

FILE NO.: Z-9545

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NAME: Baker Healthcare – PCD

LOCATION: 202 S. Rodney Parham Road

DEVELOPER:

W & V Cobb, LLC  
1101 Robin Road  
Jonesboro, AR 72401

OWNER/AUTHORIZED AGENT:

Frank Riggins – Agent  
Crafton Tull  
10825 Financial Centre Parkway, Ste. 300  
Little Rock, AR 72211

SURVEYOR/ENGINEER:

Brooks Surveying, Inc.  
20820 Arch Street Pike  
Hensley, AR 72065

AREA: 0.41 acre

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

WARD: 6

PLANNING DISTRICT: 3

CENSUS TRACT: 21.03

CURRENT ZONING: O-3

VARIANCE/WAIVERS: None requested.

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A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant is proposing to rezone the property from O-3 (General Office District) to PCD (Planned Commercial Development) District to allow for use of the property for the sales of medical equipment and C-3 uses.

B. EXISTING CONDITIONS:

The site is zoned O-3 and is currently developed containing one existing structure. To the north and west of the site lies both C-3 and R-4 zoning. To the east and south lies additional O-3 zoning.

C. NEIGHBORHOOD COMMENTS:

All owners of property located within 200-feet of the site and the Briarwood, Kaylin Hills and Sunnymeade Neighborhood Associations along with the Wingate POA were notified of the public hearing.

D. ENGINEERING COMMENTS:

1. Obtain a franchise agreement from Public Works (Bennie Nicolo, 371-4818) for the private improvements located in the right-of-way.
2. 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.
3. On site striping and signage plans should be forwarded to Public Works, Traffic Engineering for approval with the site development package.
4. 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.

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

Little Rock Water Reclamation Authority: Sewer available to this site.

Entergy: No comments received.

CenterPoint Energy: No comments received.

AT & T: No comments received.

Central Arkansas Water: No comments received.

Fire Department: Full Plan Review.

Parks and Recreation: No comments received.

County Planning: No comments received.

F. BUILDING CODES/LANDSCAPE:

Building Code: No comments received.

Landscape: No comments.

G. TRANSPORTATION/PLANNING:

Rock Region Metro: No comments.

Planning Division: The request is in the West Little Rock Planning District. The Land Use Plan shows Office (O) for the requested area. The Office category represents services provided directly to consumers (e.g., legal, financial, medical) as well as general offices which support more basic economic activities. The application is to change the property from O-3 (General Office District) to PCD (Planned Commercial Development) District to allow for use of the property for the sales of medical equipment and C-3 uses.

Surrounding the application area, the Land Use Plan shows Office (O) to the south and east. Public Institutional (PI) use is shown to the north across Rodney Parham Road. To the east beyond the Office area and to the west are Commercial (C) areas. And south of the Office is Residential Low Density (RL) and Residential High Density (RH). The Office (O) category represents services provided directly to consumers (e.g., legal, financial, medical). Much of this area is development with small professional office uses. The Public Institutional (PI) category includes public and quasi-public facilities that provide a variety of services to the community such as schools, libraries, fire stations, churches, utility substations, and hospitals. This area, across Rodney Parham Road, is an Elementary School, Post Office and an extension office. 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 Commercial area to the east is a retail center with a mix of uses while the area to the west is several small commercial uses then a larger grocery and restaurant. The Residential Low Density (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 remain less than 6 units per acre. This area is an existing single-family subdivision with homes. The Residential High Density (RH) category accommodates residential development of more than twelve (12) dwelling units per acre. The area is an apartment complex.

Master Street Plan: To the north is Rodney Parham Road and it is a Minor Arterial on the Master Street Plan. To the west is Sunnydale Drive which is a Local Street 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 Rodney Parham Road since it is a Minor Arterial. The primary function of Local Streets is to provide access to adjacent properties. Local Streets that are abutted by non-residential zoning/use or more intensive zoning than duplexes are considered as "Commercial Streets." 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 II Bike Route shown on Rodney Parham Road. A Bike Lane provides a portion of the pavement for the sole use of bicycles.

H. ANALYSIS:

The applicant proposes to rezone the 0.41 acre property located at 202 S. Rodney Parham Road from "O-3" General Office District to "PCD" Planned Commercial District. The rezoning is proposed to allow a retail medical equipment facility and "C-3" permitted uses as alternate uses. The property is located at the southeast corner of S. Rodney Parham Road and Sunnymead Drive.

The property contains a 3,588 square foot commercial building, one (1) story in height, located along the east property line. Asphalt parking is located along the west side of the building, between the building and Sunnymead Drive. The applicant proposes to use the property as is, with only interior remodeling of the existing building.

The property contains 17 paved parking spaces. A minimum of 12 parking spaces is required for a retail use to occupy the existing building. The existing parking will be sufficient to serve the proposed retail use. A small portion of the existing parking along the west property line extends into the Sunnymead Drive right-of-way. The applicant will need to obtain a franchise permit to allow for the private improvements to be located within the right-of-way.

