

FILE NO.: Z-6829-C

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NAME: Kirk Road Short-form POD

LOCATION: Located in the 1700 Block of Kirk Road

DEVELOPER:

Joe D. Whisenhunt  
Trustee of Joe D. Whisenhunt Revocable Trust  
1701 Centerview Drive, Suite 102  
Little Rock, AR 72211

ENGINEER:

Development Consultants, Inc.  
Edwin Hankins IV  
220 North Rodney Parham Road, Suite 220  
Little Rock, AR 72212

AREA: 11.42 acres

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

CURRENT ZONING: O-2, Office and Institutional (Adopted by the Board of Directors on July 15, 2014)

ALLOWED USES: Office and Institutional

PROPOSED ZONING: POD

PROPOSED USE: O-2, Office and Institutional

VARIANCE/WAIVERS:

1. The developer is requesting a variance from the City's Land Alteration Ordinance to allow for an excavation permit for the entire site area in advance of a building permit.
2. The developer is requesting a variance from Section 30-43 and 31-210 to allow the drives nearer the property lines than typically allowed.
3. The developer is requesting a variance to allow buildings to be placed as close as 15-feet horizontally from the maximum ponding area at the 564.00 contour. All buildings will have a minimum finish floor elevation of 567.00 or greater.

BACKGROUND:

Ordinance No. 20,907 adopted by the Little Rock Board of Directors on July 15, 2014, rezoned the property from MF-18 to O-2, Office and Institutional District. The property contained 11.42 acres and was proposed for a future office development. As a separate item the Board of Directors adopted Ordinance No. 20,905, also adopted by the Board of Directors on July 15, 2014, allowed a revision to the City Future Land Use Plan changing the future land use designation from Residential High Density to Office.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The property was recently rezoned from MF-18 to O-2, Office and Institutional District. The site is undeveloped and contains 11.42-acres. The site is west across Kirk Road from Fellowship Bible Church and the intersection of Wellington Village Drive. The basic proposal is to develop a professional office development with multiple buildings and associated parking. The buildings will all be two-story structures with the exception of the northern most structure which will be one-story. Building construction will be done in three (3) phases. There will be a common access and parking agreement to allow cross connecting drives and parking through the development.

There are three (3) variances associated with the request. The developer is requesting a variance from the City's Land Alteration Ordinance to allow for an excavation permit for the entire site area in advance of a building permit. The developer is requesting a variance from Section 30-43 and 31-210 to allow the drives nearer the property lines than typically allowed and the developer is requesting a variance to allow buildings to be placed as close as 15-feet horizontally from the maximum ponding area at the 564.00 contour. All buildings will have a minimum finish floor elevation of 567.00, or greater.

B. EXISTING CONDITIONS:

The property is currently undeveloped and grass covered. Undeveloped C-1, Neighborhood Commercial zoned property is located to the north and northeast along Rahling Road. Also to the northeast and northwest of this site are multi-family developments. O-2, Office and Institutional District and O-3, General Office District zoned property is located to the south and southwest of this site. Fellowship Bible Church is located to the southeast of this property on the east side of Kirk Road. An undeveloped POD zoned property is located to the east of this site at the northeast corner of Wellington Village and Kirk Roads.

C. NEIGHBORHOOD COMMENTS:

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

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. All driveways shall be concrete aprons per City Ordinance.
2. Repair or replace any curb and gutter or sidewalk that is damaged in the public right-of-way prior to occupancy.
3. 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. Is the applicant requesting an advance grading variance for the entire site to be graded with construction of the first building?
4. Stormwater detention ordinance applies to this property. Does this pond provide detention for this property?
5. Building 2 is proposed to be constructed over the stormwater pipe. The pipe should be moved from under the building.
6. 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.
7. On site striping and signage plans should be forwarded to Public Works, Traffic Engineering for approval with the site development package.
8. Driveway locations do not meet the traffic access and circulation requirements of Sections 30-43 and 31-210. Driveway spacing on an arterial street is required by ordinance to be 150-feet from the side property line. A variance must be requested for the northern most driveway location.
9. Provide a letter prepared by a registered engineer certifying the sight distance at the driveway intersection(s) comply with 2004 AASHTO Green Book standards.
10. 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.
11. Prior to construction of retaining walls, an engineer's certification of design and plans must be submitted to Public Works for approval. After construction, an as-built certification is required for construction of the retaining wall.
12. Per the City of Little Rock Drainage Manual, in no case shall the limits of maximum ponding elevation be closer than 30-feet horizontally from any building and less than 1-foot vertically below the lowest sill or floor elevation.
13. Per the City of Little Rock Drainage Manual, maximum side slopes for the fluctuating area of permanent lakes shall be 1-foot vertical to 3-feet

horizontal (3:1) unless provisions are included for safety, stability, and ease of maintenance.

