

FILE NO.: Z-8700-A

NAME: Markham and Tyler Revised Short-form POD

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

DEVELOPER:

Irwin Partners
1701 Centerview Drive, Suite 201
Little Rock, AR 72211

ENGINEER:

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

AREA: 1.504 acres NUMBER OF LOTS: 2 FT. NEW STREET: 0 LF

CURRENT ZONING: POD

ALLOWED USES: Medical rehab

PROPOSED ZONING: Revised POD

PROPOSED USE: Medical offices

VARIANCE/WAIVERS: A variance from Sections 30-43 and 31-210 to allow the drive on West Markham Street nearer the property line and the intersection than typically allowed.

BACKGROUND:

Ordinance No. 20,498 adopted by the Little Rock Board of Directors on November 1, 2011, rezoned the site from O-3, General Office District to POD to allow the construction of a single story building containing approximately 22,000 square feet to be used as a 23-bed rehabilitation facility. The site plan indicated the placement of a second building to house the mechanical equipment for the site. 67 parking spaces were proposed with the new construction.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant is now proposing to amend the previously approved POD to allow the creation of two (2) lots and the construction of a new building on each of the newly created lots. Lot 1 is proposed with a medical clinic. Lot 2 is proposed with an outpatient surgery center. The building located on Lot 1 is proposed containing 5,780 square feet. The building located on Lot 2 is proposed containing 7,607 square feet. Located on Lot 1 there are 47 parking spaces and 63 parking spaces are located on Lot 2.

B. EXISTING CONDITIONS:

The former office buildings have been removed. The paved parking area is still located on the site. Across A Street to the north begins the single-family neighborhood. To the west is a mixture of single-family and multi-family residences. East of the site are office uses. Other uses in the area include the War Memorial Golf Course to the south, the football stadium and the zoo to the southeast. To the east on North Harrison Street is a PCD, which was approved as an extended stay hotel, and to the northeast fronting on Van Buren Street is a PD-O, which was approved as a medical office.

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.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. Due to the proposed use of the property, the Master Street Plan specifies that North Tyler Street for the frontage of this property must meet commercial street standards. Dedicate right-of-way to 30 feet from centerline on the south half of property.
2. Due to the proposed use of the property, the Master Street Plan specifies that A Street for the frontage of this property must meet commercial street standards. Dedicate right-of-way to 30 feet from centerline.
3. A 20 foot radial dedication of right-of-way is required at the intersection of West Markham Street and North Tyler Street.
4. A 20 foot radial dedication of right-of-way is required at the intersection of North Tyler Street and A Street.

5. With site development, provide the design of street conforming to the Master Street Plan. Construct one-half street improvement to North Tyler Street including 5-foot sidewalks with the planned development. The new back of curb should be 15.5 feet from centerline. Tyler Street currently is 20-feet wide.
6. With site development, provide the design of street conforming to the Master Street Plan. Construct one-half street improvement to A Street including 5-foot sidewalks with the planned development. The new back of curb should be 15.5 feet from centerline.
7. Repair or replace any curb and gutter or sidewalk that is damaged in the public right-of-way prior to occupancy.
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. Stormwater detention will not apply to the proposed development since less impervious surface is proposed than existing.
10. 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.
11. Due to a history of flooding and drainage complaints upstream, the condition of the pipe system within the abandoned alley should be videoed and a letter provided from the engineer reporting on its condition. Also, the report should contain whether the drainage capacity of the pipe is sufficient for the upstream basin. If the condition and capacity of the pipe system is determined to be insufficient, the pipe should be modified.
12. The grading and drainage plan should provide for an overflow path within the abandoned alley.
13. 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.
14. Driveway locations and widths do not meet the traffic access and circulation requirements of Sections 30-43 and 31-210. The proposed new driveway on Markham Street does not meet the spacing criteria of being located at least 300 feet from other streets and driveways. A variance must be requested for the driveway location. In addition provide a letter prepared by a registered engineer certifying the sight distance at the intersection(s) comply with 2004 AASHTO Green Book standards.
15. A special Grading Permit for Flood Hazard Areas will be required per Section 8-283 prior to construction.

