

FILE NO.: Z-9680-A

NAME: Rock City Wraps – PD-C

LOCATION: 11415 West Markham Street

DEVELOPER:

Cropper Rogers Properties, LLC
11415 West Markham Street
Little Rock, AR 72211

OWNER/AUTHORIZED AGENT:

Cropper Rogers Properties, LLC (Owner)
Scott Wallace (Agent)
11415 West Markham Street
Little Rock, AR 72211

SURVEYOR/ENGINEER:

Brooks Surveying
20820 Arch Street Pike
Hensley, AR 72065

AREA: 0.34 acres

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

WARD: 4

PLANNING DISTRICT: 2

CENSUS TRACT: 22.09

CURRENT ZONING:

C-3

VARIANCE/WAIVERS:

None requested.

BACKGROUND:

On June 9, 2022, the Planning Commission approved a request by the applicant to withdraw their petition to rezoning of this 0.34-acre property from C-3 to "PD-C" Planned Development – Commercial.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant is proposing to rezone the 0.34-acre property located at 11415 West Markham Street from "C-3" Commercial to "PD-C" Planned Development – Commercial to

allow for development of a vehicle service business (Rock City Wraps) with outdoor display.

B. EXISTING CONDITIONS:

The property currently contains a former bank building with drive-thru and parking. The structure has been converted into an office area and the former drive-thru canopy has been enclosed for a vehicle shop area.

C. NEIGHBORHOOD NOTIFICATIONS:

All owners of property 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. Markham Street is classified as a minor arterial per City's Master Street Plan. Therefore, dedicate 45 feet of total right of way from centerline of Markham Street per master street plan.
2. Provide finished floor elevation (FFE) for all buildings on site plan and grading and drainage plans.
3. Any work involving one (1) or more acres of disturbed area requires a State of Arkansas NPDES permit. Contact the Arkansas Department of Environmental Quality, NPDES branch at 501-682-0744 for applications and information about General Stormwater Discharge Construction Permit #ARR150000.
4. Hauling of fill material on or off project sites over municipal streets require approval prior to a grading permit being issued by the Department of Planning and Development. Contact Public Works Traffic Engineering at 621 S. Broadway 501-379-1805 with any questions or for more information.
5. Damage to public and private property due to hauling operations or operations of construction related equipment from a construction site shall be repaired by the responsible party prior to the issuance of a certificate of occupancy.
6. Any infrastructure within public right of way that is currently damaged or damaged during construction will be repaired or replaced at developer's expense before a final certificate of occupancy can be released for the building. This includes but not limited to the following: noncompliant curb and gutter, asphalt, sidewalk, accessible ramps, storm drainage infrastructure, or concrete driveway aprons. All work within the public right-of-way shall conform to City of Little Rock Public Works Standard Details and ADA accessibility requirements.
7. Provide accessible route from the public right of way to the proposed building entrance in accordance with 2012 Arkansas Fire Prevention Code Section 1104.1.

8. Obtain Traffic Control permits prior to doing any street cuts or curb cuts. Obtain Traffic Control permits prior to doing any work on city streets or in the right-of-way. Contact Traffic Engineering at 501-379-1800 for more information.
9. Does proposed accessible parking stall and aisle meet Arkansas accessibility standards?

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

Little Rock Water Reclamation Authority: No comments received.

Entergy: No comments received.

CenterPoint Energy: No comment.

AT & T: No comments 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 Little Rock Fire Department is required.
3. 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.

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.

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

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.

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.

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.

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.

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.

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 replaces 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.

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 comment received.

County Planning: No comment.

F. **BUILDING CODES/LANDSCAPE:**

Building Code: No comments received.

Landscape:

