



Office of the City Clerk-Treasurer
301 W. Chestnut
Rogers, Arkansas 72756
479-621-1117
www.rogersar.gov

COMMITTEE SCHEDULE

TO: MAYOR
CITY COUNCIL
DEPARTMENT HEADS
PRESS

FROM: Jessica Rush, CITY CLERK-TREASURER

DATE: May 10, 2022

The following committee meetings will be held on **Tuesday, May 10, 2022** prior to the City Council Meeting:

05:30 p.m. - TRANSPORTATION COMMITTEE: (Kruger*, Legere, Townzen)

Committee Room #1 OR <https://us02web.zoom.us/j/87819237930> OR (312)626-6799 ID: 878 1923 7930

- To Discuss:
- (a) A Resolution Amending The 2022 Budget To Appropriate \$212,360.30 From Street Fund Reserves Into Account #200-25-70272 Reimbursements
 - (b) Street Closure Request - Woof & Wander [Documentation & Maps](#)
 - (c) Street Closure Request - BITE NWA [Documentation & Maps](#)

05:40 p.m. - PUBLIC SAFETY COMMITTEE: (Wolf*, Kruger, Legere)

Committee Room #1 OR <https://us02web.zoom.us/j/87819237930> OR (312)626-6799 ID: 878 1923 7930

- To Discuss:
- (a) A Resolution Authorizing The Mayor And City Clerk To Enter Into An Agreement With G&W Diesel Services, Inc. For The Purchase Of Sixty Four SCBA Units And Associated Equipment; Amending The 2022 Budget To Appropriate \$695,920.00 From General Fund Reserves Into Account #100-04-80127 Fire SCBA Equipment

05:40 p.m. - RESOURCES & POLICY COMMITTEE: (Hayes*, Reithemeyer, Brashear)

Committee Room #2 OR <https://us02web.zoom.us/j/85910656364> OR (312)626-6799 ID: 859 1065 6364

- To Discuss:
- (a) A Resolution Authorizing The Rogers Public Library To Dispose Of Certain Property In The Landfill

05:50 p.m. - FINANCE COMMITTEE: (Reithemeyer*, Wolf, Kendall)

Committee Room #2 OR <https://us02web.zoom.us/j/85910656364> OR (312)626-6799 ID: 859 1065 6364

- To Discuss:
- (a) A Resolution Authorizing The Mayor And City Clerk To Enter Into A Sales Agreement With CBTR Outdoors, LLC For The Sale Of Certain Real Property Owned By The City Of Rogers

05:50 p.m. - COMMUNITY ENVIRONMENT & WELFARE COMMITTEE: (Legere*, Townzen, Hayes)

Committee Room #1 OR <https://us02web.zoom.us/j/87819237930> OR (312)626-6799 ID: 878 1923 7930

- To Discuss:
- (a) An Ordinance Adopting Changes To The City Of Rogers' Comprehensive Growth Map
 - (b) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From R-DP To NBT (Fuentes, 262 E. Pine Street) [Staff Report](#)
 - (c) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From C-2 To U-NBT (Ganoung) [Staff Report](#)

- (d) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To RMF-6.5A, Accepting The Density Concept Plan (Bellview Place) [Staff Report](#)

- (e) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To RMF-11A, Accepting The Density Concept Plan (Chetlenham) [Staff Report](#)

- (f) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From C-2 To R-SF (Arando) [Staff Report](#)



Office of the City Clerk-Treasurer
301 W. Chestnut
Rogers, Arkansas 72756
479-621-1117
www.rogersar.gov

ROGERS CITY COUNCIL **AGENDA**

MAY 10, 2022
6:30 PM

Connect in person OR virtually via ZOOM <https://us02web.zoom.us/j/84540922877>
OR (312) 626-6799 ID: 845 4092 2877

PUBLIC FORUM:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES:

1. April 26, 2022

REPORTS OF BOARDS AND STANDING COMMITTEES:

1. RES. Re: Amending The 2022 Budget To Appropriate \$212,360.30 TRANSPORTATION
From Street Fund Reserves Into Account #200-25-70272 COMMITTEE
Reimbursements
2. RES. Re: Authorizing The Mayor And City Clerk To Enter Into An PUBLIC SAFETY
Agreement With G&W Diesel Services, Inc. For The COMMITTEE
Purchase Of Sixty Four SCBA Units And Associated
Equipment; Amending The 2022 Budget To Appropriate
\$695,920.00 From General Fund Reserves Into Account
#100-04-80127 Fire SCBA Equipment
3. RES. Re: Authorizing The Rogers Public Library To Dispose Of RESOURCES &
Certain Property In The Landfill POLICY
COMMITTEE
4. RES. Re: Authorizing The Mayor And City Clerk To Enter Into A FINANCE
Sales Agreement With CBTR Outdoors, LLC For The Sale COMMITTEE
Of Certain Real Property Owned By The City Of Rogers
5. ORD. Re: Adopting Changes To The City Of Rogers' COMMUNITY

Comprehensive Growth Map

ENVIRONMENT &
WELFARE
COMMITTEE

- | | | | |
|----|----------|--|--|
| 6. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From R-DP To NBT (Fuentes, 262 E. Pine Street) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |
| 7. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From C-2 To U-NBT (Ganoung) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |
| 8. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To RMF-6.5A, Accepting The Density Concept Plan (Bellview Place) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |
| 9. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To RMF-11A, Accepting The Density Concept Plan (Chetlenham) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |

OLD BUSINESS:

- | | | | |
|----|----------|--|--|
| 1. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From C-2 To R-SF (Arando) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |
|----|----------|--|--|

NEW BUSINESS:

APPOINTMENTS:

ANNOUNCEMENTS:

RESOLUTION NO. R22-_____

A RESOLUTION AMENDING THE 2022 BUDGET TO APPROPRIATE TWO HUNDRED TWELVE THOUSAND THREE HUNDRED SIXTY DOLLARS AND THIRTY CENTS (\$212,360.30) FROM STREET FUND RESERVES INTO ACCOUNT #200-25-70272 REIMBURSEMENTS; AND FOR OTHER PURPOSES.

WHEREAS, the Arkansas Department of Transportation paid the City of Rogers two hundred twelve thousand three hundred sixty dollars and thirty cents (\$212,360.30) for its street improvement project on Highway 94/Easy Street Railroad Crossings Project; and

WHEREAS, the City of Rogers decided to abandon that project due to difficulties in design and construction and needs to reimburse the Arkansas Department of Transportation for the project not being completed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:

Section 1: The City of Rogers' 2022 Budget is amended to appropriate two hundred twelve thousand three hundred sixty dollars and thirty cents (\$212,360.30) from street fund reserves into Account #200-25-70272 Reimbursements;

Section 2: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3: Repeal of Conflicting Resolutions: All resolutions or orders of the City Council or parts of resolutions or orders of the City Council that are in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2022.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: John McCurdy, Director, Community Development Department
Prepared By: John M. Pesek, Senior Staff Attorney
For Consideration By: Transportation Committee

RESOLUTION NO. R22-_____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH G&W DIESEL SERVICES, INC. FOR THE PURCHASE OF SIXTY FOUR SCBA UNITS AND ASSOCIATED EQUIPMENT; AMENDING THE 2022 BUDGET TO APPROPRIATE SIX HUNDRED NINETY-FIVE THOUSAND NINE HUNDRED TWENTY DOLLARS (\$695,920.00) FROM GENERAL FUND RESERVES INTO ACCOUNT #100-04-80127 FIRE SCBA EQUIPMENT; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers' Fire Department desires to purchase sixty four (64) SCBA units and associated equipment from G&W Diesel Services, Inc. of Conway, Arkansas; and

WHEREAS, this purchase is being made under a state procurement contract; thus, there is no need to competitively bid this purchase.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:

Section 1: The Mayor and City Clerk are hereby authorized to enter an agreement with G&W Diesel Services, Inc. of Conway, Arkansas to purchase sixty four (64) SCBA units and associated equipment for an amount not to exceed six hundred ninety-five thousand nine hundred twenty dollars (\$695,920.00);

