

**PLANNING COMMISSION
MINUTES
August 3, 2023 @ 5:30 p.m.**

The Planning Commission held a meeting on Thursday August 3, 2023, at 5:30 p.m. in City Hall Council Chambers.

Commissioners Present

Don Jacimore, Vice-Chairperson
Eric Westcott, City Council Liaison
Cody Black
John Choate
Justin Cothren
Luke Duffield
Cheryl Monfee
Larry Smith

Commissioners Absent

Wendell Miller, Chairperson
Shirley Hatley

Visitors: City Planner Sara Jondahl, Planner I Victoria Marchant, Planning Assistant Caden Lemley, Paul Eddy, Chris Abington, Phillip Lewis, and Jim Woker.

Welcome Visitors

The First Order of Business is a request to review and approve the minutes of the Planning Commission Meeting July 6, 2023.

Commissioner Smith motioned to approve the minutes as presented. The motion was seconded by Commissioner Duffield and passed unanimously.

The Second Order of Business is a **REQUEST TO TABLE BY APPLICANT** Rezoning a property from R-1 to R-O, located at 1805 W Main Street. Submitted by The Lighthouse Companies on behalf of Deanna Arivett. (ZONE-0623-000372)

Commissioner Smith motioned to approve the request to table. The motion was seconded by Commissioner Choate and passed unanimously.

The Third Order of Business is a Large Scale Development located at the corner of N Houston and W Parkway Drive. Submitted by PK Development, LLC. for The Pointe II at Russellville. (LSDV-0723-000388)

City Planner Jondahl stated that this is a large-scale development adjacent to The Pointe Ph 1 which is under construction. She stated that this is a vacant parcel of land along W Parkway Drive adjacent to the Pointe Phase I, currently under construction. She stated that in this area there are a mix of commercial and residential uses. City Planner Jondahl stated that south of Parkway and the Rail Yard is zoned C-4, Neighborhood and Quiet Business; however, the Rail Yard is M-2 Heavy Industrial. She stated that properties on the north side of Parkway are Downtown Crossing Zone and are located within the El Paso Mixed Use District. City Planner Jondahl stated that the proposal is construction of a mixed use complex with 32 residential units with 7 commercial spaces and is subject to review for Large Scale Developments. She stated that The Downtown Crossing Zone intended to provide appropriate development opportunities to take advantage of connection and access to Downtown while providing appropriate transitions to pedestrian-oriented development within the District. She stated that careful focus on pedestrian and bicycle connectivity is the key to implementing quality improvements in this zone. She stated that a site plan review is required and will be completed prior to issuance of the building permit.

City Planner Jondahl stated that Article 2.18.5 addresses the area regulations. She stated that within this zone there are build to requirements, meaning that one must build closer to the front and side property lines than in other areas of the community. She stated that the requirements are that the structure is located within 20 feet of the front and side property lines along the primary right-of-ways. City Planner Jondahl stated that Article 2.18.6 addresses parking regulations. She stated that they are proposing 19 new parking spaces, with 32 residential units proposed and 7 new commercial spaces, but this is adequate for the project. She stated that staff have requested that they provide information showing how their shared parking will meet the regulations. She stated that a parking statement or analysis will need to be provided to confirm parking is in compliance.

City Planner Jondahl stated that Article 2.18.8 addresses the first floor height requirements. She stated that first floor height shall be a minimum of 12 feet clear for non-residential units, according to the elevations this requirement is not met and will need to be revised. City Planner Jondahl stated that Article 2.18.9 contains the Architectural Standards and design guidelines. She stated that the regulations ensure sustainability and visual quality of this corridor. She stated that confirmation of the requirements in this section will take place during the Site Plan Review. She stated that the application shall include:

1. Architectural requirements include the horizontal expression line, articulation, and transparency showing compliance with the no less than 50% of the ground floor and 15% of the upper story level;
2. A comprehensive list of facade materials specifying primary and secondary material with percentage of coverage;
3. Clear definition and confirmation of each entrance, with a minimum of two items from the permitted list;
4. Screening of utility and mechanical equipment to ensure they are not visible from public view;
5. Compliance with the requirements for dumpster enclosures; and

6. The parking lot shall be screened from view by a sight obscuring fence, wall or hedge, height outlined in Article 2.18.9.

