

FILE NO.: S-1710 (Z-4403-I)

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NAME: The Preserve at Aldersgate Subdivision Site Plan Review/Short-form PD-R

LOCATION: Located at 1303 and 1310 Aldersgate Road

DEVELOPER:

Universal Housing Group, LLC  
P.O. Box 241667  
Little Rock, AR 72223

ENGINEER:

McGetrick and McGetrick Engineers  
P.O. Box 30441  
Little Rock, AR 72260

AREA: 2.0 acres

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

CURRENT ZONING:

MF-24

PLANNING DISTRICT:

11 - I-430

CENSUS TRACT:

24.08

VARIANCE/WAIVERS: A variance from Section 36-522(a)(3) to allow the street buffer along I-430 less than the 30-foot minimum requirement.

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A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The request is to allow a rezoning to PD-R for property located in the 1300 Block of Aldersgate Road. The site contains 2.0 acres and is currently zoned MF-24. The developer is proposing to build three (3) buildings of multi-family housing. Two of the buildings are proposed with 12-units and one is proposed with 24-units. The proposal includes the construction of a 2,080 square foot clubhouse with a pool. The buildings are proposed three-stories in height.

The survey provided by the applicant indicates the ownership to the centerline of Aldersgate Road. It was determined during the Subdivision Committee review the application should be amended from a site plan review to a Planned

Development Residential to allow for the density as proposed with the available land area once the right of way was dedicated to the public.

B. EXISTING CONDITIONS:

The property is located on the West side of Aldersgate Road just south of Kanis Road and abutting to I-430. There is a single-family home with a pool located on the site. This section of Aldersgate Road is currently redeveloping with office and residential uses. Across Aldersgate is a medical office/rehab clinic which has completed the street improvements to Aldersgate Road including curb, gutter and sidewalk. South of the site, also on the east side of Aldersgate Road, are three (3) office buildings which have also completed street improvements to Aldersgate Road. Immediately south of the site is a property zoned POD which was approved to allow the use of one of the structures on the site for the sale of oriental rugs.

C. NEIGHBORHOOD COMMENTS:

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

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. With site development, provide the design of street conforming to the Master Street Plan. Construct one-half street improvement to the streets including 5-foot sidewalk with the planned development. The new back of curb should be 31-feet from the back of curb on the east side of the street.
2. Repair or replace any curb and gutter or sidewalk that is damaged in the public right-of-way prior to occupancy.
3. Aldersgate Road is classified on the Master Street Plan as a collector street. A dedication of right-of-way 30 feet from centerline will be required.
4. Stormwater detention ordinance applies to this property.
5. 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.
6. All driveways shall be concrete aprons per City Ordinance.
7. Erosion controls must be installed to reduce discharge of polluted stormwater.

8. 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.
9. Per City Code, chlorinated pool water cannot be discharged into the City of Little Rock stormwater drainage.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Wastewater: Sewer main extension required with easements for this project. Capacity Contribution Analysis required for all multi-family projects. Contact Little Rock Wastewater for additional information.

Entergy: Approved as submitted.

Center-Point 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. Contact Central Arkansas Water regarding the size and location of the water meter.
5. A Capital Investment Charge based on the size of meter connection(s) will apply to this project in addition to normal charges. This fee will apply to all connections including metered connections off the private fire system.
6. 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.

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 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 material and construction specifications and installation will be inspected by an engineer, licensed to practice in the State of Arkansas. Execution of Customer Owned Line agreement is required.

Fire Department: Place fire hydrant(s) per code. Maintain access. Contact the Little Rock Fire Department for additional information.

County Planning: No comment.

CATA: Located directly on the #3 Baptist bus route off Kanis Road.

Parks and Recreation: No comment received.

F. ISSUES/TECHNICAL/DESIGN:

Planning Division: No comment.

Landscape:

1. Site plan must comply with the City's landscape and buffer ordinance requirement.
2. Street trees and shrubs will be required per Chapter 15, the Landscape Ordinance, to screen the parking area along Aldersgate Road.
3. An automatic irrigation system to water landscaped areas will be required.
4. Prior to the issuance of a building permit, it will be necessary to provide landscape plans stamped with the seal of a registered landscape architect.
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). Interior islands must be a minimum of one hundred and fifty (150) square feet in area to qualify and be seven and one half (7 ½) feet in width.

6. A small amount of building landscaping will be required.
7. The Zoning Ordinance requires a street buffer along I-430 of a minimum of 30-feet. The plan appears to encroach into the required buffer area.

G. SUBDIVISION COMMITTEE COMMENT: (September 11, 2013)

The applicant was present representing the request. Staff presented an overview of the development stating there were additional items necessary to complete the review process. Staff requested the applicant provide the building height for the new construction. Staff stated the setbacks from the perimeter property lines was to equal the height of the proposed buildings. Staff requested information concerning the construction materials of the proposed buildings including the proposed dumpster screening. Staff noted the dumpster was indicated within the front setback along Aldersgate Road. Staff stated there were variances associated with the request including a reduced number of parking spaces and an encroachment into the 30-foot landscape strip which was required along I-430. Staff stated there would also be a variance to allow a reduced setback from the northern, western and southern perimeters.

