



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

**BOARD OF ADJUSTMENT MEETING AGENDA**

**JUNE 20, 2023**

**5:30 PM**

**DATE: JUNE 20, 2023**

**LOCATION: CITY HALL, 301 W. CHESTNUT STREET**

**REGULAR SESSION: 5:30 PM**

**ONLINE VIEWING: [HTTPS://US02WEB.ZOOM.US/J/81979296089](https://us02web.zoom.us/j/81979296089)**

**AGENDA**

**CALL TO ORDER:**

**ROLL CALL:**

**NEW BUSINESS:**

1. **(VAR 23-25) A request by Mathis Brothers for a variance to allow a reduction in parking at ±30.54 acres near S. Pleasant Crossing Blvd. & S. Dixieland Rd. in the C2-CU, PUD (Highway Commercial-Condominium Unit, Planned Unit Development) zoning district.**

**ACTION ON MINUTES:**

**ADJOURN:**

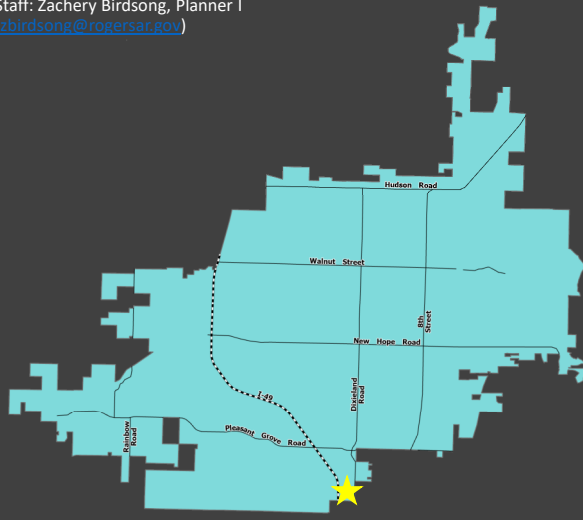


# Variance

# PLANNING

## Mathis Brothers

Staff: Zachery Birdsong, Planner I  
([zbirdsong@rogersar.gov](mailto: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 428 parking spaces.

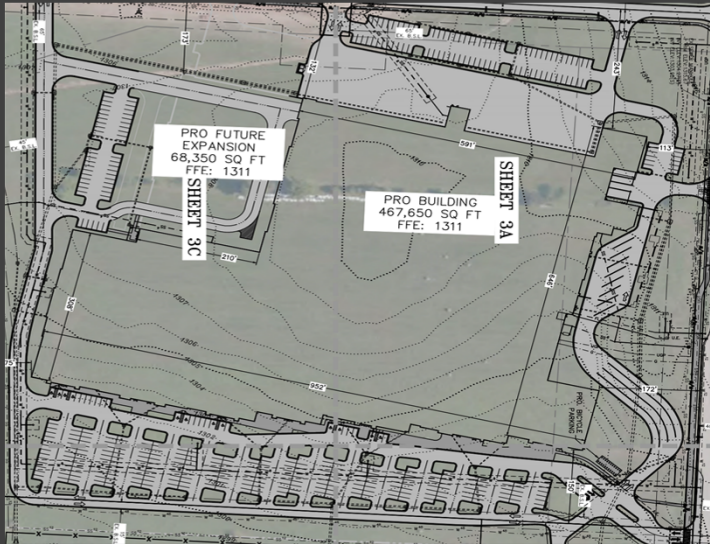
### Request:

- 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 443 parking spaces to provide 428 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 428 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.

