

Russellville Planning Commission Minutes

January 25, 2016 @ 5:30 p.m.

The Russellville Planning Commission held its regular meeting on Monday, January 25, 2016 at 5:30 p.m., in the Russellville City Hall Council Chambers.

Members Present

Chairman Dennis Boyd
Vice-Chair Doug Skelton
Secretary Wendell Miller
Todd Meimerstorf

Mike Wilkins
John Whiteside
Shirley Hatley
Nathan Barber

Members Absent

Peggy Stratton
Council Liaison Freddie Harris

Also present: Mayor Randy Horton, City Attorney Trey Smith, City Engineer Kurt Jones, Planner James Walden, Building Official Brian Holstein, Planning Assistant Lequitta Jones, Fire Marshal Setian, Jim Lynch/City Corp, David Garza/Barrett & Associates, Skip Motsenbocker/, Mid-American Management, Inc., Kenny Bowden, Denielle Frederick/River Valley Realty, and Sean Ingram/The Courier.

Welcome

The First Order of Business was to elect 2016 officers: Chairman, Vice-Chairman and Secretary.

Commissioner Skelton made the motion to elect Dennis Boyd as chairman.
Commissioner Miller seconded the motion which passed unanimously.

Commissioner Miller made the motion to elect Doug Skelton as vice-chairman.
Commissioner Whiteside seconded the motion which passed unanimously.

Commissioner Skelton made the motion to elect Wendell Miller as secretary.
Commissioner Wilkins seconded the motion which passed unanimously.

The Second Order of Business was a request to review and approve the December 28, 2015 minutes.

Commissioner Wilkins made the motion to accept the minutes as written. The motion was seconded by Commissioner Meimerstorf which passed unanimously.

The Third Order of Business tabled from the December 28, 2016 Meeting. A Public Hearing requesting review and a recommendation of approval to rezone property currently C-2 (Highway Commercial) to R-3 (Medium/High Density Residential), approximate location is 520 North El Mira Avenue, (Lot 35, East Industrial Park

Phase V). Submitted by Dave Garza of Barrett & Associates on behalf of Russellville Realty Inc., William Thornsberry. (Z0.15.12.193)

Planner James Walden said this is an item that was held over from last month. At that point, the primary question surrounded the move to go to R-3 and there was some level of concern about the permitted uses that were also allowed in an R-3 in terms of manufactured houses being allowed in that zone. In the interim, the City Council has amended the Zoning Code such that manufactured houses are no longer a permitted use in an R-3. If this were to transition to R-3, manufactured homes would no longer be permitted on that site. On the Comprehensive Plan, the property is indicated for a Planned Unit Development (PUD) based upon the size of the parcel and the relationship to other properties surrounding it. It would be very difficult for it to be incorporated in a PUD. In looking at the general overall area that this is placed in context for you, look at the vast amount of acreage and all that acreage couldn't possibly all be used for commercial use. So, some level of other use in this area would be ideal and this would utilize this for multi-family. So it presents a good option there. The staff's recommendation for this is approval and that it would help advance the goals and objectives of the City's Comprehensive Plan.

Mr. Dave Garza said the original submittal that we had last month was for duplexes on 17 lots. We have learned since then that was a different developer. Mr. Garza handed out copies of the *Elevation of the ElMira Senior Estates*, which is a three-story complex. Mr. Garza said it looks a lot like a hotel type concept. The restriction there is that you have to be 55 or older to be able to live in one of those units.

Chairman Boyd asked if there were any members of the public who wished to speak either for or against this application. There were none.

The chairman said before we continue, I would remind the commission that we are just looking at the rezoning tonight. We are not doing a large-scale development review. So please keep that in mind as we have our discussion.

Commissioner Wilkins asked if there was any time frame when they think they may start this project. Mr. Gaza said they will not have any approvals until August or September 2016.

Commissioner Wilkins made the motion to approve the R-3. The motion was seconded by Commissioner Miller and passed unanimously.

The Fourth Order of Business was tabled from the December 28, 2016 Meeting. A request to approve vacating an unused portion of the right-of-way lying east of the driveway in the 600 Block on Forrestwood Court, (Lot 1, Block 5, Woodridge Estates, Phase IV, City of Russellville). Submitted by Darrell & Trish Lowder, 1014 Ridgewood Drive. (ST.15.12.78)

City Engineer Jones said this was tabled last month because we were waiting on some feedback from the property owner across the street. Mr. Lowder is requesting to vacate

the right-of-way for Forrestwood Drive. It goes one block deep off of Ridgewood and it dead ends into Brookside Subdivision. There is actually a developed lot with no possibility to extend this street in the future. The petitioner has requested that the street be vacated from the east line of the existing driveways that run onto the street so it would remain a public street up to the driveways and then be vacated roughly one-half the lot depth. From the City's standpoint, we have no desire to hold onto that street right-of-way. There is a sewer line that runs through the right-of-way and we would recommend going ahead with the vacation on the condition that the existing right-of-way is reverted to a *General Utility Easement & Access Easement*.

The city engineer explained why we requested this vacation to be tabled last month. There is a property owner on the other side of the street, in this case it's a 50-foot wide street right-of-way, and when a street is vacated the street and the property reverts equally to the existing properties on either side of the street. Mr. Lowder lives on the south side of the street and there is another property owner on the north side. An effort was made to get a signed letter from this property owner showing support for this vacation. They refused to sign the letter. They have been notified, but have not indicated any objections to the vacation. They simply refused to sign the letter that supported the vacation. Since we have not received any formal objection from them, our position is to go ahead with the vacation.

