

FILE NO.: Z-4320-A

NAME: Pineda Callejas Short-form PCD

LOCATION: 9811 Mabelvale Main Street

DEVELOPER:

Jessica Pineda Callejas
9811 Mabelvale Main Street
Mabelvale, AR 72103

OWNER/AUTHORIZED AGENT:

Troy Humphrey/Owner
Jessica Pineda Callejas /Agent

SURVEYOR/ENGINEER:

Brooks Surveying, Inc./Surveyor

AREA: 14,200 sq. feet NUMBER OF LOTS: 1 FT. NEW STREET: 0 LF

WARD: 7 PLANNING DISTRICT: 15 CENSUS TRACT: 41.05

CURRENT ZONING: R-2, Single-family Residential

ALLOWED USES: Single-family residential

PROPOSED ZONING: PCD

PROPOSED USE: Tire shop

VARIANCE/WAIVERS: None.

BACKGROUND:

An application was filed in 1984 to rezone this property from R-2 to C-4. This request was made to double the size of the existing and nonconforming auto repair garage. The application received an unfavorable staff recommendation due to concerns about spot zoning and conflict with the land use plan. The application was withdrawn.

The property has continued to be used for automobile repair uses.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant requests a reclassification of the property to use it as a tire shop. No structural changes will be made to the building.

B. EXISTING CONDITIONS:

1. The site is developed with the building being utilized as a tire shop and associated concrete pavement.
2. Another automotive repair use is located across Mabelvale Main Street to the west.
3. A church is situated to the north.
4. Commercial uses are scattered through the area; however, residential uses are predominant in the vicinity.

C. NEIGHBORHOOD COMMENTS:

As of this writing, staff has not received any comments from area property owners or neighborhood associations. Notice of the public hearing was sent to all owners of properties located within 200 feet of the site, as well as the Southwest Little Rock United for Progress neighborhood association.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. Mabelvale Main Street 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. Due to the proposed use of the property, the Master Street Plan specifies that Sardis Road (E. 3rd Street) for the frontage of this property must meet commercial street standards. Dedicate right-of-way to 30 feet from centerline.
3. A 20 feet radial dedication of right-of-way is required at the intersection of Mabelvale Main Street and Sardis Rd (E. 3rd Street).
4. Obtain a franchise agreement from Public Works (Bennie Nicolo, 371-4818) for the private improvements such as fencing located in the right-of-way.

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

Little Rock Water Reclamation Authority: Sewer Available to this site.

Entergy:

Entergy does not object to this proposal. There does not appear to be any conflicts with existing electrical utilities at this location. A three-phase line is located along

East 3rd. Contact Entergy in advance to discuss electrical service requirements, or adjustments to existing facilities (if any) as this project proceeds.

CenterPoint Energy: No comment.

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.

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.

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

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.

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 Capt. John Hogue 501-918-3754). Number and Distribution of Fire Hydrants as per Table C105.1.

Parks and Recreation: No comment received.

County Planning: No comment.

F. **BUILDING CODES/LANDSCAPE:**

Building Code:

Project is a change in occupancy and is therefore subject to current building code requirements. Review and approval is required by Building Codes Division before occupancy takes place. For information on submittal requirements and the review process, contact a commercial plans examiner:

Curtis Richey at 501.371.4724; crichey@littlerock.org or
Steve Crain at 501-371-4875; scrain@littlerock.gov

Landscape:

1. Any new site development must comply with the City's minimal landscape and buffer ordinance requirements.
2. 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. TRANSPORTATION/PLANNING:

Rock Region Metro: No comment received.

Planning Division: The request is in the Otter Creek Planning District. The Land Use Plan shows Residential Low Density (RL) for the requested area. Residential Low Density 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. The application is to change an area from R-2 (Single Family District) to PCD (Planned Commercial Development) District to recognize an existing tire shop and allow other C-3 (General Commercial District) uses on the site.

Master Street Plan: To the west is Mabelvale Main Street and it is shown as a Minor Arterial on the Master Street Plan. To the south is Sardis Road and it is a Local Street on the Master Street Plan. A Minor Arterial provides connections to and through an urban area and their primary function is to provide short distance travel within the urbanized area. Entrances and exits should be limited to minimize negative effects of traffic and pedestrians on Mabelvale Main Street since it is a Minor Arterial. The primary function of Local Streets is to provide access to adjacent properties. Local Streets that are abutted by non-residential zoning/use or more intensive zoning than duplexes are considered as "Commercial Streets". A Collector design standard is used for Commercial Streets. These streets may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

Bicycle Plan: There is a Class II Bike Path shown on Mabelvale Main Street. This Bike Lane provides a portion of the pavement for the sole use of bicycles.

H. SUBDIVISION COMMITTEE COMMENT:

October 30, 2019

The applicant was present. Staff presented the item to the committee. Planning comments included whether there was any new signage or outdoor storage proposed on the site.

Public Works indicated Mabelvale Main Street is classified on the Master Street Plan as a minor arterial. Right-of-way of 45-feet from the centerline of the street

would be required to be dedicated to the City of Little Rock. Also, due to the proposed commercial use of the property, the portion of Sardis Road (East 3rd Street) must meet commercial standards, requiring the dedication of 30-feet of right-of-way from the centerline. Lastly, a 20-foot radial dedication of right-of-way is required at the intersection of Mabelvale Main Street and Sardis Road.

Landscape comments were generally noted.

The applicant was informed responses were to be received by November 6, 2019. The committee forwarded the item to the full commission.

I. ANALYSIS:

Additional information provided by the applicant indicated there would be no new signage associated with this application. The existing building sign would be refaced. No outdoor storage is requested. The property owner has also agreed to dedicate the additional right-of-way.

All other technical issues appear to be addressed.

J. STAFF RECOMMENDATION:

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

PLANNING COMMISSION ACTION:

(NOVEMBER 21, 2019)

The applicant was present. There was one registered objector present.

Staff presented the item and a recommendation of approval as outlined in the "staff recommendation" above.

The applicant, Jessica Pineda Callejas, addressed the commission. She noted there were no tire shops in the Mabelvale area and she sought to work with the community. Tires would be offered for sale inside the building and not displayed outside.

Troy Laha from the Southwest Little Rock United for Progress spoke to the commission. When presented to the neighbors, no one spoke in favor of the request. The applicant was not present at the neighborhood meeting. When speaking to people from the neighborhood outside the meeting, Mr. Laha indicated opinion on the proposal was split. He did not see a sign posted on the property regarding the request. Should the request be approved and tires get stacked too high on the property, Code Enforcement would address the issue. However, already when he last passed the property, there appeared to already be a problem with stacking tires outside. He asked the commission to deny the request. Lastly, as he had not seen the site plan, he was curious if there was any additional right-of-way to be dedicated and if there was room on the site to do so. Staff

replied that 45-feet from the centerline of Mabelvale Main Street was necessary according to the Master Street Plan and any amount of that not dedicated would be required.

Ms. Pineda Callejas responded to the commission the sign had been placed on the building, but had gotten wet during recent rain, so it had been placed in a window that may not have been the most visible from the street. The business had been relocated from Conway to Mabelvale. Tires were kept on the trailer awaiting for a sufficient amount to take for disposal.

There was no further discussion.

The vote was 9 ayes, 0 noes, and 2 absent.