

FILE NO.: Z-6120-Q

NAME: Landmark Apartments Revised Long-form PD-R and Land Alteration Variance Request

LOCATION: Located at 16000 Rushmore Avenue

DEVELOPER:

Landmark Apartments LLC
216 Louisiana Street
Little Rock, AR 72201

SURVEYOR:

Heiple + Wiedower Architects PLLC
319 President Clinton Avenue, Suite 201
Little Rock, AR 72201

AREA: 13.5-acres NUMBER OF LOTS: 1 FT. NEW STREET: 0 LF

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

CURRENT ZONING: PD-R

ALLOWED USES: Multi-family; 16.57 units per acre

PROPOSED ZONING: Revised PD-R

PROPOSED USE: Allow a revision to the approved signage plan and to allow a variance from the City's Land Alteration Ordinance related to plantings along the retaining walls.

VARIANCE/WAIVERS: A variance from the City's Land Alteration Ordinance to allow a reduction in the plantings along the retaining walls.

BACKGROUND:

On June 20, 1996, the Planning Commission approved a proposal to rezone 42.58± acres from R-2, Single-family to MF-12, Multi-family. The rezoning request was associated with Capitol Lakes Estates preliminary plat, a 190 + acre development (File No. S-1100). The property shown for Multi-family was located in two (2) tracts lying on either side of the proposed realignment of Cooper Orbit Road (Rushmore Avenue),

south of a proposed minor arterial street (Capitol Hills Boulevard). The application was the third version of proposed multi-family zoning associated with Capitol Lakes Estates.

The first version consisted of a proposal to zone 31+ acres at the southeast corner of the Capitol Lakes Estates Plat from R-2, Single-family to MF-18. Staff was not supportive of the proposed density and the application drew opposition from the residents of Spring Valley Manor Subdivision, which is adjacent to the south. The applicant at the Planning Commission Public Hearing later withdrew the application.

The second version consisted of a proposal to zone 33.8+ acres at the intersection of the realigned Cooper Orbit Road and an as yet unnamed minor arterial street (Capitol Hills Boulevard) from R-2, Single-family to MF-12. The proposed multi-family property was in two (2) tracts, a 27+-acre tract lying south of the arterial street (Capitol Hills Boulevard) and a 7+-acre tract lying north of the arterial. The multi-family property was moved well north of the Spring Valley Manor Subdivision and residents of that neighborhood supported this version. Staff was also able to recommend approval of the application. The density had been reduced from MF-18 to MF-12. The proposed Multi-family property was basically within the body of the Capitol Lakes Estates plat with only a perimeter relationship to the Oasis Renewal Center on the collector street (Rushmore Avenue) and an arterial street (Capitol Hills Boulevard). There was some opposition to this proposal from the Oasis Renewal Center. The Planning Commission voted to approve this application on April 25, 1996. The applicant continued to work with the Oasis Renewal Center with their concern of locating the 7+ acres of Multi-family property adjacent to their site. After reaching a compromise with the Oasis Center, the applicant withdrew this second application from the Board of Directors' agenda and filed a third version of the proposed rezoning request.

The third version consisted of a proposal to zone 42.58+ acres on either side of the proposed realignment of Cooper Orbit Road (Rushmore Avenue) from R-2, Single-family to MF-12. The proposed Multi-family property was in two (2) tracts on either side of the new alignment of Cooper Orbit Road, south of the proposed new arterial street (Capitol Hills Boulevard). The 27+ acre tract lying south of the arterial and west of proposed Cooper Orbit Road is the same as in the second (approved) application. The 7+ acres which was approved on the north side of the arterial (adjacent to the Oasis property) was moved to a point south of the arterial, on the east side of the proposed alignment of Cooper Orbit Road and increased to 14.81 acres. The 7+ acres on the north side of the arterial (adjacent to the Oasis property) was to remain zoned R-2, Single-family and was shown as a "reserved" tract on the Capitol Lakes Estates Preliminary Plat.

The Board of Directors adopted Ordinance No. 17,312 rezoning the property from R-2, Single-family to MF-12, with conditions, on November 7, 1996. The conditions were as follows: Any development which occurs on the property described as Tract C, that tract located on the east side of Rushmore Avenue was to be limited to 125 dwelling units, Three (3) acres within the property described as Tract C was to be dedicated as Open Space and not developed, Capitol Lakes Estates was not to be developed prior to implementation of sanitary sewer service, whether brought about through formation of a new sewer improvement district, expansion or the existing sewer improvement district or some other more feasible cooperative alternative and with respect to that portion of

property zoned MF-12 which would front on the newly realigned Cooper Orbit Road, a twenty (20) foot natural buffer was to be maintained along the frontage of the newly aligned Cooper Orbit Road. If it became necessary to regrade the buffer zone, the regraded area within the twenty foot buffer strip was to be replanted to a planting density fifty (50) percent greater than that specified in the Little Rock Landscaping Ordinance. The rezoning contained Tract A, 27.77 acres, from R-2, Single-family to MF-12 and Tract C, 14.81 acres, from R-2, Single-family to MF-12.

