

MINUTES

The **Rogers Planning Commission** met for a *regular session* in the Council Chambers of the Maurice H. Kolman Building on March 5, 2019 at 4:30 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 Jensen, Commissioners Dennis Ferguson, Mark Myers, Tony Noblin, Mandel Samuels, John Schmelzle, Don Spann, and Eriks Zvers. Commissioner Rachel McLosky was not in attendance

OTHER OFFICIALS PRESENT:

Community Development Director John McCurdy, Planning Administrator Lori Ericson, Staff Attorneys Bonnie Bridges and John Pesek, Project Engineer Dylan Cobb, City Planners Ethan Hunter and Elizabeth Johnson, Deputy Fire Chief B.J. Hyde, Councilmembers Mark Kruger, Jerry Carmichael, Barney Hayes and Betsy Reithemeyer.

ACTION ON MINUTES:

February 19, 2019

APPROVED

Motion by Myers, second by Noblin, to approve the minutes of the February 19, 2019 meeting. Voice vote: Unanimous - Yes. ***Motion carried.***

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

REPORTS FROM STAFF:

Planner Ethan Hunter reported on two issues:

- A proposal for a change to the Comprehensive Growth Map to reflect a new NBT zone around the Midtown Regional Center allowing for a more controlled transition to less intense zones around Midtown. He said it was just an informational item at this
- Violation of a CUP issued to Victor Arguelles.

APPROVED

Motion by Myers, second by Samuels, to add consideration of the Arguelles CUP issue to the agenda.

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

REPORTS OF BOARDS AND STANDING COMMITTEES:

DEVELOPMENT REVIEW COMMITTEE:

Commissioner Zvers reported the Development Review Committee had met and considered just

one of the two LSDPs on the agenda, and the other will be discussed by the full Commission later in the meeting. At the Committee’s recommendation, Zvers made a motion, second by Noblin, to approve the LSDP for Popeye’s and place it on the Consent Agenda, contingent on all items in the engineering report and approving the following waivers:

- Waiver from exterior side yard setback from 45’ to 26’.
- Waiver for required 10’ sidepath with 6’ greenspace along Pleasant Grove Road.

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

APPROVED

PLANS AND POLICIES COMMITTEE:

Chairman Jensen reported that the Plans and Policies Committee had met and reviewed the rezoning request by True Blue Properties and the accompanying Density Concept Plan. He noted the item was on the agenda as a public hearing and would be discussed then, but that the committee had recommended tabling the issue due to the changes requested and needed time for revisions and review.

APPROVED

Jensen asked for a motion on the Consent Agenda.

Motion by Zvers, second by Ferguson to approve the Consent Agenda.

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

OLD BUSINESS:

None

PUBLIC HEARINGS:

1. **A request by True Blue Properties, LLC to rezone 13.19 acres at S. 26th St. and W. Laurel Ave. from A-1 (Agricultural) to the RMF-19B (Residential Multifamily, 19 units per acre, rentals) zoning district with a Density Concept Plan proposal.**

HFA Engineer Ryan Gill presented the planned project that would include four buildings, each four stories and a courtyard amenity.

Chairman Jensen opened the public hearing, receiving the following comments:

- Gordon L. Knetzer, 2105 W. Coyote Trail, concerned about traffic on Laurel and touted less dense single-family housing.

Chuck Easterling, 2704 S. 24th St., spoke on the average home value in the area that he estimated at a half-million-dollars and possible impact of smaller home lots.

- Pam Knetzer, 2105 W. Coyote Trail, brought a rope in that she said she'd stretched across Laurel Avenue from the development property to her own saying it was 53 feet, 8 inches. Laurel is narrow, curvy and dangerous, she said.
- Paul Johnson, 2803 S. 24th Street, warned of drainage issues with the subject property, touted a need for a trail connection to that area, and suggested condos be built rather than apartments..
- Tony Maddox, 2402 W. Coyote Trail, said Laurel Avenue has flooded during heavy rains.
- Steven Colwell, 2705 S. 26th Street, noted the nearby elderly housing development and concern for patients who might be affected by noise and heavy traffic.
- Amanda Courcey, 2806 S. 22nd Street, said increased traffic on Pleasant Grove Road should be a consideration as well. Homes in the area are valued at \$300,000 to \$600,000
- Phil Fielding, POA President for Creekside Subdivision, classified Laurel Avenue as "extremely dangerous," and development should be delayed until infrastructure improvements are made.

