

# Russellville Planning Commission Minutes

January 23, 2017 @ 5:30 p.m.

The Russellville Planning Commission held its regular meeting on Monday, January 23, 2017 at 5:30 p.m. in the Russellville City Hall Council Chambers.

## **Members Present**

Chairman Dennis Boyd  
Secretary Wendell Miller  
Shirley Hatley

Nathan Barber  
Peggy Stratton  
Council Liaison Eric Westcott

## **Members Absent**

Mike Wilkins  
John Whiteside

Karen Yarbrough  
1 vacant seat

**Also present:** Mayor Randy Horton, City Planner James Walden, City Engineer Kurt Jones, City Attorney Trey Smith, Planning Assistant Lequitta Jones, Jim Lynch/City Corp, Zayne Bryson/City Corp, Dave Garza/Barrett & Associates, Danny Henderson, Janet Henderson, Wesley Tackett, Cara Criner, Bob Hope, Harry Simcox, Lloyd Magness, Sherry Magness, Bart Langley, Harold Cornett, Paula Cornett, Andrew Monfee, Cheryl Smith Monfee, Damien Durbin, Tabatha Davis, Bob Hiegel, Sam Niemann, Diana Niemann, and Alderman Phil Sims.

## **Welcome**

Alderman Westcott was welcomed back to the Planning Commission to serve as this year's liaison to the Planning Commission.

**The First Order of Business** was a request to elect a 2017 Chairman, Vice-Chair, and Secretary.

Commissioner Miller made the motion to nominate Dennis Boyd for Chairman. The motion was seconded by Commissioner Stratton and passed unanimously.

Commissioner Miller made the motion to nominate Peggy Stratton for Vice-Chair. The motion was seconded by Commissioner Hatley and passed unanimously.

Chairman Boyd made the motion to nominate Wendell Miller for Secretary. The motion was seconded by Commissioner Stratton and passed unanimously.

**The Second Order of Business** was a request to review and approve the December 27, 2016 minutes.

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

**The Third Order of Business** was a request to nominate an at-large member to the Board of Adjustment for a 2-year term to fill the vacancy of Blake Tarpley. This appointment will require confirmation by the City Council.

Tabled until next month.

**The Fourth Order of Business** was tabled from the December 27, 2016 meeting. A public hearing requesting review and a recommendation of approval to rezone property currently R-1 (Single-family) to PUD (Planned Unit Development), for property located on Marina Road at Jennifer Lane. Submitted by Dave Garza of Barrett & Associates on behalf of Ron Hughes. (ZO.16.12.203)

- 4A.** Requesting a variance to place sidewalks on one side of the street only. This request for the sidewalk variance was removed at the request of the applicant.

City Planner Walden said this property is located on Marina Road and adjacent to Jennifer Lane. The rezoning request is from R-1 (Single-family Residential) to PUD (Planned Unit Development), which is a development zoning district that allows development by a site plan. The current use is vacant. The adjacent uses are residential. The adjacent zoning is R-1. On the Comprehensive Plan, the property is indicated for single-family residential use. The application involves a request to rezone property from R-1 to PUD, including approximately 20 garden-style homes on 4.13 acres. As you can note from the staff report, we had numerous comments and received revisions from the applicant. All the information that we requested was provided by the applicant:

- 1) Justification for why the development would be in the public interest. The justification was provided.
- 2) Would the units on site be for individual sale? If so, indicate proposed property lines. It was through the discovery process that we determined the individual footprints of the actual homes will be sold and the remainder of the property would be held in common under a Property Owners Association (POA).
- 3) The setbacks were shown in the revisions. The setbacks meet all the requirements for the Arkansas State Fire Code.
- 4) The development density calculated based upon the updated PUD regulations. The revised calculations were shown in the revisions. The density is approximately six dwelling units per acre which meets the standard for PUDs. The maximum density allowable within a single-family PUD is seven dwelling units per acre.
- 5) We asked for an indication of the areas that are to be used for common open space. Because of the nature of the PUD, with only the individual building footprints being sold, most everything else is held in common space within the development. There are shared improvements which include an off-site dock that is on Corps of Engineer's property, two picnic tables and a small walking path.
- 6) A landscaping plan was included which, if the PUD is approved, would be a requirement of the development.
- 7) The developer submitted a draft homeowner's association document for the city attorney can assess the adequacy long term to maintain the common improvements.

