



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

BOARD OF ADJUSTMENT MEETING AGENDA

JANUARY 2, 2024

5:30 PM

ONLINE VIEWING: [HTTPS://US02WEB.ZOOM.US/J/84162055898](https://us02web.zoom.us/j/84162055898)

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:

OLD BUSINESS :

NEW BUSINESS:

1. Election of Chairman and Secretary for 2024 Board of Adjustment.
2. (VAR 23-35) A request by Meadows Railyard to reduce the building setbacks and parking space reduction at 2331 S. 8th Street in the C-4 (Open Display Commercial) zoning district.

- *STAFF: Zachery Birdsong*
- *REPRESENTED BY: Audrey Burnett*

ACTION ON MINUTES:

1. Draft of November 21, 2023 meeting minutes

ADJOURN:

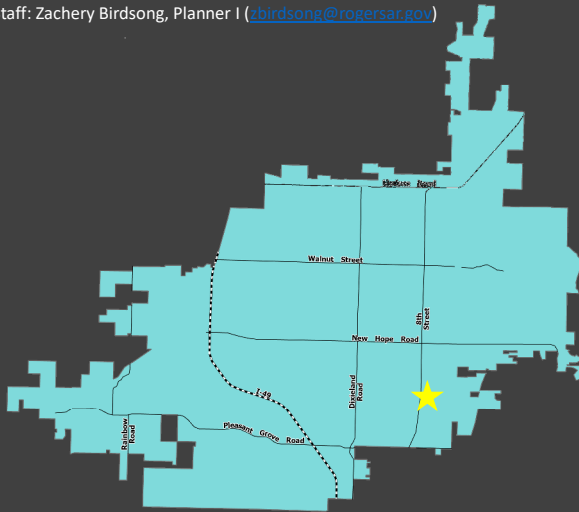


Variance

PLANNING

Meadows Railyard

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



Vicinity Map

Location

2331 S. 8th Street

Nature of Request

- To allow for a reduction in the rear and external side setbacks.
- To allow for a reduction in parking.

Zoning

C-4 (Open Display Commercial)

Proposed Use

Food Truck Court

Representative

Phil Swope, Swope Engineering

Summary:

This site is located in southeast Rogers at the northeast corner of South 8th and West Price Lane. The proposed use is for a food truck court.

Growth Designation:

Employment Center

Growth Designation Purpose: “To maintain existing industrial activity while providing a location for activities like vehicle repair, construction yards, technology centers, and other physically and visually intense uses with high environmental impacts.” CGM Page 1



(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.

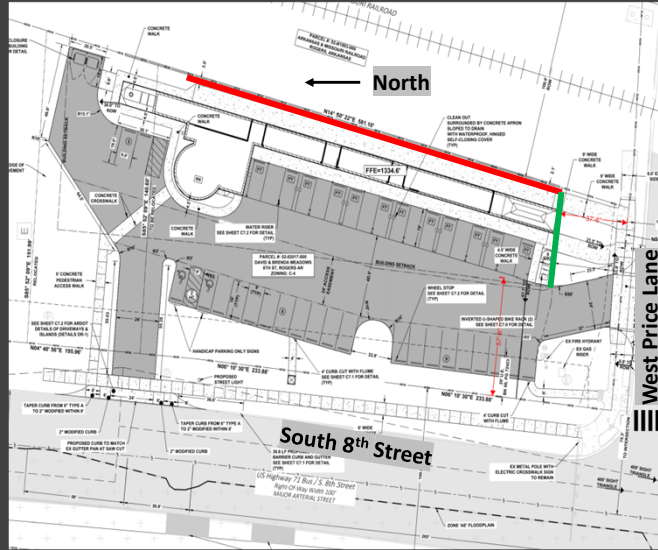
Board of Adjustment Duties Per Sec. 14-724(e)(1):

- 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 Meadows Railyard

PLANNING



Site Plan

Setback Applicant Hardship

Due to the severe restriction on this lot, due to its shape and size, placing the canopy structure outside of the rear and exterior side building setback is not possible.

