

MINUTES

The **Rogers Planning Commission** met for a *regular session* in the Council Chambers of the Rogers City Hall on Tuesday, December 5, 2006 at 4:30 P.M. The meeting was called to order by Chairman Rhonda Freitag.

MEMBERS PRESENT:

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

OTHERS PRESENT:

Director of Planning and Transportation Steve Glass, City Planner Derrel Smith, Project Manager Johnie Long, City Attorney Ben Lipscomb, Administrative Assistant Donna Johnston, Rogers Water Utility Engineer Mark Johnson, Fire Marshal Travis Hollis, and Councilman Larry Daniel.

ACTION ON MINUTES:

(November 21, 2006)

APPROVED.

Motion by Thrasher, second by Shupe to approve the minutes of the regular meeting for November 21, 2006 with the following changes:

Page 6418, line 15, change “hones” to “homes”; line 21, change to read “Chairman Freitag advised Mr. Pendergrass”, and Line 31, change “Bigger” to “Biggers”.

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

REPORTS OF BOARDS AND STANDING COMMITTEES:

City Planner Derrel Smith stated the presentation for the Northwest Arkansas Sports Arena would be held at the conclusion of today’s agenda.

Chairman Freitag stated there will be five Commissioners present for the January 2 Planning Commission Meeting. If anything changes between now and the December 19 meeting, let Staff know so ample notice can

be given if the January 2 meeting is cancelled due to a lack of quorum.

CONSENT AGENDA:

Commissioner Thrasher stated Subdivision Committee would like to recommend moving the Preliminary Plat for Garrett Road Subdivision from New Business to the Consent Agenda.

Motion by Thrasher, second by Shelby to move Garrett Road Subdivision to the Consent Agenda. Shupe disqualifies. Voice Vote: Unanimous. **Motion carried.**

LSDP, Bank of the Ozarks @ Creekside Place

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 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. This property is located in the Cave Springs Recharge Area. Best Management practices must be included in the plans and used during construction. Erosion control must be maintained until the development is built out.
4. The entire development must comply with the requirements of the overlay district.
5. All wells and septic systems must be located and abandoned by a State-licensed and bonded driller in accordance with state requirements.
6. Provide the Building Official and City Planner with compaction tests for all ponds and fill areas.
7. All signs will require separate permits.
8. 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.

9. 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.
10. 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.
11. Developer to contact the U.S. Postmaster at 401 North 8th Street to schedule type of mail delivery.
12. The proposed trash dumpster must be screened with a solid-type screening consistent with the architectural style of the building.
13. 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.
14. 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.
15. All parking lots and drives must be hard surfaced.
16. All mechanical, electrical and air conditioning equipment must be screened from public view.
17. Provide the City Planner with a copy of the approval from AHTD to discharge storm water into their system prior to the first inspection by the Rogers Street Department.
18. 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.
19. The entire facility must comply with the requirements of the Americans with Disabilities Act of 1990.
20. 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.
21. The owner/developer will be responsible for any upstream or downstream flooding as a direct result of this development.

22. 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 WAIVER HAS BEEN APPROVED:

- Provide one 10' x 35' loading area.

LSDP, Maralle Commercial

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 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.
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 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.
8. The developer must overlay North "B" Street (private alley) in lieu of improvements to Arkansas Street.
9. Developer will not be allowed to cut Arkansas Street to connect to the existing utilities.

10. 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.
11. Developer to contact the U.S. Postmaster at 401 North 8th Street to schedule type of mail delivery.
12. The proposed trash dumpster must be screened with a solid-type screening consistent with the architectural style of the building.
13. Identify all trees 6" or greater in diameter that will be removed.
14. 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.
15. 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.
16. All parking lots and drives must be hard surfaced.
17. All mechanical, electrical and air conditioning equipment must be screened from public view.
18. The entire facility must comply with the requirements of the Americans with Disabilities Act of 1990.
19. 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.
20. The owner/developer will be responsible for any upstream or downstream flooding as a direct result of this development.
21. 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.
22. The Board of Adjustment approved the following variances from the Overlay District requirements:
 - A 30' side setback is required with a 10' landscape buffer.
 - A 30' rear setback is required with a 10' landscape buffer.
 - A 75' front setback is required with a 25' landscape buffer.

