

**PLANNING COMMISSION  
MINUTES  
February 2, 2023 @ 5:30 p.m.**

The Planning Commission held a meeting on Thursday February 2, 2023, at 5:30 p.m. in City Hall Council Chambers.

**Commissioners Present**

Wendell Miller, Chairperson  
Don Jacimore, Vice-Chairperson  
Justin Cothren, Secretary  
John Choate  
Shirley Hatley  
Eric Westcott, City Council Liaison  
Cody Black  
Cheryl Monfee  
Luke Duffield

**Commissioners Absent**

Larry Smith

**Visitors:** City Planner Sara Jondahl, Planner I Victoria Marchant, Mayor Fred Teague, Zayne Bryson, Dave Garza,

**Welcome Visitors**

**The First Order of Business** is a request to review and approve the minutes of the Planning Commission Meeting January 5, 2023.

**The Second Order of Business** is a Special Use Permit to allow an Auto Repair business in a C-2 zone, located at 2601 W Main Street. Submitted by Quick and Paintless Inc on behalf of Kevin Mize. (SPUP-0123-000320)

City Planner Jondahl stated that this is a special use permit and it is on East Main. She stated that the commission is familiar with this because previously they had earned a special use permit for commercial entertainment. City Planner Jondahl stated that this was where the ax throwing business had gone. She stated that it is zoned C2 Highway Commercial and that the existing building was built in 1990. City Planner Jondahl stated that this is a commercial corridor in town with the PDQ gas station, sonic, and a variety of other retail businesses in the vicinity. She stated that previous uses of this building include the drop off location for Goodwill, an oil lube shop, and an ax throwing business. She stated that the oil lube shop had never gone through any special use permit, and special use permits are required when there is some kind of use that may need a little bit more review authority. City Planner Jondahl stated that they meet all of the conditions as they are an existing business; however, in 2019 when they did the special use permit they did

require that the eastern driveway along Main Street be closed. She stated that that was because looking at how close that driveway is to the intersection you can see how on the picture in the presentation the driveway, if you were sitting at the end of the line, does not meet ASHTO standards for the speed on the roadway. She stated that she does not want them to close all of their driveways along Main Street—it would not be practical. City Planner Jondahl stated that they do require that they close the eastern driveway due to its proximity to the intersection, so they were going to retain that requirement.

It is staffs recommendation to approve this application for the Special Use Permit to operate an Auto Repair Facility with the conditions:

1. Close the eastern driveway along Main Street.

As a result of the findings that:

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. Previous Special Use Permit issued for an entertainment use not listed was issued with the requirement to close the eastern driveway and this approval remains consistent with that approval.

Commissioner Duffield asked if he assumed correctly that the entryway being closed would be replaced with a curb. City Planner Jondahl stated that in 2019 they allowed them to use planters or some other blocking object to close it. She stated that ideally it would be replaced by a curb and gutter and replace the sidewalk, but she doesn't know if the City has to require that as long as there is a physical barrier. City Planner Jondahl stated that ideally there would be curb gutters so that no one can go in there so that they would not have to have this conversation again, but they are not proposing to make any improvements to the building or the site. She stated that if there is a physical barrier they could put up, that would be sufficient.

Commissioner Duffield stated that the sidewalk would transition into the entryway and then start back up. City Planner Jondahl confirmed that it does.

Commissioner Duffield asked if all they were going to do is block it off. City Planner Jondahl answered that the requirement is to close the eastern driveway and that if they choose to put something there and not repave, staff would be okay with that.

Commissioner Duffield asked if that was the plan for the applicant. City Planner Jondahl replied that she believes that they plan on putting in a bollard or planter in there. She stated that they have not given her a proposal and she does not believe that they are here this evening.

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

**The Third Order of Business is** Special Use Permit to allow a Public Building (Pope County EMS) in an R-3 located at 1850 N Arkansas Ave. Submitted by Barrett & Associates on behalf of Arkansas Tech University for Pope County EMS. (SPUP-0123-000324)

City Planner Jondahl stated that she was going to give the existing conditions that apply to the next three items all at one time and that she was going to review comments and recommendations so that she would not have to repeat herself so much.

City Planner Jondahl stated that the existing conditions for the Pope County Facility are that this is a vacant parcel of land along North Arkansas Ave adjacent to Fire Station 3 and situated between N Arkansas and Reasoner Lane. She stated that North Arkansas Ave is a 4 lane to 5 lane Major Arterial Road going from North to South. City Planner Jondahl stated that Reasoner Lane is classified as a collector street as part of the Future Street Master Plan with a connection planned in the next 20 years to Old Highway 124 or O Street over the interstate. Currently Reasoner Lane is not improved to a local residential street standard. She stated that the current zoning of ATU is R3 Medium High Density Residential with properties north of Reasoner Lane zoned C2. City Planner Jondahl stated that public uses and buildings are permitted by Special Use. She stated that site plan review will be required when building permit applications are submitted. City Planner Jondahl stated that commercial building design requirements appear to be met and although the structure is more than double the size of the adjacent building, the way that the structure is situated on the property would be comparable to the adjacent structure as the front of the structure is to be utilized for the office and would be situated in a manner to mimic the smaller adjacent structure. She stated that sidewalks are required, however, staff recommends the applicant submit the in-lieu of fee so sidewalks are all constructed along N Arkansas at the same time. She stated that that is the sidewalk fee for just N Arkansas.

