

FILE NO.: Z-4175-I

NAME: Arkansas Hospice Long-form POD Revocation

LOCATION: North end of Dover Drive, north of West 36th Street

OWNER:

Richsmith Holdings, LLC
9800 Maumelle Blvd.
North Little Rock, AR 72113

ENGINEER:

White-Daters and Associates
24 Rahling Circle
Little Rock, AR 72223

AREA: 9.61 acres NUMBER OF LOTS: 1 FT. NEW STREET: 0 FT

CURRENT ZONING: POD

ALLOWED USES: Hospice Facilities

PROPOSED ZONING: MF-18

PROPOSED USE: Multi-family

VARIANCE/WAIVERS: None

BACKGROUND:

On August 1, 1995, the Board of Directors adopted Ordinance no. 16,939 rezoning the site from MF-18 to POD for development of the Hospice Home Care (Arkansas Hospice) facilities. The multiple building site plan included the following:

- office building
- two (2) inpatient care facility buildings
- chapel building
- childcare building
- medical equipment building

- grounds maintenance building
- future additional inpatient care facility building site
- 122 parking spaces

No development began during the official time frame for submission of a final development plan and the previously approved POD officially expired.

On April 19, 2001, the Little Rock Planning Commission reviewed a request to reestablish the POD zoning for the site and to allow the development to take place as a two-phase development. As was previously requested, the applicant proposed to develop the site to accommodate residential inpatient care for the terminally ill. The phases included the development of Arkansas Hospice Offices (21,406 square feet) and an inpatient care facility (24,385 square feet and 20 beds). The second phase of the development included construction of an additional 21,000 square foot inpatient care facility (20 beds) a chapel and maintenance building. The applicant indicated all building design would be residential in character. The Little Rock Board of Directors approved the proposed development plan by the adoption of Ordinance No. 18,497 on June 5, 2001.

On March 11, 2004, the Commission approved a two-year time extension on the POD. That time extension has expired. The Hospice development took place elsewhere. The property owner has stated the site will not be developed as was approved under the POD and is requesting revocation of the POD. The zoning will revert to the underlying MF-18.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

Per Section 36-454(d) the owner of an approved PD or PUD may, for cause, request repeal of the ordinance establishing the development when it has been determined that the development will not occur. A written request may be filed with the City staff at any time up to three (3) years after the date of adoption of the ordinance creating the PUD or PD. The request shall set forth the cause of the repeal.

According to the ordinance, the Planning Commission recommendation on the repeal request shall be forwarded to the Board of Directors for their consideration. The board of directors may grant or deny the request or return the request to the planning commission for further study. If the request is approved, an ordinance shall be adopted repealing the PUD or PD.

The owner has stated the development will not occur as planned. The owner is requesting the POD zoning be revoked and the MF-18 Zoning District zoning be restored.

B. EXISTING CONDITIONS:

The site is undeveloped and heavily wooded. A nursing home is located to the north. A church is adjacent to the south. The Our Way multifamily development is located to the west. The park adjacent to the east is owned by the Kensington Park Homeowners Association.

C. NEIGHBORHOOD COMMENTS:

As of this writing, staff has not received any comment from area residents. The property owner and his representatives have been meeting with neighborhood representatives and apparently there is no disagreement with the proposed revocation.

D. STAFF RECOMMENDATION:

Staff recommends the current POD zoning classification be revoked and the previously held MF-18 zoning be restored.

PLANNING COMMISSION ACTION:

(FEBRUARY 26, 2015)

The applicant was present. There was one objector present. Staff presented the item and a recommendation of approval.

Tim Daters, representing the applicant, stated the revocation was requested to allow for development of a portion of the site for a senior housing project.

Jennifer Bartlett, of National CORE, stated her organization proposed to develop Magnum Opus Phase I, a fifty-one (51) unit senior housing apartment community on the site. She said they had been through the several other phases of the approval process for such a project and this was the final step necessary. Ms. Bartlett stated the \$7.6 million project would occupy 2.76 acres of the site. She stated time was running out on the process, including access to grant funds.

Larry Bledsoe, president of the Kensington Place POA, spoke of his neighborhood's concerns about opening up the entire site to MF-18 zoning. He stated the site was adjacent to the POA's private park and lake. Mr. Bledsoe stated the property owner, Keith Richardson, had met with a group of the neighborhood's property owners. He said the neighborhood recognized the need for elderly housing but the proposed development was only using a portion of the overall site. Mr. Bledsoe expressed concerns about traffic and asked that the developer consider alternative access to the site. He asked the commission to defer the item to allow for further discussions to take place. He asked what assurances there were that the property would be developed with elderly housing. In response to a question from Chairman Dillon, Mr. Bledsoe suggested

alternative access could possibly be gained through the properties to the north, to Aldersgate Road. He reiterated his concerns about the impact of the development on the POA lake and again asked that the item be deferred.

Director of Planning and Development Tony Bozynski stated the issue before the commission was the revocation of an expired POD, not a potential future development.

Tim Daters stated there was not enough time to defer the item and meet the timeline necessary for CORE's funding approvals. He stated the property owner was interested in meeting again with the neighborhood. Mr. Daters noted that Dover Drive was a collector street.

In response to questions from Commissioner Finney, Mr. Bozynski described the procedure necessary to revoke an expired POD. He also stated the item was being sent to the March 3, 2015 Board of Directors' meeting to accommodate the applicant's short time line.

Commissioner May stated he did not think a deferral was unreasonable.

Mr. Bledsoe stated the neighborhood has supported the previous Hospice development over the site being developed as multi-family. He stated the POD zoning was the only thing protecting the neighborhood from the property being developed as multi-family.

In response to a question from Chairman Dillon, Mr. Bledsoe stated the neighborhood had met with Mr. Richardson the previous Tuesday.

Commissioner May commented that the item still had to go to the Board of Directors and the neighborhood could address their concerns to the Board.

Commissioner Bubbus said the Board could decide if they wanted to defer the request.

Tim Daters stated the commission would see this property again prior to any development; as a preliminary plat and/or a multiple building site plan review.

Commissioner Brock told Mr. Bledsoe there would be time to meet with the developer prior to any development occurring on the site.

A motion was made to approve the revocation request. The motion was approved by a vote of 7 ayes, 1 no, 1 absent and 2 open positions.