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

PLANNING COMMISSION MEETING AGENDA
JANUARY 21, 2025
5:30 PM
ONLINE VIEWING:
PLANNING COMMISSION: HTTPS://US02WEB.ZOOM.US/J/89982341163
BOARD OF ADJUSTMENT: HTTPS://US02WEB.ZOOM.US/J/89982341163
ZONING REVIEW COMMITTEE: HTTPS://US02WEB.ZOOM.US/J/81732276505

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AGENDA

CALL TO ORDER:

ROLL CALL:

DECLARATION OF ABSTENTION:

MINUTES:

a. January 7, 2025

REPORTS :

a. Staff - Unified Development Code Refresher - Rezones

b. Commissioners

PUBLIC FORUM:

Public testimony on any issue not listed on the agenda may be provided at this time. Public hearing is offered at this time for select consent agenda items noted below:

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a. Beauty 4 Ashes Investments Rezone
Approving a rezone subject to standard review at 721 W. Persimmon Street from the T4.1 (Neighborhood Medium-Intensity) zoning district to the T4.2 (Neighborhood High-Intensity) zoning district.
STAFF: Amber Long
REPRESENTED BY: Ben Fernando

CONSENT AGENDA:

The Planning Commission may remove any item from consent for further discussion and separate motion and vote.

a. Beauty 4 Ashes Investments Rezone
Approving a rezone subject to standard review at 721 W. Persimmon Street from the T4.1 (Neighborhood Medium-Intensity) zoning district to the T4.2 (Neighborhood High-Intensity) zoning district.
STAFF: Amber Long
REPRESENTED BY: Ben Fernando

REGULAR AGENDA - ITEMS REMOVED FROM CONSENT:

The Planning Commission may remove any item from consent for further discussion and separate motion and vote.

REGULAR AGENDA - OLD BUSINESS:

NO ITEMS.

REGULAR AGENDA - NEW BUSINESS:

a. Dung Nguyen & Xinh Dinh Le Rezone
A rezone request subject to enhanced review at 315 S. Promenade Boulevard from the T2 (Rural) zoning district to the T5.1 (City Low-Intensity) zoning district.
STAFF: Amber Long
REPRESENTED BY: Will Kellstrom

COMMISSIONERS' FINAL COMMENTS:

ADJOURN:

CALL TO ORDER BOARD OF ADJUSTMENT:

a. Hoskins S. 26th Street Variance

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Requesting a variance from the Unified Development Code on 1.81 acres southeast of the intersection of S. 26th & S. 27th Streets in the HC (Highway Commercial) zoning district.
STAFF: Amber Long
REPRESENTED BY: Geoff Bates

COMMUNITY DEVELOPMENT
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ROGERS PLANNING COMMISSION
MINUTES

The Rogers Planning Commission met for a public meeting at Rogers City Hall at 301 W. Chestnut Street on January 7, 2025 at 5:30 P.M. The meeting was called to order by Chairman Ed McClure followed by the Pledge of Allegiance.

Chairman Ed McClure made the following recommendations for Planning Commission officers: Steve Lane for Chair, Samantha Best for Vice Chair, and Derek Burnett for Secretary. The following recommendations were made for Board of Adjustment: Hannah Cicioni for Chair, Derek Burnett for Vice Chair, and Kevin Jensen as a member.

Motion by Cicioni, second by Best, to approve the recommended officers.
Voice Vote: Unanimous – Yes. *Motion carried.*
APPROVED.

ROLL CALL
Commissioners attending: Jorge Andrade, Samantha Best, Derek Burnett, Hannah Cicioni, Kevin Jensen, Steve Lane, Ed McClure, Isaac Stevens, and Ezequiel Tovar.

ACTION ON MINUTES
Motion by Cicioni, second by Andrade, to approve the December 3, 2024, Planning Commission meeting minutes as presented.
Voice Vote: Unanimous – Yes. *Motion carried.*
APPROVED.

DECLARATION OF ABSTENTION
Chairman Lane asked that any Commissioners needing to abstain on agenda items state so and not participate in discussion or vote on the item. There were none.

REPORTS
None.

PUBLIC FORUM
Mike Jones with Best Sign Group expressed his concerns about the current sign code and presented a packet with sign code comparisons between Rogers and other major cities in NWA.

CONSENT AGENDA
a. Reginald Wright Rezone

Approving a rezone subject to standard review at 920 S. 1st Street from the T5.1 (City Low-Intensity) zoning district to the T4.1 (Neighborhood Medium
-Intensity) zoning district.

Lane removed this item from consent and moved it to regular agenda.

REGULAR AGENDA – Items Removed from Consent

a. Reginald Wright Rezone

Approving a rezone subject to standard review at 920 S. 1st Street from the T5.1 (City Low-Intensity) zoning district to the T4.1 (Neighborhood Medium
-Intensity) zoning district.

Planner Nicholas Little noted that the property is currently zoned T5.1 and I-1 and the applicant is requesting to down-zone to T4.1. The property is located within the Urban Neighborhood and doesn't border any other placetypes. The requested zone is permissible by Standard Review according to Table 2.8.3.A in the Unified Development Code. All rezoning submittal and notifications requirements have been met, Staff finds this request to be compliant with the UDC and FLUM. Staff recommends approval of the request as presented.

Reginald Wright represented the request.

The Chairman opened the public hearing for comments.

- Jennifer Rogers – against request and proposed plans.

The public hearing was declared closed.

Motion by McClure, second by Andrade, to approve the rezone request as presented.
Voice Vote: Unanimous – Yes. *Motion carried.*
APPROVED

REGULAR AGENDA – New Business

a. Newell Bellview Development Rezone

A rezone request subject to enhanced review on 7.10 acres at the NW corner of S. Bellview Road and W. Pleasant Grove Road from the T5.1 (City Low-Intensity) zoning district to the T4.2 (Neighborhood High-Intensity) zoning district.

Planning Deputy Director Joe Rexwinkle stated that this rezone is a rehearing and the request was approved by the Commission in December. After staff had been contacted by a citizen they realized the applicant did not do the certified mail which is required by code so they've added it back to the agenda and the applicant has met the certified mail requirement.

The Chairman opened the public hearing for comments.

- Jeremy Goucher – requesting a reduction in zoning to allow a more appropriate transition to neighborhood.

The public hearing was declared closed.

Motion by McClure, second by Cicioni, to approve the rezone request as presented.
Voice Vote: Unanimous – Yes. *Motion carried.*
APPROVED

b. RRA Real Estate Developers Rezone

Approving a rezoning subject to enhanced review on 44.27 acres near the intersection between W. Pleasant Grove Road & S. Rainbow Road from the T2 (Rural) zoning district to a mix of the T5.1 (City Low-Intensity), T4.1 (Neighborhood Medium-Intensity), and T4.2 (Neighborhood High-Intensity) zoning districts.

Planner Nicholas Little noted the subject property is currently zoned T2, and the rezone request would change the zoning of the property to T4.1, T4.2 and T5.1 as presented. The subject property is surrounded on 3 sides by different phases of Shadow Valley, a country club residential subdivision. The area at large is heavily residential, with mostly low-density, single-family residential use.

In the Unified Development Code, there are two types of rezones outlined in Table 2.8.3.A. Standard Review rezone requests are zones within a placetype that are likely to create the envisioned placetype for a certain property. Enhanced Review rezones are requests that may create the envisioned placetype. The subject property contains three different placetypes, dictated by the Future Land Use Map: Neighborhood Center, focused at the arterial intersection, Urban Neighborhood, along the northern half of the subject property, and Neighborhood Fabric, along the southern half of the subject property. The applicant proposes T5.1 on the northside, focused along the intersection and the frontage of W Pleasant Grove Road, T4.2 in the middle of the property, and T4.1 on along the edges and southern half of the property, designed in a way to protect the surrounding properties from the relative proposed intensity on the northern portion of the property. The narrowest portion of the proposed T4.1 area is about 67’ wide, and is circled in red on the left side of the exhibit. All the proposed zones are subject to either standard or enhanced review in their respective placetypes per Table 2.8.3.A in the UDC.

Upon review, all of the requested zones are permissible by either standard or enhanced review per Table 2.8.3.A. Staff feels that the zoning plan effectively focuses intensity at the intersection and along the arterial street frontage, while transitioning zoning in a way that would require more compatible uses along the edges of the development that abut existing single-family residential.

This rezone would allow increase in building heights at this location if approved. At the time that this narrative was created, nearly 45 emails speaking in opposition of this request have been received by Staff. The opposers cite incompatibility, traffic concerns, property devaluation, increased potential for crime and lack of buffering, as well as other concerns. However, Staff feels that the proposed zoning plan does a good job of placing more intense zoning where it’s appropriate, while also buffering the potentially intense uses from the existing single-family neighbors by using less intense zoning as a buffer. The requested zoning districts meet all applicable criteria favorably per Staff’s analysis. Staff recommends approval of the request.

Taylor Lindley with Crafton Tull represented the request. Lindley noted that they used the FLUM when making their zoning choices. They were very intentional with surrounding the subject property

with T4.1 and noted that they would not have any commercial uses in that area and it will be residential.

Commissioner Burnett asked for some perspective on why the closest point from T4.1 to the Shadow Valley subdivision is 67 feet. Lindley stated that part of their rezone request was to provide street layouts which is used for coordination on the zoning boundary. On the western side of the T4.1 zoning boundary they have designed an alleyway and they have no plans to build on the west side of the alleyway so it is more of an 80-foot buffer.

The Chairman opened the public hearing for comments.

- Stephanie Lawson – proposed plan does not match surrounding neighborhood and concerns about safety.
- Erin Hulliberger – concerned about proposed alley and safety.
- Heather Sullivan – concerned about property values and proposed alley.
- Kailin Cannon – concerns about traffic, safety, and said proposed plan does not match surrounding area.
- Janet Whiddon – against request.
- Shadow Valley Resident – traffic concerns.
- Lorena Mariscotti – against request.
- Deanna Cicatiello – against request, height concerns and would want a bigger buffer.
- Kenneth DeLozier – concerns about property value.
- Heidi Potts – against request.
- William Wright – against request and concerns about property value and crime.
- Chris Johnson – proposal doesn't match surrounding area and concerns about property values and wildlife.
- Shadow Valley Resident – against request and concerns about property values, crime, noise levels, and pollution.
- Tom Spillyards – proposal will have a negative impact and does not match surrounding area.
- Judi Cicatiello – against request.
- Steven Nelson – concerns about height, property value, and safety.
- Dana Burleson – concerned about wildlife, traffic and crime.
- Hector Jimenez – against request.
- Meagan Bowman – against request.
- Doug Raymond – concerned about high density, property value, and noise/light pollution.
- John Gore – proposal does not match surrounding area and concerned about privacy.
- Mike Cicatiello – against request and concerned about height, noise/light pollution, and crime.
- Cecilia Raymond – concerned about property value, crime, noise/light pollution, privacy, and traffic.
- Melanie Neal – concerned about property value, privacy, noise/light pollution, and safety.
- Harry Vogt – against request and concerned about current infrastructure.
- Kim Crozier – against request.
- Mike Mann – subject property is not leveled and concerned about existing infrastructure.
- Christian Bilheimer – concerned about existing wildlife and safety.

- Lorena Serrese-Warn – agrees with previous speakers.
- Laura Babarskas – against request.
- John McCowan – concerned about property values and proposed plan should match surrounding area.
- Rick Potts – against request and concerned about property values.
- Nithin Nanchari – against request.
- Jennifer Rawlings – against request.
- Caden McKinney – concerned about safety, noise, and light pollution.
- Jason McKinney – concerned about traffic.
- Jordan Boelte – concerned about safety.
- Richard Watkins – concerned about current elevation at subject property and drainage.
- Cassandra Giroux – against request.
- Kyle Reynolds – against request and concerned about tall buildings on the current elevations of subject property.
- Richard Howard – against request.
- Tracy Rosser – against request and concerned about property value.
- Mike Hoehner – proposal doesn't match surrounding area and against request.
- Jason Wenglarski – concerned about property values.
- Rita Spillyards – against request.

The public hearing was declared closed.

Lindley addressed some of the neighbor's concerns.

Commissioners discussed the request with the applicant and staff.

Motion by McClure, second by Burnett, to table the rezone request for 60 days.
Voice Vote: Unanimous – Yes. *Motion carried.*
APPROVED

COMMISSIONERS' FINAL COMMENTS
None.

ADJOURN
There being no further business, the Chairman adjourned the meeting at 8:18 p.m.

ATTEST: **APPROVED:**

_____ _____
Derek Burnett, Secretary Steve Lane, Chairman

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BOARD OF ADJUSTMENT
MINUTES
January 7, 2025

The **Rogers Board of Adjustment** met for a public meeting at Rogers City Hall at 301 W. Chestnut Street on January 7, 2024 at 8:10 P.M. The meeting was called to order by Chairwoman Hannah Cicioni.

ROLL CALL
Board members attending: Derek Burnett, Hannah Cicioni, and Kevin Jensen.

ACTION ON MINUTES
Motion by Burnett, second by Jensen, to approve the 11/19/24 Board of Adjustment minutes as presented.
Voice vote: YES - Unanimous ***Motion carried***
APPROVED

NEW BUSINESS
1. VAR: Starner Tax Group
Requesting a variance from the Unified Development Code at 2718 W. Walnut Street in the T5.2 (City Medium-Intensity) zoning district.

Planner Nick Little stated this property is located in central Rogers, at the southeastern corner of W Walnut Street and S Rife Drive. The subject property is zoned T5.2, and is currently used as professional and personal service. Currently, a monument sign on the eastern side of the property is still standing, and has been changed/updated since this street view image was taken, to reflect accurate contact information. The roof sign was destroyed in the May tornado. Most of the trees in this image were destroyed in the tornado, as well.

