

LITTLE ROCK PLANNING COMMISSION

SUBDIVISION HEARING

SUMMARY AND MINUTE RECORD

MAY 20, 2010

4:00 P.M.

I. Roll Call and Finding of a Quorum

A Quorum was present there being six (6) members present.

II. Members Present:

Tom Brock
J. T. Ferstl
Dan Harpool
Troy Laha
Billy Rouse
Jeff Yates

Members Absent:

"Goose" W. Changose
Marcus Devine
Obay Nunnley, Jr.
Bill Rector
Candice Smith

City Attorney:

Cindy Dawson

III. Approval of the Minutes of the April 8, 2010 Meeting of the Little Rock Planning Commission. The Minutes were approved as presented.

LITTLE ROCK PLANNING COMMISSION
SUBDIVISION AGENDA
MAY 20, 2010

OLD BUSINESS:

<u>Item Number:</u>	<u>File Number:</u>	<u>Title:</u>
A.	<u>LA-0028</u>	Chenonceau Boulevard Advanced Grading Request, located on the Northeast corner of Chenonceau Boulevard and Bayonne Drive.
B.	<u>S-1394-C</u>	Carter Oaks Addition Revised Preliminary Plat, located West of Carter Lane and East of LaMarche Drive Extension.
C.	<u>Z-6532-F</u>	The Villas at Chenal Long-form PD-R, located on the Northeast corner of Chenal Heights Drive and Chenal Valley Drive.

NEW BUSINESS:

I. SITE PLAN REVIEW:

<u>Item Number:</u>	<u>File Number:</u>	<u>Title:</u>
1.	<u>Z-3371-CC</u>	Lots 14 and 15, the Shoppe's at Colonel Glenn Zoning Site Plan Review, located on the Northeast corner of Colonel Glenn Road and Brodie Creek Boulevard.

II. PLANNED DEVELOPMENTS:

<u>Item Number:</u>	<u>File Number:</u>	<u>Title:</u>
2.	<u>Z-541-A</u>	Deer Penick Eye Clinic Short-form POD, located at 4942 West Markham Street.
3.	<u>Z-4923-I</u>	Lot 7B Shackleford Crossing Revised PCD, located South of Crossing Court approximately 800 feet West of Shackleford Road.

II. PLANNED DEVELOPMENTS:

<u>Item Number:</u>	<u>File Number:</u>	<u>Title:</u>
4.	<u>Z-6693-A</u>	Rudley Auto Sales Short-form PCD, located at 9401 Colonel Glenn Road.
5.	<u>Z-7665-B</u>	Rowan Park at Kanis Long-form PD-R, located on the West side of Kirby Road approximately 400 feet North of the Kanis Road and Kirby Road intersection.
6.	<u>Z-7875-C</u>	Taylor Park Subdivision Revised POD - Phase II, located on the West side of Taylor Park Boulevard just South of Kanis Road.
7.	<u>Z-8545</u>	7001 Cantrell Road Auto Sales Short-form PCD, located at 7001 Cantrell Road.
8.	<u>Z-8546</u>	Junior Martinez Long-form PID, located at 4200 Hoerner Road.

III. OTHER BUSINESS:

<u>Item Number:</u>	<u>File Number:</u>	<u>Title:</u>
9.	<u>LA-0029</u>	Apple Blossom Subdivision Phase III Land Alteration Variance Request, located South of Frazier Pike and West of Apple Avenue.
10.	<u>LA-0030</u>	Business Park Land Alteration Variance Request, located on the Northwest corner of Otter Creek Road and I-30.
11.	<u>LA-0031</u>	Shackleford Road Land Alteration Variance Request, located at 4142 South Shackleford Road.

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ITEM NO.: A

FILE NO.: LA-0028

NAME: Chenonceau Blvd Land Advanced Grading Variance Request

LOCATION: Northeast Corner of Chenonceau Blvd and Bayonne Drive,
Chenal Valley Tract 132

APPLICANT: Deltic Timber Corporation

APPLICANT'S REPRESENTATIVE: White-Daters & Associates

AREA: Approximately 7 Acres

CURRENT ZONING: MF-12, Multi-family 12 units per acre

VARIANCES/WAIVERS REQUESTED: A variance from the Land Alteration Regulations to advance grade without construction being imminent.

A. PROPOSAL/REQUEST:

The applicant is requesting a variance from the Land Alteration Regulations to advance grade 7 acres of Chenal Valley Tract 132 without construction being imminent. The original application requested 15 acres to be advanced graded. Following the Subdivision Committee meeting on April 29, 2010, the application was amended to reduce the graded area to 7 acres. The 7 acres is part of a larger tract of land which is approximately 21.5 acres in size. The applicant desires to excavate approximately 200,000 cubic yards of dirt and transport it to the proposed St. Vincent Hospital West Campus site located southeast of the intersection of Rahling Road and LaGrande Drive. The applicant is proposing to leave a 100 foot wide undisturbed buffer along Chenonceau Boulevard. One (1) access drive from Chenonceau Boulevard is proposed to be installed to access the site. The applicant states the advanced graded area will not be visible from Chenonceau Boulevard and adjacent properties.

B. EXISTING CONDITIONS:

The 7 acre wooded site is part of an undeveloped 21.5 acre tract, Tract 132, zoned MF-12. A site plan has been approved for apartments. The approved site plan showed 13 buildings, 256 units with a density of 11.9 units per acre. The grading and drainage plan shows the site to be cut a maximum of 55 vertical feet. The property fronts the north side of Chenonceau Boulevard with a residential subdivision (Bayonne) located on the south side of Chenonceau Boulevard. On the east side of site is an undeveloped wooded tract of land zoned O-3, General Office District. The properties to the north are zoned R-2, Single-family and is currently undeveloped. The proposed northern clearing limit is approximately

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320 feet from the south property line of the residential properties located north of the site. A 200 foot open space is located to the west with a residential subdivision (Aberdeen), zoned R-2, Single-family, located west of the open space. The limit of grading is approximately 790 feet from the residential lots (Aberdeen) west of the site. Chenonceau Park, zoned R-2, Single-family, is located approximately 350 feet southwest of the limit of grading.

C. NEIGHBORHOOD COMMENTS:

As of the time of writing, staff has received one (1) telephone call from a property owner to the north. The property owner was concerned about drainage. The property owner told staff he spoke with Tim Daters of White-Daters & Associates who stated the advanced graded area will drain into the existing creek located to the west and northwest and will not adversely impact the adjacent property. All adjacent property owners including those across a street or alley from the subject property were given notice. The Aberdeen Court POA, Bayonne Place POA, and the Coalition of West Little Rock Neighborhoods were also notified.

D. ENGINEERING COMMENTS:

1. Repair and replace any curb and gutter or sidewalk that is damaged in the public right-of-way.
2. 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 excavation.
3. If disturbed area is one (1) or more acres, obtain a NPDES storm water permit from the Arkansas Department of Environmental Quality prior to the start of construction.
4. Measures to control the increase in stormwater runoff from the increased impervious surface should be implemented to not damage adjacent property.
5. Hauling of fill material on or off site over municipal streets and roads requires approval prior to a grading permit being issued. Contact Public Works Traffic Engineering at 621 S. Broadway, (501) 379-1805 (Travis Herbner) for more information.
6. Per Section 29-189(d), groups of trees and individual trees that are not to be removed or are located within required undisturbed buffer areas shall be protected during construction by protective fencing and shall not be used for material storage or for any more purpose.
7. Erosion controls must be installed to reduce discharge of polluted stormwater.

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8. Vegetation must be established on disturbed area within 21 days on completion of harvest activities.
9. 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.
10. Provide a sketch grading and drainage plan.
11. How much fill material is expected to be removed from the site?
12. Only one (1) access point should be provided into the cleared and excavated area from Chenonceau Boulevard. The clear entrance/exit access location is to be limited to 26 feet in width.
13. Beside the entrance/exit access location, will the proposed advanced graded area be visible from Chenonceau Boulevard or any surrounding property owners?
14. At the access location, a rock tracking pad should be provided with a minimum length of 50 feet.
15. Site must be posted.

E. LANDSCAPING COMMENTS:

1. Grading plan must comply with the City's buffer ordinance requirements.
2. All previous comments and conditions apply.
3. The zoning buffer ordinance requires a fifty foot (50') undisturbed buffer along the northern property line. Seventy percent (70%) of this area is to remain undisturbed. The drawing needs to delineate the undisturbed buffer area and label accordingly.
4. It appears that grading is occurring on the adjoining site. Grading off the property is not allowed.
5. The contour lines of the grading behind the pool seem close together. What is the slope of this fill area? The area must meet grade on this property and not to encroach upon the adjoining property. This area should also receive landscaping of trees to help stabilize the hillside.

F. SUBDIVISION COMMITTEE:

Tim Daters of White-Daters & Associates was present representing the applicant. Staff presented an overview of the variance application stating the applicant's desire to advance grade the site. The applicant's representative was encouraged by the committee to work with staff on this item. There was no

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further discussion of the item. The Committee then forwarded the item to the full Commission for final action.

G. ANALYSIS:

The applicant originally requested to advanced grade approximately 15 acres on the north side of Chenonceau Boulevard on Chenal Valley Tract 132. The applicant later amended the request to only advance grade 7 acres of the total 21.5 acre property. A site plan has been approved for the site for apartments. The approved site plan showed 13 buildings, 256 units with a density of 11.9 units per acre. The grading and drainage plan shows the site to cut a maximum of 55 vertical feet and excavate approximately 200,000 cubic yards of dirt to haul to the proposed St. Vincent Hospital West Campus site at Rahling Road and LaGrande Drive.

A 100 foot undisturbed buffer will be preserved along Chenonceau Boulevard with one (1) access entrance not to exceed 26 feet in width. The limits of clearing are approximately 790 feet from the Aberdeen Subdivision and approximately 320 feet from the southern property lines of the residential properties to the north that front Highway 10.

At the completion of the excavation, the disturbed area will be vegetated. Drainage from the excavated area will be directed toward the creek located to the west of the limits of clearing.

At the time of writing, a project is not proposed to begin construction on Tract 132 following the completion of the advanced grading activities. Section 29-186(b) of the Land Alteration Regulations state no land alteration shall be permitted until all necessary City approvals of all plans and permits, except building permit, have been issued and construction is imminent. Imminent construction is defined as the installation of a foundation or erection of a structure without unreasonable delay following land alteration activities.

Section 29-168 of the Land Alteration Regulations states the purposes of the Land Alteration Regulations. The purposes are to:

1. Prohibit the indiscriminate clearing of property;
2. Prevent excessive grading, clearing, filling, cutting or similar activities;
3. Prevent the pollution of streams, ponds and other watercourses by sediment;
4. Preserve natural vegetation which enhances the quality of life of the community;
5. Preserve the contours or the natural landscape and land forms.

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H. RECOMMENDATION:

Staff recommends denial of this variance application due to the fact the Land Alteration Regulations were developed to prohibit this very activity in the City of Little Rock. The Land Alteration Regulations clearly state in Section 29-168 that the purpose of the regulations are to prohibit indiscriminate clearing of property; to preserve natural vegetation; and preserve the contours or natural landscape and land forms. At this time, Deltic Timber does not have a buyer for the property and no one knows how long the property will sit before it is sold and developed.

If the variance application is approved, staff would recommend the approval be subject to the comments found in paragraphs D and E. Staff also believes the advanced grading should comply with the following:

1. A 100 foot undisturbed buffer maintained along Chenonceau Boulevard with one (1) access point with a maximum width of 26 feet;
2. Section 29-170(j), damage to private and public 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 for St. Vincent Hospital West Campus;
3. A grading permit will not be issued for the advanced grading until a grading permit is issued for the grading and excavation to begin on the St. Vincent Hospital West Campus and cannot be used for other construction sites;
4. Excavated material from this site can only be used on the St. Vincent Hospital West Campus site;
5. Measures to control the increase in stormwater runoff from the excavated area should be implemented to not damage adjacent property.
6. At the completion of advanced grading, all disturbed areas should be mulched and revegetated;

PLANNING COMMISSION ACTION:

(MAY 20, 2010)

Mr. Tim Daters and White Daters and Mr. Bill Spivey of Wright, Lindsey and Jennings were present representing the request. There were no registered objectors present. The Chair stated based on protocol when eight (8) or fewer Commissioners were present the Commission offered the applicant the option of deferral to a later public hearing. The Chair stated since there were six (6) Commissioners present the applicant could request a deferral to the July 1, 2010, public hearing.

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Mr. Tim Daters requested the item be deferred to the July 1, 2010, public hearing. The Chair entertained a motion for deferral of the item as requested by the applicant. The motion carried by a vote of 6 ayes, 0 noes and 5 absent.

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ITEM NO.: B

FILE NO.: S-1394-C

NAME: Carter Oaks Addition Revised Preliminary Plat

LOCATION: Located West of Carter Lane and East of LaMarche Drive Extension

DEVELOPER:

AEAD Investments
c/o Tim Daters – White-Daters and Associates
24 Rahling Circle
Little Rock, AR 72223

ENGINEER:

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

AREA: 4.0 acres

NUMBER OF LOTS: 19

FT. NEW STREET: 560 LF

CURRENT ZONING: R-2, Single-family

PLANNING DISTRICT: 19 - Chenal

CENSUS TRACT: 42.11

VARIANCES/WAIVERS REQUESTED: None requested.

BACKGROUND:

On July 23, 2003, the Little Rock Planning Commission approved a preliminary plat for an area containing 5.0-acres to allow the creation of 20 single-family residential lots. A new public street extending from Carter Lane was proposed to access the new lots with three of the lots fronting onto a proposed collector street (Lamarche Drive). The average lot size proposed was 60-feet by 120-feet or 7,200 square feet.

A new residential street with 45-feet of right-of-way and 24-feet of pavement was proposed with lots loading from the new street, Carter Oaks Lane. The applicant also proposed ½ street construction to Lamarche Drive which adjoined the applicant's western property line with final platting.

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The development was proposed in two phases with Lots 5 – 17 final platted in Phase I and Lots 1 – 4 and 18 – 20 being completed in Phase II. A final plat for Phase I was executed on March 10, 2006.

On December 3, 2009, the Little Rock Planning Commission approved a request to allow the creation of a zero lot line subdivision containing five (5) lots from four (4) of the previously final platted lots located along Carter Lane. The proposal was to allow structures to be constructed on the lot line, with the exception of 19R which would have a six (6) foot side yard setback on the southern property line adjacent to an existing home. The lots were proposed with an average size of 53-feet by 120-feet. The proposed plat indicated the allowable building area on all lots with a 42-foot width and a 70-foot depth.

The building envelopes allowed a maximum building footprint of 2,940 square feet for single story structures. The cover letter indicated the structures would be one or two stories. The cover letter stated the south building elevation would not include doors or transparent windows.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant is proposing to amend the previously approved preliminary plat to allow the subdivision to develop as a "zero lot line" project. Structures will be constructed on the lot line, with the exception of Lot 1. All portions of the structure will fall within the "allowable building area" as indicated on the plat. The building area on all lots is 40-feet wide by a minimum of 65-feet in depth with a typical depth of 75-feet. This will allow a maximum building footprint of 2,600 square feet to 3,000 square feet. Structure may be one or two stories.

The eastern building elevation will not include doors or transparent windows. Translucent windows will be permitted.

B. EXISTING CONDITIONS:

The property under review does not have frontage on Carter Lane and is proposed with access from LaMarch Drive. The western area of the proposed plat is wooded. The property abuts the right of way for LaMarch Drive but LaMarch Drive has not been constructed. Further west of the site is a future phase of the Valley Falls Estates Subdivision. At the time of development of this phase a brick wall is proposed along the western right of way line for LaMarch Drive.

Along Carter Lane there is a single-family home located on Lot 20 which is not a part of the proposed subdivision. There is also a single-family home located on Lots identified as 17R, 18R and Tract A from the previous plat approval. To the

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north, south and east the area is predominately single-family homes located on large lots. There is a small engine repair shop located to the southeast which does not appear to be in operation. Carter Lane is a narrow street constructed of chip seal. With the final platting of the first phase a sidewalk, curb and gutter were constructed along this property frontage on Carter Lane.

C. NEIGHBORHOOD COMMENTS:

As of this writing, staff has received a number of informational phone calls from area residents. All abutting property owners and the Coalition of West Little Rock Neighborhoods were notified of the public hearing.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. With site development, provide the design of street conforming to the Master Street Plan. Construct one-half street improvements to LaMarche Drive including 5-foot sidewalk with the planned development. At least 20 feet of asphalt must be provided.
2. 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.
3. The existing creek channel must be rechannelized.
4. Plans of all work in right-of-way shall be submitted for approval prior to start of work. Obtain barricade permit prior to doing any work in the right-of-way from Traffic Engineering at (501) 379-1805 (Travis Herbner).
5. Stormwater detention ordinance applies to this property. Show the proposed location for stormwater detention facilities on the plan.
6. 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.
7. Street improvement plans shall include signage and striping. Traffic Engineering must approve completed plans prior to construction.
8. Streetlights are required by Section 31-403 of the Little Rock code. Provide plans for approval to Traffic Engineering. Streetlights must be installed prior to platting/certificate of occupancy. Contact Traffic Engineering 379-1813 (Steve Philpott) for more information.

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9. Per the Master Street Plan, parking is restricted to one side of the street on a 24 foot wide street. Show on the plan now and on the final plat and bill of assurance, the area along the street where parking is allowed.
10. Provide a letter prepared by a registered engineer certifying the sight distance at the intersections comply with 2004 AASHTO Green Book standards.
11. At least 20 feet of asphalt with curb and gutter should be provided from existing LaMarche Drive to the proposed southern property line of the subdivision. Due to the lane shift, the minimum horizontal tangent distance between reverse curves is 100 feet.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Wastewater: Sewer main extension required with easements for this project. Contact Little Rock Wastewater Utility for additional information.

Entergy: No comment received.

Center-Point Energy: No comment received.

AT & T: No comment received.

Central Arkansas Water: A water main extension will be required in order to provide service to this property. An oversize line (12-inch) may be required in LaMarche Drive to comply with the Central Arkansas Water master plan. In that case Central Arkansas Water would participate in the estimated cost of facilities that are in excess to those required for service to this development. A Capital Investment Charge based on the size of the meter connection(s) will apply to this project in addition to normal charges. All Central Arkansas Water requirements in effect at the time of request for water service must be met. This development will have minor impact on existing water distribution system. Please submit plans for water facilities 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. Approval of plans by Central Arkansas Water, the Arkansas Department of Health Engineering Division and Little Rock Fire Department is required. Additional fire hydrant(s) will be required. Contact the Little Rock Fire Department to obtain information regarding the required placement of the hydrant(s) and contact Central Arkansas Water regarding procedures for installation of the hydrant(s).

Fire Department: Place fire hydrants per code. Contact the Little Rock Fire Department for additional information.

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County Planning: No comment.

CATA: The site is not located on a dedicated CATA Bus Route.

Parks and Recreation: No comment.

