

**PLANNING COMMISSION
MINUTES
January 7, 2021 @ 5:30 p.m.**

The Planning Commission held a virtual meeting on Monday January 7, 2021 at 5:30 p.m.

Commissioners Present

Vice-Chairman Jacimore
Secretary Justin Cothorn
Cheryl Monffee
Shirley Hatley
Luke Duffield
John Choate
Larry Smith
Cody Black

Commissioners Absent

Chairman Wendell Miller
Justin Keller

Visitors Present: Mayor Richard Harris, City Planner Sara Jondahl, Planner I Victoria Marchant, Flood Manager Ben Gray, City Engineering Tech Armando Diaz, City Engineer Glenn Newman, Permitting Clerk Kelsey Dinkel, Building Official and Fire Marshall Richard Setian, Jim Lynch of City Corporation, Zane Bryson of City Corp, David Watkins, David Roberts, Tanya Malcolm, Cesar, Max Lawton, 479-970-7571?, Alan Ward, ipad, David Garza, Cheryl Monfee, Luke, Cody Black

Welcome Visitors

Election of Officers

For the election of the Chairman of the Planning Commission, Commissioner Smith nominated Commissioner Jacimore. Commissioner Black seconded the nomination, but Commissioner Jacimore declined the nomination and thanked the Commissioners for their support. Commissioner Smith withdrew the nomination.

Commissioner Smith nominated Commissioner Miller as Chairman of the Planning Commission. Commissioner Black seconded the nominations and it was passed unanimously.

For the election of Vice Chairman of the Planning Commissions, Commissioner Black nominated Don Jacimore. Commissioner Hatley seconded the nomination and it was passed unanimously.

For the Secretary of the Planning Commission, Vice Chairman Jacimore nominated Commissioner Cothorn. Commissioner Black seconds the nomination and it was passed unanimously.

The First Order of Business is a request to review and approve the minutes of the Planning Commission from the December 28th, 2020 meeting.

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

The Second Order of Business is rezoning a property from R-1 to C-2, located at 5520 North Arkansas Ave. Submitted by Barrett & Associates on behalf of Johnny Brown. (ZONE-1220-000034).

City Planner Jondahl stated that this rezoning is to update the City of Russellville Zoning Map for property located along North Arkansas Ave / Highway 7 North from the existing R1 Single Family Residential zoning to C2 Highway Commercial zoning designation. The property being just over 7 AC is currently vacant with commercial businesses across the street and to the south of the subject property. The property to the west is zoned C2, the church to the north is also zoned C2, the properties to the south along vest lane have mixed zoning with a portion along Highway 7 being R1 and the property further back on Vest Lane, which is located just south of the subject property, is zoned M1.

City Planner Jondahl continued to add that when considering a zone map adjustment careful consideration needs to be made in regard to the future land use of the area, the Comprehensive Plan recommendations and the uses in the surrounding area. As we see there are sporadic commercial uses within the vicinity of this property. Storage Buildings are for sale across the street, a church is located just to the north and several commercial businesses are located off Vest Lane to the south. Just south of Vest Lane is Tri-County Water Department. The proposal being the relocation of the Bates Distributing Company from the Downtown Area to this location on North Arkansas seems in line with the business located in the vicinity.

The ReImagine Russellville 2040 Comprehensive Plan identifies the predominant type of land uses for all properties within the planning area most likely to be urbanized over the next two decades. The plan shows that this area will be a transitional area as referenced by the rural corridor designation on the future land use map. Given the nature of the rural corridor designation one would expect to see a mixture of both commercial businesses and residential properties. This rezone application is in line with both what we physically see out at the property and is in alignment with the current ReImagine Russellville 2040 Comprehensive Plan.

City Planner Jondahl concluded that staff recommends forwarding the request to rezone the property from R1 Single Family Residential zoning to C2 Highway Commercial for approval by City Council as a result of the findings below:

The proposal aligns with the current ReImagine Russellville 2040 Comprehensive Plan and it is in line with existing uses within the surrounding area on North Arkansas / Highway 7.

Commissioner Monfee asked the City Planner if anyone had spoken to the people in the area to see what their thoughts or concerns were with the proposal of rezoning that area.

City Planner Jondahl stated that there were eleven landowners who were sent notice of the proposed zoning changes along with information about the public hearing so that they could attend and voice any concerns. She stated that there had not been any phone call inquiries in the office.

Commissioner Choate made the motion to approve the item as written. The motion was seconded by Commissioner Duffield and passed unanimously with Commissioner Smith abstaining.

