

## MINUTES

The **Rogers Planning Commission** met for a *regular session* in the Council Chambers of the Maurice H. Kolman Building on April 16, 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, Tony Noblin, Mandel Samuels, John Schmelzle, Don Spann, and Eriks Zvers. Commissioner Rachel Crawford (formerly, McLosky) did not attend.

### **OTHER OFFICIALS PRESENT:**

Community Development Director John McCurdy, Planning Administrator Lori Ericson, Staff Attorney Bonnie Bridges, City Engineer Lance Jobe, Planning Engineer Derec Bass, RWU Engineer Stephen Ponder, Assistant Fire Chief B.J. Hyde, Councilmembers Mark Kruger, Jerry Carmichael, Betsy Reithemeyer, and Mandy Brashear.

### **ACTION ON MINUTES:** **APPROVED**

Motion by Schmelzle, second by Spann, to approve the minutes of the April 2, 2019 meeting.

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

Chairman Jensen asked if there were any public comments on items not on the agenda. There was 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 items. The items recommended for approval, with the recommendations on waivers and variances as listed:

- 1) LSDP, Legends Soccer Complex, two buildings at 27,720-sf and 10,560-sf on 13.5 acres at 1307 and 1309 S. Rainbow

Road in the C-3 (Neighborhood Commercial) zoning district.

- Approve waiver from using materials, surface textures, and colors similar in nature to surrounding residential development.
- 2) LSDP, Culver's, two restaurant/retail structures at 4,361-sf and 3,500-sf on 2.02 acres at 4202 and 4204 W. New Hope Road in the C-2 (Highway Commercial) zoning district.
- Approve waiver to Sec. 14-256(11) for 10' sidepath with 6' greenspace on West New Hope Road.
  - Approve waiver to Sec. 14-285(2) for the requirement to provide a 75' front setback in the Overlay District.
- 3) LSDP, Walk-On's, a 7,635 sf restaurant at 4044 S. JB Hunt Drive in the C-2 (Highway Commercial) zoning district.
- Approve waiver to Sec. 14-608(1) for the requirement to dedicate right-of-way per the Master Street Plan collector street typical section.
- 4) LSDP, Nabholz Office Expansion, a 7,500-sf building addition on 1.5± acres at 3301 N. 2<sup>nd</sup> Street in the R-O (Residential Office) and I-1 (Light Industrial) zoning district.
- Approve waiver to Sec. 14-228(30) for the requirement for curb and gutter on N 2<sup>nd</sup> Street.
  - Deny waiver to Sec. 14-228(30) for the requirement for sidewalks on N 2<sup>nd</sup> Street.
- 5) Preliminary Plat, Wire Ridge, a 45-lot subdivision on 9 acres at 2608 S. Old Wire Road in the RSF-5 (Residential

Single Family, 5 units per acre) zoning district.

- Deny waiver to Sec. 14-604(c)(2) for the requirement to provide a local cross street at intervals not to exceed 660' for the requested connection to the North, but approve the waiver for the connection to the South.

6) Preliminary Plat, Shadow Valley Phase 10, a 100-lot addition to the Shadow Valley Planned Unit Development at W. Pleasant Grove Road and Highway 112 in the N-R (Neighborhood Residential) zoning district.

- Approve waiver to Sec. 14-260(1)c – Distance between curb cuts.
- Approve waiver to Sec. 14-580(2)(d) for the requirement to provide public improvements on streets bordering the property to meet City standards along Highway 112.
- Approve waiver to Sec. 14-580(2)(d) for the requirement to provide public improvements on streets bordering the property to meet City standards along W. Pleasant Grove Road.
- Approve waiver to Sec. 14-44 for the requirement to construct the interior minor streets to the Master Street Plan minor street typical section.
- Approve waiver to Sec. 14-604(c)(2) for the requirement to provide a local street (stub-out) connections along each boundary that abuts potentially developable or redevelopable land and require an additional stub-out to the west boundary.
- Approve waiver to Sec. 14-44 for the requirement to provide minimum 4.5' greenspace on the

interior streets.

