



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 December 5, 2023 at 5:31 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, Derek Burnett, Hannah Cicioni, Steve Lane, Ed McClure, Mandel Samuels, and John Schmelzle.

ACTION ON MINUTES

Motion by McClure, Second by Andrade, to approve the November 21, 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 UDC. McCurdy stated there will also be two committees formed to review the proposed historic neighborhood overlay in downtown and the landscaping standards. He also noted that a city planner, Joe Rexwinkle, has been hired.

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.

CONSENT AGENDA

1. LSDP: Spivey Martial Arts

A proposal for a 5,600-sf building to allow Personal Improvement and Instructional Services at 1705 W. Commerce Drive in the C-2 (Highway Commercial) zoning district.

Motion by McClure, Second by Cicioni, to approve the Consent Agenda.

Voice Vote: Unanimous – Yes. Motion carried.

APPROVED.

PUBLIC HEARINGS

1. RZN: The Village at Pinnacle Hills

A request by The Village at Pinnacle Hills to rezone 20.59 acres south of W. Perry Road & north of W. Ajax Avenue from the RMF-8A & C-2 (Residential Multifamily, 8 units per acre, ownership & Highway Commercial) zoning districts to the RMF8A-CU & C2-CU (Residential Multifamily, 8 units per acre, ownership with Condominium Use & Highway Commercial with Condominium Use) zoning districts.

Planner Zachery Birdsong noted the site is located in southwest Rogers near the southeast intersection of S. Bellview Road and W. Perry Road. This site had a rezone DCP that was approved by Planning Commission in January of last year. The large-scale development plans were then approved by Planning Commission in November of last year. The applicant is requesting to rezone from Residential Multifamily and Highway Commercial to Residential Multifamily Highway Commercial and the Condominium Unit district. This request is solely to add the Condominium Unit district to the pre-approved rezone and Density Concepts Plan. The Condominium Unit district is established to allow multiple ownership of a building and or property utilizing the zero-lot line concept. Combinations with the Condominium Unit district shall be located in areas where adequate facilities either exist or will be proposed with the development and where the proposal is compatible with the surrounding environment. The request is in line with the Comprehensive Growth Map the CU district can be used in combination with any zoning district. Adequate facilities will be provided in conjunction with the development. Prior approval of the Density Concept Plan has already deemed the proposal as suitable with the surrounding context. The applicant is requesting to add the Condominium Unit districts to the pre-approved zones and Density Concept Plan in order to allow for the subdivision of land. Staff did receive an inquiry from an adjacent property owner who voiced concerns over the request. Staff is recommending approval.

Taylor Lindley, with Crafton Tull, represented the request. Lindley stated they are trying to subdivide the attached units to sell to multiple owners. There has been no change with the original intent of the design and project.

McCurdy stated that the request is a technicality and nothing is changing. There has already been an approved DCP that has been reviewed and is in compliance. After the DCP was approved the applicant decided they wanted to subdivide the land within the single site development which is the reason for requesting the CU district. The only thing different would be that some people will be able to own units instead of renting. Schmelzle asked if this would create legal lots like a plat. McCurdy answered yes and the next step would be for the applicant submit a plat and once accepted they would have to file it with the County.

The Chairman opened the public hearing for comments.

- Steve Brooks, representative for the applicant- had questions about creating legal lots and the end product after the process is a something they can present to their constituent's lender title and ensure they have a document that supports these as being legal lots.

McCurdy stated there's a section of code in Chapter 14 that lists all the plat requirements and we typically receive plats that are in accordance with that section of the code that we sign off on. Once the process is through, it establishes the child lots the applicant is trying to do and if they want to do something other than a final plat, it's up to them.

- Michael Mattox- asked if there will be additional dwellings or if it will stay the same.

McCurdy stated that everything that was previously approved in the DCP is still approved and nothing else beyond that is approved. Mattox asked if the completion date is still the same. Schmelzle stated they applicant typically has one year from approval of the large scale to apply for the building permit.

- A member from the audience voiced their concern but did not approach the podium.

The public hearing was declared closed.

Lindley stated the intention is for all the units to be individually sold and there was a misunderstanding of the original request. When it came to the subdivision of the land is when they realized the CU designation was required as well.

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

Voice Vote: Unanimous. *Motion carried.*

RECOMMENDED to COUNCIL FOR APPROVAL.

OLD BUSINESS

NEW BUSINESS

1. WAIVER: NWA Towing & Recovery

A request by NWA Towing and Recovery to waive the requirement for paved parking and allow a gravel lot for vehicle storage at 1300 W. Morsani Drive in the I-1 (Light Industrial, Overlay) zoning district.

Planning Administrator Kyle Belt stated there is not a representative presented because this is a staff-initiated waiver. Belt noted the waiver is to waive the requirement of Sec. 14-256(6) for pave parking and allow a gravel parking lot for vehicle storage for a tow yard. The site has been a tow yard since the 90's and the business license the applicant was seeking requires a use permit which is how this was brought to our attention. The use is allowed but as currently configured requires screening around the gravel parking lot which is already in place. Staff recommends approval.

Motion by McClure, Second by Samuels, to approve the waiver request.
Voice Vote: Unanimous. Motion carried.

APPROVED.

COMMISSIONERS' FINAL COMMENTS

The Vice Chairman polled Commissioners for comments.

ADJOURN

There being no further business, the Vice Chairman adjourned the meeting at 5:50 p.m.

ATTEST:

APPROVED:

Jorge Andrade, Secretary

John Schmelzle, Chairman