



COMMUNITY DEVELOPMENT
PLANNING DIVISION
301 W. CHESTNUT
planning@rogersar.gov
(479) 621-1186

SEPTEMBER 5, 2019

TO: PLANNING COMMISSION

RE: **STAFF SUMMARY REPORT**
CONDITIONAL USE PERMIT – TERESA EARP

STAFF: ELIZABETH JOHNSON, PLANNER III

REQUEST INFORMATION:

ADDRESS/LOCATION:	2316 W Spruce St.
CURRENT ZONING:	R-DP (Residential Duplex and Patio Homes)
CURRENT USE:	Residential
PROPOSED USE:	Day Care, Limited

APPLICANT INFORMATION:

APPLICANT/REPRESENTATIVE:	Teresa Earp
PROJECT OWNER/DEVELOPER:	N/A
PROPERTY OWNER:	Esmerki De Los Santos
REQUEST:	CUP approval

CITY INFORMATION:

CGM GROWTH DESIGNATION:	Neighborhood
GROWTH DESIGNATION CHARACTER:	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.
ZONING DISTRICT INTENT:	Per Sec. 14-701(a), the R-DP zoning district is intended to "provide areas for the development of one- or two-family residential structures. The district may be located in developed areas or undeveloped areas of the City where an environmental compatible with moderate density residential development can also be established."
USE DEFINITION:	Per Sec. 14-695(b)(1)(A), "Day Care, Limited" is defined as "non-medical care and supervision of children and adults on a less than 24-hour basis within a licensee's home."
AUTHORITY:	Sec. 14-723, Rogers Code of Ordinances

VICINITY MAP:



PLANNING REVIEW:

1. LAND USE COMPATIBILITY:

- a) General Findings: Staff finds the proposed use to be compatible at the subject location based on the Comprehensive Growth Map and the surrounding development context. All surrounding zoning districts are R-DP or R-SF. The applicant is close to a Neighborhood Center and has a corner lot at the entrance of her subdivision. Staff recommends that Planning Commission discuss the hours of operation due to the subject location being located in a subdivision and the ability for early/late hours to become a nuisance.

2. CONDITIONAL USE CONSIDERATIONS PER Sec. 14-723(a)(3):

- a) Is the proposed use listed as conditional in the subject zoning district and is the property zoned correctly?
 - The proposed use is conditional in C-2. The Neighborhood Growth Designation allows for the R-DP zoning district.
- b) Is the proposed use compatible with adjacent property in a way that is not contrary to the city's Comprehensive Growth Map?
 - See General Findings above.
- c) Are all other zoning requirements being met?
 - Aside from special terms of approval attached to the Conditional Use Permit itself, the business license process does not require compliance with zoning standards other than permitted uses and use limitations. Any nonconforming structures may continue to exist so long as they are not altered in a way that increases the degree of nonconformity.
- d) Will ingress and egress for the proposed use create a traffic hazard?
 - See Engineering Review below.

3. REPORTS FROM OTHERS: The Planning Division has not received supporting or opposing comments to date.

4. RECOMMENDATIONS:

- a) Consider with regard to land-use compatibility and the health, safety, and general welfare of the public.
- b) **Discuss hours of operation.**
- c) **Limit maximum number of children to 10.**
- d) **Approve request.**

ENGINEERING REVIEW:

1. STREET NETWORK CAPACITY:

- a) General Findings: The proposed could create or compound a traffic hazard in terms of access management. Staff recommends the following conditions of approval:
 - i. **Parking along N 24th Street to drop off children should be prohibited.**
 - ii. **Parking within 40 feet of the entrance to W Spruce Street should be prohibited.**
 - iii. **Drop-offs and pick-ups for children should be encouraged to utilize the driveway instead of the street when possible due to proximity to the intersection.**

STAFF SIGNATURES:



Elizabeth Johnson, Planner III
City of Rogers Planning Division



Kristifer Paxton, Development Compliance Manager
City of Rogers Engineering Division

SUGGESTED MOTIONS:

1. FOR APPROVE: "Move to approve the request by Teresa Earp to allow "Day Care, Limited" located at the subject location as presented."
2. FOR APPROVE WITH CONDITIONS: "Move to approve the request by Teresa Earp to allow "Day Care, Limited" located at the subject location subject to [conditions, contingencies, or staff recommendations]."
3. FOR DENY: "Move to deny the request as presented."
4. FOR TABLE: "Move to table the request [indefinite or date certain]."

