

Russellville Planning Commission Minutes
June 22, 2020 @ 5:30 p.m.

The Russellville Planning Commission held a virtual meeting on Monday June 22, 2020 at 5:30 p.m.

Members Present

Vice-Chairman Don Jacimore
Secretary Nathan Barber
Luke Duffield
Larry Smith
Cody Black
Jim Lanier
Shirley Hatley
Council Liaison Justin Keller
Justin Cothren

Members Absent:

Wendell Miller

Also present: City Attorney Trey Smith, City Planner Sara Jondahl, City Engineer Glenn Newman, Engineering Technician Chance Stines, Fire Marshal Richard Setian, Planner I Victoria Marchant, Flood Manager Ben Gray, Betsy McGuire, David Garza of Barrett & Associates, Don Erwin, Janna Martin, Randy Hendrix, Ivory Pearson, Jim Lynch/City Corporation, Mary Cohoon, Lisa Huelle, Ralph Wyngarden/Verizon, Regina Watkins, Sarah Hann, Jason Hann, Bryant Pearson, Suzanne Alford-Hodges, Joy Pohl, and Aaron Arndt.

Welcome Visitors

The First Order of Business is a request to review and approve the minutes of the Planning Commission May 26, 2020 meeting.

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

The Second Order of Business is a public hearing requesting review and recommendation for a Special Use Permit to operate an auto sales, repair, and towing business in a C-2, located at 3616 E Main Street. Submitted by Crystal Arndt d/b/a Arndt's Service Center and Auto Sales on behalf of Jeff Hagan. (SP.20.06.184)

City Planner Jondahl said the application is to allow an auto sales and service company to operate along East Main where a previous auto sales company existed. The application is being brought to the Commission along with a waiver to the Commercial Building Design since the structure is already existing. This structure has been on the property for quite some time and is zoned C-2. The previous business that was in operation was never issued a Special Use Permit. All adjacent properties are zoned C-2 with the exception for the property directly to the east

which is zoned R-3. City Planner Jondahl said the proposed use of the property is automobile sales which is a typical type of business in a highway commercial district. She said the reason it is being brought before the Planning Commission as a Special Use Permit is because that is how it is listed in the Table of Permitted Uses. Special Use Permits are brought before the Planning Commission because 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 unique or unusual characteristics, special consideration must be given to 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 said Article 3.6.3 requires a privacy fence whenever a commercial or industrial zone or use abuts a residential zone or use. A 6' Privacy fence will be required to be constructed along the eastern property line abutting the residential zone. Additionally, Article 4.3.4 2) requires vehicle storage areas to be screened by a 5 to 6 foot sight obscuring ornamental fence, wall, or hedge. The site plan and pictures attached with the application provided with the current state of the property and existing conditions of the parking lot. Article 3.20 allows for Non-Standard Commercial Buildings to go through the Planning Commission to review and approve an alternate design that does not meet the literal interpretation of the Zoning Code. Since this is an existing structure that requires a Special Use Permit as a result of the use being proposed in an existing building the waiver was the best process for the applicant to go through. The non-standard process includes a phrase that states: "No discernible public benefit would be gained by requiring an alternate design" and in staff's opinion the structure, although a new façade would be attractive, is comparable to other buildings within the immediate area and no discernible public benefit would be obtained. City Planner Jondahl said sidewalks in this district were not included in the update that removed the sidewalk requirement for certain districts or areas of town, however, the recent addition to the sidewalk regulations in Article 3.21 added the statement that "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 the updates proposed to the structure do not exceed the 50% ratio sidewalks will not be required with this Special Use Permit. City Planner Jondahl said they have talked about ADA requirements. She explained that parking will be required to be striped and must include one ADA Van Accessible parking space. A Parking Plan has been provided and outlines the area for an ADA compliant space.

It is staff's recommendation that the Special Use Permit with the Commercial Building Design Waiver be approved with the following conditions: 1. A six (6) foot privacy fence will be required along the eastern property line; 2. A five (5) to six (6) foot sight obscuring fence will be required for the vehicle storage area; 3. Parking lot will require striping and inclusion of 1 ADA Van Accessible Parking Space; and 4. As with previous Special Uses storage of parts and/or tires shall be in the structure or an enclosed container; 5. Building Permits will be required for new signage and site improvements. City Planner Jondahl said those recommendations are based on the findings that, the building and use is comparable with other uses and structures in the area; and no discernible benefit would be obtained by requiring compliance with the Commercial Building Design.

Aaron Arndt of Arndt's Service Center said City Planner Jondahl pretty well covered everything.

Commissioner Hatley asked that when staff said the parking lot must be striped, if this meant the applicant was going to pave their parking lot. City Planner Jondahl stated that it is her understanding that the parking lot is paved, it just has not been cleaned. She said the applicant was going to clean the parking lot off and put new striping on it. Commissioner Hatley said that was her only question.

