



DEPT. OF COMMUNITY
DEVELOPMENT
PLANNING DIVISION
301 W. CHESTNUT
PHONE: (479) 621-1186
FAX: (479) 986-6896

PLANNING COMMISSION MEETING AGENDA

FEBRUARY 18, 2025

5:30 PM

ONLINE VIEWING:

PLANNING COMMISSION: [HTTPS://US02WEB.ZOOM.US/J/89253178987](https://us02web.zoom.us/j/89253178987)

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.

AGENDA

CALL TO ORDER:

ROLL CALL:

DECLARATION OF ABSTENTION:

MINUTES:

a. February 4, 2025

REPORTS :

PUBLIC FORUM:

Public testimony on any issue not listed on the agenda may be provided at this time. Public hearing is offered at this time for select consent agenda items noted below:

a. Olympus Rezone Approving a rezone subject to standard review at 4199 W. New Hope Road from the T4.2 (Neighborhood High-Intensity) zoning district to a mix of the T4.2 (Neighborhood High-Intensity) and T5.2 (City Low-Intensity) zoning districts.

STAFF: Zachery Birdsong

REPRESENTED BY: Will Kellstrom



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CONSENT AGENDA:

The Planning Commission may remove any item from consent for further discussion and separate motion and vote.

a. Olympus Rezone Approving a rezone subject to standard review at 4199 W. New Hope Road from the T4.2 (Neighborhood High-Intensity) zoning district to a mix of the T4.2 (Neighborhood High-Intensity) and T5.2 (City Low-Intensity) zoning districts.

STAFF: Zachery Birdsong

REPRESENTED BY: Will Kellstrom

REGULAR AGENDA - ITEMS REMOVED FROM CONSENT:

The Planning Commission may remove any item from consent for further discussion and separate motion and vote.

REGULAR AGENDA - OLD BUSINESS:

a. Beauty 4 Ashes Investments Rezone Approving a rezone subject to standard review at 721 W. Persimmon Street from the T4.1 (Neighborhood Medium-Intensity) zoning district to the T4.2 (Neighborhood High-Intensity) zoning district.

STAFF: Amber Long

REPRESENTED BY: Ben Fernando

b. Dung Nguyen & Xinh Dinh Le Rezone A rezone request subject to enhanced review at 315 S. Promenade Boulevard from the T2 (Rural) zoning district to the T5.1 (City Low-Intensity) zoning district. *(Tabled at 1/21/25 PC Meeting)*

STAFF: Amber Long

REPRESENTED BY: Will Kellstrom

REGULAR AGENDA - NEW BUSINESS:

a. Annual review of the Rogers Comprehensive Plan in accordance with Section 2.9.3 of the Unified Development Code. During this session we will hold a public hearing and begin discussing potential changes to the Future Land Use Map (FLUM).

STAFF: Joe Rexwinkle

b. HOFKO Rezone Approving a rezone on ±17 acres located NE of Bellview and Perry Road from the T2 (Rural) zoning district to the T5.2 (City Medium-Intensity) and T5.1 (City Low-Intensity) zoning district.

STAFF: Nicholas Little

REPRESENTED BY: Taylor Lindley

c. Review sign code draft.

STAFF: Zachery Birdsong



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COMMISSIONERS' FINAL COMMENTS:

ADJOURN PLANNING COMMISSION:

CALL TO ORDER BOARD OF ADJUSTMENT:

NO ITEMS.



COMMUNITY DEVELOPMENT
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ROGERS PLANNING COMMISSION MINUTES

The Rogers Planning Commission met for a public meeting at Rogers City Hall at 301 W. Chestnut Street on February 4, 2025 at 5:50 P.M. The meeting was called to order by Chairman Steve Lane followed by the Pledge of Allegiance.

ROLL CALL

Commissioners attending: Jorge Andrade, Samantha Best, Derek Burnett, Hannah Cicioni, Kevin Jensen, Steve Lane, Ed McClure, Isaac Stevens, and Ezequiel Tovar.

ACTION ON MINUTES

Motion by Jensen, second by Burnett, to approve the January 21, 2025, Planning Commission meeting minutes as presented.

Voice Vote: Unanimous – Yes. Motion carried.

APPROVED.

DECLARATION OF ABSTENTION

Chairman Lane asked that any Commissioners needing to abstain on agenda items state so and not participate in discussion or vote on the item. There were none.

REPORTS

Community Development Director John McCurdy gave a training session presentation for Planning Commissioners. They reviewed the Rogers Comprehensive Plan and zoning/development standards. They also discussed the role of the Planning Commission in rezoning decisions, Board of Adjustment and variances, and public hearing management.

Commissioners agree on the importance of regular training and updates to ensure everyone is on the same page.

PUBLIC FORUM

CONSENT AGENDA

REGULAR AGENDA – Items Removed from Consent

REGULAR AGENDA – New Business

COMMISSIONERS' FINAL COMMENTS

None.

ADJOURN

There being no further business, the Chair adjourned the meeting at 7:20 p.m.

ATTEST:

APPROVED:

Derek Burnett, Secretary

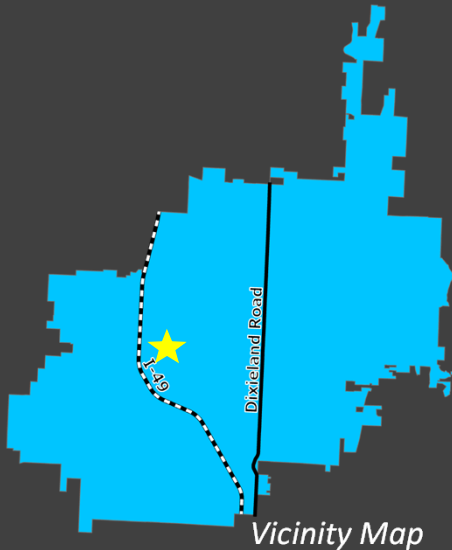
Steve Lane, Chairman



Rezone Olympus

PLANNING

Staff: Zachery Birdsong, Planner (zbirdsong@rogersar.gov)



FLUM Place Type

City Corridor (C-CO)

Current Zoning

T4.2

Proposed Zoning

T5.2

Location

A portion of the 5.9 acres at the northeast corner of S 42nd Street and W New Hope Road

Representative

Will Kellstrom

Nature of the Request:

The following request is for an amendment to the City of Rogers Unified Development Code Zoning Map, in accordance with Section 2.8 of the Rogers Unified Development Code.

Request Details:

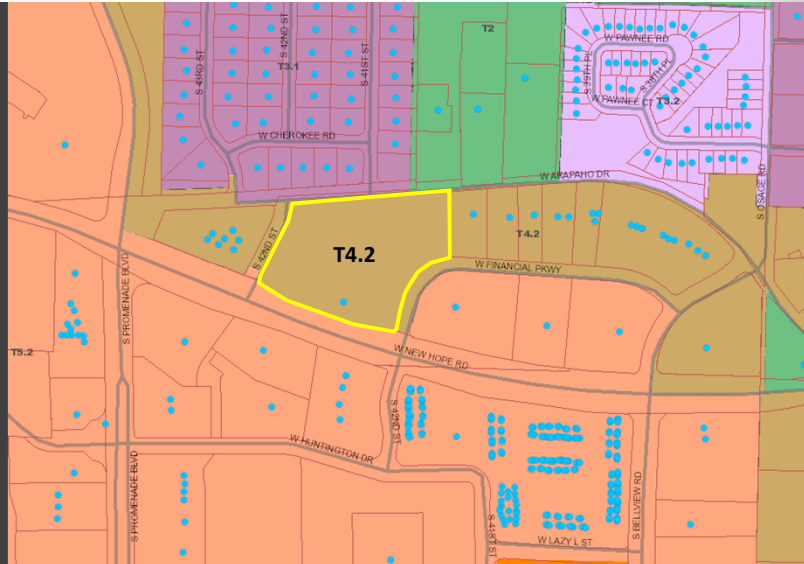
- Proposal: The applicant is proposing to rezone a portion of the 5.9 acre parcel at the northeast corner of S 42nd and W New Hope Road from T4.2 to T5.2 in the City Corridor (C-CO) Placetype. A preliminary plat is currently under review for the proposed property.
- Review Type: Standard

[illegible]

Location Description

The subject property is located in central west Rogers near the northeast corner of S Promenade and W New Hope.

Parcel: 02-17121-000



Current Zoning

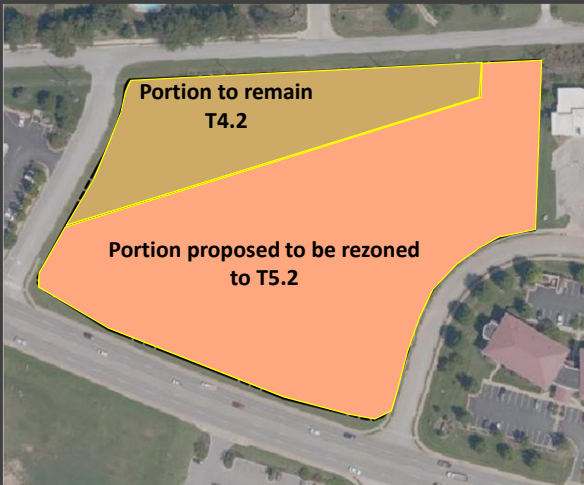
Current Zoning

The entirety of the parcel is currently zoned T4.2.

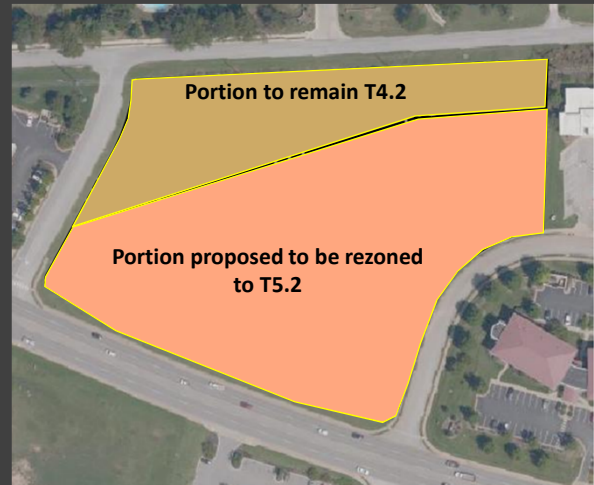


Rezone Olympus

PLANNING



Original Proposal



Current Proposal after Discussion with Staff

Original Proposal:

The applicant had initially requested that they rezone a greater portion of the property to T5.2. They had proposed that the T5.2 zoning meet the northeastern property line.

Current Proposal:

After discussions with staff about providing more of a buffer, the applicant is now proposing a slightly reduced T5.2 zoning area. The proposed T5.2 zoning gets as close at approximately 76' from the northern property line.



Rezone Olympus

PLANNING



Site Aerial

Existing Conditions

- Stormwater pipes exist on the site that will limit the developable area primarily along the northeastern and central portions of the property.

Existing Conditions

Stormwater pipes exist on the site that will limit the developable area.



Rezone Olympus

PLANNING

Zoning's Relationship to the FLUM

Table 2.8.3.A Zoning Districts Allowed in Placetypes established two types of zoning map amendment requests:

- Standard Review (SR) requests are for zones that are likely to create the envisioned placetype.
- Enhanced Review (ER) requests are for zones that may create the envisioned placetype.

Permitted Zones by Placetype Per Table 2.8.3.A

PLACETYPE	SR	ER
City Corridor	T5.1, T5.2	T4.2, T5.3

Rezone Request

- T5.2 in C-CO is subject to Standard Review

2.8.6 Standard Review Criteria

When reviewing and making decisions on zoning map amendments labeled "SR" in Table 2.8.3.A, the Planning Commission:

- Shall recommend approval of the proposed district(s) where they conform to the applicable requirements of this UDC.

About the Future Land Use Map (FLUM)

The Future Land Use Map is an element of the Comprehensive Plan identifying placetypes that the Planning Commission and City Council have carefully considered and determined to be appropriate for the future growth of the City.

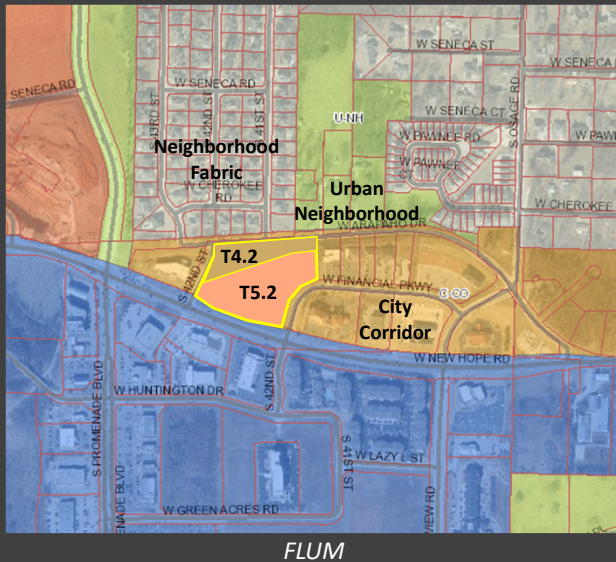
2.8.3 Relationship with Future Land Use Map

"Table 2.8.3.A Zoning Districts Allowed in Placetypes sets forth zoning districts that:"

- Are likely to create the placetype envisioned by the Plan and thus conform to the Future Land Use Map. Such districts are subject to Standard Review.
- May create the placetype envisioned by the Plan and thus may conform to the Future Land Use Map. Such districts are subject to Standard Review and Enhanced Review.
- Will not create the placetype envisioned by the Plan and thus will not conform to the Future Land Use Map. Such districts will not be considered by the Planning Commission and City Council unless and until the Future Land Use Map and this UDC are amended accordingly," (UDC 2.8.3).

Summary of Request:

This request for a rezone from T4.2 to T5.2 in City Corridor (C-CO) is subject to Standard Review.



- T5.2 in C-CO

- “City Corridors are moderately-intense areas comprising housing, retail, commercial and civic services along regional highways. New development, redevelopment and infill will add compact mixed-use or multi-tenant buildings with attractive signage and outdoor amenities. Access between sites will be prioritized through improved sidepaths, trails and front cross-access driving lanes.” Rogers Future Land Use Placetypes, pg. 5.
- There are two less intense placetypes to the northwest and northeast, Neighborhood Fabric and Urban Neighborhood respectively. City Corridor resides to the east and west of the subject property. The Uptown Regional Center, a higher intensity placetype, is located to the south.

Placetype

City Corridor (C-CO)

Placetype Description

“City Corridors are moderately-intense areas comprising housing, retail, commercial and civic services along regional highways. New development, redevelopment and infill will add compact mixed-use or multi-tenant buildings with attractive signage and outdoor amenities. Access between sites will be prioritized through improved sidepaths, trails and front cross-access driving lanes.” Rogers Future Land Use Placetypes, pg. 5.

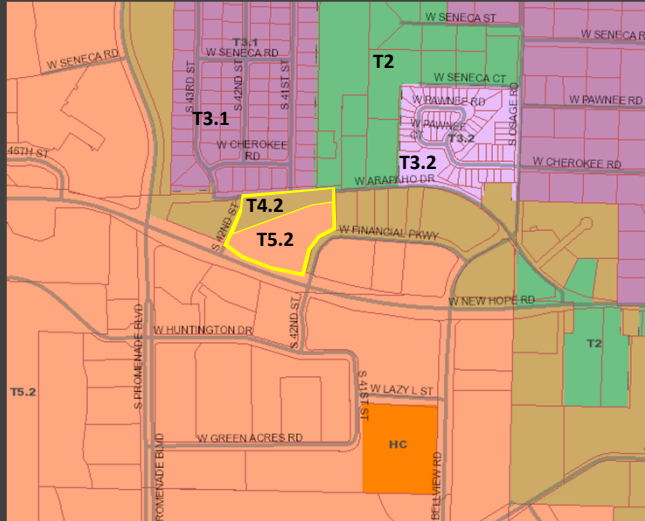
Future Land Use Map Analysis:

There are two less intense placetypes to the northwest and northeast, Neighborhood Fabric and Urban Neighborhood respectively. City Corridor resides to the east and west of the subject property. The Uptown Regional Center, a higher intensity placetype, is located to the south.



Rezone Olympus

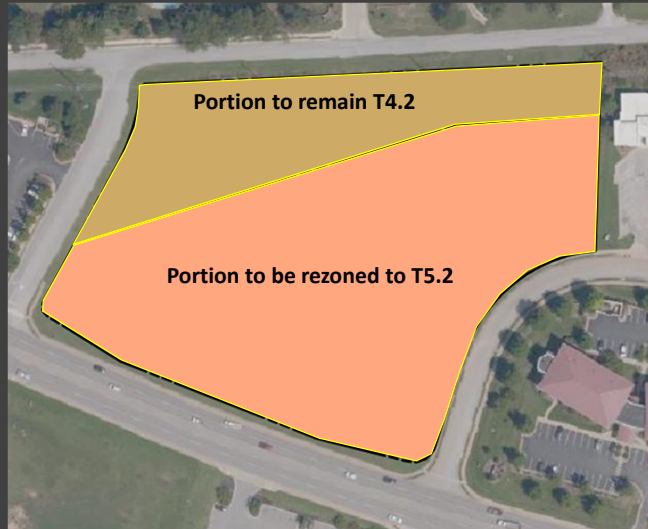
PLANNING





Rezone Olympus

PLANNING



Zoning Request

Recommendation:

APPROVE rezone, as
submitted by applicant

PUBLIC INPUT:

Staff has received some adjacent property owners inquiring about this request. A few voiced building height concerns.

RECOMMENDATIONS:

Staff recommends **approval** of this request.

2.8.8 Planning Commission

2.8.8.1 Standard Review Districts

Where the Director recommends approval of the application they shall cause the Commission to be presented with the request as part of its consent agenda. Interested persons must be provided an opportunity to speak in a public hearing before consideration of the consent agenda. Thereafter the Commission must take one of the following actions:

- Accept the findings and recommendations of the Director and recommend approval of the rezoning by a majority vote of the quorum present as part of the consent agenda; or
- Remove the application from the consent agenda for commissioner discussion on the application after which the Commission may accept the findings and recommendations of the Director and recommend approval of the rezoning by a majority vote of the quorum present or issue its findings and recommend approval or denial by majority vote of the quorum present.

PROPERTY OWNER AFFIDAVIT

The petitioner, Creekside Development, LLC, petitions the Planning Commission of the City of Rogers, Arkansas to rezone certain real property as set forth herein:

LEGAL DESCRIPTION:

LAYMAN'S DESCRIPTION:

PRESENT ZONING: T4.2

ZONING REQUEST: T5.2

Respectfully Submitted,

By: [Signature]
(Property Owner Signature)

STATE OF ARKANSAS
COUNTY OF Faulkner

Subscribed and sworn before me this the 15th day of January, 20 5.



Sarah McMillian
Notary Signature

Sarah McMillian
Notary Name Printed

4/1/2026
Commission Expires

CERTIFICATION

I hereby state that to the best of my knowledge all property owners within 300 feet of my property have been notified by Certified mail at least 15 days prior to the upcoming public hearing for my rezone request.

Dated this the 3rd day of February, 2025.

W. Kellison
Signed

Will Kellstrom
Name Printed

STATE OF ARKANSAS

COUNTY OF BENTON

Subscribed and sworn before me this the 3rd day of February, 2025.

Jennifer E. Gray
Notary Signature
Jennifer E. Gray
Notary Name Printed

9-10-2031
Commission Expires





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PLANNING DIVISION
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NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Rogers Planning Commission in the Rogers City Hall at 301 West Chestnut Street on **February 18, 2025** at **5:30 p.m.** on the application by **Sam Tyler West (Case #: RZ25-00039)** to rezone **4199 W. New Hope Road** from the **T4.2 (Neighborhood High-Intensity)** zoning district to a mix of the **T4.2 (Neighborhood High-Intensity)** and **T5.2 (City Low-Intensity)** zoning districts, the property being more particularly described as follows:

PROPERTY DESCRIPTION:

4199 W. New Hope Road

Parcel Number: 02-17121-000

Derek Burnett, Secretary
Planning Commission

PUBLISH ONE TIME ONLY: **Sunday February 2, 2025**
BILL THE CITY OF ROGERS

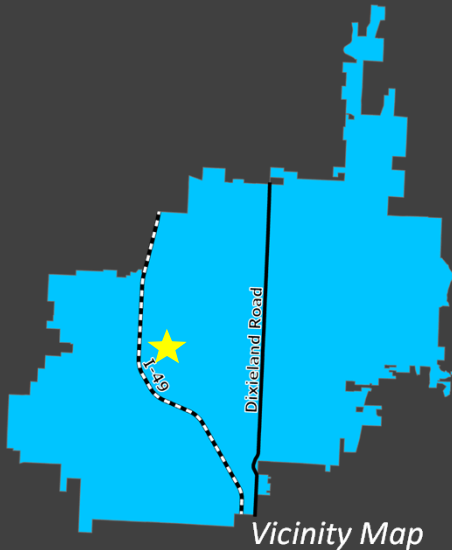




Rezone Olympus

PLANNING

Staff: Zachery Birdsong, Planner (zbirdsong@rogersar.gov)



FLUM Place Type

City Corridor (C-CO)

Current Zoning

T4.2

Proposed Zoning

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Location

A portion of the 5.9 acres at the northeast corner of S 42nd Street and W New Hope Road

Representative

Will Kellstrom

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Geolocation

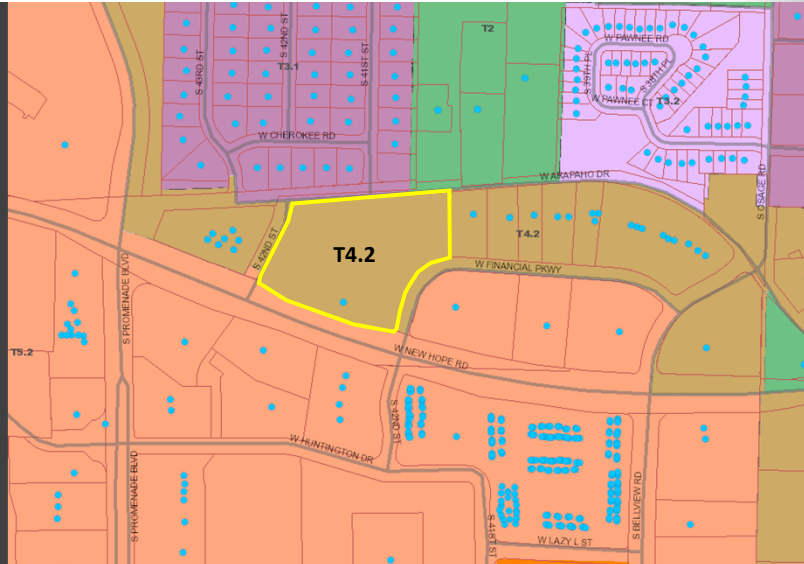
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Page 20 of 141₂



Rezone Olympus

PLANNING



Current Zoning

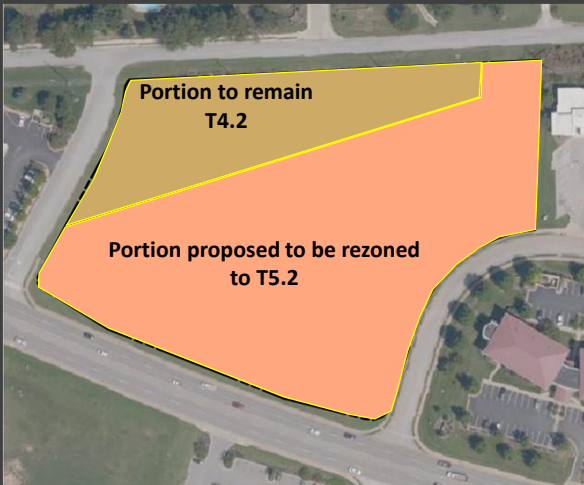
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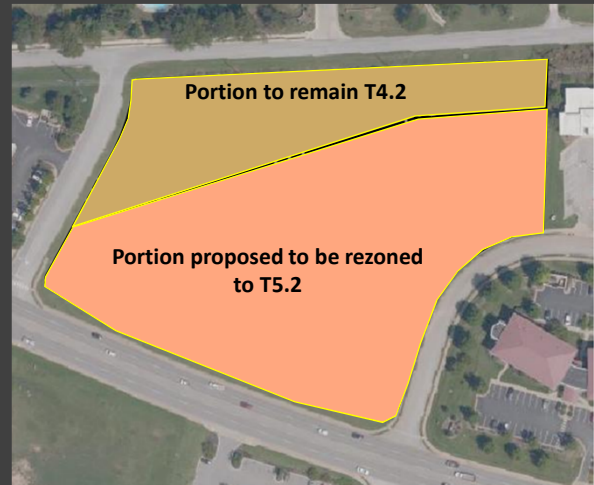