Section 2: The City of Rogers' 2022 Budget is amended to appropriate six hundred ninety-five thousand nine hundred twenty dollars (\$695,920.00) from General Fund Reserves into Account #100-04-80127 Fire SCBA Equipment;

Section 3: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 4: Repeal of Conflicting Resolutions: All resolutions or orders of the City Council or parts of resolutions or orders of the City Council that are in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2022.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: Tom Jenkins, Fire Chief
Prepared By: John M. Pesek, Senior Staff Attorney
For Consideration By: Public Safety Committee

RESOLUTION NO. R22_____

A RESOLUTION AUTHORIZING THE ROGERS PUBLIC LIBRARY TO DISPOSE OF CERTAIN PROPERTY IN THE LANDFILL; RECOGNIZING THAT THE PROPERTY IS RENDERED WORTHLESS; ACKNOWLEDGING THE OVERSIGHT FOR DISPOSAL; AND FOR OTHER PURPOSES.

WHEREAS, the Director of the Rogers Public Library has certified that the items listed in the attached Exhibit “A” have been rendered worthless by damage or prolonged use;

WHEREAS, the Director of the Rogers Public Library additionally certifies that disposal of said property in the landfill is proper and will be overseen to ensure compliance with Ark. Code Ann. §14-54-302(e)(2)(A); and

WHEREAS, the City Council of the City of Rogers approves the Director’s affidavit of certification attached as Exhibit “A” and deems that disposal in the landfill is appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:

Section 1: The Director of the Rogers Public Library may dispose of the items identified in the attached Exhibit “A” in the landfill used by the City pursuant to Ark. Code Ann. §14-54-302 (e)(2)(A);

Section 2: The Rogers Public Library shall maintain a record of all items that are sent to the landfill per this Resolution;

Section 3: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 4: Repeal of Conflicting Provisions: All ordinances, resolutions, or orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2022.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: Hannah Norris Mulligan, Director - Rogers Public Library
Prepared By: John M. Pesek, Senior Staff Attorney
For Consideration By: Resources & Policy Committee

EXHIBIT “A”

**AFFIDAVIT OF LANDFILL DISPOSAL OF CERTAIN PROPERTY OF THE ROGERS
PUBLIC LIBRARY WHICH HAS BEEN DEEMED OBSOLETE**

I, Hannah Norris Milligan, Director of the Rogers Public Library, do hereby certify that the following property of the Rogers Public Library has been rendered worthless by damage or prolonged use, is no longer of value, and it is now appropriate to dispose of said property in a landfill as specified under Ark. Code Ann. § 14-54-302(e)(2)(A). I hereby certify that I will be responsible for overseeing that the property is removed for disposal. The records listed below contain a description of the property to be disposed of by landfill.

TYPE OF PROPERTY

- 1 – ottoman
- 25 – chairs
- 1 – table
- 1 – bench
- 1 – sectional, containing 7 pieces

Hannah Norris Milligan

Date: _____

Notary Public

Date: _____

Commission Expires: _____

RESOLUTION NO. R22-_____

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO
A SALES AGREEMENT WITH CBTR OUTDOORS, LLC FOR THE SALE OF
CERTAIN REAL PROPERTY OWNED BY THE CITY OF ROGERS; AND FOR OTHER
PURPOSES.**

WHEREAS, the City of Rogers desires to sell Lot 14 in the original plat of the City of Rogers, adjacent to the west side the Dog Park at the Railyard Park, to CBTR Outdoors, LLC who owns the adjoining lot; and

WHEREAS, the property to be sold has been appraised by an Arkansas licensed appraiser for seven thousand two hundred dollars (\$7,200.00).

