

FILE NO.: Z-6238-A

NAME: Bowman Road Retail Development Short-form PCD

LOCATION: Located at 1400 and 1404 South Bowman Road

DEVELOPER:

Ron and Freda Woods, Inc.
2200 Main Street
Little Rock, AR 72206

SURVEYOR:

Blaylock Threet Engineers, Inc.
1510 South Broadway
Little Rock, AR 72202

ARCHITECT:

Woods Group
Attn. Ron Woods
2200 Main Street
Little Rock, AR 72206

AREA: 2.44 acres NUMBER OF LOTS: 1 FT. NEW STREET: 0 LF

CURRENT ZONING: R-2, Single-family

ALLOWED USES: Single-family residential

PROPOSED ZONING: PCD

PROPOSED USE: Health studio or spa

VARIANCE/WAIVERS: None requested.

BACKGROUND:

Ordinance No. 17403 adopted by the Little Rock Board of Directors on February 18, 1997, rezoned the property from R-2, Single-family to PCD. The approval allowed the development of the site with six (6) mini-warehouse buildings and a combined office/caretaker apartment structure. The existing frame house was to be

removed. The approval was appealed to the 6th Division of the Chancery Court of Pulaski County, Arkansas. The rezoning was overturned by the Courts and the property was returned to R-2, Single-family zoning. Document No. 1997-1480 outlines the basis of the appeal and the court's reasoning for overturning the rezoning request.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The request is approval of a Planned Commercial Development for the property located at 1400 and 1404 South Bowman Road. The development will comprise three (3) separate structures on 2.5 acres of land. The three (3) facilities are: Uncle T's Market: a 5,650 square foot convenience store and delicatessen which sells groceries, beverages, fresh meats, soups and sandwiches. A small dining area of approximately 24 seats is proposed within the delicatessen area. A salon: the salon will be on the executive office style of lease space. The building is proposed containing 6,400 square feet. There will be 20 – 30 leasable rooms and the tenants will share a break room and public toilets. Each operator will have their own separate space setup as individual salon businesses under one roof. Fitness 4 Life: The structure is approximately 9,908 square feet and is comprised of a training room, equipment room, ½ gym floor, men and women restrooms with locker areas and showers, office and a small café. No cooking will occur on the premises and only pre-packaged food items will be sold. The site plan indicates 85 parking spaces for the development.

B. EXISTING CONDITIONS:

The site is tree covered, the former single-family homes have been removed. Across the street from the site is the skating center and southeast is an office warehouse development. South of the site is a large parcel which contains a single-family home. North of the site are a number of properties zoned PCD which are developed with mini-warehouse, retail and office uses. West of this site are single-family homes located in the Cherry Creek Subdivision

C. NEIGHBORHOOD COMMENTS:

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

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. Bowman 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. With site development, provide the design of street conforming to the Master Street Plan. Construct one-half street improvement to these streets including 5-foot sidewalks with the planned development. The new back of

curb should be located 29.5 feet from street centerline. Curb alignment with the existing curb to the north should be considered.

3. 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. Is the development proposed to be constructed in one (1) phase? If not, is an advanced grading variance being requested to advance grade future phases with construction of Phase 1?
4. Stormwater detention ordinance applies to this property. Show the proposed location for stormwater detention facilities on the plan.
5. 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.
6. 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, Greg Simmons, gsimmons@littlerock.org or 501.379.1813 for more information.
7. The access to the property should be shared with the property to the north. The development to the north was approved conditioned on the access being shared between these properties.
8. Retaining walls designed to exceed 15 feet in height are required to seek a variance for construction. Provide proposed wall elevations.
9. Prior to construction of retaining walls, an engineer's certification of design and plans must be submitted to Public Works for approval. After construction, an as-built certification is required for construction of the retaining wall.
10. 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 AND FIRE DEPARTMENT/COUNTY PLANNING:

Wastewater: Sewer main extension required with easement if new service is required for this project. Contact Little Rock Wastewater Utility for additional information.

Entergy: Entergy does not object to this proposal. A three phase power line exists on the west side of South Bowman Road along the east side of the property. The entry drive to the new property may require wire height adjustments to allow clearance for construction vehicles underneath the lines.

Contact Entergy in advance regarding future service requirements and additional facilities location(s) as this project proceeds.

CenterPoint Energy: No comment received.

