

FILE NO.: Z-5817-K

NAME: Cantrell West Retail Center – PCD

LOCATION: 15122 Cantrell Road

DEVELOPER:

Rees Commercial
11719 Hinson Road, Suite 130
Little Rock, AR 72212

OWNER/AUTHORIZED AGENT:

Two Rahling Centre, LLC – Owner
Holloway Engineering/Jess Griffin – Agent

SURVEYOR/ENGINEER:

Holloway Engineering, Surveying & Civil Design, PLLC
200 Casey Drive
Maumelle, AR 72113

AREA: 3.803 acres NUMBER OF LOTS: 1 FT. NEW STREET: 0 LF

WARD: 4 PLANNING DISTRICT: 1 CENSUS TRACT: 42.05

CURRENT ZONING: R-2 and PD-O

Variance/Waivers:

1. Variance to allow two (2) ground-mounted, monument type signs.
2. Variance to allow more than 30% of land use buffers to be disturbed.

BACKGROUND:

On July 16, 2020, the Planning Commission voted to approve a request to rezone this property from PD-O and R-2 to PCD, to allow the property to be subdivided into three (3) lots with a restaurant development on each lot. The rezoning request was denied by the Board of Directors.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant requests to rezone the property from PD-O and R-2 to PCD to allow a one (1) lot development including a 3,600 square foot restaurant building and a 20,012 square foot shopping center building.

B. EXISTING CONDITIONS:

The property is currently undeveloped. Some site work has taken place on the site in preparation of future site development.

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. Cantrell Road is classified on the Master Street Plan as a principal arterial. Dedication of right-of-way to 55 feet from centerline will be required (measured as a constant distance from the centerline).
2. Due to the proposed use of the property, the Master Street Plan specifies that Rummel Road for the frontage of this property must meet commercial street standards. Dedicate right-of-way to 30 feet from centerline.
3. A 20 feet radial dedication of right-of-way is required at the intersection of Rummel Road and Cantrell Road.
4. 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.
5. With site development, provide design of street conforming to the Master Street Plan. Construct one-half street improvement to Rummel Road including 5-foot sidewalks with planned development. The new back of curb should be placed 18 feet from the center of the street. Show on the plans the widening required on Rummel Road adjacent to the subject property. If width is sufficient, Rummel Road at Cantrell Road should be striped with a SB left turn lane.
6. Obtain permits for improvements within State Highway right-of-way from AHTD, District VI. A request for comments has been submitted to ARDOT, District 6.
7. Sidewalks with appropriate handicap ramps are required to be constructed along Cantrell Road in accordance with Sec. 31-175 of the Little Rock Code and the Master Street Plan.

8. Driveway locations and widths do not meet the traffic access and circulation requirements of Section 30-43 and 31-210. The property does not have the required frontage of 750 feet on Cantrell Road to provide for two (2) driveways (per the Master Street Plan). The lots must share a single driveway access centered on the property line. A variance must be requested for driveways located closer than 300 feet to other driveways and intersections and 150 feet from side property line.
9. The width of driveways must not exceed 36 feet. A variance must be requested for driveways that exceed 36-feet in width.
10. 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. To grade the entire property for construction on part of the proposed site development such as the removal of trees adjacent to Rummel Road, an Advance Grading Variance must be requested.
11. Provide a Sketch Grading and Drainage Plan per Sec. 29-186 (e).
12. 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 the property owner's.
13. All public drainage easements must contain drainage infrastructure approved by the City of Little Rock Public Works Department.
14. 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.
15. Submit a Traffic Impact Study for the proposed project. Study should address trip generation and trip distribution for the development and also should take into account existing and projected traffic growth.
16. Provide a letter prepared by a registered engineer certifying the intersection sight distance at the intersection(s) comply with 2004 AASHTO Green Book standards. Particular consideration should be made to the Rummel Road driveway.
17. 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.
18. Retaining walls designed to exceed 15 ft in height are required to seek a variance for construction. Provide proposed wall elevations.
19. Prior to construction of retaining walls, an engineer's certification of design and plans must be submitted to Public Works for approval. After construction, an as-built certification is required for construction of the retaining wall.

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.

AT & T: No comments received.

