

MINUTES

The **Rogers Planning Commission** met for a *regular session* in the Council Chambers of the Rogers City Hall on Tuesday, September 5, 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, Chad Campbell, Rhonda Freitag, James Gosserand, Mark Myers, Ron Shelby, and Jim White. Absent were Mike Shupe and David Thrasher.

OTHER OFFICIALS PRESENT:

Director of Transportation and Planning Steve Glass, Senior Planner Derrel Smith, Assistant City Planners Candy Anderson and Joe Hurst, City Attorney Ben Lipscomb, Administrative Assistant Donna Johnston, Rogers Water Utility Engineer Mark Johnson, Fire Marshal Travis Hollis, and Councilman Larry Daniel.

ACTION ON MINUTES:

(August 15, 2006)

APPROVED.

Motion by Brown, second by Myers to approve the minutes of the regular meeting for August 15, 2006 as submitted.

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

**REPORTS OF BOARDS AND
STANDING COMMITTEES:**

Senior Planner Derrel Smith stated developers have come to us in recent weeks asking about letters of credit for sidewalks. Right now our policy is that they provide 100% of the sidewalks for two years. Since we have been doing this, we have never cashed a letter of credit for sidewalks. For some of the larger subdivisions, this is an extremely large amount of money (\$750,000 or more for some subdivisions). Smith stated some developers met with us at a Subdivision Review Meeting. The Subdivision Committee recommended that we look at a 25% requirement in lieu of 100%. The Committee felt this would still provide the City protection. We would require the sidewalk inspection to be part of the building sign off inspection. No Certificate of Occupancy would be provided unless the sidewalk was in. If something should fail, we would have the 25% to fall back on if needed. Smith stated

he felt we should try this and if it doesn't work, we can always come back to the 100% requirement. Smith stated if we change the requirements, the worse case scenario would be a subdivision is developed and only two houses get built. If that should happen, the City would only have the 25% to cash in. Smith said anything along a public street, detention pond, or common area would have to be installed before final plat.

Commissioner Brown said if this Commission makes a recommendation to send this to City Council then our ordinance would have to be changed.

Chairman Freitag asked if the two year stipulation would still be enforced. Smith said it would. Brown stated if the sidewalk was not built within two years, the City would call in the letter of credit and the City would build the missing pieces of the sidewalk. Brown stated because we have never had to call in a sidewalk letter of credit, the Subdivision Committee is reasonably comfortable with the 25%. Derrel reminded the Commissioners a Certificate of Occupancy can not be obtained until the sidewalks are built.

APPROVED.

Motion by Brown, second by Myers to recommend to City Council for approval the proposed change of reducing the developer's letter of credit on sidewalks from 100% to 25%.

Roll Call Vote: Unanimous. **Motion carried.**

OLD BUSINESS:

(Agenda Item #1)
Request by Martin Gonzalez to Rezone 210 North 7th Street from R-DP (Residential Duplex-Patio) to the R-O (Residential Office) Zoning District.

No one was available to represent this rezoning request.

Chairman Freitag advised the Commissioners this was moved to today's agenda because no one was available to represent this request at the previous meeting. Senior Planner Smith stated the applicant had been called about today's meeting.

City Attorney Ben Lipscomb advised the Commissioners of options they had on addressing this agenda item.

APPROVED.

Motion by Myers, second by Shelby to remove this piece of action from the agenda.

Roll Call Vote: Unanimous. **Motion carried.**

(Agenda Item #2)

LSDP for the White Oak Station at the Corner of Promenade Blvd. and New Hope Road in the C-2 (Highway Commercial) Zoning District.

Tung Tang, CEI Engineering, represented this large scale development plan. Mr. Tang stated several changes had been made from the last submittals.

