



DEPT. OF COMMUNITY DEVELOPMENT
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**BOARD OF ADJUSTMENT
MINUTES
March 19, 2024**

The **Rogers Board of Adjustment** met for a public meeting at Rogers City Hall at 301 W. Chestnut Street on March 19, 2024 at 5:41 P.M. The meeting was called to order by Chairman Mandel Samuels.

ROLL CALL

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

ACTION ON MINUTES

Previous minutes: March 5, 2024

Motion by Cicioni accept the prepared minutes for the March 5, 2024 meeting of the Board of Adjustment as presented. Second by McClure.

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

APPROVED

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.**

Planner Christina Moore stated site is located in West Rogers across the street from Top Golf the proposed mixed use building with office retail and parking spaces. The applicant list site conditions of their irregular shaped lot with oddly curved roads on three sides and a pedestrian plaza on the far side. The opposite Founders Way is across the street from restaurant in the plaza and office building to the north and west. There is also considerable grade change going downhill from west to east along Founders Way. The first request is to vary from the required 50% glazing for ground floors on Founders Way. The applicant is proposing 24% glazing on the first floor on Founders Way. The applicant states their hardship is due to the 12% grade change in Founders Way. The seat grade would not be assessable for all people to enter the commercial front. And they are meeting the spirit and intent of the glazing requirements because they are providing an inviting outdoor pedestrian space with seating and other features on the corner of

Founders Way and JB Hunt drive. 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 are if there were windows on Founders ease for this plan, you would be viewing the inside of a parking garage. While the code doesn't explicitly say the other desirable way of meeting this requirement would be to line Founders way with an active commercial space. Staff finds the spirit intent of the code is not being met, the spirit and intent is to allow someone to view into an active tenant space from the 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 around the east facade 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 street side however, this is a busier road and is also undesirable.

Request number two is to vary from the requirement that 90% of a building's frontage be within 20 feet of the street. The applicant is proposing 29% along Founders Way and 58% along JB Hunt. The applicant stated hardship is the curvature of the road makes it difficult to shape a building to be 90% in the bill to zone they are meeting the spirit and intent because where the building is not in the bill to zone they have added a pedestrian plaza with a walkable path and outdoor seating. Staff finds the hardship valid, the curvature of both streets and the limitations of parking garage design creates significant challenges with the build to zoning requirements. They are meeting the spirit and 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. The intent of view core zoning is to make uptown Rogers a place for public interaction by focusing on pedestrian facilities and unique experience destinations. This location is in an area of transition between the high intensity office use sub elements to the west and recreational and event venues to the east. The Development provides structured parking, sidewalk and a pedestrian plaza. This proposal does not hinder future opportunities and the development connects the trails provides makes use for employees to enjoy the retail and restaurant and pedestrian amenities.

Request number three is to vary from the requirement that service access areas not be located on a pedestrian priority frontage. The applicant is proposing a truck loading zone on Founders Way. The hardship is 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 and creating a hazard or meeting the spirit and intent by screening the service area with landscaping and architectural design. Staff finds 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 how JB Hunt access poses traffic conflicts and champions would make future development of the site challenging. Staff recommendation is to consider the request to vary from the 50% glazing requirement for ground floors on Founders Way approve their request to vary from the 90% building frontage along Founders Way and JB Hunt drive, and consider the request to allow service access on Founders Way.

Representatives Libby Topping with Crafton Tull and TJ Glass with Core Architects presented themselves. Libby had nothing to add and stated what they have tried to do is design the building

to fit the site as best as possible while considering the curvature of the road's steep topography and the existing Plaza. Happy to answer any questions.

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

Cicioni question if they would vote on the request individually for collectively. She prefers action be taken individually.

Samuels stated request number one was for the glazing and he has no problem if you are looking into a parking garage. Cicioni agreed also mean to the staff's point even and also the applicants point that the main frontage along the JB Hunt drive I technically in this situation consider founders was kind of just an alternative street access off of that. So, I agree with you in that and I would propose to prove the first request as presented.

Motion by Cicioni to APPROVED the variance. Second by McClure
Voice vote: APPROVED Motion carried
APPROVED

Samuels stated request number two was the 90% building frontage along Founders Way.

Commissioner's discussed the second item.

Motion by Cicioni to APPROVED the variance. Second by McClure
Voice vote: APPROVED Motion carried
APPROVED

Samuels stated request number three was to allow the service area access.

Cicioni did have a question on this one is the proposed entrance from a trip standpoint to travel from west to east and reverse in and then so you'd be able to pull for it out is that the vector traffic flow? Okay, is there a sidewalk also there? Correct

Motion by Cicioni to APPROVED the variance. Second by McClure
Voice vote: APPROVED Motion carried
APPROVED

ADJOURNMENT

Meeting adjourned at 5:47 PM by Chairman Mandel Samuels.

As recorded by:

Karen Perez

Planning Technician

Community Development Department

City of Rogers

Approved by vote of the Board of Adjustment on:

Kevin Burnett, BOA Secretary