



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

## BOARD OF ADJUSTMENT MEETING AGENDA

MARCH 19, 2024

5:30 PM

DATE: MARCH 19, 2024

CITY HALL, 301 W. CHESTNUT STREET

REGULAR SESSION: 5:30 PM

ONLINE VIEWING: [HTTPS://US02WEB.ZOOM.US/J/83785674309](https://us02web.zoom.us/j/83785674309)

**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-The Visionary) A request by The Visionary (Founders East) for a variance from the required glazing for ground floors and building frontage along street in Pedestrian Priority and a variance to allow service access on a Pedestrian Priority frontage on 3.43 acres near the SE Corner of W. JB Hunt Drive & W. Northgate Road in the U-COR (Uptown-Core Mixed Use) zoning district.

### ACTION ON MINUTES:

### ADJOURN:

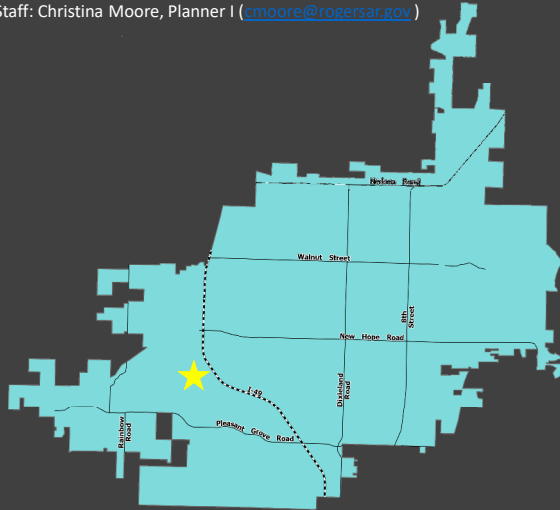


# Variance

# PLANNING

## The Visionary (Founders East)

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



Vicinity Map

### Location

3800 S JB Hunt Drive

### Nature of Request

To vary from the required 50% glazing on the ground floors on a Pedestrian Priority Frontage

To vary from the required 90% building frontage along Pedestrian Priority Frontage

To allow service access on a Pedestrian Priority Frontage

### Zoning

U-COR (Uptown Core Mixed Use)

### Proposed Use

Office, Retail and Parking

### Representative

Libby Topping, Crafton Tull

### **Summary:**

This site is located in west Rogers across the street from Top Golf. The proposed use is for a mixed-use building with office, retail and parking space.

### **Growth Designation:**

Uptown Regional Center

**Growth Designation Purpose:** “To focus urban development in three area – Downtown, Midtown, and Uptown – that serve as centers of gravity for the greater Northwest Arkansas region.” CGM Page



### *(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.



Site Conditions:

- Irregular shaped lot with oddly curved roads on three sides and a pedestrian plaza on the fourth side.
- Opposite JB Hunt Drive from Top Golf and AMP
- Opposite Founders Way from restaurant.
- Plaza and office buildings to north and west.
- Considerable grade change going downhill from west to east along Founders Way.

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

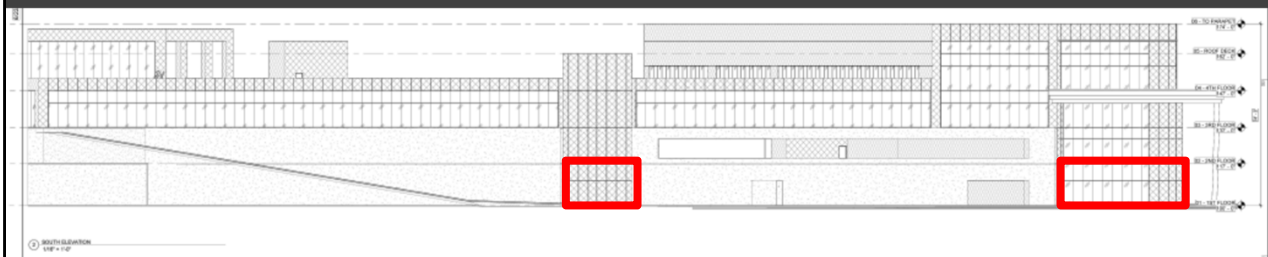
- a) Hear appeals from the decision of the Department of Community Development in respect to the enforcement and application of the zoning ordinance and the sign permitting provisions contained in Chapter 44, and may affirm or reverse, in whole or in part, said decision of the Department of Community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



## The Visionary (Founders East)

### Request #1

- To vary from the required 50% glazing for ground floors in a Pedestrian Priority Frontage. Sec 14-732(5.3)(a)(iii)
- The applicant is proposing 24% glazing on the first floor along Founders Way.



*Founders Way Elevation*

### Request #1:

- To vary from the required 50% glazing for ground floors on Founders Way.

