

MINUTES

The **Rogers Planning Commission** met for a *regular session* in the Council Chambers of the Maurice H. Kolman Building on July 17, 2018 at 4:30 P.M. The meeting was called to order by Chairman Don Spann. Those in attendance were led in the Pledge of Allegiance.

MEMBERS PRESENT:

Commissioners Dennis Ferguson, Rachel McLosky, John Schmelzle, Don Spann, and Eriks Zvers were present. Commissioners Kevin Jensen, Mark Myers, and Tony Noblin were absent.

OTHER OFFICIALS PRESENT:

City Clerk Peggy David, Community Development Director John McCurdy, Senior Staff Attorney Jennifer Waymack, Planning Administrator Lori Ericson, Planner III Ethan Hunter, Planner II Beth Treat, Project Engineer Dylan Cobb, City Engineer Nathan Becknell, Rogers Water Utilities Engineer Stephen Ponder, Fire Marshal Adam Frederking, Deputy Fire Chief B. J. Hyde, Board of Adjustments member Hannah Cicioni, Rogers Water Utilities Operations Manager Brent Dobler and Councilmembers Mark Kruger and Jerry Carmichael.

ACTION ON MINUTES:

(July 3, 2018)

Approved.

Motion by Zvers, second by Schmelzle to approve the minutes of the July 3, 2018 as submitted.

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

REPORTS FROM STAFF:

None.

REPORTS OF BOARDS AND STANDING COMMITTEES:

None.

CONSENT AGENDA:

None.

OLD BUSINESS:

None.

Chair Spann announced that the item of New Business will be moved to the Public Hearings as Item #4.

Spann also announced that due to having only five commissioners in attendance today, if anyone wants to have their item tabled they may make that request after their public hearing has been closed.

PUBLIC HEARINGS:

(Agenda Item #1)

A request by Plaza Tire Services, Inc. for a Conditional Use to allow vehicle/equipment repair and installation on 3.85 acres at the NW corner of W. New Hope Rd and S. Osage Rd in the C-2 (Highway Commercial) zoning district.

Kelsey Kreher, of Harrison French and Associates, requested the conditional use permit to allow vehicle/equipment repair and installation for Plaza Tire Services.

The Public Hearing was opened.

There were no comments from anyone in the audience either for or against the conditional use permit.

The Public Hearing was declared closed.

Commissioners questioned whether the business would have outdoor work or display at the location.

Company representative Scott Rhodes responded that there will not be any outside work but people will be dropping off their vehicles for service. There will be no outdoor display and the hours of operation will be Monday thru Saturday, 7 a.m. to 7 p.m. with no plans to be open on Sunday.

Approved.

Motion by Schmelzle, second by McLosky to approve the conditional use permit as requested with the following conditions:

- No outdoor work or display will be allowed
- The hours of operation will be Monday thru Saturday, 7 a.m. to 7 p.m. and 11 a.m. to 5 p.m. on Sunday

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

(Agenda Item #2)

A request by SC Bodner for a Conditional Use to allow live/work quarters in the C2 (Highway Commercial) zoning district for a 10.28-acre tract between Champions Drive and S. Pinnacle Hills Parkway at 4601 S. Champions Drive.

Bill Watkins, representing SC Bodner, requested a conditional use permit to allow live/work quarters in the C-2 zone.

Watkins said due to change of plans that have been made this conditional use permit would replace the one that was previously approved.

Watkins displayed a site plan showing the proposed buildings and said the buildings that front on Pinnacle Hills Parkway will not be a part of the conditional use permit. Only the two buildings behind the front buildings along Pinnacle Hills Parkway will be used for live/work quarters similar to a business owner who would live above their business or for their employees to live.

Watkins said some ground level space has been leased in the two back buildings for commercial use so the entire ground level space will not all be used for residential.

The Public Hearing was opened.

There were no comments from anyone in the audience in favor of the conditional use permit.