16. The minimum Finish Floor elevation of at least 1 foot above the base flood elevation is required to be shown on plat and grading plans. Show the floodplain on the provided site plan with the base flood elevation.
17. 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 available to this project.

Entergy: Entergy does not object to this proposal. A 3 phase power line exists along the alley to the north of the 2 proposed buildings which will need to remain, and for which Entergy will need to retain 24 hour access for future maintenance and restoration work. Care must be used if planning to place the dumpster underneath the power line. There are currently no other Entergy facilities on this property. Contact Entergy in advance to discuss service requirements and facilities locations as development begins.

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. 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.
5. Contact Central Arkansas Water if additional fire protection or metered water service is required.

6. 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.
7. 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.
8. 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 back flow preventer shall be required.
9. 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.

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 comment received.

County Planning: No comment.

CATA: The area is currently served by CATA at this location via Route #5 an important service area. Pedestrian access to bus stops along Markham is very important. CATA suggest minimizing or removing the curb cut on West Markham Street to allow full pedestrian access to the property expansion. The side street access to parking areas allows for a more neighborhood contextual road frontage design. A green forecourt at the building entries would mirror the parkland across the street. Minimize curb radii to reduce crossing area for pedestrians. This location is currently in CATA's long range planning. The proposal has some impact to current service by constricting right of way areas for transit use. Improving bicycle and pedestrian way in this area is important to accessing transit; an important feature for future planning and development of this area.

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 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 POD (Planned Office District) to allow for the development of medical office buildings on this site.

Master Street Plan: Markham is a Minor Arterial and Tyler 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 Markham since it is a Minor Arterial. 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. When the structure is not built to the property line, landscaping is required in the area between the building and property line. 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 property is located in the City's designated mature area. A twenty-five (25%) percent reduction of the buffer requirements is acceptable
3. 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. A twenty-five (25%) percent reduction of the perimeter requirements is acceptable.
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. The property is located in the City's designated mature area. A 25% reduction of the interior parking 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:

(April 1, 2015)

Mr. Tim Dates was present representing the request. Staff presented an overview of the item stating there were additional items necessary to complete the review process. Staff stated the development was located within the Mid-town Design Overlay District which had specific development criteria related to building design and landscaping. Staff stated the development as proposed did include a variance from the DOD to allow the main entrance to the buildings not from West Markham Street. Staff also stated the buildings were allowed a zero setback but no more than twenty (20) feet per the DOD from the front property line. Staff requested the site plan include areas to be landscaped. Staff also requested the applicant provide the days and hours of operation for the development and the days and hours of dumpster service.

Public Works comments were addressed. Staff stated the driveway on West Markham Street would require a variance related to the placement of the drive and the proximity to property lines and intersecting streets. Staff also stated due to a history of flooding the pipe located in the existing alley should be videoed to determine the condition of the pipe. Staff stated the minimum finished floor elevation should be placed one (1) foot above the base flood elevation.

Landscaping comments were addressed. Staff stated a minimum of eight (8) percent of the paved areas were to be landscaped. Staff stated a minimum of six feet nine inches (6'9") of landscaping was required along the street sides adjacent to the paved areas.

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 raised at the April 1, 2015, Subdivision Committee meeting. The applicant has provided the days and hours of operation for the development and the days and hours of dumpster service. The revised plan has identified the proposed landscaped areas. Staff has reviewed the new design of the right-in right-out driveway accessing West Markham Street and is in agreement to allow the drive to remain. The final design of the driveway and island will be reviewed and approve with the issuance of a building permit. The driveway will require a variance from Sections 30-43 and 31-210 to allow the drive nearer the property line and the intersection than typically allowed.

The proposal is an amend the previously approved POD to allow the creation of two (2) lots and the construction of a new building on each of the newly created lots. Lot 1 is proposed with a medical clinic. Lot 2 is proposed with an outpatient surgery center. The hours of operation for the businesses are from 8:00 am to 8:00 pm seven (7) days per week.

