

MINUTES

The **Rogers Planning Commission** met for a *regular session* in the Council Chambers of the Maurice H. Kolman Building on Tuesday, January 2, 2007 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, Ron Shelby, Mike Shupe and Jim White were present. James Gosserand arrived at 4:35 p.m. David Thrasher was absent.

OTHER OFFICIALS PRESENT:

City Clerk Peggy David, Assistant City Planner Candy Anderson, Senior Planner Derrel Smith, Director of Planning Steve Glass, Water Utilities Engineer Mark Johnson, Deputy City Attorney Chris Griffen, Project Manager Johnie Long and Councilmen Larry Daniel and Bob Goodwin.

ACTION ON MINUTES:

(December 19, 2006)

Approved.

Motion by Brown, second by Shupe to approve the minutes of the meeting of December 19, 2006 as submitted.

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

REPORTS OF BOARDS AND STANDING COMMITTEES:

None.

Commissioner White reported the Large Scale Development Committee had recommended that Agenda Items #1 & #2 be moved to the Consent Agenda.

White reported the waivers have been approved for both items as requested and all of the bulleted items for the Large Scale Plan for the Nazarene Church have been met with the exception of the last item and the Planning Office has reported it is being met.

CONSENT AGENDA:**LSDP, Ozark Mountain Poultry Expansion**

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. Construction debris must be cleared from all stormwater structures and verified by a site inspection from the planning department prior to issuance of a Certificate of Occupancy.
3. All signs will require separate permits.
4. 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.
5. Sidewalks must be 6' in width and ramped at all curb cuts to meet ADA and AHTD specifications and installed along No. 2nd St. 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.
6. The developer must obtain an off-site drainage easement for all areas of discharge prior to the first inspection by the Rogers Street Department.
7. Street signs and 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.
8. Identify all trees 6" or greater in diameter that will be removed.
9. The person financially responsible for the project must obtain a grading permit including a copy of the NOI, a copy of the Stormwater Pollution Prevention Plan, and a copy of the grading and erosion control plan.
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. 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.
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.
- Provide calculations showing that the existing 12” RCP can handle runoff from this site

THE FOLLOWING WAIVER IS APPROVED:

- The proposed driveway does not meet the required separation distance of 150 feet from West Union Street
- Cannot provide 2’ of freeboard due to the site topography (1.18’ provided)

LSDP, First Church of the Nazarene @ Pinnacle Hills Parkway

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. Construction debris must be cleared from all stormwater structures and verified by a site inspection from the planning department prior to issuance of a Certificate of Occupancy.
3. All wells and septic systems must be located and abandoned by a state-licensed and bonded driller in accordance with state requirements.
4. Provide the building official and city planner with compaction tests for all ponds and fill areas.
5. All signs will require separate permits. A variance will be required for any sign greater than 32 square feet in area or 16 feet in height.
6. 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.
7. Sidewalks must be 6’ in width and ramped at all curb cuts to meet ADA and AHTD specifications and installed the full width of the property or a letter of credit posted prior to 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 six (6) feet behind the curb. A letter of credit will be accepted for the sidewalk along Pleasant Grove Road.
8. Any proposed day care operation will require a Conditional Use Permit.
9. Streets must be built to city standards with curb and gutter and sidewalks installed or a letter of credit posted prior to issuance of a Certificate of Occupancy.
10. All streets greater than Class 1 (60’ collector) will require a formal pavement design based on soil conditions.

- 11. Dedicate a total of 50 feet of right-of-way from the centerline of Pleasant Grove Road prior to issuance of the Large Scale approval letter.**
12. Dedicate a total of 100 feet of right-of-way for Pinnacle Hills Parkway on the proposed lot split which creates this lot.
13. Provide a commitment letter stating who will be financially responsible for construction of Pinnacle Hills Parkway along this project's frontage. Pinnacle Hills Parkway must be completed prior to issuance of a Certificate of Occupancy.
14. Street signs and 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.
15. Developer to contact the U.S. Postmaster at 401 No. 8th St. to schedule type of mail delivery.
16. The proposed trash dumpster must be screened with a solid-type screening consistent with the architectural style of the building.
17. Identify all trees 6" or greater in diameter that will be removed.
18. The person financially responsible for the project must obtain a grading permit including a copy of the NOI, a copy of the Stormwater Pollution Prevention Plan, and a copy of the grading and erosion control plan. A commitment letter for who will be financially responsible for construction of Pinnacle Hills Parkway must accompany the permit application.
19. All parking lots and drives must be hard surfaced.
20. All mechanical, electrical and air conditioning equipment must be screened from public view.
21. The entire facility must comply with the requirements of the Americans with Disabilities Act of 1990.
22. 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.
23. The owner/developer will be responsible for any upstream or downstream flooding as a direct result of this development.
24. 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 A GRADING PERMIT:

- Provide a legal description of this tract
- The lot split must be recorded
- Show total building square footage
- Minimum size of all storm pipe is 18" diameter
- The storm pipe for the SW pond must be RCP

- Delete parking notes from the detention cross section
- Provide a building address
- Provide the commitment letter for construction of Pinnacle Hills Parkway

Consent Agenda Approved.

Motion by Brown, second by Myers to approve items on the consent agenda.
 Roll call: Unanimous - Yes. ***Motion carried.***

PUBLIC HEARING:

(Agenda Item #1)

Request by Kelly Samuels to rezone 322 East Poplar St. from I-1 (Light Industrial) to the R-DP (Residential Duplex/Patio) zoning district

Kelly Samuels, owner of the property, requested the rezoning from I-1 to R-DP.

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

The Public Hearing was declared closed.

Approved.

Motion by Shupe, second by Myers to recommend approval to the City Council the rezoning as requested.
 Roll call: Unanimous - Yes. ***Motion carried.***

(Agenda Item #2)

Request by 8th St. Warehouse to rezone approx. 22.93 ac. From C-2 (Highway Commercial) to the CU/C-2 (Condominium Highway Commercial) zoning district

Andres Forero, of Morrison Shipley, requested the rezoning from C-2 to C2-CU.

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

The Public Hearing was declared closed.

Approved.

Motion by Myers, second by White to recommend approval to the City Council the rezoning as requested.
 Roll call: Unanimous – Yes. ***Motion carried.***

(Agenda Item #3)

Request by Western Arkansas Motor Company for a Conditional Use Permit for outdoor display (vehicle sales) at 1418 West Walnut in the C-2 (Highway Commercial) zoning district

Randy Blythe, owner of Western Arkansas Motor Company, requested the conditional use permit for outside display in a C-2 zone.

Blythe said he had purchased the property in the summer and has been working on getting the place cleaned up and ready to open, not realizing he would have to have a conditional use permit for outside display at that location.

Blythe said his operation is the marketing of classic cars, motorcycles and memorabilia. The building has been renovated to be used as a showroom but there will be cars outside on the lot.

Blythe provided a diagram showing the building location and proposed parking spaces for the vehicles.

Blythe said the concreted area is 175' x 240' and would support up 65 to 70 vehicles with room for egress and ingress, but the maximum amount that would be displayed outdoors would be no more than 40. The vehicles would be parked on the each side of the building and in front. The grassy area behind the building and concreted area measures another 130' x 175' and would be used for a future building. There is no plan to park vehicles behind the existing building.

Blythe explained a collectable car is one that is not used for daily use.

Francis Austin, 1417 W. Poplar Street spoke saying she was neither for or against the request, but is concerned with the condition of the fence between her property and this property.

Austin said she is concerned with the large amount of cars being behind her property.

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

The Public Hearing was declared closed.

Commissioners discussed the request, the number of vehicles, and that the previous owner had a conditional use permit for vehicle sales but it was secondary to the auto-lube business and the number of vehicles was limited.

Blythe said 25 cars would be an acceptable number, that no work is done to the vehicles on site and described this business is a “niche” business.

Blythe said the motorcycles will be displayed under the new canopy on nice weather days, and will be in the building at night or inclement weather.

Steve Glass, Director of Planning & Transportation, suggested that the fire lane be designated on the west side of the building.

Commissioners discussed the number vehicles to allow with Commission Brown suggesting the number of 20.

Blythe said 20 vehicles would jeopardize his operation.

Commissioner Myers expressed concern whether the number would include motorcycles

Brown noted he wasn't concerned with the motorcycles because they will be inside at night.

