

FILE NO.: Z-3451-D

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NAME: Bennett Davis Group Revised Short-form POD

LOCATION: 1300 North Shackelford Road

DEVELOPER:

Bennett Davis Group-Michael Bennett  
P. O. Box 26415  
Little Rock, AR 72211

OWNER/AUTHORIZED AGENT:

Bennett Davis Group/Owner and Agent

SURVEYOR/ENGINEER:

Brooks Surveying  
20820 Arch Street Pike  
Hensley, AR 72065

AREA: 4.9 acres

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

WARD: 4

PLANNING DISTRICT: 2

CENSUS TRACT: 22.09

CURRENT ZONING: POD, planned office development

ALLOWED USES: Printing company and O-3, General Office District uses

PROPOSED ZONING: Revised POD

PROPOSED USE: Add an event center as an allowable use.

VARIANCE/WAIVERS: Use of unpaved, graveled and non-graveled, overflow parking areas

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BACKGROUND:

The building and property were previously occupied by a church and a daycare. In late 2015, the property was rezoned to POD to allow for use of the building for a printing, copying and graphic design business. O-3, general office district, permitted uses were approved as alternative uses. Business hours were approved as 8 am – 5 pm, Monday

– Friday. No alternative operating hours were approved for any of the alternative uses. Signage was approved for wall signage on the front façade of the building, not to exceed 10% of the façade area, and a single ground-mounted sign not to exceed 6 feet in height and 64 square feet in area. In 2018, the applicant entered into an agreement with the Little Rock Bop Club, the Ballroom, Latin and Swing Social Dance Association and the Little Rock Country Dancers to allow them to use the former sanctuary space in the building as a dance facility. These dance clubs had previously been meeting in the Bess Chisum facility on West 12<sup>th</sup> Street. The sanctuary area has been converted into a competition level ballroom dance floor and reception area. The space represents approximately 4,500 square feet of the 12 – 15,000 square foot building.

On November 1, 2018, the planning commission approved the applicant's request to withdraw a PCD request to add an event center to allowed uses.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant is requesting a revision to the approved POD zoning to allow for use of the former sanctuary space as an event center. Hours of operation are proposed as 7 am – midnight, seven days a week. No in-house alcohol sales are available. Guests desiring to serve alcohol at their event must gain prior approval from the venue staff. The venue is a tobacco-free venue. All catering is open-vendor and is the responsibility of the host client. The site contains paved parking area for 75 vehicles. The applicant is proposing to utilize unpaved areas off of the paved parking lots for overflow parking.

B. EXISTING CONDITIONS:

The site contains a 12 – 15,000 square foot building and paved parking. Single family residences are located to the south of the site. Duplex and single family homes are located across Shackleford Road to the east. Office uses are located to the north and west. Slightly farther to the north is the large area of mixed commercial zoning and uses, extending up to and along Rodney Parham road.

C. NEIGHBORHOOD COMMENTS:

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

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. N. Shackleford Rd. is classified on the Master Street Plan as a collector street. A dedication of right-of-way 30 feet from centerline will be required.
2. Sidewalks with appropriate handicap ramps are required to be extended to the side property line in accordance with Sec. 31-175 of the Little Rock Code and the Master Street Plan.

3. Repair or replace any curb, gutter, sidewalk and access ramps that are damaged and not in compliance with ADA recommendations in the public right-of-way prior to occupancy.
4. With the addition of a gravel parking lot, 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 land owner.

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

Little Rock Water Reclamation Authority:

Sewer Available to this site. FOG Analysis Required if food prep on site.

Entergy:

Entergy does not object to this proposal. There does not appear to be any conflicts with existing electrical utilities at this location. Contact Entergy in advance to discuss electrical service requirements, or adjustments to existing facilities (if any) as this project proceeds.

Centerpoint Energy: No comments received.

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:

**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.

### **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). Number and Distribution of Fire Hydrants as per Table C105.1.

Parks and Recreation: No comments received.

County Planning: No comments received.

### F. **BUILDING CODES/LANDSCAPE:**

Building Code:

Landscape: No comments.

### G. **TRANSPORTATION/PLANNING:**

Rock Region Metro: No comments.

