

**PLANNING COMMISSION
MINUTES
February 7, @ 5:30 p.m.**

The Planning Commission held a meeting on Monday February 7, 2022 at 5:30 p.m. in City Hall Council Chambers.

Commissioners Present

Chairman Wendell Miller
Vice-Chairman Jacimore
Secretary Justin Cothren
Shirley Hatley
Luke Duffield
Larry Smith
Cody Black
John Choate
Eric Westcott (City Council Liaison)

Commissioners Absent

Cheryl Monfee

Visitors Present:

Mayor Richard Harris, City Attorney Trey Smith, City Planner Sara Jondahl, Planner I Victoria Marchant, Flood Manager Ben Gray, David Garza with Barrett & Associates, City Engineer Glen Newman, Engineering Technician Armando Diaz, Fire Marshall Richard Setian, Michael Haile, Jim Lynch with City Corporation, James Mitchner, Karen Lee, Ron Hughes with Hughes Construction, Logan Hughes, Aaron Rasburry with Rasburry Surveying, Rosario Lara, and Leslie Lara.

Welcome Visitors

The First Order of Business is a request to review and approve the minutes of the Planning Commission Meeting January 6, 2022.

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

The Second Order of Business is Revision to the Hudson Harbor PUD, located off of Marina Road. Submitted by Barrett & Associates on behalf of Hughes Construction. (ZONE-1221-000167) Which was referred back to the Planning Commission by the City Council.

City Planner Jondahl stated this was the reconsideration of the rezone and that the City Council had sent the application back for additional review. She stated that the existing conditions were that the public infrastructure is in place. That three building permits have been issued, two of

which are almost complete. A fourth building permit has been applied for but has not been issued due to not meeting the requirements of the original PUD application. She then stated that the building permit was why the application was being reviewed again. The property is zoned PUD and was zoned R1. City Planner Jondahl presented a photo of a home under construction on the property that had not been permitted, and stated that the unapproved permit for this building was the start of the reconsideration. City Planner Jondahl noted that PUD applications provide a way for creativity with development, that they are beneficial when traditional zoning cannot be met, that they allow jurisdictions the ability to provide additional oversight on a project, and that they do not allow for flexibility. She reminded the commission that any changes must go through the process again to update the PUD Approval conditions. City Planner Jondahl clarified that the current application requested additional square footage, but no longer requested a change to the facade material or an allowance to build decks. City Planner Jondahl stated that in the last meeting that there had been confusion about the application and that she was going to clarify. She defined building area as “[The] Area on the site available to locate a building” and Building Footprint as “[The] Actual outline of building within the area available to locate a building.” She noted in the previous meeting that Mr. Hughes said that he was not increasing the Building Area which was correct. However, in the previous meeting when she said they were increasing the square footage, she was referring to the Building Footprint. City Planner Jondahl then reviewed the new house plans that were submitted with the application. She highlighted plan HH-1680 as it is the only plan that does not have significant articulation. She stated the intent of the PUD was to create a unique garden home community. She stated that in staff’s opinion it was not close enough to the intent, but due to it being in the process of construction, staff will recommend to permit this one structure with no other structures with plan HH-1680 to be permitted in Hudson Harbor.

Staff recommends forwarding this application to City Council with a recommendation to update the original approval to include the following conditions in addition to those previously approved:

1. The twelve revised plans with this application become the only house plans permitted and replace the original 4 plans approved, with the exception of the two structures that have been completed; and
2. The thirteenth house plan HH-1680 will be permitted on the one property only at the corner of Harbor Lane and Harbor Circle; and
3. Structures adjacent to each other shall not be within the same floor plan category outlined as part of the staff report.

As a result of the findings below:

1. The intent of the proposal meets the intent of the original approval to maintain the aesthetics of the community; and
2. The subdivision has been constructed in compliance with original approval.

