

FILE NO.: Z-7870-A

NAME: King Seasonal Firework Sales– Revised PCD

LOCATION: 23800 Highway 10

DEVELOPER:

Timothy King (Owner)
King Mill Estates, LLC,
12315 Garrison Road
Little Rock, AR 72223

OWNER/AUTHORIZED AGENT:

Timothy King (Owner)
Steve Giles (Agent)
Wright, Lindsey & Jennings Attorneys
200 West Capitol Avenue, Suite 2300
Little Rock, AR 72201
(501) 371-0808

SURVEYOR/ENGINEER:

Joe White Associates
24 Rahling Road, Suite A2
Little Rock, AR 72223
(501) 214-9141

AREA: 2.75 acres

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

WARD: NA

PLANNING DISTRICT: 29

CENSUS TRACT: 42.01

CURRENT ZONING: PCD

VARIANCE/WAIVERS: None Requested.

BACKGROUND:

On August 22, 2002 the Planning Commission recommended approval of a C-3 zoning for this site. On November 19, 2002 the Board of Directors approved the C-3 zoning by adopting (Ordinance No. 18,779). On July 7, 2005 the Planning Commission approved a rezoning of the property from C-3 to "PCD" Planned Commercial Development to maintain

the C-3 uses. On February 6, 2007 the Board of Directors approved the PCD rezoning by adoption of (Ordinance No. 19,688). In addition to C-3 uses, the approved PCD allowed that sale of autos and portable buildings, landscaping nursery and limited outdoor storage of farm supplies as permitted.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

Applicant is requesting a revised "PCD" Planned Commercial Development, to allow the seasonal sale of fireworks on an existing 2.75-acre site located at 23800 Highway 10.

B. EXISTING CONDITIONS:

The property currently contains an existing commercial office building on the west perimeter and a convenience store with gas pumps on the east perimeter. The middle portion of the overall property contains the remains of a landscaping business which previously occupied the property and a fenced area to the north. The property is bordered by Barrett Road to the west and to Highway 10 along the entire south perimeter.

C. NEIGHBORHOOD NOTIFICATIONS:

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: No comment.

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

Little Rock Water Reclamation Authority: No comments received.

Entergy: No comments received.

CenterPoint Summit Energy: No comments.

AT & T: No comments received.

Central Arkansas Water:

NO OBJECTIONS; All Central Arkansas Water requirements in effect at the time of request for water service must be met.

Fire Department: No comments.

Parks and Recreation: No comments received.

County Planning:

- Provide perc test or letter from ADH stating a perc test is not required.
- County understands from applicant's address request that there will be no permanent structure built or placed for this zoning request.
- Provide West Pulaski Volunteer Fire Department approval letter.
- Provide clear pdf of application.
- Provide source of title.
- Pay \$33.00 review fee.

F. BUILDING CODES/LANDSCAPE:

Building Code: No comments received.

Landscape: No comment.

G. TRANSPORTATION/PLANNING:

Rock Region Metro: No comments received.

Planning Division:

The request is in the Barrett Planning District. The Land Use Plan shows Commercial (C) for the requested area. The Commercial category provides for a broad range of retail and wholesale sales of products, personal and professional services, and general business activities. Commercial activities vary in type and scale, depending on the trade area that they serve. The requested area is currently zoned as a Planned Commercial District (PCD). The application is to revise the existing PCD to allow for the seasonal sell of fireworks.

The application area is in the Extraterritorial Jurisdiction of the city. Surrounding the application area, the Land Use Plan shows Residential Low Density (RL) to the north and east. To the south, across Highway 10, shows Commercial (C). To the west shows Residential Medium Density (RM). The Residential Low (RL) category provides for single family homes at densities not to exceed 6 dwelling units per acre. Such residential development is typically characterized by conventional single-family homes but may also include patio or garden homes and cluster homes, provided that the density remains less than 6 units per acre. The Residential Medium Density (RM) category accommodates a broad range of housing types including single family attached, single family detached, duplex, town homes, multi-family and patio or garden homes.

The land surrounding the application area is currently zoned Single-Family Residential (R-2) to the east, north, and west. To the south, across Highway 10,

the land is zoned Planned Development-Commercial (PD-C). Single-Family Residential (R-2) establishes areas that protect single-family uses by promoting and encouraging a suitable environment for family life, by providing a reasonable standard for light, air and similar amenities, by minimizing traffic congestion, and by avoiding the overloading of utilities and public facilities designed to service only one-family residential uses. A Planned Development-Commercial zone is intended to accommodate single use commercial developments which are determined to be more appropriate for a PD application than a general commercial reclassification.

Overlaying the base zoning, the application area is within the Highway 10 Overlay District. The purpose of the Highway 10 Scenic Corridor Design Overlay District is to protect and enhance the aesthetic and visual character of the lands surrounding Highway 10.

