



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

**BOARD OF ADJUSTMENT MEETING AGENDA  
DECEMBER 6, 2022  
4:00 PM  
DATE: DECEMBER 6TH, 2022  
LOCATION: CITY HALL, 301. W. CHESTNUT STREET  
REGULAR SESSION: 4:00 PM  
ONLINE VIEWING: [HTTPS://US02WEB.ZOOM.US/J/86147809594](https://us02web.zoom.us/j/86147809594)**

**AGENDA**

**CALL TO ORDER:**

**ROLL CALL:**

**OLD BUSINESS:**

1. (VAR 22-47) A request by Gateway Starbucks to allow a reduction of the front building setback from 75 feet to 30 feet on  $\pm 3.25$  acres at the intersection of 8<sup>th</sup> and Hudson Rd., in the C-2 (Highway Commercial) zoning district.
  - *STAFF: Kyle Belt*
  - *REPRESENTED BY: Ali Karr, Crafton Tull*

**NEW BUSINESS:**

1. (VAR 22-50) A request by Claire & Joseph Beggans to allow a reduction in the front setback from 30 feet to 25 feet at Lot 703 on S. Queensborough Lane in the Pinnacle Sub. Ph. 4, in the R-SF (Residential Single Family) zoning district.
  - *STAFF: Zachery Birdsong*
  - *REPRESENTED BY: Joseph Beggans*
2. (VAR 22-47) A request by Saltea Sloth to allow a variance to build the primary building façade line outside of the C-3 build-to-zone due to an existing detention pond at 1607 W. New Hope Rd., in the C-3 (Neighborhood Commercial) zoning district.
  - *STAFF: Christina Moore*



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- *REPRESENTED BY: Brad Winningham, Saltea Sloth*

## **ACTION ON MINUTES:**

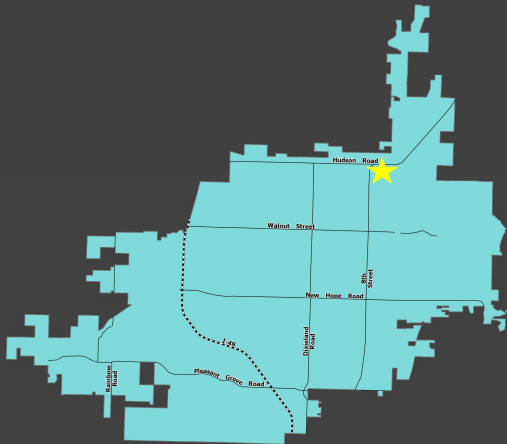
## **ADJOURN:**



## 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)

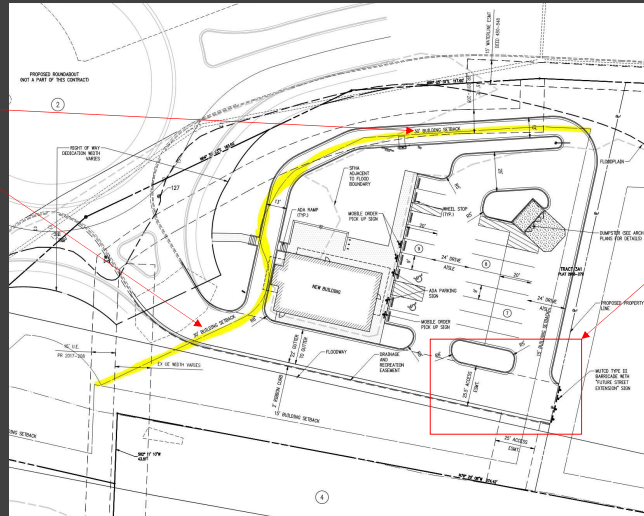


## Variance

### 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:**

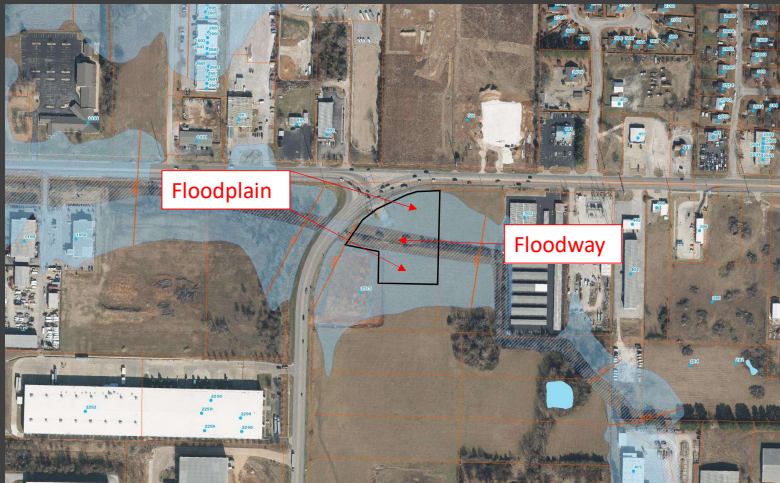
- The entire property is located within a Special Flood Hazard Area or Floodplain.
- The ROW required for the roundabout is not significantly more than what is required for the existing stub-out. The real issue appears to be the size of the site plan itself.
- Staff recommends denial.



## 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:**

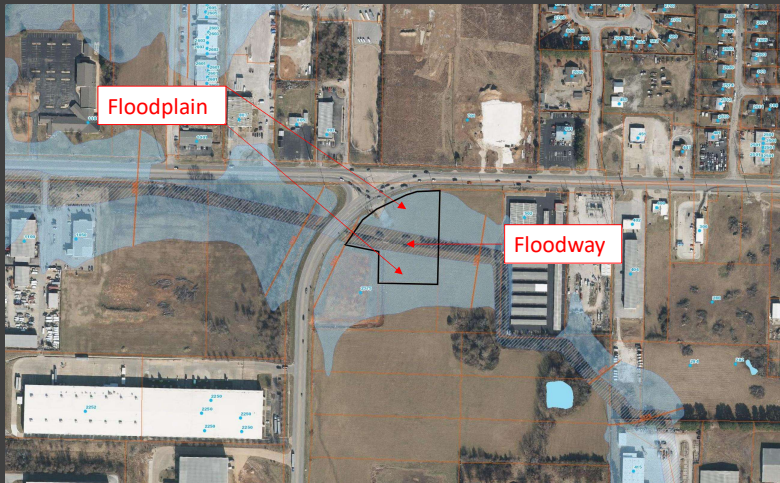
To reduce the front setback by 45 feet varying from Sec. 14-709(d)(2).

### **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:

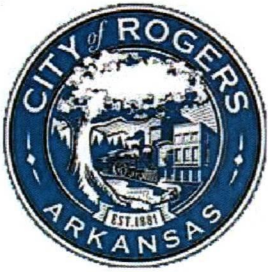
- a) No input has been received from the public.