The Third Order of Business is a special use permit to allow operation of an Automotive Oil Change Service Center in a C-2, located at 2207 E Main Street. Submitted by Cesar Segovia on behalf of Driven Brands. (SPUP-1220-000033)

City Planner Jondahl stated that there is an existing car wash facility on the parcel and is surrounded by commercial buildings and structures along this portion of East Main Street. There is a furniture store to the east, a fast food restaurant to the west and to the south are car dealerships and fast food restaurants. Current zoning of the property and all the property surrounding are C2, highway commercial.

City Planner Jondahl continued to state that the proposed use of the property being an auto service station remains in line with the Land Uses for the East Main Commercial District. Within this type of district you would expect to find a variety of different uses, such as restaurants, hotels, churches, Gas Stations, Mini Marts, Auto Sales and Auto Repair Shops. You will note that most of the adjacent uses include a variety of uses including an auto sales lot.

The Table of Permitted uses states that, auto service station is a special use within the C2 zone. Certain uses may or may not be appropriately located within various districts throughout the City due to their unusual or unique characteristics of operation and external effects. Given their unusual character, special consideration must be given each application so as to provide for such reasonable conditions and protective restrictions as are deemed necessary to protect the character and integrity of the area in which uses are proposed to be located. The uses listed Table of Permitted Uses as “special permit uses” are so classified because they more intensely dominate the area in which they are located than do other uses permitted in the district; however, the nature of such uses make it desirable that they be permitted to locate therein.

Article 2.10 provides requirements for commercial zone building permit review to include all drives and parking, including handicap parking which shall include at least 1 van accessible parking space, sidewalks including any ramps for handicapped access, and drainage improvements. Parking requirements are also outlined in Article 4.1.1 and the area requirements and parking requirements are shown to include the ADA Accessible parking space and it appears that the proposal intends to meet the requirements of the Russellville Zoning Code.

The intent of Article 3.20 Commercial Building Design seeks to maintain good civic design and arrangement within commercial corridors by assuring a desired aesthetic environment. In review of the application these 4 questions must be answered:

1. Are designed to be in visual harmony with buildings either in the same vicinity or along the same commercial corridor.

The façade of the structure is proposed to be constructed of the same material used in the construction of the existing car wash facility.

2. No discernible public benefit would be gained by requiring an alternative design; and
3. The size and bulk of the proposed building is comparable to other buildings within the immediate area; and
4. The proposed construction meets the spirit and intent of this section of the zoning code.

Article 3.21 requires five (5) foot sidewalks be constructed with all new construction verify that the width of the sidewalks along the frontage is five (5) feet in clear width or make the required improvements.

A sign permit will be required for the installation of a sign for the business in accordance with sign regulations. The existing free standing sign is within the allowable limits of our current sign regulations and will just require the review and approval prior to making any changes to the sign, dimensions will be required including overall height of the sign.

Issuance of the Special Use Permit does not authorize construction to begin. Prior to any site work commencing on the property application for building permits shall be submitted. Reviews will verify compliance with stormwater, building, fire, water, sewer, and zoning codes. Separate applications will be required for sign permits.

City Planner Jondahl concluded that staff recommends forwarding this application to City Council for approval of this special use permit as a result of the findings below:

1. The building and use is comparable with the existing structures at this location and with other uses and structures in the area; and
2. Current traffic routes are constructed in such a way to handle the traffic from the business; and
3. Public Facilities already service this location.

Commissioner Hatley made the motion to approve the item as written. The motion was seconded by Commissioner Smith and passed unanimously.

The Fourth Order of Business is a Large Scale Development located at 2700 E Main Street at Firestone/Bridgestone. Submitted by Justin Roberts on behalf of Rick Smith. (LSDV-1220-000035)

City Planner Jondahl stated that the property is located at the corner of West Main and Elmira Avenue. This portion of Main street is zoned C2. While the property to the east and south are zoned M1.

The Uses in this area are a mix of commercial and industrial uses. In the review of this proposal in the C2 Highway Commercial Section 2.10.3 refers you to the table of permitted uses where

Rubber Products, Natural or Synthetic – Manufacture or Storage of is not a permitted use. This application is being reviewed since it has been in existence and the proposal is not an increase in value of the property by 50% of market value. Due to the size of the property it is subject to the provisions contained in the Land Subdivision Code pertaining to Large Scale Developments.

In the Land Subdivision Development Code (LSDC) section 7 it states that any commercial or large scale development meeting any one of the following criteria shall be reviewed by the Planning Commission prior to issuance of a building permit or other City permit. Section 7.1 A. states that buildings or developments placed on a plot of real property five (5) acres or larger, whereas the parcel for Firestone is 40 acres.

