

PLANNING COMMISSION

MINUTES

April 7, @ 5:30 p.m.

The Planning Commission held a meeting on Thursday April 7, 2022 at 5:30 p.m. in City Hall Council Chambers.

Commissioners Present

Don Jacimore, Vice-Chairman
Justin Cothren, Secretary
Shirley Hatley
John Choate
Cody Black
Eric Westcott, City Council Liaison

Commissioners Absent

Wendell Miller, Chairman
Cheryl Monfee
Luke Duffield
Larry Smith

Visitors: City Planner Sara Jondahl, Planner I Victoria Marchant, Planning Intern Michael Haile, Jim Lynch of City Corporation, Zayne Bryson of City Corporation, David Garza of Barrett & Associates, Jessica Ellington of Harrison French & Associates, Lisa Duvall of Harrison French & Associates, Wayne Cummings, Ricardo Garcia with Iivel Inc., Louis Page with Iivel Inc., and Harley Mork.

Welcome Visitors

The First Order of Business is a request to review and approve the minutes of the Planning Commission Meeting March 3, 2022.

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

The Second Order of Business is a Large Scale Development located at 2409 East Main Street. Submitted by Harrison French & Associates on behalf of Walmart Real Estate Business Trust. (LSDV-0222-000186)

City Planner Jondahl stated that the application was a Large Scale Development Walmart Supercenter. She explained that the applicant had asked for the item to be tabled last month because a variance was needed first. The variance was approved at the April 7, 2022 meeting. City Planner Jondahl stated that the existing conditions are that the property is zoned C2 Highway Commercial. It is an existing Walmart Supercenter. The property is surrounded by

retail, service, and restaurants. Access to the property is obtained from Weir Road and Elmira Avenue. There is no current access from Main Street to the property. City Planner Jondahl showed a graphic and stated that it showed the planned addition. The addition is for the Walmart Pick Up Center. City Planner Jondahl stated that all setbacks from the right-of-way and adjacent properties appear to be met. Commercial Building Design appears to be met; however, actual materials being proposed will need to be confirmed with the building permit. Sidewalks are existing, and if damaged, will be replaced by the contractor. Assuming the variance was approved the parking requirements are not met by code; however, with the variance and by practice there is sufficient parking ninety nine percent (99%) of the time.

Staff recommends approval of the Large Scale Development to allow construction of the addition for the grocery pick up expansion as a result of the findings that:

1. The variance allowing a reduction in total parking was approved; and,
2. The applicant demonstrates compliance with Article 2.10 of the Russellville Zoning code; and,
3. The applicant demonstrates compliance with section 7 of the Land Subdivision Development Code.

Jessica Ellington of Harrison French & Associates stated that while she did not have anything to the presentation that she was available to answer any questions.

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

The Third Order of Business is a Special Use Permit to allow an Industrial Use Not Listed (Cryptocurrency Mining Facility) in a M1 zone, located at 615 Tyler Road. Submitted by Eleven11 Holdings LLC and Iivel Inc. on behalf of Travis Parker. (SPUP-0222-000184)

City Planner Jondahl stated that the application was for a crypto-currency mining facility. She stated that this application was on the opposite side of the Entergy substation from the previous application for a crypto-currency mining facility. City Planner Jondahl stated that the existing conditions are that the property is currently an undeveloped vacant parcel. The property is located between the Tyson plant along Tyler Road and the Entergy Substation along East 6th street, and directly south of a residential subdivision. It is zoned M1 along with surrounding properties with the exception of the subdivision to the north, which is zoned R2. She stated that the applicant is proposing to have a small office on the property as well as a parking area, and four crypto-currency mining structures. The applicant is also applying for a sound barrier wall, which will require approval from the Board of Adjustment. Due to the height of the wall two trees and some shrubs are being requested along Tyler Road in addition to the landscaping along East 6th street. The property is currently a metes and bounds property so incidental subdivision plat will be required before a building permit may be issued. Parking has been designated in the submitted plans, but at least one (1) ADA Van accessible site will need to be included. The proposed building appears to meet Article 3.20, further review for compliance will be done with the building permit. City Planner Jondahl showed two images that had been submitted with the application. She stated that Figure B (the first figure) showed that the decibel levels to the north,

