

FILE NO.: Z-5099-G

NAME: Lots 9B – 9E Northwest Territory Short-form PCD Reinstatement

LOCATION: Located on the South side of the Chenal Parkway and North of Cantrell Road, just West of the Chenal Parkway/Cantrell Road intersection

DEVELOPER:

PDC, LLC
Pfeifer Development Company
16623 Cantrell Road, Suite 2A
Little Rock, AR 72223

ENGINEER:

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

AREA: 4.4 acres

NUMBER OF LOTS: 4

FT. NEW STREET: 0 LF

WARD: 5

PLANNING DISTRICT: 19

CENSUS TRACT: 42.05

CURRENT ZONING: PCD - Expired

ALLOWED USES: C-3, General Commercial District uses - lots less than the two (2) acre minimum as established by the Highway 10 Design Overlay District

PROPOSED ZONING: Revised PCD

PROPOSED USE: C-3, General Commercial District uses - lots less than the two (2) acre minimum as established by the Highway 10 Design Overlay District

VARIANCE/WAIVERS:

1. A variance from the Land Alteration Ordinance to allow grading of the entire development site with the development of the first lot.

BACKGROUND:

Ordinance No. 20,005 adopted by the Little Rock Board of Directors on July 15, 2008, rezoned the property from C-3, General Commercial District to PCD, Planned Commercial Development District to allow the creation of four (4) lots with lot sizes less than typically allowed per the Highway 10 Design Overlay District and to allow the future development of the lots with uses as allowed within the C-3, General Commercial District. The development did not occur within the time specified in Section 36-36-454. *The applicant shall have three (3) years from the date of passage of the ordinance approving the preliminary approval to submit the final development plan. Requests for extensions of time shall be submitted in writing to the planning commission which may grant one (1) extension of not more than two (2) years. Time extensions shall be applied for by formal written request not less than ninety (90) days prior to the first expiration date. Failure of the applicant to file a timely extension shall be cause for revocation of the PUD as provided in this article.* The three (3) year time period has expired and the applicant did not request a time extension.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The request proposes four (4) commercial lots served by a private driveway connecting Highway 10 and Chenal Parkway. The property currently contains 4.4-acres and is located just west of the convenience store located at the intersection of Chenal Parkway and Cantrell Road. The developer is requesting a variation from the Highway 10 DOD for lot size, side and rear yard buffers and a reduction in the front yard landscaped area for one (1) of the proposed lots adjacent to Cantrell Road.

According to the applicant over the last 20 years it has been difficult to develop smaller retail shops and restaurants along the corridor due to the constraints of the DOD. The plan proposed will allow a clustered style development and the ability to own the property in fee which has become a key component for these type users.

The applicant has indicated the lots will develop utilizing C-3, General Commercial District type uses. The driveway locations are indicated on the plan. The private drive connection allows patrons the ability to exit onto Chenal Parkway and travel to the traffic signal at the intersection of Chenal Parkway and Cantrell Road for eastbound travel.

The request includes the placement of two (2) ground mounted monument signs; one (1) sign located on Cantrell Road and one (1) sign located on Chenal Parkway. The signage is proposed consistent with development signage per the Highway 10 Design Overlay District or a maximum of ten (10) feet in height and 100 square feet in area.

B. EXISTING CONDITIONS:

The site is located on the north side of Cantrell Road extending from Cantrell Road to Chenal Parkway. The site slopes upward from Cantrell Road and is currently tree covered. There are a number of commercial uses and commercially zoned properties in the area including a convenience store, a big box retail and a mini-warehouse development. To the south of this site is an undeveloped C-3, General Commercial District zoned property.

C. NEIGHBORHOOD COMMENTS:

All property owners located within 200-feet of the site along with the DuQuesne Place Property Owners Association and the Aberdeen Court Property Owners Association were notified of the public hearing.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. Chenal Parkway 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. Cantrell Road is classified on the Master Street Plan as a principal arterial. Dedication of right-of-way to 55-feet from centerline will be required. Is a variance being requested?
3. With site development, provide the design of street conforming to the Master Street Plan. Construct one-half street improvement to Chenal Parkway including 5-foot sidewalks with the planned development. The new back of curb should be located at least 29.5-feet from centerline. Are street improvements proposed to be phased?
4. With site development, provide the design of street conforming to the Master Street Plan. Construct one-half street improvement to Cantrell Road including 5-foot sidewalks with the planned development. The new back of curb should be located at least 29.5-feet from centerline or as required by AHTD. Ordinance No. 19,883 was approved by the Board of Directors which deferred construction of street improvements to Chenal Parkway and Cantrell Road for Lots 1, 2, 3, 5, 6, 7, 8 and 9A until Lot 9 develops. The specific deferral is for constructing approximately 4850 linear feet of widening for one (1) and one half (1 ½) lanes, curb and gutter, sidewalks, drainage, streetlights and intersection improvements on both sides of Chenal Parkway and the north side of Cantrell Road for the length of the frontage.
5. Repair or replace any curb and gutter or sidewalk that is damaged in the public right-of-way prior to occupancy.
6. Obtain permits for improvements within State Highway right-of-way from AHTD, District VI.

