



DEPT. OF COMMUNITY DEVELOPMENT
PLANNING DIVISION
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**BOARD OF ADJUSTMENT
MINUTES
January 3rd, 2023**

The **Rogers Board of Adjustment** met for a public meeting at Rogers City Hall at 301 W. Chestnut Street on January 3, 2023 at 5:30 P.M. The meeting was called to order by Chairman Mandel Samuels.

ROLL CALL

Board members attending: Hannah Cicioni, Ed McClure, and Mandel Samuels.

ACTION ON MINUTES

Previous minutes: December 20th, 2022

Motion by McClure to accept the prepared minutes for the December 20th, 2022 meeting of the Board of Adjustment as presented. Second by Cicioni.

Voice vote: YES - Unanimous **Motion carried**

APPROVED

NEW BUSINESS

- 1. (VAR 23-01) A request by Best Sign Group for Professional Business Systems to allow an increase in sign area at 2003 S. 52nd Street, in the C2-CU (Highway Commercial-Condominium Unit), Overlay zoning district.**

Planning Technician Karen Perez said the subject property was located at 2003 S. 52nd Street east of Village on the Creeks. PBS is a new tenant and does not have an existing wall sign. The building currently exceeds the maximum allowed 400 square feet at a total of 584.2 square feet. PBS is requesting a variance to increase the sign area by 100 square feet in order to have a wall sign in addition to all the other existing tenants at this location. The state hardship is not site specific, but in their letter, they explain how 25 square foot minimum will not adequately identify the business. Other businesses at this location have been granted variances back in 2010 for larger sign area on the south elevation. And then 2019 for an additional sign on the west elevation as well as increase in fees both with the square feet and sign area. There are size tenants in this building not including PBS. Staff is recommending consideration.

Mike Jones, Best Sign Group, explained that there were several other hardship reasons that were not stated in the letter. This multi-tenant building is quite large and configured in almost an L shape. If approved the sign will be placed on the front elevation where an old sign will come down. The owner of PBS is also the owner of the building and will be taking up most of the second-floor space. It feels appropriate for their sign to be at a high visibility intersection and for the sign to be more than just 25 square feet

Mandel opened the public hearing. There were no comments.
The public hearing was closed.

Cicioni questioned if the new sign would be replacing an existing? And if it would be the same dimensions? Mr. Jones replied the previous sign was about 80 square feet and the new one would be at 100 square feet.

Chairman Mandel questioned the overall sign area on this building is over 400 square feet? Perez replied correct they are currently at 584.2 square feet.

Cicioni spoke on past instances when dealing with strip malls and multi-tenant buildings. The fact that they are replacing and actually not adding on top of the six existing. She found this to be a reasonable request.

McClure questioned if there had been any negative input from the public? Perez answered no negative input.

Motion by McClure to APPROVE the variance. Second by Cicioni.

Voice vote: 3 YES-UNANIMOUS Motion carried

APPROVED

2. (VAR 23-02) A request by Sign Studio for Enterprise Truck Rental to allow a 20-foot tall pole sign in the overlay district at 851 W. Post Rd., in the C-4 (Open Display Commercial), Overlay zoning district.

Planning Technician Gloria Garcia said the site was located at 851 W. Post Road just directly north of the superior storage on 8th Street. The property is zoned C-4 and is in the City's overlay district, the applicant is requesting to allow a 20-foot tall freestanding sign. They have stated their hardship is business location. The business is located off the main thoroughfare and the pole sign would allow customers to locate the business easily. The overlay district limits the use of freestanding signs instead of requiring a monument sign at six feet in height and 72 square feet in total sign area. Staff does not find this request to be reasonable due to lack of site-specific hardship, staff recommends denial.

Matt Reese, Sign Studio, stated they are located quite a way back if measured off GIS it is about 65 feet from 8th Street. This creates a visibility and traffic issue. He adds that the vacant property to the east will soon be developed into a strip mall center and would be an absolute blockage. Reese said what is being proposed is much less than what is normally allowed in other zones. Normal pole sign height is 24 feet they are requesting lower pole sign of 20 feet in height.

Mandel opened the public hearing. There were no comments.
The public hearing was closed.

Jerry Randolph with Enterprise reiterated points Matt mentioned previously.

McClure recused himself.

Cicioni clarifies, due to McClure recusing himself, there would need to be an agreement between the two remaining board members.

Mandel questioned why a monument wouldn't work? Randolph replied that it would not be tall enough. The business is located 250 feet away from 8th Street and customers driving by are not going to be able to see the sign. Especially once the east lot is developed. Cicioni countered by zoning, they can add much larger than the requested 20 feet. Mandel agreed it is hard to foresee what is going to be developed in the empty lot.

Cicioni added that request needs to be looked at under current conditions and what is existing. There is no timeline or anything that determines what will be built there. That is at the discretion of the property owner.

