

FILE NO.: Z-9525

NAME: Mountain Park Addition - PRD

LOCATION: Northeast and Northwest corners of N. Taylor Street and "P" Street

DEVELOPER:

Forest Park Partners, LLC
Terra Firma Project, LLC
Billy and Jennifer Collins

OWNER/AUTHORIZED AGENT:

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

SURVEYOR/ENGINEER:

White-Daters and Associates

AREA: 0.64 acre NUMBER OF LOTS: 6 FT. NEW STREET: 0 LF

WARD: 3 PLANNING DISTRICT: 4 CENSUS TRACT: 16

CURRENT ZONING: R-2

VARIANCE/WAIVERS:

1. None requested.

BACKGROUND:

The subject property is comprised of four (4) single family residential lots, two (2) lots at the northeast corner of N. Taylor and "P" Streets (Lots 6 and 7, Block 20, Mountain Park Addition) and two (2) lots at the northwest corner of N. Taylor and "P" Streets (Lots 4 and 5, Block 21, Mountain Park Addition). The lots at the northeast corner are 1701 and 1705 N. Taylor Street, and the lots at the northwest corner are 1700 and 1704 N. Taylor Street.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant proposes to re-subdivide each set of two (2) lots into three (3) lots (six (6) lots total), and rezone the lots from R-2 to PRD for zero (0) lot line, single family residential development.

B. EXISTING CONDITIONS:

Each of the four (4) subject lots contains a one-story single family residence. Access to the lots is from N. Taylor Street or "P" Street. Paved alley rights-of-way are located at the rear of all the lots.

C. NEIGHBORHOOD COMMENTS:

All owners of property located within 200 feet of the site and the Heights, Prospect Terrace and Forest Park Neighborhood Associations were notified of the public hearing.

D. ENGINEERING COMMENTS:

1. A 20 feet radial dedication of right-of-way is required at the intersection of N. Taylor Street and P Street on of the replats.
2. Cantrell Road is classified on the Master Street Plan as a principal arterial. Dedication of right-of-way to 55 feet from centerline will be required on 2 plats.
3. A 20 feet radial dedication of right-of-way is required at the intersection of Cantrell Road and Polk Street.
4. The existing alley north of P Street between Taylor Street and Fillmore Street should be repaved from P Street north to the north property line of the replat.
5. Provide existing adjacent right-of-way widths on plan.

E. UTILITIES/FIRE DEPARTMENT/PARKS/COUNTY PLANNING:

Little Rock Water Reclamation Authority: Sewer main extension required with easements for Lots 9&10, Block 20 for this project.

Entergy: No comments received.

CenterPoint Energy: No comments received.

AT & T: No comments received.

Central Arkansas Water: No comments received.

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.

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 comments received.

County Planning: No Comments.

F. **BUILDING CODES/LANDSCAPE:**

Building Code: No Comments.

Landscape: No Comments.

G. **TRANSPORTATION/PLANNING:**

Rock Region Metro: No comments received.

Planning Division:

Land Use Plan: The request is in the Heights/Hillcrest Planning District. The Land Use Plan shows Residential Low Density (RL) for the requested areas (4 sites). 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 rezoning the four sites from R-2 (Single Family District) to PRD (Planned Residential Development District) for the development of zero-lot line single-family houses at densities of 9.3 to 12.9 units per acre.

Surrounding the application areas, the Land Use Plan shows Residential Low Density (RL) to the east, west, south and between; Public Institutional (PI) to the southeast; Park/Open Space (Strip) with Commercial (C) to the north; and Residential Medium Density to the west. 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 Park/Open Space category includes public parks, recreation facilities, greenbelts, flood plains, and other designated open space and recreational land. 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 Residential Medium Density category accommodates a broad range of housing types including single family attached, single family detached, duplex, town homes, multi-family and patio or garden homes. Any combination of these and possibly other housing types may fall in this category provided that the density is between six (6) and twelve (12) dwelling units per acre.

Master Street Plan: To the north (of two sites) is Cantrell Road and it is a Minor Arterial on the Master Street Plan. To the south (of two sites) is P Street, between (two sites) is Taylor Street, east (of one site) is Polk Street; these streets are classified Local Streets by the Master Street Plan. A Principal Arterial is to serve through traffic and to connect major traffic generators or activity centers within the urbanized area. Entrances and exits should be limited to minimize negative effects of traffic and pedestrians on Cantrell Road since it is a Principal Arterial. 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". These streets 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. ANALYSIS:

The applicant proposes to rezone the two (2) lots located at each the northeast and northwest corners of N. Taylor Street and "P" Street from "R"-2" Single Family District to "PRD" Planned Residential District. The two (2) lots at the northeast corner of the intersection are 1701 and 1705 N. Taylor Street, with the two (2) lots at the northwest corner being 1700 and 1704 N. Taylor Street.

