

FILE NO.: Z-7500-E

NAME: Cantrell West Reestablishment and Revised Long-form PCD

LOCATION: Located in the 14600 Block of Cantrell Road

DEVELOPER:

Rees Development Company
11719 Hinson Road
Little Rock, AR 72212

ENGINEER:

Crafton Tull and Associates
10825 Financial Center Parkway
Little Rock, AR 72211

AREA: 10.94 acres NUMBER OF LOTS: 1 FT. NEW STREET: 0 LF

CURRENT ZONING: PCD

ALLOWED USES: Commercial, Office/Warehouse

PROPOSED ZONING: Revised PCD

PROPOSED USE: Commercial

VARIANCE/WAIVERS: None requested.

BACKGROUND:

A request was withdrawn by the applicant prior to the October 16, 2003, Planning Commission Public Hearing. The applicant proposed the development of a smaller portion of this site with an office/warehouse building and mini-warehouse units.

Ordinance No. 19,151 adopted by the Little Rock Board of Directors on June 8, 2004, established Pinnacle Station Long-form PCD. The approval included the development of a 23,200 square foot commercial/office building along Cantrell Road and 52,916 square feet of office/warehouse space in the rear contained in two (2) buildings. The approval allowed the placement of eighty-eight (88) parking spaces to serve the commercial/office building and one hundred eighty-nine (189) parking spaces to serve the office/warehouse buildings in the rear.

Ordinance No. 19,377 revised a previously approved PCD for the Pinnacle Station adopted by the Board of Directors on August 16, 2005. A single building totaling 25,941 square feet along with 117 parking spaces was approved for the development of the rear portion of Pinnacle Station. The approved plan allowed a fifteen foot building setback along the western property line and landscaping was to be placed in a ten foot utility easement. The site plan indicated a rear yard setback of 40 feet, consistent with ordinance standards for the Highway 10 Design Overlay District. The applicant indicated the days and hours of operation are from 7 am to 10 pm seven (7) days per week. The front building remained as previously approved.

An application was submitted and withdrawn prior to Planning Commission action on March 3, 2005. The proposal included the development of 24.37 acres with 276,234 square feet of retail space constructed in three (3) phases. A total of 1,179 parking spaces were proposed. The proposal allowed the development of the area behind Pinnacle Station and included access to the Pinnacle Creek development (located behind Wal-greens and Buffalo Wild Wings) by sharing a 60-foot access and utility easement. The center was proposed with C-3, General Commercial District uses as allowable uses for the site. The hours of operation were proposed from 8:30 am to 10:00 pm seven days per week.

An application was submitted and withdrawn prior to Planning Commission action on September 14, 2006. The request included the construction of 275,000 square feet of office, office/warehouse space and the allowance of C-3, General Commercial District uses as allowable uses. Access to the development was proposed as before, through the Pinnacle Creek access easement shared between Pinnacle Creek, Buffalo Wild Wings and Wal-greens.

An application was submitted and withdrawn prior to Planning Commission action on February 14, 2008. The request was to allow a revision to two (2) previously approved PCD's, Pinnacle Creek PCD (the western portion of the development site) and Pinnacle Station PCD (the eastern portion of the development site) and the rezoning of an area zoned R-2, Single-family located north of Pinnacle Station to PCD to allow the development of a retail center and allow driveway access from Pinnacle Creek to the intersection with Taylor Loop Road. The total land area is 21.98 acres and the total building area proposed is 235,703 square feet with 1,089 parking spaces. Construction of the retail center was proposed in three (3) phases. The hours of operation for the development were from 8:30 am to 10:00 pm seven days per week.

No development has occurred on the rear portion of the site.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The property is located north of Cantrell Road at the intersection of Cantrell Road and Taylor Loop. More specifically the site is located at the end of the private drive between Buffalo Wild Wings and Walgreen's. The site is made up of several properties. There are two parcels located north of the two (2) shopping

centers. One property contains 5.98 acres and is currently zoned PCD and there is a 4.96 acre parcel currently zoned R-2, Single-family. Within this area the applicant is proposing to develop the area with three (3) buildings with shared access and parking. Access to the site is from the shared access easement which extends from Pinnacle Creek which accesses the traffic light at Taylor Loop Road.