1. Any new site development must comply with the City's minimal landscape and buffer ordinance requirements.
2. Screening requirements will need to be met for the vehicular use areas adjacent to street rights-of-way. Provide screening shrubs with an average linear spacing of not less than three (3) feet within the required landscape area. Provide trees with an average linear spacing of not less than thirty (30) feet.
3. A perimeter planting strip is required along any side of a vehicular use area that abuts adjoining property, or the right-of-way of any street. This strip shall be at least nine (9) feet wide. One (1) tree and three (3) shrubs or vines shall be planted for every thirty (30) linear feet of perimeter planting strip.
4. Building landscape areas shall be provided at the rate equivalent to planter strip three (3) feet wide along the vehicular use area. One (1) tree and four (4) shrubs shall be planted in the building landscape areas for each forty (40) linear feet of vehicular use area abutting the building.
5. Eight percent (8%) of the vehicular use area must be designated for green space; this green space needs to be evenly distributed throughout the parking area(s). The minimum size of an interior landscape area shall be one hundred fifty (150) square feet for developments with one hundred fifty (150) or fewer parking spaces. Interior islands must be a minimum seven and one half (7 1/2) feet in width. Trees shall be included in the interior landscape areas at the rate of one (1) tree for every twelve (12) parking spaces.
6. An automatic irrigation system to water landscaped areas shall be required for developments of one (1) acre or larger.
7. The development of two (2) acres or more requires the landscape plan to be stamped with the seal of a Registered Landscape Architect.
8. 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: No comments received.

Planning Division:

The request is in the Rodney Parkham Planning District. The Land Use Plan shows Commercial (C) for the requested area. The Commercial (C) category provides for 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 requested area is currently a vehicle repair and

modification shop. The application is to rezone from C-3, General Commercial District to PCD, Planned Commercial Development District to allow the uses of vehicle repairs/modifications and outdoor display on this property.

Surrounding the application area, the Land Use Plan shows Commercial (C) east, north, and west of the application area. Across Rock Creek, to the south, the Land Use Plan shows Residential Low Density (RL). The Commercial (C) category provides for 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 land surrounding the applicant area is zoned C-3, General Commercial District, to the east, north, and west. This land has various retail commercial uses including stand-alone businesses, auto related retail, restaurants and retail centers. The Residential Low (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 remains less than 6 units per acre. To the south is R-2, Single-Family District zoned land with a developed single-family subdivision.

Master Street Plan: To the north of the property is West Markham Street, 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 Markham Street 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 are no bike routes shown in the immediate vicinity.

Historic Preservation Plan: There are no existing historic sites on, or adjacent, to this land.

H. ANALYSIS:

The applicant is proposing to rezone the 0.34-acre property located at 11415 West Markham Street from “C-3” Commercial to “PD-C” Planned Development – Commercial to allow for development of a vehicle service business (Rock City Wraps) with outdoor display. According to the applicant, the business focuses primarily on the “restyling of automobiles”, and services are performed inside a climate-controlled facility. The proposed retail hours of operation will be from Monday through Saturday, 8:00 am to 5:00 pm. Work on vehicles is performed 24 hours per day.

The property currently contains a former bank building with drive-thru and paved parking areas. The bank teller area has been converted into an office area and the former drive-thru canopy areas have been enclosed for vehicle workshop areas. The existing building has been overlaid (wrapped) by metal framing and a plywood enclosure which surrounds the entire structure. The modifications (renovations) have been performed by the applicant without seeking or retaining a building permit from the city prior to beginning of work.

The site is located within a fully developed area of West Markham Street and is primarily surrounded by C-3 zoned properties on all sides with Rock Creek on the south perimeter. The creek abuts an R-2 zoned residential area to the south.

The applicant proposes to demolish the existing structure and construct a new building. The site plan shows the new 5,525 square foot (65 feet by 85 feet) structure centered on the site. The applicant notes that the new structure will be approximately twenty-four (24) feet in height and have corrugated or decorative metal exterior finish materials. The site plan shows the new structure setback from the property lines a minimum of 25 feet on the south, 45 feet on the north, 7 feet on the east, and 17 feet on the west.

The applicant proposes a rotating vehicle display trailer (for completed vehicles) along the northwest side of the parking lot bordering West Markham. According to the applicant the auto turntable is used to showcase completed vehicles and create marketing videos with the vehicle rotating. The display trailer and has been placed (parked) on the site without seeking permit or variance request from the city prior to placement.

The site currently has (14) parking spaces along the north and west sides of the property. The proposed site plan shows removal of all parking spaces along the west side of the site and reconfiguring of the existing spaces along the north perimeter of the property. The reconfigured spaces include eight (8) parking spaces total including one (1) handicap space, and one (1) space containing a rotating vehicle display trailer at the north corner adjacent to the main access drive to Markham Street. The proposed parking reconfiguration includes eight (8) spaces which is less than the typical required minimum of 27 spaces per Section 36-502 (3) (g) of the City's Zoning Ordinance. Staff believes the proposed number of parking spaces for the site is not sufficient for the proposed use.

