

MINUTES

The **Rogers Planning Commission** met for a *regular session* in the Council Chambers of the City Administration Building on Tuesday, June 20, 2006 at 4:30 P.M. The meeting was called to order by Chairman Rhonda Freitag. Those in attendance were led in the Pledge of Allegiance.

MEMBERS PRESENT:

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

OTHER OFFICIALS PRESENT:

City Clerk Peggy David, Senior Planner Derrel Smith, Assistant City Planner Candy Anderson, Director of Planning Steve Glass, Water Utilities Engineer Mark Johnson, Fire Marshal Travis Hollis, Deputy City Attorney Chris Griffen and Councilman Larry Daniel.

ACTION ON MINUTES:

(June 6, 2006)

Approved.

Motion by Brown, second by Shupe to approve the minutes of the regular meeting for June 6, 2006 as submitted.

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

REPORTS OF BOARDS AND STANDING COMMITTEES:

Senior Planner Derrel Smith apologized that changes previously discussed at the June 6th meeting regarding a rewrite of the residential duplex zoning, have not yet been done.

Smith said he would have it ready for the next planning commission meeting.

Smith introduced Bill Watkins who has requested a discussion regarding the comprehensive growth map.

Smith said the area that Watkins wants to talk about is the residential area north of Walnut, an older area of town, and originally shown on the comprehensive growth map as office as late as 1990. Since that time, several of the homes have been bought and renovated and he is interested in

changing the comprehensive growth map to show that area as single-family.

Discussion on citizen-initiated changes to the Comprehensive Growth Plan

Watkins said the area he is concerned with is between Chestnut and Persimmon and between 4th and 5th Street.

Watkins said several residents in this area received a mailing from realtors who indicated that the city thinks their property is going to be office or commercial someday and let them sell their property.

Watkins said area is zoned R-DP, but the comprehensive zoning map shows the area as office.

Watkins said a number of the houses in this area have been purchased and are being restored and renovated. Most of the houses are fairly historic dating back to the early 1900s. Watkins said the Main Street Historic District encourages historic preservation and doesn't encourage the encroachment of other types of uses that are inconsistent with the historic uses.

Watkins said he is accompanied today by Beth Stephens who also owns a house in this area and is requesting that the Planning Commission review the comprehensive growth map in particular the area from the north side of Chestnut to Persimmon between 4th and 5th Streets to be shown as R-DP (residential-duplex) rather than O (office).

Commissioner Brown asked is there a need to consider the area to the west or east of Watkins neighborhood?

Watkins responded, the areas to the west are shown R-DP, if there were other areas, it would be to the east and north.

Smith noted that to change the Comprehensive Growth Map the City Council will have to approve the change and prior to it going to City Council one and preferably two public hearings will be have to be held for public comments.

Smith suggested that due to the approaching move to the new Administration Building, which is unknown at this time, to schedule this for late August.

Commissioners noted that this would not be the only areas to review and agreed that work sessions could be set prior to the public hearing date.

Smith suggested that the first work session be set for mid-August so that notices could be publicized for residents of those areas.

CONSENT AGENDA:

Replat, Creekside Ph III

1. Drainage improvements must be completed and certified by the engineer of record, Crafton, Tull & Associates, with all ditches and basins solid-sodded, concrete-lined, or underground conduit installed prior to City Council acceptance of the final 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. The entire development must comply with the requirements of the overlay district.
3. Developer to pay this project's pro rata share of the traffic signal at New Hope Road and Bellview Road. Payment will be required prior to issuance of the first Certificate of Occupancy.
4. A traffic study will be required prior to City Council acceptance of the final plat. Study will determine possible traffic signal location and all costs will be the responsibility of the developer and/or the POA.
5. Interior sidewalks must be 5' in width and ramped at all curb cuts to meet ADA specifications or a post a letter of credit prior to City Council acceptance of the final plat. Sidewalks must match any existing sidewalks in the area, include truncated domes at the handicap ramps and be located a min. of five (5) feet behind the curb.

6. Developer must post a 2-year letter of credit for all interior sidewalks. This letter of credit may be reduced as sidewalks are built and will be redeemed at the end of the 2-year period for construction of any sidewalks along vacant lots.
7. Street lights must be installed at the entrance, intersections, end of cul-de-sacs and not more than 400' apart throughout the subdivision or provide the city planner with a copy of the paid receipt from the local utility for the lights. Carroll Electric will no longer install street lights which will require each developer to hire a contractor to install lights in accordance with the City of Rogers Zoning Code. If the lights you wish to install use a mogul-based bulb with a 100w HPS Carroll Electric will replace any burnt-out lights. If the lights you choose do not use that type of bulb, then the property owner and/or homeowner's association will be responsible for replacement of the lights. The City of Rogers will not pay the utility bill on street lights that have a higher wattage than the 100w HPS-type light or lights in a commercial subdivision. The developer must coordinate with the local utility for the placement and maintenance of the lights.
8. Streets must be built to city standards with curb and gutter and sidewalks installed or a letter of credit posted prior to City Council acceptance of the final plat.
9. Provide a 1-year maintenance bond in the amount of fifty percent (50%) of the actual construction cost for the street and storm drainage improvements prior to City Council acceptance of the final plat. The bond shall be in effect for a period of one (1) year from the date of the final inspection.
10. Street signs and stop signs must be cash bonded prior to City Council acceptance of the final plat. Stop signs must be shown on the plan and in place prior to building permits being issued. The street signs for the roundabouts must meet all AASHTO standards and must be provided by the developer.
11. Each lot will be required to go through a Large Scale review and an individual drainage report will be required for each lot.
12. Lots 1B & 1C and Lots 4C & 4D will be required to share an access drive.
13. All lots must access internal streets.
14. Engineer to schedule a pre-construction meeting with the Rogers Street Department prior to issuance of a grading permit.
15. The developer 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.
16. Provide the city planner with a copy of the AHTD approval letter for curb cuts and sidewalks prior to the first inspection by the Rogers Street Department.
17. 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.**
18. The owner/developer will be responsible for any upstream or downstream flooding as a direct result of this development.

