

FILE NO.: Z-9610

NAME: Kum and Go – PD-C

LOCATION: Southeast corner of Cantrell Road and Chenonceau Blvd.

DEVELOPER:

Kum and Go, LLC
1459 Grand Avenue
Des Moines, IA 50309-3005

OWNER/AUTHORIZED AGENT:

Flake Family Trust – Owner
Ozark Civil Engineering (Michael Clotfelter) – Agent

SURVEYOR/ENGINEER:

Ozark Civil Engineering
3214 NW Avignon Way, Suite 4
Bentonville, AR 72712

AREA: 1.51 acres NUMBER OF LOTS: 1 FT. NEW STREET: 0 LF

WARD: 5 PLANNING DISTRICT: 19 CENSUS TRACT: 42.12

CURRENT ZONING: C-3

Variance/Waivers:

1. Variance to allow a lot of less than two (2) acres within the Highway 10 DOD.
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A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant requests to rezone the 1.51 acre property from C-3 to PD-C to allow for development of a convenience store with gas pumps.

B. EXISTING CONDITIONS:

The site is currently undeveloped. Some site work has taken place in the past in anticipation of the property's development.

C. NEIGHBORHOOD COMMENTS:

All owners of property located 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. Storm water detention ordinance applies to this property. 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 local property owners' association and detailed in the bill of assurance.
2. Obtain permits for improvements within State Highway right-of-way from AHTD, District VI.
3. A grading permit in accordance with section 29-186 (c) & (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.
4. Provide a Sketch Grading and Drainage Plan per Sec. 29-186 (e).
5. If disturbed area is 1 or more acres, obtain a NPDES storm water permit from the Arkansas Department of Environmental Quality prior to the start of construction.
6. Street Improvement plans shall include signage and striping. The City must approve completed plans prior to construction.
7. On site striping and signage plans should be forwarded to Planning and Development for approval with the site development package.
8. Obtain permits prior to doing any street cuts or curb cuts. Obtain barricade permit prior to doing any work in the right-of-way. Contact Traffic Engineering at (501) 379-1805 (Travis Herbner) for more information.
9. Per the Master Street Plan, 3 lanes shown should be designed on Chenonceau Blvd. 1- left, 1-thru, and 1-right. Modifications maybe needed to the median to provide for this design. If you have any questions, please contact Nat Banihatti, Traffic Engineering, at 379-1818.
10. Include a left arrow on the pavement, around 30-40 feet from the end of the median.
11. Coordinate design of traffic signal upgrade with proposed street improvements. Plans to be forwarded to Traffic Engineering for approval.
12. The proposed Chenonceau Blvd SB left turn lane should be shortened to 75 ft. stack and 50 ft. taper.

13. Prior to construction of retaining walls, an engineer's certification of design and plans must be submitted to the City for approval. After construction, an as-built certification is required for construction of the retaining wall.

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

Little Rock Water Reclamation Authority: Sewer Available to this Site. FOG Analysis Required.

Entergy: No comments received.

CenterPoint Energy: No comments received.

AT & T: No comments received.

Central Arkansas Water: All Central Arkansas Water requirements in effect at the time of request for water service must be met.

Provide a 10-ft utility easement along the road frontages.

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.

Please submit plans for water facilities 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. Approval of plans by Central Arkansas Water, the Arkansas Department of Health Engineering Division and Little Rock Fire Department is required.

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.

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 comments received.

County Planning: No comments received.

F. **BUILDING CODES/LANDSCAPE:**

Building Code: No comments received.

Landscape:

1. Site plan must comply with the City’s minimal landscape and buffer ordinance requirements and the Highway 10 Scenic Corridor Overlay District.

2. The Highway 10 frontage (front yard) shall consist of a minimum of forty (40) feet of landscaped area exclusive of right-of-way. The landscaped area shall contain organic and/or combined man-made/organic features such as berms, brick walls and dense plantings such that vehicular use areas are screened when viewed from an elevation of forty-two (42) inches above the elevation of the adjacent street. Trees shall be planted or be existing at least every twenty (20) feet and have a minimum of two (2) inches in diameter when measured twelve (12) inches from the ground at time of planting. Provide screening shrubs no less than thirty (30) inches in height at installation with an average linear spacing of not less at three (3) feet within the required landscape area.
3. Rear and side yards shall have a landscaped buffer averaging a minimum of twenty-five (25) feet from the property line. Where such yards abut a street right-of-way, a fifteen-foot landscaped strip shall be required adjacent to land zoned office and residential.
4. 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.
5. 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.
6. 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.
7. A landscape irrigation system shall be required as per Highway 10 site design and development standards.
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 Chenal District. The Land Use Plan shows Commercial (C) for the requested area. The Commercial (C) category includes a broad range of retail and wholesale sales of products, personal and professional services, and general business activities. Commercial activities vary in type and scale, depending on the trade area that they serve. The application is to rezone from C-3

(General Commercial District) to PDC (Planned Development Commercial) District to allow for the development of a convenience store with gas pumps on the site. The application is within the Highway Design Overlay District.

