

Councilmember Mandy Brashear (Ward 1, Position I) was sworn-in on January 1, 2019 by Circuit Judge John Scott. Councilmembers Gary Townzen (Ward 2, Position I), Clay Kendall (Ward 3, Position I), and Barney Hayes (Ward 4, Position I) were sworn-in by Mayor Hines at 5:45 p.m. in the Council Chambers prior to the Committee Meetings.

MINUTES

The Rogers City Council met in *regular session* in the Council Chambers of the Maurice H. Kolman City Hall Building on Tuesday, January 8, 2019 at 6:30 p.m. The meeting was called to order by Mayor Greg Hines. The Invocation was given by David Matthews. Those in attendance were led in the Pledge of Allegiance.

PUBLIC HEARING:

To Vacate a Platted But Non-Existent Portion of Glen Vista Court Including a Cul-de-Sac Running SW to NE along and between Lots 6, 7 and 8, Glen Vista Subdivision

There were no comments from anyone in the audience.

The Public Hearing was declared close.

PUBLIC FORUM: John McCurdy, Director of Community Development made the following comments: “I just wanted to take a moment to provide the Council with an update on where we are with respect to making density management recommendations.

By way of background, I do want to commend the Planning Commission and its various committees, and the city planning staff for very faithfully applying the density standards that currently exist in the city Code as well as the Comprehensive Growth Map. We have denied quite a few requests for rezones and other planning actions that would have violated the new Comprehensive Growth Map. I’m not aware of any approvals that violate the map, and in one case a request was held off until a reasonable update could be made to the map rather than simply approving the request. I think this shows a high level of discipline on the part of the commission to adhere to the requirements that were set by the Council last year, by ordinance.

The Comprehensive Growth Map is the City Council’s formal expression of what we consider to be the highest and best use of land within the city, and it’s critical that the staff and the Planning Commission follow it as closely as possible.

That said, in response to Council requests to take a deeper look at multifamily density standards specifically, I wanted to ensure everyone is aware of the approach we are taking.

Last week we held an initial meeting of the Planning Commission Plans and Policies Committee. This was Kevin Jensen’s first Plans and Policies Committee meeting as Chairman of the Commission, so we had quite a bit of business to cover. I realize some members of the council were concerned that we notified you all of this meeting at the last minute; however, please realize that this is a standing working committee of the Planning Commission and that we normally don’t invite City Council

members. In this case, given the fact we have had quite a bit of council interest in the density discussion, I asked Lori to let you all know about the meeting.

In a nutshell, I believe we will soon be delivering a recommendation to the City Council for a Code revision that would move all density standards from Chapter 14, and to incorporate density standards within the Comprehensive Growth Map. This way our density standards can be aligned with our growth objectives in various parts of the city, and we'll be able to better visualize and execute our goals for managing density in smart and intentional way. For example, in traditional neighborhood areas we can severely limit density in order to preserve land for single family housing. In other areas, such as downtown or along I-49, we can allow our maximum density limits whatever those limits might be.

I do want to reiterate that prior to July, there was really no clear and actionable plan for managing density. Our Code allows for up to RMF-36, and although the market has yet to support densities this high, RMF-36 is theoretically possible anywhere in Rogers. In fact, our Comprehensive Growth Map in 2003 allowed for up to RMF-48.

Strategically, the Comprehensive Growth Map that you all approved in July is intended to encourage high density, high intensity land use in downtown, midtown, and uptown; and along I-49. These are all areas that either allow mixed use development and encourage a more compact urban type design, or in the case of the I-49 corridor, are so well served by transportation infrastructure that residential and commercial density can be encouraged there without creating future stress to the rest of our infrastructure system. If we do not actively encourage density where it makes sense, the result will inevitably be unplanned sprawl. So I do believe it is beneficial to encourage the highest densities the market will allow where those densities benefit the city, while severely limiting density where higher densities do not benefit the city.

Our aim, as we have said throughout this process, is to do all we can to promote Rogers as the downtown of Northwest Arkansas, with the I-49 corridor being the financial and commercial center of gravity for the region.

Going forward, my staff and I will be meeting with the Chairman of the Planning Commission on January 16th to further refine our initial recommendations.

We will hold a joint meeting of the Planning Commission Plans and Policies Committee, and the City Council Community Environment and Welfare Committee on January 23rd, and our goal is to have a firm recommendation by the conclusion of that session. The Community Environment and Welfare Committee is chaired by Jerry Carmichael and includes Gary Townzen and Barney Hayes. Going forward, I propose that this committee will also hear rezone requests before they hit the council for a vote. This will allow us to engage in a more thorough discussion of those requests.

