

COMMUNITY DEVELOPMENT PLANNING DIVISION 301 W. CHESTNUT planning@rogersar.gov (479) 621-1186

### ROGERS BOARD OF ADJUSTMENT MEETING AGENDA

<u>Date:</u> April 2, 2024

Location: Council Chambers, 301 W. Chestnut Street

Regular Session: 5:30 PM

Online Viewing: https://us02web.zoom.us/j/89549255634

DISCLAIMER: The City of Rogers makes no claims, promises, or guarantees regarding the participants ability to attend any public meeting virtually. Technology resources, virtual meeting platforms, and the Internet may occasionally be interrupted or made unavailable by causes beyond the City's reasonable control. The City cannot guarantee that participants will have the opportunity to participate virtually at all times. Public Forums, Public Hearings, and scheduled items of business will not be tabled or postponed due to technological issues. If you are representing a published item of business or wish to speak at a public hearing, in person attendance is required.

### CALL TO ORDER

### **OLD BUSINESS**

### **NEW BUSINESS**

1. (VAR-Fields at Pinnacle) A request by James Dibble for Fields at Pinnacle requesting to a variance from Section 14-732, U-COM/U-NBT Residential Transition Standards requiring an 8' masonry screen wall along the property line at 5501 W. Madison Avenue in the U-COM (Uptown-Core Mixed Use) and the U-NBT (Uptown Neighborhood Transition) zoning district.

- STAFF: Nick Little
- REPRESENTED BY: James Dibble

### **ACTION ON MINUTES**

1. Draft of March 16, 2024 meeting minutes

### **ADJOURN**



### **Summary:**

This site is located in west Rogers, near the intersection of W Northgate and S Champions.

### **Growth Designation:**

**Regional Center** 

<u>Growth Designation Purpose:</u> "To focus urban development in three areas – Downtown, Midtown, and Uptown – that serve as centers of gravity for the greater Northwest Arkansas region." CGM Page 1

**PLANNING** 



### **Board of Adjustment**

### (e)Appeals; powers and duties. Sec. 14-724(e)(1)(a)(b)

(1) The Board of Adjustment shall hear the following appeals as provided by state law:

a. Hear appeals from the decision of the Department of Community Development in respect to the enforcement and application of the zoning ordinance and the sign permitting provisions contained in Chapter 44, and may affirm or reverse, in whole or in part, said decision of the Department of Community Development; and

b. Hear requests for variance from the literal provisions of the zoning ordinance in instances where strict enforcement of the zoning ordinance would cause undue hardship <u>due to circumstances</u> <u>unique to the individual property</u> under consideration, and grant such variances only when it is demonstrated that such action will be <u>in keeping with the spirit and intent</u> of the provisions of the zoning ordinance.

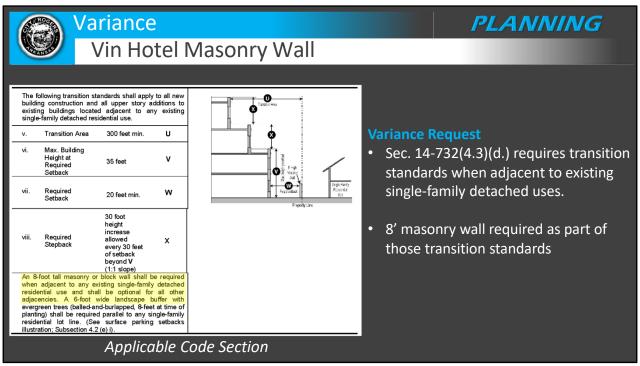
### **Board of Adjustment Duties Per Sec. 14-724(e)(1):**

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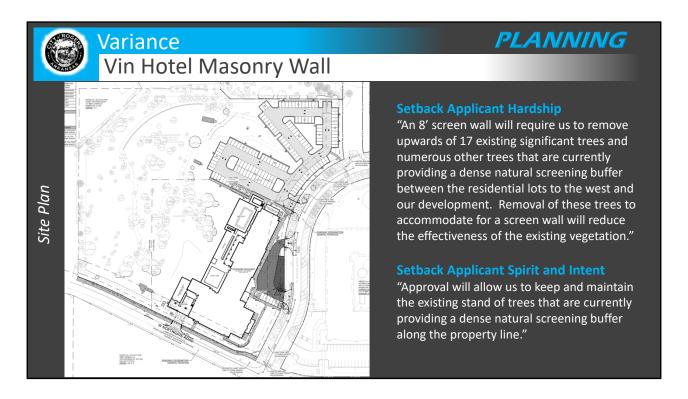
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### Request:

• The applicant is requesting to waive the requirement for the 8' masonry wall along the western property boundary, that abuts existing single-family residential.

