

FILE NO.: Z-9094

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NAME: Neil Short-form PD-C

LOCATION: Located at 1215 South Dennison Street

DEVELOPER:

Shelia Neil  
913 Timberwolf Trail  
Jacksonville, AR 72076

SURVEYOR:

Marlar Engineering Co.  
5318 John F. Kennedy Boulevard  
North Little Rock, AR 72116

AREA: 0.25 acres

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

CURRENT ZONING: R-3, Single-family

ALLOWED USES: Single-family residential

PROPOSED ZONING: PD-C

PROPOSED USE: Commercial parking lot

VARIANCE/WAIVERS: None requested.

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A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The request is a rezoning from R-3, Single-family to Planned Development Commercial to allow a paved parking area, which was recently constructed, to remain. A six (6) foot wood fence was also constructed with the new parking lot. The applicant states the parking lot is used by the motorcycle club to the north.

B. EXISTING CONDITIONS:

The lot is located mid-block on the east side of South Dennison Street. There are residential homes located to the north, south, east and west of this site. The non-residential uses are limited to the West 12<sup>th</sup> Street frontage. Central High

School is located two (2) blocks south of this site. There is a property zoned PD-R, which has been approved for the development of four (4) single-family homes located one (1) block removed from this site.

C. NEIGHBORHOOD COMMENTS:

As of this writing, staff has not received any comment from an area property owner. All property owners located within 200-feet of the site along with the Central High Neighborhood Association were notified of the public hearing.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. Dedicate right of way to 30-feet from centerline.
2. Repair and replace any broken curb, gutter or sidewalk located in the public right of way.

E. ISSUES/TECHNICAL/DESIGN:

Landscape:

1. Site plan must comply with the City's landscape and buffer ordinance requirements.
2. A land use buffer will be required when an adjacent property has a dissimilar use of a more restrictive nature. The property to the south is zoned R-2, Single-family. The minimum dimension of the buffer shall be six (6) feet nine (9) inches in areas designated as mature. As a component of all land use buffer requirements, opaque screening, whether a fence or other device, a minimum of six (6) feet in height shall be required upon the property line side of the buffer. The plantings, existing and purposed, shall be provided within the landscape ordinance of the City, Section 15-81. One (1) tree and three (3) shrubs or vines shall be planted for every thirty (30) linear feet of perimeter planting strip.
3. Screening requirements will need to be met for the vehicular use areas adjacent to street right-of-ways. Provide screening shrubs with an average linear spacing of not less at three (3) feet within the required landscape area. Provide trees with an average linear spacing of not less than thirty (30) feet.
4. The City Beautiful Commission recommends preserving as many existing trees as feasible on this site. Credit toward fulfilling Landscape Ordinance requirements can be given when preserving trees of six (6) inch caliper or larger.

F. SUBDIVISION COMMITTEE COMMENT: (October 28, 2015)

The applicant was not present. Staff presented an overview of the item stating the request was to rezone the site to a Planned Development Commercial to recognize and allow a commercial parking lot which had been constructed on the lot. There were no more issues for discussion. The Committee then forwarded the item to the full Commission for final action.

G. ANALYSIS:

There were no outstanding technical issues in need of addressing raised at the October 28, 2015, Subdivision Committee meeting. The request is to rezone this single lot from R-3, Single-family to Planned Development Commercial to allow a paved parking area, which was recently constructed, to remain. A six (6) foot wood fence has been constructed with the new parking lot. The applicant states the parking area is used by the motorcycle club to the north.

Staff is not supportive of the applicant's request. The area is a residential area with homes located on all sides of the parking lot. The non-residential uses are limited to West 12<sup>th</sup> Street and to the south of this site centered around Central High School. There has been new residential construction activity in this area. To the east of this site the Little Rock Housing Authority has constructed three (3) new buildings of duplex housing. In addition, to the south a Planned Residential Development was recently approved to allow the construction of four (4) new single-family homes. Staff feels the parking lot will create a hardship on the area residents and the future redevelopment of this area.

H. STAFF RECOMMENDATION:

Staff recommends denial of the request.

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PLANNING COMMISSION ACTION: (NOVEMBER 19, 2015)

The applicant was not present. There were no registered objectors present. Staff presented the item stating the applicant had failed to notify property owners as required by the Commission's by-laws. Staff presented a recommendation of deferral of the item to the January 7, 2016, 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 10 ayes, 0 noes and 1 absent.

STAFF UPDATE:

There has been no contact by the applicant concerning this application request. Staff recommends deferral of this item to the February 25, 2016, public hearing.

PLANNING COMMISSION ACTION:

(JANUARY 7, 2016)

The applicant was not present. There were no registered objectors present. Staff presented the item stating there had been no contact by the applicant concerning this application request. Staff presented a recommendation of deferral of this item to the February 25, 2016, 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 10 ayes, 0 noes and 1 absent.

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STAFF UPDATE:

The applicant has provided notice to the property owners within 200-feet as typically required per the Commission's By-laws. Staff recommends the item proceed to public hearing on February 25, 2016.

Staff continues to not support the request. The applicant is seeking approval of a rezoning from R-3, Single-family to PD-C, Planned Development Commercial, to allow an existing parking lot which was constructed without proper zoning clearance nor building permit. Staff feels the allowance of the parking lot within this residential area will have a significant impact on the nearby homes. Staff recommends denial of the request.

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PLANNING COMMISSION ACTION:

(FEBRUARY 25, 2016)

Ms. Sheila Neil was present. There were no registered objectors present. Staff presented the item with a recommendation of denial.

Ms. Neil addressed the Commission on the merits of her request. She stated the parking lot was added because when she and her family returned home from work there was nowhere to park. She stated with Central High located to the south and the commercial businesses located along West 12<sup>th</sup> Street, one being a beauty salon, the street parking was taken up by non-residents of the street. She stated the business (the motorcycle club) did use the parking lot on occasion. She stated the parking was needed for the residential homes in the area.

The Commission questioned staff as to the process if the Commission denied the request. Staff stated Ms. Neil had the right of appeal to the Board of Directors. Staff stated if the Board denied the request then Ms. Neil could appeal to court. Staff stated once all appeals were exhausted or not pursued then the paving would have to be removed.

A motion was made to approve the request subject to all staff recommendations and comments except that of denial. The motion failed by a vote of 0 ayes, 10 noes and 1 absent.