Setback Applicant Spirit and Intent

Allowing these variances still meets the purpose and intent of the code because it still provides enough buffering from adjacent property lines. It also still provides plenty of visibility for traffic to see around buildings that meet the setbacks.

Stated Hardship:

- Due to the severe restriction on this lot, due to its shape and size, placing the canopy structure outside of the rear and exterior side building setback is not possible.

Spirit and Intent:

- Allowing these variances still meets the purpose and intent of the code because it still provides enough buffering from adjacent property lines. It also still provides plenty of visibility for traffic to see around buildings that meet the setbacks.



Meadows Railyard



Zoning

Setback Analysis

- C-4 exterior side and rear setbacks are to ensure open display uses are adequately separated from dissimilar uses.
- To the south (exterior side setback) across W Price Lane lies city property. The shape of the lot is a reasonable hardship.
- The applicant, however, is showing the north property line to be relocated further north. If the applicant were to shift the property line and/or just the development 7'-6" further to the north, this could result in meeting the required external side setbacks.

Analysis:

- The intent of the C-4 exterior side and rear setback is to ensure these open display uses are adequately separated from dissimilar uses and designated areas.
- To the south (exterior side setback) across W Price Lane lies city property. The applicant is requesting a 7'-6" reduction. The shape of the lot is a reasonable hardship.
- The applicant, however, owns the property to the north and is showing the north property line to be relocated further to the north. If the applicant were to shift the property line and/or just the development 7'-6" further to the north, this could result in meeting the required external side setbacks.

Zoning C-4 (Open Display Commercial):

"This district is intended for business uses which provide essential commercial services and support activities and may have higher environmental impacts in terms of noise, dust, glare, etc., which make them incompatible with the office or retail character of the other business districts. This district is intended for on-site production of handcrafted items in conjunction with retail sales. This district is also intended for businesses that combine wholesale and retail sales and that conduct extensive outdoor activities. This district is intended to function as a transition between industrial development and commercial development." Sec. 14-711(a)



Meadows Railyard



Zoning

Setback Analysis

- To the east of this property (rear) lies the railroad. The railroad does not benefit from the 15' setback established by C-4 zoning.

Analysis:

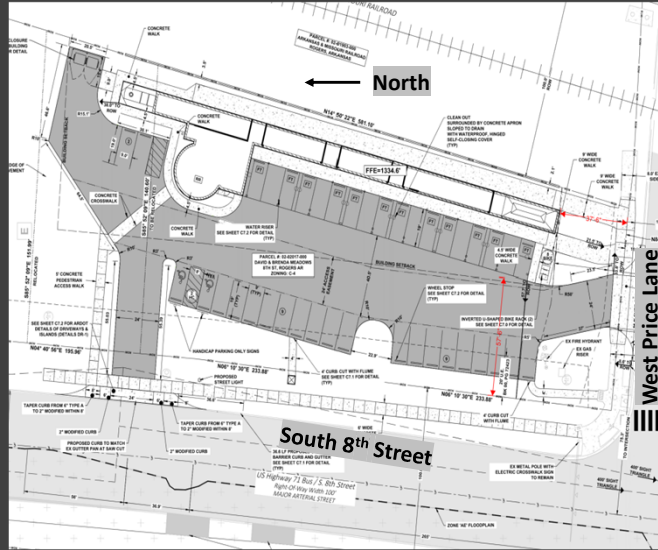
- To the east of this property (rear) lies the railroad. The railroad does not benefit from the 15' setback established by C-4 zoning.

