

FILE NO.: Z-9501

NAME: Pettaway Business District Short-form PCD

LOCATION: 412 East 21st Street

DEVELOPER:

Lorax LLC
609 East 16th Street
Little Rock, AR 72206
501-672-1545

OWNER/AUTHORIZED AGENT:

Lorax LLC/Owner

SURVEYOR/ENGINEER:

GarNat Engineering, LLC /Surveyor & Engineer

AREA: 0.67 acres

NUMBER OF LOTS: 2

FT. NEW STREET: 0 LF

WARD: 1

PLANNING DISTRICT: 8

CENSUS TRACT: 46

CURRENT ZONING:

C-3, General Commercial District and R-4,
Two-Family District

ALLOWED USES:

C-3 Uses, Single-Family and Two-Family Residential

PROPOSED ZONING:

PCD, Planned Commercial Development

PROPOSED USE:

Office, Commercial, Retail, Restaurant, and Multi-Family
Residential Uses

VARIANCE/WAIVERS:

BACKGROUND:

Historically, this street was the commercial center of the neighborhood and it is reflected in the current zoning, as most of the subject property is zoned C-3, General Commercial district and over two-thirds of the properties on both sides of the street in this block of

East 21st Street are also zoned C-3. The Pettaway Neighborhood is seeing continued investment in the construction of new homes and renovation of older homes.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant proposes to rezone the property at 412 East 21st Street from C-3 and R-4 to PCD, to allow a multiple building, mixed use development. The proposed development will include the construction of six (6) two-story buildings within the east two-thirds of the property. Paved parking will be located within the west third of the property, with an access drive from East 21st Street. The proposed use mix for the development as submitted by the applicant is as follows:

Re: Building Occupancy

(All square footages indicated as net)

SE Building - 2 Story Mixed Use

Ground Floor – (2) 265 sf Retail units facing 21st St | (3) approx. 550 sf Retail units facing courtyard.

Retail units will utilize shared toilet facilities for staff.

Second Floor – (4) approx. 550 sf Business/Office units accessed from courtyard stairs.

Each pair of units will share toilet facilities.

S Building - 2 Story Mixed Use

Ground Floor – (1) approx. 380 sf Retail unit

Second Floor – (1) approx. 380 sf Business/Office unit

Both units will share a ground floor toilet facility .

SW Building - 2 Story Mixed Use

Ground Floor – (1) 938 sf Coffee shop unit .

Second Floor – (1) 906 sf Business/Office loft.

Both units have ensuite toilet facility.

W Building - 2 Story Mixed Use

Ground Floor – (1) 511 sf Business unit

Second Floor – (1) 576 sf Residential Unit

Both units have ensuite toilet facility.

NW Building - 2 Story Residential Triplex

(3) Units – approx. 750 sf with a ground floor ½ bath, and second floor bedrooms and full bath.

NE Building - 2 Story Residential Quadplex

(4) Units – approx. 750 sf with a ground floor ½ bath, and second floor bedrooms and full bath.

The buildings along the East 21st Street frontage will be constructed first, with the remaining buildings to follow in future phases. There will be an interior area within the site which will be utilized as a farmer's market type use.

B. EXISTING CONDITIONS:

The property is undeveloped.

A commercial structure is to the west at the intersection of East 21st Street with Rock Street with another commercial building to the west at the intersection Commerce Street.

Property to the north is vacant.

Single-family homes are situated opposite this parcel across East 21st Street.

C. NEIGHBORHOOD COMMENTS:

As of this writing, staff has received one phone call from a nearby property owner asking for more information about the request. Notice of the public hearing was sent to all owners of properties located within 200 feet of the site and the Pettway, Macarthur Park, Downtown, and SOMA 501 neighborhood associations.

D. ENGINEERING COMMENTS:

1. Repair or replace any curb, gutter, sidewalk and access ramps that are damaged and not in compliance with ADA recommendations in the public right-of-way prior to occupancy. Remove all driveway curb cuts no longer proposed to be used.
2. Per Sec. 29-102 an evaluation should be conducted on the basis of existing downstream development and any analysis of stormwater runoff with and without the proposed development. If the proposed development will cause or increase downstream flooding conditions, provisions to minimize such flooding conditions should be included in the design of the storm management improvements. Such provisions may include downstream improvements and/or detention of stormwater runoff and it regulated discharge to the downstream storm drainage system.
3. Hauling of fill material on or off site over municipal streets and roads requires approval prior to a grading permit being issued. Contact Public Works Traffic Engineering at 621 S. Broadway, (501) 379-1805 (Travis Herbner) for more information.

