



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

BOARD OF ADJUSTMENT MEETING AGENDA

MAY 16, 2023

5:30 PM

DATE: MAY 16, 2023

LOCATION: CITY HALL, 301 W. CHESTNUT STREET

REGULAR SESSION: 5:30 PM

ONLINE VIEWING: [HTTPS://US02WEB.ZOOM.US/J/84764702470](https://us02web.zoom.us/j/84764702470)

DISCLAIMER: THE CITY OF ROGERS MAKES NO CLAIMS, PROMISES, OR GUARANTEES REGARDING THE PARTICIPANTS ABILITY TO ATTEND ANY PUBLIC MEETING VIRTUALLY. TECHNOLOGY RESOURCES, VIRTUAL MEETING PLATFORMS, AND THE INTERNET MAY OCCASIONALLY BE INTERRUPTED OR MADE UNAVAILABLE BY CAUSES BEYOND THE CITY'S REASONABLE CONTROL. THE CITY CANNOT GUARANTEE THAT PARTICIPANTS WILL HAVE THE OPPORTUNITY TO PARTICIPATE VIRTUALLY AT ALL TIMES. PUBLIC FORUMS, PUBLIC HEARINGS, AND SCHEDULED ITEMS OF BUSINESS WILL NOT BE TABLED OR POSTPONED DUE TO TECHNOLOGICAL ISSUES. IF YOU ARE REPRESENTING A PUBLISHED ITEM OF BUSINESS OR WISH TO SPEAK AT A PUBLIC HEARING, IN PERSON ATTENDANCE IS REQUIRED.

AGENDA

CALL TO ORDER:

ROLL CALL:

NEW BUSINESS:

1. (VAR 23-23) A request by Mathis Brothers for a variance to allow a reduction in parking at ±30.54 acres S. Pleasant Crossing Blvd. & S. Dixieland Rd. in the C2-CU, PUD (Highway Commercial-Condominium Unit, Planned Unit Development) zoning district.

- *STAFF: Zachery Birdsong*
- *REPRESENTED BY: Noah Geels*

ACTION ON MINUTES:

ADJOURN:

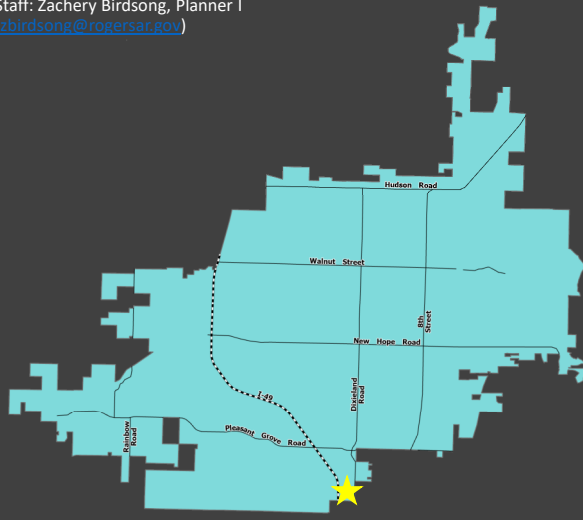


Variance

PLANNING

Mathis Brothers

Staff: Zachery Birdsong, Planner I
(zbirdsong@rogersar.gov)



Vicinity Map

Location

East of I-49 and West of North Dixieland Rd.
Slightly north of Lowell city limits

Nature of Request

To allow for a reduction in the minimum parking requirements

Zoning

C-2 (Highway Commercial)

Proposed Use

Retail Sales

Representative

Noah Geels, Engineering Services

Summary:

This project is a development for furniture retail sales and is located slightly north of Lowell city limits in-between the interstate and North Dixieland Road.

Zoning:

C-2 (Highway Commercial): The purpose of the Highway Commercial zone is “intended 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).

Growth Designation:

Commerce Corridor

Growth Designation Purpose:

To serve as an extension of the Uptown Regional Center in a way that provides for high-intensity development while respecting established residential and commercial patterns along the I-49 corridor. (CGM PAGE 1)

Growth Designation Character:

Interstate-adjacent areas intended for development that maximizes land use efficiency through vertical form, shared or hidden parking, horizontal or vertical mixed use, and judicious use of open space. Development should provide walkability and access to multi-modal transportation network. Goals include encouraging compact urban-style design, while discouraging suburban forms such as apartment complexes. (CGM PAGE 1)

Allowed Zoning Districts:

R-MF, U-NBT, R-O, C-2, C-4



(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.

