

FILE NO.: Z-6049-C

NAME: C-Store – PD-C

LOCATION: 3600 Bowman Road

DEVELOPER:

Ran Management
Johnny Dervish
319 Poplar View Lane W, Ste. 1
Collierville, TN 38017

OWNER/AUTHORIZED AGENT:

Vernon J. Williams
Garnat Engineering
P.O. Box 116
Benton, AR 72018

SURVEYOR/ENGINEER:

Vernon J Williams
GarNat Engineering
P.O. Box 116
Benton, AR 72018

AREA: 1.77 acres NUMBER OF LOTS: 1 FT. NEW STREET: 0 LF

WARD: 7 PLANNING DISTRICT: 18 CENSUS TRACT: 42.24

CURRENT ZONING: O-2 (CUP)

VARIANCE/WAIVERS:

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant proposed to rezone 1.77 acres from O-2 to PD-C to develop a gas station/convenience store located on the southwest corner of Bowman Road and W. 36th Street.

B. EXISTING CONDITIONS:

The property is currently vacant and heavily wooded. Residential zoning and uses lie north, south and west of the site. A mixture of office, commercial and high-density residential developments lie in the general area of the site.

C. NEIGHBORHOOD COMMENTS:

All owners of property located within 200 feet of the site and all neighborhood associations registered with the City of Little Rock were notified of the public hearing.

D. ENGINEERING COMMENTS:

1. A grading permit must be obtained prior to initiation of work. Grading permits are issued by the Planning and Development Dept. at 723 West Markham Street after approval of sediment and erosion control plans, grading and drainage plans, land boundary survey, drainage study, and soil loss calculations per City's stormwater management and drainage manual. Contact Planning and Development Dept., Civil Engineering Private Development at 501-371-4817 or at 501-918-5348 or Permits@littlerock.gov to schedule an appointment for issuance or to answer any questions. Permit cost is based on total project area at \$100.00 for the less than ½ acre, \$200.00 for ½ to 1 acre, and \$200.00 for the first acre and \$100.00 for each additional acre for project greater than 1 acre.
2. Any work involving one (1) or more acres of disturbed area requires a State of Arkansas NPDES permit. Contact the Arkansas Department of Environmental Quality, NPDES branch at 501-682-0744 for applications and information about General Stormwater Discharge Construction Permit #ARR150000.
3. The Department requires three (3) phase sediment and erosion control (SEC) plans to be submitted for all construction projects showing best management practices (BMPs) for mitigating sediment runoff and erosion along with vegetation specifications for temporary and permanent soil stabilization. Phase 1 SEC plans shall show SEC BMPs during the stripping, clearing, grubbing, and rough grading of the site. Phase 2 SEC plans shall show SEC BMPs during construction of utilities, buildings, roadway infrastructure and drainage infrastructure. Phase 3 SEC Plans shall show SEC BMPs for final grading, seeding, and landscaping of the site.
4. Sediment and Erosion Control plans shall also show the pertinent information as outlined in ADEQ ARR150000 Permit Part II section A-4-H (1-14) and Part II section A-4-I-2 (A-B).

5. Per City Rev. Code 29-99, stormwater detention for developments is required. Provide stormwater detention infrastructure to satisfy this requirement.
6. A maintenance bond for 50% of total construction costs for all completed public street and drainage improvements within City right of way and as-built storm drainage infrastructure plans shall be provided to the Department of Planning and Development before the issuance of a final certificate of occupancy.
7. Damage to public and private property due to hauling operations or operations of construction related equipment from a construction site shall be repaired by the responsible party prior to the issuance of a certificate of occupancy.
8. Provide as-built plans and data entry template of newly installed or modified public and private stormwater drainage system prior to issuance of the certificate of occupancy. The as-built plans should contain information as found on the City of Little Rock website at <https://www.littlerock.gov/city-administration/city-departments/public-works/applications-details-and-manuals/>. Provide the as-built plans and data entry template to Planning and Development Dept., Civil Engineering Private Development by email to csmith@littlerock.gov and cc dwarner@littlerock.gov. If you have any questions or desire additional information, please do not hesitate to contact Planning and Development Dept., Civil Engineering Private Development at 501-371-4817 or at 501-918-5348 or email Permits@littlerock.gov.
9. Per City Code 31-206 (f), "Property line corners at street intersections shall be rounded with a radius of at least twenty (20) feet."
10. Per Master Street Plan, for all intersections of arterials all corner radii shall be 75 feet minimum for a simple curve and all lanes shall be eleven (11) feet wide except as noted.
11. Hauling of fill material on or off project sites over municipal streets require approval prior to a grading permit being issued. Contact Public Works Traffic Engineering at 621 S. Broadway 501-379-1805 with any questions or for more information.
12. Obtain Traffic Control permits prior to doing any street cuts or curb cuts. Obtain Traffic Control permits prior to doing any work on city streets or in the right-of-way. Contact Traffic Engineering at 501-379-1800 for more information.
13. Per City Code 31-210 (e) (1) for an arterial street, minimum driveway spacing from the property line shall be one hundred fifty (150) feet. A variance request for both proposed driveways will be required and approved by the Planning Commission.
14. Provide ADA accessible route from the public right of way to the proposed development in accordance with 36 CFR Part 1191 Section F206.2.1, "... at