On February 5th we hope to take a draft Code revision proposal to the full Planning Commission for a recommendation vote. And if we meet that deadline, we'll forward the draft to the City Council for review and comment on February 12th.

Of course all of these dates are subject to change depending on how smoothly the process goes. At any rate, I'll be providing you all with our planned timeline, and will send notifications to the entire

Council as soon as we have firm meeting dates so that you all can attend and provide input as desired. Of course, I'm always willing to meet at your convenience to answer any questions or take any input.”

There were no other comments from anyone in the audience.

The Public Forum was declared closed.

COUNCIL MEMBERS PRESENT:

Mark Kruger, Betsy Reithemeyer, Gary Townzen, Marge Wolf, Clay Kendall, Jerry Carmichael, Barney Hayes and Mandy Brashear were present.

OTHER OFFICIALS PRESENT:

City Clerk-Treasurer Peggy David, City Attorney Andrew Hatfield, Staff Attorney Bonnie Bridges, Police Chief Hayes Minor, Fire Chief Tom Jenkins, Deputy Fire Chief B. J. Hyde, Director of Finance Casey Wilhelm, Water Utilities Superintendent Brent Dobler, Parks and Recreation Director Jim White, Director of Community Development John McCurdy, Parks Superintendent Stan Weaver, City Planners Lori Ericson and Ethan Hunter, PR Specialist Ben Cline, Planning Commissioner Mandel Samuels, and Assistant to the Mayor Carey Hollis.

ACTION ON MINUTES:

(December 11, 2018)

Motion by Reithemeyer, second by Hayes to approve the minutes of December 11, 2018 as submitted.

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

Approves the suspending of rules for the meeting.

Motion by Kruger, second by Wolf to suspend the rules to consider all items on the agenda on a single reading.

Roll call: Unanimous – Yes. ***Motion carried.***

REPORTS OF BOARDS AND STANDING COMMITTEES:

(Agenda Item #1)

RES. #R19-01 Authorizing an Agreement for Transit Services with Ozark Regional Transit for the 2019 Year in an Amount Not to Exceed \$200,000.00

The resolution was introduced by Councilmember Kruger and read by title only by City Attorney Andrew Hatfield.

Kruger, chair of the Transportation Committee, reported the committee had met, recommended a “Do pass” and recognized City Planner Ethan Hunter.

Hunter reported this is the annual agreement with Ozark Regional Transit which is the same terms and amount that has been previously approved.

Motion by Kruger, second by Wolf to adopt the resolution.

Voice vote: Unanimous – Yes. *The resolution is adopted.*

OLD BUSINESS:

None.

NEW BUSINESS:

(Agenda Item #1)

ORD. #19-01 Rezone from A-1, RSF-5, and C-2 to A-1, N-R, and C-3, 68.84 Acres North and Southwest of the Intersection of Pleasant Grove Road and Hwy. 112 (Charles Reaves)

The ordinance was introduced by Kruger and read by title only by Hatfield.

Bill Watkins, representing the property owner, requested the rezoning that was unanimously approved by the Planning Commission.

The Mayor asked, “Shall the ordinance pass?”
Roll call: Unanimous – Yes. *The ordinance is adopted.*

The Mayor asked, “Shall the emergency clause pass?”

Roll call: Unanimous – Yes. *The emergency clause is adopted.*

(Agenda Item #2)

ORD. #19-02 Rezone from R-O & C-2 to R-DP and RMF-25B and Accepting the Density Concept Plan, ±28.57 Acres Located Between S. Dixieland Road, S. Concord Drive and W. Broadway Place (PWX, LLC)

The ordinance was introduced by Kruger, and read by title only by Hatfield.

Ryan Gill of Harrison French and Associates and Bradford Gaines, owner, presented the rezoning request for the 55-and-older gated project which the Planning Commission has unanimously recommended.

Councilmember Hayes stated, “That’s a pretty good jump in zoning from RSF to RMF-25 by just crossing the street. Traditionally we usually try to taper into the higher density.”

Gaines responded that with the existing C-2 zoning we used the RMF to buffer from the RSF.

Councilmember Reithemeyer agreed with Hayes that it is a big jump in zoning and made a motion to table this until the items that Mr. McCurdy had mentioned in the Public Forum could be completed. Hayes seconded the motion.

Voice vote: Majority – No. ***Motion fails.***

Gill explained the RMF-25 zoning is based on the three-story building for 55 years-of-age and older but with the duplexes on the remaining property actually calculates to 11 units per acre with deed restrictions. The owner will retain ownership and provide maintenance for the complex.

