

FILE NO.: Z-9703

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NAME: El Patio Private Club – PD-C

LOCATION: 7315 Geyer Springs Road

DEVELOPER:

Tonya Baker  
3308 Ludwig Street  
Little Rock, AR 72204

OWNER/AUTHORIZED AGENT:

Tonya Baker (Agent)  
Tony Ma (Owner)  
14100 Sardis Road  
Mabelvale, AR 72103

SURVEYOR/ENGINEER:

Hope Consulting  
117 S. Market Street  
Benton, AR 72015

AREA: 0.92 acre

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

WARD: 2

PLANNING DISTRICT: 13

CENSUS TRACT: 20.02

CURRENT ZONING: C-3 (General Commercial District)

VARIANCE/WAIVERS: None requested.

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A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant proposes the property located at 7315 Geyer Springs Road be rezoned from C-3 to PD-C to allow the existing restaurant to operate as a private club.

B. EXISTING CONDITIONS:

The existing building is approximately 3,362 square feet in area. A single driveway provides access to the property from Geyer Springs Road. Access to the property

may also be from as shared access drive easement with property to the south, there is no rear access or drive-thru service. An existing fence extends from the rear of the building on the south side terminating at the rear property line. The site plan notes thirty-two (32) parking spaces. Section 36-502(3)(c) of the City's Zoning Ordinance would typically require 33 parking spaces for the private club. Staff believes the provided parking is sufficient to serve existing building. The general area contains a mixture of commercial (C-3 & C-4) zoning and uses. Properties to the north and south contain C-3 and C-4 conditional uses respectively. Properties on the west side of Geyer Springs Road contain C-3, C-4 and I-2 zonings.

C. NEIGHBORHOOD NOTIFICATIONS:

All owners of property located within 200 feet of the site and all neighborhood associations registered with the City of Little Rock were notified of the public hearing.

D. ENGINEERING COMMENTS:

1. Show locations of proposed accessible parking stalls and aisles.

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

Little Rock Water Reclamation Authority: No comments received.

Entergy: No comments received.

Summit Utilities: No comments.

AT & T: No comments received.

Central Arkansas Water:

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

Fire Department:

**Maintain Access:**

**Fire Hydrants.**

Maintain fire apparatus access roads at fire hydrant locations as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 **Section D103.1 Access road width with a hydrant.** Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet, exclusive of shoulders.

**Grade**

Maintain fire apparatus access roads as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 **Section D103.2 Grade. Fire apparatus access roads shall not exceed 10 percent in grade except as approved by the fire chief. If the grade exceeds 10 percent, approval will be denied and the applicant must submit request to be reviewed by Fire Chief for Approval.**

**Loading**

Maintain fire apparatus access road design as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 **Section D102.1 Access and loading.** Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds.

**Commercial and Industrial Developments – 2 means of access.** - Maintain fire apparatus access roads as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1

**Section D104.1 Buildings exceeding three stories or 30 feet in height.** Building or facilities exceeding 30 feet or three stories in height shall have at least two means of fire apparatus access for each structure.

**Section D104.2 Building exceeding 62,000 square feet in area.** Buildings or facilities having a gross building area of more than 62,000 square feet shall be provide with two separate and approved fire apparatus access roads.

**Exception:** Projects having a gross building area of up to 124,000 square feet that have a single approved fire apparatus access road when all building are equipped throughout with approved automatic sprinkler systems.

**D104.3 Remoteness.** Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.

**Dead Ends.**

**Maintain fire apparatus access roads at dead end locations as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 Section D103.4 Dead Ends.** Dead-end fire apparatus access roads in excess of 150 feet shall be provided with width and turnaround provisions in accordance with Table D103.4. Requirements for Dead-end fire apparatus access roads.

**Fire Hydrants**

**Locate Fire Hydrants as per Appendix C of the 2012 Arkansas Fire Prevention Code.** Section C101 – C105, in conjunction with Central Arkansas Water (Daniel Tull 501-377-1245) and the Little Rock Fire Marshal's Office

(Capt. Tony Rhodes 501-918-3757, or Fire Marshal Derek N. Ingram 501-918-3756 Number and Distribution of Fire Hydrants as per Table C105.1.

Parks and Recreation: No comments received.

County Planning: No comments.

F. BUILDING CODES/LANDSCAPE:

Building Code: No comments received.

Landscape: No comments.

G. TRANSPORTATION/PLANNING:

Rock Region Metro: No comments received.

Planning Division: The request is in the 65<sup>th</sup> Street East Planning District. The Land Use Plan shows Commercial (C) for the requested area. The Commercial (C) category provides for 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 requested area is currently a bar and grill. The application is to rezone from C-3, General Commercial District to PDC, Planned Development Commercial District to allow for a private club on this property.