David Garza with Barrett & Associates stated that the request for the revision was because the market wants larger homes. He stated that the subdivision itself is managed by REMAX, which has been receiving requests for larger homes. Mr. Garza stated that one concern that had been raised when the Hudson Harbor was first proposed several years ago was that the houses would be lower value than the surrounding properties. He stated that allowing these houses to be larger

would increase the value and would address that concern. Mr. Garza stated that City Planner Jondahl had read the report to the commission, and had informed them that the request was for the allowance of more square footage. He stated that at the last meeting concerning the Hudson Harbor PUD it was clear that the request had been for the allowance of more square footage, so he did not elaborate. He stated that in the previous meeting he had said that he had worked on garden homes in two other communities, and that he was excited about the project. Mr. Garza stated that to his knowledge this was the first garden home project in Russellville, and that garden homes would be a trend in Russellville. He stated that the clients were asking to tweak the home plans, and that is why they had requested tweaks to the plans. Mr. Garza stated that he had conveyed that any tweaks to the walls would have to be approved by both the Planning Commission and the City Council. He apologized for any misunderstanding of his use of the term 'wall' and clarified that it referred to the exterior walls. He stated that he had felt at the time, that it was clear and did not need to explain it. Mr. Graza then stated that at the previous meeting that Karen Lee had spoken as an example of a client who was interested in a home in Hudson Harbor but would like a larger home that had not previously been approved. He quoted Mrs. Lee as saying "I'm one of those who wants to make those tweaks. And as you guys know, when you look at a house plan there are always a few things you'd like to change to make it suit your own individual needs. And I found that is the case here. So Mr. Hughes is very willing to do that for me." Mr. Garza stated that Mrs. Lee then asked the commission to approve the request so that she could build a house. He stated that was why they were here, that some people wanted to make some changes, and some will have one or two children. So they will want some adjustments to be able to handle that family, because they are making a big investment. Mr. Garza stated that no one knew how long they would be in that home, but hopefully they would be there for a long time while their children grew and went through the school system. He stated because of that they were asking for adjustments to the home. He apologized if that had not been clear in the previous meeting. Mr. Garza stated that City Planner Jondahl had perfectly clarified what Mr. Hughes had meant in the previous meeting. He stated that working with the developer he had repeatedly told them they had to stay inside the footprint. Mr. Garza stated that while he and the developer had understood each other, they had failed to communicate it to the commission. He stated that he ends every letter to the commission with "If you have any questions, please call or email me." Mr. Garza stated that to his surprise, disbelief, and confusion that happened at the city council meeting, he was really put back. He stated that he didn't understand what was going on. He stated that he had been taught to be professional and not react, because it was broadcast. He stated that after the meeting he went to the bench and did discuss the situation and that it was uncalled for. Mr. Garza then clarified that if there is ever any confusion, the commission is welcome to ask him for clarification.

Commissioner Duffield asked if the PUD requirements were only for the outside footprint or more specific requirements. City Planner Jondahl stated that from staff's understanding of the original approval, one of the twelve plans must be submitted for approval. She stated that if the commission wanted to say that the house could be mirrored they could but that the floor plans are locked in. Commissioner Duffield asked if it was possible to submit a set of plans that would be preapproved so that in the future, if a client wished to adjust their future home they could select from these plans and not have to go through the process again. Mayor Harris replied that they were here because one of the clients wished to make change. He stated that he had been looking at the plans that had already been submitted, and he believes that is likely that another client may want an interior wall moved. Mayor Harris stated that he believed that the

commission's approval should specify that as long as the exterior walls are not changed then all changes to the interior should be pre-approved. He then stated that if the approval does not specify that, then the next client who wished to change the interior they would be back in this process. Mayor Harris stated that that would be his suggestion. Commissioner Duffield stated that he was clarifying that the commission had the ability to generically approve the exterior walls and facade. That way once the commission approves the project the developer does not have to come back to the commission and can continue working. He stated that he wanted to specify the conditions of the approval for the expediency of everyone involved. Mr. Garza stated that he had been working with the architect and that these plans are a progression. He stated that they hoped by making the plans a progression that it would allow the flexibility for clients to pick one plan and it would work for them. Commissioner Duffield stated that he believed that was a good idea for the developer and client to be able to have that flexibility. Mr. Garza then specified that he had a master plat which as he updated it, he shared it with City Planner Jondahl. So that she can ensure that the plan meets the intent and that no plan is copied on two lots beside each other. He stated that City Planner Jondahl would have the updated plat as the developer applied for building permits. City Planner Jondahl addressed Commissioner Duffield stating that if the commission wished, they could recommend for approval of the twelve floor plans as long as they conform to the exterior walls, so that the footprint matches one of the plans. She stated that it gave staff the flexibility to approve interior changes. City Planner Jondahl stated that she wished for this application to move forward, because she believes that it will fill a niche in the community. She clarified that any flexibility at the staff level would have to be granted to staff by the recommendation to the City Council. Commissioner Duffield stated that because it was unlikely to be the last development of this type, it would be best to get the process streamlined now. He stated that if any questions arise from any of the involved parties it would be best to address them now.

