

## MINUTES

The **Rogers Planning Commission** met for a *regular session* in the Council Chambers of the Rogers City Hall on Tuesday, October 17, 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, Rhonda Freitag, James Gosserand, Mark Myers, Ron Shelby, Mike Shupe, David Thrasher and Jim White were present. Chad Campbell arrived at 4:40 p.m.

### OTHER OFFICIALS PRESENT:

City Clerk Peggy David, Senior Planner Derrel Smith, Assistant City Planner Candy Anderson, Assistant City Planner Joe Hurst, Director of Planning Steve Glass, Water Utilities Engineer Mark Johnson, Deputy City Attorney Chris Griffen, Project Manager Johnie Long and Councilmen Bob Goodwin and Larry Daniel.

### ACTION ON MINUTES:

(October 3, 2006)

**Approved.**

Motion by Brown, second by Gosserand to approve the minutes of the meeting of October 3, 2006 as submitted.

Voice vote: Unanimous. ***Motion carried.***

### REPORTS OF BOARDS AND STANDING COMMITTEES:

Senior Planner Derrel Smith reported the Public Hearing was held today at 3:30 p.m. regarding changes on the Master Street Plan.

Smith said the change would make the current major arterial Champions/Horsebarn Road a collector street and designate a new street which is 600-feet east of Champions as a major arterial street.

An ordinance proposing the changes to the Master Street Plan will be sent to the City Council for approval next week.

Smith also requested the commission's permission to allow staff to approve waiving

the loading areas on Large Scale Development Plans for buildings that are larger than the 5000 sq. ft. as required in the code.

Smith explained that sometimes the loading area is the only reason a Large Scale Development Plan is put on the Planning Commission Agenda rather than the Consent Agenda.

Smith suggested that if the staff could make the decision on buildings more than 5,000 sq. ft., based on what the use of the building then the Large Scale Plan could be on the Consent Agenda.

Smith said if there was an issue that needed to be addressed with the Large Scale Development Committee it would be put on the agenda for a decision by the LSD Committee.

**Approves** the Planning Staff the authority to waive requirements for loading areas on smaller large scale development plans.

Motion by White, second by Shelby to accept the proposal by the Planning Office to allow the staff to waive requirements for loading areas on smaller large scale development plans.

Voice vote: Unanimous. ***Motion carried.***

Smith also introduced Johnie Long as the newest member of the Planning Staff.

Smith said Long will be the Project Manager for Capital Improvement Projects and will be reviewing the drainage plans before it comes before the Planning Commission.

Smith also announced that Assistant City Planner Joe Hurst will be leaving at the end of the month to move to El Dorado.

Commissioner Myers, of the Large Scale Development Committee, recommended that New Business Agenda Items #2 & #3 be

moved to the Consent Agenda with the conditions as listed and waivers granted.

Motion by Myers, second by Shelby to move Items #2 & #3 to the Consent Agenda.

Voice vote: Unanimous. ***Motion carried.***

## **CONSENT AGENDA:**

### **Revised Final Plat, Plantation Ph 2**

1. Label Lots 134-138 as “A” lots and move the “B” designation closer to the lot

### **Final Plat, Brentwood Subdivision**

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. 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 by a state-licensed and bonded driller in accordance with 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 and ramped at all curb cuts to meet ADA specifications and installed the full width of the property (13<sup>th</sup> St. & Price Lane) 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 min. of five (5) feet behind the curb.
5. Sidewalks not along lots must be built by the developer.
6. Interior sidewalks must be 5’ in width and are the responsibility of the lot owner. Sidewalks must be installed prior to issuance of a Certificate of Occupancy.
7. Developer must post a 2-year letter of credit for 25% of all interior sidewalks. This letter of credit may be reduced as sidewalks are built and will be redeemed at the end of the 2-year period for construction of any sidewalks along vacant lots.
8. The developer must obtain an off-site drainage easement for all areas of discharge.
9. A handrail may be required adjacent to detention pond. A decision will be made by the street department at final inspection.
10. 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. Carroll Electric will no longer install street lights which will require each developer to 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 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.

