

## MINUTES

The **Rogers Planning Commission** met for a *regular session* in the Council Chambers of the Maurice H. Kolman Building on March 3, 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, Mark Myers, Mandel Samuels, John Schmelzle, and Don Spann. Commissioner Tony Noblin did not attend.

### **OTHER OFFICIALS PRESENT:**

Community Development Director John McCurdy, City Engineer Lance Jobe, Development Compliance Manager Kris Paxton, Planning Administrator Lori Ericson, City Planner Ethan Hunter, Planner III Beth Johnson, Planner I Chris Robinson, Planning Tech Gloria Garcia, Staff Attorney John Pesek, Fire Marshall Joseph Jerabeck, and Council Member Mark Kruger.

### **ACTION ON MINUTES:**

(February 18, 2020)

#### **APPROVED**

Motion by Schmelzle, second by Crawford, to approve the minutes of the February 18, 2020 as presented.

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

### **PUBLIC COMMENT PERIOD:**

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

### **REPORTS FROM STAFF:**

Staff stated there was a clerical error in the February 4, 2020 minutes and have since revised the wording of a waiver that was approved.

#### **APPROVED**

Motion by Jensen, second by Spann to approve the amended minutes of the February 4, 2020 meeting.

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

### **REPORTS OF BOARDS AND STANDING**

#### **COMMITTEES:**

#### **DEVELOPMENT REVIEW COMMITTEE:**

Committee Chairman Mandel Samuels reported the Development Review Committee had met and reviewed one item.

- 1. LSDP, Rogers Apartments, a 14-unit addition to an existing multifamily development at 500 N. 14<sup>th</sup> Place in the RMF-12B (Residential Multifamily, 12 units per acre, rentals) zoning district.**

Zvers noted that the LSDP, Rogers Apartments would be discussed under new business later in the meeting.

## **PLANS & POLICIES COMMITTEE:**

Zvers reported that the committee had to discuss one item:

- The Density Concept Plan for 28<sup>th</sup> Street Townhomes was recommended for approval but would be discussed during the meeting.

## **CONSENT AGENDA:**

## **OLD BUSINESS:**

## **PUBLIC HEARINGS:**

(Agenda Item #1)

**A request by Alex Kaludra with 28<sup>th</sup> Street Townhomes to consider a Density Concept Plan (DCP) for proposed zoning of RMF-12 (Residential Multifamily, 12 units per acre) on 1.004 acres on the NE corner of Olive & 28<sup>th</sup> streets.**

Jason Ingalls 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 proposed DCP ensures compatibility with the surrounding development context and does not negatively impact the capacity of the surrounding transportation network.

Zvers noted that the applicant requested a variance request a rear setback reduction from 30' to 9'.

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.

Myers asked the Plans & Policies committee members what their thoughts were on the request for a rear setback reduction. Zvers stated

that the rear setback reduction from 30' to 9' was to take into account the building layout in order for the applicant to get the desired density. Schmelzle added that the setbacks on the north and south are increased to 30' when the code would only require 10' and since the requested variance is on the west side facing green space and commercial, they thought it was appropriate. Crawford stated that the applicant has taken into consideration screening and buffering by extending the north setback which is against residential property. Motion by Jensen, second by Crawford to accept the DCP and recommend to City Council for approval as presented with approval on a variance to reduce the west rear setback from 30' to 9'.

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

**(Agenda Item #2)**  
**A request by True Self Recovery, LLC for a Conditional Use to allow transitional housing at 2713 W. Kathy Lane in the RSF-5 (Residential Single Family, 5 units per acre) zoning district.**

Glen Kelley represented the request. Staff stated that this request was submitted for the use "Transitional Housing" which has since been reclassified as "Group Residential." (Section 14-695(b)(1)(c). By incorporating "Transitional Housing" into "Group Residential," the protected class status of potential residents is no longer emphasized or regulated differently than other types of group residential uses. Staff stated that this request is inconsistent with the Comprehensive Growth Map and incompatible with adjacent property. "Group Residential" is a substantially more intense use than single-family residential, and the subject location is not well-suited for higher-intensity residential use based on its location.