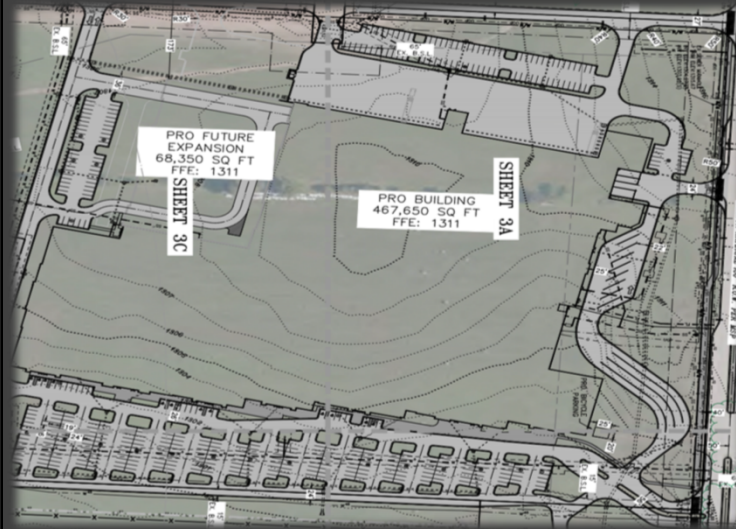
Board of Adjustment Duties Per Sec. 14-724(e)(1):

- 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.



Variance Mathis Brothers

PLANNING



Site Plan

Request

- To vary from the minimum parking requirements.
- A total of 871 parking spaces are required for this development. The applicant is proposing 464 parking spaces.

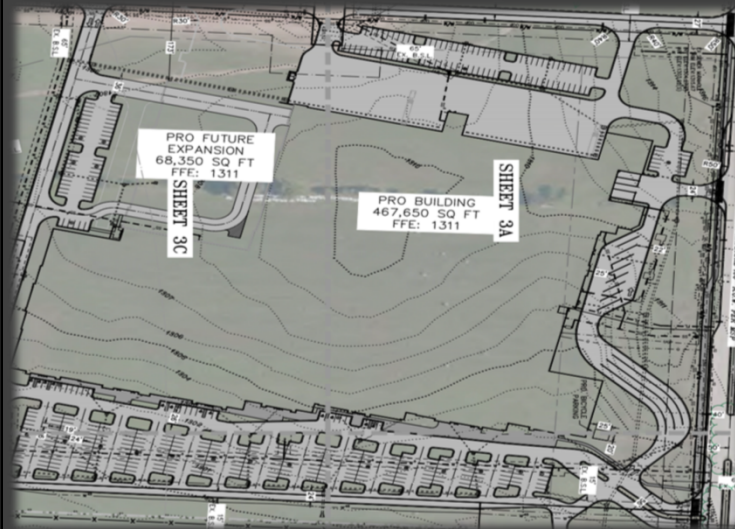
Request:

- The applicant is requesting to vary from the minimum parking requirements.
- This development requires a total of 871 parking spaces. The applicant is requesting a reduction of 407 parking spaces to provide 464 parking spaces.



Variance Mathis Brothers

PLANNING



Site Plan

Applicant Hardship

Requiring the total 871 parking spaces would contribute to large sprawling, in which large portions would remain unused and would offer little to no benefit to the public.

Applicant Spirit and Intent

The proposed 464 parking spaces are adequate to accommodate customers and employees based off other stores the applicant has.

Stated Hardship:

- The applicant states that requiring the 871 parking spaces would contribute to large sprawling and would offer no benefit to the public.

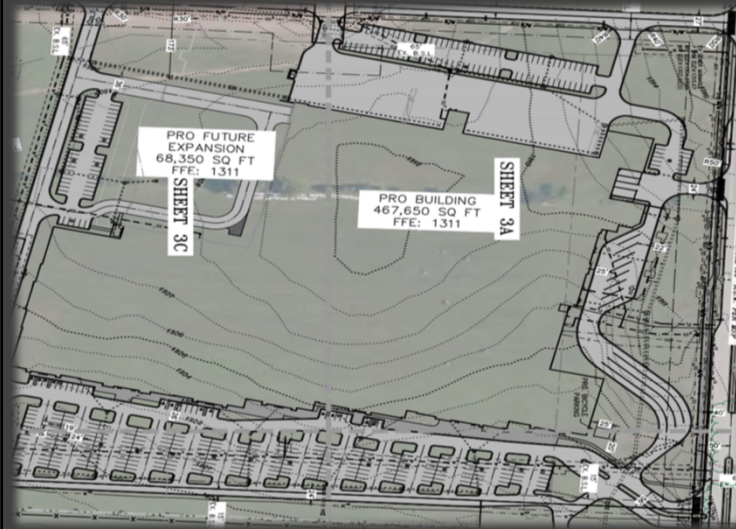
Spirit and Intent:

- The applicant also states that the proposed 464 parking spaces is enough to accompany their development.



