

FILE NO.: Z-7603-I

NAME: 14910 Cantrell Road Revised Long-form PCD

LOCATION: 14910 Cantrell Road

DEVELOPER:

PDC Companies
1501 N. University Avenue
Little Rock, AR 72207

ENGINEER:

The Holloway Firm, Inc.
Mr. Bob Holloway
200 Casey Drive
Maumelle, AR 72113

AREA: 7.93 acres

NUMBER OF LOTS: 4

FT. NEW STREET: 0 LF

WARD: 5

PLANNING DISTRICT: 1 – River Mountain

CENSUS TRACT: 42.05

CURRENT ZONING: PCD

ALLOWED USES: O-3, General Office District and C-1, Neighborhood Commercial District and All about Tire and Brakes as an allowable use

PROPOSED ZONING: Revised PCD

PROPOSED USE: O-3, General Office District and C-1, Neighborhood Commercial District

VARIANCE/WAIVERS: None requested.

BACKGROUND:

A request to rezone a portion of this site from R-2, Single-family to POD was filed and withdrawn from consideration prior to the June 3, 2004, Planning Commission Public Hearing. The applicant proposed a development to include office and commercial activities on 3.6 acres located along the western portion of this site. (Z-7603)

Ordinance No. 19,314 adopted by the Little Rock Board of Directors on April 19, 2005, established PDC Company Short-form POD. The request included the development of a 3.6 acre parcel as a Planned Office Development with a restaurant facility on one of the proposed lots and an office building on the second lot. Lot 1 would develop with a restaurant without drive-through service containing 4,500 square feet and Lot 2 would develop with 29,200 square foot of office space. The overall percent for each use on the site was eighty-seven percent office and thirteen percent commercial. The approval established the hours of operation from 6 am to midnight seven days per week. The development has not been constructed. (Z-7603-A)

On June 22, 2006, the Little Rock Planning Commission denied a request to allow 14910 Cantrell Road (adjacent to the east) and the PDC Company Short-form POD to be rezoned from R-2, Single-family and POD to PCD to allow a four-lot subdivision with a combination of sit-down and drive-through restaurants. The lots varied in size from 1.3 acres to 2.5 acres. Restaurant sizes range from 4,100 square feet to 7,200 square feet. A cul-de-sac would be constructed as a public street from Highway 10 through the middle of the lots to provide public street frontage for each lot. The developer requested the flexibility to shift lot area and restaurant size within the development to accommodate a variety of tenants. A 40-foot access and utility easement was proposed from the cul-de-sac to a property located to the east of the site. The site was approved as a PCD to allow the construction of a strip retail center with no parking or access located along the rear of the building. According to the applicant access to the site to the east would allow circulation between developments and limit the need for vehicles to access Cantrell Road from the development site. Placement of the access easement would allow vehicles from as far west as Regions Bank to access the existing traffic signal for protected left turns. The item was not appealed to the Board of Directors. (Z-7603-B)

On January 18, 2007, the Planning Commission approved a rezoning of 14910 Cantrell Road from R-2, Single-family to PCD which allowed the development of 4.2 acres as a two lot development. The site plan indicated two buildings would be constructed on the site. A building containing 7,200 square feet and 107 parking spaces was proposed on the lot fronting Cantrell Road and a second building containing 6,300 square feet and 110 parking spaces was proposed for the rear lot. A maximum of 13,000 square feet of restaurant space was approved. A selected list of commercial uses was approved for the site other than a restaurant. The hours of operation for a restaurant facility were limited to 10:00 am to midnight seven days per week. The lots were proposed each containing in excess of two acres. Access to the development was proposed through a 24-foot drive located along the western perimeter of the site and was to be shared with the property approved for PDC Short-form POD located to the west proposed for future development with office and commercial uses. On February 6, 2007, the Little Rock Board of Directors approved Ordinance No. 19,694 allowing the rezoning.

The following uses were approved as allowable uses for the development: Bank or savings and loan, Book and stationary store, Camera shop, Clinic (medical, dental or optical), Clothing store, Eating place without drive-in service, Florist shop, Furniture store, Hardware or sporting goods store, Health studio or spa, Jewelry store, Laundry, domestic cleaning, Office (general and professional), Optical shop, Photography studio, Retail uses not listed (enclosed).

