

## MINUTES

The **Rogers Planning Commission** met for a *regular session* in the Council Chambers of the Rogers City Hall on Tuesday, November 21, 2006 at 4:30 P.M. The meeting was called to order by Chairman Rhonda Freitag.

### MEMBERS PRESENT:

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

### OTHERS PRESENT:

Director of Planning and Transportation Steve Glass, Project Manager Johnie Long, City Planner Derrel Smith, Assistant City Planner Candy Anderson, Administrative Assistant Donna Johnston, Deputy City Attorney Chris Griffin, Rogers Water Utility Engineer Mark Johnson, Fire Marshal Travis Hollis, Main Street Director Marge Wolf, and Councilman Larry Daniel.

### ACTION ON MINUTES:

(November 7, 2006)

#### APPROVED.

Motion by Brown, second by Campbell to approve the minutes of the regular meeting for November 7, 2006, as submitted.

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

### REPORTS OF BOARDS AND STANDING COMMITTEES:

City Planner Derrel Smith stated in the past Staff has been doing staff reports and the recommended requirements. We have also tried to give you information on the public hearings to help you make decisions. We need to know if this extra information is helpful to you. Commissioner Shupe said he thought any information Staff could provide is helpful in making decisions. Chairman Freitag said she would like the information provided with the packets so the Commissioners have more time to review the information prior to the meeting.

### CONSENT AGENDA:

#### **Final Plat, Sandalwood II**

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 according to State requirements.
3. Provide the Building Official and City Planner with compaction tests for all ponds and fill areas.
4. Interior sidewalks must be 5' in width and be located a minimum of 5' behind the curb. Sidewalks are the responsibility of the lot owner and must be installed prior to issuance of a Certificate of Occupancy.
5. Developer must post a two-year letter of credit for 25% of 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
6. Street lights must be installed at the entrance, intersections, end of cul-de-sacs and not more than 400' apart throughout the subdivision or provide the City Planner with a copy of the contract for placement of the lights. Please note that Carroll Electric will no longer install street lights. Developer must 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'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.
7. Streets must be built to City standards with curb and gutter and sidewalks installed or post a letter of credit.
8. 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.
9. 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.

10. 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.
11. All finished floor elevations must be a minimum of one foot above curb level and shown on the lot on the final plat.
12. A building address must be shown for each lot on the final plat.
13. Developer to contact the U.S. Postmaster at 401 North 8<sup>th</sup> Street to schedule type of mail delivery.
14. A handrail may be required along the street side of the detention. A final decision on this requirement will be made at the time of the final inspection.
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 25% of the unbuilt 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 that incorporates this section into the POA (Done).
- Provide a check in the amount of \$990.00 for street signs and stop signs (Done).
- Provide the City Planner with a copy of the contract for placement of the street lights if they have not been installed by the developer.
- Construction debris must be cleared from all stormwater structures and verified by a site inspection from the Planning Department.
- 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.

**LSDP, Advanced Dental**

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 5' 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 minimum of five (5) feet behind the curb.
6. 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.
7. Developer to contact the U.S. Postmaster at 401 North 8<sup>th</sup> 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. Identify all trees 6" or greater in diameter that will be removed.
10. 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.
11. 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.

12. All parking lots and drives must be hard surfaced.
13. All mechanical, electrical and air conditioning equipment must be screened from public view.
14. The entire facility must comply with the requirements of the Americans with Disabilities Act of 1990.
15. All water and sewer plans must be approved by the Rogers Water Utility Department prior to construction. **THIS IS A SEPARATE REVIEW PROCESS AND A PRE-CONSTRUCTION MEETING WILL BE REQUIRED.**
16. The owner/developer will be responsible for any upstream or downstream flooding as a direct result of this development.
17. Provide the City Planner with a copy of the site plan and utility plan 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:**

- Schedule a meeting with the Planning Department to discuss the temporary ditch and storm pipe and how to tie this entrance into Horsebarn Road (big grade difference between existing and proposed finish grades when Horsebarn Road is built).

**APPROVED.**

Motion by Brown, second by White to recommend to City Council for approval the final plat for Sandlewood II and to recommend approval of the large scale development plan for Advanced Dental.  
Roll Call Vote: Unanimous. **Motion carried.**

**PUBLIC HEARINGS:**

(Agenda Item #1)

Request by Joyce Anderson to Annex and Zone 13.56 Acres on the South Side of Pleasant Grove Road to the R-SF (Residential Single-Family) Zoning District.