Commissioner Barber asked if the applicant had any problem with any of the conditions. Aaron Arndt said they did not have any problem with any of the conditions. Mr. Arndt asked if he had to come in to get permits for the fences before they can open their business. City Planner Jondahl said that they would need to come in and get a building permit for the fences. Commissioner Jacimore asked if that included the sign as well. City Planner Jondahl said yes.

Commissioner Duffield made the motion to approve the request. The motion was seconded by Commissioner Lanier and unanimously approved.

The Third Order of Business is a public hearing requesting review and recommendation for a Special Use Permit to operate a tire installation store in a C-2, located at East Parkway Drive. Submitted by David Garza of Barrett & Associates on behalf of Michael Porter. (SP.20.06.185)

City Planner Jondahl said the application is for RNR Tire sales and service being proposed along East Parkway between Steak N Shake and the former Buffalo Wild Wings. There will be a vacant lot between where the structure is going and the Buffalo Wilde Wings. City Planner Jondahl said this is currently a vacant parcel. The applicant is proposing to use the property for RNR Tire – an upscale tire sales operation, being classified as an Automobile Service Station which remains in line with the Land Uses for a Highway Commercial District. City Planner Jondahl said you would expect to find a variety of different uses within this district, such as restaurants, hotels, churches, Gas Stations, Mini Marts, Auto Sales and Auto Repair Shops. Adjacent uses including banking facilities, medical/dental offices, restaurants and shopping centers. Being classified as an automobile service station does require going through the Special Use Permit process. 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. City Planner Jondahl said Article 2.10 provides requirements for commercial zone building permit review which includes drives, parking lots, and ADA requirements. She said everything the applicant has submitted is in compliance with Article 2.10, except the drainage requirements are under review by the City Engineer and Flood Plain Manager and must be approved prior to building permit issuance. Architectural, Electrical, Mechanical, and Plumbing plans will be required to be reviewed by our Fire Building and Safety Department and must be approved prior to permit issuance. 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 there are 4 questions that must be

answered: 1. Are designs to be in visual harmony with buildings either in the same vicinity or along the same corridor. The façade of the structure proposed is in compliance with Article 3.20 and is in visual harmony with other buildings in the district. 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. City Planner Jondahl said the applicant is proposing to install 5 foot sidewalks as required. The applicant is working with the City Engineer to ensure the sidewalks can go through the ramp over the bridge that is proposed. The applicant is meeting all of their parking requirements. Article 4.3.4 2) requires vehicle storage areas to be screened by a 5 to 6 foot sight obscuring ornamental fence, wall, or hedge. Although none are shown on this plan, if at any time vehicles are stored on the property they will need to be located within a screened area or parked within the structure itself.

It is staff's recommendation to approve the Special Use Permit with the following conditions: 1. Building permit application submittal, review and permitting required prior to commencing site construction; and 2. Provide cross access through the site to both eastern and western adjoining parcels; and 3. As with previous Special Uses storage of parts, and/or tires shall be in the structure or an enclosed container; and 4. If at any time vehicles are stored on the property they will need to be located within a sight obscuring screened area or parked within the structure itself. City Planner Jondahl said this recommendation is a result of the findings that: 1. The building and use is comparable with other uses and structures in the area; and 2. The proposed construction meets the requirements of Article 3.20 Commercial Building Design; and 3. Sidewalks are proposed in conformance with Article 3.21.

David Garza of Barrett and Associates said the applicant is meeting all the requirements. He said his only comment was that there is another lot to the east of the property that RNR tire does not own that has yet to be developed. Mr. Garza said they are concerned when that starts to be developed and the city requires 5 foot sidewalks on the new development that there are no sidewalks on the three other existing businesses. Mr. Garza was curious if there were any provisions for the City to build sidewalks there. He said he did not feel like the sidewalks out there were being used and that the sidewalks may be wasting area that could be green space. Mr. Garza said that he understood it was part of the code. He said the owner did not have a problem putting them in he was just personally looking at what was going to be done about the rest of it. He said he thinks we need to look at the future and see what provisions need to be made by the City to make the connections that are not there yet so that the sidewalk is usable for the public. Commissioner Lanier said he did not see the point in doing sidewalks because they are currently not on that side of Parkway. Commissioner Lanier asked why staff is requiring sidewalks at this location. City Planner Jondahl said it is the vision of the City moving forward to start bringing sidewalks along both sides of the main corridors, such as Parkway, Main Street, and Arkansas. She said having those sidewalks on the main corridors will allow for pedestrian movement. She said this has been included in what the City will be proposing as the Comprehensive Plan. City Planner Jondahl said the City is looking for opportunities for how they can fill the gaps in sidewalks. Commissioner Lanier said he understood that, but there are no other sidewalks on that side of the road and they are requiring one property owner to put in sidewalks but they are not

