



Office of the City Clerk-Treasurer  
301 W. Chestnut  
Rogers, Arkansas 72756  
479-621-1117  
[www.rogersar.gov](http://www.rogersar.gov)

### COMMITTEE SCHEDULE

TO: MAYOR  
CITY COUNCIL  
DEPARTMENT HEADS  
PRESS

FROM: Jessica Rush, CITY CLERK-TREASURER

DATE: January 12, 2021

The following committee meetings will be held on **Tuesday, January 12, 2021** prior to the City Council Meeting:

**05:15 p.m. - COMMUNITY SERVICES COMMITTEE:** (Brashear\*, Hayes, Kruger)

**<https://us02web.zoom.us/j/84349267567> OR (312)626-6799 ID: 843 4926 7567**

To Discuss: (a) A Resolution Authorizing The Mayor And City Clerk To Enter Into A Contract With Crowne Group, LLC Of Fayetteville, Arkansas, For Event Marketing, Promotion, And Programming Services Of Butterfield Stage For The Railyard Park

**05:30 p.m. - PUBLIC SAFETY COMMITTEE:** (Wolf\*, Kruger, Legere)

**<https://us02web.zoom.us/j/84349267567> OR (312) 626-6799 ID: 843 4926 7567**

To Discuss: (a) An Ordinance Waiving Competitive Bidding For The Installation Of Audio And Video Equipment At The Expanded Rogers Fire Department's Training Center; Allowing The Mayor And City Clerk To Enter Into A Contract With All A-V Services LLC Of Gravette, Arkansas

**05:45 p.m. - COMMUNITY ENVIRONMENT & WELFARE COMMITTEE:** (Legere\*, Townzen, Hayes)

**<https://us02web.zoom.us/j/84349267567> OR (312) 626-6799 ID: 843 4926 7567**

- To Discuss:
- (a) An Ordinance Waiving Competitive Bidding For The Purchase Of A 2021 Ram 2500 Crew Cab From Superior Chevrolet Of Siloam Springs, Arkansas, For Use By The Rogers Animal Services Department
  - (b) An Ordinance Adopting Changes To The Comprehensive Growth Map Promulgated By The Rogers Planning Commission Since February Of 2019
  - (c) An Ordinance Amending Section 14-702 Of The City Of Rogers' Code Of Ordinances
  - (d) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From I-2 to C-4 (Read Romans 12) [Staff Report](#)
  - (e) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From I-2 To C-3, C-4, And I-1 (1st Street Station)
  - (f) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From RMF-6B To R-O (Pinnacle Springs Offices)
  - (g) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From C-3 (PUD) To RMF-28B, Accepting The Density Concept Plan (Promenade Commons Phase 2)
  - (h) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From C-3 To C-3, Accepting The Density Concept Plan (Dixieland Apartments) [Staff Report](#)



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**ROGERS CITY COUNCIL AGENDA**  
**JANUARY 12, 2021 6:30 PM**

**<https://us02web.zoom.us/j/85927429257> OR (312) 626-6799 ID: 859 2742 9257**

**PUBLIC FORUM:**

**ROLL CALL:**

**ACTION ON MINUTES:**

- 1. December 8, 2020

**REPORTS OF BOARDS AND STANDING COMMITTEES:**

- |    |   |  |
|----|---|--|
| 1. | ORD. Re: Waiving Competitive Bidding For The Installation Of Audio And Video Equipment At The Expanded Rogers Fire Department’s Training Center; Allowing The Mayor And City Clerk To Enter Into A Contract With All A-V Services LLC Of Gravette, Arkansas | PUBLIC SAFETY<br>COMMITTEE                         |
| 2. | RES. Re: Authorizing The Mayor And City Clerk To Enter Into A Contract With Crowne Group, LLC Of Fayetteville, Arkansas, For Event Marketing, Promotion, And Programming Services Of Butterfield Stage For The Railyard Park                                | COMMUNITY<br>SERVICES<br>COMMITTEE                 |
| 3. | ORD. Re: Waiving Competitive Bidding For The Purchase Of A 2021 Ram 2500 Crew Cab From Superior Chevrolet Of Siloam Springs, Arkansas, For Use By The Rogers Animal Services Department   | COMMUNITY<br>ENVIRONMENT &<br>WELFARE<br>COMMITTEE |
| 4. | ORD. Re: Adopting Changes To The Comprehensive Growth Map Promulgated By The Rogers Planning Commission Since February Of 2019  | COMMUNITY<br>ENVIRONMENT &<br>WELFARE<br>COMMITTEE |

- |     |   |   |
|-----|---|---|
| 5.  | ORD. Re: Amending Section 14-702 Of The City Of Rogers' Code Of Ordinances  | COMMUNITY ENVIRONMENT & WELFARE COMMITTEE |
| 6.  | ORD. Re: Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From I-2 to C-4 (Read Romans 12)  | COMMUNITY ENVIRONMENT & WELFARE COMMITTEE |
| 7.  | ORD. Re: Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From I-2 To C-3, C-4, And I-1 (1st Street Station)  | COMMUNITY ENVIRONMENT & WELFARE COMMITTEE |
| 8.  | ORD. Re: Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From RMF-6B To R-O (Pinnacle Springs Offices)   | COMMUNITY ENVIRONMENT & WELFARE COMMITTEE |
| 9.  | ORD. Re: Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From C-3 (PUD) To RMF-28B, Accepting The Density Concept Plan (Promenade Commons Phase 2) | COMMUNITY ENVIRONMENT & WELFARE COMMITTEE |
| 10. | ORD. Re: Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From C-3 To C-3, Accepting The Density Concept Plan (Dixieland Apartments)                | COMMUNITY ENVIRONMENT & WELFARE COMMITTEE |

**OLD BUSINESS:**

**NEW BUSINESS:**

**APPOINTMENTS:**

**ANNOUNCEMENTS:**

**ORDINANCE NO. 21-\_\_\_\_\_**

**AN ORDINANCE WAIVING COMPETITIVE BIDDING FOR THE INSTALLATION OF AUDIO AND VIDEO EQUIPMENT AT THE EXPANDED ROGERS FIRE DEPARTMENT'S TRAINING CENTER; ALLOWING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH ALL A-V SERVICES LLC OF GRAVETTE, ARKANSAS; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the installation of audio and video equipment is necessary to complete the expansion of the Rogers Fire Department's Training Center;

**WHEREAS**, this service will be paid from the 2018 Bond Funds;

**WHEREAS**, All A-V Services, LLC of Gravette, Arkansas has the familiarity with this project and has the ability to quickly install the necessary equipment so that the training center's audio and video equipment is readily available; and

**WHEREAS**, the estimated contract amount for this installation is forty-eight thousand four hundred thirty-one dollars and eighty-five cents (\$48,431.85).

