



COMMUNITY DEVELOPMENT
PLANNING DIVISION
301 W. CHESTNUT
planning@rogersar.gov
(479) 621-1186

ROGERS PLANNING COMMISSION MINUTES

The Rogers Planning Commission met for a public meeting at Rogers City Hall at 301 W. Chestnut Street on June 20, 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: Samantha Best, Derek Burnett, Hannah Cicioni, Steve Lane, Ed McClure, Mark Myers, Mandel Samuels and John Schmelzle.

ACTION ON MINUTES

Motion by McClure, Second by Cicioni, to approve the June 6, 2023, Planning Commission meeting minutes as presented.

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

APPROVED

PUBLIC FORUM

REPORTS

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.

CONSENT AGENDA

1. LSDP: Cross Church Pinnacle Hills Addition

A proposal to construct an 8,966-sf building addition, an outdoor amphitheater and pedestrian paths at 2448 S. Champions Parkway in the R-O (Residential Office) and C-2 (Highway Commercial) zoning districts.

Schmelzle asked for a motion on the Consent Agenda.

Motion by Samuels, Second by Cicioni, to approve the Consent Agenda as presented.

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

APPROVED.

PUBLIC HEARINGS

1. RZN: Cottages at Magnolia Farms East

A request by EF Capital AR, LLC for The Cottages at Magnolia Farms East to rezone 4.14 acres near the SE corner of W. Oak Street & S. 43rd Street from the R-O, PUD (Residential Office, Planned Unit Development) zoning districts to the U-NBT (Uptown Neighborhood Transition) zoning district.

Planner Nicholas Little stated this project is located in west central Rogers just south of the intersection of S. 43rd Street and W. Oak Street. The proposed rezone would change the zoning of the parcel from R-O with a PUD to U-NBT. The parcel is within the Commerce Corridor growth designation. Specifically, it's within the 300-foot designated U-NBT buffer which surrounds the center of the Commerce Corridor. It's intended to create a residential buffer between the potentially high intensity uses allowed in standard Commerce Corridor. The U-NBT zoning wouldn't allow anything other than residential and office uses while restricting their height to 35 feet unless a variance is acquired. Staff recommends approval of the request since it is the only allowed zoning district per the Commerce Corridor.

Ali Karr represented the request and had no comments.

The Chairman opened the public hearing for comments.

- James Mullen, resident of Rural Oaks, had concerns about destroying the trail and building urban canyons.

The public hearing was declared closed.

Best asked why there was not a site plan submitted for review for this request. Schmelzle stated that this is not a rezone DCP like the others they have previously discussed. Community Development Director John McCurdy stated this a straight rezone to U-NBT and whether there is a site plan or not, once the rezone goes through, it creates an entitlement to that parcel. They are entitled to develop the parcel according to the rules for that zoning district.

Myers asked what the maximum density for U-NBT is. McCurdy stated it does not have a maximum density because it is a form base district. The density is limited by the bulk standards of the U-NBT so you can't have more density that you can achieve with the setbacks in the three-story limitation.

Samuels asked for confirmation that U-NBT is the only allowed zone under Commerce Corridor. McCurdy stated that this request is not within the Commerce Corridor, it is adjacent to it. The growth designation and allowable district lists are identical so they can only be U-NBT.

Schmelzle stated that the applicant is going to have to follow the U-NBT standard which is the buffer between single family homes and higher density. This is a natural transition that is on the CGM.

McCurdy pointed out that this is different from the last similar rezone they discussed where this is adjacent to property versus adjacent to a road. This actually shares a property line with the adjacent neighbor so the transition standards would be required.

Lane noted that it's important everyone knows that this is the area where we want to do multifamily types of projects. This is appropriate and it fits the master plan.

Motion by Lane, Second by Myers to recommend the rezone to City Council.

Voice Vote: Unanimous – Yes. Motion carried.