The variance requests are as follows: 1. To exceed the maximum sign height allowed above the roofline for wall signs. 2. To exceed the maximum sign area for wall signs.
Regarding the sign height: Sec. 5.8.9 states that no more than 50% of the sign's vertical dimension shall lie above the roofline. The applicant is proposing a 20 tall building extension, in which the wall sign dominates. The roofline is the eave, in this instance, which is 8' above grade. The top of the sign structure is 150% above the roofline. Upon analysis, there are some relative site-specific hardships for the request at this site. Yes, the tornado destroyed an existing sign. The building was constructed in the 1970s and does not reflect the design of a typical modern commercial structure, meaning that a compliant sign would particularly short, given the low eave. The site also sits a little below W Walnut, slightly inhibiting visibility of a passer-

by. However, the proposed sign is particularly large and is not really attempting to meet the sign code in any way. A shorter sign would be more acceptable, and worthier of a variance. Regarding the sign area: Sec. 5.8.9 states that the maximum area for a wall sign is 10% of the area of the total building façade. In this instance, the façade of the building is about 832 sq. ft. The proposed copy area is about 140 sq. ft., which is about 17% of the size of the building façade.

Again, the hardships for this request are roughly the same as the last request. The existing building's short, yet long shape, somewhat skew the area to height ratio, making a compliant sign a little more difficult to meet. However, it is staff's opinion that the sign could be made smaller by omitting the phone number and web address from the copy area, given that passers-by wouldn't, and shouldn't be writing considering that information – only the name and service of the business. Plus, the existing monument sign on site includes contact information for the business. Again, this variance could be substantiated by proposing a smaller copy area.
As a remedy to this variance, Staff recommends shortening the sign, and lessening the copy area by omitting contact information, in order to lessen the amount of maximum height and area being varied from.

No public input was received regarding this request. Staff recommends approval of both variance requests, on the condition that the overall sign structure is made shorter and the sign copy area is made smaller to lessen the amounts being varied from, for height and area.

Applicant Matt Reese with Sign Studio added that the sign code has changed recently. The sign code changes have been brought up by a competitor, and he is definitely in ally with him. He then turns the floor to Mr. Rob Starner with Starner Tax Group. He thanked the board members and reiterated that the tornado came through and took the sign off the building. When he purchased the building in 2017 there was a sign on the top of the building and it was grandfathered in.

Chairwoman Cicioni opened the public hearing for comments.
The public hearing was declared closed.

Applicant, board members, and staff discussed the sign area. It was brought up that the building façade is much larger than just the parapet and that what was there before was much larger,

Motion by Jensen to APPROVE the variance. Second by Burnett
Voice vote: APPROVED Motion ***carried***
APPROVED

2. VAR: Brendan Wallace
Requesting a variance from the Unified Development Code at 6504 S. 36th Street in the T3.2 (Neighborhood Low-Intensity) zoning district.

Planner Nick Little stated the variance requested is to allow a reduction in the 20' rear(western) setback, platted with the Lexington Subdivision Final Plat.

Per the property's zoning, the rear, or interior yard setback, would be only 5'. In this case, the subdivision plat trumps the zoning standard, and the 20' setback stands. This variance came about after an easement reduction was submitted to staff, and the shed was discovered to encroach the setback. The applicant doesn't plan on moving the shed.

There is no existing site-specific hardship in this instance. The hardship of having to relocate the shed was created by the applicant, by placing the shed where they did. They would not have been expected to obtain a permit for this structure, based on its size. The setback variance isn't shown on the plans, but upon resubmittal, the applicant would be expected to show only the minimum amount of reduction to the setback to proceed. There is no other way to substantiate this variance, other than moving the shed. It is semi-permanent in nature, due to the fact that it is wired for electricity.

This request is rather menial, and no public input has been received. All application and notification requirements have been met for this project. Staff recommends approval of the request.

Applicant Brenden Wallace stated he did not have to obtain a permit for the shed because it met temporary shed criteria.

Chairwoman Cicioni opened the public hearing for comments.
The public hearing was declared closed.

Deputy Director Joe Rexwinkle clarified the applicant has a plat under review by staff right now to reduce the easement depth and the purpose for that is to allow a pool. In the course of reviewing that plat they saw the accessory structure in the easement labeled "office". Cicioni questioned applicant about the location of the shed. Applicant stated the shed was placed in the most leveled portion of the yard.

Board members, applicant, and staff discussed. The location of the shed does not meet the UDC setbacks called out for T3.2. If this site was not in a platted subdivision the applicant would only be requesting a 1-foot reduction.

Motion by Jensen to APPROVE the variance. Second by Burnett
Voice vote: APPROVED Motion ***carried***
APPROVED

3. VAR: Chestnut Flats
Requesting a variance from the Unified Development Code at 111 W. Chestnut Street in the T5.1 (City Low-Intensity) zoning district.

Planner Christina Moore stated the site is located in downtown Rogers near Chestnut Street and N. 2nd Street. The variance requests are as follows: 1. To Allow a decrease in the minimum floor ceiling height from 12 feet to 9 feet. The applicant's hardship states the overhead power lines create an inability to provide aerial access. The provided floor to ceiling height of the first floor allow the overall building to not exceed 30feet and therefore not need aerial access. Strict

enforcement could cause hardship. Aerial access is needed per building code when the building is over 30 feet tall. Reducing the first-floor building height to 9 feet allows the building to be under 30 feet tall to avoid the aerial access requirement. The developer could lower the number of floors on the building. However, this would not be the type of development the city wants in the downtown area. The city is also actively trying to obtain the funds to bury the overhead powerlines. 2. To allow a reduction in the minimum building occupancy in the build to zone from 70% to 61%. There is hardship is their utility lines servicing the adjacent property that are prohibiting the building from being placed within 30 feet of the front property line on the east side. The applicant intends on moving the utility lines. At the time the staff report was written they have not contacted the adjacent property owner, so they are wanting to get experience out of precaution. The applicant should contact the adjacent property owner and verify the connections can be moved. If the adjacent property owner does not want to cooperate, the city will be in support of this variance. Staff finds that it is reasonable to request the applicant contact the adjacent property owner to move the utilities. The development directly south of this property has an approved three-story residential building that is 42 feet tall. There are not overhead powerlines on Chestnut on this side of the street but there are overhead power lines in the alley. Staff recommends approval with condition request to allow a reduction in the first floor to ceiling height with the condition the city does not obtain funds to bury the overhead powerlines by the time the site development plan is approved. approval with condition the request to allow a reduction in the minimum building occupancy percentage with the condition the adjacent property owner is unwilling to move their utility connections

Director of Community Development John McCurdy stated on behalf of City it is the intent to bury the power lines. The department has been working with SWEPCO to an estimated cost.

Applicant Keith Wheeler the reduction of the building height that is really dominated by the existence of those power lines. Keith added he brought this project to the planning staff in September. In September we were talking about burying the power lines and in January we are still talking about burying the power lines. The approved with conditions does nothing for from a developer stand. To go forward with designs of building, site, structural and in two months' time but told to change or bring to new compliance and go back to ground. To clarify that we're only requesting a reduction of 65% not 61%. The building is designed to be 49 feet wide, which is 70% of our site. The only reason that we have to have any reduction at all is because of the existing power lines and the existing power meters to the neighboring building. We're pushed back 3 feet out of compliance, and that 3 feet. The reason for that 3 feet is in that 3 feet is where that meter packet is serving our adjacent property. That's what we're asking for here is, it's 3 feet towards 5%. And if we were to bury those lines, that's how far we would have to move that building to be complying.

Chairwoman Cicioni opened the public hearing for comments.
The public hearing was declared closed.

Applicant, staff, and board members discussed.

Motion by Burnett to TABLE the variance. Second by Jensen
Voice vote: TABLE until the February 4th Planning Commission Meeting. Motion ***carried***

TABLED

4. VAR: Arvest Bank Downtown
Requesting a variance from the Unified Development Code at 201 W. Walnut Street in the T5.2 (City Medium-Intensity) zoning district.

Planner Christina Moore this site is located in Downtown Rogers at the corner of Walnut and N 2nd Street. Applicant is requesting to allow an exemption from the 3 to 4-foot masonry screen wall requirement in T5 zoning. They are proposing to install landscape screening with evergreen shrubs that grow 2 to 3 feet tall and 4 feet wide. Applicant's stated hardship is that the addition of a masonry wall presents safety concerns for customers, as it would create blind spots and areas that individuals could hide and ambush customers. The proposed hedging and trees replace the required masonry wall in applicable areas, improving visibility and reducing hiding spots for better security. As we look at the T5.2 zoning intent, the primary goal is to create a pedestrian-friendly environment. The zoning is designed to encourage vibrant, walkable streets where buildings line the sidewalks, activating the space and fostering interaction with pedestrians. A consistent streetscape is essential for maintaining the downtown's unique character. Buildings are meant to define the public realm, not parking lots or drive-thru areas, which can disrupt the flow of the urban environment.

When considering whether a variance or waiver would cause undue hardship to the property owner, it's important to note that the site is non-conforming. This means it doesn't fully meet current zoning standards, but modifications are still possible. According to Section 1.6.6 of the UDC, nonconforming sites can remain as they are, but any modifications, including those to vehicular areas must conform to current standards. In evaluating whether the hardship is a result of any action taken by the property owner, it's important to note that yes, the hardship stems from the property owner's proposal. They've chosen to install Stoke's Dwarf Yaupon Holly, an evergreen shrub that only grows 2-3 feet tall and 4 feet wide, instead of the required 3-4-foot masonry screen wall. As stated in Section 5.6.6.2(A), a masonry screen wall is required when a property's frontage is not occupied by a building, particularly in areas where there's a parking lot or drive-through between the building and the street. The property owner is requesting a variance to install landscape screening in place of the masonry wall. However, this isn't the minimum necessary change. The wall is the required standard for creating a cohesive streetscape, and substituting it with shrubs doesn't meet that intent.

Arvest′s claim that the variance is needed for customer safety isn′t supported by nearby examples. For instance, First National Bank in Downtown Bentonville uses a masonry screen wall adjacent to its parking lot and drive-thru lane. Despite this, the bank operates without reported safety issues. This demonstrates that a masonry wall provides sufficient security while maintaining the pedestrian-friendly streetscape. Therefore, the argument that a variance is required for safety doesn′t hold, as proven by other nearby businesses successfully installing a small wall. Staff recommends to deny the request to allow an exemption from the 3-4 ft masonry screen wall requirement.

Applicant Caroline Fox engineer and Jeff Mead the property manager both representing the project. Fox stated the variance is being requested primarily due to safety concerns associated

with bank properties. The intent of the Masonry Street wall was stated in the staff report to maintain an active and cohesive street front, when features like drive-throughs or parking lots placed opposite streets, disrupt the pedestrian experience and undermine the welcoming atmosphere. Additionally, no improvements were proposed by the owner on the northwest portion of Chestnut, just on the other side of the left side of the alley. The sidewalk was added at staff request, as a necessary public improvement. To add a wall along this portion of the property would reduce the parking by 13 spaces. This reduction in parking affects the employees, users, and the public that is currently allowed to use the parking. The estimated cost of construction of a 4-foot masonry stream wall along approximately 550 linear feet required by code is $75,000. The estimated cost construction cost for improvement as proposed, is $330,000. The cost of the wall would be approximately 23% increase to the construction cost budgeted and alternatives to the current. Jeff Mead spoke on the safety concerns.

Chairwoman Cicioni opened the public hearing for comments.
The public hearing was declared closed.

Board members, applicants, and staff discussed.

Motion by Jensen to TABLE the variance. Second by Burnett
Voice vote: TABLE until the February 4th Planning Commission Meeting. Motion ***carried***
TABLED

5. VAR: Marquee Townhomes
Requesting a variance from the Unified Development Code at 2101 S. 31st Street in the T5.2 (City Medium-Intensity) zoning district.

Planner Christina Moore stated the site is located in south west Rogers to the east of Promenade Mall. Applicant is requesting an increase in the maximum exterior yard and is purposing that it be increased from 10 feet to 18.5 feet for both building 1 and building 2. The stated hardship for the property is the existing utility easement and grade change from the street to the club drives. The stated spirit and intent is that the buildings are built as close to the existing utility easements as possible. Regarding whether the variance or waiver would cause undue hardship to the property owner, the answer is yes. The property has an existing utility easement in the exterior yard, which restricts development within the designated build-to area. This unique circumstance limits the property owner's ability to fully comply with zoning requirements, potentially justifying the need for a variance to allow for practical use of the property. The hardship is not a result of any action taken by the property owner. The utility easements were already in place before the development was proposed, limiting the ability to fully comply with the build-to zone. As for the variance request, it is the minimum necessary to carry out the project. The buildings are already placed as close as possible to the utility easements, and the easements themselves extend beyond the current build-to zone, making the variance essential to make the most efficient use of the property. There is no reasonable alternative to avoid the variance. If the developer were to vacate the utility easement, it would require the relocation of all existing utilities in order to move the building closer to the property line. This would be a costly and disruptive process, making the variance the most practical solution to proceed with the development. Staff

recommends to approval the request to allow an increase in the maximum exterior yard from 10 feet to 18.5 feet in accordance with the site plan.

Applicant Kendele Boyce stated wanted to reiterate the hardship on site and topography.

Motion by Burnett to APPROVE the variance. Second by Jensen
Voice vote: APPROVED Motion ***carried***
APPROVED

6. VAR: Teufel Medical Office
Requesting a variance from the Unified Development Code at 3462 W. Pleasant Grove Road in the T4.2 (Neighborhood High-Intensity) zoning district.

