

FILE NO.: Z-5963-F

NAME: Brodie Creek Lot 21 Revised Short-form PD-R

LOCATION: Located at 27 Deerberry Forest Circle

DEVELOPER:

Marc Haynes
27 Deerberry Forest Circle
Little Rock, AR 72211

SURVEYOR:

Marlar Engineering
5318 John F. Kennedy Boulevard
North Little Rock, AR 72116

AREA: 0.25 acres

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

CURRENT ZONING:

PD-R

ALLOWED USES:

Single-family residential

PROPOSED ZONING:

Revised PD-R

PROPOSED USE:

Add a swimming pool to the lot of the existing home

VARIANCE/WAIVERS:

None requested.

BACKGROUND:

Ordinance No. 16,908 adopted by the Little Rock Board of Directors on June 20, 1995, established Brodie Creek Community Long-form PRD. The development included a conceptual plan for the development of 695 acres located West of Bowman Road, between Panther Creek and Olds Lane, extending to Spring Valley Manor and north to Kanis Road as a “neo-traditional” or so-called “traditional” neighborhood. The proposed development was an attempt to recapture the “flavor”, “feel”, and style of the 18th and 19th century villages in order to foster neighborliness and a sense of community.

Ordinance No. 16,910 adopted by the Little Rock Board of Directors on June 20, 1995, revised the previously approved PRD for the "East Neighborhood" of the Brodie Creek Community. Four neighborhoods were proposed within the conceptual development. The "East Neighborhood" was proposed as Phase I of the development of the conceptual PRD. This part of the project involved the development of 75 acres of the 695 total project tract and was located to the west of Bowman Road, between Panther Branch Creek and Olds Lane, extending west approximately ½ mile.

The "East Neighborhood" was proposed with 164 building sites. The focus of the neighborhood was semicircular "green" surrounded by houses and one mixed use building, which was proposed to initially be the sales office. There were two reserved tracts along the Bowman Road frontage of the RPD site. The development included pocket parks, which were to function as shared recreational space for neighbors.

The development plan changed when a second developer purchased properties to the west of this area from the original developer. The second developer desired to develop the area as a traditional single-family neighborhood and not the planned community as was previously proposed. The new development is known as Woodlands Edge. Ordinance No. 18, 518 adopted by the Little Rock Board of Directors on July 3, 2001, revoked a portion (205 acres) of the PRD zoning classification restoring the R-2, Single-family zoning classification. On January 6, 2004, the Little Rock Board of Directors adopted Ordinance No. 19,012 revoking the PRD zoning classification for an additional 70 acres restoring the original R-2, Single-family zoning.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant is proposing to amend the previously approved Planned Residential Development for Lot 21 Brodie Creek Addition to allow an accessory structure, a swimming pool, on the lot. The swimming pool is proposed 12-feet by 28-feet. The swimming pool will be placed within the 20-foot building setback on the lot. The applicant is also proposing the placement of a six-foot fence beyond the typically required 20-foot building setback to secure and screen the pool area. Both the pool and fence are located 10-feet and less from the property line along Persimmon Path. A swimming pool is considered an accessory use. The provision for accessory uses such as swimming pools and storage buildings were not addressed in the approval of the original PRD for the Brodie Creek Subdivision.

B. EXISTING CONDITIONS:

The site contains a single-family residence. The area the applicant is proposing, as the pool site is a side yard abutting Persimmon Patch. Brodie Creek has developed with single-family homes and currently there are homes located to the north, south and east of the site.

C. NEIGHBORHOOD COMMENTS:

As of this writing, staff has received one informational phone call from an area property owners. All property owners located within 200 feet of the site were notified of the public hearing. There is not an active recognized City of Little Rock Neighborhood Association located in this area.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

No comment.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Wastewater: No objection.

Entergy: Entergy does not object to this proposal. However, Entergy's records indicate that there is a buried power line which runs along the eastern edge of Persimmon Path (west side of property) and another one along the back property line at this location. Both may be close to the location of the proposed pool. Please call AR One Call to locate all buried facilities and proceed with caution when digging once facilities are located/marked. As long as the pool is outside of the electrical utility easement and away from the buried power lines, then Entergy does not object.

