

FILE NO.: Z-4517-A

NAME: La Arandas Taqueria Private Club – PCD

LOCATION: 4721 Baseline Road

DEVELOPER:

Masoud Investments, LLC
4721 Baseline Road
Little Rock, AR 72209

OWNER/AUTHORIZED AGENT:

Stephen S. Giles
Dover, Dixon & Horne, PLLC
425 W. Capitol Avenue, Ste. 3700
Little Rock, AR 72201

SURVEYOR/ENGINEER:

Brooks Surveying, Inc.
20820 Arch Street Pike
Hensley, AR 72005

AREA: 1.35 acres NUMBER OF LOTS: 1 FT. NEW STREET: 0 LF

WARD: 2 PLANNING DISTRICT: 14 CENSUS TRACT: 41.08

CURRENT ZONING: General Commercial District (C-3)

VARIANCE/WAIVERS: None requested.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant is requesting to establish a restaurant as a private club to permit the sales of on-premises alcoholic beverage. The hours of operation will be 11:00 am to 10:00 pm, seven days a week. There will no live music or dancing of any nature.

B. EXISTING CONDITIONS:

The property has an existing building approximately 10,000 square feet in area which contains several suites for mixed commercial use. Several of the suites are currently in use at the time of this application. Application for rezoning from single-family district to general commercial district was approved by the Planning

Commission on August 27, 1985 (Z-4517). North of the property lies a mixture of commercial uses, planned developments and residential uses. To the west and east lies additional mixtures of commercial and office uses. Single family residences are located south of the property.

C. NEIGHBORHOOD COMMENTS:

All owners of property located within 200-feet of the site and the Southwest Little Rock United for Progress, OUR Neighborhood Association and Upper Baseline Windamere Neighborhood Associations were notified of the public hearing.

D. ENGINEERING COMMENTS:

1. Baseline Road is classified on the Master Street Plan as a principal arterial with a special design standard Dedication of right-of-way to 45 feet from centerline will be required.
2. Due to the proposed use of the property, the Master Street Plan specifies that South Heights Road for the frontage of this property must meet commercial street standards. Dedicate right-of-way to 30 feet from centerline.
3. A 20 feet radial dedication of right-of-way is required at the intersection of Baseline Road and S. Heights Road.
4. Obtain a franchise agreement from Public Works (Bennie Nicolo, 371-4818) for the private improvements located in the right-of-way if the existing signage is within right-of-way dedication.

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: No comments received.

CenterPoint Energy: No comments received.

AT & T: No comments received.

Central Arkansas Water: No comments received.

Fire Department:

Full Plan Review.

Parks and Recreation: No comments received.

County Planning: No comments received.

F. BUILDING CODES/LANDSCAPE:

Building Code: No comments received.

Landscape: No comment.

G. TRANSPORTATION/PLANNING:

Rock Region Metro: No comments.

Planning Division: The request is in the Geyer Spring East Planning District. The Land Use Plan shows Mixed Office Commercial (MOC) for the requested area. Mixed Office Commercial provides for a mixture of office and commercial uses to occur. Acceptable uses are office or mixed office and commercial. The application is to change the property from C-3 (General Commercial District) to PCD (Planned Commercial Development) District to allow for a restaurant with a private alcohol license as well as C-3 uses.

Surrounding the application area, the Land Use Plan shows Mixed Office Commercial (MOC) to the east and west. There is Residential Low Density (RL) shown to the south. To the north across Baseline Road is an area Commercial (C). Mixed Office Commercial provides for a mixture of office and commercial uses to occur. Acceptable uses are office or mixed office and commercial. There are a mix of businesses and homes on the tracts east and west of the site. The Residential Low Density (RL) 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 Residential Low Density area is developed with single-family detached homes. Commercial (C) 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 Commercial area consists of various commercial businesses and a retail center.

Master Street Plan: To the north is Baseline Road, it is shown as a Principal Arterial on the Master Street Plan. To the west of the site is South Heights Road which is a Local Street 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 Baseline Road since it is a Principal Arterial. 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 is a Class II Bike Route shown on Baseline Road. A Bike Lane provides a portion of the pavement for the sole use of bicycles.

H. ANALYSIS:

The applicant proposes to rezone the 1.35 acre property located at 4721 Baseline Road from "C-3" General Commercial District to "PCD" Planned Commercial District, to allow a portion of the existing commercial strip center building to be used as a private club (restaurant with alcohol sales). The applicant is proposing "C-3" General Commercial District permitted uses as alternate uses for the property.

The property is located at the southeast corner of Baseline Road and S. Heights Road. According to the State Alcoholic Beverage Control (ABC), the property is located in a "dry pocket" within Pulaski County. In a dry area, the ABC requires that a restaurant with alcohol sales be classified as a "private club." The ABC requires that the governing body of a municipality approve a "private club" as noted below:

"A private club application may only be submitted to the Alcoholic Beverage Control after the governing body of the county or municipality in which the private club seeks to be located has issued an ordinance approving the private club to operate in that county or municipality. "

The subject property contains a 10,000 square foot commercial strip center building which has been in the process of being remodeled. The proposed restaurant with alcohol sales (private club) will occupy 3,000 square feet of the existing building. Other permitted C-3 uses will occupy the remainder of the building. The restaurant will operate from 11:00 am to 10:00 pm, seven (7) days per week. The applicant notes that there will be no outdoor dining, no live music and no dancing associated with the proposed restaurant use.

The applicant notes that there are 40 paved parking spaces located in front of the building, between the building and Baseline Road. Section 36-502 (b) (3) h. of the City's Zoning Ordinance would typically require 44 parking spaces for the strip center building. There is additional paved area behind the building which can be used for overflow parking. Staff believes the existing parking is sufficient to serve the existing building.

An existing ground-mounted sign is located along the north property line. The existing sign is approximately 20 feet tall and eight (8) feet wide. The applicant notes that this sign as well as any additional signage will conform with the typical C-3 zoning standards.

The applicant notes that there will be a dumpster area on the site, located behind the existing building. The dumpster area must be screened as per Section 36-523 (d) of the code.

The applicant also notes that any site lighting will be low-level and directed away from adjacent properties.

The applicant provided responses and additional information to all issues raised during staff's review of the application. To staff's knowledge there are no outstanding issues. The applicant is requesting no variances with the proposed PCD rezoning.

Staff is supportive of the requested PCD rezoning to allow a portion of the existing building to be used as a "private club" (restaurant with alcohol sales), with C-3 permitted uses an alternate uses. Staff views the request as reasonable. If the property were not located in a dry portion of the county, the restaurant with alcohol sales use would be a permitted use for this C-3 zoned property. The property is located along Baseline Road, principal arterial roadway. The general area contains a mixture of commercial uses and zoning along Baseline Road. The proposed PCD zoning will not to be out of character with other properties in the area, and the proposed use of the property should have no adverse impact on the area.

I. STAFF RECOMMENDATION:

Staff recommends approval of the requested PCD zoning, subject to the following conditions:

1. Compliance with the comments and conditions outlined in paragraphs D and E, and the Staff Analysis, in the agenda staff report.
2. C-3 permitted uses are approved as alternate uses for the property.

PLANNING COMMISSION ACTION:

(DECEMBER 3, 2020)

The applicant was present. There were no persons present registered in support or opposition. Staff presented the item and a recommendation of approval as outlined in the "staff recommendation" above. There was no further discussion. The item was placed on the Consent Agenda and approved as recommended by staff. The vote was 10 ayes, 0 nays and 1 absent. The application was approved.