

FILE NO.: Z-4745-C

NAME: Shackleford – Kanis Revised Short-form PD-C

LOCATION: 10721 Kanis Road

DEVELOPER:

Starbucks Coffee
2401 Utah Avenue South
Seattle, WA 98134

OWNER/AUTHORIZED AGENT:

AKSHAR 5, LLC, Owner
Kimberly Horne, Agent

SURVEYOR:

Brooks Surveying
20820 Arch Street Pike
Hensley, AR

ENGINEER:

Kimberly Horn
6750 Poplar Avenue, Suite 600
Memphis, TN 38138

AREA: 0.55 acres

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

WARD: 6

PLANNING DISTRICT: 11 – I-430

CENSUS TRACT: 24.07

CURRENT ZONING: PD-C

ALLOWED USES: Dunkin Donuts only

PROPOSED ZONING: Revised PD-C

PROPOSED USE: Add Starbucks as an allowable user

VARIANCE/WAIVERS: None requested.

BACKGROUND:

Ordinance No. 20,517 adopted by the Little Rock Board of Directors on December 20, 2011, rezoned the site from O-3, General Office District to PD-C to allow the development of a Dunkin' Donuts. The new construction consisted of a 1,850 square foot restaurant with drive-thru service. The site was designed to allow one-way traffic, which maximizes the stacking lane for the drive-thru. The approval was limited to Dunkin Donuts and did not allow any alternate users of the site.

The signage plan approved for the development allowed the placement of a ground sign and wall signage as typically allowed within commercial districts per the zoning ordinance. The approval allowed a pole sign a maximum of 36-feet in height and 160 square feet in area at the intersection of Shackelford and Kanis Roads. Building signage was approved on the facades which had direct street frontage. Signage was placed on the façade facing Kanis Road and on the façade facing Shackelford Road.

Ordinance No. 20,710 adopted by the Little Rock Board of Directors on April 2, 2013, allow a revision to the PD-C zoning to allow the placement of a wall sign on the southern façade of the building which was located without street frontage. There were no other modifications proposed to the previously approved site plan.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant is now proposing to amend the previously approved PD-C, Planned Development Commercial, to allow Starbucks to occupy the former Dunkin Donuts building. The applicant is not proposing any changes to the exterior of the building with the exception of cosmetic changes to rebrand the store as a Starbucks. The existing approved signage locations will be maintained. The request continues to include the allowance of a wall sign on the southern façade of the building, which is located without public street frontage.

B. EXISTING CONDITIONS:

The site was developed with a Dunkin' Donuts which has now closed. To the east is Panera Bread and further east is Zaxby's. The property to the south is zoned O-3, General Office District as is the Bancorp South Bank property. O-2, Office and Institutional District zoned property is located further to the south, fronting South Shackelford Road, containing hotels, restaurant uses and the Heart Hospital. Across South Shackelford Road is property zoned PCD, O-3, General Office District, C-2, Shopping Center District and C-3, General Commercial District which has developed with a number of uses including a convenience store, hotels, automobile dealerships and general office uses. Northeast of the site is a large insurance company office complex, Arkansas Farm Bureau, and a daycare facility.

C. NEIGHBORHOOD COMMENTS:

All property owners located within 200-feet of the site along with the John Barrow Neighborhood Association were notified of the public hearing.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. Prior to construction, property owner shall locate and protect any traffic control devices (above and/or underground) located within the right-of-way. Owner will be held responsible for any damages to such devices that occur due to construction activity. Owner shall also be responsible for any relocation of traffic control devices as deemed necessary by the City of Little Rock Traffic Engineering Division. Contact Traffic Control Center at 501.379.1813 for more information regarding location and protection of traffic control devices.
2. At time of building permit, submit a plan to Traffic Engineering, Greg Simmons, gsimmons@littlerock.gov or 501.379.1813 showing Traffic Control details for any construction or utility work on street, or in right-of-way, that will affect normal flow of traffic. A Traffic Control Permit may be needed even if the construction work is outside the right-of-way if such work involves removal/relocation/alteration of existing traffic signage or pavement markings. Contractor shall contact Traffic Engineering, Greg Simmons, gsimmons@littlerock.gov or 501.379.1813 or Travis Herbner, therbner@littlerock.gov or 501.379.1805 to confirm if a traffic control permit is needed. All Traffic Control must be done in accordance with guidelines given in the latest edition of Manual of Uniform Traffic Control Devices (MUTCD).
3. All signage, pavement markings and parking lot striping shall conform to requirements given in Manual of Uniform Traffic Control Devices (MUTCD). All parking spaces shall be marked in white as per MUTCD. Contact Traffic Engineering, Greg Clay, gclay@littlerock.gov or 501.379.1811 if you have any questions regarding striping.
4. Contractor shall not remove or alter in anyway, existing traffic signage or pavement marking without prior permission from City of Little Rock Traffic Engineering. If any signage needs to be relocated, contact Traffic Engineering, Greg Clay, gclay@littlerock.gov or 501.379.1811 for prior inspection and approval. If construction work is going to affect any existing signage or pavement marking, contractor shall use appropriate temporary traffic control devices to guide motorists in accordance with MUTCD during the course of construction.
5. Repair or replace any curb, gutter, sidewalk and access ramps that are damaged and not in compliance with ADA recommendations in the public right-of-way prior to occupancy.

