

MINUTES

The **Rogers Planning Commission** met for a *regular session* in the Council Chambers of the Maurice H. Kolman Building on Tuesday, March 16, 2010 at 4:30 P.M. The meeting was called to order by Chairman Jim White. Those in attendance were led in the Pledge of Allegiance.

MEMBERS PRESENT:

Commissioners Chad Campbell, Susan Fennel Mills, Ron Shelby, Don Spann, David Thrasher, and Jim White were present. Mark Myers and Mike Shupe were absent. James Gosserand arrived at 4:33 p.m.

OTHER OFFICIALS PRESENT:

City Clerk Peggy David, City Attorney Ben Lipscomb, Director of Planning and Transportation Steve Glass, Senior Planner Derrel Smith, Assistant City Planners Candy Anderson and Lori Stone, Water Utilities Engineer Mark Johnson, Main Street Director Kerry Jensen, Project Engineer Lance Jobe, Facilities Manager David Hook, and City Council member Larry Daniel.

ACTION ON MINUTES:

(March 2, 2010)

Approved.

Motion by Mills, second by Spann to approve the minutes of the meeting of March 2, 2010 as submitted.

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

REPORTS OF BOARDS AND STANDING COMMITTEES:

A request by Kevin Boyd to discuss the 10' height limit on storage buildings in residential zoning districts

Senior Planner Derrel Smith said that Kevin Boyd had appeared before the City Council and was told to request a change in the height limit for storage buildings in residential zones from the Planning Commission.

Boyd, 917 Westridge, said he was building a storage building when the code enforcement officer notified him that the building was too high.

Boyd said he didn't realize that he needed a building permit, which he obtained, and then

was told that the building was too high for his residential zone.

Boyd requested that the Planning Commission consider changing the height limits for storage units for residential use. Boyd said he had checked with Lowes and they currently have 6 different storage units for sale that exceed the 10-ft. height requirement.

Boyd said the potential for these buildings to be bought for residential uses will exceed the city's requirement and suggested that the number be increased.

Boyd said he hadn't been able to find out if the 10-ft. height is an arbitrary number or if there was a reason for that number.

Senior Planner Smith reported that the code identifies a storage building as one up to 150 sq. ft. If the building is on skids, it is considered a portable building. If it is on a permanent foundation, then it is considered an accessory building.

Smith said a variance can be requested for the height of the building and in the last year, there was only one request for a variance on the height requirement.

Commissioner Thrasher said he thought he was the one variance on height because last year his wife built a garage that ended up being 24-ft high, but the process was easy.

Thrasher said the existing requirement has been in place for many years and unless there is overwhelming evidence to change that number, the precedent has been set.

Chairman White suggested that Boyd consider requesting a variance through the Board of Adjustments.

PUBLIC HEARINGS:

(Agenda Item #1)

Request by Blue Ribbon Lawns for a Conditional Use Permit to operate a landscaping/nursery business at 4322 Garrett Rd. in the C-3 (Neighborhood Commercial) zoning district

Doug Mienart, 4032 Garrett Road, said he is requesting a Conditional Use Permit to operate a lawn care business at this location.

Mienart said there would be no retail sales or customer traffic at this location, but his ten employees would meet at this location and drive his trucks loaded with equipment for the lawn care service. During the day, there will be one employee who does the bookkeeping and maybe a mower that is being repaired in one of the outbuildings. There will be no storage of landscape materials and no chemicals.

There were no comments from anyone in the audience in favor of the Conditional Use Permit.

Mary Ellen Pack, 4033 Garrett Lane, expressed concern that the trailers may not be able to get into the property and that the pine trees will have to be removed in order to get the trailers in.

Pack also said there is an ongoing drainage problem in that area.

Pack asked if this is approved, is it permanent? Can it be changed later?

Chairman White explained that if the issue is approved it would be for the applicant only and subject to complaints and can be revoked if necessary.

There were no comments from anyone in the audience against the conditional use permit request.

The Public Hearing was declared closed.

Commissioners asked Mienart if the trees would be removed and how the access would be handled.

Mienart said there is currently an access on Garrett Road, but he is considering making an access off of Bellview, which would require the removal of a few trees. Mineart said there are a few trees that are dead and need to be removed.

Mienart said the drainage issue is partly due to the culvert that has been crushed down and blocks the water.

Mienart said he would like to repair the culvert and extend it to allow the trucks access.

Commissioner Thrasher said he would like to limit the number of trees that are removed.

Motion by Thrasher, second by Gosserand to approve the conditional use permit subject to drainage improvement as discussed by the applicant and that no more than 5 live trees be removed.

Commissioners discussed whether adding another access onto Bellview would need to go through the large scale development review.

Approved.

Commissioner Thrasher amended his motion to the following: to approve the conditional use permit subject to drainage improvement as discussed by the applicant; that no more than 5 live trees be removed, and if the applicant wishes to add another access, it would be required to go through the large scale development process or ask for a waiver. Commissioner Spann seconded the amended motion.