F. ISSUES/TECHNICAL/DESIGN:

Planning Division: No comment.

Landscape: No comment.

G. SUBDIVISION COMMITTEE COMMENT:

(March 18, 2010)

Mr. Tim Daters of White-Daters and Associates was present representing the request. Staff presented an overview of the development stating the plat was proposed as a zero lot line single-family subdivision. Staff requested Mr. Daters provide the source of title of the landowner and questioned if the proposed phasing plan was applicable.

Public Works comments were addressed. Staff stated a grading permit would be required at the time of development. Staff also stated the existing creek channel must be rechannelized with the future development. Staff stated street improvements to LaMarch Drive were required conforming to the Master Street Plan including at least 20 feet of asphalt with the final platting of the proposed lots. Staff stated streetlights were required prior to the issuance of the final plat. Staff stated per the Master Street Plan parking would be restricted to one side of the 24 foot wide street. Staff requested Mr. Daters indicate on the proposed plat the area proposed for the restricted parking.

Staff noted comments from the other reporting departments and agencies suggesting the applicant contact them individually for additional clarification. There was no further discussion of the item. The Committee then forwarded the item to the full Commission for final action.

H. ANALYSIS:

Mr. Daters provided a revised preliminary plat drawing to staff addressing the issues raised at the March 18, 2010, public hearing. The revised plan indicates the source of title of the landowners and has provided the phasing plan as requested by staff. The revised plan indicates parking restricted to one side of the street. The creek has been indicated for rechannelization with the future

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development of the subdivision. The developer has indicated a minimum of twenty (20) feet of pavement will be added to LaMarche Drive to the south to connect with the existing terminus of LaMarche Drive to allow access to the new lots. The remainder of the street improvements will be completed as funding becomes available by the City. The adoption of Ordinance No. 20,155 allowed the adjacent land owner, Valley Falls Estates, to provide the City with the total right of way dedication (60-feet) for LaMarche Drive from its current terminus to the south to the connection with Taylor Loop Road to the north.

The applicant is proposing to amend the previously approved preliminary plat to allow the subdivision to develop as a “zero lot line” project. The area contains four (4) acres and was previously indicated as fifteen (15) single-family lots. The new development is proposed with all structures constructed on the lot line with the exception of Lot 1 which abuts LaMarche Drive. The building area on all lots is 40-feet wide by a minimum of 65-feet in depth with a typical depth of 75-feet. The maximum building footprint is 3,000 square feet with a 2,600 square foot average buildable area. The proposal is to allow structures to be constructed on the lot line with a zero setback on the eastern property line and a ten foot side yard setback on the western property line. The structures are proposed as one (1) and two (2) story. The eastern building elevation will not include doors or transparent windows. Translucent windows will be permitted.

Section 36-254(d)(4) states for the purposes of zero-lot-line lots, the minimum lot width may be reduced to not less than thirty-five (35) feet. The lot area shall not be less than four thousand (4,000) square feet. Section 31-234 states submission of a plat creating a zero-lot-line development shall be accompanied by a generalized site plan showing the proposed locations and dimensions of all buildings, accessory uses and other improvements. Platted building lines shall be shown on all sides of each lot for purposes of delineating the maximum buildable area of each lot and specify the zero-lot-line yard.

Staff is supportive of the request. The applicant has provided the required information to verify lot development standards as established for a zero-lot-line subdivision per the Zoning and Subdivision Ordinances. To staff’s knowledge there are no remaining outstanding technical issues in need of addressing related to the proposed preliminary plat request.

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.

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PLANNING COMMISSION ACTION:

(APRIL 8, 2010)

Mr. Tim Daters of White-Daters and Associates was present representing the request. There were no registered objectors present. Staff stated the applicant had submitted a request on April 1, 2010, requesting a deferral of this item to the May 20, 2010, public hearing. Staff stated they were supportive of the deferral request.

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

STAFF UPDATE:

There has been no change to the proposed preliminary plat for this item since the previous public hearing. The development is proposed as a zero lot line single-family development containing 19 lots. The lots will be served by a 45-foot wide minor residential cul-de-sac street extending from LaMarche Drive. The developer will install approximately 330 linear feet of pavement 20 feet in width north from the existing terminus of LaMarche Drive to the southern property boundary. The required one-half (1/2) street improvements abutting the proposed plat area will be installed with the final platting of the lots within the proposed subdivision.

As stated in the staff analysis the subdivision and zoning ordinances outline the required lot specifications for zero lot line developments. Section 36-254(d)(4) states for the purposes of zero-lot-line lots, the minimum lot width may be reduced to not less than thirty-five (35) feet. The lot area shall not be less than four thousand (4,000) square feet. Section 31-234 states submission of a plat creating a zero-lot-line development shall be accompanied by a generalized site plan showing the proposed locations and dimensions of all buildings, accessory uses and other improvements. Platted building lines shall be shown on all sides of each lot for purposes of delineating the maximum buildable area of each lot and specify the zero-lot-line yard.

The minimum lot width proposed for the lots is 50 feet with a minimum lot depth of 112 feet. The average lot size proposed is 50 feet by 150 feet. The average square footage of the lots is 6,750. The building area on all lots is 40-feet wide by a minimum of 65-feet in depth with a typical depth of 75-feet. The maximum building footprint is 3,000 square feet with a 2,600 square foot average buildable area. The proposal is to allow structures to be constructed on the lot line with a zero setback on the eastern property line and a ten (10) foot side yard setback on the western property line.

The existing development pattern along Carter Lane is large lot development with a number of the homes located on five (5) acre tracts. Although the proposed plat area is not consistent with the development pattern in the area, the development is proposed

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consistent with the subdivision and zoning ordinance requirements. The density of the development is proposed as 4.88 units per acre which is within the allowable density of single-family development on the City's Future Land Use Plan. The proposed plat appears to be fully complying with the subdivision and zoning ordinance requirements for a zero lot line single-family plat.

Staff continues to recommend 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.

PLANNING COMMISSION ACTION:

(MAY 20, 2010)

Mr. Tim Daters of White-Daters and Associates was present representing the request. Staff presented the item stating the applicant had requested on May 18, 2010, this item be deferred to the July 1, 2010, public hearing to allow additional time for the developer and area residents to resolve outstanding issues related to the request. Staff stated the deferral request would require a waiver of the Commission's By-laws with regard to the late deferral request. Staff stated they were supportive of the deferral request.

There was no further discussion of the item. The chair entertained a motion for approval of the By-law waiver with regard to the late withdrawal request. The motion carried by a vote of 6 ayes, 0 noes and 5 absent. The chair entertained a motion for approval of the item as presented by staff. The motion carried by a vote of 6 ayes, 0 noes and 5 absent.

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ITEM NO.: C

FILE NO.: Z-6532-F

NAME: The Villas at Chenal Long-form PD-R

LOCATION: Located on the Northeast corner of Chenal Heights Drive and Chenal Valley Drive

DEVELOPER:

Pickering-Allwine, LLC
11600 Chenal Parkway, Suite 3
Little Rock, AR 72211

ENGINEER:

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

AREA: 14.12 acres NUMBER OF LOTS: 1 FT. NEW STREET: 2,060 LF

CURRENT ZONING: PD-R

ALLOWED USES: Retirement Village

PROPOSED ZONING: Revised PD-R

PROPOSED USE: Multi-family housing

VARIANCES/WAIVERS REQUESTED: A variance from Section 29-186 (c) and (d) to allow advanced grading to future phases with the development of the first phase.

BACKGROUND:

Ordinance No. 18,163 adopted by the Little Rock Board of Directors on December 20, 1999, rezoned the site from R-2 and MF-18 to PD-R to allow the establishment of a Planned Residential Development titled Arkansas Teachers Retirement Village – Long-form PD-R. The proposal included the rezoning of 71.9 acres from R-2 and MF-18 to PD-R to allow for the development of the Arkansas Teachers Retirement Village, a stepped-care retirement facility. The development would house retired persons with facilities including independent living, assisted living, skilled nursing facilities and Alzheimer facilities.

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A single access point from Chenal Valley Drive was proposed, with a fire lane access at the southwest corner of the property. The proposed site plan indicated a large amount of green space, which was to be undisturbed, along with a proposed lake, walking trails and a lakeside pavilion.

In March of 2002, the Arkansas Teachers Retirement System decided to reevaluate the project and did not develop the site as proposed. ATRS decided to proceed with excavating to the finished grade indicated and approved on the site grading plan, extending sewer lines to the site, drainage construction, seeding and erosion control, power and telephone utility crossing the site were installed underground and no additional trees were to be removed from the site except those necessary to install utilities. A restoration plan was submitted to the City for approval. The applicant adhered to City's requirements in the restoration of the site and the developer's obligations were met.

A proposal was reviewed and recommended for approval by the Little Rock Planning Commission at their August 26, 2004, Public Hearing to allow two of the indicated lots to develop with the retirement village concept. The applicant proposed the development of the site with eight individual lots through a preliminary plat in conjunction with the request to revise the PD-R zoning. The applicant indicated Lot 2 would be developed as an assisted living facility. Proposed Lot 8 was indicated for garden style patio homes. The applicant also indicated all uses would remain similar to the multi-unit residential retirement facility as approved on the original PD-R. The request was approved by the Little Rock Board of Directors on October 5, 2004, by the adoption of Ordinance No. 19,195. Lot 8 has not developed.

Ordinance No. 19,220 adopted by the Little Rock Board of Directors on November 1, 2004, revised the previously approved PD-R to allow a nursing and rehabilitation center to locate on Lot 6. Chenal Nursing and Rehabilitation Center proposed a 114 bed skilled nursing facility. The development included 90 staff positions which included Arkansas Hospice Staff.

October 17, 2006, Ordinance No. 19,611 adopted by the Little Rock Board of Directors on October 17, 2006, approved a revision to the PD-R for Lot 6 to increase the number of beds allowed in the nursing home facility from 114 to 140. The site plan included the placement of 93 parking spaces to serve the facility. There were no other changes to the previously approved PD-R proposed.

An item to allow the development of this site (Lot 8) with single-family development of attached and detached homes was withdrawn at the Commission's January 14, 2010, public hearing. The proposal did not comply with the covenants issued on this site and could not receive approval of the persons having oversight of the covenants.

SUBDIVISION

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FILE NO.: Z-6532-F

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The project contains approximately 18.47 acres and is located at the northwest corner of Chenal Valley Drive and Chenal Heights Drive. The developer is proposing a gated residential neighborhood of multi-family housing.

The development will be enclosed by a six foot tall wall/fence with eight foot columns. The request includes a variance from the City's Land Alteration Ordinance to allow advanced grading of the site with the issuance of a building permit for Phase I. The request also includes a waiver of the City's Stormwater Detention Ordinance.

B. EXISTING CONDITIONS:

The site is a vacant site and most of the interior trees were cleared as a part of the original approval. The applicant did replant several interior trees and reseed the site as a part of the restoration plan. A regional detention facility is located near Chenal Valley Drive. The nursing home and the assisted living facility are complete and occupied. Northwest of the City is a City of Little Rock Fire Station. South of the site is the Village at Rahling Road Shopping Center. West of the site are two multi-family developments fronting Chenal Valley Drive.

Chenal Valley Drive has been constructed to Master Street Plan standard with curb and gutter. There is not a sidewalk in place along the property frontage. Chenal Heights Drive and Chenal Heights Circle have been constructed with curb and gutter.

C. NEIGHBORHOOD COMMENTS:

As of this writing, staff has received a number of informational phone calls from area residents. All property owners located within 200 feet of the site, all residents, who could be identified, located within 300 feet of the site and the Coalition of West Little Rock Neighborhoods were notified of the public hearing.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. From the entrance to Legacy Circle to Legacy Lane to the cul-de-sac the street should be constructed to a width of 26 feet.
2. Per the Master Street Plan, parking is restricted to one side of the street on a 24 foot wide street. Show on the plan now and on the final plat and bill of assurance, the area along the street where parking is allowed.

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3. Sidewalks with appropriate handicap ramps are required in accordance with Section 31-175 of the Little Rock Code and the Master Street Plan along all 26 feet wide streets.
4. Plans of all work in right-of-way shall be submitted for approval prior to start of work. Obtain barricade permit prior to doing any work in the right-of-way from Traffic Engineering at (501) 379-1805 (Travis Herbner).
5. 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. Since advanced grading is desired a variance should be requested.
6. Stormwater detention ordinance applies to this property. Show the proposed location for stormwater detention facilities on the plan. A variance for stormwater detention cannot be recommended for approval by staff.
7. 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.
8. Several utilities are shown to exist under the proposed structure locations.
9. Street improvement plans shall include signage and striping. Traffic Engineering must approve completed plans prior to construction.
10. Streetlights are required by Section 31-403 of the Little Rock code. Provide plans for approval to Traffic Engineering. Streetlights must be installed prior to platting/certificate of occupancy. Contact Traffic Engineering 379-1813 (Steve Philpott) for more information.
11. Driveway widths do not meet the traffic access and circulation requirements of Sections 30-43 and 31-210. The width of driveway must not exceed 36 feet. A turnaround must be provided for a SU-30 vehicle. The key pad must be located at least 30 feet from the curb line on Chenal Valley Drive. The gates should be moved to Legacy Circle. If you have any questions, please contact Bill Henry in Traffic Engineering at 379-1816.
12. No residential waste collection service will be provided on private streets unless the property owners association provides a waiver of damage claims for operations on private property.
13. If residential waste collection is desired, turn arounds or hammerheads at least 80 feet in length and 20 feet wide should be provided on Legacy Circle and Legacy Lane.
14. Provide a letter prepared by a registered engineer certifying the sight distance at the intersection of Legacy Boulevard and Chenal Valley Drive comply with 2004 AASHTO Green Book standards.

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E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Wastewater: Sewer main extension is required with easements for this project. Contact Little Rock Wastewater Utility for additional information.

Entergy: No comment received.

Center-Point Energy: No comment received.

AT & T: No comment received.

Central Arkansas Water: All Central Arkansas Water requirements in effect at the time of request for water service must be met. CAW has an existing 12-inch main easement in an easement running through the property. Please submit plans for water facilities 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. Approval of plans by Central Arkansas Water, the Arkansas Department of Health Engineering Division and Little Rock Fire Department is required. 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. Additional fire hydrant(s) will be required. Contact the Little Rock Fire Department to obtain information regarding the required placement of the hydrant(s) and contact Central Arkansas Water regarding procedures for installation of the hydrant(s). A Capital Investment Charge based on the size of meter connection(s) will apply to this project in addition to normal charges. 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.

Fire Department: Place fire hydrants per code. The development must provide a secondary emergency access. Contact the Little Rock Fire Department for additional information.

County Planning: No comment.

CATA: The site is not located on a dedicated CATA Bus Route.

Parks and Recreation: No comment.

F. ISSUES/TECHNICAL/DESIGN:

Planning Division: This request is located in the Chenal Planning District. The Land Use Plan shows Residential Low Density for this property. The applicant has applied for a rezoning for a Planned Development Residential to allow the

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development of a gated community with 110 units of multi-family housing. This request falls within the density allowed per the Land Use classification. The overall density proposed is 5.95 units per acre. This area is not covered by a Neighborhood Action Plan.

Master Street Plan: Chenal Valley Drive is a Collector. The primary function of a Collector Street is to provide a connection from Local Streets to Arterials. Chenal Heights Drive is a Local Street. The primary function of a Local Street is to provide access to adjacent properties. Local Streets which are abutted by non-residential zoning/use or more intensive zoning than duplexes are considered as "Commercial Streets". These streets have a design standard the same as a Collector. These streets may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

Bicycle Plan: A Class II bikeway is shown along Chenal Valley Drive. A Class II bikeway is located on the street as either a five foot (5') shoulder or six foot (6') marked bike lane. Additional paving and right of way may be required.

Landscape:

1. Site plan must comply with the City's landscape and buffer ordinance requirements.
2. Screening will be required where adjacent to single-family zoned or used property. Screening may be accomplished by the placement of a fence or wall six feet in height or by the placement of natural foliage to meet the screening requirement.
3. An automatic irrigation system to water landscaped areas will be required.
4. Prior to the issuance of a building permit, it will be necessary to provide an approved landscape plan stamped with the seal of a Registered Landscape Architect.

G. SUBDIVISION COMMITTEE COMMENT:

(March 18, 2010)

Mr. Joe White of White Daters and Associates was present representing the request. Staff presented an overview of the development stating there were a number of outstanding technical issues in need of addressing prior to the Commission acting on the request. Staff questioned the construction materials, floor plan and if the units were owner or renter occupied. Staff also stated the development was proposed as a townhouse development as defined by the Subdivision Ordinance. Staff requested Mr. White provide a note on the site plan indicating the proposed open space both public and private. Staff also questioned if interior fences would be allowed.

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Public Works comments were addressed. Staff stated the entrance at Legacy Circle to Legacy Lane should be constructed with 26 feet of pavement. Staff stated in areas where streets were constructed with 24 feet of pavement parking would be restricted to one side. Staff requested Mr. White note on the site plan the area proposed for restricted parking. Staff stated several utilities were shown to exist under the proposed structures. Mr. White stated the affected utilities would be relocated. Staff stated residential waste collection service would only be provided within the development if the property owners association signed a waiver of damage claims for operations on private property. Staff stated the entrance drive did not comply with the typical ordinance standards and must not exceed 36 feet in width.

Staff noted there were no additional landscaping comments since the development was proposed as a single-family townhouse development.

Staff noted comments from the other reporting departments and agencies suggesting the applicant contact them individually for additional clarification. There was no further discussion of the item. The Committee then forwarded the item to the full Commission for final action.

H. ANALYSIS:

Mr. Joe White submitted a revised site plan to staff addressing issues raised at the March 18, 2010, Subdivision Committee meeting. The applicant has amended the request from a townhouse development to a multi-family development. Lots are no longer being proposed for the development. The interior drive has been indicated 26-feet in width. A note on the site plan indicates private garbage collection will be utilized.

The applicant has provided elevations for the proposed units. The units are proposed to be constructed of a variety of construction materials including brick, siding, stucco, rock and precast accents to add visual interest to the neighborhood. The roofs are proposed with various degrees of pitches also to add visual interest to the development. The units range in size from 1,350 square feet of 1,530 square feet of heated and cooled space. Each of the units will have a garage serving one or two cars. Parking will also be provided within the driveway for each unit. Each of the units will be provided an outdoor patio area. The interior fences will be allowed with a maximum height of six feet and constructed of wood, wrought iron or vinyl.

The site plan indicates a 25 foot building setback along Chenal Heights Drive and Chenal Valley Drive. The building setback along the interior streets is indicated at 15 feet. The site contains 18.48 acres and of the total area 5.20 acres is

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indicated as open space. The development is indicated as Residential Low Intensity on the City's Future Land Use Plan. This classification allowed for single-family homes at a density not to exceed six (6) dwelling units per acre. Such residential development is typically characterized by conventional single-family homes, but may also include patio or garden homes and cluster homes, provided that the density remain less than six (6) units per acre. The development is proposed with 5.95 units per acres.

