



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

PLANNING COMMISSION MEETING AGENDA
JULY 6, 2021
5:00 PM

AGENDA

CALL TO ORDER:

ROLL CALL:

ACTION ON MINUTES:

1. June 15, 2021

REPORTS FROM STAFF:

REPORTS OF BOARDS AND STANDING COMMITTEES:

1. PLANS & POLICIES COMMITTEE - No Meeting
2. DEVELOPMENT REVIEW COMMITTEE- 4:30 PM City Hall Community Room
 1. Waiver: Superior Storage

CONSENT AGENDA:

OLD BUSINESS:

PUBLIC HEARING:

1. RZN: Whisinvest Realty, LLC
A request to rezone 24.85 ± acres at 4301 S. JB Hunt Dr. from the C-2;PUD(Highway Commercial; Overlay; Planned Unit Development) zoning district to the U-COM(Uptown Commercial Mixed Use) zoning district.
 - STAFF: Amber Long
 - REPRESENTED BY: Burke Larkin



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2. RZN: 326 GWD Development, LLC
A request to rezone 0.61 ± acres at 326 E. Glenwood Ave. from the R-DP(Residential Duplex and Patio Home) zoning district to the NBT(Neighborhood Transition) zoning district.
- STAFF: Amber Long
- REPRESENTED BY: Hannah Cicioni
3. RZN: Levi McNeil
A request to rezone 0.64 ± acres at 1801 W. Oak St. from the R-SF(Residential Single Family) zoning district to the C-3(Neighborhood Commercial) zoning district.
- STAFF: Amber Long
- REPRESENTED BY: Levi McNeil
4. RZN: Greg and Beth Allen
A request to rezone 2.24 ± acres at 5865 S. 45th St. from the A-1(Agricultural) zoning district to the R-SF(Residential Single Family) zoning district.
- STAFF: Amber Long
- REPRESENTED BY: Daniel Ellis
5. RZN: Connex Real Estate
A request to rezone 0.22 ± acres between S. 27th St. and Interstate 49 from the A-1(Agricultural) zoning district to the C-2(Highway Commercial; Overlay) zoning district.
- STAFF: Amber Long
- REPRESENTED BY: Daniel Ellis
6. CUP: Strasters Mixed Use
A request for a Conditional Use Permit to allow the uses "Multifamily Residential" and "Offices for Business, Professional, Administrative, and Technical Services" at 208 W. Sycamore St. in the NBT(Neighborhood Transition) zoning district.
- STAFF: Ethan Hunter
- REPRESENTED BY: Daniel Ellis

NEW BUSINESS:

1. WAIVER: Superior Storage
A request to waive a portion of the requirements from Section 14-604(c) Connectivity Standards at 2600 S. 8th St.
- STAFF: Kristifier Paxton
- REPRESENTED BY: Bill Watkins

ADJOURN:



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

MEETING DATE
JULY 6, 2021

TO: PLANNING COMMISSION

RE: **STAFF SUMMARY REPORT**
REZONE – WHINIVEST REALTY, LLC

STAFF: AMBER LONG, PLANNER II

REQUEST DETAILS

ADDRESS/PARCEL:	4301 S JB Hunt Dr / 02-23555-001 & 02-23555-000
TOTAL AREA TO BE REZONED:	± 24.85 acres
CURRENT ZONING:	C-2 (Highway Commercial), Planned Unit Development (PUD), Overlay
PROPOSED ZONING:	U-COM (Uptown Commercial Mixed Use)
APPLICANT/REPRESENTATIVE:	Burke Larkin, Whinivest Realty LLC
PROJECT OWNER/DEVELOPER:	N/A
PROPERTY OWNER:	The District Lot 10, LLC / PWX, LLC
NATURE OF REQUEST:	Approval of Rezone
AUTHORITY:	Sec. 14-727, Rogers Code of Ordinances

SUMMARY

This request is consistent with the Comprehensive Growth Map. U-COM is an allowed zoning district within the Regional Center Growth Designation, and the subject property is intended for U-COM zoning per the Uptown Regional Center Zoning Plan.

Community Development recommends **approval** of this request.

STAFF REVIEW

1. COMPREHENSIVE GROWTH MAP:

- a) Growth Designation:
Regional Center.
- b) Growth Designation Character:
Mixed-use urban cores that function as regional activity hubs for commerce, arts and entertainment, living, recreation, and retail. Intensity supported by well-connected, high-capacity, pedestrian-oriented street network. Goals include high-quality design and efficient use of land (CGM Page 1).
- c) Base Density:
N/A.
- d) Max Density:
N/A.
- e) Allowed Zoning Districts:
COR, COM, IA, NBT, U-COR, U-COM, U-ENT, U-NBT.

2. ZONING:

- a) U-COM (Uptown Commercial Mixed Use):
The purpose and intent of the NBT zoning district is “to allow relatively dense, pedestrian-friendly, primarily commercial mixed-use development that retains many of the characteristics of the U-COR zone while allowing more flexibility with respect to building disposition, single-use form, off-street parking options, and increased setbacks. U-COM attains increased density over traditional, single-use (strip mall or office park) form through shared parking and maximum parking requirements, shared access, maximum setbacks, pedestrian connectivity between adjacent properties, the use of boulevards, and public spaces.” (Sec. 14-732(1.1)(a)(ii)).
- b) General Findings:
The subject location, which includes two undeveloped parcels, is zoned C2-PUD in the Regional Center Growth Designation. These parcels are immediately adjacent to RO-PUD zoning to the south and new U-NBT/U-COM zoning to the east. Surrounding zoning within the Regional Center includes C2-PUD, U-COM, C-2, and U-ENT. The subject area is bordered by the Blossom Way Creek and connects to the Razorback Regional Greenway located along the east side of parcel 02-23555-000. Per the Uptown Regional Center Zoning Plan, the subject property is intended for U-COM zoning. Staff finds this to be an appropriate request due to its consistency with the CGM and the current neighborhood characteristics.

3. RECOMMENDATIONS:

- a) **Approve** request.

DIRECTOR'S COMMENTS

- 1. Agree with recommendations.



JOHN C. MCCURDY, Director
Community Development

SUGGESTED MOTIONS

1. *IF APPROVING AS PRESENTED:*
Move to recommend City Council approval as presented.
2. *IF APPROVING SUBJECT TO OTHER ACTIONS:*
Move to recommend City Council approval subject to [conditions or contingencies].
3. *IF DENYING:*
Move to deny the request.
4. *IF TABLING:*
Move to table the request.

TABS

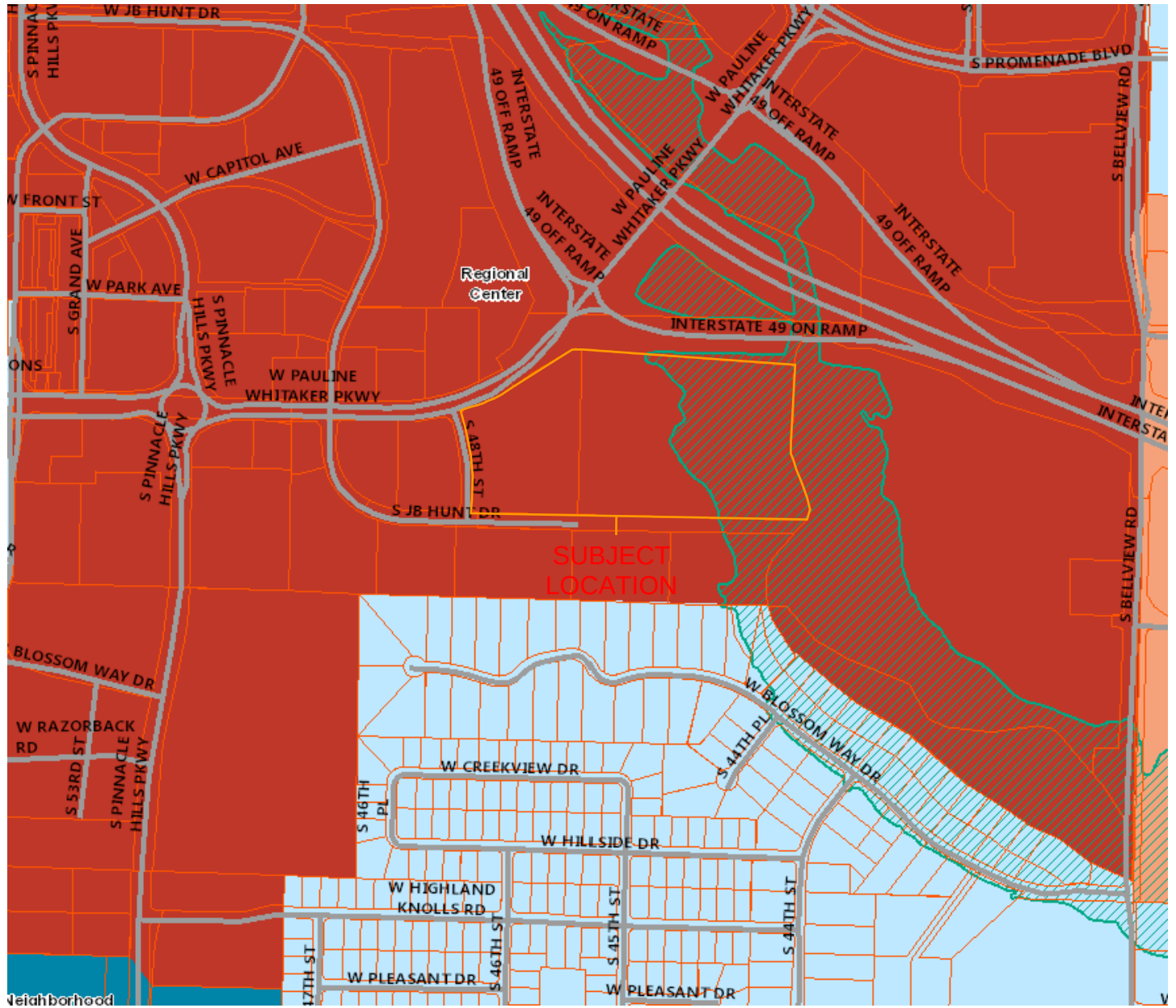
1. Vicinity maps (aerial, CGM, zoning)
2. Rezone application with required supplements