Staff recommends approval for the Special Use Permit with the conditions below:

1. Accept In-Lieu Payment for the construction of the Sidewalk along North Arkansas Ave.

As a result of the findings below:

1. The applicant demonstrates compliance with the regulations within Article 2.10, Article III, IV, I and 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 Choate asked if the ambulances were going on Arkansas or if they were going on Reasoner. City Planner Jondahl stated that the employee traffic will enter and exit off of Reasoner Lane. She stated that the entrance off of N Arkansas, in which staff had extensive conversation with Dave Garza, Barrett and Associates, Pope County EMS, the City Engineer, ArDOT, and herself all met on site to make sure that there was sufficient site distance for the driveway. She stated that originally they had proposed two driveways to N Arkansas and staff did not feel like that was safe for citizens driving on N Arkansas. City Planner Jondahl stated that they relined and reduced the driveway on N Arkansas to just one driveway, and they moved it a

little further back. She stated that Tech had the requirement that they did want to preserve the trees, so they were limited by being in between the trees. City Planner Jondahl stated that as a result of measurements, confirmation, the location of one proposed driveway on N Arkansas would be for the occasional citizens that go to pay a bill or maybe go to visit at the EMS facility, but everyone else is being directed to use Reasoner Ln.

Dave Garza, Barrett & Associates, stated that they had already discussed the in-lieu fee and that they are good with it. He stated that they had discussed it at the Board of Adjustment meeting. Mr. Garza stated that on Reasoner Lane City Engineer and himself have gotten together to discuss how they are going to ensure this is all done prior to the opening so that they do not have emergency vehicles go out there while there is construction going on. He stated that in the staff requirements, it required a wooden fence on the east side which is stated in the ordinance. Mr. Garza stated that he has discussed it with staff and talked to City Attorney Smith and they would be bringing that up to the Board of Adjustment next month because you cannot put up a wooden fence where you have cows.

Commissioner Cothren asked City Planner Jondahl if they could put a “right-in, right-out only” at that location. City Planner Jondahl stated that it is possible to add such a requirement, but their experience with the ArDOT designs is that they do not function very well, but they could add that in.

Mr. Garza stated that they had worked on moving the driveway south 50 feet to gain some more sight distance. He stated that their site distance requirements are based on 45 miles per hour. He stated that the speed limit is 35 however, for safety reasons engineers calculate based on ten miles per hour over because that is how fast people drive. Mr. Garza stated that if you go to the intersection of Reasoner and Phoenix, it narrows down considerably. He stated that people slow down at that curb before it widens out. Mr. Garza stated that if they were to put an island there, they would be in the same situation as with the Farm Bureau that ArDOT said that they could not put one there but that they could only stripe it.

Commissioner Choate made a motion to approve as submitted. The motion was seconded by Commissioner Hatley and passed unanimously.

**The Fourth Order of Business is** Large Scale Development located at 1850 N Arkansas Ave. Submitted by Barrett & Associates on behalf of Arkansas Tech University for Pope County EMS. (LSDV-1222-000315)

City Planner Jondahl stated that the two variances are requests to vary from the Land Subdivision Development Code. She stated that this is why the Planning Commission is hearing these variance requests, not the Board of Adjustment. City Planner Jondahl stated that she has the 5 criteria for when variances are allowed on the presentation. She stated that the criteria are:

1. The granting of the variance, exception, or waiver of conditions will not be detrimental to the public safety, health, or welfare, or injurious to other property;
2. The conditions upon which the request are based are unique to the property for which th relief is sought and are not applicable generally to other property;

3. Because the particular physical surroundings, shape, or topographical condition of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;
4. The relief sought will not in any way vary the provisions of the Zoning Code, or Comprehensive Plan, except that those documents may be amended in the manner prescribed by law.
5. That in addition to the conditions listed above, there would be no public benefit served by a strict application of the pertinent regulations.

City Planner Jondahl stated that the first variance is a variance from the Metes and Bounds requirements. She stated that Article 1.9 requires that a building permit is not issued to a property described by metes and bounds unless a deed dated prior to 1998 is provided or a Property Boundary Verification is submitted. Large Scale Developments are not eligible for the Property Boundary Verifications due to type of development. City Planner Jondahl stated that this is a unique situation since Arkansas Tech University is a land grant college and was granted the property by the state in 1909 or somewhere about that time. AR County Data shows that they own 160 Acres that encompasses this tract of land. She states that a variance has been submitted due to the unique nature of this application. Although the code states that Large Scale Developments are not eligible for a property boundary verification process that would be beneficial in this case so that future forward the property boundaries are delineated for permitting purposes.

