



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

FEBRUARY 11, 2019

TO: PLANNING COMMISSION

**CONDITIONAL USE PERMIT, RAY PALMER  
STAFF SUMMARY REPORT**

ADDRESS:	1114 W. Poplar Place
LAND OWNER:	VCH, LLC
APPLICANT/REP:	Bill Watkins
ZONING DISTRICT:	R-O (Residential Office)
GROWTH DESIGNATION:	Neighborhood
CUP REQUEST:	Retail Sales, and Maintenance and Repair Services
AUTHORITY:	Sec. 14-723, Rogers Code of Ordinances


**BACKGROUND**

- 1) Use Definition:
  - a) Per Sec. 14-695(b)(3)(GG), "Retail Sales" is defined as "encompassing the retail sale of merchandise not specifically listed under another use category. Retail Sales includes, but is not limited to department stores, clothing stores, comprehensive home improvement stores, and furniture stores."
  - b) Per Sec. 14-695(3)(O), "Maintenance and Repair Services" is defined as "encompassing businesses that provide maintenance, cleaning, and repair services for consumer goods on a site that is not the property of the customer. Maintenance and Repair Services includes, but is not limited to taxidermists, picture framing shops, gunsmiths, locksmiths, vacuum repair shops, and electronics repair shops. Maintenance and Repair Services does not include uses included in Vehicle/Equipment repair or Marine Sales and Services."
- 2) Zoning District Intent: Per Sec. 14-706(a), the purpose of R-O zoning is "for the conversion of existing structures to office use or the construction of office in areas where the continuation of residential activity is no longer practical or to establish a transition between residential and nonresidential uses. It is further the intent of this district to encourage mixed residential and office uses."
- 3) Growth Designation Characteristics: Per CGM Page 1, Neighborhood is characterized as "Low-intensity, low-density areas connected by collector and local streets. May feature light mix of non-residential activities such as schools, places of worship, and other low-impact community-oriented uses. Compatibility with adjacent areas achieved with transitions; medium-density residential generally appropriate transition type."
- 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:
    - i) The proposed use **would not** create or compound a traffic hazard in terms of access management or trip generation.
- 2) RECOMMENDATIONS:
  - a) Approve

  
DYLAN COBB, Planning Engineer  
City of Rogers Engineering Division

PLANNING REVIEW:

- 1) Land-Use Compatibility:
  - a) Comprehensive Growth Map: The proposed use is not consistent with the current Comprehensive Growth Map (Tab 2).
  - b) Conditional Use Considerations:
    - i) The proposed use **is** conditional in R-O. The property **is not** 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 R-O zoning requirements from being met.
- 2) General Findings: While the existing zoning district does violate the Comprehensive Growth Map, the design of the preexisting structure, being a large commercial building, makes this location appropriate for the requested Conditional Use Permit. The subject location is surrounded by commercial structures on all four sides. Staff finds this to be an appropriate use at the subject location based on consistency with the zoning district intent. The subject request would not adversely impact adjacent property and is consistent with the development goals of the surrounding area, therefore staff recommends approval of the conditional use permit.
- 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.



ELIZABETH JOHNSON, Planner II  
City of Rogers Planning Division

ADMINISTRATOR'S SUGGESTED MOTION:

- 1) Move to **approve/deny/table** the request by Ray Palmer for a CUP to allow "Retail Sales, and Maintenance and Repair Services" at 1114 W. Poplar Place.

