



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 July 20, 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, Kevin Jensen, Steve Lane, Mark Myers, and Eriks Zvers were present. Commissioner Derek Burnett was absent.

ACTION ON MINUTES

Motion by Jensen, Second by Crawford, to approve the July 6, 2021, Planning Commission meeting minutes as presented.

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

Approved.

REPORTS FROM STAFF

There were no reports from staff.

REPORTS FROM BOARDS AND COMMITTEES

PLANS & POLICIES COMMITTEE —

There were no items discussed.

DEVELOPMENT REVIEW COMMITTEE —

1. **SUB: Sky Valley Estates** - this item was recommended to be placed on New Business and approved as presented.
2. **LSDP: Casey's General Store** - this item was recommended to be placed on New Business and approved as presented.
3. **LSDP: Creekside Medical Offices** - this item was recommended to be placed on New Business and approved as presented.

CONSENT AGENDA

OLD BUSINESS

1. CUP: Caliber Collision

A request for a Conditional Use Permit to allow the uses "Vehicle/Equipment Repair and Installation & Vehicle Storage" located on 2.94 ± acres on the East side of S. Bellview Rd. and S. Side of Ajax Ave. intersection in the C-2 (Highway Commercial; Overlay) zoning district.

Samuels introduced the item and requested a staff report.

Hunter provided a staff report with recommended actions and stated for the record that this request was previously denied by the Planning Commission on April 20th, 2021 and then appealed to City Council on May 11th, 2021, upon being presented with information that was not brought before the Planning Commission at the April 20, 2021 Planning Commission meeting. He explained that City Council referred this request back to the Planning Commission and that the applicant had requested to table the item during the June 15, 2021 Planning Commission meeting to develop and submit landscape renderings and that those were being presented today for the Planning Commission.

Applicant representative, Bill Watkins, was available to introduce the item and explain the request and presented the additional information and landscape renderings.

Myers asked for clarity as to the extent of vehicle storage and Watkins explained that no vehicles would be stored outside the facility and fencing, and that the applicant would not be allowing vehicles to be stored or parked outside the fenced area in any capacity, including after-hours.

Crawford commended the applicant's effort but stated that she did not support the application.

Motion by Myers, Second by Jensen, to approve the request as presented before the Commission.

Roll Call Vote: YES – Andrade, Jensen, Lane, Myers, Samuels, Schmelzle; NO – Crawford, Zvers.

Motion carried.

Approved.

2. CUP: Strasters Mixed Use

A request for a Conditional Use Permit to allow the use "Offices for Business, Professional, Administrative, and Technical Services" at 208 W. Sycamore St. in the NBT (Neighborhood Transition) zoning district.

Samuels introduced the item and requested a staff report.

Hunter provided a staff report with recommended actions. He also noted that this item had been tabled at the 7/6/2021 Planning Commission Meeting due to incorrect public notification by the applicant, but that those requirements had been met and that a public hearing would be held for this item.

Applicant representative, Rachel Koehler, was available to introduce the item and explain the request.

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

Motion by Crawford, Second by Myers, to approve the request.

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

Approved.

PUBLIC HEARINGS

1. CUP: Marrs Developing, LLC.

A request for a Conditional Use Permit to allow the use “Bed and Breakfast” at 1206 S. 11th St. in the N-R (Neighborhood Residential) zoning district.

Samuels introduced the item and requested a staff report.

Hunter provided a staff report with recommended actions.

Applicant representative, Dave Marrs, requested that this item be withdrawn as he wished to pursue other options at this location.

Samuels confirmed with Bridges if a motion for withdrawal was necessary and Bridges confirmed that this was not necessary. The item was withdrawn.

2. CUP: Willa Mini Storage

A request for a Conditional Use Permit to allow the use “Warehousing and Storage, Limited” located on ± 13.5 acres North of Price-Alley Dr. on S. Rainbow Rd. in the A-1 (Agricultural) zoning district.

Samuels introduced the item and requested a staff report.

Hunter provided a staff report with recommended actions.

Applicant representative, Tim Salmonsens, was available to introduce the item and explain the request.

Samuels opened the public hearing for comments. Bill Watkins, representing Rainbow Storage, stated that his client did not support the request due to drainage and connectivity/right-of-way concerns. There were no further comments.

Motion by Myers, Second by Schmelzle, to deny the request.

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

Denied.

3. CUP: Stoney Brook Storage

A request for a Conditional Use Permit to allow the use “Warehousing and Storage, Limited” at 5823 W. Stoney Brook Rd. in the A-1 (Agricultural) zoning district.

Samuels introduced the item and requested a staff report. He also noted that this item had been tabled due to incorrect public notification by the applicant, but that those requirements had been met and that a public hearing would be held for this item.

