

**MINUTES**

The **Rogers Planning Commission** met for a *regular session* in the Council Chambers of the Maurice H. Kolman Building on Tuesday, July 5, 2011 at 4:30 P.M. The meeting was called to order by Vice Chairman Susan Mills in the absence of Chairman Chad Campbell. Those in attendance were led in the Pledge of Allegiance.

**MEMBERS PRESENT:**

Commissioners James Gosserand, Susan Mills, Ron Shelby, Mike Shupe, Don Spann, and Jim White. Chad Campbell, Mark Myers and David Thrasher were absent.

**OTHER OFFICIALS PRESENT:**

Mayor Greg Hines, Director of Planning and Transportation Steve Glass, City Planner Derrel Smith, Assistant City Planners Candy Anderson and Lori Stone, Administrative Assistant Donna Johnston, Water Utility Engineer Mark Johnson, Deputy Chief Prevention Allan Skogen, Main Street Director Kerry Jensen, Building and Inspections Director Mike Rouse, and Council Members Dan Brown, Betsy Reithemeyer, and Marge Wolf.

**ACTION ON MINUTES:**

(June 21, 2011)

**APPROVED.**

Motion by Spann, second by Gosserand to approve the minutes of the June 21, 2011 meeting as submitted. Voice Vote: Unanimous.  
**Motion carried.**

**REPORTS OF BOARDS AND STANDING COMMITTEES:**

None.

**OLD BUSINESS:**

(Agenda Item #1)

A Request by Rose Pawn LLC for a Conditional Use Permit to Allow a Pawn Shop in the C-2 (Highway Commercial) Zone at 2819 West Walnut. The Planning Commission has Been Asked to Consider Conditions of

Gene Kelley represented this conditional use request. Kelley said they had visited with Staff on the four conditions that will become a part of this conditional use permit and they are acceptable to their client.

Operation for a Conditional Use Granted by the Rogers City Council.

**APPROVED.**

Motion by Shupe, second by White to approve this conditional use permit subject to the following conditions:

1. No storage or display of any merchandise outside the business.
2. Must install a 6' privacy fence along the east property line that borders the play-ground area of the daycare center.
3. Hours of operation cannot exceed 8 A.M. to 9 P.M. Monday through Friday and 8 A.M. to 10 P.M. weekends.
4. There shall be no display of firearms for sale from outside the business or any wall or freestanding sign on the property.

Roll Call Vote: Unanimous.

**Motion carried.**

**PUBLIC HEARINGS:**

(Agenda Item #1)

A Request by Caleb Breeden to Rezone .88 Acres at the Northwest Corner of Laurel Road and South 8<sup>th</sup> Street from A-1 (Agricultural) to the I-1 (Light Industrial) Zoning District and 1.35 Acres from C-2 (Highway Commercial) to I-1.

Caleb Breeden represented this rezoning request. Breeden said they planned to start a transport business at this location Breeden said that in the future, they would like to add a wrecker service and used car sales.

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

The Public Hearing was declared closed.

Commissioner Shelby asked how long and how many vehicles would be stored at this location at one time. Breeden said only for

short periods and no more than four or five vehicles at one time.

Commissioner Mills asked if vehicles would be parked on Laurel Avenue. Breeden said they did not plan to have vehicles visible from the street. Breeden said they would eventually build a fence.

**APPROVED.**

Motion by White, second by Shelby to recommend this rezone request to City Council for approval. Roll Call Vote: Unanimous. **Motion carried.**

(Agenda #2)

A Request by Aloracare, Inc. for a Revised PUD Concept Plan on 37.68 Acres on the South Side of New Hope Road, East of Bellview Road.

**PULLED.**

Dirk Thibodeaux, Gray Rock Consulting, represented this revised PUD request. Thibodeaux said when the PUD was originally brought before you, the road alignment was a little different. The detention pond was in a different location. This revision corrects the alignment and they are also asking for an additional access to New Hope Road.

Commissioner White asked for an explanation of the realignment. Thibodeaux said it had to do with land acquisition. Because of the realignment, the detention pond will need to be moved. The additional access to New Hope Road was not on the original PUD plan. Commissioner White said, as part of the original PUD, there was to be no access granted to New Hope Road with the exception of Hampton Place. White asked what is the reasoning now for this additional access. Thibodeaux said he did not remember the one access being a part of the original PUD. White said he does remember the discussion on access. City Planner Smith said the original PUD requested another access on New Hope, but it was denied.

No one spoke in favor of this PUD revision.

Brent Berry, 1 Hampton Place, said he was directly across the street from the development. Berry said his recollection was there would be no other access granted because of the 50 MPH speed limit. Berry said the neighbors were concerned with traffic accidents and backup in this area. There is a hill going both ways which limits clear vision. Berry said the original PUD also called for a 25' deep landscaping screen that was to be put on New Hope Road across the front of the property. This has not been done. Berry said he would like to see the screen put in place. He also feels the additional access is for a shopping center.

Sandy Brannan, 6 Hampton Place, stated he also faced New Hope. There were great traffic concerns by the neighbors when this was built. There are blind spots at this location and it is difficult to get in and out of Hampton Place at times. Brannan said he remembers the original PUD wanting two accesses that were extremely close together. Another access would only create more danger. There is a lot of residential in this area.

