



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

***AMENDED* COMMITTEE SCHEDULE**

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.

TO: MAYOR
CITY COUNCIL
DEPARTMENT HEADS
PRESS

FROM: Jessica Rush, CITY CLERK-TREASURER

DATE: October 10, 2023

The following committee meetings will be held on **Tuesday, October 10, 2023** prior to the City Council Meeting:

05:45 p.m. - TRANSPORTATION COMMITTEE: (Surly*, Legere, Townzen)

Committee Room #1 OR <https://us02web.zoom.us/j/89885722700> OR (312)626-6799 ID: 898 8572 2700

- To Discuss:
- (a) **Street Closure Request - 201 E. Walnut Street**
 - (b) Street Closure Request - 124 W. Walnut Street

06:00 p.m. - FINANCE COMMITTEE: (Reithemeyer*, Wolf, Kendall)

Committee Room #2 OR <https://us02web.zoom.us/j/82501990658> OR (312)626-6799 ID: 825 0199 0658

- To Discuss:
- (a) A Resolution Amending The 2023 Budget To Recognize Revenue In The Amount Of \$20,394.00 Into Various Accounts
 - (b) A Resolution Allowing The Mayor And City Clerk To Enter Into An Agreement With Mclarty Daniel Buick GMC Of Bentonville, Arkansas For The Purchase Of Three Vehicles For Use By The Rogers Parks Department
 - (c) A Resolution Amending The 2023 Budget By Appropriating \$200,000.00 From General Funds Reserves Into Account #100-01-70155.005 Building And Grounds

06:00 p.m. - COMMUNITY ENVIRONMENT & WELFARE COMMITTEE: (Legere*, Townzen,

Hayes) Committee Room #1 OR <https://us02web.zoom.us/j/89885722700> OR (312)626-6799 ID: 898 8572 2700

- To Discuss:
- (a) A Resolution Accepting An Easement Plat For Lot 6B, Creek Side Place Subdivision, Rogers, Benton County, Arkansas; Accepting The Dedication Of Utility Easements And Other Public Ways Therein
 - (b) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From R-SF To C-2 (Everardo Camacho) 1708 W. Walnut St.
 - (c) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain

Lands From A-1 To R-SF (Paulo Torres) 1875 W. Laurel Ave.

- (d) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From C-2 To RMF-16B; Accepting The Density Concept Plan (37th Street Townhomes) N. 37th Street & W. Cedar Circle



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ROGERS CITY COUNCIL **AGENDA**

OCTOBER 10, 2023

6:30 PM

In Person Rogers City Council Chambers

OR via [ZOOM LINK](#) OR By Phone (312) 626-6799 ID: 892 6938 0398

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.

PUBLIC FORUM:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES:

1. September 26, 2023

REPORTS OF BOARDS AND STANDING COMMITTEES:

- | | | | |
|----|----------|---|---------------------------------|
| 1. | RES. Re: | Amending The 2023 Budget To Recognize Revenue In The Amount Of \$20,394.00 Into Various Accounts | FINANCE COMMITTEE |
| 2. | RES. Re: | Allowing The Mayor And City Clerk To Enter Into An Agreement With Mclarty Daniel Buick GMC Of Bentonville, Arkansas For The Purchase Of Three Vehicles For Use By The Rogers Parks Department | FINANCE COMMITTEE |
| 3. | RES. Re: | Amending The 2023 Budget By Appropriating \$200,000.00 From General Funds Reserves Into Account #100-01-70155.005 Building And Grounds | FINANCE COMMITTEE |
| 4. | RES. Re: | Accepting An Easement Plat For Lot 6B, Creek Side Place Subdivision, Rogers, Benton County, Arkansas; Accepting The Dedication Of Utility Easements And Other Public | COMMUNITY ENVIRONMENT & WELFARE |

- | | | |
|----|--|---|
| | Ways Therein | COMMITTEE |
| 5. | ORD. Re: Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From R-SF To C-2 (Everardo Camacho) 1708 W. Walnut Street | COMMUNITY ENVIRONMENT & WELFARE COMMITTEE |
| 6. | ORD. Re: Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To R-SF (Paulo Torres) 1875 W. Laurel Avenue | COMMUNITY ENVIRONMENT & WELFARE COMMITTEE |
| 7. | ORD. Re: Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From C-2 To RMF-16B; Accepting The Density Concept Plan (37 th Street Townhomes) N. 37 th Street & W. Cedar Circle | COMMUNITY ENVIRONMENT & WELFARE COMMITTEE |

