

FILE NO.: Z-9006

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NAME: JEA Investments LP Short-form PCD

LOCATION: Located at 1711 Rebsamen Park Road

DEVELOPER:

John Allen, JE Allen Co.  
c/o Flake and Kelly Commercial, Hank Kelly  
425 West Capitol Avenue, Suite 300  
Little Rock, AR 72201

SURVEYOR:

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

AREA: 0.2713 acres

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

CURRENT ZONING: R-3, Single-family

ALLOWED USES: Single-family residential

PROPOSED ZONING: PCD

PROPOSED USE: Selected C-3 and I-1 uses

VARIANCE/WAIVERS: None requested.

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A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant is requesting a rezoning from R-3, Single-family to PCD to recognize the historic non-residential uses of the property. The property was remodeled in 2012 to modernize and existing retail showroom with a warehouse. The property has been used in a similar capacity for decades. The rezoning approval would allow the property to no longer be non-conforming and appropriately zoned the property for future uses so that in the event the property is sold or leased the business can operate within the approved zoning code.

The request includes the permitted uses within the C-3, General Commercial Zoning District and the I-1, Industrial Park Zoning District with the exception of a few uses within each zoning district. The exclusion with the I-1, Industrial Park zoning district are Ambulance services headquarters post and Bus station or terminal. The exclusions from the C-3, General Commercial zoning district are Bar, lounge or tavern shall be permitted only with restricted hours to comply with comparable hours of other bars/lounges/taverns in the neighborhood, College dormitory, College fraternity or sorority, Convenience food store with gas pumps, Convent or monastery, Establishment of the care of alcoholic, narcotic or psychiatric patients, Pawnshop and Taxidermist.

B. EXISTING CONDITIONS:

This area of Riverdale contains a wide variety of uses including single-family, multi-family, office, retail, restaurants and a plant nursery. To the west, across Rebsamen Park Road there is a single-family subdivision. To the east is a railroad spur and east of the rail spur is an office development and an office/mini-warehouse development. South of the site is a restaurant. With the recent renovation the property owner constructed curb, gutter or sidewalk adjacent to this site on Rebsamen Park Road.

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 Sherrill Heights Neighborhood Association were notified of the public hearing.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. Right-of-way dedications and street improvements have been made and accepted adjacent to the site.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Wastewater: No objection.

Entergy: Entergy has existing overhead transmission and distribution facilities on the east side of Rebsamen Park Road. Use caution for any work done under or near power lines. Any "plantings" which grow into the electrical space can cause power outages and should be limited to a mature height of 10-feet or less. The redbud may eventually cause problems.

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. 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.
3. A Capital Investment Charge based on the size of meter connection(s) will apply to this project in addition to normal charges. This fee will apply to all connections including metered connections off the private fire system.
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:

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.

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.

County Planning: No comment.

CATA: The area is not currently served by CATA at this location. This location is not currently in CATA's long range planning. The proposal has no impact to service. The improved pedestrian way is welcomed as an area for future service consideration.

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](mailto:crichey@littlerock.org) or Mark Alderfer at 501.371.4875; [malderfer@littlerock.org](mailto:malderfer@littlerock.org).

Planning Division: This request is located in the Heights/Hillcrest Planning District. The Land Use Plan shows Commercial (C) for this property. 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. The applicant has applied for a rezoning from R-2 (Single Family District) to PCD (Planned Commercial District) to recognize an existing non-conforming business and set other allowable uses for this site.

Master Street Plan: Rebsamen Park Road is a Collector on the Master Street Plan. The primary function of a Collector Street is to provide a connection from Local Streets to Arterials. This street 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 shown along Rebsamen Park Road. A Bike Path is to be a paved path physically separate for the use of bicycles.

Additional right-of-way or/and easement is recommended. Nine-foot paths are recommended to allow for pedestrian use as well (replacing the sidewalk).

Landscape: No comment.

G. SUBDIVISION COMMITTEE COMMENT: (January 7, 2015)

The applicant was present. Staff presented an overview of the development stating there were few outstanding technical issues associated with the request. Staff noted the building had a history of non-residential uses. Staff stated the property to the north and south were zoned C-3, General Commercial District but this property was zoned R-3, Single-family residential.

Staff requested Mr. Kelly provide a site plan with the available parking spaces delineated. Staff also noted a number of the proposed uses within the C-3, General Commercial and I-1, Industrial Park Zoning Districts were parking intensive. Staff stated any future use of the building would be required to match the parking that was available on the site.

Public Works stated right of way dedications and street improvements to Rebsamen Park Road had been completed.

Staff stated landscaping upgrades were possible based on the building renovation cost and or upgrades to the existing parking 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 the issues raised the January 7, 2015, Subdivision Committee meeting. The revised plan has indicated the available parking on the site. The site plan indicates 12 parking spaces could be provided if the parking lot were striped.

The applicant is requesting a rezoning from R-3, Single-family to PCD to allow the use of the building with specifically identified uses. The request includes the permitted uses within the C-3, General Commercial Zoning District and the I-1, Industrial Park Zoning District with the exception of the following: within the I-1, Industrial Park Zoning District the exclusions include Ambulance services headquarters post and Bus station or terminal. Within the C-3, General Commercial Zoning District the exclusions are Bar, lounge or tavern would be permitted only with restricted hours to comply with comparable hours of other bars/lounges/taverns in the neighborhood, College dormitory, College fraternity or sorority, Convenience food store with gas pumps, Convent or monastery, Establishment of the care of alcoholic, narcotic or psychiatric patients, Pawnshop and Taxidermist.

The building contains approximately 5,100 square feet of floor area. The site plan indicates the placement of 12 parking spaces. Based on typical parking requirements for a retail use (1 parking space per 300 gross square feet of floor area) a total of 17 parking spaces would be required. Businesses with a mixture of sales and inventory warehousing may reduce the total off-street parking requirement when seventy (70) percent or more of the floor area is used for inventory storage. The parking would then be five (5) spaces plus one (1) space per two thousand (2,000) square feet of floor area. The retail portion remains at one (1) space per three hundred (300) gross square feet. Should the building be reused as a restaurant and/or bar/tavern or lounge a total of 51 parking spaces (1 parking space per 100 gross square feet of floor area) would be required.

Staff is supportive of allowing the rezoning to PCD to recognize the historical use of the property. Staff has concerns with allowing the uses as identified by the applicant. The site contains a 5,100 square foot building with the potential for 12 parking spaces. As noted a number of the uses allowed within the requested zoning districts are parking intensive. Based on the parking available staff does not feel allowing the uses as identified by the applicant is appropriate.

Staff feels the allowable uses of this site should be limited to uses which are not large traffic generations. Staff feels the uses should be limited to uses similar to general and professional office, office warehouse, office, showroom and warehouse and conditioned storage.

I. STAFF RECOMMENDATION:

Staff recommends denial of the application as filed.

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PLANNING COMMISSION ACTION:

(JANUARY 29, 2015)

The applicant was present. There were no registered objectors present. Staff presented the item stating the applicant has agreed to limit the uses for the site to a specific listing of uses. Staff read the following specific listing of uses into the minute record as the allowable uses for the site: a florist shop, a production studio, a construction company – no outside storage is allowed, an art studio, carpet sales and service, security sales and service, office/warehouse, office/showroom/warehouse, conditioned storage, general and professional office, construction/paint/building products.

Staff stated by limiting the allowable uses for the site they were now in support of the request. Staff presented a recommendation of 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.

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 10 ayes, 0 noes, 0 absent and 1 open position.