The Mayor asked, “Shall the ordinance pass?”
Roll call: Townzen, Wolf, Kendall, Carmichael, Brashear – Yes; Reithemeyer, Hayes and Kruger – No. ***The ordinance is adopted.***

The Mayor asked, “Shall the emergency clause pass?”
Roll call: Townzen, Wolf, Kendall, Carmichael, Hayes, Brashear, and Kruger – Yes; Reithemeyer, – No. ***The emergency clause is adopted.***

(Agenda Item #3)

ORD. #19-03 Rezone from C-2 to RMF-31B, Accepting the Density Concept Plan, ±4.24 Acres at the Southwest Corner of Promenade Blvd. and Walnut Creek Parkway (EF Capital AR LLC)

The ordinance was introduced by Kruger, and read by title only by Hatfield.

David Matthews, attorney, representing the owner, presenting the rezoning request saying this has been previously approved by the Planning Commission twice and follows the

comprehensive growth map as adopted in July of 2018. The density is based on calculations, conditions and amenities as allowed in the comprehensive growth ordinance. “This location is perfectly situated where the residents can enjoy the nearby restaurants, shopping venues and other gathering places. The question of the deed restrictions for the 55 years and older age restriction came up previously and has been signed off by the buyer and seller. Will it hold up? Yes, in my opinion.”

Councilmember Reithemeyer noted that her experience is that people 55 and older want to own their homes, not rent.

Matthews said the project developers are experienced in this market and have proven that this concept works.

Reithemeyer said there are condos that are individually owned and have HOAs and is still concerned with the level of density.

Matthews responded that in July of 2018, the comprehensive growth map and ordinance was approved that allows the density up to 36 units per acre.

Councilmember Wolf said she doesn't like the 36 units per acre and not real happy with the 31, but the code allows it and maybe the code will need to be revisited, but it will not happen soon. “I will support this rezoning.”

Councilmember Carmichael said he has researched the developers and this is not the first RMF-31 that has been approved. “I support the project.”

Reithemeyer requested that locations with multifamily zoning be shown on the Wolfvision. With this development there would be several hundred new units in that area.

Matthews introduced the owner/developer Dave Coryell.

Councilmember Kruger noted that the council in general has a concern with density everywhere in the city, but this project meets the comprehensive growth map and requirements and has been approved by the Planning Commission twice. “Am I excited about 31 units per acres? No, but under the current code, it is the highest and best use of the property.”

Councilmembers Carmichael and Hayes agreed with Kruger.

Coryell, in response to Reithemeyer’s statement about 55 and older who want to own rather than rent, said, “To my surprise I found it to be the opposite. We have older people with a four or five bedroom homes who want to downsize and shift into a three bedroom unit. They become family with the other residents where neighbors support each other. Our goal is to build a beautiful building and to keep getting it better.”

The Mayor asked, “Shall the ordinance pass?”
Roll call: Unanimous – Yes. ***The ordinance is adopted.***

The Mayor asked, “Shall the emergency clause pass?”
Roll call: Unanimous – Yes. ***The emergency clause is adopted.***

(Agenda Item #4)

ORD. #19-04 Vacating a Platted But Non-Existent Portion of Glen Vista Court

The ordinance was introduced by Kruger, and read by title only by Hatfield.

Bill Watkins, representing the BPOE Elks Lodge, requested approval to vacate a portion of a non-existent street. Utility companies have provided their consent to the vacation.

The Mayor asked, “Shall the ordinance pass?”
Roll call: Unanimous – Yes. ***The ordinance is adopted.***

The Mayor asked, “Shall the emergency clause pass?”

Roll call: Unanimous – Yes. *The emergency clause is adopted.*

APPOINTMENTS:

Mayor Hines recommended the appointment of Barney Hayes to the Advertising and Promotion Commission; to replace the expired term of Buddy Wright. The expiration of the term shall be November 1, 2022.

Approves the appointment of **Barney Hayes** to the *Advertising and Promotion Commission*; to replace the expired term of Buddy Wright, term to expire November 1, 2022.

Motion by Kruger, second by Wolf to approve the appointment of Barney Hayes to the Advertising and Promotion Commission as recommended.

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

ANNOUNCEMENTS:

Councilmembers welcomed Mandy Brashear to the council.

Councilmember Carmichael asked that the Community Development email out the dates for the proposed meetings as mention by Mr. McCurdy.

Councilmember Kruger commended the Community Development Department for their continued efforts to address the density issues that we all have concerns about.

There being no further business, motion by Kruger, second by Wolf to adjourn the meeting. Meeting adjourned at 7:16 p.m.

ATTEST:

APPROVED:

Peggy David, City Clerk-Treasurer

C. Greg Hines, Mayor