

FILE NO.: Z-9150

NAME: East Village Short-form PCD

LOCATION: Located in the 1200 through 1400 Blocks of East 6th Street

DEVELOPER:

Sixth and Shall LLC
101 South Spring Street
Little Rock, AR 72201

ENGINEER:

Cromwell Architects and Engineers
101 South Spring Street
Little Rock, AR 72201

AREA: 3.29 acres NUMBER OF LOTS: 1 zoning lot FT. NEW STREET: 0 LF

WARD: 1 PLANNING DISTRICT: 7 – I-30 CENSUS TRACT: 2

CURRENT ZONING: UU, Urban Use District and I-3, Industrial District

ALLOWED USES: Mixed - including residential, office, commercial and industrial uses

PROPOSED ZONING: PCD

PROPOSED USE: UU, Urban Use District uses

VARIANCE/WAIVERS: A variance from Sections 30-43 and 31-210 to allow the drives on East 6th Street as indicated on the site plan.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

Cromwell Architects Engineers have purchased five (5) parcels of land in what they are now calling the East Village, an area east of Interstate 30 around the intersection of East 6th Street and Shall Avenue. Four (4) of the five (5) parcels are zoned UU, Urban Use District and one (1) of the parcels is zoned I-3, Industrial District. Three (3) of the parcels zoned UU have existing masonry manufacturing warehouse type buildings and one (1) has an old building slab/foundation. The parcel zoned I-3, Industrial District has a small parking lot.

The property is located within the Presidential Park Design Overlay District. The applicant is requesting to rezone the site from the UU, Urban Use Zoning District and the I-3, Industrial District to PCD to allow development of the site. The request for the PZD application is to allow the placement of a surface parking lot along East 6th Street. Section 36-419 states no surface parking is allowed along 3rd Street from I-30 east one thousand, one hundred fifty (1,150) feet, 6th Street, Bond Street and College/College Street Extension. Parking structures along these streets must either have non-vehicular uses on the first (ground) level or a false facade along the street so as to appear to be a non-vehicular use area.

The applicant is proposing to utilize the existing building on the northwest corner of East 6th Street and Shall Avenue as lease space. The space may be subdivided into multiple lease tenants as the future may dictate. To support the tenants, additional on street parking on both East 6th Street and Shall Avenue is proposed.

Cromwell Architects and Engineers will relocate their corporate offices to the first floor of the building located on the northeast corner of East 6th Street and Shall Avenue. In addition, the firm intends to lease approximately 4,000 square feet of the first floor east side facing Shall Avenue to a retail user, likely a restaurant establishment. The plan also includes the development of 15 apartments on the second floor for lease. There is currently a small parking area at the southeast corner of the lot which will remain parking for the guests. In addition, the applicant proposes to provide on street parking at both Shall Avenue, currently and historically used as parking, and along East 6th Street.

A triangular parcel directly east of Industrial Street has a small masonry building that will remain. The remaining portion of the lot is currently a parking lot. The site does not directly abut East 6th Street. The applicant plans to develop the parcel as secure parking for the office building and the apartment tenants.

The crescent shape easternmost parcel defined by the railroad track, presently has multiple building foundations and floor slabs. The applicant intends to redevelop this parcel as a parking lot for their office and the tenants along East 6th Street. Landscape screening and water retention between the parking area and East 6th Street will be provided. The existing rock retaining wall along East 6th Street, east of Thomas Street, will remain as the street dips significantly at this location.

The parcel south of East 6th Street is presently a small parking lot. The applicant intends the area to be retained as parking for off street on grade parking and prepared for future on street parking to be constructed at a later date as the south side of East 6th Street develops.

The intent of the development is to create a walkable community with sidewalks along the street edge, curb and gutter, tree wells at regular intervals and on street parking all the way long the north side of East 6th Street from the western

railroad bridge to the retaining wall noted above and along Shall Avenue abutting the property.

B. EXISTING CONDITIONS:

The property is located in the former manufacturing/warehouse district of the City. This area is changing significantly with the reuse of the former manufacturing buildings with new uses such as microbreweries and Rock Town Distillery. E-stem school has purchased a building to the north of this site and intends to move a portion of their grades to this location. Further north of the site is the President Clinton Presidential Park and Heifer International office building. East 6th Street is a two (2) lane street. There is a sidewalk located on the north side of the street in disrepair. There is curb located along the street, much of which is broken and/or missing.

