**MINUTES**

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

Commissioner Tony Noblin and Eriks Zvers did not attend.

**OTHER OFFICIALS PRESENT:**Community Development Director John McCurdy, Planning Administrator Lori Ericson, Staff Attorneys Bonnie Bridges and John Pesek, City Engineer Lance Jobe, Planning Engineer Derec Bass, City Planners Ethan Hunter and Elizabeth Johnson, Planning Tech Kara King, Fire Marshall Bill Rumsey, Councilmembers Marge Wolf, Mark Kruger, Jerry Carmichael, Barney Hayes, and Betsy Reithemeyer.

**ACTION ON MINUTES:** Motion by Samuels, second by Schmelzle, to approve the minutes of the March 5, 2019 meeting.

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

**APPROVED**

Chairman 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:**

**DEVELOPMENT REVIEW COMMITTEE**: Commissioner Ferguson reported the Development Review Committee had met and recommended five items for approval and to be placed on the Consent Agenda, as follows:

1. **LSDP, Arkansas Athletes Outreach (AAO),** contingent on all items in the engineering report and with the following recommendation on the requested waivers:
	* Approve waiver to Sec. 14-260(1)E for the number of curb cuts permitted on S. Concord Street.
	* Approve waiver to Sec. 14-256(11) for the required 10-foot sidepath with 6-foot greenspace along S. Dixieland Road.
	* Approve waiver to Sec. 14-256(11) for the required 10-foot sidepath with 6-foot greenspace along S. Concord Street.
	* Approve waiver to Sec. 14-604(c)(2) for the requirement to provide a local cross street at intervals not to exceed 660 feet.
	* Approve waiver to Sec. 14-709(i) and Sec. 14-706(e) for the requirement for minimum loading spaces.
	* Deny waiver to Sec. 14-228(30) for required improvements to S. Concord Street including curb and gutter and street lights.
	* Deny waiver to Sec. 14-604(c)(2) for the required connection along southern property boundary.
2. **LSDP, Pleasant Crossing Shops**, contingent on all items in the engineering report.
3. **SSDP, Goodwill Dock Expansion**, contingent on all items in the engineering report and with the following recommendations on the requested waivers:
* Approve waiver to Sec. 14-207(c)(v) for required landscaping to meet at 50% of that required in the large-scale code.
* Approve the waiver to Sec. 14-456(6) from paving the vehicle storage/truck turnaround area with a requirement to provide a 30-foot turn radius at the northeast corner of the truck turnaround and provide evergreen screening along the north and west property lines, subject to coordination with the Planning Staff.
1. **LSDP, Northside Elementary**, contingent on all items listed in the staff report and the following actions for the requested waivers:
* Approve waiver to Sec. 14-228(30) for the requirement for public improvements to N 6th Street.
* Approve waiver to Sec. 14-256(12) for required landscaping calculations based on total land area.
1. **LSDP, Natural State Beer**, contingent upon all items listed in the staff report and the following actions for the requested waivers:
* Approve waiver to Sec. 14-256(12) for required landscaping calculations based on total land area.

**APPROVED**Motion by Ferguson, second by Spann, to place the projects listed on the consent agenda for approval.

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

**APPROVED**

**PLANS AND POLICIES COMMITTEE:** Chairman Jensen reported the Committee had met prior to the full Commission meeting and reviewed the True Blue Properties rezone and density concept plan. The Committee did not recommend placing it on the consent agenda.

Jensen asked for a motion on the Consent

Agenda.

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

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

**OLD BUSINESS:**

**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.**

Ryan Gill, engineer with HFA, said he’d worked with staff on changes to the Density Concept Plan since the item was tabled at the previous Commission meeting. He reviewed those changes.

Samuels asked about the daily traffic counts on 26th Street. Derec Bass reported the current traffic count is 7,000 vehicles per day.

Myers said he supports the use in that location, but was hesitant about the density that he classified as a “smidgen too high.” He said the multifamily development will be four stories, and he believes the height will be a “stark reality” in that location. He suggested it would be easier for the neighbors to have shorter structures along the north part of the property near the residential development along Laurel.

Gill noted that the northernmost building is more than 200 feet away from the residential housing at Creekside subdivision. He also discussed landscaping at the northeast corner of the property to soften the appearance of the development.

Commissioners discussed the process for approving the Density Concept Plan, rezone, and eventually a fully detailed project plan through the large-scale development process. McCurdy explained the property is located in the Commerce Corridor and any multifamily density would require the process of a DCP.

**APPROVED**Motion by Samuels, second by McLosky, to accept the DCP as presented and recommend the rezone and DCP for City Council approval for the request by True Blue Properties to rezone 13.19± acres at S. 26th Street and W. Laurel Avenue to RMF-19B (Residential Multifamily, 19 units per acre, rentals).