Central Arkansas Water: All Central Arkansas Water requirements in effect at the time of request for water service must be met.

The Little Rock Fire Department needs to evaluate this site to determine whether additional public and/or private fire hydrant(s) will be required. If additional fire hydrant(s) are required, they will be installed at the Developer's expense.

Please submit plans for water facilities and/or fire protection system to Central Arkansas Water for review. Plan revisions may be required after additional review. Contact Central Arkansas Water regarding procedures for installation of water facilities and/or fire service. Approval of plans by the Arkansas Department of Health Engineering Division and Little Rock Fire Department is required.

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.

Commercial and Industrial Developments – 2 means of access. - Maintain fire apparatus access roads as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1

Section D104.1 Buildings exceeding three stories or 30 feet in height. Building or facilities exceeding 30 feet or three stories in height shall have at least two means of fire apparatus access for each structure.

Section D104.2 Building exceeding 62,000 square feet in area. Buildings or facilities having a gross building area of more than 62,000 square feet shall be provide with two separate and approved fire apparatus access roads.

Exception: Projects having a gross building area of up to 124,000 square feet that have a single approved fire apparatus access road when all building are equipped throughout with approved automatic sprinkler systems.

D104.3 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.

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, Fire Marshal Derek N Ingram, 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. Site plan must comply with the City’s minimal landscape and buffer ordinance requirements and the Highway 10 Scenic Corridor Overlay District.
2. The Highway 10 frontage (front yard) shall consist of a minimum of forty (40) feet of landscaped area exclusive of right-of-way. The landscaped area shall contain organic and/or combined man-made/organic features such as berms, brick walls and dense plantings such that vehicular use areas are screened when viewed from an elevation of forty-two (42) inches above the elevation of the adjacent street. Trees shall be planted or be existing at least every twenty (20) feet and have a

minimum of two (2) inches in diameter when measured twelve (12) inches from the ground at time of planting. Provide screening shrubs no less than thirty (30) inches in height at installation with an average linear spacing of not less at three (3) feet within the required landscape area.

3. A land use buffer six (6) percent of the average width / depth of the lot will be required when an adjacent property has a dissimilar use of a more restrictive nature. The property to the north is zoned R2. As a component of all land use buffer requirements, opaque screening, whether a fence or other device, a minimum of six (6) feet in height shall be required upon the property line side of the buffer. A minimum of seventy (70) percent of the land use buffer shall be undisturbed. Easements cannot count toward fulfilling this requirement. The plantings, existing and proposed, shall be provided within the landscape ordinance of the city, section 15-81.
4. Rear and side yards shall have a landscaped buffer averaging a minimum of twenty-five (25) feet from the property line.

Preliminary Site Plan indicates parking located in the north buffer.

5. A perimeter planting strip is required along any side of a vehicular use area that abuts adjoining property or the right-of-way of any street. This strip shall be at least nine (9) feet wide. One (1) tree and three (3) shrubs or vines shall be planted for every thirty (30) linear feet of perimeter planting strip.
6. Building landscape areas shall be provided at the rate equivalent to planter strip three (3) feet wide along the vehicular use area. One (1) tree and four (4) shrubs shall be planted in the building landscape areas for each forty (40) linear feet of vehicular use area abutting the building.
7. Eight percent (8%) of the vehicular use area must be designated for green space; this green space needs to be evenly distributed throughout the parking area(s). For developments with more than one hundred fifty (150) parking spaces the minimum size of an interior landscape area shall be three hundred (300) square feet. Interior islands must be a minimum of seven and one half (7 1/2) feet in width. Trees shall be included in the interior landscape areas at the rate of one (1) tree for every twelve (12) parking spaces.
8. A landscape irrigation system shall be required as per Highway 10 site design and development standards.
9. 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 River Mountain Planning District. The Land Use Plan shows Suburban Office (SO) for the requested area. 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 application is to change the property from PDO (Planned Development Office) District and R-2 (Single-Family Residential District) to PCD (Planned Commercial Development) District to allow for the future development of commercial uses. The request is not consistent with the Land Use Plan. This site is in the Highway 10 Design Overlay District and subject to those regulations as well.