- Approve waiver to Sec. 14-46(g) for the requirement to provide minimum 200’ spacing between street lights on the interior streets.
- Approve waiver to Sec. 14-46(g) for the requirement to provide street trees on the interior streets.
- Approve waiver to Sec. 1.1.2 for the requirement for finished floor elevations to be 2’ above the 100-year water surface elevation.

**APPROVED**

Motion by Zvers, second by Spann, to place the six 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 did not meet.

**CONSENT AGENDA:  
APPROVED**

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

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

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

**OLD BUSINESS:**

- 1. 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.**

**TABLED**

Daniel Ellis, engineer, Crafton Tull & Associates, requested the item be tabled again.

Motion by Noblin, second by Spann, to table the request. Voice Vote: Unanimous – Yes.

***Motion carried.***

**PUBLIC HEARINGS:****1. 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. (Tabled at the 4-2-19 meeting.)**

Chuck Bell, owner of Bell Construction, represented the request. Bell is developing the planned Roselawn Subdivision and proposes the rezone as part of a plan 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 asked if anyone in the audience wanted to speak in favor or against the request. Public comment was as follows:

- Leslie O'Connor, 1803 Anthony Drive – narrow streets, drainage and lighting concerns
- W. E. Moore, 7510 Stella Drive – questions about zoning and implications
- Michael Taylor, 1703 Anthony Drive – traffic and sidewalk concerns
- Michael Bordelan, 1515 Stella Drive – sidewalks and street concerns
- Gail Hayes, 1519 E Maple Place – traffic concerns

The public hearing was declared closed.

Chuck Bell stated that he'd like to get six to seven lots out of rezoned property to help recoup his costs. He said the look of the neighborhood won't change. With some property to be lost to the new right-of-way for the street connection, which is needed for public safety access, Bell said he needs the zoning to provide smaller lots due to the cost of the property. Myers asked if the street connection could happen if the rezone is denied. Bell said it could but he needs the city to work with him on the division of the lots to make it work.

Commissioners discussed the needed street to the north that has dedicated right-of-way with a structure built in it. Bell said he wants to allow the structure to stay and relocate the

city ROW, allowing an access drive for the property to the north.

Myers suggested he come in with a plat for the new lots that includes some waivers to the lot width and other issues to make the development work. He said the Commission can work with him “within reason,” but he doesn’t support the rezone. Bell agreed that if he can make it happen with a replat in the existing zoning, he will be glad to work with the city on the issues.

**DENIED**

Motion by Myers, second by Spann, to deny the request by Bell Construction Solutions for Larry and Connie Ellis to rezone property at 1620 S. Anthony Drive, along with Lots 10, 11, 17, 18 in the northwest corner of Midway Subdivision.

Roll Call: 7 – Yes. 1(Samuels) – No. ***Motion carried.***

- 2. **A request by 3712 PHP, LLC to rezone 3712 S. Pinnacle Hills Pkwy. from the R-O (Residential Office) zoning district to the U-COM (Uptown Commercial Mixed Use) zoning district.**

Kristin Boozman, building owner, said there are no plans to change the building, but she’d like to get the U-COM zoning so the use allowed is consistent with the URDC and what is happening with surrounding development. She reminded the Commission that she’d had to request a Conditional Use for the bank located in the Portfolio Building now.

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.

Spann said it was a reasonable request and consistent with the Comprehensive Growth Map.

**APPROVED**

Motion by Spann, second by Zvers, to recommend approval of the request by 3712 PHP LLC to rezone property at 3712 S. Pinnacle Hills Parkway to the U-COM

**3. A request by Platinum Building Group to rezone 1623 and 1625 S. Dixieland Road from a mix of A-1 (Agricultural) and N-R (Neighborhood Residential) to the RMF-6 (Residential Multifamily, 6 units per acre) zoning district.**

zoning district. Roll Call: 7-Yes, Schmelzle - Disqualified. ***Motion carried.***

Brett Abbott, architect representing the owner, represented the request. He said they plan to develop 24 patio homes with attached garages.

Chairman Jensen asked if anyone in the audience wanted to speak in favor or against the request. Public comment was as follows:

- Angelina Dewitt, 1604 S. 17<sup>th</sup> Street – traffic, particularly at the nearby traffic light and how traffic will get in and out of the area concerns
- Jordan Koch – privacy for backyard, drainage, and traffic concerns; and, doesn't like the idea of losing agricultural space near her home.