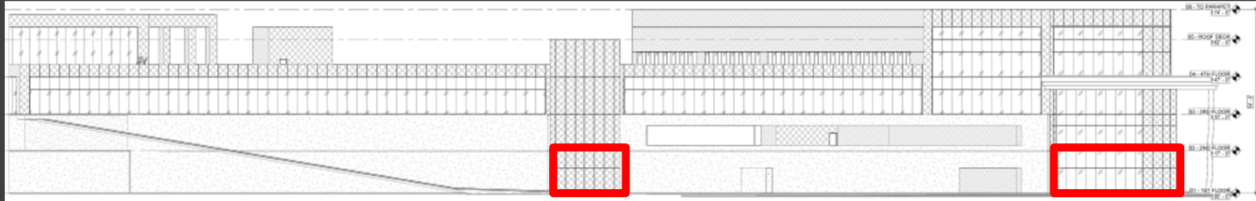
### Proposal:

- The applicant is proposing 24% glazing on the first floor on Founders Way shown in red boxes.



The Visionary (Founders East)

Request #1



Founders Way Elevation

**Applicant Hardship**

"The elevations included with this submittal show 44% glazing for the South Elevation (Adjacent to Founders Way). The intent of this requirement in the URDC is to provide walkable, public areas that visually interesting and inviting and provide a unique streetscape. The current grade of the roadway(founders Way) exceeds 12% in some places. This creates a situation where it would be extremely difficult or impossible to orient retail/commercial frontage along Founders Way, because the entrances would not be accessible for all people. It would be extremely difficult for someone with limited mobility to access this area safely."

**Applicant Spirit and Intent**

"We are meeting the intent of the code by providing inviting pedestrian spaces with seating areas and additional feature NW the intersection of Founders Way and JB Hunt Drive. This plaza extends as far west up Founders Way as possible given the topography. Additionally, we will be maintaining the existing 10' side path along Founders Way and heavily landscaping the entire area, so it does not look like a "back of house" area."

**Stated Hardship:**

- "The applicant states their hardship is due to the 12% grade change on Founders Way. The steep grade would not be accessible for all people to enter the commercial fronts."

**Spirit and Intent:**

- "They are meeting the spirit and intent of the glazing requirement because they are providing an inviting outdoor pedestrian space with seating and other features on the corner of Founders Way and JB Hunt Drive."



# The Visionary (Founders East)

## Staff Analysis of Request #1

### Variance Request Factors

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

Possibly. The spirit and intent of the code requirement is to create as much transparency between the outside of a building at grade into an active interior space. If the code is enforced on this plan the effect would be the interior view of a parking garage as there is no tenant space proposed between the street and the garage. While the code does not explicitly require it, the only desirable method of complying would be to line the south side of the garage with an active tenant space (i.e. retail or restaurant for example).



Founders Way Elevation

### Analysis:

- Staff possibly finds a hardship with the glazing requirement. The intent of the glazing requirement is for a passerby to be able to view into an active interior space. If there were windows on Founders East for this plan, you would be viewing the inside of a parking garage. While the code doesn't explicitly say it, the only desirable way of meeting this requirement would be to line Founders Way with an active commercial space.

### Zoning U-COR (Uptown Core Mixed Use):

"This district is intended to allow high-intensity, high density urban mixed-use development characterized by pedestrian-priority streetscapes, inviting storefront, ground level retail and other commercial services, and upper floor office and residential uses." Sec. 14-732(1.1)(a)(i).



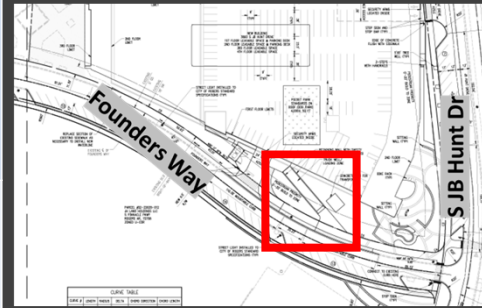
# Variance

# PLANNING

## The Visionary (Founders East)

### Staff Analysis of Request #1

Variance Request Factors	
How is the spirit and intent of the code being met?	It's not. The spirit and intent of this requirement is to allow the transparency into an active tenant space. Since the code does not explicitly require an active tenant space the strict application of the glazing requirement would result in an undesirable situation (the interior view of a parking garage from the street).
Can the difficulty be obviated by some feasible method other than a variance?	Yes, but with undesirable results. The need for the variance could be obviated by wrapping the retail tenant space along the east façade around the south façade of the garage and providing glazing into this space as viewed from Founders Way. This would require relocation of the truck delivery area to another side of the building. The only other side with street access is JB Hunt Dr, which is a busier road. Relocation to this road is undesirable.



Site Plan

### Analysis:

- Staff finds the spirit and intent of the code is not being met. The spirit and intent is allow someone to view into an active tenant space from outside. Although the code doesn't explicitly require an active tenant space the strict adherence to the glazing requirement would result in an undesirable outcome.
- The variance can be avoided, but not with desirable results. The retail tenant space would need to be wrapped along the east façade around the south face of the garage and provide windows to view in along Founders Way. This would require relocating the truck delivery area to a different side of the building. JB Hunt is the only other street side, however, this is a busier road and is also undesirable.

