

FILE NO.: Z-9500

NAME: Goodwin Manor Long-form PCD

LOCATION: 3708 Garrison Road

DEVELOPER:

Gary & Andrea Goodwin
3708 Garrison Road
Little Rock, AR 72223
501-590-4560

OWNER/AUTHORIZED AGENT:

Gary S. & Andrea R. Goodwin /Owners

SURVEYOR/ENGINEER:

Michael Johnston/Surveyor

AREA: 5 acres NUMBER OF LOTS: 1 FT. NEW STREET: 0 LF

WARD: N/A PLANNING DISTRICT: 30 CENSUS TRACT: 42.02

CURRENT ZONING: R-2, Single-Family Residential District

ALLOWED USES: Single-Family Residential

PROPOSED ZONING: PCD, Planned Commercial Development

PROPOSED USE: Single-Family Residence with accessory Event Center

VARIANCE/WAIVERS:

BACKGROUND:

This property is has been the residence of the applicants for approximately 25 years. For several years recently they have allowed a portion of their home and property to be used to host charitable events and weddings on a limited basis.

The property is located within the city's extra-territorial jurisdiction and is zoned R-2, Single-Family district.

A zoning violation notice sent to the applicants in October 2019 made them aware that the operation of an event center was not allowed on a property zoned R-2. They have since been reaching out to address how to comply with the ordinance and to continue to have limited events as an accessory use of their property.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

On October 14, 2019, the property owners received a Notice of Violation for operating an event center in a residentially-zoned property. Since that time, the owners have been working with various representatives of the City of Little Rock in an earnest attempt to address the notice.

The applicant's family has owned the property since 1995 and has used it as their home where they have raised and continue to raise their children.

On a limited number of occasions, generally 12-15 events in a given year, in order to assist in deferring the upkeep costs of their home, the applicants have allowed private parties to utilize the property. Like many other homeowners, they have allowed their property to be allowed for charitable events, hosting the Arkansas Children's Hospital, University of Arkansas for Medical Sciences, 20th Century Club, Miss High School Collegiate, Arkansas Baptist, Women and Children's First, Pulaski Academy, Juvenile Diabetes Research Foundation, Children's Advocacy Centers, Arkansas Woman of Inspiration, Pulaski Tech and others. Additionally, the applicants have allowed for a limited number of weddings, usually no more than 15-20 times in a year, to be hosted at their home.

No more than five rooms of the home are utilized for these charity events and weddings.

Access to our property of approximately 80 acres is via a private road and traffic is limited.

B. EXISTING CONDITIONS:

The subject property is a portion of the land owned by the applicants.

The surrounding area is rural in character and contains single-family homes on larger acreage tracts.

Vehicular access to the site is via easement to Garrison Road. Access to Kanis Road from the property is also shown on the survey provided; however, this access is typically gated and not used by the applicants.

C. NEIGHBORHOOD COMMENTS:

As of this writing, staff has received several calls, emails, and letters from neighboring property owners who have expressed concern and opposition to the request. The commenters have stated concerns about noise, traffic, and safety. Notice of the public hearing was sent to all owners of properties located within 200 feet of the site and the Citizens of West Pulaski County.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. Kanis Road is classified on the Master Street Plan as a principal arterial. A dedication of right-of-way 55 feet from centerline will be required if the property is within the ETJ.

E. UTILITIES/FIRE DEPARTMENT/PARKS/COUNTY PLANNING:

Little Rock Water Reclamation Authority:

Outside Service Boundary – No Comment.

Entergy:

Entergy does not object to this proposal. Entergy has existing service to this location. There does not appear to be any conflicts with existing electrical utilities at this location. Contact Entergy in advance to discuss electrical service requirements, or adjustments to existing facilities (if any) as this project proceeds.

CenterPoint Energy: No comment.

AT & T: No comment received.

Central Arkansas Water:

All Central Arkansas Water requirements in effect at the time of request for water service must be met.

