

MINUTES

The **Rogers Planning Commission** met for a *regular session* in the Council Chambers of the Maurice H. Kolman Building on April 2, 2019 at 5:00 P.M. The meeting was called to order by Chairman Kevin Jensen. Those in attendance were led in the Pledge of Allegiance.

MEMBERS PRESENT:

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

OTHER OFFICIALS PRESENT:

Community Development Director John McCurdy, Planning Administrator Lori Ericson, Staff Attorney John Pesek, Planning Engineer Derec Bass, City Planner Elizabeth Johnson, Fire Marshal Joseph Jerabeck, Councilmembers Mark Kruger, Jerry Carmichael and Barney Hayes.

ACTION ON MINUTES:

March 19, 2019

APPROVED

Motion by Samuels, second by Spann, to approve the minutes of the March 19, 2019 meeting.

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

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

REPORTS FROM STAFF:

None

REPORTS OF BOARDS AND STANDING COMMITTEES:

DEVELOPMENT REVIEW COMMITTEE:

Committee Chairman Eriks Zvers reported the Development Committee had met and discussed two projects. The items included:

1. A large-scale development project, Goddard School, an 8,925-sf preschool on 1.05 acres at 5303 W. Southern Hills Court in the C-2 (Highway Commercial) zoning district; and, waiver.

2. The waiver of certain development requirements for Pinnacle Heights, a mixed-use project previously approved and to be located between Pinnacle Hills Parkway, Pauline Whitaker Parkway, and Champions Drive.

Zvers said the committee recommended the items be placed on the Consent Agenda for approval contingent upon all conditions and recommendations listed in the staff report, and with the approval of the waivers and variances as recommended for each item.

1. For Goddard School:

- Approve waiver to Sec. 14-260(2)(A) for the requirement to provide joint and cross access.
- Approve variance to Sec. 14-709(i) for the requirement to provide a designated loading space.

2. For Pinnacle Heights:

- Approve waiver to Sec. 3.3.1.3 for the requirement to provide a minimum of 2' of cover.
- Approve waiver to Sec. 3.3.1.6 for the requirement to provide a minimum slope of 0.4%.
- Approve waiver to Sec. 3.0 for the requirement for the hydraulic grade line to be 2' from the ground surface.
- Approve waiver to Sec. 1.2 for the requirement for the spread of water during the 10 year storm to not exceed half of the roadway width.

APPROVED

Motion by Zvers, second by Spann, to place both items on the consent agenda for approval as recommended by the Development Committee.

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

PLANS AND POLICIES COMMITTEE:

Chairman Jensen reported the Committee had met prior to the full Commission meeting and reviewed a request to add “Animal Boarding” to the schedule of uses in the C-3 (Neighborhood Commercial) zoning district. A motion was made and the Committee voted to deny the request. He said the issue would not be part of the Consent Agenda and would be discussed later in the meeting.

CONSENT AGENDA:

Jensen asked for a motion on the Consent Agenda as proposed.

APPROVED

Motion by Zvers, second by Spann, to approve the Consent Agenda.

Roll call: Unanimous – Yes. ***Motion carried.***

OLD BUSINESS:

None.

PUBLIC HEARINGS:

(Agenda Item #1)

A request by Jose Jimenez to rezone 908 S. 8th Street from R-O (Residential Office) to the C-2 (Highway Commercial) zoning district. (Tabled 3-19)

Jose Jimenez, through an interpreter, explained that he needed the C-2 zoning to open a clothing store at the location.

Chairman Jensen asked if anyone in the audience wanted to speak in favor or against the request. There was no response. The Public Hearing was declared closed.

Commissioners discussed the parking available and the fact that it formerly housed an insurance agency.

APPROVED

Motion by Schmelzle, second by McLosky, to recommend for approval of the request by Jose Jimenez Ramirez to rezone 908 S. 8th Street from R-O to C-2.

Roll Call: Unanimous – Yes. ***Motion carried.***

(Agenda Item #2)

A request by David Meadows for a Conditional Use Permit to allow an outdoor vendor park at 2331 S. 8th Street in the C-4 (Open Display Commercial) zoning district.

Dave Meadows, landowner, and Claudia Mendoza, who is proposing the outdoor vendor food court, presented a draft of a site plan showing the trailer locations and parking at the proposed site. Mendoza said the plan is for about 12 food trailers and explained the site layout.

Chairman Jensen asked if anyone in the audience wanted to speak in favor or against the request. There was no response. The Public Hearing was declared closed.

Commissioners discussed the needed pavement, refuse containment, and a needed sidewalk to connect parking and the food court area. Meadows said he would comply with the requirement for hard-surface parking for businesses displaying vehicles for sale.

APPROVED

Motion by Spann, second by Ferguson, to allow an outdoor vendor park at the subject location, with the following conditions:

- Limit the number of food trucks to 12.
- All gravel parking must be removed and replaced with pavement, per Sec. 14-711(c)(2). The paving plan must be reviewed and approved by the Community Development Department.
- All for-sale vehicles on the property must be removed until the pavement is in place.

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

(Agenda Item #3)

A request by Cope Gracy and Craig Smith to rezone 2.51 acres at W. Maple St. and N. 23rd Street from C-2 (Highway Commercial) to the U-NBT (Uptown Neighborhood Transition) zoning district.