Pinnacle Station contains a little over two (2) acres and is developed with a strip retail center. The applicant is proposing to amend the previously approved PCD to remove the previously approved buildings from the rear portion of the development. Pinnacle Creek contains 2.1 acres and is also developed with a strip retail center. The applicant is proposing to amend the previously approved PCD to eliminate the northern land use buffer.

Building 1 and possibly Building 2 will be constructed in the first phase. Building 1 will be ½ office and ½ office/warehouse and contain 99,650 square feet. Building 2 is proposed containing 25,000 square feet. The building is proposed two stories in height and is proposed with office on the second floor and retail utilizing C-3, General Commercial District uses as allowable uses on the ground floor. Building 3 will contain 20,000 square feet and is proposed with office uses only. Building 3 is located within the floodway. The applicant states a CLOMR will be required prior to placing any fill in the floodway and beginning construction of Building 3.

The site will provide an all-weather emergency access connecting the new development with the Pinnacle Station retail center. Detention will be provided by means of underground storage.

B. EXISTING CONDITIONS:

A portion of the site proposed for new development has been cleared and a large creek runs along the northern boundary. The western portion is zoned single-family and is wooded. To the south, adjacent to Cantrell Road, is a restaurant, Buffalo Wild Wings, and Wal-greens. A convenience store with gas pumps is currently under construction at the southeast corner of Cantrell and Taylor Loop Road. North of the creek there are single-family homes accessed by Pinnacle Valley Road. West of the R-2, Single-family zoned property is a single-family subdivision which recently received preliminary plat approval. There are office and commercial uses located along Cantrell Road in this area. There is also a small church located on the south side of Cantrell Road.

C. NEIGHBORHOOD COMMENTS:

As of this writing, staff has received a few informational phone calls from area residents. All owners of property located within 200-feet of the site along with the Pinnacle Valley Neighborhood Association, the Tulley Cove Neighborhood

Association, the Westbury Neighborhood Association and the Westchester Heatherbrae Property Owners Association were notified of the public hearing.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

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.
2. The access to the property should be provided by a shared access easements. The access easements should be constructed to minor commercial street standards (31 feet wide) with sidewalks. On the east shared access easement, the width should be 36 feet from the existing building to Cantrell Road.
3. With additional vehicle proposed to access the subject property from 14524 Cantrell Road the existing driveway should align with Jerry Drive. The existing alignment causes conflicting left turns that creates unsafe conditions.
4. The existing fill has been illegally placed on the subject property. The fill in the floodway must be removed and fill in the floodplain regarded to positively drain and erosion controls installed along with all disturbed areas seeded prior to Planning Commission action.
5. A grading permit in accordance with Section 29-186 (c) and (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. Is the project proposed to be phased? Is a variance requested for the grading of future phases with construction of Phase 1? Provide a phasing plan or show area to be advanced graded with Phase 1.
6. The proposed alteration of the floodway will require flood map revisions. Obtain a conditional letter of map revision and no rise certification approval from Public Works and the Federal Emergency Management Agency prior to issuance of a grading permit.
7. Repair or replace any curb and gutter or sidewalk that is damaged in the public right-of-way prior to occupancy.
8. Obtain permits for improvements within State Highway right-of-way from AHTD, District VI.
9. Stormwater detention ordinance applies to this property. Show the proposed location for stormwater detention facilities on the plan.
10. If disturbed area is one (1) or more acres, obtain a NPDES stormwater permit from the Arkansas Department of Environmental Quality prior to the start of construction.

