

File No.: Z-9827-A
Owner: Mindful Properties, LLC
Applicant: Thomas H. Wyatt
Address: 5131 Cantrell Road
Legal Description: Lot 11, Block 3, McGehee
Current Zoning: R-2
Variance(s) Requested: An appeal of staff decision.
Justification: The applicant's appeal is presented in the attached letter dated June 10, 2024.

STAFF REPORT:

In July 2023 the applicant filed a rezoning application for the property at 5131 Cantrell Road. The proposal was to rezone the property from R-2 to PD-C to allow the existing single family residence to be used as a Short-Term Rental-2.

The Planning Commission approved the PD-C rezoning request at its December 14, 2023 meeting. The City's Board of Directors denied the application on May 6, 2024.

On June 4, 2024, the applicant attempted to file another application to rezone the property from R-2 to PD-C to use the existing single family residence as a Short-Term Rental-2. Staff rejected the filing of the application, as Staff determined that the application was substantially identical to the first application.

Staff issued a letter to the applicant on June 4, 2024 which contained the following information:

"The Planning & Development staff has reviewed your application for the above-referenced property. We have determined this application is identical or substantially identical to the previously submitted application which was denied by the Little Rock Board of Directors at their May 06, 2024, meeting.

The proposal to change the zoning and use the property as a Short-Term Rental (STR-2) is not a substantial change in the original application which was denied. Therefore, your application for the STR-2 at 5131 Cantrell Road has been denied based on the following provisions in the City of Little Rock Code of Ordinances:

Sec. 36-83. - Guidelines for decision.

In determining whether to grant a requested amendment, the board of directors may consider, among other things, the recommendations from the planning commission and the designated department of the city having planning responsibility and authority and use the provisions of the comprehensive plan, master street plan, master parks plan, and community facilities plan, as well as any other appropriately approved document created to provide the required public facilities necessary to protect the public interest. The planning commission shall consider, but shall not be bound by, the lawful provisions of a valid bill of assurance for the subdivision within which the subject property is located when determining the appropriateness of the proposed special use. No identical or substantially identical application for the redistricting of a specific parcel or parcels of land which has been denied by the board of directors may be made for a period of one (1) year.”

On June 12, 2024 the applicant filed an appeal of staff’s determination in not accepting the application. The letter of appeal from Thomas H. Wyatt is attached. In his letter, Mr. Wyatt outlines several changes made from the first application to the second application.

In staff’s opinion the vast majority of the changes outlined in Mr. Wyatt’s letter are not issues that staff considers nor are they required in reviewing an STR-2 application. Staff contends that the second application that the applicant tried to file was for an STR-2 use, which is identical to the use proposed in the first application which was denied by the Board of Directors.

The Board of Adjustment is asked to determine if staff’s administrative decision that the PD-C application cannot be filed is appropriate based on the zoning code.