

FILE NO.: Z-9195

NAME: Park View Addition Lots 1 – 3 Block 15, Short-form PD-R

LOCATION: Located at 2823 North Pierce Street

DEVELOPER:

Sylvester and Irena Pupkowski
2823 North Pierce Street
Little Rock, AR 72207

SURVEYOR:

Brooks Surveying
20820 Arch Street Pike
Hensley, AR 72065

AREA: 0.44 acres NUMBER OF LOTS: 2 FT. NEW STREET: 0 LF

WARD: 3 PLANNING DISTRICT: 4 – Heights Hillcrest CENSUS TRACT: 16

CURRENT ZONING: R-3, Single-family

ALLOWED USES: Single-family residential

PROPOSED ZONING: PD-R

PROPOSED USE: Allow two (2) residence on a single zoning lot

VARIANCE/WAIVERS: None requested.

BACKGROUND:

On November 19, 2015, the Little Rock Planning Commission approved a replat of three (3) existing residential lots into two (2) single-family residential lots. The lots were proposed with minimum widths of 105-feet and 40-feet. The lots were to contain 13,918 square feet (Lot 1R) and 5,606 square feet (Lot 3R). Lot 3R was proposed with variances to allow a reduced lot width and to allow an increased lot depth to width ratio. The replat was not filed for record at the Circuit Clerk's office.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant is now requesting to rezone the site from R-3, Single-family to PD-R, Planned Development Residential, to allow the construction of a new home on the site. The property is currently platted as Lots 1, 2 and 3 Block 15, Parkview Addition to the City of Little Rock, Pulaski County, Arkansas. The existing home was placed to encompass portions of all three (3) lots thus creating one (1) zoning lot. The applicant is proposing to construct a new home on Lot 3 which currently contains a swimming pool. The existing home encroaches into this lot by 5-feet. The new home will be located 3-feet from the existing homes southern exterior wall.

Once the new home is completed the existing home will be removed from the site. The applicant then intends to building new single-family homes on each of the two (2) remaining lots. With the removal of the existing home this will allow an 8-foot side yard setback along the northern property line of Lot 3. The southern side yard setback will be 5-feet as typically required by the R-3, Single-family Zoning District. The request includes the allowance of 20-foot front and rear yard setbacks for all three (3) lots. The side yard setbacks for Lots 1 and 2 will be 5-feet.

B. EXISTING CONDITIONS:

This area is predominately single-family with homes located on varying sized lots. There have been a number of new homes constructed in this area in the past several years. The streets in this area have been constructed with curb and gutter. There are no sidewalks located along the abutting street frontages.

C. NEIGHBORHOOD COMMENTS:

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

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. A 20-foot radial dedication is required at the intersection of North Pierce Street and Ampersand Street.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Little Rock Wastewater: Sewer service is available to this site. Contact Little Rock Wastewater Utility for additional information.

Entergy: Entergy does not object to this proposal. A three phase power line exists along the south side of Ampersand Street to the north and electrical lines run down

the alley to the east of these lots. These lines should not impact the re-plat of these lots. Contact Entergy in advance regarding any changes in service requirements, if any.

CenterPoint 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.

Fire Department: No comment.

Parks and Recreation: No comment received.

County Planning: No comment.

Rock Region Metro: Location is served nearby on two Routes; 1 and 21. No issues with the drawing as shown.

F. ISSUES/TECHNICAL/DESIGN:

Building Code: The required fire separation distance (building to property line) prescribed by the building code terminates at five (5) feet. Buildings are allowed to be closer than five (5) feet if they have properly constructed fire walls which provide the requisite one (1) hour fire resistance rating. When buildings are five (5) feet or more from the property line, the requirement no longer applies to the wall itself, only the projections such as eaves or overhangs.

Openings such as doors and windows are *limited* when the exterior wall is three (3) feet from the property line, and are *prohibited* when the exterior wall is *less than* three (3) feet from the line. There is no restriction on openings when the exterior wall is more than three (3) feet from the property line.

Contact the City of Little Rock Building Codes at 371-4832 for additional details.

