

Russellville Planning Commission Minutes

February 26, 2018 @ 5:30 p.m.

The Russellville Planning Commission held its regular meeting on Monday, February 26, 2018 at 5:30 p.m. in the Russellville City Hall Council Chambers.

Members Present

Chairman Wendell Miller
Vice-Chair Frank Russenberger
John Whiteside
Steve Hubbard
Shirley Hatley
Karen Yarbrough
Luke Duffield
Council Liaison Larry Brown

Members Absent

Secretary Nathan Barber
Don Jacimore

Also present: Mayor Randy Horton, Alderwoman Freddie Harris, Alderman Mark Tripp, Planner James Walden, City Attorney Trey Smith, Jim Lynch/City Corp, Zane Bryson/City Corp, Brian Holstein Building Inspector, J. Dave Garza, Don & Pam Goodson, Wayne and Vicki Baldwin, Gordon Shirron, Joe Phillips, Josh Blaylock, Sharon Blaylock, Eric Jakimier/Domus, and Planning Assistant Lequitta Jones.

Welcome

First Order of Business was to nominate one member of the Planning Commission to serve on the Board of Adjustment, which the term of office shall coincide with their respective term of office on the Planning Commission. (Peggy Stratton vacancy)

Commissioner Russenberger made the motion to nominate Steve Hubbard. The motion was seconded by Commissioner Hatley and passed unanimously.

The Second Order of Business was an appointment of a Commissioner to the Technical Review Committee (TRC) as the Planning Commission Liaison. - Chairman Wendell Miller

Commissioner Hubbard made the motion to appoint John Whiteside. Commissioner Hatley seconded the motion and passed unanimously.

The Third Order of Business was a request to review and approve the minutes of the January 22, 2018 Regular Meeting.

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

The Fourth Order of Business was a request to review and approve the minutes of the February 5, 2018 Special Called Meeting.

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

The Fifth Order of Business was a public hearing requesting review and a recommendation of approval to rezone property presently M-1(Light Industrial) to C-2 (Highway Commercial), located at 770 – 1096 South Macon Avenue. Submitted by Attorney Doug Skelton on behalf Russellville Community Christian School. (ZO.18.02.211)

Planner Walden said the property is currently vacant. The proposed use is for a private school for Russellville Community Christian School. The adjacent uses are vacant to the north, lumber yard to the east, airport/vacant to the south, and Industrial Packaging to the West. The adjacent zoning is M-1 to the east/west/south and R-2 to the north. On the Land Use Plan the property is indicated for industrial use. This request is to rezone an unplatted 8.6 acre parcel of land on south Macon from M-1 to C-2 to accommodate the future site of a private school which is not presently permitted in an M-1 zone. The site is in an undesignated industrial park with a mix of industrial uses and vacant land near it.

Some of the *Staff Comments*:

- 1) The site is located with access to a rail siding, making it optimal for industrial use.
- 2) While the property to the north is zoned R-2, it would more likely be appropriately zoned industrial as indicated by the Land Use Plan on that property.
- 3) Development of the site as a school could potentially impede future industrial use adjacent to the site. Many industrial site selectors look for locations that are not adjacent to residential or institutional uses like this one.
- 4) The Comprehensive Plan discourages residential development in areas immediately adjacent to areas planned for industrial use. While this use is not residential, school sites typically attract adjacent residential development.
- 5) Any C-2 uses on the site would not likely have any negative external impacts that would directly harm adjacent property.

In terms of looking at *Consistencies with the Comprehensive Plan*: The zoning request is not consistent with the Comprehensive Plan designation for this site as industrial. Given the adjacent uses and important rail infrastructure, this designation is not likely to change in the future. The Comprehensive Plan supports the concentration of industrial

uses near the site. The Comprehensive Plan pertaining to the general vicinity of this site. *The Plan - Distinguishes the southeastern portion of Russellville (south of East Main Street along and south of the Union Pacific Railroad) as the most advantageous location for industrial development. This location is suitable for industries based on existing industrial land use patterns in the immediate area, remaining undeveloped industrial sites, flat buildable/undeveloped terrain, railroad access, proximity and convenient access to state highways and Interstate 40. The corridor should be reserved and protected from land uses that are not compatible with industrial uses.*

The staff has gotten a call from a neighboring business that stated that some level of opposition to this rezoning based upon the fact that it would require them to start background checking of all of their employees due to the proximity to a school. Based upon these factors the staff recommendation is denial. This is not one we are happy about making that recommendation, but the bases of that is it is not consistent with the Comprehensive Plan.

