



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

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 22, 2024

The following committee meetings will be held on **Tuesday, October 22, 2024** prior to the City Council Meeting:

05:45 p.m. - PUBLIC WORKS COMMITTEE: (Townzen*, Brashear, Kendall)

Committee Room #1 OR <https://us02web.zoom.us/j/89243408288> OR (312)626-6799 ID: 892 4340 8288

To Discuss: (a) RWU Monthly Report

05:45 p.m. - PUBLIC SAFETY COMMITTEE: (Wolf*, Reithemeyer)

Committee Room #2 OR <https://us02web.zoom.us/j/85799455204> OR (312)626-6799 ID: 857 9945 5204

To Discuss: (a) A Resolution Scheduling A Public Hearing To Determine A Nuisance Structure On Certain Property Located In Rogers, Arkansas – 718 DN. 2nd Street

(b) A Resolution Scheduling A Public Hearing To Determine A Nuisance Structure On Certain Property Located In Rogers, Arkansas – 2325 W. Walnut

05:55 p.m. - FINANCE COMMITTEE: (Reithemeyer*, Wolf, Kendall)

Committee Room #2 OR <https://us02web.zoom.us/j/85799455204> OR (312)626-6799 ID: 857 9945 5204

To Discuss: (a) A Resolution Authorizing The Mayor And City Clerk To Enter Into A Lease Agreement With Great Southern Bank Of Springfield, Missouri, For Certain Space Located At 2522 Pinnacle Hills Parkway, Suite 100, Rogers, Arkansas For Use By The Arts And Culture Department

(b) A Resolution Authorizing The Mayor And City Clerk To Enter Into An Agreement With Superior Automotive Group Of Siloam Springs, Arkansas For The Purchase Of A 2024 Chevrolet Crew Cab Truck For Use By The Rogers Fire Department; Amending The 2024 Budget To Appropriate \$35,035.00 From General Fund Reserves Into Account #100-02-80100 Capital Expenditures; Waiving Competitive Bidding

(c) Director of Finance presentation

- To Discuss:
- (a) An Ordinance Amending The Uniform Development Code Found In The City Of Rogers Code Of Ordinances

 - (b) A Resolution Authorizing The Mayor And City Clerk To Enter Into An Agreement With Pattern Zones Co. Of Fayetteville, Arkansas For Services Related To A Pre-Approved Building Program; Waiving Competitive Bidding

 - (c) An Ordinance Amending The City Of Rogers Uniform Development Code Section 1.4.3 By Re-Zoning Certain Lands From T4.1 To T4.2 (321 E. Locust Street, Nola's Pantry) [Zoning Map](#)

 - (d) An Ordinance Amending The City Of Rogers Uniform Development Code Section 1.4.3 By Re-Zoning Certain Lands From T4.1 To T4.2 (1203 W. New Hope Road, Variety Insurance) [Zoning Map](#)



Office of the City Clerk-Treasurer
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ROGERS CITY COUNCIL **AGENDA**

OCTOBER 22, 2024
6:30 PM

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.

In Person Rogers City Council Chambers

OR via [ZOOM LINK](#) OR By Phone (312) 626-6799 ID: 861 8235 4084

PUBLIC FORUM:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES:

1. October 08, 2024

REPORTS OF BOARDS AND STANDING COMMITTEES:

- | | | | |
|----|----------|--|-------------------------|
| 1. | RES. Re: | Scheduling A Public Hearing To Determine A Nuisance Structure On Certain Property Located In Rogers, Arkansas – 718 DN. 2 nd Street | PUBLIC SAFETY COMMITTEE |
| 2. | RES. Re: | Scheduling A Public Hearing To Determine A Nuisance Structure On Certain Property Located In Rogers, Arkansas – 2325 W. Walnut | PUBLIC SAFETY COMMITTEE |
| 3. | RES. Re: | Authorizing The Mayor And City Clerk To Enter Into A Lease Agreement With Great Southern Bank Of Springfield, Missouri, For Certain Space Located At 2522 Pinnacle Hills Parkway, Suite 100, Rogers, Arkansas For Use By The Arts And Culture Department | FINANCE COMMITTEE |