Variance Mathis Brothers

PLANNING



Site Plan

Analysis

- The minimum parking requirements are intended to ensure enough parking is provided for the development.
- The zoning article is enacted for the purpose of “promotion of the public health, safety, peace, and general welfare”. The reduction in parking allows for more greenspace and contributes to the general welfare.
- Staff generally supports a reduction in impervious area.

Analysis:

- The minimum parking requirements are intended to ensure enough parking is provided for the development. The applicant states that the proposed parking will meet the needs of the development.
- The zoning article is enacted for the purpose of “promotion of the public health, safety, peace, and general welfare”. The reduction in parking allows for more greenspace, contributing to the public health and general welfare. The applicant is providing more greenspace than the minimum requirement.
- Staff generally supports a reduction in impervious area.



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

<u>OFFICE USE ONLY</u>	
Permit Fee: _____ (\$100)	Zoning: <u>C2-CU, RUD</u>
App Number: <u>23-24</u>	
CityView Application: <u>PL202300412</u>	
Date: <u>4/24/2023</u>	

VARIANCE APPLICATION

APPLICANT: ESI-Noah Geels, EI Mathis Brothers VAR

ADDRESS: 1207 S Old Missouri Rd, Springdale, AR 72764 SUITE #: _____

GENERAL LOCATION OF PROPERTY: West of Dixieland Rd between Oakwood Ave and Pleasant Crossing Blvd

PHONE #: 479-751-8733 EMAIL: ngeels@engineeringservices.com

PROPERTY OWNER: Mathis Bros Arkansas PHONE #: C/O 479-751-8733

REQUEST to ALLOW: Reduction in required parking

Sec. 14-729(b) requires variance applicants to respond to these two questions for variance consideration:

How does strict enforcement of the code cause undue hardship due to circumstances that are unique to this property?

Please see attached

How will approval of this variance be in keeping with the "spirit and intent" of the code being varied?

Please see attached

Applicant Signature

Date

Attachment Checklist:

- Legal description of property
- If needed, additional sheet for above required responses
- Survey, elevations, sign proofs and/or other documents as needed to illustrate request

PLANNING STAFF PROVIDES:

BOARD OF ADJUSTMENT DECISION: _____

SECRETARY, BOARD OF ADJUSTMENT

5/16/2023
DATE of PUBLIC HEARING

April 14, 2023

City of Rogers
Community Development
301 W. Chestnut
Rogers, AR 72756

RE: Variance Request
Mathis Brothers Furniture Store
Dixieland Road
Rogers, AR

To whom it may concern,

The Owner/Developer, Mathis Bros Arkansas, hereby requests the following variance for the proposed development.

- Chapter 14, Art. 6, Div. 2, Section 14-709 (h): *Off-street parking. General business and retail sales (except as otherwise provided herein)*
- *1 space per 250 square feet of net floor area up to 10,000 square feet, the above parking requirement shall be proved and the following percent shall be taken off the remaining net floor area:*
 - *10,001—20,000 square feet: 95 percent of requirement*
 - *20,001—30,000 square feet: 90 percent of requirement*
 - *30,001—40,000 square feet: 85 percent of requirement*
 - *40,001 square feet and up: 80 percent of requirement*

The proposed project has a required parking count of 871. Based on their other stores the Owner/Developer has determined the provided 464 parking spots are adequate to accommodate customers and employees. The reduction of the required spots by 407 would prevent a large sprawling and expensive parking lot, large portions of which would remain unused. The building of the additional spots would be an expensive burden on the Owner/Developer with little to no benefit for the public.

We appreciate your consideration and are happy to discuss this request at your convenience.

Thanks,

Noah Geels

Z:\Engineers\00 - Engineer Projects\21961-Mathis\03 Pre-Construction Plan Submittals\2023-04-07
Submittal #1\Variance Details Resubmittal 4-14-23.docx



REVIEW PLANS FOR A PROPOSED LARGE SCALE DEVELOPMENT

MATHIS BROTHERS FURNITURE STORE

SERVING

MATHIS BROS ARKANSAS LLC

IN THE CITY OF

ROGERS, ARKANSAS

PL2023XXXX

April 7, 2023

BY

ENGINEERING SERVICES INC.



