

FILE NO.: Z-4093-A

NAME: 8409 Geyer Springs Short-form PCD

LOCATION: Located at 8409 Geyer Springs Road

DEVELOPER:

Margarita Gutierrez
32 Althea Circle
Little Rock, AR 72209

SURVEYOR/ENGINEER:

Brooks Surveying
20820 Arch Street Pike
Hensley, AR 72065

AREA: 0.24-acres

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

WARD: 2 PLANNING DISTRICT: 14 – Geyer Springs East CENSUS TRACT: 41.07

CURRENT ZONING: O-3, General Office Zoning District and R-2, Single-family Zoning District

ALLOWED USE: General Office and Single-family residential

PROPOSED ZONING: PCD, Planned Commercial Development District

PROPOSED USE: C-1, General Commercial Zoning District uses and allow a food truck within the front parking lot.

VARIANCE/WAIVERS: A variance from Sections 30-43 and 31-210 to allow the drive on Carlyle Drive nearer the intersection than typically allowed.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant is proposing a rezoning of the site from O-3, General Office Zoning District and R-2, Single-family Zoning District to PCD, Planned Commercial Development. The applicant is proposing to place a food truck in front of the business located on a parking pad. The existing building will be used for commercial uses and services to include money grams, phone cards, cosmetics, shoes and apparel, snacks such as chips and ice cream and bulk can

foods. The request includes the allowance of C-1, Neighborhood Commercial District uses.

The site plan indicates the placement of a parking pad in front of the building along Geyer Springs Road for the food truck. The plan also indicates the placement of a paved parking area behind the building containing six (6) parking spaces.

B. EXISTING CONDITIONS:

Geyer Springs Road is a four (4) lane roadway with a continuous center turn lane. There is curb, gutter and sidewalk in place along Geyer Springs Road. The site is a converted single-family residence which was most recently an insurance office. There is an office use located to the north of this site. To the west of the site is a strip retail center containing office and commercial uses. There are single-family homes located to the east of this site, along Carlyle Drive.

C. NEIGHBORHOOD COMMENTS:

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

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. Due to the proposed use of the property, the Master Street Plan specifies that Carlyle Drive for the frontage of this property must meet commercial street standards. Dedicate right-of-way to 30 feet from centerline.
2. A 20 foot radial dedication of right-of-way is required at the intersection of Geyer Springs Road and Carlyle Drive.
3. Repair or replace any curb and gutter or sidewalk that is damaged in the public right-of-way prior to occupancy.
4. The driveway location does not meet the traffic access and circulation requirements of Sections 30-43 and 31-210. Driveway spacing is 250 feet from intersections and other driveways and 125 feet from side property lines. The existing driveway should be moved to about 10 feet from the east property line.
5. Sidewalks with appropriate handicap ramps are required to be constructed adjacent to Carlyle Drive in accordance with Section 31-175 of the Little Rock Code and the Master Street Plan.

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

Little Rock Water Reclamation Authority: Sewer available to this site. EAD Analysis required. Contact Little Rock Water Reclamation Authority for additional information.

Entergy: Entergy does not object to this proposal. Service is already being provided to this property with no apparent conflicts with existing facilities. Contact Entergy in advance to discuss any changes to electrical service requirements, or adjustments to existing facilities (if any) as this proposal 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.
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. Contact Central Arkansas Water regarding the size and location of the water meter.
7. 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.

8. The facilities on-site will be private. When meters are planned off private lines, private facilities shall be installed to Central Arkansas Water's materials and construction specifications and installation will be inspected by an engineer, licensed to practice in the State of Arkansas. Execution of a Customer Owned Line Agreement is required.
9. 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.
10. 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.

Fire Department: No comment.

Parks and Recreation: No comment received.

County Planning: No comment.

F. Building Codes/Landscape:

Building Code: Project is a change in occupancy and is therefore subject to current building code requirements. Review and approval is required by Building Codes Division before occupancy takes place. For information on submittal requirements and the review process, contact a commercial plans examiner:

Curtis Richey at 501.371.4724; crichey@littlerock.gov or
Mark Alderfer at 501.371.4875; malderfer@littlerock.gov.

