

MINUTES

The **Rogers Planning Commission** met for a *regular session* in the Council Chambers of the City Administration Building on Tuesday, June 6, 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, Rhonda Freitag, James Gosserand, Mark Myers, Ron Shelby, Mike Shupe, David Thrasher, and Jim White.

OTHER OFFICIALS PRESENT:

Director of Transportation and Planning Steve Glass, Senior Planner Derrel Smith, Assistant City Planners Candy Anderson and Joe Hurst, Deputy City Attorney Chris Griffin, Administrative Assistant Donna Johnston, Rogers Water Utility Engineer Mark Johnson, Fire Marshal Travis Hollis, and Councilman Larry Daniel.

ACTION ON MINUTES:

(May 16, 2006)

APPROVED.

Motion by Brown, second by Myers to approve the minutes of May 16, 2006 as submitted.

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

REPORTS OF BOARDS AND STANDING COMMITTEES:

Senior Planner Derrel Smith stated when we changed our R-2 zoning, we looked at those neighborhoods that were single family and changed those to N-R. The ones that were mixed went to R-DP. We now have areas zoned R-DP that are single family only and will not allow a traditional home. We either need to change the definition of R-DP to allow for single family or we need to look at rezoning a couple of areas to bring them into a neighborhood residential zone.

Commissioner Thrasher stated he would rather change the R-DP and make it residential single family and duplex to be reflective of what the old R-2 zone represented. Smith stated that would require a 12,000 sq. ft. lot which a lot of the older areas do not have. The old R-2 had dual lot sizes— 12,000 sq. ft. for a duplex and 6,500 sq. ft. lot for

single family. Smith stated we need to look at lot sizes before we make changes. Commissioner Brown asked if there was a difference in setbacks. Derrel stated we changed the setbacks in N-R to allow houses to set closer to the front and changed the side setbacks from 7 ½' to 6'. Brown stated he would also rather change the R-DP. Commissioner Shupe would like to see some flexibility written in the ordinance.

Discussions were held on the lot sizes. The Commissioners felt the lot size should be at least 6,000 sq. ft. Variances should take care of any pre-existing conditions that would occur with lots under 6,000 sq. ft.

Smith stated he would rework the definitions and get the new lot sizes and setbacks to the Commission for the June 20 meeting.

CONSENT AGENDA:

Preliminary Plat, Edgewater Subdivision (Benton County)

1. Drainage improvements must be completed and certified by the engineer of record, Northstar Engineering, with all ditches and basins solid-sodded, concrete-lined, or underground conduit installed. Erosion control methods must be used during construction.
2. All wells and septic systems must be located and abandoned by a State-licensed and bonded driller in accordance with state requirements.
3. All septic systems will require approval by the Arkansas Health Department.
4. Streets must be built to county standards or a letter of credit posted with the City Planner.
5. Any street with a slope greater than 9% must be heavy-duty concrete with a rough surface.
6. Developer to contact the U.S. Postmaster at 401 North 8th Street to schedule type of mail delivery.

7. The owner/developer will be responsible for any upstream or downstream flooding as a direct result of this development.
8. Provide the City Planner with a copy of the final plat and utility plan on compact disk formatted for AutoCAD 2004 prior to Planning Commission signature on the final plat.
9. Provide approval letter from Benton County Planning prior to Planning Commission signature on the final plat.
10. Provide a recorded copy of the final plat and covenants prior to the final plat.

Preliminary Plat, Elk Estates

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. All wells and septic systems must be approved by the Arkansas Department of Health.
3. Provide the Building Official and City Planner with compaction tests for all ponds and fill areas.
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 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 minimum of five (5) feet behind the curb.
5. Interior sidewalks must be 5' in width and located a minimum of five (5) feet behind the curb. They are the responsibility of the lot owner and must be installed prior to issuance of a Certificate of Occupancy.
6. Developer must post a two-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 two-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. The developer must

coordinate with the local utility for the placement and maintenance of the lights. The city will not be responsible for payment of the utility bill in a private subdivision.