Hunter provided a staff report with recommended actions.

Applicant representative, John Duggar, was available to introduce the item and explain the request.

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

There was discussion among staff and Commissioners regarding whether legal non-conformities should be allowed to continue in perpetuity and Bridges confirmed that if the current use was the same as the use when the property was annexed into the City, that this was legally allowed as long as there was no expansion of the operation or new uses undertaken. Hunter explained that this had triggered the Conditional Use Permit Application due to RV/Vehicle storage on-site that was prohibited.

Myers asked Duggar if he was willing to discontinue all vehicle storage, if he still wanted to pursue a Conditional Use Permit. Duggar stated that he would be willing to cease all vehicle storage in order to bring himself into compliance and not expand the use or uses of his business.

McCurdy stated that as long as Duggar was operating as a legal non-conformity, then the Community Development Department would work with him to obtain a business license without requiring a Conditional Use Permit so long as all municipal code, rules, and requirements were met. McCurdy suggested that this item be tabled or withdrawn if Duggar simply wanted to continue business in a legally compliant manner.

Duggar requested to withdraw the request.

Withdrawn.

4. CUP: Modern Storage, LLC.

A request for a Conditional Use Permit to allow the use “Warehousing and Storage, Limited” and “Live/Work Quarters” located on ± 8.98 acres between S. 26th St. and S. Dixieland Rd. in the C2-CU (Highway Commercial, Condominium Unit) zoning district.

Samuels introduced the item and requested a staff report.

Hunter provided a staff report with recommended actions.

Applicant representative, Brian Dale, was available to introduce the item and explain the request.

Samuels opened the public hearing for comments. Martin Ojeda, of 2014 W. Chandler Ave spoke against this request due to concerns about building height, lighting, and flood issues. There were no further comments.

Jensen asked for clarity as to height requirements in this zoning and Hunter provided clarity as to the height restrictions in C-2 zoning.

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

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

Approved.

NEW BUSINESS

1. SUB: Sky Valley Estates

A preliminary plat located on ± 6.82 acres of land at W Shores Ave. and S Mt. Hebron Rd. in the R-SF (Residential Single-Family) 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 Crawford, to approve subject to the following actions:

- a) Approve a FEE-IN-LIEU of street improvements along Shores Ave in the amount of \$60,613.73.
- b) Approve a WAIVER from Sec. 14-604(c) Connectivity standards requiring street and pedestrian connectivity with the CONDITION that if pedestrian connectivity can be achieved with the subdivision to the west that said connection shall be made.

Additionally, this project will require a Floodplain Development Permit. Lot 11 and Lot 12 will require elevation certificates prior to a Certificate of Occupancy being issued. A Condition of Approval of the Floodplain Development Permit will be to install privacy fencing adjacent to a primary channel prior to the acceptance of the Final Plat along the drainage easement boundary to ensure no adverse impacts on the Primary Channel in accordance with the City of Rogers Flood Damage Prevention Code and Drainage Criteria Manual.

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

Approved.

2. LSDP: Casey's General Store

A Large-Scale Development located at 3757 W. New Hope Rd. in the C-2 (Highway Commercial; Overlay) 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 Schmelzle, to approve the request subject to the following conditions:

1. Approve WAIVER from Sec. 14-46(g) Typical Section for Major Arterial Streets for W New Hope Road to deviate from the City of Rogers Typical Street Section.
2. Approve WAIVER from Sec. 14-46(g) Typical Section for Collector Streets for S Osage Road to deviate from the City of Rogers Typical Street Section.
3. Approve VARIANCE from Sec. 14-285(2) for an 8' front setback reduction (75' to 68').

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

Approved.

3. LSDP: Creekside Medical Offices

A Large-Scale Development located at 3801 W. Financial Parkway in the RO-CU (Residential-Office; Condominium Unit) 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 Schmelzle, to approve the request subject to the following conditions:

1. Approve WAIVER from Sec. 14-228(30) for required street improvements along W. Arapaho Drive.
2. Approve WAIVER from Sec. 14-228(30) for the requirement to provide a trail along W. Arapaho Drive with the CONDITION that the applicant design the trail as part of the LSDP and dedicate the required easement, and that the design and easement dedication align with the Fresh Roots Counseling design on file at the City of Rogers to the west, and a FEE-INLIEU to be determined and approved by the City Engineer.
3. Approve WAIVER from Sec. 14-46(g) and accept the installation of street trees as proposed with the CONDITION that any street tree outside of the right-of-way be placed in a minimum 5-ft recreation easement connected to the right-of-way.

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

ADJOURN

There being no further business, Samuels adjourned the meeting at 6:03 p.m.

ATTEST:

APPROVED:

John Schmelzle, Secretary

Mandel Samuels, Chairman