DEPT. OF COMMUNITY DEVELOPMENT
PLANNING DIVISION
301 W. CHESTNUT
PHONE: (479) 621-1186
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FEBRUARY 14, 2019

TO: PLANNING COMMISSION

SCHEDULE OF USES DECISION APPEAL, TOP SHELF BOAT LIFTS
STAFF SUMMARY REPORT

ADDRESS:	414 S. Arkansas Street
LAND OWNER:	Clear Diamond, LLC
APPLICANT/REP:	Stacie Fultz
ZONING DISTRICT:	COR (Core Mixed Use)
GROWTH DESIGNATION:	Regional Center
APPEAL REQUEST:	Boat Equipment Sales
AUTHORITY:	Sec. 14-715, Rogers Code of Ordinances

BACKGROUND

1) Zoning District Intent: Per Sec. 14-715(1.1)(a)(i), the purpose of COR zoning is "to highlight the historic core of Downtown Rogers and expand the core to include key locations for mixed-use development, compatible with the downtown core. The intent is to mix commercial uses with some residential and public uses. Focusing on pedestrian facilities and unique experience destinations will be a key to establishing Downtown Rogers as a place for public interaction."
2) Growth Designation Characteristics: Per CGM Page 1, Regional Center is characterized as "High-intensity, high-density mixed-use areas that function as regional activity hubs for commerce, entertainment, living, recreation, and retail. Intensity supported by well-connected, high-capacity street networks with multi-modal accommodation. Form-based development standards encourage quality design, pedestrian friendliness, and efficient use of land. Compatibility with adjacent areas achieved with transitions; medium-density residential generally appropriate transition type, with special residential transition standards."

STAFF REVIEW

ENGINEERING REVIEW:
1) N/A

PLANNING REVIEW:
1) Land-Use Compatibility:
   a) The property is zoned correctly per the Comprehensive Growth Map.
   b) Boat Equipment Sales is currently not a permitted or conditional use in the COR zoning district.
2) General Findings: Staff denied the original request for Top Shelf Boat Lifts to operate out of 414 S. Arkansas Street due to the use being similar in nature to auto-related sales establishments, which the DRDC explicitly does not allow. Boat Equipment Sales requires a certain amount of outdoor display for large transportation equipment, as does auto-related sales establishments. Allowing Boat Equipment Sales could set a precedent contrary to the City's land-use plan. Staff finds this request to violate the COR zoning district intent and the regional center growth designation intent. Overall, staff does not support this request due to its inconsistency with the future character of the surrounding area, as well as its potential negative impacts on adjacent property.
3) RECOMMENDATIONS:
   a. Consider request with regard to land-use compatibility and the health, safety, and general welfare of the public.
   b. Deny.

Elizabeth Johnson

ELIZABETH JOHNSON, Planner II
City of Rogers Planning Division

ADMINISTRATOR'S SUGGESTED MOTION:
1) Move to **approve/deny/table** the request by Top Shelf Boat Lift to add "Boat Equipment Sales" as a permitted use in the COR (Core Mixed

Use) zoning district.

DIRECTOR'S COMMENTS:

1) Agree with recommendations and suggested motion.

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

Tabs:

1. Appeal Letter

This report may not reflect all information, documents, or other materials made available to officials during discussion and public input. Staff recommendations are based on a technical review of City code and materials provided by the applicant at time of submittal.

February 14, 2019

Rogers Planning Commission
301 West Chestnut Street
Rogers, AR 72756

Dear Planning Commission,

I am writing to you to appeal the decision made by your office to deny our request to do business within a COR Zone located at 414 S Arkansas Street on the basis of us being an Auto-related Sales Establishment.

The intent of Top Shelf Marine, LLC is to establish a local retail sales office within the Rogers, AR city limits to sell boat lifts and related small marine equipment (dock bumpers, control units, etc) . The primary product sold within this location is a boat lift manufactured by HydroHoist Marine group in Claremore, OK and Top Shelf Marine is a dealer for HydroHoist Marine Group. Each boat lift ordered is custom built and installed within a marine environment therefore we are unable to house or store pre-built boat lifts other than 1-2 types of models we carry for demonstration purposes. The material ordered from HydroHoist Marine is currently housed at our Kimberling City, Missouri location near Table Rock Lake and will remain this way going forward.

We have chosen the location at 414 Arkansas Street due to our need for a small amount of space residing within a high-traffic area. The owner of this property has agreed to lease the front of his building to us for our showroom while he occupies the rear interior portion of the facility for storage. This location will be our "test" site to determine whether a brick and mortar location within the Beaver Lake area is required to generate additional sales and establish relationships with individuals and businesses in the recreational boating environment.

We will have (1-2) sales people working in the office from 9am-5pm Monday through Friday and hope to generate an additional $300,000.00 in retail sales through this local location. Ninety percent of our retail sales are done through phone transactions and we will sub out our installations and labor therefore the existing parking will be ample for our employees and the need for equipment will be minimal.

Based on the Schedule of Permitted Uses within the Rogers, AR Code of Ordinances we feel that our business intentions and products offered would fall within the guidelines of Retail Sales or service with no drive through facility. We ask that you please reconsider the decision by your office to deny the request by Top Shelf Marine to do business at the address of 414 S Arkansas Street.

Sincerely,

Stacie Fultz, Co-owner
Top Shelf Marine, Top Shelf Boat Lifts
9794 State Hwy 13
Kimberling City, MO 65686
417-779-4060