

FILE NO.: Z-5936-O

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NAME: Tract 75 Chenal Valley Long-form PD-R

LOCATION: Located on the Northwest corner of Champagnolle Drive and Rahling Road

DEVELOPER:

Deltic Timber Corporation  
7 Chenal Club  
Little Rock, AR 72223

SURVEYOR:

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

AREA: 7.90 acres

NUMBER OF LOTS: 1

FT. NEW STREET: 0 LF

WARD: 5

PLANNING DISTRICT: 19 - Chenal

CENSUS TRACT: 42.13

CURRENT ZONING: POD - Expired

ALLOWED USES: Medical office

PROPOSED ZONING: PD-R

PROPOSED USE: Residential - Age restricted independent living

VARIANCE/WAIVERS: None requested.

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BACKGROUND:

Ordinance No. 20,296 adopted by the Little Rock Board of Directors on August 2, 2010, rezoned the site from O-2, Office and Institutional to Planned Office Development, POD, to allow the site to develop with an office development containing fourteen (14) lots. The project contained 7.90 acres. The lots were proposed to range in size from 0.44 acres to 0.76 acres. The average lot size proposed was 0.45 acres. The development contained two (2) new public streets totaling 500 linear feet. The development did not occur and the POD zoning approval has expired.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant is requesting a rezoning of the site from POD, Planned Office Development, Expired to PD-R, Planned Development Residential. The proposal includes the development of 130 units of age restricted (55+) independent living community. The development is proposed with studio, one, two and three bedroom units. The applicant has indicated the development will contain two (2) wings with a maximum building height of 43-feet. The center section of the building is proposed with a maximum building height of 48-feet. The development is proposed with 165 parking spaces to serve the residents and staff. The plan notes a few of the parking spaces as covered and also the site will include a portion of the spaces as garages.

B. EXISTING CONDITIONS:

The perimeters of the site are heavily wooded with a significant amount of undergrowth. The interior of the site was previously cleared. The abutting streets have been constructed along with the required sidewalks. The property to the south is undeveloped and zoned C-1, Neighborhood Commercial and C-2, Shopping Center District. This site is also wooded. The property across Rahling Road is developing as a medical office complex serving as St. Vincent's West Campus. Along the western boundary and northern boundary are strips zoned OS, Open Space. These areas are located within creeks/drainage structures. Other uses in the area include a community park, the Promenade Shopping Center and office uses. To the west of the site is a gated single-family neighborhood, served by Witry Court and further west are additional single-family homes located within the Bascum Neighborhood.

C. NEIGHBORHOOD COMMENTS:

All property owners located within 200-feet of the site along with the Witry Court Property Owners Association were notified of the public hearing.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. Repair or replace any curb and gutter or sidewalk that is damaged in the public right-of-way prior to occupancy.
2. A grading permit in accordance with Section 29-186 (c) and (d) will be required prior to any land clearing or grading activities at the site. Other than residential subdivisions, site grading and drainage plans must be submitted and approved prior to the start of construction.
3. Stormwater detention ordinance applies to this property.

4. If disturbed area is 1 or more acres, obtain a NPDES stormwater permit from the Arkansas Department of Environmental Quality prior to the start of construction.
5. A special Grading Permit for Flood Hazard Areas will be required per Section 8-283 prior to construction.
6. The minimum Finish Floor elevation of at least one (1) foot above the base flood elevation is required to be shown on plat and grading plans.
7. In accordance with Section 31-176, floodway areas must be shown as floodway easements or be dedicated to the public. In addition, a 25 foot wide drainage and access easement is required adjacent to the floodway boundary.
8. Are the driveways proposed to be one way? Driveway locations and widths do not meet the traffic access and circulation requirements of Sections 30-43 and 31-210. Driveway spacing on collector streets is 250 feet from intersections and other driveways and 125 feet from side property lines. A variance must be requested for the proposed driveway spacing.
9. Are gates proposed to be installed?
10. Provide a letter prepared by a registered engineer certifying the intersection sight distance at the intersection(s) comply with 2004 AASHTO Green Book standards.
11. 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.
12. Prior to construction of retaining walls, an engineer's certification of design and plans must be submitted to Public Works for approval. After construction, an as-built certification is required for construction of the retaining wall.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

