**MINUTES**

The **Rogers Planning Commission** met for a *regular session* in the Council Chambers of the Maurice H. Kolman Building on February 19, 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, Rachel McLosky, Mark Myers, Tony Noblin, Mandel Samuels, John Schmelzle, Don Spann, and Eriks Zvers.

**OTHER OFFICIALS PRESENT:**Community Development Director John McCurdy, Planning Administrator Lori Ericson, Staff Attorney Bonnie Bridges, Project Engineer Dylan Cobb, City Planners Ethan Hunter and Elizabeth Johnson, Deputy Fire Chief B.J. Hyde, Councilmembers Betsy Reithemeyer and Jerry Carmichael.

**ACTION ON MINUTES:**

(February 5, 2019)

**APPROVED**

Motion by Noblin, second by Zvers to approve the minutes of the February 5, 2019 meeting.

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

**REPORTS FROM STAFF:** John McCurdy asked that the appeal of a Schedule of Uses zoning decision by staff be placed on the regular agenda under New Business.

**APPROVED**Motion by Samuels, second by Ferguson, to add the appeal to the agenda.

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

McCurdy asked that the Commission consider a change in the Schedule of Uses for the NBT (Neighborhood Transition) zone also be added to the agenda under New Business.

**APPROVED**Motion by Noblin, second by Zvers, to add the change to the NBT schedule of uses to the agenda.

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

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**REPORTS OF BOARDS AND STANDING COMMITTEES:**

**SUBDIVISION COMMITTEE:** Commissioner Ferguson reported that the Subdivision Committee had met and reviewed the Preliminary Plat for Roselawn Subdivision.

Ferguson made a motion, second by Schmelzle, recommending approval of the plat and placing it on the Consent Agent with approval contingent on meeting all conditions in the engineering report and allowing the following variances with the plat:

* + - Waiver to Sec. 14-64(c)(2) for the requirement to provide a local street (stub-out) connections along each boundary that abuts potentially developable or re-developable land.
    - Variance to Sec. 14-702(c)(2)(b) for 5’ interior side setbacks rather than the minimum 6’ setback.
    - Variance to Sec. 14-702(d)(2) for 50’ lot width rather than the minimum 60’ width.
    - Variance to Sec. 14-702(d)(3) for lot depth reductions for lots affected by the denied street alignment waiver.

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

**APPROVED**

**LSDP COMMITTEE**: Commissioner Zvers reported the Large-Scale Development Committee had met and considered three items. He made a motion recommending approval of the LSDPs and placing them on the Consent Agenda, contingent on all items in the engineering report and approving all associated waivers as requested, placing condition hem on the Consent Agenda for approval. Schmelzle seconded the motion, approving the following projects with the waivers listed:

1. **LSDP, ONE Uptown,** a mixed-use development on 1.59 acres at the southeast corner of S. Champions Dr. and W. Pauline Whitaker Parkway.

* Approve waiver to upgrade existing substandard streets to meet current City standards along S. Champions Drive for the section along the parcel containing the proposed retention pond.
* Approve the waiver for required 10’ sidepath with 6’ greenspace along W. Pauline Whitaker Parkway.
* Waiver from required number of bicycle parking spaces.
* Waiver from the 60% maximum building frontage.
* Allow Nichiha Panels to count as masonry to meet elevation requirement.

1. **LSDP, Rogers Fire Station #8**, a 7,888-sf fire station on 3.38 acres at 7001 W. Pleasant Grove Road

* Waiver from the requirement that the landscaping calculations are based on total development area.
* Waiver from providing street trees.

1. **LSDP, Saltgrass Steakhouse,** a 67,922-sf restaurant on 1.56 acres at 4044 S. J.B. Hunt Drive.

* Waiver to Sec. 14-608(1) for the requirement to dedicate right-of-way per the Master Street Plan collector street typical section.

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

**APPROVED**

**Consent Agenda** **APPROVED** Motion by Zvers, second by Spann to approve the Consent Agenda.

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

Jensen reported that the Plans & Policies Committee had met, but the three items discussed did not need to be added to Consent Agenda. He asked that the Commission add them to the regular agenda. The first item was an update to the Rogers Master Street Plan.

**APPROVES** moving Master Street Plan update to the agenda Motion by Spann, second by Samuels, to add the Master Street Plan update to the agenda.

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

Jensen said the second item was the Density Code revisions and corresponding updates to the Comprehensive Growth Map.

**APPROVES** moving Density Code and Comprehensive Growth Map revisions to the agenda.Motion by Samuels, second by Zvers, to add the Density Code and Comprehensive Growth Map revisions to the agenda.

