

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

**BOARD OF DIRECTORS COMMUNICATION
JUNE 4, 2019 AGENDA**

Subject:	Action Required:	Approved By:
<p>A resolution to approve a revised Conditional Use Permit to allow revisions to an existing prayer garden located at 2700 Brown Street. (Z-9291-A)</p> <p>Submitted By:</p> <p>Planning & Development Department</p>	<p style="text-align:center">Ordinance √ Resolution</p>	<p style="text-align:center">Bruce T. Moore City Manager</p>

SYNOPSIS	The applicant, Dr. Carolyn Smith, is appealing the Planning Commission’s action in denying a revised Conditional Use Permit to allow revisions to an existing prayer garden located at 2700 Brown Street.
FISCAL IMPACT	None.
RECOMMENDATION	Staff recommends denial of the resolution and of the Conditional Use Permit. The Planning Commission voted 2 ayes, 7 nays and 2 absent to deny the Conditional Use Permit.
BACKGROUND	On March 8, 2018, the Planning Commission approved a Conditional Use Permit (CUP) to allow the Word of Outreach Ministry to develop a prayer garden on the vacant, R-3 Single-Family District, zoned lot located at 2700 Brown Street. The site contained only a twenty-five (25)-foot X eleven (11)-foot concrete slab remaining from the removal of a dilapidated residential structure. The ministry had been given permission to place a small (eight (8)-foot X eight (8)-foot) storage building on the slab to store lawn equipment and the like.

**BACKGROUND
CONTINUED**

The prayer garden was proposed to contain a gazebo structure and several specific areas for reading, praying or meditating. Each of the meditation areas was to have a bench where persons could sit. Ground-level speakers were to be placed at each prayer-meditation area to play quiet music which can be heard only upon entering the garden and sitting at one of the benches. The various prayer stations were to be identified by signs such as “Love”, “Temperance”, “Pathway to Joy”, “Pathway to Faith” and “Pathway to Peace”. The future gazebo structure was to be utilized by students of Word of Outreach Christian Center, their parents and guests for various gatherings, fellowship and corporate prayer.

During the Planning Commission review process, the applicant submitted the following amendments to address some concerns which had been raised by neighbors and staff:

1. Fencing and an entrance gate with a lock will be placed around the prayer garden.
2. The normal hours of operation for the prayer will be 8:00 AM - 8:00 PM daily.
3. There will be no additional lighting placed in the prayer garden. There is an existing night light from Entergy which comes on in the night and goes off in the morning.
4. The sound system will only function during the hours the prayer garden is open.
5. No benches, chairs, etc., will be in the garden until a fence (with gate and lock) has been erected around the garden.
6. The prayer garden will not be available for general public use until a fence with a lock has been installed. Until such time, the applicant will keep the grounds of the prayer garden neat and clean and will begin planting trees, shrubs, plants, herbs and flowers.
7. If any Word of Outreach students, parents or staff desire to visit the prayer garden (prior to installation of the fence and other improvements) they will have to bring their own chairs, if they plan to sit. When they leave, they will take their chairs with them.

The fence was to be combination of privacy fencing and chainlink. No improvements were to be placed on the property, other than landscaping, prior to the erection of the perimeter fencing with a gate and lock.

**BACKGROUND
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The prayer garden has for the most part been completed as approved. Fencing has been installed, with gate and lock. The prayer stations are in place as is the landscaping. A dedication event was held in conjunction with commemorative services on September 11, 2018.

Word of Outreach is now requesting a revision to the CUP to allow for additions to the prayer garden, creating what is being called “An Open Air Sanctuary Without Walls.”

The proposed improvements consist of an eight (8)-foot X sixteen (16)-foot building containing an eight (8)-foot X eight (8)-foot handicap accessible restroom and an eight (8)-foot X eight (8)-foot storage space for chairs, tables and umbrellas for used during special functions to be held in the prayer garden. Also proposed are two (2) gazebo buildings and a cover over the twenty-five (25)-foot X eleven (11)-foot concrete slab. The new cover will be over the eight (8)-foot X eight (8)-foot tool storage shed and will provide covering over sitting areas on either side of that structure.

In response to questions raised at Subdivision Committee, the applicant submitted the following additional information:

- The frequency of events and/or services, as related to the Dedication and Consecration Ceremony on 9/11 will not be the normal activities at the Throne of Grace Prayer Garden. The general public hours will be from 8:00 AM - 8:00 PM. With the accompany of a Facilitator, individuals can enter into the Prayer Garden, per request to our twenty-four (24)-hour Prayer Hotline (501.663.0300), specifically for the purpose of meditation, prayer, reading, and/or relaxation, in the presence of The Lord. To keep from having loitering, and/or vagrancy, the gates will remained locked at all times.
- Currently there are no future events scheduled. However, if we plan to have an event, the City will be notified to obtain needed Permits and private owned areas will be designated for parking.
- The only speakers to be used, on a daily basis are the aforementioned small rock speakers by each bench for the soothing sounds of easy listening Christian instrumental music to create an ambience of restful atmosphere.

**BACKGROUND
CONTINUED**

If there is to be a special gathering that requires speakers or any manner of amplification, due to a Community function, a Special Permit would be requested for such activities.

- There will be no additional lighting required at the Throne of Grace Prayer Garden for any activities that will take place.

Staff has concerns with the applicant's current proposal. Support for the initial prayer garden CUP was predicated on the concept of the prayer garden being a quiet, low-impact type of use. The primary use was to be creation of a space where individuals could come for times of reflection, meditation and prayer. As such, the use was viewed as having minimal effect on the surrounding residential neighborhood.

As proposed now, the use begins to take the form of a formal meeting and gathering venue. As such, staff believes for potential would be there to affect the adjacent and nearby residences. Issues of concern such as parking and noise became more evident. Staff does not support any changes to the current approved prayer garden CUP.

On November 15, 2018, the Planning Commission conducted a public hearing on this application. The application was discussed and deferred in order for staff to obtain clarification on Dr. Carolyn Smith's proposal.

After the November 15, 2018 Planning Commission meeting, staff met with Dr. Smith to clarify issues related to the revised CUP application for the prayer garden. Dr. Smith informed staff that there would be no regular scheduled meetings, events or services held at the prayer garden site. There may be an occasional event at the site similar to the 911 Memorial event held this past September; otherwise, the only changes to the previously approved CUP would be physical changes to the site. These changes include two (2) gazebo structures located near the center of the site, roof covers (unenclosed) over the existing pathway areas within the west portion of the site, and the eight (8)-foot X sixteen (16)-foot restroom/storage building along the north property line.

**BACKGROUND
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Staff has no concerns with the proposed addition of the two (2) gazebo structures and the roof covers over the existing pathway areas; however, they do have concerns with the proposed restroom/storage building. Staff feels that adding this building to the site will allow persons to stay on the site for longer periods of time than would typically be envisioned for a prayer garden-type use. The permanent restroom structure could also encourage more frequent formal type events in the future. Staff continues to recommend denial of the revised CUP.

The Planning Commission reviewed this proposal at its March 28, 2019, meeting and there were several people present in opposition.

Please see the attached Planning Commission minutes for a more complete description of the proposed revisions to the existing prayer garden and the Commission's March 28, 2019, hearing.