23. The Board of Adjustment also approved a reduction in the front setback from 65' (standard C-2 requirement) to 60'.

Preliminary Plat, Garrett Road Subdivision

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 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. Construction debris must be cleared from all stormwater structures and verified by a site inspection from the planning department prior to City Council acceptance of the final plat.
3. This property is located in the Cave Springs Recharge Area. Best Management practices must be included in the plans and used during construction. Erosion control must be maintained until the development is built out.
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 compaction tests for all ponds and fill areas.
6. 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 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 minimum of five (5) feet behind the curb.
7. Sidewalks not along lots must be built by the developer.
8. Interior sidewalks are the responsibility of the lot owner and must be installed prior to issuance of a Certificate of Occupancy.
9. Developer must post a two-year letter of credit for 25% of the interior sidewalks based on a certified engineer's cost estimate. 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
10. The developer must obtain an off-site drainage easement for all areas of discharge prior to the first inspection by the Rogers Street Department.

11. 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 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.
12. 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.
13. All streets greater than Class 1 (60' collector) will require a formal pavement design based on soil conditions prior to Planning Commission approval of the preliminary plat.
14. Developer to dedicate a total of 40 feet of right-of-way from the centerline of Garrett Road.
15. The developer must rebuild one half of Garrett Road, 26 feet from the centerline to minor arterial 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 not be accepted in lieu of construction.
16. 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.
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 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.

19. All finished floor elevations must be a minimum of one foot above curb level and shown on the lot on the final plat. Lots 1-34 must be 2' above the 100-yr WSE on the drainage ditch.
20. Developer to contact the U.S. Postmaster at 401 North 8th Street to schedule type of mail delivery.
21. Identify all trees 6" or greater in diameter that will be removed.
22. Engineer to schedule a pre-construction meeting with the Rogers Street Department prior to issuance of a grading permit.
23. 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.
24. A grading permit will not be issued until the Planning Commission has approved this preliminary plat. Permit requirements are available at the Planning Office.
25. Construction plans must be submitted to the Game & Fish Commission prior to Planning Commission approval of the preliminary plat. Please provide documentation to the Planning Department.
26. 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.**
27. The owner/developer will be responsible for any upstream or downstream flooding as a direct result of this development.
28. Provide the required information on the Rogers Monument Documentation Form prior to City Council acceptance of the final plat.
29. 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 prior to City Council acceptance of the final plat.
30. Provide the City Planner with five (5) original copies of the recorded plat and seven (7) copies for distribution to affected utilities.
31. Provide the City Clerk with 25 paper copies and an electronic copy of the ordinance that allows City Council to accept the final plat.

APPROVED.

Motion by Thrasher, second by Shelby to approve the Bank of the Ozarks @ Creekside Place Large Scale Development Plan, the Maralle Commercial Large Scale Development Plan, and the Garrett Road Subdivision Preliminary Plat subject to the conditions listed above. Shupe disqualifies. Voice Vote: Unanimous. **Motion carried.**

PUBLIC HEARINGS:

(Agenda Item #1)

Request by Haynes Limited to Rezone Approximately 0.61 Acres Along the Southern Boundary of Lot 14, The Peaks PUD from RMF-9A (Residential Multi-Family) to the C-2 (Highway Commercial) Zoning District.

Hunter Haynes represented this rezoning request. Haynes stated this is an adjustment to the PUD at the Peaks. Originally this was all zoned RMF-9 and we came back in and zoned R-O and C-2. We have a user for the C-2. Haynes provided the Commissioners a survey description and drawings showing existing lot acreage and proposed lot acreage. Haynes stated we are moving the east/west boundary line to the north.

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

The Public Hearing was declared closed.

APPROVED.

Motion by Shupe, second by Myers to recommend this rezoning request to City Council for approval.

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

(Agenda Item #2)

Request by Morrison Shipley on Behalf of Ronald McGregor to Rezone Approximately 4.51 Acres on the West Side of Dixieland Road, North of Grace Hill Elementary from A-1 (Agricultural) to the I-2 (Heavy Industrial) Zoning District.

Andres Forero, Morrison Shipley Engineers, represented this rezoning request. Forero stated this area will be used for a warehouse and will adjoin property already zoned I-2.

City Planner Derrel Smith stated the drawing you have is drawn in the wrong area. The property in question actually joins the I-2 property to the north. Commissioner Myers asked how much A-1

is still in the area. City Planner Smith said there is still about 58 acres of A-1 in the area.

Commissioner Thrasher asked if this has been addressed in the Comprehensive Growth Plan. Smith stated it is adjacent to the City’s Industrial Park. This is probably 100’ south of where the plan shows to be I-2. South of this is zoned medium density residential. Smith said in one corner is where the Swepeco tower is located.

