

January 11, 2024

ITEM NO.: 10

FILE NO.: Z-9884

NAME: Community Living #5 Group Home – Special Use Permit

LOCATION: 4 Jack Nicklaus Cove

DEVELOPER:

Brian Hartsell (Agent)
Community Living, Inc.
105 E. Roosevelt Road
Little Rock, AR 72206

OWNER/AUTHORIZED AGENT:

Community Living, Inc. (Owner)
Attn: Brian Hartsell
105 E. Roosevelt Road
Little Rock, AR 72206

SURVEYOR/ENGINEER:

N/A

AREA: 0.22 acre

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

WARD: 7

PLANNING DISTRICT: 16

CENSUS TRACT: 42.20

CURRENT ZONING: R-2

VARIANCE/WAIVERS: None requested.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant is requesting a special use permit to allow for a group home facility to be operated in the existing single-family residence. The proposed group home will have a maximum of four (4) residents at any given time.

B. EXISTING CONDITIONS:

The site located in the Fairway Woods Sub Otter Creek Subdivision along Jack Nicklaus Cove. The subject property, 4 Jack Nicklaus Cove, is a one-story residence and measuring 2,011 square foot in area. R-2 zoning is contained in all directions.

C. NEIGHBORHOOD NOTIFICATIONS:

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:

1. All Central Arkansas Water requirements in effect at the time of request for water service must be met.

Fire Department: No comments.

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 Otter Creek Planning District. The Land Use Plan shows Residential Low Density (RL) for the requested area. The Residential Low Density (RL) 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 remains less than 6 units per acre. The application is for a SUP for a Group Care Facility in R-2 (Single Family Residential) zoning.

H. ANALYSIS:

The applicant is requesting a special use permit to allow for a group home facility to be operated in the existing single-family residence. The proposed group home will have a maximum of four (4) residents at any given time.

The site located in the Fairway Woods Sub Otter Creek Subdivision along Jack Nicklaus Cove. The subject property, 4 Jack Nicklaus Cove, is a one-story residence and measuring 2,011 square foot in area. R-2 zoning is contained in all directions.

No signage beyond that allowed in single-family and two-family zones will be permitted.

The applicant notes four (4) “developmentally disabled” persons will occupy the residence at any given time. Staff presence, if provided, will be rotating shifts of 8-12 hours each. At least one (1), but no more than two (2) staffers will be present. The applicant notes Community Living will provide “Supported Living” services through the *CES Waiver Program*.

The applicant notes if the occupant is a licensed driver and has access to a vehicle, they are permitted to drive.

A parking plan was submitted to staff which shows (2) parking spaces located inside the garage, and two (2) spaces available in the driveway along Jack Nicklaus Cove for a total of four (4) onsite parking spaces. All parking spaces shall be ADA compliant regarding accessibility for persons deemed disable.

The applicant notes that Pulaski County Public Records yielded no bill of assurance for this subdivision.

Section 36-54(e)(4) of the City’s Zoning Ordinance provides the following provisions for Group Home Facilities, as adopted by the Board of Directors on September 6, 2005:

5. family care facility, group care facility, group home, parolee or probationer housing facility, rooming, lodging and boarding facility.

(a) Separation, spacing and procedural requirements for family care facilities, group care facilities, group homes, parolee or probationer housing facilities and rooming, lodging and boarding facilities will be determined by the planning commission so as not to adversely impact the surrounding properties and neighborhood. Unless the commission determines that a different area is more appropriate, a neighborhood shall be defined as an area incorporating all properties lying within one thousand five hundred (1,500) feet of the site for which the permit is requested.

(b) There shall be a presumption that a special use permit for a group home of 5, 6, 7, or 8 handicapped persons will be granted if all ordinance requirements are met, except that individuals whose tenancy would constitute a direct threat to the health or safety of other individuals of whose tenancy would result in substantial physical damage to the property of others shall not be allowed in such a home.

(c) Issues that the planning commission will consider during its review of a family care facility, group care facility, group home, parolee or probationer housing facility, or rooming, lodging and boarding facility include, but are not limited to:

1. Spacing of existing similar facilities.
2. Existing zoning and land use patterns.
3. The maximum number of individuals proposed to be served, the number of employees proposed and the type of services being proposed.
4. The need and provision for readily accessible public or quasi-public transportation.
5. Access to needed support services such as social services agencies, employment agencies and medical service providers.
6. Availability of adequate on-site parking.

(d) The fire marshal must approve the use of any structure proposed as a family care facility, group care facility, group home, parolee or probation housing facility or rooming, lodging and boarding facility.

(e) Family care facilities, group care facilities, group homes and parole or probation housing facilities shall be operated within any and all applicable licensing and procedural requirements established by the State of Arkansas.

To staff's knowledge, there is one (1) transitional residential facility within 1,500 feet of the subject property. 10 Ben Hogan Cove is located 272 linear feet, as measured, from the subject property and will be heard as separate item on this agenda.

Section 8-406 (a) of the City's Buildings and Building Regulations Ordinance (minimum area per dwelling unit) requires 150 square feet for the first occupant and 100 square feet for each additional occupant. Therefore, the minimum area for this residence occupied by four (4) persons is 450 square feet. As noted earlier the residence is 2,178 square feet in total area.

Section 8-406 (b) (minimum area per bedroom) requires 70 square feet for the first occupant and 50 square feet for each additional occupant. The applicant provided a statement demonstrating compliance with this section of the code as only one (1) person will occupy each bedroom.

Special Use Permits are not transferable in any manner. Permits cannot be transferred from owner to owner, location to location or use to use.

Staff does not support approval of the special use permit as requested. Although the proposed use complies with Section 8-406(a) and Section 8-406(b) of the City's Buildings and Building Regulations Ordinance, the proposed group home is located less than 1,500 feet away from one (1) other group home, which is a separate SUP application on this agenda. Staff feels that this represents too many transitional living-type facilities within this small neighborhood area. Furthermore, staff feels the applicant should seek a residential location fronting a more major roadway, possibly along the perimeter of a single-family subdivision. The subject property is not "readily accessible to public or quasi-public transportation." Bus Route #23 (Baseline/Southwest Route) runs along Stagecoach Road, approximately 1.15 mile to the east.

I. STAFF RECOMMENDATION:

Staff recommends denial of the special use permit as requested.

PLANNING COMMISSION ACTION:

(DECEMBER 14, 2023)

This item was deferred to the January 11, 2024 agenda as the applicant failed to notify the surrounding property owners as required.