



June 1, 2011

The Russellville Planning Commission will hold a Special Called Meeting June 1, 2011 at 5:00 p.m., in the Public Works Conference Room.

PLANNING COMMISSION AGENDA

SPECIAL CALLED MEETING

1. A request to approve amending the City of Russellville Zoning Code with regard to Article XIII: Table of Permitted Uses to permit uses of Funeral Home, Mortuary or Undertaking Establishment to be allow in C-2, C-3 and M-1.
2. Tabled from the May 23, 2011 Planning Commission Regular Meeting: A request to review and recommendation of approval to the City Council for a Special Use Permit to allow an outdoor flea market in a C-2 for property located at 2804 South Arkansas Avenue submitted by Raymond Limbrick. (SP.11.05.91)

Russellville Planning Commission Minutes
Special Called Meeting

June 1, 2011 @ 5:30 p.m.

The Russellville Planning Commission met in a special called meeting on Wednesday, June 1, 2011, at 5:00 p.m., in the Russellville City Council Chambers.

Members Present

Chairman Bill Sparks
Eric Westcott
Richard Perkins
Gaylon Smith
Secretary Aldona Standridge

Vice-Chairman Jimmy Davenport
Burke Larkin, Council Liaison
Jimmy Sims
Dennis Boyd

Members Absent

Nimesh Patel

Also present: City Planner Harris, Planning Asst. Jones, City Attorney Trey Smith, Tori Smith, Richard Setian, Raymond Limbrick, James Bowden, James Ford, Michael R. Williamson, James Broussard, Lindsey Virden, Burchie Lewis, and Chad Yeargan

WELCOME

The First Order of Business was a request to recommend Council approval to amend the City of Russellville Zoning Code with regard to Article XIII: Table of Permitted Uses to designate Funeral Home, Mortuary or Undertaking Establishment as Permitted Uses in C-2, C-3 and M-1 zoning districts.

Mr. James Broussard said his funeral home will offer more economical services than the larger, existing funeral homes. It will seat approximately 40. Large services will be handled at the gravesite or the church. There are approximately 30 paved parking spaces in the front area. There is also room at the rear of the site to add parking spaces behind the building if necessary.

Nearby resident Mrs. Tori Smith said the funeral home will be a commercial use and when they have a large funeral she was concerned how overflow parking would be handled. She asked if in such cases cars would park along the streets throughout the neighborhood and block driveways. The hours of operation also concerned Mrs. Smith.

Mr. James R. Ford said the property, which includes a WPA building dating to the 1930s, had been in commercial or light industrial use for 25 to 30 years. When the previous use - a beauty college - was proposed several years ago, the city required a paved parking lot. When the Business License application for the funeral home was

submitted, it was done so under the mistaken impression that the property was zoned C-2, which permits such a use. Mr. Ford stated it was his fault for thinking the zoning on the property was C-2, but that the Planning Department issued the permit for the funeral home without double-checking the zoning. When it was determined later the property was actually zoned M-1, the permit was revoked.

Mr. Harris stated that it did appear the permit had been issued in error, but that it was issued by the Permitting Office. The Planning Department was not consulted until after the permit had been issued, and then later revoked. Mr. Harris suggested the best option for the city might be to amend the zoning code to allow a funeral home in M-1 zones. He stressed that the decision on the proposed amendment should be based on its own merit, and not on the circumstances of Mr. Ford's building and Mr. Broussard's funeral home. Currently, M-1 zoning allows a broad array of uses that would likely be viewed as far less compatible with residential uses than a funeral home would be. Mr. Harris asked Commissioners – and Mrs. Smith - to look at the list of M-1 Permitted/SP Uses that he had placed on the dais. Some of those uses are fairly intense as to potential for traffic, noise, hours of operation and fumes.

A question was posed by a Commissioner to the Fire Marshall regarding any concerns he might have, including how many people would be allowed to occupy the building. Mr. Setian said he would not look at the building until the Special Use Permit was approved.

Commissioner Westcott moved to recommend Council approval to amend the zoning code as requested. Commissioner Standridge seconded the motion and it passed unanimously.