AT & T: No comment received.

Central Arkansas Water:

1. All Central Arkansas Water requirements in effect at the time of request for water service must be met.
2. 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.
3. 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 the Little Rock Fire Department is required.
4. 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.
5. 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.
6. Contact Central Arkansas Water regarding the size and location of water meter.
7. Due to the nature of this facility, installation of an approved reduced pressure zone backflow preventer assembly (RPZA) is required on the domestic water service. This assembly must be installed prior to the first point of use. Central Arkansas Water 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 Central Arkansas Water. The test results must be sent to Central Arkansas Water's Cross Connection Section within ten days of installation and annually thereafter. Contact the Cross Connection Section at 501.377.1226 if you would like to discuss backflow prevention requirements for this project.
8. The facilities on-site will be private. When meters are planned off private lines, private facilities shall be installed to Central Arkansas Water's materials and construction specifications and installation will be inspected

by an engineer, licensed to practice in the State of Arkansas. Execution of a Customer Owned Line Agreement is required.

9. Fire sprinkler systems which do not contain additives such as antifreeze shall be isolated with a double detector check valve assembly. If additives area used, a reduced pressure zone back flow preventer shall be required.
10. 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: **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.

Commercial and Industrial Developments – 2 means of access. - Maintain fire apparatus access roads as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1

Section D104.1 Buildings exceeding three stories or 30 feet in height. Building or facilities exceeding 30 feet or three stories in height shall have at least two means of fire apparatus access for each structure.

Section D104.2 Building exceeding 62,000 square feet in area. Buildings or facilities having a gross building area of more than 62,000 square feet shall be provide with two separate and approved fire apparatus access roads.

Exception: Projects having a gross building area of up to 124,000 square feet that have a single approved fire apparatus access road when all building are equipped throughout with approved automatic sprinkler systems.

D104.3 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.

30' Tall Buildings - Maintain aerial fire apparatus access roads as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 Section D105.1 – D105.4

D105.1 Where Required. Where the vertical distance between the grade plane and the highest roof surface exceed 30', approved aerial fire apparatus access roads shall be provided. For the purposes of this section the highest roof surfaces shall be determined by measurement to the eave of a pitched roof, the intersection of a roof to the exterior wall, or the top of the parapet walls, whichever is greater.

D105.2 Width. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26', exclusive of shoulders, in the immediate vicinity of the building or portion thereof.

D105.3 Proximity to building. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official.

D105.4 Obstructions. Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building. Other obstructions shall be permitted to be placed with the approval of the fire code official.

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.

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 (Jason Lowder 501-377-1245) and the Little Rock Fire Marshal's Office (Captain Tony Rhodes 501-918-3757). Number and Distribution of Fire Hydrants as per Table C105.1.

Parks and Recreation: No comment received.

County Planning: No comment.

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

F. ISSUES/TECHNICAL/DESIGN:

Building Code: Project is subject to full commercial plan review and approval prior to issuance of a building permit. For information on submittal requirements and the review process, contact a commercial plans examiner:

Curtis Richey at 501.371.4724; crichey@littlerock.org or
Mark Alderfer at 501.371.4875; malderfer@littlerock.org.

Planning Division: This request is located in the Ellis Mountain Planning District. The Land Use Plan shows Service Trades District (STD) for this property. This category provides for a selection of office, warehousing, and industrial park activities that primarily serve other office service or industrial businesses. The district is intended to allow support services to these businesses and to provide for uses with an office component. A Planned Zoning District is required for any development not wholly office. The applicant has applied for a rezoning from R-2 (Single Family District) to PCD (Planned Commercial District) to allow the development of retail uses on the site.

Master Street Plan: Bowman Road is a Minor Arterial 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 Bowman Road since it is a Minor Arterial. 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.

Landscape:

1. Site plan must comply with the City's landscape and buffer ordinance requirements.
2. A land use buffer six (6) percent of the average width / depth of the lot will be required when an adjacent property has a dissimilar use of a more restrictive nature. The minimum dimension shall be nine (9) feet. The maximum dimension required shall be fifty (50) feet. As a component of all land use buffer requirements, opaque screening, whether a fence or other device, a minimum of six (6) feet in height shall be required upon the property line side of the buffer. A minimum of seventy (70) percent of the land use buffer shall be undisturbed. Easements cannot count toward fulfilling this requirement. The plantings, existing and purposed, shall be provided within the landscape ordinance of the City, Section 15-81.
3. The property to the west is zoned R-2, single-family. Provide required screening on the west property line.

