

MINUTES

The **Rogers Planning Commission** met for an online public meeting following on July 21, 2020 at 5:04 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, Tony Noblin, Mandel Samuels, John Schmelzle, and Don Spann. Mark Myers did not attend.

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 Kyle Belt, Planning Tech Gloria Garcia, Staff Attorney Bonnie Bridges, and other city staff and officials.

ACTION ON MINUTES:

Motion by Noblin, second by Samuels to approve the minutes of the July 7, 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 a report from John Brittenem regarding Shadowbrooke at the Peaks, Phase 4, Density Concept Plan. The Committee recommends the item be tabled until a needed waiver request is received and reviewed by staff.

DEVELOPMENT REVIEW COMMITTEE —

Committee Chairman Mandel Samuels stated committee members had met earlier with five Large-Scale Development Projects on its agenda, but reviewed three with a recommendation for approval with action on the associated waivers and variances: Shoppes at 8th Street, Railyard Overlook, and Dolle Redevelopment. Committee members also discussed, but did not get to a vote on proposed revisions at The AMP; and, did not discuss the requested variances for the Bryan Promenade Apartments.

Zvers noted that all Committee items will be taken up later in the agenda.

CONSENT AGENDA:

None

OLD BUSINESS:

PUBLIC HEARINGS:

Zvers explained the Public Hearing process and noted that the first two items had been withdrawn by the applicants and would not be heard.

- 1. A request by Robert Lee for NWA Bargain Barn to allow a Conditional Use for retail sales at 2605 N. Storage Parkway in the I-1 (Light Industrial) zoning district.**

Withdrawn by applicant.

- 2. A request by Crafton Tull for Magnolia Dog Grooming to allow a Conditional Use for animal grooming on 1.82 acres at the southeast corner of S. 43rd Street & W. Chastain Crossing in the RO-PUD (Residential Office, Planned Unit Development) zoning district.**

Withdrawn by applicant.

- 3. A request by NWA LD to rezone of 42.7 acres north of W. Pleasant Grove Road and S. 1st Street from A-1 (Agricultural) to the NR (Neighborhood Residential) zoning district.**

Zvers introduced the item, corrected an agenda error regarding the acreage, and stated it would be represented by Engineer Taylor Lindley. He called for a staff report.

Hunter said the request is consistent with the Comprehensive Growth Map, as NR is an allowed zoning with the Neighborhood Growth Designation, appropriate in the location, and staff recommends approval.

Engineer Taylor Lindley noted he was available for questions but had no comment to add to the staff report.

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 a lot surrounded by the proposed rezone. Jensen noted the rezone was appropriate and supported by the Comprehensive Growth Plan.

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

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

APPROVED

- 4. A request by Michael and Kendall Evans to rezone 416 W. Cedar Street from R-DP (Residential Duplex Patio Home) to the NBT (Neighborhood Transition) zoning district.**

Zvers introduced the item and stated it would be represented by Bill Watkins. He called for a staff report.

Hunter said the request is consistent with the Comprehensive Growth Map. NBT is an allowed zoning district within the Downtown Zoning Plan, and staff recommends approval of this request. Watkins said the request is similar to other downtown rezones, noting that staff report was succinct.

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.

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

Roll Call: YES - Unanimous *Motion carried*

APPROVED

5. A request by Jon Brittenum for Shadowbrooke at the Peaks Phase IV to consider a Density Concept Plan to the zoning for 7.82 acres at the northeast corner of the S. Kilimanjaro Way and W. Everest Avenue allowing development in the zoning district RMF-9A (Residential Multifamily, 9 units per acre, ownership).

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

Quoting from the staff report, Hunter said the request is a substantial modification to an existing DCP, which requires acceptance of a new DCP per Sec. 14-737(b)(D). The proposed zoning is consistent with the Comprehensive Growth Map, but the proposed DCP in its current form does not support the request. The capacity of the surrounding transportation network is not of concern, but the proposed DCP does not ensure compatibility with the surrounding development context for the following reasons:

1. The proposed driveway is non-compliant with access management standards, which may additionally affect fire access requirements related to driveway widths and placements. This will likely affect the overall site layout and alter the DCP.
2. The proposed building designs for Phase 4 are inconsistent with other phases of the development.

This request was initially presented to staff as only involving a change in layout due to the floodway. The proposed layout is different from what was expected, and the proposed building design changes were not anticipated at all. He noted there are more details in the staff report and staff recommended denial of this request as it is presented.

Chairman Zvers noted the Committee recommendation to table the item due to inefficiencies in the submittal. He asked if a public hearing would be necessary since it was being withdrawn.

Staff Attorney Bonnie Bridges advised to hold the hearing so if the item is tabled, the applicant wouldn't have to re-notify surrounding property owners.

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

- Holly Smothers, an adjacent landowner, expressed concern about trash cans ending up in the street, questioned why there isn't an off-street parking plan for the project, and noting that street lights in the development are not working now, requested an upgrade of the lights for safety reasons.
- Charles Brad Smothers indicated he wanted to speak but could not be heard on the Zoom meeting.

Zvers called his name several times. He noted the item would be tabled and any comments could be submitted to the Commission prior to the next meeting.

The public hearing was declared closed.

Motion by Jensen, second by Ferguson to table the request until the applicant has an opportunity to submit the formal waiver request and staff has a chance to review it.

Roll Call: Unanimous ***Motion carried***

APPROVED

NEW BUSINESS:

1. LSDP, Shoppes at 8th Street, a proposed 7,677-sf commercial building at 914 S. 8th Street in the C-2 (Highway Commercial) zoning district and the Rogers Overlay District.

