



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

MEETING DATE
JULY 7 2020

TO: PLANNING COMMISSION

RE: **STAFF SUMMARY REPORT**
CONDITIONAL USE PERMIT – WILMA BOHOT

STAFF: KYLE BELT, PLANNER I

REQUEST DETAILS

BUSINESS/PROJECT NAME:	Daycare at 802 N. 13 th Street
ADDRESS/LOCATION:	802 N. 13 th Street
PROPOSED USE:	Day Care, General
CURRENT USE:	Vacant commercial building
CURRENT ZONING:	R-O (Residential Office)
APPLICANT/REPRESENTATIVE:	Wilma Bohot
PROPERTY OWNER:	Lagena Immel
NATURE OF REQUEST:	Approval of Conditional Use Permit
AUTHORITY:	Sec. 14-723, Rogers Code of Ordinances

SUMMARY

This request is compatible with adjacent property and, although the property is not zoned consistently with the Comprehensive Growth Map, the proposed request does not warrant rezoning since it does not prevent future compliance or limit redevelopment and is consistent with the Neighborhood Growth Designation. See STAFF REVIEW for additional findings.

Community Development recommends approval of this request subject to the following actions:

1. Limit drop-off and pick-up to the rear parking lot to avoid traffic conflicts on 13th Street and Olive Street.

STAFF REVIEW

1. PLANNING COMMISSION 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?
- b) Is the proposed use compatible with adjacent property in a way that is not contrary to the Comprehensive Growth Map?
- c) Can all other zoning requirements be met?
- d) Will ingress and egress for the proposed use create a traffic hazard?

2. GENERAL FINDINGS:

- a) The proposed use is conditional in R-O. Despite not being zoned consistently with the CGM, the scope of this request does not warrant rezoning to an allowed zoning district in the Neighborhood Growth Designation, as it does not involve new construction or limit future redevelopment opportunities.
- b) The proposed use is compatible with adjacent property in that it provides an essential service to the surrounding residential development. This property has been used within the recent past as a child-care facility by a different entity.
- c) Aside from any special terms of approval attached to the CUP itself, the use permit/business license process does not require compliance with zoning standards other than the use schedule 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. All vehicle parking should be limited to striped spaces to ensure orderly operations.
- d) There are adequate means of ingress and egress for the proposed use. It is located along a minor arterial and a collector, and will not create any additional traffic along the nearby minor streets. However, given that it is located along major roads, drop-off and pick-up should be confined to the parking lot in the rear of the structure.

3. COMPREHENSIVE GROWTH MAP:

- a) Growth Designation:
Neighborhood
- b) 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.
- c) Allowed Zoning Districts:
R-SF, N-R, R-DP, R-MF

4. ZONING:

- a) R-O (Residential Office):
The purpose and intent of the R-O zoning district is “to provide for the conversion of existing structures to office use or the construction of offices 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,” (Sec. 14-706(a)).
- b) Use Definition:
“Day Care, General” is defined as “encompassing non-medical care and supervision of children and adults on a less than 24-hour basis not within a licensee's home,” (Sec. 14-695(b)(2)(h)).

5. PUBLIC INPUT RECEIVED:

Staff has not received any public input at the time this staff report was published.

6. RECOMMENDATIONS:

- a) Approve request subject to the following actions:
 - i. Limit drop-off and pick-up to the rear parking lot to avoid traffic conflicts on 13th Street and Olive Street.

SUGGESTED MOTIONS

1. IF APPROVING:
Move to approve the request as presented.
2. IF APPROVING SUBJECT TO OTHER ACTIONS:
Move to approve the request subject to [conditions, contingencies, staff recommendations].
3. IF DENYING:
Move to deny the request as presented.
4. IF TABLING:
Move to table the request [indefinite or date certain].

DIRECTOR'S COMMENTS

1. Agree with recommendations.



JOHN C. McCURDY, Director
Community Development

TABS:

