

FILE NO.: Z-6318-E

NAME: Chenal Market Revised Long-form PCD

LOCATION: Located at 16105 Chenal Parkway

DEVELOPER:

KR Little Rock Holdings Y-623 LLC
P.O. Box 1878
Memphis, TN 38101

SURVEYOR:

Global Surveying Consultants, Inc.
Attn. Paxton Singleton
6511 Heilman Court
North Little Rock, AR 72118

AREA: 17.62 acres NUMBER OF LOTS: 2 FT. NEW STREET: 0 LF

WARD: 5 PLANNING DISTRICT: 18 – Ellis Mountain CENSUS TRACT: 42.07

CURRENT ZONING: PCD

ALLOWED USES: C-2, Shopping Center District uses

PROPOSED ZONING: Revised PCD

PROPOSED USE: C-2, Shopping Center District uses – allow the creation of 2 lots

VARIANCE/WAIVERS: None requested.

BACKGROUND:

On August 19, 1997, the Little Rock Board of Directors adopted Ordinance No. 17,556 establishing Dairyland Long-form PCD. The property was approved for a mixed use development containing three Phases. Phase I was to include a 76,560 square foot Kroger Store, 9,000 square feet of retail/restaurant, 646 parking spaces and Lease Parcel 1. Phase II was to contain 35,000 square feet of retail and Phase III was to contain 90,000 square feet of retail, 306 parking spaces and Lease Parcels 2 and 3. Phase I was to begin development upon approval and Phases II and III were to begin

construction within a three year time period. No specific proposal was submitted for approval for the three Lease Parcels. The applicant indicated approval would be obtained at the time of development.

Ordinance No. 18,868 adopted by the Little Rock Board of Directors on November 17, 1988, revised the previously approved site plan for Dairyland Long-form PCD. The revision included moving the approved phase line to include Lease Parcel 2 and add 12 parking spaces. The revision also included the construction of the drive along the south side of Lease Parcel 2. The applicant submitted a site plan for Lease Parcel 2 for approval. The site plan included the construction of a 4,200 square foot bank building with 29 parking spaces. Phase I has been constructed. No construction has begun on Phases II and III.

Ordinance No. 19,332 adopted by the Little Rock Board of Directors on May 17, 2005, revised the previously approved PCD to allow twelve of the existing parking spaces to be used as seasonal outdoor display. From March to September the approval allowed Kroger to display lawn furniture, bar-b-que grills and miscellaneous outdoor equipment in their parking lot. The displayed items would be barricaded to prevent customers from parking in the display area and creating traffic conflicts.

Ordinance No. 20,031 adopted by the Little Rock Board of Directors on October 14, 2008, allowed a revision to the previously approved site plan. The developers were allowed a new 119,240 square foot Kroger store that would fill out the western end of the shopping center area. The former Kroger store (64,753 square feet) would be adapted for a new user, or multiple users, after the new store was completed and occupied. An addition to the eastern building containing 10,150 square feet was also proposed. A fuel service canopy was located at the east side of the western Chenal entry drive; and, Kroger requested the continued right to have a limited amount of seasonal outdoor display in shopping center parking areas.

Ordinance No. 20,648 adopted by the Little Rock Board of Directors on October 16, 2016, amended the site development plan for two (2) vacant parcels located along Kanis Road and Chenal Parkway. The northwest corner was proposed with a combination retail and restaurant building and drive-through service and associated parking improvements. The building was indicated with 6,573 square feet of gross floor area. A maximum restaurant area of 3,200 square feet and an outdoor dining of 250 square feet. There were 50 parking spaces indicated on this lot. The northeast corner was indicated with a large free standing restaurant and a smaller retail building. The restaurant building was indicated with 7,600 square feet, 768 square feet of outdoor dining and 111 parking spaces. A retail building containing 3,000 square feet along with 33 parking spaces were located on Lease Parcel 2. All the development has occurred.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant is now proposing to amend the previously approved PCD, Planned Commercial Development, to allow the existing single 17.62-acre lot located at 16105 Chenal Parkway to be subdivided. The existing Kroger store will remain on

a single lot and contain approximately 11.90 acres. The Chenal Health and Fitness will be located on the second lot which is proposed containing 5.72-acres.