Planner Amber Long the site is located west of I-49, at the southwest corner of W. Pleasant Grove Road and S. 36th Street. It is less than a mile east of Bellview Elementary School. This variance is tied to SDP 24-0654 Teufel Medical Office. The subject property was created through a lot combination in 2018 (L201803931). The plat shows a sanitary sewer line, fiber optic cable, and a concrete flume in utility and drainage easements. A 2024 topographical survey from the Teufel Medical Office Site Development Plan (SDP) shows the existing utility and drainage infrastructure on the property. The applicant requests the following variance from UDC Section 4.4.8.1, due to the following site conditions: "Due to existing utility easement layout on the site and the existing drainage easement that runs across the site, the building has been carefully proposed in a position to allow visibility from West Pleasant Grove Road while allowing sufficient parking for the use of the development. The intent of code is being met while allowing for this site to be developed. We formally petition Community Development to waive the above listed city code requirements allowing for the intent to be met given the site's existing easement layout and utility constraints." Strict enforcement of the code would present, and I guess an undue hardship, as we've seen with the lot combination and the survey, the utility easements and the utility infrastructure have been there for a while, and section 5.4 1.1 a 7 does prevent the construction of any building element in a utility or drainage easement. Staff recommends approval of the request to allow parking in the exterior yard at this location.

Applicant Mandy Bunch had nothing to add.

Chairwoman Cicioni opened the public hearing for comments.
The public hearing was declared closed

Motion by Jensen to APPROVE the variance. Second by Cicioni
Voice vote: APPROVED Motion ***carried***
APPROVED

7. VAR: Freddy's Frozen Custard
Requesting a variance from Chapter 22 Floodplain Administration on 1.64 acres near the southwest corner of S. Dixieland Road and W. Pleasant Grove Road in the HC (Highway Commercial) zoning district.

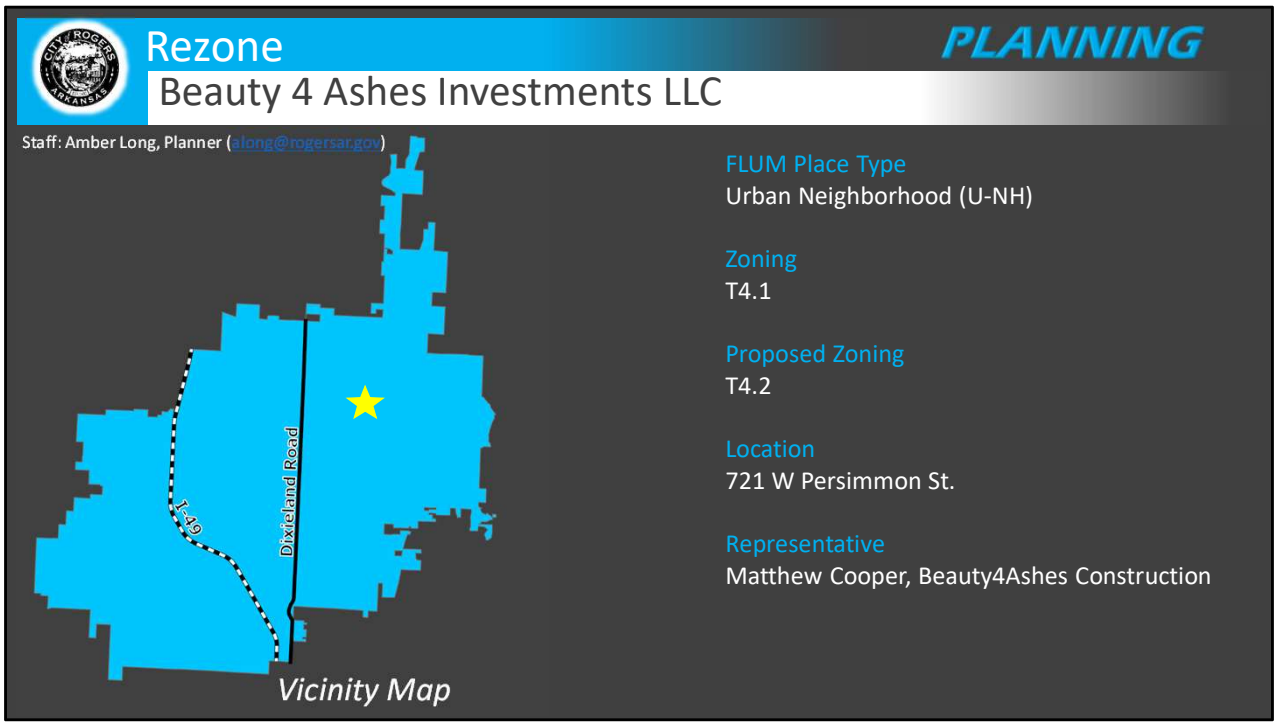
Chairwomen Cicioni stated that this project had been withdrawn by applicant.

ADJOURN
There being no further business, the Chairwoman adjourned the meeting at 10:08 p.m.

As recorded by:
Karen Perez
Planning Technician
Community Development Department
City of Rogers

Approved by vote of the Board of Adjustment on:

_____
Kevin Jensen, BOA Secretary



Nature of the Request:

The following request is for an amendment to the City of Rogers Unified Development Code Zoning Map, in accordance with Section 2.8 of the Rogers Unified Development Code.

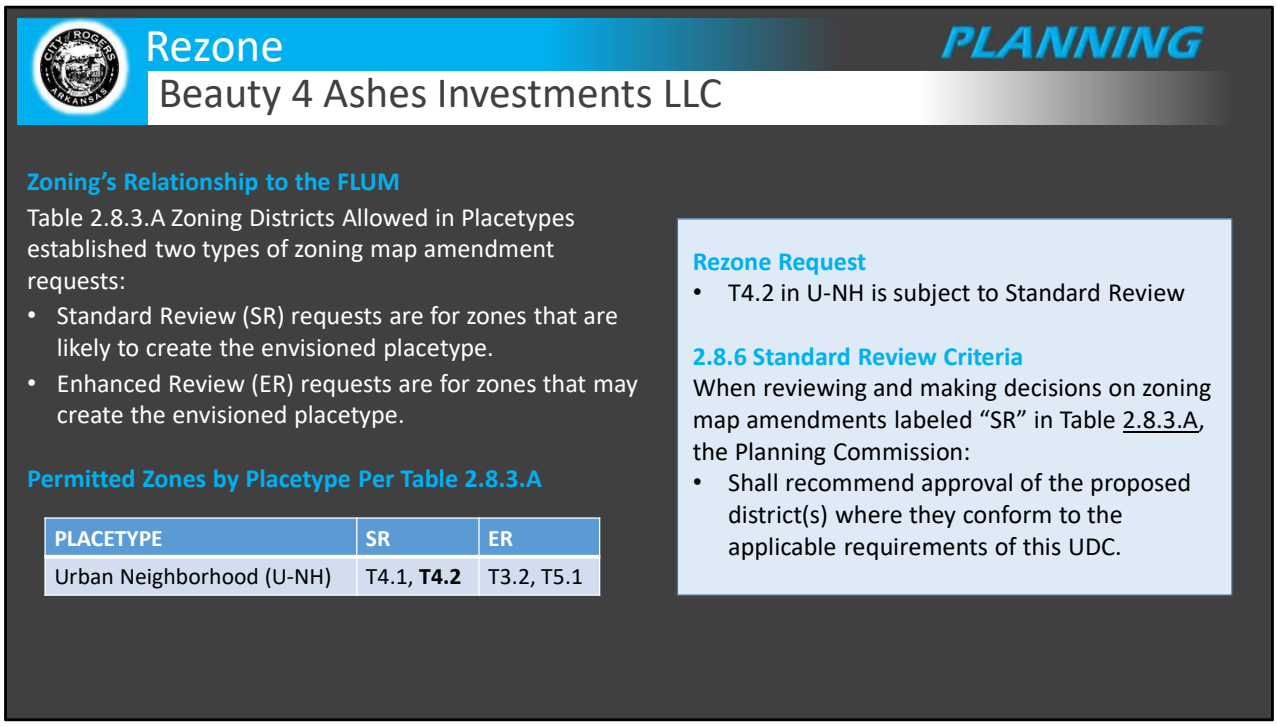
Request Details:

- Proposal: The applicant is proposing to rezone ±0.68 acres from T4.1 to T4.2 in the Urban Neighborhood (U-NH) placetypes.
- Review Type: Standard

Location Description

The subject location is located at the northeast corner of N. 8th Street and W. Persimmon Street. It is immediately adjacent to American Legion and across the street from United States Postal Service.

Parcels: 02-01096-000



About the Future Land Use Map (FLUM)

The Future Land Use Map is an element of the Comprehensive Plan identifying placetypes that the Planning Commission and City Council have carefully considered and determined to be appropriate for the future growth of the City.

2.8.3 Relationship with Future Land Use Map

"Table 2.8.3.A Zoning Districts Allowed in Placetypes sets forth zoning districts that:"

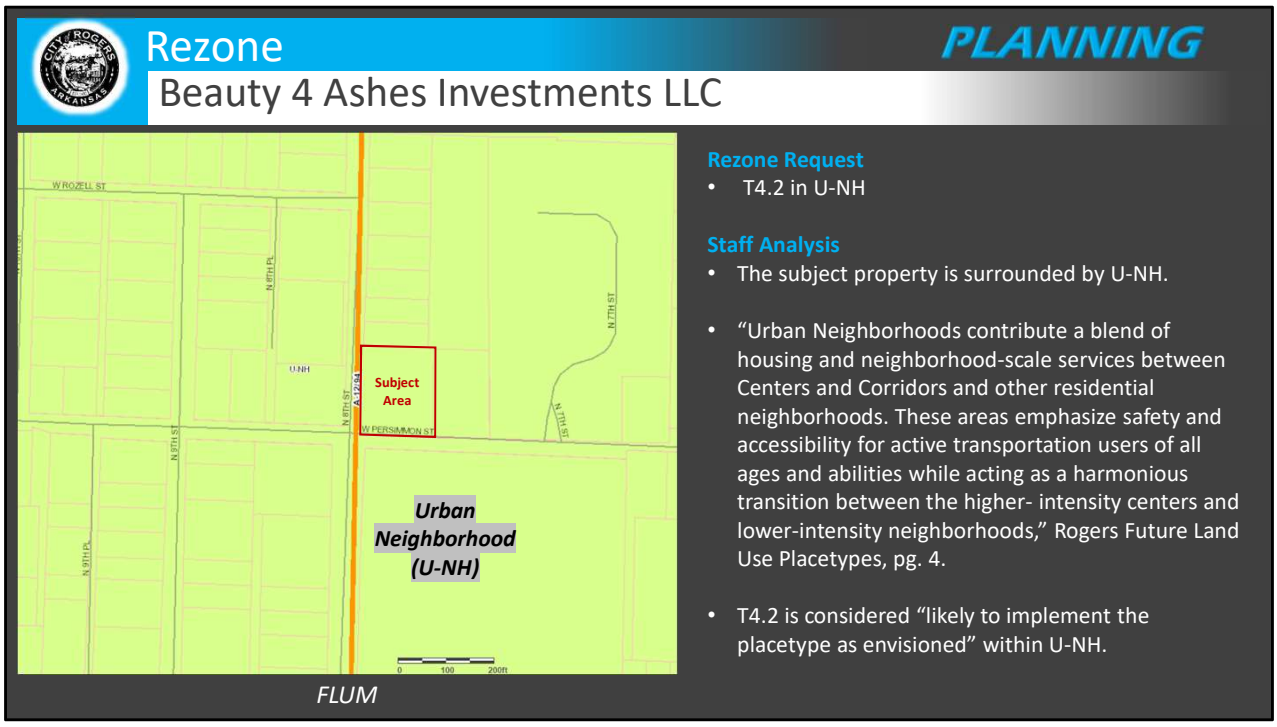
(A) Are likely to create the placetype envisioned by the Plan and thus conform to the Future Land Use Map. Such districts are subject to Standard Review.

(B) May create the placetype envisioned by the Plan and thus may conform to the Future Land Use Map. Such districts are subject to Standard Review and Enhanced Review.

(C) Will not create the placetype envisioned by the Plan and thus will not conform to the Future Land Use Map. Such districts will not be considered by the Planning Commission and City Council unless and until the Future Land Use Map and this UDC are amended accordingly," (UDC 2.8.3).

Summary of Request:

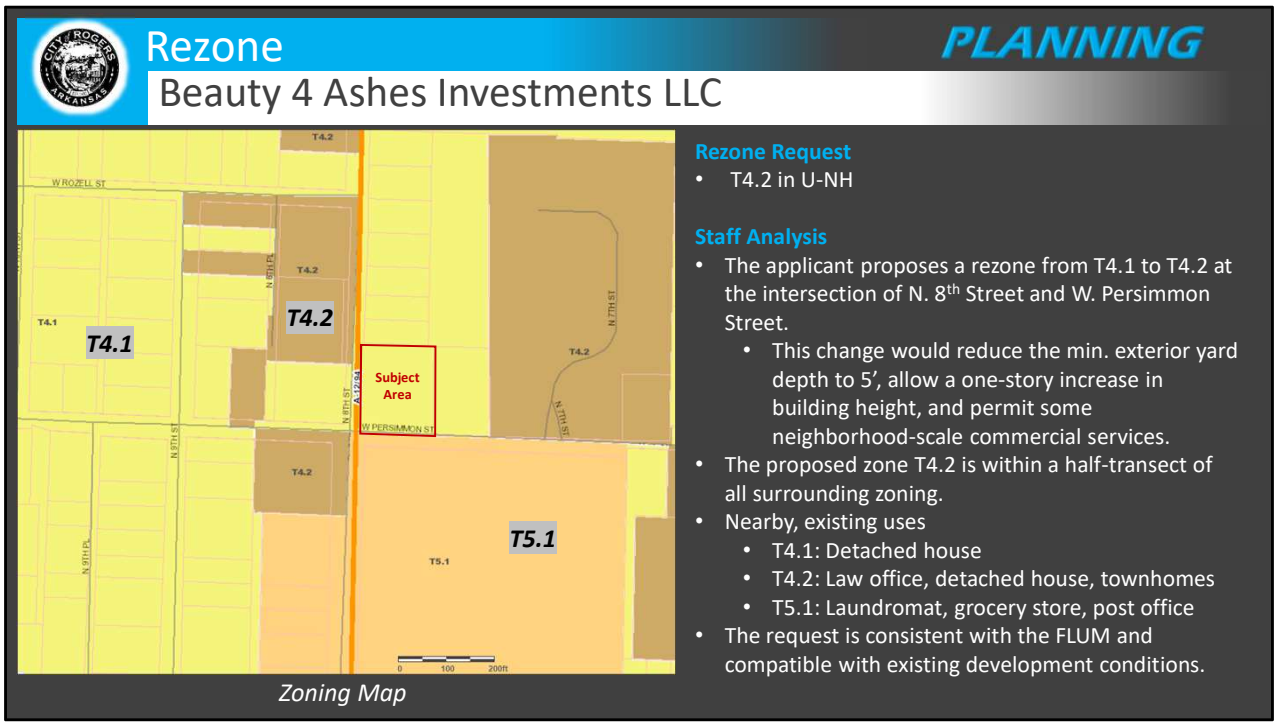
This request for a rezone from T4.1 to T4.2 in Urban Neighborhood (U-NH) is subject to Standard Review.