Dr. Martin Porter, 4801 S. Champions, said he's not sure if he is for it or against it, but it appears that this plan shows the buildings closer to his home than the other plan.

Christy Lamers, 4409 Blossom Way Drive, asked is this project falls under the new URDC code or under the current code?

Staff Attorney Jennifer Waymack responded this would be under the current code. The new code would be before the City Council next Tuesday to consider the new URDC code.

Community Development Director John McCurdy added that the zoning would remain C-2 and unless SC Bodner wants to rezone to a new zone under the URDC code once it has been approved.

Lamers confirmed her understanding that SC Bodner is not required to zone to the URDC and would have to ask for a new zone once the URDC zone is approved and the area that is zoned A-1 would remain the same unless there is a request to rezone.

McCurdy said the area that is zoned A-1 remains that zone and if there was a request to rezone then the Comprehensive Growth Map would drive the zone toward the NBT zone.

There were no other comments from anyone in the audience in opposition.

The Public Hearing was declared closed.

Watkins said this plan is actually further away from Dr. Porter's property. The density will be determined when the large scale development plan is presented. In order to increase the density an amenity agreement would have to be provided.

Spann asked Planning Staff does the old CUP go away if this one is approved and should that be included in the motion.

McCurdy responded that the Planning Staff has recommended that the previous CUP be rescinded and new one approved which can be done in one motion or two.

Schmelzle said, "This actually holds them to a higher standard to make it commercial and the required language as suggested by planning staff is more restrictive, but doesn't impact density. As a commission

we are saying that we want a mixed use and this gets us closer to that. The previously approved CUP allowed residential in a commercial space and only the first floor would look like commercial. This would create a true commercial space.”

McCurdy said the density would be raised on the long term, but in the short term, it will be lowered. The previous CUP allowed that the density be ignored. This CUP will have to go through the Density Concept Plan process and will have to be calculated to increase the density.

Spann commended Mr. Watkins and his client for working hard and for working with staff to make this work.

Approved.

Motion by Ferguson, second by Zvers to approve the Conditional Use Permit to allow live/work quarters at 4601 S. Champions Drive in the C-2 district and subject to the following conditions:

- An elevation plan must be approved by the Planning Commission and will be tied to the CUP
- The first floor of the development must have 60% minimum façade glazing
- Minimum leasable width is 20-ft.
- Must meet the parking requirements listed in the C-2 zoning code
- Revocation of CUP #18-12, allowing multifamily in commercial ready space at the subject location

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

(Agenda Item #3)

A request by Shirley Lach to rezone 7.25 acres at the intersection of N. 2nd Street and W. Industrial Drive from C-2 (Highway Commercial) to the I-1 (Light Industrial) zoning district.

Ryan Evitts of CEI Engineering, representing the property owner presented the rezoning request from C-2 to I-1.

The Public Hearing was opened.

There were not comments from anyone in the audience either for or against the rezoning request.

The Public Hearing was declared closed.

Commissioners agreed that this fits in with the Comprehensive Growth Map.

Approved.

Motion by Zvers, second by Schmelzle to recommend approval to the city council the rezoning of 7.25 acres at the intersection of N. 2nd Street and W. Industrial Drive from C-2 to I-1 as requested.

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

(Agenda Item #4)

Proposed update to the Rogers Comprehensive Growth Map and associated changes to City Code

Commissioner Eric Zvers reported the Plans and Policy Committee has been meeting for over a year now and diligently worked with the public, Gateway and planning staff to update the Comprehensive Growth Map and make changes in the city code. Zvers introduced Community Development Director John McCurdy for opening comments about the proposed changes.