19. Provide the required information on the Rogers Monument Documentation Form prior to City Council acceptance of the final plat.
20. Provide the city planner with a copy of the final plat, utility plan and set 2 GPS reference points tied to the Rogers Monument System on compact disk formatted for AutoCAD 2004 prior to City Council acceptance of the final plat.
21. Provide the city planner with five (5) original copies of the recorded plat and seven (7) copies for distribution to affected utilities.
22. Provide the City Clerk with 25 paper copies & an electronic copy of the ordinance that allows City Council to accept the final plat.

Note: Two inlets do not have the required 2' of freeboard due to existing topography

Final Plat, Cross Creek 3

1. Drainage improvements must be completed and certified by the engineer of record, Crafton, Tull & Associates, with all ditches and basins solid-sodded, concrete-lined, or underground conduit installed. 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. Sidewalks must be built to city code and ramped at all curb cuts to meet ADA specifications and installed the full width of the property or provide a letter of credit. Sidewalks must match any existing sidewalks in the area, include truncated domes at the handicap ramps and be located a min. of three (3) feet behind the curb.
3. Sidewalks not along lots must be built by the developer.
4. Interior sidewalks are the responsibility of the lot owner and must be installed prior to issuance of a Certificate of Occupancy.
5. Developer must post a 2-year letter of credit for all interior sidewalks. This letter of credit may be reduced as sidewalks are built and will be redeemed at the end of the 2-year period for construction of any sidewalks along vacant lots
6. Street lights must be installed at the entrance, intersections, end of cul-de-sacs and not more than 400' apart throughout the subdivision or provide the city planner with a letter from Arkansas Western Gas Co. committing to providing service for the installation of the lights. The developer must coordinate with the local utility for the placement and maintenance of the lights.
7. Streets must be built to city standards with curb and gutter and sidewalks installed or a provide letter of credit.
8. Provide a 1-year maintenance bond in the amount of fifty percent (50%) of the actual construction cost for the street and storm drainage improvements. The bond shall be in effect for a period of one (1) year from the date of the final inspection
9. Provide the city planner with a draft of the proposed covenants which include this section in the overall PUD, including maintenance of the detention pond. The City of Rogers will no longer be

responsible for maintenance of detention ponds. Recorded covenants will be required prior to issuance of a building permit.

10. Street signs and stop signs must be cash-bonded prior to City Council acceptance of the final plat. Every “T” intersection will require 1 street sign and every “cross” intersection will require 4 street signs. Stop signs must be shown on the plan and in place prior to building permits being issued. The amount for the cash bond will be determined at time of final inspection.
11. Any street with a slope greater than 9% must be heavy-duty concrete with a rough surface.
12. All finished floor elevations must be a minimum of one foot above curb level and shown on the lot on the final plat.
13. A street address must be shown for each lot on the final plat.
14. Identify all trees 6” or greater in diameter that will be removed.
15. All driveway approaches must be less than 10% in grade elevation unless approved by the city engineer or city planner.
16. The owner/developer will be responsible for any upstream or downstream flooding as a direct result of this development.
17. Provide the city planner with five (5) original copies of the recorded plat and seven (7) copies for distribution to affected utilities.

THE FOLLOWING ITEMS ARE REQUIRED PRIOR TO CITY COUNCIL ACCEPTANCE OF THE FINAL PLAT:

- **Provide a drainage certification by the engineer of record (Done)**
- Post a 2-year letter of credit for all unbuilt interior sidewalks
- Post a letter of credit for the construction of any unbuilt interior streets
- Provide a 1-year maintenance bond in the amount of fifty percent (50%) of the actual construction cost for the street and storm drainage improvements (Done)
- Provide a draft of the POA covenants (Done)
- Provide a check in the amount of \$1,015.00 for street signs and stop signs (Done)
- Provide the city planner with a letter from Arkansas Western Gas committing to providing service for the street lights (Done)
- Provide the required information on the Rogers Monument Documentation Form
- Provide the city planner with a copy of the final plat, utility plan and set 2 GPS reference points tied to the Rogers Monument System on compact disk formatted for AutoCAD 2004 .
- Provide the City Clerk with 25 paper copies & an electronic copy of the ordinance that allows the City Council to accept the final plat

