

MINUTES

The **Rogers Planning Commission** met for a *regular session* in the Council Chambers of the City Administration Building on Tuesday, July 18, 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, Mark Myers, Jim White, Mike Shupe and Ron Shelby were present. James Gosserand arrived at 4:40. David Thrasher was absent.

OTHER OFFICIALS PRESENT:

Deputy City Clerk Dena Beauchamp, Senior Planner Derrel Smith, Assistant City Planner Candy Anderson, Assistant City Planner Joe Hurst, Main Street Director Marge Wolf, 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 20, 2006)

Approved.

Motion by Brown, second by Myers to approve the minutes of the regular meeting for June 20, 2006 as submitted.

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

REPORTS OF BOARDS AND STANDING COMMITTEES:

Senior Planner Derrel Smith presents the Commission with revisions to the RDP zone. He asks that they review the changes. We have required a 25-ft front set back, the lot area is 6,000-ft for single family and 12,000-ft for duplex and the side set back is 7 ½-ft. The revision will have to go before City Council for final approval.

Brown states the phrase of purpose and intent that states, to facilitate the conversion of one family resident to two family uses in established developed areas, is not a request in the minds of the people in the neighborhood who have requested the changes.

Smith states that is not something that we do have requests for and I will remove that from the revision.

APPROVED as revised.

Motion by White, second by Shupe to refer the revisions of the RDP residential duplex with changes suggested by Brown to City Council for final approval.

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

Smith states the final Public Hearing on the Impact Fees on August 21, 2006 at 6:30 P.M.

Motion by White, second by Shupe to move items #1 and #2 of new business to the consent agenda.

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

CONSENT AGENDA:

Final Plat for Liberty Bell South on the south side of Wallis Road

1. Drainage improvements must be completed and certified by the engineer of record, Freeland, Kauffman, and Fredeen, Inc., 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 the time of the final plat. Additional improvements may be required at that time.
2. Must rebuild the E-W portion of Wallis Road to city standards.
3. 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.
4. Street lights must be installed at the entrance, intersections, end of cul-de-sacs and not more than 400' apart through out the subdivision. 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 bulb 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, A copy of the paid receipt is required prior to City Council acceptance of the final plat.

5. All finished floor elevations must be a minimum of one foot above curb level and shown on the lot on the final plat.
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 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 five (5) feet behind the curb.
7. Sidewalks not along lots must be built by the developer.
8. Interior sidewalks must be 5' in width and are the responsibility of the lot owner. Sidewalks must be installed prior to issuance of a Certificate of Occupancy.
9. 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
10. Provide the City Planner with a copy of the recorded covenants for Liberty Bell Estates and a draft copy of the covenants for this section. Both covenants must include the notification regarding the proximity of the FAA-sanctioned airport. Recorded covenants for Liberty Bell South will be required prior to the issuance of a building permit.
11. The owner/developer will be responsible for any upstream or downstream flooding as a direct result of this development.
12. Provide the city planner with five (5) original copies of the recorded plat and seven (7) copies for distribution to affected utilities.

THE FOLLOWING PLAN REVISIONS ARE REQUIRED PRIOR TO CITY COUNCIL:

- **All corner lots must have only one address**
- **Post a letter of credit for the rebuild of Wallis Road from the centerline if not constructed**
- Post a letter of credit for any unbuilt sidewalks on one side of Wallis Road
- Post a 2-year letter of credit for all interior sidewalks
- Provide a draft of the POA covenants that incorporate this section into Liberty Bell Estates
- Provide the city planner with a copy of the paid receipt for the street lights
- Provide a check in the amount of \$2,025 for street & stop signs (poles not included)
- 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
- 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, 1st Place Subdivision

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. Sidewalks must be 6' in width on So. 1st St. and be ramped at all curb cuts to meet ADA specifications 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.
3. Interior sidewalks must be 5' in width and ramped at all curb cuts to meet ADA specifications 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. Interior sidewalks are the responsibility of the lot owner and must be installed prior to issuance of a Certificate of Occupancy.
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. The developer must obtain an off-site drainage easement for all areas of discharge prior to the first inspection by the Rogers Street Department.
8. 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. 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 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. utility bill on street lights that have a higher wattage than the 100w HPS-type light.
9. 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.