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

Entergy: Entergy does not object to this proposal. An existing three phase, underground power line exists to the northeast of this property along Rahling Road, and a single phase line exists along Rahling Road to the east of this property. Neither one appears to be in conflict with the proposed development. 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. A water main extension will be needed to provide water service to this property.
3. The Little Rock Fire Department needs to evaluate this site to determine whether additional public and/or private fire hydrant(s) will be required. If additional fire hydrant(s) are required, they will be installed at the Developer's expense.
4. Please submit plans for water facilities and/or fire protection system to Central Arkansas Water for review. Plan revisions may be required after additional review. Contact Central Arkansas Water regarding procedures for installation of water facilities and/or fire service. Approval of plans by the Arkansas Department of Health Engineering Division and the Little Rock Fire Department is required.
5. A Capital Investment Charge based on the size of meter connection(s) will apply to this project in addition to normal charges. This fee will apply to all connections including metered connections off the private fire system.
6. If there are facilities that need to be adjusted and/or relocated, contact Central Arkansas Water. That work would be done at the expense of the developer.
7. Contact Central Arkansas Water regarding the size and location of the water meter.
8. 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.
9. 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.

10. 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.
11. This development will have a minor impact on the existing water distribution system. Proposed water facilities will be sized to provide adequate pressure and fire protection.

**Fire Department:**     **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.

**Gates. Maintain fire apparatus access road gates as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 Section D103.5 Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:**

1. Minimum gate width shall be 20 feet.
2. Gates shall be of swinging or sliding type.
3. Construction of gates shall be of material that allow manual operation by one person.
4. Gate components shall be maintained in an operable condition at all times and replaced or repaired when defective.
5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official.
6. Manual opening gates shall not be locked with a padlock or chain and padlock unless they are capable of being opened by means of forcible entry tools or when a key box containing the keys to the lock is installed at the gate location.
7. Locking device specifications shall be submitted for approval by the fire code official
8. Electric gate operators, where provided, shall be listed in accordance with UL 325.
9. Gates, intended for automatic operation shall be designed, constructed and installed to comply with requirements of ASTM F 2200.

**Fire Hydrants. Locate Fire Hydrants as per Appendix C of the 2012 Arkansas Fire Prevention Code.** Section C101 – C105, in conjunction with Central Arkansas Water (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 not currently served by METRO but is on our long range plan. In an age restricted community, seniors and those with disabilities will qualify in the near term for federally mandated paratransit services. We recommend the developer provide a front entrance canopy and driveway radii with enough clearance for paratransit vehicles to serve this location. Handicap parking spaces should be accompanied by sidewalks and protected pedestrian ways through all parking areas.

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

Planning Division: This request is located in the Chenal Planning District. The Land Use Plan shows Suburban Office (SO) for this property. The Suburban Office category provides for low intensity development of office or office parks in close proximity to lower density residential areas to assure compatibility. A Planned Zoning District is required. The applicant has applied for a Planned Residential District to allow for an age restricted independent living facility

Master Street Plan: West side of the property is Rahling Road and it is shown as a Principal Arterial. The south side of the property is Champagnolle Drive and it is shown as a Collector 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 Rahling Road since it is a Principal Arterial. The primary function of a Collector Road is to provide a connection from Local Streets to Arterials. 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: A Class I Bike Path is shown along Rahling Road. A Bike Path is to be a paved path physically separate for the use of bicycles. Additional right-of-way or an easement is recommended. Nine-foot paths are recommended to allow for pedestrian use as well (replacing the sidewalk). A Class II Bike Lane is shown along Champagnolle Drive Bike Lane provide a portion of the pavement for the sole use of bicycles

Landscape:

1. Site plan must comply with the City's landscape and buffer ordinance requirements.
2. A perimeter planting strip is required along any side of a vehicular use area that abuts adjoining property. This strip shall be a minimum of nine (9) feet wide. Provide trees with an average linear spacing of not less than thirty (30) feet within the perimeter planting strip. Provide three (3) shrubs or vines for every thirty (30) linear feet of perimeter planting strip. Existing trees and shrubs can be counted to satisfy this requirement.
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. Landscape areas shall be provided between the vehicular use area used for public parking and the general vicinity of the building, excluding truck loading or service areas not open to public parking. These areas shall be equal to an equivalent planter strip three (3) feet wide along the vehicular use area.
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). 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.
6. A landscape irrigation system shall be required for developments of one (1) acre or larger.
7. The City Beautiful Commission recommends preserving as many existing trees as feasible on this site. Credit toward fulfilling Landscape Ordinance requirements can be given when preserving trees of six (6) inch caliper or larger.

G. SUBDIVISION COMMITTEE COMMENT: (February 22, 2017)

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 additional items necessary to complete the review process. Staff requested Mr. White define age restricted and how the leasing of the units would occur. Staff requested the site plan include any proposed fences, signage, retaining walls and details of each. Staff questioned if the Chenal Architectural Review Committee was reviewing the project and at what point staff could expect to see their final approval. Staff stated the parking along the western perimeter should be redesigned to allow the parking to pull into the building.

Public Works comments were addressed. Staff stated a grading permit was required prior to any land clearing on the site. Staff stated floodway areas were required to be shown as floodway easements or be dedicated to the City. Staff questioned if gates were proposed. Staff stated the driveways should be signed as one-way drives or be consolidated into a single drive.

Landscaping comments were addressed. Staff stated an automatic irrigation system was required to water landscaped areas. Staff stated a perimeter planting strip was required along any side of a vehicular use area that abutted adjoining property or a street right of way. Staff stated screening was required along the perimeters which were zoned or used with a lesser intense use.



Rock Region Metro comments were addressed. Staff stated the location was not currently served by Metro but was a part of the long range plan. Staff stated in age restricted communities seniors and those with disabilities would qualify for federally mandated paratransit services. Staff stated the driveways and canopy should be designed to accommodate the paratransit vehicle.

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 raised at the February 22, 2017, Subdivision Committee meeting. The applicant has indicated notes on the site plan concerning fencing, signage, retaining walls and indicated garages would be located along the western perimeter to eliminate staff's concerns related to headlights over-spilling into the adjacent residential neighborhood. The request is a rezoning of the site from POD, Planned Office Development, Expired to PD-R, Planned Development Residential to allow the development of 130 units for age restricted, 55 plus years of age, independent living. The development is proposed with studio, one, two and three bedroom units. The average age of the residents of the community is 75 to 80 years.

The site plan includes the development with a central building and two (2) wings connected to the main building. The wing buildings are proposed as three (3) story buildings with a maximum height of 43-feet. The center section of the building is proposed with a maximum building height of 48-feet which will include architectural embellishments and features.

The development is proposed with 165 parking spaces to serve the residents and staff. The plan notes a few of the parking spaces will be covered and or garages will be added to the site. The applicant has indicated the covered parking and garages will be located along the sites northern and western perimeters. The maximum height of the garages is 25-feet.

Along the sites western perimeter there is a 100-foot Open Space zoned tract. Included within this development adjacent to the Open Space zoning is a 50-foot undisturbed buffer. The site indicates areas in which the trees and existing vegetation will be retained along Champagnolle Drive. The plan indicates, adjacent to the central building, an outdoor patio and garden area. The plan notes within the development 80,000 square feet of landscaped area or twenty-three (23) percent of the site.

The applicant indicates amenities offered to the residents include car and bus service. The development also includes live-in managers, 24/7 professional staff,

concierge service, free scheduled transportation, full service dining – 3 meals per day provided, weekly housekeeping and full time maintenance. The applicant indicates the developer will follow the federal guidelines for residential communities which are age restricted to 55-plus residents.

