

FILE NO.: Z-9394

NAME: Brasher Duplexes Short-form PD-R

LOCATION: Southeast corner of West Capitol Avenue and Rice Street

DEVELOPER:

Jeremy Brasher
521 Appianway Street
Little Rock, AR 72205

OWNER/AUTHORIZED AGENT:

Jeremy Brasher, owner and agent

SURVEYOR/ENGINEER:

Brooks Surveying
20820 Arch Street Pike
Hensley, AR 72065

AREA: 0.34 acres

NUMBER OF LOTS: 2

FT. NEW STREET: 0 LF

WARD: 3

PLANNING DISTRICT: 9

CENSUS TRACT: 48

CURRENT ZONING: I-2, light industrial

ALLOWED USES: Light industrial

PROPOSED ZONING: PD-R, Planned Development Residential District

PROPOSED USE: Two (2) duplex residential structures

VARIANCE/WAIVERS: None requested.

BACKGROUND:

On April 20, 1970, the Board of Directors adopted Ordinance No. 12,343 rezoning these lots from "B" residential (R-3) to "J" industrial (I-2). It does not appear the lots were ever

developed. Aerial photographs going back to 1960 indicate a portion of the property may have been cleared for use as yard space for a business which fronted onto the railroad at that time. A portion of the Rose Creek trail, which was to have been built in the W. Capitol Avenue right-of-way, cuts across the northern perimeter of Lot 1.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant is requesting approval of a PD-R zoning to allow for development of these two lots for duplexes, with one duplex on each lot. Three parking spaces are to be located at the front of each duplex. A single shared driveway will provide access to the lots.

B. EXISTING CONDITIONS:

The lots are vacant and overgrown. Undeveloped I-2 zoned property is located to the east. Additional undeveloped I-2 zoned lots (also owned by this applicant) are located to the south. The main line MoPac railroad is located beyond that to the south. The undeveloped W. Capitol Avenue right-of-way is to the north. Residential of varying degrees of density is located to the north and west.

C. NEIGHBORHOOD COMMENTS:

Notice of the public hearing was sent to all owners of properties located within 200 feet of the site and the Capitol view-Stiff Station Neighborhood Association.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. All driveways shall be concrete aprons per City Ordinance.
2. Prior to construction of retaining walls, an engineer's certification of design and plans must be submitted to Public Works for approval for wall taller than 4 ft. After construction, an as-built certification is required for construction of the retaining wall.
3. A 20 feet radial dedication of right-of-way is required at the intersection of Rice Street and W. Capitol Ave.
4. An access easement is required to be platted for the single driveway to access 2 lots.
5. Erosion controls must be installed to reduce discharge of polluted stormwater.
6. Damage to public and private property due to hauling operations or operation of construction related equipment from a nearby construction site shall be repaired by the responsible party prior to issuance of a certificate of occupancy.
7. The property is steeply sloped with sever grade change. Provide a Sketch Grading and Drainage Plan per Sec. 29-186 for the proposed development.

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

Little Rock Water Reclamation Authority: Sewer Available to this site. Separate service line to main required for each building (2 living units.)

Entergy: Entergy does not object to this proposal. There is an existing overhead power line on the south side of W. 6th St on the southwest corner of this property, but does not appear to conflict with the proposal. Contact Entergy in advance to discuss electrical service requirements, or adjustments to existing facilities (if any) as this project proceeds.

Centerpoint Energy: No comments received.

Central Arkansas Water: No comments received.

AT&T: No comments received.

Fire Department:

Maintain Access:

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.

Grade

Maintain fire apparatus access roads as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 **Section D103.2 Grade.** Fire apparatus access roads shall not exceed 10 percent in grade except as approved by the fire chief.

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.

One- or Two-Family Residential Developments.

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 2012 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 Capt. John Hogue 501-918-3754). Number and Distribution of Fire Hydrants as per Table C105.1.

County Planning: No comments received.

F. **BUILDING CODES/LANDSCAPE:**

Building Code: Fire Separation between units required.

Landscape: No comments.

G. **TRANSPORTATION/PLANNING:**

Rock Region Metro: No comments.

Planning Division: This request is located in I630 Planning District. The Residential Low Density (RL) category provides for single family homes at densities not to exceed 6 units per acre. Such residential development is typically characterized by conventional single family homes, but may 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 an I-2 (Light Industrial District) to a Short-form PD-R (Planned Development Residential) to allow the construction of two duplexes.