10. Dedicate a total of 40 feet of right-of-way from the centerline of So. 1st St.
11. The developer must rebuild one-half of So. 1st St., 26 feet from the centerline to minor arterial street standards including all drainage improvements, sidewalks and curb and gutter. The extent of the rebuild will depend on soil conditions. A cash bond based on a per linear foot cost by Crafton, Tull & Associates will be accepted in lieu of construction.
12. 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.
13. 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 ponds. Recorded covenants will be required prior to issuance of a building permit.
14. 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.
15. All finished floor elevations must be a minimum of one foot above curb level and shown on the lot on the final plat.
16. A building address must be shown for each 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. Identify all trees 6” or greater in diameter that will be removed.
19. Engineer to schedule a pre-construction meeting with the Rogers Street Department prior to issuance of a grading permit.
20. 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.
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 required information on the Rogers Monument Documentation Form prior to City Council acceptance of the final plat.
24. 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
25. Provide the city planner with five (5) original copies of the recorded plat and seven (7) copies for distribution to affected utilities.
26. Provide the City Clerk with 25 paper copies & an electronic copy of the ordinance that allows City Council to accept the final plat.

NOTE;

- This project has 3 areas that do not meet the required 2' of freeboard: The elevation of the drainage structure from the easterly detention pond was set as low as possible and still allow storm water to be released across the New Hope Court development to the north of the site. The 3 areas in question have provided 1.86', 1.81' and 1.29' of freeboard

Preliminary Plat, Brentwood Subdivision

1. Drainage improvements must be completed and certified by the engineer of record, Morrison-Shipley Engineers, 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 located and abandoned by a state-licensed and bonded driller in accordance with state requirements.
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 (13th St. & Price Lane) 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.
5. Sidewalks not along lots must be built by the developer.
6. Interior sidewalks must be 5' in width and are the responsibility of the lot owner. Sidewalks 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. A handrail may be required adjacent to detention pond. A decision will be made by the street department at final inspection.
10. 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. 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.
11. 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.
12. Dedicate a total of 30 feet of right-of-way from the centerline of South 13th Street.
13. The developer must rebuild one half of South 13th Street, 19 ½ feet from the centerline to collector 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.
14. Dedicate a total of 30 feet of right-of-way from the centerline of Price Lane.
15. The developer must rebuild one half of Price Lane, 19 ½ feet from the centerline to collector 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.
16. 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.
17. 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.

18. 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.
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. A street address must be shown for each lot on the final plat.
21. Developer to contact the U.S. Postmaster at 401 No. 8th St. to schedule type of mail delivery.
22. Identify all trees 6” or greater in diameter that will be removed.
23. Engineer to schedule a pre-construction meeting with the Rogers Street Department prior to issuance of a grading permit.
24. 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.
25. 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.
26. The owner/developer will be responsible for any upstream or downstream flooding as a direct result of this development.
27. Provide the required information on the Rogers Monument Documentation Form prior to City Council acceptance of the final plat.
28. 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.
29. Provide the city planner with five (5) original copies of the recorded plat and seven (7) copies for distribution to affected utilities.
30. Provide the City Clerk with 25 paper copies & an electronic copy of the ordinance that allows City Council to accept the final plat.

THE FIRE DEPARTMENT HAS APPROVED THE FOLLOWING:

- Because the cul-de-sac is less than 150’ long the back to back diameter can be 70’

LSDP, All Care Pharmacy Expansion

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 issuance of a Certificate of Occupancy. Erosion control methods must be used during construction.
2. All new 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. 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.
6. All parking lots and drives must be hard surfaced.
7. All mechanical, electrical and air conditioning equipment must be screened from public view.
8. The entire facility must comply with the requirements of the Americans with Disabilities Act of 1990.
9. 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.
10. 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:

- Provide 1’ of cover from the top of bank of the detention pond to the 100-yr. WSE

THE FOLLOWING WAIVERS ARE BEING REQUESTED:

- The existing drives do not meet the minimum separation distance from the intersection or adjacent driveways (applicant would like to keep the existing driveway configuration)

- Provide a 30' curb radius for all access points (applicant would like to keep the existing driveway configuration)

Request by Karen Schrik for a waiver from the Large Scale review process for a 900 s.f. addition to the Norwood Law firm at 2001 So. Dixieland Road

APPROVED.

