

MINUTES

The **Rogers Planning Commission** met for a *regular session* in the Council Chambers of the Maurice H. Kolman Building on February 21, 2017 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 Dennis Ferguson, Barney Hayes, Myra Moran, Mark Myers, Tony Noblin, Mike Shupe, Don Spann and Eriks Zvers. Commissioner Kevin Jensen was absent.

OTHER OFFICIALS PRESENT:

Community Development Director John McCurdy, Senior Staff Attorney Jennifer Waymack, Project Engineer Lance Jobe, City Planners Ethan Hunter and Kara King. Councilmembers Mark Kruger and Marge Wolf.

ACTION ON MINUTES:

(February 7, 2017)

Approved.

Motion by Zvers, second by Hayes to approve the minutes of the February 7, 2017 meeting as submitted.

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

REPORTS OF BOARDS AND STANDING COMMITTEES:

There was no report from Lot Split Committee and Subdivision Commission reported there is nothing to report for this meeting.

Commissioner Noblin reported the Large Scale Development Committee met and recommended approval for New Business Agenda Item #3 Rogers Water Utilities with the Waiver of the required hard surface for an interior drive.

Motion by Noblin, second by Myers to move Agenda Items #3 to the consent agenda.

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

CONSENT AGENDA:

Motion by Myers, second by Noblin to approve the Consent Agenda.

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

OLD BUSINESS:

None.

PUBLIC HEARINGS:

(Agenda Item #1)

A request by Jammer Dorm, LLC for a Conditional Use to allow a food truck court at 623 W. Walnut Street in the COM (Commercial Mixed Use) zoning district.

Approved.

Jeff and Ashley Keesling representing Jammer Dorm, LLC requested a Conditional Use Permit to allow a food truck court. The food trucks would be on the perimeter with the existing structure functioning as a common seating area. There is some green space in the rear for picnics as well. Commissioner Spann asked for the proposed hours of operation. Ashley Keesling responded they would operate from 11 a.m. – 9p.m. Monday thru Saturday and 12 p.m – 6 p.m. on Sundays.

Commissioner Spann asked if there would be adequate parking for employees and customers with the food trucks occupying multiple spaces.

Jeff Keesling responded that there are 2 parking spaces for employees and 8 spaces for customers.

Speaking in favor of the Conditional Use request was Bill Watkins, a resident in the Downtown area. Watkins expressed his excitement over the proposal and stated that it would be an attractive addition at the entrance to Downtown.

Larry Murphy, a resident of the City of Rogers, expressed his excitement for the Conditional Use request.

Shey Bland, the Director of Main Street Rogers, expressed support for the proposed food truck court. Bland stated that other communities in the area have been proactive in creating spaces for these types of businesses. Bland stated that the market is calling for such developments. Bland agreed that this development would be a great addition to the entrance into the Downtown area.

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

The Public Hearing was declared closed.

Motion by Ferguson, second by Moran to approve the Conditional Use Permit as requested.

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

(Agenda Item #2)

A request by Camp War Eagle, Inc. for a Conditional Use Permit to allow commercial assembly, recreation, and entertainment at property located north of Hudson Road at the 8th Street intersection in the city’s C-2 (Highway Commercial) zoning district.

Withdrawn.

(Agenda Item #3)

A request by Children’s Therapy Service, Inc for a Conditional Use to allow a daycare at 5500 Pinnacle Point Drive, Suite 100, in the R-O (Residential Office) zoning district.

Approved.

Cindy Watson, representing the request, stated that this location had previously obtained a Conditional Use Permit to allow a daycare. Due to a change in ownership they have to reapply for a Conditional Use Permit.

There were no comments from anyone in the audience in favor or against the Conditional Use Permit request. The Public Hearing was declared closed.

Commissioner Hayes asked for their hours of operation. Watson responded 8 a.m. – 6 p.m.

Commissioner Spann asked how many employees they would employ. Watson responded that they would have 32 employees.

Commissioner Myers asked if they have obtained all the required State licensing for a daycare. Watson responded, “Yes, we have all the appropriate licensing from the state.”

(Agenda Item #4)

A request by Leisure Homes Corporation to rezone two tracts of land at 1503 W.

Persimmon Street from a R-DP (Residential Duplex Patio) to RMF-12B (Residential Multifamily, 12 units per acre, rentals).

Approved.

(Agenda Item #5)

A request by Hatfield Whalen Land , LLC for The Fields at Pinnacle Planned Unit Development for a Final PUD Plan approval and to rezone a 23.21-acre tract of property on the north side of W. Northgate Road and the west side of Champions Drive from a mix of A-1 (Agricultural) and C-4 (Neighborhood Commercial) to a mix of PUD-A1 (Planned Unit Development, Agricultural), PUD-RO (Planned Unit Development, Residential Office), PUD-RMF-31b (Planned Unit Development, Residential Multifamily, 31 units per acre, rentals), and PUD-C2 (Planned Unit Development, Highway Commercial).

Approved.

