



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

BOARD OF ADJUSTMENT MEETING AGENDA

MARCH 7, 2023

5:30 PM

DATE: MARCH 7TH, 2023

LOCATION: CITY HALL, 301 W. CHESTNUT STREET

REGULAR SESSION: 5:30 PM

ONLINE VIEWING: [HTTPS://US02WEB.ZOOM.US/J/87256937083](https://us02web.zoom.us/j/87256937083)

AGENDA

CALL TO ORDER:

ROLL CALL:

NEW BUSINESS:

1. (VAR 23-15) A request by SOHO District for a variance from the C-3 zoning building frontage requirements at 4901 S. Champions Drive and the parcel directly East in the C-3 (Neighborhood Commercial) zoning district.
 - *STAFF: Christina Moore*
 - *REPRESENTED BY: Geoff Bates, Bates and Associates*
2. (VAR 23-16) A request by Tapestry Hotel for a variance to reduce from the required 50% glazing for ground floors in a pedestrian priority frontage & the required 70% masonry facade along street facing sides of new buildings at 4100 S. Pinnacle Hills Pkwy., in the U-COR (Uptown Core Mixed Use) zoning district
 - *STAFF: Nick Little*
 - *REPRESENTED BY: Libby Topping, Crafton Tull*

ACTION ON MINUTES:

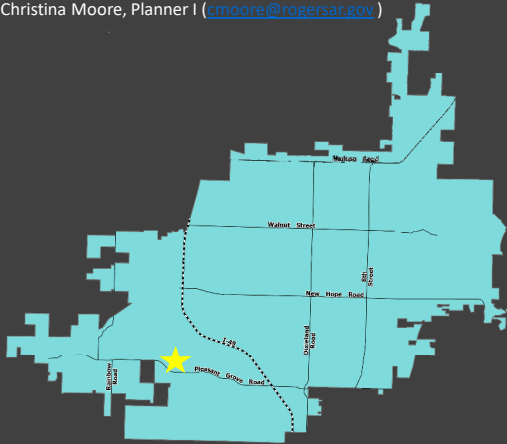
ADJOURN:



Variance SOHO

PLANNING

Staff: Christina Moore, Planner I (cmoore@rogersar.gov)



Vicinity Map

Location

4901 Champions Dr

Nature of Request

To allow a reduction of the requirement that 60% of a building's primary façade line be in the build-to zone

Zoning

C-3 (Neighborhood Commercial)

Proposed Use

Multi-use commercial development under LSDP Review

Representative

Geoff Bates, Bates & Associates, Inc

Location:

4901 Champions Dr - located south of the pinnacle hills round about. Near the intersection of W Pleasant Grove Road.

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.



Board of Adjustment

PLANNING

(e) Appeals; powers and duties. Sec. 14-724(e)(1)(a)(b)

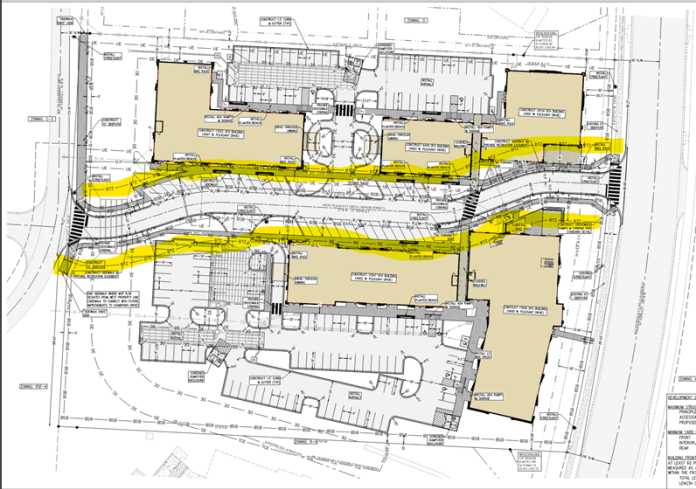
(1) The Board of Adjustment shall hear the following appeals as provided by state law:

- 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 SOHO

PLANNING



Site Plan

Request:

- Reduction from 60% to 51% of the building's primary façade in the build-to zone

