

MINUTES

The **Rogers Planning Commission** met for a *regular session* in the Council Chambers of the Maurice H. Kolman Building on Tuesday, January 16, 2007 at 4:30 P.M. The meeting was called to order by Chairman Dan Brown. Those in attendance were led in the Pledge of Allegiance.

MEMBERS PRESENT:

Commissioners Dan Brown, Chad Campbell, Rhonda Freitag, Mark Myers, Ron Shelby, Mike Shupe, David Thrasher and Jim White. James Gosserand arrived at 4:35 P.M.

OTHER OFFICIALS PRESENT:

Director of Planning and Transportation Steve Glass, City Planner Derrel Smith, Assistant City Planners Candy Anderson and Tyler Henderson, Deputy City Attorney Chris Griffin, Administrative Assistant Donna Johnston, Fire Marshal Travis Hollis, Main Street Director Marge Wolf, and Councilman Larry Daniel.

ACTION ON MINUTES:

(January 2, 2007)

APPROVED.

Motion by Freitag, second by Myers to approve the minutes of the meeting of January 2, 2007 as submitted.

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

REPORTS OF BOARDS AND STANDING COMMITTEES:

City Planner Derrel Smith stated a request to allow a sewing shop as a conditional use in R-O zone has been received. Smith said this does not seem to be intrusive. Both Commissioners Ron Shelby and David Thrasher said they would see no problem with this request if it did not include any retail stores. Smith said this would be custom alterations.

APPROVED.

Motion by Thrasher, second by Shupe to make a sewing shop conditional use in R-O zone.

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

Smith introduced the City's newest planner, Tyler Henderson.

Smith stated a development conference will be held, Friday, February 23 at City Hall from

11:30 to 4:30. There will be 11 breakout sessions and lunch will be provided. This conference will be done in conjunction with the Chamber of Commerce. Smith invited everyone to attend.

CONSENT AGENDA:

Subdivision Committee has met and recommends moving the Foxbriar Phase 2, The Farms, and Walnut Creek preliminary plats from new business to the consent agenda.

APPROVED.

Motion by Shupe, second by Thrasher to move Foxbriar Phase 2, The Farms, and Walnut Creek preliminary plats to the consent agenda.
Voice Vote: Unanimous. **Motion carried.**

Large Scale Committee has met and recommends moving Microtel from old business to the consent agenda. Large Scale also recommends moving Church of Today from new business to the consent agenda with the following additions to item 1:

“Amend the plans and drainage report to comply with the City’s drainage ordinance. A permit must be received from Arkansas Highway Transportation Department (AHTD) to discharge into U. S. 71-B.”

Large Scale Committee recommends the waivers on the impervious surface area, the landscaping area, and allowing relocation of trees in the parking lot.

APPROVED.

Motion by White, second by Shelby to move Microtel from old business and Church of Today, to include recommendations listed above, from new business to the consent agenda.
Voice Vote: Unanimous. **Motion carried.**

LSDP, NYK Warehouse

1. Drainage improvements must be completed and certified by the engineer of record, Morrison Shipley Engineers, 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 five gallons, for shade trees it is 2 ½" B & B, and for ornamental trees it is 1 ½" B & B.
5. 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 six (6) feet behind the curb.
6. The developer must obtain an off-site drainage easement for all areas of discharge prior to issuance of a Certificate of Occupancy.
7. 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.
8. Developer to contact the U.S. Postmaster at 401 North 8th Street to schedule type of mail delivery.
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 driveway approaches must be less than 10% in grade elevation unless approved by the City Engineer or City Planner.
11. All parking lots and drives must be hard surfaced.
12. All mechanical, electrical and air conditioning equipment must be screened from public view.
13. The entire facility must comply with the requirements of the Americans with Disabilities Act of 1990.

14. 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.
15. The owner/developer will be responsible for any upstream or downstream flooding as a direct result of this development.
16. Provide the City Planner with a copy of the site plan and utility plan tied to the Rogers Monument System on compact disk formatted for AutoCAD 2004 prior to issuance of a Certificate of Occupancy.

NOTE:

- The driveway shown across the street services the Superior Industries facility.
- Label the loading dock along the north side of the building.

LSDP, Microtel

1. Drainage improvements must be completed and certified by the engineer of record, Morrison, Shipley Engineers, 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 and must be located on this lot. No off premises signs are allowed.
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 6' in width and ramped at all curb cuts to meet ADA and AHTD specifications and installed along 8th Street 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 six (6) feet behind the curb. Sidewalks along South 7th Street may be 5' in width and 5' behind the curb.

7. The developer must rebuild one-half of 7th Street, 15 feet from the centerline to city street standards including all drainage improvements, sidewalks and curb and gutter. This extent of the rebuild will depend on soil conditions.
8. 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.
9. Accessways greater than 150' in length will require a turnaround for fire protection.
10. Developer to contact the U.S. Postmaster at 401 North 8th Street to schedule type of mail delivery.
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 driveway approaches must be less than 10% in grade elevation unless approved by the City Engineer or City Planner.
13. All parking lots and drives must be hard surfaced.
14. All mechanical, electrical and air conditioning equipment must be screened from public view.
15. The entire facility must comply with the requirements of the Americans with Disabilities Act of 1990.
16. 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.
17. The developer must obtain an off-site drainage easement for all areas of discharge. **A copy of the recorded easement will be required prior to issuance of a grading permit.**
18. The owner/developer will be responsible for any upstream or downstream flooding as a direct result of this development.
19. 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.