OLD BUSINESS:

NEW BUSINESS:

APPOINTMENTS:

ANNOUNCEMENTS:

RESOLUTION NO. R23-_____

A RESOLUTION AMENDING THE 2023 BUDGET TO RECOGNIZE REVENUE IN THE AMOUNT OF TWENTY THOUSAND THREE HUNDRED NINETY-FOUR DOLLARS (\$20,394.00) INTO VARIOUS ACCOUNTS; APPROPRIATING SAID REVENUE INTO VARIOUS ACCOUNTS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers Parks Department has received various grants, donations, and reimbursements from various sources in 2023; and

WHEREAS, said revenues need to be appropriated in 2023 as reflected in the below account designations.

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

Section 1: The City of Rogers' 2023 Budget is amended to recognize revenues in the amount of twenty thousand three hundred ninety-four dollars (\$20,394.00) to the following accounts:

<u>Account</u>	<u>Account Title</u>	<u>In the Amount of</u>
100-08-45600	Grants and Donations	6,300.00
100-08-49255	Reimbursements	13,094.00
100-08-49125	Insurance Reimbursements	1,000.00
Total		<u>\$ 20,394.00</u>

Section 2: The City of Rogers' 2023 Budget is amended to appropriate twenty thousand three hundred ninety-four dollars (\$20,394.00) from said revenues into the following expense accounts:

<u>Account</u>	<u>Account Title</u>	<u>In the Amount of</u>
100-08-70130	Electric Utilities	543.00
100-08-70135	Natural Gas Utilities	3,190.00
100-08-70154	Trails Maintenance	7,300.00
100-08-70182	Advertising	9,361.00
Total		<u>\$ 20,394.00</u>

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 _____, 2023.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk/Treasurer

Requested By: Quinton Harris, Director, Parks and Recreation Department

Prepared By: John M. Pesek, Senior Staff Attorney

For Consideration By: Finance Committee

RESOLUTION NO. R23-_____

A RESOLUTION ALLOWING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH MCLARTY DANIEL BUICK GMC OF BENTONVILLE, ARKANSAS FOR THE PURCHASE OF THREE VEHICLES FOR USE BY THE ROGERS PARKS DEPARTMENT; WAIVING COMPETITIVE BIDDING; AND FOR OTHER PURPOSES.

WHEREAS, the Rogers Parks Department desires to purchase three GMC Trucks for use by that department, and this purchase is included in their 2023 budget; and

WHEREAS, McLarty Daniel Buick GMC of Bentonville, Arkansas, can provide the vehicle with the specifications necessary to the Rogers Parks Department, and has agreed to give the City of Rogers the pricing set by the State of Arkansas procurement guidelines for state purchases.

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

Section 1: The Mayor and City Clerk are authorized to enter into an agreement with McLarty Daniel Buick GMC of Bentonville, Arkansas, in an amount not to exceed one hundred thirty-nine thousand one hundred and fifty-one dollars (\$139,151.00), for the purchase of three GMC Trucks for use by the Rogers Parks Department;

Section 2: There exists an exceptional circumstance whereby the requirements of competitive bidding are neither practical nor feasible and the City Council, therefore, waives the requirements of competitive bidding for the purchase of the three GMC Trucks for use by the Rogers Parks Department;

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 resolutions of the City Council, or part of resolutions of the City Council in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2023.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: Quentin Harris, Director, Parks and Recreation Department

Prepared by: John M. Pesek, Senior Staff Attorney

For Consideration By: Finance Committee

RESOLUTION NO. R23-_____

A RESOLUTION AMENDING THE 2023 BUDGET BY APPROPRIATING TWO HUNDRED THOUSAND DOLLARS (\$200,000.00) FROM GENERAL FUNDS RESERVES INTO ACCOUNT #100-01-70155.005 BUILDING AND GROUNDS; AND FOR OTHER PURPOSES.

WHEREAS, the Risk Reduction building has multiple leaks in the roof and needs a complete replacement; and

WHEREAS, there is no need to waive bidding as a contractor will be chosen through a state procurement alliance.

