

Russellville Planning Commission Minutes

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

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

Members Present

Acting-Chair Frank Russenberger
Secretary Nathan Barber
Steve Hubbard
Shirley Hatley
Karen Yarbrough
Luke Duffield
Don Jacimore
Council Liaison Larry Brown

Members Absent

Chairman Wendell Miller
John Whiteside

Also present: Mayor Randy Horton, Alderman Mark Tripp, Planner James Walden, City Attorney Trey Smith, Junior Marpel/Operation Manager, Jim Lynch/City Corp, Zane Bryson/City Corp, Brian Holstein Building Inspector, Fire Marshall Setian, J. Dave Garza, Planning Assistant Lequitta Jones, Ron Hughes, Danny Henderson, Janet Henderson, Alderman Bill Strait, Joe Benham, Carroll Suchy, Steve Newby, Tracy Trusty, Robert Hope, Jerry Pampuch, and A.J. Walsh.

Welcome

The First Order of Business was a request to review and approve the minutes of the February 26, 2018 regular Meeting.

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

The Second Order of Business (Agenda Item #4) was a request to approve a Minor Subdivision Fiori Farms located on Hwy 331/El Mira. **(Agenda Item 4a)** A request to approve a waiver for approximately 130 feet from 9.1Par. G, Item 8 Pipe-Stem-Lots to allow construction of the residential subdivision. Submitted by Jason Fiori. (SD.18.03.335)

Planner Walden said this request is for Fiori Farms located on South Elmira/Hwy 331 for a pipe-stem waiver. This request is submitted by Jason Fiori. This approval would

allow the platting of a rural one-lot subdivision with a 330' pipe-stem. The length of the pipe-stem requires approval by the Planning Commission. This is a large tract 9.73 acre lot. The use of the pipe stem is not a large concern in this situation. This tract will likely be subdivided again. The staff's recommendation is approval.

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

The Third Order of Business (Agenda Items #2) was a request to approve a Large-scaled Development for Legends Russellville Student Housing located on West Parkway (future Glenwood and future H Street). Submitted by Dave Gaza of Barrett & Associates on behalf of Domus Development. (DV.18.03.154)

Planner Walden said this request is for approval of an apartment complex. The property is currently vacant. It was recently rezoned to R-3. On the *Land Use Plan*, it is indicated for open space floodplain. This would allow for construction of a 240 unit with seven buildings student apartment complex adjacent to Arkansas Tech on a 28.06 acre site. The site would be connected to the campus via trail. The site will feature 519 beds with 564 parking spaces. The development will have a density of 8.5 units per acre.

In the *Staff Comments* most everything was addressed. One of the concerns we had was it being located adjacent to floodplain are some of the elevations above parking lot and all the structures will be at least 4 feet above base flood elevation in that that area, which complies with the requirements. The parking lot will all be one foot above base flood elevation.

The remaining contingencies on this item were:

- 1) Full construction plans including drainage, utilities, etc. to be approved by the City Engineer or designee.
- 2) Provide a one-lot plat to convey easements and a later replat to convey ROW.
- 3) Provide sources or permission to construct trail on ATU property, provide details on the proposed bridge.
- 4) Provide sidewalk along the Glenwood entrance.

The *Staff Recommendation* is approval with those four contingencies.

Dave Garza with Barrett and Associates on behalf of the Domus Group on the Legends of Russellville. This development is going really fast. We are slated to have the reviewable set of plans done by the end of April. Their goal is to have some building plans to the Building Official to start review within two weeks, and the utility plans by Friday. The trail is in the plan along with the easements with Tech. We are building the same trail and bridge section exactly like the one that is north of the one they just finished going over to the Aquatic Park. The trail is 8 feet wide with 2 inches thick asphalt and it is going to be placed at the same elevation as the ground because it can't take up any space in the flowage easement.

Bill Hutchinson asked what the parking lot elevation is going to be at? Mr. Garza said the lowest spot will be 335.

Commissioner Yarbrough made the motion to approve with the four (4) contingencies:

- 1) Full construction plans including drainage, utilities, etc. to be approved by the City Engineer or designee.
- 2) Provide a one-lot plat to convey easements and a later replat to convey ROW.
- 3) Provide sources or permission to construct trail on ATU property, provide details on the proposed bridge.
- 4) Provide sidewalk along the Glenwood entrance.

The motion was seconded by Commissioner Hubbard and passed unanimously.

