

MINUTES

The **Rogers Planning Commission** met for a *regular session* in the Council Chambers of the Maurice H. Kolman Building on Tuesday, April 3, 2007 at 4:30 P.M. The meeting was called to order by Chairman Dan Brown. Chairman Brown asked those in attendance to offer a moment of silence in memory of Gary Ryel, who passed away unexpectedly on Saturday. Mr. Ryel served as a member of the Rogers Planning Commission from September 1985 until September 1999. After the moment of silence, those in attendance were led in the Pledge of Allegiance.

MEMBERS PRESENT:

Dan Brown, Chad Campbell, Rhonda Freitag, James Gosserand, Mark Myers, Mike Shupe, David Thrasher, and Jim White. Absent was Ron Shelby.

OTHER OFFICIALS PRESENT:

Director of Planning and Transportation Steve Glass, City Planner Derrel Smith, Assistant City Planner Candy Anderson, Project Manager Johnnie Long, Administrative Assistant Donna Johnston, Water Utility Engineers Mark Johnson and Earl Rausch, Main Street Director Marge Wolf, Assistant Fire Marshal Bill Rumsey, Parks Director Rick Stocker, and Council Members Larry Daniel, Bob Goodwin, and Betsy Reithemeyer.

ACTION ON MINUTES:

(March 20, 2007)

APPROVED.

Motion by Freitag, second by Myers to approve the minutes of the March 20, 2007 meeting as submitted.

Voice Vote: Unanimous. **Motion carried.**

**REPORTS OF BOARDS AND
STANDING COMMITTEES:**

None.

OLD BUSINESS:

(Agenda Item #1)

Reconsideration of a Site Plan for Kum N' Go With a New Proposed Driveway Configuration (Plan to be Distributed at the Meeting).

Jason Ingalls, Northstar Engineering, represented this item. Ingalls said this was on the last Planning Commission agenda, however, we asked that the item be tabled because the drives did not meet the City ordinance. Ingalls said his client is in agreement to removing the south drive and

keeping the north drive. Ingalls stated they would like to increase the north drive to 40’.

Large Scale Committee has met and recommends approval of the Kum N’ Go large scale development plan subject to the following conditions:

1. Drainage improvements must be completed and certified by the engineer of record, Northstar Engineering Consultants, Inc. with all ditches and basins solid-sodded, concrete-lines, or underground conduit installed prior to the 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 the issuance of a Certificate of Occupancy.
3. All signs will require separate permits.
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. **Architectural elevations must be approved by the Planning Department and submitted as part of the building permit package.**
6. Interior sidewalks are the responsibility of the lot owner and must be installed prior to issuance of a Certificate of Occupancy.
7. The developer must obtain an off-site drainage easement for all areas of discharge prior to the first inspection by the Rogers Street Department.

8. Developer to contact the U. S. Postmaster at 401 North 8th Street 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. Identify all trees 6” or greater in diameter that will be removed.
11. 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.
12. All parking lots and drives must be hard surfaced.
13. All mechanical, electrical and air conditioning equipment must be screened from public view.
14. Provide the City Planner with a copy of the approval from AHTD to discharge storm water into their system prior to the first inspection by the Rogers Street Department.
15. Provide the City Planner with a copy of the AHTD approval letter for curb cuts and sidewalks prior to the first inspection by the Rogers Street Department.
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 result of this development.

19. Provide the City Planner with a copy of the final site plan and utility plan on compact disk formatted for AutoCAD 2004 prior to issuance of a Certificate of Occupancy.

Large Scale Committee also recommends approval of the 40' north entrance drive along Dixieland. There will be no south drive.

APPROVED.

Motion by Myers, second by White to approve the LSDP for Kum N' Go.

Voice Vote: Unanimous. **Motion carried.**

CONSENT AGENDA:

Large Scale Committee has met and recommends moving item #1, LSDP, Lot 1A, Creekside Phase III on West New Hope Road, in the C-2 (Highway Commercial) zoning district to the consent agenda.

Motion by White, second by Myers to move the LSDP, Lot 1A, Creekside Phase III from new business to the consent agenda.