TAB 1

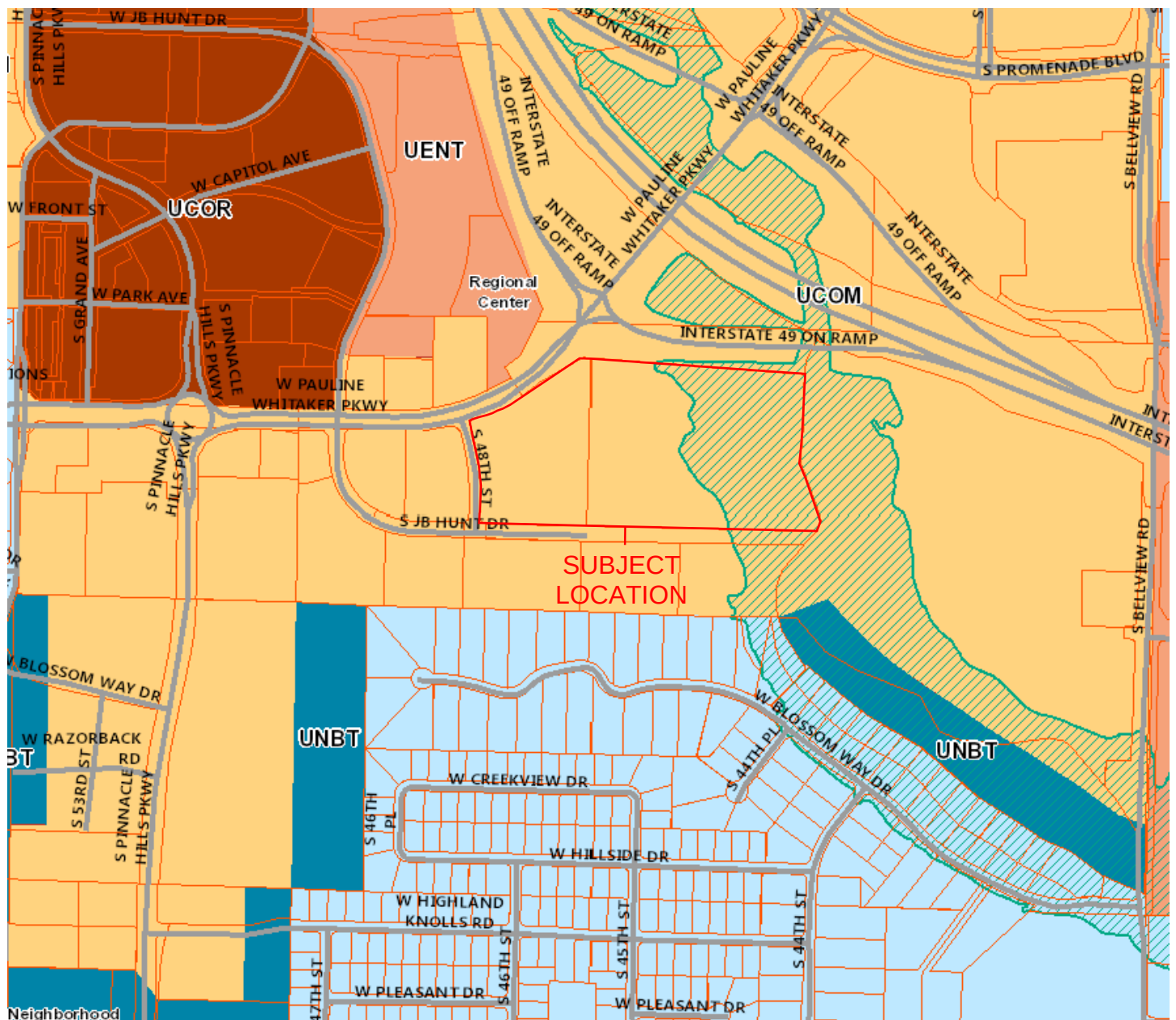
AERIAL VICINITY MAP



CGM VICINITY MAP



UPTOWN REGIONAL CENTER VICINITY MAP



ZONING VICINITY MAP





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: _____ (\$200)
Zoning: _____ to _____
Permit Number: _____
CityView Application: _____
Date: _____

REZONE APPLICATION

APPLICANT: The District Lot 10, LLC

ADDRESS: 1400 Kirk Road, Suite 110, Little Rock, AR 72223 SUITE #: _____

GENERAL LOCATION OF PROPERTY: 4301 South JB Hunt Drive

PHONE #: 479-640-9588 EMAIL: Burke@whisinvest.com

With copy to: Jeff@whisinvest.com

PROPERTY OWNER: The District Lot 10, LLC PHONE #: 479-640-9588

PRESENT USE: Undeveloped ZONING: C-2

PROPOSED USE: Commercial Mixed use ZONING: U-com

Seaborn & Lee
Applicant Signature

4/12/21
Date

Attachment Checklist:

- ☐ Legal description of 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, The District Lot 10, LLC, petitions the Planning Commission of the City of Rogers, Arkansas to rezone certain real property as set forth herein:

LEGAL DESCRIPTION: See attached

LAYMAN'S DESCRIPTION: 4301 S JB Hunt Drive
South of Pawline Whitaker Pkwy
East of 48th Street
PRESENT ZONING: C-2 North of SJB Hunt Drive

ZONING REQUEST: U-com

Respectfully Submitted,
The District Lot 10, LLC
By: DWX, LLC, Sole Member
By: Seaborn & Bell
(Property Owner Signature)

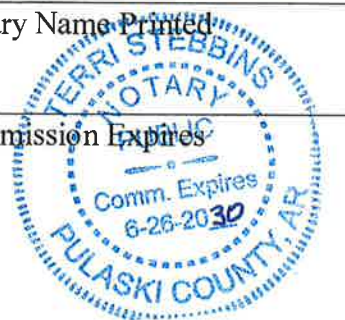
STATE OF ARKANSAS
COUNTY OF Pulaski

Subscribed and sworn before me this the 12 day of April, 20 21.

Terri Stebbins
Notary Signature

Terri Stebbins
Notary Name Printed

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 12 day of April, 2021.

The District Lot 10, LLC

By: PWX, LLC, Sole Member

Signed

By: Seaborn J. Bell
Name Printed Seaborn J. Bell, Manager

STATE OF ARKANSAS

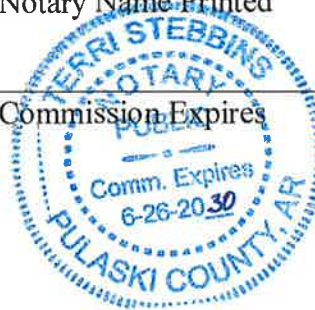
COUNTY OF Pulaski

Subscribed and sworn before me this the 12 day of April, 2021.

Terri Stebbins
Notary Signature

Terri Stebbins
Notary Name Printed

Commission Expires



LEGAL DESCRIPTION:

Lot 10A, The District P.U.D., Phase 2C, as filed for record at Plat #L201843973, City of Rogers, Benton County, Arkansas



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: _____ (\$200)
Zoning: _____ to _____
Permit Number: _____
CityView Application: _____
Date: _____

REZONE APPLICATION

APPLICANT: PWx, LLC
ADDRESS: 1400 Kirk Road, Suite 110 SUITE #: _____
Little Rock, AR 72223
GENERAL LOCATION OF PROPERTY: South of Pauline Whitaker Pkwy; East of 48th Street
North of SJB Hunt Drive
PHONE #: 479-640-9588 EMAIL: Burke@whisinvest.com
With copy to: Jeff@whisinvest.com
PROPERTY OWNER: PWx, LLC PHONE #: 479-640-9588
PRESENT USE: Undeveloped ZONING: C-2
PROPOSED USE: Commercial Mixed Use ZONING: U-com
PWx, LLC
By: Seaborn J. Bell 4/12/21
Applicant Signature Seaborn J. Bell, Manager Date

Attachment Checklist:

- ☐ Legal description of 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, PWX, LLC, petitions the Planning Commission of the City of Rogers, Arkansas to rezone certain real property as set forth herein:

LEGAL DESCRIPTION: See attached

LAYMAN'S DESCRIPTION: South of Pauline Whitaker Pkwy
East of 48th Street
North of SJB Hunt drive

PRESENT ZONING: C-2

ZONING REQUEST: U-com

Respectfully Submitted,

PWX, LLC

By: Seaborn Bell
(Property Owner Signature)

STATE OF ARKANSAS
COUNTY OF Pulaski

Subscribed and sworn before me this the 17 day of April, 2021.

Terri Stebbins
Notary Signature

Terri Stebbins
Notary Name Printed



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 12 day of April, 2021.

PWX, LLC

By: Seaborn J. Bell
Signed

Seaborn J. Bell, Manager
Name Printed

STATE OF ARKANSAS

COUNTY OF Pulaski

Subscribed and sworn before me this the 12 day of April, 2021.

Terr Stebbins
Notary Signature

Terr Stebbins
Notary Name Printed

Commission Expires



LEGAL DESCRIPTION:

Lot 10B, The District P.U.D., Phase 2C, as filed for record at Plat #L201843973, City of Rogers, Benton County, Arkansas



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

MEETING DATE
JULY 6, 2021

TO: PLANNING COMMISSION

RE: **STAFF SUMMARY REPORT**
REZONE – 326 GWD DEVELOPMENT, LLC

STAFF: AMBER LONG, PLANNER II

REQUEST DETAILS

ADDRESS/PARCEL:	326 E. Glenwood Ave / 02-07181-000
TOTAL AREA TO BE REZONED:	± 0.61 acres
CURRENT ZONING:	R-DP (Residential Duplex and Patio Homes)
PROPOSED ZONING:	NBT (Neighborhood Transition)
APPLICANT/REPRESENTATIVE:	Hannah Cicioni
PROJECT OWNER/DEVELOPER:	N/A
PROPERTY OWNER:	326 GWD Development, LLC
NATURE OF REQUEST:	Approval of Rezone
AUTHORITY:	Sec. 14-727, Rogers Code of Ordinances

SUMMARY

This request is consistent with the Comprehensive Growth Map. NBT is an allowed zoning district within the Regional Center Growth Designation. Per the Downtown Regional Zoning Plan, amended through Ordinance No. 21-42 on May 4, 2021, the subject property is intended for NBT zoning.

Community Development recommends **approval** of this request.

STAFF REVIEW

1. COMPREHENSIVE GROWTH MAP:

- a) Growth Designation:
Regional Center.
- b) Growth Designation Character:
Mixed-use urban cores that function as regional activity hubs for commerce, arts and entertainment, living, recreation, and retail. Intensity supported by well-connected, high-capacity, pedestrian-oriented street network. Goals include high-quality design and efficient use of land (CGM Page 1).
- c) Base Density:
N/A.
- d) Max Density:
N/A.
- e) Allowed Zoning Districts:
COR, COM, IA, NBT, U-COR, U-COM, U-ENT, U-NBT.

2. ZONING:

- a) NBT (Neighborhood Transition)
The purpose and intent of the NBT zoning district is “to support appropriate transition between existing residential neighborhoods and open space and the more active commercial and urban residential areas. The intent is to support the character of the neighborhoods around downtown,” (Sec. 14-715(1.1)(a)(iv)).
- b) General Findings:
The subject property, which currently has a residential use, is zoned R-DP in the Regional Center Growth Designation. The property is mostly surrounded by R-DP zoning, with undeveloped C-2 and developed I-1 zoning located along S Monte Ne Rd. and S Arkansas St, respectively. Per the Downtown Regional Zoning Plan, amended through Ordinance No. 21-42 on May 4, 2021, the subject property is intended for NBT. Staff finds this to be an appropriate request due to its consistency with the CGM and the current neighborhood characteristics.

3. RECOMMENDATIONS:

- a) **Approve** request.

DIRECTOR'S COMMENTS

- 1. Agree with recommendations.



JOHN C. MCCURDY, Director
Community Development

SUGGESTED MOTIONS

1. IF APPROVING AS PRESENTED:
Move to recommend City Council approval as presented.
2. IF APPROVING SUBJECT TO OTHER ACTIONS:
Move to recommend City Council approval subject to [conditions or contingencies].
3. IF DENYING:
Move to deny the request.
4. IF TABLING:
Move to table the request.

