

FILE NO.: Z-9695

NAME: The Villas at Autumn Road – PRD

LOCATION: 400-412 Autumn Road

DEVELOPER:

Empire Development Group, LLC
P.O. Box 23713
Little Rock, AR 72201

OWNER/AUTHORIZED AGENT:

Larry Gamble, Jessie Gamble, Donald Gamble and Terry Holt (Owners)
Eugene Chandler (Agent)

SURVEYOR/ENGINEER:

Hope Consulting
117 S Market Street
Benton, AR 72015

AREA: 5.02 acres NUMBER OF LOTS: 51 FT. NEW STREET: 1540 LF

WARD: 6 PLANNING DISTRICT: 11 CENSUS TRACT: 24.07

CURRENT ZONING: R-2

VARIANCE/WAIVERS: None requested.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant is proposing to rezone 5.02 acres from R-2, single-family to Planned Residential District (PRD) to allow for the development of fifty-one (51) attached single-family residences.

B. EXISTING CONDITIONS:

A majority of the lots are developed to some degree and contain at least one single-family residence. The Birchwood Subdivision is located to the north contains R-2 zoning. Properties to the west and south contain planned commercial

developments. Located to the east, 401 Autumn Road, is zoned O-2 (Lile Real Estate, Inc). 601 Autumn Road (Modern Storage West Little Rock, LLC) is zoned PD-C and contains a minimum forty (40) foot open-space buffer along the north and east sides of the property which provides screening for R-2 zoned property to the north and east which abuts single-family residences within the Birchwood Subdivision.

C. NEIGHBORHOOD NOTIFICATIONS:

All owners of property within 200 feet of the site and all neighborhood associations registered with the City of Little Rock were notified of the public hearing.

D. ENGINEERING COMMENTS:

1. Proposed R/W variance needed for requested street widths within development.
2. Provide Design Vehicle Tracking Plan showing the maneuverability of a ladder firetruck wheelbase within the development.
3. A grading permit shall be required prior to initiation of work to include the advance grading variance with infrastructure. Grading permits are issued by the Planning and Development Dept. at 723 West Markham Street after approval of sediment and erosion control plans, grading and drainage plans, land survey, drainage study, and soil loss calculations per City's stormwater management and drainage manual. Contact Planning and Development Dept., Civil Engineering Private Development at 501-371-4817 or at 501-918-5348 or Permits@littlerock.gov to schedule an appointment for issuance or to answer any questions. Permit cost is based on total project area at \$100.00 for the less than ½ acre, \$200.00 for ½ to 1 acre, and \$200.00 for the first acre and \$100.00 for each additional acre for project greater than 1 acre.
4. Boundary street improvements are required on Autumn Rd. per master street plan. Boundary street improvements shall include, but not be limited to, reconstruction of one-half section of the abutting street if the existing street is not up to city standards. Repair, replace, or extend existing damaged, missing, and noncompliant curb and gutter, sidewalk, access ramps or concrete driveway aprons within the public right-of-way adjacent to the site. Remove abandoned driveway cuts and replace with curb, gutter, and sidewalk. All work within the public right-of-way shall conform to City of Little Rock Public Works Standard Details and ADA guidelines.
5. Any work involving one (1) or more acres of disturbed area requires a State of Arkansas NPDES permit. Contact the Arkansas Department of Environmental Quality, NPDES branch at 501-682-0744 for applications and information about General Stormwater Discharge Construction Permit #ARR150000.

6. Per City Rev. Code 29-99, stormwater detention for developments is required. Provide stormwater detention infrastructure to satisfy this requirement.
7. For the required, final drainage report, sign, date, and seal the report per AR State Board of Professional Engineers and Professional Surveyors rules Article 12, Section B (1) (a).
8. Provide engineer's certification statement saying this drainage report was conducted by yourself or directly under your supervision and attesting to the accuracy of the information within this report.
9. The Department requires three (3) phase sediment and erosion control (SEC) plans to be submitted for all construction projects showing best management practices (BMPs) for mitigating sediment runoff and erosion along with vegetation specifications for temporary and permanent soil stabilization. Phase 1 SEC plans shall show SEC BMPs during the stripping, clearing, grubbing, and rough grading of the site. Phase 2 SEC plans shall show SEC BMPs during construction of utilities, buildings, roadway infrastructure and drainage infrastructure. Phase 3 SEC Plans shall show SEC BMPs for final grading, seeding, and landscaping of the site.
10. Sediment and Erosion Control plans shall also show the pertinent information as outlined in ADEQ ARR150000 Permit Part II section A-4-H (1-14) and Part II section A-4-I-2 (A-B).
11. Damage to public and private property due to hauling operations or operations of construction related equipment from a construction site shall be repaired by the responsible party prior to the issuance of a certificate of occupancy.
12. Hauling of fill material on or off project sites over municipal streets require approval prior to a grading permit being issued. Contact Public Works Traffic Engineering at 621 S. Broadway 501-379-1800 with any questions or for more information.

