



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 – TIM JANACEK

STAFF: KYLE BELT, PLANNER I

REQUEST DETAILS

BUSINESS/PROJECT NAME:	Janacek Remodeling
ADDRESS/LOCATION:	1880 S. 26 th Street
PROPOSED USE:	Warehouse Office
CURRENT USE:	Vacant/undeveloped
CURRENT ZONING:	C-3 (Neighborhood Commercial)
APPLICANT/REPRESENTATIVE:	Tim Janacek / Will Kellstrom
PROPERTY OWNER:	Tim and Jeanette Janacek
NATURE OF REQUEST:	Approval of Conditional Use Permit
AUTHORITY:	Sec. 14-723, Rogers Code of Ordinances

SUMMARY

This request is to allow the use “Warehouse Office” which is conditional in the C-3 zoning district. The subject property is zoned correctly per the Comprehensive Growth Map, and though it does not meet the intended purpose or characteristics of the Neighborhood Center Growth Designation, the proposed use is compatible with adjacent property and is appropriate at this Neighborhood Center location. See STAFF REVIEW for additional findings.

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

1. Confirm applicant’s understanding that Large-Scale Development is required for new construction.

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 C-3. The property is zoned in compliance with the Comprehensive Growth Map, as C-3 is the allowed zoning district for the Neighborhood Center Growth Designation. While this use does not meet the intended purpose or characteristics of the Neighborhood Center Growth Designation, it is appropriate at this specific location based on the existing development context. This use would not inhibit future build-out of the Neighborhood Center.
- b) The proposed use is compatible with adjacent property largely due to the proposed building design features that maintain the residential character of surrounding development. Similar compatibility considerations will be applied during Large-Scale Development review as required in the C-3 zoning district. This use should not generate site activity beyond what is customary.
- 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. Since the property is currently undeveloped, this use will require new construction and enable enforcement of all zoning standards during Large-Scale Development review. The applicant's request letter states that the site will feature gravel parking and driveway, but to do so will require a waiver during the Large-Scale Development process. Approval of this CUP does not include approval for the use of gravel for vehicular use areas.
- d) Since the property is currently undeveloped, this use will require new construction and enable enforcement of all access management standards during Large-Scale Development review.

3. COMPREHENSIVE GROWTH MAP:

- a) Growth Designation:
Neighborhood Center.
- b) Growth Designation Character:
Mixed-use centers located around intersections of arterial and collector streets. Polycentric pattern serves neighborhood populations within 1/2 mile radius of each center and supports efficient multi-modal transportation network. Goals include creating neighborhood character, conserving opportunity for non-residential activities, and providing accessibility to civic facilities, religious assembly, basic commercial services, and recreation.
- c) Allowed Zoning Districts:
C-3.

4. ZONING:

- a) C-3 (Neighborhood Commercial):
The purpose and intent of the C-3 zoning district is "for areas designated as Neighborhood Centers on the city's Comprehensive Growth Map. The ideal application of this district is the development of a compact, mixed-use, neighborhood-oriented environment that transitions into lower density residential near Neighborhood Center boundaries. This district allows uses that provide essential goods and services to surrounding neighborhoods in a way that promotes placemaking and pedestrian accessibility. It is also intended to encourage medium-density residential development such as townhomes, bungalow courts, and other multi-unit or attached single-family housing types. Because the permitted non-residential uses are intended to be integral to the functions of a neighborhood, emphasis is placed on design and neighborhood compatibility," (Sec. 14-710(a)).
- b) Use Definition:
"Warehouse Office" is defined as "encompassing office uses for companies and non-governmental organizations that require limited on-site storage and company vehicle parking. This use may include indoor material and equipment storage and on-site parking of commercial vehicles," (Sec. 14-695(b)(3)(uu)).

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) Confirm applicant's understanding that Large-Scale Development is required for new construction.

