

MINUTES

The **Rogers Planning Commission** met for a *regular session* in the Council Chambers of the Maurice H. Kolman Building on June 4, 2019 at 4:30 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 Kevin Jensen, Commissioners Rachel Crawford, Dennis Ferguson, Mark Myers, Tony Noblin, Mandel Samuels, John Schmelzle, Mandel Samuels, and Don Spann.
Commissioner Eriks Zvers did not attend.

OTHER OFFICIALS PRESENT:

Community Development Director John McCurdy, City Engineer Lance Jobe, Staff Attorney John Pesek, Planning Administrator Lori Ericson, City Planner Ethan Hunter, Planner II Beth Johnson, Asst. Fire Chief B.J. Hyde, Fire Marshal Joseph Jerabeck, BOA Member Hannah Cicioni, Councilmembers Betsy Reithemeyer and Jerry Carmichael.

ACTION ON MINUTES:

May 21, 2019

APPROVED

Motion by Noblin, second by Myers, to approve the minutes of the May 21, 2019 meeting.
Voice vote: Unanimous - Yes. ***Motion carried.***

PUBLIC COMMENT PERIOD:

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:

PLANS & POLICIES COMMITTEE:

Jensen reported that the Committee had met and discussed the Density Concept Plan for The Reserve at Osage with a recommendation for approval including waivers to provide a local street connections to the north and west, and a variance from 30 feet to five feet along all interior local streets. He said the issue will come up as part of the regular agenda later in the meeting.

DEVELOPMENT REVIEW COMMITTEE:

Don Spann reported the Development Committee had met, reviewed several items on

the agenda that come to the Commission with the following recommendations:

- APPROVE the T-Mobile LSDP (New Business Item 1)
- APPROVE the Glide Xpress Car Wash LSDP (New Business Item 2)
- DENY a Lot Split for George Sayre (New Business Item 3)
- TABLE the Big M Ranch SSDP (New Business Item 4)
- APPROVE the Bost, Phase 2 LSDP (New Business Item 5)
- APPROVE the Torchy’s Tacos LSDP with a recommendation to deny two requested waivers for sidewalk requirements (New Business Item 6)

APPROVED

Motion by Spann, second by Ferguson to place all items as recommended by the Committee on the Consent Agenda.

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

CONSENT AGENDA:

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

APPROVED

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

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

OLD BUSINESS:

None

PUBLIC HEARINGS:

(Agenda Item #1)

A request by Rockin Pig for the Alternative Sign Program for 2407 W. Hudson Road in the C-2 (Highway Commercial) zoning district.

Marshall Johnson represented the request for an alternative sign, explaining the need for the business to add to its visibility and a plan to renovate the front of the venue to attract more business. The planned alternative sign is in the shape

Chairman Jensen asked if anyone in the audience wanted to speak in favor or against the request. There were none.

The public hearing was declared closed.

Spann mentioned the height of the gate opening

at 9 ft. may be an issue for fire trucks and should be worked out before the renovations are started.

APPROVED

Motion by Myers, second by Noblin, to approve the Alternative Sign Program request allowing signage attached to the fence structure and the water tower.

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

(Agenda Item #2)

A request by Actionpaq Corporation to rezone 2120 Town West Drive from I-1 (Light Industrial) and I-2 (Heavy Industrial) to the I-1 (Light Industrial) zoning district.

ESI Engineer Blake Murray represented the request for the rezoning, explaining the plan is to expand the building and the I-1 zoning will better accommodate the expansion

Chairman Jensen asked if anyone in the audience wanted to speak in favor or against the request. There were none.

The public hearing was declared closed.

Samuels asked for specifics on the reason the rezone will help the expansion. Murray explained the setbacks are dramatically different for I-1 and will better accommodate the larger structure.

APPROVED

Motion by Myers, second by Noblin, to recommend for City Council approval the request by Actionpaq Corporation to rezone property located at 2120 Town West Drive to the I-1 zoning district as presented.

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

(Agenda Item #3)

A request by The Reserve at Osage Creek to rezone 8.2 acres on the west side of S. 28th Street at W. Chateau Drive from RMF-16B (Residential Multifamily, 16 units per acre, rentals) to the RMF-18B (Residential Multifamily, 18 units per acre, rentals) zoning district, and accept the accompanying Density Concept Plan.

