

**PLANNING COMMISSION
MINUTES
July 11, 2022 @ 5:30 p.m.**

The Planning Commission held a meeting on Thursday July 11, 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
John Choate
Cody Black
Luke Duffield
Shirley Hatley
Eric Westcott, City Council Liaison

Commissioners Absent

Cheryl Monfee

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 Mark Tripp, David Garza with Barrett & Associates, William Callahan, Jim Knight, Tony Moore, Chuck Garrett, Mark Watowich, Jennifer McGill, Dann Valle, Wes Schaefer, Fred Teague, Sarah Maurer, and Blythe Lippincott.

Welcome Visitors

The First Order of Business is a request to review and approve the minutes of the Planning Commission Meeting June 2, 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 Vacation of a portion of a 10' utility/drainage easement on the rear or north side of lot 23, 24, 25, and along the northeast property line of lot 26 of The Center Phase III. Submitted by Sarah Maurer, Larry Walker, Steven Smith, and Stacey Crigger. (VAC-0522-000230)

City Planner Jondahl stated the application was to vacate the 10' rear yard utility easement. The existing conditions were that the property was zoned R-2--Medium Density Residential. The Center Phase III Subdivision was approved in 2008 and construction of the homes were still in progress. City Planner Jondahl stated that the easement should have been removed at the Final

Plat stage when utilities had been switched to within the public right-of-way. She stated there were no utilities located within the easement and that this easement was adjacent to Sequoyah Park and Sequoyah Elementary School. City Planner Jondahl stated that there were three items to consider when doing a vacation of right-of-way. The first being is there an impact to public trust functions. She stated that no, the proposal is a request to vacate an unused portion of a rear line utility easement. The existing drainage easement between lots 24 and 25 would remain. The second item to consider were land use impacts. City Planner Jondahl stated that there were no land use impacts except that property owners would now have the right to place accessory structures within this portion of their property, however, in no case could the accessory building be closer than 5' to their property line. The final consideration was public benefit. City Planner Jondahl stated there was a reduction in City responsibility, transferring potential maintenance to the property owner allowing public resources to be allocated to projects for the community.

Staff recommended to approve the application as a result of the findings:

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 Utility Companies; and
3. No current installations within the easement; and
4. The drainage easement between lots 24 and 25 is unaffected.

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

The Third Order of Business is a Special Use Permit to allow a Tire Shop and Auto Repair Garage in a C-2 zone, located at 1607 S Knoxville Avenue. Submitted by Cesar Elias on behalf of Brock Yarbrough. (SPUP-0622-000236)

City Planner Jondahl stated this is a Special Use Permit to allow the Tire and Auto Repair business located at 1607 S Knoxville Avenue. She stated that Orr Auto used to be located at this property. She stated the existing conditions were that the property was zoned C-2 Highway Commercial and it was located within the Cyclone Neighborhood District. She stated that it had previously been used as an auto sales center. City Planner Jondahl said that the property was located along a transitional corridor just north of the Russellville High School Complex. She said it was surrounded by a variety of uses from vacant properties to construction trades sales, recreation uses (Hickey Park), and a few residential homes. In her review comments, City Planner Jondahl stated that the proposed use being a tire and auto repair shop is in line with uses in the district. She stated that special uses require oversight due to unusual or unique characteristics. She stated that buildings should maintain good civic design and arrangement within the corridor. City Planner Jondahl stated that the building was in visual harmony with the buildings within the vicinity and did meet the Commercial Building Design Requirements. She said there were not discernable benefits by requiring alterations, the size and bulk of the building was comparable to other buildings, and the proposal meets the spirit and intent of the zoning code. City Planner Jondahl stated that sidewalks would be required if future improvements increased the value of the property by greater than 50%. She stated that parking and ADA

requirements would need to be met for approval of the business license. She stated those requirements appeared to be met.

Staff recommended to approve the application with the following conditions:

1. Restripe to confirm parking requirements are met; and
2. Confirm or Provide ADA Van Accessible Parking spaces per Federal Regulations; and
3. Confirm or Provide ADA access to the front entrance of the building.

As a result of the findings below:

1. The applicant demonstrates compliance with the regulations within Article 2.10, Article III, and Article VI 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 Smith made a motion to approve the application as presented. The motion was seconded by Commissioner Jacimore and passed unanimously.

