



COMMUNITY DEVELOPMENT  
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## ROGERS PLANNING COMMISSION MINUTES

The Rogers Planning Commission met for an online public meeting on January 19, 2021 at 5:00 P.M. The meeting was called to order by Chairman Mandel Samuels.

### **ROLL CALL**

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

### **ACTION ON MINUTES**

Samuels entertained a motion to approve the January 5, 2021 Planning Commission meeting minutes as presented.

Motion by Jensen, Second by Crawford.

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

**Approved.**

### **REPORTS FROM STAFF**

City Planner Ethan Hunter provided details on participation instructions for those in the audience.

### **REPORTS FROM BOARDS AND COMMITTEES**

#### **PLANS & POLICIES COMMITTEE —**

Samuels reported that one item was reviewed by the committee:

#### **1. RZN/DCP: Pinnacle Hills Active Living**

This item was recommended for approval after reviewing changes by the applicant.

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

Crawford reported that six items were reviewed by the committee:

#### **1. LSDP: Texas Roadhouse**

This item was recommended for Commission approval with the following actions:

1. Approve VARIANCE from Sec. 14-285(3) from the requirement for a landscape area along the frontage no less than 25' deep with trees at a 20' spacing for the full width of the frontage.
2. Approve VARIANCE request from Sec. 14-256(14)(b)(2) from the requirement to plant one tree in every tree island.

#### **2. LSDP: Hutton Multifamily**

This item was recommended for Commission approval with the following actions:

1. Approve VARIANCE from the requirement to have 70% of the building within the build-to-zone along Champions Dr.
2. Approve VARIANCE from Sec. 14-732(5.2)(a) from the requirement for buildings A and B to front South 55th Street.
3. Approve VARIANCE from Sec. 14-732(4.3)(c) and Sec. 14-732(4.5)(c) to reduce the minimum first floor height from 12' to 9'.
4. Approve VARIANCE From sec. 14-732(4.5)(c) to increase the maximum number of stories from 3-stories to 4-stories.
5. Approve VARIANCE from Sec. 14-732(5.3)(a) to reduce the façade transparency requirement for the first floor from 40% to 20%.
6. Approve WAIVER from Sec. 14-604 from requiring north and west connectivity.

**3. LSDP: Lisa Academy**

This item was recommended for Commission approval with the following actions:

1. Approve VARIANCE from Sec. 14-699(f)(2)(c) to reduce the exterior side yard setback along the access easement on the north side of the development from 30' to 20'.
2. Approve WAIVER from Sec. 14-260(1)(f) requiring minimum distance of 100-ft between curb cuts.
4. Approve WAIVER from Section 14-46(g) Typical Street Section requiring street improvements to Horsebarn Road.
5. Approve WAIVER from Section 14-46(g) Typical Street Section requiring street improvements nor a fee-in-lieu of improvements for the future W Oak Street collector.

During committee, the applicant withdrew a WAIVER request from Sec. 14-260(2)(a) requiring an Access Easement from the northern drive to the western property line.

**4. LSDP & SPLIT: Dixieland Townhomes**

This item was recommended for Commission approval with the following actions:

1. Approve VARIANCE from Sec. 14-703(f)(2)(a) to reduce the front yard setback along the proposed access easement from 30' to 20'.
2. Approve VARIANCE from Sec. 14-703(f)(2)(b) to reduce the internal interior side yard setbacks from 10' to 0'.
3. Approve VARIANCE from Sec. 14-703(f)(2)(c) to reduce the exterior side yard setback from 30' to 21' around Unit 1.
4. Approve VARIANCE from Sec. 14-703(g)(1) requiring a minimum lot area of 1 acre.
5. Approve VARIANCE from Sec. 14-703(g)(1) requiring a minimum lot width of 100'.
6. Approve WAIVER from Sec. 14-578(c)(1)(A) and Sec. 14-578(d) requiring lot splits that result in more than seven (7) tracts or lots to go through the subdivision process.
7. Approve WAIVER from the Major Arterial Typical Street Section requiring improvements to Dixieland Road with CONDITIONS as recommended by staff.
8. The associated Lot Split must be recorded prior to issuance of Certificate of Occupancy, and only once all required LSDP improvements have been completed and inspected.

**5. Preliminary Plat: Villas at Cobble Creek**

This item was recommended for Commission approval with the following actions:

2. Deny VARIANCE from Sec. 14-702(d)(1) to allow a minimum lot area of 3,000 S.F instead of the required 6,000 S.F.
3. Deny VARIANCE from Sec. 14-702(d)(2) to allow no minimum lot width instead of the required 50'. – withdrawn by applicant after discussion with Committee.

