

FILE NO.: Z-9048

NAME: 719 North Spruce Street Short-form PD-C

LOCATION: Located at 719 North Spruce Street

DEVELOPER:

Robert Roberts
3906 Hwy 5N
Bryant, AR 72022

SURVEYOR:

Kittler-Roberts Group
3906 Hwy 5N
Bryant, AR 72022

AREA: 0.14 acres

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

CURRENT ZONING: R-2, Single-family

ALLOWED USES: Single-family residential

PROPOSED ZONING: PD-C

PROPOSED USE: Single-family residential and commercial parking

VARIANCE/WAIVERS: None requested.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant is requesting to rezone the site from R-2, Single-family to PD-C to allow the rear yard of this existing single-family home to serve as parking for commercial businesses located along Kavanaugh Boulevard. The applicant has removed an accessory structure and graveled the rear yard. The applicant states this parking area serves six (6) to eight (8) vehicles. He states the home has a parking pad in the front yard area and does not need the rear yard area for parking.

B. EXISTING CONDITIONS:

The property is one lot removed from Kavanaugh Boulevard. The site contains a single-family home. The rear yard has been graveled to serve as parking for the commercial businesses located to the north. This area of Kavanaugh has a number of commercial and office uses with the primary activity being located on Kavanaugh. Two (2) blocks to the east is the Kroger Grocery which is one block deep with non-residential uses located across the street on the east side of Kroger. The predominate use of all the property south of Kavanaugh and west of Palm Street, with the exception of the Kavanaugh frontage is single-family.

C. NEIGHBORHOOD COMMENTS:

As of this writing, staff has received a few informational phone calls from area residents. All owners of property located within 200-feet of the site along with the Hillcrest Residents Association were notified of the public hearing.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. Due to the proposed use of the property, the Master Street Plan specifies that Spruce Street for the frontage of this property must meet commercial street standards. Dedicate right-of-way to 30 feet from centerline.
2. The proposed parking area should be graded and paved with asphalt to not damage adjacent properties from stormwater runoff.
3. The proposed parking area should be striped for vehicle parking.
4. With access desired from the alley and the increase in vehicle use, the alley should be repaved with asphalt from Kavanaugh to F Street.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Wastewater: Sewer main extension required with easement if new service is required for this project. Contact Little Rock Wastewater Utility for additional information.

Entergy: Entergy does not object to this proposal to use an existing parking lot zoned residential as a commercial parking lot. There is a three phase overhead power line running north and south in the alley on the east side of the parking lot.

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 regarding the size and location of water meter.
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 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.
9. Fire sprinkler systems which do not contain additives such as antifreeze shall be isolated with a double detector check valve assembly. If additives area used, a reduced pressure zone back flow preventer shall be required.

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: **Maintain Access.**

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.

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.

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.

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

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.

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.

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.

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.

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

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.

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.

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.

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.

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.

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 replaces 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.

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 (Captain Tony Rhodes 501-918-3757). Number and Distribution of Fire Hydrants as per Table C105.1.

Parks and Recreation: No comment received.

County Planning: No comment.

CATA: The site is located just south of CATA Bus Route #1 – the Pulaski Height Route.

F. ISSUES/TECHNICAL/DESIGN:

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, contact a commercial plans examiner:

Curtis Richey at 501.371.4724; crichey@littlerock.org or
Mark Alderfer at 501.371.4875; malderfer@littlerock.org.

Planning Division: This request is located in the Heights/Hillcrest Planning District. The Land Use Plan shows Residential Low Density (RL) for this property. Residential Low Density is for single-family homes at densities no greater than six dwelling units per acre. The applicant has applied for a rezoning from R-2 (Single Family District) to PDC (Planned District Commercial) to allow for the use of this site for the existing single-family home and a parking lot for a nearby commercial uses. This site is within the Hillcrest Design Overlay District.

Master Street Plan: Spruce Street is shown as a Local Street on the Master Street Plan. The primary function of a Local Street is to provide access to adjacent properties. 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. This street 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.

Landscape: No comment.

G. SUBDIVISION COMMITTEE COMMENT: (June 24, 2015)

The applicant was present. Staff presented an overview of the item stating there were few outstanding technical issues associated with the request. Staff questioned how the parking functioned. Staff also questioned if the parking area would remain graveled or if the area would be paved.

