

January 11, 2024

ITEM NO.: 2

FILE NO.: Z-9850

NAME: Bassett Family Care Facility – Special Use Permit

LOCATION: 3118 S. IZARD STREET

DEVELOPER:

Harry & Phyllis Green-Bassett (Owner)
16 Marchwood Cove
Little Rock, AR 72210

OWNER/AUTHORIZED AGENT:

Harry & Phyllis Green-Bassett (Owner)
16 Marchwood Cove
Little Rock, AR 72210

SURVEYOR/ENGINEER:

Brooks Surveying
20820 Arch Street Pike
Hensley, AR 72065

AREA: 0.17 acre

NUMBER OF LOTS: 2

FT. NEW STREET: 0 LF

WARD: 1

PLANNING DISTRICT: 8

CENSUS TRACT: 5

CURRENT ZONING: R-3

VARIANCE/WAIVERS: None requested.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant is requesting a special use permit to allow for a family care facility to be operated within an existing 1,800 square foot, four (4) bedroom, single-family residence. The facility will contain a maximum number of four (4) residents at any given time.

B. EXISTING CONDITIONS:

The site is located between Fulton Street to the west and S. IZARD to the east. Several vacant lots exist in the general area which contain R-3 zoning and uses to the south, east and west of the site. R-4 zoning is located immediately north of the site. Crump Park is located to the southwest of the site.

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:

Maintain Access:

Fire Hydrants.

Maintain fire apparatus access roads at fire hydrant locations as per Appendix D of the 2021 Arkansas Fire Prevention Code Vol. 1 **Section D103.1 Access road width with a hydrant.** Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet, exclusive of shoulders.

Grade

Maintain fire apparatus access roads as per Appendix D of the 2021 Arkansas Fire Prevention Code Vol. 1 **Section D103.2 Grade.** **Fire apparatus access roads shall not exceed 10 percent in grade except as approved by the fire chief. If**

the grade exceeds 10 percent, approval will be denied and the applicant must submit request to be reviewed by Fire Chief for Approval.

Loading

Maintain fire apparatus access road design as per Appendix D of the 2021 Arkansas Fire Prevention Code Vol. 1 **Section D102.1 Access and loading.** Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds.

Commercial and Industrial Developments – 2 means of access. - Maintain fire apparatus access roads as per Appendix D of the 2021 Arkansas Fire Prevention Code Vol. 1.

Section D104.1 Buildings exceeding three stories or 30 feet in height. Building or facilities exceeding 30 feet or three stories in height shall have at least two means of fire apparatus access for each structure.

Section D104.2 Building exceeding 62,000 square feet in area. Buildings or facilities having a gross building area of more than 62,000 square feet shall be provide with two separate and approved fire apparatus access roads.

Exception: Projects having a gross building area of up to 124,000 square feet that have a single approved fire apparatus access road when all building are equipped throughout with approved automatic sprinkler systems.

D104.3 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.

Fire Hydrants

Locate Fire Hydrants as per Appendix C of the 2021 Arkansas Fire Prevention Code. Section C101 – C105, in conjunction with Central Arkansas Water (Daniel Tull 501-377-1245) and the Little Rock Fire Marshal’s Office (Capt. Tony Rhodes 501-918-3757, or Fire Marshal Derek N. Ingram 501-918-3756 Number and Distribution of Fire Hydrants as per Table C105.1.

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: No comments.

H. ANALYSIS:

The applicant is requesting a special use permit to allow for a family care facility to be operated within an existing 1,800 square foot, four (4) bedroom, single-family residence. The facility will contain a maximum number of four (4) residents at any given time.

The site is located between Fulton Street to the west and S. IZARD to the east. Several vacant lots exist in the general area which contain R-3 zoning and uses to the south, east and west of the site. R-4 zoning is located immediately north of the site. Crump Park is located to the southwest of the site.

No signage beyond that allowed as per Section 36-551 (signs permitted in residential one- and two family zones) will be permitted.

The applicant did not provide the proposed number of full-time positions for operation of the facility as requested by staff. Staff notes, full-time positions shall comply with any State and Local requirements regarding the operation of this facility type.

The applicant provided the following statement and description of on-site services provided to residents:

- “The clients are disabled, but ambulatory and independently mobile. The client will only need minimal assistance with daily living, such as bathing, grooming/shaving preparing special diets and routine skin care.”
- The clients will be provided with transportation to and from physician appointments. Residents will be able to verbalize their needs. Veterans, homeless and recovering substance abusers will be accepted (a temporary living space for emergency disaster impacting disabled individuals, if room is available, e.g. tornado).
- The facility will provide food, shelter, exercise, compassionate care, assistance with cleaning and washing of clothing and personal care.

- Additional service provided include the teaching of some computer skills, music and TV, access to skilled home health visits, if needed and access to a primary care physician (PCP).
- Visitors will be allowed with stipulations.
- Residents will not drive their own vehicles.

The applicant did not provide a bill assurance as requested by staff.

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

1. 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 other transitional residential facilities located within 1,500 feet of the 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 a residence occupied by four (4) persons is 450 square feet. As noted, the residence contains 1,800 square feet in area.

There is a bus route (Bus Route #2, S. Main Route) approximately 0.16 mile to the east along S. Gaines Street.

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

To staff's knowledge, there are no other transitional residential facilities located within 1,500 feet of the property.

Staff does not support the requested special use permit to allow a group care facility at 3118 S. IZARD Street based the lack of additional information requested by staff and the additional concerns noted below:

1. The applicant did not provide a parking plan – the applicant noted residents will not drive their own vehicles. Staff’s concern is where will visitors park? S. Iazard Street at this location is a relatively narrow street.
2. The occupants are deemed disabled by definition. Since occupants will not drive their own vehicles, the applicant notes transportation will be provided to and from physician appointments. What mode of transportation will be utilized? How will accessibility be provided from the residence to the transportation type?

The applicant’s failure to provide the number of around the clock staff (including any potential overlap in shift change times) and the increase in traffic from visitors may create an adverse impact on the area. Staff feels the applicant should seek a residential location fronting a more major roadway, possibly along the perimeter of a single-family subdivision.

I. STAFF RECOMMENDATION:

Staff recommends denial of the requested special use permit as requested.

PLANNING COMMISSION ACTION:

(NOVEMBER 9, 2023)

This item is being deferred to the December 14, 2023 agenda as the applicant failed to submit all required documents. No vote was taken.

PLANNING COMMISSION ACTION:

(DECEMBER 14, 2023)

The applicant was present, representing the application. Staff presented the item and a recommendation for denial. The applicant had failed to provide staff with all the required documentation. The applicant requested a deferral to allow her time to submit the necessary paperwork. The application was deferred to the January 11, 2024, Agenda.

STAFF UPDATE:

The applicant provided additional information to staff after the December 14, 2023 meeting. The applicant notes that the existing driveway at the northeast corner of the lot will be extended along the north side of the residence to the back of the residence. The applicant notes that this will allow for six (6) vehicles to be parked. The applicant also notes that there will be three (3) staff persons at the residence.

Staff continues to recommend denial of the application. Staff believes that this is not an appropriate location for a family care facility. The subject property is completely surrounded by single family residential zoning and uses.