

FILE NO.: Z-9858

---

NAME: Master Company – PD-C

LOCATION: 9911 W. Markham Street

DEVELOPER:

Master Company, LLC (Owner)  
8110 Scott Hamilton Drive  
Little Rock, AR 72209

OWNER/AUTHORIZED AGENT:

Master Company, LLC  
8110 Scott Hamilton Drive  
Little Rock, AR 72209

SURVEYOR/ENGINEER:

Brooks Surveying, Inc.  
20820 Arch Street Pike  
Hensley, AR 72065

AREA: 0.22 acre

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

WARD: 6

PLANNING DISTRICT: 2

CENSUS TRACT: 22.08

CURRENT ZONING: O-3

VARIANCE/WAIVERS: None requested.

---

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant is requesting to rezone a 0.22 acre site from O-3 to PD-C to allow the existing building to be utilized as a convenience store. The applicant is not proposing to include alcohol sales as part of this rezoning request.

B. EXISTING CONDITIONS:

The site contains an existing 1,508 square foot residential building. The property was formerly utilized as a commercial use for Fletcher Property Management, Inc.

The property has paved parking and a drive through lane ingress along W. Markham Street. The drive through lane exits on the south side of the building along Oak Lane. There is a mixture of zoning and uses in all directions.

C. NEIGHBORHOOD COMMENTS:

All owners of property located within 300 feet of the site and all neighborhood associations registered with the City of Little Rock were notified of the public hearing.

D. ENGINEERING COMMENTS:

1. Contact Planning and Development Dept., Engineering Division at 501-371-4817 or at 501-918-5348 for inspections of any work in the public right-of-way prior to placement of concrete or asphalt or for on-site clarification of requirements prior to commencing work. Failure to do so can result in removal of any improperly placed concrete or asphalt at the expense of the owner or contractor.
2. The Department requires three (3) phase sediment and erosion control (SEC) plans to be submitted for all construction projects showing best management practices (BMPs) for mitigating sediment runoff and erosion along with vegetation specifications for temporary and permanent soil stabilization. Phase 1 SEC plans shall show SEC BMPs during the stripping, clearing, grubbing, and rough grading of the site. Phase 2 SEC plans shall show SEC BMPs during construction of utilities, buildings, roadway infrastructure and drainage infrastructure. Phase 3 SEC Plans shall show SEC BMPs for final grading, seeding, and landscaping of the site.
3. Sediment and Erosion Control plans shall also show the pertinent information as outlined in ADEQ ARR150000 Permit Part II section A-4-H (1-14) and Part II section A-4-I-2 (A-B).
4. A drainage study showing all hydrologic calculations for the site and all hydraulic calculations for the proposed storm sewer pipe system, swales and ditches, detention ponds, outlet structures, and inlets is required per City's stormwater management and drainage manual. For final drainage report, sign, date, and seal the report per AR State Board of Professional Engineers and Professional Surveyors rules Article 12, Section B (1) (a). Provide engineer's certification statement saying this drainage report was conducted by yourself or directly under your supervision and attesting to the accuracy of the information within this report. Board of Professional Engineers and Professional Surveyors rules Article 12, Section B (1) (a). Provide engineer's certification statement saying this drainage report was conducted by yourself or directly under your supervision and attesting to the accuracy of the information within this report.

5. Provide accessible route from the accessible parking stalls' aisles to proposed buildings' entrances in accordance with Section 402 & 502 of ICC A117.1-2017 and 2021 Arkansas Fire Prevention Code Sections 1104.
6. Provide accessible route from public right of way to proposed buildings' entrances in accordance with Section 402 & 502 of ICC A117.1-2017 and 2021 Arkansas Fire Prevention Code Sections 1104.
7. Accessible parking spaces, accessible aisle, and accessible route from accessible aisle and from the public right of way to building's entrance shall meet all accessibility code requirements listed in ICC A117.1-2017 and 2021 Arkansas Fire Prevention Code.
8. No new driveway entrances along Markham Street will be allowed. Therefore, access from Markham Street shall be from the existing driveway along the western property line via a new access easement.

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

Little Rock Water Reclamation Authority: No comments.

Entergy: No comments received.

Summit Utilities: No comments.

AT & T: No comments received.

Central Arkansas Water: All Central Arkansas Water requirements in effect at the time of request for water service must be met.

Fire Department: No comments.

Parks and Recreation: No comments received.

County Planning: No comments received.

F. BUILDING CODES/LANDSCAPE:

Building Code: No comments received.

Landscape:

1. Any new site development must comply with the City's minimal landscape and buffer ordinance requirements. Refer to the Code of Ordinances, Chapter 15 Landscaping and Tree Protection, and Chapter 36, Article IX – Buffers and Screening.

2. A land use buffer equivalent to 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. A minimum of seventy (70) percent of the land use buffer shall be undisturbed. In addition to the required screening, buffers are to be landscaped at the rate of one (1) tree and three (3) shrubs for every thirty (30) linear feet. Easements cannot count toward fulfilling this requirement. The required screening shall extend the full length of a property where any outside activity is located for ten (10) feet on either side of such activity. The activities to be screened include, but are not limited to, parking lots, drives, sanitation areas, commercial static display of merchandise, loading docks, utility service facilities and heating and air conditioning equipment. Where development which requires screening abuts land use of a more restrictive nature at least eighty (80) percent of the view of the vehicular use area and parked vehicles shall be screened to not be visible when viewed from the adjacent property. A wooden fence may satisfy sixty-five (65) percent of the requirement and evergreen trees may be used to satisfy the balance. Screening standards are intended to apply during all seasons of the year. A minimum of fifty (50) percent of the trees and a minimum of seventy-five (75) percent of the shrubs to be used for screening purposes shall be evergreen varieties. Maximum spacings of fifteen (15) feet for trees and three (3) feet for shrubs should normally be utilized in order to provide continuous full screening of the view.
3. 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 be less than nine (9) feet.
4. 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.
5. 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.
6. The interior landscape area of the vehicular use area shall, at a minimum, equal eight percent (8%) of the vehicular use area and 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. Please indicate the square footage of the areas considered for the interior landscape area.

