

FILE NO.: Z-4807-R

NAME: Lot 1, Wellington Park – PD-O

LOCATION: 2113 Wellington Village Road

DEVELOPER:

Forest Park Partners, LLC
#1 West Palisades
Little Rock, AR 72207

OWNER/AUTHORIZED AGENT:

White-Daters and Associates
Brian Dale
24 Rahling Circle
Little Rock, AR 72223

SURVEYOR/ENGINEER:

White-Daters and Associates

AREA: 2.707 acres

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

WARD: 5

PLANNING DISTRICT: 19

CENSUS TRACT: 42.19

CURRENT ZONING: PD-O (expired)

VARIANCE/WAIVERS:

1. Advance grading variance.
2. Grading into the required northern land use buffer.

BACKGROUND:

Ordinance No. 20,742 adopted by the Little Rock Board of Directors on July 9, 2013, rezoned the site from MF-6, Multi-family to Planned Office Development POD. The applicant proposed the development of the site with five (5) single story office buildings each proposed on a separate lot. The buildings were to range in size from 5,000 square

feet to 15,120 square feet. The lots were to share access and parking through a cross access and parking agreement. Each of the lots was designed to allow for sufficient parking on each lot for the proposed office users.

A specific listing of uses was approved for the site. The approved uses included a Bank or savings and loan office, Clinic (medical, dental or optical), Establishment of religious, charitable or philanthropic organization, Art gallery, Office (general and professional), Private school for tutoring, business, adult education or special education, Studio (art, music, speech, drama, dance or other artistic endeavors), Travel bureau, Barber or beauty salon, Photography studio, Studio (broadcasting or recording), Duplication shop, Laboratory, Health studio or spa.

Ordinance No. 21,200 adopted by the Little Rock Board of Directors on April 5, 2016, revised the previously approved PD-O to allow the development of 1.8-acres of a 4.81-acre tract and to create a two (2) lot plat. The plan included the construction of a 12,200 square foot building to be used as a daycare center and 45 parking spaces. A playground containing 19,431 square feet of space was proposed and 28,189 square feet of miscellaneous space including open space and landscaping was proposed. The building was proposed as a single story building.

On March 7, 2017, the Board of Directors passed Ordinance No. 21,638, revising the previously approved PD-O, Planned Development Office, to allow the development of 2.707-acres with two (2) buildings each containing 14,386 gross square feet of floor area for elderly housing. The plan indicates the placement of 22 parking spaces to serve the western building and 17 parking spaces to serve the eastern building.

The PD-O zoning approved by the Board on March 7, 2017 has expired as of March 7, 2020, as the property remains undeveloped.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant is requesting that the PD-O zoning as approved by Ordinance No. 21,368 on March 7, 2017 be re-established. The applicant is requesting that the PD-O zoning be re-established with no changes, as approved by the Board and Planning Commission on February 2, 2017.

B. EXISTING CONDITIONS:

The property is currently undeveloped. The south and west portions of the property is grass covered. Trees and undergrowth are located within the northeast quarter of the property.

C. NEIGHBORHOOD COMMENTS:

All owners of property located within 200 feet of the site and the Villages of Wellington Neighborhood Association were notified of the public hearing.

D. ENGINEERING COMMENTS:

1. 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.
2. A grading permit in accordance with section 29-186 (c) & (d) will be required prior to any land clearing or grading activities at the site. Other than residential subdivisions, site grading and drainage plans must be submitted and approved prior to the start of construction. A land alteration variance is required for the advance grading of Phase 2 with construction of Phase 1.
3. Regional stormwater detention is provided for this property in the pond on the west side of Kirk Rd.
4. If disturbed area is 1 or more acres, obtain a NPDES storm water permit from the Arkansas Department of Environmental Quality prior to the start of construction.
5. Obtain permits prior to doing any street cuts or curb cuts. Obtain barricade permit prior to doing any work in the right-of-way. Contact Traffic Engineering at (501) 379-1805 (Travis Herbner) for more information.
6. Hauling of fill material on or off site over municipal streets and roads requires approval prior to a grading permit being issued. Contact Public Works Traffic Engineering at 621 S. Broadway, (501) 379-1805 (Travis Herbner) for more information.
7. Provide a Sketch Grading and Drainage Plan per Sec. 29-186 (e).
8. Prior to construction of retaining walls, an engineer's certification of design and plans must be submitted to Public Works for approval. After construction, an as-built certification is required for construction of the retaining wall.
9. Damage to public and private property due to hauling operations or operation of construction related equipment from a nearby construction site shall be repaired by the responsible party prior to issuance of a certificate of occupancy.