The minimum street buffer along Chenal Valley Drive should be 30-feet and the minimum street buffer along Chenal Height Drive should be 18 feet. The site plan indicates a minimum building setback of 25 feet along Chenal Heights Drive which allows for an adequate street buffer. The setback along Chenal Valley Drive is indicated also at 25 feet. The development is proposed with a six foot brick fence within this area placed on the right of way line. Staff is supportive of the street buffer as indicated. The land use buffer along the western perimeter is indicated at 45 feet. Within the buffer is a retaining wall which the site plan states will not exceed 15 feet in height. The applicant is requesting to grade within the required land use buffer. Staff is supportive of the request. Within the past few years this site was cleared from property line to property line so presently there is not any substantial growth within the buffer area.

The site plan indicates the placement of identification signage on both wall faces entering the development. The sign is indicated with a maximum height of six feet and a maximum sign area of thirty-two square feet. Per the zoning ordinance multi-family developments are allowed one subdivision identification sign with a maximum sign height of six feet and a maximum sign area of thirty-two (32) square feet. Staff recommends the signage be limited to that as allowed in multi-family zones.

The Declaration of Covenants for this property states no part of the subdivision shall be used for any use other than multi-unit residential retirement facilities without the consent of Deltic Timber Corporation. According to the developer the units will be market as rental units to persons 55 years plus.

The request includes advanced grading of multiple phases with the development of the first phase. The applicant has indicated the request is necessary to balance the site and to eliminate the need for hauling out excess material and hauling in fill material during the subsequent development phases.

The applicant is requesting a waiver of the City's stormwater detention ordinance requirements. Staff is not supportive of this request. Staff feels the developers should provide detention on site as typically required by ordinance.

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Staff is supportive of the request. The development is proposed as a multi-family development developed with an architectural style to allow the units to have individuality. According to the developer the units will be marketed to residents 55 years and older who want to maintain independence but no longer want to maintain a large home. The development is proposed with a density consistent with the City's Future Land Use Plan. To staff's knowledge there are no outstanding technical issues associated with the request. Staff feels the development of the site with the development as proposed is appropriate 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 street buffer along Chenal Valley Drive and Chenal Heights Drive as proposed and the western land use buffer as proposed.

Staff recommends the development signage located on Chenal Valley Drive be limited to one identification sign as allowed in the multi-family zones.

Staff recommends approval of the variance request from the Land Alteration Ordinance to allow grading of future phases with the development of the first phase.

Staff recommends the applicant provide stormwater detention as required by City ordinance.

PLANNING COMMISSION ACTION:

(APRIL 8, 2010)

Mr. Joe White of White-Daters and Associates was present representing the owners. There were no registered objectors present. Staff presented the item stating the applicant had submitted a request on April 6, 2010, requesting a deferral of this item to the May 20, 2010, public hearing. Staff stated the deferral request would require a waiver of the Commission's By-laws with regard to the late deferral request. Staff stated they were supportive of the deferral request.

There was no further discussion of the item. The Chair entertained a motion for approval of the By-law waiver request. The motion carried by a vote of 10 ayes, 0 noes and 1 absent. The Chair entertained a motion for approval of the item as presented by staff. The motion carried by a vote of 10 ayes, 0 noes and 1 absent.

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STAFF UPDATE:

The applicant submitted a revised site plan to staff with a few minor changes from the previously reviewed plan. The development contains 18.48 acres and is proposed with the development of 109 units of multi-family housing in 29 buildings. The units are proposed as one (1) and two (2) story units with a maximum building height of 30 feet. The development will allow interior fences with a maximum height of six (6) feet constructed of materials consisting of wood and/or iron.

From the original submission one unit has been removed, a park area has been added and a trail from the rear of the development to the clubhouse has been added. Also the street accessing the cul-de-sac now meanders to act as a traffic calming device. Another change from the original submission is the center residential units will have alley access to rear loaded garages allowing the fronts of the buildings to have front yard areas. The perimeter units will still have front loaded garages but the buildings will be designed to minimize the garages and concrete drives.

In the staff analysis staff stated the site had previously been cleared from property line to property line. This is an incorrect statement. The existing buffer on the west side varies from 90 feet to 190 feet. Most of the buffer on the north has already been cleared and filled.

Per the buffer ordinance the street buffer along Chenal Valley Drive should average 40 feet and in no case less than 20 feet. The street buffer along Chenal Valley Drive is indicated at 25 feet. This street buffer does not comply with the typically ordinance requirement. The street buffer along Chenal Heights Drive should average 24 feet and in no case be less than 12 feet. The street buffer along Chenal Heights Drive appears to comply with the typical ordinance requirement. The land use buffer along the western perimeter should average 50 feet and a minimum of 70 percent of the buffer should remain undisturbed. The minimum land use buffer along the western perimeter is a minimum of 30 feet and in most cases the buffer is 45 to 50 feet. The site plan indicates the placement of a retaining wall within a portion of the buffer area reducing the width to 30 feet for approximately 275 feet. Staff feels the applicant can take measures to ensure the buffer area remains undisturbed as required by the ordinance and there is adequate area to allow the average width of the buffer to comply with the buffer ordinance requirements.

Staff is supportive of the street buffer along Chenal Valley Drive as proposed. The development is proposed with a brick perimeter fence. The buildings will have a 25-foot rear yard setback. This setback is typical for a residential rear yard setback.

Staff continues to support the development and the associated variances. The development is proposed with an overall density of 5.89 units per acre. The site is indicated as Residential Low Intensity on the City's Future Land Use Plan which allows

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for development of homes at a density not to exceed six (6) dwelling units per acre. 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 also recommends approval of the street buffer along Chenal Valley Drive and Chenal Heights Drive as proposed and the western land use buffer as proposed. Staff recommends the development signage located on Chenal Valley Drive be limited to one identification sign as allowed in the multi-family zones. Staff recommends approval of the variance request from the Land Alteration Ordinance to allow grading of future phases with the development of the first phase and staff recommends the applicant provide stormwater detention as required by City ordinance.

PLANNING COMMISSION ACTION:

(MAY 20, 2010)

The applicant and his representatives were present representing the request. There was one registered objector present. Staff presented the item with a recommendation of approval of the item along with the associated variances. Staff also presented a recommendation stormwater detention be provided per the ordinance.

Mr. Stewart Headley addressed the Commission on behalf of the applicants. He stated his clients were seeking approval for a multi-family development and requested the Commission approve the request as recommended by staff. He yielded the remainder of his time for rebuttal.

Mr. Spivey provided the Commission with background information concerning the property and agreements entered into by Arkansas Teachers Retirement System and Deltic at the time of sale. He stated the original approval allowed all streets to be private and internal. He stated there was to be one access to Chenal Valley Drive from the development. Mr. Spivey stated the original agreement did not in vision the creation of lots but the development contained on a single tract. Mr. Spivey stated there had been two revisions to the original PD-R which did allow the creation of lots. He stated with the creation of lots two public streets were created, constructed and dedicated to the City. Mr. Spivey stated the single access to Chenal Valley Drive with the intersecting street remained. He stated the construction which had occurred along Chenal Valley Drive had been constructed with a minimum setback of 40 feet. He stated the developments which were located along Chenal Valley Drive were not enclosed with a brick walled fence. Mr. Spivey stated the developers had not met with Deltic or the Chenal Valley Architectural Control Committee (ACC) concerning the proposed development. He questioned if the ACC would approve the site plan as presented to the Commission. Mr. Spivey stated the building as proposed did not provide for proper setbacks or buffers. He stated the perimeter fence would create an undesirable tunnel effect along the frontage of the property which was inconsistent with other properties in the area. Mr. Spivey stated the developers had not committed to Deltic the development would be age restricted. He requested the Commission defer

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the item to allow the ACC to review the request and determine if the ACC would support the development or if there were modifications the Commission was reviewing a plan that could be constructed.

Mr. Headley stated the access point from Chenal Valley Drive met the ordinance standards for driveway spacing. He stated the original PD-R had been abandoned and the restrictions placed on the original PD-R no longer applied to the development of the site. He stated the developer was willing to increase the buffer to 33-feet along Chenal Valley Drive. He stated the typical setback for single-family development along a collector street was 30-feet. He stated the fence along Chenal Valley Drive would be brick and iron. He stated the approval of the ACC should not have any impact on the Commission's decision as to the approval of the site plan. He stated the agreement was a private document between the property owners and Deltic. He stated the Commission could review Bills of Assurances but were not bound by them.

Mr. David Pickering addressed the Commission on the merits of the request. He stated he was a home builder in Chenal and had been before the ACC a number of times. He stated the review by the ACC was subjective. He stated the ACC made suggestions on design items related to the architecture of the structure but did not deal with how the site would develop. He stated the development was single story patio homes. He stated the site was no longer a 71-acre tract. There were different owners and different development patterns in the area.

Chairman Yates questioned Mr. Pickering if he could legally build the plan presently presented to the Commission without ACC approval. Mr. Pickering stated he felt the ACC would approve the request. Chairman Yates question Joe White, Jr., the engineer of record and a member of the ACC review board if Mr. Pickering could build the development without ACC approval. Mr. White stated he did not feel the development could be constructed without ACC approval.

Mr. Pickering requested the item be deferred to the July 1, 2010, public hearing to allow the item to be presented to the ACC for review and approval. A motion was made to defer the item as requested by the applicant. The motion carried by a vote of 6 ayes, 0 noes and 5 absent.

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ITEM NO.: 1

FILE NO.: Z-3371-CC

NAME: Lots 14 and 15, the Shoppe's at Colonel Glenn Zoning Site Plan Review

LOCATION: Located on the Northeast corner of Colonel Glenn Road and
Brodie Creek Boulevard

DEVELOPER:

LLEJ1, LLC
P.O. Box 22407
Little Rock, AR 72221

ENGINEER:

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

AREA: 5.26 acres

NUMBER OF LOTS: 2

FT. NEW STREET: 0 LF

CURRENT ZONING: C-2, Shopping Center District

PLANNING DISTRICT: 11 – I-430

CENSUS TRACT: 24.05

VARIANCES/WAIVERS REQUESTED:

1. A variance from the Land Alteration Ordinance to allow advanced grading.
2. A deferral of the required street improvements to Brodie Creek Boulevard for two (2) years or until the adjacent lot develops.

BACKGROUND:

A preliminary plat for the subdivision of 87.137 acres zoned C-2, Shopping Center District was approved by the Planning Commission at their March 11, 2004, Public Hearing. The applicant intended to subdivide the site into four (4) lots to be marketed for C-2 commercial uses. The minimum lot size proposed was 225 feet by 225 feet or 1.162 acres for three lots which abutted Colonel Glenn Road with the bulk of the property contained in proposed Lot 4. The three peripheral lots were under separate ownership.

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On April 22, 2004, the Little Rock Planning Commission approved a site plan review for the development of this 81.6 acres as a shopping center and a preliminary plat to create 12 non-residential lots (previously approved Lot 4 of the I-430/Colonel Glenn Subdivision). The project consisted of 484,849 square feet of department stores, retail space and restaurant space. Parking was proposed at 2,546 parking spaces.

The developer proposed to subdivide the site into nine (9) lots and three (3) tracts with the remaining property held by the developer. The approval allowed tenants to own property in fee.

Bowman Road frontage would be improved to the minor arterial standard as required by the Master Street Plan. Right-of-way dedicated on 36th Street was required, however, a deferral of street improvements until some development occurred on the 36th Street frontage was approved.

The Commission approved a variance from the Land Alteration Ordinance to allow the grading of the site with the Phase I development. The development never occurred.

On August 16, 2007, the Little Rock Planning Commission approved a Zoning Site Plan Review to allow the development of 81.69 acres with a shopping center development. The site plan indicated the placement of 387,065 square feet of retail shops, a 75,000 square foot hotel, 25,000 square feet of restaurant space for a total building area of 487,065 square feet. Parking was proposed at 2,285 spaces.

Variations from various ordinance development standards were approved. Two variations from the Land Alteration Ordinance were approved. One to allow advanced grading of a portion of the site with the development of the first phase and second a variance to allow an increased slope. The applicant sought variations from the Subdivision Ordinance to allow the creation of lots without public street frontage. A variance from the Zoning Ordinance to allow a reduced buffer along the northern perimeter and the Interstate Frontage was approved. The request also included a variance from the Zoning Ordinance to allow a reduced building setback for the internal lots.

On February 14, 2008, the Little Rock Planning Commission approved a preliminary plat and revised site plan along with a variance from the Land Alteration Ordinance for an 81 acre area which included the current site proposed for development. The site plan and preliminary plat were somewhat similar to the previous approval with regard to lot layout and potential building footprints. The revision was for the most part related to the variance request from the Land Alteration Ordinance. The developer requested to grade the entire site with the issuance of a building permit on two (2) buildings located within the 81 acre development area. The developer proposed to not begin any construction or clearing until construction was imminent for the retail building on Colonel Glenn Road, which is Lot 15 of the current

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request and one (1) of the large lots on top of the hill. During the grading process buffers would remain until additional interior lots were developed. A plan was provided to ensure visibility into the site was obscured during the grading process. A plan for the removal of the temporary buffers and the final development of the lots was also provided. The proposed plat included variances to allow for the development of lots with acreage less than the typical lot size required by the zoning district.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The project now contains approximately 5.26 acres and is located at the northeast corner of Colonel Glenn Road and Brodie Creek Boulevard. The development is proposed with a mix of office, retail and restaurant users. The development contains two (2) lots. Lot 14 is proposed with a one-story building with a drive-thru restaurant. The building is proposed containing 4,950 square feet and is indicated with the potential for multiple tenants. The building located on Lot 15 is proposed containing two (2) potential restaurant users each containing 6,880 square feet and a drive-thru window service. The remainder of the building is indicated containing 19,200 square feet and is proposed with office and retail uses. The site plan indicates 75 parking spaces on Lot 15 and 204 parking spaces are indicated to serve Lot 14.

The site plan indicates the construction of a retaining wall along the northern perimeter of Lot 14. The maximum height proposed for the retaining wall is 15-feet which is consistent with the City's Land Alteration Ordinance. The request includes a variance to allow advanced grading. This request was approved by the Commission on February 14, 2008. The developer is proposing to use the construction of the building located on one (1) of the lots to initiate the advanced grading on the larger development as was previously approved. The request includes a deferral of the required street construction to Brodie Creek Boulevard for a period of two (2) years or until abutting development occurs, whichever occurs first.

Signage is proposed at the intersection of Colonel Glenn Road and Brodie Creek Boulevard to serve Lot 15. The sign is proposed with a maximum height of 36-feet and a maximum sign area of 160 square feet. Signage is proposed on Lot 14 along Colonel Glenn Road adjacent to I-430 and on Brodie Creek Boulevard. The signs are proposed with a maximum height of 36 feet and a maximum sign area of 160 square feet. Building signage for Lot 14 is indicated on the front façade (as allowed in shopping center developments) and side facades where abutting a public right of way. Building signage for Lot 15 is indicated on the front façade and on the side façade along Brodie Creek Boulevard and on I-430.

The property is not located within a recorded subdivision therefore there is not a Bill of Assurance for this site.

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B. EXISTING CONDITIONS:

The site is tree covered, abutting I-430 and Colonel Glenn Roads. The site slopes to the north from Colonel Glenn Road. A portion of the proposed street has been constructed but the street has not been inspected or accepted by the City as a public street. There are a number of non-residential uses in the area including an automobile dealership, a movie theater, a nursing school and a strip office/showroom/warehouse development. Further southwest of the site is a public school, Fair High School, located on David O Dodd Road. Northwest of the site are single-family homes located along South Bowman Road and West 36th Street.

C. NEIGHBORHOOD COMMENTS:

As of this writing, staff has received a few informational phone calls from area residents. All property owners located within 200-feet of the site and the John Barrow Neighborhood Association were notified of the public hearing.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. With site development, provide the design of street conforming to the Master Street Plan. Construct one-half street improvement to Colonel Glenn Road including 5-foot sidewalk with the planned development. An additional lane and improvements will be required on Colonel Glenn Road from the off ramp to Brodie Creek Boulevard.
2. Additional lanes need to be added in each direction of Colonel Glenn Road. These improvements are located off site which the developer is not typically required to install. In the previous application, the applicant proposed to add an additional lane along Colonel Glenn Road from the southbound exit ramp of I-430 at Colonel Glenn to Brodie Creek Boulevard intersection.
3. If conditions have changed from previous applications such as building square footage and uses, submit a revised Traffic Impact Study for the proposed project. Contact Bill Henry, Traffic Engineering, at 379-1816 for specifics of the traffic study. The previous study showed a level of service of E and F and traffic would lock up at peak times. In particular, a recommendation was made to improve the I-430 interchange to maintain a reasonable level of service and prevent long traffic delays.
4. In the previous approved application, the applicant proposed a financial contribution of up to \$100,000 to go toward first, a traffic signal at the Colonel Glenn Road and Brodie Creek Boulevard intersection, and then any or all widening of Colonel Glenn Road or other additional lanes in the interchange.

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5. A 20 foot radial dedication of right-of-way is required at the intersection of Brodie Creek Boulevard and Colonel Glenn Road.
6. Repair or replace any curb and gutter or sidewalk that is damaged in the public right-of-way prior to occupancy.
7. With site development, provide the design of streets conforming to the Master Street Plan. Construct one-half street improvement to Brodie Creek Boulevard including 5-foot sidewalk with the planned development adjacent to Lots 14 and 15. At least 20 feet of asphalt should be provided.
8. Sidewalks with appropriate handicap ramps are required to be installed along the shared access easement in accordance with Section 31-175 of the Little Rock Code and the Master Street Plan.
9. 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. The request includes a variance from the City's Land Alteration Ordinance to allow grading of areas outside the limits of the proposed development.
10. 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.
11. Street improvement plans shall include signage and striping. Traffic Engineering must approve completed plans prior to construction.
12. If not already in existence, streetlights are required by Section 31-403 of the Little Rock code. Provide plans for approval to Traffic Engineering. Streetlights must be installed prior to platting/certificate of occupancy. Contact Traffic Engineering 379-1813 (Steve Philpott) for more information.
13. The driveway location on the west side of Brodie Creek Boulevard does not meet the traffic access and circulation requirements of Sections 30-43 and 31-210. A driveway cannot be located within 250 feet from Colonel Glenn Road. The right in/right out driveway on Lot 1 on the west side of Brodie Creek Boulevard should be removed. The width of driveway must not exceed 36 feet.
14. In accordance with Section 31-210 (h)(12), access driveways running parallel to the street shall not create a four-way intersection within 75 feet of the future curb line of the street. The 75 feet should be measured from the curb line on Brodie Creek Boulevard south of the proposed shared access easement.
15. Plans of all work in right-of-way shall be submitted for approval prior to start of work. Obtain barricade permit prior to doing any work in the right-of-way from Traffic Engineering at (501) 379-1805 (Travis Herbner).

