

FILE NO.: Z-9790

NAME: Rezoning from R-3 to R-4

LOCATION: 3924 Potter Street

DEVELOPER:

Springer and Springer, LLC
43 Marcella Dr.
Little Rock, AR 72223

OWNER/AUTHORIZED AGENT:

Bonita Springer – Owner/Applicant

SURVEYOR/ENGINEER:

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

AREA: 0.30 acre

NUMBER OF LOTS: 2

FT. NEW STREET: 0 LF

WARD: 6

PLANNING DISTRICT: 10

CENSUS TRACT: 24.06

CURRENT ZONING: R-3

VARIANCE/WAIVERS: None requested.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The property owner requests to rezone the 0.30 acre property from R-3 to R-4 for future duplex development. The property is located at the northwest corner of Potter and West 40th Streets, and is comprised of two (2) platted lots (Lots 1 and 2, Block 37, John Barrow Addition).

B. EXISTING CONDITIONS:

The property is undeveloped and mostly grass covered. There are a few mature trees along the perimeter of the site.

C. NEIGHBORHOOD NOTIFICATIONS:

All owners of property located within 200 feet of the site and all neighborhood associations registered with the City of Little Rock were notified of the public hearing.

D. ENGINEERING COMMENTS: No comments.

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

Little Rock Water Reclamation Authority: No comments.

Entergy: No comments received.

Summit Utilities: No comments.

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. If the grade exceeds 10 percent, approval will be denied and the applicant must submit request to be reviewed by Fire Chief for Approval.**

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.

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Dead Ends.

Maintain fire apparatus access roads at dead end locations as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 Section D103.4 Dead Ends. Dead-end fire apparatus access roads in excess of 150 feet shall be provided with width and turnaround provisions in accordance with Table D103.4. Requirements for Dead-end fire apparatus access roads.

Gates

Maintain fire apparatus access road gates as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 Section D103.5 Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. Minimum gate width shall be 20 feet.
2. Gates shall be of swinging or sliding type.
3. Construction of gates shall be of material that allow manual operation by one person.
4. Gate components shall be maintained in an operable condition at all times and replaces or repaired when defective.
5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official.

6. Manual opening gates shall not be locked with a padlock or chain and padlock unless they are capable of being opened by means of forcible entry tools or when a key box containing the keys to the lock is installed at the gate location.
7. Locking device specifications shall be submitted for approval by the fire code official.
8. Electric gate operators, where provided, shall be listed in accordance with UL 325.
9. Gates, intended for automatic operation shall be designed, constructed and installed to comply with requirements of ASTM F 2200.

Multi-Family Residential Developments

As per Appendix D, Section D106.1 of the 2012 Arkansas Fire Prevention Code Vol. 1. Projects having more than 100 dwelling units. Multiple-family residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.

Exception: Projects having up to 200 dwelling units may have a single approved fire apparatus access road when all building, including nonresidential occupancies are equipped throughout with approved automatic sprinkler systems installed in accordance with Section 903.3.1.1 or 903.3.1.2

As per Appendix D, Section D106.2 of the 2012 Arkansas Fire prevention Code Vol. 1. Projects having more than 200 dwelling units. Multiple-family residential projects having more than 200 dwelling units shall be provided with two separate and approved fire apparatus access roads regardless of whether they are equipped with an approved automatic sprinkler system.

As per Appendix D, Section D107.1 of the Arkansas Fire Prevention Code Vol. 1, One- or Two-Family dwelling residential developments. Developments of

One- or Two-Family Residential Developments.

one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads, and shall meet the requirements of Section D104.3.

Exceptions:

1. Where there are **more than 30 dwelling units** on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved **automatic sprinkler system** in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 of the Arkansas Fire Code, access from two directions shall not be required.
2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.

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 Fire Marshal Derek N. Ingram 501-918-3756 Number and Distribution of Fire Hydrants as per Table C105.1.

If you have any additional questions please contact our office. Contact Capt. Tony Rhodes at (501) 918-3757, or Fire Marshal Derek N. Ingram (501) 918-3756.

Parks and Recreation: No comments received.

County Planning: No comments received.

F. **BUILDING CODES/LANDSCAPE:**

Building Code: No comments received.

Landscape: No comments.

G. **TRANSPORTATION/PLANNING:**

Rock Region Metro: No comments received.

Planning Division:

The request is in the Boyle Park Planning District. The Land Use Plan shows Residential Low Density (RL) for the requested area. The Residential Low Density (RL) 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 rezone from R-3 (Single Family District) to R-4 (Two Family District).

The application site is located at the northwest corner of West 40th Street and Potter Street in a large area of Residential Low Density (RL) use. The Residential Low Density (RL) 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. Within this developed area of RL are well maintained single-family homes.

There have been no Land Use amendments in this area over the last 10 years.

Master Street Plan:

Potter Street and West 40th Street are Local Streets on the *Master Street Plan Map*. Local public streets are designed to provide access to adjacent property with the movement of traffic being a secondary purpose. The standard right-of-way is 50'. Sidewalks are required on one side. These streets may require dedication of right-of-way and may require street improvements.

Bicycle Plan:

There are no existing or proposed bike routes adjacent to or through this land.

Historic Preservation Plan:

There are no Historic Sites or Districts in the vicinity.

H. ANALYSIS:

The property owner requests to rezone the 0.30 acre property from R-3 to R-4 for future duplex development. The property is located at the northwest corner of Potter and West 40th Streets, and is comprised of two (2) platted lots (Lots 1 and 2, Block 37, John Barrow Addition).

The property is undeveloped and mostly grass covered. There are a few mature trees along the perimeter of the site.

The City's Future Land Use Plan designates this property as "RL" Residential Low Density. The requested R-4 zoning will not require an amendment to the future plan.

Staff is supportive of the requested R-4 rezoning. Staff views the request as reasonable. There is a scattering of properties within the John Barrow neighborhood which have been previously approved for duplexes. The requested R-4 zoning will be compatible with the area and will represent only a minor increase in residential density.

I. STAFF RECOMMENDATION:

Staff recommends approval of the requested R-4 rezoning.

PLANNING COMMISSION ACTION:

(JUNE 8, 2023)

The applicant was not present representing the application. There were two (2) objectors present. The application was deferred to the July 13, 2023 meeting.

PLANNING COMMISSION ACTION:

(JULY 13, 2023)

The applicant was present, representing the application. There were two (2) persons registered in opposition. Staff presented the item and a recommendation of approval as outlined in the "staff recommendation" above.

R.B. Rasheed addressed the Commission in opposition to the application. He expressed his concerns about this project being a duplex and stated he felt this area was better suited for single family dwellings.

Patricia Gantt addressed the Commission in opposition to the application. She expressed her concerns about the increase in traffic issues this project would present.

The applicant took questions from the Commission in reference to other properties that the owner has that was associated with the Land Bank. Commissioner Thomas choose to recuse herself from the project due to the fact that she had been on a committee for the Land Bank. There was a motion to approve the application. The motion was seconded. The vote was 8 ayes, 0 nays, 1 recused, 1 absent and 1 open position. The application was approved.