



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

COMMITTEE SCHEDULE

TO: MAYOR
CITY COUNCIL
DEPARTMENT HEADS
PRESS

FROM: Jessica Rush, CITY CLERK-TREASURER

DATE: October 27, 2020

The following committee meetings will be held on **Tuesday, October 27, 2020** prior to the City Council Meeting:

05:15 p.m. - PUBLIC WORKS COMMITTEE: (Townzen*, Brashear, Kendall)

<https://us02web.zoom.us/j/83537661539> OR (312) 626-6799 ID: 835 3766 1539

- To Discuss:
- (a) RWU Monthly Report
 - (b) An Ordinance Allowing The Extension Of The Current Refuse Collection Contract With Inland Services Corporation, Now Orion Waste Solutions, Concerning The Exclusive Residential Waste Disposal Franchise Agreement

05:30 p.m. - PUBLIC SAFETY COMMITTEE: (Wolf*, Kruger, Carmichael)

<https://us02web.zoom.us/j/84972492503> OR (312) 626-6799 ID: 849 7249 2503

- To Discuss:
- (a) An Ordinance Waiving Competitive Bidding For Bathroom Remodels Made Necessary By The Covid-19 Pandemic At Fire Station #1

05:45 p.m. - TRANSPORTATION COMMITTEE: (Kruger*, Carmichael, Townzen)

<https://us02web.zoom.us/j/83537661539> OR (312) 626-6799 ID: 835 3766 1539

- To Discuss:
- (a) An Ordinance Vacating A Portion Of The Alley Between West Walnut Street And West Maple Street

05:45 p.m. - RESOURCES & POLICY COMMITTEE: (Hayes*, Reithemeyer, Brashear)

<https://us02web.zoom.us/j/84972492503> OR (312) 626-6799 ID: 849 7249 2503

- To Discuss:
- (a) An Ordinance Amending Chapter 2 Of The City Of Rogers Code Of Ordinances Concerning Competitive Bidding To Ensure Compliance With City Franchise And Right Of Way Agreements
 - (b) An Ordinance Amending Chapter 44 Of The City Of Rogers Code Of Ordinances; Removing Interstate Sign District Provisions; Removing Digital Billboard Provisions

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

<https://us02web.zoom.us/j/84972492503> OR (312) 626-6799 ID: 849 7249 2503

- To Discuss:
- (a) A Resolution Authorizing The Mayor And City Clerk To Enter Into A Grant Agreement With The Walton Family Foundation To Receive Up To \$318,604.00

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

<https://us02web.zoom.us/j/83537661539> OR (312) 626-6799 ID: 835 3766 1539

- To Discuss:
- (a) A Resolution Authorizing The Mayor And City Clerk To Sign An Abandonment Of

The Temporary Construction Easement Granted By Warren Family, LLC

- (b) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From RMF-9A (PUD) To RMF-12A, Accepting The Density Concept Plan (Everest) [Staff Report](#)
- (c) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From R-DP To NBT (Joseph & Scott Properties) [Staff Report](#)



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ROGERS CITY COUNCIL
AGENDA

OCTOBER 27, 2020
6:30 PM

<https://us02web.zoom.us/j/82140307860> OR (312)626-6799 ID: 821 4030 7860

PUBLIC HEARING:

1. Notice To Vacate A Portion Of The Alley Between West Walnut Street And West Maple Street

PUBLIC FORUM:

INVOCATION:

ROLL CALL:

ACTION ON MINUTES:

1. October 13, 2020

REPORTS OF BOARDS AND STANDING COMMITTEES:

1. ORD. Re: Allowing The Extension Of The Current Refuse Collection Contract With Inland Services Corporation, Now Orion Waste Solutions, Concerning The Exclusive Residential Waste Disposal Franchise Agreement PUBLIC WORKS COMMITTEE
2. ORD. Re: Waiving Competitive Bidding For Bathroom Remodels Made Necessary By The Covid-19 Pandemic At Fire Station #1 PUBLIC SAFETY COMMITTEE
3. ORD. Re: Vacating A Portion Of The Alley Between West Walnut Street And West Maple Street TRANSPORTATION COMMITTEE