McCurdy said it was the SC Bodner's plan that was submitted over a year ago that helped start the discussion of updating the Comprehensive Growth Map. The City Council asked the Planning Commission to begin the process of updating the Master Street Plan and Comprehensive Growth Map. With the help of Gateway, a form-based code now called the Uptown Rogers District Code (DRDC) has been developed. The Master Street Plan was the first to be updated that identified areas where infrastructure would be impacted and for planning for future bond projects. Now the Comprehensive Growth Map has been reviewed and has taken a two-fold approach. One is to identify growth

centers such as neighborhood centers and regional centers where traffic would be impacted and planned. The other piece is the creation of a form-based code to address uptown and downtown growth. Meetings have been held with POAs, residents, landowners, and developers and we have struck a reasonable balance where development can occur to the highest and best use of the land and landowners can rely on the city protecting their rights and values. As a result, the Comprehensive Growth Map has been developed in multiple parts where zoom-ins of the URDC and DRDC are included and intentional growth goals for regional centers and neighborhood centers are identified. Density, in the past, has been capped at an arbitrary number. Today, there are people who want to live, work, and play where there is walkability. Density in some areas is good and provides the live/work/play environment. By concentrating in that area where it works, without impacting traffic, makes it desirable for a lot of people. A lot of people still want to live in a traditional neighborhood and nothing in this plan does anything to affect that tradition.

McCurdy said the overall update package includes the following:

Comprehensive Growth Map which includes corridors and provides *Growth Designations*, Guiding principles, purpose, characteristics; *Growth Goals* with Assessment of "land-use life cycle" *Downtown Regional Center Zoning Plan (DRDC)* and *Uptown Regional Center Zoning Plan (URDC)*

UPDATE of Sec. 14-716 which includes: *Importance of Uptown as regional center of gravity ("Getting It Right"); Based on DRDC structure; Four new zoning districts: U-COR, U-COM, U-ENT, U-*

NBT; Implements Uptown Regional Center Zoning Plan; Residential transition standards

UPDATE – Sec. 14-604 which includes:
Importance of grid network (CAPACITY)
Requires development to connect with existing and future development
Creates 200-660ft block sizes
Requires pedestrian connections thru cul-de-sacs and oversized blocks

UPDATE – Sec. 14-710 which includes:
Implements Neighborhood Center concept
Includes variety of residential types in use schedule

UPDATE – Sec. 14-715 which includes:
Minor adjustments for consistency with URDC
Clarifies relationship to large-scale and subdivision
Removes DRDC zoning map to prevent conflict with new zoning plan

McCurdy recognized City Planner Ethan Hunter to explain the distinction of the four Comprehensive Growth Maps.

Hunter explained the first two maps shows the overall uses with the other two maps showing the zoomed-in uses and identifying the growth centers. The 300-ft. requirement is used to be consistent for notification requirements and transition purposes.

Hunter also explained the requirements for the new URDC zones and minimum standards for development which will allow for consistency and include setbacks, height and line-of-sight regulations for transition from commercial development to residential use.

McCurdy also explained that the connectivity standards include stub-outs from existing developments and would include requirements for a pedestrian access from a cul-de-sac. The setback requirements are reduced and taken into account as not to reduce the total lot count of the subdivision.

Hunter reported that the C-3 revision was tweaked to help to transition from a commercial to the other neighborhood centers and the Density Concept Plan would be required to determine the density and limited to 3 stories.

Hunter also reported other slight modification to the DRDC is addressing the way it interacts with the large-scale and subdivision code.

The public hearing was opened.

Will Larkin, 4612 Hillside Drive, expressed concern and appreciation that the NBT zone setback requirement was set at 10-ft. is now 20 ft. Tree preservation should be considered during the Large Scale Development process to preserve mature trees. The Residential transition standards that states this requirement shall not apply to an alley or other similar right-of-way that separates the subject lot from a single family home. I like the concept, but in the COR if there is an alley and a 12-story building could be built 20-ft. away from the home. This should be addressed before it becomes a potential problem. Finally, the statement regarding other city code such as drainage, utilities, etc., shall be applicable to the extent that it does not directly disrupt the intent of this development code. This could lead to challenges and could be avoided by eliminating that language.