The Land Use Plan shows Residential Low Density (RL) to the north. To the west, the Plan shows Park/Open Space (PK/OS) then Transition (T), north of Cantrell Road. To the south, across Cantrell Road is Residential Low Density (RL) and Transition (T). To the east, the Plan shows Suburban Office (SO) then Mixed Use (MX) and Commercial (C). 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 land to the north of the application area is vacant and wooded, while the RL land south of Cantrell Road is part of a developed single-family subdivision. The Park/Open Space (PK/OS) category includes all public parks, recreation facilities, greenbelts, flood plains, and other designated open space and recreational land. This area is the floodplain/floodway of Taylor Loop Creek. Transition (T) is a Land Use Plan designation that provides for an orderly transition between residential uses and other more intense uses. Transition was established to deal with areas which contain zoned residential uses and nonconforming nonresidential uses. A Planned Zoning District is required unless the application conforms to the Design Overlay standards. Uses that may be considered are low-density multi-family residential and office uses if the proposals are compatible with quality of life in nearby residential areas. The uses in the Transition area north of Cantrell Road are office. South of Cantrell Road there is a private school, office and residential structure in the Transition area. 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.

This area has offices as well as a drive-thru restaurant. The Mixed use (MX) category provides for a mixture of residential, office and commercial uses to occur. A Planned Zoning District is required if the use is entirely office or commercial or if the use is a mixture of the three. Several retail commercial uses are located in the MX 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 Commercial area consists of a couple retail strip-centers and stand-alone retail businesses.

Master Street Plan: To the south is Cantrell Road and it is shown as a Principal Arterial on the Master Street Plan. To the west is Rummel Road, it is a Local Street on the Master Street Plan. 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 Cantrell Road since it is a Principal Arterial. Local Streets that are abutted by non-residential zoning/use or more intensive zoning than duplexes are considered as “Commercial Streets”. 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 Cantrell 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).

H. ANALYSIS:

The applicant proposes to rezone the 3.803 acre property located at 15122 Cantrell road from “PD-O” Planned District – Office and “R-2” Single Family Residential to “PCD” Planned Commercial District. The property is located at the northeast corner of Cantrell Road and Rummel Road. The rezoning is requested to allow a one (1) lot development to include a 3,600 square foot restaurant building and a 20,012 square foot shopping center structure.

The proposed 3,600 square foot restaurant building will be located within the east quarter of the property. The restaurant use will include a drive-thru window on the building’s west side, with a menu board on the east side. Paved parking and internal drives will be located along all sides of the restaurant building.

The proposed 20,012 square foot shopping center structure will be located within the west three-quarters of the property. Paved parking and internal access drives will also be located along all sides of the shopping center building. It appears that the applicant has designed the internal drives to accommodate a drive-thru window at the west end of the shopping center building.

The applicant is requesting the following uses for the shopping center building:

- C-2 permitted uses
- Food store under 5,000 square feet of gross floor area, with sales of beer or wine
- Private club with dining or bar service

The applicant notes that the hours of operation will be as follows:

Restaurant building – 6:00 a.m. to 12:00 a.m., Daily

Shopping Center building – 6:30 a.m. to 11:00 p.m.,
Monday – Saturday
– 6:00 a.m. to 9:00 p.m., Sunday

“We believe the vast majority of the tenants will be opening later and closing earlier than the times stated.”

“If there is an all night pharmacy or urgent care medical, they would need to stay open all night.”

The applicant notes that the buildings will have maximum heights of 35 feet. The applicant also notes that the buildings’ exterior façade construction will consist of a combination of brick, stone, glass and metal.

The applicant is showing a 4,015 square foot area for outdoor storage along the west property line. The site plan notes that this area will be screened. Staff does not support the use of an outdoor storage area.

The proposed site plan shows two (2) driveways from Cantrell Road. Each driveway will have a width of 36 feet. The applicant proposes to have one (1) driveway from Rummel Road at the northwest corner of the site. This driveway will be a gated emergency access driveway. The gated area will include a Knox box for emergency access.

The proposed site plan shows a total of 109 off-street paved parking spaces. The proposed uses would typically require 102 parking spaces. The proposed number of parking spaces should be sufficient to serve the proposed buildings.