Preliminary Plat, Blackberry Subdivision

1. Drainage improvements must be completed and certified by the engineer of record, Morrison/ShIPLEY Engineers, Inc, with all ditches and basins solid-sodded, concrete-lined, or underground conduit installed prior to City Council acceptance of the final 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. Provide the building official and city planner with compaction tests for all ponds and fill areas.
3. Sidewalks must be 5' in width and ramped at all curb cuts to meet ADA specifications and installed the full width of the property or a letter of credit posted prior to City Council acceptance of the final plat. Sidewalks must match any existing sidewalks in the area, include truncated domes at the handicap ramps and be located a min. of five (5) feet behind the curb.
4. Sidewalks not along lots must be built by the developer.
5. All wells and septic systems must be located and abandoned by a state-licensed and bonded driller in accordance with state requirements.
6. Interior sidewalks are the responsibility of the lot owner and must be installed prior to issuance of a Certificate of Occupancy.
7. Developer must post a 2-year letter of credit for all interior sidewalks. This letter of credit may be reduced as sidewalks are built and will be redeemed at the end of the 2-year period for construction of any sidewalks along vacant lots
8. The developer must obtain an off-site drainage easement for all areas of discharge prior to the first inspection by the Rogers Street Department.
9. Dedicate a total of 30 feet of right-of-way from the centerline of Laurel Avenue.
10. The developer must rebuild one half of Laurel Avenue, 19 ½ feet from the centerline to city street standards including all drainage improvements, sidewalks and curb and gutter. This extent of the rebuild will depend on soil conditions. A cash bond will be accepted in lieu of construction.
11. Street lights must be installed at the entrance, intersections, end of cul-de-sacs and not more than 400' apart throughout the subdivision or provide the city planner with a copy of the paid receipt from the local utility for the lights. The developer must coordinate with the local utility for the placement and maintenance of the lights.
12. Streets must be built to city standards with curb and gutter and sidewalks installed or a letter of credit posted prior to City Council acceptance of the final plat.
13. Provide a 1-year maintenance bond in the amount of fifty percent (50%) of the actual construction cost for the street and storm drainage improvements prior to City Council acceptance of the final plat. The bond shall be in effect for a period of one (1) year from the date of the final inspection.
14. Provide the city planner with a draft of the proposed covenants, including maintenance of the detention pond, prior to City Council acceptance of the final plat. The City of Rogers will not be responsible for maintenance of any detention pond. Recorded covenants will be required prior to issuance of a building permit.
15. Street signs and stop signs must be cash-bonded prior to City Council acceptance of the final plat. Stop signs must be shown on the plan and in place prior to building permits being issued. The amount for the cash bond will be determined at time of final inspection.

16. All finished floor elevations must be a minimum of one foot above curb level and shown on the lot on the final plat.
17. Developer to contact the U.S. Postmaster at 401 No. 8th St. to schedule type of mail delivery.
18. Engineer to schedule a pre-construction meeting with the Rogers Street Department prior to issuance of a grading permit.
19. The developer 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.
20. 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.
21. The owner/developer will be responsible for any upstream or downstream flooding as a direct result of this development.
22. Provide the required information on the Rogers Monument Documentation Form prior to City Council acceptance of the final plat.
23. Provide the city planner with a copy of the final plat, utility plan and set 2 GPS reference points tied to the Rogers Monument System 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 plat and seven (7) copies for distribution to affected utilities.
25. Provide the City Clerk with 25 paper copies & an electronic copy of the ordinance that allows City Council to accept the final plat.

APPROVED.

Motion by Shelby, second by Brown to approve the items on the consent agenda as submitted.

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

OLD BUSINESS

(Agenda Item #1)

Request by Village Developers LLC to rezone approx. 10 ac. south of Laurel Ave., between its intersection with Creekside Drive & So. 24th St. from RSF (Single family) to the R-O (Residential Office) zoning district

Bill Watkins presented a modified request from 10 acres to 5 acres leaving the north 5 acres as RSF.

Watkins said the lots along Laurel Road will remain RSF and the houses would not have driveways that access Laurel Road, but would have rear access by alleyway.

Watkins said additionally, the space at the back of the lots would be for the alley and also provide space for a buffer of a wall or fence and landscaping.

Watkins said the residents across the street would have Laurel Road, 150-ft. lots with houses, and a rear area where the alley will exist and a buffer area (wall or fence) and landscaping before getting to the R-O which would be occupied by buildings no higher than 35-ft.

This would create significant buffer area from the residences on the north side of Laurel Road and maintain the residential character of the frontage of Laurel Road.

Commissioner Shelby asked, “Why can’t we get access to the R-O through the C-2 property?”

Watkins responded, “We don’t have access because of different ownership.”

Shelby said we create access easements all of the time for areas of single access and I would like see the access limited through the commercial rather than from Laurel.

Watkins assured the commission that when the large scale development plan is submitted the owners will do whatever the commission feels is needed to get the access from the south.

Shelby said he would fight the access off of Laurel if that is what is submitted.

APPROVED as revised.

Motion by Brown, second by Gosserand to recommend approval to the City Council the revised rezoning from RSF to R-O.