Pat Moran, Slinkard Law Firm, represented this annexation and zoning request. Mr. Moran said we have invoked the statutory process available to all property owners out in the County when their property becomes adjacent to the corporate limits of a nearby city. It is my understand Rogers Water Utilities runs down the road. We have been to County Court, run notices in

the paper, held a hearing before Judge Black, who has signed an order which is part of the file for the Planning Commissioners. The 30-day period for objections has expired. Mr. Moran provided a copy of the certified letters that went out to the property owners within a 300' radius of these tracts.

No one spoke in favor of this annexation and zoning request.

William Pendergrass, 200 West Pleasant Grove Road, stated he owned the property east of Mrs. Anderson's property and he adjoined her property. He stated he was opposed to the annexation because it is already in the City of Lowell planning area. He stated he is worried about the project she is planning with this land. All the homes in this area are on 2 ½ to 5 acre parcels. Putting additional homes in there will take away a considerable amount of open space and privacy. It will create a lot of drainage problems for me, and I do not intend to grant any easements for drainage if this area is developed. Chairman Freitag advised Mr. Pendergrass this is an annexation. Anything that is to be developed will have to come before this Commission as a subdivision submittal at a later date. Drainage will be reviewed at that time. Mr. Pendergrass said he was not aware of anything about a 30 day notice for comments. Commissioner White asked Mr. Pendergrass if he were in the County or City of Lowell. Mr. Pendergrass said County.

Phil Biggers, Mayor of the City of Lowell, 210 Presidential Drive, stated he was here to address a planning issue. Four years ago Rogers and Lowell had some mixed up boundaries. We went through a process of annexation/de-annexation to square up the boundaries. Pleasant Grove Road became a very definitive boundary for the two Cities. In all respect to Mrs. Anderson and to the City of Rogers, we believe this annexation will create confusion as to fire and police protection in the area. I just do not consider this as good planning.

The Public Hearing was declared closed.

Commissioner Thrasher said we are looking at providing property rights and actual City's planning area. Thrasher said the cities of Lowell and Rogers have always worked together, and he complimented Mayor Biggers for his part in developing that relationship. Thrasher said for this request, he is leaning more to the rights of the property owner. The issues of the emergency services will be work out if this is annexed into the City of Rogers as it will become our responsibility.

Commissioner Shupe said he expects to see future annexation requests as Pleasant Grove Road is developed to the east. The City of Rogers has spent a considerable amount of money building the road through this area.

Commissioner Brown asked Deputy City Attorney Griffin about the agreement between the City of Lowell and Rogers. Griffin said technically this piece is in the County except one portion that touches the Lowell City limits. The agreement says we agree to not annex land in each other's water service area. This is within the Rogers Water Utilities serving area. I do not think we would be violating that agreement by considering this annexation. The Commissioners asked about sewer in the area. Mark Johnson, Rogers Water Utilities, said sewer had been extended to Honeysuckle at Pleasant Grove Road, and is moving real close to the area in question.

Commission Brown asked Fire Marshal Hollis if there were any issues concerning fire and police protection. Hollis said at the present time, this is handled by the County. If it is annexed, it would come under the jurisdiction of the City of Rogers. Mayor Biggers added that some of his City officers are deputized so they are responding to the emergencies in this area even though it is in the County.

Thrasher reminded everyone the Planning Commission will only be a recommending body for this request. Approvals will come from City Council.

**APPROVED.**

Motion by Thrasher, second by Campbell to recommend to City Council for approval this annexation and zoning request.

Roll Call Vote: Yes – Brown, Campbell, Freitag, Shupe, Thrasher, and White. No – Gosserand.

**Motion carried.**

(Agenda Item #2)

Request by Chris Rogers on Behalf of Sullivan’s Restaurant for a Conditional Use Permit for a Private Club at Pinnacle Promenade in the C-2 (Highway Commercial) Zoning District.

Andrew Slyter, CEI Engineering, represented this conditional use request. Mr. Slyter stated Sullivan’s is an upscale steak house.

Commissioner Gosserand asked who sets the hours of operations for serving alcohol. Mr. Slyter said he wasn’t sure, but thought the Promenade and State laws would govern the hours. Slyter said there were other restaurants in the vicinity of this restaurant with P.F. Chang’s only one drive away. There will also be future restaurants in the area.

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

The Public Hearing was declared closed.

**APPROVED.**

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

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

(Agenda Item #3)

Request by 26<sup>th</sup> Street Properties, LLC to Rezone Approximately .70 Acres at 2104 South 26<sup>th</sup> Street from A-1 (Agricultural) to the R-SF (Residential Single-Family) Zoning District.