11. A special Grading Permit for Flood Hazard Areas will be required per Section 8-283 prior to construction.
12. 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.
13. 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.
14. A right turn lane should be constructed on Cantrell Road for the east driveway and the taper extend to the adjacent property's driveway. (50-foot stack and 100-feet of taper.
15. The proposed access easement cannot be used to back vehicles. All parking spaces adjacent to the access easement must be removed. The easements should be constructed to minor commercial street standard of 31 foot with sidewalks.
16. A minimum undisturbed strip 25 foot wide except for reasonable access shall be provided along each side of streams having a 10 yr storm >150 cfs. The undisturbed strip should be measured from the top of the bank.
17. The subject property is located within the floodplain. The minimum Finish Floor elevation of at least 1 foot above the base flood elevation is required to be shown on plat and grading plans.
18. 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.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Wastewater: Sewer available to the project. Sewer main relocation required to construction the project as shown. Contact Little Rock Wastewater Utility for additional information.

Entergy: Entergy does not object to this proposal. A 3 phase power line exists on Pinnacle Valley Road to the east and from one or 2 locations on the south side of the property. There are currently no other Entergy facilities on this property. Contact Entergy in advance regarding future service requirements and facilities location(s).

Centerpoint Energy: No comment received.

AT & T: No comment received.

Central Arkansas Water:

1. A 48-inch raw water line and a 72-inch raw water line cross the site within a 50-foot wide waterline easement in the middle of this property. Care must

be taken to protect these water lines and any appurtenances, such as access and air release vaults, or monumentation which may be in the area. No signs, light poles, dumpster pads or other structures on foundations will be allowed within the existing 50-foot waterline easement. Paved parking and driveways are allowed. Field verification of the pipeline depth and location will need to be made by Central Arkansas Water. Construction of the proposed improvements must be performed with materials and techniques that will not harm or damage the pipelines or interfere with the operation. Due to the critical nature of the 39-inch raw water line located near this grading please contact CAW at 501.594.5261 24-hours prior to any work within the water right of way.

2. All Central Arkansas Water requirements in effect at the time of request for water service must be met.
3. 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.
4. 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 the Little Rock Fire Department is required.
5. A Capital Investment Charge based on the size of meter connection(s) will apply to this project in addition to normal charges. This fee will apply to all connections including metered connections off the private fire system.
6. If there are facilities that need to be adjusted and/or relocated, contact Central Arkansas Water. That work would be done at the expense of the developer.
7. Contact Central Arkansas Water if additional fire protection or metered water service is required.
8. Due to the nature of this facility, installation of an approved reduced pressure zone backflow preventer assembly (RPZA) is required on the domestic water service. This assembly must be installed prior to the first point of use. Central Arkansas Water requires that upon installation of the RPZA, successful tests of the assembly must be completed by a Certified Assembly Tester licensed by the State of Arkansas and approved by Central Arkansas Water. The test results must be sent to Central Arkansas Water's Cross Connection Section within ten days of installation and annually thereafter. Contact the Cross Connection Section at 501.377.1226 if you would like to discuss backflow prevention requirements for this project.

9. The facilities on-site will be private. When meters are planned off private lines, private facilities shall be installed to Central Arkansas Water's materials and construction specifications and installation will be inspected by an engineer, licensed to practice in the State of Arkansas. Execution of a Customer Owned Line Agreement is required.
10. Fire sprinkler systems which do not contain additives such as antifreeze shall be isolated with a double detector check valve assembly. If additives area used, a reduced pressure zone back flow preventer shall be required.
11. This development will have minor impact on the existing water distribution system. Proposed water facilities will be sized to provide adequate pressure and fire protection.

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.

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.

30' Tall Buildings - Maintain aerial fire apparatus access roads as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 Section D105.1 – D105.4

D105.1 Where Required. Where the vertical distance between the grade plane and the highest roof surface exceed 30', approved aerial fire apparatus access roads shall be provided. For the purposes of this section the highest roof surfaces shall be determined by measurement to the eave of a pitched roof, the intersection of a roof to the exterior wall, or the top of the parapet walls, whichever is greater.

D105.2 Width. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26', exclusive of shoulders, in the immediate vicinity of the building or portion thereof.

D105.3 Proximity to building. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official.

D105.4 Obstructions. Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building. Other obstructions shall be permitted to be placed with the approval of the fire code official.