- | | | | |
|----|----------|---|--|
| 4. | RES. Re: | Authorizing The Mayor And City Clerk To Enter Into An Agreement With Superior Automotive Group Of Siloam Springs, Arkansas For The Purchase Of A 2024 Chevrolet Crew Cab Truck For Use By The Rogers Fire Department; Amending The 2024 Budget To Appropriate \$35,035.00 From General Fund Reserves Into Account #100-02-80100 Capital Expenditures; Waiving Competitive Bidding | FINANCE
COMMITTEE |
| 5. | ORD. Re: | Amending The Uniform Development Code Found In The City Of Rogers Code Of Ordinances | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |
| 6. | RES. Re: | Authorizing The Mayor And City Clerk To Enter Into An Agreement With Pattern Zones Co. Of Fayetteville, Arkansas For Services Related To A Pre-Approved Building Program; Waiving Competitive Bidding | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |
| 7. | ORD. Re: | Amending The City Of Rogers Uniform Development Code Section 1.4.3 By Re-Zoning Certain Lands From T4.1 To T4.2 (321 E. Locust Street, Nola's Pantry) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |
| 8. | ORD. Re: | Amending The City Of Rogers Uniform Development Code Section 1.4.3 By Re-Zoning Certain Lands From T4.1 To T4.2 (1203 W. New Hope Road, Variety Insurance) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |

OLD BUSINESS:

NEW BUSINESS:

APPOINTMENTS:

1. Appointment Of Jene Huffman-Gilreath To The Water Utilities Commission; term expires December 31, 2032.

ANNOUNCEMENTS:

RESOLUTION NO. R24-_____

**A RESOLUTION SCHEDULING A PUBLIC HEARING TO DETERMINE A
NUISANCE STRUCTURE ON CERTAIN PROPERTY LOCATED IN ROGERS,
ARKANSAS; AND FOR OTHER PURPOSES.**

WHEREAS, Haute Catacomb LLC, is the owner of certain real property situated in Rogers, Benton County, Arkansas, more particularly described as follows:

LEGAL DESCRIPTION: All of Lots, 1, 4, 5, 8, and 9, and the North 30 feet of Lot 12, all in Block 1, Wood Stroud Addition to the City of Rogers, Benton County, Arkansas, as shown in Plat Record Y, Page 165.

LAYMAN'S DESCRIPTION: 718 N. 2nd Street Rogers, AR 72756
PARCEL NO.: 02-09167-000

WHEREAS, the owners were given proper notice of numerous violations of the standards provided for in the Rogers' Code of Ordinances, including the International Property Maintenance Code ("IPMC") as adopted by reference in Rogers' Code of Ordinances §§ 10-32 and 10-33, which constitute life, health, or safety violations, located on the property described above, and were instructed to abate the nuisance in accordance with § 18-58 of the Rogers' Code of Ordinances;

WHEREAS, the property owners of record did not abate the dilapidated, unsightly, unsafe, and unsanitary conditions on this property, and as a result, the City of Rogers requests a hearing to seek a finding that the structure is a nuisance structure in accordance with § 18-59 of the Rogers' Code of Ordinances; and

WHEREAS, to make a finding that the structure is a nuisance, this City Council shall set a date and time for a public hearing before the City Council for consideration of the dilapidated, unsightly, unsafe, and unsanitary conditions on the above described property.

