

FILE NO.: Z-5574-D

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NAME: The United Methodist Children's Home Campus Long-form POD

LOCATION: Located at 2002 South Fillmore

DEVELOPER:

The United Methodist Children's Home Inc.  
2020 South Fillmore Street  
Little Rock, AR 72204

SURVEYOR:

Global Surveying Consultants, Inc.  
Attn. Paxton Singleton  
6511 Heilman Court  
North Little Rock, AR 72118

AREA: 27.0 acres

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

WARD: 2

PLANNING DISTRICT: 9 – I-630

CENSUS TRACT: 19

CURRENT ZONING: R-2, Single-family

ALLOWED USES: Single-family residential

PROPOSED ZONING: POD

PROPOSED USE: Recognize the existing services provided on the campus and allow the construction of a new building to be used for services to youth and families currently taking place on the campus

VARIANCE/WAIVERS: None requested.

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A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The Children's Home has, since 1945, owned approximately 27 acres at the corner of South Fillmore Street and West Charles Bussey Avenue. The Children's Home has used and continues to utilize the Campus to fulfill Children's Home's mission to provide mental, medical, physical, emotional, residential and spiritual care for those that need assistance. For 72 years Children's Home has utilized portions of the buildings on and land area for the Campus to provide various services and

programs to benefit children and their families. Little Rock permits the Children's Home current, multiple uses of the Campus as a non-conforming use in the R-2, Single-family Zoning District.

To continue providing care to children and their families, and while maintaining all other current uses of the Campus, the Children's Home plans to construct a new, state-licensed, psychiatric, residential treatment facility roughly in the middle of the Campus. The new facility will consolidate pre-existing uses, which are currently scattered among three (3) existing buildings on the Campus.

The new facility will not change or increase the Children's Home's use of the Campus. The Children's Home believes it is entitled to a building permit for the new facility as a continuation of the Children's Home's non-conforming use of the Campus, however, Little Rock Planning and Development staff will not issue a building permit to the Children's Home until the Children's Home rezones the Campus pursuant to the Planned Development Process.

As noted the property contains 27 acres and 14 buildings which collectively cover approximately 68,653 square feet, the new facility will cover approximately 17,747 square feet of the Campus.

Little Rock's Planned Development process requires the Children's Home to list the Children's Home's various current uses and any proposed or potential uses on the Campus. The Children's Home's planned development application includes a comprehensive descriptive list of all current and potential future uses of the Campus.

With reliance on Little Rock Planning Department staff's assurance, The Children's Home reserves the right, from time to time, in The Children's Home's sole discretion, to conduct or operate or allow any third party to conduct or operate on the Campus, 24 hours a day 7-days per week, (i) any existing or previous use; (ii) any use that, directly or indirectly, allows or benefits the Children's Home in providing holistic care to children and their families that may involve, without limitation, education, healthcare, housing and partnering with other public, civic or private groups; and/or (iii) any other use that directly or indirectly benefits The Children's Home or facilitates Children's Home providing the broadest range of care possible to children and their families. The foregoing term "use" or "uses", utilizing the definitions from Little Rock Code of Ordinances 36-3 (except as provided below), means and includes, without limitation one or more instances of any of the uses mention or described below:

- Church, Establishment of a religious, charitable or philanthropic organization, Family care facility, provided that any instance of such use shall neither be limited to six (6) or fewer individuals nor two (2) or fewer staff members, Group care facility, provided that any instance of such use shall allow (i) fewer than six (6) and more than sixteen (16) residents, (ii) more than three (3) staff or supervisory personnel, and (iii) medical or

nursing care to take place on the site, Group home, provided that any instance of such use shall allow more than four (4) handicapped individuals, Multi-family facility, Orphanage, provided that any instance of such use shall allow for the shelter meals, clothing and counseling for on-site and/or off-site residents, Rooming, lodging and boarding facility, provided that any instance of such use (i) may allow fewer than four (4) persons and more than sixteen (16) persons, (ii) may allow the attached units and/or private access accommodations, and (iii) shall not necessarily be arranged as to permit passage between all living elements such as dining, kitchen and bathrooms; Clinic (medical, dental, optical), provided that any instance of such use may include (i) outpatient or inpatient facilities and/or (ii) hospital beds for overnight care, Community, welfare and health center, Day camp, day care center, and/or daycare center, adult, Pharmacy, Establishment for care of alcoholic, narcotic or psychiatric patients, provided that any instance of such use may offer residence for outpatient or inpatient treatment to alcoholic, narcotic or psychiatric patients, Hospital, Institution for special education, Laundromat, laundry, domestic cleaning, laundry, industrial, and/or laundry pickup station, Nursing home or convalescent home, Office, general or professional, School, public, private or denominational, school business, and/or school, commercial, trade or craft, Studio (art, music, speech, drama, dance or other artistic endeavors, College dormitory,

