

FILE NO.: Z-7091-A

NAME: Rezoning from PRD to R-5

LOCATION: North end of Brookside Drive, East of Reservoir Road

DEVELOPER:

Presbyterian Village, Inc.
500 Brookside Drive
Little Rock, AR 72205

OWNER/AUTHORIZED AGENT:

Presbyterian Village, Inc. – Owner
White-Daters and Associates, Inc. – Agent

SURVEYOR/ENGINEER:

White-Daters and Associates, Inc.
Brian Dale
24 Rahling Circle
Little Rock, AR 72223

AREA: 11.66 acres NUMBER OF LOTS: 1 FT. NEW STREET: 0 LF

WARD: 4 PLANNING DISTRICT: 3 CENSUS TRACT: 22.03

CURRENT ZONING: PRD

VARIANCE/WAIVERS:

1. None requested.

BACKGROUND:

On October 4, 2001 the Planning Commission approved a rezoning of this 10.66 acre property from R-2 and O-3 to "PRD" Planned Residential District. The PRD zoning was approved by the Board of Directors on November 20, 2001 (Ordinance No. 18,593). The PRD was approved to allow an independent living apartment facility including a 210,000 square foot four (4) story building with 190 parking spaces. The building was to contain 126 apartment units. The plan also included 15 independent living villas along the east portion of the overall property. This PRD project was never developed.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant proposes to rezone the 11.66 acre property located at the north end of Brookside Drive, east of Reservoir Road from "PRD" Planned Residential District to "R-5" Urban Residence District. The rezoning is proposed to allow a future multifamily development.

B. EXISTING CONDITIONS:

The property is undeveloped and mostly wooded.

C. NEIGHBORHOOD COMMENTS:

All owners of property located within 200 feet of the site and the Eagle Crest and Leawood Neighborhood Associations were notified of the public hearing.

D. ENGINEERING COMMENTS:

1. Repair or replace any curb and gutter or sidewalk that is damaged in the public right-of-way prior to occupancy.
2. 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.

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

Little Rock Water Reclamation Authority: No Comments.

Entergy: No comments received.

CenterPoint Energy: No comments received.

AT & T: No comments received.

Central Arkansas Water: No comments received.

Fire Department: No Comments.

Parks and Recreation: No comments received.

County Planning: No comments received.

F. BUILDING CODES/LANDSCAPE:

Building Code: No Comments.

Landscape: No Comments.

G. TRANSPORTATION/PLANNING:

Rock Region Metro: No Comments.

Planning Division: The request is in the West Little Rock Planning District. The Land Use Plan shows Residential High Density (RH) for the requested area. The Residential High Density category accommodates residential development of more than twelve (12) dwelling units per acre. The application is to change the property from PRD (Planned Residential Development) District to R-5 (Urban Residential District) to allow for future development of the site. R-5 zoning allows developments up to 36 units per acre.

Surrounding the application area, the Land Use Plan shows Residential High Density (RH) to the north, south and west. There is an area of Park/Open Space (PK/OS) then Residential Low Density (RL) to the east. The Residential High Density (RH) category accommodates residential development of more than twelve (12) dwelling units per acre. Much of this area is developed with apartment or condominium developments. The Park/Open Space (PK/OS) category includes all public parks, recreation facilities, greenbelts, flood plains, and other designated open space and recreational land. In this case, it represents the floodway/floodplain of Grassy Flat Creek. 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 Residential Low Density area is a developed single-family detached subdivision with homes.

Master Street Plan: To the south is Brookside Drive which is a Local Street on the Master Street Plan. 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". 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.

H. ANALYSIS:

Presbyterian Village, Inc., owner of the 10.66 acre property located at the north end of Brookside Drive, east of Reservoir Road, is requesting that the property be rezoned from "PRD" Planned Residential District to "R-5" Urban Residence

District. The rezoning is proposed to allow a future multifamily development. The property is currently undeveloped and mostly wooded.

The property is located in an area of mixed uses and zoning, including several multifamily developments along Reservoir Road. Multifamily developments (zoned MF-24 and PD-R) are located north and west of the site. Nursing home and assisted living facilities (zoned O-3, POD and R-5) are located to the south. Mixed commercial uses are located to the southwest. Grassy Flat Creek is located to the east within City of Little Rock owned property. Single Family residences (zoned R-2) are located on the east side of the creek/floodway area.

The City's Future Land Use Plan designates this property as "RH" Residential High Density. The requested R-5 zoning will not require a plan amendment.

Staff is supportive of the requested R-5 zoning. Staff views the request as reasonable. The proposed R-5 zoning will be compatible with this general area along the Reservoir Road corridor. There are several other multifamily developments in the area. The proposed R-5 zoning is also consistent with the City's Future Land Use Plan designation of "RH" Residential High Density. The requested rezoning should have no adverse impact on the general area.

I. STAFF RECOMMENDATION:

Staff recommends approval of the requested R-5 rezoning.

PLANNING COMMISSION ACTION:

(DECEMBER 3, 2020)

Buck Gibson (PA) was present, representing the application. There were several persons registered in opposition. Staff presented the item with a recommendation of approval. Before deferring to opposition, Attorney Buck briefly explained the purpose of the application was for rezoning of approximately 12 acres of land specified by the current Land Use Plan as Multi-Family Residential. He concluded by petitioning the Commission to support the Staff's recommendation for approval to the change in zoning.

