

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

August 2, 2018

TO: PLANNING COMMISSION

**SUBJECT: CUP #18-20 – Motion Outfitters, Jim Erwin Wrecker Service, Meeks Towing & Recovery
STAFF SUMMARY REPORT**

ADDRESS:	1908 S 8 th St
LAND OWNER:	De La Garza Properties, LLC
APPLICANT/REP:	Motion Outfitters, Jim Erwin Wrecker Service, Meeks Towing & Recovery
ZONING DISTRICT:	C-2 (Highway Commercial), Overlay District
REQUEST:	Conditional Use Permit for “Vehicle/Equipment Sales and Rentals” and “Vehicle Storage”
AUTHORITY:	Sec. 14-723, Rogers Code of Ordinances

BACKGROUND

- The applicant intends to open a used auto sales and towing/storage yard at the subject location.
- Per Sec. 14-695(b)(3)(MM), “Vehicle/Equipment Sales and Rentals” is defined as “...encompassing the sale or rental of automobiles, motorcycles, trucks, tractors, construction equipment, agricultural equipment, mobile homes, and similar equipment. Vehicle/Equipment Sales and Rentals may include storage and incidental maintenance, if the storage and incidental maintenance is attendant to the primary purpose of sale or rental.”
- Per Sec. 14-695(b)(3)(NN) “Vehicle Storage” is defined as “... encompassing exclusive storage of operative or inoperative vehicles. Vehicle Storage includes without limitation the tertiary use classification of: (a) storage of parking tow-aways, (b) impound yards, and (c) storage lots for automobiles, trucks, buses, and recreational vehicles. Vehicle storage does not include vehicle dismantling.”
- Per Sec. 14-709(c)(2), “No motor vehicle repair or maintenance work shall take place outdoors within 150 feet of the boundary of any residential district.”

STAFF REVIEW

ENGINEERING REVIEW:

- 1) Land Use in Reference to Planning Commission Considerations per Sec. 14-723(a)(3):
 - a) Access Management: Two curb cuts on this site are present along S. 8th Street with several curb cuts in the immediate vicinity.
- 2) C-2 Highway Commercial District per Sec. 14-709(c)(3):
 - a) Planning Commission will need to consider a waiver for the requirements of Sec. 14-709(c)(3) – “Use Limitations for all sales, display or outdoor storage areas that would be routinely disturbed because of the nature of the activity being conducted or because of vehicular traffic, except those areas of nurseries and garden centers where living plants are located, shall be paved with a hard surface paving.”
- 3) Stormwater and Water Quality:
 - a) Floodplain: The site is within a FEMA regulated floodplain, Zone AE. Any modifications to the site will require a floodplain development permit with a site plan per Sec. 22-70.
 - b) Water Quality: The site is located near a primary drainage channel and within a FEMA regulated floodplain.
- 4) RECOMMENDATIONS:
 - a) For approve, consider the following conditions:
 - i) Remove one of the two existing curb cuts to improve safety along S. 8th Street.
 - ii) Provide a site plan showing the limits of disturbed areas and proposed gravel or paved areas.
 - iii) Submit a Floodplain Development Permit.
 - iv) Require that no outdoor storage of vehicular parts to reduce the potential to adversely impact the nearby primary drainage channel of leaking fluids.
 - v) Provide water quality treatment on-site per the Drainage Criteria Manual Ch.9, Sec. 2.0, due to the nature of the proposed land use to having a significant potential to adversely impact the quality of stormwater runoff.

DYLAN COBB, Planning Engineer
City of Rogers Planning Division

PLANNING REVIEW:

- 1) Land Use in Reference to Planning Commission Considerations per Sec. 14-723(a)(3):
 - a) The proposed uses are listed as conditional in the C-2 zoning district. The property is zoned correctly.
 - b)
 - i) The subject location includes a vacant building the applicant plans to use for auto sales, and towing and storage yard office if approved.
 - ii) To the north of the lot is a C-4 zoned parcel, to the east and south are C-2 parcels, and to the west is a RMF-12B zoned parcel. Multiple vehicle sales and storage business are located on this section of S 8th Street.
 - iii) Due to the R-MF presence to the west, the applicant will not be allowed to do any outdoor motor vehicle repair work.
 - iv) Vehicle/equipment sales and rentals and vehicle storage are compatible with the surrounding land-use pattern and with the Comprehensive Growth Map.
- The proposed use would not violate any C-2 zoning requirements, such as setbacks and parking.
- 2) Views of Others: No supporting or opposing comments have been received by the Planning Division to date.
- 3) RECOMMENDATIONS:
 - Consider the request with regard to land-use compatibility and the health, safety, and general welfare of the public.
 - For approve, consider the following conditions:
 - i) A possible limit to the number of vehicles allowed on site.
 - ii) Require all vehicle storage for towing business to be screened from public view.
 - iii) Vehicles can only be parked in striped spaces in the non-screened area.
 - iv) No vehicle storage will be allowed on 1920 S 8th Street without a separate conditional use permit.