Zoning C-4 (Open Display Commercial):

“This district is intended for business uses which provide essential commercial services and support activities and may have higher environmental impacts in terms of noise, dust, glare, etc., which make them incompatible with the office or retail character of the other business districts. This district is intended for on-site production of handcrafted items in conjunction with retail sales. This district is also intended for businesses that combine wholesale and retail sales and that conduct extensive outdoor activities. This district is intended to function as a transition between industrial development and commercial development.” Sec. 14-711(a)



Meadows Railyard



Site Plan

Parking Request

- The applicant is requesting a reduction in parking spaces from the required 33 to 20.

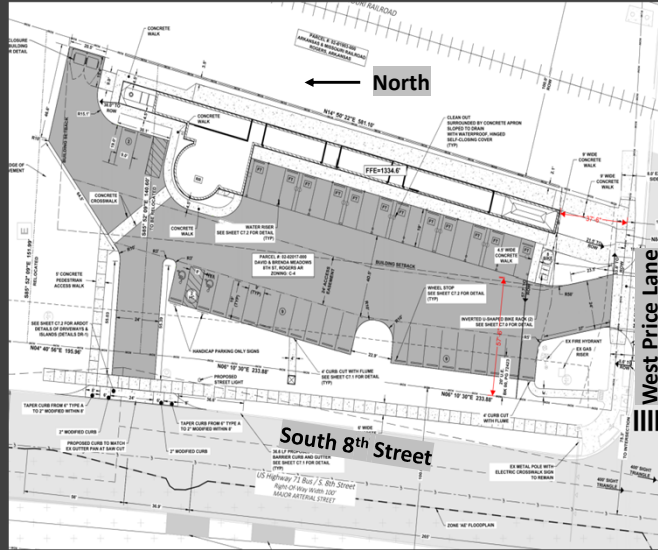
Request:

- The applicant is requesting a reduction in parking spaces from the required 33 to 20.



Variance Meadows Railyard

PLANNING



Site Plan

Parking Applicant Hardship

The hardship in this case, is that the site is extremely small and limited in its geometry.

Parking Applicant Spirit and Intent

The intent and purpose of the code is still met because reduced parking increases open space, green areas of the site, and is still sufficient to meet the business' needs.

Stated Hardship:

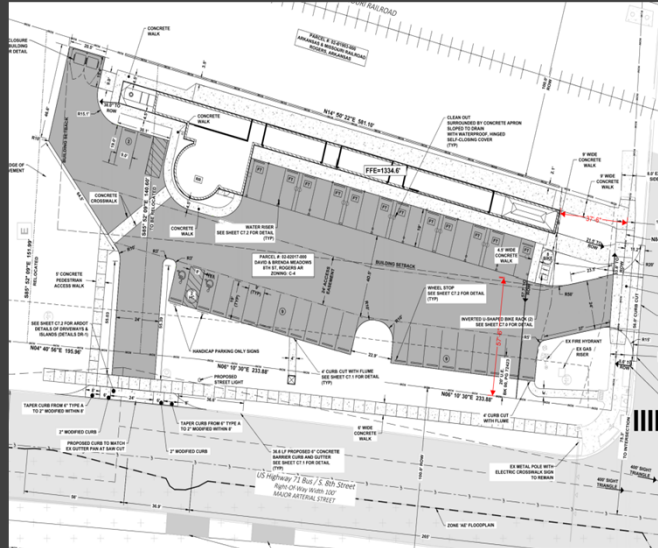
- The hardship in this case, is that the site is extremely small and limited in its geometry.

Spirit and Intent:

- The intent and purpose of the code is still met because reduced parking increases open space, green areas of the site, and is still sufficient to meet the business' needs.



Meadows Railyard



Site Plan

Parking 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 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 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 general welfare.”
- Staff generally supports a reduction in impervious area.

Zoning C-4 (Open Display Commercial):

“This district is intended for business uses which provide essential commercial services and support activities and may have higher environmental impacts in terms of noise, dust, glare, etc., which make them incompatible with the office or retail character of the other business districts. This district is intended for on-site production of handcrafted items in conjunction with retail sales. This district is also intended for businesses that combine wholesale and retail sales and that conduct extensive outdoor activities. This district is intended to function as a transition between industrial development and commercial development.” Sec. 14-711(a)



Variance Meadows Railyard

PLANNING



Aerial Map

Recommendation

- **CONSIDER** the external side setback reduction request.
- **APPROVE** the rear setback reduction request
- **APPROVE** the parking reduction request

Public Input:

No public input received.

