



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

MEETING DATE
October 6, 2020

TO: PLANNING COMMISSION

RE: **STAFF SUMMARY REPORT**
REZONE – Mary Ellen Miller

STAFF: KYLE BELT, PLANNER I

REQUEST DETAILS

ADDRESS/LOCATION:	38.18 Acres on S. Bellview Rd.
TOTAL AREA TO BE REZONED:	38.18 ± acres
CURRENT ZONING:	A-1 (Agricultural District)
PROPOSED ZONING:	N-R (Neighborhood Residential)
APPLICANT/REPRESENTATIVE:	Mary Ellen Miller/Will Kellstrom
PROJECT OWNER/DEVELOPER:	N/A
PROPERTY OWNER:	Mary Ellen Miller
NATURE OF REQUEST:	Approval of Rezone
AUTHORITY:	Sec. 14-727, Rogers Code of Ordinances

SUMMARY

This request is consistent with the Comprehensive Growth Map. N-R is an allowed zoning district in the Neighborhood Growth Designation and is appropriate at this location between existing low-density residential and the proposed Neighborhood Center at the intersection of Bellview and Garrett roads. See STAFF REVIEW for additional findings.

Community Development recommends approval of this request.

STAFF REVIEW

1. 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. (CGM Page 1).
- c) Base Density:
6 units/acre
- d) Max Density:
12 units/acre
- e) Allowed Zoning Districts:
R-SF, N-R, R-DP, R-MF

2. ZONING:

- a) Neighborhood Residential District (N-R):
The purpose of the Neighborhood Residential zone is “to encourage the continuation and revitalization of low- to medium-density housing throughout the City. Goals of the N-R district can be: Make more efficient use of existing infrastructure such as streets, and water and sewer lines, provide affordable housing opportunities within the City, minimize traffic congestion by reducing commuting distances, and relieve some of the pressure from suburban sprawl by promoting new development in more established areas.” (Sec. 14-702)(a)).
- b) General Findings:
The subject property is surrounded by the RSF-5, and A-1 zoning districts. This location is consistent with the purpose and intent of the N-R zoning district and is appropriate with the existing and anticipated surrounding development context. Any future development is subject to all applicable zoning and development regulations.

3. PUBLIC INPUT RECEIVED:

Staff has not received any comments from the public regarding this request.

4. RECOMMENDATIONS:

- a) Approve request.

DIRECTOR'S COMMENTS

1. Agree with recommendations.



JOHN C. McCURDY, Director
Community Development

SUGGESTED MOTIONS

1. IF APPROVING AS PRESENTED:
Move to recommend rezone for City Council approval as presented.
2. IF APPROVING SUBJECT TO OTHER ACTIONS:
Move to recommend rezone for City Council approval subject to [conditions or contingencies].
3. IF DENYING:
Move to deny the request as presented.
4. IF TABLING:
Move to table the request as presented [indefinite or date certain].

TABS

1. Vicinity maps (aerial, CGM, zoning)
2. Rezone application with required supplements



DEPT. OF PLANNING
 CITY OF ROGERS, ARKANSAS
 301 W. CHESTNUT
 PHONE: (479) 621-1186
 FAX: (479) 986-6896

OFFICE USE ONLY	
Permit Fee:	_____ (\$200)
Zoning:	_____ to _____
Permit Number:	_____
CityView Application:	_____
Date:	_____

REZONE APPLICATION

APPLICANT: Mary Ellen Miller, Executrix of the Estate of Mary Ellen Pack

ADDRESS: S. Bellview Rd. SUITE #: _____

GENERAL LOCATION OF PROPERTY: S. Bellview Rd.

PHONE #: (479) 636-2168 EMAIL: wkellstrom@watkinslawoffice.com

PROPERTY OWNER: Mary Ellen Miller PHONE #: (479) 636-2168

PRESENT USE: Undeveloped ZONING: A-1

PROPOSED USE: Single family residential ZONING: N-R

Will Kellstrom, Attorney for the Applicant 9/14/20

Applicant Signature

Date

Attachment Checklist:

- Legal description of property
- Applicant Certification
- Property Owner Affidavit
- Site plan as needed

PLANNING STAFF PROVIDES:

DATE FILED: _____ PUBLIC HEARING DATE: _____ CERTIFIED MAIL DATE: _____

PLANNING COMMISSION ACTION: _____ DATE: _____

CITY COUNCIL ACTION: _____ DATE: _____

ORDINANCE NUMBER: _____ COMMENTS: _____

EXHIBIT A

THE NE 1/4 OF THE SE 1/4 OF SECTION 33, TOWNSHIP 19 NORTH,
RANGE 30 WEST

LESS & EXCEPT:

DESCRIPTION FOR EXISTING PRESCRIPTIVE RIGHT OF WAY FOR
BEILVIEW ROAD AND GARRETT ROAD A PART OF THE NORTHEAST
QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) AND PART
OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER
(SE 1/4) ALL IN SECTION 33, TOWNSHIP 19 NORTH, RANGE 30 WEST
DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHEAST CORNER OF
SAID NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER
(SE 1/4) OF SAID SECTION 33 AND RUN THENCE SOUTH 2° 31' 15" WEST
ALONG THE WEST LINE OF SAID 40 ACRE TRACT A DISTANCE OF
1,133.68 FEET TO A FOUND COTTON SPINDLE; THENCE SOUTH 2° 30'
00" WEST ALONG SAID WEST LINE A DISTANCE OF 414.56 FEET TO A
FOUND COTTON SPINDLE; THENCE SOUTH 2° 30' 30" WEST ALONG
SAID WEST LINE A DISTANCE OF 605.45 FEET TO A FOUND COTTON
SPINDLE; THENCE SOUTH 2° 30' 39" WEST ALONG SAID WEST LINE A
DISTANCE OF 495.00 FEET TO A FOUND REBAR PIN AT THE
SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER (SE 1/4) OF THE
SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 33; THENCE
LEAVING SAID WEST LINE NORTH 88° 08' 26" WEST ALONG THE
SOUTH LINE OF SAID 40 ACRE TRACT A DISTANCE OF 18.28 FEET TO A
FOUND REBAR PIN AT THE NORTHEAST CORNER OF THE
NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE
1/4) OF SECTION 4, TOWNSHIP 18 NORTH, RANGE 30 WEST; THENCE
NORTH 87° 40' 23" WEST ALONG SAID SOUTH LINE A DISTANCE OF
664.79 FEET; THENCE NORTH 87° 33' 44" WEST ALONG SAID SOUTH
LINE A DISTANCE OF 4.64 FEET; THENCE LEAVING SAID SOUTH LINE
NORTH 2° 45' 12" EAST A DISTANCE OF 30.09 FEET TO THE
PRESCRIPTIVE RIGHT OF WAY FOR GARRETT ROAD; THENCE SOUTH
89° 32' 57" EAST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A
DISTANCE OF 57.71 FEET; THENCE SOUTH 86° 32' 04" EAST ALONG
SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 310.68 FEET;
THENCE SOUTH 86° 32' 02" EAST ALONG SAID PRESCRIPTIVE RIGHT
OF WAY A DISTANCE OF 116.56 FEET; THENCE SOUTH 87° 35' 57" EAST
ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 167.22
FEET TO THE PRESCRIPTIVE RIGHT OF WAY FOR BELLVIEW ROAD;
THENCE LEAVING SAID PRESCRIPTIVE RIGHT OF WAY FOR GARRETT
ROAD NORTH 3° 10' 57" EAST ALONG SAID PRESCRIPTIVE RIGHT OF
WAY A DISTANCE OF 246.16 FEET; THENCE NORTH 3° 26' 57" EAST
ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 418.61

