

Russellville Planning Commission Minutes

September 26, 2016 @ 5:30 p.m.

The Russellville Planning Commission held its regular meeting on Monday, September 26, 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
Peggy Stratton
Shirley Hatley

Nathan Barber
Karen Yarbrough
Mike Wilkins
John Whiteside
Council Liaison Freddie Harris

Members Absent

None

Also present: Mayor Randy Horton, Alderman Eaton, City Planner James Walden, City Engineer Kurt Jones, City Attorney Trey Smith, Planning Assistant Lequitta Jones, Jim Lynch/City Corp, Zane Bryson/City Corp, Fire Marshal Richard Setian, Dave Garza of Barrett & Associates, Donna Andrews, Brian Heinen, Bob Weibler, and Phillip Sims.

Welcome

The First Order of Business was a request to review and approve the August 22, 2016 minutes.

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

The Second Order of Business was a public hearing requesting review and a recommendation of approval to rezone property currently R-3/C-2 (Medium Density Single Family/Highway Commercial) to M-1 (Light Industrial District) for property located at 2401 South Arkansas Avenue used as a lumber company. Submitted by Dave Garza of Barrett & Associates on behalf of West Fraser Lumber Company. (Z0.16.09.199)

Planner Walden said the use of this property is a lumber mill and vacant. This includes both the areas where there are current operations undergoing and also the vacant property that is east of the railroad tracks. The various adjacent uses range from junkyards to single-family housing. The adjacent zoning is C-2, R-1 and R-3 to the north, C-2 to the south, C-2 to the west, and R-3 to the east. On the plans this property is indicated for industrial use. The proposed rezoning to M-1 would be consistent with the existing Comprehensive Plan. This property is in a transitional area between the quasi-commercial and industrial uses on Hwy 7-T and South Arkansas Avenue. This property is one of the major industrial sites inside of the City although it is not currently completely zoned for industrial. Even though a portion of the property is zoned R-3, this portion has very little potential for any of it to develop in a residential manner. There is almost no potential for it to ever be developed for residential, and the same logic

applies for the portion zoned C-2. So it really strengthens the case for rezoning to M-1. Improper development of the area which is currently zoned R-3 (east of the railroad tracks) could have a significant impact on surrounding properties. So any future development that happens in this area should be carefully monitored so that it doesn't have a negative impact on the adjacent residential property. Based upon what West Fraser does, the M-1 zoning is the most restrictive zone that they could go into and maintain current operations. M-1 zoning is consistent with the Comprehensive Plan. The applicant indicates there is an area that is in the northwest that is currently zoned R-1 which will remain R-1, and which effectively provides a buffer to a lot of the existing area up there. It is platted as vacant property. The other shaded area on the schematic depicts a 100 to 150-foot buffer zone that would be left as R-3 to provide a buffer to the Timberwood Subdivision. Why is it important that they leave a zoning buffer there rather than just indicating that it would be a buffer? Leaving a 100 to 150-foot buffer strip zoned R-3 means the only thing allowed in that portion of property would be residential use. So leaving it R-3 would preclude any kind of industrial use in that particular area. It is very unlikely that any kind of residential development would actually occur in that area. So it is a way of using the zoning to enact a more secure buffer to the north. Any future rezoning would have to come back for a public hearing and the property owners would be notified. There is about a 30 to 50-foot existing vegetative buffer in there so if that area is left alone, over time it will provide a pretty substantial vegetative buffer that would be a pretty strong protection for that property to the north. *Based on the recommendation to include appropriate buffers the recommendation for this application would be approval.*

Commissioner Wilkins suggested that a similar buffer be provided on the eastern edge of the property adjacent to the cemetery. Planner Walden said you definitely can ask for that. Commissioner Wilkins asked if West Fraser would have to bring a large scale development plan to the commission before developing the property east of the railroad tracks. Planner Walden said it would depend on the amount of the development, but likely if there is anything that is sufficient either it would come before the commission or the staff would likely recommend referring it to the commission. The staff has the option to defer approval for small scale development to the Planning Commission.

Dave Garza said West Fraser was not aware of the mixed zoning when the applicant purchased the property a couple of years ago. This could be a problem if they decided to do a future development because that is one of the check points. There is going to be a buffer zone and you would have on record that the owners had already agreed to a buffer zone. So it would be restated at the large scale development process. Mr. Garza recommended a 100-foot buffer on the residential area to the north and a 50-foot buffer on the cemetery side to the east.

Commissioner Wilkins said his concern along the cemetery side of the property was to ensure to provide enough of a buffer area to give proper respect needed to the families that might be affected by it. I would like to see a buffer along that area. Mr. Garza said right now there is a good tree line and then they can put some more trees through there in the 50-foot strip and stagger them. We will have to rewrite the legal description before it goes to the city council so they know exactly what is being rezoned.

