

MINUTES

The **Rogers Planning Commission** met for a *regular session* in the Council Chambers of the Maurice H. Kolman Building on Tuesday, February 6, 2007 at 4:30 P.M. The meeting was called to order by Chairman Dan Brown. Those in attendance were led in the Pledge of Allegiance.

MEMBERS PRESENT:

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

OTHER OFFICIALS PRESENT:

City Clerk Peggy David, Assistant City Planners Candy Anderson and Tyler Henderson, Senior Planner Derrel Smith, Director of Planning Steve Glass, Water Utilities Engineer Mark Johnson, Deputy City Attorney Chris Griffen, Project Manager Johnie Long, Deputy Fire Chief Alan Skogen and Councilman Larry Daniel.

ACTION ON MINUTES:

(January 16, 2007)

Approved.

Motion by Freitag, second by Myers to approve the minutes of the meeting of January 16, 2007 as submitted.

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

REPORTS OF BOARDS AND STANDING COMMITTEES:

None.

Request by John Sporleder that the Planning Commission reconsider their approval of a Conditional Use Permit for Western Arkansas Motor Co. for outdoor display at 1418 W. Walnut

John Sporleder, 800 Morningside Drive, owner of adjacent property of 1418 W. Walnut, requested the Planning Commission reconsider their approval of the Conditional Use Permit for 1418 W. Walnut because he did not get notified of the request and meeting and did not have the opportunity to attend to make comments.

Sporleder said he inquired at the Planning Office last summer when he saw construction at 1418 W. Walnut, and was told that he

would be notified if there was a change in the use of the property.

Sporleder said his 800 Morningside Drive address is the address of record for his property at 1400 W. Walnut, but the certified letter notifying him of the Conditional Use Permit was sent to the 1400 W. Walnut.

Commissioner Myers noted there is the requirement to notify property owners, but there is also a public notice published in the newspaper and a sign is placed on the property as notification.

Deputy City Attorney Chris Griffen explained City Code allows for reconsideration of a Conditional Use Permit if the permit has been denied, but there is nothing in the code regarding reconsideration of a Conditional Use Permit once it has been approved. The procedure for a complaint against a Conditional Use Permit would be initiated by the Planning Office once that complaint had been filed. The Planning Commission has the authority to revoke a Conditional Use Permit if a complaint is made and the Planning Commission agrees the permit should be revoked. The applicant of the Conditional Use Permit, Randy Blythe, met the city's requirements for notifying property owners within 300-feet. If the Commission wants to reconsider the issue a motion by a member who voted in the affirmative to approve the Conditional Use Permit and second would be in order, then the applicant would be notified of the meeting date and time. If the reconsideration is approved, then Mr. Sporleder would be required to notify property owners as Mr. Blythe did.

Reconsideration of Previously Approved Conditional Use Permit is **Denied**.

Motion by Myers, second by Freitag to reconsider the approval of the Conditional Use Permit as requested by John Sporleder. Roll Call vote: Unanimous – NO. **Motion denied.**

Commissioner White reported the Large Scale Development Committee had recommended that New Business Agenda Item #1 be moved to the Consent Agenda with the understanding that the requirements submitted by staff be met as published.

White also reported the Large Scale Development Committee recommended that New Business Agenda Item #3 be moved to the Consent Agenda with the recommended requirements by staff as published be met.

Motion by White, second by Myers to move New Business Items #1 & #3 to the Consent Agenda.

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

CONSENT AGENDA:

LSDP, Taco Bell @ Creekside Place

1. Drainage improvements must be completed and certified by the engineer of record, Crafton, Tull, Sparks, & 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. 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 on both sides of the frontage road 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.

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 No. 8th St. 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. 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. The entire facility must comply with the requirements of the Americans with Disabilities Act of 1990.
13. 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.**
14. The owner/developer will be responsible for any upstream or downstream flooding as a direct result of this development.
15. 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.

LSDP, Blackie Bond Indoor Practice Facility

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.
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. This portion of the overall school site will be incorporated into the original grading permit for the school campus. Permit requirements are available at the Planning Office.
6. All parking lots and drives must be hard surfaced.
7. All mechanical, electrical and air conditioning equipment must be screened from public view.
8. The entire facility must comply with the requirements of the Americans with Disabilities Act of 1990.
9. 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.**
10. The owner/developer will be responsible for any upstream or downstream flooding as a direct result of this development.
11. 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.

