

FILE NO.: Z-6532-G

NAME: Lot 2 Chenal Heights Addition Long-form PD-R

LOCATION: Located East of Chenal Valley Drive, South of Chenal Heights Circle

DEVELOPER:

Larry Crain
Crain Family Holdings, LLC
17300 Chenal Parkway, Suite 330
Little Rock, AR 72211

ARCHITECT:

EV Studio
design@evstudio.com
Denver, CO
303.670.7242

SURVEYOR:

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

AREA: 38.23 acres NUMBER OF LOTS: 1 FT. NEW STREET: 0 LF

CURRENT ZONING: PD-R

ALLOWED USES: Age Restricted - Elderly Housing

PROPOSED ZONING: Revised PD-R

PROPOSED USE: Age Restricted - Elderly Housing

VARIANCE/WAIVERS: A variance from the City's Land Alteration Ordinance to allow grading of future phases with the development of the first phase.

BACKGROUND:

Ordinance No. 18,163 adopted by the Little Rock Board of Directors on December 20, 1999, rezoned the site from R-2 and MF-18 to PD-R to allow the establishment of a Planned Residential Development titled Arkansas Teachers Retirement Village –

Long-form PD-R. The proposal included the rezoning of 71.9 acres from R-2 and MF-18 to PD-R to allow for the development of the Arkansas Teachers Retirement Village, a stepped-care retirement facility. The development would house retired persons with facilities including independent living, assisted living, skilled nursing facilities and Alzheimer facilities.

A single access point from Chenal Valley Drive was proposed, with a fire lane access at the southwest corner of the property. The proposed site plan indicated a large amount of green space, which was to be undisturbed, along with a proposed lake, walking trails and a lakeside pavilion.

In March of 2002, the Arkansas Teachers Retirement System decided to reevaluate the project and did not develop the site as proposed. ATRS decided to proceed with excavating to the finished grade indicated and approved on the site grading plan, extending sewer lines to the site, drainage construction, seeding and erosion control, power and telephone utility crossing the site were installed underground and no additional trees were to be removed from the site except those necessary to install utilities. A restoration plan was submitted to the City for approval. The applicant adhered to City's requirements in the restoration of the site and the developer's obligations were met.

A proposal was reviewed and recommended for approval by the Little Rock Planning Commission at their August 26, 2004, Public Hearing to allow two of the indicated lots to develop with the retirement village concept. The applicant proposed the development of the site with eight individual lots through a preliminary plat in conjunction with the request to revise the PD-R zoning. The applicant indicated Lot 2 would be developed as an assisted living facility. Proposed Lot 8 was indicated for garden style patio homes. The applicant also indicated all uses would remain similar to the multi-unit residential retirement facility as approved on the original PD-R. The request was approved by the Little Rock Board of Directors on October 5, 2004, by the adoption of Ordinance No. 19,195. Lot 8 has not developed.

Ordinance No. 19,220 adopted by the Little Rock Board of Directors on November 1, 2004, revised the previously approved PD-R to allow a nursing and rehabilitation center to locate on Lot 6. Chenal Nursing and Rehabilitation Center proposed a 114-bed skilled nursing facility. The development included 90 staff positions which included Arkansas Hospice Staff.

October 17, 2006, Ordinance No. 19,611 adopted by the Little Rock Board of Directors on October 17, 2006, approved a revision to the PD-R for Lot 6 to increase the number of beds allowed in the nursing home facility from 114 to 140. The site plan included the placement of 93 parking spaces to serve the facility. There were no other changes to the previously approved PD-R proposed.

An item to allow the development of this site (Lot 8) with single-family development of attached and detached homes was withdrawn at the Commission's January 14, 2010, public hearing. The proposal did not comply with the covenants issued on this site and could not receive approval of the persons having oversight of the covenants.

Ordinance No. 20,299 adopted by the Little Rock Board of Directors on August 2, 2010, allowed the development of 18.47 acres located at the northwest corner of Chenal Valley Drive and Chenal Heights Drive as a gated residential neighborhood with 109-units of multi-family elderly housing. The development was proposed to be enclosed by a six foot tall wall/fence with eight foot columns.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant is requesting approval of a site plan to allow the development of 241-units of age restricted housing. The site plan includes the placement of 78-buildings each with two (2) to three (3) units. The buildings are proposed with front and rear loaded garages. The development is proposed in three phases. Access to the site is proposed as gated entry from Chenal Valley Drive as well as Chenal Heights Drive.

