

MINUTES

The **Rogers Planning Commission** met for a *regular session* in the Council Chambers of the Maurice H. Kolman Building on Tuesday, April 7, 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 Dan Brown, James Gosserand (arrived 4:32), Ron Shelby, Don Spann, David Thrasher, and Jim White. Commissioners Chad Campbell, Mark Myers, and Mike Shupe were absent.

OTHER OFFICIALS PRESENT:

Planning and Transportation Director Steve Glass; City Planner Derrel Smith; Assistant City Planners Candy Anderson and Lori Stone; Project Engineer Lance Jobe; Deputy City Attorney Jim Clark; Administrative Assistant Donna Johnston; Water Utility Engineer Mark Johnson; and Council Members Larry Daniel and Bob Goodwin.

ACTION ON MINUTES:

(March 17, 2009)

APPROVED.

Motion by Brown, second by Shelby to approve the regular meeting minutes of March 17, 2009 as submitted.

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

REPORTS OF BOARDS AND STANDING COMMITTEES:

City Planner Smith provided the Commissioners information on the upcoming Regional Development Conference. Smith advised the Commissioners if they were interested in attending to let him know.

CONSENT AGENDA:

LSDP, First Place Multi-Family at 1st Street and New Hope Road in the RMF-12B (Residential Multi-Family) Zoning District

1. Drainage improvements must be completed and certified by the engineer of record, Crafton, Tull, Sparks, with all ditches and basins solid-sodded, concrete-lined, or underground conduit installed prior to City Council acceptance of the re-plat. Erosion control methods must be used during construction. Final approval of the drainage will be at final plat and additional improvements may be required at that time.
2. Construction debris must be cleared from all stormwater structures and verified by a site inspection from the Planning Department prior to City Council acceptance of the re-plat.
3. Provide a soils report signed and sealed by a professional engineer to be included with the building permit application.
4. All signs will require separate permits.
5. Landscaping must be installed and a three-year guarantee submitted on plant replacement or a letter of credit posted prior to issuance of a Certificate of Occupancy. Minimum size of shrubs is five gallons, for shade trees it is 2 ½" B & B, and for ornamental trees it is 1 ½" B & B.
6. Sidewalks must be 5' in width and ramped at all curb cuts to meet ADA and AHTD specifications and installed the full width of the property or a letter of credit posted prior to City Council acceptance of the re-plat. Sidewalks must match any existing sidewalks in the area, include truncated domes at the handicap ramps and be located a minimum of 5' behind the curb.
7. Interior sidewalks are the responsibility of the lot owner and must be installed prior to issuance of a Certificate of Occupancy.
8. Establish a POA to maintain all common areas and provide the City Planner with a draft of the new covenants prior to City Council acceptance of the replat. Recorded covenants will be required prior to issuance of the first Certificate of Occupancy.
9. Street signs and stop signs must be in place and installed by the developer prior to issuance of the first Certificate of Occupancy. The cost of the sign and the installation will be at the developer's expense.
10. Developer to contact the U.S. Postmaster at 401 North 8th Street to schedule type of mail delivery.

11. The proposed trash dumpsters must be screened with a solid-type screening consistent with the architectural style of the building.
12. Provide an 8' tall privacy fence along the property that is adjacent to the chemical plant. The fence must be installed prior to issuance of the first Certificate of Occupancy.
13. Engineer to schedule a pre-construction meeting with the Rogers Planning Department prior to issuance of a grading permit. All Phase 1 erosion control must be installed prior to the pre-construction meeting and a reduced set of construction plans (11" x 17") will be required.
14. The person financially responsible for the project must obtain a grading permit including a copy of the NOI, a copy of the Stormwater Pollution Prevention Plan, and a copy of the Grading and Erosion Control Plan.
15. A copy of the Notice of Termination with ADEQ must be provided in order to receive the first Certificate of Occupancy.
16. A grading permit will not be issued until the Planning Commission has approved this Large Scale Development Plan. Permit requirements are available at the Planning Office.
17. A perimeter buffer strip shall be temporarily maintained around the disturbed area. The minimum width for the buffer strip is 25' with a maximum width of 40'.
18. A concrete wash area must be shown on the plans. A typical detail will be provided by the Planning Department and must be shown on a detail sheet.
19. All parking lots and drives must be hard surfaced.
20. All mechanical, electrical and air conditioning equipment must be screened from public view.
21. All water and sewer plans must be approved by the Rogers Water Utility Department prior to construction. **THIS IS A SEPARATE REVIEW PROCESS AND A PRE-CONSTRUCTION MEETING WILL BE REQUIRED.**
22. The owner/developer will be responsible for any upstream or downstream flooding as a direct result of this development.
23. Provide the City Planner with a copy of the final site plan and utility plan on compact disk formatted for AutoCAD 2004 prior to City Council acceptance of the final plat.

