

FILE NO.: Z-9305

NAME: Meyer Long-form PD-C

LOCATION: Located at 10 Rusty Tractor Lane

DEVELOPER:

Doug Meyer
1 Sunset Lake Drive
Little Rock, AR 72210

OWNER/AUTHORIZED AGENT:

Doug and Sheree Meyer – Owner/Agent

SURVEYOR/ENGINEER:

West Land Surveying, Inc.
7 Roberts Street
Greenbrier, AR 72058

AREA: 7.69-acres

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

WARD: N/A

PLANNING DISTRICT: 17 – Crystal Valley

CENSUS TRACT: 42.21

CURRENT ZONING: R-2, Single-family

ALLOWED USES: Single-family residential

PROPOSED ZONING: PD-C

PROPOSED USE: Events center

VARIANCE/WAIVERS: None requested.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant is proposing to rezone the site from R-2, Single-family to PD-C, Planned Development Commercial, to allow the use of the property as an events center. Rusty Tractor Vineyards is the site of the historic Kinsel Dairy. The property has been listed as a dairy farm for over 50-years. The property is still

listed with Pulaski County and the USDA as a working farm. Six (6) years ago the applicant decided to convert the pasture land into a vineyard and plant grapes. Working in conjunction with the Pulaski County Department of the USDA a plan was implemented to drill a well for irrigation of the grapes. Then the owners planted 5,000 grape vines on 10-acres of their ownership and installed a trellis system and a drip irrigation watering system. The USDA funded part of the system. It has been so successful the State USDA department has hosted one (1) of their State wide meetings at the farm.

Rusty Tractor Vineyards has been approved for a federal permit as a bonded winery through the Alcohol, Tabaco, Tax and Trade Bureau (TTB) and has also been approved by the state of Arkansas Alcohol Beverage Control Commission (ABC) as a Small Farm Winery. Now that the grapes are maturing the vineyard is producing grapes and Rusty Tractor Vineyards harvested their first crop in the fall of 2017.

Rusty Tractor Vineyards rezoning request is proposed to allow the use of the existing barns on the site for wine education classes, wine tastings and vineyard tours, wine and dinner pairings, outdoor activities including family functions, musical entertainment and hay rides. The event center will also be available for weddings, receptions and mid-week business meetings. Local brewed beer will be offered along with small farm wines from across the State and beyond.

Rusty Tractor Vineyards will not apply for a license from the State to allow liquor sales in conjunction with their events and activities. The applicant indicates some caterers which are licensed by the State to provide food and liquor may potentially provide liquor at a private function or event.

B. EXISTING CONDITIONS:

The property being requested for rezoning is located outside the city limits of Little Rock but abuts the city limits on the north and west sides. The site is a portion of a larger tract owned by the developer. The remaining portions of the property contains three (3) single-family homes (rental property), a vineyard and the residence of the developer. Rusty Tractor Lane is a private unimproved street extending from David O Dodd Road to the west. There is a single-family subdivision located across David O Dodd Road to the east. There is a single-family subdivision located to the north and northwest accessed from Lawson Road.

C. NEIGHBORHOOD COMMENTS:

All property owners located within 200-feet of the site along with Southwest Little Rock United for Progress were notified of the public hearing.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. The driveway and access easement widths do not meet the traffic access and circulation requirements of Sections 30-43 and 31-210. The driveway within the access easement should be constructed to at least 20-feet in width with concrete or asphalt.
2. All driveways, easements, and private streets shall be constructed with concrete aprons per City Ordinance.
3. Stormwater detention ordinance applies to this property if additional impervious surfaces including roof tops and parking areas are constructed. If additional impervious surfaces are to be constructed, show the proposed location for stormwater detention facilities on the plan. Maintenance of the detention pond and all private drainage improvements is the responsibility of the developer and/or property owner.
4. Any future construction within the floodplain must conform to Pulaski County floodplain requirements.
5. In accordance with Section 31-176, floodway areas must be shown as floodway easements or be dedicated to the public. In addition, a 25-foot wide drainage and access easement is required adjacent to the floodway boundary.
6. Per Section 36-341, floodways shall be kept free of structure involvement including fences, open storage of materials and equipment, vehicle parking, and other impediments to the free flow of floodwaters.