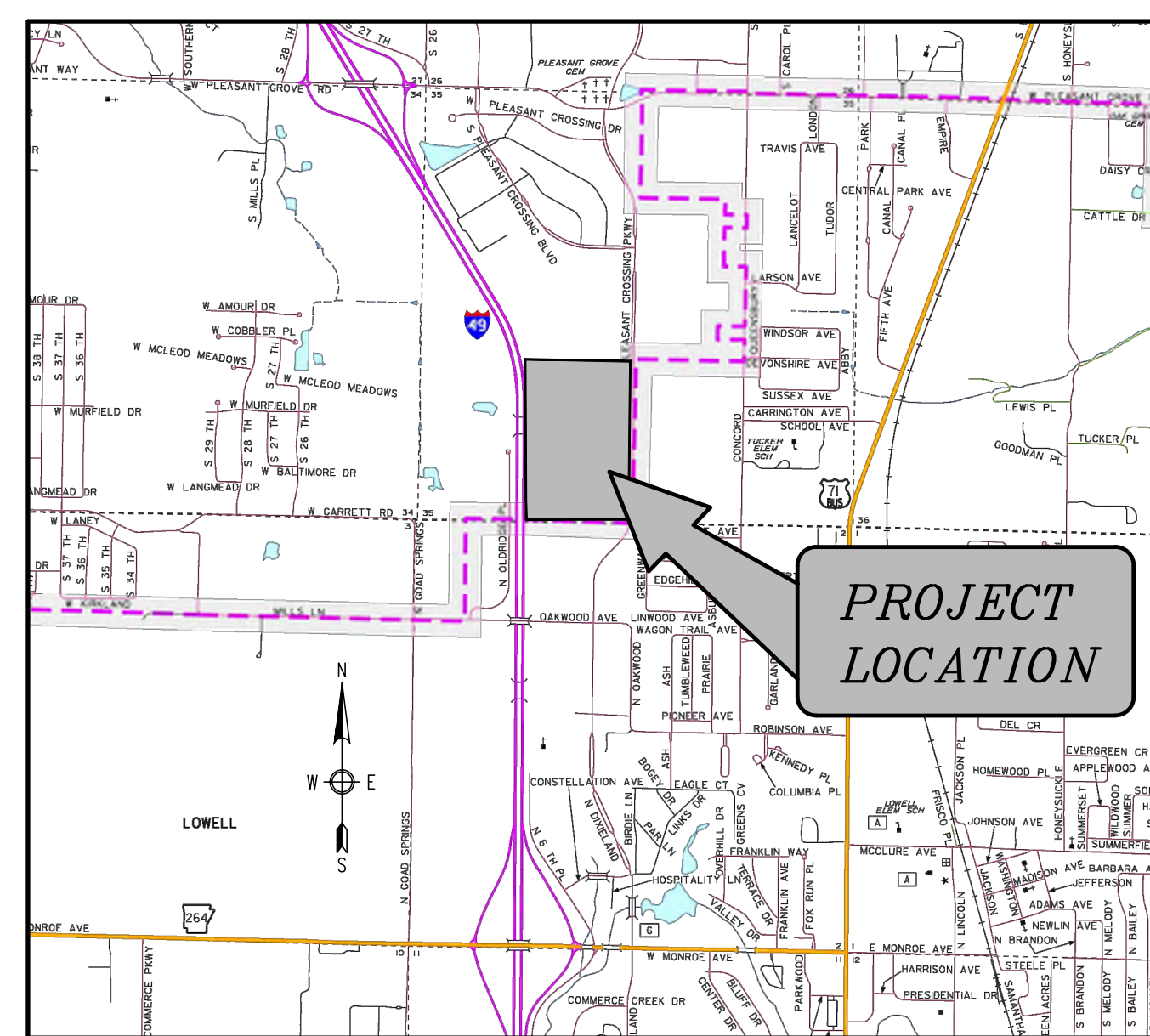
CONSULTING ENGINEERS

SPRINGDALE, ARKANSAS

PHONE: 479-751-8733

FAX: 479-751-8746

WWW.ENGINEERINGSERVICES.COM



VICINITY MAP

CONTACT LIST

SURVEYOR/ENGINEER
ENGINEERING SERVICES, INC.
1207 SOUTH OLD MISSOURI RD.
SPRINGDALE, AR 72764
479-751-8733

ADMINISTRATION
479-621-1117

BUILDING INSPECTIONS
479-621-1100

FIRE DEPARTMENT
479-621-1179

ROGERS COMMUNITY DEVELOPMENT
479-621-1186