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:**

Section 1: The Mayor and City Clerk are authorized to enter into a contract with All A-V Services, LLC of Gravette, Arkansas, in an amount not to exceed forty-eight thousand four hundred thirty-one dollars and eighty-five cents (\$48,431.85), for the installation of audio and video equipment at the Rogers Fire Department's Training Center.

Section 2: There exists an exceptional circumstance whereby the requirements of competitive bidding are neither practical nor feasible and the City Council, therefore, waives the requirements of competitive bidding for the installation of audio and video equipment at the Rogers Fire Department's Training Center.

Section 3: Emergency Clause: The need to install this equipment at the Rogers Fire Department Training Center is immediate and in order to protect the public peace, health, safety, and welfare an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of its passage and approval.

Section 4: Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed.

Section 5: Repeal of Conflicting Provisions: All ordinances, resolutions, or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, **2021**.

**APPROVED:**

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

Requested by: Tom Jenkins, Fire Chief  
Prepared by: John M. Pesek, Staff Attorney  
For Consideration By: Public Safety Committee

**RESOLUTION NO. R21-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH CROWNE GOUP, LLC OF FAYETTEVILLE, ARKANSAS, FOR EVENT MARKETING, PROMOTION, AND PROGRAMMING SERVICES OF BUTTERFIELD STAGE FOR THE RAILYARD PARK; AND FOR OTHER PURPOSES.**

**WHEREAS**, the design of the Railyard Park envisioned Butterfield Stage as an entertainment destination and attraction to the downtown Rogers area;

**WHEREAS**, Crowne Group, LLC of Fayetteville, Arkansas has the unique skill set and experience necessary in order to adequately program, market, and promote this entertainment venues intended use; and

**WHEREAS**, the cost for this service contract was included in the 2021 budget.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:**

Section 1: Crowne Group, LLC of Fayetteville, Arkansas has the knowledge, experience, and local familiarity needed for the City’s unique entertainment venue.

Section 2: The Mayor and City Clerk are authorized to enter into a contract with Crowne Group, LLC, for marketing, programming, and promotion services of the Butterfield Stage, as part of the Railyard Park project, in an amount not to exceed of one hundred fifty thousand dollars (\$150,000.00).

Section 3: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed.

Section 4: Repeal of Conflicting Resolutions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

**RESOLVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

APPROVED:

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

Requested by: Anna Watson, Arts & Culture Coordinator  
Prepared by: Bonnie Bridges, Staff Attorney  
For Consideration By: Community Services Committee

**ORDINANCE NO. 21-\_\_\_\_\_**

**AN ORDINANCE WAIVING COMPETITIVE BIDDING FOR THE PURCHASE OF A 2021 RAM 2500 CREW CAB FROM SUPERIOR CHEVROLET OF SILOAM SPRINGS, ARKANSAS, FOR USE BY THE ROGERS ANIMAL SERVICES DEPARTMENT; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Rogers Animal Services Department needs to purchase a new Ram 2500 Crew Cab for use by the department, replacing the 2008 Ford F-250 previously used by the department;

**WHEREAS**, this purchase was budgeted and approved in the City of Rogers' 2021 Budget; and

**WHEREAS**, Superior Chevrolet of Siloam Springs, Arkansas, can provide the vehicle with the specifications necessary to the Rogers Animal Services Department, which include the associated warranties needed for both the equipment and vehicle.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:**

Section 1: The Mayor and City Clerk are authorized to enter into a contract with Superior Chevrolet of Siloam Springs, Arkansas, in the amount not to exceed twenty-nine thousand seven hundred eighty dollars (\$29,780.00) for the purchase of a replacement animal control vehicle for the Rogers Animal Services Department.

Section 2: There exists an exceptional circumstance whereby the requirements of competitive bidding are neither practical nor feasible and the City Council, therefore, waives the requirements of competitive bidding for the purchase of the vehicle for use by the Rogers Animal Services Department.

Section 3: Emergency Clause: The need to acquire the animal control vehicle for the Rogers Animal Services Department is immediate and in order to protect the public peace, health, safety, and welfare an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of its passage and approval.

Section 4: Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed.

Section 5: Repeal of Conflicting Provisions: All ordinances, resolutions or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, **2021**.

APPROVED:

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

Requested by: Bud Norman, Director of Rogers Animal Services Department

Prepared by: John Pesek, Staff Attorney

For Consideration By: Community Environment & Welfare Committee

**ORDINANCE NO. 21-\_\_\_\_\_**

**AN ORDINANCE ADOPTING CHANGES TO THE COMPREHENSIVE GROWTH MAP PROMULGATED BY THE ROGERS PLANNING COMMISSION SINCE FEBRUARY OF 2019; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Planning Commission may periodically review and approve minor updates to the Comprehensive Growth Map for the City of Rogers;

**WHEREAS**, the Planning Commission has approved several minor updates to the Comprehensive Growth Map for the City of Rogers that need ratification by the City Council; and

**WHEREAS**, in regard to municipal planning, pursuant to Ark. Code Ann. §14-56-423, after adoption of plans, ordinances, and regulations and proper filing in the offices of city clerk and county recorder, amendments to plans, ordinances, or regulations may be made by a majority vote of the city council.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:**

Section 1: As approved by the Planning Commission on April 2, 2019, parcels 02-14654-000, 02-14647-000, and 02-14648-000, located at W. Maple and N. 23<sup>rd</sup> streets, are changed to the Regional Center Growth Designation.

Section 2: As approved by the Planning Commission on May 7, 2019, parcel 02-00898-003, located at W. Chateau Drive and S. 28<sup>th</sup> Street, is changed to the Neighborhood Center Growth Designation.

Section 3: As approved by the Planning Commission on May 7, 2019, parcels 02-01671-223, 02-01671-227, 02-01671-200, 02-01671-205, and 02-23036-000, located on S. Bellview Road between W. New Hope Road and S. Hampton Place, are changed to the Neighborhood Center Growth Designation.

