CAPITOL ZONING DISTRICT COMMISSION
STAFF REPORT
7/7/2016
TDM /BIM

Location: **1800 South Arch Street**
Applicant: **Mark Brown for Little Rock Historic Properties LLC**
Permit Type: **Conditional Use / Temporary Use Permit**

Project Description: The applicants propose using the property for events, studio space (art, music, yoga, etc.), and related offices. **[See update regarding the office use on Page 6.]** The detached carriage house will eventually be used for residential rental.

Historic Significance: The ca. 1916 Cornish House was designed in the Craftsman style, with extensive Tudor Revival details, by Theo Sanders for Edward and Brunhilde Kahlert "Hilda" Cornish. Edward was a widowed Little Rock banker at the time of their marriage in 1901, and the couple later had six children together. After Edward committed suicide in 1928, Hilda focused on reform and social work. Through a friendship with Margaret Sanger and connections to other local civic leaders, Hilda helped form the Arkansas Eugenics Association in the early 1930s to encourage poor families to limit their numbers of children. The organization's efforts led to the opening of several birth control clinics across the state, and the network became open to women of color in 1937. In 1942 the organization changed its name to the Planned Parenthood Association of Arkansas. After Hilda's death in 1965, the Cornish House was used as a nursing home until 1978. It was then purchased by Dr. F. Hampton Roy, a local ophthalmologist, who restored the house to single-family use, based on Sanders' original drawings. In 2010 the Cornish House gained some national attention as the temporary residence of the Duggar family, stars of a reality television program, when their 19th child required extended treatment at Arkansas Children's Hospital. The property is located within the Governor's Mansion Historic District, has retained much of its historic configuration and appearance, and was individually listed in the National Register in 1982. The current owners acquired the Cornish House in 2016.

Previous Action: Staff approved restoration work in 1980. The Commission approved fencing the front yard in 1993, though it appears that the installed version did not match what was discussed in the meetings. Staff issued permits for re-roofing in 2002 and 2011. Another 2011 permit allowed for installation of a new HVAC unit.

Zoning: This structure is located in Zone "M". This residential zone comprises most of the Mansion Area.

Review Criteria for Conditional Use Permits:

Capitol Zoning District Commission Rule, Section 2-105. C.2.The Commission may grant Conditional Use Permits to permit a use of land not permitted by right under the zoning applicable thereto, provided that the conditional use in question is permitted for that land under the Master Plan …

Capitol Zoning District Commission Rule, Section 2-105. F.

… All changes in the Capitol Zoning District will be evaluated according to the General Standards and the applicable Area Framework Plan …

Staff finds the proposal should be evaluated using the General Standards and the Mansion Area Master Plan.

Capitol Zoning General Standards, *Zoning Requirements for the Capitol Zoning District*

Zone "M", Residential

Permitted uses – single family and two family

Conditional uses – multi-family residential and community facilities.

Staff finds the proposal to be consistent with this requirement. "Meeting or reception facility" and "Studio – Ballet, Dance, Drama Fine Arts, Music, Language" are listed under the Community Facilities II use group, and are allowed as a conditional use in Zone M.

Capitol Zoning General Standards, *Parking / Loading Requirements for the Capitol Zoning District*

P15.Required parking spaces by use

2.) Community Facilities II (Meeting facility or tour home) = 1 space per 300 gross square feet of floor area

2.) Community Facilities II (Studio: ballet, dance, drama, fine arts, music, language and modeling) = 1 per 100 gross sq. ft. of floor area; or 1 per 25 sq. ft. of classroom or studio space; or 1 per 2 students enrolled, whichever is greater.

Based on a building area of 6,071 square feet and a studio area of 620 sq. ft., these requirements would necessitate between 20 (meeting facility calculation) and 60 (maximum studio calculation) off-street parking spaces for the proposed uses. Staff believes that the primary use of the property will be meeting facility and that therefore the requirement for 20 spaces should be the focus. Staff believes there is room for fewer than 4 spaces on-site. Staff also notes that a pending rule change will halve the number of required off-street spaces, if adopted.