Master Street Plan: West of the property is Rice Street and it is shown as a Local Street on the Master Street Plan. North of the property is W. Capitol Ave and it is shown as a Local Street on the Master Street Plan. The primary function of a Local Street is to provide access to adjacent properties. Local Streets that are abutted by non-residential zoning/use or more intensive zoning than duplexes are considered as "These streets 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: (February 20, 2019)

The applicant was present. Staff presented the item and noted some additional information was needed. Staff requested the building height and asked that the building setbacks from all property lines be labeled. The applicant was asked to provide the number of bedrooms per unit and to provide some description of building materials, roof materials and pitch. Staff stated a cross-access easement would have to be filed and recorded prior to submittal for a building permit.

Public Works comments were presented and discussed. Staff noted the amount of elevation change across the property and requested a sketch grading and drainage plan. Staff asked if there would be retaining walls and made note that any walls exceeding 4 feet in height would require an engineer's certification of design.

Comments from the other reviewing agencies and departments were noted. The applicant was advised to respond to staff issues by February 27, 2019. The committee forwarded the item to the full commission.

I. ANALYSIS:

The applicant is requesting approval of PD-R zoning to allow for construction of a duplex residential dwelling on each of these two lots. The lots are currently zoned I-2 and are undeveloped.

Each of the buildings will be 1,400 square feet, containing two, 700 square foot, one-bedroom studio apartments. The buildings are described as "Quonset hut industrial minimal" in design with sleeping loft and open floor plan. Building material is proposed to be concrete block walls, glass/translucent end walls with metal siding, arched roof.

Three parking spaces will be located at the front of each lot. Access will be via a single driveway off of Rice Street. A cross access easement will have to be filed prior to submittal for a building permit as the parking on Lot 1 is accessed through Lot 2.

The two lots have issues relative to the grades. The property has 30 feet of fall from north to south. Public Works staff has reviewed the information submitted by the applicant and has the following additional comment:

"Public Works recommends approval of the application. Retaining walls taller than 4 feet in height are required to be designed and certified by a licensed engineer prior to construction. Proposed graded slopes cannot exceed 3:1. Approval must be obtained from adjacent property owners for any grading beyond the subject property."

Staff is supportive of the proposal to construct new residential units in this area. The proposed new dwellings should be a positive addition to the neighborhood.

J. STAFF RECOMMENDATION:

Staff recommends approval of the request subject to compliance with the comments and conditions outlined in paragraphs D, E and F and the staff analysis in the agenda staff report.

PLANNING COMMISSION ACTION:

(MARCH 14, 2019)

The applicant was present. There were two objectors present. Staff presented the item and a recommendation of approval as outlined in the “staff recommendation” above. The applicant deferred to allow the opposition to speak first.

Stephen Koch, of 312 Dennison Street, spoke of his concerns about the height of the buildings, pedestrian safety on the adjacent trail, traffic and parking. He asked if improvements would be made to the street.

Angela VanZandt, of 2805 Millbrook, stated the neighborhood was at a point of transition and any new development could be either positive or negative. She stated it would be better if what was being proposed was owner-occupied residences.

The applicant Jeremy Brasher, stated he was a neighborhood resident and lived on Rice Street. He said this was vacant unused land and he wanted to make a positive contribution to the neighborhood.

Paige Wilson, the developer working with the applicant, addressed the commission. He stated he had been involved in several residential projects in the neighborhoods around downtown. He noted staff’s support and stated there was no requirement under the Boundary Street Ordinance to do street improvements. Mr. Wilson stated the extreme elevation change across the property was such that placement of the new duplexes would not be blocking anybody’s view. He stated they would be maintaining the pedestrian path.

Commissioner Berry commented that there was a need for reasonable and affordable housing.

Zoning and Subdivision Manager Dana Carney explained that the Boundary Street Ordinance was not applicable to single family or two family development on existing platted lots. He also explained that the trail was supposed to have been constructed in the platted but undeveloped West Capitol Avenue right-of-way but the City had inadvertently built it across the northern portion of this applicant’s property. He noted that the applicant was taking the trail into account with his development and actually basing the building setback off of the trail so as to allow the trail to remain.

A motion was made to approve the application, including all staff commons and conditions. The motion was approved with a vote of 9 ayes, 0 noes, 1 absent and 1 recusal (Vogel).