14. The driveway across from Wellington Village Drive should be removed due to a north bound left turn lane on Kirk Road is not provided. Contact Bill Henry in Traffic Engineering at 501.379.1816 for additional information.
15. The proposed driveways should align with the streets and driveways on the east side of Kirk Road and not offset to the south. Contact Bill Henry in Traffic Engineering at 501.379.1816 for additional information.
16. Since the southernmost driveway provides access to another property, it should be constructed as a private commercial street within a 60-foot easement with sidewalks on both sides in conformance with the City of Little Rock commercial street standard.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Wastewater: Sewer available to this property.

Entergy: Entergy does not object to this development. Other than streetlights along Kirk Road there are no overhead or underground electrical lines on the property. Contact Entergy well in advance so service requirements, facilities locations and easements can be discussed and agreed upon. Contact Entergy, Bernard Neumeier, at 501.954.5158 for additional information.

Center-Point Energy: CenterPoint Energy (CNP) owns and operates a high pressure gas line within a 50-foot easement running diagonally through the proposed Planned Office Development. The gas line and easement are shown on the site plan; however, CNP would like to ensure that this easement will not be encroached upon by excavation activities or permanent structures. Please contact Vinny Vickers (501.377.4914) and Tim Woolford (501.377.4886) prior to the commencement of any construction activities.

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. A water main extension will be needed to provide water service to this property.
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. 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.
5. 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.
6. 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).
7. A capital investment charge based on the size of meter connection(s) will apply to this project in addition to normal charges.

Fire Department: Maintain access. Fire hydrants per code. Contact the Little Rock Fire Department for additional information.

County Planning: No comment.

CATA: Out of service area. Nearest bus stop over 3-miles away at Wal-mart on Bowman Road.

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 Chenal Planning District. The Land Use Plan shows Office (O) for this property. The Office category includes services provided directly to consumers (e.g. legal, finance, medical) as well as general offices which support more basic economic activities. The applicant has applied for a rezoning from O-2 (Office and Institutional District) to POD (Planned Office District) to allow for the development of several office buildings on the site.

Master Street Plan: Kirk Road is a Minor Arterial on the Master Street Plan. A Minor Arterial provides connections to and through an urban area and their primary function is to provide short distance travel within the urbanized area. Entrances and exits should be limited to minimize negative effects of traffic and pedestrians on Kirk Road since it is a Minor Arterial. 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 III Bike Route shown along Kirk Road. Bike Routes require no additional right-of-way or pavement markings, only a sign to identify and direct the route.

Landscape:

1. Site plan must comply with the City's landscape and buffer ordinance requirements.
2. A perimeter planting strip is required along any side of a vehicular use area that abuts adjoining property. This strip shall be at least nine (9) feet wide. Provide trees with an average linear spacing of not less than thirty (30) feet within the perimeter planting strip. Provide three (3) shrubs or vines for every thirty (30) linear feet of perimeter planting strip.
3. Screening requirements will need to be met for the vehicular use areas adjacent to street right-of-ways. Provide screening shrubs with an average linear spacing of not less at three (3) feet within the required landscape area. Provide trees with an average linear spacing of not less than thirty (30) feet.
4. The development of two (2) acres or more requires an approved landscape plan stamped with the seal of a registered landscape architect prior to the issuance of a building permit.
5. A landscape irrigation system shall be required for developments of one (1) acre or larger.
6. 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. SUBDIVISION COMMITTEE COMMENT: (July 16, 2014)

Mr. Robert Brown was present representing the request. Staff presented an overview of the development stating there were few outstanding technical issues associated with the request. Staff stated the property was recently zoned O-2, Office and Institutional District but due to the recent approval of the ordinance for Subdivision Site Plan Review approved request, which limits approved site plans to 3-years for total build-out the applicant was seeking a Planned Development approval which did not have a limit once one of the buildings was constructed.

Public Works comments were addressed. Staff stated a variance was required to allow the drives as indicated on the site plan. Staff also stated the City's stormwater detention ordinance would apply to the future development of the site. Staff questioned if the pond provided detention for a larger area. Mr. Brown stated the pond did provide detention for this site as well as an area to the east.

Staff stated prior to construction of retaining walls approval from Public Works was required. Staff requested an engineer's certification for sight distance at the various driveway locations.

Landscaping comments were addressed. Staff stated a perimeter landscape strip was required along the side of vehicular use areas and adjoining property. Staff stated developments in excess of two (2) acres required an approved landscape plan stamped with the seal of a registered landscape architect. Staff also stated irrigation would be required to water landscape areas on the site.

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 at the July 16, 2014, Subdivision Committee meeting. The request includes variances as noted by staff. The applicant has provided the certification of sight distance at the various driveway locations. The revised site plan has addressed staff's concerns related to the driveway locations.

