

MINUTES

The **Rogers Planning Commission** met for an online public meeting on July 7, 2020 at 5:00 P.M. The meeting was called to order by Chairman Eriks Zvers.

MEMBERS PRESENT:

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

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 Kyle Belt, Planning Tech Gloria Garcia, Staff Attorney John Pesek, and other city staff and officials.

ACTION ON MINUTES:

Motion by Jensen, second by Crawford to approve the minutes of the June 16, 2020 as presented. Voice Vote: Unanimous - Yes. ***Motion carried.***

APPROVED

REPORTS FROM STAFF:

City Planner Ethan Hunter explained the Zoom online meeting process, noting that only the Commissioners and needed staff are shown on the screen, attendees are not shown and are muted until recognized by staff. He explained the “raise hand” option for attendees online and by phone.

REPORTS OF BOARDS AND STANDING COMMITTEES:

PLANS & POLICIES COMMITTEE —

Committee Member Kevin Jensen reported committee members had met and reviewed two items. The first was a Density Concept Plan for Valley West Townhomes. Members voted to recommend approval with the condition that the engineer add a sidewalk along the south side of the private drive between Valley West Drive to the west and the trial connection to the east. The second item was a Density Concept Plan for Everest Avenue Townhomes. Due to inadequate public notification, it was recommended for tabling. Each item will need to be addressed in regular session, Jensen said

DEVELOPMENT REVIEW COMMITTEE —

Committee Chairman Mandel Samuels stated committee members had met earlier and reviewed four items including three large-scale development projects for Hudson Townhomes, Kum-n-Go, and Tri-State Optical; and, a preliminary plat for Cobble Creek Subdivision. He said all items include variances and waivers, and will be need to be discussed under new business.

CONSENT AGENDA:

None

OLD BUSINESS:

- 1. A request by Bates & Associates, Inc. for Valley West Townhomes to rezone 1.09 acres east of Valley West Drive, between Walnut Street and Valley West Court, from a mix of R-DP (Residential Duplex Patio) and C-2 (Highway Commercial) to the RMF-12A (Residential Multifamily, 12 units per acre) zoning district with a proposed Density Concept Plan.**

Zvers introduced the item and stated it would be represented by Geoff Bates, and noted that a public hearing would be held since it was tabled at the last meeting. He called for a staff report.

Hunter explained that pending an amendment to designate the entire subject property as Neighborhood, the request is consistent with the CGM. Staff finds the density appropriate at the location, a couple of aspects of the proposed Density Concept Plan should be considered prior to approval. The Community Development Department recommends approval of the DCP and rezone subject to:

- Approval of the CGM amendment to designate the entire subject property as Neighborhood.
- Consider requiring a pedestrian connection to sidewalk along Valley West Drive.
- Clarify the apparent discrepancies between building elevation and building footprints.

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.

Chairman Zvers said during the committee the pedestrian connection issue was resolved and the discrepancies in the in the footprints were clarified. He asked Bates if he had anything to add to the staff report. Bates said he did not.

Motion by Noblin, second by Myers, to approve the amendment to the Comprehensive Growth Map and designate the subject property as Neighborhood.

Roll Call: Unanimous **Motion carried**

APPROVED

Motion by Jensen, second by Spann to accept the Density Concept Plan and recommend the rezone to City Council subject to the engineer adding a pedestrian connection along the south side of the private drive to Valley West Drive to the west and the trail connection to the east.

Roll Call: Unanimous **Motion carried**

APPROVED

PUBLIC HEARINGS:

- 1. A request by Wilma Bohot for a Conditional Use allowing a daycare at 802 N. 13th Street in the R-O (Residential Office) zoning district.**

Zvers introduced the item and stated it would be represented by Wilma Bohot. He called for a staff report.

Hunter explained the project is compatible with adjacent property, and although the proposed zoning isn't consistent with the Comprehensive Growth Map, it does not warrant a change in the growth map since it won't prevent redevelopment and is consistent with the Neighborhood Growth Designation. Overall, Community Development supports the request with the following action: Limit drop-off and pick-up to the rear parking lot to avoid traffic conflicts on 13th and Olive streets.

Wilma Bohot agreed that she could comply with the condition of limited drop-off and pick-up to the rear parking lot.

