

MINUTES

The **Rogers Planning Commission** met for a *regular session* in the Council Chambers of the Maurice H. Kolman Building on November 5, 2019 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, Mandel Samuels, John Schmelzle, and Don Spann were in attendance. Mark Myers, Tony Noblin and Eriks Zvers did not attend.

OTHER OFFICIALS PRESENT:

Community Development Director John McCurdy, City Engineer Lance Jobe, Planning Administrator Lori Ericson, City Planner Ethan Hunter, Planner III Beth Johnson, Planner III Jessie Masters, Planner I Christopher Robinson, Planning Tech Gloria Garcia, Staff Attorney John Pesek, Assistant Fire Chief BJ Hyde, Fire Marshal Joseph Jarabeck, and Councilmember Jerry Carmichael.

ACTION ON MINUTES:

(October 15, 2019)

APPROVED

Motion by Schmelzle, second by Crawford, to approve the minutes of the October 15, 2019 meeting.

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

Motion by Schmelzle, second by Spann, to move to approve revision of the September 19, 2017 minutes to clarify the \$17,490 was required as fee-in-lieu of water quality treatment improvements for the Creekside Courtyard by Marriott project.

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

APPROVED

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:

Chairman Jensen reported that the Committee met to discuss two items:

- The Density Concept Plan for the Hudson Road Townhomes received a recommendation that will be discussed later in the meeting.
- The Density Concept Plan for the Yates Farm was requested to be tabled.

DEVELOPMENT REVIEW COMMITTEE:

Commissioner Samuels reported that the Development Review Committee had met and reviewed three items. The Mobius Learning Academy was tabled. The Committee recommended approval of two other proposed developments with decisions on requested waivers as listed:

- 1. PRELIMINARY PLAT, Scissortail Phase 3, a 95-lot phase of the existing subdivision on 35.25 acres on W. Pleasant Grove west of Arkansas 112 in the RSF (Residential Single-Family) zoning district.**

APPROVAL of a requested waiver of Sec. 14-580(1)c.iii from requiring street trees to be planted as part of the Typical Street Section (staff recommends denial).

- 2. LSDP, First Street Self Storage, a proposed storage facility with 63,104 sf in five buildings on 4.27 acres at 1911 S. 1st Street in a mix of C-2 (Highway Commercial) and RMF-12B (Residential Multifamily, 12 units per acre) zoning districts.**

DENIAL of a requested waiver to Sec. 14-608 for required street improvements, but allowing a fee-in-lieu for the improvements.

APPROVED

Motion by Samuels, second by Schmelzle, to move the items as listed to the Consent Agenda. Voice vote: Unanimous - Yes. ***Motion carried.***

CONSENT AGENDA:

Jensen asked for a motion on the Consent Agenda as proposed.

APPROVED

Motion by Spann, second by Samuels, to approve the Consent Agenda.
 Roll Call: Unanimous – Yes. ***Motion carried.***

OLD BUSINESS:

None

PUBLIC HEARINGS:

- 1. A request by P.E.A.R.L Inc. for a Conditional Use to allow transitional housing at 1502 W. Oak St. in the R-SF (Residential Single Family) zoning district.**

Attorney Bill Watkins, representing the applicant, explained the facility is to be used for women in the Benton County Drug Court system. He said the name stands for Positive Energy Affecting Recovering Lives and noted the transitional home would operate under the auspices of the Drug Court program through Judge Tom Smith’s Court.

Watkins noted that transitional housing is allowed in RSF as a Conditional Use, so the city has decided that it’s a residential use. He explained how the home will work with 10 participants and two support staff. He said the square footage is deceptive because an enclosed patio will be used for sleeping quarters. He said there are about eight available parking spaces with no need for parking on the street and they will agree to no parking on the street. He also described the type of participant as a non-felon female, no families, no children, just the participants.

Watkins introduced Judge Tom Smith, District 3 Drug Court. Judge Smith emphasized the requirements for the participants to be employed, involved in therapy, daily drug tests, weekly counseling, and strict supervision. He said getting the participants out in the community in a sober life is important for their success in the program. He said they are abiding by all the rules or not involved in the program.

Commissioners discussed other transitional housing operations in the city, security at the

proposed location, and the close proximity to the probation offices that monitor Drug Court participants.

Chairman Jensen opened the public hearing to those wishing to speak in favor, receiving the following comments:

- Karen Slater, founder and acting executive director of PEARL, spoke in favor of location due to proximity to the Probation Office. She said the participants will walk, share rides, and walk. They can walk to nearby job opportunities. She touted the security system that will be put in place. She said the participants are non-violent offenders.
- Michelle Barrett, coordinator for Benton County Drug Court, commented on the need to get people in recovery out in the community leading sober lives. People who succeed in program learn new skills in a sober environment through their recovery. She said the program needs beds for p
- Caroline Wallace, executive director of Brand New Mercies, a transitional home in Rogers, said the program is working and saving lives. She talked about the security system and how their presence in the community has made their neighborhood safer.
- Sandra Nomack, Nicole's House, another transitional home in Rogers for recovering women, said that the police have never been called to the home. She said the home has had three graduates this year and she has had to turn 150 women away this year.
- John Comstock, former circuit judge, said he taught conflict resolution at law school. He stated that he's presented conflict resolution conferences in the women's unit at Washington County Jail. He asked women in incarceration what their greatest need is for success

after their release, and was told repeatedly that they needed housing and recovery opportunities.

