

FILE NO.: Z-8458

NAME: Christian Brother's Automotive Short-form PD-C

LOCATION: Located in the 15500 Block of Chenal Parkway

DEVELOPER:

Main & Main Development Group
1212 Corporate Drive, Suite 500
Irving, TX 75038

ENGINEER/SURVEYOR:

Crafton Tull Sparks
10825 Financial Center Parkway, Suite 500
Little Rock, AR 72211

AREA: 1.74 acres

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

CURRENT ZONING: O-3, General Office District

ALLOWED USES: Office

PROPOSED ZONING: PD-C

PROPOSED USE: Automotive Repair

VARIANCES/WAIVERS REQUESTED: None requested.

A. PROPOSAL/REQUEST:

The applicant is proposing a rezoning of the site from O-3, General Office District to PD-C to allow Christian Brothers Automotive Center to construct a new 5,015 square foot building on the site. Christian Brothers Automotive is classified as a "Light Automotive Repair" center. They do not provide engine, transmission or rear end rebuilding. Christian Brothers Automotive is not a tire store and does not typically store or install tires. Christian Brothers does not provide bodywork or painting. The business provides automotive repair such as air conditioning, brakes, coolant, computer, electrical, steering, etc. The business replaces hoses, belts, and lights and services most makes and models of automobiles.

Christian Brothers Automotive does not store or repair vehicles in the parking lot. The building is proposed with a 100 percent masonry façade. The overhead doors are proposed facing the east and not fronting onto Chenal Parkway. The building height proposed will not exceed 25-feet. The hours of operation are from 7:00 am to 6:00 pm Monday through Friday and from 7:00 am to noon on Saturday. The Saturday hours are on a temporary basis.

The request includes only a portion of the existing tract. The northern portion of the tract will be included with an existing parcel either owned by the Church (property to the west) or by an adjacent property owner to the east.

B. EXISTING CONDITIONS:

The site is heavily wooded, as is the property to the east. To the west is a large church campus and north is undeveloped property. Further to the east a new Wal-greens Drug Store has been constructed on the northwest corner of Chenal Parkway and Wellington Hills Road. Located on the northeast corner of Chenal Parkway and Wellington Hills Road is an automobile dealership. South of the site is a newly constructed branch bank on property zoned C-3, General Commercial District and a PCD for a home improvement center/lumber yard. Other uses in the area include an additional automobile dealership, a grocery store and an area currently used by Bale for storage of excess inventory.

C. NEIGHBORHOOD COMMENTS:

As of this writing, staff has received several informational phone calls from area residents. All property owners located within 200 feet of the site, all residents, who could be identified, located within 300 feet of the site, the Coalition of West Little Rock Neighborhoods, the Parkway Place Property Owners Association and the Villages of Wellington Property Owners 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 Chenal Parkway including 5-foot sidewalks with the planned development. Continue the 3rd lane from Wal-greens located to the east to the Church's property located to the west. Extend the sidewalk to the western existing sidewalk located on the Church's property.
2. The sidewalk should be placed in the public right-of-way or in a sidewalk easement.
3. Remove crosswalk striping across driveway.

4. Plans of all work in right-of-way shall be submitted for approval prior to start of work. Obtain barricade permit prior to doing any work in the right-of-way from Traffic Engineering at (501) 379-1805 (Travis Herbner).
5. A grading permit in accordance with Section 29-186 (c) and (d) will be required prior to any land clearing or grading activities at the site. Other than residential subdivisions, site grading and drainage plans must be submitted and approved prior to the start of construction.
6. Measures to control an increase in stormwater drainage should be implemented to not cause damage onto adjacent property from the increased impervious area.
7. Stormwater detention is proposed for the development.
8. Street Improvement plans shall include signage and striping. Traffic Engineering must approve completed plans prior to construction.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Wastewater: Sewer main extension required, with easements, for this project. Contact Little Rock Wastewater Utility for additional information.

Entergy: A fifteen foot overhead utility easement is required along Chenal Parkway.

Center-Point Energy: No comment received.

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. 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. A short water main extension may be needed to provide water service to this property. 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. Central Arkansas Water (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 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. 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.

Fire Department: Place fire hydrants per code. Contact the Little Rock Fire Department for additional information.

County Planning: No comment.

CATA: The site is not located on a dedicated CATA Bus Route.

F. ISSUES/TECHNICAL/DESIGN:

Planning Division: This request is located in the Chenal Planning District. The Land Use Plan shows Neighborhood Commercial and Office for this property. The applicant has applied for a Planned Development Commercial to construct an automotive repair business.

