



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 September 5, 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, Derek Burnett, Hannah Cicioni, Steve Lane, Ed McClure, Mandel Samuels and John Schmelzle.

ACTION ON MINUTES

Motion by McClure, Second by Cicioni, to approve the August 15, 2023, Planning Commission meeting minutes as presented.

Voice Vote: Unanimous – Yes. Motion carried.

APPROVED

PUBLIC FORUM

REPORTS

Community Development Director John McCurdy gave an update on the Future Land Use Map and the code revisions and noted that we would break out at the next Planning Commission meeting for an update on where we are with everything.

DECLARATION OF ABSTENTION

Schmelzle asked that any Commissioners needing to abstain on agenda items state so and not participate in discussion or vote on the item.

- Commissioner Hannah Cicioni and Ed McClure noted their need to abstain from the Hannah Cicioni rezone.

CONSENT AGENDA

1. LSDP: Olive Nature School

A proposal to construct a nature school, administrative building, and storage building, totaling 13,782-sf. on the north intersection of W. Olive Street and N. 22nd Street in the A-1 & R-O (Agricultural & Residential Office) zoning districts.

Schmelzle asked for a motion on the Consent Agenda.

Motion by Lane Second by McClure, to approve the Consent Agenda as presented.

Voice Vote: Unanimous – Yes. Motion carried.

APPROVED.

PUBLIC HEARINGS

1. CUP: Specialized Hail Company

A request by Specialized Hail Company to allow the use “Vehicle/Equipment Repair & Installation” at 702 N. 2nd Street in the C-2 (Highway Commercial) zoning district.

Planner Christina Moore noted this site is located on N. 2nd Street just west of Harps. The proposal is for a Conditional Use for an auto repair shop that performs paint less dent repair. The current zoning is not consistent with the Regional Center Growth designation. Per the downtown regional center zoning map the property is designated to be IA (Industrial Arts) which does not allow the proposed use. Staff recommends postponing the request due to the property owner not having a valid LLC.

Danny Stephens represented the request.

Commissioner McClure asked the applicant if the LLC that he indicated owned the building was still revoked. Stephens said that he was told it was paid but was not sure since he is just the tenant.

Motion by McClure, Second by Lane, to postpone the item until the LLC issue can be resolved to the satisfaction of the commissioners.

Voice Vote: Unanimous – Yes. Motion carried.

APPROVED.

Chairman Schmelzle recognized Jenny Licause to speak. Licause stated she is one of the owners and that fees were paid with the Arkansas Secretary of State Tuesday morning so that it was no longer revoked. Schmelzle asked for proof and the applicant provided a receipt.

Schmelzle stated that there was a motion and a second so they can either motion to table the item or they can deny the motion and continue to discuss the item.

Motion by McClure, Second by Lane, to postpone the item until the LLC issue can be resolved to the satisfaction of the commissioners.

Voice Vote: Unanimous – Yes. Motion carried.

APPROVED.

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

The public hearing was declared closed.

2. RZN: Hannah Cicioni

A request by Hannah Cicioni to rezone 511 W. Pecan Street from the N-R (Neighborhood Transition) zoning district to the NBT (Neighborhood Transition) zoning district.

McCurdy stated the current zoning is Neighborhood Residential and the requested zoning is NBT (Neighborhood Transition). The growth designation at this location is part of the downtown Regional Center and this part of the downtown regional center is designated for NBT. McCurdy reviewed the building disposition standards for the two different districts and the schedule of uses for NBT. Staff would recommend to the planning commission the consideration of an amendment to the DRDC use table to make all the commercial uses in NBT zoning conditional. The Commissioners have the authority to adjust the schedule of uses that doesn't require an ordinance and we could consider looking at the schedule of uses until we get the new development code in place. Staff recommends to table the request until September 19th due to an error in notification.

Hannah Cicioni represented the request.

The Chairman opened the public hearing for comments.

- Howard Slinkard, 529 W. Cypress Street, requested that there be not any further discussion because of the failure to get the notice out.

The public hearing was declared closed.

Motion by Samuels, Second by Andrade, to postpone the item to the September 19th Planning Commission meeting.

Voice Vote: 5 – Yes, 2 – Abstain (Cicioni & McClure). *Motion carried.*

APPROVED.