NOTE: A variance has been approved for a reduction in the exterior side setback from the required 45' to 34'.

LSDP, Church of Today

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. The entire development must comply with the requirements of the overlay district unless variances are granted by the Board of Adjustment.
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. Trees are required in the front landscape buffer not less than 20 feet apart.
7. 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 six (6) feet behind the curb.
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.
15. Provide the City Planner with a copy of the AHTD approval letter for curb cuts and sidewalks.
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 direct result of this development.
19. 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.

NOTE:

- The Planning Department has approved a waiver from the loading area requirement.
- A variance has been approved for the following items:
 - Reduce the front building setback from 75' to 54'.
 - Reduce the rear building setback from 30' to 6'.
 - Reduce the rear landscape buffer from 10' to 0' (adjacent to railroad tracks).
 - Reduce the required 25' front landscape buffer for a portion of the existing parking lot to 3'.

THE FOLLOWING WAIVERS ARE BEING REQUESTED:

- The maximum allowable impervious surface area is 80. 86.38% is shown.
- The minimum landscape area is 15%. 13.62% is shown.
- Trees are required in the front landscape buffer 20' apart for a total of 25 trees. Applicant proposes to relocate that same number of trees in the parking lot.

THE FOLLOWING PLAN REVISION IS REQUIRED PRIOR TO ISSUANCE OF THE LARGE SCALE APPROVAL LETTER:

- Revise the sign note to meet Overlay District requirements (6' high maximum).

Final Plat, The Grove Phase 1

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. Erosion control methods must be used during construction. Final approval of the drainage will be at final plat and additional improvements may be required at that time.
2. All wells and septic systems must be located and abandoned according to State requirements.
3. Provide the Building Official and City Planner with compaction tests for all ponds and fill areas.
4. Sidewalks must be 6' in width, built to city code and ramped at all curb cuts to meet ADA and AHTD specifications. Sidewalks must be installed along Pleasant Grove Road and both sides of South Dixieland Road or provide a letter of credit. Sidewalks must also match any existing sidewalks in the area, include truncated domes at the handicap ramps and be located a minimum of six (6) feet behind the curb.
5. Street lights must be installed at the entrance, intersections, end of cul-de-sacs and not more than 400' apart throughout the subdivision or provide the City Planner with a copy of the paid receipt from the local utility for the lights. The developer must coordinate with the local utility for the placement and maintenance of the lights.
6. Streets must be built to City standards with curb and gutter and sidewalks installed or provide a letter of credit.
7. Dedicate a total of 25 feet of right-of-way from the centerline of Concord Road.
8. The developer must rebuild one half of Concord Road., 15 feet from the centerline to minor street standards including all drainage improvements, sidewalks and curb and gutter. This will be a complete rebuild.
9. Dedicate a total of 100 feet of right-of-way for Dixieland Road prior to City Council acceptance of the final plat.
10. The developer must build all of Dixieland Road to major arterial street standards including all drainage improvements, sidewalks and curb and gutter.
11. Provide a one-year maintenance bond in the amount of fifty percent (50%) of the actual construction cost for the street and storm drainage improvements. The bond shall be in effect for a period of one (1) year from the date of the final inspection.

12. Developer to provide a traffic study, which looks at the flow of traffic from the entire site (all Phases) at full build-out. This study will be required prior to issuance of the first Certificate of Occupancy for the commercial or office lots. The study will determine this project's pro rata share of traffic signalization at Dixieland Road and Pleasant Grove Road.
13. Provide the City Planner with a draft of the proposed covenants, including maintenance of the detention ponds prior to issuance of a building permit. The City of Rogers will not be responsible for maintenance of any detention pond. Recorded covenants will be required prior to issuance of the first Certificate of Occupancy.
14. A building address must be shown for each lot on the final plat.
15. Each commercial lot will be required to submit a Large Scale Development Plan with a drainage summary letter.
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 final plat, utility plan and two GPS reference points tied to the Rogers Monument System on compact disk formatted for AutoCAD 2004 prior to City Council acceptance of the final plat.
18. Provide the City Planner with five (5) original copies of the recorded plat and seven (7) copies for distribution to affected utilities.
19. This development will be limited to the access points onto Pleasant Grove Road as shown on the Preliminary Plat.

THE FOLLOWING ITEMS ARE REQUIRED PRIOR TO CITY COUNCIL:

- Dimension the ROW for Concord (turn lane included).
- Delete reference to Plat XXX. Easements will be dedicated by this plat.
- Provide a drainage certification by the engineer of record.
- Post a letter of credit for the rebuild of Concord Street from the centerline.
- Post a letter of credit for any unbuilt sidewalks on the west side of Concord Street.
- Post a letter of credit for the construction of South Dixieland Road.
- Post a letter of credit for unbuilt sidewalks on both sides of South Dixieland Road.
- Provide a one-year maintenance bond in the amount of fifty percent (50%) of the actual construction cost for the street and storm drainage improvements.
- Provide the City Planner with a copy of the contract for placement of the street lights if they have not been installed by the developer.

- Construction debris must be cleared from all stormwater structures and verified by a site inspection from the Planning Department.
- 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 that allows the City Council to accept the final plat.