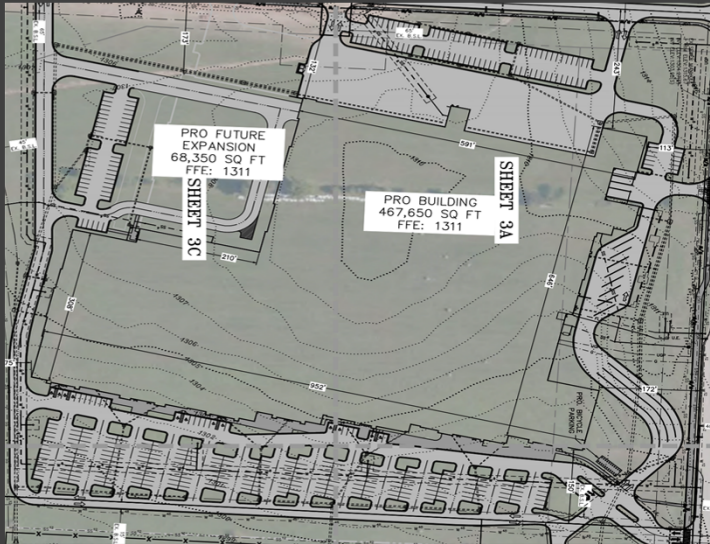
### Spirit and Intent:

- The applicant also states that the proposed 428 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: _____
App Number: <u>23-25</u>	
CityView Application: <u>PL202300553</u>	
Date: <u>5/30/2023</u>	

### VARIANCE APPLICATION

APPLICANT: ESI-Noah Geels, EI

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?

Due to the size and the use of the building the parking requirements calculations generate a required parking count of 871. This would require building several hundred spots that would rarely see use. Building these additional spots would be an undue hardship on the Owner/Developer with little to no benefit to the public.

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

The Owner/Developer has determined based on their other stores that 428 spots provides sufficient parking for all employees and customers.

Noah Geels 5/30/23  
 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 \_\_\_\_\_ DATE of PUBLIC HEARING \_\_\_\_\_

May 23, 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 428 parking spots are adequate to accommodate customers and employees. The reduction of the required spots by 443 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\2023-05-23  
Submittal #2\Parking Variance Details Resubmittal.docx



