

MINUTES

The **Rogers Planning Commission** met for a *regular session* in the Council Chambers of the Maurice H. Kolman Building on Tuesday, May 1, 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:

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

OTHER OFFICIALS PRESENT:

Director of Planning and Transportation Steve Glass, Assistant City Planner Candy Anderson, Project Manager Johnie Long, Deputy City Attorney Chris Griffin, Rogers Water Utility Engineer Everett Balk, Assistant Fire Marshal Bill Rumsey, Main Street Director Marge Wolf, Administrative Assistant Donna Johnston, and Council Member Betsy Reithemeyer.

ACTION ON MINUTES:

(April 16, 2007)

APPROVED.

Motion by Freitag, second by Gosserand to approve the minutes of the April 16, 2007 meeting as submitted.

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

REPORTS OF BOARDS AND STANDING COMMITTEES:

None

OLD BUSINESS:

(Agenda Item #1)

Request by Verizon Wireless for a Conditional Use Permit for a Cellular Use Permit for a Cellular Antenna at Freewill Baptist Church, 900 South Dixieland in the R-SF (Residential Single-Family) Zoning District.

Chairman Brown reminded everyone the Public Hearing on this request was held two weeks ago. Brown stated today we hear from the applicant and will grant a five minute time limit for a representative of the neighbors to make comments.

Bill Watkins represented this conditional use request. Mr. Watkins said he was hired by

Verizon today to try and shepherd this process through the City. He stated he had not met with the neighbors to try and reach any common ground. Watkins said in order to get this done, he needed some time and asked the Commission to table this request to give him an opportunity to visit with the neighbors.

Commissioner Gosserand asked Mr. Watkins what had transpired between the last meeting and today. Watkins said there was a meeting with the neighbors, however, he was not present at the meeting. Watkins said he could not speak to the productivity of that meeting. He said he would suspect, based upon the number of people at today's meeting, the meeting was not as productive as it could have been. Watkins said he knows many of the neighbors and he thinks progress can be made if he is given the time to talk to them.

Mr. Tim McClung, 911 South 19th Street, represented the neighbors. Mr. McClung said his property backs up within 40' of the proposed site. McClung provided the Commissioners an aerial photo to show the opposition to the cell phone tower as well as the proposed layout of the tower. Mr. McClung stated on April 3 Mr. MacBrayer was challenged with the task of meeting with the citizens of this neighborhood, and to come back with our support. McClung stated we did have the meeting. We did not come back with any more support. We had valid questions and concerns of Mr. MacBrayer at the meeting. The responses we got were, "that is not my department", "I don't know", "I don't handle that", and "let me get back to you". We were not satisfied with any of those answers. We still have the same concerns we had April 3—the health of our family and the value of our

properties. McClung stated some people say cell phone towers are not intrusive to a neighborhood, but 40 x 40 is equivalent to 1,600 sq. ft. which is about the size of the houses in our neighborhood. McClung said when you add in the 90' height, we will have a structure 10' taller than the JB Hunt Building in Lowell. We have 70 citizens within ½ mile of this site that are adamantly opposed to this tower, and one citizen who is adamantly in favor of the tower.

McClung said he is tickled to death Bill Watkins has been retained by Verizon. I hold Bill to the highest of character. I think he understands our concerns and can look at this with us.

Commissioner Thrasher asked Mr. McClung if he thought the Commission would be wise to go ahead and table this request to give Mr. Watkins and the neighbors an opportunity to sit down and talk. McClung said he could not speak for all the neighbors, but he was willing to have this meeting. Mr. McClung said the neighborhood is not against Verizon Wireless or the Church.

Commissioner Shelby asked Mr. McClung if they were against the tower because of how it looks or just against the tower at this location. McClung said both. He stated he realized this Commission could not recognize his number one concern—health.