Surrounding the application area, the Land Use Plan shows Commercial (C) in all directions from the application area. The Commercial (C) category provides for 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. There is C-3, General Commercial District zoned land to the north and southwest, across Geyer Springs Road. There is an auto related retail use to the north and a mobile home park. To the southwest is a restaurant and liquor store. The land to the northwest, across Geyer Springs Road, is zoned C-4, Open Display District. There is a carwash, commercial structure used by a church and vacant property in this area. To the south and east is a PCD, Planned Commercial Development District which is currently vacant land. C-4 zoned land is further to the south with a market and other retail uses.

Master Street Plan: To the east of the property is Geyer Springs Road, it is a Minor Arterial on the Master Street Plan. A Minor Arterial provides connections to and through an urban area and their primary function is to provide short distance travel within the urbanized area. Entrances and exits should be limited to minimize negative effects of traffic and pedestrians on Geyer Springs Road since it is a Minor Arterial. This street may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

Bicycle Plan: There are no bike routes shown in the immediate vicinity.

Historic Preservation Plan: There are no existing historic sites on, or adjacent, to this land.

H. ANALYSIS:

The applicant proposes the property located at 7315 Geyer Springs Road be rezoned from C-3 to PD-C to allow the existing restaurant to operate as a private club. There will be no changes to the existing footprint or exterior of the building or parking area. The applicant notes the only proposed change is to allow the sale of alcoholic beverages until 2:00am on Saturday and Sunday. The current hours of operation extend to 1:00am on Saturday and midnight on Sunday. The Alcohol Beverage Control (ABC) requires that a restaurant with alcohol sales with the extended hours proposed be classified as a “private club.”

The ABC requires the governing body of a municipality approve a “private club” as noted below:

*“A private club application may only be submitted to the Alcoholic Beverage Control after the governing body of the county or municipality in which the private club seeks to be located has issued an ordinance approving the private club to operate in that county or municipality.”*

Section 36-301 allows a private club with dining or bar service as a Conditional Use (CUP). However, the proposed change will require the C-3 (General Commercial District) to be changed to a “PD-C” (Planned Commercial District) to allow the existing use as a private club to comply with the Arkansas Control Board (ABC).

The existing signage complies with the City’s Zoning Ordinance. Any new future signage must comply with Section 36-555 of the code (signs permitted in commercial zones).

The applicant notes a dumpster in the southeast portion of the site. All dumpsters must be screened and comply with Section 36-523 of the City’s Zoning Ordinance. All sight lighting must be low-level and directed away from adjacent properties.

The applicant provided responses and additional information to all issues raised during staff’s review of the application. To staff’s knowledge there are no outstanding issues. The applicant is requesting no variances with the proposed application.

Staff supports the proposed PD-C zoning. Staff views the request as reasonable. The only change proposed to the existing restaurant/bar is a net increase of three

(3) hours to the current hours of operation. The applicant is proposing no other changes to the proposed use, the building or property. The proposed PCD zoning will not be out of character with other properties in the area, and the proposed use of the property should have no adverse impact on the area.

I. STAFF RECOMMENDATION:

Staff recommends approval of the requested PD-C zoning to allow a private club, subject to compliance with the comments and conditions outlined in paragraphs D and E, and the staff analysis, of the agenda staff report.

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PLANNING COMMISSION ACTION:

(AUGUST 11, 2022)

Tanya Baker, applicant, was present representing the application. There was one person registered in opposition. Staff presented the item and a recommendation for approval as outlined in the “staff recommendation” above.

Ms. Baker provided the hours of operation, which varied throughout the week and requested approval to extend weekend operating hours for two (2) hours on Saturday and one (1) hour on Sunday. The applicant deferred to the opposition.

Troy Laha addressed, President of Southwest Little Rock United for Progress (SWLRUP), the Commission in opposition to the application. He expressed the community was opposed to another private club in the area and there was no sign for the business nor a placard on the building identifying a request for a zoning change. He stated he made several attempts to contact the owner without success.

Ms. Baker addressed the Commission and stated there is a sign and address on the door to the site. She stated no one contacted her with questions regarding the requested zoning change. She stated the business is friendly with private security inside and law enforcement outside.

Commissioner Brooks referenced other private clubs in area and asked the applicant why she felt the need to extend weekend operating hours and what is the club’s capacity? Ms. Baker stated the maximum capacity is 108 persons and most clients work late and the hours would provide clients more time to enjoy themselves. She noted the business currently operates providing music and food only.

Commissioner Latture asked the applicant was the night club already operating to which the applicant replied in the affirmative.

There was general discussion regarding the difference between what the Alcohol Beverage Control Board “*private club*” designation means regarding extending sales of alcohol on Saturday and Sunday noting only the application is tied to zoning and not providing or approving a license to extend alcohol sales.

Commissioner Brooks asked staff did the applicant provide the 200 foot notices to neighbors to which staff replied in the affirmative.

There was a motion to approve the application including all comments and recommendations by staff, including the requested front, rear and side yard variances. The motion was seconded. The vote was 5 ayes, 4 nays, 1 absent and 1 open position. The motion failed.