

**PLANNING COMMISSION
MINUTES
October 7, 2021 @ 5:30 p.m.**

The Planning Commission held a meeting on Thursday October 7, 2021 at 5:30 p.m. in City Hall Council Chambers.

Commissioners Present

Chairman Wendell Miller
Secretary Justin Cothren
Vice-Chairman Jacimore
Luke Duffield
Cody Black
Larry Smith
Shirley Hatley
Cheryl Monfee
John Choate
Justin Keller

Commissioners Absent

None

Visitors Present: City Attorney Trey Smith, City Planner Sara Jondahl, Public Works Director Kenneth Duvall, Planner I Victoria Marchant, Flood Manager Ben Gray, Engineering Tech Armando Diaz, City Engineer Glenn Newman, Jim Lynch of City Corporation, David Garza of Barrett & Associates, Randy Barefield, Dale Lindsey, Andy Barrett, and Pam Barrett.

Welcome Visitors

The First Order of Business is a request to review and approve the minutes of the Planning Commission Meeting August 5, 2021.

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

The Second Order of Business is Vacation of an easement between Lot 9 - Phase II and Lot 17 - Phase III of the Center Addition located at 1301 Venus Drive. Submitted by Dale Lindsey. (VAC-0821-000117)

City Planner Jondahl stated this application is being brought to the Planning Commission to vacate 85 feet in length of a 10' Utility Easement between Lot 9 and Lot 17 of The Center Addition to the City of Russellville. She stated the existing conditions were that the Subdivisions were originally platted in 2008 (phase 2) and 2017 (phase 3). The utilities were proposed within the platted easement. The utilities were constructed within the ROW not within the easement. The house on the lot in question is existing and wishes to build an accessory structure. There was not any impact on the circulation, access, utilities or open space as a result of this request; The only impact regarding the vacation is to allow the homeowner the ability to develop this portion

of his property; and The City benefits by reducing the amount of property the City could be responsible to maintain. Staff recommended forwarding this application to City Council for Approval to vacate 85 feet of ROW / Utility Easement between Lot 9 and Lot 17 of The Center Addition to the City of Russellville 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 ten (10) foot utility Easement.

Dale Lindsey stated that he purchased the property a few months ago and he purchased the lot behind him. He stated that they had the properties replatted and found the easement at that point in time. Mr. Lindsey stated that due to the topography of the land in order for him to build an accessory structure he would have to do some dirt work and he did not want the shop too far back from the house. He stated that he would be proposing to build his accessory structure in the easement and he did realize that he could just build it on the edge of the easement however since there were no utilities in the easement he was going to go ahead with the vacation process. Mr. Lindsey said he wanted to vacate the easement for his assurance that he could be the accessory building where he wanted instead of up on top of the hill.

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

The Third Order of Business is a Memorandum of Understanding to allow a portion of a 10'x20' portable canopy in an existing 10' alley located at 1401 N. Arkansas Ave. Submitted by Barrett & Associates on behalf of Feltner's Whatta-Burger. (SPUP-0921-000129)

City Planner Jondahl stated that the application is to request a "Memorandum of Understanding" to allow the continued use of five (5) feet of the public unopened alley for a portable canopy structure along north Arkansas Avenue. She stated that initially the applicant was going to pursue the vacation of Right-of-Way process but could not get adjacent property owners to sign the forms and an existing water line was discovered in the alley. City Planner Jondahl stated that at first glance one would not even know that the alley was there as it was being utilized for parking, the portable canopy, HVAC units and even a portion of the building. She stated that the existing conditions were that Whatta-Burger was built in 1973. She stated that staff conditionally approved portable structure in 2020 to help alleviate requirements due to COVID 19 restrictions. This application will allow this structure and other structures identified to remain indefinitely.