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

Section 1: The City of Rogers' 2023 Budget is amended by appropriating two hundred thousand dollars (\$200,000.00) from General Funds Reserves into Account #100-01-70155.005;

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 _____, 2023.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: David Hook, Facilities Development Manager

Prepared by: John M. Pesek, Senior Staff Attorney

For Consideration By: Finance Committee

RESOLUTION NO. R23-_____

A RESOLUTION ACCEPTING AN EASEMENT PLAT FOR LOT 6B, CREEK SIDE PLACE SUBDIVISION, ROGERS, BENTON COUNTY, ARKANSAS; ACCEPTING THE DEDICATION OF UTILITY EASEMENTS AND OTHER PUBLIC WAYS THEREIN; AND FOR OTHER PURPOSES.

WHEREAS, an Easement Plat has been submitted for Lot 6b of the Creek Side Place Subdivision, Rogers, Benton County Arkansas which is more particularly described as follows, to-wit:

Description of Lot 6B less Right of Way dedication:

Part of Lot 6B as shown on Easement Plat & Right-of-Way Dedication Recorded as Document L201966732, Part of the Southeast Quarter (SE ¼) Southeast Quarter (SE ¼) Section 16, Township 19 North, Range 30 West, and Part of the Northeast Quarter (NE ¼) Northeast Quarter (NE ¼) Section 21, Township 19 North, Range 30 West of the 5th Principal Meridian, Benton County, Arkansas, being more particularly described as follows:

Commencing at the Northwest corner of Lot 6B as shown on Lot Split of Tract 6 recorded as Document L201912780 at a set cotton spindle; thence South 84°26'40" East, 21.00 feet along the Southerly Right of Way line of W. Financial Pkwy as shown on the Final Plat, Creek Side Place Subdivision, Recorded in Book 2004 Page 1413 to the Point of Beginning at a found 1/2" Iron pin Capped "1507"; thence South 84°26'40" East, 138.15 feet along the Southerly Right of Way line of said W. Financial Pkwy; thence along the Southerly Right of Way Line of said W. Financial Pkwy along a tangent curve to the right having a radius of 275.00 feet, an arc length of 191.84 feet, a chord bearing of South 64°27'35" East and a chord distance of 187.97 feet; thence along the Southeasterly Right of Way Line of said W. Financial Pkwy along a tangent curve to the right having a radius of 30.00 feet, an arc length of 27.06 feet, a chord bearing of South 18°38'22" East and a chord distance of 26.15 feet; thence leaving said W. Financial Pkwy Right of Way line along a non-tangent curve to the left having a radius of 385.00 feet, an arc length of 254.35 feet, a chord bearing of South 23°02'37" West and a chord distance of 249.75 feet; thence along the Southwesterly Right of Way Line of Bellview Rd. along a non-tangent curve to the right having a radius of 30.00 feet, an arc length of 29.46 feet, a chord bearing of South 67°01'06" West and a chord distance of 28.29 feet; thence North 84°50'37" West, 160.88 feet along the Northerly Right of Way Line of W. New Hope Rd. as shown on the Final Plat, Creek Side Place Subdivision, Recorded in Book 2004 Page 1413; thence North 81°58'45" West, 70.57 feet along Northerly Right of Way Line of said W. New Hope Rd.; thence leaving Right of Way Line of said W. New Hope Rd. North 6°32'03" East, 337.95 feet to the Point of Beginning.

Contains 93,767 square feet or 2.153 acres of land, more or less.

Description of Additional 5' Right of Way:

Part of Lot 6B as shown on Easement Plat & Right-of-Way Dedication Recorded as Document L201966732, also being part of the Southeast Quarter (SE ¼) Southeast Quarter (SE ¼) Section 16, Township 19 North, Range 30 West, of the 5th Principal Meridian, Benton County, Arkansas, being more particularly described as follows:

Commencing at the Northwest corner of Lot 6B as shown on Lot Split of Tract 6 recorded as Document L201912780 at a set cotton spindle; thence South 84°26'40" East, 21.00 feet along the Southerly Right of Way line of W. Financial Pkwy as shown on the Final Plat, Creek Side Place Subdivision, Recorded in Book 2004 Page 1413 to a found 1/2" Iron pin Capped "1507"; thence continuing South 84°26'40" East, 138.15 feet along the Southerly Right of Way line of said W. Financial Pkwy; thence along the Southerly Right of Way Line of said W. Financial Pkwy along a tangent curve to the right having a radius of 275.00 feet, an arc length of 191.84 feet, a chord bearing of South 64°27'35" East and a chord distance of 187.97 feet; thence along the Southeasterly Right of Way Line of said W. Financial Pkwy along a tangent curve to the right having a radius of 30.00 feet, an arc length of 27.06 feet, a chord bearing of South 18°38'22" East and a chord distance of 26.15 feet to the Point of Beginning; thence continuing along the Southeasterly Right of Way Line of said W. Financial Pkwy along a tangent curve to the right having a radius of 30.00 feet, an arc length of 16.96 feet, a chord bearing of South 23°23'21" West and a chord distance of 16.73 feet; thence leaving said W. Financial Pkwy Right of Way line along the Westerly Right of Way line of S. Osage Rd. as shown on the Final Plat, Creek Side Place Subdivision, Recorded in Book 2004 Page 1413 along a tangent curve to the left having a radius of 380.00 feet, an arc length of 219.32 feet, a chord bearing of South 23°02'37" West and a chord distance of 216.29 feet; thence along the Southwesterly Right of Way Line of said S. Osage Rd. along a tangent curve to the right having a radius of 30.00 feet, an arc length of 16.96 feet, a chord bearing of South 22°41'54" West and a chord distance of 16.73 feet; thence leaving said S. Osage Rd. Right of Way line along a non-tangent curve to the right having a radius of 385.00 feet, an arc length of 254.35 feet, a chord bearing of North 23°02'37" East and a chord distance of 249.75 feet to the Point of Beginning.

Contains 1,213 square feet or 0.028 acres of land, more or less.

WHEREAS, the City Council finds that said Easement Plat is in conformance with the Ordinances of the City of Rogers, Arkansas; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of Rogers, Arkansas that said Easement Plat be approved and the dedication of the utility easements and other public ways be accepted and confirmed.

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

Section 1: The Easement Plat of Lot 6B, Creek Side Place Subdivision, Rogers, Benton County, Arkansas, as described in the Plat thereof, is hereby accepted, approved, and confirmed;

Section 2: All dedication of utility easements and other public ways as set forth in the Plat are hereby accepted by the City. The Mayor and City Clerk are authorized and directed to certify the aforesaid approval and acceptance upon the face of the Plat;

Section 3: 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; 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 Ordinance are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2023.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: John McCurdy, Director Community Development

Prepared by: John M. Pesek, Senior Staff Attorney

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 23 ____

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

WHEREAS, pursuant to the provisions of Rogers Code Section 14-725, et seq., and upon consideration of the report and recommendations of the City of Rogers Planning Commission, the City Council finds it to be in the best interests of the City that certain lands hereinafter described are better suited for C-2 zoning.

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

Section 1: Chapter 14, Article VI, Section 14-67—Zoning shall be amended in the City of Rogers Code of Ordinances as provided herein;

Section 2: That the land described herein shall be zoned as C-2 and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

Section 11, Township 19 North, Range 30 West; Lot 6, Mitchell Place, a subdivision to the City of Rogers, Benton County, Arkansas, as shown on plat record "J" at page 476.

LAYMAN'S DESCRIPTION:

02-06007-000

Section 3: Zoning: That the above described lands are better suited for C-2 (Highway Commercial) than R-SF (Residential Single Family) zoning and same should be and are hereby zoned C-2;

Section 4: Emergency Clause: The need to bring the proposed use of the property into conformance with the Rogers City Zoning Ordinances 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; and

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 _____, 2023.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: John McCurdy, Director of Community Development

Reviewed by: John M. Pesek, Senior Staff Attorney

Prepared by: Nicholas Little, Planner II

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 23 ____

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM A-1 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 consideration of the report and recommendations of the City of Rogers Planning Commission, the City Council finds it to be in the best interests of the City 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: Chapter 14, Article VI, Section 14-67—Zoning shall be amended in the City of Rogers Code of Ordinances as provided herein;

Section 2: That the land described herein shall be zoned as R-SF and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

