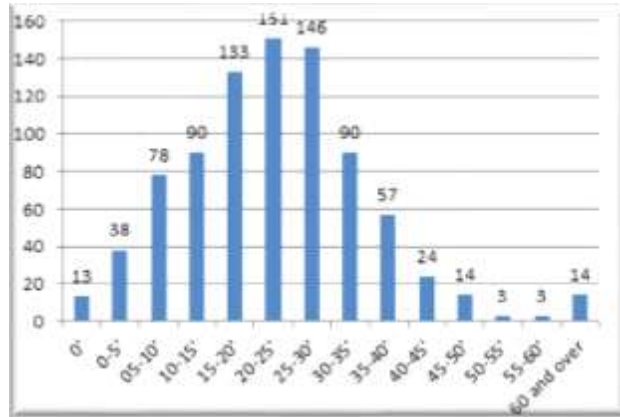


**CAPITOL ZONING DISTRICT COMMISSION
STAFF REPORT
2/8/18
BIM**



Petitioner: CZDC Director
Location: CZDC General Standards
Proposal: Increase allowable setback waivers

Description: This rule change would amend the definition of “setback” in the General Standards, to allow the Commission to reduce the required setback in any zone by 50% percent (currently 25%), under special circumstances and with review.

During the extensive discussions on setbacks in 2017, Commissioner Minyard prepared a chart, based on GIS data, showing that roughly half the structures in the Governor’s Mansion Area exhibit front yard setbacks between 15 and 30 feet, while the other half of developed lots had front yards outside of this range. Staff has observed that the Mansion Area’s high-style, architect-designed homes are more often those which exhibit deep front yards. Traditional working-class housing, on the other hand, was more likely to be built closer to the street, often on narrower lots. The revised rule would allow owners of narrow or irregular parcels additional flexibility in new construction, reflective of these traditional development patterns. This could serve, in the long-run, to yield a broader range of new housing options in downtown Little Rock.

Development on standard size lots (50’ wide and 140’ or 150’ deep) and larger parcels would still have to observe the regular setback requirements currently prescribed in the General Standards.

Previous Action: A request for reducing a setback was traditionally construed as an application for a variance. But a 2011 Attorney General’s opinion, and a subsequent Circuit Court decision, significantly changed the Commission’s practice of granting variances. The Commission adopted the current 25% waiver provision in May 2013 to allow it to approve developments with special circumstances, without rising to the level of scrutiny required of a variance.

Staff Recommendation: Staff recommends the Commission initiate rulemaking and release the proposal for public comment.

***** UPDATE (3/9/18) ****** Staff presented this item to the Commission at its February 2018 meeting. Several Commissioners asked for more information on parcels where this proposed rule might apply.

A standard downtown lot with an alley is 50' x 140', or 7,000sf. Staff sought to identify lots at least 10% smaller than this (6,300sf). Staff used the PAGIS Land Ownership Application (pagis.org/webapps/wab/land) to search for parcels 6,300sf and under.

Staff identified 59 undersized (<6,300sf), but potentially buildable (>1,500sf) vacant parcels Mansion Area zones "M" and "N". Of these, nine appeared to be in use as parking areas for an adjacent business under common ownership. Eight more parcels appeared to be in use as either back or side yards for an adjoining house or apartment building under common ownership. Not included in this count were "sliver" lots (ie. those likely too narrow for any principle structure), nor irregular-shaped large parcels.

In 2015, the City of Little Rock and Quapaw Quarter Association conducted a study of vacant properties in downtown neighborhoods. This "Re-Local" study found 97 vacant parcels in the Mansion Area. Based on these figures, staff concludes that the proposed rule could benefit between 40% and 60% of all the vacant parcels in the Mansion Area. Staff also observes that undersized, vacant parcels are seen most often near the edges of the District, especially in the blocks south of 23rd and west of Gaines that were added to the Mansion Area in 2001. **See map on page 5.**

Staff identified eight more parcels that could benefit from the proposed rule in Zone B (Capitol Area Residential).