Councilman Westcott asked Mr. Garza if narrowing the plans limited him because he could not put two houses with the same plan beside each other. Mr. Garza stated that gave variation to the homes, and that some lots can only have certain homes on them. He stated that the plans could be flipped to keep the garage on the uphill side, but that those plans were still the only plans that would fit on those lots. Mr. Garza stated that the lots had anywhere from six plans to one plan that would fit on the lot.

Commissioner Black asked Mr. Garza if there were any other concerns from the city council that the commission needed to address. Mr. Garza stated that he believed that all concerns from the city council had been addressed. Mr. Garza stated that during a previous meeting he had spoken to City Planner Jondahl about that if they can work out this process, it would allow her to help facilitate the process with future developers.

Commissioner Duffield made the motion to approve the item with the conditions recommended by staff. The motion was seconded by Commissioner Black and passed unanimously.

The Third Order of Business is a Special Use Permit to allow an Ice Vending Machine business in a C-2 zone, located at 1301 S Arkansas Ave. Submitted by James Mitchener on behalf of Edwin Martinez. (SPUP-0122-000174)

City Planner Jondahl stated that this is a Special Use Permit for an ice vending machine at the corner of 13th Street and South Arkansas. She stated that the existing conditions are that it is an

undeveloped lot located in a C-2 zone, that a free standing ice vending machine is permitted by special use permit, and there are various uses in the area. City Planner Jondahl stated that an ice vending machine is in line with the land use in the South Arkansas Commercial Corridor. That the unit is smaller than the surrounding structures. She stated that a replat of the property will be required due to the unit being located across plot lines. It is also recommended that the property be replated into two plots for ease of future development. That would allow the owner to pursue their plans for the remaining property without returning for another replat. City Planner Jondahl stated that the property currently has a hard surface with large potholes. It should be resurfaced to establish a good hard surface for vehicular movement. She stated that the proposed parking meets the demand seen in other similar locations.

Staff recommends approval with the following conditions:

1. Screen all mechanical equipment from the public Right-of-Way; and
2. Establish a good hard surface parking lot; and
3. Re-plot the property into two lots via the incidental subdivision process.

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 proposed use is inline 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 there was a certain amount of hard surface parking area required. City Planner Jondahl stated that they would have to provide parking spaces. She stated that the submitted site plan shows sufficient parking, including the ADA requirements. City Planner Jondahl stated that staff had met with Mr. Mitchener on site and discussed the hard surface requirement. She restated that the lot was already hard surface, but the area which was to be designated parking had large potholes.

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

The Fourth Order of Business is a Special Use Permit to allow a Storage Building/Container Sale or Rental business in a C-2 zone, located at 3333 S Arkansas Ave. Submitted by B & B Sales on behalf of 3333 LLC. (SPUP-0122-000176)

Application was requested to be withdrawn from the application by the applicant.

The Fifth Order of Business is a Minor Plat for Thunderbird Square located at 109 Weir Road. Submitted by Rasburry Surveying on behalf of Halle Properties LLC. (PLAT-0122-000175)

City Planner Jondahl stated that this is a minor plat of the Thunderbird Square addition. It is located on the corner of County Complex Road and Weir Road across from the exit of Walmart. She stated that the existing conditions were that the property is a Commercial subdivision and was originally subdivided in 2005, Lot 2 is being subdivided for a new project, and the property is located in a C-2 zone. City Planner Jondahl stated that this would typically be approved at the staff level, except that one of the parcels will no longer have frontage to the public Right-of-Way. This means that staff

does not have the authority to grant a subdivision replat because Lot 2AR will not have frontage. She stated that all lots created by such a split or readjustment shall have direct access to a public street and all lots front on a public street must be brought through the minor plat process. City Planner Jondahl stated that while Lot 2AR would not have fronted on a public street, it would have frontage on the private road, County Complex Road. She stated that the yellow hashed line shown on the presentation is an easement that has been recorded. It provides access from Lot 2AR through Lot 2BR to Weir Road. In addition Lot 2AR has access through the Good Deal Charlie parking lot to Main Street.

