



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

PLANNING COMMISSION MEETING AGENDA

SEPTEMBER 2, 2025

5:30 PM

VIEW ONLINE

PLANNING COMMISSION: [HTTPS://US02WEB.ZOOM.US/J/82258120336](https://us02web.zoom.us/j/82258120336)

BOARD OF ADJUSTMENT: [HTTPS://US02WEB.ZOOM.US/J/82258120336](https://us02web.zoom.us/j/82258120336)

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AGENDA

CALL TO ORDER:

ROLL CALL:

ACTION ON MINUTES:

- a. Approving August 19, 2025 meeting minutes.

CONSENT AGENDA:

The Planning Commission will offer anyone in attendance the opportunity to express interest in speaking on an item on consent. When they do so, please identify yourself, and the Commission will remove the item you're interested in from Consent Agenda to Old Business. Anything not removed from Consent Agenda will be approved with one motion and vote.

PUBLIC HEARINGS:

- a. **OLD BUSINESS** - Items previously discussed and tabled.

None.

- b. **ITEMS REMOVED FROM CONSENT** - Items removed from consent agenda.



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c. NEW BUSINESS

1. Butterfield Stage Rezone

A rezone subject to standard review at 519 N. 8th Street from the T4.1 (Neighborhood Medium-Intensity) zoning district to the T4.2 (Neighborhood High-Intensity) zoning district.

STAFF: Zachery Birdsong, Planner II

REPRESENTED BY: Ben Fernando

REPORTS :

a. COMMISSIONERS

b. STAFF

ADJOURN PLANNING COMMISSION:

CALL TO ORDER BOARD OF ADJUSTMENT:

ACTION ON MINUTES:

a. Approving August 19,2025

OLD BUSINESS :

a. Thrasher Investments Variance

Requesting a variance from the Unified Development Code at 2010 W. Walnut Street in the T5.2 (City Medium-Intensity) zoning district.

STAFF: Zachery Birdsong, Planner II

REPRESENTED BY: Leah Thrasher

NEW BUSINESS:

a. Sisti Studio Variance

Requesting a variance from the Unified Development Code at 4905 S. Inglewood Rd. in the T3.2 (Neighborhood Low-Intensity) zoning district.

STAFF: Nicholas Little, Planner II

REPRESENTED BY: Brody Boston

b. Nathan Crouch for WNM Wing Drone Variance

Requesting a variance from the Unified Development Code at 5000 W. Pauline Whitaker Pkwy in the T5.2 (City Medium-Intensity) zoning district.

STAFF: Christina Moore, Planner I

REPRESENTED BY: Nathan Crouch

c. New Heights Church Variance



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Requesting a variance from the Unified Development Code at 2125 W. New Hope Rd. in the T2
(Rural) zoning district.
STAFF: Nicholas Little, Planner II
REPRESENTED BY: Ali Karr

ADJOURN BOARD OF ADJUSTMENT:



COMMUNITY DEVELOPMENT
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planning@rogersar.gov
(479) 621-1186

ROGERS PLANNING COMMISSION MINUTES

The Rogers Planning Commission met for a public meeting at Rogers City Hall at 301 W. Chestnut Street on August 19, 2025 at 5:36 P.M. The meeting was called to order by Chairman Steve Lane followed by the Pledge of Allegiance.

ROLL CALL

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

ACTION ON MINUTES

Motion by McClure, second by Jensen to approve the August 5, 2025 Planning Commission meeting minutes as presented.

Voice Vote: Unanimous – Yes. Motion carried.

APPROVED.

PUBLIC HEARINGS

Old Business

None.

New Business

i. Inicio Rezone

A rezone subject to standard review at 504 & 511 S. B Street from the T5.2 (City Medium-Intensity) zoning district to the T4.2 (Neighborhood High-Intensity) zoning district.

Planner Nicholas Little noted the request is to downzone from T5.2 to T4.1 in the Downtown City Center. A right-of-way vacation was approved at City Council on 8/12 that allotted a portion of adjacent vacated right-of-way to the subject property, that area is included in this rezone request. The requested zone would be less urban and more restricted from a use and development standpoint than the current T5.2 zoning. The proposed zoning is compliant with the Future Land Use Map and all notification requirements have been met. Staff recommends approval of the request.

Stephanie Funk represented the request.

The Chairman opened the public hearing for comments. There were none.
The public hearing was declared closed.

Commissioner's and staff discuss the permitted uses and standards in T5.2 and T4.1.

Motion by Jensen, second by McClure to recommend the request to City Council for approval as presented.

Voice Vote: 7 – Yes, 1 – Abstained (Cicioni). Motion carried.

APPROVED.

ii. St. Vincent Rectory Rezone

A rezone subject to standard review at 1300 W. Cypress Street from the T3.1 (Neighborhood Very Low Intensity) zoning district to the T4.1 (Neighborhood Medium-Intensity) zoning district.

Planner Christina Moore noted the subject property is in the Neighborhood Fabric placetype and the request is to rezone to T4.1. Moore compares the permitted uses and zoning standards in T3.1 and T4.1. Staff recommends approval of the request.

Josh Lane represented the request.

The Chairman opened the public hearing for comments. There were none.

The public hearing was declared closed.

Commissioners and staff discuss the request.

Motion by Best, second by Cicioni to recommend the request to City Council for approval as presented.

Voice Vote: Unanimous – Yes. Motion carried.

APPROVED.

PUBLIC FORUM

REPORTS

Planner Zachery Birdsong stated that staff is proposing a few changes to the sign code that was recently passed in July. Most of the changes are typos or grammar changes but the most substantive change is adding back that the Common Signage Plan would go through Planning Commission.