A definition of a “sit down restaurant” was also approved. A “sit down restaurant” is a type of restaurant, which provides tables where one sits down to eat a meal, typically served by wait staff. Historically called simply restaurants, following the rise of fast food restaurants, a retronym for the older “standard” restaurant was created. Most commonly, “sit down restaurant” refers to a casual dining restaurant with table service rather than a fast food service where one orders food at a counter. Sit down restaurants are often further categorized as “family style” or “formal”. (Z-7603-C)

Ordinance No. 19,946 adopted by the Little Rock Board of Directors on April 1, 2008, rezoned both 14910 and the PDC development from POD and PCD to PCD. The approval allowed a 3,400 square foot drive-through restaurant on Lot 1, a 29,180 square foot office building on Lot 2, a 6,560 square foot restaurant on Lot 3 and a 6,000 square foot restaurant, a 10,500 square foot retail center and a 2,000 square foot bank on Lot 4. (Z-7603-D)

The hours of operation for the development were approved from 6:00 am to midnight seven days per week for Lots 1, 2 and 4 and from 10:00 am to midnight seven days per week for Lot 3. The hours of dumpster service and the service hours of supplies were limited to daylight hours.

The approved uses were limited to the following: Bank or savings and loan, Book and stationary store, Camera shop, Clinic (medical, dental or optical), Clothing store, Eating place without drive-in service, Florist shop, Furniture store, Hardware or sporting goods store, Health studio or spa, Jewelry store, Laundry, domestic cleaning, Office (general and professional), Optical shop, Photography studio, Retail uses not listed (enclosed).

The development was required to construct an earthen berm along the Cantrell Road frontage within the 40-foot landscape strip constructed to a minimum height of 42-inches measured from the average grade of the site. Within the 40-foot landscape strip an earthen sculpture and stone water feature would be constructed along with the landscaping as typically required to comply with the Highway 10 DOD.

On September 18, 2008, the Little Rock Planning Commission denied a request to allow the placement of an individual tenant sign on Lot 1 to serve the Burger King. The denial was appealed to the Board of Directors and scheduled to be heard on January 5, 2009, but was withdrawn by the applicant prior to the public hearing. (Z-7603-E)

On March 10, 2011, the Little Rock Planning Commission recommended for approval a revision to the PCD for a modification to the site plan along the eastern portion of the site (Lots 3 and 4). The applicant proposed to create an additional lot along the eastern perimeter to allow the construction of an automotive service facility within this area in addition to the sit down restaurant and stand-alone retail building. The revised site plan allowed for a reduction of parking in an effort to create additional landscaped areas. Lots 1 and 2 would remain unchanged from the originally approved site plan. Lots 3 and 4 would be subdivided into Lots 3, 4 and 5. A 6,560 square foot restaurant building would locate on Lot 3. Lot 4 was proposed with a 7,200 square foot automotive service facility and Lot 5 was proposed to develop with a 5,000 square foot restaurant building. The

Little Rock Board of Directors denied this request at their April 19, 2011, public hearing. (Z-7603-F)

Ordinance No. 20,664 adopted by the Board of Directors on December 4, 2012, allowed a revision to the previously approved PCD. The approval amended the previous approval for Lots 3 and 4 of the proposed development. Lot 3 was originally approved for a 6,500 square foot restaurant and Lot 4 was approved for a 10,500 square foot retail center, a 6,560 square foot restaurant and a 2,000 square foot bank. The 2012 approval allowed Lot 3 to develop with a 12,000 square foot retail building with an auto care facility. Lot 3 was proposed with four (4) lease spaces each containing 1,200 square feet and 7,200 square feet was proposed for All about Tire and Brakes. Lot 4 was proposed with 16,500 square feet of retail lease space and a 5,600 square foot restaurant.

Lots 1 and 2 remained the same as with the original site plan approval; a 3,400 square foot restaurant with drive-through service on Lot 1 and a 29,180 square foot office building located on Lot 2. The office uses proposed were those as allowed in the O-3, General Office Zoning District. The applicant requested the allowance of the accessory uses as allowed in the O-3, General Office Zoning District within the office building proposed on Lot 2. The square footage of the accessory use would not exceed ten (10) percent of the total floor area of the office building.