1. Vicinity maps (aerial, CGM, zoning)
2. CUP application and required supplements

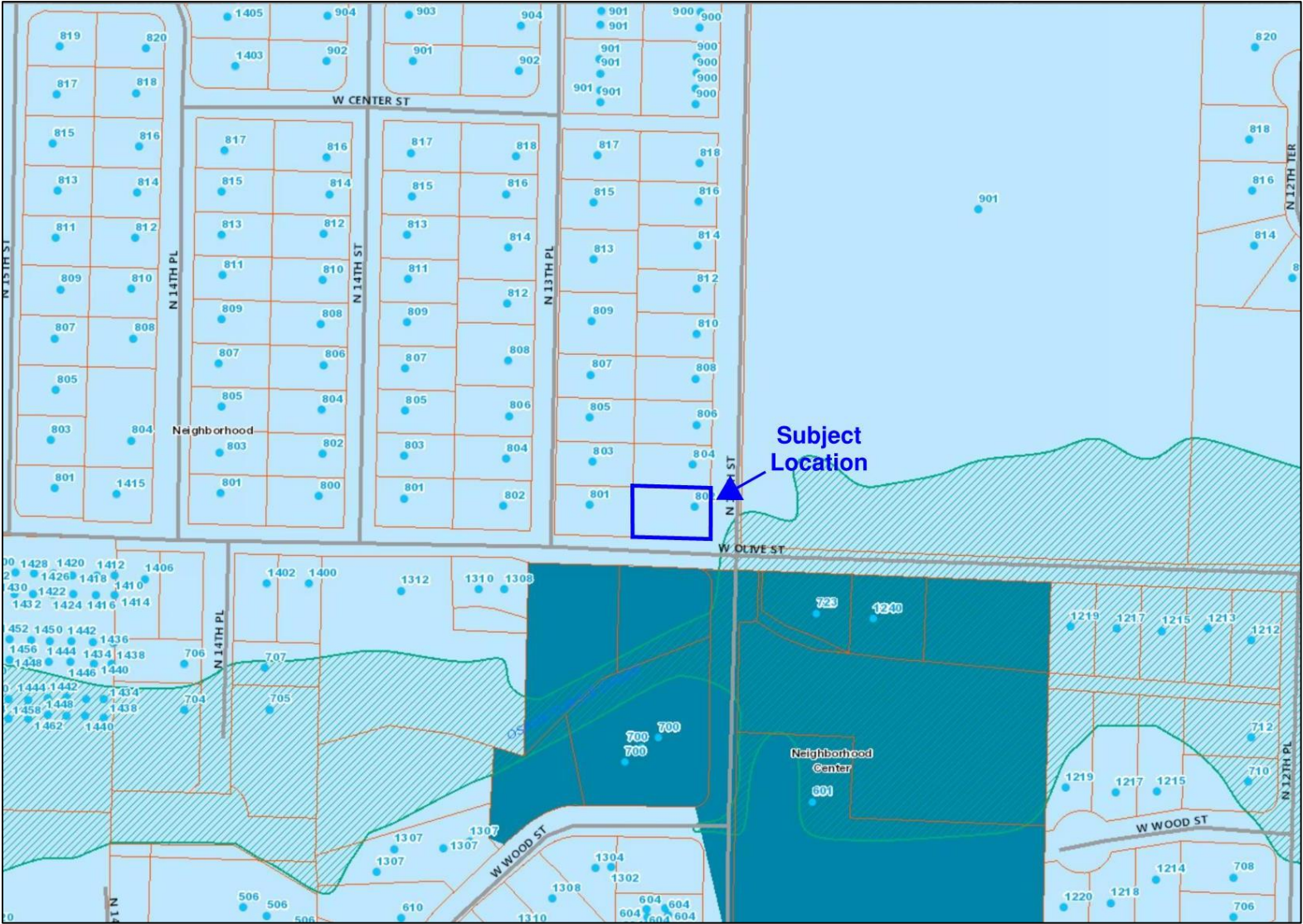
WILMA BOHOT AERIAL MAP:



WILMA BOHOT ZONING MAP:



WILMA BOHOT CGM MAP:





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 CH 1000 (\$100)
Zoning: R-0
Permit Number: 20-11
CityView Application: PL202000374
Date: 5/28/2020

CONDITIONAL USE PERMIT

APPLICANT: Wilma Bohot
ADDRESS: 802 North 13th Street, Rogers SUITE #: _____
PHONE #: 479-601-7681 EMAIL: Mysterious_blessings@yahoo.com
PROPERTY OWNER: Wilma Bohot PHONE #: 479-601-7681
PRESENT USE: Waiting for Conditional use permit ZONING: Residential/commercial
PROPOSED CONDITIONAL USE: In-home daycare (State licensed)
PARKING SPACES AVAILABLE: 5 HOURS OF OPERATION: 6:00am - 5:30pm

IF APPLYING TO OPEN A DAYCARE:

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

Wilma D. Bohot 5-22-2020
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: 5/28/2020 PUBLIC HEARING DATE: 6/16/2020 CERTIFIED MAIL DATE: 6/1/2020

PLANNING COMMISSION ACTION: _____

COMMENTS, CONDITIONS, LIMITS: _____

To Whom It May Concern:

I (Wilma Bohot) am applying for a conditional use permit so that I can have a small state licensed childcare in my home at 802 North 13th 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 five parking spots in my driveway area, and please keep in mind that the parents will be arriving at different times of dropping off and picking up their children. *(times will be staggered)

This same location was a state licensed childcare several years back. Special Care Day Care and it belonged to Linda Yell of Rogers, Ar. Her daycare grew into a larger commercial daycare so she relocated.