Planning Deputy Director Joe Rexwinkle stated that the commissioners need to vote on members to form a Policy Committee. Staff would send out a survey to determine meeting days and times once the members were chosen.

Motion by McClure, second by Cicioni to appoint Hannah Cicioni, Isaac Stevens, and Ezequiel Tovar as members of the Policy Committee.

Voice Vote: Unanimous – Yes. Motion carried.

APPROVED.

ADJOURN

There being no further business, the Chair adjourned the meeting at 6:06 p.m.

ATTEST:

APPROVED:

Derek Burnett, Secretary

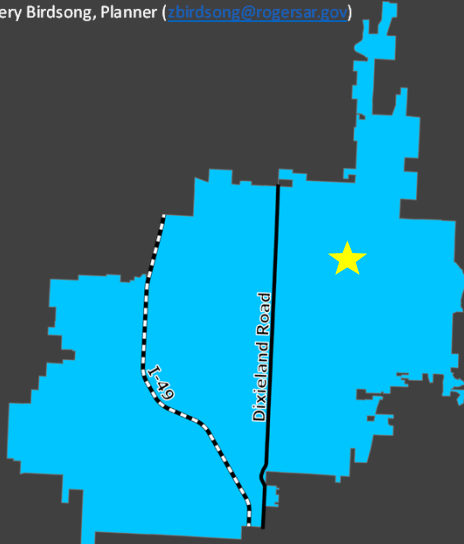
Steve Lane, Chairman



Rezone Butterfield Stage

PLANNING

Staff: Zachery Birdsong, Planner (zbirdsong@rogersar.gov)



Vicinity Map

FLUM Place Type
Urban Neighborhood

Zoning
T4.1

Proposed Zoning
T4.2

Location
519 N 8th Street

Representative
Ben Fernando

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 ±0.21 acres from T4.1 to T4.2 (Neighborhood High Intensity) in the Urban Neighborhood placetype.
- Review Type: Standard



Rezone Butterfield Stage

PLANNING



Geolocation

Location Description

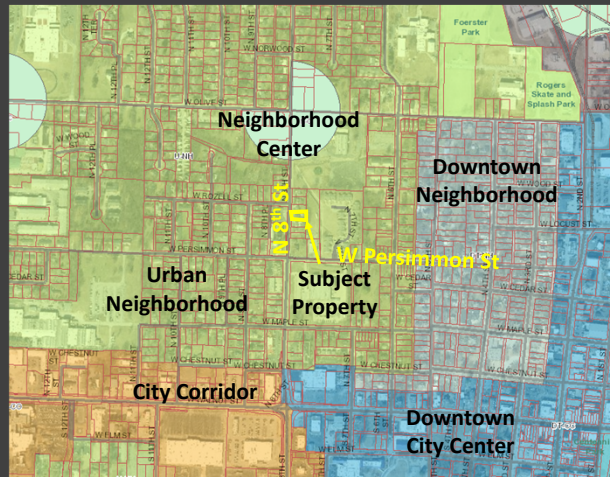
The subject property is located along 8th street, with W Persimmon St. close to the south.



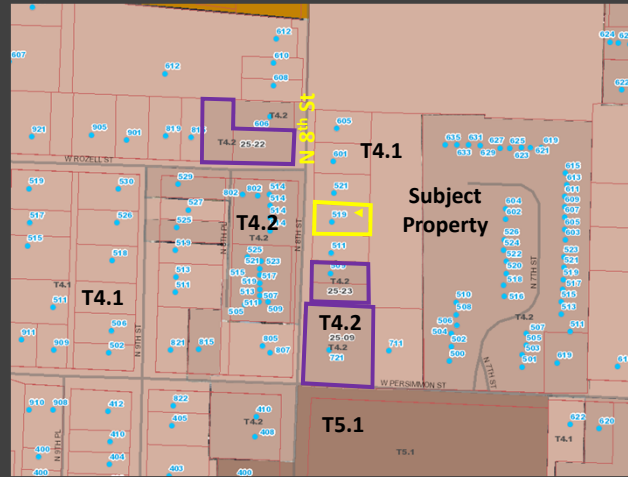
Rezone Butterfield Stage

PLANNING

*Sites rezoned to T4.2 that were passed earlier this year are outlined in purple.



FLUM



Zoning Map

Current Zoning

T4.1 – City Medium-Intensity.

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.

Proposed Zoning

T4.2 – Neighborhood High Intensity

A high-intensity district intended primarily for urban neighborhood placetypes where compatible nonresidential uses within walking distance of homes are encouraged.



Rezone Butterfield Stage

PLANNING



FLUM

Rezone Request

- T4.2 in Urban Neighborhood is subject to Standard Review

2.8.6 Standard Review Criteria

When reviewing and making decisions on zoning map amendments labeled "SR" in Table 2.8.3.A, the Planning Commission:

- Shall recommend approval of the proposed district(s) where they conform to the applicable requirements of this UDC.

	T2	T3.1	T3.2	T4.1	T4.2	T5.1	T5.2	T5.3	T6.1	T6.2	T6.3	HC	I-1	I-2
Neighborhoods														
Urban Neighborhood			ER	SR	SR	ER								

Placetype

Urban Neighborhood

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. 6.



Rezone Butterfield Stage

PLANNING

Uses Allowed in T4.2

- Residential, agriculture, civic, and commercial uses.

