



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

BOARD OF ADJUSTMENT MEETING AGENDA

FEBRUARY 20, 2024

5:30 PM

DATE: FEBRUARY 20, 2024

LOCATION: CITY HALL, 301 W. CHESTNUT STREET

REGULAR SESSION: 5:30 PM

ONLINE VIEWING: [HTTPS://US02WEB.ZOOM.US/J/88638737828](https://us02web.zoom.us/j/88638737828)

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 24-03) A request by Meadows Railyard from the location restrictions requiring that food trucks cannot be within 15 feet of a building entrance at 2339 S. 8th Street in the C-4 (Open Display Commercial) zoning and Overlay districts.

- *STAFF: Zachery Birdsong*

REPRESENTED BY: Phil Swope

ACTION ON MINUTES:

1. Draft of January 2, 2024 meeting minutes

ADJOURN:

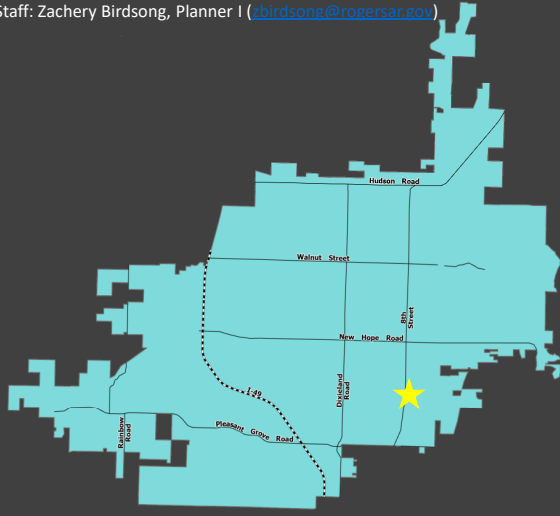


Variance

PLANNING

Meadows Railyard

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



Vicinity Map

Location

2339 S. 8th Street

Nature of Request

To vary from the requirement that food trucks may not be any closer than 15' to building entrances

Zoning

C-4 (Open Display Commercial) and the Overlay District

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:

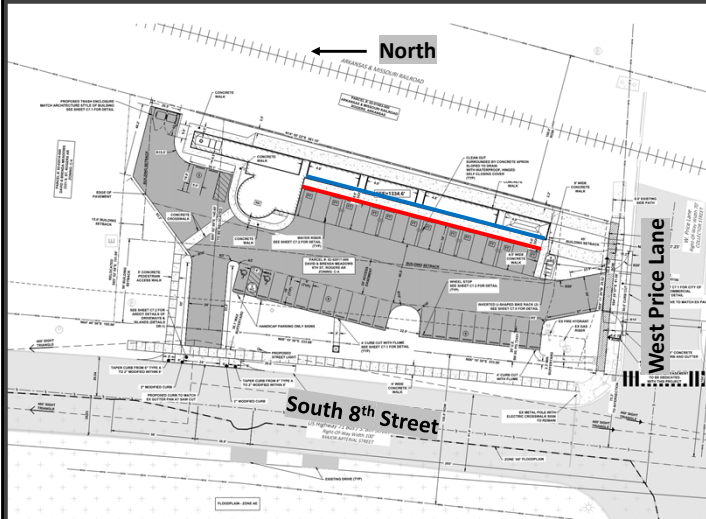
- a. Hear appeals from the decision of the Department of Community Development in respect to the enforcement and application of the zoning ordinance and the sign permitting provisions contained in Chapter 44, and may affirm or reverse, in whole or in part, said decision of the Department of Community 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.



Meadows Railyard



Site Plan

Request

- To vary from the requirement that food trucks may not be any closer than 15' to building entrances
- The applicant is proposing food trucks (red line) to be about 6'6" at their closest point to building entrances (blue line)

Request:

- To vary from the requirement that food trucks may not be any closer than 15' to building entrances.

