

FILE NO.: Z-5801-A

NAME: Hall Revised Short-form PCD

LOCATION: Located at 13311 Lawson Road

DEVELOPER:

Russell Hall
74 Golden Eagle Drive
Paron, AR 72122

SURVEYOR:

Rasburry Surveying
308 West South Street
Benton, AR 72015

AREA: 1.80 acres

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

WARD: N/A

PLANNING DISTRICT: 17 – Crystal Valley

CENSUS TRACT: 42.21

CURRENT ZONING: PCD

ALLOWED USES: Medical Electronics Inc. and Champion Builders

PROPOSED ZONING: Revised PCD

PROPOSED USE: Contractors storage

VARIANCE/WAIVERS: None requested.

BACKGROUND:

Ordinance No. 16,640 adopted by the Little Rock Board of Directors on April 19, 1994, rezoned the site from R-2, Single-family to PCD for Medical Electronics, Inc. The approval allowed the use of the site by Medical Electronics, Inc. and Champion Builders. The approval allowed the expansion of an existing non-conforming use. Medical Electronics, Inc. leased space to Hospital Equipment Engineering Services and to Champion Builders, Inc. The approval allowed each to continue to occupy the site

and allow the construction of a second building on the site. According to the approval Champion Builders did not maintain a material yard on the site. It was also noted only on occasion was a construction trailer parked on the site pending relocation to a construction site.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant is requesting a revision to the previously approved PCD, Planned Commercial Development, to allow the use of the site as has existed for 20+ years, a construction company. The applicant purchased the property three (3) years ago with a tenant in place that had operated from this site for 20+ years. The applicant recently leased the property to a different tenant and was told the property was zoned for office use only.

The construction company vacated the property last month and the owner leased the property to a lawn care company. The lawn care company is using a portion of the site for storage of lawn mowers, trucks and trailers within a large graveled lot on the rear portion of the site. The owner states the buildings are situated in a manner that allows the trucks to park next to the building which allows little visibility from Lawson Road.

B. EXISTING CONDITIONS:

Located on the site are a number of buildings, graveled and paved parking areas. The site was previously approved for office uses with little outdoor activities. The site is currently leased to a landscape business for overnight parking of vehicles and trailers. The business also uses the buildings for storage of mowers and other equipment used by the lawn care service. Lawson Road is a two (2) lane County road with open ditches for drainage. There are no sidewalks in place within this area of Lawson Road.

Although there are a number of non-conforming non-residential businesses located along Lawson Road in the general area of this site. For the most part the area is primarily residential with homes located on acreage. There is however a smaller lot subdivision located to the east of this site also on the south side of Lawson Road.

C. NEIGHBORHOOD COMMENTS:

All property owners located within 200 feet of the site were notified of the public hearing. There is not an active City of Little Rock neighborhood association located in this area.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. Lawson 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.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Wastewater: Outside the service boundary. No comment.

Entergy: Entergy does not object to this proposal. A three phase power line exists along the north side of Lawson Road and on the west side of the property. There do not appear to be any conflicts with existing Entergy facilities. Contact Entergy in advance regarding future service requirements to the development and future facilities locations as this project 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 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. The facilities on-site will be private. When meters are planned off private lines, private facilities shall be installed to Central Arkansas Water's materials 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.
7. 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:

1. Need to 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. 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:
 - a. Minimum gate width shall be 20 feet.
 - b. Gates shall be of swinging or sliding type.
 - c. Construction of gates shall be of material that allow manual operation by one person.
 - d. Gate components shall be maintained in an operable condition at all times and replaces or repaired when defective.
 - e. 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.
 - f. 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.
 - g. Locking device specifications shall be submitted for approval by the fire code official.
 - h. Electric gate operators, where provided, shall be listed in accordance with UL 325.

- i. Gates, intended for automatic operation shall be designed, constructed and installed to comply with requirements of ASTM F 2200.
4. 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:

1. Show source of title.
2. Provide state plane coordinates for two points. Show distance to second section or quarter section corner. Show graphic scale on site plan.
3. Provide approval letter from Arkansas Department of Health if expansion contains restrooms.
4. Provide approval letter from local volunteer fire department.
5. Pay \$33.00 review fee.
6. Show FEMA Flood panel number on site plan. Contact Pulaski County Public Works (501.340.6800) to determine if any flood development is required.
7. Dedicate additional right of way by quit claim deed to Pulaski County for Lawson Road. Label and dimension existing and proposed right of way for Lawson Road.
8. Remove preliminary plat certificates and certificate of recording.
9. Submit any half street improvements required by the City of Little Rock to Pulaski County Public Works for review and approval prior to construction. Include all necessary plans and specifications.

