

MINUTES

The **Rogers Planning Commission** met for an online public meeting on May 5, 2020 at 5:05 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, Planning Administrator Lori Ericson, City Planner Ethan Hunter, Planner III Beth Johnson, Planner I Chris Robinson, Planning Tech Gloria Garcia, Staff Attorney John Pesek, Deputy Fire Chief B.J. Hyde, Airport Manager David Krutsch, and Councilman Mark Kruger.

ACTION ON MINUTES:

(April 21, 2020)

APPROVED

Motion by Schmelzle, second by Noblin to approve the minutes of the April 21, 2020 as presented.

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

PUBLIC COMMENT PERIOD:

Zvers asked if there were any public comments on items not on the agenda. There were none.

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.

Hunter also noted that a previously approved lot split for Silver Development didn't include a needed setback reduction. He requested the item be considered under New Business later in the meeting. Chairman Eriks Zvers agreed and moved on to the Public Hearing portion of the meeting, noting there were no committee meetings held.

REPORTS OF BOARDS AND STANDING

COMMITTEES:

DEVELOPMENT REVIEW COMMITTEE:

None

PLANS & POLICIES COMMITTEE:

None

CONSENT AGENDA:

OLD BUSINESS:

PUBLIC HEARINGS:

(Agenda Item #1)

A request application by Steals-N-Deals Auto Sales LLC for a Conditional Use to allow vehicle/equipment sales and rentals at 1908 S. 8th St. in the C-2 (Highway Commercial) zoning district and in the City's Overlay District.

Hunter provided a staff report stating that the request is consistent with Comprehensive Growth Map and compatible with adjacent property in regard to land use, but the city's floodplain administrator had reviewed the request in regard to Rogers Code Sec. 20 and the City's Flood Damage Prevention Code and recommends denial. If the CUP is still approved by the Planning Commission, the Floodplain Administrator would require a Floodplain Development Permit prior to starting business to ensure compliance with the Flood Damage Prevention Code. The permit, however, would be denied until the site is brought into compliance with the Code.

Jelani Smith, applicant, said he liked the site and noted similar businesses adjacent to the site. Smith requested more information about the permit and the cost of improving the site to meet the Flood Damage Prevention Code.

Zvers opened the public hearing requesting anyone with comments to acknowledge a desire to speak.

After a short delay to confirm there was no input, the public hearing was closed.

Rogers Floodplain Administrator Kris Paxton explained the Flood Damage Prevention Code

application to the site and the need to control any pollutants such a business might produce. Commissioners discussed their options and whether the floodplain should be a consideration for the Conditional Use Permit. Commissioners discussed the floodplain's applicability in regard to the use due to the Comprehensive Growth Map's inclusion of open space and the need to preserve.

Motion by Samuels, second by Noblin to deny the request as presented.

Roll call: 7 yes, No – Jensen (Not heard – Spann) *Motion carried*

DENIED

(Agenda Item #2)

A request by Tommy Burton to consider a rezone from the C-2 (Highway Commercial) zoning district to the R-O (Residential Office) zoning district for 0.31 acres between S. 8th and 13th streets.

Hunter presented a staff report explaining the planned rezone, noting that it is consistent with the Comprehensive Growth Map and staff supports the request.

Tommy Burton, applicant, stated the zoning would allow for some flexibility for the businesses that might want to locate on Walnut.

Zvers opened the public hearing requesting anyone with comments to acknowledge a desire to speak.

After a short delay to confirm there was no input, the public hearing was closed.

Noting that it makes sense and fits in, Myers made a motion to approve the request as presented, second by Jensen.

Roll call: Unanimous *Motion carried*

APPROVED

(Agenda Item #3)

A request by CAN-ARK Diamond to consider a rezone from A-1 (Agricultural) to the NR (Neighborhood Residential) zoning district of 17.26 acres at the SE corner of N. 2nd Street and N. Airport Loop.

Hunter noted the request is consistent with the CGM and the staff recommends the rezone. Attorney Bill Watkins, representing the applicant, said that some issues had come up regarding the rezone, and he requested the issue be tabled.

Zvers opened the public hearing requesting anyone with comments to acknowledge a desire to speak.
After a short delay to confirm there was no input, the public hearing was closed.

Motion by Ferguson, second by Noblin to table the request.
Roll call: Unanimous ***Motion carried***
TABLED

(Agenda Item #4)

A request by GWD Development to consider a rezone from the R-DP (Residential Duplex Patio Home) zoning district to the COR (Core Mixed Use) zoning district at 326 E. Glenwood Ave.

Zvers stated that the request was withdrawn by applicant.

NEW BUSINESS:

1. PRE-LSDP Waiver, Dave Meadows, a waiver from the minimum required curb cut distance from an intersection, NE corner of S. 8th Street and W. Price Lane, C-4 (Open Display Commercial) zoning district.

Hunter explained the request briefly. Attorney Bill Watkins, representing Dave Meadows, explained that Meadows had obtained the access on Price Lane as part of a right-of-way negotiation with the city years ago. He also noted a big reduction in the width of the curb cut as part of the proposal for development of the lot.