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. All streets greater than Class 1 (60' collector) will require a formal pavement design based on soil conditions prior to Planning Commission approval of the preliminary plat.
10. Dedicate a total of 40 feet of right-of-way from the centerline of South Rainbow Road. The developer must rebuild one half of South Rainbow Road, 26 feet from the centerline to minor arterial standards including all drainage improvements, sidewalks and curb and gutter. This extent of the rebuild will depend on soil conditions.
11. Dedicate a total of 40 feet of right-of-way from the centerline of Elk Road and obtain the remaining 40 feet of right of right-of-way from the property owner to the north if possible.
12. The developer must rebuild all of Elk Road to minor arterial standards including all drainage improvements, sidewalks and curb and gutter. The extent of the rebuild will depend on soil conditions with the limits of construction ending at the South 67th Street entrance.
13. The developer must rebuild one-half of Elk Road from the South 67th Street entrance to the South 69th Street entrance to minor arterial standards including all drainage improvements, sidewalks and curb and gutter. The extent of the rebuild will depend on soil conditions.
14. The developer will be required to relocate the existing storm warning siren at his own expense.
15. Provide a one-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.
16. Provide the City Planner with a draft of the proposed covenants, including maintenance of the detention ponds and the private streets, prior to City Council acceptance of the final plat. The City of Rogers will not be responsible for maintenance of any detention ponds or private streets. Recorded covenants will be required prior to issuance of a building permit.

17. Street signs and stop signs must be cash-bonded prior to City Council acceptance of the final plat. Every “T” intersection will require one street sign and every “cross” intersection will require four 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.
18. Any street with a slope greater than 9% must be heavy-duty concrete with a rough surface.
19. All finished floor elevations must be a minimum of one foot above curb level and shown on the lot on the final plat.
- 20. The finish floor elevation for Lots 3, 4, 8, 9,10, 11, 12 & 13 must be 2 feet above the 100 year WSE of the adjacent wet pond and shown on the lot on the final plat.**
21. A street address must be shown for each lot on the final plat.
22. Developer to contact the U.S. Postmaster at 401 North 8th Street to schedule type of mail delivery.
23. Identify all trees 6” or greater in diameter that will be removed.
24. Engineer to schedule a pre-construction meeting with the Rogers Street Department prior to issuance of a grading permit.
25. 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.
26. A grading permit will not be issued until the Planning Commission has approved this preliminary plat. Permit requirements are available at the Planning Office.
27. All driveway approaches must be less than 10% in grade elevation unless approved by the City Engineer or City Planner.
28. 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.**
29. The owner/developer will be responsible for any upstream or downstream flooding as a direct result of this development.

30. Provide the required information on the Rogers Monument Documentation Form prior to City Council acceptance of the final plat.
31. Provide the City Planner with a copy of the final plat/site plan, utility plan and set two 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
32. Provide the city planner with five (5) original copies of the recorded plat and seven (7) copies for distribution to affected utilities.
33. Provide the City Clerk with 25 paper copies and an electronic copy of the ordinance that allows City Council to accept the final plat.

LSDP, Hedberg Medical Building

1. Drainage improvements must be completed and certified by the engineer of record, Sand Creek 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 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 minimum of three (3) feet behind the curb. (previously approved by the Planning Commission)
5. Interior sidewalks are the responsibility of the lot owner and must be installed prior to issuance of a Certificate of Occupancy.
6. 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.
7. Developer to contact the U.S. Postmaster at 401 North 8th Street to schedule type of mail delivery.

8. The proposed trash dumpster must be screened with a solid-type screening consistent with the architectural style of the building.
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. 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.
11. All parking lots and drives must be hard surfaced.
12. All mechanical, electrical and air conditioning equipment must be screened from public view.
13. The entire facility must comply with the requirements of the Americans with Disabilities Act of 1990.
14. 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.
15. The owner/developer will be responsible for any upstream or downstream flooding as a direct result of this development.
16. 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 WERE ADDRESSED ON THE SIGNED, SEALED, DELIVERED SITE PLAN SINCE THEY WILL BE BUILDING THE SHARED ACCESS DRIVE:

- Add a stop sign at 52nd Street.
- Provide a 30' curb radius for the access point at South 52nd Street.

