

MINUTES

The **Rogers Planning Commission** met for a *regular session* in the Council Chambers of the Maurice H. Kolman Building on Tuesday, May 4, 2010 at 4:30 P.M. The meeting was called to order by Chairman Jim White. Those in attendance were led in the Pledge of Allegiance.

MEMBERS PRESENT:

Commissioners Chad Campbell, Susan Mills, Mark Myers, Ron Shelby (arrived at 4:34 P.M.), Mike Shupe, Don Spann, and Jim White. James Gosserand and David Thrasher were absent.

OTHER OFFICIALS PRESENT:

Planning and Transportation Director Steve Glass, City Planner Derrel Smith, Assistant City Planner Lori Stone, Deputy City Attorney Jim Clark, Administrative Assistant Donna Johnston, Water Utility Engineer Mark Johnson, Buildings and Inspection Director Mike Rouse, and Council Member Larry Daniel.

ACTION ON MINUTES:

(April 20, 2010)

Commissioner Mills stated page 7331, item number 6 needs to be changed from the developer has the option of dedicating..... to "Developer will dedicate the floodway to the City of Rogers".

APPROVED.

Motion by Shupe, second by Myers to approve the minutes of April 20, 2010 as corrected. Voice Vote: Unanimous. **Motion carried.**

REPORTS OF BOARDS AND STANDING COMMITTEES:

None.

OLD BUSINESS:

(Agenda Item #1)

Request by Sno Crazy for Temporary Concession Trailer at 451 West Hudson

Mr. Warren represented this temporary trailer request and stated he has approval of

Road in the C-2 (Highway Commercial) Zoning District.

the property owner to operate at this location.

APPROVED.

Motion by Shupe, second by Myers to approve this temporary trailer request beginning May 15, 2010 for a period of six months. Voice Vote: Unanimous. **Motion carried.**

PUBLIC HEARINGS:

(Agenda Item #1)

Request by Marvin Dickinson for a Permit for Automotive Repair at 2600A NE Hudson Street in the C-2 (Highway Commercial) Zoning District.

Mr. Dickinson represented this conditional use permit request and stated this would be a tire shop only.

Commissioner Shelby asked for the average time stored, number of vehicles to be stored and where the vehicles would be stored at this location. Dickinson stated he would only have a couple of vehicles stored overnight in the building. Commissioner Myers asked where the used tires would be stored. Dickinson said inside the building.

No one spoke in favor or in opposition to this conditional use permit request.

The Public Hearing was declared closed.

APPROVED.

Motion by Shupe, second by Mills to approve this conditional use permit. Voice Vote: Unanimous. **Motion carried.**

(Agenda Item #2)

Request by Frisco Tire & Auto for a Conditional Use Permit for Automotive Repair at 2600B NE Hudson Street in the C-2 (Highway Commercial) Zoning District.

Mr. Higgins represented this conditional use permit request. Higgins stated he was at a meeting over a month ago requesting this same permit at a different location; however, they were unable to rent that building. Higgins said they will be doing automotive repair as well as tires.

Commissioner Shelby asked the average stay of the vehicles and where the vehicles would be stored. Higgins said this will be minor repair with no vehicle on site for over ten days. The lot is large enough that vehicles can be stored behind the building. Commissioner Shupe asked where the used tires would be stored. Mr. Higgins said in an enclosed trailer outside the building.

No one spoke in favor or in opposition to this conditional use permit request.

The Public Hearing was declared closed.

APPROVED.

Motion by Myers, second by Spann to approve this conditional use permit.
Voice Vote: Unanimous. **Motion carried.**

(Agenda Item #3)
Request by Jerry Self for a Conditional Use Permit for Vehicle Sales and Service at 1325 West Walnut in the C-2 (Highway Commercial) Zoning District.

Mr. Self represented this conditional use permit request. Self stated there will be no service performed at this location—just sales. Self stated they have already installed landscaping at this location. Commissioner Mills stated she had driven by and it looks nice.

Commissioner Shupe stated he was concerned about the notification of the property owners and asked the City Attorney's Office for their opinion. Deputy City Attorney Clark stated it is his understanding that the notices are insufficient. The City ordinance clearly states that all property owners within 300' of the property will be notified by certified mail with return receipt requested. Clark said he did not think the Commission could proceed without having all the property owners within 300' of the property being notified. Self stated he had provided Staff with the receipts that were sent out to business owners.

Commissioner Myers asked if an abstract company was used to determine the 300' boundary. Self stated no. They went online to get that information. Myers said the Commission is looking for someone who will review the abstracts to give an unbiased list of all the property owners within 300' with green cards to match that list. Commissioner Campbell stated property owners and business owners are not always one and the same.

Commissioner White told Mr. Self since all requirements have not been met and to protect himself and the City, tabling this request might be a consideration. Self asked to table this request and wanted to know if all notices had to be sent out again or just the ones that would be determined to be within 300' that had not received a notice. White advised Self to get with Staff on that. Deputy City Attorney Clark said the Public Hearing could continue today, but if any additional property owners are discovered, then those property owners would be given the opportunity at another Public Hearing.

No one spoke in favor or in opposition to this conditional use permit request.

The Public Hearing will be continued.

TABLED.

Motion by Mills, second by Myers to table this request and continue the Public Hearing at another time. Voice Vote: Unanimous. **Motion carried.**

(Agenda Item #4)
Request by Darlene Wechselberger for a Conditional Use Permit for Outdoor Display at 1515 West Hudson Street In the C-2 (Highway Commercial) Zoning District.

Ms. Wechselberger represented this conditional use permit request, and stated she was the owner of Darlin's Furniture. Wechselberger stated she would like to have a local outdoor market on Saturdays

from 8:00 A.M. until 1:00 P.M. starting in May and ending in October. The market will consist of produce, and arts and crafts. Wechselberger stated the parking lot will be marked and each vendor can bring in one truck and table.

Commissioner Shelby asked where the clients of the vendors would park. Ms. Wechselberger said there is room in the parking lot for vendors and parking. Shelby stated they do not need vehicles backed up on Hwy 102 or neighboring streets trying to get into this area. Wechselberger provided a drawing showing the vendor area, parking and traffic routings for the market. Wechselberger said there will be 21 spaces for vendors on the backside and another 40 spaces for parking. Commissioner Mills said she was concerned with the vendors on the backside next to residential.

No one spoke in favor or in opposition to this conditional use permit request.

The Public Hearing was declared closed.

Shelby said they are seeing a lot of situations in Rogers where parking is being taxed; however, he has no problem with this request. Commissioner Spann asked if the number of vendors should be limited. Shelby said at this time he does not see a problem. Wechselberger said she may not have 21 vendors each week, but the total number will not exceed 21.

Commissioner Mills asked if the local property owners were notified and if there would be any music played during the outdoor market. Wechselberger said all property owners have been notified and there would not be any music.

APPROVED.

Motion by Myers, second by Shelby to grant this conditional use permit for outdoor display through October 30, 2010 with display limited to Saturdays from 8:00 A.M. until 1:00 P.M. with a maximum number of vendors at 20. Voice Vote: Unanimous.
Motion carried.

There being no further business, the meeting was adjourned at 5:00 P.M.

ATTEST

APPROVED

Susan Mills, Secretary

Jim White, Chairman