

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

NOVEMBER 26, 2018

TO: PLANNING COMMISSION

**CONDITIONAL USE PERMIT, ROADSIDE SERVICE
STAFF SUMMARY REPORT**

ADDRESS:	2004 S 8 th St
LAND OWNER:	Edgar Leon
APPLICANT/REP:	Roadside Service
ZONING DISTRICT:	C-2 (Highway Commercial)
GROWTH DESIGNATION:	Employment Center
CUP REQUEST:	Vehicle Storage
AUTHORITY:	Sec. 14-723, Rogers Code of Ordinances

BACKGROUND

- 1) Use Definition: Per Sec. 14-695(b)(3)(c), "Vehicle Storage" is defined as "encompassing exclusive storage of operative or inoperative vehicles. Vehicle Storage includes without limitation the tertiary use classification of: Storage of parking tow-aways; Impound yards; and Storage lots for automobiles, trucks, buses, and recreational vehicles. Vehicle storage does not include vehicle dismantling."
- 2) Zoning District Intent: Per Sec. 14-709(a), the purpose of C-2 zoning 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."
- 3) Growth Designation Characteristics: Per CGM Page 1, Employment Center is characterized as "medium-intensity, low-density areas intended for manufacturing, warehousing, and similar uses. Proximity to major arterials and rail. Compatibility with adjacent areas achieved with buffers; physical separation and landscape screening generally appropriate buffer types. Residential uses generally prohibited or limited."
- 4) Conditional Use Considerations: Per Sec. 14-723(a)(3), conditional uses may be considered by the Planning Commission subject to four factors:
 - a) Whether the use is a conditional use in the district requested and that the property under application is zoned correctly.
 - b) Whether the use would be compatible with adjacent property and would not set a precedent contrary to the City land-use plan.
 - c) Whether all other zoning requirements can be met.
 - d) Whether ingress and egress for the proposed use will create a traffic hazard.

STAFF REVIEW

ENGINEERING REVIEW:

- 1) Street Network Capacity:
 - a) Conditional Use Considerations:
The proposed use **would not** create or compound a traffic hazard in terms of trip generation. However, two curb cuts on this site are present along S. 8th Street with several curb cuts in the immediate vicinity and may create or compound a traffic hazard in terms of access management per Sec. 14-260(1)e: Number of curb cuts permitted and Sec. 14-260(1)f: Distance between curb cuts.
- 2) RECOMMENDATIONS:
 - a) For approve, consider the following conditions:
 - i. Remove one of the two existing curb cuts to improve safety along S. 8th Street.

DYLAN COBB, Planning Engineer
City of Rogers Engineering Division

PLANNING REVIEW:

- 1) Land-Use Compatibility:
 - a) Comprehensive Growth Map: The proposed use is consistent with the current Comprehensive Growth Map (Tab 2).
 - b) Conditional Use Considerations:
 - i) The proposed use **is** conditional in C-2. The property **is** zoned correctly per CGM.
 - ii) The proposed use **is** compatible with adjacent property and would not set a precedent contrary to the CGM.

- iii) The proposed use **would not** prevent any C-2 zoning requirements from being met.
- 2) General Findings: Staff finds this to be an appropriate use at the subject location based on consistency with the CGM and zoning district intent. The subject request would not adversely impact adjacent property and is consistent with the development goals of the surrounding area.
- 3) Views of Others: No supporting or opposing comments have been received by the Planning Division to date.
- 4) RECOMMENDATIONS:
- a. Consider request with regard to land-use compatibility and the health, safety, and general welfare of the public.
 - b. Approve with the following condition:
 - i. All vehicles must be parked in a striped parking space.



ELIZABETH JOHNSON, Planner II
City of Rogers Planning Division

ADMINISTRATOR'S SUGGESTED MOTION:

- 1) Move to **approve/deny/table** the request by Roadside Service for a CUP to allow "Vehicle Storage" at 2004 S 8th Street with the following conditions
- i) That all vehicles must be parked in a striped parking space.
 - ii) Remove one of the two existing curb cuts to improve safety along S. 8th Street.

DIRECTOR'S COMMENTS:

- 1) Agree with recommendations and suggested motion.

