

January 11, 2024

ITEM NO.: 12

FILE NO.: Z-9886

NAME: Community Living #7 Group Home – Special Use Permit

LOCATION: 2516 Riverfront Drive (Unit 1)

DEVELOPER:

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

OWNER/AUTHORIZED AGENT:

Round River HPR-Control Card
1501 N. University
Little Rock, AR 72207

SURVEYOR/ENGINEER:

N/A

AREA: 12.50 acres

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

WARD: 3

PLANNING DISTRICT: 4

CENSUS TRACT: 15.02

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 Round River Condominiums (Unit 1). The proposed apartment unit for the group home use is 1,847 square feet and will contain a maximum of three (3) residents at any given time.

B. EXISTING CONDITIONS:

The site is located just south of Rebsamen Park Road, east of the Sherrill Heights Subdivision. The proposed site is surrounded by various apartment complex

developments. There is a mixture of zoning classifications 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 Heights/Hillcrest Planning District. The Land Use Plan shows Residential High Density (RH) for the requested area. The Residential High Density (RH) category accommodates residential development of more than twelve (12) dwelling units per acre. The application is for a SUP for a Group Care Facility in MF-18 (Multifamily) zoning.

H. ANALYSIS:

The applicant is requesting a special use permit to allow for a group home facility to be operated in the existing Round River Condominiums (Unit 1). The proposed apartment unit for the group home use is 1,847 square feet and will contain a maximum of three (3) residents at any given time.

The site is located just south of Rebsamen Park Road, east of the Sherrill Heights Subdivision. The proposed site is surrounded by various apartment complex developments. There is a mixture of zoning classifications contained in all directions.

No additional signage is required. This proposed use will occupy one (1) apartment unit within an existing apartment complex. Staff feels the existing signage complies with Section 36-552 of the City's Zoning Ordinance (signs permitted in multifamily zones).

The applicant notes three (3) "developmentally disabled" persons will occupy Unit 1 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) covered parking spaces designated for Unit 1. Additional parking spaces are provided for guest as part of the overall parking requirements for a multifamily use. 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:

7. 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 are no transitional residential facilities within 1,500 feet of the subject property.

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 Unit 1 that will occupy three (3) persons is 350 square feet. As noted earlier Unit 1 is 1,847 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 is not supportive 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, staff feels the use should be contained in a single-family residential setting. Furthermore, staff recommends the applicant seek a residential location fronting a more major roadway, possibly along the perimeter of a single-family subdivision, not a multifamily apartment-style environment. The subject property is not "readily accessible to public or quasi-public transportation." Bus Route #1 (Pulaski Heights Route) runs along Kavanaugh Blvd. at Cantrell Road, over two (2) miles to the west.

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.