E. Utilities/Fire Department/Parks/County Planning:

Little Rock Water Reclamation Authority: Outside the service boundary. No comment.

Entergy: Entergy does not object to this proposal. There do not appear to be any conflicts with existing electrical utilities at this location. A single phase overhead electrical power line runs along the north and west sides of this property. Contact Entergy in advance to discuss electrical service requirements, or adjustments to existing facilities (if any) as this project proceeds.

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. 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.
5. Contact Central Arkansas Water regarding the size and location of the water meter.
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. 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.

Fire Department:

1. Full Plan Review – Maintain Access
2. 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.
3. 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.

4. 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.
5. 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
 - a. 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.
 - b. 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.
 - c. 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.
 - d. 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.
6. 30' Tall Buildings - Maintain aerial fire apparatus access roads as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 Section D105.1 – D105.4
 - a. D105.1 Where Required. Where the vertical distance between the grade plane and the highest roof surface exceed 30', approved aerial fire apparatus access roads shall be provided. For the purposes of this section the highest roof surfaces shall be determined by measurement to the eave of a pitched roof, the intersection of a roof to the exterior wall, or the top of the parapet walls, whichever is greater.
 - b. D105.2 Width. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26', exclusive of shoulders, in the immediate vicinity of the building or portion thereof.

- c. D105.3 Proximity to building. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official.
 - d. D105.4 Obstructions. Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building. Other obstructions shall be permitted to be placed with the approval of the fire code official.
7. Dead Ends. Maintain fire apparatus access roads at dead end locations as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 Section D103.4 Dead Ends. Dead-end fire apparatus access roads in excess of 150 feet shall be provided with width and turnaround provisions in accordance with Table D103.4. Requirements for Dead-end fire apparatus access roads.
8. Gates. Maintain fire apparatus access road gates as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 Section D103.5 Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:
- 1. Minimum gate width shall be 20 feet.
 - 2. Gates shall be of swinging or sliding type.
 - 3. Construction of gates shall be of material that allow manual operation by one person.
 - 4. Gate components shall be maintained in an operable condition at all times and replaced or repaired when defective.
 - 5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official.
 - 6. Manual opening gates shall not be locked with a padlock or chain and padlock unless they are capable of being opened by means of forcible entry tools or when a key box containing the keys to the lock is installed at the gate location.
 - 7. Locking device specifications shall be submitted for approval by the fire code official
 - 8. Electric gate operators, where provided, shall be listed in accordance with UL 325.
 - 9. Gates, intended for automatic operation shall be designed, constructed and installed to comply with requirements of ASTM F 2200.

9. 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 (Jason Lowder 501.377.1245) and the Little Rock Fire Marshal's Office (Capt. Tony Rhodes 501.918.3757 or Capt. John Hogue 501.918.3754). Number and Distribution of Fire Hydrants as per Table C105.1.

Parks and Recreation: No comment received.

County Planning:

1. Applicant must submit a completed floodplain development permit application.
2. A floodplain development permit fee of \$25.00 plus one cent per cubic yard of fill to be placed in the SFHA. Check should be made out to "Pulaski County".
3. An Elevation Certificate with proposed elevations for all new construction located outside of the existing structure and inside of the SFHA. Finish floor for the Dining Hall must be two (2) feet or higher above the Base Flood Elevation. All utilities must be two (2) feet or higher above the Base Flood Elevation. All enclosed areas, used for parking access, and storage only, can be located at any elevations but will need flood openings if finish-floor is located below the Base Flood Elevation. See flood opening requirements below.
4. A second Elevation Certificate is required after finish-floor forms are completed and before floor is constructed. This applies to all new finish-floors located within an enclosure.
5. A third as-built Elevation Certificate is needed after all construction is complete to verify elevations and close out permit.
6. Existing structures located within the SFHA must meet the current Pulaski County Floodplain Code requirements if improvements, including remodeling, rehabilitation, additions, and repairs, in total value, exceed 50% of the value of the structure before start of construction. Exceeding this 50% value is classified as "Substantial Improvements". Improvements to correct identified violations of local health, sanitary or safety codes are not substantial improvements, regardless of the cost, as long as they are the minimum improvement necessary to bring the structure up to code. In the attached PDF, there is a list of items that should be included in the project cost as well as a list of items that can be excluded. Also in the attached pdf, acceptable methods for obtaining the building's value are listed.
7. Flood opening requirements - New construction and substantial improvements, with fully enclosed areas (such as garages and crawlspaces) below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are below the base flood elevation shall be designed to automatically equalize hydrostatic

flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- a. A minimum of two openings on separate walls having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than 1 foot above grade or interior finish floor.
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - d. Design and location of all openings must be submitted for review during the permitting process.
8. Obtain driveway permit from Pulaski County Public Works for any new driveways off David O' Dodd Road.
 9. An alternative to elevating the Dining Hall (and existing large building, if exceeding the 50% value threshold) would be to flood proof the structure to a height of three (3) feet above the Base Flood Elevation. The flood proofing option would require the submittal of the structural design, specifications, and construction plans, certified by a professional engineer or architect, for review. Flood proofing must be substantially impermeable to the passage of water with structural components having the capacity of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. The architect or engineer must certify that the design and methods of construction are in accordance with the Pulaski County Floodplain Development Code. Design must include specific elevations.
 10. The applicant can contact Daniel Phillips or John Burton at 501-340-6800 for further information.

F. Building Codes/Landscape:

Building Code: Project is subject to full commercial plan review and approval prior to issuance of a building permit. For information on submittal requirements and the review process. This project will require fully developed Architectural, Structural, Civil and MEP Plans. Contact a commercial plans examiner: Curtis Richey at 501.371.4724; crichey@littlerock.gov.

Landscape:

1. Any new site development must comply with the City's landscape and buffer ordinance requirements.

2. Any new building rehabilitation or expansion may require the existing landscaping, buffer, or vehicular use areas not meeting the current code requirements to be brought into compliance. Existing vehicular use areas may continue as nonconforming until such time as a building permit is granted to enlarge or reconstruct a structure on the property exceeding ten (10) percent of the existing gross floor area. At such time ten (10) percent of the existing vehicular use area shall be brought into compliance on a graduated scale.
3. 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. Transportation/Planning:

Rock Region Metro: The site is not located on a dedicated Rock Region Metro route.

Planning Division: This request is located Crystal Valley Planning District. District. The Land Use Plan shows Residential Low Density (RL) for the application area. The Residential Low Density category provides for single family homes at densities not to exceed six (6) units per acre. Such residential development is typically characterized by conventional single family homes, but may include patio or garden homes and cluster homes, provided that the density remain less than six (6) units per acre. The applicant has applied for rezoning from R-2 (Single Family District) to PCD (Planned Commercial Development) to allow the use of the property as an Event Center.

Master Street Plan: North of the property is Rusty Tractor Lane, a private street. Since this street is the only access it should be constructed as a Local Street (Commercial Street). 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.

H. SUBDIVISION COMMITTEE COMMENT: (March 14, 2018)

The applicant was present. Staff presented an overview of the item stating there were a few outstanding technical issues in need of addressing related to the site plan and the request. Staff requested additional information concerning outdoor activities proposed for the site. Staff also questioned if live entertainment or ticketed entertainment would be allowed. Staff requested the applicant provide the location of any proposed parking and the material proposed for the parking area. Staff also questioned the proposed signage plan.

Public Works comments were addressed. Staff stated Rusty Tractor Lane was to be improved to allow access to the site. Staff stated a minimum pavement width of 20-feet was to be provided. Staff requested the applicant provide the location of any proposed stormwater detention facilities on the site plan.

Staff noted the comments from the various other departments and agencies. Staff suggested the applicant contact the departments or agencies directly with any questions or concerns. There were no more issues for discussion. The Committee then forwarded the item to the full Commission for final action.

