

FILE NO.: Z-9593

NAME: Brodie Creek Lot 127 – Revised PRD

LOCATION: 44 Deerberry Forest Circle

DEVELOPER:

Elizabeth and Matthew Wahl
44 Deerberry Forest Circle
Little Rock, AR 72211

OWNER/AUTHORIZED AGENT:

Elizabeth and Matthew Wahl – Owners/Applicants

SURVEYOR/ENGINEER:

Brooks Surveying, Inc.
20820 Arch Street Pike
Hensley, AR 72065

AREA: Approx. 0.19 acre NUMBER OF LOTS: 1 FT. NEW STREET: 0 LF

WARD: 6 PLANNING DISTRICT: 18 CENSUS TRACT: 42.07

CURRENT ZONING: PRD

VARIANCE/WAIVERS: None requested.

BACKGROUND:

On June 20, 1995 the Board of Directors passed Ordinance No. 16,908 which established the Brodie Creek Long-Form PRD allowing a multiple lot single family development.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant proposes to revise the previously approved PRD zoning for Lot 127, Brodie Creek Subdivision to allow for the construction of swimming pool and cabana structures within the street side yard area.

B. EXISTING CONDITIONS:

A two-story frame single family structure is located on the site. The structure backs up to an alley located along the east property line. The south street side yard is fenced with a six (6) foot high wood fence.

C. NEIGHBORHOOD COMMENTS:

All owners of property located within 200 feet of the site and all neighborhood associations registered with the City of Little Rock were notified of the public hearing.

D. ENGINEERING COMMENTS:

1. In accordance with Section 32-8, no obstruction to visibility shall be located within a triangular area 50 ft back from the intersecting right-of-way line (or intersecting tangent lines for radial dedications) at the intersection of Deerberry Forest with Brodie Creek Trail and at the intersection of the private alley and Brodie Creek Trail. Brodie Creek Trail is a collector street with 3200 vpd. The building setback lines were platted in the subdivision to prevent sight triangle obstructions. The existing fence is within the 50 ft sight triangle and obstructs views. No further encroachments are recommended by moving the fence closer to the sidewalk and alley that obstruct driver's views of other vehicles and pedestrians on the sidewalk.
2. The private improvements are proposed within a 10 ft drainage and utility easement. No stormwater infrastructure is within the easement.

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

Little Rock Water Reclamation Authority: Sewer Available to this Site.

Entergy: No comments.

CenterPoint Energy: No comments received.

AT & T: No comments received.

Central Arkansas Water: No comments received.

Fire Department:

Maintain Access:

Fire Hydrants.

Maintain fire apparatus access roads at fire hydrant locations as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 **Section D103.1 Access road**

width with a hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet, exclusive of shoulders.

Fire Hydrants

Locate Fire Hydrants as per Appendix C of the 2012 Arkansas Fire Prevention Code. Section C101 – C105, in conjunction with Central Arkansas Water (Daniel Tull 501-377-1245) and the Little Rock Fire Marshal's Office (Capt. Tony Rhodes 501-918-3757, or Fire Marshal Derek N. Ingram 501-918-3756 Number and Distribution of Fire Hydrants as per Table C105.1.

Parks and Recreation: No comments received.

County Planning: No comments.

F. **BUILDING CODES/LANDSCAPE:**

Building Code: No comments received.

Landscape: No Comment.

G. **TRANSPORTATION/PLANNING:**

Rock Region Metro: No comments received.

Planning Division: The request is in the Ellis Mountain Planning District. The Land Use Plan shows Residential Low Density (RL) for the requested area. The Residential Low Density (RL) 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 for a revision to an existing PRD (Planned Residential Development) District to allow of the addition of a pool, cabana and related uses on the southside of the property.

The Land Use Plan shows Residential Low Density (RL) in all directions from the site. The Residential Low Density (RL) 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 site and surrounding area is the developed single-family subdivision of Brodie Creek.

Master Street Plan: To the south is Brodie Creek Trail, and it is shown as a Collector on the Master Street Plan. To the west is Deerberry Forest Circle and it is a Local Street on the Master Street Plan. The primary function of a Collector Road is to provide a connection from Local Streets to Arterials. The primary

function of Local Streets 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". 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.

H. ANALYSIS:

The applicant proposes to revise the previously approved PRD zoning for Lot 127, 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 20 foot front and street side platted building line, along the west and south street frontages. The lot also contains a 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. 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 41 feet by 14 feet in area within the south side yard area. The pool structure will be located approximately four (4) feet to 16 feet inside the south side property line and approximately 30 feet back from the front (west) property line. The proposed cabana structure will be approximately 18 feet by 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 20 foot platted side building line and into the 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** – AT&T approves the request to encroach into the utility easement along the south property line.
- **CenterPoint Energy** – Our records indicate there are no active CenterPoint Energy (CNP) facilities located in the aforementioned easement. CNP has no objection to the proposed easement encroachment, and recommends calling Arkansas One Call at 811 or by

visiting arkonecall.com to have all utilities located and marked prior to construction. If any exposure of CNP facilities occurs, please contact Kevin Clark at (501) 672-9419 immediately.

- **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** – We only have a power line on the north side of your property. We are not in the easement along the south side of your property so we don't have a problem with you encroaching it.
- **LR Water Reclamation Authority** – No objection to easement encroachment.

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.

Staff is supportive of the requested Revised PRD for Lot 127, Brodie Creek Subdivision to construct a swimming pool and cabana structure within the street side yard, including encroachment across a platted side building line and into a utility easement. Staff views the request as reasonable. On April 5, 2005 the Board of Directors approved Ordinance No 19,298, revising the Brodie Creek PRD for Lot 101 (8 Briar Patch Court). That Revised PRD allowed for a swimming pool in the street side yard area, very similar to the current proposal. Staff believes that the proposed pool and cabana structures located with the street side yard area of the subject property will have no adverse impact on the surrounding properties.

I. STAFF RECOMMENDATION:

Staff recommends approval of the requested Revised PRD for Lot 127, Brodie Creek Subdivision, subject to compliance with the comments and conditions outlined in paragraphs D and E, and the staff analysis, of the agenda staff report.

PLANNING COMMISSION ACTION:

(JULY 8, 2021)

The applicant was present. There were no persons present registered in support or opposition. Staff presented the item and a recommendation of approval as outlined in the "staff recommendation" above. There was no further discussion. The item was placed on the Consent Agenda and approved as recommended by staff, including all staff comments and conditions. The vote was 8 ayes, 0 nays, 2 absent and 1 open position.