#### 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.



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OFFICE USE ONLY

Permit Fee: \$10000 (\$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  
ali.karr@craftontull.com

PHONE #: 479-636-4838 EMAIL: 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

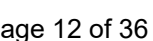
Dear Planning Staff,

We would like to present to you today our Large Scale Development Application for Gateway Starbucks at the intersection of 8<sup>th</sup> 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 8<sup>th</sup> 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.





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PLANNING DIVISION  
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PHONE: (479) 621-1186  
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## 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 8<sup>th</sup> 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 8<sup>th</sup> 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 a 2.52-acre site 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<br>301 W. Chestnut Street                                                                                                                                                         |
| PUBLIC COMMENTS:   | <a href="mailto:boardofadjustments@rogersar.gov">boardofadjustments@rogersar.gov</a><br><a href="http://www.rogersar.gov/1181/Public-Hearing-Signs">www.rogersar.gov/1181/Public-Hearing-Signs</a> |



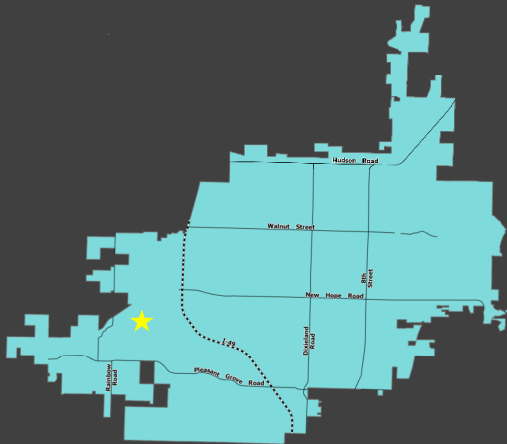
COMMUNITY DEVELOPMENT  
PLANNING DIVISION  
(479) 621.1186  
[planning@rogersar.gov](mailto:planning@rogersar.gov)





## Variance Beggans

**PLANNING**



*Vicinity Map*

### Location

Lot 703 of Pinnacle Subdivision Phase 4

### Nature of Request

Reduction of the front setback from 30 feet to 25 feet

### Zoning

R-SF (Residential Single Family)

### Current Use

Undeveloped

### Representative

Terry Parker, Parker and Associates Architects

### **Summary:**

This project is located in Phase 4 of the Pinnacle Subdivision, west of the interstate and south of West Northgate Road. The applicant is requesting a reduction of the front setback from 30 feet to 25 feet for a proposed residential development.

Parcel: 02-16682-000

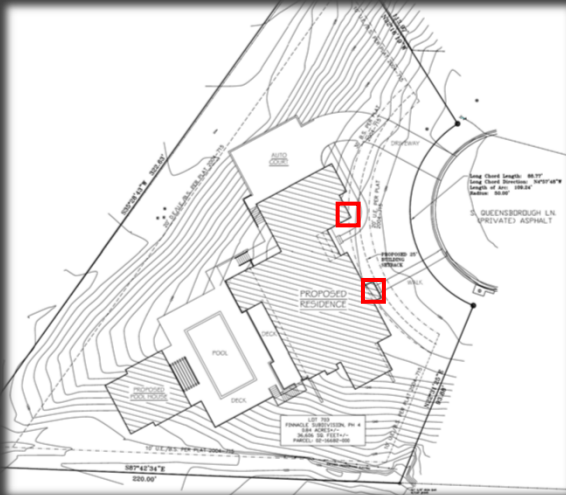
### **Board of Adjustment Duties Per Sec. 14-724(e)(1):**

- 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 Beggans

**PLANNING**



*Site Plan*

### **Request**

Reduce the front setback by 5 feet from 30 feet to 25 feet

### **Stated Hardship**

The lot configuration is atypical and there is a steep drop in elevation of approximately 24 feet from the front to the rear property line.

### **Request:**

Reduction of the front setback by 5 feet from 30 feet to 25 feet.

The variance from Sec. 14-699(f)(2)(a) includes:

- A front yard setback of 30 feet or as required by amenity agreement.

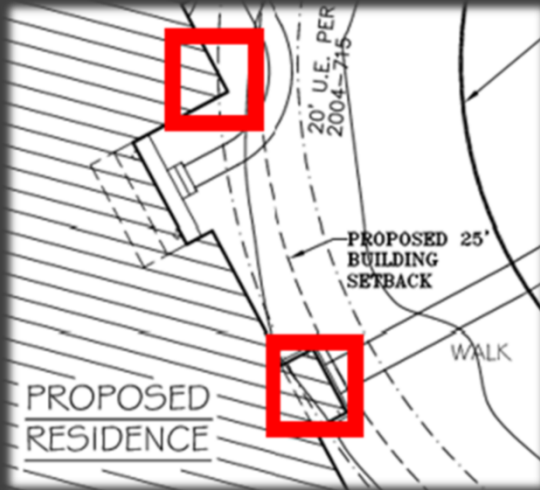
### **Stated Hardship:**

The lot configuration is atypical and there is a steep drop in elevation of approximately 24 feet from the front to the rear property line.



## Variance Beggans

## PLANNING



Site Plan

### Staff Findings

- The Pinnacle Phase 4 Subdivision and R-SF zoning code sets the front setback at 30 feet.
- The HOA has provided a letter of their approval for the request.
- The front setback is also along the end of a private drive within the subdivision.

### Findings:

Phase 4 of the Pinnacle Subdivision and R-SF zoning code sets the front setback at 30 feet. The HOA has provided a letter of their approval for the request. The front setback is also along the end of a private drive within the subdivision.

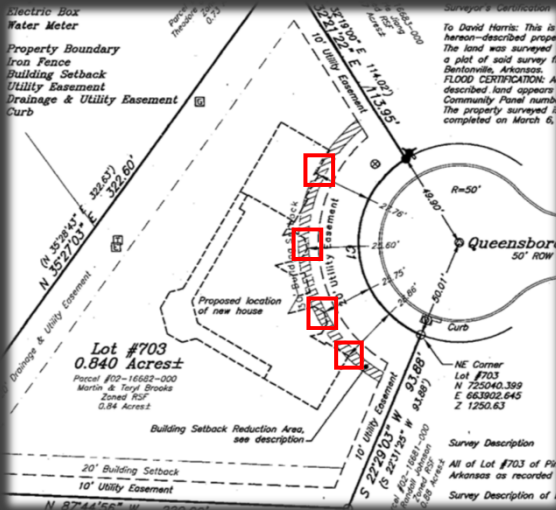
### Zoning:

*R-SF (Residential Single Family):* The purpose and intent of this district is “for single-family detached dwellings at low residential densities. Certain other structures and uses necessary to serve governmental, educational, religious, recreational, and other needs of neighborhood areas are allowed as permitted or conditional uses subject to restrictions intended to preserve and protect the single-family residential character of the district.” Sec. 14-699(a).



