

FILE NO.: Z-1528-A

---

NAME: Bark Avenue, LLC – PCD

LOCATION: 7820 Cantrell Road

DEVELOPER:

Regan Ellis, Member and Manager  
Bark Avenue, LLC  
6 Vantage Point  
Little Rock, AR 72207

OWNER/AUTHORIZED AGENT:

Regan Ellis, Member and Manager  
Bark Avenue, LLC  
6 Vantage Point  
Little Rock, AR 72207

SURVEYOR/ENGINEER:

Harbor Environmental, Inc.

AREA: 0.89 acre                      NUMBER OF LOTS: 1                      FT. NEW STREET: 0 LF

WARD: 3                                      PLANNING DISTRICT: 3                      CENSUS TRACT: 49

CURRENT ZONING:                      C-3, General Commercial District

VARIANCE/WAIVERS:                      None requested.

---

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant proposes to rezone approximately 0.89 acre from C-3, General Commercial District, to PCD, Planned Commercial District to allow the use of the facility as an animal kennel. As provided by the applicant, "Bark Avenue hopes to provide a safe, cheerful and quiet space for residents to place their dogs during the day or overnight and to enhance the continuum of integrated animal support provided in the vicinity of Cantrell and Foxcroft.

The proposed kennel will house up to 50 dogs at any given time, with both daytime and overnight kennel options. Bark Avenue plans to provide dogs with 24-hour supervision for both daycare and overnight boarding options that are available.” The facility will be opened to the public from 6:00 a.m. to 7:00 p.m. daily.

B. EXISTING CONDITIONS:

The subject property is located near the intersection of Cantrell Road and Foxcroft Road. The site is currently occupied by a construction company. The area is developed as predominately commercial uses to the west and residential to the immediate east.

C. NEIGHBORHOOD COMMENTS:

All owners of property located within 200 feet of the site and 17 surrounding neighborhood associations were notified of the public hearing.

D. ENGINEERING COMMENTS:

1. Repair or replace any curb, gutter, sidewalk and access ramps that are damaged and not in compliance with ADA recommendations in the public right-of-way prior to occupancy.
2. Pet waste must be collected on a daily basis, continuously, in conformance with City of Little Rock Storm Water Quality Standard requirements.
3. Street Improvement plans shall include signage and striping. Public Works must approve completed plans prior to construction.
4. On site striping and signage plans should be forwarded to Public Works, Traffic Engineering for approval with the site development package.
5. Obtain permits prior to doing any street cuts or curb cuts. Obtain barricade permit prior to doing any work in the right-of-way. Contact Traffic Engineering at (501) 379-1805 (Travis Herbner) for more information.
6. 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.
7. Obtain a franchise agreement from Public Works (Bennie Nicolo, 501-371-4818) for the private improvements located in the right-of-way.
8. 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.

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

Little Rock Water Reclamation Authority: No comments received.

Entergy: No comments received.

CenterPoint Energy: No comments.

AT & T: No comments received.

Central Arkansas Water: No comments received.

Fire Department: No comments received.

Parks and Recreation: No comments received.

County Planning: No Comments.

F. BUILDING CODES/LANDSCAPE:

Building Code: No comments.

Landscape:

1. Any new site development must comply with the City's minimal landscape and buffer ordinance requirements.
2. Any existing vehicular use area that does not meet current code requirements may continue as nonconforming until such time a building permit is issued to rehabilitate a structure on the property exceeding fifty (50) percent of the current replacement cost of the structure. At such time fifty (50) percent of the existing vehicular use area shall be brought into compliance with this chapter and shall continue to full compliance on a graduated scale based upon the percentage of rehabilitation cost.
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.

G. TRANSPORTATION/PLANNING:

Rock Region Metro: No comments.

Planning Division: The request is in the West Little Rock 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 change the property from C-3 (General Commercial District) to PCD (Planned

Commercial Development) District to allow the existing site to be redeveloped for a Kennel.

Surrounding the application area, the Land Use Plan shows Commercial (C) to the southeast, south and west. To the north, the Plan shows as Office (O). East of the site is shown as Residential Low Density (RL). 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. This commercial area is along and either side of Cantrell Road. It includes a mix of commercial, office and multi-family uses. The Office category represents services provided directly to consumers (e.g., legal, financial, medical) as well as general offices which support more basic economic activities. The area currently shown for Office has an office building and three residential structures (one of which is a single-family structure). 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 remains less than 6 units per acre. An existing single-family subdivision is in this area with homes on the lots.

Master Street Plan: To the south is W Street, it is a Local Street on the Master Street Plan. 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". This street 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.

H. ANALYSIS:

The applicant proposes to rezone the 0.89 acre property located at 7820 Cantrell Road from "C-3" General Commercial District to "PCD" Planned Commercial District. The rezoning is proposed to allow use of the existing developed property as an animal kennel. The property is located on the north side of "W" Street, just off of Cantrell Road.