ROGERS STREET DEPARTMENT
479-621-1140

ROGERS WATER UTILITIES (Stephen Ponder)
479-621-1156

CARROLL ELECTRIC (Derek Thurman)
479-273-2421 *2690

AEP SWEPCO (Mark Beasley)
479-986-1004

BLACK HILLS ENERGY (Kenneth Peters)
479-877-0430

CATV/ COX (Larry Alexander)
479-871-8806

PHONE/ AT&T (Anthony Williams)
479-422-3173

BENTONVILLE WATER UTILITIES
479-271-3140

OWNER/DEVELOPER
3434 W RENO
OKLAHOMA CITY, OK 73107

INDEX OF SHEETS

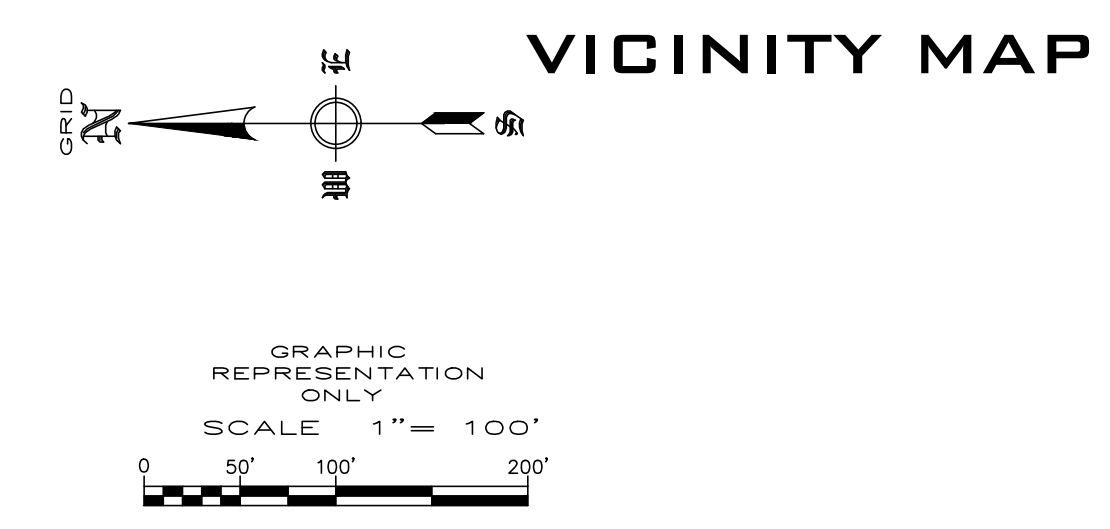
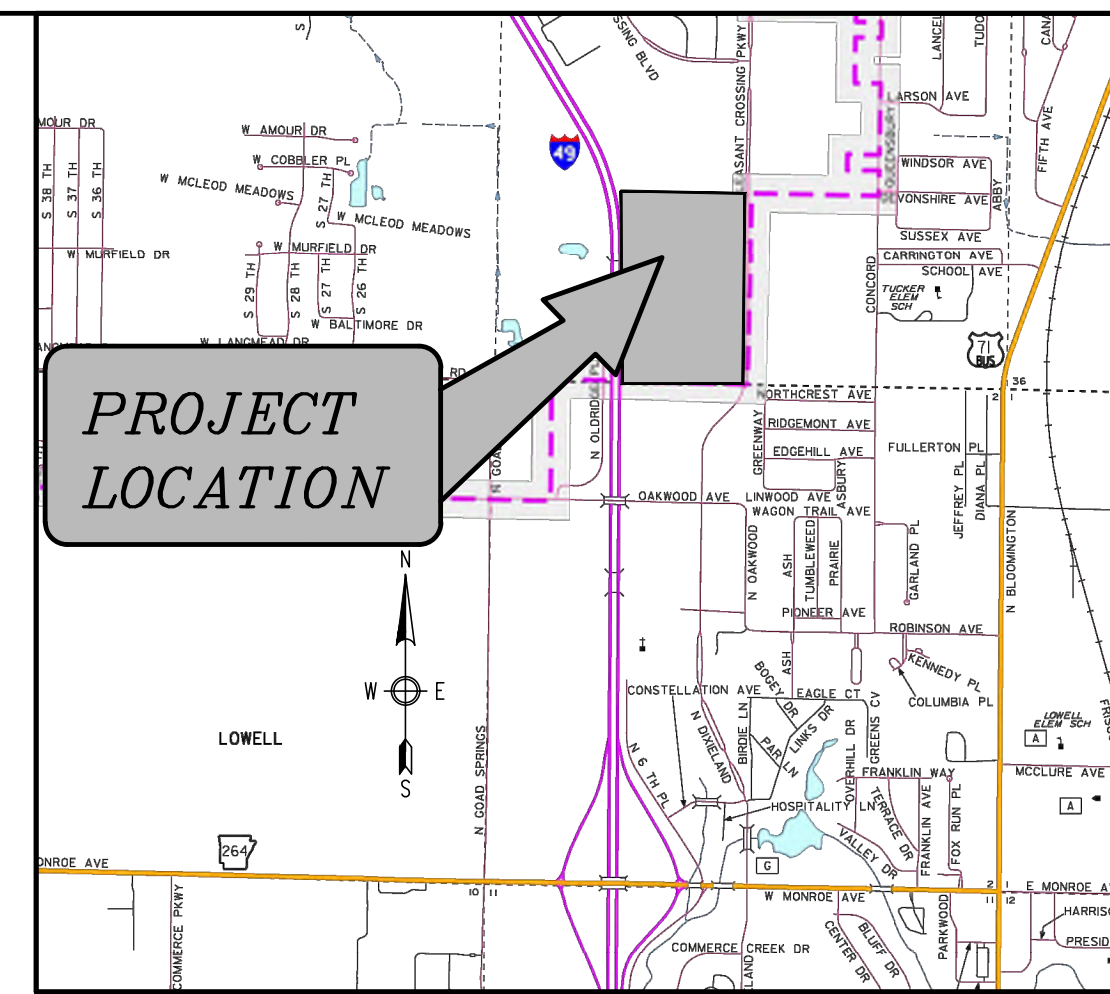
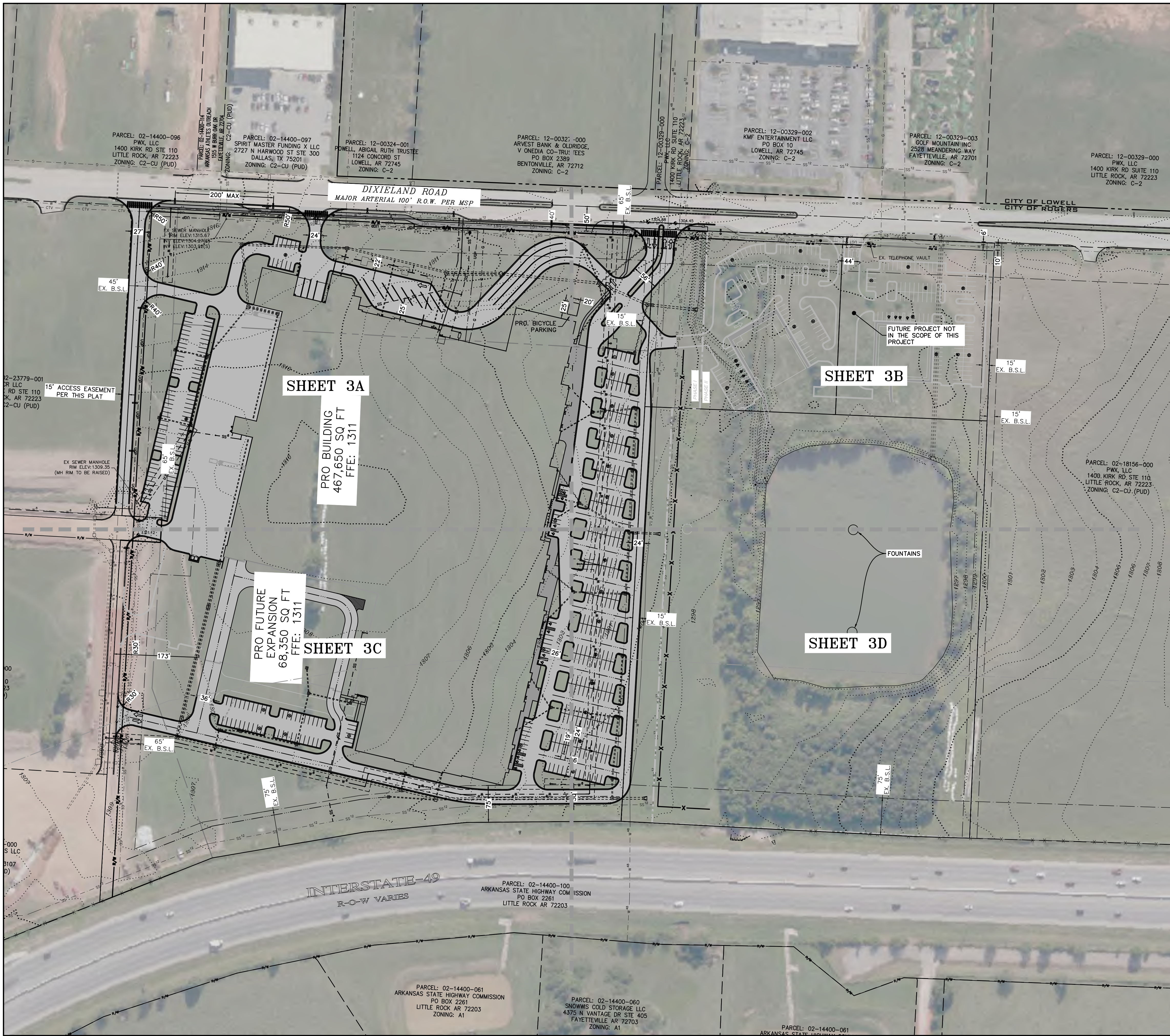
SHEET No.	DESCRIPTION
-	COVER
1	EXISTING CONDITIONS
2-3D	LARGE SCALE DEVELOPMENT
4-11	STORM PLAN & PROFILE
12A-12D	GRADING PLAN
13-14	TYPICAL DETAILS
15-22	UTILITY PLANS & PROFILES
23-25	UTILITY DETAILS
26	STORM WATER POLLUTION PREVENTION PLAN
27	STORM WATER POLLUTION PREVENTION DETAILS
28	LANDSCAPING PLAN
29	PAVING PLAN