It is staff's recommendation that we forward the Memorandum of Understanding to the City Council for approval with the following conditions:

1. A license is assignable only for the allowance of the portion of the main building located within the ROW, and the portable canopy structure and the HVAC units currently located within the alley running north and south behind the building.
2. The licensee shall not gain an interest in the land by the granting of this license; and
3. Future improvements to the Right-of-Way may require the licensee to abstain from using land that this agreement may cover; and
4. The licensee agrees that any expenditures of the licensee within the public Right-of-Way

shall not be performed on the reliance of this license; and

5. The licensee agrees that there are not any interests in the land to be coupled with this license; and

6. The licensee shall not expand any more development within the public Right-of-Way than what is already presented as part of the application; and

7. The license is revocable at any time; and

8. The licensee understands and agrees that any improvement of the property owned by the City and covered by the license shall be solely at the Owner's expense and shall not be reimbursed by the City.

As a result of the findings below:

1. Whattaburger has been using that area of the Alley for the portable structure and other portions of their building within the Alley for many years; and

2. There are no plans to open the alley behind this location; and

3. Vacating the ROW in this location is not feasible due to utility locations and adjacent property ownership.

David Garza with Barrett & Associates clarified that they did have a survey that verified that the building was not over the property lines.

Commissioner Smith asked City Planner Jondahl if the eighth condition meant that if the utilities in that area needed to be fixed that the utility companies could remove the portable canopy structure and the owner would have to put it back at their expense. City Jondahl confirmed that it would be at the owner's expense. She did state that her understanding was that the utility lines were not actually under the portable canopy structure and that the canopy structure had not been permanently secured to the ground and would be feasible for the owner to remove.

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

The Fourth Order of Business is a Special Use Permit to allow a Warehousing, Inside Storage Only, Existing Building business in a CNS zone, located at 1605 N Phoenix. Submitted by Perihelion Solar on behalf of Tim Carr. (SPUP-0921-000124)

City Planner Jondahl stated that she was sure the Commissioners were familiar with this application as they had already seen a Rezoning and Update to the Table of Permitted Uses related to this property. She stated this was the final step in this process as the update to the Table of Permitted Uses required Warehousing, Inside Storage Only, Existing Building businesses to obtain a Special Use Permit within the CNS zone. City Planner Jondahl stated as part of the Special Use Permit application included solar panels, a new sign, and electric vehicle charging stations. She stated that the existing conditions were that this property was located within the Conservation Zone and included within the US Army Corp of Engineers Sump Area – development is vastly limited within the conservation zone. This structure was originally permitted by the Corp of Engineers for a 30 x 60 metal storage building, with a revised letter from the Corp of Engineers, they are permitting this structure to remain with the addition of attached solar panels, signage, and two vehicle charging stations. There is a Multi-Use Trail adjacent to the structure connecting ATU and the Aquatic Center to the Bona Dea Trails to the north, and surrounding land are all pasture land or park land. City Planner Jondahl stated this

application was unique as it was to utilize the existing building with the addition of Solar Panels for electricity, Signage, and Electric Vehicle Charging Station. “Warehousing, Inside Storage Only, Existing Building” is a permitted use in the CNS Zone. City Planner Jondahl stated an incidental subdivision application will be required prior to building permit issuance since this is currently a metes and bounds property and the Incidental Subdivision will need to include how the property will get access to the Right-of-Way because otherwise it is a landlocked property. She stated that 1 ADA space will be required. City Planner Jondahl stated that this building has been there for many years and due to the restrictions by the Corps of Engineers when staff reviewed Article 3.20 Commercial Building Design unique considerations had to be made. Since the only improvements proposed are to potentially paint the building, put up signage, and have solar panels on it, it is a unique building characteristic of the farm use originally built for and it is in visual harmony with the area, no discernible benefit would be gained by requiring full compliance with the code. City Planner Jondahl stated that they were making an alteration to the hard surface parking requirement. Typically, parking lots have to be hard surface; however in conversation with the U.S. Corps of Engineers, they did not want any of the parking lot hard surface. Staff, the U.S. Corps of Engineers, and the applicant came to an agreement that parking will be limited to 4 parking spaces (1 must be ADA accessible) and hard surface only connecting the driveway and for the parking spaces allowed by the Corp. All other surfaces to remain as gravel or undeveloped.

Chairman Miller asked what the U.S. Corps of Engineers' reason was for not wanting hard surface on that site. City Planner Jondahl stated that the Corp did not want hard surface typically in the conservation zone because hard surface reduces the amount of impervious area so the water does not seep down into the ground as easily or freely. So, the Corp did not want to inadvertently raise the water surface elevation within the sump area but they were amenable to the four parking spaces and the hard surface driveway.