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

Section 1: A hearing to determine if the structure shall be deemed a nuisance is scheduled for and shall be held along with the regularly scheduled City Council meeting on Tuesday, November 26th, 2024 at 6:30 p.m.;

Section 2: The City's Legal Department will send a copy of this Resolution and the City's request for consideration that the property be condemned as unsightly, unsafe, and unsanitary;

Section 3: Severability Provision: If any part of this Resolution is held to be 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 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 _____, 2024.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: John Vanetta, Deputy Fire Chief – Risk Reduction

Prepared By: John M. Pesek, Senior Staff Attorney

For Consideration By: Public Safety Committee

RESOLUTION NO. R24-_____

**A RESOLUTION SCHEDULING A PUBLIC HEARING TO DETERMINE A
NUISANCE STRUCTURE ON CERTAIN PROPERTY LOCATED IN ROGERS,
ARKANSAS; AND FOR OTHER PURPOSES.**

WHEREAS, HZ Properties RD LTF, is the owner of certain real property situated in Rogers, Benton County, Arkansas, more particularly described as follows:

LEGAL DESCRIPTION: A PART OF THE SW 1/4 OF THE NW 1/4 OF SECTION 11, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, DESCRIBED AS: FROM THE SW CORNER OF SAID SW 1/4, NW 1/4, RUN SOUTH 89°24'45" EAST 335.57 FEET; THENCE NORTH 00°06'17" EAST 35.00 FEET TO THE POINT OF BEGINNING ON THE NORTH RIGHT-OF-WAY OF WEST WALNUT (U.S. HIGHWAY 71B); THENCE NORTH 00°06'17" EAST 184.00 FEET; THENCE NORTH 89°24'45" WEST 125.99 FEET TO THE EAST RIGHT-OF-WAY OF 24TH STREET; THENCE SOUTH 00°00'00" EAST 159.26 FEET ALONG SAID RIGHT-OF-WAY; THENCE 39.01 FEET ALONG A 25.00 FOOT RADIUS CURVE TO THE LEFT WITH A SOUTH 44°42'23" EAST 35.17 FOOT CHORD TO THE AFORESAID NORTH RIGHT-OF-WAY; THENCE SOUTH 89°24'45" EAST 100.91 FEET ALONG SAID RIGHT-OF-WAY TO THE POINT OF BEGINNING, AND BEING LOT "A" OF THE LOT SPLIT OF TURTLE CREEK PLAZA, AS SHOWN IN PLAT RECORD 16 AT PAGE 50, ROGERS, BENTON COUNTY, ARKANSAS. AND AN EASEMENT FOR INGRESS AND EGRESS ONLY OVER AND ACROSS LOT "B" OF THE LOT SPLIT OF TURTLE CREEK PLAZA AS RECORDED IN BOOK 16, PAGE 50 AT THE FOLLOWING DESCRIBED PROPERTY, TO-WIT: BEGINNING AT THE COMMON CORNER OF LOT "B" AND LOT "A" ON THE SOUTH SIDE OF SAID LOT SPLIT, THENCE NORTH 00°06'17" EAST 62.00 FEET; THENCE SOUTH 89°24'45" EAST 25 FEET; THENCE SOUTH 00°06'17" WEST 62.00 FEET; THENCE NORTH 89°4'45" WEST 25 FEET TO THE POINT OF BEGINNING. LESS AND EXCEPT: THAT PORTION DEEDED TO THE ARKANSAS STATE HIGHWAY COMMISSION FOR ADDITIONAL RIGHT-OF-WAY FOR HIGHWAY 71B (WALNUT STREET) AS SET OUT IN BENTON COUNTY, ARKANSAS, DOCUMENT NO. 97-024028

LAYMAN'S DESCRIPTION: 2325 W. Walnut Street Rogers, AR 72756
PARCEL NO.: 02-01020-001

WHEREAS, the owners were given proper notice of numerous violations of the standards provided for in the Rogers' Code of Ordinances, including the International Property Maintenance Code ("IPMC") as adopted by reference in Rogers' Code of Ordinances §§ 10-32 and 10-33, which constitute life, health, or safety violations, located on the property described above, and were instructed to abate the nuisance in accordance with § 18-58 of the Rogers' Code of Ordinances;

WHEREAS, the property owners of record did not abate the dilapidated, unsightly, unsafe, and unsanitary conditions on this property, and as a result, the City of Rogers requests a hearing to seek a finding that the structure is a nuisance structure in accordance with § 18-59 of the Rogers' Code of Ordinances; and

WHEREAS, to make a finding that the structure is a nuisance, this City Council shall set a date and time for a public hearing before the City Council for consideration of the dilapidated, unsightly, unsafe, and unsanitary conditions on the above described property.