## Variance Beggans

## PLANNING



*Previously Approved Variance Request*

### Staff Findings

- A front setback reduction at this location was approved by Planning Commission in the past. However, a recorded setback reduction survey could not be found.
- Due to the stated hardship, location of the property and HOA approval, staff recommends approval.

### Findings:

Planning Commission approved the same setback request at this location back in 2012 by a previous owner planning to develop a single-family residence. However, a recorded setback reduction survey finalizing the reduction could not be found. Due to the stated hardship, location of the property and HOA approval, staff recommends approval.



## Variance Beggans

**PLANNING**



*Aerial Map*

**Staff Recommended Motion:**  
*Approve*

**Recommendation:**

***Approve***

**COMPREHENSIVE GROWTH MAP:**

**Growth Designation:**

Neighborhood

**Growth Designation Purpose:**

To protect and maintain existing residential areas in between other Growth Designations nodes while encouraging low-density infill. (CGM PAGE 1)

**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)

**Allowed Zoning Districts:**

*R-SF, N-R, R-DP, R-MF*



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OFFICE USE ONLY

Permit Fee: \_\_\_\_\_ (\$100)  
Zoning: \_\_\_\_\_  
App Number: \_\_\_\_\_  
CityView Application: \_\_\_\_\_  
Date: \_\_\_\_\_

## VARIANCE APPLICATION

APPLICANT: Terry Parker, Parker & Associates Architects

ADDRESS: 100 W. Center Street, Fayetteville, AR SUITE #: 103

GENERAL LOCATION OF PROPERTY: Lot 703, Pinnacle Subdivision Phase 4, Rogers, Arkansas

PHONE #: 479 443-2020 EMAIL: terry@tparkerarch.com

PROPERTY OWNER: Claire and Joseph Beggans PHONE #: 201 320-6203

REQUEST to ALLOW: A reduction in the front setback from 30' to 25'.

HARDSHIP JUSTIFICATION to VARY FROM CODE: \_\_\_\_\_

The hardship on this lot is due to the lot configuration and a steep drop in elevation of approximately 24' from the front to rear property line. The proposed setback reduction would allow some flexibility in locating the building and help with grading on the site.

Terry Parker  
Applicant Signature

10/31/22  
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: \_\_\_\_\_

PUBLIC HEARING DATE: \_\_\_\_\_

BOARD OF ADJUSTMENT DECISION: \_\_\_\_\_

\_\_\_\_\_  
SECRETARY, BOARD OF ADJUSTMENT

\_\_\_\_\_  
DATE



100 W. Center Street, Suite 103  
Fayetteville, AR 72701  
terry@tparkerarch.com  
phone: 479.443.2030  
fax: 479.443.1545

October 31, 2022

City of Rogers  
Department of Community Development  
Planning Division  
301 W. Chestnut  
Rogers, AR 72758

To the City of Rogers Board of Adjustment,

I am requesting a variance on behalf of the lot owners Claire and Joseph Beggans to the front setback for Lot 703 on S. Queensborough Lane, Pinnacle Subdivision Phase 4, Rogers.

The previous owners of this lot had received a variance from the City of Rogers for a front setback reduction from 30' to 25'. The original variance has expired. The new owners are requesting the same variance to the front setback line.

The hardship on the property is due to the lot configuration in combination with a steep drop in elevation of approximately 24' from the front to the rear property line.

The proposed variance would allow some flexibility in the placement of the proposed structure on the site and help with the grading the property. A reduction of the front setback would allow us to place the proposed residence closer to the east property line and would result in wider side yards to the north, west and south property lines.

The Pinnacle Homeowner's Association has submitted a letter of in support of the proposed variance.

We appreciate your consideration of this matter.  
Sincerely,

A handwritten signature in black ink that reads "Terry Parker". The signature is written in a cursive, flowing style.

Terry Parker, AIA

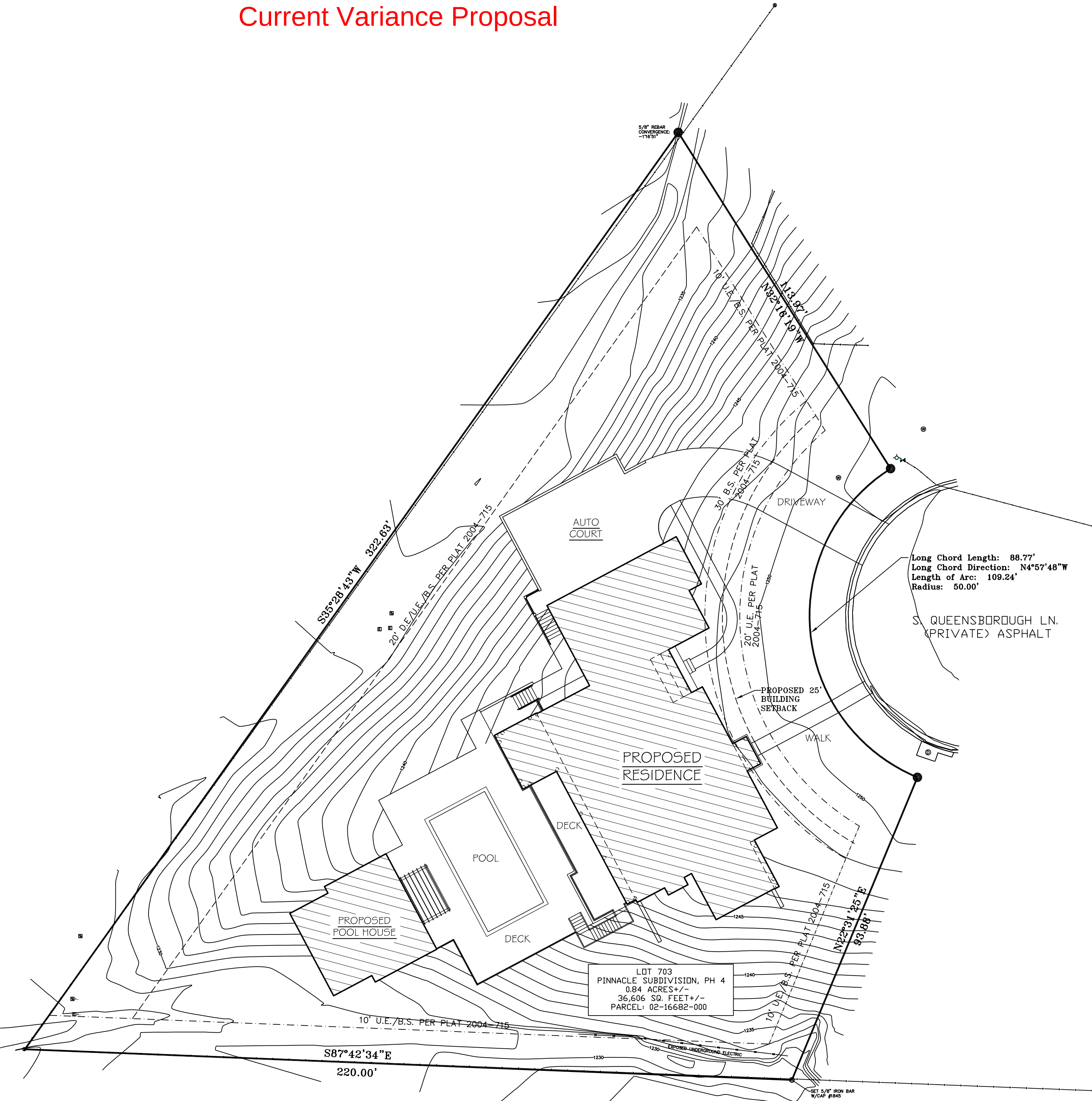
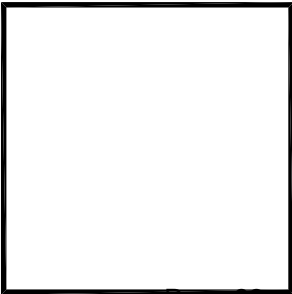
Current Variance Proposal