City Planner Jondahl stated that Article 2.18.10 addresses landscaping. She stated that street trees, buffer, and parking lot both interior and street screening requirements shall be met. She stated that the only landscaping permitted within the ROW are the street trees. She stated that the plan shows that there will also be shrubs placed within the ROW which will need to be shown within the limits of the property for approval. She stated that street trees are required every 50 feet within the ROW. She stated that the landscape plan will need to be revised.

City Planner Jondahl stated that Public Works Engineering had some comments:

1. Total square footage is not equivalent from pre- to post- drainage maps by about 9 sq ft.
2. Looking at contours, if drainage area A2 is draining to the detention from phase 1, can that detention hold the extra runoff including ph. 1 when modeled?
3. Why are drainage areas A6 and A5 separated?
4. Need details and limits of ditch grading.
5. Show the required street improvements (similar to Ph. 1).
6. Building's Downspouts need to be designed for 100 year storm.
7. If additional parking is added the hydraulics will need to address the additional impervious area.

As a result, staff recommends approving the Large Scale Development to allow construction of Phase II of the Pointe with the following conditions:

1. Receive approval for the Site Plan Review prior to issuance of a building permit; and
2. Comply with the area requirement regulations; and
3. Provide a statement of parking analysis and show compliance with the parking requirements listed in Article 2.18.6; and
4. Provide plans showing compliance with Article 2.18.8, Article 2.18.9, and Article 2.18.10; and
5. Submit civil site plans showing compliance with the regulations regarding drainage.

As a result of the findings below:

1. The applicant has expressed their commitment to adhere to the zoning regulations as identified in the staff report below; and
2. The applicant demonstrates compliance with the regulations within section 7 of the Land Subdivision Development Code.

Commissioner Smith stated that it appears to him that they have not made all of their obligations to the commission yet. City Planner Jondahl replied that there are some items, but staff feels like they are coming into compliance which can be checked at the site plan review. She stated that if the commission however would like to see them come into compliance before they issue approval, they have the option to table this application.

Kerry Kakenov, PK Development, stated that they are trying to come it compliance with the City's regulations. He stated that their commitment is evident as they have spent \$7.5 million

next door and have purchased an additional 9 parcels including 10 acres behind a warehouse. He stated that they are projecting to spend between 35 and 42 million dollars in the city over the next 5 years. He stated that they are aware of improvements that they need to make, the same improvements they have already made on their other project.

Commissioner Duffield motioned to approve the Large Scale Development as presented with the stipulation that they come into compliance with Staff's improvements. The motion was seconded by Commissioner Monfee and passed unanimously.

The Fourth Order of Business is a Vacation of Plat located at 401 Quarry Road. Submitted by Paul Eddy on behalf of Jim Woker. (VAC-0723-000383)

City Planner Jondahl stated this is a vacation of PLAT for the Ferguson Property. She stated that it was originally platted in the 70's, and only one residential home was ever developed on the property. She stated that in this area you find larger estate type lots with undeveloped areas. She stated that the property is located west of Sheppard Drive, south of Quarry Road, and north of Old Post Park. She stated that this property and all surrounding properties are zoned R1 Single Family Residential. City Planner Jondahl stated that when considering a vacation you must consider three things. The first is Public trust functions. She stated that you ask the questions: Does the vacation impair circulation, access, utilities, open space, and/or views? She stated that in the event of the plat being entirely vacated, the subdivision to the north, platted after Ferguson Property, would be left with only a 20-foot Right-of-Way, resulting in limited access to their properties. City Planner Jondahl stated that considering the presence of the subdivision to the north and the undeveloped land to the west, it is reasonable to anticipate the construction of a street in this area to provide access to those properties. She stated that staff recommends retaining the ROW adjacent to lots 3, 4, and 5, as well as the first 50 feet heading west from lot 3, adjacent to lot 2. She stated that it is observed that ROW was dedicated along Sheppard Dr., adjacent to lots 5 and 6, which should also be preserved to adequately maintain the improved Row for Sheppard Drive. City Planner Jondahl stated that the second thing to consider is what are the land use impacts regarding the vacation of the ROW. She stated that potential development is anticipated, as the current owner contemplates selling a portion of their property. City Planner Jondahl stated that the third thing to consider is what public benefit is received by vacating the Right-of-Way. She stated that the current undeveloped state of the property presents both advantages and disadvantages. She stated that on one hand, there are no immediate benefits from its current conditions. She stated that on the other hand there are no losses either. She stated that this means that the property's potential lies in providing the current or future owner with the opportunity to develop it in accordance with existing regulations. City Planner Jondahl stated that the owner has requested that until the property or ROW develops that they be allowed to keep the gate in the current location of the ROW. She stated that the public benefit of that would be to discourage citizens from dumping on the property. She stated that they will be required to remove the gate at the time of development.

