

FILE NO.: Z-8860-A

NAME: Hansen Revised Short-form PD-O

LOCATION: Located at 400 North Van Buren Street

DEVELOPER:

Cora Crain
209 Brown Street
Little Rock, AR 72205

SURVEYOR:

Brooks Surveying
20820 Arch Street
Little Rock, AR 72065

AREA: 0.12 acres

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

WARD: 3

PLANNING DISTRICT: 4

CENSUS TRACT: 15.01

CURRENT ZONING: PD-O

ALLOWED USES: Recognize existing office use – the residential uses remain zoned R-3, Single-family

PROPOSED ZONING: Revised PD-O

PROPOSED USE: Add massage therapy as an allowable use

VARIANCE/WAIVERS: None requested.

BACKGROUND:

Ordinance No. 20,750 adopted by the Little Rock Board of Directors on July 16, 2013, rezoned the site from R-3, Single-family to PD-O, Planned Development Office, to recognize an existing office user located in one (1) of the buildings on the site. The hours of operation approved were from 8:00 am to 5:30 pm Monday through Friday. There were no exterior modifications to the structure or parking areas proposed. The site contained a paved parking pad along Van Buren for a single car.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant is now proposing to amend the previously approved PD-O, Planned Development Office, to add massage therapy as an allowable use for the site. The applicant is a licensed massage therapist, certified Doula and childbirth education, specializing in prenatal and postpartum massage. Other services to be provided are yoga classes for postpartum and beyond to promote balance in body, mind and spirit. The regular business hours are weekdays from 9 am – 5 pm and by appointment only. The applicant indicates the classes will average six (6) persons not to exceed ten (10). Classes will be held two (2) to three (3) nights per week lasting one (1) to two (2) hours with an ending time of 8:30 pm. The applicant indicates the possibility of one (1) Saturday class and the occasional massage by appointment.

B. EXISTING CONDITIONS:

The site contains three (3) buildings. The building fronting North Van Buren Street is a vacant office space. The structures fronting C Street are single-family residences. Only the office structure was rezoned. Along Van Buren Street there are a couple of non-conforming buildings located between West Markham Street and Kavanaugh Boulevard.

C. NEIGHBORHOOD COMMENTS:

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

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. If the damaged driveway off Van Buren Street is proposed to be used by the health studio, the driveway apron should be reconstructed to conform to City of Little Rock standard details.
2. No right-of-way dedications are required due to the structures that would be located within the new area to be dedicated.

E. Utilities/Fire Department/Parks/County Planning:

Little Rock Water Reclamation Authority: This property is currently served by sewer. Contact Little Rock Water Reclamation Authority for additional information.

Entergy: Entergy does not object to this proposal. Service is already being provided to this property with no apparent conflicts with existing facilities. Contact Entergy in advance to discuss any changes to electrical service requirements, or adjustments to existing facilities (if any) as this proposal proceeds.

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. Contact Central Arkansas Water regarding the size and location of the water meter.
5. 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.
6. 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 zone back flow preventer shall be required.

Fire Department: Full plan review.

1. 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.
2. 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.

3. 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.
4. 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.
5. 30' Tall Buildings - Maintain aerial fire apparatus access roads as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 Section D105.1 – D105.4
 - a. D105.1 Where Required. Where the vertical distance between the grade plane and the highest roof surface exceed 30', approved aerial fire apparatus access roads shall be provided. For the purposes of this section the highest roof surfaces shall be determined by measurement to the eave of a pitched roof, the intersection of a roof to the exterior wall, or the top of the parapet walls, whichever is greater.
 - b. D105.2 Width. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26', exclusive of shoulders, in the immediate vicinity of the building or portion thereof.
 - c. D105.3 Proximity to building. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be

positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official.

- d. D105.4 Obstructions. Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building. Other obstructions shall be permitted to be placed with the approval of the fire code official.
6. Dead Ends. Maintain fire apparatus access roads at dead end locations as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 Section D103.4 Dead Ends. Dead-end fire apparatus access roads in excess of 150 feet shall be provided with width and turnaround provisions in accordance with Table D103.4. Requirements for Dead-end fire apparatus access roads.
 7. Gates. Maintain fire apparatus access road gates as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 Section D103.5 Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:
 1. Minimum gate width shall be 20 feet.
 2. Gates shall be of swinging or sliding type.
 3. Construction of gates shall be of material that allow manual operation by one person.
 4. Gate components shall be maintained in an operable condition at all times and replaced or repaired when defective.
 5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official.
 6. Manual opening gates shall not be locked with a padlock or chain and padlock unless they are capable of being opened by means of forcible entry tools or when a key box containing the keys to the lock is installed at the gate location.
 7. Locking device specifications shall be submitted for approval by the fire code official
 8. Electric gate operators, where provided, shall be listed in accordance with UL 325.
 9. Gates intended for automatic operation shall be designed, constructed and installed to comply with requirements of ASTM F 2200.
 8. 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: No comment.

Landscape: No comment.

G. Transportation/Planning:

Rock Region Metro: Location is currently served by METRO on routes 1, 5 & 8 and is centrally located to the transit system. We have no objections to this conditional use.