- 8) We had general comments pertaining to the fact that the City would not be responsible for any of the upkeep or maintenance of any of the facilities within the development.
- 9) We asked for consideration of amenities for pedestrian circulation beyond sidewalks in order to help access the portions of the development set aside as shared common spaces.
- 10) The development refers to a previous iteration of the site plan that did not include sidewalks on both sides of the streets. Sidewalks have been provided in the updated plan along both sides of the drives and the applicant is proposing a fee-in-lieu contribution for the sidewalk requirement along Marina Road. The highway department does not want sidewalks at this time at this location.

In terms of the consistency with the Comprehensive Plan, the rezoning application is somewhat consistent with the plan as the site is indicated for single-family residential use. The Comprehensive Plan calls for density of 1-3 units per acre, which this development does exceed at 6 units per acre. However, there are additional developments in the area which do exceed this density. Additionally, in looking at the Goals and Policies of the Comprehensive Plan, having some level of more dense development is actually supported in terms of encouraging the use of PUDs. The Comprehensive Plan also promotes flexibility in site design and layout including the promotion of smaller lot sizes. So based on these factors, I would consider the development largely consistent with the Comprehensive Plan provided there are some caveats.

The PUD process has changed substantially within the last few months. It has gone from a process that did not have a great deal of standards that were attached to it. In the revised process, there were standards that were set for maximum density and several other things including requirements for homeowner's associations to maintain the property. It has changed into a two-phase process. In this phase, we are at the concept zoning phase. Because this application has already been through the development and review process under the previous regulations, we largely have all the engineering completed for it. However, what this approval would essentially lock in is the Zoning Plan for the development. The Zoning Plan indicates how many units there are going to be, how many houses, what the setbacks will be, road location, and other factors. Then it is followed by detailed engineering plans that bear out whether that Zoning Plan is actually feasible. A Final Development Plan would be brought forth that is approved by the staff that carries out that initial zoning approval. In terms of the requirement for the zoning approval, it goes through the Planning Commission first. If passed, it goes on to the City Council for review by ordinance. It needs to have an affirmative vote in both instances. If the application is denied by the Planning Commission, it can be appealed to the City Council by the petitioner.

There are five criteria that the Planning Commission must find in order to approve a PUD:

1. *The PUD provides public benefits that would not be achievable through the normal zoning regulations.* The applicant has proved justification through the following:
  - a) Allows a development that does not require yard maintenance.
  - b) Design allow for community closeness.
  - c) Design should be considered cluster housing, which provides benefit to the community in reducing municipal maintenance.
  - d) The compact nature of the design will help reduce drainage runoff due to less impervious surfaces.

- e) The design will be controlled by a POA that will control the aesthetics of the development.

The design does not meet the traditional definition of what I would consider a cluster development. If you are doing a cluster development -- if you are doing single-family -- this is about as close to it as you can get. However, in looking at it the overall density of this project, it is similar to a single-family development that you would have within an R-2 zone (Medium Density Residential District); close to the 7,200-square foot lot size minimum. Based upon the way it is constructed, this development would be around 7,000 square feet per lot. However, this is a very unique development in that there are no lots.

From the staff's perspective there are public benefits that are provided by the development that are not achievable through normal zoning so that is the primary criterion against which the Planning Commission should judge this application.

- a) Required Landscaping – landscaping will be mandated in this development.
- b) Different Housing Products – this is supported by the Comprehensive Plan.
- c) Neighborhood Amenity – the development provides amenities that are required as part of the approval. This could not be required through normal zoning.