- | | | | |
|----|----------|---|--|
| 4. | ORD. Re: | Amending Chapter 2 Of The City Of Rogers Code Of Ordinances Concerning Competitive Bidding To Ensure Compliance With City Franchise And Right Of Way Agreements | RESOURCES &
POLICY
COMMITTEE |
| 5. | ORD. Re: | Amending Chapter 44 Of The City Of Rogers Code Of Ordinances; Removing Interstate Sign District Provisions; Removing Digital Billboard Provisions | RESOURCES &
POLICY
COMMITTEE |
| 6. | RES. Re: | Authorizing The Mayor And City Clerk To Enter Into A Grant Agreement With The Walton Family Foundation To Receive Up To \$318,604.00 | FINANCE
COMMITTEE |
| 7. | RES. Re: | Authorizing The Mayor And City Clerk To Sign An Abandonment Of The Temporary Construction Easement Granted By Warren Family, LLC | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |
| 8. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From RMF-9A (PUD) To RMF-12A, Accepting The Density Concept Plan | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |

OLD BUSINESS:

- | | | | |
|----|----------|---|--|
| 1. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From R-DP To NBT (Joseph & Scott Properties) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |
|----|----------|---|--|

NEW BUSINESS:

- | | | |
|----|----------|--|
| 1. | ORD. Re: | Accepting The Final Plat Of Scissortail Subdivision, Phase 2 Rogers, Benton County, Arkansas |
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APPOINTMENTS:

ANNOUNCEMENTS:

ORDINANCE NO. _____

AN ORDINANCE ALLOWING THE EXTENSION OF THE CURRENT REFUSE COLLECTION CONTRACT WITH INLAND SERVICES CORPORATION, NOW ORION WASTE SOLUTIONS, CONCERNING THE EXCLUSIVE RESIDENTIAL WASTE DISPOSAL FRANCHISE AGREEMENT; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the municipal governing body of a city of the first class may renew or extend the term of an existing contract without soliciting bids pursuant to A.C.A. §14-58-104(b);

WHEREAS, the City Council finds it in the best interest of the City of Rogers to extend the current refuse collection contract; and

WHEREAS, any modification of the existing agreement will be approved by the City Council as a code modification of Appendix A, Article III.

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

Section 1: The current refuse collection contract with Orion Waste Solutions will be extended on December 31, 2020, pursuant to Arkansas law;

Section 2: Emergency Clause: The need to extend this contract is immediate and in order to protect the public peace, health, safety, and welfare an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of its passage and approval;

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

Section 4: Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this _____ day of _____, 2020.
APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: Bonnie Bridges, Staff Attorney
Prepared by: Bonnie Bridges, Staff Attorney
For Consideration By: Public Works Committee

ORDINANCE NO. 20-_____

AN ORDINANCE WAIVING COMPETITIVE BIDDING FOR BATHROOM REMODELS MADE NECESSARY BY THE COVID-19 PANDEMIC AT FIRE STATION #1; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, due to the COVID-19 pandemic the Rogers Fire Department needs to create a separate space within the bathroom for the safety of employees;

WHEREAS, the ergonomic changes will allow for the employees physical separation and sanitization while in the bathroom; and

WHEREAS, due to the emergent nature of the work to be completed, the need to waive competitive bidding is required.

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

Section 1: That due to the Covid-19 pandemic, a bathroom remodel is necessary to protect the health and safety of Fire Department employees;

Section 2: There exists an exceptional circumstance whereby the requirements of competitive bidding are neither practical nor feasible and the City Council, therefore, waives the requirements of competitive bidding for the ergonomic changes to the bathroom at Fire Station #1;

Section 3: Emergency Clause: The need to for the ergonomic changes to the bathroom at Fire Station #1 for the Rogers Fire Department is immediate and in order to protect the public peace, health, safety, and welfare an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of its passage and approval;

Section 4: Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 5: Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this _____ day of _____, 2020.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: Tom Jenkins, Fire Chief

Prepared by: Bonnie Bridges, Staff Attorney

For Consideration By: Public Safety Committee

ORDINANCE NO. 20- _____

AN ORDINANCE VACATING A PORTION OF THE ALLEY BETWEEN WEST WALNUT STREET AND WEST MAPLE STREET; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to Sec. 14-521 of the City of Rogers Code of Ordinances, a request by the Community Development Department has been made as a part of a right-of-way negotiation, to vacate a portion of the alley having the legal description as follows:

That certain alleyway running North and South between Lots 8 through 9 and Outlot 126, Block 1, Revised West End Addition, from its southern terminus at West Walnut Street to a point even with and adjacent to the southern boundary of lot 7, Block 1.

