

FILE NO.: Z-9819

NAME: Infinity Homes STR-2 - PD-C

LOCATION: 209 South Brown Street

DEVELOPER:

Brian Gibson
Infinity Homes, LLC
4064 Vineyard Way
Alexander, AR 72002

OWNER/AUTHORIZED AGENT:

Mark W. Hodge (Agent)
Barber Law Firm PLLC
425 West Capitol Avenue, Suite 3400
Little Rock, AR 72201
(501)372-6175
mhodge@barberlawfirm.com

SURVEYOR/ENGINEER:

Brooks Surveying, Inc.
20820 Arch Street Pike
Hensley, AR 72065
(501)-888-5336
brookssurveying@att.net

AREA: 0.15 acre

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

WARD: 3

PLANNING DISTRICT: 9

CENSUS TRACT: 48

CURRENT ZONING: R-3

VARIANCE/WAIVERS: None requested.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant proposes to rezone 0.15-acre property located at 209 South Brown Street from R-3 to PD-C to allow use of the property as Short-Term Rental with a

maximum stay of twenty-nine (29) days. The structure will be rented as one unit. The owner will not reside at the residence.

B. EXISTING CONDITIONS:

The request is in the I-630 Planning District. Surrounding the application area is RL in all directions. The Future Land Use Plan shows Residential Low Density (RL) for the requested area. Built circa 1920, the primary structure for the requested area is a historic, Contributing structure within the Stiff Station Historic District. There is a 135' x 8' gravel driveway along the northern boundary of the lot plus two vehicles can park on the asphalt along the western boundary of the property.

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:

1. Little Rock Water Reclamation Authority: An existing sewer line is in the rear of the property. Please ensure any improvements are outside of the easement/right of way.

Entergy: No comments received.

Summit Utilities: No comments.

AT & T: No comments 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:

Maintain Access:

Fire Hydrants.

Maintain fire apparatus access roads at fire hydrant locations as per Appendix D of the 2021 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 2021 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. If the grade exceeds 10 percent, approval will be denied and the applicant must submit request to be reviewed by Fire Chief for Approval.

Loading

Maintain fire apparatus access road design as per Appendix D of the 2021 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.

Commercial and Industrial Developments – 2 means of access. - Maintain fire apparatus access roads as per Appendix D of the 2021 Arkansas Fire Prevention Code Vol. 1.

Section D104.1 Buildings exceeding three stories or 30 feet in height. Building or facilities exceeding 30 feet or three stories in height shall have at least two means of fire apparatus access for each structure.

Section D104.2 Building exceeding 62,000 square feet in area. Buildings or facilities having a gross building area of more than 62,000 square feet shall be provide with two separate and approved fire apparatus access roads.

Exception: Projects having a gross building area of up to 124,000 square feet that have a single approved fire apparatus access road when all building are equipped throughout with approved automatic sprinkler systems.

D104.3 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.

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 I-630 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-3 to PD-C.

Surrounding the application area is RL in all directions developed with single family residences.

Master Street Plan:

South Brown Street is a local street. Local public streets are designed to provide access to adjacent property with the movement of traffic being a secondary purpose. Right-of-way is 50'. Sidewalks are required on one side. 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 existing or proposed bike routes adjacent to or through this land.

Historic Preservation Plan:

Built circa 1920, the primary structure for the requested area is a historic, Contributing structure within the Stiff Station Historic District.

H. ANALYSIS:

The applicant proposes to rezone 0.15-acre property located at 209 South Brown Street from R-3 to PD-C to allow use of the property as Short-Term Rental with a maximum stay of twenty-nine (29) days. The structure will be rented as one unit. The owner will not reside at the residence.

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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:

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 I & 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 PD-C use is appropriate for this location.

I. STAFF RECOMMENDATION:

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

PLANNING COMMISSION ACTION:

(SEPTEMBER 14, 2023)

The applicant was present representing the application. There was one person registered in opposition. Brian Gibson, represented the applicant and explained the project. Lauren Dickey spoke in opposition. She was concerned about losing the “community” feeling if there are too many STR’s in the neighborhood. There was general discussion about the project. There was a motion to approve. The motion was seconded. The vote was 7 ayes, 2 nays, 0 absent and 2 open positions. The application was approved.