Public Works comments were addressed. Staff stated street improvements to Aldersgate Road would be required with the development of the site. Staff stated the new back of curb should be 31-feet from the back of curb on the east side of the street. Staff stated the City's Stormwater Detention Ordinance would apply to the development of the site. Staff also stated no chlorinated pool water could be discharged into the City's stormwater drainage system.

Landscaping comments were addressed. Staff stated a landscape plan stamped with the seal of a registered architect would be required at the time of building permit. Staff also stated an automatic irrigation system would be required to water landscaped areas on the site. Staff noted a minimum of eight percent (8%) of the interior paved area was to be landscaped with islands a minimum of 150-square feet in area would be required. Staff also noted the street buffer along Aldersgate Road as indicated was acceptable to meet the minimum requirement of the City's Landscape and Buffer Ordinances.

Staff noted the property description described the property to the centerline of Aldersgate Road. Staff stated based on the legal description the site did contain 2.0-acres but once the right of way was dedicated the lot would contain 1.688 acres which would result in a density of 28.4 units per acre. Staff stated the application should be amended to a Planned Development (PD-R) to allow the development of the multi-family as proposed.

Staff noted comments from the other reporting departments and agencies suggesting the applicant contact them individually for additional clarification. There was no further discussion of the item. The Committee then forwarded the item to the full Commission for final action.

H. ANALYSIS:

The applicant submitted a revised site plan and cover letter to staff addressing the issues raised at the September 11, 2013, Subdivision Committee meeting. The application request has been amended to a Planned Development Residential to allow the development at the density proposed by the applicant once the right of way is dedicated to the City. The site contains 2.0 acres but once the right of way is dedicated the lot will contain 1.69 acres which results in a density of 28.4 units per acre.

The developer is proposing to build three (3) buildings of multi-family housing. Two of the buildings are proposed with 12-units and one is proposed with 24-units. The proposal includes the construction of a 2,080 square foot clubhouse with a pool. The buildings are proposed three-stories in height with a maximum building height of 40-feet.

The request includes a reduction in the number of parking spaces typically required to serve the development. The site plan indicates 67-spaces. The ordinance would typically require the placement of 1 ½ spaces per unit or a total of 72 parking spaces. The applicant has indicated up to 50 percent of the parking spaces will be covered.

The request also includes a variation from Section 36-522(a)(3) which states, Street buffers shall be a minimum of thirty (30) feet in width when abutting an expressway except within the mature area. The plan indicates portions of the buffer along I-430 reduced to 15-feet near the northwest portion of the site. The pool is also proposed within the 30-foot buffer along I-430. Within the buffer area the applicant is proposing to provide up to 1 ½ times the amount of landscaping typically required in this area to off-set the encroachment.

The units are proposed with a maximum building height of 40-feet. The MF-24 zoning district typically requires the interior yard setback to be equal to the height of the building. The building setback along the north and south perimeters is 15-feet. The setback along I-430 is reduced to 15-feet along the northwestern portion of the development. The applicant has indicated the development is an upscale, luxury community with unit sizes and amenities comparable to similar developments in the area. The yard setbacks are reduced to accommodate these features. The applicant has indicated a commitment to provide additional trees and larger size greenery than the amount typically required by City ordinance.

The total building area is approximately 65,592 square feet. The total building coverage is approximately 23,536 square feet. The proposed clubhouse amenities include a guest lounge, fitness center, business center, poolside grill(s) and theatre room.

The request is for signage not to exceed six (6) feet in height and 85 square feet in area. The applicant has indicated berming may be used to elevate the sign for visibility.

The construction is proposed in two (2) phases. The proposed construction materials consist of a combination hardi-plank/board, brick and/or stone. The proposed roofing material is asphalt architectural shingles and the roof pitch is approximately 6:12. The proposed dumpster screening will be of similar exterior materials as the development's main buildings and/or clubhouse. The dumpster enclosure is proposed with a durable gate made of iron or steel. The perimeter fencing is proposed as decorative iron/vinyl and approximately six (6) feet in height located around the sites perimeters.

Staff has concerns with the development as proposed. The development is proposed as two (2) bedroom two (2) bath units with 1,000 – 1,200 square feet. Based on the unit size and number of bedrooms staff does not feel the parking will be adequate to serve the development. In addition the street buffer along I-430 is indicated less than typical ordinance standard. The Landscape Ordinance allows for a transfer of up to 25-percent of the required perimeter landscape strip to another area of the site. A variance from this provision requires approval from the City Beautiful Commission. Based on the site plan and site configuration staff does not feel the development can meet this criteria. In addition, the building setbacks along the northern, southern and western perimeters are not in compliance with the typical ordinance standards for the underlying zoning.

I. STAFF RECOMMENDATION:

Staff recommends denial of the request as filed.