Although there are no specific minimum regulations for a development in the C2 zone a 25 foot front yard setback, and a 10 foot side and rear yard setback are required.

Sidewalks per 3.21.1(C) New commercial structures or improvements that increase the value of the property by more than 50% shall provide sidewalks along all public street frontages. Since this structure does not increase the value by 50% new sidewalks along frontages will not be required.

Parking Regulations state that you shall have adequate area to park all employees' and customers' vehicles at all times and adequate space for loading, unloading, and storing all vehicles used incidental to or as a part of the primary operation of the establishment. Since the new awning will not impact the number of employees or the number of parking spaces required no new parking will be required.

Any new signs will need to meet the provisions of Article V. of the City of Russellville Zoning Code and submitted to Community Development for Review.

City Planner Jondahl stated that it is staff's recommendation to approve the Large Scale Development to allow construction of the Storage Building Structure with the following condition:

1. Any improvements above 50% Market Value to the property will require rezoning the property from C2 to M2.

As a result of the findings below:

1. Current Russellville Zoning Regulations list this use as Not Permitted within a C2 zone; and 2. The applicant demonstrates compliance with the regulations within Article 2.10 of the Russellville Zoning Code; and
3. The applicant demonstrates compliance with the regulations within section 7 of the Land Subdivision Development Code.

Commissioner Black made the motion to approve the item as written. The motion was seconded by Commissioner Duffield and passed unanimously.

The Fifth Order of Business is a Large Scale Development located at the 4100 Block of S. Arkansas Ave. Submitted by the Crow Group on behalf of Mike Miller. (LSDV-1220-000037)

City Planner Jondahl stated that this is Located in the Arkansas River Industrial District you find landscaping companies, Danny Russell Construction Company, Atwoods Farm Supply store, Auto Service Station and vehicle sales, and Antique Stores. The property is zoned C2, is vacant, and is surrounded by C2 zoned properties.

City Planner Jondahl continued that the proposed use of the property allowing the sale of bulk fuel remains in line with the Land Uses for a Highway Commercial District. Within this type of district you would expect to find a variety of different uses, such as restaurants, hotels, churches, Gas Stations, Mini Marts, Auto Sales and Auto Repair shops.

The Table of Permitted uses states that Fuel Sales are special uses within the C2 zone with a special use permit already being issued, that requirement has been satisfied. Due to the size of the property it is subject to the provisions contained in the Land Subdivision Code pertaining to Large Scale Developments.

In the Land Subdivision Development Code (LSDC) section 7 it states that any commercial or large scale development meeting any one of the following criteria shall be reviewed by the Planning Commission prior to issuance of a building permit or other City permit. Section 7.1 A. states that buildings or developments placed on a plot of real property five (5) acres or larger, whereas the parcel is currently 5.2 acres.

Although there are no specific minimum regulations for a development in the C2 zone a 25 foot front yard setback, and a 10 foot side and rear yard setback are required.

Sidewalks per 3.21.1(E) In the Arkansas River Industrial District Character Zone Sidewalks shall not be required except that the construction of the multi-use trail shall be required in accordance to the Russellville Trail Connected System Plan with any development meeting the requirements of 3.21.1(C), therefore since this is not in the alignment of the Russellville Trail Connected System no trail or sidewalks will be required.

Parking Regulations require a minimum of 8 parking spaces plus 1ADA compliant space, this is shown as meeting this requirement. There is a requirement for all driveways / parking be hard surface. The plans indicate that there is hard surface heavy duty concrete for all the drive areas of the property.

Any new signs will need to meet the provisions of Article V. of the City of Russellville Zoning Code and submitted to Community Development for Review.

City Planner Jondahl concluded that it is staff's recommendation to approve the Large Scale Development to allow construction of Weston Oil Bulk Fuel Station with the following conditions:

1. File an incidental subdivision application delineating each lot and separating off the Billboard property.

As a result of the findings that: 1. The Special Use Permit has already been approved by the Russellville City Council; and 2. The applicant demonstrates compliance with the regulations within Article 2.10 of the Russellville Zoning Code; and 3. The applicant demonstrates compliance with the regulations within section 7 of the Land Subdivision Development Code.

Commissioner Choate made the motion to approve the item as written. The motion was seconded by Commissioner Smith and passed unanimously.

The Sixth Order of Business is a Special Use Permit to allow operation of a Storage Building/Container sales business in a C-2 located at 2011 East Parkway Drive. Submitted by Max Lawton. (SP.20.09.191) Item TABLED by applicant at the September, October, November, and December meetings.