The property was previously used as a contractor's office and maintenance/storage yard.

A description of the proposed use as provided by the applicant is as follows:

"The proposed kennel will house up to 50 dogs at any given time, with both daytime and overnight kennel options. Bark Avenue plans to provide dogs with 24-hour supervision for both daycare and overnight boarding options that are available. Bark Avenue will provide dogs with a positive and nurturing environment to enhance their nutrition, physicality, and social skills while offering dog parents peace of mind

that their dog is getting the best care while away from home. With more and more residents looking to board their pets during the day or during trips, Bark Avenue will meet a need previously unmet in the neighborhood. Existing kennels are faced with capacity and location disadvantages when compared to Bark Avenue. Bark Avenue will also offer transportation to and from daycare for customers in the neighborhood to help the dog parents with demanding schedules in professional and healthcare industries and to ensure that they have a safe and reliable pet daycare option. The proposed kennel will fill the demand for an affordable, convenient, and safe option for pet parents within in the Little Rock Metro area."

The proposed hours of operation will be from 6:00 a.m. to 7:00 p.m., daily.

The applicant proposes to use the two (2) existing buildings on the site. Approximately 1,500 square feet of the southernmost building, fronting "W" Street, will be utilized as office space, with the remaining 2,500 square feet being an indoor kennel area. The northernmost building (1,967 square feet) will be used as an indoor play area. A small addition is proposed to the east side of the south building, connecting it to the north building. This space will be used for additional indoor play area. There will be an outdoor play area between the two (2) buildings and an existing rock wall which runs north/south near the center of the property. The east portion of the property, approximately 100 feet wide and 153 feet deep (0.35 acre), will remain vacant and serve as an open space buffer area between the proposed use and the residences to the east.

A new privacy fence (minimum height of six (6) feet) and landscaping will be installed along the north, east and west property boundaries.

There are eight (8) existing parking spaces located on the south side of the southern building. A portion of the parking area is located within the "W" Street right-of-way. A franchise permit must be obtained for continued use of the parking. The parking will be sufficient to serve the proposed use.

The applicant notes that there will be a dumpster located on the site. The dumpster area must be screened as per Section 36-523 (d) of the code, and oriented away from the street and adjacent residential properties. The applicant notes that pet waste will be collected daily and disposed of as per City requirements.

The applicant notes that the two (2) existing night lights on the property, as provided by Entergy, will continue to be used. Additional lighting will be installed on the site. All new site lighting will be low-level and directed away from adjacent properties.

The applicant also notes that new signage will be placed on the street-facing façade of the southern building. Any site signage must conform with Section 36-555 of the code, signs allowed in commercial zoning.

With respect to noise generated by the proposed use, the applicant notes the following:

"Bark Avenue understands that sound issues will be a key concern for the Commission and for the neighbors. With this in mind, Bark Avenue has engaged the services of Dan Chappell, an architect who has designed over nine hundred animal boarding facilities and veterinary clinics, including the Bellevue Animal Clinic adjacent to the Property.

Mr. Chappell plans to soundproof the Property to a level of Sound Transmission Class (STC) 50. The STC system measures the effectiveness of soundproofing based on the decibel reduction achieved. The typical STC levels begin at 25 and reach 60 at their peak, with higher STC numbers meaning better soundproofing. The STC 50 rating is the most common STC requirement in building codes. At a level of STC-50, very loud sounds such as musical instruments or a stereo could be faintly heard, with ninety-nine percent of the population not annoyed. While an STC 60 rating is the most complete soundproofing level, it is expensive to achieve and requires specialized sound-mitigating materials. The STC 50 rating, on the other hand, can be attained with standard building materials.

To achieve the STC 50 rating, Bark Avenue will insulate all sides of all buildings on the Property and install double-paned windows. Additionally, Bark Avenue will install a new fence and place appropriate landscaping around the perimeter of the Property to provide exterior soundproofing. Finally, Bark Avenue has strategically placed the outdoor play area in the middle of the Property, as far away from all adjacent parcels as possible. These specifics are noted on the preliminary site plan and will be fully developed on the final site plan.

Bark Avenue will also actively soundproof each day by keeping staff members on-site at all times. The staff members will quickly work to stop any barking that may occur, and staff will have several rooms, an indoor play area, and an outdoor play area to separate any loud dogs as needed. Thus, any barking will last several seconds at a time at most."

The applicant provided responses and additional information to all issues raised during staff's review of the application. To staff's knowledge, there are no outstanding issues. The applicant is requesting no variances with the proposed PCD rezoning.