along Sixth Street, would be fifty two point eight (52.8) and fifty two point three (52.3) with a thirteen (13) foot sound wall. Figure C (the second figure) showed that the decibel levels to the north along Sixth Street, would be forty nine point seven (49.7) and forty nine point three (49.3) with an eighteen (18) foot sound wall. City Planner Jondahl stated that the city of Russellville had hired an acoustical consultant. She stated that decibel levels are not linear, but logarithmic. Meaning that a zero (0) meant complete silence, a ten (10) would be ten (10) times louder, and a twenty would be one hundred (100) times louder. The EPA recommends nighttime levels be below fifty (50) dBA. The study received outlines a site plan with four containers with a four (4) sided, thirteen (13) foot tall sound barrier wall and four containers with a four (4) sided, eighteen (18) foot tall sound barrier wall. City Planner Jondahl stated that the acoustical consultant had stated that dBA levels would be fifty two point eight (52.8) and fifty two point three (52.3) with a thirteen (13) foot sound wall and forty nine point seven (49.7) and forty nine point three (49.3) with an eighteen (18) foot sound wall. She stated the consultant had provided a model of what the change at the property line would be like. City Planner Jondahl stated that the current dBA had been measured at fifty five (55) dBA at 8PM on a Friday night. She stated that the EPA recommendations could not be met, but every attempt would be made to assure the subdivision to the north is not disturbed. The dBA was modeled at fifty six point two (56.2) with the eighteen (18) foot wall. Neither wall would be sufficient to keep the levels below the EPA recommended levels due to existing readings; however, the eighteen (18) foot wall results in the lowest increase to the nighttime dBA.

Staff does recommend forwarding this application to City Council for approval of this special use permit with the following conditions:

1. Ensure discharge side of the EZ Blockchain Bitcoin Mining containers are pointed away from the residential areas; and
2. Use the north containers to shield sound the extent possible from the southern containers; and,
3. Construct a sound barrier around the facility that is eighteen (18) feet in height or taller. Ensure that the sound barrier is acoustically absorptive on the sides that face the containers; and,
4. Apply for and obtain a variance for the eighteen (18) foot sound barrier wall from the BOA; and,
5. Conduct post-construction compliance testing to demonstrate that the containers do not exceed fifty six point two dBA Leq (hour) in the residential area after 6 P.M.; and,
6. If an exceedance is measured, install acoustic louvers on the containers to provide additional noise attenuation or add additional height to the sound barrier; and,
7. If acoustic louvers are installed, conduct additional compliance testing to demonstrate that the containers with acoustic louvers do not exceed fifty six point two (56.2) dBA Leq in the neighborhood; and,
8. Submit for approval and recording an incidental subdivision application; and,
9. Include landscaping as proposed plus two (2) trees and three (3) shrubs in front of walls along Tyler Road.

As a result of the finding below:

1. The applicant demonstrates compliance with the regulation within Article 2.13 of the Russellville Zoning Code; and,
2. The proposed use is in line with the adjacent use in this district; and,
3. Current traffic routes are constructed in such a way to handle the traffic from the business.

Ricardo Garcia stated that he CFO of Iivel Inc. stated that Iivel Inc. had worked with staff throughout the process. He stated that both the City of Russellville and Iivel Inc. had worked with acoustical consultants that both reached similar conclusions, and when City Planner Jondahl referenced the acoustical consultants, it was to both consultants. Both consultants had reached similar determinations as to how effective a wall would be. Mr. Garcia stated that he had been out to the property that day and that the existing industrial uses were fairly loud, so he recommended taking more in-depth readings to set the baseline. He stated that both consultants had recommended taking a reading once an hour every hour for one day to set a baseline. Mr. Garcia stated that Iivel Inc. was willing to go with the eighteen (18) foot wall. He wished to highlight the sound barrier wall, and the material that will be used. He asked to have flexibility to determine the material, as look at different adsorptive materials, and more of that would be covered in the variance.

Councilman Westcott asked what other locations for Bitcoin mining did Iivel Inc. have. Louis Page, CEO of Iivel Inc. stated that currently their operations were distributed with about twenty (20) machines around Northwest Arkansas in several different locations. He stated that this location was intended to grow the operation outside of its initial area. Councilman Westcott expanded upon his question by asking if any of these locations are in similarly residential areas. Mr. Page stated Iivel Inc. did have locations in Fayetteville in residential areas.

Commissioner Jacimore asked what the sound barrier would look like. Mr. Page stated that the company that quoted the eighteen (18) foot wall typically had two pylons with the sound barrier wall slide in-between them. Mr. Garcia stated that pictures of the wall had been submitted with the application. He stated that it was likely that some of the other factories had them around HVAC units or chillers, but they look similar to I-beams with metal between them. Similar to that of a metal or prefabricated building.

Commissioner Black asked if the city had received any comments on the project from that area, and if with the walls the sound levels in that area would not increase. City Planner Jondahl first stated that the city had not received any comments from the public on the project. She then stated that the sound levels will increase from fifty five (55) to fifty six point two (56.2) according to the city's acoustical consultant. City Planner Jondahl stated that the area was industrial and already above EPA recommendations. It is not possible to return to the fifty (50) recommended by the EPA. She stated that the approval would give allowance for a small increase; however, it is requiring the specific site to meet the EPA levels. Due to the existing sound levels in the area, the overall levels would go up. City Planner Jondahl stated that this was a realistic solution and

either the city could deny the application, which she said may not be the right course of action, but this was the minimum the city could do to protect citizens already in that area.