McCurdy responded the tree preservation concern requires anytime there are 75% of the trees, then a grading plan must be submitted to preserve as many old trees as possible. The change has already been made in the URDC to protect a single family home from a commercial building in the COR zone. The intent language is not intended to get out of stormwater requirements and all are part of the large scale requirement.

Al Kauffman, 5609 S. 42nd Street, said he applauds the city for the planning staff, but expressed concern for the amount of traffic in the neighborhoods getting to Pleasant Grove Road. Provisions for Sight lines is not clear and should be considered.

Spann responded that using the form-based code will give the commission the ability to look at sight lines. “This will going to the city council next Tuesday. We have looked at this for a year and it will give us some new tools to keep moving forward. What we had was very antiquated and tied our hands at times. This will be a matter of progress and will help with the growth because the growth is not going to stop.”

Christy Lamers, 4409 Blossom Way, applauded the city for their efforts to keep moving in the right direction.. “Our concerns are the setback requirements from the back fences of the west side of the Manors and displayed a photo showing an 8-ft. fence and twenty foot setback and would like to see a bigger setback requirement. The proposed tiering with the setback requirements will not be enough. The transitions from single family residential to commercial, is what citizens are expecting and not a lot of citizens of Rogers know this change in code is happening. There have not

been any town hall meetings or communications and residents don't know about this and will up in arms. In the past, berms and trees have been the used to separate the commercial from residential. For line of sight 20-ft. is not enough to back up from someone's fence. We need a bigger setback. On the tiering, if a developer wants to go back further, can it go up the total 45-ft? Can we write the code that doesn't give the developer the choice? This rewrite of the code should protect the residents."

Spann responded, "This Planning Commission will not fail to look at the project setback in whatever form it comes in. We will consider what is next to it and if it's appropriate. This code will not allow a 5 or 10-story building across an alley from a single family home. This code is going to control that. We will take a hard look at it."

Lamers said the code is a matter of interpretation and if it is written in then if the developer doesn't agree, then let me get my lawyer involved. Let's write the code to the worse possible use."

Commissioner Schmelzle said the Manor's area is the one that will be the most affected by the new code.

Lamers said, "Up until 3 days ago, the setback was 10-ft. 20-ft is better, but 25 or 30-ft. would be better. The landscape buffer height would be the same as the required 8-ft. fence. Let's require two layers of trees in the landscaping to protect the line of sight. Let's do it right."

The Public Hearing was declared closed.

McCurdy responded the 20-ft. setback is the residential standard and if the zoning were to go to a more compact zone, the setback would be reduced with no screening required. Berms have been used in the past. Some have been abandoned, which tends to be unsightly and become a trash collector, and berms disrupts stormwater flow. Sometimes a negotiated agreement will include berms with landscaping, and there is nothing in the code that prohibits them. In looking at the development patterns, these form-based codes maintain consistency and not radically depart from the existing development pattern. There haven't been a lot of requests for apartment buildings which is market driven. Up until the last few years, apartments wouldn't have been allowed in C-2 zone. So we have been modulating our regulations of apartments and created a form envelop in which any kind of development can occur.

Commissioner Ferguson said in the NBT zone, the maximum of 3-stories could be built and the 300-ft. requirement between residential and other zones will be beneficial. The closest that a 5-story building could be built by the Manors and Highland Knolls would be 300-ft away.

McCurdy said the 300-ft. was an arbitrary number, but is consistent with notification requirements already existing in the code so staff decided to continue to use that number.

Approved.

Motion by Zvers, second by McLosky to recommend approval of the changes to the city code and adopting of the Comprehensive Growth Map

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

NEW BUSINESS:

None.

There being no further business, the meeting adjourned at 6:25 P.M.

ATTEST:

Dennis Ferguson, Secretary

APPROVED:

Don Spann, Chair