A Land Use Plan amendment to change the property from Neighborhood Commercial and Office to Commercial is a separate item on this agenda (LU09-19-01).

Master Street Plan: Chenal Parkway is a Principal Arterial. The primary function of a Principal Arterial is to serve through traffic and to connect major traffic generators or activity centers within urbanized areas. Entrances and exits should be limited to minimize negative effects of traffic and pedestrians on Chenal Parkway since it is a Principal Arterial. The street may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

Bicycle Plan: A Class I bikeway is shown along Chenal Parkway. A Class I bikeway is built separate from or alongside a road. Additional paving and right of way may be required.

Neighborhood Action Plan: This area is covered by the Rock Creek Neighborhood Action Plan. The Office and Commercial goal states: "Adopt a policy of adhering to the Land Use Plan. Amendments should be made very rarely, only with neighborhood input, and only when it can be clearly demonstrated that the amendment will enhance the quality of life in the Rock Creek Neighborhood."

Landscape:

1. The site plan must comply with the City's landscape and buffer ordinance requirements.
2. The zoning buffer ordinance requires a nine-foot (9') land use buffer along the western property line. Seventy percent (70%) of this area is to remain undisturbed.
3. A six (6) foot high opaque screen, either a wooden fence with its face side directed outward, a wall, or dense evergreen plantings, is required along the

western perimeter of the site. Credit towards fulfilling this requirement can be given for existing trees and undergrowth that satisfies this year-around requirement.

4. A small amount of building landscaping is required in conjunction with this application.
5. An automatic irrigation system to water landscaped areas will be required.
6. Prior to the issuance of a building permit, it will be necessary to provide an approved landscape plan stamped with the seal of a Registered Landscape Architect.
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. SUBDIVISION COMMITTEE COMMENT: (May 21, 2009)

Mr. Jerry Kelso of Crafton Tull Sparks was present representing the request. Staff presented an overview of the development stating there were a few outstanding technical issues associated with the request in need of addressing prior to the Commission acting on the request. Staff stated the property was located within the Chenal Parkway Design Overlay District. Staff requested Mr. Kelso provide details of the proposed signage plan including building and ground mounted signs. Staff stated the proposal was to allow development of only a portion of the tract. Staff noted the northern portion of the tract would be developed as a tract without public street frontage and the plan as indicated did not allow access to the tract. Staff requested Mr. Kelso provide details of how the area not proposed for development would be provided access.

Public Works comments were addressed. Staff requested the third lane from Wal-greens be extended to the east to the Church's property. Staff also requested the sidewalk located to the east of the site be extended to the west to connect to an existing sidewalk located on the Church's property. Staff stated the sidewalk was to be placed in the public right of way or in a sidewalk easement. Staff stated the Stormwater Detention Ordinance would apply to future development of the site.

Landscaping comments were addressed. Staff stated a nine-foot land use buffer was also required along the western property line. Staff stated a six-foot opaque screen was required along the western perimeter. Staff stated an automatic irrigation system was required to water landscaped areas. Staff also stated at the time of development it would be necessary to submit a landscape plan stamped with the seal of a registered landscape architect.

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 to staff addressing a number of the issues raised at the May 21, 2009, Subdivision Committee meeting. The applicant has indicated the northern tract will not be left as a freestanding tract but will be sold and incorporates into either the property to the east or west of the area. The revised site plan indicates screening will be placed along the northern and western perimeters of the site where adjacent to less intensive zoning and uses.

The development is proposed with a new building containing 5,015 square feet and 25 parking spaces. The use proposed is an automotive service, which typically requires the placement of five (5) spaces plus one (1) space per each two hundred fifty (250) gross square feet of building area. The ordinance would typically require the placement of twenty-five (25) parking spaces.

The building is proposed as a single story building constructed with a brick façade. The maximum building height proposed is twenty-five (25) feet. The site plan indicates the placement of a nine (9) foot land use buffer along the western perimeter and a screening fence in this area. The northern perimeter also indicates the placement of a nine (9) foot land use buffer and a screening fence. The eastern perimeter is indicated with a nine (9) foot landscape strip adjacent to the parking area as required by the Landscape Ordinance.