Recommendation:

CONSIDER the external side setback reduction request.

APPROVE the rear setback reduction request

APPROVE the parking reduction request



December 28, 2023

Mr. John McCurdy
City of Rogers
301 W Chestnut Street
Rogers, AR 72756

**RE: Dave Meadows Development Variance Requests
Price Lane and 8th Street**

Dear John:

Please accept this written request for the proposed variance and waiver requests.

1. We are requesting a variance from the rear and exterior side to the south, code: 14-711(d)(2), for the referenced development project. We are requesting that the rear setback be reduced pfrom 15' to 0', and the south exterior side from 45' to 37.5'.

Mr. Meadows would like to construct a food canopy with faux trains along the east property line. The parcel adjacent to us is the Arkansas and Missouri Railroad Right-of-Way. There are no adjoining buildings and the existing train tracks are 46' east of our eastern property line. Due to the severe restriction on this lot, due to its shape and size, placing the canopy structure outside of the current required setbacks is not possible.

In this case, the hardship is that the site is extremely small, and extremely shallow. Additionally, the neighbor to the rear is the railroad. Therefore, setback buffering is not as critical.

Allowing these variances still meets the purpose and intent of the code because it still provides enough buffering from adjacent property lines. It also still provides plenty of visibility for traffic to see around buildings that meet the front setbacks.

2. We are requesting a variance from Section 14-711(h), requiring 33 parking spaces. The code requires one space per employee (which would be 12, considering 1 employee per food truck) and one space per four occupants (which would be 84, considering seating available).

The project proposes 20 total parking spaces. The owner anticipates that his business will not need more than 20 spaces and he would like to limit the amount of asphalt placed on the ground.

The hardship, in this case, is that the site is extremely small and limited in its geometry.

The intent and purpose of the code is still met because reduced parking increases open space, green areas of the site, and is still sufficient to meet the business' needs.

If you have any questions, please call me at 479-685-8399.

Respectfully,

Phil Swope, P.E.
Principal Engineer

PRELIMINARY PLAT LEGEND

FEATURE LINES AND SURVEY SYMBOLS

- PROPERTY LINE
- OFFSITE PROPERTY LINE
- CENTERLINE OF ROAD
- RIGHT-OF-WAY
- FENCE
- ACCESS EASEMENT
- BUILDING SET BACK
- UTILITY EASEMENT
- CURB AND GUTTER
- ASPHALT PAVEMENT
- SET/FOUND REBAR
- SET/FOUND NAIL
- FENCE CORNER POST
- FOUND STONE
- STATE MONUMENT
- SET/FOUND ALUM. MONUMENT
- SET/FOUND COTTON SPINDLE
- SET / FOUND P/K NAIL
- RAILROAD SPIKE
- BENCH MARK (ELEV.)

UTILITY SYMBOLS

- FLARED END SECTION
- CURB INLET
- AREA INLET
- JUNCTION BOX
- GRATE INLET
- SANITARY SEWER
- SEWER SERVICE
- FIRE HYDRANT ASSEMBLY
- WATER VALVE
- WATER SERVICE
- WATER METER
- POWER POLE
- LIGHT
- ELECTRICAL BOX
- TELEPHONE PEDESTAL
- GAS METER
- RR RESTROOM AREA
- FT FOOD TRUCK PARKING

