



COMMUNITY DEVELOPMENT  
PLANNING DIVISION  
301 W. CHESTNUT  
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(479) 621-1186

**OCTOBER 22, 2019**

**TO:** PLANNING COMMISSION  
DEVELOPMENT REVIEW COMMITTEE

**RE: STAFF SUMMARY REPORT  
SUB – SCISSORTAIL PH. 3**

**STAFF:** ELIZABETH JOHNSON, PLANNER III  
DYLAN COBB, ASSISTANT CITY ENGINEER

**PROJECT INFORMATION:**

PROJECT NAME:	Scissortail Ph. 3
PROJECT DESCRIPTION:	94-lot single-family subdivision
ADDRESS/LOCATION:	Haxton Road
GROSS SITE AREA:	35.39 acres
RESIDENTIAL UNITS:	94-lots
REQUESTED WAIVERS:	Street Trees
REQUESTED VARIANCES:	N/A
FEES-IN-LIEU:	N/A

**APPLICANT INFORMATION:**

APPLICANT/REPRESENTATIVE:	Swope Engineering
PROJECT OWNER/DEVELOPER:	Leadership Properties
PROPERTY OWNER:	Leadership Properties
REQUEST:	Preliminary Plat approval

**CITY INFORMATION:**

CGM GROWTH DESIGNATION:	Neighborhood
GROWTH DESIGNATION CHARACTER:	Single-use residential areas connected by collector and local streets that may feature community-oriented non-residential uses such as schools, resource centers, and places of worship. Goals include preserving locations for low-density residential while limiting its proliferation in areas proposed for higher-intensity development.
ZONING DISTRICT:	R-SF (Residential Single-Family)
AUTHORITY:	Chapter 14, Article III, Rogers Code of Ordinances



- The project includes 35.39 acres off of Haxton Road.
- The site is not located within a PUD. Surrounding properties are zoned R-SF and A-1.
- The Preliminary Plat has gone through the technical review process and all required revisions have been completed with the exception of requested waivers and/or variances.



## ENGINEERING REVIEW:

1. ACCESS MANAGEMENT: The site meets all requirements for City access management standards per Sec. 14-260.
2. STORMWATER MANAGEMENT: **There is currently a row of lots along the north side of the subdivision which are graded to drain to a neighboring property instead of the detention pond. Staff has requested this to be resolved with a drainage easement and swale or appropriate improvements to take this drainage to the detention pond.** Scissortail Phase 3 Stormwater management is managed through this detention pond.
3. WATER QUALITY: Water quality will be managed through existing features in phase one.
4. MASTER STREET PLAN IMPROVEMENTS:
  - a) Street Pavement and Condition: The streets within this Preliminary Plat connect to other interior streets in other phases of the subdivision. All streets within the Scissortail subdivision are Private Drives.
  - b) Connectivity Standards: This phase of development connects to an existing private street network and only indicates private streets and follows Code for Sec. 14-604(c)(7), and therefore does not permit interior public streets required for Connectivity. Stub-outs to the west are for a future phase of development and are also private streets.
  - c) Streetscape:
    - i. Right-of-Way:
      - 1) No portion of this project is public right-of-way.
    - ii. Sidewalks & Sidepaths:
      - 1) 5' sidewalk with 5' greenspace to be provided as part of this development. However, these are private sidewalks and greenspace along a private drive, and will be required to be maintained by the developer or a POA per Sec. 14-583(c).
  - d) Trails: No trail construction is required on this site.
  - e) Street Lights: Street lights to be installed as part of this development. However, these are private streetlights along a private drive, and will be required to be maintained by the developer of a POA per Sec. 14-583(c).
5. Street Trees: Street trees are required per the Typical Street Section required with a Preliminary Plat per Sec. 14-580(1)c.iii. The developer has requested a **WAIVER** of Sec. 14-580(1)c.iii. The applicant requests that street trees not be required due to a hardship in which the POA covenants do not require maintenance of trees, and that changing the covenants would likely not be possible due to the amount of existing neighbors. The applicant also states that trees will be planted in locations around the subdivision. It is noted that the remainder of the subdivision was not required to install street trees. Sec. 18-257 states "The subdivider will be encouraged by the city to provide the trees on private lands in the subdivision in accordance with the tree plan." The current "tree plan" is provided through the Typical Street Sections for City Streets provided by the City of Rogers is to have street trees within the greenspace.



