

Russellville Planning Commission Minutes

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

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

Members Present

Chairman Dennis Boyd	Todd Meimerstorf
Vice-Chair Doug Skelton	Nathan Barber
Secretary Wendell Miller	Peggy Stratton
Shirley Hatley	Todd Meimerstorf
John Whiteside	

Members Absent

Mike Wilkins
Council Liaison Freddie Harris

Also present: Mayor Randy Horton, City Planner James Walden, Acting City Planner Benjamin Lykins, City Engineer Kurt Jones, Alderman Bill Eaton, Planning Assistant Lequitta Jones, Jim Lynch/City Corp, City Attorney Trey Smith, Peggy Talkington, Bucky Croom, Dave Garza/Barrett & Associates, and Randy Campbell.

Welcome

The First Order of Business was a request to review and approve the June 27, 2016 minutes.

Commissioner Miller made the motion to approve the minutes as written. The motion was seconded by Commissioner Stratton and passed unanimously.

The Second Order of Business was a request to review and approve the large scale development plan for Casey's General Store located at the southeast corner of South Arkansas Avenue (Arkansas Highway 7) and East 3rd Street. Submitted by Kevin McClafflin of Morrison Shipley on behalf of Casey's General Store. (DV.16.07.143)

Chairman Boyd recommended treating all three of the next agenda items pertaining to Casey's General Store as a public hearing and invited members of the public who wished to address any three of these items to feel free to do so.

City Planner Walden said the application involves a large scale application and a Special Use Permit request to construct a convenience store and gas station with 8 fueling pumps. Also, a replat to accommodate moving all lots into one lot so they can build on this site which consists of a 1.15 acre site occupying a ½ city block between 3rd and 4th streets on South Arkansas Avenue in a C-2 zone. The current use of this site is abandoned by Rally's, a fast food services use, and commercial used car dealership. The adjacent property uses are commercial food services to the south, commercial sales and public services and rent-to-own store to the west and the library to the east. The adjacent zoning is C-2 to the north and west, C-1 to the northwest, east, southwest,

and south. This project is consistent with the Comprehensive Plan. As currently proposed the site plan is not totally consistent with the Downtown Master Plan on this particular site. All of the staff's comments have been addressed as part of this application. They have considerably gone above and beyond what City requirements are in terms of dealing with this particular application. The reason that we had conditions applied to this is because it is a special permit request and based upon the context of this development's location at the edge of the downtown transitional area, between the auto-oriented retail and commercial to the south and moving to the downtown commercial area. We had concerns of mitigating some of the aspects of the development. Some of the things that we had asked them to do were to deviate from their typical prototype on the structure. Normally, they either do a hip roof or flat roof, but with a great deal more EIFS Material. They have significantly deviated from that typical prototype, notably, including a lot of brick. We had asked that they provide landscaping although there is no landscaping requirement. Initially, landscaping had covered a lot of the site along South Arkansas. We additionally asked that they provide more landscaping on the site along 3rd Street and 4th Street and where the parking is adjacent to the structure to the north to shield some of that parking area from the library that is to the east. One of the other comments was the sidewalk on 4th Street where there is an existing 6-foot sidewalk. We were also concerned about traffic, specifically, the turning motions coming from Arkansas if you are turning onto 4th Street and then turning in to the new development. This was really going to create a lot of conflict in that particular area because it was going across the turn lane that is on 4th Street that's heading south. We thought that would cause issues in terms of it actually backing up traffic and causing back up over onto Arkansas. In order to accommodate that they have agreed to a "right-in and right-out only" driveway on 4th Street. They have actually included on the plan a physical barrier to limit those turns. It is actually going to be a concrete curb in that area. As a part of that they are putting that splitter in there. They decided to move the sidewalk back further from the street. So they will be ripping out the existing 6-foot sidewalk and putting the sidewalk back up to the right-of-way line to accommodate the splitter island. This project is wholly consistent with the Comprehensive Plan. It is not totally consistent with the Downtown Master Plan; it calls for walkable urban development. They have made significant steps and strides to mediate the impact of that development. *The staff's recommendation is approval.*

Kevin McClafin with Morrison Shipley Engineers on behalf of Casey's General Store said they have made several modifications from their typical buildings that they would put in this kind of situation just to help maintain a downtown atmosphere on the site. They have added quite a bit of brick to the building and a couple different colors to help with our architectural element along the building façade. Most of their fueling bay canopies have the round steel columns but they are proposing square brick columns for this development. They are going to do a monument sign instead of the typical pylon sign. We are also doing a couple of sidewalk improvements. We are creating green space between the back of the curb and the sidewalk to separate the pedestrians from the street traffic and the driveway traffic along 3rd Street and along 4th Street. Along the highway there were three existing driveways they are all going to be removed and replaced with sidewalks so there will be one continuous sidewalk from the south side of the site to the north side. Then we will be doing the landscaping.