The public hearing was declared closed.

Abbott noted that with 24 units, he doesn't expect the development to add to the area traffic concerns. He also said that drainage issues are already being studied in advance of further submittals for the planned project.

Commissioners discussed the density and the fact that the multifamily zoning designation is needed because the units will be townhomes connected by garages, yet the density and look of the neighborhood will be similar to its surroundings, which is mostly single-family.

**APPROVED**

Motion by Zvers, second by Myers, to recommend approval of the request by Platinum Building Group to rezone 1623 and 1625 S. Dixieland Road from A-1 and N-R to RMF-6. Roll Call: 7-Yes, Schmelzle - Disqualified. ***Motion carried.***

4. **A request by Justin Hadley for T-Mobile for a Conditional Use Permit to allow a freestanding communication tower at 599 N. 13<sup>th</sup> Street in the I-1 (Light Industrial) zoning district.**

Kyle Elliott, representing the request by T-Mobile and Vertical Bridge, stated that a 150-foot-tall monopole communications tower that will include one carrier, T-Mobile, but will be able to accommodate additional carriers. Elliott confirmed that T-Mobile had planned a tower on the site previously, but had withdrawn that request when some conflicts with utilities required the tower be moved to the north. The change resulted in a reduction in the tower height because it's closer to the northern property line.

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.

Jensen noted the previous request for a tower at the location was approved.

#### **APPROVED**

Motion by Noblin, second by Spann, to approve the request by Justin Hadley/AMS Wireless on behalf of Vertical Bridge for a CUP to allow "Freestanding Communications Towers" at the subject location.

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

5. **A request by Kezie Odunukwe for a Conditional Use to allow assembly, ceremonies, weddings and bed and breakfast at 2510 S. Dixieland Rd. in the A-1 (Agricultural) zoning.**

Attorney Bill Watkins represented the request explaining the plan is renovate the home and open a wedding venue there. He said the only bed and breakfast use would be part of a wedding or other event, and it wouldn't be an open bed and breakfast. The structure is "a wreck," Watkins said, adding that it's 4,700 sf with five bedrooms on 4.85 acres.

He suggested the following conditions possibly be placed on the use:

- No activities in the front of the house. All events will be held in the rear of the house, and around

the pool area in the back of the property.

- Parking would be in a grassy area on the north side that will allow up to 40 cars.
- Bed and breakfast will only be allowed as part of the events at the venue.
- Access to the property for events would be from OQ Lane only.
- Closing would be at 10 p.m. on week nights and 11 p.m. weekends.
- There would be no additional lighting, other than possible string lights in the back for events.
- There will be no commercial kitchen.
- They would abide by the city's Noise Ordinance.

Watkins noted the distance between the home, which sits well off the road, and other surrounding homes. He also took issue with the staff report recommending denial.

Chairman Jensen asked if anyone in the audience wanted to speak in favor or against the request. Public comment was as follows:

- Mark Rugeberg, 1791 Madison Drive – glad to see the home renovated, but concerned about lights and noise issues that could affect residents of the Madison Subdivision. He said he is POA President.

The public hearing was declared closed.

Commissioners discussed whether to require paved parking. Jensen said that in this case the Commission should be opposed to paved parking that would make the structure more of a commercial

development, negating the residential neighborhood appearance they hope to maintain.

**APPROVED**

Motion by Schmelzle, second by Myers, to approve the request by Kezie Odunukwe for a CUP to allow “Assembly, Ceremonies, and Weddings” at the subject location, and also to allow “Bed and Breakfast Inns” but only in conjunction with the ceremonies and other events. Voice vote: Unanimous – Yes. ***Motion carried.***

- 6. A request by Ricky and Lily Dyer for a Conditional Use to allow vehicle/equipment repair and installation, vehicle/equipment sales and rentals, and animal grooming at 700 N. 8<sup>th</sup> St. in the C-2 (Highway Commercial) zoning district.**

Ricky Dyer represented the request, stating that the car sales business will be operated by him, while his wife will handle the animal grooming. He said the auto repair part of the business will not be public but only for repair of the vehicles sold 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 parking for the car sales and the grooming business. Dyer said he has room for five to ten vehicles, and there is room for about three cars for grooming customers in front of the one building.