Voice Vote: Unanimous. **Motion carried.**

LSDP, Lot 10 Office – Metro Park North

1. Drainage improvements must be completed and certified by the engineer of record, Sand Creek 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. All signs will require separate permits.

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 5 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 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 minimum of 3' feet behind the curb (previously approved).
6. Interior sidewalks are the responsibility of the lot owner and must be installed prior to issuance of a Certificate of Occupancy.
7. Developer to contact the U.S. Postmaster at 401 North 8th Street to schedule type of mail delivery.
8. The proposed trash dumpster must be screened with a solid-type screening consistent with the architectural style of the building.
9. 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.
10. All parking lots and drives must be hard surfaced.
11. All mechanical, electrical and air conditioning equipment must be screened from public view.
12. The entire facility must comply with the requirements of the Americans with Disabilities Act of 1990.
13. 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.
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 a copy of the final site plan and utility plan on compact disk formatted for AutoCAD 2004 prior to issuance of a Certificate of Occupancy.

NOTE: The Planning Department has waived the loading requirement.

LSDP, Sheraton Hotel

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 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. All signs will require separate permits.
4. **Any alcohol sales will require a Conditional Use Permit from the Planning Commission.**
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. 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 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 minimum of 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. 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. Developer to contact the U.S. Postmaster at 401 North 8th Street to schedule type of mail delivery.
10. The proposed trash dumpster must be screened with a solid-type screening consistent with the architectural style of the building.
11. 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.

12. All parking lots and drives must be hard surfaced.
13. All mechanical, electrical and air conditioning equipment must be screened from public view.
14. The entire facility must comply with the requirements of the Americans with Disabilities Act of 1990.
15. 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.**
16. The owner/developer will be responsible for any upstream or downstream flooding as a direct result of this development.
17. 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.

LSDP, Creekside Phase III, Lot 1A

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 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. **Any alcohol sales will require a Conditional Use Permit from the Planning Commission.**
6. 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.
7. Trees are required in the front landscape buffer not less than 20 feet apart.

8. 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 minimum of 6' feet behind the curb.
9. Interior sidewalks are the responsibility of the lot owner and must be installed prior to issuance of a Certificate of Occupancy.
10. 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.
11. Any street with a slope greater than 9% must be heavy-duty concrete with a rough surface.
12. Developer to contact the U.S. Postmaster at 401 North 8th Street to schedule type of mail delivery.
13. The proposed trash dumpster must be screened with a solid-type screening consistent with the architectural style of the building.
14. 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.
15. All parking lots and drives must be hard surfaced.
16. All mechanical, electrical and air conditioning equipment must be screened from public view.
17. Provide the City Planner with a copy of the approval from AHTD to discharge storm water into their system.
18. Provide the City Planner with a copy of the AHTD approval letter for curb cuts and sidewalks.
19. The entire facility must comply with the requirements of the Americans with Disabilities Act of 1990.
20. 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.**

21. The owner/developer will be responsible for any upstream or downstream flooding as a direct result of this development.
22. 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 ITEMS WERE APPROVED BY THE BOARD OF ADJUSTMENT:

- Allow the front landscape buffer on Huntington Drive to be reduced from 25' to 15'.
- Allow a portion of the parking lot along New Hope Road to encroach into the 25' front landscape buffer.

Large Scale Committee also recommends the following conditions:

1. Revise the site plan to meet the required amount of parking spaces prior to issuance of large scale approval letter.
2. The plans need to show the 15' landscaping buffer along Huntington that reflects the approved variance.

APPROVED.

Motion by White, second by Myers to approved the consent agenda for LSDP, Lot 10 Office – Metro Park North; LSDP, Sheraton Hotel; and LSDP, Creekside Phase III, Lot 1A. Voice Vote: Unanimous. **Motion carried.**

PUBLIC HEARINGS:

(Agenda Item #1)
Request by Sunday Properties for Consideration of a PUD (Planned Unit Development) Concept Plan for Approximately 10.05 Acres at the Northeast Corner of Bellview Road and Ajax Avenue.