Commissioner Black asked if the city code had any set decibel levels in it. City Planner Jondahl stated that the code did not.

Commissioner Black asked to clarify if Iivel Inc. was willing to work with the city on the sound levels. Mr. Garcia stated that it was very concrete to say fifty six point two (56.2), and if someone went out the property at any given time they could get readings from fifty two (52) to sixty two (62) and eighty (80) when a car drives by. He said that Iivel Inc. was completely willing to work with the city and the last thing he wanted was complaints. Mr. Garcia stated that he believed that part of working together on this was getting a more accurate baseline that everyone understands.

Commissioner Cothren asked if the location would operate continuously (24/7). Mr. Garcia stated that the location would operate continuously, and that's why night time readings would be key.

Mr. Page stated that he believed the best way to think of the equipment is to compare it to a refrigerator or cooling unit, similar to what Tyson has. He stated that Iivel Inc. acoustic consultant used similar equipment as a model for the hardware that would be used at the location. He also stated that some of the measurements used were based on measurements taken from a location in Atlanta with the same hardware that would be used at the location.

Commissioner Black asked City Planner Jondahl if some flexibility should be built into the motion with the dBA levels. City Planner Jondahl stated that staff had taken the fifty six point two (56.2) number from the acoustical consultant. She stated that she had taken the acoustical consultant's recommendation, but she doesn't have a problem with flexibility being built into the motion once a baseline is determined.

David Garza with Barrett & Associates stated that it was imperative that the flexibility be a range both above and below the fifty six point two (56.2) level. He stated that the developers will have to invest a significant amount and the range above and below would be better for them. City Planner Jondahl stated that on the same point, she would reach out to the city's acoustical consultant and ask for a recommended range.

Commissioner Black made a motion to approve as presented with the flexibility on dBA levels permitted to staff per acoustical consultant recommendation. The motion was seconded by Commissioner Choate and passed unanimously.

The Fourth Order of Business is a Special use Permit to allow a Storage Building/Container Sale or Rental business in a C2 zone, located at 3333 South Arkansas Avenue. Submitted by Scarlett Marketing & Design on behalf of 3333 LLC. (SPUP-0322-000196)

City Planner Jondahl stated that the property was located on South Arkansas Avenue by the railroad crossing. She stated that the existing conditions are that the property has previously been used as a rent to own storage building sales, discontinued in 2021. The property is located along

South Arkansas in a C2 zone. Some of the current uses in the area are metal recycling, auto sales, Greenway tractor, gas stations, Atwoods, and 420 RX. City Planner Jondahl stated that building permits cannot be issued to a metes and bounds property, so an incidental subdivision application will also be needed. The application for the incidental subdivision should be staff level. Parking shows sufficient parking for the building including one (1) ADA van accessible space. She stated that the storage buildings would be located adjacent to hard surface parking. If additional units are added, additional hard surface may be required, with accompanying permits. City Planner Jondahl stated that the façade of the office is being renovated in compliance with Article 3.20 of the Russellville Zoning Code. The drainage report will need to consider ultimate site development.

It is staff's recommendations to forward this application to City Council for approval of this special use permit with the following conditions:

1. The site plan is approved as proposed, if in the future additional buildings are requested, a hard surface drive aisle must be applied for and approved provided prior to placing any additional buildings; and,
2. If placing additional structures behind the building, provide drainage report and receive approval prior to building permit issuance; and,
3. Apply for an incidental subdivision prior to obtaining building permits, finalize the process prior to certificate of occupancy being issued.

As a result of the findings below:

1. The applicant demonstrates compliance with the regulations within Article 10 of the Russellville Zoning Code; and,
2. The proposed use is in line with the adjacent use in this district; and,
3. Current traffic routes are constructed in such a way to handle the traffic from the business.

Commissioner Jacimore asked how many units the applicant plans on keeping at the site at any given time. City Planner Jondahl stated that eight (8) units are planned for the location.

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

The Fifth Order of Business is a vacation of a portion of unnamed right-of-way in the Renfrow Subdivision located at 1303 SR 124. Submitted by Barrett & Associates on behalf of B&L Mini Storage. (VAC-0322-000192)

City Planner Jondahl stated that the application was for the vacation of an unnamed right-of-way for the Harmon Mini Storage. It was noted during the applicant's previous incidental subdivision application for this property that part of the development was in the unopened right of way. She stated the existing conditions are that the property is zoned C2 Highway commercial. The property is in the Weir Road Development District. There are a variety of uses within the area. The application is a result of adding the last storage building to the site. City Planner Jondahl stated that the unopened right-of-way was platted in 1950 and there would be no impact to the

public Trust Functions. There were no objections filed by utility companies. A private detention pond now within bounds of private property, transferring rights of maintenance to the private property owner.