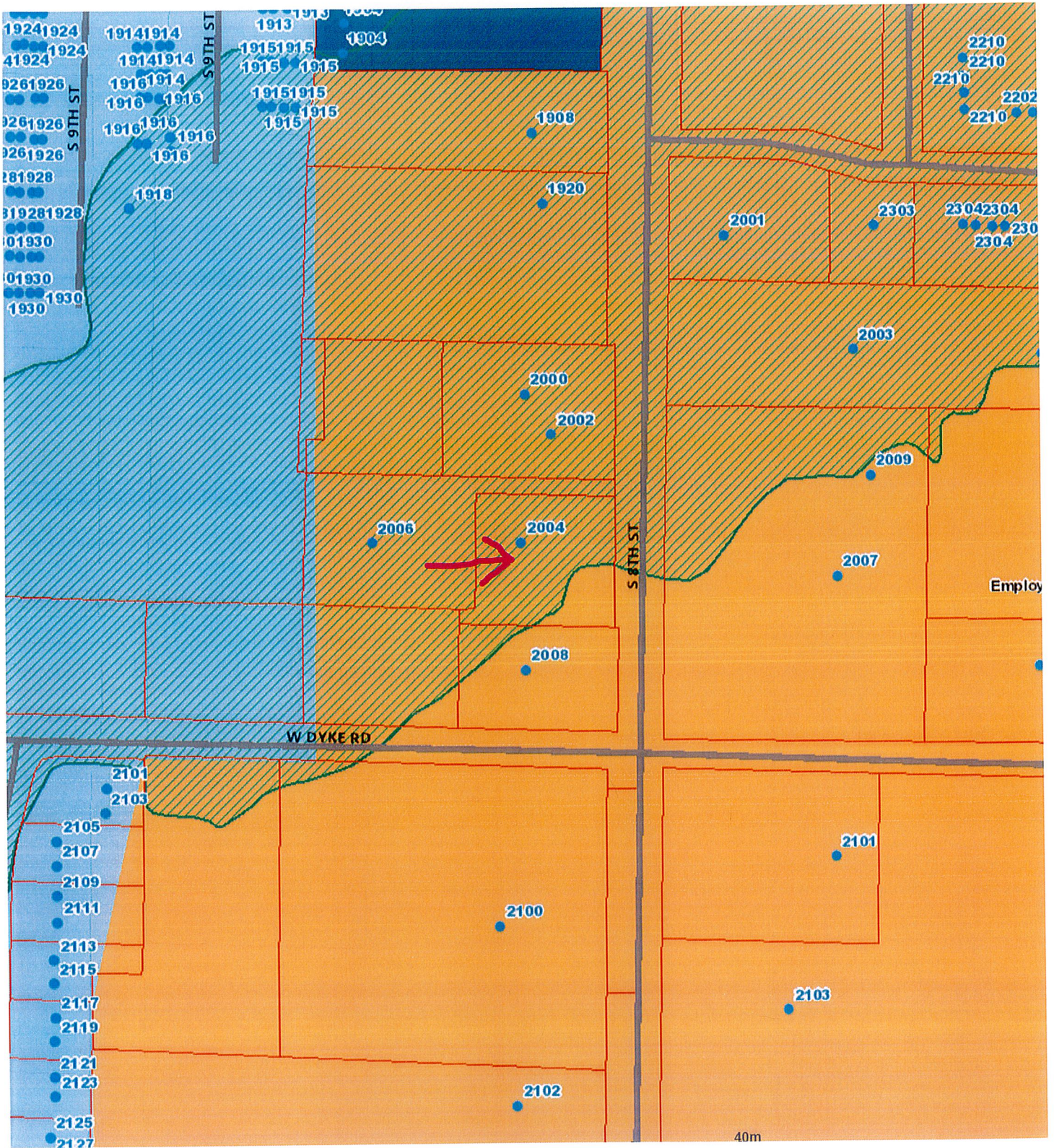


JOHN C. MCCURDY, Director
City of Rogers Department of Community Development

Tabs:

1. CUP application with required supplements
2. Maps and/or photos

COMPREHENSIVE GROWTH MAP



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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CITY OF ROGERS, ARKANSAS
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OFFICE USE ONLY

Permit Fee: \$100 cc (\$100)
Zoning: C-2
Permit Number: 18-32
CityView Application: PL201801120
Date: 11/5/2018

CONDITIONAL USE PERMIT

APPLICANT: Roadside service
ADDRESS: 2004 S 8th St Rogers AR SUITE #: B
PHONE #: 479 EMAIL: Roadsideservicesnwa@gmail.com
PROPERTY OWNER: Edgar Leon PHONE #: 479-715-3375
PRESENT USE: Storage for cars 3 years ZONING: C-2
PROPOSED CONDITIONAL USE: Storage for cars
PARKING SPACES AVAILABLE: Yes HOURS OF OPERATION: 24/7
IF APPLYING TO OPEN A DAYCARE:
NUMBER OF CHILDREN: _____ MOST CHILDREN AT ONE TIME: _____

Applicant Signature [Signature] Date 11/2/10

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: 11/5/2018 PUBLIC HEARING DATE: 12/4/2018 CERTIFIED MAIL DATE: 11/19/2018
PLANNING COMMISSION ACTION: _____
COMMENTS, CONDITIONS, LIMITS: _____

PROPERTY OWNER PERMISSION

I, Edgar Leon, hereby permit the use of storing cars
(name) (use)
on my property at 2004 B S 8th St Rogers Rogers, Arkansas.
(address)

Dated this the 2 day of November, 2018.