LSDP, Briarwood Apartments

1. Drainage improvements must be completed and certified by the engineer of record, Crafton, Tull, Sparks & 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. Landscaping for the two new buildings 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.
4. Interior sidewalks for the two new buildings must be installed prior to issuance of a Certificate of Occupancy.
5. Accessways greater than 150’ in length will require a turnaround for fire protection.
6. Developer to contact the U.S. Postmaster at 401 No. 8th St. to schedule type of mail delivery.

7. The proposed trash dumpster must be screened with a solid-type screening consistent with the architectural style of the building.
8. 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.
9. All parking lots and drives must be hard surfaced.
10. All mechanical, electrical and air conditioning equipment must be screened from public view.
11. 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.
12. The owner/developer will be responsible for any upstream or downstream flooding as a direct result of this development.
13. 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 Development Waiver for Paving of Parking Lot at Doc Wheeler Park

This waiver is approved; staff would suggest the following requirements:

- Provide calculations that show the proposed inlets can handle the runoff
- Revise the grading in the handicap parking area to be ADA-compliant
- Sidewalks required on 26th St. and must be in place when the parking lot is open to the public

Large Scale Development Waiver for Paving of Parking Lot for Bryan College

This waiver is approved; staff would suggest the following requirements:

- The lot split for Dixie Development must be recorded prior to issuance of a Certificate of Occupancy for the College. The lot split must identify the entity responsible for maintenance of the existing detention pond
- A 6' wide sidewalk, 6' behind the curb is required along West Walnut prior to issuance of a Certificate of Occupancy
- Provide a copy of AHTD approval for the sidewalk prior to issuance of a Certificate of Occupancy for the College
- A 5' wide sidewalk, 5' behind the curb is required along 37th St. prior to issuance of a Certificate of Occupancy for the College
- Landscaping must be installed at the College and the new parking lot 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.

Consent Agenda Approved

Motion by Myers, second by White to approve the items on the Consent Agenda. Commissioner Shelby disqualified himself from the vote for the Blackie Bond Indoor Practice Facility.

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

PUBLIC HEARINGS:

(Agenda Item #1)

Request by Charles & Betsy Snider to rezone approx. 7 ac. behind 420 East New Hope from R-DP (Residential Duplex-Patio) to the W-O (Warehouse Office) zoning district

Bill Watkins, representing the property owners, requested the rezoning from R-DP to W-O.

Watkins stated this property is the location of the Russell Mini-Storage Buildings which were built when the property was in the county. Charles and Betsy Snider are the owners and also own the adjacent frontage property where they reside and have a rental house. They do not wish to rezone that part of the property. When this property was annexed into the city it was zoned as R-DP as a non-conforming use and because of the zoning, if the buildings were to be destroyed, they could not be rebuilt with the current zone.

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 Myers, second by Freitag to recommended approval to the City Council the rezoning from R-DP to W-O as requested.

Roll call: Brown, Campbell, Freitag, Gosserand, Myers, White – Yes; Shelby was absent for the vote. ***Motion carried.***

(Agenda Item #2)

Request by Leslie Kester for renewal of a Conditional Use Permit to operate a Catering Business at 2111 Perry Road in the A-1 zoning district

Leslie Kester requested the Conditional Use Permit renewal.

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

The Public Hearing was declared closed.

Motion by Myers, second by Gosserand to approve the Conditional Use Permit for an unlimited time.

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

Approved.

(Public Hearing #3)

Request by Keith & Elizabeth Brown to rezone approx. 5 ac. on the west side of Highway 71B from C-2 (Highway Commercial) to the C-4 (Open Display Commercial) zoning district

Fred Wanger and Keith Brown presented the rezoning request.

Wanger said the plan was to put an auto repair facility at this location, and inevitably car sales would occur at the location.

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

The Public Hearing was declared closed.

Motion by Myers, second by White to recommend approval to the City Council the rezone from C-2 to C-4 as requested.

Roll call: Unanimous - Yes. ***Motion carried.***

Approved

NEW BUSINESS:

(Agenda Item #2)

Consideration of a revised Preliminary Plat for Garrett Road Subdivision. The revised plat proposes a reduction in the front setback from 30' to 25' and the interior side setback from 10' to 7.5'

Chairman Brown noted this item was withdrawn by the applicant.

WITHDRAWN BY THE APPLICANT

There being no further business, motion by White, second by Campbell to adjourn the meeting. Meeting adjourned at 5:00 P.M.

ATTEST

APPROVED

Chad Campbell, Secretary

Dan Brown, Chairman