7. 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 variance is being requested to advance grade future phases with construction of Phase 1.
8. 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 association.
9. 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.
10. Street Improvement plans shall include signage and striping. Public Works must approve completed plans prior to construction.
11. Provide a letter prepared by a registered engineer certifying the intersection sight distance at the intersection(s) comply with 2004 AASHTO Green Book standards.
12. 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.
13. Provide a Sketch Grading and Drainage Plan per Section 29-186 (e).
14. The proposed private streets creates a cut through street. The street was previously approved as shown on plan.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Little Rock Wastewater: Sewer main extension required, with easement, if new sewer service is required for this project. EAD analysis required. Contact Little Rock Wastewater Utility 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. A three phase power line exists to the south along the north side of Cantrell Road. Caution should be used when constructing a drive underneath the existing power line to ensure that all proper clearances are maintained. Contact Entergy in advance to discuss electrical service requirements, or adjustments to existing facilities (if any) as this proposal 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. A Capital Investment Charge based on the size of meter connection(s) will apply to this project in addition to normal charges. This fee will apply to all connections including metered connections off the private fire system.
4. The facilities on-site will be private. When meters are planned off private lines, private facilities shall be installed to Central Arkansas Water's materials and construction specifications and installation will be inspected by an engineer, licensed to practice in the State of Arkansas. Execution of a Customer Owned Line Agreement is required.
5. 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.
6. 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.

Fire Department:

1. Maintain Access:
2. 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.
3. 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.

4. 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.
5. Commercial and Industrial Developments – 2 means of access. - Maintain fire apparatus access roads as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1.
 - a. Section D104.1 Buildings exceeding three stories or 30 feet in height. Building or facilities exceeding 30 feet or three stories in height shall have at least two means of fire apparatus access for each structure.
 - b. Section D104.2 Building exceeding 62,000 square feet in area. Buildings or facilities having a gross building area of more than 62,000 square feet shall be provide with two separate and approved fire apparatus access roads.
 - i. Exception: Projects having a gross building area of up to 124,000 square feet that have a single approved fire apparatus access road when all building are equipped throughout with approved automatic sprinkler systems.
 - c. D104.3 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.
6. 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.
7. 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.

8. 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.

Rock Region Metro: Location is served by METRO on route 25 Roland Express. The location on Chenal has seen an increase in ridership commuting from downtown to employment in West Little Rock. The route is in our future long range plans for increased frequency. Connect sidewalks to building entrances for access to the transit route.

F. ISSUES/TECHNICAL/DESIGN:

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.

Planning Division: This request is located in Pinnacle 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 revision to an existing PCD (Planned Commercial District) to allow the reinstatement of a four lot development plan and to allow C-3 (General Commercial District) use. The request is within the Highway 10 Overlay District.

Master Street Plan: North of the properties is Chenal Parkway and it is shown as a Minor Arterial on the Master Street Plan. South of the properties is Cantrell Road and it is shown as a Principal Arterial 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 Chenal Parkway since it is a Minor Arterial. 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. These streets 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 I Bike Path shown along the Cantrell Road. A Bike Path is to be a paved path physically separate for the use of bicycles. Additional right-of-way or/and easement is recommended. Nine-foot paths are recommended to allow for pedestrian use as well, replacing the sidewalk. There is a Class III Bike Route shown on Chenal Parkway. These Bike Routes require no additional right-of-way, but either a sign or pavement marking to identify and direct the route.

Landscape:

1. Site plan must comply with the City's landscape and buffer ordinance requirements and the Highway 10 Design Overlay District.
2. The Highway 10 frontage (front yard) shall consist of a minimum of forty (40) feet of landscaped area exclusive of right-of-way. The landscaped area shall contain organic and/or combined man-made/organic features such as berms, brick walls and dense plantings such that vehicular use areas are screened when viewed from an elevation of forty-two (42) inches above the elevation of the adjacent street. Trees shall be planted or be existing at least every twenty (20) feet and have a minimum of two (2) inches in diameter when measured twelve (12) inches from the ground at time of planting. Provide screening shrubs no less than thirty (30) inches in height at installation with an average linear spacing of not less at three (3) feet within the required landscape area
3. 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.
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. 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 ½) 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. A landscape irrigation system shall be required as per Highway 10 site design and development standards.

8. 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: (May 17, 2017)

Mr. Joe White of White-Daters and Associates was present representing the request. Staff presented an overview of the item stating there were few outstanding technical issues in need of addressing related to the site plan. Staff stated the development was the same development approved by the City Board in 2008.

Public Works comments were addressed. Staff questioned if a variance from the City's Land Alteration Ordinance was being requested to allow grading of the site with the initial development. Staff stated the City's stormwater detention ordinance would apply to the future development of the site.

