

## MINUTES

The **Rogers Planning Commission** met for a *regular session* in the Council Chambers of the Maurice H. Kolman Building on June 18, 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, Tony Noblin, Mandel Samuels, John Schmelzle, Mandel Samuels, Don Spann and Eriks Zvers.

Commissioner Mark Myers did not attend.

### **OTHER OFFICIALS PRESENT:**

Community Development Director John McCurdy, Staff Attorney Bonnie Bridges, Planning Engineer Derec Bass, City Planner Ethan Hunter, Planner II Elizabeth Johnson, Asst. Fire Chief B.J. Hyde, Fire Marshal Joseph Jerabeck, RWU Engineer Stephen Ponder, and Councilmember Mark Kruger.

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

Motion by Ferguson, second by Noblin, 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 met and reviewed the request by Pinnacle Springs Retirement Community to rezone 7.7 acres on the northeast corner of Bellview Road and Hampton Place from Highway Commercial and Residential Office to the Neighborhood Commercial zoning district with a recommendation to approve the rezone with the Density Concept Plan. The committee recommended approval of two requested variances, and recommended the development include the required the 10-foot sidepath along

Bellview Road and that the Lazy L. Street alignment be coordinated with staff.

**DEVELOPMENT REVIEW COMMITTEE:**

Zvers reported the Development Committee had met, reviewed two agenda items and recommended approval of both with recommendations on the requested waivers as follows:

**1. LSDP, AMP Expansion, 16,857-sf of new and expanded buildings at 5051 W. Northgate Road in the U-ENT (Uptown Entertainment) zoning district.**

- Approve waiver to Sec. 14-260(1)(e) for the maximum number of curb cuts permitted. Per Sec. 14-260(3) “The City Planning Commission may modify or waive the requirements of this section...” The proposed curb cut will be used for emergency vehicle access only and would not inhibit or negatively affect the flow of traffic on W. Northgate Road.
- Approve waiver to Sec. 14-265(14)(b) for the requirement to provide tree islands. Per Sec. 14-46(c)(3). In the opinion of City Staff, the addition of the tree islands would be unnecessary because the proposed improvements to the parking lot would be disproportionate to the overall impacts of the project.
- Approve waiver to Sec. 14-228(30) for the requirement to provide the future collector street and trail. Per Sec. 14-46(c)(3)(c) “...the application of compete streets principles is unduly cost prohibitive...” Construction of the future collector street and trail is currently under design by others and will include additional street scape elements not typical of the standard collector street section and structural elements due to the site topography;

therefore, would not be reasonably proportional to the impacts of the project.

**2. LSDP, Innisfree Rehab Building Addition, a 13,500-sf building addition at 299 S. 24<sup>th</sup> Street in the RMF-12B (Residential Multifamily, 12 units per acre, rentals) zoning district.**

- Approve the waiver to Sec. 14-260(1)(e) for the maximum number of curb cuts permitted on S. 24th Street.
- Approve waiver to Sec. 14-228(30) for the requirement to restripe S. 24th Street.
- Approve waiver to Sec. 14-256(11) for 10’ sidepath with 6’ greenspace on S. 24th Street.”
- Deny waiver to Sec. 14-608(1) for the requirement to dedicate ROW per the Master Street Plan. An additional 5’ of ROW is required to meet the City standard.

**APPROVED**

Motion by Zvers second by Spann, to place both items as recommended by the Committee on the Consent Agenda for approval.

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

**CONSENT AGENDA:  
APPROVED**

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

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

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

Zvers reported a third item on the Development Review Committee agenda will be taken up during the Commission’s regular session due to a lack of representation during committee.

**OLD BUSINESS:**

None

**PUBLIC HEARINGS:**

- 1. **A request by Angela Blake for a Conditional Use Permit to allow a photography studio at 606 N. 5<sup>th</sup> Street in the NBT (Neighborhood Transition) zoning district.**

Angela Blake, 623 W. Olive Street, explained her plan to open a photography studio at the location. She said the business will operate by appointment only.

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 stated there were two emails in opposition to the photography studio.

Samuels asked if the photography would all happen indoors. Blake said the backyard of the property may be used at times. Samuels also noted that one of the emails mentioned opposition to the type of photography that might take place. Staff Attorney Bonnie Bridges said the city doesn't regulate the type of content for something like this, and if they violate terms of the CUP, it would.