Surrounding the application area, the Land Use Plan shows Commercial (C) to the north south and west of the site. Office (O) is shown to the east from the site. The Commercial (C) category includes a broad range of retail and wholesale sales of products, personal and professional services, and general business activities. Commercial activities vary in type and scale, depending on the trade area that they serve. The land to the north, across Cantrell Road, is partially developed with a branch bank and a bank headquarters building (Bank OZK). This land is zoned C-3 (General Commercial District) and PCD (Planned Commercial Development) District. The land to the south is zoned C-3 (General Commercial District) and developed with a retail center. The land west of the application area, across Chenonceau BLVD., is also zoned C-3 and undeveloped. Office (O) category represents services provided directly to consumers (e.g., legal, financial, medical) as well as general offices which support more basic economic activities. This land is mostly developed with office buildings zoned POD (Planned Office Development) District.

Master Street Plan: To the north of the application is Cantrell Road and it is show as a Principal Arterial on the Master Street. To the west is Chenonceau Boulevard and it is shown as a Minor Arterial on the Master Street Plan. A Principal Arterial is to serve through traffic and to connect major traffic generators or activity centers within the urbanized area. Entrances and exits should be limited to minimize negative effects of traffic and pedestrians on Cantrell Road since it is a Principal Arterial. 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 Chenonceau Boulevard since it is a Minor Arterial. These streets may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

Bicycle Plan: There is a Class I Bike Path is shown along Cantrell Road. A Bike Path is to be a paved path physically separate for the use of bicycles. Additional right-of-way or an easement is recommended. Nine-foot paths are recommended to allow for pedestrian use as well (replacing the sidewalk). There is a Class II Bike Route shown on Chenonceau BLVD. A Bike Lane provides a portion of the pavement for the sole use of bicycles.

H. ANALYSIS:

The applicant proposes to rezone the 1.51 acre property located at the southeast corner of Cantrell Road and Chenonceau Blvd. from "C-3" General Commercial District to "PD-C" Planned District – Commercial. The rezoning is requested to allow for the development of a convenience store with gas pumps. The property is located within the Highway 10 Design Overlay District. The property is undeveloped and mostly grass covered. Some site work has taken place in the past in anticipation of future development.

The property is part of a two (2) lot development, with this lot being 2.11 acres in area, and the lot to the south being 1.08 acres. As part of the development plan, the applicant proposes to move the dividing lot line to the north, thereby creating a new lot of 1.51 acres which is being proposed for development. The dividing lot line is being moved based on the fact that it runs through the existing building to the south. Since moving the dividing lot line creates a lot less than two (2) acres in size within the Highway 10 DOD, a planned zoning development is required for development of the corner (north) lot.

The applicant proposes to construct a 3,968 square foot convenience store building within the west half of the property. A gas pump canopy covering six (6) double-sided gas pumps will be constructed on the east side of the convenience store building.

The proposed building will have an overall height of approximately 18 feet. The current C-3 zoning allows a maximum building height of 35 feet. The building will be constructed of fiber cement panels with cast stone panel wainscoting.

The proposed convenience store building will be located 100 feet back from the front (north) property line, over 60 feet from the rear (south) property line and over 30 feet from the west side property line. The proposed canopy structure will also be located 100 feet back from the front property line, 40 feet from the rear property line, and over 60 feet from the east and west side property lines.

The proposed site plan shows 26 paved parking spaces, which includes spaces at the gas pumps. The ordinance would typically require a minimum of 17 spaces for this proposed development. The proposed parking will be sufficient to serve the proposed development. There are currently two (2) shared driveways (northeast and southwest corners of the lot) which will serve as access to the project. Cross access will exist between this property and the property immediately south.

The proposed site plan shows a dumpster location on the south side of the convenience store building. The dumpster area must be screened as per Section 36-523 (d) of the City's Zoning Ordinance.

The applicant notes that the proposed convenience store will be a 24-hour, seven (7) days per week operation.

The applicant also notes that site lighting will be low-level and directed away from adjacent properties.