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
OF ROGERS, ARKNASAS THAT:**

Section 1: The Mayor and City Clerk are hereby authorized to enter into a real estate sales contract, and sign all necessary documents, with CBTR Outdoors, LLC for the sale of the land described below at a minimum purchase price of seven thousand two hundred dollars (\$7,200.00). The legal description for the property being sold is:

A portion of a 0.52-acre tract granted to The City of Rogers, an Arkansas Municipal Corporation, recorded in Deed Book 2014, Page 16300, Benton County Arkansas, being a portion of Lot 12, the East 30 feet of Lots 10 & 11, and a portion of a 20 foot alley between Lots 9, 10, 11, and 12 as vacated by Ordinance #483, all being located in Block 13 of Original Rogers in Rogers, Benton County, Arkansas as recorded in Plat Book B, Page 128 and being mare particularly described by metes and bounds as follows:

COMMENCING at a found 5/8" rebar with cap stamped LS 529, being the southeast earner of a 0.87-acre tract of land recorded in Plat Book 2004, Page 1188, being a point in the center of vacated "B 11 Street by City Ordinance 535, being the northeast corner of the herein described tract;

THENCE South 08°43'37" West, crossing a found 1/2" rebar at a distance of 75.50 feet and continuing for a total distance of 100.0lfeet to a 5/8" rebar with cap stamped BARNETT AR 1666found on the north right-of-way of E. Cherry Street;

THENCE with said north right-of-way, North 81°57'59" West, 171.32 feet to a set 5/8-inch re bar stamped BARNETT AR 1666 at the intersection of said right-of-way and an existing black chain link fence, being the POINT OF BEGINNING;

THENCE continuing with said north right-of-way, North 81 '57'59" West, passing through the southwest corner of aforementioned Lot 12 at 2.28 feet, continuing for

a total distance of 52.28 feet to a found MogNail with washer stamped BARNETT AR 1666, being the southwest earner of said 0.52-acre tract;
THENCE leaving said north right-of-way, North 07°13'32" East, 100.01 feet to a found 5/8" rebar with cap stamped BARNETT AR 1666, being the northwest corner of said 0.52-acre tract;

THENCE South 81°57'59" East, crossing a found 5/8" rebar with cap stamped BARNETT AR 1666 at 40.00 feet said rebar being a point at the center of aforementioned alley, continuing for a total distance of 47.46 feet to a set 5/8" rebar with cap stamped BARNETT AR 1666 from which the northwest corner of aforementioned Lot 9 bears South 81°57'59" East, 2.54 feet;

THENCE South 04°28'05" West, crossing the northwest 2 - 3/8" diameter metal corner post of aforementioned fence at 6.89 feet, continuing along sold fence for a total distance of 100.19 feet to the POINT OF BEGINNING and containing 4,987 square feet or 0.11 acres, more or less.;

Section 2: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3: Repeal of Conflicting Resolutions: All resolutions or orders of the City Council, or parts of resolutions or orders of the City Council, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2022.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: C. Greg Hines, Mayor
Prepared by: John M. Pesek, Senior Staff Attorney
For Consideration By: Finance Committee

ORDINANCE NO. 22-_____

AN ORDINANCE ADOPTING CHANGES TO THE CITY OF ROGERS' COMPREHENSIVE GROWTH MAP; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the Planning Commission periodically reviews and approves updates to the Comprehensive Growth Map for the City of Rogers;

WHEREAS, the Planning Commission has approved updates to the Comprehensive Growth Map that need ratification by the City Council;

WHEREAS, under Ark. Code Ann. §14-56-423, after adoption of plans, ordinances, and regulations and upon proper filing in the offices of city clerk and county recorder, amendments to plans, ordinances, or regulations may be made by a majority vote of the city council; and

WHEREAS, the City Clerk will file the amended Comprehensive Growth Map with the Benton County Recorder upon passage of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:

Section 1: As approved by the Planning Commission on April 19, 2022, parcels 02-14350-115, 02-14350-100, 02-14350-106, 02-14350-105, 02-14350-101, 02-14351-001, 02-14350-002, 02-14350-000, 02-14350-001, 02-14351-000, 02-14400-000, 02-14400-000, 02-14362-000, 02-14367-000, 02-14367-003, 02-14367-002, 02-14367-001, 02-14400-060, 02-14400-061, and 02-14400-070 located at the Southwest corner of W. Pleasant Grove Road and Interstate 49, are changed to the Regional Center Growth Designation.

