



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 17, 2022 at 5:00 P.M. The meeting was called to order by Chairwoman Rachel Crawford.

ROLL CALL

Commissioners attending: Jorge Andrade, Derek Burnett, Rachel Crawford, Kevin Jensen, Steve Lane, Mark Myers, Mandel Samuels, and Eriks Zvers.
John Schmelzle did not attend.

ACTION ON MINUTES

Motion by Zvers, Second by Jensen, to approve the May 3, 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 presented the Committee report, noting a recommendation to approve the revised Density Concept Plan for the rezone/DCP Revision for ATRE 28th Street

The Committee also voted, she said, to recommend approval of a proposed update to the Schedule of Uses for URDC/DRDC to allow "Wholesale Trade Establishment/Warehouse and Storage Services" in COM and U-COM zones.

DEVELOPMENT REVIEW COMMITTEE —

Commissioner Kevin Jensen reported on the Committee's action on four large-scale development projects with actions on requests for waivers and variances as listed below.

1. LSDP: Whitney Plaza, with approval of the following:

- A waiver from Chapter 4, Section 3.0 – Storm Sewer System Design, allowing Class IV RCP in areas where 2-feet of cover over the pipes is not achievable.
- A fee-in-lieu for the roadway improvements in association with the Pinnacle Hills Parkway.

- A waiver from Section 14-46(g)(1) requiring Major Arterial Streets to allow a 6-foot sidewalk will be consistent with other sidewalks in the area.
2. LSDP: Plaza at Pinnacle Hills NW, with approval of the following variances:
 - From Sec. 14-732(4.3)(ii) for not providing the required minimum 60% building frontage along W Northgate Road, designated as General Frontage by the developer (58.1% provided).
 - From Sec. 14-732(4.3)(ii) for not providing the required minimum 60% building frontage along S 55th Street, designated as Pedestrian-Friendly by the developer (29.6% provided).
 - From Sec. 14-732(8.2)(a)(i) for not providing a three-foot landscaped street screen between surface parking and pedestrian-priority/friendly road frontages.
 3. LSDP: Rogers 1st Street, with approval of the following:
 - A variance from Sec. 14-715(4.4)(c)(i) for proposing a 10' floor to ceiling height, as opposed to the required 12'.
 - A variance from Sec. 14-715(4.4)(b)(i) for not meeting General Frontage build-to-zone requirements.
 - A fee-in-lieu of improvements to 2nd Street and authorize the City Engineer to negotiate the costs.
 - A waiver from 14-581(7) prohibiting structures from easements for carports planned in the drainage easements only.
 4. LSDP: Tri-State Optical had no representative present at Committee and was recommended for table because there wasn't a representative present.
 - Approve **WAIVER** from Sec. 14-260(1)(f) requiring separation of 150-feet between curb cuts. The applicant is proposing cross-access to the properties to the east and west of this site.
 - Deny **VARIANCE** from Sec. 14-706(e), for not providing one loading space.
 - Deny **WAIVER** from Sec. 14-796(d)(2a) requiring the five-to-one replacement rate for trees removed from a non-construction area. These trees were removed without a permit and are required to be mitigated.
 - Approve **FEE-IN-LIEU** for improvements in the right-of-way along W Walnut Street for \$38,347.10.

OLD BUSINESS

None

PUBLIC HEARINGS:

1. CUP: Blue Zoo Aquarium

A request by Blue Zoo Aquarium for a Conditional Use Permit allowing the use "Commercial Assembly, Recreation, & Entertainment" at 2203 Promenade Blvd. in the C-2 (Highway Commercial) zoning. (*Tabled 5-3-22*)

Crawford introduced the item and asked for a staff report. Planner Christina Moore said the proposal is for a location on the eastern side of the Promenade Mall. She said the request is to allow “Commercial Assembly” in the C-2 zoning district. Although the property is not zoned correctly per the Comprehensive Growth Map, she said it is compatible with the surrounding development and appropriate for the location and recommended approval.

The applicant, Christophe Bouteille, represented the item and noted the staff report covered the issue.

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

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

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

APPROVED

2. REZONE: NR Properties, LLC

A request by NR Properties, LLC to rezone 0.24 acres at 303 N. 3rd Street from R-O (Residential Office) to the NBT (Neighborhood Transition) zoning district.

Crawford introduced the item and asked for a staff report. Planner Christina Moore pointed out the location near City Hall. She said the requested zoning is consistent with the Comprehensive Growth Map as NBT is an allowed zoning district in the Regional Center Growth Designation.

Attorney Tony Noblin represented the application and had no comment on the staff report.