Preliminary Plat, The Iveys, Lots 169-197

1. Drainage improvements must be completed and certified by the engineer of record, Engineering Design Associates, with all ditches and basins solid-sodded, concrete-lined, or underground conduit installed prior to City Council acceptance of the final plat. Erosion control methods must be used during construction. Final approval of the drainage will be at final plat and additional improvements may be required at that time.
2. Construction debris must be cleared from all stormwater structures and verified by a site inspection from the Planning Department prior to City Council acceptance of the final plat.
3. This property is in the Cave Springs Recharge Area. Best Management practices must be included in the plans and used during construction. Erosion control must be maintained until this development is built out.
4. All wells and septic systems must be located and abandoned by a State-licensed and bonded driller in accordance with State requirements.
5. Provide the Building Official and City Planner with compaction tests for all ponds and fill areas.
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 City Council acceptance of the final plat. 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. Sidewalks along Shores and Mt. Hebron must be a minimum of 6' in width and 6' behind the curb.
7. Sidewalks not along lots must be built by the developer.
8. Interior sidewalks are the responsibility of the lot owner and must be installed prior to issuance of a Certificate of Occupancy.

9. Developer must post a two-year letter of credit for 25% of the interior sidewalks based on a certified engineer's cost estimate. 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
10. The developer must obtain an off-site drainage easement for all areas of discharge prior to the first inspection by the Rogers Street Department.
11. Street lights must be installed at the entrance, intersections, end of cul-de-sacs and not more than 400' apart throughout the subdivision or provide the City Planner with a copy of the contract for placement of the lights. Please note that Carroll Electric will no longer install street lights. Developer must hire a contractor to install lights in accordance with the City of Rogers Zoning Code. If the lights you wish to install use a mogul-based bulb with a 100w HPS, Carroll Electric will replace any burnt-out lights. If the lights you choose do not use that type of bulb, then the property owner and/or homeowner's association will be responsible for replacement of the lights. The City of Rogers will not pay the utility bill on street lights that have a higher wattage than the 100w HPS-type light. The City will not be responsible for payment of the utility bill in a commercial subdivision.
12. Streets must be built to City standards with curb and gutter and sidewalks installed or a letter of credit posted prior to City Council acceptance of the final plat.
13. Dedicate a total of 30 feet of right-of-way from the centerline of Shores Avenue.
14. Provide a one-year maintenance bond in the amount of fifty percent (50%) of the actual construction cost for the street and storm drainage improvements prior to City Council acceptance of the final plat. The bond shall be in effect for a period of one (1) year from the date of the final inspection.
15. Provide the City Planner with a draft of the proposed covenants which incorporates this section into The Ivey's prior to City Council acceptance of the final plat. Recorded covenants will be required prior to issuance of a building permit.
16. Street signs and stop signs must be cash-bonded prior to City Council acceptance of the final plat. Every "T" intersection will require one street sign and every "cross" intersection will require four street signs. Stop signs must be shown on the plan and in place prior to building permits being issued. The amount for the cash bond will be determined at time of final inspection.
17. Any street with a slope greater than 9% must be heavy-duty concrete with a rough surface.

18. All finished floor elevations must be a minimum of one foot above curb level and shown on the lot on the final plat.
19. A street address must be shown for each lot on the final plat. Addresses will not be assigned until after the Final Plat has been through Subdivision review.
20. Developer to contact the U.S. Postmaster at 401 North 8th Street to schedule type of mail delivery.
21. Identify all trees 6” or greater in diameter that will be removed.
22. Engineer to schedule a pre-construction meeting with the Rogers Street Department prior to issuance of a grading permit.
23. 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.
24. 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.
25. The owner/developer will be responsible for any upstream or downstream flooding as a direct result of this development.
26. Provide the required information on the Rogers Monument Documentation Form prior to City Council acceptance of the final plat.
27. 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 prior to City Council acceptance of the final plat.
28. Provide the City Planner with five (5) original copies of the recorded plat and seven (7) copies for distribution to affected utilities.
29. Provide the City Clerk with 25 paper copies and an electronic copy of the ordinance that allows City Council to accept the final plat.

Preliminary Plat, Foxbriar Phase 2

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 City Council acceptance of the final plat. Erosion control methods must be used during construction. Final approval of the

drainage will be at final plat and additional improvements may be required at that time.

2. Construction debris must be cleared from all stormwater structures and verified by a site inspection from the Planning Department prior to City Council acceptance of the final plat.
3. All wells and septic systems 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. All lots will be required to submit an engineered foundation report with each building permit application. Samples may be obtained from the Building Department.
5. A compaction test must be performed along the centerline of all streets every 200'. The depth of the test must go to natural ground.
6. Interior sidewalks must be 5' in width and ramped at all curb cuts to meet ADA and AHTD specifications and installed prior to City Council acceptance of the final plat. 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.
7. Sidewalks not along lots must be built by the developer.
8. Developer must post a two-year letter of credit for 25% of the interior sidewalks based on a certified engineer's cost estimate. 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.
9. Street lights must be installed at the entrance, intersections, end of cul-de-sacs and not more than 400' apart throughout the subdivision or provide the City Planner with a copy of the contract for placement of the lights. Please note that Carroll Electric will no longer install street lights. Developer must hire a contractor to install lights in accordance with the City of Rogers Zoning Code. If the lights you wish to install use a mogul-based bulb with a 100w HPS, Carroll Electric will replace any burnt-out lights. If the lights you choose do not use that type of bulb, then the property owner and/or homeowner's association will be responsible for replacement of the lights. The City of Rogers will not pay the utility bill on street lights that have a higher wattage than the 100w HPS-type light.
10. Streets must be built to City standards with curb and gutter and sidewalks installed or a letter of credit posted prior to City Council acceptance of the final plat.