Use Standards in T4.2

- Detached House, Cottage House, Attached House and Duplex allowed without use-specific standards.
- Multi-unit House must be consistent in scale with the two nearest residential buildings on the same block face.
- Townhouses must be rear or side-loaded.
- Apartment Houses must be:
 - On a lot with frontage on an arterial or collector; or
 - Located in a Center placetype; or
 - Located abutting or across the street from a public park or programmed open space.
- Specific standards apply for the following uses:
 - Eating and Drinking
 - Retail

Selected Zone Standards in T4.2

- Max Height 4 stories (1 more story allowed than in T4.1)
- Setbacks (5 ft exterior, 5 ft interior)

Use	T2	T3.1	T3.2	T4.1	T4.2	T5.1	T5.2
LIVING, in a	P	P	P	P	P	P	P
Detached House	P	P	P	P	P	P	
Cottage House	P	P	P	P	P	P	
Attached House	P	P	P	P	P	P	
Duplex		P	P	P	P	P	
Multi-Unit House		P	P	P	P	P	
Town House			P	P	P	P	P
Apartment House				P	P	P	P
Live-Work Building				P	P		
Mixed-Use Building					P	P	P
AGRICULTURE	P	P	P	P	P	P	P
CIVIC SPACES	P	P	P	P	P	P	P
COMMUNITY SERVICES					P	P	P
OFFICE					P	P	P
PROFESSIONAL OR PERSONAL SERVICES					P	P	P
EATING AND DRINKING					P	P	P
HEALTHCARE SERVICE						P	P
LODGING	P				P	P	P
PARKING				P	P	P	P
RETAIL					P	P	P

4.7.7 Eating and Drinking

In T4.2, such uses are allowed on the ground floor of a mixed-use building. Such uses are only allowed in a single-purpose building where:

- Located within 660 feet or one block, whichever is less, of the intersection of two streets each being a collector or an arterial; and
- They do not have a drive-through.

4.7.10 Retail

In T4.2, such uses are allowed on the ground floor of a mixed-use building. Such uses are only allowed in a single-purpose building where:

- Located within 660 feet or one block, whichever is less, of the intersection of two streets each being a collector or an arterial; and
- They do not have a drive-through.



Rezone Butterfield Stage

PLANNING



Geolocation

Staff Analysis:

- This property is not located nearby a lower classification Placetype and abuts a minor arterial street
- Nearby properties have been approved here along 8th to T4.2 zoning earlier this year
- The request is under standard review
- Staff has not received any inquiries regarding this request.

Recommendation:

Approve

PUBLIC INPUT:

Staff hasn't received any calls or inquiries regarding this request.

RECOMMENDATIONS:

Staff recommends **approval** of this request.

2.8.8 Planning Commission

2.8.8.1 Standard Review Districts

Where the Director recommends approval of the application they shall cause the Commission to be presented with the request as part of its consent agenda. Interested persons must be provided an opportunity to speak in a public hearing before consideration of the consent agenda.

Thereafter the Commission must take one of the following actions:

- (A) Accept the findings and recommendations of the Director and recommend approval of the rezoning by majority vote of the quorum present as part of the consent agenda; or
- (B) Remove the application from the consent agenda for commissioner discussion on the application after which the Commission may accept the findings and recommendations of the Director and recommend approval of the rezoning by a majority vote of the quorum present or issue its findings and recommend approval or denial by majority vote of the quorum present.

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, Beauty4Ashes Investments LLC, petitions the Planning Commission of the City of Rogers, Arkansas to rezone certain real property as set forth herein

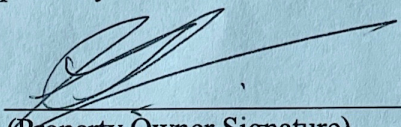
LEGAL DESCRIPTION:

LAYMAN'S DESCRIPTION: 519 S 8th Street

PRESENT ZONING: T4.1

ZONING REQUEST: T4.2

Respectfully Submitted,

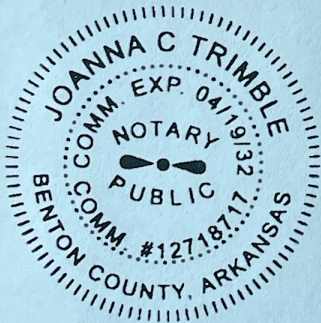
By: 

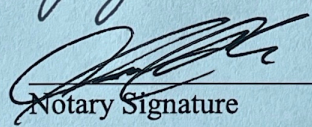
(Property Owner Signature)

STATE OF ARKANSAS

COUNTY OF Benton

Subscribed and sworn before me this the 18th day of July, 2025.




Notary Signature

Joanna C. Trimble
Notary Name Printed

4.19.32
Commission Expires



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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 **September 2, 2025** at **5:30 p.m.** on the application by **Ben Fernando (Case #: RZ25-00394)** to rezone 519 N. 8th 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:

519 N. 8th Street

Parcel Number: 02-01111-000

Derek Burnett, Secretary
Planning Commission

PUBLISH ONE TIME ONLY: **Sunday August 17, 2025**
BILL THE CITY OF ROGERS





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BOARD OF ADJUSTMENT MINUTES

The **Rogers Board of Adjustment** met for a public meeting at Rogers City Hall at 301 W. Chestnut Street on August 19, 2025 at 6:44 P.M. The meeting was called to order by Commissioner Cicioni.

ROLL CALL

Board members attending: Isaac Stevens, Kevin Jensen, and Ed McClure.

ACTION ON MINUTES

Motion by Jensen, second by Cicioni, to approve 8/5/25 Board of Adjustment minutes as presented.
Voice vote: YES - Unanimous **Motion carried**

APPROVED

NEW BUSINESS

a. Massco Dental Variance

Requesting a variance from the Unified Development Code at 1506 N. 2nd Street in the HC (High Commercial) zoning district.