P4.Parking Reductions

A parking reduction of up to 20% may be granted… if:

(1) The parking needs of the use or uses will be adequately served;

(4) The applicant provides an acceptable proposal for an alternate modes of transportation program, including a description of existing and proposed facilities and assurances that the use of alternate modes of transportation will continue to reduce the need for on-site parking on an ongoing basis.

The Commission may approve an additional 20% reduction (for a total reduction of 40%)…

(5) The pattern and character of development in the vicinity is consistent with the request for reduced parking;

(6) The use is intended to attract residents, employees, and/or visitors who are likely to avail themselves of alternate modes of transportation; and

(7) The reduction requested will not cause unreasonable hazard to pedestrian or vehicular traffic in the vicinity.

Staff believes the off-street parking requirement should be reduced if a bike rack is installed. Many potential users of the studio space live within walking or biking distance, and the low density of the residential development in the immediate area results in an underutilization of on-street spaces. Even with a 40% reduction though, there are not enough spaces on site to satisfy the requirements from P15 above. Staff notes that a pending rule change will allow the Commission to reduce the requirements further or waive them entirely in the future.

P5. Prohibition on Use of Right-of-Way for Provision of Required Parking No portion of any public right-of-way shall be considered as fulfilling or partially fulfilling the parking requirements of this section, except to accommodate a new use in a block predominantly comprised of historic commercial-style buildings, in which case the Commission may consider street parking adjacent to the location in question.

Staff believes that the block is not predominantly comprised of historic commercial-style buildings and that therefore the approximately 12 spaces immediately adjacent to the parcel along 18th and Arch Streets cannot be counted toward fulfilling the off-street parking requirements. However, staff also notes that a pending rule change will allow these spaces to count in the future, if adopted. Staff also notes that an additional 5 or 6 adjacent spaces could be made available along Wright Avenue if neighbors, the City, LR Fire Department, and Metropolitan Housing Alliance worked together to develop an alternative plan for emergency vehicle access to Parris Tower that did not necessitate the elimination of parking along Wright.

Mansion Area Master Plan, *Recommendation for Automobile Circulation*

Traffic impacts on the neighborhood should be minimized to the greatest extent possible.

… Other techniques which contribute to traffic calming, such as on-street parking, should also be considered.

Staff finds the proposal is consistent with this recommendation.

Mansion Area Master Plan, *Planning & Design Goals*

1. To revitalize existing housing, to promote new infill housing development and promote diversity among residents

Enhancing the social and economic diversity of the neighborhood is very important to many area residents.

2. To rehabilitate dilapidated historic structures in and around the neighborhood

Protecting the environs of the Governor's Mansion is the primary charge of the CZDC; therefore, the rehabilitation of dilapidated and neglected historic structures is an important goal.

3. To create an improved image and stronger sense of identity

Neighborhood residents already feel a strong sense of identity but wish this image to extend throughout the community of Little Rock.

4. To continue to develop a more family-friendly environment for residents and visitors alike

Providing such elements as landscaping, period lights, trails, parks and medians might help to accomplish this goal.

5. To establish new and to better define existing gateways into the neighborhood

Letting pedestrians know when they enter and leave the character areas of the Governor's Mansion neighborhood is very important to residents.

6. To create a mixture of uses throughout the neighborhood

Providing convenient neighborhood services is vital to the long-term success of any community.

Staff finds the proposal is generally consistent with the applicable Planning & Design Goals. The proposal does little to directly address housing in the short term, but putting a large vacant building back into active use will improve the image of the neighborhood while furthering the preservation of a structure that could return to residential use later.

Mansion Area Master Plan, *Urban Design Goals*

1. To preserve the character of the Mansion Area neighborhood and individual historic buildings

The preservation and restoration of significant buildings in the Mansion Area, as well as the preservation of the overall character of the Mansion Area, is the primary goal of this plan.

2. To enhance the pedestrian experience throughout the commercial areas

Streets should be places that are active with pedestrians, where walking is a pleasant experience. The automobile should appear subordinate to other uses. Therefore, parking and circulation requirements should be accommodated in a manner that supports the desired uses for the neighborhood.

3. To establish a sense of visual continuity within the Mansion Area neighborhood

A theme to visually unify the neighborhood is needed. Landscaping should help establish a sense of visual continuity in the area. It should include places for outdoor activities, including plazas and courtyards, as well as visual accents that give identity to individual blocks.