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

Section 1: A hearing to determine if the structure shall be deemed a nuisance is scheduled for and shall be held along with the regularly scheduled City Council meeting on Tuesday, November 26th, 2024 at 6:30 p.m.;

Section 2: The City's Legal Department will send a copy of this Resolution and the City's request for consideration that the property be condemned as unsightly, unsafe, and unsanitary;

Section 3: Severability Provision: If any part of this Resolution is held to be 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 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 _____, 2024.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: John Vanetta, Deputy Fire Chief – Risk Reduction

Prepared By: John M. Pesek, Senior Staff Attorney

For Consideration By: Public Safety Committee

RESOLUTION NO. R24-_____

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO
A LEASE AGREEMENT WITH GREAT SOUTHERN BANK OF SPRINGFIELD,
MISSOURI, FOR CERTAIN SPACE LOCATED AT 2522 PINNACLE HILLS
PARKWAY, SUITE 100, ROGERS, ARKANSAS FOR USE BY THE ARTS AND
CULTURE DEPARTMENT; AND FOR OTHER PURPOSES.**

WHEREAS, The City’s Arts and Culture Department was displaced from its office space at the Victory Theater after the May 2024 tornado caused significant damage to the Victory Theater; and

WHEREAS, the City desires to enter into a lease agreement with Great Southern Bank of Springfield, Missouri for the use of office space located at 2522 Pinnacle Hills Parkway, Suite 100, Rogers, Arkansas to temporarily house the Arts and Culture Department until the Victory Theater can reopen.

**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 execute a business lease agreement with Great Southern Bank of Springfield, Missouri for certain space located at 2522 Pinnacle Hills Parkway, Suite 100, Rogers, Arkansas for use by the City’s Parks Department;

Section 2: This lease shall begin on October 24, 2024 and expire on October 31, 2025;

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, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2024.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: Quinton Harris, Director - Parks and Recreation Department

Prepared by: John M. Pesek, Senior Staff Attorney

For Consideration By: Finance Committee

RESOLUTION NO. R24-_____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH SUPERIOR AUTOMOTIVE GROUP OF SILOAM SPRINGS, ARKANSAS FOR THE PURCHASE OF A 2024 CHEVROLET CREW CAB TRUCK FOR USE BY THE ROGERS FIRE DEPARTMENT; AMENDING THE 2024 BUDGET TO APPROPRIATE THIRTY-FIVE THOUSAND THIRTY-FIVE DOLLARS (\$35,035.00) FROM GENERAL FUND RESERVES INTO ACCOUNT #100-02-80100 CAPITAL EXPENDITURES; WAIVING COMPETITIVE BIDDING; AND FOR OTHER PURPOSES.

WHEREAS, the Rogers Fire Department desires to purchase a 2024 Chevrolet Crew Cab Truck for use by the Risk Reduction Department;

WHEREAS, Superior Automotive Group of Siloam Springs, Arkansas can provide the vehicle with the specifications necessary to the Rogers Fire Department, and there is currently a limited bid selection through state procurement contracts; and

WHEREAS, the purchase price for the 2024 Chevrolet Crew Cab Truck is thirty-five thousand thirty-five dollars (\$35,035.00).