FOR REVIEW ONLY
NOT FOR CONSTRUCTION

THOMAS J. APPEL, P.E. No. 13828
ENGINEERING SERVICES, INC.

NOTES :

- REVIEW OF THESE PLANS IS LIMITED TO COMPLIANCE WITH CITY CODES AND REGULATIONS. BY REVIEWING AND APPROVING THESE PLANS THE REVIEWER AND THE CITY OF ROGERS ASSUME NO RESPONSIBILITY FOR ANY ERRORS OR OMISSIONS IN THE PLANS. THE ADEQUACY OF THE PLANS IS THE SOLE RESPONSIBILITY OF THE DESIGN ENGINEER. THE CITY OF ROGERS, HOWEVER, RESERVES THE RIGHT TO REQUIRE CORRECTIVE ACTION IF ANY INADEQUACIES ARE FOUND AFTER THE IMPROVEMENTS ARE CONSTRUCTED.
- ALL STREET AND DRAINAGE CONSTRUCTION MUST COMPLY WITH THE REQUIREMENTS OF THE CITY OF ROGERS, ARKANSAS, AS CONTAINED IN CHAPTER 14, ARTICLE IV, OF THE CODE OF ORDINANCES, CITY OF ROGERS, ARKANSAS.
- ALL WATER AND SEWER CONSTRUCTION MUST COMPLY WITH ROGERS WATER UTILITIES STANDARD SPECIFICATIONS.
- DEVELOPER TO COORDINATE WORK AROUND 48" TRANSMISSION MAIN W/ CITY OF BENTONVILLE WATER UTILITIES
- CONTRACTOR'S LICENSE REQUIRED FOR PROJECTS EXCEEDING \$20,000
- EASEMENT PLAT REQUIRED FOR CERTIFICATE OF OCCUPANCY



OWNER/DEVELOPER: MATHIS BROS ARKANSAS LLC
3434 W RENO
OKLAHOMA CITY, OK 73107

SURVEYOR: ENGINEERING SERVICES, INC.
1207 S. OLD MISSOURI ROAD
P.O. BOX 282
SPRINGDALE, AR 72765

WORK ORDER #: 21961

CITY ZONING: C-2 (HIGHWAY COMMERCIAL)
OVERLAY DISTRICT

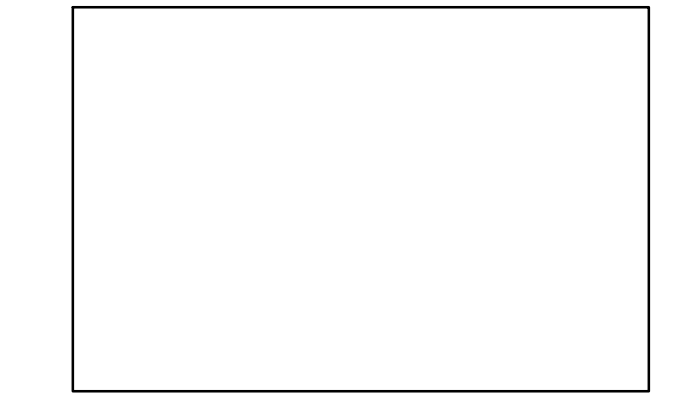
BUILDING USAGE: RETAIL

SETBACKS: FRONT YARD - 65'
INTERIOR SIDE YARD - 15'
EXTERIOR SIDE YARD - 45'
REAR YARD - 15'
OVERLAY DISTRICT SETBACK - 75'

