

FILE NO.: Z-9585

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NAME: Rosemary Villas at Chenal – PRD

LOCATION: Northwest corner of Rahling Road and Kanis Road

DEVELOPER:

Cypress Bend Properties, LLC  
11708 Kanis Road  
Little Rock, AR 72211

OWNER/AUTHORIZED AGENT:

Cypress Bend Properties, LLC – Owner  
Randy Alberius – Applicant

SURVEYOR/ENGINEER:

White-Daters and Associates  
24 Rahling Circle  
Little Rock, AR 72223

AREA: 37 acres                      NUMBER OF LOTS: 1                      FT. NEW STREET: 6,450 LF

WARD: N/A                      PLANNING DISTRICT: 19                      CENSUS TRACT: 42.13

CURRENT ZONING:                      R-2

VARIANCE/WAIVERS:

1. Variance to allow pedestrian paths in combination with sidewalks.
2. Variance to allow slopes to exceed 3:1 with no terracing.
3. Variance to allow grading of the entire site with Phase I development.

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A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant proposes to rezone the 37 acre site from "R-2" Single Family District to "PRD" Planned Residential District to allow a 219 unit multifamily development. The proposed project will be a gated community for independent living for persons of age 55 and over.

B. EXISTING CONDITIONS:

The overall property is undeveloped and mostly wooded with varying degrees of slope.

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. Provide a Sketch Grading and Drainage Plan prepared by a licensed engineer per Sec. 29-186 (e).
2. Alteration of the water course will require approval from the Little Rock District of the US Army Corps of Engineers prior to start of work.
3. Is grading proposed within the utility easements and right-of-way proposed? If so, provide approval from the authorities for the grading occurring in the area of those easements and right-of-ways, especially the area of the raw waterline and Entergy transmission lines.
4. No residential waste collection service will be provided on private streets unless the owner of property owners association provides a waiver of damage claims for operations on private property. Is City of Little Rock trash collection requested?
5. Provide proof of approval from the US Postal Service for the proposed cluster mailbox locations on a private street behind a gate. The cluster box units must be constructed in conformance with USPS and City of Little Rock design standards. The box cannot open toward the street for public access and must be ADA accessible.
6. Per International Fire Code, where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet, exclusive of shoulders.
7. The owner and/or manager of each multi-family residence of 100 or more dwelling units shall provide recycling and encourage participation by the tenants, renters, or owners of each unit. Contact Melinda Glasgow at 371-4646 for more information.
8. Turn around must be provided with a significant radius for a SU-30 vehicle attempting to enter development. The proposed turn lane on Rahling Road must be at least 11 ft wide.
9. Per the International Fire Code requirements, minimum 96 ft diameter cul de sacs are required to be provided.

10. Storm water detention ordinance applies to this property. Show the proposed location for stormwater detention facilities on the plan or other means of detention. Maintenance of the detention pond and all private drainage improvements is the responsibility of the developer and/or property owners association.
11. Show proposed call box location at the gate.
12. With site development, provide design of street conforming to the Master Street Plan. Construct street improvement to Kanis Road including 5-foot sidewalks with planned development. The new back of curb should be located 29.5 ft from the existing striped centerline.
13. Kanis Road is classified on the Master Street Plan as a minor arterial. A dedication of right-of-way 45 feet from centerline will be required.
14. Street lights are required by Section 31-403 of the LR code. Provide plans for approval to Planning and Development. Street lights must be installed prior to platting/certificate of occupancy. Contact Planning and Development for more info.
15. In accordance with section 31-207, private streets must be designed to the same standards as public streets.
16. The emergency access must meet the International Fire Code requirements for the access to not exceed a 10% slope and pass at least 75,000 lbs. during all weather conditions. A secondary emergency access should be provided from the north cul de sac due to it exceeding 30 dwellings.
17. Retaining walls designed to exceed 15 ft in height are required to seek a variance for construction. Provide proposed wall elevations.
18. Prior to construction of retaining walls, an engineer's certification of design and plans must be submitted to Planning and Development. After construction, an as-built certification is required for construction of the retaining wall.
19. A grading permit in accordance with section 29-186 (c) & (d) will be required prior to any land clearing or grading activities at the site. Other than residential subdivisions, site grading and drainage plans must be submitted and approved prior to the start of construction. A variance is being requested to advance grade future phases with the issuance of a grading permit for Phase 1.

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

Little Rock Water Reclamation Authority: Sewer main extension required with easements if new sewer service is required for this project.

Entergy: No comments received.

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.

**Grade**

Maintain fire apparatus access roads as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 **Section D103.2 Grade. Fire apparatus access roads shall not exceed 10 percent in grade except as approved by the fire chief. If the grade exceeds 10 percent, approval will be denied and the applicant must submit request to be reviewed by Fire Chief for Approval.**

**Loading**

Maintain fire apparatus access road design as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 **Section D102.1 Access and loading.** Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds.

