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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 February 21, 2023 at 5:30 P.M. The meeting was called to order by Chairman John Schmelzle followed by the Pledge of Allegiance.

ROLL CALL
Commissioners attending: Jorge Andrade, Samantha Best, Steve Lane, Ed McClure, Mark Myers, Mandel Samuels and John Schmelzle.
Hannah Cicioni and Derek Burnett were not present.

ACTION ON MINUTES
Motion by McClure, Second by Samuels, to approve the February 7, 2023, Planning Commission meeting minutes as presented.
Voice Vote: Unanimous - Yes. *Motion carried.*
APPROVED

PUBLIC FORUM
None

REPORTS
None

DECLARATION OF ABSTENTION
The Chairman asked that any Commissioners needing to abstain on agenda items state so and not participate in discussion or vote on the item.

- Commissioner Steve Lane noted his need to abstain from the CarMax CUP vote and the Consent Agenda.

CONSENT AGENDA
1. LSDP: Benchmark Group Parking Expansion

A proposed expansion of 81 added parking spaces on the east and south-east portion of the site at 1805 N. 2nd Street in the C-2 (Highway Commercial) zoning district.

2. **LSDP: Hawkins Airport Hangar**
   A proposal to construct an 8,250-square foot hangar at 9 W. Cass Hough Drive in the I-1 (Light Industrial) zoning district at the Rogers Municipal Airport.

Motion by Myers, Second by Andrade, to approve the Consent Agenda as presented.
Voice Vote: 6 – Yes, 1 – Abstain (Lane). *Motion carried.*
APPROVED

PUBLIC HEARINGS:

1. **CUP: CarMax**

A request to allow the use "Vehicle/Equipment Sales & Rentals" at 6360 S. Dixieland Road in the C2-CU, PUD (Highway Commercial, Condominium Use, Planned Use Development) zoning district and in the city's Overlay District.

Attorney Bill Watkins represented the CUP request, noting this will be the first Carmax in Arkansas. He said the vehicles will be for retail sale and argued the location is isolated at the south end of the city, making the need for a buffer moot. The property calls for NBT (Neighborhood Transition) zoning on the city's Comprehensive Growth Map, although it is zoned C-2 (Highway Commercial) in entirety. He said the planned overpass and the city of Lowell plan for commercial zoning adjacent to the property also supports the planned use.

Planner Kyle Belt presented a staff report, noting the plan for NBT zoning didn't allow a positive response to all requirements for a CUP. He also pointed out other vehicle sales lots and similar retail along the Interstate. His report recommended the CUP be referred to the Committee for further consideration.

The Chairman opened the public hearing for comments.

- Burke Larkin, Whisinvest Realty, LLC, said Whisinvest is the seller and also owns the property to the south and some to the east. He supported the use.

The public hearing was declared closed.

Commissioners briefly discussed the PUD, the NBT zoning and the possible need for landscape screening.

Motion by McClure, Second by Samuels, to refer the CUP to Committee for further consideration.
Voice Vote: Unanimous - Yes. *Motion carried.*
REFERRED TO COMMITTEE

2. **RZN: SPAM AR Street**
A request by SPAM AR Street to rezone 1639 N. Arkansas Street from the R-O (Residential Office) zoning district to the RMF-12B (Residential Multifamily, 12 units per acre, rentals) zoning district with a Density Concept Plan.

Planner Zachery Birdsong said a letter opposing the rezone had been received. It was distributed to Commissioners. Birdsong then presented the staff report noting the plan to use an existing commercial building for multifamily use, eliminating two of three existing curb cuts to bring the access into compliance. He noted part of the DCP includes approval of a needed rear setback reduction to a minimum of 18 feet for the existing structure. He said the application is for the maximum allowed density of 12 units per acre but they're only asking for 12 units. The request is appropriate for the surrounding context, he said, and referred it to committee for further consideration.

Attorney Bill Watkins represented the request. He called it a "windowless box" that will be enhanced as part of the conversion of multifamily. He agreed it fits the surrounding context. He also addressed a letter of complaint about traffic issues that may arise with the use.

The Chairman opened the public hearing for comments.
There were none. The public hearing was declared closed.

Samuels said he thought it was a good use of the property and they're using the existing footprint so the variances requested aren't an issue.

