

MINUTES

The **Rogers Planning Commission** met for a *regular session* in the Council Chambers of the Maurice H. Kolman Building on March 17, 2020 at 5:00 P.M. The meeting was called to order by Chairman Eriks Zvers. Those in attendance were led in the Pledge of Allegiance.

MEMBERS PRESENT:

In addition to Chairman Eriks Zvers, Commissioners Rachel Crawford, Dennis Ferguson, Kevin Jensen, Tony Noblin, Mandel Samuels, John Schmelzle, and Don Spann. Commissioner Mark Myers did not attend.

OTHER OFFICIALS PRESENT:

Community Development Director John McCurdy, City Engineer Lance Jobe, Planning Administrator Lori Ericson, City Planner Ethan Hunter, Planning Tech Gloria Garcia, Staff Attorney John Pesek, and Deputy Fire Chief B.J. Hyde.

ACTION ON MINUTES:

Motion by Jensen, second by Spann to approve the minutes of the March 3, 2020 as presented. Voice vote: Unanimous - Yes. ***Motion carried.***

APPROVED

PUBLIC COMMENT PERIOD:

Zvers asked if there were any public comments on items not on the agenda. There were none.

REPORTS FROM STAFF:

Staff reported that Myers was unable to attend the meeting due to a medical aircraft delivery and suggested that the Commission vote to excuse his absence.

Motion by Jensen, second by Spann to excuse Myers's absence.

Voice vote: Unanimous – Yes. ***Motion carried.***

APPROVED

REPORTS OF BOARDS AND STANDING COMMITTEES:

DEVELOPMENT REVIEW COMMITTEE —

None.

PLANS & POLICIES COMMITTEE —

None.

CONSENT AGENDA:

OLD BUSINESS:

PUBLIC HEARINGS:

- 1. A request by Byron Copeland to rezone 612 W. Pine Street from the NR (Neighborhood Residential) to the NBT (Neighborhood Transition) zoning district. (WITHDRAWN BY APPLICANT)**
- 2. A request by Alfredo Reyes to rezone 1104 N. 2nd Street from I-1 (Light Industrial) to the C-4 (Open Display Commercial) zoning district.**

Alfredo Reyes represented the request. Staff stated that this request is consistent with the Comprehensive Growth Map, as C-4 is one of the allowed zoning districts for the Employment Center Growth Designation. Staff recommends approval of the request.

Chairman Zvers asked if anyone in the audience wanted to speak in favor or opposed to the request.

There were none.

The public hearing was declared closed.

Motion by Schmelzle, second by Jensen to recommend rezone for City Council as presented.

Roll Call: Unanimous *Motion carried*

APPROVED

- 3. A request by Roo's World for a Conditional Use to allow a daycare at 905 S. 13th St. in the NR (Neighborhood Residential) zoning district.**

Staff stated that the next request is for childcare at a church location which technically requires a Conditional Use Permit, however staff sees this as an auxiliary use that's secondary to the primary use of being a church. Staff said that if there's no objection from the commission, staff is comfortable considering this by policy to be an auxiliary use at a church and would not require a CUP going forward.

Jensen asked what if a church then wants to open a school. Staff stated that would probably be a higher intensity and hadn't discussed if that would also be an auxiliary use. Staff stated the childcare definition is defined within the code. Staff stated that childcare is less intense than the primary use and is a directly related use.

Motion by Jensen, second by Schmelzle to allow staff to approve conditional uses for daycares by staff decision.

Voice Vote: Unanimous *Motion carried*

APPROVED

NEW BUSINESS:

- 1. Large-Scale Development, Hedberg Allergy Clinic, a 1,458-sf medical clinic proposed at 700 S. 52nd Street, a 0.83-acre lot in a mix of R-O (Residential Office) and C-2 (Highway Commercial) zoning districts.**

Charles Zardin represented the request. Staff stated that this request is to allow the construction of a building addition of 3,640-sf on 0.83± acres to a medical facility. The proposed development plans meet all City requirements except for the requested waivers/variances. Staff recommends approval of the request subject to the following actions:

- Approve waiver from Sec. 14-256(14)(D) for the requirement that no more than 25% of the total number of trees may be ornamental.
- Approve waiver from Sec. 14-256 from requiring street improvements and right-of-way dedication.

Jensen asked what the justification for the waiver on the number of trees being ornamental. Zvers states that the report says they are at 33% and the limit is 25%.