### Zoning U-COR (Uptown Core Mixed Use):

"This district is intended to allow high-intensity, high density urban mixed-use development characterized by pedestrian-priority streetscapes, inviting storefront, ground level retail and other commercial services, and upper floor office and residential uses.." Sec. 14-732(1.1)(a)(i).



## The Visionary (Founders East)

### Additional Criteria per Uptown Zoning Requirements

Variations in URDC shall be reviewed against the following criteria:

1. "The goals, intent and vision of the adopted Comprehensive Growth Map and URDC zoning districts"
  - The intent of U-COR 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".
2. "The extent to which the proposal fits the adjoining design context by providing appropriate building scale and use transitions"
  - This location is in an area of transition between the high-intensity office and mixed use developments to the west and recreational and event venues to the east.
3. "The extent to which the proposal provides public benefits such as usable public open space, livable streets, affordable housing, structures and/or shared parking, and linkages to transit"
  - A plaza is proposed at the southeast corner of the building. Existing conditions in this location on Founders Way are not ideal with a one-story restaurant and surface parking located immediately to the south.
4. "The extent to which the proposal does not hinder future opportunities for high intensity development"
  - This proposal does not hinder future opportunities.
5. "Consideration of health and welfare of the general public"
  - The sidewalk along the north side of Founders Way will be pleasant due to the landscape design on the south side of the building but it will not be particularly inviting or active due to the functional aspects of the uses and lack of active commercial space.

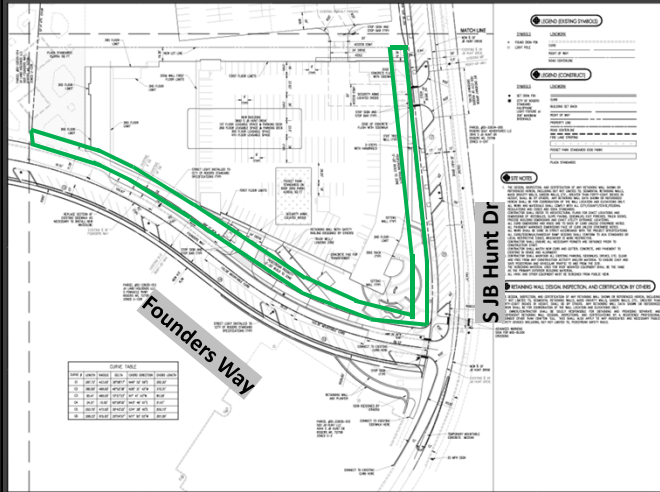
### Considerations for Request #1:

Request # 1 exceeds what is permitted by the allowable adjustments table. The BOA then must take into consideration the following criteria:

1. The intent of U-COR zoning is make Uptown Rogers a place for public interaction by focusing on pedestrian facilities and unique experience destinations.
2. This location is in an area of transition between the high-intensity office and mixed use developments to the west and recreational and event venues to the east.
3. A Plaza is proposed at the corner of Founders Way and JB Hunt Dr. Existing conditions in this location are not ideal with a one-story restaurant and surface parking located immediately to the south.
4. This proposal does not hinder future opportunities.
5. The north side of the Founders Way sidewalk will be pleasant for pedestrians due to the landscape design on the southside of the building but will not be particularly inviting or active due to the functional aspects of the uses and lack of active commercial space.



# The Visionary (Founders East)



Site Plan

### Request #2

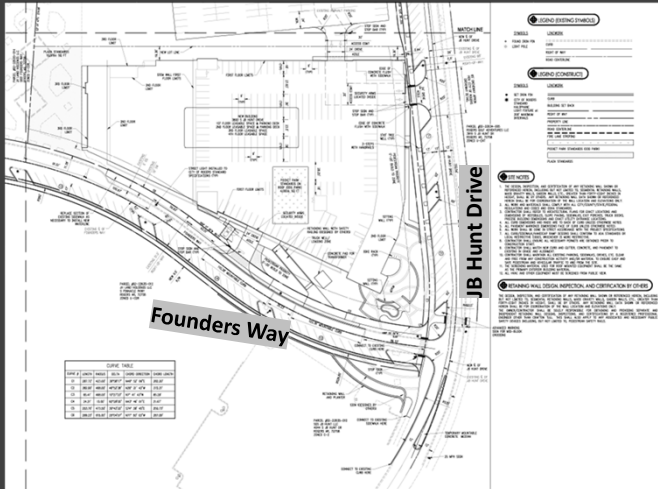
- Code requires 90% of the building's frontage be within 20 feet of the street.
- The applicant is proposing 29% along Founders Way and 58% along JB Hunt Dr.

### Request:

- To vary from the requirement that 90% of a building's frontage be within 20 feet of the street.

### Proposal:

- The applicant is proposing 29% along Founders Way and 58% along JB Hunt Dr.



