

MINUTES

The **Rogers Planning Commission** met for a *regular session* in the Council Chambers of the Rogers City Hall on Tuesday, September 19, 2006 at 4:30 P.M. The meeting was called to order by Chairman Rhonda Freitag. Those in attendance were led in the Pledge of Allegiance.

MEMBERS PRESENT:

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

OTHER OFFICIALS PRESENT:

City Clerk Peggy David, Senior Planner Derrel Smith, Assistant City Planner Candy Anderson, Assistant City Planner Joe Hurst, Director of Planning Steve Glass, Water Utilities Engineer Mark Johnson, Fire Marshal Travis Hollis, Deputy City Attorney Chris Griffen, Main Street Director Marge Wolf and Councilman Larry Daniel.

ACTION ON MINUTES:

(September 5, 2006)

Approved.

Motion by Brown, second by Gosserand to approve the minutes of the meeting of September 5, 2006 as submitted.

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

REPORTS OF BOARDS AND STANDING COMMITTEES:

Senior Planner Derrel Smith requested the Planning Commission consider changing a street on the Master Street Plan.

Smith explained the current Master Street Plan shows an arterial street going along the current Champions Drive. The request has been made to move that arterial further to the east, then going south and tying into what was shown on the original plan as much as possible. This would accomplish two things in that it gets the new constructions away from Champions and it goes across open land which will benefit the city because the developer will be paying for the construction. The change affects some property owners

who previously had not been affected by the Master Street Plan. We think this is a good compromise; it still gets a north/south arterial, and protects an existing neighborhood by moving an arterial away from a gated community.

In order to change the Master Street Plan a Public Hearing will have to be held and then the City Council would have to approve the change.

Smith suggested that a Public Hearing be set for October 17th at 3:30 p.m.

Public Hearing set for October 17, 2006 at 3:30 p.m. to consider changes in the Master Street Plan.

Motion by Brown, second by White to set the public hearing date for October 17, at 3:30 p.m. to consider changes in the Master Street Plan.

Voice vote: Unanimous. Motion carried.

Smith also provided a cellular tower ordinance for the commission to consider.

Smith said cellular towers are now in the schedule of uses as allowed in Agricultural or Industrial zones, conditionally without guidelines.

Smith said this ordinance sets guidelines, heights, requires co-location and won't affect the zoning, but this would allow for a camouflage tower in any zone conditionally.

This ordinance will require that public notices for property owners within an area of 500-ft. are sent out, and the Planning Commission and Airport Commission must approve the request.

Smith requested the Planning Commission review this ordinance so that it can be sent to the City Council for consideration.

Smith said no public hearing is required because it is revising the zoning ordinance.

Smith said the cellular companies have offered to do the camouflage towers, but the zoning code would not allow it in any zones except A-1 or I-1 & I-2.

Motion by Thrasher, second by Gosserand to recommend approval to the City Council for the revisions to the zoning ordinance regarding cellular towers.

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

Commissioner Brown reported the Subdivision Committee had recommended that Agenda Items #4 under New Business be moved to the Consent Agenda.

Commissioner White recommended that Agenda Items #5 & #6 under New Business be moved to the Consent Agenda.

CONSENT AGENDA:

Final Plat, Malies Subdivision

1. Drainage improvements must be completed and certified by the engineer of record, Lemons Engineering Consultants, with all ditches and basins solid-sodded, concrete-lined, or underground conduit installed. 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. 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. Sidewalks must be built to city code and ramped at all curb cuts to meet ADA specifications and installed the full width of the property or provide a letter of credit. Sidewalks must match any existing sidewalks in the area, include truncated domes at the handicap ramps and be located a min. of three (3) feet behind the curb.
5. Interior sidewalks are the responsibility of the lot owner and must be installed prior to issuance of a Certificate of Occupancy.
6. Developer must post a 2-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 2-year period for construction of any sidewalks along vacant lots

