

## MINUTES

The **Rogers Planning Commission** met for a *regular session* in the Council Chambers of the Maurice H. Kolman Building on Tuesday, September 1, 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, Dan Brown, Chad Campbell, Mike Shupe, Don Spann, David Thrasher and Jim White were present. Ron Shelby arrived at 4:35 p.m.

### OTHER OFFICIALS PRESENT:

City Clerk Peggy David, Deputy City Attorney Jim Clark, Senior Planner Derrel Smith, Assistant Planner Lori Stone, Director of Planning & Transportation Steve Glass, Water Utilities Engineer Mark Johnson, City Councilman Larry Daniel.

### ACTION ON MINUTES:

(August 18, 2009)

**Approved.**

Commissioner Brown noted on page 7219 under Reports of Board and Standing Committees in the second paragraph the word "*on*" should be deleted so that the sentence read as "He states changes to maps from the Trails and Streets....."

Motion by Brown, second by Myers to approve the minutes of the meeting of August 18, 2009 as corrected.

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

### REPORTS OF BOARDS AND STANDING COMMITTEES:

Senior Planner Derrel Smith reported that an individual has presented a Conditional Use Permit that was issued in either 1994 or 1995 that allowed any kind of commercial use as long as the property remained in the property owner's possession.

Smith said the property has now changed hands and is a shop building on the property remains in place. Smith suggested that if the

property was zoned O (Office) and the schedule of uses was changed to allow residential as a permitted use, then the shop building could be used.

Smith said the O zone is a transitional zone between downtown commercial and older residential portions of town.

Commissioner Shupe clarified the difference between O (office) and R-O (residential-office) as the R-O zone is for new construction and the O zone would be for older parts of town that are transitional between downtown and other areas.

Commissioner Thrasher said this would be similar to what is allowed in the C-1 zone downtown, where residential use is allowed.

Commissioner Brown suggested the wording should to allow for *single family residences* in the (O) zone.

**Schedule of Uses** changed to allow Single-family residences in the (O) zone as a permitted use.

Motion by White, second by Brown to approve the change in the schedule of uses to allow single-family residences in the (O) zone as a permitted use.

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

Smith also announced that Commission Brown has decided not to seek reappointment on the Planning Commission.

Smith asked anyone who might be interested in applying for Brown's position on the Planning Commission to submit a resume or letter of interest to the Mayor's office.

Commissioner Thrasher reminded the commission that the Franchise agreements were to be reviewed by the end of the year.

Smith responded, the City Attorney’s office have reviewed the Franchise Agreements with a few clean-up items to be made, which will then be sent to the utilities for review.

**PUBLIC HEARINGS:**

(Agenda Item #1)

A request by Napoli’s for a Conditional Use Permit to operate a private club at 2119 W. Walnut in the C-2 (Highway Commercial) zoning district

Ali Kullundra, representing Napoli’s, requested the conditional use permit for a private club to serve wine and beer at the restaurant.

Kullundra said the hours of operation are 11:00 a.m. to 9:30 p.m. on Sunday thru Thursday and 11:00 a.m. to 10:30 on Friday and Saturday.

There were no comments from anyone in the audience either for or against the conditional use permit request.

The Public Hearing was declared closed.

**APPROVED.**

Motion by Shupe, second by Campbell to approve the conditional use permit for the private club.

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

(Agenda Item #2)

Request by Emeritus for a 1-year time extension on their Large Scale Development Plan approval on Lot 14A in The Peaks PUD (6-mo. Extension has already been granted)

John Wary, Morrison-Shipley presented the request for the time extension.

Wary requested a one-year extension so that the financing could be secured later this year and construction to begin in early 2010.

Commissioner Brown noted that the problem that arises when an extension is made, there is the possibility that city ordinances could change which could affect the plan was approved.

Commissioner Shupe noted that the drainage ordinance is one that could have changed in

that amount of time, and if that is the case, the plan would need to be reviewed again.

Wary agreed to a six-month extension instead of one-year.

**Approves a six-month time** extension for Emertius.

Motion by Thrasher, second by Campbell to approve the time extension for six months for the Emertius Large Scale Development Plan. Voice vote: Unanimous. ***Motion carried.***

(Agenda Item #3)  
Request by Ranea Cage for a 1-year concession permit located in the parking lot of Frisco Station Mall in the C-2 (Highway Commercial) zoning district  
**TABLED.**

There was no one present to represent this item.

Motion by Shelby, second by White to table this item until the next meeting. Voice vote: Unanimous. ***Motion carried.***

There being no further business, the meeting adjourned at 4:46 P.M.

**ATTEST**

**APPROVED**

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Chad Campbell, Secretary

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Don Spann, Chairman