Craig Hull, 8141 Wood Lane, stated he represented the McGregor’s on the sale of this property. We feel the substation is a natural boundary for future uses to the south. There is also a cellular tower located behind the substation. We do not see any conflict of land uses.

Commissioner Shupe asked about the cell tower easement and how to get to the remainder of the McGregor property off Dixieland Road. Mr. Hull said the easement goes on the south side of the electrical substation. The cell tower sets in the southwest quadrant. Mr. McGregor controls the area of the easement.

No one spoke in opposition to this rezoning request.

The Public Hearing was declared closed.

Commissioner Myers stated this makes sense to him and is a minor modification to the Comprehensive Growth Plan.

APPROVED.

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

NEW BUSINESS:

(Agenda Item #1)
LSDP, Fastenal at 1400 West Hudson in the I-2 (Heavy Industrial) Zoning District.
TABLED.

Tabled by Staff due to significant plan changes.

Mr. Fred Krenson, Vice President, Rosser Internation, Inc., made a presentation to the Planning Commission concerning the Northwest Arkansas Sports Arena. Mr. Krenson stated this property is located in Pleasant Crossing and will be between I-540 and Pleasant Crossing Blvd. The arena will occupy a site north of the existing pond. We will create a site boundary approximately 975' north to south and 1,000' east to west with a vicinity of approximately 21 acres. The drainage of the property goes primarily to the south of the existing pond. Mr. Krenson showed several conceptual drawings of the site and proposed arena and parking area. This facility will be multi-level with the lower level being approximately 18' below the existing grade. There will be a service area for deliveries. There will be no visual observance of the service area from the surrounding properties. The building will be about 50' above grade. There will be a two level parking deck. First deck will be on grade with the second deck ten feet up. This will give us all the required parking for the facility on site with no view interference of the building from I-540. It will also make for maximum access from the parking area to the building and give us good access from the parking lot to the road. There is a berm structure that raises the roof of the access point for spectators into the facility to a point ten feet above grade. There will be a special VIP entrance area in the lower level. The arena will seat about 8,500 to 8,700 for sports events and will allow 9,000+ seats for a concert venue. We see this opening up the Midwest to a series of events this area has never seen. We see this as offering a quality of life improvement for the area.

Commissioner Shelby said he had read the arena will be expandable and asked how much parking did they see initially and how they would expand the parking. Mr. Krenson said the parking deck can be made taller, and we can build more parking over the service area. Initially, we are looking at 2,500 spaces. Before any expansion could be

done, we know we have not only parking issues to address, but also road issues.

Commissioner Thrasher asked if we had standards for parking for sporting facilities. Commissioner Shelby stated he did not think we had anything to address sporting facilities. We will probably have to treat this like an auditorium which is 2.4 people per car. Mr. Krenson said their studies indicate that parking ratio for these venues is about 3 to 1 and when there is a capacity event, people tend to come in groups. We know for this to work, we have to create an experience that people will repeat. They need to be able to get to the venue, park, and get away as easily as possible. Lots of things will have to work to make that possible.

Shelby asked how this would impact the original PUD submitted by Mr. Reaves. Mr. Krenson said the arena site will meet all the parking and landscape requirements created by the PUD. Charles Reaves said the arena area will take the space originally submitted as retail. The lake that was originally planned will still be built.

Commissioner Myers asked how the completion of the arena would tie in with the schedules of Dixieland Road and the Pleasant Grove Overpass. City Planner Derrel Smith said he did not know the arena schedule, but Dixieland Road is under construction with completion scheduled for late spring or early summer. The City of Lowell has already approved a bond issue to widen Dixieland from their south end up to Rogers. Smith said he thought that was already under design. The Perry Road Interchange and Pleasant Grove Road Overpass are scheduled to be completed in spring of 2008. Reaves said Dixieland going south to the overpass is under his control. We intend to have that opened prior to the opening of the arena. Smith said the tower on Dixieland has already been approved to be moved and that relocation is scheduled to start soon.

Commissioner Shupe asked Mr. Krenson about other arenas his company had designed. Mr. Krenson said they had designed Bud Walton Arena in Fayetteville, Alltel Arena in Little Rock, Gallaher-Iba Arena at Oklahoma State University as well as 20 other arenas in the United States. The arena proposed for Rogers is a smaller version of an arena we just completed north of Atlanta, Georgia.

There being no further business, motion by Shupe, second by Myers to adjourn the meeting. Meeting adjourned at 5:07 P.M.

ATTEST

APPROVED

Dan Brown, Secretary

Rhonda Freitag, Chairman