Glen Kelley stated that True Self Recovery offers treatments to patients relating to certain illnesses and would like to make this location a sober living home as an option for patients who need a place to reside while they are going through these treatments. Men and women would reside on different floors in the facility and there would always be a counselor/supervisor on duty. Kelley stated that the residence could hold up to 17 patients and one counselor/supervisor but don't believe it

would ever reach that many people. The patients would be transported to the treatment facility by van provided by True Self Recovery. Kelley states the property is capable of having parking for up to nine cars although don't think that would be necessary.

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

- Ali Worley, 2811 W. Rife Circle- speaking on behalf of the neighborhood, and is against the request. Believes the request is inappropriate in this single-family neighborhood and the number of individuals coming into this residence will be a detriment to the existing traffic.
- Steve Lay, 2809 W. Rife Circle- speaking on behalf of the neighborhood, and is against the request. Believes the request is an unreasonable and inappropriate use of the property, a business would not be compatible with the surrounding single-family residences and approving the request will increase traffic.

The public hearing was declared closed.

Kelley addressed concerns and stated that the actual business/treatment facility is located on North 2<sup>nd</sup> Street and treatments will not be taking place at this site. Kelley also stated that the people residing at the location will be transported to and from the facility by a van which would not be permanently on site.

Myers asked if the residence was going to be open to anybody or only to those who are enrolled in the program. Kelley answered that only those in the program will be allowed to reside at the proposed location but a majority of the patients will have their own residence. Kelley also said that visitors will not be allowed at this residence, visitation will happen at the treatment facility.

Myers stated he believed this was still part of a business since the people residing at the location would need to be enrolled into a program which is part of a business.

Director John McCurdy reviewed Section 14-695(b)(1)(c) since they were getting into the nature of the business which is not part of the ordinance. McCurdy stated that the purpose of the ordinance is to ignore what the actual business or purpose is and to focus on the fact that there are multiple unrelated people living in a single house.

Crawford said that group residential has similar qualities that they look at with multifamily and stated they would never allow multifamily at this site. Crawford stated she could not see approving this request where the location is in the middle of a single-family neighborhood. Jensen agreed with Crawford.

Kelley stated his client would like to table his request to further address issues made by the public and issues relating to the new ordinance that came into effect after the application was filed. Crawford stated that in the past they've had new information come forth and unless it was a new conditional use permit she didn't see what new information that may be. Zvers agreed with Crawford and stated that this site did not meet the traffic criteria and was not a good location for this many people in a density. Jensen said to Kelley if his request got a denial he could have the option to appeal that to the City Council.

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

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

(Agenda Item #3)

**A request by Elkhead, LLC to consider a rezone from R-DP (Residential Duplex Patio Home) to the NBT (Neighborhood Transition) zoning district for 1.04 acres at 524 Pearl Street.**

Zvers noted that the applicant has requested to withdraw the rezone request.

**NEW BUSINESS:**

1. Large-Scale Development, Rogers Apartments, a 14-unit addition to an existing multifamily development at 500 N. 14<sup>th</sup> Place in the RMF-12B (Residential Multifamily, 12 units per acre, rentals) zoning district.

Jay Young represented the request.

Jensen asked Young if he could go over the waiver for the tree island. Young stated that they are building four new buildings in an existing residential neighborhood and a large portion of the existing property is untouched. Young stated that they were asked to enlarge the existing tree island, however the tree island occurs over an existing sewer line and Rogers Water Utilities wouldn't allow to plant ten feet within that sewer line.

Motion by Jensen, second by Myers to approve the request subject to the following action on the waivers and variances.

- Approve **WAIVER** from Sec. 14-256 WITH CONDITIONS requiring the applicant to improve W Persimmon Street.
- Approve **WAIVER** from Sec. 14-604 WITH CONDITIONS requiring connectivity.
- Approve **WAIVER** from Sec. 14-228(30) requiring construction of the trail improvements and right-of-way dedication along W Persimmon Street.
- Consider **WAIVER** from Sec. 14-256(14)(B) that requires a 324-sf tree island every 15 parking spaces.
- Approve **VARIANCE** to the interior side yard setback that was recorded as 30' on a previous survey.

**APPROVED**

Voice Vote: Unanimous **Motion carried**

There being no further business, Chairman Zvers adjourned the meeting at 5:45 p.m.

**ATTEST:**

\_\_\_\_\_  
Rachel Crawford, Secretary

**APPROVED:**

\_\_\_\_\_  
Eriks Zvers, Chairman