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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 November 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, Hannah Cicioni, Steve Lane, Ed McClure, Mark Myers, Mandel Samuels, and John Schmelzle.

ACTION ON MINUTES

Motion by McClure, Second by Andrade, to approve the November 7, 2023, Planning Commission meeting minutes as presented.

Voice Vote: Unanimous – Yes. Motion carried.

APPROVED.

PUBLIC FORUM

REPORTS

Community Development Director John McCurdy spoke about the Historic Neighborhood Overlay that has previously been discussed and asked Commissioners for guidance on how to proceed. This will require public engagement and Commission effort to finalize whether or not we want to create the proposed Overlay.

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 abstained from the Abbott rezone.

CONSENT AGENDA

PUBLIC HEARINGS

1. RZN: Caleb Abbott

A request by Caleb Abbott to rezone 0.18 acres at the intersection of E. Walnut Street & E. Electric Street from R-DP (Residential Duplex Patio Home) to the NBT (Neighborhood Transition) zoning district.

Planner Christina Moore stated this site is located at 509 E. Electric Street and also includes the adjacent property to the west. The CGM designates the parcels to be NBT which is what the applicants are requesting. The property is a corner lot that is adjacent to R-DP zoning to the east which under residential transition standards does not allow construction to take place between 10' of the eastern property line. Staff recommends referral to Zoning Review committee.

Nathan Crouch, Blew and Associates, represented the request.

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

Motion by Myers, Second by McClure, to recommend the rezone request to City Council for approval.

Voice Vote: 7– Yes, 1 – Abstained (Cicioni). Motion carried.

RECOMMENDED to COUNCIL FOR APPROVAL.

2. RZN: Ruth's Chris

A request by Ruth's Chris to rezone 3529 S. Pinnacle Hills Parkway from C2-CU (Highway Commercial, Condominium Use) to the U-COR (Uptown Core Mixed Use) zoning district.

Planner Nicholas Little stated this site is at the intersection of W. JB Hunt Drive and S. Pinnacle Hills Parkway. Upon review staff found that the subject property is specifically designated for U-COR zoning within the Uptown Regional Center growth designation. Staff recommends approval of the request.

Daniel Ellis, Crafton Tull, represented the request.

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

Motion by Samuels, Second by McClure, to recommend the rezone request to City Council for approval.

Voice Vote: Unanimous. Motion carried.

RECOMMENDED to COUNCIL FOR APPROVAL.

3. CUP: Pitchmarks Golf Lounge

A request by Pitchmarks Golf Lounge to allow the use "Commercial Assembly, Recreation & Entertainment" at 1904 W. Pleasant Grove Road in the C-2 (Highway Commercial) zoning district.

Staff noted that the applicant had withdrawn the request.

Motion by McClure, Second by Cicioni, to withdraw the Conditional Use request.

Voice Vote: Unanimous. Motion carried.

WITHDRAWN.

4. CUP: InSight Peer Support

A request by Ashley LaHue for InSight Peer Support to allow the use “Group Residential” at 3311 W. Pawnee Road in the R-SF (Residential Single Family) zoning district.

5. CUP: InSight Peer Support

A request by Ashley LaHue for InSight Peer Support to allow the use “Group Residential” at 3302 W. Seneca Road in the R-SF (Residential Single Family) zoning district.

Chairman Schmelzle asked for a motion to combine items four and five under the public hearings.

Motion by McClure, Second by Andrade, to combine items four and five under public hearings.

Voice Vote: Unanimous. Motion carried.

APPROVED.

Planner Zachery Birdsong stated the proposed site is located in west Rogers just east of S. Osage Road and north of W. New Hope Road. The applicants request is to allow Group Residential as a conditional use at this location. The proposed use is conditional within Residential Single-Family zoning and Residential Single-Family is allowed within the Neighborhood growth designation. There are some additional criteria to evaluate the compatibility of Group Residential use as stated in its definition. The additional criteria state that Group Residential is generally appropriate in locations that are suitable for multifamily residential connected by streets classified as a collector or above accessible to public or commercial services or in higher intensity growth designations. This location would not generally be deemed as suitable for multifamily use. It is abutting single family residential on all sides and is located in the middle of a suburban local street. West Pawnee is also a minor street which is a lower classification than a collector. The site is nearly half a mile north of a neighborhood center with not many multimodal options for transportation to those served. Also, not any services adjacent to the property. The proposed location is also within the neighborhood growth designation. This is our lowest intensity growth designation. Based off the evaluative criteria of the Group Residential use definition this location does not seem compatible with the surroundings for the proposed use. Approval of this request would set a precedent contrary to the land use plan. The proposal does not include any additional building area zoning requirements can be met however, it is required that one parking space be provided for each sleeping accommodation. If this request is approved, Staff recommends that approval be contingent upon providing a parking plan subject to the approval by the City Engineer. There are no identified ingress egress traffic hazards at this location. Staff has received multiple calls and emails from nearby residents voicing their opposition to this request. Today, staff received a petition containing 98 signatures from surrounding residents opposing this

request. Staff has received no correspondence from anyone in support of the proposal. Our recommendation is to deny or to refer to committee and for the sake of brevity, the adjacent property on W. Seneca Road to the northeast, staff's considerations are the same except for location.

