



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

**BOARD OF ADJUSTMENT  
MINUTES  
June 18, 2024**

The **Rogers Board of Adjustment** met for a public meeting at Rogers City Hall at 301 W. Chestnut Street on June 18, 2024 at 5:58 P.M. The meeting was called to order by Vice Chairwoman Hannah Cicioni.

**ROLL CALL**

Board members attending: Derek Burnett, Jorge Andrade, and Hannah Cicioni.

**ACTION ON MINUTES**

**Previous minutes:** April 2, 2024

Motion by Burnett accept the prepared minutes for the April 2, 2024 meeting of the Board of Adjustment as presented. Second by Andrade.

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

**APPROVED**

**NEW BUSINESS**

**(VAR-Temple Live) A request by A request by Temple Live for a variance from the required building frontage along pedestrian priority designated roads, minimum glazing requirements along pedestrian priority designated facades, and the maximum 12 stories building height at the 3529 S. Pinnacle Hills Parkway in the U-COR (Core Mixed Use) zoning district.**

Planner Zach Birdsong stated the project is located in west Rogers at the current location of Ruth's Chris Steak House. The applicant is requesting three variances. The first two include a reduction in the minimum 50% glazing for the ground floor and a reduction in the minimum 20% glazing for the upper stories. The third variance is to allow for an additional four stories over the max building height of twelve stories. The applicant did request for a variance regarding the build-to zone, but this is being met with the plaza being provided and is no longer warranted. This site is an irregular shaped lot with curvature along the southwestern border. It also contains existing 20' utility easements along S Pinnacle Hills Parkway as well as along the southern and northeastern property lines. The applicant is proposing 41% glazing along the ground floor where 50% is required, and 3.9% glazing on upper floors where 20% is required. The applicant's stated hardship is that the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floors will be a part of the event venue and do not

benefit from glazing. They state that the space needs to be blacked out during performances. The applicant also voiced that this façade along Pinnacle Hills Parkway contains a stairwell on the north half and guest rooms on the south half of the upper stories above the event venue. Windows are being proposed on the upper stories that align with the hallways in the guest rooms. They state that the spirit and intent is being met by providing an inviting plaza space on the ground floor and offering extensive glazing on the north and south elevations.

The spirit and intent of the code requirement on the ground floor is to provide a view from the outside into an active interior space. The intent of the upper floors is to provide architectural diversity and outside viewing from within the building. However, the ground floor in this case will open up directly to the event venue that, when active, will need to be covered during events and the upper floors of this façade are either seating for the event space, stairwells or consist of some hotel rooms where glazing is being provided. Due to the nature of the use there is no active interior space that would be available through the provided glazing. The plaza being provided along the frontage, though not interior, provides an active space along the street as well. Extra glazing is being provided along the south and northeastern facades within hotel rooms. If another use were to be proposed that contained a consistent active interior space such as a retail use, glazing would be much more pertinent and feasible. However, with the nature of the use and building, the spirit and intent of the glazing is not as applicable. With the height request, the applicant is proposing 16 stories when the max allowed is 12 stories. The applicant's stated hardship is that if the building were to be limited to 12 stories, it would be difficult to provide this many amenity and still include a reasonable number of guest rooms to meet increasing demand. They state the spirit and intent is being met in that they are meeting the purpose of U-COR zoning, which is to anticipate higher intensity growth within the Uptown Rogers area and to expand the core to include key locations for mixed-use development, focusing on pedestrian facilities and unique experience destinations. The applicant states they are meeting this by providing a luxury hotel, entertainment destination, and a visually interesting plaza area to invite pedestrian traffic at the entertainment venue's main entrance. The applicant could reduce the number of hotel rooms and thereby reduce the number of stories proposed. Though staff is proposing that 16 stories be allowed within this area in the draft Unified Development Code. The intent of U-COR zoning is to anticipate higher intensity growth with a focus on unique experience destinations. This proposal does provide the Uptown Rogers area with an additional entertainment venue and a hotel for travelers. These extra criteria must also be considered with the variances requested. The proposal does meet the intent of the U-COR zoning district. All adjacent uses are commercial. An event venue and hotel space fit the context of the surrounding area. The tallest nearby building is Hunt Tower at 10 stories. A pocket plaza is proposed along South Pinnacle Hills and underground parking is being provided for the hotel. The music venue will add to the entertainment possibilities in the Uptown area and the proposed plaza will serve as an inviting space for pedestrians. No public input was received. Staff is recommending approval of the glazing variances and the additional four stories.

Applicant Libby Topping stated she had nothing to add and would be happy to answer any questions.

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

Burnett questioned if they looked into another alternatives for glazing. Topping replied that she is not the architect on the project so she couldn't list specifics but that alternative glazing didn't make sense with the use building and the intent is that you can walk directly into the theater. Burnett and Topping continue to discuss glazing and parking concerns. Burnett expresses concern about the proposed height of the building. City Planner Joe Rexwinkle clarified that the new code will allow a maximum height of 16 feet

by right in the area depending on zoning district. Commissioner Andrade spoke on sacrificing the gathering space up at the top of the hotel in order to reduce the height of the building. Cicioni found this to be an acceptable request. Director McCurdy spoke on the UDC and the range for building height in that part of town would be 16 to 48 stories. He also provides insight on parking requirements for a music venue, citing correlation between hotel rooms and external parking spaces. McCurdy spoke on the review process, if your concern is related to how does how does the height of the building relate to the parking study, then you can pull that off consent at that time, and you can, you can ensure that your concerns are met through the large-scale development process and the parking plan. Burnett replied the concern was not the parking but the super tall building. McCurdy replied the hotel will be in the low range for this part of town once the new UDC is adopted.

Andrade and Cicioni both found the requests to be reasonable.

Motion by Andrade to APPROVE the variance. Second by  
Voice vote: Cicioni-YES; Burnett-NO; Andrade-YES  
APPROVED Motion carried  
**APPROVED**

**Meeting adjourned at 6:26 PM by Vice Chairwoman Hannah Cicioni**

**As recorded by:**

Karen Perez  
Planning Technician  
Community Development Department  
City of Rogers

**Approved by vote of the Board of Adjustment on:**

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**Kevin Burnett, BOA Secretary**