The Fourth Order of Business is a Special Use Permit to allow a Mini-Storage in a C-2 zone, located at 2610 East 16th Street. Submitted by Barrett & Associates on behalf of Scott Sanders. (SPUP-0622-000237)

City Planner Jondahl stated that this was an application for a special use permit located at 2610 E 16th Street. She stated that the current site had two mini storages adjacent to the site of a carwash which is proposed to be demolished for the construction of two additional storage buildings. City Planner Jondahl explained that the existing conditions were that this site and the existing mini storage site were zoned C-2--Highway Commercial and were located within the Cyclone Neighborhood District. She stated that there was a mixture of zoning in the surrounding area including Industrial, C-4 and R-1. She stated that the existing mini storages to the west were owned by the applicant and that no previous special use permits had been obtained. In her review comments, City Planner Jondahl stated that the proposal was for a mini storage facility in line with uses within the Highway Commercial Zone. The proposal was to enclose the entire business within a fence, by doing so a replat to combine the property into one would be required. When constructing the fence, the fence could not be located any closer than 10' to the back of the curb and could not be located within the vision clearance triangle. She stated that the two existing driveways on 16th street to the carwash would need to be closed and replaced with an 8' sidewalk along 16th and a 5' sidewalk along S Dayton. City Planner Jondahl stated that Commercial Building Design would be addressed in the next application to deviate from the regulations.

Staff recommended to approve the application with the following conditions:

1. Submit and obtain a replat for the property; and
2. Close both driveways along East 16th; and
3. Ensure that the fence is no closer than 10 feet to the back of curb; and

4. Ensure that the fence is not located within the Vision Clearance Triangle.

As a result of the findings below:

1. The applicant demonstrates compliance with the regulations within Article 2.10, Article III, and Article IV 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.

David Garza with Barrett & Associates stated that he was concerned about the visibility at intersections requirement regarding vision clearance in Article 3.7. He stated that they were planning to set the fence back and that the ordinance was referring to residential fences. Mr. Garza stated that when you looked at the drawing detail it showed that the fence would have to be 25' off of each property line and that would cut the building. He asked the Commission that they take out the requirement or restate that they would agree to provide staff with a satisfactory method of ensuring vision clearance.

City Planner Jondahl stated that she was just using the diagram in her presentation to illustrate what the vision clearance triangle was. She said she did recognize the specific example she gave was residential but the vision clearance that staff used was actually off of engineering guidelines and was measured for the street speeds. She said the intent was not necessarily to follow that exact diagram but the intent was to ensure the vision clearance was designed for the speeds on those streets. City Planner Jondahl stated that she believed the language could remain the same because staff would be using the engineering guidelines not the diagram.

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

The Fifth Order of Business is a Commercial Building Design Waiver located at 2610 East 16th Street. Submitted by Barrett & Associates on behalf of Scott Sanders. (SPUP-0622-000238)

City Planner Jondahl stated that this was a Commercial Building Design Waiver for S&S Mini Storage located at 2610 E 16th Street. She stated that the existing conditions were the same as the previous agenda item except she did want to point out that the existing structures were metal. In her review comments, City Planner Jondahl stated that this waiver request was to construct two new mini storage structures with material not currently allowed. To approve this request the applicant should demonstrate good civic design, assurance of desired aesthetic environment, and be able to answer four questions. The first was is the building designed in visual harmony with buildings in the vicinity? She stated that it was. The second question was, is the size and bulk of the proposed building smaller or comparable to other buildings in the area? She stated that it was. The third question was does the proposed use meet the spirit and intent of this section of the zoning code? She said that it did. The fourth and final question was is there a public benefit gained by allowing an alternative design? City Planner Jondahl said there was not. She stated that as properties redevelop they come into compliance with the regulations in effect at the time

of development. The applicant also owned the adjacent storage buildings which resulted in this application. City Planner Jondahl said that when redevelopment occurs it becomes an opportunity to realize the vision in place at the time the code was adopted. It was staffs opinion that mini storage buildings will be an improvement to offset the commercial/industrial nature to the north, however, visually it would have been beneficial to require designs in compliance with Commercial Building Design.

Staff recommended denial of this application as a result of the findings below:

1. The proposal is to redevelop the site by demolishing an existing compliant building to build two new structures; and
2. There is a public benefit gained by requiring compliance with the current regulations.

Commissioner Smith clarified that the applicant was requesting to tear down the existing car wash and put up identical buildings on the lot. City Planner Jondahl confirmed his understanding was correct.

David Garza with Barrett & Associates stated that they were asking for a waiver from the Planning Commission to keep the new buildings in harmony with the existing buildings. He stated that the buildings would be behind a black coated chain link security fence. Mr. Garza stated the commercial building design standards were for more commercial areas that you wanted to look good such as Main Street and Arkansas Avenue where there were a lot of businesses and a lot of traffic. He stated that the area of the application was more industrial and construction in nature and had only about three service oriented businesses. He stated that they did not feel their small area warranted having to meet commercial building design. Mr. Garza stated that the front facade facing 16th street would be seen the most and it would essentially be all garage doors which did not have to meet the commercial building design standards. He said it seemed like it would be a waste of material and time to make the buildings meet commercial building design.

