

FILE NO.: Z-7022-E

NAME: Pinnacle Creek Revised Long-form PCD

LOCATION: Located at 14810 Cantrell Road

DEVELOPER:

Rees Development, Inc.
11719 Hinson Road
Little Rock, AR 72212

SURVEYOR:

Crafton Tull and Associates
10825 Financial Center Parkway, Suite 300
Little Rock, AR 72211

AREA: 2.02 acres

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

WARD: 5

PLANNING DISTRICT: 1 – River Mountain

CENSUS TRACT: 42.05

CURRENT ZONING: PCD

ALLOWED USES: Strip retail with C-3, General Commercial District uses

PROPOSED ZONING: Revised PCD

PROPOSED USE: Strip retail with C-3, General Commercial District uses - Allow the removal of the required rear yard landscape strip and land use buffer

VARIANCE/WAIVERS: None requested.

BACKGROUND:

The Little Rock Planning Commission reviewed and approved a proposed three lot preliminary plat and recommended approval of a proposed rezoning request proposed Lot 1 at their May 31, 2001, Public Hearing. The Little Rock Board of Directors adopted Ordinance No. 18,516 on July 3, 2001, establishing Cantrell Loops Subdivision (Lot 1) Short-form PCD. The remainder of the site was zoned C-3, General Commercial District and R-2, Single-family District. (Wal-greens)

On April 6, 2004, the Little Rock Board of Directors rezoned Lot 2 from C-3, General Commercial District and R-2, Single-family District to PCD by the adoption of Ordinance No. 19,073. The rezoning included the development of 4.265 acres through a Planned Commercial Development with a strip retail center containing C-3, General Commercial District uses as allowable uses for the site. The Little Rock Planning Commission reviewed this request and made a recommendation of approval at their March 11, 2004, public hearing. The proposal included the construction of a single building totaling 22,400 square feet. The applicant indicated a western side yard setback of 25-feet with a 20-foot landscaped strip and a northern setback of 30-feet and a landscaped strip of 25-feet. The approved site plan included a six-foot wood fence in addition to plantings at one and one-half times the required landscaping typically required along the northern and western property lines. The applicant indicated the additional screening and landscaping would be provided to protect the adjoining residentially zoned properties. The applicant also indicated the rears of the building would act as screening and no doors or windows would be placed on the rear of the building other than those required by fire code. The applicant indicated mechanical equipment would be placed in an area that would not be intrusive to the adjoining single-family zoned properties. (lots 2 and 3 – not developed as approved)

On January 20, 2005, the Little Rock Planning Commission reviewed a request to rezone Lot 3 of the Cantrell Loops Subdivision from C-3, General Commercial District to PCD, which would allow the required rear yard buffer to be contained within an existing 30-foot easement. The Little Rock Board of Directors approved the request by the adopted Ordinance No. 19,276 on February 15, 2005, which established Cantrell Loops Subdivision (Lot 3) PCD. (Buffalo Wild Wings)

On April 14, 2005, the Little Rock Planning Commission recommended approval of a request to allow a revision to the previously approved Lot 2 PCD to allow the construction of a single building totaling 25,941 square feet along with 117 parking spaces. The applicant's site plan indicated a fifteen foot building setback along the western property line and landscaping to be placed in a ten foot utility easement. The site plan also included the placement of a ten foot landscaped strip along the northern perimeter of the site contained within a 20-foot utility easement. The site plan included the placement of 12 parking spaces behind the proposed building along with two trash dumpsters. The applicant indicated the days and hours of operation from 7 am to 10 pm seven days per week. The site plan also included the placement of a pole sign with a maximum of 36-feet in height and 160 square feet in area. The sign was amended to allow a ground sign which complied with the Highway 10 Design Overlay standards; 6-feet height and 64 square feet in area. The Little Rock Board of Directors denied this request at their May 17, 2005, public hearing. (Pinnacle Station – the current requested site plan revision)

Ordinance No. 19,377 adopted by the Little Rock Board of Directors on August 16, 2005, allowed a revision to the approved PCD for Lot 2. The approval allowed the construction of a single building totaling 25,941 square feet of floor area along with 107 parking spaces. The building was proposed with 3,541 square feet or 16% larger than the original approval. The site plan indicated a 21-foot building setback

on the western perimeter and a 10-foot utility easement along this property line. The plan also included a 49-foot 3-inch building setback along the northern perimeter. Within this area there was a 10-foot utility easement along the property line. A 6-foot wood fence was proposed along the north and western perimeters. A 25-foot rear landscape area and buffer was approved with the approved site plan. No parking was located behind the building. The dumpsters were indicated at the northeast corner of the building; maintain a 25-foot setback from the north property line. C-3, General Commercial District uses were approved as allowable uses. The days and hours of operation were approved from 7:00 am to 10:00 pm seven (7) days per week. Included within the approved conditions there was also a condition stating that all deliveries were to be through the front entrances of the building. (The approved plan for Pinnacle Station)

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant is now proposing to amend the previously approved PCD, Planned Commercial Development, to allow the northern land use buffer to be removed and allow paving which has been installed within this area to remain. The applicant wishes to allow this area to remain paved and to allow the area to be used for parking, deliveries, and dumpsters. All dumpsters on the site will be enclosed as per ordinance requirements.

