



DEPT. OF COMMUNITY DEVELOPMENT
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**BOARD OF ADJUSTMENT
MINUTES
March 7th, 2023**

The **Rogers Board of Adjustment** met for a public meeting at Rogers City Hall at 301 W. Chestnut Street on March 7, 2023 at 5:38 P.M. The meeting was called to order by Chairman Mandel Samuels.

ROLL CALL

Board members attending: Ed McClure, Hannah Cicioni, and Mandel Samuels.

ACTION ON MINUTES

Previous minutes: February 21, 2023

Motion by McClure to accept the prepared minutes for the February 21, 2023 meeting of the Board of Adjustment as presented. Second by Cicioni.

Voice vote: YES - Unanimous **Motion carried**

APPROVED

NEW BUSINESS

- 1. (VAR 23-15) A request by SOHO District for a variance from the C-3 zoning building frontage requirements at 4901 S. Champions Drive and the parcel directly East in the C-3 (Neighborhood Commercial) zoning district.**

Deputy Director Shawn Grindstaff made a brief statement to let the board members know that staff has changed their recommendation from denial to consider based on a meeting staff had with the applicant.

Planner Christina Moore noted the location is in southwest Rogers, south of the Pinnacle Hills roundabout. The request is to reduce the percentage of façade of the build-to zone from 60% to 51%. After meeting with the applicant, their stated hardship is attributed to the curvature of the road and the utility easements on the east and west side of the parcel that limits the placement of the buildings in their build-to zone. A large portion of the front building façade on the east side of the building faces S. Pinnacle Hills Parkway, which they believe meets the purpose and intent of the code. The development has 602 feet of façade in the build-to zone, which is short 104 feet of the requirement. The drainage on the western part of the property is limiting the placement of the

buildings but there is opportunity to meet the build-to requirement on W. Pleasant Drive if they took out some of the parking. Staff changes their recommendation from denial to consider the request to reduce the percentage of the build-to zone.

Samuels opened the public hearing. There were no comments.
The public hearing was closed.

Engineer Jake Chavis, Bates & Associates, said they are very constrained on the site from the drainage easement that they have to propose and they are also having to line up with an existing street on the west side and east side.

Bates said that staff mentioned meeting the intent of the code if they put a building where the parking lot on the southeast of the new road is located but the problem with that is it will only increase the number of parking spaces his client will need.

Cicioni asked the applicant if the proposed building in the north corridor is right on the utility easement or if there are some feet left there. Bates said they wouldn't have designed it with a two-foot gap but they can definitely move that to where it's abutting the easement if the board would want to make that a condition if approved.

Grindstaff added that in the applicant's letter it said that large portions of the façade would be off-S. Pinnacle Hills Parkway. Cicioni said she can wrap her head around the intent of the majority façade being on that street and that they view the west road as the back.

Community Development Director John McCurdy clarified that some of this is a technicality with the code and the primary frontage is driven by the addressing street. The buildings are addressed off the street that cuts through and that drives the build-to requirements not the eastern frontage. In their letter they suggested they were meeting the purpose and intent of the build-to requirements, which is really based on getting the building closer to the street for traffic and make the streetscape more attractive for pedestrian use. It seemed like a simple fix to just move the whole thing 30 feet to the east but staff wasn't aware of the utility easement because it wasn't mentioned in the letter or they weren't clear of where it was.

Board members and staff discussed.

Motion by McClure to APPROVE the variance. Second by Cicioni.

Voice vote: YES-UNANIMOUS Motion carried

APPROVE

- 2. (VAR 23-16) A request by Tapestry Hotel for a variance to reduce from the required 50% glazing for ground floors in a pedestrian priority frontage & the required 70% masonry facade along street facing sides of new buildings at 4100 S. Pinnacle Hills Pkwy., in the U-COR (Uptown Core Mixed Use) zoning district.**

Planner Nick Little noted the project is northwest of the Chick-fil-A on Pauline Whitaker at S. Pinnacle Hills and W. Park Avenue. The applicant requests a variance regarding ground floor

glazing along the eastern and southern facades of the proposed Tapestry Hotel development in Uptown Rogers. In the URDC glazing refers to glass doors and windows that are transparent enough for the public to view inside. The first portion of the request is in regards to the eastern side of the building, in which the applicant is proposing 34% glazing along the ground floor. The URDC requires all commercial and mixed-use developments to include at least 50% glazing along the ground floor for frontages that are deemed pedestrian priority or pedestrian friendly.

Their stated hardship is that a strict interpretation of the code in this case having a blanket standard for glazing along commercial storefronts doesn't take hotels into account, which do not function the same as a retail store. The hotel will feature some rooms on the ground floor, which will have windows. However, the window functions will be primarily for the patrons of the hotel.

The second portion of this variance pertains to the southern end of the building that faces W. Park Avenue. The applicant is proposing only 11% glazing where 50% is required. The development includes some service infrastructure along the south end of the building. The applicant stated several hardships regarding the southern end. First being the southern exterior walls of the building are claimed to be continuous load bearing of which adding openings will be structurally difficult. Second stated hardship is that a set of stairs would be placed at the end of this building, those of which are two-hour fire rated. The hardship mentioned for the eastern façade would apply here.

After consideration staff find the applicants argument to be valid, and that a hotel doesn't fit the standard model of a commercial or mixed-use development, which benefits internally and externally from having majority glazing on the ground floor. The applicants are providing enough glazing to where the pedestrian experience is not going to be negatively affected as a result of the requested waiver add this to the fact that both the eastern and southern facades will not be right off the sidewalk.

Staff recommends approval of the request with the condition that the southern end of the building be landscaped in a way that buffers the view of the blank brick wall. Staff will verify that this condition is met in the LSDP review process.

Engineer Daniel Ellis, Crafton Tull, had nothing to add.

Samuels opened the public hearing. There were no comments. The public hearing was closed.

McClure noted there is conflict in the guidelines and zoning with respect to glass. He said it seems like the only thing that could be put in that area with respect to the amount of glazing would be retail but a hotel is still a valid use for that property. It's just that a hotel doesn't want that much glass on the ground floor. McCurdy said that is what they tried to communicate with the staff report. If it were an apartment building, it would be allowed and you wouldn't have the requirement for glazing. If it were retail, the glazing requirement would be appropriate. McCurdy said that this is just a blind spot in the design standards in this part of the code.

Motion by Cicioni to APPROVE the variance reducing required 50% ground-floor minimum façade glazing on S. Pinnacle Hills Parkway to 34%. Second by McClure.

Voice vote: YES-UNANIMOUS Motion *carried*

APPROVED

Motion by Cicioni to APPROVE the variance reducing required 50% ground-floor minimum façade glazing on W. Park Avenue to 11% with the condition of an acceptable landscape plan that will be approved during large scale as presented. Second by McClure.

Voice vote: YES-UNANIMOUS Motion *carried*

APPROVED

ADJOURNMENT

Meeting adjourned at 6:02 PM by Chairman Mandel Samuels.

As recorded by:

Gloria Garcia

Planning Technician

Community Development Department

City of Rogers

Approved by vote of the Board of Adjustment on:

Ed McClure, BOA Secretary