Commissioner Rachel Crawford said she supported the idea due to the previous ROW negotiations, but recommended the curb cut be used for right in and right out only. Myers suggested it be an entrance only and the curb cut on 8th Street be the exit only.

Motion by Jensen, second by Crawford to approve the request as presented.

Roll call: Unanimous ***Motion carried***
APPROVED

2. **SSDP, Bella Vista Marine, a 2,481-sf building addition proposed at 2601 W. Hudson Road in the I-1 (Light Industrial) zoning district.**

Staff summed up the request. Engineer Geoff Bates presented the project and explained site limitations generating the need for some variances.

Commissioners discussed the proposed addition, the following recommendations on requested variances, and a requirement for ADA sidewalk improvements:

1. Approve variance from Sec. 14-713(h) from the requirement to meet minimum parking standards.
2. Consider variance from Sec. 14-713(e)(2) to exceed the maximum percentage of allowed impervious surface.
3. Approve variance request from Sec. 14-256(3) for the requirement to provide Overlay District trees no farther than 25' from the right-of-way at a 20' spacing.
4. Consider variance from Sec. 14-265(4) from the requirement to provide 10' wide Overlay District landscape buffer areas along the rear and side yard property lines.
5. Require the ADA Ramp improvements at the SW corner of the property.

Motion by Samuels to approve the small-scale project as presented.

Zvers noted that "as presented" there wasn't any action recommended on two of the variances. Samuels amended his motion, second by Myers to approve the request with approval of variances 1, 2, 3, and 4, and to require the condition to improve ADA ramps at the southeast corner of the site to meet approval by the City Engineer.

Roll call: Unanimous **Motion carried**
APPROVED

3. LSDP, Hi-Tea, a 4,494-sf mixed-use building proposed 1902 and 1904 W. Pleasant Grove Road in the Pleasant Crossing Planned Unit Development, the C-2 (Highway Commercial) zoning district and the City's Overlay District.

Following a brief introduction of the project by Staff, James Koch, engineer, represented the project, stating that previous lot configurations left the lot at less than an acre.

Commissioners discussed the proposed development and the recommendation to approve a variance from Sec. 14-285 requiring that the lot size for development in the Overlay District be a minimum of one acre.

Motion by Noblin, second by Jensen to approve the request as presented.

Roll Call: Unanimous **Motion carried**
APPROVED

4. LSDP, Hilton Boutique Hotel, a five-story 56,352-sf hotel proposed on 1.29 acres at 4100 S. Pinnacle Hills Parkway in the U-COR (Uptown Core Mixed Use) zoning district.

Hunter provided a brief introduction of the project and presented the following recommendations on requested variances:

1. Approve variance from Sec. 14-732(4.2)(b) to allow a reduction from the required 70% building frontage to 45% along W. Park Avenue.
2. Approve variance from Sec. 14-732(4.1)(c)(iii)(2) to allow a service access drive along W Park Avenue.
3. Approve variance from Sec. 14-732(4.1)(c)(iii)(3) requiring that along Pedestrian-Priority and Pedestrian-Friendly Frontages, driveway spacing shall be limited to one driveway per each block face or per 200 feet of block face to allow a drive for the trash pick-up.
4. Approve variance from Sec. 14-732(4.1)(c)(ii) to reduce the required number of bicycle parking spaces from 99 spaces to 32 spaces.
5. Approve variance from Sec. 14-732(5.2)(a) from the requirement that the primary entrance of the hotel be oriented towards the Pedestrian-Friendly frontage.
6. Consider variance from Sec. 14-732(5.3)(a)(i) from the requirements of the façade articulation on the north and south ends of the building.
7. Approve variance from Sec. 14-732(5.3)(a)(iii) from the requirement to provide 50% façade transparency on the ground floor and 20% on the upper floors along the Pedestrian-Friendly frontage.
8. Consider variance from Sec. 14-732(5.6)(a) from the requirement that the primary and secondary street-facing facades must be finished with at least 70 percent masonry.

Engineer Daniel Ellis, with Crafton Tull & Associates, represented the project, and discussed the hotel's branding, the elevations of the proposed structure, and the need for certain features for the five-story structure, noting the outdoor gathering pavilion on the fifth floor.

Motion by Myers, second by Ferguson to approve the request with approval of all eight variances requested.

Roll call: Unanimous ***Motion carried***
APPROVED

5. **LSDP, First Baptist Church, an 18,000-sf church addition proposed at 3324 W. Pleasant Grove Road in the A-1 (Agricultural) zoning district and the City's Overlay District.**

Hunter explained the proposed addition and noted the staff recommendations on the following variance and waiver requests:

1. Approve a waiver from Sec. 14-256(14)(B) for the requirement to provide a 324-SF tree island every 15 parking spaces.
2. Require dedication of right-of-way for a roundabout at West Drive and S. Bellview Road per plans provided by the City of Rogers.

Engineer Matt Crafton, with Crafton Tull & Associates, stated the project is a continuation of the church campus expansion, explaining the parking lot is part of a master plan developed 15 years ago for the church, so tree islands don't quite fit that plan. He said the church is prepared to dedicate the requested right-of-way for the proposed roundabout.

