

MINUTES

The **Rogers Planning Commission** met for a *regular session* in the Council Chambers of the Maurice H. Kolman Building on January 7, 2020 at 5:00 P.M. The meeting was called to order by Chairman Kevin Jensen. Those in attendance were led in the Pledge of Allegiance.

MEMBERS PRESENT:

In addition to Chairman Kevin Jensen, Commissioners Rachel Crawford, Dennis Ferguson, Mark Myers, Mandel Samuels, Don Spann, and Eriks Zvers attended. Commissioner Tony Noblin did not attend.

OTHER OFFICIALS PRESENT:

Community Development Director John McCurdy, City Engineer Lance Jobe, Planning Administrator Lori Ericson, Planner III Beth Johnson, Planner III Jessie Masters, Planner I Chris Robinson, Planning Tech Gloria Garcia, Staff Attorney John Pesek, Assistant Fire Chief BJ Hyde, and Councilmembers Mark Kruger and Jerry Carmichael.

ACTION ON MINUTES:

(December 17, 2019)

APPROVED

Motion by Zvers, second by Spann, to approve the minutes of the December 17, 2019 as presented.

Voice vote: Unanimous - Yes. ***Motion carried.***

PUBLIC COMMENT PERIOD:

Jensen asked if there were any public comments on items not on the agenda. There were none.

REPORTS FROM STAFF:

None.

REPORTS OF BOARDS AND STANDING COMMITTEES:

PLANS & POLICIES COMMITTEE:

Jensen reported the Committee had met to discuss two items:

- The Density Concept Plan for Shadowbrooke at the Peaks Ph. III was recommended for approval.
- The Density Concept for Village View received a recommendation that will be discussed during the meeting.

APPROVED

Motion by Spann, second by Myers, to add the Density Concept Plan for Shadowbrooke at the Peaks Ph. III to the Consent Agenda.

Voice vote: Unanimous- Yes. ***Motion carried.***

DEVELOPMENT REVIEW COMMITTEE:

Committee Chairman Eriks Zvers reported the Development Review Committee had met and reviewed four items. The committee recommended approval of three developments with decisions on requested waivers and variances as listed:

- 1. LSDP, Transplace, a 150,000-sf office building on 10.6 acres at 4909 W. Magnolia St. in the C-2 (Highway Commercial) zoning district and in the city's Overlay District.**
 - Approve a waiver to Sec. 14-285(3), the Overlay District requirement for landscaping along the frontage.
 - Approve a waiver to Sec. 14-256(14)(B) from required landscape tree islands every 15 parking spaces.
 - Deny a variance to Sec. 14-709(f)(6) regarding lighting next to residential.
 - Approve a waiver for the minimum ground cover over storm sewer.
 - Approve a waiver from Sec. 14-604(c)(3) for Street Connectivity.

- 2. LSDP, Arkansas Swim Academy, 8,011-sf structure including pool area at 3709 W. Southern Hills Boulevard in the Southern Hills Business C-2 (Highway Commercial) zoning district.**
 - Approve a waiver to Sec. 14-260(1)(d) for the requirement to align opposing nonresidential driveways.
 - Approve a waiver to Sec. 14-260(2)(a) for the requirement to provide a joint access drive.

- 3. LSDP, Fitzroy Apartments, a 200-unit multifamily development on 13.20 acres between W. Laurel Avenue and S. 26th Street in the RMF-19B (Residential Multifamily, 19 units per acres, rentals) with a Density Concept Plan.**
 - Approve a waiver to Sec. 14-608 for the requirement to provide

street improvements to W. Laurel Avenue.

- Approve a fee-in-lieu of street improvements to W. Laurel Avenue in the amount of \$96,674.

APPROVED

Motion by Zvers, second by Samuels, to add the project to the Consent Agenda.

Voice vote: Unanimous - Yes. ***Motion carried.***

Eriks noted that the Lot Split for Hews Ark was reviewed in Committee and was motioned for denial but would be discussed later in the meeting.

CONSENT AGENDA:

APPROVED

Motion by Samuels, second by Ferguson, to approve the Consent Agenda

Roll Call: Unanimous ***Motion carried.***

OLD BUSINESS:

1. A request by Shadowbrooke at the Peaks Ph. III to rezone 7.82 acres north of W. Everest Avenue and east of S. Kilimanjaro Way from the RMF-9A PUD (Residential Multifamily, 9 units per acre, ownership, Planned Unit Development) zoning to the RMF-9A (Residential Multifamily, 9 units per acre, ownership) zoning district with a Density Concept Plan.