Dead Ends. Maintain fire apparatus access roads at dead end locations as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 Section D103.4 Dead Ends. Dead-end fire apparatus access roads in excess of 150 feet shall be provided with width and turnaround provisions in accordance with Table D103.4. Requirements for Dead-end fire apparatus access roads.

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 replaced 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.

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). Number and Distribution of Fire Hydrants as per Table C105.1.

Parks and Recreation: No comment received.

County Planning: No comment.

CATA: The area is currently served by CATA at this location via Route #25. This location is currently in CATA's long range planning for future Express Bus Service. The proposal has no impact to current service. Maintaining the bicycle and pedestrian way in this area is important to accessing transit; an important feature for future planning and development of this area, especially access to jobs. Transit is a primary source of affordable rides to work.

F. ISSUES/TECHNICAL/DESIGN:

Building Code: Project is subject to full commercial plan review approval prior to issuance of a building permit. For information on submittal requirements and the review process, contact a commercial plans examiner:

Curtis Richey at 501.371.4724; crichey@littlerock.org or
Mark Alderfer at 501.371.4875; malderfer@littlerock.org.

Planning Division: This request is located in the Pinnacle Planning District. The Land Use Plan shows Transition (T) for this property. Transition 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 applicant has applied for a rezoning from PCD (Planned Commercial District) and R-2 (Single Family District) to PCD (Planned Commercial District) to allow for of an office-warehouse and commercial development on this site.

Master Street Plan: Cantrell Road is shown as Principal Arterial 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. This street may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

Bicycle Plan: 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. Ten-foot paths are recommended where the path is not along a street, with an additional four-feet to allow for pedestrian use as well.

Landscape:

1. Site plan must comply with the City's landscape and buffer ordinance requirements.
2. 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 minimum dimension shall be nine (9) feet. The maximum dimension required shall be fifty (50) feet. 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 purposed, shall be provided within the landscape ordinance of the City, Section 15-81.
3. The property to the north, east and west zoned R-2, Single-family. The average width of the lot is approximately eight hundred and thirty (830) feet. A fifty (50) buffer will be required in this area.
4. 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.
5. Landscape areas shall be provided between the vehicular use area used for public parking and the general vicinity of the building, excluding truck loading

- or service areas not open to public parking. These areas shall be equal to an equivalent planter strip three (3) feet wide along the vehicular use area.
6. 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.
 7. 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. SUBDIVISION COMMITTEE COMMENT: (April 1, 2015)

Mr. Frank Riggins was present representing the request. Staff presented an overview of the item stating there were additional items needed to complete the review process. Staff stated the two (2) PCD's located between the proposed development area and Cantrell Road would need to be revised with the current application request. Staff stated the western PCD had developed and the northern land use buffer had been removed. Staff stated the original approval of the eastern PCD contained a large portion of the land area contained in the current request. Staff stated the previous development plan approved allow three (3) buildings of office and office warehouse uses. Staff noted the site plan as currently submitted included connecting the western PCD to this new development area.

Public Works comments were addressed. Staff stated the existing fill located within the floodway was to be removed prior to the Commission hearing the request. Staff stated the fill could be placed within the floodplain and regraded and seeded. Staff stated the existing driveway on Cantrell Road should be relocated to align with Jerry Drive. Staff stated prior to any grading activities the applicant was required to seek approval of a grading permit. Staff stated parking spaces could not back into the proposed access easement and the drive isles should be redesigned and constructed to a minor commercial street standard.

Landscaping comments were addressed. Staff stated the perimeter buffers should be no less than 50-feet. Staff stated a minimum of eight (8) percent of the paved area should be landscaped. Staff stated the parking lot islands were to be a minimum of 300 square feet in area. Staff stated a land use buffer was required along the sites eastern, northern and western perimeters.

Staff noted the comments from the various other agencies. There were no more issues for discussion. The Committee then forwarded the item to the full Commission for final action.