Chairman Miller asked if the background check was the only opposition we received. Planner Walden said “yes”. Commissioner Yarbrough stated she was concerned with the large truck traffic. Planner Walden said the traffic is not high, but obviously there are a high number of industrial users in that area.

Attorney Doug Skelton handed out a rendition of the proposed school. Attorney Skelton addressed the traffic saying in all the years driving this road I don’t know that I have ever seen or met a vehicle. There is a very low volume of traffic on that road. In reference to having to do a background check, I would almost expect any company of any size or fortitude to do background checks on all of their employees and maybe they don’t but I think that is a good practice. Mr. Skelton referred to a plat showing 8.6 acre tract of land that is presently zoned M-1 and said it could either be zoned to C-2 or R-2. The property to the north that is designated as “James Bibler Property” looks like about another 8 acre tract of land is R-2. It would obviously be a better location for this facility if it was usable, but that piece of land is not usable because of flooding and creeks running through it. It is not a feasible location. What I like about this project is the Bibler Family Trust is pretty much donating this property to the Russellville Community Christian School for this purpose. The school will be responsible to pay for one half of the value of the property. That is still a pretty good civic donation by one of our local families, and I think that should be taken into consideration. We are asking that the Community Christian School be permitted to build a private school. It will be K-12 at this location. I think this is a great location based on the low volume of traffic for a school.

T.J. Curtis, Board Member of the Russellville Community Christian School, said this will set us back if we have to find another location, which we have exhausted. We want to start building within the next six months. We need to be in the new location within two years because of our growth.

Chairman Miller asked how long Mr. Bibler had owned this property? Do we have anyone actually pursuing that property? Mr. Curtis said "no", not that I know of. I think he has had it on and off the market for 15 years and owned it for years before that.

Attorney Skelton said you have a very good board member here, Mr. Duffield when it comes to industrial use - 8.2 acres is a very small tract of land for that type of use. I'm going to assume that is why there has never been an offer on this piece of property.

Commissioner Whiteside asked what the student enrollment is? Mr. Curtis said right now we have around 130. We are looking to put also on the premises a Pre-K, which will add about 60 students. The future building will house 320 students. We have two buildings; one gymnasium and one for the Pre-K and also K-12.

Commissioner Duffield asked would the City or would the school be required to construct sidewalks down 16th Street that don't exist now because it is industrial? Planner Walden said "yes" they would. Planner Walden said it would be along their frontage. Mr. Duffield said would we as the City then be looking at constructing the sidewalk the rest of the way. Planner Walden said typically the City has an amount of money that it puts in for Capital Improvements for sidewalks. It could be 10 years or 15 years or 20 years, but the idea is that over time those sidewalk connections do end up getting connected. All of those things would not be addressed at this phase because this is a rezoning, but it would need to be addressed at the site plan phase.

Attorney Skelton said with respect to the sidewalk, yes they would have to be built in front on the property line, but the children at this school even the children who are old enough to walk home are not allowed to walk they either have to drive or be driven. No one is allowed to leave the premise on foot.

Commissioner Hubbard made the motion to approve the C-2. The motion was seconded by Commissioner -+ Whiteside and passed with a voice vote 5 for (Whiteside, Hatley, Yarbrough, Hubbard, Miller) and 2 against (Russenberger, Duffield).