A water main extension will be needed to provide water service to this property. If water is desired, please submit plans for water facilities and/or fire protection services to CAW for review. Plan revisions may be required after additional review. Contact CAW regarding procedures for installation of water facilities and/or fire service. Approval of plans by the Arkansas Department of Health Engineering Division and Little Rock Fire Department is required.

Fire Department:

Full Plan review

Parks and Recreation: No comment received.

County Planning: No comment received.

F. BUILDING CODES/LANDSCAPE:

Building Code:

Project is a change in occupancy and is therefore subject to current building code requirements. Review and approval is required by Building Codes Division before occupancy takes place. For information on submittal requirements and the review process, contact a commercial plans examiner:

Curtis Richey at 501.371.4724; crichey@littlerock.org or
Steve Crain at 501-371-4875; scrain@littlerock.gov

Landscape: No comment.

G. TRANSPORTATION/PLANNING:

Planning Division: The request is in the Buzzard Mountain Planning District. The Land Use Plan shows Residential Low Density (RL) for the requested area. The Residential Low Density 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 remain less than 6 units per acre. The application is to change an area from R-2 (Single Family District) to PCD (Planned Commercial Development) District to allow an events center to be within an existing residence.

Master Street Plan: To the northeast is Garrison Road and it is shown as a Minor Arterial on the Master Street Plan. A Minor Arterial provides connections to and through an urban area and their primary function is to provide short distance travel within the urbanized area. Entrances and exits should be limited to minimize negative effects of traffic and pedestrians on Garrison Road since it is a Minor Arterial. This street may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

Bicycle Plan: There are no bike routes shown in the immediate vicinity.

H. SUBDIVISION COMMITTEE COMMENT:

March 11, 2020

The applicant was present. Staff presented the item to the committee. Planning staff requested information on the location and dimension of any proposed permanent structures associated with the event center, any proposed signage, and the proposed days and hours of operation.

The applicant was also informed ADA access would be required for the public portions of the home used as the event center and parking.

The Public Works comment regarding dedication of right-of-way for Kanis Road was discussed and found to be unrelated to this request.

The applicant was advised responses and revisions are to be received by March 18, 2020. The committee forwarded the item to the full commission.

I. ANALYSIS:

A revised site plan and comment responses were provided by the applicant.

The applicant indicated weddings are typically on Saturdays and are concluded by 10 pm in order to comply with the Pulaski County noise ordinance and out of respect for neighbors. Other events are usually in the early evenings on weeknights and also are over by 10 pm. Occasionally, there are luncheons on weekdays. Staff would suggest hours of operation for the event center be Monday through Saturday between 9 am and 10 pm. The applicant stated they do not allow the use of their home during holidays.

No signage is planned by the applicants to identify the event center use.

The revised site plan shows a possible future 40-foot by 80-foot outbuilding located near the parking area.

The parking area is unimproved and is situated on either side of the asphalt drive leading up to the home.

Three ADA van-accessible parking spaces are provided, as well as two additional ADA spaces on asphalt near the entrance to the home. The applicants state there are wide handicap entry doors on the front of the home with a ramp provided as necessary. Guests are limited to the first floor of the home. Restroom doors are wide and the space is large enough to accommodate wheelchairs.

It appears all technical issues have been addressed.

Staff would suggest the following conditions:

1. The event center use is secondary to the residential use of the home;
2. The use of the property will revert back to single-family use should the ownership of the property be transferred from the current owners;
3. The days and hours of operation of the event center are limited to Monday through Saturday between the hours of 9 am and 10 pm;
4. No additional permanent structures are allowed other than the single proposed outbuilding shown on the site plan;
5. The event center shall be operated in compliance with the Pulaski County Noise Ordinance;
6. No more than 200 guests will be allowed at any single event.
7. Ensure ADA standards for parking, access and restrooms are addressed as applicable to this facility.

J. STAFF RECOMMENDATION:

Staff recommends approval of the PCD subject to compliance with the comments and conditions outlined in paragraphs D, E, and F and the staff analysis in the agenda staff report.