Chairman Boyd opened the floor for public comments.

Mrs. Carol Parker, 714 East 23rd Street (Lot 17), said our house is to the back of the lumber yard fence. Our house is 75 feet from the property line. So if they just give us a 100-foot buffer that is only 175 feet that they can build behind my bedroom and that is pretty close. They can build a parking lot and store their supplies there. I would like to say that for the community of 23rd Street, I just don't think a 100-foot buffer would be enough.

Commissioner Wilkins asked what kind of buffer she thought would be appropriate. Mrs. Parker said the document says 100 - 200 foot. Like I said, our house is 75 feet from their property line. Commissioner Wilkins asked if there is a lot of noise into your property now from the operation. She said quite a bit at nighttime because they load their trains up, and the last two winters they left their trains rumbling behind the houses on Frankfort Street all night long.

Mr. Brian Heinen lives on East 23rd Street just a few homes down and said he had the same questions. I don't think a 100-foot buffer is enough. It is loud already.

Mr. Garza said West Fraser could go 150 feet. Commissioner Wilkins recommended putting some fast growing foliage in there to help suppress the noise. Commissioner Stratton said there are a lot of trees in the buffer. Mr. Garza said they don't have any control over the railroad. Commissioner Miller asked Mr. Garza how big of a buffer can we go. Mr. Garza said 150 feet because we are losing acreage.

Commissioner Skelton asked for Planner Walden's recommendation on what size of the buffer to the north and the east. Planner Walden said based upon what has been presented I think you need to have at least 150 feet on the east side which appears to be less of a concern, but I think what is important to keep in mind is just there are setbacks between the north property line and the development that is to the north. If you leave that R-3 buffer there, you will also have an additional setback between where this zoning buffer is and where they can actually have activity on it. The setback would be determined from the R-3 zone. You would actually leave a portion of it zoned R-3 that should provide the best protection.

Chairman Boyd asked Mr. Garza if West Fraser had any immediate plans to expand their operation into the areas under discussion. He asked if it was safe to assume that if their rezoning request is granted tonight that nothing would change in the immediate future. Mr. Garza said they have no plans at this time. The chairman said if West Fraser decides to expand into this area the commission would be given the opportunity to review their large scale development plan. Mr. Garza said if it meets the standard, yes.

City Engineer Jones said he agreed with Planner Walden's recommendation. I think the appropriate zoning for this property is M-1. And one thing to keep in mind right now it's currently zoned R-3 and some of the potential development that could take place in an R-3 zoning would likely be more detrimental to some of the adjoining property owners than the light industrial type of use that could potentially develop in this property. As already mentioned, the commission is going to have another opportunity to impose restrictions and enhancement to this property when a formal development plan does come. At that time the commission can impose some additional

measures as far as either fencing or vegetation in that buffer area that you are establishing right now to shield the adjoining property from any potential development on the industrial of it.

Commissioner Miller made the motion to approve the M-1 rezoning request subject to an R-3 buffer of 150 feet to the north along the Timberwood Addition and 100 feet to the east adjacent to Rest Haven Memorial Park. Commissioner Skelton seconded the motion which 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 an automotive repair shop for property located at 407 North El Paso zoned C-2. Submitted by Donna Andrews. (SP.16.08.150)

Planner Walden gave a little context and history. This is the second special permit that has been review by the commission within the last few months. The previous request was for auto repair and towing and this one is for auto repair only. That previous special permit was reviewed in February or March. The present zoning is C-2. Its current use is vacant. It is vacant to the north, auto sales to the south, cell tower and vacant to west, and industrial to the east. The adjacent zoning is mixed. There is R-3 to the north and the remainder of the property is surrounded by C-2. The plan designation for this property is civic or institutional with the most recent plan being that of the Downtown Master Plan. This plan calls for the use of the site as an aquatic center, which has been located someplace else. The request is to reestablish a use that was there previously. The applicant is proposing improvements to the site to clear overgrowth, repaint the structure and pave the parking lot. The issue of paving the parking lot would be required regardless of granting a Special Use Permit. There is some concern over the fact that not approving this use would preclude potential use of the site. I did go through the code and look for a partial list of potential uses that would be suitable for that structure that are permitted by right that do not require a permit. These uses would only require paving of the site. Those are air conditioning and heat equipment sales and service, appliance repair, auction room, building materials and supplies, church, pest exterminator, hardware industrial sales, office warehouse, small and heavy tool and equipment sale and vet shop. The proposed use is definitely wholly inconsistent with the Downtown Master Plan which was adopted in 2013. The proposed use remains inconsistent with the plan based upon three key things:

1. “Streetscapes should be attractive, safe and interesting.” The proposed use will detract from the aesthetic quality of the corridor and discourage pedestrian use of existing improvements on El Paso.
2. “Accommodate parking without degrading downtown’s appearance and function.” The proposed use would detract from the aesthetic quality of the corridor and future function of the corridor as a mixed-use destination by creating a space that will separate the remainder of the El Paso corridor from downtown thus discouraging pedestrian use and connectivity. It would help to create a dead-zone where people don’t like to walk past it.
3. “Provide a rich mixture of shopping, dining, and entertainment.” The proposed use would discourage further development of corridor to meet this aim.