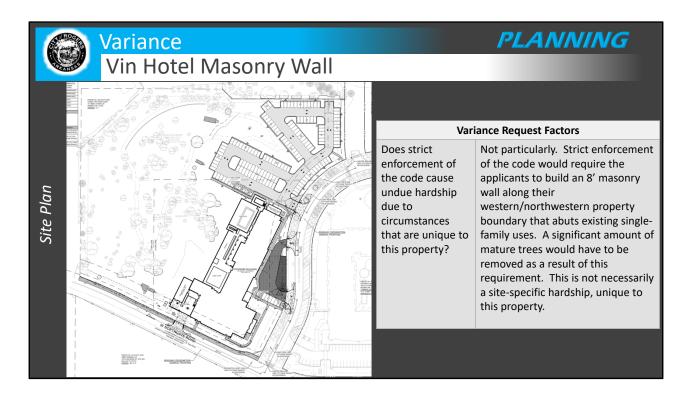


### **Stated Hardship:**

 "An 8' screen wall will require us to remove upwards of 17 existing significant trees and numerous other trees that are currently providing a dense natural screening buffer between the residential lots to the west and our development. Removal of these trees to accommodate for a screen wall will reduce the effectiveness of the existing vegetation."

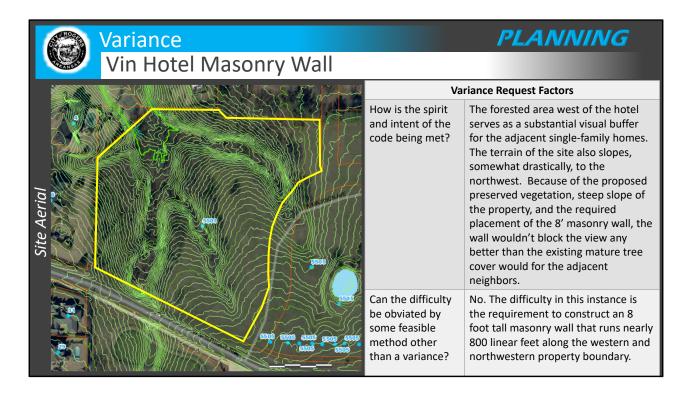
### **Spirit and Intent:**

 "Approval will allow us to keep and maintain the existing stand of trees that are currently providing a dense natural screening buffer along the property line."



Does strict enforcement of the code cause undue hardship due to circumstances that are unique to this property?

 Not particularly. Strict enforcement of the code would require the applicants to build an 8' masonry wall along their western/northwestern property boundary that abuts existing single-family uses. A significant amount of mature trees would have to be removed as a result of this requirement. This is not necessarily a site-specific hardship, unique to this property.

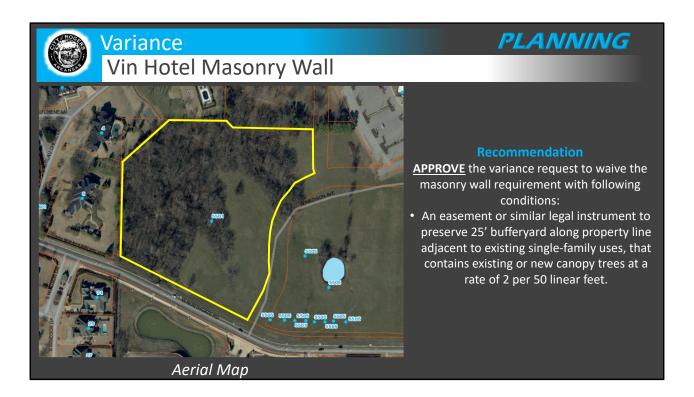


How is the spirit and intent of the code being met?

• The forested area west of the hotel serves as a substantial visual buffer for the adjacent single-family homes. The terrain of the site also slopes, somewhat drastically, to the northwest. Because of the proposed preserved vegetation, steep slope of the property, and the required placement of the 8' masonry wall, the wall wouldn't block the view any better than the existing mature tree cover would for the adjacent neighbors.

Can the difficulty be obviated by some feasible method other than a variance?