It is staff's recommendation to forward this application to City Council for approval as a result of the findings 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; and,
3. No Current installations within the easement prohibiting the vacation of the unopened right-of-way.

Commissioner Black asked if the vacation should have taken place during the previous application. City Planner Jondahl stated yes this should already have been done but was missed during the previous application. The mistake was caught during the building of the last storage building, as a result this is the finalization of the process.

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

The Sixth Order of Business is a discussion of the Russellville Zoning Code Update.

City Planner Jondahl stated that every month she would be updating the commission on the progress of the zoning code update. She stated that no new documents had been provided since the previous meeting. City Planner Jondahl stated that every meeting's update would be started with the same graphic. This is to remind the commission of the quality of place that will be achievable with the new code. The city will design for people and places, have clear standards, and have predictable/simplified processes. She discussed items previously reported on. The Visual preference survey, which is still taking responses, the updated Commercial Building Design Standards, the Multifamily Design Standards, and the discussion on Fences, Walls and Landscape requirements. City Planner Jondahl stated the discussion topics for the month of April. They are expanding on the Landscape Section requirements, allowances for different housing choices – Lot Area Requirements, Walkable neighborhood, Mixed Use Zone, streamlined review process, and the Table of Permitted Uses. She stated that the week of March 28, 2022 the city held a public input meeting, which thirteen (13) citizens attended. After the meeting during the conversations the consultants took several notes based on citizens input. City Planner Jondahl discussed the Commercial Site Landscaping. The requirements discussed included street trees, frontage buffers, parking lot trees, and buffers between multifamily and single-family residences. She stated that the adjacent zone affected what was required of the buffer. City Planner Jondahl stated that the goal of the Landscaping update was to improve the aesthetics of the community. City Planner Jondahl discussed the Industrial Sites Landscaping. The requirements discussed included street trees, frontage buffers, parking lot trees, buffers between industrial and single-family residences, and landscaped perimeter buffers. She also spoke about different housing choices that will be allowed in the new code. This is to give residential developers more flexibility on their sites. Part of allowing different housing choices is

reducing the minimum lot size. She stated that this would be the first time the lot sizes have been updated in forty five (45) years. City Planner Jondahl stated that one of the changes being considered is reducing the side yard setbacks. She stated that the neighborhood would still have the same feeling when walking through it, because the front yard setback will not be reduced. The changes will just allow the houses to be closer together. The reduction would also allow for the same size house to be built on a smaller lot, which is well received by the developers. City Planner Jondahl discussed the proposed Walkable Neighborhood District. She reminded the commission that these updates were to the text only. City Planner Jondahl stated that the district was well received at the public input meeting. The district would provide housing options and a mix of non-residential developments. The district would require a map amendment in the future to give developers this option. City Planner Jondahl stated that another district proposed is the Mixed Use Neighborhood. Currently the only mixed use neighborhood in Russellville is the El Paso Zone. The possibility of having zones like that elsewhere in the city is being examined. She described the Mixed Use Neighborhood as nodes where the first floor would be commercial use, with residences on the floors above. City Planner Jondahl discussed the streamlined review process. She stated that all application types were being put in groups. That way the developer could look at the group of whatever application is being submitted and see the entire process. This is to help developers know what is going to be asked of them before they begin. Developers like to know upfront what will be required of them. City Planner Jondahl stated that no new documents had been distributed but any comments on the previous months documents would still be appreciated. She stated that items identified for future review is the El Paso District Regulations, solar regulations, short term rentals, regulation compliance thresholds, large scale development process, sign code updates, food truck regulations, and non-conforming structures. City Planner Jondahl stated that regulation compliance thresholds are looking at if every property needs to be brought into compliance. This was done to a small degree with the commercial building code. That way things like internal remodels do not require the entire property to come into compliance. City Planner Jondahl stated that currently if a developer is working on a large scale development in the county, they have to meet city requirements. The update to the Large Scale Development is to help clarify that. She stated that the update to the Sign Code was to bring it into federal regulations. The update to the non-conforming structures would allow for more staff level approval.

Commissioner Jacimore thanked the staff for all the effort they had put into updating the zoning code. He stated that he had attended the public input meeting and encouraged those who are active in the city to look at the updates. He also agreed with City Planner Jondahl that they had received good feedback at the meeting. Commissioner Jacimore stated that the city had to come together and find common ground and this was a step in the right direction.

Meeting adjourned.

Chairman Wendell Miller