H. ANALYSIS:

The applicant submitted a revised site plan to staff addressing a number of the issues raised at the April 1, 2015, Subdivision Committee meeting. The revised plan has removed access from the Pinnacle Station Shopping center to the new development area. An emergency all-weather access will be provided from the Pinnacle Station Shopping center to the new development site. All access to the new construction is proposed via a 60-foot access easement which extends between Wal-greens and Buffalo Wild Wings to the north from a traffic signal at Taylor Loop Road.

There are two (2) parcels located north of the Pinnacle Creek Shopping Center and the Pinnacle Station Shopping Center proposed for development. The area proposed for the new construction contains a property currently zoned PCD (5.98 acres) and a 4.96 acre parcel currently zoned R-2, Single-family. On the portion of the property zoned PCD the applicant has placed a large amount of fill material within the floodway. Staff has requested the applicant remove the fill and reseed the area for stabilization. Based on the recent rains the applicant has been unable to remove the fill from the floodway. Staff originally stated the Commission could not hear the request until the fill material was removed. Based on the weather staff is now willing to allow the item to be heard by the Commission but not allowing the item to be heard by the Board of Directors until the fill material is removed from the floodway and the area is reseeded and stabilized.

The applicant is proposing to develop the area with three (3) buildings with shared access and parking. Building 1 and possibly Building 2 will be constructed in the first phase. Building 1 will be ½ office and ½ office/warehouse and contain 99,650 square feet. Building 2 is proposed containing 25,000 square feet. The building is proposed two stories in height and is proposed with office on the second floor and retail utilizing C-3, General Commercial District uses as allowable uses on the ground floor. Building 3 will contain 20,000 square feet and is proposed with office uses only. Building 3 is located within the floodway. The applicant states a CLOMR will be required prior to placing any fill in the floodway and beginning construction of Building 3.

The site plan indicates the placement of a 20-foot access easement to provide access to a proposed single-family subdivision to the west. Also located in this area is a 41-foot wide land use buffer. The site plan indicates a modular block retaining wall will be constructed on this property line. The note states the north 400 feet of the wall will face west. The wall will be 10-feet tall at the highest point. The south 150-feet will be 6-feet tall. The wall will be placed at the edge of the paving. Due to the elevation change between the parking and the single-family subdivision to the west staff feels a screening fence should be placed at the top of the wall in addition to the 41-foot land use buffer required. The northern land use buffer will include landscaping. A vegetative screen will

be planted along the north edge of the paved area in lieu of a fence and landscaping on the property line since the majority of the area lies in the stream channel. Existing natural vegetation in the floodway will be preserved along the north boundary where no work is proposed.

The site is proposing access via a 60-foot access easement extending from Cantrell Road and constructed to serve the three (3) existing parcels as they have developed. The access easement has not been constructed as a commercial access easement and has not limited access from the adjacent business parking lots. There are currently parking spaces which back-out into the access easement which creates an unsafe traffic movement. Staff is not supportive of allowing access to the new development area as presently proposed. Staff feels if access to the new development is allowed as proposed, the existing parking lots should be reconfigured to limit the number of curb cuts and create a drive as typically required to serve commercial developments.

The land use buffer for Pinnacle Creek was removed and paving is located to the property line. There is a large portion of this area which abuts R-2, Single-family zoning and is proposed as a single-family subdivision. Staff feels the paving should be removed and the proper buffering be put back in place.

The applicant has indicated the business hours are from 7 am to 7 pm seven (7) days per week. The applicant has indicated some events may occur which will extend the hours beyond the 7 pm closing. The applicant has not specified just what these events might consist of. The dumpster service hours are proposed from 7 am to 6 pm Monday through Friday.

The applicant has indicated signage will comply with the signage typically allowed in commercial development. Signage will be placed on the front facades of the buildings fronting into the parking lot. A single ground sign will be located at the entrance to the development from the access easement. The sign will comply with signage allowed in the Highway 10 DOD.