4. To promote commercial land uses along Broadway and Main Street that complement the residential neighborhood

An important goal for the Mansion Area is to promote a mix of uses that will support a lively neighborhood. While the predominant use will continue to be residential, retail and commercial uses such as family restaurants should be encouraged.

5. To accommodate the need for commercial uses along both Broadway and Main Streets, heavily traveled transportation corridors, while preserving the residential character of the remaining portions of the neighborhood

Uses along these streets should focus on serving the neighborhood.

6. To define and enhance views between the Governor's Mansion and the Old State House

Staff finds the proposal is generally consistent with the applicable Urban Design Goals. The Cornish House is a significant building that has suffered from several years of neglect and inconsistent occupancy. The current proposal does not appear to directly impact the pedestrian experience in the neighborhood's commercial areas or contribute to a sense of visual continuity, but neither does it detract from these goals. Recent years have seen a large uptick in activity on Main Street. The proposed use for 1800 Arch will bring more people the neighborhood which could further contribute to the vibrancy on Main with people choosing to shop while they are in the neighborhood and have pre- or post-event meals.

Neighborhood Reaction: One nearby neighbor wrote in July and September in opposition to the application citing concerns about parking. Another immediately across the alley called in support stating that the use will be beneficial to the neighborhood but then later wrote in opposition with similar concerns about parking. A property owner near the Empress of Little Rock on Louisiana Street wrote in support, citing her experience living near the b&b / event center. A member of the MAAC who could not attend the 9/8/16 meeting also wrote in strong support of the proposal. Another property owner in the 1600 block of Arch called in support.

Another resident – who has not expressed approval or disapproval with the underlying request to use the property as proposed – has communicated extensively with staff over the last few weeks regarding process. In short, the individual contends that all new uses in structures that were built as single-family homes can only be permitted as home occupations and that therefore the owner/operator must live in the structure as a necessary condition for conducting business there. As an example he has cited the several bed & breakfast businesses operating in the neighborhood. Staff's research found that all of them have been permitted as Conditional Uses and not as Home Occupations. Occasionally the Commission made owner occupancy a specific condition of the permits, but this does not appear to have been a universal practice in the past. This individual has also expressed the opinion that Temporary Use Permits should not be granted for longer uses as contemplated below.

Proposed Findings: Based on the application materials, historic records, and relevant rules adopted by the Capitol Zoning District Commission:

1) The application represents a request to host events, conduct studio classes such as yoga and dance, and operate related office space;
2) The property is located in Zone M of the Governor's Mansion Area;
3) The property contains space for no more than 4 off-street parking spaces;
4) The streets immediately adjacent to the parcel contain space for up to 18 cars;
5) The findings in the staff report above are incorporated herein.

Proposed Conclusions:

1) The parking rules in the General Standards call for 20 off-street spaces to be provided, but only 4 are available;
2) The proposal is otherwise consistent with the Mansion Area Master Plan's Land Use recommendations, Planning & Design Goals, and Urban Design Goals.

Staff Recommendation: Staff believes that the application for a Conditional Use Permit represents a request for a parking variance, but staff does not believe this property qualifies for a variance. (To be granted a variance, an applicant must demonstrate that because of the physical condition of the land, no reasonable use of the property can be realized if the General Standards are applied.) However, staff notes that no fewer than three pending rule changes will eliminate the current parking deficiency. One will allow the 12 on-street spaces immediately adjacent to the parcel to count toward satisfying the requirement (with the potential for 5 or 6 more in the future along Wright), one will halve the current requirements, and another will allow the Commission to further reduce the requirement if certain conditions are met. Staff therefore recommends **deferral** of the application for a Conditional Use Permit for 12 months while adoption of those rule changes is considered. See below for procedures related to granting a Temporary Use Permit to allow events during the deferral period.

Review Criteria for a Temporary Use Permit

Capitol Zoning District Commission Rule, Section 2-105(C)(6): Temporary Use Permit - A Temporary Use Permit may be issued to permit an activity and associated temporary signage that otherwise is not allowed by right.

a. Staff may issue a Temporary Use Permit for an activity that would otherwise require a Conditional Use Permit if staff determines the proposed activity substantially complies with the following standards:

(i) The proposed use or activity is so designated, located and proposed to be operated in such a manner that the public health, safety and welfare will be protected.