Voice vote: Brown, Campbell, Freitag, Gosserand, Shelby – Yes; Myers – No.

Motion carried.

PUBLIC HEARING:

(Agenda Item #1)

Request by Kim Fugitt to rezone approx. 5 ac. on the south side of Laurel Road, west of Dixieland & east of 26th St. from A-1 (Agricultural) to the RMF-7A (Multi-family) Zoning district

Kim Fugitt presented the rezoning request.

Fugitt noted the agenda list the acreage as 10 acres, but it is actually 5 acres. The plan shows a total of 33 units which will be similar to Oakmont at the corner of 28th & Oak Street, and the majority of the units will be 2 bedrooms, 2 baths in the range of \$145,000 to \$150,000.

There were no comments from anyone in the audience in favor of the rezoning.

Claude Nolan, 2500 W. Laurel Avenue, spoke neither for nor against the rezoning but expressed concern for the drainage that runs across this property and fills his pond that is used to water his cattle.

Karen Fleeman, 4418 Collins Circle, said her mother is developing Creekside Subdivision on the north side of Laurel, and the developers were told that this area would remain RSF.

Fleeman said multifamily would not be appropriate for this area.

Patsy Simmons, 9795 Coose Bay Blvd., spoke in favor of the rezoning said she owns property to the south of this property.

Simmons said the multifamily would be a good buffer between her property and the commercial to the south.

Fran Williams, 4418 Collins Circle, said according to the map shown, the RSF should be continuous along Laurel. Multifamily would not work in this area.

Ed Simpson, 1497 Cadder Avenue, owns property to the north, and asked to read a letter from an adjoining property owner, Larry Simpson (no relation) who is against the multifamily zoning.

Simpson said he would prefer that the property be rezoned to R-O than RSF-7A.

The Public Hearing was declared closed.

Commissioner Brown discussed the request and noted that the comprehensive growth plan shows residential-medium density, but the size of the property is hard to develop.

Commissioner Myers said the highest and best use of the land is the question, but yet the orderly growth plan is also in question. “I don’t see how we can accomplish that on these smaller tracts.”

Brown noted he would like to see the density below 6 units.

Commissioner Shelby noted an item on the consent agenda that was approved was a five-acre tract developed as RSF.

DENIED.

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

Roll call: Unanimous - No. ***Motion denied.***

(Agenda Item #2)

Request by C & K Properties to rezone approx. 9.8 ac. on the west side of 24th St. across from Turtle Creek apartments from C-2 (Highway Commercial) to the RMF-7A(Multi-family) in the PUD zoning district

Carrie Elder of Elder Construction and Johnnie Long of CEI presented the rezoning request.

There were no comments either for or against the rezoning request.

The Public Hearing was declared closed.

APPROVED.

Motion by Brown, second by Campbell to recommend approval to the City Council the rezoning as requested.

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

(Agenda Item #3)

Request by Carmen Sanchez for a Conditional Use Permit to operate a day care at 1918 So. 13th St. in the RSF (Single family) zoning district (request has been modified from last meeting) (remanded back to Planning Commission by City Council)

Carmen Sanchez, 1918 S. 13th Street, presented the request for the conditional use permit for a day care operation on S. 13th Street.

Sanchez said this residence belongs to her parents who were displaced last year because of the hurricane. She has approval from the state to keep 30 children at this location, but only wants to keep ten, of which three are her children.

Sanchez said this would allow her to provide care for her parents who are elderly and provide her a way to care for her three children as well as seven others.

Sanchez said the day care would operate from the hours of 7:00 a.m. to 6:00 p.m. and the children will arrive at different times depending on the parents work schedule and she would provide transportation to and from school for school age children.

Sanchez provided a drawing showing the circle drive which would be installed and parking area on the side of the house.

Sanchez said she has lived in Rogers for the last twenty-five years or more, and because her parents are elderly, she wants to be able to care for them without having to put them in a nursing home.

Yvonne Dozier, 1102 W. Linda Lane, said her granddaughter stays at this daycare and she has been very pleased with the care provided and the atmosphere.

Teresa Robinson, 1102 W. Linda Lane said this is a good daycare and getting in and out is not hard.

Gary Prophet, 1909 S. 13th Street, provided a letter from neighbor Nicole Osburn who could not attend, but is opposed to daycare.

Prophet said he is opposed to the daycare because 13th Street will not be a good road for daycare and noted that there were five cars parked at the location yesterday.

Nancy Sexton, 1916 S. 13th Street, said she was neither for nor against the request, but asked how many people will be living at the residence?

Chairman Freitag responded from what was said, ten children, and two adults.

Beatriz Sevillano, 1503 Countryside Circle, speaking for the request responded as to the cars parked at this location is because it is a Spanish tradition that they eat together. “We all have dinner together. There will be four or five cars there every night because we eat together, but at 10:00 o’clock at night there will only be one car.”

Chairman Freitag announced a letter in opposition from Wendy Antrim had been received citing safety concerns for the children, traffic and introduction of a business in a residential neighborhood.

The Public Hearing was declared closed.

APPROVED.

Motion by Gosserand, second by Myers to approve the conditional use permit for a period of one year for no more than ten children and the circle drive will be installed in the next six months.

