

**Little Rock Board of Directors Meeting
July 19, 2016
6:00 PM**

The Board of Directors of the City of Little Rock, Arkansas, met in a regular meeting with Mayor Mark Stodola presiding. City Clerk Susan Langley called the roll with the following Directors present: Hendrix; Richardson; Webb; Cazort; Wright; Wyrick; Adcock; Vice-Mayor Hines; and Mayor Stodola. Directors absent: Kumpuris and Fortson. Director Joan Adcock delivered the invocation, which was followed by the Pledge of Allegiance.

PRESENTATIONS

Little Rock Police Department CALEA Reaccreditation Presentation
Neighborhoods USA Update

WITHDRAWALS

13. ORDINANCE; Z-8829-A: To reclassify property located in the City of Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 2 ayes; 9 nays; and 0 absent. Staff recommends denial. (Withdrawn at the applicant's request)*
Synopsis: The applicant, Ernest J. Peters, is appealing the Planning Commission's denial of a requested rezoning from R-2, Single-Family District, to C-3, General Commercial District (with condition). (Located in Ward 3)

Director Adcock made the motion, seconded by Director Cazort, to remove Item 13 from the agenda. By unanimous voice vote of the Board Members present, **Item 13 was removed from the agenda.**

CONSENT AGENDA (Items 1 - 3)

1. RESOLUTION NO. 14,383; G-23-463: To set August 2, 2016, as the date of hearing on a request to abandon portions of Santa Fe Avenue, West 29th Street, South Fillmore Street and the east-west alley right-of-way, all located within the University of Arkansas at Little Rock Campus, in Block 1, C.O. Brack's Addition of the City of Little Rock, Arkansas; and for other purposes.

2. RESOLUTION NO. 14,384: To approve a change order to the Construction Contract with Moser Construction, LLC, to remodel the Josephine Pankey Community Center, located at 13700 Cantrell Road, to accommodate a Police presence in the area; and for other purposes. *Staff recommends approval.*
Synopsis: The Little Rock Police Department seeks approval for the City Manager to execute Change Order No. 3B, in an amount not to exceed \$40,000.00, to the Construction Contract with Moser Construction, LLC, for the remodel of the Josephine Pankey Community Center, located at 13700 Cantrell Road, in order to provide additional funding to pay for items remaining to be

completed on the project to include unforeseen water and sewer connections, a monument sign, a privacy fence, and to provide the Community Center with a cooktop and range hood which will extend the City's occupancy without rent payment.

3. RESOLUTION NO. 14,385: To amend Little Rock, Ark., Resolution No. 13,174 (August 2, 2010) to require only an Annual Meeting of the Recovery Center Advisory Board; and for other purposes. *Staff recommends approval.*

Synopsis: The proposed resolution is to require only an Annual Meeting of the Recovery Center Advisory Board for the Oasis Renewal Center. Currently, Quarterly Meetings are required. (Located in Ward 6)

Director Adcock made the motion, seconded by Director Cazort, to approve the Consent Agenda. By unanimous voice vote of the Board Members present, **the Consent Agenda was approved.**

GROUPED ITEMS (Items 4 - 9)

4. ORDINANCE NO. 21,267: To amend Chapter 8 of the 1988 Revised Little Rock Code of Ordinances; to provide for the adoption by reference of the 2015 International Property Maintenance Code; and for other purposes. *Staff recommends approval.*

Synopsis: Currently, the City of Little Rock enforces the 2012 International Property Maintenance Code on existing structures. Adoption of this code would bring the City up-to-date with the most current code. This will be the fourth update of this code since 2006.

5. ORDINANCE NO. 21,268; LU16-01: To amend the Land Use Plan in the area between Interstate 630 and Interstate 30, west of Interstate 430 to the Union Pacific Railroad; and for other purposes. *Planning Commission: 10 ayes; 0 nays; and 1 absent. Staff recommends approval.*

Synopsis: To make various changes to the Land Use Plan in the area bounded by Interstate 630, Interstate 30, Interstate 430 and the Union Pacific Railroad to make the Land Use Plan more representative of the likely future development in the near and mid-range. (Located in Wards 1, 2, 6, & 7)

6. ORDINANCE NO. 21,269; Z-8889-A: To reclassify property located in the City of Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 10 ayes; 0 nays; and 1 absent. Staff recommends approval.*