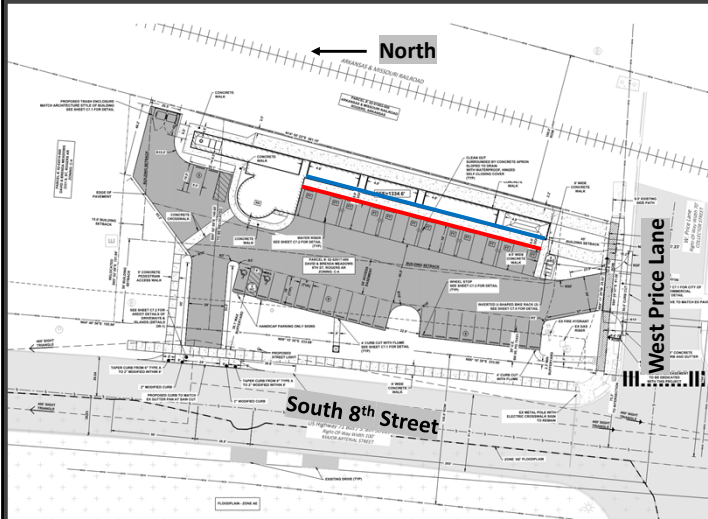
Proposal:

- The applicant is proposing food trucks (outlined in red) to be as close as about 6.5' to building entrances (outlined in blue).



Variance Meadows Railyard

PLANNING



Site Plan

Applicant Hardship

“We are requesting that the proposed food trucks be allowed closer to building entrances than even 10’. The closest proposed distance from a food truck to a building entrance is 6’6.”

Applicant Spirit and Intent

“Allowing these variances still meets the purpose and intent of the code because this proximity does not impede use of the building. The building is an accessory to the food trucks.”

Stated Hardship:

- “We are requesting that the proposed food trucks be allowed closer to building entrances than even 10’. The closest proposed distance from a food truck to a building entrance is 6’6.”

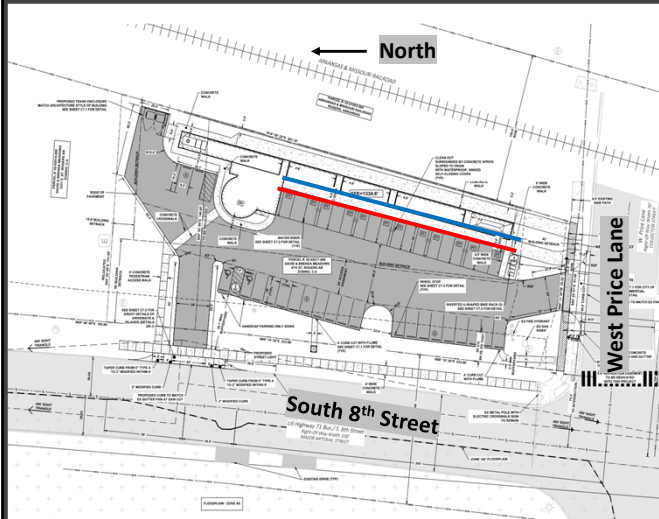
Spirit and Intent:

- “Allowing these variances still meets the purpose and intent of the code because this proximity does not impede use of the building. The building is an accessory to the food trucks.”



Variance Meadows Railyard

PLANNING



Site Plan

Staff Analysis

- Staff was unable to determine the purpose and intent of this code requirement.
- There is no link between this regulation and building code.
- Staff does not see any value in enforcing this requirement.

Analysis:

- Staff was unable to determine the purpose and intent of this code requirement and there is no link between this regulation and building code. Staff does not see any value in enforcing this requirement.

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

- **APPROVE** the food truck proximity to building entrances request

Public Input:

No public input received.

Recommendation:

APPROVE the food truck proximity to building entrances request



February 6th, 2024

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

**RE: Dave Meadows Development Variance Requests for BOA
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 vendor proximity from building entrance, code: 38-61(e)(3)(c), for the referenced development project. We are requesting that the proposed food trucks be allowed closer to building entrances than even 10'. The closest proposed distance from a food truck to a building entrance is 6.6' as dimensioned on the site plan.