Jensen noted some concerns by staff about the size of the lot. Dyer said there is room for about 25 cars on the lot in the back, but it’s gravel, not paved. Jensen said the gravel is screened by the privacy fence.

Dyer said he plans to remove the privacy fence and move it to side of the property. Commissioners informed him that removing the fence would mean that he’d need to pave the parking. Dyer said his car

sales business operates off the internet and he doesn't need a lot of display space.

Commissioners discussed whether the CUP is needed for the vehicle repair part of the business if the repair service is only for those sold by the business, not general auto repair. McCurdy said the code requires the CUP, but the Commission can stipulate a restriction allowing only repair on vehicles owned by the business and being prepared for sale.

McCurdy noted that the city can work with the applicant to ensure that water quality is addressed by the business due to the floodplain. He said the business is likely to be low traffic and commented on the fact that the CUP request doesn't meet the Comprehensive Growth Map, but isn't a concern for nearby residential development and future residential in the area.

## **APPROVED**

Motion by Myers, second by Ferguson, to approve the request to allow "Vehicle/Equipment Repair and Installation," "Vehicle/Equipment Sales and Rentals," and "Animal Grooming" at the subject location with the following restrictions:

- Limit of six cars for sale on the site
- Vehicle repair is not open to the public
- No parking in front of the wooden fence facing the street

Voice vote: Undetermined response.

Chairman Jensen requested a roll call vote.

Roll call: (5-3) Five – Yes. Noblin, Spann and Zvers – No. ***Motion carried.***

**NEW BUSINESS:**

**1. LSDP, Legends Soccer Complex, two buildings at 27,720-sf and 10,560-sf on 13.5 acres at 1307 and 1309 S. Rainbow Road in the C-3 (Neighborhood Commercial) zoning district.**

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

**2. LSDP, Culver’s, two restaurant/retail structures at 4,361-sf and 3,500-sf on 2.02 acres at 4202 and 4204 W. New Hope Road in the C-2 (Highway Commercial) zoning district.**

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

**3. LSDP, Walk-On’s, a 7,635 sf restaurant at 4044 S. JB Hunt Drive in the C-2 (Highway Commercial) zoning district.**

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

**4. LSDP, Mundo Tech Phase 2, a proposed 11,980–sf second building at 1745 S. 1<sup>st</sup> Street in the I-1 (Light Industrial) zoning district.**

Jason Ingalls, engineer, apologized for not being in attendance for the Development Review Committee and not making it to the Consent Agenda. He detailed the project, including the floodplain analysis, parking, and building plans.

**APPROVED**

Zvers made a motion, second by Spann, to approve the LSDP project with the following actions on the waiver requests:

- Approve waiver to Sec. 14-228(30) for the requirement for roadway improvements to S 1<sup>st</sup> Street.
- Approve waiver to Sec. 14-228(30) for the requirement for sidewalks and side paths on S 1<sup>st</sup> Street.
- Deny waiver to Sec. 14-228(30) for the requirement to provide street lights on S 1<sup>st</sup> Street.
- Deny waiver to Sec. 14-256(16) for the requirement to provide a

minimum of one bike rack per 20 parking spaces.

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

- 5. **LSDP, Nabholz Office Expansion, a 7,500-sf building addition on 1.5± acres at 3301 N. 2<sup>nd</sup> Street in the R-O (Residential Office) and I-1 (Light Industrial) zoning district.**

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

- 6. **Preliminary Plat, Wire Ridge, a 45-lot subdivision on 9 acres at 2608 S. Old Wire Road in the RSF-5 (Residential Single Family, 5 units per acre) zoning district.**

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

- 7. **Preliminary Plat, Shadow Valley Phase 10, a 100-lot addition to the Shadow Valley Planned Unit Development at W. Pleasant Grove Road and Highway 112 in the N-R (Neighborhood Residential) zoning district.**

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

There being no further business, Chairman Jensen adjourned the meeting at 6:40 p.m.

**ATTEST:**

**APPROVED:**

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Mandel Samuels, Secretary

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Kevin Jensen, Chairman