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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 August 16, 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, John Schmelzle, and Eriks Zvers.

ACTION ON MINUTES

Motion by Myers, Second by Jensen, to approve the August 2, 2022, Planning Commission meeting minutes as presented.

Voice Vote: Unanimous - Yes. Motion carried.

APPROVED

REPORTS FROM STAFF

Community Development Director John McCurdy announced the Planning Commission meeting time is changing to allow the Historic District Commission and the Board of Adjustment to meet at 4 p.m. The Planning Commission will begin meeting at 6 p.m. at its first meeting in September.

REPORTS FROM BOARDS AND COMMITTEES

Presented with each item for discussion.

OLD BUSINESS

None

PUBLIC HEARINGS:

1. Rezone: The Fields at Pinnacle

A request by Hatfield Whalen Land, LLC for The Fields at Pinnacle to rezone ±29.45 acres at the northwest corner of W. Northgate Road and S. Champions Drive from a mix A-1 (Agricultural), C-2 (Highway Commercial), C-3 (Neighborhood Commercial), RMF-31B (Residential Multifamily, 31 units per acre, rentals), U-COM (Uptown Commercial Mixed Use), and U-NBT (Uptown Neighborhood Transition) under a Planned Unit Development to just the

U-COM (Uptown Commercial Mixed Use) and U-NBT (Uptown Neighborhood Transition) zoning districts. (*Tabled 8-2-22*)

Planner II Nicholas Little provided a staff report noting the location in northwest Rogers. He said the requested U-COM and U-NBT zoning districts are allowed in the location within the Regional Center Growth Designation. However, he said proposed U-NBT isn't as wide as what's called for in the Uptown Zoning Plan. He said the applicant has offered to place a deed restriction on the northwestern boundary of the property that would protect the 50-foot of mature tree buffer that will be unbuildable and represent the NBT zone, if approved. He noted a staff addendum to the original recommendation of approval, now recommending consideration. He also pointed out a letter of opposition received from the POA Chairman of the Beau Chene Subdivision.

Landscape Architect Chris Bakunas, McClelland Engineering, pointed out that the U-NBT zone is inconsistent in width with no minimum required in the city code. The C-2 zoning requires a 30-foot buffer, so they used that as a basis. Also, he said, the U-NBT varies on the property by as much as 150 feet depending on the parcel.

U-NBT would allow construction of buildings 35 feet tall within 20 feet of the property line or allow a parking lot within 6 feet, if developed, Bakunas noted. The property owner Chad Hatfield's objective is to restrict any development within that buffer, keep the natural barrier in place with a deed restriction.

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

Schmelzle announced that he lives next to the subject property and has been informed by the city attorney that he will need to abstain. Lane said he will also abstain

Samuels questioned the standard width for U-NBT.

McCurdy said Growth Designations within the Comprehensive Growth Map typically follow parcel lines except when it comes to U-NBT zone. The zone was intended to be a buffer. It doesn't follow parcel or survey lines, and some of the issue is just the limitations of the graphics as it was drawn in place. Not only the width of the NBT zone, but the use of it varies in the city. He noted that in the Downtown Regional Center the NBT zone serves as a traditional neighborhood, not a buffer. Staff has the right to even adjust the NBT by 20 percent, he added.

The U-NBT zone goes back to conversations early in development of the Uptown growth designation and concern of U-COM and U-COR abutting traditional residential neighborhoods. The NBT growth designation was used as a buffer or transition, McCurdy said. The staff originally recommended approval on this particular request considering NBT as a buffer and the adjustment retains the buffer, he said.

Staff changed its original recommendation of approval, McCurdy said noting his support for the decision. He said staff viewed NBT as a buffer but the question is if that buffer or transition is adequate. The staff recommends consider because the decision is for the Commission to decide if the buffer is adequate or inadequate, he said. Staff views NBT as a statement of intent on the CGM that its appropriate to maintain a buffer between existing traditional residential neighborhoods and more intense development in the Regional Centers.

Jensen said the decision comes down to trading 250 feet of lower-impact development for 50 feet of unbuildable area.

Commissioners discussed the width of the NBT zone proposed and whether the width was enough and if 100 feet would be more appropriate, or have the setback line for development in the adjoining zone start at the NBT zone rather than the property line.

Bakunas asked if a 200-foot NBT zone with no deed restriction would be acceptable, reducing what is allowed on the CGM by 100 feet. Crawford said she'd like to see a staff recommendation on the proposal before commenting.

Commissioners suggested to table the issue and allow the developer to possibly come back with an adjusted request. Bakunas asked that the request be tabled.

Motion by Samuels, Second by Jensen, to recommend the rezone be tabled until the next meeting of the Planning Commission.