• No. The difficulty in this instance is the requirement to construct an 8 foot tall masonry wall that runs nearly 800 linear feet.



### **Public Input:**

No public input received.

### Recommendation

<u>APPROVE</u> the variance request to waive the masonry wall requirement with following conditions:

An easement or similar legal instrument to preserve 25' bufferyard along property line adjacent to existing single-family uses, that contains existing or new canopy trees at a rate of 2 per 50 linear feet.



# DEPT. OF COMMUNITY DEVELOPMENT PLANNING DIVISION 301 W. CHESTNUT

PHONE: (479) 621-1186 FAX: (479) 986-6896

OFFICE USE ONLY
<b>Permit Fee:</b> (\$100) Zoning:
App Number:
CityView Application:
Date:

### **VARIANCE APPLICATION**

APPLICANT:	s Dibble			
ADDRESS: 1580 E.	Stearns Street, Fayette	ville, AR 72703	SUITE #:	
GENERAL LOCATI	ION OF PROPERTY:	West of the intersection	ion of Madison & Northgate	
PHONE #: (479) 443	3-2377	EMAIL: jdibble@n	mce.us.com	
PROPERTY OWNE	R: Hotel Vin Rogers, LI	_C	PHONE #: (574) 213-5615	
-	, = =		on[s] of Code and Proposal): We are asking for requiring an 8' masonry screen wall along the	or a
Sec. 14-724(e)(1)(b)	requires variance aj	oplicants to respond	l to these two questions for variance	
consideration:				
property?		-	due to circumstances that are unique to this	
Removal of these trees How will approval of Approval will allow us	s to accommodate a scro f this variance be in ke to keep and maintain the	een wall will reduce the eping with the "spirit	residential lots to the west and our development. e effectiveness of the existing vegetation. t and intent" of the code being varied? s that are currently providing a dense natural	- -
screening buffer along	the property line			_
Applicant Signature	Docusigned by:  Kristen Sawdon  F7F5D7D7973D469		Date <sup>3/4/2024</sup>	
Attachment Checkli				
	re on Letter or Applica		d, additional sheet for above required response needed to illustrate request	ses
		PLANNING STAFF PROV	VIDES:	
BOARD OF ADJUSTMEN	T DECISION:			
SECRETARY, BOARD OF	ADJUSTMENT		DATE of PUBLIC HEARING	

### CITY GENERAL NOTES

- IT IS THE RESPONSIBILITY OF THE ENGINEER OF RECORD TO INCLUDE ALL ITEMS REQUIRED BY ORDINANCE. IF APPROVED PLANS CONFLICT WITH ORDINANCE REQUIREMENTS, THE ORDINANCE TAKES PRECEDENCE UNLESS A WAIVER OR VARIANCE HAS BEEN GRANTED.
- STOCKPILES WITH EXCESS CONSTRUCTION SITE MATERIALS, INCLUDING BUT NOT LIMITED TO EXCESS TOP SOIL STOCKPILES, MUST BE REMOVED FROM SITE PRIOR TO PROJECT COMPLETION. GRADING BEYOND THE APPROVED LIMITS IS
- CHANNELS, DETENTION PONDS, RETENTION PONDS, SEDIMENT BASINS, ETC. REQUIRE SOD TO THE 100 YEAR WATER SURFACE ELEVATION WITHIN 2 WEEKS (14 DAYS) AFTER THE POND IS BUILT, AND MUST BE INSTALLED AT THE BEGINNING OF THE PROJECT WHERE FEASIBLE
- WHERE PUBLIC STREET END FOR FUTURE STUBOUTS, INSTALL MUTCD CLASS 3 BARRICADE WITH "FUTURE STREET EXTENSION" SIGNAGE CENTERED AT THE END
- WHERE PUBLIC SIDEWALKS, TRAILS, OR SIDEPATHS END, INCLUDE "SIDEWALK PUBLIC STREET AND ALLEYWAYS SHALL HAVE 20-FT OF DRIVABLE SURFACE FOR

MEASURED FROM EDGE OF ASPHALT TO EDGE OF ASPHALT.

