

MINUTES

The **Rogers Planning Commission** met in *regular session* in the City Council Chambers of the Maurice H. Kolman Building on Tuesday, October 20, 2009 at 4:30 P.M. The meeting was called to order by Chairman Don Spann. 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, Don Spann, and Jim White. David Thrasher was absent.

OTHER OFFICIALS PRESENT:

Director of Planning and Transportation Steve Glass, City Planner Derrel Smith, Assistant City Planner Candy Anderson, Project Manager Lance Jobe, Deputy City Attorney Jim Clark, Administrative Assistant Donna Johnston, Water Utility Engineer Mark Johnson, and Main Street Director Kerry Jensen.

ACTION ON MINUTES:

(October 6, 2009)

APPROVED.

Motion by White, second by Campbell to approve the minutes of October 6, 2009 as submitted. Voice Vote: Unanimous.

Motion carried.

**REPORTS OF BOARDS AND
STANDING COMMITTEES:**

City Planner Smith reminded the Commissioners there are two Public Hearings, the Master Street Plan and the Greenways Trail System, scheduled for Wednesday, October 21, 2009 at 3:00 P.M. and 4:00 P.M. Smith advised the Commissioners at least five Commissioners would need to be present to be able to hold the Public Hearings.

NEW BUSINESS:

(Agenda Item #1)

Request by Greg Berry for a Concession Trailer at the NE Corner of 8th Street and West

Mr. Greg Berry represented this request. Berry stated he planned to park this trailer behind the old Sportsco building. Berry

Walnut in the C-2 (Highway)
Commercial) Zoning District.

said his hours of operation would be 10 A.M. to 3:00 P.M. Monday through Saturday.

Commissioner Shelby asked if this would be a seasonal business. The ordinance for temporary trails being written more for the seasonal business was discussed. Shelby asked Mr. Berry what his plans would be after the six month conditional use expired. Berry said he is hoping Mr. Rife will be interested in selling or leasing the building at this location giving him a permanent location.

Mr. Berry provided the Commissioners pictures of the trailer, location site, and menu. Discussions were held on access to the trailer. Chairman Spann asked Mr. Berry if he would be hooked up to a sanitary sewer. Berry said no. There is a sewer system in the trailer. Berry said the tank is a 40-gallon tank that will be changed out once a week. The trailer also contains a 40-gallon water tank for sanitary use. Berry said the trailer comes with a diesel generator, but he would like to get a meter at the pole and go that route for power. Commissioner Gosserand asked Mr. Berry how he planned to dispose of the grease. Berry said it will be changed once every two weeks. The guy who delivers the grease will provide a grease tub where the grease will be dumped. The grease provider will take the used grease off site for recycling. Berry said there will be no nuisance of grease. The grease tub will set beside the Locke trash cans located in the back. Gosserand asked for the dimensions of the trailer. Berry said 24' x 8'. Commissioner Campbell asked if there was parking for customers. Berry said there would be 30 to 40 spots available.

Campbell asked Mr. Berry if he would have access to these spaces through his written

agreement to use this location. Berry said yes.

Commissioner Shelby asked Mr. Berry what his plans would be if he is unable to buy the building. Berry said he would look at moving to another location. Berry said he would prefer to be in Fayetteville during the summer time and that he had two spots picked out on College Street. Shelby asked Berry if he moved to Fayetteville for the summer would he look at coming back to Rogers in the winter. Berry said yes and asked if he did that would he have to apply for another temporary trailer permit. Shelby stated the temporary trailer permit was not set up to move the trailer around every six months. It was set up for the more seasonal vendor who could not operate financially in a permanent location because their business was seasonal. Shelby said with your type of business, the temporary trailer permit allows you to start your business while pursuing a permanent location. Commissioners Myers and White concurred. Shelby stated he would like to see something locate in the Sportsco building, but he did not want to see a business model come in that would move from Rogers to Fayetteville at different times of the year. Shelby said he would be sympathetic and possibly supportive to a business model testing the market before becoming permanent. Mr. Berry asked if he would have to obtain another permit to move the trailer from this proposed area to the Wal-Mart parking lot across the street if he would only be vending to Wal-Mart. Commissioner Gosserand said the reality is that is you are not going to have people carded to make sure they are Wal-Mart employees. You would sell to anyone who walked up to buy your product.

Shelby said having one temporary permit does not mean you can not be pursuing two permanent locations. Shelby said your model starts losing credibility when you start talking about different temporary locations. Deputy City Attorney Clark advised Mr. Berry his permanent location has nothing to do with his temporary trailer request. Mr. Berry was advised if he should decide to not put the trailer at the location requested today, he could not move the trailer to another location without coming back to this Commission with a temporary trailer permit request for the new location. What is on the agenda today is the 8th Street and Walnut location.

Commissioner Myers asked City Planner Smith what would need to be done to apply for a banner sign. Smith stated a permit would have to be applied for. Banners are issued for short periods of time.

Myers said he sees this area as another entrance to Rogers especially the downtown area. Myers told Mr. Berry he knew the trailer needed visibility, but it does not need to be an eyesore at this location. Berry said he would be off the road as he needed the space by the road for customer use. Commissioner Mills stated other committees within the City are looking to make this intersection more inviting by increasing the green space.