B. EXISTING CONDITIONS:

All the previously approved development has occurred. Within the site is Kroger, a fitness center, a dress shop and vacant commercial lease space. Around the perimeter of the site there is a bank facility and Kroger fueling center. Additional retail and restaurant space has been added via lease parcels. There is a traffic signal located at the intersection with Chenal Parkway and Kanis Road and at Chenal Parkway and Kirk Road. All boundary street improvements have been completed to the abutting streets.

There is undeveloped conceptual PCD located to the west of the site on a former golf driving range. A convenience store, automobile dealership and church are among the uses across Chenal Parkway to the north. Across Kanis Road to the east there is an office building and a branch bank.

C. NEIGHBORHOOD COMMENTS:

All property owners located within 200-feet of the site along with the Kanis Creek Property Owners Association and the Parkway Place Property Owners Association were notified of the public hearing.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. Stormwater detention is provided for proposed Lot 2 on proposed Lot 1. Maintenance of detention ponds is the responsibility of the property owner or property owner's association. How will detention be provided for proposed Lot 2?
2. Access easements or shared access and parking should be provided.
3. Repair or replace any curb and gutter or sidewalk that is damaged in the public right-of-way prior to occupancy.
4. In accordance with Section 31-176, floodway areas must be shown as floodway easements or be dedicated to the public. In addition, a 25-foot-wide drainage and access easement is required adjacent to the floodway boundary. The floodway should be rezoned Open Space.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Little Rock Wastewater: Sewer available to this site. Existing easements must be retained. Contact Little Rock Wastewater Utility for additional information.

Entergy: Entergy does not object to this proposal. Service is already being provided to this structure. 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: Regarding the Lot split between Lot 1 & 2, Centerpoint Energy (CNP) currently serves the shopping center from the rear by underground natural gas facilities running along the existing fence at the edge of pavement/asphalt. These natural gas facilities serving the property are sourced from adjacent CNP facilities along Kanis Road. However, CNP facilities serving the shopping center are not indicated on the proposed plat. Also due to the proposed Lot Split, if a utility easement agreement is not already in place CNP requests a 20-foot utility easement be granted to existing natural gas facilities serving the shopping center from Kanis Road as laid. Please see attached facility map indicating approximate location of CNP Facilities.

AT & T: No comment received.

Central Arkansas Water: No objection. All Central Arkansas Water requirements in effect at the time of request for water service must be met.

Fire Department:

1. Maintain Access:
2. 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.
3. 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.
4. 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.
5. 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.

- a. 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.
 - b. 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.
 - i. 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.
 - c. 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.
6. 30' Tall Buildings - Maintain aerial fire apparatus access roads as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 Section D105.1 – D105.4
- a. D105.1 Where Required. Where the vertical distance between the grade plane and the highest roof surface exceed 30', approved aerial fire apparatus access roads shall be provided. For the purposes of this section the highest roof surfaces shall be determined by measurement to the eave of a pitched roof, the intersection of a roof to the exterior wall, or the top of the parapet walls, whichever is greater.
 - b. D105.2 Width. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26', exclusive of shoulders, in the immediate vicinity of the building or portion thereof.
 - c. D105.3 Proximity to building. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official.
 - d. D105.4 Obstructions. Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building. Other obstructions shall be permitted to be places with the approval of the fire code official.
7. Dead Ends. Maintain fire apparatus access roads at dead end locations as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 Section D103.4 Dead Ends. Dead-end fire apparatus access roads in excess of 150 feet shall be provided with width and turnaround provisions in accordance with Table D103.4. Requirements for Dead-end fire apparatus access roads.