B. EXISTING CONDITIONS:

The site is a vacant site and most of the interior trees were cleared as a part of the original approval. The applicant did replant several interior trees and reseed the site as a part of the restoration plan. A regional detention facility is located near Chenal Valley Drive. The nursing home and the assisted living facility are complete and occupied. Northwest of the site is a City of Little Rock Fire Station. South of the site is the Village at Rahling Road Shopping Center. West of the site are two multi-family developments fronting Chenal Valley Drive.

Chenal Valley Drive has been constructed to Master Street Plan standard with curb and gutter. There is not a sidewalk in place along the property frontage. Chenal Heights Drive and Chenal Heights Circle have been constructed with curb and gutter.

C. NEIGHBORHOOD COMMENTS:

As of this writing, staff has received several informational phone calls from area residents. All owners of property located within 200-feet of the site along with the Villages of Wellington Property Owners Association were notified of the public hearing.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. A turnaround should be provided at the end of Chenal Heights Circle to be at least 80 feet in length and the same width as the street.

2. Sidewalks with appropriate handicap ramps should be installed from the existing sidewalk on Chenal Valley Drive to the proposed sidewalk adjacent to the private street in accordance with Section 31-175 of the Little Rock Code.
3. Repair or replace any curb and gutter or sidewalk that is damaged in the public right-of-way prior to occupancy.
4. The private street should have a concrete apron at Chenal Valley Drive per City Ordinance.
5. Due to the number of units, the private street should be named and the units addressed off that street name.
6. The street designation in Chenal Heights Circle should be changed to "Cove" or "Lane".
7. 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. A variance is being requested to grade the entire development with construction of Phase 1.
8. Stormwater Detention Ordinance applies to this property. Show the proposed location for stormwater detention facilities on the plan. Does the existing detention pond provide detention for the existing developed properties adjacent to Chenal Heights Drive?
9. Provide a Sketch Grading and Drainage Plan per Section 29-186 (e).
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. 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 501.379.1813, Greg Simmons, for more information.
12. Provide width and location of proposed access easements.
13. Hauling of fill material on or off site over municipal streets and roads requires approval prior to a grading permit being issued. Contact Public Works Traffic Engineering at 621 S. Broadway, 501.379.1805, Travis Herbner, for more information.
14. The final plat should show the streets and drainage improvements to be private.
15. The waste collection is proposed to be private. Due to the proposed design of the streets and alleys, City of Little Rock collection trucks cannot maneuver within the development and service cannot be provided in the future if desired.

16. Turn around must be provided for a SU-30 vehicle attempting to enter development. A stacking distance of 30-feet from pavement must also be provided.
17. Provide a letter prepared by a registered engineer certifying the sight distance at the intersection(s) comply with 2004 AASHTO Green Book standards.
18. 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.
19. The owner and/or manager of each multi-family residence of 100 or more dwelling units shall provide recycling and encourage participation by the tenants, renters, or owners of each unit. Contact Melinda Glasgow at 501.371.4646 for more information.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Wastewater: Sewer main extension required, with easements, if sewer service is required for this project. Contact Little Rock Wastewater Utility for additional information.

Entergy: Entergy GIS Maps indicate a 3-phase underground line running along the eastern side of Chenal Heights Circle then extending west to a 3-phase pad transformer serving Emerius Corp. Entergy will require a 10-foot easement across the property of the PRD for any existing lines where one does not exist. Care should be used when digging. Please notify Entergy in advance for service requirements for the development.

Center-Point 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. 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.
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. Additional fire hydrant(s) will be required. Contact the Little Rock Fire Department to obtain information regarding the required placement of the hydrant(s) and contact Central Arkansas Water regarding procedures for installation of the hydrant(s).
6. A capital investment charge based on the size of meter connection(s) will apply to this project in addition to normal charges.

Fire Department: Fire hydrants per code, maintain access, 26-foot drive lanes, 2-ways to enter and exit the development. By Phase II you need to have 2-ways to enter and exit.

County Planning: No comment.

CATA: CATA has reviewed the plans submitted by your office on the above referenced area. The area is currently served by CATA at Cantrell and Taylor Loop Roads approximately one and a half miles away. The development consists of a gated community with multiple units. CATA has no current plans at this time for this area. CATA requests consideration for long range use plans along Rahling Road to consider pullouts and sidewalks there.

