

FILE NO.: Z-3808-B

NAME: Davis Short-form PD-R

LOCATION: Located at 5210 Mabelvale Pike

DEVELOPER:

Dino Davis
c/o Kwendeche
2124 Rice Street
Little Rock, AR 72202

SURVEYOR/ENGINEER:

Harbor
5800 Evergreen
Little Rock, AR 72205

AREA: 1.907 acres NUMBER OF LOTS: 1 FT. NEW STREET: 0 LF

WARD: 2 PLANNING DISTRICT: 12 – 65th Street West CENSUS TRACT: 20.01

CURRENT ZONING: C-1, Neighborhood Commercial and R-2, Single-family

ALLOWED USE: Retail and Single-family

PROPOSED ZONING: PRD, Planned Residential Development

PROPOSED USE: Multi-family

VARIANCE/WAIVERS: A variance from the Land Alteration Ordinance to allow grading of future phases with the development of the first phase.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The property is intended to be developed by the Owner in Phase 1 with a new wood framed, 2-level apartment unit with 12 total units. Each floor will have four (4) one-bedroom and two (2) studio units totaling 6,000 gross square feet for the entire building. A total of 18 off street parking spaces on a paved area will be provided and accessed by a new paved driveway from the existing drive apron at Mabelvale Pike.

The exterior of the building is proposed wood framed apartment buildings. The buildings are proposed brick up to a mid-level and EIFS on the upper floor walls. New vinyl clad wood windows with clear insulated glass will be installed. The roof will be asphalt architectural shingles on a combination of a hip roof with a gable end intersecting on the entry side of the unit. The building is proposed to sit on a flat reinforced concrete slab on a relatively flat portion of the existing site.

A future phase of the development plan includes the complete rehabilitation of the existing residential house located on the site. The site will be used as a residence or potentially an office use for the multi-family development.

Also included in a future phase is an additional 12-unit apartment building with the same design as the initial apartment buildings. Additional paved parking will be added with this portion of the development.

The request includes a variance from the Land Alteration Ordinance to allow grading of future phases with the development of the first phase.

B. EXISTING CONDITIONS:

The site is located on Mabelvale Pike which is a four (4) lane street constructed with curb, gutter and sidewalk. There is a single-family residence located on the site along with an out-building. East of the site is a strip center which contains a mixture of commercial uses including auto repair. Northeast of the site is an apartment complex accessed from West 51st Street. North of the site, also accessed from West 51st Street, there are single-family homes. South of the site, across Mabelvale Pike, are single-family homes. Southeast is a vacant boarded commercial building.

C. NEIGHBORHOOD COMMENTS:

All property owners located within 200-feet of the site along with the Wakefield Neighborhood Association and Southwest Little Rock United for Progress were notified of the public hearing. There is not a contact listed for the Geyer Springs Neighborhood Association in the City of Little Rock's neighborhood contact list.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. Mabelvale Pike is classified on the Master Street Plan as a minor arterial. A dedication of right-of-way 45 feet from centerline will be required.

2. Repair or replace any curb and gutter or sidewalk that is damaged in the public right-of-way prior to occupancy. Remove old driveway curb cuts no longer proposed to be used.
3. A grading permit in accordance with Section 29-186 (c) and (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. Is an advanced grading variance being requested to grade Phase 2 with construction of Phase 1?
4. Stormwater detention ordinance applies to this property. Show the proposed location for stormwater detention facilities on the plan. Maintenance of the detention pond and all private drainage improvements is the responsibility of the developer and/or property owner.
5. If disturbed area is one (1) or more acres, obtain a NPDES stormwater permit from the Arkansas Department of Environmental Quality prior to the start of construction.
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, 621 South Broadway, Travis Herbner, therbner@littlerock.gov or 501.379.1805 for more information.
7. 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.
8. Access to detention ponds must be provided to the public right-of-way and/or access easement for future maintenance by the developer and/or owner.

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

Little Rock Water Reclamation Authority: Sewer available to this site. Capacity and fee analysis required. Contact Little Rock Water Reclamation Authority for additional information.

Entergy: Entergy does not object to this proposal. There do not appear to be any conflicts with existing electrical utilities based on the information provided. There is an existing three phase power line running along the south side of Mabelvale Pike in front of this property. Contact Entergy in advance to discuss electrical service requirements, or adjustments to existing facilities (if any) 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. 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.
3. 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.
4. 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.
5. Additional fire hydrant(s) will be required. Contact the Little Rock Fire Department to obtain information regarding the required placement of the hydrant(s) and contact Central Arkansas Water regarding procedures for installation of the hydrant(s).

