

MINUTES

The **Rogers Planning Commission** met for a *regular session* in the Council Chambers of the Rogers City Hall on Tuesday, November 7, 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, Mark Myers, Ron Shelby, Mike Shupe, David Thrasher, and Jim White.

OTHERS PRESENT:

Director of Planning and Transportation Steve Glass, Project Manager Johnie Long, Assistant City Planner Candy Anderson, Administrative Assistant Donna Johnston, Deputy City Attorney Chris Griffin, Rogers Water Utility Engineer Mark Johnson, and Councilman Larry Daniel.

ACTION ON MINUTES:

(October 17, 2006)

APPROVED.

Motion by Brown, second by Gosserand to approve the minutes of the public hearing and regular meeting for October 17, 2006, as submitted.

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

**REPORTS OF BOARDS AND
STANDING COMMITTEE:**

None.

CONSENT AGENDA:

Chairman Freitag stated Large Scale Committee has requested the Persimmon Multi-Family at 14th Place and Persimmon Street be moved from the consent agenda to new business and the Crossland Hanger at the Rogers Airport from new business to the consent agenda.

LSDP, Crossland Hangars

1. Drainage improvements must be completed and certified by the engineer of record, CEI 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. Developer to contact the U.S. Postmaster at 401 North 8th Street to schedule type of mail delivery.
6. 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.
7. All parking lots and drives must be hard surfaced.
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. 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:

- Show the location of this hanger on the Airport Master Plan or aerial map with adjacent zoning districts around the airport.
- No dumpster has been provided. Indicate method of trash disposal (dumpster is shown "off-site").
- Clarify the 9' concrete strip in front of the building and provide a detail.

- Provide ADA access from handicap parking to front of building.
- Junction box one elevation needs to match grading plan.
- Add the size, type and slope of pipe connecting the trench drain.
- Locate the referenced trench drain.
- Provide a table showing the difference between pre and post-developed conditions.
- Provide one van-accessible handicap parking space.

THE FOLLOWING WAIVER IS BEING REQUESTED:

- Provide two 10’ x 35’ loading areas.

APPROVED.

Motion by White, second by Shelby to move the Persimmon Multi-Family at 14th Place and Persimmon Street from the consent agenda to new business and approve the Crossland Hangar LSDP on the consent agenda subject to the comments listed with the waiver of one of the loading areas. Shupe disqualifies.
 Voice Vote: Unanimous. **Motion carried.**

PUBLIC HEARINGS:

(Agenda Item #1)

Request by Oliver Haynes, LLC to Rezone Approximately 53.439 Acres from A-1 (Agricultural) to the PUD (Planned Unit Development) Zoning District with the Following Underlying Zones:

- Approximately 9.678 Acres to C-3 (Neighborhood Commercial)
- Approximately 29.04 Acres to C-2 (Highway Commercial)
- Approximately 14.721 Acres to R-O (Residential Office)

All of the above tracts are between 40th and 45th Street, on the south side of Oak Street and north of the 45th Street bridge.

Collins Haynes, developer, represented this rezoning request. Mr. Haynes provided an overview plan to the Commissioners as well as landscaping buffers and other items requested by the neighbors. The paved surface of the existing 45th Street is about ten foot from our property line. There is an additional 20’ of utility easement and we are proposing a 25’ landscaping buffer, giving about 50’ from edge of pavement to the development. With the landscaping buffer, we are trying to emulate the existing street scene. Collins stated the berm will extend from the limits of Lot 1 to the limits of Lot 3. There will be a tree canopy on the green area, and the only shrubs we will use are evergreen.

Discussions were held on the height of the berm with Commissioner Shupe proposing a

6' berm. Collins stated he would be happy to make the buffer 6' in height.

Commissioner Myers asked what the average eye level height would be for someone sitting in their car. Collins stated, depending on the car, it is about 30".

Commissioner White commended Mr. Haynes for listening to what the Commission had asked of him and for working with the neighbors in the area.

Mr. Dan Phillips, 1210 South 45th Street, stated he had lived in the area for 17 years. He thanked Collins and Hunter for the C-3 zoning. Mr. Phillips told the Commissioners what they had seen today is what Mr. Haynes' had proposed to the neighbors. Mr. Phillips stated he would prefer a shorter berm and more shrubbery.

No one spoke in opposition to this rezoning request.

The Public Hearing was declared closed.

Commissioner Brown stated he felt the Commission needed to resolve the height of the berm at this meeting. The sheet we have only show 3' in height. Commissioner Shupe said he knows Mr. Phillips does not want the height, but the height has sound effects and will help with the noise. Hunter Haynes stated the berm was to impede the visual. The plants and trees we are talking about planting are trees that will not loose their leaves. Brown asked Hunter about his intentions for the berm. Hunter stated they would use shrubs and could actually get to 6' in height with the shrubs. Collins asked if they could stay with the 3' berm, but specify the height of the plant material be 30". In two years, the berm could be eight to nine

feet in height. Myers stated he would rather see the 3' berm with the shrubs.