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16. Obtain permits for improvements within State Highway right-of-way from AHTD, District VI.
17. Hauling of fill material on or off site over municipal streets and roads requires approval prior to a grading permit being issued. Contact Public Works Traffic Engineering at 621 S. Broadway, (501) 379-1805 (Travis Herbner) for more information.
18. The proposed street should be constructed per the Master Street Plan to commercial street standards with sidewalks on both sides.
19. Coordinate design of traffic signal upgrade with proposed street improvements. Plans to be forwarded to Traffic Engineering for approval.
20. The ATM should be moved to not be in the opposite travel lane or direction.
21. The drive thru windows on the ends of the building on Lot 14 should be removed or the area on the sides and behind the building should be signed and striped for one-way traffic only.
22. Show on the plan the area to be advanced graded as allowed by the previous plan approval by the Planning Commission.
23. Existing Brodie Creek Boulevard has never been inspected for public use as a public street by Public Works staff.
24. Brodie Creek Boulevard cannot be used as a street name at this location. Staff has spoken with representatives of the development team and agreed Bowman Glenn Plaza Drive is an acceptable street name.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Wastewater: Sewer is available to this project.

Entergy: A ten (10) foot underground utility easement is required. Contact Entergy for additional information.

Center-Point Energy: No comment received.

AT & T: No comment received.

Central Arkansas Water: All Central Arkansas Water requirements in effect at the time of request for water service must be met. 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. Please submit plans for water facilities and/or fire protection system to Central Arkansas Water for review. Plan revisions may be

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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 Little Rock Fire Department is required. Contact Central Arkansas Water regarding the size and location of the water meter. 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. Due to the nature of this facility, installation of an approved reduced pressure zone backflow preventer assembly (RPZ) is required on the domestic water service. This assembly must be installed prior to the first point of use. Central Arkansas Water (CAW) 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 CAW. The test results must be sent to CAW's Cross Connection Section within ten days of installation and annually thereafter. Contact the Cross Connection Section at 377-1226 if you would like to discuss backflow prevention requirements for this project.

Fire Department: Place fire hydrants per code. Contact the Little Rock Fire Department for additional information.

County Planning: No comment.

CATA: No comment received.

Parks and Recreation: No comment received.

F. ISSUES/TECHNICAL/DESIGN:

Planning Division: No comment.

Landscape:

1. Site plan must comply with the City's landscape and buffer ordinance requirements.
2. The street buffer(s) along Colonel Glenn Road and Brodie Creek Boulevard must meet the buffer ordinance requirement which is an average of six percent of the depth/width of the lot with a minimum strip of nine feet (9') and a maximum strip of fifty feet (50').
3. Additional interior islands are needed to break up the expansive parking areas. Thus, evenly distributing the green space.
4. A small amount of building landscaping will be required in conjunction with all building permits.

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5. An automatic irrigation system to water landscaped areas will be required.
6. Prior to the issuance of a building permit, it will be necessary to provide an approved landscape plan stamped with the seal of a Registered Landscape Architect.
7. 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 29, 2010)

Mr. Tim Daters of White-Daters and Associates was present representing the request. Staff presented an overview of the development stating there were a number of technical issues outstanding in need of addressing prior to the Commission acting on the request. Staff stated the maximum signage allowed for the development was a maximum height of 36 feet and a maximum sign area of 160 square feet. Staff requested Mr. Daters provide the maximum building height in the general notes section of the site plan. Staff also requested the dumpster located within the front building setback along Brodie Creek Boulevard be relocated outside the setback.

Public Works comments were addressed. Staff questioned if the previous agreements made by the Developer concerning off-site street improvements was still on the table. Staff also questioned the areas being requested for advanced grading. Staff stated an additional lane was needed along Colonel Glenn Road to meet the current Master Street Plan requirements. Staff also stated the driveway location on Brodie Creek Boulevard did not meet the traffic access and circulation requirements. Staff stated all access drives running parallel to the street could not create a 4-way intersection within 75-feet of the future curb line of the street.

Landscaping comments were addressed. Staff stated the street buffer was not consistent with buffer areas previously approved. Staff stated a small amount of building landscaping would be required at the time of development. Staff also stated an automatic irrigation system to water landscaped areas would be required.

Staff noted comments from the other reporting departments and agencies suggesting the applicant contact them individually for additional clarification. There was no further discussion of the item. 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 issues raised at the April 29, 2010, Subdivision Committee meeting. The applicant has

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indicated building signage for Lot 14 will be as allowed in shopping center developments for the façade of the building which does not face directly to the public street. The ground signs are indicated with a maximum height of 36-feet and a maximum sign area of 160 square feet.

The dumpster located within the front building setback along Brodie Creek Boulevard has been relocated outside the front setback. A note on the site plan indicates the dumpster will be screened per the typical ordinance requirements.

The revised site plan indicates the driveway around the building located on Lot 14 to be a one-way drive. The entrance to the development has been redesigned to not create a 4-way intersection within 75-feet of the entrance from Brodie Creek Boulevard.

The site was previously reviewed for preliminary plat approval with site development plans reviewed and approved for a number of the proposed lots within the development. The applicant has indicated the street buffers previously identified were based on a large lot than currently proposed for development. The applicant has indicated the previous development identified for this area is no longer a viable development therefore the previous buffers no longer apply. According to the applicant the buffers indicated are adequate to meet the zoning buffer ordinance requirements. Staff concurs the street buffers as indicated are adequate to serve the current lot configuration.

The current request includes the development of Lots 14 and 15 of the Shoppe's at Colonel Glenn preliminary plat. Lot 14 is proposed with the construction of a 32,960 square foot retail building located on a 3.78 acre lot. The parking provided is 209 parking spaces. The site is indicated with two (2) restaurant spaces each containing 6,880 square feet and an additional 19,200 square feet of office/retail space. The restaurant portion of the development would typically require the placement of 137 parking spaces (1 space per 100 square feet) and the office/retail portion of the development would require 85 parking spaces (1 space per 225 square feet) for a total of 222 parking spaces. If the office/retail portion were calculated at one (1) space per 300 square feet of floor area the total parking required would be 201 parking spaces. The site plan indicates the placement of 209 parking spaces. Staff feels the parking as indicated is adequate to serve the use and supports a parking variance for this lot.

Lot 15 is proposed developed with 4,950 square feet of retail/restaurant space. The site plan indicates the placement of two (2) areas for outdoor dining. The outdoor patio areas appear to be 20 feet by 50 feet and 20 feet by 20 feet for a total square footage of 1,400 square feet. The site plan indicates a total of 75 parking spaces will be provided on this lot. The parking required for the single story restaurant use is 49 spaces with additional 14 parking spaces required for the patio areas. The parking indicated is adequate to serve the proposed restaurant and the outdoor dining area.

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The site plan indicates the placement of an ATM machine within an island of the parking lot of Lot 14. The ATM as presently situated is located against the flow of traffic. Staff recommends the ATM be removed from the site or placed in an area where if the drive-through lane is offered the flow is not against the flow of traffic or eliminate the drive-through option for the ATM.

The request includes a deferral of the required street improvements to Brodie Creek Boulevard. The deferral request is for two (2) years or until adjacent lot development occurs, whichever occurs first. Staff is supportive of this request.

The request includes a variance from the Land Alteration Ordinance to allow advanced grading of the site as was previously approved. The applicant has submitted a grading plan to public works staff for review. The applicant has indicated buffers will remain as were previously identified along the northern edge of Lot 14 and west of Brodie Creek Boulevard. The buffers will be off set to limit the view of the clearing within the site. The advanced grading will begin with the development of one (1) of the lots within the current review area.

The applicant is seeking a variance for minimum lot size for the proposed lots. This variance request was addressed and approved with the preliminary plat approval.

The applicant has indicated off site improvement commitments previously made with the approved preliminary plat for this area will be completed when any lot north of these two (2) lots is developed.

Staff is supportive of the request and the associated variances. The lots indicated are consistent with the lot layout approved with the preliminary plat. Staff does not feel the lack of adequate parking on Lot 14 will significantly impact the development. Staff is also supportive of the applicant's proposal to allow for the previously agreed upon off site improvements to be completed with the development of one of the lots located to the north of the area proposed for development. To staff's knowledge there are no remaining technical issues in need of addressing outstanding. Staff feels the development of the site as proposed is appropriate.

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 the ATM be removed from the site or placed in an area where if the drive-through lane is offered the flow of traffic is not against the flow of traffic within the parking lot or the drive-through option for the ATM be eliminated.

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Staff recommends approval of the deferral request for the required street improvements to Brodie Creek Boulevard for two (2) years or until adjacent lot development occurs, whichever occurs first.

Staff recommends approval of the applicant's request to allow the off site improvement commitments made with the approval of the preliminary plat be completed when any lot north of these two (2) lots is developed.

PLANNING COMMISSION ACTION:

(MAY 20, 2010)

Mr. Tim Daters and White-Daters and Associates was present representing the request. There were no registered objectors present. Staff presented the item was 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 the ATM be removed from the site or placed in an area where if the drive-through lane was offered the flow of traffic was not against the flow of traffic within the parking lot or the drive-through option for the ATM be eliminated. Staff presented a recommendation of approval of the deferral request for the required street improvements to Brodie Creek Boulevard for two (2) years or until adjacent lot development occurs, whichever occurred first. Staff also presented a recommendation of approval of the applicant's request to allow the off site improvement commitments made with the approval of the preliminary plat be completed when any lot north of these two (2) lots was developed.

There was no further discussion of the item. The chair entertained a motion for approval of the item as presented by staff. The motion carried by a vote of 6 ayes, 0 noes and 5 absent.

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ITEM NO.: 2

FILE NO.: Z-541-A

NAME: Deer Penick Eye Clinic Short-form POD

LOCATION: Located at 4942 West Markham Street

DEVELOPER:

Deer Penick Eye Clinic
c/o Redgie Adams Sign Company
13702 Frances Street
North Little Rock, AR 72118

AREA: .30 acres

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

CURRENT ZONING: O-3, General Office District – Mid-Town DOD

ALLOWED USES: General Office Uses

PROPOSED ZONING: POD

PROPOSED USE: O-3, General and Professional Office Uses – Sign larger than the Mid-Town DOD typically allows

VARIANCES/WAIVERS REQUESTED: None requested.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The request is to allow a sign larger than allowed within the Mid-Town Design Overlay District. The sign is proposed to be six (6) feet in height with sixty-four (64) square feet in area. The Overlay allows the construction of signs six (6) feet in height and twenty-four (24) square feet in area. The sign will have a concrete base slab. The sign will be constructed with painted aluminum including the lettering and lighting will be provided externally.

The item was not routed for comment since the request is to allow signage that is not consistent with the DOD. There is no new construction and all other aspects of the development comply with the Overlay.

B. EXISTING CONDITIONS:

The building was recently remodeled by the owner for an eye clinic. The two (2) properties located to the north are multi-family and the property to the east is a bank.

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Across Jackson Street is property zoned POD which was recently redeveloped with a bank. South of the site is War Memorial Stadium and southeast is the Arkansas Department of Health. In this area along West Markham Street there are a number of office, retail and restaurant users. One block north of the site starts the single-family neighborhood. There are also single-family homes located along West Markham Street one block to the east.

West Markham Street in this area is a four lane street. The intersection of Fair Park Boulevard/Van Buren Street and West Markham does contain a center turn lane. Sidewalks are in place along the property frontage on both West Markham and North Jackson Street.

C. NEIGHBORHOOD COMMENTS:

As of this writing, staff has received a few informational phone calls from area residents. All property owners located within 200-feet of the site, all residents who could be identified located within 300 feet of the site and the Hillcrest Residents Neighborhood Association were notified of the public hearing. The item was presented to the Mid-Town Advisory Board on April 23, 2010. The Board provided a number of suggestions concerning design and lighting. These items are noted in the Analysis Section of this report. The Board voted to not oppose the request.

D. SUBDIVISION COMMITTEE COMMENT: (April 29, 2010)

The applicant was not present. Staff stated there were no outstanding technical issues associated with the request. Staff stated they had met with the applicant prior to the Committee meeting to discuss question which had been raised by the Mid-Town Advisory Board. There was no further discussion of the item. The Committee then forwarded the item to the full Commission for final action.

E. ANALYSIS:

There were no outstanding issues raised at the April 29, 2010, Subdivision Committee meeting. The item was not routed for comment since the request is to allow signage that is larger than allowed per the Mid-Town Design Overlay District. There is no new construction and all other aspects of the development comply with the Overlay.

The request is to allow signage six (6) feet in height with sixty-four (64) square feet in area. The Mid-town Overlay for sites less than one (1) acre allows the construction of a monument sign six (6) feet in height and twenty-four (24) square feet in area. The sign is located at the intersection of Jackson and West Markham Streets. Public Works has verified the sign location is located outside the sight triangle and will not cause any traffic concerns. The sign will be placed within the street side landscape area as typically required per the DOD. The sign construction will have a concrete

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base slab with the sign structure constructed with painted aluminum including the lettering. External lighting will illuminate the sign. All building signage will comply with signage typically allowed in office zones.

Staff is supportive of the request. Although the sign request is inconsistent with signage allowed per the Mid-town Design Overlay District the sign proposed is consistent with signs located in the area. There are banks located to the east and west of this development both of which have signage similar to the applicant's proposal. In addition there are a number of businesses located along this section of West Markham Street that have signage similar to the applicant's proposal. To staff's knowledge there are no outstanding technical issues in need of addressing related to this request. Staff does not feel the signage as proposed will significantly impact this development or the area.

F. STAFF RECOMMENDATION:

Staff recommends approval of the request to allow a monument style ground sign six (6) feet in height and sixty-four (64) square feet in area.

PLANNING COMMISSION ACTION:

(MAY 20, 2010)

The applicant was present representing the request. There were no registered objectors present. Staff presented the item with a recommendation of approval of the request to allow a monument style ground sign six (6) feet in height and sixty-four (64) square feet in area.

There was no further discussion of the item. The chair entertained a motion for approval of the item as presented by staff. The motion carried by a vote of 6 ayes, 0 noes and 5 absent.

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ITEM NO.: 3

FILE NO.: Z-4923-I

NAME: Lot 7B Shackleford Crossing Revised PCD

LOCATION: Located South of Crossing Court approximately 800 feet West of Shackleford Road

DEVELOPER:

Frank Patel
480 Highway 425 North
Monticello, AR 71655

ENGINEER:

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

AREA: 1.8 acres

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

CURRENT ZONING: PCD

ALLOWED USES: Mixed Use Shopping Center

PROPOSED ZONING: Revised PCD

PROPOSED USE: Mixed Use Shopping Center - Hotel - Lot 7B

VARIANCES/WAIVERS REQUESTED: None requested.

BACKGROUND:

The Little Rock Board of Directors adopted Ordinance No. 19,237 on November 23, 2004, approving a Conceptual PCD known as Shackleford Crossing Long-form PCD, which was located at the southwest corner of South Shackleford Road and Interstate 430. The conceptual plan included the north 62 acres being developed with C-2, Shopping Center District permitted uses, the south 20 acres being O-2, Office and Institutional District permitted uses and the middle 15 acres being a transition area where O-2, Office and Institutional District and C-2, Shopping Center District permitted uses would be allowed. The plan also showed four (4) out parcels along the Shackleford Road frontage, with three (3) main entry drives from Shackleford Road. The total project would consist of 1,000,000 square feet of gross building area.

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Ordinance No. 19,399 adopted by the Little Rock Board of Directors on September 20, 2005, established revisions to the previously approved PCD. The approval defined the site plan for Phase I, the commercial portion of the project and one (1) of the office lots. With the request, a preliminary plat for the subdivision of the site with sixteen (16) lots and out-parcels was also approved. The approved site plan included an area previously excluded containing the Comcast office tract on Shackleford Road and incorporated the area into the overall project plan.

All the conditions that were a part of the approved Conceptual PCD were incorporated into the submittal with one (1) revision. The one (1) change requested from the prior conditions was to increase the allowable restaurant square footage and place a minimum parking ratio requirement for restaurants on the site as imposed by the developer.

Ordinance No. 19,699 adopted by the Little Rock Board of Directors on February 20, 2007, revised the PCD to clarify the signage plan, allow dock doors to be oriented to Shackleford Road and add food store as an allowable use for the site.

On May 8, 2008, the Little Rock Planning Commission recommended approval of a request to allow a revision to the previously approved PCD for a 2.2-acre parcel located near the southeastern portion of the site immediately south of the proposed Wal-Mart retail store. The approval allowed for development of a four (4) story 92 room hotel with paved drives and parking. The hotel was not proposed with any amenities such as conference rooms, a restaurant or a bar. The approval allowed building signage on three facades of the building and a ground sign with a maximum height of thirty-six (36) feet and a maximum sign area of one hundred sixty (160) square feet. The Board of Directors approved the request on June 3, 2008, by the adoption of Ordinance No. 19,980.

On July 15, 2008, the Little Rock Board of Directors approved a revision to the PCD by the adoption of Ordinance No. 19,994 to clarify and amend some of the language in the conditions. The modifications include the addition of Conditional Uses in the O-2, Office and Institutional Zoning District to the allowable uses for the office portion of the development and to increase the amount of restaurant square footage approved for the development. The revision allowed 55,000 square feet of restaurant space on the out parcels and a maximum of 80,000 square feet within the overall development.

The approval also allowed a hotel on Lot 11 which is located near the southwest corner of the site. The hotel was indicated with a maximum of four (4) stories and 87 rooms. The hotel would not have a restaurant or bar associated with it but a 1,200 square foot meeting room was proposed. The approval allowed building signage on three facades

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of the building and a ground sign with a maximum height of thirty-six (36) feet and a maximum sign area of one hundred sixty (160) square feet.

On January 8, 2009, the Little Rock Planning Commission denied a request by Cracker Barrel to allow the placement of temporary storage modules within the rear parking area of the restaurant to serve as temporary inventory storage for seasonal sales. The denial was not appealed to the Board of Directors for reconsideration.

On February 25, 2010, the Little Rock Planning Commission was to hear a request to allow the development of Lot 7B (an out-parcel located on South Shackelford Road) with a four (4) story hotel containing 84 rooms. The applicant withdrew the item prior to the Commission hearing the request.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The developer is now proposing the construction of a four (4) story hotel containing 72 guest rooms on this 1.8 acre lot within Shackelford Crossing Subdivision. The development is proposed containing 80 parking spaces. The hotel is proposed as a LaQuinta Inn and Suites. The hotel is proposed with a meeting facility and indoor pool area. The hotel will not contain a full service restaurant or bar.

The property is covered under a Bill of Assurance and a Declaration of Restrictive Covenants between the "Developer" and Camp Aldersgate. Within the Analysis Section staff has identified items listed in the Declaration of Covenants and the compliance with these Covenants with the current application request.

B. EXISTING CONDITIONS:

The shopping center has developed and site work has been completed for the Wal-Mart Super Center but construction has yet to begin. To the west of this site are two (2) new four (4) story hotels. Comcast Cable administrative offices and contractors yard is located east of the site. Out parcels along Shackelford Road which have developed have been with restaurant users. The street work adjacent to the site has been completed and all access drives within the shopping center are completed.