REVIEW PLANS FOR A PROPOSED LARGE SCALE DEVELOPMENT

# MATHIS BROTHERS FURNITURE STORE

A

## LARGE SCALE DEVELOPMENT

5200 S DIXIELAND ROAD  
ROGERS, ARKANSAS

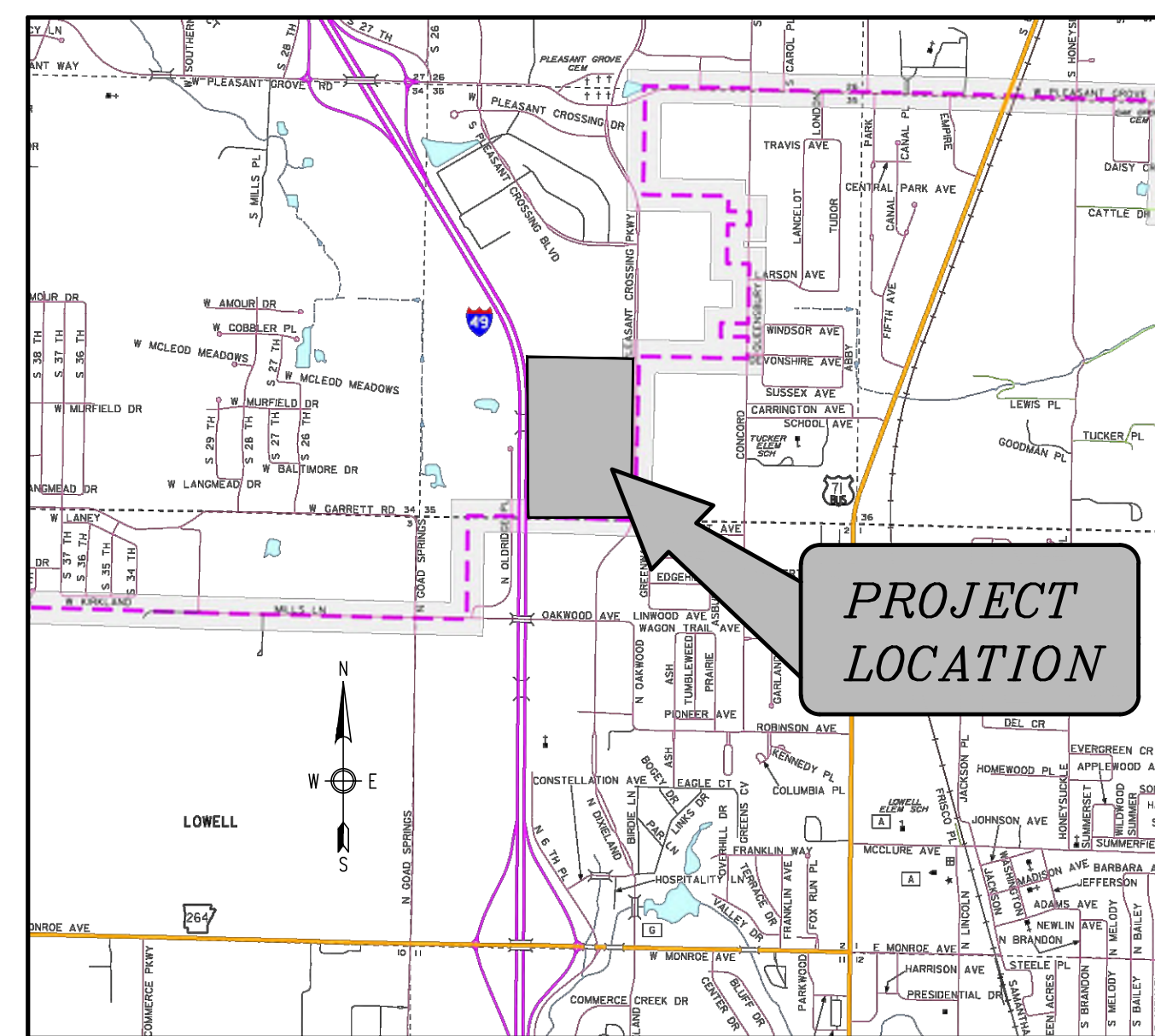
INDEX OF SHEETS	
SHEET No.	DESCRIPTION
-	COVER
1	EXISTING CONDITIONS
2-3D	LARGE SCALE DEVELOPMENT
4-12	STORM PLAN & PROFILE
13A-13D	GRADING PLAN
14-15	TYPICAL DETAILS
16	OVERALL UTILITY PLAN
17-23	UTILITY PLANS & PROFILES
24-26	UTILITY DETAILS
27	STORM WATER POLLUTION PREVENTION PLAN
28	STORM WATER POLLUTION PREVENTION DETAILS
29-31	LANDSCAPING PLAN
32	PAVING PLAN

<b>TOTAL SITE AREA:</b>	49.99 ACRES
<b>DEVELOPMENT AREA:</b>	49.99 ACRES
<b>BUILDING AREA:</b>	446,994 SF (10.72 AC)
<b>BUILDING USAGE:</b>	RETAIL
<b>ZONING:</b>	C-2 (HIGHWAY COMMERCIAL)
<b>SETBACKS:</b>	FRONT YARD - 65' INTERIOR SIDE YARD - 15' EXTERIOR SIDE YARD - 45' REAR YARD - 15'
<b>BUILDING HEIGHT:</b>	49'
<b>PARCEL 02-18155-000</b>	
<b>TOTAL AREA:</b>	1330291 SF (30.54 AC)
<b>OPEN SPACE:</b>	438927 SF (10.07 AC) 10.29 / 30.54 = 33.0%
<b>IMPERVIOUS SPACE:</b>	891364 SF (20.46 AC) 20.46 / 30.54 = 67.0%
<b>GREENSPACE RATIO:</b>	50.3% GREENSPACE

