



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

APRIL 10, 2019

TO: PLANNING COMMISSION

**CONDITIONAL USE PERMIT – LILY & RICKY DYER
STAFF SUMMARY REPORT**

ADDRESS:	700 N. 8 th Street
LAND OWNER:	The Greenwing Properties LLC
APPLICANT/REP:	Lily and Ricky Dyer
ZONING DISTRICT:	C-2 (Highway Commercial)
GROWTH DESIGNATION:	Neighborhood
CUP REQUEST:	Vehicle/Equipment Repair and Installation, Vehicle/Equipment Sales and Rentals, Animal Grooming
AUTHORITY:	Sec. 14-723, Rogers Code of Ordinances

BACKGROUND

- 1) Use Definition:
 - a) Per Sec. 14-695(b)(3)(II), "Vehicle/Equipment Repair and Installation" is defined as "repairs of automobiles, trucks, motorcycles, mobile homes, recreational vehicles, or boats, including the sale, installation, and servicing of related equipment and parts."
 - b) Per Sec. 14-695(b)(3)(mm), "Vehicle/Equipment Sales and Rentals" is defined as "the sale or rental of automobiles, motorcycles, trucks, tractors, construction equipment, agricultural equipment, mobile homes, and similar equipment."
 - c) Per Sec. 14-695(b)(3)(d), "Animal Grooming" is defined as "establishments that provide bathing and trimming services for animals on a commercial basis. Animal Grooming may also include the boarding of domestic animals for no more than forty-eight (48) hours."
- 2) Zoning District Intent: Per Sec. 14-709(a), C-2 zoning is "intended 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, Neighborhood is characterized as "single-use residential areas connected by collector and local streets that may feature community-oriented non-residential uses such as schools, resource centers, and places of worship. Goals include preserving locations for low-density residential while limiting its proliferation in areas proposed for higher-intensity development."
- 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.
- 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 Osage/Turtle Creek, the proposed use presents several concerns for stormwater runoff and potential negative impacts to Osage/Turtle Creek that could be mitigated through the following conditions.
- 3) RECOMMENDATIONS: If approved, staff recommends the following requirements to mitigate potential adverse impacts.
 - 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 Osage/Turtle Creek.



DEREC BASS, 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. The Neighborhood Growth Designation does not encourage the establishment or continuation of high-intensity uses, instead providing for low-intensity, primarily residential uses.
 - b) Conditional Use Considerations:
 - i) The proposed uses **are** conditional in C-2. The property **is not** zoned correctly per the CGM. The Neighborhood Growth Designation allows for the R-SF, N-R, R-DP, and R-MF zoning districts, making the current C-2 zoning a legal nonconformity. By-right uses are allowed to continue in perpetuity, but conditional uses should generally be avoided in order to encourage eventual CGM and zoning compliance. The subject property is vacant, therefore the subject request is not a continuation of an existing use.
 - ii) The proposed use **is not** compatible with adjacent property and **would** set a precedent contrary to the CGM. All but a fraction of the subject and nearby property is designated floodplain or floodway and is therefore incompatible with vehicle-related uses that typically exhibit high visual and environmental impacts.
 - iii) The proposed use **would** prevent certain C-2 zoning requirements from being met. The subject property is currently noncompliant with required building setbacks, and would not be able to comply with the requirement to pave outdoor sales and vehicular traffic areas due to floodplain.
- 2) General Findings: Based on the above considerations, as well as the concerns with floodplain and water quality, the vehicle-related uses within the subject request are inconsistent with the development goals of the surrounding area. The request for "Animal Grooming" does not present the same degree of concern, although certain C-2 zoning requirements would remain noncompliant.
- 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) **Deny request for vehicle-related uses.**
 - c) **Consider request for "Animal Grooming" use.**



ETHAN HUNTER, Planner III
City of Rogers Planning Division

SUGGESTED MOTION:

- 1) Move to **approve, deny, or table** the request by Lily and Ricky Dyer for a CUP to allow "Vehicle/Equipment Repair and Installation," "Vehicle/Equipment Sales and Rentals," and "Animal Grooming" at the subject location.