Parker & Associates Architects  
100 W. Center St. Suite 103 - Fayetteville, Arkansas 72701  
Telephone (479) 443-2030 terry@tparkerarch.com

BEGGANS RESIDENCE  
S. Queensborough Lane  
Rogers, ARKANSAS

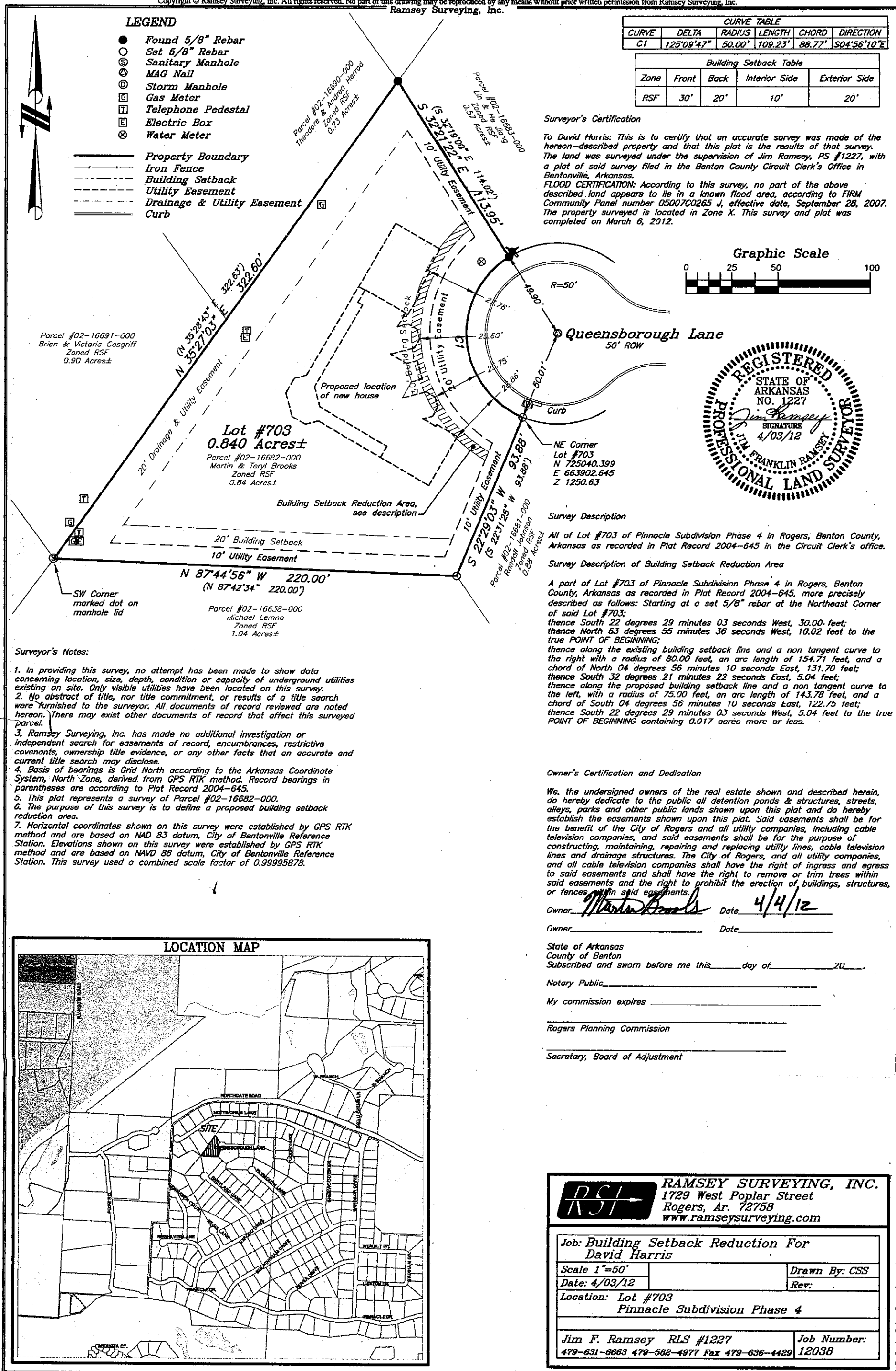
SITE PLAN



1 SITE PLAN  
SCALE: 1" = 20'-0"

Previously Approved Variance Proposal  
(Not Recorded)

Copyright © Ramsey Surveying, Inc. All rights reserved. No part of this drawing may be reproduced by any means without prior written permission from Ramsey Surveying, Inc.  
Ramsey Surveying, Inc.





October 24, 2022

Joseph and Claire Beggans  
S. Queensborough Lane  
Rogers, AR 72758  
Pinnacle Phase 4 Lot 703

Dear Joseph and Claire Beggans,

We understand you are in the process of obtaining a Variance by the City of Rogers to reduce the front building setback from 30' to 25'. The Pinnacle POA and Architectural Control Committee is in favor of this request and would support the City of Rogers in approving this request.