Section 2: As approved by the Planning Commission on April 19, 2022, parcels 02-01671-115 and 02-01671-116 are being split into the following designations:

The part of parcels 02-01671-115 and 02-01671-116, as designated below, shall be designated as the Neighborhood Growth Designation.

Commencing at the NW corner of the SE Quarter of the SE Quarter of Section 20, Township 19 N, Range 30 W, Benton County, Arkansas;
Thence S 01°48'23"W a distance of 684.4 feet to the Point of Beginning.
Thence S 02°48'23"W a distance of 653.9 Feet.
Thence N 87°14'23"W a distance of 297.8 Feet.
Thence along a curve to the left, said curve having a radius of 340.00 feet and a long chord of N 46°07'19"W, 481.4 feet.
Thence N 02°25'07"E a distance of 335.4 feet.
Thence S 87°26'05"E a distance of 663.0 feet to the Point of Beginning.

Less and except:

Commencing at the NW corner of the SE Quarter of the SE Quarter of Section 20,
Township 19N, Range 30W, Benton County, Arkansas;
Thence S 01°48'23"W a distance of 684.4 feet to the Point of Beginning.
Thence S 01°48'23"W a distance of 231.8 feet.
Thence N 87°14'23"W a distance of 321.6 Feet.
Thence N 02°25'07"E a distance of 231.6 feet.
Thence S 87°21'42"E a distance of 332.1 feet to the Point of Beginning.

The Northwest part of parcel 02-01671-115, as designated below, shall be designated as U-NBT.

Commencing at the NW corner of the SE Quarter of the SE Quarter of Section 20,
Township 19 N, Range 30 W, Benton County, Arkansas;
Thence S 01°48'23"W a distance of 684.4 feet to the Point of Beginning.
Thence S 01°48'23"W a distance of 231.8 feet.
Thence N 87°14'23"W a distance of 321.6 Feet.
Thence N 02°25'07"E a distance of 231.6 feet.
Thence S 87°21'42"E a distance of 332.1 feet to the Point of Beginning.

Section 3: The City Clerk shall file an amended copy of the City of Rogers' Comprehensive Growth Map after the passage of this Ordinance.

Section 4: Emergency Clause: The need to adopt these changes is immediate in order to protect the public peace, health, safety, and welfare. An emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of passage and approval.

Section 5: Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed.

Section 6: Repeal of Conflicting Provisions: All ordinances, resolutions or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this _____ day of _____, **2022**.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Prepared by: John McCurdy, Director of Community Development

Reviewed by: John M. Pesek, Staff Attorney

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 22-

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM R-DP TO NBT, PROVIDING FOR
THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES**

WHEREAS, pursuant to the provisions of Rogers Code Section Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, on May 3rd, 2022 the City Council has found that certain lands hereinafter described are better suited for NBT zoning.

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

SECTION 1: That Section 14-675 of the Code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

SECTION 2: That the land hereinafter described should be and the same is hereby zoned as NBT and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

Lots 5, 6, and 7, in Block 4, Robertson's Addition to Rogers, Benton County, Arkansas, as shown on Plat Record "B" at Page 87.

LAYMAN'S DESCRIPTION:

262 E. Pine St.

SECTION 3: Zoning. That the above described lands are better suited for NBT than R-DP zoning and same should be and are hereby zoned NBT.

SECTION 4: Emergency Clause. That it is necessary to bring proposed uses of the property into conformance with the Rogers City Zoning Ordinances and because of such an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

SECTION 5: Severability Provision. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

SECTION 6: Repeal of Conflicting Ordinances and Resolutions. All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED this _____ day of _____, **2022.**

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: Abelardo Fuentes

Prepared by: Justin Couch

Reviewed by: John M. Pesek, Senior Staff Attorney

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 22-_____

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM C-2 TO U-NBT, PROVIDING FOR
THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES**

WHEREAS, pursuant to the provisions of Rogers Code Section Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, on May 3, 2022, the City Council has found that certain lands hereinafter described are better suited for U-NBT zoning.