**Gates**

**Maintain fire apparatus access road gates as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 Section D103.5 Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:**

1. Minimum gate width shall be 20 feet.
2. Gates shall be of swinging or sliding type.
3. Construction of gates shall be of material that allow manual operation by one person.
4. Gate components shall be maintained in an operable condition at all times and replaces or repaired when defective.

5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official.
6. Manual opening gates shall not be locked with a padlock or chain and padlock unless they are capable of being opened by means of forcible entry tools or when a key box containing the keys to the lock is installed at the gate location.
7. Locking device specifications shall be submitted for approval by the fire code official
8. Electric gate operators, where provided, shall be listed in accordance with UL 325.
9. Gates, intended for automatic operation shall be designed, constructed and installed to comply with requirements of ASTM F 2200.

**One- or Two-Family Residential Developments.**

**As per Appendix D, Section D107.1 of the Arkansas Fire Prevention Code Vol. 1, One- or Two-Family dwelling residential developments.** Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads, and shall meet the requirements of Section D104.3.

**Exceptions:**

1. Where there are **more than 30 dwelling units** on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved **automatic sprinkler system** in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 of the Arkansas Fire Code, access from two directions shall not be required.
2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.

**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 Capt. John Hogue 501-918-3754). Number and Distribution of Fire Hydrants as per Table C105.1.

Parks and Recreation: No comments received.

County Planning: No comments received.

F. **BUILDING CODES/LANDSCAPE:**

Building Code: No comments received.

Landscape:

1. Any new site development must comply with the City's minimal landscape and buffer ordinance requirements.
2. Maintain land use buffers a minimum of six (6) percent of the average width/depth of the lot where adjacent property has a dissimilar use of a more restrictive nature.
3. 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.

G. TRANSPORTATION/PLANNING:

Rock Region Metro: No comments received.

Planning Division: The request is in the Chenal Planning District. The Land Use Plan shows Commercial (C), Residential Medium Density (RM) and Residential Low Density (RL) for the requested area. The Commercial (C) category includes a broad range of retail and wholesale sales of products, personal and professional services, and general business activities. Commercial activities vary in type and scale, depending on the trade area that they serve. The Residential Medium Density (RM) category accommodates a broad range of housing types including single family attached, single family detached, duplex, town homes, multi-family and patio or garden homes. Any combination of these and possibly other housing types may fall in this category provided that the density is between six (6) and twelve (12) dwelling units per acre. 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 to change the property from R-2 (Single Family District) and C-3 (General Commercial District) to PRD (Planned Residential Development) District to allow for of a gated age restricted attached residential development at a density of just over 6 units/acre on the site.

Surrounding the application area, the Land Use Plan shows Commercial (C) to the east, northeast and southeast of the site. Residential Low Density (RL) is shown to the north and south of the proposed change area. Suburban Office (SO) land use is shown to the southwest and Neighborhood Commercial (NC) is shown to the west and southwest of the site. The Commercial (C) category includes a broad range of retail and wholesale sales of products, personal and professional services, and general business activities. Commercial activities vary in type and scale, depending on the trade area that they serve. The Commercial area is at the

Rahling/Edswood/Kanis Roads intersection to the east of the application area. This land is undeveloped, except for a 1.5 acre parcel with a bakery and auto repair shop operate in stand alone structures. The area is zoned either C-3 (General Commercial District) or C-2 (Shopping Center District). 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 remains less than 6 units per acre. The RL area to the south is large tracts of land with a single-family home, either zoned R-2 (Single Family District) or AF (Agricultural and Forestry District). The RL land to the north is a Property Owners Association park and subdivisions with detached single-family homes. The Suburban Office (SO) category shall provide for low intensity development of office or office parks in close proximity to lower density residential areas to assure compatibility. A Planned Zoning District is required. The Suburban Office land is mostly zoned with Planned Developments with office uses on the south side of Kanis Road east of the Denny Road split. The Neighborhood Commercial (NC) category includes limited small-scale commercial development in close proximity to a neighborhood, providing goods and services to that neighborhood market area. The land to the west is zoned C-1 (Neighborhood Commercial) and is vacant today. The other NC lands are at the Stewart-Kanis Roads intersection, mostly zoned R-2 (Single Family District) and single-family houses. But there is a C-1 (Neighborhood Commercial District) parcel and a C-3 (General Commercial District) parcel in this area with businesses.