11. Streets must be built to city standards with curb and gutter and sidewalks installed or provide a letter of credit.
12. Dedicate a total of 30 feet of right-of-way from the centerline of South 13<sup>th</sup> Street.
13. The developer must rebuild one half of South 13<sup>th</sup> Street, 19 ½ feet from the centerline to collector street standards including all drainage improvements, sidewalks and curb and gutter. This extent of the rebuild will depend on soil conditions. A cash bond will be accepted in lieu of construction.
14. Dedicate a total of 30 feet of right-of-way from the centerline of Price Lane.
15. The developer must rebuild one half of Price Lane, 19 ½ feet from the centerline to collector street standards including all drainage improvements, sidewalks and curb and gutter. This extent of the rebuild will depend on soil conditions. A cash bond will be accepted in lieu of construction.
16. Provide a 1-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.
17. Recorded POA covenants will be required prior to issuance of a building permit.
18. Street signs and stop signs must be cash-bonded prior to City Council acceptance of the final plat. Every "T" intersection will require 1 street sign and every "cross" intersection will require 4 street signs. Stop signs must be shown on the plan and in place prior to building permits being issued.
19. Developer to contact the U.S. Postmaster at 401 No. 8<sup>th</sup> St. to schedule type of mail delivery.
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 five (5) original copies of the recorded plat and seven (7) copies for distribution to affected utilities.

**THE FOLLOWING ITEMS ARE REQUIRED PRIOR TO CITY COUNCIL:**

- **Provide a drainage certification by the engineer of record**
- **Provide a check with an engineer's certified cost estimate for the rebuild of 13<sup>th</sup> St. and Price Post a 2-year letter of credit for 25% of the unbuilt interior sidewalks**
- Post a letter of credit for any unbuilt interior streets
- Provide a 1-year maintenance bond in the amount of fifty percent (50%) of the actual construction cost for the street and storm drainage improvements
- Provide a draft of the POA covenants
- Provide a copy of the off-site drainage easement
- Provide a check in the amount of \$1,685 for street signs and stop signs
- 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 2 GPS reference points tied to the Rogers Monument System on compact disk formatted for AutoCAD 2004.
- Provide the City Clerk with 25 paper copies & an electronic copy of the ordinance that allows the City Council to accept the final plat

### **LSDP, Benton County Surgical**

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. All signs will require separate permits.
3. 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.
4. Sidewalks must be 5' (previously approved by planning commission) 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 min. of five (5) feet behind the curb.
5. 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.
6. Developer to contact the U.S. Postmaster at 401 No. 8<sup>th</sup> St. to schedule type of mail delivery.

7. The proposed trash dumpster must be screened with a solid-type screening consistent with the architectural style of the building.
8. 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.
9. All parking lots and drives must be hard surfaced.
10. All mechanical, electrical and air conditioning equipment must be screened from public view.
11. The entire facility must comply with the requirements of the Americans with Disabilities Act of 1990.
12. All water and sewer plans must be approved by the Rogers Water Utility Department prior to construction. THIS IS A SEPARATE REVIEW PROCESS AND A PRE-CONSTRUCTION MEETING WILL BE REQUIRED.
13. The owner/developer will be responsible for any upstream or downstream flooding as a direct result of this development.
14. 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 WAIVER IS APPROVED:**

- Provide the required number of 10' x 35' loading areas or ask for a waiver from the Planning Commission (loading areas cannot be in the fire lane)

**LSDP, Rogers E.N.T. Medical**

15. 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.
16. All signs will require separate permits.
17. 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.
18. Sidewalks must be 5' (previously approved by planning commission) 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 min. of five (5) feet behind the curb.