(ii) The proposed use or activity is compatible with and will not adversely affect other property in the area where it is proposed to be located.

(iii) The proposed use or activity would not exceed seven (7) days in duration.

(iv) All requirements of other public agencies would be met.

(v) Any associated signage would not be permanently affixed and would be removed in a timely fashion following the proposed use or activity.

b. If the Staff determines all of these standards will not be met, the application shall be scheduled for a Commission hearing. The Commission will also review all Temporary Use applications for activities which would otherwise be prohibited. The Commission may grant a Temporary Use Permit if it has been demonstrated to the Commission's satisfaction that the proposal is substantially consistent with the Master Plan. When reviewing requests for Temporary Use permits, the Commission shall consider the criteria above, as well as the impact of the proposed activity on the property, on neighboring properties, and the goals of the Master Plan.

Proposed Findings:

1) The findings made above are incorporated herein;
2) The proposed Temporary Use will exceed one year in duration.

Proposed Conclusions:

1) The conclusions made above are incorporated herein;
2) The proposed Temporary Use meets all of the review criteria for granting a temporary use permit with the exception of the seven day limit in criteria *(iii)* and therefore cannot be approved by staff;
3) The proposal is substantially consistent with the Master Plan
4) The proposed use will not have a negative impact on the property, the neighboring properties or the goals of the Master Plan.

Staff therefore recommends **approval** of a **Temporary Use Permit** with the following conditions:

1) All State and City Codes be followed at all times;
2) The property be maintained in a neat and safe condition at all times;
3) Prior to issuance of the permit, at least 2 inverted-u / staple-style bike racks be installed near the north or east entrance of the main building to provide parking for at least 4 bicycles;
4) Music and other audio will not be amplified outside;
5) DJs will not perform outside;
6) Events will end by 11:00 p.m. with all outside activities ending by 10:00 p.m.; and
7) The permit will expire one year from issuance.

(also see additional proposed condition below)

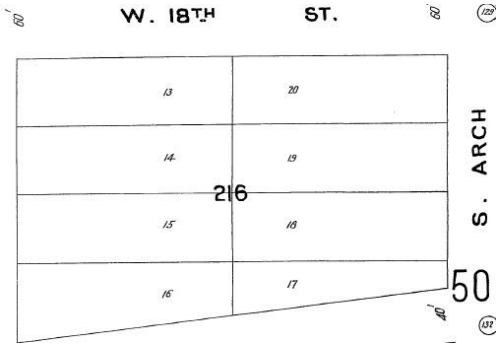
Mansion Area Advisory Committee recommendation: The committee voted **8-0 with 4 abstentions** to recommend **approval** of Temporary Use Permit, with staff's condition's. Parking and the more intensive use were discussed extensively, as well as staff's recommendation of approving a Temporary Use Permit for one year. The applicants stated that they anticipated holding an average of two events per month but with seasonal variations. They also stated that they had verbal agreements with owners of two parking lots on Broadway for use in the evenings and on weekends and are working on an agreement with a third owner. The three together would provide space for over 50 cars. [*Staff note- the lots covered by the two existing agreements are more than 300 feet from 1800 Arch and therefore cannot technically be counted as satisfying any part of the off-street parking requirement*.] Several members stated that parking on public streets is a normal part of downtown living and that numerous churches, event venues, and the Governor's Mansion regularly hold events throughout the neighborhood with little disruption to daily life. The studio space on the third floor generated little discussion. Members questioned if using part of the second floor as office space could only be allowed as a home occupation. The applicants stated that they wished to move their real estate management office out of their house and operate it out of the second floor of 1800 Arch. Members of the public reiterated concerns about parking and the office use. The committee did not recommend any additional conditions.