TRACT 1 OF THE PROPERTY LINE ADJUSTMENT FILED IN PLAT BOOK 2017, PAGE 638 OF THE BENTON COUNTY RECORDS, BEING A PART OF THE SOUTHEAST QUARTER (SE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION 26, TOWNSHIP 19 NORTH, RANGE 30 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF ROGERS, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 26, SAID POINT BEING A FOUND 1/2" REBAR IN THE INTERSECTION OF S. DIXIELAND ROAD AND W. LAUREL AVENUE; THENCE ALONG THE SOUTH LINE OF SAID SE ¼ OF THE NW ¼, N86°50'46" W A DISTANCE OF 459.98 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH LINE N86°50'46" A DISTANCE OF 200.01 FEET TO A POINT; THENCE LEAVING SAID SOUTH LINE, N02°38'01"E A DISTANCE OF 332.59 FEET TO A FOUND 1/2" REBAR; THENCE S86°37'16"E A DISTANCE OF 200.01 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE S02°38'01"W A DISTANCE OF 331.81 FEET TO THE POINT OF BEGINNING, CONTAINING 1.53 ACRES (66,440 SQ. FT.) MORE OR LESS, AND SUBJECT TO THE RIGHT OF WAY OF W. LAUREL AVENUE ON THE SOUTH SIDE THEREOF.

LAYMAN'S DESCRIPTION:

02-02087-230

Section 3: Zoning: That the above described lands are better suited for R-SF (Residential Single Family) than A-1 (Agricultural) zoning and same should be and are hereby zoned R-SF;

Section 4: Emergency Clause: The need to bring the proposed use of the property into conformance with the Rogers City Zoning Ordinances 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; and

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 _____, 2023.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: John McCurdy, Director of Community Development

Reviewed by: John M. Pesek, Senior Staff Attorney

Prepared by: Zachery Birdsong, Planner I

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 23-_____

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING CERTAIN LANDS FROM C-2 TO RMF-16B; 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 consideration of the report and recommendations of the City of Rogers Planning Commission, the City Council finds it to be in the best interests of the City that that certain lands hereinafter described are better suited for RMF-16B zoning.

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

Section 1: Chapter 14, Article VI, Section 14-67—Zoning shall be amended in the City of Rogers Code of Ordinances as provided herein;

Section 2: That the land hereinafter described should be and the same is hereby zoned as RMF-16B and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

A PART OF THE WEST HALF (W $\frac{1}{2}$) OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF SECTION TEN (10), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTY (30) WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION TEN (10); THENCE S02°12'10"W 1322.48 FEET TO AN EXISTING IRON REBAR; THENCE S86°52'04"E 192.92 FEET TO AN EXISTING IRON REBAR; THENCE S86°56'22"E 470.09 FEET TO AN EXISTING IRON REBAR; THENCE S02°32'32"W 451.84 FEET TO AN EXISTING IRON REBAR FOR THE TRUE POINT OF BEGINNING; THENCE S02°30'16"W 10.00 FEET TO A FOUND $\frac{1}{2}$ " IRON REBAR; THENCE N87°19'48"W 134.47 FEET TO A FOUND $\frac{1}{2}$ " IRON REBAR; THENCE N02°36'47"E 3.30 FEET TO A FOUND $\frac{1}{2}$ " IRON REBAR; THENCE N87°19'52"W 335.64 FEET TO A FOUND $\frac{1}{2}$ " IRON REBAR ON THE EAST RIGHT-OF-WAY LINE OF NORTH 37TH STREET; THENCE N02°30'31"E 141.70 FEET ALONG SAID RIGHT-OF-WAY LINE TO A POINT IN A BRICK COLUMN; THENCE LEAVING THE EAST RIGHT-OF-WAY LINE OF NORTH 37TH STREET, S87°19'52"E 300.10 FEET TO A FOUND MAGNETIC NAIL IN THE TOP OF A FENCE POST; THENCE S02°30'16"W 135.00 FEET TO AN EXISTING IRON REBAR; THENCE S87°19'52"E 170.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1.01 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

LAYMAN'S DESCRIPTION:

The southeast intersection of N 37th Street and W Cedar Circle
Parcel: 02-00893-002

Section 3: Zoning. That the above described lands are better suited for RMF-16B than C-2 zoning and same should be and are hereby zoned RMF-16B;

Section 4: Density Concept Plan. That the Density Concept Plan entered into by and between Jorgensen and Associates, White Mountain Construction, and the City of Rogers, as approved by the Rogers Planning Commission on October 3, 2023, 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: 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; and

Section 7: 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 _____, 2023.

APPROVED:

C. GREG HINES, MAYOR

ATTEST:

JESSICA RUSH, CITY CLERK

Requested by: John McCurdy, Director Community Development

Reviewed by: John M. Pesek, Senior Staff Attorney

Prepared by: Zachery Birdsong, Planner I

For Consideration By: Community Environment & Welfare Committee