

FILE NO.: Z-6481-E

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NAME: Kbird Restaurant Revised Short-form PD-C

LOCATION: Located at 600 North Tyler Street

DEVELOPER:

Richard Glasgow  
600 North Tyler Street  
Little Rock, AR 72205

SURVEYOR:

Brooks Surveying  
20820 Arch Street  
Hensley, AR 72065

AREA: 0.14 acres

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

CURRENT ZONING:

PD-C

ALLOWED USES:

Restaurant with a maximum of 36 seats; a catering-commercial use; C-1 permitted uses.

PROPOSED ZONING:

Revised PD-C

PROPOSED USE:

Restaurant – Extend the hours of operation

VARIANCE/WAIVERS:

None requested.

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BACKGROUND:

On September 15, 1998, the City of Little Rock Board of Directors adopted Ordinance No. 17,820, rezoning the site from R-3, Single-family to PD-C. Ordinance No. 17,821, which was also approved on September 15, 1998, deferred the right-of-way dedication on Tyler Street and Woodlawn Avenue for five years.

The approved PD-C allowed the continuing use of the building as a deli/restaurant with seating for a maximum of 36 persons, allowing seating on a proposed 20 foot by 17 foot deck with proper screening and no outside speakers. C-1 permitted uses were approved as alternative uses. The hours of operation were from 11:00 am to 6:30 pm Monday through Saturday.

On February 16, 1999, the Little Rock Board of Directors adopted Ordinance No. 17,933, approving two (2) minor revisions to the previously approved PD-C. The applicant was allowed to add "catering-commercial" as a permitted use of the property, in conjunction with the approved restaurant use. The applicant indicated there would be no expansion of the existing kitchen facility or additional employees required. There would also be no changes to the previously approved site plan.

The applicant also requested a modification to the hours of operation. The applicant requested the daily hours of operation to be 10:30 am to 6:30 pm, Monday through Saturday. The applicant indicated the delivery vehicle for the catering operation would be a mini-van, the restaurant owner/manager's personal vehicle, which he would drive to the restaurant daily.

On May 17, 2001, staff approved a revision to the hours of operation allowing a restaurant to be open from 10:30 am to 9:00 pm.

The applicant proposed to revise the previously approved PD-C and was scheduled to be heard before the Little Rock Planning Commission on February 20, 2003. The applicant withdrew his request prior to the Public Hearing. The request was to allow construction of a second structure on the site near the western property line adjacent to the alley. The applicant proposed to use the building as a contractor's storage shed. The applicant was not proposing any plumbing to be located in the storage building.

On April 4, 2003, staff rescinded their approval of the extended hours of operation. On June 12, 2003, the Little Rock Planning Commission denied a request to extend the hours of operation for the site. The requested hours for the site were to be as approved at staff level on May 17, 2001. The applicant proposed the hours of operation to be from 10:30 am to 9:00 pm, Monday through Saturday. The applicant indicated all other terms of the PD-C would remain in effect. The applicant appealed the Planning Commission's recommendation of denial to the Board of Directors. The Little Rock Board of Directors also denied this request at their July 15, 2003, public hearing.

On November 10, 2005, the Little Rock Planning Commission denied a request to extend the hours of operation for a restaurant user located on the site. The Board of Directors also denied this request at their April 18, 2006, public hearing. The applicant proposed to revise the previously approved PD-C to allow the hours of operation to be extended and to increase the number of allowable seats. The request was to extend the closing hour from 6:30 pm to 9:00 pm Monday through Saturday. The request also included an increase in the number of seats from 36 seats to 56 seats.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The request is to amend the previously approved Planned Commercial Development to extend the hours of operation for the restaurant. The current closing time of 6:30 pm daily. The applicant is requesting to extend the closing hour to 9:00 pm daily. There are no other modifications proposed for the approved plan.

B. EXISTING CONDITIONS:

The site contains a one-story 1,373 square foot frame commercial building with a 16 foot by 10 foot deck on the rear corner. There are single-family residences to the north, west and south. There is a school located to the east, across Tyler Street. There is a church located one block west of the site on the corner of Taylor, Polk and Woodlawn Streets.

There is an existing wood fence running approximately ½ the distance of the north property line. Woodlawn Street has been constructed with curb and gutter but no sidewalk adjacent to the site. Tyler Street has been constructed to Master Street Plan Standards including curb, gutter and sidewalk.

C. NEIGHBORHOOD COMMENTS:

As of this writing, staff has received an informational phone call from an area property owner. All property owners located within 200-feet of the site along with the Hillcrest Residents Association were notified of the public hearing.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. Obtain a franchise agreement from Public Works (Bennie Nicolo, 501.371.4818 bnicolo@littlerock.org) for the private improvements located in the right-of-way such as a private deck and access ramp.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Wastewater: No objection.

Entergy: Entergy does not object to this proposal. An extension of hours of operation should not affect the electrical service to the existing building.

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: Location served nearby on Route 8 at Lee Ave; no issue with request as indicated on submission form.

Rock Region Metro: No comment.

F. ISSUES/TECHNICAL/DESIGN:

Building Code: No comment.