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

Little Rock Water Reclamation Authority: Sewer Available to this Site. Capacity Fee Analysis Required.

Entergy: No comments received.

CenterPoint Energy: No comments received.

AT & T: No comments received.

Central Arkansas Water: No comments received.

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.

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.

One- or Two-Family Residential Developments.

As per Appendix D, Section D107.1 of the Arkansas Fire Prevention Code Vol. 1, One- or Two-Family dwelling residential developments. Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads, and shall meet the requirements of Section D104.3.

Exceptions:

1. Where there are **more than 30 dwelling units** on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved **automatic sprinkler system** in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 of the Arkansas Fire Code, access from two directions shall not be required.
2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.

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 (Daniel Tull 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 comments received.

County Planning: No Comments.

F. **BUILDING CODES/LANDSCAPE:**

Building Code:

All buildings 30 feet or more in height require fire access roads on both sides 15-30 from the building. For information contact Captain John Hogue at 501.918.3782.

Landscape:

1. Site plan must comply with the City's minimal landscape and buffer ordinance requirements.
2. Street buffers will be required at six (6) percent of the average depth of the lot. The minimum dimension shall be one-half ($\frac{1}{2}$) the full width requirement but in no case less than nine (9) feet.
3. A land use buffer six (6) percent of the average width / depth of the lot will be required when an adjacent property has a dissimilar use of a more restrictive nature. As a component of all land use buffer requirements, opaque screening, whether a fence or other device, a minimum of six (6) feet in height shall be required upon the property line side of the buffer. Easements cannot count toward fulfilling this requirement. The plantings, existing and proposed, shall be provided within the landscape ordinance of the city, section 15-81.

Screening requirements will need to be met adjacent to the north and east residential zoned property.

4. Screening requirements will need to be met for the vehicular use areas adjacent to street right-of-ways. Provide screening shrubs with an average linear spacing of not less at three (3) feet within the required landscape area. Provide trees with an average linear spacing of not less than thirty (30) feet.
5. A perimeter planting strip is required along any side of a vehicular use area that abuts adjoining property, or the right-of-way of any street. This strip shall be at least nine (9) feet wide. One (1) tree and three (3) shrubs or vines shall be planted for every thirty (30) linear feet of perimeter planting strip.
6. Eight percent (8%) of the vehicular use area must be designated for green space; this green space needs to be evenly distributed throughout the parking area(s). The minimum size of an interior landscape area shall be one hundred fifty (150) square feet for developments with one hundred fifty (150) or fewer parking spaces. Interior islands must be a minimum seven and one half ($7 \frac{1}{2}$) feet in width. Trees shall be included in the interior landscape areas at the rate of one (1) tree for every twelve (12) parking spaces.
7. An automatic irrigation system to water landscaped areas shall be required for developments of one (1) acre or larger.
8. The development of two (2) acres or more requires the landscape plan to be stamped with the seal of a Registered Landscape Architect.
9. 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: No comments received.

Planning Division:

Land Use Plan: The request is in the Chenal Ridge Planning District. The Land Use Plan shows Suburban Office (SO) for the requested area. Suburban Office provides for low intensity development of office or office parks in close proximity to lower density residential areas to assure compatibility. A Planned Zoning District is required. The application is to re-approve an expired PD-O (Planned District Office) for an elderly housing development on the site.

Surrounding the application area, the Land Use Plan shows Residential Low Density (RL) to the east; Residential High Density (RH) to the north; Public Institutional (PI) to the south; and (SO) to the west. Residential Low Density category provides for single family homes at densities not to exceed 6 dwelling units per acre. Such residential development is typically characterized by conventional single family homes, but may also include patio or garden homes and cluster homes, provided that the density remain less than 6 units per acre. Transition is a land use plan designation that provides for an orderly transition between residential uses and other more intense uses. Residential High Density accommodates residential development of more than twelve (12) dwelling units per acre. Public Institutional includes public and quasi-public facilities that provide a variety of services to the community such as schools, libraries, fire stations, churches, utility substations, and hospitals. Suburban Office provides for low intensity development of office or office parks in close proximity to lower density residential areas to assure compatibility.

Master Street Plan: To the south is Wellington Village Road and it is shown as a Collector on the Master Street Plan. The primary function of a Collector is to provide a connection from Local Streets to Arterials. This street may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

Bicycle Plan: There is a Class III Bike Route shown on Wellington Village Road. Bike Routes require no additional right-of-way, but either a sign or pavement marking to identify and direct the route.

H. ANALYSIS:

The applicant proposes to re-establish the previously approved Lot 1, Wellington Park – PD-O, located at 2113 Wellington Village Road. The previously approved PD-O expired on March 7, 2020, three (3) years after the ordinance approved the development. The applicant proposes to re-establish the PD-O just as it was approved in 2017.