The proposed site plan shows two (2) dumpster locations for the proposed buildings. The applicant notes that the dumpster areas will be screened as per ordinance requirements.

The applicant also notes that all site lighting will be low-level and will not reflect onto adjacent properties.

The applicant is proposing two (2) ground-mounted, monument-type signs along the Cantrell Road frontage, one (1) at each driveway location. The signs will have maximum heights of 10 feet and maximum sign areas of 100 square feet. Sections 36-346 (f) (1) and (2) of the City’s Zoning Ordinance (Highway 10 DOD) allow one (1) ground-mounted, monument-type sign per development or building site. Therefore, the applicant is requesting a variance to allow a second ground-mounted sign. Staff supports the variance request.

The applicant notes that the land use buffers along the north and east perimeters average at least 25 feet wide. Section 36-521 requires that a minimum of 70 percent of land use buffers be undisturbed. The applicant notes that more than 30 percent of the required buffers will be disturbed and is requesting a variance. Staff does not support this variance request. There are numerous parking spaces located within the rear and east side 25 foot buffer areas. Staff does not believe that the proposed buffers meet with the spirit and intent of the ordinance.

The proposed site plan shows a stormwater detention paved along the Cantrell Road frontage at the southwest corner of the overall site. A detailed hydrology and hydraulic analysis which complies with all codes and manuals must be submitted prior to release of a building permit for any construction on this site.

The applicant submitted a traffic study for the proposed site development. The traffic study concluded the following:

“The conclusion of traffic operational findings associated with this study is that additional traffic expected to be generated by the proposed Cantrell West development can be accommodated by the existing adjacent roadway and the access drives as proposed without discernable impact on traffic flow in the vicinity. Additionally, the site is well designed with two well-spaced access drives along Cantrell Road and very good accommodation for internal vehicular circulation. Ingress, egress and internal vehicular circulation are expected to operate well with minimal to no vehicle queuing issues at the site access drives or on Cantrell Road.”

The proposed site plan indicates a 10 foot wide open cut along the north property line. According to the Planning and Development Engineering Division:

“The hillside vertical cut should be placed at least 10 ft. from the north property line to provide evergreen plantings and a swale to divert stormwater per the following requirements found in CLR Code Sec. 29-190:

- Terraces shall be landscaped with dense evergreen plantings sufficient to screen the cut or fill slope. The terrace may be sloped to drain up to one (1) foot in ten (10) feet of width.
- Development shall be planned to fit topography, soils, geology, hydrology, and other existing site conditions.
- Provisions shall be made for safety against unstable slopes or slopes subject to erosion and deterioration. The city official may require certified geotechnical analysis for sliding and global stability safety.

- The potential for soil loss shall be minimized by retaining natural vegetation wherever possible.
- Appropriate provisions such as those in the stormwater management and drainage manual shall be used to accommodate stormwater runoff and soil loss occasioned by changed soil and surface conditions during and after development, including the use of vegetation and limitations on soil exposure.”

Staff does not support the requested PCD rezoning. Staff does not believe the request is reasonable. Staff believes the proposed development is too intense for this site. The property is designated as “SO” Suburban Office by the City’s Future Land Use Plan and is located at the intersection of Cantrell Road and Rummel Road, a local/residential street which serves only single family residences and dead-ends approximately 3,000 feet to the northern. Additionally, the property is located adjacent to R-2 zoned property to the north and across Rummel Road to the west and northwest. The property across Cantrell Road contains single family residences and a small office zoned property. Staff believes that a less intense commercial or office use will be most appropriate for this property.

I. STAFF RECOMMENDATION:

Staff recommends denial of the requested PCD rezoning.

PLANNING COMMISSION ACTION: (MAY 13, 2021)

Jess Griffin was present representing the application. Mr. Griffin addressed the Commission and requested the application be deferred to the June 10, 2021 agenda. Mr. Griffin explained that the developer was working with the neighborhood to resolve issues.

There was a motion and second to defer the application to the June 10, 2021 agenda. The vote was 10 ayes, 0 nays, 0 absent and 1 open position. The application was deferred.

