

FILE NO.: Z-9719

NAME: Rezoning from R-3 to C-3

LOCATION: 3301, 3305, 3317 and 3319 Asher Avenue

DEVELOPER:

Robert and Carolyn Smith
2600 Brown Street
Little Rock, AR 72204

OWNER/AUTHORIZED AGENT:

Robert and Carolyn Smith/
Total Outreach for Christ Ministries – Owners

SURVEYOR/ENGINEER:

Brooks Surveying, Inc.
20820 Arch Street Pike
Hensley, AR 72065

AREA: 0.97 acre NUMBER OF LOTS: 4 FT. NEW STREET: 0 LF

WARD: 1 PLANNING DISTRICT: 9 CENSUS TRACT: 12

CURRENT ZONING: R-3

VARIANCE/WAIVERS: None requested.

A. ROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant is proposing to rezone four (4) lots (0.97 acre total) at 3301, 3305, 3317 and 3319 Asher Avenue from "R-3" Single Family District to "C-3" General Commercial District. The proposed rezoning is requested to allow church related uses.

B. EXISTING CONDITIONS:

A one-story frame single family residence is located on each of the two (2) lots at 3301 and 3305 Asher Avenue. The properties at 3317 and 3319 Asher Avenue

are occupied by Total Outreach for Christ Ministries, including a two-story building, paved parking and a playground area.

C. NEIGHBORHOOD NOTIFICATIONS:

All owners of property located within 200 feet of the site and all neighborhood associations registered with the City of Little Rock were notified of the public hearing.

D. ENGINEERING COMMENTS: No comments.

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

Little Rock Water Reclamation Authority: No comments received.

Entergy: No comments received.

Summit Energy: No comments.

AT & T: No comments received.

Central Arkansas Water: No comments received.

Fire Department:

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. If the grade exceeds 10 percent, approval will be denied and the applicant must submit request to be reviewed by Fire Chief for Approval.**

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.

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, or Fire Marshal Derek N. Ingram 501-918-3756 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: No comments received.

Landscape: No comments.

G. **TRANSPORTATION/PLANNING:**

Rock Region Metro: No comments received.

Planning Division: The request is in the I-630 Planning District. The Land Use Plan shows Mixed Use (MX) for the requested area. The Mixed Use (MX) 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. The application is to rezone from R-3, Single Family District to C-3, General Commercial District to allow for the future commercial development of this property. There is an accompanying item on the agenda to amend the Land Use Plan Map to Commercial (C) for this site.

Surrounding the application area, the Land Use Plan shows Mixed Use (MX) along the southside of Asher Avenue to both the east and west of the application area, as well as to the northwest along the north side of Asher Avenue. Public Institutional (PI) is shown on the Plan Map to the north, across Asher Avenue. The Land Use Plan Map shows Residential Low Density (RL) to the south. The Mixed Use (MX) 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. The land to the east is zoned R-3, Single Family District and has single-family houses on it. The land to the west is zoned O-3, General Office District with a multipurpose building of a private school. The Public Institutional (PI) category includes public and quasi-public facilities that provide a variety of services to the community such as schools, libraries, fire stations, churches, utility substations, and hospitals. This land is zoned R-3, Single Family District and R-5, Urban Residential District. This is the campus of a private school. The Residential Low (RL) category provides for single family homes at densities not to exceed 6 dwelling units per acre. This land is zoned R-3, Single Family District and is a developed single-family subdivision.

Master Street Plan: To the north of the property is Asher Avenue, a Minor Arterial on the Master Street Plan. To the west is Martin Street and to the east is Brown Street, both are a Local Street on the Master Street Plan. A Minor Arterial provides connections to and through an urban area and their primary function is to provide short distance travel within the urbanized area. Entrances and exits should be limited to minimize negative effects of traffic and pedestrians on Asher Avenue since it is a Minor Arterial. 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 Asher Avenue. A Bike Lane provides a portion of the pavement for the sole use of bicycles.

Historic Preservation Plan: There are no existing historic sites on, or adjacent, to this land.

H. ANALYSIS:

The applicant is proposing to rezone four (4) lots (0.97 acre total) at 3301, 3305, 337 and 3319 Asher Avenue from "R-3" Single Family District to "C-3" General Commercial District. The proposed rezoning is to allow church related uses associated with Total Outreach for Christ Ministries.

A one-story frame single family residence is located on each of the two (2) lots at 3301 and 3305 Asher Avenue. The properties at 3317 and 3319 Asher Avenue are occupied by Total Outreach for Christ Ministries, including a two-story building, paved parking and playground area (basketball court). A driveway from S. Martin Street serves as access to the property at 3317/3319 Asher Avenue.

This general area along Asher Avenue contains a mixture of uses and zoning. C-3 zoning is located along the north side of Asher Avenue, within the 3200 and 3400 blocks of Asher Avenue. The Total Outreach for Christ Ministry campus is located along the north side of Asher Avenue, within the 3300 block of Asher Avenue (zoned R-3). A mixture of O-3, I-2, PID and C-3 zoning is located to the west along the south side of Asher Avenue. A mixture of R-3, C-1, C-3, PID, I-2 and O-3 zonings are located to the east along the south side of Asher Avenue. Properties south of the subject property are zoned R-3 and contain a mix of single family residences and vacant lots.

The City's Future Land Use Plan designates this property as Mixed Use (MX). A Land Use plan amendment to Commercial (C) is a separate item on this agenda.

Staff is supportive of the requested C-3 zoning. Staff views the request as reasonable. The proposed C-3 zoning will represent a continuation of the non-residential zoning along the south side of Asher Avenue, between W. Roosevelt Road and S. Woodrow Street. Asher Avenue is classified as a minor arterial roadway by the City's Master Street Plan. Commercial zoning is typically appropriate for properties which front arterial roadways. Staff believes the proposed C-3 zoning will have no adverse impact on the general area.

I. STAFF RECOMMENDATION:

Staff recommends approval of the requested C-3 rezoning.

PLANNING COMMISSION ACTION:

(SEPTEMBER 8, 2022)

The applicant, Pastor Robert Smith (Total Outreach for Christian Ministries), was present representing the application. There were two (2) persons registered in opposition in attendance. Staff presented the item and a recommendation for approval as outlined in the "staff recommendation" above. The applicant deferred to the opposition.

Tanya Berry Redden addressed the Commission in opposition to the application. She noted her parents have been residents in the area for 47 years and were not familiar with the applicant's presence, work and growth within the community. She expressed concerns regarding the vision of the proposed rezoning, what target group(s) the applicant is reaching out to and the lack of community involvement with the neighbors. Her additional concern included the proposed rezoning should be a benefit the community at large and not solely the applicant.

Pastor Robert Smith addressed the Commission and provided a history of the ministries' growth and development including community involvement. He also discussed how the ministry has provided positive changes in the community for over 20 plus years and the vision of the church has always been to promote positive changes within the community and making it safer.

Several Commissioners spoke in support of the applicant's proposed rezoning and how the ministry has been recognized for creating positive growth and development within the area. Sherri Latimer, Deputy City Attorney, noted to the Commission they were not voting on the previous work done by the ministry in the area but the rezoning application. The Chair recognized her comments.

There was a motion to approve the application including all comments and conditions as recommended by staff. The motion was seconded. The vote was 9 ayes, 0 nays, 1 abstain (Thomas) and 1 open position.