

FILE NO.: Z-5817-N

NAME: Cantrell West Retail Center – PCD

LOCATION: 15122 Cantrell Road

DEVELOPER:

Rees Commercial
11719 Hinson Road, Suite 130
Little Rock, AR 72212

OWNER/AUTHORIZED AGENT:

Jesse Griffin
Griffin Engineering
11719 Hinson Road, Suite 130E
Little Rock, AR 72212
(501) 690-3456

SURVEYOR/ENGINEER:

Jesse Griffin
Griffin Engineering
11719 Hinson Road, Suite 130E
Little Rock, AR 72212
(501) 690-3456

AREA: 3.80 acres NUMBER OF LOTS: 2 FT. NEW STREET: 0 LF

WARD: 4 PLANNING DISTRICT: 1 CENSUS TRACT: 42.05

CURRENT ZONING: PD-O

VARIANCE/WAIVERS: None

BACKGROUND:

On July 16, 2020, the Planning Commission voted to approve a request to rezone this property from PD-O and R-2 to PCD, to allow the property to be subdivided into three (3) lots with a restaurant development on each lot. The rezoning request was denied by the Board of Directors. On December 9, 2021, the applicant submitted a revised site plan

with a request to rezone the property from R-2 to PD-O. On February 10, 2022, the Planning Commission voted to approve the request to rezone the property from R-2 to PD-O with conditions. The rezoning request was referred back to the Planning Commission by the Board of Directors on May 17, 2022.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant proposes to rezone a 3.803-acre property from PD-O to PCD. The property is located at the Northeast corner of Cantrell Road and Rummel Road. The rezoning is to allow for a future commercial retail development with a main retail structure, and restaurant with drive-thru service. The subject property is located in the Highway 10 Design Overlay District (Ord. 15965).

B. EXISTING CONDITIONS:

The property is currently divided into three (3) tracts with a majority of the property cleared and graded. Tract # 1 is a 0.58-acre R-2 zoned undeveloped tract which is mostly wooded and is located on the west border of the site adjacent to Rummel Road and north side of Cantrell Road. Tract # 2 is a PD-O zoned lot centrally located on the north side of Cantrell Road with a gravel access drive. Tract # 3 is located at the eastern edge of the overall site with a paved access connecting to Cantrell Road to the south. The property is bordered to the east by commercially zoned properties and mostly R-2 zoned properties to the north and west across Rummel Road. To the south of the property across Cantrell Road is a mixture of residential and commercial zoned properties.

C. NEIGHBORHOOD NOTIFICATIONS:

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. Any work involving one (1) or more acres of disturbed area require a State of Arkansas NPDES permit. Contact the Arkansas Department of Environmental Quality, NPDES branch at 501-682-0744 for applications and information about General Stormwater Discharge Construction Permit #ARR150000.
2. Damage to public and private property due to hauling operations or operations of construction related equipment from a construction site shall be repaired by the responsible party prior to the issuance of a certificate of occupancy.
3. A grading permit must be obtained prior to initiation of work. Grading permits are issued by the Planning and Development Dept. at 723 West Markham

Street after approval of sediment and erosion control plans, grading and drainage plans, land survey, drainage study, and soil loss calculations per City's stormwater management and drainage manual. Contact Planning and Development Dept., Engineering Division at 501-371-4817 or at 501-918-5348 or Permits@littlerock.gov to schedule an appointment for issuance or to answer any questions. Permit cost is based on total project area at \$100.00 for the less than ½ acre, \$200.00 for ½ to 1 acre, and \$200.00 for the first acre and \$100.00 for each additional acre for project greater than 1 acre.

4. Whenever access to State Highways is needed for residential or commercial purposes, an access driveway permit is required. These permits are issued by the Permit officer for the District in which the driveway will be located. Please contact ARDOT District 6 permit officer at 501-569-2266.
5. A special permit is issued for work on the Arkansas Department of Transportation right of way that is not an access driveway. The permit is issued by the Permit officer for the District in which the special permit is requested. Please contact ARDOT District 6 permit officer at 501-569-2266.
6. 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.
7. 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).
8. Per City Rev. Code 29-99, stormwater detention for developments is required. Provide stormwater detention infrastructure to satisfy this requirement.
9. 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.
10. Per City Code 31-210 (e) (1) for arterial streets, driveway spacing shall be three hundred (300) feet. Driveway spacing shall be centerline to centerline

or centerline to right of way of an intersecting collector street or street of higher classification. Minimum spacing from the property line shall be one hundred fifty (150) feet. Maximum driveway width is thirty-six (36) feet. Revise driveways to meet above requirement accordingly or a variance request will have to be filed with the application for the planning commission's consideration per City Code 31-210 (j).

