

FILE NO.: Z-7605-D

NAME: Lots 2 and 3, Chevaux Office Park Short-form PCD

LOCATION: 17,705 Cantrell Road

DEVELOPER:

3 1/2, LLC c/o Medical Assets Holding
P. O. Box 3457
Little Rock, AR 72203

OWNER/AUTHORIZED AGENT:

3 1/2, LLC c/o Medical Assets Holdings/owner
White-Daters and Associates/authorized agent

SURVEYOR/ENGINEER:

White-Daters and Associates
24 Rahling Circle
Little Rock, AR 72223

AREA: 0.8 acres NUMBER OF LOTS: 2 combined into 1 FT. NEW STREET: 0 LF

WARD: 5 PLANNING DISTRICT: 19 CENSUS TRACT: 42.12

CURRENT ZONING: POD

ALLOWED USES: General and Professional Office

PROPOSED ZONING: PCD

PROPOSED USE: Office, Commercial and Restaurant

VARIANCE/WAIVERS:

None requested.

BACKGROUND:

Ordinance No. 19,098 established Chevaux Short-form POD on May 18, 2004. That approval include a single, "L" shaped, 33,600 square foot building and 142 parking

spaces. Uses were those allowed in O-3 with 10% of the building being allowed the O-3 accessory uses. Ordinance No. 18,451 adopted on December 5, 2005 revised the approved POD to allow the creation of seven lots with an individual smaller building on each lot. Variances were approved to allow lots without street frontage and to allow backing of vehicles into the cross access easement. A total of 108 parking spaces were indicated. All of the lots were to be final-platted in a single phase with building construction to be dictated by market demand. No change in the allowable use mix was proposed. Ordinance no. 19,604 adopted on October 3, 2006 further revised the POD to allow the front two lots to be combined into one lot for development of a branch bank. The remaining five lots were unchanged from the prior approval. No change in the allowable use mix was proposed.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant is requesting approval of a PCD zoning to allow for combining the two middle lots in order to construct a single, 8,000 square foot building for a mixture of office, commercial and restaurant uses. No drive-thru is contemplated. No change is proposed to the other lots within the development.

B. EXISTING CONDITIONS:

This specific site is an undeveloped two lot area located in the center of the office park. A branch bank is located on the north side of the development, closer to Cantrell. Two small office buildings and one undeveloped lot are located along the southern perimeter of the site. All of the paved area, curb and guttering have been installed. Single family homes are located adjacent to the east and south. Uses across Cantrell Road to the north include a bank, offices and a restaurant. Bank OZK is developing a large multi-use project on the north side of Cantrell. A small, multi-tenant commercial building is adjacent to the west.

C. NEIGHBORHOOD COMMENTS:

Notice of the public hearing was sent to all owners of properties located within 200 feet of the site and the Chevaux Court, Aberdeen Court and Bayonne Place Neighborhood Associations.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

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. Storm water detention ordinance applies to this property. Show the proposed location for stormwater detention facilities on the plan or provide proof that sufficient detention has been provided for these lots. Maintenance of the

detention pond and all private drainage improvements is the responsibility of the developer and/or property owners association.

3. 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:

Sewer Available to this site. FOG Analysis Required for restaurant uses.

Entergy: No comments received.

Entergy does not object to this proposal. There is an existing three phase, underground power line in this area serving existing buildings. Contact Entergy in advance to discuss electrical service requirements, or adjustments to existing facilities (if any) as this project proceeds.

Centerpoint Energy: No comments received.

AT & T: No comments received.

Central Arkansas Water:

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

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 Little Rock Fire Department is required.

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.

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.

The facilities on-site will be private. When meters are planned off private lines, private facilities shall be installed to Central Arkansas Water's material and construction specifications and installation will be inspected by an engineer, licensed to practice in the State of Arkansas. Execution of Customer Owned Line Agreement is required.

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 sprinkler systems which do not contain additives such as antifreeze shall be isolated with a double detector check valve assembly. If additives are used, a reduced pressure zone backflow preventer shall be required.

Fire Department:

Full Plan Review

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.

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.

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). 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:

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.gov or
Steve Crain at 501-371-4875; scrain@littlerock.gov

Landscape:

1. Site plan must comply with the City's minimal landscape and buffer ordinance requirements and the Highway 10 Scenic Corridor Overlay District.
2. Building landscape areas shall be provided at the rate equivalent to planter strip three (3) feet wide along the vehicular use area. One (1) tree and four (4) shrubs shall be planted in the building landscape areas for each forty (40) linear feet of vehicular use area abutting the building.
3. A landscape irrigation system shall be required as per Highway 10 site design and development standards.
4. 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 received.