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

JANACEK AERIAL MAP:

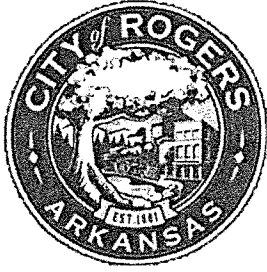


JANACEK ZONING MAP:



JANACEK 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)

Zoning: _____

Permit Number: _____

CityView Application: _____

Date: _____

CONDITIONAL USE PERMIT

APPLICANT: Tim Janacek

ADDRESS: 1880 S. 26th Street SUITE #: _____

PHONE #: c/o 479-636-2168 EMAIL: c/o wkellstrom@watkinslawoffice.com

PROPERTY OWNER: Tim Janacek & Jeanette Janacek, TTEES PHONE #: c/o 479-636-2168

PRESENT USE: Undeveloped ZONING: C-3

PROPOSED CONDITIONAL USE: W-O, Warehouse Office

PARKING SPACES AVAILABLE: 3 HOURS OF OPERATION: 8am-5pm M-F

IF APPLYING TO OPEN A DAYCARE:

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

T. E. Janacek
Applicant Signature

6/17/20
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: _____ PUBLIC HEARING DATE: _____ CERTIFIED MAIL DATE: _____

PLANNING COMMISSION ACTION: _____

COMMENTS, CONDITIONS, LIMITS: _____

**WATKINS, BOYER,
GRAY & CURRY, PLLC**

ATTORNEYS AT LAW

WRITER'S DIRECT E-MAIL
wkellstrom@watkinslawoffice.com

DELYNN HALE, SECRETARY
AMY BENSON, PARALEGAL
WHITNEY DUCKER, OFFICE MANAGER

WILLIAM P. WATKINS, III, P.A.
RONALD L. BOYER, P.A.
JENNIFER E. GRAY, P.A.*
ANDREW T. CURRY, P.A.
WILLIAM A. KELLSTROM
JOHN E. JENNINGS (OF COUNSEL)
* ALSO LICENSED IN MISSOURI

June 17, 2020

Planning Department
City of Rogers
301 W. Chestnut
Rogers, AR 72756

RE: Conditional Use Permit at 1880 S. 26th St.

Dear Planning Staff,

I represent Tim Janacek with respect to his proposed building at 1880 S. 26th St., Rogers, Arkansas. This letter is being sent pursuant to that request. My client is requesting that he be granted a conditional use permit for W-O, Warehouse Office for the purpose of building a new office building with associated storage for his remodeling business. Mr. Janacek's property is zoned C-3, Neighborhood Commercial District. Pursuant to Rogers City Ordinance No. 20-50, W-O, Warehouse Office is now allowed as a conditional use in C-3 zoning district.

Mr. Janacek plans to build a 50 foot by 100 foot (5,000 sq ft) metal building on the property. The building will house offices for Janacek Remodeling and will have a storage area used (1) for temperature acclimation of cabinets and other wood components prior to installation on remodeling projects and (2) for small amounts of leftover materials from projects. The hours of operation for the business will be 8:00 a.m. to 5:00 p.m., Monday through Friday. The front entrance of the building will face S. 26th St., with a stone and hardie-board facade and a covered entryway with decorative wood columns and beams. Preliminary drawings of the proposed building have been enclosed with this letter.

Because Mr. Janacek already operates his remodeling business from an office located on his property immediately to the North, the project is not expected to increase traffic in the area by any appreciable amount. Likewise, it is not expected to generate any additional light or noise. The property will be screened from the residential neighborhood to the West by a six-foot wooden privacy fence, which will surround the entire parcel, and by landscaping and trees which have already been planted.

The building will have gravel parking at the front of the building and will have a gravel drive leading to the garage doors on the North side of the building. Any parking of commercial vehicles will be screened in accordance with Ordinance 20-50, above.

Lastly, no hazardous or flammable materials will be stored or used in the building.

If you have any questions please contact me at 479-636-2168.

Sincerely,

WATKINS, BOYER,
GRAY & CURRY, PLLC

A handwritten signature in black ink, appearing to read "W. Kellstrom".

Will A. Kellstrom

WK:
pc:

PROPERTY OWNER PERMISSION

I, Tim Janacek, hereby permit the use of W-O, Warehouse Office
(name) (use)
on my property at 1880 S. 26th Street Rogers, Arkansas.
(address)

Dated this the 18th day of June, 2020.

X 
Signed

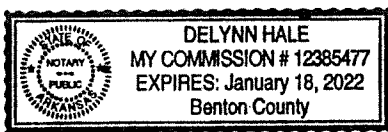
X Tim E. Janacek
Name Printed

STATE OF ARKANSAS

COUNTY OF Benton

Subscribed and sworn before me this the 18th day of June, 2020.


Notary Signature



Delynn Hale
Notary Name Printed

01-18-2020
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 at least 15 days prior to the upcoming public hearing for my conditional use permit request.