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 into an agreement with Superior Automotive Group of Siloam Springs, Arkansas for the purchase of a 2024 Chevrolet Crew Cab Truck for use by the Rogers Fire Department;

Section 2: The City of Rogers' 2024 budget is hereby amended to appropriate thirty-five thousand thirty-five dollars (\$35,035.00) from General Fund Reserves into Account #100-02-80100 Capital Expenditures;

Section 3: 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 a 2024 Chevrolet Crew Cab Truck use by the Rogers Fire Department;

Section 4: 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 5: 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 _____, 2024.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: William Hyde, Chief - Rogers Fire Department

Prepared by: John M. Pesek, Senior Staff Attorney

For Consideration By: Finance Committee

ORDINANCE NO 24- _____

**AN ORDINANCE AMENDING THE UNIFORM DEVELOPMENT CODE FOUND IN
THE CITY OF ROGERS CODE OF ORDINANCES; PROVIDING FOR THE
EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

WHEREAS, the Department of Community Development finds it to be in the best interest of the City to update certain provisions of the Uniform Development Code found in the City of Rogers' Code of Ordinances;

WHEREAS, these changes will assist the Department of Community Development and Planning Commission in administering permits and determining standards for interior and exterior yards; and

WHEREAS, these amendments were approved by the Planning Commission after notice and a public hearing on Tuesday, October 15, 2024.

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

Section 1: Articles 2 and 4 of the Uniform Development Code found in the City of Rogers Code of Ordinances are amended to read as shown in the attached Exhibit "A" and the Gridics Corporation is hereby instructed to make said revisions;

Section 2: Emergency Clause: The need to amend the Uniform Development Code 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 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.

PASSED this _____ day of _____, 2024.

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: Community Environment & Welfare

2.15.76 Floodplain Development Permit

~~All rules governing the issuance~~ The Floodplain Development Permit is issued as part of the Land Disturbance permit and shall ~~apply with~~ also meet the following regulations and requirements:

2.15.76.1 Applicability

4.5.3.1.3 Exemptions

~~The maximum exterior yard does not apply where any natural feature preserved under Section 3.3 prevents compliance.~~ The maximum exterior yard does not apply where any natural feature preserved under Section 3.3 prevents compliance. In HC, the minimum exterior yard does not apply where abutting a street with on-street parking.

4.5.3.2.2 Reduction for Industrial Zones

In I zones, the minimum setback in interior yards shall be 5 feet when abutting another property zoned I.

RESOLUTION NO. R24-_____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH PATTERN ZONES CO. OF FAYETTEVILLE, ARKANSAS FOR SERVICES RELATED TO A PRE-APPROVED BUILDING PROGRAM; WAIVING COMPETITIVE BIDDING; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers desires to provide builders with pre-approved building plans from third-party designers and architects in an effort to expedite the development approval process under the Uniform Development Code;

WHEREAS, the City of Rogers desires to enter into an agreement with Pattern Zones Co. of Fayetteville, Arkansas for services providing pre-approved building plans and program implementation; and

WHEREAS, the City of Rogers Community Development Department is requesting the City Council to waive the requirement for competitive bidding for this service as Pattern Zones Co. of Fayetteville, Arkansas is the only provider of a pre-approved building program which makes plans free to all builders for a fixed annual fee and meets the City's requirements.

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 into an Agreement with Pattern Zones, Co. of Fayetteville, Arkansas for services providing pre-approved building plans;

Section 2: There exists an exceptional circumstance whereby the requirements of competitive bidding are neither practical nor feasible as Pattern Zones Co. is the sole provider of a pre-approved building program which makes plans free to all builders for a fixed annual fee, and the City Council, therefore, waives the requirements of competitive bidding for the purchase of services providing a pre-approved building program;

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, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2024.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: John McCurdy, Community Development Director

Prepared by: John M. Pesek, Senior Staff Attorney

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 24-____

AN ORDINANCE AMENDING THE CITY OF ROGERS UNIFORM DEVELOPMENT CODE SECTION 1.4.3 BY RE-ZONING CERTAIN LANDS FROM T4.1 TO T4.2; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to the provisions of the City of Rogers' Uniform Development Code § 2.8, *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 T4.2 zoning.

