

Russellville Planning Commission Minutes
April 22, 2019 @ 5:30 p.m.

The Russellville Planning Commission held its regular meeting on Monday, April 22, 2019 at 5:30 p.m. in the Russellville City Hall Council Chambers.

Members Present

Chairman Wendell Miller
Vice-Chairman Frank Russenberger
Secretary Nathan Barber
Luke Duffield
Karen Yarbrough
Don Jacimore
Jim Lanier
Justin Cothren
Council Liaison Eric Westcott

Members Absent

Shirley Hatley

Also present: Mayor Richard Harris, Planner Kevin M. Gambrill/Garver, City Attorney Trey Smith, Public Works Director Kenneth Duvall, City Engineer Glen Newman, Jim Lynch/City Corp, Building Official Brian Holstein, Floodplain Manager Ben Gray, Planning Assistant Lequitta Jones, Dave Garza of Barrett & Associates, Sharon Tucker, Rachel Campbell, Melissa Meuret, Troy Meuret, Robert Edwards, Josh McConnell, Mike Miller, Susan Miller, Attorney John Peel, Adam Harrison, Andrew Hicks, Jim Rankin, Joanna Rankin, Fred Tanner, Kevin Watson, Michelle Watson, and Courtnie Pledger.

Welcome Visitors

Welcomed Commissioner Justin Cothren to the Planning Commission.

The First Order of Business (Agenda Item #2) was a request to review and approve the minutes of the March 25, 2019 regular meeting.

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

The Second Order of Business (Agenda Item #1) was a request to review and approve the minutes of the March 5, 2019 Special Called meeting.

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

The Third Order of Business was tabled from the March 25, 2019 meeting: A public hearing requesting review and approval for a special use permit for an adaptive reuse of the existing K-Mart building. A proposal of uses consist of self-storage, U-Haul truck and trailer share, and related retail sales. Submitted by U-haul/Amerco Real Estate Company. (SP.18.11.160)

Planner Gambrill said U-haul is wanting to supplement that site with internal showrooms, shunting area, and outside display. The remaining square footage would be used for internal units for self-storage. The staff recommends approval with conditions:

- 1) Some parking is shown on the plan, but we don't have is the number of individual storage units. The reason for bringing this up is you have ADA Accessible guidance and for self-storage facilities the thresholds for how many ADA Accessible spaces you provide is determined by the number of self-storage units. This should be addressed prior to permits.
- 2) Signage is not on the plan and should be addressed prior to permits.

Commissioner Duffield made the motion to recommend approval with conditions of the ADA and signage being met. The motion was seconded by Commissioner Yarbrough and passed unanimously.

The Fourth Order of Business was a request to close a part of South Independence Avenue right-of-way beginning at the NE corner of Lot 10, Block 20, A.E. Luker Addition to the City of Russellville, Arkansas; thence N 87°51'13" W, along the north line of said Lot 10, 37.30ft to the SE corner of Lot 12, Block 44, Mary A. Russell Addition; then N 22°08'47' E, along the East line of said Lot 12, 31.17ft to a point on the closed right-of-way of South Independence Avenue by Ordinance No. 2003; thence along said closed R/W line the following: S 87°51'13" E, 26.78ft; S 02° 25'27"W, 29.29ft to the Point of Beginning. Submitted by Emily and Lester Newland. (ST.19.04.90)

Planner Gambrill said this request is to close the last remaining piece that was not vacated of the ROW. The staff recommended approval.

Commissioner Jacimore made the motion to close the ROW. The motion was seconded by Commissioner Duffield and passed unanimously.

The Fifth Order of Business was a public hearing requesting review and approval to allow the use of metal façade on Russellville Family Funeral located at 2757 East Parkway. Submitted by Susan Miller. (SP.19.04.163)

Planner Gambrill said this is a request for approval for a non-standard commercial building. There are a list of materials that are allowed in the C-2 zone, metal is omitted unless it is for trim and other non-façade type treatments. This was a result of material change in the field. There was material/hardie plank submitted to the staff and it is an approved material. The planner recommended approval.

Commissioner Duffield made the motion to approve the request. The motion was seconded by Commissioner Yarbrough and passed unanimously.

