

FILE NO.: Z-6526-C

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NAME: Parker Lexus Shackleford West Long-form PCD

LOCATION: Located on the Northwest corner of Shackleford West Boulevard and Shackleford Road

DEVELOPER:

Lexus Land LLC  
1 Shackleford West Boulevard  
Little Rock, AR 72211

SURVEYOR:

White-Daters and Associates  
24 Rahling Circle  
Little Rock, AR 72223

AREA: 5.7 acres      NUMBER OF LOTS: 1 zoning lot      FT. NEW STREET: 0 LF

CURRENT ZONING: OS, Open Space, C-2, Shopping Center District & O-3, General Office District

ALLOWED USES: Retail and Office

PROPOSED ZONING: PCD

PROPOSED USE: Auto related sales and service

VARIANCE/WAIVERS:

1. A variance from the City's Land Alteration Ordinance to allow grading of the entire 5.7-acres with the construction of the first phase of the development.
2. A variance from Section 36-557 to allow building signage without public street frontage.

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A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant is requesting to rezone the site from OS, Open Space, C-2, Shopping Center District & O-3, General Office District to Planned Commercial Development, PCD. The project will be constructed in six (6) phases. With construction of the first phase the site will be graded. The applicant is seeking a

variance from the City's Land Alteration Ordinance to allow grading of the entire property with the construction of the first parking area.

After construction of the Phase I and Service area shown in Phase II, additional showrooms will be constructed when required by the automobile manufacturer and is typically "brand" driven. Phase I will include the construction of 192 parking spaces. Phase II includes the construction of 18,000 square feet of service area and increase the parking spaces to 295 spaces. Phase III includes a 10,000 square foot showroom and an increase to 315 parking spaces. Phase IV includes the construction of a 31,250 square foot showroom, 9,750 square foot service area and increase to 348 parking spaces. Phase V includes the construction of 18,000 square feet of showroom, 19,500 square feet of service area and a decrease to 269 parking spaces. Phase VI includes the removal of an existing office building and the construction of a new service area and a new showroom area.

The developer is requesting the building signage be allowed on the north side of Buildings C and E and on the east side of Building E. These locations are facades without public street frontage. The exterior finish of the buildings will be glass and metal with stone, brick or stucco accents. Building height will not exceed 45-feet. Days and hours of operation are 7:00 am to 7:00 pm Monday through Saturday.

B. EXISTING CONDITIONS:

The property is undeveloped and mostly wooded. The site is slightly above the grade of the existing adjacent streets. South of the site is the existing Lexus Dealership. Southwest is a multistory office building occupied by the Arkansas Heart Hospital further to the west is an office building occupied by the FBI. Across Shackelford Road there are a mixture of uses including office, hotels, the Heart Hospital, restaurants and a convenience store with gas pumps. Along Kanis Road there is a church, a strip retail center and single-family homes.

C. NEIGHBORHOOD COMMENTS:

As of this writing, staff has received an informational phone call from an area property owner. All property owners located within 200-feet of the site along with the John Barrow Neighborhood Association were notified of the public hearing.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. Kanis Road is classified on the Master Street Plan as a minor arterial. A dedication of right-of-way 45 feet from centerline will be required.
2. 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. An advanced grading permit is being requested.
3. Per Section 29-197(5), an undisturbed of at least 80 feet wide should be maintained adjacent to Kanis Road. An undisturbed buffer of at least 50 feet should be maintained adjacent to private properties on the north, east, and west where advance grading is being requested.
  4. Provide a Sketch Grading and Drainage Plan per Section 29-186 (e).
  5. Repair or replace any curb and gutter or sidewalk that is damaged in the public right-of-way prior to occupancy.
  6. 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.
  7. Stormwater detention ordinance applies to this property. Show the proposed location for stormwater detention facilities on the plan.
  8. Provide a letter prepared by a registered engineer certifying the intersection sight distance at the intersection(s) comply with 2004 AASHTO Green Book standards.
  9. Damage to public and private property due to hauling operations or operation of construction related equipment from a nearby construction site shall be repaired by the responsible party prior to issuance of a certificate of occupancy.
  10. 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.
  11. Retaining walls designed to exceed 15 feet in height are required to seek a variance for construction. Provide proposed wall elevations.
  12. With site development, provide the design of street conforming to the Master Street Plan. Construct one-half street improvement to Kanis Road including 5-foot sidewalks with the planned development. The new back of curb should be placed 29.5 feet from centerline. The Kanis Road Street Widening project is expected to begin in the spring of 2016.
  13. Show the Kanis Road driveway location.
  14. Per Section 29-197(2), the grading shall be expeditiously completed in a time frame not to exceed one (1) year in duration from the time work commences to installation of all final erosion control measures and vegetation.
  15. Per Section 29-197(11), a permanent vegetative cover of suitable perennial grass shall be established over all disturbed areas. Where indicated by soil tests, pH adjustments and addition of fertilizer may be required.

