

FILE NO.: Z-9321

NAME: Calhoun Short-form PD-R

LOCATION: Located at 4208 Fairview Road

DEVELOPER:

Joseph D. Calhoun
4424 South Lookout
Little Rock, AR 72205

OWNER/AUTHORIZED AGENT:

Joseph Calhoun, Owner Developer

SURVEYOR/ENGINEER:

Marlar Engineering Co. Inc.
5318 John F Kennedy Boulevard
North Little Rock, AR 72116

AREA: 0.17-acres NUMBER OF LOTS: 1 FT. NEW STREET: 0 LF

WARD: 3 PLANNING DISTRICT: 4 – Heights/Hillcrest CENSUS TRACT: 15.01

CURRENT ZONING: R-2, Single-family

ALLOWED USES: Single-family residential

PROPOSED ZONING: PD-R

PROPOSED USE: Single-family – Hillcrest Design Overlay District

VARIANCE/WAIVERS: None requested.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

4208 Fairview Road is a single-family dwelling, situated on the site of the old Allsopp family home overlooking Allsopp Park, just off of South Lookout Street. It is one of eleven (11) dwellings built on the old home site. There is a row of seven (7) homes overlooking the park, and there is a row of four (4) 2-level homes behind the park-view homes. A paved drive from South Lookout Street to Fairview Road

separates the two (2) rows of homes and this address is the last park-view home on the drive which wraps around the rear and east-side of this property.

The home is a 2-bedroom 2-bath brick veneer structure having approximately 1,150 square feet. There is a separate carport which was built behind the home on a grade of four (4) to five (5) feet higher than the home. The applicant proposes to add a second floor, with a ramp up from the carport to the home. The upper floor will be approximately 1,500 to 1,600 square feet, extending out (on support columns) from both the front and rear of the existing home. The applicant is proposing the second level as the main living quarters and is proposing to maintain the lower as a guest quarters or for a caregiver. The lower level will include a kitchenette. The applicant indicates the carport will be enclosed.

The primary need for the rezoning is to obtain a front yard setback exception from the Hillcrest Design Overlay District. Although there is a paved drive separating 4208 Fairview Road from the easterly neighbor at 4206 Fairview Road, the setback requirements for interior lots are being applied rather than those for corner lots. 4206 Fairview Road is set back far from the street and it is also situated further around the curve of Fairview Road. The setback of this home is 31.8-feet at the closest point to the property line and 55.4-feet as the road curves around the house. The home located at 4210 Fairview Road is 24.4-feet. The Overlay requires the setback to be calculated for interior lots based on the average of the setbacks for the dwellings on both sides of the home. With the deeper setback of 4206 Fairview Road the average setback required for this home is 25.29-feet. Upon completion of the renovations the applicant is proposing a 20-foot front setback for the home located at 4208 Fairview Road.

B. EXISTING CONDITIONS:

The site contains a single-family home overlooking Alsop Park. Fairview Road is a loop street extending from South Lookout Road. Fairview Road is a narrow road with sidewalk along the street side adjacent to this property. There is no curb, gutter or sidewalk along the frontage adjacent to the park.

C. NEIGHBORHOOD COMMENTS:

All property owners located within 200-feet of the site along with the Hillcrest Residents Neighborhood Association were notified of the public hearing.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

No comment.

E. Utilities/Fire Department/Parks/County Planning:

Little Rock Water Reclamation Authority: Sewer available to this site.

Entergy: Entergy does not object to this proposal. There do not appear to be any conflicts with existing electrical utilities at this location. Service is already provided via an underground service line to the existing building. Contact Entergy in advance to discuss electrical service requirements, or adjustments to existing facilities (if any) as this project proceeds.

Centerpoint Energy: No comment received.

AT & T: No comment received.

Central Arkansas Water:

1. All Central Arkansas Water requirements in effect at the time of request for water service must be met.
2. Please submit plans for water facilities and/or fire protection system to Central Arkansas Water for review. Plan revisions may be required after additional review. Contact Central Arkansas Water regarding procedures for installation of water facilities and/or fire service. Approval of plans by the Arkansas Department of Health Engineering Division and the Little Rock Fire Department is required.
3. This development will have minor impact on the existing water distribution system. Proposed water facilities will be sized to provide adequate pressure and fire protection.
4. If there are facilities that need to be adjusted and/or relocated, contact Central Arkansas Water. That work would be done at the expense of the developer.
5. Additional fire hydrant(s) will be required. Contact the Little Rock Fire Department to obtain information regarding the required placement of the hydrant(s) and contact Central Arkansas Water regarding procedures for installation of the hydrant(s).

Fire Department:

Access roads: Fire Apparatus Access Roads shall conform to all the requirements of Chapter 5 and Appendix D of the 2012 Arkansas Fire Prevention Code, Vol. 1. Specifically addressed are required access, construction & design specifications, access road gates, signs, driveway widths of structures with hydrants, aerial fire apparatus access roads, aerial fire apparatus roads distance to structure, fire lane markings, commercial & industrial developments, and residential developments. Locations and extent of fire lane markings must be approved by the fire code official and is subject to change at any time upon field evaluation. Contact Capt. Tony Rhodes at (501) 918-3757.