Master Street Plan: To the south of the site is Highway 10, a Principal Arterial on the Master Street Plan. A Principal Arterial function to serve through traffic and to connect major traffic generators or activity centers within an urbanized area. Lower design standards are required for Principal Arterials compared to Expressways. Since these roads are designed for through traffic and are generally located three or more miles apart, dedication of additional right-of-way is required to allow for future expansion to six through lanes plus left and right turn lanes. Right-of-way of 110 feet is required but may vary due to topography, floodway or other constraints eliminating or reducing future adjacent development.

Bicycle Plan: There is a proposed Class I Bike Path shown to the south of the property along Highway 10.

Historic Preservation Plan: There are no existing historic sites on, or in proximity to, this land.

H. ANALYSIS:

The applicant is requesting a revised "PCD" Planned Commercial Development, to allow the seasonal sale of fireworks on an existing 2.75-acre site located at 23800 Highway 10.

The property currently contains an existing commercial office building on the west perimeter and a convenience store with gas pumps on the east perimeter. A proposed tent structure is to be located in the center of the overall property, which contains the remains of a landscaping construction service and a connecting fenced area to the north. The property is bordered by Barrett Road to the west and to highway 10 along the entire south perimeter.

The property has a circular gravel access drive that runs east to west and connects the convenience store, the commercial building, and proposed tent structure parking areas. The access drive is in a deteriorated condition with a mix of gravel,

sod, and dirt with potholes and uneven surfaces. Staff believes that the unimproved condition of the drive is not appropriate for the proposed vehicular ingress and egress between the site and Highway 10.

The proposed forty (40) foot by eighty (80) foot tent structure will be centered on the site and located approximately 150 feet north of the roadway near an existing fence. An RV (camper trailer) will be set up to the west of the tent temporarily to lodge the business caretaker and will have temporary utility connections for the duration of the use.

The proposed temporary tent structure will be set up June 10, 2022 and removed on July 10, 2022. Sales of fireworks will occur between June 24, 2022, through July 5, 2022. The hours of operation will be from 8:00 am to 10:00 pm (June 24 to July 2 and July 5) and 8:00 am to 12:00 midnight (July 3 and July 4).

The site plan illustrates a proposed parking plan with eleven (11) spaces along the south perimeter of the tent. The proposed parking is on an uneven terrain with a mix of gravel and sod.

The site plan shows a temporary roll-off dumpster located on the north side of the tent. The site plan also shows a temporary light tower located south of the tent to illuminate the parking area and a temporary four (4) foot by eight (8) foot coroplast sign near the access drive connecting to highway 10.

Staff is not supportive of the requested "PCD" Planned Commercial Development. The proposed temporary use of the center portion of the site is not compatible to the uses on the remaining portions of the site. The site access, pedestrian access, and parking is not sufficient for the proposed use. The area of the property proposed for the tent was formally used as a landscaping construction service and is unimproved. The deteriorated condition of this unimproved portion of the site is not appropriate for the proposed use with pedestrians and vehicles due to uneven terrain and varied ground conditions. Staff believes the site's condition is not appropriate for the proposed temporary use.

I. STAFF RECOMMENDATION:

Staff recommends denial of the requested revised PCD zoning.

PLANNING COMMISSION ACTION:

(MAY 12, 2022)

The applicants, Stephen Giles, Timothy King and Kevin Bailey, were present. There were no persons registered in opposition to the application. Staff presented the item and a recommendation of denial as outlined in the "staff recommendation" above.

Stephen Giles addressed the Commission in support of the application. The applicant noted he disagreed with staff's recommendation of denial. The applicant discussed the

proposed site and his ownership of surrounding properties in the area. He also noted the site has been rented/leased to other entities, disappointed how the site was maintained and recent illegal dumping of debris at the site. The applicant stated he is in the process of cleaning up the site and installing gravel to shore up the surface for future use. He also noted businesses within the area were not opposed to fireworks sales. The applicant referenced a letter provided to the Commission during the meeting.

The City's Attorney made note items presented to the Commission during the meeting does not provide staff opportunity to review recent information. Staff noted the letters could be presented during the meeting but would not change the recommendation. City Attorney recommended the application be deferred to provide opportunity for staff's review. The applicant opted not to defer as this would not allow the process to move forward considering the deadline prior to July and the State's sale's window permitting fireworks sales.

The Chair read the applicant's letter dated May 12, 2022. The letter listed the applicant's intent to clean up and improve the property.

There was general discussion regarding property ownership (the survey was reviewed for accuracy by staff and the Commission), operating days/hours and the number of years the applicant was proposing to utilize the site for fireworks sales. The applicant provided responses to staff and the Commission, noting the proposed fireworks use would be for the July dates for five (5) years.

The Commission asked, if approved, how will the applicant's use regrading fireworks sales be monitored? Staff provided a response to the Commission's question.

There was a motion to approve the application including all comments and recommendations, except the recommendation of denial by staff, including the conditions [May 12, 2022 letter and five (5) year time period] set forth by the applicant as presented and entered into record during the meeting. The motion was seconded. The vote was 9 ayes, 1 nay 0 absent and 1 open position. The application was approved.