2. *Adequate public utilities are already in place to service the property, or the developer has sufficient plans and private financial commitment in place to ensure adequate public utilities will be available to service the property.* Adequate public utilities are already in place.
3. *Land use compatibility with surrounding development.* This is a single-family development adjacent to other single-family developments.
4. *Be compatible with the city's Comprehensive Plan or other adopted Land Use Plan.* The development is largely compatible with the Comprehensive Plan.
5. *Not endanger the public health, welfare or safety.* The development will meet all applicable life and safety codes.

*The recommendation is Approval with Conditions.* The potential conditions would be for the applicant to further demonstrate public benefit of the development by increasing the amenities. To achieve this, the following potential conditions should be considered:

- 1) Provide a fenced in “dog park” for use by residents.
- 2) Provide a gazebo for use by residents as a public gathering space.
- 3) Eliminate a housing unit to provide more green space.
- 4) Provide more façade requirements along Marina Road frontage.
- 5) Replace the wood portion of the fence along the frontage of Marina Road with brick while retaining the brick columns and wrought-iron portion of the fence.

Chairman Boyd thanked Mr. Walden for the comprehensive staff report. The chairman noted that one of the key things that you said during your lengthy report was that in order to approve a PUD,

there are five criteria that must be met. And is it the staff's conclusion that all five criteria have indeed been met? Planner Walden said he believed that all five criteria had been met. He said as it relates to the first criterion, there are probably some additional issues that reasonable people could differ on. You could probably say that if there were some additional public benefit, that would further solidify and really demonstrate how the proposed development meets that first criterion.

Dave Garza, on behalf of Ron Hughes, said he wanted to explain the difference from the 2015 submittal. In the 2015 submittal there was little to no discussion of how this development fits within the spirit of the City of Russellville. The Land Demand Section of the 2020 Comprehensive Plan adopted in the late 1990s states, *It is projected that 4760 single-family units, 360 duplexes, and 1460 multi-family units will be needed over the next 25 years. The housing demand is anticipated to absorb approximately 3,460 net residential acres or equivalent of five and one-half square miles of undeveloped land.* I believe it would be smart to develop more compact housing for a comprehensive subdivision as mentioned in this 2020 Plan. It first states in the Objectives of these goals:

## *GOAL 2 – HOUSING AND NEIGHBORHOODS*

*Objective 1 Point 1 - Zoning requirements to reduce excessive lot areas, lot widths and setbacks.*

*Objective 1 Point 2 - Promote codes and ordinances that provide more flexibility in site design and layout.*

*Objective 2 Point 4 - Promote residential cluster development that provides common green space (smaller lots with balance of area reserved in common open space).*

*Objective 2 Point 10 - Adopt traditional neighborhood design guidelines that orient homes close to the street.*

We believe our proposal meets the demands of this type of housing particularly where residents do not need to concern themselves with the maintenance of lawns, shrubs and streets. It promotes cluster development and uses less land area. We believe the future goal is the conservation of land which this design accomplishes. It has less drainage problem and less hard surface while still meeting the demands for the housing which the 2020 Plan calls for.

For clarification and context, the chairman pointed out to the audience that the document to which Mr. Garza was referring was the 2020 Comprehensive Plan. The chairman noted that while this document was certainly to be considered in the Planning Commission's decision making, it does not carry with it the force of law. It is a guidance document. Conversely, the commission is tasked with carrying out and executing the requirements contained in the Russellville Zoning Code and the Land Subdivision and Development Code.

Mr. Garza continued by stating that secondly, in the first submittal there was a lack of definition or formula for the calculating of the housing density. The new ordinance takes care of that. In regard to the development plan when you take out the required right-of-way of Jennifer Lane, even though it is on the side it was still part of the property. Our property went to the centerline of Jennifer Lane so we lost that. When you take out all the streets and all open drainage, you are left with 3.27 acres. When you do the calculation of seven dwelling units per acre then this development with 3.27 acres will allow for 23 units. We are only proposing 20. In 2015, we started with 21 homes. We are proposing single-family residential homes which allow seven

dwelling units per developable acre. If we were to construct duplexes, we would be allowed nine du (dwelling units per acre) at 3.27 acres = 29.4 units allowable. If we were to construct townhomes or condominiums, like some of the others already have on the other three developments, we would have to do six units. If you go multi-family it is 56 units.

