

FILE NO.: Z-5817-J

NAME: Cantrell West Restaurant Center Short-form PCD

LOCATION: 15100-15122 Cantrell Road

DEVELOPER:

Rees Commercial
11719 Hinson Road, Suite 130
Little Rock, AR 72212
501-223-9298

OWNER/AUTHORIZED AGENT:

KMS Legacy LLC & Rees Commercial /Owners

SURVEYOR/ENGINEER:

Holloway Engineering, Surveying & Civil Design, PLLC /Surveyor & Engineer

AREA: 3.102 acres NUMBER OF LOTS: 3 FT. NEW STREET: 0 LF

WARD: 5 PLANNING DISTRICT: 1 CENSUS TRACT: 42.05

CURRENT ZONING: R-2, Single-Family Residential District and PD-O,
Planned Development-Office District

ALLOWED USES: Single-Family Residential

PROPOSED ZONING: PCD, Planned Commercial Development

PROPOSED USE: Restaurant with Drive-thru

VARIANCE/WAIVERS:

1. Variance to allow reduced driveway separation and increased driveway widths.
2. Variance to allow lot sizes of less than two (2) acres.
3. Variance to allow reduced rear land use buffer width.

BACKGROUND:

A development consisting of three restaurants with drive-thrus and associated off-street parking is proposed for this property located within the Highway 10 Scenic Corridor Overlay. This property is undeveloped and zoned POD and R-2.

The western most portion abutting Rummel Road was the subject of a withdrawn application for a POD for the construction of a tattoo artist studio submitted earlier this year. The eastern two-thirds has been the subject of several zoning requests. The most recent of which approved a now expired medical office/clinic.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

This project consists of 3 lots. Each lot is to be developed with a restaurant with a drive thru.

B. EXISTING CONDITIONS:

The property is undeveloped and wooded with frontage along both Cantrell Road and Rummel Road.

A restaurant with a drive-thru was recently constructed to the east. More intense office and commercial development extends eastward along Cantrell Road.

A large undeveloped parcel of more than 40-acres zoned R-2 is situated to the north. Further north is a single-family subdivision.

The properties immediately west across Rummel Road are undeveloped. Further west are several single-family homes.

A city park is located south across Cantrell Road. Also, there is a single-family subdivision abutting Cantrell Road.

C. NEIGHBORHOOD COMMENTS:

As of this writing, staff has received several comments from neighbors on this request. Concerns have been raised regarding the intensity of use, the addition of commercial traffic onto Rummel Road, and general traffic issues on Cantrell Road. Notice of the public hearing was sent to all owners of properties located within 200 feet of the site and the Pinnacle Valley, Westchester, and Tulley Cove neighborhood associations.

D. ENGINEERING COMMENTS:

1. Cantrell Rd is classified on the Master Street Plan as a principal arterial. Dedication of right-of-way to 55 feet from centerline will be required.

2. Due to the proposed use of the property, the Master Street Plan specifies that Rummel Road for the frontage of this property must meet commercial street standards. Dedicate right-of-way to 30 feet from centerline.
3. A 20 feet radial dedication of right-of-way is required at the intersection of Rummel Road and Cantrell Road.
4. Obtain permits for improvements within State Highway right-of-way from AHTD, District VI.
5. Sidewalks with appropriate handicap ramps are required to be constructed along Cantrell Road in accordance with Sec. 31-175 of the Little Rock Code and the Master Street Plan.
6. With site development, provide design of street conforming to the Master Street Plan. Construct one-half street improvement to Rummel Road including 5-foot sidewalks with planned development. The new back of curb should be placed 18 ft. from center of the street. Show on plans the additional widening required on Rummel Road north of the driveway to the north property line.
7. Driveway locations and widths do not meet the traffic access and circulation requirements of Sections 30-43 and 31-210. The lots must share a single driveway access centered on the property line. The width of driveway must not exceed 36 feet. Variance must be request for driveways located closer than 300 ft. from other driveways and intersections and closer than 150 ft. from a side property line. A variance is also required by driveways that exceed 36 ft. in width.
8. Repair or replace any curb, gutter, sidewalk and access ramps that are damaged and not in compliance with ADA recommendations 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 a land alteration variance requested to advance grade the entire property with construction on the first lot?
10. Provide a Sketch Grading and Drainage Plan per Sec. 29-186 (e).
11. Storm water detention ordinance applies to this property. Show the proposed location for stormwater detention facilities on the plan. Maintenance of the detention pond and all private drainage improvements is the responsibility of the developer and/or property owners association.
12. If disturbed area is 1 or more acres, obtain a NPDES storm water permit from the Arkansas Department of Environmental Quality prior to the start of construction.

