

FILE NO.: Z-9444

NAME: Baillie-Weinkopff Short-form PRD

LOCATION: 205 Crystal Court

DEVELOPER:

Mark Baillie and Tiffany Weinkopff
205 Crystal Court
Little Rock, AR 72205

OWNER/AUTHORIZED AGENT:

Mark Baillie and Tiffany Weinkopff/Owner

SURVEYOR/ENGINEER:

Arrow Surveying/Surveyor

AREA: 0.146 acres

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

WARD: 3

PLANNING DISTRICT: 4

CENSUS TRACT: 15.02

CURRENT ZONING: R-3 Single-family

ALLOWED USES: Single-family residential

PROPOSED ZONING: PRD

PROPOSED USE: Single-family residential with short-term rental

VARIANCE/WAIVERS: None

BACKGROUND:

205 Crystal Court is a single-family residence with a detached accessory dwelling.

The current owners acquired the property two years ago and decided to renovate the accessory dwelling. They are now seeking to rent the accessory unit on a short-term basis.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The owners are requesting rezoning of the property from single-family to allow for short term rental of a detached cottage in the southeast corner of the backyard.

The cottage is approximately 240 square feet and was recently renovated with all required permits. The completed renovation has resulted in a farm-house studio space with a full bathroom and kitchenette.

The cottage has room for two adults, so groups would not be possible or allowed. Street parking in the area is plentiful on Crystal Court. The cottage is accessed through a gate in the fenced-in backyard and the owners will have direct observations of who is in the cottage, what they are doing when outside the cottage on the property and monitor and respond to noise. Any online bookings could be required to provide validation of identification allowing greater knowledge of who is there and consequences for any problems, as they would not be individuals unknown to the owners.

Boutique short-term housing rental is a growing opportunity and the owners hope for the city's support in that this type of rental increases the type and number of visitors to the city and allows for a unique income opportunity for homeowners.

B. EXISTING CONDITIONS:

The property contains a single-family home, a detached garage, and a detached accessory residential structure. Situated on a 6,343 square foot parcel, the lot is typical for the neighborhood.

Single-family uses are predominant in the vicinity. Immediately to the south is a property with an approved detached accessory dwelling unit.

C. NEIGHBORHOOD COMMENTS:

A letter of support for this request was sent by the owner of a property in the neighborhood. The writer stated she is a historic preservation consultant and a volunteer with the Hillcrest Residents Association and offered as support the walkability of the neighborhood, the boost the visitors would give to the local commercial district of independently-owned businesses, the historic use of similar structures as short-term overnight dwellings for domestic workers, encouraging the preservation of historic structures, and additions to the city's tax base through increased occupancy and sales taxes . Notice of the public hearing was sent to all owners of properties located within 200 feet of the site, as well as the Hillcrest Residents Association and Save Hillcrest Neighborhood Association.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. Indicate the location of proposed tenant parking.

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

Little Rock Water Reclamation Authority: Sewer available to this site. If ownership of auxiliary building changes, then separate sewer service required.

Entergy: No comment received.

CenterPoint Energy: No comment.

AT & T: No comment received.

Central Arkansas Water:

NO OBJECTIONS; All Central Arkansas Water requirements in effect at the time of request for water service must be met.

Fire Department: No comment.

Parks and Recreation: No comment received.

County Planning: No comment received.

F. BUILDING CODES/LANDSCAPE:

Building Code: No comment.

Landscape: No comment.

G. TRANSPORTATION/PLANNING:

Rock Region Metro: No comment.

Planning Division: This request is located in Heights/Hillcrest Planning District. The Land Use Plan shows Residential Low Density (RL) for this property. This 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 applicant has applied for a rezoning from R-3 (Single Family District) to PRD (Planned Residential Development District) for the use of the existing guest house

as a short-term rental unit. This request is within the Hillcrest Design Overlay District.

Master Street Plan: To the west of the property is Crystal Court 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”. A Collector design standard is used for 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. SUBDIVISION COMMITTEE COMMENT: (August 7, 2019)

The applicant was present. Staff presented the item to the committee. Public Works asked where the guests would park. Other comments were noted. Responses to comments were to be received by August 14, 2019. The committee forwarded the item to the full commission.

I. ANALYSIS:

Approval of this request would allow for the applicants to rent the detached accessory dwelling unit on a short-term basis. A short-term rental does not meet the zoning definition of a dwelling unit; therefore, the property must be rezoned.

