

FILE NO.: Z-9787

NAME: Thomas – Short-Term Rental – PD-C

LOCATION: 300 Springwood Drive

DEVELOPER:

Diana Thomas (Owner)
3400 S. Bowman Road
Little Rock, AR 72211

OWNER/AUTHORIZED AGENT:

Diana Thomas
3400 S. Bowman Road
Little Rock, AR 72211

SURVEYOR/ENGINEER:

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

AREA: 0.29 acre

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

WARD: 4

PLANNING DISTRICT: 11

CENSUS TRACT: 24.07

CURRENT ZONING: R-2

VARIANCE/WAIVERS: None requested.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant proposes to rezone 0.29-acre property located at 300 Springwood Drive from R-2 to PD-C to allow use of the property as Short-Term Rental with a maximum stay of fourteen (14) days. The owner will not reside in the residence. The entire residence will be rented as one (1) unit.

B. EXISTING CONDITIONS:

The property contains an existing 2-story wood-frame and brick structure. Access is provided from a concrete driveway which extends from Birchwood Drive. The property is primarily surrounded by R-2 zoning in all directions. However, PD-C and office zoning are located to the southwest and southeast of the site respectively.

C. NEIGHBORHOOD NOTIFICATIONS:

All owners of property located within 200 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 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. 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 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.

Dead Ends.

Maintain fire apparatus access roads at dead end locations as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 Section D103.4 Dead Ends. Dead-end fire apparatus access roads in excess of 150 feet shall be provided with width and turnaround provisions in accordance with Table D103.4. Requirements for Dead-end fire apparatus access roads.

Gates

Maintain fire apparatus access road gates as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 Section D103.5 Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. Minimum gate width shall be 20 feet.
2. Gates shall be of swinging or sliding type.
3. Construction of gates shall be of material that allow manual operation by one person.
4. Gate components shall be maintained in an operable condition at all times and replaces or repaired when defective.
5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official.
6. Manual opening gates shall not be locked with a padlock or chain and padlock unless they are capable of being opened by means of forcible entry tools or when a key box containing the keys to the lock is installed at the gate location.
7. Locking device specifications shall be submitted for approval by the fire code official.
8. Electric gate operators, where provided, shall be listed in accordance with UL 325.
9. Gates, intended for automatic operation shall be designed, constructed and installed to comply with requirements of ASTM F 2200.

One- or Two-Family Residential Developments.

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 0104.3.

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 Fire Marshal Derek N. Ingram 501-918-3756 Number and Distribution of Fire Hydrants as per Table C105.1.

If you have any additional questions please contact our office. Contact Capt. Tony Rhodes at (501) 918-3757, or Fire Marshal Derek N Ingram (501) 918-3756.

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 1-430 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 remain less than 6 units per acre. The application is to rezone from R-2 (Single Family District) to PD-C (Planned Development - Commercial) for a Short Term Rental (STR).

The application site is at the southwest corner of Birchwood and Springwood Drives. Surrounding the application area is Residential Low Density (RL) with developed single-family subdivision. 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 remain less than 6 units per acre. To the south of the RL use area along Springwood Drive to the east and west are large Office (O) areas with mini-storage and office buildings buffered by Open Space (PK/OS). The Park/Open Space (PK/OS) category includes all public parks, recreation facilities, greenbelts, flood plains, and other designated open space and recreational land. The Office (O) category represents services provided directly to consumers (e.g., legal, financial, medical) as well as general offices which support more basic economic activities.

There have been no Future Land Use Map amendments in this area over the last 10 years.

Master Street Plan:

Birchwood and Springwood Drives are Local Streets on the *Master Street Plan Map*. Local public streets are designed to provide access to adjacent property with the movement of traffic being a secondary purpose. The standard right-of-way is 50'. Sidewalks are required on one side. These streets may require dedication of right-of-way and may require street improvements.

Bicycle Plan:

There are no existing or proposed bike routes adjacent to or through this land.

Historic Preservation Plan:

There are no Historical Sites or Districts in the vicinity.

H. ANALYSIS:

The applicant proposes to rezone 0.29-acre property located at 300 Springwood Drive from R-2 to PD-C to allow use of the property as Short-Term Rental with a maximum stay of fourteen (14) days. The owner will not reside in the residence. The entire residence will be rented as one (1) unit.

The property is located on the southwest corner at the intersection of Springwood Drive and Birchwood Drive and contains an existing 2-story wood-frame and brick structure. The applicant notes ownership of the residence since 2012. Previously, the home has been utilized as a single-family home for decades and sits approximately forty (40) feet back from the driveway/parking area. The applicant anticipates no disturbance or noise to the neighbors for the short-term rental use. There will be no changes to the existing building footprint.

The property is primarily surrounded by R-2 zoning in all directions. However, PD- C and office zoning is located to the southwest and southeast of the site respectively.

There is an existing natural stone-masonry wall on the west side of the property. The property also contains a swimming pool, several covered decks and sunrooms which may serve as amenities to the proposed short-term rental.

Access is provided from a concrete driveway along Birchwood Drive which leads to a parking pad able to accommodate approximately six (6) vehicles. Staff feels the parking is sufficient to serve the use.

The applicant is no signage on the property at this time. Any signage must comply with Section 36-551 of the City's Zoning Ordinance (signs permitted in residential one - and two-family zones).

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 does not support the requested PD-C rezoning. Staff does not believe the request is reasonable and that the proposed commercial use is not appropriate for this location. The property is designated as "RL" Residential Low Density on the City's Future Land Use Plan and is bordered in all directions by single family homes. Staff feels that the introduction of a commercial short-term rental will be out of character with the overall area at this time. Staff believes that this type of short-term rental would be more appropriately located on the outer edge of a single-family subdivision, in a more transitional area, and not in the center of a single-family neighborhood.

I. STAFF RECOMMENDATION:

Staff recommends denial of the PD-C zoning request.

PLANNING COMMISSION ACTION:

(JUNE 8, 2023)

Staff informed the Commission that the application needed to be deferred to the July 13, 2023 agenda. The item was placed on the Consent Agenda for deferral to the July 13, 2023 agenda. The vote was 8 ayes, 0 nays, 1 absent and 2 open positions. The application was deferred.

STAFF UPDATE:

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 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.

PLANNING COMMISSION ACTION:

(JULY 13, 2023)

The applicant was present, representing the application. There were no persons registered in opposition. Staff presented the item and a recommendation for denial as outlined in the "staff recommendation" above. Ms. Thomas took questions from the Commission in reference to parking and maximum occupancy. There was a motion to approve the application. The motion was seconded. The vote was 8 ayes, 0 nays, 1 absent 1 recused and 1 open position. The application was approved.