- One or more outlets to support any aspect of workforce development, which may include, without limitation, Catering commercial services, Catering/home cooking, Clothing store, Secondhand store, Used furniture or rummage shop, Seasonal and temporary sales outside, Florist shop, Furniture repair store, Handicraft, ceramic, sculpture or similar art work or other types of small business opportunities to serve and/or support the Children's Home's client programs and services when appropriate, and/or
- Any use that would allow the following activities, irrespective of any definition created or maintained by any now existing or hereafter enacted Little Rock Ordinance, Foster care facility or facilities, Group homes for young children and adolescents, Emergency shelter homes for young children and adolescents, Psychiatric residential treatment facility, Infant daycare, Preschool daycare, Preschool education, Therapeutic day educational programs, Services for the developmentally delayed, Various kinds of addiction treatment, Parent training, Post treatment transitional living for persons aged from 18 to 21, Community group activities and programs, Adult and adolescent vocational training, Outpatient mental health services, Grief counseling services, Indoor and/or outdoor event spaces, Tutoring center for students in grades K – 12, Physical therapy, occupational therapy and speech therapy services for all genders and all ages, Elder daycare, Assisted living services, Community gardening, Health education/fitness facilities, Basic culinary training facility, Motivational leadership/management training classes, with an emphasis on health care,

Summer day camp for children of all ages, Neighborhood/community association meeting facilities, Emergency management training and/or Community learning center for adults, providing without limitation, training on topics such as computers, social media interaction, first-aid, financial planning, and/or community resources.

**B. EXISTING CONDITIONS:**

The Children's Home occupies a large acreage on the west side of South Fillmore Street and south of Charles Bussey Avenue. The development is entirely fenced and there is a gated entry from South Fillmore Street into the development. There are a number of buildings located on the site, all dedicated to activities of the Children's Home. South Fillmore Street and Charles Bussey Avenue are both unimproved streets with open ditches for drainage. There are single-family homes located across South Fillmore Street and Charles Bussey Avenue for the entire perimeter of the site. The property to the south is a paved parking area for UALR. West of the developed site is a creek and vacant property, owned by UALR, along South University Avenue.

**C. NEIGHBORHOOD COMMENTS:**

All property owners located within 200-feet of the site along with the Broadmoor Neighborhood Association, the Point O' Woods Neighborhood Association, the Curran Conway Neighborhood Association and the Oak Forest Neighborhood Association were notified of the public hearing.

**D. ENGINEERING COMMENTS:**

**PUBLIC WORKS CONDITIONS:**

1. Charles Bussey Avenue is classified on the Master Street Plan as a residential street. A dedication of right-of-way 25 feet from centerline will be required.
2. Fillmore Street is classified on the Master Street Plan as a residential Street. A dedication of right-of-way 25 feet from centerline will be required.
3. A 20-foot radial dedication of right-of-way is required at the intersection of Fillmore Street and Charles Bussey Avenue.
4. In accordance with Section 31-176, floodway areas must be shown as floodway easements or be dedicated to the public. In addition, a 25-foot-wide drainage and access easement is required adjacent to the floodway boundary.
5. The area within the floodway should be rezoned Open Space.

6. With site development, provide the design of street conforming to the Master Street Plan. Construct one-half street improvement to Charles Bussey Avenue including 5-foot sidewalks with the planned development. The new back of curb should be located 13 feet from centerline.
7. Sidewalks with appropriate handicap ramps are required to be constructed along Fillmore Street in accordance with Section 31-175 of the Little Rock Code and the Master Street Plan.
8. Repair or replace any curb and gutter or sidewalk that is damaged in the public right-of-way prior to occupancy.
9. Remove existing driveways on Fillmore Street that are fenced and not proposed to be used.
10. A grading permit in accordance with Section 29-186 (c) and (d) will be required prior to any land clearing or grading activities at the site. Other than residential subdivisions, site grading and drainage plans must be submitted and approved prior to the start of construction. A variance must be requested for an advanced grading permit for the "Lay Down" area.
11. Stormwater detention ordinance applies to this property. Maintenance of the detention pond and all private drainage improvements is the responsibility of the developer and/or property owner to maintain.
12. If disturbed area is one (1) or more acres, obtain a NPDES stormwater permit from the Arkansas Department of Environmental Quality prior to the start of construction.
13. The proposed driveway on Fillmore Street shall be constructed with concrete aprons per City Ordinance and not exceed 26 feet in width and not exceed a 15-foot radius. The call box for the gate shall be located no closer than 40 feet from Fillmore Street. If the gate will be open all day during daylight hours, the gate can be located at least 20 feet from Fillmore Street.
14. Damage to public and private property due to hauling operations or operation of construction related equipment from a nearby construction site shall be repaired by the responsible party prior to issuance of a certificate of occupancy.
15. Obtain a franchise agreement from Public Works Bennie Nicolo, 501.371.4818 or [Bnicolo@littlerock.gov](mailto:Bnicolo@littlerock.gov) for the private improvements located in the right-of-way such as parking, plantings, signage, fencing, etc.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Little Rock Wastewater: Sewer available to this site. Existing easements must be retained. Contact Little Rock Wastewater Utility for additional information.

