

FILE NO.: Z-7332-A

NAME: McCune Short-form PRD

LOCATION: 201 Crystal Court

DEVELOPER:

Carolyn and Kenneth McCune
201 Crystal Court
Little Rock, AR 72205

OWNER/AUTHORIZED AGENT:

Carolyn and Kenneth McCune/Owner

SURVEYOR/ENGINEER:

Brooks Surveying, Inc.

AREA: 0.15 acres

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

WARD: 3

PLANNING DISTRICT: 4

CENSUS TRACT: 15.02

CURRENT ZONING:

R-3 with CUP

ALLOWED USES:

Single-family dwelling and accessory dwelling

PROPOSED ZONING:

PRD

PROPOSED USE:

Single-family dwelling and short-term rental

VARIANCE/WAIVERS:

None

BACKGROUND:

In 2003, a Conditional Use Permit was approved by the Planning Commission for an accessory dwelling unit.

The property owners have been renting the accessory dwelling unit as a short-term rental. It was brought to their attention that this was not allowed under the current R-3 zoning.

In order to continue the use of the accessory dwelling unit as a short-term rental, a rezoning to PRD is necessary.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The property has a garage apartment the property owners have rented for approximately a year as a short-term rental to supplement their income. They seek to rezone the property to continue operating in the same manner, but in compliance with the zoning ordinance. The apartment is approximately 650 square feet and was designed as a guest house by previous owners, so it has a private ingress and egress separate from the residence.

Being lifelong Little Rock residents and living in Hillcrest for over 20 years, the owners take pride in being ambassadors for the city; whereby, they have made significant investment in the furnishing of the apartment and the landscaping. Also, they have enjoyed offering guests recommendations on places to enjoy local food, culture, and entertainment and have received positive responses about their hospitality and the neighborhood.

The owners have paid all state, local and city taxes, including occupancy taxes.

In addition, the owners have made every effort to ensure guests do not disrupt the daily routines of neighbors. They vet potential guests for the security of their family and neighbors, provide detailed instructions on house rules, quiet hours, and to park their vehicle on Alpine Court, as it is both convenient for guests and does not burden neighbors, as there are no homes on the street.

B. EXISTING CONDITIONS:

The property contains a single-family home with a detached garage having an accessory dwelling unit on the upper level. The lot contains approximately 0.15 acres of land and is typical for the neighborhood.

Single-family uses are predominant in the vicinity. Immediately to the north is a property also having a detached accessory dwelling unit.

C. NEIGHBORHOOD COMMENTS:

A letter of support for this request was sent by the owner of a property in the neighborhood. The writer stated she is a historic preservation consultant and a volunteer with the Hillcrest Residents Association and offered as support the walkability of the neighborhood, the boost the visitors would give to the local commercial district of independently-owned businesses, the historic use of similar structures as short-term overnight dwellings for domestic workers, encouraging the preservation of historic structures, and additions to the city's tax base through increased occupancy and sales taxes. Notice of the public hearing was sent to

all owners of properties located within 200 feet of the site, as well as the Hillcrest Residents Association and Save Hillcrest Neighborhood Association.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. A 20 feet radial dedication of right-of-way is required at the intersection of Crystal Court and Alpine Pass.
2. Indicate the location of proposed tenant parking.

E. UTILITIES/FIRE DEPARTMENT/PARKS/COUNTY PLANNING:

Little Rock Water Reclamation Authority:

Sewer available to this site. If ownership of auxiliary building changes, then separate sewer service required.

Entergy: No comment received.

CenterPoint Energy: No comment.

AT & T: No comment received.

Central Arkansas Water:

NO OBJECTIONS; All Central Arkansas Water requirements in effect at the time of request for water service must be met.

Fire Department: No comment.

Parks and Recreation: No comment received.

County Planning: No comment received.

F. BUILDING CODES/LANDSCAPE:

Building Code: No comment.

Landscape: No comment.

G. TRANSPORTATION/PLANNING:

Rock Region Metro: No comment.

Planning Division: This request is located in Heights/Hillcrest Planning District. The Land Use Plan shows Residential Low Density (RL) for this property. This 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 applicant has applied for a rezoning from R-3, CUP (Single Family District, Conditional Use Permit) to PRD (Planned Residential Development District) for the use of the existing garage apartment as a short-term rental unit. This request is within the Hillcrest Design Overlay District.

