

FILE NO.: Z-7870-B

NAME: King Seasonal Firework Sales– Revised PCD

LOCATION: 23800 Highway 10

DEVELOPER:

Timothy King (Owner)
King Mill Estates, LLC
12315 Garrison Road
Little Rock, AR 72223

OWNER/AUTHORIZED AGENT:

Timothy King (Owner)
Steve Giles (Agent)
Wright, Lindsey & Jennings Attorneys
200 West Capitol Avenue, Suite 2300
Little Rock, AR 72201
(501) 371-0808

SURVEYOR/ENGINEER:

Joe White Associates
24 Rahling Road, Suite A2
Little Rock, AR 72223
(501) 214-9141

AREA: 2.75 acres NUMBER OF LOTS: 1 FT. NEW STREET: 0 LF

WARD: NA PLANNING DISTRICT: 29 CENSUS TRACT: 42.01

CURRENT ZONING: PCD

VARIANCE/WAIVERS: None requested.

BACKGROUND:

On May 12, 2002, the Planning Commission denied a Revised PCD request for this site to allow the seasonal sale of fireworks including the use of a temporary tent structure. The application was denied due to the poor condition of the site.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

Applicant is requesting a revised "PCD" Planned Commercial Development, to allow the seasonal sale of fireworks on an existing 2.75-acre site located at 23800 Highway 10.

B. EXISTING CONDITIONS:

The property currently contains an existing commercial office building on the west perimeter and a convenience store with gas pumps on the east perimeter. The middle portion of the overall property previously contained the remains of a landscaping business which previously occupied the property. This area has recently been cleaned up and improved with new gravel. The property is bordered by Barrett Road to the west and to Highway 10 along the entire south perimeter.

C. NEIGHBORHOOD NOTIFICATIONS:

All owners of property located 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: No comment.

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 OBJECTIONS; All Central Arkansas Water requirements in effect at the time of request for water service must be met.

Fire Department: No comment.

Parks and Recreation: No comments received.

County Planning: No comment.

F. BUILDING CODES/LANDSCAPE:

Building Code: No comments received.

Landscape: No comment.

G. TRANSPORTATION/PLANNING:

Rock Region Metro: No comments received.

Planning Division:

The request is in the Barrett Planning District. The Land Use Plan shows Commercial (C) for the requested area. The Commercial category includes a broad range of retail and wholesale sales of products, personal and professional services, and general business activities. Commercial activities vary in type and scale, depending on the trade area that they serve. The application is to rezone from PCD (Planned Commercial Development) to PCD (Planned Commercial Development). The request is to allow the sales of fireworks on the site.

Surrounding the application area, are developed and undeveloped Residential Low Density (RL) tracts. 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. To the east along both sides of Hwy 10 is shown areas of undeveloped Residential Medium Density (RM). This category accommodates a broad range of housing types including single family attached, single family detached, duplex, town homes, multi-family and patio or garden homes. Any combination of these and possibly other housing types may fall in this category provided that the density is between six (6) and twelve (12) dwelling units per acre.

This site is within the Highway 10 Design Overlay District.

Master Street Plan:

The *Master Street Plan Map* shows Highway 10 to be a Principal Arterial: Principal Arterials are roads designed to serve through traffic and to connect major traffic generators or activity centers within urbanized areas. Right of way of 110 feet is required. Sidewalks are required on both sides. This street may require dedication of additional right-of-way and may require street improvements.

Bicycle Plan:

Highway 10 is shown on the *Master Bike Plan Map* with a proposed Class 1 Bike Path. Class I Bike Paths are a route designated for the sole use of bicycles that is physically separated from vehicular lanes.

Historic Preservation Plan:

There are no Historic Sites or Districts in vicinity.

H. ANALYSIS:

The applicant is requesting a revised "PCD" Planned Commercial Development, to allow the seasonal sale of fireworks on an existing 2.75-acre site located at 23800 Highway 10.

The property currently contains an existing commercial office building on the west perimeter and a convenience store with gas pumps on the east perimeter. The middle portion of the overall property previously contained the remains of a landscaping business which previously occupied the property. This area has recently been cleaned up and improved with new gravel. The property is bordered by Barrett Road to the west and to Highway 10 along the entire south perimeter.

The property has a circular gravel access drive that runs east to west and connects the convenience store, the commercial building, proposed tent structure and parking areas. The applicant has improved the condition of the access drive and the parking area with the addition of a new gravel overlay infilling potholes and uneven surfaces. The applicant has extended the improvements to the northern portion of the site to include the proposed parking area, proposed location of the sales tent along with removal of deteriorated fencing and debris from the overall site. Staff believes that the improved condition of the drive, parking area, and overall site are appropriate to allow ingress and egress between the site and Highway 10.

The proposed forty (40) foot by eighty (80) foot tent structure will be centered on the site and located approximately 150 feet north of the roadway near an existing fence. An RV (camper trailer) will be set up to the west of the tent temporarily to lodge the business caretaker and will have temporary utility connections for the duration of the use.

The proposed temporary tent structure will be set up June 10, 2023, and removed on July 10, 2023. Sales of fireworks will occur between June 24, 2023, through July 5, 2023. The hours of operation will be from 8:00 am to 10:00 pm (June 24 to July 2 and July 5) and 8:00 am to 12:00 midnight (July 3 and July 4).

The site plan illustrates a proposed parking plan with eleven (11) spaces along the south perimeter of the tent. The proposed parking area has been improved with a layer of gravel eliminating potholes and uneven areas.

The site plan shows a temporary roll-off dumpster located on the north side of the tent. The site plan also shows a temporary light tower located south of the tent to illuminate the parking area and a temporary four (4) foot by eight (8) foot coroplast sign near the access drive connecting to highway 10.

Staff is supportive of the requested Revised PCD zoning. The applicants proposed use of the site is similar to the intensity of other uses in the area. Staff believes the proposed short term temporary use will have no adverse

impact on the surrounding properties. The applicant has improve the property in order to provide safe ingress, egress and parking for the temporary sales use.

I. STAFF RECOMMENDATION:

Staff recommends approval of the requested Revised PCD zoning, subject to compliance with the comments and conditionals outlined in paragraph E, and the staff analysis, of the agenda and staff report.

PLANNING COMMISSION ACTION:

(MARCH 9, 2023)

The applicant was present. There were no persons registered in opposition. Staff presented the item and a recommendation of approval as outlined in the “staff recommendation” above. The item remained on the consent agenda for approval as recommended by staff, including all staff comments and conditions. The vote was 9 ayes, 0 nays, 1 absent and 1 abstain (Brown).