



COMMUNITY DEVELOPMENT
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ROGERS PLANNING COMMISSION MINUTES

The **Rogers Planning Commission** met for a public meeting at Rogers City Hall at 301 W. Chestnut St. on January 4, 2022 at 5:04 P.M. The meeting was called to order by Chairwoman Rachel Crawford.

ROLL CALL

Commissioners attending: Jorge Andrade, Derek Burnett, Rachel Crawford, Kevin Jensen, Mark Myers, Mandel Samuels, and John Schmelzle.

Commissioners Steve Lane Eriks Zvers was absent.

ACTION ON MINUTES

Motion by Myers, Second by Jensen, to approve the December 21, 2021, Planning Commission meeting minutes as presented.

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

Approved.

REPORTS FROM STAFF

None

REPORTS FROM BOARDS AND COMMITTEES

PLANS & POLICIES COMMITTEE —

Crawford presented the committee report, noting the review of two rezones with Density Concept Plans:

1. **Rezone/Density Concept Plan: The Village at Pinnacle Hills**

This item was recommended to be approved as presented.

2. **Rezone/Density Concept Plan: ATRE 28th Street**

There was no action taken on this item by the committee.

DEVELOPMENT REVIEW COMMITTEE —

Jensen presented the committee report, stating that four items were considered as follows:

1. **LSDP: Pinnacle Springs Retirement Community**

This item was recommended for approval as presented with approval of all requested waivers as follows:

1. Waiver from Section 14-260(1)(d) requiring driveways to be aligned or offset by at least 75-ft.
2. Waiver from Section 14-604(c)(1) requiring a dedicated 50 right-of-way for east/west connection with a CONDITION that the sidewalk connect from east/west and be included in the easement.

3. Waiver from Typical Street Section for a Major Arterial Street in Section 14-46 requiring 6-ft of greenspace between the sidepath and back-of-curb.
 4. Waiver from Typical Street Section for a Major Arterial Street in Section 14-46 requiring a 10-ft sidepath along S Bellview Road.
 5. Waiver from Section 14-285(3) requiring street trees to be planted at 20-ft spacing within the right-of-way street frontage.
2. LSDP: Dixie Lot 5 Office/Warehouse
This item was recommended for approval with approval with no waivers requested.
3. LSDP: Panda Express
This item was recommended for approval with approval of two waivers as follows:
1. Waiver from Sec. 14-260(2(a)) for cross-access between adjacent commercial developments.
 2. Waiver from Sec. 44-9 to exceed the maximum amount of wall signage required in C-2 zoning.
- And, denial for the following:
3. Waiver from Sec. 14-46(g) for requirement to add two street lights along W Walnut Street.
4. Variance: Pinnacle Village Masonry Wall
An appeal of staff's decision to require the applicant to submit all of following materials for consideration before forwarding the request to Planning Commission: a) a written variance request, b) relevant plan exhibits, and c) letters from the HOA/POAs for The Manors and The Highland Knolls subdivisions and from all adjoining property owners, expressing their support of the variance. The Committee recommendation was to deny the appeal.

OLD BUSINESS

None

NEW BUSINESS

1. LSDP: Pinnacle Springs Retirement Community

A request to allow the construction of 133 apartment units, 32 garage units, and paved parking on ± 7.58 acres located at 2055 S Bellview Road.

Crawford introduced the item and asked for staff report.

Community Development Director John McCurdy stated that project was previously approved but its approval timed out. He said nothing had changed since the previous approval.

Developer Bob Lewis, Cameron General Contractors, agreed that the project simply expired before it got off the ground.

Jensen said the item came out of Committee with a recommendation for approval and approval of the requested waivers. He noted that the waiver from Section 14-604(c)(1) requiring a dedicated 50 right-of-way for east/west connection was approved with a condition that the sidewalk connect from east/west and be included in the easement.

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

Voice Vote: YES – Unanimous. **Motion carried.**

Approved.

2. LSDP: Dixie Lot 5 Office/Warehouse

A request to allow the construction of a 10,000-SF building and paved parking on ± 1.01 acres located at 1703 W Commerce Drive.