TWO WAY TRAFFIC. THIS DOES NOT INCLUDE THE CURB AND GUTTER AND IS

### LEGAL DESCRIPTION

LOT 3 OF THE LOT SPLIT OF LOTS 1 & 2 PER PROPERTY LINE ADJUSTMENT 2016-86, CREATING LOT 1-4 AS FILED FOR RECORD 3/16/2023

LAND USE HOTEL SPACE

### GENERAL NOTES

INFORMATION CONCERNING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS AND EXISTING FIELD CONDITIONS WHEN POSSIBLE. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES BY HAND DIGGING TEST PITS AT ALL UTILITY CROSSINGS IN ADVANCE OF TRENCHING WITH ANY MECHANICAL DEVICE. ANY CLEARANCES LESS THAN SPECIFIED ON THESE PLANS OR 18" (WHICHEVER IS LESS), CONTRACTOR SHALL CONTACT McCLELLAND CONSULTING ENGINEERS, INC. @ (479) 443-2377 PRIOR TO

CONTRACTOR SHALL BE RESPONSIBLE FOR RELOCATION OR REMOVAL OF EXISTING UNDERGROUND UTILITIES SHOWN OR NOT SHOWN AT NO ADDITIONAL COST TO THE

CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN AND USE OF ANY AND ALL REQUIRED OR NECESSARY SHORING, SHEETING, BRACING, AND SPECIAL EXCAVATION MEASURES REQUIRED ON THIS PROJECT, THESE MEASURES WILL MEET OR EXCEED OSHA, FEDERAL, STATE, AND LOCAL REGULATIONS DURING CONSTRUCTION. McCLELLAND CONSULTING ENGINEERS, INC. AND THE DEVELOPER/OWNER ACCEPTS NO RESPONSIBILITY FOR THE CONTRACTORS FAILURE TO COMPLY WITH THESE

ALL UTILITIES, INCLUDING STORM SEWER, SHOWN WITHIN PUBLIC EASEMENTS OR RIGHT OF WAYS SHALL BE CONSTRUCTED TO THE GOVERNING AGENCY'S SPECIFICATIONS. ALL OTHER UTILITIES SHALL BE CONSTRUCTED TO THE CLIENT'S OR THE GOVERNING AGENCY'S SPECIFICATIONS, WHICHEVER IS MORE STRINGENT. IF THERE IS A QUESTION AS TO WHICH SPECIFICATIONS SHOULD APPLY, THE CONTRACTOR SHALL CONTACT THE ENGINEER OF RECORD.

IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO FOLLOW ALL RECOMMENDATIONS SET FORTH IN THE GEOTECHNICAL STUDY. WHERE A CONFLICT EXISTS BETWEEN THE HIGHWAY DEPARTMENT / CITY STANDARDS, OR THE GEOTECH STUDY, THE MOST STRINGENT SHALL APPLY

FURTHERMORE IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO MAINTAIN THE EROSION CONTROL MEASURES AS SHOWN ON THESE PLANS. CONTRACTOR SHALL KEEP THESE MAINTAINED THROUGHOUT ALL PHASES OF CONSTRUCTION. CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR IMPLEMENTING THE SWPPP BEFORE, DURING, AND

ALL PHASES OF CONSTRUCTION SHALL MEET OR EXCEED THE OWNER / DEVELOPER

SEE ARCHITECTURAL PLANS FOR THE EXACT DIMENSIONS AND LOCATIONS OF ANY RAMPS, VESTIBULE, PORCHES, SLOPED PAVING, BUILDING UTILITY ENTRANCE LOCATIONS, TRUCK DOCKS, OR WELLS AND PRECISE BUILDING DIMENSIONS.

CONTRACTOR SHALL REMOVE AND DISPOSE OF ALL DEBRIS, RUBBISH, AND OTHER MATERIALS RESULTING FROM PREVIOUS AND CURRENT DEMOLITION PROCEDURES. DISPOSAL SHALL BE IN ACCORDANCE WITH ALL LOCAL, STATE, AND/OR FEDERAL REGULATIONS GOVERNING SUCH OPERATIONS.

THE BOUNDARY / TOPOGRAPHIC SURVEY HAS BEEN PROVIDED BY THE FOLLOWING

McCLELLAND CONSULTING ENGINEERS, INC. 1580 E. STEARNS STREET

OFFICE: (479) 443-2377 FAX: (479) 443-9241

McCLELLAND CONSULTING ENGINEERS, INC. AND ITS ASSOCIATES WILL NOT BE HELD RESPONSIBLE FOR THE ACCURACY OF THE SURVEY OR FOR DESIGN ERRORS OR OMISSIONS RESULTING FROM SURVEY INACCURACIES. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO FIELD VERIFY ALL EXISTING FEATURES AS SHOWN ON THE SURVEY AND NOTIFY THE SURVEYOR AND THE ENGINEER OF RECORD OF ANY INACCURACIES FOUND ON THE SURVEY PRIOR TO BEGINNING CONSTRUCTION.

