

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

**BOARD OF DIRECTORS COMMUNICATION
APRIL 7, 2015 AGENDA**

Subject:	Action Required:	Approved By:
<p>A resolution rescinding the Planning Commission's action in approving a Conditional Use Permit to allow for the construction of a wastewater treatment system, a community pool and clubhouse located at 10000 Old Arkansas Road, Roland, AR (Z-8937-A)</p> <p>Submitted By:</p> <p>Planning & Development Department</p>	<p>Ordinance √Resolution Approval Information Report</p>	<p>Bruce T. Moore City Manager</p>

SYNOPSIS	Scott Schallhon of Mitchell Williams representing a number of property owners located on Old Arkansas Road is appealing the Planning Commission's action in approving a Conditional Use Permit to allow for the construction of a wastewater treatment system, a community pool and clubhouse.
FISCAL IMPACT	None.
RECOMMENDATION	Staff recommends denial.
CITIZEN PARTICIPATION	The Planning Commission reviewed this issue at its December 18, 2014, meeting, and there were a number of objectors present and staff received a number of letters of objection from area residents and property owners. Notice of the public hearing was sent to all owners of properties located within 200 feet of the 10± acre tract. The Coalition of West Little Rock Neighborhoods was notified of the request. The Commission voted 7 ayes, 3 nays and 1 absent to approve the application.

BACKGROUND

The Planning Commission approved a Conditional Use Permit (CUP) to allow for the placement of a community recreational area and maintenance/storage building and to place a wastewater collection and treatment system on the site to serve a proposed twelve (12)-lot subdivision. A recorded objector is appealing the Planning Commission's approval of the CUP and, as a separate item, the Planning Commission's approval of the variances associated with the plat (S-1737). The zoning ordinance defines water or sewage treatment plant and related facilities as a facility for the systematic collection and treatment and dispersal of water and waste materials. Within the Conditional Use Section of the zoning ordinance it states certain public and quasi-public uses due to their nature and impact on adjacent properties shall be permitted by right only in the industrial classifications established by the zoning ordinance. The uses may be permitted in all other classifications by approval of a conditional use permit application. Water or sewer treatment plant or ancillary facilities are specifically called out as needing a CUP.

The treatment facility will be sized to serve the new homes located within this subdivision. The developer must receive approval from the Arkansas Department of Health and the Arkansas Department of Environmental Quality prior to installation of the system. The applicant has indicated maintenance of the system will be the responsibility of the Property Owners Association. Monitoring and reporting will be provided to the various State agencies as required to be in compliance with State and Federal codes.

In addition within the R-2, Single-Family, Zoning District uses defined as needing approval of a CUP prior to development are a country club, golf course, swimming pool or other private recreational uses usually associated with or incidental to a social country club or subdivision association operated for mutual recreation for the members, and not as a business for profit. The placement of the subdivision recreational area and maintenance and storage building fall within this category.

Staff is supportive of the development as proposed. Staff feels the placement of the amenities to serve the subdivision as proposed by the applicant is appropriate.