

MINUTES

The **Rogers Planning Commission** met for a *regular session* in the Council Chambers of the City Administration Building on Tuesday, August 1, 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, Ron Shelby, David Thrasher, and Jim White. Absent were Mark Myers and Mike Shupe.

OTHER OFFICIALS PRESENT:

Director of Transportation and Planning Steve Glass, Assistant City Planners Candy Anderson and Joe Hurst, Deputy City Attorney Chris Griffin, Administrative Assistant Donna Johnston, Rogers Water Utilities Engineer Mark Johnson, Fire Marshal Travis Hollis, and Councilmen Larry Daniel and Bob Goodwin.

ACTION ON MINUTES:

July 18, 2006)

Commissioner Brown proposed one revision to the minutes of July 18, 2006. On page 6272, last paragraph, second line, remove the words that states and replace with which reads and put quotes around the phrase "to facilitate the conversion of one family resident to two family uses in established developed areas". Brown stated he felt that would clarify the intent of the statement.

APPROVED.

Motion by Brown, second by Shelby to approve the Minutes of July 18, 2006 as changed.

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

REPORTS OF BOARDS AND STANDING COMMITTEES:

Assistant City Planner Candy Anderson reminded Everyone the impact fee discussion meeting will be held August 21, 2006 at 6:00 PM in the City Council Chambers of the new building, 301 West Chestnut. Commissioner Thrasher stated the July 18 minutes states the meeting will be at 6:30 PM. Candy stated she would verify the time and let everyone know. Candy also stated the ordinance for the changes on the duplex patio section of the zoning ordinance are in your packets.

CONSENT AGENDA:**Final Plat, Greenfield Place**

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. 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 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 be 5' in width, 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.
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 two-year letter of credit for all interior sidewalks. This letter of credit may be reduced as sidewalks are built. The letter of credit 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 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. Verify with Carroll Electric how service will be provided.
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. 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 issuance of a building permit. The amount for the cash bond will be determined at time of final inspection.
10. All finished floor elevations must be a minimum of one foot above curb level and shown on the lot on the final plat.
11. A street address must be shown on each lot on the final plat.
12. Provide the City Planner with a draft of the proposed covenants prior to City Council acceptance of the final plat. Recorded covenants will be required prior to issuance of a building permit.
13. The developer must obtain an off-site drainage easement for all areas of discharge prior to issuance of a building permit.
14. Any damage to existing City streets as a result of this development must be repaired and approved by the Street Department prior to City Council acceptance of the final plat.
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 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.
- Post a two-year letter of credit for all un-built interior sidewalks.
- 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.
- Provide a draft of the POA covenants.
- Provide a check in the amount of \$445.00 for additional street signs and stop signs (Done).
- Provide the City Planner with a copy of a paid receipt if street lights have not been installed by the developer (Done).
- Execute the Walton Foundation Partial Reimbursement Form.
- 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 two GPS reference points tied to the Rogers Monument System on compact disk formatted for AutoCAD 2004 .
- Provide the City Clerk with 25 paper copies and an electronic copy of the ordinance that allows the City Council to accept the final plat.

Final Plat, The Greens @ Blossom Way

1. Developer to dedicate a 12' recreation easement as part of the Greenway Trail System. Easement to be located along the floodway or in a location agreed upon by the developer and the City Planner.
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.
3. Developer must dedicate a total of 30 feet of right-of-way from the centerline of Bellview Road.
4. Developer must design and completely rebuild one half of Bellview Road from the centerline to collector street standards including curb and gutter and sidewalks. A cash bond (based on a certified engineer's cost estimate) may be provided prior to City Council acceptance of the final plat.
5. Developer must dedicate a total of 60 feet of right-of-way for 28th Place.
6. Indicate who will be responsible for any detention ponds. The City of Rogers will no longer be responsible for maintenance of any detention ponds.
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 five (5) original copies of the recorded plat and seven (7) copies for distribution to affected utilities.

THE FOLLOWING ITEMS WILL BE REQUIRED PRIOR TO CITY COUNCIL:

- Graphically show the 12' wide recreation easement.
- Add a note that Greens Way is a private street and utility easement.
- Post a letter of credit for all un-built sidewalks along 28th Street.
- Provide a cash bond (based on a certified engineer's cost estimate) for Bellview Road improvements.
- 28th Street must be striped according to the plans.
- Execute the Walton Foundation Partial Reimbursement Form.
- 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 two GPS reference points tied to the Rogers Monument System on compact disk formatted for AutoCAD 2004.
- Provide the City Clerk with 25 paper copies and an electronic copy of the ordinance that allows the City Council to accept the final plat.

APPROVED.

