

FILE NO.: Z-9020

NAME: Hometown Tax Service Short-form PD-O

LOCATION: Located at 3008 West 12th Street

DEVELOPER:

Mark Green
65 Westfield Loop
Little Rock, AR 72210

SURVEYOR:

Kittler-Roberts Group, LLP
3905 Highway 5 North
Bryant, AR 72022

AREA: 0.16 acres

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

CURRENT ZONING: R-3, Single-family

ALLOWED USES: Single-family residential

PROPOSED ZONING: PD-O

PROPOSED USE: Tax preparation

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-O to allow the use of this existing single-family residence as a tax preparation office. The applicant has indicated the days and hours of operation from 8 am to 5 pm Monday through Friday. All clients are seen by appointment only. There are no other employees of the business other than the owner. The applicant has indicated most tax preparation takes place from January to April. Parking for the business will be on the existing driveway.

B. EXISTING CONDITIONS:

This area of 12th Street is contains a mixture of uses including single-family, multi-family, a church and office and commercial uses. The office and commercial uses are primarily located to the east at the intersection of 12th and Woodrow Streets. 12th Street was recently resurfaced and a bicycle lane added. The lots located to the east, west and north of this site are single-family residential.

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 Stephens Area Faith Neighborhood Association and the Pine to Woodrow Neighborhood Association were notified of the public hearing.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. West 12th Street is classified on the Master Street Plan as a minor arterial with special design standards. A dedication of right-of-way 35 feet from centerline will be required.
2. Provide area where clients and staff will park?
3. A turnaround or drive through should be provided for vehicles accessing the site to prevent backing into West 12th Street.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Wastewater: Sewer available to this project.

Entergy: Entergy does not object to this proposal. Service requirements and/or facilities locations shouldn't be an issue for this existing building.

Centerpoint Energy: No comment received.

AT & T: No comment received.

Central Arkansas Water:

1. All Central Arkansas Water requirements in effect at the time of request for water service must be met.
2. The Little Rock Fire Department needs to evaluate this site to determine whether additional public and/or private fire hydrant(s) will be required. If additional fire hydrant(s) are required, they will be installed at the Developer's expense.

3. Please submit plans for water facilities and/or fire protection system to Central Arkansas Water for review. Plan revisions may be required after additional review. Contact Central Arkansas Water regarding procedures for installation of water facilities and/or fire service. Approval of plans by the Arkansas Department of Health Engineering Division and the Little Rock Fire Department is required.
4. 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.
5. Contact Central Arkansas Water if additional fire protection or metered water service is required.
6. Due to the nature of this facility, installation of an approved reduced pressure zone backflow preventer assembly (RPZA) is required on the domestic water service. This assembly must be installed prior to the first point of use. Central Arkansas Water requires that upon installation of the RPZA, successful tests of the assembly must be completed by a Certified Assembly Tester licensed by the State of Arkansas and approved by Central Arkansas Water. The test results must be sent to Central Arkansas Water's Cross Connection Section within ten days of installation and annually thereafter. Contact the Cross Connection Section at 501.377.1226 if you would like to discuss backflow prevention requirements for this project.
7. Fire sprinkler systems which do not contain additives such as antifreeze shall be isolated with a double detector check valve assembly. If additives area used, a reduced pressure zone back flow preventer shall be required.
8. This development will have minor impact on the existing water distribution system. Proposed water facilities will be sized to provide adequate pressure and fire protection.

Fire Department:

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.

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.

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.

Parks and Recreation: No comment received.

County Planning: No comment.

CATA: The area is currently served by CATA at this location via Route #3 an important service area. This location is currently in CATA's long range planning. The proposal has no impact to current service. Maintaining the bicycle and pedestrian way in this area is important to accessing transit; an important feature for future planning and development of this area.

F. **ISSUES/TECHNICAL/DESIGN:**

Building Code: Project is a change in occupancy and is therefore subject to current building code requirements. Review and approval is required by Building Codes Division before occupancy takes place. For information on submittal requirements and the review process, contact a commercial plans examiner:

Curtis Richey at 501.371.4724; crichey@littlerock.org or
Mark Alderfer at 501.371.4875; malderfer@littlerock.org.

Planning Division: This request is located in the I-630 Planning District. The Land Use Plan shows Mixed Use (MX) for this property. The Mixed Use category provides for a mixture of residential, office and commercial uses to occur. A Planned Zoning District is required if the use is entirely office or commercial or if the use is a mixture of the three. The applicant has applied for a rezoning from R-3 (Single Family District) to PDO (Planned District Office) to allow for conversion of this house to an office use.

Master Street Plan: 12th Street is a Minor Arterial on the Master Street Plan. A Minor Arterial provides connections to and through an urban area and their primary function is to provide short distance travel within the urbanized area. Entrances and exits should be limited to minimize negative effects of traffic and pedestrians on 12th Street since it is a Minor Arterial. This street may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

Bicycle Plan: A Class II Bike Lanes are shown along 12th Street. Bike Lanes provide a portion of the pavement for the sole use of bicycles.