Chairman Jensen opened the public hearing to those wishing to speak in favor, receiving the following comments:

- Celeste Pilkington, 904 S. 15th St., said she's mostly worried about security and safety. She noted that she is the closest neighbor.
- Deborah Markheineke, 905 S. 16th St., said she represented other neighbors with concerns about security, parking, and the number of people in the house. Property values will go down and it's not the right location. She pointed out that Soul's Harbor is in the Light Industrial zoning district.
- Tom Pilkington, 904 S. 15th St., said he's concerned about security and noted that the house had a meth lab in it years ago.
- Elsa Mendez, 1507 W. Oak St, objected to the number of women to be housed at the facility.
- Heath Woods, 1509 W. Oak, said the location is convenient and close to everything, but the parking is not adequate and the lot is not big enough. He's concerned about property values decreasing.
- Dennis McDonald, 907 S. 16th Street, noted the Drug Court is great program and he supports it. But, he said, he's concerned about parking and safety in the neighborhood if the transitional home is allowed.
- Jenny McBride, 1503 W. Oak Street, said she was also representing her mother Cassandra McNeil, who lives at 1505 W. Oak. She read a letter from her mother discussing previous police activity at the location, which is directly across the street from her home.
- Marsy Humphrey, 906 S 15th Street, said she's an 87 year old woman who has lived in her home for 22 years. She

wants to keep neighborhood as it is and feel secure in her home.

- Carol Roundtree, 905 S. 15th, said there have been a lot of bad things go on in that house. She said the program is worthwhile, but this is a bad location.
- Ada Garcia, grew up at 907 S. 15th where her parents still live and her three kids go there after school. She said her parents' concerns include house values and safety. She said they'd would like to know what the turnover is, how often will they see new faces.
- Debbie Patton, 909 S. 15th Street, said the home shouldn't be located in a residential area. She said Oak Street is very busy and agreed they may be able to get eight cars on the lot, but maneuvering onto Oak Street would be a hassle.
- Ed Carter, 1501 W. Oak St., said he's not as concerned about the ladies at this facility but the type of people they will attract to the house.

The public hearing was declared closed.

Watkins spoke in response to the public comments, noting that the transitional home will be an improvement from what has happened at the house in the past because it will be improved and maintained. He noted that the participants want to be there and will be strictly supervised. He argued that the daily testing and Drug Court criteria for remaining in the home would eliminate bad actors, and pointed out that support staff approval of visitors is required. He also noted an existing home for recovering, homeless veterans on Chestnut Street with serious problems, and it's fit in the community. He asked staff if there had been any complaints or issues with that home, and was told they weren't aware of any. He called it a "shining example" of how a transitional home can fit.

Ferguson asked if there is anything specific about this address that makes it necessary for the program and if there are any non-residential properties that would work in the area. Watkins said he hasn't studied the market and doesn't know what might be for sale. This is for sale, he said.

Samuels asked about visitation. Watkins conferred with the director, who said there will be no overnight visitors and any visitors will have to be approved by staff.

John McCurdy noted that the number of people allowed to live in the home will be determined by the IBC regulations. He said ten may be too many, according to Risk Reduction officials. Any limitation imposed on the number of people needs to be linked to a compatibility issue or may violate Fair Housing regulations. Since the city doesn't limit housing numbers in other residential uses, it shouldn't for this use.

He also said the Commission's role isn't to determine if this is the best location for a proposed use, but an acceptable location for the proposed use.

After further discussion, Watkins said his client will limit the participants to eight in the home and the number of vehicles at the location to six.

DENIED

2. **A request by Hunt Plaza to rezone four acres east of S. Pinnacle Hills Parkway at S. Champions Drive from a mix of the U-COR (Uptown Core Mixed Use) and C-2 (Highway Commercial) zoning to the U-COR (Uptown Core Mixed Use) zoning.**

Motion by Ferguson, second by Spann, to deny the Conditional Use request for P.E.A.R.L., Inc. Voice Vote: 6-1 (Opposed: Samuels) ***Motion carried.***

Representing the applicant, Reed Hill with Crafton Tull, said the four acres is a mix of zoning and the plan is to have it all zoned U-COR.

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.

APPROVED

Motion by Schmelzle, second by Crawford, to recommend the rezoning of 5100 W. JB Hunt Drive to U-COR.