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

(Agenda Item #4)

Request by Chris Rogers to rezone the NE corner of the JC Penny Building at Pinnacle Promenade from R-O (Residential Office) to the C-2 (Highway Commercial) zoning district

Chris Rogers, of CEI Engineering requested the rezone from R- O to C-2.

Rogers explained this came about when Mr. Schwyhart had made a verbal agreement with the adjacent property owner to rezone to R-O a strip of land on the eastern property line as a buffer. His original intent was that Bellview Road was going to be located further west. Since that time, it was realigned through further discussion with the city to line up to the existing Bellview and by that time the construction had started at the building site and as the realignment slid over, so did the site, encroaching into the buffer.

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

APPROVED.

Motion by Brown, second by Campbell to recommend approval to the City Council the rezone from R-O to C-2.

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

(Agenda Item #5)

Request by Chris Rogers for a Conditional Use Permit for a parking lot at The Pinnacle Promenade in the R-O (Residential Office) zoning district

Chris Rogers, of CEI Engineering requested the conditional use permit for a parking lot at Pinnacle Promenade.

Rogers said this is in conjunction with the previous item, and rather than rezoning for the parking lot, it was decided to request a conditional use permit.

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

APPROVED.

Motion by Myers, second by Campbell to approve the Conditional Use Permit as requested.

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

(Agenda Item #6)

Request by Chris Rogers for a Conditional Use Permit for a private club (Mimi’s Café) at 2203 So. 45th St. in The Pinnacle Promenade, C-2 (Highway Commercial) zoning district

Chris Rogers, of CEI Engineering, requested the conditional use permit for a private club permit at Mimi’s Café in the Pinnacle Promenade.

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

APPROVED.

Motion by Myers, second by Campbell to approve the Conditional Use Permit as requested.

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

(Agenda Item #7)

Request by Mark Martinez for a Conditional Use Permit for a private club (Carrabas Italian Restaurant) at 3300 Pinnacle Hills Parkway in the C-2 (Highway Commercial) zoning district

Mark Martinez requested a conditional user for a private club at Carrabas Italian Restaurant at 3300 Pinnacle Hills Parkway.

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

APPROVED.

Motion by Brown, second by Myers to approve the Conditional Use Permit as requested.

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

(Agenda Item #8)

Request by Mark Martinez for a Conditional Use Permit for a private club (Bone Fish Grill) at 3301 Pinnacle Hills Parkway in the C-2 (Highway Commercial) zoning district

Mark Martinez requested a conditional user for a private club at Bone Fish Grill at 3301 Pinnacle Hills Parkway.

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

APPROVED.

Motion by Brown, second by Myers to approve the Conditional Use Permit as requested.

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

(Agenda Item #9)

Request by Martin Vallejo to rezone 606 No. 8th St. from R-DP (Residential Duplex-Patio) to the R-O (Residential Office) zoning district

Martin Vallejo, 606 N. 8th Street, presented the rezoning request.

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

APPROVED.

Motion by Myers, second by Brown to recommend approval to the City Council the rezoning as requested.

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

(Agenda Item #10)

Request by Kevin Yates to rezone approx. 28 ac. south of The Outback Restaurant on 45th St. from A-1 (Agricultural) to the C-4 (Open Display Commercial) zoning district

Kevin Yates, of Civil Engineering Solutions, presented the rezoning request.

Yates said he is in the process of working with other developers and engineers on a traffic flow for this area and would be meeting with them later this week to determine what their plans are and develop a plan for the entire area and how the street will be constructed.

Yates said he would like to hear comments at the public hearing but, would request that the decision be tabled until the next meeting.

Yates said the C-4 zone would allow for a car lot and the owner has a potential new dealer interested at this site.

Commissioner Shelby noted he is against the C-4 zone.

There were no comments from anyone in the audience in favor of the rezoning.

Dan Phillips, 1210 S. 45th Street and own property at 4707 Oak Street, spoke in opposition to the C-4 on this side of I-540.

Phillips said, “We are not anti-development, and know that this parcel and others around it will be developed into commercial, but would be opposed to C-4.

Phillips requested that the residents be included in the meetings with engineers/developers and listed three concerns for future development as the following:

1. Drainage from this property goes due south toward Center Court and however this is developed; something will have to be done to control that runoff.
2. 45th Street is not a city or county built street. It was a gravel road and will need to be totally rebuilt.
3. 40th Street is the same way. It also needs to be rebuilt.

There were no other comments.

The Public Hearing was declared closed.

Commissioner Myer stated he doesn't disagree with what Commissioner Shelby said about the C-4, but agreed that it would be better to look at this as a whole rather than piece-mealed in.

Commissioner Brown noted he would be anxious to see what they come back with.

Commissioner Shelby said this property has fantastic potential, as much as the piece across I-540. There is no reason this cannot be on the same level.

Shelby challenged the engineers to put their heads together to come up with something that is respectful of the existing residential that was not on the other side of the highway.

TABLED.

