

FILE NO.: Z-9291-A

NAME: Word of Outreach Prayer Garden – Revised
Conditional Use Permit

LOCATION: 2700 Brown Street

OWNER/APPLICANT: Word of Outreach: Owner
Carolyn Smith: Authorized Applicant

PROPOSAL: A revision to the previously approved conditional use permit is requested to allow for the addition of improvements and activities on the prayer garden site. The property is zoned R-3.

1. SITE LOCATION:

The property is located on the southwest corner of West 27th and Brown Streets.

2. COMPATIBILITY WITH NEIGHBORHOOD:

The site is located at the edge of a residential neighborhood. Single family residences are located to the north, west and east. Commercial uses are located along Roosevelt Road to the south. Staff has concerns that allowing the conversion of the individual-oriented nature of the prayer garden to a more corporate meeting and gathering space will have a potentially negative effect on the nearby residents.

Notice of the public hearing was sent to all owners of properties located within 200 feet of the site and the Goodwill and Love Neighborhood Associations.

3. ON SITE DRIVES AND PARKING:

No parking is provided on site. The original CUP to allow the Prayer Garden did not require any on-site parking.

4. SCREENING AND BUFFERS:

Any new site development must comply with the City's minimal landscape and buffer ordinance requirements.

Landscape must be in compliance with current landscape code upon completion of the project. Any existing landscape or irrigation disturbed by

construction shall be repaired or replaced before a certificate of occupancy can be obtained.

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.

5. PUBLIC WORKS:

1. Due to the proposed use of the property, the Master Street Plan specifies that 27th Street for the frontage of this property must meet commercial street standards. Dedicate right-of-way to 30 feet from centerline.
2. Due to the proposed use of the property, the Master Street Plan specifies that Brown Street for the frontage of this property must meet commercial street standards. Dedicate right-of-way to 30 feet from centerline.
3. A 20 feet radial dedication of right-of-way is required at the intersection of 27th Street and Brown Street.

6. UTILITIES/FIRE DEPARTMENT/BUILDING CODES:

Little Rock Water Reclamation Authority: Sewer service available in 27th Street, northwest of property.

Entergy: Entergy does not object to this proposal. There do not appear to be any conflicts with existing electrical utilities at this location. Contact Energy in advance to discuss electrical service requirements, or adjustments to existing facilities.

Centerpoint Energy: No comments received.

AT&T: No comments received.

Central Arkansas Water: No objection

Fire Department: No comments.

Building Codes: 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. This project will require fully developed Architectural, Structural, Civil and MEP Plans. Contact a commercial plans examiner:

Curtis Richey at 501.371.4724; crichey@littlerock.gov

7. TRANSPORTATION/PLANNING:

County Planning: No comments received.

Rock Region METRO: A RRM bus route is located along Roosevelt Road, south of the site.

Planning Division: No comments.

SUBDIVISION COMMITTEE COMMENT: (SEPTEMBER 12, 2018)

The applicant was not present. Staff presented the item and noted additional information was needed. Staff noted the applicant would specifically be asked the following:

- Describe the frequency of events and services proposed to be held at the site. What is the anticipated attendance at these events and services?
- Where will parking occur for events and services?
- Will there be any use of speakers or any manner of amplified sound for music, spokesperson, etc.... in conjunction with any events and services?
- Will there be any additional lighting employed on the site for any events and services?

Public Works, Landscape and Other Agency Comments were presented.

Staff stated they would contact the applicant regarding the comments and needed information.

STAFF ANALYSIS:

On March 8, 2018, the Planning Commission approved a conditional use permit to allow Word of Outreach Ministry to develop a prayer garden on the vacant, R-3 zoned lot located at 2700 Brown Street. The site contained only a 25 X 11 concrete slab remaining from the removal of a dilapidated residential structure. The ministry had been given permission to place a small (8 X 8) storage building on the slab to store lawn equipment and the like.

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, fellowshiping 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 a.m. – 8:00 p.m. 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.

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.

