



COMMUNITY DEVELOPMENT  
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## ROGERS PLANNING COMMISSION MINUTES

The Rogers Planning Commission met for an online public meeting on January 5, 2021 at 5:00 P.M. The meeting was called to order by Chairman Eriks Zvers.

### ROLL CALL

Commissioners Eriks Zvers, Rachel Crawford, Dennis Ferguson, Kevin Jensen, Mark Myers, Mandel Samuels, John Schmelzle, and Don Spann were present.

### ACTION ON MINUTES

Zvers entertained a motion to approve the December 15, 2020 Planning Commission meeting minutes as presented.

Motion by Jensen, Second by Crawford.

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

**Approved.**

### REPORTS FROM STAFF

City Planner Ethan Hunter provided details on participation instructions for those in the audience.

### REPORTS FROM BOARDS AND COMMITTEES

#### **PLANS & POLICIES COMMITTEE —**

Jensen reported that two items were reviewed by the committee:

1. **RZN/DCP: Dixieland Apartments**

This item was recommended for approval.

2. **RZN/DCP: Pinnacle Hills Active Living**

This item was recommended for tabling due to large-scale issues that needed to be resolved before the committee could make a decision for approval.

#### **DEVELOPMENT REVIEW COMMITTEE —**

Samuels reported that two items were reviewed by the committee:

1. **Preliminary Plat: Blue Springs Subdivision**

This item was recommended for Commission approval with the following actions:

1. Approve VARIANCE from Sec. 14-702(d)(3) to allow 91.16' minimum lot depth for Lot 2, instead of the required 100'.

2. **LSDP: Village on Maple Townhomes**

This item was recommended for Commission approval with the following actions:

1. Approve VARIANCE from Sec. 14-732(4.5)(b)(i) to increase the front build-to-zone to 0' to 25'.
2. Approve VARIANCE from Sec. 14.732(4.5)(c)(i) from the requirement to provide a minimum 12' tall first floor and 9' tall upper floors.
3. Consider VARIANCE from Sec. 14-732(5.3)(A)(iii) from the requirement to meet the minimum façade transparency requirements for both the first and second floors.
4. Deny VARIANCE from Sec. 14-732(7.3) from the requirement to provide private open space in accordance with the standard palette.
5. Deny WAIVER of the Drainage Criteria Manual allowing the 6" HDPE pipe.

Due to time, the other three items on the committee agenda did not receive recommendations and would be discussed by the full commission as New Business.

**CONSENT AGENDA**

**OLD BUSINESS**

1. **CUP: Venture Park Storage**

**A request for a Conditional Use Permit to allow the uses "Warehousing and Storage" and "Vehicle Storage" at 5801 & 5987 W. Venture Park Blvd. in the C-2 (Highway Commercial) zoning district.**

Zvers introduced the item and requested a staff report.

Hunter provided a staff report with recommended actions.

Zvers asked if the applicant representative, Nate Bachelor was available, and Bachelor advocated for the Conditional Use Permit on behalf of his client and offered his availability for any questions.

Zvers asked if there were questions or comments or commissioners.

Schmelzle cited a previous storage facility Conditional Use request that had the same issues with not fitting into the zoning.

Bachelor introduced Dave Burris, who further elaborated on the design aspects and orientation of the proposed facility.

Jensen commented that the use made sense to him and he was not concerned with screening and that buffers and land space were good. Zvers agreed.

Myers asked how far the storage buildings would be set back and Burris provided them with the information and a site plan.

Commissioners further discussed acreage being used for storage with Burris and Burris stated that the Eastern 7 acres of this 10 acre tract of land would be used for storage buildings and the remaining three would not.

Zvers expressed concerns over connectivity due to fencing. Burris addressed his concerns on behalf of his clients and also discussed screening with the commissioners.

Jensen requested that there be clarity that the Eastern 7 acres of this tract would be used for storage and Burris confirmed this.

Myers asked if the screening could be pushed to large scale and Hunter stated that anything beyond what would be required by the underlying zoning district needed to be included at this time as a condition.