Synopsis: The owner of the 5.81-acre property located at 10510 Interstate 30 is requesting that the zoning be reclassified from C-3, General Commercial District, to C-4, Open Display District. (Located in Ward 7)

7. ORDINANCE NO. 21,270; Z-9134: To reclassify property located in the City of Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 10 ayes; 0 nays; and 1 absent. Staff recommends approval.*

Synopsis: The owner of the 0.31-acre property located at 2107/2111 Perry Street is requesting that the zoning be reclassified from R-2, Single-Family District, to R-4, Two-Family District. (Located in Ward 6)

8. ORDINANCE NO. 21,271: To dispense with the requirement of competitive bidding as impractical and unfeasible; to award a contract to Safety National to provide Workers' Compensation Stop-Loss Coverage to the City for a one (1)-year period from July 1,

2016, to June 30, 2017; **to declare an emergency**; and for other purposes. *Staff recommends approval.*

Synopsis: The incumbent provider of Workers' Compensation Stop-Loss Coverage (Safety National) has offered a renewal effective July 1, 2016. They are proposing a \$220,535 deposit premium, to be audited at year-end. There is a question as to whether this contract is subject to rebid; however, the coverage technically expired on June 30, 2016. This contract allows an extension for a one (1)-year period while the question on the need to rebid the contract is concluded.

9. ORDINANCE NO. 21,272: To grant a franchise for the use of City right-of-way for the placement of restaurant tables and other items for the exclusive use of Soul Fish Café, located at 306 Main Street; to require the creation of a passageway consistent with the Americans with Disabilities Act and acceptable to the City as a part of this Franchise Agreement; to set the other terms and conditions of this franchise for the franchisee and the adjacent property owner; and for other purposes. *Board of Adjustment: 4 ayes; 0 nays; and 1 absent. Staff recommends approval.*

Synopsis: To grant a franchise for the use of City right-of-way for the placement of a patio with restaurant tables and other items for the exclusive use of Soul Fish Cafe, located at 306 Main Street, and to require the creation of a passageway consistent with the Americans with Disabilities and acceptable to the City as a part of this Franchise Agreement. (Located in Ward 1)

The ordinances were read a first time. Director Adcock made the motion, seconded by Director Cazort, to suspend the rules and place the ordinances on second reading. By unanimous voice vote of the Board Members present, the rules were suspended and the ordinances were read a second time. Director Adcock made the motion, seconded by Director Cazort, to suspend the rules and place the ordinances on third reading. By unanimous voice vote of the Board Members present, the rules were suspended and the ordinances were read a third time.

In regards to the proposed Land Use Plan #8 as specified in Item 5, Director Wyrick asked how staff determined the proposed land uses. Planning & Development Department Director Tony Bozynski stated that in regards to Plan #8, the current plan was somewhat fragmented with C-3, General Commercial District, along the frontage of Mabelvale Pike and the remainder was R-2, Single-Family District. Mr. Bozynski stated that to the west, there was C-3, R-2, and Residential High-Density and to the east of Chicot Road was Multi-Family. Mr. Bozynski stated that because Mabelvale Pike and Chicot Road were both Collector Streets, staff felt that Mixed-Use would be more appropriate land use classification for the surrounding neighbors than the Commercial, Office and Residential High Density.

Director Wyrick stated that over the years that had been several applications presented for apartments in that area and the neighbors had remained against any development other than residential. Director Wyrick stated that this change would move more intense uses into the neighborhood and she would rather see it stay designated as Residential.

Director Adcock made the motion, seconded by Director Wyrick, to remove the proposed Land Use Plan #8 change from Item 5. By unanimous voice vote of the Board Members present, **the motion was approved.**

By unanimous voice vote of the Board Members present, **the ordinances were approved as amended.** By unanimous voice vote of the Board Members present, **the emergency clause for Item 8 was approved.**

SEPARATE ITEMS (Items 10 - 11)

10. ORDINANCE; Z-8503-D: To approve a Planned Zoning Development and establish a Planned Residential District, titled Herrick Heights Long-Form PD-R, located on the west side of South Bowman Road between Brodie Creek Subdivision and The Pointe at Brodie Creek Apartments, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 7 ayes; 4 nays; and 0 absent. Staff recommends approval.*

Synopsis: The applicant is requesting to rezone the site from R-2, Single-Family District, to PD-R, Planned Development – Residential, to allow a multi-phase development to include single-family, multi-family and office uses. (Located in Ward 6)