16. Per Section 29-197(12), all erosion and stabilization controls, including permanent vegetation and plantings and stormwater detention systems are to be maintained by the responsible part for a period of 2 years following completion of site grading.
17. Per Section 29-197(12), periodic mowing, generally 2 times per year or more often if required by City of Little Rock Code shall be provided to encourage perennial grass growth.
18. Per Section 29-197(13), maintenance for the 2 year period shall be guaranteed through posting of cash, surety bond or letter of credit as referenced in Section 31-431(2) at the time of final inspection of the grading activities.
19. Per Section 29-197(14), all required federal, state, and local permits and approvals shall be obtained prior to commencement of land alteration activities.
20. Staked orange fencing must be installed along the open space undisturbed buffer areas during construction to prevent access to these buffer areas.
21. Access to detention ponds must be provided to the public right-of-way and/or access easement for future maintenance by the developer and/or local property owners' association.
22. Visual screening of the completed area can be accomplished by provided undisturbed buffer strips or earthen berms. Per Section 29-197(3) provide line of sight illustrations from adjacent street(s) and properties for review by the Planning Commission.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Wastewater: Sewer available to this site. EAD review required.

Entergy: Entergy does not object to this proposal. A three phase power line exists along the west side of South Shackelford Road and along the north side of Shackelford West Blvd up to approximately the western boundary of Phase I at this location. There do not appear to be any conflicts with existing Entergy facilities although care should be used in installing the pylon sign at the corner of Shackelford and Shackelford West as overhead power lines are in the vicinity. Contact Entergy in advance regarding future service requirements to the development and future facilities locations as this project proceeds. A distribution line will need to be extended to serve the site.

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. 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.
8. 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.

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 places 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 replaces 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.

**Multi-Family Residential Developments. As per Appendix D, Section D106.1 of the 2012 Arkansas Fire Prevention Code Vol. 1. Projects having more than 100 dwelling units.** Multiple-family residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.

**Exception:** Projects having up to 200 dwelling units may have a single approved fire apparatus access road when all building, including nonresidential occupancies are equipped throughout with approved automatic sprinkler systems installed in accordance with Section 903.3.1.1 or 903.3.1.2.

**As per Appendix D, Section D106.2 of the 2012 Arkansas Fire prevention Code Vol. 1. Projects having more than 200 dwelling units.** Multiple-family residential projects having more than 200 dwelling units shall be provided with two separate and approved fire apparatus access roads regardless of whether they are equipped with an approved automatic sprinkler system.

**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 on Route 5 West Markham by Rock Region METRO. The future service plans for this area are inclusive of the business along Shackleford Rd. to serve employees getting to work. Maintaining pedestrian access is important. We would also like to request curb cut consolidation for the Phase IV showroom. We would like a clear area from the intersection, to allow the bus to make a right hand turn and serve that location. Consolidating the curb cuts into one 36' wide cut would be beneficial. The bus needs 110' after making the turn to pull over and stop.

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](mailto:crichey@littlerock.org) or  
Mark Alderfer at 501.371.4875; [malderfer@littlerock.org](mailto:malderfer@littlerock.org).

