

**OFFICE OF THE CITY MANAGER
LITTLE ROCK, ARKANSAS**

**BOARD OF DIRECTORS COMMUNICATION
SEPTEMBER 3, 2024, AGENDA**

Subject	Action Required:	Approved By:
<p>Resolution rescinding the Planning Commission’s action approving a Special Use Permit to allow a Group Home at 2211 Westport Loop, Little Rock, Arkansas. (Z-9887-A)</p> <p>Submitted By:</p> <p>Planning & Development Department</p>	<p>Ordinance √ Resolution</p>	<p>Emily Cox Acting City Manager</p>
SYNOPSIS	<p>Jason Burk, Carla Smith and Steve Cone are appealing the Planning Commission’s action in approving a Special Use Permit to allow a group home on the R-2 zoned property at 2211 Westport Loop.</p>	
FISCAL IMPACT	<p>None.</p>	
RECOMMENDATION	<p>Staff recommends denial of the Resolution, but approval of the Special Use Permit. Denial of the resolution would result in approval of the Special Use Permit.</p>	
BACKGROUND	<p>Jason Burk, Carla Smith and Steven Cone are appealing the Planning Commission’s approval of a Special Use Permit to allow a group home at 2211 Westport Loop.</p> <p>Arkansas Enterprises for the Developmentally Disabled, Inc. 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 five (5) disabled residents at any given time.</p>	

**BACKGROUND
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The site is located in the Garrett Glen Addition Subdivision and contains 3,530 square foot, one-story, four-bedroom single-family residence. The Land Use Plan shows Residential Low Density (RL) for the requested area. Surrounding the application area is a fully developed single-family subdivision. The total square footage for each bedroom in the home is approximately 225 square feet with one resident per bedroom. Staff presence is provided in rotating 8–12-hour shifts. At least one staff but no more than two will be present if any resident is present. The property has a two-car garage with enough space for two additional vehicles. Due to parking limitations on this property, the applicant has implemented measures to ensure that no more than three (3) vehicle-driving individuals will be allowed to occupy this residence at any given time.

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.

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

**BACKGROUND
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(b) tenancy would constitute a direct threat to the health or safety of other individuals whose tenancy would result in substantial physical damage to the property of others and 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 100 square feet for each additional occupant. Therefore, the minimum area for this residence occupied by five (5) persons is 550 square feet. As noted earlier the residence is 3,530 square feet in total area.

**BACKGROUND
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To staff's knowledge, there are no other similar living facilities within a 1,500-foot radius.

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.

On June 13, 2024, the Planning Commission voted 9 ayes, 1 nay, and 1 absent, to approve the Special Use Permit. There were three (3) objectors present. All owners of property located within 300 feet of the site, as well as all Neighborhood Associations registered within the City of Little Rock, were notified. Please see the attached Planning Commission minutes for Staff's Analysis and the Commission's action.