Rezone Olympus

PLANNING



Original Proposal



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PLANNING

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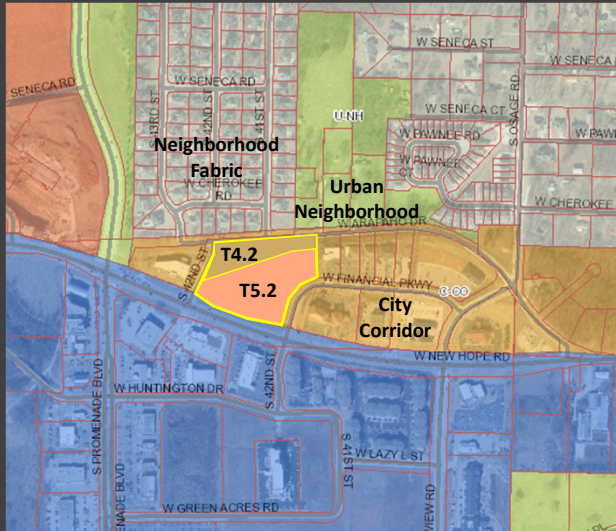
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Rezone Olympus

PLANNING



Rezone Request

- T5.2 in C-CO

Staff Analysis

- “City Corridors are moderately-intense areas comprising housing, retail, commercial and civic services along regional highways. New development, redevelopment and infill will add compact mixed-use or multi-tenant buildings with attractive signage and outdoor amenities. Access between sites will be prioritized through improved sidepaths, trails and front cross-access driving lanes.” Rogers Future Land Use Placetypes, pg. 5.
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Placetype

City Corridor (C-CO)

Placetype Description

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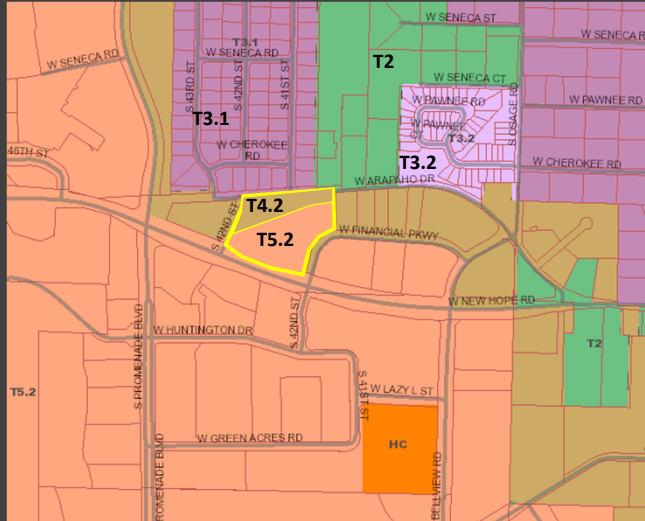
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Rezone Olympus

PLANNING



Zoning Map

Rezone Request

- T5.2 in C-CO

Staff Analysis

- T5.2 zoning allows for 8 stories to be built, 4 more than T4.2. T5.2 also allows for more commercial uses.
- The proposed area for T5.2 is within one full transect of adjacent zones.
- The applicant is proposing a portion of the site to remain T4.2 that would act as a transition from the residences to the north.
- The request is consistent with the FLUM.

Current Zone (T4.2)

“A high-intensity district intended primarily for urban neighborhood placetypes where compatible nonresidential uses within walking distance of homes are encouraged.” (UDC Section 4.2).

Proposed Zone (T5.2)

“A medium-low intensity mixed-use district where medium to large-scale buildings line streets in corridor and city center placetypes.” (UDC Section 4.2)

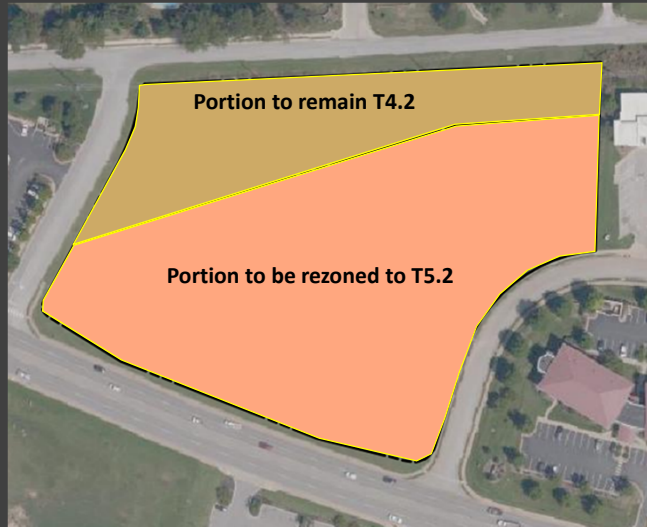
Zoning Analysis:

T5.2 zoning allows for 8 stories to be built, 4 more than T4.2. T5.2 also allows for more commercial uses. The proposed area for T5.2 is within one full transect of adjacent zones. The applicant is proposing a portion of the site to remain T4.2 that would act as a transition from the residences to the north. The request is consistent with the FLUM.



Rezone Olympus

PLANNING



Zoning Request

Recommendation:

APPROVE rezone, as
submitted by applicant

PUBLIC INPUT:

Staff has received some adjacent property owners inquiring about this request. A few voiced building height concerns.

RECOMMENDATIONS:

Staff recommends **approval** of this request.

2.8.8 Planning Commission

2.8.8.1 Standard Review Districts

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PROPERTY OWNER AFFIDAVIT

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LEGAL DESCRIPTION:

LAYMAN'S DESCRIPTION:

PRESENT ZONING: T4.2

ZONING REQUEST: T5.2

Respectfully Submitted,

By: [Signature]
(Property Owner Signature)

STATE OF ARKANSAS
COUNTY OF Faulkner

Subscribed and sworn before me this the 15th day of January, 2025.



Sarah McMillian
Notary Signature

Sarah McMillian
Notary Name Printed

4/1/2026
Commission Expires

CERTIFICATION

I hereby state that to the best of my knowledge all property owners within 300 feet of my property have been notified by Certified mail at least 15 days prior to the upcoming public hearing for my rezone request.

Dated this the 3rd day of February, 2025.

W. Kellison

Signed

Will Kellstrom

Name Printed

STATE OF ARKANSAS

COUNTY OF BENTON

Subscribed and sworn before me this the 3rd day of February, 2025.

Jennifer E. Gray
Notary Signature

Jennifer E. Gray
Notary Name Printed

9-10-2031
Commission Expires





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NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Rogers Planning Commission in the Rogers City Hall at 301 West Chestnut Street on **February 18, 2025** at **5:30 p.m.** on the application by **Sam Tyler West (Case #: RZ25-00039)** to rezone **4199 W. New Hope Road** from the **T4.2 (Neighborhood High-Intensity)** zoning district to a mix of the **T4.2 (Neighborhood High-Intensity)** and **T5.2 (City Low-Intensity)** zoning districts, the property being more particularly described as follows:

PROPERTY DESCRIPTION:

4199 W. New Hope Road

Parcel Number: 02-17121-000

Derek Burnett, Secretary
Planning Commission

PUBLISH ONE TIME ONLY: **Sunday February 2, 2025**
BILL THE CITY OF ROGERS



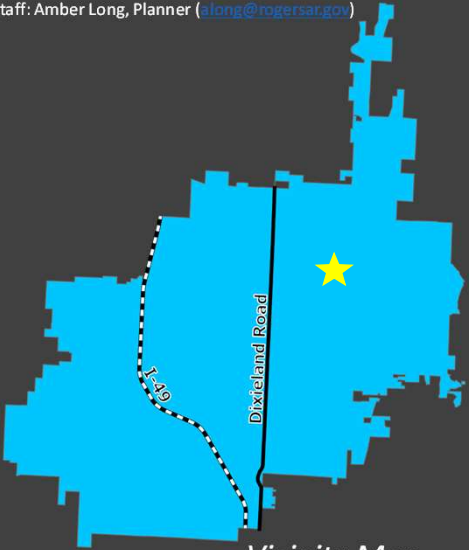


Rezone

Beauty 4 Ashes Investments LLC

PLANNING

Staff: Amber Long, Planner (along@rogersar.gov)



Vicinity Map

FLUM Place Type
Urban Neighborhood (U-NH)

Zoning
T4.1

Proposed Zoning
T4.2

Location
721 W Persimmon St.

Representative
Matthew Cooper, Beauty4Ashes Construction

Nature of the Request:

The following request is for an amendment to the City of Rogers Unified Development Code Zoning Map, in accordance with Section 2.8 of the Rogers Unified Development Code.

Request Details:

- Proposal: The applicant is proposing to rezone ±0.68 acres from T4.1 to T4.2 in the Urban Neighborhood (U-NH) placetypes.
- Review Type: Standard



Rezone

Beauty 4 Ashes Investments LLC

PLANNING



Geolocation

Location Description

The subject location is located at the northeast corner of N. 8th Street and W. Persimmon Street. It is immediately adjacent to American Legion and across the street from United States Postal Service.

Parcels: 02-01096-000



Rezone

PLANNING

Beauty 4 Ashes Investments LLC

Zoning's Relationship to the FLUM

Table 2.8.3.A Zoning Districts Allowed in Placetypes established two types of zoning map amendment requests:

- Standard Review (SR) requests are for zones that are likely to create the envisioned placetype.
- Enhanced Review (ER) requests are for zones that may create the envisioned placetype.

Permitted Zones by Placetype Per Table 2.8.3.A

PLACETYPE	SR	ER
Urban Neighborhood (U-NH)	T4.1, T4.2	T3.2, T5.1

Rezone Request

- T4.2 in U-NH is subject to Standard Review

2.8.6 Standard Review Criteria

When reviewing and making decisions on zoning map amendments labeled "SR" in Table 2.8.3.A, the Planning Commission:

- Shall recommend approval of the proposed district(s) where they conform to the applicable requirements of this UDC.

About the Future Land Use Map (FLUM)

The Future Land Use Map is an element of the Comprehensive Plan identifying placetypes that the Planning Commission and City Council have carefully considered and determined to be appropriate for the future growth of the City.

2.8.3 Relationship with Future Land Use Map

"Table 2.8.3.A Zoning Districts Allowed in Placetypes sets forth zoning districts that:"

- (A) Are likely to create the placetype envisioned by the Plan and thus conform to the Future Land Use Map. Such districts are subject to Standard Review.
- (B) May create the placetype envisioned by the Plan and thus may conform to the Future Land Use Map. Such districts are subject to Standard Review and Enhanced Review.
- (C) Will not create the placetype envisioned by the Plan and thus will not conform to the Future Land Use Map. Such districts will not be considered by the Planning Commission and City Council unless and until the Future Land Use Map and this UDC are amended accordingly," (UDC 2.8.3).

Summary of Request:

This request for a rezone from T4.1 to T4.2 in Urban Neighborhood (U-NH) is subject to Standard Review.



Rezone

PLANNING

Beauty 4 Ashes Investments LLC



Rezone Request

- T4.2 in U-NH

Staff Analysis

- The subject property is surrounded by U-NH.
- “Urban Neighborhoods contribute a blend of housing and neighborhood-scale services between Centers and Corridors and other residential neighborhoods. These areas emphasize safety and accessibility for active transportation users of all ages and abilities while acting as a harmonious transition between the higher- intensity centers and lower-intensity neighborhoods,” Rogers Future Land Use Placetypes, pg. 4.
- T4.2 is considered “likely to implement the placetype as envisioned” within U-NH.

Placetype

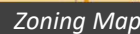
Urban Neighborhood (U-NH)

Placetype Description

“Urban Neighborhoods contribute a blend of housing and neighborhood-scale services between Centers and Corridors and other residential neighborhoods. These areas emphasize safety and accessibility for active transportation users of all ages and abilities while acting as a harmonious transition between the higher- intensity centers and lower-intensity neighborhoods,” *Rogers Future Land Use Placetypes*, pg. 4.

Future Land Use Map Analysis:

The subject area is located in U-NH and all adjacent properties are designated U-NH. Per Table 2.8.3.A, the requested zone T4.2 is considered appropriate throughout the placetype.



- T4.2 in U-NH

- The applicant proposes a rezone from T4.1 to T4.2 at the intersection of N. 8th Street and W. Persimmon Street.
 - This change would reduce the min. exterior yard depth to 5', allow a one-story increase in building height, and permit some neighborhood-scale commercial services.
- The proposed zone T4.2 is within a half-transect of all surrounding zoning.
- Nearby, existing uses
 - T4.1: Detached house
 - T4.2: Law office, detached house, townhomes
 - T5.1: Laundromat, grocery store, post office
- The request is consistent with the FLUM and compatible with existing development conditions.

“A medium-intensity district intended primarily for neighborhood fabric, downtown neighborhood, and urban neighborhood placetypes where compatible nonresidential uses within walking distance of homes are allowed,” (UDC Section 4.2).

“A high-intensity district intended primarily for urban neighborhood placetypes where compatible nonresidential uses within walking distance of homes are encouraged,” (UDC Section 4.2)

The subject property is located at the northeast corner of N. 8th Street (minor arterial) and W. Persimmon Street (minor). The proposed rezone to T4.2 would result in a slight increase in development intensity at this intersection, which is appropriate along arterial streets. T4.2 permits a range of housing types and some neighborhood-scale services. The allowed uses are compatible with existing uses in the area and allowed uses in T4.1 and T5.1, which are permitted zones in U-NH. The proposed rezone is consistent with the Future Land Use Map (FLUM) and appropriate in this development context.



Rezone

PLANNING

Beauty 4 Ashes Investments LLC



Geolocation

Recommendation:

Approval

PUBLIC INPUT:

No public input received.

RECOMMENDATIONS:

Staff recommends **approval** of this request.

2.8.8 Planning Commission

2.8.8.2 Enhanced Review Districts

The Director shall place applications for enhanced review districts on the regular agenda and the Commission shall hold a separate public hearing.

Possible Planning Commission Motions for Standard Review:

- Recommend approval or denial. Either motion is deemed to pass when a majority of the quorum present vote in favor; or
- Table the request to a date certain not to exceed 60 days for more information. Such a motion requires a majority of the quorum present to pass; or
- Dismiss the request and the applicant's request. Such a motion requires a majority of the quorum present to pass.

PROPERTY OWNER AFFIDAVIT

The petitioner, Beauty 4 Ashes Investments LLC, petitions the Planning Commission of the City of Rogers, Arkansas to rezone certain real property as set forth herein:

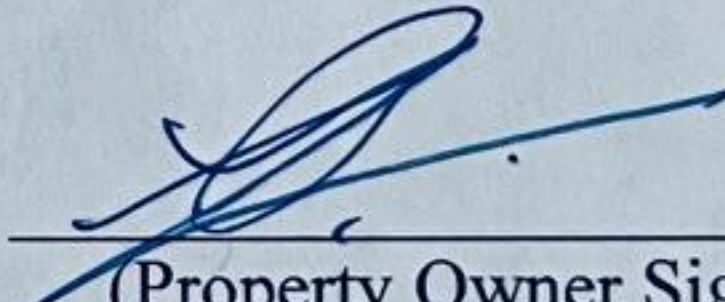
LEGAL DESCRIPTION: PART OF THE NW 1/4 OF THE NE 1/4 OF SECTION 12, TOWNSHIP 19 NORTH, RANGE 30 WEST, MORE PARTICULARLY DESCRIBED AS FOLLOWS: STARTING AT THE SOUTHWEST CORNER OF SAID NW 1/4 OF THE NE 1/4, WHICH IS THE POINT OF BEGINNING, THENCE NORTH 0 DEGREES 33 MINUTES 23 SECONDS WEST, 185.00 FEET; THENCE EAST 161.00 FEET; THENCE SOUTH 0 DEGREES 33 MINUTES 23 SECONDS EAST 185.00 FEET; THENCE WEST 161.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.68 ACRES, MORE OR LESS. SUBJECT TO THE STREETS ON THE WEST AND SOUTH SIDES THEREOF

LAYMAN'S DESCRIPTION: 721 W Persimmon

PRESENT ZONING: T4.1

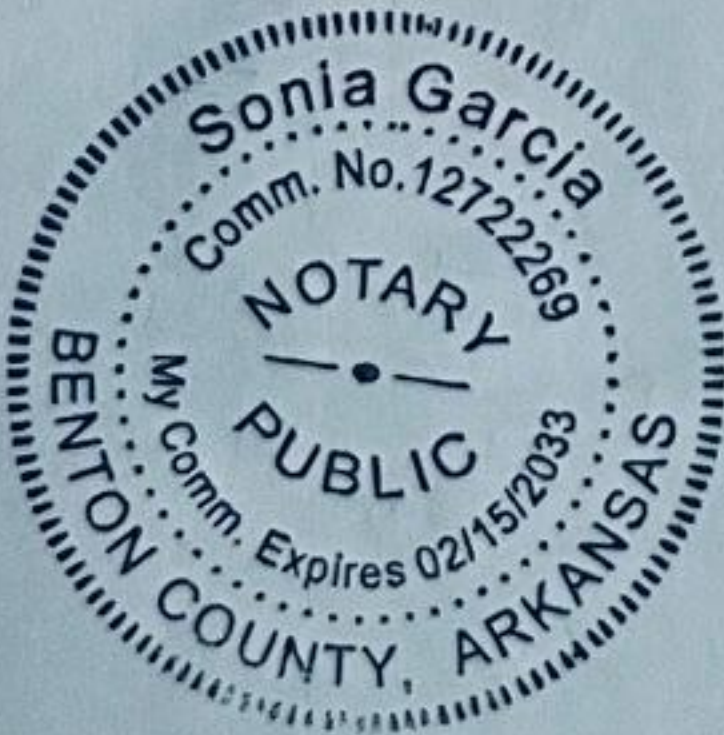
ZONING REQUEST: T4.2

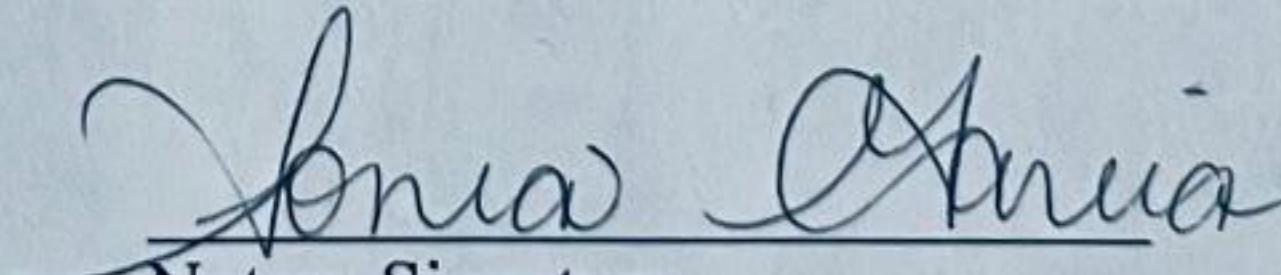
Respectfully Submitted,

By: 
(Property Owner Signature)

STATE OF ARKANSAS
COUNTY OF Benton

Subscribed and sworn before me this the 17th day of December, 2024.




Notary Signature

Sonia Garcia
Notary Name Printed

02/15/2033
Commission Expires

CERTIFICATION

I hereby state that to the best of my knowledge all property owners within 300 feet of my property have been notified by Certified mail at least 15 days prior to the upcoming public hearing for my rezone request.

Dated this the 17 day of December, 2024.

[Signature]
Signed

BENEDICT FERNANDO
Name Printed

STATE OF ARKANSAS

COUNTY OF Benton

Subscribed and sworn before me this the 17th day of December, 2024.



[Signature]
Notary Signature

Sonia Garcia
Notary Name Printed

02/15/2033
Commission Expires



DEPT. OF COMMUNITY DEVELOPMENT
PLANNING DIVISION
301 W. CHESTNUT
PHONE: (479) 621-1186
FAX: (479) 986-6896

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Rogers Planning Commission in the Rogers City Hall at 301 West Chestnut Street on **January 21, 2025 at 5:30 p.m.** on the application by **Beauty 4 Ashes Investments LLC** to rezone **721 W. Persimmon Street** from the **T4.1 (Neighborhood Medium-Intensity)** zoning district to the **T4.2 (Neighborhood High-Intensity)** zoning district, the property being more particularly described as follows:

PROPERTY DESCRIPTION:

721 W. Persimmon Street

Parcel Number: 02-01096-000

Samantha Best, Secretary
Planning Commission

PUBLISH ONE TIME ONLY: **Sunday January 5, 2025**
BILL THE CITY OF ROGERS



NOTICE OF PUBLIC HEARING

Notice of Public Hearing
March 1, 2011

The following information is being provided to you for your information and to allow you to participate in the public hearing process. The public hearing will be held on March 1, 2011, at 10:00 a.m. at the City of Chicago, 111 North La Salle Street, 11th Floor, Chicago, Illinois 60602.

The public hearing will be held on March 1, 2011, at 10:00 a.m. at the City of Chicago, 111 North La Salle Street, 11th Floor, Chicago, Illinois 60602.

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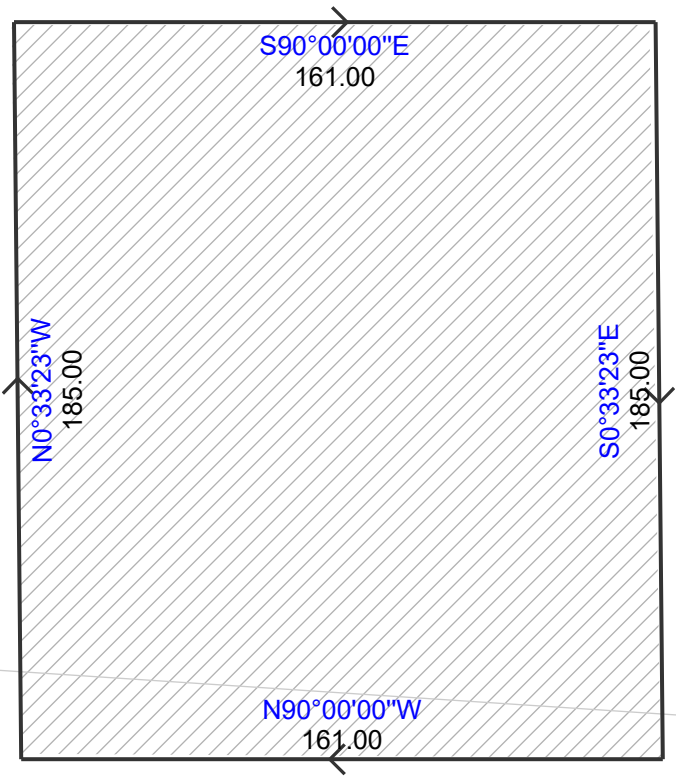
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Legal Description Confirmation



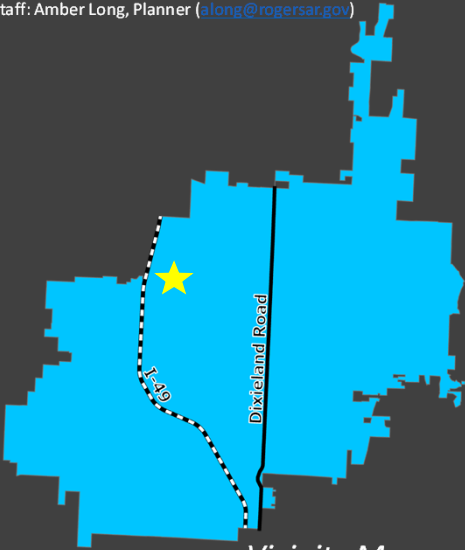


Rezone

Nguyen

PLANNING

Staff: Amber Long, Planner (along@rogersar.gov)



Vicinity Map

FLUM Place Type
Urban Neighborhood (U-NH)

Zoning
T2

Proposed Zoning
T5.1

Location
315 S. Promenade Blvd.