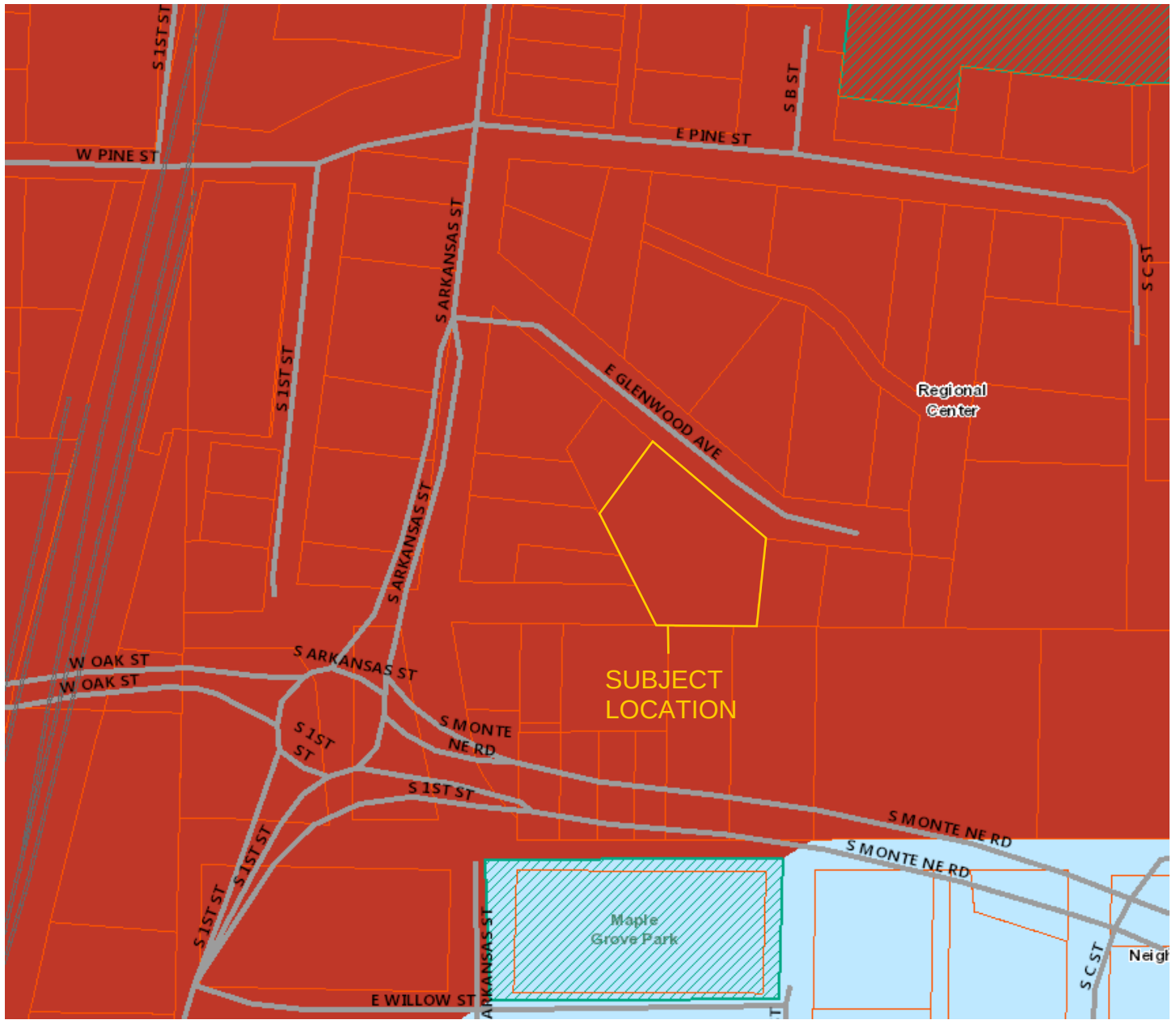
TABS

1. Vicinity maps (aerial, CGM, zoning)
2. Rezone application with required supplements

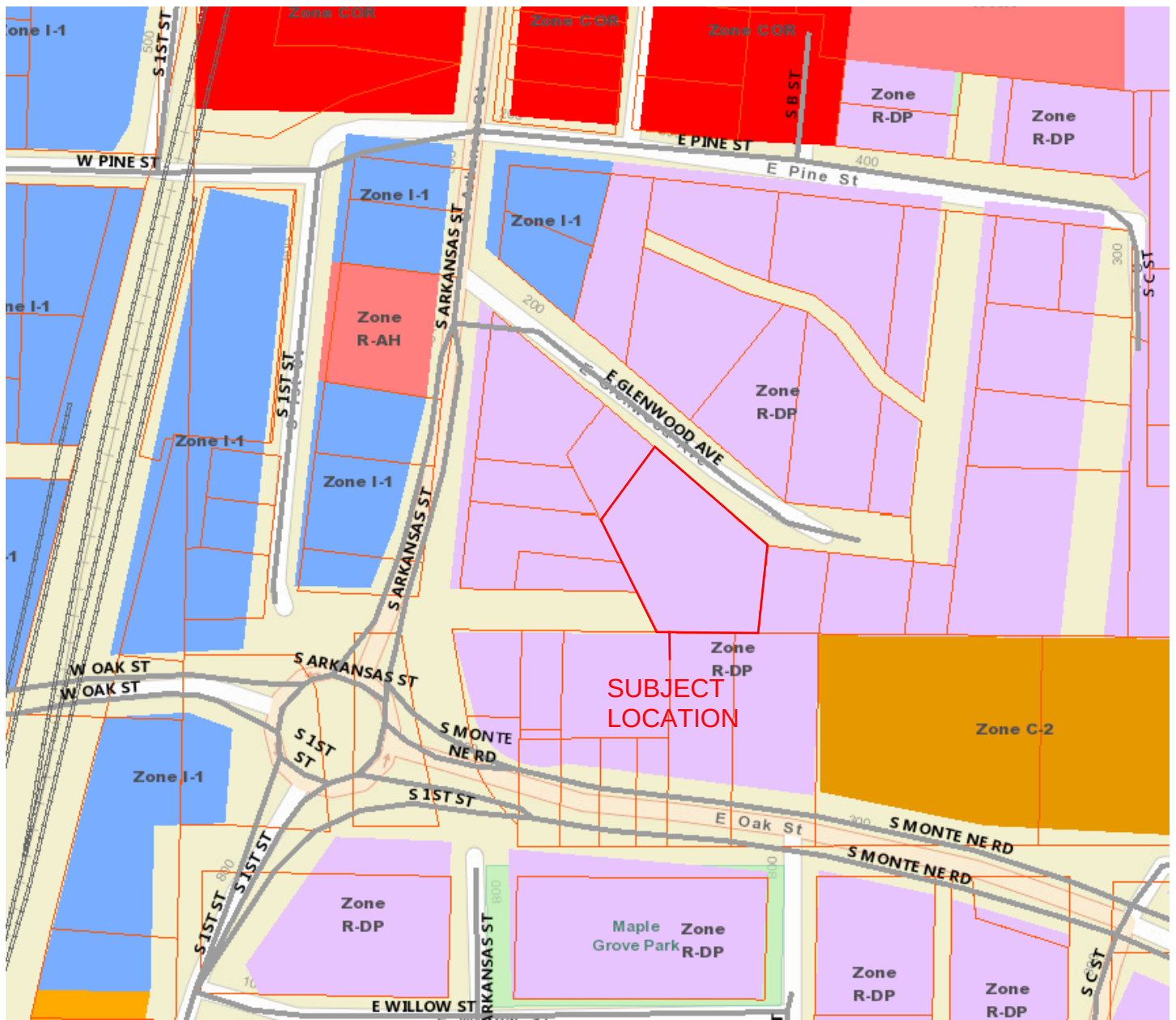
TAB 1

AERIAL VICINITY MAP





ZONING VICINITY MAP





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: \$200 (\$200)
Zoning: _____ to _____
Permit Number: _____
CityView Application: _____
Date: _____

REZONE APPLICATION

APPLICANT: 326 GWD Development, LLC
ADDRESS: 326 E Glenwood Ave, Rogers SUITE #: _____
GENERAL LOCATION OF PROPERTY: Downtown Rogers
PHONE #: (479) 270-4982 EMAIL: hcicioni@crdred.com
PROPERTY OWNER: Hannah Cicioni PHONE #: (479) 270-4982
PRESENT USE: Single Family Residential ZONING: R-DP
PROPOSED USE: Single Family Residential ZONING: NBT

[Signature]
Applicant Signature

June 14th, 2021
Date

Attachment Checklist:

- ☐ Legal description of 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, 326 GWD Development, LLC, petitions the Planning Commission of the City of Rogers, Arkansas to rezone certain real property as set forth herein:

LEGAL DESCRIPTION: Lots 5, 6 + 7 and the East half of Lot 8, Block 5, Robertson's Addition to the City of Rogers, Benton County, Arkansas as shown on Survey Record 2004 at Page 103.

LAYMAN'S DESCRIPTION: 326 E Glenwood Ave, Rogers, AR 72756

PRESENT ZONING: R-DP

ZONING REQUEST: NBT

Respectfully Submitted,

By: [Signature]
(Property Owner Signature)

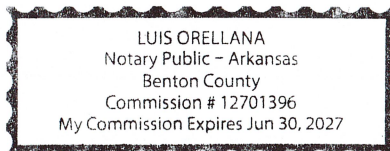
STATE OF ARKANSAS
COUNTY OF Benton

Subscribed and sworn before me this the 14th day of June, 2021.

[Signature]
Notary Signature

Luis Orellana
Notary Name Printed

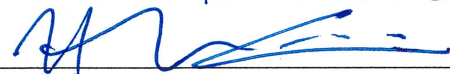
6-30-2027
Commission Expires



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 14th day of June, 2021.



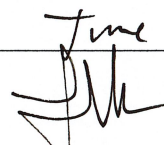
Signed

Hannah Cicconi
Name Printed

STATE OF ARKANSAS

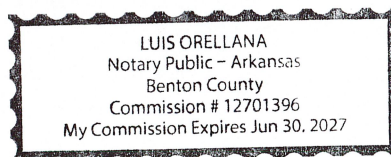
COUNTY OF Benton

Subscribed and sworn before me this the 14th day of June, 2021.


Notary Signature

Luis Orellana
Notary Name Printed

6-30-2027
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 14-725-730 of the Rogers City Code that 326 GWD Development, LLC is applying to the Rogers Planning Commission to rezone certain real property at 326 E Glenwood Ave, Rogers, Arkansas 72756. The property is more particularly described as follows:

LEGAL DESCRIPTION: LOTS 5,6 & 7 AND THE EAST HALF OF LOT 8, BLOCK 5, ROBERTSON'S ADDITION TO THE CITY OF ROGERS, BENTON COUNTY, ARKANSAS AS SHOWN ON SURVEY RECORD 2004 AT PAGE 103.

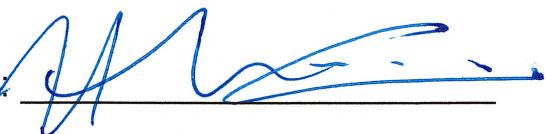
LAYMAN'S ZONING: 326 E GLENWOOD AVE, ROGERS, ARKANSAS 72756

PRESENT ZONING: R-DP

ZONING REQUEST: NBT

A public hearing by the Rogers Planning Commission will be held on _____, 20____ at 5:00pm in the City Council Chambers of the City Hall Building located at 301 W Chestnut St, Rogers, Arkansas.

Respectfully submitted,

By: _____



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

MEETING DATE
JULY 6, 2021

TO: PLANNING COMMISSION

RE: **STAFF SUMMARY REPORT**
REZONE – LEVI MCNEIL

STAFF: AMBER LONG, PLANNER II

REQUEST DETAILS

ADDRESS/PARCEL:	1801 W Oak St. / 02-05388-000
TOTAL AREA TO BE REZONED:	± 0.64 acres
CURRENT ZONING:	R-SF (Residential Single-Family)
PROPOSED ZONING:	C-3 (Neighborhood Commercial)
APPLICANT/REPRESENTATIVE:	Levi McNeil
PROJECT OWNER/DEVELOPER:	N/A
PROPERTY OWNER:	Vicki A.S. Marsh
NATURE OF REQUEST:	Approval of Rezone
AUTHORITY:	Sec. 14-727, Rogers Code of Ordinances

SUMMARY

This request is consistent with the Comprehensive Growth Map. C-3 is the only allowed zoning district within the Neighborhood Center Growth Designation and is appropriate at this location based on the surrounding zoning and development context.

Community Development recommends **approval** of this request.

STAFF REVIEW

1. COMPREHENSIVE GROWTH MAP:

- a) Growth Designation:
Neighborhood Center.
- b) Growth Designation Character:
Mixed-use centers located around intersections of arterial and collector streets. Polycentric pattern serves neighborhood populations within ½ mile radius of each center and supports efficient multi-modal transportation network. Goals include creating neighborhood character, conserving opportunity for non-residential activities, and providing accessibility to civic facilities, religious assembly, basic commercial services, and recreation (CGM Page 1).
- c) Base Density:
Determined by DCP.
- d) Max Density:
24 units/acre.
- e) Allowed Zoning Districts:
C-3.

2. ZONING:

- a) C-3 (Neighborhood Commercial)
The purpose and intent of the C-3 zoning district is for “areas designated as Neighborhood Centers on the city's Comprehensive Growth Map. The ideal application of this district is the development of a compact, mixed-use, neighborhood-oriented environment that transitions into lower density residential near Neighborhood Center boundaries. This district allows uses that provide essential goods and services to surrounding neighborhoods in a way that promotes placemaking and pedestrian accessibility. It is also intended to encourage medium-density residential development such as townhomes, bungalow courts, and other multi-unit or attached single-family housing types. Because the permitted non-residential uses are intended to be integral to the functions of a neighborhood, emphasis is placed on design and neighborhood compatibility,” (Sec. 14-710(a)).
- b) General Findings:
The subject location, which currently has a residential use, is zoned R-SF in the Neighborhood Center. The subject location is immediately adjacent to a Neighborhood Growth Designation. Surrounding zoning within the Neighborhood and Neighborhood Growth Designations includes R-SF and R-DP, with residential and religious assembly uses. Staff finds this request to be appropriate due to existing neighborhood characteristics and consistency with the CGM, as C-3 zoning is the only allowed zoning district within the Neighborhood Center.