*****UPDATE*** 9/9/2016**

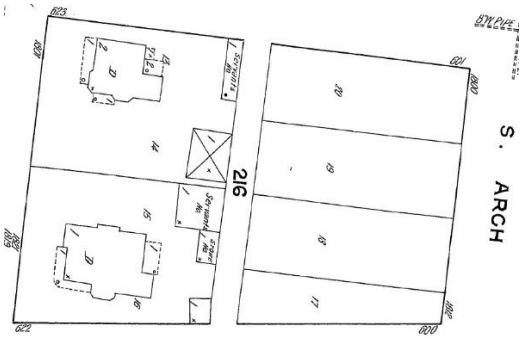
From the time the application was filed through the Mansion Area Advisory Committee meeting, staff treated the second floor office space as being primarily related to planning and managing the events and studio uses on the first and third floors. However, based on testimony and discussion during the MAAC meeting it became apparent that the proposed primary daily use of the property will be as a real estate management office, which is classified as a 'Broker, real estate' in the U.7 Professional Offices use group. This use cannot be permitted in Zone M, but would only require a staff-level permit in Zones N and O. Therefore, staff recommends adding the following condition to the list above:

8) The property will be used only for events and studio classes, with ancillary residential use allowed in the carriage house.

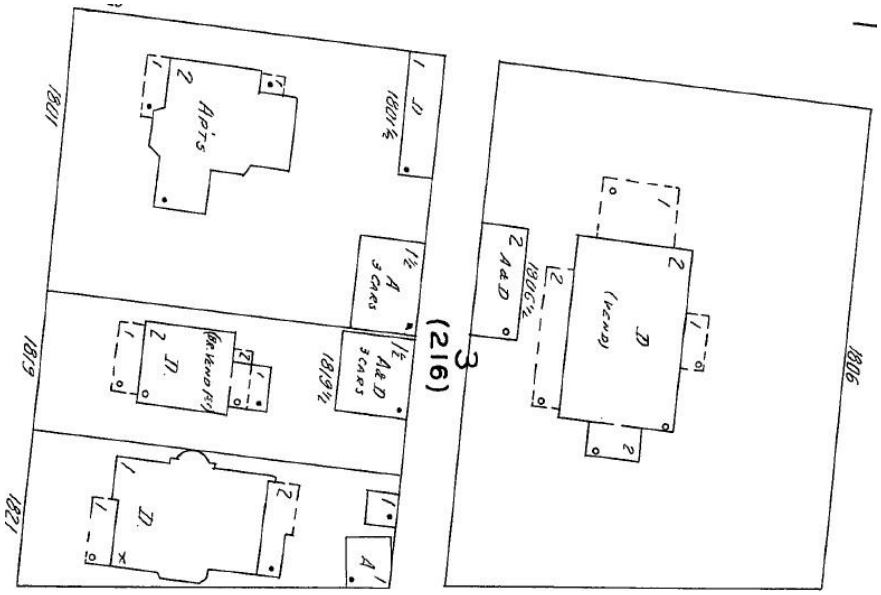
Details from historic Sanborn Fire Insurance Co. maps



1897 – this block is still undeveloped



1913 – The Arch St side is still vacant, but note the new alley.