The property was recently rezoned from MF-18, Multi-family 18-units per acre to O-2, Office and Institutional District. The site is undeveloped and contains 11.42-acres. The basic proposal is to develop a professional office development with multiple buildings and associated parking. The buildings will all be two-story structures with the exception of the northern most structure which will be one-story with a maximum building height of 45-feet. Building construction will be done in three (3) phases. Phase 1A includes the construction of Building 1 and the associated parking and drive isles. Phase 1B will include the construction of Building 4 and the associated parking and drive isles. Phase 2 will include the construction of Buildings 2 and 3 and completion of the parking areas. There will be a common access and parking agreement to allow cross connecting drives and parking through the development.

Building 1 is proposed as a one (1) story building containing a maximum of 11,250 square feet with a maximum building height of 25-feet. Building 2 is proposed as a 2-story building containing a maximum of 27,000 square feet and a maximum building height of 45-feet. Building 3 is proposed as a 2-story building containing a maximum of 33,000 square feet and a maximum building height of 45-feet. Building 4 is proposed with a maximum building height of 45-feet and a maximum building area of 27,000 square feet. The total square footage on the site plan includes 98,250 square feet and 11-percent building coverage. The floor area ratio for the site is 19.74-percent. The interior landscape area is 11-percent and the total number of parking spaces provided is 430 spaces for a parking ratio of 4.38 to 1,000.

The buildings will be structural steel frame (steel columns, beams and bar joints) with concrete foundations and floor slabs. The roofs will be primarily low-slope single-ply membrane over rigid insulation on metal deck, typically with a parapet at the perimeter. Some exposed standing seam metal roofing will be used on limited areas. Exterior facades will be a combination of masonry (brick or stone) and aluminum and glass storefront with limited areas of insulated composite metal panels or other accent material. Overhangs, shading devices and other exterior fenestration will be incorporated into the designs to provide interest and control solar gain.

The site plan includes the placement of three (3) monument signs located along Kirk Road and one interior monument sign. All signs requested will be ten (10) feet high and one hundred (100) square feet in area. Building signage will be placed as typically allowed in office zones or a maximum of ten percent of the façade area abutting a public street.

A note on the site plan states a dense evergreen screening will be provided along the northwestern portion of the site to provide screening from the adjacent existing multi-family housing property. No additional fencing is anticipated with the development. Should fencing be proposed in the future all fencing would comply with the typical standards for placement and height of fencing allowed in office zones.

There are three (3) variances associated with the request. The developer is requesting a variance from the City's Land Alteration Ordinance to allow for an excavation permit for the entire site area in advance of a building permit. The applicant has stated grading of the entire site with the initial construction allows the site to balance eliminating the need for hauling material from the site only to bring material back to the site when a subsequent building is constructed.

The request includes a variance from Section 30-43 and 31-210 to allow the drives nearer the property lines than typically allowed. The northern most drive does not comply with the typical requirement of being located 150-feet from the property line 37.03-feet. Staff is supportive of the variance requests. The drive is proposed as a right-in/right-out driveway. The applicant's engineer has provided certification stating the sight distance at this location is adequate.

The request includes a variance to allow buildings to be placed as close as 15-feet horizontally from the maximum ponding area. Per the City of Little Rock Drainage Manual, in no case shall the limits of maximum ponding elevation be closer than 30-feet horizontally from any building and less than 1-foot vertically below the lowest sill or floor elevation. The variance would allow buildings to be placed as close as 15-feet horizontally from the maximum ponding area at the 564.00 contour. All buildings will maintain a minimum finish floor elevation of 567.00 or greater.

Staff is supportive of the request. The applicant is proposing a rezoning from O-2, Office and Institutional District to POD to allow the development of an office development with similar development criteria as the O-2 zoning district. To staff's knowledge there are no outstanding technical issues associated with the request. Staff feels the office development as proposed is appropriate.

I. 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.

Staff recommends approval of the following variances associated with the request:

- a. The variance request from the City's Land Alteration Ordinance to allow for an excavation permit for the entire site area in advance of a building permit.
- b. The variance request from Section 30-43 and 31-210 to allow the drives nearer the property lines than typically allowed.
- c. The variance request to allow buildings to be placed as close as 15-feet horizontally from the maximum ponding area at the 564.00 contour. All buildings must have a minimum finish floor elevation of 567.00 or greater.

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PLANNING COMMISSION ACTION:

(AUGUST 7, 2014)

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. Staff also presented a recommendation of approval of the following variances associated with the request:

- a. The variance request from the City's Land Alteration Ordinance to allow for an excavation permit for the entire site area in advance of a building permit.
- b. The variance request from Section 30-43 and 31-210 to allow the drives nearer the property lines than typically allowed.
- c. The variance request to allow buildings to be placed as close as 15-feet horizontally from the maximum ponding area at the 564.00 contour. All buildings must have a minimum finish floor elevation of 567.00 or greater.

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 9 ayes, 0 noes and 2 absent.