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, CEI Engineering 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. The entire development must comply with the requirements of the overlay district.
3. Provide the Building Official and City Planner with compaction tests for all ponds and fill areas.
4. All signs will require separate permits.
5. The portion of the site labeled as “Future Development” will be required to go through the Large Scale Review process and a drainage report will be required.
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 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 five (5) feet behind the curb.
9. 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.
10. The platted 30’ utility easement must be vacated and the new utility easement in place prior to issuance of a building permit.
11. Developer to contact the U.S. Postmaster at 401 North 8th Street 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 developer 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. Provide the City Planner with a copy of the details for the proposed 10' retaining wall, signed and sealed by a structural engineer prior to issuance of a building permit.
16. All mechanical, electrical and air conditioning equipment must be screened from public view.
17. Provide the City Planner with a copy of the AHTD approval letter for curb cuts and sidewalks prior to issuance of a Certificate of Occupancy.
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 site plan and utility plan on compact disk formatted for AutoCAD 2004 prior to issuance of a Certificate of Occupancy.

Large Scale Committee's recommended approval is also contingent on Board of Adjustment's granting the following variances:

- Reduce greenspace buffer from 10' to 5' (previously approved, contingent on green pavers).
- Reduce the front setback for the main building Canopy from 75' to 65'.

- Reduce the front setback for the gas canopy from 75’ to 60’.

Large Scale Committee is asking that a note be added that states the green paver area must be irrigated. Large Scale Committee also recommends the waiver on the proposed drive on New Hope Road not meeting the minimum frontage requirement and the proposed drives on 45th Street not meeting the required separation distance of 250 feet. Large Scale recommends waiving one loading area which will provide two 10’ x 35’ loading areas.

APPROVED.

Motion by Shelby, second by Myers to approve this LSDP subject to the conditions listed.

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

PUBLIC HEARINGS:

(Agenda Item #1)

Request by Melvin Edwards for a Conditional Use Permit on Behalf of the Bank of the Ozarks for a Financial Institution in the R-O (Residential Office) Zoning District.

Daniel Ellis, Crafton Tull & Associates, represented this conditional use permit. Mr. Ellis stated this is located north of New Hope Road and east of Bellview Road.

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

The Public Hearing was declared closed.

APPROVED.

Motion by Brown, second by Myers to approve this conditional use permit for an indefinite period of time. Voice Vote: Unanimous. **Motion carried.**

(Agenda Item #2)

Request by Brenda McFarland for a Day Care in the RMF-12B (Residential Multi-Family) Zoning District. Facility is in the Rogers Commons Apartment Complex.

Ms. McFarland represented this conditional use request. She stated this building was built for a day care when the apartment complex was first built. A day care business has never existed in this building.

Derrel Smith stated when the original large scale was approved a conditional use permit was given to that owner to operate a day care. Because of

ownership change, Ms. McFarland is seeking her conditional use permit to operate the day care.

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

The Public Hearing was declared closed.

APPROVED.

Motion by Myers, second by Shelby to approve this conditional permit request for an indefinite period of time. Voice Vote: Unanimous.

Motion carried.

(Agenda Item #3)

Request by P.F. Chang's for a Conditional Use Permit for a Private Club in Pinnacle Promenade, in the C-2 (Highway Commercial) Zoning District.

Bill Fancher, Fancher Development Services, represented this conditional use request.

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

The Public Hearing was declared closed.

APPROVED.

Motion by Myers, second by Brown to approve this conditional use permit.

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

NEW BUSINESS:

(Agenda Item #1)

Request for a Six-Month Time Extension on the LSD Approval for the Benchmark Office Development at 1803 North 2nd Street.

Larry Grelle, Freeland-Kauffman & Fredeen, represented this time extension.

Chairman Freitag stated Staff has already approved one six-month time extension.

Commissioner Brown asked if this project would be started within the next six months. Mr. Grelle stated yes. Brown stated our policy is two extensions.

Large Scale Committee has met and recommends approval of a six-month time extension. After this extension, no others will be granted.

APPROVED.

Motion by Myers, second by White to approve the six-month time extension with the stipulation no additional extensions will be granted.
Voice Vote: Unanimous. **Motion carried.**

(Agenda Item #2)
Request for a One-Year Time Extension for Commencement of Development for The Parks Subdivision at the Northeast Corner of Stoney Brook Road and Rainbow Road.

