

## **MINUTES**

The **Rogers Planning Commission** met for a *regular session* in the Council Chambers of the Maurice H. Kolman Building on November 20, 2018 at 4:30 P.M. The meeting was called to order by Chair Don Spann. Those in attendance were led in the Pledge of Allegiance.

### **MEMBERS PRESENT:**

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

### **OTHER OFFICIALS PRESENT:**

Community Development Director John McCurdy, Staff Attorney Bonnie Bridges, Planning Administrator Lori Ericson, Planning Engineer Dylan Cobb, Planners Beth Johnson and Ethan Hunter, Community Development Administrative Assistant Jeanine Johnson, Alderman Mark Kruger, Fire Marshall Bill Rumsey, and Board of Adjustments Member Hannah Cicioni.

### **ACTION ON MINUTES:**

(November 6, 2018)

**Approved.**

Motion by Jensen, second by Noblin to approve the minutes of the November 6, 2018 as submitted.

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

### **REPORTS FROM STAFF:**

John McCurdy reported that staff will propose a change to the schedule of use for the C-3 zoning district to restrict multifamily development. Information will go out to the commission as soon as possible and will likely be considered at the next Planning Commission meeting.

### **REPORTS OF BOARDS AND STANDING COMMITTEES:**

Don Spann noted that there were no needed reports from Commission committees.

### **CONSENT AGENDA:**

None.

### **OLD BUSINESS:**

None.

**PUBLIC HEARINGS:**

(Agenda Item #1)

A request by 4KIDS Properties, LLC to rezone 1106 S 4<sup>th</sup> St. from N-R (Neighborhood Residential) to the NBT (Neighborhood Transition) zoning district.

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Applicant Kent Woodson explained the request was based on a denied variance for a setback reduction for a planned garage that would be built to the property line. He said there is no planned business in this location, it will remain a residence.

McCurdy said the rezone fits the Comprehensive Growth Map and the neighborhood where many older structures are built to the property line, and there wasn't a site-specific hardship to allow variance approval. He said there are some commercial uses allowed in NBT, but they are typically home-office-type uses.

There were no public comments.

Motion by Mark Myers, second by Kevin Jensen to recommend the rezone to the City Council for approval.

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

**Approved.**

(Agenda Item #2)

A request by Bryan Properties to rezone 7.91 acres between W. Cedar Brooke Lane and S. Promenade Blvd. from a combination of A-1 (Agricultural) and C-2 (Highway Commercial) zoning districts to the RMF-21B (Residential Multifamily, 21 units per acre, rentals) zoning district.

Motion by Noblin, second by Myers to recommend approval to the City Council the rezoning from A-1, R-O, C-2 and C-4 to RMF-21B with approval of the density concept plan as amended and as requested. Roll call: Unanimous – Yes. ***Motion carried.***

Bill Watkins, attorney, introduced the project, pointing out the staff report supporting the rezone and noting the compliance with the Comprehensive Growth Plan, the location within the I-49 corridor and along a major arterial, the access to the trail system, the amount of greenspace and other amenities planned, the pending Magnolia Street extension, the sightline

between the development and the nearest homes, and compatibility with other surrounding uses. He also noted that an 8-foot-tall privacy fence is planned along the western edge of the property, and would be an amendment to the Density Concept Plan approved by the Subdivision Committee.

Public Comment:

- Tom Brown, 57 W. Champions Blvd., spoke about possible wetlands in the area and questioned traffic impact.
- Laura Coello, 1210 S. 45<sup>th</sup> Street, said she didn't want an apartment complex across the street from her. She questioned buffering between the residential neighborhood and the planned density.
- Mary Alice Carnes, 4601 W. Cedar Brooke Lane, spoke in favor of the fence, but questioned the wood structure's longevity. She also spoke against public access from the development on S. 45<sup>th</sup> and requested the city consider adding a cul-de-sac to the south end of 45<sup>th</sup>.
- Steve Grom, 4603 W. Cedar Brooke Lane, said the apartment complex will add to noise and lights that have come from the nursing home built on Promenade Blvd, and questioned allowing the development in this location.
- Efron Coello, 1210 S. 45<sup>th</sup> St., questioned the developer's definition of "high-end" in its description.
- Mary June, 4604 W. Cedar Brooke Lane, spoke in opposition increased traffic issues along Promenade, the height of the planned structures, and the noise the area already experiences with the nearby interstate, helicopters from the hospital, etc.
- M.L. Engle, said she and her husband Gene oppose the development due to

reduction in privacy, safety concerns, and litter from increased density. She also commended the city and the Planning Commission for taking a progressive approach to development in Rogers.

Bill Watkins spoke again restating several aspects of the development and that some issues will be worked out during the large-scale development process. He argued that the multifamily development will be a less intrusive use than many other commercial uses allowed within a Commerce Corridor, which is the designation for the area on the city's Comprehensive Growth Map. He said the Rogers City Council denied a multifamily rezoning a year ago because it didn't fit the CGM, so the Community Development Staff and the Commission worked hard to revise the CGM to better fit the future planned zoning of the city. This rezone, he said, fits the Comprehensive Growth Map and should be approved.

