

MINUTES

The **Rogers Planning Commission** met for a *regular session* in the Council Chambers of the Maurice H. Kolman Building on January 17, 2017 at 4:30 P.M. The meeting was called to order by Chair Kevin Jensen. Those in attendance were led in the Pledge of Allegiance.

MEMBERS PRESENT:

Commissioners Dennis Ferguson, Barney Hayes, Kevin Jensen, Myra Moran, Mark Myers, Tony Noblin, Mike Shupe, and Eriks Zvers.

Commissioner Don Spann was absent.

OTHER OFFICIALS PRESENT:

Community Development Director John McCurdy, Senior Staff Attorney Jennifer Waymack, Project Engineers Nathan Becknell and Lance Jobe, City Planners Lori Ericson, Ethan Hunter, and Kara King, Fire Marshal Bill Rumsey, Fire Marshall Adam Frederking, and Councilmember Mark Kruger.

ACTION ON MINUTES:

(January 3, 2017)

Approved.

Motion by Hayes, second by Ferguson to approve the minutes of the January 3, 2017 meeting as submitted.

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

REPORTS OF BOARDS AND STANDING COMMITTEES:

None.

OLD BUSINESS:

None.

PUBLIC HEARINGS:

(Agenda Item #1)

A request by Sam Annable on behalf of Hatfield Whalen Land LLC for consideration of a Planned Unit Development Concept Plan, The Fields, on 23 acres at the corner of Champions Drive and Northgate Road.

Bill Watkins presented the PUD concept plan on behalf of Hatfield Whalen Land LLC. Watkins stated that the property is currently zoned C-3, R-O, and A-1. The proposed concept plan would modify the interior of the property only. Watkins noted that the northeast corner of the property has a building currently under construction of very high quality that is likely in line to win architectural awards. The proposed PUD would have similar high quality developments.

The concept plan would modify the existing zoning to create a C-2, Highway Commercial, zone in the southeast corner and an RMF, Residential Multifamily, zone on the interior of the property. The concept plan also extends the present R-O zone into the center of the property. The A-1, Agricultural, zoning on the west side of the property would remain and serve as a buffer to the Beau Chene subdivision to the west. The A-1 greenspace is a heavily wooded area that the developers intend to preserve. The A-1 greenspace would also house a detention pond.

Watkins pointed out that the Planning Commission is only voting on the Concept Plan today. Subsequent Rezones and Final Plat approval would come before the Planning Commission once the Concept Plan has been approved.

Watkins stated that in the Code of Ordinances, Planned Unit Developments are able to earn density by preserving greenspace and existing trees. Watkins stated that based on the formula in the Code of Ordinances, this PUD earns the multifamily density of 31 units per acre.

Watkins outlined that the Residential Multifamily development would be buffered on west by the A-1 greenspace and detention pond. It would be buffered to the north by the R-O zone and buffered to the East by the C-2 and C-3 zones. The property to the south of the multifamily development, across the street on Northgate, is currently zoned C-2, Highway Commercial and R-O, Residential Office.

Watkins stated that a variance would be sought for 60-foot building heights in the R-O portion. The exception being the northernmost building, that closest to the residential development to the north, would be limited to a 35-foot building height.

The C-2 building in the southeastern corner is further away from the Beau Chene subdivision than the Hunt Tower is from the Pinnacle subdivision.

Some of the intended features of this development include the preservation of existing trees in the A-1 zone, 4.54 acres of greenspace to include a woodland trail, much of the parking will be internal and not visible from the streets.

Watkins stated that the project meets all the requirements of a Planned Unit Development and would be the best use of this land based on surrounding zoning. Section 14-717 requires a PUD to achieve at least one of the following purposes: more efficient use of land, more efficient use of public facilities, more usable open space through structure grouping and other design techniques, and preservation of appropriate natural and/or physical features. The proposed concept plan meets at least two of these requirements, if not all four.

Watkins read from Section 14-717(a)(1) as follows: “A Planned Unit Development is a comprehensively planned residential, commercial, office, or office-warehouse land development project in which the standard requirements of the zoning ordinance and subdivision regulations may be varied to permit design flexibility.” Watkins stated that this Planned Unit Development exceeds the requirements of the Rogers’ City Code of Ordinances.

Commissioner Mike Shupe asked Watkins to explain what the pink areas in the concept plan represented. Watkins responded that the pink areas shown in the plan were ‘flowering alleys’ or landscaped areas.

Speaking in favor of the Planned Unit Development was Ray Canode, a resident of the City of Rogers, who regularly travels

down Northgate Rd. Canode expressed his excitement for the proposed development and applauded the Hatfields' efforts. As a small business owner, Canode supports this development as it will bring more people into the city.

Speaking in favor was Scott Klane, 29 South Windsor Drive. Klane applauded the Hatfield's efforts to preserve the natural area on the western boundary of the property while also providing a buffer for the Beau Chene subdivision.

Speaking in favor was Paul Dolle, 2920 S Champions Drive. Dolle owns the property directly to the north of the development and supports the development based on the quality of product he has seen the Hatfields produce.