A single-development sign is proposed at the driveway entrances. The sign is proposed with a maximum height of six (6) feet and a maximum sign area of twenty-four (24) square feet. Building signage will be placed as allowed in multi-family zones or a maximum of ten (10) percent of the façade area abutting the public street.

Staff is supportive of the applicant's request. The development is proposed as a senior living facility with residents limited to 55 plus years of age. The site plan respects previously approved buffers along the western perimeter. To staff's knowledge there are no remaining outstanding technical issues associated with the request. Staff feels the development as proposed, a senior living facility, will have limited impact on the area.

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.

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PLANNING COMMISSION ACTION:

(MARCH 16, 2017)

The applicant was present. There were 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.

Mr. Bill Spivey addressed the Commission on the merits of the request. He stated he was representing the land owner, Deltic Timber Corporation. He stated the 2008 rezoning of property across the street from this site did not change the zoning of this property. He stated the underlying zoning of the site was O-2, Office and Institutional. He stated the current request was to rezone the site to a less intensive zoning or PRD, Planned Development Residential.

Mr. Tim Daters of White Daters and Associates addressed the Commission. He stated the northern boundary of the property was the Rock Creek floodway. He stated the Witry Subdivision was located 150-feet west of the proposed development site. He stated there was a 100 foot Open Space zoned buffer along the western boundary of the site with an additional 50-foot undisturbed buffer located on this site. He stated Deltic would continue to own the Open Space zoned property. He stated the plan included garages along the western boundary to screen the site. He stated adjacent to the garages additional landscaping would be added to further screen the site.

Mr. Bob Lewis of Cameron General Contractors addressed the Commission stating his company would build the development and a sister company would manage the development once completed. He stated the company currently owned 14 developments within the United States and currently there were an additional 20 site under development. He stated the development would contain 130 units. He stated the typical building contained a common area, theatre, dining hall and other amenities. He stated the development was a high end resort style community. He stated the average age of the development was 80. He stated the residents of the developments were residents who had lost the ability to drive or had lost a spouse. He stated there were four (4) three (3) bedroom units. He stated the average stay was seven (7) years.

Mr. Ernie Peters of Peters and Associates addressed the Commission stating traffic for office developments were significantly higher than this type of residential development. He stated the previously approved office development would generate 1,344 vehicle trips per day while this residential development would only generate 478 vehicle trips per day.

Mr. Spivey stated he desired to reserve his remaining time.

Ms. Sara Beth McReynolds addressed the Commission in opposition of the request. She provided the Commission with a copy of an agreement between Chenal and the Witry Court property owners. She also provided the Commission with a copy of the previously approved site plan. She stated in 2008 two items became clear to the neighborhood. She stated at that time there was a multi-family development proposed on property to the south of Champagolle and the neighborhood was informed Champagolle Drive would be extended to Rahling Road. She stated in 2008 the neighborhood met with Deltic and an agreement was reached to eliminate the potential for multi-family developments by rezoning properties in the area. She stated Deltic also provided the neighborhood with \$25,000.00 to allow the installation of a gate at the entrance to the Witry Subdivision. She stated Deltic agreed to the placement a 150-foot buffer between this site (currently proposed for development) and the Witry neighborhood. She stated Deltic also agreed to plant trees within the open space area.

Ms. McReynolds stated in 2010 Deltic submitted an application for an office development which was in keeping with the agreement made in 2008. She stated the neighborhood currently had a negative feeling because they were being told one thing (the property was zoned and planned for development as office) and the current request was different (multi-family). She stated the Witry Property Owners had a significant investment in their homes and the proposed development would impact their property values.

Mr. Madre Hill addressed the Commission in opposition of the request. He stated Deltic was breaking the contact made with the residents of Witry Court. He stated based on the federal guidelines 20 percent of the units could be leased to residents less than 55 years. He stated he and his three (3) children could move in to the living facility and be a caregiver for an aging parent who was a resident of the development. He stated Deltic had committed legal fraud by breaking the agreement. He stated the use of the site as a multi-family development was not compatible with the neighborhood.