Motion by White, second by Shupe to approve the items on the consent agenda subject to conditions listed.
Roll call: Unanimous. ***Motion carried.***

OLD BUSINESS

(Agenda Item #1)

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

Freitag announced the request has been withdrawn.

WITHDRAWN.

(Agenda Item #2)

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

Kevin Yates of Civil Engineering Solutions states he would like to amend the rezone request from C-4 to C-2.

Motion by Brown, second by White to recommend approval to City Council the rezoning and amended rezone from C-4 to C-2 as requested.

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

APPROVED.

(Agenda Item #3)

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.)

Robert Fulfer presented the request for Grace United Methodist Church. He states the addition is to expand the kitchen and add two rooms to their fellowship hall.

Large Scale Development Committee has met and recommends a waiver of the review process on the condition that sidewalks are placed along Lela Street for the length of the property and tie into the sidewalk at Dixieland Rd. prior to the certificate of occupancy.

Motion by Shelby, second by Myers to approve the Large Scale Develop waiver subject to conditions as listed.

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

APPROVED.

PUBLIC HEARING:

(Agenda Item #1)

Request by Lorena Larson for a Conditional Use Permit to operate a private school at 1730 West Poplar St. in the RSF (Residential Single-family) zoning district

Bill Watkins presented the Conditional Use Permit request for Lorena Larson. He stated Larson was before the commission in October with a request for a daycare at this location and it was made clear to her that would not be acceptable. A member of this panel suggested that a private school would be a permitted use by right in this area. She opened the private school and was later informed the rules had changed and she was operating the school in violation of city code.

Bruce Mulkey of 6017 Pack Lane, Ken Cobbs of 509 S Dixieland Rd., Cristine Mack of 6600 Braebourne Dr., Rob Brothers of 916 Sycamore Trace, Heather Jo Groves of 5502 Lanshire Dr, Teacher Lily Farhangi of 4205 Seminole Dr, Johnny Howard of 4504 W Dogwood, Alan Bauer of 821 Summit Dr. and Teacher Veronica R. Leon of 1716 S 43rd state the school is very well run and professional. The classes are small and class hours are staggered so they have never had a parking problem.

John Gebel of 1710 Sherryden Dr., Kendall Grady of 1709 Sherryden, Dr., Donna Kohler of 1705 Sherryden Dr. Charles & Monica Weyer of 1614 Sherryden Dr., L Grady of 1709 Sherryden Dr., Kimberly Thompson of 1713 Sherryden Dr. state their street is used as a cut through to the school. There are small children in danger due to the increased traffic on Sherryden Dr., the children that attend the school play outside in the backyard and create noise in our once quite

neighborhood and there is not adequate parking at the school. They do not oppose the school they oppose the location.

There were no comments from anyone in the audience.

The Public Hearing was declared closed.

Commissioner Shupe asks if the primary access to the school Poplar or Dixieland and if there is only room for 5 cars to park at this location.

Watkins states clients can go either way and there is room for approximately for 12 cars to park when you use the garage, parking space and circle drive.

Myers asks if the class sizes are limited.

Watkins states yes they are limited to 8 adults and the largest class of 12 is school age children that arrive after 3:00 and dismiss at 6:45 one day a week.

Freitag asks if more than one class meets at a time.

Watkins states only one class is in session at a time.

White states he was against a daycare due to traffic issues. He is has concern for any type of business at this location. This is a residential neighborhood. The people in favor of use permit are students and they do not live there on a day to day basis or feel the impact.

Shupe states this house used as a residence is problematic due to the traffic already there. No one wants to live on the corner of Dixieland and Poplar, it is very busy at all hours of the day and night.

White states the business has been in operation since April and asks staff what type of complaints we have had.

Anderson states they have received no complaints about the business until the conditional use request showed up in the newspaper.

Motion by Myers, second by Shupe to grant the Conditional Use Permit for the period of one year and limit the total number of students at any class time to 10 and hours of operation not to pass 8:00 P. M.