(Agenda Item #11)

Request by Kevin Yates to rezone approx. 15.45 ac. From A-1 (Agricultural) to C-4 (Open Display Commercial) and 5.57 ac. From A-1 (Agricultural) to the R-O (Residential Office) zoning district. Both properties are north of Southern Hills Business Park adjacent to I-540

Motion by Brown, second by Gosserand to table the rezoning at the request of the applicant until the July 18th meeting.
Voice vote: Unanimous. **Motion carried.**

Kevin Yates, of Civil Engineering Solutions, presented the rezoning request.

Yates said he used the R-O in the Southern Hills Business Park as the demarcation between the C-4 and R-O so that it lines up with the existing R-O. Using that line, it is possible to fit four 14,000 ft. buildings in the R-O, with no rear access to the two that would go toward the west property line and front and rear access on the two that would be toward the front.

Yates said the C-4 zone would be for a potential auto dealer at that location.

Commissioner Myers said he is not against the C-4 zone along the highway, but concerned for the entire 15 acres.

Commissioner Shelby asked Yates, “Would they would consider a PUD?”

Yates responded the owner did not want to do a PUD.

There were no comments from anyone in the audience in favor of the rezoning.

Rose McCullough, 3807 Pleasant Drive, which is behind the Southern Hills area, stated her concern and not necessarily opposition but wanted to know how far away that is and how many offices would be allowed.

McCullough said, “I’ll have to step out on my back porch and look at all of it.”

There were no other comments from anyone in the audience in opposition.

The Public Hearing was declared closed.

Commissioner Myers expressed concern for the amount of C-4 that is being requested unless there is some definitive reason to be considered. If they have ruled out a PUD, then I can't support that amount of C-4.

Yates introduced Barry Cooksey, who represents a group of investors who are interested in the property.

Cooksey said there is a potential car dealer who has expressed interest in this property and if this dealer would carry multiple lines, they might need 15 acres.

Cooksey said the C-4 zone would be needed for the car dealership.

Myers suggested that C-4 along the interstate, followed by a section of C-2 and then the R-O, that might be palatable. "If you want the C-4 for the whole 15 acres, then I'm against it."

Brown noted that the C-4 zone leaves us open to things that we do not want. The PUD allows for more flexibility and mix of uses and densities. "This commission historically in the past several years has found its highest comfort level in the Planned Unit Development. We can lock in certain things and know what we are getting."

Cooksey said one of the issues as a developer that we run into is when we get a piece of property under contract, have a feasibility study done and prepare a PUD concept, there is not enough time, which is the case here.

Cooksey said he would consider some C-2 in the plan.

Shelby suggested tabling this until the next meeting to allow the developer to come back with something a little more definitive.

Yates requested that this be tabled until the next meeting.

TABLED.

Motion by Myers, second by Campbell to table this request until the July 18th meeting as requested.

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

(Agenda Item #12)

Request by Cody Burnett to rezone property at 2100 Hudson Rd. From C-2 (Highway Commercial) to the CU/C-2 (Condominium Unit/Highway Commercial) zoning district

Larry Grelle, Freeland, Kaufman, Fredeen, presented the rezoning request.

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

The Public Hearing was discussed closed.

APPROVED.

Motion by Brown, second by Myers to recommended approval to the City Council the rezoning as requested.

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

NEW BUSINESS:

(Agenda Item #1)

Request for a 6-month time extension on Creekside Medical located on Financial Parkway in the R-O (Residential Office) zoning district

James Parks of Crafton, Tull and Associates, requested the time extension for the large scale development plan.

The Large Scale Development Committee reported the review of the request and recommended approval.

APPROVED.

Motion by Shelby, second by Myers to approve the 6-month time extension as requested.

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

(Agenda Item #2)

Request for an LSD waiver on a 2,497 sf addition for Grace United Methodist Church in the A-1 (Agricultural) zoning district (existing church is 9,245 s.f.)

TABLED.

There was no one present to represent this item.

Motion by Shelby, second by Myers to table this item until the next meeting.

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

(Agenda Item #3)

Request by Elvia Ruiz for a concession trailer at the Mercadito Latino Shopping Center at 2515 No. 17th St. in the C-2 (Highway Commercial) zoning district

Elvia Ruiz requested the temporary trailer permit for a period of six months.

Commissioners discussed this would be a six-month permit and asked Ruiz if she would be operating in November and December?

Ruiz answered, “Yes. You would be surprised how many people buy them at that time of year.”

APPROVED.

Motion by Brown, second by Myers to approve the temporary trailer permit for a period of six months as requested.

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

(Agenda Item #4)

LSDP for Harp’s on North 2nd & Highway 12 in the C-2 (Highway Commercial) zoning district

Brian Moore of Engineering Services, Inc. and J. Max Van Hoose of Harps Foods, presented the large scale development plan.

The Large Scale Development Committee reported the review of the plan and recommended approval subject to the following conditions:

1. Drainage improvements must be completed and certified by the engineer of record, Engineering Services, Inc., with all ditches and basins solid-sodded, concrete-lined, or underground conduit installed prior to issuance of a Certificate of Occupancy. Erosion control methods must be used during construction.