Rock Region Metro: Location is not currently served by METRO. No comments.

F. ISSUES/TECHNICAL/DESIGN:

Building Code: No comment.

Planning Division: This request is located in the Crystal Valley Planning District. The Land Use Plan shows Residential Low Density (RL). 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 of a PCD (Planned Commercial District) to allow the new owner to use the site as a contractor's storage yard as previously approved.

Master Street Plan: The north side of the property is Lawson Road and it is shown as Minor Arterial 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 Lawson Road. This street may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

Bicycle Plan: A Class II Bike Lane is shown along Lawson Road. Bike Lanes provide a portion of the pavement for the sole use of bicycles.

Landscape:

1. Site plan must comply with the City's landscape and buffer ordinance requirements.
2. Maintain existing landscape and buffer areas adjacent to surrounding R-2, Single-family zoned properties.
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. SUBDIVISION COMMITTEE COMMENT: (April 27, 2016)

The applicant was present. Staff presented an overview of the item stating there were few outstanding technical issues associated with the request. Staff stated the applicant was proposing to reuse the site as had historically been occupied. Staff stated the applicant had indicated there would be no outdoor storage of excess material. Staff stated the outdoor activities would include the placement of trucks and trailers used by the landscape business.

Public Works comments were addressed. Staff stated right of way dedication to 45-feet from centerline was required with the approval of the rezoning request.

Landscaping comments were noted. Staff stated the applicant was to maintain existing landscape and buffer areas adjacent to the surrounding residential property. Staff stated the City Beautiful Commission recommended preserving as many existing trees as feasible on the site.

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.

H. ANALYSIS:

The applicant submitted a revised cover letter addressing most of the issues raised at the April 27, 2016, Subdivision Committee meeting. The applicant has stated the desire is to be allowed the use of the property for rental to potential office users, a landscaping company with limited use of outdoor storage for trucks and trailers but no materials and/or as a contractor's yard with limited storage of outdoor equipment but no materials. Any outdoor activity will occur on the rear portion of the lot which is currently fenced. The applicant states there may be multiple tenants of the site within the existing buildings.

The applicant is requesting to be allowed the use of the rear portion of the lot for vehicle storage to any future tenant that would have the need to store company vehicles and lease office space. The applicant states the area would not be used to store junk or non-running vehicles and he would require the lot to be kept clean and maintained as well as the vehicles to be parked neatly at all times.

The applicant states the typical hours of operation are Monday through Friday from 8 am to 6 pm. There is no new construction proposed with the current request.

The applicant states there has been a six (6) yard dumpster located on the site for over ten (10) years. The applicant is requesting the dumpster remain in the current location. The dumpster is placed beyond the office buildings and next to the storage yard gate. Staff recommends the dumpster service hours be limited to daylight hours or from 7 am to 6 pm Monday through Friday.

The applicant states the previous tenant stored unused building materials and large equipment outside of the buildings. The applicant states the new users will not store any unused materials, building materials or landscaping materials, outside the building. According to the applicant Champion Builders removed all the outdoor materials as they vacated the site.

The request does not include the placement of a sign along Lawson Road. According to the applicant the former tenant removed a 4' x 8' sign but the poles and supports for the sign are still in place. The request includes the allowance of a sign with a similar size in the future should a future tenant desire signage. The sign would be placed about 20 feet from the pavement edge.

This site has historically be used as a nonresidential use. It appears the site was developed in 1978 as an office and contractors storage yard. The previous approval allowed limited outdoor storage of equipment and job site trailers. The current request is to allow the outdoor placement of trailers associated with the lawn care business and the potential future use of the site with storage of vehicles associated with an office user. The applicant is not proposing to expand the site area nor allow the construction of any additional buildings on the site. The applicant is seeking approval to continue to use the site as was previously approved and currently exist.

There have been concerns raised by the residents in the area concerning burning of trash and debris by the landscape business and starting of equipment in the early am hours. Staff does not feel the burning is appropriate and recommends there be no burning of waste and debris from the landscape business at this site. The landscape company shall not be allowed to bring refuse from job sites to this site for storage or disposal. The applicant has stated the hours of operation are from 8 am to 6 pm daily. Staff recommends there be no outdoor activity at the site such as starting of mowers and lawn equipment before 8 am. Staff feels with the imposed conditions the business can continue to operate and not cause vast intrusion into the area neighborhoods.