3. RZN: Brick Road Properties

A request by Brick Road Properties to rezone 17.26 acres at the southeast corner of N. 2nd Street & N. Airport Loop from the A-1 (Agricultural) zoning district to the I-1 (Light Industrial) zoning district.

Planner Nicholas Little noted this site is located in north Rogers directly adjacent to the Rogers Municipal Airport. The Comprehensive Growth Map designates this parcel as an Employment Center which calls for Open Display Commercial and Industrial zoning. The applicant is requesting to rezone from A-1 to I-1 which is an allowed zoning district within the Employment Center growth designation. Since there is more than one option of zones to rezone to, staff recommends that this rezone be referred to the Zoning Review Committee.

Phil Swope, with Swope Engineering, represented the request.

The Chairman opened the public hearing for comments.

- Robert Fuller, 3901 N. 2nd Street, had questions about what would be put in and safety concerns.
- Lea Campbell, 590 N. Airport Loop, concerns with ingress/egress and safety concerns.

- Judy Humphreys, 3615 N. 2nd Street, agreed with previous speakers.

The public hearing was declared closed.

Swope said that they would look at access to the property during large scale.

Motion by Samuels, Second by Andrade, to refer the item to Zoning Review Committee.

Voice Vote: Unanimous – Yes. Motion carried.

APPROVED.

4. RZN/DCP: Legends Apartments

A request by Legends Apartments to rezone 335 S. Dodson Road from the C-3 (Neighborhood Commercial) zoning district to the C-3 (Neighborhood Commercial) zoning district with a Density Concept Plan.

Planner Zachery Birdsong stated this site is located in west Rogers at 335 S. Dodson Road. The applicant is requesting a rezone to C-3 with a Density Concept Plan. They are proposing to construct 198 dwelling units on 8.52 acres, roughly 24 units per acre. This development differs from the C-3 underlying zoning and that C-3 sets the maximum height at three stories and this proposal is showing the building fronting S. Dodson to be four stories. The applicants stated reasoning for having four stories is that it allows for more green space on the site while allowing for more units and commercial space to be provided. The four-story building is intended to provide retail space while maximizing density. There was a previous proposal at this location in December of 2022 that also showed a four-story building along S. Dodson Road that provided just as much green space as the current proposal and proposed a higher density, at the time Planning Commission recommended approval. This proposal has less density than the previous proposal. Engineering reserves all comments for the large scale and no input has been received from the public. Staff recommends referral to the Zoning Review Committee.

Kip Williams, with OWN Engineering, represented the request.

Cicioni asked if the greenspace would be open to the public or if it is for private use. Williams stated the interior greenspace is for private use but the right-of-way greenspace, amenities and dog park would be public. Cicioni asked if that constitutes meeting the greenspace requirements. Birdsong stated for the general greenspace they discussed space for public use to the south and north along S. Dodson, and the dog park kind of goes in line with that. There was more added greenspace on the east side of the parking closer to the sidewalk.

Cicioni asked if the parking count exceeds what is required by code or if it was under. Williams states that they are required to have 297 parking spaces and they have 319.

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

Motion by Samuels, Second by Lane, to refer the item to Zoning Review Committee.

Voice Vote: Unanimous – Yes. Motion carried.

APPROVED.

CALL FOR RECESS

The meeting recessed at 6:06 p.m. for the following meetings:

- Board of Adjustment Meeting
- Zoning Review Committee

CALL TO ORDER

The meeting was called back to order at 6:28 p.m.

OLD BUSINESS

NEW BUSINESS

The Chairman asked if Zoning Review Committee had anything to add to the agenda under New Business. Lane noted the Zoning Review Committee had met and would recommend approval to the full commission on the Brick Road Properties rezone and the Legends Apartments rezone/DCP.

Motion by Lane, Second by McClure, to recommend the Brick Road Properties rezone to City Council.

Voice Vote: Unanimous – Yes. Motion carried.

RECOMMENDED to COUNCIL FOR APPROVAL

Motion by Lane, Second by Cicioni, to recommend the Legends Apartments rezone/DCP to City Council.

Voice Vote: Unanimous – Yes. Motion carried.

RECOMMENDED to COUNCIL FOR APPROVAL

COMMISSIONERS' FINAL COMMENTS

The Chairman polled Commissioners for comments.

ADJOURN

There being no further business, the Chairman adjourned the meeting at 6:31 p.m.

ATTEST:

APPROVED:

Jorge Andrade, Secretary

John Schmelzle, Chairman