The approval also revised the allowable uses for the proposed development of Lots 3 and 4. The applicant approval allowed the uses as allowed in the C-1, Neighborhood Commercial Zoning District as allowable uses for the lots. The hours of operation for the four (4) lots were proposed from 6:00 am to midnight seven (7) days per week as was originally approved for Lots 1, 2 and 4. The approval removed the limited hours of operation for Lot 3 due to the request no longer included a stand-alone restaurant for the lot. All other previous commitments continued to apply to the overall development.

Ordinance No. 21, 244 adopted by the Little Rock Board of Directors on May 17, 2016, allowed a revision for Lot 3 to amend the previously approved building materials on the rear side of the building. The approval allowed the placement of metal on the rear façade of the building located on Lot 3. The approval also allowed the placement of signage identifying the development which was placed on the water feature within the common area at the entrance to the development. The applicant placed lettering "Cantrell Falls" on the wall of the water feature to identify of the development and was to be the only lettering placed on the water feature.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant is now proposing to amend the previously approved PCD, Planned Commercial Development, for Lot 2 of the Cantrell Falls development. The initial approval allowed for Lot 2 to be developed with 29,180 square foot office building with ten (10) percent allowed for commercial retail. The applicant is now proposing a reduction in the building square footage to 19,754 square feet to be occupied by

C-1, Neighborhood Commercial District uses. The building is proposed as a single story building. The plan indicates the placement of a restaurant with an area for outdoor dining along the eastern side of the lot.

B. EXISTING CONDITIONS:

The site has developed with three (3) buildings. One a strip center with All About Tire and Brakes and additional space for retail users. The second is Kauffman by Design, a home center and the third, Burger King. This site is located near the Taylor Loop/Cantrell Road commercial node. To the east of the site is Wal-Greens, a strip retail center and Buffalo Wild Wings. The area to the north is undeveloped; currently zoned R-2, Single-family. To the west of the site is a branch bank adjacent to Cantrell Road, with a dentist office and a medical office located in the rear of the bank property on separate lots. South of the site are vacant properties zoned R-2, Single-family, the Easter Seals Training and Wellness Center, Branch Banks and a Montessori school.

C. NEIGHBORHOOD COMMENTS:

All property owners located within 200-feet of the site along with the Tulley Cove Neighborhood Association, the Westchester Neighborhood Association and the Pinnacle Valley Neighborhood Association were notified of the public hearing.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. The sidewalk should continue along the west side of the access easement to the proposed building on Lot 2.
2. 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.
3. A structure is proposed to be constructed within the access easement.
4. Parallel parking striping is provided within the shared access easement adjacent to the Tire and Brake store.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Little Rock Wastewater: Sewer main extension required, with easements, if new sewer service is required for this project. EAD, Environmental Assessment Division, approval required. Contact Little Rock Wastewater Utility for additional information.

Entergy: Entergy does not object to this proposal. An underground three phase power line exists to the east side of this property serving existing customers in the development and a single phase overhead line exists on the west side of the

property. There do not appear to be any conflicts with existing Entergy facilities. Contact Entergy in advance to discuss future service requirements, new facilities locations and adjustments to existing facilities (if any) as this project proceeds.

Centerpoint Energy: Centerpoint Energy currently owns and operates buried natural gas facilities located within an existing 60 foot wide Drainage & Utility Easement documented as Instrument # 2008052186 and Instrument # 2014052425. According to the proposals for Lot 2 of the Cantrell Falls Addition, it looks as if there is a “Proposed Restaurant Space” that would encroach upon the 60 foot Drainage & Utility Easement. It is unclear whether this “Proposed Restaurant Space” is a permeant structure. Centerpoint Energy opposes any encroachment of a permeant structure upon the 60 foot Drainage & Utility Easement. However, Centerpoint Energy would accept the proposed encroachment provided any permeant structure maintains a 10 foot lateral/horizontal distance from our existing buried natural gas facilities. Contact Centerpoint Entergy, Andrew Townsend at 501.377.4679 or Andrew.Townsend@centerpointentergy.com with any questions.