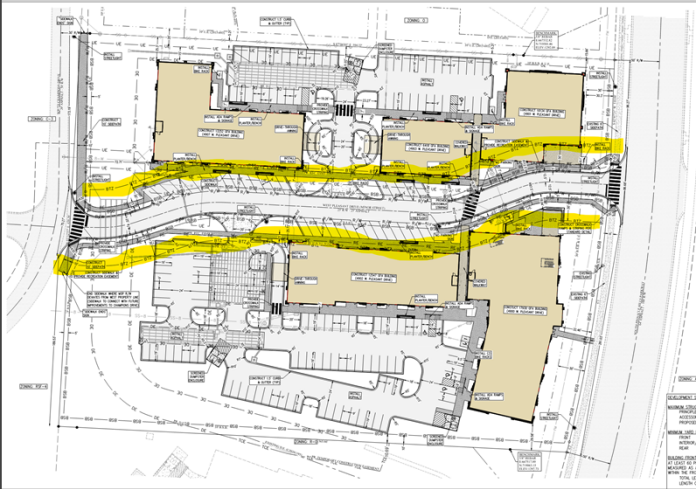
Stated Hardship

- Applicant states that the requirement to place the drainage swale in the western part of the property limited the placement of the building in the build-to zone. They also state they are meeting the purpose and intent of the code by placing some building facades toward South Pinnacle Hills Parkway.



Variance SOHO

PLANNING



Site Plan

Findings

- The property is zoned C-3(Neighborhood Commercial).
- The development has 602.07 feet of primary building façade line in the build-to zone.
- The development is short 104.6 feet building façade in the build-to zone to meet the requirement.

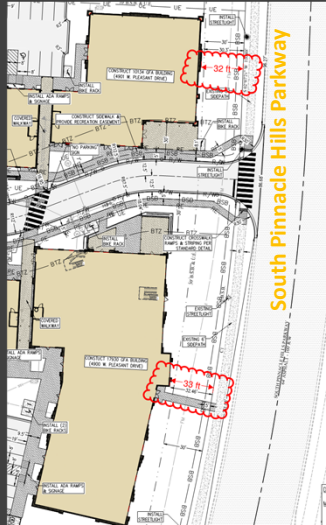
Zoning:

- a) *C-3 (Neighborhood Commercial):* The purpose and intent for areas designated as Neighborhood Centers on the city's Comprehensive Growth Map. The ideal application of this district is the development of a compact, mixed-use, neighborhood-oriented environment that transitions into lower density residential near Neighborhood Center boundaries. This district allows uses that provide essential goods and services to surrounding neighborhoods in a way that promotes placemaking and pedestrian accessibility. It is also intended to encourage medium-density residential development such as townhomes, bungalow courts, and other multi-unit or attached single-family housing types. Because the permitted non-residential uses are intended to be integral to the functions of a neighborhood, emphasis is placed on design and neighborhood compatibility. Sec. 14-710 (a).



Variance SOHO

PLANNING



Site Plan

Findings

- Some of the buildings front South Pinnacle Hills Parkway.
- If this were the primary frontage the buildings would not be in the build-to zone because they are more than 30 feet from the property line.

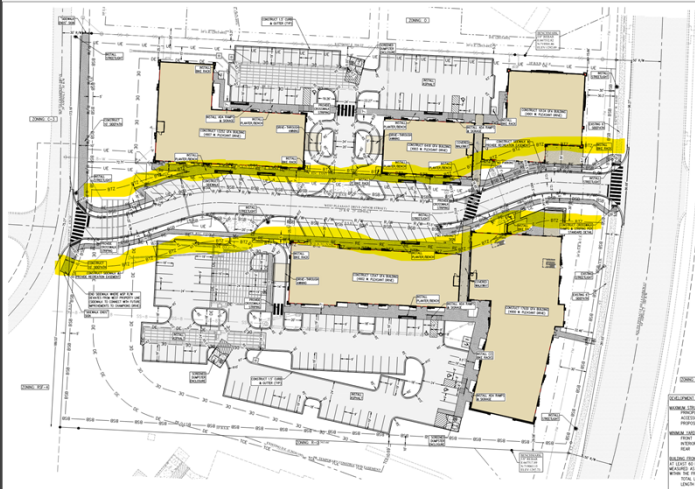
Zoning:

- a) *C-3 (Neighborhood Commercial):* The purpose and intent for areas designated as Neighborhood Centers on the city's Comprehensive Growth Map. The ideal application of this district is the development of a compact, mixed-use, neighborhood-oriented environment that transitions into lower density residential near Neighborhood Center boundaries. This district allows uses that provide essential goods and services to surrounding neighborhoods in a way that promotes placemaking and pedestrian accessibility. It is also intended to encourage medium-density residential development such as townhomes, bungalow courts, and other multi-unit or attached single-family housing types. Because the permitted non-residential uses are intended to be integral to the functions of a neighborhood, emphasis is placed on design and neighborhood compatibility. Sec. 14-710 (a).