Placetype
Urban Neighborhood (U-NH)

Placetype Description
"Urban Neighborhoods contribute a blend of housing and neighborhood-scale services between Centers and Corridors and other residential neighborhoods. These areas emphasize safety and accessibility for active transportation users of all ages and abilities while acting as a harmonious transition between the higher- intensity centers and lower-intensity neighborhoods," *Rogers Future Land Use Placetypes*, pg. 4.

Future Land Use Map Analysis:
The subject area is located in U-NH and all adjacent properties are designated U-NH. Per Table 2.8.3.A, the requested zone T4.2 is considered appropriate throughout the placetype.



Current Zone (T4.1)

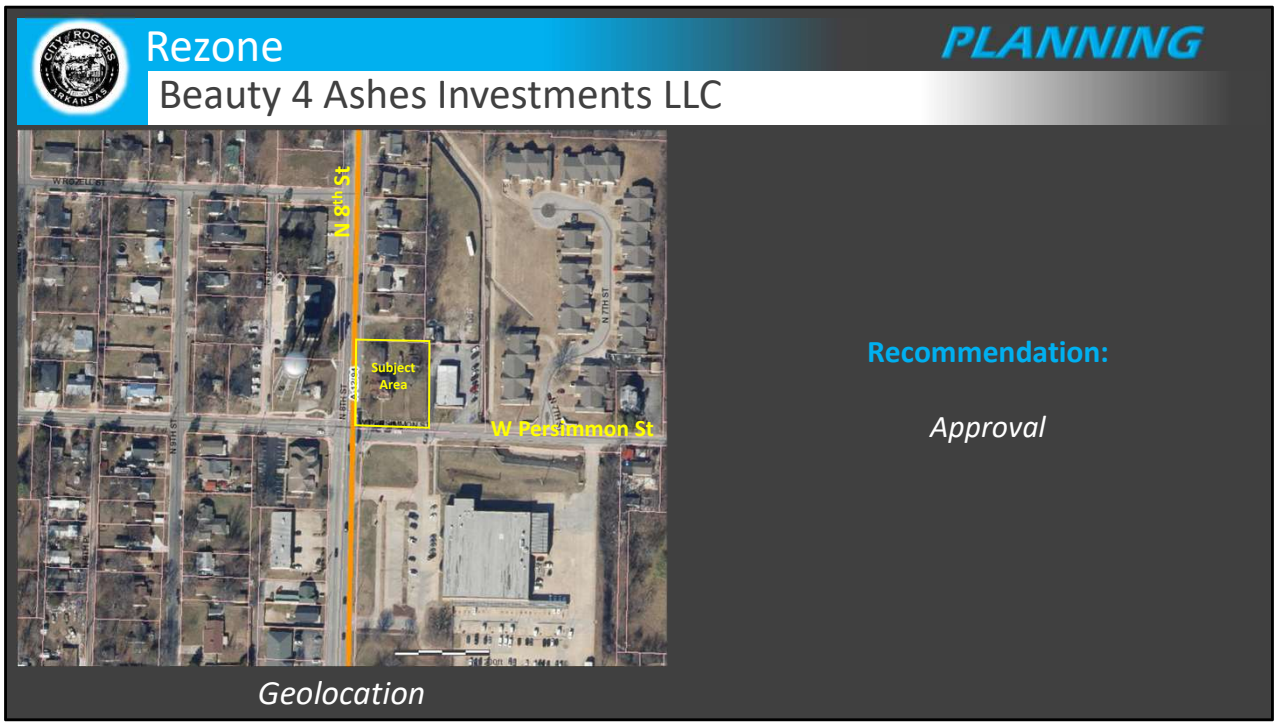
"A medium-intensity district intended primarily for neighborhood fabric, downtown neighborhood, and urban neighborhood placetypes where compatible nonresidential uses within walking distance of homes are allowed," (UDC Section 4.2).

Proposed Zone (T4.2)

"A high-intensity district intended primarily for urban neighborhood placetypes where compatible nonresidential uses within walking distance of homes are encouraged," (UDC Section 4.2)

Zoning Analysis:

The subject property is located at the northeast corner of N. 8th Street (minor arterial) and W. Persimmon Street (minor). The proposed rezone to T4.2 would result in a slight increase in development intensity at this intersection, which is appropriate along arterial streets. T4.2 permits a range of housing types and some neighborhood-scale services. The allowed uses are compatible with existing uses in the area and allowed uses in T4.1 and T5.1, which are permitted zones in U-NH. The proposed rezone is consistent with the Future Land Use Map (FLUM) and appropriate in this development context.



PUBLIC INPUT:
No public input received.

RECOMMENDATIONS:
Staff recommends **approval** of this request.

2.8.8 Planning Commission
2.8.8.2 Enhanced Review Districts
The Director shall place applications for enhanced review districts on the regular agenda and the Commission shall hold a separate public hearing.

Possible Planning Commission Motions for Standard Review:
- Recommend approval or denial. Either motion is deemed to pass when a majority of the quorum present vote in favor; or
- Table the request to a date certain not to exceed 60 days for more information. Such a motion requires a majority of the quorum present to pass; or
- Dismiss the request and the applicant's request. Such a motion requires a majority of the quorum present to pass.

PROPERTY OWNER AFFIDAVIT

The petitioner, Beauty 4 Ashes Investments LLC, petitions the Planning Commission of the City of Rogers, Arkansas to rezone certain real property as set forth herein:

LEGAL DESCRIPTION: PART OF THE NW 1/4 OF THE NE 1/4 OF SECTION 12, TOWNSHIP 19 NORTH, RANGE 30 WEST, MORE PARTICULARLY DESCRIBED AS FOLLOWS: STARTING AT THE SOUTHWEST CORNER OF SAID NW 1/4 OF THE NE 1/4, WHICH IS THE POINT OF BEGINNING, THENCE NORTH 0 DEGREES 33 MINUTES 23 SECONDS WEST, 185.00 FEET; THENCE EAST 161.00 FEET; THENCE SOUTH 0 DEGREES 33 MINUTES 23 SECONDS EAST 185.00 FEET; THENCE WEST 161.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.68 ACRES, MORE OR LESS. SUBJECT TO THE STREETS ON THE WEST AND SOUTH SIDES THEREOF

LAYMAN'S DESCRIPTION: 721 W Persimmon

PRESENT ZONING: T4.1

ZONING REQUEST: T4.2

Respectfully Submitted,

By: _____
(Property Owner Signature)

STATE OF ARKANSAS
COUNTY OF Benton

Subscribed and sworn before me this the 17th day of December, 2024.

Sonia Garcia
Comm. No. 12722269
NOTARY PUBLIC
My Comm. Expires 02/15/2033
BENTON COUNTY, ARKANSAS

Sonia Garcia
Notary Signature

Sonia Garcia
Notary Name Printed

02/15/2033
Commission Expires

CERTIFICATION

I hereby state that to the best of my knowledge all property owners within 300 feet of my property have been notified by Certified mail at least 15 days prior to the upcoming public hearing for my rezone request.

Dated this the 17 day of December, 2024.

Signed

BENEDICT FERNANDO

Name Printed

STATE OF ARKANSAS

COUNTY OF Benton

Subscribed and sworn before me this the 17th day of December, 2024.

Sonia Garcia
Comm. No.12722269
NOTARY PUBLIC
My Comm. Expires 02/15/2033
BENTON COUNTY, ARKANSAS

Sonia Garcia

Notary Signature

Sonia Garcia

Notary Name Printed

02/15/2033

Commission Expires

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 Planning Commission in the Rogers City Hall at 301 West Chestnut Street on **January 21, 2025** at **5:30 p.m.** on the application by **Beauty 4 Ashes Investments LLC** to rezone **721 W. Persimmon Street** from the **T4.1 (Neighborhood Medium-Intensity)** zoning district to the **T4.2 (Neighborhood High-Intensity)** zoning district, the property being more particularly described as follows:

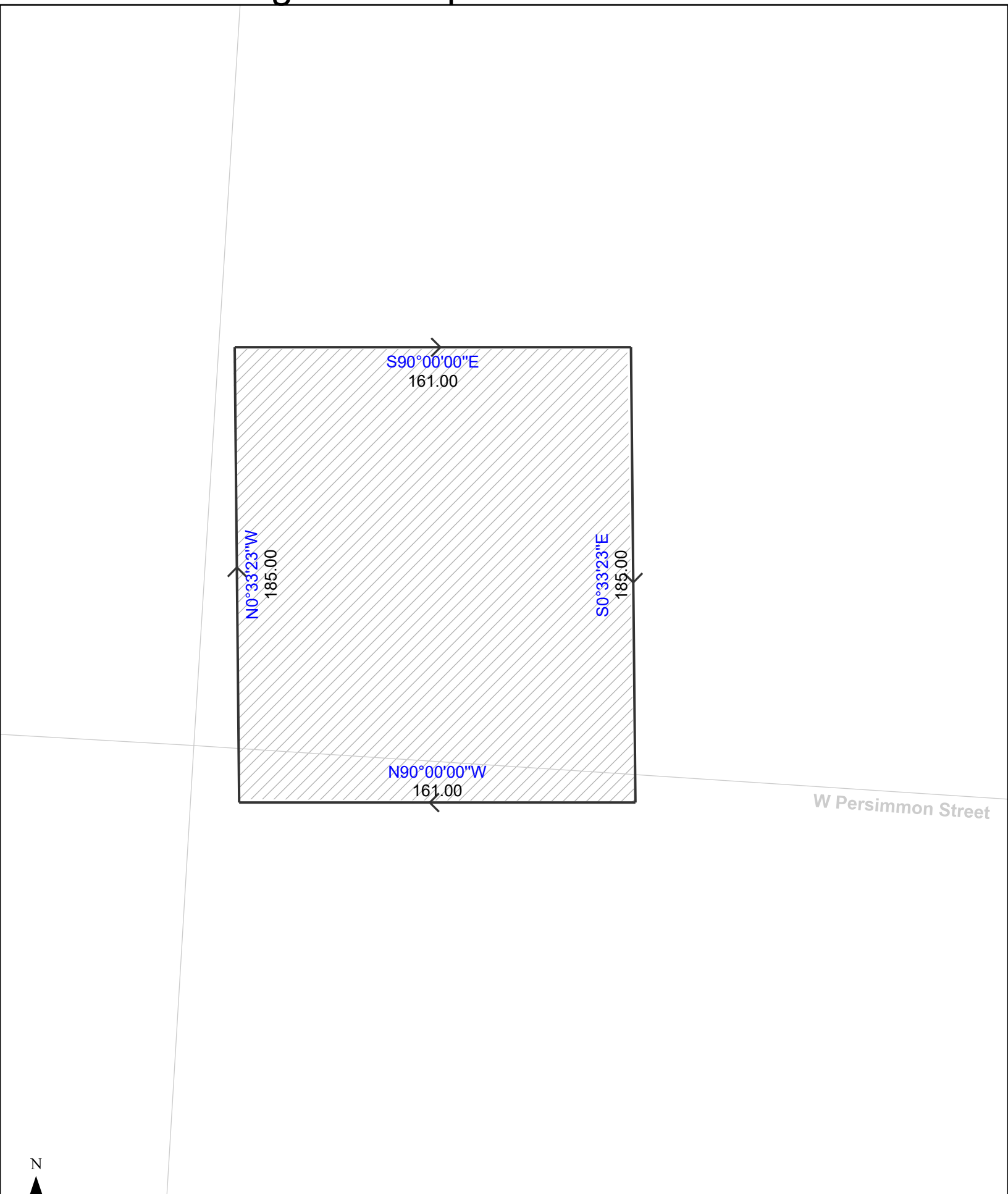
PROPERTY DESCRIPTION:
721 W. Persimmon Street
Parcel Number: 02-01096-000

Samantha Best, Secretary
Planning Commission

PUBLISH ONE TIME ONLY: **Sunday January 5, 2025**
BILL THE CITY OF ROGERS

NOTICE OF PUBLIC HEARING

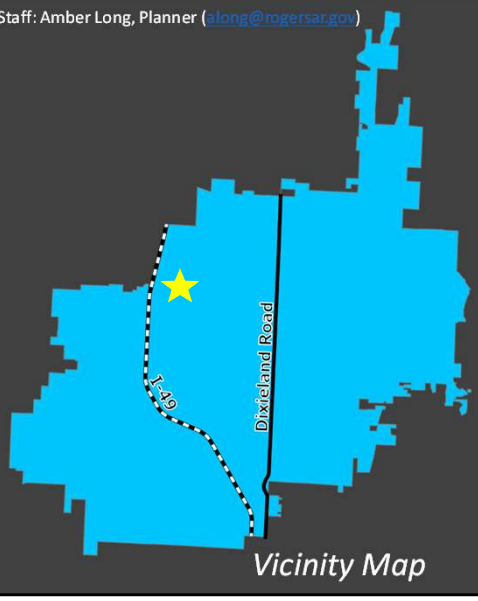
Legal Description Confirmation



Rezone
Nguyen

PLANNING

Staff: Amber Long, Planner (along@rogersar.gov)



Vicinity Map

FLUM Place Type
Urban Neighborhood (U-NH)

Zoning
T2

Proposed Zoning
T5.1

Location
315 S. Promenade Blvd.