So, based upon these things the recommendation for the action is denial based upon its inconsistencies with the adopted Downtown Master Plan and its reestablishment would be detrimental to the redevelopment of the El Paso corridor and the fact that the structure is inconsistent with all the design goals that go along with that as well. Additionally, there are a host of permitted uses for which this site and structure are suitable that could be used for in which would allow use of the property. Not granting the special use does not preclude any potential use of the site in its current condition provided meeting all of the code requirements such as improving the parking lot.

Donna Andrews, owner of the property, said this property has always been auto repair or trash service. The last renter was there seven years. He left in January. The wrecker service was turned down in February 2016 and the property is vacant right now. I have it rented to a guy who keeps a very clean place. He has a business in Russellville. I need the income from this property. I have a guy that will give me a five-year lease on it.

Chairman Boyd opened the floor for public comments and asked if anyone would like to speak for, or against, the request for a Special Use Permit. There were no comments.

Commissioner Wilkins said this is the corridor that planning is taking place involving Arkansas Tech University. An auto repair by its nature is not a business that creates a lot of visual pleasures in a neighborhood. Considering some of the plans that are going on and the things that are occurring with Tech and El Paso and all the millions of dollars the City just spent on the Complete Street Project as the entryway and future avenue to Arkansas Tech, I just don't think this is the appropriate use of that property. I think more changes are soon to come and because of that I suggest a no vote.

Commissioner Wilkins made the motion to deny the request based on the information provided in the staff's recommendation.

Chairman Boyd said before we vote let's take a look at the flipside of the coin. We have a resident who owns a parcel of property with an existing building. It's in an area zoned C-2. The use she is seeking is a use that is permitted by the Table of Permitted Uses in a C-2 zone with special conditions. She has committed to some property improvements. Are there further conditions that could be placed on this application that would satisfy the commission where she could operate this automobile repair business? The chairman also said that any improvements she makes to the property will make it look better than it does now. Mr. Boyd said I just want to make sure that we look at all the alternatives before voting.

Commissioner Skelton said I don't think the structure is the issue. It is the nature of the business and the location that is the problem. Commission Wilkins said historically when we have approved Special Use Permits, to my knowledge since I have been on this commission, we approved them based upon the operator of the business adhering to the conditions, not the owner of the property making promises to us about such things as the aesthetics and not parking vehicles out front creating what amounts to an eyesore. The operators of the business often disregard the conditions contained in the Special Use Permit. The City has shown an inability to enforce the conditions contained in Special Use Permits.

The motion was seconded by Commissioner Whiteside and passed unanimously.

The Fourth Order of Business was a Request to Table until the October meeting. A request to review and approve *The Landing of Russellville Preliminary Plat* property located north of I-40 and west of Hwy 7 North/North Arkansas Avenue to construct a hotel and convention center. Submitted by Dave Garza of Barrett & Associates on behalf of David Hunt. (SD.16.09.132)

Tabled.

The Fifth Order of Business was a Request to Table until the October meeting. A request to review and approve the large scale development plan for the proposed *The Hilton Garden Inn and Convention Center* located north of I-40 and west of Hwy 7 North/North Arkansas Avenue. Submitted by Allen Williams of AW Engineering on behalf of David B. Hunt. (DV.16.09.145)

- 5A. A request for approval of a new 60' right of way public road currently named Dean Cove.
- 5B. A request for approval to construct a perimeter ballast and fence along with a 10' concrete sidewalk that connects to the new public road and routes along Lake Dardanelle.

Tabled.

The Sixth Order of Business was a public hearing to review and consider approval to amend the Russellville Zoning Code in regard to:

- 6A. Zoning District PUD (Planned Unit Development)
 - 6B. Planning Commission and Staff Committees
 - 6C. Long-Range Planning Committee
 - 6D. Board of Adjustment Special Exceptions
- (MS.16.09.81)

City Planner Walden explained the amendments to the Zoning Code. See attached referenced document.

Commissioner Wilkins made the motion to recommend to the City Council changes to the zoning code involving PUDs, Planning Commission committees and Board of Adjustment Special Exceptions as proposed in the document reviewed by the Planning Commission. Commissioner Skelton seconded the motion which passed unanimously.

Meeting Adjourned

Chairman Dennis Boyd