Landscape:

1. Site plan must comply with the City's landscape and buffer ordinance requirements.
2. Street buffers will be required at six (6) percent of the average depth of the lot. The minimum dimension shall be one-half ($\frac{1}{2}$) the full width requirement but in no case less than nine (9) feet.
3. A land use buffer six (6) percent of the average width/depth of the lot but less than nine (9) feet will be required when an adjacent property has a dissimilar use of a more restrictive nature. The property to the east is zoned R-2, Single-family. As a component of all land use buffer requirements, opaque screening, whether a fence or other device, a minimum of six (6) feet in height shall be required upon the property line side of the buffer. In addition to the required screening, buffers are to be landscaped at the rate of one (1) tree and three (3) shrubs for every thirty (30) linear feet.

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. An irrigation system shall be required for developments of one (1) acre or larger. If irrigation is not provided for developments of less than one (1) acre a there shall be a water source within seventy-five (75) feet of the plants to be irrigated.
7. 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 in Geyer Springs East Planning District. The Land Use Plan shows Mixed Office and Commercial (MOC) for this property. The Mixed Office and Commercial category provides for a mixture of office and commercial uses to occur. Acceptable uses are office or mixed office and commercial. A Planned Zoning District is required if the use is mixed office and commercial. The request is a rezoning from O-3 (General Office District) to (PCD) (Planned Commercial Development) allow retail use of building and a food truck.

Master Street Plan: East of the property is Geyer Springs Road and it is shown as a Minor Arterial Street on the Master Street Plan. South of the property is Carlyle Drive and it is shown as 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 Geyer Springs Road since it is a Minor Arterial. 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. These streets 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: (November 1, 2017)

The applicant was present. Staff presented an overview of the item stating there were few outstanding technical issues in need of addressing related to the site plan. Staff questioned the days and hours of operation, the placement of a dumpster and any proposed screening. Staff also questioned if the food truck would remain on-site over night or if the truck would leave the site on a daily basis.

Public Works comments were addressed. Staff stated a variance from Sections 30-43 and 31-210 was required to allow the drive on Carlyle Drive nearer the intersection than typically allowed. Staff stated sidewalks were required on Carlyle Drive and Geyer Springs Road to meet the Master Street Plan requirements. Staff stated dedication of right of way to 30-feet from centerline was required on Carlyle Drive as was a 20-foot radial dedication at the intersection of Carlyle Drive and Geyer Springs Road.

Landscaping comments were addressed. Staff stated screening was required on the perimeters where the development was adjacent to residentially zoned or used property. Staff stated any new paved areas were to be landscaped to meet the minimum requirements of the landscape ordinance.

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 and cover letter to staff addressing most of the technical issues associated with the request raised at the November 1, 2017, Subdivision Committee meeting. The applicant has provided the days and hours of operation, the dumpster location and the location of the proposed screening fence.

The request is a rezoning of the site from O-3, General Office Zoning District and R-2, Single-family Zoning District to PCD, Planned Commercial Development to allow the placement of a food truck in front of the business located on a graveled parking pad. The request also includes a request to use the existing structure for commercial/retail uses.

The food truck is proposed in the front yard of the existing structure and placed on a graveled parking pad. The applicant is also requesting the food truck be allowed to remain on the site during non-operational hours. The City Guidelines for Mobile Canteen Units state trailers must remain hooked up to the tow vehicle at all times, all vehicles must be parked on a paved surface, and at the end of each business day, all equipment, vehicles and related materials must be removed from the site.

The existing building, which contains 1,150 square feet of floor area, will be used for commercial uses and services to include money grams, phone cards, cosmetics, shoes and apparel, snacks such as chips and ice cream and bulk can foods. The request includes the allowance of C-1, Neighborhood Commercial District uses.

The site plan indicates the placement a paved parking area behind the building containing five (5) parking spaces. Within the rear parking area a dumpster will be placed which will be placed within the sixth indicated parking space. Parking for the existing building, 1,150 square feet of floor area, would typically require the placement of three (3) parking spaces. There are no established parking standards for the food truck.