Landscape: No comment.

G. SUBDIVISION COMMITTEE COMMENT: (April 1, 2015)

The applicant was not present. Staff stated they would work with the applicant to resolve their concerns prior to the Commission acting on the request. There were no more issues for discussion. The Committee then forwarded the item to the full Commission for final action.

H. ANALYSIS:

Staff met with the applicant after the April 1, 2015, Subdivision Committee meeting to address their concerns. The applicant has provided staff with the days and hours of operation, the number of employees and the proposed signage plan.

The applicant is requesting a rezoning of the site from R-3, Single-family to PD-O to allow the use of this existing single-family residence as a tax preparation office. The applicant has indicated the days and hours of operation from 8 am to 5 pm Monday through Friday. The applicant has indicated most tax preparation takes place from January to April.

The applicant has indicated there will not be a ground sign located on the site. The applicant states only building signage will be used and the signage will be as typically allowed in office zones or a maximum of ten (10) percent of the façade area located on the street side of the building.

The applicant has indicated there are no employees of the business. The applicant states all consultations are by appointment only.

The applicant has stated he does not desire to add parking and is proposing to use the existing drive and rear yard (which is not paved) to serve as the required parking. The structure contains approximately 1,200 gross square feet of floor area which would typically require the placement of three (3) parking spaces for an office use. Staff feels the applicant has sufficient area in the rear yard to add three (3) parking stalls placed on a forty-five degree (45°) angle which would provide the required parking and still leave adequate areas for landscaping. Section 36-508 of the Zoning Ordinance states vehicular use areas subject to wheeled traffic are to be paved. This can include asphalt or concrete slab.

Although staff is supportive of the applicant's request to utilize the site as an office use staff feels the applicant should provide parking as typically required to serve the non-residential use.

I. STAFF RECOMMENDATION:

Staff recommends denial of the request.

PLANNING COMMISSION ACTION:

(APRIL 23, 2015)

The applicant was not present. There was one card registered with questions concerning the application request. Staff requested the item be deferred to the June 4, 2015, public hearing to allow the applicant to be present.

A motion was made to defer the item to the June 4, 2015, public hearing. The motion carried by a vote of 10 ayes, 0 noes and 1 absent.

STAFF UPDATE:

There has been no change to the application request since the previous public hearing. Staff continues to recommend denial of the request as filed.

PLANNING COMMISSION ACTION:

(JUNE 4, 2015)

The applicant was present. There were registered objectors present. The Chair informed the applicant that the Commission's policy was to offer a deferral of an item to a later hearing date when eight (8) or fewer Commissioners were present to allow more Commissioners to be present to hear a request. The Chair stated it took six (6) positive votes to move an item forward with a favorable recommendation from the Commission. She stated there were eight (8) Commissioners present. The Chair requested the applicant come forward and state if they desired a deferral of an item or if they wanted to move forward at this hearing date.

The applicant stated he desired to defer the item to the Commissions July 16, 2015, public hearing. There was no further discussion of the item. The Chair entertained a motion for approval of deferring the item to the July 16, 2015, public hearing. The motion carried by a vote of 8 ayes, 0 noes and 3 absent.

STAFF UPDATE:

The applicant has graveled the rear yard of this home and placed cross ties to contain the graveled area. The gravel has loosely covered the area proposed for parking and has not been compacted to keep the gravel from being tracked from the site to the adjacent alley. Although the applicant has attempted to address staff's concerns related to parking for this non-residential activity staff does not feel the graveled parking area as currently presented is adequate.

The City is currently developing a Low impact Development (LID) ordinance which will allow for the placement of pervious surfaces for parking such as gravel. The LID ordinance does not allow the placement of the pervious parking as installed by the applicant. The Zoning Ordinance states parking should be hard packed in a manner

that does not result in the creation of dust, mud, silt or standing water. Staff does not support the applicant's request to allow the graveled parking as currently installed.

PLANNING COMMISSION ACTION:

(JULY 16, 2015)

The applicant was not present. There were no registered objectors present. Staff presented the item stating they and the applicant had met concerning the proposed parking area. Staff stated they and the applicant were continuing to work on staff's concerns related to the proposed parking area. Staff presented a recommendation of deferral of the item to the August 27, 2015, public hearing. 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.

STAFF UPDATE:

The applicant is now proposing to construct a 30-foot by 20-foot parking pad within the rear yard area of this property. The parking pad will be accessed from the alley. Client parking can be provided within the driveway of the existing structure. The applicant has indicated the parking pad will be constructed of a hard surface material, concrete or asphalt.

Staff is supportive of the applicant's proposal for adding parking on the site. Staff's original opposition to the request was the applicant was not providing proper parking for the office use. 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.

PLANNING COMMISSION ACTION:

(AUGUST 27, 2015)

The applicant was present. There were no registered objectors present. Staff presented the item with a recommendation of approval based on the applicant's proposal for adding parking to the site. Staff stated their original opposition to the request was the applicant did not propose to provide proper parking for the office use. Staff stated based on the proposed parking plan staff was supportive of the request and 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. 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.