AT & T: No comment received.

Central Arkansas Water:

1. All Central Arkansas Water requirements in effect at the time of request for water service must be met.
2. 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.
3. 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.
4. 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.
5. 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.
6. Contact Central Arkansas Water regarding the size and location of the water meter.
7. 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.

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. Fire sprinkler systems which do not contain additives such as antifreeze shall be isolated with a double detector check valve assembly. If additives are used, a reduced pressure zone back flow preventer shall be required.

Fire Department: **Full plan review.**

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.

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.

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 (Jason Lowder 501-377-1245) and the Little Rock Fire Marshal's Office (Capt. Tony Rhodes 501-918-3757 or Capt. John Hogue 501-918-3754). Number and Distribution of Fire Hydrants as per Table C105.1.

Parks and Recreation: No comment received.

County Planning: No comment.

Rock Region Metro: Location is currently served by METRO on route 25. We have no objections to this revision of the development as presented. We request developer provide full sidewalk connectivity from the each building entrance to the transit route along Cantrell Rd.

F. ISSUES/TECHNICAL/DESIGN:

Building Code: Project is subject to full commercial plan review and 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.gov or
Mark Alderfer at 501.371.4875; malderfer@littlerock.gov.

Planning Division: This request is located in River Mountain Planning District. The Land Use Plan shows Mixed Use (MX) for this property. Mixed Use 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. The request is to revise the Planned Commercial District to remove the previously approved office building and allow the construction of a commercial strip center. The request is within the Highway 10 Overlay District.

Master Street Plan: To the south of the property is Cantrell Road. Cantrell Road is a Principal Arterial Road 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: There is a Class I Bike Path 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/and easement is recommended. Nine-foot paths are recommended to allow for pedestrian use as well (replacing the sidewalk).

Landscape:

1. Site plan must comply with the City's landscape and buffer ordinance requirements and the Highway 10 Overlay District.
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 property to the north is zoned R-2. The land use buffer shown at approximately fourteen (14) feet in depth is deficient. The average depth of the lot is approximately three hundred and eighty (380) feet. A twenty-three (23) foot buffer is required. 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.
3. 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.
4. 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.
5. 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). The minimum size of an interior landscape area shall be one hundred fifty (150) square feet for developments with one hundred fifty (150) or fewer parking spaces. 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.

6. A landscape irrigation system shall be required as per Highway 10 site design and development standards.
7. The development of two (2) acres or more requires the landscape plan to be stamped with the seal of a Registered Landscape Architect.
8. 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: (February 22, 2017)

Mr. Mark Redder of Holloway Engineering was present representing the request. Staff presented an overview of the item stating there were additional items necessary to complete the review process. Staff questioned the proposed drive-through on the rear of the building and the proposed use. Staff also stated the drive through was located adjacent to residentially zoned property and stated they were concerned with the potential impact on the future development of a proposed single-family subdivision. Staff questioned the proposed signage plan, the days and hours of operation and the proposed building materials for the new construction.

Public Works comments were addressed. Staff stated the sidewalk should continue along the west side of the access easement to the proposed building on Lot 2. Staff stated a structure was proposed within the access easement. Staff stated parallel parking striping was provided within the shared access easement adjacent to the Tire and Brake store.

Landscaping comments were addressed. Staff stated a minimum of eight percent (8%) of the vehicular use area was to be landscaped. Staff stated a small amount of building landscaping was required at the time of development. Staff stated a land use buffer was required along the sites northern perimeter a minimum of 23-feet in depth. Staff stated the buffer indicated at 14-feet was not sufficient to meet the typical ordinance requirements. Mr. Redder stated the previous development was approved with a reduced landscape strip and the developer was continuing to request the buffers as previously approved.

Rock Region Metro comments were addressed. Staff stated the site was located on Metro Route #25, the Pinnacle Valley Route. Staff stated there was no objection to the development as proposed.