Commissioner Gosserand said at the last meeting no one had any information about the negative health effects of a cell phone tower. Deputy City Attorney Chris Griffin said that is something Federal law says you can not consider when making this kind of decision. The Federal Communications Commission regulates the health and safety of cell towers. It is their opinion that if they meet the FCC requirements, it is not an issue

for the City. Thrasher said he felt if there are concerns by our citizens, the City would have to consider those concerns. Gosserand said he could not see how we could totally ignore health concerns. Commissioner Shupe said he understands from a legal standpoint, but this Commission is to still listen to our constituents. Deputy City Attorney Chris Griffin said his knowledge is limited on this, but the Federal Government sets the regulations on these towers. If the Government signs off as safe, it would preempt those concerns. Griffin said he will have more information on that by the next meeting.

Chairman Brown advised the neighbors the Commission appreciated the neighborhood working together and letting Mr. McClung represent them.

TABLED.

Motion by Thrasher, second by Myers to table this conditional use permit request to the May 15, 2007 meeting.

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

(Agenda Item #2)

Request by Jerry Hawkins for a Conditional Use Permit for Vehicle Sales at 1908 South 8th Street in the C-2 Zoning District.

Mr. Hawkins did not show up for the meeting. Commissioner Thrasher asked if this was the same applicant who did not show up at the last meeting. Assistant City Planner Candy Anderson said Mr. Hawkins was called and advised that he needed to be at this meeting. Commissioner Shupe asked if there were a limit on how many times this could be tabled. Deputy City Attorney Chris Griffin said there were no limits on conditional use. Anderson said Mr. Hawkins had opened his business. Code Enforcement has shut him down until this hearing.

TABLED.

Motion by Shupe, second by White to table this conditional use request until May 15, 2007. Voice Vote: Unanimous. **Motion carried.**

Assistant City Planner Candy Anderson said she would call Mr. Hawkins tomorrow and let him know the next meeting will be his last try for this public hearing.

(Agenda Item #3)

Request for a Waiver from Large Scale Development Review for a Carroll Electric Substation South of Pleasant Grove Road on the East Side of Bellview Road in the A-1 (Agricultural) Zoning District.

Mr. Jeff Smalley, Engineer for Carroll Electric Cooperative in Berryville, Arkansas, represented this large scale waiver request. Mr. Smalley said all bullets at the April meeting have been addressed. There is a new bullet concerning the driveway width. This has been requested by the Fire Department. A revised drawing was turned in to Candy Anderson this morning showing that revision. Smalley said Anderson had also mentioned a concern about the weight of the fire trucks on the driveway. Smalley said the substation transformer will be placed on this road. The transformer will weigh 50,000 lbs. and the truck carrying the equipment into the site will be an additional 20,000 lbs. This road will be lightly used after construction. The driveway is in a location requested by Mr. Mills because of the church. It is within our transmission easements. Smalley said he was also requesting a waiver on the landscaping around the substation. Trees and shrubs cause access ability as well as reliability issues. Shrubs create a habitat for small animals which get into the substation as well as the transmission lines. Five foot out from the substation fence will be a ground pit and we can not have shrubs enter into that. A forest will still remain on the north and west side of the substation. There will be a three foot berm per the request of Mr. Mills, and he will plant the trees of his choosing.

Large Scale Committee has met and recommends the waiver of the driveway as long as it meets the Fire Chief's expectations on width and

compaction. Large Scale also recommends the waiver on the landscape. The large scale will be subject to the following comments:

1. Landscaping must be installed and a three-year guarantee submitted on plant replacement. 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.
2. 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.**
3. The owner/developer will be responsible for any upstream or downstream flooding as a direct result of this development.

Commissioner Thrasher said this will be connecting onto one of our City’s main through routes and along side I-540. Are we sure we want that gravel? If we grant this waiver, it will be a gravel road forever. Commissioner Myers asked if there was a reason this could not be tied into the church and vegetated once the construction was completed. Smalley said if the Church does not have a problem with us using their parking lot, we would not have a problem with that. There may be some concern by the Church about the weight of our trucks on their lot. Myers said we would still allow the gravel road for construction only. Commission Shelby asked if it would look better to pave the drive or re-vegetate. Thrash said he would not like to see two driveways at that location.

APPROVED.

Motion by Myers, second by White to grant this large scale waiver request subject to the conditions listed and that the gravel drive will be

re-vegetated upon completion of the construction.

