



DEPT. OF COMMUNITY
DEVELOPMENT
PLANNING DIVISION
301 W. CHESTNUT
PHONE: (479) 621-1186
FAX: (479) 986-6896

BOARD OF ADJUSTMENT MEETING AGENDA
NOVEMBER 15, 2022
4:00 PM
DATE: NOVEMBER 15TH, 2022
LOCATION: CITY HALL, 301 W. CHESTNUT STREET
REGULAR SESSION: 4:00 PM
ONLINE VIEWING: [HTTPS://US02WEB.ZOOM.US/J/82265510034](https://us02web.zoom.us/j/82265510034)

AGENDA

CALL TO ORDER:

ROLL CALL:

OLD BUSINESS:

1. (VAR 22-43) A request by Robert Caster for Palmer Property to allow a reduction of the front, interior, and exterior side setbacks at 115 W. Kelley Drive in the I-1 (Light Industrial) zoning district.
 - *STAFF: Kyle Belt*
 - *REPRESENTED BY: Robert Caster*

NEW BUSINESS:

1. (VAR 22-46) A request by Milosz Golik to allow a 12-foot reduction of the rear setback at 8102 W. Kettering Ct., in the NR (Neighborhood Residential) zoning district.
 - *STAFF: Zachery Birdsong*
 - *REPRESENTED BY: Milosz Golik*
2. (VAR 22-47) A request by Gateway Starbucks to allow a reduction of the front building setback from 75 feet to 30 feet on ±3.25 acres at the intersection of 8th and Hudson Rd., in the C-2 (Highway Commercial) zoning district.
 - *STAFF: Kyle Belt*
 - *REPRESENTED BY: Ali Karr, Crafton Tull*

ACTION ON MINUTES:



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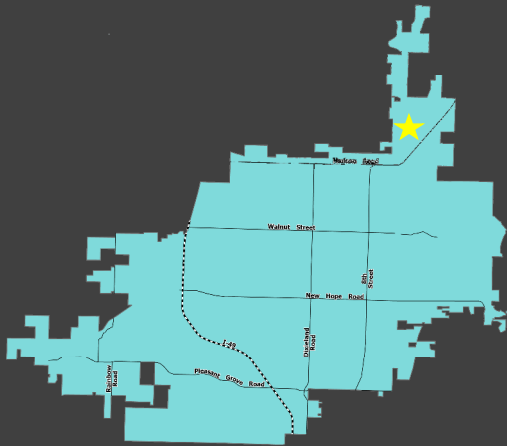
ADJOURN:



Variance

PLANNING

Palmer Property



Vicinity Map

Summary

Location

115 W. Kelley Drive

Nature of Request

Building Setback Reduction

Zoning

I-1 (Light Industrial, Overlay District)

Current Use

Maintenance & Repair Services

Representative

Robert Caster

Location:

Just south of the Rogers Airport at the corner of Kelley and NE Hudson.

Board of Adjustment Duties Per Sec. 14-724(e)(1):

Hear appeals from the decision of the Department of Community Development in respect to the enforcement and application of the zoning ordinance and the sign permitting provisions contained in Chapter 44, and may affirm or reverse, in whole or in part, said decision of the Department of Community Development; and

Hear requests for variance from the literal provisions of the zoning ordinance in instances where strict enforcement of the zoning ordinance would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning ordinance.



Variance

PLANNING

Palmer Property



Zoning Map

Zoning:

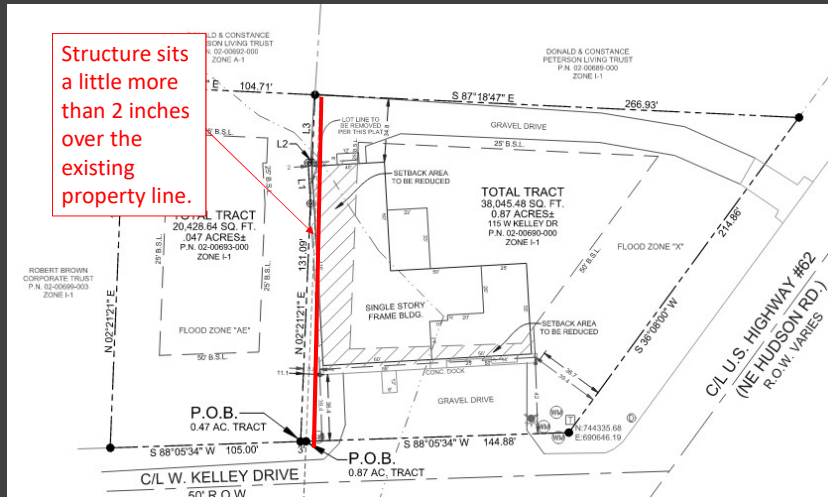
I-1 (Light Industrial): The purpose and intent of this district is “to allow industrial operations and activities that do not create appreciable nuisances or hazards. It also is to provide areas within the City for the storage and transfer of goods. All industrial operations and activities are permitted provided they are conducted inside a building, although related outdoor storage and display are permitted. This district is situated close to heavy commercial and industrial areas and is intended to be located along rail lines and arterial and collector streets as identified by the master street plan.” Sec. 14-713(a)



Variance

PLANNING

Palmer Property



Site Plan

Request:

Includes setback reductions on three sides of an existing structure. The main issue is the structure crosses the property line by two inches. The adjacent parcel is under the same ownership and the plan to sell it but need to correct the encroachment first.

The variance from Sec. 14-713. (d)(2) includes:

Reduction of the front setback from 50 to 36.4 feet at its closest point (application states 39.4, but graphic indicates 36.4 ft to concrete dock)

Reduction of the interior side setback to 2 feet at its closest point

Reduction of the exterior side setback from 50 to 39.4 feet

Stated Hardship:

Applicant states that the existing building is located within the front and side setbacks of this parcel on application. Applicant also stated in a phone conversation the adjustment at just 2.19 ft. will allow the west lot to be better suited for development considering the larger setbacks in the industrial zones..

Findings:

I-1 setbacks are:

Front yard: 50 feet.