Motion by Cicioni to DENY the variance. Second by Mandel.

Voice vote: YES (Ed McClure recused) *Motion carried*

DENIED

3. (VAR 23-03) A request by Red Box Realty to allow additional wall sign on the south elevation at 3300 S. 27th Street, in the C-2 (Highway Commercial) zoning district.

The business is located at 3300 S. 47th Street and south Duluth Trading Company. The property is zoned C-2 and is located in the City's overlay and interstate sign district. The applicant is requesting an additional wall sign at 36 square feet. There is no site-specific hardship listed but state that they would like an additional wall sign in place of the allowed freestanding sign. The business was already issued a sign permit for two wall signs at a total of 94 square feet. And if approved, the site would still be under the total allowed sign area by 30 square feet. Texas Roadhouse and Duluth were granted variance back in 2021 and 2018. Staff recommends consideration.

No representative present.

Mandel opened the public hearing. There were no comments.
The public hearing was closed.

Motion by McClure to TABLE the variance. Second by Cicioni.

Voice vote: 3 YES-UNANIMOUS Motion *carried*

TABLED

McClure amended his motion to table to the next board of adjustment meeting.

Motion by McClure to TABLE the variance to the next meeting. Second by Cicioni.

Voice vote: 3 YES-UNANIMOUS Motion carried

TABLED

- 4. (VAR 23-04) A request by Pahul Singh for a variance from sec. 14-604 (b) Easements where required for drainage and utilities shall be at least 15 feet in width at 6907 W. Balmoral Drive in the RSF-5 (Residential Single Family, 5 units per acre) zoning district.**

Planner Christina Moore explained the property was located in southwest Rogers near the border with Cave Springs. The applicant is requesting to reduce the easement from 15 feet to eight feet. The stated hardship is that it abuts the Shadow Valley golf course. The property is zoned R-SF and per the final plat of the subdivision all the setbacks are also utility easements. This is an engineering variance for the utility easement to be reduced from 15 feet to 8 feet. Engineering's analysis is that the applicant has provided sufficient documentation from the utility companies approving the reduction of the easement.

Alan Reid, representative, agreed with the comments from staff. He added all city utilities are in the front don't have to worry about water and sewer. Applicant has been made aware that there is an underground line in the purposed pool location and it would have to be moved at his expense and he is on board.

Mandel opened the public hearing. There were no comments.

The public hearing was closed.

Cicioni commented on cases like this with the property abutting the golf course and utility companies on board. She found the request reasonable.

Motion by Cicioni to APPROVE the variance. Second by McClure

Voice vote: 3 YES-UNANIMOUS Motion carried

APPROVED

- 5. (VAR 23-05) A request by Pinnacle Springs for SJ Collins for a waiver to allow a reduction in parking lot tree island width at 15.11 acres at the NW corner of W. New Hope Rd. & S. Promenade Blvd. in the U-COM (Uptown Commercial Mixed Use) zoning district.**

Planner Zachery Birdsong stated the project is east of the interstate and north of W. New Hope Rd. It is for a mixed-use development with residential and commercial space. The applicant is requesting a reduction in the size of the parking lot tree islands from 324 square feet to the 144 square feet. They are providing a width of at least 8 feet rather than the 18 feet that is necessary

to meet the size requirements. The applicant stated the developable area is limited and challenging. They also mentioned that their major tenant openings require a certain amount of parking to be met due to future leases.

Staff agrees that the topography of the site and drainage pond create development challenges for this site. The applicant is providing a total of 908 parking spaces with only 354 spaces required by code. U-COM zoning requires one parking space per residential unit. There are no requirements for commercial parking. No parking requirements are established for commercial use in U-COM due to emphasis placed on pedestrian friendly access as well. Vehicular use will be the primary mode of transportation to the site recommendation is consider.

Attorney Will Kellstrom on behalf of SJ Collins, stated that staff did a good job of laying out the hardship and establishing that there are development challenges. He added that there are sidewalks and plazas planned for the property that exceed what the minimums are under the code. And if more greenspace is added to the parking islands it will reduce the amount of parking that will then cut into the additional plazas and sidewalks in order to facilitate parking. So, for that reason, that variance request is catered to the spirit of U-COM.

Mandel opened the public hearing. There were no comments.
The public hearing was closed.

McClure commented that this request seemed like a fair trade.

Motion by McClure to APPROVED the variance. Second by Cicioni.
Voice vote: 3 YES-UNANIMOUS Motion carried
APPROVED

ADJOURNMENT

Meeting adjourned at 6:55 PM by Chairman Mandel Samuels.

As recorded by:

Karen Perez
Planning Technician
Community Development Department
City of Rogers

Approved by vote of the Board of Adjustment on:

Ed McClure, BOA Secretary