

FILE NO.: Z-9021

NAME: Family Dollar Short-form PD--C

LOCATION: Located at 3418 and 3502 Baseline Road

DEVELOPER:

Dubin Singer Attorneys at Law
123 North Wacker Drive, Suite 1800
Chicago, IL 60606

SURVEYOR:

Global Surveying Consultants, Inc.
6511 Heilman Court
North Little Rock, AR 72118

AREA: 2.55 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: Family Dollar

VARIANCE/WAIVERS: None requested.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant is requesting a rezoning from R-2, Single-family to PD-C to allow the development of 2.55 acres with a Family Dollar. The applicant is proposing the construction of a single story 9,180 square foot building and associated parking. The site plan indicates a single access drive from Baseline Road. Parking is proposed in two (2) bays along Baseline Road and a single bay along the east side of the building. Deliveries will be taken on the east side of the building. The site plan indicates the placement of a single dumpster pad along the rear of the parking area also on the east side of the building.

SUBDIVISION

ITEM NO.: 18 (Cont.)

FILE NO.: Z-9021

B. EXISTING CONDITIONS:

Baselines Road is a State highway constructed with four lanes and a center turn lane. This area contains a mixture of uses including retail, office, a daycare center, a church and multi-family. To the east of this site is a tire store and to the west is a pawnshop and daycare center. The shopping center across Baseline Road has a grocery which is closed and a Family Dollar Store. Baseline Elementary School is located to the southeast at the intersection of Baseline Road and Hilario Springs Road.

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 Upper Baseline Neighborhood and Southwest Little Rock United for Progress were notified of the public hearing.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. Baseline Road is classified on the Master Street Plan as a principal arterial with special design standards. Dedication of right-of-way to 45 feet from centerline will be required.
2. This property lies within the 100 year floodplain, zone AE. The minimum Finish Floor elevation of 258 feet is required to be shown on plat and grading plans.
3. A special Grading Permit for Flood Hazard Areas will be required per Section 8-283 prior to construction.
4. 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.
5. Repair or replace any curb and gutter or sidewalk that is damaged in the public right-of-way prior to occupancy.
6. 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.
7. Stormwater detention ordinance applies to this property.

April 23, 2015

SUBDIVISION

ITEM NO.: 18 (Cont.)

FILE NO.: Z-9021

8. 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.
9. Obtain permits for improvements within State Highway right-of-way from AHTD, District VI.
10. Handicap ramps are required in accordance with Section 31-175 of the Little Rock Code and the Master Street Plan.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Wastewater: Sewer available to this project.

Entergy: Entergy does not object to this proposal. A 3 phase power line exists on the south side of the property along Baseline Road. There are currently no other Entergy facilities on this property. Contact Entergy in advance regarding future service requirements and facilities location(s).

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. 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. Contact Central Arkansas Water if additional fire protection or metered water service is required.

SUBDIVISION

ITEM NO.: 18 (Cont.)

FILE NO.: Z-9021

6. 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.
7. Fire sprinkler systems which do not contain additives such as antifreeze shall be isolated with a double detector check valve assembly. If additives are used, a reduced pressure zone back flow preventer shall be required.
8. 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:

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.

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.

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). Number and Distribution of Fire Hydrants as per Table C105.1.

Parks and Recreation: No comment received.

County Planning: No comment.

SUBDIVISION

ITEM NO.: 18 (Cont.)

FILE NO.: Z-9021

CATA: The area is currently served by CATA at this location via Routes #15 and 23 an important service area. Scott Hamilton Drive has just been redesigned to include many pedestrian amenities and is a safe area to walk. The transit route serves both Baseline and Scott Hamilton Drive. CATA suggests minimizing the curb cut radii for the driveway to reduce the crossing distances for pedestrians. Further the store building could be moved closer to the curb to access the front door without crossing a parking area and to align on the street front with other buildings along Baseline Road. Provide pedestrian access from sidewalk to store entrance. This location is currently in CATA's long range planning. The proposal has no impact to current service. Maintaining the bicycle and pedestrian way in this area is important to accessing transit; an important feature for future planning and development of this area.