Thirdly, in our 2015 request we requested a variance from the sidewalk ordinance to allow sidewalks on just one side. We were granted that request. This submittal, we are going to put sidewalks on both sides. We are going to do the in-lieu-of payment instead of constructing a sidewalk on Marina Road.

Lastly, the landscape design that we submitted we upgraded and updated to classify some of the trees and shrubs that are more conducive and more allergy friendly.

The 2015 new state highway traffic map count has been issued; Hwy 326/Skyline Drive shows a daily traffic count of 2,700 vehicles. Hwy 326 (the 6-mile loop by Lake Dardanelle State Park) has a daily traffic count of 1,600. It is the lowest of the entire city.

Mr. Garza requested that since three commission members were absent tonight please consider entertaining a motion, after the public hearing, to postpone your decision until next month's meeting.

Chairman Boyd opened the floor for public comment.

Danny Henderson said he was representing the surrounding property owners. He said we are here as homeowners in the immediate area of this housing project to, hopefully, protect our property values. This is probably the biggest investment that we all have. I'm opposed to this being brought up again after being turned down by the Planning Commission and City Council (July 2015) with no noticeable changes. Mr. Henderson was concerned about the housing density, lack of green space, inadequate grassy area size, quality of the construction, and the wooden fence down Jennifer Lane. After some period of time it will look bad. The wooden fence should be brick and iron fencing. He further stated that one-sixth of an acre for a residence is unthinkable. I don't want to live in a cluster. Some of the houses in the surrounding area are built on 1 1/2 acres and some are two acres and larger. We don't want the 20 houses which will be 100 feet from our driveway. I'm concerned with the increase in car traffic and access to Marina Road. This is a safety concern at least. Mr. Henderson said he was also concerned with the drainage and runoff. My neighbors and I don't think this is public benefit.

Harry Simox said he and his wife, Jewell, lived at 108 Marina Shores. He said his concern is the fact that I live one-fifth of a mile away from the proposed PUD. We represent about 15 people that live in that section having invested in property probably around one-quarter of a million dollars each. If you look at that in total, that's about 3.75 million dollars that we have invested in our homes. We are concerned that this would devalue the property that we currently have.

Janet Henderson, 1930 Marina Road, said there is one house between me and this plot of land. There is a ditch that I'm concerned about that runs between my house and my neighbor's house. She said her and her neighbor have had to deal with previous home construction causing drainage

issues for some time. She said it's a serious issue and that she was concerned about her foundation.

City Engineer Kurt Jones addressed the drainage concern. This project drains directly into the lake. It drains across the edge of one other property owner. Back in 2015, the developer originally submitted a complete drainage design plan. In that process we reviewed it and made sure they were adequately sizing the ditches and so forth on the site. Because it drains directly into Lake Dardanelle it is not going to affect any upstream drainage.

Bob Hope lives on Jennifer Lane. He said two-tenths of an acre per home on a 4-acre tract is unbelievable and now we find out they are going to squeeze two more in there. Mr. Hope's concern was that this development would devalue his property.

Bart Langley is currently building a house at the corner of Marina Way and Pleasant Hills. Mr. Langley asked the Planning Commission and City Council to stop spot zoning. You are making it impossible for people in this community to prosper. I provide 145 jobs in this town. I own four businesses in this town and I won't build another one here. I will not build another plant, business, and won't start another business because I can't count on the leadership of this City to say this is R-1. It has been R-1 for years, and I build a new facility, and the next day I have a new aggregation beside me because somebody has spot zoned for thirty jobs. I'm asking to please stop spot rezoning. Mr. Langley is asking for a zoning plan that will stop spot zoning and stay with that plan.

Sam Niemann lives on Marina Way directly across the street from the property in question. He was concerned that this development will devalue his property. He said he was also concerned about the drainage.