Moved and approved on the Consent Agenda.

PUBLIC HEARINGS:

1. **A request by Morrison Shipley for Crescent View Phase 2 to rezone 38.4 acres south of Crescent View Phase 1 from A-1 (Agricultural) to the R-SF (Residential Single Family) zoning district.**

Dirk Thibodaux represented the request and said they are asking to rezone the property to Residential Single Family.

Chairmen Jensen asked if anyone in the audience wanted to speak in favor or opposed to the request.

- Rita Duren, 1600 Park Ridge Way, Cave Springs- wanted to know what type of notice she would receive if the property were to be rezoned again.

APPROVED

- 2. A request by Bellview Urban Center to rezone 2225 S. Bellview Road from a mic or R-O (Residential Office) and C-2 (Highway Commercial) to the U-COM (Uptown Commercial Mixed Use) zoning district.**

APPROVED

- 3. A request by ABS Option Company to rezone 100 acres east of Gaston Road, west of Scissortail Subdivision, from A-1 (Agricultural) to the R-SF (Residential Single Family) zoning district.**

Chairmen Jensen stated that any additional rezone to a different usage would require notification like she has already received. The public hearing was declared closed.

Motion by Zvers, second by Myers, to recommend the rezone request to City Council for approval as presented.

Roll Call: Unanimous ***Motion carried.***

Bill Watkins represented the request. Watkins stated that the applicant applied for a conditional use permit in the past to operate a landscaping company and has been approached by another business about possibly locating in the excess warehouse space on the property. Watkins and his client met with staff and were recommended to rezone the property to U-COM which would conform with the Comprehensive Growth Map. The applicant would continue to operate the business as a legal nonconforming use.

Chairman Jensen asked if anyone in the audience wanted to speak in favor or opposed to the request.

There were none.

The public hearing was declared closed.

Motion by Myers, second by Spann, to recommend the rezone request to City Council for approval as presented.

Roll Call: Unanimous ***Motion carried.***

Bill Watkins represented the requested. Watkins said that this property was annexed and approved on December 10th and is requesting that we consider the recommendation today so that when City Council addresses the request the thirty days would have passed, and everything would be in order.

Chairman Jensen asked if anyone in the audience wanted to speak in favor or opposed to the request.

There were none.

The public hearing was declared closed.

Jensen stated he agrees with Watkins since their action is a recommendation to City Council they can choose to proceed. Zvers asked if their action to change the Comprehensive Growth Map would also go to City Council. Jensen said yes.

APPROVED

Motion by Myers, second by Ferguson, to modify the Comprehensive Growth Map to have this newly annexed area to be designated as Neighborhood Growth.

Voice Vote: Unanimous ***Motion carried.***

APPROVED

Motion by Zvers, second by Myers, to recommend the rezone request to City Council for approval as presented.

Roll Call: Unanimous ***Motion carried.***

- 4. A request by Village View to rezone 5715 W. Stoney Brook Road from A-1 (Agricultural) to the RMF-9A (Residential Multifamily, 9 units per acre, ownership) zoning district with a Density Concept Plan.**

Josh Porter represented the request and said they are wanting to request the property from

A-1 to RMF-9A and have a Density Concept Plan.

Chairman Jensen asked if anyone in the audience wanted to speak in favor or opposed to the request.

- Scott Van Wilpe, 1222 S. 55th Street – concerned about property values, the amount of people living there, the number of vehicles merging on Stoney Brook Road, and the excavation that will be done on the property.
- Allen Henrie, 1216 S. 55th Street – concerned about major excavation & dynamiting that might be done on the property.
- Bethany Marshall, 5512 S. 55th Street – concerned about traffic & the trail crossing and would also like a greater level of detail about the development.
- Phil Reynolds, 1211 S. 55th Street – concerned about the impact this development will have on the bike trail.

The public hearing was declared closed.

Josh Porter and Phil Swope addressed neighbors' concerns. Porter said they are hoping the low roof lines on the units will have minimal impact on the neighbors and are open to listening to input from the neighbors. Porter stated that they will be using a lot of the existing topography. He said that the upper units will be on a flat surface which won't require much excavation and the excavation on the lower units will be very minimal. Porter stated single family homes typically generate more traffic than multifamily and are looking at making two entrances to the west to stay away from the bike path.