Staff is not supportive of the applicant's request. The previous approval allowed for the development to consist additional office/warehouse within a portion of the site proposed for development. The square footages were limited to one third the size of the development currently proposed. In addition the previous approval did not allow commercial uses within this portion of the development which allowed a transition between the commercial uses located along Cantrell Road and the single-family homes located to the north. Staff has concerns with the applicant's proposed access to the site. The site plan indicates access to the development via an access easement which was not constructed in the typical manner as a commercial street or access easement. In addition staff has concerns with approving the request to amend the PCD zoning for the Pinnacle Creek PCD to eliminate the northern land use buffer. The area to the north was recently approved for a single-family subdivision. Staff feels the proper buffering should be put in place to protect the new homes currently proposed.

I. STAFF RECOMMENDATION:

Staff recommends denial of the request.

PLANNING COMMISSION ACTION:

(JUNE 4, 2015)

The applicant was present. There were no registered objectors present. Staff presented the item stating the applicant had submitted a request dated June 1, 2015, requesting deferral of this item to the Commission's July 16, 2015, public hearing. Staff stated the deferral request would require a waiver of the Commission's by-laws with regard to the late deferral request. Staff stated they were supportive of the deferral request. There was no further discussion. The chair entertained a motion for approval of the Commission's by-laws with regard to the late deferral request. The motion carried by a vote of 8 ayes, 0 noes and 3 absent. The item was placed on the consent agenda and approved as recommended by staff by a vote of 8 ayes, 0 noes and 3 absent.

STAFF UPDATE:

There have been minor modifications to the site plan since the previous staff write-up and recommendation. The applicant has provided easement documents approving an access easement with the property owner to the west which allows a secondary access into a proposed single-family subdivision, whose primary access is from Pinnacle Valley Road. The applicant has also indicated the adjacent property owner will provide a permanent easement for the applicant's use for buffering of the Pinnacle Station shopping center, which was previously removed, and the proposed single-family subdivision to the north.

The applicant has indicated the existing parking configuration for Pinnacle Station will not change. The parking spaces located along the access drive will be designated as employee parking and will continue to back into the access driveway.

The applicant has provided public works staff with a traffic analysis. Staff is continuing to review the analysis and will provide the findings of the traffic analysis to the Commission at the public hearing.

Staff continues to not support the applicant's proposal for rezoning of the northern area to PCD. The applicant is proposing to develop the area with commercial activities. The area is identified on the City's Future Land Use Plan as Residential Low. The area of the previous approval which allowed the development of office and office warehouse is identified as Transition. The applicant is proposing removal of the northern land use buffer adjacent to the creek. Staff feels based on the current zoning and the development pattern along the north side of the creek the land use buffer should be maintained to protect the existing and future residential uses in the area.

Staff recommends denial of the request.

PLANNING COMMISSION ACTION:

(JULY 16, 2015)

The applicant was present. There were registered objectors present. Staff presented the item with a recommendation of denial. Staff stated the development as proposed was too intense and contained commercial uses which they felt was not appropriate for the site. Staff stated the development was proposed to be served by a substandard driveway. Public Works staff stated the applicant had submitted a traffic analysis which indicated the access and the intersection of the driveway with Cantrell Road with a level of service F. Staff stated there were 38,000 vehicles per day at the intersection of Cantrell Road and Taylor Loop Road. Staff stated there were 14,000 vehicles per day accessing the intersection from Taylor Loop Road. Staff stated the traffic analysis indicated there would be 200 second delays. Staff stated there would be significant stacking along the driveway trying to exit the site.

Staff stated the site plan indicated construction of a building within the designated floodway. Staff stated the applicant could seek a request to revise the floodway but they felt approving a building in the floodway without the map revision was premature.

Mr. John Reese addressed the Commission on the merits of the request. He stated the previous approval allowed for development behind his existing shopping center. He stated he purchased this property to allow his development to access the traffic signal at Taylor Loop Road. He stated safety was a concern and felt allowing his existing development to access the traffic signal and allow the shopping center where Fuller and Sons was located a driveway into this development which would then allow the development to access the traffic signal would allow for less congestion and allow for safer traffic movements. He stated the only retail he would be seeking would be low volume traffic generators. He stated he did not feel the area would develop as single-family due to the proximity of the commercial activity along Cantrell Road.

