyer Springs Road	Kroger	Retail beer & wine – off premise

Staff is supportive of the applicant's request. The requested zoning will allow an existing commercial center which has been in existence for the last 45+ years to be recognized with the appropriate zoning and allow the sale of beer for an existing small grocery store. No change or upgrades are proposed to the shopping center. The center has been constructed to the property lines with paving also to the property lines. There is not adequate area on the site to allow for removal of paving and still allow the parking area and drive aisles to be maneuverable. Should any redevelopment of the site occur the building must be placed outside the right of way and proper landscaping be installed. To staff's

knowledge there are no remaining outstanding technical issues associated with the request.

I. 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.

PLANNING COMMISSION ACTION:

(JULY 16, 2015)

The applicant was present. There were 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.

The applicant addressed the Commission stating he would yield his time to the opposition.

Mr. Troy Laha addressed the Commission in opposition of the request. He stated he was President of Southwest Little Rock United for Progress (SWLR UP) and they had voted to not support the request. He stated SWLR UP was opposed to allowing the sale of beer from this site. He questioned if the store had an ABC permit and if the restaurant located in the shopping center had an ABC permit.

Ms. Nan Howard addressed the Commission in opposition of the request. She stated there were several locations selling beer in this area and the neighborhood did not want any additional locations for the sale of alcohol.

Ms. Pat Gee addressed the Commission as President of the Upper Baseline Neighborhood Association. She stated the neighborhood association had voted to oppose the request. She stated in two (2) blocks there are four (4) locations that sold beer. She stated when she questioned the neighborhood association as to what this business could do to be competitive she stated they responded find some other way but not by selling beer.

The Commission questioned the applicant if there was an ABC permit. He stated the zoning was a requirement to receive the ABC permit. Staff stated the restaurant had a State permit for selling on premise beer.

The Commission questioned the primary sales of the business. The applicant stated meats were their primary sales. He stated they had a number of grilling meats and marinades.

There was no further discussion. The item was placed on the consent agenda and approved as recommended by staff by a vote of 9 ayes, 1 noes and 1 absent.