

## MINUTES

The **Rogers Planning Commission** met for a *session* on April 7, 2020 at 5:00 P.M. The meeting was called to order by Chairman Eriks Zvers.

### **MEMBERS PRESENT:**

In addition to Chairman Eriks Zvers, Commissioners Rachel Crawford, Dennis Ferguson, Kevin Jensen, Mark Myers, Tony Noblin, Mandel Samuels, John Schmelzle, and Don Spann.

### **OTHER OFFICIALS PRESENT:**

Community Development Director John McCurdy, City Engineer Lance Jobe, Planning Administrator Lori Ericson, City Planner Ethan Hunter, Planner III Beth Johnson, Planner I Chris Robinson, Planning Tech Gloria Garcia, Staff Attorney John Pesek, Deputy Fire Chief B.J. Hyde., and Mark Kruger.

### **ACTION ON MINUTES:**

Motion by Jensen, second by Ferguson to approve the minutes of the March 17, 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 gave a brief overview of the Zoom virtual meeting protocol.

### **REPORTS OF BOARDS AND STANDING COMMITTEES:**

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

None.

#### **PLANS & POLICIES COMMITTEE —**

None.

### **CONSENT AGENDA:**

### **OLD BUSINESS:**

### **PUBLIC HEARINGS:**

- 1. A request by Tim & Jeanette Janacek to consider a rezone of 1812 S. 26<sup>th</sup> Street from the A-1 (Agricultural) to the C-3 (Neighborhood Commercial) zoning district.**

Will Kellstrom represented the request. Staff stated the this request is consistent with the Comprehensive Growth Map, as C-3 is the allowed zoning district for the Neighborhood Center Growth Designation therefore Community Development recommends approval of the request.

Kellstrom stated that this site was in front of Planning Commission a month ago and commissioners suggested that the site be rezoned to C-3 to be consistent with the Comprehensive Growth Map and that's what they are asking for now.

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 Jensen, second by Myers, to recommend the rezone to City Council for approval as presented

Roll Call: Unanimous *Motion carried*

**APPROVED**

**2. A request by Silver Development Company to consider a change in the Density Concept Plan for 3.5 acres south of W. Broadway Place in The Grove Planned Unit Development, Phase 3, zoned R-DP (Residential Duplex Patio Home).**

Ryan Gill represented the request. Staff stated that this request is consistent with the Comprehensive Growth Map and the proposed Density Concept Plan supports the density requested. The subject property (and the RMF-25B property to the south) was rezoned with a DCP in early 2019; this request seeks to modify only the R-DP portion of the DCP along W. Broadway Place. The modifications include single-family lots instead of duplex lots, and variances from R-DP lot standards. This is only a rezone in that the underlying DCP is changing. Overall, the proposed DCP modification is consistent with other portions of the existing DCP, ensures compatibility with the surrounding development context, and does not negatively impact the capacity of the surrounding transportation network. Community Development recommends approval of this 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.

Jensen asked Gill if the change to the DCP was less dense than the original DCP. Gill stated that it is the same number of units and lots so it is the exact same density.

Motion by Jensen, second by Spann to accept the DCP and recommend to City Council for approval as presented.

Roll Call: Unanimous *Motion carried*

**APPROVED**

**3. A request by Whitwheel Properties, LLC to rezone 76 acres at S. Champions Drive and W. Pleasant Grove Road from R-SF (Residential Single Family) zoning to the C-3 (Neighborhood Commercial) zoning district.**

Daniel Ellis represented the request. Staff stated that the request is partially consistent with the Comprehensive Growth Map; the northern half is designated as Neighborhood Center, and the southern half is designate as Neighborhood. C-3 is an allowed zoning district only in the Neighborhood Center Growth Designation. An amendment to the Comprehensive Growth Map is necessary for C-3 to be appropriate for the entire proposed rezone area. Community Development recommends consideration of this request subject to the following actions:

1. Confirm whether the applicant intends to request an amendment to the CGM to expand the Neighborhood Center.
2. Amend the boundaries of the Neighborhood Center to include the entire proposed rezone area.

Ellis stated that his client would like to ask that the Comprehensive Growth Map be modified to be consistent with the rezone request that was submitted.

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

There were none. Zvers noted for the record that there were two emails sent on behalf of this request.

The public hearing was declared closed.

Motion by Myers, second by Jensen to amend the Comprehensive Growth Map to the southern boundary of this property.

Roll Call: 7 yes, Ferguson disqualified, Schmelzle abstained *Motion carried*

**APPROVED**

Motion by Jensen, second by Spann, to recommend the rezone to City Council for approval as presented.