7. 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. Carroll Electric will no longer install street lights which will require each developer to 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.
8. Streets must be built to city standards with curb and gutter and sidewalks installed or provide a letter of credit.
9. Provide a 1-year maintenance bond in the amount of fifty percent (50%) of the actual construction cost for the street and storm drainage improvements. The bond shall be in effect for a period of one (1) year from the date of the final inspection.
10. Recorded covenants will be required prior to issuance of a building permit.
11. Street signs and stop signs must be cash-bonded prior to City Council acceptance of the final plat. Street signs must be in place prior to building permits being issued. The amount for the cash bond will be determined at time of final inspection.
12. All finished floor elevations must be a minimum of one foot above curb level and shown on the lot on the final plat.
13. Developer to contact the U.S. Postmaster at 401 No. 8th St. to schedule type of mail delivery.
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 five (5) original copies of the recorded plat and seven (7) copies for distribution to affected utilities.

THE FOLLOWING WAIVER HAS BEEN APPROVED:

- To allow the City of Rogers to maintain the detention pond. This detention pond will be combined with the pond for Katherine Addition. The City of Rogers maintains the Katherine Addition pond. The Rogers Street Department accesses the pond through Katherine Addition and does not object to maintaining this additional area

THE FOLLOWING REVISIONS ARE REQUIRED PRIOR TO CITY COUNCIL:

- Provide a readable vicinity map
- Add the legal description, flood certification & legend (layer left off reduction)
- Provide a copy of the AHTD approval letter for curb cuts and sidewalks
- Raise the curb & gutter in front of Lots 9 & 10 with a final inspection by the Rogers Street Department
- Provide a drainage certification by the engineer of record (signed & sealed)

- Construction debris must be cleared from all stormwater structures and verified by a site inspection from the planning department
- Post a 2-year letter of credit for 25% of the unbuilt interior sidewalks
- Post a letter of credit for any unbuilt sidewalks on New Hope Road
- Provide a 1-year maintenance bond in the amount of fifty percent (50%) of the actual construction cost for the street and storm drainage improvements
- Provide a check in the amount of \$205 for street signs and stop signs
- Provide the city planner with a copy of the contract for placement of street lights if they have not been installed by the developer
- 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 2 GPS reference points tied to the Rogers Monument System on compact disk formatted for AutoCAD 2004.
- Provide the City Clerk with 25 paper copies & an electronic copy of the ordinance that allows the City Council to accept the final plat

Final Plat, Hearthstone Ph III

1. Drainage improvements must be completed and certified by the engineer of record, Engineering Design Associates, with all ditches and basins solid-sodded, concrete-lined, or underground conduit installed. 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. 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 provide a letter of credit. Sidewalks must match any existing sidewalks in the area, include truncated domes at the handicap ramps and be located a min. of five (5) feet behind the curb.
3. Sidewalks not along lots must be built by the developer.
4. Interior 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 2-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 2-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. Carroll Electric will no longer install street lights which will require each developer to 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 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. Since this is Phase III, please contact Carroll Electric to verify if they will place the lights.
7. Streets must be built to city standards with curb and gutter and sidewalks installed or provide a letter of credit.

8. Provide a 1-year maintenance bond in the amount of fifty percent (50%) of the actual construction cost for the street and storm drainage improvements. The bond shall be in effect for a period of one (1) year from the date of the final inspection.
9. Street signs and stop signs must be cash-bonded prior to City Council acceptance of the final plat. Every “T” intersection will require 1 street sign and every “cross” intersection will require 4 street signs. Stop signs must be shown on the plan and in place prior to building permits being issued.
10. All finished floor elevations must be a minimum of one foot above curb level and shown on the lot on the final plat.
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 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 2-year letter of credit for 25% of the unbuilt interior sidewalks
- Post a letter of credit for unbuilt sidewalks on Rainbow Road
- Construction debris must be cleared from all stormwater structures and verified by a site inspection from the planning department
- Provide a 1-year maintenance bond in the amount of fifty percent (50%) of the actual construction cost for the street and storm drainage improvements
- Provide a check in the amount of \$1,400 for street signs and stop signs
- Provide the city planner with a copy of the contract for placement of the lights if street lights have not been installed by the developer
- 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 2 GPS reference points tied to the Rogers Monument System on compact disk formatted for AutoCAD 2004
- Provide the City Clerk with 25 paper copies & an electronic copy of the ordinance that allows the City Council to accept the final plat

