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ROGERS PLANNING COMMISSION
MINUTES

The Rogers Planning Commission met for a public meeting at Rogers City Hall at 301 W. Chestnut Street on December 20, 2022 at 5:15 P.M. The meeting was called to order by Chairman John Schmelzle.

ROLL CALL

Commissioners attending: Jorge Andrade, Samantha Best, Derek Burnett, Hannah Cicioni, Steve Lane, Ed McClure, Mark Myers, John Schmelzle.
Mandel Samuels did not attend.

ACTION ON MINUTES

Motion by Myers, Second by Andrade, to approve the December 6, 2022, Planning Commission meeting minutes as presented.
Voice Vote: Unanimous - Yes. *Motion carried.*
APPROVED

REPORTS FROM STAFF

Development Compliance Manager Kris Paxton stated that item #1 LSDP, Willow Creek Multifamily under New Business had three waivers that were determined to be approved by staff. The item no longer has additional waivers or variances and staff recommends to move the item to consent agenda.

Motion by Schmelzle, Second by Myers, to move Willow Creek Multifamily to the consent agenda.
Voice Vote: Unanimous - Yes. *Motion carried.*
APPROVED

Community Development Director John McCurdy announced that staff has discussed Planning Commission officer assignments with individual members and recommended the following for the 2023 Planning Commission officer positions:

- John Schmelzle for position of Chair
- Hannah Cicioni for position of Vice Chair
- Jorge Andrade for Secretary

McCurdy stated that under Article Two Section One of the Bylaws, officer positions should be filled during the first meeting of January. However, Article Seven Section Three of the Bylaws allows the commission to suspend the rules for good cause by an affirmative vote of not less than the majority of the commission. Staff therefore recommends that the commission suspend the rules by majority vote and then vote on its officers effective immediately and through the end of 2023 unless otherwise amended.

Motion by Myers, Second by Andrade, to suspend the rules.
Voice Vote: Unanimous - Yes. ***Motion carried.***
APPROVED

Staff Attorney John Pesek said that the rules have been suspended and they could now vote on the officers.

Motion by Cicioni, Second by Myers, to approve the officers as presented by staff.
Voice Vote: Unanimous - Yes. ***Motion carried.***
APPROVED

McCurdy then stated that in accordance with the bylaws, the Chairman is responsible for establishing standing and temporary committees and with the commission consent naming members for those committees. For a recent ordinance revision beginning this evening, the Board of Adjustment will consist of three Planning Commissioners. Under the ordinance the Planning Commission is responsible for naming those members. With the implementation of the ordinance as an administrative change to how business is conducted and in accordance with the state law, the Development Review Committee no longer needs to be established but will need to establish the membership for the Board of Adjustment and Plans & Policies Committee.

McCurdy reviewed a bit of the state law that speaks to the roles and responsibilities of the Board of Adjustment and implementing it with the Planning Commission. The zoning ordinance shall provide for a board of zoning adjustments which may either be composed of at least three Planning Commissioners or the commission as a whole. The Board shall have the following functions to hear appeals from the decision of the administrative officers in respect to the enforcement and application of zoning ordinance and may affirm or reverse in whole or in part the decision of the administrative officer. Secondly, to hear request for variances from the literal provisions of the zoning ordinance and instances where strict enforcement of the ordinance would cause undue hardship due to circumstances of the individual property under consideration, and to grant such variances only when it’s demonstrated that such an action will be in keeping with the spirit and intent of the provisions of the ordinance. The board shall not permit as a variance any use of design that is not permitted under the ordinance. The board may impose conditions in granting a variance to ensure compliance into protecting adjacent property. Decisions of the board in respect to the above shall be subject to appeal only to the court of record having jurisdiction. The board shall establish regular meeting dates, adopt rules for the conduct of its business, establish a quorum and procedure, and keep a public record of all findings and decisions. Beginning this evening, the Board of Adjustment will be established to hear all variances to include waivers, and hear appeals of staff decisions.

Chairman Schmelzle stated he spoke with the planning staff and legal department and would like to recommend the following Board of Adjustment officers:

- Mandel Samuels for position of Chair
- Hannah Cicioni as Vice Chair
- Ed McClure as the Secretary

He further recommends that each member of the Planning Commission be named as an alternative for BOA in the event a quorum must be established.

Motion by Andrade, Second by Myers, to approve the BOA officers as presented.
Voice Vote: Unanimous - Yes. *Motion carried.*
APPROVED

Schmelzle proposes that each remaining Planning Commission member serve on the Plans & Policy Committee with officers as follows:

- John Schmelzle as Chair
- Lane as Vice Chair
- Andrade as Secretary

Motion by Cicioni, Second by Myers, to approve the Plans & Policy officers as presented.
Voice Vote: Unanimous - Yes. *Motion carried.*
APPROVED

McCurdy stated that a copy of the amended bylaws for the Planning Commission in accordance with Article Seven Section One the bylaws may be updated by presenting changes to the commission and then voting to adopt changes at the following meeting. He did a quick run through the proposed changes to the bylaws and asked members to review for discussion at first meeting in January.