13. 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.
14. Retaining walls designed to exceed 15 ft. in height are required to seek a variance for construction. Provide proposed wall elevations.
15. Prior to construction of retaining walls, an engineer's certification of design and plans must be submitted to Planning and Development for approval. After construction, an as-built certification is required for construction of the retaining wall.
16. Submit a Traffic Impact Study for the proposed project. Study should address trip generation and trip distribution for the development and also should take into account existing and projected traffic growth.
17. Provide a letter prepared by a registered engineer certifying the intersection sight distance at the intersection(s) comply with 2004 AASHTO Green Book standards. Particular consideration should be made on the Rummel Road driveway.

E. UTILITIES/FIRE DEPARTMENT/PARKS/COUNTY PLANNING:

Little Rock Water Reclamation Authority:

Sewer main extension required with easements if new sewer service is required for Lot 3 on this project.

FOG Analysis required.

Entergy:

Entergy does not object to this proposal. Entergy has 3-phase power available on south side of proposed development. There does not appear to be any conflicts with existing electrical utilities at this location. Contact Entergy in advance to discuss electrical service requirements, or adjustments to existing facilities (if any) as this project proceeds.

CenterPoint Energy: No comment.

AT & T: No comment received.

Central Arkansas Water:

All Central Arkansas Water requirements in effect at the time of request for water service must be met.

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.

Provide a 10-foot utility easement along the road frontage of Cantrell and Rummel Roads.

A Capital Investment Charge based upon 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.

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 Little Rock Fire Department is required.

The facilities on site will be private. When meters are planned off private lines, private facilities shall be installed to CAW's material 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.

Due to the nature of this facility, installation of an approved reduced pressure zone backflow preventer assembly (RPZ) is required on the domestic water service. This assembly must be installed prior to the first point of use. CAW 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 CAW. The test results must be sent to CAW's Cross Connection Section within 10 days of installation and annually thereafter. Contact the Cross Connection Section at 377-1226 if you would like to discuss backflow prevention requirements for this project.

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

Fire Department:

Full plan review

Maintain Access:

Fire Hydrants.

Maintain fire apparatus access roads at fire hydrant locations as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 **Section D103.1 Access road**

width with a hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet, exclusive of shoulders.

Grade

Maintain fire apparatus access roads as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 **Section D103.2 Grade.** Fire apparatus access roads shall not exceed 10 percent in grade except as approved by the fire chief.

Loading

Maintain fire apparatus access road design as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 **Section D102.1 Access and loading.** Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds.

Fire Hydrants

Locate Fire Hydrants as per Appendix C of the 2012 Arkansas Fire Prevention Code. Section C101 – C105, in conjunction with Central Arkansas Water (Daniel Tull 501-377-1245) and the Little Rock Fire Marshal's Office (Capt. Tony Rhodes 501-918-3757 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 received.

F. **BUILDING CODES/LANDSCAPE:**

Building Code:

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

Curtis Richey at 501.371.4724; crichey@littlerock.gov or
Steve Crain at 501-371-4875; scrain@littlerock.gov

Landscape:

1. Site plan must comply with the City's minimal landscape and buffer ordinance requirements and the Highway 10 Scenic Corridor Overlay District.
2. The Highway 10 frontage (front yard) shall consist of a minimum of forty (40) feet of landscaped area exclusive of right-of-way. The landscaped area shall contain organic and/or combined man-made/organic features such as berms, brick walls and dense plantings such that vehicular use areas are screened

when viewed from an elevation of forty-two (42) inches above the elevation of the adjacent street. Trees shall be planted or be existing at least every twenty (20) feet and have a minimum of two (2) inches in diameter when measured twelve (12) inches from the ground at time of planting. Provide screening shrubs no less than thirty (30) inches in height at installation with an average linear spacing of not less at three (3) feet within the required landscape area.

The Highway 10 Scenic Corridor Overlay District requires a minimum development tract size of not less than two (2) acres.

3. A land use buffer six (6) percent of the average width / depth of the lot will be required when an adjacent property has a dissimilar use of a more restrictive nature. The property to the north is zoned R2. As a component of all land use buffer requirements, opaque screening, whether a fence or other device, a minimum of six (6) feet in height shall be required upon the property line side of the buffer. A minimum of seventy (70) percent of the land use buffer shall be undisturbed. Easements cannot count toward fulfilling this requirement. The plantings, existing and proposed, shall be provided within the landscape ordinance of the city, section 15-81.
4. Rear and side yards shall have a landscaped buffer averaging a minimum of twenty-five (25) feet from the property line.