The applicant has reached an agreement with the land owner to the north to allow the 9-foot landscape buffer to be located in the undisturbed area on the adjacent property. The buffer and easement agreements have been provided to staff. The applicant is proposing to install additional landscaping in the buffer. The applicant will also erect an 8-foot privacy fence between the shopping center site and the adjacent residential property to the north.

B. EXISTING CONDITIONS:

The site is developed with a strip retail center. Also located within the development area is a Wal-greens to the south and a restaurant, Buffalo Wild Wings, to the southeast. These three (3) developments share an access drive to Cantrell Road which has a traffic signal for the Cantrell Road/Taylor Loop Road intersection. Across Cantrell Road to the southeast is a convenience store with gas pumps. To the southwest across Cantrell Road is a former grocery store which has been converted and is occupied by Easter Seals.

To the east of the site is a strip center containing a mix of commercial and office uses. To the north of the site is vacant R-2, Single-family zoned property which has been approved for a single-family subdivision with access from Pinnacle Valley Road. To the west of the site is a site zoned PCD which is developing with strip retail, a tire store, a home improvement store and a fast food restaurant.

C. NEIGHBORHOOD COMMENTS:

As of this writing, staff has received an informational phone call from an area property owner. All property owners located within 200-feet of the site along with the Tulley Cove Neighborhood Association, the Westchester Neighborhood Association and the Pinnacle Valley Neighborhood Association were notified of the public hearing.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

No comment.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Wastewater: Sewer available to the site.

Entergy: Entergy does not object to this proposal. However, care should be used in selecting the new dumpster location and the placement of fence posts as there is an underground power line in the vicinity with an in-ground pull box. The pull box lid is probably not traffic rated. Please check out the location of the underground facilities by calling AR One Call before digging and placing fence posts in the ground.

Centerpoint Energy: Please be advised that Centerpoint Energy owns and operates existing underground gas facilities located within the 10' utility easement parallel to the northern property line of 14810 Cantrell Road, Little Rock, AR. The Arkansas Public Service Commission mandates that no permanent above ground structures be placed over existing underground gas facilities. Therefore, Centerpoint Energy requests that Arkansas One Call be contacted prior to any construction activity in order to determine the location of said existing underground gas facilities. If a proposed permanent above ground structure encroaches within a 5' horizontal distance (1/2 of existing easement width) from said underground gas facilities, then Centerpoint Energy rejects the proposal for that request.

AT & T: No comment received.

Central Arkansas Water: No objection. All Central Arkansas Water requirements in effect at the time of request for water service must be met.

Fire Department: Maintain access.

Parks and Recreation: No comment received.

County Planning: No comment.

Rock Region Metro: Location is served by METRO on route 25. We have no objections to the plan as shown.

F. ISSUES/TECHNICAL/DESIGN:

Building Code: No comment.

Planning Division: This request is located in the River Mountain Planning District. The Land Use Plan shows Commercial (C) for this property. The Commercial category includes a broad range of retail and wholesale sales of products, personal and professional services, and general business activities. Commercial activities vary in type and scale, depending on the trade area that they serve. The applicant has applied for a PCD (Planned Commercial District) to allow the elimination of the rear yard buffer (north) and to allow the placement of dumpsters within the rear yard setback (north). The request is in the Highway 10 Design Overlay District.

Master Street Plan: The south side of the property is Cantrell Road and it is shown as a Principal Arterial on the Master Street Plan. The primary function of a Principal Arterial Street is to serve through traffic and to connect major traffic generator or activity centers within an urbanized area. Entrances and exits should be limited to minimize negative effects of traffic and pedestrians on Cantrell 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 I Bike Path is shown along Cantrell Road and at the east side alley of the property. A Bike Path is to be a paved path physically separate for the use of bicycles. Additional right-of-way or an easement is recommended. Nine-foot paths are recommended to allow for pedestrian use as well (replacing the sidewalk).

Landscape: The land use buffer along the northern perimeter has been removed. The approved plan indicated the placement of a 25-foot land use buffer along this perimeter. A minimum of 75 percent of a required land use buffer must remain in its natural state.

G. SUBDIVISION COMMITTEE COMMENT: (March 16, 2016)

Mr. Frank Riggins was present representing the request. Staff presented an overview of the item stating there were no additional items necessary to complete the review process. Staff stated the developer had removed the land use buffer along the northern perimeter which was approved with the original PCD. The request also includes the removal of the screening fence previously required along the western perimeter. Staff stated there were no other modifications proposed for the approved site plan.

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

H. ANALYSIS:

There were no additional items in need of addressing via a revised site plan from comments raised at the March 16, 2016, Subdivision Committee meeting. The applicant is proposing to amend the previously approved PCD, Planned Commercial Development, to allow the northern land use buffer to be removed and allow paving which has been installed within this area to remain. The applicant wishes to allow this area to remain paved and to allow the area to be used for parking, deliveries, and dumpsters. All dumpsters on the site will be enclosed as per ordinance requirements.

