

## MINUTES

The **Rogers Planning Commission** met for an online public meeting following on August 18, 2020 at 5:00 P.M. The meeting was called to order by Chairman Eriks Zvers.

### **MEMBERS PRESENT:**

Chairman Eriks Zvers, and Commissioners Rachel Crawford, Dennis Ferguson, Kevin Jensen, Mark Myers, Tony Noblin, Mandel Samuels, John Schmelzle, and Don Spann.

### **OTHER OFFICIALS PRESENT:**

Community Development Director John McCurdy, City Engineer Lance Jobe, City Planner Ethan Hunter, Planner III Beth Johnson, Planner II Kyle Belt, Planning Tech Gloria Garcia, Planning Administrator Lori Ericson, Staff Attorney Bonnie Bridges, and other city staff and officials.

### **ACTION ON MINUTES:**

Motion by Jensen, second by Ferguson to approve the minutes of the August 4, 2020 as presented. Voice Vote: Unanimous - Yes. ***Motion carried.***

### **APPROVED**

### **REPORTS FROM STAFF:**

City Planner Ethan Hunter explained the Zoom online meeting process, noting that only the Commissioners and needed staff are shown on the screen, attendees are not shown and are muted until recognized by staff. He explained the “raise hand” option for attendees online and by phone.

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

#### **PLANS & POLICIES COMMITTEE —**

Committee Member Kevin Jensen reported committee members had met and reviewed three items with the findings as follows:

1. RZN-DCP: Shadowbrooke at the Peaks Phase IV –The applicant has addressed the issue causing it to be tabled previously. It was recommended for approval.
2. RZN-DCP: Everest Avenue Townhomes – Applicant provided the requested elevations and site changes requested previously, but Committee members still had questions about the rear elevations and the site layout, and requested it be tabled.
3. RZN-DCP: Scottsdale Center Multifamily – Committee members discussed the development with the developer asking questions about traffic, density, site layout, compatibility street connections, with the developer but did not make a recommendation since more discussion is warranted.

Zvers said the items would be taken up later in the meeting. He thinned called for a report from Development Review.

#### **DEVELOPMENT REVIEW COMMITTEE —**

Committee Chairman Mandel Samuels stated committee members had met and reviewed one project, as follows:

1. LSDP: Innisfree Parking, a 37-space parking lot on S. 24<sup>th</sup> St. – staff provided a staff report recommending approval. The Committee voted to recommend approval as presented along with a fee-in-lieu of \$3,685.80 for detention.

**CONSENT AGENDA:**

1. **LSDP: Innisfree Parking, a 37-space parking lot on 1 acre located on the west side of S. 24<sup>th</sup> Street across from Innisfree Health & Rehab in the RMF-12B (Residential Multifamily, 12 units per acre) zoning district.**

Zvers introduced the item and stated that it came out of the Development Review Committee with a motion to approve as previously noted by Samuels. He asked for a motion.

Motion by Samuels, second by Spann to approve as presented along with the fee-in-lieu.

Roll Call: (YES-Unanimous) **Motion carried**

**TABLED**

**OLD BUSINESS:**

1. **RZN-DCP: A request by Bates & Associates for Shadowbrooke at the Peaks Phase IV to rezone of 7.82 acres at the northeast corner of the S. Kilimanjaro Way and W. Everest Avenue from the RMF-9A (Residential Multifamily, 9 units per acre) zoning district to the RMF-9A (Residential Multifamily, 9 units per acre) zoning district with acceptance of a Density Concept Plan.**

Zvers introduced the item and stated that it came out of committee with a recommendation for approval.

Motion by Jensen, second by Myers to accept the Density Concept Plan and recommend to City Council for approval.

Roll Call: (YES-Unanimous) **Motion carried**

**APPROVED**

2. **RZN-DCP: A request by Bates & Associates for Everest Avenue Townhomes to rezone of 4.06 acres east of W. Everest Avenue from the RMF-9A (Residential Multifamily, 9 units per acre) zoning district to the RMF-12B (Residential Multifamily, 12 units per acre) zoning district with acceptance of a Density Concept Plan.**

Zvers introduced the item and stated that it came out of Committee with a recommendation to table while issues are worked out.

Motion by Jensen, second by Crawford to table the request until the applicant is ready to come back with recommended revisions.

Roll Call: (YES-Unanimous) **Motion carried**

**TABLED**

## **PUBLIC HEARINGS:**

Zvers explained the Public Hearing process and asked those commenting to limit their time and try not to repeat concerns.

### **1. A request by Travis France representing NWA Bargain Barn for a Conditional Use Permit to allow “Retail Sales” at 2605 N. Storage Parkway in the I-1 (Light Industrial) zoning district.**

Zvers introduced the item and called for a staff report.