6. RECOMMENDATIONS:

- a) Staff recommends to **TABLE** the Preliminary Plat pending a drainage easement and improvements along the north side of the phase to take drainage to the detention pond.
- b) **Deny WAIVER of Sec. 14-580(1)c.iii** from requiring street trees to be planted as part of the Typical Street Section. Staff recommends encouraging street trees along this route per Sec. 18-257 to the subdivider. Though the first two phases of the subdivision did not require street trees to be installed, staff notes that street trees would be required prior to any future dedication of the private drives as public rights-of-way. Approving the waiver, however, will provided consistency throughout the subdivision. The provided hardship conflicts with code stating in Sec. 14-583(c) that "the POA covenants shall address the following: Maintenance of streets, greenspaces and street lights shall be the responsibility of the developer or of a neighborhood property owners association (POA) and shall not be the responsibility of the City. The method for maintenance of streets, greenspaces, and street lights, and a maintenance fund for those purposes, shall be established by the covenants.

**STAFF SIGNATURES:**



Kris Paxton, Development Compliance Manager  
City of Rogers Engineering Division



Lance Jobe, City Engineer  
City of Rogers Engineering Division



**PLANNING REVIEW:**

1. LAND USE:
  - a) Use Definition: Single-Family Residential encompasses buildings containing one dwelling unit located on a single lot. Single-Family residential includes without limitation tiny houses as defined by Sec. 10-36 of the City of Rogers, Code of Ordinances.
  - b) Zoning Compliance: The proposed project is in compliance with all R-SF zoning standards.
  - c) CGM Compliance: The proposed project is in compliance with the purpose, character, and goals of the Neighborhood Growth Designation.
2. DEVELOPMENT STANDARDS: The proposed project conforms to all development standards required by Sec. 14-580 and Article III.
  - a) Building Disposition: The preliminary plat has met all building disposition requirements, as stated in Sec. 14-699.
  - b) Parking & Loading: N/A
  - c) Screening & Transitions: N/A
  - d) Landscaping: All landscaping requirements have been met.
3. REPORTS FROM OTHERS: The proposed project has been reviewed by the City of Rogers Risk Reduction Division and Rogers Water Utilities (see Tab 2 for RWU Conditional Approval Letter). All projects are made available for review by franchise utilities and Benton County 911 Administration.
4. RECOMMENDATIONS:
  - a) Consider with regard to land-use compatibility and the health, safety, and general welfare of the public.
  - b) **Approve.**

**STAFF SIGNATURES:**

  
Elizabeth Johnson, Planner III  
City of Rogers Planning Division

  
Ethan Hunter, City Planner  
City of Rogers Planning Division



**TOTAL REQUESTED WAIVERS & VARIANCES:**

1. **Waiver of Sec. 14-580(1)c.iii from requiring street trees to be planted as part of the Typical Street Section**  
(staff recommends denial).

**SUGGESTED MOTIONS:**

1. FOR APPROVE: "Move to approve the Preliminary Plat for Scissortail Ph. 3 as presented."
2. FOR APPROVE WITH CONDITIONS: "Move to approve the Preliminary Plat for Scissortail Ph. 3 subject to [conditions, contingencies, or other actions on requested waivers/variances]."
3. FOR TABLE: "Move to table the request [indefinite or date certain]."

**DIRECTOR'S COMMENTS:**

1. Agree with recommendations.

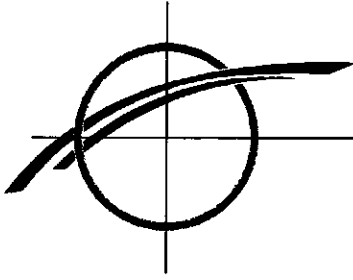


John McCurdy, Director  
City of Rogers Community Development

**TABS:**

1. Waiver Letter
2. RWU Conditional Approval Letter
3. Preliminary Plat





## **SWOPE ENGINEERING**

Civil Engineering

3511 SE J Street, Suite 9

Bentonville, AR 72712 479-685-8399

May 24, 2019

Elizabeth Johnson, Planner  
City of Rogers  
301 W Chestnut  
Rogers, AR 72756  
Phone: (479) 795-2750

**Re: Street Tree Waiver Request  
Scissortail Phase III**

Dear Mrs. Johnson,

Please accept this letter in support of approval for the referenced waiver. This waiver request is for an exemption from the street tree requirement. While this development is heavily planted (see all the common areas: clubhouse, front walls, and common lots) in trees and other landscaping, street trees would be inconsistent with the first two phases of this subdivision. The following list more clearly defines why this waiver should be granted.

- Private Streets- The street tree requirement in the city code calls for city maintenance of trees, but this project has no public right-of-way. Therefore, the POA would have to maintain. Since the POA consists of many individual homeowners, changing the covenants is not likely. The only other way for maintenance of the trees is to create a new POA, which would isolate phase 3 from the other two phases.
- Prior Approval- When the original Preliminary Plat was approved, this was not required. The current project for phase 3 is submitted due to a lot reconfiguration, but we request some consideration that the original intent of Scissortail's layout be maintained.
- Existing Covenant Requirements- The current "Covenants & Restrictions" for this subdivision require two front yard trees in every yard, anyway. This will already result in a heavily-planted project.