The applicant indicates the days and hours of operation for the site are from 10 am to 10 pm seven (7) days per week. The dumpster service hours are limited to 7 am to 6 pm Monday through Friday.

The applicant indicates building signage will comply with signage allowed in commercial zones or a maximum of ten (10) percent of the façade area of the facades abutting the public street. A ground sign is not proposed. The applicant notes should a ground sign be added in the future the sign will be limited to a maximum height of six (6) feet and a maximum sign area of 72 square feet.

The plan includes the placement of a six (6) foot screening fence around the proposed parking area. The plan also includes the placement of a four (4) foot fence within the front yard area at the back of the sidewalk to direct foot traffic to the food truck and not allow access via the front lawn area.

The plan indicates the placement of a 7-foot landscape strip along the eastern perimeter between the paved parking and the adjacent property. Both the landscape ordinance and the buffer ordinance would typically require the placement of a landscape strip nine (9) feet in width. The plan indicates the placement of an eight (8) foot landscape strip along the northern perimeter of the site. A nine (9) foot landscape strip would typically be required.

The driveway located along Carlyle Drive is to be relocated to the east to near the eastern property line. The existing driveway is to be removed. To allow a paved surface to access the parking pad for the food truck will result in a street buffer along Carlyle Drive of near three (3) feet. This will also result in the loss of one (1) parking space.

Although staff is generally supportive of allowing some form of commercial activity on the site, staff cannot support the site plan as presented. The plan creates a number of deficiencies with regard to the Landscape Ordinance. The placement of the dumpster and the loss of the parking space to serve as access for the food

truck results in the site only being able to provide four (4) parking spaces. Staff has concerns the parking as proposed will not be adequate to serve the commercial uses and the food truck.

J. STAFF RECOMMENDATION:

Staff recommends denial of the request.

PLANNING COMMISSION ACTION:

(NOVEMBER 30, 2017)

The applicant was present. There were registered objectors present. Chairman Berry addressed the applicant stating the Commission's policy was when there were eight (8) or fewer Commissioners present the Commission allowed the applicant the option of deferral to a meeting were there would potentially be more members present. Staff stated if deferred the date would be January 11, 2018.

The applicant stated they wished to defer the item to the January 11, 2018 public hearing.

The Chair entertained a motion for deferral of the item to the January 11, 2018, public hearing. The motion carried by a vote of 8 ayes, 0 noes and 3 absent.

STAFF UPDATE:

The applicant submitted a revised site plan to staff addressing a number of staff's previous concerns. The revised plan includes the placement of a nine (9) foot landscape strip adjacent to the proposed parking area along the north and eastern perimeters. The applicant has also indicated a six (6) foot screening fence along these perimeters as well. The plan notes landscape plantings will be installed within these areas as required by the landscape and buffer ordinance requirements. The plan indicates the placement of a three (3) foot landscape strip along Carlyle Drive. Within this area the applicant is requesting a franchise agreement with the City to allow for plant materials to be placed within the street right of way. The applicant has indicated additional plantings will be provided within this area to help off-set the lack of landscape space.

The previous request was to allow the area for the food truck parking to remain graveled. The applicant has now indicated this area will be constructed of concrete or asphalt and plantings will be installed around the parking pad to soften the paved material. The applicant has also indicated the food truck will be removed from the site on a daily basis as typically required by City guidelines for food trucks.

The applicant indicates the days and hours of operation for the site are from 10 am to 10 pm seven (7) days per week. Staff has concerns with the hours of operation and recommend the applicant limit the ending hour to 7 pm daily.

The applicant has revised the plan and indicated there will not be a dumpster located on the site. All trash will be removed from the site daily.

Based on the applicant's revision to the site plan and the agreement to pave surfaces proposed for parking of vehicles and the food truck the applicant has addressed staff's concerns related to this aspect of the request. The applicant's revision to the site plan to allow the proper landscape strip along the northern and western perimeters and providing the screening and landscaping has addressed staff's previously raised concerns. Staff's primary concern now is the hours of operation. There are single-family homes located to the east of this site and staff feels to allow the business to operate until 10 pm seven (7) days per week will potentially have an adverse impact on these homes. Staff feels a closing time of 7 pm would allow the business access to customers leaving work to pick up food on their way home and allow the residence in the nearby homes the ability to enjoy their homes in the evening hours.

