



DEPARTMENT OF PLANNING AND DEVELOPMENT

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LITTLE ROCK HISTORIC DISTRICT COMMISSION

MINUTE RECORD

Thursday, April 4th, 2024, 4:00 p.m.

Willie Hinton Neighborhood Resource Center, 3805 W. 12th Street

I. Roll Call

Members Present:

Chair, Amber Jones
Vice Chair, Christina Aleman
Jonathan Nunn
Tom Fennell
Scott Green
Thomas DeGraff

Staff Present:

Hannah Ratzlaff
Brad Jordan
Sherri Latimer
Raeanne Gardner

Citizens Present:

Joe Flaherty
Haley Shelton
Melissa Stone

II. Finding a Quorum

A quorum was present being six (6) in number.

III. Citizen Communication

No member of the public chose to speak at this time.

IV. Minutes

1. March 7th, 2024 Minutes

Commissioner Aleman requested that Amber Jones be identified as the “representative of the applicant” rather than the applicant regarding Item NR2024-002. Commissioner Fennell identified a grammatical error.

Commissioner Fennell made a motion to approve the minutes as amended. Commissioner Green seconded the motion. The motion was approved unanimously by voice vote.

V. National Register Nominations

None

VI. Deferred Certificates of Appropriateness

None

VII. New Certificates of Appropriateness

None

VIII. Other Matters

1. COA Procedures for Administrative Issuance
2. Terms and Reappointments
3. Officers
4. Enforcement Issues

418 E 15th Street—unpermitted installation of fencing

5. Certificates of Compliance

HDC2024-005—503 E 9th Street—historical marker

IX. Adjournment

OTHER MATTERS NO.: ONE Procedures for Administrative Issuance of a COA

NAME: Procedures for Administrative Issuance of a COA

LOCATION: Ordinance Amendment to Little Rock Historic Preservation Code

APPLICANT: Staff

A. BACKGROUND

There are currently no explicit procedures set in the Little Rock Historic Preservation Code regarding administrative approvals. Currently, Planning & Development staff administratively review projects within the MacArthur Park Local Ordinance Historic District that do not involve a change in design, material, or outer appearance, such as ordinary maintenance or repair. The permits issued for these reviews are called Certificates of Compliance (“COC”). These reviews do not require the filing of a COA or for the application to be scheduled for a public hearing to be heard before the Historic District Commission. Administrative review through a COC does not prevent ordinary maintenance or repair project types from occurring in the district, but reviews in order to confirm that the project scope and methodology do not go beyond ordinary maintenance, repair, replacement in-kind, and the work does not result in a change in design, material, or outer appearance. A COC identifies the scope of the proposed changes, must be issued before certain building permits can be issued, and must be displayed at the project site along with any other relevant permits.

Additionally, there are several project types which go beyond ordinary maintenance and repair that the Commission has previously set standards and procedures for administrative review, requiring that all standards and procedures are met in order for a COC to be issued. Below is a list of current project types and standards that are administratively reviewed:

a. Architectural Shingles

Staff may approve the replacement of asphalt shingles with architectural shingles on a case-by-case basis.

b. Rain Gutter Systems

Staff may approve the installation of hang-on gutters, downspouts, and French drains on a case-by-case basis. This does not include the installation or removal of boxed (or built-in) gutters.

