

FILE NO.: Z-6535-A

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NAME: Sky Bar Private Club Short-form PD-C

LOCATION: 10305 Arch Street Pike (4524 Dixon Road)

DEVELOPER:

Choice Equity Investments, LLC

OWNER/AUTHORIZED AGENT:

Choice Equity Investments, Owner  
Stephen Giles, Dover Dixon Horne PLLC, Authorized Agent  
425 W. Capitol Ave., Suite 3700  
Little Rock, AR 72201

SURVEYOR/ENGINEER:

Hope Consulting Engineers  
117 S. Market Street  
Benton, AR 72015

AREA: 4.16 acres    NUMBER OF LOTS: 2 (one zoning lot)    FT. NEW STREET: 0 LF

WARD: N/A            PLANNING DISTRICT: 23            CENSUS TRACT: 40.01

CURRENT ZONING:    C-3 General Commercial

ALLOWED USES:        General Commercial as per C-3

PROPOSED ZONING:    PD-C

PROPOSED USE:        Private club

VARIANCE/WAIVERS:    None requested.

BACKGROUND:

On June 2, 1998, the Board through Resolution No. 10,291 approved the extension of a sewer main for a connection with an existing sewer main on property located outside the corporate city limits at the northeast corner of Arch Street and Dixon Road, provided that no such extension can be made until the owner executes binding pre-annexation agreements on behalf of the City, complies with all zoning regulations the City would have for such a development and complies with any terms and conditions required by the Little Rock Wastewater Utility. That resolution also stated the City's intent to exercise extraterritorial planning and zoning jurisdiction over the area. On September 1, 1998, the Board passed Ordinance No. 17,815 zoning this property to C-3 general commercial district with the exception of the north 75-feet thereof adjacent to Old Castle Road which was zoned to OS open space district. The property has been mostly cleared but has remained undeveloped.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant states that he plans to build a two-story structure at the south end of the property consisting of approximately 7,000 square feet. The owners will use the building, named Sky Bar, as a private club restaurant and bar with areas devoted to the sale of branded merchandise such as t-shirts, hats and other items promoting the business; not including adult toys, novelties, magazines or videos. In addition, there will be an area containing electronic games, pool tables, 70" TV's, etc., for customer's enjoyment. Total seating on the two levels will be for about 150 patrons. The kitchen will prepare food to be served on both floors. Alcoholic beverages will be served from the bars on the first and second floors. As a secondary amenity for customers' entertainment, each level will have a runway elevated above the floor where female entertainers will occasionally dance in a burlesque fashion to music from a house sound system. The owners state that the conduct and attire of staff and entertainers will be similar to that of Twin Peaks and Hooters Restaurants and in compliance with State ABC liquor license regulations and the applicable City ordinances. The hours will be 11:00 a.m. to 5:00 a.m., 7 days a week.

B. EXISTING CONDITIONS:

The property consists of two lots totaling 4.16 acres in area. The development will utilize both lots. The site is cleared and undeveloped. A billboard is located in a lease area adjacent to Arch Street on the northern portion of the site. A single family residential subdivision is located adjacent to the north of the site. Undeveloped tracts and single family homes on larger tracts are located adjacent to the east. Across Dixon Road to the south, on either side of Ironton Cutoff Road, are a wrecker/towing company and a convenience store with gas pumps. Farther south along Ironton Cutoff are the City of Little Rock police training academy and the City's landfill. Across Arch Street to the west is a large, PID-zoned manufacturing plant.