The applicant proposes to refurbish and use the existing ground-mounted sign at the northeast corner of the property. The existing sign is 16.5 feet tall, with an area of approximately 57 square feet. Any wall signage must be located on the north or west building facades, and comply with Section 36-555 (a) (2) a. of the City's Zoning Ordinance.

The applicant notes that a dumpster will be located at the southeast corner of the property. The dumpster area must be screened as per Section 36-523 (d).

The applicant also notes that security lighting will be added to the building. All new lighting must be directed away from adjacent property.

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 no variances with the proposed PCD rezoning.

Staff is supportive of the requested PCD rezoning to allow use of the existing developed property as a medical equipment retail business, with C-3 permitted uses as alternate uses. Staff views the request as reasonable. The property is located in an area of mixed uses and zoning, with a large amount of commercial zoning in the immediate area. C-3 zoning is located to the west across Sunnymeade Drive. A large commercial strip center (zoned PCD) is located approximately 200 feet to the east. The proposed commercial zoning will be compatible with the area and should have no adverse impact on the surrounding properties.

I. STAFF RECOMMENDATION:

Staff recommends approval of the requested PCD rezoning, subject to compliance with the comments and conditions outlined in paragraphs D and E, and the staff analysis, in the agenda staff report. Staff also recommends that any future use(s) of the property comply with the parking requirements of Section 36-502 of the code.

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PLANNING COMMISSION ACTION:

(DECEMBER 3, 2020)

The applicant was present. There were no persons present registered in support and three (3) persons registered in opposition. Staff presented the applicant's petition to the Commission for a Waiver of Bylaws per Article V. (E)(13) of the Bylaws of Little Rock Planning Commission for the Supplemental Notice of Rezoning, Article IV (2), which requires the applicant to submit proof that at least fifteen (15) days-notice of the Commission's hearing has been given to all property owners within two hundred (200) feet of any tract for which rezoning has been petitioned. Staff explained that the notice was provided to the applicant in adequate time for the applicant to meet the requirement. Therefore, Staff did not support the Bylaw Waiver.

Frank Riggins, Vice-President of Crafton Tull, addressed the Commission in support of the bylaw waiver petition. He stated that in thirty (30) years in his profession this error has never occurred. Mr. Riggins stated that upon discovery of the oversight, he attempted to contact all the property owners within two hundred (200) feet of the subject

property to explain the error and to discuss the proposal. Mr. Riggins presented signed affidavits from five (5) property owners who did not object to the proposal.

Director Collins added that the Legal Notice was published in a local newspaper of general circulation (i.e., The Daily Record) one time at least fifteen (15) days prior to said hearing as required by state law.

Shawn Overton, City Attorney, expressed his concern regarding the importance of the adherence to and consistency in the due process of legal and required notifications to all property owners within two hundred (200) feet of any proposal. He emphasized caution in a decision which will result in establishing precedence as it relates to the Bylaws of the Planning Commission.

The Commission inquired about the number of property owners required to be notified and the number of persons registered in opposition. The applicant stated that ten (10) property owners required notification. Staff added there were three (3) persons registered in opposition.

There was a motion to approve the Waiver of Bylaws as petitioned by the applicant. The motion was seconded. The vote was 1 aye, 9 nays, and 1 absent. The petition was denied. There was another motion to defer the item to the January 14, 2021 agenda. The motion was seconded. The vote was 10 ayes, 0 nays, and 1 absent. The application was deferred.

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STAFF UPDATE:

At the request of staff, the applicant provided the following hours of operation for the proposed Baker Healthcare use of the property:

- 8:00 a.m. to 5:00 p.m., Monday through Friday

Staff continues to support the requested PCD zoning as noted on page 5 of the agenda staff report.

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PLANNING COMMISSION ACTION:

(JANUARY 14, 2021)

Frank Riggins was present, representing the application. There were three (3) persons registered in opposition. Staff presented the item and a recommendation for approval as outlined in the “staff recommendation” above. The applicant deferred to the registered opposition.

Ruth Bell, President of the Pulaski County League of Women's Voters, addressed the Commission in opposition to the application. She expressed concerns regarding increased traffic and the additional C-3 uses.

Dianna Noe addressed the Commission in opposition to the application. She expressed concerns regarding the extended C-3 uses included in the proposed Planned Commercial Development.

Rose Bradley addressed the Commission in opposition to the application. She expressed concerns regarding not receiving the hearing notice. Staff informed the Commission that the applicant notified all property owners from the certified abstract list. Ms. Bradley also stated objection to the extended C-3 uses in the proposed Planned Commercial Development.

Mr. Riggings addressed the Commission in support of the application. He requested an amendment of the Planned Commercial Development proposal to exclude any additional C-3 uses.

There was a motion to approve the application. The motion was seconded. The vote was 11 ayes, 0 nays, and 0 absent. The application was approved.