Edgar Leon
Signed

Edgar Leon
Name Printed

STATE OF ARKANSAS

COUNTY OF Benton

Subscribed and sworn before me this the 2 day of November, 2018.

JORGE A MELGAR
BENTON COUNTY
NOTARY PUBLIC, ARKANSAS
My Commission Expires February 28, 2023
Commission No. 12382658

Notary Signature

Jorge A. Melgar
Notary Name Printed

02/28/2023
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 **with return receipts requested** at least 15 days prior to the upcoming public hearing.

Dated this the 2 day of November, 2018.

[Signature]
Signed

Ryan Wade
Name Printed

STATE OF ARKANSAS

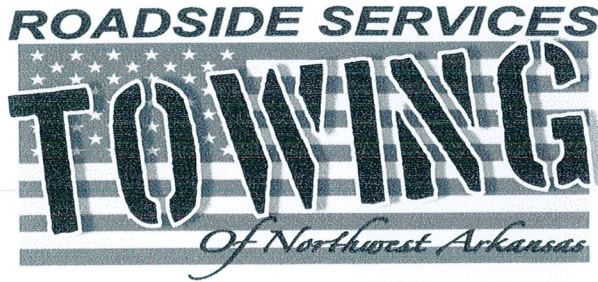
COUNTY OF Benton

Subscribed and sworn before me this the 2 day of November, 2018.



Jorge A. Melgar
Notary Name Printed

02/28/2023
Commission Expires



125 N. Bloomington St.
Lowell, AR 72745
Email: roadsideservicesnwa@gmail.com
Phone: (479) 751-8200
Fax: (479) 308-0255

November 2, 2018

Applying for a **Conditional Use Permit** for towing and also the storing of vehicles.

Our storage facility in Rogers has been at 2004 S. 8th St. for about 3 years. It is a completely fenced off property with black mesh to block the view of inside the property. We store accidents and working vehicles there 24/7.

The address is secure with fencing and dusk to dawn lights inside and outside the property that meet all the regulations for the Arkansas Tow & Recovery Board. These lights have been present and to my knowledge, working, for the last 7 years. We are happy to provide proof of our license. Trucks occasionally come in and out as there is 3 available parking spots in front of the fence on the property.

There are no signs being erected on the property only a business sign hanging on the fence.

Thank you,

Ryan Ward, Owner
Roadside Services, LLC.
Direct: (479) 381-3131

BEFORE THE PLANNING COMMISSION OF THE CITY OF ROGERS, ARKANSAS

NOTICE OF PUBLIC HEARING FOR A CONDITIONAL USE PERMIT

Notice is hereby given pursuant to Section 14-723 of the Rogers City Code that Roadside Services, LLC. is applying to the Rogers Planning Commission for the Conditional Use Permit to allow property located at 2004-B S. 8th St. The property is more particularly described as follows:

LEGAL DESCRIPTION: Towing & Vehicle Storage Facility

LAYMAN'S DESCRIPTION: 2004-B S. 8th St. – Car Storage

A public hearing by the Rogers Planning Commission will be held on December 4, 2018 at 4:30pm in the City Council Chambers of the City Hall Building located at 301 W. Chestnut St., Rogers, AR.

Respectfully Submitted,

BY: _____
Ryan Ward – Owner
Roadside Services, LLC.

Prepared by:

Angela G. Henry, P.A.
.6731 Frog Bayou Drive
Rudy, AR 72952

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That we, **Daryl Hickman and Ginger Hickman, husband and wife**, hereinafter called "Grantors", for good and valuable consideration in hand paid by **Starr Hickman Investments, LLC**, hereinafter called Grantee, do hereby grant, bargain, sell and convey unto **Starr Hickman Investments, LLC**, and Grantee's successors and assigns, all of our right, title and interest in an **undivided two-thirds (2/3)** interest in the following described land situate in Benton County, State of Arkansas, to-wit:

Tract A: A part of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 24, Township 19 North, Range 30 West, Benton County, Arkansas, described as beginning 1000 feet South and 40 feet West of the NE corner of said NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ on the West right of way of Highway #71, thence South 01 degrees 04' West 165 feet; thence North 87 degrees 53' 17" West 211.20 feet; thence North 01 degrees 04' East 165 feet; thence South 87 degrees 53' 17" East 211.20 feet to the point of beginning.