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

Assistant City Planner Candy Anderson asked if Mr. Smalley will have to amend his plans. Chairman Dan Brown said no. All we are asking him to do is re-vegetate the gravel drive once the construction is completed. Church drive will be used for normal access as cross access is already part of their easement.

CONSENT AGENDA:

Commissioner Myers said Large Scale would like to add the large scale review waivers by Verizon Wireless at 1200 North Dixieland Road and 4730 Bellview, large scale development plan for the Northwest Arkansas Regional Animal Hospital, large scale development plan for Taco Bell, and the revised mass grading plan for Jollyz to the consent agenda.

APPROVED.

Motion by Myers, second by Shelby to move the above listed items to the consent agenda for approval.

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

LSDP, Chuck E. Cheese on the West Side of Promenade Blvd., South of New Hope Road in the C-2 (Highway Commercial) Zoning District.

1. Drainage improvements must be completed and certified by the engineer of record, Crafton, Tull, Sparks & Associates, with all ditches and basins solid-sodded, concrete-lined, or underground conduit installed prior to issuance of a Certificate of Occupancy. Erosion control methods must be used during construction.
2. Construction debris must be cleared from all stormwater structures and verified by a site inspection from the Planning Department prior to issuance of a Certificate of Occupancy,
3. This property is located 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 the development is built out.
4. All signs will require separate permits.
5. **Any alcohol sales will require a Conditional Use Permit from the Planning Commission.**

6. Landscaping must be installed and a three-year guarantee submitted on plant replacement or a letter of credit posted prior to issuance of a Certificate of Occupancy. Minimum size of shrubs is five gallons, for shade trees it is 2 ½" B & B, and for ornamental trees it is 1 ½" B & B.
7. Interior sidewalks are the responsibility of the lot owner and must be installed prior to issuance of a Certificate of Occupancy.
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. The entire facility must comply with the requirements of the Americans with Disabilities Act of 1990.
15. All water and sewer plans must be approved by the Rogers Water Utility Department prior to construction. THIS IS A SEPARATE REVIEW PROCESS AND A PRE-CONSTRUCTION MEETING WILL BE REQUIRED.
16. The owner/developer will be responsible for any upstream or downstream flooding as a direct result of this development.
17. Provide the City Planner with a copy of the site plan and utility plan on compact disk formatted for AutoCAD 2004 prior to issuance of a Certificate of Occupancy.

LSDP, The Westin Hotel at Northgate Blvd. and Perry Road in the C-2 (Highway Commercial) Zoning District.

1. Drainage improvements must be completed and certified by the engineer of record, Crafton, Tull, Sparks & Associates, with all ditches and basins solid-sodded,

concrete-lined, or underground conduit installed prior to issuance of a Certificate of Occupancy. Erosion control methods must be used during construction.

2. Construction debris must be cleared from all stormwater structures and verified by a site inspection from the Planning Department prior to issuance of a Certificate of Occupancy,
3. All signs will require separate permits.
4. **Any alcohol sales will require a Conditional Use Permit from the Planning Commission.**
5. Landscaping must be installed and a three-year guarantee submitted on plant replacement or a letter of credit posted prior to issuance of a Certificate of Occupancy. Minimum size of shrubs is five gallons, for shade trees it is 2 ½" B & B, and for ornamental trees it is 1 ½" B & B.
6. Sidewalks must be 6' in width and ramped at all curb cuts to meet ADA and AHTD specifications and installed the full width of the property or a letter of credit posted prior to issuance of a Certificate of Occupancy. Sidewalks must match any existing sidewalks in the area, include truncated domes at the handicap ramps and be located a minimum of 6' feet behind the curb.
7. The developer must rebuild one half of Perry Road, 15 feet from the City street standards including all drainage improvements, sidewalks and curb and gutter. The extent of the rebuild will depend on soil conditions. A cash bond will not be accepted in lieu of construction.
8. Interior sidewalks are the responsibility of the lot owner and must be installed prior to issuance of a Certificate of Occupancy.
9. Street signs and stop signs must be in place and installed by the developer prior to issuance of a Certificate of Occupancy. The cost of the sign and the installation will be at the developer's expense.
10. Developer to contact the U.S. Postmaster at 401 North 8th Street to schedule type of mail delivery.
11. The proposed trash dumpster must be screened with a solid-type screening consistent with the architectural style of the building.
12. Identify all trees 6" or greater in diameter that will be removed.