Representative
Will Kellstrom
Watkins, Boyer, Gray & Curry, PLLC

Nature of the Request:

The following request is for an amendment to the City of Rogers Unified Development Code Zoning Map, in accordance with Section 2.8 of the Rogers Unified Development Code.

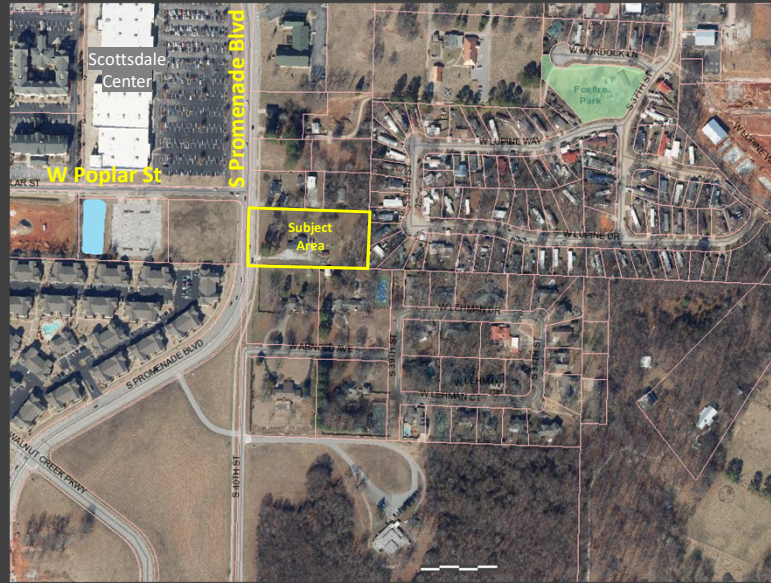
Request Details:

- Proposal: The applicant is proposing to rezone ±2.36 acres from T2 to T5.1 in the Urban Neighborhood (U-NH) placetypes.
- Review Type: Enhanced



Rezone Nguyen

PLANNING



Geolocation

Location Description

The subject property fronts the east side of S. Promenade Boulevard and the Railyard Loop trail. The subject area is across the street from the Scottsdale Center shopping complex and The Meridian at Walnut Creek apartment complex. Adjacent developments include detached homes and mobile homes.

Parcels: 02-00861-093



Zoning's Relationship to the FLUM

Table 2.8.3.A Zoning Districts Allowed in Placetypes established two types of zoning map amendment requests:

- Standard Review (SR) requests are for zones that are likely to create the envisioned placetype.
- Enhanced Review (ER) requests are for zones that may create the envisioned placetype.

Permitted Zones by Placetype Per Table 2.8.3.A

PLACETYPE	SR	ER
Urban Neighborhood (U-NH)	T4.1, T4.2	T3.2, T5.1

Rezone Request

- T5.1 in U-NH is subject to Enhanced Review

2.8.7 Enhanced Review Criteria

- When reviewing and making decisions on zoning map amendments labeled "ER" in Table 2.8.3.A, the Planning Commission may recommend approval where the Commission finds the proposed district(s) conform to Sections 2.8.7.1.(A)-(E).

About the Future Land Use Map (FLUM)

The Future Land Use Map is an element of the Comprehensive Plan identifying placetypes that the Planning Commission and City Council have carefully considered and determined to be appropriate for the future growth of the City.

2.8.3 Relationship with Future Land Use Map

"Table 2.8.3.A Zoning Districts Allowed in Placetypes sets forth zoning districts that:"

- Are likely to create the placetype envisioned by the Plan and thus conform to the Future Land Use Map. Such districts are subject to Standard Review.
- May create the placetype envisioned by the Plan and thus may conform to the Future Land Use Map. Such districts are subject to Standard Review and Enhanced Review.
- Will not create the placetype envisioned by the Plan and thus will not conform to the Future Land Use Map. Such districts will not be considered by the Planning Commission and City Council unless and until the Future Land Use Map and this UDC are amended accordingly," (UDC 2.8.3).

Summary of Request:

The applicant requests a rezone from T2 (Rural) to T5.1 (City Low-Intensity) in Urban Neighborhood (U-NH). Per Table 2.8.3.A, this request is subject to Enhanced Review.



Rezone Nguyen

PLANNING

Rezone Request

✖ Not Met ✖ Not Applicable ● Met

- T5.1 in U-NH is subject to Enhanced Review.

Staff Analysis - Enhanced Review Criteria (2.8.7)

- When reviewing and making decisions on zoning map amendments labeled “ER” in [Table 2.8.3.A](#), the Planning Commission may recommend approval where the Commission finds:
 - The proposed district(s) conform to the applicable requirements of this UDC.
 - The proposed district(s) are likely to implement the placetype envisioned by the Future Land Use Map.
 - The proposed district(s) contribute to establishing an orderly transition of intensity within the broader place type by:
 - ✖ Where the subject property is within a center and corridor placetype ensuring higher intensity zones are generally interior to the placetype to provide an orderly transition between the center and edge of the placetype; or
 - Where the subject property is within a neighborhood placetype ensuring higher intensity zones are generally located at the edges of the placetype when the neighborhood lies adjacent to a center or corridor placetype to provide an orderly transition between the edge of the neighborhood and the adjacent placetype; and
 - The proposed district(s) is within one full transect of the most intense zone allowed on adjacent properties, except when:
 - ✖ Significant natural barriers separate the two properties; or
 - ✖ Roadways of three or more lanes separate the two properties; or
 - ✖ The subject property is less than 600 feet in depth, abuts a street classified as an arterial according to the Master Street Plan, and the proposed rezoning is to District T5.1 or T5.2.
 - ✖ If applicable, the proposed district(s) conform to the zone mix requirements specified in [Table 2.4.3.C Zoning Mix for Sites Over 40 Acres](#).

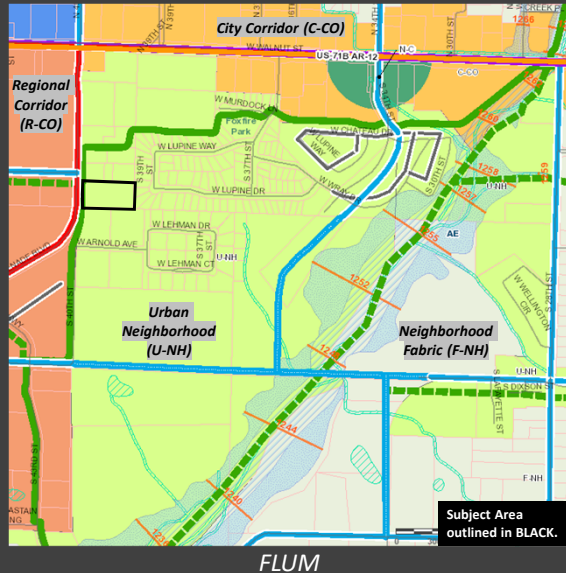
Enhanced Review Criteria Analysis:

Zoning map amendment requests subject to Enhanced Review are evaluated according to their conformance with the requirements of the UDC and four considerations related to the proposed zone’s relationship to the surrounding placetype(s), zoning, and development context. The proposed rezone to T5.1 in Urban Neighborhood (U-NH) conforms to the applicable requirements of the UDC and meets three (3) of the four requirements. The zoning mix requirement for sites greater than 40 acres does not apply to the present request, as the subject area is less than 40 acres.



Rezone Nguyen

PLANNING



Rezone Request

- T5.1 in U-NH is subject to Enhanced Review.

Placetype Description

“Urban Neighborhoods contribute a blend of housing and neighborhood-scale services between Centers and Corridors and other residential neighborhoods. These areas emphasize safety and accessibility for active transportation users of all ages and abilities while acting as a harmonious transition between the higher- intensity centers and lower-intensity neighborhoods,” *Rogers Future Land Use Placetypes*, pg. 4.

Placetype

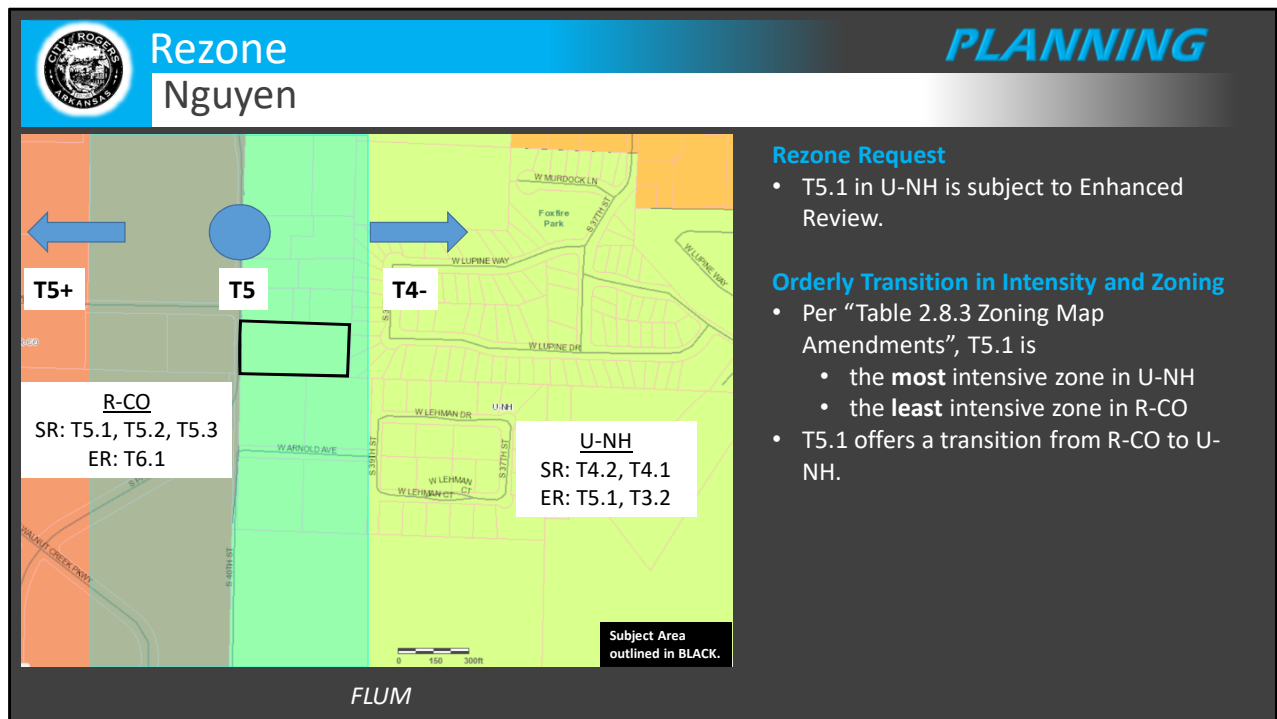
Urban Neighborhood (U-NH)

Placetype Description

“Urban Neighborhoods contribute a blend of housing and neighborhood-scale services between Centers and Corridors and other residential neighborhoods. These areas emphasize safety and accessibility for active transportation users of all ages and abilities while acting as a harmonious transition between the higher- intensity centers and lower-intensity neighborhoods,” *Rogers Future Land Use Placetypes*, pg. 4.

Future Land Use Map Analysis:

The proposed rezone will implement the placetype as envisioned by locating the most intensive zone permitted in U-NH adjacent to a Corridor, major thoroughfare, and trail. The subject property is located at the edge of a large Urban-Neighborhood area. This U-NH transitions in intensity and scale between the lower intensity Neighborhood Fabric areas southeast of Osage/Turtle Creek and the higher intensity Corridors and Center placetypes along W Walnut Street, S Promenade Street, and S 40th Street. When adjacent to higher-intensity placetypes, Urban Neighborhood areas should be more intensive with a range of housing, commercial and mixed-use developments, and active transportation facilities. The subject property is across the street from a Regional Corridor (R-CO) area, which allows a high concentration and mix of uses, tall buildings, and multimodal transportation (*Rogers Future Land Use Placetypes*, pg. 5). T5.1, the most intensive zone permitted in U-NH, is defined as “a low-intensity mixed-use district where medium-scale buildings line streets mainly in corridor and city center placetypes.” This district is appropriate at this location, as it will permit a development scale, form, and intensity that is compatible with developments in the R-CO. The subject property fronts the Railyard Loop trail. Permitting T5.1 at this location would further support the placetype’s vision for a mixed-use neighborhood with multimodal transportation.



Current Zone (T2)

"A very low-intensity district intended for agricultural uses and as a temporary holding zone pending development," (UDC Section 4.2).

Proposed Zone (T5.1)

"A low-intensity mixed-use district where medium-scale buildings line streets mainly in corridor and city center placetypes," (UDC Section 4.2)

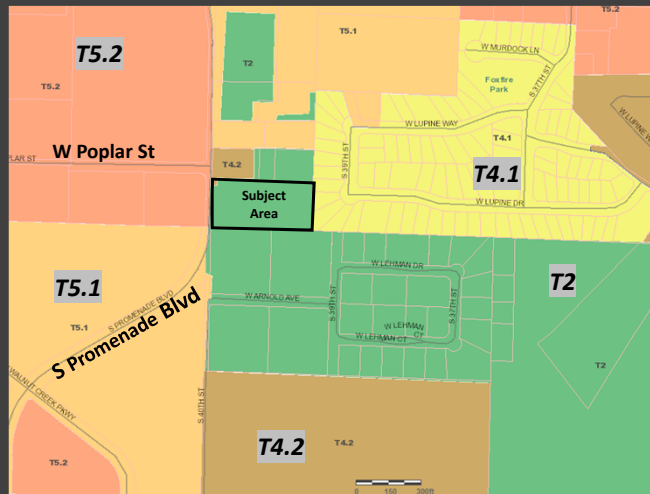
Zoning Analysis:

The proposed rezone to T5.1 contributes to an orderly transition of intensity within the broader placetype by locating the most intensive zone permitted in U-NH across the street from a higher intensity R-CO area. T5.1 is within one full transect of the permitted standard review zones for R-CO and U-NH. The proposed rezone conforms to all applicable requirements of this UDC. For example, "Table 3.4.5.1.B Street Typology Subtypes" requires the ground floor of developments located along Boulevard street types to be designed for nonresidential uses. This rezone to T5.1 would allow the applicant to meet this requirement.



Rezone Nguyen

PLANNING



Zoning Map

Rezone Request

- T5.1 in U-NH is subject to Enhanced Review.

Development and Zoning Considerations

- The proposed rezone continues the development trend in the broader area.
- T5.1 along S. Promenade buffers lower-intensity developments to the east from intensive uses to the west.
- “Table 3.4.5.1.B Street Typology Subtypes” requires the ground floor of developments along a Boulevard to be designed for non-residential uses.
- “Table 5.5.5.A Buffer Required by Adjacency” requires a landscape buffer between T5 and T2 developments.

Current Zone (T2)

“A very low-intensity district intended for agricultural uses and as a temporary holding zone pending development,” (UDC Section 4.2).

Proposed Zone (T5.1)

“A low-intensity mixed-use district where medium-scale buildings line streets mainly in corridor and city center placetypes,” (UDC Section 4.2)

Zoning Analysis:

As shown on the zoning map above, the properties in the adjacent R-CO area are currently zoned T5.1 and T5.2. The proposed zone T5.1 is identical to or within one-half transect of the existing zoning in R-CO and therefore contributes to an orderly transition in intensity from the R-CO to the U-NH. Properties adjacent to the subject location in U-NH are zoned T2, T4.1, and T4.2. The Rogers FLUM treats T2 as a holding zone; properties zoned T2 will need to rezone to conform to the FLUM. T4.1 and T4.2 are standard review zones in U-NH and are within one full transect of the proposed zone T5.1.

The proposed rezone would contribute to an orderly transition in intensity within the placetype by locating the most intensive zone permitted in U-NH at the edge of the placetype, buffering less intense zones such as T4.1 from more intensive developments along the east side of S. Promenade Blvd. This arrangement of zoning districts is prevalent in the broader area as most properties along W. Walnut Street and S. Promenade Boulevard are zoned T5, with properties zoned T4 or lower located away from these major thoroughfares. The proposed rezone would continue this development pattern.



Rezone Nguyen

PLANNING



Aerial Map Illustrating Zone Transition Requirements

Zone Transition Standards – If rezoned to T5.1

- Height (5.5.3)
 - Limited to one story above the max. height allowed on the abutting lot within 40' of the property line.
- Setback (5.5.4)
 - Buildings must meet the min. interior yard setback requirement for the abutting property
- Buffer Requirement by Adjacency (Table 5.5.5.A)
Buffer Type A:
 - Buffer: 6' min.
 - Hedge: 6' high at maturity, planted; 30" on center, min.
 - Canopy Trees: 1/50 linear ft.

Site Development Standards:

Section 5.5 Zone Transitions requires transitions in height and building placement between new intensive developments and existing low-intensity developments. If the subject property is rezoned to T5.1, the following standards apply along the shared boundaries of adjacent properties zoned T2, T4.1, and T4.2:

T5.1 adjacent to T2

The max. building height in T2 is 2 stories, which limits the height of proposed developments in T5.1 to 3 stories within 40 ft. of the abutting property line. The min. interior yard in T2 is 30 ft., which requires a 30 ft. setback from the shared lot line for buildings in T5.1. Proposed development in T5.1 shall provide Buffer Type A along property lines abutting T2.

T5.1 adjacent to T4.1

The max. building height in T4.1 is 3 stories, which limits the height of proposed developments in T5.1 to 4 stories within 40 ft. of the abutting property line. The min. interior yard in T4.1 is 5 ft., which requires a 5 ft. setback from the shared lot line for buildings in T5.1. No buffering is required between proposed development in T5.1 and existing development in T4.1.

T5.1 adjacent to T4.2

The max. building height in T4.2 is 4 stories, which limits the height of proposed developments in T5.1 to 5 stories within 40 ft. of the abutting property line. The min. interior yard in T4.2 is 5 ft., which requires a 5 ft. setback from the shared lot line for buildings in T5.1. No buffering is required between proposed development in T5.1 and existing development in T4.2.



Rezone

Nguyen

PLANNING



Geolocation

Recommendation:

Approval

PUBLIC INPUT:

The Planning Commission heard public comment during the public hearing on January 21, 2024. No other public comments have been received.

RECOMMENDATIONS:

Staff recommends **approval** of this request.

2.8.8 Planning Commission

2.8.8.2 Enhanced Review Districts

The Director shall place applications for enhanced review districts on the regular agenda and the Commission shall hold a separate public hearing.

Possible Planning Commission Motions for Standard Review:

- Recommend approval or denial. Either motion is deemed to pass when a majority of the quorum present vote in favor; or
- Table the request to a date certain not to exceed 60 days for more information. Such a motion requires a majority of the quorum present to pass; or
- Dismiss the request and the applicant's request. Such a motion requires a majority of the quorum present to pass.



DEPT. OF COMMUNITY DEVELOPMENT
PLANNING DIVISION
CITY OF ROGERS, ARKANSAS
301 W. CHESTNUT
PHONE: (479) 621-1186
FAX: (479) 986-6896

OFFICE USE ONLY

Permit Fee: _____
Zoning: _____ to _____
Permit Number: _____
CityView Application: _____
Date: _____

REZONE APPLICATION

APPLICANT: Dung Nguyen & Xinh Dinh Le

ADDRESS: c/o Watkins, Boyer, Gray & Curry PLLC, 1106 W. Poplar St., Rogers, AR 72756 SUITE #: _____

GENERAL LOCATION OF PROPERTY: 315 S. Promenade Boulevard

PARCEL NUMBER(S) OF PROPERTY: 02-00861-093

PARCEL NUMBER: 02-00861-093

PHONE #: 479-636-2186 EMAIL: wkellstrom@watkinslawoffice.com

PROPERTY OWNER: Dung Nguyen & Xinh Dinh Le PHONE #: 479-636-2168

PRESENT USE: Undeveloped ZONING: T2

PROPOSED USE: Commercial ZONING: T5.1

/s/ Will A. Kellstrom 12-18-24
Applicant Signature Date

Attachment Checklist:

- ☐ Legal description of property
- ☐ Parcel Number for property
- ☐ Applicant Certification
- ☐ Property Owner Affidavit
- ☐ Site plan as needed

PLANNING STAFF PROVIDES:

DATE FILED: _____ PUBLIC HEARING DATE: _____ CERTIFIED MAIL DATE: _____

PLANNING COMMISSION ACTION: _____ DATE: _____

CITY COUNCIL ACTION: _____ DATE: _____

ORDINANCE NUMBER: _____ COMMENTS: _____

PROPERTY OWNER AFFIDAVIT

The petitioner, Dung Nguyen + Xuan Dinh Le, petitions the Planning Commission of the City of Rogers, Arkansas to rezone certain real property as set forth herein:

LEGAL DESCRIPTION: See Exhibit A, attached hereto.

LAYMAN'S DESCRIPTION: 315 S. Promenade Boulevard

PRESENT ZONING: T2

ZONING REQUEST: T5.1

Respectfully Submitted,

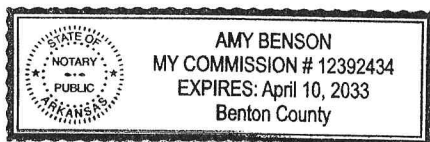
By: [Signature]

Print Name: Dung Nguyen + Xuan Dinh Le

STATE OF ARKANSAS)

COUNTY OF BENTON)

Subscribed and sworn before me this the 18 day of December, 2024.



[Signature]
Notary Signature

Amy Benson
Notary Name Printed

April 10, 2033
Commission Expires

CERTIFICATION

I hereby state that to the best of my knowledge all property owners within 300 feet of my property have been notified by Certified mail at least 15 days prior to the upcoming public hearing for my rezone request.

Dated this the 6th day of January, 2025.

W. Kellstrom
Will A. Kellstrom

STATE OF ARKANSAS

COUNTY OF BENTON

Subscribed and sworn before me this the 6th day of January, 2025.