City Planner Jondahl stated in reference to the signage, Signs are typically not permitted in the CNS zone. The only way for staff to review and permit a sign is if it is a condition of the Special Use Permit. Staff provided the guidelines for the signage in accordance with a C2 – Highway Commercial zone. Sign allowances within the C2 zone for a façade sign are 2 square feet for every 1 linear foot of building face. The building face is 62' long therefore a total 124 sq ft is permissible, assuming the C2 zone sign allowances. The applicant has supplied a drawing depicting the signage that showed two signs: Perihelion sign = 12' X 3' = 35 sqft Solar Power Systems sign = 25' x 3.5' = 87.5 sqft Total square feet = 87.5 + 35 = 122 sqft. City Planner Jondahl stated typically the Commission did not see this much information with a Special Use Permit however since signage is not permitted within the CNS zone, this was the only way for staff to be able to to permit signage at that location.

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

1. Limit hard surface to provide parking for the four spaces in front of the building and driveway connection only, all other remaining surfaces will remain gravel or undeveloped; and
2. Provide approval for the façade sign in accordance with the requirements for a C2 zone, permit required; and

3. Provide approval for the installation of two electric vehicle charging stations, permit required; and
4. Require an incidental subdivision including easement showing access from Phoenix Av to the deeded property.
5. This approval provides approval for the storage facility per the US Army Corp of Engineers approval letter.

As a result of the findings below:

1. The US Army Corp of Engineers have submitted a letter of support regarding the proposed use along with the solar panels, sign and charging stations; and
2. The proposed use allows an existing structure to be utilized instead of becoming a dilapidated structure; and
3. Current traffic routes are constructed in such a way to handle the traffic from the business.

Commissioner Choate made the motion to approve the item with conditions as presented by staff. The motion was seconded by Commissioner Cothren and passed unanimously.

The Fifth Order of Business is a Large Scale Development located at 614 SR 247. Submitted by Barrett & Associates on behalf of Grace Manufacturing. (LSDV-0921-000132)

City Planner Jondahl stated the application was a Large Scale Development for Grace Manufacturing to add a storage building. She stated that the existing conditions were that the property was Zoned M1 – Light Industrial, this manufacturing facility previously located prior to being annexed into the City. It was located in the Arkansas River Industrial District. They completed a Large Scale Development in 2015 which required an update to the parking lot as a result of an expansion at that time. The property was currently a metes and bounds property – if able to provide deed prior to May 14, 1998 then no incidental subdivision process would be required. City Planner Jondahl stated with the exception of the Driveway, the property was not visible from the Highway.

Staff recommends approval of the Large Scale Development to allow construction of a Metal Storage Building for Grace Manufacturing with the following condition:

1. Apply for and complete an Incidental Subdivision, if required.

As a result of the findings below:

1. The applicant demonstrates compliance with the regulations within Article 2.10 of the Russellville Zoning Code; and
2. The applicant demonstrates compliance with the regulations within section 7 of the Land Subdivision Development Code.

Commissioner Jacimore made the motion to approve the item with conditions as presented by staff. The motion was seconded by Commissioner Monfeeand passed unanimously.

The Sixth Order of Business is a Large Scale Development located in the 3300 block of Bernice Avenue. Submitted by Barrett & Associates on behalf of Randy Barefield. (LSDV-0921-000125)

