

FILE NO.: Z-9830

NAME: Jo Investments STR-2 – PD-C

LOCATION: 1323 Cumberland Street

DEVELOPER:

Jo Investments LLC
Olivia Pate (Owner)
13901 Saint Charles Blvd.
Little Rock, AR 72211
onpate81@gmail.com
(870) 219-3845

OWNER/AUTHORIZED AGENT:

Jo Investments LLC
Olivia Pate (Owner)
13901 Saint Charles Blvd.
Little Rock, AR 72211
onpate81@gmail.com
(870) 219-3845

SURVEYOR/ENGINEER:

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

AREA: 0.16 acre

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

WARD: 1

PLANNING DISTRICT: 9

CENSUS TRACT: 13

CURRENT ZONING: R-4-A

VARIANCE/WAIVERS: None requested.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant proposes to rezone 0.09-acre property located at 1323 Cumberland Street from R-4 -A to PD-C to allow use of the property as Short-Term Rental-2

with a maximum stay of twenty-nine (29) days. The owner will not reside in the residence. The structure will be rented as one (1) unit.

B. EXISTING CONDITIONS:

The property contains an existing wood structure. Parking will be along Cumberland Street. The property is primarily surrounded by R-4-A zoning. The *Future Land Use Map* shows a large area of Residential Medium Density (RM) and Mixed Use (MX) zoning. This property is within the MacArthur Historic District.

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:

As per Appendix D, Section D107.1 of the Arkansas Fire Prevention Code Vol. 1, One- or Two-Family dwelling residential developments. Developments of 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 D104.3.

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 2021 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.

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 Central City Planning District. The Land Use Plan shows Residential Medium Density (RM) for the requested area. The Residential Medium Density (RM) accommodates a broad range of housing types including single family attached, single family detached, duplex, town homes, multi-family and patio or garden homes. Any combination of these and possibly other housing types may fall in this category provided that the density is between six (6) and twelve (12) dwelling units per acre. The application is to rezone from R-4A to PD-C.

Capitol Zoning district to the west of the application area.

Master Street Plan:

Cumberland 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. The standard 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.

Bicycle Plan:

E. Daisy L Gatson Bates Drive is shown as a proposed Bikeway II-Lane. Class II Bike Lanes are a bicycle route 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 property is a Contributing structure and is located in the MacArthur Park Historic District, a local ordinance district. The goal of the local ordinance historic district is to protect and preserve the unique and valued qualities of such an area, its urban design, architectural character, and historic materials in buildings and in landscapes. Any exterior alterations to structures, additions, or site features must receive approval from the Historic District Commission for compliance with the Little Rock Historic Preservation Code (Sec. 23-76—23-160), including alterations to fulfill the requirements of Short-Term Rental development standards, before a building permit or Short Term Rental inspection can be issued.

The property has an unresolved compliance issue with the Historic District Commission. Fencing was installed by a previous owner across the south elevation side porch without a Certificate of Appropriateness. A remedy was agreed upon between staff and the most recent previous owner to remove the fencing along the side porch and replace with lattice work compatible to the opening between the porch columns and below the decorative spandrels and brackets. The previous owner sold the property without remedying the compliance issue. As a condition of Staff's recommendation for approval of the Planned Development, the compliance issue is required to be remedied. The remediation work will require a Certificate of Compliance issued from Historic District Commission staff.

H. ANALYSIS:

The applicant proposes to rezone 0.09-acre property located at 1323 Cumberland Street from R-4 -A to PD-C 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. The structure will be rented as one (1) unit.

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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:

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/ShortTerm 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.

Currently the City of Little Rock Department of Planning and Development has eighteen (18) 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.

I. STAFF RECOMMENDATION:

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

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 stayed on the Consent Agenda for approval. The vote was 7 ayes, 0 nays, 2 absent and 2 open positions. The application was approved.