Dated this the 17th day of June, 2020.

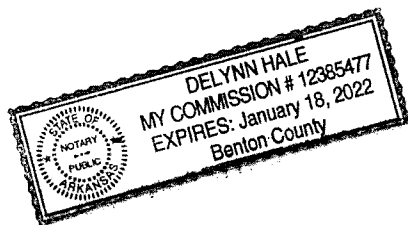
T-E.
Signed

Tom E. Janacek
Print Name

STATE OF ARKANSAS)

COUNTY OF BENTON)

Subscribed and sworn before me this the 17th day of June, 2020.

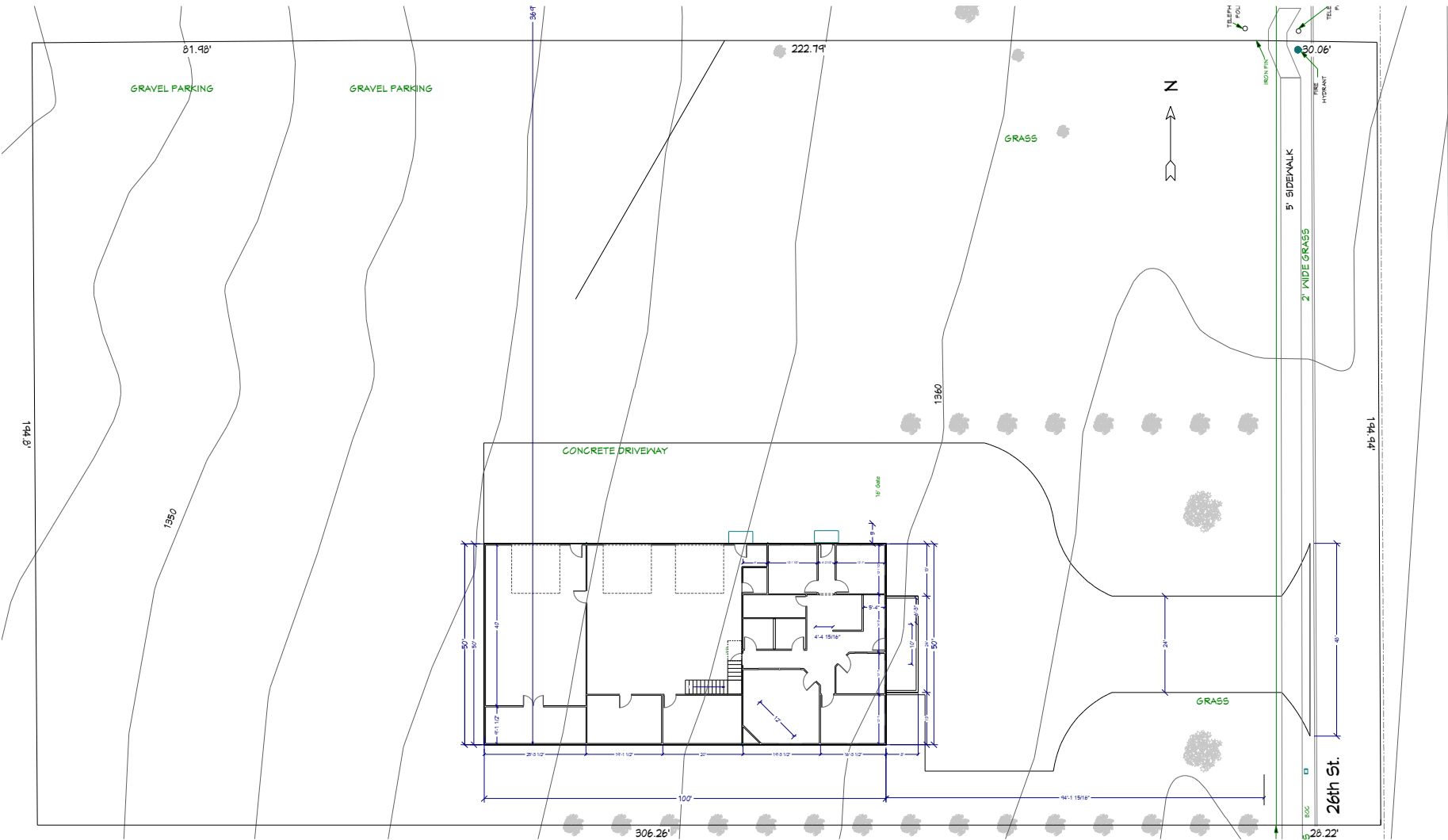


[Signature]
Notary Signature

Delynn Hale
Notary Name Printed

01-18-2022
Commission Expires

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Page #
1 of 5

Date of Printing: 1/20/2020
Date of Creation: 3/8/2019
Scale: 1/8" = 1 ft
Designed and Drawn by: Jonathan Janacek