Master Street Plan: To the south is Kanis Road and it is shown as a Minor Arterial on the Master Street Plan. To the east is Rahling Road and it is shown as a Principal Arterial on the Master Street Plan. A Minor Arterial provides connections to and through an urban area and their primary function is to provide short distance travel within the urbanized area. Entrances and exits should be limited to minimize negative effects of traffic and pedestrians on Kanis Road since it is a Minor Arterial. A Principal Arterial is to serve through traffic and to connect major traffic generators or activity centers within the urbanized area. Entrances and exits should be limited to minimize negative effects of traffic and pedestrians on Rahling Road since it is a Principal Arterial. These streets may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

Bicycle Plan: There is a Class I Bike Path is shown along Rahling Road. A Bike Path is to be a paved path physically separate for the use of bicycles. Additional right-of-way or an easement is recommended. Nine-foot paths are recommended to allow for pedestrian use as well (replacing the sidewalk). There is a Class II Bike Route shown on Kanis Road. A Bike Lane provides a portion of the pavement for the sole use of bicycles.

H. ANALYSIS:

The applicant proposes to rezone the 37 acre property located near the northwest corner of Kanis Road and Rahling Road from “R-2” Single Family District to “PRD” Planned Residential District. The rezoning is proposed to allow a 219 unit multifamily development, as a gated community and independent living facility for persons age 55 and over. All of the proposed residential units will be rental.

The applicant proposes to construct the 219 units in four (4) phases as follows:

- Phase 1 – 52 units and clubhouse facilities  
and associated parking area.
- Phase 2 – 66 units
- Phase 3 – 57 units
- Phase 4 – 44 units

The proposed residential units will consist of one-story and two-story structures and will range in size from 1,600 to 2,000 square feet. There will be several sizes of structures; one-story duplex, one-story triplex, one-story quadplex and two-story duplex structures. The building heights will not exceed 35 feet.

The applicant provided the following description of the proposed structures:

“The exterior of the buildings will painted brick, natural stone, hardie board, and plaster. The roofs will be architectural shingles and the windows, facia and soffit will be vinyl.”

The applicant provided the following additional information:

The development includes a 16,500 sq. ft., club house, swimming pool, hot tub, fitness center, putting green, fire pits, several gazebo’s, a mile of sidewalks and alternative pedestrian paths.”

The site will be accessed via a driveway with a median from Rahling Road, across commonly owned property. The driveway will be gated, with a guard house. There will be ample area for turnaround prior to reaching the gated portion of the driveway.

The applicant is proposing an emergency secondary access road from Kanis Road at the southeast corner of the property. The secondary access will be gated and will be constructed to International Fire Code requirements.

The applicant is proposing two (2) monument-type signs at the entry drive from Rahling Road. The maximum height of the signs will be six (6) feet, with maximum areas of 32 square feet. The signs must be located at least five (5) feet back from any property line.

The proposed project will include a six (6) foot high perimeter fence around the entire site. The fence will be wrought iron construction with rock columns. In addition, there will be six (6) foot high wood fences behind the individual residential units.

The applicant notes that the project will comply with the City's minimum Landscape and Buffer Ordinance requirements.

All site lighting must be low-level and directed away from adjacent properties.

City of Little Rock trash collection will be utilized for this project. The applicant has indicated that a waiver of damage claims form for operations on private property will be signed.

The applicant notes that they are working with the US Postal Service on the proposed cluster mailbox locations within the gated project. The applicant notes that the cluster mailbox units will be constructed in conformance with USPS and City of Little Rock design standards and will be ADA accessible.

The applicant is requesting three (3) variances with the proposed application. The first variance is a request to utilize pedestrian paths in combination with sidewalks throughout the site. Staff supports this variance, subject to all pedestrian paths being paved and ADA accessible, with paved access to the paths.

The second variance is from Section 29-190 of the code. The section allows slopes within developments steeper than 3:1 with required terracing. The applicant is requesting to have slopes within certain areas of the site which will exceed 3:1 and have no terracing (along Kanis Road). Staff supports the requested variance, subject to a "slope stability analysis" for all property slopes exceeding 3:1, prior to the issuance of a grading permit for the project.

The last variance is to allow grading of the entire site with Phase I grading. Staff supports this advance grading request based on the varying degrees of slope throughout the site, to balance cut and fill quantities.

As of this writing, staff has identified several outstanding issues. These issues need to be resolved prior to the application being heard by the Planning Commission. Staff will attempt to have the issues resolved prior to the public hearing. The outstanding issues are as follows:

- **Secondary Emergency Access**

The proposed secondary emergency access will exceed the required 10% maximum running slope. The proposed slope of the access appears to be approximately 50% which exceeds the 10% maximum as required by the International Fire Code. Staff cannot recommend

approval of exceeding the 10% maximum running slope without approval from the Little Rock Fire Marshal.

- **Retaining Wall Locations**

The latest submitted grading and drainage plan shows a proposed 15 ft maximum retaining wall or terrace cut with an accompanying favorable geotechnical engineering report. If a retaining wall is constructed, the wall must be located so that no part of the wall geogrid extends beyond the subject property line. If a terrace cut is desired, Sec. 29-190(1)d states terrace cuts are limited to a maximum 10 ft in height. A variance must be requested for the cut terrace to exceed 10 ft in height.

