

FILE NO.: Z-8850-A

NAME: A & A Investment Fillmore Street Revised Short-form PD-O

LOCATION: Located on the Northeast corner of West Markham and Fillmore Streets

DEVELOPER:

Arkansas Spine and Pain
5700 West Markham Street
Little Rock, AR 72205

ENGINEER:

ETC Engineers and Architects
1510 South Broadway
Little Rock, AR 72202

AREA: 0.27 acres NUMBER OF LOTS: 1 FT. NEW STREET: 0 LF

CURRENT ZONING: POD

ALLOWED USES: Mixed Use containing O-3, General Office and C-1, Neighborhood Commercial District uses

PROPOSED ZONING: Revised POD

PROPOSED USE: Mixed Use containing O-2, Office and Institutional, and C-1, Neighborhood Commercial District uses

VARIANCE/WAIVERS: A variance to allow the driveway locations and widths which do not meet the traffic access and circulation requirements of Sections 30-43 and 31-210.

BACKGROUND:

Ordinance No. 20,725 adopted by the Little Rock Board of Directors on May 21, 2013, rezoned the property from O-3, General Office District to Planned Office Development, (POD), to allow the development of the site with a two-story building containing 15,000 square feet of office and retail space. The approval allowed 3,000 square feet of the lower level to be marketed to retail space utilizing the C-1, Neighborhood Commercial Zoning District uses as allowable uses. The approval allowed a maximum of 1,500 square feet of the 3,000 square feet to be used as restaurant space. The remaining area was to be marketed to office users utilizing the O-3, General Office

District uses as allowable uses. The approved site plan included the placement of 29 parking spaces.

With the construction of the office building located on the northwest corner of West Markham and Fillmore Streets this site was graveled and used as a "laydown area" for the materials and construction machinery. In addition to storage of materials and equipment the office personnel of the office building used this area for parking during construction of the office building. The office personnel continue to use this site for parking and the property owner has been issued a notice to appear in City Environmental Court to answer as to why the area has not been secured to eliminate the use of the site as a parking lot and to also answer as to why all the construction equipment and materials have not been removed for the site.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant is now proposing to revise the previously approved POD to allow the placement of a 12,000 square foot building on the site along with a ground level parking area and a surface parking lot. According to the applicant the topography condition of the site allows the plan to include a ground level parking area under the two (2) story building. Landscaping and/or architectural screening is proposed to visually mask the parking along West Markham Street.

The site is located within the Mid-town Design Overlay District, which requires new development to be reviewed through the planned zoning development process.

In addition to the request for the revised site plan the applicant is requesting to use the site temporarily as parking for the employees of the office building located to the west. The applicant has indicated the use will be temporary, until construction of the new building begins. The time frame as outlined by the applicant is as follows:

1. Allow parking within the area, where the proposed surface parking lot is shown on the site plan until May 01, 2015, when the construction of site improvement will start.
2. A partial site improvement that will include the perimeter street improvements including curb and gutter, driveways, sidewalks and gravel parking lot will be completed by July 31, 2015.
3. After the completion of partial site improvements, allow parking in the gravel parking area until May 01, 2016, when the building and surface parking lot construction will start.
4. The building and surface parking lot construction will be completed by March 2017.

B. EXISTING CONDITIONS:

The site is a vacant lot which has been used for parking and a laydown yard for the construction of the medical office building located on the northwest corner of Fillmore and West Markham Streets. There are a variety of uses in the area including St. Vincent's Hospital, multi-family residential, War Memorial Park Golf Course and additional office uses. To the west of the site is an elderly housing development. Further west is the West Markham Street and University Avenue intersection, which contains retail and office uses including Park Plaza Mall, Mid-towne Shopping Center and Park Avenue Shopping Center.

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 Hillcrest Residents Neighborhood Association were notified of the public hearing.