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

An update to the Commission’s Bylaws was the last issue Jensen asked to be added to the regular agenda.

**APPROVES** adding the Master Street Plan update to the agenda.Motion by Zvers, second by Samuels, to add the Master Street Plan update to the agenda.

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

**OLD BUSINESS:**

1. **A request by NWA Ground Services for a Conditional Use to allow Building Materials and Services on 9.64 acres at 2121 S. Bellview Road, a mix of C-2 (Highway Commercial) and R-O (Residential Office) zoning distric**t.

Ryan Gill, engineer with HFA, and developer Alex Blass, presented the CUP request, explaining in detail the proposed layout of the mixed-use development including the landscaping business generating the need for the CUP. Gill noted changes to the plan made since the issue was tabled at the Feb. 5 meeting and detailed in the Feb. 11, 2019 applicant letter with accompanying exhibits.

The Commission discussed:

* Allowing the Conditional Use Permit for operation of a landscape business only.
* Phasing of the project to eventually include two mixed-use buildings facing Bellview Road.
* A planned masonry wall to screen the rear parking area where equipment and company trucks will be parked.
* Plans to stockpile mulch and other materials in a storage building to be accessed from the east to reduce its visibility from Bellview Road.
* Plans to sell materials only for installation on jobs handled by the company, not retail on the site.
* Allowing a temporary screening fence for part of the property until the second building is complete.

**APPROVED**

Motion by Noblin, second by Spann, to approve the request by NWA Ground Services for a Conditional Use Permit to allow building materials and services at the subject location with all conditions listed in the applicant letter and associated exhibits be binding, and I hereby incorporate that letter and associated exhibits by reference as if set out word-for-word herein.

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

**PUBLIC HEARINGS:**

1. **A request by Advanced Services NWA LLC for a Conditional Use Permit to allow vehicle storage at 2000 S. 8th St. in the C-2 (Highway Commercial) zoning district.**

Kelly Delorey, representing Advanced Services Towing, said they had been operating at the location for six years. She said there was no plan to do anything new, but they had never obtained a Conditional Use Permit.

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

The commission discussed the needed screening of the vehicle storage lot, the surrounding businesses, and the nearby floodplain surrounding the Blossom Way Creek. Commissioners also discussed whether the location would be considered a grandfathered-in or legally nonconforming use due to possible previous use at the property. Jensen suggested the Conditional Use Permit request for Advanced Services Towing and Roadside Service be handled later in the meeting after the applicants discuss the issue

**2. A request by Humberto Umana for a Conditional Use Permit to allow vehicle/equipment sales and rentals, vehicle/equipment repair and installation at 1410 E. Prairie Creek Drive in the C-2 (Highway Commercial) zoning district.**

Humberto Umana explained the plan is for the family to continue living in the house and run the vehicle repair shop out of the shop in the back.

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

The Commission discussed the plan for the repair shop to be behind the row of trees along the back of the house and the fact that the greenery provides screening to allow the shop area in the rear to be used for parking of cars for the repair business. The Commission informed the Umanas they would need to return to with another CUP request if they decide to include auto sales, because the sales in the front would require paving and the large-scale process.

Motion by Myers approve the request for a Conditional Use Permit for vehicle repair and deny the request for vehicle sales, with the following conditions:

* The property must be developed in accordance with Sec. 14-207(a)(4) which requires large-scale development process when converting a residential use to a non-residential use.
  + All vehicles on-site in front of the screening fence must be parked in striped and paved spaces.
  + All stored vehicles must be screened from public view.

Noblin suggested the applicant withdraw the request for vehicle sales so that if they decided to proceed with the request in the future they could come back anytime, but if the request is denied by the Commission, it cannot be heard again for a year.

The Umbertos agreed, and asked that the CUP request not include vehicle sales, only vehicle repair.

**APPROVED**Myers amended his motion to approve the Conditional Use for vehicle repair only, with the conditions as listed. Samuels seconded the motion.

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

1. **A request by Roadside Services LLC for a Conditional Use Permit to allow vehicle storage at 2006 S. 8th St. in the C-2 (Highway Commercial) zoning district**.

The item was moved to the end of the public hearing section of the agenda.

1. **A request by Ray Palmer for a Conditional Use Permit to allow retail sales at 1114 W. Poplar Place in the R-O (Residential Office) zoning district.**

Attorney Bill Watkins presented the request, noting that Palmer’s Violin has been a fixture in downtown Rogers on Walnut for years.

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

**APPROVED**Schmelzle made a motion, second by Spann, to approve the request by Ray Palmer for a CUP to allow “Retail Sales, and Maintenance and Repair Services” at 1114 W. Poplar Place.