WHEREAS, due notice was placed on the above described land as required by law and the Council has, at the time and place mentioned in the notice heard all persons desiring to be heard on the question;

WHEREAS, the City Council has ascertained that the above described land has not been actually used for access, utilities, or service purposes;

WHEREAS, adjacent properties will remain accessible and do not rely on this alley for access, utility, or service purposes; and

WHEREAS, the Council finds that public interest and welfare will not be adversely affected by the abandonment of the alley.

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

Section 1: The City of Rogers, Arkansas, releases, vacates, and abandons all its rights, together with the rights of the public generally, in and to the alley designated as follows;

That certain alleyway running North and South between Lots 8 through 9 and Outlot 126, Block 1, Revised West End Addition, from its southern terminus at West Walnut Street to a point even with and adjacent to the southern boundary of lot 7, Block 1.

Section 2: A copy of the Ordinance, duly certified by the City Clerk, shall be filed in the office of the recorder of Benton County and recorded in the deed records of Benton County, thirty-one (31) days after the passing of this Ordinance;

Section 3: Emergency Clause: That the need to vacate the above described public alley is immediate. Therefore, in order to protect the public peace, health, safety and welfare, an emergency is deemed to exist, and this Ordinance shall become effective upon its passage and approval;

Section 4: Severability Provision: If any part of this Ordinance is held to be invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 5: Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this _____ day of _____ 2020.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: John McCurdy, Community Development Director

Prepared by: Bonnie Bridges, Staff Attorney

For Consideration By: Transportation Committee

ORDINANCE NO. 20-_____

AN ORDINANCE AMENDING CHAPTER 2 OF THE CITY OF ROGERS CODE OF ORDINANCES CONCERNING COMPETITIVE BIDDING TO ENSURE COMPLIANCE WITH CITY FRANCHISE AND RIGHT OF WAY AGREEMENTS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, Arkansas Code § 19-11-801(c) authorizes the City to elect to not use competitive bidding for other professional services adopted by a 2/3 vote of the City Council;

WHEREAS, at times it is necessary for various utility or video service lines/cables to be relocated at the request of the City;

WHEREAS, this relocation is governed by the specific utility franchise agreement or video service right-of-way usage agreement entered into with the City;

WHEREAS, pursuant to these agreements, the utility or video service provider has to relocate the lines/cables and the City has to pay for the relocation;

WHEREAS, sending the relocation project out to bid is contradictory to the previously entered into agreements which give the utility or video service provider the right to perform this service for the City at its direction; and

WHEREAS, the companies should be able to relocate the line/cables, on their own, without requiring competitive bidding as a professional service to the City governed by the franchise or right-of-way agreement.

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

Section 1: Chapter 2, Article V, Section 2-468(b), of the City of Rogers Code of Ordinances is amended to read as shown in the attached Exhibit "A" and Municode Corporation is hereby instructed to make said amendment;

Section 2: Emergency Clause: The need to amend the City Code is immediate and in order to protect the public peace, health, safety, and welfare an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of its passage and approval;

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

Section 4: Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this _____ day of _____, 2020.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: Bonnie Bridges, Staff Attorney
Prepared by: Bonnie Bridges, Staff Attorney
For Consideration By: Resources & Policy Committee

EXHIBIT “A”

Sec. 2-648. – Competitive bidding.

(a) The mayor or his duly authorized representative shall comply with state and federal laws concerning competitive bidding.