Ms. Kyla Aycock addressed the Commission in opposition of the request. She stated her home was located directly behind the proposed development. She stated she had three (3) sons and the safety of her family was her main concern. She stated within the neighborhood there were 18 children under the age of 12. She stated this type development was not in the Chenal Master Plan. She stated the plan indicated the site as office. She stated she bought her home eight (8) months prior and was told by Deltic the property would develop as office. She stated she was also told there would be a 150 foot buffer between the subdivision and any future development of this tract. She stated this development was proposed as a three (3) story apartment complex with 130 units. She stated the back wall of her home was floor to ceiling windows. She stated with the new development the residents on the second and third floors would look directly into her home and her children's bedrooms. She stated once again she was concerned for the safety of her children. She stated evergreens were proposed to be planted but it would be 15 years before the trees would reach a height to screen her home from view.

Mr. Kirk Cerynwald addressed the Commission in opposition of the request. He stated his concerns were light and noise pollution. He stated quiet offices verses a single large building would generate different lighting. He stated he was also concerned with the noise. He stated not all the residents would be 80 years of age. He stated his concern was with emergency calls to the site due to health issues at late hours. He stated most heart attacks occurred in the early am hours.

Mr. Elijah Bolin addressed the Commission in opposition of the request. He stated there was a great deal of emotion as a result of the project but he felt it best to rely on facts. He stated the homeowners did their due diligence and were told the site would develop as office. He stated the residents did not feel they received a straight forward answer from the property owner concerning future development of this site. He stated the property was located in the 100 year floodplain. He stated Deltic owned the OS, Open Space, property to the east of their subdivision and had not been a good neighbor. He stated trees had fallen within the area and Deltic had made no attempt the remove the fallen trees. He stated the development was proposed with 35 people per acre which was not in keeping with the residential scale of the area. He questioned the traffic study stating Mr. Dates had paid for the study and questioned the validity of the data. He stated he was opposed to this type development at this location.

Mr. Spivey addressed the Commission stating Deltic took the concerns of the neighborhood and residents of Chenal Valley seriously. He stated the City was not a party to the agreement between the residents and Deltic Timber in 2008. He stated the 2010 rezoning of this site to POD did include an additional undisturbed buffer of 50-feet and there was a commitment to planting of additional trees. He stated the development did not occur so the plantings were not installed. He stated there were strict rules governing developments with age restrictions. He stated it was correct someone could move into a unit and be the primary caregiver for someone and the caregiver not be 55 plus. He stated this was not the norm in developments of this type.

Mr. Daters stated the lighting and noise would be minimal. He stated the reason for the placement of the garages was to lessen any impact of car headlights over spilling into the adjacent subdivision. He stated the homes sat approximately 300 feet from the proposed building. He stated in addition to the undisturbed buffer additional plantings would be installed.

Mr. Peters stated the traffic modeling was prepared based on accepted traffic modeling software. He stated it was a simple comparison of one land use verses another.

Mr. Spivey stated there was no fraudulent representation from Deltic to the property owners. He stated the development was proposed as a less intense development than previously approved and Deltic felt the project was a good project and fit for the area.

There was a general discussion by the Commission with several stating they felt the residents of the neighborhood bought homes thinking there would be an office development and now the current proposal was much different. It was stated they felt the residents made a decision to purchase a home in this neighborhood based on what they were told of how the property would develop.

Other Commissioners noted the underlying zoning and the potential for development based on the O-2, Office and Institutional zoning was much more intense than the current proposal. It was noted with the underlying zoning a multi-story office building could be constructed which could generate traffic much more intense than this development would generate. The Commission noted there would not be limits placed on the hours.

The discussion continued concerning the proposed development and the need for office in the area. The Commission stated the office market had changed and now there was more demand for office than in previous years.

There was no further discussion. The chair entertained a motion for approval of the item as recommended by staff. The motion failed by a vote of 4 ayes, 5 noes and 2 absent.