City Planner Jondahl stated that this application was a Large Scale Development for Barefield Mini Storage at the intersection of S Hartford and Bernice Avenue. She stated that staff had discussions with the applicant regarding moving the driveway which was a condition of the staff report, and that condition had already been met. City Planner Jondahl stated that the existing conditions were that the property was Zoned M2 – Heavy Industrial / Arkansas River Industrial District. Self Storage (Mini Storage) is a permitted use in the M2 zone. She stated that there was Commercial Development along the north side of the road. This site was historically the old Russellville landfill; this location has recently been released for development. At the Corner of Bernice Ave (AR Truck Route 7) and S Hartford (noted on the applicant's plans as Speed Shop Road). S Hartford is not currently developed to City Road Standards. City Planner Jondahl stated that no building permit will be issued to a metes and bounds property – an incidental subdivision plat would be required, showing easement for the regional proposed detention pond. She stated that the applicant realigned the driveway to align with the eastern Denali driveway to offset staff concerns regarding access management and safety standards. City Planner Jondahl said Commercial Building Design is being proposed and should be met along Bernice, S Hartford is a public ROW, although it is substandard, commercial building design should be addressed where feasible along this ROW as well. This is in the alignment of the Multi-Use Trail (Russell Byway) so a Multi-Use trail along the frontage will be required, or acceptance on the In Lieu of Fee. City Planner Jondahl did note that if the Board of Adjustment granted a variance for the In Lieu of Fee that it would not affect the Planning Commission's approval. She stated that no actual parking spaces proposed, at the Planning Commission's discretion, sufficient hard surface to accommodate any parking for facility use. City Planner Jondahl then showed the Commission photographs of the proposed building facade.

Staff recommends approval of the Large Scale Development to allow construction of a Mini Storage Facility consisting of 10 buildings totaling 56,000 sqft with the following conditions:

1. Align the entrance with the driveway to Denali Water Solutions; and
2. Provide Private Drainage Easement for off site Detention; and
3. Apply for and complete an Incidental Subdivision.

As a result of the findings below:

1. The applicant demonstrates compliance with the regulations within Article 2.10 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 asked if the detention pond was similar to the one the applicant had done on Main street. The applicant confirmed.

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

The Seventh Order of Business is a Vacation of a portion of E 4th Street Right-of-Way between lots 7 - 12 of Block 25 and Lot 2 of Block 38 of the Poynter Addition. Submitted by Barrett & Associates on behalf of Jose Aguilar. (VAC-0921-000128)

City Planner Jondahl stated this application was being brought to the Planning Commission to vacate East 4th Street Right-of-Way (ROW) between S Pittsburg Ave and S Quincy Ave of the Poynter Addition to the City of Russellville. She stated that there was only a small section of Right-of-Way and it was unopened. City Planner Jondahl stated that the only impact of the proposed vacation was that it reduced the potential burden on the City to maintain Right-of-Ways.

Staff recommends forwarding this application to City Council for Approval to vacate East 4th Street ROW between S Pittsburg Ave and S Quincy Ave of the Poynter Addition to the City of Russellville 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 ROW.

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

The Eighth Order of Business is a Vacation of an alley in Block 11 along lots 6-9 of the Harris Agricultural School Addition. Submitted by Barrett & Associates on behalf of Joyce Davis. (VAC-0921-000130)

City Planner Jondahl stated that this application is being brought to the Planning Commission to vacate the alley between 229 East J and 223 East J Street in the Harris Agricultural School Addition to the City of Russellville, located one block from Veterans Park. She stated that there were a couple of other alleys surrounding that had previously been vacated and there was no reason to keep this one open. City Planner Jondahl said there was no impact to the City if it was vacated, it would just return maintenance responsibility from the City back to the property owner.

Staff recommends forwarding this application to City Council for Approval to vacate the alley between

229 East J and 223 East J Street in the Harris Agricultural School Addition to the City of Russellville 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 ROW.

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

The Ninth Order of Business is a Vacation of a reduce the Right-of-Way width of S Greenwich located in between East 5th Street and East 6th Street. Submitted by Barrett & Associates on

behalf of 5th & Greenwich Church. (VAC-0921-000134)

City Planner Jondahl stated that the Planning Commission had already heard the application several years ago and it went to City Council for a public hearing and died somewhere along the way. She stated that this application is being brought to the Planning Commission to vacate fifteen (15) of existing ROW on either side of S Greenwich Avenue between East 5th St and East 6th St. City Planner Jondahl did state that there was a change to the staff report that had been brought to her attention, that there was a sewer line just south of the church's parking lot and activities center that headed to the east from south Greenwich. As a result City Corp requested to maintain a 15' easement for the existing sewer line.