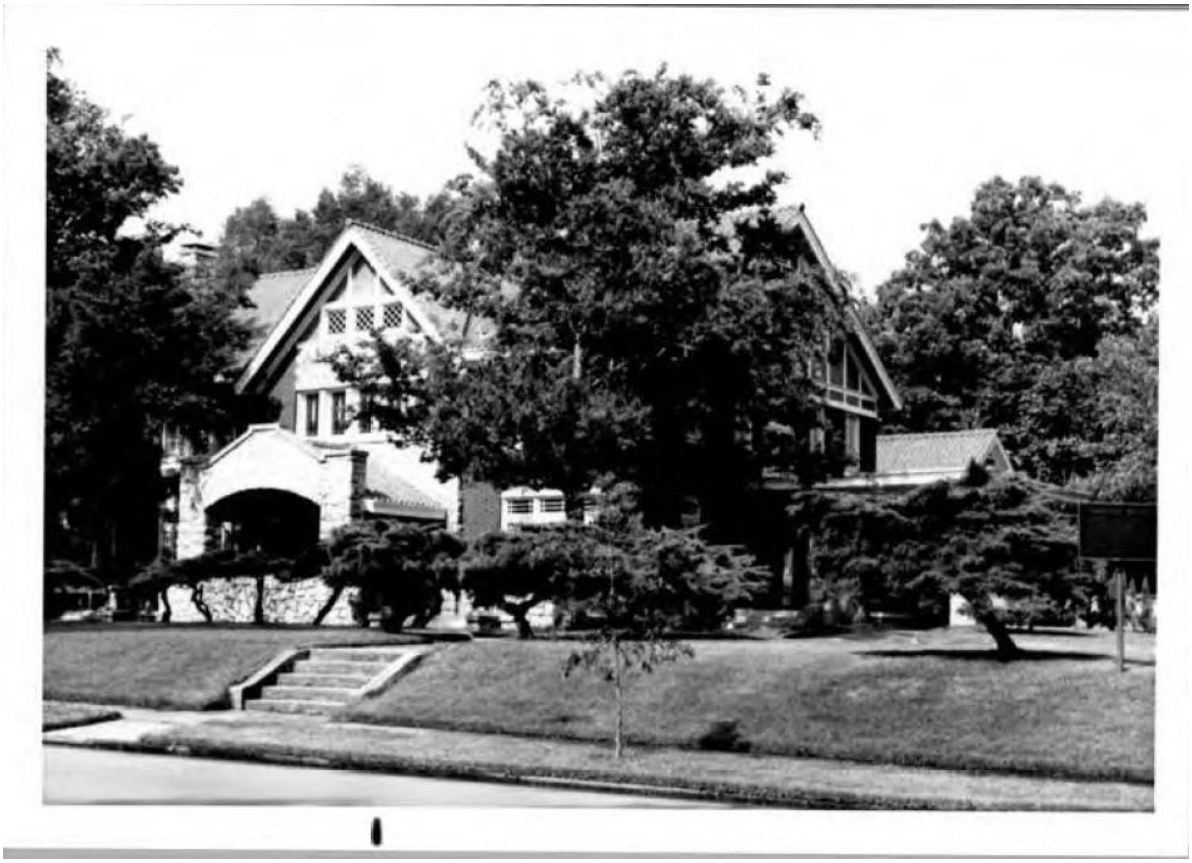


1939 – The Cornish House has largely retained this same configuration.

Archive photos of property

Late 1970s or early 1980s

Late 1970s or early 1980s



1987

1993

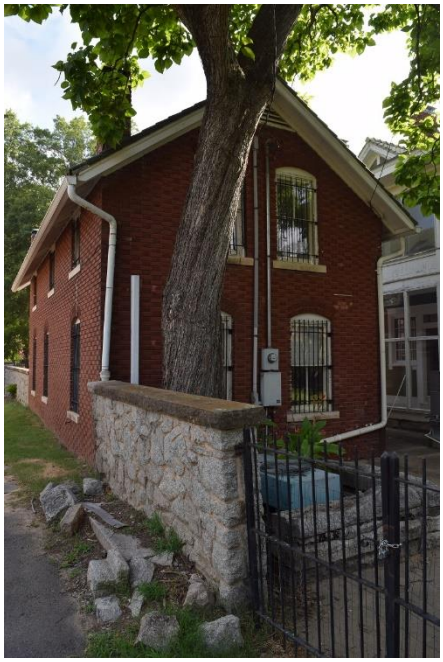
1998, after the current fence was installed

Current Photos of Property

South side of house

Current Photos of Property, continued

North side with carriage house on right



Northeast corner of main house and south side of carriage house

Current Photos of Property, continued

Front porch and Arch Street side of lot

Google Satellite view of surrounding context (north is down)

CAPITOL ZONING DISTRICT COMMISSION

APPLICATION FORM

PROPERTY ADDRESS: 1800 S. ARCH ST.

PROPERTY OWNER: MARK BROWN + JILL JUDY

PERSON FILING APPLICATION *if other than owner*: MARK BROWN

APPLICANT PHONE AND EMAIL: [redacted]

APPLICANT SIGNATURE AND DATE: _____

Signature certifies that applicant is authorized to represent this property, and that all information presented in this application, as well as in any supporting materials, is true and correct to the best of the signatory's knowledge.

DESCRIPTION OF PROPOSED WORK AND / OR USE: Use of 1st floor as event space; use of second floor as office for owners; use of third floor as studio space, i.e. art, music, exercise, yoga, etc. The carriage house will be used as a detached residential rental.