



DEPT. OF COMMUNITY DEVELOPMENT
PLANNING DIVISION
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**BOARD OF ADJUSTMENT
MINUTES
December 20, 2022**

MEMBERS PRESENT:

Hannah Cicioni
Mark Myers
Ed McClure

STAFF ATTENDING:

John McCurdy, Dep. Director of Community Development
Kris Paxton, Dev. Compliance Manager
Ever Villalobos, Project Engineer
John Pesek, Senior Staff Attorney
Kyle Belt, Planner I
Zachery Birdsong, Planner I
Karen Perez, Planning Technician
Gloria Garcia, Planning Technician

Board Member Hannah Cicioni called the meeting to order at 5:30 pm in the Council Chambers at Rogers City Hall.

Board members attending as noted above.

NEW BUSINESS

- 1. (VAR 22-52) A request by Triple Oak Investments, LLC to allow a height increase from 20 feet to 27 feet and 2 and ¼ inches at 4904 S. 44th Place, in the R-SF (Residential Single Family) zoning district.**

Planner Kyle Belt stated this project is located in the phase 3 of The Manors on Blossom Way Sub., southwest of the interstate and north of West Pleasant Grove Road. Increase the allowable accessory dwelling unit height from 20-feet to 27-feet and 2 and ¼ inches for a carriage house. Originally the request was also for a rear setback reduction applicant has now modified the request for only a height increase. The applicants stated hardship is that POA convents requires the accessory dwelling units to match the characteristics and build of the neighborhood. The applicant also has obtained conditional POA and ACC approval.

Tim Harrell, representative, added that he had brought in signatures from all surrounding neighbors in favor of the new build.

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

Myers commented if the POA was okay with it, it is consistent with other ADU's in the neighborhood, and surrounding property owners were in favor. He found this request to be reasonable.

Motion by McClure to Approve. Second by Myers.

Voice vote: YES-Unanimous *Motion carried*

APPROVED

- 2. (VAR 22-50) A request by Pinnacle Springs for SJ Collins to allow additional building height, reduction of open space requirements, building placement in the build-to-zone, and minimum height of ground floor on 15.11 acres at the NW corner of W. New Hope Rd. and S. Promenade Blvd., in the U-COM (Uptown Commercial Mixed Use) zoning district.**

Planner Zachery Birdsong said the property was located slightly east of the interstate and north of West New Hope Road. It is for mixed use development containing residential and commercial space. The applicant is requesting three separate variances. These include the following: to allow a reduction in public open space, to allow additional building stories, and to allow less than 12-foot height first floor ceilings for some building's areas.

Birdsong spoke on the first request to reduce the requirement to provide open space that meets the URDC open space designs requirements. The applicant states that the developable area is limited with the existing drainage pond. Adjacent amenities nearby meet the purpose and intent of these requirements. This site is located adjacent to the Railyard Loop and Razorback Greenway. The purpose and intent of the open space palette types is to provide access to park-like amenities. This site is close in proximity and connected to existing public amenities. There are also terrain challenges associated with this location. Staff recommends approval of first request.

Charles Zardin, representative, had nothing to add.

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

Motion by Myers to Approve. Second by McClure.

Voice vote: YES-Unanimous *Motion carried*

APPROVED

Birdsong continued with second request to allow building to have seven stories rather than the max of six allowed (based on open space provision). The applicant states the developable area is limited

with the existing drainage pond. The applicant is seeking to maximize the residential aspect of this area while meeting the purpose and intent of the URDC. The purpose of the Uptown Commercial Mixed-Use zone is to allow retail and commercial as primary uses, but also including high-density residential as a core use to be located within Uptown Rogers. Building height limitations are usually to ensure compatibility with immediately adjacent structure. Due to its location and topography, this site functions as an “island”. Because of the lack of adjacency/compatibility concerns, along with the U-COM emphasis on high-density residential, we support the requested variance.

Charles Zardin, representative, had nothing to add.

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

Motion by McClure to Approve. Second by Myers.

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

APPROVED

Birdsong explained the final request was to allow less than 12-foot high first floor ceilings for some building areas. The applicant stated their hardship due to the topography of the site, the only commercially viable section is at the top of the hill facing the internal drives. Staff finds the stated hardship valid. The purpose and intent are being met with the 12-foot high first floor ceilings along the buildings fronting the interior drives in addition to the substantial commercial space being provided.

Charles Zardin, representative, had nothing to add.

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

Motion by McClure to Approve. Second by Myers.

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

APPROVED

ADJOURNMENT

Meeting adjourned at 5:45 pm. by Board Member Hannah Cicioni.

As recorded by:

Karen Perez

Planning Technician

Community Development Department

City of Rogers

Approved by vote of the Board of Adjustment on:

Mandel Samuels, BOA Secretary