

**PLANNING COMMISSION
MINUTES
June 2, 2022 @ 5:30 p.m.**

The Planning Commission held a meeting on Thursday June 2, 2022, at 5:30 p.m. in City Hall Council Chambers.

Commissioners Present

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

Commissioners Absent

NONE

Visitors: Mayor Richard Harris, City Attorney Trey Smith, City Planner Sara Jondahl, Planner I Victoria Marchant, Flood Plain Manager Ben Gray, City Engineer Glenn Newman, Engineering Technician Armando Diaz, Public Works Director Kenneth Duvall, Fire Marshal Richard Setian, City Councilor Phyllis Carruth, City Councilor Mark Tripp, Wayne Cummings, Luke Miller, Nathan Harrison, William Callahan, Jim Knight, Tony Moore, Chuck Garrett, Mark Fullton, Cliff Goodin, Jennifer McGill, and Dustin McDaniel.

Welcome Visitors

The First Order of Business is a request to review and approve the minutes of the Planning Commission Meeting May 5, 2022.

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

The Second Order of Business is a Russellville Zoning Code Update Discussion

City Planner Jondahl stated that the City of Russellville is in the process of updating the Zoning Code. She pulled up a graphic that was a word cloud of words leaders in the community used to describe planning. City Planner Jondahl pointed out that certain words in the graphic stuck out such as, equitable, necessary, essential, strategic, and development. City Planner Jondahl stated that equity is not the same as equality. She used another graphic to illustrate this point, stating

that equality equals sameness and equity equals fairness. City Planner Jondahl pointed out that the project mission for the Zoning Code Updates were to design for people and places, to have clear standards, and to have predictable and simplified processes. She pointed out the preference survey and encouraged people to take it. City Planner Jondahl stated that as part of the updates the City of Russellville was trying to realize a lot of the requests of the citizens and the survey was one way to capture the desire of the citizens. She stated that staff had previously reported on several items. She stated that there was an increase in response on the visual preference survey from 59 responses to 79 responses. She stated that there were 30,000 residents in the City and they were still seeking more responses to the survey. City Planner Jondahl stated that she had also previously reported on Commercial Building Design Standards, Multifamily Design Standards, and Fences, Walls, and Landscape requirements. Additionally, she stated that she had previously reported on allowances for housing choices--lot area requirements, Walkable Neighborhood Zoning, Mixed Use Zoning, and streamlined review process. City Planner Jondahl stated that staff had recently started discussions on short term rentals, and food truck regulations. She stated that staff was also looking at reviewing the El Paso Zones--including review process and required submittals to clear up requirements within the district. She stated that this is a complete Zoning Code Update so staff was reviewing and merging the entirety of the code.

Chairperson Miller asked City Planner Jondahl what had been done to increase the participation in the preference survey. City Planner Jondahl stated that staff had continued outreach via social media. Additionally she stated that she was going to be at the June Art Walk and have a booth set up to speak with people about the Zoning Code Updates and the new Code Enforcement Yard of the Month initiative.

The Third Order of Business is a Rezoning a property from R-3 to CHZ, located in the 1200 block of West Parkway Drive. Submitted by Russellville Legends LLC. (ZONE-0522-000219)

City Planner Jondahl stated by clarifying that although the applicant is called Russellville Legends LLC, they did not have any affiliation with Legends Resort and Casino that was also on the Agenda. She stated that this group originally came to the Planning Commission in 2017 and rezoned their property to R-3 and at that time they were proposing student housing. City Planner Jondahl stated that after numerous discussions in litigation with the Corps of Engineers, the applicant had decided that the property would not work for them and they were looking to put it up for sale. She stated that the rezoning would help the applicant put it up for sale but would also help bring it into alignment with the Future Land Use Plan and the Comprehensive Plan. She stated that the existing conditions were that the property was zoned R-3 Medium/High Density Residential. She stated that it was still within the US Corps of Engineers Sump Area. Although they rezoned it from conservation zone, staff and the Corps of Engineers still looked at the lands that are within the sump area as being in the conservation zone. She stated that the US Corps of Engineers still had authority in those areas below the elevation they've determined regardless of what the zoning is. This was a vacant property with previous fill on the site and it was located within the El Paso Mixed Use District. She stated property to the east is zoned CHZ, property north and west zoned CON, and property south zoned R3.

City Planner Jondahl stated the review comments were Future Land Use Map indicates that this

area will be part of the El Paso District. The Conservation Zone will act as an overlay zone due to Corps of Engineers jurisdiction. She said the Future Land Uses will be a mixture of uses and CHZ would bring this property closer in alignment with that goal. This is classified as a Key Infill and Redevelopment area, rezoning makes that easier to accomplish in alignment with the comp plan goals. City Planner Jondahl stated that changing the zone would not increase the income or value potential of the property.

Staff recommended that the commission forward this application to the City Council for approval of the request to rezone the property from R3 Medium/High Density Residential to CHZ – College Hill Zone as a result of the findings below:

1. Is in line with existing and Future Land Uses within the area; and
2. The proposal aligns with the ReImagine Russellville 2040 Comprehensive Plan; and
3. There is no increase of value or income potential of the property.

Tony Moore spoke on behalf of the applicant. He reiterated that the applicant was not affiliated with the Legends Resort and Casino. Mr. Moore said the litigation with the Corps of Engineers was long and difficult for the partnership. He stated that they felt like they had a good case and they were not successful. Mr. Moore said the partnership no longer desired to build in Russellville and they had asked Mr. Moore to help them find another buyer for the property. He stated that Barrett & Associates had engineered about 10-12 acres of the 26 acres that was not in the flowage easement or the floodplain. He stated that the College Hill Zoning would allow a little higher density and allow another viable project to possibly come.