C. NEIGHBORHOOD COMMENTS:

As of this writing, staff has received one informational phone call from an area resident. All property owners located within 200 feet of the site, all residents who could be identified located within 300 feet of the site and the John Barrow Neighborhood Association were notified of the public hearing.

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D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. Stormwater detention ordinance applies to this property.
2. 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.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Wastewater: Sewer available to this project. Capacity contribution analysis is required. Contact Little Rock Wastewater for additional information.

Energy: A ten (10) foot underground utility easement is required. Contact Energy for additional information.

Center-Point Energy: No comment received.

AT & T: No comment received.

Central Arkansas Water: All Central Arkansas Water requirements in effect at the time of request for water service must be met. Due to the nature of this facility, installation of an approved reduced pressure zone backflow preventer assembly (RPZ) is required on the domestic water service. This assembly must be installed prior to the first point of use. Central Arkansas Water (CAW) 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 CAW. The test results must be sent to CAW's Cross Connection Section within ten days of installation and annually thereafter. Contact the Cross Connection Section at 377-1226 if you would like to discuss backflow prevention requirements for this project. 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. 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 Little Rock Fire Department is required. Contact Central Arkansas

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Water regarding the size and location of the water meter. 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. 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 sprinkler system will be required. Place fire hydrants per code. Contact the Little Rock Fire Department for additional information.

County Planning: No comment.

CATA: No comment received.

Parks and Recreation: No comment received.

F. ISSUES/TECHNICAL/DESIGN:

Planning Division: This request is located in the I-430 Planning District. The Land Use Plan shows Mixed Office Commercial for this property. The applicant has applied for a revision to a previously approved Planned Commercial Development to add another hotel use. The overall Planned Zoning District does include office as recommended by the Future Land Use Plan.

This area is covered by the John Barrow Neighborhood Plan. Their Business and Commercial Goal states: "To enhance the climate directed towards encouraging new businesses and commercial establishments to located in the area as well as retention of existing businesses."

Master Street Plan: South Shackelford Road is shown as a Minor Arterial. Crossings Court is shown as a Local Street. 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 Shackelford Road since it is a Minor Arterial. The primary function of a Local Street is to provide access to adjacent properties. Local Streets which are abutted by non-residential zoning/use or more intensive zoning than duplexes are considered as "Commercial Streets". These streets have a design standard the same as a Collector. These streets may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

Bicycle Plan: There are no bike routes shown in the immediate vicinity.

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Landscape:

1. Site plan must comply with the City's landscape and buffer ordinance requirements.
2. This site was previously reviewed as part of the overall site plan for the Shackelford Crossing Development.
3. An automatic irrigation system to water landscaped areas will be required.
4. Prior to the issuance of a building permit, it will be necessary to provide an approved landscape plan stamped with the seal of a Registered Landscape Architect.

G. SUBDIVISION COMMITTEE COMMENT:

(April 29, 2010)

Mr. Joe White of White Daters and Associates was present representing the request. Staff presented an overview of the development stating there were additional items in need of addressing prior to the Commission acting on the request. Staff stated the hotel development was not providing adequate parking to meet the typical parking demand based on the zoning ordinance. Staff requested the applicant revise the site plan to reduce the number of rooms to allow for adequate parking for the development. Staff also questioned the bell tower and signage proposed for the tower element. Staff questioned if any signage would be electronic signage.

Public Works comments were addressed. Staff stated the stormwater detention ordinance would apply to the development of the property. Staff stated if one or more acres was disturbed a permit from the Arkansas Department of Environmental Quality would be required.

Landscaping comments were addressed. Staff stated a portion of the parking was located within an indicated 18-foot landscape buffer area. Staff questioned if the buffer area had been platted. Staff stated an automatic irrigation system would be required at the time of development. Staff also stated a stamped landscape plan would be required prior to the issuance of a building permit.

Staff noted comments from the other reporting departments and agencies suggesting the applicant contact them individually for additional clarification. There was no further discussion of the item. The Committee then forwarded the item to the full Commission for final action.

SUBDIVISION

ITEM NO.: 3 (Cont.)

FILE NO.: Z-4923-I

H. ANALYSIS:

The applicant submitted a revised site plan to staff addressing a number of the issues raised at the April 29, 2010, Subdivision Committee meeting. The development is proposed with an indoor pool with hot spa, exercise room, guest laundry and a breakfast room. The hotel will have a meeting room and business center (wi-fi and hardwired internet connections). The hotel will not have a bar or full service restaurant. A fence with a maximum height of six (6) feet will be located on top of the existing retaining wall located along the southern portion of the site.

The building is proposed with as a four (4) story hotel with a maximum building height proposed as 50 feet and the tower element is proposed with a maximum height of 60-feet. The maximum building height allowed per the approved PCD ordinance and within the Bill of Assurance is 45-feet with a condition the height may be increased to 60-feet upon approval by the Planning Commission.

The approved PCD ordinance allows for a maximum sign height and area for the "office portion" of the development of six (6) feet in height and sixty-four (64) square feet in area. The applicant has indicated a note on the site plan noting the sign with a maximum height of six (6) feet and a maximum sign area of sixty-four (64) square feet.

The original approval limited the pole height of parking lot lighting to 30-feet. The site plan does include a note indicating the maximum pole height of parking lot lighting is to be 30-feet. A note also indicates all site lighting will be low level and directional, directed downward and into the site.

The ordinance approving the PCD states in addition to the typical dumpster screening any dumpster or trash receptacle located in a highly visible area must also provide landscaping or earthen berms to soften the screening walls. The dumpster is not located in a highly visible area. The dumpster will be screened per the typical ordinance standards. Per the approved PCD the servicing of dumpsters is limited to daylight hours.

The revised site plan indicates a total building coverage of 11,606 square feet or 14.5 percent. The area indicated for landscaping contains 36,057 square feet or 45.0 percent and the total paved area contains 32,400 square feet or 40.5 percent.

The revised site plan no longer indicates parking within the front landscape area. The applicant has indicated building landscaping and interior landscaping will

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ITEM NO.: 3 (Cont.)

FILE NO.: Z-4923-I

comply with the typical landscape ordinance requirements. The ordinance for a hotel development requires the placement of one parking space per guest room and an additional ten (10) percent of the total parking spaces required for developments larger than twenty rooms for employees non-guest users patronizing meeting rooms, restaurants and other facilities. The development is proposed with 72 rooms. There is not a restaurant or bar. A meeting room is planned for the hotel. Based on the typical ordinance standards a total of 79 parking spaces would be required to serve the hotel. The site plan is indicated with 80 parking spaces.

Staff is supportive of the request. Staff feels the developer has done an adequate job of addressing comments and concerns raised. The revised site plan has recognized the previously identified landscape buffer along Crossing Court. The revised plan indicates parking areas adequate to meet the typical requirements for a hotel development. The building height exceeds the height allowed per the ordinance approving the overall development plan but is within the height limit allowed to be approved by the Planning Commission. The building signage request is consistent with building signage allowed within the development and for the two (2) adjacent hotel developments. To staff's knowledge there are no outstanding issues associated with the request. Staff feels the construction of the hotel on this lot as proposed is appropriate.

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.

PLANNING COMMISSION ACTION:

(MAY 20, 2010)

Mr. Joe White of White Daters and Associates was present representing the request. 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.

There was no further discussion of the item. The chair entertained a motion for approval of the item as presented by staff. The motion carried by a vote of 6 ayes, 0 noes and 5 absent.

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ITEM NO.: 4

FILE NO.: Z-6693-A

NAME: Rudley Auto Sales Short-form PCD

LOCATION: Located at 9401 Colonel Glenn Road

DEVELOPER:

Rudley Auto
Stormy Cubb-Rudley
9925 Lanehart Road
Little Rock, AR 72204

ENGINEER:

The Holloway Firm
200 Casey Drive
Maumelle, AR 72113

AREA: 0.721 acres

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

CURRENT ZONING: C-3, General Commercial District

ALLOWED USES: General Commercial - indoor retail

PROPOSED ZONING: PCD

PROPOSED USE: Add Auto Sales outdoor display as an allowable use

VARIANCES/WAIVERS REQUESTED: None requested.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The request is a rezoning from C-3, General Commercial District to PCD to allow the use of this property for automobile sales. The site will house a maximum of 25 cars. The request includes the allowance of parking of autos within the 20 feet of the front setback which is not typically allowed per the zoning ordinance. The applicant is proposing to use the property as is with the exception of minor remodeling for the office use.

The property is not covered under a bill of assurance.

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ITEM NO.: 4 (Cont.)

FILE NO.: Z-6693-A

B. EXISTING CONDITIONS:

The site is located at the intersection of Colonel Glenn and Stagecoach Roads. The building is in disrepair and a number of the windows have been broken. The Arkansas State Highway Department has recently completed a street widening project on Colonel Glenn Road rounding the corner of Stagecoach Road. There is a traffic signal located at this intersection and turn lanes have been installed along the property's northern boundary. South of the site is a Farmers Co-op and further south of the site is a church. East of the site, across Stagecoach Road and north of the site, across Colonel Glenn Road are residential, office and commercial uses. West of the site is a single-family subdivision, the Beasley's Subdivision, located on Marigold Drive.

C. NEIGHBORHOOD COMMENTS:

As of this writing, staff has received a few informational phone calls from area residents. All property owners located within 200 feet of the site, all residents who could be identified located within 300 feet of the site, the Pecan Lake Property Owners Association, the Tall Timber Property Homeowners Association, the Westwood Neighborhood Association and the John Barrow Neighborhood Association were notified of the public hearing.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. Colonel Glenn Road is classified on the Master Street Plan as a principal arterial. Dedication of right-of-way to 55 feet from centerline is required. With the location of the rear storage building, right-of-way should be dedicated to 50 feet from centerline.
2. Repair or replace any curb and gutter or sidewalk that is damaged in the public right-of-way prior to occupancy.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Wastewater: Sewer available to this project.

Entergy: No comment received.

Center-Point Energy: No comment received.

AT & T: No comment received.

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FILE NO.: Z-6693-A

Central Arkansas Water: All Central Arkansas Water requirements in effect at the time of request for water service must be met. Contact Central Arkansas Water if additional fire protection or metered water service is required. Due to the nature of this facility, installation of an approved reduced pressure zone backflow preventer assembly (RPZ) is required on the domestic water service. This assembly must be installed prior to the first point of use. Central Arkansas Water (CAW) 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 CAW. The test results must be sent to CAW's Cross Connection Section within ten days of installation and annually thereafter. Contact the Cross Connection Section at 377-1226 if you would like to discuss backflow prevention requirements for this project.

Fire Department: Place fire hydrants per code. Contact the Little Rock Fire Department for additional information.

County Planning: No comment.

CATA: No comment received.

Parks and Recreation: No comment received.

F. ISSUES/TECHNICAL/DESIGN:

Planning Division: This request is located in the 65th Street West Planning District. The Land Use Plan shows Neighborhood Commercial for this property. The applicant has applied for a rezoning to Planned Commercial Development for auto sales. The Neighborhood Commercial category of the future land use plan is designed to allow for "small-scale commercial development in close proximity to a neighborhood, providing goods and services to that neighborhood market area." Auto sales is not generally considered a neighborhood commercial use.

This area is covered by the Westwood/ Pecan Lake Neighborhood Plan. Their Zoning Goal states "Maintain and encourage single-family and low-density residential developments in the residential area of the neighborhood, while encouraging responsible non-residential development in the area currently reserved for such uses on the Future Land Use Plan."

Master Street Plan: Stagecoach Road and Colonel Glenn Road are both Principal Arterials. The primary function of a Principal Arterial is to serve through traffic and to connect major traffic generators or activity centers within urbanized

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areas. Entrances and exits should be limited to minimize negative effects of traffic and pedestrians on both streets since they are Principal Arterials. These streets may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

Bicycle Plan: There are no bike routes shown in the immediate vicinity.

Landscape:

1. Site plan must comply with the City's landscape and buffer ordinance requirements.
2. Any new parking areas must be in compliance with the City's Landscape Ordinance.
3. If the rehabilitation costs of the project exceed fifty percent (50%) of the replacement cost of the building then the landscape ordinance will be applied accordingly.
4. The City of Little Rock Planning Staff and the City Beautiful Commission recommend the removal of any unnecessary portions of concrete or asphalt on the site. This will allow for additional greenspace at a highly visible intersection.

G. SUBDIVISION COMMITTEE COMMENT:

(April 29, 2010)

Ms. Stormy Rudley was present representing the request. Staff presented an overview of the development stating there were a few outstanding technical issues in need of addressing prior to the Commission acting on the request. Staff questioned the maximum number of cars proposed for the site. Staff also questioned where detailing of the automobiles would take place. Staff stated typically outdoor display of automobiles was not allowed within the front 20 feet of the setback. Staff stated the roof mounted sign was prohibited by ordinance and must be removed.

Public Works comments were addressed. Staff stated a right of way dedication on Colonel Glenn Road was required per the Master Street Plan. Staff stated because of the location of the existing storage building a 50-foot right of way dedication would be required.

Landscaping comments were addressed. Staff stated with any redevelopment of the site additional landscaping could be required. Staff stated the removal of any unnecessary portions of concrete or asphalt on the site to allow for additional green space was encouraged by the City Beautiful Commission.

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FILE NO.: Z-6693-A

Staff noted comments from the other reporting departments and agencies suggesting the applicant contact them individually for additional clarification. There was no further discussion of the item. The Committee then forwarded the item to the full Commission for final action.

H. ANALYSIS:

The applicant submitted a revised cover letter to staff addressing the issues raised at the April 29, 2010, Subdivision Committee meeting. The request includes the allowance of parking within the first 20-feet of the front setback. The applicant has indicated detailing of automobiles will take place at a nearby carwash and minor tasks will occur within a shed located on site at the rear of the main structure. All mechanical work will be performed off site. The hours of operation are from 8 am to 7 pm Monday through Saturday. There are a maximum of four (4) employees. A maximum of 25 cars will be displayed on the site. There is to be no unloading of vehicles within the public right of way allowed.

The proposal includes signage on three walls. Signage on the east wall is proposed 12 to 25 feet in length with an overall height of eight (8) feet. The sign as currently proposed is not allowed per the sign ordinance. The applicant must enclose the entire area with signage giving the appearance of a mansard sign. Also signage is proposed on the east wall of the area proposed for renovation for the office. This sign is proposed as three (3) feet by three (3) feet. Signage is proposed on the south wall. The sign is proposed seven (7) feet by four (4) feet. Electronic signage is not proposed at this time.

The applicant is not proposing to add any fencing or gating on the site. The revised cover letter states at a minimum of ten (10) percent of the site will be landscaped. The applicant has indicated landscaping will occur in the areas not paved. Shrubs will be trimmed and manicured. Grass will be cut and edged. Planter boxes will be added to the site and any unused asphalt or concrete will be removed and landscaping added.

Staff is not supportive of the request. The site is indicated as Neighborhood Commercial on the City's Future Land Use Plan. This classification is typically limited to small scale commercial development in close proximity to a neighborhood, providing goods and services to that neighborhood market. Typically automobiles sales draw from a regional area. Staff also does not support the allowance of display of vehicles within the first 20-feet of the front setback. The zoning ordinance is specific stating there shall be no open display of any kind whatsoever within the first twenty (20) feet of the required front yard setback. Staff does not feel this is an appropriate location for automobile sales.

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ITEM NO.: 4 (Cont.)

FILE NO.: Z-6693-A

I. STAFF RECOMMENDATION:

Staff recommends denial of the request.

PLANNING COMMISSION ACTION:

(MAY 20, 2010)

Ms. Stormy Rudley was present representing the request. There were no registered objectors present. The Chair stated based on protocol when eight (8) or fewer Commissioners were present the Commission offered the applicant the option of deferral to a later public hearing. The Chair stated since there were six (6) Commissioners present the applicant could request a deferral to the July 1, 2010, public hearing.

Mr. Tim Daters requested the item be deferred to the July 1, 2010, public hearing. The Chair entertained a motion for deferral of the item as requested by the applicant. The motion carried by a vote of 6 ayes, 0 noes and 5 absent.

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ITEM NO.: 5

FILE NO.: Z-7665-B

NAME: Rowan Park at Kanis Long-form PD-R

LOCATION: Located on the West side of Kirby Road approximately 400 feet North of the Kanis Road and Kirby Road intersection

DEVELOPER:

Rowan Development LLC
10520 West Markham Street
Little Rock, AR 72205

ENGINEER:

Crafton Tull Sparks
10825 Financial Center Parkway
Little Rock, AR 72211

AREA: 6.60 acres

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

CURRENT ZONING: PD-R - Expired

ALLOWED USES: Single-family 3.33 units per acre

PROPOSED ZONING: PD-R

PROPOSED USE: Multi-family 16.36 units per acre

VARIANCES/WAIVERS REQUESTED: None requested.

Staff met with the developer on May 3, 2010, to discuss the issues raised at the Subdivision Committee meeting and staff's concerns with the overall development plan. The applicant requested the item be deferred to the July 1, 2010, public hearing. Staff is supportive of the deferral request.

PLANNING COMMISSION ACTION:

(MAY 20, 2010)

Mr. Frank Riggins was present representing the request. There were no registered objectors present. Staff presented the item stating they had met with the developer on May 3, 2010, to discuss issues raised at the Subdivision Committee meeting and staff's concerns with the overall development plan. Staff stated the applicant had requested

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ITEM NO.: 5 (Cont.)

FILE NO.: Z-7665-B

the item be deferred to the July 1, 2010, public hearing. Staff stated they were supportive of the deferral request.

There was no further discussion of the item. The chair entertained a motion for approval of the item as presented by staff. The motion carried by a vote of 6 ayes, 0 noes and 5 absent.

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ITEM NO.: 6

FILE NO.: Z-7875-C

NAME: Taylor Park Subdivision Revised POD - Phase II

LOCATION: Located on the West side of Taylor Park Boulevard just South of Kanis Road

DEVELOPER:

Graham Smith Construction LLC
13503 Kanis Road
Little Rock, AR 72211

ENGINEER:

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

AREA: 1.68 acres

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

CURRENT ZONING: POD

ALLOWED USES: Single-family residential attached and detached and Office as allowed per the O-3, General Office Zoning District

PROPOSED ZONING: POD

PROPOSED USE: Phase II - Single-family residential attached and Office as allowed per the O-1, Quiet Office Zoning District – Maintain previous approvals for Phase I

VARIANCES/WAIVERS REQUESTED: None requested.

BACKGROUND:

The Planning Commission reviewed a request and recommended approval for Taylor Park Long-form POD at their July 7, 2005, public hearing. The site plan included the development of 22.9 acres containing a mixed-use development including office and residential uses. The property fronting along Kanis Road would allow O-3, General Office District uses with the remainder of the site being developed with attached and detached single-family residences. Ordinance No. 19,388 adopted by the Little Rock

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ITEM NO.: 6 (Cont.)

FILE NO.: Z-7875-C

Board of Directors on August 30, 2005, rezoned the site from R-2, Single-family to POD establishing Taylor Park Long-form POD.