Final Plat, Habitat Trails

1. Drainage improvements must be completed and certified by the engineer of record, Morrison, Shipley Engineers, with all ditches and basins solid-sodded, concrete-lined, or underground conduit installed. 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. Sidewalks must be 8’ in width along Old Wire Road and ramped at all curb cuts to meet ADA and AHTD specifications or provide a letter of credit. Sidewalks must match any existing sidewalks in the area, include truncated domes at the handicap ramps and be located a min. of five (5) feet behind the curb.

3. Sidewalks not along lots must be built by the developer.
4. Interior sidewalks must be 5' in width and are the responsibility of the lot owner. Sidewalks must be installed prior to issuance of a Certificate of Occupancy.
5. Developer must post a 2-year letter of credit for 25% of the interior sidewalks. This letter of credit may be reduced as sidewalks are built and will be redeemed at the end of the 2-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. Carroll Electric will no longer install street lights which will require each developer to 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 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.
7. Streets must be built to city standards with sidewalks installed or provide a letter of credit.
8. Developer to dedicate a total of 40 feet of right-of-way from the centerline of Old Wire Road.
9. Provide a 2-year maintenance bond in the amount of fifty percent (50%) of the actual construction cost for the street and storm drainage improvements. The bond shall be in effect for a period of one (1) year from the date of the final inspection.
10. Recorded covenants will be required prior to issuance of a building permit.
11. Street signs and stop signs must be cash-bonded prior to City Council acceptance of the final plat. Every "T" intersection will require 1 street sign and every "cross" intersection will require 4 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.
12. All finished floor elevations must be a minimum of 1 ½ feet above the edge of asphalt and shown on the lot on the final plat.
13. Developer to contact the U.S. Postmaster at 401 No. 8th St. to schedule type of mail delivery.
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 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 2-year letter of credit for 25% of the unbuilt interior sidewalks
- Post a letter of credit for any unbuilt portions of the interior street
- Provide a 2-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
- Provide a check in the amount of \$205 for street signs and stop signs
- 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 2 GPS reference points tied to the Rogers Monument System on compact disk formatted for AutoCAD 2004
- Provide the City Clerk with 25 paper copies & an electronic copy of the ordinance that allows the City Council to accept the final plat

Preliminary/Final Plat, Sohosky Commercial Subdivision (aka Jollyz Subdivision)

1. 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 provide a letter of credit. 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.
2. 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. Carroll Electric will no longer install street lights which will require each developer to 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 or lights in a commercial subdivision. The city will not be responsible for payment of the utility bill in a commercial subdivision.
3. Addresses for lots in commercial subdivisions will be required prior to Planning Commission approval of each Large Scale Development Plan.
4. A draft of the proposed covenants for the entire subdivision will be required prior to issuance of the first building permit. Recorded covenants will be required prior to issuance of the first Certificate of Occupancy.
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. 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.

7. The owner/developer will be responsible for any upstream or downstream flooding as a direct result of this development.
8. Provide the city planner with five (5) original copies of the recorded plat and seven (7) copies for distribution to affected utilities.

Since Tract 3 is already a legal lot of record, the Subdivision Review Committee has recommended that the Large Scale Plan may be approved prior to City Council acceptance of the final plat.

THE FOLLOWING ITEMS ARE REQUIRED PRIOR TO CITY COUNCIL ACCEPTANCE OF THE FINAL PLAT:

- Show the limits of the Overlay District
- Show any existing street lights and lights per city requirements
- 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
- 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 2 GPS reference points tied to the Rogers Monument System on compact disk formatted for AutoCAD 2004.
- Provide the City Clerk with 25 paper copies & an electronic copy of the ordinance that allows the City Council to accept the final plat

LSDP, Jollyz

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. The entire development must comply with the requirements of the overlay district.
4. All signs will require separate permits.
5. 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.
6. Trees are required in the front landscape buffer not less than 20 feet apart.
7. 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 min. of six (6) feet behind the curb.
8. 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.