Staff recommends forwarding to City Council for approval as a result of:

1. That the Plat conforms to the Final Plat requirements outlined in Section 5.4B of LSDC; and
2. Lot 2AR although not fronting a public street, has access to County Complex Road owned by the county; and
3. lot 2AR has access to Weir Road through a 30' access easement through lot 2BR; and
4. City Corp confirmed that sewer and water service each property.

Commissioner Duffield asked if Lot 2AR would have access to County Complex Road. City Planner Jondahl stated that because of the conversation had with the county, that they cannot be certain that they will be given access to the street. She stated that was why staff had required the 30' easement to ensure they always have access to the public. This is typical of commercial subdivisions, in that the lots have joint access easements to reach the public Right-of-Way.

Aaron Rasburry with Rasburry Surveying stated that they were asking for approval based on the replat shown earlier. He stated that he believed it was a good project for the location.

Commissioner Black asked if a similar application for this project had already been seen by the commission. City Planner Jondahl stated that this was the plat process for the Discount Tire Project that had already been approved by the commission.

Commissioner Jacimore made the motion to approve as approved. The motion was seconded by commissioner Hatley and passed unanimously.

The Sixth Order of Business Replat of Sweeden Addition located off of Marina Road. Submitted by Barrett & Associates on behalf of Hughes Construction. (ISUB-0122-000177)

City Planner Jondahl stated that this was the final plat for the Sweeden Addition. She noted that the existing conditions were the same as presented in The Second Order of Business presented earlier. City Planner Jondahl stated that when the water and sewer lines had been laid there was no plat showing the easements. Staff did request that they not add drainage easements because there was not enough room for the city to maintain them. She stated that this plat does not change the boundaries of the subdivision, it is just for the dedication of easements for the water and sewer lines. The lines have already been laid as part of Hudson Harbor. All drainage will be maintained by Hudson Harbor. City Planner Jondahl stated that easements were only for water and sewers.

Staff recommends forwarding this to the City Council for approval of the Final Plat and acceptance of the Water and Sewer line easements as a result of:

1. The Final Plat conforms to the Final Plat requirements outlined in Section Section 5.4B of the LSDC; and
2. The water line easement is located in an acceptable location over the existing water line; and
3. The swerve line easement is located in an acceptable location over the existing sewer line.

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

The Seventh Order of Business Vacation of 15' of N Greenwich ROW along Lot 7 and 15' of East F Street ROW along Lots 7 & 8 Blk 93 JL Shinn Addition. Submitted by Rosario Lara. (VAC-0122-000180)

City Planner Jondahl stated this was the vacation of Right-of-Way for 612 North Greenwich. She stated that the existing conditions are that it is located in the Parker Neighborhood, it is a single family home on two lots, and the property and all surrounding properties are zoned R-2. City Planner Jondahl stated that the request is only to vacate a portion of the 80 feet Right-of-way. An 80 foot Right-of-Way is in excess of what the city needs. This would leave 65 feet of Right-of-Way. She stated that there are no plans to make any improvements in this area. City Planner Jondahl stated that the vacation would allow them to build the proposed new garage. While trying to obtain building permits for the garage, it was discovered that they would have to vacate the Right-of-Way to build the garage. She stated that in the future the landowner wishes to replat the property. The vacation on Greenwich gives them enough property to make a second buildable lot. City Planner Jondahl stated that approving the vacation would allow the city to use resources on projects besides maintaining the Right-of-Way. She stated that Entergy and Centurylink have not responded, and it is uncertain if there are utilities in the 15 feet to be vacated. It is recommended to dedicate a public utilities easement in order to allow the utilities to stay there, should they be there. The easement would not impact the building permit.

