

FILE NO.: Z-5661-B

NAME: Ballard Short-form PD-R

LOCATION: Located at 2016 North Van Buren Street

DEVELOPER:

Michael and Marsha Ballard
2412 North Fillmore
Little Rock, AR 72207

SURVEYOR:

Brooks Surveying, Inc.
20820 Arch Street Pike
Hensley, AR 72065

AREA: 0.082 acres NUMBER OF LOTS: 1 FT. NEW STREET: 0 LF

CURRENT ZONING: PD-R

ALLOWED USES: Single-family residential

PROPOSED ZONING: Revised PD-R

PROPOSED USE: Single-family residential

VARIANCE/WAIVERS: None requested.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant is requesting a revision to the previously approved Planned Residential Development to allow the construction of a new single-family home on this existing lot. The current structure is a one-story single-family home located at 2016 North Van Buren Street. The applicant is proposing to raze the existing structure and construct a new home. The home is proposed as a one and one-half story structure containing 2,400 square feet with an attached two (2) car garage. The structure is approximately 61-feet wide and 32-feet deep and is proposed with a covered patio in the back of the home.

The applicant is proposing to construct the home up to and no closer than 2-feet from the east property line (parallel to North Van Buren). The front of the home will face North Van Buren Street. The site plan indicates the placement of the home five (5) feet from both the north and south property lines in order to accommodate the home and the attached garage. The site plan indicates a four (4) foot rear yard setback adjacent to the covered patio.

The site plan indicates the placement of an eight (8) foot privacy fence along the interior property lines surrounding the home. There is currently a six (6) foot privacy fence in place. The applicant has indicated the additional two (2) feet of fence height will provide additional privacy to the proposed outdoor living space within the rear yard area.

The applicant is also requesting the abandonment of a portion of the existing right of way for North Van Buren Street. The street was platted with an 80-foot right of way with the original platting. The applicant is seeking to abandon 15-feet of the platted right of way, maintaining the area as an easement, leaving the right of way adjacent to this lot 25-feet from centerline as typically required per the master street plan for a residential street. The request for the right of way abandonment will allow the applicant to provide a 17-foot front yard setback although only 2-feet of the setback will be located outside the easement.

B. EXISTING CONDITIONS:

Cheers Restaurant and parking lot is located along the southern boundary of the site. With the exception of the commercial areas along Kavanaugh Boulevard, this area is predominately single-family homes. The right of way for North Van Buren Street was platted as an 80-foot right of way. Street improvements are in place. There is a sidewalk located along the front of this property.

C. NEIGHBORHOOD COMMENTS:

As of this writing, staff has received a few informational phone calls from area residents. All owners of property 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:

No comment. Public Works does not support the right of way abandonment.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Wastewater: Sewer available to this project.

Entergy: Entergy does not object to this proposal as there does not appear to be a conflict with existing electrical facilities at this address. There is a three phase power line in front of the property along Van Buren Street and a three phase line extending along the southern border of the property as well. Contact Entergy in advance regarding future service requirements and additional facilities location(s).

Centerpoint Energy: No comment received.

AT & T: No comment received.

Central Arkansas Water: No objection.

Fire Department: No comment

Parks and Recreation: No comment received.

County Planning: No comment.

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

F. ISSUES/TECHNICAL/DESIGN:

Building Code: No comment

Planning Division: This request is located in the Heights/Hillcrest Planning District. The Land Use Plan shows Residential Low Density (RL) for this property. The Residential Low Density (RL) category provides for single family homes at densities not to exceed 6 units per acre. Such residential development is typically characterized by conventional single family homes, but may include patio or garden homes and cluster homes, provided that the density remain less than 6 units per acre. The applicant has applied for a rezoning from PDR (Planned District Residential) to PDR (Planned District Residential) to allow for the construction of a single family home on this site.

Master Street Plan: Van Buren is a Local Street on the Master Street Plan. The primary function of a Local Street 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". A Collector design standard is used for 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.

Landscape: No comment.

G. SUBDIVISION COMMITTEE COMMENT: (May 13, 2015)

Mr. and Mrs. Ballard, the applicants, were present representing the request. Staff presented an overview of the item stating there are additional items necessary to complete the review process. Staff stated they were concerned with a front yard setback of two (2) feet as proposed. Staff stated one option would be to seek a right of way abandonment of fifteen (15) feet for North Van Buren Street. Staff stated the area would most likely be retained as an easement but if the right of way was abandoned this would allow a seventeen (17) foot front yard setback. Staff requested the applicant provide the maximum building height and the proposed construction materials for the new home.

Staff noted the comments from the various other agencies. There were no more issues for discussion. The Committee then forwarded the item to the full Commission for final action.