Planning Division:

This request is located in Chenal Planning District. The Land Use Plan shows Office (O) for this property. 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 applicant has applied for a rezoning from POD (Planned Office District) to PCD (Planned Commercial District) to change the approved plan to one mixed retail/restaurant/office building within the larger office complex. The site is within the Highway 10 Overlay Districts.

Master Street Plan: North of the property is Cantrell Road and it shown as a Principal Arterial on the Master Street Plan The primary function of a Principal Arterial Street is to serve through traffic and to connect major traffic generator or activity centers within an urbanized area. Entrances and exits should be limited to minimize negative effects of traffic and pedestrians on Cantrell Road since it is a Principal Arterial. This street may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

Bicycle Plan: A Class I Bike Path is shown along Cantrell Road. A Bike Path is to be a paved path physically separate for the use of bicycles. Additional right-of-way or an easement is recommended. Nine-foot paths are recommended to allow for pedestrian use as well (replacing the sidewalk).

Revised plat/plan: Submit responses to staff issues and four (4) copies of a revised preliminary plat/plan (to include the additional information as noted above) to staff on or before April 10, 2019. If you have any questions please contact Dana Carney, dcarney@littlerock.gov or 501.371.6817 or Jamie Collins, gcollins@littlerock.gov or 501.371.6818.

H. SUBDIVISION COMMITTEE COMMENT: (April 3, 2019)

The applicant was present. Staff presented the item and noted some additional information was needed. Staff asked the applicant to correct the general notes and public works notes on the plan as they do not appear to match the current application. The applicant was asked to specify the use mix and square footage of each within the proposed 8,000 square foot building. Staff explained their concerns about the available parking on the site and how that would be impacted by the proposed addition of retail and restaurant uses. Staff requested a signage plan and asked the applicant to specify days and hours of operation.

Public Works and Landscape comments were presented. Comments from the other departments and reviewing agencies were noted. The applicant was advised to respond to staff issues by April 10, 2019. The committee forwarded the item to the full commission.

I. ANALYSIS:

The applicant submitted responses to issues from subdivision committee. The general notes section has been corrected. The use mix proposed for the 8,000 square foot building is as follows:

- a. Office space, 2,000 sq. ft. , 7 am – 7 pm, 5 days a week

- b. Fitness (therapy) center, 3,000 sq. ft., 5:30 am – 8 pm, 6 days a week
- c. Restaurant (no drive thru and no outdoor dining), 3,000 sq. ft. , 7 am – 10 pm, 7 days a week

Signage will consist of the center's ground mounted sign on the Cantrell Road perimeter and wall signage on the building. All four facades of this building face the interior drives. Staff will support wall signage on all four facades subject to the area of each sign not exceeding 10% of the façade area of the space occupied by each business.

The site contains 108 parking spaces. The overall site, including the uses proposed by the applicant, will require 90 parking spaces.

The proposed restaurant use represents approximately 12% of the square footage of office development allowable under the current POD. That is slightly larger than the 10% ancillary restaurant use that would be allowed in a typical O-3 zoned office development. Additionally, no drive-thru or outside dining are proposed.

J. STAFF RECOMMENDATION:

Staff recommends approval of the revised POD 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:

(APRIL 25, 2019)

The applicant was present. There were no registered objectors present. Staff informed the commission that, on April 25, 2019, the applicant had requested deferral of the item to allow time to meet with the adjacent neighborhood. There was no further discussion. A motion was made to waive the commission's bylaws to accept the late request for deferral. The motion was seconded and approved by a vote of 10 ayes, 0 noes and 1 absent. The item was placed on the consent agenda and approved for deferral to the June 6, 2019 agenda. The vote was 10 ayes, 0 noes and 1 absent.

PLANNING COMMISSION ACTION:

(JUNE 6, 2019)

The applicants were present. There were numerous persons present in opposition to the item. Numerous e-mails of opposition had been received by staff and forwarded to the commissioners. Chairman Latture noted there were only 8 of the 11 commissioners present. As is the practice of the commission when 8 or fewer commissioners are present, the chairman offered a no-fault deferral to the applicant. The applicant accepted the offer of deferral. A motion was made to defer the item to the July 18, 2019 agenda. The motion was seconded and approved by a vote of 8 ayes, 0 noes and 3 absent.

PLANNING COMMISSION ACTION:

(JULY 18, 2019)

The applicants were present. Six registered objectors were present. Staff presented the item and provided background to the zoning and development history of the property. In 2004, a single building with 33,600 square feet was approved for the site as a POD, but was not constructed. This building would have been allowed O-3 uses and no more than 10% of the square footage to contain the ancillary uses permitted in that zone. An amended POD was approved in 2005 showing seven lots with buildings containing a total of 32,000 square feet. The POD was revised a second time in 2006 combining two of the seven lots for the construction of a branch bank. As the POD has been revised, the O-3 uses with the allowance of up to 10% of the building area to contain permitted ancillary uses has remained.

