

FILE NO.: Z-4746-E

NAME: Little Rock Funeral Home Short-form POD

LOCATION: Located at 8801 Knoedl Court

DEVELOPER:

Brad Leggett
P.O. Box 56647
Little Rock, AR 72215

OWNER/AUTHORIZED AGENT:

Brad Leggett on behalf of Little Rock Funeral Home, Owner
White-Daters and Associates, Agent

SURVEYOR/ENGINEER:

White-Daters and Associates
24 Rahling Circle
Little Rock, AR 72223

AREA: 1.0-acres

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

WARD: 6

PLANNING DISTRICT: 11 – I-430

CENSUS TRACT: 24.08

CURRENT ZONING: O-3, General Office District

ALLOWED USE: General and Professional Office

PROPOSED ZONING: POD

PROPOSED USE: Add crematorium as an allowable use.

VARIANCE/WAIVERS: None requested.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant is requesting a rezoning of the site from O-3, General Office Zoning District to POD, Planned Office Development Zoning District, to add a crematorium as an allowable use for the property. There are no other changes proposed for the site.

B. EXISTING CONDITIONS:

The site is developed with a funeral home and parking. Along Knoedl Court there are two (2) other office uses, a surgery center and a pharmaceutical company. There is a paved parking lot located at the end of Knoedl Court owned by the funeral home company.

Knoedl Court is constructed to commercial street standard. There is no sidewalk in place along the frontage of the office users. The sidewalk is in place along the parking lot frontage.

C. NEIGHBORHOOD COMMENTS:

All property owners located within 200-feet of the site along with the Pennbrook/Clover Hill Neighborhood Association were notified of the public hearing.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. Repair or replace any curb and gutter or sidewalk that is damaged in the public right-of-way prior to occupancy.
2. Sidewalks with appropriate handicap ramps are required to be constructed on Knoedl Court in accordance with Section 31-175 of the Little Rock Code and the Master Street Plan. Sidewalk is proposed to be constructed on the north side of Knoedl Court to connect with the existing sidewalk.

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

Little Rock Water Reclamation Authority: Sewer available to this site. Capacity and fee analysis required. Contact Little Rock Water Reclamation Authority for additional information.

Entergy: Entergy does not object to this proposal. There do not appear to be any conflicts with existing electrical utilities at this location. Service is already being provided to this building via an underground service line from the east side of the property. Please contact Entergy in advance to discuss electrical service requirements since additional electrical load may be added which could exceed the limits of the transformer currently serving the building.

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.

Fire Department: Full plan review.

Parks and Recreation: No comment received.

County Planning: No comment.

F. Building Codes/Landscape:

Building Code: Project is subject to full commercial plan review and approval prior to issuance of a building permit. For information on submittal requirements and the review process, contact a commercial plans examiner: Curtis Richey at 501.371.4724; crichey@littlerock.gov.

Landscape:

1. Any new site development must comply with the City's landscape and buffer ordinance requirements.
2. Any new building rehabilitation or expansion may require the existing landscaping, buffer, or vehicular use areas not meeting the current code requirements to be brought into compliance. Existing vehicular use areas may continue as nonconforming until such time as a building permit is granted to enlarge or reconstruct a structure on the property exceeding ten (10) percent of the existing gross floor area. At such time ten (10) percent of the existing vehicular use area shall be brought into compliance on a graduated scale.
3. The City Beautiful Commission recommends preserving as many existing trees as feasible on tree covered sites. 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 Rock Region Metro route.

Planning Division: This request is located I-430 Planning District. District. The Land Use Plan shows Office (O) for this property. 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 applicant has applied for rezoning from O-3 (General Office District) to POD (Planned Office Development) to add a crematory as an allowable use. The request is within the John Barrow Road Overlay District.

Master Street Plan: North of the property is Knoedl Court and it is shown as a Local Street on the Master Street Plan. East of the property is John Barrow Road and it is shown as a Minor Arterial on the Master Street Plan. 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". A Collector design standard is used for Commercial Streets. 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 John Barrow Road 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: A Class II Bike Lane is shown along John Barrow Road. Bike Lanes provide a portion of the pavement for the sole use of bicycles.

H. SUBDIVISION COMMITTEE COMMENT: (January 31, 2018)

The applicant was present representing the request. Staff presented an overview of the item stating there were few outstanding technical issues associated with the request. Staff questioned the days and hours of the funeral home. Staff requested the applicant indicate the height of the smoke stack.

Public Works comments were addressed. Staff stated any broken curb, gutter or sidewalk that was damaged in the public right of way was to be repaired prior to the issuance of a certificate of occupancy. Staff stated the sidewalk proposed on the north side of Knoedl Court and connecting to the existing sidewalk was acceptable.