Fred Johnson, a member of 26<sup>th</sup> Street Properties, LLC, represented this rezoning request. Mr. Johnson stated all property owners have been notified and we have filed that information with Planning Staff. The property is adjacent to our homes.

Commissioner Brown asked if this tract is surrounded by A-1. Mr. Johnson said there is one strip of A-1 on the south side.

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

The Public Hearing was declared closed.

**APPROVED.**

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

(Agenda Item #4)  
Request by LandQuest to Rezone Approximately 44.988 Acres Between South 45<sup>th</sup> Street and I-540 from A-1 (Agricultural) to the C-2 (Highway Commercial) Zoning District.

Chairman Freitag stated the developer has asked to withdraw this rezoning request from today's meeting.

**WITHDRAWN.**

Motion by White, second by Gosserand to withdraw this rezoning request. Voice Vote: Unanimous. **Motion carried.**

(Agenda Item #5)  
Request by Geoff Bates to Rezone Approximately 13 Acres at the Southwest Corner of Hudson Road and 13th Street from I-2 (Heavy Industrial) to the C-2 (Highway Commercial) Zoning District.

Kashi Kumar, Bates & Associates, 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 Shupe to recommend this rezoning request to City Council for approval.

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

(Agenda Item #6)  
Request by Karen Taymore to Rezone 6340 Stoney Brook Road from A-1 (Agricultural) to the R-O (Residential Office) Zoning District.

Mrs. Taymore represented her rezoning request. She stated she and her husband own this property. She is asking for the rezone so she can operate a small health care clinic at this location. She stated

she has no employees at this time, however, may employ two more people in the future. My business should generate minimal traffic. I only see two patients per hour and if I hire two additional employees, five to six patients per hour would be the maximum we could see. The property only has parking for two to three vehicles. Once the property is rezoned, we have the space to add parking to meet City requirements. We will erect a modest wood sign (44" x 34"). No hazardous or flammable materials would be present. Hours of operation would be 8:00 AM to 5:00 PM and typically closed on weekends. No additional noise or light would result from the business.

Commissioner Shupe asked about the neighbors in the area. Mrs. Taymore said to the east is a two story home. Dodson Road is further from me and past there is a college for electrical training and past that is an office for rental properties. To the southeast of this property is an office, but she was not sure what kind of business was conducted at that location. Village On The Creeks is southeast from me.

Commissioner Campbell asked where the residence sets in relationship to the lot. Taymore said about 50' to 75' back from Stoney Brook Road. It only has a single drive for entrance and exit, but I do have ample space to create a circular drive to eliminate backing out.

Commissioner Thrasher asked if a zone was approved for a nursing home on Dodson and Stoney Brook Road. City Planner Smith said the Planning Commission recommended approval, however, it never went before the City Council. Deputy City Attorney Griffin said the only reason the nursing home did not go to Council was because of land litigation.

Commissioner White asked the size of the lot. Taymore said 1.4 acres. Smith said the Master Plan

calls for low density residential. Thrasher stated he felt we had already changed much of the Comprehensive Growth Plan in this area and reminded the Commissioners there is a pallet manufacturer in this same area.

Commissioner Campbell asked about the businesses Mrs. Taymore had referenced and asked City Planner Smith why they were not shown in a business type zone. Smith said they are all A-1 because they were grandfathered into the City.

Chairman Freitag asked Mrs. Taymore if she resided at this location. She said no.

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

The Public Hearing was declared closed.

Commissioner Brown said he agreed R-O in this location does seem right when we look at what is already out there.

**APPROVED.**

Motion by Thrasher, second by White to recommend to City Council for approval this rezoning request.

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

(Agenda Item #7)

Request by Bill Watkins on Behalf of Patsy Simmons for PUD (Planned Unit Development) Concept Plan on 15.05 Acres South of Shiloh Ridge and East of Ranch Plaza Subdivision.

Chairman Freitag stated Mr. Watkins' client has asked this request to be withdrawn from today's meeting.

**WITHDRAWN.**

Motion by Brown, second by Campbell to withdraw this PUD request from today's meeting.

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

(Agenda Item #8)

Request by Wayne Ridout to Rezone Approximately .87 Acres on the

Tony Noblin of the Watkins Law Office, represented this rezoning request. Mr. Noblin

Northwest side of the existing Lumberyard, Next to the RR Tracks from A-1 (Agricultural) to the C-2 (Highway Commercial) Zoning District.

stated this property is located on Hudson Road. There is a warehouse on this site and has been used as a warehouse for years. This request is to place this property in conformity with its use.

