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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 April 2, 2024 at 5:30 P.M. The meeting was called to order by Chairman Ed McClure followed by the Pledge of Allegiance.

ROLL CALL

Commissioners attending: Jorge Andrade, Samantha Best, Derek Burnett, Hannah Cicioni, Steve Lane, Ed McClure, Mark Myers, Mandel Samuels, and John Schmelzle.

ACTION ON MINUTES

Motion by Samuels, Second by Lane, to approve the March 19, 2024, Planning Commission meeting minutes as presented.
Voice Vote: Unanimous – Yes. *Motion carried.*
APPROVED.

PUBLIC FORUM

REPORTS

DECLARATION OF ABSTENTION

McClure asked that any Commissioners needing to abstain on agenda items state so and not participate in discussion or vote on the item. Commissioner Cicioni abstained from the Elkhead rezone.

CONSENT AGENDA

PUBLIC HEARINGS

1. CUP: David Vega

A request by David Vega for a Conditional Use Permit to allow the use “Business & Professional Office” at 2305 S. Dixieland Rd in the N-R (Neighborhood Residential) zoning district.

Planner Christina Moore noted this site is located to the east of Rogers High School near the intersection of W. Perry Road and S. Dixieland Road. The applicant is requesting a CUP for a Business & Professional Office at the existing building. The proposed use is conditional in the NR zoning and the neighborhood growth designation allows NR per the CGM. The use would not set a precedence contrary to the city land use plan, zoning requirements can be met and there are no ingress or egress issues. There has been public input in opposition of this request. Staff recommends approval with the following condition that no expansion of the parking or building unless an amendment to the CUP.

David Vega represented the request and stated he has been doing this type of work for 12 years and doesn't expect to have a lot of traffic.

The Chairman opened the public hearing for comments.

- Teresa Merwin- against the request and doesn't believe the business is compatible with the surrounding area.

The public hearing was declared closed.

Samuels asked the applicant if the bail bond business is typically 24/7. Vega stated that if he gets called during the night he will meet the person at the jail rather than going to the office first. Whenever he meets someone at the office it is usually something minimal like making a payment or filling out paperwork.

Best and Myers discussed limiting the office hours.

Samuels asked about the signage he plans on installing. Vega said he will only do what is permitted by the code.

Motion by Myers, Second by Best, to approve the request with the following conditions: office hours be limited from 7:30 a.m. to 6 p.m. and no expansion to the building or parking lot without an amendment to the CUP and a large scale.
Roll Call: Unanimous – Yes. *Motion carried.*
APPROVED with CONDITIONS

2. RZN: Elkhead LLC

A request by Elkhead, LLC to rezone 921 S. 4th Street from the N-R (Neighborhood Residential) zoning district to the NBT (Neighborhood Transition) zoning district.

Planner Christina Moore noted this site is located at the northeast corner of S. 4^{th} Street & W. Willow Street. The property is currently zoned NR which is not an allowed zoning district per the Regional Center growth map but the requested NBT zoning is. Staff recommends the rezone request go to City Council for approval.

Catelyn Gibbs represented the request and was there to answer any questions the commission or public may have.

The Chairman opened the public hearing for comments.

- Jodie Kelley- believes this should be postponed until the new code is in place instead of allowing the NBT regulations to be grandfathered.

- Jeff Tyson- against the rezone request and would like more information about what the plans are for the site.

The public hearing was declared closed.

Samuels pointed out that the commission is only considering the rezone request. The applicant is not required to provide at this stage what they intend to do on the property that would come at a later time.

Myers noted that once the new code is in place it will apply to the whole city, including this site. Unless the applicant gets something built before the new code, then it would not be grandfathered and the new zoning would apply.

Motion by Myers, Second by Best, to recommend the rezone request to City Council for approval. Roll Call: 8 – Yes, 1 – Abstained (Cicioni). *Motion carried.*
RECOMMENDED

CALL FOR RECESS
The regular session recessed at 5:47 p.m. for the following meetings:
- Zoning Review Committee
- Board of Adjustment

CALL TO ORDER
The meeting was called back to order at 6:03 p.m.

OLD BUSINESS
1. RZN/DCP: The Hamilton
A request by The Hamilton to rezone 4451 & 4453 S. Dixieland Road from the C2-CU & RO-CU (Highway Commercial with Condominium Use & Residential Office with Condominium Use) zoning districts to the RMF-32.5 (Residential Multifamily, 32.5 units per acre) zoning district with a Density Concept Plan. (Tabled at 2/20/24 meeting)

McClure stated that this item will be removed from the agenda to be set to be heard on the May 21, 2024 Planning Commission meeting.

NEW BUSINESS
1. VAR: The Pointe at Rogers
A request by The Pointe at Rogers to allow Rogers Planning Staff to extend the approval of the LSDP at ±67.17 acres Near the intersection of S. Champions Drive and W. Pleasant Grove Road in the C-3 (neighborhood commercial) zoning district. (Tabled at 3/5/24 meeting).

Bill Watkins represented the request and provided some background information on the project. Watkins explained that his clients large-scale expired the day before they requested a building permit, despite spending over $1 million on design and upsizing the sewer. His client was constructed to resubmit the same plan but staff could not grant an extension because the large-scale no longer complied with the code. Watkins stated that at the meeting his client had with staff, they were told that the law had not changed but the interpretation of the law had changed. The staff report states that the problems staff has with the interpretation of the code as it's now presented had to do with connectivity and whether the current design, which was previously approved, conforms with the connectivity ordinance. Watkins argues that the developer should be granted an extension without reinterpreting the code, citing reliance on previous advice and the lack of changes facts on the ground.

Community Development Director John McCurdy presented the staff report. McCurdy explains that the code requires large-scale development to start within one year, with no provision for extension. Presumably, the purpose of that one-year limit is because facts on the ground do change and rules do change. One key thing about this site is that this is adjacent to two pieces of Cave Springs. Last week, City Council of Rogers & Cave Springs both agreed to a land swap. This was a factor that staff was looking to extend the Rogers street grid basically into Cave Springs which we now know is going to become Rogers.

McCurdy emphasizes the importance of following code requirements for street design in the renewal of a large-scale development. McCurdy gives further information about the timeline. The developer was informed that the approval for the project was valid for one year from the approval date and if construction did not start by December 20, 2022, the project must be resubmitted. The Commission has the authority to approve the large-scale development and if they're okay with it then they can approve it. If they think the connectivity is important, particularly with respect to the new parts of Rogers, that are currently Cave Springs, then staff should have another look at it.

Commissioners, staff and Watkins further discuss the street grid and connectivity issues.

Myers proposes a two-week recess to address connectivity issues with the goal of finding a "ballpark idea" of how to tie in the southern end of the development.

Motion by Myers, Second by, to table the request until the 4/16/24 Planning Commission meeting.
Roll Call: Unanimous. *Motion carried.*
TABLED

3. LSDP: Vin Hotel

A proposal to construct a 53,137 sq. ft. hotel at 5501 W. Northgate Road in the U-COM & U-NBT (Uptown Commercial Mixed Use & Uptown Neighborhood Transition) zoning districts.

McCurdy stated that the variance request for this large-scale was denied so there is nothing to approve given that they're going to have to have a new set of plans with a wall.

COMMISSIONERS' FINAL COMMENTS

ADJOURN

There being no further business, the Chairman adjourned the meeting at 6:54 p.m.

ATTEST: **APPROVED:**

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Samantha Best, Secretary Ed McClure, Chairman