Don Kendall, 3 Hampton Drive, said the neighbors had a lot of concern with the original PUD. There was a lot of compromise made and the neighborhood accepted what was approved for this PUD. The PUD we are seeing today is nothing like the one accepted and approved by this Commission. Kendall said they were shown pretty elaborate drawings and were told Hampton Place would become a boulevard with landscaping in the middle. That has never happened. Kendall said he does not understand why no one took them to task on

this. There was also to have been a 25' barrier on the front. That has never been done. A key agreement to the acceptance of the PUD was that Hampton would be access for the PUD. There was a street that came to the center of the PUD from the south and that would serve the PUD. Kendall said as far as he can tell, they are out of compliance with the road itself, the landscaping buffers, and now they want to add another access to New Hope. Kendall said the neighbors think all of these are serious matters. The neighborhood accepted in good faith what they thought would be done and none of it has been done.

The Public Hearing was declared closed.

Mr. Thibodeaux said he would like to address some of the comments. Regarding the 25' buffer, the buffer is there as he understands it. The green space and trees are also there. Commissioner Mills asked if what is out there today is all the landscaping planned. Thibodeaux said as he understands it. Some of the varieties of the trees may have changed, but none of the counts went down.

Commissioner Shupe asked about the park that was proposed on the southwest portion of the detention. Thibodeaux said it was originally part of the detention. The road alignment changed, the detention pond got moved, and the park was halted. They have had discussions about this with the owner. The new concept plan shows the park moved along with the new pond. The owners do plan to go ahead and develop the park. Commissioner Shelby asked if the park would be developed in the same timeline as the proposed building. Thibodeaux said yes.

Shelby asked if this area is R-O, what is the overwhelming reason why an entrance is needed off New Hope Road? Shelby asked, are we talking about impulse shopping or someone going to an office for an appointment? Thibodeaux said it is not a strip mall for impulse shopping. They are proposing a pharmacy for this location and the primary reason for the access is for the pharmacy. Thibodeaux said he was not sure what other type of business would be planned at this location. Commissioner Shelby stated the original PUD was to make this internal focused. The neighbors across the street have very developed homes on large lots. Shelby said he had no problems with making this R-O when it came through because of the protection the PUD allowed. The original PUD was like an office park. Shelby said he is concerned with what he sees in the revision—the protection of the neighborhood goes away. Thibodeaux said the R-O was to protect the neighborhood and the use by the developer. They are looking for businesses that support the PUD concept. Shelby asked then why does it have to front New Hope if its main focus is internal?

Commissioner White said a PUD is a zone that is usually worked out when there are multi-uses and an unusual shape parcel with access issues. This allows control by the City with some latitude for the owner. It is obvious when this came through, this Commission did not feel good about another access. This is obvious from the record, the drawings and the fact there is no development on New Hope. White said when he sees “The Shoppes at Jamestown” he is not thinking of medical offices. When he sees drive-ins, he does not see R-O. The road changing directions and the detention pond moving are not a problem.

The road is not a boulevard with trees down the middle, the park is not there, and as I drive by today, it appears work has started on New Hope. Thibodeaux said there is no earth moving to start making a pad for the building. There was some dirt moved, but Thibodeaux said he had recommended to the owner that not happen at this time.

Thibodeaux said the primary purpose and always has been is the anchor pharmacy on the corner of that piece of property.

Commissioner White said he does not see a pharmacy on the corner. He sees a 30,000-sq.-ft. building that is 400' long and approximately 70' wide. White said that is a tremendous difference from a drug store on the corner.

Commissioner Shelby asked if the shop area could be rotated 90 degrees and face the east. Thibodeaux said he could not answer that for the owners.

Commissioner Shupe said a PUD is a specific zone. If you move the building, change the square footage, etc. you invalidate the plan and have to start the process again. Shupe said what they see is not what they approved. Shupe said they were specific that no commercial would be east of Bellview. Shupe said he would not be prepared to approve what he sees today. The City wants the development, but it needs to be done in accordance with the approved PUD.

Mr. Thibodeaux asked if it would be possible to relook at the PUD and possibly meet with the adjacent property owners. Commissioner White said he could not speak for the property owners. They have made adjustments on their property to adjust to live on the five-lane highway. White said regardless of what the owners agree to,

what they said they were going to do with this piece of property needs to start happening. White said Commissioner Selby's suggestion to move the building around is very good.

Mr. Thibodeaux asked if they had the option to pull this request. Shelby said yes. Shelby advised Thibodeaux the changes submitted today are major changes to the approved PUD. They need to submit their plans based on what was approved in the original PUD. For the record, Mr. Thibodeaux asked to pull this request.

City Planner Smith said this Commission okayed the movement of the road to make the connections to go through due to ownership changes in the surrounding properties. Commissioner Spann asked how the street got built without the medians shown in the PUD. Smith said when this came through large scale, it came without the medians and no one caught it until the project was nearly completed.

Spann advised Mr. Thibodeaux that the Rogers City Council adopted a resolution not to allow commercial zoning use east of Bellview Road. The "Shoppes" building looks like a commercial development. The PUD needs to be an internal development as stated by Mr. Shelby and Mr. White and nothing fronted on New Hope Road with a second entrance.

There being no further business, the meeting adjourned at 5:10 P.M.

**ATTEST**

**APPROVED**

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James Gosserand, Secretary

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Chad Campbell, Chairman