***** UPDATE (3/28/18) ****** Staff presented this item again at its March 2018 meeting. Members discussed at length that some lots are more substantially burdened than others by a small buildable area. The Commission voted 7-2 to initiate rulemaking for the language in red below. Staff submitted the proposed language to the Governor's office for review on March 27.

***** UPDATE (4/13/18) ****** The Governor's Office advised staff to proceed with rulemaking on April 9. Staff submitted a legal ad to the *Democrat-Gazette* to published from April 12-14. The agency will accept public comments on the proposed rule until close of business on Monday, May 14.

Design Review Committee Recommendation: Staff presented the item to the Design Review Committee at its April 2018 meeting. Members were generally supportive, but concerned that the proposed language could serve to incentivize the creation of undersized parcels. Members suggested additional language to clarify that the 50% setback reduction would only affect properties platted before the creation of the Capitol Zoning District. This language is shown in blue.

***** UPDATE (5/2/18) ****** The Commission held a public hearing on the proposed rule in conjunction with its regular meeting on April 19. No public comment was received.

The lists of properties on pages 6-7 now show the total area of each property, according to Pulaski County Assessor's records. Vacant parcels (not in use as parking or as an attached yard) of 4,500sf or less are now noted in yellow highlight. Staff identified 16 such parcels in the Mansion Area, and two more in the Capitol Area.

*** UPDATE (5/14/18) ****

Capitol Area Advisory Committee: Staff presented the item to the Capitol Area Committee at its May 2018 meeting. Members were generally opposed and were concerned with properties being too close to the street. Members felt that the current 25% rule is sufficient, and voted 6-3 to recommend **not adopting** the proposed rule.

Mansion Area Advisory Committee: Staff presented the item to the Mansion Area Committee at its May 2018 meeting. Members in support stated that the proposed rule would offer flexibility and promote infill. Members opposed expressed concerns that the proposed rule would allow a disparity of setbacks on a given city block, where some structures would have a shallower setback and others would be deeper. The MAAC voted 9-5 to recommend **adoption** of the rule.

PROPOSED LANGUAGE (mark-up)

(Language proposed by the Commission *in red underline*, below. Additional language suggested by Design Review Committee *in blue*.)

Capitol Zoning General Standards, Section 3-202 Additional Zoning Requirements and Definitions (page 30)

Z15. Setback A setback is the required space or yard, unenclosed from its lowest portion to the sky, from the property line to the nearest finished vertical surface of the main structure, not including the ordinary projection of architectural elements such as chimneys, eaves, sills, cornices, steps, unenclosed walkways, or ornamental features.

1. The Commission, with review, may reduce a required setback by up to 25% in cases where a lot is smaller than what is typical for the Area, is not accessible from an alley, or is otherwise irregular due to its shape or platting. In extreme cases of lots 4,500 square feet or less in total area that were platted or subdivided prior to January 1, 1976, the Commission may reduce a required setback by up to 50%.

2. The front yard is that portion of a parcel which directly abuts a public street. In cases where a parcel is located on the corner of two intersecting streets, the narrowest portion of the lot contiguous to the public street will be defined as the front yard.

Google Maps imagery



These circa 1900 Queen Anne style cottages were built on half-lots (37.5' x 100') at 1302 and 1304 West Second Street. Each property exhibits an approximately 15' front yard.