- Interior side yard: 25 feet.
- c. Exterior side yard: 50 feet.
- d. Rear yard: 25 feet.

No site-specific hardship has been provided by the applicant.

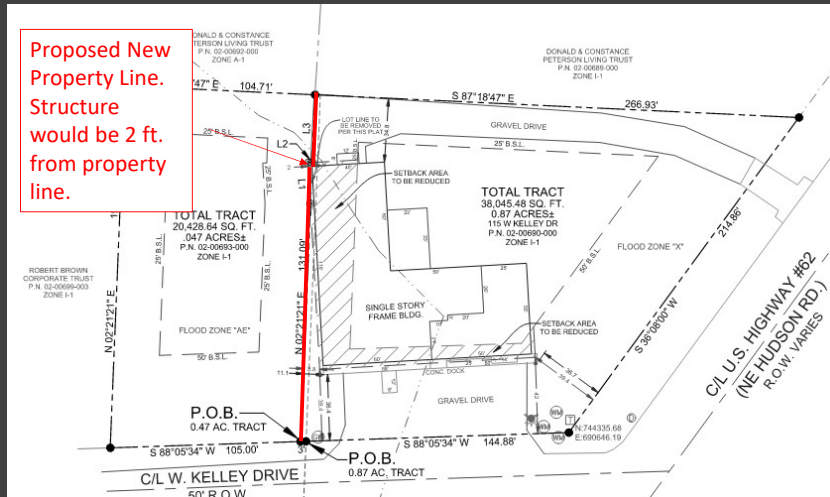
A property line adjustment or lot combination could be performed to correct the interior side setback encroachment.



Variance

PLANNING

Palmer Property



Site Plan

Interior Side - Northwest Corner of Structure:

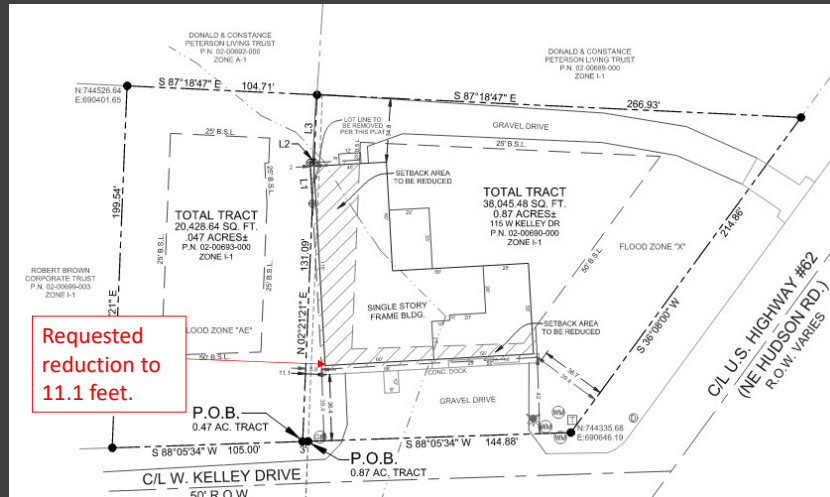
The new property line would correct the encroachment but provide only a two-foot setback at the northwest corner of the structure.



Variance

Palmer Property

PLANNING



Site Plan

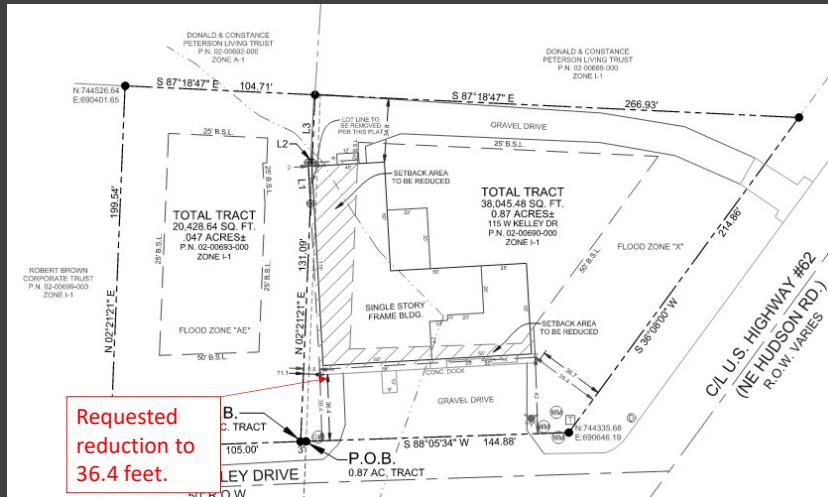
Interior Side - Southwest Corner of Structure:



Variance

Palmer Property

PLANNING



Site Plan

Front - Southwest Corner of Structure:

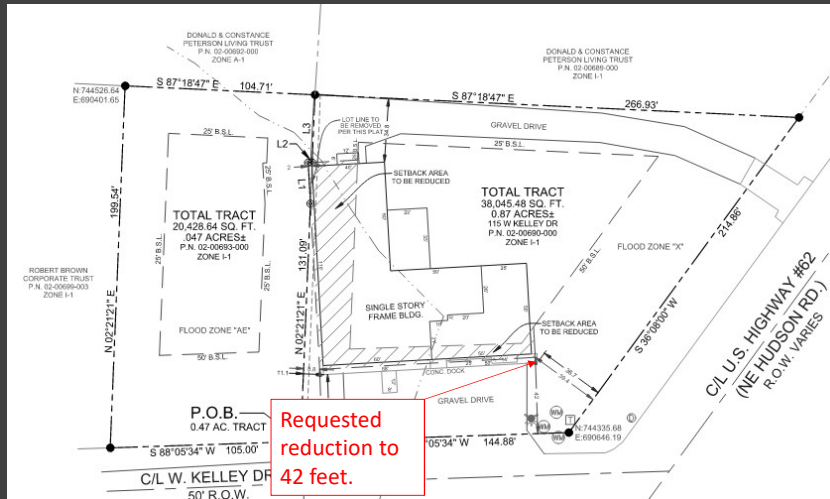
The request would adjust the front setback from 50 to 36.4 feet at its closest point (application states 39.4, but graphic indicates 36.4 ft to concrete dock). This is considered an existing nonconformance.