On July 11, 2002, the Commission reviewed a request to rezone the property on the west side of Rushmore Avenue to Planned Development – Residential to allow the development of a 528-unit apartment complex. The applicant proposed the placement of 904 parking spaces within the development. A separate request was also filed for a property zoned MF-12 and located to the east of the PD-R site. The request to rezone the property to the east from MF-12 to R-2, Single-family was also approved on July 11, 2002. Both Ordinances were approved by the Little Rock Board of Directors at their August 20, 2002 Public Hearing. Ordinance No. 18,729 rezoned the western MF-12 property to PD-R and Ordinance No. 18,728 rezoned the eastern MF-12 site to R-2, single-family.

The applicant proposed the PD-R development to be constructed in three phases with 156 units being constructed in Phases One and Two and 216 units in the third and final phase. Capitol Hills Boulevard and Rushmore Avenue have been constructed to allow access to the site as a part of the Phase I portion of the PRD, Planned Residential Development.

Ordinance No. 18, 898 adopted by the Little Rock Board of Directors on July 15, 2003, approved a revision to allow the creation of a three (3) lot plat following the previously proposed phasing lines. The applicant indicated all three (3) lots would have public street frontage but access to the public streets only located on Lots 1 and 3. Lot 2 would take access through a cross access easement across Lots 1 and 3. The Lots were numbered according to the previous phase lines. The previous drainage and utility plan did not change from the original submission.

The Little Rock Board of Directors adopted Ordinance No. 18,963 on October 21, 2003, revising the PD-R to allow the placement of two (2) trash compactors on the site. The applicant indicated a private contractor would service the compactors once a week. The applicant stated with the compactors near the entrance this should allow the driver easy access and minimal disturbance to the residents in the early morning hours when the compactors were serviced.

The development of the Phase 1 portion of the development destroyed the required land use buffer areas previously proposed on the west and south perimeters of Phase 1 (Lot 1). The request included a restoration plan for the buffer areas. The restoration plan included plantings in the area previously designated as the land use buffer area be replanted at double the plantings required by the landscape ordinance. This included the area to the south and the west on Lot 1 of the development. The approval included planting of all trees of three inch caliper and additional 30-feet of land to the south was to

be retained in a conservation easement and the 30-feet along with the buffer remaining on Lot 2 be combined with a tract designated south of Lot 3 to ensure the buffer would be maintained in the future.

On January 29, 2004, the Little Rock Planning Commission reviewed a request by the applicant to phase the construction of Rushmore Avenue at the eastern boundary of the site until Lot 3 was developed. The site was originally approved as a single tract development and was later revised to allow three (3) lots to develop following previously approved phasing lines. The applicant stated since the PD-R for Capitol Hills Apartments was revised to allow the creation of the three lots a deferral of street improvements was customary until the lot abutting the roadway was developed (Lot 3). The applicant withdrew the request from consideration and the roadways were constructed.

Ordinance No. 19,277 adopted by the Little Rock Board of Directors on February 17, 2005, allowed a revision to the approved site plan. The applicant proposed a revision to the existing PRD to allow the development of covered parking and a clubhouse with a pool within the Phase II portion of the proposed development. The approved plan indicated covered parking added at various locations throughout the Phases II and III. There was no increase in the number of units proposed for the development. The parking was increased by roughly 60 parking spaces. The phase line on the east side was slightly modified, which was partially the reason for the increase in the number of parking spaces. The remainder of the parking was to be added to the northern portion of the site.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The Phase 1 portion of the development occurred and the remaining area remained undeveloped until construction began on the previously identified Phases 2 and 3 last summer (2016). The developer of the Phase 2 and 3 portions of the development are not the same developer as the previous phase and the Phase 2 and 3 areas are under a different ownership.

The request is to amend the previously approved PD-R, Planned Development Residential, to allow the placement of additional signage. The plan indicates the placement of a ground sign at the entrance drive from Rushmore Avenue. The plan indicates the sign with a maximum height of 5-feet 4-inches. The sign is indicated with 2-foot 2-inch columns and the sign area is indicated 4-feet in height and 8-feet in length.

Located on the lower retaining wall the applicant is requesting the placement of a wall sign with lettering *Landmark Apartments* and directional arrows directing patrons to the main entrance. The lettering is proposed with reverse halo illuminated lighting.

The request also includes a variance of the Land Alteration Ordinance (Section 29-190) to eliminate the plantings on the upper bench of the retaining wall. The plantings are required on each of the benches of each retaining wall. The ordinance requires the placement of plantings along the wall, two (2) rows of trees

planted 4-feet apart with trees staggered not more than 20-feet on center. The applicant indicates the retaining walls were installed with ten (10) feet between the retaining walls and if the trees are planted in the space between the walls as per the ordinance requirement the geo-fabric that is the structural basis of the lower wall will be compromised and the developer feels the lower wall will be in danger of failing. If the lower wall fails then the upper wall will also be in danger of failing as well.