Planner Nick Little stated that the applicant is requesting a variance from Sec. 4.7.15., to allow the use Freight, Logistics and Storage in HC zoning within 250' of an arterial or collector street, or any mixed-use street or boulevard typology and from Table 4.5.A. to allow a 10' encroachment into the 30' exterior yard setback for HC zoning. The stated hardship for the use standard variance from Sec. 4.7.15 for Freight, Logistics and Storage is that the business has nowhere else to expand their building, other than toward the minor arterial-collector intersection of N 2nd and W Easy Streets, because of the floodplain on the western portion of the site. The existing business is already located less than 250' from that intersection. The stated hardship for the HC setbacks variance is rooted in the same cause. The applicant points to the western portion of the lot is unbuildable due to the floodplain, leaving the southeastern portion of the lot as the only feasible location for expansion. In order to build the size and shaped building the applicant's wish, a variance would be required for the encroachment of the exterior yard/front setback. Staff recommends approval of both request.

Chase Henrichs stated the world drains from southeast to northwest there, and a third of the property is covered in either floodway or floodplain. We are very limited on what portion of the property we can actually develop on, and the owners wish to expand the business by adding a building.

Chairwoman Cicioni opened the public hearing for comments. There were none.
The public hearing was declared closed.

Commissioners and staff discuss the request.

Motion by Jensen, second by Stevens to approve the request.

Voice Vote: Unanimous – Yes. **Motion carried.**

APPROVED

b. Thrasher Investments Variance

Requesting a variance from the Unified Development Code at 2010 W. Walnut Street in the T5.2 (City Medium-Intensity) zoning district.

Planner Zachery Birdsong stated the variance request is for auto service use standard that prohibits the use on corner lots except when the property is zoned highway commercial or light industrial. The property at 2010 W. Walnut is zoned T5.2. The applicant references the shape of the lot as the hardship, sharing that it limits flexibility in the site planning and building orientation. The applicant also states that the nature of the business the land is being leased on necessitates the garage doors for service bays to face outward in order to property function. The applicant believes the request meets the spirit and intent of the code, stating that the site plan will be redeveloped with quality materials and, updated landscaping, and traffic rerouting plan that will improve the flow and safety for vehicles and pedestrians. Staff does not believe there is a site-specific hardship. There are other uses available within this zone that would better conform to the underlying zoning requirements and placetype. The board should take into consideration that allowing this use would likely result in other variances that would need to be approved. In addition, the Midtown City Center Placetype states in its description that “New Developments will add a tight network of streets with ample active transportation facilities, and building and civic spaces that address the street in manner comparable to Downtown Rogers.” This layout does not meet this intent.

Present before the board is applicant Leah Thrasher along with her attorney. Leah states her goal is to be allowed to develop the property. She had a proposal from Take 5 to take over or build on her site, but due to the delay in the public hearing, the contract was canceled. She would like to take the property and develop it, into another oil change facility. The proposal would ease traffic of Walnut Street onto 21st Street.

Chairwoman Cicioni opened the public hearing for comments. There were none.

The public hearing was declared closed.

Leah Thrasher’s attorney asked to be recognized by the board to speak. The attorney, staff, and board discussed the adoption of the UDC and how it affected the use of the property. Leah Thrasher asked the board to table her request.

Motion by Jensen, second by Stevens to table the request until 9/2.

Voice Vote: Unanimous – Yes. **Motion carried.**

APPROVED

ADJOURN

There being no further business, the Commissioner Burnett adjourned the meeting at 7:05 p.m.

Approved by vote of the Board of Adjustment on:

Kevin Jensen, BOA Secretary

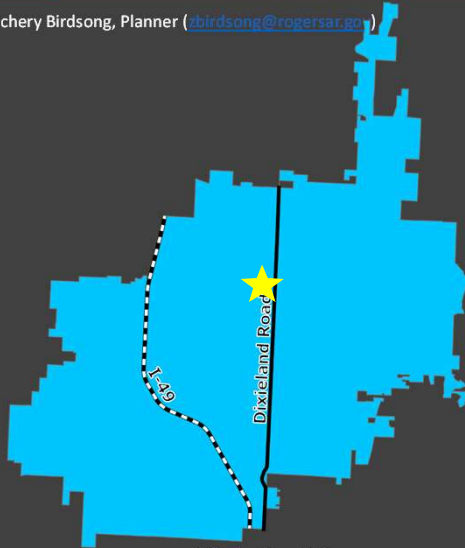


Variance

PLANNING

Thrasher Investments

Staff: Zachery Birdsong, Planner (zbirdsong@rogersar.gov)



Vicinity Map

Location

2010 W Walnut

Nature of Request

Use Standard Variance

Zoning

T5.2

Representative

Leah Thrasher

Summary:

This request is for a variance from Section 4.7.14(B) stating that auto service uses are prohibited on corner lots except within Highway Commercial and Light Industrial zoning.

Parcel: 02-10990-000

Site Acreage: ±.61 acres



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:

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

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

Thrasher Investments



Aerial Image

Location:

This site is located in northcentral Rogers, at the southeast corner of Walnut and South 21st street.