4. Approve WAIVER from the Drainage Criteria Manual Pg ST-7 from requiring 2-feet of cover over Storm Pipe 2-2 under a traffic area.
5. Approve WAIVER from Sec. 14-74 to allow modified curb and gutter along the entirety of the public street through the development.
6. Approve FEE-IN-LIEU of improvements to Dixieland Road in the amount of \$31,959.00.

During committee, the applicant withdrew a VARIANCE request from Sec. 14-702(c)(2)(b) to allow an interior side yard of 0' instead of the required 6'.

**6. Preliminary Plat: Pinnacle Village**

This item was recommended for Commission approval with the following actions:

1. Approve WAIVER from Sec. 14-260 Access Management Standards allowing the slip street within 100-ft of the intersection.
2. Approve WAIVER from Sec. 14-46(g)(4) to allow deviation from the Minor Street Typical Street Section.
3. Approve WAIVER from Sec. 14-604(c)(3) from requiring connectivity stub-outs to the east.

**CONSENT AGENDA**

**OLD BUSINESS**

**1. CUP: Rainbow Road Self-Storage**

A request for a Conditional Use Permit to allow the use "Warehousing and Storage" at 503 S. Rainbow Road in the C-2 (Highway Commercial) zoning district.

Samuels introduced the item and requested a staff report.

Hunter provided a staff report with recommended actions.

Samuels asked if the applicant representative, Bill Watkins was available, and Watkins advocated for the Conditional Use Permit on behalf of his client, provided a detailed explanation of the request and the modifications that were made from a previously denied request at the same location for the same use, and offered his availability for any questions.

Samuels asked if there were questions or comments or commissioners.

Spann and Myers expressed their concerns as to whether the drainage would be above ground or underground and Watkins confirmed that it would be underground.

Myers and Spann stated that the rendering of the street-facing façade of one of the proposed additional buildings provided adequate screening from the storage facility from street view.

Crawford requested clarity regarding the validity of granting this request based on the surrounding area, zoning, and recommendation for denial detailed in the Staff Report for this request.

Hunter provided an explanation of the findings of the staff report and how they were determined.

Myers voiced support for this item.

Jensen voiced concerns based on what the actual use would be in comparison to what was being requested and whether the aesthetic look of the building was compelling enough for commissioners to move forward and approve or if they were setting an undesirable precedent.

Watkins addressed Jensen's concern regarding the appearance.

Schmelzle stated that he believed that the aesthetic rendering of the building was sufficient and asked for clarity from Pesek if the applicant was bound to construct the building as presented if this request were to be approved.

Pesek confirmed with Schmelzle that this would not set a precedent and that the condition was explicitly tied to this request and property.

McCurdy clarified that the last time there was prior discussion regarding storage facilities on the road, that the concern from Staff was largely aesthetic in nature and that this addressed this concern. McCurdy also pointed out that the decision was up to the Commission and that he believed it was appropriate to approve based on what was presented by the applicant.

Motion by Schmelzle, Second by Ferguson to approve as presented.

Roll Call Vote: YES – Ferguson, Jenson, Myers, Samuels, Schmelzle, Spann, Zvers. NO – Crawford

**Motion carried.**

**Approved.**

## **2. RZN/DCP: Pinnacle Hills Active Living**

A request to rezone ± 9.04 acres at the NW corner of W. Pleasant Grove Road and S. Champions Drive from C-3 (Neighborhood Commercial) to the C-3 (Neighborhood Commercial) zoning district with acceptance of a Density Concept Plan.

Samuels introduced the item and requested a staff report.

Hunter provided a staff report with recommended actions.

Samuels asked if the applicant, Todd Butler was available. Butler confirmed that he was available to answer any questions.

Motion by Jensen, Second by Myers to recommend to approve as presented.

Roll Call Vote: YES – Unanimous.

**Motion carried.**

**Recommended for City Council approval.**

## **PUBLIC HEARINGS**

### **1. CUP: Sixteen Ninety Nine, LLC**

A request for a Conditional Use Permit to allow the use "Convenience Store with Gas Sales" at 1710 W. Hudson Road in the C-2 (Highway Commercial) and Overlay zoning districts.

Samuels introduced the item and requested a staff report.

Hunter provided a staff report with recommended actions.

Samuels asked if the applicant representative, Satnam Singh was available, and Singh stated that he that he was available to address any questions or comments.