A two-lane access drive exists at the northwest corner of the site from West Markham Street and circles the building. The drive connects to the existing drive through canopy lanes on the east and west sides of the structure. The access drive continues along the south boundary of the property connecting with the adjacent commercial properties to the east and west sides. The drive acts as cross access between this property and the properties to the east and west, allowing access to the traffic light located on Markham Street to the east. Cross access easements are platted along the east and west property lines. The proposed site plan shows use of the existing paved drives and parking along West Markham Street.

The site plan shows an existing dumpster enclosure at the southwest corner of the property. The dumpster area must be screened as per Section 36-523 (d) of the City's Zoning Ordinance.

No new site lighting is proposed. Any new site lighting will be low level and directed away from adjacent properties.

No signage is proposed for the site. Any new signage must comply with Section 36-555 of the City's zoning ordinance. (Signs allowed in commercial zones).

Staff is not supportive of the requested (PD-C) Planned Development – Commercial zoning. Staff does not view the request as reasonable. Although there are other auto related uses in this immediate area, Staff feels that the site is too small for the proposed use. The applicant’s proposed outdoor vehicle display, and proposed reduction in overall parking spaces leaves very little area for staff or vehicles awaiting service.

The proposed parking on the site is well under the minimum number of parking spaces typically required for this type of use. Of the six (6) other commercial properties located within the relatively small commercial area along the south side of West Markham Street, between the Entergy sub-station (east) and the Rock Creek intersection with West Markham Street (west), three (3) of these properties currently have existing auto service type uses, with the easternmost property containing a large auto service mall type development (carwash, detailing, dent/damage repair, auto rental, collision center and an auto tune-up shop). Staff believes that there are enough auto service-related uses within this small commercial area. The proposed use will only add to the proliferation of existing auto service uses. Staff believes this small property is better suited for a small retail or office/bank type use. Additionally, the applicant has begun and continued construction on the existing building, including electrical work, without obtaining a building permit.

I. STAFF RECOMMENDATION:

Staff recommends denial of the requested PD-C rezoning.

PLANNING COMMISSION ACTION: (AUGUST 11, 2022)

The applicant was not present. There were no persons present registered in opposition in attendance. Staff informed the Commission that the applicant failed to send required notifications to surrounding property owners. Therefore, staff recommended the application be deferred to the September 8, 2022 agenda. There was no further discussion. The item remained on the consent agenda and deferred as recommended by staff. The vote was 9 ayes, 0 nays and 1 absent and 1 open position.

PLANNING COMMISSION ACTION: (SEPTEMBER 8, 2022)

The applicant was present. There were no persons present registered in opposition in attendance. Staff informed the Commission that the applicant failed to send the required notices to surrounding property owners. Therefore, staff recommended the application be deferred to the October 13, 2022 agenda. There was no further discussion. The item remained on the consent agenda and deferred as recommended by staff. The vote was 8 ayes, 0 nays and 2 absent and 1 open position.

PLANNING COMMISSION ACTION:

(OCTOBER 13, 2022)

Scott Wallace was present, representing the application. There were no objectors present. Staff presented the application with a recommendation of denial.

Scott Wallace addressed the Commission in support of the application. He presented hand-out materials to the commissioners. He explained that there were closed branch bank facilities in the general area. He explained that he has been operating at this location as a sign company and not just a vehicle wrap company. He noted that he recently added the vehicle turntable/display to the property. He noted that the vehicle turntable/display would only be used on the site about one-third of the year.

The use of the vehicle turntable/display was briefly discussed. In response to a question from the Commission, Mr. Wallace stated that the vehicle turntable/display did not create a sight-distance problem.

Commissioner Hart noted that the proposed use seemed to be a good fit for the area and noted support of the application.

There was a brief discussion related to the parking on the site and Mr. Wallace's parking needs.

Mr. Wallace made additional comments in support of the application.

Commissioner Brooks asked about where vehicles were parked when the business was closed. Mr. Wallace noted that vehicles remained in the building until picked up by customers.

Commissioner Latture noted that he did not support the application because the proposed use did not fit on the small site, the proposed use did not have enough parking and that the applicant had not obtained building permits.

There was a motion to approve the application, subject to all staff comments and conditions, except the recommendation of denial. The motion passed by a vote of 8 ayes, 2 nays, 0 absent and 1 open position. The application was approved.