The Sixth Order of Business was a public hearing requesting review and a recommendation of approval to rezone property presently C-2 (Highway Commercial) and R-2 (Medium Density Residential) to PUD (Planned Unit Development), located at 1509 South Arkansas. Submitted by Dave Garza of Barrett & Associates on behalf of Frank Griffin Oil Company Inc., for Blue Chip Ice Building Addition (ZO.18.02.212)

Planner Walden said this request is to rezone the existing Blue Chip Ice Plant and additional vacant land totaling 1.84 acres to PUD from C-2/R-2. The plant is expanding to include more office space and storage area. While this use was permitted in a C-2 at one time going back to 1998 the zoning code was then later changed, which made this use a prohibited use. This was a legal established use and then the zoning change made it non-conforming. The applicant originally applied for an M-1 use and with consultation with staff we recommended that they look at a PUD because staff felt that M-1 use in this location adjacency to residential and given that it is on a commercial

corridor that industrial zoning in this location was not appropriate. So we recommended to the applicant to look at a PUD application because this met a lot of criteria. We felt we could structure it in a way that provided protection both for the adjacent property, but for the property owner as well. In looking at a PUD, this would likely result in any additional external impacts than currently presented by the use.

The *Consistency with the Comprehensive Plan*: The plan designation for this property is commercial. As a quasi-commercial use, the proposed PUD should be considered consistent with the plan.

The *Recommendation for Action* is approval with conditions. Anytime the Planning Commission reviews a PUD you have to have a finding that supports why you are approving the PUD:

- 1) If there is a public benefit created by the development that is not otherwise attainable through the current zoning. To enable expansion of the use, the applicant would need to zone the property to M-1. This could expose adjacent property to numerous adverse impacts. The PUD will allow continued use and expansion of the use while mitigating potential harm to adjacent properties. Additionally, the staff is recommending a requirement for landscaping. The development would feature landscaping, which is not required.
- 2) Adequate public utilities, which are in place.
- 3) Land use compatibility with surrounding developments. The use existing at the site appears to have minimal impact on adjacent properties.
- 4) Be compatible with the Comprehensive Plan that the development is largely consistent with the plan. Not endanger the public health, safety and welfare. The development meets all applicable life and safety codes.

The *Recommended Conditions* with approval:

- 1) Provide an undisturbed vegetative buffer along the eastern property line (Stanley Teaff). The buffer would extend 30 feet from the western top of the ditch line, and be left in an undisturbed state to allow continued vegetative growth.
- 2) Provide a landscaping plan prior to passage by the City Council. Such plan shall be reviewed by staff.
- 3) Uses on the site will be restricted to manufacturing of ice, and all those uses permitted in C-2 as of February 26, 2018. Uses listed as a special permit in C-2 shall require a special permit to be allowed for use on the site.
- 4) Construction of new expansion shall be in accordance with the architectural façade designs submitted by the applicant for the site.
- 5) Provide a striping plan for the parking lot, which will be part of the site plan.
- 6) Convert the southernmost entry on Arkansas to a right-in/right-out only entrance.

Dave Garza said after looking at the site with the staff and owner the PUD was the perfect route. In going with the PUD, it would bring it into compliance. We did ask the Board of Adjustment to grant the permission to build, if the PUD didn't get approved by the City Council. Chairman Miller said the Board of Adjustment did approve that variance.

Commissioner Whiteside made the motion to approve the PUD with the stated conditions. The motion was seconded by Commissioner Hubbard and passed unanimously.

The Seventh Order of Business was a request to review and approve a variance from constructing half-street improvements for property location at 1300 West Parkway Drive. Submitted by Dave Garza of Barrett & Associates on behalf of Joe Phillip with a contract with Domus Development to construct student housing. (MS.18.02.90)

Planner Walden said these two developments are in a location where both are situated where the City is intending to make some Capital Improvements for roadways. So previously we had granted a waiver for the Salter Property and now an applicant has brought in an idea for a development plan, although it is not made formal application on the development plan. They will be, but this is something they wanted to do first. So what they are agreeing to do is dedicate any necessary right-of-way in lieu of providing half-street improvements as a result of this. These are roadway projects both for North Glenwood and West H Street that are on the Capital Improvements Plan. There is some discussion about moving those up a few years in order to better facilitate things with the two development that are proposed.

The *Staff Recommendation* is approval. The approval would be that an agreement be reached with the City Council on the dedication of right-of-way pertaining to this.