3. RECOMMENDATIONS:

- a) **Approve** request.

DIRECTOR'S COMMENTS

- 1. Agree with recommendations.



JOHN C. MCCURDY, Director
Community Development

SUGGESTED MOTIONS

1. *IF APPROVING AS PRESENTED:*
Move to recommend City Council approval as presented.
2. *IF APPROVING SUBJECT TO OTHER ACTIONS:*
Move to recommend City Council approval subject to [conditions or contingencies].
3. *IF DENYING:*
Move to deny the request.
4. *IF TABLING:*
Move to table the request.

TABS

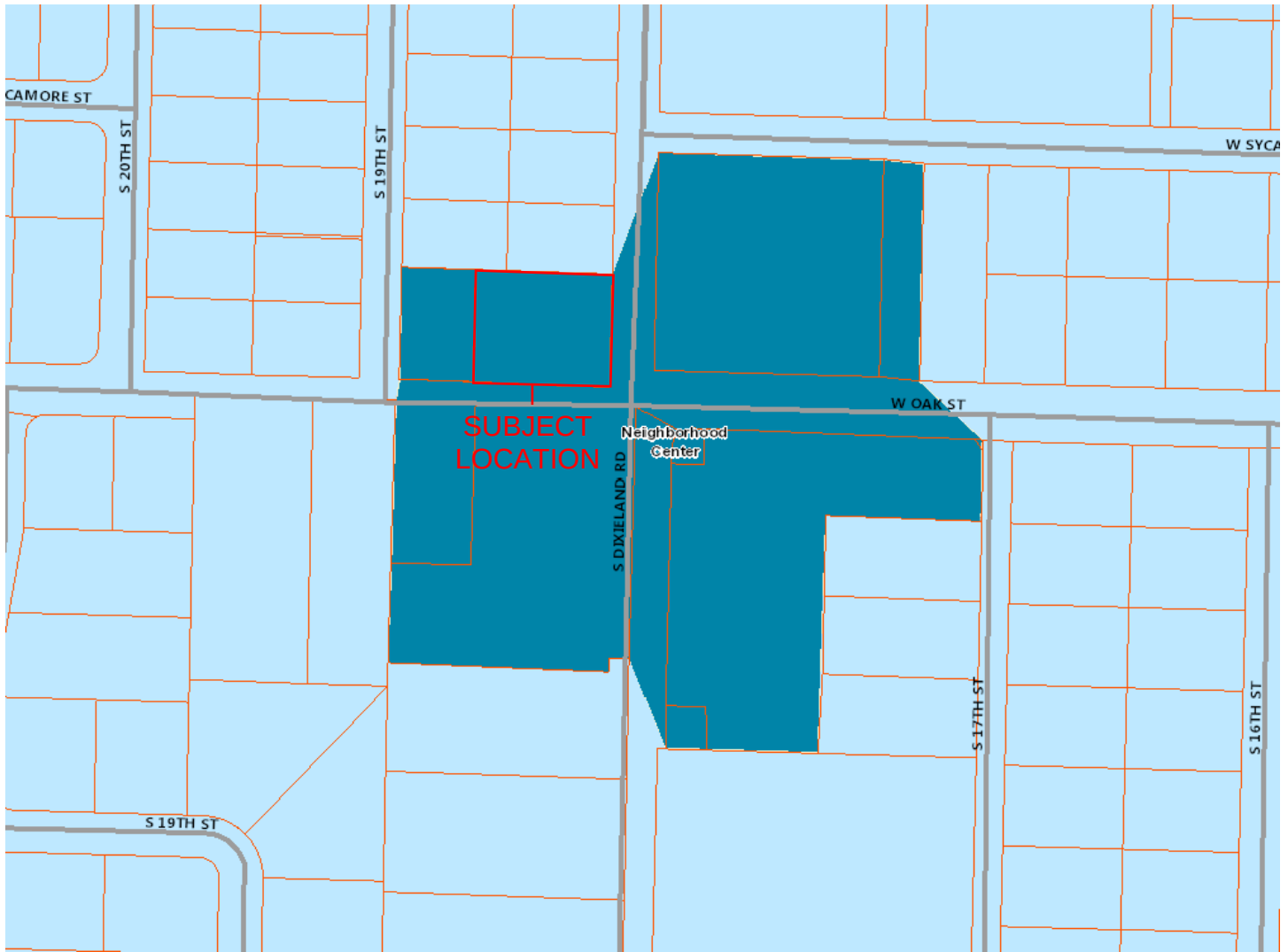
1. Vicinity maps (aerial, CGM, zoning)
2. Rezone application with required supplements

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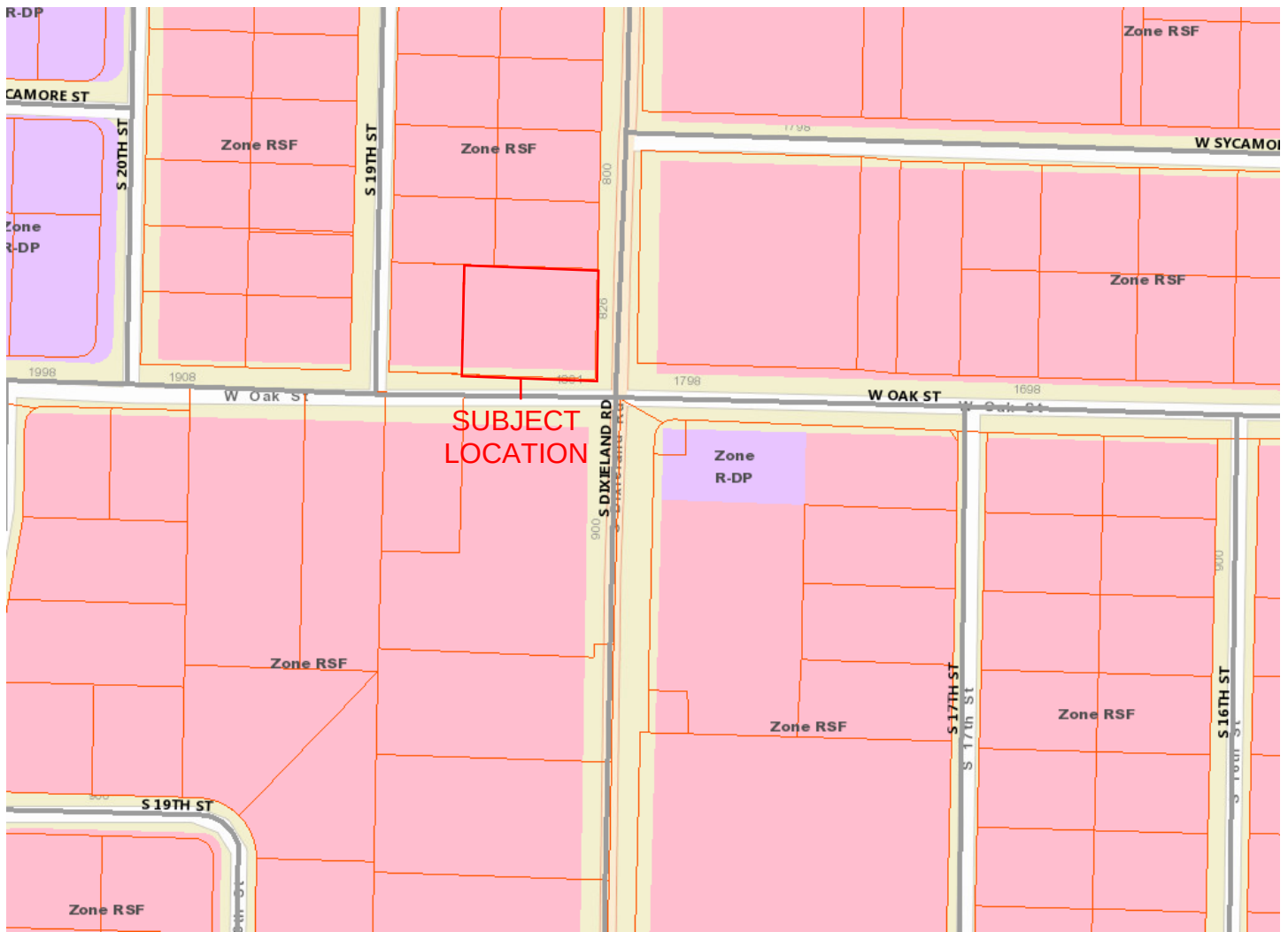
AERIAL VICINITY MAP



CGM VICINITY MAP



ZONING VICINITY MAP





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: _____ (\$200)

Zoning: _____ to _____

Permit Number: _____

CityView Application: _____

Date: _____

REZONE APPLICATION

APPLICANT: Levi McNeil

ADDRESS: 1505 W. Oak St. Rogers, AR, 72758 SUITE #: _____

GENERAL LOCATION OF PROPERTY: 1801 W. Oak St., Rogers

PHONE #: 479 278 6626 EMAIL: Levi19@hotmail.com

PROPERTY OWNER: Vicki A.S. Marsh PHONE #: 479 366 0716

PRESENT USE: Single family home/residence ZONING: RSF

PROPOSED USE: Neighborhood mixed use ZONING: C-3

Applicant Signature [Signature] Date 6/11/21

Attachment Checklist:

- ☒ Legal description of 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, Vicki A.S. Marsh, petitions the Planning Commission of the City of Rogers, Arkansas to rezone certain real property as set forth herein:

LEGAL DESCRIPTION:

Lot 25 and the East 38 feet of Lot 13 of Block "B" of Replat of Kersten Addition to the City of Rogers, Arkansas, except the North 5 feet thereof.
25, E PT 13/B (Plat 10/12/59 E-2)

LAYMAN'S DESCRIPTION: 1801 W. Oak Street, Rogers, AR, 72758

PRESENT ZONING: Residential Single-Family (RSF)

ZONING REQUEST: C-3 Neighborhood Commercial

Respectfully Submitted,

By: Vicki A.S. Marsh
(Property Owner Signature)

OFFICIAL SEAL
CHRISTINA LE
NOTARY PUBLIC, ARKANSAS
BENTON COUNTY
COMMISSION # 12707850
COMMISSION EXP. 06/17/2029

STATE OF ARKANSAS
COUNTY OF BENTON

Subscribed and sworn before me this the 3RD day of JUNE, 2021.

Notary Signature

CHRISTINA LE

Notary Name Printed

06/17/2029

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 8 day of June, 2021.

Levi McNeil

Signed

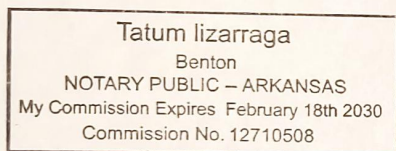
Levi McNeil

Name Printed

STATE OF ARKANSAS

COUNTY OF Benton

Subscribed and sworn before me this the 8th day of June, 2021.



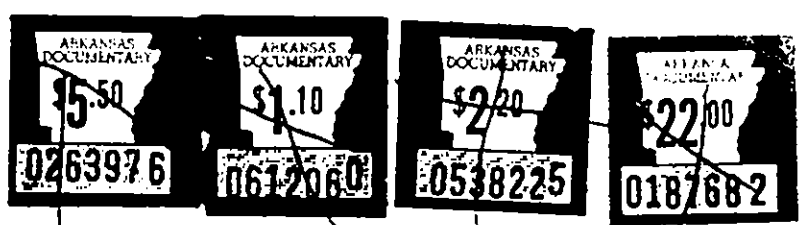
Tatum Iizarraga
Notary Signature

Tatum Iizarraga
Notary Name Printed

February 18th, 2030
Commission Expires

64425028

BOOK 648 PAGE 849



5

WARRANTY DEED

FILED FOR RECORD
At 9:30 O'clock A.M.

MAR 3 1986

KNOW ALL MEN BY THESE PRESENTS:

JOSEPHINE R. HEYLAND
Clerk and Recorder
BENTON COUNTY, ARK.