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

- 3. A request by Southern Storage for a Conditional Use to allow warehousing and storage, limited on 8.98 acres east of 3855 S. 26th Street in the C-2 (Highway Commercial) zoning district.**

Jorge DeQuesne, engineer with Blew & Associates, explained the development plans for a storage next to Academy Sports. He said the amount of residential in the area makes it a good location for the storage facility. He noted that there would be outside storage of RVs, but absolutely no one living in the RVs.

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 Commission discussed the need for screening on North, South and East sides of the property per LSDP regulations.

APPROVED

Motion by Schmelzle, second by Spann, to approve the Conditional Use Permit as presented.

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

- 4. A request by Rita Guido to rezone 120 N. 6th St. from COM (Commercial Mixed Use) to the NBT (Neighborhood Transition) zoning district.**

Attorney Bill Watkins, representing Guido, said the property north of an alley dissecting the block north of Walnut Street is all residential. His client wants an accessory dwelling unit to house her mother. The code allows an ADU in Neighbor Transition by not in the COM zoning district. He discussed a number of options for addressing the problem.

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 detailed the options and staff displays. John McCurdy said staff agrees with Mr. Watkins that the properties north of the alley are a legacy neighborhood of residential and should be allowed to remain residential. Staff also supports updating the Comprehensive Growth Map in order to not violate it with the residential rezone. At the same time, he said, staff supports allowing ADUs for preexisting noncompliant residential uses throughout the downtown area. He said the intent of the DRDC is not to overly limit use and mixed use, but to encourage traditional forms in downtown Rogers and that's what this would do.

A woman asked to be heard. Jensen explained the public hearing was closed, but he recognized her. She didn't state her name but said she owns the commercial property in front of the location up for consideration. She said the zoning is confusing for people. Jensen said this will clean up some of that confusion. McCurdy encouraged her to get with the Planning staff for more clarification

Jensen asked for a motion "to accept the change to the schedule of uses in Commercial Mixed Use zoning district for residential lodging uses, accessory building, residential garage apartment in the Commercial Core, any legally non-forming detached use may add an accessory unit without violating any nonconformity standard." Motion by Samuels, second by Schmelzle, to approve the motion as stated.

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

Jensen asked for a motion to revise the Comprehensive Growth Map as presented in Tab 1.

Motion by Samuels, second by Spann, to approve the motion as stated.

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

APPROVED

APPROVED

5. **A request by Hudson Road Townhomes to rezone 3.07 acres east of 2100 W. Hudson Road from C-2 (Highway Commercial) to the C-3 (Neighborhood Commercial) zoning district with a Density Concept Plan**

APPROVED

6. **A request by Josh Porter for Yates Farm to rezone 1501 S. Rainbow Road from C-3 (Neighborhood Commercial) zoning to the C-3 (Neighborhood Commercial) zoning district with a Density Concept Plan.**

TABLED

Jensen then asked for a motion on the rezone itself.

Motion by Samuels, second by Spann, to recommend for City Council approval the request by Rita Guido to rezone property located at 120 N. 6th Street to the NBT zoning district as presented.

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

APPROVED

Andres Forero, engineer, presented the request for a multifamily development of nine buildings. He detailed the aspects of the project, stating it would be the only residential use within the Neighborhood Center.

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 said the Committee recommended the approval, but denial of the waiver request. He said the waiver may be presented during the large-scale development process when engineering issues have been more resolved.

Motion by Spann, second by Schmelzle, to accept the Density Concept Plan as presented for the request by Hudson Road Townhomes to rezone at 2.92 acres between 2100 and 1800 W Hudson Road from C-2 to C-3.

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

Jensen stated that the Committee was asked to table the request and asked for a motion.

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

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

7. A request by Jeremy Avance to rezone 410 N. 13th Street from the C-2 (Highway Commercial) zoning to the RMF-12 (Residential Multifamily, 12 units per acre) zoning district with a Density Concept Plan.

Jensen noted the request was withdrawn by the applicant prior to the meeting.

WITHDRAWN

NEW BUSINESS:

1. PRELIMINARY PLAT, Scissortail Phase 3, a 95-lot phase of the existing subdivision on 35.25 acres W. Pleasant Grove west of Arkansas 112 in the RSF (Residential Single-Family) zoning district..
2. LSDP, Mobius Learning Academy, a proposed 8,400-sf school building at 8313 W. Pleasant Grove Road in the A-1 (Agricultural) zoning district.
3. LSDP, First Street Self Storage, a proposed storage facility with 63,104 sf in five buildings on 4.27 acres at 1911 S. 1st Street in a mix of C-2 (Highway Commercial) and RMF-12B (Residential Multifamily, 12 units per acre) zoning districts

Moved and APPROVED on the Consent Agenda.

Tabled.

Moved and APPROVED on the Consent Agenda.

There being no further business, Chairman Jensen adjourned the meeting at 6:33 p.m.

ATTEST:

APPROVED:

Mandel Samuels, Secretary

Kevin Jensen, Chairman