Roll Call: 7 yes, Ferguson disqualified, Schmelzle abstained *Motion carried*

**APPROVED**

- 4. A request by Elkhead LLC to rezone 524 E. Pearl Street from the R-DP (Residential Duplex Patio Home) zoning district to the NBT (Neighborhood Transition) zoning district.**

Will Kellstrom represented the request. Staff stated that this request is consistent with the Comprehensive Growth Map, as NBT is the prescribed zoning district for this property in the Downtown Regional Center Zoning Plan. Community Development recommends approval of this request.

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

- Vincent & Regina Reynolds, 506 E. Pearl Street- would like to know what is planned to be put there and how it may affect there their property.

Staff explained the NBT zoning district to the speakers.

The public hearing was declared closed.

Kellstrom stated that the developer has not decided what will be built but they're getting it rezoned for a little bit more flexibility zoning wise.

Motion by Myers, second by Ferguson, to recommend the rezone to City Council for approval as presented

Roll Call: Unanimous *Motion carried*

**APPROVED**

- 5. A request by Tommy Burton to rezone 0.31 acres between S. 8<sup>th</sup> and S. 13<sup>th</sup> streets from C-2 (Highway Commercial) zoning to the R-O (Residential Office) zoning district.**

Withdrawn by applicant.

- 6. A request by Riggins Construction to rezone 17+ acres at the west end of Cottonwood Street from a mix of C-2 (Highway Commercial), A-1 (Agricultural) and N-R (Neighborhood Residential) zoning to the N-R (Neighborhood Residential) zoning district.**

Blake Murray represented the request. Staff stated that this request is consistent with the Comprehensive Growth Map. N-R is one of the allowed zoning districts for the Neighborhood Growth Designation. Community Development recommends approval of the request. Staff stated that they did receive two emails against the request.

Murray clarified that it is actually 5.05 acres that is being rezoned not 17 acres.

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

- Will Mallory- against the request.
- Katherine Jones, 1100 W. Cottonwood Street- wants to know if they're going to be building duplexes or single family homes and asked if W. Cottonwood Street would be opened all the way to S. 8<sup>th</sup> Street.

Zvers said that duplexes are not allowed in the NR zoning district and also said that the question about W. Cottonwood Street would be taken up later in development meetings. Zvers stated that right now they are only looking at the rezone request.

- Wayne Betts, 1101 W. Cottonwood Street- against the request, biggest concern is opening up W. Cottonwood Street to the S. 8<sup>th</sup> Street, also worried about crime increasing, and additional traffic.
- Doyce Hill, 1102 W. Cottonwood Street- W. Cottonwood Street is not suited for any additional traffic.

The public hearing was declared closed.

Murray addressed concerns speakers had.

Jensen stated that a portion of this property is currently zoned C-2 and that is a potential commercial use that would most likely connect into W. Cottonwood Street so locking this in as neighborhood residential which is relatively low intensity use is probably the best case.

Motion by Jensen, second by Noblin to recommend the rezone to City Council for approval as presented

Roll Call: 8 yes, Spann abstained *Motion carried*

**APPROVED**

**7. A request by Joshua Missinne for a Conditional Use Permit to allow vehicle/equipment sales and rentals at 700 N. 8<sup>th</sup> Street in the C-2 (Highway Commercial) zoning district.**

Joshua Missinne represented the request. Staff stated that this request is inconsistent with the Comprehensive Growth Map and is incompatible with adjacent property, except for the property to the north/west, which is also zoned inconsistent with the CGM. This property was granted a CUP for "Vehicle/Equipment Sales and Rentals" on 4/16/19 by the Planning Commission, but has since changed ownership, which requires a new CUP. The Floodplain Administrator has reviewed this request for consistency with Chapter 22, which covers floods, and recommends denial based on his findings. Overall due to incompatibilities and inconsistency with the CGM, as well as consistencies with our flood ordinance, Community Development recommends denial of this request.

Missinne asked for a further explanation as to why the request was being denied if it was previously being used for sales and rentals. Zvers said that speaking about the decision that was made in the past, they did not have the correct input from the Floodplain Administrator at that time and probably if they had it they would have denied the request. Zvers stated that now that there's been new information brought to light, due to the floodplain and the concerns of having a vehicle/equipment rental and usage, staff recommends denial. Missinne said he's spoken with his neighbors and they've stated that there has not been in flooding in a very long time and does not believe flooding will be an issue.

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

There were none. Zvers noted for the record that there were two emails sent on behalf of this request.