PLANNING COMMISSION ACTION:

(MAY 14, 2020)

The applicants were not present. There were no other persons registered in attendance. Staff presented the item and the recommendation of deferral. There was no further discussion. The item was placed on the consent agenda and approved for deferral to the next scheduled meeting. The vote was 10 ayes, 0 noes and 1 absent.

STAFF UPDATE:

The applicant submitted a letter to staff on August 18, 2020 agreeing to have the PCD zoning conditioned upon the ownership and occupancy of the property by Gary and Andrea Goodwin. If the Goodwins ever sell or vacate the property the PCD zoning will become null and void, with the property reverting back to its original R-2 Single Family Residential zoning and use. The applicant has also noted that hours of operation will include occasional Sunday events with hours limited to 10:00 a.m. to 9:00 p.m. Otherwise, to staff's knowledge there are no outstanding issues associated with this application. Staff continues to support the application.

PLANNING COMMISSION ACTION:

(SEPTEMBER 24, 2020)

The applicant was present with an authorized agent representing the application. There were no supporters and five (5) registered objectors. Staff presented the application with a recommendation for approval.

Mr. Andrew Francis, P.A. addressed the Commission in support of the application. He stated that his clients have lived in the Ferndale Neighborhood for a couple of decades. They have operated their weddings and other charitable events for about six (6) years. These events occur no more than once a weekend with the weddings occurring on a weekend and the charitable dinners one time during the week with an occasional weeding during the week. Mr. Francis explained that a part of the issue is the location's designation as a commercial venue. Originally, the clients approached the Staff with the intent to operate as a Home Occupation, Licensed Designation. Staff advised that the property will be better placed as a commercial development. However, his client does not see this as a commercial development. They see themselves as part of the community in Ferndale. As Staff has stated, this is only a secondary use to their home.

There has been some issue with the access to this property. It is situated over an easement which runs from Kanis Road, north to the client's property to Garrison Road. The neighbors hired an attorney who sent a demand letter which is included in the information submitted to the Board. The demand was for the Goodwin's to stop using the easement for any commercial purposes. A copy of the easement has been provided. The dispute over the easement has caused some people to create an issue of this use of the property. Mr. Francis stressed that the important point is that this is only a temporary use, secondary to the Goodwin's home. Once the home is sold, it will revert to its original residential zoning. The scope of this property is enormous consisting of 80 acres.

The clients have built a gate at the south end of their property which is situated over the easement. This gate is closed during the event to prevent travel down the easement to the neighbor's property. Traffic is accessed through Garrison, Kanis and Ferndale Cutoff Roads. The volume of traffic to the events can be handled by the capacity of these large streets. Mr. Francis briefly outlined these additional following points to the opposing views:

1. Well-Water/Septic System: The review by the Staff noted that Little Rock Water Reclamation had no comment since their office does not serve this area.
2. Property Valuation: The clients have an enormous investment in their property. They would not do anything to adversely impact their or their neighbors' property value.
3. Emergency Response Time: The County responded to a medical emergency during one of the events with no issues reaching the property. Any future medical emergencies are best addressed by the county who is responsible for responding.
4. Bill of Assurance: This document was prepared by his clients years ago in conjunction with the sell of part of their property. None of the objectors here are entitled to enforce the document.

5. Noise: The county regulates noise and has its own ordinance. Although the clients are committed to complying, this property is and remains subject to the Pulaski County Noise Ordinance.
6. Abutting Lot (Eastern Property Line): The clients agrees to amend their application to agree to build the proposed venue with a 150 feet setback.
7. Outbuilding: There are no immediate plans to construct. However, if constructed, it will remain architecturally compatible with the property.

Michael Bowman, 3614 Garrison Road, addressed the Commission in opposition to the application. He expressed concerns related to the change in zoning from residential to commercial, the access of emergency vehicles on the narrow roads, and risks involved with the serving of alcohol for guests unfamiliar with the dark, narrow roads.