Swope stated that they looked at maps for karst areas and there were sensitivity areas through uptown, but this was not in one of those areas.

Samuels asked staff what was on the master street plan for Stoney Brook Road, staff stated it was a collector street. Myers clarified for the neighbors that tonight they would only be recommending the change in zoning and the density.

Motion by Crawford, second by Myers, to accept the Density Concept Plan as presented for the request by Osage Creek Development for Village View to rezone 3.73 acres 5715 W. Stoney Brook Road from A-1 to RMF-9A.
Roll Call: Unanimous ***Motion carried***

Bill Watkins stated that his client would like to build a two-unit townhouse and is wanting to rezone the property to NBT.

Chairman Jensen asked if anyone in the audience wanted to speak in favor or opposed to the request.

- Kevin Butler, 419 W. Maple Street – supportive of the rezone request.

The public hearing was declared closed.

APPROVED

- 5. A request by Valley Springs Rentals to rezone 326 N. 4th Street from R-DP (Residential Duplex Patio Home) to the NBT (Neighborhood Transition) zoning district.**

APPROVED

- 6. A request by Melissa Young for a Conditional Use Permit to allow an outdoor vendor park on 0.37 acres west of 1112 W. Elm Street in the C-2 (Highway Commercial) zoning district.**

Motion by Zvers, second by Myers, to recommend the rezone request to City Council for approval as presented.

Roll Call: (6 yes, Spann abstained) ***Motion carried***

Young stated that they would like to put four to five food trucks on the empty parking lot and would not clog up any traffic.

Chairman Jensen asked if anyone in the audience wanted to speak in favor or opposed to the request.

- William Prickett, 1140 W. Walnut Street – not for or against the proposal but was also planning on putting food trucks on his property and did not want to hurt each other's businesses.

Jensen stated that was something both property owners needed to work out directly.

The public hearing was declared closed.

Myers asked staff what limits the number of food trucks allowed on the property. Staff stated there is not a number limit, but they could set a limit with the conditional use approval.

Jensen stated there was a request by Rogers Water Utilities to add stipulations to the request to take care of the water disposal and grease waste.

Motion by Myers, second by Spann, to approve the conditional use permit with the following conditions:

- Require a 6-foot privacy fence along the southern property line
- Limit the hours of operation from 10 a.m. to 8 p.m.
- Limit the number of vendors to five
- Require any additional lighting to be reflected away from the residential areas
- Must have approval from RWU for wastewater management plan and

coordinate it with RWU and planning staff.

Voice Vote: Unanimous ***Motion carried***

APPROVED

- 7. A request by Seyed Soheil for a Conditional Use Permit to allow vehicle washing at 4601 W. Walnut Street in the C-2 (Highway Commercial) zoning district.**

The applicant stated that they are wanting to put up a mobile detail shop. They will be using the southwest corner of the property and will have a small trailer to store their equipment in.

Chairman Jensen asked if anyone in the audience wanted to speak in favor or opposed to the request.

There were none.

The public hearing was declared closed.

The applicant stated that the diesel pumps will be completely removed but the canopy will remain. He also stated that this will be appointment only.

Commissioners asked the applicant to return with a site plan showing existing structures and businesses and where the applicant will be located on the property are existing in order to further review the request.

APPROVED

- 8. A request by Top Shelf Marine for a Conditional Use Permit to allow marine sales, rentals, & services at 2701 NE Hudson Road in the C-2 (Highway Commercial) zoning district.**

Motion by Spann, second by Myers, to table the request.

Voice Vote: Unanimous ***Motion carried***

Gary Fultz stated that in the past they were categorized as retail sales and are now being categorized under marine sales which requires a conditional use permit in the C-2 zoning district.

Chairman Jensen asked if anyone in the audience wanted to speak in favor or opposed to the request.

There were none.

The public hearing was declared closed.

Fultz stated that he is currently in the COR district which does not allow marine sales and was categorized by planning staff as retail sales for him to operate his business. He is now

wanting to have an outdoor display & will be moving to a new location in the C-2 zoning district which would require a conditional use permit. Staff clarified that marine sales is not a use option in the downtown use schedule which is why this use was not applied to him before.

Staff stated that after reviewing the application and seeing that the property did not comply with the comprehensive growth map they did not want to recommend an action that went against it, so they offered to cover the costs of re-notifying owners & waiving the application fee but this would push their timeline. Staff stated that the applicant wanted to go forward with the conditional use permit with the risk of being denied.