**APPROVED**

Motion by Noblin, second by Ferguson, to **approve** request by Angela Blake to allow a photography studio at the subject location. Voice Vote: Unanimous – Yes. ***Motion carried.***

- 2. **A request by Pinnacle Springs Retirement Community to rezone 7.7 acres on the northeast corner of Bellview Road and Hampton Place from C-2 (Highway Commercial) and R-O (Residential Office) to the C-3 (Neighborhood Commercial) zoning district, and accept the accompanying Density Concept Plan.**

Charles Baverman, representing Cameron General Contractors, explained the planned senior living facility development and a couple of variances that are part of the planned DCP.

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.

Don Spann said he's impressed with the quality of other similar developments by the company and believes the Commission should support the project.

**APPROVED**

Motion by Spann, second by Crawford, to recommend the rezone request by Pinnacle Springs Retirement Community of 7.7 acres at the northeast corner of S. Bellview Road and S. Hampton Place from the C-2 to the C-3 zoning district, with approval of the attached Density Concept Plan including two requested waivers, and subject to the following recommendations:

- Coordinate with staff for specific alignment of Lazy L Street.
- Improve the existing sidewalk along S. Bellview Road to a 10’ sidepath per the Master Street Plan major arterial typical street section.

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

**NEW BUSINESS:**

1. **A request by Dash Storage for a rehearing of a Conditional Use Permit to allow warehousing and storage on 4.27 acres on S. 1<sup>st</sup> Street, south of E. New Hope Road in the C-2 (Highway Commercial) zoning district.**

Dave Burris, architect, explained the engineer had not downloaded the original staff report on the CUP request, so they did not have the information about staff opposition. He also objected to the term “adverse use” used in the staff report and touted the need for the service in that area.

Spann said the Conditional Use request is one the Commission needs to scrutinize due to its location in a Neighborhood Center. He agreed the engineer could have provided more information to make the case for approval.

**APPROVED**

Motion by Spann, second by Schmelzle, to approve the request for a rehearing of the Conditional Use Permit request.

Voice Vote: 6 – Yes, 2 – No (Zvers, Samuels).

***Motion carried.***

2. **LSDP, AMP Expansion, 16,857-sf of new and expanded buildings at 5051 W. Northgate Road in the U-ENT (Uptown Entertainment) zoning district.**

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

3. **LSDP, Innisfree Rehab Building Addition, a 13,500-sf building addition at 299 S. 24<sup>th</sup> Street in the RMF-12B (Residential Multifamily, 12 units per acre, rentals) zoning district.**

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

4. **SSDP, Chick-Fil-A, a 193-sf addition involving variance requests for a setback reduction and parking reduction at 2601 W. Pleasant Grove Road in the C-2 (Highway Commercial) zoning district.**

Bryan Burger, Burger Engineering of Dallas, said the project needs three variances. He explained the need for a canopy for employees to stay out of the weather when placing orders. The overhang of the canopy would extend seven feet into the setback. The Commission also discussed the need to approve a variance for the change in direction for the Dumpster to make it easier to dump. Burger said the restaurant is also requesting a reduction in parking spaces, noting the spaces are against the building and not usable in peak business hours. McCurdy questioned the relocation of the handicapped spaces away from the building and whether they would still be in ADA compliance. He also discussed the need for a site-specific hardship of the front setback reduction for the canopy, noting that such a hardship is generally site-specific. He suggested the restaurant may have outgrown its location.

**APPROVED**

Motion by Ferguson, second by Schmelzle, to approve the small-scale plan for Chick-fil-A as presented and approve the following three variance requests:

1. Setback reduction 75' to 68' for a drive-thru canopy.
2. Setback reduction from 75' to 48' and from 45' to 20' for a dumpster enclosure.
3. Reduction of parking from 50 to 44 spaces.

Voice Vote: Unintelligible.

Chairman Jensen requested a Roll Call Vote.

Roll Call: 5 – Yes, 3 – No (Zvers, Spann, Noblin). ***Motion carried.***

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

**ATTEST:**

**APPROVED:**

---

Mandel Samuels, Secretary

---

Kevin Jensen, Chairman