Tim Janacek
1880 S. 26th St.
Rogers, AR 72758

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(479) 621-0565
Jonathan@JanacekRemodeling.com

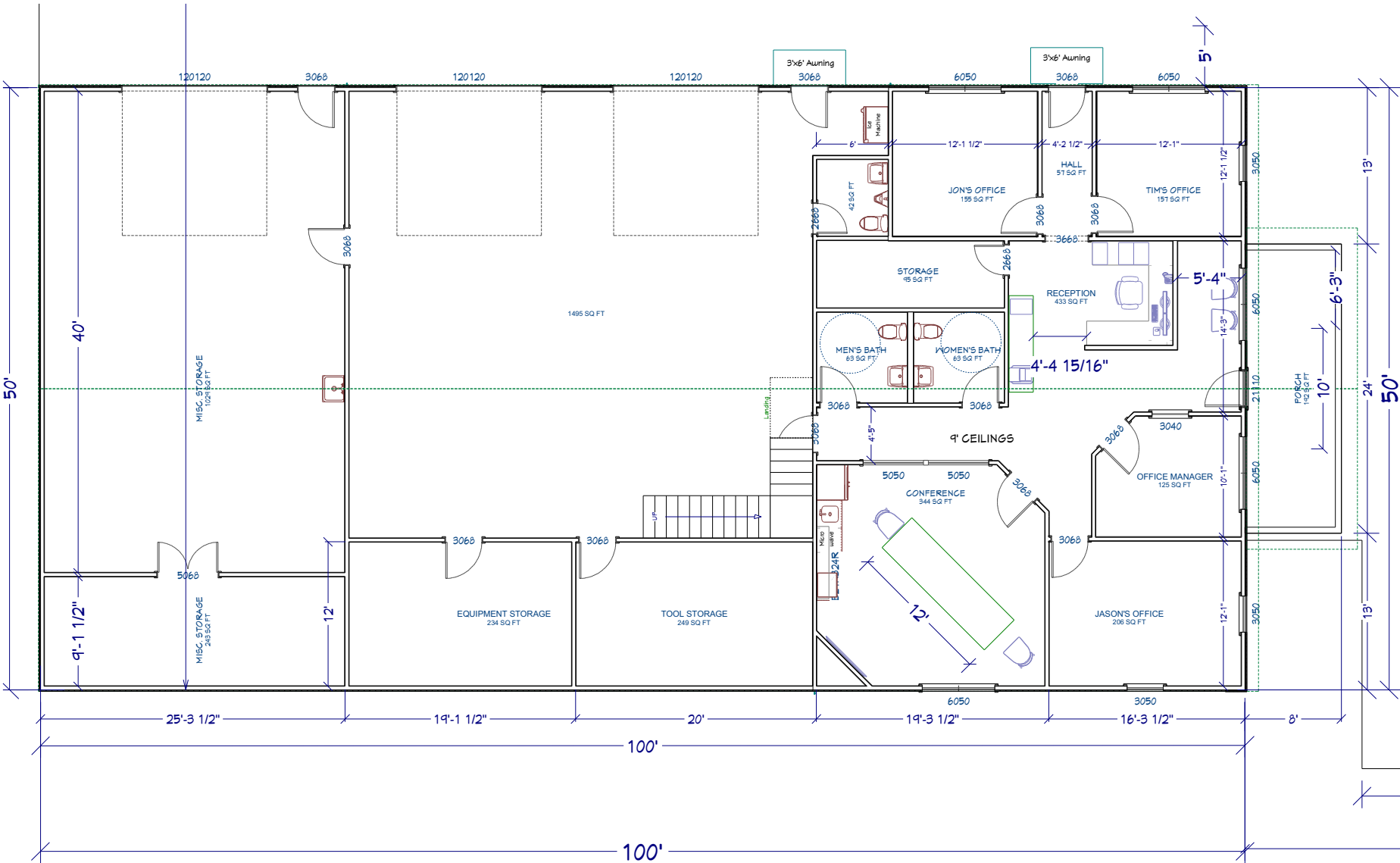


Not To Scale

Tim Janacek
1880 S. 26th St.
Rogers, AR 72758

C:\Users\Jonathan\Local Machine\JC10 Home Architect Plans\Tim's House - Office\Tim_Janacsek - Office layout

