

FILE NO.: Z-9713

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NAME: Rezoning from R-2 to C-3

LOCATION: 9204 Chicot Road

DEVELOPER:

Ruth Fuentes  
7009 Talmage Drive  
Little Rock, AR 72204

OWNER/AUTHORIZED AGENT:

Ruth Fuentes  
7009 Talmage Drive  
Little Rock, AR 72204

SURVEYOR/ENGINEER:

Thomas Engineering Co.  
3810 Lookout Road  
North Little Rock, AR 72116

AREA: 0.19 acres      NUMBER OF LOTS: 1      FT. NEW STREET: 0 LF

WARD: 7      PLANNING DISTRICT: 15      CENSUS TRACT: 41.05

CURRENT ZONING: R-2

VARIANCE/WAIVERS: None requested.

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A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant is proposing to rezone the 0.19 acres at 9204 Chicot Road from "R-2" Single Family District to "C-1" Neighborhood Commercial District to allow for the use as a restaurant.

B. EXISTING CONDITIONS:

The property is currently occupied by a brick-clad, one-story, single family residence, which appears to be vacant. The property has a 4-foot tall chain link fence around

the perimeter. A driveway from Chicot Road is located at the northeast corner of the property.

C. NEIGHBORHOOD NOTIFICATIONS:

All owners of property 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: No comment.

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

Little Rock Water Reclamation Authority: No comments received.

Entergy: No comments received.

CenterPoint Summit Energy: No comment.

AT & T: No comments received.

Central Arkansas Water:

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 comment received.

County Planning: No comment received.

F. **BUILDING CODES/LANDSCAPE:**

Building Code: No comments received.

Landscape:

1. Any new site development must comply with the City's minimal landscape and buffer ordinance requirements.

2. The City Beautiful Commission recommends preserving as many existing trees as feasible on this site. Credit toward fulfilling Landscape Ordinance requirements can be given when preserving trees of six (6) inch caliper or larger.

G. TRANSPORTATION/PLANNING:

Rock Region Metro: No comments received.

Planning Division: The request is in the Geyer West Planning District. The Land Use Plan shows Residential Low Density (RL) for the requested area. The Residential Low Density (RL) category provides for single family homes at densities not to exceed 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 6 units per acre. The application is to rezone from R-2, Single Family District to C-3, General Commercial District to allow for the future commercial development of this property. There is an accompanying item on the agenda to amend the Land Use Plan Map to Commercial (C) for this site.

Surrounding the application area, the Land Use Plan shows Residential Low Density (RL) to the south and west. Commercial (C) is shown on the Plan Map to the north and across Chicot Road to the east from the site. The Residential Low Density (RL) category provides for single family homes at densities not to exceed 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 remains less than 6 units per acre. This land shown as RL is zoned R-2, Single Family District and is a developed single-family subdivision. 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. To the north and east is land zoned C-3, General Commercial. To the north is a retail structure, across Chicot Road to the east is vacant land.

Master Street Plan: To the east is Chicot Road, it is shown as a Principal Arterial on the Master Street Plan. A Principal Arterial serves through traffic and connects major traffic generators or activity centers within an urbanized area. Entrances and exits should be limited to minimize negative effects of traffic and pedestrians on Chicot Road since it is a Principal 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 in proximity to, this land.

H. ANALYSIS:

The applicant is proposing to rezone the 0.19 acres at 9204 Chicot Road from "R-2" Residential to "C-1" Commercial to allow for the use as a restaurant.

The property is currently occupied by a brick-clad, one-story, single-family residence, which appears to be vacant. The property has a 4-foot tall chain link fence around the perimeter. A driveway from Chicot Road is located at the northeast corner of the property.

The site is located on the western side of Chicot Road and .22 miles south of Baseline Road. The property is bordered to the north by a vacant lot that is zoned C-3. To the east, across Chicot Road are also C-3 zoned properties. The properties to the west and south are zoned R-2, respectively, with the southern lot occupied by a single-family residence and the western property vacant.

The City's Future Land Use Plan designates the property as "RL" Residential Low Density. The proposed C-1 zoning will require an amendment to the City's Land Use Plan, which is a separate item on this agenda.

Staff is supportive of the requested C-1 zoning. Staff views the request as reasonable. The proposed C-1 zoning will be consistent with other commercial zonings on adjacent properties and will represent a continuation of the existing zoning pattern. Staff believes the proposed C-1 zoning will have no adverse impact on the general area.

I. STAFF RECOMMENDATION:

Staff recommends approval of the requested C-1 rezoning.

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PLANNING COMMISSION ACTION:

(SEPTEMBER 8, 2022)

The 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. The applicant deferred to the opposition.

Troy Laha, Vice-President of Southwest Little Rock United for Progress (SWLRUP) addressed the Commission in opposition to the application. He noted a phone conference the neighborhood association had about the project. He expressed concerns regarding the survey and the existing single-family residence on the property. Mr. Laha's additional concerns included: no address on the house, the rezoning placard/sign located behind screen door and not visible, location of an existing fence, parking, hours of operation and the sale of alcoholic beverages.

Commissioner Brooks asked the applicant if all three (3) lots or just the lot containing the existing residence. The applicant stated only the existing residence. There was general discussion regarding the notification process and protocol for posting the sign on the property. Following up, Commissioner Brooks asked the applicant if she reached out to the neighborhood association to which the applicant replied in the negative.

Commissioner Vogel asked the applicant what was the present use of the property (residence)? The applicant stated vacant and the property is a recent purchase.

Commissioner Thomas asked the applicant if the building was vacant. The applicant stated the residence is vacant however, she currently operates a mobile canteen unit (food truck) on the site.

Commissioner Brooks asked the applicant what are the proposed operating hours? The applicant noted she was not sure at the moment, but would most likely be from 6:00am to 1:00 pm. Commissioner Brooks recommended the applicant may benefit reaching out to the community.

There was a motion to approve the application including all comments and conditions as recommended by staff. The motion was seconded. The vote was 9 ayes, 1 nays, and 1 open position.