I will have a nice play area for the children in which will be safely secured by a chain link fence.

Sincerely, *Wilma D. Bohot*

Wilma Bohot

WARRANTY DEED

Single Person

KNOW ALL MEN BY THESE PRESENTS:

That I, Michael James Montgomery, a single man,

for and in consideration of the sum of One Dollar and other valuable consideration

to me in hand paid by Jeff Renfro and Ladena Renfro, husband and wife,

do hereby grant, bargain and sell unto the said Jeff Renfro and Ladena Renfro, husband and wife, their

heirs and assigns, the following described land, situate in Benton County, State of Arkansas, to-wit:

Lot 1 in Block 1 in Larimore and Garner Subdivision to the City of Rogers, Arkansas.

SUBJECT TO HIGHWAY ON EAST SIDE THEREOF.

This deed is made subject to a Deed of Trust in favor of First National Bank Rogers, Arkansas, in the principal amount of \$25,000.00, dated April 2, 1980, filed April 2, 1980, at 11:50 a.m., and recorded in Mortgage Record 457 at page 671, the unpaid balance of which grantees herein assume and agree to pay. Said Deed of Trust assigned to Arkansas Housing Agency and recorded in Book 457 at Page 675.

TO HAVE AND TO HOLD the said lands and appurtenances thereunto belonging unto the said Jeff Renfro and Ladena Renfro, husband and wife, their heirs and assigns, forever. And I, the said Grantor

hereby covenant that I am lawfully seized of said land and premises; that the same is unincumbered, and I will forever warrant and defend the title to the said lands against all legal claims whatever.

WITNESS my hand and seal on this 12th day of October 19 83

Michael James Montgomery [Seal]
Michael James Montgomery

ACKNOWLEDGMENT

STATE OF ARKANSAS

County of WASHINGTON

BE IT REMEMBERED, That on this day came before the undersigned, a Notary Public within and for the County aforesaid, duly commissioned and acting, Michael James Montgomery, a single man, to me well known as the Grantor in the foregoing Deed, and stated that he had executed the same for the consideration and purposes therein mentioned and set forth.

Witness my hand and seal as such Notary Public
October 19 83

My Commission expires

PREPARED BY: WACO AB & T CO.

212 W. Epps
D. Dale

BOOK 608 PAGE 613

FILED FOR RECORD

At 1030 O'Clock A.M.

OCT 13 1983

JOSEPHINE R. HEYLAND

BENTON COUNTY, ARK



PROPERTY OWNER PERMISSION

I, LAGENA K. IMMEL, hereby permit the use of adaycare
on my property at 802 N. 13th St. Rogers, Arkansas.
(name) (use)
(address)

Dated this the 10th day of June, 2020

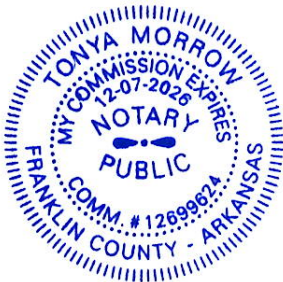
Lagena K. Immel
Signed

LAGENA K IMMEL
Name Printed

STATE OF ARKANSAS

COUNTY OF Johnson

Subscribed and sworn before me this the 10 day of June, 2020



Tonya Morrow
Notary Signature

Tonya Morrow
Notary Name Printed

12-07-2026
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 22 day of May, 2020

Wilma P. Bohot
Signed

Wilma P. Bohot
Name Printed

STATE OF ARKANSAS

COUNTY OF Benton

Subscribed and sworn before me this the 22nd day of May, 2020.

[Signature]
Notary Signature



Mayra Torres
Notary Name Printed

12-19-2023
Commission Expires



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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 **July 7, 2020 at 5:00 p.m.** on the application by **Wilma Bohot** for a **Conditional Use** to allow a **daycare** at **802 N. 13th St.** in the **R-O (Residential Office)** zoning district at the following described location:

LEGAL DESCRIPTION:

Lot 1 in Block 1 in Larimore and Garner Subdivision to the City of Rogers, Arkansas.

LAYMAN'S DESCRIPTION:

802 N. 13th St.

Rachel Crawford, Secretary
Planning Commission

PUBLISH ONE TIME ONLY: **June 22, 2020**
BILL THE CITY OF ROGERS