HATCHES

- ASPHALT
- CONCRETE
- FLOOD ZONE
- GRAVEL
- POND

THIS LEGEND MAY CONTAIN SOME SYMBOLS NOT SHOWN WITHIN THE PLAN OR PLAT VIEW

ZONING - GENERAL COMMERCIAL (C-4) - OVERLAY DISTRICT

OVERLAY DISTRICT BUILDING SETBACKS

FRONT		SOUTH		REAR		NORTH	
CODE	REQUESTED BY VARIANCE	CODE	REQUESTED BY VARIANCE	CODE	REQUESTED BY VARIANCE	CODE	REQUESTED BY VARIANCE
75'	55'	45'	38.5'	15'	0'	15'	0'

BUILDING & SITE AREA CALCULATIONS

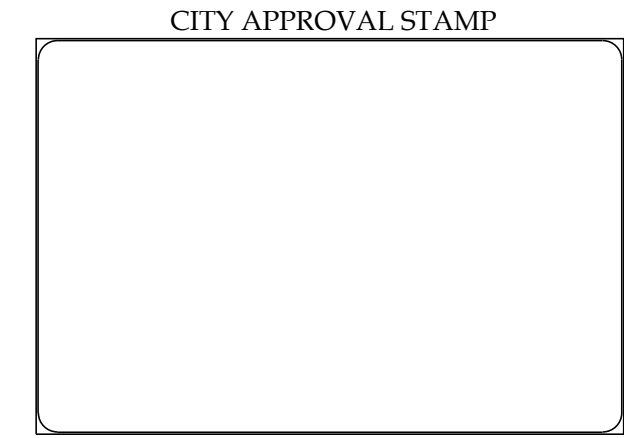
TOTAL SITE AREA: 41,055.09 SF OR 0.94 ACRES
 USE: FOOD TRUCK COURT
 ZONING: C-4

DEVELOPMENT AREA:
 MAXIMUM BUILDING HEIGHT ALLOWED: 8'
 PROVIDED BUILDING HEIGHT PROVIDED: 28.2'
 MAXIMUM BUILDING AREA ALLOWED: 16,422.04 SF OR 40% SITE COVERAGE
 PROVIDED BUILDING AREA: 6826.61 SF OR 16.6% SITE COVERAGE

PROVIDED OPEN SPACE AREA: 10,972.74 SF OR 26.7% GROSS SITE AREA
 MAXIMUM IMPERVIOUS AREA ALLOWED: 32,844.08 SF OR 80% SITE AREA
 MAXIMUM IMPERVIOUS AREA PROVIDED: 23,255.74 SF OR 56.7% SITE AREA

