

FILE NO.: Z-2502-F

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NAME: New Africa Development Revised PCD and Partial PCD Revocation

LOCATION: South side of West 40<sup>th</sup> Street, between Whitfield and Potter Street

DEVELOPER:

Islamic Center for Human Excellence  
1717 Wright Avenue  
Little Rock, AR 72202

OWNER/AUTHORIZED AGENT:

Islamic Center for Human Excellence

SURVEYOR/ENGINEER:

ETC Engineers  
1510 Broadway Street  
Little Rock, AR 72202

AREA: 3.03 acres                      NUMBER OF LOTS: 2                      FT. NEW STREET: 0 LF

WARD: 6                                      PLANNING DISTRICT: 10                      CENSUS TRACT: 24.06

CURRENT ZONING:                      PCD, Planned Commercial Development

VARIANCE/WAIVERS:                      None requested.

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BACKGROUND:

On October 5, 1971, by the adoption of Ordinance No. 12, 547, the Little Rock Board of Directors rezoned 12.15 acres from B-Residential to MF-12 and 4.4 acres from B-Residential to F-Commercial which was later changed to C-3, General Commercial. Ordinance No. 19,212 adopted by the Little Rock Board of Directors on October 5, 2004, rezoned an area containing 6 acres from MF-12 to PD-R to allow the development of 22 single-family homes, a mosque and an educational building.

On June 26, 2014, the Planning Commission voted 10 ayes, 0 noes and 1 absent to recommend approval of the request to rezone 13.62 from PD-R, MF-12 and C-3 to PCD, Planned Commercial Development, subject to the applicant providing complete and specific details and site plan for review and approval as a revision to the PCD zoning prior to any land clearing or grading the site. Ordinance No. 20,911 adopted by the Little Rock Board of Directors on August 5, 2014, approved the Planned Commercial Development zoning as recommended by the Planning Commission.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant proposes to revise the western portion of PCD Planned Commercial Development formerly zoned as PD-R and to revoke the eastern portion (approximately 9.30 acres) of the PCD Planned Commercial Development formerly zoned as MF-12 and C-3. As provided by the applicant, the uses proposed for the revised PCD include "affordable single-family housing, a children's recreation area, an educational institution, a health clinic, a community garden, and religious institution."

The remaining 15 single-family residential lots (i.e., Lots 8-22) will be sold for individual developments with typical R-2 zoning standards. The educational institution is proposed with 35 students and 3 staff members. The development is also proposed with an educational institution with a capacity of about 200 people.

B. EXISTING CONDITIONS:

The west portion of the overall PCD is undeveloped except for five (5) homes constructed along the north property line of the development. The east portion of the site is vacant. Other surrounding uses in the area include residential, industrial, commercial and office uses.

C. NEIGHBORHOOD COMMENTS:

All owners of property located within 200 feet of the site; and John Barrow and Westwood Neighborhood Associations were notified of public hearing.

D. ENGINEERING COMMENTS:

1. The proposed "Potter Street" must be renamed, as that name is already in use. Street names and street naming convention must be approved by Public Works. Contact Glenn Haley at (501) 371-4537.
2. The proposed East-West street, currently labeled as "Potter Street" shall be constructed to City of Little Rock construction standards. Is this street proposed to be public or private?
3. Show location of all gates proposed to be installed.

4. With site development provide design of street conforming to the Master Street Plan. Construct street improvements to the cul-de-sac.
5. A grading permit in accordance with section 29-186 (c) & (d) will be required prior to any land clearing or grading activities at the site. Other than residential subdivisions, site grading and drainage plans must be submitted and approved prior to the start of construction. Is variance being requested with construction of the first phase to advance grade future phases? Is a variance being requested with construction of the cul-de-sac to advance grade the residential lots?
6. Provide sketch Grading and Drainage Plan for the subdivision. Drainage easements or tract lands must be shown on the plat.
7. Storm water detention ordinance applies to this property.
8. Repair or replace any curb and gutter or sidewalk that is damaged in the public right-of-way prior to occupancy.
9. 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.
10. No residential waste collection service will be provided on private streets unless the property owners association provides a waiver of damage claims for operations on private property.
11. Street Improvement plans shall include signage and striping. Public Works must approve completed plans prior to construction.
12. Damage to public and private property due to hauling operations or operation of construction related equipment from a nearby construction site shall be repaired by the responsible party prior to issuance of a certificate of occupancy.
13. Driveway aprons are required to be constructed with concrete.
14. Pedestrian access should be provided to the mosque and the school from Potter Street.