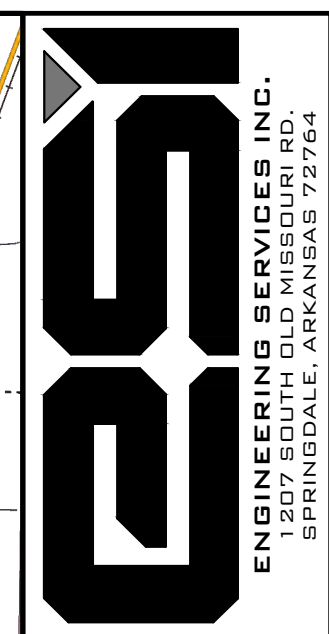
GROSS/NET AREA: GROSS-49.98 ACRES
NET- 49.58 ACRES

PARKING: 1 PARKING SPACE FOR EVERY 250 SQ. FT. OF RETAIL SPACE UP TO 10,000 SQ. FT. (MULTIPLY BY 0.8 AFTER 40,000 SQ. FT.)
1 PARKING SPACE FOR EVERY 2000 SQ. FT. OF FLOOR AREA OF WAREHOUSE SPACE UP TO 50K SQ. FT. 1 SPACE PER 10,000 SQ. FT. AFTER 50K.
TOTAL BUILDING IS 536,000 SQ. FT.
249000 SQ. FT. RETAIL SPACE YIELDS 817 SPACES
287000 SQ. FT. WAREHOUSE SPACE YIELDS 54 SPACES
817 + 54 = 871 (17 ADA) REQUIRED SPACES
464 SPACES PROVIDED (INCLUDING 32 SEMI-TRUCK SPACES, 8 VEHICLE & TRAILER SPACES, & 12 ADA)

FLOOD ZONE:
THIS PROPERTY IS WITHIN THE FLOOD PLAIN ZONE "X", (NO SHADING) DESIGNATED AS AN AREA DETERMINED TO BE OUTSIDE OF 0.2% ANNUAL CHANCE FLOODPLAIN AS SHOWN ON THE F.I.R.M. MAP # 05007C0270K, PANEL 270 OF 560 BENTON COUNTY, ARKANSAS & INCORPORATED AREAS. MAPS REVISED: JUNE 5, 2012.



CITY APPROVAL STAMP



LARGE SCALE DEVELOPMENT
MATHIS BROTHERS
DIXIELAND ROAD
ROGERS, ARKANSAS

REVISION	DATE	DESCRIPTION

SCALE: 1"=100'
DATE: Apr 7, 2023
ENGINEER: [Signature]
DRAWN BY: [Signature]
W.O. # 21961

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING
VARIANCE

DESCRIPTION: A variance to allow a reduction in parking on 30.24 acres near the southwest corner of S. Pleasant Crossing Blvd. & S. Oakland Rd. in the C2-CU, PUD zoning.

APPLICANT: Mathis Brothers

BOARD/COMMISSION: Board of Adjustment

MEETING DATE/TIME: May 16, 2023 at 2:30 PM

MEETING LOCATION: Rogers City Hall
 301 W. Chestnut Street
 Rogers, Oklahoma 74469
<http://www.rogersok.gov/2023/05/16/117/Public-Hearing-2023>

PUBLIC COMMENTS: www.rogersok.gov/2023/05/16/117/Public-Hearing-2023


 COMMUNITY DEVELOPMENT
 PLANNING DIVISION
 475 E 21st Street
 Rogers, OK 74469
planning@rogersok.gov



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 **May 16, 2023 at 5:30 p.m.** at Rogers City Hall regarding an application by **Mathis Brothers** under the provisions of the City of Rogers Code of Ordinances, for a variance **to allow a reduction in parking on ±30.54 acres near the southwest corner of S. Pleasant Crossing Blvd. & S. Dixieland Rd.** in the C2-CU, PUD (Highway Commercial, Condominium Use, Planned Unit Development) zoning district more particularly described as follows:

PARCEL NUMBER:

02-18155-000

LOCATION:

±30.54 acres near the southwest corner of S. Pleasant Crossing Blvd. & S. Dixieland Rd.

Ed McClure, Secretary
Board of Adjustment

PUBLISH ONE TIME ONLY: Sunday April 30, 2023
BILL THE CITY OF ROGERS