13. 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.
14. All parking lots and drives must be hard surfaced.
15. All mechanical, electrical and air conditioning equipment must be screened from public view.
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 waived the requirement for two (2) more loading spaces.

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

- The property line adjustment plat (which creates this lot) must be recorded.
- Add a sidewalk to the west side of the entrance drive.
- Provide an overall landscape plan on one sheet.

LSDP, Dental Depot on West Walnut in the C-2 (Highway Commercial) Zoning District.

1. Drainage improvements must be completed and certified by the engineer of record, Crafton, Tull, Sparks & Associates, with all ditches and basins solid-sodded, concrete-lined, or underground conduit installed prior to issuance of a Certificate of Occupancy. Erosion control methods must be used during construction.
2. Construction debris must be cleared from all stormwater structures and verified by a site inspection from the Planning Department prior to issuance of a Certificate of Occupancy.

3. All signs will require separate permits.
4. 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 6’ feet behind the curb.
6. Developer to contact the U.S. Postmaster at 401 North 8th Street 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 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.
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.

Request by Verizon Wireless for a Waiver from the Large Scale Review Process to Co-Locate on an Existing 191’ tower at 1200 North Dixieland Road in the A-1 (Agricultural) Zoning District – No comments listed.

Request by Verizon Wireless for a Waiver from the Large Scale Review Process to Co-Locate on an Existing 301' Tower at 4730 Bellview in the C-2 (Highway Commercial) Zoning District – No comments listed.

LSDP, Northwest Arkansas Regional Animal Hospital at 5301 Southern Hills Court in the C-2 (Highway Commercial) Zoning District.

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. 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 5' in width and ramped at all curb cuts to meet ADA and AHTD specifications and installed the full width of the property or a letter of credit posted prior to issuance of a Certificate of Occupancy. Sidewalks must match any existing sidewalks in the area, include truncated domes at the handicap ramps and be located a minimum of 5' feet behind the curb.
6. Interior sidewalks are the responsibility of the lot owner and must be installed prior to issuance of a Certificate of Occupancy.
7. Developer to contact the U.S. Postmaster at 401 North 8th Street to schedule type of mail delivery.
8. The proposed trash dumpster must be screened with a solid-type screening consistent with the architectural style of the building.
9. The person financially responsible for the project must obtain a grading permit including a copy of the NOI, a copy of the Stormwater Pollution Prevention Plan, and a copy of the Grading and Erosion Control Plan.
10. All parking lots and drives must be hard surfaced.

11. All mechanical, electrical and air conditioning equipment must be screened from public view.
12. The entire facility must comply with the requirements of the Americans with Disabilities Act of 1990.
13. All water and sewer plans must be approved by the Rogers Water Utility Department prior to construction. THIS IS A SEPARATE REVIEW PROCESS AND A PRE-CONSTRUCTION MEETING WILL BE REQUIRED.
14. The owner/developer will be responsible for any upstream or downstream flooding as a direct result of this development.
15. Provide the City Planner with a copy of the site plan and utility plan on compact disk formatted for AutoCAD 2004 prior to issuance of a Certificate of Occupancy.
16. In accordance with the plat for Southern Hills Business Park, each lot is subject to an assessment to the City of Rogers for funding a future traffic signal at Pleasant Grove Road. The per lot assessment is \$4,600 with the exception of Lot 24 (Arkansas National Bank). This assessment is due prior to issuance of a Certificate of Occupancy.

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

Move the fence on the south property line out of the drainage easement.
Label the dark line at the end of the fence and drainage easement (south property line).
Provide 1' of freeboard in the southwest detention pond.

A waiver was granted for access point.

LSDP, Taco Bell on the South Side of Pleasant Grove Road in Pleasant Crossing in the C-2 (Highway Commercial) Zoning District.