Tabatha Davis talked about the need for smaller homes on smaller lots for our elderly for maintenance-free living. We don't have anything for them to choose from now. She said there was a need for this type of development in Russellville.

Harold Cornett lives on the corner of Marina Way and River Oaks. We are not against PUDs. We understand the need. We just know there are other places in the City to build this type of development. We made our investments when it was an R-1 and we don't want to cluster Skyline and don't spot zone. He said that professional people moving here do not want to live in, or near, a PUD. Let's not cluster Skyline or cluster the mountain. Leave it as it was intended.

Sherry Magness, 1212 Marina Way, said this project would be detrimental to her property. She requested that rezoning in her area be stopped. She said if these PUDs continued, we won't have the things we have lived for, for so many years. How can you change zoning at will? There are plenty of places where these things can be built.

Dr. Andrew Monfee, 1111 Marina Way, said he agreed with the citizens that spoke tonight. I believe this property is R-1 and should stay R-1. We don't oppose the particular reason for spot rezoning, but we oppose the spot being rezoned.

Damien Durbin said he opposed changing the R-1 zoning.

Cheryl Smith Monfee, 1111 Marina Way, said she was opposed to PUDs, smaller homes and small lots in the city.

Chairman Boyd asked if there were any other members of the public who wanted to speak or if anyone wanted to speak again. There were no more public comments. The chairman then asked City Attorney Smith about the applicant's request that the commission postpone any decision until we have more commissioners present. We have three commissioners who are absent and one open position. What is your legal opinion regarding the applicant's request given that we do have a quorum this evening? City Attorney Smith said it is totally up to the commission; you are not bound to make a decision tonight.

Commissioner Stratton said she was in favor of postponing any action until next month because she wanted to think about what she heard during the meeting. She said she also wanted the audience to know that she is representing everyone in the community.

Commissioner Stratton made a motion to postpone the actual vote until the February meeting. The motion was seconded by Commissioner Miller.

Planner Walden said since there was a motion to postpone action until next month he wanted to make everyone aware of the requirement in section 2.16.6 "Long Form PUD Review and Approval Procedure" of the zoning code. Item 2) C. states, *Within thirty (30) days of the public hearing the Planning Commission shall render a decision to approve, conditionally approve, or deny the application. At any point following the public hearing, the applicant may request deferral of a decision on the application to allow modification. Any application which is deferred shall be subject to an additional public hearing to allow public comment. If the request for deferral is made at the same meeting at which the public hearing is made, the Planning Commission shall allow the public hearing to be continued at the following regular meeting of the Planning Commission without being re-advertised.*

Bart Langley asked a follow-up question. He asked the Planning Commission to tell him where he can buy two acres that the City will not rezone. Chairman Boyd replied that the very nature of planning and zoning is that it's unpredictable. Planner Walden added that zoning changes over time and the benefit of zoning is that there was a legal process to go through.

Dave Garza said Norristown Mountain was annexed in 1984. It was the largest annexation that the City went through. In that annexation, all the land that came into the City of Russellville came in as R-1. He said some of the properties should have been brought in as different zoning districts.

Mr. Langley said that 21 years ago when we refurbished the old shoe factory (Frolic Footwear), Planner vonTungeln and I had the same conversation about spot zoning. We are going down that same path and fighting the same battles, and we have been doing it for 25 years. I bought it as an R-1 and I want to keep it as an R-1. I want you guys to be consistent.



Commissioner Barber thanked everyone for their comments. I've heard some things here tonight that I haven't thought about. I do think that we are at a point where everything has been said, but not everybody said it. I am in favor of having this vote and looking at it again.

The commission voted unanimously to postpone the actual vote until next month's meeting.