Roll call: **Yes.** Brown, Gosserand, Myers, Shelby and Shupe. **No.** Campbell, Freitag and White. **Motion carried.**

APPROVED.

(Agenda Item #2)

Request by Silent Properties to rezone approx. 1.24 ac. From R-DP (Residential Duplex-Patio) to the RMF-6A (Multi-family) zoning district and approx. 2.49 ac. from R-DP (Residential Duplex-Patio) to the R-AH (Residential Affordable Housing) zoning district. Both properties are south of West Olive St. and they are divided by Turtle Creek

Watkins presented the rezone request.

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

The Public Hearing was declared closed.

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

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

APPROVED

(Agenda Item #3)

Request by Envision Real Estate Group to rezone 3615 North 2nd St. from A-1 (Agricultural) to the C-2 (Highway Commercial) zoning district.

Mr. Wright presented the rezone request to develop the acreage into a video production office that will be approximately a 6,000sf building.

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

Judy Humphreys of 3305 N 2nd St. states she owns the property to the north. She just wants to know what he is proposing. She

asks if Etris Rd. is a public road and if she and the video production company can access their property from that Etris.

Shupe states she would have to ask the Airport Manager he doesn't know the answer to that question.

There were no other comments from anyone in the audience.

The public hearing was declared closed.

Shelby states he could see this rezoned to light industrial. If we zone this C-2 it will be spot zoning and set precedence for others to rezone to C-2. There are still residential homes along this stretch.

Myers states that in the long term everything on the east side of 94 Hwy from Hudson Road to Airport Loop will be some type of industrial /commercial use. We need to protect the residential areas the best we can.

Commissioners discuss and agree that I-1 would be less conducive to the residential neighborhoods in the area; C-2 would be detrimental to the neighbors due to the types of businesses allowed in that zone.

Wright withdraws his request to consider changing the request to I-1 at a later date.

WITHDRAWN

(Agenda Item #4)
Request by Nicholas Rumancik for a Conditional Use Permit to operate a day care at 9553 Garrett Road in the C-3 (Neighborhood Commercial) zoning district

Amanda Rumancik presented request for a Conditional Use Permit to operate a Montessori school for ages 2 ½ years to 6 years old with approximately 48 students.

Shelby asks if there is an existing building to be used. The request states there will be no

additional parking required, what is that based on?

Rumancik states I will only need parking for four staff members. We will take children out of the vehicle in a circular drive so there will be no need for parents to park their vehicles.

Myers and Shelby states would like to see how the drive through is going to work with that many children.

Gosserand states he knows Amanda and she has experience with two types of daycare situations; one being a parking situation and the other a drive through as she is proposing and she would be one to know which works best.

Gosserand leaves the meeting at 5:55 P. M.

Mary Pack of 4033 Garrett Road states she is not in favor or opposition of the Conditional Use Permit. She does feel traffic is a big issue that needs to be addressed. Pack is directly across the street from the proposed daycare. If traffic backs up in this circle drive my driveway will be blocked. This is already a dangerous intersection and more traffic will not help. The address listed on the notice I received is incorrect, we have been issued and ordered to use a new 911 address and it needs to be changed.

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

The public hearing was declared closed.

Commissioners discuss that they would like to like see a Large Scale Development Plan to address the drive through, another entrance off Bellview and some type of fencing. They agree this request is needed and will fit the area well.

Myer states if we grant the conditional use we have not tools to require the Large Scale process.

Anderson states Rumancik is in the process of getting her building permit for the remodeling of the buildings and we can require her to come back to Large Scale for the Bellview access prior to the Certificate of Occupancy.

Motion by Myers, second by White to approve the Conditional Use Permit.

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

APPROVED.

(Agenda Item #5)

Request by Magnolia Packaging to rezone 721 North 2nd St. from I-2 (Heavy Industrial) to the C-2 (Highway Commercial) zoning district

Freitag announced the rezone request has been withdrawn.

WITHDRAWN

(Agenda Item #6)

Request by Beverly Usher for a Conditional Use Permit to operate a real estate sales office at 901 W. Green Acres Dr. in the RSF (Residential single-family) zoning district (previously approved for one year only)

Beverly Usher presents the Conditional Use Permit request. She manages two rental complexes. Her real estate office is not a sales office that would generate any kind of traffic, it is an administrative office. I am required by the State of Arkansas to have a sign because I am a broker and I have an administrative office in my home.