The property is located in the Chenal/Financial Center Parkway Design Overlay District. The Overlay has criteria in place regulating Signage and Lighting. The Overlay states signage will comply with the Little Rock Sign Ordinance except for ground-mounted signs. The maximum size of principal site signs along Chenal/Financial Center Parkway is one hundred square feet of sign area and a maximum height of eight feet. Each landowner is permitted to have one sign per parcel except for parcels fronting on two different streets upon which one per street frontage may be erected. The signs are to be monument type signs.

The development is proposed with a single ground mounted sign monument sign complying with the Chenal/Financial Center Parkway Design Overlay District. The sign is proposed with a maximum height of eight (8) feet and a maximum sign area of one hundred (100) square feet. Building signage is proposed as channel letters located on the face of the building fronting Chenal Parkway. The sign is proposed with a maximum length of twenty (20) feet six (6) inches and a maximum height of three (3) feet three and one-half (3-½) inches.

The DOD also regulates lighting and utilities. Parking lot lighting must be designed and located in such a manner so as to not disturb the scenic appearance of the corridor. Lighting will be directed to the parking areas and not reflect to adjacent parcels. All lighting and other utilities on lots adjacent to

Chenal/Financial Center Parkway must be underground. Notwithstanding the foregoing limitation, no overhead utilities may be constructed within 100 feet of the Chenal/Financial Center Parkway right of way. The development as proposed will comply with the lighting and overhead utility requirements of the Chenal/Financial Center Parkway Design Overlay District.

Staff is not supportive of the request. The proposed use, an auto repair garage, is typically allowed in the C-4, Open Display Zoning District. This area of Chenal Parkway is indicated as Neighborhood Commercial, which does not allow for this type of use. Although there are other C-4, Open Display Uses located in the area, an automobile dealership located to the east, this development was approved as a Conditional Use Permit under the C-2, Shopping Center Zoning District. In previous commitments from the original property owners, an agreement was reached to move the intensive commercial activities from the west side of Wellington Hills Road to the properties on the east side of Wellington Hills Road. Staff feels this commitment should be honored even though there are new property owners. Staff also feels the construction of the new Wal-greens has established a break in the development pattern along the Parkway allowing for commercial zoning on the west side of Wellington Hills Road but with a lesser intensity than proposed by the applicant.

Staff does not feel this is an appropriate location for the placement of an auto repair garage.

I. STAFF RECOMMENDATION:

Staff recommends denial of the request.

PLANNING COMMISSION ACTION:

(JUNE 11, 2009)

The applicant was present. There were registered objectors present. Staff presented the item with a recommendation of denial. Staff stated they felt the location was not appropriate for the placement of an auto repair garage.

Mr. Jerry Kelso of Crafton Tull Sparks and Associates addressed the Commission on the merits of the request as did Mr. Andy Hovis. Mr. Hovis stated the store was the second location for the Greater Little Rock area. He stated construction of a new store on Maumelle Boulevard in North Little Rock had recently been completed. He stated Christian Brother's was a family owned business. He stated the facilities were operated through a franchise agreement. He stated the company currently had 58 locations. He stated the business was a family owned and operated faith based business. He stated the stores were designed to fit into the neighborhood. He stated the building was a brick building and the hours were conducive to the neighborhood fit. He stated after approximately three months the business did not open on Saturdays and was only open Monday through Friday and the store closed by 6:00 pm. He stated there were no cars

stored outside. He stated the building was set up to hold eighteen cars. He stated the desire was to get the customers car in and out in one day.

Mr. Hovis stated 83 percent of the customers came from a three and one half mile radius of the business. He stated the business would see 45 to 50 cars per week. He stated the business was less imposing than a fast food restaurant.

Mr. Kelso addressed the Commission on the merits of the request. He stated he disagreed with staff and that the business was a neighborhood business. He stated he felt the use less intense than the nearby Wal-greens. He stated the site was shown as commercial both east and west of the site with the exception of the church. He stated east of the site was an automobile dealership which provided sales and service of vehicles. He stated west of the site was also an automobile dealership which provided sales and service of vehicles.

Mr. Clark McCarley addressed the Commission. He stated he was on the Board of Directors of the adjacent Highland Valley United Methodist Church. He stated the church was in support of the request. He stated a number of the Board Members had met with the applicant and had determined there were a number of uses which could locate on the property which would create a negative impact on the church. He stated the business being a faith based business was in keeping with the church's goals. He requested a fence not be installed along the western perimeter to provided the required screening but the screening be placed as evergreen plantings. He also requested any trees placed within the buffer be hardwoods and not pine trees.