B. Salas
Notary Signature

Biridiana Salas
Notary Name Printed

May 5, 2034
Commission Expires





DEPT. OF COMMUNITY DEVELOPMENT
PLANNING DIVISION
301 W. CHESTNUT
PHONE: (479) 621-1186
FAX: (479) 986-6896

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Rogers Planning Commission in the Rogers City Hall at 301 West Chestnut Street on **January 21, 2025** at **5:30 p.m.** on the application by **Dung Nguyen and Xinh Dinh Le** to rezone **315 S. Promenade Boulevard** from the **T2 (Rural)** zoning district to the **T5.1 (City Low-Intensity)** zoning district, the property being more particularly described as follows:

PROPERTY DESCRIPTION:

315 S. Promenade Boulevard

Parcel Number: 02-00861-093

Samantha Best, Secretary
Planning Commission

PUBLISH ONE TIME ONLY: **Sunday January 5, 2025**
BILL THE CITY OF ROGERS



NOTICE OF PUBLIC HEARING

**NOTICE OF PUBLIC HEARING
REZONE**

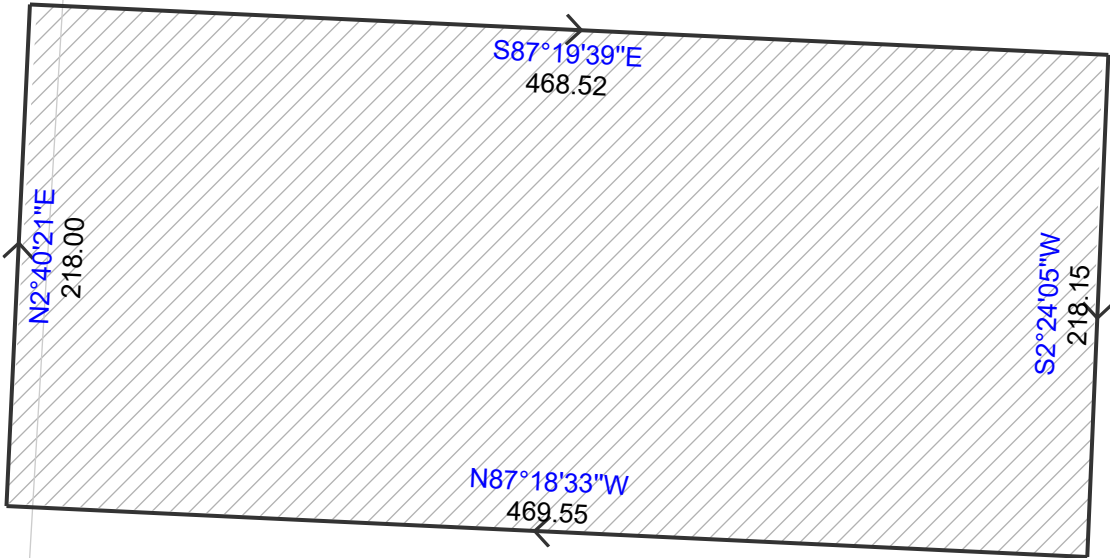
On April 11, 2018, the Planning Commission will hold a public hearing to consider the rezoning of the property located at 10000 S. 100th Ave. from its current zoning of R-1 to R-2. The rezoning is being requested by the property owner, Mr. John Doe, for the purpose of developing a residential development. The rezoning is being requested by the property owner, Mr. John Doe, for the purpose of developing a residential development. The rezoning is being requested by the property owner, Mr. John Doe, for the purpose of developing a residential development.

For more information, please contact the Planning Commission at 478-821-1188 or visit the website at www.gwinnettpark.org.

COMMUNITY DEVELOPMENT
PLANNING DIVISION
478-821-1188
www.gwinnettpark.org

Legal Description Confirmation

S Promenade Boulevard





City of Rogers Comprehensive Plan



Adopted July
23, 2024

2025 Comprehensive Plan Review

Section 2.9 of the UDC provides that the Planning Commission shall conduct periodic reviews of the Comprehensive Plan and that such review shall occur at least once annually. The purpose of periodic review is to evaluate whether the plan is achieving its goals and whether it should be amended.

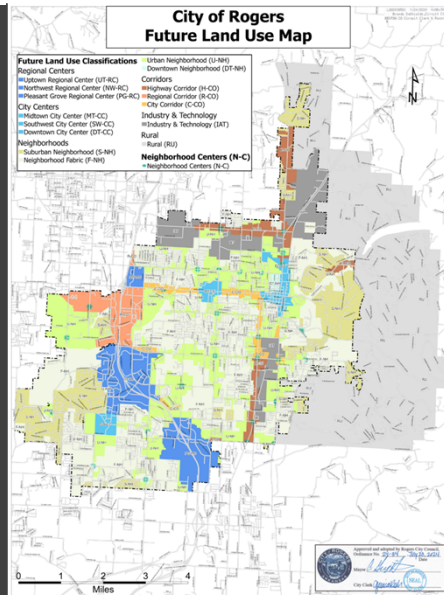
The Comprehensive Plan was adopted last July and consists of the plan narrative, that is the text expressing our goals for how the community's natural and built environment will evolve over time. These goals are an expression of the community's values as it relates to the subject matter falling within the scope of the Commission. In addition to narrative expressing these goals, the plan also includes two appendices: the Future Land Use Map, and the Master Street Plan. Both are spatial representations of goals expressed in the narrative.

References:

"Comprehensive Plan means the currently adopted plan guiding the future development of the city's built environment and future use of its land and resources," UDC Section 8.5.3.

"The Future Land Use Map is an element of the Comprehensive Plan identifying placetypes that the Planning Commission and City Council have carefully considered and determined to be appropriate for the future growth of the City," UDC Section 10.5.6.

"The Rogers Master Street Plan is the City's primary guide for transportation planning. This city-wide policy map depicts the location and classification of existing and future streets and roundabouts," *Rogers Street Classifications*, pg. 1.



Future Land Use Map

- The Future Land Use Map (FLUM) designates all areas of the city by Placetype.
- Placetype is the community's expression of how they want a given area to evolve in terms of its natural and built environment over time.
- There are four categories of placetypes:
 - Centers
 - Corridors
 - Neighborhoods
 - Districts

Centers and Corridors

- Centers are concentrated areas of development.
- Corridors are linear areas of concentrated development connecting centers to each other and to other placetypes.
- The vast majority of the City's growth and change is expected to occur in centers and corridors.
- Centers and corridors contain subcategories based upon scale and sometimes also on location.
 - Regional Centers, City Centers, Neighborhood Centers
 - Examples: Pleasant Grove Regional Center, Downtown City Center
 - Regional Corridor, City Corridor

Neighborhoods

- Neighborhoods consist predominantly of residential uses at a low to medium intensity.
- These are subcategorized based upon location: Suburban Neighborhood, Neighborhood Fabric, Urban Neighborhood, and Downtown Neighborhood.
- Little if any change is expected in these areas.

Districts

- Districts are areas of specialized purpose, thus their use and intensity vary widely.
- In Rogers' case, our only Districts are industrial areas.



Section 2.9 Comprehensive Plan Review

2.9.1 Purpose and Intent

The purpose of this section is to set forth the procedure for reviewing the Comprehensive Plan.

2.9.2 Applicability

An application for Comprehensive Plan Review may only be initiated by the Director, the Planning Commission, the Mayor, or the City Council.

2.9.3 Periodic Review

The Comprehensive Plan must be reviewed at least once annually by the Planning Commission. Upon review, the Planning Commission may recommend amendments to the plan to the City Council.

2.9.4 Public Hearing

The Planning Commission shall hold a public hearing. Notice of the public hearing before the Planning Commission shall be given as required by [2.3.4.1](#). Mailed notice to owners of property filing an eligible zoning map amendment application since the last Comprehensive Plan Amendment hearing shall occur per [2.8.4](#).

2.9.5 Review Criteria

In considering amendments to the Comprehensive Plan, the Planning Commission must consider the following criteria:

- (A) Whether the proposed amendment promotes fiscal and environmental sustainability; and
- (B) Whether the proposed amendment meets the challenge of changing circumstances; and
- (C) Whether the amendment promotes public health, safety, and welfare.

2.9.6 Planning Commission

After holding a public hearing, the Planning Commission will review proposed amendments against the review criteria of [2.9.5](#) and certify the proposed amendment as stated policy, certify as stated policy with revisions, or deny the proposed amendment.

2.9.7 City Council

Any amendment having received a recommendation of approval from the Planning Commission will be placed on the next available City Council agenda. The Council may approve the request as presented, remand the request to the Planning Commission for further study, or deny the application. Any action taken shall be by a majority vote of the quorum present.

Comprehensive Plan Review

- The City Council, Planning Commission, or Director can initiate review of the Comprehensive Plan at any time, but it must occur a minimum of once per year.
- When the Commission considers periodic review it must hold a public hearing.
- If the Planning Commission identifies amendments to the plan, those must be forwarded to Council for adoption.

Periodic Review

- As a matter of practice, the Director will initiate periodic review every year.
- Periodic review occurring annually is desirable:
 - To ensure its being implemented
 - To ensure the outcomes are what was expected
 - To identify whether it should be amended
- This is the first periodic review of the plan since its adoption.
- One method of implementation is the Future Land Use Map (FLUM)
- It is likely the Commission will identify or entertain requests to amend the FLUM during each periodic review due to the nature of the relationship between it and zoning.



Table 2.8.3.A Zoning Districts Allowed in Placetypes

Place Type	T2	T3.1	T3.2	T4.1	T4.2	T5.1	T5.2	T5.3	T6.1	T6.2	T6.3	HC	I-1	I-2
Regional Center														
Uptown Regional Center						ER	SR	SR	SR	SR	ER			
Northwest Regional Center						ER	SR	SR	SR	SR				
Pleasant Grove Regional Center						SR	SR	SR	SR	SR		SR		
City Centers														
Downtown City Center					SR	SR	SR	ER						
Midtown City Center					SR	SR	SR	SR						
Southwest					SR	SR	SR	SR						
Neighborhood Centers														
Neighborhood Center				ER	ER	ER								
Neighborhoods														
Urban Neighborhood			ER	SR	SR	ER								
Fabric			SR	SR	ER									
Downtown			ER	SR	ER									
Suburban Neighborhood	SR	SR	SR											
Corridors														
City					ER	SR	SR	ER						
Regional						SR	SR	SR	ER					
Highway						SR	SR					SR	ER	
Industry and Technology														
Industry and Technology							SR					SR	SR	SR

SR = Districts likely to create the place type and thus subject to Standard Review by the Planning Commission and City Council

ER = Districts that may create the place type and thus subject to both Standard Review and Enhanced Review by the Planning Commission and City Council

Blank = Will not create the place type envisioned by the Plan and thus will not conform to the Future Land Use Map. Such districts will not be considered by the Planning Commission and City Council unless and until the Future Land Use Map and this UDC are amended accordingly.

Relationship Between the FLUM and Zoning

- The FLUM is policy and zoning is regulatory as it controls how a property can be used or developed.
- In considering amendments to the zoning map (rezonings), cities consult the policy (FLUM) for guidance.
- The Unified Development Code (UDC, Table 2.8.3.A) provides a spectrum of permissible zones for each placetype.
 - Where it has been determined that a zone will create the placetype envisioned on the FLUM, rezoning is subject to standard review.
 - Where it has been determined that a zone *may* create the placetype envisioned on the FLUM, rezoning is subject to enhanced review (i.e. more scrutiny).
 - Where it is been determined that a zone will not create the placetype envisioned on the FLUM, rezoning is impermissible (identified by a blank cell in the table).

**2.8.4 Acceptance and Processing by Director**

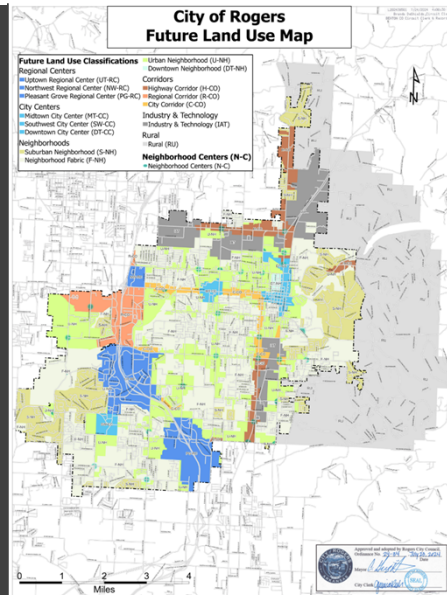
Applications for districts identified by blank cells will be set aside and no further processing will take place unless and until the Future Land Use Map and this UDC are amended to make them allowable for consideration. It is the stated intent of this UDC to ensure due process is provided for all property owners and in furtherance of this, the Director will cause the Future Land Use Map to be reviewed at least once per calendar year to determine if it should be amended. An owner of a property for which a zoning map amendment application was set aside during the preceding year may appear in a public hearing at such time to request an amendment that would allow their application to proceed. The Director will cause mailed notice to be provided to the owners filing such applications at least 15 days before the scheduled public hearing date for the Future Land Use Map review.

2.8.5 Public Hearing

The Planning Commission and City Council shall hold a public hearing. Notice of the hearing before the Planning Commission shall be given per [2.3.4.1 Published Notice](#), [2.3.4.2 Mailed Notice](#), and [2.3.4.3 Posted Notice](#).

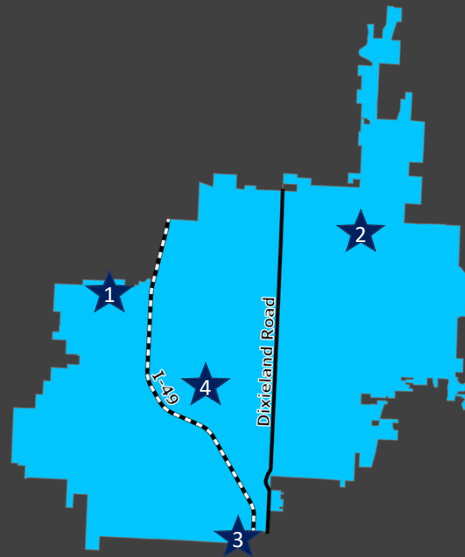
Impermissible Zones

- If the Community Development Director receives a request to rezone a property to an impermissible zone, the UDC provides a remedy for the owner identified above in the red box.
- Since adoption the City has received two rezoning applications for impermissible zones and both properties will be presented in this report for the Commission's consideration.



Future Land Use Map Amendments

- The type of amendments identified for consideration can be divided into three categories:
 - Those initiated by the Director resulting from a rezoning application for an impermissible zone; and
 - Those initiated by the Director for any other reason; and
 - Those identified by the Planning Commission or Council themselves



Amendments to Consider

- In light of this, the Director is presenting five amendments to the Future Land Use Map for the 2025 periodic review.
- The location of the amendments is reflected in the map above.
- Amendments 1-2 are initiated by the Director for varying reasons
- Amendments 3-4 are initiated by the Director in response to rezoning applications filed for impermissible districts
- Each are summarized on the following pages.

Basis for Whether to Amend

- In weighing whether to adopt the proposed amendments, the Commission should consider the decision-making criteria of Section 2.9.5 of the UDC:
 - Whether the amendment promotes fiscal and environmental sustainability
 - Whether the amendment meets the challenge of changing conditions
 - Whether the amendment promotes the public health, safety, and welfare

How should we think about “promoting fiscal and environmental sustainability”?

- Is the amendment likely to result in development or uses that would be fiscally irresponsible?
- Is the amendment likely to result in development that would result in environmental degradation or threaten an important asset?

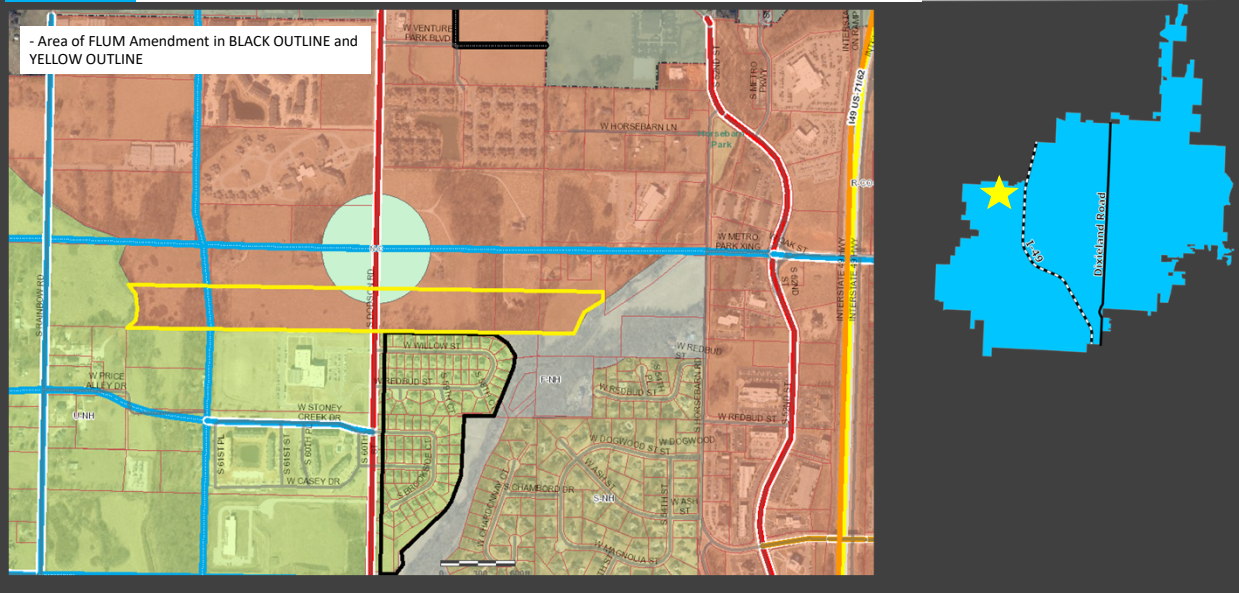
How should we approach “meeting the challenge of a changing condition”?

- Has something changed nationally, at the state level, or regionally that we should respond to in order to promote the public health, safety and welfare or fiscal and environmental sustainability?
- Has the market shifted in a manner we should respond to?
- Have the values of the community changed in a manner we should respond to?

What is public health, safety and welfare?

The public health, safety, and welfare is the bedrock of planning in the United States.

- Will the amendment result in development that could threaten public health, public safety, or public welfare?
- Will the public health, safety or welfare be unaffected by the proposed amendment?



Amendment 1

Question before Commission: Should the placetype be changed for the property in black be changed from urban neighborhood and if so should the property in yellow boundary be changed from regional corridor?

Context of the Area

- Property in Black Boundary: Placetype Urban Neighborhood, Zoning is T3.1, Use is residential neighborhood of detached houses
 - Immediately to the North: Property in Yellow Boundary described below
 - Immediately to the East and South: Placetype: Neighborhood Fabric, stream corridor
 - Immediately to the West: Placetype: Urban Neighborhood; Zoning is T4.2; Use is a school
- Property in Yellow Boundary: Placetype is Regional Corridor; Zoning is T2 but eligible for up to T6.1; Use is undeveloped
 - Immediately to the North: Same
 - Immediately to the East: Placetype: Neighborhood Fabric, stream corridor
 - Immediately to the South: Property in Black Boundary
 - Immediately to the West: Placetype: Urban Neighborhood; Zoning is T2; Use is undeveloped

Staff Analysis

- We believe the area in the black boundary was inadvertently given the designation urban neighborhood and should have been given the designation suburban neighborhood like the neighborhoods on the east side of the stream corridor.

- If the area in the black boundary is changed to suburban neighborhood the Commission should carefully consider whether this would have a ripple effect on the property immediately to the north.
- While the UDC's requirement pertaining to one whole transect can be met if the regional corridor placetype remains within the yellow boundary, the wide variety of zones available in regional center (up to T6.2) suggests that perhaps it should be changed.



2025 COMPREHENSIVE PLAN REVIEW

FLUM Amendment 1

PLANNING

	Regional Corridor (Existing Yellow Area)	Urban Neighborhood (Existing Black Area) (Proposed for Yellow Area)	Suburban Neighborhood (Proposed for Black Area)
Zones	T5.1, T5.2, T5.3, T6.1	T3.2, T4.1, T4.2, T5.1	T3.1, T3.2, T4.1
Height	Max. 6-16 stories	Max. 2.5-6 stories	Max. 2-4 stories
Coverage	Max 100%	Max 50%-100%	Max. 40%-60%
Exterior Yard	Max 0ft – 30ft	Min 0-15 ft	Min 10ft-20ft
Interior Yard	Min 0ft	Min 0ft-5ft	Min 5ft-10ft
Uses	• See following page		

Amendment 1

Question before Commission: Should the placetype be changed for the property in black be changed from urban neighborhood and if so should the property in yellow boundary be changed from regional corridor?

Compatibility

- Given that regional corridor allows up to 16 stories in building height (via a T6.1 zone, which is subject to enhanced review and this not likely), it may not be the most appropriate placetype for the area in yellow boundary.
- Urban neighborhood may be a better fit as no permissible zone in this placetype allows a building height greater than 6 stories (T5.1, which is subject to enhanced review and this not likely). The more likely scenario in an urban neighborhood placetype would be T4.1 which allows a maximum building height of 4 stories.



Table 4.6.A Permitted Principal Uses

Use	Suburban Neighborhood			Urban Neighborhood				Regional Corridor			
	T3.1	T3.2	T4.1	T3.2	T4.1	T4.2	T5.1	T5.1	T5.2	T5.3	T6.1
LIVING, in a	P	P	P	P	P	P	P	P	P	P	P
Detached House	P	P	P	P	P	P	P				
Cottage House	P	P	P	P	P	P					
Attached House	P	P	P	P	P	P					
Duplex	P	P	P	P	P	P					
Multi-Unit House	P	P	P	P	P	P	P	P			
Town House		P	P	P	P	P	P	P	P		P
Apartment House		P		P	P	P	P	P	P		P
Live-Work Building			P		P	P					
Mixed-Use Building							P	P	P	P	P
AGRICULTURE	P	P	P	P	P	P	P	P	P	P	P
CIVIC SPACES	P	P	P	P	P	P	P	P	P	P	P
COMMUNITY SERVICES							P	P	P	P	P
OFFICE							P	P	P	P	P
PROFESSIONAL OR PERSONAL SERVICES							P	P	P	P	P
EATING AND DRINKING							P	P	P	P	P
HEALTHCARE SERVICE							P	P	P	P	P
LODGING						P	P	P	P	P	P
PARKING			P		P	P	P	P	P	P	P
RETAIL						P	P	P	P	P	P
ENTERTAINMENT OR EVENT VENUE							P	P	P	P	P
ARTISANAL INDUSTRY							P	P	P	P	P
TECHNOLOGY INDUSTRY							P	P	P	P	P
AUTO SERVICE							P	P	P	P	P
FREIGHT, LOGISTICS, AND STORAGE											
TRANSPORTATION SERVICES											
GENERAL INDUSTRY											
WASTE TREATMENT, SEPARATION, AND TRANSFER											
HEAVY INDUSTRY											

Amendment 1

Question before Commission: Should the placetype be changed for the property in black be changed from urban neighborhood and if so should the property in yellow boundary be changed from regional corridor?