APPROVED.

Motion by Shupe, second by Brown to approve the items on the consent agenda as submitted. Voice Vote: Unanimous.

Motion carried.

PUBLIC HEARINGS:

(Agenda Item #1)

Request by Village Developers LLC to Rezone Approximately 10 Acres South of Laurel Avenue Between its Intersection with Creekside Drive and South 24th Street from RSF (Single Family) to the R-O (Residential Office) Zoning District.

Bill Watkins represented this rezoning request. Mr. Watkins stated this piece of property originally came in to be zoned as RSF. The Commission expressed concern with backing up RSF to C-2. The property has since sold and has been purchased by my client who is requesting a R-O zone. Mr. Watkins stated he felt this would create a good buffer between the C-2 and RSF across the street and complies with the Long Range Planning Map.

Commissioner Shupe said it appears to him we would have a buffer we wouldn't want if this was successfully rezoned to R-O. Shupe asked if Mr. Watkins' client had looked at making part of the property RSF on Laurel and the southern portion being R-O. Mr. Watkins stated they have, but it appears all that would do would be to change the location of the problem. We feel it is less intrusive to have Laurel between the usages.

No one spoke in favor or this rezoning request.

Fran Williams, 4418 Collins Circle, stated she was at the meeting when this property came in for RSF zoning. At that meeting it was decided having RSF on both the north and south sides of Laurel with R-O further to the back. On the north side of this property is the Creekside Subdivision, a gated community. Mrs. Williams stated she did not want to see the ten acres changed from RSF to R-O.

Ed Simpson, 2803 Creekside, stated he lives in Fayetteville, but plans to build his house on lot 3. Mr. Simpson stated he had talked to the people who own lots 1 and 2 and they

did not get notification of this rezoning request. Prior to purchasing the lot, I visited the Planning Department and was assured the property around this property and across the street were all planned for single family use. I have some concerns about R-O. It also appears 24th Street can be made to access the rear of this property. Laurel Road is in poor condition. Anything along 26th Street frontage would be good for R-O, but not Laurel.

Terry Bryan, 2805 South 24th, stated he just moved into Creekside Subdivision. I was under the impression the property in this area would remain RSF. Mr. Bryan stated he was concerned with the height limit for R-O. He lived in Whispering Timbers at one time and saw his backyard privacy disappear with the “twin towers”. The road condition is poor at this location. We don’t need additional traffic.

Karen Fleeman, 4418 Collins Circle, stated she understood RSF would continue across Laurel until 24th Street comes up and meets with the reworking of 26th Street. Laurel is actually just one and one-half lanes, and can’t take the traffic flow that offices would generate.

The Public Hearing was declared closed.

Mr. Watkins reminded everyone this is not a C-2 request, therefore, will not have the intensity as commercial. R-O is designed to be compatible with residential usages near it. Mr. Watkins stated we did comply with the notice requirement and received green cards back from everyone who needed to be notified. We have heard a lot of complaints about the road, but that can be improved with development. Mr. Watkins stated he also felt this would comply with the Master

Plan. When this was zoned RSF, this body and the City Council both raised concerns about the propriety of RSF zone at this location.

Shupe told Mr. Bryan there were no height restrictions when the “twin towers” were built. Today we have height restrictions. Shupe stated the only way the road will get improved is for someone to develop this property.

Commissioner White stated he wanted the R-O located in the middle of C-2 to go further so there was not as much commercial. White stated he did not like to see residential next to commercial. Laurel looks like residential to me.

Commissioner Myers stated this was originally zoned RSF. The owner at that time knew the C-2 was there and that he would have to deal with buffering to satisfy potential buyers. Myers stated he could not see lowering the zone for a buffer. We have always talked about Laurel Road as residential in character. I can see R-O on the south side of this property, but not on Laurel. Mr. Watkins asked the Commission if they would agree to some kind of split zoning. White said he didn't know how that would work with such a small piece of property.