Ordinance No. 19,635 adopted by the Little Rock Board of Directors on November 21, 2006, allowed a revision to the POD by allowing the height and area of the subdivision identification sign to be increased.

On February 25, 2010, the Planning Commission denied a request to allow the property owner located at 2 Chapman Lane to maintain a wood deck and a pergola surrounded with a six-foot wood fence which had been constructed without a permit and across a platted building line and within a ten (10) foot utility easement. The denial request was not appealed to the Board of Directors. The property owner has decreased the height of the fence, removed the pergola beyond the building line and is to raise the grade of the lot around the deck to comply with typical ordinance standards for single-family development.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The developer of the Taylor Park Subdivision has now purchased 1.68 acres located on the west side of Taylor Park Boulevard and is proposing the construction of the 2nd Phase of the subdivision. The development is proposed with two (2) office buildings each containing 3,375 square feet and a shared parking lot. The parking is proposed with a single access point to Taylor Park Boulevard. The development will also contain eleven (11) common wall patio homes located on individual lots and constructed similar to the existing attached homes within the existing subdivision. The new residential units will be located in three (3) buildings with two (2) buildings containing four (4) units and one (1) building containing three (3) units. The building envelope is indicated containing 2,890 square feet. Each of the units will contain a garage. The homes will have individual driveway accesses to Taylor Park Boulevard. The development will be constructed in phases with the residential units constructed in the first phase. The office buildings will be constructed as the market demands.

The request includes a variance from the City's Land Alteration Ordinance to allow grading of the entire area with the initiation of Phase I. The development will contain a retaining wall along a portion of the western perimeter. A note on the site plan indicates a maximum wall height of ten (10) feet. The request includes a deferral of the required street improvements to Kanis Road until the development of Lot 60, the lot adjacent to the street frontage.

The property is not covered under a bill of assurance.

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FILE NO.: Z-7875-C

B. EXISTING CONDITIONS:

The property proposed for development is presently a vacant tract with a scattering of trees. The Taylor Park Subdivision has developed with single-family homes both attached and detached. It appears the majority of the attached units have been constructed and only a few lots remain for the detached single-family homes. The office portion of the development along Kanis Road has not been initiated. The developer does occupy a structure along Kanis Road as his construction and sales office.

Street improvements to Kanis Road were completed with the first Phase of the Taylor Park Subdivision. Taylor Park Boulevard has also been constructed with a sidewalk along the eastern side.

The area has not changed much since the original approval. The area remains single-family with homes located on large lots. The area to the south is developing as the Woodlands Edge Subdivision. To the west of this site a new street, Woodlands Edge Trail, has been constructed from Kanis Road to the south accessing the Woodlands Edge Subdivision. This area is zoned PCD for future development of office and commercial uses. The area to the north includes two properties zoned as planned developments for office uses and a third property to the northeast is also zoned for office use. The remaining area is single-family homes located on large lots or parcels.

C. NEIGHBORHOOD COMMENTS:

As of this writing, staff has received several informational phone calls from area residents. All property owners located within 200 feet of the site, all residents who could be identified located within 300 feet of the site, the Parkway Place Property Owners Association, the Gibraltar Heights/Pointe West/Timber Ridge Property Owners Association and the Woodlands Edge Community Association were notified of the public hearing.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. Kanis Road 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. A 20 foot radial dedication of right-of-way is required at the intersection of Kanis Road and Taylor Park Boulevard.

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3. With site development, provide the design of street conforming to the Master Street Plan. Construct one-half street improvements to Kanis Road including 5-foot sidewalks with the planned development.
4. Repair or replace any curb and gutter or sidewalk that is damaged in the public right-of-way prior to occupancy.
5. Plans of all work in right-of-way shall be submitted for approval prior to start of work. Obtain barricade permit prior to doing any work in the right-of-way from Traffic Engineering at (501) 379-1805 (Travis Herbner).
6. 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 excavation.
7. Stormwater detention ordinance applies to this property. Show the proposed location for stormwater detention facilities on the plan.
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. A variance must be approved from the Land Alteration Ordinance to allow the developer to advanced grade with Phase 1.
10. Handicap access ramps should be installed to cross Taylor Park Boulevard at Kanis Road and at the southern property line of Lot 59.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Wastewater: Sewer main extension with easements is required for this project. Contact Little Rock Wastewater for additional information.

Energy: A ten (10) foot underground utility easement is required. Contact Energy for additional information.

Center-Point Energy: No comment received.

AT & T: No comment received.

Central Arkansas Water: All Central Arkansas Water requirements in effect at the time of request for water service must be met. Contact Central Arkansas Water regarding the size and location of the water meter. 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.

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Fire Department: Place fire hydrants per code. Contact the Little Rock Fire Department for additional information.

County Planning: No comment.

CATA: No comment received.

Parks and Recreation: No comment received.

F. ISSUES/TECHNICAL/DESIGN:

Planning Division: This request is located in the Ellis Mountain Planning District. The Land Use Plan shows Suburban Office and Residential Low Density for this property. The applicant has requested to amend the previously approved Planned Office Development to allow the construction of three additional residential buildings and two office buildings. The mixture of these two uses coincides with the land use plan.

This area is not covered by a Neighborhood Plan.

Master Street Plan: Kanis Road is a Minor Arterial. 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 Kanis Road since it is a Minor Arterial. These streets may require dedication of right-of-way and may require street improvements for entrances and exits to the site. Taylor Park Boulevard is a Local Street. The primary function of a Local Street is to provide access to adjacent properties. Local Streets which are abutted by non-residential zoning/use or more intensive zoning than duplexes are considered as "Commercial Streets". These streets have a design standard the same as a Collector.

Bicycle Plan: There are no bike routes shown in the immediate vicinity.

Landscape:

1. Site plan must comply with the City's landscape and buffer ordinance requirements.
2. The landscape ordinance requires a nine-foot (9') wide landscape strip, around the office use properties entirety. A variance from this requirement must be obtained from the City Beautiful Commission prior to the issuance of a building permit.

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3. The zoning buffer ordinance requires a nine (9) foot wide land use buffer along the western property line. Seventy percent (70%) of this area is to remain undisturbed.
4. Screening will be required along the western perimeter where abutting residentially zoned or used property.

G. SUBDIVISION COMMITTEE COMMENT:

(April 29, 2010)

Mr. Scott Hurley and Mr. Joe White were present representing the request. Staff presented an overview of the development stating additional information was necessary to allow a complete review of the proposed development. Staff requested information concerning fences, decks, porches and patios allowed within the single-family portion of the development. Staff also questioned the orientation of the office buildings located along Kanis Road. Staff stated building signage should be addressed through the review process.

Public Works comments were addressed. Staff requested clarification on the request for advanced grading. Mr. White stated the office buildings would not be constructed in the initial phase but the request was to clear the office portion of the site with the construction of the residential homes. Staff stated the stormwater detention ordinance would apply to development of the site. Mr. Hurley questioned if the City would accept an in-lieu contribution. Staff stated they would not accept an in-lieu contribution and the development should provide the required detention. Mr. Hurley stated the developer was requesting a deferral of the required street improvements to Kanis Road until the development of the office lot abutting Kanis Road.

Landscaping comments were addressed. Staff stated a portion of the parking located along the western perimeter was located within the required land use buffer areas. Staff stated the zoning buffer ordinance requires the placement of a nine (9) foot wide land use buffer along the western perimeter of the site. Staff stated seventy percent (70%) of the buffer area was to remain undisturbed. Mr. White questioned if the back-out area was constructed of a pervious pavement if the back-out area could remain. Staff stated the pervious pavement would be allowed within the land use buffer area.

Staff noted comments from the other reporting departments and agencies suggesting the applicant contact them individually for additional clarification. There was no further discussion of the item. The Committee then forwarded the item to the full Commission for final action.

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ITEM NO.: 6 (Cont.)

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H. ANALYSIS:

The applicant submitted a revised cover letter and site plan to staff addressing the issues raised at the April 29, 2010, Subdivision Committee meeting. The applicant has indicated the existing stormwater detention facility will be reviewed to determine if the area is adequate to serve the additional area. If the existing stormwater detention facility is not adequate additional stormwater detention will be provided with the new development.

The development will be constructed in phases with the residential units constructed in the first phase. The office buildings will be constructed as the market demands.

The request includes a variance from the City's Land Alteration Ordinance requirements to allow grading of the entire 1.68 acres with the construction of the first phase of the development. The site plan indicates a maximum wall height of 10 feet along the western perimeter which is an allowable height under the Land Alteration Ordinance.

The request includes a deferral of the required street improvements to Kanis Road until the development of Lot 60, the lot adjacent to the street frontage. Staff is supportive of the deferral request for a period of five years, until the development of Lot 60 or until adjacent development occurs whichever occurs first. The property has approximately 100 feet of street frontage with an existing taper on Kanis Road into Taylor Park Boulevard. Staff feels the deferral request will not significantly impact access to the existing street or to Kanis Road.

The development proposes construction of two (2) office buildings each containing 3,375 square feet and a shared parking lot. The development is proposed with a single access point to Taylor Park Boulevard. There are twenty (20) parking spaces proposed to serve the new buildings. The office use would typically require a total of sixteen (16) parking spaces. The site plan indicates a back out area within the western land use buffer area. A note on the site plan indicates this area as a permeable landscape pavement.

The proposed use of the office buildings are the uses as allowed in the O-1, Quiet Office District Zoning District. The hours of operation are typical office hours.

The fronts of the office buildings will face into the parking lot. The applicant is requesting building signage to be allowed on the fronts of the buildings, which will not have street frontage, and along the eastern façade of the buildings adjacent

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to Taylor Park Boulevard. The maximum sign area for the proposed building signage is ten (10) percent of the façade area on the façade the signage is placed. Ground signage for the office development is proposed on each of the individual lots. The signage is proposed consistent with signage allowed in office zones or a maximum of six (6) feet and a maximum sign area of sixty-four (64) square feet in area which is consistent with signage allowed in office zones. The development is not proposed with electronic signage.

The development will also contain eleven (11) common wall patio homes located on individual lots and constructed similar to the existing attached homes within the existing subdivision. The new residential units will be located in three (3) buildings with two (2) buildings containing four (4) units and one (1) building containing three (3) units. The residential lots average thirty-four (34) feet by one hundred fifteen (115) feet. The building envelope is indicated containing 2,890 square feet. Each of the units will contain a single car garage. The homes will have individual driveway accesses to Taylor Park Boulevard. The driveway width will allow for parking of an additional vehicle outdoors. The units will be constructed with four sides of brick and architectural grade singles will be used for roofing materials. The maximum building height proposed is twenty (20) feet at mid height. The units will contain an at grade patio. No decks, porches or pergolas will be allowed on the units without prior approval by the City of Little Rock through a revision to the POD. The units will be allowed fencing as allowed per the zoning ordinance for residentially zoned property.

The structures will be placed with a minimum setback from Taylor Park Boulevard of twenty (20) feet. A thirty (30) foot setback is proposed along Kanis Road. The units will have a rear yard setback of 20 feet from the western perimeter. The side yard setback for the units which are not attached is five (5) feet.

The site plan indicates a minimum of ten percent of the gross planned office district area will be designated as landscaped open space. The developer also indicates a minimum of five (500) square feet of usable private open space will be provided for each of the townhouse units. The residential portion of the development will not provide a minimum of ten (10) to fifteen (15) percent of the area designated as common usable open space.

The majority of the site is indicated on the City's Future Land Use Plan as Suburban Office with a small portion of the site indicated as Residential Low Intensity. The Suburban Office Classification allows for low intensity developments of office or office parks in close proximity to lower density residential areas to assure compatibility. The Residential Low Intensity

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classification allows for the development of single family homes at a density not to exceed six (6) dwelling units per acre. Residential development typical characteristics of this land use classification are conventional single family homes, but may also include patio or garden homes and cluster homes. The residential portion of Phase I of the Taylor Park Subdivision allowed to develop with a density of 7.2 units per acre. The current request is to allow a density of 9.49 units per acre. When combining the Phase I portion of the Taylor Park Subdivision and this additional phase the overall density of the development is 6.99 units per acre.

Staff is supportive of the request. The office portion proposed for development is consistent with the City's Future Land Use Plan. Only a small portion of the development is indicated within the Residential Low Intensity classification. The remainder of the Taylor Park Subdivision is indicated as Residential Low Intensity which has developed with an overall density in excess of the typical standards of the land use classification. Staff is unaware of any negative impacts the density at which the subdivision has developed has caused the subdivision or the area. The development is mostly built-out with only a few of the detached residential lots remaining. Staff feels the development of this 1.68 acres with two (2) small office buildings and eleven (11) attached residential units is an appropriate development for this 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 phase.

Staff recommends approval of the deferral request of the required street improvements to Kanis Road for a period of five (5) years, until adjacent development occurs or until the development of Lot 60 of the Taylor Park Subdivision which ever occurs first.

PLANNING COMMISSION ACTION:

(MAY 20, 2010)

Mr. Graham Smith was present representing the request. There were a number of registered objectors present. Staff presented the item with a recommendation of approval of the item along with the variance request from the City's land alteration ordinance requirements and the request for the street deferral.

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Mr. Smith addressed the Commission stating Taylor Park Subdivision was developed with 119 attached and detached homes. He stated of the 119 lots 116 homes had sold with three (3) lots remaining to develop. He stated his request was to allow the addition of eleven (11) attached units and two (2) office buildings on property recently purchased located on the west side of Taylor Park Boulevard.

Mr. Chia-Chu Chiang addressed the Commission in opposition of the request. He stated the development was a residential area with only one access to Kanis Road. He stated commercial development was not appropriate for the site.

Ms. Jennifer Freyman addressed the Commission in opposition of the request. She stated was not wholly opposed to the request but was opposed to the attached units and the office development. She stated she felt the development would be better if developed with detached homes around the perimeter in keeping with the remainder of the development. She stated the attached units with garages in the front were not desirable. She stated traffic and safety were a concern at the entrance to the subdivision. She questioned the office parking lot accessing the residential street and stated a better access would be on Kanis Road.

Mr. Tony Nobile addressed the Commission in opposition of the request. He stated the subdivision was three years old and was developed with a mixture of attached and detached homes. He stated the attached homes contained a two (2) car garage with alley access. He stated the perimeter homes also contained a front loaded two (2) car garage. He stated with the development of the eleven (11) attached units the feel of the neighborhood would be changed. He stated the attached units on the perimeter would go against the overall development plan and change the model of the neighborhood. He stated the units were proposed with a single car garage and a two car driveway. He stated the residents were not opposed to the overall development only the placement of the attached units which was out of character with the other homes in the area. He stated with an alternate plan Mr. Smith could construct detached units and based on the sales price could command a higher value thus generating a similar profit for the developer. He also questioned if the office building had sufficient parking and if the parking proved to be inadequate where would the visitor park. He stated the street was not adequate to handle the residential traffic and overflow parking for the office uses.

Ms. Grace Ellen Rice addressed the Commission stating her concerns were the same as Mr. Nobile's but she questioned if the development would be assessed to assist in paying the improvement district taxes. She stated she understood the Commission was not bound by, but could review Bills of Assurances when deciding an issue. She stated she was also concerned there were no homeowners on the improvement district board. She stated she had concerns with the placement of eleven (11) units and felt the residents within Taylor Park would see a ribbon of concrete when entering the subdivision. She stated Graham Smith should be proud of what he had build and not

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want to bring down the development with a development so out of character with the area.

Mr. Jeff Jones addressed the Commission in opposition of the request. He stated his area of concern was related to traffic and the two office buildings. He stated the commercial development would increase congestion at the intersection of Taylor Park Boulevard and Kanis Road. He stated Mr. Smith was a good developer and felt the new construction should look like the remainder of the homes on the perimeter of the development.

Ms. Margaret Birdsong addressed the Commission in opposition of the request. She stated Kanis Road was still a rural road. She stated Kanis Road was narrow and was it was difficult to access Kanis Road from the subdivision during peak travel times. She stated there were a number of empty office buildings located on Kanis Road as well as within the remainder of the City. She stated it was important a buffer be provided between the residential and non-residential uses.

Ms. Beverly Foster addressed the Commission in opposition. She stated it was important to maintain trees when developing in the City. She requested the Commission come to the neighborhood and visit with the homeowners to see why they were so passionate about issues which concerned the neighborhood.

Mr. Gary Korte addressed the Commission with concerns. He stated traffic and access were his concerns. He stated with the development of two (2) office buildings on the west sharing a driveway and the development of two (2) office buildings on the east with individual driveways allowing three (3) drives to serve office development would generate a great deal of traffic on the residential street.

Ms. Joann Riley addressed the Commission in opposition. She stated it was difficult to get in and out of the neighborhood presently. She stated the addition commercial development would increase traffic on the residential street creating additional danger to the area residents.

Additional attendees who filled out a card but did not wish to speak included – Mr. Ron Jones, Mr. Horace Walters, Ms. Ethel Walters, Mr. Joe Stephens, Ms. Ida Daniels, Ms. Rita Chappell, Ms. Shirley Pharis, Ms. Dana Downes, Ms. Peggy Dowd, Mr. Vernon Gould, Ms. Hilda Dillinger, Ms. Nina Bennett and Ms. Patty Snipes.

Mr. Smith addressed the Commission addressing residents concerns. He stated Taylor Park Boulevard was constructed to a commercial street standard. He stated the development in 2005 was developed with seven (7) units per acre and the current development was to allow 6.9 units per acre. He stated the attached units were rear loaded units but the perimeter units did have front garages and driveways. He stated the office building would be set 30 feet from Kanis Road and 20 feet from Taylor Park

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Boulevard. He stated he was not looking to cheapen anything. He stated in typical subdivision development the developer put the lesser value homes near the entrance to the subdivision and the more expensive homes in the rear. He stated the homes located at the front of the subdivision would not command as high a value as the homes located further back. He stated the attached units would be easier to sell than detached units. He stated when homes in a subdivision did not sell this brought the value of the remaining homes down. Mr. Smith stated the office uses would be quiet office uses. He stated his plans included moving his office to one of the office buildings. He stated the office would look like a residential unit with architectural shingles, brick similar to the brick within the subdivision, and no overhead signage. Mr. Smith stated he would be willing to defer the item to meet with the neighbors to discuss options for development of the site.

The Chair questioned Mr. Smith if he was requesting a deferral of the item. Mr. Smith stated he was requesting a deferral of the item to the July 1, 2010, public hearing. The Chair entertained a motion of approval of the deferral request. The motion carried by a vote of 6 ayes, 0 noes and 5 absent.