F. ISSUES/TECHNICAL/DESIGN:

Building Code: Project is subject to full commercial plan review 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 Geyer Springs East Planning District. The Land Use Plan shows Mixed Office Commercial (MOC) for this property. The Mixed Office Commercial category provides for a mixture of office and commercial uses to occur. Acceptable uses are office or mixed office and commercial. A Planned Zoning District is required if the use is mixed office and commercial. The applicant has applied for a rezoning from R-2 (Single Family District) to PDC (Planned District Office) to allow for development of a Family Dollar on the site.

Master Street Plan: Baseline Road is a Principal Arterial on the Master Street Plan. A Principal Arterial is to serve through traffic and to connect major traffic generators or activity centers within the urbanized area. Entrances and exits should be limited to minimize negative effects of traffic and pedestrians on Baseline Road since it is a Principal 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 Lanes are shown along Baseline Road. Bike Lanes provide a portion of the pavement for the sole use of bicycles.

SUBDIVISION

ITEM NO.: 18 (Cont.)

FILE NO.: Z-9021

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 minimum dimension shall be nine (9) feet. The maximum dimension required shall be fifty (50) 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. The plantings, existing and proposed, shall be provided within the landscape ordinance of the City, Section 15-81.
3. The property to the east and a portion of the property to the north is zoned R-2, Single-family.
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. 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 1/2) feet in width.
6. 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.
7. Landscape areas shall be provided between the vehicular use area used for public parking and the general vicinity of the building, excluding truck loading or service areas not open to public parking. These areas shall be equal to an equivalent planter strip three (3) feet wide along the vehicular use area.
8. Trees shall be included in the interior landscape areas at the rate of one (1) tree for every twelve (12) parking spaces.

SUBDIVISION

ITEM NO.: 18 (Cont.)

FILE NO.: Z-9021

9. An irrigation system shall be required for developments of one (1) acre or larger.
10. For developments of less than one (1) acre a there shall be a water source within seventy-five (75) feet of the plants to be irrigated.
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. SUBDIVISION COMMITTEE COMMENT:

(April 1, 2015)

The applicant was present. Staff presented an overview of the item stating there were few outstanding technical issues associated with the request. Staff requested the applicant provide the days and hours of operation, the days and hours of dumpster service and the proposed signage plan. Staff also requested the applicant provide the maximum height of the proposed building and stated any site lighting was to be low level and directional, directed downward and into the site.

Public Works comments were addressed. Staff stated a right of way dedication on Baseline Road was required to 45-feet from centerline. Staff also stated the minimum floor elevation was to be placed one (1) foot above the base flood elevation. Staff stated a grading permit was required prior to the start of construction.

Landscaping comments were addressed. Staff stated a minimum of eight (8) percent of the interior paved area was to be landscaped with interior landscape islands. Staff also stated screening was required along the sites eastern and northern perimeters due to the current zoning of the eastern parcel. Staff stated a small amount of building landscaping was required with the development of the site.

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:

The applicant submitted a revised site plan to staff addressing a number of the technical issues associated with the request raised at the April 1, 2015, Subdivision Committee meeting. The applicant has provide the days and hours of operation, the days and hours of dumpster service, the proposed signage plan and the maximum height of the proposed building.

SUBDIVISION

ITEM NO.: 18 (Cont.)

FILE NO.: Z-9021

The request is a rezoning from R-2, Single-family to PD-C to allow the development of 2.55 acres with a Family Dollar. The applicant is proposing the construction of a single story 9,180 square foot building and associated parking. The maximum building height proposed is 24-feet.

The site plan indicates a single access drive from Baseline Road. The driveway is located 50± feet from the eastern property line. The driveway placement will require a variance to allow the drive nearer the property line than typically allowed.

Parking is proposed in two (2) bays along Baseline Road and a single bay along the east side of the building. The applicant has indicated pedestrian connectivity from Baseline Road through the parking lot to the front of the store. Parking for a retail business per the zoning ordinance is typically one (1) parking space per three hundred (300) gross square feet of floor area which is 30 parking spaces. The site plan as presented includes thirty (30) parking spaces.