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 8' X 16' building containing an 8' X 8' handicap accessible restroom and an 8' X 8' storage space for chairs, tables and umbrellas for used during special functions to be held in the prayer garden. Also proposed are two gazebo buildings and a cover over the 25' X 11' concrete slab. The new cover will be over the 8' X 8' 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 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. 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.

STAFF RECOMMENDATION:

Staff recommends denial of the revised CUP.

PLANNING COMMISSION ACTION: (OCTOBER 4, 2018)

The applicant was not present. There were no objectors present. Staff informed the commission that the applicant had failed to complete the required notification to surrounding property owners and the item needed to be deferred. The item was placed on the consent agenda and deferred to the November 15, 2018 meeting by a vote of 10 ayes, 0 noes and 1 absent.

PLANNING COMMISSION ACTION: (NOVEMBER 15, 2018)

Dr. Carolyn Smith was present, representing the application. There was one (1) objector present. Staff presented the revised conditional use permit application with a recommendation of denial.

Dr. Carolyn Smith addressed the Commission in support of the application. She noted that the application was to add a public restroom to the prayer garden site and explained the need for the restrooms on the site. She stated that there were no other changes to the original application.

Donald Mitchell addressed the Commission in opposition. He expressed concern with noise generated by the prayer garden. He also noted concern with traffic and parking in the neighborhood.

Dana Carney, of the Planning Staff, clarified the applicant's request and read directly from the applicant's cover letter. Dr. Smith further explained the proposal, noting the proposed restroom as the only change. Jamie Collins, Director of Planning and Development, noted that the applicant was changing what was proposed with the revised conditional use permit and that the application probably needed to be deferred. The issue of deferral was briefly discussed. Dr. Smith requested deferral of the application.

There was a motion to defer the application to the January 3, 2019 agenda. The motion passed by a vote of 6 ayes, 0 nays and 5 absent. The application was deferred.

STAFF UPDATE:

After the November 15, 2018 Planning Commission meeting, staff met with Dr. Carolyn Smith to clarify issues related to the revised conditional use permit 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 conditional use permit will 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 8' X 16' restroom/storage building along the north property line.

Staff has no concerns with the proposed addition of the two (2) gazebo structures and the roof covers over the existing pathway areas. However, staff does 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.

PLANNING COMMISSION ACTION: (JANUARY 3, 2019)

Staff informed the Commission that on December 26, 2018 the applicant requested this application be deferred to the February 14, 2019 agenda. Staff supported the deferral request.

The item was placed on the Consent Agenda and deferred to the February 14, 2019 agenda. The vote was 10 ayes, 0 noes and 1 absent.

PLANNING COMMISSION ACTION: (FEBRUARY 14, 2019)

The applicant was not present. Staff recommended the application be deferred to the March 28, 2019 agenda since the applicant was not present. A motion was made to defer the application to the March 28, 2019 agenda. The motion included instruction to staff to send the applicant a letter informing them that the application would be heard on March 28, 2019 even if the applicant were not present. The vote was 10 ayes, 0 nays and 1 absent. The application was deferred.

PLANNING COMMISSION ACTION: (MARCH 28, 2019)

Dr. Carolyn Smith was present, representing the application. There were several persons present in opposition. Staff presented the application with a recommendation of denial. Dr. Smith deferred speaking time until after the opposition spoke.

Sedalia Gouley addressed the Commission in opposition. He expressed concerns with noise generated by music at the prayer garden site and parking in the area.

Donald Mitchell also spoke in opposition. He noted that the prayer garden is not open to the public, but only to persons approved by Dr. Smith.

Ruth Bell also spoke in opposition. She stated that she was supportive of the concept of the prayer garden, but not in the center of a residential neighborhood. She also noted concerns with larger gatherings at the site.

Dr. Smith addressed the Commission in support of the application. She stated that there was loud music on the site only once during a special event. She noted that there would be no large gatherings on the site. She explained that the prayer garden was available to anyone, but that persons had to call to get in. She explained the need for a restroom on the site and discussed the history of the prayer garden.

Commissioner Hamilton noted that the location of the prayer garden was a problem. There was brief additional discussion.

There was a motion to approve the application. The motion failed by a vote of 2 ayes, 7 noes and 2 absent. The application was denied.