Myers stated that he found the request appropriate and saw a need, but that he'd like to see the trees slightly closer.

Crawford voiced opposition and pointed out that this may not be the best use at this location. She also voiced concerns regarding the aesthetics of this request.

Bachelor addressed Crawford's concern regarding aesthetics and stated that this would be 700 feet off from the street. Crawford continued to voice opposition based on how prior Conditional Use Permits have been handled.

Burris further advocated on behalf of the applicant.

Ferguson stated that he believed that this was a reasonable request and that the Commission should use good judgment and utilize the Commission's authority as available as he believed this was a justifiable instance.

Zvers entertained a motion for action on this item.

Motion by Jensen, second by Spann, to approve the request subject to the Conditional Use Permit only applying to the Eastern Seven acres and that screening would be provided as shown on the Conditional Use Permit request submission.

Roll Call Vote: YES – Ferguson, Jensen, Samuels, Schmelzle, Spann. NO – Crawford, Zvers. Disqualified - Myers. **Motion carried.**  
**Approved.**

**2. RZN/DCP: Dixieland Apartments**

**A request to rezone 12.44 ± acres at 2002 S. Dixieland Road from C-3 (Neighborhood Commercial) to the C-3 (Neighborhood Commercial) zoning district with acceptance of a Density Concept Plan.**

Zvers introduced the item and requested a staff report.

Hunter provided a staff report with recommended actions.

Zvers noted that this item was discussed in committee and it came out with a recommendation for approval. He also noted that the Commission had received Public Input on this item and that had been reviewed.

Zvers asked if the applicant representative, Bill Watkins was available, and Watkins explained that he was available to answer any questions. There were no questions.

Zvers entertained a motion for action on this item.

Motion by Jensen, Second by Spann to approve as presented.

Roll Call Vote: YES –Ferguson, Jensen, Samuels, Schmelzle, Spann, Zvers. NO – Myers, Crawford.

***Motion carried.***

**Recommended for City Council approval.**

## **PUBLIC HEARINGS**

### **1. RZN: Read Romans 12, LLC**

**A request to rezone 1.48 ± acres at 2510 & 2512 W. Hudson Road from I-2 (Heavy Industrial) to the C-4 (Open Display Commercial) zoning district.**

Zvers introduced the item and requested a staff report.

Hunter provided a staff report with recommended actions.

Zvers asked if the applicant representative, Bill Watkins was available, and Watkins stated that he agreed with the staff report and would be available to answer any questions.

Zvers opened the public hearing for comments. A citizen residing near the subject property named Richard McKeehan attempted to voice concerns regarding a previous item and Zvers explained that said item was not up for a public hearing as it had already been discussed during two previous public hearings. There were no other comments from the public. The public hearing was declared closed.

Zvers entertained a motion.

Motion by Myers, Second by Crawford to approve as presented.

Roll Call Vote: YES – Unanimous. ***Motion carried.***

**Recommended for City Council approval.**

### **2. RZN/DCP: Pinnacle Hills Active Living**

**A request to rezone 9.04 ± acres at the NW corner of W. Pleasant Grove Road and S. Champions Drive from C-3 (Neighborhood Commercial) to the C-3 (Neighborhood Commercial) zoning district with acceptance of a Density Concept Plan.**

Zvers introduced the item and requested a staff report.

Hunter provided a staff report with recommended actions.

Zvers asked if the applicant representatives, Michael Clotfelter and Todd Butler were available to address any questions or comments or if they had any comments and they stated that they did not at this time.

Zvers opened the public hearing for comments. There were no comments. The public hearing was closed.

Zvers stated that this came out of Committee with a recommendation to table this item to address necessary changes that needed to be made to the Density Concept Plan before the Commission could take further action on the item.

Zvers entertained a motion.

Motion by Jensen, Second by Myers, to table the request.

Roll Call Vote: YES – Unanimous. **Motion carried.**

**Tabled**

**3. ALT SIGN: Rendezvous Junction**

**A request by Rendezvous Junction to consider an Alternative Sign request at 2225 S. Bellview Road in the U-COM (Uptown Commercial Mixed Use) zoning district.**

Zvers introduced the item and requested a staff report.