Motion by Myers, second by Hayes to approve the Conditional Use Permit as requested.

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

Ferdinand Fourie representing Leisure Homes Corporation stated that they would like to amend their request from RMF-12B to RMF-10B.

There were no comments from anyone in the audience in favor or against the Rezone request. The Public Hearing was declared closed.

Motion by Myers, Second by Shupe to approve the amended rezone request for RMF-10B.

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

Bill Watkins representing Hatfield Whalen Land, LLC stated that this request is to approve the Final PUD as well as a request to rezone 23.21 acres as part of the PUD.

Paul Bergant, 11 S Beau Chene Lane, stated that he is not in opposition of the development, but he has some unanswered questions. Bergant's concern is how the density will impact the traffic on Northgate and Champions. Bergant noted that the developers have done a good job working with the surrounding residents and addressing their concerns, but the impacts on the traffic in this area remain a concern.

Michael Dastugue, 2 S Beau Chene Lane, expressed concerns over the requested variance to allow a 60' structure in the R-O zoning district. Dastugue's property abuts the R-O portion of the PUD, and he is concerned that a developer could erect a 60' structure that would negatively impact his privacy.

Spann asked for a show of hands for audience members who were in opposition to this proposal. There were 7 people in opposition.

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

Watkins began by addressing Dastugue's concerns, stating that the existing building on the R-O portion would remain at its current height, less than 35'. The variance for the 60' structure would be for a new structure on the interior of the development, several hundred feet from Mr. Dastugue's property.

Commissioner Myers asked for Watkins to explain the request for three drives off of Northgate Road. Sam Annable, the engineer on the project, responded that two additional drives are requested for a planned drop-off area. Only one drive off of Northgate would be for a street.

Myers expressed concerns over the variance request to allow for a different approach to the sidewalk and street landscape improvements adjacent to the A-1 zoning. Watkins responded that this portion of the PUD has a natural tree tunnel that the developers were looking to preserve. Myers was concerned that the variance request would be interpreted as a waiver from the requirements to install sidewalks and other street requirements. Myers expressed that the commission is willing to work with the developers to adjust the sidewalk as needed here, but is not willing to waive the requirements for sidewalks and other street improvements. Watkins moved to strike the sidewalk request from the current request as sidewalks would be addressed again later as part of the Large Scale Development.

Commissioners Spann and Shupe commended the developers on their efforts.

Spann asked that Mr. Watkins walk the commission through the remaining variance requests.

The request for decreased setback along S. Champions and Northgate to 50' is in order to maintain uniform setbacks with the C-3 development to the north.

The request to omit front setbacks along inner streets (Fields Drive and Grassland Drive) would allow for more efficient use of space. The structures would not be built to the street, but would be setback from the street buffered by parking, flowering alleys, and sidewalks. Watkins suggested this would be similar to the Pinnacle Promenade development.

The request for 60-degree and parallel street parking increases the number of parking spaces available.

The request for reduced side yard requirement from 45' to 15' is in order to match the depth of the "rear yard" requirement.

The request to omit the necessity to buffer between C-2 and R-MF would again allow for more efficient use of space.

The request to keep "Fields Drive" as a private drive to allow the developers to use a modern street light design throughout the development. Watkins stated that the street lights along the exterior City streets would follow City street lighting standards.

The R-MF zone request to vary the minimum lot width to 20' is to allow for the potential development of individual brownstone type units.

The R-MF zone request for maximum height of 5 stories or 60' with no side setbacks.

Motion by Noblin, Second by Ferguson to approve the Final PUD and Rezones as submitted, minus the variance for sidewalks and street improvements.

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

(Agenda Item #6)

A request by Urban Properties for a Planned Unit Development Concept Plan consisting of proposed zoning of C2-CU (Highway Commercial with Condominium Use) and RO-CU (Residential Office with Condominium Use) for property at 2002 S. Dixieland Road, a 12.53-acre lot on the west side of Dixieland Road and south of New Hope Road in the A-1 (Agricultural) zoning district.

Tabled.

Dirk Thibodaux, representing Urban Properties, outlined that they had brought this property before the Planning Commission as a Rezone and were advised to resubmit this development as a PUD.

The proposed development would create 10 lots with Condominium Use, 8 lots zoned C-2 and 2 lots zoned R-O. The R-O lot in the southwest corner of the development would serve as the detention area with the dual purpose of buffering the neighboring residences. The R-O lot on the southern boarder would have a 15' landscape buffer as well.

Commissioner Myers expressed concern that the 15' landscape buffer behind the proposed structure does not allow for the 10-15' required for utility easements. Myers stated that the landscape buffer has to be separate from the utility easements, that way if the utility companies need to do ground work they will not remove the landscape buffer. Thibodaux responded that it is the developer's intent to bring in all the utilities from the front of the lots.

Thibodaux stated that the R-O structure that abuts the residential zones will have a decreased height, a height less than the residences to the south. The developers also propose a wood privacy fence with masonry columns along the perimeter to serve as an additional buffer.