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

1. **A request by Carroll Electric to rezone 3202 W. New Hope Rd. from a mix of R-O (Residential Office) and CU (Condominium Unit) to the C-2 (Highway Commercial) zoning district.**

Attorney Ed McClure, representing Carroll Electric, requested that the rezone be changed to C-3 (Neighborhood Commercial) rather than C-2.

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

John McCurdy stated that the Commission would need to amend the Comprehensive Growth Map to stretch a Neighborhood Center at New Hope and Arapaho to include this property and the property to the east before allowing the rezone if they favored the request. The CGM classifies the property as Neighborhood, but the Neighborhood Center would allow the commercial zoning.

**APPROVED**Motion by Zvers, second by Samuels, to update the Comprehensive Growth Map to include the subject parcel and the parcel directly to the east of it as Neighborhood Center.

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

**APPROVED**Motion by Zvers, second by McLosky, to recommend for City Council approval the request by Carroll Electric Cooperative Corporation to rezone 3202 W New Hope Road from RO-CU to the C-3 zoning district.

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

1. **A request by Gregory & Harriet Stone to rezone 506 S. 3rd St. from N-R (Neighborhood Residential) to the NBT (Neighborhood Transition) zoning district.**

Gregory Stone explained his family plans to build an accessory dwelling unit with a shop in the downstairs and the second floor be used for his parent’s home. He said they are restoring the existing home and have no plans for any type of commercial use.

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

* Rich Byra, an adjacent landowner, objected to the rezone because of the commercial uses allowed in NBT. He encouraged the change to include schools and other public uses that would include huge parking loads. He also said the N-R zoning works in that area and doesn’t need to change.
* Benjamin Barrell, another neighboring landowner, said he sees a clear dividing line between the commercial downtown area and the single-family uses and that should be maintained.

The public hearing was declared closed.

John McCurdy confirmed that planned changes to the schedule of uses for the NBT zone would include elimination of public and civic uses by right as well.

**APPROVED**Samuels made a motion, seconded by Myers, to recommend to City Council the request by Gregory and Harriet Stone to rezone 506 S 3rd Street from N-R to NBT.

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

Jensen asked if there was any resolution to the requests for two tow yards on S. 8th. Staff Attorney Bonnie Bridges stated that she’d like to see the two Conditional Use Permit requests tabled so that staff could study the issues further.

**TABLED**Motion by Noblin, second by Spann, to table the CUP request for Advanced Services NWA LLC.

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

Jensen then opened the public hearing for Roadside Services LLC for a Conditional Use Permit at 2006 S. 8th Street.

* Owners of Advanced Services noted their support for Roadside Services request.

The public hearing was declared closed.

Jensen confirmed that staff wanted to also study this request further as well.

**TABLED**Motion by Myers, second by Zvers, to table the CUP request for Roadside Services.

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

**NEW BUSINESS:**

1. **LSDP, ONE Uptown, a mixed-use development with two buildings three-story buildings at 33,074 sf and 28,323 sf on 1.59 acres at the southeast corner of S. Champions Dr. and W. Pauline Whitaker Parkway in the U-COM (Uptown Commercial Mixed-Use) and R-O (Residential Office) zoning district.**

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

1. **LSDP, Rogers Fire Station #8, a 7,888-sf fire station on 3.38 acres at 7001 W. Pleasant Grove Rd. in the I-1 (Light Industrial) zoning district.**

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

1. **LSDP, Saltgrass Steakhouse, a 67,922-sf restaurant on 1.56 acres at 4044 S. J.B. Hunt Drive in the C-2 (Highway Commercial) zoning district.**

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

1. **PRELIMINARY PLAT, Roselawn Subdivision, a single-family residential subdivision on 18.27 acres on E. New Hope Rd. surrounding existing church in the N-R (Neighborhood Residential) zoning district.**

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

1. **Density Concept Plan, Pinnacle Park Apartments, a plan to allow a density of 16 units per acre for a mixed multifamily/commercial development on the corner of W. Pleasant Grove Road and S. Bellview Road.**

Jensen explained that pending changes to the Density Code provisions will force Density Concept Plans to be approved by the City Council, if recommended by the Planning Commission. However, this particular project was submitted prior to the code change and will not be forwarded to the council. The proper zoning is already in place, he added.

Jamie Kemp, engineer with CEI, explained the mixed-use development that includes multifamily at 16 units per acre. She noted staff support for the development and two waiver requests for the project: build-to zone maximums and parking location to allow it in the rear or side of the buildings.

