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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 January 2, 2024 at 5:30 P.M. The meeting was called to order by Chairman Ed McClure followed by the Pledge of Allegiance.

ROLL CALL

Commissioners attending: Jorge Andrade, Samantha Best, Derek Burnett, Hannah Cicioni, Steve Lane, Ed McClure, Mark Myers, Mandel Samuels, and John Schmelzle.

ACTION ON MINUTES

Motion by Schmelzle, Second by Myers, to approve the December 19, 2023, Planning Commission meeting minutes as presented.
Voice Vote: Unanimous – Yes. *Motion carried.*
APPROVED.

PUBLIC FORUM

Kevin Thiessen asked the commissioners if the public will be allowed to speak on the Cicioni rezone request. Senior Staff Attorney John Pesek stated the public hearing for that rezone request has already occurred so unless someone is recognized by a commissioner, the public will not be allowed to speak on that item. Thiessen then asked if tabling the request is an option. Pesek said staff doesn't make a recommendation to table but it is an option. Lastly, Thiessen asked if there will be public input for the new proposed NBT code item on the agenda. Pesek stated that item is also under New Business so there will not be a public hearing.

REPORTS

Community Development Director John McCurdy announced that Ed McClure is now the new chairman for Planning Commission and stated they would need to discuss his replacement for Board of Adjustment.

Commissioner Samuels nominated Derek Burnett to become a member of the BOA.

Motion by Samuels, Second by Cicioni, to appoint Derek Burnett as a member of the BOA.
Voice Vote: Unanimous – Yes. *Motion carried.*
APPROVED.

DECLARATION OF ABSTENTION

McClure asked that any Commissioners needing to abstain on agenda items state so and not participate in discussion or vote on the item. McClure stated he will be abstaining from the Cicioni rezone and Commissioner Lane will be chairing that portion of the meeting.

CONSENT AGENDA

PUBLIC HEARINGS

1. CUP: Hudson Golf Cart Display

A request by Hudson Golf Cart Display to allow the use "Vehicle/Equipment Sales & Rentals" on 1.03 acres south of the junction of N. 4th Street & W. Hudson Road in the C-2 (Highway Commercial) zoning district.

Planner Zachery Birdsong noted the site is located in N. Rogers, south of the junction of N. 4^{th} and W. Hudson. The applicant is requesting a conditional use permit to allow for Vehicle/Equipment Sales and Rentals, more specifically for golf carts. This use is conditional in C-2 and C-2 zoning is allowed per the Access Corridor Growth Designation. The proposed use is compatible and zoning requirements can be met. The applicant plans to construct a parking lot to showcase the vehicles for sale. There is a planned development to the south owned by the applicant. This proposal has already been approved in the I-1 zoning district, which is where the structure for the operations of this business will reside and only the parking lot is being proposed in the C-2 portion of the overall development. Staff recommends approval.

Jake Chavis, Bates & Associates represented the request.

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

Motion by Schmelzle, Second by Myers, to approve the request as presented.
Voice Vote: Unanimous – Yes. *Motion carried.*
APPROVED.

OLD BUSINESS

1. RZN: Hannah Cicioni

A request by Hannah Cicioni to rezone 511 W. Pecan Street from the N-R (Neighborhood Residential) zoning district to the NBT (Neighborhood Transition) zoning district. (Tabled at 9/19/23)

Planner Christina Moore stated the property is located at the corner of S. 5^{th} Street & W. Pecan Street. The applicant is requesting to rezone from N-R to NBT and the CGM map designates this parcel as NBT. The current use is single family residential but other potential uses could be residential or limited commercial. Staff recommendation is to recommend to City Council for approval.

Hannah Cicioni represented the request and noted that this is the same rezone request that was tabled at the September 19^{th} meeting. Cicioni stated that she sent an email to McCurdy and the Planning Commission to have her item re-brought up again for consideration.