Evaluation of Placetypes

Regional Centers and Regional Corridors

These placetypes pose compatibility issues with suburban neighborhood placetypes. **If the area in the black boundary is changed to suburban neighborhood these placetypes are not worthy of consideration.**

City Centers and City Corridors

All are located on major arterials. While this site is along a major arterial (Dodson) there is a nearby neighborhood center at Dodson and Oak and the regional corridor placetype is more intense than city scale centers and corridors, making these placetypes impractical. **These are not placetypes worthy of consideration.**

Highway Corridor

These are located along regional highways with frequent access (unlike I-49) and along railroad tracks. **This is not a candidate worthy of consideration for either tract.**

Industry and Technology

These are located along railroad corridors and regional highways with frequent access, similar to highway corridors. **This is not a candidate worthy of consideration for either tract.**

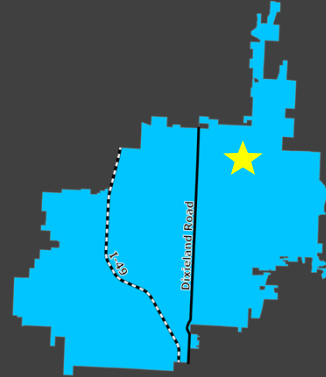
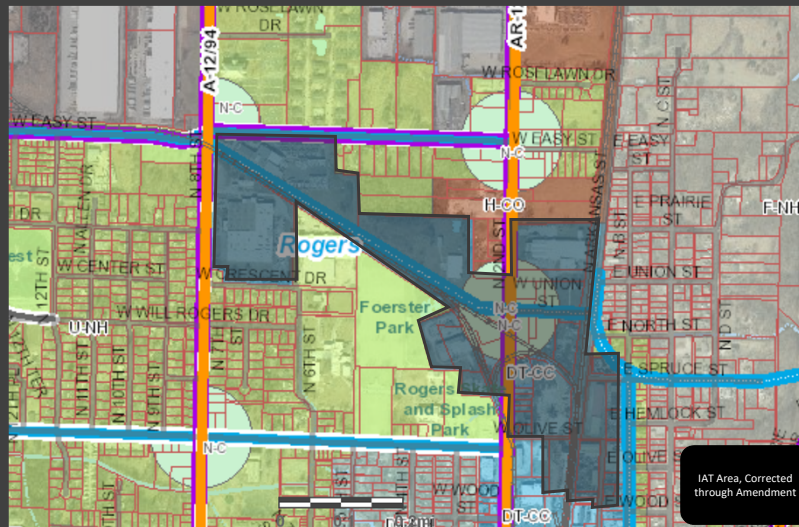
Neighborhoods

- **Suburban neighborhood** placetypes most closely align with the development intensity (detached house residential) and zones (T3.1 and T3.2) of the area bound in black. **This is a candidate worthy of consideration for the area in black.**
- **Urban neighborhood** placetype provides a transition, ensuring compatibility between suburban neighborhoods and regional corridors. **This is a candidate worthy of consideration for the area in yellow.**



2025 COMPREHENSIVE PLAN REVIEW FLUM Amendment 2

PLANNING

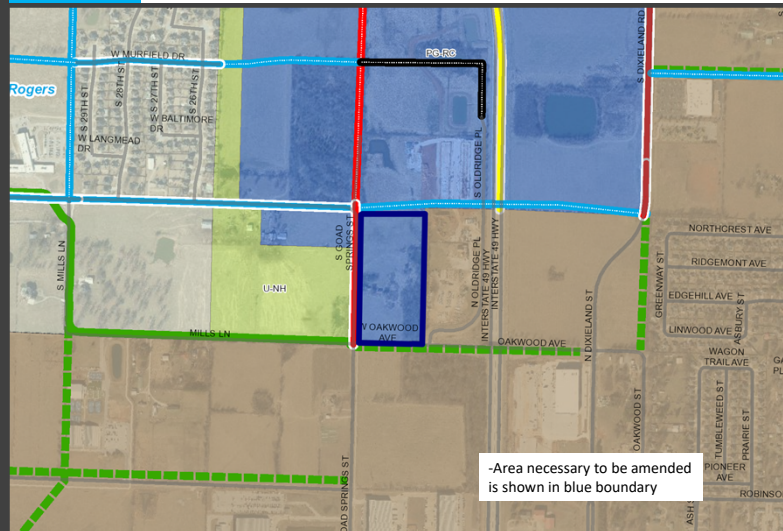


Amendment 2

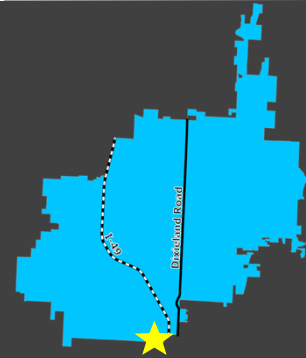
Question before the Commission? *Should this area be mapped as Industry and Technology placetype?*

Staff Analysis

- The map presented to and passed by the Planning Commission and City Council last July depicted this area as Industry and Technology.
- The map printed, signed by the Mayor, and recorded at Benton County incorrectly showed the same area as Downtown City Center.
- Staff is seeking permission to change the official map to reflect what you previously approved which showed the highlighted area as Industry and Technology.



Aerial Map



Amendment 3

- This amendment is presented by the Director in response to the filing of a rezoning application on the property identified by the blue boundary which requests rezoning to I-1, and impermissible zone in the Pleasant Grove Regional Center. As presented earlier in this report, it is the Director's obligation to not process the application unless and until the FLUM is amended to a placetype allowing the zone requested.

Questions before Commission:

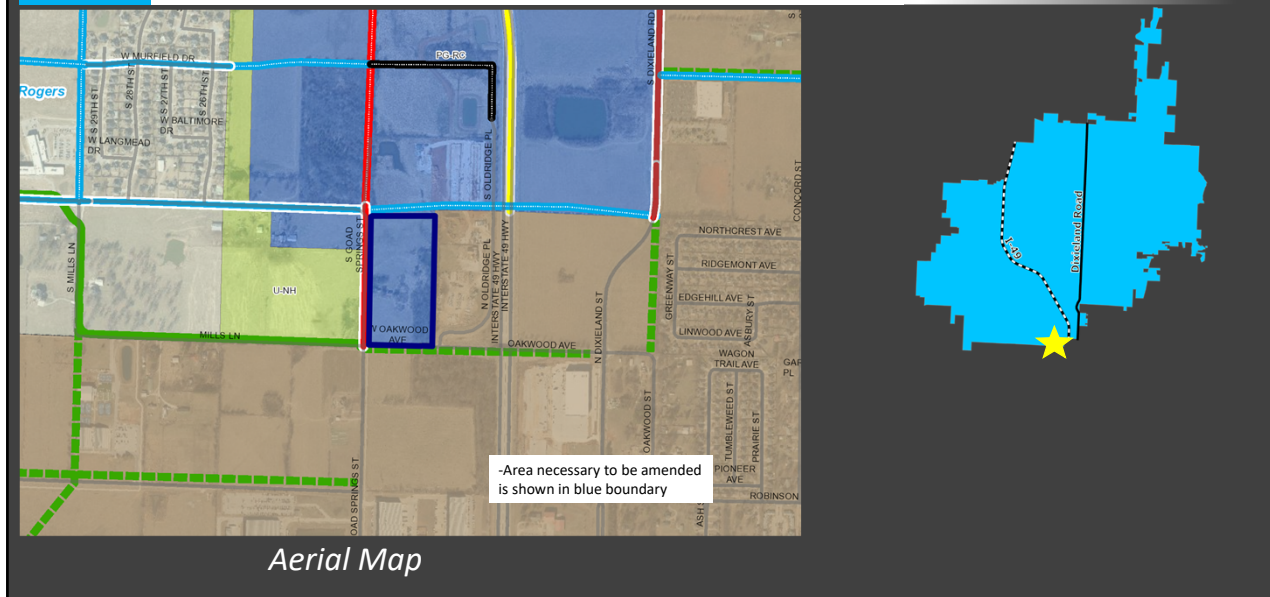
- Should the placetype be changed for the property identified in the blue boundary from its current designation of Pleasant Grove Regional Center to a placetype allowing an I-1 zone?*
- I-1 is allowed in Highway Corridor and Industry and Technology placetypes. If amended to one of these, does that create ripple affects for nearby properties warranting a need to amend those?*

Context of the Area

- Subject Property: Placetype Pleasant Grove Regional Center, Zoning is HC, Use is undeveloped
 - Immediately to the North: Placetype Pleasant Grove Regional Center, Zoning HC, Use is flex building nearing completion
 - Immediately to the East: property in Lowell operating as a wholesale landscape supply, planned for mixed use commercial
 - Immediately to the South: property in Lowell, undeveloped, planned for mixed use commercial
 - Immediately to the West: Placetype Urban Neighborhood and Pleasant Grove Regional Center, Zoning T2, Use is undeveloped

Existing and Planned Transportation Network

- Goad Springs Rd is an arterial in both Lowell and Rogers, but is currently not improved to arterial standards in either city.
 - The Razorback Greenway runs along the west side of Goad Springs Rd in this area.
 - Goad Springs Rd is planned to be extended northward through the Mills farm site and future UAMS site to intersect W Pleasant Grove Rd about ¼ mile west of I-49. All of this land is within the Pleasant Grove Regional Center.
- Mills Ln/Oakwood Ave runs along the south side of the property and crosses I-49 connecting Dixieland to Goad Springs and points west.
- Garrett Rd runs along the north side of the property. It does not currently, but is planned to cross I-49 in the future according to Rogers' adopted MSP.



Amendment 3, continued

Current Conditions in Lowell

- Lowell experiences traffic congestion and conflict at Goad Springs Rd and AR-264 (Monroe St), contributing to congestion and conflict at AR-264 and I-49.
 - According to Lowell staff this is due, in part, to the presence of truck traffic navigating to and from the industrial uses that exist along Goad Springs Rd.
 - The City of Lowell considers the congestion and conflict to pose a pedestrian and cyclist safety hazard along Goad Springs Rd and especially at its intersection with AR-264 (Monroe).

Future Conditions in Lowell

- In response to current conditions, the City of Lowell:
 - Has amended its zoning code to better align with its intent for the area to become mixed use commercial and to prevent future large scale industrial development along Goad Springs Rd.
 - Is beginning work to tunnel the Greenway below AR-264 at Goad Springs Rd to improve safety for Greenway users.
 - Is relocating the Greenway from the east to the west side of Goad Springs Rd to improve safety for Greenway users as there are fewer truck turning movements on the west side.



2025 COMPREHENSIVE PLAN REVIEW

FLUM Amendment 3

PLANNING

	Pleasant Grove Regional Center (Existing)	Highway Corridor	Industry and Technology
Zones	T5.1, T5.2, T5.3, T6.1, T6.2, HC	T5.1, T5.2, HC, I-1	T5.2, HC, I-1, I-2
Height	Max. 6-16 stories	Max. 6-8 stories	Max. 5-8 stories
Coverage	Max. 70%-100%	Max. 80%-100%	Max. 80%-100%
Exterior Yard*	Min 30 ft in HC; Max 0-30 elsewhere	Min 30 ft in HC, I-1, I-2; Max 0-30 in T5.1, 0-10 in T5.2	Min 30 ft in HC, I-1, I-2; Max 0-10 in T5.2
*The UDC allows warehouses in HC but requires they be setback at least 250 ft from an arterial street in this zone. The purpose of this requirement is to ensure our major streets are not lined with long blank walls while still allowing use flexibility within the HC zone. This restriction does not apply in I-1 or I-2 where warehouses can be much closer to such streets.			
Interior Yard	Min. 0	Min 0-20	Min. 0-20
Uses	See following page		

Amendment 3

Questions before Commission:

- *Should the placetype be changed for the property identified in the blue boundary from its current designation of Pleasant Grove Regional Center to a placetype allowing an I-1 zone?*
- *I-1 is allowed in Highway Corridor and Industry and Technology placetypes. If amended to one of these, does that create ripple affects for nearby properties warranting a need to amend those?*



Table 4.6.A Permitted Principal Uses

	Pleasant Grove Regional Center						Highway Corridor			Industry and Technology		
Use	T5.1	T5.2	T5.3	T6.1	T6.2	HC	T5.1	T5.2	HC	I-1	T5.2	HC
LIVING, in a	P	P	P	P	P	P	P	P	P	P	P	P
Detached House												
Cottage House												
Attached House												
Duplex												
Multi-Unit House	P						P					
Town House	P	P		P		P	P	P		P	P	
Apartment House	P	P		P		P	P	P		P	P	
Live-Work Building												
Mixed-Use Building	P	P	P	P	P	P	P	P		P	P	
AGRICULTURE	P	P	P	P	P	P	P	P		P	P	P
CIVIC SPACES	P	P	P	P	P	P	P	P		P	P	P
COMMUNITY SERVICES	P	P	P	P	P	P	P	P		P	P	P
OFFICE	P	P	P	P	P	P	P	P		P	P	P
PROFESSIONAL OR PERSONAL SERVICES	P	P	P	P	P	P	P	P		P	P	P
EATING AND DRINKING	P	P	P	P	P	P	P	P		P	P	P
HEALTHCARE SERVICE	P	P	P	P	P	P	P	P		P	P	P
LODGING	P	P	P	P	P	P	P	P		P	P	P
PARKING	P	P	P	P	P	P	P	P		P	P	P
RETAIL	P	P	P	P	P	P	P	P		P	P	P
ENTERTAINMENT OR EVENT VENUE	P	P	P	P	P	P	P	P		P	P	P
ARTISANAL INDUSTRY	P	P	P	P	P	P	P	P		P	P	P
TECHNOLOGY INDUSTRY	P	P	P	P	P	P	P	P		P	P	P
AUTO SERVICE	P	P	P	P	P	P	P	P		P	P	P
FREIGHT, LOGISTICS, AND STORAGE						P			P		P	P
TRANSPORTATION SERVICES									P		P	P
GENERAL INDUSTRY												P
WASTE TREATMENT, SEPARATION, AND TRANSFER												P
HEAVY INDUSTRY												P

Amendment 3

Question before Commission: Should the placetype be changed for the property in black be changed from urban neighborhood and if so should the property in yellow boundary be changed from regional corridor?

Evaluation of Placetypes

Neighborhoods

These placetypes are not suggested between an arterial and I-49 generally and they would not result in I-1 being a permissible zone for the subject property. ***These placetypes are not worthy of consideration.***

City Centers and City Corridors

The nearest City Center is Southwest City Center at Pinnacle Hills Pkwy and Pleasant Grove Rd, about two miles northwest of the subject property. There does not appear to be a need for another city center in this area, particularly given its location at the very edge of the City. Without another City Center a corridor isn't warranted. ***These placetypes are not worthy of consideration.***

Regional Corridor

Regional corridors are intended to connect Regional Centers. The subject property is currently within the Pleasant Grove Regional Center, which is the southernmost of our regional centers.

Pleasant Grove Regional Center

This is the current placetype and it supports a mixture of uses and varying intensity levels in an auto-oriented environment. Light industrial uses are permitted but not at the expense of compatibility

with the other uses. ***It is worth considering retaining this placetype designation.***



Table 4.6.A Permitted Principal Uses

Use	Pleasant Grove Regional Center						Highway Corridor			Industry and Technology			
	T5.1	T5.2	T5.3	T6.1	T6.2	HC	T5.1	T5.2	HC	I-1	T5.2	HC	I-1
LIVING, in a	P	P	P	P	P	P	P	P	P	P	P	P	P
Detached House													
Cottage House													
Attached House													
Duplex													
Multi-Unit House	P						P						
Town House	P	P		P		P	P	P			P	P	
Apartment House	P	P		P		P	P	P			P	P	
Live-Work Building													
Mixed-Use Building	P	P	P	P	P	P	P	P			P	P	
AGRICULTURE	P	P	P	P	P	P	P	P			P	P	P
CIVIC SPACES	P	P	P	P	P	P	P	P			P	P	P
COMMUNITY SERVICES	P	P	P	P	P	P	P	P			P	P	P
OFFICE	P	P	P	P	P	P	P	P			P	P	P
PROFESSIONAL OR PERSONAL SERVICES	P	P	P	P	P	P	P	P			P	P	P
EATING AND DRINKING	P	P	P	P	P	P	P	P			P	P	P
HEALTHCARE SERVICE	P	P	P	P	P	P	P	P			P	P	P
LODGING	P	P	P	P	P	P	P	P			P	P	P
PARKING	P	P	P	P	P	P	P	P			P	P	P
RETAIL	P	P	P	P	P	P	P	P			P	P	P
ENTERTAINMENT OR EVENT VENUE	P	P	P	P	P	P	P	P			P	P	P
ARTISANAL INDUSTRY	P	P	P	P	P	P	P	P			P	P	P
TECHNOLOGY INDUSTRY	P	P	P	P	P	P	P	P			P	P	P
AUTO SERVICE	P	P	P	P	P	P	P	P			P	P	P
FREIGHT, LOGISTICS, AND STORAGE						P				P		P	P
TRANSPORTATION SERVICES										P		P	P
GENERAL INDUSTRY													P
WASTE TREATMENT, SEPARATION, AND TRANSFER													P
HEAVY INDUSTRY													P

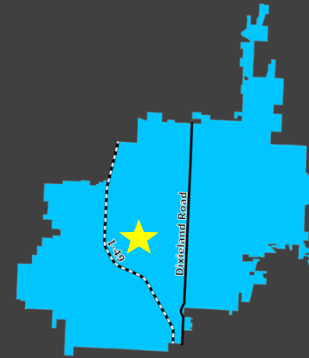
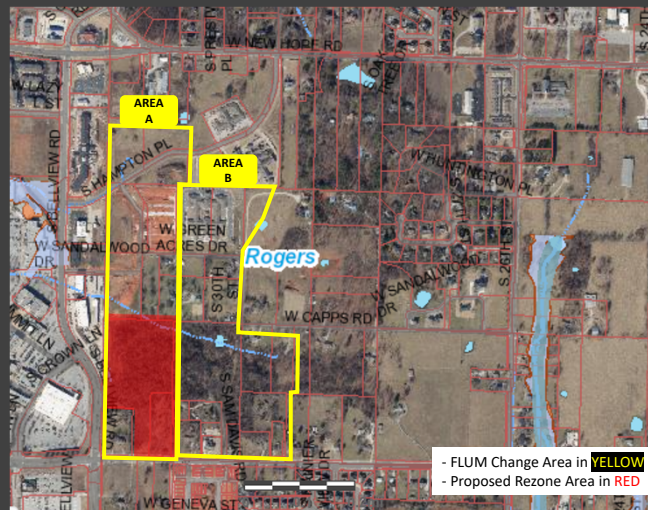
Amendment 3

Highway Corridor

These are located along regional highways with frequent access (unlike I-49) and along railroad tracks. Neither are present at this location, however this placetype is the only one that allows an I-1 zone besides Industry and Technology ***making it worthy of consideration.***

Industry and Technology

These are located along railroad corridors and regional highways with frequent access, similar to highway corridors. For the same reasons as highway corridor this is ***only worthy of consideration in this case given the zone requested.***



Amendment 4

- This amendment is presented by the Director in response to the filing of a rezoning application on the property identified in red which requests rezoning to T5.2, which is impermissible in the current placetype, Urban Neighborhood. As presented earlier in this report, it is the Director's obligation to not process the application unless and until the FLUM is amended to a placetype allowing the zone requested.

Questions before Commission:

- Should the placetype be changed for the property identified in red from its current designation of Urban Neighborhood to a placetype allowing T5.2?*
- T5.2 is allowed in center and corridor placetypes. If amended to one of these, does that create ripple affects for nearby properties warranting a need to amend those?*

Context of the Area

- Subject Property: Placetype Urban Neighborhood, Zoning is T2, Use is undeveloped
 - Immediately to the North: Placetype Urban Neighborhood, Zoning T5.2, Use is undeveloped
 - Immediately to the East: Placetype Neighborhood Fabric, Zoned T3.2 and T2, undeveloped with large acreage residential
 - Immediately to the South: Placetype Uptown Regional Center, Zoned T2, large acreage residential
 - Immediately to the West: Placetype Uptown Regional Center, Zoned T5.2, Pinnacle Hills Promenade



	Uptown Regional Center	Urban Neighborhood	Neighborhood Fabric
Zones	T5.1, T5.2, T5.3, T6.1, T6.2, T6.3	T3.2, T4.1, T4.2, T5.1	T3.1, T3.2, T4.1, T4.2
Height	Max 6-48 stories*	Max 2.5-6 stories	Max 2.5-4 stories
Coverage	Max. 90%-100%	Max. 60%-100%	Max. 40%-70%
Exterior Yard	Min. 0; Max 30	Max. 30 in T5.2; Min 5-15 elsewhere	Min 5-20
Interior Yard	Min 0	Min 0 in T5.1; Min 5 elsewhere	Min 5-10
Uses	• See following page		

Amendment 4

Questions before Commission:

- *Should the placetype be changed for the property identified in red from its current designation of Urban Neighborhood to a placetype allowing T5.2?*
- *T5.2 is allowed in center and corridor placetypes. If amended to one of these, does that create ripple affects for nearby properties warranting a need to amend those?*

Evaluation of Placetypes

Highway Corridor

These are located along regional highways with frequent access (unlike I-49) and along railroad tracks. ***This is not a candidate worthy of consideration for either tract.***

Industry and Technology

These are located along railroad corridors and regional highways with frequent access, similar to highway corridors. ***This is not a candidate worthy of consideration for either tract.***

Neighborhoods

- There are four neighborhood placetypes distinguished by their intensity, from least intense to most:
 - Suburban
 - Fabric
 - Downtown (place-specific)
 - Urban
- Of these, only ***Urban Neighborhood is a candidate worthy of consideration*** for the subject property; however, this is the current designation and zone T5.2 is impermissible.

Centers and Corridors

City Centers, like regional centers, are characterized by their location and thus are intended to be distinct from one another (i.e. Downtown City Center is fundamentally different than Southwest City Center). Their commonality is their scale. Regional Centers, like city centers, are characterized by their location and thus are also distinct from one another (i.e. Pleasant Grove is fundamentally different from Uptown). Their commonality is their scale. The intent of both city and regional corridors is to link city and regional centers in a linear pattern.

The subject property lies immediately east of the **Uptown Regional Center** which makes this *placetype worthy of consideration*.



2025 COMPREHENSIVE PLAN REVIEW

FLUM Amendment 4

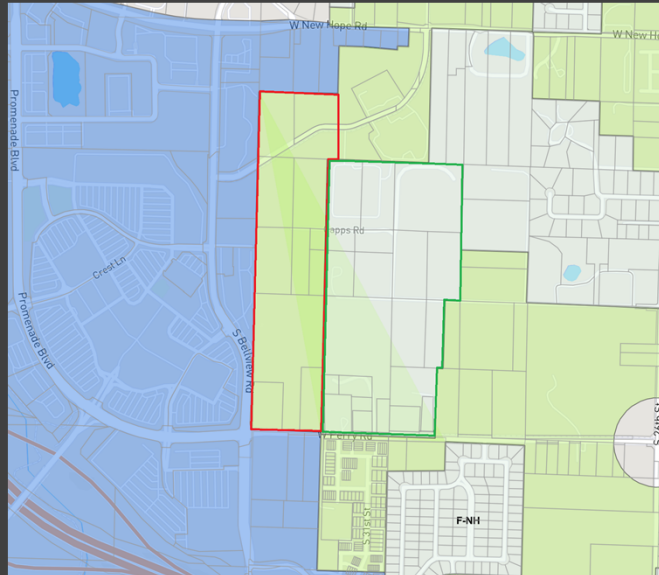
PLANNING

Use	Neighborhood Fabric				Urban Neighborhood				Uptown Regional Center					
	T3-1	T3-2	T4-1	T4-2	T3-2	T4-1	T4-2	T5-1	T5-1	T5-2	T5-3	T6-1	T6-2	T6-3
LIVING, in a	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Detached House	P	P	P	P	P	P	P							
Cottage House	P	P	P	P	P	P	P							
Attached House	P	P	P	P	P	P	P							
Duplex	P	P	P	P	P	P	P							
Multi-Unit House	P	P	P	P	P	P	P	P	P					
Town House		P	P	P	P	P	P	P	P	P		P		
Apartment House			P	P	P	P	P	P	P					
Live-Work Building			P	P		P	P							
Mixed-Use Building				P		P	P	P	P	P	P	P	P	P
AGRICULTURE	P	P	P	P	P	P	P	P	P	P	P	P	P	P
CIVIC SPACES	P	P	P	P	P	P	P	P	P	P	P	P	P	P
COMMUNITY SERVICES				P		P	P	P	P	P	P	P	P	P
OFFICE				P		P	P	P	P	P	P	P	P	P
PROFESSIONAL OR PERSONAL SERVICES				P		P	P	P	P	P	P	P	P	P
EATING AND DRINKING				P		P	P	P	P	P	P	P	P	P
HEALTHCARE SERVICE							P	P	P	P	P	P	P	P
LODGING				P		P	P	P	P	P	P	P	P	P
PARKING			P	P		P	P	P	P	P	P	P	P	P
RETAIL				P		P	P	P	P	P	P	P	P	P
ENTERTAINMENT OR EVENT VENUE								P	P	P	P	P	P	P
ARTISANAL INDUSTRY								P	P	P	P	P	P	P
TECHNOLOGY INDUSTRY								P	P	P	P	P	P	P
AUTO SERVICE								P	P	P	P	P	P	P
FREIGHT, LOGISTICS, AND STORAGE														
TRANSPORTATION SERVICES														
GENERAL INDUSTRY														
WASTE TREATMENT, SEPARATION, AND TRANSFER														
HEAVY INDUSTRY														

Amendment 4

Questions before Commission:

- Should the placetype be changed for the property identified in red from its current designation of Urban Neighborhood to a placetype allowing T5.2?
- T5.2 is allowed in center and corridor placetypes. If amended to one of these, does that create ripple affects for nearby properties warranting a need to amend those?