This development is intended to have food trucks, and close to building entrances (which will be used for seating areas, and offices)

Allowing these variances still meets the purpose and intent of the code because this proximity does not impede use of the building. The building is an accessory to the food trucks.

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
- RECREATION EASEMENT

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

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

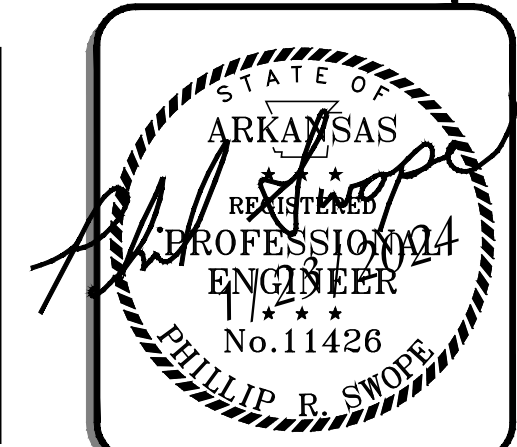
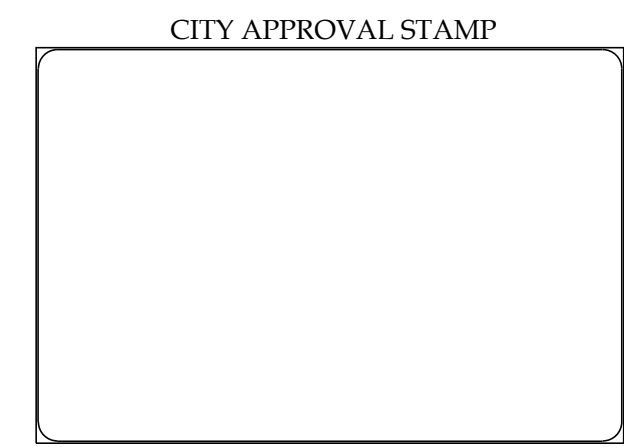
OVERLAY DISTRICT BUILDING SETBACKS							
FRONT		SOUTH		REAR		NORTH	
CODE/VARIANCE	PROVIDED	CODE	PROVIDED	CODE/VARIANCE	PROVIDED	CODE	PROVIDED
	75'	56'	45'	45'	15'	0'	15'