The ordinance was read a first time. Director Adcock made the motion, seconded by Director Cazort, to suspend the rules and place the ordinance on second reading. By voice vote of the Board Members present, with Vice-Mayor Hines voting in opposition, **the motion failed due to the lack of a quorum.**

11. ORDINANCE NO. 21,273; Z-9114-A: To waive the right-of-way dedication provision of Section 1 of the Master Street Plan of the City of Little Rock, Arkansas, for the property located at #1 Mallard Pointe Cove, in connection with a Conditional Use Permit for an accessory dwelling; and for other purposes. *Planning Commission: 5 ayes; 5 nays; and 1 absent. Staff recommends denial.*

Synopsis: The owner of the property located at #1 Mallard Point is requesting a waiver of the right-of-way dedication provisions of the Master Street Plan in connection with a Conditional Use Permit for an accessory dwelling. (Located in the City's Extraterritorial Jurisdiction)

The ordinance was read a first time. Director Adcock made the motion, seconded by Director Cazort, to suspend the rules and place the ordinance on second reading. By unanimous voice vote of the Board Members present, the rules were suspended and the ordinance was read a second time. Director Adcock made the motion, seconded by Director Cazort, to suspend the rules and place the ordinance on third reading. By unanimous voice vote of the Board Members present, the rules were suspended and the ordinance was read a third time.

Michael Rebick: Stated that he was the property owner at #1 Mallard Pointe Cove and that his request was to build an accessory building on his five (5)-acre property. Mr. Rebick stated that the proposed accessory dwelling would house a three (3)-car garage, one (1)-bedroom, one (1)-bathroom and a small living area, which would be used for family visits only. Mr. Rebick stated that his property was located in Pulaski County; however, it was within the City's Extraterritorial Jurisdiction. Mr. Rebick stated that his Conditional Use Permit was approved on March 10, 2016, upon the condition that a portion of his property be donated to the City for right-of-way for a potential future road on the Master Street Plan. Mr. Rebick stated that he didn't believe the alignment of the road had been studied and that there were better alternatives. Mr. Rebick stated that Stuart Road and Kirk Road already existed and either could serve as a path for a future Arterial Road and he was requesting a deferral of the waiver of right-of-way dedication.

Director Richardson asked why staff recommended denial. Mr. Bozynski stated that staff's role was to administer the Master Street Plan and that if an applicant filed for a

development process on property that abutted a street included in the Plan, the owner was required to dedicate one-half of the required right-of-way as established by the Plan. Mr. Bozynski stated that the West Loop (extension of Rahling Road) had been on the Master Street Plan for a number of years and the alignment was determined by a plat that was directly to the north of the property in question.

Vice-Mayor Hines asked how far down was it feasible to build the road based on topography. Public Works Department Director Jon Honeywell stated that at that point in time, access to Pride Valley Road was not geographically hindered. Director Adcock asked how long the current line on the Master Street Plan had been designated. Mr. Honeywell stated that the current line was the same line from when an adjacent plat was dedicated in 2011. Mayor Stodola stated that the request was for a waiver of right-of-way dedication, and asked if there was the option of deferring the right-of-way dedication instead. Mr. Honeywell stated that he was not aware of a time that the City deferred dedication of a right-of-way.

Director Cazort asked why that particular route was chosen over Edswood Court that actually went around the applicant's property. Mr. Honeywell stated that there were design standards/details that needed to be followed as far as alignment with that classification of Road (Principal Arterial). Mr. Honeywell stated that a Principal Arterial Road required certain curve radiuses due to the proposed speed of the road.

Mayor Stodola asked when the applicant built his house. Mr. Rebick stated that he built the house in 2004. Mayor Stodola asked if Mr. Rebick was aware of the Master Street Plan information when he purchased the property and built the structure. Mr. Rebick stated that he had looked at the plan and he himself had determined that when it came time to build the road, the logical place for it to be built would be to the west of his property. Mr. Bozynski stated that during the Public Hearing at the Planning Commission, Mr. Rebick stated that he was made aware of the Master Street Plan at the time he closed on his property.

