



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 Street on May 3, 2022 at 5:00 P.M. The meeting was called to order by Chairwoman Rachel Crawford.

ROLL CALL

Commissioners attending: Jorge Andrade, Rachel Crawford, Kevin Jensen, Steve Lane, Mark Myers, Mandel Samuels, and Eriks Zvers.

Derek Burnett and John Schmelzle did not attend.

ACTION ON MINUTES

Motion by Myers, Second by Jensen, to approve the April 19, 2022, 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 said the Committee met and recommended approval of two rezones with Density Concept Plans for residential developments Bellview Place and Cheltenham.

DEVELOPMENT REVIEW COMMITTEE —

Commissioner Kevin Jensen said the Committee considered six projects with related variance and waiver requests as listed below.

1. Denial of a waiver of Sec. 14-604, street connectivity requirements, for the proposed W. Hudson Road Commercial development.
2. Approval of the LSDP Plaza at Pinnacle Hills NE including approval of three variances:
 - a variance from Sec. 14-732(4.3)(ii) requiring a minimum 60% building frontage along W Northgate Road, designated as General Frontage.
 - a variance from Sec. 14-732(4.3)(ii) requiring a minimum 70% building frontage along S 55th Street, designated as Pedestrian-Friendly.
 - a variance from Sec. 14-732(8.2)(a)(i) requiring a three-foot landscaped street screen between surface parking and pedestrian-priority/friendly road frontages.

The applicant withdrew two requests during the Committee session:

- a variance from Sec. 14-256(12)(a.) requiring a minimum of 15% greenspace within the development.
 - a waiver request from Sec. 14-260(1)(e) allowing no more than 1 curb cut for less than 600-feet of street frontage.
3. Approval of a variance from Sec. 14-703(k) for Dixieland Townhomes, a previously approved LSDP, to allow a 6' high privacy fence, one large shade tree in each backyard, and provide a 5.5' wide sod bufferyard outside of the fencing instead of the originally approved landscaping plan set that included the 6' fence and 116 Emerald Arborvitae.
 4. Approval of a preliminary plat for Blossom Woods Subdivision with approval of the following requests:
 - a variance from Sec. 14-699(f)(2) allowing the minimum interior side, exterior side and front yard setback to be 5', 20' and 20', respectively.
 - a variance from Sec. 14-699(h) allowing a minimum density of 5,890-SF per dwelling unit, as opposed to the standard minimum of 8,000-SF per dwelling unit.
 - a waiver of Sec. 14-604(c)(2) requiring street connectivity to the south and east.
 5. Approval of LSDP Junction of Scottsdale North with approval of a waiver from 14-581(7) prohibiting structures from easements.
 6. Approval of LSDP Junction of Scottsdale South with approval of a waiver from 14-581(7) prohibiting structures from easements and a requirement for lot combination.
 7. Approval of a preliminary plat for Evening Star Subdivision including approval of the following
 - a variance from Sec. 14-699(f)(2)(b) allowing the minimum interior side yard setback to be 7.5'
 - a waiver of drainage criteria from the Drainage Criteria Manual requirement of 2-feet of cover for pipes under drivable surfaces.

Community Development Director John McCurdy that the waiver of connectivity requirements was the only issue up for consideration for W. Hudson Commercial, not the full LSDP. Jensen said the clarification was correct.

OLD BUSINESS

None

PUBLIC HEARINGS:

1. REZONE: Fuentes

A request by Abelardo Fuentes to rezone 262 E. Pine Street from R-DP (Residential Duplex Patio Home) to the NBT (Neighborhood Transition) zoning district.

Crawford introduced the item and asked for a staff report. Planner Justin Couch said NBT is an allowed zoning district and is the designated zone for the property in the CGM. Staff recommended approval of this request.

The applicant, Abelardo Fuentes, acknowledged his presence and a struggle with the English

language. Engineer Ever Villalobos assisted and stated the applicant had no comment.

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

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

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

RECOMMENDED for City Council Approval.