Commissioner Campbell asked about the truck that was granted a temporary trailer permit several months ago. Smith said that business is now located in a permanent facility.

Commissioner White said when the City drafted the temporary trailer ordinance it was done for two purposes—the seasonal

business and to allow someone with a permanent business concept to test the waters at a location. Commissioner White said he is not sure Mr. Berry is requesting this permit for either one of those purposes. White said it appears you have an investment in this trailer to use for just six months. Commissioner Mills agreed she thought the investment in the trailer would be hard to justify as temporary. Commissioner Gosserand stated he felt the Commission should at least give Mr. Berry the six-month opportunity. Mr. Berry is aware of the Commission's stand beyond the six-month time frame. Commissioners Myers and White agreed.

Discussions were held on where the Commission would like to see the exact location for this trailer. Chairman Spann asked Mr. Berry if he was aware there were nine to ten eating establishments within a two block radius of where the trailer would be located. Berry said yes.

Commissioner Campbell also advised Mr. Berry as a conditional use permit, any complaints could result in the conditional use permit being revoked.

Mr. Berry said the trailer is still in production and asked could the six months start from the time he planned to open and not today's date. City Planner Smith advised the Commissioners they could put a date on when the temporary trailer permit would start and the permit would expire six months after that date. Mr. Berry asked for the six months to start November 15, 2009.

APPROVED.

Motion by Myers, second by Gosserand to grant the conditional use permit contingent that the trailer be located to the north side of the Sportsco building or back of the

Locke building, that all Arkansas State Health Department requirements are met as well as City building codes for utility hookup, and the permit be granted for six months beginning November 15, 2009. Voice Vote: Unanimous. **Motion carried**.

(Agenda Item #2)

Request by HSG Holdings, LLC for Consideration of a Mass Grading Plan for Approximately 10 Acres South of the Embassy Suites in the C-2 (Highway Commercial) Zoning District.

Daniel Ellis, Crafton, Tull, Sparks & Associates, represented this request. Mr. Ellis stated his client wants to clean the lot up and plant some grass.

Commissioner Myers asked what type of fence would be used. Ellis said a 4' decorative wrought iron fence like they have used around the other ponds.

Large Scale Committee has met and recommends approval of this mass grading plan subject to the comments listed below:

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 by April 20, 2010. Erosion control methods must be used during construction and construction debris must be cleared from all stormwater structures.
2. Developer will be required to dedicate a 20' recreation easement as part of the Greenway Trail System when a Large Scale Development Plan or subdivision plat is submitted for consideration. Easement will be located in a location agreed upon by the developer and the City Planner.
3. 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.

4. The person financially responsible for the project must obtain a grading permit including a copy of the NOI, a copy of Stormwater Pollution Prevention Plan, and a copy of the Grading and Erosion Control Plan.
5. A copy of the Notice of Termination with ADEQ must be provided by April 20, 2010.
6. A perimeter buffer strip or acceptable alternative shall be temporarily maintained around the disturbed area. The minimum width for the buffer strip is 25' with a maximum width of 40'.
7. Provide the City Planner with a copy of the approval from AHTD to discharge storm water into their system prior to issuance of a grading permit.
8. The owner/developer will be responsible for any upstream or downstream flooding as a direct result of this development.
9. The entire site must be seeded or sodded By April 20, 2010.

THE FOLLOWING PLAN REVISIONS ARE REQUIRED:

- Add a fence around the large detention pond.
- An aerator or fountain is required for the large detention pond.

- Provide a 20' easement for Storm Sewer Line 1 since it serves offsite property.
- The permanent diversion ditch needs to be shown on the grading plan.
- Revise junction box detail note to show the city of Rogers "fish lid" is required.
- There is a ditch along the south side of Perry Road that captures flow from additional area to the south of Perry Road and east of Champions Drive that is shown in the drainage report for Area A1. Please revise. Also, the attached CTA Embassy Suites drainage report shows a slightly different drainage area boundary for the Embassy Suites.
- A drainage area for Storm Line 1 needs to be determined and flows calculated since none can be found from the old drainage reports. Provide a check to verify the capacity of the proposed pipe to carry the existing flows and future flows from this property when it is developed. Be sure to provide the HGL information as required.
- Assume post developed Tc for the shallow flow regime as paved rather than unpaved for Areas A1 and A2.
- The slopes and barrel lengths shown in the drainage report for the outlet culverts do not match those shown in the plans.
- Please explain the use of a Manning's n value of 0.014 in the Tc sheet flow calculation for the pre- and post-developed conditions for Area A2. This appears to be an open, grassy area which I would have expected a coefficient closer to 0.40.
- Provide a written response letter to all comments.

Note: Staff would recommend that the Planning Commission require the installation of "Scour Stop" instead of grouted riprap.

APPROVED.

Motion by Shupe, second by Myers to approve the mass grading plan subject to conditions listed. Voice Vote: Unanimous.
Motion carried.

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

ATTEST

APPROVED

Chad Campbell, Secretary

Don Spann, Chairman