Chairman Boyd asked City Attorney Smith for his legal opinion. Mr. Smith said he didn't see any issues on this simply because the only time you must beware is when you vacate a right-of-way that cuts off an access to a property and that does not occur here. The City has not used this stub. It has not been used in over five years. There is also a general other law vacating, which doesn't even have the five-year requirement. So with the other person not making any type of recommendation either way, I think it is permissible. I don't see any legal issues that could come up if it is vacated.

Commissioner Wilkins asked if we approve this it will be contingent that you guys work out the legal description of the properties. City Engineer Jones said we will work up a legal description with language that satisfies City Corporation. We will give them the opportunity to review it before we submit it to the City Council.

Jim Lynch with City Corporation said that was their only concern. Unfortunately, the side of the street Mr. Lowder lives on is the side of the street that our sewer lines run down. The entire sewer from the south end drains down that street. It is very important to us that we have access to it, because there is no guarantee that we won't have to get in there tomorrow. City Engineer Jones said the formal vacation ordinance will include that language.

Commissioner Wilkins made the motion to vacate subject to City Corp, City Engineer, and the other utilities accepting the easement descriptions that are necessary to secure the City's interest and making sure that the Utility companies are not hampered by our actions. The motion was second by Commissioner Miller and approved unanimously.

The Fifth Order of Business was a Public Hearing requesting review and a recommendation of approval for a Special Use Permit to operate a construction office/building in a C-2 (Highway Commercial), located at 3308 Bernice Avenue. Submitted Kenny Bowden. (SP.16.01.140)

Planner Walden said this Special Use Permit application that the zoning for this is a C-2. This is going into a structure that is owned by Denali Water. It is an interesting case because of the zoning that is in that area. If this were zoned industrial, we wouldn't be here tonight. It firmly rests in a sort of industrial setting to the north and an auto wrecker service that sits there. The property to the south is vacant. The office that is to the west is Denali, who is in the business of bio-solids dealing with waste water. Then you have an auto repair facility to the east. When reviewing a special permit use, one of the things that you are looking at in terms of the standard of review is what external impacts this use is going to have on the adjacent property. Because of the construction office/fabrication things that would be going on there, it is not really having a negative impact on adjacent property in a way that the adjacent property wouldn't be having on it. So, it is a use that is much less intense than the auto wrecker that is adjacent to it. So, there is not a real concern about what impact it might have on the adjacent property. This is normally what you look at when you are looking at in terms of reviewing a special permit application. The only thing that I might say that might be a concern that you would look at in terms of what might be typical concerns of a use of this type is the storage of parts, vehicles, materials, and anything that is associated with what might be outside of the business. There is a gated area where there is storage of those sorts of material already there. So my recommendation would be that if you act for approval is that you place a condition that any outside storage of materials, vehicles, or parts shall be placed behind the gate onsite such that it wouldn't be intruding on the parking area that is accessible to the public or diminish the area that is available for parking on site.

Chairman Boyd asked if there were any members of the public who would like to speak either in favor or against this application. There were none.

Commissioner Wilkins asked Mr. Bowden what type of fabrication is going to occur in this building. Mr. Bowden said basically it will be like custom bumpers, custom stuff for vehicles, lots of off-roaders, racks, and lifts, etc. Also, I will be doing exhaust work and stuff there.

Commissioner Meimerstorf asked Mr. Bowden if he had the option to lease, or rent, some of the space inside the gate. Mr. Bowden said basically anything that I am going to have and stuff; the way I do a vehicle or something, it is going to take me two to three days to do what I need to do to a vehicle. I made a deal with Denali to keep things clean. I am going to space it out to where if I have someone coming in ...so you won't really see anything around there. Most of my materials that I keep will be kept inside my office there. In the area where I will be working you won't hardly even know that I am there.

Commissioner Wilkins asked Mr. Bowden if he was using the old Kirby fabrication shop. Mr. Bowden said yes and there is another fabrication shop in there.

Chairman Boyd asked if the staff had resolved the question they had about parking. Planner Walden said there is adequate parking. The chairman asked Mr. Walden if the staff received any feedback from the auto repair shop located just to the east. Mr. Walden said we didn't hear anything from them.

Commissioner Skelton asked Mr. Bowden if the storage of parts, vehicles, materials, and other similar types of items, if any, would be placed behind that fence. Mr. Bowden said "yes."

Commissioner Wilkins made the motion to approve the request. The motion was seconded by Commissioner Skelton and passed unanimously.

Chairman Boyd thanked Mayor Horton and the City Council for their quick action regarding the Planning Commission's request to revise the *Table of Permitted Uses* in the Zoning Code. That really helped the commission out in regard to rezoning the N. El Mira property. We appreciate it.

Before adjourning the meeting, the chairman asked whether any additional business needed to be brought before the Planning Commission. In response, Planner Walden asked if the commission wanted him to go ahead and take a look at the Planned Unit Development (PUD) regulations in terms of the way they are structured. There's some room to change so it's a little more user-friendly to developers, such that they would not have to go through the expense of engineering first, rather than get the zoning plan passed and then do the engineering work so that the PUD type of zoning could be better utilized.

Chairman Boyd asked Mayor Horton about the contract that the city had with Garver and whether such an action would put us in a bind moneywise to go ahead and let Mr. Walden start revising the PUD regulations before the actual large-scale rewrite of the zoning code began. Mayor Horton said he didn't think so.

Commissioner Wilkins said that having been the person who weathered the first PUD application in Russellville we need more flexibility in the PUD ordinance. We were held up on construction probably two to three years.

Chairman Boyd said the consensus appeared to be to let Mr. Walden start revising the PUD regulations immediately. The chairman asked if any of the commissioners were opposed to that action. No one objected. The chairman asked Mayor Horton if it would be okay to move forward with that action. Mayor Horton said, "yes."

Meeting Adjourned.

Chairman Dennis Boyd