Planning Division: This request is located in the Heights/Hillcrest Planning District. The Land Use Plan shows Residential Low Density (RL) for this property. Residential Low Density allows for single family homes at densities not to exceed six (6) dwelling units per acre. Such residential development is typically characterized by conventional single family homes, but may also include patio or garden homes and cluster homes, provided that the density remain less than six (6) units per acre. The applicant has applied for a revision to an existing PDC (Planned District Commercial) to extend the hours of operation of the existing restaurant on the site. The site is within the Hillcrest Design Overlay District which has lot coverage, height and other regulations.

Master Street Plan: Tyler Street and Woodlawn Drive are classified Local Streets by the Master Street Plan. 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: There are no bike routes shown in the immediate vicinity.

Landscape: No comment.

G. SUBDIVISION COMMITTEE COMMENT: (October 28, 2015)

The applicant was not present. Staff presented an overview of the item stating the request was to revise the previously approved hours of operation for the restaurant. Staff stated there were no modifications proposed for the approved site plan or development plan other than the hours of operation. 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 additional items necessary to complete the review process raised at the October 28, 2015, Subdivision Committee meeting. The applicant is requesting to extend the hours of operation. The applicant's request is to extending the closing hour from 6:30 pm to 9:00 pm.

Staff is not supportive of the applicant's request. The approval limited the hours of operation to hours which typically do not interfere with the surrounding homes. The closing of 6:30 pm is the time when most residents are arriving home from work. The current closing of 6:30 pm also allows for customers to drop-in and pick-up to go items for consumption at their homes or elsewhere. Staff feels to increase the hours of operation until 9:00 pm will infringe into the residents "quiet time" and have a direct impact on their quality of life creating parking concerns as well as persons entering and leaving the eating place at a later hour.

With the proposed extension of the operating hours the use is no longer a neighborhood establishment and becomes a restaurant drawing from areas outside the neighborhood. The site does not contain any on-site parking and is served by on-street parking only. Without parking available and customers driving to the site, the number of vehicles accessing the site creates a hardship on the existing residents, many with single car drives and also trying to utilize street parking. Typically a restaurant use is required to provide on-site parking at a rate of one space per 100 square feet of gross floor area. The building contains approximately 1,550 square feet of gross floor area, which would typically require the placement of 15 on-site parking spaces. As indicated, no on-site parking is provided or proposed.

As previously stated, staff is not supportive of the applicant's request. On two (2) previous occasions, both the Planning Commission and the Board of Directors denied request to extend the hours of operation. Staff feels the hours of operation should remain as previously approved.

I. STAFF RECOMMENDATION:

Staff recommends denial of the request.

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PLANNING COMMISSION ACTION:

(NOVEMBER 19, 2015)

The applicant was present. There was one registered objector present. Staff presented the item with a recommendation of denial.

Mr. Richard Glasgow addressed the Commission as the applicant. He stated the history of the site was a little more detailed than presented by staff. He stated the restaurant had been allowed to extend the operational hours in the past but this approval was later rescinded. He stated the former restaurant was not neighborhood friendly. He stated the business served alcohol and the employees would gather outside the building after closing creating a nuisance to the nearby homes. He stated the business had a larger wait staff and more tables than his business.

Mr. Glasgow stated his business did not serve alcohol and there were only 24 seats which were bar stood seats. He stated the business was there was parking available on the nearby streets. He stated along Woodlawn there was 300-feet of parking which did

not come available until after 4:00 pm due to bus parking. He stated most of the homes in the area had turned-over as far as occupancy in the last ten (10) years. He stated very few of the residents were there when the previous restaurant was in place. He stated the building had historically been a grocery and had been a number of commercial uses since the building was built in the 1940's. He stated this was Hillcrest. He stated in Hillcrest neighborhoods and commercial uses existed together. He stated that was the appeal of the neighborhood. He stated he wanted a place residents could enjoy and drop in after work. He stated currently residents were not arriving home until after 6:30 pm. He stated the time change could be rescinded if the use became a problem.

Ms. Ruth Bell, League of Women Voters, addressed the Commission in opposition of the request. She stated the site had a long history with both the Planning Commission and Board of Directors. She stated the problem with the site was the evening hours between 6:30 and 9:00 pm. She stated parking in the area was a problem. She stated there was no on-site parking and the restaurant had to depend on street parking for all the customers. She stated the use was too intrusive for the neighborhood and should not be allowed within the residential area.

Staff stated previously the hours were extended by staff and not through a public hearing process. Staff stated if the hours were extended the process for changing the hours would be the same process as the applicant was currently going through.

There was a general discussion by the Commission concerning the applicant's business model. Mr. Glasgow stated his business was a low volume business. He stated he had few employees. He stated he did not serve alcohol. The Chair questioned if the applicant was amending his application to limit the extended hours to his use of the building. He stated he would prefer the revision be approved for JBird LLC. He stated he and his wife were the owners of the LLC. The Commission questioned alcohol sales. He stated he would not apply for an ABC permit for alcohol sales.

A motion was made to approve the request subject to compliance with the comments and conditions as outlined in the agenda staff report and as amended to limit the hours to 10:30 am to 9:00 pm Monday through Saturday, no alcohol sales and limit the approved extended hours of operation to JBird LLC. The motion carried by a vote of 9 ayes, 2 noes and 0 absent.