Bill Watkins represented this PUD request. Mr. Watkins stated the applicant's original request came to this Commission as a rezone request. It was approved as a C-2/R-O combination zoning by this Commission and rejected by City Council. It was determined the best way to submit this project again would be in the form of a PUD. We are again submitting as a C-2/R-O combination. Watkins stated they have met with the neighbors immediately to the east. They asked for a berm on the eastern

boundary which is shown on the concept drawings. Watkins stated this piece of property straddles three prospective uses on the City's long range planning map. The southwest corner conforms with the commercial use. The central part is R-O. The back corner in the City's planning map shows medium density residential. Watkins stated the PUD concept you see today conforms with the City's long range planning map.

No one spoke in favor or in opposition to the PUD concept plan.

The Public Hearing was declared closed.

Commissioner Shupe stated the buffer proposed is very expensive in cost of land and construction. I applaud your efforts. This PUD has my support.

Commissioner Thrasher stated he supported this plan in the previous meeting. I commend everyone for their efforts in making this an even better plan. Commission Myers agreed.

Commissioner White stated he was one of the Commissioners who voted against this at a previous meeting. White stated since that meeting, he had spent some time with Mr. Watkins as well as the Roller's. White stated he still has some concerns about changes that will occur in this area if this PUD is approved.

APPROVED.

Motion by White, second by Campbell to Approve this PUD as submitted. Voice Vote: Yes -7 No -1. **Motion carried.**

(Agenda Item #2)
Request by Orville Hasty to Rezone
Approximately 2.52 Acres at the

Orville Hasty represented this rezoning request. He stated growth is happening so

Northwest Corner of Bellview Road
And Pleasant Grove Road from A-1

(Agricultural) to the C-2 (Highway
Commercial) Zoning District.

fast in this area that he could not see how his request could be turned down.

Commissioner White asked Mr. Hasty if he had considered C-3 zoning. Mr. Hasty Stated if he could get a car wash with C-3, he would be ok with that. White said a car wash would be conditional use in a C-3.

No one spoke in favor of this rezoning request.

Greg Uecker, 5209 42nd Street stated he lived directly behind Mr. Hasty's store. When I bought my house, I was told this property had been turned down for commercial zoning many times. I felt this would be a safe precedence that I would not have commercial property behind my house. I do not see anything that has changed significantly that would say this property should be commercial. Mr. Uecker said there is a lot of agricultural in this area. If you zone one area commercial, what will keep additional commercial from coming.

Joe Brown, 5211 42nd Street, stated his property backs up to the lot in question. I agree with Mr. Uecker's comments. If anything has changed, this area has become more residential. We are not opposed to the land being developed. We just want to see it developed in a community responsible manner.

Commission Brown asked for a show of hands who were in opposition to this request. It was noted there were seven oppositions.

The Public Hearing was declared closed.

White stated he did not see this as highway commercial. White said he knows the

neighbors are concerned about what they see at the back of their houses, but even today, they are not looking at residential. White stated this Commission has worked hard on the C-3 zone. I can see this as a possible C-3.

Commissioner Thrasher stated this Commission approved this property as C-3 one time and City Council turned it down. I question if it will be able to get a C-3. Thrasher said we have good controls on C-3 that were not in the ordinance at the time. Thrasher said R-O seems more viable. C-2 is not what this property should be zoned.

Commissioner White said at the present time what is there is a convenience store. He asked Mr. Hasty if he had any feelings about amending his request. Mr. Hasty said he would like to amend to C-3. He stated his land was worth more as commercial than it would be residential. No one would want a residence on a five-lane street.

Chairman Brown advised everyone that Mr. Hasty would like to revise his rezoning request from C-2 to C-3. Brown stated C-3 has much stricter requirements for the exterior of the building. The buildings have to be wood, brick or rock with less than 20% of the building being metal which will give a more residential look. The uses are limited to neighborhood services such as dry cleaners, beauty shops, insurance agencies, etc. The height restrictions are limited to 35' tall. C-2 can go up to 150' tall. There is also lighting restrictions. Conditional use requests for C-3 can be limited to hours of operation.