Section 4: As approved by the Planning Commission on November 5, 2019, parcels 02-02393-000, 02-02392-000, 02-02390-000, 02-02391-000, 02-02384-000, 02-02385-000, 02-02383-000, 02-02381-000, and 02-02382-000, located between N. 7<sup>th</sup>, N. 5<sup>th</sup>, W. Chestnut, and an unnamed alley, are changed to NBT on the Downtown Regional Center Zoning Plan.

Section 5: As approved by the Planning Commission on November 19, 2019, parcel 02-01671-504, located on S. Rainbow Road between W. Stoney Brook and W. Elk roads as described in rezone ordinance 19-81, is changed to the Neighborhood Center Growth Designation.

Section 6: As approved by the Planning Commission on November 19, 2019, parcels 02-00580-001, 02-06019-001, 02-06019-000, and 02-00580-000, located on S. Monte Ne Road north of W. New Hope Road, are changed to the Neighborhood Growth Designation.

Section 7: As approved by the Planning Commission on January 7, 2020, parcels 18-09138-000, 18-09138-001, 18-09180-003, 18-09180-000, and 18-09180-001, located on Gaston Road north of W. Pleasant Grove Road as described in annexation ordinance 19-84, are changed to the Neighborhood Growth Designation.

Section 8: As approved by the Planning Commission on February 4, 2020, parcels 02-06002-000, 02-06003-000, 02-06004-000, 02-06005-000, 02-06006-000, 02-06007-000, 02-04336-000, and 02-04335-000, located on W. Walnut Street west of S. 15<sup>th</sup> Street, are changed to the Access Corridor Growth Designation.

Section 9: As approved by the Planning Commission on April 7, 2020, parcel 02-02087-660, located at the SW corner of S. Champions Drive, W. Pleasant Grove Road, and S. Pinnacle Hills Parkway, is changed to the Neighborhood Center Growth Designation.

Section 10: As approved by the Planning Commission on April 21, 2020, parcel 02-01495-000, located on W. New Hope Road west of S. 8<sup>th</sup> Street, is changed to the Neighborhood Center Growth Designation.

Section 11: As approved by the Planning Commission on June 16, 2020, all parcels previously under the Neighborhood Growth Designation along N. 2<sup>nd</sup> Street between W. Buttry Road and the intersection of N. 2<sup>nd</sup> Street and W. Hudson Road, are changed to the Employment Center Growth Designation.

Section 12: As approved by the Planning Commission on July 7, 2020, parcels 02-08471-002 and 02-20933-001, located on N. Valley West Drive north of W. Walnut Street, are changed to the Neighborhood Growth Designation.

Section 13: As approved by the Planning Commission on December 1, 2020, the southeastern-most 5.6 acres of parcel 02-01521-000, located at the NW corner of S. 1<sup>st</sup> Street and W. New Hope Road, are changed to the Neighborhood Center Growth Designation.

Section 14: As approved by the Planning Commission on December 15, 2020, parcel 02-19281-000, located on S. Promenade Boulevard north of W. New Hope Road, is changed to remove U-NBT from the subject property on the Commerce Corridor Zoning Plan.

Section 15: Emergency Clause: The need to adopt these changes is immediate in order to protect the public peace, health, safety, and welfare an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of passage and approval.

Section 16: Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed.

Section 17: Repeal of Conflicting Provisions: All ordinances, resolutions or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, **2021**.

APPROVED:

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

Prepared by: John McCurdy, Director of Community Development

Reviewed by: John M. Pesek, Staff Attorney

For Consideration By: Community Environment & Welfare Committee



**ORDINANCE NO. 21- \_\_\_\_\_**

**AN ORDINANCE AMENDING SECTION 14-702 OF THE CITY OF ROGERS' CODE OF ORDINANCES; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

**WHEREAS**, pursuant to the recommendation of the Rogers Planning Commission on December 1, 2020, the City Council finds it in the best interest of the City of Rogers to amend certain lot standards in the N-R zoning district.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:**

Section 1: Chapter 14, Article VI, Division 2, Section 14-702, Subsection (d)(2), of the City of Rogers Code of Ordinances is amended to replace “60 feet” with “50 feet” and the Municode Corporation is hereby instructed to make said amendment.

Section 2: Chapter 14, Article VI, Division 2, Section 14-702, of the City of Rogers Code of Ordinances is amended to repeal Subsection (d)(3) in its entirety and the Municode Corporation is hereby instructed to make said amendment.

Section 3: Chapter 14, Article VI, Division 2, Section 14-702, Subsection (d)(4), of the City of Rogers Code of Ordinances is amended to replace “30 percent” with “55 percent” and the Municode Corporation is hereby instructed to make said amendment.

Section 4: Chapter 14, Article VI, Division 2, Section 14-702, Subsection (d)(5), of the City of Rogers Code of Ordinances is amended to replace “40 percent” with “30 percent” and the Municode Corporation is hereby instructed to make said amendment.

Section 5: Emergency Clause: The need to adopt these changes is immediate in order to protect the public peace, health, safety, and welfare an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of passage and approval.

Section 6: Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed.

Section 7: Repeal of Conflicting Provisions: All ordinances, resolutions or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, **2021**.

APPROVED:

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
JESSICA RUSH, City Clerk

Requested by: John McCurdy, Director of Community Development

Prepared by: John M. Pesek, Staff Attorney

For Consideration By: Community Environment & Welfare Committee

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING CERTAIN LANDS FROM I-2 TO C-4, PROVIDING FOR THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES**

**WHEREAS**, pursuant to the provisions of Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, on January 5, 2021, the City Council has found that certain lands hereinafter described are better suited for C-4 zoning.

**NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:**

**SECTION 1:** That Section 14-675 of the Code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

**SECTION 2:** That the land hereinafter described should be and the same is hereby zoned as C-4 and that said lands being in Benton County, Arkansas, are described as:

**PROPERTY DESCRIPTION:**

A part of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section Three (3) , Township Nineteen (19) North, Range Thirty (30) West of the Fifth Principal Meridian, Benton County, Arkansas and being described as follows: Commencing at the Northwest Corner of the Northeast Quarter of the Northeast Quarter of Section 3, Township 19 North, Range 30 West, said point being in the roadway of U. S. Highway 62/Arkansas State Highway 102, as stated in Commonwealth Land Title Insurance Company Commitment No. 50055, thence along the said roadway, North 89 degrees 03 minutes 00 seconds East 300.00 Feet; thence South 00 degrees 21 minutes 00 seconds East 54.91 Feet to the true point of beginning, said point being an iron pin set on the Southerly right of way of U.S. Highway 62; thence leaving the said right of way, South 00 degrees 21 minutes 00 seconds East 245.02 Feet to a set iron pin; thence North 89 degrees 00 minutes 40 seconds East 260.49 Feet to a set iron pin; thence North 00 degrees 21 minutes 01 seconds West 252.73 Feet to an iron pin set on the Southerly right of way of U.S. Highway 62; thence along the said right of way, South 86 degrees 05 minutes 52 seconds West 151.67 Feet to a set iron pin; thence along the said right of way, South 89 degrees 00 minutes 40 seconds West 109.10 Feet to the true point of beginning, as shown on survey plat record "P-001" at Page 48 of Benton County records;

**LAYMAN'S DESCRIPTION:**

1.48 ± Acres at 2510 & 2512 Hudson Road.

**SECTION 3: Zoning.** That the above described lands are better suited for C-4 than I-2 zoning and same should be and are hereby zoned C-4.

**SECTION 4: Emergency Clause.** That it is necessary to bring proposed uses of the property into conformance with the Rogers City Zoning Ordinances and because of such an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

**SECTION 5: Severability Provision.** In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

**SECTION 6: Repeal of Conflicting Ordinances and Resolutions.** All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

**PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.**  
**ROGERS, ARKANSAS**

ATTEST:

APPROVED:

\_\_\_\_\_  
JESSICA RUSH, CLERK

\_\_\_\_\_  
C. GREG HINES, MAYOR

Requested by: Bill Watkins  
Prepared by: Amber Long  
For Consideration By: Community Environment & Welfare Committee

**ORDINANCE NO. 21-\_\_\_\_\_**

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING  
CERTAIN LANDS FROM I-2 TO C-3, C-4, and I-1 PROVIDING FOR  
THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES**

**WHEREAS**, pursuant to the provisions of Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, on December 15, 2020, the City Council has found that certain lands hereinafter described are better suited for C-3, C-4, and I-1 zoning.

**NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:**

SECTION 1: That Section 14-675 of the code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

SECTION 2: That the land hereinafter described should be and the same is hereby zoned as C-3, C-4, and I-1 and that said lands being in Benton County, Arkansas, are described as:

**PROPERTY DESCRIPTION:  
PROPERTY TO BE ZONED AS C-4:**

**TRACT 2**

A PART OF THE SE 1/4, OF THE SE 1/4, OF SECTION 13, T-19-N, R-30-W, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:  
BEGINNING AT A POINT THAT IS LOCATED S86°31'38"E 359.22 FEET AND S14°52'55"W 1040.77 FEET FROM THE NORTHWEST CORNER OF SAID 40 ACRE TRACT AND RUNNING THENCE S86°26'43"E 302.72 FEET TO A 5/8" REBAR CAP#1519; THENCE S03°50'51"W 253.56 FEET TO A 5/8" REBAR CAP #1519 LOCATED ON THE NORTH RIGHT-OF-WAY LINE OF NEW HOPE ROAD; THENCE WESTERLY ALONG SAID NEW HOPE RIGHT OF WAY N86°33'28"W 352.35 FEET TO A 5/8" REBAR CAP#1519 BEING LOCATED ON THE EAST RIGHT OF WAY LINE OF THE ST. LOUIS-SAN FRANCISCO RAILROAD; THENCE LEAVING SAID NEW HOPE ROAD RIGHT-OF-WAY AND RUNNING NORTHEASTERLY ALONG SAID EAST ST. LOUIS-SAN FRANCISCO RAILROAD RIGHT OF WAY LINE N14°52'55"E 259.30 FEET TO THE POINT OF BEGINNING, CONTAINING 1.91 ACRES +/-.

ALSO, AN ACCESS EASEMENT FOR TRACTS 2 AND 4 PLATTED HERE-ON, FOR INGRESS AND EGRESS, BEING A PART OF THE SE 1/4 OF THE SE 1/4, OF SECTION 13, T-19-N, R-30-W, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT A 5/8" REBAR CAP #1519 LOCATED AT THE POB OF TRACT 4 HERE-ON, THENCE S03°50'51"W 579.84 FEET TO A 1/2" REBAR LOCATED ON THE NEW HOPE ROAD NORTH RIGHT-OF-WAY LINE ,AND BEING THE TRUE POINT OF BEGINNING; THENCE N86°09'09"W 50.0 FEET ALONG SAID RIGHT-OF-WAY TO A 1/2" REBAR CAP #1519, THENCE LEAVING SAID RIGHT-OF-WAY AND RUNNING N03°50'51"E 100 FEET TO A POINT; THENCE S86°09'09"E 50.0 FEET TO A POINT; THENCE S03°50'51"W 100 FEET TO THE POINT OF BEGINNING.

ALSO, AND SUBJECT TO ANY PART OF A RECREATION EASEMENT, FOR INGRESS AND EGRESS, BEING A PART OF THE SE 1/4 OF THE SE 1/4, OF SECTION 13, T-19-N, R-30-W, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A 5/8" REBAR CAP #1519 THAT IS LOCATED S86°31'38"E 359.22 FEET AND

514°52'55"W 532.94 FEET FROM THE NORTHWEST CORNER OF SAID 40 ACRE TRACT AND RUNNING THENCE N55°49'36"E 744.09 FEET; THENCE 587°50'49"E 412.73 FEET TO A POINT LOCATED ON THE WEST RIGHT-OF-WAY OF SOUTH FIRST STREET; THENCE ALONG SAID WEST RIGHT-OF-WAY OF SOUTH FIRST STREET S03°18'26"E 20.00 FEET TO A POINT; THENCE LEAVING SAID WEST RIGHT-OF-WAY LINE AND RUNNING N87°54'43"W 409.19 FEET TO A 5/8" IRON REBAR CAP #1519; THENCE S55°48'43"W 721.81 FEET; THENCE S15°17'22"W 637.71 FEET; THENCE S02°41'46"W 120.98 FEET TO THE NORTH RIGHT OF WAY LINE OF NEW HOPE ROAD; THENCE ALONG SAID NORTH NEW HOPE RIGHT-OF-WAY N86°33'28"W 20.00 FEET; THENCE LEAVING SAID NORTH NEW HOPE ROAD RIGHT-OF-WAY AND RUNNING NO2°39'52"E 122.52 FEET TO THE EAST RIGHT-OF-WAY LINE OF THE ST. LOUIS- SAN FRANCISCO RAILWAY; THENCE ALONG SAID EAST RIGHT OF WAY OF THE ST. LOUIS- SAN FRANCISCO RAILWAY N14°52'55"E 642.14 FEET TO THE POINT OF BEGINNING.