11. Submit a clearer, more legible site plan for staff's review.
12. If proposed retaining walls shown on plans are equal to or above four feet tall measured from the bottom of the footing or leveling layer or if there is surcharge loading for a retaining wall less than four feet tall measured from the bottom of the footing or leveling layer, the Department requires retaining wall design plans by an Arkansas licensed professional engineer showing plan, profile, and cross sectional views of the wall with special details, design loading calculations clearly showing all required factors of safety are met or exceed per state building codes. A separate building permit-accessory structure will be required for the retaining walls along with inspections by Department engineering staff during their construction.
13. Per City Code Sec. 29-190, cuts or fills shall be limited to ten (10) feet before terraces are required unless 3:1 slopes can be constructed. With the proposed retaining wall along the north and east property lines, the proposed grading in these areas does not meet the City Code requirements as outlined in Sec. 29-190. The future grading and land alteration on the site in these areas with the proposed retaining wall shall comply with City Code Sec. 29-190 or a variance request will have to be filed with the application for the planning commission's consideration per City Code Sec. 29-187.

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

Little Rock Water Reclamation Authority: No comments received.

Entergy: No comments received.

Summit Utilities: No comments.

AT & T: No comments received.

Central Arkansas Water: No comments received.

Fire Department:

Maintain Access:

Fire Hydrants.

Maintain fire apparatus access roads at fire hydrant locations as per Appendix D of the 2021 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.

Grade

Maintain fire apparatus access roads as per Appendix D of the 2021 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. If the grade exceeds 10 percent, approval will be denied, and the applicant must submit request to be reviewed by Fire Chief for Approval.**

Loading

Maintain fire apparatus access road design as per Appendix D of the 2021 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.

Commercial and Industrial Developments – 2 means of access. - Maintain fire apparatus access roads as per Appendix D of the 2021 Arkansas Fire Prevention Code Vol. 1

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.

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 provided with two separate and approved fire apparatus access roads.

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 buildings are equipped throughout with approved automatic sprinkler systems.

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.

30' Tall Buildings - Maintain aerial fire apparatus access roads as per Appendix D of the 2021 Arkansas Fire Prevention Code Vol. 1 Section D105.1 – D105.4

D105.1 Where Required. Where the vertical distance between the grade plane and the highest roof surface exceeds 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.

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.

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.

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.

Dead Ends.

Maintain fire apparatus access roads at dead end locations as per Appendix D of the 2021 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.

Gates

Maintain fire apparatus access road gates as per Appendix D of the 2021 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 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 allows 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.

Fire Hydrants

Locate Fire Hydrants as per Appendix C of the 2021 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 Fire Marshal Derek N. Ingram 501-918-3756 Number and Distribution of Fire Hydrants as per Table C105.1.

Parks and Recreation: No comments received.

County Planning: No comments.

F. **BUILDING CODES/LANDSCAPE:**

Building Code: No comments received.

Landscape: No comments received.

G. **TRANSPORTATION/PLANNING:**

Rock Region Metro: No comments.

Planning Division:

The request is in the River Mountain 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 PD-O to PCD future commercial retail development with a main retail structure, and restaurant with drive-thru service.

Surrounding the application area west across Rummel Road is Park and Open Space (PK/OS) which is a buffer to the floodway of a tributary to the Little Maumelle River. North is a large tract of undeveloped Residential Low-Density (RL). To the east are two undeveloped tracts in Suburban Office (SO) use area. South of the site, across Cantrell Road is a fully developed subdivision in Residential Low-Density (RL), and a continuation of the (PK/OS) buffer area.

The subject site is located in the Highway 10 Design Overlay District (Ord. 15965).