least one accessible route shall be provided within the site from accessible parking spaces and accessible passenger loading zones, **public streets and sidewalks**, and public transportation stops to the accessible building or facility entrance they serve.”

15. All sidewalks shall be within City right of way with a one-foot buffer to the right of way line. See City of Little Rock’s standard details PW-24 for details.
16. Clearly show on construction plans and provide a certification letter with calculations prepared by a licensed professional engineer stating that stopping sight and intersection sight distances are met per AASHTO Policy on Geometric Design of Highways and Streets (latest edition) for both proposed driveways.
17. Bowman Road is classified as a minor arterial per master street plan with a total right of way width of 90 feet. Dedicate 20 feet of additional right of way from centerline of right of way to meet this requirement.

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

Little Rock Water Reclamation Authority: No comments received.

Entergy: No comments received.

CenterPoint Energy: No comments received.

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 received.

F. BUILDING CODES/LANDSCAPE:

Building Code: No comments received.

Landscape:

1. Any new site development must comply with the City’s minimal 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 properties to south are zoned R-2. 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. In addition to the required screening, buffers are to be landscaped at the rate of one (1) tree and three (3) shrubs for every thirty (30) linear feet. Easements cannot count toward fulfilling this requirement. The plantings, existing and proposed, shall be provided within the landscape ordinance of the city, section 15-81.

3. 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 be less than nine (9) feet.
4. Screening requirements will need to be met for the vehicular use areas adjacent to street rights-of-way. Provide screening shrubs with an average linear spacing of not less at three (3) feet within the required landscape area. Provide trees with an average linear spacing of not less than thirty (30) feet.
5. 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.
6. 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.
7. 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 seven and one half ($7 \frac{1}{2}$) 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.
8. An automatic irrigation system to water landscaped areas shall be required for developments of one (1) acre or larger.

G. TRANSPORTATION/PLANNING:

Rock Region Metro: No comments received.

Planning Division: The request is in the Ellis Mountain Planning District. The Land Use Plan shows Suburban Office (SO) for the requested area. The Suburban Office (SO) category provides for low intensity development of office or office parks in close proximity to lower density residential areas to assure compatibility. A Planned Zoning District is required. The application is to rezone from Office and Institutional District (O-2) to Planned Development Commercial (PD-C) District for the future development of a convenience store with gas pumps on the site.

Surrounding the application area, the Land Use Plan shows Suburban Office (SO) to the west, south and north. Neighborhood Commercial (NC) use is shown to the northwest across Bowman Road and 36th Street Mixed Office Commercial (MOC) is shown to the east, across Bowman Road. The Suburban Office (SO) category provides for low intensity development of office or office parks in close proximity to lower density residential areas to assure compatibility. A Planned Zoning District is required. There is vacant wooded land zoned Office and Institutional District (O-2) to the north and west of the site. Beyond this, within the SO area, is Single Family District (R-2) land with large-lot residential use. To the south is more R-2 land with three single-family houses on separate tracts and pastureland.

The Neighborhood Commercial (NC) category includes limited small-scale commercial development in close proximity to a neighborhood, providing goods and services to that neighborhood market area. This land at the northeast corner of 36th Street and Bowman Road has been developed with a multi-story building. There is retail on the first floor and apartments on the upper floors. The Mixed Office Commercial (MOC) category provides for a mixture of office and commercial uses to occur. Acceptable uses are office or mixed office and commercial. A Planned Zoning District is required if the use is mixed office and commercial. This land at the southeast corner of 36th Street and Bowman Road is mostly zoned Single Family District (R-2). Most of the tracts have single-family houses with a scattering of businesses

Master Street Plan: To the east is Bowman Road and to the north is the proposed extension of 36th Street. Both of these roadways are Minor Arterials 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 both 36th Street and Bowman Road since they are Minor Arterials. These streets may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

Bicycle Plan: There is a Class II Bike Route shown on Bowman Road. A Bike Lane provides a portion of the pavement for the sole use of bicycles.