FEET; THENCE NORTH 2° 56' 41" EAST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 203.47 FEET; THENCE NORTH 3° 10' 16" EAST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 433.19 FEET; THENCE NORTH 3° 08' 18" EAST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 136.54 FEET; THENCE NORTH 2° 56' 23" EAST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 175.35 FEET; THENCE NORTH 3° 01' 28" EAST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 169.42 FEET; THENCE NORTH 2° 52' 59" EAST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 201.69 FEET; THENCE NORTH 2° 49' 50" EAST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 110.38 FEET; THENCE NORTH 1° 48' 40" EAST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 127.14 FEET; THENCE NORTH 2° 21' 44" EAST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 159.93 FEET; THENCE NORTH 2° 35' 30" EAST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 106.24 FEET; THENCE NORTH 1° 36' 31" EAST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 137.70 FEET TO THE NORTH LINE OF SAID 40 ACRE TRACT; THENCE LEAVING SAID PRESCRIPTIVE RIGHT OF WAY SOUTH 87° 29' 14" EAST ALONG SAID NORTH LINE A DISTANCE OF 17.06 FEET TO THE POINT OF BEGINNING, CONTAINING 73,821 SQUARE FEET, MORE OR LESS. LESS & EXCEPT: DESCRIPTION FOR PROPOSED NEW RIGHT OF WAY DEDICATION FOR BELLVIEW ROAD AND GARRETT ROAD A PART OF THE NORTHEAST QUARTER (NE ¼) OF THE SOUTHEAST QUARTER (SE ¼) AND PART OF THE SOUTHEAST QUARTER (SE ¼) OF THE SOUTHEAST QUARTER (SE ¼) ALL IN SECTION 33, TOWNSHIP 19 NORTH, RANGE 30 WEST DESCRIBED AS FOLLOWS: COMMENCE AT THE FOUND REBAR PIN AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER (NE ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF SAID SECTION 33 AND RUN THENCE NORTH 87° 29' 14" WEST ALONG THE NORTH LINE OF SAID 40 ACRE TRACT A DISTANCE OF 17.06 FEET TO THE PRESCRIPTIVE RIGHT OF WAY FOR BELLVIEW ROAD AND THE "TRUE POINT OF BEGINNING" OF THIS DESCRIPTION; THENCE LEAVING SAID NORTH LINE SOUTH 1° 36' 31" WEST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 137.70 FEET; THENCE SOUTH 2° 35' 30" WEST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 106.24 FEET; THENCE SOUTH 2° 21' 44" WEST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 159.93 FEET; THENCE SOUTH 1° 48' 40" WEST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 127.14 FEET; THENCE SOUTH 2° 49' 50" WEST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 110.38 FEET; THENCE SOUTH 2° 52' 59" WEST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 201.69 FEET; THENCE SOUTH 3° 01' 28" WEST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 169.42 FEET; THENCE SOUTH 2° 56' 23"

WEST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 175.35 FEET; THENCE SOUTH 3° 08' 18" WEST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 136.54 FEET; THENCE SOUTH 3° 10' 16" WEST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 433.19 FEET; THENCE SOUTH 2° 56' 41" WEST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 203.47 FEET; THENCE SOUTH 3° 26' 57" WEST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 418.61 FEET; THENCE SOUTH 3° 10' 57" WEST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 246.16 FEET TO THE EXISTING PRESCRIPTIVE RIGHT OF WAY OF GARRETT ROAD; THENCE LEAVING SAID PRESCRIPTIVE RIGHT OF WAY FOR BELLVIEW ROAD; NORTH 87° 35' 57" WEST ALONG SAID PRESCRIPTIVE RIGHT OF WAY FOR GARRETT ROAD A DISTANCE OF 167.22 FEET; THENCE NORTH 86° 32' 02" WEST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 116.56 FEET; THENCE NORTH 86° 32' 04" WEST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 310.68 FEET; THENCE NORTH 89° 32' 57" WEST ALONG SAID PRESCRIPTIVE RIGHT OF WAY A DISTANCE OF 57.71 FEET; THENCE LEAVING SAID PRESCRIPTIVE RIGHT OF WAY FOR GARRETT ROAD NORTH 02° 45' 12" EAST A DISTANCE OF 14.00 FEET TO THE PROPOSED RIGHT OF WAY FOR GARRETT ROAD; THENCE SOUTH 87° 15' 06" EAST ALONG SAID PROPOSED RIGHT OF WAY A DISTANCE OF 138.04 FEET; THENCE SOUTH 88° 53' 10" EAST ALONG SAID PROPOSED RIGHT OF WAY A DISTANCE OF 319.72 FEET; THENCE SOUTH 87° 31' 12" EAST ALONG SAID PROPOSED RIGHT OF WAY A DISTANCE OF 112.58 FEET TO THE PROPOSED RIGHT OF WAY FOR BELLVIEW ROAD; THENCE LEAVING SAID PROPOSED RIGHT OF WAY FOR GARRETT ROAD NORTH 51° 20' 09" EAST ALONG SAID PROPOSED RIGHT OF WAY FOR BELLVIEW ROAD A DISTANCE OF 65.14 FEET; TO A CURVE TO THE RIGHT; THENCE ALONG SAID PROPOSED RIGHT OF WAY AND CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 837.00 FEET, A CHORD BEARING NORTH 4° 08' 34" EAST, A CHORD LENGTH OF 20.72 FEET, THENCE ALONG THE ARC OF THE CURVE A DISTANCE OF 20.72 FEET; THENCE LEAVING SAID CURVE NORTH 4° 50' 48" EAST ALONG SAID PROPOSED RIGHT OF WAY A DISTANCE OF 127.85 FEET; THENCE NORTH 9° 25' 01" EAST ALONG SAID PROPOSED RIGHT OF WAY A DISTANCE OF 75.30 FEET; THENCE NORTH 4° 50' 48" EAST ALONG SAID PROPOSED RIGHT OF WAY A DISTANCE OF 215.29 FEET TO A CURVE TO THE LEFT; THENCE ALONG THE PROPOSED RIGHT OF WAY AND CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 763.00 FEET, A CHORD BEARING NORTH 3° 40' 47" EAST, A CHORD LENGTH OF 31.08 FEET, THENCE ALONG THE ARC OF THE CURVE A DISTANCE OF 31.08 FEET; THENCE LEAVING SAID CURVE NORTH 2° 30' 46" EAST ALONG SAID PROPOSED RIGHT OF WAY A DISTANCE OF 640.37 FEET TO A CURVE TO THE LEFT; THENCE ALONG SAID