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

SECTION 1: That Section 14-675 of the Code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

SECTION 2: That the land hereinafter described should be and the same is hereby zoned as U-NBT and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

ALL OF LOT 3B OF ALLIED SUBDIVISION AND A PART OF THE NE1/4 OF THE SW1/4 OF SECTION 11, TOWNSHIP 19 NORTH, RANGE 30 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF THE NE1/4 OF THE SW1/4 OF SECTION 11, T-19-N, R-30-W; THENCE SOUTH 00 DEGREES, 99 MINUTES, 27 SECONDS EAST 35.00 FEET; THENCE NORTH 89 DEGREES, 59 MINUTES, 33 SECONDS EAST 190.00 FEET; THENCE SOUTH 00 DEGREES, 47 MINUTES, 27 SECONDS EAST 630.62 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING THE NW CORNER OF LOT 3B OF ALLIED SUBDIVISION; THENCE NORTH 88 DEGREES, 33 MINUTES, 34 SECONDS EAST 105.00 FEET TO A SET IRON PIN FOR THE NE CORNER OF SAID LOT 3B; THENCE SOUTH 00 DEGREES, 47 MINUTES, 29 SECONDS EAST 332.51 FEET TO A SET IRON PIN; THENCE SOUTH 89 DEGREES, 22 MINUTES, 35 SECONDS WEST 105.00 FEET TO AN IRON PIN SET ON THE EASTERLY RIGHT-OF-WAY OF SOUTH 21ST STREET; THENCE ALONG THE EASTERLY RIGHT-OF-WAY OF SOUTH 21ST STREET, NORTH 00 DEGREES, 47 MINUTES, 27 SECONDS WEST 331.01 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 0.799 ACRES.

LAYMAN'S DESCRIPTION:

±0.8 acres south of W. Elm St., east of S. 21st St.

Parcel Number: 02-10993-000; 02-01034-000

SECTION 3: Zoning. That the above described lands are better suited for U-NBT than C-2 zoning and same should be and are hereby zoned U-NBT.

SECTION 4: Emergency Clause. That it is necessary to bring proposed uses of the property into conformance with the Rogers City Zoning Ordinances and because of such an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

SECTION 5: Severability Provision. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional,

the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

SECTION 6: Repeal of Conflicting Ordinances and Resolutions. All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED this _____ day of _____, **2022.**

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: Chris Tilley

Prepared by: Kyle Belt

Reviewed by: John M. Pesek, Senior Staff Attorney

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 22-_____

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM A-1 TO RMF-6.5A, ACCEPTING THE DENSITY CONCEPT PLAN,
PROVIDING FOR THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES**

WHEREAS, pursuant to the provisions of Rogers Code Section Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, on May 3, 2022, the City Council has found that certain lands hereinafter described are better suited for RMF-6.5A zoning.

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

SECTION 1: That Section 14-675 of the Code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

SECTION 2: That the land hereinafter described should be and the same is hereby zoned as RMF-6.5A (residential multi-family, 6.5 units per acre, ownership) and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

THE FOLLOWING DESCRIBED LANDS, SITUATE IN BENTON COUNTY, STATE OF ARKANSAS, TO-WIT: A PART OF THE NE1/4 OF THE NE1/4 AND A PART OF THE SE1/4 OF THE NE1/4 OF SECTION 33, TOWNSHIP 19 NORTH, RANGE 30 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS, AND BEING DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND FOR THE SE CORNER OF THE NE1/4 OF THE NE1/4 OF SECTION 33, TOWNSHIP 19 NORTH, RANGE 30 WEST, SAID IRON PIN BEING THE TRUE POINT OF BEGINNING AND ALSO BEING IN THE RIGHT OF WAY OF BELLVIEW ROAD;
THENCE S00°09'24"W 330.00 FEET TO A POINT IN SAID RIGHT OF WAY;
THENCE N89°34'41"W 627.00 FEET TO A SET IRON PIN;
THENCE N00°09'24"E 381.27 FEET TO AN IRON PIN SET ON THE SOUTH RIGHT OF WAY OF BENTON COUNTY ROAD 237;
THENCE ALONG THE SOUTH RIGHT OF WAY OF BENTON COUNTY ROAD 237 N87°28'53"E 94.71 FEET TO A SET IRON PIN;
THENCE ALONG SAID RIGHT OF WAY N89°42'29"E 532.45 FEET TO A POINT ON THE EAST BOUNDARY OF THE SAID NE1/4 OF THE NE1/4;
THENCE S00°12'25"W 62.77 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 5.59 ACRES, MORE OR LESS, AND BEING SUBJECT TO THE RIGHT OF WAY OF BELLVIEW ROAD ALONG THE EAST SIDE AND BENTON COUNTY ROAD 237 ALONG THE NORTH SIDE AND TO ALL OTHER EASEMENTS OR RIGHT OF WAYS BY PRESCRIPTION OR OF RECORD.