Planning Division: This request is located in the I-430 Planning District. The Land Use Plan shows Commercial (C) and Office (O) for this property. The Commercial category includes a broad range of retail and wholesale sales of products, personal and professional services, and general business activities. Commercial activities vary in type and scale, depending on the trade area that they serve. The Office category represents services provided directly to consumers (e.g., legal, financial, medical) as well as general offices which support more basic economic activities. The applicant has applied for a rezoning from C-2 (Shopping Center District) and O-3 (General Office District) to PCD (Planned Commercial District) to allow for the development of parking inventory storage for the car dealership on the south side of the property for Phase 1 and the development of paving and building additions for Phase 2 through Phase 5.



Master Street Plan: The east side of the property is Shackelford Road and it is a Minor Arterial; west side of the property is Centerview Drive and it is a Collector road; south side of the property is Shackelford West Road and it is a local street on the Master Street Plan. A Minor Arterial provides connections to and through an urban area and their primary function is to provide short distance travel within the urbanized area. Entrances and exits should be limited to minimize negative effects of traffic and pedestrians on Shackelford Road since it is a Minor Arterial. The primary function of a Collector Road is to provide a connection from Local Streets to Arterials. The primary function of a Local Street 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 sites.

Bicycle Plan: There is a Class III Bike Route shown on Centerview Drive. 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 minimal landscape and buffer ordinance requirements.
2. 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.
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. 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.
5. Building landscape areas shall be provided between the vehicular use area used for public parking and the general vicinity of the building. These 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.

6. An automatic irrigation system to water landscaped areas shall be required for developments of one (1) acre or larger.
7. The development of two (2) acres or more requires the landscape plan to be stamped with the seal of a Registered Landscape Architect.

The City Beautiful Commission recommends preserving as many existing trees as feasible on this site. Credit toward fulfilling Landscape Ordinance.

G. SUBDIVISION COMMITTEE COMMENT: (December 9, 2015)

Mr. Joe White and Mr. Brian Dale of White-Daters and Associates were present representing the request. Staff presented an overview of the item stating there were a number of technical issues associated with the proposed development in need of addressing prior to the Commission acting on the request. Staff questioned the proposed advanced grading request and the area proposed for rezoning. Staff stated if the area to the north located along Kanis Road was not included in the rezoning request a separate item for an advanced grading request should be filed as a companion application.

Staff questioned the proposed phasing plan and the time line for completion of the overall development plan. Staff requested the applicant provide the proposed building materials, the total height of the buildings and the location of any and all proposed signage including ground and building signage.

Public Works comments were addressed. Staff stated if the development included the tract adjacent to Kanis Road then the boundary street ordinance would apply to this area including dedication of right of way and street improvements. Staff requested the applicant provide details concerning any proposed retaining walls. Staff requested the applicant provide a sketch grading and drainage plan. Staff questioned the opens space buffers which would remain after the grading activities were complete.

Landscaping comments were addressed. Staff stated screening of vehicular use areas was required by the planting of shrubs or vines. Staff stated an automatic irrigation system was required to water landscaped areas. Staff stated building landscaping was required between the vehicular use areas and the building. Staff stated a minimum of eight (8) percent of the interior paved area was required to be landscaped.

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 a number of the technical issues associated with the request which were raised at the December 9, 2015, Subdivision Committee meeting. The applicant has reduced the size of the project eliminating the area along Kanis Road (3.07 acres) and is requesting approval of a Planned Commercial Development, PCD, for an area containing 5.7-acres. The area is currently zoned OS, Open Space, C-2, Shopping Center District and O-3, General Office District. The project will be constructed in six (6) phases. With construction of the first phase the entire 5.70 acres will be graded. This request requires a variance from the City's Land Alteration Ordinance to allow grading of the entire property with the construction of the first phase which is proposed as a parking area for inventory storage of vehicles for the automobile dealership located to the south.

After the Phase I construction (192 parking spaces) a service area shown in Phase II will be developed. The service area is proposed containing 18,000 square feet. With this construction an additional 103 parking spaces will be added. The Phase III portion of the development includes the addition of a showroom (10,000 square feet). The showroom will be constructed as required by the automobile manufacturer. An additional 20 parking spaces will be added with this phase. Phase IV includes the construction of a 31,250 square foot showroom, 9,750 square foot service area and increases the parking to 348 spaces. Phase V includes the construction of 18,000 square feet of showroom, 19,500 square feet of service area and decreases the parking to 269 spaces. Phase VI includes the removal of an existing office building and the construction of a new service area and a new showroom area.