Landscaping comments were addressed. Staff stated the site was located within the Highway 10 Design Overlay District. Staff stated the overlay had various requirements related to landscaping along Highway 10 and the perimeter planting strips. Mr. White stated the plan as presented was the exact plan approved by the Board in 2008.

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.

H. ANALYSIS:

The applicant submitted a revised site plan to staff addressing most of the technical issues raised at the May 17, 2017, Subdivision Committee meeting. The applicant has indicated the hours of dumpster service to limit the hours to daylight hours. The applicant has requested each of the lots be viewed as individual lots to allow the landscape islands to be limited to 150 square feet in area. Staff is supportive of this request.

The site plan indicates the subdivision of this 4+ acre tract into four (4) individual lots and the construction of a restaurant or commercial building on each of the individual lots. The request includes C-3, General Commercial District uses as allowable uses.

An access easement will be extended from Cantrell Road to Chenal Parkway to allow access to the proposed lots from each roadway and eliminate the need for individual drives along Cantrell Road and Chenal Parkway. The drive is proposed within a 60 foot access and utility easement and the drive is proposed with 36 feet of paving and sidewalks located on both sides.

The request includes a variance from the Land Alteration Ordinance to allow grading of the entire site with the development of the first phase. The developer has indicated to allow the access drive to be developed in the first phase clearing of the remainder of the lots is necessary to balance the site. Staff is supportive of the request.

Order boards are indicated on the site plan and a note has been included stating the order boards will be screened per the typical ordinance standards. A dumpster location has been indicated on each of the four (4) lots. The dumpster locations indicated along Chenal Parkway are proposed with masonry screens and a metal gate. The plan indicates evergreen plantings around the enclosure to soften the visual impact of the enclosure. The ordinance typically requires trash receptacles and pick up to be oriented away from the street side of the property and adequately screened from view. Staff is supportive of the placement of the dumpster containers provided they are screened and landscaped.

The site plan indicates the right of way for Cantrell Road to be dedicated to ½ of a 110 foot right of way and improved as required by the Boundary Street Ordinance and the Master Street Plan. The improvements to Cantrell Road are subject to approval by the Arkansas State Highway and Transportation Department. Improvements to Chenal Parkway will be completed per the Boundary Street Ordinance requirements.

The ordinance typically requires the placement of a 40 foot landscape strip along Cantrell Road. The site plan indicates an encroachment into the 40 foot landscape buffer on Lot 9B. The buffer is being reduced from 40 feet to what appears to be 12 feet. An Arkansas State Highway Department right of way extends into the site to cover an existing drainage structure. The area will be maintained as a grassed landscaped area and have the visual impact of a landscape strip even though the applicant does not own this area.

The site plan indicates the placement of an 18 foot to 20 foot landscape strip along the eastern perimeter of the site and a 17 foot landscape strip along the western perimeter of the site. The ordinance would typically require the placement of a landscape strip averaging a minimum of 25 feet from the property line on these perimeters. The site plan indicates the placement of a minimum landscape strip of 15 feet along Chenal Parkway as typically allowed where a yard abuts a street right and is adjacent to land zoned for office and residential.

The development is indicated with two (2) development signs. The signage is proposed consistent with development signage as typically allowed per the Highway 10 Design Overlay District or a maximum of ten (10) feet in height and one hundred (100) square feet in area. The individual lots are not proposed with ground mounted signage and will not be allowed to place signage on the individual lots. Building signage is proposed consistent with signage allowed in commercial zones or a maximum of ten percent of the façade area.

The Overlay typically allows a minimum lot size of two (2) acres and a single building is allowed per two (2) acres. The development proposes to create four (4) lots which do not meet the minimum lot size criteria. The applicant is proposing the construction of four (4) buildings on the site which also does not meet the building site criteria of one (1) building per two (2) acres.

Staff is supportive of the request. Staff does not feel the variations from the Highway 10 Design Overlay District to allow reduced lot sizes and a reduced landscape strip along the perimeters will significantly impact the development or the area. The site is adjacent to commercially zoned property to the east and west. The eastern property has developed with a convenience store and the property to the west is vacant C-3, General Commercial District zoned property. Staff does not feel the reduction in the front landscape strip will be a significant impact since the area will be maintained as a grassed landscaped area. Staff does not feel the creation of the lots with less than the two (2) acre typical minimum lot size will significantly impact the development. The developers intend to develop the site with smaller restaurant users which typically do not require large amounts of land area. The lots will be developed with an overall development plan to allow a unified development of the lots. To staff's knowledge there are no remaining outstanding technical issues associated with the request. Staff feels the creation of four (4) lots and the construction of individual buildings on these lots is an appropriate use for the site.

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.

Staff recommends approval of the variance request from the City's Land Alteration Ordinance to allow grading of the entire site with the development of the first lot.

PLANNING COMMISSION ACTION:

(JUNE 8, 2017)

The applicant was present. There were no 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 City's Land Alteration Ordinance to allow grading of the entire site with the development of the first lot. There was no further discussion. The item was placed on the consent agenda and approved as recommended by staff by a vote of 11 ayes, 0 noes and 0 absent.