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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 October 4, 2022 at 6:00 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, Ed McClure, Mark Myers, and Mandel Samuels.
John Schmelzle did not attend.

ACTION ON MINUTES

Motion by Jensen, Second by Lane, to approve the September 20, 2022, Planning Commission meeting minutes as presented.

Voice Vote: Unanimous - Yes. Motion carried.

APPROVED

Crawford noted the need to confirm Kevin Jensen as the new Planning Commission Secretary. Jensen replaces former commissioner Eriks Zvers.

Motion by Samuels, second by Myers, to appoint Kevin Jensen as Planning Commission Secretary for the remainder of the year.

Voice Vote: Unanimous - Yes. Motion carried.

APPROVED

REPORTS FROM STAFF

Community Development Director John McCurdy introduced Ed McClure as a new member of the Commission. McClure was officially appointed at the September 27, 2022 Rogers City Council meeting by Mayor Greg Hines.

REPORTS FROM BOARDS AND COMMITTEES

Reports presented during item discussion.

OLD BUSINESS

1. LSDP: Freeman Family Rentals

A proposed warehouse and storage facility consisting of two 13,897 SF buildings on ± 4.99 acres at 2326 S. 8th Street in the C-4 (Open-Display Commercial) zoning district and the city's Overlay District. (*Tabled 9-20-22*)

Planner Christina Moore noted the location in southeast Rogers and explained the planned development, which is in the Employment Center growth designation. She said the project previously received a Conditional Use to allow warehousing and storage, and is asking for three waivers with the request for the LSDP approval.

Jensen said he would need to abstain on the decision, but provided a Committee Report. He said the Development Review Committee met earlier and recommended approval of the following waivers:

- From Sec. 14-285(3), 25-foot landscape buffer
- From Sec. 14-285(4), 15-foot landscape area abutting street ROW
- From Sec. 14-44, typical street section for a minor street

He said another requested waiver was deemed unnecessary.

David Gilbert, Plymouth Engineering, represented the project and stated the plan is to rebuild the west part of the property now and the front along 8th Street in the future. He noted the waivers mostly concern required landscaping along S. 8th Street, but in redevelopment it would all have to be removed.

Motion by Myers, Second by Samuels, to approve the LSDP with the recommended waivers and noting that the first two waivers concerning landscape buffers are temporary and will not apply to future redevelopment of the eastern half of property.

Voice Vote: YES – 7, Abstain – 1 (Jensen) **Motion carried.**

APPROVED

PUBLIC HEARINGS:

1. REZONE/DCP: Pine Street Townhomes

A request by Robert Sowder for Pine Street Townhomes to rezone 5.98 acres north of W. Pine Street and east of S. Dixieland Road from the R-SF (Residential Single-Family) zoning district to the RMF-5.3A (Residential Multifamily, 5.3 units per acre, ownership) zoning district with a Density Concept Plan.

Planner Moore explained the proposed project, noting the location just north of the Rogers Library. The project includes 32 townhome units on the 6-acre lot. Multifamily is an allowed use in the Neighborhood Growth Designation, she said adding that the requested density is less than the base allowed for multifamily development in the location.

Engineer Phil Swope represented the project and said the applicant did not need a Density Concept Plan but wanted to make assurances about the planned project and the high quality

of materials and project plans. A rezone was denied a year ago for the property, so they've come back with the townhome project in a DCP accompanying the rezone request, he said.

Crawford confirmed with staff that a DCP was not required but offered to provide assurances about the project. Myers noted that if any changes are made after approval the applicant would have to get those changes approved by the Planning Commission. Crawford agreed.

Crawford opened the public hearing for comments. The following neighboring property owners commented on the concerns listed:

- Roddy Little, 1602 W. Cypress St. – concerned about drainage, loss of wildlife, and change to the character of the neighborhood
- Alexi Kahn, 1506 W. Pine St. – flooding, trees to be removed, traffic,
- Sloan Stephens, 1506 W. Cypress St. – change to character of neighborhood
- Robert Stall, 1700 W. Cypress St. – change to character of neighborhood

The public hearing was declared closed.

Swope said the density is allowed by the city's Comprehensive Growth Map by right, but the request commits the developer to a specific plan for development. He also explained the stormwater now runs across yards and onto the property in question, and the plan is to capture that water and pipe it underground to the stormwater system along Dixieland Road. Swope said he's working with city engineers on the drainage issue and has to prove that the project will not add any additional stormwater problems for approval of the project.

Crawford took a moment to answer a question from the public. She said the project developer will have to stick to the density approved and won't be allowed to increase the number of units per acre without coming back for another requested change in the zoning.