19. The developer must obtain an off-site drainage easement for all areas of discharge prior to the first inspection by the Rogers Street Department.
20. 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.
21. Developer to contact the U.S. Postmaster at 401 No. 8<sup>th</sup> St. to schedule type of mail delivery.
22. The proposed trash dumpster must be screened with a solid-type screening consistent with the architectural style of the building.
23. 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.
24. All parking lots and drives must be hard surfaced.
25. All mechanical, electrical and air conditioning equipment must be screened from public view.
26. The entire facility must comply with the requirements of the Americans with Disabilities Act of 1990.
27. 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.
28. The owner/developer will be responsible for any upstream or downstream flooding as a direct result of this development.
29. 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 WAIVER IS APPROVED:**

- Provide the required number of 10' x 35' loading areas or ask for a waiver from the Planning Commission (loading areas cannot be in the fire lane)

**THE FOLLOWING PLAN REVISION IS APPROVED:**

- Label the type of pipe on the south entrance

**APPROVED.**

Motion by Myers, second by White to approve items on the consent agenda and recommended approval to the City Council for the final plats.

Roll call: Unanimous. ***Motion carried.***

**PUBLIC HEARING:**

(Agenda Item #1)

Request by Oliver Haynes, LLC to rezone approx. 85 ac. from A-1 (Agricultural) to the PUD (Planned Unit Development) zoning district with the following underlying zones:

- approx. 4.51 ac. To C-3 (Neighborhood Commercial)
- approx. 60.96 ac. To C-2 (Highway Commercial)
- approx. 14.53 ac. To R-O (Residential Office)
- approx. 4.29 ac. To RMF-6A (Multi-family) WITHDRAWN-NOT SHOWN ON CONCEPT PLAN

All of the above tracts are between 40<sup>th</sup> & 45<sup>th</sup> St., on the south side of Oak St. & north of the 45<sup>th</sup> St. Bridge

**TABLED FOR TWO WEEKS**

(Agenda Item #2)

Request by John Rees to rezone approx. 2.13 ac. previously approved as C-3

(Neighborhood Commercial) to 1.59 ac. of PUD/C-3 (Planned Unit Development/Neighborhood Commercial).

This site is part of a 40-ac. Tract between 40<sup>th</sup> & 45<sup>th</sup> St., on the north side of Oak St.

**TABLED FOR TWO WEEKS**

(Agenda Item #3)

Request by John Rees to rezone approx. 36.39 ac. previously approved as C-2

(Highway Commercial) to 36.76 ac. of PUD/C-2 (Planned Unit

Development/Highway Commercial). This site is part of a 40-ac. Tract between 40<sup>th</sup> & 45<sup>th</sup> St., on the north side of Oak St.

**TABLED FOR TWO WEEKS**

(Agenda Item #4)

Request by John Rees to rezone approx. 1.43 ac. previously approved as R-O (Residential Office) to 1.61 ac. of PUD/R-O (Planned Unit Development/Residential Office). This site is part of a 40-ac. Tract between 40<sup>th</sup> & 45<sup>th</sup> St., on the north side of Oak St.

**TABLED FOR TWO WEEKS**

Senior Planner Derrel Smith announced that the engineer for the first four public hearings had notified the Planning Office and residents within 300-ft. of each of these properties that the Public Hearings would be held in two weeks due to the developer being out of town for today’s meeting.

Deputy City Attorney Chris Griffen advised that since items 1 thru 4 were on the agenda, the public should have the opportunity to speak at this time and then a motion would be required to table the public hearings.

There were no comments from anyone in the audience.

The Public Hearing was declared closed.

Motion by Brown, second by Shupe to table Public Hearings #1 thru #4 for two weeks.  
Roll call: Unanimous. ***Motion carried.***

(Agenda Item #5)

Request by Warren Wong to rezone 122 West Pine St. from I-1 (Light Industrial) to the RMF-6B (Multi-family) zoning district

Chairman Freitag announced that the applicant has requested the item be withdrawn but opened the meeting for anyone who might be attending the meeting the opportunity to speak regarding the request.

The Public Hearing was declared closed.

Motion by Myers, second by Gosserand to withdraw the item as requested.  
Roll call: Unanimous. ***Motion carried.***

**WITHDRAWN AS REQUESTED.**

(Agenda Item #6)

Request by Smith Two-Way Radio for a Conditional Use Permit to operate a communications tower at 4033 Garrett Road in the A-1 (Agricultural) zoning district

Tom Kieklak, attorney representing Mary Ellen Pack and Smith Two-Way Radio, requested the conditional use permit.