Planning Division: This request is located in Heights Hillcrest Planning District. The Land Use Plan shows Residential Low Density (RL) for this property. The Residential Low Density category provides for single family homes at densities not to exceed six (6) units per acre. Such residential development is typically characterized by conventional single family homes, but may include patio or garden homes and cluster homes, provided that the density remain less than six (6) units per acre. The applicant has applied for a revision to the previously approved PD-O, Planned Development Office, to add a Health Studio and Spa to the allowed uses. This request is within the Hillcrest Overlay District.

Master Street Plan: East of the property is North Van Buren Street and it is shown as a Minor Arterial Street on the Master Street Plan. South of the property is C Street and it is shown as 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 North Van Buren Street 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". A Collector design standard is used for 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 are no bike routes shown in the immediate vicinity.

H. SUBDIVISION COMMITTEE COMMENT: (September 20, 2017)

The applicant was present representing the request. Staff presented an overview of the item stating there were additional items necessary to complete the review process. Staff requested the applicant provide the proposed signage plan. Staff stated the site was located within the Hillcrest Design Overlay District which did allow street parking to count towards the required parking for a development.

Public Works comments were addressed. Staff stated any broken curb, gutter or sidewalk damaged in the public right of way would require repair and replacement prior to the issuance of a building permit. Staff stated no right of way dedication was required due to the structure location which would be located in the right of way if a dedication was provided.

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 submitted a revised cover letter to staff addressing the technical issues associated with the request raised at the September 20, 2017, Subdivision Committee meeting. The applicant has indicated signage will be placed on the awning and will comply with the typical development standards of the zoning ordinance. The zoning ordinance within the commercial zones allows for one (1) awning sign per occupancy not to exceed fifty (50) percent of the surface area of the awning.

The request is to amend the previously approved PD-O, Planned Development Office, to add massage therapy as an allowable use for the site. The massage therapy services are offered by appointment only and typically do not overlap with the next client. Other services proposed are yoga classes. The applicant indicates the classes will average six (6) persons not to exceed ten (10). Classes will be held two (2) to three (3) nights per week lasting one (1) to two (2) hours with an ending time of 8:30 pm.

There is a single driveway extending from North Van Buren Street to the site allowing for one (1) on-site parking space. The site is located within the Hillcrest Design Overlay District which allows credit for street parking at a rate of one (1) space per ten (10) linear feet of street frontage. Parking is not allowed on North Van Buren Street. Parking is allowed on C Street. The property has 70-feet of frontage which allows for seven (7) parking spaces. The building contains 935 square feet of floor area. Based on the use of the property with a massage therapy business four (4) parking spaces would typically be required (1 parking space per 200 gross square feet of floor area). Within the Hillcrest Design Overlay District the required parking is allowed to be reduced by 50 percent which would result in two (2) parking spaces being required.

The regular business hours are weekdays from 9 am – 5 pm and by appointment only for the massage therapy service. The yoga classes are proposed ending by 8:30 pm. The applicant indicates the possibility of one (1) Saturday yoga class and the occasional massage by appointment also on Saturday.

Staff has concerns with the proposed use of the site. The site was previously approved for general and professional office use which were the most recent uses of the property. Staff feels to add the use as proposed is an increase in intensity and does not comply with the intent of the original approval which recognized the historic uses of the site.

J. STAFF RECOMMENDATION:

Staff recommends denial of the request.

PLANNING COMMISSION ACTION:

(OCTOBER 12, 2017)

Ms. Cora Crain was present representing the request. There was one (1) registered objector present. Staff presented the item with a recommendation of denial.

Ms. Crain addressed the Commission stating she was a resident of Hillcrest and her children were in school a few blocks from this site. She stated she was the sole owner and operator of the business. She stated there were no employees of the business. She stated she had researched the history of the site and the site was originally built as a neighborhood grocery store. She stated in the 70's the site had been used as a pet grooming business. She stated other uses included a fabric store, design and interior service real estate office and general office. She stated her appointments were one (1) on one (1) with an occasional couples session. She stated she had the support of the neighborhood and many others. She stated the Commission had been provided with copies of letters of support from nearby neighbors. She stated the request was a small revision to the PD-O zoning and was less intensive than when the real estate office operated from the site.

Mr. Alfred Hundley addressed the Commission in opposition of the request. He stated he owned the house to the west of this site and parking had historically been a problem. He stated his frontage was only 34-feet which impacted his homes ability to parking in front of the home. He stated he was not in opposition to the business but he was not supportive of allowing the business without parking.

Ms. Ruth Bell, League of Women Voters, addressed the Commission in opposition of the request. She stated she was not opposed to the use but the multiple persons in the classes could create a parking demand on the neighborhood. She stated there were a number of cars currently parking on C Street. She stated classes to 7 pm at night could be a problem

There was a general discussion by the Commission concerning parking and parking in general in the area. The Commission noted this was Hillcrest, the streets were narrow and parking was always a concern but somehow the neighborhood continued to thrive.

A motion was made to approve the request subject to all staff recommendations and comments except that of denial. The motion carried by a vote of 8 ayes, 1 no and 2 absent.