The developer is requesting the building signage be allowed on the north side of Buildings C and E and on the east side of Building E. These locations are facades without public street frontage. Section 36-557 of the Little Rock Code states all signs are to face a public street except in complexes where a sign without street frontage would be the only means of identification for a tenant. The site plan indicates the placement of ground signage to comply with signage allowed in commercial zones. The signs maximum height as proposed is 36-feet and the maximum sign area proposed is 160 square feet.

The exterior finish of the buildings will be glass and metal with stone, brick or stucco accents. The showroom buildings are indicated as two (2) story buildings. The maximum building height proposed is 45-feet.

Days and hours of operation for the auto dealership are 7:00 am to 7:00 pm Monday through Saturday. The dumpster service hours will be limited to daylight hours. The applicant has indicated the use will not include wreck auto body repair such as auto paint or body rebuilding shop. There will not be any areas of outdoor storage of vehicle parts such as used tires.

Staff is supportive of the applicant's request. The applicant is requesting to rezone an area primarily zoned C-2, Shopping Center District to a Planned Commercial Development to allow for future development of automobile related activities including inventory storage, new service areas and new showroom areas. The OS, Open Space zoned buffer was put in place when the area to the north which fronts on Kanis Road was primarily single-family. The zoning and a number of the uses in this area have changed and are no longer residential homes. The applicant has indicated the request for the PCD is due to the time limits placed on approvals of Conditional Use Permit request. This entire development will not occur within the allowable three (3) years thus the applicant's desire for the rezoning to establish the future development plans for this site. To staff's knowledge there are no remaining outstanding technical issues associated with the request.

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 variance request from the City's Land Alteration Ordinance to allow grading of the site with the development of the first phase of the PCD site plan.

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PLANNING COMMISSION ACTION:

(JANUARY 7, 2016)

The applicant was present. There were no registered objectors present. Staff presented the item stating the applicant had submitted a request for deferral of the item on January 6, 2016. Staff stated the deferral request would require a waiver of the Commission's By-laws with regard to the late deferral request. There was no further discussion. A motion was made to approve the By-law waiver request regarding the deferral request. The motion carried by a vote of 10 ayes, 0 noes and 1 absent. 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.

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PLANNING COMMISSION ACTION:

(JANUARY 28, 2016)

The applicant was present. There were no registered objectors present. Staff presented the item stating the applicant and the adjacent property owner to the west had come to several agreed upon terms concerning the grading and drainage of the site. Staff stated these conditions and terms would become a part of the approved PCD zoning and the public record. Staff read into the record the conditions which both parties had agreed upon which are as follows:

1. Parker-Lexus PCD is to maintain a 15-foot wide strip along the west property line. Clearing is allowed within this strip including the removal of all trees and

undergrowth. The area will be replanted with grass or ground cover. In the future the area will be kept free of undergrowth and/or trees.

2. There is to be no retaining walls constructed within this 15-foot wide strip along the western property line.
3. In a landscape strip, east and adjacent to the 15-foot wide strip described in #1 above, any trees planted are to be of a variety and species that when mature the branches will not hang over the 15-foot wide strip to an extent that would allow the tree and/or branches to be used to scale the adjacent property owners fence which is located on the common property line.
4. When the landscape plans for the western boundary of the Parker-Lexus PCD are prepared they will be submitted to the adjacent property owner for review and comment prior to approval by the City and the issuance of permits to confirm that the landscape plan complies with the intent of 1, 2 and 3 above.
5. No storm runoff will be diverted to the adjacent property to the west of the Parker-Lexus development by the construction of improvements or grading related to the development of the Parker-Lexus PCD property.
6. Storm drainage will be constructed by the applicant to insure that existing drainage courses on the adjacent property to the west are not impacted.

Staff presented 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 variance request from the City's Land Alteration Ordinance to allow grading of the site with the development of the first phase of the PCD site plan. There was no further discussion. The item was placed on the consent agenda and approved as recommended by staff by a vote of 7 ayes, 0 noes and 4 absent.