2. REZONE: Ganoung

A request application by Ganoung Living Trust to rezone 0.8 acres south of W. Elm Street and east of S. 21st Street from C-2 (Highway Commercial) to the U-NBT (Uptown Neighborhood Transition) zoning district.

Crawford introduced the item and asked for a staff report. Planner Kyle Belt said the request is consistent with the CGM, fits with the surrounding neighborhood, and recommended approval.

Engineer Molly Robb, Andersen Engineering, represented the application and stated she had nothing to add

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

Motion by Myers, Second by Zvers, to recommend the rezone to the City Council for approval as presented.

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

RECOMMENDED for City Council Approval.

3. REZONE/DCP: Bellview Place

A request by Crafton Tull on behalf of Bespoke Builders for Bellview Place to rezone 4030 W. West Drive from A-1 (Agricultural) to the RMF-6.5 (Residential Multifamily, 6.5 units per acre) zoning district with a Density Concept Plan.

Crawford introduced the item and asked for a staff report. Planner Zachery Birdsong explained the request, noting the mix of housing types. He said the zoning request and density are both allowed per the CGM. Staff recommended approval with the caveat that engineering notes regarding needed right-of-way for a planned roundabout at West Drive and S. Bellview, and drainage for the site be addressed during the large-scale development approval process as required in code.

Engineer Taylor Lindley, Crafton Tull, said the development will function more as a single-family residential development rather than a multifamily as reflected in the zoning request.

Crawford opened the public hearing for comments. Twenty-two residents of mostly Bent Tree, Berry Farm and Montreaux subdivisions voiced opposition to the development. Concerns centered on expected traffic congestion, the density, and drainage problems in the area. Some were also concerned about the 32' expected height of the homes. One resident of Bellview Subdivision expressed support for the increased density for "better lifestyles" in the city and also supported the planned roundabout at S. Bellview Road and West Drive. Crawford closed the public hearing.

Lindley noted that drainage will be addressed in the large-scale process for the development. He also said the structures will all be two-story at most and less than the 35' height limit for single-family residential development. He said access will also be addressed during the development approval process.

Myers commended the development's buffering for adjacent properties and agreed that the drainage will be a challenge for the site, but engineering will handle it. Crawford agreed and reminded the Commission that the site plan is conceptual.

McCurdy stated that approval of the DCP is not approval of a drainage plan, which will have to be engineered. The developer plans to use permeable pavers, but said that system will include "significant underground detention" not just the pavers.

Jensen said that every speaker, including the one in favor of the development, all mentioned traffic as a concern. He noted the number of houses being served by West Drive, and said he would favor an ingress/egress on Bellview Road for the development. As for the density, Jensen said, he can see how the density will work on the site.

Motion by Jensen, Second by Myers, to recommend the rezone and accompanying DCP to the City Council for approval as presented.

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

RECOMMENDED for City Council Approval.

4. REZONE/DCP: Cheltenham

A request by Crafton Tull on behalf of Bespoke Builders for the Cheltenham project to rezone 2.6 acres on the northwest corner of W. Emerald Heights Road and S. Bellview Road from A-1 (Agricultural) to the RMF-10.3 (Residential Multifamily, 10.3 units per acre) zoning district with a Density Concept Plan.

Crawford introduced the item and asked for a staff report. Planner Nicholas Little noted the applicant wants a density of nearly 11 units per acre, which is allowed per the CGM. He recommended approval with the understanding that engineering concerns about drainage not shown on the DCP would need to be addressed during the large-scale process. Major modifications of the site to address drainage would result in the need for a new DCP process.

Engineer Taylor Lindley, Crafton Tull, represented the project.

Crawford opened the public hearing for comments. One Rogers resident spoke in favor of the planned development and advocated for less parking in development. Five residents of neighboring subdivisions spoke out against the planned density. They're concerns centered on density, traffic and drainage. There was also concerns noted about the height of the planned three-story townhomes.

The public hearing was declared closed.

Lindley stated that this development is similar to the project planned south of this one. He clarified a question on trash service, stating trash Dumpster enclosures will be added to the concept plan prior to LSDP submittal.

Commissioners discussed requiring more evergreen screening on the west side of the development and the possibility of requiring the westernmost buildings to be only two story.