CONTACT LIST
<b>SURVEYOR/ENGINEER</b> ENGINEERING SERVICES, INC. 1207 SOUTH OLD MISSOURI RD. SPRINGDALE, AR 72764 479-751-8733
<b>ADMINISTRATION</b> 479-621-1117
<b>BUILDING INSPECTIONS</b> 479-621-1100
<b>FIRE DEPARTMENT</b> 479-621-1179
<b>ROGERS COMMUNITY DEVELOPMENT</b> 479-621-1186
<b>ROGERS STREET DEPARTMENT</b> 479-621-1140
<b>ROGERS WATER UTILITIES (Stephen Ponder)</b> 479-621-1156
<b>CARROLL ELECTRIC (Derek Thurman)</b> 479-273-2421 *2690
<b>AEP SWEPCO (Mark Beasley)</b> 479-986-1004
<b>BLACK HILLS ENERGY (Kenneth Peters)</b> 479-877-0430
<b>CATV/ COX (Larry Alexander)</b> 479-871-8806
<b>PHONE/ AT&amp;T (Anthony Williams)</b> 479-422-3173
<b>BENTONVILLE WATER UTILITIES</b> 479-271-3140
<b>OWNER/DEVELOPER</b> 3434 W RENO OKLAHOMA CITY, OK 73107



**FEMA FLOOD PLAIN ZONE:**  
THIS PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN ZONE AS SHOWN ON THE F.I.R.M. MAP # 05007C0270K, BENTON COUNTY, ARKANSAS & INCORPORATED AREAS. EFFECTIVE DATE: JUNE 5, 2012.



VICINITY MAP

PL202300402

May 23, 2023

BY  
ENGINEERING SERVICES INC.