Sincerely,

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

Member, Pinnacle POA Board and Pinnacle ACC Board



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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 **December 6, 2022 at 4:00 p.m.** at Rogers City Hall regarding an application by **Claire & Joseph Beggans** under the provisions of the City of Rogers Code of Ordinances, for a variance **to allow a reduction in the front setback from 30 feet to 25 feet** at **Lot 703 on S. Queensborough Lane in the Pinnacle Sub. Ph. 4**, in the R-SF (Residential Single Family) zoning district more particularly described as follows:

**PARCEL NUMBER:**

02-16682-000

**LOCATION:**

Lot 703 on S. Queensborough Lane, Pinnacle Sub. Ph. 4

Matt Loos, Secretary  
Board of Adjustment

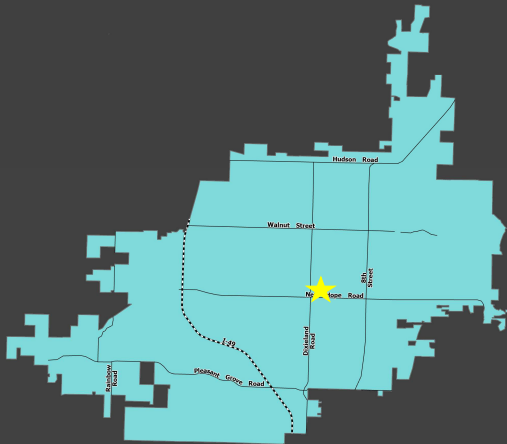
**PUBLISH ONE TIME ONLY:** **Sunday November 20, 2022**  
BILL THE CITY OF ROGERS



## Variance

### Saltea Sloth

**PLANNING**



*Vicinity Map*

#### Summary

#### Location

1607 W New Hope Road

#### Nature of Request

Reduction of the primary building façade line in the build to zone to be reduced from 60% to 0%.

#### Zoning

C-3 (Neighborhood Commercial, Overlay District)

#### Current Use

Commercial

#### Representative

Brad Winningham, Saltea Sloth

### **Location:**

North east corner of New Hope and Dixieland next to the Kum and Go gas station

### **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.

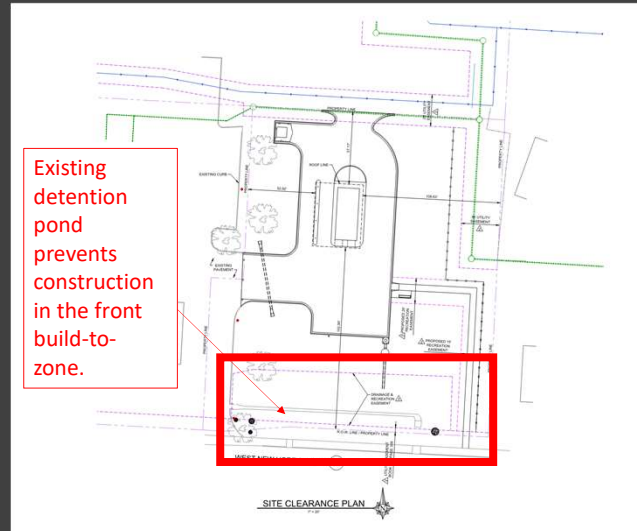


*Growth Designation Character:*

Mixed-use centers located around intersections of arterial and collector streets. Polycentric pattern serves neighborhood populations with ½ mile radius of each center and supports efficient multi-modal transportation network. Goals include creating neighborhood character, conserving opportunity for non-residential activities, and providing accessibility to civic facilities, religious assembly, basic commercial services, and recreation (CGM PAGE 1)

*Allowed Zoning Districts:*

C-3



## Site Plan

The applicant is requesting a reduction of the requirement that 60% of the primary building façade be in the build-to-zone.

Due to an existing drainage pond in the front of the property any construction in the build-to-zone would be inconvenient.

We agree with the stated hardship; however, the intent of this requirement is to create a more pedestrian friendly environment.

This is an auto-oriented development that we would like to have a different frontage where the build-to-zone requirement can be met.

**Request:**

Reduction of the 60% building façade in front build-to-zone from 60% to 0%.

The variance from Sec. 14-710(d)(3) includes:

- Reduction of the building frontage requirements stating at least 60% of the building's primary façade line, shall be located in the front build-to-zone.

**Stated Hardship:**

Applicant states that an existing drainage pond in the front of the parcel prevents any structure from being constructed in the build-to-zone.

**Findings:**

- C-3 setbacks are:
  - a. Front yard: 5 feet minimum, 30 feet maximum.*
  - b. Interior side yard: 5 feet minimum, no maximum.*
  - c. Exterior side yard: 5 feet minimum, no maximum.*
  - d. Rear yard: 10 feet minimum, no maximum.*
- The intent of the build-to-zone requirement is to make the development pedestrian friendly for patrons to walk up to the store front.
- The business will be an auto-oriented drive-thru business.



## Variance

### Saltea Sloth

**PLANNING**



*Existing Conditions*

The current conditions are not an ideal walkable neighborhood center.

The neighboring gas station is also an auto-oriented business.

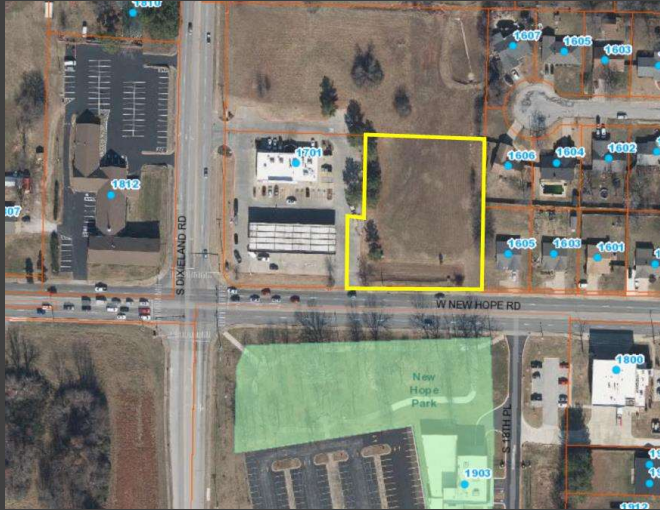
It is in our Comprehensive Growth Plan that this area will become pedestrian friendly.

We recommend considering this request based on the existing auto-oriented development and the intent for this neighborhood center to become a walkable destination for nearby residents.



## Variance Saltea Sloth

**PLANNING**



*Aerial Map*

**Staff Recommended Motion:**  
**CONSIDER**

### **Public Input Received:**

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

### **Recommendation:**

**Consider** based on the intent of the building façade in the build-to-zone in C-3 zoning and the current auto-oriented nature of this corner.



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

OFFICE USE ONLY

Permit Fee: \$100 (\$100)  
Zoning: C-3  
App Number: 22-51  
CityView Application: PL202201097  
Date: 10/26/2022

VARIANCE APPLICATION

APPLICANT: SALTEA SLOTH

ADDRESS: 1607 WEST NEW HOPE RD SUITE #: \_\_\_\_\_

GENERAL LOCATION OF PROPERTY: NEW HOPE ROAD & DIXIELAND

PHONE #: (601) 988-8834 EMAIL: brad@salteasloth.com

PROPERTY OWNER: BRAD WINNINGHAM PHONE #: (601) 988-8834

REQUEST to ALLOW: VARIANCE REQUESTED TO BUILD PRIMARY BUILDING FACADE 2' NE OUTSIDE OF C-3 BUILD-TO-ZONE DUE TO EXISTING DETENTION POND.