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

Little Rock Water Reclamation Authority: Evaluation and analysis of existing grease trap required – upgrade if the grease trap does not meet current procedures. Contact Little Rock Water Reclamation Authority for additional information.

Entergy: Entergy does not object to this proposal. Underground service is already provided to the existing building on the property from the north side. Extreme caution should be used when excavating and re-pouring the concrete drive-thru as proposed on the plan. The electrical service wires appear to cross this work area. Contact Entergy in advance to discuss electrical service requirements, or adjustments to existing facilities.

Centerpoint Energy: No comment received.

AT & T: No comment received.

Central Arkansas Water:

1. All Central Arkansas Water requirements in effect at the time of request for water service must be met.
2. The Little Rock Fire Department needs to evaluate this site to determine whether additional public and/or private fire hydrant(s) will be required. If additional fire hydrant(s) are required, they will be installed at the Developer's expense.
3. Please submit plans for water facilities and/or fire protection system to Central Arkansas Water for review. Plan revisions may be required after additional review. Contact Central Arkansas Water regarding procedures for installation of water facilities and/or fire service. Approval of plans by the Arkansas Department of Health Engineering Division and the Little Rock Fire Department is required.
4. A Capital Investment Charge based on the size of meter connection(s) will apply to this project in addition to normal charges. This fee will apply to all connections including metered connections off the private fire system.
5. If there are facilities that need to be adjusted and/or relocated, contact Central Arkansas Water. That work would be done at the expense of the developer.
6. Contact Central Arkansas Water if additional fire protection or metered water service is required.
7. Due to the nature of this facility, installation of an approved reduced pressure zone backflow preventer assembly (RPZA) is required on the domestic water service. This assembly must be installed prior to the first point of use. Central Arkansas Water requires that upon installation of the RPZA, successful tests

of the assembly must be completed by a Certified Assembly Tester licensed by the State of Arkansas and approved by Central Arkansas Water. The test results must be sent to Central Arkansas Water's Cross Connection Section within ten days of installation and annually thereafter. Contact the Cross Connection Section at 501.377.1226 if you would like to discuss backflow prevention requirements for this project.

8. The facilities on-site will be private. When meters are planned off private lines, private facilities shall be installed to Central Arkansas Water's material and construction specifications and installation will be inspected by an engineer, licensed to practice in the State of Arkansas. Execution of a customer owned line agreement is required.
9. Fire sprinkler systems which do not contain additives such as antifreeze shall be isolated with a double detector check valve assembly. If additives are used, a reduced pressure.
10. This development will have minor impact on the existing water distribution system. Proposed water facilities will be sized to provide adequate pressure and fire protection.

Fire Department:

1. Full Plan Review – Maintain Access
2. 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.
3. 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.
4. 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.
5. 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
 - a. 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.

- b. 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.
 - c. 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.
 - d. 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.
6. 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 (Jason Lowder 501.377.1245) and the Little Rock Fire Marshal's Office (Capt. Tony Rhodes 501.918.3757 or Capt. John Hogue 501.918.3754). Number and Distribution of Fire Hydrants as per Table C105.1.

Parks and Recreation: No comment received.

County Planning: No comment.