CONSULTING ENGINEERS  
SPRINGDALE, ARKANSAS  
PHONE: 479-751-8733

FAX: 479-751-8746

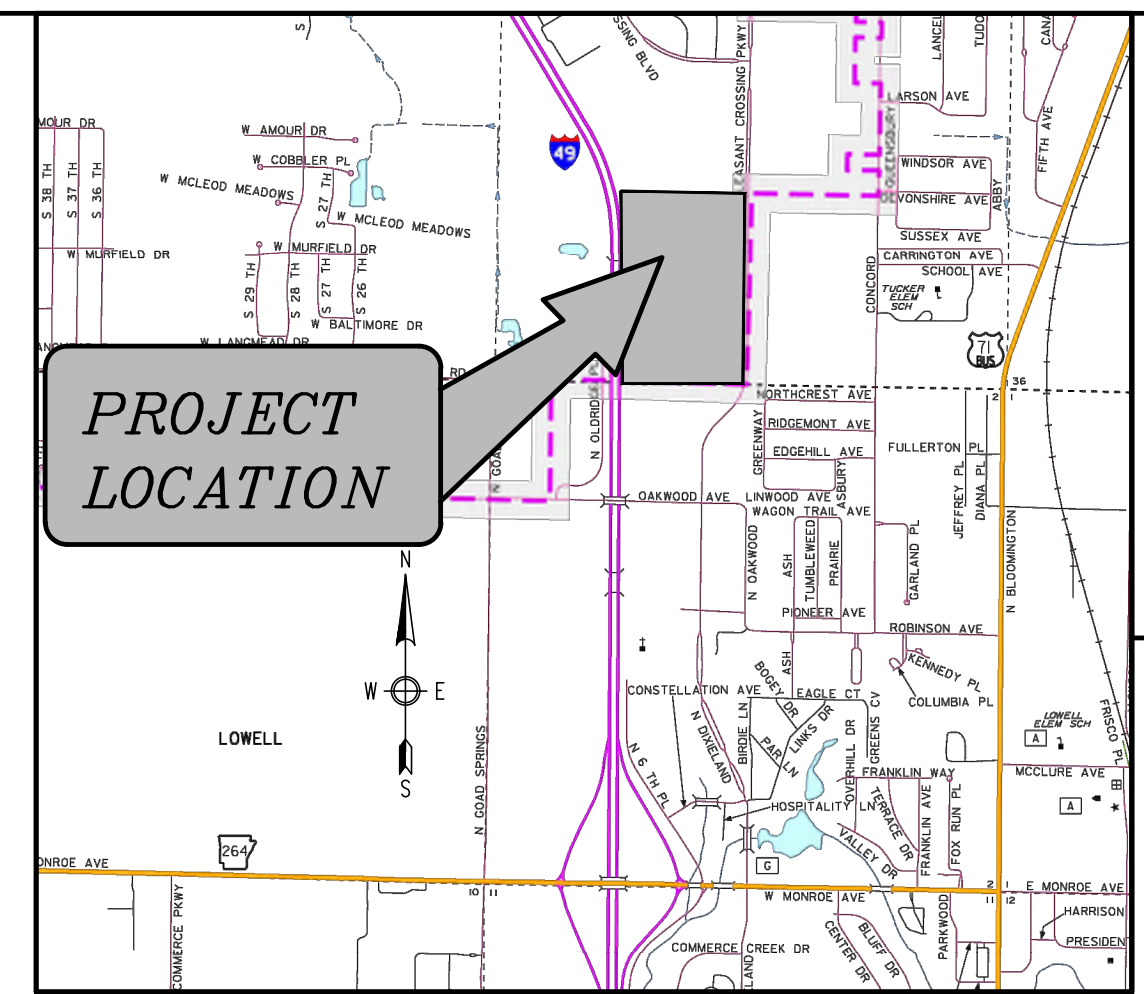
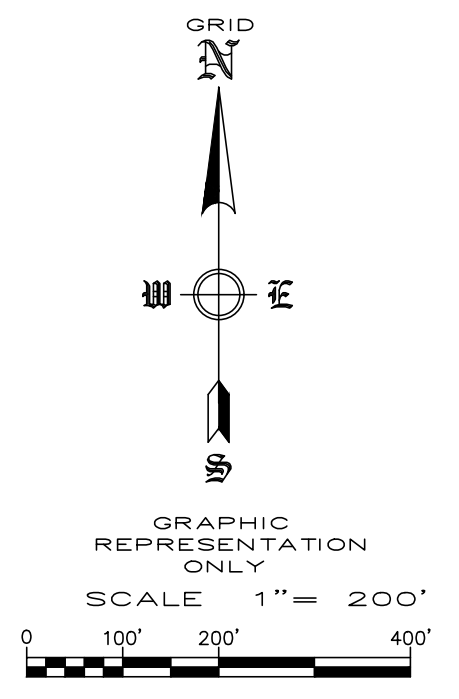
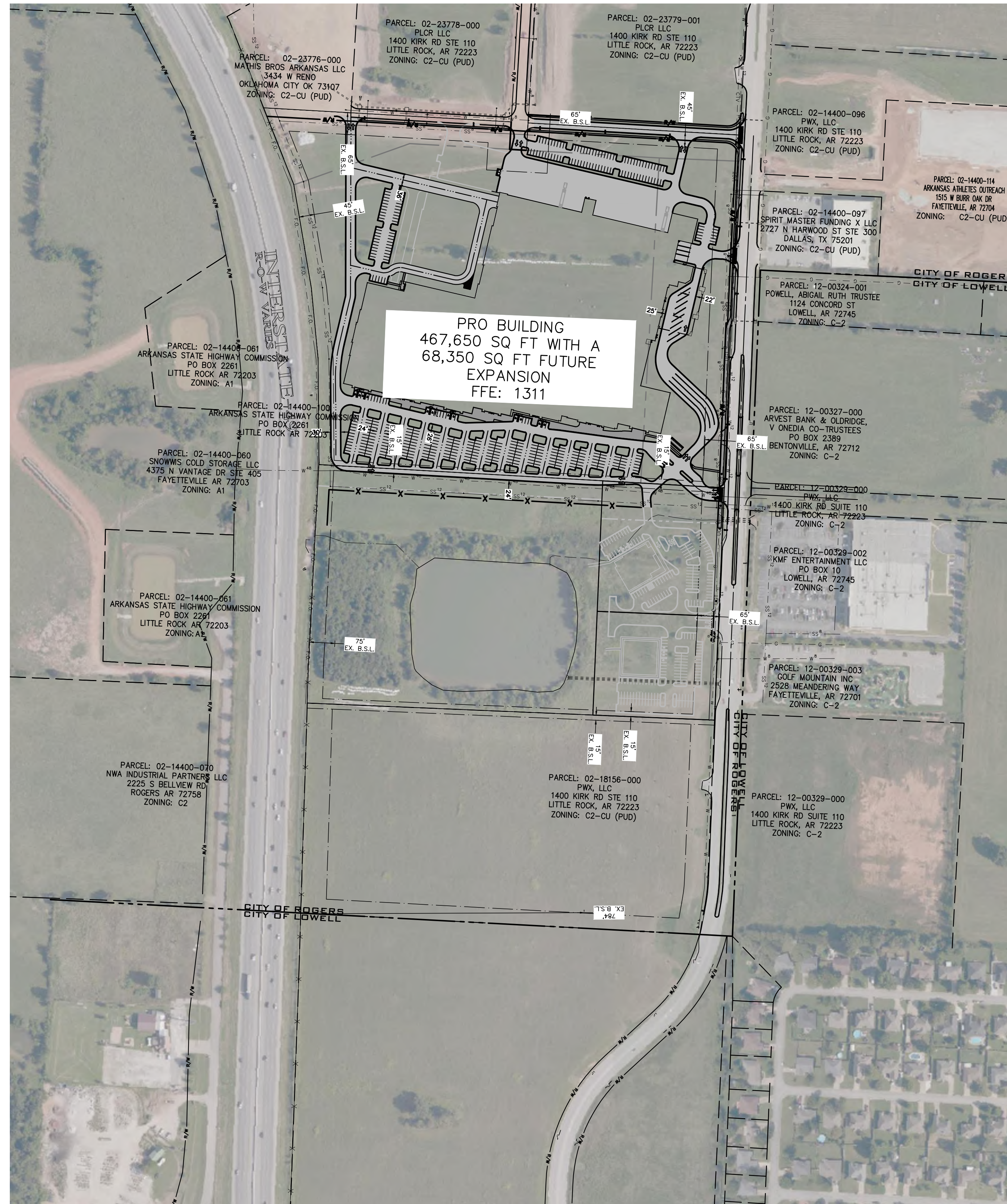
WWW.ENGINEERINGSERVICES.COM