Commissioners discussed the type of fence, buffering of the western side of the property, and access onto 45<sup>th</sup> Street. McCurdy said staff recommended full access on 45<sup>th</sup>, not just emergency access. He also discussed the density concept plan, which is binding to any multifamily development at that location

**Approved.**

Motion by Mark Myers, second by Tony Noblin to recommend the rezone with the density concept plan to the City Council for approval with the following conditions:

- Require access on to 45<sup>th</sup> Street out of the project
- Provide a 6-foot masonry fence extend the entire length of the western side of the property
- Provide evergreens on the eastern side of that fence to provide additional privacy

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

(Agenda Item #3)

A request by Prestige Worldwide Development, LLC to rezone 27 acres east of Pinnacle Hills Parkway, south of Pauline Whitaker Parkway from the A-1 (Agricultural) to the U-COM (Uptown Commercial Mixed Use) and U-NBT (Uptown Neighborhood Transition Unit) zoning districts.

Ryan Gill, engineer with Harrison-French & Associates, presented a site plan of the planned project, noting the request includes only 250 feet of U-NBT, rather than the 300 feet shown on the Comprehensive Growth Map. The zoning is a buffer between the single-family residential and the planned commercial development.

Public Comment:

- Paul Moore, 4617 Highland Knolls Road, questioned the reduction of the NBT zone and possible flooding issues the development might cause.
- Will Larkin, 4612 W. Hillside Drive, opposed the rezone, encouraging the protection of the stand of trees along the east side of the property and questioned how a barrier wall might impact the stand of trees.
- Meredith Haviland, 4608 Blossom Way Drive, questioned favoring the developer over residents.
- Brian Snyder, 4906 S. 46<sup>th</sup> Place, questioned the height of the buildings and the sight line from those apartments into the neighboring backyards.
- Chairman Spann asked for a show of hands of those in opposition to the development and about 15 people raised their hands.

Alex Blass, the developer, said the brownstones planned along the east side of the property will be built to lessen sightlines to the single-family residential and will be an appropriate buffer for the commercial development.

The commission discussed an area on the southeast corner of the development where the U-COM abuts the residential without the U-NBT zone as a buffer. McCurdy pointed out that the U-NBT zone requires an 8-foot masonry wall when any development other than single-family residential within U-NBT abuts single-family residential. That requirement was added to the U-NBT zoning district at the request of this particular neighborhood, McCurdy said.

**Approved.**

Motion by Kevin Jensen, second by Mark Myers to recommend for City Council approval of the request by Pinnacle Village to rezone 27 acres east of Pinnacle Hills Parkway, south of Pauline Whitaker Parkway from the A-1 to U-NBT and U-COM contingent on a revised legal description and comments here tonight including that the southeastern corner would maintain the 300 feet and the rest of the NBT to be 250 feet in width.

Voice Vote: Yes – seven votes, No - Noblin.

**Motion carried**

(Agenda Item #4)

Alleged violation of the terms of a Conditional Use Permit issued to Victor Arguelles to allow vehicle repair at 116 W. Easy Street in the C-2 (Highway Commercial) zoning district.

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Victor Arguelles was not present.

Commissioners discussed contact by staff with Arguelles and whether to allow an extension for him to come in compliance by providing a hard surface parking area for his business. Ethan Hunter said staff has received complaints from at least one member.

There was no public comment.

**Approved.**

Motion by Mark Myers, second by Tony Noblin to have a code compliance officer visit Arguelles to inform him that the driveway and parking area must be paved within 90 days of today or he must submit a performance bond to the city or the conditional use permit be revoked at that time.

Voice Vote: Yes – seven votes, No -  
Samuels. ***Motion carried***

(Agenda Item #5)

A request by the City of Rogers to rezone +/- 2.11 acres generally located between S. 1<sup>st</sup> Street, S. Arkansas Street, E. Walnut Street, and E. Cherry Street from I-1 (Light Industrial) to the COR (Core Mixed Use) zoning district.

Ethan Hunter said the city inadvertently failed to include some city properties in the DRDC mass rezone in 2016, and the rezone will bring those properties into compliance with surrounding land.

Public Comment:

- Wade Jakes, owner of 412 S. Arkansas Street, questioned whether the rezone would affect his property. Staff assured him his property was not included in the rezone.

Motion by Kevin Jensen, second by Eriks Zvers to recommend the rezone to the City Council for approval.

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

**NEW BUSINESS:**

(Agenda Item #1)

A request to rehear the rezoning proposal from TLC Properties denied by the Rogers City Council. The request concerns the rezone of 4.24 acres at the southwest corner of S. Promenade Boulevard and W. Walnut Creek Parkway from C-2 (Highway Commercial) to the RMF-31B (Residential Multifamily, 31 units per acre, rentals) zoning district.

Hunter Haynes, representing the developer, said new information is being provided in the form of a deed restriction that will require any development be for senior residents of 55 and older only.

McCurdy said one concern raised by City Council members was the idea that the development would only be for senior adults wasn't mandated. He said the deed restriction will require the development to remain restricted to 55 and older residents in the future and would transfer with any change in ownership.

Commissioners discussed the issue and agreed it was new information that merits reconsideration.

Don Spann, explained that approving the rehearing will mean the rezone starts over. He said he would expect to hear more from the City Council about their concerns for the denial at the public hearing.

Motion by Mark Myers, second by Kevin Jensen to grant the applicant the ability to resubmit the rezone with the deed restriction to help alleviate the concern of the Council.

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

There being no further business, Spann adjourned the meeting at 6:57 p.m.

**ATTEST:**

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Dennis Ferguson, Secretary

**APPROVED:**

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Don Spann, Chair