

FILE NO.: Z-9827

NAME: Mindful Properties (2) STR-2 – PD-C

LOCATION: 5131 Cantrell Road

DEVELOPER:

Marcus & Michelle Arnold (Owner)
1205 Stanely Russ Rd
Conway, AR 72034
mindfulpropllc@gmail.com
(479) 587-2822

OWNER/AUTHORIZED AGENT:

Marcus & Michelle Arnold (Owner)
1205 Stanely Russ Rd
Conway, AR 72034
mindfulpropllc@gmail.com
(479) 587-2822

SURVEYOR/ENGINEER:

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

AREA: 0.16 acre NUMBER OF LOTS: 1 FT. NEW STREET: 0 LF

WARD: 1 PLANNING DISTRICT: 9 CENSUS TRACT: 13

CURRENT ZONING: R-2

VARIANCE/WAIVERS: None requested.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant proposes to rezone 0.16-acre property located at 5131 Cantrell Road from R-2 to PD-C to allow use of the property as Short-Term Rental-2 with a maximum stay of twenty-nine (29) days. The owner will not reside in the residence. The entire structure will be rented as one (1) unit.

B. EXISTING CONDITIONS:

The property contains an existing brick structure. Access is provided from a concrete stairway and small front porch which extends from Cantrell Road that allows entrance to the unit. The unit has one parking spot in the front of the property and one in the rear. The property is primarily surrounded by R-3 zoning. The *Future Land Use Map* shows a large area of Residential Low Density (RL) in all directions.

C. NEIGHBORHOOD COMMENTS:

All owners of property located within 300 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.

Fire Department:

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 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 2021 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.

Parks and Recreation: No comments received.

County Planning: No comments.

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 Heights/Hillcrest 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 remains less than 6 units per acre. The application is to rezone from R-2 to PD-C.

Surrounding the application area is residential development with single family homes.

This site is located in the Heights Landscape district.

Master Street Plan:

Cantrell Road is a Principal Arterial on the Master Street Plan Map. Principal Arterials are designed to serve through traffic and to connect major traffic generators or activity centers within urbanized areas. The standard Right of way of 110 feet is required. Sidewalks are required on both sides. This street may require dedication of right-of-way and may require street improvements.

Bicycle Plan:

There are no Bike Routes in the vicinity.

Historic Preservation Plan:

There are no historic districts in the area.

H. ANALYSIS:

The applicant proposes to rezone 0.16-acre property located at 5131 Cantrell Road from R-2 to PD-C to allow use of the property as Short-Term Rental with a maximum stay of twenty-nine (29) days. The owner will not reside in the residence. The entire structure will be rented as one (1) unit.

The property contains an existing brick structure. Access is provided from a concrete stairway and small front porch which extends from Cantrell Road that allows entrance to the unit. The unit has one parking spot in the front of the property and one in the rear. The property is primarily surrounded by R-3 zoning. The *Future Land Use Map* shows a large area of Residential Low Density (RL) in all directions.

On June 20, 2023 the City Board of Directors passed an ordinance regulating short-term rentals within the City of Little Rock. The new ordinance establishes “development standards” for short-term rentals. If approved, the applicant must comply with the newly established development standards as follows, in addition to all other requirements of the new ordinance:

b.) Development Standards.

1. Hosting of private parties and special events such as weddings, receptions, and other similar gatherings is not allowed in Short-Term Rentals.
2. Tours for a fee are not allowed to anyone other than an Occupant.
3. The Occupancy Fee may include any meal to be served to paying guests; no other meal service is permitted.
4. Allowable signage is that as permitted by the Single-Family Residential Standard.
5. Parking plan must be provided with permit application. Off-Street Standard for STRs shall be provided in accordance with Little Rock Arkansas Code, Chapter 36 36-54 (e) (1). If on-street parking is proposed as an alternative to meet the above requirements, parking must be available for guest use within 330 feet of the STR and parking plan must address neighborhood impact. If the STR is proposed within a Design Overlay District, any alternate parking