Entergy: Entergy does not object to this proposal. There do not appear to be any conflicts with existing power lines in the area. Single phase power lines exist on the east and west sides of the property. Contact Entergy in advance to discuss

future service requirements, new facilities locations and adjustments to existing facilities (if any) as this property is developed.

Centerpoint Energy: No comment received.

AT & T: No comment received.

Central Arkansas Water:

1. All Central Arkansas Water requirements in effect at the time of request for water service must be met.
2. A water main extension will be needed to provide water service to this property.
3. The Little Rock Fire Department needs to evaluate this site to determine whether additional public and/or private fire hydrant(s) will be required. If additional fire hydrant(s) are required, they will be installed at the Developer's expense.
4. Please submit plans for water facilities and/or fire protection system to Central Arkansas Water for review. Plan revisions may be required after additional review. Contact Central Arkansas Water regarding procedures for installation of water facilities and/or fire service. Approval of plans by the Arkansas Department of Health Engineering Division and the Little Rock Fire Department is required.
5. A Capital Investment Charge based on the size of meter connection(s) will apply to this project in addition to normal charges. This fee will apply to all connections including metered connections off the private fire system.
6. Contact Central Arkansas Water regarding the size and location of the water meter.
7. This development will have minor impact on the existing water distribution system. Proposed water facilities will be sized to provide adequate pressure and fire protection.
8. The facilities on-site will be private. When meters are planned off private lines, private facilities shall be installed to Central Arkansas Water's materials and construction specifications and installation will be inspected by an engineer, licensed to practice in the State of Arkansas. Execution of a Customer Owned Line Agreement is required.
9. Due to the nature of this facility, installation of an approved reduced pressure zone backflow preventer assembly (RPZA) is required on the domestic water service. This assembly must be installed prior to the first point of use. Central Arkansas Water requires that upon installation of the RPZA, successful tests of the assembly must be completed by a Certified Assembly Tester licensed by the State of Arkansas and approved by Central Arkansas Water. The test results must be sent to Central Arkansas Water's Cross Connection Section within ten days of installation and annually thereafter. Contact the Cross

Connection Section at 501.377.1226 if you would like to discuss backflow prevention requirements for this project.

10. Fire sprinkler systems which do not contain additives such as antifreeze shall be isolated with a double detector check valve assembly. If additives are used, a reduced pressure zone back flow preventer shall be required.

Fire Department: Full plan review.

Parks and Recreation: No comment received.

County Planning: No comment.

Rock Region Metro: Not on a dedicated Rock Region Metro bus route.

F. ISSUES/TECHNICAL/DESIGN:

Building Code: Project is subject to full commercial plan review and approval prior to issuance of a building permit. For information on submittal requirements and the review process, contact a commercial plans examiner:

Curtis Richey at 501.371.4724; [crichey@littlerock.gov](mailto:crichey@littlerock.gov) or  
Mark Alderfer at 501.371.4875; [malderfer@littlerock.gov](mailto:malderfer@littlerock.gov).

Planning Division: This request is located in I-630 Planning District. The Land Use Plan shows Public Institution (PI) for this property. This category includes public and quasi-public facilities that provide a variety of services to the community such as schools, libraries, fire stations, churches, utility substations, and hospitals. The applicant has applied for a rezoning from R-2 (Single-Family District) to Long-form POD (Planned Office Development) to allow a Methodist Children's Home to add a new building with parking to this campus.

Master Street Plan: South Fillmore Street and West Charles Bussey Avenue are both shown as a Local Streets on the Master Street Plan. The primary function of a Local Street is to provide access to adjacent properties. Local Streets that are abutted by non-residential zoning/use or more intensive zoning than duplexes are considered as "Commercial Streets". A Collector design standard is used for Commercial Streets. These streets 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.