THE GENERAL CONTRACTOR SHALL BE HELD SOLELY RESPONSIBLE FOR AND SHALL TAKE ALL PRECAUTIONS NECESSARY TO AVOID PROPERTY DAMAGE TO ADJACENT PROPERTIES DURING THE CONSTRUCTION PHASES OF THIS PROJECT.

ALL CONSTRUCTION IN THE STATE RIGHT-OF-WAY SHALL BE COORDINATED WITH THE

THE CONTRACTOR SHALL BE SOLELY AND COMPLETELY RESPONSIBLE FOR CONDITIONS OF THE JOB SITE, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY DURING ALL PHASES OF CONSTRUCTION OF THIS SITE. THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND SHALL NOT BE LIMITED TO CONSTRUCTION WORKING HOURS.

THE DESIGNS REPRESENTED IN THESE PLANS ARE IN ACCORDANCE WITH ESTABLISHED PRACTICES OF CIVIL ENGINEERING FOR DESIGN FUNCTION AND USE INTENDED BY THE OWNER AT THIS TIME. HOWEVER, NEITHER THE ENGINEER NOR HIS PERSONNEL CAN OR DO WARRANT THESE DESIGNS OR PLANS AS CONSTRUCTED EXCEPT IN THE SPECIFIC CASES WHERE THE ENGINEER INSPECTS AND CONTROLS THE PHYSICAL CONSTRUCTION AT THE SITE.

### WETLAND NOTE

THERE ARE POTENTIAL WETLAND AREAS THAT EXIST WITHIN THE PROJECT BOUNDARIES OF THIS SITE AS NOTED PER THE US FISH & WILDLIFE WETLAND MAPPER.

### FLOOD CERTIFICATION

THIS ENTIRE PROPERTY IS LOCATED WITHIN UNSHADED FLOOD ZONE "X", OR AREAS OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AS DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR BENTON COUNTY,

FIRM PANEL: #05007C0265K EFFECTIVE DATE: 6/5/2012

### CONSTRUCTION TYPE

### **BUILDING CODE**

2021 AR BUILDING CODE 2021 AR FIRE PREVENTION CODE 2021 AR MECHANICAL CODE 2018 AR PLUMBING CODE

2020 NATIONAL ELECTRIC CODE

# HOTEL VIN FIELDS AT PINNACLE LOT 3

5501 W. MADISON AVENUE, ROGERS, AR

## LARGE SCALE DEVELOPMENT

CITYVIEW PROJECT #PL202300974 (URDC ZONE)

SITE D	ATA (LOT 3)	)	
OVERALL SITE AREA	366,752 S.F.	8.42 AC	
TOTAL DEVELOPMENT (DISTURBED) AREA	210,136 S.F.	4.82 AC	
ZONING	URDC (UPTOWN ROGERS DEVELOPMENT CODE) / U-COM (UPTOWN COMMERCIAL MIXED USE) & U-NBT (UPTOWN NEIGHBORHOOD TRANSITION)		
FRONT BUILD-TO ZONE	10' MIN 45' MAX. (	GENERAL FRONTAGE)	
SIDE BUILD-TO ZONE	0' MIN.; NO MAX. (G	GENERAL FRONTAGE)	
REAR BUILD-TO ZONE	0' MIN.; NO MAX. (G	ENERAL FRONTAGE)	
BUILDING COVERAGE AREA	53,137 SF (14.49% OF LOT)		
TOTAL IMPERVIOUS AREA	123,001 SF (33.54% OF LOT)		/2
TOTAL PERVIOUS AREA	243,751 SF (66.46% OF LOT)		<i>,</i>
TOTALY BUILDING HEIGHT	92		
OPEN SPACE REQUIREMENTS	REQUIRED	PROVIDED	
GENERAL REQUIREMENT (5% OF TOTAL LOT)	18,338 SF	19,150 SF (103.62% TOTAL OPEN SPACE)	
NON-RESIDENTIAL (4 SF / 1K SF BUILDING COVERAGE AREA)	143 SF	1,500 SF (8.12% TOTAL OPEN SPACE)	
TOTAL OPEN SPACE	18,481 SF	20,650 SF (111.74% TOTAL OPEN SPACE)	