ELIZABETH TREAT, District Planner
City of Rogers Planning Division

ADMINISTRATOR'S SUGGESTED MOTION:

- 1) Move to **approve** the request by Motion Outfitters, Jim Erwin Wrecker Service, Meeks Towing & Recovery for a CUP to allow vehicle/equipment sales and rentals and vehicle storage at the subject location with the following conditions:
 - i) A possible limit to the number of vehicles allowed on site.
 - ii) Place a privacy fence along the property line and the edge of the paved parking to screen the unstriped storage and sale of vehicles from neighboring properties and from view of the right-of-way.
 - iii) Vehicles can only be parked in striped spaces in the non-screened area.
 - iv) No vehicle storage will be allowed on 1920 S 8th Street without a separate conditional use permit.

DIRECTOR'S COMMENTS:

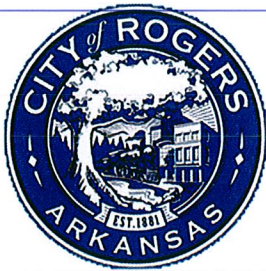
- 1) Agree with recommendations and suggested motion.


JOHN C. McCURDY, Director
City of Rogers Department of Community Development

Tabs:

1. CUP application with required supplements
2. Aerial Showing Limits of Gravel Area
3. Map and/or photos

Note: staff recommendations are based on technical review of city code and may not reflect all information made available to officials during discussion and public input.



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NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Rogers Planning Commission in the Rogers City Hall at 301 West Chestnut Street on **August 7, 2018 at 4:30 p.m.** on the application by **Motion Outfitters, Jim Erwin Wrecker Service, and Meeks Towing & Recovery** for a **Conditional Use** to allow **vehicle sales and storage** in the **C-2 (Highway Commercial)** zoning district at the following described locations:

LEGAL DESCRIPTION:

24-19-30-Rogers, 24-19-30 1 Acres PT S ½ NE NW Beg N88, W42.92 NE/C POB S0, E125' N89, W368.53' N0, E111.11' N88, E365.67' POB Store 403 Tract 970040 in Benton County, Arkansas.

Subject to recorded instruments, covenants, rights of way and easements.

LAYMAN'S DESCRIPTION:

1908 S 8th Street

Dennis Ferguson, Secretary
Planning Commission

PUBLISH ONE TIME ONLY: **July 23, 2018**
BILL THE CITY OF ROGERS



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PLANNING DIVISION
CITY OF ROGERS, ARKANSAS
301 W. CHESTNUT
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OFFICE USE ONLY

Permit Fee: \$100 CH 5415 (\$100)
Zoning: C-2
Permit Number: 18-20
CityView Application: PL201800365
Date: 7-19-18

CONDITIONAL USE PERMIT

APPLICANT: MOTION OUTFITTERS, JIM ERWIN WRECKER SERVICE, MECKS TOWING + RECOVERY

ADDRESS: 1908 S. 8TH ST. ROGERS, AR. 72756 SUITE #: _____

PHONE #: 479-451-8291 HOME EMAIL: LARENZYJO@YAHOO.COM
479-644-8784 CELL

PROPERTY OWNER: DE LA GARZA PROPERTIES LLC PHONE #: TIM WANG - REPRESENTATIVE
479-381-3944

PRESENT USE: VACANT ZONING: _____

PROPOSED CONDITIONAL USE: USED AUTO SALES, TOWING AND STORAGE YARD

PARKING SPACES AVAILABLE: 6 FRONT HOURS OF OPERATION: 9AM-5PM

IF APPLYING TO OPEN A DAYCARE:

NUMBER OF CHILDREN: _____ MOST CHILDREN AT ONE TIME: _____

Larenzy Erwin
Applicant Signature

[Signature]

7-18-18
Date

Is the property switching from a residential to non-residential use?

