

FILE NO.: Z-9576

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NAME: Rezoning from R-2 to R-4

LOCATION: South side of Lee Summit Drive, between Wren Road and Cardinal Road

DEVELOPER:

Damien Nelson  
32 Point O Woods Drive  
Little Rock, AR 72204

OWNER/AUTHORIZED AGENT:

Damien Nelson – Owner and Applicant

SURVEYOR/ENGINEER:

Arkansas Surveying and Consulting  
1926 Salem Road  
Benton, AR 72019

AREA: 0.39 acre                      NUMBER OF LOTS: 2                      FT. NEW STREET: 0 LF

WARD: 7                                      PLANNING DISTRICT: 10                      CENSUS TRACT: 24.06

CURRENT ZONING:                      R-2

VARIANCE/WAIVERS:                      None requested.

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A.    PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant proposes to rezone the 0.39 acre property located on the south side of Lee Summit Drive, between Wren Road and Cardinal Road from "R-2" Single Family District to "R-4" Two-Family District. The property is comprised of two (2) lots (Lots 36 and 37, Block 7, Westwood Heights Addition). The rezoning is proposed in order to construct one (1) duplex on each lot.

B.    EXISTING CONDITIONS:

The property is currently undeveloped and mostly wooded. The property slopes downward from front to back (north to south).

C. NEIGHBORHOOD COMMENTS:

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:

1. At time of building permit application, one (1) shared driveway centered on the property line will be allowed to be constructed accessing both duplexes. An access easement should be shown on final plat for shared driveway.

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

Little Rock Water Reclamation Authority: Sewer main extension required with easements if new sewer service is required for this project. Capacity Analysis Required.

Entergy: No comments received.

CenterPoint Energy: No comments.

AT & T: No comments received.

Central Arkansas Water: A water main extension will be needed to provide water service to this property. That work would be done at the expense of the developer.

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.

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 Little Rock Fire Department is required.

Fire Department: Full Plan Review.

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 change the property from R-2 (Single Family District) to R-4 (Two-Family Residential District) to allow the future development of the site.

Surrounding the application area, the Land Use Plan shows Residential Low Density (RL) in all directions from the site. There is Park/Open Space (PK/OS) shown a short distance to the south. 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. To the north is a developed single-family subdivision. To the east, west and south of the site is vacant wooded land, platted as a single-family subdivision. The Park/Open Space (PK/OS) category includes all public parks, recreation facilities, greenbelts, flood plains, and other designated open space and recreational land. This area is the floodplain/floodway of the Fourche and Brodie Creeks.

Master Street Plan: To the north is Lee Summit Drive and it is a Local Street on the Master Street Plan. Local Streets that are abutted by non-residential zoning/use or more intensive zoning than duplexes are considered as "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.

H. ANALYSIS:

Damien Nelson, owner of the 0.39 acre property located on the south side of Lee Summit Drive, between Wren Road and Cardinal Road, is requesting that the property be rezoned from "R-2" Single Family District to "R-4" Two-Family District. The property is comprised of two (2) lots; Lots 36 and 37, Block 7, Westwood Heights Addition (unrecorded). The rezoning is proposed in order to construct one (1) duplex on each lot.

The property is currently undeveloped and mostly wooded. The property slopes downward from front to back (north to south).

Undeveloped R-2 zoned lots are located east and west of the property, within the Westwood Heights Addition. Single family residences on R-2 zoned lots, also in the Westwood Heights Addition, are located across Lee Summit Drive to the north. Undeveloped lots and the old Hindman golf course, zoned R-2 and PR, are located to the south.

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

Staff is supportive of the requested R-4 zoning. Staff views the request as reasonable. The property is located in an area zoned for single family residences, with a number of undeveloped lots to the east, west and northeast within the Westwood Heights and Brookside Park Additions. The proposed rezoning to allow two (2) duplex structures will represent only a minor increase in the original platted density for this property. Staff believes that the requested rezoning to R-4 will have no adverse impact on the surrounding properties.

I. STAFF RECOMMENDATION:

Staff recommends approval of the requested R-4 rezoning.

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PLANNING COMMISSION ACTION:

(MAY 13, 2021)

Damien Nelson, applicant, was present representing the application. There were persons registered in opposition to the application. The applicant deferred to the opposition.

Dr. Robert Williams, President of the Westwood and Western Hills Neighborhood Associations addressed the Commission in opposition to the application. He stated 97% of the neighborhood association voted to oppose the application. He stated the neighborhood association feels if this proposal is allowed it would change the neighborhood from single-family residences to more duplexes being developed.

Karen Cromwell addressed the Commission in opposition to the application. She expressed concerns regarding the green area, building of additional duplexes, prefers single-family homes, not duplexes, planned connection of all city parks, traffic, slope and how the removal of existing trees and excavating activities would adversely affect harmony in the area.

Greg Merriweather addressed the Commission in opposition to the application and expressed the following concerns:

- 1) The proximity of his residence to the proposed development.
- 2) Traffic flow in the area.

3) If approved how this opens the door for the developer to build additional duplexes.

Lavita Wills-Hale addressed the Commission in opposition to the application and expressed the following concerns:

- 1) The historical nature of the area being single-family residences.
- 2) How the natural landscape & single-family houses draw residents to the area.
- 3) The existence of ethnic and cultural diversity in the area.
- 4) Traffic concerns regarding the size of the streets and traffic flow in the area.
- 5) How this proposal may create a negative environmental impact in the area.

Commissioner Vickers asked Ms. Wills-Hale did she obtain any independent, third-party data regarding sewers (drainage) and traffic concerns? She replied that she obtained no third-party data to support her concerns.

Commissioner Vickers asked staff why the street is so narrow and are any future Public Works road improvements planned to widen the street(s)? Staff replied that it appears the developer of the subdivision sold some of the lots prior to approval of a final plat.

Director Collins addressed the Commission stating the developer is proposing to develop one lot not several lots and this proposal is exempt from Public Works regarding street improvements.

Commissioner Hamilton asked staff are there any multi-family residences within the subdivision? Staff replied no.

Commissioner Berry asked staff are duplexes considered multi-family? Staff replied no, duplexes are considered two-family.

Commissioner Brooks asked applicant if he was able to meet with the neighborhood association or individual neighbors regarding his proposal? The applicant replied yes. The discussion concerned duplexes initially followed by the development of townhouses.

Dr. Betton the applicant if he had an opportunity to meet with neighborhood association to resolve the issues posed today? Dr. Williams replied there was not an opportunity due to COVID and the neighborhood association did not vote to place the applicant's proposal on the neighborhood association's agenda. Therefore, letters were forwarded to the members.

Lavita Wills-Hale addressed the Commission regarding the lack of communication between the neighborhood association and the applicant was due to the cancellation of meetings due to COVID. Therefore, the letters for polling residents was the most reasonable approach.

Commissioner Hamilton asked the applicant was he opposed to meeting with neighborhood association to discuss any concerns? The applicant replied, no he was not and looking forward to meeting with the neighborhood association in the future.

Director Collins addressed the Commission and noted the law does not require the applicant to meet with the neighborhood association, but encouraged both to work together to resolve any concerns.

Commissioner Berry asked Staff if rezoning applications went to the Board of Directors? Staff replied yes, if approved by the Planning Commission, the Board of Directors will consider the application within 3-4 weeks and encouraged the neighborhood association to attend Board of Directors' meeting.

There was a motion to approve the application. The motion was seconded. The vote was 8 ayes, 2 nays and 0 absent and 1 open position. The application was approved.