Site Plan

Request #2

Applicant Hardship and Sprit and Intent

"The site is NW the intersection of JB Hunt Drive and Founders Way. Due to the curvature of Founders Way, it would be extremely difficult for any building to meet the 90% building frontage requirement with a Pedestrian Priority designation. We request a reduction in the build-to-zone on a pedestrian priority road to be reduced to 29% on Founders Way. We have oriented the building to encroach as much of the build-to-zone as possible without violating existing easements or right-of-way lines. To better meet the spirit and intent of the code, where we are not providing, where we are not providing a building within the BTZ along Founders Way, we are proposing enhanced landscaping and pedestrian plaza areas. This frontage will still function as an inviting a visually interesting streetscape."

"JB Hunt Drive has also been designated Pedestrian Priority, however, due to the curvature of Founders Way and the existing angle of the intersection, we are not able to provide 90% building front along the East Elevation either. We request that the build-to-zone on a pedestrian priority road be reduced to 62% on JB Hunt Drive. We are providing retail frontage, a ground-floor restaurant along JB Hunt Drive with a walkable path outside as well as a pedestrian plaza with outdoor seating. We have created an inviting area for the public in the areas where building frontage with the BTZ was not able to be provided. We believe with these enhanced site amenities shown on the attached site and landscaping plans, we are meeting the intent of the code."

Stated Hardship:

- "The applicant's stated hardship is the curvature of the road makes it difficult to shape a building to be 90% in the build-to zone."

Spirit and Intent:

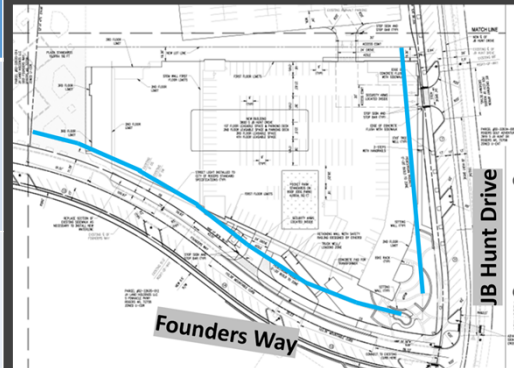
- "They are meeting the spirit and intent because where the building is not in the build-to zone they have added a pedestrian plaza with a walkable path and outdoor seating."



The Visionary (Founders East)

Staff Analysis of Request #2

Variance Request Factors	
Does strict enforcement of the code cause undue hardship due to circumstances that are unique to this property?	Yes. The curved nature of both streets combined with limitations on parking garage design present considerable challenges to complying with this requirement.
How is the spirit and intent of the code being met?	A pedestrian plaza is proposed along the southeast corner and the majority of the east side of the building is lined with ground floor commercial uses.
Can the difficulty be obviated by some feasible method other than a variance?	A variance cannot be avoided for this requirement due to the shape of the lot, however, more pedestrian activation on Founders Way could help meet the spirit and intent of the build-to-zone requirement.



Site Plan

**Analysis:**

- Staff finds the hardship valid. The curvature of both streets and the limitations of parking garage design create significant challenges with the build-to zone requirement.
- They are meeting the spirit an intent of the code with the pedestrian plaza on the southeast corner and the majority of the east building is commercial on the ground floor.

**Zoning U-COR (Uptown Core Mixed Use):**

“This district is intended to allow high-intensity, high density urban mixed-use development characterized by pedestrian-priority streetscapes, inviting storefront, ground level retail and other commercial services, and upper floor office and residential uses.” Sec. 14-732(1.1)(a)(i).



## The Visionary (Founders East)

### Additional Criteria per Uptown Zoning Requirements

Variances in URDC shall be reviewed against the following criteria:

1. "The goals, intent and vision of the adopted Comprehensive Growth Map and URDC zoning districts"
  - The intent of U-COR 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".
2. "The extent to which the proposal fits the adjoining design context by providing appropriate building scale and use transitions"
  - This location is in an area of transition between the high-intensity office and mixed use developments to the west and recreational and event venues to the east.
3. "The extent to which the proposal provides public benefits such as usable public open space, livable streets, affordable housing, structures and/or shared parking, and linkages to transit"
  - This development provides structured parking, sidewalk, and a pedestrian plaza.
4. "The extent to which the proposal does not hinder future opportunities for high intensity development"
  - It does not.
5. "Consideration of health and welfare of the general public"
  - The development provides connectivity to trails, mixed-use for employees of the development to enjoy the retail/restaurant and pedestrian amenities.

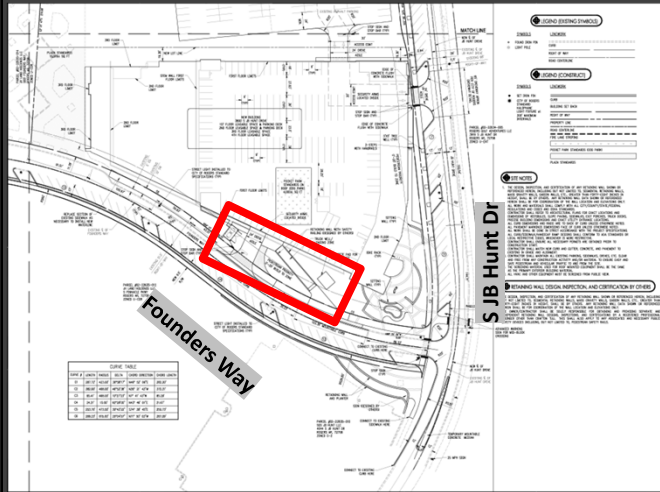
### Considerations for Request #2:

Request # 2 exceeds what is permitted by the allowable adjustments table. The BOA then must take into consideration the following criteria:

1. The intent of U-COR zoning is make Uptown Rogers a place for public interaction by focusing on pedestrian facilities and unique experience destinations.
2. This location is in an area of transition between the high-intensity office and mixed use developments to the west and recreational and event venues to the east.
3. The development provides structured parking, sidewalk and a pedestrian plaza.
4. This proposal does not hinder future opportunities.
5. The development connects to trails, provides mixed uses for employees to enjoy the retail/restaurant and pedestrian amenities.



# The Visionary (Founders East)



Site Plan

### Request #3

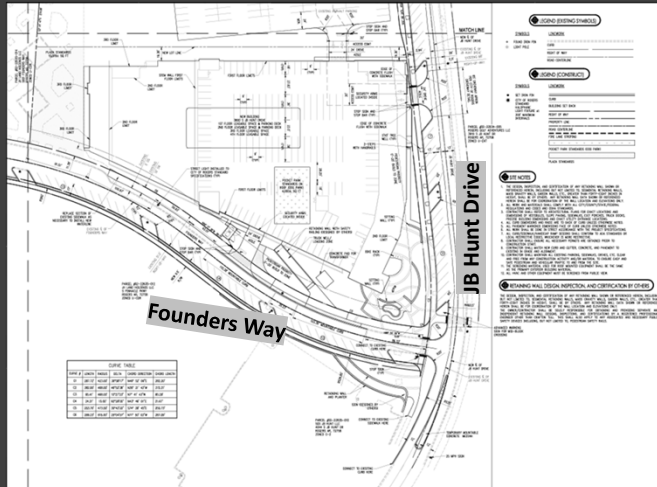
- Founders Way is a Pedestrian Priority Frontage. Code does not allow service access from such streets.
- The applicant is proposing a truck loading zone on Founders Way.

### Request:

- To vary from the requirement that service access areas not be located on a Pedestrian Priority Frontage.

### Proposal:

- The applicant is proposing a truck loading zone on Founders Way.



Site Plan

Request #3

Applicant Hardship

"We are requesting a variance to allow service access off of Founders Way, which has been designated as Pedestrian Priority Frontage. The east elevation of this building fronts JB Hunt Drive, which is also designated as Pedestrian Priority frontage would also not allow for service access per the current code. The north elevation of this building does not front a street or access drive currently. Additionally, there is a second phase of this project planned to be constructed along the north building elevation to create a pedestrian access corridor between this proposed building and the future building that will be proposed in Phase 2 of this project. To accommodate a service entrance along the north side of the building, a curb cut for an access drive would have to be constructed along JB Hunt Drive, which would require trucks to back in off of the street and between the two buildings, and then pull out back onto the street with compromised sight triangles due to the location of the building. The west building elevation fronts Founder's Plaza that has already been constructed. This is where retail/restaurant access will be fronted, which provides more pedestrian focused areas for the uptown region. The entire plaza would be to be demolished to accommodate a service entrance on this side of the building."

Applicant Spirit and Intent

"The proposed service access off of Founders Way still meets the spirit and intent of the code. All service access features will be screened with enhanced landscaping and architectural design."

**Stated Hardship:**

- "The second phase of this project creates a pedestrian access corridor between this building and a building to the north. If the truck entrance were moved to the north side of the building, trucks would be backing out onto JB Hunt drive creating a hazard."

**Spirit and Intent:**

- "They are meeting the intent by screening the service are with landscaping and architectural design. "



The Visionary (Founders East)

Staff Analysis of Request #3

Variance Request Factors	
Does strict enforcement of the code cause undue hardship due to circumstances that are unique to this property?	Possibly. The truck loading area could be relocated to the north side of the garage and utilize a driveway or alley to access either from Champions to the north of JB Hunt to the east. Both present challenges however, in that JB Hunt is undesirable due to traffic conflict and Champions would make development of the site in between more challenging.
How is the spirit and intent of the code being met?	The code wants services like this on sides of the building which do not abut a pedestrian priority street – for the same reason the code wants glazing and active interior spaces. The purpose of all of this is to create an exciting and inviting pedestrian space. The pedestrian space will be pleasant due to the proposed landscaping, but not particularly exciting due to the uses.
Can the difficulty be obviated by some feasible method other than a variance?	Only by relocating as described above.



Landscape Plan

**Analysis:**

- Staff found that the truck loading area could be relocated to the north side of the building and use a driveway or alley to access either Champions or JB Hunt. Both of these scenarios create challenges however, JB Hunt access poses traffic conflicts and Champions would make future development of the site challenging.