Myers asked for a clarification on where the three-story buildings will be located on the site. Swope said the two buildings with four units each would be built on Pine Street while all the units to the north would be two story.

Andrade questioned if the townhomes would be limited to residents 55 and over. Swope said no the homes would not be restricted to older adults.

Commissioners discussed the planned drainage connection, the sale of each unit, and other aspects of the project. Lane said the Commission's decision is based on land use and the city's Comprehensive Growth Map which dictates the zoning allowed.

Burnett addressed neighbors concerned about flooding, stating that the drainage will be a part of the development process and will be addressed. He said everyone there is concerned about flooding and drainage issues in the city. He also confirmed the units will be built and sold and will not be rental units with no rental office on site.

Samuels said the proposal meets the city CGM and they have provided a Density Concept Plan that shows what they are going to build and they will be bound by that plan.

Motion by Samuels, Second by Burnett, to recommend approval of the rezone/DCP to City Council for approval.

Voice Vote: YES – 7, OPPOSED – 1 (Andrade) **Motion carried.**

RECOMMENDED

2. REZONE/DCP: Patrick Place Townhomes

A request by Kudapa Murali for Patrick Place Townhomes to rezone 3.98 acres south of the intersection at N. 22nd and W. Easy streets from RMF-12B (Residential Multifamily, 12 units per acre, rentals) to the RMF-10.5B (Residential Multifamily, 10.5 units per acre, rentals) zoning district with a Density Concept Plan.

Planner Kyle Belt said the project involves a planned 40 units in eight structures on nearly four acres with a needed ROW designation increasing the true units per acre of 10 to 12. The property is already zoned RMF-12 but code requires a DCP before undeveloped property can be developed for multifamily of more than six units per acre in the Neighborhood Growth Designation on the city's CGM.

Staff recommended the commission should consider the long-term viability of the development concerning public safety, walkability to neighborhood services, and overall lack of nearby neighborhood services.

Jason Ingalls, Expedient Engineering, represented the project and said he'd wait until after the public hearing to comment.

Crawford stated that Committee recommendation was to hold discussion for the full Commission.

She opened the public hearing for comments. One neighbor commented as follows:

- Jennifer Lawson, 2203 W. Easy Street – Long-term resident of the area. Concerned about changes to the character to the neighborhood which is a mix of single-family and duplexes. Also concerned about traffic on Easy St., which she said is narrow.

The public hearing was declared closed.

Samuels pointed out that in committee a discussion of public safety concerns found in a study had him concerned for this development.

McCurdy said that findings show more crime when higher density development is built at isolated edges of cities, while crime is less when multifamily is built at city centers where there is more activity, more walkability to services, etc. He called the issue "a driver" in the development of the city's CGM.

Myers expressed concerns about the one-way in and one-way out of the development with Easy Street stubbing out and no infrastructure to extend it to the east.

Jensen said there are other places in the city more appropriate, but found this location out of place at the back of a single-family development.

Crawford commented on the access to Dixieland Road through the single-family neighborhood. She said on paper it looks good, but when you look at the aerial and the neighborhood, it doesn't make sense in this location. Myers added that the infrastructure needed for emergency discuss isn't in place to support the number of units requested.

After other discussion about public safety access, a more appropriate possible density of six units per acre, and possibly requiring ownership rather than rentals, Ingalls requested to table the request. He said they will come back with a different DCP.

McCurdy noted the options for tabling or withdrawing the request, and implications of the one-year limit for refiling a rezone on the property. Crawford said the Commission could table for now and possibly take it up later in the meeting.

Motion by Lane, Second by Andrade, to table the request temporarily on the agenda.

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

TABLED

3. REZONE: SJC Ventures

A request by SJC Ventures to rezone 8.67 acres at the southwest corner of W. Seminole Drive and S. Promenade Blvd. from C-2 (Highway Commercial) to the U-COM (Uptown Commercial Mixed Use) zoning district.

Planner Nicholas Little said the rezone fits the CGM's Regional Center Growth Designation but would need to be tabled. Neighboring property owners were not informed in a timely manner, so staff recommends tabling the item.

Representative Justin Jorgensen wasn't present.

Crawford said the public hearing would be held in case anyone did show up to comment.

She opened the public hearing for comments.

There were none.

The public hearing was declared closed.

Motion by Myers, Second by Jensen, to table the request until proper notification is complete.

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

TABLED

4. REZONE: Rafael Castro

A request by Rafael Castro to rezone 3809 N. 2nd Street from A-1 (Agricultural) to the C-4 (Open Display Commercial) zoning district.