Voice Vote: YES – 7 (Abstain 2 – Schmelzle, Lane) **Motion carried.**

TABLED

2. Rezone: 3 River Holdings

A request by 3 River Holdings to rezone ±13.5 acres south of 503 S. Rainbow Road from A-1 (Agricultural) to the R-MF (Residential Multifamily) zoning district.

Crawford introduced the item and asked if the applicant for a staff report. Planner I Zachery noted the location in the northwest part of the city and in the CGM's Neighborhood Growth Designation and just south of a Neighborhood Center on S. Rainbow Road. He said the request is consistent with the CGM, reasonable, and comes to the Commission with a recommendation for approval. He noted the receipt of an email opposing the rezone based on drainage and traffic concerns, issues that will be addressed during the large-scale development process.

Tim Lemons, Lemons Engineering, represented the request. He said the developer plans to build 68 upscale townhouses with a density of 5.04 units per acre.

Crawford noted there is no need for a DCP with the density below 6 units per acre. She opened the public hearing for comments.

There were none.
The public hearing was declared closed.

Myers said this is exactly what the city wants transition with residential to the south.

Motion by Myers, Second by Jensen, to recommend to City Council as submitted.

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

APPROVED

3. CUP: Kum & Go

A request by Kum & Go for a Conditional Use Permit to allow a Convenience Store with Gas at 2898 W. Walnut Street in the C-2 (Highway Commercial) zoning district.

Planner I Kyle Belt noted the location in the Access Corridor Growth Designation, then reviewed the four considerations for a CUP, per city code. Is the property zoned correctly and is this use conditional? Yes. Is it compatible with the CGM? Yes. Can zoning requirements be met? Yes. Is it cleared of known traffic hazards? Yes.

Engineer Mike Clotfelter, Ozark Civil Engineering, represented the request and had no comment on the staff report.

Crawford noted the committee recommendation of approval. She opened the public hearing for comments. There were none.

The public hearing was declared closed.

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

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

APPROVED

4. CUP: Freeman Family Rentals

A request by Freeman Family Rentals for a Conditional Use Permit to allow Warehousing and Storage at 2318 S. 8th Street in the C-4 (Open Display Commercial) zoning district

Planner I Christina noted the location on S. 8th Street in the Employment Center Growth Designation area, then reviewed the four considerations for a CUP, per city code. Is the property zoned correctly and is this use conditional? Yes. Is it compatible with the CGM? Yes. Can zoning requirements be met? Yes. Is it cleared of known traffic hazards? Yes.

Jensen noted a need to abstain on the request.

David Gilbert, Plymouth Engineering, represented the request. He explained the planned use of small warehouse areas accompanied by office space.

Crawford opened the public hearing for comments. There were none.

The public hearing was declared closed.

Crawford noted the committee recommendation of approval.

Motion by Zvers, Second by Burnett to approve as requested.

Voice Vote: YES – 8 (Abstain – Jensen) **Motion carried.**

APPROVED

NEW BUSINESS

1. LSDP: Tidal Wave Auto Spa

A 3,318-sf carwash proposed at 3757 W. Hudson Road in the C-2 (Highway Commercial) zoning district.

Planner I Zachery summed up the project and noted the location, the C-2 zoning and the planned use approval for a carwash with Conditional Use issued earlier this year. He said staff recommends denial of a waiver of the required 75-foot offset for driveways.

Engineer Todd Butler, Ozark Civil Engineering, withdrew the request for the waiver and said the drive will be adjusted to align as required in code.

Schmelzle said the Development Review Committee recommended approval of the project but denial of the waiver that has now been withdrawn.

Motion by Jensen, Second by Schmelzle to approve the LSDP with denial of the waiver from Sec. 14-260(d) regarding the driveway offset.

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

APPROVED

2. Waivers: Traverse Group

A request to waive joint and cross access requirements and waive the required 75-foot offset for driveways at 718 N. 2nd Street in the I-A (Industrial Arts) zoning district.

Kristifler Paxton, Development Compliance Manager, explained the request for two waivers for a plan to redesign the existing parking lot. The Engineering Division recommended denial of the request to waive cross access requirements, Paxton said noting the city wants to encourage cross access, not eliminate it. Staff also recommended the waiver of driveway alignment requirements, explaining the 75-foot mandate is to reduce accidents caused by left-turning traffic. He said the applicant wants the waivers to help reduce the speed of traffic on the lot and to eliminate 18-wheelers from using the southern entrance to access an adjoining business. Their proposal, he said, would provide additional parking and include landscaping at the southeast corner of the property.

Schmelzle noted Committee members spent a lot of time on the issue and agreed to deny the waivers. He also pointed out the city's plan to install sidewalks along N. 2nd Street that will impact the entrances.

Motion by Myers, Second by Andrade, to deny the waivers.

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

DENIED

ADJOURN

There being no further business, Crawford adjourned the meeting at 5:34 p.m.

ATTEST:

APPROVED:

Eriks Zvers, Secretary

Rachel Crawford, Chairwoman