C. NEIGHBORHOOD COMMENTS:

All property owners located within 200-feet of the site along with the Hanger Hill Neighborhood Association were notified of the public hearing.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. Due to the proposed use of the property, the Master Street Plan specifies that Shall Street for the frontage of this property must meet commercial street standards. Dedicate right-of-way to 30 feet from centerline.
2. Obtain a franchise agreement from Public Works, Bennie Nicolo, bnicolo@littlerock.org or 501.371.4818 for the private improvements located in the right-of-way including pavers, colored concrete with score pattern, street trees, irrigation, electrical for lighting trees, etc.
3. With site development, provide the design of street conforming to the Master Street Plan. Construct one-half street improvements to East 6th Street adjacent to the subject property proposed for redevelopment including 5-foot sidewalks. The street improvements include the construction of a left turn lane or a portion of a left turn lane at Shall Street. At the left turn lane, the street section should be 36 feet at its widest with 200 feet of stack and 100 foot of taper. Plans should reflect the left turn lane.
4. Property on the south side of East 6th Street is shown to be of the same ownership and proposed to be redeveloped but no proposed street improvements are shown. Is a waiver being requested for those improvements?
5. Shall Street should be constructed with at least 20-foot curb radius.

6. The location of the pedestrian crossing on the west end of East 6th Street should be moved to the Shall Street intersection due to limited sight distance from railroad bridge obstructions.
7. All driveways shall be concrete aprons per City Ordinance.
8. Repair or replace any curb and gutter or sidewalk that is damaged in the public right-of-way prior to occupancy.
9. 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. Is the entire development proposed to be constructed in one (1) phase or several phases? If constructed in several phases, is an advanced grading permit being requested? Street improvements cannot be deferred to the last phase. Show phases of construction.
10. Per Section 29-102 an evaluation should be conducted on the basis of existing downstream development and any analysis of stormwater runoff with and without the proposed development. If the proposed development will cause or increase downstream flooding conditions, provisions to minimize such flooding conditions should be included in the design of the storm management improvements. Such provisions may include downstream improvements and/or detention of stormwater runoff and its regulated discharge to the downstream storm drainage system.
11. Stormwater detention ordinance applies to this property. Maintenance of the detention pond and all private drainage improvements is the responsibility of the developer and/or property owner.
12. 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.
13. Street improvement plans shall include signage and striping. Public Works must approve completed plans prior to construction.
14. Streetlights are required by Section 31-403 of the Little Rock code. Provide plans for approval to Traffic Engineering. Streetlights must be installed prior to platting/certificate of occupancy. Contact Traffic Engineering, Greg Simmons, gsimmons@littlerock.org or 501.379.1813 for more information.
15. Driveway locations and widths do not meet the traffic access and circulation requirements of Sections 30-43 and 31-210. The width of driveway must not exceed 36 feet. Driveway spacing on this commercial street is at least 250 feet from other driveways and intersections and 125 feet from side property lines. Variances must be requested.
16. "Stop" signage is shown on East 6th Street. Signage is not approved by this application and must meet traffic warrants and analysis requirements prior to installation.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Little Rock Wastewater: Sewer available to the project. Capacity fee analysis required. EAD, Environmental Assessment Division, approval required if food prep is to be done on site. Contact Little Rock Wastewater Utility for additional information.

Entergy: Entergy does not object to this proposal. However, power lines exist along East 6th Street, Shall Street, and Thomas Street with multiple crossings and potential conflicts with the development and landscaping. Extreme caution must be used in the construction activities in the vicinity of the power lines so that proper clearances are maintained. 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: No comment received.

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 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. Change in occupancy. Contact the Little Rock Fire Marshal's Office (Capt. Tony Rhodes 501.918.3757 or Capt. John Hogue 501.918.3754).

Parks and Recreation: No comment received.

County Planning: No comment.

Rock Region Metro: Locations along East 6th Street are currently served by METRO on the Presidential Center-East 6th Street Route 12. Our current annual service changes include add service to this corridor to support expected development and employment opportunities along East 6th Street. The roadway redesign as shown will not dimensionally allow for bus service along Shall Street and East 6th Street where the route will continue to run.

The street corner radii need to be at least 25'-0" for the bus to turn. The parking spaces are too close to the intersection to allow us to position bus stops. While the "bulbed-out" crossings are helpful however they are too short to serve as a bus stop. METRO requests a meeting with relevant departments and the developer in order to discuss our concerns and make this street design truly multi-modal.