Variance SOHO

PLANNING



Site Plan

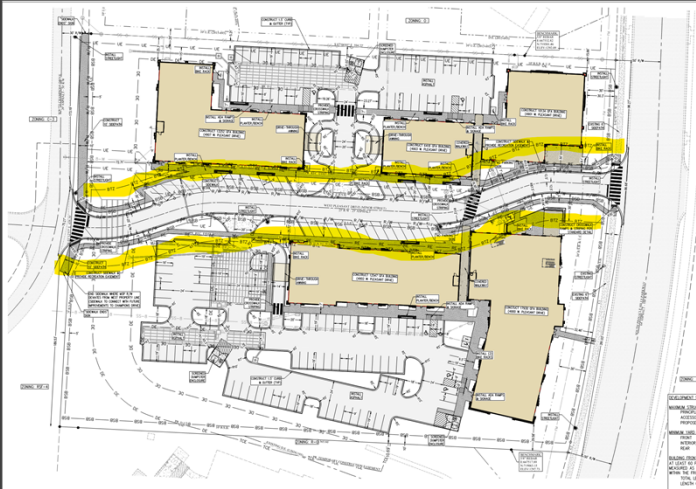
Findings

- The applicant accurately asserts the required drainage along the western edge of the property.
- Taking into account the required drainage there is opportunity to meet the build-to requirement if the parking was not in the build-to zone.
- The parking in the southwestern segment of the parking is prohibiting the build-to zone requirement, not the drainage swale.



Variance SOHO

PLANNING



Plans

Analysis

- We recommend denial of the request to reduce the percentage of primary building façade to be in the build-to zone.



Variance SOHO

PLANNING



Aerial Map

Staff Recommended Motion:
DENY

Public Input Received:

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

Recommendation:

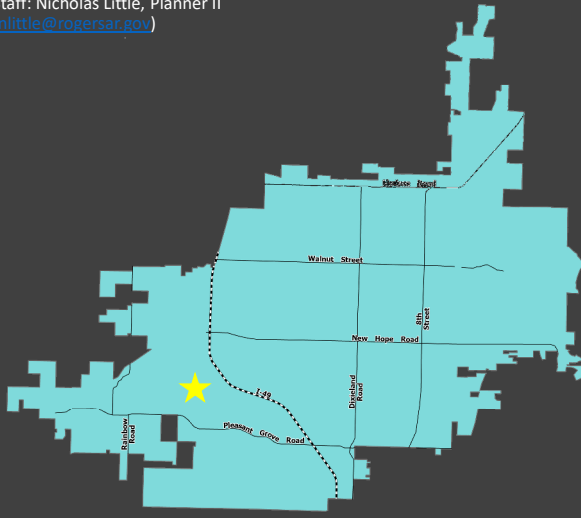


Variance

PLANNING

Tapestry Hotel

Staff: Nicholas Little, Planner II
(nlittle@rogersar.gov)



Vicinity Map

Location

NW corner of S. Pinnacle Hills Pkwy. and W. Park Ave.

Nature of Request

Reduction of Ground-Floor Facade Glazing Requirements

Zoning

U-COR (Uptown Core Mixed Use)

Proposed Use

Hotel

Representative

Libby Topping, Crafton Tull and Associates

Summary:

This project is located at the NW corner of S. Pinnacle Hills Pkwy. and W. Park Ave. The following requests are applicant-proposed waivers and variances:

- Reduce the required 50% façade ground floor façade transparency on S. Pinnacle Hills Pkwy. to 34%.
- Reduce the required 50% façade ground floor façade transparency on W. Park Ave. to 11%.

Parcel: 02-22636-040

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.