The applicant requests to re-subdivide each set of two (2) lots into three (3) lots for single family residential development. The lots at the northeast corner of N. Taylor Street and "P" Street are 140 feet deep, with proposed lot widths of 31.34 feet, 31.83 feet and 36.83 feet. The lots at the northwest corner are also 140 feet deep, with proposed lot widths of 31.60 feet, 31.83 feet and 36.83 feet.

The applicant proposes to construct one (1) single family residence on each of the six (6) resulting lots. The two (2) southernmost residences within each group of three (3) will have a zero (0) side setback on their north side, with the other side setbacks ranging from 4.6 feet to five (5) feet. The northernmost residence within each group will be set back five (5) feet from its north side property line. All of the proposed residences will maintain minimum 25 foot front and rear setbacks.

Each of the structures will have a maximum building height of 35 feet, which conforms to the typical R-2 zoning standards. The structures will be constructed of brick, stone and hardie board veneer, with aluminum and vinyl soffit and fascia. The applicant notes that there will be no accessory structures constructed on any of the lots.

The applicant is proposing a double driveway within the rear yard of each lot. Each residence will have parking for three (3) vehicles, one (1) in the garage and two (2) on the driveway. The driveways will be accessed via a paved alley along the rear property line of each lot. The applicant has agreed to re-pave the alley behind 1700 and 1704 N. Taylor Street. The alley behind 1701 and 1705 N. Taylor Street is in good condition.

The applicant provided responses and additional information to all issues raised during staff's review of the application. To staff's knowledge there are no outstanding issues. The applicant is requesting no variances with the proposed PRD rezoning.

Staff is supportive of the requested PRD rezoning to allow the four (4) existing lots to be re-subdivided into six (6) lots for single family residential development. The proposal represents only a minor increase in platted density for the properties. The overall property at each corner is comprised of one-third of an acre. There is another example of smaller lot single family development within this neighborhood, approximately one (1) block to the south, at the end of N. Fillmore Street. This five (5) lot PRD development has lot widths of approximately 40 feet. Therefore, the

proposed six (6) lot development will not be out of character with the neighborhood. Staff believes the proposed PRD zoning will have no adverse impact on the general area.

I. STAFF RECOMMENDATION:

Staff recommends approval of the requested PRD zoning, subject to compliance with the comments and conditions outlined in paragraphs D and E, and the Staff Analysis, in the agenda staff report.

PLANNING COMMISSION ACTION:

(SEPTEMBER 24, 2020)

The applicant was present, representing the application. There were two (2) supporters and seven (7) registered objectors. Staff presented the application with a recommendation of approval.

Mr. Tre Kitchens, Brad Hendricks Law Firm, addressed the Commission in support of the application. He briefly explained the property owners' commitment to the Mountain Park area. Having developed similar properties to the east of the subject properties, the developer is familiar with the neighborhood. To keep in character with the neighborhood, the homes will have the same unique style as the homes previously constructed by the developer. With respect to Lot 4 (Block 21), it has been the family home for over a decade. Their intent is increase property values and develop the land for its highest and best use. In conclusion, Mr. Kitchens asked to reserve the balance of his time for rebuttal.

Ruth Bell, League of Women Voters, addressed the Commission to clarify that her previous opposition of the application has since been resolved. She confirmed no opposition.

Susan Chan addressed the Commission in support of the application. She briefly explained that she was in favor of new housing in the neighborhood which will offer more variety and lot sizes. She expressed her potential interest in purchasing one of the properties.

Elizabeth Drew registered in opposition of the application documenting that she did not want to speak.

Tracy Stewart, 1606 North Polk Street, addressed the Commission in opposition of the application. She expressed her concern regarding the style of the homes and the distance between the homes. These are factors which do not speak to the support's statement that they are characteristics to the neighborhood. The five (5) homes that were constructed years ago at the south end of North Taylor are the same cookie-cutter style homes with forty (40) feet frontage and vinyl siding. To counter the condition of the alleys, Mrs. Stewart expressed that the alley between North Taylor Street and North Fillmore Street are in terrible condition. The construction of the large three (3) large homes on

regular side lots on Polk Street has created additional drainage issues. Consequently, the alley between North Taylor and North Polk has deteriorated because of the standing water from the rain. Since the City of Little Rock had decided not to repair these alleys, the builder should be responsible for repair. In closing, Mrs. Stewart provided a copy of the site plans to the Commissioners.