The Sixth Order of Business was a request to review and approve the Revised Preliminary Plat of Brookview Estates Phase V, which is eliminating Lot 10, located on South Seattle. Submitted by Kurt Jones of Jones & Associates on behalf of William Thornsberry. (SD.18.08.341: Revised April 22, 2019)

Planner Gambrill said this is a replat revision to an existing preliminary plat that was never finalized. They are requesting to remove Lot 10. They need to redo the numbers so you don't have a break in the lot series before it goes to recordation.

Commissioner Yarbrough made the motion to approve the plat. The motion was seconded by Commissioner Lanier and passed unanimously.

The Seventh Order of Business was a public hearing requesting review and approval for a special use permit to operate a medical marijuana dispensary in a C-2, for property located at 3506 South Arkansas Avenue. Submitted by Attorney John Peel on behalf of 420 Rx, Inc. (SP.19.04.166)

Planner Gambrill said this request for a Special Use Permit to approve a Medical Marijuana Dispensary in the C-2 District. The proposed use was enabled through City Ordinance 2279, needed in order for Medical Marijuana Dispensaries to stay in compliance with recently enacted State Legislation. Specifically, the State Legislation requires that local jurisdictions treat Medical Marijuana Dispensaries as if they were retail pharmacies.

The subject property has been granted a Medical Marijuana Dispensary License by the Arkansas Department of Health, and is currently listed amongst those other Dispensary Licensees through the State on the ADA Website.

The site plan submitted by the applicant should provide a detailed parking analysis, complete with calculations for parking required, and parking supplied. The Planning Commission should determine what constitutes adequate parking for this use. At Tech Review, it was discussed that the proposed use will have one clinician on-call, and approximately 12 employees. If the 2 space / 3 employee metric were applied here, parking supply would be approximately 9 for staff, 7 for customers and 2 for ADA. The site shows to have adequate parking.

Sharon Tucker said she was in favor of the dispensary and said it would help her daughter obtain cannabis oil which helps control her seizures. This facility will absolutely be a life-saving facility for our children. We have waited for stuff like this for too long. Ms. Tucker asked the dispensary be approved.

Attorney John Peel on behalf of 420RX Inc., Adam Harrison the owner and Jim Rankin. Mr. Peel said you all may know that the Arkansas Medical Marijuana Amendment was enacted in 2016 and passed statewide in Arkansas as well as Pope County by majority

vote. It is the law under the amendment that ABC and the State of Arkansas was given control to issue licensures. The state was divided up into 8 zones. We have 4 dispensaries per zone. One has been license by the State at 3506 South Arkansas Avenue. The Articles presented to the State so ABC could determine whether the licensure was appropriate. It includes the security plan, the parking, traffic, lighting, everything related to it. We have a proposal from Heigel Architect for 45 spaces. We will do whatever is required.

Commissioner Yarbrough asked what the hours will be. Attorney Peel said there is not a licensure regulation for hours of operation. It will not be opened on Sunday.

Commissioner Lanier asked City Attorney Trey Smith what liability the City would have in conjunction with this dispensary? Mr. Smith said I don't think there is any. This is a zoning or special use permit whether you believe it's appropriate in the surrounding areas, in my opinion there is no liability.

Attorney Peel said the dispensary will require a prescription from a M.D. for a list of approved conditions, then there is a pharmacist that is associated with it to insure proper dissemination. Attorney Peel said the security of the building is required by the State and is part of the licensure.

Mr. Jim Rankins said the customers will be buzzed into a controlled entrance then come into a foyer, where they will show their Arkansas Marijuana Medical Card that will allow them into the premises. Then they go into another foyer or waiting area before they get to where the product is sold. It will be the most secure building in Russellville. I counted 72 security cameras that are required on the inside and outside of the building. It will be recording at all times and kept as required by the State.

Commissioner Russenberger asked what the law requires growing on site. The dispensary will be allowed by the State to have 50 mature marijuana plants on site at one time. Once the plants gets to six inches tall it is given an identification number. Mr. Rankins said the ABC will enforce all these rules. There are a lot of people out there that this will help.

Adam Harrison, owner of the dispensary, said the company that does the surveillance is Genesis Datacom.

Kurt Jones of Kurt Jones Engineering said the parking requirements will be met. There will be adequate parking for staff, customers, and ADA accessible.

Commissioner Duffield made the motion to approve the request subject to meeting the parking requirements. The motion was seconded by Commissioner Russenberger and passed unanimously.