Fire Department:

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. 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.
5. 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.
6. 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.
10. Multi-family Residential Developments - As per Appendix D, Section D106.1 of the 2012 Arkansas Fire Prevention Code Vol. 1. Projects having more than 100 dwelling units. Multiple-family residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.
 - a. Exception: Projects having up to 200 dwelling units may have a single approved fire apparatus access road when all building, including nonresidential occupancies are equipped throughout with approved automatic sprinkler systems installed in accordance with Section 903.3.1.1 or 903.3.1.2.
 - b. As per Appendix D, Section D106.2 of the 2012 Arkansas Fire prevention Code Vol. 1. Projects having more than 200 dwelling units. Multiple-family residential projects having more than 200 dwelling units shall be provided with two separate and approved fire apparatus access roads regardless of whether they are equipped with an approved automatic sprinkler system.
7. 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: 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.gov or
Mark Alderfer at 501.371.4875; malderfer@littlerock.gov.

Landscape:

1. Site plan must comply with the City's landscape and buffer ordinance requirements

2. 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. The property to the north and west is zoned R-2, Single-family. The maximum dimension required shall be fifty (50) feet. The minimum dimension shall be one-half ($\frac{1}{2}$) the full width requirement but in no case less than nine (9) feet. 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. A minimum of seventy (70) percent of the land use buffer shall be undisturbed. Easements cannot count toward fulfilling this requirement. Existing plant materials can be used to meet screening and perimeter requirements if protected and noted to remain on the landscape plan.
3. 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.
4. Building landscape areas shall be provided at the rate equivalent to planter strip three (3) feet wide along the vehicular use area. One (1) tree and four (4) shrubs shall be planted in the building landscape areas for each forty (40) linear feet of vehicular use area abutting the building.
5. 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 of 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.
6. A landscape irrigation system shall be required for developments of one (1) acre or larger.
7. 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: The site is not located on a dedicated Rock Region Metro Route.

Planning Division: This request is located 65th Street East Planning District. The Land Use Plan shows Residential Medium (RM) for this property. The Residential Medium Density (RM) category accommodates a broad range of housing types including single family attached, single family detached, duplex, town homes, multi-family and patio or garden homes. Any combination of these and possibly other housing types may fall in this category provided that the density is between

six (6) and twelve (12) dwelling units per acre. The applicant has applied for rezoning from C-1 (Neighborhood Commercial District) and R-2 (Single Family District) to PRD (Planned Residential Development) to allow the construction of two (2) buildings each containing 12 units (24 total units) for a density of approximately 12.6 units/acre.

Master Street Plan: East of the property is Mabelvale Pike and it is shown as a Minor Arterial 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 Mabelvale Pike since it is a Minor Arterial. 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 Mabelvale Pike. Bike Lanes provide a portion of the pavement for the sole use of bicycles.

H. SUBDIVISION COMMITTEE COMMENT: (November 1, 2017)

The applicants were present. Staff presented an overview of the item stating there were few outstanding technical issues associated with the request in need of addressing related to the site plan. Staff requested details concerning the proposed signage plan and any proposed fencing.

Public Works comments were addressed. Staff stated the City's Stormwater Detention Ordinance would apply to the future development of the site. Staff requested the applicant provide the location for the proposed stormwater detention facilities on the site plan. Staff stated a grading permit was required prior to any land clearing or grading of the site. Staff stated right of way dedication to 45-feet from centerline was required along Mabelvale Pike.

Landscaping comments were addressed. Staff stated land use buffers and screening was required along the perimeters of the site where adjacent to residential zoning or use. Staff stated a landscape irrigation plan was required for sites over one (1) acre. Staff stated building landscaping and interior, parking lot, landscaping would be required at the time of development.

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 site plan to staff addressing most of the technical issues associated with the request. The applicant has provided the proposed signage plan and location of all proposed fencing. The applicant has also indicated

the development will occur within 12 to 24 months of approval. The applicant notes the date for construction of the Phase 2 portion of the site has not been determined.

The applicant is requesting a rezoning of the site from C-1, Neighborhood Commercial Zoning District and R-2, Single-family Zoning District to PD-R, Planned Development Residential, to allow the development of the site with multi-family housing. The Phase 1 portion is proposed with 12 total units. The building is proposed as a two (2) story structure. Each floor will have four (4) one-bedroom and two (2) studio units totaling 6,000 gross square feet for the entire building.

A total of 18 off street parking spaces on a paved surface will be provided and accessed by a new paved driveway from the existing drive apron at Mabelvale Pike. Parking for multi-family is typically based on one and one-half (1 ½) parking spaces per unit. 12 units would typically require 18 parking spaces to serve the use.