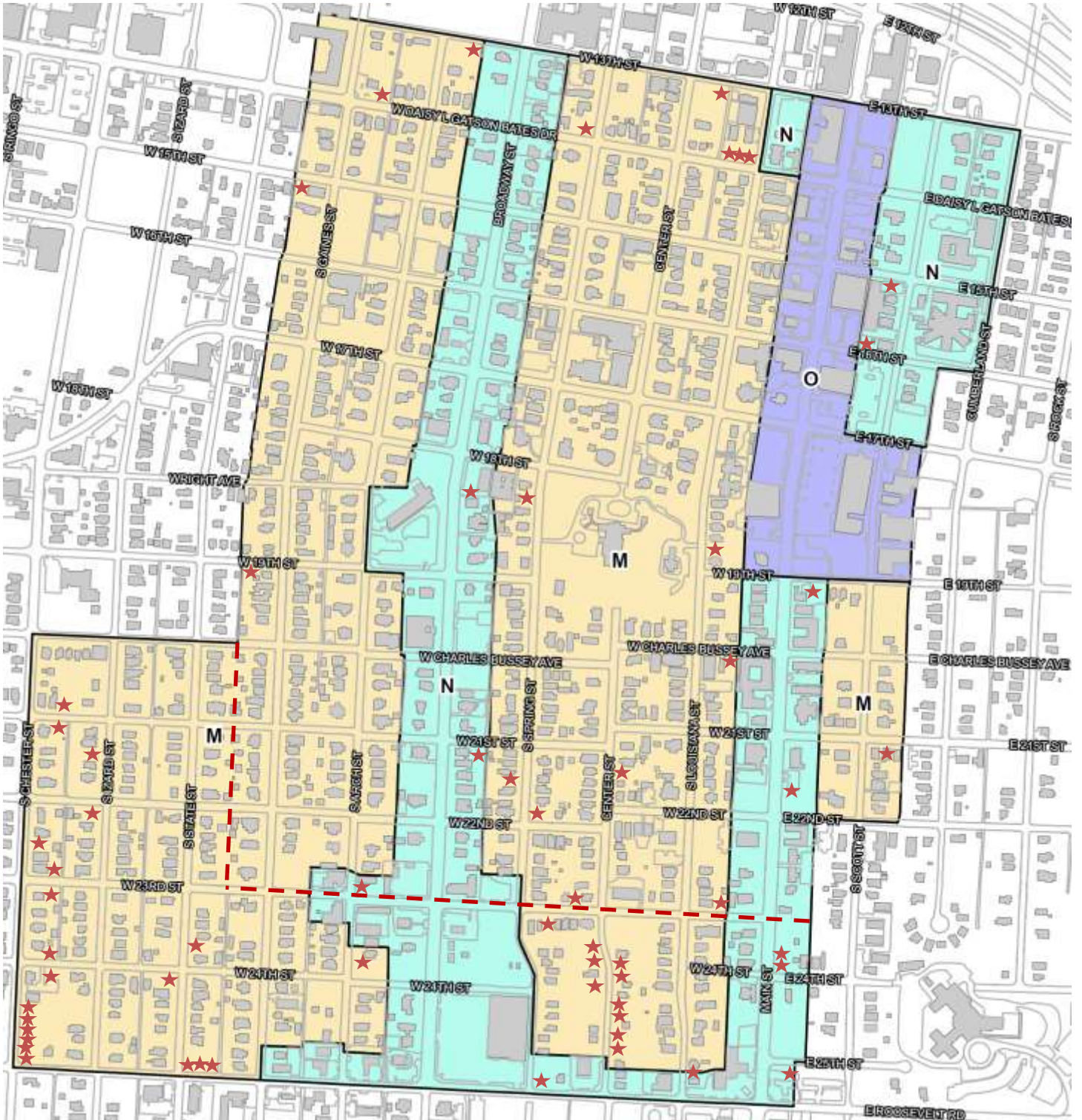


These circa 1950 Ranch style duplexes and the 1922 English Revival style J.P. Almand House in the 300 block of West Daisy Bates were all built on parcels just under 5,000 sf (roughly 2/3 of a standard downtown lot). Each house has a front yard between 12 and 15 feet.



These circa 1880 cottages at 214 and 218 W. 22nd Street each sit on a small, trapezoid-shaped lot. Both houses have a roughly 15 foot front yards.

Undersized, buildable parcels in Zones M & N



Undersize, potentially buildable parcels ★
 Mansion Area boundary, pre-2001 - - - - -

Note— the recent replat of Block 214 is not reflected on this map, nor on the list below.