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

Motion by Jensen, Second by Myers, 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: Tole

A request by Brittany Tole to rezone 0.26 acres at 121 N. 7th Street from COM (Commercial Mixed Use) to the NBT (Neighborhood Transition) zoning district.

Crawford introduced the item and asked for a staff report. Planner Zachery Birdsong explained the request, noting it is consistent with the CGM and that NBT is an allowed zoning district in the Regional Center Growth Designation. He recommended approval.

Chuck Bell, Bell Construction Solutions, represented the request and stated the rezone will allow development consistent with the surrounding properties.

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

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

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

RECOMMENDED for City Council Approval.

4. REZONE: Garcia

A request by Gabriel Garcia to rezone 0.69 acres south of W. Olrich Street and west of S. 9th Street from N-R (Neighborhood Residential) to the R-DP (Residential Duplex Patio Home) zoning district.

Crawford introduced the item and asked for a staff report. Planner Kyle Belt said the zoning requested is consistent with the CGM as R-DP is an allowed zoning district in the Neighborhood Growth Designation. He noted the zoning of surrounding properties.

Community Development recommends **approval** of this request.

No representative was present. Crawford said the Commission would hold the public hearing regardless, and then recommended tabling since the applicant was not present.

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

Motion by Jensen, Second by Myers, to table the request

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

TABLED

5. Rezone: Jamie Corona

A request by Jamie Corona to rezone 0.8 acres west of S. 21st Street and north of W. Savannah Drive 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 Nicholas Little said the requested zoning is consistent with the CGM, but staff recommends tabling it because of an issue with the public notification of surrounding property owners.

Chris Tilley, Anderson Engineering, represented the request.

Crawford agreed the problem meant the Commission would need to table the issue. She said they would, however, 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 Myers, to table the CUP until the next Planning Commission meeting.

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

TABLED

6. Rezone: Russ Huckaby

A request by Russ Huckaby to rezone 28.08 acres south of W. Walnut Street between W. Wray Drive and S. 28th Street from a mix of RMF-13.5A (Residential Multifamily, 13.5 units per acre, ownership) and C2-CU (Highway Commercial, Condominium Use) to the C-3 (Neighborhood Commercial) zoning district.

Crawford introduced the item and asked for a staff report. Planner Justin Couch said the requested zoning is consistent with the CGM and C-3 is the only allowed zoning district within a Neighborhood Center. He recommended approval.

Jeff Davis, Spiars Engineering, represented the request.

Crawford opened the public hearing for comments. The following comments were received:

- Brad Lorence, 3502 S. Lupine Drive, had questions about the extension of sewer service.
- A resident of S. 37th Street questioned how the development might impact his property.

The public hearing was declared closed.

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

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

RECOMMENDED for City Council Approval.

7. Revised RZN/DCP: ATRE 28th Street

A request by ATRE 28th Street to rezone 21.05 acres at 5308 S. 28th Place from RMF-12B (Residential Multifamily, 12 units per acre, rentals) to the RMF-12B (Residential Multifamily, 12 units per acre, rentals) zoning district with a revised Density Concept Plan.

Crawford introduced the item and asked for a staff report. Planner Amber Long said request proposes modifications to the previously approved ATRE 28th Street Rezone with Density Concept Plan (Ord. #22-08). She explained some of the changes and recommended approval.

Attorney Will Kellstrom represented the request. He explained the main difference is a change in the way the detention is being handled. The new plan calls for permeable pavers, allowing for more greenspace.

Crawford opened the public hearing for comments.

Kayvan Afrasiabi, 6012 S. 38th Street, expressed support for the development.

The public hearing was declared closed.

Crawford noted the permeable pavers will be discussed in the LSDP process.

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

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

RECOMMENDED for City Council Approval.

Community Development Director John McCurdy pointed out that Delmy Nieto, representative of the Gabriel Garcia rezone was now present. Crawford asked if the Commission wanted to take the issue off the table.

Motion by Myers, Second by Jensen, to reopen the public hearing and allow consideration of the issue.

REZONE: Garcia

A request by Gabriel Garcia to rezone 0.69 acres south of W. Olrich Street and west of S. 9th Street from N-R (Neighborhood Residential) to the R-DP (Residential Duplex Patio Home) zoning district.

Kyle Belt reviewed the staff report, noting the recommendation for approval.

Nieto had no comment on the staff report.

Crawford said the Commission would reopen the public hearing in case anyone had shown up to speak.

She 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.

NEW BUSINESS

1. LSDP: Whitney Plaza

An 11,400-sf commercial building proposed on 1.93 acres at 5400 S. Pinnacle Hills Parkway in the C-3 (Neighborhood Commercial) zoning district.