Commissioner Duffield asked about an addition that was approved a few meetings ago on the Kirby Specialties building across the street from this site. He asked if they were required to do anything different to the facade on that application. City Planner Jondahl stated that the structure at Kirby was just a roof with poles similar to a carport where there was no siding that would have to meet the design standards.

Commissioner Black asked City Planner Jondahl if her concern about the design materials was in relation to the corrugated metal. City Planner Jondahl stated that the existing metal structures were a corrugated metal and staff did feel that the applicant could still obtain the look of the existing structures by matching the color with another material such as brick. She reiterated Mr. Garza's point stating that the garage doors were permitted. She stated that with the doors a large portion of the structures would be metal with the doors but the portions that were not doors had the opportunity to bring things into compliance with the commercial building design standards where feasible and practical. City Planner Jondahl stated that she knew that it was an industrial

area on 16th but that there were residential structures to the south and this was an opportunity to improve the neighborhood.

Commissioner Choate asked if the new structures would be the same in design and bulk as to what is existing. David Garza with Barrett & Associates stated that they were and that the applicant wanted to duplicate what was existing so that the buildings all looked the same. He stated right now the site was not secure and that was why they were proposing the black chain link fence. Mr. Garza stated that he understood what the Code was for and he agreed with what it was for, he just did not see it at this location given the nature of the surrounding area.

Commissioner Duffield made the motion to approve the request to allow the applicant to match the existing units. The motion was seconded by Commissioner Choate and passed unanimously.

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

City Planner Jondahl stated that the City of Russellville is in the process of updating the Zoning Code. 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 stated that the project was nearing the end. She pointed out the preference survey and encouraged people to take it. City Planner Jondahl stated that there was an increase in response on the visual preference survey from 59 responses to 126 responses. She stated that the survey had been translated into Spanish and there were 11 responses on that version of 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 was still working on short term rentals, and food truck regulations. She stated that staff was also reviewing the El Paso Zones. She stated that this is a complete Zoning Code Update so staff was reviewing and merging the entirety of the code. City Planner Jondahl said the final public input meeting would be in August and the plan was to present the final draft of the Zoning Code at that meeting. She stated that the first hearing of the Russellville Zoning Code would be at the September meeting of the Planning Commission.

The Seventh 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 some of the owners on the application had closed on their properties and they were no longer party to this application. She stated she got that information the day prior to the meeting. This application was for a Large Scale Development for Legends Resort and Casino located at 330 Hob Nob Road. She stated that this was their revised plan and that they did remove the water park from their application. City Planner Jondahl stated that in conversation with the City and the Legends Casino, the Economic Development agreement was

not party with the City of Russellville, it was with Pope County. She stated that they fully intended to still build a water park but it was not included with this application. City Planner Jondahl stated that the existing conditions were that the property was zoned C-5--Highway Commercial Casino District to the north of Hob Nob Rd and R-1--Single Family Residential to the south of Hob Nob Rd. She stated that it was located within the Weir Road Development District and that the majority of the property was undeveloped and mostly agricultural. City Planner Jondahl said the property on Hob Nob and southeast of the development was partially developed including the location of the State Police Driver Testing Facility located at the intersection of Alaskan Trail and Hob Nob Rd. She said that there were a few single family homes located north of the project and up Alaskan Trail Rd. The review comments were that the property was zoned C-5 by Ordinance 2343 establishing the rights granted to jurisdictions by the State of Arkansas to extend zoning to areas located within the Planning Boundary. Properties where zoning has been adopted are subject to both the Russellville Zoning Code and the Land Subdivision and Development Code. City Planner Jondahl said the proposal was for a 47,700 square foot casino, a 203 room hotel, an indoor and outdoor concert/event venue, multiple restaurants, and an RV Park. She said the site plan submitted with those items was what staff based their report on. City Planner Jondahl stated that the Planning Commission may only deny an application if the applicant does not demonstrate that they were in compliance with the requirements or in the event that the application conflicts with any of the provisions outlined in the LSDC. She stated that compliance requires adequacy of public facilities and services. She stated that the application included proposed improvements for the water, sewer, storm water, and transportation system that would be considered adequate. City Planner Jondahl said the applicant submitted a traffic impact study of off ramps at Weir Rd and Bradley Cove Rd and all intersections of Hob Nob Rd. She said the study indicated that the level of service fell below a classification of C for both off-ramps from I-40 on Weir Road and to the intersection of Weir Road and Hob Nob Rd. Improvements at all three locations would require both the City of Russellville and ARDOT to approve the proposed improvements. City Planner Jondahl said Storm Water Improvements were proposed including a regional detention facility sufficient for any future development within the Casino property. She stated that the water and sewer improvements were proposed in alignment with current regulations. City Planner Jondahl stated that landscaping and greenspace were required for large scale developments. She said a 15' buffer strip along the north property line, sight obscuring fence, and trees every 50' would be required. City Planner Jondahl said landscaping and/or berm along Hob Nob Rd adjacent to parking spaces to limit visual impact from headlights would be required. She stated that sidewalks and the multi-use trail were proposed along Hob Nob in compliance with the Russellville Connected Trail System and Article 3.21. She said the applicant was proposing more than sufficient parking for the development in compliance with Article 4. City Planner Jondahl stated that signage from the interstate shall direct motorists to the Weir Rd exit.