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

Little Rock Water Reclamation Authority: No comments received.

Entergy: No comments received.

CenterPoint Energy: No Comments.

AT & T: No comments received.

Central Arkansas Water: No comments received.

Fire Department: No Comments.

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. 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. This strip shall be at least nine (9) feet wide. One (1) tree and three (3) shrubs or vines shall be planted for every thirty (30) linear feet of perimeter planting strip.

**Perimeter planting strips are deficient adjacent to Lots 8, 9, and 10.**

3. 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.
4. An automatic irrigation system to water landscaped areas shall be required for developments of one (1) acre or larger.
5. The development of two (2) acres or more requires the landscape plan to be stamped with the seal of a Registered Landscape Architect.
6. 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 Boyle Park Planning District. The Land Use Plan shows Residential Low Density (RL) for the requested area. The Residential Low Density 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 revise the existing PCD (Planned Commercial Development) District and to revoke the western half of the existing PCD (along Whitfield). The resulting (smaller) PCD is to allow the development of 15 more single-family houses, a mosque and school. The proposed use combination is similar to that for the eastern half in the current PCD.

Surrounding the application area, the Land Use Plan shows Residential Low Density (RL) to the east, west and north. Light Industrial (LI) use is shown to the south toward Asher Avenue. Mixed Use (MX) is shown to the southeast along Asher Avenue. The Residential Low Density 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 Light Industrial category provides for light warehouse, distribution or storage uses, and/or other industrial uses that are developed in a well-designed "park like" setting. The Mixed Use category provides for a mixture of residential, office and commercial uses to occur. A Planned Zoning District is required if the use is entirely office or commercial or if the use is a mixture of the three.

Master Street Plan: To the north is 40<sup>h</sup> Street and to the west is Potter Street, both are Local Streets on the Master Street Plan. The primary function of Local Streets 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". 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.

ANALYSIS:

The applicant is proposing to revise the current PCD zoning designation for the western portion of the property, approximately six (6) acres, and to revoke the PCD zoning for the eastern portion, consisting of approximately 9.30 acres and formerly

zoned as MF-12 and C-3. The PCD zoning was previously approved as a mixed-use development to include residential, single-family and elderly housing; a community center; a school, a Masjid, office and retail uses. The applicant submitted a revised site plan to staff proposing affordable single-family housing, a children's recreation area, an educational institution, a health clinic, a community garden, and religious institution development on the west portion of the current PCD site.

The east portion of the current PCD, previously zoned MF-12 and C-3, currently resides under a different owner, Carolyn Ann Hougland Revocable Trust, who has subsequently submitted a Letter of Revocation to staff on September 2, 2020 requesting a reversal of previously approved PCD zoning to revert to its original underlying zoning classifications of MF-12 (approx. 6.6 acres) and C-3 (approx. 2.8 acres). This tract of land is currently vacant and undeveloped.

The revised site plan for the west portion of the PCD indicates twenty-three (23) lots. Five (5) single-family residential homes have been developed and sold under the previously approved PCD on Lots 1 through 5. Lot 6 is proposed as six (6) parking spaces with access points from both Potter Street and 40<sup>th</sup> Street. A 2,953 square feet Mosque is proposed for Lot 7. Lots 8 through 22 are platted for single-family residential with an average lot size of 6,313 square feet. The plan also indicates a 4,500 square feet educational building, a 6,750 square feet Mosque, a playground, and seventy-eight (78) parking spaces on Lot 23.

According to the applicant, the residential lots proposed for development will be constructed with 25 feet front yard setbacks, 10 feet side yard setbacks, and 20 feet rear yard setbacks. The minimum lot size is 6,024 square feet. All turning radii within the development are 25 feet unless otherwise indicated. The plan indicates a cul-de-sac with access from Potter Street in the southern portion of the property. The applicant has noted that the street will not be named Potter Street as shown on the plan and will remain a public street. The proposed development will not have gated entrances to the cul-de-sac or two (2) Mosques buildings.