Hunter said the request is compatible with the adjacent property and, although the property is not zoned consistently with the Comprehensive Growth Map, the proposed request does not warrant rezoning since it does not prevent future compliance or limit redevelopment. Community Development recommends approval of this request subject to the following actions, removal of illegal and non-permitted sign currently placed at intersection of Hudson Road and Storage Parkway. He also noted that the location is within the floodplain and outdoor storage is not permitted. The floodplain considerations are enforceable through that code, he noted.

Travis France said he had no plans for outside storage other than a limited amount on the loading dock.

Chairman Zvers opened the public hearing and asked if anyone in attendance wanted to speak in favor or opposed to the request.

There were none.

The public hearing was declared closed.

France asked if he could keep the off-premise sign. Hunter recommended he call the Planning Division to discuss.

Motion by Myers, second by Spann to approve the CUP, subject to the removal of the illegal sign at Hudson Road and N. Storage Parkway.

Roll Call: (YES-Unanimous) **Motion carried**

**APPROVED**

### **2. A request by Crafton Tull representing Magnolia Dog Grooming Facility for a Conditional Use Permit to allow “Animal Grooming” on 1.82 acres at the southeast corner of the S. 43<sup>rd</sup> Street and W. Chastain Crossing intersection in the R-O/PUD (Residential Office, Planned Unit Development) zoning district.**

Zvers introduced the item and called for a staff report.

Hunter said the request is to allow the use “Animal Grooming” which is conditional in the R-O zoning district. The subject property is zoned correctly per the Comprehensive Growth Map, as R-O is an allowed zoning district in the Commerce Corridor Growth Designation. The proposed use

is compatible with adjacent property and it is appropriate at this Commerce Corridor location. Staff recommends approval of the request.

Barry Williams, Project Manager for Crafton Tull, said he needed to make an alteration to the application and would like to withdraw it for now. Zvers said the public hearing would be held since the public notice had been published.

Chairman Zvers asked if anyone in attendance wanted to speak in favor or opposed to the request.

There were none.

The public hearing was declared closed.

Commissioners discussed the shape and extent of the rezone.

Motion by Jensen, second by Myers to accept the applicant's request to withdraw.

Roll Call: (YES-Unanimous) *Motion carried*

**WITHDRAWN**

**3. A request by Watkins Law Office representing Vinson Square, LLC to rezone an undeveloped 0.35-acre lot on W. Birch between S. 3<sup>rd</sup> and the railroad tracks from I-1 (Light Industrial) to the NBT (Neighborhood Transition) zoning district.**

Zvers introduced the item and stated it came out of Committee with a recommendation for approval. He called for a staff report.

Hunter said the request is consistent with the Comprehensive Growth Map. NBT is the appropriate zoning district for this property based on the Downtown Regional Center Zoning Plan. Staff recommends approval of this request.

Chairman Zvers opened the public hearing and asked if anyone in attendance wanted to speak in favor or opposed to the request.

There were none.

The public hearing was declared closed.

Motion by Jensen, second by Crawford to recommend the rezone as presented to City Council for approval.

Roll Call: YES – 8 (Noblin, abstain) *Motion carried*

**APPROVED**

**4. A request by Hachem Investments, Inc. to rezone 3.3 acres northeast of the intersection of S. Champions and St. Andrews drives from the R-O (Residential Office) zoning district to the U-COM (Uptown Commercial Mixed Use) zoning district.**

Zvers introduced the item and asked for a staff report.

Hunter said the request is consistent with the Comprehensive Growth Map. U-COM is the appropriate zoning district for this property based on the Uptown Regional Center Zoning Plan. Staff recommended approval of the request.

Chris Bakunas, McClelland Engineering, represented the item, but said he had nothing to add to the staff report.

Chairman Zvers opened the public hearing and asked if anyone in attendance wanted to speak in favor or opposed to the request.

There were none.

The public hearing was declared closed.

Motion by Myers, second by Jensen to recommend the rezone as presented to City Council for approval.

Roll Call: Unanimous **Motion carried**

**APPROVED**

**5. A request by Crafton Tull for Scottsdale Center Multifamily to rezone 11± acres at the southwest corner of W. Olive Street and N. 40<sup>th</sup> Street from a mix of the R-O (Residential Office), C2-CU (Highway Commercial, Condominium Use), and PUD (Planned Unit Development) zoning districts to the C-3 (Neighborhood Commercial) zoning district with acceptance of a Density Concept Plan.**

Zvers introduced the item, stating it would be represented by Engineer Daniel Ellis, and asked for a staff report.

Hunter said the proposed zoning is consistent with the Comprehensive Growth Map, and the proposed density of 28 units per acre is appropriate at the location based on the considerations addressed in the applicant's Density Concept Plan. The location is well-suited for the proposed development due to its access to I-49 to the west and the Uptown Regional Center to the south, and it would serve as a transition between low-density residential to the north and east and higher-intensity commercial to the south and west. Perhaps, more importantly, this development would increase the residential population surrounding Scottsdale Center, a declining and underutilized retail center that could benefit greatly from increased economic activity and mitigate future blight. Overall, he said, staff recommended approval of this request subject to the following actions:

- Require pedestrian connections from building entrances to public right-of-way, and enhance pedestrian crossings at W. Olive and N. 40<sup>th</sup>, and W. Locust and N. 40<sup>th</sup>.
- Right-of-way dedication for a roundabout at W. Olive and N. 40<sup>th</sup>.