The building located on Lot 1 is proposed containing 5,780 gross square feet of floor area. The lot is proposed with 46 parking spaces. The maximum height of the building is indicated at 25-feet with a tower element not to exceed 30-feet. The exterior finish is proposed as masonry siding with glass windows and solid panel accents. The applicant has indicated the building will comply with the Mid-town DOD requirements with regard to materials and setbacks. The site plan does not include an entrance from West Markham. All customer accesses are from the parking lot to the north and the access drive between the two (2) lots from West Markham Street.

Parking per the Mid-town DOD states the minimum shall be the maximum. Based on a medical office use 24 parking spaces would typically be the minimum parking required. The site plan includes the placement of 46 parking spaces. The justification for the additional parking is the proposed emergency medical clinic is heavily staffed. In addition patients are not seen by appointment and exams are on a first come first serve basis.

The building is proposed with signage on all four facades. The signs are 2.5-feet in height and 17.8-feet in length for a total sign area of 44.5 square feet.

The building located on Lot 2 is proposed containing 7,607 square feet with 60 parking spaces. The maximum height of the building is indicated at 25-feet with a tower element not to exceed 30-feet. The exterior finish is proposed as masonry siding with glass windows and solid panel accents. The applicant has indicated the building will comply with the Mid-town DOD requirements with regard to materials and setbacks. The site plan does not include an entrance from West Markham. All customer accesses are from the parking lot to the north and the access drive between the two (2) lots from West Markham Street.

Parking per the Mid-town DOD states the minimum shall be the maximum. Based on a medical office use 30 parking spaces would typically be the minimum parking required. The site plan includes the placement of 60 parking spaces. The justification for the additional parking is the proposed surgery center is heavily staffed and patients have a time in pre and post operation so there will be overlap in patients.

The building is proposed with signage on three (3) facades. The signs will be similar size to the signs located on the building proposed for Lot 1.

The two (2) lots will share a dumpster located on Lot 2. The dumpster will be screened per typical ordinance requirements. The dumpster service hours have not been indicated. Staff recommends the dumpster service hours be limited to 8 am to 5 pm Monday through Friday. A 25-foot wide access easement on the common lot line between Lots 1 and 2 is proposed along with a 25 foot access easement along the closed alley. There will also be a limited cross parking agreement.

The existing east-west stormwater drain in the closed alley will be inspected and replaced if necessary prior to construction of the new drives and parking. The pipe will be sized for the 100 year storm event with an overflow path to the west for the 100 year storm event.

The site contains a large pine in the southwest corner of Lot 2. The applicant has indicated a certified arborist or landscape architect will be contacted to determine the feasibility of maintaining the tree during construction of the buildings and parking. The applicant states if the tree can be kept every effort will be made to save the tree. If the professionals determine the tree cannot be saved the tree will be removed.

The Midtown Redevelopment District No. 1 Advisory Board reviewed the request at their April 3, 2015, meeting. The Advisory Board voted to support the request. The Board requested the site plan include a marked pedestrian path through the parking lot to 'A' Street which has been provided. The request also included five (5) foot sidewalks along the perimeters of the site where walks were to be replaced.

Staff is supportive of the request. The property was previously zoned POD to allow for a medical rehabilitation facility. The underlying zoning of the property is O-3, General Office District which allows for medical office uses. Since the property is located within the Mid-town DOD the site is required to be reviewed through the Planned Development process. To staff's knowledge there are no outstanding technical issues associated with the request. Staff does not feel the redevelopment of the site as proposed will adversely impact the development or the area.

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.

Staff recommends approval of the variance request from Sections 30-43 and 31-210 to allow the drive on West Markham Street nearer the property line and the intersection than typically allowed.

Staff recommends the dumpster service hours be limited to 8 am to 5 pm Monday through Friday.

PLANNING COMMISSION ACTION:

(APRIL 23, 2015)

The applicant was present. There were registered objectors present. Staff presented the item with a recommendation of approval.