Representative
Will Kellstrom
Watkins, Boyer, Gray & Curry, PLLC

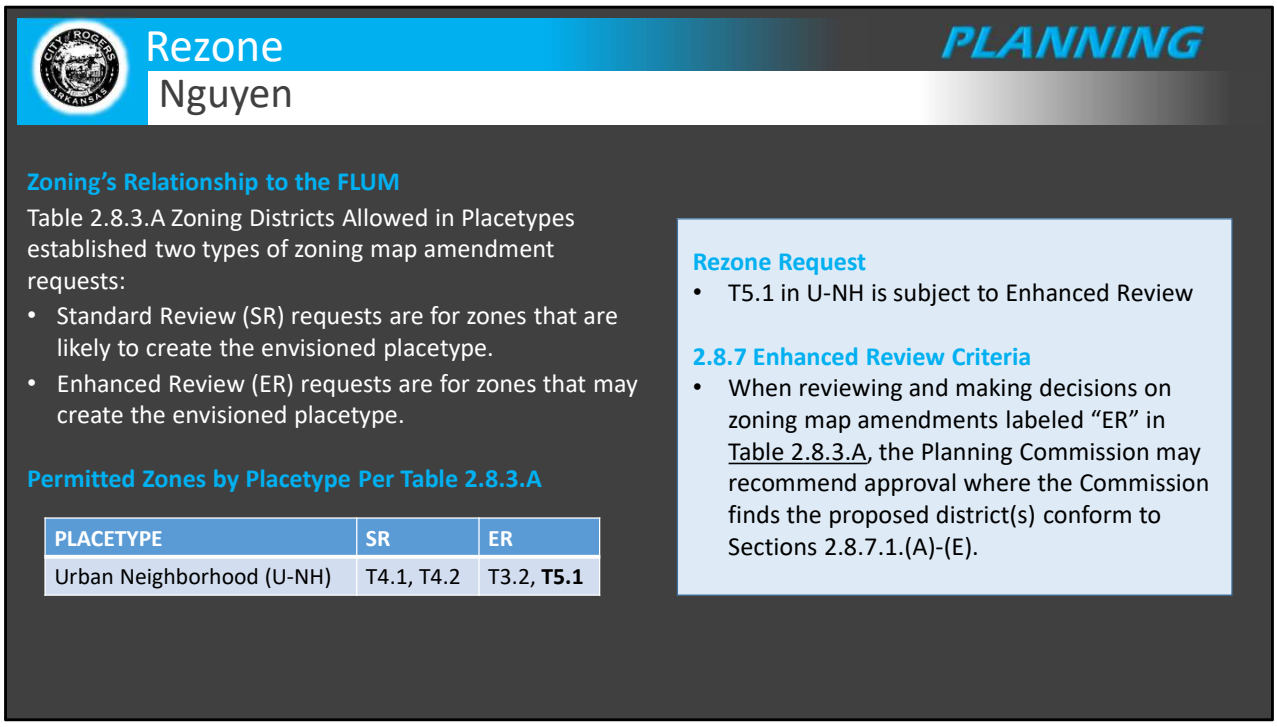
Nature of the Request:
The following request is for an amendment to the City of Rogers Unified Development Code Zoning Map, in accordance with Section 2.8 of the Rogers Unified Development Code.

Request Details:
- Proposal: The applicant is proposing to rezone ±2.36 acres from T2 to T5.1 in the Urban Neighborhood (U-NH) placetypes.
- Review Type: Enhanced

Location Description

The subject property fronts the east side of S. Promenade Boulevard and the Railyard Loop trail. The subject area is across the street from the Scottsdale Center shopping complex and The Meridian at Walnut Creek apartment complex. Adjacent developments include detached homes and mobile homes.

Parcels: 02-00861-093



About the Future Land Use Map (FLUM)

The Future Land Use Map is an element of the Comprehensive Plan identifying placetypes that the Planning Commission and City Council have carefully considered and determined to be appropriate for the future growth of the City.

2.8.3 Relationship with Future Land Use Map

"Table 2.8.3.A Zoning Districts Allowed in Placetypes sets forth zoning districts that:"

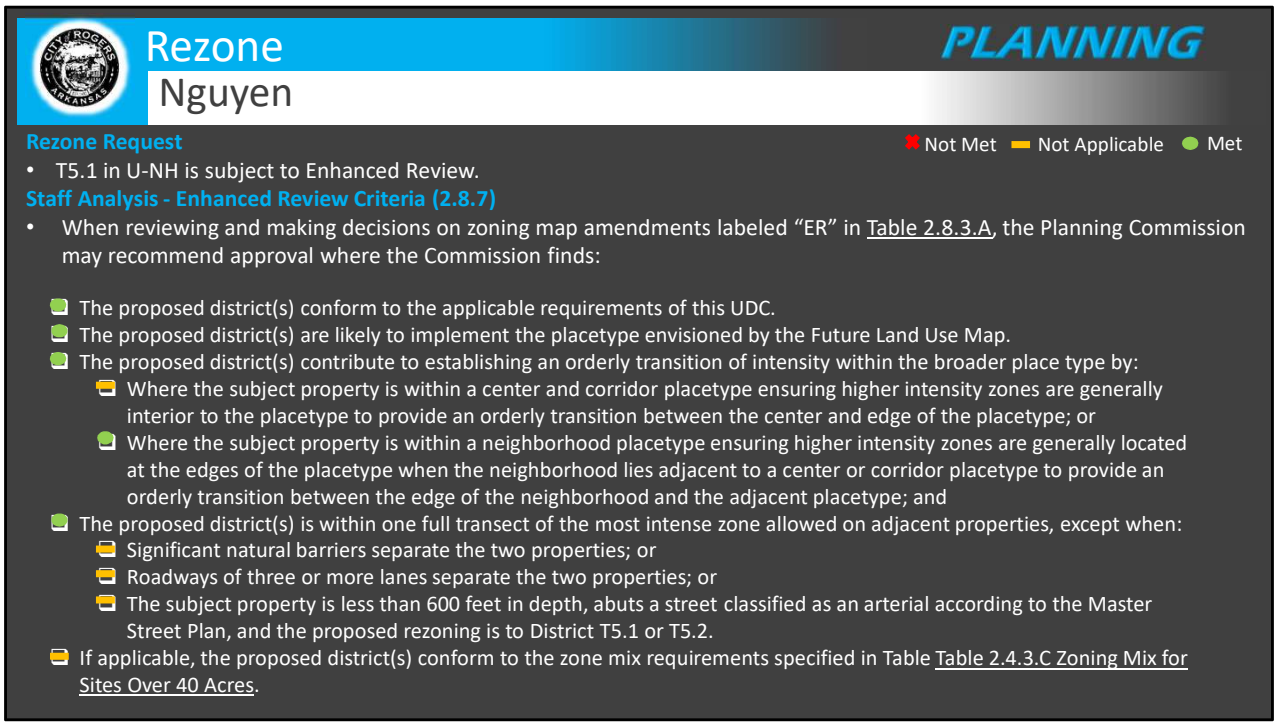
(A) Are likely to create the placetype envisioned by the Plan and thus conform to the Future Land Use Map. Such districts are subject to Standard Review.

(B) May create the placetype envisioned by the Plan and thus may conform to the Future Land Use Map. Such districts are subject to Standard Review and Enhanced Review.

(C) Will not create the placetype envisioned by the Plan and thus will not conform to the Future Land Use Map. Such districts will not be considered by the Planning Commission and City Council unless and until the Future Land Use Map and this UDC are amended accordingly," (UDC 2.8.3).

Summary of Request:

The applicant requests a rezone from T2 (Rural) to T5.1 (City Low-Intensity) in Urban Neighborhood (U-NH). Per Table 2.8.3.A, this request is subject to Enhanced Review.



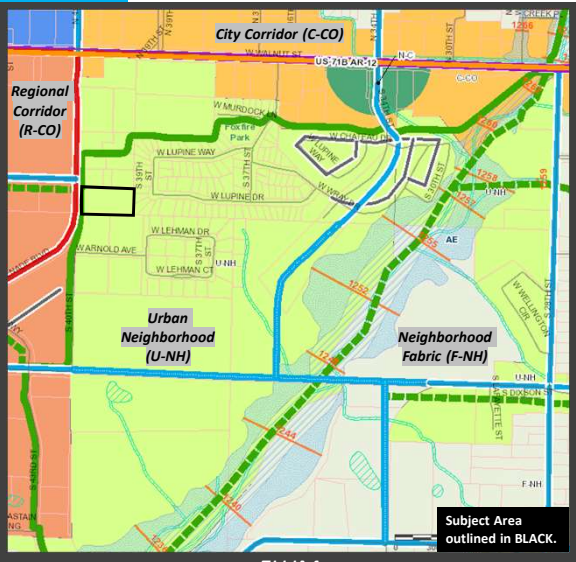
Enhanced Review Criteria Analysis:

Zoning map amendment requests subject to Enhanced Review are evaluated according to their conformance with the requirements of the UDC and four considerations related to the proposed zone's relationship to the surrounding placetype(s), zoning, and development context. The proposed rezone to T5.1 in Urban Neighborhood (U-NH) conforms to the applicable requirements of the UDC and meets three (3) of the four requirements. The zoning mix requirement for sites greater than 40 acres does not apply to the present request, as the subject area is less than 40 acres.

Rezone

Nguyen

PLANNING



FLUM

Rezone Request

- T5.1 in U-NH is subject to Enhanced Review.

Placetype Description

"Urban Neighborhoods contribute a blend of housing and neighborhood-scale services between Centers and Corridors and other residential neighborhoods. These areas emphasize safety and accessibility for active transportation users of all ages and abilities while acting as a harmonious transition between the higher- intensity centers and lower-intensity neighborhoods," *Rogers Future Land Use Placetypes*, pg. 4.

Placetype

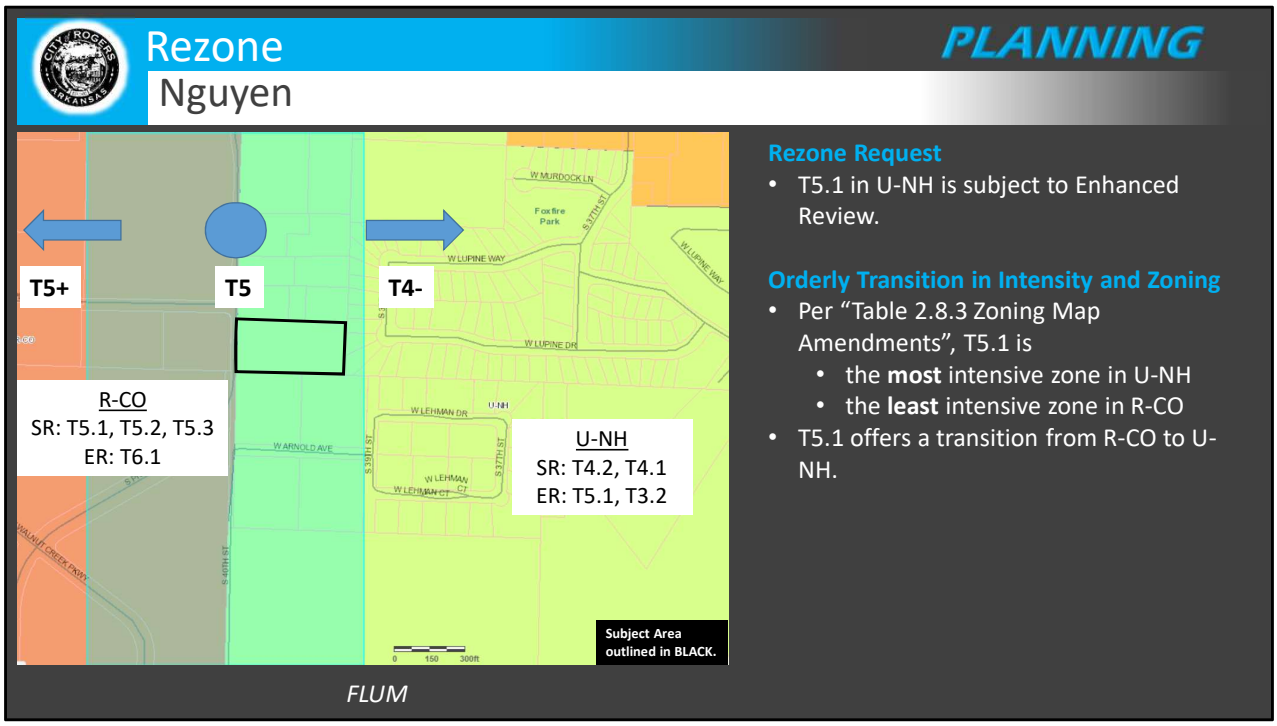
Urban Neighborhood (U-NH)

Placetype Description

"Urban Neighborhoods contribute a blend of housing and neighborhood-scale services between Centers and Corridors and other residential neighborhoods. These areas emphasize safety and accessibility for active transportation users of all ages and abilities while acting as a harmonious transition between the higher- intensity centers and lower-intensity neighborhoods," *Rogers Future Land Use Placetypes*, pg. 4.