Hunter provided a staff report with recommended actions.

Zvers asked if the applicant representative, Mike Jones was available to address any questions or comments or they had any comments and they stated that they did not at this time.

Jones stated that he agreed with the staff report and advocated on behalf of his client and explained that due to the building owner's constraints, this was the only place a sign could be located and further explained future plans for an additional building that would then utilize this sign and create a patio and an entrance way.

Jensen asked if this was the only entrance path into the business and Jones confirmed that it was due to the entrance being located on the back-side of the building.

Jensen also requested clarity as to whether additional renderings included in the submitted packet were being requested at this time and Jones and Hunter clarified that the other signs would not be included in this request.

Zvers asked if there were additional comments from commissioners. There were none.

Zvers opened the public hearing for comments. There were no comments. The public hearing was closed.

Zvers entertained a motion.

Motion by Jensen, Second by Myers to approve as presented.

Roll Call Vote: YES – Unanimous. **Motion carried.**

**Approved.**

**NEW BUSINESS**

**1. Preliminary Plat: Blue Springs Subdivision**

A request to approve the Preliminary Plat for a new 20-lot subdivision located on 4.79 ± acres at S. 23<sup>rd</sup> Street and W. Seminole Drive in the N-R (Neighborhood Residential) zoning district.

Zvers noted that the item came out of committee with a unanimous recommendation for approval and entertained a final motion.

Motion by Samuels, second by Jensen, to approve the request as presented subject to the following actions:

1. Approve VARIANCE from Sec. 14-702(d)(3) to allow 91.16' minimum lot depth for Lot 2, instead of the required 100'.

Roll Call Vote: YES – Unanimous. **Motion carried.**  
**Approved.**

**2. LSDP: Village on Maple Townhomes**

A request to allow the construction of a 24-unit townhouse development and paved parking lot on 1.53 ± acres at 2251-2323 W. Maple Street in the U-NBT (Uptown Neighborhood Transition) zoning district.

Zvers noted that the item came out of committee with a unanimous recommendation for approval and entertained a final motion.

Motion by Samuels, second by Jensen, to approve the request as presented subject to the following actions:

1. Approve VARIANCE from Sec. 14-732(4.5)(b)(i) to increase the front build-to-zone to 0' to 25'.
2. Approve VARIANCE from Sec. 14.732(4.5)(c)(i) from the requirement to provide a minimum 12' tall first floor and 9' tall upper floors.
3. Consider VARIANCE from Sec. 14-732(5.3)(A)(iii) from the requirement to meet the minimum façade transparency requirements for both the first and second floors.
4. Deny VARIANCE from Sec. 14-732(7.3) from the requirement to provide private open space in accordance with the standard palette.
5. Deny WAIVER of the Drainage Criteria Manual allowing the 6" HDPE pipe.

Roll Call Vote: YES – Unanimous. **Motion carried.**  
**Approved.**

**3. LSDP: Price Lane Office**

A request to allow the construction of a 10,200-SF building and paved parking lot on 1.08 ± acres at 801 S. Price Lane in the C-4 (Open Display Commercial) zoning district.

Zvers introduced the item and requested a staff report.

Hunter provided a staff report with recommended actions.

Zvers asked if the applicant representative, Bachelor, was available, and Bachelor confirmed this and advocated on behalf of his client as to why the variances and waivers presented were requested.

Zvers asked if there were any comments from Commissioners. There were no comments.

Motion by Myers, second by Jensen, to approve the request as presented subject to the following actions:

1. Approve WAIVER from Sec. 14-260(f) allowing the driveway to be placed where it is proposed.
2. Approve WAIVER of Section 14-608 from requiring a 10-ft sidepath and 6-ft greenspace.
3. Deny WAIVER of Section 14-608 from requiring street trees.

Roll Call Vote: YES – Unanimous. **Motion carried.**  
**Approved.**

**4. LSDP: Mt. Hebron Park**

A request to allow the construction of a public park on 80.65± acres on S. Mt. Hebron Road in the A-1 (Agricultural) zoning district.