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

(Agenda Item #2)

Request by Nabholz Construction to rezone the following property:

- 0.86 ac. from W-O (Warehouse Office to I-1 (Light Industrial)
- 6.05 ac. from A-1 (Agricultural) to I-1 (Light Industrial)
- 1.21 ac. from A-1 (Agricultural) to R-O (Residential Office)
- 0.17 ac. from W-O (Warehouse Office) to I-1 (Light Industrial)

The property is located at 3301 and 3305 North 2nd St.

Daniel Ellis, of Crafton, Tull, Sparks & Associates, presented the rezoning request.

Ellis said a neighborhood meeting has been held to explain to the adjacent residents what the applicant was planning to do.

The residents requested that a double row of evergreen type trees be planted on the northern border of this property with a solid-fence to be built on the applicant's property.

Commissioner Spann reported that he attended the neighborhood meeting where Mr. Ellis/Nabholz listened to what the residents concerns were.

Planning & Transportation Director Steve Glass reported that he has informed Ellis that this property lies within the Airport Hazard Zone so a Permit will be required according to Article 5 of the Rogers City Code.

Judy Humphrey, 3305 N. 2nd Street said she is the seller and was told several years ago that the only use of the property in the future would be for industrial use because of the airport.

There were no other comments from anyone in the audience.

The Public Hearing was declared closed.

Motion by Spann, second by Shelby to recommend approval to the city council the rezoning as requested.

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

Approved.

NEW BUSINESS:

(Agenda Item #1)

A request for a waiver from the Large Scale Development review process for a 1,680 s.f. addition to Farmer's Insurance at 703 W. Poplar in the C-2 (Highway Commercial) zoning district

Dirk Thibodaux, of Gray Rock Engineering, presented the request for a waiver.

The Large Scale Development Committee reported the review of the plan and recommended approved of the waiver subject to the following conditions:

1. Drainage improvements must be completed and certified by the engineer of record, Gray Rock Consulting, 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. Provide a soils report signed and sealed by a professional engineer to be included with the building permit application.
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. Sidewalks must be located a min. of 5' feet behind the curb.
6. The proposed trash dumpster must be screened with a solid-type screening

consistent with the architectural style of the building.

7. Engineer to schedule a pre-construction meeting with the Rogers Planning Department prior to issuance of a grading permit. All Phase 1 erosion control must be installed prior to the pre-construction meeting and a reduced set of construction plans (11" x 17") will be required.
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. A perimeter buffer strip shall be temporarily maintained around the disturbed area. The minimum width for the buffer strip is 25' with a maximum width of 40'.
10. A truck wash down area must be shown on the plans. A typical detail will be provided by the Planning Department and must be shown on a detail sheet.
11. All parking lots and drives must be hard surfaced.
12. All mechanical, electrical and air conditioning equipment must be screened from public view.
13. The entire facility must comply with the requirements of the Americans with Disabilities Act of 1990.
14. All water and sewer plans must be approved by the Rogers Water Utility Department prior to construction. **THIS IS A SEPARATE REVIEW PROCESS AND A PRE-CONSTRUCTION MEETING WILL BE REQUIRED.**

15. The owner/developer will be responsible for any upstream or downstream flooding as a direct result of this development.
16. A variance was granted for a reduction in building setbacks by the Board of Adjustment on March 15, 2010.

THE FOLLOWING PLAN REVISIONS ARE REQUIRED:

- Provide a handicap accessible crossing for 7th Street
- The SCS method should not be used for areas with less than a 6 minute time of concentration, please look at using the Rational Method instead. Also, the minimum Tc allowed for use is 5 minutes
- Add a wash rack or acceptable alternative at the construction entrance
- Show the perimeter buffer strip or provide an acceptable alternative (i.e., double row of silt fence)
- Show the percentage of open space
- Provide a landscape chart showing the amount of landscaping required/provided

THE FOLLOWING WAIVER IS BEING REQUESTED:

- To allow less than 5' of green space behind the sidewalk

Approved.

Motion by Spann, second by Mills to approve the large scale development subject to the conditions as listed and approving the waivers as requested.

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

(Agenda Item #2)

Request for a temporary concession trailer by
J & K BBQ at 2223 W. Walnut in the C-2
(Highway Commercial) Zoning district

Rose McCullough, 3807 Pleasant Grove
Road, requested the temporary trailer permit
for six months.

Commissioners discussed the placement of
the temporary trailer.

Assistant Planner Candy Anderson reported
that the location is where the Shaved Ice was
located last year.

Commissioner Mills asked, “Will there
would tables, trash containers on the site?”

McCullough responded, “Yes, maybe one
table.”

Motion by Thrasher, second by Shelby to
approve the temporary trailer permit for a
period of six month with the provision that
all life and safety code be met.

Voice vote: 6 – Yes; 1 – No. **Motion
carried.**

There being no further business, the meeting adjourned at 5:17 P.M.

ATTEST

APPROVED

Susan Mills, Secretary

Jim White, Chairman