Evelyn Curtis: Stated that she lived in the area and supported the request for the waiver

By roll call vote, the vote was as follows: Ayes: Hendrix; Richardson; Webb; Cazort; Wright; Wyrick; and Adcock. Nays: Vice-Mayor Hines. Absent: Kumpuris and Fortson. By a vote of seven (7) ayes, one (1) nay and two (2) absent, **the ordinance was approved.**

PUBLIC HEARINGS (Item 12)

12. ORDINANCE NO. 21,274; Z-2933-B: To approve a Planned Zoning Development and establish a Planned Commercial District, titled SM Investments Midtown, LLC, Short-Form PCD, located at 4520 West Markham Street, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 1 aye; 7 nays; and 3 absent. Staff recommends denial*

Synopsis: The applicant is appealing the Planning Commission's denial of a request to rezone the site from C-1, Neighborhood Commercial District, to PCD, Planned Commercial Development, to allow the remodeling of the existing building for a fast-food restaurant. (Located in Ward 3)

The ordinance was read a first time. Director Adcock made the motion, seconded by Director Cazort, to suspend the rules and place the ordinance on second reading. By unanimous voice vote of the Board Members present, the rules were suspended and the ordinance was read a second time. Director Adcock made the motion, seconded by Director Cazort, to suspend the rules and place the ordinance on third reading. By unanimous voice vote of the Board Members present, the rules were suspended and the ordinance was read a third time.

Mayor Stodola opened the public hearing and asked if there were individuals present that wished to speak for or against the item.

Sean Miller, 4210 East McCain Boulevard, North Little Rock: Stated that he was the applicant and that the current zoning allowed for a restaurant; however, until the zoning were changed, they would not be allowed to have a drive-thru window.

Director Cazort asked if the location would have sit-down dining. Mr. Miller stated that there would be sit-down dining that would accommodate approximately sixty (60) individuals. Director Adcock asked why staff recommended denial of the application. Mr. Bozynski stated that staff was concerned that by adding the drive-thru, along with the order board, the increased impact on the neighborhood would be negative. Director Wyrick asked if the driveways for the proposed restaurants would be located in the same location as they were for the former bank. Mr. Bozynski stated that there were currently three (3) driveways; two (2) on Beechwood Street and one (1) on Markham. Mr. Bozynski stated that the applicant proposed to close the southern-most driveway on Beechwood Street and that the driveway onto Markham Street would only be right-in/right-out.

Stuart Mackay, 2100 Riverdale Road: Stated that he was the developer and that the applicant had agreed to move the order board from facing the neighborhood to facing the other commercial development located to the east of the property. Mr. Mackay asked that the Board support the application.

Ryk St. Vincent, 111 Beechwood Street: Stated that he lived adjacent to the property and asked the Board to consider the effect that a drive-thru restaurant it would have on the neighborhood and to deny the application.

Paul Charton, 114 Beechwood Street: Stated the he lived across the street from the property and did not want a fast food restaurant located outside his front door. Mr. Ferguson stated that the neighbors preferred to have a business that operated while everyone was at work, such as a bank.

Margaret McLellan, 2903 Lee Avenue: Stated that she had lived in the Hillcrest Neighborhood for approximately twenty (20) years and the streets were very narrow and the addition of more traffic driving back through the neighborhood made it unsafe. Ms. McLellan stated that she opposed the restaurant and asked the Board to deny the application.

Gregory Ferguson, 204 Beechwood Street: Stated that he lived near the proposed development and was against the placement of a drive-thru restaurant at that location.

Judy Nelson, 14103 Belle Pointe Drive: Stated that she was opposed to a restaurant being located at the proposed location.

Ruth Bell, 7611 Briarwood Circle: Stated that she represented the League of Women Voters of Pulaski County and they were in opposition to the placement of a drive-thru restaurant at the location in question.

Mayor Stodola closed the public hearing.

By roll call vote, the vote was as follows: Ayes: None. Nays: Hendrix; Richardson; Webb; Cazort; Wright; Wyrick; Adcock; and Vice-Mayor Hines. Absent: Kumpuris and Fortson. By a vote of zero (0) ayes, eight (8) nays and two (2) absent, **the ordinance failed.**

CITIZEN COMMUNICATION

Troy Laha, 6602 Baseline Road: Power outages.

Director Richardson made the motion, seconded by Director Cazort, to adjourn the meeting. By unanimous voice vote of the Board Members present, **the meeting was adjourned.**

ATTEST:

APPROVED:

Susan Langley, City Clerk

Mark Stodola, Mayor