Commissioner Thrasher reminded everyone we have a two year guarantee on landscaping and that should get us to where we can feel comfortable with the height. The Commissioners decided the berm height should be 3 ½'.

APPROVED.

Motion by White, second by Myers to recommend this rezone to City Council for approval with a note that the berm height has been changed to 3 ½'.

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

(Agenda Item #2)

Request by John Rees to Rezone Approximately 2.13 Acres Previously Approved as C-3 (Neighborhood Commercial) to 1.59 Acres of PUD/C-3 (Planned Unit Development/Neighborhood Commercial). This site is part of a 40-acre tract between 40th and 45th Street on the north side of Oak Street.

Sammi May, Morrison Shipley Engineers, and Pat Morrison, Harris-McHaney, represented this rezoning request. Sammi stated this rezone was being requested because of the relocation of the five-lane road. She furnished the Commissioners some information concerning the current zone and the requested zone. Discussions were held concerning the private drive that will be built to address Mr. Chastain's need to be able to access his property with large trucks.

Carole Dufor, 3906 Arnold, and Jerry Redmond, 3905 Arnold, stated they live in the first two houses as you enter Rolling Oaks Subdivision. Carole stated they have been pleased working with the two developers, however, we are concerned with our privacy, security, and the noise factor. We know the developers have given up a lot of their property for the road. We are asking the City to give us an eight foot wall that will go down the line of our two properties. Jerry stated he would like something similar to what was put between Bloomfield and Home Depot.

No one spoke in opposition to this rezoning request.

The Public Hearing was declared closed.

Mrs. May stated the developers had previously discussed the wall, however, after they are having to do the additional road for Mr. Chastain and the neighbors, the wall has become a significant amount of money for them. They would like to do landscaping in accordance with the R-O. Commissioner Shelby said he was concerned about the room between 40th Street, the northern property on Arnold Drive, and the right of way and just how much landscaping could actually be put in the area. Shelby stated he feels there needs to be some kind of sound buffering and an effort should be made to build a wall on the east side of 40th Street down to Arnold Drive. Commissioner Brown stated he felt this should be discussed at the time the large scale is brought in and not a part of the rezone. Shelby stated the sound problem deals with the widening of 40th Street and this rezone is part of a PUD development.

Commissioner Shupe stated he was all for the Home Depot wall, however, it was not received well by some of the neighbors. Shupe stated the cost of that wall was approximately \$700,000. Shelby stated he would like to see a wall comparable to Cambridge Park on Olive Street. Commissioners Thrasher and White agreed.

Thrasher stated he thought the Commission could look at this in two ways—require the wall as part of the PUD or wait until the large scale comes through. Discussions were held about where the wall would actually need to be built. Deputy City Attorney Chris Griffin stated he thought a better time to address the specifics of the wall would be through large scale process. Commissioner Myers said the Commission will not see a large scale come through on the north part so he thought the Commission should address this now.

Thrasher asked what kind of requirements can this Commission give the developers to allow this to go to City Council. Commissioner Myers stated he thought the Commission could address this by saying “to match Cambridge”. Chairman Freitag recommended an amended drawing be submitted to the Planning Department prior to this PUD/rezone going to City Council and that the amended drawing show the proposed wall and landscaping.

APPROVED.

Motion by Myers, second by Brown to recommend the amended PUD which would require placing a wall to match Cambridge Park (same height, masonry type wall with compatible landscaping) from where 40th Street will dead end north to approximately 250’ to the adjacent owner’s property line and to provide a concept plan with the rezone to City Council. Roll Call Vote: Unanimous. **Motion carried.**

(Agenda Item #3)

Request by John Rees to Rezone approximately 36.39 Acres Previously approved as C-2 (Highway Commercial) to 36.76 Acres of PUD/C-2 (Planned Unit Development/Highway Commercial). This site is part of a 40 acre tract between 40th and 45th Street, on the north side of Oak Street.

Sammi May, Morrison Shipley Engineers, represented this rezoning request.

Commissioner Brown said the last concept plan showed the alignment of the street. He reminded Sammi to make sure that document with the road revisions goes to City Council.

Commissioner Myers asked why the road is private and not public. Sammi said because they did not want to put in curb and gutter, drainage, and 50’ right of way. What we are doing is agreeable to the neighbors and this is what we thought was agreeable to the City from a previous meeting. Myers said he thought private drives had to be built to City standards. Steve Glass, Planning and Transportation Director, asked Sammi if this was actually a private drive or just a part of the parking lot. Sammi said it will be a part of the parking lot in a public access easement. Glass said it would be similar to the

public access in Tuscany through the parking area. Assistant Planner Candy Anderson said this is just a concept plan. When they come in with their final layout, the exact location of the road will be shown. Commissioner Myers said he thought, based on previous discussions, this was going to be a road and not an access through a parking lot.

