

**Little Rock Board of Directors Meeting  
July 15, 2014  
6:00 PM**

The Board of Directors of the City of Little Rock, Arkansas, met in a regular meeting with Mayor Mark Stodola presiding. City Clerk Susan Langley called the roll with the following Directors present: Hendrix; Richardson; Hurst (enrolled at 6:05 PM); Cazort; Hines; Wyrick; Kumpuris (enrolled at 6:15 PM); Fortson; Adcock; Vice-Mayor Wright; and Mayor Stodola. Director Gene Fortson delivered the invocation, which was followed by the Pledge of Allegiance.

**CONSENT AGENDA (Items 1 – 5)**

**1. RESOLUTION NO. 13,924:** To certify local government endorsement of Dassault Falcon Jet Corporation, 3801 East 10<sup>th</sup> Street, Little Rock, Arkansas, to participate in the Arkansas Tax Back Programs (as authorized by Section 15-4-2706(D) of the Consolidated Incentive Act of 2003); and for other purposes.

**2. RESOLUTION NO. 13,925:** To accept title to property donated to the City of Little Rock, Arkansas, by Special Warranty Deed, to be used for Neighborhood Revitalization Programs; and for other purposes. *Staff recommends approval.*

**Synopsis:** In an effort maximize the Land Bank's revitalization efforts, staff would like to accept the donation of the property located at 1415 Valmar Street. **Property Details:** The parcel is a 7,000 square-foot vacant lot located in the Land Bank Focus Area. The property is located in Ward I and is in close proximity to a Neighborhood Stabilization Program 2 (NSP2) new home construction.

**3. RESOLUTION NO. 13,926:** To transfer property to the Forest Hills Neighborhood Association by Quitclaim Deed for use as a community garden; to be used for neighborhood revitalization; and for other purposes. *Staff recommends approval.*

**Synopsis:** In an effort to maximize the City's revitalization efforts, Staff would like to transfer the property located at 4301 West 10<sup>th</sup> Street to the Forest Hills Neighborhood Association for use as a community garden. **Property Details:** The parcel is a 5,382 square-foot vacant lot with no structure.

**4. RESOLUTION NO. 13,927:** To authorize the City Manager to enter into a contract for the purchase of Ninety-Six (96)-Gallon Solid Waste Containers and issue an annual purchase order for additional carts, as needed; and for other purposes. *Staff recommends approval.*

**Synopsis:** Bids were accepted for an annual purchase of Ninety-Six (96)-Gallon Trash Containers with option for two (2) additional one (1)-year renewals after expiration of first year. Bid #C14009.

**5. RESOLUTION NO. 13,928:** To authorize entry into a continued Interlocal Agreement with the City of Cabot, Arkansas, for the Provision of Emergency Medical Services by MEMS; and for other purposes.

Director Adcock made the motion, seconded by Director Cazort, to approve the Consent Agenda. By unanimous voice vote of the Board Members present, **the Consent Agenda was approved.**

Director Cazort stated that the Board was scheduled to have a discussion the week of July 29, 2014 regarding the 5:00 AM Clubs; however, due to a scheduling conflict, he would not be in attendance. Director Cazort made the motion, seconded by Director Fortson, to defer the discussion regarding the 5:00 AM Clubs until the August 12, 2014, Board of Directors Agenda Meeting. By unanimous voice vote of the Board Members present, **the discussion was deferred until August 12, 2014.**

#### **GROUPED ITEMS (Items 6 - 10)**

**6. ORDINANCE NO. 20,904:** To amend Chapter 31 of the Code of Ordinances of the City of Little Rock, Arkansas, providing for a variance from the driveway spacing criteria on commercial streets for Slim Chickens, located at the northeast corner of Cantrell Road and Keightley Drive; and for other purposes. *(Deferred from June 17, 2014) Staff recommends approval.*

**Synopsis:** Authorizes a variance from Section 31-210(e)(3), General Access and Circulation, for the driveway spacing on other commercial streets for Slim Chickens to be located at the northeast corner of Cantrell Road (Highway 10) and Keightley Drive.

**7. ORDINANCE NO. 20,905; Z-1481-A:** To approve a Planned Zoning Development and establish a Planned Commercial District titled PB General Barrow Road Short-Form PD-C, located on the west side of John Barrow Road in the 3500 Block of John Barrow Road, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 9 ayes; 0 nays; and 2 absent. Staff recommends approval.*

**Synopsis:** The request is a rezoning from the existing C-3, General Commercial District, and R-3, Single-Family Zoning District, to PD-C, Planned Development – Commercial, to allow for the redevelopment of the site with a 9,100 square-foot general merchandise retail store.