Staff is supportive of the requested PCD rezoning to utilize the existing developed site as an animal kennel. Staff views the request as reasonable. The property is currently zoned C-3, designated as "C" Commercial on the City's Future Land Use Plan, and located in an area of mixed commercial uses along Cantrell Road. Staff believes the applicant has addressed key issues, such as noise and pet waste disposal, associated with an animal kennel use. The applicant is also proposing that the east 100 feet of the

site remain undeveloped and serve as a buffer between the kennel use and the single family neighborhood to the east. Staff believes the requested PCD zoning to allow an animal kennel use will have no adverse impact on the surrounding properties.

I. STAFF RECOMMENDATION:

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

---

PLANNING COMMISSION ACTION:

(MARCH 11, 2021)

The applicant was present, represented by Cliff McKinney, Quattlebaum, Grooms & Tull, PLLC. There were citizens registered in opposition. Staff presented the item and a recommendation for approval as outlined in the “staff recommendation” above. The applicant deferred to the registered opposition.

Brandon Bradley addressed the Commission in opposition to the application. Mr. Bradley expressed three (3) concerns to be addressed during a group presentation: noise, traffic and the negative effect the proposed dog park would have on the neighborhood.

Robin Reynolds addressed the Commission in opposition to the application. Ms. Reynolds provided a presentation to the Commission and presented her concerns. She stated she was not opposed to business development but had concerns regarding the negative impact on the area and the noise from barking dogs that may be generating from the area to surrounding neighbors extended. She provided data regarding how noise travels and may be heard at varying distances from barking dogs.

Brandon Bradley addressed the Commission in opposition to the application. He expressed concerns regarding traffic issues, entering/exiting the parking lot of the proposed dog park citing limited visibility and vehicles stacking. Mr. Bradley also expressed concerns regarding pet owners dropping off dogs like a “doggie daycare” creating additional traffic flow issues.

Mark Reynolds addressed the Commission in opposition to the application. Mr. Reynolds expressed noise concerns regarding property owners in the area near the proposed development, the negative and adverse impact to the neighborhood and overall loss of harmony within the area. Mr. Reynolds stated he did not receive notification regarding the proposal. Staff referred to notification records which indicated Mr. Reynolds was properly notified.

Brandon Bradley addressed the Commission in further opposition to the application. Specifically, the lack of a traffic study and compliance with Municipal Codes regarding Planned Zoned Development (PZD) standards.

Elizabeth Heiles addressed the Commission in opposition to the application. Ms. Heiles expressed concerns regarding traffic and public safety. She recommended as a condition of approval that a traffic impact analysis be performed to ensure neighborhood safety.

Chairman Hamilton provided an additional six (6) minutes to registered opposition in the spirit of fairness regarding the number of citizens registered in opposition.

Bob Bullers addressed the Commission in support of the application.

Brandon Bradley addressed the Commission in further opposition to the application.

Cliff McKinney, from Quattlebaum, Grooms & Tull, PLLC addressed the Commission representing the applicant.

Reagan Ellis, applicant, addressed the Commission in support of the application regarding her vision for the property and items of concern discussed with neighbors.

Cliff McKinney addressed the Commission with a presentation addressing three points: 1) noise control and methods utilized to curtail noise levels 2) permitted uses in the area which are allowed by-right with more intense uses and 3) the positive impact the dog park would add to the neighborhood.

Reagan Ellis, and David Perry (Architect) addressed the Commission in support of the application. They presented additional information regarding current noise existing in and around the area of the proposed dog park and described methods to be utilized to mitigate sound. Additional sound proofing and privacy measures will include an eight (8) foot privacy fence around the perimeter of the open space area and along the east side of the outdoor play area. Applicant also stated all dogs will be inside by 6:00pm, no later than 8:00pm, all dogs will be observed throughout the day, taken out in groups, never outside alone and excessive barkers will be taken inside.

Commissioner Vickers asked the applicant questions regarding the use of proposed green space, duration of proposed privacy fence and how many feet would the outdoor dog area be to the nearest resident?

Commissioner Vickers asked Staff how does Zoning look at dog parks and are kennels a permitted use?

Commissioner Rahman asked Staff questions regarding permitted uses in C-3 and C-4 zoning and use.

Commissioner Berry asked applicant what is the maximum number of dogs allowed at the dog park at any given time?

Applicant's response was a maximum number of 50 dogs at any given time but facility will not be maxed out daily.

Commissioner Brooks asked Staff in regards to notification, specifically a registered speaker, stating they had not received notification, how the process for notification worked? He followed up by asking the applicant what is the maximum number of dogs housed overnight?

Commissioner Hart asked staff what is the process used by the City to report and mitigate dogs barking from residents living in the area?

Shawn Overton, Little Rock City Attorney, provided a response.

Staff addressed the Commission to clarify questions asked by the Commission regarding the dimensions of the open space area and the notification process.

There was a motion to approve the application. The motion was seconded. The vote was 5 ayes, 6 nays and 0 absent. The application was denied.