SUBJECT TO ANY OTHER EASEMENTS, DEED RESTRICTIONS, COVENANTS, OR RIGHTS OF WAY RECORD OR FACT.

PROPERTY TO BE ZONED AS C-3:

#### TRACT 5

A PART OF THE SE 1/4, OF THE SE 1/4, OF SECTION 13, T-19-N, R-30-W, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT THAT IS LOCATED 586°31'38"E 359.22 FEET, S14°52'55"W 709.61 FEET, AND S86°42'20"E 548.01 FEET FROM THE NORTHWEST CORNER OF SAID 40 ACRE TRACT, AND CONTINUING THENCE S86°42'20"E 262.93 FEET TO A 5/8" IRON REBAR CAP #1519; THENCE S02°52'56"W 580.29 FEET TO A 5/8" IRON REBAR CAP #1519 LOCATED ON THE NORTH RIGHT OF WAY LINE OF NEW HOPE ROAD; THENCE ALONG SAID RIGHT OF WAY THE FOLLOWING 4 CALLS: N85°49'35"W 55.07 FEET, N81°42'35"W 26.17 FEET, S87°18'33"W 35 FEET, AND N86°32'31"W 147.00 FEET; THENCE LEAVING SAID RIGHT OF WAY AND RUNNING NO2°52'156"E 580.40 FEET TO THE POINT OF BEGINNING, CONTAINING 3.5 ACRES +/-.

ALSO, AND SUBJECT TO AN ACCESS EASEMENT FOR TRACTS 5 AND 6 PLATTED HERE-ON, FOR INGRESS AND EGRESS, BEING A PART OF THE SE 1/4 OF THE SE 1/4, OF SECTION 13, T-19-N, R-30-W, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT A 5/8" REBAR CAP #1519 LOCATED AT THE POB OF TRACT 6 HERE-ON, THENCE S02°52'156"W 373.42 FEET TO A 1/2" REBAR LOCATED ON THE NEW HOPE ROAD NORTH RIGHT-OF-WAY LINE AND THE TRUE POINT OF BEGINNING; THENCE N85°49'35"W 25.01 FEET ALONG SAID RIGHT-OF-WAY TO A POINT, THENCE LEAVING SAID RIGHT-OF-WAY AND RUNNING NO3°19'27"E 99.82 FEET TO A POINT; THENCE S86°14'08"E 50.01 FEET TO A POINT; THENCE S03°19'24"W 100 FEET TO A POINT LOCATED ON THE NEW HOPE ROAD NORTH RIGHT-OF-WAY LINE; THENCE N86°14'08"W 25.00 FEET THE POINT OF BEGINNING.

SUBJECT TO ANY EASEMENTS, DEED RESTRICTIONS, COVENANTS, OR RIGHTS OF WAY RECORD OR FACT.

#### TRACT 6

A PART OF THE SE 1/4, OF THE SE 1/4, OF SECTION 13, T-19-N, R-30-W, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A 5/8" IRON REBAR CAP #1519 LOCATED S86°31'38"E 359.22 FEET, S14°52'55"W 709.61 FEET, S86°42'20"E 810.94 FEET, AND S02°52'56"W 206.87 FEET FROM THE

NORTHWEST CORNER OF SAID 40 ACRE TRACT, AND RUNNING THENCE 586°30'14"E 257.46 FEET TO A 5/8" IRON REBAR CAP #1519 LOCATED ON THE WEST RIGHT OF WAY LINE OF SOUTH FIRST STREET; THENCE CONTINUING SOUTHERLY ALONG SAID RIGHT OF WAY THE FOLLOWING SIX CALLS: 502°24'13"W 38.71 FEET, S08°06'51"W 100.50 FEET, S04°40'08"W 84.43 FEET, S88°26'22"W 3.00 FEET, S00°29'15"W 77.57 FEET, AND S34°01'06"W 82.89 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF NEW HOPE ROAD; THENCE LEAVING SAID S. FIRST STREET RIGHT-OF-WAY AND CONTINUING ALONG NEW HOPE ROAD NORTH RIGHT OF WAY THE FOLLOWING TWO CALLS: S85°08'32"W 12.89 FEET AND N86°14'08"W 190.61 FEET TO A 5/8" IRON REBAR CAP #1519; THENCE LEAVING SAID NORTH NEW HOPE ROAD RIGHT-OF-WAY AND RUNNING NO2°52'56"W 373.42 FEET TO THE POINT OF BEGINNING CONTAINING 2.1 ACRES +/- .

ALSO, AND SUBJECT TO AN ACCESS EASEMENT FOR TRACTS 5 AND 6 PLATTED HERE-ON, FOR INGRESS AND EGRESS, BEING A PART OF THE SE 1/4 OF THE SE 1/4, OF SECTION 13, T-19-N, R-30-W, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT A 5/8" REBAR CAP #1519 LOCATED AT THE POB OF TRACT 6 HERE-ON, THENCE S02°52'56"W 373.42 FEET TO A 1/2" REBAR LOCATED ON THE NEW HOPE ROAD NORTH RIGHT-OF-WAY LINE AND THE TRUE POINT OF BEGINNING; THENCE N85°49'35"W 25.01 FEET ALONG SAID RIGHT-OF-WAY TO A POINT, THENCE LEAVING SAID RIGHT-OF-WAY AND RUNNING NO3°19'27"E 99.82 FEET TO A POINT; THENCE S86°14'08"E 50.01 FEET TO A POINT; THENCE S03°19'24"W 100 FEET TO A POINT LOCATED ON THE NEW HOPE ROAD NORTH RIGHT-OF-WAY LINE; THENCE N86°14'08"W 25.00 FEET THE POINT OF BEGINNING.

SUBJECT TO ANY EASEMENTS, DEED RESTRICTIONS, COVENANTS, OR RIGHTS OF WAY RECORD OR FACT.