Staff recommends forwarding this application to the City Council for Approval to vacate 15 feet of North Greenwich Avenue and 15 feet along East F Street while retaining a Public Utility Easement of 15 feet along both frontages located at 612 N Greenwich Avenue 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. Two utility companies have not respond detailing for or against the Vacation; and
3. Utility line installations may be located within the unopened Right-of-Way, but retention of the easement would cover the utility location if the utility companies respond with objects.

Or

Staff recommends tabling the application until next month providing sufficient time for utility companies to respond.

City Planner Jondahl reminded the commission that the applicant is trying to move forward with a building permit.

Chairman Miller asked when the application was submitted. City Planner Jondahl stated that she did not know when the building permit had been applied for, but that the vacation of the Right-of-Way

had applied for on January 11th. They did meet the deadline for the vacation application and that the building permit was applied for a few days before.

Commissioner Smith confirmed that the applicant was waiting on Entergy and Centurylink. He asked if that meant that they could not move forward until they replied. City Planner Jondahl stated that if a 15 foot utility easement was maintained it would allow for the utilities to stay in place and for the building permit to move forward. It would allow for the vacation of the Right-of-Way, which would turn the property back to the applicant, they would just have an easement through their property. She stated that there are setback requirements in this area. A 25 foot front yard setback and a 15 foot side yard adjacent to a street setback. A 15 foot easement would not affect construction.

Commissioner Smith asked if the applicant was just adding a garage to the house. City Planner Jondahl stated that currently the applicant is just adding a garage to a house.

Mrs. Rosario stated that she needed the garage to protect her vehicles from the weather.

Commissioner Black asked if a response was expected from Entergy and Centurylink. City Planner Jondahl stated that typically responses are received, but they vary time. She stated that the application asks that the responses come in as part of the application so that all of the letters are received at the time of the application. That is why this problem is usually not encountered. City Planner Jondahl stated that because the applicant was made aware through the building application they had been allowed to apply. By retaining the easement it allows the utility lines to stay in place and the building permit move forward.

Commissioner Smith asked if 811 had been called, and located utilities in the Right-of-Way. City Planner Jondahl stated that 811 had not been called. She stated that the typical process was that the utility companies were contacted and would go out and confirm where the utilities were. The companies would then write a letter stating whether they had an objection or not. City Planner Jondahl stated that City Corporation had gone out and located their line. City Corporation wrote a letter stating they had no objections to the vacation of Right-of-Way. Commissioner Smith then asked again if 811 had gone out and found the utility lines. City Planner Jondahl reiterated that 811 had not been called.

Commissioner Smith made the motion to approve option 1 as presented. The motion was seconded by Commissioner Hatley and passed unanimously.

The Eighth Order of Business Rezoning a property from C-2 to PUD, located at 111 and 114 W Harrell Drive. Submitted by Barrett & Associates on behalf of Joseph Stoeckel and Keith and Helen Ledbetter. (ZONE-0122-000179)

Chairman Miller stated that there had been a request to table the Seventh and Eighth Order of Business until the March meeting.

Commissioner Black made the motion to table items eight and nine (new business six and seven as they appeared on the agenda). The motion was seconded by Commissioner Choate and passed unanimously.

The Ninth Order of Business Large Scale Development located at 111 and 114 W Harrell Drive. Submitted by Barrett & Associates on behalf of Joseph Stoeckel and Keith and Helen Ledbetter. (LSDV-0122-000178)

Commissioner Black made the motion to table items eight and nine (new business six and seven as they appeared on the agenda). The motion was seconded by Commissioner Choate and passed unanimously.

Tabled until the March Meeting with previous motion.

The Tenth Order of Business Consideration of appointment to the Board of Adjustment. Wayne Cummings recommended.

Chairman Miller stated that the Planning Commission must vote the Board of Adjustment members in. He stated that three of the members are Planning Commissioners and there are two at-large members. Chairman Miller stated that one of the current at-large members was moving to the City Council. He stated that Wayne Cummings had been recommended.

Wayne Cummings stated that he had always wanted to participate in public service in some way. However, he had not been able to up till this point because of his career and family. He stated that wherever he could be of service he would like to.

Commissioner Choate made the motion to appoint Wayne Cummings to the Board of Adjustment. The motion was seconded by Commissioner Smith and passed unanimously.

Chairman Wendell Miller