

## MINUTES

The **Rogers Planning Commission** met for a *regular session* in the Council Chambers of the Maurice H. Kolman Building on Tuesday, July 21, 2009 at 4:30 P.M. The meeting was called to order by Chairman Don Spann. Those in attendance were led in the Pledge of Allegiance.

### MEMBERS PRESENT:

Commissioners James Gosserand, Mark Myers, Ron Shelby, Mike Shupe, Don Spann, David Thrasher and Jim White were present. Dan Brown and Chad Campbell were absent.

### OTHER OFFICIALS PRESENT:

City Clerk Peggy David, Deputy City Attorney Jim Clark, Senior Planner Derrel Smith, Assistant City Planners Candy Anderson and Lori Stone, Director of Planning & Transportation Steve Glass, Water Utilities Engineer Earl Rausch, Fire Marshall Travis Hollis, Main Street Director Kerry Jensen, and Council members Betsy Reithemeyer, Larry Daniel and Bob Goodwin.

### ACTION ON MINUTES:

(July 7, 2009)

**Approved.**

Motion by Shupe, second by Myers to approve the minutes of the meeting of July 7, 2009 as submitted.

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

### REPORTS OF BOARDS AND STANDING COMMITTEES: OLD BUSINESS:

Senior Planner Derrel Smith requested that a work session be scheduled to review the Master Street Plan, Master Trail System and Bike Routes.

Smith said these combined plans have not been reviewed in a couple of years and we need to look at the plans to update if needed. Once the work session has been scheduled then a Public Hearing will be required if changes are made.

Work Session scheduled to review Master Street Plan, Master Trail Plan and Bike Routes for August 18<sup>th</sup> at 3:00 p.m.

Commissioners agreed to meet on August 18<sup>th</sup> at 3:00 p.m.

Commissioner Thrasher requested that Greg Lindley be contacted so that he could also attend this meeting.

Smith also noted that the city's five-mile planning boundary also needs to be reviewed since the east side of the Rogers city limits is the only side that is not touched by another city.

Smith said he would also like the commission to look at establishing a one-mile planning boundary instead of the five-mile and will have a map for consideration at the meeting on August 18.

Commissioners agreed that this would also be a part of the work session scheduled for August 18.

**PUBLIC HEARINGS:**

(Agenda Item #1)

Request by Amelia Arledge to rezone 1230 W. Poplar from R-SF (Residential Single-family) to the R-O (Residential Office) zoning district

Ron Robertson, 13527 Pikes Peak Circle, presented the rezoning request for the buyer of the property.

Robertson, a realtor with Harris-McHaney, said he understood that the owner had died, but wasn't sure about that.

Roberts said the intent of the buyer was to operate a therapy clinic at this location.

There were no comments from anyone in the audience either for or against the rezoning request.

The public hearing was declared closed.

Motion by Myers, second by White to recommend approval to the City Council the rezoning from RSF to R-O as requested.

**Approved.**

Roll call: Unanimous - Yes. ***Motion carried.***

(Agenda Item #2)

Request by Dinero Land Co. to rezone 4 lots at the NW corner of North St. & No. “C” St. from R-DP (Residential-Duplex Patio) to the R-AH (Residential Affordable Housing) zoning district

Rick Hines and Jeff Simpson presented the rezoning request for the four lots on N. “C” Street and North Street.

There were no comments from anyone in the audience either for or against the rezoning request.

The public hearing was declared closed.

**Approved.**

Motion by Myers, second by Shupe to recommend approval to the City Council the rezoning from R-DP to R-AH as requested. Roll call: Unanimous - Yes. ***Motion carried.***

(Agenda Item #3)

Request by the City of Rogers to rezone 3 parcels in the NE quadrant of future Price Lane and So. 7<sup>th</sup> St. to the following zoning districts:

- Tract Two: 0.838 acres from A-1 (Agricultural) to I-1 (Light Industrial)  
0.17 acres from I-2 (Heavy Industrial) to I-1 (Light Industrial)
- Tract Three: 22.39 acres from A-1 (Agricultural) to I-2 (Heavy Industrial)  
0.14 acres from I-1 (Light Industrial) to I-2 (Heavy Industrial)
- Tract Four: 0.08 acres from A-1 (Agricultural) to I-1 (Light Industrial)  
0.067 acres from A-1 (Agricultural) to I-1 (Light Industrial)

Steve Glass, Director of Planning & Transportation, requested the rezoning for three tracts of property that are a part of the Price Lane extension project.