Mr. Tim Daters and White-Daters and Associates was present representing the request. He stated the development was proposed with two (2) medical offices located on 1.5-acres. He stated the underlying zoning was O-3, General Office District. He stated the offices would be between 5,000 and 7,000 square feet each located on an individual lot. He stated parking would be provided for each of the buildings within the rear yard. He stated with the development the abutting streets would be widened to meet the Master Street Plan and Boundary Street Ordinance requirements.

Ms. Tammy Beck addressed the Commission in opposition of the request. She stated her home and her son's home were located across the street from the proposed development. She stated she had lived in the area since 1962 and when her family

moved to the area the vacant lots were single-family homes. She stated private residences were located on three (3) sides of the proposed development. She stated she was concerned with a walk-in clinic and the clientele the clinic would generate. She stated there was a great deal of walking traffic in the neighborhood. She stated 'A' Street was a quiet street with little traffic. She stated once the site was developed there would be an increase in traffic in the area. She stated the developers were proposing to place a driveway on 'A' Street. She stated the driveway would not be screened and headlights would spill into the residential homes and into the bedrooms of the adjoining homes. She stated there was currently a great deal of traffic cutting through the neighborhood on Tyler Street. She stated the developers had stated the development would not significantly increase traffic but the developers were widening the streets to accommodate traffic. She stated the owner of the property did not maintain his previous buildings. She stated there were no assurances this would not occur with the current development. She stated the driveway from 'A' Street to Markham created a cut-through. She stated the development was proposed to operate a minimum of 12-hours per day. She stated when she looked out her window now she saw a green golf courses. She stated once the development was complete she would see a building. She stated her concern was the design of the buildings. She stated if the architecture was proposed as a cottage style structure which would blend with the neighborhood she would be more supportive of the request. She stated the development would disrupt the neighborhood and make the neighborhood a less desirable place to live.

Mr. Wayne Hopkins addressed the Commission in opposition of the request. He stated he had lived in the neighborhood since 1966. He stated this development was not what the neighborhood wanted for their area. He stated he was not in favor of a walk-in clinic. He stated the previous owner had allowed the buildings to run down which had been a detriment to the neighborhood.

Ms. Becky Clark addressed the Commission in opposition of the request. She stated the development would increase crime in the area due to the nature of a walk-in clinic. She stated there would be 100's of people accessing the site for the clinic. She stated the developer abandoned five (5) buildings. She stated the neighborhood had a difficult time getting the area cleaned up. She stated the homeless were living in the abandoned buildings and there were piles of trash which were not being cleared from the site. She stated the neighborhood did not need the development as proposed.

Mr. Dates stated the street was being widened as a City requirement and not because the development would generate the additional traffic. He stated there were two (2) drives presently located on 'A' Street and the development was reducing the drives to one (1). He stated the underlying zoning was O-3, General Office District which would allow for the development of 40,000 square feet of office space.

Mr. Ernie Peters stated based on 40,000 square feet of office space assuming one-half general office and one-half medical office 944 trips per day would be generated. He stated the medical clinics were anticipated to generate 421 trips per day. He stated the medical clinics were low volume traffic generators.

Mr. Jim Irwin addressed the Commission stating his firm did not get involved with the property until late 2012. He stated with the current owner it was determined the best action for the property was to remove the buildings. He stated security was hired and measures were taken to secure the buildings but access was still being gained to the property. He stated he felt this was a good use of the property. He stated the use was allowed under the current zoning.

There was a general discussion by the Commission concerning the request. The Commission questioned if the development needed access to 'A' Street. Mr. Daters stated the neighborhoods to the north used 'A' Street to access the businesses along West Markham from the rear so they did not have to get out onto West Markham. He stated the primary users of the 'A' Street driveway would be area residents.

The Commission questioned the uses along West Markham and the uses on the north side of 'A' Street. Staff noted the uses south of 'A' Street fronting West Markham Street were non-residential uses with the exception of one (1) home. Staff stated the uses north of 'A' Street were single-family homes. The Commission noted this block of West Markham was redeveloping. Commissioner May stated the developers were requesting an office use and not a commercial use which would generate a great deal of additional traffic into the area.

A motion was made to approve the request including all staff recommendations and comments. The motion carried by a vote of 10 ayes, 0 noes and 1 absent.