

FILE NO.: Z-9323

NAME: 818 West Capitol Short-from PCD

LOCATION: Located at 818 and 824 West Capitol

DEVELOPER:

Don Rhyne
824 West Capitol Avenue
Little Rock, AR 72201

OWNER/AUTHORIZED AGENT:

SMRTDM, LLC, Maggie Hogan, Agent for the Owner
David Bisceglia, Agent

SURVEYOR/ENGINEER:

Arrow Surveying
P.O. Box 13087
Maumelle, AR 72113

AREA: 0.17-acres

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

WARD: 1

PLANNING DISTRICT: 5 - Downtown

CENSUS TRACT: 44

CURRENT ZONING: UU, Urban Use District

ALLOWED USES: Residential, Office, Commercial and Industrial – all uses indoor

PROPOSED ZONING: PCD, Planned Commercial Development

PROPOSED USE: Allow a private club, transfer of ownership

VARIANCE/WAIVERS: None requested.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant is requesting a rezoning of the site from UU, Urban Use District, to PCD, Planned Commercial Development District, to allow the transfer of a 2 am private club permit to this location. The applicant proposes to operate a sports bar and restaurant. This location operated as a 2 am private club for 10-years and

closed in August of 2107. The permit request is for a sports bar, restaurant and catering venue concept that provides lunch and dinner seven (7) days per week. LA Rumba Bar and Grill is a restaurant and bar serving food and craft cocktails inspired by Cuban, Dominican, Brazilian and South American cuisine. The location is divided with the restaurant, banquet area on one (1) side with the sports bar on the other side with access in between. The applicant intends to serve breakfast and lunch Monday through Friday from the restaurant side. Lunch and dinner will be available on the sports bar side. In addition to the normal food service the applicant is proposing catering both on and off premise. The applicant indicated the site is available for private functions on both sides such as private dinners, parties, weddings, corporate meetings, birthday celebrations.

The location will have recorded music as well as multiple TV's for events. The sports bar has small stage which will be home to a large format TV. The applicant is proposing to use the area for events and possibly karaoke and trivia. The applicant is also proposing a Salsa Dancing night hosted by the local Salsa Club.

B. EXISTING CONDITIONS:

The site is a commercial building located on South IZard Street and West Capitol Avenue. There are parking lots located on the north, east and west sides of the building. The building contains a restaurant in the front portion of the building and the private club is located in the rear portion of the building.

C. NEIGHBORHOOD COMMENTS:

All property owners located within 200-feet of the site along with the Downtown Neighborhood Association were notified of the public hearing.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. A 20-foot radial dedication of right-of-way is required at the intersection of West Capitol Avenue and South IZard Street.
2. Repair or replace any curb and gutter or sidewalk that is damaged and not in compliance with ADA recommendations in the public right-of-way prior to occupancy.

E. Utilities/Fire Department/Parks/County Planning:

Little Rock Water Reclamation Authority: Sewer available to this site. EAD Review required if food service on site. Contact Little Rock Water Reclamation Authority for additional information.

Entergy: Entergy does not object to this proposal. There do not appear to be any conflicts with existing electrical utilities at this location. A three phase overhead electrical power line runs along the north side of the property across the alley. Service is already provided to the existing building. 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 comment received.

Central Arkansas Water:

1. All Central Arkansas Water requirements in effect at the time of request for water service must be met.
2. The Little Rock Fire Department needs to evaluate this site to determine whether additional public and/or private fire hydrant(s) will be required. If additional fire hydrant(s) are required, they will be installed at the Developer's expense.
3. Please submit plans for water facilities and/or fire protection system to Central Arkansas Water for review. Plan revisions may be required after additional review. Contact Central Arkansas Water regarding procedures for installation of water facilities and/or fire service. Approval of plans by the Arkansas Department of Health Engineering Division and the Little Rock Fire Department is required.
4. A Capital Investment Charge based on the size of meter connection(s) will apply to this project in addition to normal charges. This fee will apply to all connections including metered connections off the private fire system.
5. If there are facilities that need to be adjusted and/or relocated, contact Central Arkansas Water. That work would be done at the expense of the developer.
6. Contact Central Arkansas Water regarding the size and location of the water meter.
7. Due to the nature of this facility, installation of an approved reduced pressure zone backflow preventer assembly (RPZA) is required on the domestic water service. This assembly must be installed prior to the first point of use. Central Arkansas Water requires that upon installation of the RPZA, successful tests of the assembly must be completed by a Certified Assembly Tester licensed by the State of Arkansas and approved by Central Arkansas Water. The test results must be sent to Central Arkansas Water's Cross Connection Section within ten days of installation and annually thereafter. Contact the Cross Connection Section at 501.377.1226 if you would like to discuss backflow prevention requirements for this project.
8. The facilities on-site will be private. When meters are planned off private lines, private facilities shall be installed to Central Arkansas Water's materials and construction specifications and installation will be inspected by an

engineer, licensed to practice in the State of Arkansas. Execution of a Customer Owned Line Agreement is required.