Motion by Brown, second by White to recommend to City Council for approval the two final plats on the consent agenda. Roll Call Vote: Unanimous. **Motion carried.**

PUBLIC HEARINGS:

(Agenda Item #1)

Request by Creekside Development LLC to Rezone 10.23 Acres at the Southeast Corner of New Hope Road and Bellview Road from R-O (Residential Office) to the C-2 (Highway Commercial) Zoning District.

Dr. Tom Morter, developer, represented this rezoning request.

Jerry Danehower, 1603 West Oak Street, stated he was also speaking for Mr. Montgomery who owns the property adjacent to this property. Mr. Danehower stated they do not have a problem with the C-2, but do have some concern about the height of the buildings that could go in this zone. Mr. Montgomery would like for me to remind the Commission of the topography in this area. The back of the buildings needs to look as good as the front of the buildings as it will be visible from his development as well as some houses in the area.

No one spoke in opposition to this rezoning request.

The Public Hearing was declared closed.

Commissioner White said he is aware the road has changed, but the R-O buffer was put there for a reason. Dr. Morter stated the entire 38 acres to the east of this property is R-O which provides a large buffer. Commissioner Shelby stated the property was zoned PUD with the north part being R-O and the back part nursing home type housing. The PUD allowed the Commission to create zones on the site. Shelby and White said they see no compelling reason to change the zoning of this property.

Bellview being a five lane road is no argument for making the property C-2.

Commissioner Thrasher stated he thought Tom had made a reasonable request, but he didn't think this should be C-2. Everything done in that area has been based upon the demarcation line. Tom asked Thrasher if he thought it would be possible to do commercial on the property buffered by the R-O to the east of the intersection. Thrasher stated this request is too much C-2.

Shelby stated there are some things allowed in C-2 that he would not like to see at this intersection.

Dr. Morter stated the logical move would be for him to withdraw this rezoning request and re-evaluate the situation.

WITHDRAWN BY APPLICANT.

(Agenda Item #2)
Request by The Ivey's Subdivision, LLC to Rezone 7.7 Acres on Shores Road, West of Mt. Hebron Road from A-1 (Agricultural) to the R-SF (Residential Single-Family Zoning District.

Patrick Hargis, Engineering Services, Inc., represented this rezoning request.

No one spoke in favor or in opposition to this rezoning request.

The Public Hearing was declared closed.

APPROVED.

Motion by White, second by Brown to recommend this rezoning request to City Council for approval. Roll Call Vote: Unanimous. **Motion carried.**

(Agenda Item #3)
Request by Patsy Simmons to Rezone Approximately 15.05 Acres West of Ride-Rite on South 8th Street from N-R (Neighborhood Residential) to the RSF-5 (Residential Single-Family) Zoning District.

WITHDRAWN BY APPLICANT BEFORE MEETING.

(Agenda Item #4)
Request by Patsy Simmons to Rezone

Approximately 41.73 Acres at 3711 Old Wire Road from R-SF (Residential Single-Family) to the RSF-5 Zoning District.

WITHDRAWN BY APPLICANT BEFORE MEETING.

NEW BUSINESS:

(Agenda Item #1)

Request by Amanda Rumancik for a Waiver from the Large Scale Review Process for Parking and a Driveway Connection to Garrett Road and Bellview Road for a Montessori School at 4032 Garrett Road.

WITHDRAWN BY APPLICANT BEFORE MEETING.

(Agenda Item #2)

Request by Mark Love for a Waiver from the City of Rogers Planning Jurisdiction for a 10-Lot Subdivision Bordering Beaver Lake on Pleasant Ridge Road and Woods Road in Benton County.

Mark Love, Crafton, Tull & Associates, represented this waiver. Mark stated there is an existing house on lot 3 which will remain. Each of the lots will be on a septic system and have a well.

Commissioner Brown stated historically our interest in these subdivisions outside of the City limits have been if they are connected to Rogers Water Utilities. It appears this is not the case with this subdivision.

Commissioner Thrasher stated he could never see this subdivision being annexed by the City in his lifetime. There is a lot of other areas that would have to be annexed before we get to this property.

Subdivision Committee has met and recommends granting this waiver from the City of Rogers planning jurisdiction for Sugar Hollow Acres Subdivision.

APPROVED.

Motion by Brown, second by Gosserand to approve the planning jurisdiction waiver for Sugar Hollow Acres. Voice Vote: Unanimous. **Motion carried.**

There being no further business, motion by White, second by Brown to adjourn the meeting. Meeting adjourned at 4:55 P.M.

ATTEST

APPROVED

Dan Brown, Secretary

Rhonda Freitag, Chairman