Variance

PLANNING

Thrasher Investments

Applicant's Stated Hardship

	Applicant's Response
Would strict application of the code cause an undue hardship due to circumstances that are unique to this property?	"Strict enforcement of the new zoning code - specifically the restriction of garage doors on corner lots - creates an undue hardship for my property due to its unique physical characteristics and the unintended consequences of the updated regulations. The parcel in question is a rectangular-shaped corner lot, which significantly limits flexibility in site planning and building orientation. Unlike square or interior parcels that offer greater design <i>options</i>, the layout of this rectangular lot requires thoughtful use of every linear foot to accommodate essential building functions, such as customer access, traffic circulation, and required setbacks. The nature of the business I am leasing to—an automotive service provider—requires the inclusion of garage doors for customer service bays, and those must face outward to function appropriately. Under the prior zoning, this property was well-positioned for redevelopment. I secured a 15-year lease agreement with a nationally recognized company (Take 5), contingent upon the ability to demolish the outdated structure and build a new, modern facility. The project would bring substantial community benefit, including job <i>creation</i>, increased property and sales tax revenue, and improved traffic flow through a proposed rerouting of ingress/egress from Walnut Street to 21st Street." (See applicant's letter for full response)

Applicant's Response:

The stated hardship by the applicant is that the lot's shape limits flexibility in site planning and building orientation. She also states that the nature of the business the land is being leased to requires the inclusion of garage doors for customer service bays which must face outward to function properly.



Variance

PLANNING

Thrasher Investments

Applicant's Stated Spirit and Intent

	Applicant's Response
How will approval of this variance be in keeping with the "spirit and intent" of the code being varied?	"The spirit and intent of the zoning code—particularly the restriction on garage doors facing public streets on corner lots—is to promote aesthetic quality, pedestrian safety, and cohesive neighborhood design. I fully support these goals and believe the proposed development aligns with them, even with the requested variance. The project I am seeking to move forward with involves a complete redevelopment of an outdated structure into a modern, professionally designed facility. The design will include high-quality materials, updated landscaping, and a traffic rerouting plan that improves flow and safety for both vehicles and pedestrians. Every effort will be made to ensure the garage doors are visually integrated into the overall design and do not detract from the surrounding streetscape. Furthermore, this is not a request to avoid compliance but rather to adapt the intent of the code to the real-world limitations of this specific site. Due to the rectangular shape and corner location of the lot, there is no viable way to orient the building without some portion of the garage doors facing a street." (See applicant's letter for full response)

Applicant's Response:

The applicant believes the request aligns with the intent of the code because the site will be redeveloped with quality materials, updated landscaping, and a traffic rerouting plan that improves flow and safety for vehicles and pedestrians.



Thrasher Investments

Applicant's Response

	Applicant's Response
Is the variance or waiver requested the minimum amount necessary to carry out the project?	"Yes, the variance requested is the minimum necessary to make this project viable and to allow for reasonable use of the property. The sole request is for permission to place garage doors on a corner lot—an essential element of the <i>building design required by the national</i> tenant, whose business model depends on vehicle access to service bays. No other variances are being requested. The layout and design of the building have been carefully planned to fit within the existing zoning guidelines in every other respect, including setbacks, landscaping, and traffic flow. However, due to the rectangular shape and corner location of the property, there is no feasible orientation that would both meet the operational needs of the tenant and comply with the garage door restriction. This waiver does not seek to circumvent the intent of the zoning code but rather to provide just enough flexibility to address the unique physical constraints of the lot. Without this small but critical <i>adjustment</i>, the entire project—and the opportunity to lease to a national, job-creating business—cannot move forward. Therefore, this request is narrowly tailored to meet the minimum relief necessary to develop the site in a responsible, attractive, and economically productive way that benefits the surrounding community."

Applicant's Response:

The applicant states that the variance requested is the minimum necessary to make this project viable because due to the shape and corner location of the property there is no feasible orientation that would meet the operational needs of the tenant and comply with the garage door restriction.



Variance

PLANNING

Thrasher Investments

Applicant's Response

	Applicant's Response
Is there another reasonable method of avoiding the need for the variance or waiver requested?	"Unfortunately, there is no reasonable alternative method to avoid the need for the requested variance due to the physical constraints and unique characteristics of the property. The rectangular shape and corner location of the lot severely limit how a commercial building—particularly one requiring garage bay access—can be positioned. Because the business model of the prospective tenant (Take 5 requires multiple <i>garage</i> doors for <i>efficient</i> service flow, and because of setbacks, right-of-way requirements, and traffic routing considerations, there is no orientation of the building that would allow it to function properly without placing garage doors facing one of the adjacent streets. Attempts were made to explore alternate configurations, but each option resulted in either the loss of essential service bays (rendering the building unusable for the tenant) or conflicts with safety, access, and circulation requirements. Additionally, any design that tries to fully shield garage doors by internalizing them would create an inefficient layout that would likely result in increased traffic backups onto public streets—defeating one of the primary goals of the zoning update. Therefore, the requested variance is not only the least intrusive solution, but also the only practical path forward to allow this project to proceed in a way <i>that</i> is safe, <i>functional</i>, and beneficial to the surrounding area."

Applicant's Response:

The applicant states there is no other reasonable alternative to avoiding the need for the requested variance due to the physical constraints and unique characteristics of the property.



Variance

PLANNING

Thrasher Investments

Applicant's Response

	Applicant's Response
Is there any other important factor that should be considered by the board in keeping with the purpose and intent of the UDC?	"Yes, one important factor the Board should consider is the broader economic and community benefit this project will bring—benefits that are fully aligned with the purpose and intent of the Unified Development Code (UDC), which seeks to promote thoughtful development, economic vitality, public safety, and an enhanced quality of life for the community. Granting this variance would allow for a significant investment from a nationally recognized, reputable company that will bring long-term stability to the area. The proposed project will create new jobs, generate substantial sales and property tax revenue, and provide an upgraded, modern facility that enhances the appearance and functionality of the site. Additionally, the development plan includes rerouting traffic off of Walnut onto 21st Street, which will improve traffic flow and safety—further supporting the UDC's goals of responsible urban design and infrastructure management. High-quality landscaping and architectural improvements will also contribute to the visual integrity of the area Finally, this variance helps ensure that underutilized commercial property does not remain stagnant due to overly rigid constraints. Instead, it promotes revitalization, encourages reinvestment, and demonstrates a balanced application of the UDC that supports both community standards and economic opportunity."