The Fourth Order of Business (Agenda Item # 3) was a public hearing requesting review and a recommendation of approval to rezone property presently R-1 (Single-family Residential) to PUD (Planned Unit Development), located at Marina Road and Jennifer Drive. Submitted by Dave Garza of Barrett & Associates on behalf of Ron Hughes (ZO.16.12.203)

Planner Walden said this is a Planned Unit Development application which is a combination of zoning and development plan. If the development plan for this is approved this will become the zoning and then it would go to the City Council for approval. That would become the zoning for the property and that would be the only thing that could be developed on the site. If there is anything above what a minor modification would be such as if there is an additional unit, change in the roadway, if there is anything other maybe than a couple of additional bushes or something like that then it would have to come back for re-approval.

The PUD process tracks:

- 1) Is to approve a zoning plan, is what this represents. Things like building materials that will be used on the structures, structure location, setbacks, use that's on the site, location of street, all things that matter in what the development will look like, how the development will feel, and appear. Then that process goes to the City Council.
- 2) The developer submits full construction plans, which pertains to drainage, utilities, street profiles, etc., and those are reviewed internally by the staff.

This application is in its third iteration of this application. The application has been submitted twice before. The first time it was denied by the Planning Commission. The second time it was approved by the Planning Commission and denied by the City Council last year. It has gone through a one-year phase where it is allowed to come back again. If the application is denied by the Planning Commission or the City Council then the application for that property cannot be reconsidered for a year.

The action requested is rezoning from R-1 to PUD. The current use of the site is vacant. The proposed use is for a private garden home community in a single-family residential

community. The adjacent uses are single-family residential. The adjacent zone is R-1. On the *Land Use Plan* it is indicated for single-family residential. The development is proposed to include 20 garden style homes on 4.13 acres, which is the same number that was included on the application in the previously iteration when it was considered last year. The homes will range in size from 1382 sf to 1724 sf based on 4 provided floor plans. That will become part of the zoning so those floor plans would be the requirement of the development. They would have to be built out of those four choices. The development will include a pavilion, common open recreational area, and an approved private boat dock with a trail. The private dock is actually on Corp land but the applicant has already obtained a permit to place there.

The Staff Comments:

- 1) The density of the proposed development is 6.25 dwelling units per acre. This density is higher than the applicant's last submittal, but it has to do with the way density is calculated. Last year when this was submitted the density was 6 units per acre, it is now 6.25. That doesn't mean that there has been any change of the number, but it does mean there is more area that is devoted to street in the development because there was some concern about overflow parking. The maximum density is 7 dwellings per acre.
- 2) The applicant will be responsible to pay a fee-in-lieu for sidewalks on Marina Road. In reviewing the application last year one of the comments from ARDOT was they did not want sidewalks on that location. The City will take a fee-in-lieu pending that policy changes to place sidewalks there in the future.
- 3) The traffic on Marina Road is approximately 1500 vehicles per day based on the 2016 ARDOT counts. In going back to 1996 the traffic counts on the roadway was 1400 vehicles per day. The units that will be placed on this site will not make any appreciable impact on this roadway.
- 4) A decorative metal fence will be provided along the portions of the development east and west of Hudson Circle on the outer portions fronting along Marina Road. A brick wall top with decorative metal fence will be provided in the area in between, because those three-four lots back up to the road. So rather than have a backyard exposed having that fenced in. The east and west parts of the property line will be fenced with a wooden fence.

Consistency with the Comprehensive Plan: The proposed rezoning is somewhat consistent with the Comprehensive Plan, as the site is indicated for single-family residential use. However the Comprehensive Plan calls for a density of 1-3 units per acre, which the development exceeds. Additionally the design of the development is supported by plan goals and policies that promote flexibility in developments and promote smaller lot sizes.

The Staff Recommendation is approval with conditions. The finding of fact that the Planning Commission must have to support any decision to approve a PUD.

A. There must be a public benefit created by the development that is not otherwise attainable through the current zoning. The applicant has proved justification through the following:

- 1) Allows development that does not require yard maintenance.

- 2) Design allows for community closeness.
- 3) Design should be considered cluster housing, which provides benefit to the community in reducing municipal maintenance.
- 3) Compact nature of the design will help reduce drainage runoff due to less impervious surfaces.
- 4) Design will be controlled by a POA that will control the aesthetics of the development.