The Second Order of Business was Tabled from the May 23, 2011 Planning Commission Regular Meeting: A request to review and recommend City Council approval for a Special Use Permit to allow an outdoor flea market in a C-2 for property at 2804 South Arkansas Avenue, submitted by Raymond Limbrick. (SP.11.05.91)

City Planner David Harris said everyone should have Mr. Limbrick's revised conditions requested at the last meeting, along with Commissioner Patel's concerns, which have been addressed in Mr. Limbrick's revised conditions.

Mr. Harris reiterated that the permit could create order among vendors already selling at the location. As it is now, there is not a single entity in control. Individually the vendors with permits are in compliance, but collectively they comprise a flea market, which requires a Special Use permit. Mr. Limbrick's proposal could bring order to the situation.

Mr. Perkins asked Mr. Harris to check to see what other cities are doing. Russellville may need to change its ordinance on procedures for operating flea markets.

Mr. Burchie Lewis, a vendor currently using the subject property, made the following statements:

- Limiting hours to 8am – 5pm and days of operation to Thursday thru Sunday would not be practical, especially for vendors 65 and older
- The property is maintained better than at any previous time
- There has been talk of lawsuits should the arrangements be changed
- The proposed changes would kill the sales for disabled and retired vendors
- The changes would kill the produce sales because it would limit sales to Thursday thru Sunday
- Mr. Limbrick would be allowed to tell us where our spaces would be located, and the size of the space, and would favor certain vendors over others
- The City of Russellville has issued business permits to the vendors who have written permission from the Lemons, which allows them to set-up anywhere on the lot and the space is not limited in size

Mr. Limbrick stated that he would remove the limitation on days of operation from his vendor rules. Mr. Lewis said his recommendation would be to at least wait until after the first of the year to make a decision because the vendor's license expired December 31, 2011.

Mr. Williamson, a Southgate property owner, said there need to be guidelines because the site and surrounding areas are getting worst with trash, not better. He also stated the increase in trash may or may not be coming from these vendors. The vendors are leaving excess items behind the building, such as old furniture and one time left an old couch. Mr. Williamson said he felt the flea market was an eyesore that had decreased the value of the surrounding properties. Further, he stated that he had personally checked out Mr. Limbrick and he is a successful business man. Mr. Williamson concluded by saying he didn't feel residents should have to look at an eyesore.

Mr. James Bowden said he was a vendor that holds a contract with the Lemons and a city license that will expire December 31, 2011. He said he had a copy of the State of Arkansas Produce Law and that he could sell produce anywhere and there was no one that could keep him from selling. However, Mr. Bowden admitted that he sometimes also sold non-produce items. Mr. Bowden stated that Mr. Limbrick had harassed him by parking for an extended period right behind his merchandise.

Mr. Jay Dirks suggested as a vendor that it be left like it is now and no Special Use Permit be approved.

Mr. Eric Westcott had some concerns in regard to approving a Special Use Permit. If we approve the permit at this location is nothing to prevent vendors in that spot from reopening down the street.

Mr. Limbrick, the petitioner, asked for approval of the Special Use Permit with his vendor agreement conditions to operate the outdoor flea market. Mr. Limbrick said Mrs. Lemon and he have an agreement to operate the flea market should the permit be granted. The vendors that have permission from Mrs. Lemon and the City will continue to operate under their agreement with Mrs. Lemon's until December 31, 2011.

Mr. Sparks said many of the concerns voiced by both vendors and Mr. Limbrick were civil matters. Most of these are issues that should be discussed between the Lemons and the vendors. The Chairman further stated he didn't feel the Planning Commission bore any responsibility for settling these matters, which must be worked out between the property owner, the applicant, and the vendors.

Ms. Standridge moved to recommend City Council approval of the Special Use Permit for an Outdoor Flea Market with the condition that it be operated according to the stipulations set forth in Conditions for the Special Use Permit as submitted by Mr. Limbrick (minus item #1 limiting days of operation). Commissioner Boyd seconded the motion. The motion failed with Standridge, Smith, Westcott, and Sims voting no, Perkins and Davenport abstaining, and Commissioner Boyd voting yes.

City Attorney Smith said the motion failed, as approval requires five affirmative votes.

Mr. Limbrick requested the item be sent to City Council without any conditions attached.

Meeting Adjourned.

Bill Sparks, Chairman