C. NEIGHBORHOOD COMMENTS:

Notice of the public hearing was sent to all owners of properties located within 200 feet of the site and the SWLRUP Neighborhood Association.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. With site development, provide design of street conforming to the Master Street Plan. Construct one-half street improvement to Dixon Road including 5-foot sidewalks with planned development. The new back of curb should be located 18 ft. from striped centerline.
2. Obtain permits for improvements within State Highway right-of-way from AHTD, District VI.
3. Storm water detention ordinance applies to this property. Show the proposed location for stormwater detention facilities on the plan. Maintenance of the detention pond and all private drainage improvements is the responsibility of the developer and/or property owner.
4. If disturbed area is 1 or more acres, obtain a NPDES storm water permit from the Arkansas Department of Environmental Quality prior to the start of construction.
5. Provide survey of the entire property to evaluate the proposed driveway location.
6. Driveway location does not meet the traffic access and circulation requirements of Sections 30-43 and 31-210. Driveway spacing on collector streets is 250 from street intersections or other driveways and 125 ft. from side property lines. A driveway will not be permitted within the WB left turn bay due to the amount of left turn movements at Ironton Cutoff Rd and Arch Street Pike.
7. Show location of streets and driveways on the southside of Dixon Road along with existing street striping showing the left turn bays for both Ironton Cutoff and Arch Street Pike.

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

Little Rock Water Reclamation Authority: Retain 10' easement(s) for existing sewer(s). Property is outside City Limits, therefore sewer currently unavailable for connection.

Entergy: Entergy does not object to this proposal. There do not appear to be any conflicts with existing electrical utilities at this location. There is an existing overhead power line which runs along the north side of Dixon Road at this location. Care should be used in installing the entry drive in this area so that all NESC (code) required clearances are maintained during and after construction. Contact Entergy

in advance to discuss electrical service requirements, or adjustments to existing facilities (if any) as this project proceeds.

Centerpoint Energy: No comment received.

AT&T: No comments received.

Central Arkansas Water: No comments received.

Fire Department:

Full plan review

**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.

**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.

**30' Tall Buildings - Maintain aerial fire apparatus access roads as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 Section D105.1 – D105.4**

**D105.1 Where Required.** Where the vertical distance between the grade plane and the highest roof surface exceed 30', approved aerial fire apparatus access roads shall be provided. For the purposes of this section the highest roof surfaces shall be determined by measurement to the eave of a pitched roof, the intersection of a roof to the exterior wall, or the top of the parapet walls, whichever is greater.

**D105.2 Width.** Aerial fire apparatus access roads shall have a minimum unobstructed width of 26', exclusive of shoulders, in the immediate vicinity of the building or portion thereof.

**D105.3 Proximity to building.** At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official.

**D105.4 Obstructions.** Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building. Other obstructions shall be permitted to be placed with the approval of the fire code official.

**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.

**Gates**

**Maintain fire apparatus access road gates as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 Section D103.5 Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:**

1. Minimum gate width shall be 20 feet.
2. Gates shall be of swinging or sliding type.
3. Construction of gates shall be of material that allow manual operation by one person.
4. Gate components shall be maintained in an operable condition at all times and replaces or repaired when defective.

5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official.
6. Manual opening gates shall not be locked with a padlock or chain and padlock unless they are capable of being opened by means of forcible entry tools or when a key box containing the keys to the lock is installed at the gate location.
7. Locking device specifications shall be submitted for approval by the fire code official.
8. Electric gate operators, where provided, shall be listed in accordance with UL 325.
9. Gates, intended for automatic operation shall be designed, constructed and installed to comply with requirements of ASTM F 2200.

**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 Capt. John Hogue 501-918-3754). 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: Project is subject to full commercial plan review and approval prior to issuance of a building permit. For information on submittal requirements and the review process, contact a commercial plans examiner:

Curtis Richey at 501.371.4724; [crichey@littlerock.gov](mailto:crichey@littlerock.gov) or  
Steve Crain at 501-371-4875; [scrain@littlerock.gov](mailto:scrain@littlerock.gov)

Landscape:

1. Site plan must comply with the City's minimal landscape and buffer ordinance requirements.
2. Screening requirements will need to be met for the vehicular use areas adjacent to street right-of-ways. Provide screening shrubs with an average linear spacing of not less at three (3) feet within the required landscape area. Provide trees with an average linear spacing of not less than thirty (30) feet.
3. A perimeter planting strip is required along any side of a vehicular use area that abuts adjoining property or the right-of-way of any street, highway or freeway. This strip shall be a minimum of nine (9) feet in width. Provide trees with an average linear spacing of not less than thirty (30) feet within the perimeter