The applicant is proposing to place plant materials, trees and shrubs, on the lower wall. The applicant is proposing the placement of Green Giant Arborvitae along the wall to screen the upper wall. According to the applicant the trees will grow large enough in a short period of time to provide the desired screening of the upper wall. Shrubs and vines will be placed within the benched area of the upper wall.

B. EXISTING CONDITIONS:

The site work has been completed for both phases and the first phase of the apartment development is currently under way. The abutting streets have been constructed to Master Street Plan standard as far as roadway widths but the sidewalk along Capitol Hills Boulevard and Rushmore Avenue have not been installed. There are single-family homes located to the north of this site. To the east of the site is undeveloped single-family zoned property. West of the site is the first phase of the previously approved apartment development.

C. NEIGHBORHOOD COMMENTS:

All property owners located within 200-feet of the site along with the Spring Valley Manor Neighborhood Association and the Capitol Lake Estates Neighborhood Association were notified of the public hearing.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. In addition to the single row of trees, additional plantings and ground cover should be proposed to mask the intensive retaining walls coverage.

E. SUBDIVISION COMMITTEE COMMENT: (June 28, 2017)

The applicant was present. Staff presented an overview of the development indicating there were two (2) items associated with the request. Staff stated the request included the allowance of additional signage and the allowance of a variance from the City's Land Alteration Ordinance.

Staff stated they felt the sign on the lower retaining wall and the sign on the upper retaining wall could be combined to allow direction to the office area and to identify the multi-family development. Staff stated they would only support the wall signage in one (1) location.

Public Works comments were addressed. Staff stated the request was to not plant vegetation within the upper retaining wall bench area. Staff stated the ordinance required plant materials to be placed on all benches to screen the retaining walls. Staff stated the applicant had indicated if plant materials with deep roots were placed in the area the geo-fabric would be compromised causing the wall to fail. Staff stated they felt the applicant could plant vines within the bench area which would not compromise the geo-fabric. Staff stated they felt the vines should grow up the wall and not cascade over the wall to ensure the wall integrity. Staff requested the applicant provide a landscape plan indicating the proposed plantings.

There were no more issues for discussion. The Committee then forwarded the item to the full Commission for final action.

F. ANALYSIS:

The applicant submitted a landscape plan and a revised signage plan addressing staff's concerns raised at the June 28, 2017, Subdivision Committee meeting. The amended signage plan includes a wall sign on the lower retaining wall and a ground sign at the main entrance to the development.

The plan indicates the placement of a ground sign at the entrance drive from Rushmore Avenue. The plan indicates the sign with a maximum height of 5-feet 4-inches. The sign is indicated with 2-foot 2-inch columns and the sign area is indicated 4-feet in height and 8-feet in length. This sign complies with the previously approved ground sign for this location.

Located on the lower retaining wall at the intersection of Rushmore Avenue and Capitol Hills Boulevard the applicant is requesting the placement of a sign with lettering *Landmark Apartments* with directional arrows directing patrons to the main entrance. The lettering is proposed with reverse halo illuminated lighting.

The request also includes a variance of the Land Alteration Ordinance (Section 29-190), the plantings required on the benches of each wall. The ordinance requires the placement of plantings along the wall, two (2) rows of trees planted 4-feet apart with trees staggered not more than 20-feet on center. The applicant indicates the walls were installed ten (10) feet between the retaining walls, and if the trees are planted in the space between the walls as per the typical ordinance requirement the geo-fabric that is the structural basis of the lower wall will be compromised and the outer wall will be in danger of failing. If the lower wall fails then the upper wall will also be in danger of failing as well.

The applicant is proposing to place plant materials, trees and shrubs, on the lower wall. The applicant is proposing the placement of Green Giant Arborvitae along the wall to screen the upper wall. According to the applicant the trees will grow large enough in a short period of time to provide the desired screening of the upper wall. In addition the applicant is proposing to plant Boston Ivy and dwarf Burford Holly shrubs on the upper wall bench.

Staff is supportive of the applicant's request for the revision to the signage plan. Staff is also supportive of the applicant's request for the variance from the Land Alteration Ordinance. To staff's knowledge there are no outstanding technical issues associated with the request. Staff does not feel the allowance of the signage as proposed and the plantings on the upper bench of the retaining wall will have an adverse impact on this development or the area.

G. STAFF RECOMMENDATION:

Staff recommends approval of the request as proposed to allow the placement of the wall sign on the retaining wall at the intersection of Rushmore Avenue and Capitol Hills Boulevard and the variance request from the Land Alteration Ordinance to allow the plantings on the upper bench as proposed.

PLANNING COMMISSION ACTION:

(JULY 20, 2017)

The applicant was present. There were no registered objectors present. Staff presented the item with a recommendation of approval of the request as proposed to allow the placement of the wall sign on the retaining wall at the intersection of Rushmore Avenue and Capitol Hills Boulevard and the variance request from the Land Alteration Ordinance to allow the plantings on the upper bench as proposed. There was no further discussion. The item was placed on the consent agenda and approved as recommended by staff by a vote of 9 ayes, 0 noes and 2 absent.