H. ANALYSIS:

The applicant submitted a revised site plan addressing most of the issues raised at the May 13, 2015, Subdivision Committee meeting. The revised plan indicates a request for right of way abandonment for a portion of North Van Buren Street in addition to construction of a new home on the site.

The applicant submitted a request for abandonment of fifteen (15) feet of right of way but retain the area as a utility and drainage easement to the various utility companies and public works. The street was platted with an 80-foot right of way with the original platting. The applicant is seeking to abandon 15-feet of the platted right of way, maintaining the area as an easement, leaving the right of way adjacent to this lot 25-feet from centerline as typically required per the master street plan for a residential street.

All utility companies have agreed with the abandonment request provided the area be retained as a utility easement. Public Works staff is not agreeable to the abandonment request. Staff feels due to the proximity of this property to Kavanaugh Boulevard and being adjacent to the commercial activities on Kavanaugh Boulevard, the area should be retained as public right of way.

The applicant is also requesting to allow a revision to the previously approved PD-R to allow the construction of a new single-family home on this existing lot. There is currently a home located on the lot. The applicant is proposing to raze the existing home and construct a new home on the lot. The home is proposed as a two-story structure containing 2,400 square feet with an attached two (2) car garage. The structure is approximately 65-feet wide and 32-feet deep and is proposed with a covered patio in the back of the home. Without the right of way abandonment, the site plan proposes to construct the new home at two (2) feet from the front, east property line or seventeen (17) feet from the new right of way

line if the abandonment of Van Buren Street is approve. The site plan indicates the placement of the home five (5) feet from both the north and south property lines in order to accommodate the home and the attached garage. The site plan indicates a four (4) foot rear yard setback adjacent to the covered patio.

The site plan indicates the placement of an eight (8) foot privacy fence along the interior property lines surrounding the home. There is currently a six (6) foot privacy fence in place. The applicant has indicated the additional two (2) feet of fence height will provide additional privacy to the proposed outdoor living space within the rear yard area.

Staff is not supportive of the right of way abandonment request for this development therefore cannot support the request for the revision to the existing PD-R. Staff has concerns with allowing the home to develop within two (2) feet of the right of way should the redevelopment of the home occur without the right of way abandonment. With this limited setbacks cars exiting the garage would back into the right of way and have no maneuvering room on the lot.

I. STAFF RECOMMENDATION:

Staff recommends denial of the request.

PLANNING COMMISSION ACTION:

(JUNE 4, 2015)

The applicant was not present. There were no registered objectors present. Staff presented the item stating they and the applicant were requesting a deferral of the item to the July 16, 2015, public hearing to allow the applicant additional time to pursue a right of way abandonment for a portion of North Van Buren Street. There was no further discussion. The item was placed on the consent agenda and approved as recommended by staff by a vote of 8 ayes, 0 noes and 3 absent.

PLANNING COMMISSION ACTION:

(JULY 16, 2015)

Mr. Mike and Ms. Marsha Ballard were present representing the request. Staff stated there were two items for consideration concerning the request. Staff stated the applicant was requesting a right of way abandonment for a portion of North Van Buren Street as well as a revision to the PD-R zoning to allow construction of a new home. Staff stated they were not supportive of the right of way abandonment therefore were not supportive of the requested revision to the PD-R.

Mr. and Ms. Ballard stated they were residents of the Heights for 20 plus years. They stated the proposal was to construct a new home. They stated the home would be constructed for resale but they were proposing to build the home as if it were their own home. Mr. Ballard stated the right of way abandonment was necessary to allow the front of the home to be constructed with a proper setback from the street.

Mr. Ballard provided the Commission with a number of homes in the area which had garages and similar setbacks as proposed. Mr. Ballard stated the existing home was too small and not structurally sound to allow the home to be renovated. He stated there would not be any additional encroachment into the neighboring property. Ms. Ballard stated the new construction would allow parking in the garage and in the driveway. She stated there would be no change in the traffic pattern in the area and the new home would not create any additional traffic in the area.

Ms. Hannah Vogler addressed the Commission. She stated her parents had a home to the north of the site which was currently a rental property. She stated she was excited about the new construction. She stated her concern was the height of the new home and making sure the new home did not block the light from the back yard of their home. She stated the existing home had parking in the drive so the new home would be net zero on street parking. She stated she was not opposed to the new construction but did not want the new home to encroach into the existing homes light and air.

Mr. Jim Pfeifer addressed the Commission in opposition of the request. He stated his concern was the overall integrity of the Heights neighborhood. He stated he was not saying this home was a treasure but the overall tendency of the Heights was to raze homes to allow construction of new and much larger homes. He stated the neighborhood was in jeopardy. He stated there were five (5) vacant lots this week from homes being removed. He stated the neighborhood was being destroyed by the area being chipped away.