PROPERTY TO BE ZONED AS I-1:

TRACT 1

A PART OF THE SE 1/4, OF THE SE 1/4, OF SECTION 13, T-19-N, R-30-W, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A 5/8" IRON REBAR CAP #1519 LOCATED S86°31'38"E 359.22 FEET FROM THE NORTHWEST CORNER OF SAID 40 ACRE TRACT; THENCE S86°31'38"E 893.35 FEET ALONG THE NORTH LINE OF SAID 40 ACRE TRACT TO A 5/8" REBAR LOCATED ON THE WEST RIGHT OF WAY LINE OF SOUTH FIRST ST; THENCE LEAVING SAID NORTH LINE AND RUNNING SOUTHERLY ALONG SAID SOUTH FIRST ST RIGHT OF WAY THE FOLLOWING 4 CALLS: S02°24'13"W 39.27 FEET, S03°18'26"E 100.50 FEET, S02°24'13"W 100.00 FEET, AND S06°51'13"E 62.02 FEET TO A 5/8" IRON REBAR; THENCE LEAVING SAID SOUTH FIRST ST RIGHT OF WAY AND RUNNING N86°30'14"W 252.43 FEET TO A 5/8" IRON REBAR CAP #1519; THENCE S02°52'56" 393.13 FEET TO A 5/8" IRON REBAR CAP #1519; THENCE N86°42'20"W 810.94 FEET TO A 5/8" IRON REBAR CAP #1519 LOCATED ON THE EAST RIGHT OF WAY LINE OF THE ST. LOUIS-SAN FRANCISCO RAILROAD; THENCE ALONG SAID EAST RIGHT OF WAY LINE N14°52'55"E 709.61 FEET TO THE POINT OF BEGINNING CONTAINING 13.40 ACRES +/-.

ALSO, AND SUBJECT TO ANY PART OF A RECREATION EASEMENT, FOR INGRESS AND EGRESS, BEING A PART OF THE SE 1/4 OF THE SE 1/4, OF SECTION 13, T-19-N, R-30-W, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A 5/8" REBAR CAP #1519 THAT IS LOCATED S86°31'13"E 359.22 FEET AND S14°52'55"W 532.94 FEET FROM THE NORTHWEST CORNER OF SAID 40 ACRE TRACT AND RUNNING THENCE N55°49'36"E 744.09 FEET; THENCE S87°50'49"E 412.73 FEET TO A POINT LOCATED ON THE WEST RIGHT-OF-WAY OF SOUTH FIRST STREET; THENCE ALONG SAID

WEST RIGHT-OF-WAY OF SOUTH FIRST STREET S03°18'26"E 20.00 FEET TO A POINT;  
THENCE LEAVING SAID WEST RIGHT-OF-WAY LINE AND RUNNING N87°54'43"W 409.19  
FEET TO A 5/8" IRON REBAR CAP #1519; THENCE S55°48'43"W 721.81 FEET; THENCE  
815°17'22"W 637.71 FEET; THENCE S02°41'46"W 120.98 FEET TO THE NORTH RIGHT OF WAY  
LINE OF NEW HOPE ROAD; THENCE ALONG SAID NORTH NEW HOPE RIGHT-OF-WAY  
N86°33'28"W 20.00 FEET; THENCE LEAVING SAID NORTH NEW HOPE ROAD RIGHT-OF-WAY  
AND RUNNING NO2°39'52"E 122.52 FEET TO THE EAST RIGHT-OF-WAY LINE OF THE ST.  
LOUIS- SAN FRANCISCO RAILWAY; THENCE ALONG SAID EAST RIGHT OF WAY OF THE ST.  
LOUIS- SAN FRANCISCO RAILWAY N14°52'55"E 642.14 FEET TO THE POINT OF BEGINNING.

SUBJECT TO ANY OTHER EASEMENTS, DEED RESTRICTIONS, COVENANTS, OR  
RIGHTS OF WAY RECORD OR FACT.

### TRACT 3

A PART OF THE SE 1/4, OF THE SE 1/4, OF SECTION 13, T-19-N, R-30-W, BENTON COUNTY,  
ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT THAT IS LOCATED S86°31'38"E 359.22 FEET AND S14°52'55"W 709.61  
FEET FROM THE NORTHWEST CORNER OF SAID 40 ACRE TRACT AND RUNNING THENCE  
S86°4220"E 293.34 FEET TO A 5/8" REBAR CAP #1519; THENCE S03°50'51"W 326.01 FEET TO A  
5/8" REBAR CAP #1519; THE N86°26'43"W 4.00 FEET TO A 5/8" REBAR CAP #1519; THENCE  
S03°50'51"W 253.82 FEET TO A 5/8" REBAR CAP #1519 LOCATED ON THE NORTH RIGHT OF  
WAY LINE OF NEW HOPE ROAD; THENCE ALONG SAID RIGHT OF WAY THE N86°09'09"W  
50.00 FEET TO A 5/8" REBAR CAP #1519; THENCE LEAVING SAID RIGHT OF WAY AND  
RUNNING NO3°50'51"E 253.56 FEET TO A 5/8" REBAR CAP #1519; THENCE N86°26'43"W 302.72  
FEET TO A 5/8" REBAR CAP #1519 LOCATED ON THE EAST RIGHT OF WAY LINE OF THE  
ST.LOUIS-SAN FRANCISCO RAILROAD; THENCE ALONG SAID EAST RIGHT OF WAY LINE  
N14°52'55"E 331.16 FEET TO THE POINT OF BEGINNING, CONTAINING 2.7 ACRES +/-.

ALSO, AND SUBJECT TO ANY PART OF A RECREATION EASEMENT, FOR INGRESS  
AND EGRESS, BEING A PART OF THE SE 1/4 OF THE SE 1/4, OF SECTION 13, T-19-N, R-30-W,  
BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS  
FOLLOWS, TO-WIT:

BEGINNING AT A 5/8" REBAR CAP #1519 THAT IS LOCATED S86°31'38"E 359.22 FEET AND  
S14°52'55"W 532.94 FEET FROM THE NORTHWEST CORNER OF SAID 40 ACRE TRACT AND  
RUNNING THENCE N55°49'36"E 744.09 FEET; THENCE S87°50'49"E 412.73 FEET TO A POINT  
LOCATED ON THE WEST RIGHT-OF-WAY OF SOUTH FIRST STREET; THENCE ALONG SAID  
WEST RIGHT-OF-WAY OF SOUTH FIRST STREET S03°18'26"E 20.00 FEET TO A POINT;  
THENCE LEAVING SAID WEST RIGHT-OF-WAY LINE AND RUNNING N87°54'43"W 409.19  
FEET TO A 5/8" IRON REBAR CAP #1519; THENCE S55°48'43"W 721.81 FEET; THENCE  
S15°17'22"W 637.71 FEET; THENCE S02°41'46"W 120.98 FEET TO THE NORTH RIGHT OF WAY  
LINE OF NEW HOPE ROAD; THENCE ALONG SAID NORTH NEW HOPE RIGHT-OF-WAY  
N86°33'28"W 20.00 FEET; THENCE LEAVING SAID NORTH NEW HOPE ROAD RIGHT-OF-WAY  
AND RUNNING NO2°39'52"E 122.52 FEET TO THE EAST RIGHT-OF-WAY LINE OF THE ST.  
LOUIS- SAN FRANCISCO RAILWAY; THENCE ALONG SAID EAST RIGHT OF WAY OF THE ST.  
LOUIS- SAN FRANCISCO RAILWAY N14°52'55"E 642.14 FEET TO THE POINT OF BEGINNING.

SUBJECT TO AN ACCESS EASEMENT FOR TRACTS 2 AND 4 PLATTED HERE-ON, FOR  
INGRESS AND EGRESS, BEING A PART OF THE SE 1/4 OF THE SE 1/4, OF SECTION 13, T-19-  
N, R-30-W, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED  
AS FOLLOWS, TO-WIT:

COMMENCING AT A 5/8" REBAR CAP #1519 LOCATED AT THE POB OF TRACT 4 HERE-ON,  
THENCE S03°50'51"W 579.84 FEET TO A 1/2" REBAR LOCATED ON THE NEW HOPE ROAD  
NORTH RIGHT-OF-WAY LINE AND THE TRUE POINT OF BEGINNING; THENCE ALONG SAID  
RIGHT-OF-WAY N86°09'09"W 50.0 FEET TO A 1/2" REBAR CAP #1519, THENCE

LEAVING SAID RIGHT-OF-WAY AND RUNNING NO3°50'51"E 100 FEET TO A POINT;  
THENCE S86°09'09"E 50.0 FEET TO A POINT; THENCE S03°50'51"W 100 FEET TO THE POINT OF  
BEGINNING.

SUBJECT TO ANY OTHER EASEMENTS, DEED RESTRICTIONS, COVENANTS, OR RIGHTS OF  
WAY RECORD OR FACT.

#### TRACT 4

A PART OF THE SE 1/4, OF THE SE 1/4, OF SECTION 13, T-19-N, R-30-W, BENTON COUNTY,  
ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT THAT IS LOCATED S86°31'38"E 359.22 FEET, S14°52'55"W 709.61 FEET,  
AND S86°42'20"E 293.34 FEET FROM THE NORTHWEST CORNER OF SAID 40 ACRE TRACT  
AND CONTINUING THENCE S86°42'20"E 254.66 FEET TO A 5/8" IRON REBAR CAP #1519;  
THENCE S02°52'56"W 580.40 FEET TO A 5/8" IRON REBAR CAP #1519 LOCATED ON  
THE NORTH RIGHT OF WAY LINE OF NEW HOPE ROAD; THENCE ALONG SAID RIGHT OF  
WAY N86°35'04"W 268.43 FEET TO A 5/8" IRON REBAR CAP #1519; THENCE LEAVING SAID  
RIGHT OF WAY AND RUNNING NO3°50'51"E 253.82 FEET TO A 5/8" IRON REBAR CAP #1519;  
THENCE S86°26'43"E 4.0 FEET TO A 5/8" IRON REBAR CAP #1519; THENCE NO3°50'51"E 326.01  
FEET TO THE POINT OF BEGINNING, CONTAINING 3.48 ACRES +/-.

ALSO, AN ACCESS EASEMENT FOR TRACTS 2 AND 4 PLATTED HERE-ON, FOR  
INGRESS AND EGRESS, BEING A PART OF THE SE 1/4 OF THE SE 1/4, OF SECTION 13, T-19-  
N, R-30-W, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED  
AS FOLLOWS, TO-WIT:

COMMENCING AT A 5/8" REBAR CAP #1519 LOCATED AT THE POB OF TRACT 4 HERE-ON,  
THENCE S03°50'51"W 579.84 FEET TO A 1/2" REBAR LOCATED ON THE NEW HOPE ROAD  
NORTH RIGHT-OF-WAY LINE ,AND BEING THE TRUE POINT OF BEGINNING; THENCE  
ALONG SAID RIGHT-OF-WAY N86°09'09"W 50,0 FEET TO A 1/2" REBAR CAP #1519, THENCE  
LEAVING SAID RIGHT-OF-WAY AND RUNNING NO3°50'51"E 100 FEET TO A POINT;  
THENCE S86°09'09"E 50.0 FEET TO A POINT; THENCE S03°50'51"W 100 FEET TO THE POINT OF  
BEGINNING.

SUBJECT TO ANY EASEMENTS, DEED RESTRICTIONS, COVENANTS, OR RIGHTS OF WAY  
RECORD OR FACT.

#### **LAYMAN'S DESCRIPTION:**

27.09 ± acres at the NW corner of S. 1st Street & W. New Hope Road

SECTION 3: **Comprehensive Growth Map.** That the City's Comprehensive Growth Map has  
been amended by Planning Commission to classify Tracts 5 and 6 as the "Neighborhood Center" Growth  
Designation rather than the "Employment Center" Growth Designation.

SECTION 4: **Zoning.** That the above described lands are better suited for C-3, C-4, and I-1 than  
I-2 zoning and same should be and are hereby zoned C-3, C-4, and I-1.

SECTION 5: **Emergency Clause.** That it is necessary to bring proposed uses of the property into  
conformance with the Rogers City Zoning Ordinances and because of such an emergency is declared to  
exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force  
and effect from the date of its passage and approval.