Myers noted his biggest concern is that this property is zoned C-2 which does not allow outside display. "We have only allowed cases like this when it was secondary use. It is at least palatable if the vehicles are truly antique or classic."

Commissioners wrestled with the number of vehicles to allow.

Commissioner Shelby suggested 30 vehicles.

Blythe agreed to the 30 vehicles.

Approved.

Motion by Campbell, second by Shupe to approve the conditional use permit with the limit of 30 vehicles total for an indefinite amount of time.

Roll Call: Unanimous – Yes. ***Motion approved.***

(Agenda Item #4)
Request by Home Depot at 1701 So. 46th St. for a Conditional Use Permit for additional outdoor display in the C-2 (Highway Commercial) zoning district

There was no one representing Home Depot present at the meeting.

Chairman Freitag explained the public hearing was published the public hearing should be held.

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

Sam Dunn, 1709 S. 43rd Street, chairman of the Bloomfield Home Owners Association, said it was unfortunate that there was not a representative from Home Depot to explain what their request was.

Dunn said, “The addition of outside display within the parking lot is a great concern to the Bloomfield residents. They have not reached out to us as a neighborhood to give us an explanation of what they are proposing.”

Chuck Shofner, 1704 S. 43rd Street, said he is against any additional open display at the location.

Shofner said, “My backyard looks over Home Depot. I spoke against the open display request when it came before you in 2005. At that time the request was for a limited amount of open display between the building and I-540 to the west. Currently, there is open display that starts at the southeast corner of the building and extends 100-yds. west that consists of lumber and construction material and an additional another 75’ of tile and flooring materials that extends within the area designated as fire lane. My understanding is that it was all supposed to be near the garden center. There are also two rows of trailers for sale in the parking lot. They are not in compliance today and I would definitely be against the idea of extending the open display.”

Guanica Parrish, 1718 S. 43rd Street, said, “Initially when Home Depot came in with the open display request one of our requests was that it be gated or concealed. Their (Home Depot) response was that it would be done decent and in order and not necessary. The record should show that they have not done what they said. The display has not been decent and in order and I ask that you consider that and not approve additional display area. I would ask that you deny their request.”

Commissioner Myers asked for a show of hands of those attending the meeting who are

opposed to the additional open display as requested.

Approximately 15 hands were raised opposing the request.

Commissioner Myers stated for the record, “I know that some of the neighbors are not happy, but I have yet to see Home Depot at any time when it was not clean, and appeared to be a well run facility, and that is very hard to do for a lumberyard. I want to commend them on that. The original intent of the request that was granted was to place the outdoor display on the west side of the building so that the building would screen the outdoor display from the residents. It would not upset me if they asked for one or two more buildings for display. The way they have dotted the whole side of the drive, I don’t like. I think that throws out the intent of what we were trying to provide for the neighborhood. I really do not like it when we require parking lots that turns out to be outdoor stores.”

Commissioner White noted, “I personally don’t see anything wrong with the original agreement that was reached for Home Depot.”

Commissioners discussed the original request and reviewed a drawing showing the proposed additional space, but noted that since there was not one representing Home Depot questions cannot be answered for clarification and whether to table the issue or vote.

Deputy City Attorney advised that if they (Home Depot) received notice and did not show, the issue could be voted.

Denied.

Motion by White, second by Shelby to approve the additional open display for Home Depot as requested.

Roll call: Unanimous- No. ***The motion fails.***

NEW BUSINESS:

(Agenda Item #3)

Appointment of Officers for 2007

Chairman Freitag announced the slate of officers for 2007as follows:

Chairman: Dan Brown
Vice Chairman: Ron Shelby
Secretary: Chad Campbell

Large Scale Committee:

Chairman Mark Meyers,
Jim White
Ron Shelby

Lot Split Committee:

Chairman James Gosserand
Rhonda Freitag
Chad Campbell

Subdivision Review Committee: Chairman

Mike Shupe,
David Thrasher
Dan Brown

Approved.

Motion by Myers, second by White to approve the slate of officers for 2007.

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

There being no further business, motion by Shupe, second by Campbell to adjourn the meeting. Meeting adjourned at 5:35 P.M.

ATTEST

APPROVED

Dan Brown, Secretary

Rhonda Freitag, Chairman