Staff recommends approval of the Variance Request from Article 1.9 Metes and Bounds with the condition that:

1. Submit and complete a Property Boundary Verification.

As a result of the findings below:

1. The granting of this variance would not be detrimental to the public safety; and
2. The conditions are unique to this property.

**The Fifth Order of Business is** Variance from the Half Street Improvements requirements and from Article 1.9 of the Land Subdivision and Development Code, located at 1850 N Arkansas Ave. Submitted by Barrett & Associates on behalf of Arkansas Tech University for Pope County EMS. (VARI-0822-000263)

City Planner Jondahl stated that Half Street Improvements are required for Large Scale Developments. She stated that the request is based on the understanding that the road was not the city's. City Planner Jondahl stated that Reasoner Land after extensive research between Barrett and Associates, ATU, and the City has been determined to be a City Street and it is identified on the Comprehensive plan as a collector street with future improvements to be completed when development occurs. City Planner Jondahl stated that City staff have reviewed this proposal and will commit to widen Reasoner Land from North Arkansas to the proposed development in coordination with the construction of this development.

Staff recommends the Planning Commission Deny the Variance Request from Article 11 Boundary Street Improvements as a result of the findings that:

1. Reasoner Lane is a City Street; and
2. The City is committed to making the adjacent notch and widen project in coordination with the construction of the facility; and
3. There is a public benefit served by complying with the regulations.

Chairman Miller stated that as he had discussed with Mr. Garza earlier, this is not something that you usually see. He stated that it is different but it is something that they need to move forward.

Commissioner Jacimore made a motion to deny.

Mr. Garza stated that they have agreed that they need the variance for the minor plat as it is Tech property and they will not let them do that. He stated that at the time they made this they were not sure who owned Reasoner Lane. He stated that since then they have done their research with Tech and City Engineer Newman and found that it is a city street. Mr. Garza stated that they are okay with the denial for this item, but they need approval of the minor plat.

Commissioner Jacimore's motion was seconded by Commissioner Duffield and passed unanimously.

Commissioner Monfey made a motion to approve the variance from the Metes and Bounds requirements. The motion was seconded by Commissioner Black and passed unanimously.

**The Fourth Order of Business is** Large Scale Development located at 1850 N Arkansas Ave. Submitted by Barrett & Associates on behalf of Arkansas Tech University for Pope County EMS. (LSDV-1222-000315)

City Planner Jondahl stated that Reasoner Lane is not improved adequately to handle the additional traffic from this facility. She stated that the revised site plan submitted on January 27, 2023 shows that improvements along Reasoner Lane will widen the street to a sufficient width with curb and gutter and to build the five foot sidewalks which will improve the traffic circulation along the frontage of the property. City Planner Jondahl stated that the City is committed to notch and widen Reasoner Lane from the intersection of North Arkansas and Reasoner Lane and install the sidewalks along the edge of the Right of Way to match the improvements in coordination with the construction and improvements by the developer. City Planner Jondahl stated that additional Right of Way along the frontage of the project will be required either in the form of a Right of Way Dedication or Maintenance agreement from ATU to the City of Russellville. She stated that they had gone through a similar situation with the micro loft apartments.

Staff recommends to approve the Large Scale Development to allow construction of the Pope County EMS Facility with the conditions:

1. Prior to Construction regarding drainage ATU provides a letter of no objection with the developed site runoff crossing their property; and
2. Dedicate additional Right of Way or provide a maintenance agreement from ATU to the City of Russellville for the additional width of the Right of Way; and
3. Accept In-Lieu Payment for the construction of the sidewalk along North Arkansas Ave.

As a result of the findings below:

1. The applicant demonstrates compliance with Article 2.10 and Article 3.22, Article IV, V, and VI of the Russellville Zoning Code; and
2. The applicant demonstrates compliance with the regulations within section 7 of the Land Subdivision Development Code.

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

City Planner Jondahl stated that she has two items. She stated that in February they are going to have a meeting of the Long Range Planning Committee. City Planner Jondahl stated that they are going to be reviewing the Zoning Code they updated in January, and if there are any items they need to revise, they will be going through the Long Range Planning Committee. She stated that she has listed Commissioner Black, Commissioner Miller, Commissioner Jacimore, and Commissioner Duffield. City Planner Jondahl stated that she wanted to update the commission on the \$25,000,000 grant the department is applying for. She stated that it is a RAISE grant through the Federal Government. City Planner Jondahl stated that it would construct approximately 13 miles of multi-use trails including a trailhead downtown by Commerce to help economic development. She stated that they are also looking to make improvements downtown with this grant.

**Meeting Adjourned**

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