Glass explained that the city is rezoning these properties for the property owners in exchange for the right-of-way needed for the Price Lane extension which will connect S. 8<sup>th</sup> Street to 1<sup>st</sup> Street. The intersection of S. 7<sup>th</sup> Street will be moved further east to get away from the railroad tracks and available for extension further south. Glass said all of the right-of-way for the Price Lane extension has been obtained and other than relocating utilities, this project is ready to go.

Charles Capps, 2401 S. 7<sup>th</sup> Street, spoke in favor of the request and noted that he is one owner of one of the properties and he is very pleased with the negotiations for this project.

There were no other comments from anyone in the audience either for or against the rezonings.

The Public Hearing was declared closed.

Motion by Myers, second by Shelby to recommend approval to the City Council the rezonings as requested.

Roll call: Unanimous - Yes. ***Motion carried.***

**Approved.**

(Agenda Item #4)

Request by Rolando's Restaurant (formerly La Fiesta) for a Conditional Use Permit for a private club at 224 So. 2<sup>nd</sup> St. in the C-1 (Downtown Commercial) zoning district

Sherry Cuzco, owner of Rolando's Restaurant, requested the conditional use permit for the private club permit for the restaurant operation.

Cuzco said this location is similar to her other restaurants that she owns in historic districts of Hot Springs and Fort Smith and hours of operation will be from 11:00 to 11:00.

Cuzco described the food as "It is not Tex-Mex at all, it is Cuban with Latin fusion" and looks forward to opening hopefully by September.

Kerry Jensen, Rogers Main Street Director, spoke in favor of the conditional use permit saying Rogers welcomes Cuzco and the restaurant.

Beth Stephens, Rogers Chamber of Commerce, spoke in favor of the conditional use permit.

Ron Nichols, 216 W. Poplar, spoke against the conditional use permit saying that he has lived at this location for the past 23 years and has improved his property during that time. "It's not the restaurant or the type of food that is being served that is a concern it is the alcohol. We have eleven grandchildren who stay with us on the weekends. Now I'm getting submerged with private clubs all

around. On weekends, when people are there partying and having a good time, and if I am sick, I can't sit on my front porch and enjoy the peace and quiet because of the loud music and unruly patrons. Alcohol is a problem, brings all kinds of problems and I am opposed to the alcoholic beverage sales at restaurants. This is not an asset to Rogers; this will cause my property values to depreciate because of it."

Dora Nichols, 216 W. Poplar, spoke against the conditional use permit saying that they cannot sit out on their front porch or entertain their eleven grandchildren in their backyard because of the noise associated with the restaurants and she is strongly opposed to the conditional use permit request.

Commissioner Gosserand said he had recently had conversations with people who run restaurants, and that restaurants must offer the sale of alcoholic beverages to their patrons to compliment their food or risk an unsuccessful endeavor. Their success is not solely dependent on alcoholic sales, but it is a factor.

The public hearing was declared closed.

Commissioner Myers asked Ms. Cuzco, "On your application, you say that the hours of operation will be 11:00 a.m. to 11:00 p.m., why 11:00 p.m.?"

Cuzco explained that normally they close at 10:00 p.m. but put down the 11:00 p.m. in case there is a late game that might run past 10:00 p.m.

Commissioners discussed the request and noted that the permit could be revoked if a substantiated complaint was made.

**Approved.**

Motion by White, second by Myers to approve the conditional use permit as requested.

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

**NEW BUSINESS:**

(Agenda Item #1)

Request by Rubianna Fuentes for a concession trailer at 400 So. 8<sup>th</sup> (Cash Village) in the C-2 (Highway Commercial) zoning district (formerly located at Southgate Shopping Center)

Rubianna Fuentes requested a temporary trailer permit for a snow cone business at 400 S. 8<sup>th</sup> Street.

Fuentes said there is power at this location and she would need the permit until the end of August.

**Approved.**

Motion by Myers, second by White to approve the temporary trailer permit for a period of three months.

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

There being no further business, the meeting adjourned at 5:14 P.M.

**ATTEST**

**APPROVED**

\_\_\_\_\_  
Jim White, Vice Chairman

\_\_\_\_\_  
Don Spann, Chairman