### CONTACTS

CITY OF ROGERS 301 W. CHESTNUT STREET. ROGERS, AR 72756 JOHN McCURDY / DIRECTOR PHONE: (479) 621-1186 EMAIL: jmccurdy@rogersar.gov

301 W. CHESTNUT STREET ROGERS, AR 72756 PHONE: (479) 621-1186

EMAIL: ljobe@rogersar.gov 601 S. 2nd STREET PHONE: (479) 936-5425

CITY OF ROGERS FIRE DEPARTMENT 201 N. 1st STREET ROGERS, AR 72756

PHONE: (479) 621-1179

EMAIL: earlrousche@rwu.org

1301 FEDERAL WAY, LOWELL, AR 72745 ADAM COMER / UTILITY PLANNER PHONE: (479) 877-0006 EMAIL: adam.comer@blackhillscorp.com

CARROLL ELECTRIC CO-OP 707 SE WALTON BOULEVARD, BENTONVILLE, AR 72712 DEREK THURMAN EMAIL: dthurman@carrollecc.com PHONE: (479) 273-2421 x 2646 EMAIL: btuttle@carrollecc.com

700 W. WALNUT, ROGERS, AR 72756 BRIAN WILLIAMS PHONE: (479) 249-5194 EMAIL: bw9156@att.com

PHONE: (479) 212-0141 (INFRASTRUCTURE PACKAGE)

PHONE: (574) 213-5615

**TELEPHONE / INTERNET** 

CHAD HODGE PHONE: (479) 871-0339 EMAIL: chad.hodge@cox.com PHONE: (479) 387-8305 EMAIL: tim.busey@cox.com EMAIL: dion.jones@cox.com PHONE: (479) 721-6265

RITTER COMMUNICATIONS SAM VALLE

sam.valle@rittercommunications.com

3070 S. CHAMPIONS DRIVE, STE. 101, ROGERS, AR 72758 CHAD HATFIELD

PHONE: (479) 619-6334

(LOT 2 PACKAGE) 112 W. JEFFERSON BOULEVARD, STE. 200 SOUTH BEND, IN 46601 KRISTEN SAWDON

CHRIS BAKUNAS, PLA / PROJECT MANAGER

EMAIL: chad@hatfieldpropertiesllc.com

**CIVIL ENGINEERING CONSULTANT** 1580 E. STEARNS STREET.

EMAIL: ksawdon@greatlakescapital.com

NOTE: A STATE CONTRACTOR'S LICENSE IS REQUIRED FOR PROJECTS EXCEEDING IOTE: EASEMENT PLAT IS REQUIRED FOR CERTIFICATE OF OCCUPANCY NOTE: A SIGN PERMIT IS REQUIRED SEPARATE FROM LSD REVIEW / APPROVAL NOTE: ALL HVAC MUST BE SCREENED FROM PUBLIC VIEW NOTE: OWNER / DEVELOPER MUST PROVIDE A 3-YEAR GUARANTEE, STARTING ONCE