The Mid-town Redevelopment District #1 Advisory Board reviewed the request at their November 21, 2014, meeting and voted to approve the request with minor revisions. The revisions include the placement of handicap parking in the surface lot, landscaping added in the parking lot and pedestrian access through the parking area. The revised plan submitted to staff on November 26, 2014, has addressed these items.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. Due to the proposed use of the property, the Master Street Plan specifies that North Fillmore Street for the frontage of this property must meet commercial street standards. Dedicate right-of-way to 30 feet from centerline.
2. West Markham Street is classified on the Master Street Plan as a minor arterial with special design standards. A dedication of right-of-way 35 feet from centerline will be required.
3. A 20 foot radial dedication of right-of-way is required at the intersection of West Markham Street and North Fillmore Street.
4. With site development, provide the design of street conforming to the Master Street Plan. Construct one-half street improvement to North Fillmore Street including 5-foot sidewalks with the planned development. The curb should be installed so that a 31 foot wide street is provided north of the driveway and a 36 foot wide street is provided south of the driveway. A temporary certificate of occupancy will not be issued until all street improvements are installed and inspected per City code.
5. Repair or replace any curb and gutter or sidewalk that is damaged in the public right-of-way prior to occupancy.

6. Sidewalks with appropriate handicap ramps are required to be installed adjacent to West Markham Street in accordance with Section 31-175 of the Little Rock Code and the Master Street Plan. The sidewalk configuration at the intersection may need to be modified at time of building permit.
7. Plans of all work in right-of-way shall be submitted for approval prior to start of work. Obtain barricade permit prior to doing any work in the right-of-way from Traffic Engineering at (501) 379-1805 (Travis Herbner).
8. 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.
9. Street Improvement plans shall include signage and striping. Traffic Engineering must approve completed plans prior to construction.
10. On site striping and signage plans should be forwarded to Public Works, Traffic Engineering for approval with the site development package.
11. Retaining walls designed to exceed 15 feet in height are required to seek a variance for construction. Provide proposed wall elevations.
12. 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.
13. Coordinate design of traffic signal upgrade if needed for alignment or with proposed street improvements. Plans to be forwarded to Traffic Engineering for approval. The intersection will be striped and signalized for 3-lanes.
14. Prior to issuance of certificate of occupancy on property on the west side of North Fillmore Street, all construction material including gravel, fill, and building supplies must be removed from the subject property. Vegetation should be re-established on the property.
15. The entire width of the alley should be paved to a minimum width of 20 feet in accordance to City standards. A new driveway apron may be needed if the existing apron does not comply with City of Little Rock Detail PW-35.
16. The access ramps at the West Markham Street/North Fillmore Street intersection should be constructed per City of Little Rock detail PW-50.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Wastewater: Sewer available to this project.

Entergy: Entergy does not object to this proposal. A 3-phase electrical line exists on the east side of the property and on the south side across Markham Street. One streetlight exists on the southeast corner of the property. Contact Entergy in advance to arrange service needs.

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. 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.
3. 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.
4. 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.
5. 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.
6. 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.

Fire Department: Maintain access, fire hydrants per code. Contact the Little Rock Fire Department for additional information.

County Planning: No comment.

CATA: The site is located on CATA Bus Route #5, the West Markham Route.

Parks and Recreation: No comment received.

F. ISSUES/TECHNICAL/DESIGN:

Building Code: Project is subject to full commercial plan review 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 Heights/Hillcrest Planning District. The Land Use Plan shows Office (O) for this property. The Office (O) 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 PDO (Planned District Office) to allow for the development of an office building and parking on the site. The application is within the Midtown Design Overlay District.

Master Street Plan: West Markham Street is a Minor Arterial and Fillmore Street 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 West Markham Street. The primary function of a Local Street 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 are no bike routes shown in the immediate vicinity.