Planning Division: No comment.

Landscape: No comment.

G. SUBDIVISION COMMITTEE COMMENT: (January 11, 2017)

Mr. Sylvester and Ms. Irena Pupkowski along with Richard Harp were present representing the request. Staff presented an overview of the item stating the site contained three (3) lots. Staff stated the existing home was constructed with an encroachment onto the third lot. Staff stated the desire was to rezone the site to PD-R to allow the construction of a new home on Lot 3 which would be located

three (3) feet from the wall of the existing home. Staff stated upon completion of the new home the existing home would be demolished allowing for future construction of two (2) new homes on the remaining lots.

Public Works comments were addressed. Staff stated a 20-foot radial dedication of right of way was required at the intersection of the streets. Staff stated fences and walls could not be located within a 50-foot sight triangle of the intersection. Staff stated within the sight triangle objects could not be more than 30-inches in height as measured from the grade of the street.

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 no outstanding technical issues in need of addressing raised at the January 11, 2017, Subdivision Committee meeting. The applicant is requesting approval of a rezoning of the site from R-3, Single-family to PD-R, Planned Development Residential, to allow the construction of a new home on the property. The property is currently platted as Lots 1, 2 and 3, Block 15, Parkview Addition to the City of Little Rock, Pulaski County, Arkansas. The existing home was placed on the property to encompass portions of all three (3) lots thus creating one (1) zoning lot. The home also includes a swimming pool on Lot 3 which is proposed for removal.

The applicant is proposing to construct a new home on Lot 3 which currently contains the swimming pool. The existing homes southern wall encroaches into this lot by 5-feet. The new home will be located 3-feet from the existing homes southern exterior wall. Once the new home is completed the existing home will be removed from the site.

The applicant then intends to building new single-family homes on each of the two (2) remaining lots. With the removal of the existing home this will allow an 8-foot side yard setback along the northern property line of Lot 3. The southern side yard setback will be 5-feet, as typically required by the R-3, Single-family Zoning District. The front and rear yard setbacks are each indicated at 20-feet. The remaining lots have a building envelope indicated with a 20-foot front and rear yard setback and side yard setbacks of 5-feet. The building envelopes provided are not representative of proposed detached garages or of any proposed out buildings. The placement of these structures as well as any side and rear yard fencing will be placed in accordance with the underlying R-3, Single-family zoning.

The applicant is proposing the placement of a front fence for Lot 1 which may exceed the 4-foot allowable height within the front yard setback per the zoning ordinance. The fence will not exceed six (6) feet in height. The fence is proposed

around a future patio area. The applicant has indicated the fence placement will comply with the 50-foot sight triangle as required by Public Works.

The new construction will require compliance with the following building codes comments: The required fire separation distance (building to property line) prescribed by the building code terminates at five (5) feet. Buildings are allowed to be closer than five (5) feet if they have properly constructed fire walls which provide the requisite one (1) hour fire resistance rating. When buildings are five (5) feet or more from the property line, the requirement no longer applies to the wall itself, only the projections such as eaves or overhangs.

Openings such as doors and windows are *limited* when the exterior wall is three (3) feet from the property line, and are *prohibited* when the exterior wall is *less than* three (3) feet from the line. There is no restriction on openings when the exterior wall is more than three (3) feet from the property line. The applicant will work with the Building Codes Division at the time of permit request to ensure compliance.

Staff is supportive of the applicant's request. The applicant is seeking approval of the PD-R, Planned Development Residential, to allow the construction of the proposed new home. Staff recommends upon completion of the new home the existing home be removed to eliminate the encroachment of the existing home onto this lot.

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.

Staff recommends upon completion of the new home the existing home be removed to eliminate the encroachment of the existing home onto the lot proposed for development.

PLANNING COMMISSION ACTION:

(FEBRUARY 2, 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. Staff presented a recommendation upon completion of the new home the existing home be removed to eliminate the encroachment of the existing home onto the lot proposed for development. There was no further discussion. The item was placed on the consent agenda and approved as recommended by staff by a vote of 10 ayes, 0 noes and 1 absent.