

FILE NO.: Z-9606

NAME: Rezoning from MF-24 and O-2 to C-3

LOCATION: Southeast corner of Chenal Parkway and Chenal Valley Drive

DEVELOPER:

Deltic Real Estate, LLC
210 E. Elm Street
El Dorado, AR 71730

OWNER/AUTHORIZED AGENT:

Deltic Real Estate, LLC – Owner
Tim Daters – Agent

SURVEYOR/ENGINEER:

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

AREA: 39.88 acres NUMBER OF LOTS: 1 FT. NEW STREET: 0 LF

WARD: 5 PLANNING DISTRICT: 19 CENSUS TRACT: 42.12

CURRENT ZONING: MF-24 and O-2

Variance/Waivers: None requested.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant proposes to rezone the 39.88 acre property from MF-24 and O-2 to C-3 for future commercial development.

B. EXISTING CONDITIONS:

The property is currently undeveloped and mostly wooded, with varying degrees of slope.

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 20 feet radial dedication of right-of-way is required at the intersection of Chenal Valley Drive and Chenal Parkway.

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

Little Rock Water Reclamation Authority: Sewer main extension required with easements if new sewer service is required for this project.

Entergy: No comments received.

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.

Provide a 10-ft utility easement along Chenal Parkway and Chenal Valley Drive frontage.

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. If the grade exceeds 10 percent, approval will be denied and the applicant must submit request to be reviewed by Fire Chief for Approval.**

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.

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, or Fire Marshal Derek N. Ingram 501-918-3756 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: No comments received.

Landscape: No comments.

G. TRANSPORTATION/PLANNING:

Rock Region Metro: No comments received.

Planning Division: The request is in the Chenal District. The Land Use Plan shows Office (O) for the requested area. 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 application is to rezone from MF-24 (Multifamily District 24 units/acre) and O-2 (Office and Institutional District) to C-3 (General Commercial District) to allow for the future commercial development of the site. There is an accompanying item to amend the Land Use Plan for this site to Commercial (C). The site is within the Chenal Design Overlay District.

Surrounding the application area, the Land Use Plan shows Office (O) to the north of the site. Residential Low Density (RL) is shown on the Plan to the west. Residential High Density (RH) is shown to the east and southwest from the site. There is an area of Commercial (C) land use shown on the Plan to the south of the application area. 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. These tracts are either side of Chenal Valley Drive and are currently wooded (except for a Fire Station) parcels, zoned O-2 (Office and Institutional District). The Residential Low Density (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 remain less than 6 units per acre. This land is across Chenal Parkway and a developed single-family subdivision zoned R-2 (Single Family District). The Residential High Density (RH) category accommodates residential development of more than twelve (12) dwelling units per acre. The area to the east is two apartment developments (one completed, and one partially developed). The RH to the southwest across Chenal Parkway is a Condo development, zoned PDR (Planned Development Residential) District. The Commercial (C) category includes 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. This area has been recently cleared and one new structure has permitted for a bank, zoned C-3 (General Commercial District).

Master Street Plan: To the west of the application is Chenal Parkway and it is a Principal Arterial on the Master Street Plan. To the north is Chenal Valley Drive and it is shown as Collector on the Master Street. A Principal Arterial is to serve through traffic and to connect major traffic generators or activity centers within the urbanized area. Entrances and exits should be limited to minimize negative effects of traffic and pedestrians on Chenal Parkway since it is a Principal Arterial. The primary function of a Collector Road is to provide a connection from Local Streets to 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 I Bike Path is shown along Chenal Parkway. 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). There is a Class III Bike Route shown on Chenal Valley Drive. Bike Routes require no additional right-of-way, but either a sign or pavement marking to identify and direct the route.

H. ANALYSIS:

Deltic Real Estate, LLC, owner of the 39.88 acre property located at the southeast corner of Chenal Parkway and Chenal Valley Drive, is requesting that the property be rezoned from “MF-24” Multifamily District and “O-2” Office and Institutional District to “C-3” General Commercial District. The rezoning is proposed to allow future commercial development of the site. The property is currently undeveloped and mostly wooded, with varying degrees of slope. The majority of the property is currently zoned O-2 (34.51 acres), with a small portion (5.37 acres) at the southeast corner of the overall property being zoned MF-24.

The property is located in an area of mixed zoning and uses, along Chenal Parkway, between Chenal Valley Drive and Rahling Road. A mixture of commercial zoning and uses (C-2, C-3 and PCD) is located to the south along both sides of Chenal Parkway and Rahling Road. Multifamily developments are located to the east, with single family neighborhoods across Chenal Parkway to the west. Office zoned property and single family residences are located across Chenal Valley Drive to the north.