This revision would combine two lots in order to construct an 8000 square foot building containing 2000 square feet of office use and 3000 square feet each of a physical therapy clinic/gym and a restaurant with no drive thru or outdoor seating.

Staff is supportive of this request as the numbers are still the same ratio of O-3 uses and allowed ancillary uses. The ratio is the same as has been permitted previously on this property. Therefore, staff recommends approval of the request.

Antwan Phillips of Wright Lindsey & Jennings spoke on behalf of the applicants. He indicated they have met with those most impacted by the proposal and as a result have improved the project. The new building will be of low-impact and a benefit to those who live along the Highway 10 corridor.

Joe White of White-Daters & Associates spoke in more detail of the meetings with neighbors and the changes to the proposed development. As the residences are situated below the grade of the subject site, the landscaped buffer would be placed on the upslope to provide for maximum height and screening. Mature evergreen trees would be planted 7 ½ feet on center. Also, there would be no drive-thru or outdoor seating associated with the restaurant and the location of the restaurant would be shifted to the west end of the building to move it away from residences.

Ernie Peters presented an analysis of the traffic impact of the new development. The net number of estimated increase in peak hour vehicles is 25 vehicles in the morning peak and 31 in the evening peak.

Steve Giles of Dover Dixon Horne spoke on behalf of the Chevaux Court Property Owners Association. He indicated the proposed additional landscaping was appreciated. He stated the concerns of the neighborhood residents stemmed from long-standing frustration with the maintenance of the screening and landscaping intended to buffer the office park from the neighborhood. Also, in some cases the rear yards of the neighboring residences were 10-15 feet below the level of curb in the adjoining office park, creating difficulties with adequate screening. The proposed development would add to the already negative impact the office park had on the neighborhood quality of life. In addition, the intersection of Chevaux Court with Cantrell Road/Highway 10 is uncomfortable for

residents to navigate at times, particularly left turns into the neighborhood. The approval of this commercial building would open the door for more commercial use in the office park. In conclusion, Mr. Giles stated all 105 property owners in the neighborhood, many of whom were in attendance, opposed the proposal.

Sue Auffert, Chevaux Court homeowner, said she was concerned with safety and privacy. There is already a lot of traffic on Cantrell Road and the restaurant proposed for the new building would add to traffic—with impacts during lunch hours and also with the schools in the area. Left turns into the office park and neighborhood are already dangerous.

Turning to privacy, Ms. Auffert stated people can see over the fence between the office park and her property. There is also some concern with the extended hours proposed for the new building. The developer has declined to build a privacy wall to provide additional separation between homes and the office park.

Ms. Auffert asked the planning commission to keep to the Highway 10 Overlay Plan and keep the property zoned and used for quiet office.

Gary Perritt presented a folder with photos to the planning commission showing photos of lack of maintenance of the buffers and landscaping for the office park. Mr. Perritt also showed a video of traffic concerns on Cantrell Road.

Chevaux Court Property Owners Association President Bill Sutton reminded the planning commission the homeowners were unanimously against the proposal.

Sandy Cobb told the planning commission her home was like a fishbowl and she would at times feel unsafe, as her backyard abuts the office park. Regarding the proposed buffering and landscaping being able to mitigate some of the impacts of the development, she has no confidence, as the history with the lack of maintenance of the existing fence and landscaping.

Cindy Foyle, daughter of Mrs. Cobb, told the planning commission her mother bought the last available lot in the subdivision. She also was concerned about maintenance and was concerned about more traffic and more people potentially being a safety risk. She would like to see a brick wall built as screening in addition to the proposed trees.

Mr. White responded on behalf of the applicant that the developer had agreed to extend the screening beyond what was required by this request.

Mr. Phillips re-addressed the planning commission in conclusion. He thanked the neighbors for working with the developers and the designers to make the project the best possible. As regard to traffic, there is already a high volume and the upcoming Bank OZK campus will add to it. The proposed trees will provide privacy to the abutting homeowners. Major commercial development at this property is not conducive due to the site layout. In conclusion, Mr. Phillips thanked Mr. Carney for his work and noted the staff approval with the reasoning the O-3 does allow for 10% of the building floor area to be used for approved accessory uses and that this low-impact development is a benefit to people living and working in the area.

Commissioner Thomas stated that the additional traffic created by the proposed development and the elevation of the site compared to the abutting residences were concerns for her and she will not vote for the request.

Chairman Latture asked for a motion from the planning commission.

Vice Chair Stebbins made a motion to approve the request. Commissioner Haynes seconded. The vote was 5 ayes, 3 noes, and 3 absent. The request is denied, as 6 ayes are required to pass a motion of the planning commission.