Commissioner Brown stated if a public access easement is on a piece of property, anyone can access it. Myers said he did not like the idea of pulling a horse trailer through a parking lot. Sammi May said the main issue they have is the dedication and losing property. Brown asked if this would be a drive with parking on both sides. Sammi said they have not made that decision at this time. This will all be shown on the large scale. Brown said he felt like Myers about a horse trailer or even a fire truck going in this area. Sammi asked if they could specify on the preliminary plat that no parking is allowed adjacent to this public access easement. Commissioner Shelby said he agreed this could be looked at in large scale. Commissioner Thrasher also agreed with Shelby and stated we could ask them to bond it until the large scale came through. Anderson told the Commissioners a preliminary plat has been submitted and is going through technical review. It should be to the Planning Commission in December. Chairman Freitag reminded everyone the new road will have to be in before the old road is abandoned.

No one spoke in favor of this rezone request.

Dan Phillips, 1210 South 40th Street, said he had a question on the zoning of C-2 in relationship to the vertical height restriction. Shelby said it was 150' which would be 12 to 13 stories and that there were setbacks that go along with the heights. Mr. Phillips said if the buildings could

go that high, he would be opposed to this rezone request. I would not want to see anything taller than three stories on this piece of property.

Commissioner Shelby said everything along Walnut can have the same height. In reality, this will be big box stores, one story, 16' to 20' tall with 100,000 to 150,000 square feet. There could be some taller hotels. We just don't know for certain.

The Public Hearing was declared closed.

Commissioner Myers said he would still like to see a dedicated right of way and road.

Commissioner White said he understood Mr. Phillips' comments, but this has already been rezoned to C-2. What we are doing today is making adjustments on two pieces of property.

Commissioner Thrasher told Myers he understood his request, but it appears we have more now than what we had at the last meeting, and have essentially received what we asked for at that meeting. During the large scale process, we have leeway to make this look like we need it to look. Myers asked Sammi May if she would be able to get the landscaping buffer to define the roadway. If you can do that, I can live with the private drive.

APPROVED.

Motion by Thrasher, second by Shupe to recommend this rezoning request to City Council for approval subject to the same requests on the previous rezone.

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

(Agenda Item #4)

Request by John Rees to Rezone Approximately 1.43 Acres Previously Approved as R-O (Residential Office) to 1.61 Acres of PUD/R-O (Planned Unit Development/Residential Office). This

Sammi May, Morrison Shipley Engineers, represented this rezoning request.

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

Site is part of a 40 acre tract between 40th and 45th Street on the north side of Oak Street.

The Public Hearing was declared closed.

APPROVED.

Motion by Myers second by Campbell to recommend this PUD/rezone request, with the same conditions as the previous two requests, to City Council for approval. Roll Call Vote: Unanimous. **Motion carried.**

NEW BUSINESS:

(Agenda Item #1)
LSDP, MainStay Suites on South 45th Street Behind Kingston Center in the C-2 (Highway Commercial) Zoning District.

John Stanley, CEI Engineering, represented this large scale development plan.

Commissioner Shelby stated each Commissioner had received a letter concerning the drainage. We have visited with the engineers. There are some modifications to the drainage. It will still go west, but will go to the south side of the Ms. Vonnegut's property. The engineers have met with Johnie Long, Project Manager, and Steve Glass, Planning and Transportation Director, to get that drainage channeled to dump in the existing concrete behind Office Depot. We feel this is a good solution and will improve Ms. Vonnegut's property.

Large Scale Committee has met and recommends approval of this large scale development plan subject to the changes to the drainage as worked out with the Planning Staff and the following conditions:

1. Drainage improvements must be completed and certified by the engineer of record, CEI Engineering, with all ditches and basins solid-sodded, concrete-lined, or underground conduit installed prior to issuance of a Certificate of Occupancy. Erosion control methods must be used during construction.

2. All 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. Any alcohol sales will require a Conditional Use permit.
5. All signs will require separate permits.
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 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.
8. Provide a 20’ drainage easement by separate document prior to issuance of a Certificate of Occupancy.
9. Dedicate a total of 25 feet of right-of-way from the centerline of South 45th Street prior to issuance of the Large Scale approval letter.
10. The developer must rebuild one half of South 45th Street from the centerline to minor street standards including all drainage

improvements, sidewalks and curb and gutter. The extent of the rebuild will depend on soil conditions.