The public hearing was declared closed.

Paxton stated that this site is in a zone AE Special Flood Hazard Area that is designated by FEMA and did a full review regarding the Chapter 22 Flood requirements. Paxton further explained his findings.

Myers stated that when they granted this last year, they did discuss and were aware of the floodway that was there and some of the restrictions that they required.

Staff stated that if this was request was approved it would be approved with the conditions recommend by Kris Paxton and would have to meet all four of the conditions.

Missinne asked if he could amend his request to being a two car limit. Jensen stated that the applicant can probably meet the recommendations by Kris Paxton, if they're willing to limit this to two vehicles. Myers said he does not see a practical way that you can justify the applicant meeting all these requirements and making it work just for two cars. Zvers stated he agrees with Myers and that if they limit the vehicles and approve it with the conditions, he does not see the conditions being met.

Motion by Samuels, second by Ferguson to deny the request as presented.

Roll Call: 5 yes, 4 no's- Jensen, Myers, Schmelzle and Crawford **Motion carried**  
**DENIED**

**8. A request by Josh Minton for Rent-N-Roll for a Conditional Use Permit to allow vehicle/equipment repair and installation for 1.43 acres east of 3501 W. Walnut in the C-2 (Highway Commercial) zoning district.**

Josh Minton represented the request. Staff stated that this request is to allow the use "vehicle/equipment repair and installation" which is conditional in the C-2 zoning district. The subject property is zoned appropriately according to the Comprehensive Growth Map. The proposed use is compatible with adjacent property primarily due to the close proximity to related uses to the west. Staff recommends approval of this request subject to simply confirming the applicants understanding that new construction requires large scale development planning approval.

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

There were none. Zvers noted for the record that there were two emails sent on behalf of this request.

The public hearing was declared closed.

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

Roll Call: Unanimous **Motion carried**  
**APPROVED**

**NEW BUSINESS:**

**1. Lot Split, Sunil Panchal, a proposed split creating a 0.77-acre lot and a 1.58-acre lot at the southeast corner of S. 4<sup>th</sup> and W. Olrich streets in the C-2 (Highway Commercial) zoning district and the Rogers Overlay District.**

Tanner Newkirk represented the request. Staff stated that this request is to approve a lot split that requires a variance from the Overlay District 1-acre minimum lot size requirement. Sec. 14-578(c)(1) prevents staff from approving lot splits when variances are needed, instead requiring Planning Commission approval. Staff finds that the Overlay District standards imposed on the

proposed tract two would not achieve the intent of the Overlay District, which is to protect and enhance the scenic quality of the City's highways and primary corridors. The proposed tract two sits one block off the 8<sup>th</sup> Street corridor and is screened from the highway by the motel to the west, thus having no effect on the scenic quality of highway. Community Development recommends approval of this lot split with the variance from the one acre minimum lot size requirement.

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

Roll Call: Unanimous **Motion carried**

**APPROVED**

**2. LSDP, Family Mini Storage, a 32,030-sf single story storage facility proposed at 1250 W. Commons Drive in the I-1 (Light Industrial) zoning district.**

Jonathon Clemons represented the request. Staff stated that this request is to allow the construction of 32,030-sf of 12' tall, detached self-storage buildings on 5.12± acres. The proposed development plans meet all City requirements (except for requested waivers/variances) and have been forwarded to the Planning Commission for approval per Sec. 14-230(b).

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

1. Approve waiver from Sec. 14-256(14) for the requirement to provide parking lot tree islands every 15 spaces.

Staff further explained the waiver request.

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

Roll Call: Unanimous **Motion carried**

**APPROVED**

**3. LSDP, Hudson Station, a 28,130-sf building proposed on 2.53 acres at 3005 W. Hudson Road in the I-1 (Light Industrial) zoning district.**

Zach Hoyt represented the request. Staff stated that this request is to allow the construction of a 28,130-sf building on 2.53± acres. The proposed development plans meet all City requirements (except for requested waivers/variances) and have been forwarded to the Planning Commission for approval per Sec. 14-230(b). Community Development recommends approval of this request subject to the following actions:

1. Deny waiver from Sec. 14-260(f)(1) requiring minimum distance between curb cuts to be 250 feet.
2. Approve variance from Sec. 14-285(2) for the requirement to provide a 75' front setback along Overlay District frontage.
3. Consider variances from Sec. 14-285(3) and (4) for the requirement to provide a 25' front landscape buffer and a 15' (west) side landscape buffer as required in the Overlay District.