The applicant has reached an agreement with the land owner to the north to allow the 9-foot landscape buffer to be located in the undisturbed area on the adjacent property. The buffer and easement agreements have been provided to staff. The applicant is proposing to install additional landscaping in the buffer. The plantings will be placed on the north side of a proposed fence. The plantings are to include Chinese Pastiche and Dwarf Bufford Hollies. The applicant has indicated the plantings will be grouped. 5 trees and 15 shrubs will be placed within the landscape buffer area. The applicant will also erect an 8-foot privacy fence between the shopping center site and the adjacent residential property to the north.

Included in the request is to eliminate the previously required screening fence along the western perimeter of the site. The fence was required at the time of development of the property due to the adjacent property being zoned and used as residential. This area has developed with a commercial development. The screening fence is no longer needed since the area is no longer a residential use.

Staff is not supportive of the request. The site was developed as an overall development plan which was included in the Highway 10 Design Overlay District. The Highway 10 DOD has specific development criteria related to building setbacks and landscape areas. The overlay states a minimum building setback of 40-feet is required along the rear of the site with a minimum landscape strip of 25-feet. The previously approved plan included the building setback and perimeter landscape strip along the rear of the site. The plan was approved with a lesser building setback and landscape strip along the western perimeter.

The original approval of the PCD stated all deliveries were to be made through the front of the building and was specifically called out in the recommendation of approval. Staff feels the paving which has been installed within the rear of the building should be removed and required landscaping be installed. The dumpsters should be moved outside this area and placed along the service drive along the eastern side of the building as was approved with the originally approved site plan. Staff also recommends the dumpster placed within the

landscape area on the southwest portion of the site be relocated to the northeast portion of the site, within the area previously approved as the service area.

I. STAFF RECOMMENDATION:

Staff recommends denial of the request.

PLANNING COMMISSION ACTION:

(APRIL 7, 2016)

The applicant was present. There were no registered objectors present. Staff presented the item stating the applicant had submitted a request dated April 6, 2016, requesting deferral of this item to the May 19, 2016, public hearing. Staff stated the deferral request would require a waiver of the Commission's By-laws with regard to the late deferral request. There was no further discussion. A motion as made to approve the By-law waiver with regard to the late deferral request. The motion carried by a vote of 8 ayes, 0 noes and 3 absent. The item was placed on the consent agenda and approved as recommended by staff by a vote of 8 ayes, 0 noes and 3 absent.

STAFF UPDATE:

The applicant has revised the site plan to include additional landscaping along the northern perimeter adjacent to the property being developed with the single-family subdivision. The applicant has indicated an eight (8) foot landscape strip on his property and the abutting property owner has granted a nine (9) foot landscape easement adjacent to the landscape area proposed by the applicant. The area will be planted with dense evergreen plantings and the applicant has requested the ability to also install an eight (8) foot privacy fence in this area. The applicant has indicated the area is necessary for deliveries and employee parking. The applicant states deliveries made at the front doors causes congestion within the limited parking lot area of the site. Staff is supportive of the applicant's proposal for mitigation of the removal of the previously included landscaping and buffering. Although the area is not in full compliance with the Highway 10 Design Overlay District the landscaped areas come close to matching the landscape strips placed on the properties to the east and west of this site. Staff is now supportive of the applicant's request. 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 the proposed changes be completed within 60 days of final approval of the revised PCD.

PLANNING COMMISSION ACTION:

(MAY 19, 2016)

The applicant was present. There was one registered objector present. Staff presented the item stating the applicant had provided staff with a site plan which included the placement of an eight (8) foot landscape strip along the northern perimeter of the site. Staff stated the applicant had indicated in addition a 9-foot landscape easement would

be provided along the northern perimeter on an adjacent property. Staff stated they were supportive of the applicant's proposal to provide a landscape strip along the northern perimeter. Staff presented a recommendation of approval of the request subject to compliance with comments and conditions as outlined in paragraphs D, E and F of the agenda staff report.

Mr. Frank Riggins addressed the Commission stating he would yield his time to the opposition.

Mr. Enos Jones addressed the Commission in opposition of the request. He stated his concern was the fill that had been placed behind the existing businesses. He stated he did not want the property directly behind his home developed.

Mr. Riggins stated Mr. Reese had provided an access easement to the adjacent property owner to allow access to the Isom Creek subdivision which was being developed just to the north of this site. He stated the fill Mr. Jones was referring to was the construction road which had been constructed by Mr. Keith Wingfield, the developer of the adjacent single-family subdivision.

Mr. Jones questioned if the property behind the existing strip center was also proposed for development. Mr. Riggins stated the area behind the existing strip center was not proposed for development at this time. He stated if and when the property was to be developed it would be reviewed and approved by the City through a public hearing process.

There was no further discussion. The chair entertained a motion for approval of the item as presented by staff. The item was approved by a vote of 10 ayes, 0 noes and 1 absent.