24. Provide the City Planner with five (5) original copies of the recorded re-plat and seven (7) copies for distribution to affected utilities.
25. Provide the City Clerk with 25 paper copies and an electronic copy of the ordinance that allows City Council to accept the re-plat.

THE FOLLOWING ISSUES NEED TO BE ADDRESSED PRIOR TO ISSUANCE OF A GRADING PERMIT:

Drainage Comments:

1. I cannot locate where the drainage easements are called out for the detention ponds. Because the storm sewer system on First Place Subdivision also provides service for off-site areas, it will have to be placed in a drainage easement.
2. The map number is correct; however, the effective date is September 28, 2007 rather than October 18, 1988. Please revise.
3. Please check Drainage Areas 3-1, 4-4, 7-3, 7-6 and 10-1 as there are discrepancies between the Inlet Area Map and the Time of Concentration worksheet for the areas and times of concentrations shown. Similarly, area 2-1 had a discrepancy for the time of concentration only. Also, there is an area 7-7 shown on the worksheet that does not seem to appear on the map.
4. Storm Sewer calculations:
 - Inlet 2-2 and 2-4G are calculated as curb inlets, but the plans indicate that they are grated inlets. A note needs to be added to the plans for inlet 2-2 to indicate that the existing curb inlet will be modified by the contractor to a grated inlet.
 - Inlet 7-3 is shown to be a curb inlet in the storm sewer calculations; however it will no longer be located on a curb. Please explain how this inlet will work.
 - Please double check the inlet location, area, inlet C, and/or time of concentration used in the calculations as they do not appear to match the plans, drainage area map and/or time of concentration calculations for the following inlets 2-1, 2-4G, 2-3G, 3-1, 4-3, 4-4, 4-4A, 4-6, 4-8, 4-4G, 5-1, 6-1, 7-2, 7-5, 7-6 and 10-1.
 - The storm sewer pipe calculations show pipes P2-4, P2-4G, P2-3G and P4-4G to be CMP, but the plans indicate concrete pipes. Please make the calculations match the plans.
 - The pipe lengths and slopes shown in the plans for pipes P2-4 and P2-4G do not match the calculations.
 - Provide grate orifice calculations. Make sure to include the 50% clogging factor required for grate inlets. Specify in the plans a grate for the contractor to use.
 - Provide storm sewer calculations for the 100 year event as required.
5. Please explain why the area shown on the Culvert Drainage Area Map is different than that on the Inlet Area Drainage Map for area 11-2. Also, the flow used in culvert calculation is different than that shown in the storm sewer calculations.

6. Provide a solution to the existing riprap at the outfall of the east detention pond that is being undermined.

Plan Comments:

1. The Top of Curb elevation shown in the southwest corner of the most northwesterly parking lot appears to be incorrect.

APPROVED.

Motion by Shelby, second by White to Approve the consent agenda.
Voice Vote: Unanimous. **Motion carried.**

PUBLIC HEARINGS:

(Agenda Item #1)

Request by Dave Meadows for a Conditional Use Permit to Allow Vehicle Sales and Service at 849 West Banz Street in the C-2 (Highway Commercial) Zoning

Mr. Meadows represented this conditional use request. Meadows stated he had purchased this building for auto renovation. Meadows said the building looks like a new building with all that he has done since the purchase. Meadows said he also owns the auto salvage across the highway and to the east. If there is any debris left over when we finish a car, Meadows said he would have a place to take that debris. Meadows said this facility is in a residential area. It will stay clean.

Commissioner Brown asked Meadows if he would have a paint booth that would keep the fumes from getting outside into the neighborhood. Meadows said yes. Everything will be up to code.

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

The Public Hearing was declared closed.

Brown said this request is similar to what was at this location previously. There is a used car lot on the corner of 8th and Banz. This type business is not new to the neighborhood. Brown said this appears

to be a reasonable request. Commissioner Thrasher said with this being a conditional use, receiving a complaint will allow us to take action.

APPROVED.

Motion by Thrasher, second by Brown to approve this conditional use permit request. Voice Vote: Unanimous. **Motion carried.**

NEW BUSINESS:

(Agenda Item #1)

Request by Rubianna Fuentes for a Concession Trailer at Southgate Plaza in the (Highway Commercial) Zoning District.

Ms. Fuentes represented this temporary trailer request. Fuentes said she planned to sell snow cones at the location where she was last year.

APPROVED.

Motion by White, second by Shelby to grant this concession trailer request for a period of six months. Voice Vote: Unanimous. **Motion carried.**

(Agenda Item #2)

Request by Keri Elder for a One-Year Time Extension on LSD Approval for New Hope Commercial.