The development will consist of two (2) buildings to be utilized as elderly housing/assisted living. The applicant proposes the easternmost building to be constructed as Phase I, with the west building being Phase II. The parking and other site improvements will be constructed with Phase I.

Each assisted living facility building will accommodate 16 to 20 residents per building who will have specialized care. The caregiver/client ratio is one (1) to four (4). The residents will be provided meals, activities and support that are individualized for each resident. This development will provide ancillary services on-site, such as transportation, recreation, and common dining facilities.

The proposal is to allow the construction of two (2) buildings each containing 14,386 gross square feet of floor area. The site plan indicates the placement of outdoor patio areas. The construction materials for the buildings are proposed as a mix of brick and masonry board siding. The roofs are composite asphalt shingles. The maximum building height proposed is 25-feet.

The site plan indicates the placement of 36 parking spaces. Parking for an assisted living facility is typically calculated at ½ space per unit. The development is proposed with a maximum of 40 beds which will require the placement of 20 parking spaces. Staff feels the parking as proposed is adequate to serve the development.

The site plan indicates the placement of a single development sign along Wellington Village Road. Typically signage allowed in office zones is six (6) feet in height and 64 square feet in area. The site plan notes the placement of a monument sign which complies with the typical ordinance standard.

The site plan indicates the placement of a dumpster along the eastern perimeter of the site. The applicant notes the dumpster was placed in this area to limit visibility from the adjacent street. The applicant states due to the grade of the site the dumpster will be located below street grade. The enclosure will be constructed of complimentary materials of the building construction. The enclosure will also incorporate a metal gate along the front side. Landscape materials, evergreen trees and shrubs, will be placed around the dumpster enclosure to soften the visual impact of the dumpster enclosure from the adjacent parking lot and the abutting street. The hours of dumpster service will be 7 am to 6 pm Monday through Friday.

The applicant is required to provide a land use buffer along the northern perimeter as well as provide screening due to the adjacent residential use and zoning. The site plan indicates the northern land use buffer will not remain in its undisturbed natural state. The grading plan indicates grading to the northern property line to allow the site to develop as proposed. The applicant has indicated a screening fence or dense evergreen plantings will be provided along the northern boundary. The required land use buffer along the northern perimeter should be 21.94-feet with no more than 30 percent of the buffer area disturbed. The plan as presented indicates the entire buffer area to be graded. A previous application was approved with an encroachment into this buffer area but to mitigate the encroachment that

applicant offered to provide evergreen plantings at a rate of two (2) times the normal requirement of the landscape ordinance for perimeter plantings. The plant materials are to be a minimum of six (6) feet in height at the end of the growing season. Staff feels to allow this development to remove the land use buffer the developer should install evergreen plantings also at a rate of two (2) times the typical ordinance requirement and to stagger the plantings to increase the visual screen. Per typical ordinance requirements the required street buffer would be 21.94-feet and in no case less than one-half. It appears the street buffer requirement is being met.

The land use buffer along the eastern perimeter will be maintained as typically required by ordinance. The applicant has indicated a screening fence or dense evergreen plantings will be placed within the buffer to provide the required screening.

All site lighting will be low level and directional, directed downward and into the site. The lighting will be shielded to minimize over spilling of light onto adjacent properties. The maximum pole height for the parking lot lighting is 20-feet.

The applicant is proposing to grade the entire site with Phase I development. Therefore, the applicant is requesting as Advance Grading Variance, to advance grade the area of Phase II construction with the development of Phase I. Staff is supportive of the variance request.

Staff is supportive of the applicant's request. The development is proposed as an elderly housing development with a maximum of 40-living accommodations. The overall density is 14.8-units per acre. To staff's knowledge there are no remaining outstanding technical issues associated with the request. Staff feels the re-establishment the PD-O zoning to allow the development as proposed will have limited impact on the area.

I. STAFF RECOMMENDATION:

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

Staff also recommends approval of the variance request to allow grading of the northern land use buffer provided the applicant replant the buffer with evergreen plantings a minimum of six (6) feet in height at the end of the growing season and planted at a rate of two (2) times the normal planting requirement of the landscape ordinance for perimeter plantings.

PLANNING COMMISSION ACTION:

(SEPTEMBER 24, 2020)

The applicant was present. There were no persons present registered in support or opposition. Staff presented the item and a recommendation of approval as outlined in the "staff recommendation" above. There was no further discussion.

The item was placed on the Consent Agenda and approved as recommended by staff, including all staff comments and conditions. The vote was 9 ayes, 0 nays and 2 absent.