Staff noted the comments from the various other departments and agencies. Staff suggested the applicant contact the departments or agencies directly with any questions or concerns. 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 most of the technical issues associated with the request which were raised at the February 22, 2017, Subdivision Committee meeting. The applicant has removed from the request the allowance of an order board for the space located on the western end cap of the building. The applicant notes the use would potentially be a laundry pick up station or if a food service the items would be picked up at the window on a call ahead system. The applicant has provided the proposed signage plan, the days and hours of operation and the proposed building materials for the new construction

The request is to amend the previously approved PCD, Planned Commercial Development, for Lot 2 of the Cantrell Falls development. The initial approval allowed for Lot 2 to be developed with 29,180 square foot office building with ten (10) percent allowed for commercial retail. The current request is a reduction in the building square footage to 19,755 square feet and the proposed uses are C-1, Neighborhood Commercial District uses and a health studio or spa.

The building is proposed as a single story building. The maximum building height proposed is 22-feet 6-inches to approximately 19-feet in the rear of the building. The front parapet at the low height is proposed at 26-feet 2-inches with a taller parapet height of 34-feet 2-inches. There are architectural towers proposed on the building which will not exceed 40-feet in height. The applicant notes all materials will be of high quality materials on the front and sides. The rear of the building will be metal. All roof top mechanical equipment will be screened from view of the adjacent property either by a parapet wall or other screening device placed around the roof top equipment.

The revised cover letter states the days and hours of operation are from 6 am to midnight seven (7) days per week. The dumpster service will be limited to daylight hours or 7 am to 6 pm Monday through Friday. The dumpster will be screened per typical ordinance requirements (at least 2-feet above the trash containment area on all sides). All site lighting will be low level, directional and directed downward and into the site.

The plan indicates the placement of a restaurant with an area for outdoor dining along the eastern side of the lot. The restaurant space is limited to a maximum of 4500 square feet. The area of outdoor dining is limited to a maximum of 45 seats. The remainder of the floor area will be marketed to uses as allowed in the C-1, Neighborhood Commercial Zoning District and/or a health studio and spa.

The site plan indicates 82 parking spaces located on Lot 2. The use mix proposed allowing 4,500 square feet for the restaurant with 45 seats of outdoor dining and the remainder of the center marketed as retail and office uses would typically require the placement of 87 parking spaces (1 space per 225 gross square feet of floor area). The development has been platted with cross access and cross

parking agreements which would allow any deficiencies in parking to be accommodated on an adjacent lot.

The development is proposed with building signage along the front façade of the building limited to ten (10) percent of the façade area of the tenant lease space. A single ground sign is proposed on Lot 2 as was previously approved. The maximum height proposed is six (6) feet and the maximum sign area proposed is 64 square feet.

The applicant has indicated the northern land use buffer to comply with the previous approval. The applicant has indicated grading will occur to the property line and 70-percent of the land use buffer as typically required will not be preserved.

The applicant is proposing to place the end cap of the building within a dedicated easement. The applicant is seeking approval from the various utility companies and public works for approval of the abandonment of the easement. As a separate item the applicant must seek approval of the easement abandonment from the Board of Directors.

Staff is supportive of the applicant's request. Cantrell Falls has developed in a different fashion than originally intended or approved. The site has become more of a retail space but with lesser intense retail uses than originally proposed. The original approval indicated several spaces and lots for restaurant development. The plan also included a bank with drive-through services. Staff feels based on the current use mix the current request is appropriate and will not have a significant impact on this development or on adjacent property.

I. STAFF RECOMMENDATION:

Staff recommends approval of the request subject to compliance with the comments and conditions as outlined in paragraphs D, E and F of the agenda staff report.

Staff recommends as a separate action the applicant request abandonment of the access and utility easement located within the area proposed for the future building construction.

PLANNING COMMISSION ACTION:

(MARCH 16, 2017)

The applicant was present. There were no registered objectors present. Staff presented the item with a recommendation of approval of the request subject to compliance with the comments and conditions as outlined in paragraphs D, E and F of the agenda staff report. Staff presented a recommendation as a separate action the applicant was to request abandonment of the access and utility easement located within the area proposed for the

future building construction. There was no further discussion. The item was placed on the consent agenda and approved as recommended by staff by a vote of 10 ayes, 0 noes and 1 absent.