7. An automatic irrigation system to water landscaped areas shall be required for developments of one (1) acre or larger. Developments of less than one (1) acre shall have a water source within seventy-five (75) feet of the plants to be irrigated.
8. All lawn areas shall be sodded with a regionally appropriate turfgrass species. There should be no hydroseeding.
9. Evergreen shrubs should be containerized. All shrubs are to be a minimum of 18 inches in height at installation.
10. The development of two (2) acres or more requires the landscape plan to be stamped with the seal of a Registered Landscape Architect.
11. 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.

Planning Division:

The request is in the Rodney Parham Planning District. The Land Use Plan shows Suburban Office (SO) for the requested area. The Suburban Office (SO) category 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 rezone from O-3 to PD-C.

West of the application area on both sides of W Markham are office uses in Suburban Office (SO). The Suburban Office (SO) category 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.

Across Markham on the north is an apartment complex in the Suburban Office (SO), then east across Ellis Drive is a faith-based institution in an area for Public/Institutional (PI) uses. The Public/Institutional (PI) category 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.

South of the application site are duplexes and single family residences in Residential Low Density (RL). The Residential Low Density (RL) 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 remains less than 6 units per acre. On the east side of Oak Lane is an area of Mixed uses in a strip commercial plaza. The Mixed Use (MX) category provides for a mixture of residential, office and commercial uses to occur. A Planned Zoning District is required if the use is entirely office or commercial or if the use is a mixture of the three. The most recent land use amendment near the site was in 2020 from SO to PI for a faith-based institution on the north side of Markham and east of Ellis Drive.

H. ANALYSIS:

The applicant is requesting to rezone a 0.22 acre site from O-3 to PD-C to allow the existing building to be utilized as a convenience store. The applicant is not proposing to include alcohol sales as part of this rezoning request.

The site contains an existing 1,508 square foot residential building. The property was formerly commercially utilized by Fletcher Property Management, Inc.

The property has paved parking and drive through lane ingress along W. Markham Street. The drive through lane exits on the south side of the building along Oak Lane. The applicant intends to install a drive-thru window on the south side of the building and notes an agreement with the adjacent property owner to the west will include a shared access easement to facilitate the drive-thru lane/traffic. Operating hours will be from 6:00am to 12:00am seven days a week.

The applicant proposes to utilize the existing parking spaces on the site. Parking shall also comply with required ADA standards. Staff feels the existing parking is sufficient to serve the use.

A dumpster is not shown on the site plan. Any dumpster installed on the site shall be screened comply with Section 36-523(d) of the City's Zoning Ordinance.

The applicant is not proposing any signage at this time. All signs shall conform to Section 36-555 of the City's Zoning Ordinance (signs permitted in commercial zones).

The applicant is not proposing additional lighting at this time. Any new site lighting shall be low-level and directed away from adjacent properties.

Staff is supportive of the requested PD-C zoning to allow the proposed commercial use. Staff views the request as reasonable. To staff's knowledge, there are no outstanding issues associated with this application. Staff feels the existing building is appropriate for a small convenience store use. The property was formerly commercially utilized by Fletcher Property Management, Inc. The proposed commercial use will be compatible with the existing commercial uses in the

immediate area. Staff feels the minor increase in traffic is appropriate along the W. Markham corridor and will not have an adverse impact on the area.

I. STAFF RECOMMENDATION:

Staff recommends approval of the requested PD-C rezoning, subject to compliance with the comments and conditions outlined in paragraphs D, E and F, and the staff analysis, of the agenda staff report.

---

PLANNING COMMISSION ACTION: (NOVEMBER 9, 2023)

This item is being deferred to the December 14, 2023 agenda due to insufficient notices. No vote was taken.

---

PLANNING COMMISSION ACTION: (DECEMBER 14, 2023)

Staff presented the item and a recommendation for approval. The applicant was not present. The application was deferred to the January 11, 2024 Agenda.

---

PLANNING COMMISSION ACTION: (JANUARY 11, 2024)

The applicant was present, representing the application. Staff presented the item and a recommendation for approval. There was two persons in opposition; Carina Sanches and Sergio Rodovle raised issues concerning traffic, not enough parking, and an increase in crime. After general discussion about the project, here was an agreement with the applicant that he would work with the surrounding neighbors to come to an agreement about the driveway easement and the Commission choose to defer the application to the March 14, 2024 Agenda hearing. There was a motion to defer the application. The motion was seconded. The vote was 10 ayes, and 1 nay. The application was then deferred to the March 14, 2024 Commission Agenda.

---

PLANNING COMMISSION ACTION: (MARCH 14, 2024)

The applicant was present, representing the application. Staff presented the item and a recommendation for approval. There were 3 persons in opposition. Sergio Rodarta, Carina Sanchez and Joe Goble raised concerns about public safety, traffic and possible crime. The applicant submitted Exhibit-A showing where he proposes to install a fence. He further amended his application to not have a drive-thru window and hours of operation are to be 6 a.m. to 8 p.m. After considerable discussion about the project, there was a motion to approve the application. The motion was seconded. The vote was 8 ayes, and 3 nays. Application was approved.