**8. ORDINANCE NO. 20,906; LU14-19-01:** To amend the Land Use Plan on the west side of Kirk Road at Wellington Village Drive; and for other purposes. *Planning Commission: 10 ayes; 1 nays; and 0 absent. Staff recommends approval.*

**Synopsis:** To approve Land Use Plan a change in the Chenal Planning District on the west side of Kirk Road at Wellington Village Drive from Residential High Density to Office.

**9. ORDINANCE NO. 20,907; Z-6829-B:** To reclassify property located in the City of Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 10 ayes; 1 nay; and 0 absent. Staff recommends approval.*

**Synopsis:** The owner of the undeveloped, 11.42-acre property located on the west side of Kirk Road, approximately 800 feet south of Rahling Road, is requesting that the zoning be reclassified from MF-18, Multi-Family District, to O-2, Office and Institutional District.

**10. ORDINANCE NO. 20,908; Z-8947:** To reclassify property located in the City of Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 9 ayes; 1 nay; and 1 absent. Staff recommends approval.*

**Synopsis:** The owner of 5.68 acres of property located on the south side of Peckerwood Road (west of Sam Peck Road) is requesting that the zoning be reclassified from R-2, Single-Family District, to AF, Agriculture and Forestry District, (with conditions).

The ordinances were read a first time. Director Adcock made the motion, seconded by Director Cazort, to suspend the rules and place the ordinances on second reading. By

unanimous voice vote of the Board Members present, the rules were suspended and the ordinances were read a second time. Director Adcock made the motion, seconded by Director Cazort, to suspend the rules and place the ordinances on third reading. By unanimous voice vote of the Board Members present, the rules were suspended and the ordinances were read a third time. By unanimous voice vote of the Board Members present, **the ordinances were approved.**

## **SEPARATE ITEMS (Items 11 – 12)**

**11. ORDINANCE NO. 20,909; Z-4516-B:** To reclassify property located in the City of Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 9 ayes; 0 nays; and 2 absent. Staff recommends approval.*

**Synopsis:** The owner of the 0.74-acre property located at 6706 South University Avenue is requesting that the zoning be reclassified from R-2, Single-Family District, to C-4, Open Display District, (with conditions).

The ordinance was read a first time. Director Adcock made the motion, seconded by Director Cazort, to suspend the rules and place the ordinance on second reading. By unanimous voice vote of the Board Members present, the rules were suspended and the ordinance was read a second time. Director Adcock made the motion, seconded by Director Cazort, to suspend the rules and place the ordinance on third reading. By unanimous voice vote of the Board Members present, the rules were suspended and the ordinance was read a third time. By unanimous voice vote of the Board Members present, **the ordinance was approved.**

**12. ORDINANCE; Z-8835-B:** To approve a Planned Zoning Development and establish a Planned Commercial District titled Magnolia Hill Revised Long-Form PD-C, located at 5110 Stagecoach Road, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 9 ayes; 0 nays; and 2 absent. Staff recommends approval. (Deferred from July 1, 2014)*

**Synopsis:** The applicant is requesting to amend the previously-approved PD-C, Planned Development – Commercial, to add for the allowance of fireworks to the existing approval.

The ordinance was read a first time. Director Adcock made the motion, seconded by Director Cazort, to suspend the rules and place the ordinance on second reading. By unanimous voice vote of the Board Members present, the rules were suspended and the ordinance was read a second time. Director Adcock made the motion, seconded by Director Cazort, to suspend the rules and place the ordinance on third reading. By unanimous voice vote of the Board Members present, the rules were suspended and the ordinance was read a third time.

**Buddy Ellis, 5110 Stagecoach Road:** Stated that he was the applicant and had lived on the property for thirty-four (34) years. Mr. Ellis stated that the property, which was thirty-one (31) acres, was utilized as a wedding venue, and that the request was to be able to once again include a fireworks display in their wedding packages. Mr. Ellis stated that the fireworks display did not occur at every wedding, only those that paid for the extra service. Mr. Ellis stated that the display, which was under five (5) minutes, would occur at 9:30 PM. Mayor Stodola asked prior to being banned, approximately how many weddings a year utilized the fireworks. Mr. Ellis stated that in the two (2) years that

fireworks had been utilized, eleven (11) weddings included the fireworks display the first year and in the second year, there were thirteen (13) weddings that utilized the display. Mr. Ellis stated that the closest home in the Pecan Lakes Neighborhood was over 1,350 feet, or over ¼-mile, from the property and it was approximately 800 feet to the closest home in the Tall Timber Neighborhood.

Mary Rogers-Marks, 2 Timberside Cove: Stated that she lived near Magnolia Hill and that the fireworks were very loud and urged the Board to vote against the application.

Ed Bullington, 9214 Timber Valley Road: Stated that he had lived in Pecan Lakes for thirty-four (34) years and that he was supportive of the application in that it was value-added for their neighborhood.