2. The outlot will be required to go through the Large Scale review process and a separate drainage report will be required.
3. The entire development must comply with the requirements of the overlay district.
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 6' in width and ramped at all curb cuts to meet ADA specifications and installed the full width of the property or a letter of credit posted prior to issuance of a Certificate of Occupancy. Sidewalks must match any existing sidewalks in the area, include truncated domes at the handicap ramps and be located a min. of five (5) feet behind the curb.
7. The developer must provide a continuous turn lane along Highway 12 including all drainage improvements, applicable striping, sidewalks and curb and gutter. Provide a copy of the required AHTD permits prior to construction.
8. Provide the city planner with a copy of the approval from AHTD to discharge storm water into their system prior to the first inspection by the Rogers Street Department.
9. Stop signs must be in place and installed by the developer prior to issuance of a 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 No. 8th St. to schedule type of mail delivery.
11. The developer 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.
12. All parking lots and drives must be hard surfaced.
13. All mechanical, electrical and air conditioning equipment must be screened from public view.
14. The entire facility must comply with the requirements of the Americans with Disabilities Act of 1990.
15. 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.**
16. The owner/developer will be responsible for any upstream or downstream flooding as a direct result of this development.
17. A summary of variances approved by the Board of Adjustment is shown on the Large Scale Development Plan.

THE FOLLOWING PLAN REVISIONS ARE REQUIRED PRIOR TO ISSUANCE OF THE LARGE SCALE APPROVAL LETTER:

- Label any cart return areas & revise number of parking spaces if necessary

- Show the building address
- Provide a legal description for the entire site & label the outlot as “Phase 2”
- Add sidewalks along Highway 12 and No. 2nd St.
- Show all adjacent driveways (south of site)
- Provide a 30’ curb radius for all access points & label

THE FOLLOWING WAIVERS ARE APPROVED:

- The site is too flat to provide the required 2’ of freeboard for all HGLs
- The requirement to rebuild one-half of No. 2nd St. & State Highway 12
- The entrance on Highway 12 does not meet the separation distance between a driveway & the ROW of the intersection with No. 2nd St.
- Access Management Standards limit this site to one access point on No. 2nd St. (site plan is proposing 3 with no driveway shown for the corner piece which is not part of this review)

And not recommending that the developer contribute \$20,000 in lieu of constructing the right turn lane on Highway 12

APPROVED.

Motion by Shelby, second by Myers to approve the Final Plat as requested.
Roll call: Unanimous. ***Motion carried.***

Van Hoose requested the commissions’ consideration of the waiver that was requested for the right-turn lane saying this could be a deal breaker if the right-turn lane is required, which would be a disappointment.

Commissioner Shelby noted the Planning Commission does not have the authority to approve this request and it needs to be addressed to the Mayor/City Council and Planning Office. We ask this of other developers and the right-turn lane is consistent with other projects.

Senior Planner Derrel Smith reported he understood the request came from negotiations between Harps Store and the Mayor's office, and as far as he knows no traffic study has been done that would indicate the need.

Shelby noted there is an appeal process through the City Council or to possibly meet with the Planning Office and negotiate this to come to some resolution.

(Agenda Item #5)
LSDP for Hines Health Care at No. 24th St.
& West Maple in the C-2 (Highway
Commercial) zoning district

Dan Flippo of R J. Daniels Construction, presented the large scale development plan.

The Large Scale Development Committee reported the review of the plan and recommended approval subject to the following conditions:

1. Drainage improvements must be completed and certified by the engineer of record, WR Consulting, with all ditches and basins solid-sodded, concrete-lined, or underground conduit installed prior to issuance of a Certificate of Occupancy. Erosion control methods must be used during construction.
2. All signs will require separate permits.
3. 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.

4. Sidewalks must be 5’ in width and ramped at all curb cuts to meet ADA specifications and installed the full width of the property or a letter of credit posted prior to issuance of a Certificate of Occupancy. Sidewalks must match any existing sidewalks in the area, include truncated domes at the handicap ramps and be located a min. of five (5) feet behind the curb.
5. Stop signs must be in place and installed by the developer prior to issuance of a Certificate of Occupancy. The cost of the sign and the installation will be at the developer’s expense.
6. Developer to contact the U.S. Postmaster at 401 No. 8th St. to schedule type of mail delivery.
7. The proposed trash dumpster must be screened with a solid-type screening consistent with the architectural style of the building.
8. The developer 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.
9. All parking lots and drives must be hard surfaced.
10. All mechanical, electrical and air conditioning equipment must be screened from public view.
11. The entire facility must comply with the requirements of the Americans with Disabilities Act of 1990.

12. 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.

13. The owner/developer will be responsible for any upstream or downstream flooding as a direct result of this development.

THE FOLLOWING PLAN REVISIONS ARE REQUIRED PRIOR TO ISSUANCE OF THE LARGE SCALE APPROVAL LETTER:

- The exterior side setback is 45’ regardless of which street the building faces. Correct the plan or request a variance from the Board of Adjustment
- Add a column for the percentage of pipe capacity
- Move the proposed flume to the NE corner of the detention pond
- Provide a legend for the types of proposed landscape material

THE FOLLOWING WAIVERS ARE APPROVED:

- Both proposed drives do not meet the separation distance of 100 feet between the intersection and the centerline of the drive

APPROVED.