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. Retain 10-foot easement for existing sewer mains.

FOG Analysis required for food service on site.

Possible Cap Fee Analysis

Entergy:

Entergy does not object to this proposal. Entergy has existing 3-phase facilities on the south side of the proposed development. There does not appear to be any conflicts with existing electrical utilities at this location. Contact Entergy in advance to discuss electrical service requirements, or adjustments to existing facilities (if any) as this project proceeds.

CenterPoint Energy: No comment.

AT & T: No comment received.

Central Arkansas Water:

All Central Arkansas Water requirements in effect at the time of request for water service must be met.

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.

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 Little Rock Fire Department is required.

If there are facilities that need to be adjusted and/or relocated, contact CAW. That work would be done at the expense of the developer.

Contact CAW regarding the size and location of the water meter.

The facilities on site will be private. When meters are planned off private lines, private facilities shall be installed to CAW's material 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.

Due to the nature of this facility, installation of an approved reduced pressure zone backflow preventer assembly (RPZ) is required on the domestic water service. This assembly must be installed prior to the first point of use. CAW 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 CAW. The test results must be sent to CAW's Cross Connection Section within 10 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.

Fire sprinkler systems which do not contain additives such as antifreeze shall be isolated with a double detector valve assembly. If additives are used, a reduced pressure backflow preventer shall be required.

Fire Department:

Maintain Access:

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.

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.

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.

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

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.

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.

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.

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.

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

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.

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.

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.

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 placed with the approval of the fire code official.

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.

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.

Multi-Family Residential Developments

As per Appendix D, Section D106.1 of the 2012 Arkansas Fire Prevention Code Vol. 1. Projects having more than 100 dwelling units. Multiple-family residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.

Exception: Projects having up to 200 dwelling units may have a single approved fire apparatus access road when all building, including nonresidential occupancies are equipped throughout with approved automatic sprinkler systems installed in accordance with Section 903.3.1.1 or 903.3.1.2

As per Appendix D, Section D106.2 of the 2012 Arkansas Fire prevention Code Vol. 1. Projects having more than 200 dwelling units. Multiple-family residential projects having more than 200 dwelling units shall be provided with two separate and approved fire apparatus access roads regardless of whether they are equipped with an approved automatic sprinkler system.

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 (Daniel Tull 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 received.

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 or
Steve Crain at 501-371-4875; scrain@littlerock.gov

Landscape:

1. Any new site development must comply with the City's minimal landscape and buffer ordinance requirements
2. The property is located in the City's designated mature area. A twenty-five (25%) percent reduction of the buffer, perimeter planting bed widths, building, and interior parking landscape requirements is acceptable.
3. A land use buffer six (6) percent of the average width / depth of the lot will be required when an adjacent property has a dissimilar use of a more restrictive nature. 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. Easements cannot count toward fulfilling this requirement. The plantings, existing and purposed, shall be provided within the landscape ordinance of the city, section 15-81.
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 (six (6) feet nine (9) inches in areas designated as mature). One (1) tree and three (3) shrubs or vines shall be planted for every thirty (30) linear feet of perimeter planting strip.

The west perimeter is deficient.

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). The minimum size of an interior landscape area shall be one hundred fifty (150) square feet for developments with one hundred fifty (150) or fewer parking spaces. Interior islands must be a minimum of seven and one half (7 1/2) feet in width. Trees shall be included in the interior landscape areas at the rate of one (1) tree for every twelve (12) parking spaces.
6. Landscape areas shall be provided between the vehicular use area used for public parking and the general vicinity of the building, excluding truck loading or service areas not open to public parking. These 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. Landscape areas will need to be added for the commercial building.
 7. An automatic irrigation system to water landscaped areas shall be required for developments of one (1) acre or larger.
 8. 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: No comment received.