Motion by Jensen, Second by Andrade, to recommend the rezone and accompanying DCP to the City Council subject to evergreen screening on the west sight every 30 feet on center subject to the easement requirements.

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

RECOMMENDED for City Council Approval.

5. CUP: Blue Zoo Aquarium

A request by Blue Zoo Aquarium for a Conditional Use Permit to allow the use "Commercial Assembly, Recreation, & Entertainment" at 2203 Promenade Blvd. in the C-2 (Highway Commercial) zoning.

Crawford introduced the item and asked for a staff report. Planner Christina Moore said the request "Commercial Assembly" is conditional in the C-2 zoning district, and the Promenade Mall is an appropriate location for the use. However, she said, staff had to recommend tabling to allow the applicant additional time for public notice of surrounding property owners.

Crawford noted there was a problem with notification of surrounding property owners. The Commission would need to table the issue but hold the public hearing at this session as well. She opened the public hearing for comments. There were no comments. The public hearing was declared closed.

Motion by Jensen, Second by Zvers to table the CUP until the next Planning Commission meeting.

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

***TABLED**

6. CUP: Tidal Wave Spa

A request by Tidal Wave Auto Spa for a Conditional Use Permit to allow “Vehicle Washing” at 3757 W. New Hope Road in the C-2 (Highway Commercial) zoning district.

Crawford introduced the item and asked for a staff report. Planner Justin Couch said “Vehicle Washing” is conditional in the C-2 zoning district and is compatible with adjacent property. However, Couch noted the property is zoned incorrectly per the CGM, as C-2 is not an allowed zoning district within the Neighborhood Center Growth Designation. Staff recommended consideration.

Engineer Todd Butler, Ozark Civil Engineering, represented the rezone.

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

McCurdy told Commissioners that staff would normally recommend denial when zoning isn’t correct per the Comprehensive Growth Map, but in reality the area isn’t built up as a C-3 neighborhood and the use fits in the location.

Motion by Jensen, Second by Myers to approve the CUP as presented.

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

APPROVED

NEW BUSINESS

1. LSDP: Junction at Scottsdale North

A mixed-use development on 5.21 acres at the southwest corner of W. Olive and N. 40th streets in the C-3 (Neighborhood Commercial) zoning district.

Crawford introduced the item and asked for a staff report. Planner Zachery Birdsong described the project and noted the request for a waiver for easement relief that was recommended for approval by the Committee.

Engineer Libby Topping, Crafton Tull, represented the project.

Motion by Jensen, Second by Andrade, to approve the LSDP with approval of the waiver and the requested waiver as recommended.

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

Approved.

2. LSDP: Junction at Scottsdale South

A mixed-use development on 4.39 acres along the west side of N. 40th Street at W. Cedar Street in the C-3 (Neighborhood Commercial) zoning district.

Crawford introduced the item and asked for a staff report. Planner Zachery Birdsong described the project and noted the request for a waiver for easements and the need for a lot combination prior to finalizing the project.

Engineer Libby Topping, Crafton Tull, represented the project.

Motion by Jensen, Second by Myers, to approve the LSDP with approval of the requested waiver and with the stipulation that the lots be combined.

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

Approved.

3. LSDP: Plaza at Pinnacle Hills NE

A mixed-use development on 3.28 acres at the southwest corner of W. Northgate Road and S. Champions Drive in the U-COM (Uptown Commercial Mixed Use) zoning district.

Crawford introduced the item and asked for a staff report. Planner Little presented the staff report noting three variances requested and recommended for approval by the Development Review Committee. He said two waiver requests were withdrawn by the applicant.

Engineer Ali Karr, Crafton Tull, represented the project.

Motion by Jensen, Second by Myers, to approve the LSDP and approve the variance from Sec. 14-732(4.3)(ii) requiring a minimum 60% building frontage along W Northgate Road, designated as General Frontage; approve the variance from Sec. 14-732(4.3)(ii) requiring a minimum 70% building frontage along S 55th Street, designated as Pedestrian-Friendly.; and approval of the variance from Sec. 14-732(8.2)(a)(i) requiring a three-foot landscaped street screen between surface parking and pedestrian-priority/friendly road frontages.