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

**2. 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**.Matt Ahart represented the request for Milton Properties and explained the location.

Jensen stated that a Public Hearing would be held because the issue was tabled at the Commission’s last meeting due to notification issues. Jensen opened the public hearing. There were no public comments. The Public Hearing was closed.

**APPROVED**Motion by Spann, second by Myers, to recommend for City Council approval the request by Milton Properties to rezone 2.7 acres on W. Hudson Road to I-1 (Light Industrial).

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

**PUBLIC HEARINGS:**

**1. A request by Speakeasy Tattoo Lounge for the Alternative Sign Program for 425 W. Walnut St. in the COM (Commercial Mixed Use) zoning district.**

Sidney Bergdorf, representing the request, stated that she plans are to open a 1920’s-themed swing dance and tattoo parlor at the location and wants to use the existing sign.

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

* Shey Bland, with Main Street Rogers, said the sign is a fun interesting retro piece with downtown history.
* Carter Bergdorf, Sydney’s father, said the business will enhance the downtown area and would like to keep the sign.
* Hannah Cicioni, 112 W. Cypress, said she represented the former owners in the sale of the property, who supported the sign plan. She also noted the front structure, which is plaster, would not allow a wall sign, and on-street parking would make a monument sign.

The public hearing was declared closed.

**APPROVED**Motion by Schmelze, second by Myers, to approve the Alternative Sign Program for the existing pole sign at 425 W. Walnut Street.

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

**2. A request by Jose Alfredo Jimenez Ramirez to rezone 908 S. 8th St. from R-O (Residential Office) to the C-2 (Highway Commercial) zoning district.** The applicant, through an interpreter, requested to be tabled due to the fact that return receipts were not requested for the required public hearing notification by certified mail to neighboring property owners.

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

**TABLED**Motion by Samuels, second by Spann, to table the request.

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

**3. A request by Terra Firma Building Co. to rezone 1401 W. Pine St. from R-SF (Residential Single Family) to the N-R (Neighborhood Residential) zoning district.**

Bill Watkins, attorney, represented the request, stating that this is an infill project of a vacant piece of property. He also noted that the only difference between the NR and the RSF zones is the size of the lots, staff supports the request, and it complies with the Comprehensive Growth Map.

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

* Joe Patch, no address listed – concerned about traffic, density, and public safety.
* Nicholas Butler, 1310 W. Pine, (with son Gerard) – concerned about traffic with library on a busy through street, lots of children in area on bikes and walking. Requested at stop sign on 15th Street.
* Teresita Harbaugh, 1414 W. Cypress – concerned about more housing and safety issues with daughter planning to move to area with several grandchildren.
* Unknown Neighbor – did not sign in – concerned about density.

The public hearing was declared closed.

Watkins said the N-R, is appropriate and the density will likely by 3.9 units per acre, possibly less, which is “fractionally less” than the surrounding single-family density. He said it’s hard to address the neighbors’ concerns when the concerns are simply “we don’t want to lose the open field.”

Daniel Ellis said the proposal will be 13 lots and none will front on Pine Street.

**APPROVED**Motion by Schmelze, second by Myers, to recommend for City Council approval of the request by Terra Firma Building Co. to rezone 1401 W. Pine Street to N-R (Neighborhood Residential).

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

**4. A request by B&B Property Investments to rezone 2331 W. Seminole St. from A-1 (Agricultural) to the R-DP (Residential Duplex and Patio Home) zoning district.**

Cindy Bolejack represented the request explaining her plans to develop a “quaint cozy neighborhood.” She said that although she’s asking for R-DP, she does not plan to build duplexes but the zone will allow the lot size and setbacks needed for the proposed project. She displayed a poster board with photos of the type of housing she’s hoping to build.

Richard McKeehan, engineer, explained the planned layout for the development, noting the plan for houses to back up to each other with 85 to 100 feet of greenspace in between, which will be common property.

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

* Linda Cooper, 1804 S. 23rd Street – objected to duplex zoning, stating that most lots in the area are larger.
* Chris Groves, 2331 W. Lilac – concerned that what is proposed isn’t what will be built if RDP approved.
* Jorge Melgar, 1805 S. 23rd Street – concerned about the loss of property value because, he said, when there are small houses, crime rises area, many people will have three or four cars in the driveway, and don’t take care of their property. He said he moved away from that type of area.
* Victoria Gamez, 2331 W. Lilac – concerned about the decrease in property value, increased crime and traffic if duplexes are developed.
* Bob Shull, 1604 S. 23rd – concerned about the established neighborhood and one existing nearby duplex development. He presented photos of those duplexes with bulk waste issues, etc.
* David Farris, 1500 S 24th Street – concerned about drainage issues, and the heavy traffic patterns on S. 24th and a possible connection to the development on that street.
* Mary Schneider, 2330 W. Seminole – concerned about duplexes fitting into the neighborhood and the quality of the adjoining streets.
* Jeff Howe, 2328 W. Seminole – wants different zone than R-DP, urging the Commission to table until zoning request is changed.