The staff does not find this development meeting the traditional definition of a cluster development, however, the density of it is comparable to what you would consider a normal R-2 development over a lot size. The applicant's arguments do demonstrate some public benefit from the staff's perspective. Here are some of the public benefits:

- 1) The requirements for landscaping that is not detainable through normal zoning. That creates amenity with the development.
 - 2) Different housing products - The development will feature a unique housing product that would be difficult to offer without the PUD process.
 - 3) Neighborhood Amenity – The development provides amenities that are required as part of approval. This cannot be required through normal zoning.
- B. Adequate public utilities are already in place.
- C. Land use compatibility with surrounding developments. It is single-family development adjacent to other single-family developments.
- D. Be compatible with the Comprehensive Plan. The development is largely consistent with the plan.
- E. Not endanger the public health, welfare, or safety. This development will meet all applicable life and safety codes.

The *Recommended Conditions* for this development is to increase the amenity.

- 1) Require decorative lighting.
- 2) Require that all homes built in the development be clad and stone as provided by the applicant. The detail sheets will be made part of the zoning approval.

Acting-Chairman Russenberger opened the public hearing.

Mr. Ronnie Birge said he lives across the street from Mr. Hughes' land. I'm concerned about the sewage because it stops before it get to my driveway. Mr. Cleveland, who lives next to me when they built his house he hooked onto the sewer line and they had to put a flapper on his sewer line to keep the sewage from going back up into his house. He said he was wondering if these houses are going to have be done the same way.

Record Only: Response from City Corp in file at Planning Office.

Mr. Danny Henderson said he live at 1930 Marina Road about 50 yards from this property. Mr. Henderson said, he and other neighbors were concerned because they believed the area would also be zoned residential. We felt the City of Russellville would protect us by its zoning practices. It was inadequate the first time. It has less green space than it had before. If you could imagine 20 houses being built close to your house. If there were 20 houses next to your house don't you think it will affect traffic? Whatever fits in an R-1 is good with us. We will help them out in any way if it remains R-1. We are concerned about our property values, open space, and concerned of

controlling what goes on in the PUD community, no recreational facility other than a boat dock, and concerned of spot zoning. This does not conform to the Comprehensive Plan. We want them to be good neighbors. Record only: Mr. Henderson submitted a petition of 21 signatures of property owners close to the development.

Mr. Garza explained he believes there would be no increase in traffic flow in the area. The developer did away with a cul-de-sac to address the roadway and parking concerns. He said the sewer in the area has been approved by City Corporation.

Mr. Jim Lynch of the City Corp said sewage in that area goes to a lift station and is pumped back into town.

Planner Walden pointed out the developer has not brought plans to the City for approval.

Commissioner Duffield asked if this complies with the Comprehensive Plan, referring to Mr. Henderson's statement? Mr. Walden said there are areas delineated for Planned Unit Development on the map. Those areas are indicated because the City actually wants PUD's to come into that location. Because an area is designated as a single-family residential or certain type of commercial that does not preclude a PUD application in those locations. What it does mean is that when we are reviewing those what we are looking to see; is the character of the development, the type of the development, does it conform with that idea of single-family residential, or does it conform with that idea of commercial in that location. Digging deeper into the Comprehensive Plan, the Comprehensive Plan in that location indicates single-family 1-3 units per acre. In looking at single-family we see some level of compatibility looking at the issue of 1-3 units per acre. It is not compatible in that perspective. However, if you look at R-1 zoning, R-1 zoning is 9600 sf per lot which the 4.13 acres it comes to around 15 - 20 units. We also looked at the goals and policies of the Comprehensive Plan, and those goals and policies say we need to allow innovative developments that provide smaller lots. There are several goals that are supporting what the PUD is trying to achieve. In looking at the overall consistency with the plan, I would say it is generally consistent, however, there are some aspects of it that are slightly inconsistent with the plan. Particularly, the issue of 1 to 3 units per acre, but here are other goals and policies that give different guidance on that as well.

Tabitha Davis with ReMax said these homes will go for approximately \$145 sf to \$150 sf in that guideline. There is a demand for homes like this in our community. This will not devalue the surrounding properties at all.

Commissioner Yarbrough made the motion to approve with meeting the recommendations and conditions as stated.

- 1) Require decorative lighting.
- 2) Require that all homes built in the development be clad and stone as provided by the applicant. Also she stated things can't stay the same, we need to grow.

The motion was seconded by Commissioner Duffield and passed unanimously.

The Fifth Order of Business (Agenda #5) was tabled from the February 26, 2018 Meeting: 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)

This item was discussed and will be brought back next month with changes.

Motion by Commissioner Duffield to adjourn. Commissioner Yarbrough seconded the motion and passed unanimously.

Acting-Chairman Russenberger