Noting that a public hearing is not required, Jensen asked for a show of hands regarding the project. About 12 hands were raised in opposition.

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The Commission discussed the density and why the Density Concept Plan is needed for the one extra unit per acre. Jensen noted that 15 units per acre is allowed by right for mixed-use multifamily in a Neighborhood Center.

The Commission discussed the site plan and elevations, along with the mixed-use aspect of the plans. McCurdy noted that the Rogers City Code doesn’t provide design standards or require vertical mixed-use. The two things, McCurdy said, under consideration to approve increased density via a Density Concept Plan are:

* Is the transportation infrastructure adequate to handle the density?
* Is the density appropriate for that area?

Myers questioned the layout of the site, stating that he’s not concerned about the density, but he’s concerned about the layout and how it will fit in the neighborhood. He said he’s concerned about the apartment buildings being located closer to the property boundaries and closer to the single-family housing around the site. Spann said he tends to agree and confirmed that the apartment buildings are three buildings.

Mr. Fretheim detailed his history of development approval attempts and the changes to the plan that have occurred through the city’s review process. He discussed possible options to change the layout to address the Commission’s concern, but said he’d need variances to make it happen.

McCurdy noted again that the two considerations for a DCP is compatibility with the surrounding uses and the capacity of the surrounding infrastructure to handle the density.

**DENIED**Samuels made a motion, second by Ferguson, to accept the Density Concept Plan for Pinnacle Park Apartments at 6.31 acres on the corner of W Pleasant Grove Road and S. Bellview Road with the following actions on the waivers:

* + - Approve waiver from maximum build-to-zone of 30’ from the property line.
    - Approve waiver from the requirement to locate parking on the rear or side.

Roll Call : 2-7 – No. (Opposed: Ferguson, McLosky, Myers, Noblin, Schmelzle, Spann and Zvers.) ***Motion failed..***

1. **Schedule of use denial appeal for outdoor display of boat/marine equipment in the downtown COR zoning district**

**.** John McCurdy explained that staff was requested to approve a boat-lift sales business in the Downtown COR zoning. McCurdy said the only objection is any intended outdoor display in the downtown area. Gary Fultz explained the plan was to include an outdoor display, but can be eliminated. The Commission and staff agreed that if all sales are within the building, staff would consider it retail sales. Gary and Stacie Fultz explained that their warehouse is in Missouri, and they simply need a display area and office for the Rogers area.

**DENIED**Myers made a motion, second by Noblin, to deny the appeal.

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

1. **Schedule of use change to change all commercial, institutional, civic and lodging uses allowed by Conditional Use Permit only for the U-NBT zone and the NBT zone.**

McCurdy presented the plan to require a CUP for business-type uses in the NBT and U-NBT zones. He noted a plan for a more extensive plan to consolidate and revise the city’s schedule of uses for consistency. He said this proposal addresses a more immediate concern of the public for business and civic uses within what is a transition zone.

**APPROVED**Myers made a motion, second by Spann, to amend the schedule of uses to make all commercial uses conditional instead of by-right in the NBT and the U-NBT zoning district. Voice Vote: Unanimous – Yes. ***Motion carried.***

1. **Update to the Rogers Master Street Plan.**

McCurdy explained the updates are to make the MSP more consistent with the planned Bond Program. In particular, he noted, the MSP revision eliminates the planned Eastern Corridor in Rogers. He also pointed out changes in the alignment of Easy Street and deletion of a planned overpass on I-49 on the south end of town.

**APPROVED** Myers made a motion, second by Zvers, to approve the MSP updates as presented.

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

1. **Density Code revisions and corresponding updates to the Comprehensive Growth Map.**

Jensen summarized the process of revisions to the density code, noting that the Plans & Policies Committee has met several times about the proposed changes, and has met with the City Council Community, Environment and Welfare Committee.

McCurdy said the fundamental shift in the proposal is to take density provisions out of the zoning code and putting them in the CGM. Jensen explained that anyone wanting density of more than allowed by the CGM, they would have to have an approved Density Concept Plan by both the Commission and the City Council.

**APPROVED**Myers made a motion, second by Zvers, to recommend the Density Code and CGM updates to the City Council for approval.

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

1. **Revisions to the Planning Commission Bylaws, establishing a new committee schedule.**

Jensen explained that the Bylaws had not been updated since the early 1980s.

**APPROVED** Myers made a motion, second by Schmelzle, to approve the revised Planning Commission Bylaws.

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

There being no further business, Chairman Jensen adjourned the meeting at 6:32 p.m.

**ATTEST:APPROVED:**

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Mandel Samuels, Secretary Kevin Jensen, Chairman