

FILE NO.: Z-4551-F

NAME: The Madina Institute Revised Short-form PCD

LOCATION: Located at 12123 Kanis Road

DEVELOPER:

Madian Institute
21205 Chalamount Drive
Little Rock, AR 72223

SURVEYOR:

White-Daters and Associates
24 Rahling Circle
Little Rock, AR 72223

AREA: 2.03 acres NUMBER OF LOTS: 1 zoning lot FT. NEW STREET: 0 LF

WARD: 6 PLANNING DISTRICT: 18 – Ellis Mountain CENSUS TRACT: 42.07

CURRENT ZONING: POD

ALLOWED USES: Office, Youth activities, Worship

PROPOSED ZONING: PCD

PROPOSED USE: Request for a waiver of the boundary street ordinance requirements

VARIANCE/WAIVERS: A variance from Sections 30-43 and 31-210 to allow the drive on Cherry Brook as proposed.

BACKGROUND:

Eastern portion of the site zoned PCD –

Ordinance No. 15,003 adopted by the Little Rock Board of Directors on December 3, 1985, rezoned the property from R-2, Single-family to PCD, Planned Commercial Development. The approval allowed the development of the site located at 12123 Kanis Road with office/warehouse for Bank Business Forms. A 4,100 square foot office along with a 5,000 square foot warehouse was approved.

Ordinance No. 15,543 adopted by the Little Rock Board of Directors on August 16, 1988, allowed a revision to the previously approved PCD. The approval allowed an expansion of the warehouse portion of the development along the southern portion of the site. The approval allowed an additional 60-foot by 100-foot single story building expansion (6,000 square feet).

Ordinance No. 16,066 adopted by the Little Rock Board of Directors on July 16, 1991, allowed a revision to the previously approved, PCD zoning. The approval allowed an expansion of the building square footage on the northwest corner of the building. The expansion included 3,000 square feet of additional warehouse space. The expansion eliminated five (5) parking spaces which were relocated to the northeast corner of the building. The total building square footage approved was 19,000 square feet of which 7,500 square feet was used as office space and 11,500 square feet was used as warehouse space. The allowable uses for the site were office/warehouse uses utilizing 60 percent of the gross floor area as warehouse and 40 percent of the gross floor area as office spaces.

Western portion of the site zoned O-3, General Office District –

A Conditional Use Permit to allow the construction of a two phased development containing a 21 space parking lot to serve the adjacent PCD zoned office/showroom/warehouse and future construction of an office building and additional parking was approved by the Little Rock Planning Commission on August 7, 2003. Neither phase of the development occurred.

On June 3, 2010, a request for a Conditional Use Permit to allow the development of the site as an office warehouse use was withdrawn by the Planning Commission at the applicant's request.

On August 12, 2010, the Little Rock Planning Commission withdrew a request to allow the rezoning of this area to PCD, Planned Commercial Development to allow the site to develop with an office warehouse to serve a general contractor. The building was indicated containing a 4,200 square feet of office space and 8,500 square feet warehouse spaces. Access to the site was proposed from Cherry Brook Drive.

Ordinance No. 21,260 adopted by the Little Rock Board of Directors on July 12, 2016, rezoned approximately 2.03 acres located at the southeast corner of Cherry Brook Drive and Kanis Road from PCD and O-3, General Office District to PCD. One parcel was undeveloped and the other was an office warehouse for BBA Solutions. The Madina Institute proposed working to build a place for social, cultural and spiritual needs. Upon receiving zoning approval the Madina Institute purchased the property located at 12123 Kanis Road and the adjacent vacant lot to use site for office space for adult and youth education, cooking classes, meditation workshops, community service initiatives and interfaith dialogue seminars. The large warehouse space was proposed as a multipurpose room for food and fellowship as well as for worship services. The west lot was to be developed into a parking lot.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

As a condition of approval the applicant was to construct the boundary street improvements to Kanis Road. Public Works comments related to the street improvements and noted in the Planning Commission write-up for May 17, 2016, were -

- I. Kanis Road is classified on the Master Street Plan as a minor arterial. A dedication of right-of-way 45 feet from centerline will be required.
- J. With site development, provide the design of the street conforming to the Master Street Plan. Construct one-half street improvement to Kanis Road including 5-foot sidewalk with the planned development. The new curb should be constructed as shown on plan. The City of Little Rock is proposing a Kanis Road widening project to bid in August, 2016. If a permit is issued for the proposed development prior to the bid date, the property owner is responsible to provide payment in-lieu of construction for the required street improvements and driveway apron.

The applicant has indicated the dedication of right of way will be provided as requested. The applicant is seeking a waiver of the boundary street ordinance requirements for the improvements along Kanis Road.

Section 30-283(e) of the Little Rock Code of Ordinances states where a public project is planned, construction of improvements or in-lieu cash contributions shall be required until the day of bid opening for public improvement. On or after the day of the bid opening, the owner of unplatted property abutting the project shall not be responsible for boundary street improvements unless planned improvements do not meet the master street plan requirements. City of Little Rock staff estimated the in-lieu cash contribution would be between \$60K and \$80K.

Kanis Road is scheduled for widening in the near future. Currently staff is working to complete right-of-way acquisition, after which time the project will be bid. Staff anticipates the bidding of the Kanis Road project will be no later than August, 2017.

Staff is not supportive of the applicant's request for a waiver of the boundary street ordinance improvements to Kanis Road. The ordinance is very clear on the requirements for street improvements and when a developer is no longer required to provide the improvements. Based on the fact the developer is moving forward with a grading permit and building permit renovation request prior to the City bidding the Kanis Road project staff feels the developer should install the improvements are previously agreed and as required by City Ordinance.

PLANNING COMMISSION ACTION:

(MARCH 16, 2017)

Ms. Sophia Said was present representing the request. There were no registered objectors present. Staff presented the item with a recommendation of denial.

Ms. Said stated the request was for a waiver of the street improvements to Kanis Road. She stated they were told by the City that if they would wait for a building permit then they would not be responsible for the street improvements. She stated when the zoning was approved last year the Church put off closing on the property until November. She stated the City had originally told them the Kanis Road project would bid last August (2016) and now the City was saying this August (2017) which was a year later. She stated the Church was a small congregation. She stated the interfaith outreach was a much larger group. She stated the Church was requesting to be treated the same as other businesses along Kanis Road.

Ms. Said stated there were 33 parking spaces on the site and once the Kanis Road project started that number would be greatly reduced. She stated the Holy Season, Ramadan, started at the end of May and lasted for approximately 30 days. She stated this was a time of intense worship and was also a time when most of the financial contributions were made by members. She stated without the worship center then they would miss this season of giving and potentially miss funding for the entire year. She stated time had not been on their side. She stated the Church had waited on the City to bid the Kanis Road project and now could not wait any longer. She stated if they had two (2) months to wait then the City would pay for the street improvements.

Staff stated the ordinance was very specific on the criteria for the required street improvements. Staff stated if a building permit was requested prior to the bid opening then the developer was responsible for the improvements. Staff stated the Church had received a grading permit for the parking lot.

There was a general discussion concerning the timing and the required improvements. Staff stated based on their frontage staff had estimated the in-lieu cash contribution to be between \$60,000 and \$80,000. Staff stated the Kanis Road project would go to bid soon. Staff stated any additional property not yet secured would go to condemnation in the next few weeks.

There was no further discussion of the item. The Chair entertained a motion for approval of the item to allow a waiver of the required street improvements to Kanis Road. The motion failed by a vote of 4 ayes, 5 noes and 2 absent.