



COMMUNITY DEVELOPMENT
PLANNING DIVISION
301 W. CHESTNUT
planning@rogersar.gov
(479) 621-1186

ROGERS PLANNING COMMISSION MINUTES

The **Rogers Planning Commission** met for a public meeting at Rogers City Hall at 301 W. Chestnut St. on August 3, 2021 at 5:00 P.M. The meeting was called to order by Chairman Mandel Samuels.

ROLL CALL

Commissioners Mandel Samuels, Rachel Crawford, John Schmelzle, Jorge Andrade, Derek Burnett, Kevin Jensen, Mark Myers, and Eriks Zvers were present. Commissioner Steve Lane was absent.

ACTION ON MINUTES

Motion by Jensen, Second by Crawford, to approve the July 20, 2021, Planning Commission meeting minutes as presented.

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

Approved.

REPORTS FROM STAFF

Hunter stated that Public Hearing items 2, 5, 6, and 7 needed to be tabled and no final action could be taken due to incorrect public notification procedure by the applicants. Hunter also noted that an item, Investments by Marx, LLC had been removed from the agenda due to the applicant withdrawing the request prior to the meeting but after public notification had been sent.

REPORTS FROM BOARDS AND COMMITTEES

PLANS & POLICIES COMMITTEE —

There were no items discussed.

DEVELOPMENT REVIEW COMMITTEE —

1. **LSDP: Glad Addition** - this item was recommended to be placed on New Business and approved as presented.

CONSENT AGENDA

OLD BUSINESS

PUBLIC HEARINGS

1. RZN: Cicioni & Wilder

A request to rezone ± 0.52 acres at 623 S. 3rd St. from the N-R (Neighborhood Residential) to the NBT (Neighborhood Transition) zoning district.

Samuels introduced the item and requested a staff report.

Hunter provided a staff report with recommended actions.

Applicant representative, Hannah Cicioni, was available to introduce the item and explain the request.

Samuels opened the public hearing for comments.

There were no comments. The public hearing was declared closed.

Motion by Jensen, Second by Schmelzle, to approve as presented.

Roll Call Vote: YES – Unanimous. **Motion carried.**

Recommended for City Council approval.

2. RZN: Villas at Scissortail

A request to rezone ± 5.05 acres on W. Pleasant Grove Rd. from the A-1 (Agricultural) to the N-R (Neighborhood Residential) zoning district.

Samuels introduced the item and noted that this item would be tabled per Hunter's staff report due to incorrect public notification by the applicant but that a public hearing would take place for this item.

Samuels opened the public hearing for comments.

Meredith Kuhn, of 4410 S. 87th Pl., spoke against this item and voiced concerns regarding tree removal, pedestrian safety, and traffic increase.

Jennifer Gerhardt of 4406 S. 87th Pl., spoke against this item and voiced concerns regarding tree removal and wildlife impact, privacy, as well as pedestrian safety and traffic increase.

Amanda Simpson of 4412 S. 87th Pl., voiced concerns about housing values being affecting and asked if there would be an impact analysis. Samuels explained that this was simply a Rezone request at this time and that information was neither required nor available at this time.

There were no further comments. The public hearing was declared closed and Samuels noted for the record that three citizens had spoken against this item, but none had spoken for it.

Applicant representative Jano Saya of Sand Creek Engineering requested that this item be tabled.

Motion by Schmelzle, Second by Jensen, to table.

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

Tabled.

3. CUP: Orale Inc.

A request for a Conditional Use Permit to allow the use “Commercial Assembly, Recreation and Entertainment” at 1902 S. 8th St. in the C-4 (Open Display Commercial) zoning district.

Samuels introduced the item and requested a staff report.

Hunter provided a staff report with recommended actions.

Applicant representative, Jose Sanabria, was available to introduce the item and explain the request.

Samuels opened the public hearing for comments.

Attorney Bill Watkins, representing Azalea Trail Apartments, spoke against the request on behalf of his client.

Vicki Lehman of 1903 S. 10th St. spoke against this item and voiced concerns regarding noise, trash, and traffic.

Jeremy Lin, the property owner, spoke for the item and cited improvements to the structure that he claimed would buffer sound issues.

The public hearing was declared closed.

Jensen asked for clarity regarding the location’s previous use as an event center and Hunter explained that this use was previously allowed by right in that zoning district at that time, but that a more recent Code change now required a Conditional Use Permit for “Commercial Assembly, Recreation, and Entertainment” in C-4 and clarified that this use term encompassed multiple types of operations based on how it was defined in the Municipal Code.

Myers stated that he was against approving a Conditional Use Permit in an incorrectly zoned area and that he also contended that a Night Club immediately adjacent to residential property was inappropriately.

Jensen asked if the applicant was truly requesting a Conditional Use Permit to operate a Night Club and not an Event Center. Sonabria stated that they were requesting a Conditional Use Permit for a Night Club and Not an Event Center.

Hunter further clarified that this was also not a continuation of an existing use.

Motion by Myers, Second by Jensen, to Deny.

Roll Call Vote: YES – Unanimous. **Motion carried.**

Denied.