(b) The following services are other professional services allowed by A.C.A. § 19-11-801(c):

- (1) Employee benefit consulting services;
- (2) Employee temporary staffing services;
- (3) Publication services;
- (4) Financial audit services;
- (5) Bond arbitrage services;
- (6) Mail and package delivery services;
- (7) Marketing, advertising, and event promotion services;
- (8) Economic development services;
- (9) Real estate appraisal services;
- (10) Construction observation services;
- (11) Real estate closing/title services;
- (12) Recreation and sports services;
- (13) Specialized towing services for vehicles in evidence for the police department;
- (14) Material testing services (i.e., concrete, soil, aggregate, hot mix asphalt, etc.);
- (15) Software upgrades to existing software;
- (16) Safety and risk management consulting services;
- (17) Structural demolition services;
- (18) Engineering-designated property acquisition and disposal services;
- (19) Training services regarding the above-listed services;
- (20) Property acquisition and disposition services;
- (21) Consulting services for municipal planning, urban design, and land regulation; ~~and~~
- (22) Janitorial and cleaning services; ~~and~~
- (23) Relocation of utility or video service lines/cables pursuant to a franchise or right-of-way agreement with the City.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 44 OF THE CITY OF ROGERS CODE OF ORDINANCES; REMOVING INTERSTATE SIGN DISTRICT PROVISIONS; REMOVING DIGITAL BILLBOARD PROVISIONS; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the City Council finds it in the best interest of the City of Rogers to repeal the Interstate Sign District; and

WHEREAS, the City Council finds it in the best interest of the City of Rogers to repeal provisions allowing digital billboards along Interstate 49.

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

Section 1: Chapter 44, Section 44-9, of the City of Rogers Code of Ordinances is amended to repeal Subsection (4)(e) in its entirety, renumber Subsection (4)(f) as (4)(e), and Municode Corporation is hereby instructed to make said amendment;

Section 2: Chapter 44, Section 44-11, of the City of Rogers Code of Ordinances is amended to read as shown in the attached Exhibit "A" and Municode Corporation is hereby instructed to make said amendment;

Section 3: Chapter 44 of the City of Rogers Code of Ordinances is amended to repeal Section 44-12 in its entirety, and Municode Corporation is hereby instructed to make said amendment;

Section 4: Emergency Clause: The need to amend the City Code is immediate and in order to protect the public peace, health, safety, and welfare an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of its passage and approval;

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

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

PASSED this _____ day of _____, 2020.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: Council Members Carmichael, Kendall, and Reithemeyer
Prepared by: Department of Community Development
For Consideration By: Resources & Policy Committee

EXHIBIT “A”

Sec. 44-11. – Signs not permitted.

(3) *Billboards*. Large outdoor signboard which is greater than the allowed sign size. These can be off-site or on-site signs. ~~(Digital billboards will be allowed through the conditional use process to replace existing non-conforming billboards if they meet certain requirements. See digital billboard section 44-12.)~~ Non-conforming billboards may be maintained as long as they do not increase the size of the message area. However they cannot be updated to new or digital technology. Non-conforming digital billboards along Interstate 49 may be maintained subject to these additional regulations:

(A) *Display*.

- (i) *Static messages*. Such displays shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement, during the static display period, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination or the flashing, scintillating or the varying of light intensity during the static display period.
- (ii) *Dwell time and transition time*. Messages on digital billboards shall be displayed for a minimum dwell time of eight seconds and maximum transition time between messages shall seem instantaneous to the human eye.

(B) *Lighting*.

- (i) *Maximum brightness*. Digital billboards shall not operate at a brightness level of more than 0.3 foot candles above ambient light, as measured using a foot candle meter at a distance of 200 feet. Documentation shall be provided to the city at time of permit issuance certifying the digital billboard has been set to be incapable of exceeding 0.3 foot candles above ambient light.
- (ii) *Light sensing device*. Each display must have a light sensing device that will adjust the brightness as ambient light conditions change.

(C) *Malfunction default*. Each digital billboard shall have a default mechanism built in to either turn the display off or show “full black” on the display in the event of a malfunction.

RESOLUTION NO. R20-_____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A GRANT AGREEMENT WITH THE WALTON FAMILY FOUNDATION TO RECEIVE UP TO THREE HUNDRED EIGHTEEN THOUSAND SIX HUNDRED FOUR DOLLARS (\$318,604.00); AMENDING THE 2020 BUDGET TO RECOGNIZE GRANT FUNDS IN THAT AMOUNT INTO ACCOUNT #100-08-45600, GRANTS AND DONATIONS; APPROPRIATING THE SAME TO EXPENSE ACCOUNT #100-08-70995, DONATION AND GRANT EXPENSE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers will receive up to three hundred eighteen thousand six hundred four dollars (\$318,604.00), from the Walton Family Foundation to be used for the City of Rogers tree planting initiative; and

WHEREAS, there is no matching provision in this grant.