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.org or
Mark Alderfer at 501.371.4875; malderfer@littlerock.org.

Planning Division: This request is located in I-30 Planning District. The Land Use Plan shows Mixed Use Urban (MXU) and Industrial (I) for this properties. Mixed Use Urban category provides for a mix of residential, office and commercial uses not only in the same block but also within the same structure. This category is intended for older "urban" areas to allow dissimilar uses to exist, which support each other to create a vital area. Development should reinforce the urban fabric creating a 24-hour activity area. Using the Planned Zoning District or the Urban Use District, high and moderate density developments that result in a vital (dense) pedestrian oriented area are appropriate. The industrial category encompasses a wide variety of manufacturing, warehousing research and development, processing, and industry related office and service activities. Industrial development typically occurs on an individual tract basis rather than according to an overall development plan. The applicant has applied to rezone five (5) parcels around the intersection of East 6th Street and Shall Avenue from UU (Urban Use District) and I-3 (Heavy Industrial District) to PCD (Planned Commercial Development) to allow the redevelopment of the area with a mixed use development including residential, office and commercial uses. This request is within the Presidential Park Overlay District.

Master Street Plan: The five (5) parcels are around the intersection of East 6th Street and Shall Avenue which are shown as Locals Streets on the Master Street Plan. The primary function of Local Streets is to provide access to adjacent properties. Local Streets that are abutted by non-residential zoning/use or more intensive zoning than duplexes are considered as "Commercial Streets". A Collector design standard is used for 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 III Bike Route shown on East 6th Street and Shall Avenue. These bike routes require no additional right-of-way, but either a sign or pavement marking to identify and direct the route.

Landscape:

1. Site plan must comply with the City's landscape and buffer ordinance requirements and the Presidential Park Overlay District.
2. Street buffers will be required at six (6) percent of the average depth of the lot. The minimum dimension shall be one-half ($\frac{1}{2}$) the full width requirement but in no case less than nine (9) feet. The maximum dimension required shall be fifty (50) feet. The property is located in the City's designated mature area. A twenty-five (25%) percent reduction of the perimeter width requirements is allowed.
3. Screening requirements will need to be met for the vehicular use areas adjacent to street right-of-ways. Provide screening shrubs with an average linear spacing of not less at three (3) feet within the required landscape area. Provide trees with an average linear spacing of not less than thirty (30) feet.

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. 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. The property is located in the City's designated mature area. A twenty-five (25%) percent reduction of the perimeter width requirements is allowed.
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. The property is located in the City's designated mature area. A 25% reduction of the interior parking requirements is acceptable.
7. An irrigation system shall be required for developments of one (1) acre or larger.
8. The development of two (2) acres or more requires the landscape plan to be stamped with the seal of a Registered Landscape Architect.
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. SUBDIVISION COMMITTEE COMMENT: (July 20, 2016)

The applicants were present. Staff presented an overview of the item stating there were a number of questions concerning the proposed future redevelopment of the area. Staff requested the applicant provide the proposed phasing plan. Staff stated the site was located within the Presidential Park Design Overlay District. Staff questioned the placement of street trees and street furniture.

Public Works comments were addressed. Staff stated dedications of rights of way along East 6th Street and Shall Avenue were required to meet the Master Street Plan. Staff stated along East 6th Street a turn-lane should be installed. Staff stated the property to the south of East 6th Street was shown to be of the same ownership and proposed for redevelopment but no proposed street improvements were indicated. Staff questioned if the improvements would be completed with a later phase of the development. Staff stated the City's Stormwater Detention Ordinance would apply to the future development of the site. Staff stated driveway locations did not meet the typical spacing

requirements of City ordinances. Staff stated the driveways as indicated would require approval of a variance request by the Commission.

Landscaping comments were addressed. Staff stated the property was located within the Presidential Park Design Overlay District. Staff stated the overlay had specific development criteria related to street trees and street furniture. Staff stated if the trees or furniture could not be placed as outlined by the ordinance the developer was to pay an in-lieu fee based on calculations outlined in the ordinance.