Master Street Plan:

To the south, Cantrell Road is shown as a Principal Arterial on the Master Street Plan Map. Principal Arterials are roads designed to serve through traffic and to connect major traffic generators or activity centers within urbanized areas.

Standard right-of-way of 110 feet is required. Sidewalks are required on both sides. This street may require dedication of additional right-of-way and additional street improvements.

To the west, Rummel Road is Commercial Street. Commercial Streets are a Local public street which is abutted by non-residential or residential use which is more intense than duplex or two-unit residential. These streets have the same design standard as a Collector. The standard Right-of-way is 60 feet. Sidewalks are required on one side. This street may require dedication of right-of-way and may require street improvements.

Bicycle Plan:

Cantrell Road is on the Master Bike Plan as a Proposed Class I Bike Path. Class I Bike Paths are a route designated for the sole use of bicycles that is physically separated from vehicular lanes.

Historic Preservation Plan:

This property is not located in a Historic District.

H. ANALYSIS:

The applicant proposes to rezone a 3.803-acre property from PD-O to PCD. The property is located at the Northeast corner of Cantrell Road and Rummel Road. The rezoning is to allow for a future commercial retail development with a main retail structure, and restaurant with drive-thru service. The subject property is located in the Highway 10 Design Overlay District (Ord. 15965).

The property is currently divided into three (3) tracts with a majority of the property cleared and graded. Tract # 1 is a 0.58-acre R-2 zoned undeveloped tract which is mostly wooded and is located on the west border of the site adjacent to Rummel Road and north side of Cantrell Road. Tract # 2 is a PD-O zoned lot centrally located on the north side of Cantrell Road with a gravel access drive. Tract # 3 is located at the eastern edge of the overall site with a paved access connecting to Cantrell Road to the south. The property is bordered to the east by commercially zoned properties and mostly R-2 zoned properties to the north and west across Rummel Road. To the south of the property across Cantrell Road is a mixture of residential and commercial zoned properties.

The applicant is proposing a 15,600 square foot commercial restaurant/retail structure to be located within the northern portion of the property and a 3,200 square foot restaurant in the eastern portion of the development. Paved parking and internal access drives will be located along the front and sides of each building. The site plan indicates that internal drives will circle internal parking areas in the

south and east portions of the development and accommodate a restaurant that will include a drive-thru window at the east end of the retail center building.

The site plan shows the existing property line will be adjusted 57.7 feet to the north. The applicant is also proposing a forty (40) foot grading easement north of the proposed new north property line.

The site plan shows building setbacks being over one hundred (100) feet from the front property line, more than fifteen (15) feet from the proposed rear property line, and more than fifty (50) feet from the east and west property lines.

The applicant notes the western portion of the property will be sold to the Arkansas State Highway Department (ARDOT); however, the applicant will include this portion of the site in the rezoning of the property but are aware a separate application will be required to develop this portion of the property in the future.

The applicant is requesting the following uses for the proposed development:

- All O-1, O-2, and O-3 & C-1 permitted uses and conditional uses.
- Other commercial uses to be included.
 - a) Beverage Shop
 - b) Swimming pool sales and supply
 - c) Bakery and Confectionary Shop
 - d) Savings and Loan
 - e) Dry cleaners
 - f) Pharmacy
 - g) Medical clinic
 - h) Cigar, Tobacco, and candy store
 - i) Eating place with drive-thru service

The applicant did not provide the hours of operation with this application. However, the applicant's previously submitted hours of operation for the development were from 7:00 am to 10:00 pm Monday through Saturday and from 10:00 am to 8:00 pm on Sunday.

The site plan shows the main parking area is centrally located and contains one-hundred-four (104) parking spaces to serve the main building and forty-one (41) parking spaces to serve the drive-thru restaurant located at the southeast corner of the property for a total of one-hundred-forty-five (145) total parking spaces. Staff feels the overall parking plan will be sufficient to support the proposed use.

The applicant is proposing two (2) access drives to the site; one (1) centrally located at the south perimeter and one (1) located near the southeast corner of the

development connecting to Cantrell Road. Each of the access drives includes a single, bi-directional, entry/exit lane which connects Cantrell Road to the internal drives. The site plan does not show the width of either ingress/egress driveways.