8. Gates. Maintain fire apparatus access road gates as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 Section D103.5 Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:
 1. Minimum gate width shall be 20 feet.
 2. Gates shall be of swinging or sliding type.
 3. Construction of gates shall be of material that allow manual operation by one person.
 4. Gate components shall be maintained in an operable condition at all times and replaces or repaired when defective.
 5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official.
 6. Manual opening gates shall not be locked with a padlock or chain and padlock unless they are capable of being opened by means of forcible entry tools or when a key box containing the keys to the lock is installed at the gate location.
 7. Locking device specifications shall be submitted for approval by the fire code official
 8. Electric gate operators, where provided, shall be listed in accordance with UL 325.
 9. Gates, intended for automatic operation shall be designed, constructed and installed to comply with requirements of ASTM F 2200.
9. 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 (Jason Lowder 501.377.1245) and the Little Rock Fire Marshal's Office (Capt. Tony Rhodes 501.918.3757 or Capt. John Hogue 501.918.3754). Number and Distribution of Fire Hydrants as per Table C105.1.

Parks and Recreation: No comment received.

County Planning: No comment.

Rock Region Metro: The site is not located on a Rock Region Metro bus route.

F. ISSUES/TECHNICAL/DESIGN:

Building Code: No comment.

Planning Division: This request is located in Ellis Mountain Planning District. The Land Use Plan shows Commercial (C) for this property. The Commercial 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 applicant has applied for a rezoning from PCD (Planned Commercial Development) to a revised Long-form PCD (Planned Commercial Development) to allow the creation of an additional lot. The request is within the Chenal/Financial Center Design Overlay District.

Master Street Plan: North of the property is Chenal Parkway and it shown as a Principal Arterial on the Master Street Plan. West of the property is Kirk Road and it is shown as a Collector on the Master Street Plan. The primary function of a Principal Arterial Street is to serve through traffic and to connect major traffic generator or activity centers within an urbanized area. Entrances and exits should be limited to minimize negative effects of traffic and pedestrians on Chenal Parkway since it is a Principal Arterial. The primary function of a Collector Road is to provide a connection from Local Streets to Arterials. These Streets may require dedication of right-of-way and may require street improvements for entrances and exits to the site. The request is within the Chenal/Financial Center Design Overlay District.

Bicycle Plan: A Class I Bike Path is shown along Chenal Parkway. 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).

Landscape: No comment.

G. SUBDIVISION COMMITTEE COMMENT: (April 5, 2017)

The applicant was present. Staff presented an overview of the item stating there were few outstanding technical issues associated with the request. Staff questioned if the plat would include cross access and cross parking.

Public Works comments were addressed. Staff stated the existing stormwater detention was located on proposed Lot 1. Staff stated within the Bill of Assurance a maintenance agreement would be required to allow Lot 2 the continued use of the existing detention facility and outline the responsibilities of each lot with regard to maintenance.

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.

H. ANALYSIS:

There were few outstanding technical issues in need of addressing via a revised site plan for comments raised at the April 5, 2017, Subdivision Committee meeting. The applicant has indicated cross access and cross parking will be provided for the newly created lots. The applicant also notes detention will be addressed via the Bill of Assurance.

The applicant is proposing to amend the previously approved PCD, Planned Commercial Development, to allow the existing single 17.62-acre lot located at 16105 Chenal Parkway to be subdivided. The existing Kroger store will remain on a single lot and contain approximately 11.90 acres. The Chenal Health and Fitness along with the additional retail businesses will be located on the second lot which is proposed containing 5.72-acres.

Article VII Section 36-451 defines the process for the planned unit development process. The ordinance states the process is established to permit the combination of subdivisions and zoning review for parcels of land into one (1) process in order that all aspects of a proposed development can be reviewed and acted upon simultaneously. It is also the intent to permit the use of flexible guidelines rather than fixed zoning or subdivision regulations in the administrative review of specific development plans.

The current request is to allow the subdivision of the existing parcel into two (2) lots. The lots will share a common lot line through the existing buildings. A previous revision to the PCD zoning created several out-parcels along Chenal Parkway and created an outparcel which currently contains the end cap of the retail center, Mellow Mushroom Restaurant, West Rock Braces and Chuy's Restaurant.

Staff is supportive of the applicant's request. The property is a fully developed shopping center. The site will be overlaid with cross access and cross parking. In addition the applicant will provide for the existing detention facilities to be shared between the lots with a maintenance agreement included in the Bill of Assurance.

I. 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:

(APRIL 27, 2017)

The applicant was present. There were no 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.

There was no further discussion. The item was placed on the consent agenda and approved as recommended by staff by a vote of 11 ayes, 0 noes and 0 absent.