1. Drainage improvements must be completed and certified by the engineer of record, Crafton, Tull, Sparks & Associates, with all ditches and basins solid-sodded, concrete-lined, or underground conduit installed prior to issuance of a Certificate of Occupancy. Erosion control methods must be used during construction.
2. Construction debris must be cleared from all stormwater structures and verified by a site inspection from the planning department prior to issuance of a Certificate of Occupancy,

3. This property is located 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 the development is built out.
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. Sidewalks must be 5' in width and ramped at all curb cuts to meet ADA and AHTD specifications and installed the full width of the property or a letter of credit posted prior to issuance of a Certificate of Occupancy. Sidewalks must match any existing sidewalks in the area, include truncated domes at the handicap ramps and be located a minimum of 5' feet behind the curb.
7. Interior sidewalks are the responsibility of the lot owner and must be installed prior to issuance of a Certificate of Occupancy.
8. 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. 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.
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 on compact disk formatted for AutoCAD 2004 prior to issuance of a Certificate of Occupancy.

THE FOLLOWING PLAN REVISIONS ARE REQUIRED:

- Label the monument sign to be a maximum 6' in height with 72 s.f. of sign area.
- The developer is eligible to have a pylon sign which is allowed in the landscaped area of the rear or side yard. Show sign location in the site plan.

A waiver was granted to not require trees in the front landscape buffer (cul-de-sac side) 20' apart.

Revised Mass Grading Plan on a Previously Approved LSDP for Jollyz at 24th Street and West Hudson in the C-2 Zoning District.

THE FOLLOWING ITEMS NEED TO BE ADDRESSED PRIOR TO ISSUANCE OF THE GRADING PERMIT:

- A LOMR-F (Letter of Map Revision based on fill) must be filed with FEMA and approved prior to issuance of the grading permit.
- Provide documentation that all fill has been removed from the floodway as shown on the grading plan.
- Revise grading plan to remove placement of fill in the right-of-way or provide a pipe to handle the stormwater. If a pipe is proposed, calculations will be required.
- Based on the proposed fill, water will be ponding at the northeast corner of the site. Address how this will be handled.

APPROVED.

Motion by White, second by Shupe to approve the Consent Agenda as submitted and revised by Large Scale Committee subject to the conditions listed.
Voice Vote: Unanimous. **Motion carried.**

PUBLIC HEARINGS:

Chairman Brown advised the audience that Public Hearing #4, Request by Randall Carney to Rezone Property at 416 and 418 Spring Street has been withdrawn by the applicant.

(Agenda Item #1)

Request by New Hope Investors for Consideration of a PUD (Planned Unit Development) Concept Plan for 9.28 Acres at 913 West New Hope Road

Kerri Elder, Elder Construction, represented this rezone request. She said that CEI was the engineer on this project. Elder said she believed this will provide a beautiful and

Behind Bob Maloney Ford – Current Zoning is RMF-7A.

needed compliment to the area. We think this will be beneficial to the City of Rogers. Elder stated she has met with the neighbors, both collectively and one on one and has tried to incorporate their wishes into these plans. She stated they had also worked with City Staff. She provided an overview of the residential part of this project. Elder stated we are proposing zero lot lines for single family ownership—not rentals. There will be 56 units, a reduction in the previous plan. There will be extensive covenants along with by-laws for the project. She provided a copy of the covenants for the Commissioners to review. Elder stated they are providing more landscaping than required with mature landscaping being used. The units will be 50% masonry with a garage for each residence. They will be fully privacy fenced, fully sodded yards, and a POA. Extra parking spaces have been provided so there will be no parking on the streets or in the yards. At the request of Staff, we will be providing a school bus loading zone so there will not be any children waiting for buses along New Hope Road. Mrs. Elder said the neighborhood fronting New Hope Road is an attempt for us to provide what we feel is needing in that area—light neighborhood commercial. The buildings are very professional in how they look. They are not meant for retail. Mrs. Elder stated before they ever pursued this concept, we met with Staff to look at the history of this property and to see anything that had been proposed in the past. When we presented our plans, we wanted to make sure Staff was in agreement to our concept. Our next step was to go door to door with the adjoining property owners. We were able to do this with all most everyone. We also had a neighborhood meeting three weeks ago with a good turnout. We felt it was a positive meeting. After the meeting,

we did hear from some of the adjacent property owners who asked us to make some changes to our original plans. They would have rather seen a street between them and the buildings. All we had to do to make this happen was to flip the street on the original plan. This plan is before you today as Plan B. Because of time constraints, we were not able to have another meeting to share this design with the neighborhood. We are willing to do the Plan B design.