The plan includes building signage on the front façade of the building. The signage is indicated to comply with signage allowed in commercial zones or a maximum of ten (10) percent of the façade area. A single ground sign is indicated on the site plan. The proposed height of the sign is 20-feet and the total sign area proposed is 100 square feet in area.

The days and hours of operation are from 9 am to 9 pm seven (7) days per week. Deliveries will be taken on the east side of the building. The site plan indicates the placement of a single dumpster pad along the rear of the parking area also on the east side of the building. Deliveries are typically made during store hours. The applicant has indicated dumpster service will most likely be during daylight hours. Staff recommends the dumpster service be limited to 8 am to 5 pm Monday through Friday.

Staff is supportive of the request. The applicant is seeking a rezoning from R-2, Single-family to PD-C to allow the construction of a Family Dollar on the site. The Future Land Use Plan indicates the site as Mixed Office Commercial which allows for the development of office and commercial uses. This type of retail are typically neighborhood commercial uses. The property is located adjacent to a tire store and a pawn shop. Staff does not feel the rezoning to PD-C to allow the development as proposed will adversely impact the area.

I. 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.

April 23, 2015

SUBDIVISION

ITEM NO.: 18 (Cont.)

FILE NO.: Z-9021

Staff recommends the dumpster service be limited to 8 am to 5 pm Monday through Friday.

PLANNING COMMISSION ACTION:

(APRIL 23, 2015)

The applicant was present. There were registered objectors present. Staff presented the item with a recommendation of approval.

Ms. Amy Miles addressed the Commission on behalf of the applicant. She stated she worked for the architectural firm designing the facility for Family Dollar. She stated this was a relocation of an existing store. She requested to yield her time to respond to the opposition.

Mr. Gregg Muller addressed the Commission in opposition of the request. He requested the Commission deny the request to rezone the property. He stated he felt there was sufficient land area currently zoned to allow for the development of the retail development as proposed.

Ms. Pat Gee addressed the Commission in opposition of the request. She stated she was President of the Upper Baseline Neighborhood Association. She stated Family Dollar had been in the neighborhood for a number of years. She stated Family Dollar was currently located in a building with a former grocery store and a youth activities center. She stated Family Dollar was not a good neighbor. She stated as a part of National Night Out she had contacted representatives of Family Dollar to provide a couple of packages of cookies. She stated she contacted the home office for a donation and was told she could make a formal request for the donation. She stated this was a couple of packages of cookies, a few dollars at most, which would have generated a great deal of good will with the neighborhood. She stated her experience had been Family Dollar was not good neighbors. She stated she did not want them to leave the neighborhood but felt they should give back to the community.

Ms. Neil Johnson addressed the Commission in opposition of the request. She stated she did not want another empty building in the neighborhood. She stated empty buildings created problems. She stated if Family Dollar moved then there would be another empty building.

Mr. Troy Laha addressed the Commission. He stated he was Vice-President of Southwest Little Rock United for Progress. He stated the neighborhood association invited representatives to attend the meeting to discuss their plans and Family Dollar declined. He stated the vote at Southwest Little Rock United for Progress was split.

April 23, 2015

SUBDIVISION

ITEM NO.: 18 (Cont.)

FILE NO.: Z-9021

Ms. Miles addressed the Commission. She stated Family Dollar wanted to own their property and not be a lease holder. She stated with ownership Family Dollar could make improvements to their site and landscape as they saw fit. She stated Family Dollar would abide by all local ordinances regard to the sale of goods and merchandise.

There was a general discussion by the Commission concerning the request and the non-responsiveness to the community from Family Dollar. Ms. Miles stated she would include in her report to Family Dollar the concerns of the neighborhood and the Commission for their lack of community support.

There was no further discussion of the item. The Chair entertained a motion for approval of the item as presented by staff by a vote of 7 ayes, 3 noes and 1 absent.