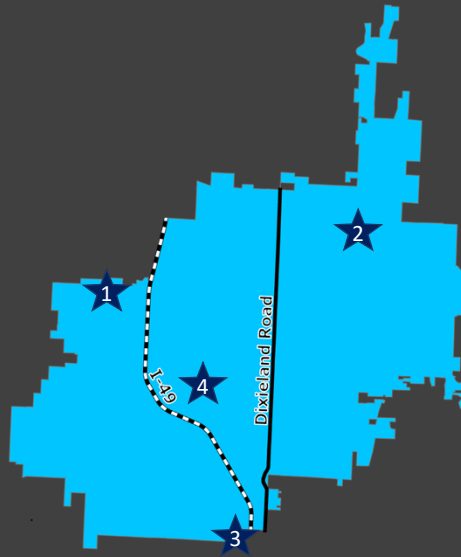
Amendment 4

Question before Commission: Should the placetype be changed for the property in black be changed from urban neighborhood and if so should the property in yellow boundary be changed from regional corridor?

Evaluation of Placetypes

Argument for amending to Uptown Regional Center

- The property lies immediately south of property already zoned T5.2 which itself is immediately south of Uptown Regional Center
- The property lies immediately north of property already within the Uptown Regional Center
- The property lies immediately east of the Uptown Regional Center and one of the more intense portions of that center, Pinnacle Hills Promenade
- For these reasons staff recommends the placetype of the property within the red boundary be amended to Uptown Regional Center, and to provide appropriate transect/transition, staff recommends the adjacent property immediately to the east identified in the green boundary be changed from Neighborhood Fabric to Urban Neighborhood.



Amendment 1

Question before the Commission: *Should the placetype be amended to suburban neighborhood and urban neighborhood.*

Staff Recommendation: *Amend the FLUM to suburban neighborhood and urban neighborhood.*

Amendment 2

Question before the Commission: *Should the placetype be amended to Industrial and Technology?*

Staff Recommendation: *Amend the FLUM to Industry and Technology.*

Amendment 3

Question before the Commission: *Should the placetype be amended to Industry and Technology?*

Staff Recommendation: *No. Retain the current designation of Pleasant Grove Regional Center.*

Amendment 4

Question before the Commission: *Should the placetype be amended to Uptown Regional Center and Urban Neighborhood?*

Staff Recommendation: *Amend the FLUM to Uptown Regional Center and Urban Neighborhood.*



Rezone HOFCO

PLANNING

Staff: Nicholas Little, Planner (nlittle@rogersar.gov)



FLUM Place Type

Regional Center - Uptown

Zoning

T2

Proposed Zoning

T5.1, T5.2

Location

NE of intersection of S Bellview Road and W Perry Road
Parcels 02-01694-145, 02-01694-175

Representative

Taylor Lindley, Crafton Tull

Nature of the Request:

The following request is for an amendment to the City of Rogers Unified Development Code Zoning Map, in accordance with Section 2.8 of the Rogers Unified Development Code.

Request Details:

- Proposal: The applicant is proposing to rezone 17.14 acres to T5.1(City Low-Intensity) and T5.2(City Medium-Intensity) as presented in the Regional Center Placetype.
- Review Type: Standard



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Geolocation

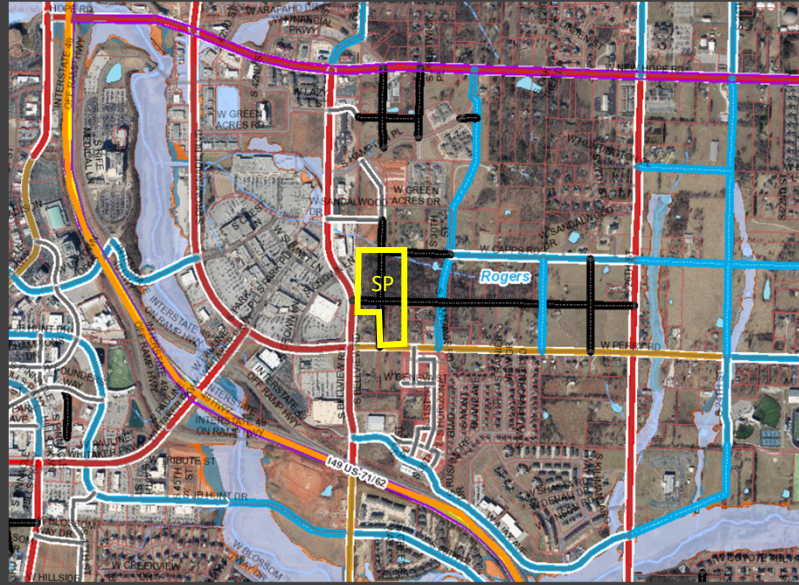
Location Description

Central Rogers; 17 undeveloped acres at the NE corner of S Bellview and W Perry Roads.
Parcel 02-01694-165, 02-01694-175



Rezone HOFCO

PLANNING



Neighborhood Context

- Subject property is surrounded by high traffic commercial uses to the west, undeveloped and residential lands to the east and north, and medium/low density residential to the south
- Perry and Bellview are both arterial roads. Property is relatively close to I-49 entrance.
- Limited connectivity/utilities available in the big block bound by New Hope/26th/Perry/Bellview

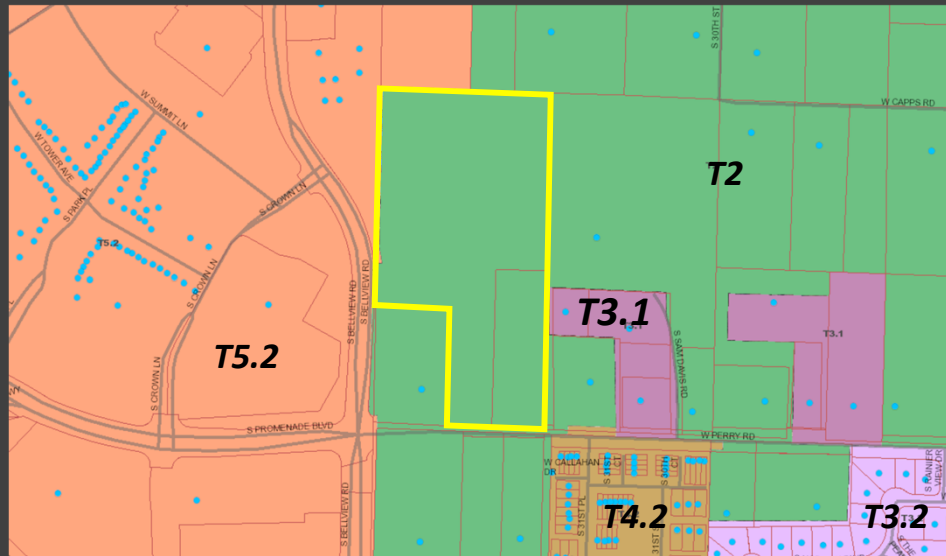
Neighborhood Context

- Subject property is surrounded by high traffic commercial uses to the west, undeveloped and residential lands to the east and north, and medium/low density residential to the south
- Perry and Bellview are both arterial roads. Property is relatively close to I-49 entrance.
- Limited connectivity/utilities available in the big block bound by New Hope/26th/Perry/Bellview



Rezone HOFCD

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Current Zoning

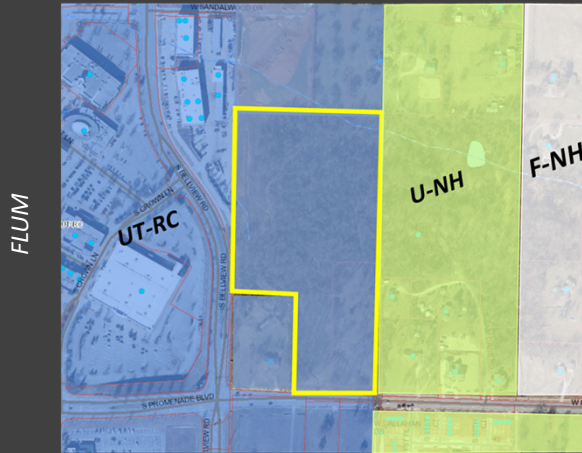
Current Zoning

T2 – Rural - A very low-intensity district intended for agricultural uses and as a temporary holding zone pending development.



Rezone HOFCO

PLANNING



Zoning's Relationship to the FLUM

Table 2.8.3.A Zoning Districts Allowed in Placetypes established two types of zoning map amendment requests:

- Standard Review (SR) requests are for zones that are likely to create the envisioned placetype.
- Enhanced Review (ER) requests are for zones that may create the envisioned placetype.

Permitted Zones by Placetype Per Table 2.8.3.A

PLACETYPE	SR	ER
Uptown Regional Center	T5.2 , 5.3, 6.1, 6.2	T5.1 , 6.3

About the Future Land Use Map (FLUM)

The Future Land Use Map is an element of the Comprehensive Plan identifying placetypes that the Planning Commission and City Council have carefully considered and determined to be appropriate for the future growth of the City.

2.8.3 Relationship with Future Land Use Map

"Table 2.8.3.A Zoning Districts Allowed in Placetypes sets forth zoning districts that:"

- (A) Are likely to create the placetype envisioned by the Plan and thus conform to the Future Land Use Map. Such districts are subject to Standard Review.
- (B) May create the placetype envisioned by the Plan and thus may conform to the Future Land Use Map. Such districts are subject to Standard Review and Enhanced Review.
- (C) Will not create the placetype envisioned by the Plan and thus will not conform to the Future Land Use Map. Such districts will not be considered by the Planning Commission and City Council unless and until the Future Land Use Map and this UDC are amended accordingly," (UDC 2.8.3).



Rezone HOFCO

PLANNING

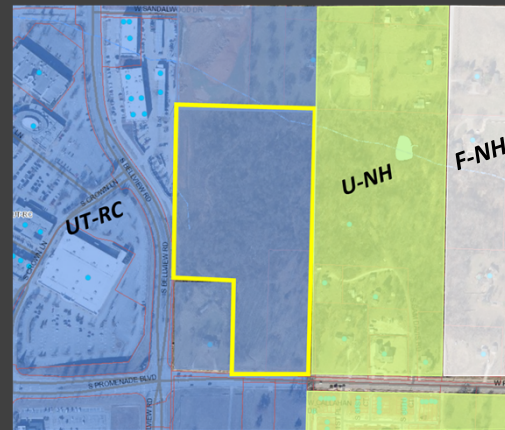
Requested Rezone



Proposed Zoning Plan

Permitted Zones by Placetype Per Table 2.8.3.A

PLACETYPE	SR	ER
Uptown Regional Center	T5.2 , 5.3, 6.1, 6.2	T5.1 , 6.3



FLUM

Summary of Request:

The applicant is requesting a rezone of this property to include **T5.1 and T5.2** zonings as presented in their zoning plan. The subject area was redesignated as Uptown Regional Center placetype (Formerly Urban Neighborhood) at the 2/18/2025 Planning Commission. Uptown Regional Center allows T5.2 as a standard review zone, a zoning district whose form ultimately achieves the urban landscape intended within Regional Centers. T5.1 is considered an Enhanced Review zone in the Uptown Regional Center. In this instance, the zoning plan shows T5.1 along the east side of the subject area, which is adjacent to the Urban Neighborhood placetype, in an attempt to make development along the west side less intense as to be more compatible with existing residential and future developments in the Urban Neighborhood portion.

Placetypes

Uptown Regional Center (UT-RC)

Placetype Description

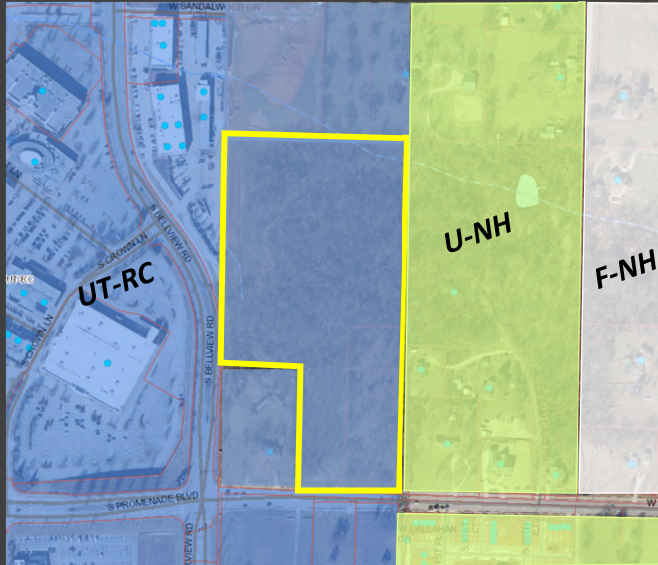
“Uptown Regional Center is one of the region’s most productive hubs for dining, shopping, entertainment, employment, healthcare services and urban housing. It will continue to develop with new streets, parking structures, civic spaces, dedicated transportation facilities for non-drivers, and intensive buildings with activity along their ground floors. “

Rogers Future Land Use Placetypes, pg. 6.



Rezone HOFCO

PLANNING



Rezone Request

1. T5.2 in Uptown Regional Center is subject to Standard Review

2.8.6 Standard Review Criteria

When reviewing and making decisions on zoning map amendments labeled “SR” in Table 2.8.3.A, the Planning Commission:

- Shall recommend approval of the proposed district(s) where they conform to the applicable requirements of this UDC.

Placetype

Uptown Regional Center (UT-RC)

Placetype Description

“Uptown Regional Center is one of the region’s most productive hubs for dining, shopping, entertainment, employment, healthcare services and urban housing. It will continue to develop with new streets, parking structures, civic spaces, dedicated transportation facilities for non-drivers, and intensive buildings with activity along their ground floors.”

Rogers Future Land Use Placetypes, pg. 6.



Rezone HOFCO

PLANNING

Rezone Request

❌ Not Met 🟡 Not Applicable 🟢 Met

T5.1 in UT-RC is subject to Enhanced Review.

Staff Analysis - Enhanced Review Criteria (2.8.7)

- When reviewing and making decisions on zoning map amendments labeled “ER” in [Table 2.8.3.A](#), the Planning Commission may recommend approval where the Commission finds:
 - 🟢 The proposed district(s) conform to the applicable requirements of this UDC.
 - 🟢 The proposed district(s) are likely to implement the placetype envisioned by the Future Land Use Map.
 - 🟢 The proposed district(s) contribute to establishing an orderly transition of intensity within the broader place type by:
 - 🟢 Where the subject property is within a center and corridor placetype ensuring higher intensity zones are generally interior to the placetype to provide an orderly transition between the center and edge of the placetype; or
 - 🟡 Where the subject property is within a neighborhood placetype ensuring higher intensity zones are generally located at the edges of the placetype when the neighborhood lies adjacent to a center or corridor placetype to provide an orderly transition between the edge of the neighborhood and the adjacent placetype; and
 - 🟢 The proposed district(s) is within one full transect of the most intense zone allowed on adjacent properties, except when:
 - 🟡 Significant natural barriers separate the two properties; or
 - 🟡 Roadways of three or more lanes separate the two properties; or
 - 🟡 The subject property is less than 600 feet in depth, abuts a street classified as an arterial according to the Master Street Plan, and the proposed rezoning is to District T5.1 or T5.2.
 - 🟡 If applicable, the proposed district(s) conform to the zone mix requirements specified in [Table 2.4.3.C Zoning Mix for Sites Over 40 Acres](#).

Enhanced Review Criteria Analysis:

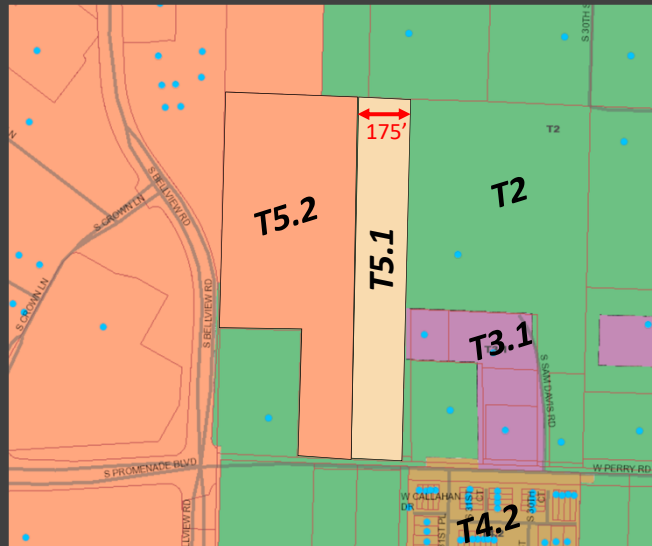
Zoning map amendment requests subject to Enhanced Review are evaluated according to their conformance with the requirements of the UDC and four considerations related to the proposed zone’s relationship to the surrounding placetype(s), zoning, and development context. The proposed rezone to T5.1 in the Uptown Regional Center (UT-RC) meets all four applicable requirements. The zoning mix requirement for sites greater than 40 acres does apply in this instance, and does meet the maximum percentages placed by Table 2.8.3.B

The placement of T5.1 per the proposed zoning plan submitted by the applicant effectively steps down the intensity as you move east, closer to more residential uses and away from the commercial intensity to the west. T5.1 zoning here would still allow the applicant to develop to a more urban form, which is what is desired in the Regional Centers, while also limiting height to something that is more compatible with what’s allowed in the adjacent Urban Neighborhood.



Rezone HOFCO

PLANNING



Zoning Proposal

Staff Analysis

- All requested zones are either permissible by Standard or Enhanced Review, per Table 2.8.3.A
- The zoning plan shows an extension of T5.2 zoning from the north, and a more appropriate buffer of T5.1 along the east side, in an attempt to step down the zoning as you get closer to the adjacent Urban Neighborhood lands.
- The T2 zoned parcel at the NE corner of Perry and Bellview is designated for Regional Center growth and is expected to eventually rezone to a higher intensity zone.
- The zoning plan successfully includes a mix of zones on the site that adheres to Table 2.8.3.B.
- The highest proposed zoning, T5.1, is within one full transect of the adjacent placetype to the east (Urban Neighborhood allows T5.1 by Enhanced Review)
- Staff feels that the intent of the Future Land Use Map and the Unified Development Code is being achieved with this proposal.

Staff Analysis

- All requested zones are either permissible by Standard or Enhanced Review, per Table 2.8.3.A
- The zoning plan shows an extension of T5.2 zoning from the north, and a more appropriate buffer of T5.1 along the east side, in an attempt to step down the zoning as you get closer to the adjacent Urban Neighborhood lands.
- The T2 zoned parcel at the NE corner of Perry and Bellview is designated for Regional Center growth and is expected to eventually rezone to a higher intensity zone.
- The zoning plan successfully includes a mix of zones on the site that adheres to Table 2.8.3.B.
- The highest proposed zoning, T5.1, is within one full transect of the adjacent placetype to the east (Urban Neighborhood allows T5.1 by Enhanced Review)
- Staff feels that the intent of the Future Land Use Map and the Unified Development Code is being achieved with this proposal.



Rezone HOFCO

PLANNING

Table 4.5.A. Zone Standards

Standard	T2	T3.1	T3.2	T4.1	T4.2	T5.1	T5.2	T5.3	T6.1	T6.2	T6.3	HC	I1	I2
Area Standards														
Max Building Coverage (% of lot)	30	40	50	60	70	90	100	100	100	100	100	70	80	80
Max. Impervious Surface (% of lot)	30	50	60	70	80	100	100	100	100	100	100	80	80	80
Principal Buildings														
Min. Exterior Yard (ft)	30	20	15	10	5	0	0	0	0	0	0	30	30	30
Max. Exterior Yard (ft)	See 4.5.3.1					30	10	0	15	10	0	None		
Min. Building Occupancy	None					70	80	100	90	100	100			
Min. Interior Yard (ft)	30	10	5	5	5	0	0	0	0	0	0	20	20	20
Min. Interior Yard, Alleyside	10	5	5	0	0	0	0	0	0	0	0	0	0	0
Max Building Height (stories)	2	2.5	2.5	3	4	6	8	10	16	32	48	6	5	6
Ground Floor Spaces														
Min. Floor to Ceiling Height (ft)	None				12	12	12	12	12	14	14	None		
Min. Depth (ft)	None				12	12	12	12	12	12	12	None		
Min Entry Frequency (ft)	None				60 residential		100 nonresidential		None					
Min Glazing (% of facade)	None			15/15	50/25	50/25	50/25	70/25	50/25	50/25	70/25	None		
Upper Floor Space Min Glazing (% of facade)	None			15	15	15	15	15	15	15	15	15	None	
Accessory Buildings														
Allowed In	Any Yard	Interior Yards Only										Any Yard		
Min. Yards	Same as provided by principal building													
Max Height	16 ft unless including a dwelling unit then 25 ft, not to exceed the height of the principal building													
Vehicular Use Areas														
Parking Lot Allowed in Exterior Yard	Yes	See 4.5.8										Yes		
Max Driveway Area (% of each yard area)	None	See 4.5.9										None		
Max Driveway Width at Sidewalk (ft)	See 4.5.9											32	32	32
Max Fence or Wall Height in Exterior Yard (ft)	4/8	4/6	4/6	4/6	4/6	4/6	4/6	4/6	4/6	4/6	4/6	4/6	6	6

Zone Standards

Highlighted zones/standards would apply if approved. Any developments would be subject to applicable use standards in Sec. 4.7, as well as any applicable regulations from Articles 5, 6, and 7.



Rezone HOFCO

PLANNING

Table 4.6.A. Permitted Principle Uses

Use	T2	T3.1	T3.2	T4.1	T4.2	T5.1	T5.2	T5.3	T6.1	T6.2	T6.3	HC	I-1	I-2
LIVING, in a	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Detached House	P	P	P	P	P	P	P							
Cottage House	P	P	P	P	P									
Attached House	P	P	P	P	P									
Duplex		P	P	P	P									
Multi-Unit House		P	P	P	P	P	P							
Town House			P	P	P	P	P		P			P		
Apartment House				P	P	P	P		P			P		
Live-Work Building				P	P									
Mixed-Use Building					P	P	P	P	P	P	P	P		
AGRICULTURE	P	P	P	P	P	P	P	P	P	P	P	P	P	P
CIVIC SPACES	P	P	P	P	P	P	P	P	P	P	P	P	P	P
COMMUNITY SERVICES					P	P	P	P	P	P	P	P	P	
OFFICE					P	P	P	P	P	P	P	P	P	
PROFESSIONAL OR PERSONAL SERVICES					P	P	P	P	P	P	P	P	P	
EATING AND DRINKING					P	P	P	P	P	P	P	P	P	
HEALTHCARE SERVICE						P	P	P	P	P	P	P	P	
LODGING	P				P	P	P	P	P	P	P	P	P	
PARKING				P	P	P	P	P	P	P	P	P	P	P
RETAIL					P	P	P	P	P	P	P	P	P	
ENTERTAINMENT OR EVENT VENUE	P					P	P	P	P	P	P	P	P	
ARTISANAL INDUSTRY						P	P	P	P	P	P	P	P	
TECHNOLOGY INDUSTRY						P	P	P	P	P	P	P	P	
AUTO SERVICE						P	P	P	P	P	P	P	P	
FREIGHT, LOGISTICS, AND STORAGE												P	P	P
TRANSPORTATION SERVICES													P	P
GENERAL INDUSTRY														P
WASTE TREATMENT, SEPARATION, AND TRANSFER														P
HEAVY INDUSTRY														P

Permitted Principle Uses

Highlighted zones/standards would apply if approved. Any developments would be subject to applicable use standards in Sec. 4.7, as well as any applicable regulations from Articles 5, 6, and 7.



Rezone HOFCO

PLANNING



Aerial

Recommendation:

APPROVE rezone, as submitted by applicant in zoning plan.

PUBLIC INPUT:

To date, only one call has been received by staff regarding this rezone. An adjacent neighbor shared concerns that development here would potentially disturb his shallow well and taint his drinking water.

RECOMMENDATIONS:

Staff recommends **approval** of this request.

2.8.8 Planning Commission

2.8.8.2 Enhanced Review Districts

The Director shall place applications for enhanced review districts on the regular agenda and the Commission shall hold a separate public hearing.