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ITEM NO.: 7

FILE NO.: Z-8545

NAME: 7001 Cantrell Road Auto Sales Short-form PCD

LOCATION: Located at 7001 Cantrell Road

DEVELOPER:

Checkered Flag Auto Sport Inc.
P.O. Box 241931
Little Rock, AR 72223

ENGINEER:

McGetrick and McGetrick Engineers
10 Otter Creek Court, Suite A
Little Rock, AR 72210

AREA: 0.47 acres

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

CURRENT ZONING: C-3, General Commercial District

ALLOWED USES: General Commercial - indoor retail

PROPOSED ZONING: PCD

PROPOSED USE: Add Auto Sales outdoor display as an allowable use

VARIANCES/WAIVERS REQUESTED: None requested.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The property located at 7001 Cantrell Road was originally constructed as a service station and the fuel canopy and gas pumps are still on the site. The developer is requesting to renovate the property including resurfacing the parking lot and cleaning up the existing landscaped areas to allow the use of the property as a used automobile dealership. The applicant has indicated a maximum of 40 automobiles will be housed on the site at any given time. Within the existing auto bays one (1) bay will be used for detailing of automobiles. The remaining two (2) will be used as showroom and display.

The request includes the use of the right of way along Bryant Street as overflow parking for customers and employees. The use of the right of way will require a

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franchise agreement with the City of Little Rock to allow the area to be used as overflow parking.

B. EXISTING CONDITIONS:

The site is a vacant commercial building previously used as a service station. This area has primarily commercial uses fronting Cantrell Road. There are a number of uses including retail, restaurants, office and public uses. To the north and west is multi-family housing. The property immediately west of the site is a City of Little Rock Fire Station and to the east is a shopping center.

Cantrell Road is a four lane road constructed with curb, gutter and sidewalks along both sides. The road does not have a center turn lane in this area. Bryant Street is a commercial street constructed with curb and gutter. There is not a sidewalk in place.

C. NEIGHBORHOOD COMMENTS:

As of this writing, staff has received several informational phone calls from area residents. All property owners located within 200 feet of the site, all residents who could be identified located within 300 feet of the site and the Merriwether Neighborhood Association were notified of the public hearing.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. A 20 foot radial dedication of right-of-way is required at the intersection of Bryant Street and Cantrell Road.
2. Bryant Street is classified on the Master Street Plan as a collector street. A dedication of right-of-way 30 feet from centerline will be required.
3. A plan is currently being prepared by AHTD to widen Cantrell Road in this area. Right-of-way will be acquired when plans are completed and the project is funded.
4. For the existing improvements located in the dedicated right-of-way, obtain a franchise agreement from Public Works (Bennie Nicolo, 371-4818) for the private improvements located in the right-of-way.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Wastewater: Sewer available to this project.

Entergy: No comment received.

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Center-Point Energy: No comment received.

AT & T: No comment received.

Central Arkansas Water: All Central Arkansas Water requirements in effect at the time of request for water service must be met. Contact Central Arkansas Water if additional fire protection or metered water service is required. Due to the nature of this facility, installation of an approved reduced pressure zone backflow preventer assembly (RPZ) is required on the domestic water service. This assembly must be installed prior to the first point of use. Central Arkansas Water (CAW) 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 CAW. The test results must be sent to CAW's Cross Connection Section within ten days of installation and annually thereafter. Contact the Cross Connection Section at 377-1226 if you would like to discuss backflow prevention requirements for this project.

Fire Department: Fire hydrants may be required. Contact the Little Rock Fire Department for additional information.

County Planning: No comment.

CATA: No comment received.

Parks and Recreation: No comment received.

F. ISSUES/TECHNICAL/DESIGN:

Planning Division: This request is located in the West Little Rock Planning District. The Land Use Plan shows Commercial for this property. The applicant has applied for a rezoning from C-3, General Commercial District to Planned Commercial Development for an auto sales business.

This area is covered by the Midtown Neighborhood Plan. The Commercial Development states "Improve and increase retail development to meet local demand for goods and service." This development could provide a new use for a vacant structure.

Master Street Plan: Cantrell Road is a Principal Arterial. North Bryant Street is a Collector. The primary function of a Principal Arterial is to serve through traffic and to connect major traffic generators or activity centers within urbanized areas. Entrances and exits should be limited to minimize negative effects of traffic and pedestrians on Cantrell Road since it is a Principal Arterial. The primary function

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of a Collector Street is to provide a connection from Local Streets to Arterials. These streets may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

Bicycle Plan: There are no bike routes shown in the immediate vicinity.

Landscape:

1. Site plan must comply with the City's landscape and buffer ordinance requirements.
2. The removal of unnecessary asphalt is both encouraged and appreciated, especially, along Cantrell Road.

G. SUBDIVISION COMMITTEE COMMENT: (April 29, 2010)

The applicant was present representing the request. Staff presented an overview of the development stating there were a number of outstanding issues in need of addressing prior to the Commission acting on the request. Staff questioned the number of cars proposed for the site. The applicant indicated the site would house 40 to 60 cars but he felt the maximum number would be 40 cars. Staff questioned the use of the service station bays. The applicant stated one (1) bay would be used for detailing and the other two (2) would be used for showroom. Staff questioned if the parking of autos would be within the first 20 feet of the required front yard setback. The developer stated he felt the cars would not be located within the first 20 feet of the front yard setback.

Public Works comments were addressed. Staff stated any parking within the right of way would require a franchise agreement with the City. Staff stated a radial dedication was required at the intersection of Cantrell Road and Bryant Street. Staff stated right of way dedication was required on Bryant Street. Staff stated there would not be a required right of way dedication on Cantrell Road at this time since the road was planned for widening by the Highway Department in the near future.

Landscaping comments were addressed. Staff stated the site plan was to comply with the City's Landscape and Buffer Ordinance requirements. Staff also stated the removal of any unnecessary asphalt was both encouraged and appreciated.

Staff noted comments from the other reporting departments and agencies suggesting the applicant contact them individually for additional clarification. There was no further discussion of the item. The Committee then forwarded the item to the full Commission for final action.

SUBDIVISION

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H. ANALYSIS:

There were no issues raised at the April 29, 2010, Subdivision Committee meeting in need of addressing via a revised site plan. The site is an existing service station and the only modification proposed is the removal of the gas pumps and cosmetic repairs. The structures, paving and existing drives will remain. The cosmetic repairs to be completed include painting and clearing of existing overgrown landscaped areas. No new landscaped areas are proposed. The parking lot will be resurfaced.

The site will house four (4) employees. The applicant has not identified the hours of operation. The applicant has indicated a maximum of forty (40) automobiles will be located on the site at any given time. Within the existing auto bays one (1) will be used for detailing of the automobiles for sale and the other two (2) will be used as showroom and display.

The request includes the use of the right of way along Bryant Street as overflow parking for customers and employees. The use of the right of way will require a franchise agreement with the City of Little Rock to allow the area to be used as overflow parking. There is to be no off loading of vehicle inventory within the public right of way. All loading and unloading of vehicles must take place on the applicant's property.

The request includes building signage and ground signage. The building signage is proposed as typically allowed in commercial zones or a maximum of ten (10) percent of the façade area abutting the public streets. Ground signage is proposed as typically allowed in commercial zones or a maximum of thirty-six (36) feet in height and one hundred sixty (160) square feet in area. No electronic signage is proposed at this time.

The applicant has indicated he does not feel there will be display of vehicles within the first 20 feet of the front yard setback. This portion of Cantrell Road is scheduled for widening in the near future. The roadway is proposed with five (5) lanes and sidewalks on both sides. Additional right of way will be bought from this property owner but staff is not sure of the actual right of way width that will be purchased from this site. The loss of land area to right of way will impact the site and areas allowed for display of automobiles simply based on the number of automobiles the applicant intends to locate on the site.

Per the zoning ordinance a minimum of ten percent of the gross planned commercial development shall be designated as landscaped open space not to be used for streets or parking. The applicant is not proposing any additional

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landscaping to the site. The applicant has indicated overgrown existing grassed areas will be maintained.

Staff is not supportive of the request. Staff feels the display of forty (40) automobiles on this site is too intense. Staff also feels the use of the site with open display is not an appropriate use for the site. The primary uses in the area are office, indoor retail uses and residential uses. Staff feels the outdoor display aspect of the development could potentially impact the adjacent properties. Staff feels the reuse of the site should be more in keeping with the uses as allowed in the current zoning district.

I. STAFF RECOMMENDATION:

Staff recommends denial of the request.

PLANNING COMMISSION ACTION:

(MAY 20, 2010)

Que Askari was present representing the request. There were no registered objectors present. The Chair stated based on protocol when eight (8) or fewer Commissioners were present the Commission offered the applicant the option of deferral to a later public hearing. The Chair stated since there were six (6) Commissioners present the applicant could request a deferral to the July 1, 2010, public hearing.

Mr. Tim Daters requested the item be deferred to the July 1, 2010, public hearing. The Chair entertained a motion for deferral of the item as requested by the applicant. The motion carried by a vote of 6 ayes, 0 noes and 5 absent.

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ITEM NO.: 8

FILE NO.: Z-8546

NAME: Junior Martinez Long-form PID

LOCATION: Located at 4200 Hoerner Road

DEVELOPER:

Junior Martinez
C/o Davidson Law Firm
Attn. Skip Davidson
724 Garland Street
Little Rock, AR 72201

SURVEYOR:

Brooks Surveying
20820 Arch Street Pike
Hensley, AR 72065

AREA: 12.94 acres

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

CURRENT ZONING: I-2, Light Industrial District

ALLOWED USES: Industrial

PROPOSED ZONING: PID

PROPOSED USE: I-2, Light Industrial District – Add Bar, Tavern or Lounge to the allowed uses

VARIANCES/WAIVERS REQUESTED:

1. A deferral of the required parking lot paving for the new parking areas for a period of six (6) months after approval by the City or by the ABC Board which ever occurs later.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The request is a rezoning of the site from I-2, Light Industrial District to PID to add a bar, lounge or tavern as an allowable use for the property. The applicant is proposing the use of the property as a Mexican Restaurant and bar. The business will have dancing, live and deejay music and food and alcohol sales.

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The hours of operation for the restaurant/bar are proposed as Friday and Saturday nights from 6 pm to 2 am for ages 18 and older. On Sunday the hours of operation will be from 10 am to 6 pm for all ages. A portion of the restaurant/bar will be available for private parties.

The site contains approximately 12.94 acres with a total of 127,788 square feet of warehouse/office space. The applicant's proposed venue would utilize approximately 19,200 square feet on the north end of the building. The remaining space is vacant or occupied by other office/warehouse tenants.

An eight (8) foot by fifty (50) foot wood deck will be added at the entrance of the business for outside seating and lounge only. There will be no alcohol or smoking allowed on the deck or anywhere outside the venue. There will be no smoking allowed inside the venue at any time.

No permanent sign will be installed on the street. Only a four (4) foot by twelve (12) foot sign will be installed on the west side of the building over the deck and to the left of the entrance at the location.

There will be a minimum of one (1) parking space per one hundred (100) square feet of occupied building space for the bar area. Existing parking includes approximately one hundred forty-four (144) parking spaces and forty-nine (49) additional parking spaces are proposed. Access to the site includes one (1) existing entrance from Patterson Road. The applicant is requesting a period of six (6) months from the date of zoning and/or ABC permit approval whichever is later to install the proposed additional paved parking areas and paved access to the parking areas.

The proposed use of the site is in violation of the Bill of Assurance for the subdivision. The Bill of Assurance states - The property hereinabove described shall be used only for industrial, manufacturing, warehousing or distribution purposes, and shall not be used for residential purposes. No industry or other business shall be established, maintained or permitted on said lands which produces objectionable smoke, dust or noise other than that normally found in a manufacturing industrial, distribution and warehousing area.

B. EXISTING CONDITIONS:

The property is located within the 65th Street Industrial area. The property is being used as office/warehouse with various users and there is additional vacant space located in the building. The area is primarily occupied by industrial uses. To the northeast is the City of Little Rock Wastewater Utility overflow detention basin. Further north is the Fourche Creek. The Wakefield and Geyer Springs Neighborhoods are located to the northwest and west of the site.

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Hoerner and Patterson Roads have been constructed as industrial streets. There is a railroad spur located along the eastern perimeter of the site.

C. NEIGHBORHOOD COMMENTS:

As of this writing, staff has received several informational phone calls from area residents. All property owners located within 200 feet of the site, all residents who could be identified located within 300 feet of the site, the Upper Baseline Neighborhood Association, the Wakefield Neighborhood Association, the Geyer Springs Neighborhood Association and the Southwest Little Rock United for Progress were notified of the public hearing.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. A 20 foot radial dedication of right-of-way is required at the intersection of Patterson Road and Hoerner Road.
2. For the fence encroachment in the area of the 20 foot radial dedication, obtain a franchise agreement from Public Works (Bennie Nicolo, 371-4818) for the private improvements located in the right-of-way.
3. Repair or replace any curb and gutter or sidewalk that is damaged in the public right-of-way prior to occupancy.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Wastewater: Sewer available to this project.

Entergy: No comment received.

Center-Point Energy: No comment received.

AT & T: No comment received.

Central Arkansas Water: All Central Arkansas Water requirements in effect at the time of request for water service must be met. Contact Central Arkansas Water if additional fire protection or metered water service is required. Due to the nature of this facility, installation of an approved reduced pressure zone backflow preventer assembly (RPZ) is required on the domestic water service. This assembly must be installed prior to the first point of use. Central Arkansas Water (CAW) requires that upon installation of the RPZA, successful tests of the assembly must be completed by a Certified Assembly Tester licensed by the

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State of Arkansas and approved by CAW. The test results must be sent to CAW's Cross Connection Section within ten days of installation and annually thereafter. Contact the Cross Connection Section at 377-1226 if you would like to discuss backflow prevention requirements for this project.

Fire Department: Place fire hydrants per code. Contact the Little Rock Fire Department for additional information.

County Planning: No comment.

CATA: No comment received.

Parks and Recreation: No comment received.

F. ISSUES/TECHNICAL/DESIGN:

Planning Division: This request is located in the 65th Street East Planning District. The Land Use Plan shows Industrial for this property. The applicant has applied for a rezoning from I-2, Light Industrial District to Planned Industrial Development to add a bar, lounge or tavern as an allowable use for the site. The request does not require a change to the Land Use Plan.

This area is covered by the Upper Baseline Neighborhood Plan. The Economic Development goal states "Retain existing businesses, and when necessary, find new businesses to replace those that close."

Master Street Plan: Patterson Road is shown as a Collector. The primary function of a Collector Street is to provide a connection from Local Streets to Arterials. Hoerner Road is shown as a Local Street. The primary function of a Local Street is to provide access to adjacent properties. Local Streets which are abutted by non-residential zoning/use or more intensive zoning than duplexes are considered as "Commercial Streets". These streets have a design standard the same as a Collector. These streets may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

Bicycle Plan: A Class III is shown on Patterson Road. A Class III bikeway is a signed route on a street shared with traffic. No additional paving or right-of-way is required. Class III bicycle route signage may be required.

Landscape:

1. Site plan must comply with the City's landscape and buffer ordinance requirements.

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2. Trees being planted on the property is both encouraged and appreciated by the City of Little Rock and the City Beautiful Commission.
3. Landscaping will be required in conjunction with any new parking areas.

G. SUBDIVISION COMMITTEE COMMENT: (April 29, 2010)

Ms. Karen King was present representing the request. Staff presented an overview of the request stating they had concerns as to the use of the site and felt the use was a special events center based on the hours of operation. Staff stated the site could not be leased as a special events center with the current zoning request. Staff questioned how the liquor license and business license would be issued. Ms. King stated the business was a bar business and all licenses would be for a bar. She stated there would be an area available for lease for special occasions but that would not be the sole use of the property. She stated even if there was a private party the bar would be open to other persons as well. Staff stated the bar use of the site would potentially generate a parking demand equal to the existing and proposed new parking. Staff questioned the other users within the building and the parking required to meet their needs. Ms. King stated the other businesses operated from 8 am to 5 pm and were very seldom on site during the hours of operation proposed for the bar.

Public Works comments were addressed. Staff stated a radial dedication of right of way was required at the intersection of Patterson and Hoerner Roads. Staff stated they would not support a waiver of the required right of way dedication. Ms. King stated she would contact the owners to discuss the right of way requirement.

Landscaping comments were addressed. Staff stated any new parking areas would require landscaping per the Landscape Ordinance.

Staff noted comments from the other reporting departments and agencies suggesting the applicant contact them individually for additional clarification. There was no further discussion of the item. The Committee then forwarded the item to the full Commission for final action.

H. ANALYSIS:

Ms. King submitted a revised site plan and cover letter addressing the issues raised at the April 29, 2010, Subdivision Committee meeting. The property owner now agrees to the radial dedication of right of way at the intersection of Patterson and Hoerner Roads if the zoning request is approved.

The revised cover letter states the liquor license will be for a bar use. A license for a restaurant requires a full course meal to be served at least six (6) days per

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week. The applicant is proposing the hours of operation to be from 6 pm to 2 am Friday and Saturday nights and from 10 am to 6 pm on Sunday. The applicant has indicated food and alcohol sales will be available for sale and consumption during the business is open. The business will have dancing, live and deejay music in addition to the food and alcohol sales.

The site contains approximately 12.94 acres with a total of 127,788 square feet of warehouse/office space. The applicant's proposed venue would utilize approximately 19,200 square feet on the north end of the building. The remaining space is vacant or occupied by other office/warehouse tenants.

Within the 19,200 square feet proposed for occupancy by this user there will have a bar area, a dining area and dance floor. The dining area will contain three (3) areas of 100 feet by 24 feet for a total of 7,200 square feet which can be utilized by large dining parties when customers want to have separation from the general public seating. These areas will not be walled separately but will be open to the remainder of the space and will be available only when the business is open.

The request is a rezoning of the site from I-2, Light Industrial District to PID to add a bar, lounge or tavern as an allowable use for the property. The applicant is proposing the use of the property as a Mexican Restaurant and bar. The business will have dancing, live and deejay music and food and alcohol sales. The hours of operation for the restaurant/bar are proposed as Friday and Saturday nights from 6 pm to 2 am for ages 18 and older. On Sunday the hours of operation will be from 10 am to 6 pm for all ages. A portion of the restaurant/bar will be available for private parties.

An eight (8) foot by fifty (50) foot wood deck will be added at the entrance of the business for outside seating and lounge only. There will be no alcohol or smoking allowed on the deck or anywhere outside the venue. There will be no smoking allowed inside the venue at any time.

No permanent sign will be installed on the street. Only a four (4) foot by twelve (12) foot sign will be installed on the west side of the building over the deck and to the left of the entrance at the location. No electronic signage is proposed.

There will be a minimum of one (1) parking place per one hundred (100) square feet of occupied building space of the bar area. The existing parking on site includes approximately one hundred forty-four (144) parking spaces and forty-nine (49) additional parking spaces are proposed. The applicant is requesting a period of six (6) months from the date of zoning and/or ABC permit approval whichever is later to install the proposed additional paved parking areas

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and paved access to the parking areas. The zoning ordinance requires all wheeled surfaces to be constructed of a hard surface material.

The parking as proposed does not allow for adequate parking for the remaining warehouse space on site. According to the applicant other tenants are warehouse users with minimal office space. The remaining tenants are open during regular business hours. The hours of operation of the other users within the building typically will not overlap. If parking becomes an issue the property owner will require additional parking to be installed per City requirements and subject to City approval.