1. Downspouts are located away from significant architectural features.

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- b. The replacement of existing asphalt shingle roofing with architectural shingle roofing on any building or structure.
- c. The replacement or installation of hang-on rain gutter systems, including flashing and downspouts, where downspouts are located away from architectural features and are painted to be camouflaged against the building or structure.
- d. The installation of ground mounted and flush mounted historical markers made of non-shiny materials and flush mounted markers are installed in mortar joints when attached to a masonry surface.
- e. The installation of mechanical equipment that is located in the rear of the property, or on the side of the property setback at least halfway between the front and rear walls, and is entirely screened from public view.
- f. The installation of storm windows where the proportion and profile match the design of the original windows, the storm fits the window casing and does not overlap the trim or brick mold, the exterior is wood, baked-on enamel, or anodized aluminum in a color that matches the window sash paint color, the finish is non-reflective, and, in the case of originally fixed or casement windows that are non-operable, the storm windows are full view.
- g. The installation of handrails only along steps, not including porch steps or along flat or sloped surfaces without steps, constructed of simple metal or ornamental iron, painted black, with square stock posts, a top rail that sheds water, a railing height that is no less than 36 inches above the nosing of the steps.
- h. The installation of solar photovoltaic arrays and system equipment not visible from the public right-of-way, that does not require the removal of historic materials or alter historic roof configurations and features and installation, if removed, will not damage existing historic building materials.
- i. Emergency, temporary maintenance and repair which does not permanently alter the distinctive features of the structure or property, all required city permits are obtained, and the owner of the property commits to apply for a certificate of appropriateness to make

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permanent repairs within 60 days of the date on which the Certificate of Compliance is issued for the emergency, temporary repairs.

- j. The replacement of an existing sign where only replacing the sign face and the installation of signage where flush mounted to a building or structure, made of wood or non-shiny material, installed in mortar joints when attached to a masonry surface, and no larger than one square foot in surface area.
- k. The installation of a privacy fence that is made of wood with flat boards in a single row, no taller than six feet, located in the rear of the property, with a front yard setback at least halfway between the front and rear walls of the principle structure.
- l. The installation of a privacy fence located on property with side and rear street frontages that is made of wood with flat boards in a single row, no taller than six feet, with a front yard setback at least halfway between the front and rear walls on the side where there is no street frontage, and a side yard setback of fifteen feet or coplanar with the side of the principle structure, whichever is less, on the side where there is street frontage.
- m. The installation of front and side yard fences where there is street frontage, no taller than 40 inches, made of metal with simple ornamentation or made of wood pickets with pickets no wider than four inches and set no farther apart than three inches.
- n. The removal of chain link fencing.
- o. The removal or installation of a non-historic, detached accessory building, 200 square feet or less in area, meeting all city zoning and code requirements.
- p. The replacement or repair of historic and non-historic site features and streetscape features including sidewalks, streetlamps, curbs, driveways, stepping blocks, hitching posts, retaining walls, steps, gates and fencing, and other furnishings.

C. EXISTING CONDITIONS:

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1. Issue a Certificate of Appropriateness for proposed work that is determined to constitute ordinary maintenance or repair of any exterior architectural feature which does not involve a change in design, material, or outer appearance;
2. Issue a Certificate of Appropriateness for proposed work previously determined by the commission for issuance to be delegated to administrative staff.
 - i. Work types, and project conditions therein, delegated to administrative staff for approval must be previously determined by the commission and be specifically identified in the guidelines adopted for the historic district.”

F. STAFF RECOMMENDATION:

Staff recommends that the Little Rock Historic Preservation Code be revised through an ordinance amendment to set specific procedures for the administrative issuance of Certificates of Appropriateness for specific project types.

G. COMMISSION ACTION

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Ratzlaff made a presentation to the commission. Commissioner Nunn was supportive of the concept to set a clear procedure for administrative approvals of COAs with scopes of work beyond ordinary maintenance. He was more supportive of a flexible framework adopted by ordinance which pointed to the design guidelines for detailed standards, rather than strict detailed standards adopted by ordinance. He expressed he is always in favor of streamlining the review and approval process where it was beneficial to, and he was supportive of the proposed projects outlined in the staff analysis to be delegated to administrative review only. Commissioner Nunn said the proposed project types are typically a quick turnaround for applicants and are minor impact projects that have been previously determined to be appropriate and compatible with the local ordinance district.

Commissioner Fennell said the commission trusted the skill and judgement of current staff. He expressed concern that expanding the authority of staff for administrative approvals would prove to have a negative impact if there was a staff change. Deputy City Attorney, Sherri Latimer, said that administrative approvals could be delegated to staff with limited discretionary ability by the commission predetermining the standards and requirements of the projects in order for it to be administratively reviewed.