Theodore Woods, Jr., 5907 Pecan Lake Road: Stated that there was a large number of senior citizens that live in Pecan Lakes and that it was disruptive to their lives and he was not in support of the application.

Blake Parsley, 10300 West Rockwood Road: Stated that he was employed by Missionary Baptist Seminary, which was located adjacent to the property, and had lived at the Seminary for the past four (4) years. Mr. Parsley stated that Magnolia Hill was an asset to the community and he, along with the other students at the Seminary, were supportive of the application.

Sherry Enoch, 5913 Tall Pine Boulevard: Stated that she had lived in the Pecan Lakes Neighborhood for twenty (20) years and that she was opposed to the application. Ms. Enoch stated that she was concerned about the noise and the safety of utilizing fireworks during burn bans.

Mason Ellis, 820 North Street: Stated that his parents owned Magnolia Hill and he had lived on the property for over thirty (30) years. Mr. Ellis stated that the area for the fireworks display had been placed away from the neighborhoods and angled out over their private three (3)-acre lake. In addition, Mr. Ellis stated that they had received a letter of support from the residents of the Greenbrier Retirement Center, which was located directly across the street from their property. Mr. Ellis stated that they had agreed to notify the neighborhoods in advance of the dates that any fireworks would be displayed.

Denise White, 5702 Pecan Lake Road: Stated that she was not in support of the application and she felt that if the zoning request was approved, it would deter the property values in the adjacent neighborhoods.

Susan Holmes: Stated that had lived in the Pecan Lakes neighborhood for thirty-five (35) years, and she was in support of the application. Ms. Holmes stated that Mr. Ellis had offered to notify the neighborhoods fifteen (15) days in advance of any fireworks display and that he had gone out of his way to address any concerns that the neighbors had expressed.

Clayborn Johnson, 10018 Godwin Drive: Stated that he lived in the Tall Timber Neighborhood, which was closer to the property than Pecan Lakes, and was not in support of the application.

Karen Bullington, 9214 Timber Valley Road: Stated that she did not want to address the Board; however, she wanted to go on record as in support of the project.

Deanna Fleming, 2122 South Broadway Street: Stated that she worked for Catering Creations, which provided the catering for all the events that were held at Magnolia Hill. Ms. Fleming stated that all the events ended at 9:30 PM, and that her staff was cleaned-up and off the property by 10:15 PM. In response to the concerns regarding loud music, Ms. Fleming stated that over the past two (2) years, there had only been two (2) events

that utilized a live band. In addition, Ms. Fleming stated that the song the fireworks were fired during was four (4) minutes and twelve (12) seconds. Ms. Fleming stated that Magnolia Hill was a valuable asset to the City and she asked the Board to support the application.

Sandy Magness, 6 Sunset Circle: Stated that she did not want to address the Board; however, she wanted to go on record as in support of the project.

By roll call vote, the vote was as follows: Ayes: Cazort; Hines; Kumpuris; and Fortson. Nays: Hendrix; Richardson; Hurst; Wyrick; Adcock; and Vice-Mayor Wright. By a vote of four (4) ayes and six (6) nays, **the ordinance failed.**

### **PUBLIC HEARINGS (Item 13)**

**13. ORDINANCE NO. 20,910; G-23-447**: To abandon a twenty (20)-foot wide alley, including the abandonment of all easements adjacent to Lots 4 – 6 and 7 – 9, Block 169, John Barrow Addition, in the City of Little Rock, Pulaski County, Arkansas; and for other purposes. *Planning Commission: 9 ayes; 0 nays; and 2 absent. Staff recommends approval.*  
**Synopsis: The adjacent property owner propose to abandon a 20-foot wide alley including the abandonment of all easements adjacent to Lots 4 – 6 and 7 – 9 Block 169 John Barrow Addition.**

The ordinance was read a first time. Director Adcock made the motion, seconded by Director Cazort, to suspend the rules and place the ordinance on second reading. By unanimous voice vote of the Board Members present, the rules were suspended and the ordinance was read a second time. Director Adcock made the motion, seconded by Director Cazort, to suspend the rules and place the ordinance on third reading. By unanimous voice vote of the Board Members present, the rules were suspended and the ordinance was read a third time.

Mayor Stodola opened the public hearing and asked if there were individuals present that wished to speak for or against the item. There being none present, Mayor Stodola closed the public hearing.

By unanimous voice vote of the Board Members present, **the ordinance was approved.**

### **CITIZEN'S COMMUNICATION**

Kerry Mohamad, 4224 Malloy Street: Use of Medians for Expression Purposes.

Director Cazort made the motion, seconded by Director Hurst, to adjourn the meeting. By unanimous voice vote of the Board Members present, **the meeting was adjourned.**

**ATTEST:**

**APPROVED:**

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**Susan Langley, City Clerk**

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**Mark Stodola, Mayor**