I. 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 and the following additional conditions:

1. There shall be no burning of waste and debris from the landscape business and/or any future user of this site.
2. There shall be no refuse from job sites brought to this site for storage or disposal.
3. There shall be no outdoor activity at the site such as starting of mowers and lawn equipment and any other equipment in the future which may need testing before 8 am.
4. If the site is used by a construction company there is to be no outdoor storage of materials at this site.
5. All parking of vehicles, trailers and/or equipment is to be located behind the existing chain link fence and parked in areas which limits visibility from Lawson Road.

PLANNING COMMISSION ACTION:

(MAY 19, 2016)

The applicant was present. There were two (2) registered objectors present. Staff presented the item with 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 and the following additional conditions:

1. There shall be no burning of waste and debris from the landscape business and/or any future user of this site.
2. There shall be no refuse from job sites brought to this site for storage or disposal.
3. There shall be no outdoor activity at the site such as starting of mowers and lawn equipment and any other equipment in the future which may need testing before 8 am.

4. If the site is used by a construction company there is to be no outdoor storage of materials at this site.
5. All parking of vehicles, trailers and/or equipment is to be located behind the existing chain link fence and parked in areas which limits visibility from Lawson Road.

Mr. Russell Hall addressed the Commission on the merits of the request. He stated he was unaware of the opposition to his request. He stated he purchased the property three (3) years ago as an investment. He stated he moved his landscape business to the site at the time he purchased the property. He stated at the time he purchased the property there was a tenant, Champion Builders, located on the site. He stated they had vacated the site in January. He stated upon them vacating the site they removed all the trucks, trailers and excess building materials which had been stored on the site. He stated once they vacated the building he put up a sign indicating the property for lease and a tenant, a roofing company, moved in a few months later. He stated recently his company had applied to the City for a business license and was told the property was not properly zoned for his use. He stated he immediately requested the rezoning to allow his company to operate from this location.

Mr. Mickey McGill addressed the Commission in opposition. He stated the applicant was in violation of his zoning and continued to operate from the site. He stated the previous property owner was in violation and this owner was continuing the violation. He stated the owner should have verified the zoning before buying the property. He stated the applicant was requesting to lease space to multiple tenants which would generate traffic into the neighborhood. He stated businesses at this location would reduce the quality of life for the area residents. He stated the landscape company had a number of trucks and trailers. He stated the owner had leased space to a roofing company which would also have a number of trucks and trailers. He stated the neighborhood was concerned with the amount of traffic that would be generated from multiple businesses located at this site. Mr. McGill stated the Commission had received a number of petitions and e-mails opposed to the request. He stated the neighborhood was in support of quiet office uses for the site but not a commercial business or multiple commercial businesses. He stated just because the owner bought the property and did not know it was not properly zoned was not justification for approving the rezoning request.

Mr. Barry Beck addressed the Commission in opposition of the request. He stated his home was located near the site. He stated the property was zoned for quiet business not a commercial lawn care business. He stated he was representing the 200 homes located in the area who did not want a commercial business located in their neighborhood. He stated trucks and trailers did not blend well with the neighborhood. He provided the Commission with photos which indicated debris on the site and piles of rock. He stated the lawn care business could not abide by the City's rules for no operating or testing of equipment before 8:00 am. He stated the applicant had been burning debris on the site. He stated many of the neighbors were unhappy with the smell of the burning debris. He stated the site should be maintained as a quiet office and not be allowed to operate a noisy business from this site.

Mr. Hall stated he bought the property and admitted he did not do his due diligence when purchasing the property. He stated he felt the property was a good investment and was a place he could operate his landscape company. He stated he had been at this location for over two (2) years when he decided to move his business license from Paron, Arkansas to this location. He stated it was then he was told he could not operate his lawn care business from this location. He stated he had three (3) vehicles and three (3) trailers. He stated his equipment was left on the trailers overnight with the exception of when it was expected to rain and the mowers on the open trailer were put inside. He stated his company had five (5) employees. He stated the employees drove their personal vehicles to the site in the morning, transferred into a company vehicle and the left the site for work. He stated in the afternoon the employees would bring back the company truck and get their personal vehicles and leave the site. He stated the burning that had taken place was clearing of overgrowth on the site. He stated his company did not bring back to the site any material for the lawn care service activities. He stated the roofing company did not have any business equipment, trucks or trailers. He stated the company worked as the primary contractor and subcontracted all roofing jobs to other companies. He stated the previous owner was allowed outdoor storage of trucks and trailers. He stated he was agreeable with staff to placing all the activities behind the fence and in an area which had limited visibility from the street. He stated once again he was not aware the zoning was not appropriate for his use. He stated he was informed his use was not allowed when he applied to the City for a business license.