Applicant's Response:

The applicant states the board should consider the broader economic and community benefit this project will bring and falls in line with the intent of the UDC which is to promote thoughtful development, economic vitality, public safety, and an enhanced quality of life for the community.



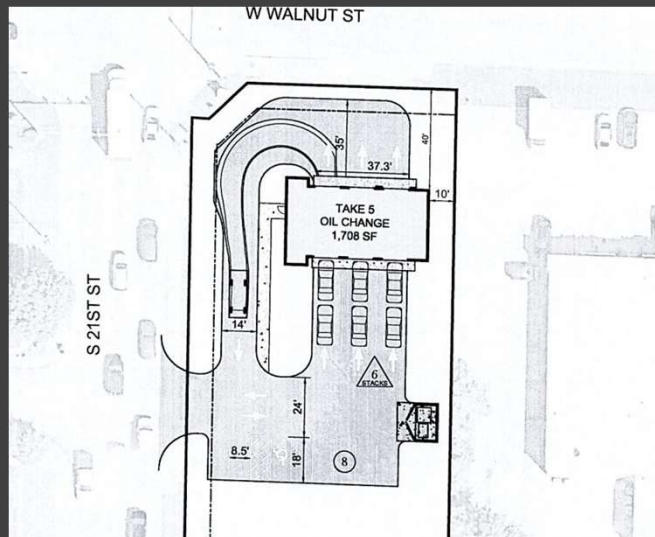
Variance

PLANNING

Thrasher Investments

Variance Request

- To allow an auto service use on a corner lot in a zone that is not HC or I-1



Proposal

Variance Summary:

The variance request is to allow an auto service use on a corner lot in a zone that is not Highway Commercial zoning or Light Industrial. This site is zoned T5.2 and is located in the Midtown City Center Placetype. HC and I-1 zoning are not allowed within this Placetype.



Variance

PLANNING

Thrasher Investments

Staff Analysis

Would strict application of the code cause an undue hardship due to circumstances that are unique to this property?	No. Strict application of the code at this location does not cause undue hardship. Other uses are allowed at this location that are more conducive to the zoning requirements.
Is the hardship a result of any action taken by the property owner or on their behalf?	Staff does not agree that there is a hardship in this proposal.

Staff Analysis:

- Strict application of the code does not cause undue hardship. There are other uses available in this zoning that would better contribute to the intent of the Midtown City Center and underlying zoning requirements.
- Staff does not see a hardship with this request.



Variance

PLANNING

Thrasher Investments

Staff Analysis

	Staff's Response
Is the variance or waiver requested the minimum amount necessary to carry out the project?	The variance requested is not the minimum amount necessary at this location. The proposal of this use on a corner lot results in other variances that would need to be requested. In T5.2 zoning, there is a build-to of 0'-10'. There is also a minimum building occupancy of 80%. Neither of which are being met by the general proposed site layout for this use. There are also other variances that would likely be required such as the minimum glazing percentage along both streetscapes.
Is there another reasonable method of avoiding the need for a variance or waiver?	Yes. The need for the variance could be avoided by proposing an allowed use at this location that functions in tandem with the underlying zoning requirements and intent of the Midtown City Center Placetype.

Staff Analysis:

- The variance request is not the minimum necessary because other variances would be required given the general site layout provided.
- The need for the variance could be avoided by proposing an allowed use at this location that functions in tandem with the underlying zoning requirements and intent of the Midtown City Center Placetype.



Variance

PLANNING

Thrasher Investments

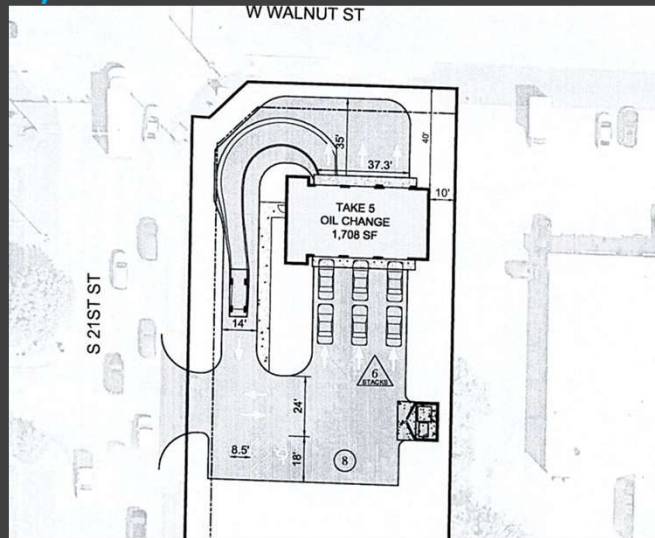
Staff Analysis

Staff's Response

Any other factor the Board feels is important to consider in keeping with the purpose and intent of this UDC.

The proposed use at a corner lot in this zone results in other needed variances. There are setback variances that would be required along both Walnut and S 21st Street. The building occupancy percentage is also not being met. Glazing requirements would also be applicable that may not be met.

Other types of variances may be required but could be unknown due to not having a full plan submission.