Motion by Spann, second by Jensen to approve the Large-Scale Development Plans as presented. Voice Vote: Unanimous ***Motion carried***

APPROVED

- 2. Large-Scale Development, Shadowbrooke at the Peaks, Phase III, a 54-unit multifamily development on 7.82 acres on W. Kilimanjaro Way and S. Everest Way in the RMF-9A (Residential Multifamily, 9 units per acres, with ownership) zoning district with an approved Density Concept Plan.**

Jake Chavis represented the request. Staff stated this request is to allow the construction of 70 multifamily dwelling units on 7.82± acres with a density of 9 units per acres. The proposed development plans meet all City requirements except for requested waivers/variances.

Community Development recommends approval of the request subject to the following actions:

- Approve variance to Sec. 14-703(f) to reduce the front setback from 30' to 25' for buildings addressed 2600 to 2607 W. Kilimanjaro Way.
- Approve condition that the North/South Street to become S. 27th Street. The East/West extension shall receive new name.

Motion by Jensen, second by Noblin to approve the Large-Scale Development Plans as presented with the stipulation that the question of the road names get worked out between the Fire Department and County Officials.

Voice Vote: Unanimous ***Motion carried***

APPROVED

3. APPEAL of Home Occupation Revocation by ARTX Grooming, 4511 W. Hillside Drive in the R-SF (Residential Single Family) zoning district.

Mark Shaffer and Charles Pearce represented the request. Shaffer stated that complaints about the disposal of gray water and commercial vehicles parked at his home led to the revocation of the home occupation permit for ARTX Grooming. Pearce and Shaffer state that all deficiencies that caused the revocation of the home occupation permit have been cured and ask the commission to grant the appeal.

Jensen asked if what the applicant says is true in terms of his mitigation efforts, how the revocation of the home occupation permit was reached. Staff Attorney John Pesek stated that he met with Code Enforcement Officer's and was told that the violations were still occurring at the time the letter was written, which is why he asked to revoke the home occupation permit. Pesek states that the commercial vehicles were used to make deliveries to the home which is not allowed, parcel posts or similar parcel services vehicles should be used to make deliveries to and from the premises. Pesek stated there was another issue about employees who don't live on the premises being on site.

Staff stated that the intent of home occupation permits, is to allow businesses to operate in a neighborhood in an invisible way, there shouldn't be any indication that a business is ongoing at that residence. Staff stated Community Development revoked the permit on the basis of violating the requirements for the home occupation permit, specifically Sections 14-736(b)(4)(7)(9)(11).

Jensen asked Shaffer how he proposes to run his business based on the comments made by staff. Shaffer said that everything is being handled offsite at the storage facility and no business is being handled at his residence.

Samuels asked if information about the vehicle having to be parked inside the garage was included in the home occupation permit at the time he signed it. Pesek stated that these requirements were listed in the home occupation permit that was signed. Shaffer stated that he did see those requirements and he specifically asked about the van being parked in the driveway because he already knew it was not going to fit in his garage. Shaffer stated that staff told him that would only become an issue if a formal complaint was filed and once he was aware a complaint was made, he immediately addressed it.

Schmelzle asked Shaffer if he would be able to conduct business at his residence under the guidelines staff pointed out, that nobody would know business was being conducted there. Shaffer answered yes.

Motion by Jensen, second by Schmelzle to grant the appeal of the home occupation revocation.
Roll Call: 4 yes, No- Samuels and Zvers **Motion carried**
DENIED

4. A request by Vinson Square for a variance to allow a monument sign at 210-216 E. Chestnut Street in the city's COR (Core Mixed Use) zoning district.

Shawn Dible represented the request. Staff stated that normally this request would be heard by the Board of Adjustment but because there are a couple members with fiduciary interests in this they cannot reach a quorum. Staff stated that the applicant is requesting a variance to our sign ordinance to allow a monument sign at 6' in height and 48 square feet in total sign area. Freestanding signs are not allowed in the COR zoning district because properties located in the Downtown Rogers Regional Center typically feature buildings that are built up to the property, leaving little to no room for a freestanding sign. However, due to the location of this sign and the fact that the building is deeply set back from the street, we recommend approval of the variance.

Spann asked if the location of the sign will have any effect on visibility of traffic entering or leaving the parking lot. Dible stated it would be set back far enough where it wouldn't block any visibility.

Motion by Jensen, second by Schmelzle to approve the request as presented.

Voice Vote: Unanimous *Motion carried*

APPROVED

There being no further business, Chairman Zvers adjourned the meeting at 5:44 p.m.

ATTEST:

APPROVED:

Rachel Crawford, Secretary

Eriks Zvers, Chairman