I. ANALYSIS:

The applicant submitted a revised site plan to staff addressing most of the technical issues associated with the request raised at the March 14, 2018 Subdivision Committee meeting. The applicant has indicated the proposed parking, the days and hours of operation and indicated on occasion there will be live entertainment and ticketed events. The applicant has indicated the proposed signage plan.

The request is to rezone the site from R-2, Single-family to PD-C, Planned Development Commercial, to allow the use of the property as an events center. Rusty Tractor Vineyards is located on the historic Kinsel Dairy. The property has been listed as a working dairy farm for over 50-years. The applicant has convert the former pasture land into a vineyard and plant 5,000 grape vines on 10-acres of the property. The first harvest was in 2017.

Rusty Tractor Vineyards is approved with a federal permit as a winery through the Alcohol, Tabaco, Tax and Trade Bureau (TTB) and has also been approved by the State of Arkansas Alcohol Beverage Control Commission (ABC) as a Small Farm Winery. Now that the grapes are maturing the vineyard is producing grapes for Rusty Tractor Vineyards. The applicant is proposing to use the property as an events center in conjunction with the vineyards.

The request is to allow the use of the existing barns on the site for wine education classes, wine tastings and vineyard tours, wine and dinner pairings, outdoor activities including family functions, musical entertainment and hay rides. The event center will also be available for weddings, receptions and mid-week business meetings. Local brewed beer will be offered along with small farm wines from across the State and beyond. The applicant will not apply for a license from the State to allow liquor sales in conjunction with their events and activities. The applicant indicates some caterers which are licensed by the State to provide food and liquor may potentially provide liquor at a private function or event.

The revised cover letter states on occasion there will be live entertainment. There will also on occasion be fireworks. He indicates on the 4th of July his family hosts a gathering and there are fireworks associated with their function.

The plan indicates the placement of a 32 stall parking lot. The applicant has indicated the parking will be paved. The existing private street extending from David O Dodd Road will be widened to a minimum of 20-feet wide to provide access the site. The entrance drive to the paved parking will also be a minimum 20-foot driveway width. The applicant notes there will be areas of graveled parking. The gravel will be placed and contained within the proposed parking area. The graveled parking will be located south of the proposed paved parking area.

The applicant indicates an entrance feature and sign will be placed on David O Dodd Road. This property does not have direct street frontage to David O Dodd Road but this property owner owns the property which abuts David O Dodd Road. The applicant will place the entrance feature and sign within a sign easement on the road frontage. The maximum sign area proposed for the sign is 100 square feet.

The existing building, 50-feet by 100-feet, will be renovated for the events center. The plan includes an addition to the southwest corner of the building for a proposed dining hall. The plan also includes the placement of a patio on the southern façade of the building. The existing milking barn will be renovated to host small groups. The plan indicates an extension along the southern façade for a concrete deck.

The hours of operation are from 11 am to 11 pm Monday through Thursday. The hours on Friday and Saturday are proposed from 10 am to 1 am and the Sunday hours are proposed from 11 am to midnight. The dumpster hours are indicated from 7 am to 6 pm Monday through Friday.

The applicant notes the site is screened on the north and west with a natural green buffer that will remain undisturbed. The property to the east and south are owned by the applicant. The northern and western perimeters are fenced and the existing fencing will remain.

Staff is supportive of the applicant's request. The applicant is seeking approval to allow the use of the site as an events center with most of the activity centered on the vineyard. He indicates the grounds will be offered to families for picnics and an area for the families to spread a blanket and enjoy the outdoors. The site is located outside the city limits but is located adjacent to the city limits on the north and west sides. To staff's knowledge there are no outstanding technical issues associated with the request. Staff feels the request to allow the use of the former dairy farm as an events center will not significantly impact the area.

J. 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.

PLANNING COMMISSION ACTION:

(APRIL 5, 2018)

The applicant was present. There were no registered objectors present. Staff presented the item with 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. The item was placed on the consent agenda and approved as recommended by staff by a vote of 10 ayes, 0 noes, 0 absent and 1 recusal (Commissioner Keith Cox).