There was no one present to represent this request.

Commissioner White stated after looking back at the history of this project and discussing with Staff, Large Scale Committee was not in favor of a one year time extension. White said Large Scale would consider a six month extension, but this would be the last extension for the project. White said the paperwork on this project started in fall of 2007.

Commissioner Thrasher stated since no one is present to represent this request, he would like to see the Commission table this item. White said it is a PUD. Even if the property were to sell, we would be protected on what could be built at that location.

TABLED.

(Agenda Item #3)
Request by Laura Hobbs for a
Permanent Smoker at Cypress
Plaza on South 8th Street.

Motion by White, second by Shelby to table
this request. Voice Vote: Unanimous.
Motion carried.

Mike Jeffcoat, a partner of Ms. Hobbs,
represented this request. Jeffcoat said
they would like to put a smoker in their
parking lot and serve smoked meats in their
coffee shop. Jeffcoat said they planned to
add flower boxes at the front of the smoker.
Commissioner Shelby asked where the
wood for the smoker would be stored.
Jeffcoat said currently we are storing the
wood on the north side of the building.
Shelby stated he was concerned with piles
of wood on the parking lot during smoking
times. Jeffcoat said we do not want a junk
pile on the parking lot that would keep away
customers. Shelby asked Jeffcoat if he had
considered putting the smoker on the north
end in the grass area with the wood pile
behind the smoker. Shelby said he found
that to be more attractive than the parking
lot. Jeffcoat said for visibility, the parking
lot is more appealing. Jeffcoat said the
grassy area contains electrical transformers
running along the drainage ditch. It is
narrow in that area and during rains, there
would be mud issues. Jeffcoat said there
were also mailboxes and flower beds in the
area making it difficult to get the smoker in
there. Commissioner White said he had
visited the site and there are a lot of
obstacles in that area. Jeffcoat said the
smoker is large enough to accommodate two
or three days' worth of wood needed for
smoking.

Commissioner Brown said looking at the
picture you provided shows this to not be a
permanent structure. Commissioner
Thrasher said he would like to give the
applicants a temporary trailer permit for a

period of six months. Brown said if we are going to call this a permanent structure, we have to get the wheels off. Brown said he agreed this should be a six month temporary trailer request. Mr. Jeffcoat said he would be fine with that, but he does not want to be there just six months. We want this permanent, and we feel if we get the wheels off and build flower boxes around the smoker for screening, we can have a permanent looking structure that can not be moved as long as the wheels are off. Commissioner Shelby said if you are there for six months and we do not have nuisance issues or complaints, the Commission will relook at this and consider approving this as a permanent structure. Shelby said he did have some concerns if the wheels come off, the structure will have to comply with setback requirements. Shelby said that would be another hurdle, but one that can be overcome by requesting a variance.

APPROVED.

Motion by White, second by Thrasher to grant this temporary trailer permit request for six months.

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

(Agenda Item #4)

Request by Janet Cardenzana for a Concession Trailer at 21st and Elm in the C-2 (Highway Commercial) Zoning District.

Ms. Cardenzana represented this request. She stated this request was for a snow cone trailer and she plans to operate at the same location she had last year.

APPROVED.

Motion by Shelby, second by White to grant this temporary trailer permit for six months.

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

Chairman Spann told the Commissioners that Ms. Elder was now present at the meeting. Spann advised Ms. Elder that her

request for the one-year LSD time extension had been tabled earlier because there was no representation available. Deputy City Attorney Clark advised the Commission they could expunge their previous vote to table and allow this item to be discussed.

APPROVED.

Motion by White, second by Thrasher to expunge the tabling of Ms. Elder's request for a one-year time extension on New Hope Commercial.

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

Ms. Elder stated they planned to develop this property as they had put a lot of time into this development. She stated they just haven't felt the time was right to actually turn dirt, but they were hoping to start the project by the end of the year.

Commissioner White told Ms. Elder that Large Scale Committee had met and discussed her request. White said Large Scale had also discussed this request with Staff. White said this has been on the board since fall of 2007. White said Large Scale would feel more comfortable granting a six month time extension. Commissioner Brown stated if this project does not get out of the ground in that six month's time period, the project would have to be brought back for Commission review to make sure the project is in compliance with current City regulations and ordinances. The layout of the project would not change as it came through approval as a PUD.

APPROVED.

Motion by White, second by Thrasher to grant this time extension request for a period of six months.

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

There being no further business, motion by Brown, second by Shelby to adjourn the meeting. Meeting adjourned at 5:00 P.M.

ATTEST:

APPROVED:

Chad Campbell, Secretary

Don Spann, President