4. Street buffers will be required at six (6) percent of the average depth of the lot. The minimum dimension shall be one-half (1/2) the full width requirement but in no case less than nine (9) feet. The maximum dimension required shall be fifty (50) feet.
5. Trees and shrubs are required planted adjacent to street right-of-way. Plant material is to be provided at 1 tree and 3 shrubs for every 30 linear feet. Existing trees and vegetation can be used to satisfy landscape requirements.
6. The approximate depth of the lot is six hundred and thirty (630) feet. A thirty-eight (38) foot street buffer will be required.
7. A perimeter planting strip is required along any side of a vehicular use area that abuts adjoining property or the right-of-way of any street. This strip shall be at least nine (9) feet wide. One (1) tree and three (3) shrubs or vines shall be planted for every thirty (30) linear feet of perimeter planting strip.
8. Trees shall be included in the interior landscape areas at the rate of one (1) tree for every twelve (12) parking spaces.
9. An irrigation system shall be required for developments of one (1) acre or larger.
10. The development of two (2) acres or more requires the landscape plan to be stamped with the seal of a Registered Landscape Architect.
11. 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:

(June 24, 2015)

The applicant was present. Staff presented an overview of the item stating there were additional items necessary to complete the review process. Staff requested the applicant provide the days and hours of operation, the proposed signage plan and the location and construction materials of any proposed fencing. Staff questioned if there would be an order menu board for the proposed drive-through. Staff questioned the proposed phasing plan for the development.

Public Works comments were addressed. Staff stated a dedication of right of way for South Bowman Road was required. Staff stated with the development of the site South Bowman Road was required to be widened to 29.5-feet from centerline. Staff stated the City's stormwater detention ordinance would apply to the redevelopment of the site.

Landscaping comments were addressed. Staff stated screening was required along the sites western perimeter. Staff stated a perimeter planting strip of nine (9) feet was required around the site's perimeter where adjacent to paved areas. Staff stated building landscaping would be required with the construction of the new buildings.

Staff noted the comments from the various other agencies. There were no more issues for discussion. 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 most of the technical issues associated with the request. The revised plan has indicated the construction materials, the proposed signage plan and the location of any dumpster facilities. The plan has not included the placement of an order menu board for the proposed drive-through. Should a menu board be installed screening of the menu board must comply with the provisions of Section 36-298.

The applicant has indicated right of way dedication along South Bowman Road. The minimum planting strips per the landscape ordinance have been provided. A note on the plan indicates screening will be provided adjacent to the residentially zoned properties.

The request is approval of a Planned Commercial Development for the property located at 1400 and 1404 South Bowman Road. The development plan includes three (3) separate structures on 2.5 acres of land. The development will be phased based on market demand.

Uncle T's Market is proposed as a 5,650 square foot convenience store and delicatessen which sells groceries, beverages, fresh meats, soups and sandwiches. A small dining area of approximately 24 seats is proposed within the delicatessen area. The market will operate from 6:00 am to 11:00 pm seven (7) days per week.

The plan includes a salon proposed as executive office style of lease space. The building is proposed containing 6,400 square feet. There will be 20 – 30 leasable rooms and the tenants will share a break room and public toilets. Each operator will have their own separate space setup as individual salon businesses under one roof. The salon will operate from 7:00 am to 10:00 pm Monday through Saturday.

The rear building is proposed as Fitness 4 Life, a health studio or spa. The structure is approximately 9,800 square feet. Within the building is a training room, equipment room, ½ gym floor, men and women restrooms with locker areas and showers, office and a small café. No cooking will occur on the premises and only pre-packaged food items will be sold. The facility is not open to general public on a walk in basis. The fitness center owner trains one on one and fitness classes. Outdoor activities may occur with the fitness center. Any area of outdoor activity will be screened by a wood fence. The hours of operation are Monday through Saturday from 5:00 am to 10:00 pm.

The Market and 34 parking spaces will be constructed in the first phase. The salon and 31 parking spaces will be constructed in the second phase and the Fitness 4 life will be constructed along with 20 parking spaces in the final phase. The site plan indicates upon final development 85 parking spaces will be constructed.