9. The finished floor elevation for Tract 3 must be a minimum of two feet above Base Flood elevation and shown on the plan.
10. An elevation certificate must be provided to the floodplain administrator and building official prior to issuance of a building permit. A final elevation certificate must be provided prior to issuance of a Certificate of Occupancy.
11. Developer to contact the U.S. Postmaster at 401 No. 8th St. 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. All parking lots and drives must be hard surfaced.
15. All mechanical, electrical and air conditioning equipment must be screened from public view.
16. The entire facility must comply with the requirements of the Americans with Disabilities Act of 1990.
17. 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.
18. The owner/developer will be responsible for any upstream or downstream flooding as a direct result of this development.
19. 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 THE LARGE SCALE APPROVAL LETTER:

1. Required landscaping applies to Tract 3 only; show the required amount based on the 6.84 acres
2. Provide a typical section for the access drive
3. Provide 2' of freeboard on all HGL's or provide an explanation as to why this requirement cannot be met
4. Explain in the drainage report why there is no drainage crossing the site from the east or northeast (area topography suggests there is)
5. Delete reference to silt fence without wire support
6. Correct the gap in the SE corner of the rock check dam
7. Show & label the sidewalk widths to be 6' on Highway 102 & 24th St.
8. Show the required 5' of greenspace between the curb & sidewalk & label as typical

LSDP, Chick Fil-A @Tuscany Square

1. Drainage improvements must be completed and certified by the engineer of record, Long Engineering, Inc., 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. The entire development must comply with the requirements of the overlay district.
4. All signs will require separate permits.
5. 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.
6. Trees are required in the front landscape buffer not less than 20 feet apart.
7. 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 min. of five (5) feet behind the curb.
8. Developer to contact the U.S. Postmaster at 401 No. 8th St. to schedule type of mail delivery.
9. The proposed trash dumpster must be screened with a solid-type screening consistent with the architectural style of the building.
10. The person who is 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. 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. 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 IS BEING REQUESTED:

- Trees are required 20' apart in the front landscape buffer (the required number of trees have been placed elsewhere on the site)

APPROVED.

Motion by Brown, second by White to approve items on the consent agenda and recommended approval to the City Council for the final plats.

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

OLD BUSINESS:

None.

PUBLIC HEARING:

(Agenda Item #1)

Request by Crown Custom Homes to annex & zone approx. 10.44 ac. at Old Wire Road & Redwood Dr. from unzoned to the RSF-5 (Residential Single-family) zoning district

Richard Levin, representing Crown Custom Homes, requested the zoning of RSF-5 for property that has recently been released by Benton County for annexation into the City of Rogers.

There were no comments from anyone in the audience in favor of the rezone.

Charlie Johnston, 1220 W. Wood Street, stated he executor of his father's estate, and he is unsure whether he is against this rezoning or not, but wanted to know how it would effect his property.

Commissioner White explained this property is being annexed at the owner's request. The impact on Johnston's property will be when the development starts.

Kathy Drain, 707 Redwood Drive, asked if her property had been annexed into the city.

Commissioner White explained that the only property that is being annexed is the ten acres adjacent to her property.

Drain expressed concern for her well water and septic tank if the adjacent property is developed.

Commissioner Brown responded that if her lateral lines of the septic system is on her property, it shouldn't be a problem, and the new development will be served by Rogers Water Utilities.

The Public Hearing was declared closed.

APPROVED.

Motion by Thrasher, second by White to recommend approval to the City Council the annex and zone to RSF-5 as requested.

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

(Agenda Item #2)

Request by Frank Vargas to rezone 2403 & 2405 South 7th from A-1 (Agricultural) to the I-1 (Light Industrial) zoning district

Jorge DuQuesne, requested the rezoning for this property which is adjacent to the I-1 zone.

There were no comments either for or against the rezoning request.

The Public Hearing was declared closed.

APPROVED

Motion by Brown, second by White to recommend approval to the City Council the rezoning as requested.