Scott Martin, 1708 North Polk Street, addressed the Commission in opposition of the application. He briefly explained that Mr. Collins built his home with the promise to continue to build houses of the same size and value as his home. His concern now is that if these new constructions are allowed, then they will decrease his home's value. Mr. Martin expressed that this decision will set a precedent which will allow him to continue this style of home in the rest of the subdivisions that he owns. Additionally, due to the condition of the alleys and the fact that no one will maintain it, he has started patch the holes. Having small children, the traffic on the alleyway is terrible. In conclusion, he stated that he strongly opposes the proposal.

Thomas Nowlin addressed the Commission in opposition of the application. Referring to the submitted graphics of the recent flooding due to the heavy rain, he emphasized that the construction of these homes will produce a 260% increase in the loss of groundwater absorption. Since the City of Little Rock has major drainage problems, pushing water from the Heights down to the Hillcrest Community and further down south into the I-630 Corridor are issues not being considered. So, the 200 feet notification does not do justice to what the issues are.

Incrementally and accumulatively, each approval of these types of projects pushes water downhill to the people who its costing money. The developments should not be approved at the expense of the neighbors, the Hillcrest Community, or those people who are farther down the hill. Living directly south of where these proposed developments are located, there are at least three (3) to four (4) inches of water all the way across the width of North Taylor Street. The neighbor below him has spent thousands of dollars to waterproof the underpinnings of her house. Another neighbor farther behind him is dealing with flooding down the back alleyway.

Mr. Nowlin presented a challenge to the Commission to consider three (3) points prior to the decision. Emphasizing that he does not oppose new construction, he stated his opposition as four (4) lots being divided into six (6) lots and allowing six (6) homes in place of four (4) homes. Aesthetically, this is totally out of character with the neighborhood. Materially, this is increasing the existing drainage issues by pushing water down hill with the taxpayers bearing the burden.

The following are his recommendations for the Commission prior to their decision:

1. Examine the most recent expenses to the City of Little Rock for drainage repair at the base of North Taylor Street in the green area. He requested the cost for labor, equipment, repair, and the time it took the city to repair the drainage issues created by images shown on in the displayed picture.

2. Please conduct a drainage study. There is not a drainage study on file with the Commission. The advancing of this type of permits indicates that he left hand does not know what the right hand is doing.
3. If permitted, the builder should be prohibited from laying asphalt or concrete, driveways and sidewalks in order to maximize all remaining areas for ground water absorption. Additionally, the builder be required to install water barrels for all gutter downspouts to impede and slowdown the advance of rainwater maximizing the opportunity for ground absorption of the water.

Mr. Kitchens addressed the Commission as a rebuttal to the opposition. He explained that the statement regarding the condition of the alley was from the Staff and not his client. The opposition's discrepancy between the views of the effects on their property values was noted. Mr. Kitchens emphasized that the homes will raise the property values and tax revenue for this neighborhood. In response to the drainage study, he pointed out that if it were necessary the City would be able to conduct one. Although there have been arguments that this created the problems, there is not any scientific study or evidence presented other than anecdotal evidence that somehow these new homes are going to make a drainage problem worse.

In respect to this being considered as an ugly proposal, he does not have to buy one of the houses. These houses are in keeping with the neighborhood. They are an improvement to the neighborhood. The existing houses were not allowed to deteriorate. The people who are proposing the development currently live on Lot 4 and have done so for more than a decade.

Mr. Kitchens concluded by stating that the application has been recommended by the Staff for approval. It is an attempt to improve the neighborhood. Mr. Collins own several properties in this neighborhood. Therefore, it is in his interest for the home values to continue to grow and exceed. This is his business plan and how he feeds his family. He is not going to create something to lower property values. That would be counter-intuitive to anything he is trying to do.

Mr. Nowlin rebutted that he is happy with his property value and quite proud of his 90-year old home. His concern is not with his property value, but with the aesthetics of the neighborhood. It will completely reshape what it looks like. Secondly, there is a drainage issue. If a material study was not done, then shame on you. He stated that it was not his problem. The drainage issue needs to be studied and needs to be addressed. This impacts multiple communities beyond the 200 feet perimeter set for the notification of this meeting.

Mrs. Stewart countered the support stating that three (3) of the four (4) homes have deteriorated. The one house that has not is the one Mr. Collins owns and his parents live in. That house is in perfectly good condition.

Commissioner Brooks inquired to Mr. Kitchens why has his client chosen to build three (3) homes per lot. Mr. Kitchens stated that Mr. Collins does not want to build homes that will price people out of the neighborhood. The neighborhood is highly sought after due to the elementary school in the area. With a price point of about \$500K, it prices the homes more within the reach of young families to come in and have young children attend that school. The emphasis to the plan is to not continue to build homes that are so far out of the price range that they would not be able to live in the neighborhood.

There was motion to approve the application as recommended by staff, including all staff comments and conditions. The motion was seconded. The vote was 4 ayes, 4 nays and 3 absent.