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Ratzlaff said the second example within the staff analysis could achieve the flexibility that Commissioner Nunn spoke to as well as achieve setting discretionary limitations of staff that Commissioner Fennell was concerned with.

Commissioner Nunn asked if specific project types delegated to administrative review could be reassigned to the commission's review down the road. Ratzlaff said they could. She said that if a project type that was delegated to staff for administrative review, such as the installation of new storm windows, became an issue for the commission or the local ordinance district community down the road, the commission could take action at a regular or called meeting to reassign it to commission review only. (Note: delegated to administrative review on September 1, 2022, by the Historic District Commission.) Commissioner Nunn said he was in favor of the proposed process.

Deputy City Attorney Latimer questioned whether the design guidelines would need to be updated every time the commission added or removed a project type to or from administrative review. Ratzlaff said they should be updated since they are meant to be a resource to property owners, residents, and the commission. She said it was best to make these determinations in batch now as the new guidelines were being proposed, but if changes occur, they would just be included in the next update.

Commissioner Nunn asked if an applicant would be denied if they requested a Certificate of Appropriateness for a project that did not meet staff's criteria of approval. Ratzlaff said staff would not deny the application, but instead refer it to the commission. If staff were unable to issue a COA administratively, the application would be docketed for a public hearing to be heard by the commission.

Commissioner DeGraff asked why staff was proposing this process at this time. He felt the commission did not review many Certificates of Appropriateness at this point and agendas were typically light. Ratzlaff said it was good practice for a commission of this type to have a smooth process in place for a of high-volume applications in case another local ordinance district was adopted. It also typically creates good will with local ordinance district property owners to have a process which incentivizes compliance with the regulations for minor impact projects. Often, property owners can feel that a public hearing is unnecessary or disproportionate to the request of approval for a smaller scope of work. Ratzlaff said, having fewer public hearing items also frees up the commission during meetings to discuss strategic initiatives and goals for historic districts and sites citywide.

Commissioner Aleman asked if there was a benefit to codifying specific project types that the commission always wants to be administratively reviewed, such as the removal of chain link fencing, and identify other project types in the design guidelines. Deputy City Attorney Latimer said that it was her opinion that beyond ordinary maintenance, it was best practice

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to determine projects delegated for administrative review in the design guidelines so that the commission always had the ability to rescind or reassign this authority.

After additional discussion, the commission agreed that the second example within the staff analysis was preferable to the first example. Deputy City Attorney Latimer and Ratzlaff were asked to prepare a staff report and draft ordinance for the next meeting for the commission to consider.

VIII. Other Matters

- a. COA Procedures for Administrative Issuance
- b. Terms and Reappointments

Ratzlaff announced that several commissioner terms would expire on June 15, 2024, and if those commissioners wished to seek reappointment, they would need to reapply for their position with the city clerk's office. The deadline for boards and commissions application is Friday, May 10th by 5PM.

- c. Officers

Ratzlaff said the commission was due to elect a chair and vice chair. This is meant to happen annually at the last meeting of the year, but it was missed by staff. Both the current chair and vice chair were eligible for reelection. Commissioner Fennell made a motion to reelect the current chair, Amber Jones, and vice chair, Christina Aleman. Commissioner Nunn seconded the motion. The officers were reelected unanimously by voice vote. Ratzlaff asked Commissioner Jones and Commissioner Aleman if they were able to continue their elected positions. Both said they were.

- d. Enforcement Issues

418 E 15th Street—unpermitted installation of fencing

- e. Certificates of Compliance

HDC2024-005—503 E 9th Street—historical marker

Commissioner Nunn brought up for discuss the opportunity to create an infill development plan or pattern book for vacant lots in the local ordinance district and referenced previous discussions with Ratzlaff about the benefits of this type of tool for smaller scale developers. Ratzlaff said this is a project that could be eligible for CLG funding and she would be happy to include this in next year's projects.

IX. Adjournment

There being no further business for the Commission, the meeting was adjourned at 4:49 P.M.

Attest:

Chair

Date

Secretary

Date