



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

FEBRUARY 12, 2019

TO: PLANNING COMMISSION

**CONDITIONAL USE PERMIT – ROADSIDE SERVICES
STAFF SUMMARY REPORT**

ADDRESS:	2006 S. 8 th Street
LAND OWNER:	Edgar Leon
APPLICANT/REP:	Roadside Services LLC
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)(nn), "Vehicle Storage" is defined as "exclusive storage of operative or inoperative vehicles...including without limitation the uses 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 that depend upon high visibility, generate high traffic volumes or cater to the traveling public...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 Centers are 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:
 - i) The proposed use **would not** create or compound a traffic hazard in terms of access management or trip generation. Despite the appearance of non-compliance with access management standards, the subject property only fronts 8th Street via a 20' flag lot with no designated access point; therefore, bringing adjacent property into compliance is not possible for this request.
- 2) Floodplain 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 in accordance with Sec. 22-70.
 - b) Water Quality: Due to the subject property's location within a floodplain along Blossom Way Creek, the proposed use presents several concerns for stormwater runoff and potential negative impacts to Blossom Way Creek that could be mitigated through the following conditions.
- 3) RECOMMENDED CONDITIONS:
 - a) Submit a Floodplain Development Permit with a site plan showing the limits of disturbed areas and proposed surface types.
 - b) Provide water quality treatment on-site per the Drainage Criteria Manual.
 - c) Prohibit outdoor storage of vehicle parts in order to reduce potential adverse impacts of leaking automotive fluids on the nearby Blossom Way Creek.

DEREC BASS, 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: The proposed use is consistent with the CGM and would not adversely impact adjacent property if properly mitigated by the recommendations in this report. Employment Center is the appropriate Growth Designation for the proposed use, and the Open Space designation shows that environmental sensitivity is necessary (Tab 2). Overall, staff **supports** this request based on consistency with the development goals of the surrounding area, but certain site improvements are necessary to prevent negative impacts on adjacent property and Blossom Way Creek.
- 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** request subject to the following conditions:
 - All vehicles on-site must be parked in striped and paved spaces.
 - All stored vehicles must be screened from public view.



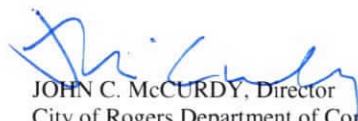
ETHAN HUNTER, Planner III
City of Rogers Planning Division

SUGGESTED MOTION:

- 1) Move to **approve, deny, or table** the request by Roadside Services for a CUP to allow 'Vehicle Storage' at the subject location with the following conditions:
 - All vehicles on-site must be parked in striped and paved spaces.
 - All stored vehicles must be screened from public view.
 - Submit a Floodplain Development Permit with a site plan showing the limits of disturbed areas and proposed surface types.
 - Provide water quality treatment on-site per the Drainage Criteria Manual.
 - Prohibit outdoor storage of vehicle parts in order to reduce potential adverse impacts of leaking automotive fluids on the nearby Blossom Way Creek.

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





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: \$100 (\$100)
Zoning: C-2
Permit Number: 19-10
CityView Application: PL201900074
Date: 1-29-19

CONDITIONAL USE PERMIT

APPLICANT: Roadside Services LLC
ADDRESS: 2006 S 8th st Rogers 72758 SUITE #: _____
PHONE #: 479-381-3131 EMAIL: Roadside services NWA @ gmail.com
PROPERTY OWNER: Edgar "agent" PHONE #: 479-715-3375
PRESENT USE: Storing cars ZONING: C2
PROPOSED CONDITIONAL USE: storing cars
PARKING SPACES AVAILABLE: _____ HOURS OF OPERATION: _____
IF APPLYING TO OPEN A DAYCARE:
NUMBER OF CHILDREN: 0 MOST CHILDREN AT ONE TIME: 0
Applicant Signature _____ Date 1-21-19

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: 1-29-19 PUBLIC HEARING DATE: 2-19-19 CERTIFIED MAIL DATE: 2-4-19
PLANNING COMMISSION ACTION: _____
COMMENTS, CONDITIONS, LIMITS: _____



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

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 **Roadside Services LLC** for a **Conditional Use** to allow **vehicle storage** at **2006 S. 8th St.** in the **C-2 (Highway Commercial)** zoning district at the following described locations:

LEGAL DESCRIPTION:

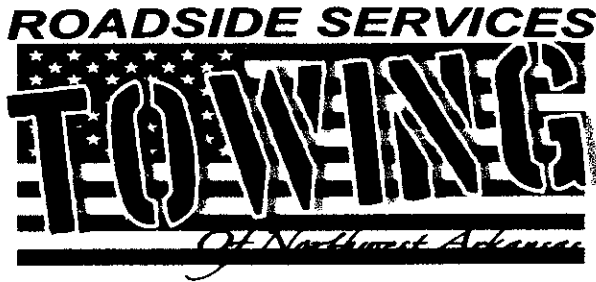
Tract C: A part of the NE ¼ of the NW ¼ of Section 24, Township 19 North, Range 30 West, Benton County, Arkansas, described as beginning South 87 Degrees 52'37" East 901.99 Feet From the SW Corner of the Said NE ¼ of the NW ¼; Thence North 02 Degrees 05'30" East 159.97 Feet; Thence South 87 Degrees 53'17" 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 210.92 Feet to the Point of Beginning.

LAYMAN'S DESCRIPTION:

2006 S. 8th St.

Dennis Ferguson, Secretary
Planning Commission

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



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

January 21, 2019

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

Our storage facility in Rogers has been at 2006 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,

A handwritten signature in black ink, appearing to read "Ryan Ward", with a long, sweeping horizontal line extending to the right.

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

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 29 day of January, 2019.

[Signature]
Signed

Ryan Ward
Name Printed

STATE OF ARKANSAS

COUNTY OF Benton

Subscribed and sworn before me this the 29 day of January, 2019.

[Signature]
Notary Signature

Maria Juarez
Notary Name Printed

08/10/26
Commission Expires



PROPERTY OWNER PERMISSION

I, Edgar Leon, hereby permit the use of storing cars
(name) (use)
on my property at 2006 S 8th St Rogers AR Rogers, Arkansas.
(address)

Dated this the 29 day of January, 2019.

Edgar Leon
Signed

Edgar Leon
Name Printed

STATE OF ARKANSAS

COUNTY OF Benton

Subscribed and sworn before me this the 29 day of January, 2019.

Maria Juarez
Notary Signature

Maria Juarez
Notary Name Printed

08/10/26
Commission Expires