Commissioner Gosserand asked if restaurants are allowed. City Planner Smith said sit down restaurants are allowed.

Commisisoner Freitag said she could support C-3 in this area.

Commissioner Campbell asked how this piece of land would fit into the reconfiguration of Pleasant Grove Road. City Planner Smith said in the future, Pleasant Grove will line up and the main intersection will move further south closer to the school.

Commissioner Myers said he agreed with Commissioner Thrasher that R-O would be a good use for this land, however, he felt C-3 might be better for the neighborhood because of some of the controls in place.

APPROVED.

Motion by Myers, second by White to recommend to City Council for approval the rezoning of this property as revised to C-3. Roll Call Vote: Unanimous. **Motion carried.**

(Agenda Item #3)

Request by First Baptist Church for a Conditional Use Permit to Operate a Day Care Facility and Private School on Approximately 61.89 Acres South of Pleasant Grove Road, Between Bellview Road and Mills Place in the A-1 (Agricultural) Zoning District.

Matt Crafton, Crafton, Tull, Sparks & Associates, represented this conditional use permit request. Mr. Crafton said this request is in conjunction with a LSDP for the Church that will be presented under today’s new business. Crafton said the Church is presently operating a school and one day a week daycare at their present location. We would like to continue these programs at the new location.

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

The Public Hearing was declared closed.

APPROVED.

Motion by Thrasher, second by Campbell to approve this request for a conditional use permit for an indefinite period of time. Voice Vote: Unanimous. **Motion carried.**

(Agenda Item #4)

Request by Verizon Wireless for a Conditional Use Permit to Construct a Cellular Antenna Tower on Approximately 0.0367 Acres Between 1804 and 1904 West Oak Street in the R-SF (Single Family) Zoning District.

Adam McBrayer represented this conditional use permit request. Mr. McBrayer provided a picture to the Commissioners as well as the audience of what this tower would look like after completion. McBrayer said Verizon's plans are to construct a 90' bell tower that acts as a stealth tower to allow co-location for multiple carriers and provide needed coverage to this area. McBrayer stated he has worked very hard with Candy Anderson, Assistant City Planner, as the City has a very restrictive tower ordinance. McBrayer said he has taken the community in mind in developing the tower plans. We understand this will be a two step process. First, we are applying for the conditional use permit and second, we will be coming to this Commission with a large scale development plan. In the LSDP, we will have a lot more information concerning the design. McBrayer provided information about the tower location at the Police Station.

Commissioner Campbell asked the height of the tower at the Police Station. City Planner Smith said 300'.

Commissioner Myers asked if a full 90' would be needed. Myers stated the information given to us shows 58'. McBrayer said we had originally requested 120', however, our engineer feels 90' will meet our needs as far as capacity is concerned.

Chairman Brown asked David Krutsch, Airport Manager, to speak to the Commission prior to opening the Public Hearing. Krutsch said he was here today not in favor or in opposition to this request, but rather to reinforce the importance of protecting approaches and air space to the Airport. The City, State, and Federal Governments have embarked upon a fairly substantial capital improvement program at the Airport. We are investing millions of

dollars in infrastructure. The City has an airport hazards ordinance in place today. The State of Arkansas also has additional regulatory requirements covering air space around municipal airports in the State of Arkansas. Those standards are different than the FAA and City ordinances. Krutsch said he did appreciate the need for enhanced cell phone coverage in the Rogers area, but I do ask your consideration in making sure that Mr. Glass, Director of Planning and Transportation, Mr. Smith, City Planner, and myself have the opportunity to carefully scrutinize these cell phone towers as they could affect the Airport's air space. Chairman Brown asked Krutsch if he had any problem with this particular request. Krutsch said what has been presented to me is different information than what has been presented today. Normally, we do have a process that starts with FAA review. A form would need to be submitted by Verizon or their representative to the FAA. Once we get the results from the FAA, we compare those to future plans and State requirements. Upon that review, we would provide that information to the Planning Staff. Commissioner Shupe asked Mr. Krutsch if he were asking this Commission to wait until these reviews have been completed before acting upon this request. Krutsch stated he had talked to Mr. McBrayer before the meeting. He has indicated they are planning on submitting to the FAA and will provide any additional information that I do not have. Krutsch said we should have a review available when this comes back as a LSDP. Commissioner Shupe reminded everyone that review could take 45 to 60 days.