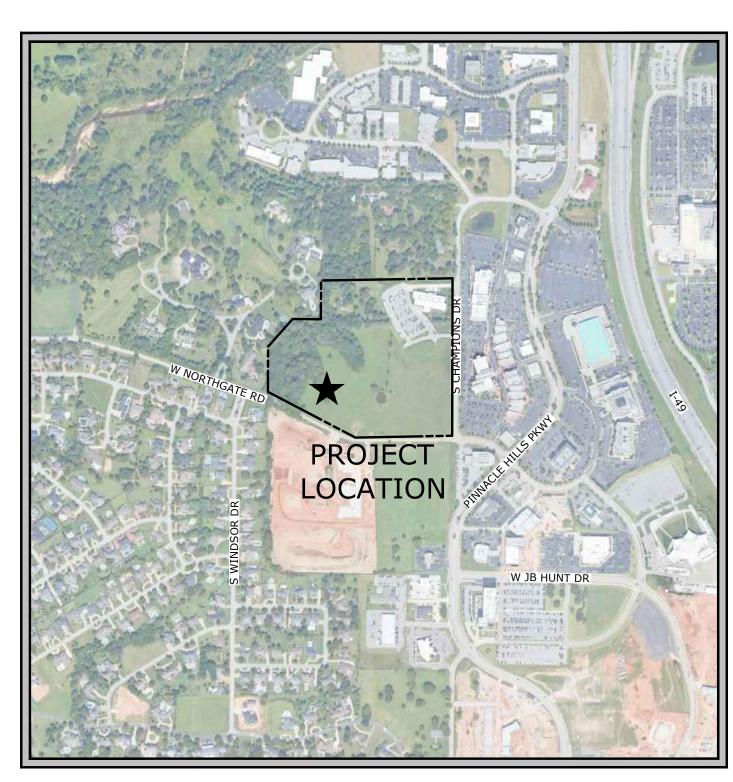
EMAIL: cbakunas@mce.us.com

FAYETTEVILLE, AT 72703

PHONE: (479) 443-2377

INSTALLATION IS COMPLETE, FOR MAINTAINING & REPLACING LANDSCAPING BEFORE ISSUANCE OF A CERTIFICATE OF OCCUPANCY NOTE: PLANTINGS THAT EXCEED THE MINIMUM REQUIREMENTS MAY NOT BE REDUCED ONCE APPROVED BY PLANNING COMMISSION ALL CIVIL PLANS USED ON SITE MUST INCLUDE MOST CURRENT STAMP BY

	KEVISIONS				
REV	DATE	DESCRIPTION			
1	11/3/2023	ADDRESSING CITY LSD & RWU COMMENTS			
2	1/11/2024	ADDRESSING CITY LSD & RWU COMMENTS			
3	2/28/2024	ADDRESSING CITY LSD & RWU COMMENTS			
4	3/13/2024	ADDRESSING RWU COMMENTS			



VICINITY MAP

March 13, 2024 MCE PROJECT NUMBER 22-2174



http://www.mce.us.com

1580 E STEARNS ST FAYETTEVILLE, ARKANSAS 72703 (479) 443-2377

LITTLE ROCK, AR • FAYETTEVILLE, AR • FORT SMITH, AR

C4.03 UTILITY PLAN - WEST C4.04 UTILITY PLAN & PROFILES C5.00 EROSION CONTROL PLAN C6.00 TREE MITIGATION PLAN C6.01 LANDSCAPE PLAN C6.02 LANDSCAPE NOTES & DETAILS C7.00 DETAIL SHEET I C7.01 DETAIL SHEET II C7.02 DETAIL SHEET III C7.03 DETAIL SHEET IV C7.04 DETAIL SHEET V C7.05 DETAIL SHEET VI C7.06 DETAIL SHEET VII