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

Little Rock Water Reclamation Authority: No comments received.

Entergy: No comments received.

Summit Energy: No comments.

AT & T: No comments received.

Central Arkansas Water: No comments received.

Fire Department:

Maintain Access:

Fire Hydrants.

Maintain fire apparatus access roads at fire hydrant locations as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 **Section D103.1 Access road width with a hydrant.** Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet, exclusive of shoulders.

Grade

Maintain fire apparatus access roads as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 **Section D103.2 Grade.** **Fire apparatus access roads shall not exceed 10 percent in grade except as approved by the fire chief. If the grade exceeds 10 percent, approval will be denied and the applicant must submit request to be reviewed by Fire Chief for Approval.**

Loading

Maintain fire apparatus access road design as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 **Section D102.1 Access and loading.** Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds.

Dead Ends.

Maintain fire apparatus access roads at dead end locations as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 Section D103.4 Dead Ends. Dead-end fire apparatus access roads in excess of 150 feet shall be provided with width and turnaround provisions in accordance with Table D103.4. Requirements for Dead-end fire apparatus access roads.

Gates

Maintain fire apparatus access road gates as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 Section D103.5 Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. Minimum gate width shall be 20 feet.
2. Gates shall be of swinging or sliding type.
3. Construction of gates shall be of material that allow manual operation by one person.
4. Gate components shall be maintained in an operable condition at all times and replaces or repaired when defective.
5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official.

6. Manual opening gates shall not be locked with a padlock or chain and padlock unless they are capable of being opened by means of forcible entry tools or when a key box containing the keys to the lock is installed at the gate location.
7. Locking device specifications shall be submitted for approval by the fire code official
8. Electric gate operators, where provided, shall be listed in accordance with UL 325.
9. Gates, intended for automatic operation shall be designed, constructed and installed to comply with requirements of ASTM F 2200.

One- or Two-Family Residential Developments.

As per Appendix D, Section D107.1 of the Arkansas Fire Prevention Code Vol. 1, One- or Two-Family dwelling residential developments. Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads, and shall meet the requirements of Section D104.3.

Exceptions:

1. Where there are **more than 30 dwelling units** on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved **automatic sprinkler system** in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 of the Arkansas Fire Code, access from two directions shall not be required.
2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.

Fire Hydrants

Locate Fire Hydrants as per Appendix C of the 2012 Arkansas Fire Prevention Code. Section C101 – C105, in conjunction with Central Arkansas Water (Daniel Tull 501-377-1245) and the Little Rock Fire Marshal's Office (Capt. Tony Rhodes 501-918-3757, or Fire Marshal Derek N. Ingram 501-918-3756 Number and Distribution of Fire Hydrants as per Table C105.1.

Parks and Recreation: No comments received.

County Planning: No comments Received.

F. **BUILDING CODES/LANDSCAPE:**

Building Code: No comments received.

Landscape: No comments.

G. TRANSPORTATION/PLANNING:

Rock Region Metro: No comments Received.

Planning Division: The request is in the I-430 Planning District. The Land Use Plan shows Office (O) for the requested area. Office (O) category represents services provided directly to consumers (e.g., legal, financial, medical) as well as general offices which support more basic economic activities. The application is to rezone from Single Family District (R2) to Planned Residential Development (PRD) District to allow for the future development of 32 patio homes in 14 buildings on this property.

Surrounding the application area, the Land Use Plan shows Park/Open Space (PK/OS) and Residential Low Density (RL) to the north. Commercial (C) is shown on the Plan Map to the west and southwest of the site. Mixed Office Commercial (MOC) is shown on the Plan Map to the south of the application area. To the east, across Autumn Road is shown as Office (O) on the Plan Map. The Park/Open Space (PK/OS) category includes all public parks, recreation facilities, greenbelts, flood plains, and other designated open space and recreational land. This land is shown as a buffer between dis-similar uses. The Residential Low Density (RL) category provides for single family homes at densities not to exceed 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 6 units per acre. This land is zoned R-2, Single Family District. The developed Birchwood neighborhood of single-family houses is on this land. The Commercial (C) category includes a broad range of retail and wholesale sales of products, personal and professional services, and general business activities. Commercial activities vary in type and scale, depending on the trade area that they serve. The property to the west and south is zoned with Planned Commercial Development (PCD) Districts. To the west is Best Buy and Whole Foods and to the southwest is an athletic workout facility. Mixed Office Commercial (MOC) provides for a mixture of office and commercial uses to occur. Acceptable uses are office or mixed office and commercial. There is a Planned Commercial Development (PCD) District to the south with a medical office on the land. Office (O) category represents services provided directly to consumers (e.g., legal, financial, medical) as well as general offices which support more basic economic activities. The land to the east, across Autumn Road is zoned Office and Institutional District (O-2) and Planned Development Commercial (PDC) District. The O-2 land has an office on it and there is a multi-story mini-warehouse development on the PDC land.