Zvers introduced the item and requested a staff report.

Hunter provided a staff report with recommended actions.

Chris Brackett, was available to answer questions regarding this project.

Commissioners Myers and Crawford voiced support and there were no other comments.

Motion by Crawford, second by Ferguson, to approve the request as presented.

Roll Call Vote: YES – Crawford, Ferguson, Jensen, Myers, Samuels, Schmelzle, Spann. ABSTAIN - Zvers.  
**Motion carried.**  
**Approved.**

**5. LSDP Variance: Heritage Ballfields Netting Fence**

A request for a setback reduction variance to allow a 40' tall netting fence structure related to the previously approved development at 1500 S. 6<sup>th</sup> Street in the C-2 (Highway Commercial) and Overlay zoning districts.

Zvers introduced the item and requested a staff report.

Hunter provided a staff report with background on the main project that this item was tied to and staff recommendations.

Zvers asked if there were any comments from Commissioners.

Samuels asked the applicant representative, Jeff Bresee, if they had worked with City staff regarding the trees in the subject location. Bresee provided an explanation of where the trees were located and where the proposed netting would be installed, but that he did not believe anything beyond routine maintenance would be necessary to maintain the integrity of the existing landscaping features including the trees.

Myers commented that this was an absolute need.

Zvers asked if there were any further comments or questions from commissioners and there were none.

Zvers entertained a motion.

Motion by Myers, second by Spann, to approve the request as presented:

1. A VARIANCE from Sec. 14-285(2) to allow a setback reduction from 75' to approximately 22' for the proposed netting fence as presented.

Roll Call Vote: YES – Unanimous. **Motion carried.**  
**Approved.**

**6. Re-Application Request for The One Twenty at Dixieland**

A request to allow a previously denied rezone application to be re-submitted in accordance with Sec. 14-729(e) of the City Code of Ordinances.

Zvers introduced the item and requested elaboration on this request from Hunter.

Hunter explained that there was not a formal staff report associated with this beyond the applicant's request letter. He then cited and explained that Section 14-729(e) of the Municipal Code provided the applicant with the option to request that the Planning Commission reconsider hearing a previously denied item that would normally be required to wait 1 year to be resubmitted. Hunter then deferred to the applicant to explain their request.

Zvers asked if the applicant representative, Geoff Bates was available and Mr. Bates stated that he was and explained that the site plan and other relevant and applicable new information was available and that he believed it met the intent of the Municipal Code to allow the applicant to resubmit based on Section 14-729(e).

There was discussion by the commissioners regarding the history of the previous denial and commissioners agreed that this method was the only request that could be made for this item to be reheard within then 1 year time period.

Motion by Jensen, second by Myers, to accept the request for this item to be reconsidered by the Planning Commission.

Roll Call Vote: YES – Unanimous. **Motion carried.**  
**Approved.**

**7. Election of 2021 Officers and Committee Assignments**

The election of new Planning Commission Officers and Committee Assignments for 2021.

Zvers introduced the item and requested a staff report.

Hunter provided a staff report with suggested Officers and Committee assignments.



**2021 Planning Commission Officers:**

Chair – Mandel Samuels

Vice Chair – Rachel Crawford

Secretary – John Schmelzle

**2021 Plans & Policies Committee Assignments:**

Chair – Mandel Samuels

John Schmelzle

Don Spann

Eriks Zvers

**2021 Development Review Committee Assignments:**

Chair – Rachel Crawford

Dennis Ferguson

Kevin Jensen

Mark Myers

Zvers entertained a motion.

Motion by Myers, second by Ferguson, to accept as presented.

Roll Call Vote: YES – Unanimous. **Motion carried.**

**Approved.**

There being no further business, Zvers adjourned the meeting at 5:57 p.m.

**ATTEST:**

**APPROVED:**

DocuSigned by:  
*John Schmelzle*  
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John Shmelzle, Secretary

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*Mandel G Samuels*  
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Mandel Samuels, Chairman