

FILE NO.: Z-9761

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NAME: McGrath 1 – STR-2 - PCD

LOCATION: 407 N. Van Buren Street

DEVELOPER:

Anna McGrath (Owner)  
18 Sunset Drive  
Cammack Village, AR 72207  
[Annafreeland2@gmail.com](mailto:Annafreeland2@gmail.com)  
(501) 786-0165

OWNER/AUTHORIZED AGENT:

Anna McGrath (Owner)  
18 Sunset Drive  
Cammack Village, AR 72207  
[Annafreeland2@gmail.com](mailto:Annafreeland2@gmail.com)  
(501) 786-0165

SURVEYOR/ENGINEER:

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

AREA: 0.16 acre

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

WARD: 3

PLANNING DISTRICT: 4

CENSUS TRACT: 15.01

CURRENT ZONING: R-4

VARIANCE/WAIVERS: None requested.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant proposes to rezone 0.16-acre property located at 407 North Van Buren Street from R-4 to PCD to allow use of the property as Short-Term Rental with a maximum stay of twenty-nine (29) days. The owner will not reside in the residence. It is an existing tri-plex apartment building. One (1) of the units will be utilized as a short-term rental.

B. EXISTING CONDITIONS:

The request is in the Heights / Hillcrest Planning District. The multifamily apartment building has been operating long term rental for eight (8) years. The property contains an existing brick structure. Access is provided from a concrete walkway which extends from Van Buren Street that allows entrance to the three (3) units. The property has ample parking. The property is primarily surrounded by R-4 zoning. The *Future Land Use Map* shows a large area of Residential Low Density (RL) in all directions.

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: No comments.

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 Heights / Hillcrest 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-4 (Two Family District) to PCD (Planned Commercial Development). The request is to allow the site to be used for Short Term Rental.

Surrounding the application area is developed Residential Low Density (RL) in all directions. To the south a block along Van Buren St approaching West Markham St are areas of Suburban Office (SO), Office (O), and Commercial (C). The Suburban Office (SO) category shall provide for low intensity development of office or office parks in close proximity to lower density residential areas to assure compatibility. These areas are developed with medical services and a bakery. 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 and is developed with medical services and a bank. The Commercial (C) category includes a broad range of retail and wholesale sales of products, personal and professional services, and general business activities. These areas are developed with restaurants, a hotel, and a convenience store with gas pumps.

Master Street Plan:

Van Buren St is Minor Arterial A on the *Master Street Plan Map*. Minor Arterials are high volume roads designed to provide the connections to and through an urban area. Curb cuts should be limited to allow for continuous traffic flow while still allowing some access to adjoining property, Deceleration Lanes are required. Right of way is 90 feet. Sidewalks are required on both sides. C Street is a Local Street. Local Streets are roads 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. These streets may require dedication of additional right-of-way and may require street improvements.

Bicycle Plan:

Van Buren Street is shown on the *Master Bike Plan Map* with an existing Class II Bike Lane. These are routes designated by painted strips separating the bikeway from motor vehicle traffic and intended for the sole use by bicycles. Additional pavement markings and signage is required.

Historic Preservation Plan:

This site is 1 block west of the Hillcrest National Historic District.

H. ANALYSIS:

The applicant proposes to rezone 0.16-acre property located at 407 North Van Buren Street from R-4 to PCD to allow use of the property as Short-Term Rental with a maximum stay of twenty-nine (29) days. The owner will not reside in the residence. It is an existing tri-plex apartment building. One (1) of the units will be utilized as a short-term rental.

The request is in the Heights / Hillcrest Planning District. The multifamily apartment building has been operating long term rental for eight (8) years. The property contains an existing brick structure. Access is provided from a concrete walkway which extends from Van Buren Street that allows entrance to the three (3) units. The property has ample parking. The property is primarily surrounded by R-4 zoning. The *Future Land Use Map* shows a large area of Residential Low Density (RL) in all directions.

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 1 & 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 PCD zoning request.

Staff is in support the requested PCD rezoning. Staff believes the request is reasonable and that the proposed PCD use is appropriate for this location.

I. STAFF RECOMMENDATION:

Staff recommends approval of the PCD rezoning request, subject to compliance with comments and conditions noted in the staff analysis of the agenda staff report.

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PLANNING COMMISSION ACTION:

(MARCH 9, 2023)

The applicant was not present. Staff informed the Commission that the applicant submitted a letter to staff on February 21, 2023 requesting this application be deferred to the June 8, 2023 agenda. Staff supported the deferral request. The application was placed on the Consent Agenda for deferral. The vote was 9 ayes, 0 nays, 1 absent, 1 abstain (Brown).

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STAFF UPDATE:

The applicant submitted a letter to staff on May 15, 2023 requesting this application be deferred to the September 14, 2023 agenda. Staff supports the deferral request.

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PLANNING COMMISSION ACTION:

(JUNE 8, 2023)

Staff informed the Commission that the application needed to be deferred to the September 14, 2023 agenda. The item was placed on the Consent Agenda for deferral

to the September 14, 2023 agenda. The vote was 8 ayes, 0 nays, 1 absent and 2 open positions. The application was deferred.

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PLANNING COMMISSION ACTION:

(SEPTEMBER 14, 2023)

Opposition was raised for Z-9761 and it was pulled from the Consent Agenda. The applicant was not present. The item was then deferred to the October 12, 2023 Agenda. The vote was 9 ayes, 0 nays, 0 absent and 2 open positions. The application was deferred.

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PLANNING COMMISSION ACTION:

(OCTOBER 12, 2023)

The applicant was present. There were no persons registered in opposition. Staff presented the item and a recommendation of approval as outlined in the “staff analysis” above. The item remained on the Consent Agenda for Approval. The vote was 7 ayes, 0 nays, 2 absent and 2 open positions. The application was approved.