Commissioner Shelby said most of the time the boundaries of a project get eaten up by utilities. I do not think you will be able to put trees that dense on the property lines. I think we need to look at what can be done as a buffer on the perimeter in lieu of trees. Shelby said he was also concerned about this staying homeownership. Mrs. Elder said they have tried to create a differing land use so there is not a need for a huge buffer. She stated she thought if we go with Plan B, that would eliminate the need to plant mature trees on the property lines. There are already mature trees in that area, and we plan to leave enough space to protect what is already there. Cliff Mathis, CEI Engineering, said we can address the landscaping concern without affecting the utilities. Shelby asked if any thought was given to not making this look like barracks row housing. By creating this concept as a PUD, you have pretty much told us what this will look like. Mrs. Elder said they can put in several elevation changes that can make a huge difference in how they look. She said the 50% masonry will be rock, stone, or brick. She said they lined them up to be what was adjoining this property. Shelby said he appreciated the covenants, however, the City has no involvement in enforcing any of the covenants. Mrs. Elder

said this will be ruled by a master deed and by-laws as well as the covenants. The by-laws and covenants state this will be professionally managed at least one year by ourselves. As the developer, we have ten years that we can effect the covenants and by-laws. The dues will be for street maintenance. After one year, the POA can get another manager or manage themselves. My hope is to let us continue to manage the POA.

Don Dickhut, 911 West Linden Street, stated he has a petition signed by 28 members of the neighborhood wanting Plan B over Plan A. Mr. Dickhut stated there were also three people in the neighborhood who also were for Plan B, but were not present to sign the petition. Mr. Dickhut said originally Plan A would have us looking into the back yards. On Plan B, we are looking at the front yards. I agree the units are too small, but I feel we are better off with this plan than the plan we saw two or three years ago. The covenants give the choice of cement or asphalt for driveways. I would like to suggest they scratch asphalt and make the drives cement. Commissioner Thrasher advised the audience Mr. Dickhut was a former City Council member who he respected. Thrasher asked Mr. Dickhut if he had any objections to looking at the street from his backyard versus the back yards of this proposed development. Mr. Dickhut said no. The more space we have between this development and our houses is preferable to us. We do not think the street will be an issue.

Norman Carlson, 1006 West Linden, stated his property backs up to this development. I was against this development when it was submitted as apartments. The Elders have agreed to make sure my trees are not

touched by the fence. I do have some concerns about the road and whether it will be heavily trafficked at nights. What the Elders are proposing is quality construction, and I can see it as an asset to the area. I do believe the Elders have a proposal that is in agreement with the neighboring residents.

Kayla Malczycki, 1010 West Linden, stated the back of her yard will abut this development. I like Plan B better. We do not anticipate cars racing up and down the street.

Gordon Barker, 1007 West Linden, said he had some observations on Plan B concerning the houses on the corners. There will not be a 30' buffer at those locations. I would like to see a change made with lots 4 and 12 that would get the distance we need.

Betty Launius, 1016 West Linden, stated she is in favor of what the Elders are doing. I like Plan B, and I also like what Gordon just said about giving us more distance. I will only have 38' from my back porch to the property line.

Sandy Widdicombe, 1002 West Linden, stated she will back up to this development. She also owns two other units that will back up to this development. I am in favor of what the Elders are doing. It is a compliment to the area. I am in favor of Plan B. The street will not be busy. I do have a concern about where the utilities will go as the utility easements could affect the shrubs and the trees. Sandy said she also had some covenant concerns. Chairman Brown said the covenants will be addressed at a later date. Today, we are mainly trying to give direction on the concept plan. Brown said there will be another public

hearing when they actually come back for the rezoning for the approved concept plan.

There was no opposition.

The Public hearing was declared closed.