The public hearing was declared closed.

In response to public comments, Gill noted that the setback for the northernmost planned building was 225 feet from the north property line. He said the request meets the Rogers Comprehensive Growth Map, but the Committee had discussed some revisions to the site plan that need to be considered. He asked that the item be tabled.

John McCurdy noted that street improvements would happen as the property along Laurel develops.

TABLED

2. **A request by Genaro and Maria Salas to rezone 1504 W. Persimmon St. from R-O (Residential Office) to the R-DP (Residential Duplex Patio Home) zoning district.**

Noblin made a motion to table the rezone request. Myers seconded the motion.

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

Jim Neill, represented the request, and explained the plan to build possibly five duplexes along the west side of the long narrow property and another at the south end.

Chairman Jensen opened the public hearing. There were no public comments, and the public hearing was declared closed.

APPROVED

3. **A request by Reliance Firearms, LLC for a Conditional Use Permit to allow retail sales at 1906 W. Town West Drive in the I-1 (Light Industrial) zoning district.**

Myers made a motion, second by Zvers, to recommend to the Rogers City Council approval of the request by Genaro and Maria Salas to rezone 1504 W. Persimmon Street to R-DP.

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

Craig Hamilton, owner of Reliance Firearms, said he plans to operate the business inside the building where Parker's Indoor Gun Range is located. He will take over the sporting goods/firearms sales part of the business, but Parker will continue to operate the gun range part of the business.

Chairman Jensen opened the public hearing. There were no public comments, and the public hearing was declared closed.

APPROVED

4. **A request by Impact Ministries of NWA for a Conditional Use Permit to allow religious assembly at 4052 S. Honeysuckle Ln. in the I-1 (Light Industrial) zoning district.**

Noblin made a motion, second by Schmelzle, to approve the request by Reliance Firearms for a Conditional Use Permit for retail sales at 1906 W. Town West Drive.

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

Larry Marler represented the request, explaining the plan to hold church services in the location.

Jensen opened the public hearing. There were no public comments, and the public hearing was declared closed.

APPROVED

- 5. A request by Laurel & Concord, LLC to rezone 39.98 acres on the SE corner of W. Laurel Ave. and S. Concord St. from A-1 (Agricultural) to the N-R (Neighborhood Residential) zoning district.**

Motion by Ferguson, second by Myers, to approve the Conditional Use Permit for Impact Ministries to allow religious assembly at 4052 S. Honeysuckle Lane.

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

Engineer Tom Hennelly with Crafton Tull, representing the rezone request, explained the original request was for R-AH (Residential Affordable Housing) zoning, but was changed to N-R (Neighborhood Residential). The change was mainly requested due to the negative connotations of the R-AH zone. He said the request is for N-R, but allow 52-foot-wide lots, rather than the usual 60-foot-wide lots in N-R.

Chairman Jensen opened the public hearing, receiving the following comments:

- Steve Franklin, 2705 S. Laurel Crossing, said he was concerned the development would become a rental market.
- Kevin Necessary, 2720 S. Laurel Crossing, expressed concern about traffic.
- Paul Harrill, 1719 W. Laurel, was concerned about traffic on Laurel and the condition of the road.
- Angie Unruh, 2716 S. Laurel Crossing Circle, said houses in her neighborhood are worth \$350,000. She's concerned about property values and traffic on Laurel. She suggested the site would be a good location for a city park.
- Robert Trost, 1703 W. Gilligan, said he'd gathered over 20 signatures of Gilligan and Laurel avenues opposing the development. He objected to the density proposed, stating that the infrastructure won't support.
- Max Miller, 1301 W. Laurel, expressed concerns about traffic, flooding, and property values.
- Carrie Perrien Smith, 1200 Mallard Lane, spoke in favor of the development of "more modestly priced homes." With

that price range, more young families
move in, and schools are impacted. A

neighborhood of young families and modestly priced homes, also includes a lot of Hispanic and Latino families, she said, adding that they typically have more family members living together with multiple cars in the street and driveways filling up the neighborhoods. She called it “not a pretty site,” labeled it a “quality of life issue,” and said the city needs to address it.

- John Alexander, 2710 Laurel Crossing Circle, talked of the lack of sidewalks on Laurel and the number of bikers and walkers using the narrow street to get access to the Greenway Trail.
- Reuben Cox, 2805 S. Laurel Crossing Circle, said the infrastructure isn’t there in the area to support the increased density.
- Glen Smith, 1713 W. Gilligan, talked about property values, traffic expectations, and the condition of Laurel Avenue, noting that barrels located in the intersection of Laurel and Concord.