Chairman Zvers asked if anyone in attendance wanting to speak in favor or opposed to the request.

There were none.

The public hearing was declared closed.

Motion by Jensen, second by Noblin to approve the Conditional Use Permit while limiting the drop-off and pick-up to the rear parking lot to avoid traffic conflicts on 13th Street and Olive Street.

Roll Call: Unanimous **Motion carried**

APPROVED

2. A request by Tim Janacek for a Conditional Use to allow warehouse office at 1880 S. 26th Street in the C-3 (Neighborhood Commercial) zoning district.

Zvers introduced the item and stated it would be represented by Will Kellstrom. He called for a staff report.

Hunter stated the request is to allow the use "Warehouse Office," which was just added to the schedule of uses in the C-3 zoning district. Although, the proposed CUP does not meet the intended purpose or characteristics of the Neighborhood Center Growth Designation, the proposed use is compatible with adjacent property and is appropriate at this specific Neighborhood Center location. Overall, he said, staff recommends approval of this request subject to confirmation of the applicant's understanding that Large-Scale Development is required for new construction.

Attorney Will Kellstrom said his client is aware of the need for a Large-Scale Development and is working with an engineer to see that happen.

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

There were none.

The public hearing was declared closed.

Jensen noted the Commission had been studying this lot for a while now, moving it back and forth, and this just moves it on to the next step in the process.

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

Roll Call: (YES-7, No Response-Ferguson) *Motion carried*

APPROVED

3. A request by Hunter Fry to rezone 606 S. 4th Street from N-R (Neighborhood Residential) to the NBT (Neighborhood Transition) zoning district.

Zvers introduced the item and stated it would be represented by Will Kellstrom. He called for a staff report.

Hunter said the request is consistent the Comprehensive Growth Map and the Downtown Zoning Plan. Community Development recommends approval. Kellstrom agreed with the staff report.

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

There were none.

The public hearing was declared closed.

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

Roll Call: (7-YES, Zvers-recused) *Motion carried*

APPROVED

4. A request by Lisa Academy to rezone 20.29 acres at the northwest corner of S. Horsebarn Road and W. Metro Park Crossing from RMF-15B PUD (Residential Multifamily, 15 units per acre, rentals, Planned Unit Development) to the R-SF (Residential Single Family) zoning district.

Zvers introduced the item and stated it would be represented by Daniel Ellis. He called for a staff report.

Hunter explained the rezone fits the Comprehensive Growth Map and confirmed that it would dissolve the former Planned Unit Development located there. Ellis said he had nothing to add to the staff report.

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

Autumn Pullen, a former resident of Horsebarn Lane, stating she's attending on behalf of the owner of 5 acres to the north at Horsebarn Road and Horsebarn Lane to state support for dissolving the PUD and approval of the rezone to residential single family.

There were no others in attendance requesting to speak.

The public hearing was declared closed.

Jensen said the proposal is a more natural fit for the site than what the Commission has seen previously.

Motion by Jensen, second by Myers to recommend the rezone as presented to City Council.

Roll Call: Unanimous *Motion carried*
APPROVED

- 5. A request by NGN Properties to rezone five acres north of W. Pleasant Grove Road and S. Sloan Cir. and 3.35 acres at the NE corner of W. Pleasant Grove Road and S. Southgate Estates Blvd. from A-1 (Agricultural) to the R-SF (Residential Single Family) zoning district.**

Zvers introduced the item and stated it would be represented by Nick Dozier. He called for a staff report.

Hunter said the request is consistent with the Comprehensive Growth Map, and Residential Single-Family is an allowed zoning district with the Neighborhood Growth Designation. Community Development supports the rezone. Joseph Duff, with Swope Engineering, said he was representing Nick Dozier had nothing to add to the staff report.

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

Zvers noted that Commissioners had received an email in regard to water issues with accompanying photos from a neighboring property owner.
The public hearing was declared closed.

Jensen noted that the drainage issues the neighboring landowner is experiencing will be addressed through the large-scale development process.