- planting strip. Provide three (3) shrubs or vines for every thirty (30) linear feet of perimeter planting strip.
4. Eight percent (8%) of the vehicular use area must be designated for green space; this green space needs to be evenly distributed throughout the parking area(s). The minimum size of an interior landscape area shall be one hundred fifty (150) square feet for developments with one hundred fifty (150) or fewer parking spaces. Interior islands must be a minimum seven and one half (7 1/2) feet in width. Trees shall be included in the interior landscape areas at the rate of one (1) tree for every twelve (12) parking spaces.
  5. Building landscape areas shall be provided between the vehicular use area used for public parking and the general vicinity of the building. These shall be provided at the rate equivalent to planter strip three (3) feet wide along the vehicular use area. One (1) tree and four (4) shrubs shall be planted in the building landscape areas for each forty (40) linear feet of vehicular use area abutting the building.
  6. An irrigation system shall be required for developments of one (1) acre or larger.
  7. The development of two (2) acres or more requires the landscape plan to be stamped with the seal of a Registered Landscape Architect.
  8. 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.

Planning Division: This request is located Arch Street Planning District. The Land Use Plan shows Commercial (C). 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 rezoning from C-3 (General Commercial District) and OS (Open District) to PDC (Planned District Commercial) to allow a private club as an allowable use.

Master Street Plan: West of the property is Arch Street and it is shown as a Principal Arterial on the Master Street Plan. South of the property is Dixon Road and it is shown as a Collector 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 Arch Street since it is a Principal Arterial. The primary function of a Collector Road is to provide

a connection from Local Streets to Arterials. 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 W Dixon Road Street. Bike Lanes provide a portion of the pavement for the sole use of bicycles. A Class II Bike Lane is shown along Arch Street. Bike Lanes provide a portion of the pavement for the sole use of bicycles.

H. SUBDIVISION COMMITTEE COMMENT: (January 2, 2019)

Stephen Giles was present representing the application. Staff presented the item and noted additional information was needed. The applicant was advised to submit a revised site plan showing the entirety of the property and the relationship of the proposed development to property lines. Staff asked the applicant to provide the building height and some description of proposed building materials. Staff requested a signage plan, a fencing plan and a site lighting plan. The applicant was advised to indicate the dumpster and required screening. Staff stated dumpster service hours should be limited to 7 a.m. to 6 p.m., Monday-Friday. The applicant was advised to provide information regarding the proposed treatment of the perimeter of the property, including materials and techniques used such as screens, walls and fences and to provide in percentages the amount of building coverage, paved area and landscape area/greenspace. The applicant was asked to provide a description of the existing conditions of the property as specified by Section 36-456 (d).

Public Works comments were presented and discussed. Staff expressed concerns about the proposed driveway location; stating it did not comply with required spacing and created a conflict with turning movements onto Ironton Cut-off and Arch Street Pike.

Staff informed the committee of City of Little Rock Resolution 10,291 dated June 2, 1998 approving the extension of sewer service outside the City to this site provided that no such extension can be made until the owner executes binding pre-annexation agreements of behalf of the City, complies with all zoning regulations the City will have for such a development and complies with any terms and conditions required by Little Rock Wastewater Utility (Little Rock Water Reclamation Authority). If the developer proposes not to tie to the City's system, an approval letter from the Arkansas Department of Health for an onsite wastewater system shall be provided as a condition of the application.

In response to a question from the committee, Mr. Giles briefly described the type of private club being proposed; including having female entertainers dancing in a burlesque fashion.

The applicant was advised to submit responses to staff issues by January 9, 2019. The committee forwarded the item to the full commission.