BUILDING & SITE AREA CALCULATIONS

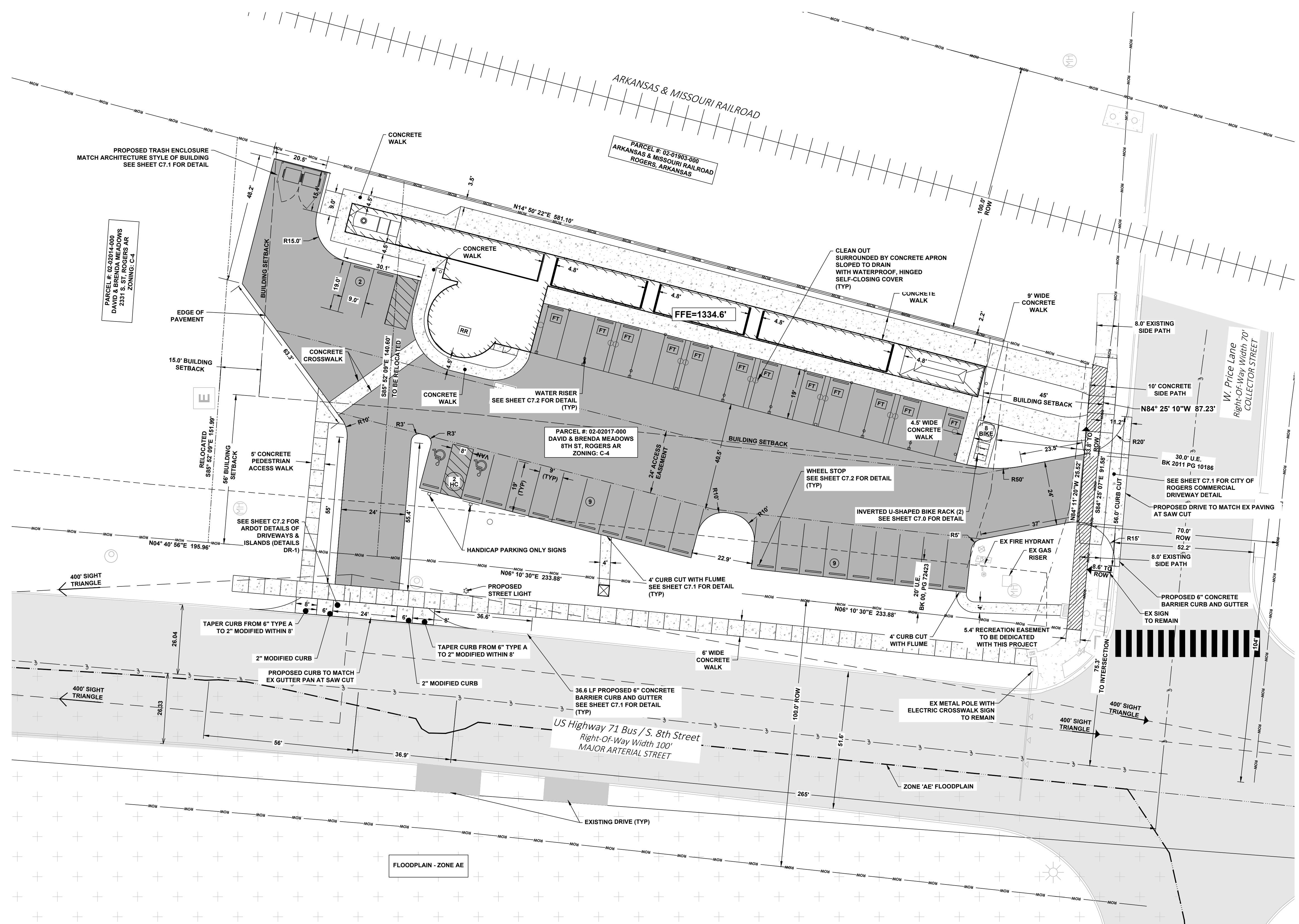
TOTAL SITE AREA: 41,055.09 SF OR 0.94 ACRES
 USE: FOOD TRUCK COURT
 ZONING: C-4 - OVERLAY DISTRICT
 DEVELOPMENT AREA: 41,055.09 SF OR 0.94 ACRES
 MAXIMUM BUILDING HEIGHT ALLOWED: 35'
 PROVIDED BUILDING HEIGHT PROVIDED: 28.2'
 MAXIMUM BUILDING AREA ALLOWED: 16,422.04 SF OR 40% SITE COVERAGE
 PROVIDED 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
 BUILDING BREAKDOWN:
 RESTROOM = 602.39 SF
 DINING (SEATING) = 5216.75 SF
 STORAGE = 654.08 SF
 OFFICE = 351.39 SF
 TOTAL SF = 6826.61 SF