Engineer Daniel Ellis with Crafton Tull stated the developer has no issues with the comments. He addressed comments made during the Committee meeting, stating that both sections of the project have access other than 40<sup>th</sup> Street and pointed out access routes through the shopping center. He noted that with the existing zoning, 65-foot-tall buildings would be allowed. And, some of the existing structures within Scottsdale development exceed that height, he added.

Chairman Zvers explained that the Commission has received more than 60 emails regarding the rezone. He asked that those speaking limit their comments to a minute or so. He then opened the public hearing and asked if anyone in attendance wanted to speak in favor or opposed to the request.

Speakers and concerns expressed:

- Rita Yates, 37<sup>th</sup> Street resident – traffic congestion
- Mahdeo Kadam, neighbor – traffic congestion around the school
- Kathleen Davis, Whispering Timbers resident – traffic, density and need for stop sign
- Cleo Wright, Whispering Timbers resident – traffic and density impact on neighborhood, retail in shopping center is issue not density

Zvers noted that the Commission is well aware of the traffic problems and concerns in the area of 40<sup>th</sup> and Olive streets. He said that 60-plus emails were received, and asked that speakers consider that as the public hearing continued.

Speakers continued:

- Manfredo Aguilar, Whispering Timbers – connection to Interstate, traffic around school
- Diane (no last name stated) – area should be left as buffer zones, traffic
- Sudhir Katke, Whispering Timbers – traffic congestion
- Rachel Ramos, Whispering Timbers – concerned about kids coming to the school, traffic
- Don Sutton, Whispering Timbers – height of buildings, traffic, questioned possible development of the parking lot rather than outer lots
- Aaron Babyar, Whispering Timbers – asked if any of the emails received by the Commission were in favor. He was told no. He asked the Commissioners to take note of the unanimous opposition. Also concerned about school congestion, crosswalks, traffic on Mockingbird.
- David Sloan, Forest Park Subdivision – privacy for homes along 40<sup>th</sup> Street, traffic, safety, and built-for-profit not for benefit of community
- John Babyar, Cambridge Park – density
- Sarah Drain, Whispering Timbers – traffic and safety of crossing of Olive Street, child won't be able to walk
- Carrie Perrien Smith, Whispering Timbers – city leaders not promoting local businesses properly, concerned about density, height of buildings is too much.

The public hearing was declared closed.

Ellis responded to some of the comments, noting that a 10-pump gas station would generate more traffic than the planned multifamily development. He also noted improvements at Walnut and I-540 that will improve traffic. The Scottsdale Center is at about 50 percent capacity and redevelopment needs to happen and will happen over time. He said the developer is ready to provide right-of-way and enhanced pedestrian crossings, improving some of the walkability in the area. The current C2-CU zone allows up to 65 feet in height now, and these buildings will be less, he said. He also noted that the area in question was not planned as a buffer area for the development. The zoning allows retail and parking lots there, he said.

Jensen asked about the traffic study. Ellis explained the combination of data from a previous traffic study and consideration of changes in the area were used for the new traffic study,

because of the decrease in traffic during the Covid shut down. He said the study shows more impact on the intersection of 46<sup>th</sup> and Olive, than the intersection at 40<sup>th</sup> next to the school.

Myers noted some history of prior development attempts of the site, and said that multifamily has often been used as a buffer between commercial and single-family residential.

Commissioners discussed the site layout, access, setbacks, density, and the planned height of the buildings at 41 feet.

Ellis was asked if his client would consider a density of 24 units per acre, rather than 28. Ellis took a moment, but said his application would stand as requested. Crawford questioned why staff supported the increase in density allowed in the Neighborhood Center Growth Designation

John McCurdy discussed the city's various Neighborhood Centers and the fact that the one at Scottsdale Center is probably the densest of such centers. He noted that there isn't much difference between 24 units and 28.

Hunter reviewed part of the staff report, noting that the 4-unit-per-acre increase in allowable density is supported because of the unique location and circumstances of this particular location.

Myers and McCurdy discussed the strain on infrastructure from multifamily and how density should be along major corridors, etc.

Myers made a motion, second by Crawford, to accept the Density Concept Plan and recommend the rezone to the City Council for approval.

Roll Call: 7(Yes) 2 (NO:Spann, Ferguson) ***Motion carried***

**APPROVED**

**NEW BUSINESS:**

None

There being no further business, Chairman Zvers adjourned the meeting at 6:28 p.m.

**ATTEST:**

**APPROVED:**

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Rachel Crawford, Secretary

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Eriks Zvers, Chairman