Bill Watkins, attorney representing the developer, explained the history of the property zoning and the fact that it was rezoned to RMF-16 several years ago. However, the GIS map has been showing it as RMF-20, which was what was requested initially. Watkins reviewed the plan for a multifamily development with 18 units per acre that will include a public street west from S. 28th Street to that will turn south for a possible future connection to Oak Street.

Chairman Jensen asked if anyone in the audience wanted to speak in favor or against the request.

- Harold Eason, 2707 Chateau Drive – concerned about traffic and property values
- Jerry Snider, POA President of Chateau Terrace, 2613 Chateau Terrace – concerned about traffic, impact on the quality of the neighborhood, and property values

The public hearing was declared closed.

Watkins said a traffic study was conducted and is provided in the DCP that shows reflects excess capacity on S. 28th Street now and not enough expected increase in traffic with the planned 144-unit project to warrant a requirement for a turn lane to be added. Watkins also pointed to a Harvard Study finding that there is no objective evidence that such a development negatively effects property values.

The Commission discussed the planned townhomes along 28th Street that will transition to higher density apartments to the west, the street connectivity, and other issues concerning the development.

APPROVED

Motion by Myers, second by Samuels, to **accept DCP for The Reserve at Osage Creek as presented and recommend for City Council approval** the request by The Reserve at Osage Creek to rezone 8.2 acres at S. 28th Street and W. Chateau Drive from RMF-16B to RMF-18B with the following actions on the requested waiver and variance:

- i) Approve variance from 30' to 5' along the east-west interior road.
- ii) Approve waiver of a

Roll Call: Unanimous – Yes- 7, Abstain- Schmelzle. ***Motion carried.***

(Agenda Item #4)

A request by Clint Herrington for Glide Xpress Car Wash for a Conditional Use Permit to allow vehicle washing at 100 N. Dixieland Road in the C-2 (Highway Commercial) zoning district.

Dylan Ward, a real estate representative of Glide Xpress, provided handouts for the Planning Commission regarding the request for a Conditional Use Permit. He argued against the staff recommendation to deny the CUP, noting the Glide Xpress is a high-end carwash and shouldn't be lumped in with other vehicle-related businesses. He touted the planned landscaping and design of the building as having more curb appeal than typical carwashes. Ward also argued that the Uptown zoning and design requirements shouldn't be applied to Midtown, but it should have its own design standards and zoning plan.

Chairman Jensen asked if anyone in the audience wanted to speak in favor or against the request. There were none.
The public hearing was declared closed.

Jensen said the Development Review discussed the project briefly while reviewing the lot split, and one of the concerns is the piecemeal and would rather see a full development plan for the Dixieland Mall, which is within the Midtown Regional Center. He said the city doesn't have a full plan for Midtown right now and has a policy of applying the Uptown standards until a full plan for Midtown is in place, which wouldn't allow the carwash even though current zoning allows it with a CUP. Schmelzle pointed out the time spent by the city in discussing this particular location when revising the Comprehensive Growth Map, and approval of the CUP conflicts with the CGM.

McCurdy reviewed the four criteria for considering a Conditional Use Perm, pointing out that one issue is if the property is zoned correctly, which this property is not and should be U-COM or U-COR, rather than the C-2 zoning. Midtown needs a comprehensive zoning plan that establishes the planned form-based development requirements and leads to a

comprehensive approach to infill that takes advantage of that type of zoning.

Curt Green, Glide Xpress, said the carwash is a convenience business that will fit in well in this location and touted aspects of the plan including extra landscaping and recycling the carwash water. He noted other states where they are developing carwashes in mall parking lots.

Jensen pointed out the development is a purpose-built structure that will be allowed by conditional use, which should be part of the consideration since the CUP would be hard to revoke. He also said the carwash is a great short-term solution to the need for redevelopment in the Midtown Growth Region. He urged the Commission and city staff to accelerate the development of a comprehensive zoning plan for the Midtown Growth Region.

Samuels said the mall needs an influx of something and this is an opportunity to put something there that might help generate traffic to the mall.

APPROVED

Motion by Ferguson, second by Myers, to approve the request by Glide Xpress Car Wash for a CUP allowing “Vehicle Washing” at 100 N Dixieland Road.

Voice Vote: unintelligible

Jensen called for a roll call vote.

Roll Call: Five – Yes, Three – No (Schmelzle, Spann, Crawford). ***Motion carried.***

(Agenda Item #5)

A request by Budget Truck Rental, LLC for a Conditional Use Permit to allow vehicle/equipment sales and rentals at 2110 W. Walnut Street in the C-2 (Highway Commercial) zoning district.