11. Dedicate a total of 50 feet of right-of-way for the interior streets.
12. Provide a one-year maintenance bond in the amount of fifty percent (50%) of the actual construction cost for the street and storm drainage improvements prior to City Council acceptance of the final plat. The bond shall be in effect for a period of one (1) year from the date of the final inspection.
13. Provide the City Planner with a draft of the proposed covenants, including maintenance of the detention pond, prior to City Council acceptance of the final plat. The City of Rogers will not be responsible for maintenance of any detention pond. Recorded covenants will be required prior to issuance of a building permit.
14. Street signs and stop signs must be cash-bonded prior to City Council acceptance of the final plat. Every “T” intersection will require one street sign and every “cross” intersection will require four street signs. Stop signs must be shown on the plan and in place prior to building permits being issued. The amount for the cash bond will be determined at time of final inspection.
15. Any street with a slope greater than 9% must be heavy-duty concrete with a rough surface.
16. All finished floor elevations must be a minimum of one foot above curb level and shown on the lot on the final plat.
17. Developer to contact the U.S. Postmaster at 401 North 8th Street to schedule type of mail delivery.
18. Identify all trees 6” or greater in diameter that will be removed.
19. Engineer to schedule a pre-construction meeting with the Rogers Street Department prior to issuance of a grading permit.
20. 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.
21. 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.**
22. The owner/developer will be responsible for any upstream or downstream flooding as a direct result of this development.

23. Provide the required information on the Rogers Monument Documentation Form prior to City Council acceptance of the final plat.
24. 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 prior to City Council acceptance of the final plat.
25. Provide the City Planner with five (5) original copies of the recorded plat and seven (7) copies for distribution to affected utilities.
26. Provide the City Clerk with 25 paper copies and an electronic copy of the ordinance that allows City Council to accept the final plat.

THE FOLLOWING PLAN REVISIONS ARE REQUIRED PRIOR TO ISSUANCE OF THE LARGE SCALE APPROVAL LETTER:

- Obtain a variance from the Board of Adjustment for those lots that do not meet the minimum lot depth.

Preliminary Plat, Walnut Creek

1. Drainage improvements must be completed and certified by the engineer of record, Morrison, Shipley Engineers, with all ditches and basins solid-sodded, concrete-lined, or underground conduit installed prior to City Council acceptance of the final plat. Erosion control methods must be used during construction. Final approval of the drainage will be at final plat and additional improvements may be required at that time.
2. Construction debris must be cleared from all stormwater structures and verified by a site inspection from the Planning Department prior to City Council acceptance of the final plat.
3. All wells and septic systems 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. Sidewalks must be 5' in width and ramped at all curb cuts to meet ADA and AHTD specifications and installed on both sides of the interior streets or a letter of credit posted prior to City Council acceptance of the final plat. Sidewalks must match any existing sidewalks in the area, include truncated domes at the handicap ramps and be located a minimum of four (4) feet behind the curb.

6. The developer must obtain an off-site drainage and construction easement. A draft of the proposed easement will be required for all areas of discharge prior to issuance of a grading permit. A recorded easement will be required prior to City Council acceptance of the final plat.
7. Street lights must be installed at the entrance, intersections, end of cul-de-sacs and not more than 400' apart throughout the subdivision or provide the City Planner with a copy of the contract for placement of the lights. Please note that Carroll Electric will no longer install street lights. Developer must hire a contractor to install lights in accordance with the City of Rogers Zoning Code. If the lights you wish to install use a mogul-based bulb with a 100w HPS, Carroll Electric will replace any burnt-out lights. If the lights you choose do not use that type of bulb, then the property owner and/or homeowner's association will be responsible for replacement of the lights. The City of Rogers will not pay the utility bill on street lights that have a higher wattage than the 100w HPS-type light. The City will not be responsible for payment of the utility bill in a commercial subdivision.
8. All streets greater than Class 1 (60' collector) will require a formal pavement design based on soil conditions prior to issuance of a grading permit.
9. Dedicate a total of 60 feet of right-of-way for Walnut Creek Parkway.
10. The developer must build all of Walnut Creek Parkway, to collector street standards including all drainage improvements, sidewalks and curb and gutter. A cash bond will not be accepted in lieu of construction.
11. Dedicate a total of 60 feet of right-of-way for South 43rd Street (south of Walnut Creek Parkway).
12. The developer must build all of South 43rd Street (south of Walnut Creek Parkway), to collector street standards including all drainage improvements, sidewalks and curb and gutter. A cash bond will not be accepted in lieu of construction.
13. Dedicate a total of 85 feet of right-of-way for South 40th Street.
14. The developer must build all of South 40th Street to collector street standards including all drainage improvements, sidewalks and curb and gutter. A cash bond will not be accepted in lieu of construction.
15. Dedicate a total of 85 feet of right-of-way for South 44th Street.