Future Land Use Map Analysis:

The proposed rezone will implement the placetype as envisioned by locating the most intensive zone permitted in U-NH adjacent to a Corridor, major thoroughfare, and trail. The subject property is located at the edge of a large Urban-Neighborhood area. This U-NH transitions in intensity and scale between the lower intensity Neighborhood Fabric areas southeast of Osage/Turtle Creek and the higher intensity Corridors and Center placetypes along W Walnut Street, S Promenade Street, and S 40th Street. When adjacent to higher-intensity placetypes, Urban Neighborhood areas should be more intensive with a range of housing, commercial and mixed-use developments, and active transportation facilities. The subject property is across the street from a Regional Corridor (R-CO) area, which allows a high concentration and mix of uses, tall buildings, and multimodal transportation (*Rogers Future Land Use Placetypes*, pg. 5). T5.1, the most intensive zone permitted in U-NH, is defined as "a low-intensity mixed-use district where medium-scale buildings line streets mainly in corridor and city center placetypes." This district is appropriate at this location, as it will permit a development scale, form, and intensity that is compatible with developments in the R-CO. The subject property fronts the Railyard Loop trail. Permitting T5.1 at this location would further support the placetype's vision for a mixed-use neighborhood with multimodal transportation.



Current Zone (T2)

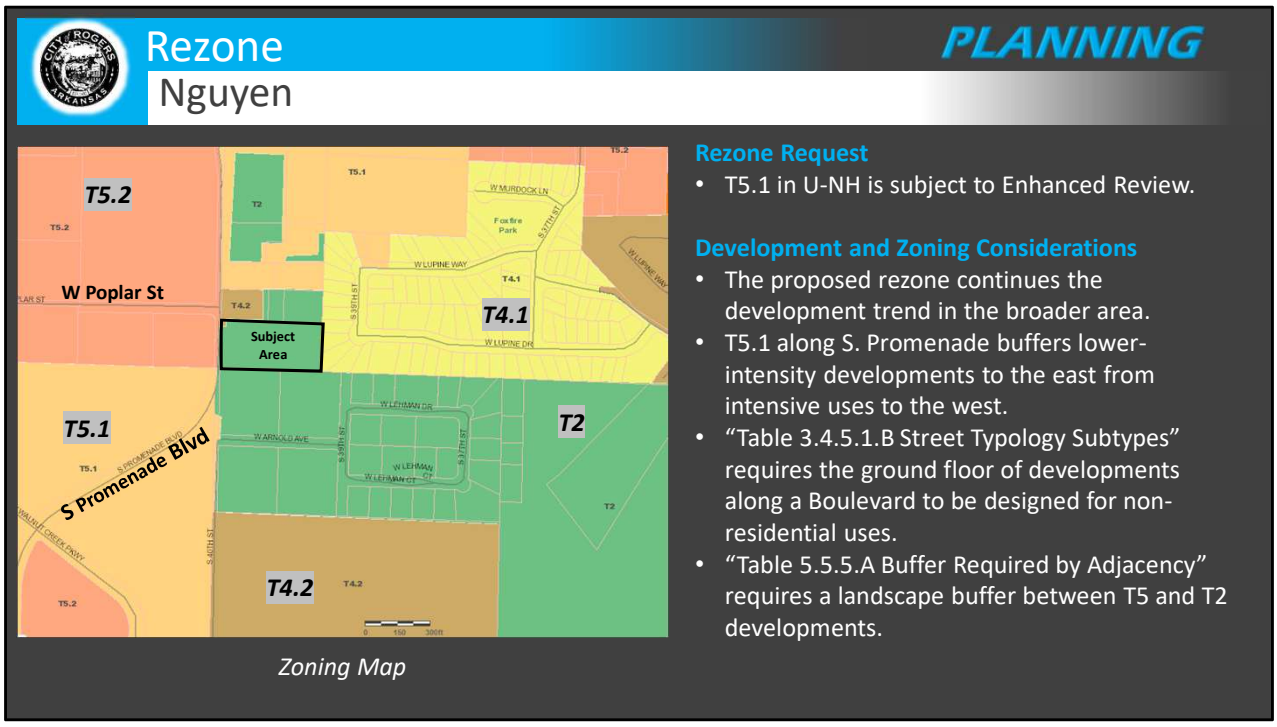
"A very low-intensity district intended for agricultural uses and as a temporary holding zone pending development," (UDC Section 4.2).

Proposed Zone (T5.1)

"A low-intensity mixed-use district where medium-scale buildings line streets mainly in corridor and city center placetypes," (UDC Section 4.2)

Zoning Analysis:

The proposed rezone to T5.1 contributes to an orderly transition of intensity within the broader placetype by locating the most intensive zone permitted in U-NH across the street from a higher intensity R-CO area. T5.1 is within one full transect of the permitted standard review zones for R-CO and U-NH. The proposed rezone conforms to all applicable requirements of this UDC. For example, "Table 3.4.5.1.B Street Typology Subtypes" requires the ground floor of developments located along Boulevard street types to be designed for nonresidential uses. This rezone to T5.1 would allow the applicant to meet this requirement.



Zoning Map

Current Zone (T2)
"A very low-intensity district intended for agricultural uses and as a temporary holding zone pending development," (UDC Section 4.2).

Proposed Zone (T5.1)
"A low-intensity mixed-use district where medium-scale buildings line streets mainly in corridor and city center placetypes," (UDC Section 4.2)

Zoning Analysis:
As shown on the zoning map above, the properties in the adjacent R-CO area are currently zoned T5.1 and T5.2. The proposed zone T5.1 is identical to or within one-half transect of the existing zoning in R-CO and therefore contributes to an orderly transition in intensity from the R-CO to the U-NH. Properties adjacent to the subject location in U-NH are zoned T2, T4.1, and T4.2. The Rogers FLUM treats T2 as a holding zone; properties zoned T2 will need to rezone to conform to the FLUM. T4.1 and T4.2 are standard review zones in U-NH and are within one full transect of the proposed zone T5.1.

The proposed rezone would contribute to an orderly transition in intensity within the placetype by locating the most intensive zone permitted in U-NH at the edge of the placetype, buffering less intense zones such as T4.1 from more intensive developments along the east side of S. Promenade Blvd. This arrangement of zoning districts is prevalent in the broader area as most properties along W. Walnut Street and S. Promenade Boulevard are zoned T5, with properties zoned T4 or lower located away from these major thoroughfares. The proposed rezone would continue this development pattern.

PUBLIC INPUT:
No public input received.

RECOMMENDATIONS:
Staff recommends **approval** of this request.

2.8.8 Planning Commission
2.8.8.2 Enhanced Review Districts
The Director shall place applications for enhanced review districts on the regular agenda and the Commission shall hold a separate public hearing.

Possible Planning Commission Motions for Standard Review:
- Recommend approval or denial. Either motion is deemed to pass when a majority of the quorum present vote in favor; or
- Table the request to a date certain not to exceed 60 days for more information. Such a motion requires a majority of the quorum present to pass; or
- Dismiss the request and the applicant's request. Such a motion requires a majority of the quorum present to pass.

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

OFFICE USE ONLY

Permit Fee: _____

Zoning: _____ to _____

Permit Number: _____

CityView Application: _____

Date: _____

REZONE APPLICATION

APPLICANT: Dung Nguyen & Xinh Dinh Le

ADDRESS: c/o Watkins, Boyer, Gray & Curry PLLC, 1106 W. Poplar St., Rogers, AR 72756 SUITE #: _____

GENERAL LOCATION OF PROPERTY: 315 S. Promenade Boulevard

PARCEL NUMBER(S) OF PROPERTY: 02-00861-093

PARCEL NUMBER: 02-00861-093

PHONE #: 479-636-2186 EMAIL: wkellstrom@watkinslawoffice.com

PROPERTY OWNER: Dung Nguyen & Xinh Dinh Le PHONE #: 479-636-2168

PRESENT USE: Undeveloped ZONING: T2

PROPOSED USE: Commercial ZONING: T5.1

/s/ Will A. Kellstrom 12-18-24

Applicant Signature Date

Attachment Checklist:

- □ Legal description of property
- □ Parcel Number for property
- □ Applicant Certification
- □ Property Owner Affidavit
- □ Site plan as needed

PLANNING STAFF PROVIDES:

DATE FILED: _____ PUBLIC HEARING DATE: _____ CERTIFIED MAIL DATE: _____

PLANNING COMMISSION ACTION: _____ DATE: _____

CITY COUNCIL ACTION: _____ DATE: _____

ORDINANCE NUMBER: _____ COMMENTS: _____

PROPERTY OWNER AFFIDAVIT

The petitioner, Dung Nguyen + Xuan Dinh Le, petitions the Planning Commission of the City of Rogers, Arkansas to rezone certain real property as set forth herein:

LEGAL DESCRIPTION: See Exhibit A, attached hereto.

LAYMAN'S DESCRIPTION: 315 S. Promenade Boulevard

PRESENT ZONING: T2

ZONING REQUEST: T5.1

Respectfully Submitted,

By: _____

Print Name: Dung Nguyen + Xuan Dinh Le

STATE OF ARKANSAS)
)
COUNTY OF BENTON)

Subscribed and sworn before me this the 18 day of December, 2024.

Amy Benson
Notary Signature

STATE OF ARKANSAS NOTARY PUBLIC
AMY BENSON
MY COMMISSION # 12392434
EXPIRES: April 10, 2033
Benton County

Amy Benson
Notary Name Printed

April 10, 2033
Commission Expires

CERTIFICATION

I hereby state that to the best of my knowledge all property owners within 300 feet of my property have been notified by Certified mail at least 15 days prior to the upcoming public hearing for my rezone request.

Dated this the 6th day of January, 2025.

W. Kellstrom

Will A. Kellstrom

STATE OF ARKANSAS

COUNTY OF BENTON

Subscribed and sworn before me this the 6th day of January, 2025.

B Salas

Notary Signature

Biridiana Salas

Notary Name Printed

May 5, 2034

Commission Expires

STATE OF NOTARY PUBLIC ARKANSAS

BIRIDIANA SALAS
MY COMMISSION # 00001765
EXPIRES: May 5, 2034
Benton County

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 Planning Commission in the Rogers City Hall at 301 West Chestnut Street on **January 21, 2025** at **5:30 p.m.** on the application by **Dung Nguyen and Xinh Dinh Le** to rezone **315 S. Promenade Boulevard** from the **T2 (Rural)** zoning district to the **T5.1 (City Low-Intensity)** zoning district, the property being more particularly described as follows:

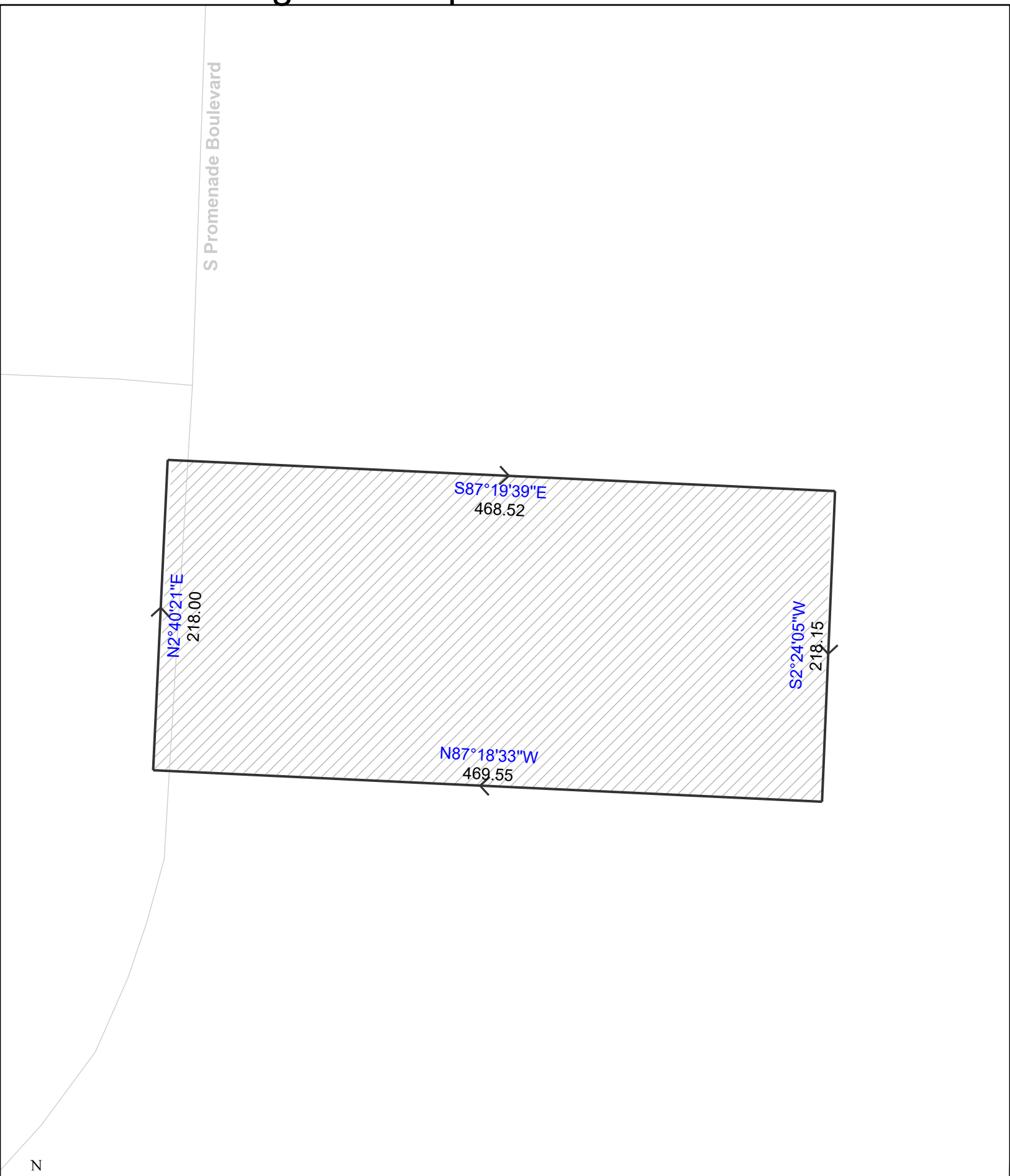
PROPERTY DESCRIPTION:
315 S. Promenade Boulevard
Parcel Number: 02-00861-093

