

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

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**BOARD OF DIRECTORS COMMUNICATION  
DECEMBER 6, 2016 AGENDA**

<b>Subject:</b>	<b>Action Required:</b>	<b>Approved By:</b>
<p>A resolution rescinding the Planning Commission's action in denying a Conditional Use Permit to allow a Wastewater Treatment Plant on the property located at 25616 Highway 10. (Z-8170-C)</p> <p><b>Submitted By:</b></p> <p>Planning &amp; Development and Public Works Departments</p>	<p>Ordinance √ <b>Resolution</b> Approval Information Report</p>	<p>Bruce T. Moore City Manager</p>
<b>SYNOPSIS</b>	<p>The applicant, Rick Ferguson, through his attorney Philip Kaplan, is appealing the Planning Commission's action in denying a Conditional Use Permit to allow a Wastewater Treatment Plant on the property located at 25616 Highway 10.</p>	
<b>FISCAL IMPACT</b>	<p>None.</p>	
<b>RECOMMENDATION</b>	<p>Staff recommends denial of the resolution, denial of the Conditional Use Permit. The Planning Commission reviewed this proposal at its July 14, 2016, meeting, and there were many people present in opposition. Approximately thirty (30) emails of opposition had been received by staff and forwarded to the Commission. The Commission voted 1 aye, 9 nays and 1 absent to deny the Conditional Use Permit.</p>	
<b>BACKGROUND</b>	<p>The applicant is requesting approval of a Conditional Use Permit to allow for construction of a Wastewater Treatment Plant on this wooded, 1.7-acre tract. The treatment plant is proposed to serve a single-family residential subdivision which the applicant proposes to develop on the 36± acres adjacent to the west.</p>	

## **BACKGROUND**

The 37+ acre property is currently zoned PCD. The applicant will file a request to revoke the PCD and to restore the underlying R-2, Single-Family District, zoning.

The property was previously used as a golf driving range. In 2007, the property was rezoned to PCD, Planned Commercial Development, to allow a six (6)-lot development with a mixture of office and commercial uses. In 2015, a PD-R, Planned Development – Residential, request for a single-family residential development and a Conditional Use Permit for a Wastewater Treatment Plant were filed. The applicant withdrew both applications prior to Planning Commission.

This 1.7± acre site is currently wooded. It is located some 660+ feet off of Pleasant Grove Road and is adjacent to Nowlin Creek. The treatment plant is indicated as being located near the center of the site. An area within the site will be cleared and filled to accommodate the treatment plant. A wooded buffer will be retained around the perimeter of the site. The compound containing the treatment plant will be enclosed with security fencing.

The proposed Wastewater Treatment Plant has been approved by the Arkansas Department of Health. The applicant has provided documentation from the Arkansas Department of Environmental Quality establishing the discharge limits for the plant. The applicant states that ADEQ has reviewed the plant and indicated that a Construction and Discharge Permit will be issued once the City approves a Conditional Use Permit.

Staff believes that the proposed private wastewater treatment facility is not compatible with the other properties in the area, staff believes the proposed use will negatively impact other properties in the area. Based on discussions with individuals at the State level who would ultimately be charged with monitoring the plant, staff has concerns that the long-term public health, safety and welfare may not be protected.

In addition, staff does not support as a matter of policy, the addition of a large scale, urban residential subdivision in this area. Approving the proposed plant is the first step toward allowing the subdivision.

**BACKGROUND  
CONTINUED**

Staff believes the proposed 111-lot subdivision is a classic case of urban sprawl. The proposed development is located over two (2) miles from the City Limits and is approximately 1/3-mile from the western edge of the City's Extraterritorial Jurisdiction; essentially "leap-frogging" over two (2) miles of rural development and undeveloped lands to construct an urban residential development. Such a development is better suited for construction within the City Limits, or at the very least adjacent to the City Limits where annexation is a reasonable expectation.

Please see the attached Planning Commission minutes for a more complete description of the proposed wastewater treatment plant and the Commission's July 14, 2016 hearing.