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 or Mark Alderfer at 501.371.4875; malderfer@littlerock.org.

Planning Division: This request is located in the Chenal Planning District. The Land Use Plan shows Residential High Density (RH) and Residential Low Density (RL) for this property. The Residential High Density category provides for residential development of more than twelve (12) dwelling units per acre. Residential Low Density allows 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.

The applicant has applied for a rezoning from PDR (Planned Development Residential) to PDR (Planned Development Residential) to allow for the construction of attached residential units (3 or 4 units per building) for elder population on this site.

Master Street Plan: Chenal Heights Circle is a Local Street on the Master Street Plan. 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. This street 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: No comment.

G. SUBDIVISION COMMITTEE COMMENT: (August 27, 2014)

Mr. Larry Crain and Mr. Tim Daters of White-Daters and Associates were present representing the request. Staff presented an overview of the development stating there were a number of outstanding technical issues associated with the request. Staff requested Mr. Crain and Mr. Daters provide the proposed construction materials of the units, the maximum building height, the proposed building elevations and any proposed fencing material. Staff questioned if a development sign would be located on Chenal Valley Drive and the proposed height and area of any signage to be placed identifying the site.

Public Works comments were addressed. Staff stated a turnaround was to be provided at the end of Chenal Heights Circle. Staff stated any curb, gutter or sidewalk should be repaired prior to occupancy. Staff stated the private street should be constructed with a concrete apron on Chenal Valley Drive. Staff questioned the limits proposed for advanced grading. Staff stated the final plat for the lot should include the streets and drainage as private.

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 addressing a number of issues raised at the August 27, 2014, Subdivision Committee meeting. The applicant has provided the proposed construction materials, the building heights, the fencing materials and the proposed building elevations.

The development is proposed in three (3) phases. 76-units are proposed in the first phase, 78-units in the second phase and 87-units in the final phase for a total of 241-units. The units are proposed as age restricted duplex and triplex buildings. The age limit will be in compliance with Federal Regulations which require eighty percent (80%) of the residences be occupied by at least one (1) person who is fifty-five (55) years of age or older.

The site plan notes 37-front loaded triplexes, 1-front loaded duplex, 42-rear loaded triplexes and 2-rear loaded duplexes. The construction materials include brick, stone, hardi-board siding and architectural shingled roofs.

The buildings are proposed with a maximum building height of 30-feet. Most of the buildings are intended to be single level structures but according to the applicant some of the units may include a second level. The clubhouse maximum height is 35-feet and will include two (2) levels. All of the units are proposed with an attached garage. A portion of the garages will load from the private street with the remaining loading from a rear alley. The building envelopes are proposed 65-feet by 96-feet and 55-feet by 100-feet. The units average roughly 1,600 square feet of heated and cooled space. 31.4-percent of the site is proposed with open space.

Internal streets are proposed 26-feet in width. Garbage collection cannot be provided within the development by the City of Little Rock solid waste department due to the proposed street design and configuration. The City collection vehicles cannot maneuver with the current street design and alley dead-ends.

A single development sign is proposed on Chenal Valley Drive. The sign is proposed five (5) feet in height and eight (8) feet long for a total sign area of 40-square feet. The zoning ordinance typically allows signs six (6) feet in height and twenty-four (24) square feet in area for multi-family developments.

Staff is general supportive of the request but the applicant has not addressed all staff's concerns related to a number of the technical issues. The applicant has not addressed staff's concerns related to Chenal Heights Circle. Since the street is a public street, a turnaround for SU-30 vehicles must be provided at the end of Chenal Heights Circle prior to entering the gate. In addition the gated entrance on Chenal Valley Drive must be designed for a SU-30 vehicle to turn around. The fencing on the streets must be removed out of the right-of-way and not located within the 50-foot sight triangle. Sidewalk must be constructed from Chenal Valley Drive into the proposed development. The applicant must provide grading plan to show area to be disturbed. The applicant must also provide a letter to certify the sight distance of the proposed driveway location complies with AASHTO standards. Contact Nat Banihatti at 501.379.1818 for sight distance requirements. Based on unresolved issues staff cannot support the request.

I. STAFF RECOMMENDATION:

Based on the current site plan staff recommends denial of the request.