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



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OFFICE USE ONLY

Permit Fee: \$100 (\$100)
Zoning: C-2
Permit Number: 19-16
CityView Application: PL 201900224
Date: 3-27-19

CONDITIONAL USE PERMIT

APPLICANT: Lily Dyer, Ricky Dyer
ADDRESS: 700 N 8th St Rogers, AR 72756 SUITE #: _____
PHONE #: 479-250-8001 EMAIL: lilydyer883@gmail.com
PROPERTY OWNER: The Greenwing Properties LLC PHONE #: 479-202-5013
PRESENT USE: vacant ZONING: C-2
PROPOSED CONDITIONAL USE: Vehicle/Equipment Repair & Installation/Sales & Rentals
Pet Grooming Salon/SPA
PARKING SPACES AVAILABLE: 3-4 HOURS OF OPERATION: 10am - 6:00pm
IF APPLYING TO OPEN A DAYCARE:

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

Applicant Signature

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 Deed, Title
- ☒ Applicant Certification
- ☐ Site plan as needed
- ☒ Letter of Approval from Property Owner

PLANNING STAFF PROVIDES:

DATE FILED: 03/27/19 PUBLIC HEARING DATE: 04/16/19 CERTIFIED MAIL DATE: 04/01/19

PLANNING COMMISSION ACTION: _____

COMMENTS, CONDITIONS, LIMITS: _____



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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 **April 16, 2019 at 5:00 p.m.** on the application by **Ricky and Lily Dyer** for a **Conditional Use** to allow **vehicle/equipment repair and installation, vehicle/equipment sales and rentals, and animal grooming** at **700 N. 8th St.** in the **C-2 (Highway Commercial)** zoning district at the following described locations:

LEGAL DESCRIPTION:

Part of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 12, T-19 N, R-30 W, Benton County, Arkansas, being more particularly described as follows: Beginning at a point 856 feet North and 16 feet West of the SE corner of said forty acres, running thence North 100 feet; thence West 150 feet; thence South 100 feet more or less to the center of a ditch; thence by following said ditch in a Southeasterly direction 150 feet to the place of beginning. Subject to Highway 62 right-of-way.

LAYMAN'S DESCRIPTION:

700 N. 8th St.

Mandel Samuels, Secretary
Planning Commission

PUBLISH ONE TIME ONLY: **April 1, 2019**
BILL THE CITY OF ROGERS

Untitled
Explanation letter of our request for a conditional use Permit.

To who may concern:

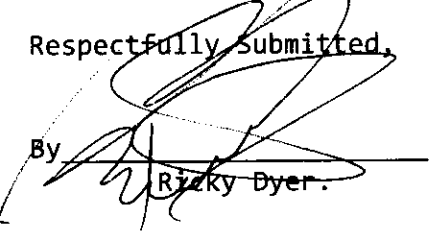
We Lily Dyer, and Ricky Dyer, we would like to get a conditional use permit for the following address: 700 N 8th St, Rogers, Arkansas 72756. we need a C-2 and I1. for a Used Car Dealership and a Pet Grooming Salon/Spa. Our plans are using the right side office of the building along with the parking lot and garage in the back of the property as a Used Car Dealership the front of the building and the consecutive rooms as a pet grooming salon/spa. The hours of operation for both of the business will be from 10 am to 6pm.

We'll have 3 parking spaces available to our costumers.

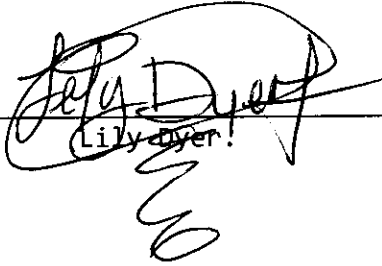
This building was used prior to us as a Car Detail Shop and Currently is empty.

Respectfully Submitted,

By


Ricky Dyer.

and


Lily Dyer.

PROPERTY OWNER PERMISSION

I, Greenwing Properties LLC, hereby permit the use of Auto Sales & Doggy Spa
on my property at 700 N. 8th St, Rogers, AR 72756 Rogers, Arkansas.
(name) (use)
(address)

Dated this the 23rd day of MARCH, 2019.

[Signature]
Signed

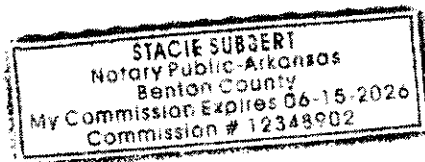
Brian Bewley

Name Printed

STATE OF ARKANSAS

COUNTY OF Benton

Subscribed and sworn before me this the 23 day of March, 2019.



[Signature]
Notary Signature

Stacie Subbert
Notary Name Printed

06-15-2026
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 27 day of March, 20 19.