Staff is concerned by the transient nature of a use more aligned to a lodging rather than the more consistent nature offered by a rental dwelling unit for long-term occupancy. This may have a negative effect on the quiet enjoyment of the neighborhood by nearby property owners, such as with parking, as the proposed parking for the short-term rental would be on the street. Staff takes a conservative view on introducing uses that are more commercial in character, such as a short-term rental, into a predominantly residential neighborhood.

J. STAFF RECOMMENDATION:

Staff recommends denial of the request.

PLANNING COMMISSION ACTION: (AUGUST 29, 2019)

The applicant was present. There was one registered objector present. Staff presented the item and a recommendation of denial as short-term rental is more aligned to a lodging use rather than the more consistent nature of a rental dwelling unit for long-term occupancy. This may have a negative effect on the quiet enjoyment of the neighborhood by other residents and property owners. Staff takes a conservative view on introducing

uses that are more commercial in character, such as short-term rental, into a predominantly residential neighborhood.

Mark Baillie and Tiffany Weinkopff, property owners and applicants, addressed the commission. They purchased the property about two years ago and were attracted to the neighborhood because it was walkable. When they acquired the home, the accessory unit was dilapidated. After conversation with staff, they decided to pursue short-term rental at the property in their home. Among those staying with them were visitors to the city, people who were here because of UAMS, and some came on business or to visit family.

After some success with the in-home short-term rental, they decided to renovate the accessory unit for use as a short-term rental. This was a significant investment by the owners. The work was done with all required permits and is compliant with all applicable codes. Since the renovation has been completed, they have hosted dozens of guests with no complaints from neighbors, except for one requesting to move a car.

In response to the staff concern about on-street parking, photos were shown of the abutting streets indicating there was sufficient parking; moreover, Ms. Weinkopff and Mr. Baillie do not park on the street.

Additional photos were shown of the interior and exterior of the accessory structure.

They referenced the letters of support received on behalf of this request from neighbors and added the guests visit neighborhood businesses adding to the local tax revenue. Also, as business operators they pay taxes, including the occupancy tax.

In addressing some perceived issues with short-term rentals, they brought forward a study indicating short-term rentals change property values by less than 1%. While rentals that are “party houses” can cause problems, this rental was only available for up to 2 persons was not suitable for larger groups and they were always at their home when there were guests.

In conclusion, there were no objections made when presented to the Hillcrest neighborhood and short-term rentals can be a benefit to the community and the city.

Ruth Bell of the League of Women Voters spoke in opposition to the request. She stated city ordinances have not been updated in response to short-term rentals and the city does not know the number of short-term rentals. While taxes may be collected, it cannot be confirmed for a particular property or operator. The density of short-term rentals in a neighborhood cannot be established and there is no information available on effects on residents and neighborhoods. Working with the current zoning ordinance, staff has defined short-term rental as commercial rental and unless the ordinance is updated, she would urge the commission to vote no on this request.

Commissioner Rahman asked the applicants if the renovation to the accessory unit was done specifically to be used as a short-term rental. The applicants responded that in the

long term the unit would possibly be used to house an elderly parent and based upon a mistaken understanding of the conversation with staff regarding short-term rental, went ahead with the renovation thinking it was allowed under zoning.

Mr. Carney addressed the commission to further explain how short-term rentals were being regulated under the zoning ordinance. Short-term rentals are not allowed by right. A bed and breakfast use can be permitted as a conditional use. The conversion of an entire residence to short-term rental requires rezoning through a planned zoning development process and each instance is reviewed on a case-by-case basis.

Vice Chairman Stebbins inquired if staff knew how many short-term rentals there are in the city. Staff responded it is estimated about 300 at this time. Commissioner Vogel offered that he had checked and about 70 were available for the coming weekend.

Commissioner Berry stated it seemed to him the distinction between an accessory dwelling unit and a short-term rental was unclear and the city policy and zoning ordinance were outdated. Vice Chairman Stebbins and Commissioner Vogel also voiced support for a review and possible updates to the zoning ordinance to better regulate short-term rentals.

Mr. Carney informed the commission that Little Rock is not the only city dealing with issues regarding zoning issues stemming from short-term rentals; however, staff is looking to see a change in policy from the Board of Directors before making changes to how the current zoning ordinance is enforced.

Vice Chairman Stebbins asked for a motion from the commission. A motion was made with a recommendation for approval of the request. The vote was 6 ayes, 1 noes, 3 absent, and 1 open position.