Chairman Boyd thanked the developer for working with the City to address the staff's concerns given the prominent location of this development. The chairman then opened the floor to the

public to speak either in favor or against this large scale development proposal. There were no comments from the public.

Chairman Boyd said he had reviewed the application against the Land Subdivision & Development Code requirements and it looked to be very complete and very thorough. Chairman Boyd asked City Engineer Jones if he was okay with it. Engineer Jones said he was very satisfied with it.

Commission Stratton made the motion to approve. The motion was seconded by Commissioner Skelton and passed unanimously.

The Third Order of Business was a public hearing requesting review and a recommendation of approval for a Special Use Permit to operate a convenience store with fuel sales for property located at the southeast corner of South Arkansas Avenue (Arkansas Highway 7) and East 3rd Street. Submitted by Kevin McClafin of Morrison Shipley on behalf of Casey's General Store. (SP.07.07.14)

Planner Walden said the *recommendation was approval* based on the previous discussion.

Chairman Boyd opened the floor to the public to speak either in favor or against the Special Use Permit. There were no comments from the public.

Commission Skelton made the motion to approve. The motion was seconded by Commissioner Whiteside and passed unanimously.

The Fourth Order of Business was a request to review and approve a *Replat of Part Lot 5 and Lots 6-12, Block 61, J.L. Shinn Addition* located at the southeast corner of South Arkansas Avenue (Arkansas Highway 7) and East 3rd Street. Submitted by Kevin McClafin of Morrison Shipley on behalf of Casey's General Store. (SD.16.07.307)

Planner Walden said the replat meets all the requirements of the subdivision code and the *recommendation is approval* on this application.

Chairman Boyd opened the floor to the public to speak either in favor or against the Replat approval. There were no comments from the public.

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

The Fifth Order of Business was a request to review and approve Sunrise Estates Phase II Preliminary Plat located on East 9th Street. Submitted Dave Garza of Barrett & Associates on behalf of Randy Campbell. (SD.16.07.308)

A. Requesting a waiver from the required underground electric and sidewalks.

City Planner Walden said this plat location is on South Pittsburg Avenue close to the new extension of Fairway Blvd. What they are asking for is Preliminary Plat approval. It is zoned

R-2. The current use is vacant and cleared for a subdivision. The adjacent uses are single family to the south, vacant woods to the north and east, single family subdivision and apartments to the west. The adjacent zoning is C-2 and R-2. On the Comprehensive Plan this area is indicated for single family residential. So, this is an area where the existing Comprehensive Plan is up to date. This second phase of Sunrise Estates Plat will consist of 16 lots. There are additional future phases that are proposed. One of the comments earlier had been that Lot 72, as designed, did not meet the Zoning Code requirements. They have since revised the plat such that the lot does conform. So there's no issue with minimum lot size. The future phases are not intended to connect to Fairway Blvd. They have indicated the size of the turnaround at the end of the cul-de-sac. They are requesting two waivers, one for sidewalks and the other for underground electric. In order to approve both waivers you will have to make a finding on five issues. Those five are conditions unless the Planning Commission shall make findings based on the evidence presented to it in each specific case:

1. The granting of the variance, exception, or waiver of conditions will not be detrimental to the public safety, health, or welfare or injurious to other property;
2. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;
3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;
4. The relief sought will not in any manner vary the provisions of the Zoning Code, or Comprehensive Plan, except that those documents may be amended in the manner prescribed by law;
5. That in additions to the conditions listed above, there would be no public benefit served by a strict application of the pertinent regulations.

Dave Garza of Barrett & Associates, on behalf of Randy Campbell, said this is the Phase II of Sunrise Estates. The first phase development started in August 2007. Shortly after that we had a significant economic downturn in the housing market lasting four to five years. It was a significant blow to the first phase and consequently that's the reason why the future phases didn't come back-to-back. Even though the developer was out there still filling the undeveloped area with fill material he knew based on the first design that the land was low and had to be filled. At this time, there are piles and piles of dirt that have been brought out there over the 10 years as they completed the first phase. If it hadn't been for the economic downturn we would have gone from phase to phase.