Possible Planning Commission Motions for Standard Review:

- Recommend approval or denial. Either motion is deemed to pass when a majority of the quorum present vote in favor; or
- Table the request to a date certain not to exceed 60 days for more information. Such a motion requires a majority of the quorum present to pass; or
- Dismiss the request and the applicant's request. Such a motion requires a majority of the quorum present to pass.



DEPT. OF COMMUNITY DEVELOPMENT
PLANNING DIVISION
CITY OF ROGERS, ARKANSAS
301 W. CHESTNUT
PHONE: (479) 621-1186
FAX: (479) 986-6896

OFFICE USE ONLY

Permit Fee: _____
Zoning: _____ to _____
Permit Number: _____
CityView Application: _____
Date: _____

REZONE APPLICATION

APPLICANT: Crafton Tull
ADDRESS: 901 N. 47th Street, Rogers, AR 72756 SUITE #: 400
GENERAL LOCATION OF PROPERTY: NE of Bellview and Perry in Rogers, AR
PARCEL NUMBER(S) OF PROPERTY: 02-01694-165 & 02-01694-175
PARCEL NUMBER: 02-01694-165 & 02-01694-175
PHONE #: 479-878-2410 EMAIL: taylor.lindley@craftontull.com
PROPERTY OWNER: HOFCO DEVELOPMENT, LLC PHONE #: _____
PRESENT USE: Open ZONING: T2
PROPOSED USE: Mixed Use ZONING: T5.2 & T5.1

Applicant Signature

Date

Attachment Checklist:

- ☐ Legal description of property
- ☐ Parcel Number for property
- ☐ Applicant Certification
- ☐ Property Owner Affidavit
- ☐ Site plan as needed

PLANNING STAFF PROVIDES:

DATE FILED: _____ PUBLIC HEARING DATE: _____ CERTIFIED MAIL DATE: _____
PLANNING COMMISSION ACTION: _____ DATE: _____
CITY COUNCIL ACTION: _____ DATE: _____
ORDINANCE NUMBER: _____ COMMENTS: _____



PROPERTY OWNER AFFIDAVIT

The petitioner, HOFECO DEVELOPMENT LLC, petitions the Planning Commission of the City of Rogers, Arkansas to rezone certain real property as set forth herein:

LEGAL DESCRIPTION: THE WEST 1/2 OF THE NW 1/4 OF THE SW 1/4 OF SECTION 22, TOWNSHIP 19 NORTH, RANGE 30 WEST, CITY OF ROGERS, BENTON COUNTY, ARKANSAS, AS SHOWN ON SURVEY RECORDED IN PLAT RECORD 34 AT PAGE 89. LESS AND EXCEPT: BEGINNING AT THE SW CORNER OF THE SAID NW 1/4 OF THE SW 1/4; THENCE NORTH 00°16'00" WEST 462.80 FEET; THENCE NORTH 89°31'30" EAST 283.08 FEET; THENCE SOUTH 00°16'00" EAST 462.80 FEET; THENCE SOUTH 89°31'30" WEST 283.08 FEET TO THE POINT OF BEGINNING. SAID LANDS ARE CONTAINED WITHIN PARCEL NOS. 02-01694-165, 02-01694-175 SURVEYS: 9/23/2010 2010-398 THRU 403

LAYMAN'S DESCRIPTION: Benton County Parcel 02-01694-165 NE of the intersection of S Bellview Rd and W Perry Rd in Rogers, AR.

PRESENT ZONING: T2

ZONING REQUEST: T5.2 & T5.1

Respectfully Submitted,

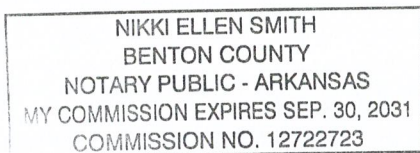
By:

G. Kelly Bryant
(Property Owner Signature)

STATE OF ARKANSAS

COUNTY OF Benton

Subscribed and sworn before me this the 14th day of January, 2025.



Nikki Smith
Notary Signature

Nikki Smith
Notary Name Printed

9/30/2031
Commission Expires

PROPERTY OWNER AFFIDAVIT

The petitioner, HOFCO DEVELOPMENT LLC, petitions the Planning Commission of the City of Rogers, Arkansas to rezone certain real property as set forth herein:

LEGAL DESCRIPTION: THE WEST 1/2 OF THE NW 1/4 OF THE SW 1/4 OF SECTION 22, TOWNSHIP 19 NORTH, RANGE 30 WEST, CITY OF ROGERS, BENTON COUNTY, ARKANSAS, AS SHOWN ON SURVEY RECORDED IN PLAT RECORD 34 AT PAGE 89. LESS AND EXCEPT: BEGINNING AT THE SW CORNER OF THE SAID NW 1/4 OF THE SW 1/4; THENCE NORTH 00°16'00" WEST 462.80 FEET; THENCE NORTH 89°31'30" EAST 283.08 FEET; THENCE SOUTH 00°16'00" EAST 462.80 FEET; THENCE SOUTH 89°31'30" WEST 283.08 FEET TO THE POINT OF BEGINNING. SAID LANDS ARE CONTAINED WITHIN PARCEL NOS. 02-01694-165, 02-01694-175 SURVEYS: 9/23/2010 2010-398 THRU 403

LAYMAN'S DESCRIPTION: Benton County Parcel 02-01694-175 NE of the intersection of S Bellview Rd and W Perry Rd in Rogers, AR.

PRESENT ZONING: T2

ZONING REQUEST: T5.2 & T5.1

Respectfully Submitted,

By: *[Signature]*

(Property Owner Signature)

STATE OF ARKANSAS
COUNTY OF Benton

Subscribed and sworn before me this the 14th day of January, 2025.

NIKKI ELLEN SMITH
BENTON COUNTY
NOTARY PUBLIC - ARKANSAS
MY COMMISSION EXPIRES SEP. 30, 2031
COMMISSION NO. 12722723

Nikki Smith
Notary Signature

Nikki Smith
Notary Name Printed

9/30/2031
Commission Expires

CERTIFICATION

I hereby state that to the best of my knowledge all property owners within 300 feet of my property have been notified by Certified mail at least 15 days prior to the upcoming public hearing for my rezone request.

Dated this the 3rd day of February, 2025.

Evan McMahon
Signed

Evan McMahon
Name Printed

STATE OF ARKANSAS

COUNTY OF Benton

Subscribed and sworn before me this the 3 day of February, 2025.

Patricia Ann Henry
Notary Signature
Patricia Ann Henry
Notary Name Printed
1/21/30
Commission Expires



BEFORE THE PLANNING COMMISSION OF THE CITY OF ROGERS, ARKANSAS

NOTICE OF PUBLIC HEARING FOR A REZONE REQUEST

Notice is hereby given pursuant to Section 2.8 of the Rogers Unified Development Code that HOFCD Development LLC is applying to the Rogers Planning Commission to rezone a certain real property located Northeast of Bellview Rd and W Perry Rd. The property is more particularly described as follows:

LEGAL DESCRIPTION/PARCEL NUMBER: 02-01694-165 and 02-01694-175

LAYMAN'S DESCRIPTION: Northeast of Bellview Rd and W Perry Rd and south of W Sandalwood Dr in Rogers, AR

PRESENT ZONING: T2

ZONING REQUEST: T5.2 and T5.1

A public hearing by the Rogers Planning Commission will be held on February 18, 2025 at 5:30 p.m. in the City Council Chambers of the City Hall Building located at 301 W. Chestnut Street, Rogers, Arkansas.

Respectfully Submitted,

By: 
(Applicant's Signature)

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the attached written notice was placed in the U.S. mail, first-class, postage prepaid this 30 day of January, 2025, and

addressed as follows:

*Name: Pak Real Estate Holdings LLC
Street: 4250 North Old Missouri Road
City, State, Zip: Fayetteville, AR 72703*

*Name: Bellview Urban Center / SJA Investment Partnership LLLP & Chambord Inv.
Street: 70 Sologne Circle
City, State, Zip: Little Rock, AR 72223*

*Name: City of Rogers
Street: 301 West Chestnut Street
City, State, Zip: Rogers, AR 72756-4559*

*Name: Pinnacle Hills LLC
Street: PO Box 3487
City, State, Zip: Chicago, IL 60654*

*Name: Pinnacle Hills LLC
Street: PO Box 3487
City, State, Zip: Chicago, IL 60654*

*Name: Bellview Urban Center / SJA Investment Partnership LLLP & Chambord Inv.
Street: 70 Sologne Circle
City, State, Zip: Little Rock, AR 72223*

*Name: PCS Development Inc.
Street: 1800 South 53rd. Street Unit 10
City, State, Zip: Rogers, AR 72758*

*Name: Technical Park Development GP LLC
Street: 3335 South Market Street
City, State, Zip: Rogers, AR 72758*

Name: Paschal Living Trust, Gregory & Catherine
Street: 3200 West Capps Road
City, State, Zip: Rogers, AR 72758

Name: Pelletier, Samuel L. III & Debra A.
Street: 2130 South 30th. Street
City, State, Zip: Rogers, AR 72758

Name: Hobbs Family Revocable Trust-Nicholas H. & Barbara
Street: 3804 Pleasant Drive
City, State, Zip: Rogers, AR 72758

Name: Kashubin, David
Street: 3233 South Sam Davis Road
City, State, Zip: Rogers, AR 72758

Name: Stroup, James & Linda O.
Street: PO Box 1349
City, State, Zip: Rogers, AR 72757-1349

Name: Hill, Joy L. & Jerry M. Jr.
Street: 111 Kildeer Road
City, State, Zip: Rogers, AR 72756-9207

Name: Camacho, Jesus A. Landeros
Street: 3301 South Sam Davis Road
City, State, Zip: Rogers, AR 72758

Name: Addison, Brent & Melissa
Street: 3105 West Perry Road
City, State, Zip: Rogers, AR 72758

Name: City of Rogers
Street: 301 West Chestnut Street
City, State, Zip: Rogers, AR 72756-4559

Name: City of Rogers
Street: 301 West Chestnut Street
City, State, Zip: Rogers, AR 72756-4559

Name: City of Rogers
Street: 301 West Chestnut Street
City, State, Zip: Rogers, AR 72756-4559

Name: City of Rogers
Street: 301 West Chestnut Street
City, State, Zip: Rogers, AR 72756-4559

Name: Cottages at Pinnacle Hills LLC & D Briggs & Associates LLC
D Briggs Cottages 1031 & Kelley Cotta
Street: 5939 South 45th. Street
City, State, Zip: Rogers, AR 72758

Name: Cottages at Pinnacle Hills LLC & D Briggs & Associates LLC
D Briggs Cottages 1031 & Kelley Cotta
Street: 5939 South 45th. Street
City, State, Zip: Rogers, AR 72758

Name: Roller, Jerry
Street: 14753 Friendship Church Road
City, State, Zip: West Fork, AR 72774

Name: City of Rogers
Street: 301 West Chestnut Street
City, State, Zip: Rogers, AR 72756-4559

Name: City of Rogers
Street: 301 West Chestnut Street
City, State, Zip: Rogers, AR 72756-4559

Name: Nguyen, Ken & Tram B.
Street: PO Box 1187
City, State, Zip: Springdale, AR 72765-1187

Name: Perry Road LLC
Street: 609 NE Berry Place
City, State, Zip: Bentonville, AR 72712

Name: Blevins Revocable Trust, Loneta M.
Street: 3302 West Perry Road
City, State, Zip: Rogers, AR 72756-1401

Name: Pinnacle South LLC
Street: PO Box 3487
City, State, Zip: Chicago, IL 60654



DEPT. OF COMMUNITY DEVELOPMENT
PLANNING DIVISION
301 W. CHESTNUT
PHONE: (479) 621-1186
FAX: (479) 986-6896

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Rogers Planning Commission in the Rogers City Hall at 301 West Chestnut Street on **February 18, 2025 at 5:30 p.m.** on the application by **HOFCO Development, LLC (Case #: RZ25-00037)** to rezone **±17 acres located NE of Bellview and Perry Road** from the **T2 (Rural)** zoning district to the **T5.2 (City Medium-Intensity) and T5.1 (City Low-Intensity)** zoning district, the property being more particularly described as follows:

PROPERTY DESCRIPTION:

±17 acres located NE of Bellview and Perry Road.

Parcel Number: 02-01694-165 & 02-01694-175

Derek Burnett, Secretary
Planning Commission

PUBLISH ONE TIME ONLY: **Sunday February 2, 2025**
BILL THE CITY OF ROGERS



NOTICE OF PUBLIC HEARING
NOTICE OF PUBLIC HEARING
REGIONS
COMMUNITY DEVELOPMENT
HARRIS COUNTY
PUBLIC WORKS
HARRIS COUNTY
HARRIS COUNTY

PROPOSED SIGN CODE

UDC Update, 2025

- ▶ Exemptions
- ▶ Prohibited Signs
- ▶ Nonconforming Signs
- ▶ Signs Allowed without a Permit
- ▶ Universal Sign Standards
- ▶ Common Signage Plans for Multi-entity Developments
- ▶ Special Sign Program
- ▶ Permit Processing
- ▶ Allowable Types of Signs
- ▶ Sign Standards by Placetype
- ▶ Enforcement

KEY ELEMENTS

- ▶ Public/Government Signs
- ▶ Signs internal to the property
- ▶ Traffic Control Signs (either public or private)
- ▶ Small numbers, letters, symbols etched into a building

EXEMPTIONS

- ▶ Any sign without a permit
- ▶ Animated, dancing dudes, etc. (Should we allow animated video panels?)
- ▶ Abandoned, blank, or damaged.
- ▶ Any sign that blocks ingress/egress
- ▶ Should we / can we prohibit obscenity, profanity, etc.?

PROHIBITED SIGNS

- ▶ Any sign that was legal and permitted when it was constructed but which is now non compliant
- ▶ Routine maintenance is ok, changing copy is OK
- ▶ Major repair triggers a new sign
- ▶ A new sign triggers removal

NONCONFORMING SIGNS

- ▶ Art
- ▶ Flags
- ▶ Historic Markers
- ▶ Directional signs
- ▶ Interior signs
- ▶ Non-profit announcements
- ▶ Public notices
- ▶ Political campaign
- ▶ Real estate signs
- ▶ Vending machine signs

SIGNS ALLOWED WITHOUT A PERMIT

- ▶ Govern placement (sight triangle, etc.)
- ▶ Limited off premise approvals
- ▶ No animations on digital signs (do we really care?)

UNIVERSAL SIGN STANDARDS

- ▶ Required for any development that includes multiple entities that would normally include signage

COMMON SIGNAGE PLANS FOR MULTI-ENTITY DEVELOPMENTS

- ▶ For signs that don't fit the mold
- ▶ Intended to encourage creativity

SPECIAL SIGN PROGRAM

- ▶ CD receives and processes the permit application
- ▶ Common signage plans are approved by Planning Commission
- ▶ Special sign program applications are reviewed and approved by Planning Commission recommendation to the City Council
- ▶ All other requests are administratively reviewed and approved
- ▶ BOA is the appeal

PERMIT PROCESSING

Freestanding Signs

- ▶ Monument Signs
- ▶ Pole Signs
- ▶ Pylon Signs
- ▶ Directory Signs
- ▶ Wayfinding Signs
- ▶ Post-and-Arm Signs

Wall-Mounted Signs

- ▶ Wall Signs
- ▶ Projecting Signs
- ▶ Blade Signs
- ▶ Awning (Canopy) Signs
- ▶ Façade-Integrated Signs

ALLOWABLE SIGN FORMS

- ▶ Any sign allowed without a permit is authorized in any Placetype
- ▶ Placetype determines allowed sign forms

		Wall	Projecting	Blade	Awning	Façade	Monument	Pole	Pylon	Directory	Wayfinding	Post and Arm
Neighborhood	U-NH	X		X	X	X						X
City Centers	DT-CC	X	X	X	X	X						
	SW-CC	X	X	X	X	X	X			X	X	
	MT-CC	X	X	X	X	X	X	X		X	X	X
Regional Centers	UT-RC	X	X	X	X	X				X	X	
	NW-RC	X	X	X	X	X	X			X	X	
	PG-RC	X	X	X	X	X	X	X		X	X	X
Corridors	C-CO	X	X	X	X	X	X	X		X	X	X
	R-CO	X	X	X	X	X	X	X		X	X	X
	H-CO	X	X	X	X	X	X	X		X	X	X
I&T	IAT	X	X	X	X	X	X	X		X	X	X

SIGN STANDARDS BY PLACETYPE

- ▶ Nonconforming/non-permitted signs to be removed within 7 days notice
- ▶ If not, the city shall remove the sign at the expense of the responsible party
- ▶ Hazardous signs will be removed immediately without notice

ENFORCEMENT



STANDARD: 48 S.F.

ALDI: 80 S.F.

ARVEST: 180 S.F.

ANDY'S: NOT ALLOWED (4-SIDED)



STANDARD: 48 S.F.
ATT: 32 S.F.
WALMART: 67.5 S.F.
BONEFISH: 24 S.F.



STANDARD: 30 S.F.
ANIME CAFE: 24 S.F.
ATT: 72.5 S.F.

THIS IS AN EXAMPLE OF
A SPECIAL SIGN
(OVER THE BUILDING)
AND A MULTI-TENANT
SIGN

- SPECIAL SIGN IS ABOUT
70 S.F.
- MULTI-TENANT IS LIKELY
COMPLIANT, EACH
INDIVIDUAL PANEL
WOULD BE EVALUATED.



ATM SIGN ALLOWED WITHOUT A PERMIT



POST AND ARM SIGN
STANDARD: 4 S.F.
HAWKINS HOUSE: 1.5 S.F.



SPECIAL SIGN





I DON'T KNOW WHAT YOU CALL THESE

Section 5.8 Signs

5.8.1 Purpose and Intent

The purpose of this section is to promote high-quality community aesthetics and placemaking that aligns with the Unified Development Code's placetype strategy. These regulations ensure a balanced commercial environment where businesses can effectively communicate through signage while avoiding excessive or intrusive displays. The provisions aim to enhance the visual character of the community, foster safe and efficient pedestrian and vehicular traffic, and support economic vitality by discouraging sign clutter and over-proliferation. This section is content-neutral and does not intend in any way to regulate viewpoints or limit free speech, focusing solely on mitigating adverse impacts related to the location, size, and quantity of signage.

5.8.2 Applicability

This sections applies to all signs except those expressly exempted in 5.8.3.

5.8.3 Exemptions

The following signs are exempt from the requirements of this Section.

- (A) Any public notice or warning required by a valid or applicable federal, state or local law, regulation, or ordinance, or by order of a court.
- (B) Any sign not visible from a street or property other than the property on which it is located. Such signs must still go through the permitting process to verify the requested sign is adequately shielded from outside view.
- (C) Traffic control signs meeting the standards set forth in the Manual on Uniform Traffic Control Devices and which contain no commercial message.
- (D) Numbers, letters, and symbols etched as metal or masonry cornerstone plates or embedded into the facade of any building or other structure given the individual characters do not exceed 6" in height.

5.8.4 Prohibited Signs

All prohibited signs must be immediately removed at the owner's expense. Owners refusing to remove prohibited signs will be cited All violations of this section are subject to the penalties as stated in Rogers' Code of Ordinances § 1-5. The following provides examples of prohibited signs:

(A) General Prohibitions

- (I) Any sign erected without a required sign permit.
- (II) Animated, inflatable, noise-generating, moving, bow flags, and wind-blown signs.
- (III) Abandoned, blank, or damaged signs. Any sign that is excessively weathered, faded, has peeling or cracked paint, has missing panels, or is otherwise in disrepair is considered damaged and must, along with its supporting members, be immediately removed or restored to a good state of repair.
- (IV) Any sign blocking ingress or egress to a building.

(V) Any sign within the public right-of-way or on public property, except those expressly allowed by this section.

(B) Prohibited Messages

The following types of sign messages are prohibited, provided such regulations are content-neutral and consistent with First Amendment protections:

(I) Signs that contain obscene, indecent, or profane language or imagery as defined by applicable law.

(II)

(III)

(IV) Signs that create a clear and present danger to public safety, such as those resembling traffic control devices or that obstruct drivers' visibility.

(V) Any sign type or message otherwise prohibited under federal or state law.

(C) General Applicability

Any sign that is not exempt from this section, not established as a lawful nonconforming sign, or not expressly allowed by this section is a prohibited sign.

5.8.5 Nonconforming Signs

Any sign which was legally established and permitted but which does not conform to the provisions of this section is deemed nonconforming. Legally established nonconforming signs may be retained indefinitely unless required to be removed due to either abandonment, condemnation, or as a condition of a new sign permit, in which case nonconforming signs shall be removed at the owner's expense.

(A) Removal Due to Abandonment

(I) Nonconforming signs are considered abandoned and must be immediately removed by the owner at the owner's expense where they:

(1) Display out-of-date for longer than 90 days; or

(2) Are in a state of disrepair or are destroyed; or

(3) Are left blank for a period of 90 days; or

(B) Are located on property that is vacant or abandoned.

(C) Removal or Compliance as Condition of Permit

(I) A nonconforming sign must either be brought into compliance with current regulations or removed under the following conditions:

(1) Structural Alteration of the Nonconforming Sign: Any request to alter the structure of a nonconforming sign (e.g., size, height, materials, or lighting) but not the content of the sign will trigger a requirement for the sign to be brought into compliance or removed as part of the permitting process.

(2) Permit Request for a New Sign on the Same Property: If a permit application is submitted to add a new sign anywhere on the same property where a nonconforming sign exists, the nonconforming sign must be brought into compliance or removed before the new sign permit can be approved.

(D) Exceptions and Allowances:

(I) Temporary signs on the same property as a noncompliant sign shall not trigger compliance requirements for existing nonconforming signs.

- (II) Routine maintenance or minor repairs to a nonconforming sign, such as repainting, replacing damaged panels, or repairing wear and tear, are permitted and do not trigger compliance requirements. Nonconforming signs must still meet the city's requirements for good repair under Section 5.8.7 to ensure they do not become excessively weathered, faded, or unsafe.
- (III) The Board of Adjustment may not grant a variance from these requirements other than to extend the time frame for bringing a nonconforming sign into compliance or removing it.

5.8.6 Signs Allowed without a Permit

(E) The following signs shall be permitted in all zoning districts. No sign permit shall be required.

- (I) *Art.* Works of art which do not advertise a commercial business, product or service.
- (II) *Flags* (U.S. state, municipal, or corporate flags).
- (III) *Hand carried noncommercial signs.*
- (IV) *Historic markers.* Attached or freestanding historic or memorial markers erected by a governmental agency, private nonprofit historic preservation, or education organization pursuant to a plan or program for the erection of such signs or markers applied on a national, state, or county wide basis or to properties within a duly authorized local historic district. Such plan or program must employ uniform standards of eligibility, and the sign or marker must commemorate a person, building, place or event of historical, civic, cultural, natural historical, scientific, or architectural significance. Historical markers are subject to the following regulations:
 - (1) *Maximum area.*
 - (a) *Freestanding:* Eighteen square feet.
 - (b) *Wall:* Six square feet.
 - (2) *Materials.* Each such sign or marker shall be made of cast metal, cut masonry, painted wood or metal or other similar weather proof material.
- (V) *Identification signs.* Customary identification signs, such as: building numbers, addresses, private parking signs, no trespassing signs, or dangerous animal signs that are no larger than three square feet in area per sign.
- (VI) *Incidental or directional signs.* Incidental signs, those that give information or direction for the convenience and necessity of the public, such as entrance, exit, no admittance, telephone, or parking subject to the following regulations.
 - (1) *Maximum area.* Three square feet.
 - (2) *Maximum height.* Four feet.
- (VII) *Interior signs.* Signs visible only from the interior of a structure, such as in a mall, where they are not visible from a public right-of-way or public space.
- (VIII) *Non-profit announcements.* Announcements by public or not-profit organizations of fund-raising events, special events or activities or interest to the general public, other than political signs, subject to the following regulations.
 - (1) *Maximum area:*
 - (a) *Neighborhood placetypes:* Six square feet.
 - (b) *Placetypes other than Neighborhoods, or on a parcel owned and operated by the non-profit holding the event:* Twelve square feet.

