

FILE NO.: Z-9567

NAME: CALS & LRWRA Solar Development – PID

LOCATION: 6700 Fourche Dam Pike

DEVELOPER:

Entegrity Energy Partners
1403 East 6th Street
Little Rock, AR 72202

OWNER/AUTHORIZED AGENT:

ISGRIG W B
1421 N. University Drive, Suite N125
Little Rock, AR 72207

SURVEYOR/ENGINEER:

Pollution Management, Inc.
3512 S. Shackleford Road
Little Rock, AR 72202

AREA: 73 acres NUMBER OF LOTS: 1 FT. NEW STREET: 0 LF

WARD: 1 PLANNING DISTRICT: 25 CENSUS TRACT: 40.07

CURRENT ZONING: R-2, Single-Family Residential

VARIANCE/WAIVERS: None requested.

BACKGROUND:

The property consists of 73 acres of land that is bordered on the north by the Arkansas River, on the east by a natural gas pipeline, on the west by property owned by the City of Little Rock, and on the south by Fourche Dam Pike Road. Since Fourche Creek was channelized in the 1980's, the northern portion of the site has been used by abarge services company.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant proposes to development a large portion of the site for a solar development with the northern portion of the property to continue its use as a barge service company. According to the applicant, the developer plans "to construct solar arrays for the Little Rock Water Reclamation Authority and the Central Arkansas Library Systems on the site." There will be additional projects on the site in future phases, though the total solar development will not exceed the number of solar arrays shown on the site plan.

B. EXISTING CONDITIONS:

The entire parcel is zoned R-2 with a residential neighborhood to the south. The north portion of the property is occupied by a barge services company. Other surrounding uses in the area include industrial, commercial, and agricultural uses.

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 public hearing.

D. ENGINEERING COMMENTS:

1. Fourche Dam Pike is classified on the Master Street Plan as a collector street. A dedication of right-of-way 30 feet from centerline will be required.
2. Repair or replace any curb, gutter, sidewalk and access ramps that are damaged and not in compliance with ADA recommendations in the public right-of-way prior to occupancy.
3. 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.
4. Storm water detention ordinance applies to this property. Show the proposed location for stormwater detention facilities on the plan. Maintenance of the detention pond and all private drainage improvements is the responsibility of the developer and/or landowner.
5. If disturbed area is 1 or more acres, obtain a NPDES storm water permit from the Arkansas Department of Environmental Quality prior to the start of construction.
6. A special Grading Permit for Flood Hazard Areas will be required per Sec. 13-55 prior to construction.
7. In accordance with Section 31-176, floodway areas must be shown as floodway easements or be dedicated to the public. In addition, a 25-foot wide drainage and access easement is required adjacent to the floodway boundary.

8. Are fence and gates proposed to be installed? Show locations on plan. The gates should be located at least 80 ft. from the edge of the street.
9. 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.

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

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

Entergy: No comments received.

CenterPoint Energy: No Comments.

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.

G. BUILDING CODES/LANDSCAPE:

Building Code: No comments received.

Landscape: No comments.

H. TRANSPORTATION/PLANNING:

Rock Region Metro: No comments received.

Planning Division: The request is in the Port 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 6dwelling units per acre. Such residential development is typically characterized by conventional single family homes, but may also include patio or garden homes andcluster homes, provided that the density remain less than 6 units per acre. The application is to change R-2 (Single Family District) to PID (Planned Residential Development) District to allow the development of a solar energy facility on thesite.

The Land Use Plan shows Residential Low Density (RL) in all directions from the site. There is some Park/Open Space shown both to the east and west of 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. There are large tract single-family houses in this area with a single-family subdivision to the southeast of the application area. There is also a business to the southeast of the site zoned R-2 Single Family. The Park/Open Space (PK/OS) category includes all public parks, recreation facilities, greenbelts, flood plains, and other designated open space and recreational land. The area to the west is the floodplain/floodway of Fourche Creek. The PK/OS area to the east is an area zoned Park (PR) along the Arkansas River.

Master Street Plan: To the south is Fourche Dam Pike, and it is shown as a Collector on the Master Street Plan. The primary function of a Collector Road is to provide a connection from Local Streets to Arterials. This street 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 III Bike Route shown on Fourche Dam Pike. Bike Routes require no additional right-of-way, but either a sign or pavement marking to identify and direct the route.