Planning Division: The request is in the Central City Planning District. The Land Use Plan shows Mixed Use (MX) for the portion along 21st Street and Residential Low Density (RL) for the north half of the requested area. The Mixed Use category provides for a mixture of residential, office and commercial uses to occur. A Planned Zoning District is required if the use is entirely office or commercial or if the use is a mixture of the three. The Residential Low Density 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. The application is to change an area from C-3 (General Commercial District) and R-4 (Two-Family District) to PCD (Planned Commercial Development) District to allow development multi-structure development of retail and multi-family (triplex and quad-plex) buildings.

Master Street Plan: To the south is 21st Street and it is Local Street 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". This street 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:

March 11, 2020

The applicant was present. Staff presented the item to the committee.

Planning staff requested a more detailed description of the proposed development, including uses, building heights or stories, and hours of operation.

The applicant was asked to provide proposed building setbacks and dimensions on the site plan.

Information of proposed signage was requested.

It was noted the proposed retail building on the east side of the site should have an increased setback in order to provide fire access and separation from the adjacent property.

The applicant was asked to provide justification for the number of proposed off-street parking spaces shown on the plan and possible locations for additional off-street parking.

Additional information and possible locations for trash and recycling locations was requested.

Lastly, details on any proposed interior or perimeter fencing or screening was requested.

Public works clarified the request for right-of-way dedication on Rock Street did not apply, as the property does not abut Rock Street.

An evaluation of potential storm water runoff impacts on existing downstream development was requested.

Landscape comments included noting deficiencies in the proposed perimeter buffers.

The applicant was advised responses and revisions are to be received by March 18, 2020. The committee forwarded the item to the full commission.

I. ANALYSIS:

The applicant proposes to rezone the property located at 412 East 21st Street from C-3 and R-4 to PCD to allow a multi-building mixed use development. The proposed development will include six (6) buildings with residential, office and commercial uses. Each building will be two (2) stories in height, with the building height not to exceed 35 feet (as measured to the midpoint of the roof line). The building's exterior finish will be brick, hardy board, stained wood or metal. Roofs

will be parapet, with architectural shingles or metal. The hours of operation for the non-residential uses will be from 7:00 a.m. to 10:00 p.m. daily.

Paved off-street parking for 22 vehicles will be located within the west one-third of the overall property. The ordinance would typically require approximately 38 parking spaces for the proposed buildings and uses. The applicant notes that the property owner also owns additional property across East 21st Street to the south and across Rock Street to the west which could be rezoned for additional parking if the need ever arises. On-street parking is allowed on the surrounding streets in this general area. Staff feels that the applicant's parking plan is sufficient to serve the proposed project.

The applicant is requesting one (1) variance with the proposed development. The City's Landscape Ordinance requires a minimum landscape strip of six (6) feet – nine (9) inches along the west property line adjacent to the proposed parking area. The applicant is proposing a landscape strip ranging from three (3) feet to 4.7 feet along the west property line. Staff is supportive of the variance request, as there are other areas of the site where the landscaping exceeds the ordinance requirements.

The applicant notes that all signage for the development will comply with the typical sign requirements for commercial zoning, as found in Section 36-555 of the City's Zoning Ordinance.

All site lighting will be low-level, shielded and directed away from adjacent residential property.

A dumpster area is located at the north end of the proposed parking area. The dumpster area must be screened as per ordinance requirements and serviced only during daylight hours.

To staff's knowledge, there are no outstanding issues associated with the proposed development. The proposed multi-use development should prove to be a quality in-fill type development to serve this overall neighborhood area.

J. STAFF RECOMMENDATION:

Staff recommends approval of the PCD, including landscape variance, subject to compliance with the following conditions:

1. Compliance with the comments and conditions as noted in paragraphs D, E and F and the Staff Analysis in the agenda staff report.
2. The City Beautiful Commission must review and approve the variance for reduced landscape strip along the west property line.

PLANNING COMMISSION ACTION:

(JUNE 25, 2020)

The applicant was present. There were no persons present registered in support or opposition. Staff presented the item and a recommendation of approval as outlined in the “staff recommendation” above. There was no further discussion. The item was placed on the consent agenda and approved as recommended by staff, including all staff comments and conditions. The vote was 11 ayes, 0 noes and 0 absent.