

May 9, 2024

ITEM NO.: 9

FILE NO.: Z-9972

NAME: Beyond Boundaries (1) Group Home – Special Use Permit

LOCATION: 9319 Tanya Drive

AGENT:

Beyond Boundaries Supportive Living LLC
Carey Smith
(501) 744-2817

OWNER:

Michael McGhee
9319 Tanya Drive
Little Rock, AR 72205
(479) 236-5385

AREA: 0.20-acre

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

WARD: 6

PLANNING DISTRICT: 11

CENSUS TRACT: 24.08

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 zoned R-2. The proposed group home will have a maximum of three (3) disabled residents at any given time.

B. EXISTING CONDITIONS:

The site is located in the Twin Lakes Subdivision and contains a 2,110 square foot, two-story, four bedrooms, three bath single-family residence. The request is in the I-430 Planning District. The Land Use Plan shows Residential Low Density (RL) for the requested area. Surrounding the application area is fully developed single-family subdivision.

C. NEIGHBORHOOD COMMENTS:

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: No comments.

Fire Department: Need Life Safety Inspection.

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 I-430 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 to rezone from R-2 to SUP Group Home.

Surrounding the application area is fully developed single-family subdivision.

This site is not located in an Overlay District.

Master Street Plan:

Tanya Dr is a Local Street on the Master Street Plan. Local Streets are roads designed to provide access to adjacent property with the movement of traffic being a secondary purpose. The standard Right-of-way is 50'. Sidewalks are required on one side. This street may require dedication of right-of-way and may require street improvements.

Bicycle Plan:

Tanya Dr is not shown on the Master Bike Plan Map with existing or proposed facilities in this area.

Historic Preservation Plan:

This property is not located in a Historic District.

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 zoned R-2. The proposed group home will have a maximum of three (3) residents at any given time.

The site is located in the Twin Lakes Subdivision and contains a 2,110 square foot, two-story, four bedrooms, three bath single-family residence. The request is in the I-430 Planning District. The Land Use Plan shows Residential Low Density (RL) for the requested area. Surrounding the application area is fully developed single-family subdivision. Clients do not have their own vehicles, but transportation is being provided for them. The total square footage for each bedroom is approximately 150 feet with one resident per bedroom. There are three staff members at this location. One lives at the location and the other two do shift work. Transportation is provided to the residents by the live-in caregiver. There are two parking spaces on this property.

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

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

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:

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.

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 100square 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 1,440 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 supports approval of the special use permit as requested.

I. STAFF RECOMMENDATION:

Staff recommends approval of the Special Use Permit request, subject to compliance with comments and conditions noted in paragraph E and the staff analysis of the agenda staff report.