**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
- IT IS THE RESPONSIBILITY OF THE ENGINEER OF RECORD TO INCLUDE ALL ITEMS REQUIRED BY ORDINANCE. IF APPROVED PLANS CONFLICT WITH ORDINANCE REQUIREMENTS, THE ORDINANCE TAKES PRECEDENCE UNLESS A WAIVER OR VARIANCE HAS BEEN GRANTED.
- STOCKPILES WITH EXCESS CONSTRUCTION SITE MATERIALS, INCLUDING BUT NOT LIMITED TO EXCESS TOP SOIL STOCKPILES, MUST BE REMOVED FROM SITE PRIOR TO PROJECT COMPLETION. GRADING BEYOND THE APPROVED LIMITS IS PROHIBITED.
- CHANNELS, DETENTION PONDS, RETENTION PONDS, SEDIMENT BASINS, ETC. REQUIRE SOD TO THE 100-YEAR WATER SURFACE ELEVATION WITHIN 2-WEEKS (14-DAYS) AFTER THE POND IS BUILT, AND MUST BE INSTALLED AT THE BEGINNING OF THE PROJECT WHERE FEASIBLE.
- WHERE PUBLIC STREETS END FOR FUTURE STUB OUTS, INSTALL MUTCD CLASS 3 BARRICADE WITH "FUTURE STREET EXTENSION" SIGN CENTERED AT THE END OF THE RIGHT-OF-WAY.
- WHERE PUBLIC SIDEWALKS, TRAILS, OR SIDEPATHS END, INCLUDE "SIDEWALK ENDS" SIGN.
- PUBLIC STREETS SHALL HAVE 20-FT OF DRIVABLE SURFACE FOR TWO WAY TRAFFIC. THIS DOES NOT INCLUDE THE CURB AND GUTTER AND IS MEASURED FROM EDGE OF ASPHALT TO EDGE OF ASPHALT