requiring anyone else put in sidewalks. He said that is okay, that is what the rules are and they will live with it. Betsy McGuire spoke as a member of the public and said if she had her vehicle at RNR Tire and it was lunchtime or time for her morning coffee would it not be easier for her get on the sidewalk and walk down to Steak N Shake or Starbucks. She asked how else she would navigate through that area if she were waiting on her vehicle. Mrs. McGuire said she thinks as they are looking toward the future of the community and what amenities they want to have, would that be a reasonable amenity to provide for the citizens of Russellville? Mr. Garza said he totally agrees and if there are sidewalks out there he definitely wants to use them. He said one of the things they are doing is they have allowed access to both sides of the property line to be able to drive through. He said he was unsure if Buffalo Wild Wings owners will allow a connection in the future. He said they are working with the Steak N Shake owner to allow the connection. Mr. Garza said it would be good for the public to not only just walk through from one business to another but to be able to drive through as well. He said his comment was if they are going to do the sidewalk the City should have a plan to put those other sidewalks in because he doubts that the existing developers that are already there are going to do it. He said they should get it done pretty quickly so that it is usable. Council Liaison Keller said the issue of sidewalks is something that the City Council has spoken about quite a bit. He said it is something they are currently putting a plan together to not only connect those disconnected patches but also to add more sidewalks throughout the city. Commissioner Duffield commended Mr. Porter and Barrett & Associates for their plan and having a landscaping plan along with it and for agreeing to the sidewalks. He said he thinks it shows a lot of forward thinking. Commissioner Duffield said he thinks it is imperative that they do develop a plan sooner than later so that when the developers are required to put in new sidewalks that there is a plan to connect those businesses that are already existing with sidewalks. He said he thinks this will make it much more palatable for the developers to be agreeable to put in sidewalks on their particular lots if they were aware of a plan that would connect the spaces in between.

Commissioner Duffield made the motion to approve the request as presented. The motion was seconded by Commissioner Hatley and unanimously approved.

The Fourth Order of Business is a public hearing requesting review and recommendation for a Special Use Permit to allow issuance of the Tower Use Permit for a 100' monopole commercial communication tower, location is 634 W 5th Street, in a R-3. Submitted by Cellco Partnership d/b/a Verizon Wireless on behalf of the owner Bridge Church. (SP.20.04.181)

City Planner Jondahl said she was going to let Ralph Wyngarden speak to this application first.

Ralph Wyngarden of Faulk and Foster—on behalf of Verizon Wireless and the Bridge Church—said that when the application was tabled last month there were a number of items raised in the last meeting that required expert input from Verizon's RF engineers and others. He said there were questions about alternative locations, property values, radiation emissions, and safety. Verizon's RF engineers and others are working on those responses but they do not have them yet. Mr. Wyngarden requested that the item be tabled. He also said another item that has come since the last meeting is interpretation regarding a section governing tower setbacks. Article 3.18.3 2) C. discusses a 50 percent tower height setback from abutting residential property. Mr.

Wynyarden said initially they positioned the tower to meet that. He said there is abutting residential property to the north and to the east, and there is public right-of-way to the south and to the west. Since the last meeting Staff has indicated a revision to the interpretation of that section indicating that they would be treating the south line which abuts the right-of-way as a residential property line. This would make Verizon non-compliant. Mr. Wynyarden said they do meet the general front yard setbacks from the right-of-way but they do not meet the 50 percent tower height setback from the south line. He said there is language in the section that talks about the distance must be at least 50 percent of the height of the tower measured from the base of the tower to the property line of the residential lot. Mr. Wynyarden says there is a phrase that says “excluding public right-of-way that may be zoned residential”. He said their understanding of that is that if there is a right-of-way there and it is zoned residential the exclusion means you do not have to worry about that, you have to worry about actual residential parcels in applying the 50 percent tower height. His understanding is that Staff’s reading is that they are going to pretend the right-of-way does not exist and act like the property across the street is actually abutting property and see if setbacks are met that way. He said to them it is an odd result, because even though the tower is actually further from the property to the south then it is to the abutting properties to the north and the east, it is the south measurement that is deemed non-compliant. Mr. Wynyarden said they have appealed that. He cited Article 9.4 which allows them to appeal Administrative decisions to the Board of Adjustment. They have asked for an interpretation from the Board of Adjustment as the final authority. Mr. Wynyarden said that will be heard at the July 27 Board of Adjustment meeting. He said this is their second reason for tabling, they feel like that Planning Commission would benefit from that decision on the interpretation before they make their decision on the Special Use Permit.

Commissioner Black made the motion to table. The motion was seconded by Commissioner Hatley and passed with a roll call 6 for 0 against with Commissioner Barber abstaining.

Meeting adjourned.

Chairman Wendell Miller