**Zoning U-COR (Uptown Core Mixed Use):**

“This district is intended to allow high-intensity, high density urban mixed-use development characterized by pedestrian-priority streetscapes, inviting storefront, ground level retail and other commercial services, and upper floor office and residential uses.” Sec. 14-732(1.1)(a)(i).



The Visionary (Founders East)



Aerial Map

Recommendation

- **CONSIDER** the request to vary from the required 50% glazing on the ground floors on Founders Way.
- **APPROVE** the request to vary from the required 90% building frontage along Founders Way and JB Hunt Dr.
- **CONSIDER** the request to allow service access on Founders Way.

**Public Input:**

No public input received.

**Recommendation:**

**CONSIDER** the request to vary from the 50% glazing requirement for ground floors on Founders Way

**APPROVE** the request to vary from the 90% building frontage along Founders Way and JB Hunt Dr

**CONSIDER** the request to allow service access on Founders Way.



## UNDERSTANDING THE VARIANCE PROCESS

### Sec. 14-724 of Rogers Code of Ordinances

#### Application steps:

1. Discuss variance with Planning staff to verify nature of request.
2. Complete application and provide the following supplements:
  - One-hundred dollar (\$100) filing fee made payable to the City of Rogers.
  - Unabbreviated legal description. Platted lot/block description is sufficient.
  - Reduction survey, site plan, sign proofs, pictures, or any other items necessary to explain request. Setback reduction requests must include the reduction distance in terms of linear feet.
3. Once application and required supplements are submitted and determined to meet all requirements, Planning staff will assign the variance request to a public hearing date based on the Public Hearing deadline and meeting schedule.

#### Public hearing details:

- Public hearings for variance requests are held during regularly scheduled Board of Adjustment meetings which take place on the first and third Tuesday of each month. The Board meets at 5:30 pm in the Council Chambers at City Hall.
- A legal notice of public hearing is advertised in the newspaper, and a public hearing notice sign is placed on the subject property 15 days prior to the Board of Adjustment meeting.
- The applicant or representative must be in attendance to represent the request and answer questions from the Board. If the applicant or representative fails to appear on the scheduled meeting date, the item can be postponed only once. If the applicant fails to appear on the second meeting date, the request will be automatically denied.
- The Board may approve a variance request with conditions or limits.

#### If your sign variance is approved:

- Sign variances require that a sign permit be obtained within six (6) months of approval.

#### If your setback reduction is approved:

- Setback reduction variances require provision of an official reduction survey that complies with the city's REDUCTION SURVEY STANDARDS.
- Planning staff will review and confirm that the reduction survey complies with survey standards and the approved variance. Survey revisions may be necessary.
- Once reviewed, surveys may be submitted for signatures on paper not exceeding 18" x 24". If a survey requires City and utility signatures, utility signatures must be gathered first.
- Surveys must be recorded with the Benton County Circuit Clerk, and a pdf must be filed with the Department of Community Development before considered final.



DEPT. OF COMMUNITY DEVELOPMENT  
 PLANNING DIVISION  
 301 W. CHESTNUT  
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<u>OFFICE USE ONLY</u>	
Permit Fee: _____ (\$100)	Zoning: _____
App Number: _____	
CityView Application: _____	
Date: _____	

## VARIANCE APPLICATION

APPLICANT: Crafton Tull

ADDRESS: 901 N 47th Street Rogers, AR 72756 SUITE #: 400

GENERAL LOCATION OF PROPERTY: JB Hunt Drive & Northgate Road

PHONE #: 479-644-6100 EMAIL: Daniel.Ellis@craftontull.com  
Libby.Topping@craftontull.com

PROPERTY OWNER: Rogers Hospitality, LLC PHONE #: 479-845-3500

REQUEST to ALLOW(Cite Variation[s] from Applicable Section[s] of Code and Proposal): \_\_\_\_\_

A variance from the required 50% glazing for ground floors in a Pedestrian Priority Frontage (Section 14-732(5.3)(a)(iii))

A variance from the required 90% building frontage along street Pedestrian Priority Designated roads (Section 14-732(4.2)(b)(ii))

**Sec. 14-724(e)(1)(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?

See attached Letter

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

See attached Letter

Daniel P. Ellis

Applicant Signature

February 22, 2024

Date

**Attachment Checklist:**

- Owner Signature on Letter or Application
- 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



**PROPERTY DESCRIPTION**

LOT 3D10 OF PINNACLE HEIGHTS, AS PER PLAT RECORD L202048804 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF BENTON COUNTY, ARKANSAS.



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## REDUCTION SURVEY STANDARDS

**Surveys must feature the following:**

- Information required per Arkansas Standards of Practice No. 1.
- Graphic depiction (with bearings and distances) of the area to be reduced.
- Textual depiction of the linear distance to be reduced.
- If a reduction only involves specific encroachments, the reduction area must include the specific encroachments.