Coy Butler addressed the Commission in opposition of the application. He stated that his primary concerns were for the number multi-family uses along Reservoir Road, the adverse condition of this area, the potential traffic safety issues for the elderly, the decrease in the property values, and the increase in the crime rate.

Jon Robbins addressed the Commission in opposition to the application. Although he supported the previously mention opposing concerns, his primary concern was potential flooding in the area. He also stated that the Commission should review the proposed rezoning based on the type of zoning in the surrounding area.

Lee Beverly addressed the Commission in opposition to the application. He expressed the following opposing points:

1. The R-5 (Urban Residential District) zoning classification for this area is not fully compatible with the surrounding land use.
2. The significant number of apartments within a 7-minute drive of the site.
3. The considerable increase in the sewer load on existing sewer line.
4. The extreme flooding along the adjacent property line of the proposed site.
5. The lower section of the Brookside property is in the 100-year floodplain.

The Commission inquired if the creek between the proposed site and the adjacent neighborhood served as a natural buffer.

Brian Tinnermon addressed the Commission in opposition of the application. He emphasized that the proposed height of the proposed structure would adversely affect the view of his backyard. Mr. Tinnermon also expressed concerns for the potential flooding, traffic flow, crime rate, property values, and sewage.

David Maddox, a 20-year resident of Leawood, addressed the Commission in opposition of the application. His concerns were for the traffic flow from Rodney Parham Road to Leawood during the morning and afternoon hours and the decrease in property value for the surrounding residential neighborhoods.

Kelly Renard, a Leawood resident, addressed the Commission in opposition of the application. She expressed discontentment with the current notification requirement of 200 feet for property owners. Ms. Renard added concerns for traffic flow, potential erosion, and crime.

Gray LeMaster addressed the Commission in opposition of the application. He briefly explained that his property was flooded in 2017 which resulted in a \$90K insurance claim and an increase in his flood insurance premium. Mr. LeMaster stated that he has spoken with the City's Engineers regarding a Base Flood Elevation Study. Although it is needed, the study is expensive. His concern is for the properties both upstream and downstream from the creek.

Amy Wren addressed the Commission in opposition of the application. She stated her support of the technical issues raises by the Leawood Residents. Ms. Wren explained that she disagreed with the staff's analysis of the proposal. She also noted that hundreds of residential property owners have provided stability for the city. Although the residents have been supportive of the city, the recommendation for approval of the application is disrespectful to the surrounding property owners.

Catherine Johnson ceded her time to speak but stated that she is agrees with the opposing points of the Leawood residents.

Scott Gordon, an Eagle Nest resident, addressed the Commission in opposition of the application. His primary concern was the 300% increase in density proposed on this site. Mr. Gordon explained that the extent of the proposal is based on economics and not practicality.

Mary-Julia Hill addressed the Commission in opposition of the application. Her primary concerns were the flooding problems, overstrained drainage infrastructure, the density of any R-5 project in the area. Ms. Hill believes that the R-5 zoning will negatively impact the quality of life for the established, thriving neighborhood.

Brenda Stillwell addressed the Commission in opposition of the application. Her concerns were regarding the flooding and the fact that the HOA dues paid by the residence are not enough to address any potential flooding.

Cynthia Hill, a 35-year resident of Leawood, addressed the Commission in opposition of the application. She stated her support of the opposing comments. However, Ms. Hill explained that she was not oppose to the development just the massive number of proposed units relative to the crime rate, the creek, and the traffic issues.

Scott Francis addressed the Commission in opposition of the application. He explained that he did support his neighbors adding that a lower density would be more acceptable.

Mr. Buck, Attorney, addressed the Commission in response to the opposition. He emphasized that the differences between a rezoning request and a site plan review. The rezoning process did not require a review of the proposed site plan. However, he added that the proposed units would be developed as Class A, High-End Apartments with gated accesses. Mr. Buck stated that the request is consistent with the manner of application proposed and it is a reasonable request for the existing land use plan.

Blake Wiggins, Developer, addressed the Commission in support of the application. He briefly explained the access points for the proposed gated entries. Mr. Wiggins also clarified that there would be little more than 300 units for the development with no intention of expanding into all the property lines. He stated that the intent is to leave as much buffer to the property lines as possible. Mr. Wiggins expressed that he believes the demand for this type of development for the surrounding hospital systems with a large population of healthcare workers is ideal for this site.

Ernie Peters (Professional Engineer) briefly explained the there are no access points between the proposed site and the Leawood neighborhood. He noted that the traffic signal at Rodney Parham Road and Brookside Drive would facilitate traffic. An analysis will be completed related to the project once the specific units have been determined. The Commission inquired about the results of the Geo Tech and Environmental Studies conducted for the property. Brian Dale (White-Daters & Associates) stated that there was a Phase I Environmental Study conducted. An old, existing well is located on the site which is not uncommon for properties which have been undeveloped for a long period of time. For the Geo Tech Study, there were hard shell

and sandstone fragments found. These, too, are common findings based on the conditions of the property. Mr. Dale explained that the required Stormwater Detention Report would be conducted by White-Daters & Associates following the FEMA guidelines with a final review by the city's Public Works Department.

Director Collins addressed the Commission to clarify the fundamental components between the rezoning and planned development processes. He also explained that the Land Use Plans for the city are periodically reviewed by the Planning Commission and the Board of Directors. Director Collins concluded by stating that the Land Use Plan for this property has been zoned High-Density Residential for decades.

There was a motion to approve the application as recommended by staff. The motion was seconded. The vote was 7 ayes, 3 nays, and 1 absent. The application was approved.