Samuels opened the public hearing for comments. There were no comments. The public hearing was declared closed.

Samuels asked if there were any additional comments from staff or commissioners.

Jensen inquired as to whether rezoning to C-3 would have alleviated this Conditional Use Permit Request and Hunter clarified that this request would need to be submitted regardless due to City Code.

Motion by Jensen, Second by Meyers to approve as presented.

Roll Call Vote: YES – Unanimous. **Motion carried.**

**Approved.**

## **NEW BUSINESS**

### **1. LSDP: Texas Roadhouse**

A request to allow the construction of a 7,823-SF building and paved parking lot located on ±3.55 acres at 2922 S. 26<sup>th</sup> Street in the C-4 (Open Display Commercial) and Overlay zoning districts.

Samuels introduced the item noted that the item came out of committee with a unanimous recommendation for approval and entertained a final motion.

Motion by Zvers, second by Crawford, to approve the request as recommended by committee.

Roll Call Vote: YES – Unanimous. **Motion carried.**

**Approved.**

### **2. LSDP: Hutton Multifamily**

A request is to allow the construction of a 285-unit apartment complex and paved parking lot located on ±19.9 acres at 2700-2704 S. Champions Drive in the U-COM (Uptown Commercial Mixed-Use) and U-NBT (Uptown Neighborhood Transition) zoning districts.

Samuels noted that the item came out of committee with a recommendation for approval and asked if there were further comments from Commissioners or the applicant.

Schmelzle commented that he voted “No” during the Development Review Committee meeting because he believed that there was enough room to shift the configuration of the buildings to the East front with more mixed-use application on the first floor.

Samuels noted that comments from the public had been received and factored into consideration of this request.

Samuels entertained a motion.

Motion by Crawford, second by Myers, to approve the request as recommended by committee.

Roll Call Vote: YES – Crawford, Ferguson, Jensen, Myers, Samuels, Zvers. NO – Crawford, Spann.

**Motion carried.**

**Approved.**

**3. LSDP: Lisa Academy**

A request to allow the construction of a 45,000-SF school and paved parking lot located on ±6.89 acres at 590 S. Horsebarn Road in the R-SF (Residential Single-Family) zoning district.

Samuels noted that the item came out of committee with a recommendation for approval and asked if there were further comments from Commissioners or the applicant.

Ellis stated he had nothing to add.

Motion by Zvers, second by Myers, to approve the request as recommended by committee.

Roll Call Vote: YES – Unanimous. **Motion carried.**

**Approved.**

**4. LSDP & SPLIT: Dixieland Townhomes**

A request to allow the construction of a 24-unit townhome development with an associated Lot Split located on ±4.16 acres at 1601-1629 S. 17<sup>th</sup> Place in the RMF-6B (Residential Multifamily, 6 units per acre) zoning district.

Samuels introduced the item noted that the item came out of committee with a unanimous recommendation for approval and asked if there were any final comments from commissioners or the applicant.

There were no comments.

Motion by Zvers, second by Myers, to approve the request as recommended by committee.

Roll Call Vote: YES – Unanimous. **Motion carried.**

**Approved.**

**5. Preliminary Plat: Villas at Cobble Creek**

A request to approve the preliminary plat for a 22-lot subdivision located on ±6 acres at S. Dixieland Road and W. Saddlebrook Lane in the N-R (Neighborhood Residential) zoning district.

Samuels introduced the item noted that the item came out of committee with a unanimous recommendation for approval and asked if there were any final comments from commissioners or the applicant.

There were no further comments.

Motion by Spann, second by Zvers, to approve the request as recommended by committee.

Roll Call Vote: YES – Unanimous. **Motion carried.**

**Approved.**

**6. Preliminary Plat: Pinnacle Village**

A request to approve the preliminary plat for a 13-lot subdivision located on ±29.97 acres on S. Pinnacle Hills Parkway north of W. Highland Knolls Road in the U-COM (Uptown Commercial Mixed Use) and U-NBT (Uptown Neighborhood Transition) zoning districts.

Samuels introduced the item noted that the item came out of committee with a unanimous recommendation for approval and asked if there were any final comments from commissioners or the applicant.

There were no further comments.

Motion by Zvers, second by Crawford, to approve the request as recommended by committee.

Roll Call Vote: YES – Unanimous. **Motion carried.**  
**Approved.**

There being no further business, Samuels adjourned the meeting at 5:46 p.m.

**ATTEST:**

**APPROVED:**

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John Schmelzle, Secretary

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Mandel Samuels, Chairman