Crawford introduced the item and requested a staff report. Planner Nick Little explained the location and staff's recommendation for approval. He said there were no requested waivers for the project.

Caroline Gardner, Crafton Tull, represented the project. She had nothing to add to the staff report.

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

Voice Vote: YES – Unanimous. **Motion carried.**

Approved.

3. LSDP: Panda Express

A request to allow the construction of a 2,500-SF building and paved parking on ± 1.00 acres located at W Walnut and 21st Streets.

Crawford introduced the item and asked for a staff report. Little presented the report noting the approval request included three waivers.

Herb Gable, representing Panda Express, noted opposition to installing street lights on Walnut. The Committee had recommended the waiver of the street light requirement be denied.

John McCurdy responded to commissioner questions, stating the type of street light would need to match those being installed with the Walnut Street widening project. He said the city can't ask the developer to pay a Fee-In-Lieu rather than install, but the developer can request to do so. He said the city can provide specs to make sure what is installed matches lights going in with the widening project.

Motion by Schmelzle to approve the project with approval of the waiver of Sec. 14-260(2)(a), denial of the waiver of Sec. 14-46(g), and approval of the waiver of Sec. 44-9 as requested. Second by Jensen.

Voice Vote: YES – Unanimous. **Motion carried.**

Approved.

4. Variance: Pinnacle Village Masonry Wall

A request to allow a variance from Sec. 14-732(4.5)(d), which requires the construction of an 8-ft. tall masonry or block wall between a development in U-NBT and an adjacent single-family detached use located East of the intersection of S Pinnacle Hills Parkway and W Blossom Way Drive.

Crawford introduced the item and requested a staff report.

John McCurdy explained that the developer requested in August to remove the requirement for a masonry wall between the project and the single-family subdivisions to the east, claiming that neither the Manors, nor Highland Knolls POAs wanted the wall to be built. The developer was told they'd need letters from both POAs and each landowner adjacent to the development stating they did not want the wall installed, the issue would be presented to the Planning Commission for consideration.

The developer had not provided all the letters, and McCurdy said, the Highland Knolls landowners have signed a letter opposing the wall. The proposal has changed to allow construction of the wall next to the Highland Knolls neighbors and no wall, but a berm and vegetation on the north end adjacent to the Manors. City staff will need to review a revised landscape plan, updated drainage plan, etc. before making any kind of recommendation on the new proposal. There are two issues for consideration, he said, one is the appeal of the staff decision. If the appeal is accepted, then the Commission will need to consider the variance to eliminate the wall.

Crawford asked for any comment from the developer. The developer was not present.

Motion by Jensen, Second by Myers, to deny the appeal.

Voice Vote: YES – Unanimous. **Motion carried.**

Approved.

PUBLIC HEARINGS

1. Rezone: Robert Yuhasz Tract

A request to rezone ± 2.73 acres at 5593 S Bellview Road from the A-1 (Agricultural) zoning district to the N-R (Neighborhood Residential) zoning district.

Crawford introduced the item and asked for a staff report. Nick Little said the proposed rezone adheres to the Comprehensive Growth Map, and staff recommended approval.

Applicant Burke Larkin, developer, said the property is adjacent other property he had previously rezoned to N-R for a planned housing project.

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

Motion by Jensen, Second by Samuels, to recommend the rezone to City Council for approval as presented.

Voice Vote: YES – Unanimous. **Motion carried.**

RECOMMENDED for City Council Approval.

2. Rezone: Visitor Center Properties, LLC

A request to rezone ± 2.06 acres located on W Pleasant Grove Road between S 45th and S 43rd Streets from the A-1 (Agricultural) zoning district to the N-R (Neighborhood Residential) zoning district.

Crawford introduced the item and requested a staff report. McCurdy noted consistency with the Comprehensive Growth Map and recommended approval.

Kaitlin Parker, applicant, said the plan was to build 12 units on the property. She presented some elevations of the proposed housing units.

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

Parker confirmed the units were planned as single-family homes.

Motion by Jensen, Second by Schmelzle, to recommend the rezone to City Council for approval as presented.

Voice Vote: YES – Unanimous. **Motion carried.**

RECOMMENDED for City Council Approval.