I. ANALYSIS:

The applicant proposes to rezone the 73 acre-property located at 6700 Fourche Dam Pike from "R-2" Single-Family District to "PID" Planned Industrial District. The rezoning is proposed to allow a solar development with two (2) project initiatives in the first phase. One project will serve the Central Arkansas Library System (CALs) and is proposed to save about \$1.2 million dollars on electrical cost over the life of the project. The second project will serve the Little Rock Water Reclamation Authority (LRWRA) and is proposed to save about \$2.2 million dollars on electrical cost over the life of the project.

The applicant proposes that the solar projects for CALs and LRWRA will occupy most of the cleared land on the site. The north portion of the property will continue to be occupied by the barge services business. The remaining portions of the property will be preserved for future solar clients. The proposed site plan submitted for review shows the total possible occupancy for the solar development.

The proposed solar development will consist of approximately 17,500 solar panels. The proposed panels will be located approximately 130 feet back from the front (south) property line. The panels will be located approximately 28 feet back from the east side property line and 110 feet back from the west side property line.

The solar development will be secured by a security fence with a maximum height of six (6) feet. The fence will be topped with barb wire for added security. Access to property will be controlled with a gate. Signage for the property will be located on the

fence facing Fourche Dam Pike and will comply with Section 36-554 of the City's Zoning Ordinance.

The applicant notes that there will be no site lighting, additional equipment, or buildings on the site. The applicant also noted that the solar panels will not generate any noise.

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

Staff is supportive of the requested PID rezoning to allow use of the property as a solar array development and the continued use of the barge services business. Staff views the request as reasonable. The property is located within an area of mixed uses and zoning. Although the proposed development will be located close to several single family residences, the proposed solar development will be a very passive use, generating very little traffic and no noise or light pollution. The proposed industrial zoning will be compatible with the area and should have no adverse impact on the surrounding properties.

J. STAFF RECOMMENDATION:

Staff recommends approval of the requested PID zoning, subject to compliance with the comments and conditions outlined in paragraph D, and the staff analysis, in the agenda staff report.

PLANNING COMMISSION ACTION:

(MARCH 11, 2021)

The applicant was present. There were no persons present registered in support and two (2) persons registered in opposition. Staff presented the applicant's petition to the Commission for a Waiver of Bylaws per Article V. (E)(13) of the Bylaws of Little Rock Planning Commission for the Public Notice Sign Posting, Article IV. (4)(b)(7), which requires signs to be posted on the site at least thirty (30) days prior to the meeting date. Staff explained that the applicant obtained the sign and posted it on Monday, March 8, 2021. Therefore, Staff did not support the Bylaw Waiver.

Sam Selig, P.E., Entegrity Partners, addressed the Commission in support of the bylaw waiver petition. He stated that he and his staff failed to pick up the sign from the Planning and Development office. The Commission questioned why the sign was not posted. Mr. Selig stated that he and the staff forgot to pick up the sign.

Shawn Overton, City Attorney, expressed his concern regarding the importance of the adherence and consistency in the due process of legal and required notifications to all property owners within two hundred (200) feet of any proposal.

There was a motion to approve the Waiver of Bylaws as petitioned by the applicant. The motion was seconded. The vote was 0 ayes, 11 nays, and 0 absent. The petition was denied. There was another motion to defer the item to the April 8, 2021 agenda. The motion was seconded. The vote was 10 ayes, 0 nays, and 1 absent.

PLANNING COMMISSION ACTION:

(APRIL 8, 2021)

The applicant was present. There were no persons present registered in support and one (1) person registered in opposition. Staff presented the item and a recommendation of approval as outlined in the “staff recommendation” above. The applicant deferred to the registered opposition.

Patricia Huitt addressed the Commission in opposition to the application. Ms. Huitt expressed the following concerns: the preservation of the historical heritage of her property, the potential increase in traffic related to construction, and the landscape requirements of the proposed development.

Sam Selig, P.E., Entegrity Partners, addressed the Commission in support of the application. He stated that the proposed development would save over \$3 million dollars in electrical cost for the Central Arkansas Library Systems (CALs) and the Little Rock Water Reclamation Authority (LRWRA) combined. Mr. Selig also noted that the traffic would be minimal during construction and even more insignificant after construction with only one (1) visit per month for monitoring purposes.

There was a motion to approve the application as recommended by staff. The motion was seconded. The vote was 9 ayes, 0 nays, 0 absent, 1 abstention (Vogel) and 1 open position.