Randy Burris, 1275 West Laurel, stated he is the pastor of Rogers Freewill Baptist Church. He said this will be a real blessing to our Church. Not only will this look good, but our Church will be receiving a monthly income off the

lease. Our Church members are excited about this additional income.

Thomas Loyd, 708 Hankins Avenue, Lowell, AR, stated he attends Rogers Freewill Baptist

Church. He stated he would like to compliment Verizon on the good looking structure they have proposed. We do not think this will take away from the appearance of our property. The plans are to build on the backside of our property which will not put the tower at anyone's front door.

Craig Jefferson, 905 South 20th Street, stated he lives about 300' from the site of the proposed tower. Mr. Jefferson provided the Commissioners a petition with 80 signatures against this tower. Jefferson stated there are many in the audience who oppose this request. Chairman Brown asked those opposed to stand. Twenty people were in the audience opposed to this request. Mr. Jefferson said he has lived in the same house for 20 years. The people who signed the petition only live a full block from the site. We respect the Church's desire to add to their budget, however, we are the ones who live here. We will be looking at the tower as we come home, walk around the neighborhood, sit on our porches and even out our front and back doors. We understand cell towers can be disguised, however, they will still look like towers. We see this as visual blight. We have an understanding there is a potential humming noise problem with the tower. We want to keep our neighborhood more visibly residential.

Tim McClung, 911 South 19th Street, stated he, his wife, and four children live right behind the site. I appreciate the Church needing to increase revenue for their youth ministry, however, I am concerned about possible health issues with close proximity to cell towers. McClung stated he was also concerned with the impact this

tower will have on the value of his home. The tower will be directly out my back door. I want to be a good neighbor to the Church, but the interest of my family comes first.

Commissioner Gosserand asked if anyone had any research with them that speaks to possible health issues. No one said they did.

Kay Weiderhaft, 920 South 19th Street, stated she lives directionally diagonal from the site. Weiderhaft said she will be able to look out her front door and see this tower. If we have a 300' tower less than a mile away, why do we need a tower in a residential neighborhood. Could you not find a better location outside a residential area?

The Public Hearing was declared closed.

Chairman Brown asked if this would be a functional bell tower. Mr. McBrayer said it could go either way, however, they would not want to impose that upon the neighborhood if they did not want a functional bell tower.

McBrayer asked if he could address three of the concerns that were brought up. He stated health is regulated by the Federal Government. We comply with all of the Federally mandated rules. As far as use of the lot, it is currently empty. Concerning a better location, cell towers are really dependent upon location. They do two things—they have capacity and coverage. Coverage is the most important, but as communities grow, capacity does become important. Cell phones are limited to their power and have to meet all FCC regulations. Because of the limited power, tower selection sites are very limited. Mr. McBrayer said he could understand opposition to a tower the size of what was located at the Police Station in a residential community. He stated we have taken steps to design a tower that is very respectful of

the community. The tower will not generate any more noise than an average size air conditioning unit at an average size house. Mr. McBrayer said they did provide contact information on the notice. We have been available to discuss with the neighbors any concerns they might have. Mr. McBrayer said this location is important to us to fulfill our obligation to the FCC, and we can establish that information. We are asking for approval today with this step. Any concerns can be addressed at the large scale presentation. Mr. McBrayer stated we are mindful that we have to meet the needs of the Airport, and are willing to provide any information needed for Federal, State, or local approvals.

Commissioner Shupe asked if the tower would be lighted. McBrayer said there will be lighting for security. There will be no display lighting. Shupe asked if a more powerful tower could be put in at the Police Station location. McBrayer said we are already co-locating on that tower. This tower is still needed, and I have that documentation with me. Shupe said you have made a good case, but we do have to take into consideration our citizens when we vote. McBrayer said we have complied with everything in your City ordinance, however, we would be willing to meet with the neighbors to try and work through their concerns.