11. Dedicate a total of 25 feet of right-of-way from the centerline of Poplar Street prior to issuance of the Large Scale approval letter. ROW at the intersection may be required to be wider if a left turn lane is needed.
12. The developer must build one half of Poplar Street 15 feet from the centerline to minor street standards including all drainage improvements, sidewalks and curb and gutter. The extent of the rebuild will depend on soil conditions.
13. 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.
14. Any alcohol sales will require a Conditional Use Permit from the Planning Commission.
15. Developer to contact the U. S. Postmaster at 401 North 8th Street to schedule type of mail delivery.
16. The proposed trash dumpster must be screened with a solid-type screening with a solid-type screening consistent with the architectural style of the building.
17. 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.
18. All parking lots and drives must be hard surfaced.

19. All mechanical, electrical and air conditioning equipment must be screened from public view.
20. The entire facility must comply with the requirements of the Americans with Disabilities Act of 1990.
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 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.

Large Scale Committee also recommends waiver of the following requirements:

- The northernmost drive does not meet the 250' separation distance between access points intersecting a major arterial street (the existing Kingston Center drive is only a service drive and does not receive typical daily traffic. Also, the location of this drive is approximately 275' from the proposed Poplar Street which will be a collector).
- There is a requirement to provide 2' of freeboard for all HGL's (existing grades at the release point and depth of pipe preclude meeting this requirement).

APPROVED.

Motion by Shelby, second by white to approve this large scale development plan subject to the conditions listed. Shupe disqualified.
Voice Vote: Unanimous. **Motion carried.**

(Agenda Item #2)
LSDP, Persimmon Multi-Family at
14th Place and Persimmon Street in the
RMF-9A (Residential Multi-Family)
Zoning District.

Rick Shelton, Freeland-Kauffman & Fredeen,
represented this large scale development plan.

Commissioner Myers stated the Large Scale Committee recommended this pulled from consent agenda because we are asking the developer to remove the dumpster site from the west side of the property and connect into 14th Place and move the dumpster. Shelton said the first submission of this large scale showed the 14th Place connection, however, that is a private drive and would require an easement as there is no public right of way. Commissioner Shupe asked if any attempt had been made with the property owner to secure an easement. Shelton said yes and the owner does not want to give the easement because of the drive restrictions (cul-de-sac). Assistant City Planner Candy Anderson said several people have looked at this piece of property and all have been told no for the access.

Large Scale Committee has met and recommends approval of this Large Scale Development Plan subject to the following conditions and that the centralized mail delivery area and school bus drop-off must be labeled.

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. Developer to dedicate a 20' recreation easement by separate document as part of the Greenway Trail System. Easement to be located in the floodplain along the floodway or in a location agreed upon by the developer and the City Planner. Easement will be required prior to issuance of the first Certificate of Occupancy.
4. All wells and septic systems must be located and abandoned by a State-licensed and bonded driller in accordance with State requirements.
5. Provide the Building Official and City Planner with a compaction tests for all ponds and fill areas.
6. Landscaping must be installed and 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 5' in width and ramped at all curb cuts to meet ADA specifications and installed along Persimmon Street 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.
8. Interior sidewalks must be installed prior to issuance of a Certificate of Occupancy for each building.

9. The developer must extend the width of the existing asphalt on Persimmon Street 15 feet from centerline to City street standards including all drainage improvements, sidewalks and curb and gutter. The City will not allow payment in lieu of construction.
10. Establish a POA to maintain all common areas and provide the City Planner with a draft of the covenants prior to City Council acceptance of the final plat. Recorded covenants will be required prior to issuance of a building permit.
11. 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.
12. All finished floor elevations must be a minimum of one foot above curb level and shown for each building. The finished floor elevation for Building B-7 must be two feet above the curb level.
13. An elevation certificate must be provided to the Floodplain Administrator and Building Official prior to issuance of a building permit for Building B-7.
14. No construction will be allowed in the floodway.
15. Developer to contact the U. S. Postmaster at 401 North 8th Street to schedule type of mail delivery.
16. Identify all trees 6" or greater in diameter that will be removed.
17. The person financially responsible for the project must obtain a Grading Permit including a copy of the NOI, a copy of the

Grading and Erosion Control Plan. The limits of the flood plain must be staked prior to issuance of a grading permit.

18. All parking lots and drives must be hard surfaced.
19. All mechanical, electrical and air conditioning equipment must be screened from public view.
20. The entire facility must comply with the requirements of the Americans with Disabilities Act of 1990.
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 City Planner with a copy of the site plane and utility plan on compact disk formatted for AutoCAD 2004 prior to issuance of a Certificate of Occupancy.

APPROVED.

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

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

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

ATTEST

APPROVED

Dan Brown, Secretary

Rhonda Freitag, Chairman