Master Street Plan: To the east is Autumn Road, shown as a Collector on the Master Street Plan. The primary function of a Collector Road is to provide a connection from Local Streets to Arterials. This street may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

Bicycle Plan: There is a Class III Bike Route shown on Autumn Road. Bike Routes require no additional right-of-way, but either a sign or pavement marking to identify and direct the route.

Historic Preservation Plan: There are no existing historic sites on, or in proximity to, this land.

H. ANALYSIS:

The applicant is proposing to develop 5.02 acres from R-2, single-family to Planned Residential District (PRD) to allow for the development of fifty-one (51) attached, zero lot line patio homes comprised of fourteen (14) residential buildings with a density of two (2) to five (5) attached single-family units per building.

All of the homes will be of new construction and will be approximately 1,200 square feet to 1,400 square feet in area with a height not exceeding thirty-five (35) feet. The patio homes will take access from Autumn Road via a divided gated entry with ample turnaround space. All gated access entry points must comply with the City of Little Rock Fire Department standards.

All patio homes will consist of two bedrooms, two bathrooms, one or two car attached garage(s) and two-car driveways to minimize on-street parking. Section 36-502 of the City's Zoning Ordinance typically requires one off-street parking space per single-family dwelling. Staff feels the provided off-street parking is sufficient to serve this development.

The applicant proposes the following setbacks for all units within the development:

1. Front – 20 feet
2. Rear – 10 feet
3. Side – 7 feet/0 feet

Staff feels the proposed setbacks are sufficient for this development.

The applicant is proposing a six (6) foot wooden privacy fence where fences do not currently exist. The applicant notes the decorative side of the fence will face outward. Any new fencing must comply with Section 31-516 of the City's Zoning Ordinance.

The applicant notes all lawns and all common areas will be maintained by the developer.

The applicant notes a sign will be located at the entrance to the subdivision. All signs must comply with Section 36-551(a)(4) of the City's Zoning Ordinance (signs permitted in residential one – and two family zones).

The site plan indicates mail kiosks located within the north and south internal common areas. The applicant has provided a statement from the Postmaster at the Huron Lane Office approving the location of the kiosks.

The applicant notes the residences will have trash collection provided by standard City of Little Rock garbage collection.

Staff is supportive of the requested application to allow the 5.02 acre site to be rezoned from R-2 to Planned Residential District (PRD) to allow for new construction of fifty-one (51), zero lot line single-family residences. Staff will require that all streets be developed according to the City's Master Street Plan Standards. Staff feels the request is reasonable. Comparable developments within the area include Taylor Park located off Kanis Road, Parkside off Denny Road, Madison Park off LaMarche Blvd., Ranch West Villas and Valley View Court on Katillus Road. Staff feels the proposed development will have no adverse impact on the area. To staff's knowledge, there are no outstanding issues associated with this application.

I. STAFF RECOMMENDATION:

Staff recommends approval of the requested PRD zoning, subject to compliance with the comments and conditions outlined in paragraphs D and E, and the staff analysis, of the agenda staff report.

PLANNING COMMISSION ACTION:

(JULY 14, 2022)

The item was placed on consent agenda for deferral. By a vote of 10 for, 0 against, 0 absent, and 1 vacant position the consent deferral was approved.

STAFF UPDATE:

The applicant submitted additional information to staff as requested and required, including a detailed drainage study. The drainage study has been reviewed and approved by the Engineering Division. The applicant has complied with all submittal requirements. Staff continues to support the application as noted in paragraphs H. and I. of the agenda staff report.

PLANNING COMMISSION ACTION:

(AUGUST 11, 2022)

Rodney Chandler, applicant, was present representing the application. There were several persons registered in opposition. Staff presented the item and a recommendation for approval as outlined in the "staff recommendation" above. The applicant stated two (2) informative meetings were scheduled for the Birchwood Neighborhood Association to

discuss any concerns regarding the application, however, only two (2) persons were present. The applicant deferred to the registered opposition.

Walter Reynolds and James Chastain addressed the Commission in opposition to the application. They presented a Power Point presentation addressing the following concerns: location of the development, increased traffic issues during various times of the year, loss of green space, existing issues regarding stormwater run-off and flooding, safety issues regarding congestion from surrounding businesses in the area and how additional homes will increase traffic congestion, traffic circulation, the lack of a traffic study, increase cut-through traffic in the neighborhood and the lack of sidewalks, bike/walking trails consistent with other subdivision in the area.