Voice Vote: YES – 6, Abstain – 1 (Lane). **Motion carried.**

Approved.

4. PRELIMINARY PLAT: Blossom Woods Subdivision

A 159-lot subdivision on 40.03 acres at the southeast corner of W. Laurel Avenue and S. Concord Street in the RSF (Residential Single Family) zoning district.

Crawford introduced the item and asked for a staff report. Planner Little noted the number of lots and the amount of drainage on the property. The drainage issue, he said resulted in several large undevelopable lots to handle the stormwater and the clustering of the homes away from the drainage. He said two variances were requested for the project and both were recommended for approval by the Development Review Committee.

Engineer Bradley Bridges, Crafton Tull, represented the project.

Motion by Jensen, Second by Myers, to approve the Preliminary Plat with approval of the variances for setbacks, variances for sf per dwelling as recommended.

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

Approved.

5. LSDP VARIANCE: Dixieland Townhomes

A variance due to revision of the landscape plan for a previously approved LSDP.

Crawford introduced the item and asked for a staff report. Planner Belt presented the staff report noting two variances requested and recommended for approval by the Development Review Committee.

Approval of a variance from Sec. 14-703(k) for Dixieland Townhomes, a previously approved LSDP, to allow a 6' high privacy fence, one large shade tree in each backyard, and provide a 5.5' wide sod bufferyard outside of the fencing instead of the originally approved landscaping plan set that included the 6' fence and 116 Emerald Arborvitae.

Barry Williams, Crafton Tull, represented the project. Commissioners discussed the screening and the previous Committee discussion. He noted the plan was to move the fence in and allow access behind it for the maintenance of the landscaping.

Jensen noted the "hard line" the Commission has drawn on connectivity standards after learning from past mistakes.

Motion by Jensen, Second by Myers, to approve the variance as requested.

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

Approved.

6. LSDP WAIVER: W. Hudson Road Commercial Park

A waiver of development code requirements for connectivity for a future LSDP.

Crawford introduced the item and asked for a staff report. Development Compliance Manager Kris Paxton recommended denial of the request. He noted early conversations with the applicant informing him of the needed connectivity, and added that the city has previously told the applicant the city would work with them on street width and setbacks, but the connectivity requirement would stand.

Attorney Will Kellstrom, representing the development, argued the development will not generate a lot of traffic and needs to be enclosed without public traffic for security reasons. He said the ROW itself is a hardship and reduces part of the property to little buildable space. He also argued that the road dedication would not be too big of a burden for the developer in light of the impact of the development.

McCurdy reminded Commissioners that they had just sat through a long and emotional public hearing in which most concerns were about traffic congestion. He said that if the city had the connectivity requirements when the subdivisions along Bellview Road went in, congestion wouldn't be an issue. He said the connectivity takes the pressure off intersections and provides alternate routes.

Motion by Jensen, Second by Myers, to deny the LSDP waiver as requested.

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

Approved.

7. Preliminary Plat: Evening Star Subdivision

A 230-lot subdivision on 90.53 acres northeast of the intersection of W. Haxton and Gaston roads in the RSF (Residential Single Family) zoning district.

Crawford introduced the item and asked for a staff report. Planner Amber Long said 227 home lots on more than 90 acres were planned for the subdivision. A variance reducing the interior setbacks and a waiver regarding cover over pipes in drive areas were requested and recommended for approval.

Engineer Bradley Bridges, Crafton Tull, represented the request. He noted the subdivision is large.

Motion by Jensen, Second by Myers, to approve the Preliminary Plat with approval of the variance for setbacks, allowing 7.5-foot side setbacks, and approval of the variance for cover.

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

Approved.

8. CGM

Crawford said there would be no update on the pending changes to the CGM.

ADJOURN

There being no further business, Crawford adjourned the meeting at 6:59 p.m.

ATTEST:

APPROVED:

Eriks Zvers, Secretary

Rachel Crawford, Chairwoman