PARKING SUMMARY

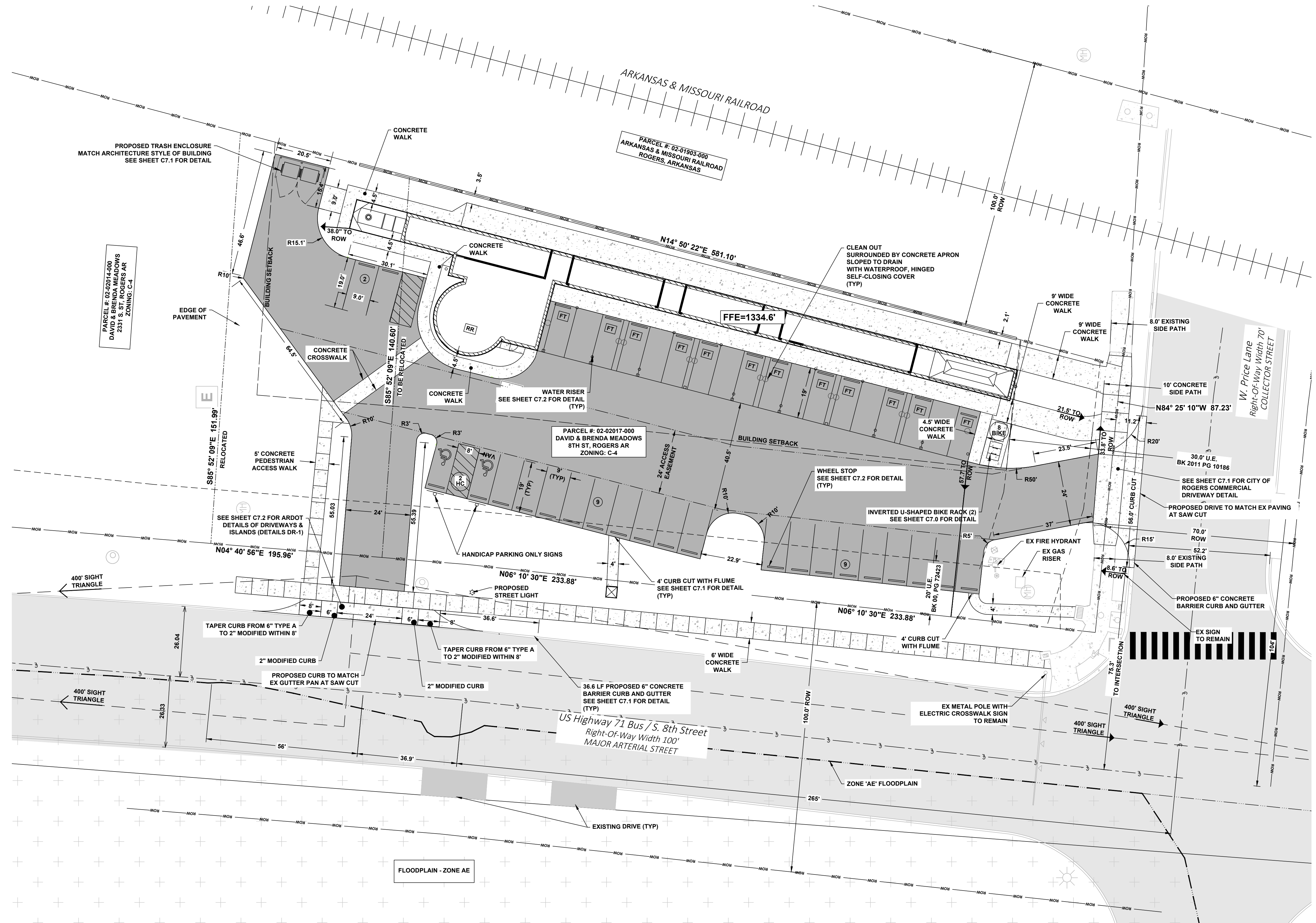
DESCRIPTION	PARKING REQUIREMENT	NUMBER OF SPACES REQUIRED	NUMBER OF SPACES PROVIDED
FOOD TRUCKS	1 PER 4 OCCUPANTS 1 PER EMPLOYEE	35	20
BIKE PARKING: 1 BICYCLE PARKING RACK PER TWENTY (20) AUTOMOBILE PARKING SPACES		2	8
ACCESSIBLE SPACES (INCLUDING VAN)		2	2
	TOTAL REQUIRED	39	
	TOTAL PROVIDED		30



SITE PLAN

DAVE MEADOWS DEVELOPMENT

2339 S 8TH ST., ROGERS AR 72758
 DAVID & BRENDA MEADOWS
 30 CHAMPIONS BLVD, ROGERS, AR 72758



MISCELLANEOUS INFORMATION

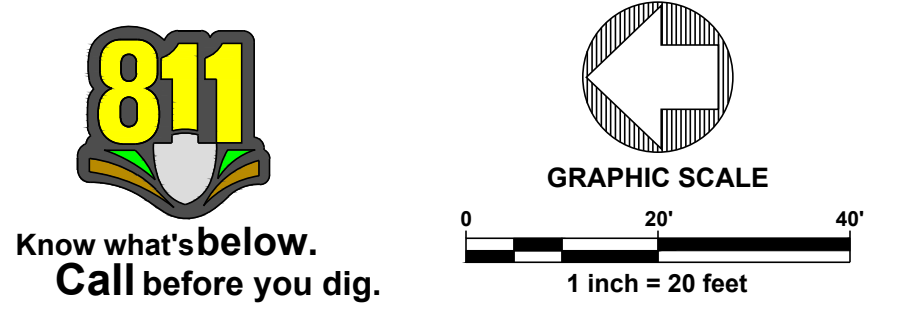
BASIS OF BEARING:
 ARKANSAS STATE PLANE, NORTH ZONE (NAD 83), BASED UPON CITY OF BENTONVILLE GPS MONUMENT, CONVERGENCE ANGLE -01°14'14", COMBINED SCALE FACTOR: 1.00001341.