Commissioner Brown stated he didn't have any problem with the R-O, but would be willing to look at splitting the tract if that would be more agreeable to the neighbors.

Mr. Watkins asked the Commission to table this issue until he could visit with his clients about making some adjustments to this request.

Commissioner Thrasher stated he questioned the RSF when this property was originally zoned. Our Comprehensive Growth Map called for this to be office and with the controls we have over R-O, I feel this could be appropriate. I don't see how you could split this tract with RSF and R-O and make the R-O functional.

Shelby stated R-O did not bother him on Laurel as it gets closer to 26th Street. Shelby stated his concern is that the developer zoned this RSF knowing he had C-2 behind him.

Shupe stated a 35' high building is not that much higher than some houses. Myers reminded everyone that would only affect the R-O that joins RSF. The lots behind that R-O could develop at 60' in height.

Commissioner Shelby asked if this were tabled and not brought back to this Commission within 45 days, does it go on to City Council with a positive recommendation. Derrel said yes. Discussions were held as to whether the Commission would have enough people present at the June 20 meeting (several will be on vacation) to meet the majority vote requirements. It was noted there would be no meeting on July 4, however, if this came to the July 18 meeting, we would still be within the 45 day time line.

TABLED.

Motion by Thrasher, second by Shupe to table this rezoning request. Roll Call Vote: Unanimous. **Motion carried.**

(Agenda Item #2)
Request by Nate Roesner for a
Conditional Use Permit for a
Private Club at 1207 West Walnut

Bill Watkins represented this conditional use request. Mr. Watkins stated this used to be The Nice and Easy Lounge. My client has

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

purchased the equipment and assets and will re-open as a sports bar.

Commissioner Shupe asked if there had been any previous complaints at this location. Staff said no.

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

The Public Hearing was declared closed.

APPROVED.

Motion by Brown, second by Shupe to approve this conditional use permit for an indefinite period of time.

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

NEW BUSINESS:

(Agenda Item #1)
Revised PUD Concept Plan for Avignon Court on North 24th Street (Replacing the C-2 Zoned Out Parcel with Additional RMF).

Erin Rushing and Johnnie Long, CEI Engineering, represented this PUD. The new concept has taken out the ponds. This property consists of 9.8 acres and is currently zoned PUD and C-2. The new plan has 61 total units—old plan had 56. The new plan does not have commercial—the old plan had 2.7 acres of C-2 on 24th Street. The density is 6.2—the old plan had 8.0 units per acre. We have added green space between Turtle Creek and the subdivision. We have put in a 150' to 200' green space buffer. These will be condominium units in the price range of \$135,000. This plan should greatly reduce the traffic situation, get rid of the commercial, and meet the concerns of the residents. We have talked to the City about dedicating 4.7 acres to Parks and Recreation to work in their Master Trail Plan. We have also visited door to door with the residents of Turtle Creek. They seem to like our new concept plan.

Commissioner Shelby asked about the City’s access to the park. Erin stated an access easement would be provided to the City for maintaining the area. Shelby stated we need to keep in mind that long range plans for the City to use this as a park are not defined, especially access to a future park for public use. Mr. Rushing and Long stated if we dedicate this as a trail system, we will also be dedicating access also.

Large Scale Committee has met and recommends approval of this revised PUD concept plan.

APPROVED.

Motion by White, second by Shelby to approve this revised PUD concept plan. Shupe disqualifies.
Voice Vote: Unanimous. **Motion carried.**

(Agenda Item #2)
Request for a One-Year Time Extension for Commencement of Development for the Sagely Subdivision on Mt. Hebron Road Between Wallis Road and Stratsman Lane.

Kee Whee, Freeland-Kauffman & Fredeen, represented this time extension request. The preliminary plat was approved about this time last year. The delays are due to funding and water extensions down stream of the property.

Commissioner Brown asked if it would take a whole year to get this project started. Kee Whee stated he needed as long as possible. Dan stated his concern is that design parameters and policies can change and these plans become obsolete.