Motion by McClure, Second by Samuels, to refer the request to Committee for further consideration.
Voice Vote: Unanimous - Yes. *Motion carried.*
REFERRED TO COMMITTEE

3. **RZN: Jacob Harr**
A request by Jacob Harr to rezone 507, 509, & 613 S. 7th Street from the N-R (Neighborhood Residential) zoning district to the NBT (Neighborhood Transition) zoning district.

Planner Kyle Belt presented a staff report, noting the plan the request for NBT zoning, which is the zone recommended for the property per the CGM.

Jacob Harr said the property has three homes on it now and two operate as AirBnB units and the third is a long-term rental. He said the request to rezone is just a plan to add value to the land.

The Chairman opened the public hearing for comments.
There were none. The public hearing was declared closed.

Myers said the request is the only possible zone for the property.

Motion by Myers, Second by Andrade, to recommend to the City Council for approval.
Voice Vote: Unanimous - Yes. ***Motion carried.***
RECOMMENDED to COUNCIL

CALL FOR RECESS
The regular session recessed at 5:53 p.m. for the following meetings:
- Board of Adjustment Meeting
- Zoning Review Committee

CALL TO ORDER
The meeting was called back to order at 6:26 p.m.

OLD BUSINESS
None

NEW BUSINESS
The Chairman asked if the Zoning Review Committee had anything to add to the agenda under New Business.

Myers noted the Zoning Review Committee had met and would recommend approval of the CUP for CarMax as submitted with the requirement of a six-foot masonry wall on the south and east sides, and that the development comply with the required street trees and street lights along Garrett and Dixieland roads. He said the Committee also voted to recommend approval of the rezone for SPAM AR with approval of the DCP and requiring landscaping to meet SSDP standards along the front of the property.

The Chairman said he would entertain motions on the items recommended by the Committee.

Motion by Samuels, Second by Myers, to approve the CUP for CarMax as recommended by Committee.

Myers noted the Committee chose to ignore the NBT zoning designated on the CGM on the property because of the surrounding context.

The Chairman called for a vote.
Voice Vote: 6 – Yes, 1 – Abstain (Lane). ***Motion carried.***
APPROVED

Myers said the requirements for street improvements for the SPAM AR request were left out because the Committee thought the burden would be too great. He also noted the need for affordable housing in the area.

Motion by Samuels, Second by Myers, to recommend to the City Council the SPAM AR rezone/DCP proposal as recommended by Committee.
Voice Vote: Unanimous - Yes. _*Motion carried.*_
RECOMMENDED to COUNCIL

1. **A change to the Schedule of Uses to allow "Live/Work Quarters" by right in the COM/U-COM, COR/U-COR, NBT/U-NBT, U-ENT, IA, C-3, R-O, and O zoning districts and as a conditional use in the C-2, C-4, W-O, I-1, and R-MF zoning districts.**

Planner Nicholas Little presented the proposal to add the use to the zoning schedule of uses as described. He said the term refers to having a residential dwelling unit attached to or within the primarily industrial or commercial structure in which the dwelling unit occupant lives and works. He said the non-residential use is typically the primary use with the residential use being secondary and either above or behind the commercial use. He reviewed the differences between the live/work use and a home occupation use.

Commissioners discussed the appropriateness of the use. Community Development Director John McCurdy said noted that use-based zoning eliminated this use in the 1940s and 50s, but was prevalent prior to that. He pointed out a mixed-use development struggling with its commercial units and this will help address such issues. Commissioners discussed the city's emphasis on mixed-use development and how it will fit.

Any change of use would have to meet the building code, McCurdy said, noting that a shop owner won't be able to just put a cot in the back and live in a commercial space. They would need approval for the occupancy.

McCurdy said the change will eventually need to be cleaned up in the code to clarify the definition. He noted the Commission's authority to add a use to the zoning code and his own authority to interpret the definition of a use.

Motion by Myers, Second by Andrade, to amend the schedule of uses to add live/work quarters to the zoning schedule as listed by right and by condition, and also that we submit the definition to City Council for approval.
Voice Vote: Unanimous - Yes. _*Motion carried.*_
APPROVED

COMMISSIONERS' FINAL COMMENTS
The Chairman polled Commissioners for comments.

Jorge Andrade and Samantha Best commented favorably on the Urban3 presentation to Rogers officials last week.

ADJOURN
There being no further business, the Chairman adjourned the meeting at 6:45 p.m.

ATTEST:	**APPROVED:**
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Jorge Andrade, Secretary	John Schmelzle, Chairman