Mr. Lance Hines stated he was on the Board of Directors of the Villages of Wellington Property Owners Association. He stated based on the proposal the Villages of Wellington was satisfied with the request and felt the development would be an asset to the area. He did question lighting on the site. He stated the neighborhood did have a problem with the Ford Dealership and light pollution. He requested the business not create any additional light pollution.

Mr. Hovis stated the building would be lite with building lighting only. He stated there were no poles or parking lot lighting. He stated the sign located only the parkway would be lite. He stated if the neighborhood had concerns with the sign light the light could be turned off at midnight. He stated all building lighting would be shielded and turned downward into the site.

Ms. Ruth Bell addressed the Commission in opposition of the request. She stated the League of Women Voters were not supportive of expanding the commercial activities as proposed by the applicant. She stated if the business was a neighborhood oriented business then why was a change in zoning request being made. She stated she felt this was the nibble, nibble, nibble approach. She stated the area to the west of the Villages of Wellington Drive should remain as neighborhood commercial uses and the more intense uses located as were currently zoned and indicated on the plan. She

stated based on the number of parking spaces proposed it appeared the business was an intense business. She stated the rotation of eight to twelve vehicles at a time was an intense use. She stated she felt this was to intense use of a use for the site.

There was a general discussion of the Commission and the applicant concerning the proposed development. The Commission questioned the applicant if the application request was solely for their use and franchise or if the use would be a transferable use. Mr. Hovis stated he did not want to lock the business into Christian Brother's ownership. He stated occasionally stores were sold. He stated it was also possible the store could change franchises and he did not want to hinder a future sale or owner. He stated placing a condition on the approval that future users of the site were required to operate under the same conditions as Christian Brother's was agreeable.

The Commission also questioned how long the business would operate on Saturday. Mr. Hovis stated for the first 120 days after receiving their CO the business would operate with Saturday hours. He stated after the 120 days the business would only operate Monday through Friday and the closing hour would be 6:00 pm.

The Commission questioned the proposed lighting, signage and sign lighting. Mr. Hovis stated the sign lighting would be turned off at midnight daily. He stated there would be no poles within the parking lot. He stated the building lighting would be low level and directed into the parking lot. Mr. Hovis stated the sign would comply with the Chenal Parkway DOD standards. He stated electronic signage would not be incorporated into the ground mounted sign.

The Commission questioned outdoor activities that would take place on the site. Mr. Hovis stated there would be no parking of vehicles outdoors overnight and no service of vehicles in the parking lot during the daylight hours.

The Commission questioned the landscape treatment along the western perimeter. Mr. Hovis stated he was willing to install plantings in this area and work with staff and the adjacent church concerning the tree placement and the tree species to be located within the buffer area.

The Commission questioned the statement "do not typically install tire". Mr. Hovis stated if a customer was in for service and the technician noticed the tires were in need of replacing they would suggest the customer go to a tire store for replacement tires. He stated if the customer was instant on Christian Brother's performing the work the business would go to the tire store, purchase the tires and bring them back and place on the customers automobile. The Commission questioned if a special customer requested body work would the business then perform this activity. Mr. Hovis stated the business was not equipped to perform body repairs.

The Commission questioned staff if their recommendation had changed based on the amendments made by the applicant. Staff stated they were still opposed to the request. Staff stated the use was a C-4, Open Display District uses. Staff stated they felt based on the intensity of the use this was not an appropriate location for the use. Staff stated

they were concerned with the overall area and the potential this change would have on adjacent properties.

Commissioner Yates questioned the drive indicated on the plan and the note stating future access easement. Staff stated the drive was to share with two lots located to the east to allow access to Wellington Hills Drive. Commissioner Yates questioned if staff was not concerned with the backing of vehicles into the access easement. Staff stated based on the number of cars anticipated to use the easement the backing into the easement was not a concern.

Commissioner Yates questioned if the detention basin would be maintained. Staff stated the basin would be maintained as a landscape feature. Staff stated some basins were constructed as wetlands which were not to be moved and cut. Staff stated others were landscape features which were maintained.

There was no further discussion of the item. The chair entertained a motion for approval of the item including all amendments as presented by the applicant including, the placement of evergreen plantings as the screening mechanism along the western perimeter, the turning off of the sign lighting at midnight daily, no Saturday hours after 120 days from receiving the businesses CO, no electronic signage, no parking lot pole lighting, all lighting shielded downward and into the site, no outdoor vehicle storage or working of vehicles outdoors, all future users of the site are to abide by the same conditions as the Christian Brother's Automotive.

The motion carried by a vote of 6 ayes, 3 noes and 2 absent.