Motion by Jensen, second by Crawford to recommend the rezone as presented to City Council.
Roll Call: Unanimous *Motion carried*
APPROVED

- 6. A request by Bates & Associates, Inc. for Everest Avenue Townhomes to rezone 4.06 acres east of Everest Avenue from RMF-9A (Residential Multifamily, 9 units per acre, ownership) to the RMF-12B (Residential Multifamily, 12 units per acre, rentals) zoning district with a Density Concept Plan.**

Zvers introduced the item and stated that it came out of Committee with a recommendation to table due to a lack of notification. He questioned if there needed to be a public hearing, Attorney John Pesek confirmed it did not.

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

Roll Call: Unanimous *Motion carried*
APPROVED

NEW BUSINESS:

- 1. LSDP, Hudson Road Townhomes, a multifamily development with 34 planned units in nine buildings on 2.92 acres at 1900 to 2044 W. Hudson Road in the C-2 (Highway Commercial) zoning district.**

Zvers introduced the item and stated it would be represented by Ferdie Fourie. He called for a staff report.

Samuels made a motion to approve the LSDP with the following Committee recommendations:

- Deny a waiver from Sec. 14-260(1)e limiting the project to one curb cut.
- Deny a waiver from DCM DET-4 for the requirement to provide a 5-foot-wide concrete trickle channel.
- Approve a waiver from Sec. 14-608 requiring a 6-foot greenspace and 10-foot sidepath along W. Hudson Road.
- Approve a waiver from Sec. 14-285(3) from the Rogers Overlay District requirement to provide a 25-foot front landscape buffer.
- Approve a variance from Sec. 14-285(2) requiring a 75-foot front setback in the Overlay District.
- Approve a variance from Sec. 14-285(4) requiring a 10-foot side landscape buffer in the Overlay District. The variance is for the east side of the development only.
- Require a condition that the street trees be native species.

The motion was seconded by Noblin.

Roll Call: Unanimous **Motion carried**

APPROVED

2. LSDP, Kum-n-Go, a 5,600-sf proposed convenience store with a 7,307-sf fuel canopy on 2.5 acres at 200 W. Hudson Road in the C-3 (Neighborhood Commercial) zoning district.

Samuels made a motion to approve the LSDP with the following Committee recommendations

- Approve a waiver from Sec. 14-260(1)f requiring 250 feet between the proposed driveway along W. Hudson Road and the neighboring driveway.
- Approve a waiver from Sec. 14-260(1)f requiring 150 feet between the proposed driveway along N. 2nd Street and the neighboring driveway.
- Approve the waiver from Sec. 14-608(4) requiring street improvements based on the Rogers Master Street Plan with the condition that the street lights are to be installed by the developer to meet the typical street sections.

Ferguson seconded the motion.

Roll Call: Unanimous **Motion carried**

APPROVED

3. LSDP, Tri-State Optical, a 5,623-sf building on 1.4 acres at 1714 W. Walnut Street in the R-O (Residential Office) zoning district.

Samuels made a motion to approve the LSDP with the following Committee recommendations:

- Approve a variance from Sec. 14-706(e) from the requirement to provide one loading space.
- Approve a waiver from Sec. 14-260(1)f for the distance between curb cuts.

- Approve a fee-in-lieu for Sec. 14-608(4) requiring street improvements based on the Rogers Master Street Plan.

Myers seconded the motion.

Roll Call: Unanimous *Motion carried*

APPROVED

4. PRELIMINARY PLAT, Cobble Creek, a proposed 61-lot subdivision on 20 acres on the north side of W. Laurel Avenue in the R-SF (Residential Single Family) zoning district.

Samuels made a motion to approve the preliminary plat subject to the following Committee recommendations:

- Approve a fee-in-lieu for Sec. 14-608(4) requiring street improvements based on the Rogers Master Street Plan considering city plans for street improvements along this portion of Laurel Road.

Myers seconded the motion.

Roll Call: Unanimous *Motion carried*

APPROVED

Hunter noted that someone in attendance had raised their hand during discussion of the last item. Zvers said the New Business part of the agenda is not a public hearing session and the Commission doesn't typically take public comment. Hunter urged the attendee to contact staff with any recommendations, noting that all city development standards were being met as proposed.

There being no further business, Chairman Zvers adjourned the meeting at 5:35 p.m.

ATTEST:

APPROVED:

Rachel Crawford, Secretary

Eriks Zvers, Chairman