Commissioner Gosserand asked if co-locating meant you are sharing with other carriers. Mr. McBrayer said yes. Co-location is any time you do not have to build the structure. You are dealing with land and/or tower owners to gain permission to put antennas on that tower. We can provide the City maps that show where we have tried to co-locate. Sometimes we can not co-locate if the tower is full or will not work structurally. Gosserand asked if you can add capacity to the Police Station tower, why won't that work. McBrayer said we do not have

enough space on that tower to add additional antennas. McBrayer also reminded everyone the FCC has mandated how powerful a tower can be. McBrayer said, although this will be a Verizon tower at this location, other carriers will be able to co-locate at this site. We will allow this co-locating because the City ordinance encourages co-locating. Commissioner Gosserand asked if it was in Verizon's best interest to put the most powerful antenna at this location. Mr. McBrayer said yes. We will put in the highest grade antenna allowed for this site.

Commissioner Myers asked if it would be possible to locate this antenna much closer to the intersection of Oak and Dixieland so the bell tower would be located more in front of the Church. Mr. McBrayer said we are limited at this location because of the amount of screening and setback requirements the City will require. Myers asked if the equipment at the base of the tower could be located in a location behind the Church. McBrayer said he was not an engineer, but theoretically he thought moving the switching equipment and generator to the back of the Church would be possible. We would have to see if we could make a lease that would allow that. Myers said that seems to be more palatable to the neighbors. Myers also asked if the tower were shorter, would it still meet Verizon's needs. McBrayer said the City's ordinance allows 90'. If we built lower than 90', we would not meet the coverage or capacity that we would need.

Commissioner Campbell asked how long did Verizon anticipate it would take this tower to reach full capacity. Mr. McBrayer said there is no projections on how long the capacity will last.

Commissioner White said what he is reviewing says 58'. Ninety feet is almost twice that

height. What I am seeing today looks like a sign at a church, but I am not sure at 90', it will still look like a sign at a church. Mr. McBrayer said if we built a 50' tower, we would have to build two 50' towers. Commissioner Myers said he would rather have one tower at 90' than two towers at 58'. Commissioner Myers said he thought the tower at the front of the church is not as intrusive to the neighbors. Commissioner White said unfortunately, that is not what is before us today as this request specifies the location of the tower as well as specific height.

Commissioner Freitag asked how tall is a typical water tower in the City of Rogers. Mark Johnson, Rogers Water Utilities Engineer, said the one to the west is 145'.

Mr. McBrayer said Verizon is willing to work with the City and the community to come up with something acceptable. Myers said he would like to see a 90' tower in a location that minimizes impact to the community. Myers said he feels putting the tower in the front of the Church and the equipment at another location minimizes impact.

McBrayer said they are planning on putting up a brick wall to match the Church around the equipment for concealment. Myers said you would still have a wall 7' to 8' tall to conceal the equipment. If the intent of Verizon is to have minimal impact, I think it would be worth your effort to look at doing something else at this site.

Commissioner Thrasher gave a little history on this site. He stated this site was vacant until the Church located to the site. A bank tried to build at this site at one time. The neighbors definitely did not want a bank at this site, and the Planning Commission Meeting was one of the most contemptuous meetings I have ever attended. The citizens that live in this location have some

very viable concerns. Thrasher suggested the applicant might look at addressing these concerns outside of this meeting. Thrasher said meet with the neighbors, be considerate of their needs, and get things worked out before you come to Planning Commission. Mr. McBrayer asked if the Commission could vote on his request today contingent on Verizon meeting with the neighbors. Commissioner Thrasher said it can not happen that way. Commissioner Shupe said it could take more than one meeting to get the neighborhood support.

McBrayer asked the Commission to table his request to give Verizon time to meet with the neighbors. He asked if the Commission would like any additional information that was not provided today. Chairman Brown stated we just need to see some agreement between Verizon and the neighbors.

TABLED.

Motion by Campbell, second by Shupe to table this conditional use permit request until the first Planning Commission Meeting in May. Voice Vote: Unanimous. **Motion carried.**

(Agenda Item #5)
Request by Ada Vallejo for a Conditional Use Permit to Operate a Real Estate Office at 1716 West Walnut in the R-SF (Residential Single-Family) Zoning District.