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. This project will require fully developed Architectural, Structural, Civil and MEP Plans. Contact a commercial plans examiner: Curtis Richey at 501.371.4724; crichey@littlerock.gov

Landscape:

1. Any new site development must comply with the City's landscape and buffer ordinance requirements.
2. Landscape must be in compliance with current landscape code upon completion of the project. Any exiting landscape or irrigation disturbed by construction shall be repaired or replaced before a certificate of occupancy can be obtained.
3. 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: The site is not located on or near a dedicated Rock Region Metro Route.

Planning Division: This request is located in I-430 Planning District. The Land Use Plan shows Commercial (C) for this property. The Commercial 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 applicant has applied for a revised PD-C (Planned Development Commercial) to add Starbucks as an allowed user.

Master Street Plan: North of the property is Kanis Road and it is shown as a Minor Arterial Street on the Master Street Plan. West of the property South Shackelford Road and it is shown as a Minor Arterial 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 South Shackelford and Kanis Roads since they are Minor Arterials. 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.

H. SUBDIVISION COMMITTEE COMMENT: (August 29, 2018)

The applicant was present representing the request. Staff presented an overview of the development stating the previous approval did not allow for alternate users and was specifically approved for a Dunkin' Donuts. Staff questioned if the request continued to include the previously approved signage plan and the allowance for the order board to not be screened. The applicant stated there were no changes proposed from the previous approval. Staff questioned the days and hours of operation for the business.

Public Works comments were addressed. Staff stated if any changes were proposed to the site traffic engineering should be contacted to ensure the traffic control devices were not damaged. Staff stated any broken curb, gutter or sidewalk located in the public right of way was to be repaired prior to the issuance of a certificate of occupancy.

Staff noted the comments from the various other departments and agencies. Staff suggested the applicant contact the departments or agencies directly with any questions or concerns. There were no more issues for discussion. The Committee then forwarded the item to the full Commission for final action.

I. ANALYSIS:

The applicant provided written responses to comments raised at the August 29, 2018, Subdivision Committee meeting. The applicant is requesting the previously approved signage plan remain for the current request. The applicant is also requesting the order menu board not be screened per typical ordinance requirements.

The request is to amend the previously approved PD-C, Planned Development Commercial, to allow Starbucks to occupy the former Dunkin' Donuts building. The applicant is not proposing any changes to the exterior of the building with the exception of cosmetic changes to rebrand the store as a Starbucks. The existing approved ground and building signage will be maintained.

As previously approved the applicant is requesting to maintain the allowance of a wall sign on the southern façade of the building, which is located without public street frontage. The sign is proposed with a maximum sign area of ten (10) percent of the southern wall façade. Building signage will be placed along the north façade, which has frontage on Kanis Road and the western façade, which has frontage on South Shackelford Road. Each of the wall signs will not exceed ten (10) percent of the wall façade area. A ground sign is proposed near the Kanis/South Shackelford Road intersection. The sign will not exceed 36-feet in height and 160 square feet of sign area.

As noted there are no other changes proposed for the site other than cosmetic changes to allow the rebranding of the site. The hours of operation for the Starbucks are Monday through Thursday from 5:30 am to 9:00 pm, Friday from 5:30 am to 10:00 pm, Saturday from 5:00 am to 10:30 pm and Sunday from 5:00 am to 9:30 pm.

The hours proposed are similar to the previous tenant's hours of operation. The applicant has noted the dumpster service hours will be limited to 7:00 am to 6:00 pm, Monday through Friday.

Staff is supportive of the applicant's request. The applicant has provided a traffic analysis for the proposed user which indicates there will not be a significant impact on traffic due to the change in user. To staff's knowledge there are no remaining outstanding technical issues in need of addressing related to the site plan. Staff feels the request to allow the change in users from a Dunkin' Donuts to a Starbucks is appropriate.

J. STAFF RECOMMENDATION:

Staff recommends approval of the request subject to compliance with the comments and conditions as outlined in paragraphs D, E and F of the agenda staff report.

PLANNING COMMISSION ACTION:

(SEPTEMBER 20, 2018)

The applicant was present. There were no registered objectors present. Staff presented a recommendation of approval of the request subject to compliance with the comments and conditions as outlined in paragraphs D, E and F of the agenda staff report. There was no further discussion. The item was placed on the consent agenda and approved as recommended by staff by a vote of 10 ayes, 0 noes and 1 absent.