JoAnn Keith, President of Birchwood Neighborhood Association, addressed the Commission in opposition to the application. She expressed concerns stating the Birchwood community does not need nor support another subdivision and the size of the development is too large for the area.

Commissioner Vogel asked Ms. Keith questions regarding the number of homes the Neighborhood Association contacted regarding the development, she replied, several hundred (203). He followed up by asking how many homes are owned v. rented? She stated former ownership was greater but noise, traffic and flooding in the area has decreased ownership and an increase in rental properties. Finally, Commissioner Vogel asked Ms. Keith was she familiar with the percentage of current owners v. renters and had had she seen any drainage studies? She replied, no to both questions.

Commissioner Vickers asked Ms. Keith did the Neighborhood Association obtain any third-party flooding and drainage studies. She replied in the negative further expressing no one is willing because the development is detrimental to the area and doesn't make common sense.

Melanie Stapleton addressed the Commission in opposition to the application. She expressed concerns regarding variance(s), density and similar subdivisions in the area.

Brittany Oaks addressed the Commission in opposition to the application expressing concerns regarding the lack of sidewalks leading to the park and school bus stops.

Marcella Rose addressed the Commission in opposition to the application. She expressed concerns regarding flooding issues.

Rodney Chandler, applicant addressed the Commission in support of the application. He clarified a comment made by opposition stating he never said a traffic study was performed as it relates to his proposal and drainage concerns have been addressed with the City.

Jonathan Hope, Hope Engineering, addressed the Commission in support of the application. He addressed comments made regarding traffic, widening of the road, green space, sidewalks and drainage.

Commissioner Thomas, a Birchwood neighborhood resident, disclosed to the Commission that she lived in the area and sought City Counsels' opinion to recuse or allowed to comment. Sherri Latimer, City Attorney, asked was she located within the 200 foot notification area to which she replied in the negative. Commissioner Thomas was cleared and moved to express opposition to the application.

Commissioner Brooks posed a question to staff regarding green space buffers. There was general discussion from staff regarding the requirement (or not) of screening and buffers as it relates to abutting zones.

Commissioner Hodge posed a question to staff regarding density. There was general discussion from staff regarding varying degrees of density for zones and how the layout in such zones may effect overall said density. The discussion also included the existing Birchwood neighborhood and how the increase in commercial development around it over time has impacted the neighborhood. Creeks located in the area were briefly discussed.

Jesse and Larry Gamble addressed the Commission in support of the application. It was stated the property has been in their family for generations and relatives would be proud of the residential development planned for the site. Larry also stated he is a current resident in the Birchwood area and he was informed about two (2) informational meetings hosted by the developer for the neighborhood association regarding its development. He stated the intent of the meetings by the developer was to address opposition's concerns regarding the development.

Becky Kellerman, a realtor for Caldwell Banker – RPM Group, addressed the Commission in support of the application. She stated she supports the development as it is proposed and also attended the informational meetings hosted by the developer for the neighborhood association and is confident the development would provide much needed affordable homes within the city.

Anthony Rivera, associated with Caldwell Banker – RPM Group addressed the Commission in support of the application echoing Ms. Kellerman support regarding lack of availability of affordable homes in within the city.

Commissioner Hart addressed the neighborhood association. He discussed how commercial developments in the area impacts density in residential developments. He asked the opposition if they preferred commercial development, multi-stories in height, or a single-family residential development. A majority of the opposition responded "yes" to commercial development, with some commenting they would also oppose any commercial development.

JoAnn Keith addressed the Commission in further opposition of the application. She stated the developer did not do due diligence regarding buffers. She suggested a nursing home would be a good fit for the site. Commissioner Hart expressed to Ms. Keith, any development on the site will increase traffic including commercial traffic.

Commissioner Vogel posed the question, would it be possible to close Autumn Road? Staff responded, no, it is not possible as it would be considered a life safety issue.

Commissioner Hodge asked staff/developer would Autumn Road be widened with respect to the park and bus stop(s) and what must the community do to request sidewalks be installed? Staff provided clarification for boundary streets and any development along these streets must comply with the City's Master Street Plan. There was general discussion about the process the neighborhood may obtain possible funding through the City's bond program to request street widening and sidewalks in the area.

Commissioner Vickers commented regarding the complexity of this type of proposal and how all stakeholders must weigh the pros and cons. He stated the pros outweighs the cons regarding this development.

There was a motion to approve the application including all comments and recommendations by staff. The motion was seconded. The vote was 7 ayes, 2 nays, 1 absent and 1 open position.