That DAVID A. KANE AND MOLLIE KANE, husband and wife, by our attorney in fact, Winson Petitjean, constituted by power of attorney dated January 29, 1986, and GILBERT A. KANE AND PATRICIA KANE, husband and wife, by our attorney in fact, Winson Petitjean, constituted by power of attorney dated February 8, 1986, GRANTOR, whether one or more, for and in consideration of the sum of one dollar (\$1.00) and other valuable consideration, hereby grants, bargains, sells, and conveys unto VICKIE A. S. MARSH, GRANTEE, whether one or more, the following described lands in Benton County, Arkansas:

Lot 25 and the East 38 feet of Lot 13 of Block "B" of Replat of Kersten Addition to the City of Rogers, Arkansas, except the North 5 feet thereof.

Vickie A. S. Marsh and Vickie A. F. Marsh is one and the same person, the initial F in power of attorney dated February 8, 1986, being a typographical error.

To have and to hold said lands unto Grantee, and unto Grantee's heirs and assigns forever, with all appurtenances thereunto belonging; and Grantor hereby covenants with Grantee that Grantor will forever warrant and defend the title to said lands against all claims whatever.

IN WITNESS WHEREOF, this instrument is hereby executed this 28th day of February, 1986.

David A. Kane
DAVID A. KANE, by my attorney
in fact, Winson Petitjean

Mollie Kane
MOLLIE KANE, by my attorney
in fact, Winson Petitjean

Gilbert A. Kane
GILBERT A. KANE, by my attorney
in fact, Winson Petitjean

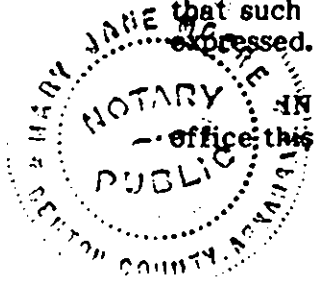
Patricia Kane
PATRICIA KANE, by my attorney
in fact, Winson Petitjean

Return To: First Federal Saving Bank
P.O. Box 160 Rogers, AR, 72757-0160

ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF BENTON

Be it remembered, that before me, a Notary Public, duly commissioned, qualified, and acting, within and for the state and county aforesaid, appeared Winson Petitjean, known to me to be the person whose name is substituted as attorney in fact for David A. Kane and Mollie Kane, husband and wife, and Gilbert A. Kane and Patricia Kane, husband and wife, and acknowledged that he executed the forgoing deed and did acknowledge that such had been so executed for the consideration and purposes therein expressed.



IN WITNESS WHEREOF, I have hereunto set my hand and seal of office this 28th day of February, 1986.

Mary Jane Moore
Notary Public

My commission expires: 9/13/91

This instrument prepared by:
Williams, Kendall, Schrantz & Wood, P. A.
221 North Third Street, Rogers, Arkansas 72756
2877N

I certify under penalty of false swearing that at least the legally correct amount of documentary stamps has been placed on this instrument.

Return to: GRANTEE
Grantee's Address:

Return To: First Federal Saving Bank
P.O. Box 160 Rogers, AR, 72757-0160



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

MEETING DATE
JULY 6, 2021

TO: PLANNING COMMISSION

RE: **STAFF SUMMARY REPORT**
REZONE – GREG & BETH ALLEN

STAFF: AMBER LONG, PLANNER II

REQUEST DETAILS

ADDRESS/PARCEL:	5865 S 45 th St. / 02-14175-120
TOTAL AREA TO BE REZONED:	± 2.24 acres
CURRENT ZONING:	A-1 (Agricultural)
PROPOSED ZONING:	R-SF (Residential Single-Family)
APPLICANT/REPRESENTATIVE:	Greg and Beth Allen; Daniel Ellis, Crafton Tull
PROJECT OWNER/DEVELOPER:	N/A
PROPERTY OWNER:	Michael K. & Donna D. Shepherd
NATURE OF REQUEST:	Approval of Rezone
AUTHORITY:	Sec. 14-727, Rogers Code of Ordinances

SUMMARY

This request is consistent with the Comprehensive Growth Map. R-SF is an allowed zoning district within the Neighborhood Growth Designation and is appropriate at this location based on the surrounding zoning and development context.

Community Development recommends **approval** of this request.

STAFF REVIEW

1. COMPREHENSIVE GROWTH MAP:

- a) Growth Designation:
Neighborhood.
- b) Growth Designation Character:
Single-use residential areas connected by collector and local streets that may feature community-oriented non-residential uses such as schools, resource centers, and places of worship. Goals include preserving locations for low-density residential while limiting its proliferation in areas proposed for higher-intensity development (CGM Page 1).
- c) Base Density:
6 units/acre.
- d) Max Density:
12 units/acre.
- e) Allowed Zoning Districts:
R-SF, N-R, R-DP, R-MF.

2. ZONING:

- a) R-SF (Residential Single-Family)
The purpose and intent of the R-SF zoning district is “for single-family detached dwellings at low residential densities. Certain other structures and uses necessary to serve governmental, educational, religious, recreational, and other needs of neighborhood areas are allowed as permitted or conditional uses subject to restrictions intended to preserve and protect the single-family residential character of the district. Internal stability, harmony, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and by consideration of proper functional relationship and arrangement of the different uses permitted in this district,” (Sec. 14-699(a)).
- b) General Findings:
The subject location is zoned A-1 with a residential use in the Neighborhood Growth Designation. The property is immediately bordered by RSF-5 zoning to the north and A-1 zoning to the south. Surrounding zoning within the Neighborhood Growth Designation includes R-SF, RSF-5, and A-1. Staff finds this request to be appropriate due to existing neighborhood characteristics and consistency with the CGM, as R-SF is an allowed zoning district within the Neighborhood Growth Designation.

3. RECOMMENDATIONS:

- a) **Approve** request.

DIRECTOR'S COMMENTS

- 1. Agree with recommendations.



JOHN C. MCCURDY, Director
Community Development

SUGGESTED MOTIONS

1. *IF APPROVING AS PRESENTED:*
Move to recommend City Council approval as presented.
2. *IF APPROVING SUBJECT TO OTHER ACTIONS:*
Move to recommend City Council approval subject to [conditions or contingencies].
3. *IF DENYING:*
Move to deny the request.
4. *IF TABLING:*
Move to table the request.

TABS

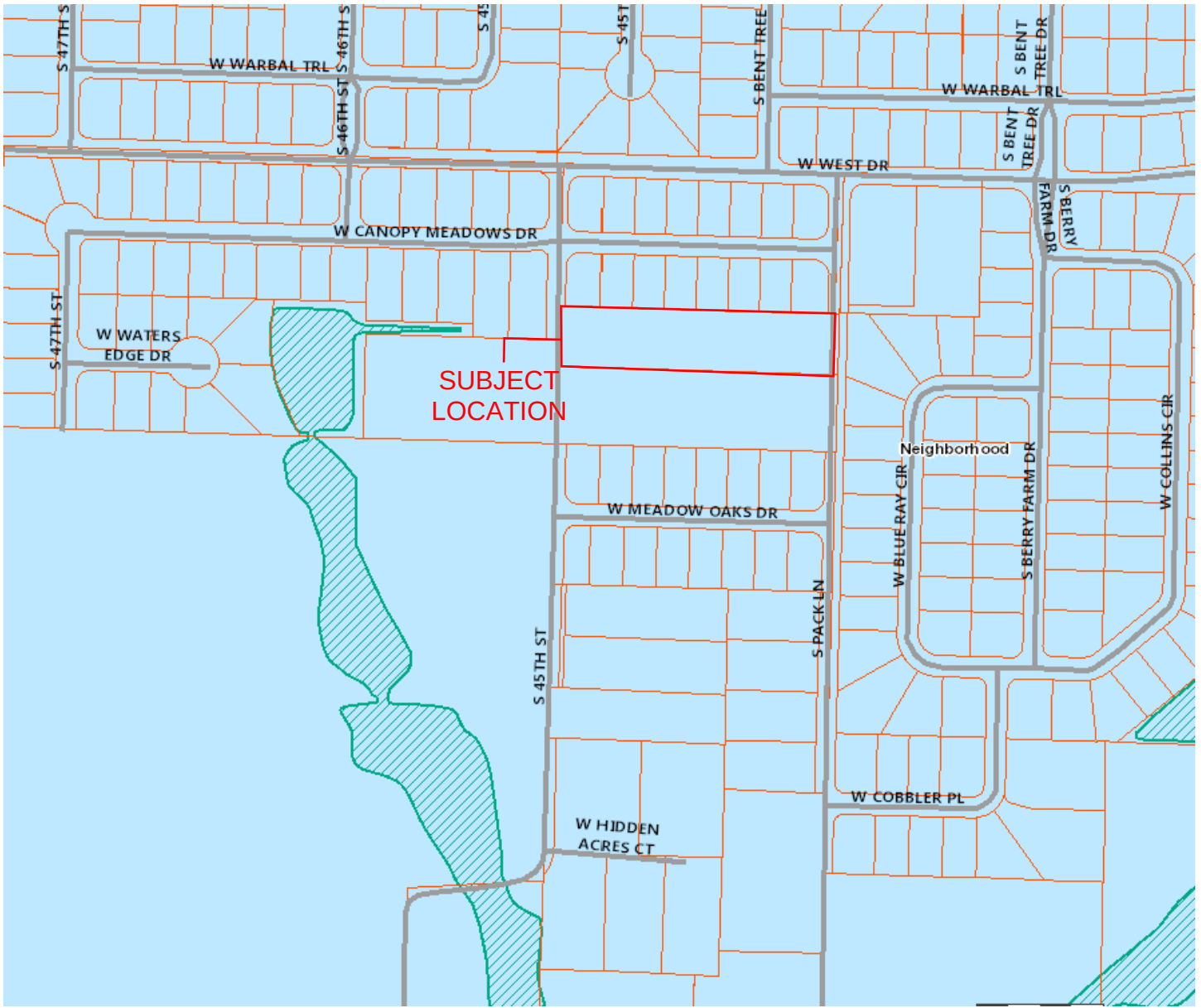
1. Vicinity maps (aerial, CGM, zoning)
2. Rezone application with required supplements

TAB 1

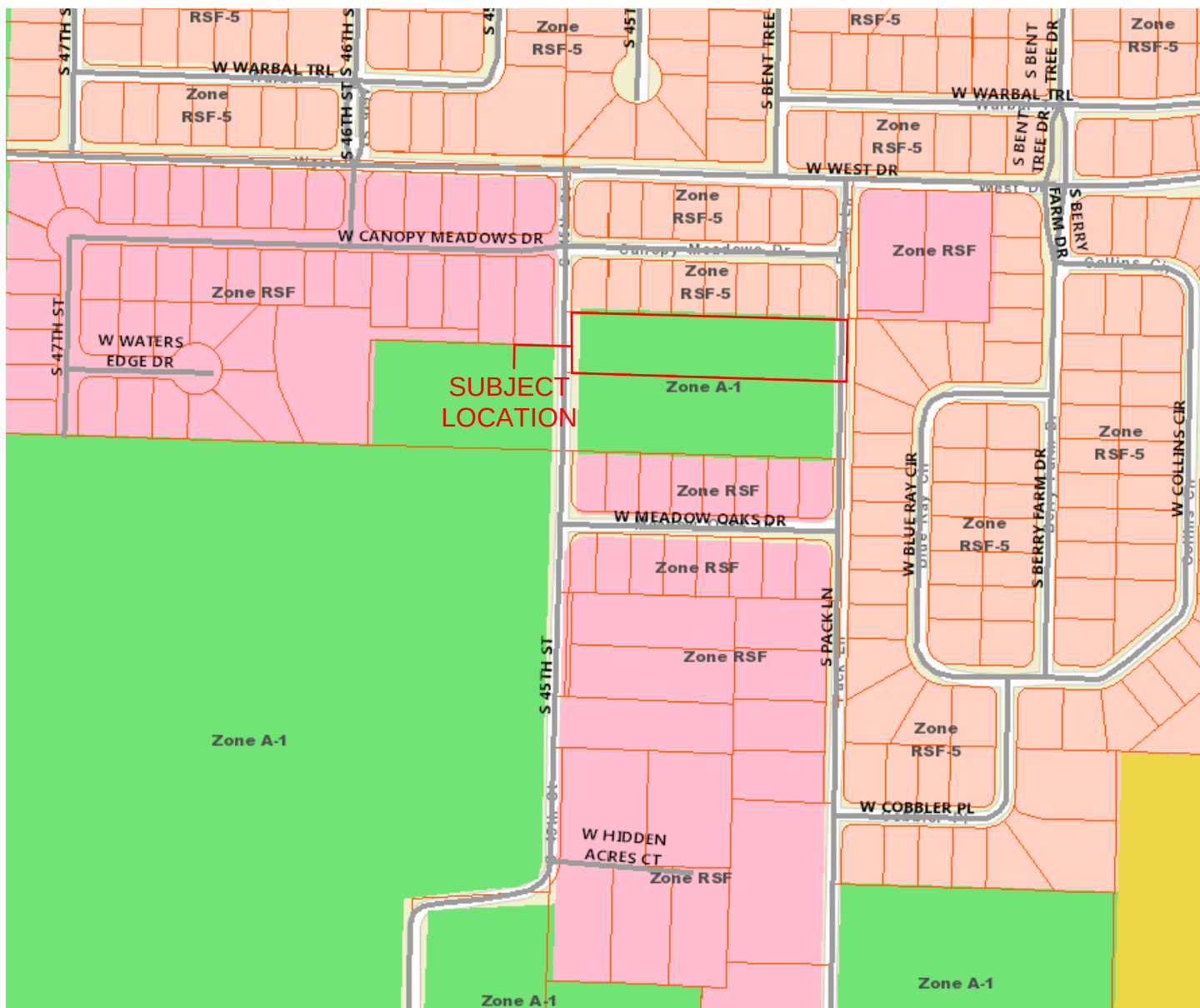
AERIAL VICINITY MAP



CGM VICINITY MAP



ZONING VICINITY MAP





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: _____ (\$200)