HARDSHIP JUSTIFICATION to VARY FROM CODE: EXISTING DETENTION POND SERVING KUM-UGO AND OTHER OUTLOT IN PLACE ALONG NEW HOPE RD, CAUSING NO OPTION TO BUILD WITHIN BUILD-TO-ZONE

Applicant Signature [Signature] Date 10/10/2022

Attachment Checklist:

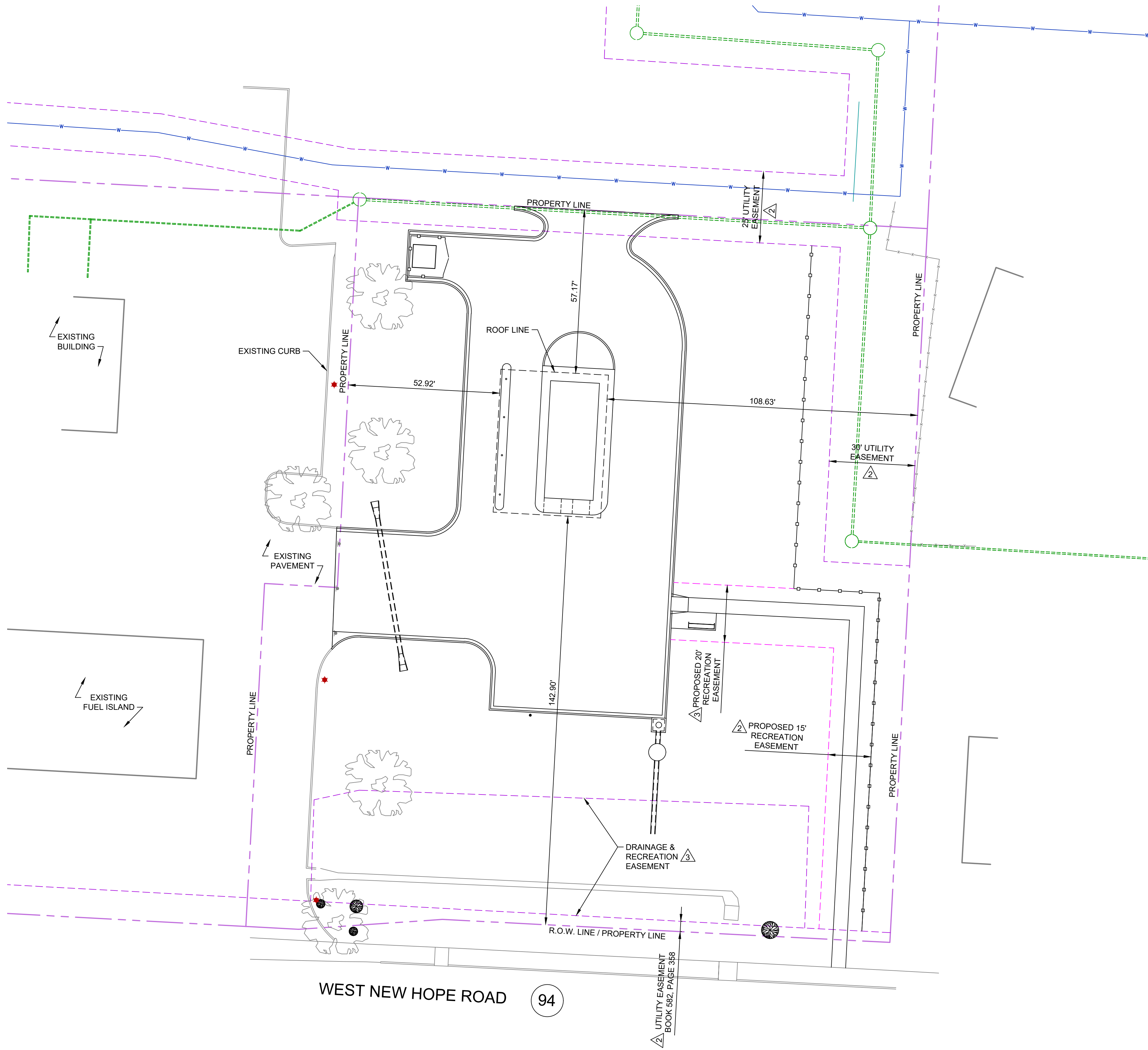
- ☐ Legal description of property
- ☐ Survey, elevations, sign proofs and/or other documents as needed to illustrate request

PLANNING STAFF PROVIDES:

DATE FILED: \_\_\_\_\_ PUBLIC HEARING DATE: \_\_\_\_\_

BOARD OF ADJUSTMENT DECISION: \_\_\_\_\_

SECRETARY, BOARD OF ADJUSTMENT \_\_\_\_\_ DATE \_\_\_\_\_



**SITE CLEARANCE PLAN**  
1" = 20'



CITY OF ROGERS



**C-9 SITE DIMENSIONS**  
PROJECT NUMBER:  
220009  
DATE:  
06/30/2022

**SALTEA SLOTH SITE DEVELOPMENT**  
1607 W. NEW HOPE RD  
ROGERS, ARKANSAS

| REVISIONS |                                |       |          |
|-----------|--------------------------------|-------|----------|
| NO.       | DESCRIPTION                    | BY    | DATE     |
| 1         | ADDED SHEET PER CITY COMMENTS  | staff | 7/24/22  |
| 2         | ADDED EASEMENT NOTES           | staff | 8/30/22  |
| 3         | MODIFIED EASEMENT NOTE & WIDTH | staff | 10/05/22 |
| 4         | ROUND 4 COMMENTS               |       |          |



1221 S. JEFFERSON  
ROGERS, ARKANSAS 72673

FIELD BOOK: STAFF  
FIELD BY: STAFF  
CHECK BY: STAFF

ARKANSAS CERTIFICATE OF AUTHORITY 4090

Description of Parent Tract:  
All of Lot 2, Lot Split for Kum and Go, L.C., as recorded in plat Book 2007, Page 935 said Lot 2 further described by metes and bounds as follows:  
Beginning at the Northwest corner of said Lot 2; thence South 86°58'56" East, 436.57 feet along the North line of said Lot 2 to the Northeast corner thereof; thence South 3°01'04" West, 464.29 feet along the East line of said Lot 2 to the Southeast corner thereof; thence North 87°02'42" West, 156.57 feet along the South line of said Lot 2; thence South 86°03'51" West, 50.35 feet along the South line of said Lot 2; thence North 86°51'44" West, 18.47 feet along the South line of said Lot 2; thence North 3°08'16" East, 120.00 feet; thence South 86°51'44" East 25.46 feet; thence North 3°08'16" East, 136.41 feet; thence North 86°51'44" West, 235.45 feet to a point on the West line of said Lot 2; thence North 2°27'18" East, 213.68 feet along said West line of Lot 2 to the point of beginning.  
Contains 146,246 square feet or 3.357 acres of land, more or less.