The applicant has indicated a single ground sign will be placed along South Bowman Road. The sign will comply with signage allowed in commercial zones or a maximum of 36-feet in height and 160 square feet in area. Building signage will be placed on the front facades of the buildings. Signage is proposed to comply with signage allowed in commercial zones or a maximum of ten (10) percent of the façade area. Uncle T's Market and the Salon are proposing to place signage on the front façade, north, and also to place signage on their east façade, which fronts South Bowman Road. The sign area will comply with the zoning ordinance requirements with regard to commercial building signage or limited to ten (10) percent of the façade area.

The north, west and east elevations of Uncle T's will be primarily glass, aluminum storefronts, EIFS and/or masonry. The south elevation or the rear of the building will be metal building wall panels. The salon will be constructed of similar materials. The Fitness 4 Life building on the north, east and south elevations will be a combination of EIFS and masonry with punched windows. The west elevation or rear of the building will be metal building walls. The maximum building height is 29-feet for all the buildings.

Staff is supportive of the request. The site is indicated on the City's Future Land Use Plan as Service Trades District which allows for mixed use developments to occur. The plan includes a multi-phased development with the market constructed in the first phase. To staff's knowledge there are no outstanding technical issues associated with the request. Staff feels the development plan 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:

(JULY 16, 2015)

The applicant was present. There were registered objectors present. Staff presented the item stating there were supportive of the requests. Staff stated prior to the issuance of a building permit maintenance agreements with the adjacent property owners for the shared driveways were required.

Mr. Ron Wood addressed the Commission as the developer. He stated his family owned Uncle T's and had a great many of years. He stated Uncle T's was a family owned convenience store with a small deli for sandwiches. He stated the current location was a Daisy Bates and Martin Luther King. He stated the family was ready to expand and felt this location was the perfect location. He stated the store was not a big box store but a small grocery with a deli.

Ms. Ira Chiddix addressed the Commission in opposition. She stated her home was located on Cherry Brook just behind this proposed development. She stated she was concerned with the noise and the hours of operation. She stated there were other areas for commercial development and did not feel this was the location for a commercial development with the hours as proposed.

Ms. Jean Koeninger addressed the Commission in opposition of the request. She stated her home was located on Cherry Brook Drive behind the proposed development. She stated there was a power line located behind her home and a wooded buffer. She stated she was not opposed to development if the buffer was maintained. She stated there was currently some noise from the skate center located across Bowman Road. She stated traffic was a concern. She stated the intersection of Kanis and Bowman was a very congested intersection. She stated public safety was a concern with an increase in traffic.

Mr. David Dougherty addressed the Commission in opposition of the request. He stated his home was located on Cherry Brook Drive behind the proposed development. He stated when he purchased his home he understood the area would not develop as residential. He stated he felt at the time the area would develop as the other frontage along Bowman Road with one (1) building and not three (3) buildings into the site. He stated he was concerned with the hours of operation. He stated lighting was a concern. He stated buffering and retention of existing vegetation was also a concern. He stated a privacy fence was six (6) feet and a potential building would be 29 feet high.

Mr. Matt Chandler addressed the Commission stating his concern had been addressed. He stated the developer was required to provide maintenance agreements with the adjoining property owner prior to construction. He stated the shared drive to the south also minimized his concern.

Mr. Wood stated his development would be in three (3) phases with the third phase being unlikely. He stated the Commission had approved a request on the consent agenda for the fitness center and it was unlikely he would open two (2) centers. He stated lighting would be low level and directional as required by the ordinance. He stated the hours of operation for the fitness center would not be as indicated. He stated the hours would be from 5 am to 9 pm daily. He stated the hours for Uncle T's would be from 7 am to 10 pm Monday through Thursday and from 7 am to 11 pm Friday and Saturday. He stated Sunday hours would be from 9 am to 7 pm. He stated the site would maintain a 50-foot undisturbed buffer along the western perimeter. He stated the fitness center would not have any outdoor activity. He stated drainage on the site was to the east and south.

The Commission questioned staff as to why they felt the development was appropriate. Staff stated the site was shown on the future land use plan as service trades district. Staff stated the development was proposed as a mixed use development which they felt was appropriate for the site. Staff stated the development fit the plan and the zoning pattern in the area.

A motion was made to approve the request including all staff recommendations and comments. The motion carried by a vote of 11 ayes, 0 noes and 0 absent.