

**PLANNING COMMISSION
MINUTES
March 4, 2021 @ 5:30 p.m.**

The Planning Commission held a meeting on Thursday March 4, 2021 at 5:30 p.m. in City Hall Council Chambers.

Commissioners Present

Chairman Wendell Miller
Cheryl Monfee
John Choate
Larry Smith
Cody Black
Justin Keller

Commissioners Absent

Vice-Chairman Jacimore
Secretary Justin Cothren
Shirley Hatley
Luke Duffield

Visitors Present: City Attorney Trey Smith, City Planner Sara Jondahl, Planner I Victoria Marchant, Flood Manager Ben Gray, City Engineering Tech Armando Diaz, City Engineer Glenn Newman, Jim Lynch of City Corporation, Jeff Kimbrough, Randy Hendrix, Tina Estep, and Roy Chisum.

Welcome Visitors

The First Order of Business is a request to review and approve the minutes of Planning Commission Meeting February 4, 2021.

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

The Second Order of Business is a Vacation of a portion of Right-of-Way between lots 4-6 and lots 7-9, block 4, of the Madison White Addition. Submitted by Joseph Davis. (VAC-0221-000053)

City Planner Jondahl said this a vacation of Right-of-Way for an unopened 12 foot wide Right-of-Way between South Tulsa and South Seattle between lots 4 through 6 and 7 through 9 of Block 4 of the Madison White Addition to the City of Russellville.

This is undeveloped Right-of-Way. Entergy has a pole at the corner of the easement but it does not run the full length of the Right-of-Way. However, Entergy does wish to retain the Right-of-

Way as an easement so that they have access to maintain and/or repair their utility. There are no land use impacts by allowing this vacation to occur and there is negligible public benefit.

Staff recommends forwarding this application to City Council for approval to vacate the eastern 120 feet of unopened 12 foot wide Right-of-Way between South Tulsa and South Seattle between Lots 4 through 6 and 7 through 9 of Block 4 of the Madison White Addition with the following condition:

1. Retain a public utility easement over the existing unopened alley to retain access to the facilities located to the west of the area to be vacated.

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, just to retain the ROW as an easement; and
3. No current installations within the easement prohibiting the vacation of the ROW.

Commissioner Smith asked if this was just a subdivision Right-of-Way closure not a street or alley closure. City Planner Jondahl confirmed this is just an older subdivision that was platted years ago and the alley was never opened. She stated property owners on either side would like the opportunity to own and maintain that area. Commissioner Smith asked again if this was an alley. City Planner Jondahl confirmed it was.

Commissioner Black made the motion to approve the item as submitted. The motion was seconded by Commissioner Monfee and passed unanimously.

The Third Order of Business is a Memorandum of Understanding to allow a trash enclosure in the Right-of-Way at 915 E Main Street. Submitted by Flynn Restaurant Group on behalf of Realty Income Properties 27 LLC. (SPUP-0221-000049)

City Planner Jondahl explained a Memorandum of Understanding is granting a property owner an allowance to use a portion of the public Right-of-Way. This application is to allow the existing trash enclosure to remain in the Right-of-Way. It is allowing the City to go into an agreement so that if we ever improve that Right-of-Way or go through and make improvements to make a full street in that section the trash enclosure will have to be removed. This section—on B Street—has been determined that most likely in the next 10-15 years they do not intend to make this section a complete street (which would include sidewalks, potentially street trees, bike lanes, along the street). This creates an understanding between the City and the property owner in the event the City ever does any improvements.

It is staff's recommendation that we forward the Memorandum of Understanding to the City Council for approval with the 8 conditions listed below:

1. A license is assignable only for the allowance of the trash enclosure within the Right-of-Way; and
2. The licensee shall not gain an interest in the land by granting of this license; and
3. Future improvements to the Right-of-Way that include sidewalks 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. The trash enclosure has been located within the ROW since Arby's was constructed in 1989; and
2. There are no plans to upgrade B Street along this corridor.