Attila Dobai, representing Budget’s requests, explained the plan is to place five self-service trucks in the Walmart parking lot. He said there would be nothing larger than a box truck included.

Chairman Jensen asked if anyone in the audience wanted to speak in favor or against the request. There were none.

The public hearing was declared closed.

Commissioners discussed how the truck rental would work with rental happening on the internet with renters receiving a QR Code to allow admittance to the vehicle and retrieve the keys from the glovebox. Dobai said the keys will not work for anyone without the QR Code. He said there is no need for a rental kiosk or rental counter.

APPROVED

Motion by Myers, second by Spann, to approve the request by Budget Truck Rental LLC to allow “Vehicle/Equipment Sales and Rentals” located at the subject location as presented with a limit of five vehicles.

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

(Agenda Item #6)

A request by Budget Truck Rental, LLC for a Conditional Use Permit to allow vehicle/equipment sales and rentals at 4208 S. Pleasant Crossing Boulevard in the C-2 (Highway Commercial) zoning district.

Attila Dobai explained the plan is basically the same as the plan for the Walnut Street store. He said the program is a pilot project and may eventually be part of the Walmart s

Chairman Jensen asked if anyone in the audience wanted to speak in favor or against the request. There were none.

The public hearing was declared closed.

APPROVED

Motion by Myers, second by Spann, to approve the request by Budget Truck Rental LLC to allow “Vehicle/Equipment Sales and Rentals” located at the subject location as presented with a limit of five vehicles.

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

(Agenda Item #7)

A request by Bates & Associates, Inc. for Dash Storage for a Conditional Use Permit to allow warehousing and storage at 4.27 acres on S. 1st Street, south of E. New Hope Road in the C-2 (Highway Commercial) zoning district.

Engineer Geoff Bates represented the request for the rezoning, explaining the plan for storage units.

Chairman Jensen asked if anyone in the audience wanted to speak in favor or against the request.

- Vicki Upton, 125 E. Glendale Lane – concerned about the lighting, about what it will look like next to her housing addition.

The public hearing was declared closed.

Bates said the lighting will be on the storage buildings, not in the parking lot, and shouldn't be an issue for the nearby housing.

Spann said the storage buildings weren't an appropriate use for that location so close to the residential neighborhood and because the Comprehensive Growth Map shows the area as a Neighborhood Center, which doesn't include zoning that would allow a storage facility. Myers said the uses that would be appropriate for that area will fill in and better meet the needs of the residents surrounding the Neighborhood Center. The Commission discussed other nearby storage facilities.

DENIED

Motion by Nolan, second by Myers, to deny the request.

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

NEW BUSINESS:

(Agenda Item #1)

LSDP, T-Mobile, a 110' monopole on 4.9 acres at 599 UTL N. 13th Street in the I-1 (Light Industrial) zoning district.

1.

(Agenda Item #2)

Lot Split, Glide Xpress Car Wash, requesting a variance for the minimum lot size before submitting a lot split at 100 N. Dixieland Road in the C-2 (Highway Commercial) zoning district.

(Agenda Item #3)

Lot Split, George Sayre, a division of property creating a lot with no road frontage and no public water and sewer service at 507 E. Walnut Street in the R-DP (Residential Duplex Patio) zoning district.

Moved and APPROVED on the Consent Agenda

Moved and APPROVED on the Consent Agenda

Moved and DENIED on the Consent Agenda.

(Agenda Item #4)

SSDP, Big M Ranch, an expansion of multiple buildings totaling 1600-sf of new floor area at 1300 S. 3rd Street in the I-1 (Light Industrial) zoning district.

Moved and TABLED on the Consent Agenda.

(Agenda Item #5)

LSDP, Bost Phase 2, a 2,860 sf office and two 3180-sf quadplex residential structures as the second phase of the existing Bost development.

Moved and APPROVED on the Consent Agenda.

(Agenda Item #6)

LSDP, Torchy’s Tacos, a 9,664 sf restaurant at 4950 W. Pauline Whitaker Parkway, in the C-2 (Highway Commercial) zoning district.

Moved and APPROVED on the Consent Agenda.

There being no further business, Chairman Jensen adjourned the meeting at 6:07 p.m.

ATTEST:

APPROVED:

Mandel Samuels, Secretary

Kevin Jensen, Chairman