- ☐ Yes. If so, large-scale approval and/or coordination with Risk Reduction for compliance with the appropriate building codes will be required.
☒ No

Attachment Checklist:

- ☒ Letter explaining request
☒ Legal description of property
☐ Applicant Certification
☐ Site plan as needed
☐ Letter of Approval from Property Owner

PLANNING STAFF PROVIDES:

DATE FILED: 7/19/18 PUBLIC HEARING DATE: 8/7/18 CERTIFIED MAIL DATE: 7/23/18

PLANNING COMMISSION ACTION: _____

COMMENTS, CONDITIONS, LIMITS: _____

**MOTION OUTFITTERS
JIM ERWIN WRECKER SERVICE
MEEKS TOWING & RECOVERY**

CITY OF ROGERS PLANNING COMMISSION

**LETTER: TO ACCOMPANY APPLICATION FOR CONDITIONAL
USE PERMIT FOR 1908 SOUTH 8TH STREET, ROGERS,
ARKANSAS, 72756, PARCEL #02-01946-000
AUGUST 7, 2018 MEETING**

**TYPE OF BUSINESS TO BE OPERATED: USED AUTO SALES IN
THE FRONT, TOWING AND STORAGE IN THE BACK**

**HOURS AND DAYS OF OPERATION: OFFICE HOURS 9:00 AM TO
5:00 PM MONDAY THROUGH FRIDAY, 10:00 AM TO 2:00 PM
SATURDAY AND SUNDAY**

**TRAFFIC: WE DO NOT ANTICIPATE ANY MORE TRAFFIC
THAN THE PREVIOUS BUSINESS THAT WAS AT THIS
LOCATION, AS WE SHOW AND RELEASE VEHICLES BY
APPOINTMENT ONLY.**

**PARKING: THE CURRENT FRONT LOT HAS AMPLE PARKING,
AS WE USUALLY ONLY HAVE ONE CUSTOMER AT A TIME.**

**SIGNAGE: WE PLAN TO UTILIZE THE ALREADY EXISTING
SIGNS ON THE FRONT OF THE BUILDING AND BY THE STREET**

NO FLAMMABLE OR HAZARDOUS MATERIALS

**LIGHTING: WE WILL INSTALL A "DUSK TIL DAWN" LIGHT IN
THE BACK OF THE LOT ON THE ELECTIC COMPANY POWER
POLE FOR SECURITY PURPOSES. THE FRONT OF THE
BUILDING ALREADY HAS 3 SECURITY LIGHTS MOUNTED ON
THE TOP OF THE BUILDING WE MAY USE.**

NOISE: VEHICLES COMING AND GOING

SCREENING: THERE IS ALREADY A NATURAL VEGETATION AND TREE SCREEN IN THE BACK OF THE LOT. WE WILL ADD A MESH SCREEN TO THE NORTH FENCE LINE.

LEGAL DESCRIPTION: 24-19-30-Rogers, 24-19-30 1 Acres PT S ½ NE NW Beg N88, W42.92 NE/C POB SO, E125' N89, W368.53' NO, E 111.11' N88, E 365.67' POB Store 403 Tract 970040 In Benton County, Arkansas.

Subject to recorded instruments, covenants, rights of way and easements.

Aerial Showing Limits of Gravel Area



Note: staff recommendations are based on technical review of city code and may not reflect all information made available to officials during discussion and public input.

PROPERTY OWNER PERMISSION

I, Cesar DelaGarza, hereby permit the use of Used Auto Sales
(name) (use)
on my property at 1908 S. 8th Street Rogers, Arkansas.
(address)

Dated this the 19th day of July, 2018.

[Signature]
Signed

Cesar DelaGarza
Name Printed

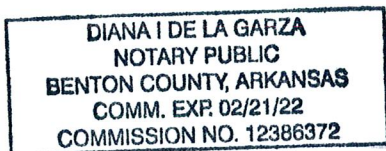
STATE OF ARKANSAS

COUNTY OF Benton

Subscribed and sworn before me this the 19th day of July, 2018.

[Signature]
Notary Signature

Diana DelaGarza
Notary Name Printed



October
Commission Expires