Staff Analysis:

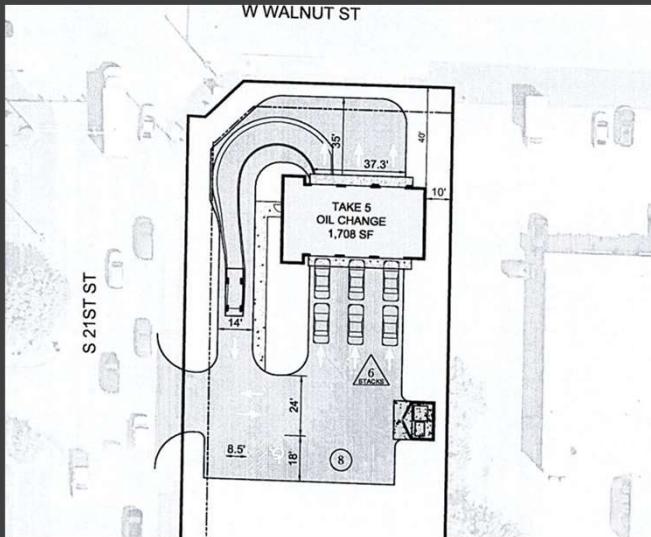
- The proposed use here at a corner lot results in the need for other variances. It does not align with the intent of the midtown city center which is for it to be “an active destination for goods and services, recreation, employment and housing. New developments will add a tight network of streets with ample active transportation facilities, and buildings and civic spaces that address the street in a manner comparable to Downtown Rogers.” Rogers Future Land Use Placetypes pg. 4



Variance

PLANNING

Thrasher Investments



Recommendation

DENY the request to propose a use not allowed on a corner lot in T5.2 zoning.

Public Input:

No input from the public has been provided.

Recommendation:

Deny the variance request to allow a use in T5.2 that is prohibited on a corner lot.



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: Thrasher Investments, LLC

ADDRESS: 4602 S Fieldcrest Terrace Rogers AR 7278 SUITE #: _____

GENERAL LOCATION OF PROPERTY: 2010 W Walnut Rogers

PHONE #: 903-824-7203 EMAIL: Leahthrasher1@gmail.com

PROPERTY OWNER: Leah Thrasher PHONE #: 903 824-7203

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

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

See attached letter

Is the hardship a result of any action taken by the property owner or on their behalf; and

See attached letter

Is the variance or waiver requested the minimum amount necessary to carry out the project; and

See attached letter

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

See attached letter

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

See attached letter

Leah Thrasher

Applicant Signature

7-7-25

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

Question: How does strict enforcement of the code cause undue hardship due to circumstances that are unique to this property?

Strict enforcement of the new zoning code—specifically the restriction of garage doors on corner lots—creates an undue hardship for my property due to its unique physical characteristics and the unintended consequences of the updated regulations.

The parcel in question is a rectangular-shaped corner lot, which significantly limits flexibility in site planning and building orientation. Unlike square or interior parcels that offer greater design options, the layout of this rectangular lot requires thoughtful use of every linear foot to accommodate essential building functions, such as customer access, traffic circulation, and required setbacks. The nature of the business I am leasing to—an automotive service provider—requires the inclusion of garage doors for customer service bays, and those must face outward to function appropriately.

Under the prior zoning, this property was well-positioned for redevelopment. I secured a 15-year lease agreement with a nationally recognized company (Take 5), contingent upon the ability to demolish the outdated structure and build a new, modern facility. The project would bring substantial community benefit, including job creation, increased property and sales tax revenue, and improved traffic flow through a proposed rerouting of ingress/egress from Walnut Street to 21st Street.

However, the zoning code changes adopted in 2024 now prohibit the very garage door placements necessary for this business to operate—effectively rendering the lease void and obstructing the highest and best use of the property. This not only threatens a major commercial investment but also creates a chilling effect for future redevelopment. Other potential tenants with similar space or function needs will also be deterred by this inflexible regulation, further limiting economic opportunities for the property and surrounding area.

In essence, the strict application of this regulation imposes a hardship that is unique to this lot's shape and location. It prevents me, as the property owner, from reasonably and responsibly developing my land in a way that contributes positively to the neighborhood and aligns with the broader goals of economic development and revitalization.

For these reasons, I respectfully request a variance to allow garage doors on this corner lot. This adjustment would not only allow the planned project to move forward but would also demonstrate the city's willingness to support responsible growth and practical flexibility for property owners contributing to the community's success.

Sincerely,

Leah Thrasher

Thrasher Investments, LLC

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

The spirit and intent of the zoning code—particularly the restriction on garage doors facing public streets on corner lots—is to promote aesthetic quality, pedestrian safety, and cohesive neighborhood design. I fully support these goals and believe the proposed development aligns with them, even with the requested variance.

The project I am seeking to move forward with involves a complete redevelopment of an outdated structure into a modern, professionally designed facility. The design will include high-quality materials, updated landscaping, and a traffic rerouting plan that improves flow and safety for both vehicles and pedestrians. Every effort will be made to ensure the garage doors are visually integrated into the overall design and do not detract from the surrounding streetscape.

Furthermore, this is not a request to avoid compliance but rather to adapt the intent of the code to the real-world limitations of this specific site. Due to the rectangular shape and corner location of the lot, there is no viable way to orient the building without some portion of the garage doors facing a street. However, thoughtful design elements—such as enhanced architectural features, screening, and landscaping—can maintain the visual character intended by the code while still meeting the operational needs of the business.

Granting this variance allows for the productive, attractive, and responsible use of a commercially zoned property while still upholding the broader goals of the zoning code. It ensures that the property can contribute to economic growth, job creation, and neighborhood vitality—outcomes that are very much in harmony with the code's purpose.