- (2) *Maximum number permitted.* One per lot.
- (3) *Time period.* Signs may be erected up to two weeks prior to the event.
- (4) *Removal.* Signs shall be removed within three days after the event.
- (5) *Banner attachment.* Banners shall be attached to a fixed structure, either a building or freestanding sign.
- (IX) *Public notice.* Any public notice or warning required by valid and applicable federal, state or local law, regulation, or ordinance.
- (X) *Public park signs.* Signs in public parks of a noncommercial nature erected by a government agency such as directional signs, rules signs, safety signs or site identification signs that are no greater than eight feet in height.
- (XI) *Public sign.* Any federal, state or local traffic control or other public sign erected either by a governmental agency or at the direction of a governmental agency.
- (XII) *Political campaign sign.* The city recognizes the importance of political campaign signs in free speech and regulates their placement as follows:
 - (1) Political campaign signs are allowed starting 60 days before an election and must be removed within five days afterward.
 - (2) Signs may not be placed in city rights-of-way, on bridges, utility poles, traffic signals, or street signs.
 - (3) In the Neighborhood Placetype areas, signs may not exceed four square feet, must be ground-mounted or affixed to fences or structures, and cannot be roof-mounted or stacked.
 - (4) In placetypes areas other than Neighborhood:
 - (a) Signs are limited to 32 square feet in Corridor, and Industrial and Technology Placetypes.
 - (b) Signs are limited to eight square feet in all other placetype areas.
 - (5) Placement on private property requires the owner's consent.
 - (6) Signs placed on public property will be removed by the City immediately, with notice provided, after the removal of the sign, if contact information is available.
- (XIII) *Real estate signs—Residential.* Real estate signs in Neighborhood Placetypes, or intended to advertise a single-family unit or structure are subject to the following:
 - (1) *Generally.*
 - (a) *Location.* No real estate signs shall be located in the public right-of-way. If the right-of-way cannot be determined, signs shall be placed behind sidewalks and/or utility poles.
 - (b) *Removal.* Signs for properties for sale shall be removed within seventy-two (72) hours of property closing.
 - (2) *On-site signs.* On-site real estate signs in residential districts are subject to the following regulations:
 - (a) *Maximum area.* Without a rider: six (6) sq. ft.; with riders: eight (8) sq. ft.
 - (b) *Maximum height.* Six (6) feet.
 - (c) *Maximum number permitted:* one (1) per street frontage.
 - (d) *Riders permitted.* Two sign riders are permitted as long as the maximum sign area does not exceed eight (8) square feet.
 - (3) *Off-site signs.* Off-site directional real estate signs are not permitted in the City of Rogers. The City may remove the sign at the expense of the owner, after notice is

- sent to the owner's last known address, and the owner has failed to remove the sign within seven (7) business days after the notice is sent.
- (XIV) *Real estate signs—Placetypes other than Neighborhood, and/or advertising primarily commercial real estate:*
- (1) *Maximum area.* Thirty-two (32) square feet.
 - (2) *Maximum height.* Eight feet (8).
 - (3) *Maximum number permitted.*
 - (a) *Freestanding:* One (1) per street frontage
 - (b) *Wall:* If the entire building is for sale or lease: One (1) per building façade. If portions of the buildings are for sale or lease; one per lease space.
- (XV) *Stadium signage.* Commercial signs within city stadiums (e.g., high school football and baseball stadiums).
- (XVI) *Traffic control signs.* Traffic control signs on private property such as stop, yield, and similar signs, the face of which meet Arkansas Department of Transportation standards, subject to the following regulations:
- (1) *Maximum area.* Eight square feet.
 - (2) *Subject.* Such sign shall not contain a logo or commercial message.
- (XVII) *Vending machines, ATMS, gas pumps.* Vending machines, automatic tellers, or gasoline pumps, or similar types of kiosk-style structures which display the name, trademark or logo of the company or brand or prices shall not exceed thirty-two (32) square feet in area per side. The display shall be an integral part of the machine or pump, and not an expansion of the device.
- (XVIII) *Window signs.* Any signs, pictures, symbols or combination thereof that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window shall not exceed twenty (20%) percent of the window area.

5.8.7 Standards Applicable to All Signs

- (F) **Materials.** Exterior signs shall be made of durable, weather-resistant materials and permanently affixed to the ground except for the following:
- (I) Temporary signs meeting the requirements elsewhere in this article;
 - (II) Real estate signs;
 - (III) Window signs;
 - (IV) Yard sale signs, political and election signs.
- (G) **Location:**
- (I) **General Rule:** Signs must be located entirely on private property and must be collocated with the use, service, product, or activity being advertised.
 - (II) **Sight triangle.**
 - (1) No sign shall constitute a hazard to traffic, as determined by the Director of Community Director or City Engineer, including, but not limited, to signs located within the sight triangle of an intersection.
 - (2) The sight triangle is defined by a triangular area formed by a diagonal line connecting two points on intersecting street rights-of-way, measured 25' along each right-of-way starting at the intersection point.
 - (3) No signs or structures between 30" and 60" in height will be allowed within the sight triangle.

(III) **Off-Premise Signs:**

- (1) Off-premise signs are generally prohibited.
- (2) Off-premise signs may be permitted under one of the following circumstances:
 - (a) **Common Signage Plan:** The sign is approved as part of a Common Signage Plan approved under Section 5.8.8 of this Code.
 - (b) **Board of Adjustments Approval:** The sign is approved by the Board of Adjustments upon a determination that:
 - (i) The sign complies with the purpose and intent of the city's sign regulations.
 - (ii) Specific conditions or characteristics of the property make it particularly impractical to locate the sign on the same property as the use, service, product, or activity being advertised.
- (3) **Proximity Requirement:** In all cases, the sign must be located as close as reasonably possible to the property associated with the use, service, product, or activity being advertised, and under no circumstances may it be placed farther away than necessary to achieve compliance. Compliance with these requirements will be determined by the Board of Adjustments as part of its review.

(H) **Changeable and Digital Copy:**

- (I) Signs with changeable or digital copy must be on the same sign with fixed copy.
- (II) Changeable or digital copy is allowed in all zones but shall not exceed 100% of the area of the fixed copy.
- (III) Changeable or digital copy, but not both, are permitted on any sign with fixed copy except in Neighborhood Placetypes, but the area of the changeable or digital copy shall not exceed 50% of the area of fixed copy.
- (IV) Digital copy shall meet the following criteria:
 - (1) Each image must remain static for a minimum of 8 seconds.
 - (2) Transitions between images must happen instantaneously, without flashing, animation, or movement of any kind.
 - (3) Backgrounds may change only with the image.
 - (4) Must be equipped with automatic dimming technology.

(I) **Sign Illumination:**

- (I) Internal illumination is limited to window and wall signs within storefronts and individually illuminated characters in other sign types.
- (II) Neon is only permitted for window signs and marquee signs.
- (III) Light sources must be mounted, shielded, and pointed toward the sign face to eliminate uplighting and glare on adjacent rights-of-way and properties.

(J) **Sign Placement:**

- (I) Signs shall not overlap windows, ingress or egress, or within 2 feet of the top of the wall if it is a wall mounted sign.
- (II) A minimum of 8 feet of clearance shall be provided over all pedestrian ways.
- (III) A minimum of 13 feet of clearance shall be provided over all vehicular use areas.
- (IV)

5.8.8 Common Signage Plan Required for New Development

(A) **Purpose and Applicability**

- (I) Any development request for a commercial subdivision, mixed-use development, or any other project that includes multiple businesses must submit a Common Signage Plan (CSP) at the time of the development request.
 - (II) The CSP becomes permanently binding on the property until properly amended or superseded by City Ordinance.
 - (III) The CSP may allow applicants to propose signage that deviates from specific requirements of this sign code while adhering to its overall purpose and intent.
- (B) Standards for a Common Signage Plan**
- (I) General Compliance:** The CSP must generally follow size, placement, and other standards based on the placetype within which the development is located.
 - (1) **Flexibility:** The CSP may include:
 - (a) Multi-tenant signs.
 - (b) Individual tenant signs.
 - (c) Coordinated or unified signage design across the development.
 - (2) **Consistency with Purpose and Intent:** Any deviations from the strict standards contained within this sign code must still meet the purpose and intent of the sign code, ensuring the signage is appropriate in scale, design, and impact for the development and surrounding area.
- (C) Review and Approval Process**
- (I) Administrative Review.**
 - (1) If the CSP is fully compliant with the sign code, it is subject to the same level of approval as the rest of the development request.
 - (2) This review is typically conducted administratively by the Development Working Group.
 - (II) Planning Commission Review:**
 - (1) If the CSP deviates from the sign code but is still consistent with its overall purpose and intent, it must be submitted to the Board of Adjustments for approval.
 - (2) CSP review by the Planning Commission shall require a public hearing with proper notice as defined elsewhere in this UDC.
 - (3) The Board of Adjustments must evaluate the CSP based on its adherence to the sign code and the purpose and intent of the sign code. The Board of Adjustments shall review the following conditions when considering an adjustment from this code:
 - (a) Compatibility with the development and surrounding area.
 - (b) Consistency with the intended character of the placetype.
 - (c) Minimization of visual clutter and maximization of readability and aesthetic appeal.
- (D) Relationship to Special Sign Permits**
- (I) The CSP process does not replace the special sign permitting process for signs that substantially deviate from the sign code.
 - (II) Any sign proposed as part of the CSP that does not comply with the sign code and is not justified under the CSP's flexibility must go through the special sign permitting process as outlined in this section.
- (E) Required Components of a Common Signage Plan**
- (I) The CSP must include the following:

- (1) A scaled site plan showing the location of all proposed signs within the development.
 - (2) Elevation drawings and design details for each proposed sign, including dimensions, materials, and illumination methods.
 - (3) A written narrative explaining how the CSP meets the purpose and intent of the sign code and aligns with the character of the placetype.
- (F) Authority and Function of the Common Signage Plan**
- (I) Binding Authority:**
 - (1) Upon approval, the Common Signage Plan (CSP) establishes the authoritative framework for all signage within the associated development site.
 - (2) The CSP remains in effect until it is either formally amended by the landowner through the standard approval processes outlined in this section or superseded by a future ordinance.
 - (II) Application of Sign Permits:**
 - (1) All sign permit applications for signage within the site covered by the CSP must include a copy of the approved CSP.
 - (2) Signage within the development must comply with the approved CSP unless explicitly authorized through an amendment or a special sign permit process.

5.8.9 Special Sign Program

- (A) Purpose and Applicability**
 - (I) The Special Sign Program is intended to encourage creativity, support placemaking, and recognize exceptional architectural or design quality in signage that contributes positively to the community. It also provides a pathway for otherwise noncompliant signs to achieve compliance when demonstrating community value.
 - (II)
- (B) Approval Process.** The approval process begins with a sign permit application as follows:
 - (I) Applicants must provide detailed drawings and supporting documentation demonstrating the sign's value in terms of placemaking, design quality, or community benefit.
 - (II) A public hearing will be required at the Planning Commission, where the applicant must establish their case for approval.
 - (III) The Planning Commission will review the application and recommend approval to the City Council, deny the request, or ask the applicant to resubmit with changes.
 - (IV) Signs subject to Historic District Commission review must also receive a Certificate of Appropriateness.
 - (V) The City Council will make the final decision to approve or deny the request. Upon approval by the City Council, the City Planner shall issue and record a Sign Permit with the full design package attached.
- (C) Evaluation Criteria**
 - (I) The sign must meet at least one but ideally each of the following criteria:
 - (1) Demonstrate exceptional architectural or design quality;
 - (2) Contribute to the creation of a distinct sense of place or community identity;
 - (3) Serve as a lasting monument or landmark;

- (4) Provide clear benefits to the community, such as enhancing the aesthetic environment or historical significance; OR be an existing and otherwise nonconforming sign of either historical significance, or otherwise consistent with the requirements of the Special Sign Program
- (5)
- (II) Content of the sign will not be considered unless it includes obscene or otherwise prohibited content as defined in Section 5.8.4(B).
- (D) **Responsibilities**
 - (I) Applications must include:
 - (1) Scaled site plans showing the sign's location.
 - (2) Detailed design drawings, including dimensions, materials, and any proposed illumination.
 - (3) A written narrative explaining the sign's community value and alignment with program criteria.

5.8.10 Sign Permit Process and Approval

- (A) **Applicability**
 - (I) All signs, whether permanent or temporary, require a sign permit issued by the Planning Department unless explicitly exempt under this section. A separate building/construction permit from the Risk Reduction Department is required to construct the sign once the sign has been approved and a permit has been issued by the Planning Department under this Code. A construction permit shall not be issued prior to the sign permit. Both permits may be applied for simultaneously; however, construction cannot begin until both permits are issued.
 - (II) A sign permit certifies that the structure, form, and placement of a sign comply with all applicable zoning and building code requirements.
 - (III) A sign permit is permanent and remains valid as long as the structure, form, and placement of the sign are not altered; or the issued permit is revoked or superseded for just cause.
 - (IV) Changes to the text, including digital messaging, or changes in ownership of a sign, do not require a new permit, provided there are no alterations to the structure, form, or placement of the sign.
- (B) **Application Requirements**

To apply for a sign permit, the applicant must submit the following:

 - (I) **Sign Permit Application:** A completed application form provided by the Planning Department.
 - (II) **Fee:** Payment of the applicable fee as adopted by the City Council.
 - (III) **Scaled Drawings:** A scaled drawing of the sign that includes:
 - (1) Height, area, and dimensions.
 - (2) Design and content details.
 - (3) Dimensions and specifications for supports or fixtures used to attach the sign.
 - (IV) **Site Plan:** A scaled site plan showing:
 - (1) The location of the sign on the property or building.
 - (2) Street, trail, sidewalk and all other right-of-way and property lines.
 - (3) For wall signs, dimensions of the building face.

(V) Materials List: A detailed list of materials used in the sign's construction.

(C) Review and Approval Process

(I) Permit Review:

- (1) The Planning Department will review the Sign Permit application to ensure compliance with all sign, zoning, and engineering requirements as found within this Unified Development Code.
- (2) The Risk Reduction Department will review the application to ensure compliance with electrical, ICC Building Code, and related standards.
- (3) Upon approval, the applicant will receive a sign permit and applicable building permit(s) to erect or install the sign.

(II) Inspection:

- (1) Applicants must request an inspection upon installation of permanent signs to confirm compliance with the approved permit. The sign permit-driven inspection shall be scheduled at the time the applicant schedules their inspection with Risk Reduction to close out the building permit.

(D) Permit Expiration and Extensions

- (I) **Expiration:** A sign permit is valid for six months. If the sign installation is not completed within this timeframe or the sign is not in conformance with the approved application, the permit becomes null and void.
- (II) **Extensions:** The City Planner may grant one (1) 30-day extension to the permit upon request; however, this request must be submitted and approved prior to the expiration of the sign permit.

(E) Temporary Signs

- (I) Temporary sign permits are allowed as permitted in this code.
- (II) Permits are valid for up to ten business days, with a one-time (1) extension of an additional ten (10) business days upon approval by the City Planner.

(F) Minor Alterations and Revocation of Permits

- (I) **Minor Alterations:** Minor adjustments to sign location due to unexpected on-site conditions may be reviewed and approved by the City Planner or their designee.
- (II) **Revocation:** The City Planner or their designee may revoke a sign permit if the sign is found to violate this section.

(G) Interpretation of Sign Regulations

(I) Measurement Standards.

- (1) **Street Frontage:** Each street frontage is measured separately along the property lines.
- (2) **Maximum Area:** The maximum area refers to one side of the sign.
- (3) **Measurable Area:** The measurable area is the total area within the outer boundaries of the sign, typically a rectangular shape.
- (4) **Maximum Height:** Sign height is measured from the point of ground attachment to the highest point on the sign or structure.

- (II) **Appeal of Interpretation:** Administrative interpretations of sign regulations may be appealed to the Board of Adjustment.

5.8.11 Allowable Forms for Permanent Signs

- (A) This section provides a comprehensive list of all sign types allowed under standard permitting. The City Planner has the authority to interpret whether a proposed sign fits within one of these defined categories. Applicants are encouraged to consult with the Planner before submitting a permit application if they have any uncertainty. Decisions by the Planner may be appealed to the Board of Adjustments. Sign types not covered here may be considered through the Special Sign Program. All quantities and dimensions are maximum allowed unless otherwise noted.
- (B) **General Categories.** Permanent signs are categorized based on their relationship to structures and the ground. The two primary categories are:
- (I) **Freestanding Signs** – Signs that are independent structures, mounted on or anchored to the ground.
 - (II) **Wall-Mounted Signs** – Signs that are affixed to or integrated into a building or structure.
- (C) **Freestanding Signs:** Freestanding signs are designed to provide visibility independent of any building or structure, while wall-mounted signs are attached to or integrated with the architecture of a building, emphasizing their reliance on the structure for support and placement. The following forms are permitted, depending on the Placetype within which the proposed sign will be placed:
- (I) **General Spacing Requirement.** No **Monument**, **Pole**, or **Directory** sign may be installed within 125 feet of another Monument, Pole, or Directory sign along the same street. Signs should always be located in such a way they do not interfere with lines of sight to other existing signs, or interfere with drivers' abilities to see public signs, or otherwise create a hazard, e.g., block the view for motorists entering or existing driveways, etc. **Post-and-Arm** signs may be placed at a rate of one per address regardless of clearance from other signs provided they do not present a line-of-sight hazard.
 - (II) **Monument Signs.** Ground-mounted signs designed with a solid and unified base, often incorporating materials like stone, brick, or concrete to match the surrounding environment. The sign surface is typically integrated into the base for stability and aesthetic consistency.

Quantity	One per address
Area (square feet)	48
Height (feet)	6

- (III) **Pole signs.** Freestanding signs supported by one or more vertical poles and proportional to the surrounding context by considering factors such as the size of the property, nearby structures, and pedestrian visibility. The design often includes decorative pole covers or skirts to enhance visual appeal and ensure compatibility with the surroundings.

Quantity	One per address
Area (square feet)	48
Height (feet)	24

- (IV) **Pylon Signs.** Tall freestanding signs supported by poles or columns, intended for visibility from highways. These signs often incorporate robust structural elements and may include lighting or electronic components for enhanced visibility. Pylon Signs shall only be located on lots adjacent to I-49. Pylon Signs must be located between the structure closest to the Interstate, and may be no closer than 5 feet from the property line adjacent to the Interstate.

Quantity	One per address
Area (square feet)	120
Height (feet, minimum)	35
Height (feet, maximum)	70

- (V) **Directory Signs.** Multi-tenant signs displaying the names and locations of businesses or facilities within a single complex. These signs often feature modular panels for easy updates and are designed with clear, legible typography to prioritize readability. Directory Signs are only allowed as part of a Common Signage Plan.

Quantity	One per street frontage
Area (square feet)	20 plus (5 times number of tenants, up to 12 per sign)
Height (feet)	12 if Monument, 30 if Pole

- (VI) **Wayfinding Signs.** Freestanding directional signs guiding pedestrians or drivers within developments or public spaces. The design prioritizes simplicity and clarity, using contrasting colors and minimal text to reduce visual clutter. Wayfinding signs are only allowed as part of a Common Signage Plan.

Quantity	One per internal intersection, crossing, etc.
Area (square feet)	6
Height (feet)	5

- (VII) **Post-and-Arm Signs.** Simple, ground-mounted signs supported by a single or double post. These signs are typically designed with decorative posts or finials to enhance their aesthetic appeal, making them suitable for small-scale businesses or residential applications.

Quantity	One per address
Area (square feet)	4
Height (feet)	7

- (D) **Wall-Mounted Signs.** Wall-mounted signs are attached to or integrated with the architecture of a building or structure, meaning they align with or complement the building's design elements, such as using similar materials, colors, or dimensions to maintain architectural harmony. These signs contribute to the aesthetic and functional relationship between the building and its surroundings. The following forms are permitted:

- (I) **Wall Signs.** Flat signs mounted parallel to the exterior wall of a building, typically above windows or doorways. These signs are designed to align with architectural features, such as trim or cornices, and may include dimensional elements or lighting to enhance visibility.

Quantity	One per tenant
Area (square feet)	30
Projection (inches)	10

- (II) **Projecting Signs.** Signs that extend perpendicularly from a building's façade, designed for visibility to pedestrians. These signs often incorporate brackets or hardware that reflect the architectural style of the building and ensure secure mounting.

Quantity	One per address
Area (square feet)	5 plus 10 square feet per story of the building, 60 max.
Projection (feet)	6, but not beyond the middle of the sidewalk

- (III) **Blade Signs.** A subset of projecting signs, smaller in size and decorative, intended to provide identity and wayfinding in pedestrian-oriented areas. Blade signs may only be mounted on ground floors but may advertise businesses located above the ground floor if placed adjacent to a stairwell entrance, external door. These signs often feature intricate designs or materials like wood or metal to complement their surroundings.

Quantity	One per address
Area (square feet)	4
Height (feet)	8 minimum ground clearance

- (IV) **Awning (Canopy) Signs.** Signs printed on or attached to awnings or canopies. Text or graphics must fit within the architectural frame of the awning or canopy, and the design should align with the overall aesthetic of the building while maintaining visibility. Awnings may extend the entire façade of the building.

Quantity	As required, but may only be placed on ground floor
Projection (feet)	4 minimum
Valence height (feet)	1

- (V) **Façade-Integrated Signs.** Signs that are custom designed to blend with the building's architecture, including dimensional lettering, inlays, or embedded lighting. These signs often incorporate high-quality materials and precise detailing to enhance the building's overall design.

Quantity	One per street frontage
Area (square feet)	30

5.8.12 Sign Standards by Placetype

- (A) This section only applies to signs requiring a sign permit. Any sign that is allowed without a permit is allowed in every place type.
- (B) To determine what signage is allowed at any given site, first determine the Placetype for the site based on the Zoning Map. The FLUM may be considered when determining place type and an applicant may use either to determine the place type in which to make a sign application. If you are developing a signage plan involving multiple commercial entities, refer to Section 5.8.8 for Common Signage Plan requirements and standards. Any sign being added to a site with a current approved Common Signage Plan must adhere to that plan, which supersedes this section. If you seek a permit for a sign form that is not listed in Section 5.8.11, refer to Section 5.8.9, Special Sign Program. Requests for Variances from the Sign Code are found at Section XXXX.
- (C) Below are the sign standards by placetype.

		Wall	Projecting	Blade	Awning	Façade	Monument	Pole	Pylon	Directory	Wayfinding	Post and Arm
Neighborhood	U-NH	X		X	X	X						X
City Centers	DT-CC	X	X	X	X	X						
	SW-CC	X	X	X	X	X	X			X	X	
Regional Centers	MT-CC	X	X	X	X	X	X	X		X	X	X
	UT-RC	X	X	X	X	X				X	X	
	NW-RC	X	X	X	X	X	X			X	X	
	PG-RC	X	X	X	X	X	X	X		X	X	X
Corridors	C-CO	X	X	X	X	X	X	X		X	X	X
	R-CO	X	X	X	X	X	X	X		X	X	X
	H-CO	X	X	X	X	X	X	X		X	X	X
I&T	IAT	X	X	X	X	X	X	X		X	X	X

A.8.13 Enforcement

- (I)
- (B) Nonconforming and non-permitted Signs
- (I) Illegal signs shall be immediately removed by the responsible party upon notice. If the responsible party fails to remove the sign within seven (7) days after the notice has been sent, the City shall remove the sign at the expense of the responsible party.
- (II) If the City removes the non-conforming sign, it may be confiscated or discarded. The decision to confiscate or dispose of the sign shall be made by the City at the time of its removal. Confiscated signs will only be held for 14 days before disposal.
- (C) **Hazardous Signs**
- (I) Signs posing immediate safety hazards, such as obstructing visibility, will be removed immediately and without notice to the responsible party.
- (II) The responsible party bears the cost of any emergency actions the City has not take in removal of the hazardous sign.