PLANNING COMMISSION ACTION: (JUNE 24, 2021)

The applicant was not present. There were no persons registered in attendance. Staff informed the Commission that the applicant submitted a letter to staff on June 1, 2021 requesting this application to be deferred to the August 12, 2021 Planning Commission Agenda. Staff supported the deferral request. There was no further discussion. The item was placed on the Consent Agenda and deferred as recommended by staff. The vote was 10 ayes, 0 nays, 0 absent and 1 open position.

PLANNING COMMISSION ACTION:

(AUGUST 12, 2021)

Staff noted that the applicant had informed staff that he is working with neighborhood representative to resolve issues associated with the proposed PCD zoning and site plan. Therefore, staff requested that this application be deferred to the October 14, 2021 agenda. There was no further discussion. The item was placed on the Consent Agenda and deferred as recommended by staff. The vote was 10 ayes, 0 nays, 0 absent and 1 open position.

STAFF UPDATE:

The applicant submitted a letter to staff on October 4, 2021 revising the PCD application as follows:

**“RE: Acceptable Zoning Uses for Cantrell West Shopping Center
Location: 15100 & 15200 Cantrell Road, Little Rock, AR 72223”**

Date: October 1, 2021

- 1. All 0-3 Uses & Conditional Uses**
- 2. All C-1 Uses & Conditional Uses except for the following:**
 - a. No Pawn Shop
 - b. No Event Center
 - c. No Seasonal and temporary sales, outside
 - d. No Private club with dining and bar
 - e. No School, commercial trade or craft
- 3. Other Acceptable Uses:**
 - a. 15100 Cantrell Road-Sit Down Restaurant with drive through service with a 10:00 p.m.curfew and more than 50% revenue from a sit down customers)
 - b. 15200 Cantrell Road--West End Cap of larger retail/office bldg.)
- drive through window but no drive through food restaurant. All other drive through businesses for this west end cap are acceptable such as a pharmacy, medical clinic, dry cleaners, beverage shop, bank, coffee or tea store (no food), nutrition store (no food).
 - c. Swimming Pool Sales & Supply - (No outside display or equipment)

- d. Outside storage next to Rummel Road. that is landscaped and has an 8 foot privacy fence on its perimeter. Access to Rummel Road will not to be used by this development as a driveway, entrance or exit except in emergencies.**
- e. No time restriction or size limit on a quite business like a gym, pharmacy, medicaloffice, donut or coffee shop.**
- f. A snow cone stand is acceptable.”**

Staff continues to be non-supportive of the requested PCD rezoning with revisions. Staff continues to believe that the proposed development is too intense for this site. The applicant notes that a traffic study is being developed and should be presented to staff for review prior to the public hearing. Staff will update the Commission on this issue at the public hearing.

PLANNING COMMISSION ACTION:

(OCTOBER 14, 2021)

Staff informed the Commission that the applicant failed to send the required notifications to surrounding property owners. Staff recommended the application be deferred to the November 18, 2021 agenda. The item was placed on the Consent Agenda and deferred as recommended by staff. The vote was 10 ayes, 0 nays, 0 absent and 1 open position.

PLANNING COMMISSION ACTION:

(NOVEMBER 18, 2021)

The applicant was present. There were persons registered in opposition. Staff presented the item and a recommendation for denial as outlined in the “staff recommendation” above. The applicant deferred to the registered opposition.

Grey Williams addressed the Commission in opposition to the application. He stated the developer and neighborhood has continued to work together regarding concerns related to the intersection at Rummell Road and Cantrell Road, the historical scenery along the Highway 10 corridor, multiple driveways to the site and similar developments in size within the area with only one access drive.

The Commission asked why meetings with the developer did not yield a mutual agreement. The opposition replied they were close but issues remain regarding Rummell Road, and the number of driveways from Cantrell Road.

The Commission asked a questions regarding the traffic study and if the neighborhood had a conflict with other businesses in the area with a single access drive. The opposition stated two access drives creates a traffic conflict and similar developments in the area share cross access easements.

Mei Mei Brown addressed the Commission in opposition to the application. She expressed concerns regarding intensity, night time delivery, trash removal, operating hours, similar uses in the area, safety and emergency exit from Rummell Road. The Commission asked if one driveway would satisfy her concerns. Ms. Brown replied, no, she would prefer to see updated uses for the site.