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

*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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CH 34765

OFFICE USE ONLY

Permit Fee: \$100 (\$100)  
Zoning: R-O  
Permit Number: 19-07  
CityView Application: PL 201900048  
Date: 01/23/19

CONDITIONAL USE PERMIT

APPLICANT: Ray Palmer

ADDRESS: 1114 W. Poplar Place, Rogers, Arkansas SUITE #: \_\_\_\_\_

PHONE #: 479-636-2168 EMAIL: bwatkins@watkinslawoffice.com

PROPERTY OWNER: VCH, LLC PHONE #: c/o 479-636-2168

PRESENT USE: vacant medical clinic ZONING: R-O

PROPOSED CONDITIONAL USE: retail-sale & repair fo bowed stringed instruments

PARKING SPACES AVAILABLE: 30 + HOURS OF OPERATION: 10-6 M-F  
10-4 Sat

IF APPLYING TO OPEN A DAYCARE:

NUMBER OF CHILDREN: \_\_\_\_\_ MOST CHILDREN AT ONE TIME: \_\_\_\_\_

[Signature]  
Applicant Signature

1/22/19  
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: 1-23-19 PUBLIC HEARING DATE: 2-19-19 CERTIFIED MAIL DATE: 2-4-19

PLANNING COMMISSION ACTION: \_\_\_\_\_

COMMENTS, CONDITIONS, LIMITS: \_\_\_\_\_

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

ATTORNEYS AT LAW

WILLIAM P. WATKINS, III, P.A.  
RONALD L. BOYER, P.A.  
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ANDREW T. CURRY, P.A.  
JOHN E. JENNINGS (OF COUNSEL)  
\* ALSO LICENSED IN MISSOURI

WRITER'S DIRECT E-MAIL  
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DELYNN HALE, SECRETARY  
AMY BENSON, PARALEGAL  
WHITNEY DUCKER, OFFICE MANAGER  
LINDSEY DRAKE, LAW CLERK

January 21, 2019

Mr. Ethan Hunter  
City of Rogers, Community Development

Hand Delivered

**Re: CUP Application - 1106 W. Poplar Place**

Dear Ethan:

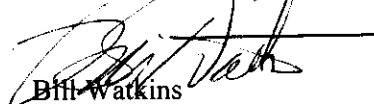
I represent the Ray Palmer, owner and operator of Palmer Violins - a luthier. Mr. Palmer's business presently occupies 314 W. Walnut and he wishes to relocate to 1106 W. Poplar Place under a lease with the owner of the property. Accompanying this letter is my client's application for a conditional use permit to allow this property to be used for retail sales and repair of bowed stringed instruments. The subject property is zoned R-O. The building is presently vacant but has been a medical clinic in the past.

If the CUP is approved the interior of the existing facility would have to be renovated and reconfigured, in compliance with City Code, for its intended purpose. It is expected that the facility would be open from 10:00 a.m. until 6:00 p.m. Monday through Friday and 10:00 a.m. to 4:00 p.m. Saturdays. The subject property is adjoined by office uses on every side. Access and infrastructure are more than adequate to serve the intended purpose. The property has 30+ parking spaces.

If you have any questions or need additional information please do not hesitate to contact me.

Sincerely,

WATKINS, BOYER,  
GRAY & CURRY, PLLC



Bill Watkins

WPW:dh





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## NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Rogers Planning Commission in the Rogers City Hall at 301 West Chestnut Street on **February 19, 2019 at 4:30 p.m.** on the application by **Ray Palmer** for a **Conditional Use** to allow **retail sales** at **1114 W. Poplar Pl.** in the **R-O (Residential Office)** zoning district at the following described locations:

### LEGAL DESCRIPTION:

Part of the Northeast 1/4 of the Southwest 1/4 of Section 12, Township 19 North, Range 30 West of the Fifth Principal Meridian, Benton County, Arkansas, being the property described in Deed Book 98 at page 018220 and shown on Plat Book 23L at page 241 and Plat Book 23L at page 63, being described as follows: Commencing at the SW Corner of the Northeast 1/4 of the Southwest 1/4 of said Section 12 as shown on Plat Book 23L at page 63 and Plat Book 23L at page 241, being a found cotton spindle in West Cypress Street; thence along the South line of said Plat Book 23L at page 63 and Plat Book 23 L at page 241, South 86° 26'36" East 159.25 feet to a cotton spindle, thence North 02° 40'44" East 212.13 feet to a cotton spindle for the true point of beginning; thence along the common line between Deed Book 98 at page 018220 and Deed Book 97 at page 078582 as shown on Plat Book 23L at page 63 and Plat Book 23 L at page 241, North 42° 46'19" West 194.86 feet to a found rebar pin as shown on said Plat Book 23L at page 63 and Plat Book 23 L at page 241; thence along the common line between Deed Book 98 at page 018220 and Deed Book 97 at page 078582 as shown on Plat Book 23L at page 63 and Plat Book 23 L at page 241, South 48° 29'10" West 28.10 feet to a found rebar pin as shown on Plat Book 23L at page 63 and Plat Book 23 L at page 241; thence along the common line between Deed Book 98 at page 018220 and Deed Book 97 at page 078582 as shown on said Plat Book 23L at page 63 and Plat Book 23 L at page 241, North 02° 38'10" East 300.20 feet to a set cotton spindle at the NW Corner of Deed Book 98 at page 018220 as shown on Plat Book 23L at page 63 and Plat Book 23 L at page 241, said point being in West Poplar Street; thence along the North line of said Deed Book 98 at page 018220 as shown on Plat Book 23L at page 63 and Plat Book 23 L at page 241, South 86° 23'21" East 168.07 feet to a set cotton spindle at the NE Corner of Deed Book 98 at page 018220 as shown on Plat Book 23L at page 63 and Plat Book 23 L at page 241 and Plat Book P4 at page 604; thence along the East line of Deed Book 98 at page 018220 as shown on Plat Book 23L at page 63 and Plat Book 23 L at page 241 and Plat Book P4 at page 604, South 02° 38'12" West 214.63 feet to a set cotton spindle as shown on Plat Book 23L at page 241, thence along the common line between Deed Book 98 at page 018220 and Deed Book 687 at page 664 the following, South 43° 46'50" East 33.98 feet to a found rebar pin as shown on Plat Book 23L at page 241; thence South 49° 07'49" West 31.43 feet to a found rebar pin as shown on Plat Book 23L at page 241; thence South 42° 43'47" East 103.94 feet to a found rebar pin as shown on Plat Book 23L at page 241; thence South 48° 41'09" West 117.93 feet to the point of beginning containing 1.469 acres more or less and subject to the right-of-way of West Poplar Street on the North side thereof.

### LAYMAN'S DESCRIPTION:

**1114 W. Poplar Pl.**

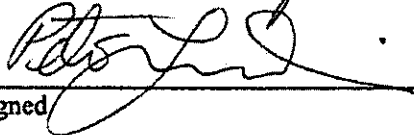
Mandel Samuels, Secretary  
Planning Commission

**PUBLISH ONE TIME ONLY:** **February 4, 2019**  
**BILL THE CITY OF ROGERS**

**PROPERTY OWNER PERMISSION**

I, Peter Levshin - VCH, LLC, hereby permit the use of repair and sales of bowed stringed  
(name) (use) instruments  
on my property at 1106 W. Poplar Place Rogers, Arkansas.  
(address)

Dated this the 22 day of January, 20 19.

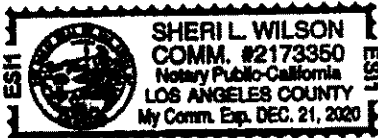
  
Signed

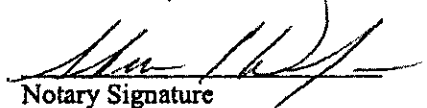
PETER LEVSHIN  
Name Printed

STATE OF ARKANSAS

COUNTY OF Los Angeles

Subscribed and sworn before me this the 22 day of January, 20 19.