The site plan indicates the placement of 78 parking spaces. Although there are not any parking requirements for a planned development, Section 36-502 (2) (d) of the code requires the minimum standard for churches and other places of worship is typically calculated at 1.0 space for every four (4) seats in new principle assembly areas. The applicant has noted that the combined seating capacity for the two (2) Mosques building is 225 which will require the placement of a minimum of 56 parking spaces. The staff feels the parking as proposed is adequate to serve the development.

The applicant is proposing one (1) dumpster on the site located on Lot 23 within the rear portion of the parking lot. Section 36-523 (d) of the City Zoning Ordinance requires that dumpster areas be screened by an opaque fence or wall which

exceeds the height of the dumpster area by at least two (2) feet, not to exceed eight (8) feet in total height.

The applicant is also proposing lighting for entrances and exits along with a few security lights. All site lighting will be low level and directional, directed downward and into the site. The lighting will be shielded to minimize any adverse impact for adjacent properties.

The applicant has indicated there will be one (1) wall sign attached to the large mosque building. Typical signage allowed in commercial zones for wall signs should not exceed ten (10) percent in aggregate sign area for that occupancy's façade area. The applicant has agreed to comply with the typical ordinance standards.

To staff's knowledge there are no outstanding issues associated with this application.

Staff is supportive of the requested Revised PCD zoning and Partial PCD revocation. Staff views the requests as reasonable. The applicant is requesting no variances with the proposed re-development. Staff believes that the proposed development will have no adverse impact on the adjacent properties or the general area.

STAFF RECOMMENDATION:

Staff recommends approval of the requested Revised PCD and partial PCD revocation, subject to compliance with the comments and conditions outlined in paragraphs, D and F, and the staff analysis, in the agenda staff report.

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PLANNING COMMISSION ACTION:

(OCTOBER 29, 2020)

The applicant was not present. There were no persons present registered in support or opposition. There were no persons present registered in support or opposition. Staff informed the Commission that the applicant failed to send the required notifications to surrounding property owners. Staff recommended this application be deferred to the December 3, 2020 agenda. The item was placed on Consent Agenda and approved as recommended by staff. The vote was 11 ayes, 0 nays and 0 absent.

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STAFF UPDATE:

The applicant submitted a revised site plan to staff on November 18, 2020. The applicant has made a minor change to the northwest corner of the site plan for the revised PCD zoning. The applicant has moved the parking for the small mosque building at the northwest corner of the site, from the north side of the building to the south side of the

building on Lot 8. The Lot 6 area where the parking was previously shown will be a small playground/park area. The revision will reduce the number of single family lots by one (1). The revision does not change the concept of the overall revised PCD request. Staff continues to recommend approval as noted on page 7 of the agenda staff report.

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PLANNING COMMISSION ACTION:

(DECEMBER 3, 2020)

Tauheed Salaam was present, representing the application. There were no persons present registered in support and one (1) person registered in opposition. Staff presented the item and a recommendation of approval as outlined in the “staff recommendation” above.

Michael Crenshaw addressed the Commission in opposition to the application. He expressed concerns regarding the past differences between the residents and the developer. Mr. Crenshaw briefly explained that it was important for the residents to have the liberty to conduct their personal lives and social activities without any interference from the developer.

Mr. Salaam addressed the Commission in support of the application. He acknowledged Mr. Crenshaw’s comments with respect and expressed a willingness to work with him and the other residents within the proposed development. Mr. Salaam also emphasized that the New Africa Development was well-established in the community working in concert with the community leaders and the surrounding neighborhood associations to help maintain a safe and clean environment. He stated that the application before the Commission was a revision to a development that had been previously approved and partially developed. Mr. Salaam ensured the Commission that the Islamic Center for Human Excellence would continue work to help improve the John Barrow community.

There was a motion to approve the application as recommended by staff. The motion was seconded. The vote was 10 ayes, 0 nays, and 1 absent. The application was approved.