Thank you for your consideration in approving this waiver. If you have any questions or concerns prior to Planning Commission, please let me know.  
This letter is submitted for your recommendation of approval to the Planning Commission.

Sincerely,

Phil Swope, PE  
Project Engineer





October 16, 2019

Mr. Phillip Swope, PE  
Swope Consulting  
3511 SE J Street, Suite 9  
Bentonville, AR 72712

Re: Conditional Approval of Civil Plans  
Scissortail Subdivision Ph. 3

Dear Mr. Swope:

We have reviewed the plans that were received for the referenced project and are approving them with the following conditions:

1. The proposed valve and plug at the beginning of Water Line B is still not shown and labeled on the Utility Plan and the **plan view** of the Water Main Plan & Profile sheet. (See previous comment #22.) There are now two parallel water mains shown along the south end of Lot 72. Show the existing valves and the proposed main connecting to the end of the existing main. With the existing water main now shown on this lot, it appears the water main will be too close to the proposed storm sewer line and inlet box STM C-1. This was all part of previous comment #4. Due to Water Line B being extended at the beginning of the line there is now a sanitary sewer service crossing missing from the profile.
2. The water meter for Lot 212 needs to be moved back to the location it was shown on the plans from the previous review. The hydrant on Lot 211 needs to be moved back to its previous location too. These should not have been moved.
3. The valve that we required to be moved as per previous comment #8 is still not shown on the west side of the fire hydrant tee but has been incorrectly placed at the west side of the tee at the end of Water Line A.1 There was also a valve shown on the east side of the tee at the end of Water Line A.1 on the previous review that is no longer shown on the current review. This valve needs to be placed back in that location.
4. There are still water main crossings missing from the Storm Line C profile as per previous comment #15. There is also an 8" PVC crossing shown to be in conflict with the storm sewer pipe on this profile. If this is a water crossing, it should be labeled 8"DIP and designed above the storm pipe.
5. There is now a portion of the water main missing from the plan view on the Storm Line A.3 plan & profile. This was shown on the previously submitted set of plans.
6. The angle of the sewer service line for Lots 205, 206, 213, & 256 into the proposed main



are still at a flow direction change greater than 90° as per previous comment #14.

7. There are still no street names shown on the plan views of the **sanitary sewer** plan & profile sheets as per previous comment #16.
8. There are still many sewer service crossings shown in the wrong **horizontal** location on Sheet C9.1. (See previous comment #30.) It appears there is also a conflict between the sewer service crossings and the proposed storm sewer line at a couple of locations on this profile.
9. There is still a sewer service crossing shown in the wrong **horizontal** location on the Water Line A.1 Profile. Where currently shown, it will be less than 18" below the proposed water main which would require encasement on the plan view as stated in previous comment #17. You should be able to provide adequate separation, however.
10. It appears the notes shown on the water profiles for the depth of cover under the street centerline and under the proposed grade have been switched. Please revisit previous comment #21 for the correct interpretation. You do not have adequate depth in places.
11. As per the RWU Plan Review Checklist which can be found at our website and the State of Arkansas' "Rules and Regulations Pertaining to Public Water Systems," the water should be over sewer whenever possible. There is a sewer service line shown over the water main near Sta. 11+74.3 on the Water Line B profile that could be lowered to 18" below the water main if Sewer Line N.1 were lowered at that location. This will also provide the proper cover over the sewer service at the crossing.
12. The following must be submitted prior to scheduling a pre-construction meeting:
  - A. The utility contractor must be licensed by the State of Arkansas in the Underground Piping, Cable, Trenching, Boring Specialty Class or as a Municipal Utility Contractor. A copy of the contractor's license must be submitted if the contractor has not worked recently within the Utility's service area.
  - B. One copy of the revised plans for review.
  - C. Written approval from the Arkansas Department of Health.
  - D. A signed copy of the enclosed Special Contract for Facilities Extensions. Please note and bring to the attention of your client that access fees and impact fees are defined in the contract and must be delivered to the Utility before water service will be established.
  - E. A copy of the executed contract between the developer or general contractor and the utility contractor.

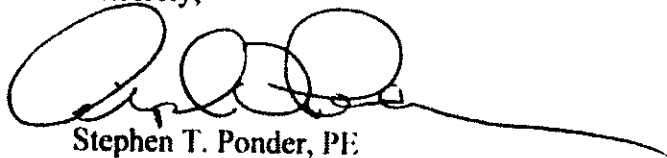


F. Performance and payment bonds executed by the utility contractor.

G. Three copies of the approved plans submitted at the pre-construction meeting.

Approval of this project is void if construction is not started within one year of the date affixed hereto.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen T. Ponder", with a long horizontal line extending to the right.

Stephen T. Ponder, PE

SP:DG

Attachment(s): Special Contract for Facilities Extension