Randy Campbell of Coldwell Banker said this development, which we applied for in 2007, received Phase I approval in June or July 2008. The total plan was 125 lots. The first phase was 52-53 lots and those are now built. We did lose a couple of lots due to drainage here and there. Our first sale was in May 2009 and our timing could not have been worse, but somehow we got through that. The sales were from four to six houses a year, and at times we did peak out at 10 homes a year. Our last sale was May 18, 2015. During that time we never stopped filling. We

are bringing into the market entry-level homes in the 1250sq to 1300sq homes. At that time, we felt a huge need for that and still feel that way. Of the three developments that have come to this area for entry-level housing we are the only non-government subsidized. The closest development to us as far as new entry-level houses would be Ashbrook Estates. Their price point is about 15 to 20%. Basically, we simply want to continue what we have already started. In my mind, we have never stopped. The cost of entry-level housing cost is always a big feature. As you know, you are not going to sell houses for more than they are appraised at. In the economic downturn, trying to provide entry-level housing at low cost is huge. I am asking for consideration in that area. We started out with a budget based on the current regulations and requirements at that time and basically I'm just asking a continuation of that. One thing you will notice from the aerial view of this property is that there is one way in and one way out which is through our current Phase I. If you head to the north or head to east or head to the south you will either be crossing drainage ditches or the creek. We want Phase II to look like Phase I.

Chairman Boyd said in order for the Planning Commission to grant a variance there are five criteria that we must consider. When I was reading through the code this afternoon I noted that those were to be submitted to the commission in writing to give us time to study them so we can consider them adequately. I don't recall seeing anything in that regard. Mr. Campbell said if you will look at the first document that I gave you that is stapled together, that bottom paragraph that was submitted July 5th addressed those five items.

Engineer Jones said he personally doesn't have any objection whatsoever to the utility request. All the other utilities in that area are overhead. However, I do have an issue with not putting in sidewalks. We are currently spending a considerable amount of money each year putting sidewalks in places where none were constructed historically. So, I can't really support a waiver for sidewalk construction that likely will be coming back at some point in the future with a request to construct sidewalks in that area. Ultimately my goal, and it's not going to happen during my time as city engineer, but my goal would be to get sidewalks on every city street in town. It doesn't make a whole lot of sense from my standpoint to support waivers.

Commissioner Miller asked what the cost would be for sidewalks based on the average lot. Mr. Campbell said the estimates, which includes both underground utilities and sidewalk, was approximately \$2,100 per lot with the sidewalk accounting for about 70% of this. We have 70 lots. At \$2,000 per lot, the total cost would be ~\$140,000. It is significant on entry-level homes.

Commissioner Skelton asked if Phase I was subject to sidewalks or underground utilities. Mr. Campbell said Phase I contains no sidewalks or underground utilities. Mr. Skelton said the way I look at it is the overlap of the Comprehensive Plan. You got in there on the first phase without sidewalk and underground utilities and now you are trying to do your second phase and you are having to factor that cost in.

Mr. Campbell said we have 125 lots totaling \$2,000; that is \$250,000 additional. We paid \$240,000 for the land.

Chairman Boyd pointed out to Mr. Jones that the Planning Commission approved Shiloh Manor Phase V a few months back without requiring them to install sidewalks. What do you see as the difference in this request versus that one. Mr. Jones said that Shiloh Manor Phase V did not

come back through as a Preliminary Plat. That was a Final Plat that came though. They had been making continual progress with that development. They have been coming back to you with Final Plats not Preliminary Plats, which is the difference. Shiloh Manor is still operating under original Preliminary Plat approval.

City Attorney Smith said he believes that the jurisdiction on the variance of the sidewalks lies with the Board of Adjustment based on the recent amendment passed in January of this year. The amendment talks about variances on sidewalks being heard and decided by the Board of Adjustment. The underground utilities is part of the plat and could be heard and is specifically mentioned in the Land Subdivision & Development Code for the Planning Commission to listen to and make a decision, but as for the jurisdiction of waivers on the sidewalks, that amendment's pretty clear for the Board of Adjustment to hear. I don't think this body has that authority.

Commissioner Meimerstorf asked Mr. Jones if the point of sidewalks is a quality of life issue and for the neighborhood to have the ability to enjoy their neighborhood. Mr. Campbell you have an acre sized lot on this plat that is four times the size of all the normal lots. If that gets turned into a green space or something like that that is used for neighborhood development, to me that offsets the sidewalk quality of life that other neighborhoods don't offer. I'm just asking are the sidewalks considered a quality of life issue?

Engineer Jones said absolutely it is quality of life issue and it is a safety issue. It is something that in my short time as city engineer I've taken very seriously as far as constructing new sidewalks in town in areas that don't have them where we have pedestrians walking in the street. I certainly understand the argument that that sidewalk is not going to go anywhere. Well, if I took that position on every new development we would never get any new sidewalks. Again, it is hard for me to take the position that it is okay to support a waiver when I am going out and spending money and could very possibly be coming back to this area at some point and spending additional money to put in sidewalks where they were not required up front.

Commissioner Miller made the motion to approve the preliminary plat and the waiver for the underground electric and the approval contingent on the Board of Adjustment approval of the sidewalk waiver. The motion was seconded by Commissioner Skelton and passed unanimously.

Meeting Adjourned

Chairman Dennis Boyd