Kieklak stated the need for a new communication tower and provided a map showing current coverage for cell phone use for the area or lack thereof and another map showing the coverage with the tower.

Kieklak said there the residents in this area cannot use their cell phones because there is no tower.

Kieklak said this monopole would be 195-foot tall and a co-location tower with at least three carriers using the 75' x 75' fenced area.

Commissioners questions whether the new cell tower regulations were in effect for this request.

Smith reported the City Council approved the Cellular Tower ordinance at the last meeting, but it will not go into effect for thirty days, however this tower is under 200-ft and is in an A-1 zone so it would comply with the new ordinance.

There were no comments from anyone in the audience in favor of the conditional use permit.

Tom Guthrie, 4505 Goldenacre Lane in Cross Creek Development, asked if the zoning would have to be changed and expressed concern that this would affect the property values of the 70+ homes that are for sale in the area.

Guthrie said he would like to see what the plan is for this area and asked if the placement of this tower affects that plan.

Commissioners assured Guthrie that the cell tower at this location would not affect the comprehensive growth plan because the property is zoned A-1. If the property was

rezoned, the 75' x 75' area would remain A-1.

**APPROVED.**

Motion by Myers, second by Gosserand to approve the conditional use permit as requested.

Voice vote: Unanimous. ***Motion carried.***

(Agenda Item #7)

Request by The Lodge of Rogers, Inc. for a Conditional Use Permit for a private club at the Homewood Suites Hotel at 4302 West Walnut in the C-2 (Highway Commercial) zoning district

Robert King, representing Homewood Suites Hotel, and Rogers Lodging Associates, requested the conditional use permit for operations of a private club.

King said the private club is a requirement of the brand which is owned by the Hilton Hotels, Corporation for hotel guests.

King said the hours of operation would be 5 p.m. to 10 p.m. Monday through Thursday and occasionally on the weekends for special events for the Homewood Suites guests. There would not be any additional signage.

There were no comments from anyone in the audience either for or against the conditional use permit.

The public Hearing was declared closed.

Motion by White, second by Brown to approve the conditional use permit for an indefinite period of time.

Commissioner Shupe disqualified himself from the vote.

Voice vote: Unanimous. ***Motion carried.***

**APPROVED.**

(Agenda Item #8)

Request by UMC to rezone approx. 3.52 ac. on the east side of 40<sup>th</sup> St., south of Oakley Chapel Cemetery from A-1 (Agricultural) to the R-O (Residential Office) zoning district

Bill Watkins, representing Oakley Chapel United Methodist Church, presented the rezone request.

Watkins said the church owns a house located south of the cemetery which in the

past has been rented. Someone now wants to rent the house and use it as an office.

Watkins said the church has no plans for the property, and eventually the house will be torn down and church facilities will be built.

There were no comments from anyone in the audience either for or against the rezoning request.

The Public Hearing was declared closed.

Motion by Shelby, second by Myers to recommend approval to the City Council as requested.

Roll call: Unanimous. ***Motion carried.***

**APPROVED**

(Agenda Item #9)

Request by Wayne & Robbie Ridout to annex & zone 1.39 ac. On the north side of Ridout Lumber on Hudson Road to the C-2 (Highway Commercial) zoning district

Bill Watkins, representing the Ridouts, noted this property was previously in the county and had been released by the Benton County Judge and the zoning would match up with adjoining property zoned C-2.

There were no comments from anyone in the audience either for or against the annex and zone.

The Public Hearing was declared closed.

Motion by Brown, second by Shupe to recommend approval to the City Council the annexation and zone as requested.

Roll call: Unanimous. ***Motion carried.***

**APPROVED,**

**NEW BUSINESS:**

(Agenda Item #1)

Revised Preliminary Plat for Chelsea Point with a request for reduced setbacks based on an Amenity Agreement. Site is on the east side of Honeysuckle Lane, north of Pleasant Grove Road in the RSF-4 (Single-family Zoning district)

Art Scott, of Project Design Consultants, presented the preliminary plat.

The Subdivision Committee reported the review of the plan and recommended approval.