SECTION 6: **Severability Provision.** In the event that any section, paragraph, subdivision, clause,

phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

**SECTION 7: Repeal of Conflicting Ordinances and Resolutions.** All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

**PASSED THIS** \_\_\_\_\_ **DAY OF** \_\_\_\_\_, 2021.

ROGERS, ARKANSAS

ATTEST:

APPROVED:

\_\_\_\_\_  
JESSICA RUSH, CLERK

\_\_\_\_\_  
C. GREG HINES, MAYOR

Requested by: Bill Watkins

Prepared by: Beth Johnson

For Consideration By: Community Environment & Welfare Committee



ORDINANCE NO. 21-\_\_\_\_\_

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING CERTAIN LANDS FROM RMF-6B TO R-O, PROVIDING FOR THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES**

WHEREAS, pursuant to the provisions of Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, on December 15, 2020, the City Council has found that certain lands hereinafter described are better suited for R-O zoning.

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

SECTION 1: That Section 14-675 of the Code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

SECTION 2: That the land hereinafter described should be and the same is hereby zoned as R-O and that said lands being in Benton County, Arkansas, are described as:

**PROPERTY DESCRIPTION:**

LOT 1 OF PINNACLE SPRINGS, AS PER PLAT RECORD 2005-327 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF BENTON COUNTY, ARKANSAS.

**LAYMAN'S DESCRIPTION:**

9.62 ± acres at the NE corner of W. New Hope Road & S. Promenade Blvd.

SECTION 3: Comprehensive Growth Map. That the City’s Comprehensive Growth Map has been amended by Planning Commission to remove the U-NBT zoning district from the subject location, parcel 02-19281-000, on the Commerce Corridor Zoning Plan.

SECTION 4: Zoning. That the above described lands are better suited for R-O than RMF-6B zoning and same should be and are hereby zoned R-O.

SECTION 5: Emergency Clause. That it is necessary to bring proposed uses of the property into conformance with the Rogers City Zoning Ordinances and because of such an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

SECTION 6: Severability Provision. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

SECTION 7: Repeal of Conflicting Ordinances and Resolutions. All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.  
ROGERS, ARKANSAS

ATTEST:

APPROVED:

\_\_\_\_\_  
JESSICA RUSH, CLERK

\_\_\_\_\_  
C. GREG HINES, MAYOR

Requested by: Daniel Ellis  
Prepared by: Amber Long  
For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 21-\_\_\_\_\_

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING CERTAIN LANDS FROM C-3 (PUD) TO RMF-28B, ACCEPTING THE DENSITY CONCEPT PLAN, PROVIDING FOR THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES**

WHEREAS, pursuant to the provisions of Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, on December 15, 2020, the City Council has found that certain lands hereinafter described are better suited for RMF-28B zoning.

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

SECTION 1: That Section 14-675 of the code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

SECTION 2: That the land hereinafter described should be and the same is hereby zoned as RMF-28B and that said lands being in Benton County, Arkansas, are described as:

**PROPERTY DESCRIPTION:**

Lot 6, Walnut Creek, Plat Book 2008-330.

**LAYMAN'S DESCRIPTION:**

1.29 ± acres at the NW corner of S. Promenade Blvd. and W. Oak Street

SECTION 3: **Zoning.** That the above described lands are better suited for RMF-28B than C-3 (PUD) zoning and same should be and are hereby zoned RMF-28B.

SECTION 4: **Density Concept Plan.** That the Density Concept Plan entered into by and between Promenade Commons LLC and the City of Rogers, as approved by the Rogers Planning Commission on December 15, 2020, is hereby approved and made binding upon future development of the property described above, unless otherwise modified or amended by this Council, and the Mayor of the City of Rogers is authorized and directed to execute same.

SECTION 5: **Emergency Clause.** That because the City is herein zoning property which is subject to a present use and said use should be brought into conformity with the zoning laws of the City of Rogers, Arkansas, an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

SECTION 6: **Severability Provision.** In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

SECTION 7: **Repeal of Conflicting Ordinances and Resolutions.** All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.  
ROGERS, ARKANSAS

ATTEST:

APPROVED:

\_\_\_\_\_  
JESSICA RUSH, CLERK

\_\_\_\_\_  
C. GREG HINES, MAYOR

Requested by: Nate Bachelor  
Prepared by: Ethan Hunter, Kristifier Paxton  
For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 21-\_\_\_\_\_

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING CERTAIN LANDS FROM C-3 TO C-3, ACCEPTING THE DENSITY CONCEPT PLAN, PROVIDING FOR THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES**

**WHEREAS**, pursuant to the provisions of Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, on January 5, 2021, the City Council has found that certain lands hereinafter described are better suited for C-3 zoning.

**NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:**

SECTION 1: That Section 14-675 of the code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

SECTION 2: That the land hereinafter described should be and the same is hereby zoned as C-3 and that said lands being in Benton County, Arkansas, are described as:

**PROPERTY DESCRIPTION:**

PART OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 23, TOWNSHIP 19 NORTH, RANGE 30 WEST, CITY OF ROGERS, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE SE CORNER OF THE NE 1/4 OF THE NW 1/4 OF SAID SECTION 23; THENCE N87°22'40"W 660.00 FEET; THENCE N02°06'01 "E 828.79 FEET; THENCE S87°04'36"E 660.00 FEET; THENCE S02°05'51"W 825.32 FEET TO THE POINT OF BEGINNING, CONTAINING 545,816.93 SQUARE FEET OR 12.53 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

**LAYMAN'S DESCRIPTION:**

12.44 ± acres at 2002 S. Dixieland Road

SECTION 3: Zoning. That the above described lands are better suited for C-3 than C-3 and zoning and same should be and are hereby zoned C-3.

SECTION 4: Density Concept Plan. That the Density Concept Plan entered into by and between Warehouse Properties LLC and the City of Rogers, as approved by the Rogers Planning Commission on January 5, 2021 is hereby approved and made binding upon future development of the property described above, unless otherwise modified or amended by this Council, and the Mayor of the City of Rogers is authorized and directed to execute same.

SECTION 5: Emergency Clause. That because the City is herein zoning property which is subject to a present use and said use should be brought into conformity with the zoning laws of the City of Rogers, Arkansas, an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

SECTION 6: Severability Provision. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid

or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

**SECTION 7: Repeal of Conflicting Ordinances and Resolutions.** All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

**PASSED THIS** \_\_\_\_\_ **DAY OF** \_\_\_\_\_, 2021.

ROGERS, ARKANSAS

ATTEST:

APPROVED:

\_\_\_\_\_  
JESSICA RUSH, CLERK

\_\_\_\_\_  
C. GREG HINES, MAYOR

Requested by: Jason Appel

Prepared by: Ethan Hunter, Kristifier Paxton

For Consideration By: Community Environment & Welfare Committee