The Eighth Order of Business was a public hearing requesting review and approval for a special use permit to operate an automobile maintenance and mechanical repair in a C-

2, for property located at 1415 East Main Street. Submitted by Judy Bailey or Robert Edwards. (SP.19.04.164)

Planner Gambrell said this is a request for approval for a Special Use Permit to approve an automotive maintenance mechanical repair shop in a C-2. The parcel in question is on the north side of Main Street. The existing buildings are in bad shape, two are in disrepair and one is in some need of repair. So the applicant is proposing to build a Pennzoil Automobile Repair Shop. It will have three fast lube lanes, ingress and egress on the west side of the parcel coming in off Main Street with a circular pattern. The back of the building will be used more for storage and materials. It will be used for more of an oil change, lube, and filter type of establishment. You would have one way in and all the vehicles basically facing a southerly direction as they exit out onto Main Street. The use is permitted, but you have to have a Special Use Permit in order to do so. The Staff is recommending conditional approval. We are wanting to make sure that they have all their parking articulated, which will be handled at the permitting stage.

Commissioner Jacimore asked if these are going to be new structures or remodels. Planner Gambrell said they will be new. They are going to rehabilitate the back masonry building.

Mr. Robert Edwards said the buildings on the front will be demolished and the large building will be refurbished and cleaned up.

Commissioner Russenberger asked Mr. Edwards if he had been in touch with the highway department to see if this driveway layout matches what they will allow? Mr. Edwards said he had and since the existing curb cuts are going to be used there is no problem with them.

Dave Garza of Barrett & Associates said he had been working with the real estate agent and both of the property owners. Jamie Sorrels has agreed to grant a sewer easement. He already has sewer on the property, but it's not to his advantage, but he has agreed to do that. The next property that joins this property has sewer. The easement has been granted and sent to the real estate agent for signature. Public water is right in front of the buildings right behind the sidewalk.

Jim Lynch of City Corp said there are a few issues there that I need to discuss with them because there are some things that will not be able to be done today, but we are going to have to deal with in the future. It's not something that can't be worked out with this development.

Commissioner Lanier made the motion to approve the request as submitted. The motion was seconded by Commissioner Duffield and passed unanimously.

The Ninth Order of Business was a public hearing requesting review and approval for a special use permit to operate a jet ski and boat repair in a C-2, for property located at 305 North Arkansas Avenue. Submitted by Troy Meuret. (SP.19.04.165)

Planner Gambrill said the subject property is not owned by Mr. Meuret. There is an existing building on the property. The proposed use would be a continuation of commercial retail. The request is to improve the interior commercial building to house jet ski and boat repair. They also intend to utilize some of the outside area staging for vessels. Staff must verify via SI/SD letter, if improvements will exceed 50% of appraised value of existing structure. If so, no permits may be issued until current NFIP requirement for structural improvements in the SFHA/AE Zone are met. The Army Corps of Engineers and City are currently in an executed agreement which is about two years old at this point to acquire this property. This area is in a flood zone and a portion of the building is grazed by the floodway. This use could eventually cease and desist just by property acquisition through the Army Corps of Engineers and City anyway. The applicant does not own the property they are leasing the space and they just want to have a place for their business use. They need to anchor anything that is outside. The *Recommendation of Approval* is conditioned upon verification of the items in the Tech Review Comments.

Mr. Meuret answered Commissioner Barber question that the parking will not be a problem because this is going to be by appointment only. There is going to be three jet ski in front for display and 3 in the back for display and will be operable. Everything will be brought in at night. All repairs will be done inside. We are aware this use may go away.

Commissioner Duffield made the motion to approve the request as submitted. The motion was seconded by Commissioner Yarbrough and passed unanimously.

The Tenth Order of Business was a request to nominate an at-large member by the Planning Commission to serve on the Board of Adjustment to fill the vacancy of Lannis Nicholson. The nomination will need confirmation by the City Council.

Commissioner Yarbrough made the motion to table. The motion was seconded by Commissioner Duffield and passed unanimously.

The Eleventh Order of Business was a request to appoint a member of the Planning Commission to serve on the Board of Adjustment to fill the vacancy left by Steve Hubbard. Confirmation by the City Council is required for this appointment.

Commissioner Yarbrough made the motion to appoint Justin Cothren to fill the vacancy. The motion was seconded by Commissioner Jacimore and passed unanimously.

Meeting adjourned.

Chairman Wendell Miller