Landscape:

1. Site plan must comply with the City's landscape and buffer ordinance requirements and the Midtown Overlay District.
2. Street buffers will be required at six (6) percent of the average depth of the lot. The minimum dimension shall be one-half ($\frac{1}{2}$) the full width requirement but in no case less than nine (9) feet. The property is located in the City's designated mature area. A twenty-five (25%) percent reduction of the buffer requirements is acceptable. Easements cannot count toward fulfilling this requirement. The plantings, existing and purposed, shall be provided within the City's landscape ordinance requirements.
 - The depth of the lot is approximately one hundred and twenty-five (125) linear feet. After the twenty-five (25%) percent reduction of the buffer requirements a six foot nine inch (6.75) street buffer will be required on Fillmore Street.

3. A perimeter planting strip is required along any side of a vehicular use area that abuts adjoining property. This strip shall be at least nine (9) feet wide. The property is located in the City's designated mature area. A 25% reduction of the perimeter requirements is acceptable. One (1) tree and three (3) shrubs or vines shall be planted for every thirty (30) linear feet of perimeter planting strip.
 - A minimum 6.75 foot perimeter planting strip is required adjacent to the vehicular use area at the north property line.
4. Eight percent (8%) of the vehicular use area must be designated for green space; this green space needs to be evenly distributed throughout the parking area(s). The minimum size of an interior landscape area shall be one hundred fifty (150) square feet for developments with one hundred fifty (150) or fewer parking spaces. Interior islands must be a minimum of seven and one half (7 1/2) feet in width. Trees shall be included in the interior landscape areas at the rate of one (1) tree for every twelve (12) parking spaces. A 25% reduction of the interior green space requirements is acceptable.
5. 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: (November 19, 2014)

The applicant was present. Staff presented an overview of the item stating the request included a revision to the previously approved POD for the site to allow an additional level which would be used for parking. Staff stated access to the parking was proposed from the alley located along the property's eastern boundary. Staff noted there were additional items necessary to complete the review process. Staff stated the development was located within the Mid-town Design Overlay District which required additional information related to the design of the building and landscaping. Staff requested the applicant provide clarification to the points identified within the Mid-town DOD.

Public Works comments were addressed. Staff stated the driveway location did not comply with the typical ordinance standards and stated the location would require a variance. Staff also stated a radial dedication of right of way was required at the intersection of the two (2) streets. Staff stated sidewalks were required along West Markham Street and North Fillmore Street. Staff stated the entire width of the alley should be paved to a minimum of 20-feet in width.

Landscaping comments were addressed. Staff stated the landscaping should comply with the minimum standards of the Mid-town DOD as well as the landscape ordinance. Staff stated the street buffer could be reduced to 6-feet 9-inches since the site was located within the Designated Mature area. Staff stated eight percent of the vehicular use area was to be landscaped with interior islands.

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 a number of the comments raised at the November 19, 2014, Subdivision Committee meeting. The applicant has indicated the materials, height and building placement for the new construction. The applicant has also indicated the building will comply with most of the typical design standards of the Mid-town DOD.

The request is a revision to the previously approved POD to allow the placement of a 12,000 square foot building on the site along with a ground level parking area and a surface parking lot. According to the applicant the topography condition of the site allows the plan to include a ground level parking area under the two (2) story building. Landscaping and/or architectural screening will be provided to visually mask the parking area along West Markham Street. The site is located within the Mid-town Design Overlay District, which requires new development to be reviewed through the planned zoning development process.

The applicant has indicated the design of the building will be modern style architecture. The height and massing of the structure will be altered as typically required by the DOD. The height of the building ranges from 35-feet to 45-feet measured at mid-point of the roof. The DOD states structures north of Markham Street and east of University Avenue shall be limited to a height of 35-feet. The building height as proposed exceeds the typical height established by the DOD.

The primary entrance to the building is from Fillmore and West Markham Streets. Customer entrances will be provided to the building from both street frontages. Pedestrian access will also be provided through the parking lot to the building. Landscaping will be provided within the surface parking lot to comply with the Mid-town DOD and the City's Landscape Ordinance requirements.