Addresses: Addresses shall be posted in a conspicuous place during construction and when construction is complete as per Little Rock City Ordinance Section 30-346 and Section 505 of the 2012 Arkansas Fire Prevention Code, Vol. 1 to facilitate emergency response. Numbers/Letters shall be Arabic numbers or alphabetic letters to be minimum 6” in height, of a durable, reflective material on a color contrasting background to promote enhanced visibility. The numbers shall be in a conspicuously placed immediately above, on or at the side of the proper door of *each building* so that the number can be seen plainly from the street on which the number is based. Whenever any building is situated so that the number is not clearly discernible from the street line or vision of the building from the street is otherwise obscured, the number or numbers assigned shall be placed near the walk, driveway or common entrance to such buildings, and affixed upon a gate post, fence, mailbox, post, or other appropriate place so as to be easily discernible (this is in addition to the numbers/letters on the building). Numbers painted or stenciled on the curb shall not be a lawful substitute for the display of address numbers prescribed by this article. Subject to change upon field evaluation. Contact Capt. Tony Rhodes at (501) 918-3757.

Apparatus Access – FDC-hydrant: The LR Fire Department must approve the proposed location of the building’s Fire Department Connection [FDC]. Per 2012 Arkansas Fire Prevention Code, Vol. 1, Section 912.2. With respect to hydrants, driveways, buildings and landscaping, fire department connections shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the buildings for other fire apparatus, this includes parking spaces in between, and around the FDC and the fire apparatus access road. FDC shall be located on the street side of buildings, fully visible and recognizable from the street or nearest point of fire department vehicle access or as otherwise approved. A remote FDC is recommended and location must be approved. Signage of at least 6 inches high, red letters on white background, with “FDC” must be mounted above the FDC to be visible from fire apparatus access road. Subject to change at any time upon field evaluation. Contact Capt. Tony Rhodes at (501) 918-3757.

Parks and Recreation: No comment received.

County Planning: No comment.

F. **Building Codes/Landscape:**

Building Code: No comment.

Landscape: No comment.

G. **Transportation/Planning:**

Rock Region Metro: No comment received.

Planning Division: This request is located in Heights Hillcrest Planning District. The Land Use Plan shows Residential Low Density Use (RL) for this property. Residential Low category provides for single family homes at densities not to exceed six (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 six (6) units per acre. The applicant has applied for a rezoning from R2 (Single Family District) to PDR (Planned Development Residential) to allow an existing 1-story to be remodeled into a 2-story house. The request is within the Hillcrest Design Overlay District. A proposed addition to the front of the structure exceeds the front yard setback as typically allowed within the Overlay District.

Master Street Plan: West of the property is Fairview Road and it shown as a Local Street on the Master Street Plan. The primary function of a Local Street is to provide access to adjacent properties. This street 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: (April 25, 2018)

The applicant was present representing the request. Staff presented an overview of the item stating there were few outstanding technical issues associated with the request. Staff stated the site was located within the Hillcrest Design Overlay District and the applicant was seeking relief of a front yard setback. Staff stated all other aspects of the development would comply with the typical design standards of the Hillcrest Design Overlay District.

Public Works noted there were no comments related to the request.

Staff noted the comments from the various other departments and agencies. Staff suggested the applicant contact the departments or agencies directly with any questions or concerns. There were no more issues for discussion. The Committee then forwarded the item to the full Commission for final action.

I. ANALYSIS:

The applicant submitted a revised site plan and cover letter to staff addressing the technical issues associated with the request. The applicant is seeking approval of a rezoning of the property from R-2, Single-family to PD-R, Planned Development Residential, to allow an increased front yard setback for the home. The Hillcrest Design Overlay District states the front yard setback for the principal structure is to be aligned with the average of the current setbacks of the adjoining residential structures within a ten (10) percent variance, but no structure may be within the minimum fifteen (15) foot front setback as established in the ordinance.

The property at 4206 Fairview Road (south) is set back from the street and is situated around the curve of Fairview Road. The setback of this home is 31.8-feet at the closest point to the property line and 55.4-feet as the road curves around the house. The home located at 4210 Fairview Road (north) is 24.4-feet. The Overlay requires the setback to be calculated for interior lots based on the average of the setbacks for the dwellings on both sides of the home. With the deeper setback of 4206 Fairview Road the average setback allowed for the home at 4208 Fairview Road is 25.29-feet. The setback proposed for the home at 4208 Fairview is a 20-foot front setback.

The existing home is a 2-bedroom 2-bath brick veneer home containing 1,150 square feet. There is a separate carport which was built behind the home on a grade of four (4) to five (5) feet higher than the home. The applicant proposes to renovate the home and add a second floor, with a ramp up from the carport to the new level. The upper floor will be 1,500 to 1,600 square feet, extending out (on support columns) from both the front and rear of the existing home. The applicant is proposing the second level as the main living quarters and is proposing to maintain the lower as a guest quarters or for a caregiver. The lower level will include a kitchenette. The existing carport will be enclosed for garage space.