Zoning:

U-COR (Uptown Core Mixed Use): The purpose of the Uptown Core Mixed Use zone is to anticipate higher intensity growth within the Uptown Rogers area and to expand the core to include key locations for mixed-use development that are compatible with the vision of the Comprehensive Growth Map. The intent is to mix commercial uses with some residential and public uses. Focusing on pedestrian facilities and unique experience destinations will be a key to establishing Uptown Rogers as a place for public interaction.

Development Standards within this URDC zone specifically address the unique aspects of development in this area by respecting the existing development pattern while allowing high-density, pedestrian-oriented development to occur.

Sec. 14-732(4.2)(a).

Growth Designation:

Regional Center

Growth Designation Purpose:

To focus urban development in three areas – Downtown, Midtown, and Uptown – that serve as centers of gravity for the greater Northwest Arkansas region. (CGM PAGE 1)

Growth Designation Character:

Mixed-use urban cores that function as regional activity hubs for commerce, arts and entertainment, living, recreation, and retail. Intensity supported by well-connected, high-capacity, pedestrian-oriented street network. Goals include high-quality design and efficient use of land. (CGM PAGE 1)

Allowed Zoning Districts:

U-COR, U- COM, U-ENT, U-NBT



Board of Adjustment

PLANNING

(e) Appeals; powers and duties. Sec. 14-724(e)(1)(a)(b)

(1) The Board of Adjustment shall hear the following appeals as provided by state law:

- 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.

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.

Zoning:

U-COR (Uptown Core Mixed Use): The purpose of the Uptown Core Mixed Use zone is to anticipate higher intensity growth within the Uptown Rogers area and to expand the core to include key locations for mixed-use development that are compatible with the vision of the Comprehensive Growth Map. The intent is to mix commercial uses with some residential and public uses. Focusing on pedestrian facilities and unique experience destinations will be a key to establishing Uptown Rogers as a place for public interaction.

Development Standards within this URDC zone specifically address the unique aspects of development in this area by respecting the existing development pattern while allowing high-

density, pedestrian-oriented development to occur.

Sec. 14-732(4.2)(a).

Growth Designation:

Regional Center

Growth Designation Purpose:

To focus urban development in three areas – Downtown, Midtown, and Uptown – that serve as centers of gravity for the greater Northwest Arkansas region. (CGM PAGE 1)

Growth Designation Character:

Mixed-use urban cores that function as regional activity hubs for commerce, arts and entertainment, living, recreation, and retail. Intensity supported by well-connected, high-capacity, pedestrian-oriented street network. Goals include high-quality design and efficient use of land. (CGM PAGE 1)

Allowed Zoning Districts:

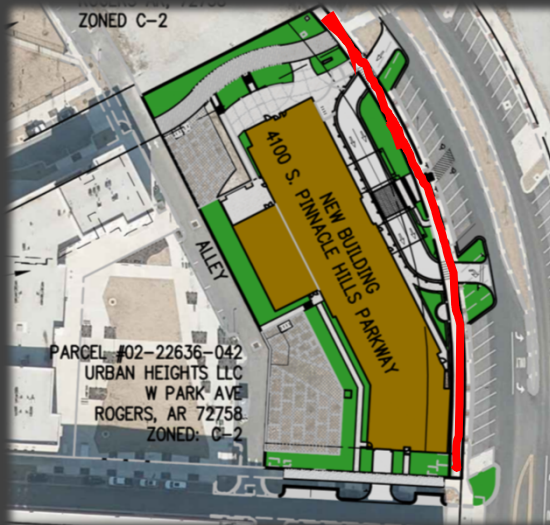
U-COR, U- COM, U-ENT, U-NBT



Variance

Tapestry Hotel

PLANNING



Site Plan

Request

Reduction of 50% Façade Glazing Requirement on this site for S. Pinnacle Hills Pkwy. to 34%.

Stated Hardship

50% glazing requirement for commercial developments in URDC isn't necessarily conducive or applicable for hotel uses, being that hotels do not benefit from majority glazing like other commercial businesses.

Request:

- A variance from Sec. 14-732(5.3)(a)(iii)(1) reducing required 50% ground-floor minimum façade glazing on S. Pinnacle Hills Pkwy. to 34%.
- A variance from Sec. 14-732(5.3)(a)(iii)(1) reducing the required 50% ground-floor minimum façade glazing on W. Park Ave. to 11%.