Commissioner Thrasher complimented the Elders and their consultants. Thrasher reminded the Elders the drawings you showed us today are not something you can forget. You are telling us what you proposed to do is what we will see. Thrasher said he would prefer to see a C-3 or R-O on New Hope Road that would limit the use of the units. Mrs. Elder said the neighborhood commercial shown on the concept plan is to be C-3.

Chairman Brown stated Commissioner Shelby indicated he would like to see some variation in the front elevations. Brown said he would like to see the Elders bring those variations back with the PUD zoning request.

Commissioner Myers asked if the Commission would like to see a hook up to Linden Street for emergency vehicle access. Myers said he knows the neighbors do not want that used as a thoroughfare, but if we had a gate there, it would give emergency access.

Chairman Brown advised Mrs. Elder of the following changes the Commission would like to see:

1. Plan B seems to be the favored plan.
2. We want you to consider an emergency access at the northeast corner that would be gated and Knox boxed.

- 3. We are asking to see the elevation variations.
- 4. We need you to show neighborhood commercial in lieu of highway commercial.

Assistant City Planner Candy Anderson asked if an amenity agreement needed to be submitted with the plan re-submittal showing the staggering of houses. Cliff Mathis , CEI Engineering, said we will definitely look at the elevations, but will need to look at the staggering because of tightness with the setbacks.

Commissioner Shupe said the driveways need to be long enough for a long car and truck.

APPROVED.

Motion by Thrasher, second by Campbell to approve the concept plan subject to the requested changes as stated above. Shupe disqualifies.

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

(Agenda Item #2)
 Request by George’s Commercial Refrigeration to Rezone 2.1 Acres at 1820 South 1st Street from the I-2 (Heavy Industrial) Zoning District to the I-1 (Light Industrial) Zoning District.

Pete Warren represented this rezoning request. Mr. Warren said he would like to add on to his building.

Dan Castor, 110 West Olrich, stated he owned the remaining property around Mr. Warren. Castor said he thought what Mr. Warren is trying to do will be an asset to the neighborhood.

APPROVED.

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

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

(Agenda Item #3)

Request by Blanche Welburn to Rezone Approximately 1.057 Acres at Electric Street from R-DP (Residential Duplex-Patio) to the R-AH (Residential Affordable Housing) Zoning District.

Blanche Welburn represented this rezoning request. She stated her LLC does own this property. Affordable housing gives us a lesser minimum street frontage which is the only way we can divide this property and make use of it into something good on the street. Mrs. Welburn said she is also renovating the home at 519 to practically a new home.

Commissioner Shupe asked about the access to the new structures. Mrs. Welburn said they would be off Electric Street.

No one spoke in favor or in opposition to this rezoning request.

The Public Hearing was declared closed.

APPROVED.

Motion by Myers, second by Shupe to recommend this rezoning request to City Council for approval. Roll Call Vote: Unanimous. **Motion carried.**

(Agenda Item #4)

Request by Randall Carney to Rezone Approximately 2 Acres at 416 and 418 Spring Street from R-DP (Residential Duplex-Patio) to the RMF-11.5B (Residential Multi-Family) Zoning District.
THIS ITEM HAS BEEN WITHDRAWN BY THE APPLICANT.

(Agenda Item #5)

Request by Sunday Partners, LLC to Rezone Approximately 10.05 Acres to PUD (Planned Unit Development) with 5.39 Acres of C-2 (Highway Commercial) and 4.66 Acres of R-O (Residential Office) at the Northeast Corner of Bellview Road and Ajax Avenue.

Bill Watkins represented this rezoning request. He stated the concept plan was approved by a vote of 7 to 2 as submitted. The only thing that has changed is the strip of R-O across the street has been rezoned to C-2 making this even more compatible.

Commissioner Thrasher asked if City Council approved the C-2 across the street. Assistant City Planner Candy Anderson said yes, however, they

did approve the R-O 300' back from the intersection.

No one spoke in favor or in opposition to this rezoning request.

The Public Hearing was declared closed.

Commissioner Shupe said he applauded the berm to the east side of the property. He stated he thought this was a good plan.

APPROVED.

Motion by Thrasher, second by Shupe to recommend this rezoning request to City Council for approval.