3. Rezone: Hounds Properties Rogers, LLC

A request to rezone ± 1.18 acres located NE of the intersection of W Chastain Crossing and S 43rd Street from the R-O; PUD (Residential Office; Planned Unit Development) zoning district to the C-2 (Highway Commercial) zoning district.

Crawford introduced the item and requested a staff report. Nick Little presented the report, stating it is in the Commerce Corridor growth designation, and staff recommended approval.

Grant Cox, representing Hounds Properties, noting the plan for animal boarding at this location. They plan to also seek a CUP for grooming and boarding of animals.

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

Motion by Schmelzle, Second by Jensen, to recommend the rezone to City Council for approval as presented.

Voice Vote: YES – Unanimous. **Motion carried.**

RECOMMENDED for City Council Approval.

4. CUP: MK Properties of NWA, LLC

A request to for a Conditional Use Permit to allow the use “Vehicle Storage” at 851 W Post Rd. in the C-4(Open-Display Commercial) zoning district.

Crawford introduced the item and requested a staff report. Nick Little stated the plan was for the storage of vehicles for a rental company. They had planned not to rent cars at this location, but Little said he was told that day that plans had changed to include rentals.

Candace Anderson with CEI Engineering stated that the client informed them that day that they do plan to also rent cars from that location.

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

McCurdy said the change to include rentals at the location would not change the staff recommendation of approval.

Motion by Jensen, Second by Schmelzle, to approve the request as presented.

Voice Vote: YES – Unanimous. **Motion carried.**

APPROVED.

5. CUP: M&D Adventures

A request to for a Conditional Use Permit to allow the use “Animal Boarding” at 3707 W Southern Hills Blvd. in the C-2(Highway Commercial; Overlay) zoning district.

Crawford introduced the item and requested a staff report. Nick Little provided a staff report, noting that a similar use to the north was limited to indoor boarding only, which is also recommended for this location is approved.

Max Bachman, applicant, said everything at the location will be indoors, but during the day they will have animals outside during the day. He also said the lot to the west isn’t expected to be developed due to the flood zone.

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

McCurdy suggested the hours of outdoor use for the animals to eliminate any questions. Bachman explained the hours of operation and the plan for no outdoor boarding.

Motion by Jensen to approve the CUP but limit boarding to indoor only and outdoor activities from 7 a.m. to 7 p.m., Second by Myers, to approve as presented.

Voice Vote: YES – Unanimous. **Motion carried.**

APPROVED.

6. Rezone/Density Concept Plan: The Village at Pinnacle Hills

A request to rezone ± 15.51 acres located on W Perry Rd. between S Bellview Road and S Rainer Drive from the A-1 (Agricultural) zoning to the RMF (Residential Multi-Family) zoning district with the acceptance of a Density Concept Plan.

Crawford introduced the item and requested a staff report. Little said the project is planned as a mix of detached and unattached multifamily housing, small commercial shops, and office space. Staff recommended approval.

Engineer Daniel Ellis, representing the applicant, said the proposal will allow development similar to what is around this location. He said the plan is for single-family ownership, not rentals.

Crawford opened the public hearing for comments.

- Nick Smith, property owner in The Peaks – concerned about design of the development, and drainage.
- Douglas Steele, 2505 S. Horizon Blvd. – concerned about drainage.
- Attorney Bill Watkins, representing Larry Garrett, 2521 S. Horizon Blvd. – concerned about setback of structures along the east side of the property.

The public hearing was declared closed.

Commissioners discussed the side setback and a possible additional buffer. Ellis said the side setbacks are 10 feet, which are bigger than the 7.5-foot side setbacks in The Peaks. Myers said he didn't believe 5 more feet unreasonable. Ellis said his client would be agreeable to 15-foot setback on that east side.

Motion by Jensen, Second by Myers, to accept the DCP with the requirement that the setback along the east side of the property be 15 feet, and recommend the rezone to City Council for approval as presented.

Voice Vote: YES – Unanimous. **Motion carried.**

RECOMMENDED for City Council Approval.