**The Fifth Order of Business** was a public hearing requesting review and a recommendation of approval for a special use permit to re-erect a billboard (electronic display) on property located on I-40 between Russellville Steel and Arkansas Highway Transportation Department in a C-2 (Highway Commercial). Submitted by Lamar Advertising on behalf of Wesley Tackett. (SP.17.01.152)

City Planner Walden said this location is just west of Russellville Steel abutting I-40. It is coming before you because billboards require a Special Use Permit. This is a conversion from an existing billboard to an electronic billboard. The adjacent use is I-40 to the southeast, south, southwest and industrial to the northeast, north, and northwest. It lies in a mix of zones where you have R-1 to the northwest, M-2 to the east, and C-2 to the south. On the Comprehensive Plan it is single-family residential, but it is currently C-2. The electronic display for the billboard would allow various messages to be placed on the sign instead of a single display as currently allowed. All the comments have been addressed with this application. It is *recommended for Approval with Conditions*:

- 1) The sign must be dimmable.
- 2) The sign must not provide illumination beyond 0.3 foot candles of the ambient light. Allowing the sign to brighten or dim as ambient light conditions change.
- 3) The sign may not change message more frequently than once per each 8 seconds.
- 4) It must meet all the required setbacks for a principal structure in a C-2.
- 5) No other principal structure can be permitted on the lot.

The requirement for signs is not changing message for once per 8 seconds, and that is an Arkansas Highway Transportation Department requirement. The reason for the requirement on dimmable signs is changing to the ambient light level. That is a requirement by some of the national sign entities. Some of the other implications of approval is when you convert from static message board to electronic message board it limits the spacing between billboards.

Wes Tackett, on behalf of Lamar Advertising, said a sign is currently on the site. It is currently built on four I-beams with four faces. The proposed sign would be built on a monopole and would have only two faces, one going east and one going west. The proposed digital billboard going on the right-hand of the road you would see travelling toward Fort Smith. The size would be smaller as compared to what is there now. The one there now is 4' 12" x 42' and the proposed sign is 10' 6" x 36.' The unit that we use with the dimming does have a photo cell that automatically dims it. It is part of the highway department, federal motor for the 0.3 not to exceed that illuminant. Mr. Tackett said we do not have any problems with the conditions. They are pretty standard practice.

Commissioner Barber asked Mr. Tackett if he had many problems concerning the dimming issue. Mr. Tackett said "no." Mr. Barber asked if there was a default setting if the photo cell goes bad. Mr. Tackett said "yes." Mr. Tackett said all of our units have a camera on them. They are looked

at several times a day to make sure this is not happening. Also, we are part of the “Amber Alert” system. One of our slots is designated anytime there is an “Amber Alert” in the state. We also work with the state police on missing persons or escapees from jail, etc. We automatically put a message up on the sign for that ASAP.

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

**The Sixth Order of Business** was a request to review and approve a large scale development for a 62,000-square foot new multi-facility at its existing Russellville High School campus located at 2203 South Knoxville. Submitted by Bob Hiegel, Architect, P.A. (DV.17.01.149)

City Planner Walden said this is a large scale development to construct a multi-purpose facility. It would potentially be used as an indoor practice facility for the football program. It is a 62,000-square foot facility. The present zoning is R-2. The adjacent uses are recreational/apartments to the north, school to the south, school to the west, and vacant to the east. The current use is school/vacant. As noted in the staff report, most everything has been address and some things have additionally been provided; drainage report and storm water requirements. The plan is largely consistent with the Comprehensive Plan. The recommendation was to table for the item mainly because of the issue of parking on that location that has not been addressed. A variance was not requested, so that creates a non-conforming situation. If we allow continuance of that non conformity, we would actually be violating the zoning code, so we couldn't approve it. If there was a commitment from the school to pave the gravel parking lot where there are 100 spaces by the time a certificate of occupancy is obtained that would move the recommendation from *Table* to *Approval with Contingencies*.

Mr. Bob Hiegel, Architect, said the zoning code says it must be provided for everyone that uses this facility that they have paved parking. Everyone that is using the facility is parking on paved surfaces on site, on school property. We are requesting that you approve as is.

Chairman Boyd said I'm not sure we are legally able to do that tonight since there was no written variance submitted for the gravel parking area.