Jensen asked if the ultimate use is aligned with the comprehensive growth map, staff stated that it was.

Motion by Spann, second by Myers, to approve the request as presented.

Voice Vote: Unanimous ***Motion carried***

Reid Hill stated that they are asking to rezone the property from C-2 to U-COR which is consistent with the comprehensive growth map.

Chairman Jensen asked if anyone in the audience wanted to speak in favor or opposed to the request.

There were none.

The public hearing was declared closed.

Motion by Myers, second Ferguson, to recommend the rezone request to City Council for approval as presented.

Roll Call: Unanimous ***Motion carried***

Reid Hill stated that they are requesting to rezone the property from C-2 to U-COR which is consistent with the comprehensive growth map.

APPROVED

- 9. A request by Pinnacle Corner, LLC to rezone 1.29 acres northwest of the intersection of West Park Avenue and S. Pinnacle Hills Parkway from C-2 (Highway Commercial) to the U-COR (Uptown Core Mixed Use) zoning district.**

APPROVED

- 10. A request by Pinnacle Corner, LLC to rezone 6.66 acres east of S. Pinnacle Hills Parkway, north of the Tacos 4 Life restaurant, from C-2 (Highway Commercial) to the U-COR (Uptown Core Mixed Use) zoning district.**

Chairman Jensen asked if anyone in the audience wanted to speak in favor or opposed to the request.

There were none.

The public hearing was declared closed.

Motion by Zvers, second by Spann, to recommend the rezone request to City Council for approval as presented.

Roll Call: Unanimous ***Motion carried***

Reid Hill stated that they are requesting to rezone the property from C-2 to U-COR which is consistent with the comprehensive growth map.

Chairman Jensen asked if anyone in the audience wanted to speak in favor or opposed to the request.

There were none.

The public hearing was declared closed.

Motion by Samuels, second by Zvers, to recommend the rezone request to City Council for approval as presented.

Roll Call: Unanimous ***Motion carried***

APPROVED

- 11. A request by Pinnacle Corner, LLC to rezone 5.68 acres west of S. JB Hunt Drive, north of the Saltgrass Steakhouse, from C-2 (Highway Commercial) to the U-COR (Uptown Core Mixed Use) zoning district.**

APPROVED

NEW BUSINESS:

- 1. LSDP, Transplace, a 150,000-sf office building on 10.6 acres at 4909 W. Magnolia St. in the C-2 (Highway Commercial) zoning district and in the city's Overlay District.**
- 2. LSDP, Arkansas Swim Academy, 8,011-sf structure including pool area at 3709 W. Southern Hills Boulevard in the Southern Hills Business C-2 (Highway Commercial) zoning district.**
- 3. LSDP, Fitzroy Apartments, a 200-unit multifamily development on 13.20 acres between W. Laurel Avenue and S. 26th Street in the RMF-19B (Residential Multifamily, 19 units per acres, rentals) with a Density Concept Plan.**

Moved and APPROVED on the Consent Agenda

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4. Lot Split, Hews Ark, a proposed lot split for a cell tower under development on 0.64-acre site at 599 N. 13th Street. Lot Split approval to include a variance for the building setbacks in the I-1 (Light Industrial) zoning district.

Kyle Elliot stated that they've already been approved a cell tower through large scale and during this process the landlord wanted to sell the property to the tower owner but doing that they do not meet the south setback.

Motion by Samuels, second by Spann, to table the request for one month.

Voice Vote: Unanimous ***Motion carried***
APPROVED

5. Schedule of Use Revisions, previously approved changes to the Zoning Code Schedule of Uses to be codified by City Council.

Motion by Myers, second by Spann, to submit the list of changes to the schedule of uses for ratification to City Council.

Roll Call: Unanimous ***Motion carried***
APPROVED

6. Election of a new slate of Planning Commission Officers and acceptance of Committee Assignments.

Zvers stated he would like to be removed from the Development Review Committee as he would be chairing Planning Commission and Plans and Policies Committee. The slate names Zvers as Chairman,

Motion by Myers, second by Ferguson, to approve the officers and committee assignments as amended.

Voice Vote: Unanimous ***Motion carried***
APPROVED

Jensen stated this would go into effect prior to the next meeting.

There being no further business, Chairman Jensen adjourned the meeting at 6:13 p.m.

ATTEST:

APPROVED:

Mandel Samuels, Secretary

Kevin Jensen, Chairman