DIRECTOR'S COMMENTS:

1. Agree with recommendations.



John McCurdy, Director
City of Rogers Community Development

TABS:

1. CUP application
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 CA (\$100)
Zoning: R-DP
Permit Number: 19-33
CityView Application: PL201900586
Date: 08/29/19

CONDITIONAL USE PERMIT

APPLICANT: Teresa Earp
ADDRESS: 2314 W Spruce St SUITE #: _____
PHONE #: 918-353-5419 EMAIL: Dolphin-discovery@cox.net
PROPERTY OWNER: Esmerki De los Santos PHONE #: 405-651-5921
PRESENT USE: Yes, I'm renting it ZONING: _____
PROPOSED CONDITIONAL USE: daycare
PARKING SPACES AVAILABLE: 4 HOURS OF OPERATION: 6-5am 3-11pm

IF APPLYING TO OPEN A DAYCARE:

NUMBER OF CHILDREN: 10 MOST CHILDREN AT ONE TIME: 10

Teresa Earp
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
☐ Applicant Certification
☐ Site plan as needed
☒ Letter of Approval from Property Owner

PLANNING STAFF PROVIDES:

DATE FILED: 8-29-19 PUBLIC HEARING DATE: 9-17-19 CERTIFIED MAIL DATE: 9-2-19

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 **September 17, 2019** at **5:00 p.m.** on the application by **Teresa Earp** for a **Conditional Use** to allow a **daycare** at **2316 W. Spruce St.** in the **R-DP (Residential Duplex Patio Home)** zoning district at the following described location:

LEGAL DESCRIPTION:

Lot 17, Block 2, Woodland Heights Subdivision, Phase 2, to the City of Rogers, Benton County, Arkansas, as shown in Plat Record 14 at Page 300.

Subject to easements, rights of way of record, and other restrictions of record, if any.

LAYMAN'S DESCRIPTION:

2316 W. Spruce St.

Mandel Samuels, Secretary
Planning Commission

PUBLISH ONE TIME ONLY: **September 2, 2019**
BILL THE CITY OF ROGERS

To Whom It May Concern:

I (Teresa Earp) am applying for a conditional use permit so that I can have a small state licensed childcare in my home at 2316 West Spruce Street in Rogers, Ar.

I have adequate parking for my children's parents when they are dropping off and picking up their children. I have four parking spots in my driveway area, there for there would not be any parents driving to the end of the cul-de-sac. They will just back out of my drive way.

There will be NO children at play in front of my home nor will they be in the street. They will play inside my privacy fenced yard at all outside times.

Please Note * Parents will not all be at my home at once to drop off or pick up their children. They will stagger with time.

Sincerely,

Before The Planning Commission of the City Of Rogers, Arkansas

NOTICE OF PUBLIC HEARING FOR A CONDITIONAL USE PERMIT

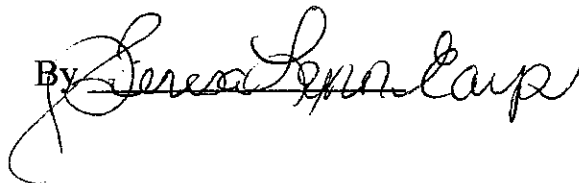
Notice is hereby given pursuant to Section 14-723 of the Rogers City Code that Teresa Earp is applying to the Rogers Planning Commission for a Conditional Use Permit to allow property located at 2316 West Spruce Street, Rogers, Arkansas

LEGAL DESCRIPTION: Lot 17, Block 2, Woodland Heights Subdivision, Phase 2, to the City of Rogers, Benton County, Arkansas, as shown in Plat Record 14 at Page 300.

LAYMAN'S DESCRIPTION : 2316 West Spruce Street, Rogers, Arkansas

A public hearing by the Rogers Planning Commission will be held on September, 17th 2019 at 5:00 P.M. in the City Council Chambers of the City Hall Building located at 301 W. Chestnut Street, Rogers, Arkansas.

Respectfully Submitted,

By  Teresa Earp

PROPERTY OWNER PERMISSION

I, Esmerki De Los Santos, hereby permit the use of Day Care
(name) (use)
on my property at 2316 W Spruce St. Rogers, Arkansas.
(address)

Dated this the 28 day of August, 2019.

[Signature]
Signed

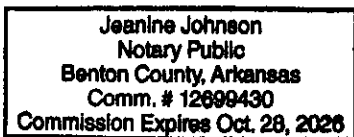
Esmerki De los Santos
Name Printed

STATE OF ARKANSAS

COUNTY OF Benton

Subscribed and sworn before me this the 28th day of August, 2019.

Jeanine Johnson
Notary Signature



Jeanine Johnson
Notary Name Printed

October 28, 2026
Commission Expires

De Los Santos Properties
Esmerki And Breanne De Los Santos
485 Chinook Dr. Rogers, Ar 72756
Cell: 4056515921

To whom it may concern:

We are writing this letter as a guarantee of approval for Miss Teresa Lynn Earp to use our property located is 2316 W Spruce st. Rogers, AR 72756 as a day care facility. The house has an open concept and it is very adequate for this purpose.