A future phase of the development plan includes the complete rehabilitation of the existing residential house located on the site. The structure will be used as a residence and/or a leasing office for the multi-family development. The office will also serve as an activities center for the residents of the multi-family homes.

A third phase of the development includes an additional 12-unit apartment building with the same design as the initial apartment buildings. With this phase of the development additional paved parking will be added to accommodate the new units.

The plan indicates the placement of a six (6) foot fence around the perimeter of the site. The plan also indicates the placement of a six (6) foot wrought iron metal fence with a remote control entry gate at the driveway. The plan also indicates the placement of a three (3) foot wide pedestrian gate adjacent to the vehicular use gate.

The plan indicates the placement of a dumpster on the site. The plan notes the dumpster will be fully screened per typical ordinance requirements. The applicant also notes the hours of dumpster service will be limited to 7 am to 6 pm Monday through Friday.

The plan includes the placement of an entry sign. The sign is proposed six (6) feet height and 24 square feet in area. The sign is proposed consistent with signage allowed in multi-family zones.

There is a large wooded area which will remain on the site to act as buffering and screening to the adjacent property to the north and west. The applicant is however requesting a variance from the Land Alteration Ordinance to allow grading of future phases with the development of the first phase.

Staff is supportive of the applicant's request. The site is located adjacent to multi-family on the northeastern perimeter and commercial on the southeastern perimeter. The site is indicated on the future land use plan as RM, Residential Medium, which typically allows for multi-family at a density of six (6) to twelve (12) units per acre. As currently proposed when fully developed the overall density proposed is 12.6-units per acre. To staff's knowledge there are no outstanding technical issues in need of addressing related to the site plan. Staff does not feel the development of the site with multi-family as proposed will have a significant impact on the area.

J. 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.

Staff recommends approval of the variance request from the Land Alteration Ordinance to allow grading of future phases with the construction of the first phase.

PLANNING COMMISSION ACTION:

(NOVEMBER 30, 2017)

The applicant was present. There was one (1) 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. Staff presented a recommendation of approval of the variance request from the Land Alteration Ordinance to allow grading of future phases with the construction of the first phase.

Mr. Dino Davis, the applicant, requested to yield his time to the opposition.

Ms. Pam Adcock, President of Southwest Little Rock United for Progress, addressed the Commission with concerns. She stated Mr. Davis and Kwendeche had attended the Southwest Little Rock United for Progress meeting and presented the plan. She stated Mr. Davis had indicated the apartments would not be used for rehabilitation housing. She stated Mr. Davis had also agreed there would be an on-site manager 24/7/365. She stated the members and attendees had voted to not support the request due to a concern the one (1) room apartments would eventually revert to rehab facility housing units due to Mr. Davis' profession. She stated the development was too close to an elementary school. She stated there were sufficient apartments in the area currently. She stated the existing apartments generated a number of police calls. She stated the neighborhood would rather have single-family homes. She requested the Commission place limits on the request to not allow the apartments to not become a rehab facility and to require there be an on-site manager.

Mr. Davis stated the new construction was for affordable living apartments. He stated this development was not connected to the rehab facility. He stated he had owned the property since 2008 and the existing home was a five (5) one (1) bedroom apartment. He stated there had been no police calls to this address during the entire time he had owned the property. He stated he wanted to enhance the community. He stated the development was on the edge of Southwest Little Rock. He stated the existing structure would be rehabbed to allow for a managers residence and to allow for community space for the residents of the apartments.

Chairman Berry questioned if the City could require or deny residency for persons with drug or alcohol addictions. Shawn Overton, Deputy City Attorney, stated the City could not deny residency based on these conditions. Mr. Dana Carney stated the rehab facility was a different zoning and Mr. Davis was not requesting rehab as an allowable use for the apartments. He stated someone leaving Mr. Davis' rehab center could come to this site and rent an apartment just as anyone else could rent at this location. He stated to allow the site to be used as a rehabilitation facility would require a separate action by the Planning Commission.

The Commission questioned Mr. Davis if he was committing to an on-site manager. Mr. Davis stated the existing structure would be remodeled and an on-site manager's residence would be provided.

There was a general discussion by the Commission of the request and the crime rates in the area. Mr. Laha stated he did not feel there was any significant crime in the area. He questioned if the conditions, to not allow the development to become a rehab facility and the on-site manager's residence would remain with the zoning or were they approved just for this owner. Staff stated the commitments would become a part of the zoning and transfer to any future owner of the property.

There was no further discussion. A motion was made to approve the variance request from the Land Alteration Ordinance. The motion carried by a vote of 7 ayes, 1 no and 3 absent. A motion was made to approve the rezoning request including all staff recommendations and comments. The motion carried by a vote of 7 ayes, 1 no and 3 absent.