

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

**BOARD OF DIRECTORS COMMUNICATION  
AUGUST 17, 2021 AGENDA**

<b>Subject</b>	<b>Action Required:</b>	<b>Approved By:</b>
<p>An ordinance approving a Planned Zoning Development and establishing a Planned Residential District titled Brodie Creek Lot 127 Revised PRD, located at 44 Deerberry Forest Circle (Z-9593).</p> <p><b>Submitted By:</b></p> <p>Planning &amp; Development Department</p>	<p>√ <b>Ordinance</b> Resolution</p>	<p>Bruce T. Moore City Manager</p>
<p style="text-align: center;"><b>SYNOPSIS</b></p>	<p>The applicant is requesting that the property, located at 44 Deerberry Forest Circle, be rezoned from PRD, Planned Residential District, to Revised PRD, Planned Residential District, to allow for the construction of a swimming pool and cabana structure within the street side-yard area.</p>	
<p style="text-align: center;"><b>FISCAL IMPACT</b></p>	<p>None.</p>	
<p style="text-align: center;"><b>RECOMMENDATION</b></p>	<p>Staff recommends approval of the PRD rezoning. The Planning Commission voted to recommend approval by a vote of 8 ayes, 0 nays, 2 absent and 1 open position.</p>	
<p style="text-align: center;"><b>BACKGROUND</b></p>	<p>The applicant proposes to revise the previously-approved PRD, Planned Residential District, zoning for Lot 127, in the Brodie Creek Subdivision to allow for the construction of a swimming pool and cabana structures within the street side-yard on the south side of the existing residence. The lot contains a twenty (20)-foot front and street side platted building line, along the west and south street frontages. The lot also contains a ten (10)-foot wide platted easement along the west and south property lines. The property is located at the northeast corner of Deerberry Forest Circle and Brodie Creek Trail.</p>	

**BACKGROUND  
CONTINUED**

The side-yard area south of the residence is located approximately three (3) feet above the grade of the sidewalk.

The applicant proposes to construct a short retaining wall approximately one (1)-foot inside the south side property line to level the side yard area. A six (6)-foot high wood fence will be placed on top of the retaining wall. The retaining wall/fence are set inside the property line and distanced from the southeast and southwest corners of the lot as required by Engineering.

The applicant proposes to construct a swimming pool area, approximately forty-one (41) feet by fourteen (14) feet in area within the south side-yard area. The pool structure will be located approximately four (4) feet to sixteen (16) feet inside the south side property line and approximately thirty (30) feet back from the front (west) property line. The proposed cabana structure will be approximately eighteen (18) feet by fourteen (14) feet in area; it will be located three (3) feet to seven (7) feet inside the south side property line. Both structures will extend across the twenty (20)-foot platted side building line and into the ten (10)-foot wide utility easement along the south property line. The elevation of the pool and cabana structures will be approximately four (4) feet below the grade of the first floor of the residence.

The applicant submitted letters from the five (5) public utility companies addressing the proposed easement encroachments. The comments are as follows:

- AT&T: Approved the request to encroach into the utility easement along the south property line.
- CenterPoint Energy: There are no active facilities located in the aforementioned easement, and they have no objection to the proposed easement encroachment.
- Central Arkansas Water: Encroachment into the south utility easement is approved as long as there are no encroachments into the public right-of-way.
- Entergy: Only has a power line on the north side of the property, and are not located in the easement along the south side of the property; therefore, there was no objection.
- LR Water Reclamation Authority: No objection to easement encroachment.

**BACKGROUND  
CONTINUED**

The applicant provided responses and additional information to all issues raised during staff's review of the application. To staff's knowledge, there are no outstanding issues. The applicant is requesting no variances with the proposed Revised PRD.

The Planning Commission reviewed this request at their July 8, 2021, meeting and there were no objectors present. All owners of property located within 200 feet of the site, as well as all neighborhood associations registered with the City of Little Rock, were notified of the public hearing. Please see the attached Planning Commission Minute Record for the complete staff analysis.