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

Section 1: The Mayor and City Clerk are hereby authorized to enter into A grant agreement on behalf of the City of Rogers with the Walton Family Foundation in which the City will receive up to three hundred eighteen thousand six hundred four dollars (\$318,604.00) in grant funds;

Section 2: The 2020 Budget is hereby amended to recognize grant funds in the amount of three hundred eighteen thousand six hundred four dollars (\$318,604.00) to account #100-08-45600, Grants and Donations;

Section 3: The 2020 Budget is further amended to appropriate said three hundred eighteen thousand six hundred four dollars (\$318,604.00) to account #100-08-70995, Donation and Grant Expense;

Section 4: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 5: Repeal of Conflicting Resolutions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2020.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: Jim White, Director of Parks and Recreation
Prepared By: Bonnie Bridges, Staff Attorney
For Consideration By: Finance Committee

RESOLUTION NO. R20-_____

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO SIGN AN
ABANDONMENT OF THE TEMPORARY CONSTRUCTION EASEMENT GRANTED
BY WARREN FAMILY, LLC; AND FOR OTHER PURPOSES.**

WHEREAS, in 2015, the Warren Family, LLC granted the City of Rogers a temporary construction easement for certain road and drainage improvements, which was filed in the Benton County Circuit Clerk's records in Book 2015, page 60072;

WHEREAS, the easement document stated that the temporary construction easement would be maintained until abandoned by the City; and

WHEREAS, the City of Rogers has finished all construction related to the road and drainage improvements covered in the easement document and desires to abandon its temporary construction easement as called for in the agreement.

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

Section 1: The Mayor and City Clerk are hereby authorized to sign all necessary documents to abandon the temporary construction easement as described in this Resolution;

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

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

RESOLVED this _____ day of _____, 2020.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: John McCurdy, Community Development Director

Prepared by: Bonnie Bridges, Staff Attorney

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. _____

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING CERTAIN LANDS FROM RMF-9A (PUD) TO RMF-12A, ACCEPTING THE DENSITY CONCEPT PLAN, PROVIDING FOR THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES

WHEREAS, pursuant to the provisions of Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, on October 20, 2020, the City Council has found that certain lands hereinafter described are better suited for RMF-12A zoning.

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

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

SECTION 2: That the land hereinafter described should be and the same is hereby zoned as RMF-12A and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

LOT 14A OF THE PEAKS, PHASE 2, AS SHOWN ON PLAT OF SAID ADDITION RECORDED IN BOOK 2008 AT PAGES 558 - 559, AND BEING LOCATED IN A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER SECTION 27, TOWNSHIP 19, NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT AN EXISTING REBAR MARKING THE NORTHEAST CORNER OF LOT 14 OF THE PEAKS PHASE 2 AND RUNNING THENCE S02°17'51"W 465.91' TO AN EXISTING REBAR, THENCE S07°04'00"W 189.74', THENCE N89°33'54"W 284.95' TO AN EXISTING REBAR ON THE SOUTH RIGHT-OF-WAY OF SHASTA ROAD MARKING THE TRUE POINT OF BEGINNING AND RUNNING THENCE ALONG SAID RIGHT-OF-WAY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 30.00' FOR A CHORD BEARING AND DISTANCE OF S46°08'17"E 41.25' TO AN EXISTING REBAR ON THE WEST RIGHT-OF-WAY OF KILIMANJARO WAY, THENCE LEAVING SAID RIGHT-OF-WAY OF SHASTA ROAD ALONG SAID RIGHT-OF-WAY OF KILIMANJARO THE FOLLOWING: ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 525.00' FOR A CHORD BEARING AND DISTANCE OF S15°35'42"E 235.49', S28°34'21"E 53.92', ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 30.00' FOR A CHORD BEARING AND DISTANCE OF S15°31'18"W 41.83' TO A POINT ON THE NORTH RIGHT-OF-WAY OF EVEREST AVENUE, THENCE LEAVING KILIMANJARO RIGHT-OF-WAY ALONG SAID RIGHT-OF-WAY OF EVEREST AVENUE THE FOLLOWING: ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1831.37' FOR A CHORD BEARING AND DISTANCE OF S59°01'30"W 43.67', ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1831.37' FOR A CHORD BEARING AND DISTANCE OF S54°26'06"W 261.62', ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 200.00' FOR A CHORD BEARING AND DISTANCE OF S52°49'08"W 18.51', ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 40.00' FOR A CHORD BEARING AND DISTANCE OF N68°04'18"W 66.66', N10°11'24"W 16.39', ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 800.00' FOR A CHORD BEARING AND DISTANCE OF N24°46'40"W 397.65', ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 800.00' FOR A CHORD BEARING AND DISTANCE OF N41°25'11"W 42.88', ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 30.00' FOR A CHORD BEARING AND DISTANCE OF N13°49'11"E 37.58' TO AN EXISTING REBAR ON THE SOUTH RIGHT-OF-WAY OF SHASTA ROAD, THENCE LEAVING SAID RIGHT-OF-WAY OF EVEREST AVENUE ALONG SAID RIGHT-OF-WAY OF SHASTA ROAD THE FOLLOWING: ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 125.00' FOR A CHORD BEARING AND DISTANCE OF N61°41'00"E 39.44' TO AN EXISTING REBAR, N70°45'57"E 43.28' TO AN EXISTING REBAR, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 475.00' FOR A CHORD BEARING AND DISTANCE OF N80°36'08"E 162.38' TO AN