Undersized, buildable parcels in Mansion Area Zones M & N

Number	Street	Owner	Use	Area (sf)
215	13th, W	Wayne Simpson	vacant	5,500
511	13th, W	Walker-Wisdom Trust	parking	3,484
711	15th, W	WFM Enterprises	yard	5,246
110	16th, E	Bray Sheet Metal	parking	2,115
109	19th, E	Phillip Naylor / Larry Chastain	yard	5,183
709	19th, W	Betty & David Hill	yard	2,850
207	21st, E	Jeanette Bailey	vacant	5,000
415	21st, W	David & Martha Chamness	vacant	2,500
914	21st, W	Valerie Smith, Tamara Kyser, & Caroline Rodgers	vacant	6,750
112	23rd, W	Gary & Theresa Bennet	vacant	2,600
306	23rd, W	Russell Hampton	vacant	2,000
317	23rd, W	Robert Perry	vacant	4,940
915	23rd, W	Shacara & Leonette Jones	yard	4,875
916	23rd, W	Roger McCoy	yard	3,250
107	25th, E	St. John Missionary Baptist Church	parking	4,791
2223	Arch, S	Bevan & Kira Keating	parking	5,662
2321	Arch, S	Susan & George Chambers	yard	3,500
1813	Broadway, S	Harp Holdings	parking	3,686
2113	Center, S	Joseph Kelly	vacant	5,900
2312	Center, S	Azella & Annette Morehead	vacant	6,500
2314	Center, S	Gradyleen Ward	vacant	5,535
2315	Center, S	Arkansas Baptist College	vacant	4,080
2317	Center, S	Arkansas Baptist College	vacant	5,000
2320	Center, S	Lucille Robinson	yard	5,980
2405	Center, S	Matthew Lamb & Laura Blackwell	vacant	4,620
2407	Center, S	Tanya & Jessie Johnson	vacant	3,795
115	Charles Bussey, W	Haybar Properties	vacant	5,500
2217	Chester, S	Carl & Sheila Mitchell-Porter	vacant	4,300
2409	Chester, S	Willie Walter	vacant	4,300
2413	Chester, S	Ida Glenn	vacant	4,300
2417	Chester, S	Chauncey Slay	vacant	4,300
2419	Chester, S	Chauncey Slay	vacant	5,000
2423	Chester, S	Chauncey Slay	vacant	5,000
200	Daisy Bates, W	MP2 Enterprises	vacant	4,404
204	Daisy Bates, W	MP2 Enterprises	vacant	3,002
208	Daisy Bates, W	MP2 Enterprises	vacant	3,006
612	Daisy Bates, W	Stewart Living Trust	vacant	4,000
2010	Izard, S	Marshall Landrum	vacant	3,750
1819	Louisiana, S	Rosalind & Bokenza Thompson	vacant	3,800
2417	Louisiana, S	St. John Missionary Baptist Church	vacant	1,860
2119	Main, S	James Leveritt	vacant	5,587
2217	Main, S	Dixie Bunting	vacant	6,000
2323	Main, S	Gloria Van Compton	vacant	6,000

108	Roosevelt, W	St. John Missionary Baptist Church	parking	2,141
712	Roosevelt, W	Eleanor Wheeler	vacant	5,227
716	Roosevelt, W	Evans Properties	vacant	5,227
720	Roosevelt, W	Evans Properties	vacant	5,227
922	Roosevelt, W	City of Little Rock	ROW	4,300
1500	Scott, S	Bray Sheet Metal	parking	4,238
1322	Spring, S	Thomas Garday	yard	4,500
1810	Spring, S	RC Smith Living Trust & Laura Smith Living Trust	yard	4,050
2112	Spring, S	Scott & Janette Basham	yard	5,285
2123	Spring, S	Jeanetta Kearney	vacant	5,000
2423	Spring, S	Sarah Williams	vacant	6,580
2317	State, S	Diana Wilson	vacant	5,100
2400	State, S	Rochorn Thompson	vacant	5,830

Undersized, buildable parcels in Capitol Area Zone B

Number	Street	Owner	Use	Area (sf)
1307	2nd, W	Roy Morton Jackson	parking	3,049
1216	4th, W	LHI Holdings LLC	vacant	5,700
1218	4th, W	LHI Holdings LLC	vacant	5,700
700	Park, S	Jan Realty Trust	vacant	5,500
702	Park, S	Jan Realty Trust	vacant	5,500
107	Pulaski, S	RJ Rogers Investment Company LP	vacant	3,517
109	Pulaski, S	RJ Rogers Investment Company LP	vacant	4,356
304	Pulaski, S	Association of Arkansas Counties	vacant	4,791