Staff recommends forwarding this application to City Council for Approval to vacate fifteen (15) of existing ROW on either side of S Greenwich Avenue between East 5th St and East 6th St with the following condition:

1. Retain a 15' easement for the sewer line.

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 ROW.

David Garza with Barrett and Associates stated that when this application was brought forward it was around the time one of the previous City Clerks had retired and a new person took that position. He stated that it went through the Planning Commission but then it never went through to the City Council, the City Clerk at the time did not realize it was supposed to go to the next month. Mr. Garza stated they finally got the item on the City Council agenda and then they realized they had to have a public hearing.

Chairman Miller asked when this all occurred. Mr. Garza stated that it was in 2017.

Mr. Garza stated that he called and spoke with the Mayor that was in office at that time and they stated that it would be taken care of. Mr. Garza stated that they all thought it had been taken care of, so much so that it was on the City's GIS maps as vacated. He stated that now the West Side Church is going to buy that church for a Spanish Mission and that Shiloh Church had moved into a new building on Shiloh Road so they were asking for a copy of the plat and no one could find the Ordinance vacating the Right-of-Way.

Chairman Miller asked Mr. Garza if he had found any action where the Planning Commission had voted. Mr. Garza stated that they had found where the Planning Commission had voted on it but they could not find the Ordinance vacating it. City Planner Jondahl stated that in 2017 the applicant did have the 15' easement delineated on their plans. Mr. Garza stated that he did not think they were requesting to vacate in the area where the easement was. Mr. Garza confirmed the request was to accommodate for the existing parking.

Commissioner Smith made the motion to approve the item with conditions as presented by staff. The motion was seconded by Commissioner Choate and passed unanimously.

The Tenth Order of Business is a Rezoning a property from R-2 to R-3, located in the 2600 block of West 12th Street. Submitted by Barrett & Associates on behalf of Victoria Baldwin. (ZONE-0921-000127)

City Planner Jondahl stated that this application was to update the City of Russellville Zoning Map for property located in the 2600 block of West 12th Street from the existing R2 Medium Density Residential to R3 Medium High Density Residential. She stated that if the Commissioners had driven by this property they would notice that there are apartments on either side of this property and that this property really should already be an R-3 zone. City Planner Jondahl echoed the applicant saying that effectively this was already an R-3 zone however it was all currently zoned R-2 and if the applicant wanted to build a duplex development they were proposing, the Rezoning process was needed. City Planner Jondahl stated that when reviewing a Rezoning one must consider the future and current land uses, the Comprehensive Plan, and value or income potential of the property. She stated that this was a residential part of town where everything to the north was essentially R-1 and everything to the south was R-2 but should have been R-3. She stated you could say that it alignment with the Comprehensive Plan because they tried to allow for residential flexibility within the Comprehensive Plan. City Planner Jondahl said that for whatever reason this area was identified as single family within the Comprehensive Plan however, functionally on either side it would be suburban multi-family and she would be comfortable stating that it was suburban multi-family. City Planner Jondahl said that when it came to the value or income potential of the property, changing the zone from R-2 to R-3 may increase the income potential of the property, however, seems to be in line with other uses within this corridor.

Staff recommends that the commission forward this application to the City Council for approval of the request to rezone the property from R2 Medium Density Residential zoning designation to R3 Medium High Density Residential 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 since it is existing.

Commissioner Black asked if this was the only property that was currently R-2 and it was currently surrounded by multi-family on both sides. City Planner Jondahl clarified that both sides were actually zoned R-2, so if they were looking at the existing zoning and not the uses, it would be R-2 on either side and R-1 to the north and would be considered spot zoning. However, she stated that the Commissioners were all familiar with the apartment units that had recently gone for Rezoning requests because they had to make changes that required building permits or they needed to be in conformance with codes. She stated that in this case most likely the surrounding properties would have to come in for Rezoning at some point to change from R-2 to R-3 and come into compliance with the Zoning Code. Commissioner Black asked if the surrounding properties were something that the Commission and staff needed to look at Rezoning sooner rather than later so they did not have to keep doing single properties at a time. City Planner Jondahl stated that they could potentially do that.

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

Meeting adjourned.

Chairman Wendell Miller