Julie Favorite, property owner of Lot 6, addressed the Commission in opposition to the application. She outlined her opposition to the following:

1. The zoning change from residential to commercial which would allow a wedding venue and event center.
2. The building permit required to build the 3200 square feet outbuilding with approximately 200 feet from Lot 6.
3. The Secretary of State, City Hall or the Pulaski County Clerk's Office did not have record of a business license for the property.
4. There is no Certificate of Occupancy on record for the property.
5. The West Pulaski Fire Department stated there is no evacuation plan for this location.
6. There is no regulation of the amount of alcohol being served to large crowds of approximately 200 guests for wedding events.
7. There is no Food Handlers Permit for the events.

Judd Tolson addressed the Commission in opposition to the application. He briefly explained that he sold 80 of the 200 acres he purchased 30 years ago to the Goodwin Family. The sale included a strict Bill of Assurance stating that there could be no commercial activity allowed in addition to any activities which could disturb the neighbors. Property owners built their homes with intentions that they were protected with these restrictions. The wedding events create noise and traffic safety concerns. There have been numerous reports to the Sheriff's Department for car accidents and other violent incidents in the area. Mr. Tolson stated that if the property is converted to commercial, it will remain a commercial venue.

Deborah Reynolds addressed the Commission in opposition to the application. As a property owner of two (2) lots in the Reynolds Mountain Subdivision, she is the closest neighbor to the east of the Goodwin property. Ms. Reynolds outlined her opposition as the following:

1. The traffic noise from vehicles entering and exiting the property as well as the risks involved with serving alcohol.
2. The noise from the music and live bands echoes around the area.
3. The lights for the proposed venue will ruin their dark sky.
4. The security issues related to leaving the gate open all day and night for the vendors and guests.
5. The shared access of emergency vehicles and guests as they are exiting the property in the event of an emergency.
6. The adverse effect on their property values if the property is allowed commercial zoning.
7. The potential issues for neighbors of accommodating that many people on the personal well water and septic systems.
8. The lack of compliance with the COVID-19 regulations.

Dr. Michael Spann addressed the Commission in opposition to the application. He requested the following information:

1. The case number, response date, and type of vehicle for emergency event mentioned by Mr. Francis.
2. The capacity of the Goodwin's septic system and the last date of service.

Mr. Francis began his rebuttal by stating that the events occur every other weekend with one (1) charitable event during the week and that the clients do not supply any alcohol. He also that his client asked for Home Occupation, but the Staff encouraged the commercial zoning.

Commissioner Vogel inquired about the specifics of the Goodwin's septic system. Mr. Francis stated that he did not the specifics noting that the LRWRA did review this application with no comments. Since there has not been any issues in six (6) years, it is proof that it is not really an issue.

Commissioner Brooks questioned the Goodwin's decision to use their home for this type of business and the Goodwin's attempt to meet with neighbors prior to moving forward. Andrea Goodwin stated that the events allow the family to offset the cost of the maintenance of the property. She also confirmed that she did visit with a few of the neighbors regarding the use of the property.

Commissioner Rahman inquired of the Staff's recommendation for the Planned Commercial Development (PCD). The Staff stated that PCD was the best option to address the proposed use of the property. Director Collins added that this was not a decision that our office took lightly. We make recommendations based on the information we have when we receive the application. The proposal did not qualify for Home

Occupation due to the sheer size and generation of parking by the definition of what a Home Occupation is in residential zone.

Commissioner Rahman ask for confirmation that the applicant is a natural person and not an entity, trust or some other form of ownership. Commissioner Brooks asked the applicant if she would agree with another commercial business such as a car wash coming into the neighborhood. Mrs. Goodwin stated that she would have be okay with it if it is the law of the land.

There was a motion to approve the application as recommended by staff, including all staff comments and conditions. The motion was seconded. The vote was 4 ayes, 5 nays and 2 absent.