Paul Eddy stated that in this spot there are two 40 acres areas with a boundary line on the north. He stated that the Nordin subdivision to the north ends on "40" line. He stated that on the northwest corner there is a circle with an x. He stated that there is an arrow pointing 5 feet away from the line which is unplatted. He stated that there is a gap now, and Mr Woker owns the entire 40 acres to the south. He stated that you can see this as there appears to be a double line on the Hale-Martin survey from the 90's. He stated that leaving this open would not benefit anyone to the north. Mr. Eddy stated that the Nordin subdivision has a 25ft ROW on the south side which does not give them enough space for a city street but they are not being landlocked. He stated they are ok with the recommendation that they take down the gate only if it is in fact a public Right of Way.

Commissioner Black asked City Planner Jondahl if there was not a 5' gap, would there be enough room for a city street. She stated that there is not enough space to put a road in.

Commissioner Monfee made a motion to forward the application to city council for approval with the recommendations from staff. The motion was seconded by Commissioner Smith and passed unanimously.

The Fifth Order of Business is a Vacation of Alley located at 207 Arkansas Ave. Submitted by Chris Abington. (VAC-0723-000384)

City Planner Jondahl stated that this is a commercially developed corridor within the downtown commercial business district. She stated that several businesses and vacant buildings are located within this area. She stated that there is an appliance retail business located to the south of the alley and an old service station to the north. She stated that this property and all surrounding properties are zoned C-1 within the Downtown Commercial District. City Planner Jondahl stated, they need to address the impact of the proposed vacation upon the "public trust functions" of the ROW. She asked if the vacation impaired circulation, access, utilities, open space, and/or views? She stated that, no, this proposal is requesting to vacate an unopened alley between two existing businesses. She stated that two utility companies are requesting retention of a 15 foot easement to be able to maintain their utility lines. She stated that there is an existing electric line running east to west in the alley and a 6 inch sewer line where future maintenance may be required. City Planner Jondahl stated that they must address the land use impacts regarding the vacation of the ROW. She stated that the impact is that there is a non-conforming structure located 7 feet into the alley and by vacating the alley the structure is now fully contained within the property lines giving the lending institutions the ability to write a title policy for the property. She stated that there is no impact to the public use of this alley. City Planner Jondahl stated, addressing the public benefit received by vacating the ROW that there is neither a benefit received or reduce by vacating the Right-of-Way since this ROW is an unopened alley that is not currently utilized by the public with the exception of the utility lines where an easement is being retained.

It is staff's recommendation that they forward this application to City Council for approval to vacate twenty (20) foot of Right-of-Way between 207 S Arkansas and 201 S Arkansas with the following condition:

1. Retain 15 feet as a Sewer and Public Utility Easement for the existing sewer line and Electric lines located within the alley.

As a result of the finding below:

1. There is not an impact to the Public Trust, Land Use Impacts, and no adverse effects to the Public Benefit; and
2. No objections filed by any utility company for the Vacation;
3. Entergy is requesting a fifteen (15) foot easement for future maintenance of their utility lines; and
4. City Corporation has a sewer main in this area of the vacation and requests retention of an easement.

Commissioner Black made a motion to approve as presented. The motion was seconded by Commissioner Choate and passed unanimously.

Meeting adjourned.

Chairperson