Public Works comments were addressed. Staff stated if the applicant was proposing to use the alley for access a minimum pavement width of 20-feet should be installed from Kavanaugh to F Street. Staff stated if the area was to be paved the parking area should be graded and paved with asphalt to not damage adjacent properties from stormwater runoff.

Staff noted the comments from the various other agencies. There were no more issues for discussion. The Committee then forwarded the item to the full Commission for final action.

H. ANALYSIS:

There were no items raised at the June 24, 2015, Subdivision Committee meeting in need of addressing via a revised site plan. The applicant is requesting to utilize a graveled parking area behind the house at 719 North Spruce Street to serve the commercial businesses located to the north along Kavanaugh Boulevard. The applicant is not proposing any improvements to the alley and requests to utilize the alley in its current condition and with the existing pavement width. The applicant has indicated six (6) to eight (8) vehicles can park in the lot. He states the driveway located on North Spruce Street serves the single-family home.

Staff is not supportive of the request. Staff feels the placement of parking on this single-family lot is an intrusion into this residential neighborhood. Although there are a few parking spaces located across the alley to the east, the property is zoned C-3, General Commercial District and the parking serves a business located on North Palm Street. The commercial uses and zoning do not encroach into the neighborhood past North Palm Street and are limited to the Kavanaugh Boulevard frontage. Staff does not feel it is appropriate to allow the commercial parking within this residential neighborhood.

I. STAFF RECOMMENDATION:

Staff recommends denial of the request.

PLANNING COMMISSION ACTION:

(JULY 16, 2015)

The applicant was not present. There was one registered objector present. Staff presented a recommendation of deferral of the item to the August 27, 2015, public hearing to allow the applicant to be present to present their case. There was no further discussion of the item. The chair entertained a motion for approval of the item as presented by staff. The motion carried by a vote of 10 ayes, 0 noes and 1 absent.

STAFF UPDATE:

The applicant submitted a request dated July 29, 2015, requesting deferral of this item to the October 8, 2015, public hearing. The applicant stated he would be out of the Country on August 27, 2015. Staff is supportive of the deferral request.

PLANNING COMMISSION ACTION:

(AUGUST 27, 2015)

The applicant was present. There were no registered objectors present. Staff presented the item stating the applicant had submitted a request dated July 29, 2015, requesting deferral of this item to the October 8, 2015, public hearing. Staff stated the applicant had stated he would be out of the Country on August 27, 2015. Staff stated they were supportive of the deferral request. There was no further discussion. The item was placed on the consent agenda and approved as recommended by staff by a vote of 11 ayes, 0 noes and 0 absent.

STAFF UPDATE:

There has been no change in this application request since the previous staff write-up and analysis. Staff continues to recommend denial of the request.

PLANNING COMMISSION ACTION:

(OCTOBER 8, 2015)

Mr. Daniel Bryant was present. There was one (1) registered objector present. Staff presented the item with a recommendation of denial.

Mr. Bryant addressed the Commission on the merits of the request. He stated he was requesting to use an area for parking that had historically been used for parking. He requested to reserve the remaining time to allow the opposition to voice their concerns.

Ms. Ruth Bell, League of Women Voters, addressed the Commission in opposition of the request. She stated the League was opposed to the request to allow the commercial uses to encroach into the residential area. She stated this was a highly inappropriate use for the site. She stated in the past when the Razorback football

games were held in Little Rock people allowed cars to park in their yards for a little extra income. She stated that was different than allowing a commercial parking lot within the rear yard of a home on a permanent basis. She stated with the parking area in the rear yard this would increase traffic on the alley which would impact the residential homes to the south. She requested the Commission deny the requested rezoning to allow the parking area.

Mr. Bryant stated when he bought the property there were cars parking in the rear yard of this home. He stated he removed a storage building, graveled the parking area and placed some signs which he felt had created the concern. He stated he had attended two (2) Resident Association meetings and one (1) Merchants Association meeting. He stated the residents in the neighborhood were not concerned with the request. He stated the HRA had indicated they would rather have parking on the lot which would take parking off the streets.

There was a general discussion by the Commission concerning the development, the impact and the potential for future impact of allowing the site to be used as a commercial parking lot. Commissioner Berry stated if the parking was a great concern to the area residents there would be more residents addressing the Commission and stating their objection. The Commission questioned if the rezoning request was the result of an enforcement action. Staff stated that was the case.

A motion was made to approve the request including all staff recommendations and comments except that of denial. The motion failed by a vote of 5 ayes, 4 noes and 2 absent.