Speaking against the proposal was Harrison French, 10 Beau Chene Lane. Concerned with privacy in regards to the multiple story building on the southeastern corner of the development. The C-2 zoning there allows for 150-foot maximum height.

David Bray, 6 Beau Chene Lane, spoke against the proposal with concerns about security and the walking trail creating access to the backyards abutting the property.

Michel and Cheryl Dastugue, 2 Beau Chene Lane, spoke against the proposal with concerns about privacy, security, traffic on Northgate Road, and the impact this development would have on their home value.

Ronda French, 10 Beau Chene Lane, spoke against the proposal expressing concerns over the proposed waiver for street improvements adjacent to the A-1 zoning, security, and traffic.

There being no other comments either for or against the proposed PUD, the Public Hearing was declared closed.

Watkins responding to the neighbors' concerns, stated that the developers would be willing to create a 50-foot undergrowth buffer as part of the A-1 zone to maintain the backyard privacy for Beau Chene residents.

Commissioner Mark Meyers questioned why they were requesting a 20-foot minimum lot width in the R-MF zone. Sam Annable the variance requesting a minimum lot width of 20 feet with no minimum lot size would allow single family residences to be built tightly together while preserving green space.

Meyers questioned if the street within the C-2 zone was private or public. If it was a private street then they would not be required to meet the City's streetlight standards, but if it is a public street Meyers stated that they must follow the City standards.

Jensen asked Watkins to expand on their request for a variance to allow parallel and 90° parking. Annable outlined that the city code states that a minor street can have parking on one side, they are requesting parallel parking and 90° parking on both sides of the streets throughout the development.

Meyers expressed concerns over the variance request for zero front setbacks along interior streets in the C-2, R-O, and R-MF zones. Annable suggested that the buildings would not be built to the zero front setback due to parking, landscaping, and sidewalks.

Senior Staff Attorney Jennifer Waymack pointed to Section 14-717(a)(7) which states, "The Planning Commission may vary the requirements of this article (excluding additional density bonuses), or of the City's zoning regulations, or of the City's

subdivision regulations: (i) Due to practical difficulties caused by terrain or other physical features; or (ii) If the proposal offered by the developer protects the public health, safety, and welfare better than development according to the zoning regulations or the subdivision regulations. Any such variance shall be stated in written form on the PUD final plan, and shall be recorded with the final plat.” Waymack stated that when talking about variances, it is important to know the reason why they are allowing the variance.

Planner Lori Ericson noted that staff has asked the developers to provide a photometric plan along with a traffic study.

Meyers asked if the parking variances were needed to meet the parking requirements. Meyers expressed concerns over the 90° parking off of the drive that connects Champions Drive and Northgate Road. Annable suggested that the parking along this drive could be adjusted to 60°, or angled parking.

Watkins stated that the variance to omit street improvements adjacent to A-1 zoning is, in reality, a variance to omit the sidewalks adjacent to the A-1 zoning in order to preserve greenspace and existing trees. The developers will still be required to make street improvements adjacent to the A-1 zoning and the Commission will work with the developers on rerouting the sidewalk.

Commissioner Dennis Ferguson stated there were still concerns over the R-MF density as it is one of the largest densities ever requested. Meyers stated that the highest density we have is RMF-24. Jensen stated that because they are just approving the Concept Plan currently, they are not locked-in to the density of 31 units per acre.

Shupe commented that as the developers consider the sidewalk alignment amongst the trees, they are encouraged to be creative and increase right-of-way as needed.

Motion by Noblin, second by Moran to approve the Concept Plan with comments from the Commission. Roll call: Ferguson – Yes, Hayes – Yes, Jensen – Yes, Moran – Yes, Meyers – Yes, Noblin – Yes, Shupe – Yes, Zvers – Disqualified. ***Motion carried.***

(Agenda Item #2)

A request by Home Depot for a Conditional Use to allow vehicle sales/rentals and vehicle storage at 1701 S 46th Street in the C-2 (Highway Commercial) zoning district.

Dan Zoldak, representing Home Depot, presented the request for a conditional use permit. Zoldak outlined Home Depot's plans to partner with Penske Truck Rentals to offer an online truck rental system. Once an order is placed, Penske will bring the truck to Home Depot for pickup and payment.

Shupe asked where the vehicles would be stored. Zoldak responded that the vehicles would be restricted to the southeastern corner of the Home Depot parking lot with a limit of 6 vehicles total.

There were no comments from anyone in the audience in favor or against the conditional use permit request.

The Public Hearing was declared closed.

Motion by Meyers, second by Shupe to approve the Conditional Use Permit subject to the following conditions:

- Must comply with a limit of 6 vehicles allowed on the lot.
- No sale of vehicles allowed. Permit for vehicle rental and temporary storage only.
- All vehicles must be parked on paved areas.
- No vehicle service shall be performed outside the building or on site.
- Must comply with all city codes including the sign code.

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

NEW BUSINESS:

None.

There being no further business, the meeting adjourned at 5:30 P.M.

ATTEST:

APPROVED

Barney Hayes, Secretary

Don Spann, Chair