7. Rezone/Density Concept Plan: ATRE 28th Street

A request to rezone ± 23.52 acres at 5308 S 28th Pl. from the RMF-21B (Residential Multi-Family; partial overlay) zoning district and the A-1 (Agricultural) zoning district to the RMF-12B (Residential Multi-Family; partial overlay) zoning district with the acceptance of a Density Concept Plan.

Crawford introduced the item and requested a staff report.

John McCurdy said he wasn't present during the Plans & Policy Committee meeting when the request was discussed. He said the staff report had recommended tabling until some information in the Density Concept Plan was compiled correctly, but the information is there and the question on setbacks, etc. can be worked out as the project moves through the development process.

Crawford said the information needed is in the DCP, and it didn't make sense to hold up the process.

Attorney Bill Watkins, representing ATRE, quoted the staff report stating there are “no significant concerns” with the conceptual plan. He noted a previous plan for the site was for

up to 21 units per acre. This proposal includes another six acres on the north side, and it reduces the units per acre to 12 officially, but more like 11 units per the site plan proposed, Watkins said. The concept plan includes:

- 16 detached single-family units
- 171 attached single-family units/townhomes
- 51 multifamily apartment units

He said the single-family units will be located along the west side of the property. He explained the setback reductions being requested are all interior to the development and no setback reductions are requested on the property boundaries.

As for the street connection dissecting the property, Watkins said, the city staff wanted the road connection shown on the site plan. He said it wouldn't have been his client's first choice but they wanted to present a plan that could be approved. He asked that a decision be made on the issue so that the project is not delayed.

Crawford opened the public hearing to the following comments:

- Charles Seifert, 3804 W. Brooks Ridge – concerned about the road connection, and quoted the Rogers RMF Code he said conflicts with the proposal because it calls for such zoning to be along collector or greater city streets.
- Janice Van Allen, 3806 W. Brooks Ridge – concerned about trail crossing, and road connection
- Bruce Wilkinson, 3808 W. Brooks Ridge – concerned about road connection and the floodplain
- Sean Schommer, 3811 W. Pleasant Drive – concerned about road connection, street lights in subdivision
- Jon Davis, 3812 W. Brooks Ridge – concerned about road connection, and why staff would request it if developer doesn't want it
- Braden Hill, 3810 W. Brooks Ridge – concerned about safety on Razorback Greenway
- Robert Ziegler, 3813 W. Pleasant Drive – concerned about road connection, in addition to floodway and floodplain that cross his property
- Heather Ridenoure, 5103 S. Grove Drive – concerned about road connection and impact on infrastructure, Phase 1 of subdivision has no sidewalks and the streets are asphalt with no road base
- J.R. Shaw, 3902 W. Brooks Ridge – concerned about drainage and city's need for a stormwater displacement plan to handle drainage issues from development
- Ricky Tompkins, 3901 W. Brooks Circle – concerned about floodway and safety on trail
- Edward Laruntonda, 5211 S. Brooks Circle – concerned about safety on Greenway Trail
- Michael Fakult, 5211 S. 44th Street – concerned about floodplain
- Lee Van Allen, 3806 W. Brooks Ridge – concerned about road connection and flooding
- Pat Allen, 3900 W. Pleasant Drive – concerned about road connection and flooding
- Tom Treinen, 3907 W. Brooks Ridge – concerned about road connection and flooding
- Chuck Reeves, 3901 W. Pleasant Drive – concerned about flooding that he said started when the second phase of Pleasant Ridge was built and continued, opposed to road connection

- Ken Hunter, 3814 W. Brooks Ridge – concerned about flooding, said city work to correct flooding in that area did not work
 - Daniel M. Bibb, 3906 W. Brooks Ridge – predicted someone will be hurt if road is allowed to cross Greenway, concerned about flooding
 - George Loring, 5209 S. Brooks Circle – concerned about traffic with road connection
- The public hearing was declared closed.

Watkins reiterated that his client submitted a plan that complies with the city's connectivity ordinance. In regard to the flooding, he pointed out that the nearby floodplain and floodway is not on this site, but in the backyards of many of the lots in the Pleasant Acres subdivision. He said this development would address and comply with the city's stormwater regs. He pointed out that water coming through that area comes from development and property to the south and southeast, and this development would be a "minute contributor" to such runoff. He said those issues would be dealt with as part of the large-scale development plan for the project. He reminded Commissioners that the project has dropped in density from 21 to 12, and he asked for approval.