Dave Garza said we requested this variance similar to the same thing we did with the Salter Group last year and was approved by the Planning Commission and City Council. The Salter Group had a little more advantage because they knew where the road was going. At this point, we don't know where the road is going, but we have left ample room on the property to put the road in anywhere they want it. So the developer has no problem and has agreed to give the right-of-way to the City wherever they locate it. Where "H" Street would come across Salter Group gave it up to the south part of the pump station and then it would go straight across and then right into Parkway. As far as North Glenwood it comes up to the pump station currently and Salter Group giving that right-of-way. And they are going to have to go through the pump station area, come across on the Domus property, cross the creek, and go back toward Tech.

This property in 1993 when West Parkway was built the dirt and material was excavated from Mr. Phillip's property to build that road up. The Corp of Engineers made an agreement with Mr. Phillips that he could replace that material. So as it is right now he has been replacing part it over the span of several years, but it's not complete. The Domus Development, when they come in to do this they are going to have to come back and do the rest of the material which is going to be at a substantial cost. So having to do the half-street improvement and that as well it's going to be a big hardship for the developer. They are ready to move on this and Tech is excited about them coming in. They have already made some arrangements with Tech and have exchanged some easements for the trail. Things are moving pretty fast faster than the road is going to be able to be built and for that reason we are asking for the variance. They have no problem granting the right-of-way.

Eric Jakimier with Domus Development said he was very excited to start a project here. We have been before you before for the rezoning and got that all of that approved. In a subsequent meeting, it came up that this road that we would be responsible for half of it. So that is where we came up with the idea of happily donating the land as the Salter Group did in the past. We see this project as an immediate benefit to the City having several thousand workers here for a year spending their time and money in your City. And after that you will have a 20+ million dollar project here and paying property taxes. We are working closely with the university negotiated easements to get our footpath and bridge etc... This is the last piece of the puzzle.

Commissioner Duffield asked when you are talking about donating the right-of-way is that for "H" Street or Glenwood or both. Dave Garza said it would be for both, but I don't foresee "H" Street any right-of-way being granted for the reason on that south property line City Corp has a 21-inch sewer line that parallels that south line. I don't think City Corp wants that in the street. Where they are coming in right now from the east that the Salter Group granted once they pass the pump station site it would make sense for them to go north and then come back south again. It makes more sense to go straight. The south property is not developed at all. They are donating North Glenwood right-of-way.

Fire Marshall Setian said one of the requirements when you do multiple units is at what point do you have additional entrances and at what point can you do things like sprinkler and increase those units. One thing we have been discussing back and forth are when you have a fully sprinkled complex you can build up to 200 units before you have to have an additional entrance. That additional entrance has to be remote (not to close together) no less than half the diagonal so that gives you additional access in an emergencies. What we are looking for from the fire code is working together with the City and the project so about the time they start completing the units that second access is opened up. Dave Garza said when "H" Street is built the entrance on Parkway will go away and we are going to connect straight down to "H" Street so we don't have two entrances that close together. Then that leave the entrance into the apartments coming into "H" Street. We are looking at possibly doing another entrance on the eastside and the diagonal entrance Fire Marshal Setian was talking about on Glenwood.

Commissioner Duffield asked if the City on the Five-Year Plan if they decided to move "H" and Glenwood up on the Five-Year Plan would you modify your connector from Parkway to just connect to "H" and not build that into the original to save some money on that. Mr. Garza said "yes" we can do that.

Commissioner Duffield made the motion to approve subject an agreement be reached with the City Council on the dedication of right-of-way. The motion was seconded by Commissioner Hubbard and passed unanimously.

The Eighth Order of Business was Tabled: A request to discuss amending the Zoning Code in regard to the following: 1) parking surfaces and parking requirements, 2) amending the Special Use Permit process to eliminate the requirement for City Council

review and approval, 3) alter the non-conforming provision, 4) permanent installation of a food truck court(s), and 5) AIRBNB (Short-term Rentals). (MS.17.10.89)

Meeting adjourned.

Chairman Miller