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

The Fourth Order of Business is a Large Scale Development located at 2401 E 16th St. Submitted by Kirby Specialties. (LSDV-0522-000217)

City Planner Jondahl stated that this was a large scale development for Kirby Specialties who was trying to add a truck shed. She stated that the proposed addition was on the south side of the building facing 16th Street. City Planner Jondahl stated that the existing conditions were that the property was currently zoned M-1 Light Industrial, and it was within the Airport Industrial District directly north of the Cyclone Neighborhood. She stated that it was uniquely located close to residential developments, shielded from them by a gas station, car wash, drop off laundromat, and mini storage.

City Planner Jondahl stated the proposal was to construct a Truck Shed along the front of the building facing 16th Street. There were no Minimum area requirements but there was a 25 foot setback along all sides of the property. She stated the truck shed was located outside of the 25 foot setback. City Planner Jondahl stated no building permit was permitted to a metes and bounds property therefore, an incidental subdivision would be required. Article 3.20 CBD required certain materials on the visible side of the structure. However, she stated there was no discernible public benefit from requiring walls be installed, and there were no changes to existing structure proposed.

Staff recommended to approve the Large Scale Development to allow construction of an addition of a truck storage shed along the front of the existing building along East 16th as a result of the findings below:

1. The applicant demonstrates compliance with the regulations within Article 2.13 of the Russellville Zoning Code; and
2. The applicant demonstrates compliance with the regulations within section 7 of the Land Subdivision Development Code.

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

The Fifth Order of Business is a Large Scale Development located at 4254 S Arkansas Ave. Submitted by Crow Group on behalf of Phoenix Innovations. (LSDV-0522-000221)

City Planner Jondahl stated that this application was a large scale development for Phoenix Innovations. She stated that the applicant had shown four additions on their application and that they would be completing those additions in phases. City Planner Jondahl stated that since the applicant already had a plan of what they were doing, staff wanted to bundle all of the phases into one approval. She stated that existing conditions were that the property was zoned M-1 - Light Industrial and that many people may know the property as the old Dalton King location. She stated that the property gets access off of Thompson Lane, although the address is off of S Arkansas. City Planner Jondahl stated that this property was located at the base of the Dardanelle/Russellville Bridge on S Arkansas. She stated that the applicant did have an approved Letter of Map Amendment for the portions of the property in the floodplain.

City Planner Jondahl stated that there were four additions that were included in the LSD application. She stated that 25 foot setbacks were required along all property lines. City Planner Jondahl said a variance was granted allowing alignment with existing structure. She said Article 3.20 would require visible sides to meet façade material requirements. However, the building did not front and was not visible from the public street. She stated that insufficient information was provided to confirm parking and that the applicant must submit that information with the building permit. City Planner Jondahl stated that Elevation Certificates were required to confirm compliance with the Letter of Map Amendment. She stated that confirmation from DNR Railroad was required for the rear addition location.

Staff recommended to approve the Large Scale Development to allow construction of all 4 additions in a phased manner at Phoenix Industries with the following condition:

1. Submit an incidental subdivision application; and
2. Submit documentation regarding compliance with Article 4.1.1 10); and
3. Submit an Elevation Certificate for each addition; and
4. Remove or realign railway or adjust rear addition to work for Dardanelle and Russellville Railroad.

As a result of the findings below:

1. The applicant demonstrates compliance with the regulations within Article 2.13 of the Russellville Zoning Code; and
2. The applicant demonstrates compliance with the regulations within section 7 of the Land Subdivision Development Code.

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

The Sixth Order of Business is a Large Scale Development located at 330 Hob Nob Road. Submitted by SVP Project Development on behalf of Legends Resort and Casino, LLC, GCK Properties, LLC, John Martin Dufek, Kristina Lee Dufek, Michelle Huck, Ralph Huck, S.S.B. Investments, LLC, Tim Baker, Will Wetzal, and Laura Wetzal. (LSDV-0522-000220)

City Planner Jondahl stated that the applicant had requested to make a brief statement.

Dustin McDaniel stated that he was representing Legends Resort and Casino LLC. He stated that they recognized that the Planning Commission had already approved one large scale development proposal for a casino and it took a great deal of effort and work. Mr. McDaniel stated that he wanted to thank City Planner Jondahl and her staff for the work they had put into reviewing the current proposal. He stated that since the Technical Review meeting their team had become convinced that there were enough outstanding technical issues in the proposal to warrant some additional work. Mr. McDaniel stated that the applicant was requesting that the Planning Commission defer this agenda item to the July meeting so that they could work out the remaining issues. He stated that they were committed to working with the city staff to ensure that they presented the Planning Commission with a proposal in July that the Commission could approve. He stated that to the extent that there have been any rumors or concerns about either his clients commitment to annexation into the city or their commitment to their economic development agreement to the county, that they were absolutely committed to annexing into the city. He stated that they looked forward to annexing and wanted to make sure that the City had the opportunity to get the revenue off of the construction itself and off of the operation. Mr. McDaniel stated that they could not do that until all of the outstanding litigation had been resolved. He stated that the same was for their economic development agreement. Mr. McDaniel stated that they were absolutely committed to meeting each and every requirement made to the county. He stated that he felt that they owed it to the people of Pope County to get the application absolutely correct and if the Commission would grant them the additional time they would work hard to dot all their i's and cross all their t's.

Commissioner Black made the motion to table the application to the next month's meeting. The motion was seconded by Commissioner Smith and passed unanimously.

Meeting adjourned.

Chairman Wendell Miller