9. Fire sprinkler systems which do not contain additives such as antifreeze shall be isolated with a double detector check valve assembly. If additives are used, a reduced pressure zone back flow preventer shall be required.
10. This development will have minor impact on the existing water distribution system. Proposed water facilities will be sized to provide adequate pressure and fire protection.

Fire Department: Full Plan review required. Contact the Little Rock Fire Department Captain Tony Rhodes for additional information.

Parks and Recreation: No comment received.

County Planning: No comment.

F. Building Codes/Landscape:

Building Code: No comment.

Landscape:

1. Any new site development must comply with the City's landscape and buffer ordinance requirements and the requirements of the UU, Urban Use Zoning District.
2. Any existing vehicular use area that does not meet current code requirements may continue as nonconforming until such time a building permit is issued to rehabilitate a structure on the property exceeding fifty (50) percent of the current replacement cost of the structure. At such time fifty (50) percent of the existing vehicular use area shall be brought into compliance and shall continue to full compliance on a graduated scale based upon the percentage of rehabilitation cost.
3. 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: Rock Region Metro suggest improving cracked sidewalk on Capitol Avenue.

Planning Division: This request is located in Downtown Planning District. The Land Use Plan shows Mixed Use Urban (MXU) for this property. The Mixed Use Urban category provides for a mix of residential, office and commercial uses not only in the same block but also within the same structure. This category is intended for

older "urban" areas to allow dissimilar uses to exist, which support each other to create a vital area. Development should reinforce the urban fabric creating a 24-hour activity area. Using the Planned Zoning District or the Urban Use District, high and moderate density developments that result in a vital (dense) pedestrian oriented area are appropriate. The applicant has applied for a rezoning from UU (Urban Use) to PCD (Planned Commercial Development) to allow the transfer of ownership of a private club in an existing building.

Master Street Plan: South of the property is West Capitol Avenue and it is shown as a Collector on the Master Street Plan. West of the property is South IZard Street and it is shown as a Local Street on the Master Street Plan. The primary function of a Collector Road is to provide a connection from Local Streets to Arterials. 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.

H. SUBDIVISION COMMITTEE COMMENT: (April 25, 2018)

The applicant was present representing the request. Staff presented an overview of the item stating there were no outstanding technical issues associated with the request. There were no more issues for discussion. The Committee then forwarded the item to the full Commission for final action.

I. ANALYSIS:

There was no additional information required from the April 25, 2018, Subdivision Committee meeting. The request is a rezoning of the site from UU, Urban Use District, to PCD, Planned Commercial Development District, to allow the transfer of a 2 am private club permit to this location. The applicant proposes to operate a sports bar and restaurant. This location operated as a 2 am private club for 10-years and closed in August of 2107. The permit request is for a sports bar, restaurant and catering venue concept that provides lunch and dinner seven (7) days per week. The building is divided with a restaurant, banquet area on one (1) side and the proposed sports bar on the other side with access in between. The applicant indicates the hours of operation are from 6 am to 2 am seven (7) days per week.

The applicant intends to serve breakfast and lunch Monday through Friday from the restaurant side. Lunch and dinner will be available on the sports bar side. In addition to the normal food service the applicant is proposing catering both on and off premise. The site is available for private functions on both sides such as private dinners, parties, weddings, corporate meetings, birthday celebrations.

The applicant is not proposing any new signage. The applicant indicates should signage be requested in the future the signage will comply with signage allowed within the UU, Urban Use Zoning District. Wall signage is proposed on the facades with direct street frontage. The sign area will be limited to a maximum of ten (10) percent of the front façade area.

A dumpster will be located on the site. The dumpster will be screened per typical ordinance requirements. The dumpster service hours have not been limited.

The applicant is seeking approval of the PCD, Planned Commercial Development zoning to allow the transfer of ownership of a private club license for this site. A newly amended State Law requires local approval when businesses and organizations seek to become a private club. The local approval is required for the business to obtain an ABC, Alcohol Beverage Control, permit to allow the sale of alcoholic beverages. In this case the local approval will be in the form of adoption of an ordinance approving the PCD, Planned Commercial Development zoning to allow the private club at this location.

Staff is supportive of the applicant's request. The applicant is seeking the rezoning to allow for the transfer of a private club license to this location. The site has a history of operating as a private club. To staff's knowledge there are no remaining outstanding technical issues associated with the request. Staff feels the request to allow the use of the property as a private club is appropriate.

J. STAFF RECOMMENDATION:

Staff recommends approval of the request subject to compliance with the comments and conditions as outlined in paragraphs D, E and F of the agenda staff report.

PLANNING COMMISSION ACTION:

(MAY 17, 2018)

The applicant was present. There were no registered objectors present. Staff presented the item with a recommendation of approval of the request subject to compliance with the comments and conditions as outlined in paragraphs D, E and F of the agenda staff report. There was no further discussion. The item was placed on the consent agenda and approved as recommended by staff by a vote of 8 ayes, 0 noes and 3 absent.