Morgan Barrett, speaking as a school board member, said he agreed that everyone that is using the facility is parking on paved surfaces that are on site, on school property. There is a provision for the Planning Commission to establish the parking requirement for a facility that is not defined. This is a practice facility for the school district. The current property is already used has a practice field. They are going to put a top over it and it is going to be used for football, soccer, track, etc. Our request is to ask the Planning Commission to establish the parking for this facility. We do need a small parking area there for coaches that want to move from where they are teaching at the high school to move their cars down for parking during practice.

Mr. Hiegel said that this property is pretty much a storage facility and was not intended to be non-conforming ever. Commissioner Stratton stated she believes you will need the parking because when the students are using that facility they are going to move their vehicles to that facility. I think it needs to be done now.

Commissioner Miller asked Mr. Barrett how many parking spaces were needed. Mr. Barrett said seven or eight and one would have to be handicapped. We could build a gravel parking lot and use it as an overflow. We have plenty of parking on site as required by the zoning ordinance.

City Engineer Jones said he does not disagree with the fact that there is more than adequate paved parking on site under normal conditions. Part of the intent of the ordinance requiring paved parking and drives is to not have people driving on gravel during normal operation of the facility business. I think if the parking lot is going to be used as a parking lot the gravel needs to be paved. If they don't want to use that as a parking lot then do something to it, remove the gravel or do something to deter parking on it. I think they want to keep it as a parking lot and allow people to park on it. They just don't want to pave it. I have a little bit of an issue with that.

Fire Marshal Setian said this is a large building and it will have an automatic sprinkler system for fire protection. Keep in mind that there is fire apparatus access. The fire code does not say that you have to pave it, but it says it has to handle 75,000 pounds.

Planner Walden said the trigger point of this is a little piece of code that says, "All parking spaces provided." It's not all parking spaces required. So that is where the issue is. The options are:

- 1) The applicant to seek a variance on this particular provision.
- 2) Make a determination that this is not a parking area.

Morgan Barrett said what we are asking for is you to establish the eight spots, because that is what's required. And we are going to pave those spots.

Commissioner Miller made the motion to approve with the condition that the graveled area be denoted and controlled as a storage area rather than a parking area. Commissioner Stratton seconded the motion and passed unanimously.

**The Seventh Order of Business** was a request to review and approve a variance from the Land Subdivision & Development Code Article 1.9.B Metes and Bounds: No building permit shall be granted nor public utilities provided to a parcel of land described by metes and bounds description. Submitted by the City of Russellville to allow the construction of the convention center located at the end of Cedar Street. (MS.17.01.82)

City Engineer Jones said we have an ordinance that requires that we don't issue building permits unless it is a platted lot and under normal circumstances to protect potential property owners from someone just going out and subdividing a piece of property, filing it with the county, then selling lots on an unapproved subdivision. The City is then forced into making improvements. This is not that situation. We are dealing with a piece of property that the City actually owns and has an agreement with the one developer and because of the nature of this development, design the convention center site and hotel site, parking areas, and the public street improvements that they are making. It would be conducive to construct all this at one time rather than have him come plat the thing. He has already done a preliminary plat on it. Normally, the next step would be to build public improvements, which would be the roadway and the water and sewer extensions, before we would issue the building permits on the property. But we felt like the only other option at this point would be to allow him to post a bond for the unfinished improvements and then we would

still have to go through the final platting process. And I feel like at this stage in the project, the City would certainly have more protection by not platting the property until all the public improvements were made and the facility was actually constructed. We are asking you to grant this variance and allow us to issue a building permit. The property actually meets all the requirements. The other option, we could actually plat it as a one-lot subdivision which is what we would normally do in such a circumstance, but we know that he has already submitted the preliminary plat and you have already approved it. It would be ridiculous at this point to go and do a one-lot subdivision, which I could sign off on administratively and we wouldn't even have to bring it to you because it does meet all the requirements. It's got street frontage and the utilities are there. This developer is going to improve those significantly.

Commissioner Miller made the motion that we grant this variance as submitted. Commissioner Hatley seconded the motion and passed unanimously.

Meeting Adjourned

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Chairman Dennis Boyd