**Required signatures:**

<i>Setback and easement reduction:</i>	<i>Setback reduction only:</i>	<i>*Easement reduction only:</i>
Property owner (with notarization) Secretary, Board of Adjustment Community Development Director RWU Electric provider Gas provider CATV provider Phone/Internet provider	Property owner (with notarization) Secretary, Board of Adjustment Community Development Director	Property owner (with notarization) Community Development Director RWU Electric provider Gas provider CATV provider Phone/Internet provider

\*Easement reductions do not require a variance, but shall be submitted for review by Community Development and RWU, and require approval from all appropriate utilities. Submittals for easement reductions follow the standards and details above.

**Utility Contact Information:**

<b>Provider</b>	<b>Contact</b>	<b>Phone #</b>	<b>Email</b>
Rogers Water Utilities	Stephen Ponder	(479) 621-1156	stephenponder@rwu.org
Carroll Electric	Derek Thurman	(479) 273-2421 *2690	dthurman@carrollecc.com
AEP SWEPCO	Chris Andreolli	(479) 986-1015/ (479) 721-8573	clandreolli@aep.com
Black Hills Energy	Adam D. Comer	(479) 320-5104 / (479) 877-0006	adam.comer@blackhillscorp.com
CATV (Cox)	Jason Combs	(479) 263-7057	jason.combs@cox.com
Phone (AT&T)	Anthony Williams	(479) 442-3173	aw9156@att.com



February 21, 2024  
City of Rogers  
Community Development  
301 W Chestnut St.  
Rogers, AR 72756

Re: Variance Request – The Visionary  
CityView Project #PL202201164  
CTA Job No. 22110600

I am writing this letter to request the following variances in regards to the new development, the Visionary:

1. A variance from the required 50% glazing for ground floors in a Pedestrian Priority Frontage (Section 14-732(5.3)(a)(iii))

The elevations included with this submittal show 44% glazing for the South Elevation (adjacent to Founders Way). The intent of this requirement in the Uptown Rogers Development Code is to provide walkable, public areas that are visually interesting and inviting and provide a unique streetscape. The current grade of the roadway (Founders Way) exceeds 12% in some places. This creates a situation where it would be extremely difficult or impossible to orient retail/commercial frontage along Founders Way, because the entrances would not be accessible for all people. It would be extremely difficult for someone with limited mobility to access this area safely.

We are meeting the intent of the code by providing inviting pedestrian plaza spaces with seating areas and additional features NW the intersection of Founders Way and JB Hunt Drive. This plaza extends as far west up Founders Way as possible given the topography. Additionally, we will be maintaining the existing 10' side path along Founders Way and heavily landscaping the entire area, so it does not look like a "back of house" area.

For these reasons, we are requesting to reduce the glazing requirements to 44% for the South Elevation of the building.

2. A variance from the required 90% building frontage along street Pedestrian Priority Designated roads (Section 14-732(4.2)(b)(ii))

The site is NW the intersection of JB Hunt Drive and Founders Way. Due to the curvature of Founders Way, it would be extremely difficult for any building to meet the 90% building frontage requirement with a Pedestrian Priority designation. We request a reduction in the build-to-zone on a pedestrian priority road to be reduced to 29% on Founders Way. We have oriented the building to encroach as much of the build-to-zone as possible without violating existing easements or right-of-way lines. To better meet the spirit and intent of the code, where we are not providing a building within the BTZ along Founders Way, we are proposing enhanced landscaping and pedestrian plaza areas. This frontage will still function as an inviting and visually interesting streetscape.



JB Hunt Drive has also been designated Pedestrian Priority, however, due to the curvature of Founders Way and the existing angle of the intersection, we are not able to provide 90% building frontage along the East Elevation either. We request that the build-to zone on a pedestrian priority road be reduced to 62% on JB Hunt Drive. We are providing retail frontage, a ground-floor restaurant along JB Hunt Drive with a walkable path outside as well as a pedestrian plaza with outdoor seating. We have created an inviting area for the public in the areas where building frontage within the BTZ was not able to be provided. We believe with these enhanced site amenities shown on the attached site and landscaping plans, we are meeting the intent of the code.

3. A variance to allow service access on a Pedestrian Priority Front Streer instead of an alley or joint use easement (Section 14-715(4.1)(c)(iii)(1))

We are requesting a variance to allow service access off of Founders Way, which has been designated as Pedestrian Priority Frontage. The east elevation of this building fronts JB Hunt Drive, which is also designated as Pedestrian Priority frontage would also not allow for service access per the current code. The north elevation of this building does not front a street or access drive currently. Additionally, there is a second phase of this project planned to be constructed along the north building elevation to create a pedestrian access corridor between this proposed building and the future building that will be proposed in Phase 2 of this project. To accommodate a service entrance along the north side of the building, a curb cut for an access drive would have to be constructed along JB Hunt Drive, which would require trucks to back in off of the street and between the two buildings, and then pull out back onto the street with compromised sight triangles due to the location of the building. The west building elevation fronts Founder's Plaza that has already been constructed. This is where retail/restaurant access will be fronted, which provides more pedestrian focused areas for the uptown region. The entire plaza would have to be demolished to accommodate a service entrance on this side of the building.