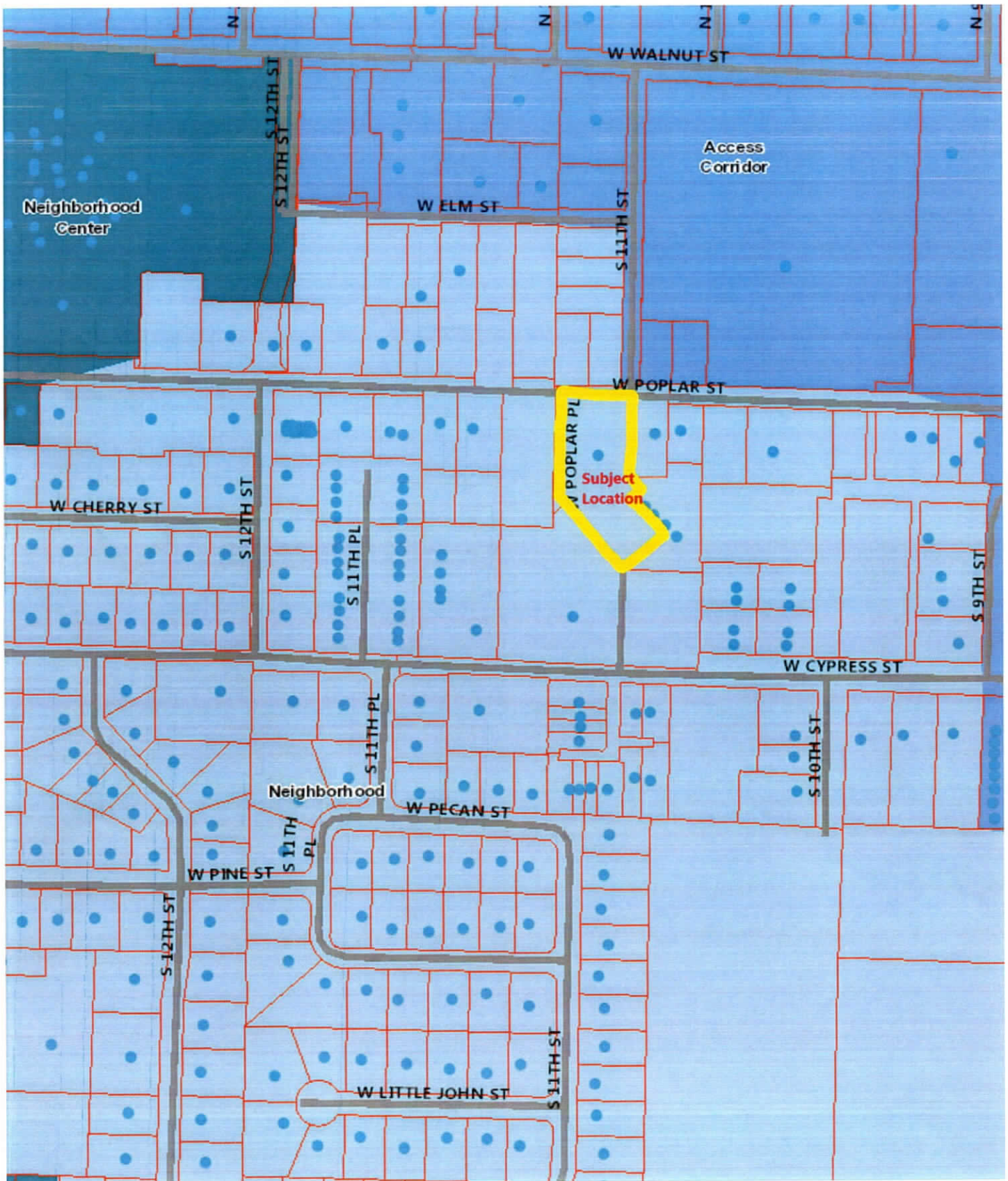


  
Notary Signature

Sheri L. Wilson  
Notary Name Printed

Dec. 21, 2020  
Commission Expires

## 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.*