INDEX TO DRAWINGS

C3.00 OVERALL GRADING & DRAINAGE PLAN

**BOUNDARY & TOPOGRAPHIC SURVEY** 

C0.01 CIVIL GENERAL NOTES

C1.00 OVERALL DEMOLITION PLAN

C1.01 DEMOLITION PLAN - NORTH

C1.02 DEMOLITION PLAN - SOUTH

C1.03 DEMOLITION PLAN - WEST

C3.01 GRADING PLAN - NORTH

C3.02 GRADING PLAN - SOUTH

C3.04 GRADING PLAN - INSETS I

C3.05 GRADING PLAN - INSETS II

C3.06 ) DRAINAGE PLAN - NORTH

C3.07 DRAINAGE PLAN - SOUTH

C3.08 J DRAINAGE PLAN - WEST

C3.09 \ DRAINAGE PROFILES I

C3.10 ¿DRAINAGE PROFILES II

C3.11 DRAINAGE PROFILES III

C3.12 DRAINAGE PROFILES IV

C3.13 DRAINAGE PROFILES V

C4.00 OVERALL UTILITY PLAN

C4.01 UTILITY PLAN - NORTH

C4.02 UTILITY PLAN - SOUTH

C3.03 GRADING PLAN - WEST

C2.00 OVERALL SITE PLAN

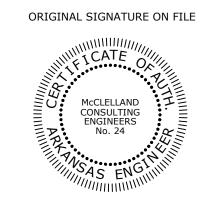
C2.01 SITE PLAN - NORTH

C2.02 SITE PLAN - SOUTH

C2.03 SITE PLAN - WEST

C0.00 COVER

**PRELIMINARY** NOT FOR CONSTRUCTION

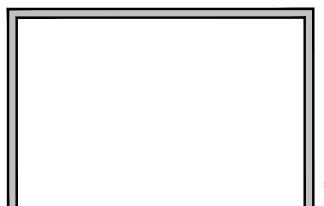


**BUILDING ELEVATIONS** DUMPSTER ENCLOSURE WALL SITE LIGHTING PLAN

SUPPLEMENTAL SHEETS

C7.07 CITY OF ROGERS DETAIL SHEET

**RWU STANDARD DETAILS** 





REV / BID /

CO / ADD

REV-2

REV-2

REV-1

REV-1

REV-1

REV-1

REV-4

REV-3

REV-4

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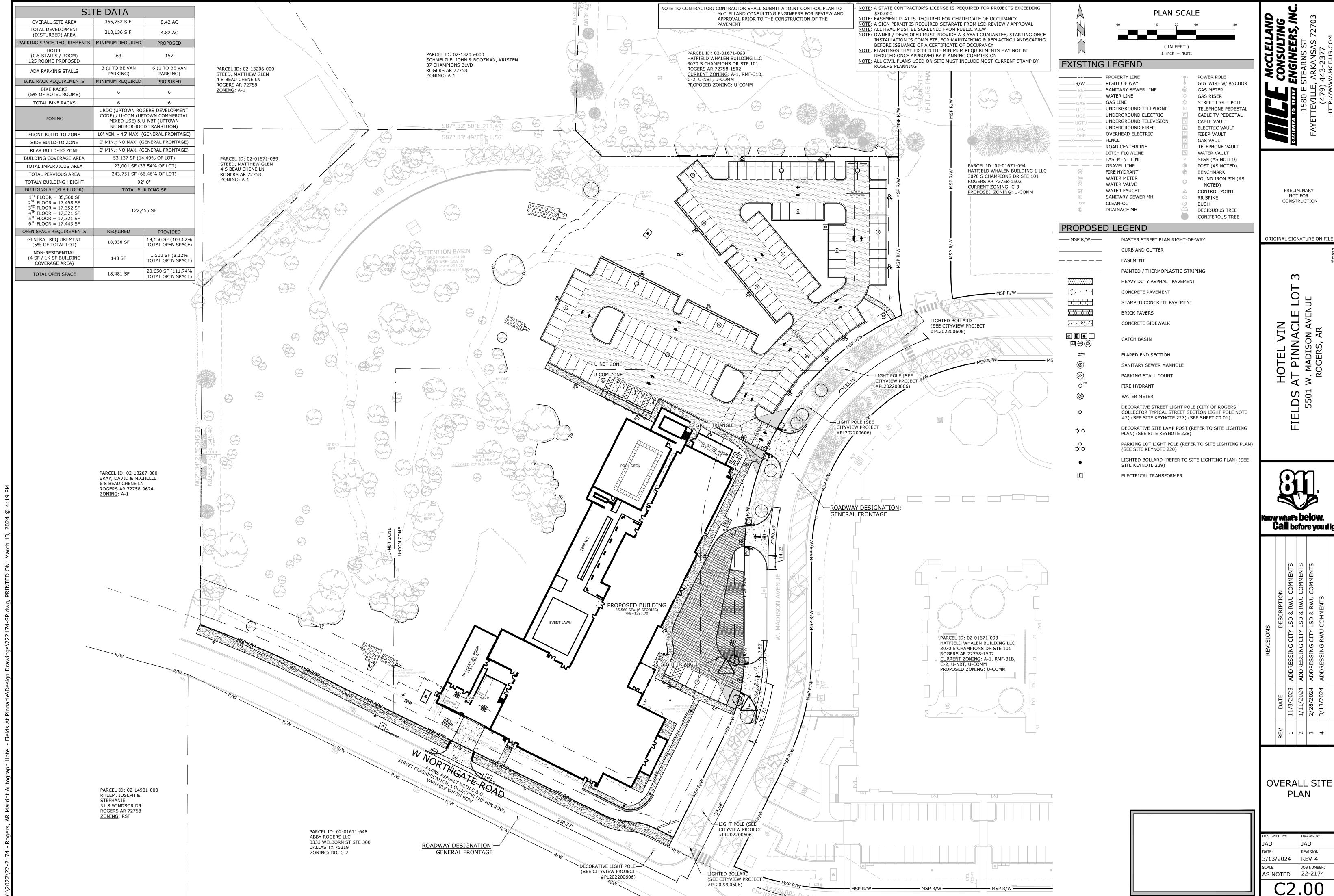
1/11/2024

3/13/2024

9/8/2023

9/8/2023

9/8/2023



Call before you dig.