Rear and east side yards are deficient.

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.
6. 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.
7. 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.
8. A landscape irrigation system shall be required as per Highway 10 site design and development standards.

G. TRANSPORTATION/PLANNING:

Rock Region Metro: No comment received.

Planning Division: The request is in the River Mountain Planning District. The Land Use Plan shows Suburban Office (SO) for the requested area. The Suburban Office category shall provide 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 application is to change from R-2 (Single-Family District) and PDO (Planning Development Office) District to PCD (Planned Commercial Development) District to allow for the construction of 3 drive-through restaurants with associated drives, etc. The site is within the Highway 10 Design Overlay District.

Master Street Plan: To the south is Cantrell Road and it is shown as a Principal Arterial on the Master Street Plan. To the west is Rummel Road and it is a Local Street on the Master Street Plan. A Principal Arterial is to serve through traffic and to connect major traffic generators or activity centers within the urbanized area. Entrances and exits should be limited to minimize negative effects of traffic and pedestrians on Cantrell Road since it is a Principal Arterial. 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". 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 I Bike Path is shown along Cantrell Road. A Bike Path is to be a paved path physically separate for the use of bicycles. Additional right-of-way or an easement is recommended. Nine-foot paths are recommended to allow for pedestrian use as well (replacing the sidewalk).

H. SUBDIVISION COMMITTEE COMMENT:

March 11, 2020

The applicant was present. Staff presented the item to the committee.

Planning staff requested information on the proposed freestanding sign dimensions and the proposed building signage, as well as the location and details on any drive-thru signage or menu boards. The maximum building height was requested and information on dumpster screening and any proposed building elevations or façade materials.

Engineering indicated half-street improvements conforming to the Master Street Plan for Rummel Road would be required with the development of the site. The improvements would include a 5-foot sidewalk. It was inquired if an advanced grading variance was requested to grade the entire site with initial construction. A sketch grading and drainage plan was requested. Any retaining wall exceeding

15-feet in height would require a variance. A Traffic Impact Study was to be submitted for the proposed project addressing trip generation and distribution for the development and taking into account existing and projected traffic growth. A letter from a registered engineer certifying the intersections comply with 2004 AASHTO Green Book standards is needed, of particular interest is the intersection of the driveway from Rummel Road.

Landscape comments were generally in regard to the Highway 10 Scenic Corridor Overlay. It was noted the minimum parcel size is 2-acres and that the proposed rear and east side landscaping buffer yards were insufficient.

The applicant was advised responses and revisions are to be received by March 18, 2020. The committee forwarded the item to the full commission.

I. ANALYSIS:

The applicant provided additional information and a revised site plan to staff after the Subdivision Committee meeting. The response appears to address most of the issues as raised by staff.

The applicant proposes to subdivide the subject property into three (3) lots for the development of three (3) restaurants with drive-thru service. The lots will range from 0.87 acre to 1.141 acres in size. Section 36-346(a) of the City's Zoning Ordinance requires a minimum lot size of two (2) acres for lots in the Highway 10 Design Overlay District. The applicant is requesting a variance from this standard.

The proposed restaurant buildings will range in size from 2,268 square feet to 3,800 square feet. Each restaurant will have a drive thru window on the building's west side. Menu boards will be located on the north side of the two (2) easternmost buildings and the east side of the westernmost building. Each building will have a height not exceeding 35 feet. The building elevations and façade materials are not known at this time, and will depend on the type/brand of restaurants which will locate on the sites in the future.

The project includes construction of three (3) driveways, two (2) from Cantrell Road and one (1) from Rummel Road. The two (2) driveways from Cantrell Road are proposed to be 40 feet wide, with the driveway from Rummel Road having a width of 28 feet. Variances are requested to allow reduced driveway spacing and increased driveway width (see Engineering comment #7).

The applicant is proposing 33 parking spaces for Lot 1, 30 parking spaces for Lot 2 and 44 parking spaces for Lot 3. Lot 1 is five (5) spaces short of the typical ordinance requirement of one (1) parking space for each 100 square feet of gross floor area. The overall number of parking spaces for all three (3) lots combined meets and exceeds the typical ordinance requirement.