Motion by Myers, second Shelby to approve the large scale development plan subject to the conditions as listed.

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

(Agenda Item #6)
LSDP for the Gaines Dentist Office on No. Dixieland Road in the R-O (Residential Office) zoning district

Brian Jackson, of Freeland, Kaufman and Fredeen presented the large scale development plan.

The Large Scale Development Committee reported the review of the plan and recommended approval subject to the following conditions:

1. Drainage improvements must be completed and certified by the engineer of record, Freeland, Kauffman & Fredeen, with all ditches and basins solid-sodded, concrete-lined, or underground conduit installed prior to a Certificate of Occupancy. 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. All signs will require separate permits.
3. Landscaping must be installed and a three-year guarantee submitted on plant replacement or a letter of credit posted prior to 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.
4. Sidewalks must be 6' in width and ramped at all curb cuts to meet ADA specifications and installed the full width of the property or a letter of credit posted prior issuance of a Certificate of Occupancy. Sidewalks must match any existing sidewalks in the area, include truncated domes at the handicap ramps and be located a min. of five (5) feet behind the curb.
5. Stop signs must be in place and installed by the developer prior to issuance of a Certificate of Occupancy. The cost of the sign and the installation will be at the developer's expense.
6. Developer to contact the U.S. Postmaster at 401 No. 8th St. to schedule type of mail delivery.

7. The proposed trash dumpster must be screened with a solid-type screening consistent with the architectural style of the building.
8. Identify all trees 6” or greater in diameter that will be removed.
9. The developer 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.
10. All parking lots and drives must be hard surfaced.
11. All mechanical, electrical and air conditioning equipment must be screened from public view.
12. The entire facility must comply with the requirements of the Americans with Disabilities Act of 1990.
13. 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.**
14. The owner/developer will be responsible for any upstream or downstream flooding as a direct result of this development.
15. Provide the city planner with a copy of the site plan and utility plan on compact disk formatted for AutoCAD 2004 prior to issuance of a Certificate of Occupancy.

THE FOLLOWING WAIVER IS APPROVED:

- The proposed drive does not meet the minimum separation distance between driveways

APPROVED.

Motion by Shelby, second by Myers to approve the large scale development plan subject to the conditions as listed.

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

(Agenda Item #7)

LSDP for Sargent Commercial at the NW corner of Highway 62 & W. Easy St. in the C-2 (Highway Commercial) zoning district

Gary Davis, of EGIS Engineering, presented the large scale development plan.

The Large Scale Development Committee reported the review of the plan and recommended approval subject to the following conditions:

1. Drainage improvements must be completed and certified by the engineer of record, EGIS Engineering, with all ditches and basins solid-sodded, concrete-lined, or underground conduit installed prior to issuance of a Certificate of Occupancy. Erosion control methods must be used during construction
2. All signs will require separate permits.
3. 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.
4. Sidewalks must be 6' in width and ramped at all curb cuts to meet ADA specifications and installed the full width of the property or a letter of credit posted prior to issuance of a Certificate of Occupancy. Sidewalks must match any existing sidewalks in the area, include truncated domes at the handicap ramps and be located a min. of five (5) feet behind the curb.

5. Stop signs must be in place and installed by the developer prior to issuance of a Certificate of Occupancy. The cost of the sign and the installation will be at the developer's expense.
6. Developer to contact the U.S. Postmaster at 401 No. 8th St. to schedule type of mail delivery.
7. The developer 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.
8. All parking lots and drives must be hard surfaced.
9. All mechanical, electrical and air conditioning equipment must be screened from public view.
10. Provide the city planner with a copy of the approval from AHTD to discharge storm water into their system prior to the first inspection by the Rogers Street Department.
11. Provide the city planner with a copy of the AHTD approval letter for curb cuts and sidewalks prior to the first inspection by the Rogers Street Department.
12. The entire facility must comply with the requirements of the Americans with Disabilities Act of 1990.
13. 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.**

14. The owner/developer will be responsible for any upstream or downstream flooding as a direct result of this development.
15. Provide the city planner with a copy of the site plan and utility plan on compact disk formatted for AutoCAD 2004 prior to issuance of a Certificate of Occupancy.

THE FOLLOWING PLAN REVISIONS ARE REQUIRED PRIOR TO ISSUANCE OF THE LARGE SCALE APPROVAL LETTER:

- Correct the front building setback to 65 feet

THE FOLLOWING WAIVER IS APPROVED:

- Allow the parking lot to not have curb and gutter (the parking lot is graded so that stormwater runoff will flow across the surface to the west and into the detention pond)

THE FOLLOWING WAIVERS ARE DENIED:

- To not require a striped 10' x 35' loading area (applicant states that adequate delivery area has been provided between the buildings while allowing adequate room for emergency vehicles)
- Allow the driveway between the two buildings to be gravel (it connects to the property to the north owned by the same developer)

APPROVED.

Motion by Myers, second by Shelby to approve the large scale development plan subject to the conditions as listed.

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

There being no further business, motion by Brown, second by Campbell to adjourn the meeting.
Meeting adjourned at 6:55 P.M.

ATTEST

APPROVED

Dan Brown, Secretary

Rhonda Freitag, Chairman