FLOOD INFORMATION

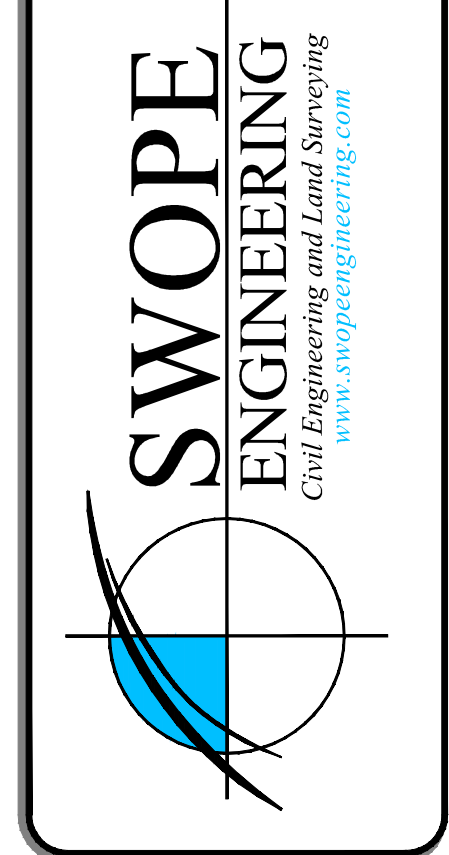
THIS PROPERTY DOES NOT LIE IN ZONE "X" (SPECIAL FLOOD HAZARD AREAS INUNDATED BY 100-YEAR FLOOD) AS DETERMINED FROM THE F.I.R.M. MAPS OF BENTON COUNTY, ARKANSAS, AND INCORPORATED AREAS, MAP NUMBER 05007C0270K, EFFECTIVE DATE JUNE 5, 2012.

PROJECT ENGINEER

PHIL SWOPE, P.E.
 SWOPE ENGINEERING
 7 HALSTED CIRCLE, SUITE 210
 ROGERS, ARKANSAS 72756
 479.685.8399 OFFICE



NO.	DATE	REVISION
1	11/20/2023	FIRST SUBMITTAL



DRAWN BY:	CARRIE	JOB NUMBER:	23-137
SUBMITTAL DATE:	11/20/2023	CITY NUMBER:	PL202300958
DRAWING NAME:	23-137PR.DWG		
SHEET NUMBER:	C2.0		

R:\SWOPE\23-137 MEADOWS RAILYARD\CIVIL DRAWINGS\23-137PR.DWG - PLOTTED ON 11/20/2023 1:14:56 PM @ A SCALE OF 1:1 TO DWG TO PDF.PCS BY CARRIE ISBELLE



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NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the **Rogers Board of Adjustment** on **January 2nd, 2024** at **5:30 p.m.** at Rogers City Hall regarding an application by **Meadows Railyard** under the provisions of the City of Rogers Code of Ordinances, for a variance to **reduce the building setbacks and parking space reduction** at **2331 S. 8th Street** in the C4 (Open Display Commercial) zoning district more particularly described as follows:

PARCEL NUMBER:

02-02014-000

LOCATION:

2331 S. 8th Street

Ed McClure, Secretary
Board of Adjustment

PUBLISH ONE TIME ONLY: **Sunday December 17th, 2023**

BILL THE CITY OF ROGERS