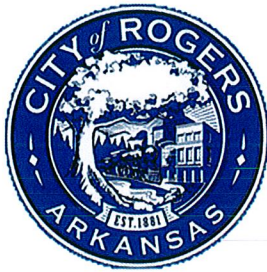
Tract B: A part of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 24, Township 19 North, Range 30 West, Benton County, Arkansas, and being more particularly described as follows: Beginning at the SW corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 24; thence South 87 degrees 52' 37" East 901.99 feet; thence North 02 degrees 05' 30" East 155.97 feet to the point of beginning; thence South 87 degrees 53' 17" East 166.86 feet; thence North 01 degrees 04' 00" East 165 feet; thence North 87 degrees 53' 17" West 144.80 feet; thence South 01 degrees 04' 00" West 125.00 feet; thence North 87 degrees 53' 17" West 21.34 feet; thence South 02 degrees 05' 30" West 40.00 feet to the point of beginning.

Tract C: A part of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 24, Township 19 North, Range 30 West, Benton County, Arkansas, described as beginning South 87 degrees 52' 37" East 901.99 feet from the SW corner of the said NE $\frac{1}{4}$ of the NW $\frac{1}{4}$; thence North 02 degrees 05' 30" East 159.97 feet; thence South 87 degrees 53' 17" East 378.06 feet to the West Right of Way of Highway #71; thence with said right of way, South 01 degrees 04' West 20 feet; thence North 87 degrees 53' 17" West 170.00 feet; thence South 01 degrees 04' West 140 feet; thence North 87 degrees 53' 17" West 210.92 feet to the point of beginning.

Tract D: A part of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 24, Township 19 North, Range 30 West, Benton County, Arkansas, described as beginning 40 feet West and 1185 feet South of the NE corner of the said NE $\frac{1}{4}$ of the NW $\frac{1}{4}$; thence West 170 feet; thence South 140 feet; thence East 170 feet; thence North 140 feet to the place of beginning. Also, a part of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 24, Township 19 North, Range 30 West, Benton County, Arkansas, further described as beginning 40.0 feet West of the NE corner of the said SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ on the West right of way of U.S. Highway #71; thence along said right of way, South 01 degrees 04' West 19.5 feet; thence North 87 degrees 52' 37" West 200.00 feet; thence North 01 degrees 03' 28" East 19.5 feet; thence South 87 degrees 52' 37" East 200.00 feet to the point of beginning.

Subject to easements, rights of way, and protective covenants of record, if any.
Subject to all prior mineral reservations and oil and gas leases.

TO HAVE AND TO HOLD the said lands and appurtenances thereunto belonging unto the said Grantee and Grantee's successors and assigns, forever. And we, the said Grantors, hereby covenant that we are lawfully seized of said land and premises, that the same is unencumbered, and that we will forever warrant and defend the title to the said lands against all claims whatever.



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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 **December 4, 2018 at 4:30 p.m.** on the application by **Roadside Service** for a **Conditional Use** to allow **vehicle storage** at **2004 S 8th St** in the **C-2 (Highway Commercial)** zoning district in the city's Overlay District at the following described locations:

LEGAL DESCRIPTION:

Tract D: A part of the NE ¼ of the NW ¼ of Section 24, Township 19 North, Range 30 West, Benton County, Arkansas, described as beginning 40 feet West and 1185 feet South of the NE corner of the said NE ¼ of the NW ¼; thence West 170 feet; thence South 140 feet; thence East 170 feet; thence North 140 feet to the place of beginning. Also, a part of the SE ¼ of the NW ¼ of Section 24, Township 19 North, Range 30 West, Benton County, Arkansas, further described as beginning 40.0 feet West of the NE corner of the said SE ¼ of the NW ¼ on the West right of way of U.S. Highway #71; thence along said right of way, South 01 degrees 04' West 19.5 feet; thence North 87 degrees 52' 37" West 200.00 feet; thence North 01 degrees 03' 28" East 19.5 feet; thence South 87 degrees 52' 37" East 200.00 feet to the point of beginning.

LAYMAN'S DESCRIPTION:

2004 S 8th St

Dennis Ferguson, Secretary
Planning Commission

PUBLISH ONE TIME ONLY: **November 19, 2018**
BILL THE CITY OF ROGERS

RMF-15B

C-2

C-2

C-4

C-2

I-2

C-4

WEST NEW HOPE ROAD

SOUTH 11th STREET

SOUTH 10th STREET

S. 9th ST.

12B

C-4

C-2

SOUTH 8th STREET

Conditional Use Permit
Vehicle Storage



NR

RM

C-2

C-2

C-4

I-2

C-2

RMF-12B

BEACON

CIRCLE

I-2

C-2

C-2

I-1

C-2

W-O

MF-12A

WEST DYKE ROAD

C-4

C-4

I-2

W. GREEN ACRES DR.

EN ACRES PL.

SOUTH 9th ST.

NR

C-4

C-4

SOUTH 5th STREET

WEST NUI