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

The Fourth Order of Business is Rezoning a property from R-2 to C-2, located at 4320 E Main Street. Submitted by Tina Estep on behalf of Roy Chisum. (ZONE-0221-000052)

City Planner Jondahl said this is an area along East Main Street towards the industrial park. The property is zoned R-2 despite being in between many properties that are zoned C-2 and it is adjacent to a property that is zoned M-1—which is industrial. In staff's opinion this property should be zoned C-2 which is in correspondence with the other properties in the area.

Staff recommends forwarding the request to rezone the property from R2 Medium Density Residential zoning to C2 Highway Commercial for approval by City Council as a result of the findings below:

1. The proposal aligns with the current ReImagine Russellville 2040 Comprehensive Plan; and
2. Is in line with existing uses within the surrounding area on East Main Street.

Chairman Miller asked if this property was on the right before you get to Old Cove Road on the left. City Planner Jondahl confirmed it is.

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

The Fifth Order of Business is a Special Use Permit to allow installation of a 48' Internet Radio Tower in a C-4, located at 1009 E Parkway. Submitted by Randy Hendrix on behalf of Randy Mitchener. (SPUP-0221-000054)

City Planner Jondahl noted that the application was revised from a 75' tower to a 48' tower to allow operation of an internet radio station. It is located at 1009 E Parkway at the corner of E Parkway Drive and N Knoxville Avenue. City Planner Jondahl mentioned that the 48' tower had already been installed and that people may or may not have noticed it because it does blend in reasonably with the surroundings. Since this is a Special Use Permit special considerations must be given due to the unique characteristics to ensure that there reasonable conditions and

protective restrictions that are deemed necessary. The façade of the existing structure is in visual harmony with the commercial corridor. The size and bulk of the proposed building is comparable to other buildings within the immediate area, however, the tower is not something that is comparable. To offset the potential public safety issues and the visual impact that a tower may propose the following will be required: a. A five (5) or six (6) foot wooden privacy fence shall be required along the west and north property lines; and b. Guide wires will be required to ensure that no part of the tower could fall on adjacent properties; OR c. Show sufficient engineering of the tower that ensures the tower is collapsible and would not impact adjacent properties. There is no requirement for any sidewalks as the improvements to the property do not meet the 50-percent threshold for valuation. However, parking will be required for the property. The applicant has proposed to include a parking lot at the rear of the property, which will include one ADA van accessible space. Staff is putting the condition that the current driveway (on E Parkway Avenue) be closed to ensure the safety within the transportation system.

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

1. Provide Guide Wires to ensure that no part of the tower could fall on adjacent properties or show sufficient engineering of the tower that ensures the tower is collapsible and would not impact adjacent properties; and
2. Provide a five (5) or six (6) foot wooden privacy fence along the west and north property lines; and
3. Remove the driveway located along Parkway Drive and construct the proposed parking lot; and
4. The tower cannot be increased beyond forty-eight (48) feet without application and approval of a revised Special Use Permit; and
5. If a sign is proposed, a sign permit will be required.

As a result of the findings below:

1. This is a proposal for a new use permitted by special permit located on a previously developed property.
2. Public safety requirements of the proposed structure; and
3. Current traffic routes are constructed in such a way to handle the traffic from the business; and
4. Public facilities already service this location.

Chairman Miller asked the applicant (Mr. Hendrix) if he had anything to add to the staff report. Mr. Hendrix said he did not.

Planner I Marchant read a comment into the record from Mr. Mike Wade. This message is from Mike Wade. And, I am the property owner of the rental properties to the north of the property in question, and also to the west of the property in question. So, I would own properties bordering all sides of this property, except the sides where streets border. I have read your Staff Report concerning 1009 East Parkway and do not see anything that would affect me in an adverse manner. However, I would very much ask that the fence be added, both to the north and to the west boundary of 1009 East Parkway, for the privacy purposes of my renters. Thank you very much, Mike Wade. Chairman Miller asked City Planner Jondahl if he recalled correctly that the fence was one of the conditions of the request. City Planner Jondahl confirmed that it was.

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

Appointment of Board of Adjustment Member

Commissioner Monfee made the motion to appoint Paul Gray to the Board of Adjustment. The motion was seconded by Commissioner Smith and passed unanimously.

There was a discussion on the extension of the mask mandate and allowance of virtual meetings issued by the Governor. This extension lasted through March 31, 2021.

Meeting adjourned.

Chairman Wendell Miller