Stated Hardship:

Request 1: The 50% ground-floor glazing requirement is standard for all COMMERCIAL developments in the URDC. While a commercial retail development does benefit from majority glazing on the ground floor (window shopping), a hotel does not have the same benefit, specifically when there's hotel rooms on the first floor. Staff agrees that this one-size-fits-all approach to requiring glazing doesn't necessarily take into account the hotel/short-term lodging use that is proposed.



Variance Tapestry Hotel

PLANNING



East Architectural Elevation – Ground Floor Glazing

Request:

- A variance from Sec. 14-732(5.3)(a)(iii)(1) reducing required 50% ground-floor minimum façade glazing on S. Pinnacle Hills Pkwy. to 34%.
- A variance from Sec. 14-732(5.3)(a)(iii)(1) reducing the required 50% ground-floor minimum façade glazing on W. Park Ave. to 11%.

Stated Hardship:

Request 1: The 50% ground-floor glazing requirement is standard for all COMMERCIAL developments in the URDC. While a commercial retail development does benefit from majority glazing on the ground floor (window shopping), a hotel does not have the same benefit, specifically when there's hotel rooms on the first floor. Staff agrees that this one-size-fits-all approach to requiring glazing doesn't necessarily take into account the hotel/short-term lodging use that is proposed.



Façade Glazing Requirements

Table 5-2: Required Minimum Façade Glazing by Façade Frontage Type			
Façade Frontage Type	Pedestrian Priority or Pedestrian-Friendly Frontage	Public Open Space Frontage	General Frontage or Other Façades
Commercial Use or Mixed Use Buildings			
Ground Floor	50% minimum	50% minimum	None
Upper Floor(s)	20% minimum	20% minimum	None

Request:

- A variance from Sec. 14-732(5.3)(a)(iii)(1) reducing required 50% ground-floor minimum façade glazing on S. Pinnacle Hills Pkwy. to 34%.
- A variance from Sec. 14-732(5.3)(a)(iii)(1) reducing the required 50% ground-floor minimum façade glazing on W. Park Ave. to 11%.

Stated Hardship:

Request 1: The 50% ground-floor glazing requirement is standard for all COMMERCIAL developments in the URDC. While a commercial retail development does benefit from majority glazing on the ground floor (window shopping), a hotel does not have the same benefit, specifically when there's hotel rooms on the first floor. Staff agrees that this one-size-fits-all approach to requiring glazing doesn't necessarily take into account the hotel/short-term lodging use that is proposed.



Variance Tapestry Hotel

PLANNING



Southern Architectural Elevation

Request

Reduction of 50% Façade Glazing Requirement on this site for W. Park Ave. to 11%.

Stated Hardship

Applicant states that the end exterior walls on this structure are continuous load bearing walls, in which placing excessive openings would be structurally difficult. They also state that there are fire stairs on this end of the building, those of which are 2-hour rated. Glazing, in this instance, wouldn't be practical.

Request:

- A variance from Sec. 14-732(5.3)(a)(iii)(1) reducing required 50% ground-floor minimum façade glazing on S. Pinnacle Hills Pkwy. to 34%.
- A variance from Sec. 14-732(5.3)(a)(iii)(1) reducing the required 50% ground-floor minimum façade glazing on W. Park Ave. to 11%.

Stated Hardship:

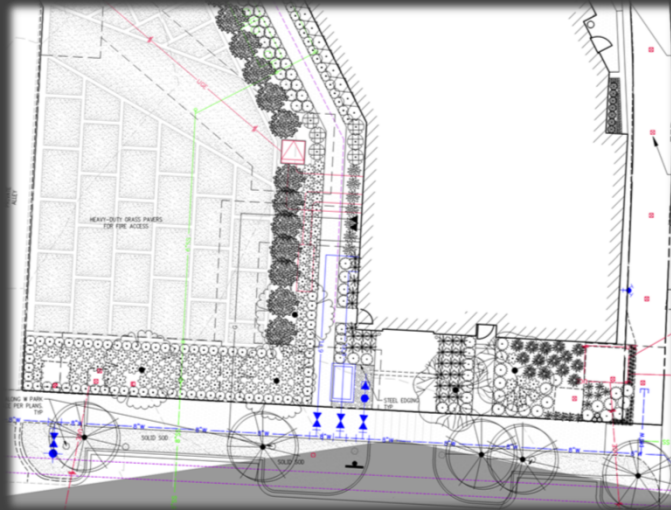
Request 2: The applicant states multiple hardships in regarding not meeting the 50% glazing requirement on the south end of the building, one of which is seemingly legitimate. They state that the ends of the building are continuous load bearing, carrying significant portions of the building loads to grade. Adding openings to these walls, because of the load that they carry, would be "structurally difficult." They also state that 2-hour fire rated stairs will be located on this end of the building. Another insignificant hardship was stated, referencing the location of the beds' headboards being in front of potential windows. Aside from the glazing requirement, the proposal shows a rolling service garage door on the ground-floor on the south end of the building. The road that this end of the building fronts, Park Avenue, is considered to be Pedestrian-Priority. Staff would like to see this relocated to the alley on the western side of the development. Upon correspondence with the applicant, they say that the location of mechanical systems make it infeasible to

relocate the service entrance. The site plan for the LSDP for this project shows that the trash service is also located near this service entrance.



Variance Tapestry Hotel

PLANNING



Current Landscape Proposal – South

Findings

Staff finds the applicant's argument against the ground-floor glazing requirements to be valid. Hotels are considered a commercial use, but are quasi-residential by nature. Prescribing a standard glazing coverage percentage for all commercial developments does not account for a development like this, being that a hotel does not benefit from glazing in the same way that retail store might.

Staff is comfortable with recommending approval of this request, with a condition that the southern end of the building, due to less glazing, be landscaped in a way that buffers the view of the blank brick wall and service infrastructure. Staff will verify that this condition is met in the LSDP review process.

Request:

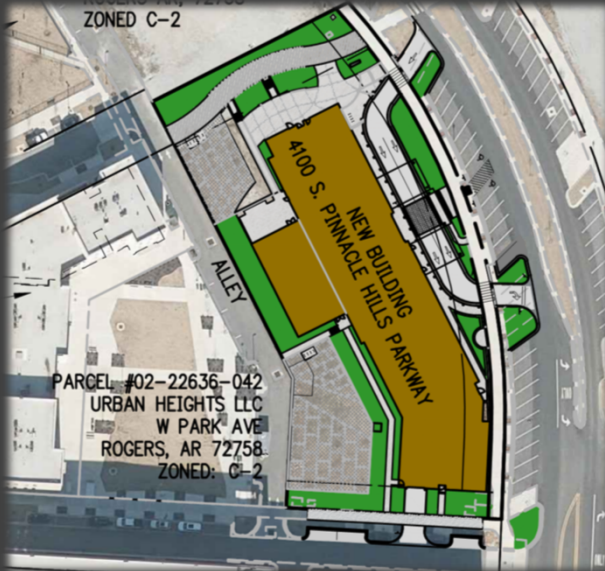
- A variance from Sec. 14-732(5.3)(a)(iii)(1) reducing required 50% ground-floor minimum façade glazing on S. Pinnacle Hills Pkwy. to 34%.
- A variance from Sec. 14-732(5.3)(a)(iii)(1) reducing the required 50% ground-floor minimum façade glazing on W. Park Ave. to 11%.



Variance

Tapestry Hotel

PLANNING



Recommendation

- **APPROVE** variance from Sec. 14-732(5.3)(a)(iii)(1) reducing required 50% ground-floor minimum façade glazing on S. Pinnacle Hills Pkwy. to 34%.
- **APPROVE** variance from Sec. 14-732(5.3)(a)(iii)(1) reducing the required 50% ground-floor minimum façade glazing on W. Park Ave. to 11%, with the condition of an acceptable landscape plan that effectively screens the view of the blank exterior wall and service infrastructure along from the streetscape.

Recommendation:

- **APPROVE** variance from Sec. 14-732(5.3)(a)(iii)(1) reducing required 50% ground-floor minimum façade glazing on S. Pinnacle Hills Pkwy. to 34%.
- **APPROVE** variance from Sec. 14-732(5.3)(a)(iii)(1) reducing the required 50% ground-floor minimum façade glazing on W. Park Ave. to 11%, with condition of an acceptable landscape plan that effectively screens the view of the blank exterior wall and service infrastructure on the southern end of the building, along W. Park Ave.