

**MINUTES**

The **Rogers Planning Commission** met for a *regular session* in the Council Chambers of the Maurice H. Kolman Building on Tuesday, April 6, 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, James Gosserand, Susan Mills, Mark Myers, Ron Shelby, Mike Shupe, David Thrasher and Jim White. Absent was Don Spann.

**OTHER OFFICIALS PRESENT:**

City Planner Derrel Smith, Assistant City Planners Candy Anderson and Lori Stone, Administrative Assistant Donna Johnston, Deputy City Attorney Jim Clark, Main Street Director Kerry Jensen and Council Member Larry Daniel.

**ACTION ON MINUTES:**

(March 16, 2010)

**APPROVED.**

Commissioner Mills stated on page 7315 under agenda item #1, line 3, the address should read 4032.

Motion by Mills, second by Gosserand to approve the minutes of March 16, 2010 as corrected. Voice Vote: Unanimous.

**Motion carried.**

**REPORTS OF BOARDS AND STANDING COMMITTEES:**

City Planner Smith stated the combined Developer's conference (Rogers, Bentonville and Lowell) will be held April 15 from 8:00 AM to 3:30 PM at the Clarion in Bentonville. Smith stated commissioners wanting to attend need to let him know as soon as possible. Smith said your registration fee will be paid by the City.

Smith said you have also been provided a 2035 regional transportation plan. Regional Planning would like this answered and returned to them or you can turn in to Staff,

and we will see they are delivered to Regional Planning.

City Planner Smith said AEP will be coming into Rogers for an aerial tree trimming of their major transmission line. Smith said no date has been set. We will have a week notice before this happens. Commissioner Myers expressed safety concerns with this operation. Smith said it is his understanding the company that will be doing this operation has done this all over the country. They have no safety concerns. Smith said this transmission line is in a wide right of way and terrain is difficult for trucks and booms. Smith said neighbors along this transmission line have been notified with door flyers. Smith said AEP stated they have not received any complaints as a result of these flyers.

Commissioner Shelby stated Large Scale Committee would like to move agenda item #1 under New Business, large scale waiver for the community pool in Lexington Subdivision, to the Consent Agenda.

**APPROVED.**

Motion by Shelby, second by Myers to move agenda item #1 under New Business to the Consent Agenda subject to the conditions listed below. Voice Vote: Unanimous. **Motion carried.**

**LSDP, Lexington Community Pool**

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. Provide a soils report signed and sealed by a professional engineer to be included with the building permit application.
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. Interior sidewalks must be 5' in width and they are the responsibility of the lot owner and must be installed prior to issuance of a Certificate of Occupancy.
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. All parking lots and drives must be hard surfaced.
10. All mechanical, electrical and air conditioning equipment must be screened from public view.
11. The entire facility must comply with the requirements of the Americans with Disabilities Act of 1990.
12. 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.**
13. The owner/developer will be responsible for any upstream or downstream flooding as a direct result of this development.

**THE FOLLOWING PLAN REVISIONS ARE REQUIRED:**

- Label the sidewalks as 5' in width.
- Provide an opaque fence along the west property line or provide a letter of credit with a time limit for constructing the fence.
- Replace the straw bales with sand and/or gravel bags.
- Add a building setback chart.

**APPROVED.**

Motion by Shelby, second by Campbell to approve the Consent Agenda. Voice Vote: Unanimous. **Motion carried.**

**PUBLIC HEARINGS:**

(Agenda Items #1)

Request by Frisco Tire & Auto for a Conditional Use Permit for Vehicle Sales and Service at 507 North Arkansas Street in the C-2 (Highway Commercial) Zoning District.

Mr. Higgins represented this conditional use request. Higgins said this will be a tire and automotive repair shop. There will be no vehicle sales.

Commissioner Shupe said this is on one of our major entrances on the Hwy 12 side of our City. Shupe asked what kind of vehicles would be stored overnight outside. Higgins said they may have two or three vehicles outside for customer pickup after hours. Most of the vehicles will be kept inside the building. Higgins said he will not do long term repair work unless he keeps those vehicles inside the building during repair.

Commissioner Myers asked where the tires would be kept until they are hauled off. Higgins said they will keep them in a trailer and once the trailer is full, they will take the tires to the recycling center in Bentonville. Shupe suggested the trailer be stored on the south side of the building. Higgins said they have a pad on the southeast side of the building for the trailer.

No one spoke in favor or in opposition to this conditional use request.

The Public Hearing was declared closed.

Commissioner Thrasher said he is glad to see this building occupied, but reminded Mr. Higgins this is a conditional use and if any of your good intentions of not leaving vehicles, tires, or any other eyesores outside,

or we receive a complaint, the conditional use permit can be reconsidered by this Commission. Commissioner Shelby said he agreed and encouraged, because of this location to one of the City’s entrances, this to be well-kept. Commissioner Shupe said this site has access to Lake Atalanta, and the City hopes someday to be able to run a trail through this area making the area an entrance into one of the City’s public parks system.

Commissioner Mills asked about the landscaping for the building. Assistant City Planner Anderson said the landscaping will have to be completed before the certificate of occupancy is issued.

**APPROVED.**

Motion by Myers, second by Shupe to approve the conditional use permit as requested. Voice Vote: Unanimous. **Motion carried.**

(Agenda Item #2)  
Request by Gray Rock Consulting to Rezone Approximately 3.98 Acres at 2918 Old Wire road from A-1 (Agricultural) to the R-DP (Residential Duplex-Patio) Zoning District.

Kevin McClafflin, Gray Rock Consulting, represented this rezoning request. McClafflin said this property has just been annexed into the City.

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

The Public Hearing was declared closed.

Discussions were held on the surrounding areas not annexed into the City. City Planner Smith said so far no one has requested to be annexed into the City.

**APPROVED.**

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

**NEW BUSINESS:**

(Agenda Item #1)

Request by Chris Bradley for a Wavier from the Large Scale Review Process for a Community Pool in Lexington Subdivision on the South Side of Garrett Road and South 37<sup>th</sup> Street in the RSF-5 (Residential Single-Family) Zoning District.

**MOVED TO THE CONSENT AGENDA**

(Agenda Item #2)

Request for a Temporary Concession Trailer for Coya Long (Mountain Snow) at 21<sup>st</sup> and Elm in the C-2 (Highway Commercial) Zoning District.

Coya Long represented this temporary trailer request. Long said this is at the same location and is the same product we have offered for the past two years. Long said the permit request is for six months starting May 1, 2010.

**APPROVED.**

Motion by Shupe, second by Mills to approve this temporary trailer permit for a period of six months. Voice Vote: Unanimous. **Motion carried.**

There being no further business, the meeting was adjourned at 4:55 P.M.

**ATTEST**

**APPROVED**

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Susan Mills, Secretary

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Jim White, Chairman