16. The developer must build all of South 44th Street to collector street standards including all drainage improvements, sidewalks and curb and gutter. A cash bond will not be accepted in lieu of construction.
17. Provide a one-year maintenance bond in the amount of fifty percent (50%) of the actual construction cost for the street and storm drainage improvements prior to City Council acceptance of the final plat. The bond shall be in effect for a period of one (1) year from the date of the final inspection.
18. Provide the City Planner with a draft of the proposed covenants, including maintenance of the Bay Saver units, prior to City Council acceptance of the final plat. The City of Rogers will not be responsible for the maintenance of Bay Saver units. Recorded covenants will be required prior to issuance of a building permit.
19. Street signs and stop signs must be cash-bonded prior to City Council acceptance of the final plat. Every “T” intersection will require one street sign and every “cross” intersection will require four street signs. Stop signs must be shown on the plan and in place prior to building permits being issued. The amount for the cash bond will be determined at time of final inspection.
20. Identify all trees 6” or greater in diameter that will be removed.
21. Engineer to schedule a pre-construction meeting with the Rogers Street Department. The off-site drainage construction easement must be recorded prior to issuance of the grading permit.
22. 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.
23. 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.**
24. The owner/developer will be responsible for any upstream or downstream flooding as a direct result of this development.
25. Provide the required information on the Rogers Monument Documentation Form prior to City Council acceptance of the final plat.
26. 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 prior to City Council acceptance of the final plat.

27. Provide the City Planner with five (5) original copies of the recorded plat and seven (7) copies for distribution to affected utilities.
28. Provide the City Clerk with 25 paper copies and an electronic copy of the ordinance that allows City Council to accept the final plat.

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

- Gutter spread and depth exceeds the maximum allowable for I-9 and I-13.
- Correct the typical section for South 44th Street to show a 6' sidewalk, 4' behind the curb.
- Correct the typical section for Walnut Creek to show a 5' sidewalk, 4' behind the curb.
- The pipe between I-6 and I-13 needs to be 18" min. diameter.

THE FOLLOWING WAIVER IS BEING REQUESTED:

- Match crowns on all storm pipes, not flow lines.

Preliminary Plat, The Farms PUD

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 City Council acceptance of the final plat. Erosion control methods must be used during construction. Final approval of the drainage will be at final plat and additional improvements may be required at that time.
2. Construction debris must be cleared from all stormwater structures and verified by a site inspection from the Planning Department prior to City Council acceptance of the final plat.
3. An elevation certificate must be provided to the Floodplain Administrator and Building Official prior to issuance of a building permit for those lots adjacent to the floodplain. A final elevation certificate must be provided prior to issuance of a Certificate of Occupancy for those lots.
4. Developer has the option of dedicating the floodway to the City of Rogers or designating the area as a drainage easement.
5. The developer must obtain an off-site drainage and construction easement. A draft of the proposed easement will be required for all areas of discharge prior issuance of a

grading permit. A recorded easement will be required prior to City Council acceptance of the final plat

6. All wells and septic systems must be located and abandoned by a State-licensed and bonded driller in accordance with State requirements.
7. Provide the Building Official and City Planner with compaction tests for all ponds and fill areas.
8. Developer to dedicate a 20' recreation easement as part of the Greenway Trail System. Easement to be located in the floodplain/along the floodway or in a location agreed upon by the developer and the City Planner.
9. Sidewalks along South 45th Street and South 44th Street must be 6' in width and ramped at all curb cuts to meet ADA and AHTD specifications and installed on both sides of the internal streets or a letter of credit posted prior to City Council acceptance of the final plat. 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.
10. Sidewalks along the interior connecting streets must be 5' in width and ramped at all curb cuts to meet ADA and AHTD specifications and installed on both sides of the internal streets or a letter of credit posted prior to City Council acceptance of the final plat. 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.
11. Street lights must be installed at the entrance, intersections, end of cul-de-sacs and not more than 400' apart throughout the subdivision or provide the City Planner with a copy of the contract for placement of the lights. Please note that Carroll Electric will no longer install street lights. Developer must hire a contractor to install lights in accordance with the City of Rogers Zoning Code. If the lights you wish to install use a mogul-based bulb with a 100w HPS, Carroll Electric will replace any burnt-out lights. If the lights you choose do not use that type of bulb, then the property owner and/or homeowner's association will be responsible for replacement of the lights. The City of Rogers will not pay the utility bill on street lights that have a higher wattage than the 100w HPS-type light.
12. Streets must be built to City standards with curb and gutter and sidewalks installed or a letter of credit posted prior to City Council acceptance of the final plat. Pavement shall meet the AHTD 2003 standards for "Super pavement".
13. Dedicate a total of 85 feet of right-of-way for South 44th Street.

14. The developer must build all of South 44th Street to major arterial street standards including all drainage improvements, sidewalks and curb and gutter. A cash bond will not be accepted in lieu of construction.
15. Dedicate a total of 50 feet of right-of-way for South 43rd Street.
16. The developer must build all of South 43rd Street to minor arterial street standards including all drainage improvements, sidewalks and curb and gutter. A cash bond will not be accepted in lieu of construction.
17. Dedicate a total of 50 feet of right-of-way for West Dogwood Street.
18. The developer must build all of West Dogwood Street to collector street standards including all drainage improvements, sidewalks and curb and gutter. A cash bond will not be accepted in lieu of construction.
19. Dedicate a total of 50 feet of right-of-way for West Fir Drive.
20. The developer must build all of West Fir Drive to collector street standards including all drainage improvements, sidewalks and curb and gutter. A cash bond will not be accepted in lieu of construction.
21. Provide a one-year maintenance bond in the amount of fifty percent (50%) of the actual construction cost for the street and storm drainage improvements prior to City Council acceptance of the final plat. The bond shall be in effect for a period of one (1) year from the date of the final inspection.
22. Provide the City Planner with a draft of the proposed covenants, including maintenance of the off-site detention pond, prior to City Council acceptance of the final plat. The City of Rogers will not be responsible for maintenance of any detention pond. Recorded covenants will be required prior to issuance of a building permit.
23. 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.
24. Any street with a slope greater than 8% must be heavy-duty concrete with a rough surface.
25. An elevation certificate must be provided to the Floodplain Administrator and Building Official prior to issuance of a building permit for all lots adjacent to the floodplain. A final elevation certificate must be provided prior to issuance of a Certificate of Occupancy.