Staff is supportive of allowing the accessory dwelling, guest quarters or caregiver quarters, within the home. Staff is not supportive allowing the home to be converted into a duplex at some point in the future.

The applicant indicates no perimeter fencing is proposed. Should perimeter fencing be desired in the future fencing will be placed as typically allowed in the R-2, Single-family Zoning District. The applicant also notes there are no accessory structures proposed for the site but requests the ability to allow accessory structures as typically allowed within the R-2, Single-family Zoning District. The request also includes the allowance of Home Occupations as typically allowed within the residential zoning districts.

Staff is supportive of the applicant's request. The applicant is seeking approval of the rezoning to allow a slight encroachment into the front building setback as defined by the Hillcrest Design Overlay District. The plan as submitted indicates a triangular encroachment into the setback along the southern perimeter of the home. The applicant states the request to allow the encroachment is to take advantage of the view of the city park across the street from the home. To staff's knowledge there are no remaining outstanding technical issues associated with the request. With the exception of the front yard setback encroachment the plan fully complies with all other aspects of the Hillcrest Design Overlay District.

J. STAFF RECOMMENDATION:

Staff recommends approval of the request subject to compliance with the comments and conditions as outlined in paragraphs D, E and F of the agenda staff report.

Staff recommends the home not be allowed to convert into a duplex at some point in the future.

PLANNING COMMISSION ACTION:

(MAY 17, 2018)

The applicant was present. There were no registered objectors present. Staff presented the item stating the applicant had submitted a request dated May 9, 2018, requesting deferral of this item to the June 28, 2018, public hearing. There was no further discussion. The item was placed on the consent agenda and approved as recommended by staff by a vote of 8 ayes, 0 noes and 3 absent.

STAFF UPDATE:

The applicant failed to provide proper notice to the property owners as required by the Planning Commission's By-laws. Staff recommends deferral of this item to the August 9, 2018, public hearing.

PLANNING COMMISSION ACTION:

(JUNE 28, 2018)

The applicant was not present. There were no registered objectors present. Staff presented the item stating the applicant had failed to provide proper notice to the property owners as required by the Planning Commission's By-laws. Staff presented a recommendation of deferral of this item to the August 9, 2018, public hearing. There was no further discussion. The item was placed on the consent agenda and approved as recommended by staff by a vote of 9 ayes, 0 noes, 1 absent and 1 recusal (Commissioner Laha).

STAFF UPDATE:

Notice has been provided to the property owners within 200-feet as required by the Commission's By-laws. There has been no change to the request since the previous staff analysis and recommendation. Staff continues to support the request.

PLANNING COMMISSION ACTION:

(AUGUST 9, 2018)

The applicant was present. There was one (1) registered objector present. Staff presented the item with a recommendation of approval.

Joe Calhoun, the owner, stated he would yield his time to the opposition.

Charlie Penix addressed the Commission in opposition of the request. He stated he was representing the other homeowners in the area in opposition of the request. He stated

the homeowners had signed a petition indicating their desire for the variance to not be granted. He stated the Hillcrest Design Overlay District was put in place to protect the neighborhood. He stated the guidelines called for a hardship for the variance to be granted. He stated there was not a hardship. He stated the reason for the variance was so the home would have a better view of the park from the second floor. He stated Mr. Calhoun could move the addition back and not need the variance. He stated this area was unique because it was a part of the original Alsop Park development. He stated there were eleven (11) homes in the original subdivision. He stated variances did not set precedence but if this variance was allowed then the next request would come in and show how the previous variance was granted and why their variance should also be granted. He stated he did not see the hardship and requested the Commission maintain the integrity of the neighborhood and the Design Overlay District. He stated if the home was moved back then the variance was no longer necessary.

Mr. Calhoun addressed the Commission stating his current home was a few blocks away. He stated he and his wife were downsizing and wanted this to be their last home. He stated he and his architect had worked with the concerns of the neighbors. He stated instead of a wheelchair ramp stairs would be installed and a lift will be added in the future should accesses via the stairs become limited. He stated the desire was to maintain the lower level as a functioning residence and to allow a second living quarters upstairs. He stated the existing kitchen and plumbing were located in the area of the encroachment. He stated this was not a Heights Mc-Mansion. He stated the objection was not to the height, the massing, style of the home or the floor area ratio. He stated the objection was strictly on principal alone. He stated the request was a minor encroachment in a small triangular area. He stated if the property was not located in the Hillcrest Design Overlay District and was to conform to the zoning setbacks there would not be a variance request.

There was a general discussion by the Commission concerning the request and the variance. Commissioner May noted there were exceptions for encroachments within the Design Overlay District area. He stated he did not feel the encroachment as proposed was a significant concerns.

The Chair entertained a motion for approval of the request including all staff recommendations and comments. The motion carried by a vote of 9 ayes, 1 no and 1 absent.