Will Kellstrom, represented the request on behalf of the applicant, Ashley LaHue. Kellstrom said that the funds for the operation are being funded by AORP (Arkansas Opioid Recovery Partnership). The program has a series of requirements that the applicant will have to follow in order to get and keep funding. He lists the four factors staff and Commissioners are supposed to consider and states the code says "or" it doesn't say "and", it can have any one of them or all. Kellstrom explains why they believe this site is a good location for the proposed use. A problem that comes up with group homes is parking, it's always going to be a concern when you have homes that are built for four or five people, and there's going to be 10 people living in it. The staff report says that the permit should be conditional on a parking plan, which should not be an issue. The total of these two lots is 1.65 acres and 20 cars can easily be parked on 1.65 acres. In fact, with the size of these backyards, that there's enough room to park the cars behind the houses, or in other words in a way where they are not visible. He states they should not be considering the people who are going to be living there and that this is a land use question.

Ashley LaHue gives background information about herself and the proposed operation.

Senior Staff Attorney John Pesek addressed the audience about some of the issues before public comments started. He stated people recovering from addiction are recognized as disabled under the Americans with Disabilities Act and the Fair Housing Act. The Commission will not be entertaining any comments indicating a prejudice, any fears about people who are recognized as disabled, any stereotypes from that addiction, and unsubstantiated assumptions. This is not meant to limit comments from the public but for the audience to know that those things would not be considered by the Commission.

The Chairman opened the public hearing for comments.

- Kristie Gregory – owns the property at 3302 W. Seneca Rd. that is being discussed. She states that the driveway could comfortably fit four vehicles and the shop building in the rear could hold two or three more vehicles.
- Chris Jones – is an Executive Board member for Pearl Recovery and committee member that oversee the two homes that are operating in Rogers. He states that they have operated successfully and have not had any issues to his knowledge.
- Rachel Szabo – owns the property at 3311 W. Pawnee Rd. stated that there is enough space for parking in the front and in the shop in the rear of the house.

The following gave their testimony and advocated for the proposed program.

- Kyra Moss, Shelley Abbott, Julio Garcia, Amber Barrett, Trisha Sanders, and Derek Holmes.

- Myron Burke – against the request and does not believe this site is an appropriate location for the proposed use.
- Glen Kelley – attorney in Rogers and is representing approximately 17 households on the two streets in question and other property owners in that area. There was a petition in opposition to the request that was submitted to the commission that morning. They believe the request is inconsistent with the City Code 14-695. There is not enough room on the existing streets in the neighborhood to handle day to day non-commercial traffic, they are not conducive to any additional traffic. The streets have no curbs, gutters, storm drainage, sidewalks, street lights, or on street parking. The group of residents that he represents requests that the Commission adhere to it's previous rulings in these types of situations and deny the request.
- Tom Cane – stated that a site with 10 cars would look like a car lot and this is not an appropriate location.
- Ron Golie – states there are better sites for this type of use and approving the request would open doors to similar requests.
- Danielle Shaw – against the request.
- Carole Baker – stated the large lots in the neighborhood are on narrow dead-end streets supported by septic systems. The use in the neighborhood does not support transitional housing.
- Tricia Davis – against the request.
- Betty Evans – against the request and doesn't believe this is an appropriate location for the request.

The public hearing was declared closed.

Pesek clarified that under Conditional Use Permits in Section 14-723 there are four factors to consider for a Conditional Use Permit and all four must be met.

Kellstrom said the overwhelming likelihood is that there probably will not be 20 cars there at all times, a lot of the people don't have money for cars. Ashley emphasized that each house will be staffed with two people who will mitigate and coordinate all transportation. It is their goal to help these people clean their record to get a driver's license, purchase a vehicle, and by that time they are well on their way to get their own plan.

Community Development Director John McCurdy also commented about the parking. McCurdy stated that the staff report is simply saying that if this is approved that the approval would be contingent upon the approval of a parking plan. There are any number of ways that we can approve a parking plan and we have administrative authority to waive parking requirements. There is no future for this site to have parking lots poured behind or in front of these homes. We know from experience that group housing tends to have only a few cars at them. He apologizes for not being clearer in the staff report that we don't see this as a as a decisive element in deciding whether or not to approve the request.

Cicioni asked staff if there were any active Conditional Use permits or business licenses on either of the two streets. McCurdy stated we would have to look into each individual parcel.

Commissioners discussed the request.

Motion by McClure, Second by Myers, to deny the Conditional Use requests for items four and five.

Voice Vote: Unanimous. Motion carried.

DENIED.

OLD BUSINESS

NEW BUSINESS

COMMISSIONERS' FINAL COMMENTS

The Vice Chairman polled Commissioners for comments.

ADJOURN

There being no further business, the Vice Chairman adjourned the meeting at 6:49 p.m.

ATTEST:

APPROVED:

Jorge Andrade, Secretary

John Schmelzle, Chairman