The applicant is providing the 40 foot landscape area along the front property line as per the Highway 10 DOD requirements. Planting of trees and shrubs will be required within this area as per the DOD standards. No berms will be required within this area based on the current upward slope of the property. The buffers along the east and south property lines are sufficient. No variances are needed for these buffers based on the fact that there are cross-access easements along the east and south property lines.

Areas set aside within the proposed site plan for building, interior and perimeter landscaping appears to comply with the minimum requirements of Chapter 15 (Landscape Ordinance). The minimum perimeter landscape width requirements appear to be met with this plan.

All building setbacks, landscaped areas and buffers will comply with the Highway 10 Design Overlay District standards as found in Section 36-346 of the code. All building and ground-mounted signage must also comply with The Highway 10 DOD standards of Section 36-346 (f) (2).

The Department of Planning and Development Engineering Division has the following additional comment:

“With development, the developer will be required to construct a northbound left turn lane on Chenonceau Blvd. (onto Cantrell Road) as required by the Master Street Plan. The southbound left turn lane on Chenonceau Blvd. (onto this property) has been denied by Public Works. The southbound left turn movement will be permitted to occur with the removal of the small island south of the main median within Chenonceau Blvd.”

The applicant provided responses and additional information to all issues raised during staff’s review of the application. To staff’s knowledge, there are no outstanding issues.

The applicant is requesting a variance from Section 36-346 (a), which requires a minimum lot size of two (2) acres in the Highway 10 DOD. As noted previously, the lot is currently 2.11 acres in size, with the dividing south property line running through the existing building to the south. In order to correct this situation by moving the dividing lot line, the subject property is reduced from 2.11 acres to 1.51 acres. Staff supports the variance request.

Staff is supportive of the requested PD-C zoning to allow for the development of a convenience store with gas pumps. Staff views the request as reasonable. The property is currently zoned C-3 which allows a convenience store with gas pumps as a permitted use. The fact that the property owner is adjusting the dividing property line between this property and the property to the south, resulting in the subject property reducing to less than two (2) acres in area, is triggering the requirement for the property to be rezoned to PD-C. Staff believes that the proposed development is appropriate and meets the intent of the Highway 10 DOD.

I. STAFF RECOMMENDATION:

Staff recommends approval of the requested PD-C zoning and associated lot area variance, subject to compliance with the comments and conditions outlined in paragraphs D, E and F, and the staff analysis, of the agenda staff report.

PLANNING COMMISSION ACTION:

(SEPTEMBER 9, 2021)

Michael Clotfelter was present, representing the application. There was one (3) objector present.

Staff presented the application with a recommendation of approval.

Michael Clotfelter addressed the Commission in support of the application. He briefly described the project, noting that changes to the intersection of Highway 10 and additional lanes were approved as part of another earlier submission several years ago. The current project is also platted with fifty foot (50) buffers along both Highway 10 and Chenoceau Drives.

Bill Spivey addressed the Commission. He stated that his client (Potlatch Deltic Timber) opposed the developments impact and changes to the medians along Chenoceau Drive. He stated that these areas were maintained by his client as an agreement between them and the city of Little Rock. He noted concerns regarding that no attempt had been made to notify the Chenal Association of the project, and that the setbacks noted per the submitted site plan do not meet the requirements for this type of submission. He requested that the application be deferred so as to permit a review by the Chenal Association and his client.

Carol Harford addressed the Commission. She stated that her POA was not notified of the project and that they had concerns regarding the location of the fuel storage tanks and impact on the neighborhood.

She asked why the surrounding properties were not notified by the City and given an opportunity to review and approve the proposed project.

Michael Clotfelter addressed the commission. He stated that the project application met all the city's minimum requirements for submission and that the fuel tanks were located along the north side of the property near Highway 10.

There was a discussion by the PC regarding the POA or neighborhood association contact process, how the ordinance did not require the approvals, and that submission recommendations by the staff are solely based on the submission meeting the requirements of the governing ordinance. The PC members noted that the submission was overall acceptable but there was a lack of clarity on who governed the medians as discussed.

Staff noted the POA and NA contact process, how the city or state mandates the use of medians per roadway ownership, and that the recommendation of the staff is based on the compliance of the submission to the requirements in the current ordinance.

Michael Clotfelter addressed the commission. He stated that the modification of the medians could be adjusted in the final site plan.

There was a motion to approve the application as recommended by staff, including all staff comments and conditions. The motion passed by a vote of 6 ayes, 3 nays, 1 absent, and 1 open position. The application was approved.