Hoyt explained and discussed the requested waiver and variances with the commissioners.

Jensen stated he understood where the applicant is coming from on the two curb cuts but has

concerns on how close it is to the Antique Mall. Myers stated that the requested variances could be solved by making the building smaller.

Commissioners and Hoyt discussed tabling the request to do some redesigns and work out the western drive issue.

Motion by Jensen, second by Spann to table the request for the next Planning Commission meeting.

Roll Call: Unanimous ***Motion carried***

**TABLED**

**4. LSDP, Bryan Properties, a 160-unit multifamily development proposed on 7.9 acres at 1100 S. Promenade Blvd. in the RMF-21B (Residential Multifamily, 21 units per acre, rentals) zoning district, with accompanying Density Concept Plan.**

Ryan Gill and Bill Watkins represented the request. Staff stated that this request is to allow the construction of 160 apartment units in eight 3-story buildings on 7.90± acres. The proposed development plans meet all City requirements (except for requested waivers/variances).

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

1. Deny waiver from Sec. 14-604(c)(2) requiring east/west connectivity.
2. Deny waiver from Sec. 14-260(1)(d) requiring that either the centerline of the opposing nonresidential driveways shall align or shall be offset no less than 75 feet.
3. Consider variance from Sec. 14-703(f)(1)(a) for the requirement to provide 2' additional setback on each side for each 1' additional building height.

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

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

**APPROVED**

**5. LSDP, Master's Circle Office Building, a 7,686-sf office building proposed at 3614 W. Southern Hills Blvd. in the C-2 (Highway Commercial) zoning district.**

Andres Forero represented the request. Staff stated that this request is to allow the construction of a 7,686-sf office building on 1.06± acres at 3614 W. Southern Hills Blvd. The proposed development plans meet all City requirements (except for requested waivers/variances) and have been forwarded to the Planning Commission for approval. Community Development recommends approval of this request subject to the following actions:

1. Approve waiver from Sec. 14-260(2)(b)(3) requiring stub-outs and other design features to make is visually obvious that the abutting properties may be tied in to provide cross access via a service drive.
2. Deny waiver from Drainage Criteria Manual Ch. 4 Sec 3.0 Storm Sewer Pipe and Operational Constraints.

Zvers stated that the applicant has withdrawn waiver number two.

Commissioners and staff discussed requested waiver number one.

Motion by Jensen, second by Myers, to approve the request as presented with a 20' minimum width access easement from the main driveway to the stub out at the south property line.

Roll Call: Unanimous **Motion carried**

**APPROVED**

**6. LSDP, Kirksey Middle School Track, a track and field school project proposed at 101 W. Price Lane in a mix of the A-1 (Agricultural) and RSF-5 (Residential Single Family, five units per acre) zoning districts.**

Jeff Breese represented the request. Staff stated that this request is to allow the construction of a track on 70.45± acres north of the Kirksey Middle School facility on W. Price Lane. 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:

1. Approval of a waiver from Sec. 14-256(12) and (14) for the requirement to provide a landscaping plan and meet minimum planting requirements.
2. Approve a waiver from Sec. 14-260 Access management standards.
3. A fee-in-lieu of detention in the amount of \$3,731 for an increased impervious area of 18,654-sf.
4. Approve a waiver from the Drainage Criteria Manual Ch. 9 Sec. 4.2.3 Design Procedure and Criteria for water quality design.

Lance Jobe, City Engineer, stated that they are in support of waiver four because this is essentially a trail and will be for pedestrian use only, which will have no impact on water quality.

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

Roll Call: Unanimous **Motion carried**

**APPROVED**

**7. LSDP, Rogers Emergency Dispatch Center, a 10,428-sf municipal building proposed north of the Rogers Criminal Justice Building at 1901 S. Dixieland Road in the A-1 (Agricultural) zoning district.**

Zach Hoyt represented the request. Staff stated that this request is to allow the construction of a 9,700-sf emergency services building on 15.85± acres off of S. Dixieland Road. The proposed development plans meet all City requirements (except for requested waivers/variances).

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

1. Approve a waiver from Sec. 14-256(16) from the requirement to provide bicycle parking.
2. Approve a waiver from Sec. 14-228(30) requiring upgrades to existing substandard streets or streets bordering/dissecting the property.

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

Roll Call: Unanimous **Motion carried**

**APPROVED**

There being no further business, Chairman Zvers adjourned the meeting at 7:50 p.m.

**ATTEST:**

**APPROVED:**

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Rachel Crawford, Secretary

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Eriks Zvers, Chairman