LESS & EXCEPT

A PART OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 33, TOWNSHIP 19 NORTH, RANGE 30 WEST DESCRIBED AS FOLLOWS:

COMMENCE AT THE FOUND REBAR PIN AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 33 AND RUN THENCE NORTH 2° 40' 55" EAST ALONG THE EAST LINE OF SAID 40 ACRE TRACT A DISTANCE OF 62.76 FEET TO GRANTOR'S NORTHEAST PROPERTY CORNER;
THENCE LEAVING SAID EAST LINE NORTH 87° 49' 04" WEST ALONG GRANTOR'S NORTH PROPERTY LINE A DISTANCE OF 32.31 FEET TO THE EXISTING RIGHT OF WAY LINE AND THE "TRUE POINT OF BEGINNING" OF THIS DESCRIPTION;
THENCE LEAVING SAID NORTH LINE SOUTH 01° 04' 10" WEST ALONG SAID EXISTING RIGHT OF WAY LINE A DISTANCE OF 12.28 FEET TO THE PROPOSED RIGHT OF WAY LINE;

THENCE LEAVING SAID EXISTING RIGHT OF WAY LINE ALONG SAID PROPOSED RIGHT OF WAY AND CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 30.00 FEET A CHORD BEARING NORTH 60° 55' 29" WEST, A CHORD LENGTH OF 27.13 FEET, THENCE ALONG THE ARC OF THE CURVE A DISTANCE OF 28.16 FEET TO GRANTOR'S NORTH PROPERTY LINE; THENCE LEAVING SAID CURVE AND PROPOSED RIGHT OF WAY SOUTH 87° 49' 04" EAST ALONG SAID NORTH LINE A DISTANCE OF 23.96 FEET TO THE POINT OF BEGINNING, CONTAINING 87.71 SQUARE FEET, MORE OR LESS.

LAYMAN'S DESCRIPTION:

Parcel 02-14175-015; 4030 West Drive

SECTION 3: Zoning. That the above described lands are better suited for RMF-6.5A than A-1 zoning and same should be and are hereby zoned RMF-6.5A.

SECTION 4: Density Concept Plan. That the Density Concept Plan entered into by and between Bespoke Homes and the City of Rogers, as approved by the Rogers Planning Commission on May 3, 2022, is hereby approved and made binding upon future development of the property described above, unless otherwise modified or amended by this Council, and the Mayor of the City of Rogers is authorized and directed to execute same.

SECTION 5: Emergency Clause. That it is necessary to bring proposed uses of the property into conformance with the Rogers City Zoning Ordinances and because of such an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

SECTION 6: Severability Provision. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

SECTION 7: Repeal of Conflicting Ordinances and Resolutions. All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED this _____ day of _____, **2022.**

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: Taylor Lindley

Prepared by: Zachary Birdsong

Reviewed by: John M. Pesek, Senior Staff Attorney

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 22-_____

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM A-1 TO RMF-11A, ACCEPTING THE DENSITY CONCEPT PLAN,
PROVIDING FOR THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES**

WHEREAS, pursuant to the provisions of Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, on May 3, 2022, the City Council has found that certain lands hereinafter described are better suited for RMF-11A zoning.