Motion by Myers, second by Spann to approve the request, including granting the waiver and the acceptance of the dedication of the right-of-way.

Roll call: Unanimous ***Motion carried***
APPROVED

6. **LSDP, Greer Lingle Middle School Track, a public school athletic field project proposed at 901 N. 13th Street in a mix of the R-DP (Residential Duplex Patio) and the C-3 (Neighborhood Commercial) zoning districts.**

Commissioners discussed proposed development and the following staff recommendations on requested waivers:

1. Approve waiver from Sec. 14-256(12) and (14) for the requirement to provide a landscaping plan and meet minimum planting requirements.
2. Approve waiver from Sec. 14-260 Access management standards.
3. Approve waiver from DCM Ch. 9 Sec. 4.2.3 Design Procedure and Criteria for water quality design.

A representative of CEI Engineering said the staff report summed it up and nothing to add to the staff report regarding the planned sports facility.

Motion by Myers, second by Jensen to approve the request as presented.

Roll call: Unanimous **Motion carried**

APPROVED

- 7. LSDP, Oakdale Middle School Track, a public school athletic field project proposed at 511 N. Dixieland Road in the R-DP (Residential Duplex Patio) zoning district.**

Hunter detailed the following staff recommendations on requested waivers and a request for fee-in-lieu for detention:

1. Approve waiver from Sec. 14-256(12) and (14) for the requirement to provide a landscaping plan and meet minimum planting requirements.
2. Approve waiver from Sec. 14-260 Access management standards.
3. Approve waiver from DCM Ch. 9 Sec. 4.2.3 Design Procedure and Criteria for water quality design.
4. Approve a fee-in-lieu of detention in the amount of \$3,877 for 19,383 ft² of increased impervious area.

Kris Paxton, Development Compliance Manager, explained this location doesn't have any detention while the previous location has detention in place.

Motion by Myers, second by Jensen, to approve the request including approval of the three waivers and the fee-in-lieu for detention.

Roll call: Unanimous **Motion carried**

APPROVED

- 8. LSDP, Elmwood Middle School Track, a public school athletic field project proposed at 1610 S. 13th Street in a mix of the R-SF (Residential Single Family) and the NR (Neighborhood Residential) zoning districts.**

Hunter noted the request is similar to the last one. Commissioners discussed proposed development and the following staff recommendations regarding requested waivers:

1. Approve WAIVER from Sec. 14-256(12) and (14) for the requirement to provide a landscaping plan and meet minimum planting requirements.
2. Approve WAIVER from Sec. 14-260 Access management standards.
3. Approve FEE-IN-LIEU of detention in the amount of \$3,480 for an increased impervious area of 17,400ft².
4. Approve WAIVER from DCM Ch. 9 Sec. 4.2.3 Design Procedure and Criteria for water quality design.

Motion by Jensen, second by Myers, to approve the request as presented.

Roll call: Unanimous **Motion carried**
APPROVED

9. LSDP, Gilbert Building, and 8,923-sf office building proposed at 400 W. Walnut Street in the COM (Commercial Mixed Use) zoning district.

Hunter provided a report on the following staff recommendations on requested waivers:

1. Approve the variance request from Sec. 14-715[4.2][b] to reduce the build-to-zone along 4th Street from a 10 foot minimum to a 4-foot minimum.
2. Approve the variance request from Sec. 14-715[5.2][b] to allow the primary entrance to be along 4th Street.
3. Approve the variance request from Sec. 14-715[4.3][b][i] to allow less the 60% of the building façade to sit in the 4th Street build-to-zone.
4. Approve the variance request from Sec. 14-715[5.3][a][iii][1] to allow less than 70% of the Walnut Street façade to be composed of glazed material.
5. Consideration the variance request from Sec. 14-715[5.6][a][iv] to allow the 4th street façade to be composed of more than 30% of architectural metal.
6. Deny variance from Sec. 14-715[8.4][c] and require the applicant to install street lights to meet the DRDC lighting requirements.

John Sheffie, Core States Group, discussed the building design and the need for the variances to make the design work in the space.

Commissioners discussed the exterior design elements, need for street lights, and eventual improvements on Walnut Street.

Motion by Jensen, second by Myers to approve the request with approval of variance 1 through 5, and denial of the sixth variance request for street lights.

Roll call: Unanimous **Motion carried**
APPROVED

10. LSDP, Silver Development, a request to approve a waiver missed in the Silver Development DCP modification.

Hunter explained that a conflict in the way the front setback was measured for a private street resulting in another needed variance for the front setback, reducing it from 20 feet to 5 feet. Community Development Director John

McCurdy noted the layout as shown is what they have seen and approved in the past.

Motion by Jensen, second by Myers to approve variance to reduce the setback as shown on the proposed plat.

Roll call: Unanimous ***Motion carried***

APPROVED

There being no further business, Chairman Zvers adjourned the meeting at 7:05 p.m.

ATTEST:

Rachel Crawford, Secretary

APPROVED:

Eriks Zvers, Chairman