Section 31-210 (e) (1) of the City's Subdivision Ordinance for arterial streets requires 625 feet of frontage for two (2) drives. The applicant has requested a variance from the regulations to allow two (2) access drives from an arterial street with a lot frontage of less than six hundred-twenty-five (625) feet in length. The existing lot frontage is approximately 490 feet.

Section 31-210 (e) (1) of the City's Subdivision Ordinance for arterial streets, driveway spacing shall be three hundred (300) feet. Driveway spacing shall be centerline to centerline or centerline to right of way of an intersecting collector street or street of higher classification. Minimum spacing from the property line shall be one hundred fifty (150) feet. The applicant has requested a variance from the regulations to allow the two (2) access drives from Cantrell Road to be separated by approximately 270 feet and the eastern most driveway to be located approximately 65 feet from the east side property line.

The applicant is proposing two (2) dumpster areas located near the northeast corner of the development. The dumpster areas must be screened as per Section 36-523 of the City's Zoning Ordinance.

Section 36-346 (f) (2) of the City's Zoning Ordinance (Highway 10 DOD) allows the following: Commercial building signage. Each commercial building will be allowed a single monument ground-mounted sign located on the building site or in the landscaped front yard of the commercial development. The sign shall be a maximum of six (6) feet in height and seventy-two feet in area.

The applicant notes that the development will have two (2) freestanding signs not to exceed sixty-four (64) feet and not to exceed a height of six (6) feet. Also, either a wall sign or mansard signs not to exceed ten (10) percent in aggregate sign area for that occupancy's façade area or one (1) under-canopy or projecting sign occupancy, not to exceed twelve (12) square feet in sign area.

All site lighting must be low-level and directed away from adjacent properties.

The applicant is requesting to construct retaining walls along the north and east property lines greater than fifteen (15) feet in height, and without block face. The applicant notes the developer is coordinating with a geotechnical engineer regarding the proposed final wall design. All retaining wall construction must comply with City Code standards.

The applicant notes that the land use buffers along the north and east perimeters will be significantly reduced to accommodate site grading requirements. Section 36-521 requires that a minimum of 70 percent of land use buffers be undisturbed.

The applicant notes that more than 30 percent of the required buffers will be disturbed and has requested a variance from the regulations to allow 100 % of the land use buffer requirement along the north perimeter of the site to be disturbed.

Staff is not supportive of the overall proposed site development plan as submitted due to the following issue:

- Staff has requested that the applicant rezone the west portion of the property for which no development plan is shown to OS (Open Space) or remove it from the PZD zoning request. The most recent site plan shows the west portion to be included in the PZD zoning.

The applicant has noted the following: *“Our plan currently for this portion of the property is to sell it to the State of Arkansas.”*

Staff objects to the west portion of the property being included in the PCD zoning request.

I. STAFF RECOMMENDATION:

Staff recommends denial of the requested PCD zoning.

PLANNING COMMISSION ACTION:

(JUNE 13, 2024)

This item was deferred to the July 11, 2024, agenda, as the applicant failed to post the notice of public hearing sign as required.

PLANNING COMMISSION ACTION:

(JULY 11, 2024)

The applicant was present. Staff presented the item and a recommendation of denial as outlined in the “staff analysis” above. There was one person registered in opposition. Richard Stoker spoke about concerns pertaining to the drive-thru restaurant and traffic issues. After further discussion, there was a motion to approve the application. There was a second. The vote was 5 ayes, 1 nays, 3 recused (Brown, McDonald and Hodges) and 2 absent.

Due to the fact that Commissioner McDonald recused herself due to the fact that her webex wasn’t working properly and she could not hear the item, Commissioner Russell made a motion to expunge the previous vote and rehear the item so that Commissioner McDonald could hear the item. The motion was seconded. The vote was 8 ayes, 0 nays and 2 absent. The vote was expunged. Staff then re-presented the item and a recommendation of denial as outlined in the “staff analysis” above. After much discussion there was a motion to approve the item. There was a second. The vote was 6 ayes, 1 nay 2 recused (Brown and Hodges) and 2 absent. The motion passed.