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

SECTION 1: That Section 14-675 of the code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

SECTION 2: That the land hereinafter described should be and the same is hereby zoned as RMF-11A and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

PART OF THE SOUTH HALF OF THE NE1/4 OF THE SE1/4 OF SECTION 28, TOWNSHIP 19 NORTH, RANGE 30 WEST IN BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING AT THE SOUTHEAST CORNER OF THE NE1/4 OF THE SE1/4 OF SAID DESCRIBED SECTION 28;
THENCE N 89°55'18" W 218.38 FEET;
THENCE N 00°50'16" W 303.98 FEET;
THENCE S 89°59'57" E 218.38 FEET;
THENCE S 00°50'11" E 304.28 FEET TO THE POINT OF BEGINNING, AND CONTAINING 1.52 ACRES, MORE OR LESS, SUBJECT TO PUBLIC ROADS ALONG THE SOUTH AND EAST SIDES THEREOF.

ALSO

PART OF THE SOUTH HALF OF THE NE1/4 OF THE SE1/4 OF SECTION 28, TOWNSHIP 19 NORTH, RANGE 30 WEST IN BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING AT A POINT LOCATED 218.38 FEET N 89°55'18" W (WEST) OF THE SOUTHEAST CORNER OF THE NE1/4 OF THE SE1/4 OF SAID DESCRIBED SECTION 28;
THENCE N 89°55'18" W 143.39 FEET;
THENCE N 00°50'16" W 303.79 FEET;
THENCE S 89°59'57" E 143.39 FEET;
THENCE S 00°50' 16" E 303.98 FEET TO THE POINT OF BEGINNING, AND CONTAINING ONE ACRE, MORE OR LESS, SUBJECT TO ELECTRICAL POWERLINE RIGHT-OF-WAY AND PUBLIC ROAD ALONG THE SOUTH SIDE THEREOF.

LAYMAN'S DESCRIPTION:

Northwestern corner of W Emerald Heights Rd and S Bellview Rd

SECTION 3: Zoning. That the above described lands are better suited for RMF-11A than A-1 zoning and same should be and are hereby zoned RMF-11A.

SECTION 4: Density Concept Plan. That the Density Concept Plan entered into by and between Landmarc Custom Homes, LLC and the City of Rogers, as approved by the Rogers Planning Commission on May 3, 2022, is hereby approved and made binding upon future development of the property described above, unless otherwise modified or amended by this Council, and the Mayor of the City of Rogers is authorized and directed to execute same.

SECTION 5: Emergency Clause. That because the City is herein zoning property which is subject to a present use and said use should be brought into conformity with the zoning laws of the City of Rogers, Arkansas, an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

SECTION 6: Severability Provision. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

SECTION 7: Repeal of Conflicting Ordinances and Resolutions. All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED this _____ day of _____, **2022.**

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: Taylor Lindley

Prepared by: Nick Little

Reviewed by: John M. Pesek, Senior Staff Attorney

For Consideration By: Community Environment & Welfare Committee

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM C-2 TO R-SF, PROVIDING FOR
THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES**

WHEREAS, pursuant to the provisions of Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, on April 19, 2022, the City Council has found that certain lands hereinafter described are better suited for R-SF zoning.

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

SECTION 1: That Section 14-675 of the Code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

SECTION 2: That the land hereinafter described should be and the same is hereby zoned as R-SF and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

Lots 12 and 13, Block 14, Duckworth's Revised Addition, to the City of Rogers, Benton County, Arkansas, as shown on Plat Record "B" at page 119.

LAYMAN'S DESCRIPTION:

901 W Cypress Street

SECTION 3: Zoning. That the above described lands are better suited for R-SF than C-2 zoning and same should be and are hereby zoned R-SF.

SECTION 4: Emergency Clause. That it is necessary to bring proposed uses of the property into conformance with the Rogers City Zoning Ordinances and because of such an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

SECTION 5: Severability Provision. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

SECTION 6: Repeal of Conflicting Ordinances and Resolutions. All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED this _____ day of _____, 2022.

APPROVED:

Attest:

C. GREG HINES, Mayor

JESSICA RUSH, City Clerk

Requested by: Laura Arando

Prepared by: Christina Moore

For Consideration By: Community Environment & Welfare Committee