PLANNING COMMISSION ACTION:

(SEPTEMBER 18, 2014)

The applicant was present. There was one registered objector present. Staff presented the item stating the applicant had submitted a request dated September 17, 2014, requesting deferral of the item to the October 30, 2014, public hearing. Staff stated the applicant had indicated additional time is needed to work with staff and the neighborhoods concerning the proposed development. Staff stated the deferral request would require a by-law waiver with regard to the late deferral request. Staff stated they were supportive of the deferral request.

There was no further discussion of the item. The chair entertained a motion for approval of the by-law waiver with regard to the late deferral request. The motion carried by a vote of 9 ayes, 0 noes and 2 absent. The chair entertained a motion for approval of the item as presented by staff. The motion carried by a vote of 9 ayes, 0 noes and 2 absent.

STAFF UPDATE:

The item was previously deferred to allow the applicant and the Chenal Design Review Committee (DRC) to review the plan and allow the DRC to offer some form of agreement with the overall development concept. The applicant has stated they have not reached a formal agreement with the Chenal Design Review Committee but is requesting the item be moved forward since the items related to the DRC are not items the Commission is reviewing or approving. According to the applicant the site plan with regard to access and circulation will not vary from the plan approved by this Commission. The applicant has indicated minor modifications may be required to satisfy the DRC but the substance of the development will not change.

The previous staff recommendation was that of denial. After publication of the agenda the applicant and staff worked through staff's concerns related to the technical issues associated with the site development. The applicant has addressed staff's concerns related to the access for all vehicle types from Chenal Heights Circle and has agreed to relocate fencing as requested by staff in the staff analysis. Sidewalks will be provided and a sketch grading plan was submitted to staff for review and approval.

Based on the applicant addressing staff's concerns related to the site development staff now supports the application request. 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 advanced grading variance subject to all disturbed area being seeded and vegetation established prior to approval of the certificate of occupancy on the first building structure. Erosion controls must be maintained in the advanced graded area until that area is permanently stabilized.

PLANNING COMMISSION ACTION:

(OCTOBER 30, 2014)

Mr. Larry Crain was present representing the request. There was one registered objector present. Staff presented the item with a recommendation of approval subject to compliance with the comments and conditions as outlined in paragraphs D, E and F of the agenda staff report. Staff also presented a recommendation of approval of the advanced grading variance subject to all disturbed area being seeded and vegetation established prior to approval of the certificate of occupancy on the first building structure. Erosion controls must be maintained in the advanced graded area until that area is permanently stabilized.

Mr. Larry Crain addressed the Commission on the merits of his request. He stated the development was for a three phased age restricted housing development. He stated each phase would contain 75 units. He stated the development would comply with all requirements imposed by the Chenal Design Review Committee. He stated his desire was to receive zoning approval prior to expending funds to develop the formal site plan, building elevations and layout.

Mr. Cliff McKinney stated the development would go before a full review of the Chenal Design Review committee prior to the request for any building permits from the City. He stated the developer was well aware of the restrictive covenants for the property and would fully comply with these covenants. He stated the developer desired to move forward and not wait for the details of structure design and layout which were items this Commission did not review or approve.

Mr. Bill Spivey addressed the Commission on behalf of Deltic Timber Corporation. He stated Deltic was the original grantors of the property to Arkansas Teachers Retirement. He stated Deltic was not opposed to development of the property. He stated their concern was if the development would comply with the design criteria. He stated he could not say in complying with the design criteria there would be no changes required of the site plan. He stated he could not tell the Commission this was the final site plan. He stated the details of the plan had not been submitted for review by Deltic therefore they could not comment. He stated the Commission typically reviewed items effectively and efficiently and he did not want the Commission to be forced to review a second site plan due to changes which may be required based on the review by the Design Review Committee. He stated staff had little flexibility when making changes to site plans. He stated the Villas at Chenal went through a similar process for approval. He stated at the time the Villas was approved the Design Review Committee had all the information needed to provide a formal recommendation of support. He stated this was not the case for Mr. Crain's application. He requested the Commission defer the item to allow the Design Review Committee time to work with Mr. Crain and develop a plan which would most likely be the final development plan for the site.

Mr. McKinney stated the developer was willing to work out the details with the Design Review Committee at the time that was appropriate. He stated the items the Design Review Committee would approve were not items the Commission was reviewing or approving. He stated the Commission's approval was one step in a much larger process.

Commissioner Berry stated the Commission typically did not get involved in the enforcement of private restrictions or covenants. He stated the Commission had its role which was to serve the public and not enforce private restrictions.

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 and 1 absent.