Commissioner Burnett asked if the recommendation is to recommend to City Council or refer to committee. McCurdy clarified that the original staff report from the 9/19 meeting referred the item to committee which has already happened.

Commissioner Myers noted he would like to recognize a member from the public to speak.

- Andrew Boyer, 522 S. 5th Street- asked what the plans for the property are.

Vice Chairman Lane said rezoning is a change in use with items that are used by right so its not site dependent. McCurdy added that once the rezone goes through the land is endowed with entitlements to do what is allowed under that zoning district.

Commissioner Best asked if this property is within the proposed Neighborhood Overlay. McCurdy said yes. Best asked if the rezone is approved is it subject to the current code or new code. McCurdy stated that there are two recommendations under new business. One is to amend the schedule of uses in NBT which falls under the authority of the Planning Commission. If approved, it will go in effect immediately. The other item is a change in the text of the ordinance to deal with the setback concerns which would require council approval. Assuming that City Council adopted the amendment to Chapter 14 is at the same meeting as the rezone and it would be on the same agenda, then the rules would change at the same time the rezone was approved.

Motion by Myers, Second by Samuels, to recommend the request to City Council for approval.
Voice Vote: 7 – Yes, 1 – Abstain (McClure) *Motion carried.*
APPROVED.

NEW BUSINESS

1. Establishment of 2024 Zoning Review Committee members.

McCurdy noted that Derek Burnett was nominated to the BOA and that Zoning Review Committee is consisted of all the commission except the Chairman and BOA members. If they could act on a motion to appoint everyone except the Chairman, Cicioni, Burnett and Samuels to the Zoning Review Committee that should take care of it.

Motion by Myers, Second by Samuels, to appoint all the commission except McClure, Cicioni, Burnett & Samuels, as members of the Zoning Review Committee.
Voice Vote: Unanimous – Yes. *Motion carried.*
APPROVED.

2. Consideration of an amendment to Chapter 14 to establish a Neighborhood Overlay designating setbacks in downtown Rogers and a proposed update to the schedule of uses within the Neighborhood Transition Zoning District (NBT) of the Downtown Rogers Development Code.

Community Development Director John McCurdy stated the proposal to amend Section 14-715 DRDC table 3.1 Schedule of Uses is as follows: for NBT district all permitted commercial uses are changed to conditional.

McCurdy then said the following note will be added to 4.5 Neighborhood Transition before 4.5(a): "In the area between W. Poplar Street to the north, S. 7th Street to the west, W. Oak Street to the south and S. 2nd Street to the east. And a second area between W. Chestnut to the south, N. 3rd Street to the east, W. Persimmon to the north and N. 5th Street to the west, an overlay district is established. Within this overlay the front and side street setbacks must match or be between the front setback of existing buildings on the same side of the street, the side setback shall be five feet minimum, and the rear setback in the absence of an alley shall be 12 feet minimum." McCurdy stated that he does not know if an overlay is actually required to accomplish this and it can be taken care of with building disposition standards rather than creating another overlay. This would prevent any large structures being built right up to the property line and require Planning Commission approval before any commercial uses in these neighborhoods.

Myers asked if this would eliminate multifamily. McCurdy stated that it does not eliminate multifamily but to keep in mind that most of these lots are about a third of an acre and you're looking at a structure that can be no larger than a house on these lots.

Samuels asked what the rear setback would be if there was an alley. McCurdy stated it would be zero feet.

Motion by Myers, Second by Samuels, to amend the schedule of uses as presented.
Voice Vote: Unanimous – Yes. *__Motion carried.__*
APPROVED.

Motion by Myers, Second by Samuels, to recommend to City Council the changes to Section 14-715(4.5) as presented.
Voice Vote: Unanimous – Yes. *__Motion carried.__*
APPROVED.

__COMMISSIONERS' FINAL COMMENTS__

__ADJOURN__
There being no further business, the Chairman adjourned the meeting at 6:05 p.m.

ATTEST: **APPROVED:**

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Samantha Best, Secretary Ed McClure, Chairman