Kelsey Kreher, HFA, represented the request for U-NBT zoning at the location. Kreher said the rezone fits with the nearby Midtown Regional Center.

Chairman Jensen asked if anyone in the audience wanted to speak in favor or against the request. There was no response. The Public Hearing was declared closed.

Cope Gracy said the plan is to build affordable two-story townhome units on the property. He said the actual design is in progress, but the units would be individually owned.

Jensen noted that the Commission will need to extend the Midtown Regional Center to include this property, allowing the rezone to be compliant with the city's Comprehensive Growth Plan. He noted the Neighborhood Center at the north end of Dodson Road was recently extended in a similar way to allow a rezoning.

APPROVED

Motion by Spann, second by Nolan, to extend the Midtown Regional Center on the Comprehensive Growth Map to include the subject property.

Roll Call: Unanimous – Yes. ***Motion carried.***

APPROVED

Noblin made a motion, second by Zvers, to recommend for approval of the request by Gracy and Smith to rezone 2.51 acres at W. Maple and N. 23rd Streets to the U-NBT (Uptown Neighborhood Transition) zoning district.

Roll Call: Unanimous – Yes. ***Motion carried.***

(Agenda Item #4)

A request by Bell Construction Solutions for Larry and Connie Ellis to rezone 1620 S. Anthony Street from R-SF (Residential Single Family) to the N-R (Neighborhood Residential) zoning district.

Chuck Bell, owner of Bell Construction, represented the request. Bell is developing the planned Roselawn Subdivision and proposes the rezone to provide an access point for a needed water and sewer connections for the subdivision development. The N-R zoning is the same zoning approved for Roselawn.

Chairman Jensen opened the public hearing. Louis Knight, 1701 Henry, presented a petition from Midway Subdivision residents requesting the rezone be denied. His concerns included the lack of sidewalks, increased traffic if the streets are connected, the capacity of the sewer lift station, and “the kind of people” who might come into the area with the street connectivity.

Larry and Tina Carroll, 1712 Cunningham Ave., said they own the property north of the Midway Subdivision and hope to gain access to their property with the rezone. The rezone may allow reconfiguration of the right-of-way and possible extension of Anthony Drive to their property. However, they said they oppose the connection of Stella to the west for the new subdivision, because of increased traffic and drainage issues.

Other Midway Subdivision residents spoke against predicted increased traffic, fears the sewer lift station won't handle the capacity, and what they described as ongoing drainage issues. Speakers included:

- Michael Bordelan, 1515 Stella Drive
- Leslie O'Connor, 1803 Anthony Drive
- John and Gail Hayes, 1519 E. Maple Place
- Miguel Martinez, 1801 Anthony Drive
- Michael Taylor, 1703 Anthony Drive
- Karen Carpenter, 1802 Anthony Drive

The public hearing was declared closed.

Bell said he has no plans to negatively impact the residents of Midway Subdivision, but needs the connection to the east for the utilities and for public safety reasons. He said the proposal will also allow him to work out an issue with a city right-of-way

on the north end of Anthony Drive that has an existing house built within it.

Commissioners discussed the need to table the requested rezone due to a problem with official notification, agreeing the issue will be considered at their next meeting.

Motion by Noblin, second by Spann, to table the rezone the request.

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

TABLED

NEW BUSINESS:

(Agenda Item #1)

LSDP, Goddard School, an 8,925-sf preschool on 1.05 acres at 5303 W. Southern Hills Court in the C-2 (Highway Commercial) zoning district.

Moved and **APPROVED** on the Consent Agenda.

(Agenda Item #2)

LSDP Waiver, Pinnacle Heights, a request to waive certain development requirements for a mixed-use project previously approved and to be located between Pinnacle Hills Parkway, Pauline Whitaker Parkway, and Champions Drive.

Moved and **APPROVED** on the Consent Agenda.

(Agenda Item #3)

TRACT SPLIT, Valley West Phase 2, a 17-lot townhouse development on N. Valley West Drive in the RMF-8A (Residential Multifamily, eight units per acre, ownership) zoning district.

Zvers reported that the Development Committee had voted to table the request and no action was needed at this time.

TABLED

SCHEDULE OF USES, consideration of adding “Animal Boarding” as a Conditional Use in the C-3 (Neighborhood Commercial) zoning district.

Planner Beth Johnson said that Planning Staff had received a request to allow an animal boarding facility in a C-3 zoning district. Animal hospitals and retail sales are allowed with a Conditional Use Permit in the C-3 zone, but Boarding is not, she said, noting that Staff recommended denial of the request due to a possible nuisance when in close proximity to residential uses.

Commissioners discussed the differences between a boarding facility and an animal hospital. Jensen said a veterinarian might keep a pet overnight as part of ongoing medical treatment. Johnson said the code allows overnight boarding of animals with other animal related business uses – with animal hospitals, it’s allowed up to 30 days, and with pet supply stores or grooming facilities, it’s allowed for up to 48 hours.

DENIED

Motion by Noblin, second by Schmelzle, to deny the request to allow animal boarding in the C-3 zone.

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

There being no further business, Chairman Jensen adjourned the meeting at 6:32 p.m.

ATTEST:

APPROVED:

Mandel Samuels, Secretary

Kevin Jensen, Chairman