Ms. Ballard stated the new construction was a one and one-half story structure. She stated there was little change in the current setbacks and the proposed new home. Mr. Ballard stated the new construction would be of materials similar to the existing homes in the neighborhood. Mr. Ballard stated the maximum height would be 35-feet. He stated the roof pitch would allow for more light to the adjacent property.

There was a general discussion by the Commission concerning the proposed request. Commissioner Bubbis questioned the setbacks for the lot and the new construction. He questioned the setback of the home located to the north. Staff stated the home to the north was a side yard setback and not the front as proposed by the applicant. He stated there was very little difference between the existing homes side setback and the setback proposed for this home. The Commission questioned the location of the home in relation to the patio at Cheers. Mr. Ballard stated the new home would be located further away from the street than the patio at Cheers. Staff stated the patio at Cheers was constructed in the right of way with a franchise agreement.

The Commission questioned the right of way and the need for the additional right of way in the area. The Commission questioned if zoning could be approved without the right of way abandonment. Staff stated if the Commission felt the setback as proposed without the abandonment was appropriate then the zoning could be approved without the right of way abandonment.

A motion was made to approve the request for the right of way abandonment as proposed by the applicant. The motion failed by a vote of 1 aye, 10 noes and 0 absent.

A motion was made to approve the requested revision to the PD-R as proposed by the applicant. The motion failed by a vote of 2 ayes, 9 noes and 0 absent.

STAFF UPDATE:

At the August 11, 2015, Little Rock Board of Directors agenda meeting it was decided to return this application request back to the Planning Commission for review and consideration. Section 36-454(c) states the Board shall not consider an application that has been modified by the applicant to a design other than that reviewed by the Commission. The applicant has modified the site plan based on comments raised by a concerned neighbor and staff. Due to the modifications of the site plan reviewed by the Commission the Board could not consider the request and is requesting the Commission review the site plan and the proposed revisions and provide a recommendation based on the new site plan.

The item was before the Planning Commission at their July 16, 2015, public hearing. There were two (2) items associated with the request. The first was a request to abandon 15-feet of the public right of way for Kavanaugh Boulevard and the second a request to revise a previously approved PD-R to allow the redevelopment of this substandard lot with a single-family home. The Commission denied both requests. The applicant appealed the denial of both applications to the Board of Directors.

The plan as originally submitted allowed a two (2) foot front yard setback along North Van Buren Street. The current request is to allow the front porch with a four (4) foot front yard setback and the remainder of the front wall with a five (5) foot front yard setback. This proposal allows the front of this new home to align with the side yard setback of the home located to the north which fronts onto Stonewall. The request includes the allowance of a five (5) foot side yard setback on the northern and southern perimeters and a five (5) foot rear yard setback (western perimeter). The five (5) foot rear yard setback is to allow a covered outdoor patio and courtyard area. The covered patio is approximately nine (9) feet deep by eighteen (18) feet wide. The western wall of the home is located seven (7) feet from the rear property line along the northern portion of the covered patio area. The area south of the covered patio is thirteen (13) feet from the rear property line. The new construction is proposed with a brick exterior and an architectural asphalt shingled roof.

The original approval of the PD-R allowed the creation of this lot which is 71-feet wide and 50-feet deep. Staff did not support the request before the Commission at their July 16, 2015, public hearing which included the abandonment of fifteen (15) feet of right of way for North Van Buren Street and the allowance of a two (2) foot front yard setback. The remainder of the setbacks have not changed. The request which is being returned to the Commission for consideration is to revise the PD-R site plan to allow a front yard

setback of four (4) feet for the covered porch which is ten (10) feet wide and the remainder of the home set at five (5) feet.

Staff has revisited the request and their recommendation for the reduced front yard setback. As currently presented the request allows the primary face of the home with a five (5) foot front yard setback which will be located in-line with the side yard setback of the home located to the north. The home across North Van Buren Street appears to be constructed with a five (5) foot side yard setback with a garage located off North Van Buren Street which backs into the right of way as proposed by this request. Due to the width of the right of way for North Van Buren Street staff feels the applicant's request for the reduced front yard setback is acceptable and staff recommends approval of the request to allow a revision to the PD-R zoning subject to compliance with the comments and conditions as outlined in the agenda staff report.

PLANNING COMMISSION ACTION:

(AUGUST 27, 2015)

The applicant was present. There were no registered objectors present. Staff presented the item stating the request was back before the Commission due to the applicant modifying the site plan prior to the Board of Directors hearing the request. Staff stated the applicant had modified the site plan to allow for a larger front yard setback for the proposed new home. Staff stated based on the revised plan they were supportive of the applicant's request to amend the PD-R to allow the construction of the new home as proposed. Staff presented a recommendation of approval of the request subject to the applicable comments and conditions 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.