The public hearing was declared closed.

Hennelly responded to the comments, stating that the development will not be much more dense than the homes in the RSF zone of three housing units per acre, and won’t be much more than four units per acre. He said there’s some disparity in the usable acreage at the location because of the area of floodplain that will be undevelopable. The plan is for 140 homes on the 40-acre tract, and the homes will be valued at \$270,000 to \$340,000. He also noted the developer will be required to make improvements to both Laurel Avenue and Concord Street as part of the development requirements.

Spann said he’s not sure the density is right with what is around the development. Myers, who noted he lives near the property and knows the area well, said he believed the property would be better zoned R-SF. He expressed concerns about the request to allow narrower lots.

Samuels said he thought it was an appropriate location consider the adjacent RSF-5 and R-DP zoning areas. Hennelly agreed, noting some surprise at the density that is basically RSF-4. Myers said he'd rather see the density build up from north to south within the site to allow an orderly transition of zoning.

Staff was asked about the status of Laurel Avenue. Dylan Cobb said the road is a functioning collector street, but the intersections haven't been studied. McCurdy noted that it is a two-lane road and will always be a two-lane road. He said the way many streets are improved is through development.

APPROVED

- 6. A request by Matt Ahart with Milton Properties to rezone 2.7 acres on W. Hudson Road from C-4 (Open Display Commercial) to the I-1 (Light Industrial) zoning district.**

The Commission discussed the request at length with Myers pressing for less dense single-family development. Samuels noted that as open land disappears, density has to increase to make it profitable to develop. Jensen stated the commission has three options: proceed with the rezone as requested to N-R; opt to rezone to the original request of R-AH; or, table the request.

Hennelly confirmed he was aware the rezone could not be requested again for a year if denied, and asked the Commission to proceed with the request for the N-R zone.

Schmelzle made a motion, seconded by Samuels, to recommend to City Council the request by Laurel & Concord, LLC, to rezone 39.98 acres at the southeast corner of Laurel Avenue and S. Concord Street to N-R with approval of the 52-foot-lot-width and reduction to 5-foot side setbacks.

Roll Call: 5-3 Yes. (Opposed: Myers, Spann, and Noblin). ***Motion carried.***

Matt Ahart representing Milton Properties requested the item be tabled due to a problem with the public notice.

Jensen asked if anyone in the audience was there to speak on the request. There was no

response. Staff Attorney Bonnie Bridges said the problem with the public notification was a formality and the item could be tabled, allowing the public hearing to be continued at the next Commission meeting.

TABLED

Motion by Myers, second by Spann, to table the CUP request for Milton Properties.
Voice Vote: Unanimous – Yes. ***Motion carried.***

NEW BUSINESS:

1. **LSDP, Popeyes, a 3,200-sf restaurant on 1.10 acres at 2044 W. Pleasant Grove Road in the C-2 (Highway Commercial) zoning district.**

2. **LSDP, Rogers High School PLC, a 79-space parking lot on 0.99 acres at 2100 W. Perry Road in the C-2 (Highway Commercial) zoning district.**

Moved and **APPROVED** on the Consent Agenda.

Dirk Thibodaux with Gray Rock Consulting apologized for not attending the Development Review Committee meeting prior to the Commission session. He said the project is a parking lot only.

APPROVED

Zvers made a motion, second by Noblin, to approve the Large-Scale Development Project, contingent upon all conditions listed in the engineer’s report, and approving the waiver from required street trees within the ROW.
Voice Vote: Unanimous – Yes. ***Motion carried.***

3. **Violation of a Conditional Use Permit for Victor Arguelles for Vehicle Repair at 116 W. Easy Street.**

Commissioners discussed with staff a previous extension of the Conditional Use Permit to allow Mr. Arguelles to comply with the stipulations of approval, namely the paving of a parking area for vehicles of patrons of Arguelles’s business, and the lack of contact with city staff about his plans to comply.

APPROVED

Zvers made a motion, second by Samuels, to discontinue the Conditional Use Permit for Victor Arguelles.
Voice Vote: Unanimous – Yes. ***Motion carried.***

There being no further business, Chairman Jensen adjourned the meeting at 6:56 p.m.

ATTEST:

APPROVED:

Mandel Samuels, Secretary

Kevin Jensen, Chairman