Landscape:

1. Site plan must comply with the City's landscape and buffer ordinance requirements.

2. Eight percent (8%) of the vehicular use area must be designated for green space; this green space needs to be evenly distributed throughout the parking area(s). The minimum size of an interior landscape area shall be one hundred fifty (150) square feet for developments with one hundred fifty (150) or fewer parking spaces.
3. Landscape areas shall be provided between the vehicular use area used for public parking and the general vicinity of the building, excluding truck loading or service areas not open to public parking. These areas shall be equal to an equivalent planter strip three (3) feet wide along the vehicular use area.
4. A landscape irrigation system shall be required for developments of one (1) acre or larger.
5. The City Beautiful Commission recommends preserving as many existing trees as feasible on this site. Credit toward fulfilling Landscape Ordinance requirements can be given when preserving trees of six (6) inch caliper or larger.

G. SUBDIVISION COMMITTEE COMMENT: (April 5, 2017)

The applicant was present representing the request. Staff presented an overview of the item stating there were few outstanding technical issues in need of addressing related to the proposed development. Staff questioned the proposed signage plan. Staff also questioned any additional fencing to be added to the site with the new development.

Public Works comments were addressed. Staff stated Charles Bussey Avenue was classified on the master Street Plan as a residential street which would require a dedication of right of way to 25-feet from centerline. Staff stated South Fillmore Street was also a residential street classification which will require a dedication of right of way to 25-feet from centerline. Staff stated the driveway apron was to be constructed with concrete within the right of way. Staff stated any private improvements located in the right of way would require a franchise agreement with the City.

Landscaping comments were addressed. Staff stated landscape areas were to be provided between the vehicular use area used for public parking and the general vicinity of the buildings, excluding truck loading or service areas not open to public parking. Staff stated eight (8) percent of the vehicular use area was to be designated for landscaping.

Staff noted the comments from the various other departments and agencies. Staff suggested the applicant contact the departments or agencies directly with any questions or concerns. There were no more issues for discussion. The Committee then forwarded the item to the full Commission for final action.



H. ANALYSIS:

The applicant submitted a revised site plan and cover letter to staff addressing most of the technical issues associated with the request. The applicant has provided the proposed signage plan, noted fencing existing and proposed and indicated future building construction sites on the site plan.

The applicant is seeking a rezoning of 27+ acres from R-2, Single-family to PD-O, Planned Development Office to recognize the existing and future activities of the United Methodist Children's Home campus. The site contains 14 buildings which collectively cover approximately 68,653 square feet. The initial phase of the new construction is proposed to cover approximately 17,747 square feet of the total Campus area. With the new construction an existing building will be removed. 28 additional parking spaces will be added within the interior of the site. The new facility will consolidate pre-existing uses, which are currently scattered among three (3) existing buildings on the Campus.

The plan indicates a building envelope for a future construction. The applicant notes at this time the final plans have not been completed. The applicant states the building size will range from 5,000 square feet up to 25,150 square feet and may be constructed in multiple phases. The applicant notes the maximum building height proposed is 50-feet.

The applicant is requesting a deferral of the required one-half street improvements to Charles Bussey Avenue including the five foot sidewalk until (1) the City commences construction to improve the north half of Charles Bussey Avenue and (2) the Children's Home begins construction of the capital improvements along Charles Bussey Avenue noted on the site plan (construction of the future building ranging from 5,000 square feet to 25,150 square feet). According to the applicant Charles Bussey Avenue, adjacent to the Campus, is essentially a dead-end street on which no residents front, making that portion of Charles Bussey Avenue a non-through street almost exclusively traveled by the Children's Home employees and visitors. The requested half street improvements are proposed to cost the Children's Home \$273,000, which according to the Children's Home is money that will be taken from funds otherwise used of the care of children. Staff has concerns with the requested deferral of the street improvements to Charles Bussey Avenue. Staff will continue to work with the applicant to determine if an agreement of the required street improvements can be secured.

The applicant is requesting a franchise to allow the continued use the right of way of Charles Bussey Avenue as parking for employees and visitors until the street is widened. At which time the parking will be removed. The applicant has indicated they will seek a franchise agreement with the City for any private improvements located within the public right of way along Charles Bussey Avenue or Fillmore Street.