Richard McKeehan, 1804 W Lazy L Street, spoke against the proposed PUD. McKeehan expressed his appreciation for the staff

report. In agreement with the staff report, McKeehan stated that they are proposing too much building area and not enough green space as a PUD requires. He expressed concerns over the ability for large trash or delivery vehicles to maneuver through the site as proposed. He stated that the plans do not show where any trash facilities or dumpsters would be located. He suggests that the buildings are too tightly placed together to allow for utilities, HVAC units, and dumpsters. McKeehan asked that the Commission table the request until the developers address these concerns and present a plan that meets the guidelines of a PUD.

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

Thibodaux stated that they are willing to work with the Planning Commission, but they thought that those details would come about later.

Commissioner Myers suggested that the presented PUD does not meet the minimum standards for the PUD Concept Plan to allow the Commission to provide feedback for the developer. For example, the proposal lacks greenspace and building area calculations. Commissioner Noblin questioned the requirements for a Concept Plan stating, “Why have a Concept Plan, if we are going to hold them to the same standard as a Final Plan?”

Senior Staff Attorney Jennifer Waymack stated that before the Final Plan is adopted the Director of Community Development has the discretion to decide what comes before the Planning Commission. Therefore, the Commission can let the Department of Community Development know what they need to see in order to effectively work with

developers to present comprehensive Concept Plans without going through all the steps required for the Final Plan.

Myers again stated that per the PUD guidelines it is vital that they present greenspace percentages, building area percentages, setbacks, and buffer areas. Myers suggested that they met the threshold for the intent of what the developer wants to do, but the details the Commission needs for approval is lacking.

Spann agrees with the staff report that there are certain details that are lacking. The approval of a Concept Plan locks the concept in place to a certain extent and there is not enough information presented for the Commission to confirm that this Concept Plan fits within the PUD guidelines.

Ferguson suggested that the developers get with the Department of Community Development and City Planners to find what the Commission needs to see in order to submit a more complete Concept Plan.

John McCurdy, the Director of Community Development, stated that as he interprets the code, the idea for a Concept Plan is to reduce risk for a developer and the degree of risk reduction is directly proportional to the development of that plan. The Commission can approve, approve with conditions, deny, or table the request.

Myers outlines that generally they like the zone and the basic concept. Spann suggest that the plan is lacking enough information as to prevent the Commission from granting formal approval.

The developers requested to table the item.

Motion by Myers, Second by Noblin to table to PUD Concept Plan.

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

NEW BUSINESS:

(Agenda Item #1)

PRELIMINARY PLAT, Chandler Run, a 96-lot subdivision in the RSF-6.5 (Residential Single Family, 6.5 units per acre) zoning district and The Grove Phase II PUD on the west side of S. Dixieland Road and south of Laurel Avenue.

Tabled.

Blake Murray representing the project outlined that it is 94 residential lots with two detention lots. After meeting with the Subdivision Committee they have amended their request for three drives off of Dixieland to two drives. The entire subdivision has on-street parking with curb bump-outs to alleviate speeding within the subdivision.

Spann stated that the Commission has a report for the Preliminary Plat from the February 15 Subdivision meeting that has 14 bullet items on it that need to be addressed. Myers stated that the majority of the bullet items are drainage issues. That area of Rogers has some serious drainage problems making these bullet items critical issues to be addressed.

Murray stated that these bullet items were addressed in the plans they resubmitted on Friday, February 17. Myers and Shupe agree that staff needs to review the resubmitted plans before the Commission can approve the Preliminary Plat.

Motion by Shupe, second by Myers to table until staff has an opportunity to review the resubmitted plans and address the bulleted items. Voice vote: Unanimous – Yes.

Motion carried.

(Agenda Item #2)

WAIVER, Easterling Wood Products, a request to waive the requirement for hard surface on an interior drive at 2535 S. 8th Street in the I-2 (Heavy Industrial) zoning district.

Approved.

Shawn Weathers representing Easterling Wood Products stated that the request is for a waiver from the hard surface requirement for a drive to access their colored mulch. The proposed road is an old existing road bed. Weathers outlined the stormwater best

management practices in place at this location and voiced concern that a hard surface drive would increase the velocity of runoff. An increase in the velocity of runoff to lead to erosion.

Spann asked if the public had access to this drive. Weathers responded that the public would not have access to the proposed drive.

Weathers suggested that if his client wishes to develop this property further in the future then he may pave the street with a hard surface. Weathers stated that currently Easterling has one employee and the traffic on the drive is seasonal.

Motion by Myers, second by Hayes.
Voice vote: Unanimous – Yes. ***Motion carried.***

Approved on the Consent Agenda

(Agenda Item #3)
WAIVER, Rogers Water Utilities, a request to waive the requirement for hard surface on an interior drive at the Rogers Treatment Plant, 4300 S. Rainbow Road, in the I-1 (Light Industrial) zoning district.

There being no further business, the meeting 6:27 P.M.

ATTEST:

APPROVED:

Barney Hayes, Secretary

Don Spann, Chair