Variance

Palmer Property

PLANNING



Site Plan

Front – Southeast Corner of Structure:

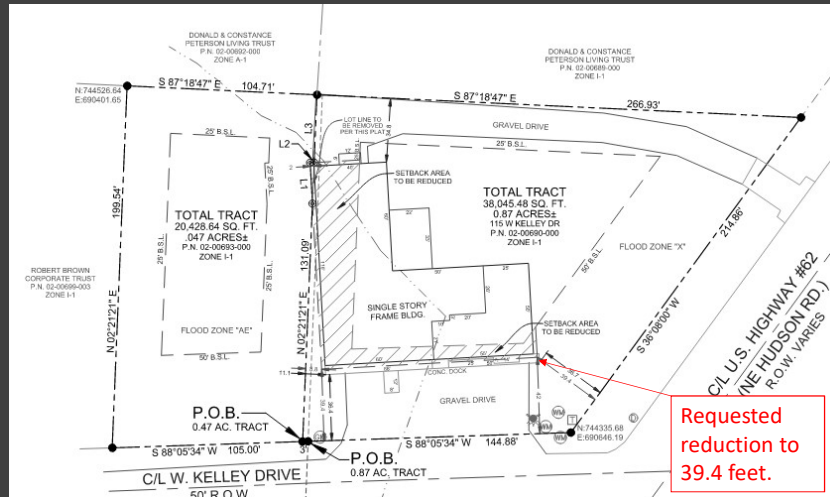
The request would adjust the front setback from 50 to 42 feet. This is considered an existing nonconformance.



Variance

Palmer Property

PLANNING



Site Plan

Exterior Side – Southeast Corner of Structure:

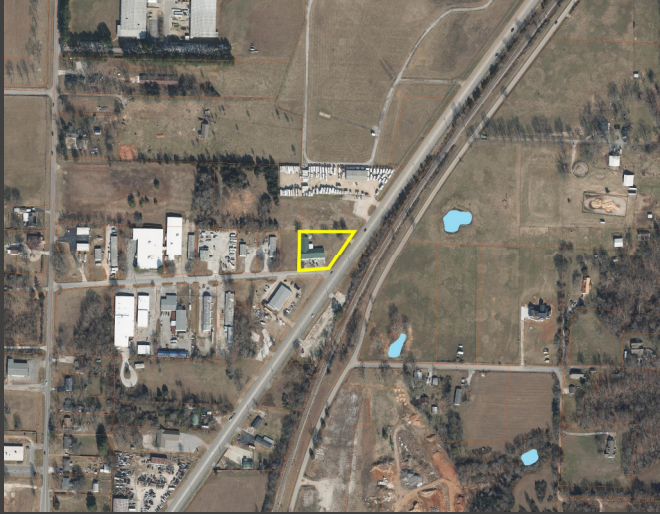
The request would adjust the exterior side setback 50 to 39.4 feet. This is considered an existing nonconformance.



Variance

Palmer Property

PLANNING



Aerial Map

Staff Recommended Motion:

Deny

Recommend property line be adjusted to comply with interior side setbacks for existing structure.

Public Input Received:

No input has been received from the public.

Recommendation:

Deny the lot line adjustment because the property line can be moved farther west to accommodate the needed setback.



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pdonly
OFFICE USE ONLY

Permit Fee: \$100.00 (\$100)

Zoning: I-1

App Number: 22-43

CityView Application: PL202201020

Date: 10/10/2022

VARIANCE APPLICATION

APPLICANT: Robert Caster

ADDRESS: 7215 SE "I" St. Bentonville AR SUITE #: 5

GENERAL LOCATION OF PROPERTY: 115 W Kelley Dr.

PHONE #: 479 268 4464 EMAIL: rcastercal@gmail.com

PROPERTY OWNER: Mesa Investments, LLC PHONE #: 479 685 6962

REQUEST to ALLOW: Requesting that the exterior side setback of 50' be reduced to 39.4' where the existing building lies, and the front setback of 50' be reduced to 42' to 39.4' where the existing building lies, and the west side setback from 25' to 8.8' to 2' where the existing building lies.

HARDSHIP JUSTIFICATION to VARY FROM CODE: Existing building falls within the front and side setbacks for Zone I1.

Robert Caster
Applicant Signature

10-13-22
Date

Attachment Checklist:

- ☒ Legal description of property
- ☒ Survey, elevations, sign proofs and/or other documents as needed to illustrate request

PLANNING STAFF PROVIDES:

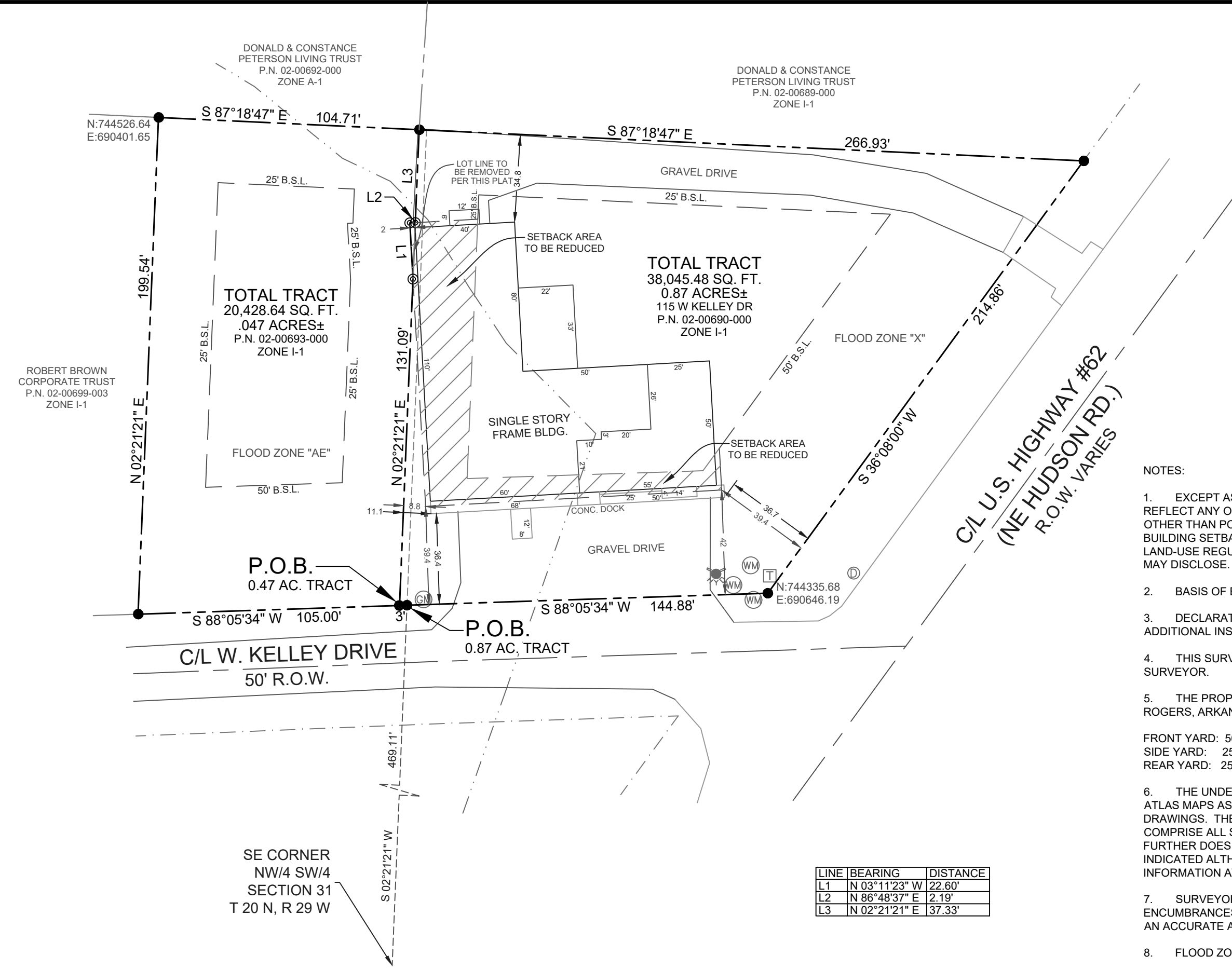
DATE FILED: 10/10/2022

PUBLIC HEARING DATE: 11/1/2022

BOARD OF ADJUSTMENT DECISION: _____

SECRETARY, BOARD OF ADJUSTMENT

DATE



LEGEND

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Ⓜ

FOUND 1/2" IRON PIN

SET 1/2" IRON PIN W/CAP

DRAINAGE MANHOLE

TELEPHONE RISER

WATER METER

GAS METER

FIRE HYDRANT

PROPERTY LINE

SECTION LINE

RIGHT-OF-WAY

CENTERLINE

SETBACK

LIMIT OF FLOOD ZONE AE

- NOTES:
1.

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF MAKING OF THIS SURVEY; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND-USE REGULATIONS, AND ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE COMMITMENT MAY DISCLOSE.
2.

BASIS OF BEARINGS: ARKANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE.
3.

DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
4.

THIS SURVEY IS VALID ONLY IF THE DRAWING INCLUDES THE SEAL AND SIGNATURE OF THE SURVEYOR.
5.

THE PROPERTY SHOWN HEREON IS ZONED I-1 (INDUSTRIAL LIGHT) AND IS WITHIN THE CITY LIMITS OF ROGERS, ARKANSAS. THE FRONT, SIDE AND REAR YARD REGULATIONS ARE AS FOLLOWS:

FRONT YARD: 50 FEET
SIDE YARD: 25 FEET (INTERIOR); 50 FEET (EXTERIOR)
REAR YARD: 25 FEET
6.

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION, ATLAS MAPS AS MAY BE AVAILABLE FROM MUNICIPALITIES OR UTILITY COMPANIES, AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES STATE THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
7.

SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP, TITLE EVIDENCE, OR ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE COMMITMENT MAY DISCLOSE.
8.

FLOOD ZONES SHOWN BY GRAPHIC PLOTTING ONLY.

SURVEY DESCRIPTION - 0.47 ACRE TRACT:

A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 20 NORTH, RANGE 29 WEST IN THE CITY OF ROGERS, BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SE CORNER OF SAID NW/4 SW/4; THENCE N 02°23'14" E A DISTANCE OF 469.11 FEET TO THE NORTH RIGHT-OF-WAY LINE OF W. KELLEY DRIVE; THENCE S 88°05'34" W ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 3.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE S 88°05'34" W A DISTANCE OF 105.00 FEET; THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE N 02°21'21" E A DISTANCE OF 199.54 FEET; S 87°18'47" E A DISTANCE OF 104.71 FEET; THENCE S 02°21'21" W A DISTANCE OF 37.33 FEET; THENCE S 86°48'37" W A DISTANCE OF 2.19 FEET; THENCE S 03°11'23" E A DISTANCE OF 22.60 FEET; THENCE S 02°21'21" W A DISTANCE OF 131.09 FEET TO THE POINT OF BEGINNING, WITH AN AREA OF 20,428.64 SQUARE FEET, OR 0.47 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

OWNERSHIP INFORMATION
MESA INVESTMENTS LLC
14737 SMITH RIDGE ROAD
GARFIELD, AR 72732

SURVEY DESCRIPTION - 0.87 ACRE TRACT:

A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 20 NORTH, RANGE 29 WEST IN THE CITY OF ROGERS, BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SE CORNER OF SAID NW/4 SW/4; THENCE N 02°23'14" E A DISTANCE OF 469.11 FEET TO THE NORTH RIGHT-OF-WAY LINE OF W. KELLEY DRIVE AND THE POINT OF BEGINNING; THENCE S 88°05'34" W ALONG SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 3.00 FEET; THENCE LEAVING SAID N 02°21'21" E A DISTANCE OF 131.09 FEET; THENCE N 03°11'23" W A DISTANCE OF 22.60 FEET; THENCE N 86°48'37" E A DISTANCE OF 2.19 FEET; THENCE N 02°21'21" E A DISTANCE OF 37.33 FEET; THENCE S 87°18'47" E A DISTANCE OF 266.93 FEET TO THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY #62 (NE HUDSON RD.); THENCE S 36°08'00" W ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 214.86 FEET; THENCE LEAVING SAID WEST RIGHT-OF-WAY LINE S 88°05'34" W A DISTANCE OF 144.88 FEET TO THE POINT OF BEGINNING, WITH AN AREA OF 38,045.48 SQUARE FEET, OR 0.87 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

FLOOD CERTIFICATION:

I CERTIFY THAT I HAVE EXAMINED THE OFFICIAL FLOOD INSURANCE HAZARD RATE MAP PANEL NO. 05007C0280K (EFFECTIVE DATE 06/05/2012) AND FOUND A PART OF THE DESCRIBED PROPERTY HEREON LIES IN ZONE "AE", AN AREA WITHIN THE 100-YEAR FLOOD PLAIN.

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT I HAVE COMPLETED A SURVEY OF THE ABOVE DESCRIBED PROPERTY. THE PROPERTY LINES AND CORNER MONUMENTS ARE TO THE BEST OF MY KNOWLEDGE AND ABILITY, CORRECTLY ESTABLISHED, AND THERE ARE NO VISIBLE ENCROACHMENTS EXCEPT AS SHOWN ON THIS PLAT. THIS SURVEY MEETS THE CURRENT "MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS", PER THE STATE OF ARKANSAS.

ROBERT J. CASTER, P.L.S. NO. 1370, ARKANSAS _____ DATE _____

CERTIFICATE OF AUTHORIZATION
COA CERTIFICATE NUMBER: 3049

OWNER'S CERTIFICATION AND DEDICATION

WE, THE UNDERSIGNED OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY ACKNOWLEDGE THAT WE HAVE THE LEGAL RIGHT AND AUTHORITY TO MAKE THE PROPERTY INTEREST GRANTS CONTAINED ON AND WITHIN THIS DOCUMENT. WE, THE UNDERSIGNED OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY ESTABLISH, GRANT, AND DEDICATE TO THE CITY OF ROGERS, ARKANSAS THE RIGHTS-OF-WAY, EASEMENTS, STREETS, AND ALLEYS AS SHOWN ON THIS PLAT FOR PUBLIC USE, BENEFIT, AND ACCESS. THE CITY OF ROGERS IS FURTHER GRANTED THE RIGHTS OF INGRESS AND EGRESS TO AND FROM SAID RIGHTS-OF-WAY, EASEMENTS, STREETS, AND ALLEYS. THE CITY OF ROGERS IS ALSO GRANTED THE RIGHT AND AUTHORITY TO MAINTAIN, SERVICE, AND IMPROVE SAID RIGHTS-OF-WAY, EASEMENTS, STREETS, AND ALLEYS AND THE IMPROVEMENTS CONTAINED THEREIN. ANY RIGHT OR AUTHORITY GRANTED ABOVE SPECIFICALLY REGARDING MAINTENANCE, SERVICE, OR IMPROVEMENT SHALL BE EXERCISED IN A MANNER CHOSEN AT THE DISCRETION OF THE CITY OF ROGERS. SAID RIGHTS-OF-WAY, EASEMENTS, STREETS, AND ALLEYS SHALL BE FOR THE BENEFIT OF THE CITY OF ROGERS AND ALL OF ITS FRANCHISED UTILITY PROVIDERS. THE CITY OF ROGERS AND ITS FRANCHISED UTILITY PROVIDERS SHALL HAVE THE RIGHT AND AUTHORITY TO CUT, TRIM, OR REMOVE TREES, SHRUBS, AND OTHER VEGETATION WITHIN SAID RIGHTS-OF-WAY, EASEMENTS, STREETS, AND ALLEYS. THE CITY OF ROGERS AND ALL OF ITS FRANCHISED UTILITY PROVIDERS SHALL ALSO HAVE THE RIGHT AND AUTHORITY TO PROHIBIT THE ERECTION OF BUILDING, STRUCTURES, OR FENCES WITHIN SAID RIGHTS-OF-WAY, EASEMENTS, STREETS, AND ALLEYS.

DATE _____ OWNER _____

STATE OF ARKANSAS
COUNTY OF BENTON
SUBSCRIBED AND SWORN BEFORE ME THIS __ DAY OF _____ 20__.

NOTARY PUBLIC _____
MY COMMISSION EXPIRES _____

COMMUNITY DEVELOPMENT DEPARTMENT

APPROVED AND RECOMMENDED FOR ACCEPTANCE BY THE ROGERS PLANNING DEPARTMENT.

THIS __ DAY OF _____ 20__.

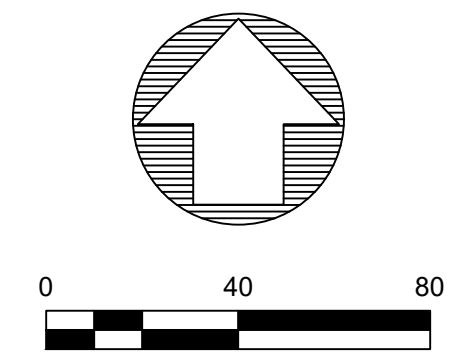
DIRECTOR _____

ROGERS PLANNING DIVISION:

THIS _____ DAY OF _____, 20__.

COMMUNITY DEVELOPMENT DIRECTOR _____

BOARD OF ADJUSTMENT SECRETARY _____



CASTER & ASSOCIATES
LAND SURVEYING, INC.