Schmelzle stated that the Planning Commission meeting will have a recess to conclude the Board of Adjustment and Plans & Policies meeting.

Schmelzle called the Planning Commission meeting back to order at 6 o'clock.

Deputy Director Shawn Grindstaff explained the new layout in the Council Chambers.

Schmelzle introduced Hannah Cicioni and Samantha Best, the new Planning Commission members recently appointed by Mayor Hines.

REPORTS FROM BOARDS AND COMMITTEES
Reports presented during item discussion.

CONSENT AGENDA
Schmelzle stated the following large scales were on the consent agenda: The Pointe at Rogers Phase 1, MK Properties, and Willow Creek Multifamily.

Motion by Cicioni, Second by Myers, to approve the consent agenda.
Voice Vote: Unanimous - Yes. *Motion carried.*
APPROVED

OLD BUSINESS

1. **CUP: El Senor de los Carros**
   A request by El Senor de los Carros for a Conditional Use Permit to allow the use "Vehicle/Equipment Repair & Installation" at 1614 S. 8th Street in the C-2 (Highway Commercial) zoning district and the city's Overlay District. *(Tabled 12/6/22)*

   Planner Kyle Belt explained that this item has circulated through the past sessions and due to a public notification error, staff is recommending to table until the next Planning Commission meeting.

   Motion by Myers, Second by Cicioni, to table the item until the 1/3/23 Planning Commission meeting.
   Voice Vote: Unanimous - Yes. *Motion carried.*
   TABLED

PUBLIC HEARINGS:

1. **CUP: 37th Street Storage**
   A request by First Western Bank for a Conditional Use Permit for "Warehousing & Storage, Limited" on 0.6 acres SE of the intersection at S. 37th and W. Walnut streets in the C2-CU (Highway Commercial, Condominium Use) zoning district Neighborhood Transition) zoning. *(Tabled 11/15/22)*

   Planner Christina Moore explained that the location is in central Rogers, south of the Cici's on W. Walnut Street. She noted that the code states the use definition of "Warehousing & Storage, Limited" is a business that provides space to others to rent or store their belongings. She clarified that the actual use of the building will be only for the First Western Bank just a half mile down the road. Zoning requirements can be met and there are no ingress or egress issues with the site.

   The staff recommendation was to approve the proposed CUP with conditions that the facility only be used for First Western Bank property, and that the facility cannot be used for other more traditional warehousing or commercial storage purposes.

Bill Watkins represented the request on behalf of the applicants. He stated that there will only be about three to four cars per week at the site and emphasized that this would be a private facility only.

Schmlezle opened the public hearing for comments.
There were none.
The public hearing was declared closed.

Cicioni stated that she does not have any type of affiliation to the applicant but wanted to say that she is currently a property owner to their existing storage space and with her adjoining property she can say that there is minimal traffic flow.

Myers stated this was a good buffer to the residential properties.

Motion by Myers, Second by Andrade, to approve the CUP with the conditions that the facility only be used by First Western bank, and that the facility cannot be other more traditional warehousing or commercial storage purposes.
Voice Vote: YES – Unanimous ***Motion carried.***
RECOMMENDED

2. RZN: Laura & Efren Coello
A request by Laura & Efren Coello to rezone 1210 S. 45th Street from R-SF (Residential Single Family) to the R-O (Residential Office) zoning district.

Planner Christina Moore noted the location is in central Rogers. The request is to rezone to R-O (Residential Office) but the request was made due to an error with the GIS map. The parcel is designated to be U-NBT (Uptown Neighborhood Transition). She stated that the applicant has agreed to this rezone change. The Planning Commission may approve a modified rezone to U-NBT.

Staff recommends approval with a modified form to a more to a more restrictive zone, U-NBT.

Laura Coello represented the request and stated this site will be used as a design studio.

Schmelzle opened the public hearing for comments.
Mary Alice Carr, neighbor, spoke in favor of the request.
The public hearing was declared closed.

Motion by Cicioni, Second by Myers, to recommend the rezone request as presented to City Council for approval.
Voice Vote: YES – Unanimous ***Motion carried.***
APPROVED

NEW BUSINESS

None.

ADJOURN

There being no further business, Schmelzle adjourned the meeting at 6:13 p.m.

ATTEST: **APPROVED:**

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Jorge Andrade, Secretary John Schmelzle, Chairman