- requirements, as provided in Little Rock, Arkansas Rev. Code, Chapter 36. Zoning, Article V. District Regulations shall be applicable.
6. Applicants shall provide a scaled floor plan that includes all of the rooms available for rent with location of windows, doors, and smoke detectors identified. Smoke detectors (certified) are required in all sleeping areas, in every room in the path of the means of egress from the sleeping area to the exit, and in each story with sleeping unit, including basements.
 7. All sleeping areas must have two (2) ways of egress, one of which can be an operable window.
 8. Proof of homeowner's fire, hazard, and liability insurance. Liability coverage shall have limits of not less than One Million Dollars (\$1,000,000.00) per occurrence.
 9. All persons operating a Bed and Breakfast House/Short-Term Rental (Type 1 & 2) shall meet all applicable requirements of the City of Little Rock's Municipal Code, Chapter 12, Fire Prevention and Protection, Article II. Arkansas Fire Prevention Code. Prior to use as a Bed and Breakfast House/Short-Term Rental (Type 1 & 2), the annual City of Little Rock, Building Code and Fire Marshal inspection fee must be paid and payment of annual Business License received.
 10. Smoke alarms shall be installed, all smoke alarms shall meet local and state standards (current Fire Code). Smoke alarms shall be installed in all sleeping areas and every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.
 11. Carbon monoxide detectors shall be installed as directed by City Staff if there are fuel-fired appliances in the unit or the unit has an attached garage.
 12. Five (5)-pound ABC-type extinguisher shall be mounted where readily accessible.
 13. No recreational vehicles, buses, or trailers shall be visible on the street or property in conjunction with the Bed and Breakfast House/Short-Term Rental use.
 14. Principal renter shall be at least eighteen (18) years of age.
 15. Maximum occupancy. Maximum occupancy of any room or structure as a whole shall be determined by the Arkansas Fire Prevention Code.
 16. Simultaneous rental to more than one party under separate contracts shall not be allowed.

17. The owner shall not receive any compensation or remuneration to permit occupancy of a STR for a period of less than a one (1)-day rental.

All trash pick-up shall comply with requirements for residential one–and two-family residential zones.

The applicant provided responses and additional information to all issues raised during staff's review of the application. The applicant is requesting no variances with the PD-C zoning request.

Staff is in support the requested PD-C rezoning. Staff believes the request is reasonable and that the proposed STR-2 use is appropriate for this location.

Currently the City of Little Rock Department of Planning and Development has eighteen (18) short-term rentals (STR-1 and STR-2) listed within the database for approved of short-term rentals in the City of Little Rock. The City's new short-term rental ordinance allows a maximum of 500 short-term rentals within the corporate boundary of the City of Little Rock.

I. STAFF RECOMMENDATION:

Staff recommends approval of the PD-C rezoning request, subject to compliance with comments and conditions outlined in paragraph E, and in the staff analysis of the agenda staff report.

PLANNING COMMISSION ACTION:

(OCTOBER 12, 2023)

The applicant request the application be deferred to the November 9, 2023 Agenda, based on the fact that only six (6) Commissioners were present. The application was deferred (No Vote).

STAFF UPDATE:

(NOVEMBER 2, 2023)

Since this item was deferred, staff has received neighborhood opposition. At this time, staff recommends denial.

PLANNING COMMISSION ACTION:

(NOVEMBER 9, 2023)

The applicant was present, representing the application. Staff presented the item and a recommendation for denial.

Tom Colford, Nancy McDonald, and John Bassett all spoke in opposition of the item stating concerns of trash and crime. Courtney Carder spoke in favor of the application.

There was a motion to approve the application. The motion was seconded. The vote was 4 ayes, 3 nays, 3 absent and 1 open position. It was called to the commission's attention that since two commissioners had left the meeting, the commission was down to only 7 commissioners which requires that 6 ayes are mandatory for an item to pass.

The option of deferral was not given to the applicant prior to the vote so the commission voted to expunge the previous vote. The vote was 7 ayes, 0 nays, 3 absent and 1 open position. The commission then gave the applicant the opportunity to defer. The applicant chose to defer to the December 14, 2023 agenda. There was a motion to approve the deferral. The motion was seconded. The vote was 7 ayes, 0 nays, 3 absent and 1 open position. The application was deferred to the December 14, 2023 Agenda.

PLANNING COMMISSION ACTION:

(DECEMBER 14, 2023)

The applicant was present, representing the application. Staff presented the item and a recommendation denial. Nancy McDonald, Vincent Henderson II, and Karrer Alghazali all spoke in opposition of the item stating concerns of trash and crime. There was extensive discussion about the project. There was a motion to approve the application. The motion was seconded. The vote was 7 ayes, 4 nays and 0 absent. The motion passed.