26. Each lot will be required to proceed through Large Scale review and a drainage report will be required.
27. Addresses for lots in commercial subdivisions will be required during the Large Scale review process.
28. Identify all trees 6” or greater in diameter that will be removed.
29. Engineer to schedule a pre-construction meeting with the Rogers Street Department. **The off-site drainage and construction easement must be recorded prior to issuance of the grading permit.**
30. 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.
31. A grading permit will not be issued until the Planning Commission has approved this preliminary plat. Permit requirements are available at the Planning Office.
32. 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.**
33. The owner/developer will be responsible for any upstream or downstream flooding as a direct result of this development.
34. Provide the required information on the Rogers Monument Documentation Form prior to City Council acceptance of the final plat.
35. 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 prior to City Council acceptance of the final plat.
36. Provide the City Planner with five (5) original copies of the recorded plat and seven (7) copies for distribution to affected utilities.
37. Provide the City Clerk with 25 paper copies and an electronic copy of the ordinance that allows City council to accept the final plat.

APPROVED.

Motion by Shupe, second by Myers to approve the large scale development plans for NYK Warehouse, Microtel, and Church of Today and the preliminary plats for The Ivey’s, Lots 169-197,

Foxbriar, Phase 2, The Farms, and Walnut Creek and recommend to City Council for approval the final plat for the Grove, Phase 1.

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

OLD BUSINESS:

(Agenda Item #1)

Request by Home Depot to Reconsider the Denial of a Conditional Use Permit at 1701 South 46th Street for Additional Outdoor Display in the C-2 (Highway Commercial) Zoning District.

Bryan Reick, Home Depot, represented this request.

Mr. Reick brought Larry Robinson with the Tuff Shed organization with him. Reick said we did not Attend the meeting when this request was heard, however, we have read the minutes of the meeting and have looked for ways to address the concerns of the Bloomfield residents.

Deputy City Attorney Chris Griffin advised the Commissioners this meeting is to address the denial of the conditional use permit and not the merits of the conditional use permit.

Mr. Reick said there was confusion about which dates the conditional use request would be heard. Reick stated he had talked with the City Attorney and the Mayor and was advised to ask for an appeal of this denial.

Chairman Brown advised the Commissioners their packets contained ordinance information about re-hearings and denials as well as the applicant's options.

Commissioner David Thrasher said addressing the concerns of the residents was a good reason to rehear this request. It was determined February 23 would be the first available Planning Commission meeting this could be reheard.

Commissioner Mike Shupe stated he felt the original notification should have been clear for both parties.

APPROVED.

Motion by Thrasher, second by Campbell to allow Home Depot to reapply for this conditional use permit. Roll Call Vote: Yes – Brown, Campbell, Freitag, Myers, Shelby, Shupe, Thrasher, and White. No – Gosserand. **Motion carried.**

PUBLIC HEARINGS:

(Agenda Item #1)

Request by Kum N' Go for a Conditional Use Permit for a Convenience Store with Gas Sales in the Northeast Corner of Dixieland Road and New Hope Road in the C-3 (Neighborhood Commercial) Zoning District.

Jason Ingalls, Northstar Engineering, represented this conditional use request.

Commissioner Mike Shupe asked if the gas station is asking for a conditional use on the whole parcel. Jason said no. The gas station will cover an area 200' x 200'. They are looking at splitting off some of this property at a later date.

No one spoke in favor of this conditional use request.

Scott Danielson, 1607 West Centennial Drive, said he was opposed to this request. This is a residential area with lots of children and homes. This project will increase traffic and crime. There are four gas stations less than a mile from this location. Danielson said he was also concerned about what else could go in at this location, i.e., strip mall. Chairman Brown reminded Mr. Danielson this property is zoned C-3 already. This request just deals with the conditional use to sell gasoline. Danielson stated he does have concerns with fuel runoff.

Mark Ashcraft, 1801 South Dixieland, stated he was pastor of Grace United Methodist Church. Our property adjoins this property to the north. My congregation is in opposition to this type of establishment. Our building faces south. When we come out the front door of our church, we will be looking at the back side of a convenience store. We don't want to see this as a high traffic area. It will be close to the high school. We feel teenagers will

be stopping there to try and buy cigarettes and other inappropriate material for teenagers.

The Public Hearing was declared closed.

Commissioner Mark Myers said this will be this Commission's first C-3 project which will allow us to apply architectural standards, hours of operation, lighting, flow of traffic, and make it fit with the neighborhood.

Commissioner Mike Shupe said this Commission worked a long time in getting this C-3 drafted and approved. Shupe asked City Planner Derrel Smith what statutory limits Staff and Planning Commission would have concerning the design of the C-3 buildings. Smith said it covers the architecture of the outside of the building and increased landscaping. It does not cover hours of operation, however, it is a possibility that could be made part of the conditional use.