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

Section 1: Section 1.4.3 of the City of Rogers Uniform Development Code as well as the City of Rogers Zoning Map shall be amended as provided herein;

Section 2: That the land described herein shall be zoned as T4.2 and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

LOT 12, BLOCK 1, WALLACE ADDITION TO THE CITY OF ROGERS, BENTON COUNTY, ARKANSAS, AS SHOWN ON PLAT RECORD 28 AT PAGE 322.

LAYMAN'S DESCRIPTION:

321 East Locust Street

Section 3: Zoning: That the above described lands are better suited for T4.2 (Neighborhood High-Intensity) than T4.1 (Neighborhood Medium-Intensity) zoning and same should be and are hereby zoned T4.2;

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 _____, 2024.

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: Christina Moore, Planner I

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 24- ____

**AN ORDINANCE AMENDING THE CITY OF ROGERS UNIFORM DEVELOPMENT
CODE SECTION 1.4.3 BY RE-ZONING CERTAIN LANDS FROM T4.1 TO T4.2;
PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

WHEREAS, pursuant to the provisions of the City of Rogers' Uniform Development Code § 2.8 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 T4.2 zoning.

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

Section 1: Section 1.4.3 of the City of Rogers Uniform Development Code as well as the City of Rogers Zoning Map shall be amended as provided herein;

Section 2: That the land described herein shall be zoned as T4.2 and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

PART OF THE SW 1/4 OF SW 1/4 OF SECTION 13, TOWNSHIP 19 NORTH, RANGE 30 WEST, ROGERS, BENTON COUNTY, ARKANSAS, DESCRIBED AS BEGINNING AT A POINT SOUTH 89°08'32" EAST 228.22 FEET EAST OF THE SW CORNER OF THE SW 1/4 OF THE SW 1/4, THENCE NORTH 00°48'36" EAST 221.86 FEET, THENCE NORTH 01°08'13" WEST 8.14 FEET, THENCE SOUTH 89°07'43" EAST 141.87 FEET, THENCE SOUTH 00°45'36" EAST 1.44 FEET, THENCE SOUTH 00°11'25" EAST 228.56 FEET, THENCE NORTH 89°08'32" WEST 145.62 FEET TO THE POINT OF BEGINNING. LESS & EXCEPT: PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 19 NORTH, RANGE 30 WEST, MORE PARTICULARLY DESCRIBED AS FOLLOWS: STARTING AT A PK NAIL BEING USED AS THE COMMON CORNER OF SECTIONS 13, 14, 23 & 24; THENCE NORTH 02° 42' 17" EAST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 13 A DISTANCE OF 30.97 FEET TO A POINT; THENCE SOUTH 86° 25' 45" EAST A DISTANCE OF 45.21 FEET TO A POINT ON THE NORTHERLY PRESCRIPTIVE RIGHT OF WAY LINE OF STATE HIGHWAY 94 AS ESTABLISHED BY STATE HIGHWAY AFFIDAVIT DATED NOVEMBER 13, 2001; THENCE SOUTH 86° 25' 45" EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 183.69 FEET TO THE POINT OF BEGINNING; THENCE NORTH 03° 40' 39" EAST A DISTANCE OF 13.93 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF STATE HIGHWAY 94 AS ESTABLISHED BY AHTD JOB 009985; THENCE SOUTH 86° 51' 21" EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 144.79 FEET TO A POINT; THENCE SOUTH 02° 40' 38" WEST A DISTANCE OF 15.01 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF STATE HIGHWAY 94 AS ESTABLISHED BY STATE HIGHWAY AFFIDAVIT DATED NOVEMBER 13, 2001; THENCE NORTH 8 6° 25' 45" WEST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 145.05 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.05 ACRE MORE OR LESS AS SHOWN ON PLANS

LAYMAN'S DESCRIPTION:

1203 W New Hope Road; Parcel 02-01484-000

Section 3: Zoning: That the above described lands are better suited for T4.2 (Neighborhood High-Intensity) than T4.1 (Neighborhood Medium-Intensity) zoning and same should be and are hereby zoned T4.2;

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 _____, 2024.

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

For Consideration By: Community Environment & Welfare Committee