Zoning: _____ to _____

Permit Number: _____

CityView Application: _____

Date: _____

REZONE APPLICATION

APPLICANT: Greg & Beth Allen

ADDRESS: 5602 West Murfield Drive SUITE #: _____

GENERAL LOCATION OF PROPERTY: SE of the Corner of W West Dr & S 45th Street

PHONE #: _____ EMAIL: _____

PROPERTY OWNER: Michael & Donna Shepherd PHONE #: _____

PRESENT USE: Residential ZONING: A-1

PROPOSED USE: Residential ZONING: RSF

Greg & Beth Allen
Applicant Signature

6/16/2021
Date

Attachment Checklist:

- ☐ Legal description of 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: _____

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 21 day of June, 2021.

Herri Pingel
Signed

Herri Pingel
Name Printed

STATE OF ARKANSAS

COUNTY OF Benton

Subscribed and sworn before me this the 29 day of June, 2021.



Patricia Ann Henry
Notary Signature

Patricia Ann Henry
Notary Name Printed

7/21/2030
Commission Expires

PROPERTY OWNER AFFIDAVIT

The petitioner, Michael & Donna Shepherd, petitions the Planning Commission of the City of Rogers, Arkansas to rezone certain real property as set forth herein:

LEGAL DESCRIPTION: See Attached

LAYMAN'S DESCRIPTION: SE of the Corner of W West Dr. & S. 45th Street

PRESENT ZONING: A-1

ZONING REQUEST: RSF

Respectfully Submitted,

By:

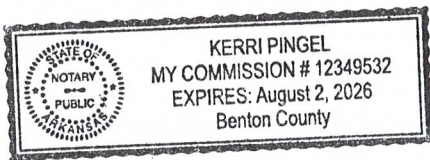
Michael & Donna Shepherd
(Property Owner Signature)

Donna Shepherd

STATE OF ARKANSAS

COUNTY OF Benton

Subscribed and sworn before me this the 15 day of July, 2021.



Kerri Pingel
Notary Signature

Kerri Pingel
Notary Name Printed

8/2/2024
Commission Expires

PART OF TRACT 13, AS PER PLAT RECORD U-250, BEING A PART OF THE SW 1/4 AND PART OF THE NE 1/4 OF SECTION 33, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SW 1/4 OF THE NE 1/4 OF SAID SECTION 33;
THENCE S00°10'32"E 330.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE NORTHWEST CORNER OF SAID TRACT 13;
THENCE ALONG THE NORTH LINE THEREOF EAST 660.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT 13;
THENCE ALONG THE EAST LINE THEREOF S00°10'32"E 148.00 FEET;
THENCE LEAVING SAID EAST LINE WEST 660.00 FEET TO THE WEST LINE OF SAID TRACT 13;
THENCE ALONG SAID WEST LINE N00°10'32"W 148.00 FEET TO THE POINT OF BEGINNING, CONTAINING 2.24 ACRES, MORE OR LESS AND SUBJECT TO THE RIGHT-OF-WAY OF SOUTH 45TH STREET ALONG THE WEST AND SOUTH PACK LANE ALONG THE EAST AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.



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

MEETING DATE
JULY 6, 2021

TO: PLANNING COMMISSION

RE: **STAFF SUMMARY REPORT**
REZONE – CONNEX REAL-ESTATE

STAFF: AMBER LONG, PLANNER II

REQUEST DETAILS

ADDRESS/PARCEL:	S. 27th St. and Interstate 49 / 02-02087-336
TOTAL AREA TO BE REZONED:	± 0.22 acres
CURRENT ZONING:	A-1 (Agricultural); Overlay
PROPOSED ZONING:	C-2 (Highway Commercial); Overlay
APPLICANT/REPRESENTATIVE:	Daniel Ellis, Crafton Tull
PROJECT OWNER/DEVELOPER:	N/A
PROPERTY OWNER:	Duggar Revocable Living Trust - James R. & Michelle A.
NATURE OF REQUEST:	Approval of Rezone
AUTHORITY:	Sec. 14-727, Rogers Code of Ordinances

SUMMARY

This request is consistent with the Comprehensive Growth Map. C-2 is an allowed zoning district within the Commerce Corridor Growth Designation and is appropriate at this location based on the surrounding zoning and development context.

Community Development recommends **approval** of this request.

STAFF REVIEW

1. COMPREHENSIVE GROWTH MAP:

- a) Growth Designation:
Commerce Corridor.
- b) Growth Designation Character:
Interstate-adjacent areas intended for development that maximizes land use efficiency through vertical form, shared or hidden parking, horizontal or vertical mixed-use, and judicious use of open space. Development should provide walkability and access to multi-modal transportation network. Goals include encouraging compact urban-style design, while discouraging suburban forms such as apartment complexes (CGM Page 1).
- c) Base Density:
Determined by DCP.
- d) Max Density:
Determined by DCP.
- e) Allowed Zoning Districts:
R-MF, U-NBT, R-O, C-2, C-4.

2. ZONING:

- a) C-2 (Highway Commercial)
The purpose and intent of the C-2 zoning district is “for commercial uses, which depend upon high visibility, generate high traffic volumes or cater to the traveling public. These characteristics dictate that this district be located along or at the intersections of arterial classification streets or along frontage roads adjacent to the interstate or other limited-access streets,” (Sec. 14-709(a)).
- b) General Findings:
The subject location, which is currently undeveloped, is zoned A-1 in the Commerce Corridor Growth Designation. The property is immediately bordered by C-2 zoning to the north, and other C-2 zones are located east of S 27th St. and west of I-49. Surrounding zoning within the Commerce Corridor also includes A-1, C-4, and higher density R-MF. Staff finds this request to be appropriate due to existing neighborhood characteristics and consistency with the CGM, as C-2 is an allowed zoning district within the Commerce Corridor Growth Designation.

3. RECOMMENDATIONS:

- a) **Approve** request.

DIRECTOR'S COMMENTS

- 1. Agree with recommendations.



JOHN C. MCCURDY, Director
Community Development

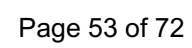
SUGGESTED MOTIONS

1. *IF APPROVING AS PRESENTED:*
Move to recommend City Council approval as presented.
2. *IF APPROVING SUBJECT TO OTHER ACTIONS:*
Move to recommend City Council approval subject to [conditions or contingencies].
3. *IF DENYING:*
Move to deny the request.
4. *IF TABLING:*
Move to table the request.