Crawford introduced the item and asked for a staff report. Planner Justin Couch the proposal to allow the construction of an 11,400-SF building and paved parking. He noted the Development Committee's recommendation to approve the two requested waivers and to allow a fee-in-lieu of road improvements for Pinnacle Hills Parkway.

Engineer Michael Clotfelter, Ozark Civil Engineering, represented the project and had no comment.

Motion by Jensen, Second by Andrade, to approve the LSDP with approval of the two waivers and allow the fee-in-lieu as recommended.

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

Approved.

2. LSDP: Plaza at Pinnacle Hills NW

A 15,360-sf two-story commercial building proposed on 1.64 proposed at 5500 W. Northgate Road in the U-COM (Uptown Commercial Mixed Use) zoning district.

Crawford introduced the item and asked for a staff report. Planner Christina Moore noted the plan for a 15,360-SF, 2-story building and paved parking on ± 1.64 acres. She said the Development Committee agreed to approval of three variance requests.

Engineer Ali Karr, Crafton Tull, represented the project and had nothing to add to the staff report.

Motion by Jensen, Second by Andrade, to approve the LSDP with approval of the three variances as recommended.

Voice Vote: YES – 7, ABSTAIN – Lane **Motion carried.**

Approved.

3. LSDP: Rogers 1st Street

A mixed-use development including four buildings totaling 115,882 sf proposed on 3.28 acres at 401 N. 1st Street in the I-A (Industrial Arts) zoning district.

Crawford introduced the item and asked for a staff report. Planner Nicholas Little noted the plan for four mixed-use buildings totaling 115,882 square feet. He said staff recommended approval of the requested variances and the fee-in-lieu for improvements to 2nd Street.

Brahm Driver, EDG represented the project. He had nothing to add to the staff report. Crawford noted the Development Committee's agreement to approve the variances,

including a waiver for structures in easements for the planned carports in the drainage easement only.

Motion by Jensen, Second by Myers, to approve the LSDP with approval of the two variances, the waiver, and the requested fee-in-lieu as recommended.

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

Approved.

4. LSDP: Tri-State Optical

A 6,031-sf commercial building on 1.34 acres proposed at 1714 W. Walnut Street in the R-O (Residential Office) zoning district.

Crawford introduced the item and asked for a staff report. Planner Nicholas Little the request is to allow the construction of a 6,031-SF building for a clinic.

He reminded the Commission of the Development Committee's vote to approve a waiver for curb cut separation and a fee-in-lieu for right-of-way improvements along W Walnut Street in the amount of \$38,347.10; and the Committee vote to deny two waiver requests. One waiver would eliminate the loading space requirement. The other would waive tree mitigation requirements for trees removed in violation of tree preservation regulations.

Engineer Jake Chavis, Bates & Associates, represented the project. He noted surprise at the staff's recommendation to deny the waiver for mitigation. The owner's father cleared the property, taking out the trees, he said, and the property isn't big enough for the 195 trees needed to mitigate the violation. After some discussion it was agreed that the project would be tabled as recommended by the Development Committee to resolve the tree mitigation plan.

Jacobs also noted a previous approval for waiving the loading space at the site for the original LSDP that has since expired. McCurdy noted the lack of a hardship to justify the waiver, but the Commissioners had previously approved. He said it's simply a designated area so that deliveries don't block the site. Myers said he'd support a waiver for parking in order to accommodate the loading zone.

Motion by Samuels, Second by Jensen, to table until the next meeting of the Planning Commission.

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

TABLED

5. Schedule of Use Update. (47.20)

A proposed change to the Schedule of Uses to allow the use “Wholesale Trade Establishment/Warehouse and Storage Services” in the URDC/DRDC zoning district of COM (Commercial Mixed Use) and U-COM (Uptown Commercial Mixed Use).

Planner Amber Long noted the zones in which the use is already allowed as an accessory use in Core Mixed Use (COR), Uptown Core Mixed Use (U-COR), Industrial Arts (IA), and Uptown Entertainment (U-ENT), but it is not permitted in COM or U-COM.

Long explained the use “Wholesale trade establishment/warehouse and storage services” is compatible with the uses that are currently permitted within COM and U-COM and would not set a precedent contrary to the CGM. Additionally, allowing this use in COM will open the potential for a new form of live-work quarter developments along the corridors leading into the Regional Centers, encouraging residents to live, work, and play in our regional activity hubs.

Motion by Jensen, Second by Myers, to allow the use “Wholesale Trade Establishment/Warehouse and Storage Services” in the URDC/DRDC zoning districts of COM (Commercial Mixed Use) and U-COM (Uptown Commercial Mixed Use).

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

Approved.

ADJOURN

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

ATTEST:

APPROVED:

Eriks Zvers, Secretary

Rachel Crawford, Chairwoman