2715 SE "I" Street, Suite 5
Bentonville, AR 72712
(479) 268-4464

REGISTERED
STATE OF ARKANSAS
NO. 1370
ROBERT J. CASTER
PROFESSIONAL LAND SURVEYOR

SCALE: 1" = 40'
DATE: 10-7-22

PROPERTY LINE ADJUSTMENT
AND SETBACK REDUCTION
PART NW1/4 OF SW1/4
SECTION 31, T-20-N, R-29-W

115 W. KELLEY DRIVE
ROGERS, BENTON COUNTY,
ARKANSAS

JOB #

DRAWN BY:

CHK'D BY:

PAGE

21-110 PLA

ASD

RJC

1 OF 1



NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING VARIANCE

DESCRIPTION: To allow for the use of the property for a purpose not permitted by the zoning ordinance.
APPLICANT: [Name]
BOARD COMMISSION: [Name]
MEETING DATE/TIME: [Date/Time]
MEETING LOCATION: [Address]
PUBLIC COMMENTS: [Text]
WWW.CITYOFROGERS.COM



COMMUNITY DEVELOPMENT
PLANNING DIVISION
City of Rogers, Arkansas



Variance Golik

PLANNING

Staff:

Zachery Birdsong, Planner (zbirdsong@rogersar.gov)

Request

Withdrawn by applicant on 11/8/22. The applicant decided to postpone their pool project to next year.

Request:

The applicant was requesting a setback reduction for a proposed pool.

Status:

The applicant e-mailed on 11/8/22 stating they would like to withdraw their request. They decided to postpone their pool project until next year.

From: Milosz Golik <milogolik@gmail.com>
Sent: Monday, November 7, 2022 10:04 PM
To: Perez, Karen
Cc: Birdsong, Zachery
Subject: Re: Pool Planning Approval

CAUTION: This email originated from outside of the City of Rogers and attachments were detected. Do not open attachments unless you recognize the sender and know the content is safe.

CAUTION: This email originated from outside of the City of Rogers and URL's were detected. Do not click links unless you recognize the sender and know the content is safe.

Hello,

Sorry for the late response Zachery. We have been going back and forth with the pool company lately and we don't feel comfortable moving forward with them. We decided to postpone this project till next year and most likely move forward with someone local and more experienced. We would like to withdraw our request for the setback reduction at this time.

Thank you so much for your help through this process.

Milo

On Oct 10, 2022, at 3:51 PM, Perez, Karen <kperez@rogersar.gov> wrote:

Milosz,

I was notified you made payment over phone. Your request will be heard at the November 15, BOA meeting a 4 pm at Rogers City Hall.

I have cc'd Planner Zachery Birdsong who has been assigned to do the review for your request. He will be in touch if he needs any further information from you. If you have any further questions you can contact our office or reach us by email.

Thank you.



Karen Perez | Planning Technician
Dept. of Community Development
City of Rogers | www.rogersar.gov
301 W Chestnut St, Rogers, AR 72756
(479) 621-1186



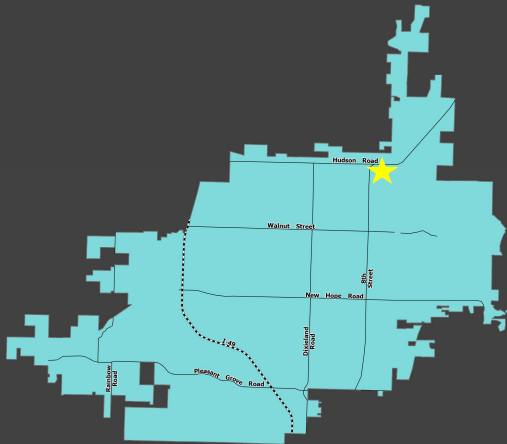
From: Milosz Golik [<mailto:milogolik@gmail.com>]
Sent: Monday, October 10, 2022 2:53 PM



Variance

PLANNING

Gateway Starbucks



Vicinity Map

Summary

Location

SE of the intersection of W. Hudson Rd. & N. 8th St.

Nature of Request

Building Setback Reduction

Zoning

C-2 (Highway Commercial, Overlay District)

Representative

Libby Topping

Location:

North Rogers just SE of the intersection of W. Hudson Rd. & N. 8th St.

Board of Adjustment Duties Per Sec. 14-724(e)(1):

- a) Hear appeals from the decision of the Department of Community Development in respect to the enforcement and application of the zoning ordinance and the sign permitting provisions contained in Chapter 44, and may affirm or reverse, in whole or in part, said decision of the Department of Community Development; and
- b) Hear requests for variance from the literal provisions of the zoning ordinance in instances where strict enforcement of the zoning ordinance would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning ordinance.



Variance

PLANNING

Gateway Starbucks



Zoning Map

Request:

To reduce the 75-foot front setback by 45 feet varying from Sec. 14-709(d)(2).

Stated Hardship:

Applicant states that a future-planned roundabout will require a large right-of-way dedication that would push the proposed development into the floodplain.

Zoning:

- a) *C-2 (Highway Commercial District):* The purpose and intent of this district is “for commercial uses, which depend upon high visibility, generate high traffic volumes or cater to the traveling public. These characteristics dictate that this district be located along or at the intersections of arterial classification streets or along frontage roads adjacent to the interstate or other limited-access streets.” Sec. 14-709(a)

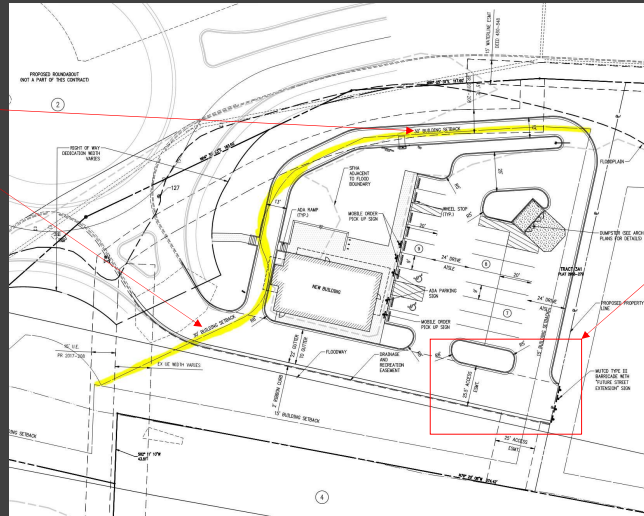


Variance

Gateway Starbucks

PLANNING

Requested
30-foot
building
setback.