I. ANALYSIS:

The applicant submitted responses to the issues raised at subdivision committee. The driveway has been relocated to the Arch Street frontage. Placement of the driveway complies with code standards. The building is located nearer the southern perimeter of the property and proposed building setbacks meet or exceed those typically required for C-3. The parking lot is shown with 71 spaces. 70 spaces are required for this use. Pavement materials are indicated to be properly paved with asphalt or concrete to comply with city code standards. Signage is not located but any signage should comply with that allowed in commercial zones. The dumpster and required screening have been located just north of the building. Dumpster service hours should be limited to 7:00 a.m. to 6:00 p.m. Monday-Friday due to the close proximity of residential properties. The building will have a height of 30 feet and will have an exterior finish of metal with brick skirting and a metal 4:12 sloped roof. An area of trees has been indicated to remain along the eastern perimeter of the site. That area appears to range in depth from 50 to 80 feet. No development is proposed in the area that is currently zoned OS. Based on the average width and depth of the property, street perimeter buffers of no less than 23 feet should be located along both Arch Street and Dixon Road. The applicant indicates street buffers of 9 feet which is the minimum allowed. Two storm water detention area are located near the south perimeter of the site.

Staff has concerns with placement of the proposed private club. The general guidelines for placement of a private club state a private club shall not be located within 750 feet of any single family use. Measurement shall be made in a straight line, without regard for intervening structures or objects, from the nearest portion of a building or structure proposed for occupancy as a private club to the nearest property line of the residential use. A planned development process allows for an exception to be made. The proposed private club is to operate until 5:00 a.m., seven days a week. Single family property in the England Acres Subdivision is located 290 feet to the north of the proposed private club building. The parking lot and driveway are as close as 120 feet. Staff feels the activities and late hours of operation could have a deleterious effect on the residents.

It is the intent of the planned development process to assure that applications are not granted for the sole benefit of the applicant but that the process be used to establish developments that are compatible with the surrounding area, are harmonious with the character of the neighborhood and do not have a negative effect upon the future development of the area. Staff does not believe the proposed private club and the activities proposed by the applicant for this club fulfill the intent.

J. STAFF RECOMMENDATION:

Staff recommends denial of the application.

PLANNING COMMISSION ACTION:

(JANUARY 31, 2019)

The applicant was present. There were several persons present in opposition. Five persons turned in speaker cards. Numerous e-mails, letters and a petition of opposition had been received by staff and forwarded to the commission.

Attorney Stephen Giles, representing the applicant, addressed the commission. He stated he had been recovering from an operation and had been unable to properly attend to the application. He requested deferral of the item. Mr. Giles stated he had learned of some concerns the neighbors had and he felt there was some misinformation about the proposed use. A motion was made and seconded to defer the item. The motion failed with a vote of 4 ayes, 6 noes and 1 absent.

Staff presented the item and a recommendation of denial.

State Senator Linda Chesterfield, of 12 Keo Drive, spoke in opposition. She asked those present in opposition to stand. Several persons stood to be recognized. Senator Chesterfield stated the neighborhood had been fighting this proposed development at the County Quorum Court and the State Alcohol Beverage Control. She stated they did not want a sexually oriented business near their neighborhood.

State Representative Julie Mayberry, of 1222 Orchard Lake Lane Hensley, spoke in opposition. She stated the neighbors had been fighting this for some time. Representative Mayberry noted the opposition present in the room and evidenced by the letters and petitions. She noted the presence of an elementary school in the area and stated this area of the county was "dry."

Gary Bennett, of 12010 Arch Street, spoke in opposition. He read from a prepared statement in which he outlined his reasons for opposing the application.

Madison Throneberry and Gerald Ashford, of Porocel Company at 10300 Arch Street, spoke of their opposition to the item. They stated they were concerned about the safety of their employees.

Chairman Latture noted the presence of those in opposition who did not indicate a desire to speak.

Stephan Giles stated the main focus of the business would be a restaurant. He stated the State had granted the private club license. Mr. Giles stated the business would have security. He stated the owner was making an investment and he did not want to be a detriment to the community. He said the applicant was initially told by the County that the location was outside of the City's jurisdiction. Mr. Giles stated he did not believe the proposed use would be deemed to be a sexually oriented business.

A motion was made to approve the application, including all staff comments and conditions, except the recommendation of denial. The motion failed with a vote of 0 ayes, 10 noes and 1 absent.