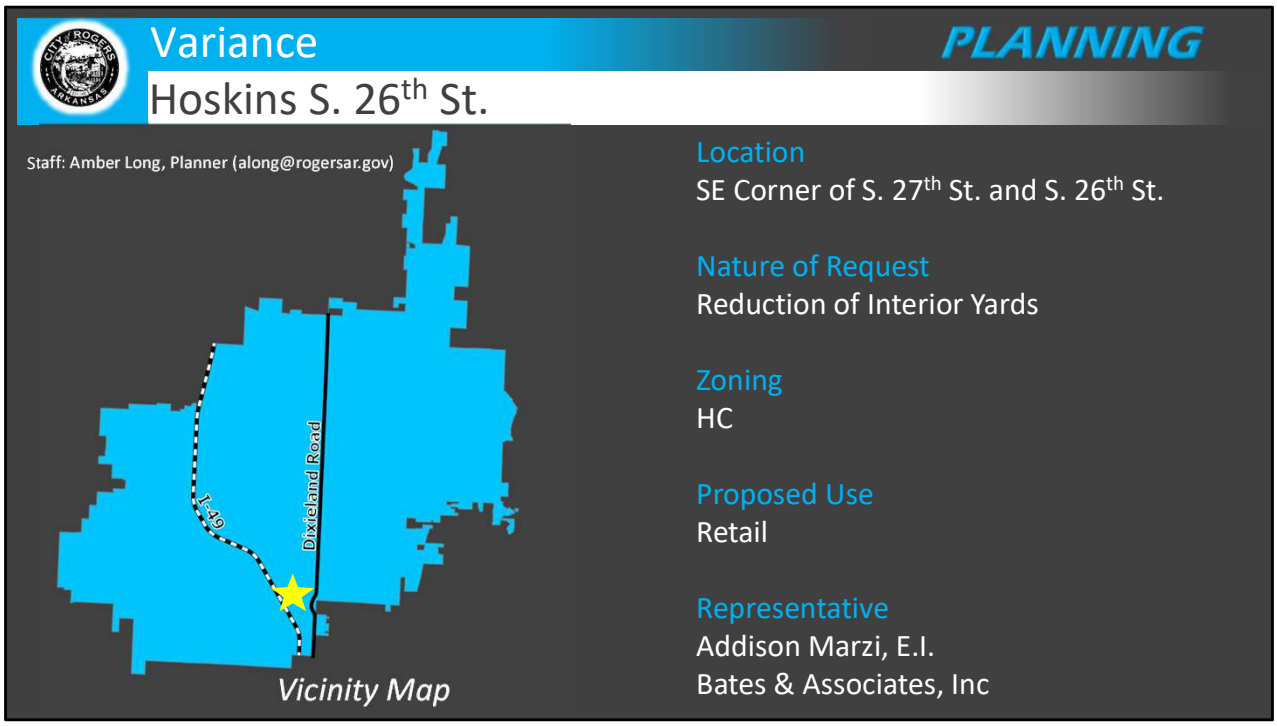
Samantha Best, Secretary
Planning Commission

PUBLISH ONE TIME ONLY: **Sunday January 5, 2025**
BILL THE CITY OF ROGERS

bealls
Marshalls
TICE OF PUBLIC HEARING
NOTICE OF PUBLIC HEARING
REZONE
COMMUNITY DEVELOPMENT
PLANNING DIVISION

Legal Description Confirmation

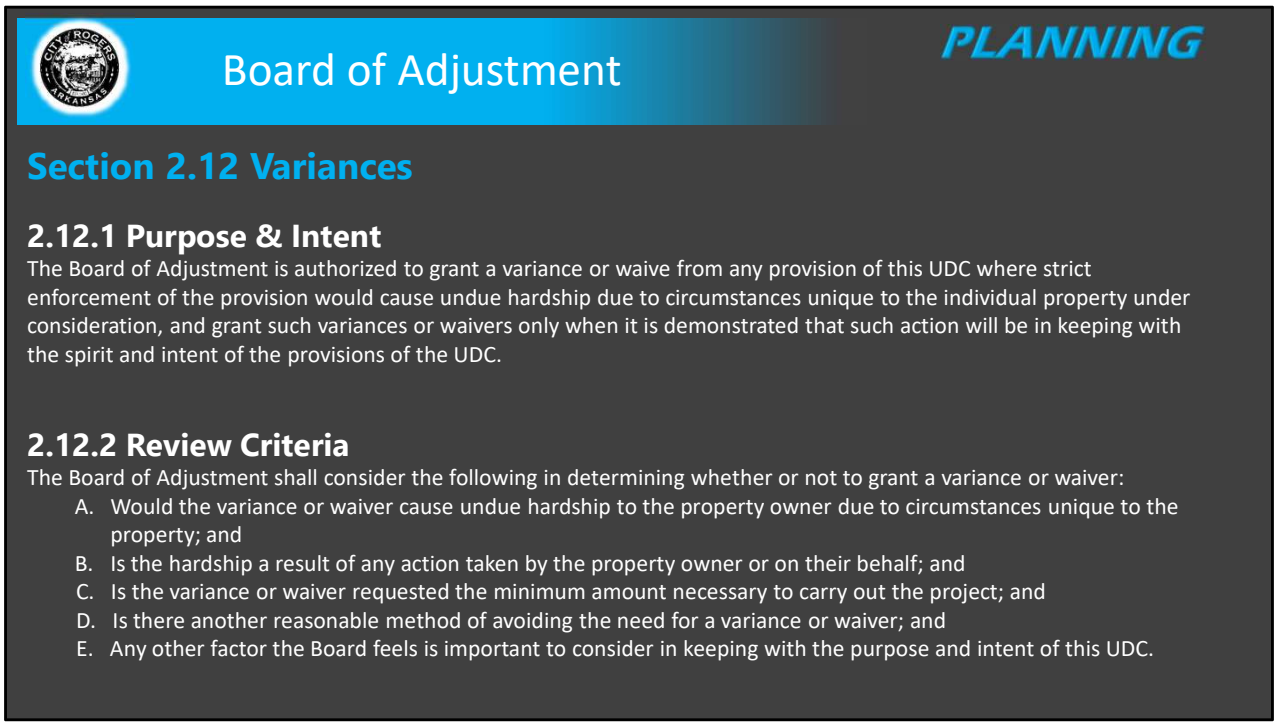




Summary:

This request is for a variance from Section 4.5.A Zone Standards, to allow a reduction to the south and east interior yards. This request is related to a future development planned on this site. At the time of this request, staff has not received a Site Development Plan application for this property.

This site is located east of I-49, west of At Home. Parcel 02-02087-345 includes two non-contiguous tracts. The requested variance is for the ±1.81 acre tract southeast of the intersection of S. 27th St. and S. 26th St.



Section 2.12 Variances:

2.12.1 Purpose & Intent

The Board of Adjustment is authorized to grant a variance or waive from any provision of this UDC where strict enforcement of the provision would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such variances or waivers only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the UDC.

2.12.2 Review Criteria

The Board of Adjustment shall consider the following in determining whether or not to grant a variance or waiver:

- Would the variance or waiver cause undue hardship to the property owner due to circumstances unique to the property; and
- Is the hardship a result of any action taken by the property owner or on their behalf; and
- Is the variance or waiver requested the minimum amount necessary to carry out the project; and
- Is there another reasonable method of avoiding the need for a variance or waiver; and
- Any other factor the Board feels is important to consider in keeping with the purpose and intent of this UDC.

Variance

PLANNING

Hoskins S. 26th St.

Site Conditions

Aerial Image

View from S. 27th Street

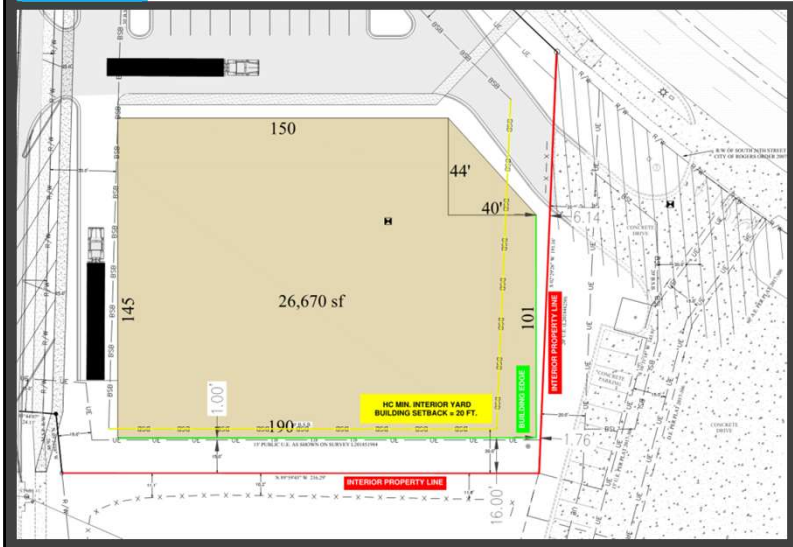
Site Conditions:

- There is a force main in the 15’ utility easement running along the south property line (dedicated per PL201851984).
- The front drive aisle/access easement provided on the adjacent property to the east (Plat 2017-306) will be required to continue onto the subject property.

Variance

PLANNING

Hoskins S. 26th St.



Proposed Site Plan

Request

- "Table 4.5.A Selected Zone Standards"

Standard	HC
Min. Interior Yard (ft)	20

- In relation to a proposed development, the applicant requests a reduction of the min. interior yard in HC:
  - Proposed East IY = Varies (1.76-6.14 ft.)
  - Proposed South IY = 16 ft.

Variance

PLANNING

Hoskins S. 26th St.

Applicant's Stated Hardship

"The proposed building is to be placed 1.5'-6ft from the eastern property line, and 16ft from the southern property line. This zone requires a 20ft building setback resulting in an 18.24ft setback reduction. The developer requests a variance from this requirement.

The existing triangular shape of the parcel with the associated easements and existing cross connections make the proposed location of the building the most suitable. If the building were to be placed on the other side of the drives, it would then be significantly impacted by the building setbacks along the street frontages resulting in the developer needing to request a variance from said setbacks."

Variance

PLANNING

Hoskins S. 26th St.

Staff Analysis

	Staff's Response	Applicant's Response
Would strict application of the code cause an undue hardship due to circumstances that are unique to this property?	No. There are no conditions unique to this site that limit its developability.	"No, this will not significantly impact the property owner due to the location still allowing other changes within the site."
Is the hardship a result of any action taken by the property owner or on their behalf?	A small reduction in the building's footprint and shape would obviate the need for the variance.	"No, currently the site is an empty lot."

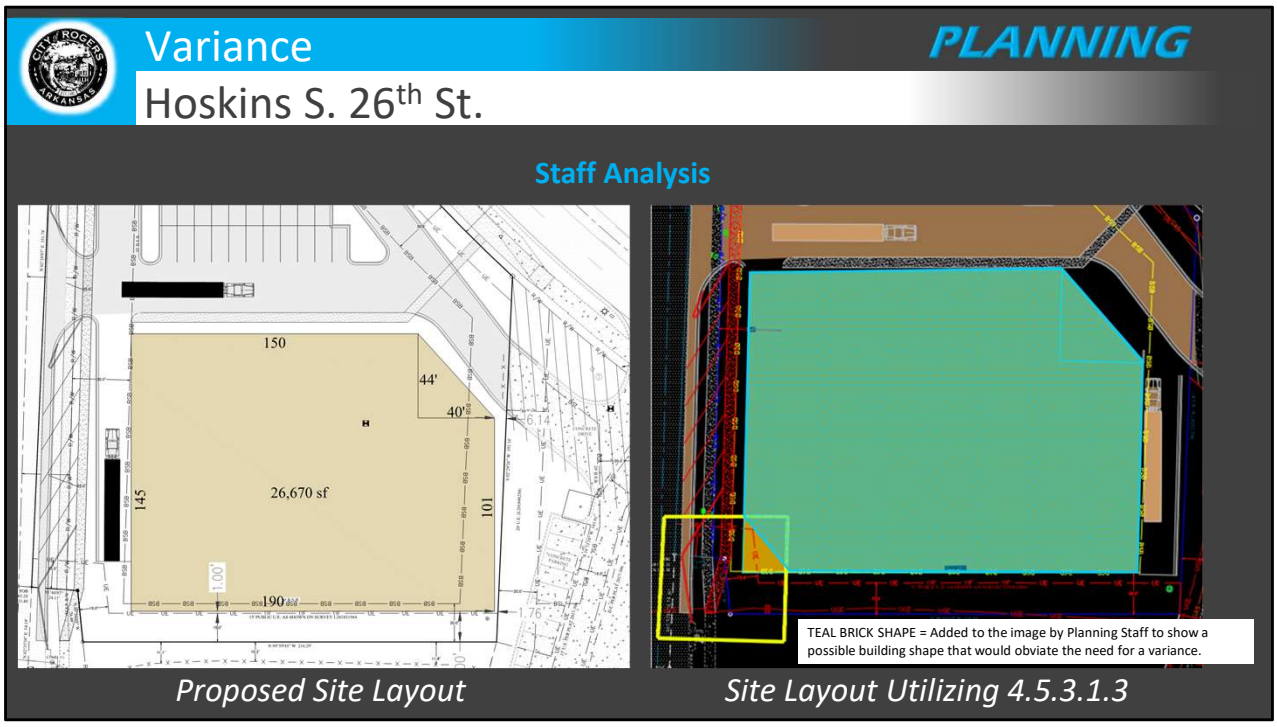
Variance

PLANNING

Hoskins S. 26th St.