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 and cover letter to staff addressing a number of the technical issues associated with the request. The applicant is seeking a rezoning of the site from UU, Urban Use District and I-3, Industrial District to PCD, Planned Commercial Development, to allow the redevelopment of this area. The property contains five (5) parcels. The developer is dubbing the area as "the East Village". The area is east of Interstate 30 around the intersection of East 6th Street and Shall Avenue. Four (4) of the five (5) parcels are zoned UU, Urban Use District and one (1) of the parcels is zoned I-3, Industrial District. Three (3) of the parcels have existing masonry manufacturing warehouse type buildings and one (1) has an old building slab/foundation. The parcel zoned I-3, Industrial District has a small parking lot and is located on the south side of East 6th Street.

The property is located within the Presidential Park Design Overlay District. The applicant is requesting to rezone the site from the UU, Urban Use Zoning District and the I-3, Industrial District to PCD to allow development of the site with the placement of a surface parking lot along East 6th Street. *Section 36-419 states no surface parking is allowed along East 3rd Street from I-30 east one thousand, one hundred fifty (1,150) feet, East 6th Street, Bond Street and College/College Street Extension. Parking structures along these streets must either have non-vehicular uses on the first (ground) level or a false facade along the street so as to appear to be a non-vehicular use area.* The applicant is proposing to place a surface parking lot along the north side of East 6th Street and is not proposing to place a false façade along the street.

The applicant is proposing to utilize the existing building on the northwest corner of East 6th Street and Shall Avenue as lease space. The space may be subdivided into multiple lease tenants as the future may dictate. To support the tenants, additional on street parking on both East 6th Street and Shall Avenue are proposed. The parking will be added within the public right of way. Parking on

Shall Avenue is proposed as angle parking. Parking on East 6th Street is proposed as parallel spaces along the drive lanes. The applicant has indicated special pavers will be installed within the Shall Street right of way. A franchise permit will be required to be obtained for all private improvements within the public right-of-way including plantings, specialty concrete, irrigation, electrical components etc. The proposed private improvements within the right-of-way will be reviewed by City of Little Rock Public Works staff and will be the responsibility of the applicant to maintain.

Within this area the applicant has indicated a potential leaser may be a restaurant user. The site plan indicates the placement of a potential outdoor patio or dining area. The area will be fenced to comply with all State regulations with regard to fencing and alcohol sales. The site plan indicates a portion of the patio and potentially accesses to the building may extend into the public right of way.

Cromwell Architects and Engineers intend to relocate their corporate offices to the first floor of the building located on the northeast corner of East 6th Street and Shall Avenue. In addition, the firm intends to lease approximately 4,000 square feet of the first floor east side facing Shall Avenue to a retail user, likely a restaurant establishment. This user would potentially have an outdoor patio or dining area. Once again portions of the outdoor activities may extend into the public right of way. The outdoor dining area will be fenced to comply with all State requirements with regard to fencing and alcohol sales. The plan also includes the potential for development of fifteen (15) multi-family units on the second floor for lease.

There is currently a small parking area located behind the building with access from East 6th Street and future access to Industrial Street which will remain parking for guests. In addition, the applicant proposes to provide on street parking at both Industrial Street and along East 6th Street both of which have historically been used for parking.

A parcel directly east of Industrial Street has a small masonry building that will remain. The remaining portion of the lot is currently a parking lot and will continue to serve as parking. The applicant has secured approval from the railroad to allow parking within the railroad right of way across this lot. The area west of the masonry building does not abut East 6th Street. The applicant plans to develop this area as secure parking for the office building and the apartment tenants. The area to the east of the masonry building presently has multiple building foundations and floor slabs. The applicant intends to redevelop this parcel as a parking lot for their office and the tenants along East 6th Street. Landscape screening and water retention between the parking area and East 6th Street will be provided. The existing rock retaining wall along East 6th Street, east of Thomas Street, will remain as the street dips significantly at this location.

The parcel south of East 6th Street is presently a small parking lot. The applicant intends the area to be retained as parking for off street on grade parking and prepared for future on street parking to be constructed at a later date as the south side of East 6th Street develops.

The intent of the development is to create a walkable community with sidewalks along the street edge, curb and gutter, tree wells at regular intervals and on street parking all the way long the north side of East 6th Street from the western railroad bridge to the retaining wall noted above and along Shall Avenue abutting the property.

The applicant is seeking a variance to allow the drives to be located and with driveway widths that do not meet the traffic access and circulation requirements of Sections 30-43 and 31-210. The width of driveway should not exceed 36-feet. Driveway spacing on commercial streets should be a minimum of 250-feet from other driveways and intersections and 125-feet from side property lines. The applicant is requesting the variance to allow the drives within the eastern parking lot to be less than the typical spacing requirements for spacing between drives and the placement of the drives related to property lines.