RECOMMENDED to COUNCIL

2. RZN/DCP: Dixieland Apartments

A request by Dixieland Apartments to rezone 4.2 acres near the SW corner of W. Olrich Street & S. Dixieland Road from the N-R, A-1, RSF-5 (Neighborhood Residential, Agricultural, Residential Single Family, 5 units per acre) zoning districts to the RMF-11.5 (Residential Multifamily, 11.5 gross units per acre) zoning district with a Density Concept Plan.

Planner Zachery Birdsong said this site is located in the central Rogers near the southwest corner of S. Dixieland Road and W. Olrich Street. The applicant is requesting to rezone the subject property from N-R, A-1, RSF-5 to RMF-11.5 units per acre for rent. The applicant is also proposing 12 four-plex townhomes totaling 48 units on 4.2 acres, resulting in a gross density of 11.5 units per acre. A rezone to RMF-11.5 is allowed in the neighborhood growth designation. Residential multifamily use is allowed within the requested rezone and all setback requirements are being met. The proposed height of about 24 feet is allowed under the 35-foot maximum within the residential multifamily zoning. The applicant submitted a draft landscaping plan which during the large-scale process, full screening from adjacent residential single-family properties will be required. No input has been received from the public drainage and other engineering items will be reviewed with the submission of the large-scale plans. Staff's recommendation is referred to committee.

Joanne Johnson represented the request and had no comments.

The Chairman opened the public hearing for comments.

- Randall Hughes, resident of nearby neighborhood, had concerns about increasing traffic and the high density being requested.
- Rafael Carbajal, resident of nearby neighborhood, agreed with the previous speakers concerns as well as there being no greenspace in that area.

The public hearing was declared closed.

Johnson stated that if traffic was a concern with the anticipated development, they could do a traffic study to see how the development would impact that. Birdsong added that this development is along a major arterial road and typically these types of residential additions don't cause as much traffic as a commercial use.

Cicioni asked if S. 19th Street an existing road that connects to W. Seminole Drive. Birdsong said he believes that is a road connection that is being proposed with another development that hasn't built yet.

Lane asked if the other development doesn't happen, would we be comfortable with one entrance and exit here. McCurdy stated they will have to go through large scale and the fire marshal will have to sign off on that.

Cicioni asked if the proposed duplexes would be split into lots or will they all be held in a continuous parcel. Johnson stated it would be one continuous parcel.

Myers stated this is an appropriate location along S. Dixieland Road for the request and the fact that a second entrance with the access stub out that will eventually tie in makes it more comfortable.

Lane stated he shared some of the concerns over green space and access.

Motion by Samuels, Second by Cicioni, to recommend the rezone/DCP to City Council.

Voice Vote: Unanimous. Motion carried.

RECOMMENDED to COUNCIL

3. RZN: Cottages at Magnolia Farms West

A request by EF Capital AR, LLC for The Cottages at Magnolia Farms West to rezone 2.89 acres at the NW corner of S. 43rd Street & W Chastain Xing from the C-2, PUD (Highway Commercial, Planned Unit Development) zoning districts to the U-NBT (Uptown Neighborhood Transition) zoning district.

Planner Nicholas Little noted this request is across from Cottages at Magnolia Farms East on S. 43rd Street, however this one has a DCP attachment. The site is located at the northwest corner of S. Promenade Boulevard and W. Chastain Xing. The DCP proposes 50 units on 2.89 acres at a gross density of 17 units per acre. The NBT zoning has a build to zone. If S. 43rd Street is pedestrian friendly, the front of the building can be placed anywhere from zero to 20 feet. The proposed setback along here is 30 feet. The rear would be off S. Promenade Boulevard and would also have a build to zone from zero to 20 feet. The setback here is also being proposed at 30 feet. As part of the DCP they're proposing on street parking and expanded sidewalks on the exterior side of the property which would be to the south. The maximum height allowed in NBT is three stories and the proposed building height here is 42.5' feet. There would be some architectural elements like the height of the first floor and the upper floors which do not meet the code. Staff feels that the bulk and intensity is appropriate because of its access to multimodal transportation, trails and major arterial streets. The NBT zoning would allow for this design with virtually no variations from the URDC code other than some architectural elements and proposed setbacks along S. Promenade Boulevard and S. 43rd Street. Staff's recommendation is referred to committee.