The applicant proposes to locate one (1) monument type sign along the Cantrell Road frontage for each lot. Each sign will conform with the Highway 10 Design Overlay District standards; maximum height of six (6) feet and maximum area of 72 square feet. All wall signage will conform with the typical commercial zoning standards.

Section 36-522 (b) (3) requires a minimum land use buffer width of 25 feet along the north and east property lines. The applicant is providing a 15 foot wide buffer along the north property line and a 25 foot wide buffer along the east property line. The applicant is requesting a variance to allow a reduced buffer width along the north property line. A retaining wall will be located within the north buffer area.

A dumpster area will be located inside the north buffer area on each of three (3) lots. Each dumpster area will have masonry screening as per ordinance requirements.

Engineering has requested a Traffic Impact Study for the proposed project. As of this writing, the applicant has not submitted the study. Staff will attempt to have this issue resolved prior to the public hearing.

PLANNING COMMISSION ACTION:

(MAY 14, 2020)

The applicants were not present. There were no other persons registered in attendance. Staff presented the item and the recommendation of deferral. There was no further discussion. The item was placed on the consent agenda and proved for deferral to the next scheduled meeting. The vote was 10 ayes, 0 noes and 1 absent.

STAFF UPDATE:

The applicant submitted a Traffic Impact Study to staff as requested. Traffic Engineering has reviewed The Traffic Impact Study and provided the following comments:

The Traffic Study indicates that the site can accommodate drive-thru traffic. However the following conditions should be in place in case problems occur during peak hours:

- Drive-thru queuing should be accommodated within the site. If queuing extends onto public roadways at any time, measures must be taken to prevent such queuing (measures such as restaurant staff taking orders inside the parking lot and delivering food to customers).
- All striping shall conform to MUTCD guidelines.

It was noted that ARDOT future roadway improvement plans may affect full driveway access.

The applicant is also requesting a variance to advance grade the entire site with the development of the first lot. Staff supports the variance request.

Cantrell Road (Arkansas Highway 10) is controlled, maintained, and permitted by the Arkansas Dept. of Transportation (ARDOT). ARDOT has reviewed the plans and the proposed street improvements and driveways can be permitted as shown on the site plan in conformance with ARDOT standard details. A right-of-way permit application must be submitted to ARDOT for the street improvements and driveways prior to issuance of the building permit. Based on ARDOT's recommendation, staff recommends approval of the variances for the proposed driveway spacing and widths.

To staff's knowledge there are no outstanding issues associated with this application. It appears that all technical issues have been addressed. Staff is supportive of the requested PCD rezoning. The proposed PCD represents a continuation of the zoning and use pattern along the north side of Cantrell Road, east of Rummel Road.

J. STAFF RECOMMENDATION:

Staff recommends approval of the requested PCD rezoning, including variances for reduced driveway spacing, reduced lot sizes, reduced land use buffer and advance grading, subject to the following conditions:

1. Compliance with the comments and conditions outlined in paragraphs D, E and F, and the staff analysis, of the staff report.
2. Drive-thru queuing should be accommodated within the site. If queuing extends onto public roadways (i.e. Hwy. 10) at any time, measures must be taken to prevent such queuing (measures such as restaurant staff taking orders inside the parking lot and delivering food to customers).
3. ARDOT future roadway improvement plans may affect full driveway access.
4. All striping shall conform to MUTCD guidelines.
5. ARDOT AR-1 standard detail for driveways should be used for design and permit submittal application of the proposed driveways for the development accessing Cantrell Road to ARDOT prior to issuance of a building permit.
6. All street improvements and driveway construction must be completed prior to the issuance of a Certificate of Occupancy for construction of the first lot.

PLANNING COMMISSION ACTION:

(JULY 16, 2020)

John Rees, Ernie Peters, and Jess Griffin were present, representing the application. There were eight (8) objectors present. Staff presented the application with a recommendation of approval subject to conditions.

James Brown addressed the Commission in opposition of the application. He expressed concerns related to the Highway 10 Land Use Plan; the Site Design and Development Standards of Highway 10 Scenic Corridor Overlay; and the traffic access and circulation requirements. He briefly explained a self-study of the risk of traffic incidents and the future land use plan.

Richard Stokes addressed the Commission in opposition of the application. He briefly expressed concerns regarding the impact of four (4) interfaces within one-tenth of a mile along Cantrell Road, the reduction of the distance between the proposed driveways, and the allowance of advanced grading for landscape. He made a request for a copy of the Traffic Study and the hours of operations.

Lee Majors addressed the Commission in opposition of the application. He expressed concerns for the number of variances associated with the proposed development. He referenced the availability of more suitable commercial sites along Cantrell Road.