Myers said he wanted to make sure this has a pleasurable architectural feel. This will be looked at during large scale, but hours of operation will have to be looked at in this process.

Commissioner Jim White stated it appears gas sales do not need to be on the back of this property. Since this is C-3, the church could be looking at anything that meets C-3 criteria. The decision this Commission is faced with today is the conditional use to allow gasoline sales. This location is on a State highway. I think we can make this work on this site with certain conditions.

Myers asked if hours of operation from 6 A.M. to 9 P.M. would be reasonable. Commissioner Chad Campbell stated the applicant has requested 24/7. Myers said he thought that was unreasonable. Deputy City Attorney Chris Griffin said C-3 does not limit hours of use. The only way to limit the hours of operation would tie the conditional use permit with the sale of gas.

Jason Ingall, engineer, said he thought 9:00 P.M. was too early. We might consider 10:00 P.M. Commissioners James Gosserand and Mike Shupe said they could be more supportive of 10:00 P.M. Jason introduced his client, Ron Kiger from Des Moines, Iowa. Mr. Kiger said we live in a 24 hour society. Businesses need to be open for third shift employees. We will have a \$2,000,000 investment at this location. If you limit our hours of operation, we will not get our investment back. We can make the building look like you want, do special lighting, and address other things to help out, but we have to be open 24 hours. Kiger said their employees are trained. We do not sell adult magazines or rolling papers.

Chairman Dan Brown asked the other Commissioners what they hoped to gain by limiting the hours. Commissioner Mark Myers said he thought the intent was to blend into the neighborhood area. Myers said he has seen these stores in other locations. They are clean and well run. Perhaps we could look at screening to help with the impact on the neighborhood. This request today has asked us to look at this tract for the sale of gasoline. If the gas station is all that goes on this tract, I am not fond of their being opened 24/7. If we are only looking at the corner and it can be screened from the neighbors, I would not be opposed to 24/7. Bill Watkins, Attorney, was recognized by Chairman Brown. Mr. Watkins said we are only asking for the 200' x 200' square to be allowed to sell gasoline. There will be 150' east and west and 240' north and south which will be the outside boundaries of where the store will be located. This will create a huge buffer area. Myers asked how it will be buffered. Watkins said that will come in large scale. Why not limit the conditional use request to this 200' x 200' piece of land? Ingalls said his client is willing to limit the conditional use request to just the 200' x 200' square. Commissioner Jim White said he felt the issues discussed will be addressed in large scale.

White said he can't see the difference in being opened 24 hours a day whether you are selling cokes or gas. You are still open 24/7. This property is zoned for a convenience store. Their willingness to limit the conditional use to a smaller parcel of land takes away any concerns I might have.

Commissioner Ron Shelby asked is the 200' would limit the access points. Shelby said he was more concerned with access points in lieu of the size of the property. They need enough land to meet the access ordinance. City Planner Derrel Smith said there will be shared access and Staff has already looked at this with the engineer.

Commissioner Mike Shupe said he is still perplexed about the hours. Any business at this location has the right to be open 24 hours. Mr. Kiger stated, for the record, I would like to ask this Commission to limit this conditional use request to the 200' x 200' piece of land for the convenience store location.

APPROVED.

Motion by Thrasher, second by Shupe to approve this conditional use permit for the 200' x 200' piece of land located on the southwest corner of this parcel.

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

(Agenda Item #2)

Request by the Steven Butler Family Trust to Rezone Approximately 7.52 Acres from A-1 (Agricultural) to the C-2 (Highway Commercial) Zoning District and Approximately 2.53 Acres from A-1 (Agricultural) to the R-O (Residential Office) Zoning District at the Northeast Corner of Bellview Road and Ajax Avenue.

Tom Hopper, Crafton, Tull, Sparks & Associates, represented this rezoning request. Hopper said this is a ten acre parcel located on I-540 and Bellview Road. Hopper stated we think the R-O in the in the northeast section is in line with whatever will be built there.

Gene Kelley, 303 West Walnut, spoke in favor of of this rezoning request. Kelley said he owned property in the area. I would like to see this all C-2 to match the zoning to the north of this property. It is prime property for development.

Annette Roller, 3132 Perry, stated she is opposed to this request. When Bellview came through, we were told R-O would be the buffer. Looks like your buffer keeps coming further and further to the east.

The Public Hearing was declared closed.

Commissioner Jim White said there are a lot of changes going on at Bellview and Perry. There are still some nice homes on large lots in this area. We had a request north of Perry and east of Bellview for some commercial come through this Commission and that was turned down. It seems unusual that we would work as hard as we did on the R-O buffer for us to leap frog and go to C-2. The C-2 to the south was part of a PUD that consisted of multi-family, single family, and C-2. I don't see a problem with C-2 along I-540, however, I feel we gave some assurances to the residents when we put in the R-O buffer. Commissioner Mark Myers said he agreed. I can see some R-O along Bellview with residential remaining behind that. The R-O was put there for a reason. Commissioner Thrasher said the R-O north of Perry Road is there for a very good reason. I feel C-2 could go a little further north of Ajax Drive, however, this request is a little too much C-2. Commissioner Rhonda Freitag said she could see some C-2 around Ajax, but where do you draw the line. Commissioner David Thrasher asked the distance from Ajax to the right of way along I-540. Tom Hopper said it looks to be about 200'.

Chairman Dan Brown stated he thought the concept was a swath of C-2 along the interstate adjusted to fit property lines. This would suggest to me there may be a little more reason for C-2 in this area. Drawing the line is difficult.