Zvers introduced the item and stated it would be represented by Geoff Bates. He said the Committee recommended approval. He called for a motion.

Samuels made a motion to approve the LSDP with the following Committee actions on the requested waivers:

- Approve a waiver from Sec. 14-608 requiring a 10-foot sidepath along S. 8th Street.
- Require the proposed street trees to be native species from the Approved Street Tree list, per the recommendation from ArDOT.
- No requirement for additional screening along the western property boundary, per Sec. 14-709(g).

The motion was seconded by Spann.

Roll Call: Unanimous *Motion carried*

APPROVED

2. LSDP, Railyard Overlook, a proposed temporary residential lodging facility with seven units on 0.60 acres at 312 E. Poplar Street in the COR (Core Mixed Use) zoning district.

Zvers introduced the item and stated the Committee recommended approval. He called for a motion.

Samuels made a motion to approve the LSDP with the following Committee actions on requested waivers:

- Approve a waiver from Sec. 14-260(2) for the requirement to provide cross access.

- Approve a waiver to the Drainage Criteria Manual allowing the applicant to provide a regional detention plan with an accompanying Regional Detention Drainage Report in lieu of requirements to mitigate discharge and water quality.
- Approve the waiver from Sec. 14-608 requiring street improvements.

Jensen seconded the motion.

Roll Call: Unanimous *Motion carried*

APPROVED

3. LSDP, Dolle Redevelopment, a proposed 7,500-sf warehouse and office building on 3.2 acres at 3940 S. Honeysuckle Lane in the I-1 (Light Industrial) zoning district.

Zvers introduced the item and stated the Committee recommended approval. He called for a motion.

Samuels made a motion to approve the LSDP with the following Committee actions on waivers and variances:

- Approve the variance from Sec. 14-713(g) from the requirement to provide screening and a buffer yard.
- Approve a waiver of the DCM Chapter 5 requiring detention ponds to be dedicated as “Drainage & Recreation Easements” and allow the detention pond to be dedicated as a “Drainage Easement”.
- Approve the staff recommendation that if the geotechnical report for S Honeysuckle Lane indicates the street does not meet city standards that the plans will be revised to include improvements to the centerline of S Honeysuckle Lane

Spann seconded the motion.

Roll Call: Unanimous *Motion carried*

APPROVED

4. LSDP Revision, The AMP Phase 2, plan revisions for street parking along a previously approved expansion project at 5051 W. Northgate Road in U-ENT (Uptown Entertainment) zoning district.

Zvers introduced the item and stated the Committee had discussed but did not have time for action. He requested a staff report.

City Engineer Lance Jobe said the plan is to remove previously approved on-street parking and change it to no parking along Northgate Road in front of The AMP. He said the staff is recommending denial of the proposal. He also noted that the Chief of Police was consulted and didn't see any issue with the handling of the parking during AMP events. Staff would like the ballards that were placed in the middle of the walkway be removed for safety reasons. He said the ballards remaining in place was not part of the request, but staff wants those removed. They were apparently part of a plan revision that wasn't noted by staff previously and shouldn't have been part of the approval.

Jensen agreed that the ballards should be removed. Schmelzle asked if the removal is part of an effort to protect bikers and questioned if the Commission is trying to choose between the safety of the concert attendees and that of bikers. Jensen countered that there should be another location for the ballards rather than the sidepath, and be able to protect both.

Wendy Riggs, AMP General Manager, who had spoken in favor of the changes during the earlier committee meeting, read a letter from the Walmart AMP Security Director Tommy Sizemore also expressing concern about the public parking spaces being too close to the facility and possible explosive devices in vehicles too close to the venue.

Commissioner Tony Noblin suggested the issue be tabled to allow time for the AMP representatives and police get together to possibly come up with an alternative.

Motion by Noblin, second by Spann to table the request.

Roll Call: Unanimous **Motion carried**

APPROVED

5. LSDP Variances, Bryan Promenade Apartments, requested variances due to plan revisions for a multifamily development at 1100 S. Promenade Blvd. in the RMF-21B (Residential Multifamily, 21 units per acre with ownership) zoning district.

Zvers introduced the item and stated it would be represented by Attorney Bill Watkins. He called for a staff report.

Hunter explained that a waiver for east-west connectivity was denied when the project was approved. Revising the project to accommodate the connectivity resulted in the need for the variances. He said there are a number of variances to make the new layout work, adding that for the Commission's sake he'd ask that the variances be approved as presented and pointed out the list of variances detailed in the staff report.

Watkins commended Hunter for the report, reiterating the need for the variances came about with the dedication of right of way for the required connectivity. Ryan Gill, HFA engineer,

Jensen reminded the Commission that at approval he had noted that he would much rather approve a bunch of variances to make the project work, than miss out on obtaining the right-of-way for connectivity.

"So here we are," Jensen said, and made a motion to approve the variances as presented.

Crawford seconded the motion.

Roll Call: Unanimous **Motion carried**

APPROVED

Hunter noted that someone had raised their hand to be heard during the last item. Zvers said there would be no public hearing. He said that it was a previously approved project and the item was just some needed variances.

Zvers stated that Commissioner Mark Myers was absent due to a medical flight, and asked to excuse the absence.

Jensen motioned to excuse Myer's absence, second by Spann.

Roll Call: Unanimous *Motion carried*

APPROVED

There being no further business, Chairman Zvers adjourned the meeting at 5:37 p.m.

ATTEST:

APPROVED:

Rachel Crawford, Secretary

Eriks Zvers, Chairman