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

(Agenda Item #3)

Request by R.W. Jefferson for a Conditional Use Permit to operate a real estate sales office at 700 North 22nd St. in the R-DP (Residential Duplex-Patio) zoning district

R. W. Jefferson requested the conditional use permit to operate a real estate office.

Jefferson said this isn't the typical real estate office, because they buy and sell foreclosures.

Jefferson said, "We operated by appointment only and offer our service to those who might lose their homes, counsel them on how to keep their home and if they can't keep their house, we show them how to find a house they can afford. The only reason a sign would be at the location is because it is required by the Arkansas Real Estate

Commission and it would be on the side of the building.”

Commissioner Gosserand asked, “How you would advertise this business?”

Jefferson responded, “We don’t advertise, we contact the folks that are in foreclosure and if they are interested, we help them. Most of our advertisement is word-of-mouth.”

There were no comments in favor of the request.

Candy Anderson, Assistant City Planner, reported that several phone calls have been received against the conditional use permit, and there are covenants that prohibit businesses in the subdivision.

Chairman Freitag announced that a letter has been received from Margaret Jensen in opposition to the conditional use permit.

Martha Frazier, 703 N. 22nd Street, spoke in opposition saying this would devalue her property.

There were no other comments from anyone in the audience.

The Public Hearing was declared closed.

Commissioner Thrasher expressed concern for a conditional use permit in that a real estate office is too open-ended.

Commissioner White agreed with Thrasher and said that approval of the conditional use permit might set a precedent and gives him cause for reservation.

DENIED.

Motion by White, second by Brown to approve the Conditional Use Permit for a period of one year.

Roll call: Gosserand – Yes; White, Brown, Freitag, and Thrasher – No. **Motion denied.**

(Agenda Item #4)

Request by Mark Marques to rezone approx. 25.49 ac. On Garrett Road, north of Creekwood Subdivision from A-1 (Agricultural) To the RSF-4 (Residential single-family) zoning district

Bill Watkins presented the rezoning request.

There were no comments from anyone in the audience in favor of the rezoning.

Grace Grame, 4205 Garrett Road, asked who owns the property.

Watkins responded, Mark Marques.

There were no other comments from anyone in the audience in opposition to the rezone request.

The Public Hearing was declared closed.

Motion by White, second by Thrasher to recommend approval to the City Council the rezoning as amended from A-1 to RMF-4. Roll call: Unanimous. **Motion carried.**

APPROVED.

(Agenda Item #5)

Request by Restwell, Inc. to rezone the back half of the Super 8 Motel & the 0.69 ac. Adjoining it from N-R (Neighborhood Residential) to the C-2 (Highway Commercial) zoning district

Bill Watkins, representing the property owner, presented the rezoning request.

Watkins explained that the C-2 zone is 200-foot deep, but the remainder of the motel is in the N-R zone.

Watkins said that the part of the motel in the N-R zone could not be rebuilt under the current zone if it were destroyed.

Watkins said there is no plan for development with the rezoning; it is just to clean up the mixed zonings for the property.

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 Thrasher, second by White to recommend approval to the City Council the rezoning as requested.

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

NEW BUSINESS:

(Agenda Item #1)

Request by Dog On The Run to operate a mobile food cart at 2403 No. 2nd St. in the C-2 zoning district

Mr. Willson requested a temporary trailer permit for a mobile food cart.

Willson said he would operate a concession stand that will arrive at 10:00 a.m. and operate until 2:00 p.m. Monday through Friday at the 2403 N. 2nd Street location.

Willson also noted he had received approval from the owner of the property at 717 W. Walnut and would like to also operate at that location.

Commissioners expressed concern about the two locations and decided to consider only the 2403 N. 2nd Street location at this time.

Motion by White, second by Brown to approve the temporary trailer permit at the 2403 N. 2nd Street location for a period of six months with the provision that it meets all life and safety codes and must provide to the Planning Office written permission from the property owner.

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

APPROVED

(Agenda Item #2)

Request by Gary Brandon Enterprises for assistance in obtaining a drainage easement from Ms. Vaughn-Davis (Sec. 106-172 of the Rogers Municipal Code included in packet)

This item has been withdrawn. This issue has been resolved.