Staff Analysis

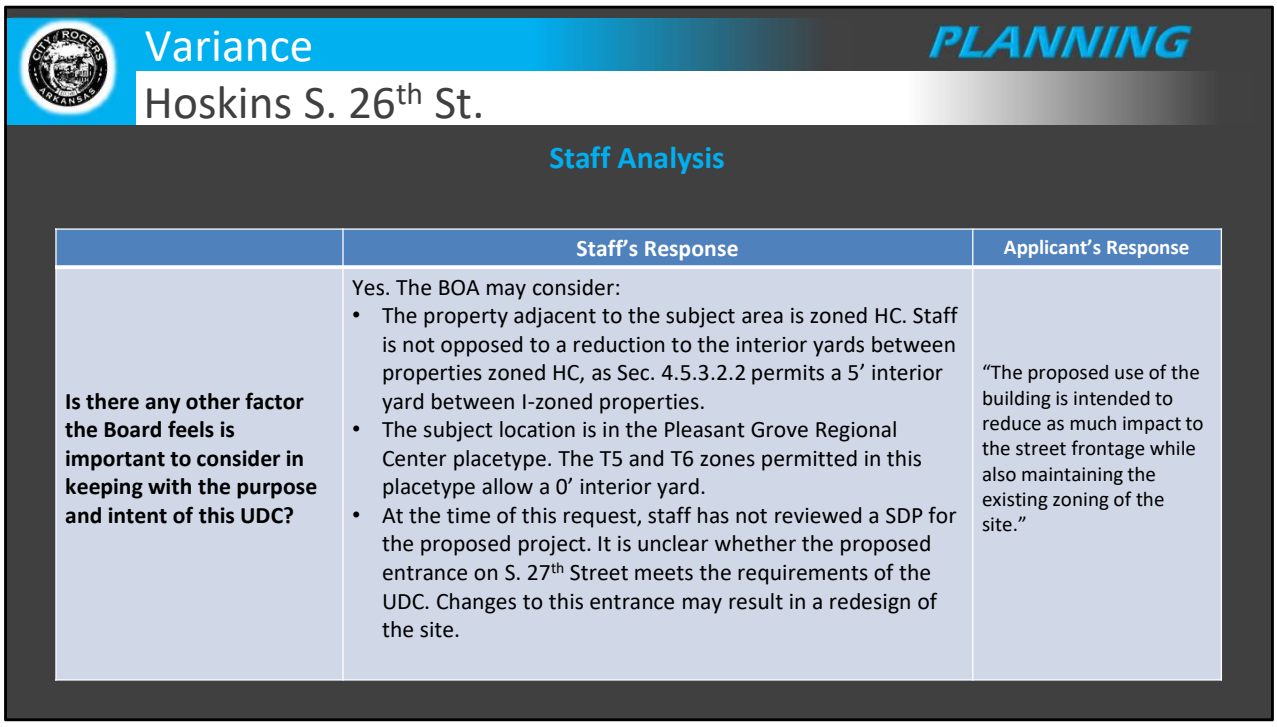
	Staff's Response	Applicant's Response
Is the variance or waiver requested the minimum amount necessary to carry out the project?	It is only necessary for the project as depicted. Minimal reductions in footprint area and shape would obviate the need for the variance.	"Yes, the building location and size is important for the proposed heavy commercial use."
Is there another reasonable method of avoiding the need for a variance or waiver?		"The existing utility easements, triangular shape of the parcel, and cross connection stub outs restrict the development of this site."



Summary:

"In HC, the minimum exterior yard does not apply where abutting a street with on-street parking," Section 4.5.3.1.3, Rogers UDC.

The applicant is proposing on-street parking along S. 27th Street. Sec. 4.5.3.1.3 reduces the min. exterior yard along the west property line to 0'. The variance would not be needed if the applicant makes use of this permitted exemption from the minimum exterior yard in HC by shifting the building west, relocating the truck dock to the east side of the building, and redesigning the southwest corner of the building to avoid the 15' utility easement.



About the Pleasant Grove Regional Center Placetype:

"Pleasant Grove Regional Center functions as the southern gateway into Rogers. Future developments will consist of infill and new intensive buildings, including large-format retail, institutional uses, and urban housing. The transportation network will evolve to include safe connections for non-drivers at key locations," Rogers Future Land Use Placetypes, pg. 2.

Variance

PLANNING

Hoskins S. 26th St.

Aerial Map

Recommendation

- **CONSIDER** the request to reduce the interior yards:
  - Proposed East IY = Varies
    - (1.76-6.14 ft.)
  - Proposed South IY = 16 ft.

Public Input:
No public input received.

Recommendation:
CONSIDER the request to reduce the interior yards as proposed by the applicant. Staff does not find that there is a site-specific hardship to warrant this request. However, staff is not opposed to the requested reduction, as it does not defy the goals of the overall placetype and is unlikely to negatively impact the adjacent property.

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

OFFICE USE ONLY

Permit Fee: _____ ($500) Zoning: _____

App. Number _____

CityWorks Application: _____

Date: _____

VARIANCE APPLICATION

APPLICANT: 3551 S 27TH STREET LLC

ADDRESS: 1600 E PLANO PKWY SUITE #: _____

GENERAL LOCATION OF PROPERTY: SE of the intersection of S 27th Street & S 26th

PHONE #: 479-236-6636 EMAIL: tkhoskins@paradigmnwa.com

PROPERTY OWNER: 3551 S 27TH STREET LLC PHONE #: 479-442-9350

REQUEST to ALLOW(Cite Variation[s] from Applicable Section[s] of Code and Proposal):
Request is for a 18.5ft reduction in building setback along the Southern and Eastern property lines.

Sec. 2.12.2 requires variance applicants to respond to these criteria for variance consideration:

Would the variance or waiver cause undue hardship to the property owner due to circumstances unique to the property; and
No, this will not significantly impact the property owner due to the location still allowing other changes within the site.

Is the hardship a result of any action taken by the property owner or on their behalf; and
No, currently the site is an empty lot.

Is the variance or waiver requested the minimum amount necessary to carry out the project; and
Yes, the building location and size is important for the proposed heavy commercial use.

Is there another reasonable method of avoiding the need for a variance or waiver; and

The existing utility easements, triangular shape of the parcel, and cross connection stub outs restrict the development of this site.

Is there any other important factor that should be considered by the Board in keeping with the purpose and intent of the UDC?

The proposed use of the building is intended to reduce as much impact to the street frontage while also maintaining the existing zoning of the site.

12/18/2024

Applicant Signature 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
□ Director's Minimum Submittal Requirements(required at time of application)

PLANNING STAFF PROVIDES:

BOARD OF ADJUSTMENT DECISION: _____

SECRETARY, BOARD OF ADJUSTMENT DATE of PUBLIC HEARING

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

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:

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

Provider	Contact	Phone #	Email
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 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)	Justin Kumpe	(479) 435-2762	Jk449q@att.com

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

NOTICE OF PUBLIC HEARING

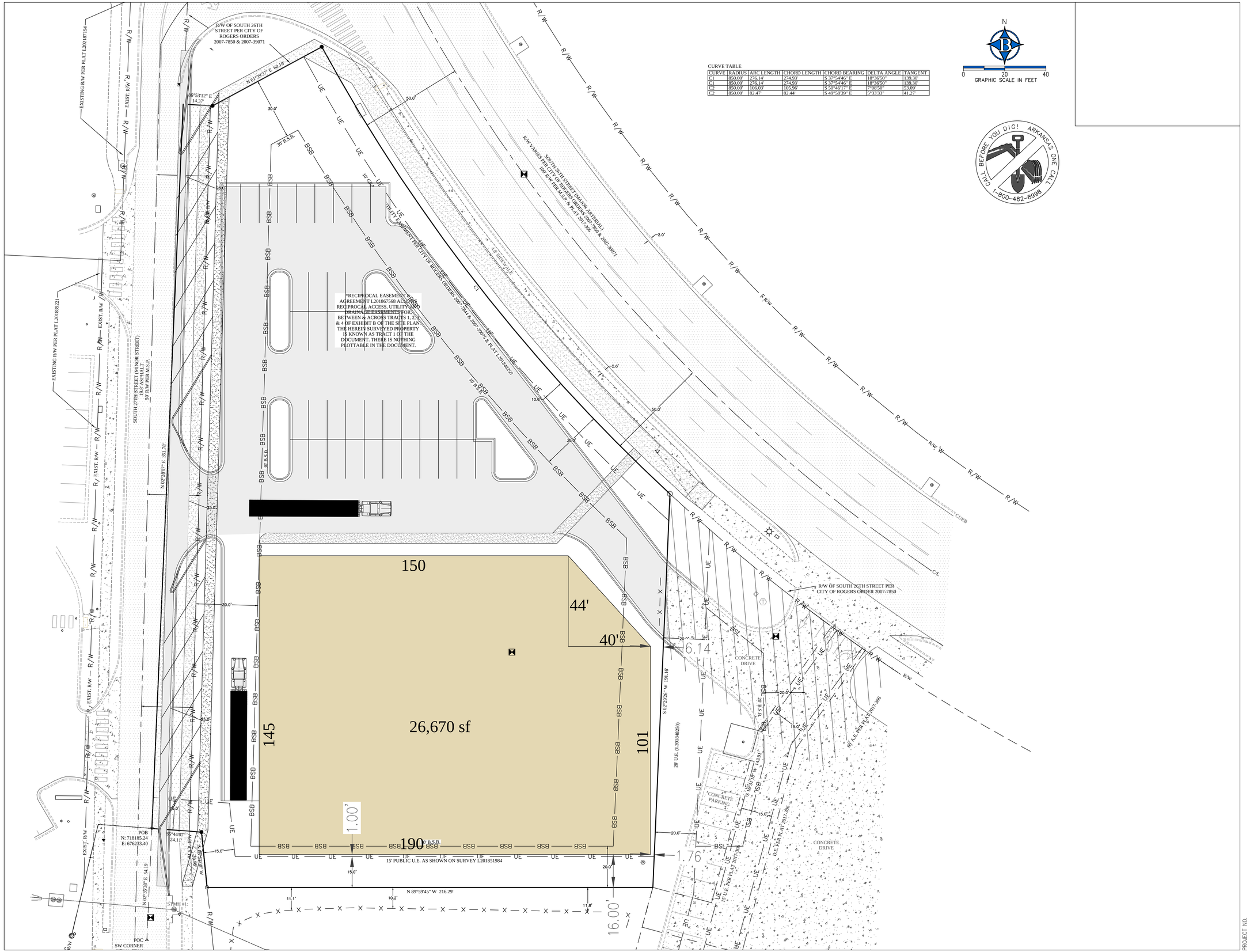
Notice is hereby given that a public hearing will be held before the **Rogers Board of Adjustment** on **January 21, 2025** at **5:30 p.m.** at Rogers City Hall under the provisions of the City of Rogers Code of Ordinances, regarding an application by **Hoskins S. 26th Street** for variances to differ from the **Unified Development Code** on 1.81 acres southeast of the intersection of S. 26th Street & S. 27th Street in the HC (Highway Commercial) zoning district more particularly described as follows:

PARCEL NUMBER:
02-02087-345

LOCATION:
1.81 acres southeast of the intersection of S. 26th Street & S. 27th Street

Derek Burnett, Secretary
Board of Adjustment

PUBLISH ONE TIME ONLY: **Sunday January 5, 2025**
BILL THE CITY OF ROGERS



CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT
C1	850.00'	276.14'	274.93'	S 37°54'46" E	18°36'50"	139.30'
C1	850.00'	276.14'	274.93'	S 37°54'46" E	18°36'50"	139.30'
C2	850.00'	106.03'	105.96'	S 50°46'17" E	7°08'50"	53.09'
C2	850.00'	82.47'	82.44'	S 49°58'39" E	5°33'53"	41.27'

N

0 20 40

GRAPHIC SCALE IN FEET

CALL BEFORE YOU DIG! ARKANSAS ONE CALL 1-800-482-8998

STATE OF ARKANSAS
REGISTERED PROFESSIONAL ENGINEER
No. 9810
GEOFFREY H. BATES

09-13-2024

CERTIFICATE OF AUTHORIZATION
BATES & ASSOCIATES, INC.
#335
ARKANSAS ENGINEER

ENGINEER: GB

DRAWN BY: MW

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REVISIONS	DATE
Plotted for client review	10/14/24

S 26TH STREET
SITE DEVELOPMENT PLAN

SITE PLAN

ROGERS, ARKANSAS

BATES
Engineers - Surveyors
7230 S Pleasant Ridge Dr / Fayetteville, AR 72704
PH: (479) 442-9350 / batesnwa.com

PROJECT NO. 24-231

DRAWING NO. 03.0

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING
VARIANCE

DESCRIPTION	A variance to differ from the Unified Development Code on 1.81 acres southeast of intersection of S. 26th Street & S. 27th Street in the HC (Highway Commercial) zoning.
APPLICANT	Hoskins S. 26th Street
BOARD/COMMISSION	Board of Adjustment
MEETING DATE/TIME	January 7, 2025 at 5:30 PM
MEETING LOCATION	Rogers City Council Chambers 301 W. Chestnut St.
PUBLIC COMMENTS	boardofadjustments@rogersar.gov www.rogersar.gov/1181/Public-Hearing-Signs

COMMUNITY DEVELOPMENT
PLANNING DIVISION
(479) 621.1186
planning@rogersar.gov