Based on the requested hours of operation staff continues to recommend denial of the request.

PLANNING COMMISSION ACTION:

(JANUARY 11, 2018)

The applicant was present. There were registered objectors present. Staff presented the item with a recommendation of approval. Staff stated based on the applicant's revision to the site plan, the agreement to pave surfaces proposed for parking of vehicles and the food truck the applicant had addressed their concerns related to this aspect of the request. Staff stated the applicant's revision to the site plan to allow the proper landscape strip along the northern and western perimeters and providing the screening and landscaping had addressed staff's previously raised concerns. Staff stated the applicant had agreed to reduce their hours of operation which was the previous remaining concern of staff when the agenda was published. Staff stated based on the applicant's revision to their request they were now supportive of the applicant's request to rezone the site to PCD, Planned Commercial Development, to allow the use of the property as proposed. Staff presented 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.

Ms. Aracely Gutierrez addressed the Commission on the merits of the request. She stated the request was to allow the business to operate from the site. She stated the food truck was a part of the request in addition to the allowance of retail sales from the existing building. She stated since taking over the site they had made improvements to the area. She stated with the approval they would install landscaping, paving and screening to improve the appearance of the site.

Mr. Stephen Mann addressed the Commission in opposition of the request. He stated he was not aware there had been changes to the plan. He stated at the Southwest Little Rock United for Progress meeting the members had voted to not support the request. He stated food trucks were a plague to the area and the residents and neighborhood associations had worked to keep them out of the area.

Ms. Rhonda Hancock addressed the Commission in opposition of the request. She stated the applicant's had made a presentation at the Southwest Little Rock United for Progress association's meeting. She stated the members voted to not support the request. She stated a letter from Windamere/Upper Baseline Neighborhood Association had been provided to the Commission asking the Commission to deny the request. She stated the property was not large enough to support the activities proposed by the applicant. She stated parking and landscaping were not sufficient and the parking was proposed adjacent to a residence. She stated the hours of operation would have an impact on the adjoining homes. She stated the driveway spacing was a violation of City ordinance and if waived would present a hazard upon entering and exiting Carlyle and/or Geyer Springs. She stated the entire front lawn was covered with gravel making the site unattractive. She requested the Commission deny the request and the applicant remove the food truck and gravel from the front lawn and replace the area with sod. She stated Southwest Little Rock was in the process of revitalization of Geyer Springs and the surrounding area and were working with a consultant group on strategies. She stated the planning strategy for the area was to be more in keeping with SOMA in downtown Little Rock. She stated beautification along the corridor was vital to this revitalization and the current request did not fit within the scope of the future desires. She stated the neighborhood did support businesses and the new entrepreneurs in the area, all of which would be invited to participate in the revitalization plans.

Ms. Nell Johnson addressed the Commission in opposition of the request. She stated there was a school located near this site and the children had to walk past this site to school. She stated it was important to protect our children. She stated with business located along the school route there was a concern that there could be an issue with the customers and the young children. She stated it was important to protect the youth.

Ms. Gutierrez addressed the Commission stating the business was a family friendly business. She stated the business would not serve alcohol. She stated the food was picked up and taken away. She stated parking would be added to the site to limit any impact on the adjoining homes. She stated they had agreed to lessen the hours by 21 hours per week and closing at 7 pm on all days except Friday. She stated even on Friday they had agreed to lessen the hours over the requested hours closing at 9 pm. She stated landscaping would be added to the front, sides and rear of the property.

There was a general discussion by the Commission concerning the retail activities on the site. Ms. Gutierrez stated the retail sales included cosmetics, money grams, boots and hats. She stated a small amount of food was also sold from the site.

Commissioner Laha questioned Mr. Mann if Southwest Little Rock United for Progress had been aware of the change in hours if that would have changed they recommendation. Mr. Mann stated he did not feel this would have changed the recommendation.

A motion was made to approve the request including all staff recommendations and comments. The motion failed by a vote of 5 ayes, 6 noes and 0 absent.