Mr. Vallejo represented this conditional use permit request.

Commissioner Shupe asked about access on the Highway. Mr. Vallejo explained how they proposed to access the highway. Shupe reminded everyone if the property changed ownership, the conditional use permit would go away.

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

The Public Hearing was declared closed.

Shupe stated he had received a letter from Mr. John Sporleder against this request. Discussions

were held on paved parking as the City ordinances require paved parking.

APPROVED.

Motion by Myers, second by Gosserand to approve this conditional use request with the contingency that a large scale or large scale waiver for parking be submitted before actual issue of the permit.

Voice Vote: Unanimous. **Motion carried.**

NEW BUSINESS:

(Agenda Item 1)

LSDP, Lot 1A, Creekside Phase III on West New Hope Road and in the C-2 (Highway Commercial) Zoning.

MOVED TO CONSENT AGENDA

(Agenda Item #2)

LSDP for First Baptist Church on Approximately 61.89 Acres at the Northwest Corner of Bellview Road and Mills Place in the A-1 (Agricultural) Zoning District.

Matt Crafton, Crafton, Tull, Sparks & Associates, represented this large scale development plan. He thanked the Commission for taking the time to honor the memory of Gary Reil. Crafton said Crafton Tull has partnered with Hight-Jackson on this project. It is approximately 120,000 sq. ft. The Church will be moving from 8th and Olive to this location. A 20' trail easement, as part of the Blossom Way Trail, will be donated to the City. Crafton said there has been some concern about the access drive off Pleasant Grove Road. He said he had talked with City Planner Smith. Crafton said the Church's request is still to just allow one drive for in and out.

Commissioner Myers said Large Scale Committee would need to see a traffic study before we could agree with that. If you pay for the traffic study, my suggestion would be to apply that expense on an additional drive. Commissioner White said you are going to need the drive at some point in time. Large Scale feels you should go ahead and build it now.

Mr. Gary Jackson, representing Hight-Jackson, said the capacity of the Church could be 3,000 people. Phase I is for 1,200 people, and we feel the drive, as designed, is adequate. It will take many years for the Church to meet the 3,000 number. Jackson said we are not opposed to making three lanes onto Pleasant Grove.

Large Scale Committee has met and recommends approval of the large scale development plan for First Baptist Church of Rogers subject to the conditions listed:

1. Drainage improvements must be completed and certified by the engineer of record, Crafton, Tull, Sparks & Associates, 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 site inspection from the Planning Department prior to issuance of a Certificate of Occupancy.
3. All wells must be located and abandoned by a State-licensed and bonded driller in accordance with State requirements.
4. Provide the Building Official and City Planner with compaction tests for all ponds and fill areas.
5. All signs will require separate permits.
6. 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.

7. Developer to dedicate a 20' recreation easement as part of the Greenway Trail System.
8. Interior sidewalks are the responsibility of lot owner and must be installed prior to issuance of a Certificate of Occupancy.
9. The developer must obtain an off-site drainage easement for all areas of discharge.
10. Dedicate a total of 40 feet of right-of-way from the centerline of Bellview Road prior to issuance of the large scale approval letter. Improvements to Bellview Road will be waived due to ROW dedication; however, the developer must provide cash in lieu of sidewalks prior to issuance of a Certificate of Occupancy.
11. Any proposed day care of school will require a conditional use permit.
12. 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.
13. Developer to contact the U. S. Postmaster at 401 North 8th Street to schedule type of mail delivery.
14. Identify all trees 6" or greater in diameter that will be removed.
15. 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

copy of the Grading and Erosion Control Plan.

16. All parking lots and drives must be hard surfaced.
17. All mechanical, electrical and air conditioning equipment must be screened from public view.
18. The entire facility must comply with the requirements of the Americans with Disabilities Act of 1990.
19. 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.**
20. The owner/developer will be responsible for any upstream or downstream flooding as a direct result of this development.
21. Provide the City Planner with a copy of the final site plan and utility plan on a compact disk formatted for AutoCAD 2004 prior to issuance of a Certificate of Occupancy.