Side access
easement
creating
additional
setback
encroachment
due to building
placement.

Site Plan

Request:

To reduce the front setback from 75 feet to 30 feet varying from Sec. 14-709(d)(2).

Stated Hardship:

Applicant states that a future-planned roundabout will require a large right-of-way dedication that would push the proposed development into the floodplain.

Setback requirements for this site:

- C-2 setbacks are:
 - a. Front yard: 65 feet. (75 feet – Overlay District)
 - b. Interior side yard: 15 feet.
 - c. Exterior side yard: 45 feet.
 - d. Rear yard: 15 feet.

Findings

- The applicant states ROW required for the proposed roundabout would push their site into the floodplain. Staff takes exception to this assertion in two respects:
 - The proposed roundabout has very little impact on this site in terms of ROW

requirements beyond what is already required to accommodate the existing stub-out which is intended to connect to a future street to the south / southeast.

- This entire site is essentially in the floodplain: therefore, the setback requirement is irrelevant. The setback area itself is within the floodplain. Development might be possible on this site in accordance with Sec 22-69 provisions, but will require significant engineering in order to be feasible.
- It seems likely that what the applicant intended to say, is that compliance with the setback requirement would push their site into the floodway. Development within the floodway is not allowed.
- Given that the floodway bisects this property, and given the very limited amount of developable land between the required setbacks and the floodway, there appears to be insufficient space available to accommodate the proposed site plan.
- It would be inappropriate for the city to adjust the legal setback requirements solely in order to accommodate a site plan that will not fit on the available land.
- The Access Easement as shown on the site plan would require an additional side setback reduction and this was not requested.

Summary:

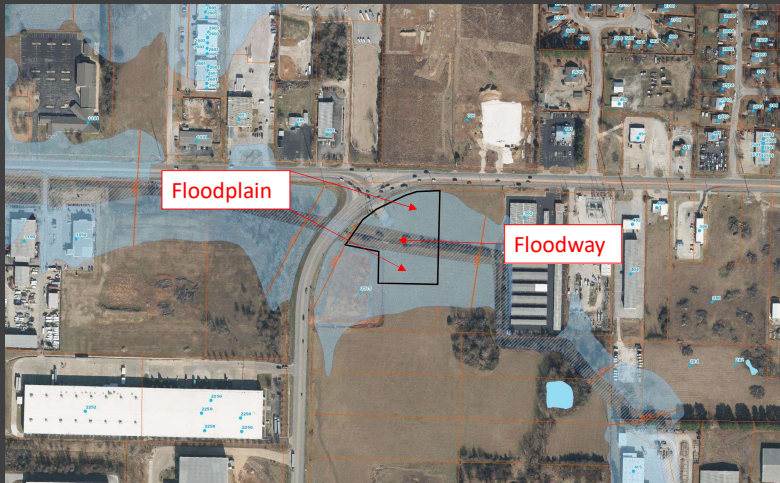
- The entire property is located within a Special Flood Hazard Area or Floodplain.
- The ROW required for the roundabout is not significantly more than what is required for the existing stub-out. The real issue appears to be the size of the site plan itself.
- Staff recommends denial.



Variance

Gateway Starbucks

PLANNING



Aerial – Floodplain & Floodzone

Setback requirements for this site:

- C-2 setbacks are:
 - a. Front yard: 65 feet. (75 feet – Overlay District)
 - b. Interior side yard: 15 feet.
 - c. Exterior side yard: 45 feet.
 - d. Rear yard: 15 feet.

Findings

- The applicant states ROW required for the proposed roundabout would push their site into the flood plain. Staff finds:
 - The proposed roundabout has very little impact on this site in terms of ROW requirements beyond what is already required to accommodate the existing stub-out which is intended to connect to a future street to the south / southeast.
 - This entire site is essentially in the floodplain: therefore, the setback requirement is irrelevant. The setback area itself is within the floodplain. Development might be possible on this site in accordance with Sec 22-69 provisions, but will require significant engineering in order to be feasible.

Request:

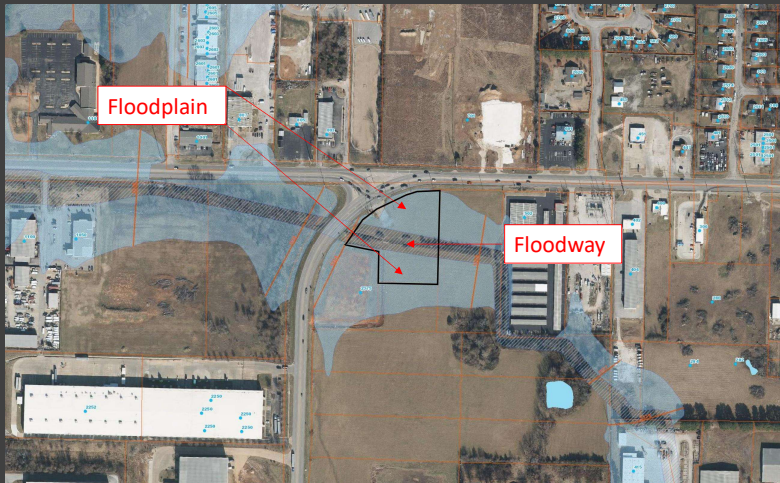
To reduce the front setback by 45 feet varying from Sec. 14-709(d)(2).

Stated Hardship:

Applicant states that a future-planned Round-About will require a large right-of-way dedication that would push the proposed development into the floodplain.

Findings:

- C-2 setbacks are:
 - a. Front yard: 65 feet. (75 feet – Overlay District)
 - b. Interior side yard: 15 feet.
 - c. Exterior side yard: 45 feet.
 - d. Rear yard: 15 feet.
- No site-specific hardship exists as this property has not been developed yet. Therefore a hardship would be created by allowing for this Variance.
- Floodplain Development is allowed per Sec. 22-69 and the applicant has not presented a hardship displaying that this is not feasible at this location.
 - Additionally, the entire property is located within a Special Flood Hazard Area or Floodplain making any development of this site questionable.