John McCurdy explained the Connectivity Ordinance helps the city deal with congestion without trying to address it by adding more lanes to existing roads. There's a limit to how much the traffic can be diverted by adding more lanes, and adding more lanes isn't safe.

W. Brooks Ridge is a stub-out street planned for this connection years ago. McCurdy pointed out the note on the approved Preliminary Plat for the subdivision that states "50' R/W for future street extension by others."

The crossing on the trail will be raised and designed as safe as possible, McCurdy said noting that the Greenway Trails has many street crossings.

He addressed the comment that the RMF zoning district is intended for areas along collector streets. The development has that access to a collector without having to traverse local streets, he said and noted that RMF developments throughout Rogers have access to local streets but also have unimpeded access to higher classification streets.

McCurdy also called attention to the GIS map showing the floodplain and/or floodway that runs through the backyards of homes in the subdivision. He said he disagreed with statements that development caused all the flooding, but agreed the homeowners have valid concerns about flooding. There is a development component, he said, but also pointed to data showing increased levels of rain and more rapid succession of rain events in the area.

To address flooding, McCurdy said, the city is doing a citywide stormwater study, looking at inline regional detention, and recently increased water quality and detention requirements. The city has some of the most aggressive stormwater rules, he said, adding that the city is aggressively dealing with the issue.

He also pointed out planned changes to S. 28th Street and its connection at Pleasant Grove Road, making an easy connection for access that way. Most residents of the development will

choose that option rather than picking their way through the neighborhood, in his opinion, McCurdy said.

Watkins noted the first phase of Pleasant Acres was built before the area was part of the city of Rogers. Its streets were not built to city standards, and the development didn't have to adhere to city drainage requirements.

Samuels asked that Asst. Fire Chief B.J. Hyde address the connectivity issue.

Hyde said that if there are more than 30 single-family dwellings, the code requires a remote secondary access. Hyde said he learned from the previous development when he approved it with two access points about 150 feet apart on S. 28th Street that he learned later that it didn't meet the definition of remoteness for secondary access. It would be difficult to provide another location for that secondary access on this site, he said.

Crawford said the applicant isn't asking for a waiver, and the Commission is looking at the rezone and DCP only. Flooding/stormwater and any other such issues would be dealt with during the LSDP process, she added. It's pretty clear that the subdivision's street stub out was intended as an access point to development on this property. As for access points and fire and police response times, she said the city has some of the best response times in the city and she would not make a decision that impacts that.

The development meets city code and is a good infill project.

Kevin Jensen said he was concerned about the road connection mainly because of the road structure and size within the Pleasant Acres subdivision. Although, he agreed most traffic from the development will not go that way, but even a small percentage could overwhelm the narrow streets.

John Schmelzle agreed, noting the age of the streets within the subdivision. He suggested an emergency access only.

Myers said he agreed that putting two access points on S. 28th Street doesn't meet the need for two accesses. He also liked the idea of a Knox Box for emergency access.

McCurdy pointed out the issue is then about public safety and not the Connectivity Ordinance if providing a Knox Box for emergency access only.

Myers commented on the need for that access and that the city will have to eventually improve those roads. He touted the need for connectivity in the city, and he wished Rogers had the connectivity requirements years ago.

The commission discussed the width and construction of streets within the subdivision, but were interrupted several times with comments from audience members. Staff Attorney John Pesek and Crawford reminded the audience several times that the public hearing was closed.

More interruptions occurred as the conversation continued. Crawford told one gentleman to leave the chambers.

Motion by Myers, Second by Samuels, to approve the Density Concept Plan the condition the needed tables and recommend approval of the rezone to City Council for approval.

Roll Call: (5 to 2) YES – Andrade, Burnett, Crawford, Myers, Samuels; NO – Jensen, Schmelzle.

Motion carried.

RECOMMENDED for City Council Approval.

ADJOURN

There being no further business, Crawford adjourned the meeting at 7:01 p.m.

ATTEST:

APPROVED:

Eriks Zvers, Secretary

Rachel Crawford, Chairwoman