Large Scale also recommends a 250' turning lane onto Pleasant Grove Road.

APPROVED.

Motion by Myers, second by White to approve this large scale development plan subject to the conditions listed.

Voice Vote: Unanimous. **Motion carried.**

(Agenda Item #3)
LSDP for the Tyson Parking Lot Expansion on the East Side of Highway 71-B in the I-2 (Heavy Industrial) Zoning District.

Rob Graham represented this large scale development plan. Graham said this was submitted back in 2001. A drainage pond has been added to help drainage. Graham said

most of the water that comes to the pond is not Tyson runoff.

Commissioner Shupe asked where the drainage ultimately went. Mr. Graham said it goes under the parking lot straight south and then to the railroad tracks. Shupe said your report shows you did not detain enough to meet the ordinance. Graham said the detention pond will have 21,000' of detention and should meet the ordinance. Shupe reminded Mr. Graham he would have to certify it meets the ordinance.

Large Scale Committee has met and recommends approval of this large scale development plan subject to the following conditions:

1. Drainage improvements must be completed and certified by the engineer of record, William Graham, Jr., Inc., with all ditches and basins solid-sodded, concrete-lined, or underground conduit installed. 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.
3. Landscaping must be installed and a three-year guarantee submitted on plant replacement or provide a letter of credit. 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.
4. 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.

5. All parking lots and drives must be hard surfaced.
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 a copy of the site plan and utility plan on compact disk formatted for AutoCAD 2004.
9. **Provide a letter of agreement between Tyson and the property owner to the south about drainage and off-site improvements on the Torabi property prior to issuance of a grading permit.**

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

- Show the 100-year WSE on the detention and provide a cross section.
- Add a vicinity map, pre-developed drainage map and post-developed drainage map in the drainage report.
- Due to the limited amount of cover over the underground system and pipes and the fact that the area will be used for semi trucks, we recommend RCP instead of CMP to prevent crushing of the system.
- Provide pipe calculations for all storm water pipes.
- Provide calculations for the existing pond capacity and any modifications.
- Provide acreage of proposed parking lot to verify landscape requirements.

APPROVED.

(Agenda Item #4)
LSDP for a Parking Lot at the City of Rogers’
Northwest Park on the East Side of 13th
Street.

- Show adjacent zoning districts.

Motion by Myers, second by White to approve this large scale development plan subject to the conditions listed.

Voice Vote: Unanimous. **Motion carried.**

Rick Stocker, Director of Parks, represented this large scale development plan. Stocker Stated not only will this help parking in the park, but will also help the school.

Commissioner Shupe said the detention does not meet the ordinance. Earl Raush, Rogers Water Utilities Engineer, explained the reason for not providing detention was to avoid having to cut down the trees in the park. City Planner Smith said there is no flooding on 13th Street.

Large Scale Committee has met and recommends approval of this large scale development plan subject to the following conditions:

1. Drainage improvements must be completed and certified by the engineer of record, with all ditches and basins solid-sodded, concrete-lined, or underground conduit installed. 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.
3. Landscaping must be installed and a three-year guarantee submitted on plant replacement or provide a letter of credit. 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.

- 4. 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. Sidewalks must match any existing sidewalks in the area and include truncated domes at the handicap ramps.
- 5. Stop signs must be in place and installed by the time the baseball season has begun.
- 6. 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.
- 7. The owner/developer will be responsible for any upstream or downstream flooding as a direct result of this development.

Large Scale also recommends the following waiver:

- Section 10E of Ordinance No. 94-35 allows the Planning Commission to waive the requirement that no more than one cfs may leave the site without providing detention.

APPROVED.

Motion by White, second by Gosserand to approve this large scale development plan subject to the conditions listed.

Voice Vote: Unanimous. **Motion carried.**

There being no further business, motion by Campbell, second by Gosserand to adjourn the meeting. Meeting adjourned at 6:20 P.M.

ATTEST

APPROVED

Chad Campbell, Secretary

Dan Brown, Chairman