The Commission asked Ms. Brown how close she lived to the site. She replied, across the street.

Ken Harrison, President of the neighborhood association, addressed the Commission in opposition to the application. He supported staff's recommendation of denial, spoke regarding the land use plan/zoning not appropriate for a strip center.

Richard Stoker addressed the Commission in opposition to the application. He stated he would be satisfied if the developer reduced the driveways to Cantrell Road from two (2) to one (1).

The Commission asked if the City had plans for Rummell Road improvements. Staff replied ARDOT controls access along Highway 10, the City controls improvements for Rummell Road and there are no street improvements planned for Rummell Road at this time.

Ernie Peters addressed the Commission in support of the application. He spoke regarding the traffic study conducted by his firm.

There was general discussion of the By-Laws regarding deferrals. Chris Stuart, Attorney for the applicant, requested to defer the application to the January 13, 2022 meeting.

A motion was made to defer the application to the January 13, 2022 agenda. The motion was seconded. The vote was 8 ayes, 0 nays, and 3 absent. The application was deferred.

STAFF UPDATE:

The applicant submitted a revised site plan and proposed use list to staff on December 9, 2021. The revised site plan increases the size of the proposed restaurant building, within the east portion of the site, from 3,600 square feet to 5,200 square feet. The revised site plan eliminates the drive-thru for the proposed restaurant building. Parking has been added on all sides of the restaurant building where the drive-thru lanes previously existed. It appears that all other aspects of the proposed site plan remain unchanged.

The applicant has also updated the proposed use list for the project. The uses as now proposed are shown as, "Attached A" as provided with the staff report.

Staff continues to be non-supportive of the requested PCD rezoning with revisions. Staff continues to believe that the proposed development is too intense for this site.

PLANNING COMMISSION ACTION:

(FEBRUARY 10, 2022)

John Rees, Ernie Peters, and Chris Stewart, were present, representing the application. There were six (5) objectors present online. Staff presented the application with a recommendation of denial.

Jim Brown addressed the Commission in opposition to the application. He stated that he and other homeowners had met with the developer and attempted to make accommodations for both sides to be satisfied. He stated he did not believe the proposed development did not conform to the current zoning of the area.

Greg Williams addressed the Commission. He stated that he and his neighbors had met with the developer and that the current version of the traffic study issued by the developer's team was inaccurate. He stated that the line of site drawings provided by the developer did not accurately depict the actual conditions and the measurements were displayed correctly. He stated that he and his neighbors opposed the development.

Richard Stoker addressed the Commission. He stated that they had been working a year on a list of land use plans for the site and that the most concerning part of the development was the lack of emergency access provided to the development.

Dawn Prasifka addressed the commission. She stated that the land development plan does not match what is being presented by the developer and that the area does not need another project with similar use in the area.

John Rees addressed the commission as applicant in support of the development. He stated that he and his team had conducted several meetings with neighboring homeowners and that he has made every effort possible to accommodate their concerns. He stated that he had already reduced the size of the restaurant, removed the drive through, parking, and reduced the overall square footage of the project as a whole. He stated that he did not understand what additional concessions he could make to get the support of the neighbors.

Ernie Peters addressed the commission. He stated that he had performed a traffic study for the developer and that the site plan currently has a reduced traffic flow impact on the area along with a reduction of drives to minimize traffic flow conflicts. He also stated that the site distance was approved by the Arkansas Highway Department and that it is as efficient as could be design for that site.

Chris Stewart addressed the commission as attorney for the developer. He stated that the developer and his team have conducted multiple meetings with the neighbors and made every reasonable accommodation they could to be a positive partner in the area.

There was a general discussion between Director Collins, Administrator Moore, and commissioners Hodge, Hart, and Vogel concerning the intensity of the site, the land use plans, traffic study differential variables used by the engineers, and the future growth patterns of the Cantrell Road Corridor.

There was a motion to approve the application subject to all comments and conditions in the staff report, except the recommendation of denial. The motion passed by a vote of 8 ayes, 2 nays, 0 absent, 1 open position. The application was approved.