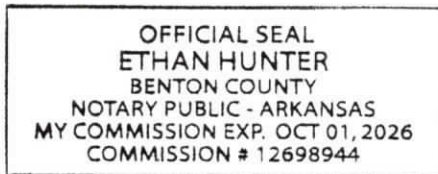

Signed

Jely Dyer
Name Printed

STATE OF ARKANSAS

COUNTY OF BENTON

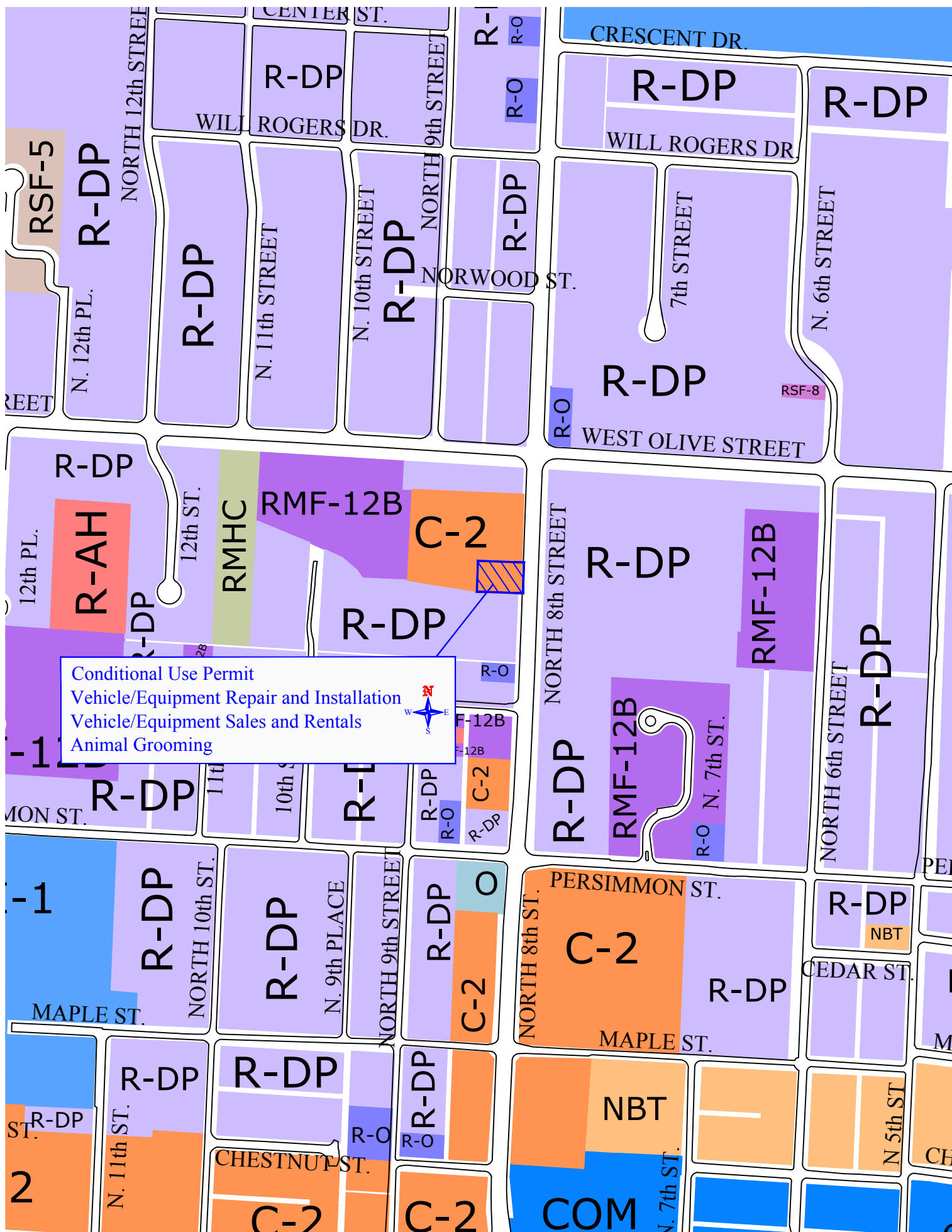
Subscribed and sworn before me this the 27 day of MARCH, 20 19.




Notary Signature

ETHAN HUNTER
Notary Name Printed

10/1/26
Commission Expires



Conditional Use Permit
Vehicle/Equipment Repair and Installation
Vehicle/Equipment Sales and Rentals
Animal Grooming