Planning Division: This request is located Rodney Parham Planning District. The Land Use Plan shows Office (O) for this property. The office category represents services provided directly to consumers (e.g., legal, financial, medical) as well as general offices which support more basic economic activities. The applicant has applied for a revision to an existing POD (Planned Office Development) to add an event center to the permitted uses in the existing building.

Master Street Plan: East of the property is Shackleford Road and it is shown as a Collector Street on the Master Street Plan. Plan. The primary function of a Collector Road is to provide a connection from Local Streets to Arterials. This

street may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

Bicycle Plan: There is a Class III Bike Route shown on Shackleford Road. Bike Routes require no additional right-of-way, but either a sign or pavement marking to identify and direct the route.

Revised plat/plan: Submit responses to staff issues and four (4) copies of a revised preliminary plat/plan (to include the additional information as noted above) to staff on or before May 22, 2019. If you have any questions please contact Dana Carney, [dcarney@littlerock.gov](mailto:dcarney@littlerock.gov) or 501.371.6817 or Jamie Collins, [gcollins@littlerock.gov](mailto:gcollins@littlerock.gov) or 501.371.6818.

H. SUBDIVISION COMMITTEE COMMENT: (May 15, 2019)

The applicant was present. Staff presented the item and noted some additional information was needed. The applicant was asked to provide a signage plan. Staff asked if the venue would be rented to any individual or group who may in turn host ticketed events such as concerts or ticketed (cover charge) parties. Staff asked the applicant to describe proposed security measures during the events. The applicant was advised to locate the dumpster and required screening on the site plan. Staff stated dumpster service hours should be limited to 7 am – 6 pm, Monday – Friday. Staff noted the variance to allow use of unimproved, unpaved overflow parking areas.

Public Works comments were noted. Staff discussed the need to show the proposed location for stormwater detention facilities in compliance with the stormwater detention ordinance.

Comments from the other departments and reviewing agencies were noted. The applicant was advised to respond to staff issues by May 22, 2019. The committee forwarded the item to the full commission.

I. ANALYSIS:

The POD zoned property at 1300 N. Shackleford Road is occupied by a 12 – 15,000 square foot building (former church) and paved parking for approximately 75 vehicles. In 2015, the property was zoned POD to allow for use of the building for a printing, copying and graphic design business. O-3, general office district, permitted uses were approved as alternative uses. Business hours were approved as 8 am – 5 pm, Monday – Friday. No alternative operating hours were approved for any of the alternative O-3 uses.

The applicant is requesting approval of a revision to the POD to allow for use of the former sanctuary space (about 4,500 square feet) as an event center. Hours of operation are proposed as 7 am – midnight, seven days a week. No in-house alcohol sales are available. Guests desiring to serve alcohol at their event must

gain prior approval from the venue staff. The venue is a tobacco-free venue. All catering is open-vendor and is the responsibility of the host client. In addition to the 75 space paved parking lots, the applicant is proposing two unpaved areas for overflow parking.

The applicant submitted responses to issues raised at subdivision committee. A single ground-mounted sign is proposed for the site. The monument style sign appears to meet the office district standards of 6-feet in height and 74 square feet in area. The applicant states the venue will not be rented to any individual or group who may in turn host ticketed events such as concerts or ticketed (cover charge) parties. Venue staff will be on hand during all events. The applicant has begun discussion with at least two local security providers in the event that a potential renter desires armed or unarmed security services. The applicant states, due to the limited size of the groups that meet their desired demographic, outside security will not necessarily be required. The dumpster location is shown at the back of the northern, unimproved overflow parking area. Stormwater detention plans were submitted to staff.

While it appears the applicant has attempted to address many of the typical issues associated with event venues, staff still has concerns with this application. The site is directly adjacent to single family properties. Two family and single family properties are located across Shackleford. The event venue is proposed to have operating hours up to midnight seven days a week. The applicant is proposing to address potential parking issues by utilizing unpaved areas for overflow parking with no plans to properly develop the parking area to comply with code standards.

Staff feels the proposed event center could negatively impact the adjacent and nearby residential properties.

J. STAFF RECOMMENDATION:

Staff recommends denial.

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PLANNING COMMISSION ACTION:

(JUNE 6, 2019)

The applicant was present. There were two registered objectors present. Staff informed the commission that the applicant had requested deferral of the item on June 6, 2019 to allow for time to meet with the neighbors and to address staff issues. There was no further discussion. A motion was made to waive the commission's bylaws to accept the late deferral request. That motion was seconded and approved by a vote of 8 ayes, 0 noes and 3 absent. The item was then placed on the consent agenda and approved for deferral to the July 18, 2019 meeting. The vote was 8 ayes, 0 noes and 3 absent.