EXISTING REBAR, S89°33'54"E 172.36', TO THE POINT OF BEGINNING, CONTAINING 4.06 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

LAYMAN'S DESCRIPTION:

4.06± acres at the NE corner of S. Everest Avenue and W. Everest Avenue

SECTION 3: Zoning. That the above described lands are better suited for RMF-12A than RMF-9 (PUD) zoning and same should be and are hereby zoned RMF-12A.

SECTION 4: Density Concept Plan. That the Density Concept Plan entered into by and between Emeritrog LLC and the City of Rogers, as approved by the Rogers Planning Commission on October 20, 2020, is hereby approved and made binding upon future development of the property described above, unless otherwise modified or amended by this Council, and the Mayor of the City of Rogers is authorized and directed to execute same.

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

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

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

PASSED THIS _____ DAY OF _____, 2020.

ROGERS, ARKANSAS

ATTEST:

APPROVED:

JESSICA RUSH, CLERK

C. GREG HINES, MAYOR

Requested by: Geoff Bates, Bates & Associates

Prepared by: Ethan Hunter, City Planner

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 20-_____

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

WHEREAS, pursuant to the provisions of Rogers Code Section Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, on October 6, 2020, the City Council has found that certain lands hereinafter described are better suited for NBT zoning.

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

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

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

PROPERTY DESCRIPTION:

608 N. 6th Street:

Lots 3 and 6 in Hardin's Addition to the City of Rogers, Benton County, Arkansas and Part of the NW/4 of the NE/4 of Section 12, Township 19 North, Range 30 West, Rogers, Benton County, Arkansas, described as follows: BEGINNING at a point 535 West and 480 feet North of the SE corner of said forty acres, run thence West 125 feet, thence North 100 feet, thence East 125 feet, thence South 100 feet, to the POINT OF BEGINNING.

610 N. 6th Street:

Lot 2, Hardin's Addition to the City of Rogers, Benton County, Arkansas as shown on Plat Record A at Page 44. Also: Part of the NW/4 of the NE/4 of Section 12, Township 19 North, Range 30 West, Benton County, Arkansas, described as BEGINNING at a point 535 feet West and 580 feet North of the SE corner of said NW/4 of the NE/4; thence West 125 feet; thence North 80 feet; thence East 125 feet; thence South 80 feet to the POINT OF BEGINNING.

LAYMAN'S DESCRIPTION:

608 and 610 N. 6th Street

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

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

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

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

PASSED THIS _____ **DAY OF** _____, 2020.

