

FILE NO.: Z-9208

NAME: Graham Property Management Short-form PD-R

LOCATION: Located at 1417 Kavanaugh Boulevard

DEVELOPER:

John Graham
102 South Woodrow Street
Little Rock, AR 72205

SURVEYOR:

Rasburry Surveying
303 West South Street
Benton, AR 72015

AREA: 0.23 acres

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

WARD: 3

PLANNING DISTRICT: 4 – Heights Hillcrest

CENSUS TRACT: 15.02

CURRENT ZONING: R-3, Single-family

ALLOWED USES: Single-family residential

PROPOSED ZONING: PD-R

PROPOSED USE: Four-plex and duplex on a single lot

VARIANCE/WAIVERS: None requested.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant is requesting a rezoning of the site from R-3, Single-family to PD-R, Planned Development Residential, to recognize an existing four-plex and duplex located on the property. The four-plex was recently burned, beyond 50% of the reconstruction cost of the building, and is proposed for remodeling and reconstruction. There are no modifications proposed for the duplex or the building envelope for the four-plex. The site is located within the Hillcrest Design Overlay District. The zoning ordinance requires any non-conforming use to be rezoned via the Planned Development process.

B. EXISTING CONDITIONS:

The site contains a four-plex which has been damaged by fire and a duplex on the rear of the lot. The four-plex is not habitable. The duplex appears to be vacant. The building is adjacent to a home which was previously converted to nine (9) units and a residence which has been converted to a duplex. The driveway accessing the rear of the property and the duplex is a very narrow gravel drive. The parking area in the rear is a gravel surface.

This area previously contained a number of homes which were chopped up into multiple units but it appears the trend is changing and more and more homes are being returned to single-family. Kavanaugh Boulevard is an improved City street with curb, gutter and sidewalk in place.

C. NEIGHBORHOOD COMMENTS:

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

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

No comment.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Little Rock Wastewater: Sewer available to the site. Existing easements must be retained. Contact Little Rock Wastewater Utility for additional information.

Entergy: Entergy does not object to this proposal. Service is already being provided to this property from the alley in the rear. Contact Entergy in advance to discuss any changes to electrical service requirements, or adjustments to existing facilities (if any) as this proposal proceeds.

Centerpoint Energy: No comment received.

AT & T: No comment received.

Central Arkansas Water:

1. If there are facilities that need to be adjusted and/or relocated, contact Central Arkansas Water. That work would be done at the expense of the developer.
2. Contact Central Arkansas Water regarding the size and location of the water meter.

Fire Department: Full plan review.

Parks and Recreation: No comment received.

County Planning: No comment.

Rock Region Metro:

F. ISSUES/TECHNICAL/DESIGN:

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
Mark Alderfer at 501.371.4875; malderfer@littlerock.gov.

Planning Division: This request is located in the Heights Hillcrest Planning District. The Land Use Plan shows Residential High Density (RH). The Residential High category accommodates residential development of more than twelve (12) dwelling units per acre. The applicant has applied for a rezoning from R-5 (Urban Residence District) to Short-form PD-R (Planned Development Residential) to allow rebuilding of a 4-plex. The request is within the Hillcrest Design Overlay District.

Master Street Plan: North of the property is Kavanaugh Boulevard and it shown as a Collector on the Master Street Plan. The primary function of a Collector Road is to provide a connection from Local Streets to Arterials. This Street may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

Bicycle Plan: There is a Class III Bike Route shown on Kavanaugh Boulevard. These bike routes require no additional right-of-way, but either a sign or pavement marking to identify and direct the route.

Landscape: No comment.

G. SUBDIVISION COMMITTEE COMMENT: (April 5, 2017)

The applicant was not present. Staff presented an overview of the item stating there were no remaining outstanding technical issues associated with the request. 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 related to the site plan raised at the April 5, 2017, Subdivision Committee meeting. The request is a rezoning of the site from R-3, Single-family to PD-R, Planned Development Residential, to recognize an existing four-plex and duplex located on the property.