**APPROVED.**

Motion by Brown, second by Shupe to approve the revised preliminary plat.  
Voice vote: Unanimous. ***Motion carried.***

(Agenda Item #4)

LSDP, Jamestown Health & Spa on the south side of New Hope in the PUD/RO zoning district

Brian Jackson, of Freeland, Kauffman and Fredeen, presented the large scale development plan.

Jackson provided a rendering of the building and samples of materials that will be used for the facility.

The Large Scale Development Committee reported the review of the plan and recommended approval subject to the following conditions:

1. Drainage improvements must be completed and certified by the engineer of record, Freeland-Kauffman-Fredeen, 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 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. 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 on New Hope Road and 5’ on both sides of Hampton Place. Sidewalks must be ramped at all curb cuts to meet ADA and AHTD specifications 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 min. of five (5) feet behind the curb.
9. The developer must obtain an off-site drainage easement for all areas of discharge prior to the first inspection by the Rogers Street Department.
10. Street lights must be installed at the entrance, intersections, end of cul-de-sacs and not more than 400’ apart 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.

11. Streets must be built to city standards with curb and gutter and sidewalks installed or a letter of credit posted prior to issuance of a Certificate of Occupancy.
12. Dedicate a total of 60 feet of right-of-way by separate document for the interior street and the 20 foot-wide recreation easement. Recorded deeds will be required prior to issuance of a Certificate of Occupancy.
13. Provide a 1-year maintenance bond in the amount of fifty percent (50%) of the actual construction cost for the street and storm drainage improvements prior to issuance of a Certificate of Occupancy. The bond shall be in effect for a period of one (1) year from the date of the final inspection.
14. Establish a POA to maintain all common areas and provide the city planner with a draft of the covenants prior to issuance of a Certificate of Occupancy. If the proposed park will be deeded to the City of Rogers, arrangements must be made concerning the maintenance responsibility for the detention pond. Recorded covenants will be required prior to issuance of a building permit.
15. 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.

16. Developer to contact the U.S. Postmaster at 401 No. 8<sup>th</sup> St. to schedule type of mail delivery.
17. The proposed trash dumpster must be screened with a solid-type screening consistent with the architectural style of the building.
18. Identify all trees 6” or greater in diameter that will be removed.
19. 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.
20. All parking lots and drives must be hard surfaced.
21. All mechanical, electrical and air conditioning equipment must be screened from public view.
22. 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.
23. The entire facility must comply with the requirements of the Americans with Disabilities Act of 1990.
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 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 WAIVER IS APPROVED:**

- Trees are required in the front landscape buffer not less than 20 feet apart (the species of tree and the canopy size precludes the developer from )meeting this requirement

**APPROVED.**

Motion by White, second by Myers to approve the preliminary plat subject to the conditions as listed.

Voice vote: Unanimous. ***Motion carried.***

(Agenda Item #5)  
 LSDP, First Federal Bank at No. 13<sup>th</sup> & West Hudson in the C-2 (Highway Commercial) zoning district

Matt Castor, of Crafton, Tull & Associates, presented the large scale development plan.

The Large Scale Development Committee reported the review of the plan and recommended approval, but will not approve the waivers.

Motion by Shelby, second by Myers to approve the large scale development plans subject to the following conditions:

1. Drainage improvements must be completed and certified by the engineer of record, Crafton, Tull & 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. See site plan for variance approvals.
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 on Highway 102 and be ramped at all curb cuts to meet ADA and AHTD specifications or provide 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 min. of five (5) feet behind the curb.
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. 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.
13. 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.
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.
18. Engineer to consult with the Planning Office to work out the sidewalks along Hwy. 102.

**THE FOLLOWING WAIVERS ARE DENIED:**

- The proposed drive on Highway 102 does not meet the separation distance required by the Access Management Standards (the width of the entire lot is 112.28 feet)

- Provide a 6' sidewalk along Highway 102 (this site drains from an existing weir to an inlet at the SE corner of the lot). Applicant requests that they be able to pay cash in lieu of construction

There being no further business, motion by Brown, second by Thrasher to adjourn the meeting. Meeting adjourned at 5:30 P.M.

**ATTEST**

**APPROVED**

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Dan Brown, Secretary

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Rhonda Freitag, Chairman