Ken Harrison addressed the Commission in opposition of the application. He expressed concerns related to the type of development proposed for the current zoning classification and the availability of commercial nodes within the area.

Grey Williams addressed the Commission in opposition of the application. He expressed concerns for the lot-size variances, sight-distance for the west driveway (Rummel Road access point), potential flooding from creek in the Westchester Subdivision. He explained the increase of traffic on Cantrell Road will force the flow of traffic to the Rummel Road access.

John Rees addressed the Commission in support of the application. He explained the attraction for commercial and retail developers is for high-traffic, heavily traveled roads such as Cantrell, Kanis, Chenal, and Markham which account for 20% of development in the city. He briefly expressed that commercial and retail developments are in higher demand than office development.

Ernie Peters, Traffic Engineer, addressed the Commission in support of the application. He explained that the two (2) Cantrell Road driveways are primary access points and the one (1) Rummel Road driveway is intended as a convenience point-of-access. To address the relevant opposing points, he stated that the width between the two (2) driveways on Cantrell Road meet the ARDOT standards of 230 feet. With the ARDOT continued expansion project for Highway 10, the Cantrell driveways would convert to right-in and right-out only drives.

John Rees addressed the concerns related to the driveway located to the west of the property by inserting that the proposal includes street improvements along Rummel Road.

Jess Griffin, Engineer of Record, addressed the Commission in support of the application. He explained that each of the lots were evenly divided with significant landscape (i.e., 37%); the reduction of the number of the existing Cantrell Road driveways from three (3)

to two (2); a dedicated right-of-way of 55 feet; and the increased width of the driveway on Rummel Road.

Grey Williams offered rebuttal for all driveway access points and the proximity of the first residential property on Rummel Road. He emphasized the right-in and right-out turns from Cantrell Road and the need to reduce the number of driveways within the proposal.

Jimmy Brown offered rebuttal for proximity of his residential driveway to the driveway on Rummel Road. He expressed that the distance is approximately 200 feet.

John Rees defended the need for commercial and retail developments along Cantrell Road. He expressed that the Highway 10 Overlay District influences delayed developments for Cantrell Road with high traffic volume of more than 35,000 cars per day.

Commissioner Craig Berry inquired about the number of parcels within the Highway 10 Overlay District which did not meet the minimum development tract size of not less than two (2) acre requirement for commercial developments. He expressed concerns for the number of variances requested for the proposal by questioning the influence of the proposal's use and dynamics on the need for the significant number of variances. Commissioner Berry stated he would not support the application.

Director Collins addressed Commissioner Berry's inquiry regarding the minimum development tract size. He briefly explained Section 3. Paragraph D, Site Design and Development Standards of Ordinance No. 15, 965 (November 20, 1990), an ordinance to reduce the Highway 10 Land Use Plan's Lot Size from 3 acres to 2 acres. He briefly explained the minimum-lot exception for Lots of Records established prior to the amended ordinance. Director Collins confirmed that there are 121 lots within the Highway 10 Overlay District which are less than 3 acres.

Commissioner Todd Hart inquired of the details regarding the previous proposal for zoning and use and the neighbors' opposition or support of each proposed development.

Director Collins explained that an application (i.e., Z-9493) for proposed zoning of Planned Office Development (POD) with a proposed use for Tattoo Art Studio and General Professional Offices was filed. However, the staff received a request to withdraw the item without prejudice (February 18, 2020).

Grey Williams affirmed that after all the opposing neighbors spoke directly with the applicant to explain the proposed use is not, the applicant agreed to contact the Planning and Development Office to officially withdraw the application.

Commissioner Robby Vogel raised the point of an imminent need to access the Highway 10 Overlay District considering the current demand for service-oriented developments versus the demand for the office space.

Commissioner Diana Thomas expressed concern for the over-development of the property and the impending traffic issues for the neighbors. As a member of the Birchwood Community, she has experienced the inconveniences of commercial development near residential zoning. For this reason, she would not support the application.

Commissioner Derick Brooks expressed concerns regarding the current COVID-19 economic environment and its effects on commerce within the city as it relates to the Highway 10 Overlay District. He suggested a review its current standards to access the type of developments allowed within this design overlay district.

Commissioner Harold Betton inquired if the number of variances would be different based on the type of business proposed for development.

There was a motion to approve the application as recommended by the staff, including all staff comments and conditions. The motion was seconded. The vote was 7 ayes, 3 nays, and 1 absent.