The Chair informed the applicant there were eight (8) Commissioner's present. The Chair stated it was the Commission's practice that when there were eight (8) or few members present the Commission offered to the applicant the ability to defer their item to a later hearing date to allow for more Commissioners to be present to hear the request. The Chair stated it took six (6) positive votes to move an item forward to the Board of Directors with a recommendation of approval.

Mr. Hall stated he would like to defer the item to the June 30, 2016, public hearing. There was no further discussion. The Chair entertained a motion for approval of the deferral request. The motion carried by a vote of 8 ayes, 0 noes and 3 absent.

STAFF UPDATE:

There has been no change to this request from the May 19, 2016 public hearing. Staff continues to recommend approval of the request subject to the conditions as noted above.

PLANNING COMMISSION ACTION:

(JUNE 30, 2016)

Mr. Russell Hall was present representing the request. There was a registered objector present. Staff presented the item with a recommendation of approval. Staff stated the item was deferred from the Commission's May 19, 2016, public hearing due to the number of Commissioners present. Staff stated there were no changes to the item from

the previous presentation. Staff presented the recommendation for the item once again for the record.

Mr. Russell Hall addressed the Commission on the merits of his request. He stated he had purchased the property two had one-half (2 ½) years ago. He stated his landscape business had been operating from the site since that time. He stated he had spoken with Mr. Barry Beck, one of the person in opposition of the request from the previous hearing, after the meeting and Mr. Beck was unaware he had occupied the site for that length of time. He stated six (6) months ago he had placed a "for lease" sign on the site and Mr. Beck had thought this was when he had moved on-site. He stated at that time he began cleaning the lot to allow the site to be more marketable.

Mr. Russell stated the equipment was not tested in the morning before leaving the site. He stated if the equipment was working at the end of the previous day then it was assumed the equipment would be in working order. He stated the only time equipment was moved around was if there was a chance of rain then equipment was unloaded and placed inside the building.

Mr. Russell stated the previous owner had 18 wheeler trailers located on the site. He stated his company had trucks and lawn trailers. He stated the staff write-up indicated the site was historically used for storage of outdoor equipment. He requested the Commission approve the request to allow the use of the site with outdoor activities which was the previous use of the site.

Mr. Thomas McDonald addressed the Commission in support of the request. He stated his sales office was located at this site. He stated his company did not have equipment and did not store materials on site. He stated his use was strictly an office use.

Mr. James Thomas addressed the Commission in support of the request. He stated he was a member of the church next door and felt the church members were misled when given the use of the property. He stated the site was maintained and there was little noise generated from the site. He stated the landscape company was a good neighbor.

Mr. Mickey McGill addressed the Commission in opposition of the request. He stated the Commission should not think about the business owner but for the neighborhood and the area residents as a whole. He stated the site should be used as lease space for office users who did not need outdoor storage of trailers and equipment. He stated the former owner was in violation and the current owner was continuing the violation. He stated the smells from the burning last summer was more than just burning of limbs and brush. He stated the landscape company had more trucks and trailers than the owner had indicated. He stated the company had six (6) trucks and four (4) trailers. He stated there was a great deal of noise generated from the site. He stated traffic was also a concern. He stated the location of the commercial business in a residential area would decrease property values. He stated real estate agents would not show homes, future homebuyers would not look at homes across the street from a commercial business and appraiser would lower appraised value of the homes located across from a commercial business. He stated including the church signatures there were 63 person from the area opposed to allowing the business to locate at this site.

Mr. Russell addressed the Commission to clarify some of the comments. He stated he relied on his real estate agent to ensure his use of the property was allowable. He stated the business operated six (6) trucks, two (2) of which were managers trucks and were driven home on a daily basis. He stated when he purchased the property the thought was the property was an investment. He stated with the number of commercial businesses in the area and the commercial use of the property he felt the commercial activity would continue to grow westward. He stated there were few homes fronting Lawson Road. He stated the real estate signs that went up on property for sale in the area stated "great commercial potential". He requested the Commission approve the request to allow the continued use of the property as it had historically been used.

There was little discussion by the Commission concerning the request. The Chair entertained a motion for approval of the request as recommended by staff including all staff recommendations and comments. The motion carried by a vote of 8 ayes, 0 noes and 3 absent