Ali Karr represented the request. Karr noted that they have 30-foot easements on both S. Promenade Boulevard & S. 43rd Street and another 20-foot existing easement on the south. They are aware that the intention of U-NBT is to build to the streets so they've pushed those buildings as close to the easements as the utility companies allowed. This product type is designed to have tucked under garages which is why the first floor is not 12 feet for a tall garage.

McClure asked if the zoning request was originally for R-MF. Karr said that was correct but while speaking with staff they were advised to change it to U-NBT. McClure then asked if the public notice letter was given for RMF. Staff said yes.

McClure asked if the position staff takes is that RMF is less restrictive than NBT. McCurdy stated that gets to a point in the ordinance that controls the City Council but not the Planning Commission. The City Council at City Council vote on a rezone request and can either approve, deny or approve a more restrictive district. That is a limit on City Council action but not a limit for Planning Commission action. Planning Commission from time to time can change the district either in the full body or at committee and there's that limitation that exists. The NBT zoning has architectural requirements that RMF doesn't and RMF has fewer uses allowed so depending on your perspective it is more restrictive. In RMF you could build a building 200 feet off the street, there's no maximum setback NBT has a minimum setback which is one the implied variances in this request. The purpose of the interior ceiling height variance is to ensure that that in this type of place, like commerce corridor, or a neighborhood center, that we have a mix of uses. This developer is doing a multi-phase plan that will include retail and commercial spaces and other phases of this. North of here you're starting to see more commercial space and we feel that the city's purpose and intent is being met in other ways with other developments in the immediate area so we supported that as well.

McClure asked what the gross density will be. Staff and the applicant stated it will be 17.3.

The Chairman opened the public hearing for comments.
The public hearing was declared closed.

Schmelzle stated that this request has been recommended to refer to Committee however, those that are in the BOA that have questions or comments, or anyone else could take it up as a whole.

Lane asked if the reason for staff referring this to committee was because of the seven-foot height. Staff said it was referred to committee because there are multiple options for zoning and anytime there's a growth designation that doesn't have one specific zoning it is referred to committee.

Burnett asked the representative to elaborate on the height. Karr stated that these are intended to be three-story townhomes with a pitched roof so that they have an elevated roof structure rather than a flat top roof. They are showing the 8-foot bottom floor for the tucked under garages. Primarily there's a foyer in the front that immediately goes upstairs to the second and third floor. The second and third floors do meet the U-NBT requirement of 9-foot ceilings and

that additional height off the top is because of the design and pitch of the roof that leads itself more like a single-family look.

Myers stated the NBT zoning fits better with the growth comprehensive plan and they've done a good job with the site meeting the utility easements and the setbacks variances they're requesting are appropriate. He is all for having a bit of architectural appeal but he urges them to look at keeping the pitch as low as practicable.

The DCP creates a set of rules around this development and so there's nothing to vary. Any rezone that includes a DCP we match it with an underlying zone, this is the most appropriate for the location. This is a judgment call that NBT makes more sense than RMF but it could go both ways. There are fewer variances from the underlying NBT standards than there are from RMF and it really comes down to the first-floor ceiling height to make it commercial ready. Once this passes with the DCP they are approved to build this without a 12-foot first floor.

Motion by Myers, Second by Samuels, to recommend the rezone/DCP to City Council.

Voice Vote: Unanimous – Yes. Motion carried.

RECOMMENDED to COUNCIL

OLD BUSINESS

NEW BUSINESS

COMMISSIONERS' FINAL COMMENTS

The Chairman polled Commissioners for comments.

ADJOURN

There being no further business, the Chairman adjourned the meeting at 6:17 p.m.

ATTEST:

APPROVED:

Jorge Andrade, Secretary

John Schmelzle, Chairman