Staff has concerns with the development and the use of the property. Staff feels the proposed use of the property is more in line with a special events center than that of a restaurant/bar based on the hours of operation and the use of the site on Sunday for family activities. Resolution #13,096 adopted by the Little Rock Board of Directors on March 2, 2010, established a six (6) month moratorium stating no applications new or pending at any stage of the planning process shall be granted for a business that will be a special events center as the term is currently used by the Planning and Development Department. Staff has forwarded this item to the City Attorney's Office to determine if the use of the property is that of a special events center or as the applicant has indicated a restaurant/bar.

I. STAFF RECOMMENDATION:

Staff recommends deferral of this item to the July 1, 2010, public hearing to allow the City Attorney's office adequate time to review the request and determine if the use can move forward to the Planning Commission and Board of Directors for final action.

PLANNING COMMISSION ACTION:

(MAY 20, 2010)

Mr. Skip Davidson and Mr. Junior Martinez were present representing the request. Staff presented the item stating their recommendation was to defer the item to the July 1, 2010, public hearing to allow staff time to understand the application request. Staff stated the original application was for a special events center and was modified when staff stated they could not process the request. Staff stated once they raised concerns with the use of the property with a private room for parties this was also removed from the request. Staff stated with the use of the property on Sunday for family activities this increased staff's concerns that the center would be used as a special events center. Staff stated they continued to request a deferral of the item but if the item was moved forward staff could not support the item based on their not knowing how the site would be used.

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Mr. Skip Davidson addressed the Commission on the merits of the request. He stated Mr. Martinez was requesting the use of the building as a bar. He stated the use would not be a special events center. He requested Mr. Martinez provide the Commission with his business plan.

Mr. Martinez addressed the Commission stating his business would be a bar. He stated he had been looking for a site for five (5) years to open his business. He stated currently there was nothing in Little Rock like the bar he planned to operate. He stated the business would have live music and dancing. He stated currently he and his wife had to leave Little Rock to find this type of entertainment. He stated his business would employ security to provide a safe place for his customers.

Mr. Presley Melton addressed the Commission in opposition of the request. He stated his family had been in business since the 1940's and in the 1980's it was time to move from downtown Little Rock. He stated a great deal of research went into picking a location for their business. He stated the family settled on the 65th Street Industrial Park because of the look of the park and the bill of assurance for the subdivision. He stated his business was a 24-hour-a-day business. He stated currently the employees and the vendors felt safe because there were few cars in the area late at night. He stated with the introduction of the bar open to 2:00 am this would generate traffic on the area streets that had not been there in the past. He stated with the addition of traffic there was a potential for additional crime. He stated the proposed use of the property as a bar was not in keeping with the zoning or the bill of assurance for the subdivision.

Ms. Jo Melton addressed the Commission in opposition. She stated the family bought in the 65th Street Industrial Park area because of the bill of assurance for the subdivision. She stated the business was a 24-hour-a-day 7-day-a-week business. She stated a number of the vendors would reach the site and have to wait for someone to let them in. She stated currently the vendors were not afraid to stay in the parking lot and wait. She stated with the addition of the bar there would be traffic in the area that might not otherwise be there. She stated if the request was approved then other businesses in the area might also request an exception to the bill of assurance.

Mr. Davidson stated the bill of assurance allowed for commercial development. He stated there was a restaurant and bar located in the area. He stated Mr. Martinez would provide security and the bar would only provide one access to the site. He stated parking should not be a concern because if additional parking was required there was sufficient area to pave additional spaces.

Chairman Yates stated the Commission was not bound by bills of assurance but could review the bill of assurance when discussing an item. He stated he felt the bill of assurance important and did rely on them when buying and selling property.

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Ms. Karen King addressed the Commission. She stated the license Mr. Martinez would operate under would be a bar license that would allow the sale of on premise beer and wine. She stated according to the ABC office this license would allow the sale of beer and wine on Sunday. She stated the bar would not be rented to any one for any event. The bar would be open to the public at all times.

There was a general discussion by the Commission concerning the request and staff's concerns as to the use. The Commission questioned if they could defer an item. Deputy City Attorney Dawson stated the Commission did have the option of deferring the item. A motion was made to defer the item to the July 1, 2010, public hearing. The motion carried by a vote of 6 ayes, 0 noes 5 absent.

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ITEM NO.: 9

FILE NO.: LA-0029

NAME: Apple Blossom Subdivision Phase III Land Alteration Variance Request

LOCATION: Located South of Fraizer Pike and West of Apple Avenue

APPLICANT'S REPRESENTATIVE: Pat McGetrick, McGetrick Engineers

The property is zoned Agriculture/Forestry which is exempt from the grading permit requirement. Staff recommends this item be withdrawn from consideration.

PLANNING COMMISSION ACTION:

(MAY 20, 2010)

Mr. Pat McGetrick was present representing the request. There were no registered objectors present. Staff presented the item stating the property was zoned Agriculture/Forestry which was exempt from the grading permit requirement. Staff presented a recommendation of withdrawal of the item from consideration.

There was no further discussion of the item. The chair entertained a motion for approval of the item as presented by staff. The motion carried by a vote of 6 ayes, 0 noes and 5 absent.

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ITEM NO.: 10

FILE NO.: LA-0030

NAME: Gateway Business Park Land Alteration Variance Request

LOCATION: Northwest corner of Otter Creek Road and I-30

APPLICANT: Tommy Hodges

APPLICANT'S REPRESENTATIVE: Patrick McGetrick

AREA: 177 +/- acres

CURRENT ZONING: C4

VARIANCES/WAIVERS REQUESTED: A variance from the Land Alteration Regulations to advance clear and grade with construction not being imminent and harvest timber.

A. PROPOSAL/REQUEST:

The applicant is requesting a variance from the Land Alteration Regulations to harvest timber and advance clear and grade a multi-lot or multi-phase development where construction is not imminent on all phases of the development. The 177-acre property is located on the Northwest corner of Otter Creek and I-30; with a portion of the property abutting the west side of I-430. The original request during the April 29, 2010, Subdivision Committee meeting was to harvest 90% of the timber off the 177-acres and advance clear and grade a multi-lot or multi-phase development where construction was not imminent on all phases of the development, but staff did not support this request. The revised current request is to harvest 70% of the timber on the 177-acres and advance clear and grade a multi-lot or multi-phase development where construction is not imminent on all phases of the development. A 100 foot undisturbed buffer is planned to be maintained along the right-of-ways of I-430 and I-30. The intent is to eventually develop the site into a mixed use business park. Property along the interstate highway frontage will be mostly high visibility commercial and the interior of the park will be high technology office type uses in a "campus like" environment.

B. EXISTING CONDITIONS:

This approximately 177-acre C-4, Open Display District zoned property is both hilly and low lying flat land next to the Fourche Creek. The entire property is densely wooded. Interstate 430 is located on the East side. The property east of Interstate 430 is zoned industrial and commercial, with a small amount of R-2, Single-family around the interchange. Interstate 30 is located on the South side.

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The property south of Interstate 30 is zoned commercial, industrial, and R-2, Single-family around the interchange. The property to the north and west is undeveloped flood prone areas of the Fourche Creek and is zoned OS, Open Space with a small amount of R-2, Single-family zoning around the interchange.

C. NEIGHBORHOOD COMMENTS:

All adjacent property owners including those across the street or alley from the subject property were given notice. The Southwest Little Rock United for Progress was also given notice. As of the time of this writing, staff has not received any phone calls or letters asking questions or requesting additional information.

D. ENGINEERING COMMENTS:

1. 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.
2. Hauling of fill material on or off site over municipal streets and roads requires approval prior to a grading permit being issued. Contact Public Works Traffic Engineering at 379-1805 (Travis Herbner) for more information.
3. All slopes must be 3:1 (H:V) or less unless there are rock outcroppings that prevent such grading and approved by Public Works. Contact Nathan Charles at 918-5348 for approval.
4. Tracking of mud and dirt onto City streets is not permissible. A tracking pad must be installed per Little Rock Code Section 29-190 (12).
5. Erosion controls must be installed and maintained to reduce discharge of polluted stormwater.
6. Vegetation must be established on disturbed area within 21 days of completion of harvest activities.
7. 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. Separate grading permits will be required for the grading and the harvesting.
8. Provide an erosion control plan detailing the best management practices will be utilized to minimize erosion.
9. A minimum strip twenty-five (25) feet wide, undisturbed except for reasonable access, shall be provided along each side of streams having a ten-year storm of greater than one hundred fifty (150) cubic feet per second.

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10. Harvest activities must comply with state and federal forestry harvest techniques and code. Damage to offsite property must be repaired by the applicant in a timely manner.
11. Tree tops and debris generated from the harvest activity must be removed at the conclusion of harvest to reduce the potential fire hazard. Contact the Little Rock Fire Department for conditions and additional requirements.
12. Site must be posted.

E. LANDSCAPING COMMENTS:

1. Grading plan must comply with the City's buffer ordinance requirements.
2. All previous comments and conditions apply as related to the Otter Creek Travel Center Subdivision Site Plan Review (S-1538-C) approved by the Planning Commission on April 8, 2010.
3. 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.

F. SUBDIVISION COMMITTEE COMMENTS:

(April 29, 2010)

Pat McGetrick of McGetrick and McGetrick Engineering was present representing the applicant. Staff presented an overview of the variance application stating the applicants desire to harvest trees and advance grade the site. The applicant's representative was encouraged by the committee to work with staff on this item. There was no further discussion of the item. The Committee then forwarded the item to the full Commission for final action.

G. ANALYSIS:

The request is to harvest approximately 70% of the existing trees on the 177-acre track of land, and to advance clear and grade a multi-lot or multi-phase development where construction is not imminent on all phases of the development. The timber harvest is proposed to take place in two (2) phases. Stand 1 will be harvested immediately after approval, and Stand 2 will be harvested during late summer. Stand 1 is approximately 70 acres, it is located on the higher elevated portion of the land, and is covered in young pines. Stand 2 is approximately 90 acres, located on the lower elevated portion of the land, and is covered in mature pines with mixed hardwood. The site was cleared for a small mall development approximately twenty-five years ago and is currently

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forested with dense vegetation and twenty five year old trees. The intent is to leave all of the mature hardwoods as possible and to leave selected mature pines. A 100 foot undisturbed buffer is planned to be maintained along the right-of-ways of I-430 and I-30.

H. STAFF RECOMMENDATION:

Staff recommends approval of this application subject to the comments found in paragraph D and E. From the information provided, staff believes half of the site consists of immature pines growing in close proximity to each other. Good forestry management practices would recommend those trees to be thinned out. Furthermore, a 100 foot undisturbed buffer along interstate right-of-ways exceeds the maximum buffer requirement of 45 feet. Staff also believes the applicant should comply with the following:

1. No more than 70% of the trees on the 177-acre property shall be harvested.
2. A 100 foot undisturbed buffer shall be maintained along the right-of-way frontage of I-30 and I-430.
3. Advance grading on the 20 acres shall not begin until a building permit has been issued.
4. Positive drainage shall be provided so that water will not pond.
5. A grading permit is required to be obtained prior to timber harvest.

PLANNING COMMISSION ACTION:

(MAY 20, 2010)

Mr. Pat McGetrick was present representing the request. There were no registered objectors present. Staff presented the item with a recommendation of approval of the application subject to the comments found in paragraphs D and E of the agenda staff report. Staff stated from the information provided, staff felt half of the site consisted of immature pines growing in close proximity to each other. Staff stated good forestry management practices would recommend those trees to be thinned out. Staff stated a 100 foot undisturbed buffer along the interstate right-of-ways exceeded the maximum buffer requirement of 45 feet. Staff presented the following recommendations that the applicant must comply with:

1. No more than 70% of the trees on the 177-acre property shall be harvested.
2. A 100 foot undisturbed buffer shall be maintained along the right-of-way frontage of I-30 and I-430.
3. Advance grading on the 20 acres shall not begin until a building permit has been issued.

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4. Positive drainage shall be provided so that water will not pond.
5. A grading permit is required to be obtained prior to timber harvest.

There was no further discussion of the item. The chair entertained a motion for approval of the item as presented by staff. The motion carried by a vote of 6 ayes, 0 noes and 5 absent.

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ITEM NO.: 11

FILE NO.: LA-0031

NAME: Shackleford Road Land Alteration Restoration Variance Request

LOCATION: 4142 S. Shackleford Road

APPLICANT: Steve Landers, Sr.

APPLICANT'S REPRESENTATIVE: Joel B. Carter,
Quattlebaum, Grooms, Tull & Barrow

AREA: Approximately 12 Acres

CURRENT ZONING: R-2, Single-family

VARIANCES/WAIVERS REQUESTED: A variance from the tree replanting requirements found in the Land Restoration requirements of Section 29-196(6).

A. PROPOSAL/REQUEST:

The applicant is requesting a variance to allow the replanting of trees not in conformance with the Land Restoration requirements found in Section 29-196(6). The approximately 12 acre property ("the property") is at 4142 S. Shackleford Road located on the west side of Shackleford Road about 850 feet north of the intersection of Colonel Glenn Road and Shackleford Road. The applicant is proposing to replant approximately 5,442 pine and hardwood trees on the property in 2011, specifically no later than February, 2011. The trees are proposed to be replanted with a spacing of 6 feet by 12 feet for pine trees and 12 feet by 12 feet for hardwood trees.

B. EXISTING CONDITIONS:

The 12 acre property is zoned R-2, Single-family with a mini storage center zoned PCD located along the southern property line. The property fronts the west side of Shackleford Road. On the east side of Shackleford Road, is an existing mobile home park zoned R-2, Single-family. The property to the north is zoned R-2, Single-family and is currently undeveloped. The property to the west is zoned O-2, Office and Institutional and is currently undeveloped. The referenced property was densely wooded until it was cleared by the applicant in June, 2009. The applicant was issued Notice of Violation #431 for cutting or clearing trees without a grading permit. The applicant has stated he was cleaning up a dumping and vandalism problem on the property. No structures are located on the property. At this time, the property has been revegetated and erosion control devices are installed.

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C. NEIGHBORHOOD COMMENTS:

As of the time of writing, staff has not received any telephone calls or emails from area residents. All adjacent property owners including those across a street or alley from the subject property and the John Barrow Neighborhood Association were notified of the date and time of the public hearing.

D. ENGINEERING COMMENTS:

1. Provide the number of trees proposed to be planted.
2. What species of trees are proposed to be planted?
3. What are the sizes of the trees proposed to be planted?
4. Provide plans showing the area where trees are to be planted along with the spacing of trees.
5. When will planting of the trees and restoration work begin?
6. When will planting and associated restoration work be completed?
7. Per Section 29-196(10), all restoration work is to be guaranteed by the responsible party in the form of cash, surety bond or letter of credit for 2 years following installation and approval by the Department of Public Works.
8. A grading permit in accordance with Section 29-186 (c) and (d) will be required prior to beginning installation of trees as shown on restoration plan.
9. The restoration plan is required to be submitted to staff for approval prior to beginning restoration work.
10. Site must be posted.

E. LANDSCAPING COMMENTS:

1. Grading plan must comply with the City's buffer ordinance requirements.

F. SUBDIVISION COMMITTEE:

Joel Carter was present representing the applicant. Staff presented and overview of the variance application stating the primary issues were the number of trees to be planted, the size of the trees to be planted, and the time frame to plant the trees. The applicant's representative was encouraged by the committee to work with staff on addressing staff questions and concerns. There was no further discussion of the item. The Committee then forwarded the item to the full Commission for final action.

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G. ANALYSIS:

The request is to plant more trees of smaller size with different spacing between trees from the typical Land Restoration requirements as found in Section 29-196(6). The Land Restoration requirements state one (1) tree should be planted for every 750 square feet of the area in violation with an average linear spacing of 30 feet with at least 2 inch caliper trees.

The code requires approximately 696 two (2) inch caliper trees to be planted 30 feet apart on the 12 acres cleared. The applicant is proposing to replant approximately 5,442 pine and hardwood trees. About fifty percent (50%) of each species will be planted. The pine trees will be approximately 12 inches tall with a 6 millimeter caliper and the hardwood trees will be approximately 20 inches tall with a 3/8 inch caliper. The pines will be planted in rows with spacing of 6 feet by 12 feet and hardwoods will be planted in rows with spacing of 12 feet by 12 feet.

The applicant proposes to begin tree planting and restoration work when one-year seedling trees become available from the Forestry Commission in early 2011, no later than February. The Forestry Commission believes this is the most appropriate time to plant trees. Planting and restoration work should be completed within three (3) weeks of the date such work begins.

Prior to beginning the planting and restoration work, the restoration plan will be submitted to staff for review and issuance of a grading permit. At the completion of the work, the applicant will contact staff for inspection of the work and final approval. Upon final approval, cash, surety bond or letter of credit will be provided to Public Works to hold for two (2) years to guarantee the restoration work.

H. RECOMMENDATION:

Staff recommends approval of this application subject to the comments found in paragraph C and D. Staff also believes the restoration plan should comply with the following:

1. Approximately 5,442 pine and hardwood trees should be planted with about a fifty percent (50%) mixture;
2. Pine trees should be approximately 12 inches tall with a 6 millimeter caliper and hardwood trees should be approximately 20 inches tall with a 3/8 inch caliper;
3. Pine trees should be planted in rows with spacing of 6 feet by 12 feet and hardwood trees should be planted in rows with spacing of 12 feet by 12 feet;

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4. The restoration plan should be provided to staff for review and a grading permit issued prior to beginning work;
5. Tree planting should begin prior to February 28, 2011 and be completed within three (3) weeks of beginning the work;
6. At the completion of the restoration work, all disturbed areas should be mulched and revegetated;
7. Beside specific variances from the requirements being requested with this application, all the other requirements found in Section 29-196 must be met.

PLANNING COMMISSION ACTION:

(MAY 20, 2010)

The applicant was present representing the request. There were no registered objectors present. Staff presented the item with a recommendation of approval of the application subject to the comments found in paragraph C and D of the agenda staff report. Staff stated the restoration plan must comply with the following:

1. Approximately 5,442 pine and hardwood trees should be planted with about a fifty percent (50%) mixture;
2. Pine trees should be approximately 12 inches tall with a 6 millimeter caliper and hardwood trees should be approximately 20 inches tall with a 3/8 inch caliper;
3. Pine trees should be planted in rows with spacing of 6 feet by 12 feet and hardwood trees should be planted in rows with spacing of 12 feet by 12 feet;
4. The restoration plan should be provided to staff for review and a grading permit issued prior to beginning work;
5. Tree planting should begin prior to February 28, 2011 and be completed within three (3) weeks of beginning the work;
6. At the completion of the restoration work, all disturbed areas should be mulched and revegetated;
7. Beside specific variances from the requirements being requested with this application, all the other requirements found in Section 29-196 must be met.

There was no further discussion of the item. The chair entertained a motion for approval of the item as presented by staff. The motion carried by a vote of 6 ayes, 0 noes and 5 absent.

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There being no further business before the Commission, the meeting was adjourned at 6:06 p.m.

Date

Chairman

Secretary