Planner Zachery Birdsong reported the property is in the Employment Center Growth Designation area and near the Rogers Airport. He said C-4 is an allowed zone in this location, but the proposal is for the entire property and that includes a single-family home, which is not allowed in C-4. Staff recommended denial based on the legal non-conformity the rezone would create.

Luis Vargas, of Rogers, said he works for Castro and would represent him for the request.

Crawford questioned if it would be better to withdraw the request rather than deny it, so the applicant could reconsider the proposal. Birdsong agreed that would be an acceptable approach.

Crawford said the Commission would hold the public hearing before further discussion on how to proceed.

She opened the public hearing for comments. The following noted objection to the planned rezone:

- Michael Reese, 4601 N. 2nd St. – Objected to planned open display is not appropriate for area which is all single-family residential.
- Jean Humphries, owns several properties on N. 2nd St. – Concerned about “junkyard” look of the property and said she did not receive meeting notification but, instead, got a copy of the county property record for the site.
- Rebecca Hedges, 74 Yocum Road – Concerned about chat that was brought in and covered the property, grass growing up between the gravel, and the number of inoperable vehicles and a trailer brought in.
- David Gates, 3806 N. 2nd Place – Concerned about music events that have already happened on the property that involved repeated noise complaints and food trucks that aren’t appropriate in area. Traffic is also an issue. He also asked if alcohol would be allowed.

The public hearing was declared closed.

Vargas said he didn’t know anything about the letters the owner sent to neighbors regarding the meeting. He said he works for the owner. Birdsong confirmed the letter was not the correct notification. Myers said the rezone process would have to be started over.

Vargas said the site will look good will be commercial, no gravel, no loud music, if eventually approved.

McCurdy told the Commission the issue started out as code enforcement complaint that the gravel was installed without approval. The city investigated the stormwater violation and this is an attempt to rectify the issue.

Myers said the notification issue means the Commission couldn't even vote on it, but he said it's not going to work with the house on it. He advised the applicant to withdraw the request and start over to include only the property they want to rezone and not the house.

Myers made a motion, Second by Jensen, to withdraw the item from consideration.

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

WITHDRAWN

NEW BUSINESS

1. LSDP: Hudson Road Wholesale

A proposed 32,195-sf commercial building planned for wholesaling, distribution and storage on 2.28 acres at 282 W. Hudson Road in the C-2 (Highway Commercial) zoning district and the city's Overlay District.

Planner Christine Moore explained the planned project, noting its location in the Access Corridor Growth Designation, and the Conditional Use Permit granted previously for the storage use. The plans for a 32,195-sf structure, parking, drainage, etc.

Moore said staff recommended approval of the project and denial of the following waiver request:

- Waiver from Sec. 14-250(f) for required 250-foot separation between curb cuts.

Abby Perez with Bates & Associates represented the project.

Jensen said the Development Review Committee met and recommended approval of the project and denial of the waiver.

Motion by Myers, Second by Jensen to approve the LSDP with denial of the waiver and a requirement for the street to be centered on the property and connect with the future 4th Street connection.

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

APPROVED

2. LSDP: Blue Barn

A proposed 3,920-sf commercial building for building services on 1.69 acres at the northeast corner of Oak and 2nd street in the in Downtown Regional Center and the I-1 (Light Industrial) zoning district.

Planner Kyle Belt explained the project in the Downtown Regional Center. He said all engineering and planning requirements have been met, and staff recommended approval.

Jensen noted the Committee recommendation to approve.

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

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

APPROVED

OTHER BUSINESS

1. REZONE/DCP: Patrick Place Townhomes (*tabled temporarily earlier in session*)

Crawford said the Commission would take up the Patrick Place rezone/DCP again.

Ingalls said he had a chance to confer with his client, who asked him to note that they had met with staff and got the feeling at that meeting that they could move forward. He requested they table the issue and allow the applicant to come back with less density and a new concept plan. He asked what density would be acceptable.

Multifamily is allowed in the Neighborhood Growth Designation but requires a DCP if over the base density so the city can judge the appropriateness in each location, Crawford said. Staff can tell you it looks good for access management or based on other issues, but staff is not the Planning Commission, she added and noted concern about the requested 12 units per acre.

McCurdy said the project can come back with a density of six or less, and will not need a DCP. They can submit an LSDP without a rezone.

After further discussion regarding the need for new submittal based on changes and lower density possibilities, Ingalls requested to table.

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

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

APPROVED

ADJOURN

There being no further business, Crawford adjourned the meeting at 7:10 p.m.

ATTEST:

APPROVED:

Kevin Jensen, Secretary

Rachel Crawford, Chairwoman