The public hearing was declared closed.

Cindy Bolejack argued that the zoning also allows for patio homes, not just duplexes, which she’s not planning. She said she proposes 18 to 20 single-family homes on the property.

Myers said he supports the density, but noted that he doesn’t support duplexes in that location and any promises by the applicant won’t matter after if it is rezoned to R-DP. McCurdy discussed the zoning allowed in the Neighborhood growth area. He noted that N-R would achieve the single-family concept proposed, but either zone would require some variances to make the proposed development possible.

After other discussion about the R-DP and N-R zones, Spann noted that the commission was leaning to the N-R zone rather than R-DP.

Bolejack requested the zoning request be changed to N-R.

**APPROVED**Motion by Schmelzle, second by McLosky, to recommend for City Council approval of the request by B&B Property Investments to rezone property at 2331 W. Seminole Street to the N-R (Neighborhood Residential) zoning district.

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

**5. A request by Allphin Veterinary Clinic for a Conditional Use Permit to allow an animal hospital at 4032 W. Garrett Rd. in the C-3 (Neighborhood Commercial) zoning district.**Owen Allphin, DVM, representing his clinic request, said Blue Ribbon Lawns, now operating at the location will be moving, and the plan is to build a new animal clinic at the location eventually but will operate out of the existing structure.

Myers questioned if the clinic would be boarding. Allphin said that any veterinary clinic houses animals to some extent, and it’s hard to distinguish between those types of services. Ethan Hunter noted that grooming and boarding are allowed as an accessory use of an animal hospital. Allphin said there won’t be any outdoor boarding.

Jensen opened the public hearing. There were no public comments. The Public Hearing was closed.

**APPROVED**Motion by Myers, second by Ferguson to approve the Conditional Use request by Allphin Veterinary Clinic for a CUP to allow ‘Animal Hospital” at the subject location.

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

**6. A request by Hillcrest Holdings for a Conditional Use Permit to allow warehousing and storage at 753 W. Pleasant Grove Rd. in the C-4 (Open Display Commercial) zoning district.** Dirk Thibodaux representing the request, stated the proposal is to allow development of a self-storage facility.

Jensen opened the public hearing. There were no public comments. The Public Hearing was closed.

Thibodaux said the facility will operate as self-service, and would come through as a large-scale development for the new construction.

**APPROVED**

Motion by Myers, second by Spann, to approve the request by Hillcrest Holdings for a CUP to allow ‘Warehousing and Storage, Limited” at the subject location.

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

**NEW BUSINESS:**

**1. LSDP, Arkansas Athlete Outreach, a 51,590-sf sports complex on 10.6 acres at 4667 S. Dixieland Road in the C2-CU (Highway Commercial, Condominium Use), RO-CU (Residential Office, Condominium Use), and the RMF-12A (Residential Multifamily, 12 units per acre) zoning districts.**

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

**2. LSDP, Pleasant Crossing Shops, a 8,000 and 14,400-sf commercial buildings on 3.24 acres at 4321 and 4319 S. Pleasant Crossing Blvd. in the C2-CU (Highway Commercial, Condominium Use), PUD zoning district.** Moved and **APPROVED** on the Consent Agenda.

**3. Small-Scale Waiver, Goodwill, a request for a waiver from paving and required landscaping at 1301 N. Dixieland Rd. in the I-2 (Heavy Industrial) zoning district.**

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

**4. LSDP, Northside Elementary Expansion, a 4,212-sf building addition on 9.73± acres at 807 N. 6th St in the R-DP (Residential Duplex and Patio Home) zoning district.** Moved and **APPROVED** on the Consent Agenda.

**5. LSDP, Nabholz Office Expansion, a 7,500-sf building addition on 1.5± acres at 3301 N. 2nd St. in the R-O (Residential Office) and I-1 (Light Industrial) zoning district.**

**Tabled**

Motion by Ferguson, second by Samuels to table the request.

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

**6. LSDP, Natural State Beer, a 3,043-sf building addition on 3.92± acres at 5214 W. Village Parkway in the C2-CU (Highway Commercial, Condominium Use) zoning district.** Moved and **APPROVED** on the Consent Agenda.

There being no further business, Chairman Jensen adjourned the meeting at 6:26 p.m.

**ATTEST: APPROVED:**

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Mandel Samuels, Secretary Kevin Jensen, Chairman