Shupe asks if any of the tenants would come to this office.

Usher states no, she explains there are offices on site of the complexes.

There were no comments from anyone the audience in favor of the conditional use permit.

Rae Oden of 910 W Green Acers Place states there were no homes on 9th Street when the previous use permit was issued. There have been 12 duplexes built since the permit was issued to her. I have a petition from other residents in my area against this request. We do not want any more traffic in this area.

Commissioners explain this Conditional Use Permit is not transferable. If Mrs. Usher sells or moves the use it is no longer permitted. Conditional uses are issued on a case by case situation.

Freitag states there are fourteen signatures on the petition in opposition of the use permit.

White states the traffic issue is due to growth and has nothing to do with Mrs. Usher business.

There were no other comments from anyone in the audience.

The public hearing was declared closed.

Motion by White, second by Shupe to approve the Conditional Use Permit as requested.

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

APPROVED.

(Agenda Item #7)

Request by SEI, LLC to rezone approx. 7.5 ac. South of Hudson Road & 24th St. from I-2 (Heavy Industrial) to the C-4 (Open Display Commercial) zoning district

Fred Wanger of Harris McHaney Realtors and Kim Davis of Davis & Davis Inc., recreational planning consultants, presented the rezone request. They state they are requesting the C-4 zone for the go carts.

Mark Rockwell of 2412 Hudson Road states he is in favor of the request. A family fun center of this type would be a contribution to Rogers.

There were no comments from anyone in the audience in opposition of the rezone request.

The Public Hearing was declared closed.

Myers states he would feel more comfortable with the C-2 zone instead of C-4. When rezone a property the rezone stays with the property even when sold to someone else.

Commissioners discuss and agree they are not against the development proposed but do not want to rezone to the C-4 zone. They would allow a Conditional Use Permit for the go-carts in a C-2 zone.

Wanger and Davis amend there request of the C-4 zone to a C-2 zone and will come back to the Commission on August 15, 2006 and request a Conditional Use Permit for the go-carts.

Motion by Shupe, second by Brown to recommend approval to the City Council the rezoning as amended from C-4 to C-2. Roll call: Unanimous. ***Motion carried.***

APPROVED.

(Agenda Item #8)

Request by Mike Jeffcoat to rezone approx. 6.88 ac. At the NE corner of Persimmon St. & North 14th Pl. from R-DP (Residential Duplex-Patio) to the RMF-12A (Multi-family) zoning District

Watkins presented the rezone request.

There were no comments from anyone in the audience in favor the rezone request.

Charlotte Wood of 705 N 14th Place states she is opposed to this many apartments in this area.

Barbara Holt of 600 N 14th Street states Persimmon Street is overloaded with traffic and school children. A complex of this size will increase the traffic tremendously and it will be even more dangerous for children. The four way stop at Persimmon and 13th

Street was put in because a child was hit by car in the area. I am against this many apartments crammed into such a small and busy area.

Marion Carroll of 1309 W Rozel states she was teacher at Oakdale Jr. High School for 30 years and agrees with Holt. There are no sidewalks with a 30mph limit. The possibility of 160 people, not including children, in such a small area is not a good idea. She states the children need a place to play other than the parking lot and there is no room for green space or play areas with this many apartments.

There were no other comments from anyone in the audience.

Commissioners discuss and feel this is too dense for the area. Persimmon Street is very busy and congested and is not going to get any bigger. There is a school three blocks from the development. They agree a zone of RMF-9B would be less intrusive to the area.

Watkins amends the rezone request to RMF-9B zone.

Motion by Myers, second by Shupe to recommend approval to the City Council the rezoning as amended from RMF-12A to RMF-9B

Roll call: **Yes.** Brown, Campbell, Freitag, Myers, Shupe, White. **No.** Shelby.

Motion carried.

APPROVED.

There being no further business, motion by Brown, second by Campbell to adjourn the meeting. Meeting adjourned at 7:10 P.M.

ATTEST

Dan Brown, Secretary

APPROVED

Rhonda Freitag, Chairman