Description of Lot 2-A:  
Part of Lot 2, Lot Split for Kum and Go, L.C., as recorded in plat Book 2007, Page 935 said Lot 2 further described by metes and bounds as follows:  
Beginning at the Northwest corner of said Lot 2; thence South 86°58'56" East, 436.57 feet along the North line of said Lot 2 to the Northeast corner thereof; thence South 3°01'04" West, 214.58 feet along the East line of said Lot 2; thence North 86°51'44" West, 18.47 feet along the South line of said Lot 2; thence North 3°08'16" East, 120.00 feet; thence South 86°51'44" East 25.46 feet; thence North 3°08'16" East, 136.41 feet; thence South 86°51'44" East, 199.02 feet to the point of beginning.  
Contains 93,255 square feet or 2.141 acres of land, more or less.

Description of Lot 2-B:  
Part of Lot 2, Lot Split for Kum and Go, L.C., as recorded in plat Book 2007, Page 935 said Lot 2 further described by metes and bounds as follows:  
Commencing at the Northwest corner of said Lot 2; thence South 86°58'56" East, 436.57 feet along the North line of said Lot 2 to the Northeast corner thereof; thence South 3°01'04" West, 214.58 feet along the East line of said Lot 2 to the point of beginning; thence continuing South 3°01'04" West, 249.71 feet along the East line of said Lot 2 to the Southeast corner thereof; thence North 87°02'42" West, 156.57 feet along the South line of said Lot 2; thence South 86°03'51" West, 50.35 feet along the South line of said Lot 2; thence North 86°51'44" West, 18.47 feet along the South line of said Lot 2; thence North 3°08'16" East, 120.00 feet; thence South 86°51'44" East 25.46 feet; thence North 3°08'16" East, 136.41 feet; thence South 86°51'44" East, 199.02 feet to the point of beginning.  
Contains 52,991 square feet or 1.216 acres of land, more or less.

Acceptance:  
  
Approved by the City Planning Department of Rogers, Arkansas,

Community Development Director Date

Approved by the City Council of Rogers, Arkansas

Mayor, Greg Hines Date

City Clerk, Peggy David Date

Certificate of Ownership and Acceptance:

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 easements as shown on this plat for public use and benefit. The City of Rogers is granted the rights of ingress and egress to and from said easements. The City of Rogers is granted unrestricted access to the platted private streets for purposes of access for emergency service personnel. The City of Rogers is granted the right and authority to maintain, service, and improve said easements 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 easements 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 easements. 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 easements.

Kum & Go, L.C., an Iowa limited liability company

By: Date

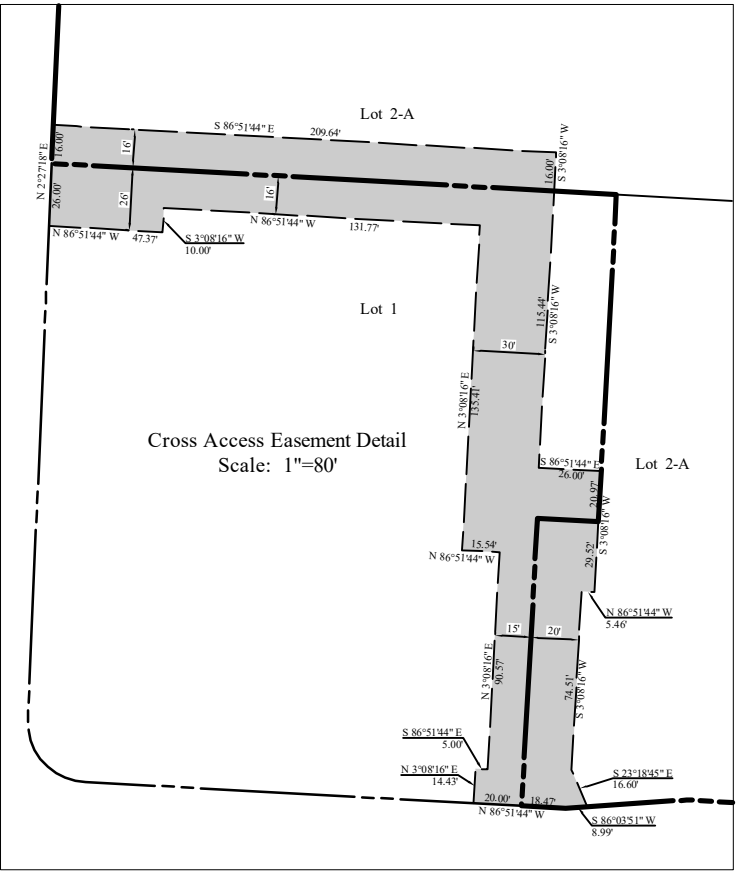
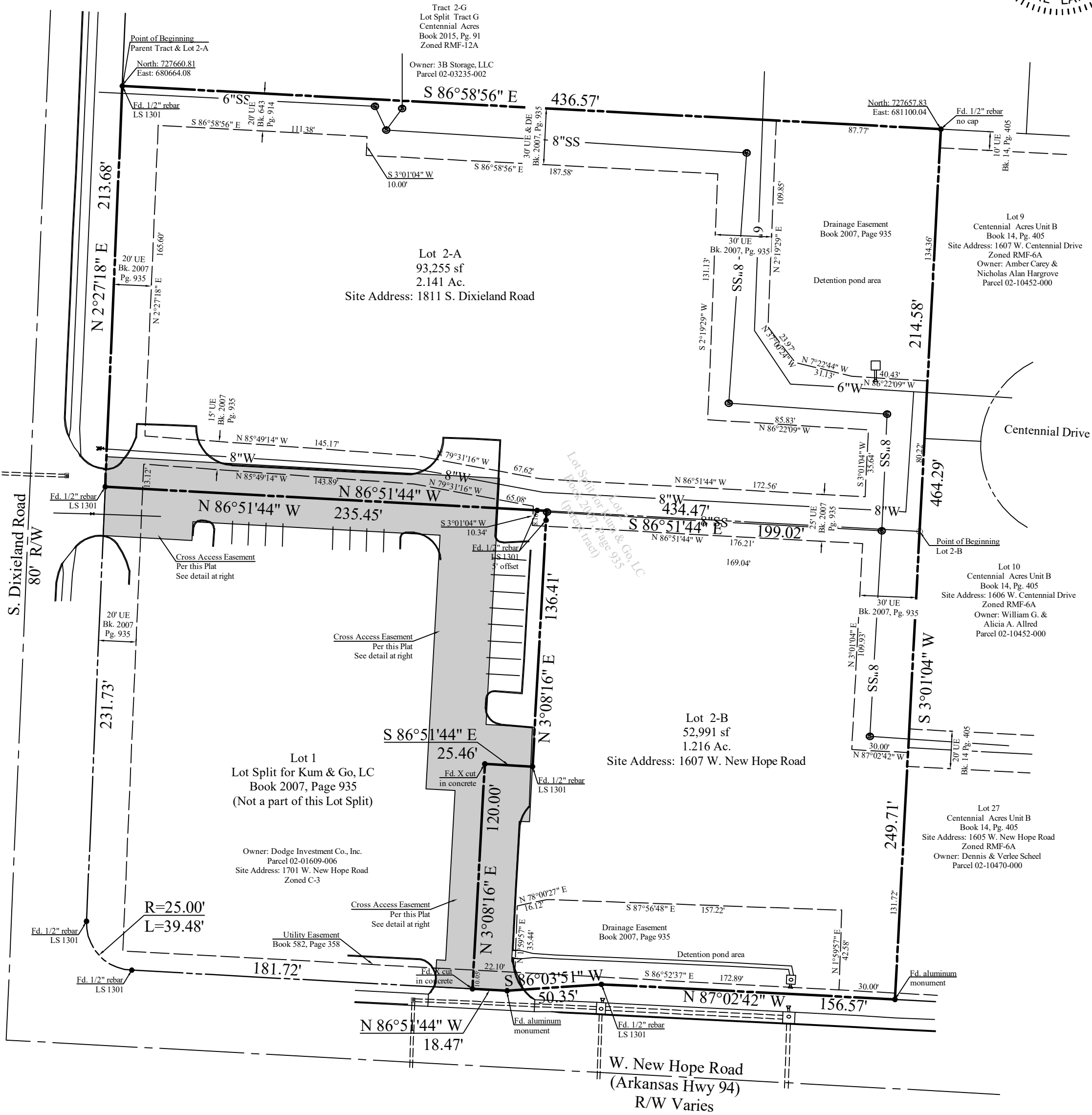
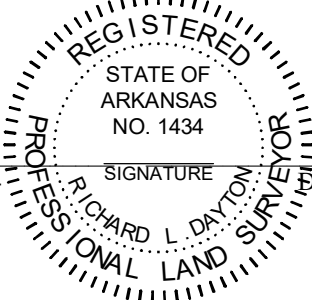
Printed Name:

Title:

Notary Public My Commission Expires

I certify that this Survey correctly represents a boundary survey made under my direct supervision, the lot corners shown hereon actually exist and their location, type and material are correctly shown and all minimum requirements of the Arkansas Standards of Practice for Property Boundary Surveys and Plats have been met.

RICHARD L. DAYTON, AR LS-1434



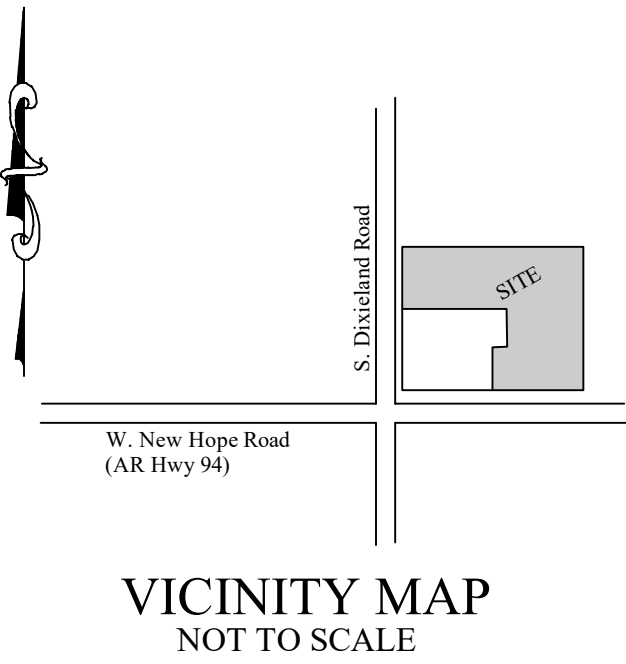
Property Owner/Developer:  
Alex Sappingfield  
Kum & Go  
1459 Grand Ave.  
Des Moines, IA 50309  
515-457-6010

SURVEYOR:  
Richard L. Dayton PLS  
Ozark Civil Engineering, Inc.  
3214 NW Avignon Way, Suite 4  
Bentonville, AR 72712  
479-464-8850



BASIS OF BEARINGS:  
Arkansas State Plane Grid using City of Rogers monuments.

City View Project No. PL201900709



NOTES:

ZONING NOTE:  
This property is currently zoned C-3, Neighborhood Commercial. No zoning change is anticipated.  
Minimum yard requirements:  
Front yard: 5 feet minimum, 30 feet maximum.  
Interior side yard: 5 feet minimum, no maximum.  
Exterior side yard: 5 feet minimum, no maximum.  
Rear yard: 10 feet minimum, no maximum.

FIRM NOTE:

By graphic scaling only this property is located within Flood Zone "X" (areas determined to be outside 500-year floodplain) as determined from the National Flood Insurance Program, Flood Insurance Rate Map, Map No. 05007C0260K, Map Revised: June 5, 2012 and Map No. 05007C0270K, Map Revised June 5, 2012.

LOT SPLIT  
A Lot Split of Lot 2, Lot Split for Kum and Go, L.C., as recorded in plat Book 2007, Page 935

LEGEND:

- Building setback line
- Street center line
- Property line
- Easement line
- UE Utility Easement
- DE Drainage Easement
- BSL Building Setback Line

LAT: 36°18'47" N  
LONG: 94°08'36" W



3214 N.W. AVIGNON WAY, SUITE 4  
BENTONVILLE, AR 72712  
479.464.8850 | OFFICE 479.464.9040 | FAX

DATE OF FIELD SURVEY - October 14, 2019

SCALE: 1" = 50'

DRAWN BY: RD

DATE: October 17, 2019

FIELD CREW: INDIAN CREEK

DRAWING NO. S190467

CHECKED BY: RLD

SHEET 1 OF 1

Description of Lot 2-B:

Part of Lot 2, Lot Split for Kum and Go, L.C., as recorded in plat Book 2007, Page 935 said Lot 2 further described by metes and bounds as follows: Commencing at the Northwest corner of said Lot 2; thence South  $86^{\circ}58'56''$  East, 436.57 feet along the North line of said Lot 2 to the Northeast corner thereof; thence South  $3^{\circ}01'04''$  West, 214.58 feet along the East line of said Lot 2 to the point of beginning; thence continuing South  $3^{\circ}01'04''$  West, 249.71 feet along the East line of said Lot 2 to the Southeast corner thereof; thence North  $87^{\circ}02'42''$  West, 156.57 feet along the South line of said Lot 2; thence South  $86^{\circ}03'51''$  West, 50.35 feet along the South line of said Lot 2; thence North  $86^{\circ}51'44''$  West, 18.47 feet along the South line of said Lot 2; thence North  $3^{\circ}08'16''$  East, 120.00 feet; thence South  $86^{\circ}51'44''$  East 25.46 feet; thence North  $3^{\circ}08'16''$  East, 136.41 feet; thence South  $86^{\circ}51'44''$  East, 199.02 feet to the point of beginning.

Contains 52,991 square feet or 1.216 acres of land, more or less.