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

(Agenda Item #6)

Request by Bob Sowder for Consideration of a PUD (Planned United Development) Concept Plan at 2150-2424 West Laurel Avenue.

Gerald Fox, Forsight Consulting, represented this PUD. Mr. Fox provided drawings by Harrison-French, the architect on this project, of the proposed PUD. Fox said they are proposing 15 buildings with each building having four units—two upstairs and two downstairs. There will be four buildings per acre. Heating and cooling square footages on these buildings range from 2,300 to 3,700 sq. ft. with two car garages. These are not rentals. A POA will be developed to take care of the maintenance. The development will be a gated community with a club and pool. Fox said this will be a good transition from single family to the north to the commercial to the south. We will be accommodating the connection of 24th Street from Laurel to the south.

No one spoke in favor or in opposition to this PUD Concept Plan.

The Public Hearing was declared closed.

Chairman Brown asked if the building footprints were all identical. Fox said there will be some options to make changes. Bob Sowder said these will have their own private entrances and garages.

Commissioner Shelby said he liked this concept plan because the units are not all lined up in a row.

Commission Thrasher said he really liked the residential part of this PUD, but felt we were leaving ourselves open on the R-O on the west side. Thrasher said he thought this was zoned single family on the north side. Gerald Fox said this R-O is further west than the R-O requested previously. Commissioner Shelby said as you get closer to Laurel and 26th, the commercial gets heavier and less dense.

Commissioner Myers asked if the Commission wanted to address a footprint for the R-O. Fox said they were not prepared to do a footprint for the R-O. Shelby said the requirements for the R-O would be a residential scale that matches what you have shown today. They need to be dentists, small medical offices, etc.

Chairman Brown said we are asking you to come back showing us your elevations, layout of the residential buildings, some typical representation of the residential office buildings with the understanding that you are not ready to set that in stone. The R-O will come back for review through Large Scale. Assistant City Planner Candy Anderson asked if the typical could be submitted with the rezone so as not to hold the project up. Brown said yes.

APPROVED

Motion by Myers, second by Freitag to approve this PUD Concept Plan with the comments as submitted above.

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

NEW BUSINESS:

Chairman Brown reminded everyone all the new business was moved to the consent agenda except agenda item #6.

(Agenda Item #6)

LSDP, Will Rogers duplexes on the North Side of Olive Street on 12th Place.

Randy Ritchey, engineer, represented this large scale development plan.

Commissioner Shupe said he had received calls from neighbors who lived on 12th Place who said they were worried about the demographics of the neighborhood as well as the degradation of the neighborhood. Assistant City Planner Candy Anderson said she had also received three phone calls from the neighbors. Chairman Brown said the zoning is all ready in place. Our charge today is to make sure this LSDP meets our development ordinances. Shupe said one of the concerns was related to multi-families living in one unit. Shupe asked if the City was moving to creating ordinances to address that. Deputy City Attorney Chris Griffin said not that he was aware of. He said we have car parking issues and we have passed a parking ordinance. As far as multi-families living in one house, that has not been addressed.

Commissioner Shupe asked Mr. Ritchey where this was located in relationship to Will Rogers. Ritchey said Will Rogers is our north border.

Large Scale Committee has met and in light of our large scale and development ordinances, we are falling short in complying with the ordinances on this project. Large Scale Committee is recommending this be sent back to technical review process as a chance to address the bullet items that have remained unaddressed.

Candy Anderson said when this first came through for technical review, we did not have a lot of information. Anderson said she had received a call from the Arkansas Western Gas Company and Cox Cable because they did not get new plans. When the plans to address the bullet items were submitted, Arkansas Western Gas did not know there was a concrete channel behind the duplexes where the gas meters are to be located. Since you

are recommending this go back to technical review, I think the utility companies would like to see an enhanced set of plans.

TABLED.

Motion by Myers, second by Gosserand to table this LSDP until this can go back through technical review.

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

There being no further business, motion by Shelby, second by White to adjourn the meeting. Meeting adjourned at 6:15 P.M.

ATTEST

APPROVED

Chad Campbell, Secretary

Dan Brown, Chairman