The applicant indicates construction of the requested sidewalks along South Fillmore Street will be completed for the entire length of the Campus. They have agreed to repair or replace any broken curb, gutter or sidewalk damaged in the public right of way prior to occupancy. All drives on South Fillmore Street which are not being used for access, drives with gates, will be removed. A new concrete driveway apron for a proposed new driveway on South Fillmore Street will be installed with a maximum width of 26-feet and a 15-foot radius at the curb.

The site plan includes a construction entrance along South Fillmore Street to allow for access to the site and a materials storage area for the construction activities. During construction the existing curb should be removed on Fillmore Street for the temporary construction entrance. Prior to the issuance of a final certificate of occupancy, the curb must be reinstalled and the construction entrance material removed and vegetation reestablished in the construction laydown area and entrance. Consideration should be given to prevent stormwater in Fillmore Street from discharging through the temporary construction entrance and damaging the entrance drive.

The applicant indicates the intent is to install some landscaping in connection with the construction of the proposed nine (9) new parking spaces visible from South Fillmore Street and the entrance to the new building. The request includes a variance from the Landscape Ordinance requirements related to the interior landscaping and the ratio of landscaping to the vehicular use areas. The applicant notes the new vehicular use areas will constitute less than two (2) percent of the Campus area of the Children's Home site which already contains dozens of acres of naturally occurring landscaping.

Staff is not supportive of the applicant's request. Staff has concerns with the listing of uses as outlined in the proposal section of the write-up. The applicant has provided a laundry list of uses many of which have no relevance to the use of the site. A number of the uses proposed are commercial uses and appear to be independent of the Children's Home activities. Staff feels the approved uses should be more in keeping with the activities currently taking place on the site.

I. STAFF RECOMMENDATION:

Staff recommends denial of the request as filed.

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PLANNING COMMISSION ACTION:

(APRIL 27, 2017)

The applicants were present representing the request. There was one (1) registered objector present. Staff presented the item with a recommendation of approval of the requested uses. Staff stated the request included a deferral of the street improvements to Charles Bussey. Staff stated since the deferral request was not tie to a specific time they could not support the deferral request.

Mr. John Gill addressed the Commission on behalf of the United Methodist Children's Home. He stated the Children's Home organization had been around for parts of three (3) centuries. He stated the Children's Home was in high standing with the state and federal agencies. He stated the use of the property was not new. He stated the Children's Home had been providing services to youth and their families for their entire existence. He stated the Children's Home was now in a position to allow for construction of a new building which was much needed. He stated the Children's Home was providing three (3) acres of dedication to the City via floodway dedication or right of way dedications. He stated a new sidewalk was proposed along Fillmore Street as requested by the City. He stated the street improvements to Charles Bussey were near ¼ million dollars. He stated this was money that would be taken from the children and services the Children's Home could provide to the youth and their families. He stated the deferral request was tied to the construction of the chapel. He stated it was not clear if the funds for the chapel could be raised within two (2) years or within five (5) years. He stated the Trustee were in the process of deciding a campaign strategy to kick off a fund raising effort. He stated as of date the fund raising had not started.

Mr. Joseph Emmel addressed the Commission in opposition of the request. He stated his concern was the neighborhood was not informed as to the request. He stated there were concerns by the neighborhoods as to the proposed new construction. He stated the first anyone knew of the request was three and one-half (3 ½) weeks ago when the sign was posted. He stated Fillmore Street was a race way for the UALR students. He requested the Commission defer the request to allow the applicant to meet with the neighborhood.

Mr. Gill stated there was a letter of support from the University District Neighborhood Associations. He stated there had been a number of meetings with the neighbors and the neighborhood associations. He stated he felt all efforts had been made to reach out to the area residents.

The Commission questioned Mr. Gill if the applicant was willing to accept a time certain deferral. Mr. Gill stated once again the timing of the funding for the chapel was uncertain. The Commission questioned staff as to the time frame for a deferral request. Staff stated typically deferral requests were approved for five (5) years and if the construction could not be completed within the five (5) years then the applicant could request additional time. Staff stated this was not unlike other non-profits who had also been required to complete boundary street improvements to the abutting streets.

Mr. Gill stated he was unaware that there could be additional time granted to complete the improvements. He stated his client was willing to accept the five (5) year time frame and if funding had not become available then his client would seek approval for additional time to allow the completion of the improvements.

A motion was made to approve the rezoning request including all staff recommendations and comments. The motion carried by a vote of 11 ayes, 0 noes and 0 absent. A motion was made to approve the deferral request for the boundary street improvements to

Charles Bussey for a period of five (5) years or until the construction of the chapel. The motion carried by a vote of 11 ayes, 0 noes and 0 absent.