H. ANALYSIS:

The applicant proposes to rezone 1.77 acres from O-2 to PD-C to develop a convenience store with gas pumps located on the southwest corner of Bowman Road and W. 36th Street. The project will consist of a 7,686 square building on the southern portion of the property and take access Bowman Road. The proposed C-Store is located along an arterial intersection which includes heavy commercial traffic and business uses. The applicant is proposing to install a 3,360 square foot metal-framed canopy. The canopy will be fifty-nine (59) feet from the C-Store store on the northern portion of the property. The fuel pump island will consist of four

(4) self-service gas pumps. Both structures will be located over fifty (50) feet from all property lines.

The canopy and C-Store are more than twenty-five (25) feet from the front property line, forty-five feet (45) from the east and west property lines, and approximately eighteen (18) feet from the rear (south) property line. Section 36-301 typically requires a twenty-five (25) rear yard setback. Staff feels the rear yard setback is sufficient for the proposed use.

The applicant notes the C-Store will operate 24 hours per day, 7 days per week. Two (2) bays located on the west side of the building will be utilized as retail rental units. A retail store in one of the bays will operate from 9am to midnight, closed on Sunday. Other businesses will be open from 7am to midnight, 7 days per week. Staff suggests C-3 permitted uses for the two bays.

The applicant notes architectural plans and building height have not been completed, however architectural plans will be similar to the C-Store being developed at Vimy Ridge and Alexander Road. Building heights will not exceed thirty-five (35) feet.

The applicant proposes thirty (38) parking spaces which includes two spaces per gas pump. Section 36-502 of the City's Zoning Ordinance typically requires 29 parking spaces. Staff feels the parking is sufficient to serve this use.

The site plan notes a new dumpster location on the southwest side of the building. The dumpster area must be screened as per Section 36-523 of the City's Zoning Ordinance.

The applicant notes that all landscaping will comply with all Chapter 15 (Landscape Ordinance) for screening, landscaping, and buffer requirements.

All signs shall comply with Section 36-555 of the City's Zoning Ordinance (signs permitted in commercial zones.)

All site lighting shall be low-level and directed away from adjacent properties.

Staff is supportive of the requested rezoning from O-2 to PD-C for a C-Store located at 3600 Bowman Road. The proposed convenience store development will be located at a major intersection (minor arterial/minor arterial). A convenience store type commercial development is typically an appropriate development for this type of location along arterial roadways. Staff believes the proposed use will have no adverse impact on the surrounding properties.

I. STAFF RECOMMENDATION:

Staff recommends approval of the requested PD-C rezoning, 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 10, 2022)

The applicant was present. There were persons registered in opposition. Staff presented the item and a recommendation of denial as outlined in the “staff recommendation” above. The applicant noted only one (1) neighbor contacted him regarding relocating the driveway. He stated the proposed driveway will remain as required by the City’s Zoning Ordinance. The applicant also noted there are several apartment complexes in the area with no proximity to a convenience store and the developer is proposing improvements to the benefit of businesses in the general area along Bowman Road and West 36th Street. The applicant deferred the remainder of time to registered opposition.

John Mason addressed the Commission in opposition to the application. He noted he has met with the developer as his business is adjacent to the proposed C-Store, traffic congestion from north to south along Bowman Road during rush hour and proposed a traffic signal located at the intersection of Bowman Road and West 36th Street. Mr. Mason also noted he contacted the City of Little Rock regarding traffic signal installed at the intersection. The applicant noted he does not oppose the C-Store development but would like to see the driveway relocated twenty-five (25) feet to the north.

The applicant had no comment regarding relocating the driveway and a traffic signal not warranted by the City’s Zoning Ordinance. He also noted the C-Store will not have a carwash.

The Commission asked staff if an updated traffic study was requested by the City regarding traffic along Bowman Road. Staff responded the type of proposed development determined if a traffic study was warranted, traffic studies are projected by ARDOT however staff determines if a traffic signal will be required as part of the development. Staff also noted a traffic signal may be installed over time as development continue to build out.

There was a motion to approve the application including all comments and recommendations by staff. The motion was seconded. The vote was 7 ayes, 0 nays, 3 absent and 1 open position. The application was approved.