City Planner Jondahl stated that the application is a request for a Special Use Permit to permit Storage Building Sales to begin operation on the property where Mattress Max is currently located and will stay in operation along East Parkway Drive. She stated that the type of structures proposed to be sold there are the metal carport structures which is located over the Two Guys Burgers and Fries Food Truck.

The proposal is to add storage building sales as an option for this retailer. Storage buildings such as this one are permitted only by Special Use Permit. Given their unusual character, special consideration must be given each application so as to provide for such reasonable conditions and protective restrictions as are deemed necessary to protect the character and integrity of the area in which uses are proposed to be located. City Planner Jondahl stated this is a very nice commercial corridor with many updated commercial structures and new structures being proposed in this vicinity. By permitting these types of structures in this commercial corridor it may reduce the integrity of that corridor.

Precedence has been set by SP.14.01.118 where a similar metal storage carport building was denied by the Planning Commission and withdrawn by the applicant, never being heard before the City Council. In SP.14.01.118 the commission cited that the building was anchored and not portable and similar to a pole barn on a farm, not on a commercial lot in the City by a major intersection. The precedence set by Special Permit 14.01.118 was for an application at the intersection of Knoxville and Parkway Drive, just to the west of this location. Although Mr. Lawton indicates that he will simply be putting a for sale sign on the existing structure to indicate that he is selling these type of structures and not necessarily placing multiple on his property. However, if the Special Use Permit were granted it would give him the authority to place multiple of these structures on this property.

The building was constructed without prior approval by the City and completed without obtaining a permit from the City. The structure does not comply with Article 3.20 Commercial Building Design. City Planner Jondahl did state that Mr. Lawton has agreed to move the structure out of the front setback to meet the area requirements.

Staff recommends denial of this special use as a result of the findings below: 1. Previous denial for similar structure on parkway drive under SP.14.01.118; and 2. The building and use is not comparable with other uses and structures in the area; and 3. The building does not comply with Article 3.20 of the Russellville Zoning Code.

Mr. Lawton agreed with City Planner Jondahl that this is a nice street, however did state that Lowes Home Improvement located less than a mile from him is doing the same thing. He said he has no intention to place 40-50 building on his lot. His intent is to hang a sign on the one that he has and if someone would like to purchase one there is a local business that he is going to push business to. Mr. Lawton then showed a presentation to the Commission that highlighted numerous addresses that have similar structures located on them. These addresses included 1419 East Main, the corner of 4th Street and South Knoxville, a location on South Arkansas Avenue in front of Sears, a location on West Main Street in front of Kroger, a location on North Arkansas Avenue, 207 South Arkansas Avenue, 610 South Arkansas, and a location on East Parkway Drive behind the UPS facility. Mr. Lawton stated he did not feel he was any more of a detriment than any of the others located on East Parkway Drive. Mr. Lawton stated that this started because he was trying to keep his employees that work in his food truck cooler during the heat of the summer. He said he spent the money to the employees benefit without knowing that he would have other issues.

Commissioner Choate asked if Mr. Lawton's intent is simply to put a sign on the building and turn business to someone else, would he actually need the Special Use Permit. Vice Chairman Jacimore stated that his understanding is that if the Special Use Permit is granted that Mr. Lawton could put additional buildings out there for sale. Mr. Lawton stated that he has no intention of putting multiple buildings or structures on the property. He said that he sees this type of business all over town and does not see them having these issues, and surely if they can have ten on their property he can have one on his. City Planner Jondahl confirmed that Vice Chairman Jacimore's understanding is correct, however, if they grant a Special Use Permit Mr. Lawton has stated that he only intends to have one, but per the Table of Uses he needs Special Use Permit to sell them from that property. The Special Use Permit would grant Mr. Lawton or future owners the ability to sell those there, and a future owner could mean the potential to have multiple of these units on the lot.

Commissioner Duffield asked if they have the ability to put special conditions on the Special Use Permit to restrict the number of units to one. Vice Chairman Jacimore stated that if Mr. Lawton just wants to put a for sale sign on that building and advertise that type of building, it is a lot different to him than going into storage building and container sales like other around town that have multiple styles. Vice Chairman Jacimore said if the Special Use Permit is just to advertise one for sale then that needs to be stated. City Planner Jondahl responded saying City Attorney Smith confirmed the Commission could be a condition on the Special Use Permit to only allow one building to be displayed. Commissioner Duffield asked Mr. Lawton if that condition would satisfy him. Mr. Lawton responded saying absolutely it was never his intent to sell multiple buildings, he said he was just placing a sign on it to send business to the man that he bought the building from.