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. If there are facilities that need to be adjusted and/or relocated, contact Central Arkansas Water. That work would be done at the expense of the developer.

Fire Department: No comment.

Parks and Recreation: No comment received.

County Planning: No comment.

Rock Region Metro: The area is not currently served by METRO. The area is part of our future plans for local service and service enhancements. We have no comments on this development.

F. ISSUES/TECHNICAL/DESIGN:

Building Code: No comment.

Planning Division: This request is located in the Ellis Mountain Planning District. The Land Use Plan shows Residential Low Density (RL) for this property. Residential Low Density allows 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 applicant has applied for a revision to the existing PRD (Planned Residential Development District) zoning to allow construction of a swimming pool on this site.

Master Street Plan: Deerberry Forest Circle is a Local Street 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. 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.

Landscape: No comment.

G. SUBDIVISION COMMITTEE COMMENT: (September 16, 2015)

The applicant was not present. Staff presented the item stating there were no outstanding technical issues associated with the request. Staff stated the applicant was seeking approval to revise the Planned Residential Development for his lot to allow the construction of a swimming pool which was considered an accessory structure under the zoning ordinance. Staff stated the approval of the Brodie Creek PD-R did not address accessory structures which in turn required homeowners to revise the PD-R if and when an accessory structure was desired. There were no more issues for discussion. The Committee then forwarded the item to the full Commission for final action.

H. ANALYSIS:

There were no outstanding technical issues in need of addressing raised at the September 16, 2015, Subdivision Committee meeting. The request is to amend the previously approved Planned Residential Development for Lot 21 Brodie Creek Addition to allow the placement of an accessory structure, a swimming pool on the lot. The swimming pool is proposed 12-feet by 28-feet. The

swimming pool will be placed within the 20-foot building setback on the lot along the alley and Persimmon Path. The pool is proposed with an eight (8) foot separation between the existing home and the new construction.

The zoning ordinance states swimming pools and all appurtenant structures both above ground and below grade of adjacent yard area shall be construed to be accessory structures and conform to the standards of the zoning ordinance. Accessory buildings or structures are not to be located closer than sixty (60) feet to the front property line, fifteen (15) feet from a street side line and may not occupy more than thirty (30) percent of the required rear yard area. For purposes of double front lots, accessory buildings are to conform to front yard setback requirements on both streets. Accessory buildings or structures are to be subordinate to the principal structure on the lot and contain less gross floor area. All single-family and two-family residences are to be separated from accessory structures by a distance of not less than six (6) feet. The plan as presented includes a ten (10) foot setback from Persimmon Path and a five (5) foot setback from the abutting alley. The swimming pool has an eight (8) foot separation from the home.

The applicant is also proposing the placement of a six (6) foot fence beyond the typically required building setback to comply with state and local codes as well as to screen the pool area. The applicant has indicated the fence will be constructed as a solid faced fence or some form of decorative fencing material. The exact location has not been determined but it is anticipated the fence will be located five (5) to six (6) feet from the property line.

Staff is supportive of the request. The applicant is seeking approval to allow the placement of an accessory structure on this residential lot. The addition of a swimming pool is considered an accessory use. The provision for accessory structures such as swimming pools and storage buildings was not addressed in the approval of the original PRD. Staff does not feel the placement of the accessory structure as proposed will adversely impact the development or the area.

I. STAFF RECOMMENDATION:

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

PLANNING COMMISSION ACTION:

(OCTOBER 8, 2015)

The applicant was present. There were no registered objectors present. Staff presented the item with a recommendation of approval of the request subject to compliance with the comments and conditions as outlined in paragraphs D, E and F of

the agenda staff report. There was no further discussion. The item was placed on the consent agenda and approved as recommended by staff by a vote of 9 ayes, 0 noes and 2 absent.