- **Stormwater Detention**

The submitted grading and drainage plan does not show the location of the on-site stormwater detention facility as required by City code and the City of Little Rock Stormwater Management and Drainage Manual. A request was initially submitted by the applicant requesting the use of the stormwater storage volume from the Chenal Valley Golf Course sub-regional detention facility in-lieu of providing an on-site detention facility. Sec. 29-103(5) states the acquisition of regional or sub-regional detention sites and construction of such detention facilities used as alternatives to on-site detention facilities will be financed by the City of Little Rock. With the existing Chenal Valley Golf Course sub-regional detention facility privately owned and not maintained and financed by the City of Little Rock, the off-site sub-regional detention facility cannot be used as an alternative to an on-site facility.

- **Central Arkansas Water Raw Water Line**

Excavation and use of the Central Arkansas Water Lake Winona raw water line is proposed with this development. Written approval from Central Arkansas Water has not been provided. Written approval has been provided from Entergy for the excavation and use of the Entergy power line easement.

- **Off-Site Drainage**

The grading and drainage plan does not address stormwater drainage onto the Neal B. Gordon property located at 18100 and 18104 Kanis Road. From the grading and drainage plan, it appears undetained stormwater will drain from the subject property onto the Neal B. Gordon property and possibly cause adverse effects.

- **Kanis Road Improvements**

The applicant is required to construct boundary street improvements to Kanis Road adjacent to the subject property. The applicant originally requested acceptance of an in-lieu payment for the Kanis Road improvements. The request was denied due to existing traffic

volumes exceed 6400 vpd and a round-a-bout and street improvements are proposed to be constructed in the near future just to the west at the Kanis Road and Denny Road split. The applicant has agreed to make boundary street improvements but has not provided the timing of the construction of those improvements. The applicant has also not shown any street improvements on the submitted grading and drainage plan. Staff is very concerned that necessary drainage improvements that conform with the Little Rock Stormwater Management and Drainage Manual cannot be constructed adjacent to Kanis Road due to the applicant cannot obtain right-of-way or permission to work on the Neal B. Gordon property to install drainage infrastructure to the creek crossing located to the east.

Staff believes the proposed development will be compatible with other surrounding uses in this general area. However, staff cannot forward an approval recommendation to the Planning Commission until the outstanding issues associated with this proposed development have been resolved. Therefore, staff recommends denial of the application.

I. STAFF RECOMMENDATION:

Staff recommends denial of the application.

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PLANNING COMMISSION ACTION:

(JUNE 24, 2021)

Randy Alberius and Tim Daters were present, representing the application. There were no objectors present. Staff presented the application, noting that all issues had been resolved. Ilona Rossato, of the Engineering Division, made the following comments with respect to resolution of the issues:

“At time of writing the agenda staff report, staff recommended denial of the application due to several Civil Engineering items were outstanding and not sufficiently addressed. Since the writing, those insufficiencies have been addressed and no outstanding items remain.

The Little Rock Fire Marshal has approved a concrete or asphalt secondary emergency access from Kanis Road to the site with up to a 11% running slope. The slope transition from Kanis Road to the emergency access must be constructed to prevent dragging by emergency vehicles.

The applicant has agreed that no portions of the retaining walls will extend beyond the property and a geotechnical report, prepared by a

licensed Geotech engineer, will be provided for all slopes that exceed 3:1. Vertical cut terraces will not exceed 10 ft in height.

The applicant has agreed that on-site stormwater detention will be provided under the clubhouse parking lot to detain stormwater in conformance with the City of Little Rock Stormwater Drainage and Management Manual.

A written letter in support has been provided by Central Arkansas Water for excavation and construction to occur within the Central Arkansas Water Lake Winona raw water line easement following approval of submitted plans.

The applicant has provided a sketch grading and drainage plan showing the delineation of stormwater runoff from the site improvements to be installed to drain stormwater around the rear and within the existing culvert in front of the Neil Gordon Property to the creek to the east.

Finally, the applicant has agreed to make Kanis Road improvements to the Master Street Plan standards adjacent to the subject property at the time of construction of Phases 2 and 3 of the development.”

Staff provided the following revised recommendation:

“Staff recommends approval of the requested PRD zoning, subject to compliance with the comments and conditions outlined in paragraphs D, E and F, and the staff analysis, of the agenda staff report and the resolution of the outstanding issues as presented.”

There was brief additional discussion of the application. A motion was made to approve the application as recommended by staff, including all staff comments and conditions. The vote was 10 ayes, 0 nays, 0 absent and 1 open position. The application was approved.