(Agenda Item #3)

Revised Preliminary Plat for Chelsea Point requesting a reduction in side and front building setbacks in the RSF-4 zoning district

This item was tabled for two weeks.

(Agenda Item #7)

Preliminary Plat for Signature Subdivision on the south side of West Olive in the R-AH (Residential Affordable Housing) & RMF-6A (Residential Multi-family) zoning district

Kale Farmer, of Crafton, Tull and Associates, presented the preliminary plat.

Commissioner Brown of the Subdivision Committee explained that the committee wanted to leave this on the agenda as New Business so that the entire commission could be aware of the situation with this development. This is a tough site where it is almost impossible to meet the city design standards for the drainage. The underground drainage will take care of concerns of maintaining an open ditch. The street alignment because of the access easement to the south limited the alignment and fortunately there are only eleven lots in this development.

The Subdivision Committee reported the review of the plan and recommended approval subject to the following conditions as listed:

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 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 project is located in Zone "A", engineer must establish a base flood elevation and process a LOMR through FEMA prior to City Council acceptance of the final plat.

4. Developer has the option of dedicating the floodway (Lot 12B) to the City of Rogers or designating the area as a drainage easement.
5. Provide the building official and city planner with compaction tests for all ponds and fill areas.
6. Sidewalks must be 5' in width and ramped at all curb cuts to meet ADA specifications and installed on both sides of Rozelle St. and the south side of Olive St. 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 min. of five (5) feet behind the curb.
7. Interior sidewalks are the responsibility of the lot owner and must be installed prior to issuance of a Certificate of Occupancy.
8. Developer must post a 2-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 2-year period for construction of any sidewalks along vacant lots
9. 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 paid receipt for the lights. Carroll Electric will no longer install street lights. Each developer will be required to 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 then 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.

10. 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.
11. Dedicate a total of 50 feet of right-of-way for Rozelle St. by separate document. This document must also include a temporary construction easement and be recorded prior to the first inspection by the Rogers Street Department.
12. Provide a 1-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.
13. Provide the city planner with a draft of the proposed covenants prior to City Council acceptance of the final plat. Recorded covenants will be required prior to issuance of a building permit.
14. Street signs and stop signs must be cash-bonded prior to City Council acceptance of the final plat. Every "T" intersection will require 1 street sign and every "cross" intersection will require 4 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.

15. A street address must be shown for each lot on the final plat.
16. All finished floor elevations must be a minimum of two (2) feet above the base flood elevation and shown on the lot on the final plat.
17. An elevation certificate must be provided to the floodplain administrator and building official for every lot prior to issuance of a building permit. A final elevation certificate must be provided prior to issuance of a Certificate of Occupancy.
18. Developer to contact the U.S. Postmaster at 401 No. 8th St. to schedule type of mail delivery.
19. Identify all trees 6” or greater in diameter that will be removed.
20. The owner/developer will be responsible for any upstream or downstream flooding as a direct result of this development.
21. Provide the required information on the Rogers Monument Documentation Form prior to City Council acceptance of the final plat.
22. Provide the city planner with a copy of the final plat, utility plan and set 2 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
23. Provide the city planner with five (5) original copies of the recorded plat and

seven (7) copies for distribution to affected utilities.

24. Provide the City Clerk with 25 paper copies & an electronic copy of the ordinance that allows City Council to accept the final plat.

THE FOLLOWING PLAN REVISIONS ARE REQUIRED PRIOR TO ISSUANCE OF A GRADING PERMIT:

- Correct the zoning to be R-AH and RMF-6
- Add a note to the plat stating a fence is required on both sides of the channel
- The bottom of the channel must be concrete-revise the note on the plan
- Eliminate the two 90° bends and replace with two 45° bends
- All rip-rap must be replaced with grouted in place concrete

APPROVED.

Motion by Brown, second by Gosserand to approve the preliminary plat subject to the conditions as listed.

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

There being no further business, motion by Brown, second by White to adjourn the meeting. Meeting adjourned at 5:47 P.M.

ATTEST

APPROVED

Dan Brown, Secretary

Rhonda Freitag, Chairman