Mr. Randy Talbert of Peters and Associates addressed the Commission. He stated his firm had prepared a traffic analysis for this site. He stated there was a delay at the intersection but the overall delay was 100 seconds. He stated the current center generated little traffic. He stated the driveway was constructed to commercial street standard with 31-feet to 36-feet of pavement. He stated the traffic at the intersection was traveling along Cantrell Road or was traveling to the south of Cantrell Road on Taylor Loop Road.

Mr. Frank Riggins of Crafton Tull and Associates addressed the Commission concerning the site development. He stated the site contained 10.5 acres and was proposed with 130,000 square of office and office warehouse space with a small portion of the space designated for commercial use. He stated the second phase included the building located in the floodway which would not be developed until a letter of map revision was approved by FEMA. He stated the development was providing buffering

and screening to the proposed single-family subdivision to the west. He stated the area to the north was adequately buffered by the creek. He stated detention would be provided by underground storage.

Ms. Vada Reynolds with the Coldwell Banker Commercial addressed the Commission in opposition of the request. She stated her company managed the property for the Brandon Family or the Fuller and Sons shopping center. She stated the site plan Mr. Reese was presenting indicated access from their property into his development. She stated no one had contacted her client concerning the proposed access. She stated her owner was also concerned with the use of the driveway and the future impact on her owner's property with the increase in traffic. She stated the driveway for their shopping center was located 25-feet from the traffic light. She stated additional traffic in the area would make it more difficult for customers of her shopping center to enter and leave the site.

Ms. Ruth Bell, League of Women Voters, addressed the Commission in opposition of the request. She stated the time delay at the traffic light would be one (1) to three (3) minutes depending on which traffic engineer you chose to consider. She stated buffering was important to protect the residential uses to the north. She stated vegetation was better than a wood fence. She stated vegetation blocked the sound from nearby commercial uses and streets. She stated there was a concern with filling in the floodway. She stated the water did not go away. She stated the water was just rerouted. She requested the Commission deny the request.

Mr. Reese addressed the Commission stating he had not contacted the property owner concerning access but he had talked with the tenants of the center. He stated the tenants were requesting he allow access to allow their customers safe access to the traffic light. He stated this area was dangerous from 4 pm to 6 pm. He stated the property owner to the west was in full support of the development. He stated his development was providing a secondary access to the proposed subdivision which was needed to allow the new subdivision and the new homes to develop. He stated the traffic on the north side of Cantrell Road was one-tenth the traffic on the south side of Cantrell Road. He stated his development was for office and office warehouse which generated little traffic. He stated the area was low and would require three (3) to five (5) feet of fill to allow the development to occur. He stated his development would have no impact on the area.

There was a general discussion by the Commission concerning the site plan, access and traffic. Commissioner Cox stated his home was located in this area and he traveled Cantrell Road several times per day. He stated traffic would back up from Taylor Loop Road back to Kroger to the east in both the morning and afternoon rush. He stated there was a safety concern with cars entering and leaving both Mr. Reese's development and the center with Fuller and Sons. He questioned if these two (2) developments could be restricted to right turn out only driveway entrances and allow the left turn entrance from the new proposed access.

Staff stated the only counts in the applicant's traffic analysis were related to his development. Staff stated the applicant was proposing to increase the trips by allowing multiple accesses to the existing driveway and through the proposed shopping center for the existing commercial and future commercial uses. Staff stated the traffic analysis indicated a level of service F for the volume proposed with Mr. Reese's proposed development. Staff stated increasing the number of vehicles taking access would only increase the delay time at the intersection of Cantrell Road and Taylor Loop Road. Staff stated this would in turn cause adjustments to be made to the traffic signal on Cantrell Road in this area which would further cause congestion in the area.

There was a general discussion by the Commission concerning the floodway and the approval of a site plan which included a building in the floodway. Staff stated they felt this approval was premature. Staff stated there was a process for approval of a map revision to remove the area from the floodway but no new construction would be allowed in the floodway.

A motion was made to approve the request including all staff recommendation and comments except that of denial. The motion failed by a vote of 1 aye, 10 noes and 0 absent.