4. CUP: Sunshine Darsh, LLC.

A request for a Conditional Use Permit to allow the use “Convenience Store with Gas” and “Vehicle/Equipment Sales and Rental” located at 1307 W. Hudson Rd. in the C-2 (Highway Commercial) zoning district.

Samuels introduced the item and requested a staff report.

Hunter provided a staff report with recommended actions.

Applicant representative, Dhara Patel, was available to introduce the item and explain the request.

Samuels opened the public hearing for comments.

Andrea Jones, the owner of property located at 1307 ½ Hudson Rd., voiced concerns regarding the previous owner regarding trash and vehicle storage issues that had encroached upon her property.

There were no further comments. The public hearing was declared closed.

Patel addressed the issues related to the prior owner concerning trash and vehicle storage/encroachment and explained how they planned to mitigate and avoid this.

Commissioners discussed whether they could or couldn't require a fence as a condition and concluded that while they could require this, other solutions such as parking blocks would be more suitable to keep the vehicles from encroaching onto Jones property during customer drop-offs.

Motion by Myers, Second by Zvers, to approve the request as submitted with the requirement that the existing curb stops be adjusted to prevent encroachment of any vehicles onto Jones's property and that failure to do so would potentially result in the revocation of the Conditional Use Permit.

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

Approved.

5. CUP: Van Dyke Center Lots 2 & 3

A request for a Conditional Use Permit to allow the use “Warehouse Office” at the Intersection of W. Hudson Rd. and N. 17th St. in the C-2 (Highway Commercial) zoning district.

Samuels reiterated Hunter's previous statement that action could not be taken on this item due to incorrect public notification by the applicant

Motion by Schmelzle, Second by Crawford, to table the request.

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

Tabled.

6. CUP: Van Dyke Center Lot 5

A request for a Conditional Use Permit to allow the use “Warehouse Office” at 1703 W. Hudson Rd. in the C-2 (Highway Commercial) zoning district.

Samuels reiterated Hunter’s previous statement that action could not be taken on this item due to incorrect public notification by the applicant

Motion by Schmelzle, Second by Crawford, to table the request.

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

Tabled.

7. CUP: Van Dyke Center Lot 11

A request for a Conditional Use Permit to allow the use “Warehouse Office” at 1701 W. Industrial Dr. in the C2 (Highway Commercial) zoning district.

Samuels reiterated Hunter’s previous statement that action could not be taken on this item due to incorrect public notification by the applicant

Motion by Schmelzle, Second by Crawford, to table the request.

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

Tabled.

8. CUP: NWA Builders, LLC.

A request for a Conditional Use Permit to allow the use “Vehicle Washing” at 1602 S. 8th St. in the C-2 (Highway Commercial) zoning district.

Samuels introduced the item and requested a staff report.

Hunter provided a staff report with recommended actions. Hunter also noted that any displayed site plans were purely to display the concept and any future development on the site would have to go through the entire development review process as regulated by Code.

Applicant representative, Jerry Hawkins, was available to introduce the item and explain the request.

Samuels opened the public hearing for comments. There were no comments.

Jensen asked about the shape of the lot and Hawkins explained that he had potential future land use plans and the overall amount of land that he owned at that location.

Motion by Jensen, Second by Crawford, to approve the request as presented.

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

Approved.

NEW BUSINESS

1. LSDP: Glad Addition

A Large-Scale Development located at 1700 N. 13th St. in the I-2 (Heavy Industrial) zoning district.

Samuels introduced the item and stated that the item came out of Committee with a recommendation to approve as presented.

Motion by Zvers, Second by Myers, to approve subject to the following actions:

1. Approve VARIANCE from Sec. 14-714(h) from the requirement to provide one automobile parking space per 600 SF of net floor area.
2. Consider WAIVER from Sec. 14-256(16)(a) from the requirement to provide one bicycle parking rack per twenty (20) automobile parking spaces.
3. Approve WAIVER from Sec. 14-256 regarding street improvements along the adjacent roadway with the CONDITION that a light will be installed at each driveway and at least every 200 linear feet along N 13th Street per city code.
4. Approve WAIVER from Sec. 14-604(c) regarding the connectivity standards.

It was also noted that a portion of this property contains a Zone AE Special Flood Hazard Area, and therefore the project will require a Floodplain Development Permit prior to construction and that the applicant is required to provide an additional water quality mechanism with the final submission to be reviewed and approved by the City Engineer.

Voice Vote: YES – Burnette, Crawford, Jensen, Myers, Samuels, Schmelzle, Zvers; ABSTAINED - Andrade. **Motion carried.**

Approved.

2. Announcement Regarding The Governor's Executive Order 21-14

Samuels and McCurdy noted that the next Planning Commission would be held both via Zoom and at the Rogers City Council Chambers due to public notifications listing the Council Chambers as the meeting location prior to the Governor's Executive Order 21-14 declaring a statewide public health emergency being announced.

ADJOURN

There being no further business, Samuels adjourned the meeting at 5:50 p.m.

ATTEST:

APPROVED:

John Schmelzle, Secretary

Mandel Samuels, Chairman