The proposed service access off of Founders Way still meets the spirit and intent of the code. All service access features will be screened with enhanced landscaping and architectural design.

Should you have any questions or concerns, feel free to contact us at your earliest convenience.

Sincerely,  
Crafton Tull and Associates

Elizabeth Topping, E.I.









# FOUNDERS EAST - BOMA

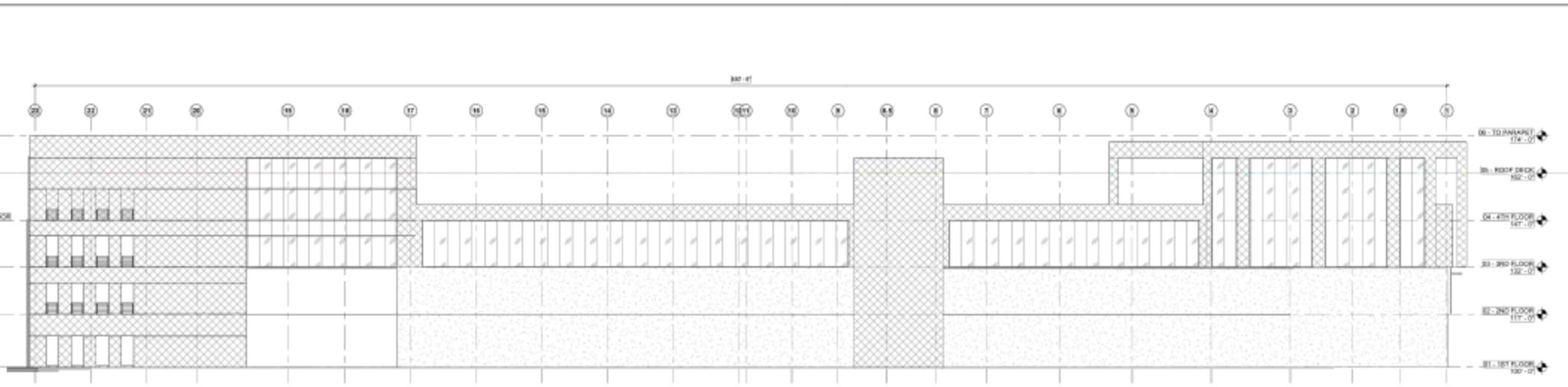
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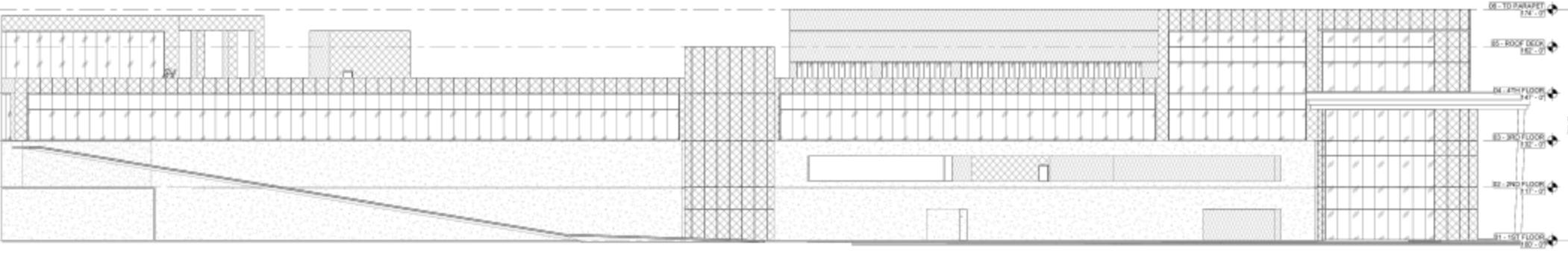
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1 NORTH ELEVATION  
1/8" = 1'-0"



2 SOUTH ELEVATION  
1/8" = 1'-0"



ARCHITECT OF RECORD  
**NOT FOR CONSTRUCTION**

REVISION		
NO.	ISSUE	DATE

CONSULTANT

**THE VISIONARY**  
 ROGERS, AR 72768

DRAWN BY:  
 AUTHOR:  
 CHECKED BY:  
 CHECKER:

PROJECT #  
**22-456**

DATE:  
 06/22/2023

ISSUE:  
**A3.2**  
 EXTERIOR BUILDING  
 ELEVATIONS



 General Mills

### NOTICE OF PUBLIC HEARING

#### NOTICE OF PUBLIC HEARING VARIANCE

A Variance is a request for a change in the application of the zoning ordinance to a specific property. It is not a change in the ordinance itself. The Board of Zoning Adjustments is the authority that grants or denies variances. The Board of Zoning Adjustments is composed of seven members appointed by the Mayor. The Board meets on the second Tuesday of each month at 7:00 PM in the Council Chambers, 201 N. Franklin St., Raleigh, NC 27601. For more information, please contact the Planning Division at (478) 621-1188 or [planning@rogermar.gov](mailto:planning@rogermar.gov).

**COMMUNITY DEVELOPMENT  
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(478) 621-1188  
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