The site is located within the Presidential Park Design Overlay District. The DOD has specific development criteria related to street furniture and trees. All landscape requirements of the base zone are required related to location, plant size and spacing. Any property owner, due to the spacing requirements, not required to provide a "street tree" or "street furniture" shall pay an in-lieu fee based on the percentage of frontage along the street divided by the cost of providing the required street trees and furniture in the ordinance.

The applicant has indicated the placement of specialty paving along Shall Avenue and within the right of way at the intersection of East 6th Street and Shall Avenue. The applicant has indicated bio-retention will be provided within the landscaped areas. The applicant has indicated a reduced sidewalk width of 6.5-feet be allowed west of Shall Avenue where parallel parking is indicated and the east half of the building extends to the south.

The applicant has indicated ribbed metal siding for cladding of the stair and elevator towers will be added to the Cromwell building and one smaller in-fill panel will be added at the new glazing wall. The UU, Urban Use Zoning District prohibits the use of corrugated or ribbed materials unless approved by the Commission.

The applicant has indicated the proposed signage plan will comply with the Presidential Park Design Overlay District and the UU, Urban Use Zoning District. The general sign regulations per the UU, Urban Use zoning district except for the first two (2) floors where the following is required:

- a. Awning valances are appropriate locations for signage, sign area not to exceed six (6) square feet of valance.
- b. Neon illumination is permitted if channelized.
- c. Letters shall not exceed 30 inches in height.
- d. Window signs shall not cover more than twenty-five percent of each glass panel.

The plan indicates the placement of a dumpster along East 6th Street within the building setback. The applicant has indicated the dumpster will be screened via a poured in place concrete pad. The walls will extend above the dumpsters by a minimum of two (2) feet as typically required per the zoning ordinance.

Staff is supportive of the applicant's request. The applicant is seeking approval of a rezoning and site plan to allow the redevelopment of a number of buildings located along East 6th Street. The need for the rezoning is due to the Presidential Park Design Overlay District and the non-compliance with the placement of a surface parking lot along East 6th Street. The applicant has indicated landscape materials will be placed between the public right of way and the proposed parking areas to soften the impact and reduced the visibility from the abutting street and the traveling motorist through the area. Staff feels the applicant's request to rezone the property to PCD and allow the redevelopment of the area for the East Village is appropriate.

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 approval of the driveway spacing variance request to allow the drives along East 6th Street as indicated on the site plan.

A franchise permit will be required to be obtained for all private improvements within the public right-of-way including plantings, specialty concrete, irrigation, electrical components etc. The proposed private improvements within the right-of-way will be reviewed by City of Little Rock Public Works staff and will be the responsibility of the applicant to maintain.

PLANNING COMMISSION ACTION:

(AUGUST 11, 2016)

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 of approval of the driveway spacing variance request to allow the drives along East 6th Street as indicated on the

site plan. Staff stated a franchise permit was required for all private improvements within the public right-of-way including plantings, specialty concrete, irrigation, electrical components etc. Staff stated the proposed private improvements within the right-of-way would be reviewed by City of Little Rock Public Works staff and would be the responsibility of the applicant to maintain.

Mr. Dan Fowler, Cromwell Architects, addressed the Commission on the merits of the request. He stated there had been slight modifications to the site plan. He stated working with Rock Region Metro the curb radius had been increased on Shall Avenue to allow for maneuverability of the transit buses. He stated in addition on Industrial Street the radius had been increased to allow for truck traffic and maneuvering to properties located to the north.

Commissioner Laha stated his concern was the right of way dedication for Shall Avenue. He stated he could not find where the right of way was ever dedicated to the City or accepted by the City as a public street. He stated his concern was in a few years the heirs of the original property would approach the City requesting to be paid for the right of way. He requested the item not go forward to the Board of Directors until the right of way issues was resolved. Commissioner Laha stated he was also requesting the site plan be overlaid on the survey. He stated without the survey under the site plan it was difficult to tell what was going on with the new development.

Staff stated it was their position the right of way was in place. Staff stated the item would not be held and would be forwarded to the Board of Directors along with the other items.

There was no further discussion. The chair entertained a motion for approved of the item as recommended by staff. The motion carried by a vote of 8 ayes, 1 noes and 2 absent.