No one showed to represent this one-year time extension request.

Chairman Freitag stated two time extensions--one on January 6, 2004 and one on August 16, 2005--have already been approved by the Planning Commission.

Subdivision Committee has met and recommends this time extension not be granted. The plans are well over a year old. If this project ever goes forward, we need to be able to look at a new set of plans.

DENIED.

Motion by Brown, second by Myers to approve this one-year time extension request.
Roll Call Vote: Unanimous. **Motion denied.**

(Agenda Item #3)
Preliminary and Final Plat for Fox Briar Subdivision (aka Longview Mobile Home Park) in the R-AH (Residential Affordable Housing) Zoning District.

Jason Ingalls, Northstar Engineering, represented this preliminary and final plat. Jason stated there are 36 lots that need to be platted.

Commission Shelby asked how long before the people who live in the mobile home park will have to vacate the property. Jason stated it is his understanding the majority of the owners have already moved and Mr. Black is in the process of getting a group rate together to move the remaining owners and was providing some free rent if they moved into one of his existing parks. Shelby said he had some concern with both preliminary and final coming together. Jason stated this was done to help his client get financing on the project. His plans are to start around the first of October. Shelby stated he remembered when this first came through, this Commission was told it would be at

least 90 to 120 days before the people would need to vacate. I want to feel comfortable that we gave them this amount of time. Derrel Smith said we were within the time frame the people were told.

Subdivision Committee has met and recommends approval of this preliminary and final plat subject to the following conditions:

1. 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 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 minimum of five (5) feet behind the curb.
2. Interior sidewalks are the responsibility of the lot owner and must be installed prior to issuance of a Certificate of Occupancy.
3. Developer must post a two-year letter of credit for all interior sidewalks. This letter of credit may be reduced as sidewalks are built and will be redeemed at the end of the two-year period for construction of any sidewalks along vacant lots.
4. Provide a typical detail for a temporary cul-de-sac indicating the depth of gravel with copies of the compaction tests prior to City Council acceptance of the final plat.
5. Developer must post a letter of credit for completion of the temporary cul-de-sac prior to City Council acceptance of the final plat. This letter of credit will be redeemed if the interior streets are not extended within 24 months of City Council acceptance of the final plat.

6. Streets must be built to City standards with curb and gutter and sidewalks installed or provide a letter of credit.
7. Recorded POA covenants will be required prior to issuance of a building permit. Revised covenants will be required for Phase 2 for maintenance of any proposed detention ponds.
8. Engineer to schedule a pre-construction meeting with the Rogers Street Department prior to issuance of a grading permit.
9. The developer 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 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.
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) copies of the recorded plat and seven (7) copies for distribution to affected utilities.

Subdivision Committee recommends approval of the following waivers:

- To allow a 30' street in a 40' ROW.
- To allow a 4' sidewalk in a pedestrian easement (due to the 40' ROW).
- The two existing streets do not meet the required minimum separation distance.

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

- Post a two-year letter of credit for all unbuilt interior sidewalks.
- Provide a draft of the POA covenants.
- Provide a check in the amount of \$250 for street signs.
- Provide a letter of credit for the temporary cul-de-sacs with an engineer’s cost estimate.
- 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 two GPS reference points tied to the Rogers Monument System on compact disk formatted for AutoCAD 2004.
- Provide the City Clerk with 25 paper copies and an electronic copy of the ordinance that allows the City Council to accept the final plat.

APPROVED.

Motion by Brown, second to Myers to approve the preliminary plat and recommend the final plat be sent to City Council for approval subject to the conditions listed.

Roll Call Vote: Unanimous. **Motion carried.**

There being no further business, motion by Brown, second by Myers to adjourn the meeting. Meeting adjourned at 5:01 P.M.

ATTEST

APPROVED

Dan Brown, Secretary

Rhonda Freitag, Chairman