PROPOSED RIGHT OF WAY AND CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 763.00 FEET, A CHORD BEARING NORTH 1° 39' 11" EAST, A CHORD LENGTH OF 22.89 FEET, THENCE ALONG THE ARC OF THE CURVE A DISTANCE OF 22.89 FEET; THENCE LEAVING SAID CURVE NORTH 0° 47' 37" EAST ALONG SAID PROPOSED RIGHT OF WAY A DISTANCE OF 375.99 FEET TO A CURVE TO THE RIGHT; THENCE ALONG SAID PROPOSED RIGHT OF WAY AND CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 837.00 FEET, A CHORD BEARING NORTH 1° 39' 11" EAST, A CHORD LENGTH OF 25.11 FEET, THENCE ALONG THE ARC OF THE CURVE DISTANCE OF 25.11 FEET; THENCE LEAVING SAID CURVE NORTH 2° 30' 46" EAST ALONG SAID PROPOSED RIGHT OF WAY A DISTANCE OF 733.28 FEET TO A CURVE TO THE RIGHT, THENCE ALONG SAID PROPOSED RIGHT OF WAY AND CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 837.00 FEET, A CHORD BEARING NORTH 4° 38' 27" EAST, A CHORD LENGTH OF 62.16 FEET, THENCE ALONG THE ARC OF THE CURVE A DISTANCE OF 62.18 FEET; THENCE LEAVING SAID CURVE NORTH 3° 34' 29" EAST ALONG SAID PROPOSED RIGHT OF WAY A DISTANCE OF 151.44 FEET; THENCE NORTH 8° 13' 19" EAST ALONG SAID PROPOSED RIGHT OF WAY A DISTANCE OF 76.76 FEET TO THE NORTH LINE OF SAID 40 ACRE TRACT; THENCE LEAVING SAID PROPOSED RIGHT OF WAY SOUTH 87° 29' 14" EAST ALONG SAID NORTH LINE A DISTANCE OF 26.19 FEET TO THE POINT OF BEGINNING, CONTAINING 93,546 SQUARE FEET, MORE OR LESS.

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 rezone request.

Dated this the 14th day of September, 2020.

Will Kelcham, Attorney for the Applicant
Signed

STATE OF ARKANSAS

COUNTY OF BENTON

Subscribed and sworn before me this the 14th day of September, 2020.

DeLynn Hale
Notary Signature

DeLynn Hale
Notary Name Printed

01-18-2022
Commission Expires



PROPERTY OWNER AFFIDAVIT

The petitioner, Mary Shannon Threlkeld petitions the Planning Commission of the City of Rogers, Arkansas to rezone certain real property as set forth herein:

LEGAL DESCRIPTION: **See Exhibit A**

LAYMAN'S DESCRIPTION: **38.18 Acres on S. Bellview Rd.**

PRESENT ZONING: **A-1, Agricultural**

ZONING REQUEST: **N-R, Neighborhood Residential**

Respectfully Submitted,

By: Mary Shannon Threlkeld
Mary Shannon Threlkeld

STATE OF ARKANSAS)
)
COUNTY OF BENTON)

Subscribed and sworn before me this the 10TH day of September 2026.

Robert Copeland
Notary Signature

Robert Copeland
Notary Name Printed

8-1-2023
Commission Expires