The Zoning Ordinance states in the event that any structure that is devoted in whole or in part to a nonconforming use is destroyed by fire, explosion or other casualty, or the public enemy, to the extent of more than fifty (50) percent of the current replacement value immediately prior to such damage, such structure shall not be restored unless such structure and use thereof shall thereafter conform to all regulations of the zoning district in which such structure and use are located. When such damage or destruction is fifty (50) percent or less of the reasonable replacement value of the structure immediately prior to such damage, such structure may be repaired and reconstructed and used for the same purposes as it was before the damage or destruction; provided that such repair or reconstruction is commenced and completed within twelve (12) months of the date of such damage or destruction.

Although the building is not a non-conforming structure and was converted to the four-plex illegally several years ago the review process for this item is as within the non-conforming review section of the ordinance. The four-plex was recently burned, beyond 50% as determined by the Fire Marshal, and is proposed for reconstruction. There are no modifications proposed for the duplex or the building envelope for the four-plex. Any rezoning of a property occupied by a nonconforming use shall be accomplished only through the planned development process.

The site is located within the Hillcrest Design Overlay District. The Overlay allows on-street parking to be credited toward the parking requirements at a rate of one (1) space per ten (10) linear feet of street frontage. The site has 75-feet of street frontage which would allow seven (7) on-street parking spaces. Four (4) vehicle parking spaces are located within the rear yard area. Parking for multi-family development is based on one and one-half (1 ½) parking spaces per unit. The site contains six (6) units which would generate a typical parking requirement of nine (9) parking spaces. With the allowance of the on-street parking the parking is adequate to serve a multi-family development within the Hillcrest Design Overlay District area.

The Overlay for residentially zoned, one (1) and two (2) family zoned property defines setbacks, lot coverage, grade plan elevation and building height. The site was developed prior to the adoption of the Hillcrest DOD. The rear yard setback coverage for this development is 45.06 percent. The Overlay typically allows a maximum rear setback lot coverage of 40 percent.

There are no fences in place and the applicant has not indicated any proposed fencing for the site. Staff recommends should fencing be put in place in the future all fencing comply with fencing as allowed within the residential zoning districts or a maximum of six (6) feet in height as located beyond the front yard building setback and a maximum height of four (4) feet if located within the front yard setback.

The applicant has not indicated paving of the parking or landscaping. The development is multi-family which would typically require the placement of a hard surface parking area and the placement of landscaping between the paved areas and the property lines. Staff recommends the applicant provide paving within the rear yard area to meet the typical development standards of the various City ordinances. Staff recommends the parking include the perimeter landscape strip as required by ordinance of 6-feet 9-inches.

Staff is supportive of the applicant's request. The applicant is seeking approval to allow the rebuilding of a structure which previously contained four (4) units. The applicant is seeking to reinstate the former use of the site. The property is in an area indicated as RH, Residential High Density on the Future Land Use Plan. The density proposed by the applicant complies with the Land Use Plan. To staff's knowledge there are no remaining outstanding technical issues associated with the request. Staff feels the rezoning to allow the continued use of the property as multi-family is appropriate.

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 the applicant provide a properly paved and landscaped parking area within the rear yard area of the site.

PLANNING COMMISSION ACTION:

(APRIL 27, 2017)

The applicant was present. There was one (1) registered objector 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 the applicant provide a properly paved and landscaped parking area within the rear yard area of the site.

Mr. John Graham was present representing the request. He stated he would yield his time to the opposition.

Ms. Pat Glass addressed the Commission in opposition of the request. She stated her concerns were traffic, parking, trash and noise. She stated her home was next door to the proposed development. She stated the home next door contained nine (9) units. She stated this site with four (4) units and a duplex in the back yard was too intense for this site. She stated more residents would create more trash which was a concern. She stated the home should not be allowed to increase the number of units than was previously located on the site. She stated the home was converted without proper zoning. She stated the area already had parking problems and felt the additional units would only increase the demand for parking on the local streets.

Mr. Graham stated his family owned and managed the property. He stated they bought the property six (6) to seven (7) years prior. He stated he bought the property as a four (4) plex with the two (2) additional units in the back yard. He stated he would work with Ms. Glass to ensure his tenants did not create any undue hardship on her and her property.

A motion was made to approve the request including all staff recommendations and comments. The motion carried by a vote of 8 ayes, 2 noes and 1 absent.