Aerial – Floodplain & Floodzone

Findings Cont.:

- It seems likely that what the applicant intended to say, is that compliance with the setback requirement would push their site into the floodway. Development within the floodway is not allowed.
- Given that the floodway bisects this property, and given the very limited amount of developable land between the required setbacks and the floodway, there appears to be insufficient space available to accommodate the proposed site plan.
- It would be inappropriate for the city to adjust the legal setback requirements solely in order to accommodate a site plan that will not fit on the available land.
- The Access Easement as shown on the site plan would require an additional side setback reduction and this was not requested.

Request:

To reduce the front setback by 45 feet varying from Sec. 14-709(d)(2).

Stated Hardship:

Applicant states that a future-planned Round-About will require a large right-of-way dedication that would push the proposed development into the floodplain.

Findings:

- C-2 setbacks are:
 - a. *Front yard: 65 feet. (75 feet – Overlay District)*
 - b. *Interior side yard: 15 feet.*
 - c. *Exterior side yard: 45 feet.*
 - d. *Rear yard: 15 feet.*
- No site-specific hardship exists as this property has not been developed yet. Therefore a hardship would be created by allowing for this Variance.
- Floodplain Development is allowed per Sec. 22-69 and the applicant has not presented a hardship displaying that this is not feasible at this location.
 - Additionally, the entire property is located within a Special Flood Hazard Area or Floodplain making any development of this site questionable.



Variance

PLANNING

Gateway Starbucks



Aerial Map

Summary:

- The entire property is located within a Special Flood Hazard Area or Floodplain.
- The proposed roundabout is not significantly further into the property than the existing stub-out.
- This appears to be an attempt to place more on the site than there is room for.
- Staff recommends denial.

Staff Recommended Motion:

Deny

Public Input Received:

- a) No input has been received from the public.

Recommendation:

Deny

Summary:

- The entire property is located within a Special Flood Hazard Area or Floodplain. The applicant should show that they can meet the requirements of Sec. 22-69 prior to requesting any others Waivers or Variances.
- Staff recommends denial.



DEPT. OF COMMUNITY DEVELOPMENT
PLANNING DIVISION
301 W. CHESTNUT
PHONE: (479) 621-1186
FAX: (479) 986-6896

OFFICE USE ONLY

Permit Fee: \$100.00 (\$100)
Zoning: C-2
App Number: 22-47
CityView Application: PL20220161
Date: 10/24/22

VARIANCE APPLICATION

APPLICANT: Crafton Tull (Gateway Starbucks)

ADDRESS: 901 N. 47th St., Suite 400, Rogers, AR SUITE #: _____

GENERAL LOCATION OF PROPERTY: 8th and Hudson

PHONE #: 479-636-4838 EMAIL: ali.karr@craftontull.com
libby.topping@craftontull.com

PROPERTY OWNER: Gateway Plaza LIG, LLC PHONE #: 501-944-5858

REQUEST to ALLOW: Reduction in front setback from 75' to 30'.

HARDSHIP JUSTIFICATION to VARY FROM CODE: Large right of way dedication for future ARDOT roundabout and floodplain to the south. Please see accompanying letter.

Ali Karr 10.19.2022
Applicant Signature Date

Attachment Checklist:

- ☐ Legal description of property
- ☐ Survey, elevations, sign proofs and/or other documents as needed to illustrate request

DATE FILED: 10/24/22 PLANNING STAFF PROVIDES: _____ PUBLIC HEARING DATE: 11/15/22

BOARD OF ADJUSTMENT DECISION: _____

SECRETARY, BOARD OF ADJUSTMENT DATE



October 19, 2022

Department of Community Development
301 W. Chestnut Street
Rogers, AR 72756

RE: CTA Project #22108700 – Gateway Starbucks

Dear Planning Staff,

We would like to present to you today our Large Scale Development Application for Gateway Starbucks at the intersection of 8th St and Hudson in C-2 zoning. We would like to request a variance from Section 14-285.2 requiring a 75' front setback within the overlay district. We are showing a 30' setback from the proposed right of way. This is a 45' reduction. We have accounted for the future right of way needed for the roundabout proposed at 8th and Hudson per the study conducted by McClelland. The City Engineer requested the roundabout have an inscribed circle meeting ARDOT standards. The right of way shown provides this roundabout size as well as a 6' greenspace, 8' trail and 2' greenspace. The 30' front setback places the building close to the intersection without pushing the development on the property too far to the south further encroaching on the floodplain.

We appreciate your consideration of these requests and look forward to working with staff on our proposed Large Scale Development.

Thank you,

Ali Karr, P.E.



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 Board of Adjustment** on **November 15, 2022 at 4:00 p.m.** at Rogers City Hall regarding an application by **Gateway Starbucks** under the provisions of the City of Rogers Code of Ordinances, for a variance **to allow a reduction of the front building setback from 75 feet to 30 feet** on **±3.25 acres at the intersection of 8th and Hudson Rd.** in the C-2 (Highway Commercial) zoning district more particularly described as follows:

PARCEL NUMBER:

02-00744-003

LOCATION:

±3.25 acres at the intersection of 8th and Hudson Rd.

Matt Loos, Secretary
Board of Adjustment

PUBLISH ONE TIME ONLY: **Sunday October 30, 2022**
BILL THE CITY OF ROGERS



NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING VARIANCE

DESCRIPTION:	To allow a reduction of the front building setbacks from 75 feet to 30 feet on ±2.52 acres at the intersection of 6th and Hudson Rd. in the C-2 (Highway Commercial) zoning district.
APPLICANT:	Gateway Starbucks
BOARD/COMMISSION:	Board of Adjustment
MEETING DATE/TIME:	November 15, 2022 at 4:00 PM
MEETING LOCATION:	Rogers City Hall 301 W. Chestnut Street
PUBLIC COMMENTS:	boardofadjustments@rogersar.gov www.rogersar.gov/1181/Public-Hearing-Signs



COMMUNITY DEVELOPMENT
PLANNING DIVISION
(479) 621.1186
planning@rogersar.gov