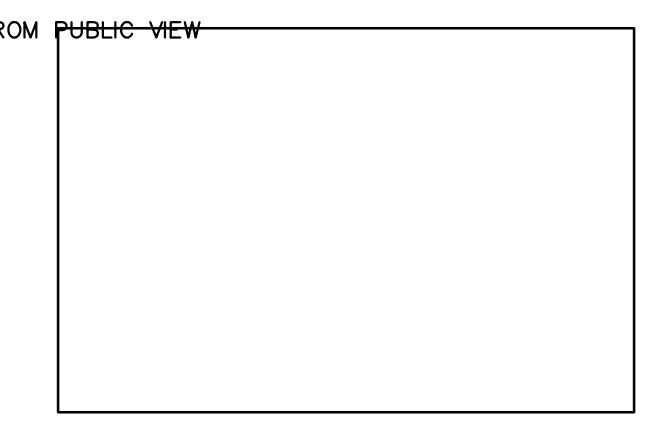
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**GENERAL NOTES:**

- CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF EXISTING STRUCTURES, RELATED UTILITIES, AND ANY OTHER EXISTING IMPROVEMENTS AS NOTED. THE REMOVAL AND DISPOSAL OF ALL MATERIALS SHALL BE DONE PER ALL LOCAL, STATE, AND FEDERAL REGULATIONS.
- THE CONTRACTOR WILL BE HELD RESPONSIBLE FOR AND SHALL TAKE ALL PRECAUTIONS NECESSARY TO AVOID PROPERTY DAMAGE TO ADJACENT PROPERTIES DURING THE CONSTRUCTION OF THIS PROJECT.
- THE DESIGNS REPRESENTED IN THESE PLANS ARE IN ACCORDANCE WITH DESIGN STANDARDS OF THE CITY OF ROGERS. HOWEVER, NEITHER THE ENGINEER NOR ITS EMPLOYEES CAN OR DO ASSURE THESE DESIGNS OR PLANS AS CONSTRUCTED EXCEPT IN THE SPECIFIC CASES WHERE THE ENGINEER INSPECTS AND CONTROLS THE PHYSICAL CONSTRUCTION ON SITE.
- THE GENERAL CONTRACTOR SHALL BE HELD RESPONSIBLE FOR THE SAFETY OF BUT NOT LIMITED TO THE PERSONS, PROPERTY, AND EQUIPMENT RELATED TO THE CONSTRUCTION OF THE SITE. THIS REQUIREMENT WILL APPLY DURING THE COMPLETE CONSTRUCTION OF THE PROJECT.
- FUTURE PHASES ARE NOT INCLUDED IN THE APPROVAL OF THIS PROJECT.
- DAMAGE TO OR RELOCATION OF EXISTING UTILITIES SHALL BE AT THE DEVELOPER'S EXPENSE.
- ANY CURBS NOT UTILIZED FOR PARKING SHALL BE PAINTED RED AND LABELLED IN WHITE PAINT "NO PARKING - FIRE LANE"
- A CONTRACTOR'S LICENSE IS REQUIRED FOR PROJECTS EXCEEDING \$20,000
- AN EASEMENT PLAT IS REQUIRED FOR CERTIFICATE OF OCCUPANCY
- ALL HVAC & OTHER MECHANICAL EQUIPMENT MUST BE SCREENED FROM PUBLIC VIEW



**CITY APPROVAL STAMP**

**OVERALL LSD**  
**MATHIS BROTHERS**  
**DIXIELAND ROAD**  
**ROGERS, ARKANSAS**

REVISION	DATE	DESCRIPTION

SCALE: 1"=200'  
 DATE: May 23, 2023  
 ENGINEER: SA  
 DRAWN BY: BAP  
 W.O. #: 21961





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 **June 20, 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 June 4, 2023**  
BILL THE CITY OF ROGERS