

April 11, 2024

ITEM NO.: 3

FILE NO.: Z-9913

NAME: Whitney STR-2 – PD-C

LOCATION: 8116 Kanis Oaks Drive

AUTHORIZED AGENT:

Raekwon Yates (Agent)
665 West 925 South
Orem, UT 84058
(248) 345-5262

OWNER:

Andrew Whitney (Owner)
8116 Kanis Oaks Drive
Little Rock, AR 72204

SURVEYOR/ENGINEER:

Tucker Land Surveying
P O Box 1021
Cabot, AR 72023
(501)269-7138

AREA: .18-acres

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

WARD: 6

PLANNING DISTRICT: 10

CENSUS TRACT: 24.03

CURRENT ZONING: R-2

VARIANCE/WAIVERS: None requested.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant proposes to rezone 0.18 acre site located at 8116 Kanis Oaks Drive from R-2 to PD-C to allow use of the property as Short-Term Rental-2 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 property consists of a brick and frame house with three bedrooms and two baths. This site is located in the Kanis Village Property Owners Association, John Barrow NBHD Association and the West Central NA of John Barrow. It is also located in the Boyle Park Planning District. A concrete driveway and a garage provides parking for at least five cars.

Future land use map shows Residential Low Density (RL) for the requested area. The application site is zoned Single Family (R-2). Surrounding properties to the east, south and west are also zoned Single Family (R-2). To the north is a Planned Development – Office (PD-O).

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:

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.

Fire Department: Life Safety Inspection required.

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 Boyle Park 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-2 to PD-C. The purpose is for STR-2.

The Land Use surrounding the application area to the east, west and south is Residential Low Density (RL). To the north is an area of Transition land use.

The application site is zoned Single Family (R-2). Surrounding properties to the east, south and west are also zoned Single Family (R-2). To the north is a Planned Development – Office (PD-O).

This site is located in the Kanis Village Property Owners Association, John Barrow NBHD Association and the West Central NA of John Barrow.

This site is not located in an Overlay District.

Master Street Plan:

Kanis Oaks Drive is a Local Street on the Master Street Plan Map. Right-of-way is 50'. Sidewalks are required on one side.

Bicycle Plan:

The Master Bike Plan Map does not show existing or proposed facilities in this area.

Historic Preservation Plan:

This property is not located in a Historic District.

H. ANALYSIS:

The applicant proposes to rezone 0.18 acre site located at 8116 Kanis Oaks Drive from R-2 to PD-C to allow use of the property as Short-Term Rental-2 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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Future land use map shows Residential Low Density (RL) for the requested area. The application site is zoned Single Family (R-2). Surrounding properties to the east, south and west are also zoned Single Family (R-2). To the north is a Planned Development – Office (PD-O).

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.

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.

Currently the City of Little Rock Department of Planning and Development has forty-nine (49) short-term rentals (STR-1 and STR-2) listed within the database for approved short-term rentals in the City of Little Rock. The City's new short-term rental ordinance allows a maximum of 500 short-term rentals within the corporate boundary of the City of Little Rock.

Staff does not support the requested PD-C rezoning. Staff does not believe the request is reasonable and that the proposed PD-C use is not appropriate for this location. The property is designated as "RL" Residential Low Density on the City's Future Land Use Plan. 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 a commercial zoning at this location would violate the subdivision's bill of assurance.

I. STAFF RECOMMENDATION:

Staff recommends denial of the PD-C zoning request.

PLANNING COMMISSION ACTION:

(FEBRUARY 8, 2024)

The item was deferred to the March 14, 2024 agenda as the applicant failed to notify the surrounding property owners as required.

PLANNING COMMISSION ACTION:

(MARCH 14, 2024)

The applicant was not present. There were 3 persons present in opposition (Christopher Travis, Lawanna Hams and Deborah Bledsoe). There was a motion to defer the application to the April 11, 2024 Agenda. The motion was seconded. The vote was 11 ayes, and 0 nays.