ROGERS, ARKANSAS

ATTEST:

APPROVED:

JESSICA RUSH, CLERK

C. GREG HINES, MAYOR

Requested By: Community Development
Prepared By: Elizabeth Johnson, Planner III

ORDINANCE NO. _____

**AN ORDINANCE ACCEPTING THE FINAL PLAT OF
SCISSORTAIL SUBDIVISION, PHASE 2
ROGERS, BENTON COUNTY, ARKANSAS,
THE DEDICATION OF UTILITY EASEMENTS AND OTHER PUBLIC WAYS THEREIN;
AND DECLARING AN EMERGENCY**

WHEREAS, the Final Plat has been submitted for the subdivision of Scissortail, Phase 2, Rogers, Benton County Arkansas which is more particularly described as follows, to-wit:

PART OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 19 NORTH, RANGE 31 WEST, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A FOUND IRON PIN MARKING THE NORTHEAST CORNER OF NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 25;
THENCE SOUTH 02°11'26" WEST, 1,213.33 FEET ALONG THE EAST LINE OF SAID FORTY TO A FOUND IRON PIN;
THENCE LEAVING SAID EAST LINE, SOUTH 71°59'18" WEST, 539.16 FEET TO A FOUND IRON PIN;
THENCE SOUTH 25°35'00" EAST, 79.48 FEET TO A FOUND IRON PIN;
THENCE SOUTH 68°56'05" WEST, 279.12 FEET TO A FOUND IRON PIN;
THENCE SOUTH 57°06'41" WEST, 100.31 FEET TO A FOUND IRON PIN;
THENCE NORTH 24°44'59" WEST, 318.64 FEET TO A FOUND IRON PIN;
THENCE NORTH 87°32'52" WEST, 29.54 FEET TO A FOUND IRON PIN;
THENCE NORTH 02°26'46" EAST, 50.00 FEET TO A FOUND IRON PIN;
THENCE NORTH 05°22'46" EAST, 176.23 FEET TO A FOUND IRON PIN;
THENCE NORTH 55°53'19" EAST, 187.94 FEET TO A FOUND IRON PIN;
THENCE NORTH 26°31'17" EAST, 151.26 FEET TO A FOUND IRON PIN;
THENCE NORTH 72°11'12" WEST, 51.54 FEET TO A FOUND IRON PIN;
THENCE NORTH 01°39'54" EAST, 208.95 FEET TO A FOUND IRON PIN;
THENCE NORTH 27°10'48" WEST, 50.58 FEET TO A FOUND IRON PIN;
THENCE NORTH 71°29'44" WEST, 59.01 FEET TO A FOUND IRON PIN;
THENCE AROUND A CURVE TO THE RIGHT HAVING A RADIUS OF 145.00 FEET AND SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 76°47'29" WEST, 26.77 FEET TO A ½" FOUND IRON PIN;
THENCE NORTH 06°52'06" WEST, 164.65 FEET TO A FOUND IRON PIN;
THENCE NORTH 83°02'09" WEST, 173.82 FEET TO A FOUND IRON PIN;
THENCE SOUTH 77°20'26" WEST, 53.26 FEET TO A ½" SET IRON PIN;
THENCE AROUND A CURVE TO THE LEFT HAVING A RADIUS OF 245.87 FEET AND SUBTENDED BY A CHORD BEARING AND DISTANCE OF THENCE SOUTH 16°44'00" EAST, 54.44 FEET TO A FOUND PIN;
THENCE SOUTH 75°01'29" WEST, 217.40 FEET TO A FOUND IRON PIN;
THENCE NORTH 09°47'44" WEST, 159.50 FEET TO A FOUND IRON PIN;
THENCE NORTH 12°50'26" EAST, 439.10 FEET TO A FOUND IRON PIN ON THE NORTH LINE OF THE NORTHWEST QUARTER;
THENCE ALONG THE NORTH LINE OF SAID FORTY, SOUTH 87°08'16" EAST, 1,215.53 FEET TO THE POINT OF BEGINNING, CONTAINING 31.75 ACRES, MORE OR LESS. SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

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

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

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

SECTION 1: The Final Plat of Scissortail, Phase 2, Rogers, Benton County, Arkansas, as described in the Plat thereof, is hereby accepted, approved and confirmed.

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

SECTION 3: As the facilities to be constructed within this subdivision will promote the economy of the City and will promote the public health and welfare, an emergency is declared to exist and this Ordinance shall be in full force and effect from and after the date of its passage.

SECTION 4: Severability Provision- In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 5: Repeal of Conflicting Ordinances and Resolutions- All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED this _____ day of _____, 2020.

APPROVED:

C. GREG HINES, MAYOR

ATTEST:

JESSICA RUSH, CITY CLERK

Represented by: Phil Swope
Prepared by: Community Development Department