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PLANNING COMMISSION ACTION:

(OCTOBER 3, 2013)

The applicant was present. There was one registered objector present. The Chair informed the applicant there were eight (8) Commissioners present. The Chair stated it was the Commission's practice that when fewer than nine (9) Commissioners were present the applicant was offered the option of deferral to a later meeting to allow more members to be present to hear the request. The Chair stated for an item to be approved six (6) positive votes were required.

Mr. Pat McGetrick requested a deferral of the item.

The Chair informed Mr. McGetrick the item would be deferred to the November 14, 2013, Subdivision Hearing. A motion was made to approve the deferral request. The motion carried by a vote of 8 ayes, 0 noes, 2 absent and 1 open position.

STAFF UPDATE:

There has been no change to the application request since the previous public hearing. Staff continues to recommend denial of the request.

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PLANNING COMMISSION ACTION:

(NOVEMBER 14, 2013)

Mr. Pat McGetrick, Mr. AJ Gilbert and Ms. Gwinn Gilbert were present representing the request. There was one registered objector present. Staff presented the item stating the application was originally filed as a subdivision site plan review to allow the development of multi-family on a 2-acre parcel zoned MF-24. Staff stated during the review process it was determined the application should be amended to a Planned Development due to the right of way for Aldersgate Road being included in the legal description of the property. Staff stated once the right of way was dedicated the ownership would be less than 2-acres resulting in an overall density over 24-units per acre. Staff stated there were three primary concerns with the proposed development. Staff stated their concerns were lack of parking to meet the typical minimum ordinance requirements, the intrusion on the Interstate buffer and the proposed setbacks from the adjacent property lines. Staff presented a recommendation of denial.

Mr. Pat McGetrick addressed the Commission on behalf of the developers. He stated the developers intended to develop the site with an upscale residential development. He stated the development would contain a mix of one and two bedroom units. He stated he felt the parking would be adequate to serve the units. He stated in the area the plan was intruding into the Interstate buffer the applicant intended to add additional plantings at one and one-half times the typical ordinance requirements. He stated he did not feel the setbacks from the northern and southern property lines would adversely impact the adjacent properties. He stated these properties would most likely redevelop with non-single-family uses.

Mr. AJ Gilbert addressed the Commission on the merits of the request. He provided the Commission with elevations for the proposed buildings. He also stated the materials would be high quality materials including brick, stone, hardi-board. He stated due to the dedication of right of way this created a hardship for developing the site. He stated the survey indicated the property containing 2-acres but upon dedication the ownership would actually be 1.6-acres. He stated the approval of the PD-R would allow for development of multi-family at the density proposed.

Ms. Gwinn Gilbert addressed the Commission on the merits of the request. She stated with the approval a dedication of 30-feet from centerline would be provided to the City as right of way. She stated with the amenities proposed for the development it was important to provide the density as proposed. She stated based on the development providing one and two bedroom units she felt the parking would be adequate. She stated the target market was young professionals, small families, persons working in the nearby medical offices, clinics and hospitals. She stated she felt few of the residents would have more than one vehicle. She stated within the

landscape area additional plantings would be provided. She stated the proposal included additional plantings at one and one-half times the typical ordinance requirement. She stated she felt this would off-set the encroachment into the buffers. She stated they were requesting to develop the property as it was currently zoned which was multi-family.

Ms. Ruth Bell, League of Women Voters, addressed the Commission in opposition of the request. She stated the parking and the buffer were two primary concerns of the League. She stated the parking would be a self-correcting problem. She stated if there was not sufficient parking the residents would leave the development. She stated the buffer was a bigger concern. She stated the Interstate buffer requirement was put into the Zoning and Landscape Ordinances for a reason. She stated 15-feet of spacing from a residence to the Interstate was not a sufficient setback. She stated Interstates were noisy and the additional buffering would allow for a decrease in the noise. She stated additional landscaping would help but the additional setback would make the development more livable.

Mr. McGetrick stated only a small portion of the residential units encroached into the buffer. He stated the majority of the development was providing the required buffer. He stated the additional plantings would help off-site the noise. He stated 30-feet to 15-feet was not significantly different when you were addressing noise and sound.

Commissioner Pierce questioned Mr. McGetrick as to the location of the existing homes located on the site. Mr. McGetrick stated the homes were located within the 30-foot buffer area.

Commissioner Nunnley questioned staff as to why the ordinances included the provision for the Interstate buffer. Staff stated they were not sure but felt the buffer was included during the rewrite of the Landscape Ordinance several years earlier. Staff stated during the process they felt the Committee members and ultimately the City felt it was important to provide a landscape buffer along the City's Interstate frontages. Staff stated they did not feel the reason for the buffer was noise but to provide additional landscaping along the Interstates.

There was a general discussion concerning the buffering and the existing conditions of the site. Mr. McGetrick stated the area was heavily wooded and with the additional landscaping this would dampen the noise level for the residents.

A motion was made to approve the request including all staff recommendations and comments except that of denial. The motion carried by a vote of 8 ayes, 0 noes, 2 absent and 1 open position.