Landscaping comments were addressed. Staff stated any new building rehabilitation or expansion may require the existing landscaping and buffering to come into compliance with the current code requirements. Staff stated at the time a building permit was issued for a building expansion exceeding ten (10) percent of the current gross square feet of floor area then the existing vehicular use area was to be brought into compliance on a graduated scale.

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 cover letter to staff addressing the technical issues associated with the request. The request is a rezoning of the site from O-3, General Office Zoning District to POD, Planned Office Development Zoning District, to add a crematorium as an allowable use for the property. A 46.5-foot by 33.5-foot addition will be placed along the eastern side of the building to house the chamber. There are no other changes proposed for the site.

The applicant indicates under normal operations there is no smoke or smell generated from the cremation process. Typically no noticeable smoke is emitted. Perhaps, under certain weather conditions condensation will appear. The applicant states a proprietary accelerated reverse osmosis process with triple micro electrostatic filtration is used. The chamber is multiple combustion chambers used to retain all particulates. Exhaust gases are reburned and circulate through a series of baffles. The process is entirely automated and is monitored continuously, in real time over the internet by the equipment supplier.

Upon approval the equipment supplier will make a permit application to the Arkansas Department of Environmental Quality (ADEQ) for the necessary Air Quality permit. The permit is subject to quarterly reporting and inspection. No hazardous or noxious gases will be emitted. The process is regulated by the State of Arkansas.

Initially there will be 175-200 cremations each year. The maximum expected is ten to twelve (10 to 12) per week. Typically cremations take place during normal working hours. On occasion, the cremation will occur prior to, or after normal working hours.

The top of the stack will not be above the roof ridge line. Only the upper two (2) feet of the stack will be exposed. The rest will be included in a chimney. The top of the chimney must be above the elevation of the roof slope at a ten (10) foot diameter horizontal surface.

Staff is supportive of the applicant's request. There will be little to no change on the exterior of the building. To staff's knowledge there are no remaining outstanding technical issues associated with the request. Staff feels the rezoning request to allow the use as proposed is appropriate.

J. STAFF RECOMMENDATION:

Staff recommends 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.

PLANNING COMMISSION ACTION:

(FEBRUARY 22, 2018)

The applicant was present. There were registered objectors present. Staff presented the item with 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.

Mr. Tim Daters of White-Daters and Associates and Mr. Brad Leggett of Little Rock Funeral Home were present representing the request. Mr. Daters stated this was a small one (1) acre office site which currently housed the funeral home. Mr. Leggett stated the reason for the request was now near fifty percent (50%) of the client's desire cremation. He stated the family placed trust in the funeral home to take care of their needs. He stated currently the body was transported to another location for the cremation process and then returned to his facility. He stated with him not being required to transport the body the family members would feel more at ease.

Ms. Julie Cawthron addressed the Commission with concerns. She stated she had attended the neighborhood meeting. She stated she still had questions and did not feel she had enough information. She stated her concerns were environmental. She questioned the risk for air quality. She stated Henderson Middle School was located across the street from this site. She stated she wanted more information before the decision was made.

Ms. Meg Dunn addressed the Commission in opposition of the request. She stated the funeral home should not have been allowed at this location. She stated it was too close to the neighborhood. She stated her concerns were also environmental. She stated it was

unclear if there were emissions created by the cremation process. She stated this use should not be placed next to a residential neighborhood.

Mr. Daters stated the supplier would apply for an air quality permit because they were more familiar with the process. He stated the air quality permit would be issued from the Arkansas Department of Environmental Quality. He stated the Arkansas Department of Environmental Quality would monitor the output of the system. He stated the facility was subject to quarterly monitoring and the site was also subject to spot checks by the Arkansas Department of Environmental. He stated the system was also monitored by the supplier on a real time basis and if any malfunction was detected the system was shut down by the manufacture.

The Commission questioned when the cremations would take place. Mr. Leggett stated his business was a seven (7) day a week operation. He stated everyday was Monday in his line of work. The Commission questioned where cremations were currently taking place. He stated most were performed in Greenbrier, Arkansas. He stated there was a cremation facility located on Kanis Road, just south of Bowman Road. He stated it had been there for over 40 years.

The Commission questioned if any studies had been performed to determine if there were any issues with air quality. Mr. Daters stated the facility was regulated by the Arkansas Department of Environmental Quality through an air quality permit. He stated the supplier would apply and secure all permits necessary for the facility. He stated the emissions from the facility would be monitored. He stated as a part of the permitting process, the State would review the placement of the facility. He stated if the Arkansas Department of Environmental Quality felt there was an issue with the location they would not issue the air quality permit.

Mr. Leggett stated he had met with the area residents at his office. He stated there were 30 to 40 persons present. He stated Director Doris Wright was in attendance. He stated after the presentation she requested those present vote on the item. He stated the persons in attendance voted to support the project.

The Chair entertained a motion for approval of the item including all staff recommendations and comments. The motion carried by a vote of 10 ayes, 1 no and 0 absent.