The site plan includes ten (10) parking spaces beneath the building and 25 surface parking spaces. The applicant has indicated the building will be used for office and retail uses. The applicant is requesting the allowance of O-2, Office and Institutional zoning district permitted uses as allowable uses and C-1, Neighborhood Commercial District uses. A maximum of 1,200 square feet of floor area is proposed for the C-1, Neighborhood Commercial District uses. No accessory or conditional uses in either the O-2, Office and Institutional zoning district or the C-1, Neighborhood Commercial zoning district are requested. The previous approval allowed a maximum of 1,500 gross square feet for an eating place. The current approval would limit the area to 1,200 gross square feet.

Parking per the DOD is limited to fifty percent of the required parking of the zoning ordinance article VIII. The maximum parking allowed is the minimum standard established in this article. In this case the ordinance would typically

require 53-parking spaces to serve a mixed use development. The site plan indicates 36-parking spaces. The parking as proposed does comply with the typical standards of the DOD.

The applicant has indicated metal finishes will be used. The Mid-town DOD states exterior building materials and colors are to be aesthetically pleasing and compatible with materials and colors used in the neighboring developments. Predominate exterior building materials must be of high quality materials such as brick, wood, stone, tinted stucco, EIFS. Predominate exterior building materials may not be smooth-faced concrete block, tilt-up concrete panels or prefabricated steel panels. The applicant has indicated the metal will be painted metal with a color similar to the colors suggested in the DOD.

A note on the site plan indicates the hours of operation for the development will be 24-hours per day, seven (7) days per week. The site plan includes the placement of a dumpster. A note indicates the dumpster will be screened per typical ordinance standards. The hours of dumpster service have not been limited. Staff recommends the hours of dumpster service be limited to 8 am to 6 pm Monday through Friday.

Staff is supportive of the requests. The applicant is proposing a revision to a previously approved POD to add an additional level to the proposed building and use the ground floor as parking for the office building and the office building located across North Fillmore Street to the west. The design of the development is proposed consistent with a number of the design elements of the Mid-town DOD. Staff does not feel the areas the development falls short of the DOD will adversely impact the development or the area.

Staff is not supportive of allowing this site to continue to be used as a parking lot to serve the adjacent office building. The lot is not paved and does not meet the minimum criteria for parking per the zoning ordinance. In addition the owner did not consult staff prior to placing the gravel on the lot and using the lot for construction related activities nor did the applicant seek approval for use of the site as a temporary parking area. Staff feels if additional parking is required by the adjacent office building a parking area should be constructed to meet the minimum requirements of the zoning ordinance including paving and landscaping.

I. STAFF RECOMMENDATION:

Staff recommends approval of the requested site plan subject to compliance with the comments and conditions as outlined in paragraphs D, E and F of the agenda staff report.

Staff recommends the hours of dumpster service be limited to 8 am to 6 pm Monday through Friday.

Staff recommends denial of the request to allow this lot to be used as parking for the adjacent office building in its current state.

PLANNING COMMISSION ACTION:

(DECEMBER 18, 2014)

The applicant was present. There were no registered objectors present. Staff presented the item stating the applicant had agreed to construct the parking lot in the first phase of the development. Staff stated the parking lot construction would consist of a paved parking lot and landscaping to meet the minimum requirements of the Landscape Ordinance. Staff stated no parking would be allowed on the area indicated for future building construction. Staff stated this area was to be seeded and fenced to prohibit parking within the area that was not paved. Staff stated the parking lot construction was to begin no later than March of 2015. Staff stated the building construction was to begin within 18 to 24 months of approval.

The applicant stated they were agreeable to the construction plan as presented by staff.

There was no further discussion of the item. The Chair entertained a motion for approval of the item as presented by staff. The motion carried by a vote of 9 ayes, 0 noes and 2 absent.