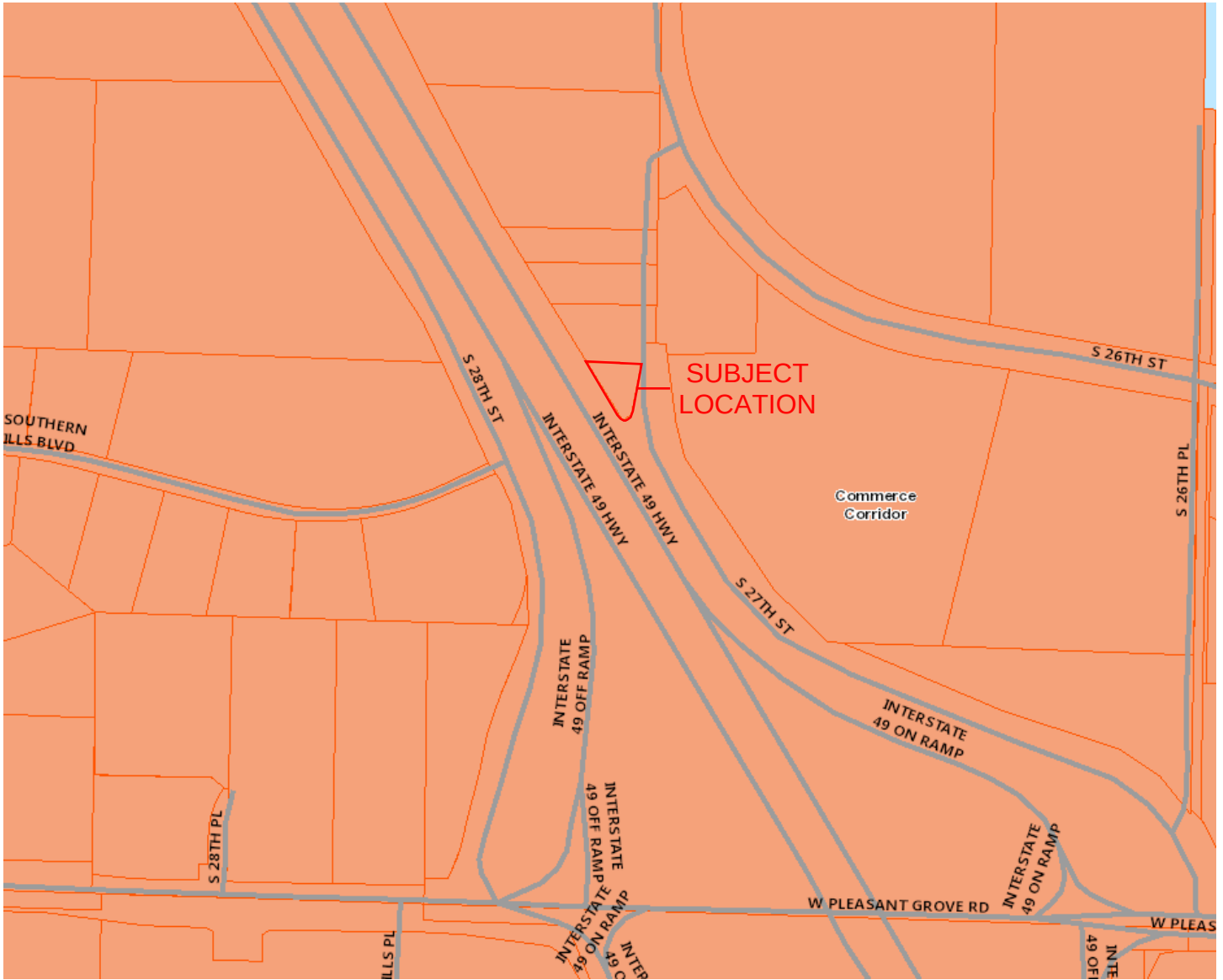
TABS

1. Vicinity maps (aerial, CGM, zoning)
2. Rezone application with required supplements

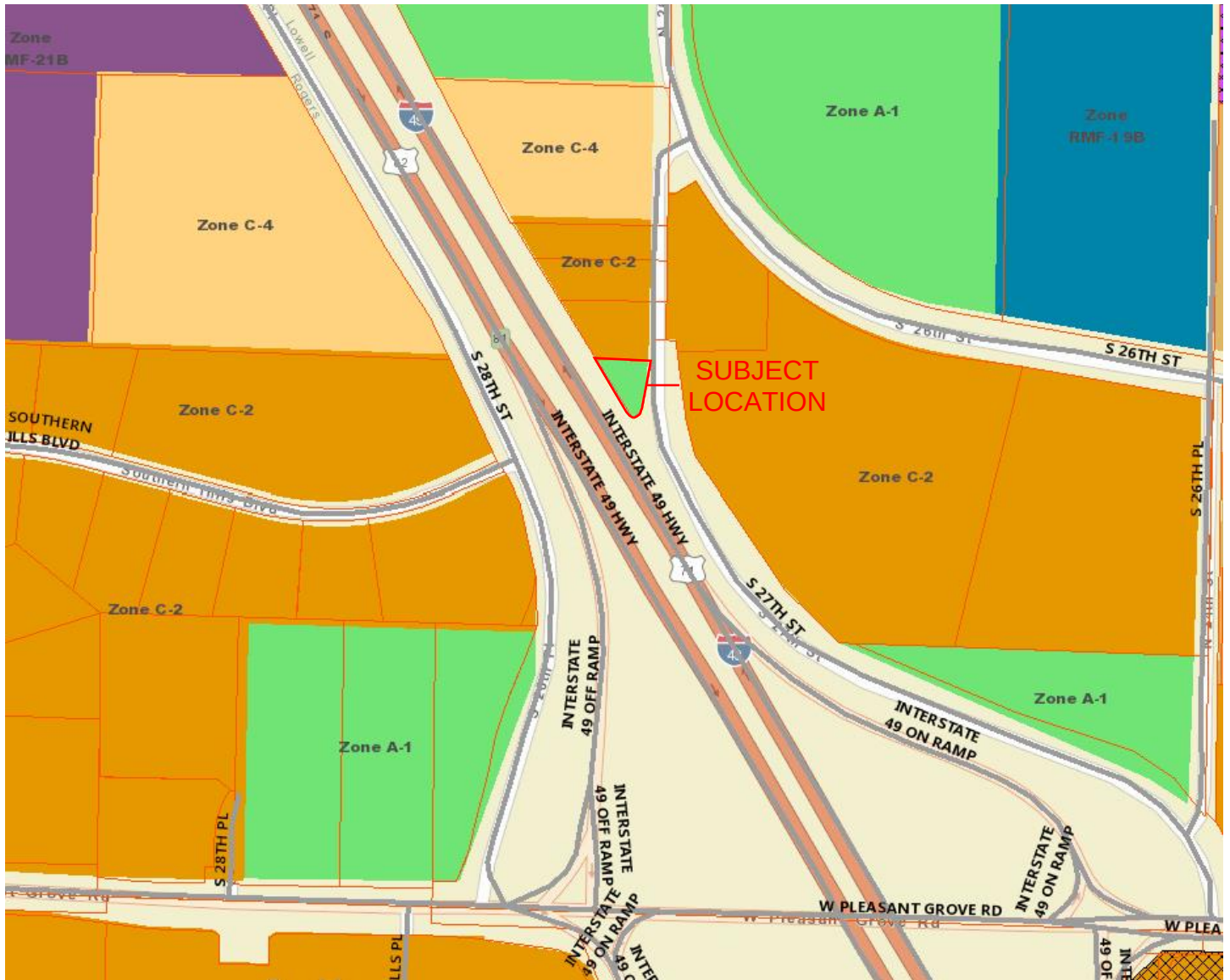
AERIAL VICINITY MAP



CGM VICINITY MAP



ZONING VICINITY MAP





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: _____ (\$200)
Zoning: _____ to _____
Permit Number: _____
CityView Application: _____
Date: _____

REZONE APPLICATION

APPLICANT: Crafton Tull

ADDRESS: 901 N. 47th St.
Rogers, AR 72756 SUITE #: 400

GENERAL LOCATION OF PROPERTY: 0.22 ± acres between S. 27th St. and Interstate 49

PHONE #: 479-636-4838 EMAIL: reed.hill@craftontull.com

PROPERTY OWNER: Duggar Revocable Living Trust - James R
& Michelle A PHONE #: _____

PRESENT USE: Field/open space ZONING: A-1

PROPOSED USE: Small office building with
necessary parking ZONING: C-2

 06/14/2021
Applicant Signature Date

Attachment Checklist:

- ☒ Legal description of property
- ☐ Applicant Certification - *will be completed and submitted when notices are sent.*
- ☐ Property Owner Affidavit - *with owner for signature. Will submit when received.*
- ☒ 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, JAMES DUGGAR, petitions the Planning Commission of the City of Rogers, Arkansas to rezone certain real property as set forth herein:

LEGAL DESCRIPTION:

TRACT 1: Warranty Deed 2016-59783

Part of the SW1/4 of the SE1/4 of Section 27, Township 19 North, Range 30 West, Benton County, Arkansas, being more particularly described as follows: Commencing at the NE corner of said SW1/4 of the SE1/4, thence North 86°59'46" West 41.36 feet to the Point of Beginning; thence North 86°59'46" West 124.35 feet; thence South 29°51'59" East 159.11 feet; thence North 64°32'50" East 25.00 feet; thence North 10°30'00" East 122.77 feet to the Point of Beginning, containing 0.22 acres more or less, and subject to any and all easements of record or fact.

LAYMAN'S DESCRIPTION:

1208 W. Pleasant Grove Rd.

PRESENT ZONING: A-1

ZONING REQUEST: C-2

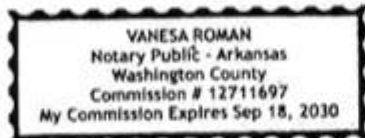
Respectfully Submitted,

By: _____

(Property Owner Signature)

STATE OF ARKANSAS
COUNTY OF Washington

Subscribed and sworn before me this the 16 day of June, 2021.



Notary Signature

Vanesa Roman
Notary Name Printed

Sep 18, 2030
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 21 day of June, 2021.

Herri Pingel
Signed

Herri Pingel
Name Printed

STATE OF ARKANSAS

COUNTY OF Benton

Subscribed and sworn before me this the 29 day of June, 2021.



Patricia Ann Henry
Notary Signature

Patricia Ann Henry
Notary Name Printed

7/21/2030
Commission Expires

TRACT 1: Warranty Deed 2016-59783

Part of the SW1/4 of the SE1/4 of Section 27, Township 19 North, Range 30 West, Benton County, Arkansas, being more particularly described as follows: Commencing at the NE corner of said SW1/4 of the SE1/4, thence North 86°59'46" West 41.36 feet to the Point of Beginning; thence North 86°59'46" West 124.35 feet; thence South 29°51'59" East 159.11 feet; thence North 64°32'50" East 25.00 feet; thence North 10°30'00" East 122.77 feet to the Point of Beginning, containing 0.22 acres more or less, and subject to any and all easements of record or fact.



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

MEETING DATE
July 6, 2021

TO: PLANNING COMMISSION

RE: **STAFF SUMMARY REPORT**
CONDITIONAL USE PERMIT – STRASTERS MIXED USE DEVELOPMENT

STAFF: ETHAN HUNTER, CITY PLANNER

REQUEST DETAILS

BUSINESS/PROJECT NAME:	Strasters Mixed Use Development
ADDRESS/LOCATION:	208 W. Sycamore Street
PROPOSED USE:	Offices for Business, Professional, Administrative, and Technical Services
CURRENT USE:	Undeveloped
CURRENT ZONING:	NBT (Neighborhood Transition)
APPLICANT/REPRESENTATIVE:	Steve Strasters / Crafton Tull
PROPERTY OWNER:	Steve and Becke Strasters
NATURE OF REQUEST:	Approval of Conditional Use Permit
AUTHORITY:	Sec. 14-723, Rogers Code of Ordinances

SUMMARY

This request is to allow the use “Offices for Business, Professional, Administrative, and Technical Services” which is conditional in the NBT zoning district. The subject property is zoned correctly per the Comprehensive Growth Map, as the Downtown Regional Center Zoning Plan calls for NBT at this location. This use is proposed as part of a development featuring two buildings with mixed office space and residential units; the residential aspects of the development are allowed by-right. Staff finds this request to be consistent with the intent of the Downtown Rogers Development Code, and compatible with the surrounding development context.

Community Development recommends **approval** of this request.

STAFF REVIEW

1. PLANNING COMMISSION CONSIDERATIONS PER SEC. 14-723(a)(3):

- a) Is the proposed use listed as conditional in the subject zoning district and is the property zoned correctly?
- b) Is the proposed use compatible with adjacent property in a way that is not contrary to the Comprehensive Growth Map?
- c) Can all other zoning requirements be met?
- d) Will ingress and egress for the proposed use create a traffic hazard?

2. GENERAL FINDINGS:

- a) The proposed use is conditional in NBT. The property is zoned correctly per the CGM, as the Downtown Regional Center Zoning Plan calls for NBT at this location.
- b) The subject property is located at a transition point between existing residential neighborhood and the “Industrial Arts” designation along the railroad, making it well-suited for mixed use as proposed. It is one block from W. Oak Street, a collector street with bike/ped facilities, and directly adjacent to Parks/Street Department maintenance facilities across S. 2nd Street. The provided site plan demonstrates sensitivity to adjacent residences through building placement and layout, and provides parking for both offices and living units.
- c) Aside from any special terms of approval attached to the CUP itself, the use permit/business license process does not require compliance with zoning standards other than the use schedule and use limitations. Since this use is associated with a new development, all zoning standards will be reviewed for compliance during the Large-Scale Development process.
- d) Access management standards, along with all other development code requirements, will be reviewed for compliance during the Large-Scale Development process.

3. COMPREHENSIVE GROWTH MAP:

- a) Growth Designation:
Regional Center.
- b) Growth Designation Character:
Mixed use urban cores that function as regional activity hubs for commerce, arts and entertainment, living, recreation, and retail. Intensity supported by well-connected, high-capacity, pedestrian-oriented street network. Goals include high-quality design and efficient use of land.
- c) Allowed Zoning Districts:
COR, COM, IA, NBT, U-COR, U-COM, U-ENT, U-NBT

4. ZONING:

- a) NBT (Neighborhood Transition):
The purpose and of the NBT zoning district is “to support appropriate transition between existing residential neighborhoods and open space and the more active commercial and urban residential areas. The intent is to support the character of the neighborhoods around downtown,” (Sec. 14-715(1.1)(a)(iv)).
- b) Use Definition:
“Offices for Business, Professional, Administrative, and Technical Services” is not explicitly defined in the Downtown Rogers Development Code.

5. RECOMMENDATIONS:

- a) **Approve** request.

SUGGESTED MOTIONS

1. *IF APPROVING:*
Move to approve the request as presented.
2. *IF APPROVING SUBJECT TO OTHER ACTIONS:*
Move to approve the request subject to [conditions, contingencies, staff recommendations].
3. *IF DENYING:*
Move to deny the request.
4. *IF TABLING:*
Move to table the request.

DIRECTOR'S COMMENTS

1. Agree with recommendations.



JOHN C. MCCURDY, Director
Community Development

TABS:

1. Vicinity maps (aerial, CGM, zoning)
2. CUP application and required supplements

TAB 1
AERIAL VICINITY MAP



ZONING VICINITY MAP





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

MEETING DATE
July 6, 2021

TO: PLANNING COMMISSION

RE: **STAFF SUMMARY REPORT**
WAIVER REQUEST – SUPERIOR STORAGE

STAFF: LANCE JOBE, PE, CFM - CITY ENGINEER
KRIS PAXTON, MGIS, CARPO, CFM – DEVELOPMENT COMPLIANCE MANAGER

REQUEST DETAILS

BUSINESS/PROJECT NAME:	SUPERIOR STORAGE
ADDRESS/LOCATION:	2600 S 8 TH STREET / PARCEL 02-22937-000
PROPERTY OWNER:	NCWA STORAGE 5, LLC
NATURE OF REQUEST:	WAIVER REQUEST
AUTHORITY:	Sec. 14-604(c) Connectivity Standards, Rogers Code of Ordinances

SUMMARY

The applicant is requesting a waiver from a portion of the requirements from Section 14-604(c) Connectivity Standards. The applicant proposes to dedicate the right-of-way as shown in Exhibit C, however, requests not to build the Minor Street improvements associated with the connectivity requirement.