Staff recommended to approve the Large Scale Development to allow the construction of the Gaming Facility with the Hotel, Retail, Restaurants, and RV Park with the following conditions:

1. Prior to Building Permit issuance:
 - A. Submit and finalize a petitioner requested annexation; and

- B. No driveway access shall be granted to Alaskan Trail; and
 - C. Approval of the full street improvement will be required from the eastern most property line to the western most property line showing compliance with the complete street proposal including the sidewalk and trail; and
 - D. Improvements at both off-ramps and Hob Nob shall include all geometric improvements and a feasible solution as agreed upon by the City and ARDOT; and
 - E. All public improvements shall be bonded at 150%; and
 - F. Landscaping shall include a 15 foot buffer strip along north property line with sight obscuring fence, trees every 50 feet and shrubs/ living material comprising 60% of the buffer strip; and
 - G. Add landscaping and/or a berm along Hob Nob adjacent to parking spaces to limit visual impacts from headlights; and
 - H. Ensure all signage directs motorists to exit 83 on I-40; and
 - I. Prior to construction of the off-site detention rezone the property south of Hob Nob from R1 to C2 or C5; and
2. A Certificate of Occupancy will only be issued after the following items are completed:
- A. Completion of the Hotel / Gaming Facility permitted drawings;
 - B. A Finalized Final Plat application including dedication of ROW and any utility easements required; and
 - C. Improvements identified and approved by the City and ARDOT completed; and
 - D. Bond regarding improvements required but not permitted at this time by ARDOT at 150% of the cost for improvements identified in the TIS.
3. Upon Issuance of the Certificate of Occupancy:
- A. Submit a new TIS re-evaluating the off-ramps at both Highway 124 / Weir Road and Highway 331 / Bradley Cove Road confirming distribution assumptions within the original TIS under the following conditions unless otherwise directed by the City Engineer:
 - i. Collect Data 6 months after Certificate of Occupancy.
 - ii. Provide Updated TIS report within 2 months of data collection.
 - B. If improvements warranted by the new TIS within six (6) months of accepted post development TIS, submit construction plans for any intersection improvements identified by the re-evaluation TIS as being warranted for improvements.

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 of the Land Subdivision Development Code.

Chairperson Miller clarified that there would not be any access to any of the Legends property from Alaskan Trail. City Planner Jondahl confirmed that was correct.

David Garza with Barrett and Associates stated that they had surveyed all the property in this location for years and when they were approached by the landowners to do surveys for this proposal they already had all the boundary information. He stated that Legends already had someone engineering the site, but asked them to put together the large scale development since they already had all the boundary information. Mr. Garza stated that their team was just working

on the large scale development plan itself. He stated that the checklist was on the plan and what their team did on the drawing met everything on the checklist.

Chuck Garrett, CEO of Cherokee Nation Businesses, stated he wanted to address two things. He stated that earlier in the conversation there was reference to the Economic Development Agreement that they had entered into with Pope County. Mr. Garrett stated that he wanted to reiterate publicly their commitment and intention to honor that agreement and that they looked forward to winding up litigation that was pending that was the primary impediment to them moving forward. He said that he also wanted to reiterate their commitment to seeking voluntary annexation into the City of Russellville. Mr. Garrett stated that had been an issue that had been discussed for many months and years and he just wanted to publicly reiterate their intention to do that.

Commissioner Black asked City Planner Jondahl if the application had met all the requirements of the large scale development regulations in the Land Subdivision and Development Code. City Planner Jondahl confirmed that it had.

Commissioner Black made the motion to approve the application as presented by staff. The motion was seconded by Commissioner Hatley and passed by a vote of 7-0 with one abstaining.

Meeting adjourned.

Chairman Wendell Miller