Commissioner Black asked if there could also be a condition that the Special Use Permit was non-transferable if Mr. Lawton ever decided to sell the property. City Planner Jondahl said she would think that would be allowed.

Commissioner Duffield said if they are going to restrict it to one building and make it non-transferable that they should probably specify the size of the building. Mr. Lawton said this was okay with him and said that as far as the sign to advertise them for sale it will likely be the size of a license plate.

Commissioner Hatley said that with these conditions she thinks it will be a doable project to approve. She said the other structures he showed around the Russellville area those are structures that were here before certain guidelines. City Planner Jondahl confirmed those were built prior to the current Zoning Code regulations, and would not be permitted the way they are currently.

Commissioner Black asked if City Planner Jondahl if she foresaw any issues with the conditions the Commissioners had discussed. City Planner Jondahl said she did not necessarily see any issues with the conditions discussed, she just sees that there has been previous precedence set for denial of a similar structure down the street by the Planning Commission in 2014.

Commissioner Choate asked if Mr. Lawton needs a Special Use Permit if he is just putting a for sale sign on the building and sending the business to someone else. City Planner Jondahl said Mr. Lawton cannot advertise them for sale without the Special Use Permit. Mr. Lawton asked if Lowes got a Special Use Permit to put the same style building out for sale in front of their building. City Planner Jondahl said she did not have that information in front of her.

Commissioner Black said he did understand the precedence issue, however he looks at it as a case by case basis and he thinks by adding the discussed conditions they are hopefully protecting the City and making Mr. Lawton happy. Commissioner Duffield asked if the food truck is no longer there then the building will no longer be there. Mr. Lawton confirmed that if the food truck is gone, the structure will come down.

Commissioner Black made a motion to approve the application with the conditions that the Special Use Permit is non-transferrable, limit of one unit on the property, the structure is limited to the size that it currently is, and the structure must be removed if the food truck is removed. The motion was seconded by Commissioner Duffield and passed by a vote of 7-0 with one abstaining.

The Seventh Order of Business is a Commercial Building Design Waiver located at 2011 East Parkway Drive. Submitted by Max Lawton. (MS.20.09.103)

Item TABLED by applicant at the September, October, November, and December meetings.

City Planner Jondahl stated the application is a request for a Commercial Building Design Waiver to allow a storage building over a Mobile Food Truck that does not meet Commercial Building Design Standards. All structures in a commercial zone have to meet Commercial Building Design where the structure faces the right-of-way. A structure is anything that has a solid fixed location on the ground, which this has. A similar structure to this was denied SP.14.01.118. City Planner Jondahl said she would not be going through the whole permit as the Commission has heard staff's perspective.

Staff recommends denial of this commercial building design waiver as a result of the findings that: 1. Granting a Waiver to the Commercial Building Design grants the property owner an

advantage not given to other property owners; and 2. A previous denial for similar structure on parkway drive under SP.14.01.118; and 3. The building and use is not comparable with other uses and structures in the area; and 4. The building does not comply with Article 3.20 or Article 12 of the Russellville Zoning Code.

Mr. Lawton said he views this as a temporary structure. He stated that he owns the property and if he felt the structure was detrimental to his property value then he would not do it in the first place. Mr. Lawton said he had asked if any documented complaints had come in and none were provided. He stated he did not feel as though he was taking away from the aesthetics of Parkway Avenue.

Commissioner Duffield made a motion to approve the application with the conditions that the Special Use Permit is non-transferrable, limit of one unit on the property, the structure is limited to the size that it currently is, and the structure must be removed if the food truck is removed. The motion was seconded by Commissioner Choate and passed unanimously.

The Eighth Order of Business is an update the Table of Permitted Uses in the Russellville Zoning Code. (ZONE-1220-000032)

City Planner Jondahl said these changes came about as staff had been reviewing business licenses. The changes also included organizing the Table of Permitted Uses into use categories to help staff and help citizens find uses much quicker. City Planner Jondahl stated there were also a few definitions added as well to help with clarification.

Staff recommends forwarding this update to the Zoning Code Table of Permitted Uses as a result of the findings below: 1. This update creates a user friendly Table of Permitted uses, by outlining use category's; and 2. This update adds specific uses to clarify uses permitted within certain use category's; and 3. This update adds definitions to ensure that applications are reviewed consistently.

Vice Chairman Jacimore stated he thinks it clarifies a lot of things and takes a lot of questions out.

Commissioner Smith made a motion to approve. The motion was seconded by Commissioner Duffield and passed unanimously.

Meeting adjourned.

Chairman Wendell Miller