The City’s Future Land Use Plan designates this property as “O” Office. A proposed land use plan amendment to “C” Commercial is a separate item on this agenda.

Staff is supportive of the requested C-3 zoning. Staff views the request as reasonable. This O-2 zoned property has been sitting undeveloped for over 25 years. The proposed C-3 zoning might help expedite the site’s development. The property immediately south of this property is currently zoned C-3. The proposed C-3 zoning will represent a continuation of the current zoning pattern northward from the intersection of Chenal Parkway and Rahling Road.

I. STAFF RECOMMENDATION:

Staff recommends approval of the requested C-3 rezoning.

PLANNING COMMISSION ACTION:

(SEPTEMBER 9, 2021)

The applicant submitted a letter to staff requesting the application be deferred to the October 14, 2021 Planning Commission agenda in order to meet with the three (3) nearby neighborhood associations on the rezoning request. There was no further discussion. The vote was 9 ayes, 0 nays, 1 absent and 1 open position.

STAFF UPDATE:

The applicant submitted a letter to staff on September 30, 2021 revising the proposed rezoning application. The applicant has reduced the overall area of proposed rezoning from 39.88 acres to 34.74 acres. The applicant is also proposing that a portion of the property be rezoned to C-1 instead of C-3. The revised request is as follows:

- 7.20 Acres – O-2 to C-1
- 22.17 Acres – O-2 to C-3
- 5.37 Acres – MF-24 to C-3

Staff supports the revised application, as it is less intense in land area and proposed zoning than the original application.

REVISED STAFF RECOMMENDATION:

Staff recommends approval of the requested C-1 and C-3 rezoning, as revised by the applicant.

PLANNING COMMISSION ACTION:

(OCTOBER 14, 2021)

Staff noted that the applicant informed staff that they were working with neighborhood representatives to resolve issues associated with the proposed rezoning. Staff requested that the application be deferred to the November 18, 2021 agenda. The item was placed on the Consent Agenda and deferred to the November 18, 2021 agenda. The vote was 10 ayes, 0 nays, 0 absent and 1 open position.

STAFF UPDATE:

The applicant submitted a letter to staff on October 28, 2021 requesting this application be deferred to the December 9, 2021 Planning Commission agenda. Staff supports the deferral request.

PLANNING COMMISSION ACTION:

(NOVEMBER 18, 2021)

The applicant submitted a letter to staff on October 28, 2021 requesting this application be deferred to the January 13, 2022 Planning Commission agenda. There was no further discussion. The item was placed on the Consent agenda. The vote was 9 ayes, 0 nays and 2 absent.

STAFF UPDATE:

The applicant submitted a letter to staff on December 10, 2021 further revising the proposed rezoning application. The applicant has further reduced the overall area of proposed rezoning from 34.74 acres to 30.56 acres (original proposal – 39.88 acres).

- 14.24 Acres – O-2 to C-1
- 10.95 Acres – O-2 to C-3
- 5.37 Acres – MF-24 to C-3

The applicant has divided the overall area of rezoning into five (5) parcels, with restricted uses on four (4) of the parcels as follows:

“Our rezoning has been broken into 5 parcels

1. C-1 Zoning with the exception of the list of excluded C-1 uses attached. Any multifamily development would be submitted and approved as per the PRD process.
2. C-3 Zoning with the exception of the list of excluded C-3 uses attached. Any multifamily development or convenience food store with gas pump would be submitted and approved as per the PUD process.
3. Just straight O-2 to C-3 zoning.
4. C-3 Zoning with the exception of the list of excluded C-3 uses attached. Any multifamily development would be submitted and approved as per the PRD process.
5. C-3 Zoning with the exception of the list of excluded C-3 uses attached. Any multifamily development would be submitted and approved as per the PRD process.”

The excluded use lists are attached as “Attachment A” and Attachment “B”.

Staff supports the revised application, as it is less intense in land area and proposed zoning than the previously revised application, which was less intense than the original application.

REVISED STAFF RECOMMENDATION:

Staff recommends approval of the requested C-1 and C-3 rezoning (with conditions), as revised by the applicant.

PLANNING COMMISSION ACTION:

(FEBRUARY 10, 2022)

The Chair asked if any opposition was present. There was none. Staff presented a recommendation of approval as noted above.

There was a motion to approve the application including all comments and recommendations by staff. The motion was seconded. The vote was 10 ayes, 0 nays and 1 open position. The application was approved.