Staff recommends APPROVAL of the following waivers:

- 1) A **WAIVER** from Section 14-604(c) from requiring the construction of the minor street improvements, and allowing the applicant to dedicate the right-of-way without building the required improvements.

ENGINEERING REVIEW

1) GENERAL FINDINGS:

The applicant will be proposing a development with improvements for which the City of Rogers' Connectivity Standards would call for the dedication and construction of a portion of a Minor Street along the west/northwest corner of this lot. The applicant highlights in the hardship a rough proportionality associated with the installation of these requirements. The applicant requests a **WAIVER** from Section 14-604(c) from requiring the construction of the minor street improvements, and allowing the applicant to dedicate the right-of-way without building the required improvements. The applicant proposes the dedication of the right-of-way to allow for future connectivity, however, does not agree that the costs associated with a street installation would benefit the development, and should not be required pursuant to previous Supreme Court rulings.

2) CONSIDERATIONS:

- a) Staff considered the applicant's hardship and weighed the hardship request with the project from a conceptual stage of development. Since a Large Scale Development has not been proposed, it is unclear what overall improvements will be proposed with the submission. However, from the conceptual plans provided, staff agrees in this case with the assessment that the rough proportionality associated with the requirements would support the waiver request.
- b) The staff review of the conceptual site plan did indicate that there is likely to be other improvements to public infrastructure to meet the City of Rogers development standards. Staff notes that the approval of this waiver request would be only for the construction of the future minor street, and does not include existing Typical Street Section requirements along other existing rights-of-way, which will be reviewed during the Large Scale Development phase of this project.

3) RECOMMENDATIONS:

- a. **APPROVAL of a WAIVER from Sec. 14-604(c)** from requiring the construction of the minor street improvements, and allowing the applicant to dedicate the right-of-way without building the required improvements.

DIRECTOR'S COMMENTS

1. Agree with recommendations.



JOHN C. McCURDY, Director
Community Development

TABS:

1. Vicinity maps (aerial, CGM, zoning)
2. CUP application and required supplements

Exhibit A: Waiver Request – June 17, 2021



June 17, 2021

Reference: Waiver Request Code Section 14-604(c) Cross Connectivity

“Address”
Rogers, Arkansas

Attn: Ethan Hunter and Kris Paxton

Please accept this letter as a stand-alone waiver request to be heard by the city planning commission, at their next available meeting. Attached is a conceptual site plan and letter from Mr. Bill Watkins, which explains in detail the associated “hardship” of the cross-connectivity code, (sec. 14-604c).

The property owner plans to move forward with large scale development plans, if the waiver request is acceptable to the planning commission.


Respectfully submitted,

Timothy R. Sorey P.E.

President



Exhibit B – Waiver Hardship Explanation (1 of 2)

**WATKINS, BOYER,
GRAY & CURRY, PLLC**

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DELYNN HALE, SECRETARY
AMY BENSON, PARALEGAL
WHITNEY DUCKER, OFFICE MANAGER

June 16, 2021

City Planning Staff
City of Rogers

Re: Waiver of Connectivity Standards

Dear Staff:

This letter accompanies a waiver requests and concept plan submission for the proposed development of property located on the southwest corner of South 8th Street and Post Road. The proposed development consists of a covered RV storage facility that will be fully secured and fully enclosed by fencing to facilitate that security. Access will be only through a gated entrance from S. 8th Street that presently functions to serve the existing facilities on the rest of the property.

The developer seeks relief from the requirements of Rogers Code Section 14-604(c) dealing with connectivity. A right of way is being required across the northwest corner of the developer's property (see the site plan that is a part of this submission packet) to facilitate access to raw land to the west of the subject property, behind the houses fronting on Post Road (referred to herein as the "Cross Street"). The applicant is willing to dedicate the right of way for the Cross Street but seeks relief from the requirement of actually having to build this Cross Street.

As stated above, the applicant's project will be a fully fenced and secure storage facility and the only access to this facility will be through the main gate off of S. 8th Street. The storage facility will not have an access of any kind from the Cross Street requested by the City and will generate no traffic on Post Road. This Cross Street will provide absolutely no benefit, to the applicant's property, will in fact be more of a threat to the applicant's security, and will in effect serve as a donation to the adjoining land owner. As some famous southern philosopher once said, that just ain't right.

The leading U.S. Supreme Court case on these matters is *Dolan v. City of Tygard* 512 U.S. 374 (1994) and arises out of Oregon. In that case the Court established the "rough proportionality" standard for deciding whether required dedications such as the one required by the City here constitutes a taking or not. The primary analysis is whether or not "*the required dedication is related in both nature and extent to the impact of the proposed development*".

As described above, the requested dedication and construction of the Cross Street across the applicant's property has no relationship whatever to the use and development of the applicant's property and will only serve to benefit the future development of the property to the west of the applicant's property. The

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REAL ESTATE, CONSTRUCTION & LIEN LAW, LAND USE & PLANNING
CORPORATE & COMMERCIAL LAW, BANKING, BANKRUPTCY
CRIMINAL LAW, FAMILY LAW, GUARDIANSHIPS, LANDLORD-TENANT
ESTATE PLANNING, ELDER LAW, PROBATE, TRUST LITIGATION
CIVIL LITIGATION, COMMERCIAL & CONSUMER DEBT COLLECTION

Exhibit B - Waiver Hardship Explanation (2 of 2)

City Planning Staff
June 16, 2021
page 2

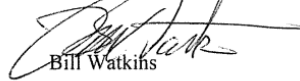
property to the west that would be served by this Cross Street is not landlocked and has access from the south off of Laurel Road. While dedicating right of way to access the western property may be argued to serve a public purpose by providing a northern access point from that western property, it is difficult to understand why requiring the applicant to *pay to construct* a Cross Street that will benefit no one other than the developer of the western property has any relationship either "*in nature [or] extent to the impact of the proposed development*". Id at page 384. Requiring the applicant to actually pay to construct the required Cross Street lacks the "rough proportionality" required by the Court's opinion in the *Dolan* case. And it just simply offends the sense of fairness. This lack of proportionality creates a hardship (incurring the cost of construction of the Cross Street) that the applicant should not have to bear.

The applicant is willing to dedicate the requested right of way. But, for the reasons stated above, the applicant asks that it be granted relief from the requirement that is also be required to build the Cross Street across the right of way so dedicated. The applicant asks that this request be heard and determined by the Planning Commission as a whole.

Thank you.

Sincerely,

WATKINS, BOYER,
GRAY & CURRY, PLLC



Bill Watkins

BW:mos

Exhibit C – Conceptual Site Plan with Approximate ROW Location

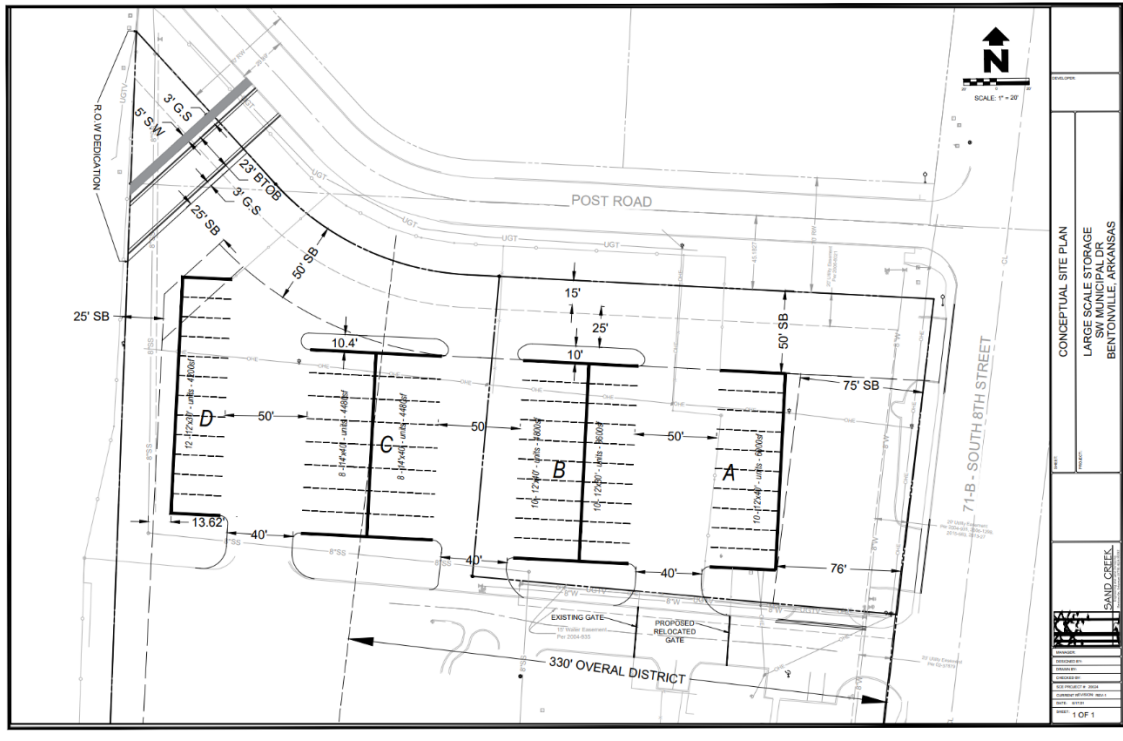


Image C.1 – As Submitted by Applicant

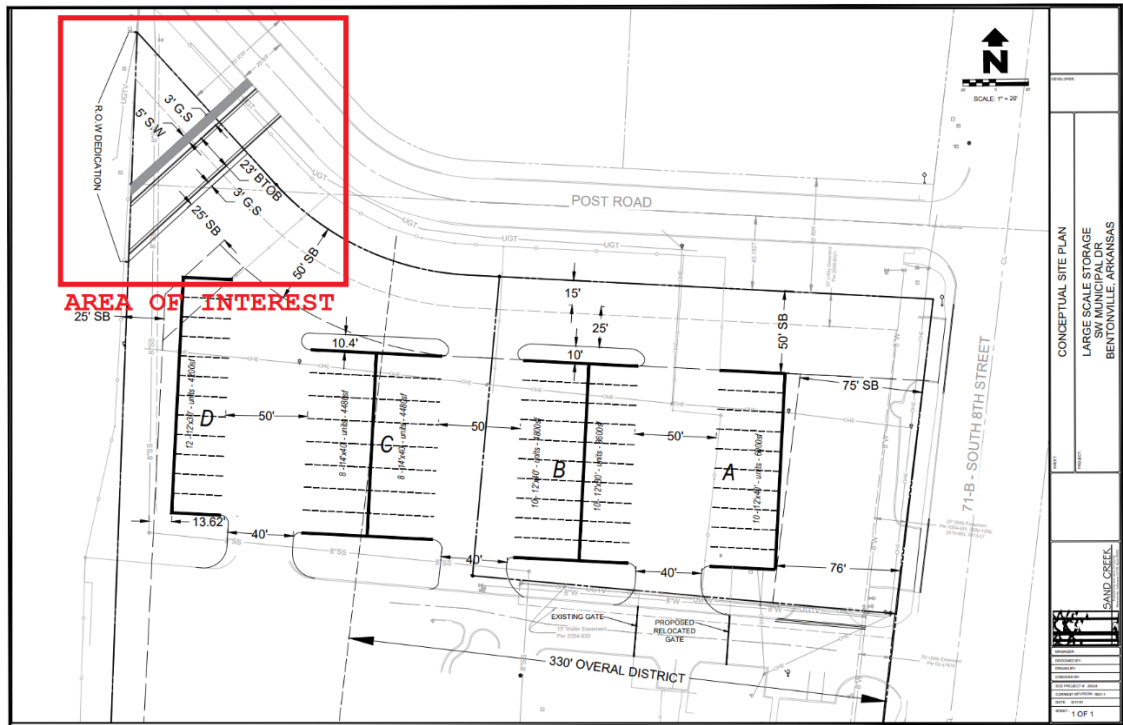


Image C.2 – Area of Interest Location – Right-Of-Way