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		22



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



MISCELLANEOUS INFORMATION

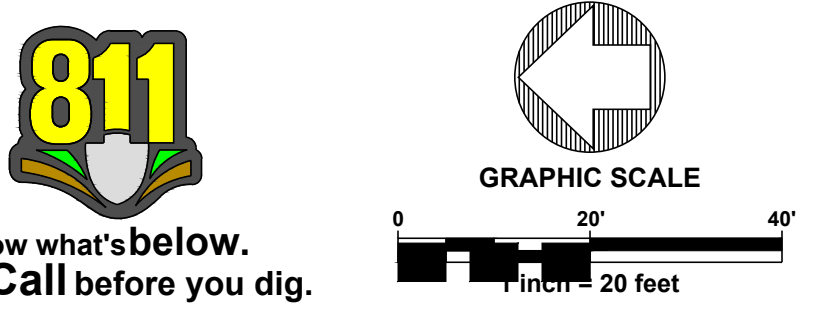
BASIS OF BEARING:
 ARKANSAS STATE PLANE, NORTH ZONE (NAD 83), BASED UPON CITY OF BENTONVILLE GPS MONUMENT, CONVERGENCE ANGLE -01°14'14", COMBINED SCALE FACTOR: 1.00001341.

FLOOD INFORMATION

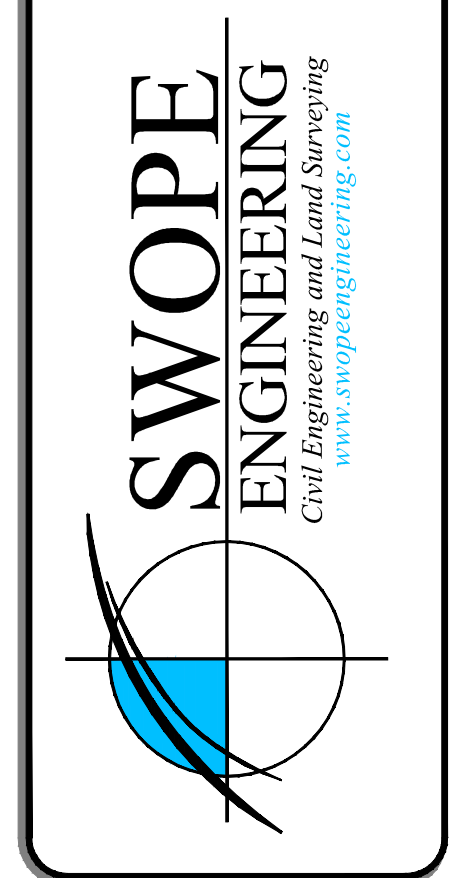
THIS PROPERTY DOES NOT LIE IN ZONE "X" (SPECIAL FLOOD HAZARD AREAS INUNDATED BY 100-YEAR FLOOD) AS DETERMINED FROM THE F.I.R.M. MAPS OF BENTON COUNTY, ARKANSAS, AND INCORPORATED AREAS, MAP NUMBER 05007C0270K, EFFECTIVE DATE JUNE 5, 2012.

PROJECT ENGINEER

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



NO.	DATE	REVISION
1	01/23/2024	FIRST SUBMITTAL



DRYNO.:	CARRIE	JOB NUMBER:	23-137
SUBMITTAL DATE:	01/23/2024	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 1/23/2024 10:32:46 AM @ 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 **February 20, 2024 at 5:30 p.m.** at Rogers City Hall regarding an application by **Meadows Development** under the provisions of the City of Rogers Code of Ordinances, for a variance from **the location restrictions requiring that food trucks can't be within 15 feet of a building entrance at 2339 S. 8th Street** in the C-4 (Open Display Commercial) zoning district more particularly described as follows:

PARCEL NUMBER:

02-02017-000

LOCATION:

2339 S. 8th Street

Ed McClure, Secretary
Board of Adjustment

PUBLISH ONE TIME ONLY: **Sunday February 4, 2024**
BILL THE CITY OF ROGERS



NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING VARIANCE

DESCRIPTION: A variance to allow the location of the proposed building to be located on the east side of the road, as shown on the site plan attached to the application.

APPLICANT: Meadows Development

BOARD/COMMISSION: Board of Adjustment

MEETING DATE/TIME: February 20, 2024 at 3:30 PM

MEETING LOCATION: Rogers City Council Chambers, 301 W. Chestnut St.

PUBLIC COMMENTS: www.rogersar.gov/development/development-projects

 **COMMUNITY DEVELOPMENT
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planning@rogersar.gov