Master Street Plan: To the west of the property is Crystal Court and south of the property is Alpine Court; both are shown as a Local Street on the Master Street Plan. Local Streets that are abutted by non-residential zoning/use or more intensive zoning than duplexes are considered as "Commercial Streets". A Collector design standard is used for Commercial Streets. These streets may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

Bicycle Plan: There are no bike routes shown in the immediate vicinity.

H. SUBDIVISION COMMITTEE COMMENT: (August 7, 2019)

The applicant was present. Staff presented the item to the committee. Public Works asked where the guests would park. Other comments were noted. Responses to comments were to be received by August 14, 2019. The committee forwarded the item to the full commission.

I. ANALYSIS:

Approval of this request would allow for the applicants to rent the garage apartment on a short-term basis. A short-term rental does not meet the zoning definition of a dwelling unit; therefore, the property must be rezoned.

Staff is concerned by the transient nature of a use more aligned to a lodging rather than the more consistent nature offered by a rental dwelling unit for long-term occupancy. This may have a negative effect on the quiet enjoyment of the neighborhood by nearby property owners, such as with parking, as the proposed parking for the short-term rental would be on the street. Staff takes a conservative view on introducing uses that are more commercial in character, such as a short-term rental, into a predominantly residential neighborhood.

J. STAFF RECOMMENDATION:

Staff recommends denial of the request.

PLANNING COMMISSION ACTION:

(AUGUST 29, 2019)

The applicant was present. There was one registered objector present. Staff presented the item and a recommendation of denial as short-term rental is more aligned to a lodging use rather than the more consistent nature of a rental dwelling unit for long-term occupancy. This may have a negative effect on the quiet enjoyment of the neighborhood by other residents and property owners. Staff takes a conservative view on introducing uses that are more commercial in character, such as short-term rental, into a predominantly residential neighborhood.

Carolyn and Wade McCune, the owners of the property and the applicants, addressed the commission. They had rented the accessory dwelling for about a year and were now seeking to come into compliance with the zoning ordinance. The conversion to the short-term rental was a significant investment for them. During the time they had rented the unit, the typical guest was a business traveler. As the McCunes have young children they are concerned with security; therefore, they require guests to follow specific rules—such as keeping noise to a minimum—and meet each guest.

In response to the staff concern about on-street parking, photos were shown of Alpine Court where guests are instructed to park. The photo indicated there was sufficient parking; moreover, the McCunes park their cars on their property and not on the street. Also, there are no homes with addresses on Crystal Court.

Occupancy of the unit would be one or two guests.

The accessory unit is about 25 feet from their house, enabling them to easily monitor it.

The McCunes had spoken with most of their neighbors and many were unaware the unit was being rented on a short-term basis.

As they are long-term residents of the Hillcrest neighborhood, they are trying to not be a negative impact on the neighborhood and there were no objections made when presented to the Hillcrest neighborhood.

Ruth Bell of the League of Women Voters spoke in opposition to the request. She stated city ordinances have not been updated in response to short-term rentals and the city does not know the number of short-term rentals. While taxes may be collected, it cannot be confirmed for a particular property or operator. The density of short-term rentals in a neighborhood cannot be established and there is no information available on effects on residents and neighborhoods. Working with the current zoning ordinance, staff has defined short-term rental as commercial rental and unless the ordinance is updated, she would urge the commission to vote no on this request.

Commissioner Berry stated it seemed to him the distinction between an accessory dwelling unit and a short-term rental was unclear and does not see this as a detrimental land use in a residential neighborhood.

Director of Planning Collins informed the commission complaints have been received about other short-term rentals in the city. As both the applicants who seek to operate short-term rentals and residents deserve to have their views heard and considered, short-term rental cannot be a use allowed by right. Staff is working identifying all of the short-term rentals within the city; however, using tax records is forbidden under state law. Short-term rentals are more than about taxes. There are also land use considerations and neighborhood concerns to be taken into account.

Vice Chairman Stebbins asked for a motion from the commission. A motion was made by Commissioner Barry and seconded by Commissioner Hamilton with a recommendation for approval of the request. The vote was 6 ayes, 1 noes, 3 absent, and 1 open position.