Freitag reminded the Commissioners there is still additional A-1 property in this area that will come in for rezone at some future time.

Commissioner Mike Shupe said it seems we are seeing a lot of adjustments by the developers as far

as property is concerned. What we agree upon today may not be the final product.

Commissioner Jim White said he still feels like this is too much C-2. I can agree with the C-2 on the corner, but not the extension onto the east.

Commissioner Myers said the R-O was put there to buffer the neighborhood. I think our charge is to figure out how deep that should go and should any consideration be given to C-2 at Ajax.

White said the parcels at the corner of Bellview and Perry that are not a part of this request looks more like C-3 to me. The properties to the south with residences to the east needs to be R-O or some other kind of buffer.

Myers said he would recommend the west couple of hundred feet on Bellview be R-O and that everything back to the east remain A-1 or some kind of residential. There is a case to be made along the southern end of Ajax being R-O or possibly C-2. White said he agreed.

Tom Hopper asked if there could be an offer to compromise with the Commission to leave the south half C-2 and make the north half R-O. White said that looks like that would be extending the C-2 towards the residents to the northeast. Myers asked how do we buffer if we go east and transition from C-2 to another use. Commissioner James Gosserand asked Staff to sketch out on the overhead what Mr. Hopper would be proposing.

Commissioner David Thrasher said he thinks I-540 justifies C-2, but beyond that, he thought this Commission needs to draw the line. When the R-O was defined across the street, I think the Commission took their best guess at what that should be at that time.

Commissioner Ron Shelby stated there is physical and visual access to I-540. Visual access does not

require C-2. With that argument, I can understand how R-O would work. I agree with Commissioner White about R-O along Bellview except for the intersection of Bellview and Perry. When we start zoning C-2, we have to start thinking about what we are going to do about buffering the C-2.

Commissioner Chad Campbell asked if there was anything other than C-2 that could work at the corner of Bellview and Ajax. Tom Hopper said with the C-2 across the street and C-2 anticipated on the west side of Bellview, the south half of this ten acres needs to be C-2. Hopper said reducing the proposed C-2 property to less than what he was willing to compromise will not be viable from an access standpoint.

Chairman Dan Brown reminded the Commissioners the applicant has compromised the original rezone request. We either need to act on this change or look at other options.

APPROVED.

Motion by Shupe, second by Freitag to recommend this rezoning requested as amended by Mr. Hopper with R-O on the northern half and C-2 on the southern half. Roll Call Vote: Yes – Brown, Freitag, Gosserand, Shupe, and Thrasher. No – Campbell, Myers, Shelby, and White.

Motion carried.

Chairman Brown stated we received the minimum amount of votes for passage to City Council.

(Agenda Item #3)

Request by Howard Slinkard on behalf of Bill White to Rezone approximately 3.37 Acres West of 26th Street, just South of A. G. Russell Knives, from A-1 (Agricultural) to the C-4 (Open Display Commercial) Zoning District.

Mr. Slinkard represented this rezoning request. He stated this property fronts on 26th Street and backs up to I-540. Notices have been sent and receipts turned into the Planning Office. The property is under contract. Mr. White proposes to construct a Kia dealership at this location. The franchise is now located in Bentonville. This will be a 11,000+ square foot building with about a \$5,000,000 to \$6,000,000 investment in the dealership. Mr. Slinkard stated C-4 fits the long

range planning map of the City. Slinkard stated he knew there might be some concerns about open display and introduced Mr. Bill White, the developer. Mr. White spoke to the Commissioners and furnished a picture of a dealership just finished in Russellville. Mr. White said the one in Rogers will be similar with a high tech look.

Commissioner Mark Myers asked Mr. White why he was moving the dealership from Bentonville to Rogers. Mr. White said because of the property and that he wanted to be away from all the other dealerships.

Vickie Lehman, 1903 South 10th, stated she was representing a client whose property is across the interstate from this location. He is in favor of this C-4 rezoning.

Bill McClard, 199 North Pleasant Ridge Drive, said he was a member of a LLC that owns property at 122 Pleasant Grove Road. McClard stated, in his opinion, the C-2 retails are already established. This particular interchange will take on a different character. McClard said he thought open display would fit at this location.

Gene Kelley, 303 West Walnut, stated he also owned property near this property. He stated he had no objection to the rezoning.

No one spoke in opposition to this rezoning request.

The Public Hearing was declared closed.

Commissioner David Thrasher asked the developer to consider some kind of tree replacement for all the trees that will be lost when construction starts. Thrasher said we will be looking at this in large scale review.

Commissioner Mike Shupe stated his one concern had to do with this being the City's south entrance. Shupe said he would be in favor of some kind of

attractive screening for the dumpster area so that this development will look good from both directions of I-540.

APPROVED.

Motion by Myers, second by Campbell to recommend this rezoning request to City Council for approval.

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

Commissioner Mike Shupe said he thought this was a very special meeting. He stated that he, as probably all the other Commissioners, wanted to thank the Haynes Family, the current owners of The Farms Subdivision, the current owners of the Walnut Creek Subdivision, and the Chastain Family for enabling the City to have a connection from Walnut through 40th and all the way down to 45th Street.

There being no further business, motion by Gosserand, second by White to adjourn the meeting. Meeting adjourned at 5:40 P.M.

ATTEST

APPROVED

Chad Campbell, Secretary

Dan Brown, Chairman