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

The Public Hearing was declared closed.

**APPROVED.**

Motion by Thrasher, second by Brown to recommend this rezoning request to City of Rogers Council for approval.

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

**NEW BUSINESS:**

(Agenda Item #1)

Request by Warbal Investors for a Waiver from the Large Scale Review Process for a Pool and Bathhouse on Lot 3, Warren Glen Subdivision.

Tracy Schnurbusch, Freeland-Kauffman & Fredeen, represented this request. Ms. Schnurbusch stated this lot is next to a detention basin.

Large Scale Committee has met and recommends granting this large scale waiver for a pool and bathhouse.

**APPROVED.**

Motion by White, second by Brown to grant this waiver from the large scale review process.

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

(Agenda Item #2)

Request by the The Church of Today for a Waiver from the Large Scale Review process for a New Parking Lot on the North Side of an Existing Building on the East Side of Highway 71B, South of the Old daisy BB Gun Plant.

Jason Ingalls, Northstar Engineering, represented this request. Ingalls stated there is property north of the building where we can provide 210 parking spaces. We are asking for the waiver so we can just bring the parking lot drainage to staff for review.

Commissioner Shupe asked Jason if a proposed sketch had been provided showing what they plan to do. Ingalls said no.

Commissioner Brown stated he could not remember this Commission ever turning down a 20' parking lot without going through large scale review.

Commissioner Thrasher said he could not support the waiver.

Large Scale Committee, with the size of the parking lot being at 1 ½ acres, is concerned and will recommend that this go to large scale for review.

**APPROVED.**

Motion by White, second by Thrasher to not grant this waiver and require this request go through the large scale process.

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

(Agenda Item #3)  
LSDP, Ridout Lumber Expansion on West Hudson in the C-2 (Highway Commercial) Zoning District.

Amy Patrick, The Benham Companies, represented this large scale development plan. Patrick stated this is an expansion of the cabinet storage facility that is already on site. We are asking for some waivers.

Commissioner White said there isn't any problem with the waiver on additional parking and we are okay with matching the 5' sidewalks that are existing. We are concerned with all that is not paved. The area that will be the racks could be graveled, but the rest needs to be paved.

Commissioner Brown stated two of the problems the gravel creates is dust and drainage. Both of these can be solved with paving.

Discussions were held on the sidewalks. Patrick said these are at the front of the building on Hudson Road. Commissioner Thrasher said if there are no sidewalks on the front of the road, then we can't waive the sidewalk request. Commissioner White said after this clarification on the sidewalks, then large scale would not grant the sidewalk waiver.

Commissioner Shupe requested Patrick look at the basin they will be discharging into as there may

need to be some correction to the berm at the basin. Patrick said she would look into this.

Large Scale Committee has met and recommends approval of this large scale development plan subject to the following conditions:

1. Drainage improvements must be completed and certified by the engineer of record, The Benham Companies, 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. Landscaping must be installed and a three-year guarantee submitted on plant replacement of a letter of credit posted prior to issuance of a Certificate of Occupancy. Minimum size of shrubs is five gallons, for shade trees it is 2 ½” B & B, and for ornamental trees it is 1 ½” B & B.
4. Sidewalks must be 6’ in width and ramped at all curb cuts to meet ADA 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 minimum of five (5) feet behind the curb.
5. 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.

6. A grading permit will not be issued until the Planning Commission has approved this preliminary plat. Permit requirements are available at the Planning Office.
7. All parking lots and drives must be hard surfaced unless a waiver is approved by the Planning Commission.
8. All mechanical, electrical and air conditioning equipment must be screened from public view.
9. The entire facility must comply with the requirements of the Americans with Disabilities Act of 1990.
10. 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.
11. The owner/developer will be responsible for any upstream or downstream flooding as a direct result of this development.
12. Existing gravel drive will be allowed in the covered rack area, but paving will be required in the new area.
13. The waiver for additional parking will be waived since the new addition is for storage only.
14. Six foot sidewalks along West Hudson Road will be required.

**APPROVED.**

Motion by White, second by Campbell to approve this large scale development plan subject to the conditions listed.

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

(Agenda Item #4)  
Preliminary Plat for Pleasant Village  
Subdivision, North of Centre Point  
Phase II and Tuscany Square in the C-2  
(Highway Commercial) Zoning District.  
**WITHDRAWN.**

This request was withdrawn by the applicant.

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

**ATTEST**

**APPROVED**

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Dan Brown, Secretary

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Rhonda Freitag, Chairman