Commissioner Myers stated he thought we historically looked at six months extension. Candy Anderson stated we have granted one year time extensions on three different occasions. The code states you can only get one extension. If he doesn’t start within the year, if this is approved, the planning process starts over.

Subdivision Committee has met and recommends approval of this time extension request.

APPROVED.

Motion by Brown, second by Shupe to approve this time extension request for one year. Voice Vote: Unanimous.

Motion carried.

(Agenda Item #3)

Re-Plat of Arbor Glen at Osage Road and Arapahoe Road (Old New Hope Road)-Revising Side Setbacks for Each Lot.

John Wary, Morrison Shipley Engineers, represented this re-plat. Arbor Glen was final platted in March 2006 with side setbacks being 0 and a minimum of 10' separation between all buildable areas. We are requesting to revise the side setbacks only to 3' and 7' maintaining the 10' of separation between each home with the exception of lots 43 and 44. Those two lots will remain as 10' and 0.

Commissioner Myers asked Fire Marshal Hollis if he was good with the fire access on the alleys. Travis stated yes.

Subdivision Committee has met and recommends approval of the revised final plat.

APPROVED.

Motion by Brown, second by Myers to recommend this re-plat to City Council for approval.

Roll Call Vote: Unanimous. **Motion carried.**

(Agenda Item #4)

Request by Sign Artists for a Time Extension/LSD Waiver on Their Previous LSDP Approval.

Bill Platts, W-R Consulting, and Terri Koontz, owner, represented this time extension request. Bill stated this project came before the Commission in 2003. Terri stated they had planned to build at the time this was approved by the Commission. After approval, a company moved in surrounding us on three sides and the value of the area began to decline. One side of the property that

surrounded us were barrels and on the other side were computers all over the parking lots. Our plans were to expand and put in a showroom. We had ordered the building, but when we looked around at what had surrounded us, we just didn't think it would be a good idea to invest money in our business at this location. We were disappointed the City allowed this to happen within the City limits. I even had the Mayor come out and take a look at what was going on around us. Mayor Womack was not happy either. The owner has now decided to sell his building. The mess has been cleaned up. We would like to continue with what we had started.

Bill stated there are absolutely no changes to the plans since it went through large scale. I had to ask for a large scale waiver because a portion of this building will be within 20' of the setbacks in lieu of 25'. Commissioner Shelby stated that waiver has expired and will need to be applied for again.

Commissioner Shupe asked Staff if the flood maps had changed since the preliminary plat was approved. Derrel stated this area is not in the flood plain.

Commissioner Shelby stated in the original approval we did waive the curb and gutter and sidewalks on Laurel Circle. The committee has no problems with the extension, but needs feedback on waiving the curb, gutter, and sidewalks. Mr. Platz stated they will bond what sidewalks they don't build.

Large Scale Committee has met and recommends approval of this time extension subject to the following conditions:

1. Drainage certification required prior to issuance of a Certificate of Occupancy.
2. The entire facility must comply with the requirements of the Americans with Disabilities Act of 1990.

3. Improve ½ of Laurel Circle or post a bond prior to issuance of a Certificate of Occupancy.
4. Cash bond or build the sidewalks per the City Ordinances.
5. Landscaping must be installed and a three-year guarantee provided prior to issuance of a Certificate of Occupancy.
6. Provide the City Planner with a copy of the septic approval from the Arkansas Department of Health prior to issuance of a Certificate of Occupancy.
7. A grading permit will be required.
8. All parking lots and drives must be hard surfaced.
9. The owner/developer will be responsible for any upstream or downstream flooding as a direct result of this development.
10. Record drawings must be provided on compact disk formatted for Auto CAD 2004 prior to issuance of a Certificate of Occupancy.

APPROVED.

Motion by Shelby, second by Myers to approve this time extension subject to the conditions listed. Voice Vote: Unanimous. **Motion carried.**

There being no further business, motion by Brown, second by White to adjourn. The meeting was adjourned at 5:35 P.M.

ATTEST

APPROVED

Dan Brown, Secretary

Rhonda Freitag, Chairman