PLANNING COMMISSION ACTION:

(JULY 18, 2019)

The applicants were not present. There were no registered objectors present. Staff informed the commission that the notice requirement had not been completed and the item needed to be deferred. There was no further discussion. The item was placed on the consent agenda and deferred to the August 1, 2019 agenda. The vote was 8 ayes, 0 noes and 3 absent.

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PLANNING COMMISSION ACTION:

(AUGUST 1, 2019)

The applicant was present. There were several persons present registered in support of the item. There were three persons present registered in opposition. Four e-mails of opposition had been received by staff and forwarded to the commissioners. The chairman noted here were only eight commissioners present and offered the applicant an opportunity to defer to the next agenda. The applicant stated he would take the deferral. There was no further discussion. A motion was made to defer the item to the September 12, 2019 agenda. The motion was seconded and approved by a vote of 8 ayes, 0 noes, 2 absent and 1 open position.

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PLANNING COMMISSION ACTION:

(SEPTEMBER 12, 2019)

The applicant was present. There was one registered objector present. Three e-mails/letters of opposition had previously been given to the commissioners. There were several persons present in support of the application. The chairman noted there were only seven commissioners present and offered the opportunity to defer. The applicant stated he wished to proceed. It was noted that the applicant had mailed the notices for this hearing via regular mail, not certified mail, as required for a third deferral. A motion was made, seconded and approved to accept the notices as completed. Staff presented the item and a recommendation of denial.

The applicant stated he wished to allow the opposition to speak first.

Jeff Jones, of 1204 N. Shackelford road, spoke in opposition. He voiced his concerns about noise, traffic and late hours of opposition. He stated the dance people seemed very nice but the proposed event center was too close to the residential neighborhood and would negatively impact the neighborhood. He stated a mechanical contractor and a firewood sales business that were currently in the building were noisy and had been a problem. Mr. Jones stated a business that involved serving alcohol would not be good.

Richard Davis, representing the dance clubs, addressed the commission. He described the history of the clubs and introduced some of the members. He described the diversity of the clubs' membership. Mr. Davis stated this was a quality location for the dance clubs and improvements had been made to the building. He said more improvements were needed and the ability to rent the space as an event center would bring income that could go to making those improvements.

Robert Walker, of the Capitol View-Stiff Station Neighborhood association, spoke in support of the dance clubs.

Michael Bennett, the applicant, addressed the commission and described his history with the property. He said his improvements to the building were beneficial to area property values. He stated the mechanical contractor was only in the building temporarily. Mr. Bennett stated he had several requests to use the building as an event center. He stated he hosted an open house for the neighbors and most had no concerns with his proposal afterward. He stated he was proposing more of a cultural event center. He said the president of the Walnut Valley Property Owners Association was on his way down to the meeting to speak in support of the item but had car trouble. He said the use was not impactful. He stated the property was on the edge of a neighborhood but it was also on the edge of the West Village retail and office corridor along Rodney Parham.

In response to a question from the commission, staff discussed the currently-approved uses for the site and the current uses occupying the property. Staff stated the dance clubs could fit under "dance studio", an allowable O-3 use. Staff stated they were operating outside of the hours approved for the property. Staff commented much of the discussion had been centered on the dance clubs but the bigger issue was the proposal to allow an event center. A couple of the commissioners commented they could support the proposal if it were tied to Mr. Bennett and his ownership of the property.

In repose to a question, staff stated the Fire Marshall would establish the allowable occupancy.

Commissioner Stebbins commented that the City had recently approved an event center on Geyer Springs Road adjacent to residential properties. He stated he felt this was a good use of this property.

There was a further discussion of the hours and uses. Staff stated the proposed hours for the event center could also be applied to the dance clubs; all other uses would adhere to the previously-approved hours.

Chairman Latture stated he felt this was a perfect location for the proposed use and it would have no impact on the neighborhood.

A motion was made and seconded to approve the item, including all staff comments and conditions except the recommendation of denial. The motion was approved by a vote of 6 ayes, 1 no, 3 absent and 1 open position.