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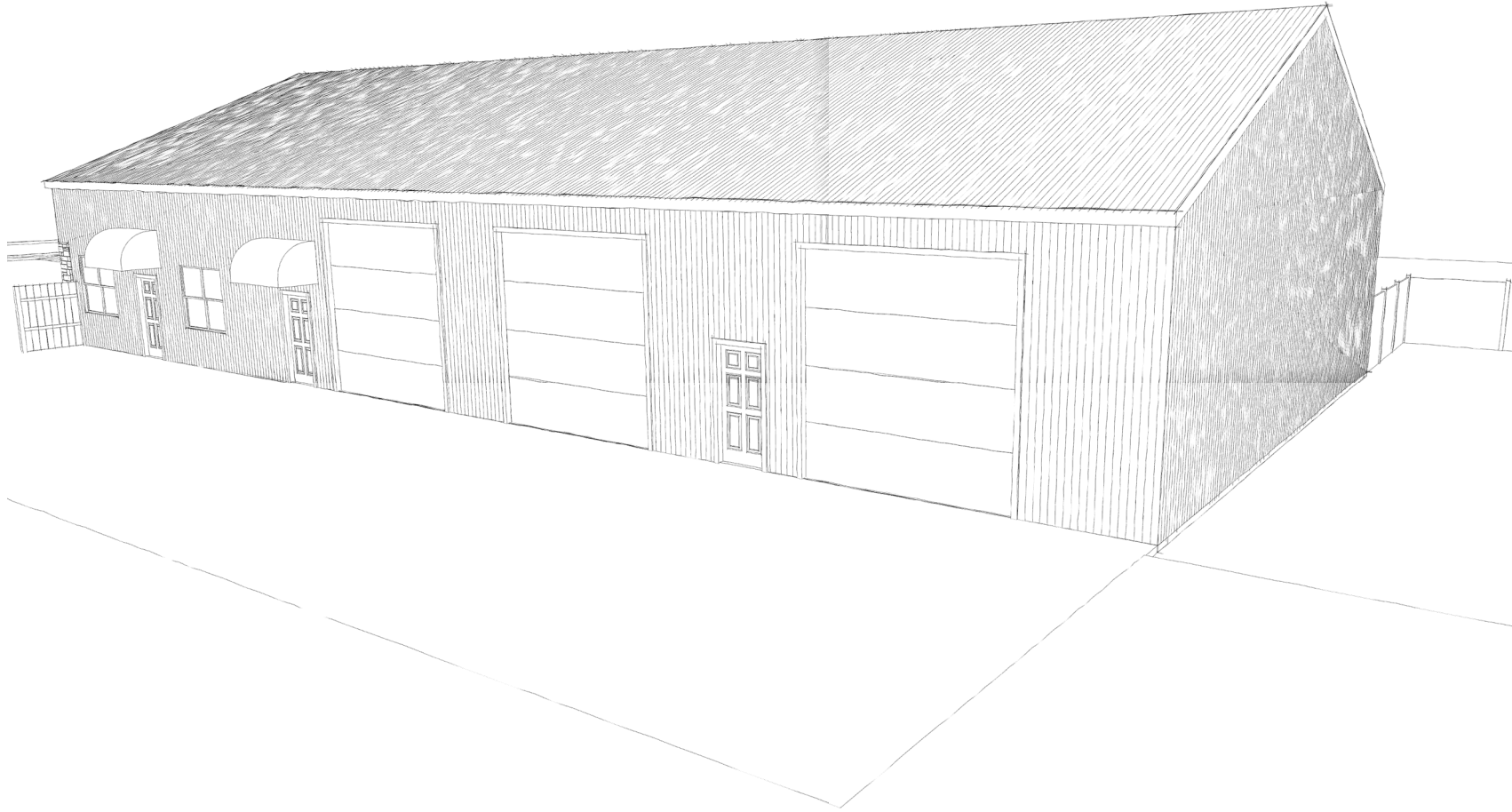


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©/Allan Janacek/AR 1880 S. 26th St. Home Architect/Janacek Remodeling, Inc. - Office/Tim Janacek - Office/Janacek

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