In short, approval of this variance honors both the letter and the spirit of the zoning code by balancing thoughtful development with practical application in a unique site context.

Sincerely,

Leah Thrasher

Thrasher Investments, LLC

Question: Is the variance or waiver requested the minimum amount necessary to carry out the project?

Yes, the variance requested is the minimum necessary to make this project viable and to allow for reasonable use of the property.

The sole request is for permission to place garage doors on a corner lot—an essential element of the building design required by the national tenant, whose business model depends on vehicle access to service bays. No other variances are being requested. The layout and design of the building have been carefully planned to fit within the existing zoning guidelines in every other respect, including setbacks, landscaping, and traffic flow. However, due to the rectangular shape and corner location of the property, there is no feasible orientation that would both meet the operational needs of the tenant and comply with the garage door restriction.

This waiver does not seek to circumvent the intent of the zoning code but rather to provide just enough flexibility to address the unique physical constraints of the lot. Without this small but critical adjustment, the entire project—and the opportunity to lease to a national, job-creating business—cannot move forward.

Therefore, this request is narrowly tailored to meet the minimum relief necessary to develop the site in a responsible, attractive, and economically productive way that benefits the surrounding community.

Sincerely,

Leah Thrasher

Thrasher Investments, LLC

Question: Is there another reasonable method of avoiding the need for the variance or waiver requested?

Unfortunately, there is no reasonable alternative method to avoid the need for the requested variance due to the physical constraints and unique characteristics of the property.

The rectangular shape and corner location of the lot severely limit how a commercial building—particularly one requiring garage bay access—can be positioned. Because the business model of the prospective tenant (Take 5) requires multiple garage doors for efficient service flow, and because of setbacks, right-of-way requirements, and traffic routing considerations, there is no orientation of the building that would allow it to function properly without placing garage doors facing one of the adjacent streets.

Attempts were made to explore alternate configurations, but each option resulted in either the loss of essential service bays (rendering the building unusable for the tenant) or conflicts with safety, access, and circulation requirements. Additionally, any design that tries to fully shield garage doors by internalizing them would create an inefficient layout that would likely result in increased traffic backups onto public streets—defeating one of the primary goals of the zoning update.

Therefore, the requested variance is not only the least intrusive solution, but also the only practical path forward to allow this project to proceed in a way that is safe, functional, and beneficial to the surrounding area.

Sincerely,

Leah Thrasher

Thrasher Investments, LLC

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

Yes, one important factor the Board should consider is the broader economic and community benefit this project will bring—benefits that are fully aligned with the purpose and intent of the Unified Development Code (UDC), which seeks to promote thoughtful development, economic vitality, public safety, and an enhanced quality of life for the community.

Granting this variance would allow for a significant investment from a nationally recognized, reputable company that will bring long-term stability to the area. The proposed project will create new jobs, generate substantial sales and property tax revenue, and provide an upgraded, modern facility that enhances the appearance and functionality of the site.

Additionally, the development plan includes rerouting traffic off of Walnut onto 21st Street, which will improve traffic flow and safety—further supporting the UDC's goals of responsible urban design and infrastructure management. High-quality landscaping and architectural improvements will also contribute to the visual integrity of the area.

Finally, this variance helps ensure that underutilized commercial property does not remain stagnant due to overly rigid constraints. Instead, it promotes revitalization, encourages reinvestment, and demonstrates a balanced application of the UDC that supports both community standards and economic opportunity.

This project is not just about one business—it represents a broader commitment to growth, responsible land use, and the ongoing development of a thriving city.

Sincerely,

Leah Thrasher

Thrasher Investments, LLC

Leah Thrasher

Thrasher Investments, LLC

2010 W Walnut

Rogers, AR 72758

Leahthrasher1@gmail.com

903-824-7203

7-03-2025

City Planning Board

301 W Chestnut

Rogers, AR

Re: Request for Variance Due to Hardship Caused by 2024 Zoning Change

Dear Members of the Planning Board,

I am writing to formally request a variance regarding the restriction of garage doors on a corner lot as defined in the zoning changes enacted in 2024. This new regulation has created a significant and unforeseen hardship for my business and property, and I appreciate your consideration of the following information in support of this request.

I am the owner of the property located at 2010 W Walnut, held under Thrasher Investments, LLC. In 2025, I entered into a long-term, 15-year lease agreement with Take 5, a nationally recognized, publicly traded company. This lease was contingent on our ability to demolish the existing structure and construct a new, modern facility that meets both city standards and corporate specifications. The proposed development includes improved landscaping, enhanced infrastructure, and a traffic rerouting plan that would direct ingress and egress from Walnut to 21st Street—alleviating congestion and improving safety in the area.

This project would not only increase the property's value but would also generate new jobs, provide substantial sales and property tax revenue, and contribute meaningfully to the city's economic development goals. The investment and partnership were secured with the full expectation that the zoning in place at that time would allow for reasonable use of the property—including the placement of garage doors necessary for the operational requirements of Take 5.

Unfortunately, the updated zoning code enacted in 2024 includes a restriction on garage doors on corner lots. This has effectively blocked the development and jeopardized the lease, as the

site's rectangular shape leaves no feasible alternative for building orientation or functionality. This restriction imposes an undue burden that prevents the productive and beneficial use of the property in a manner that is compatible with the surrounding commercial landscape.

Given these constraints, I respectfully request that the Planning Board grant a variance to allow garage doors on this corner lot. This relief is essential to the continuation of the proposed development and to honoring a significant commercial lease that was signed in good faith under prior zoning guidance.

Thank you for your time and consideration. I would welcome the opportunity to further discuss this matter and provide any additional information that may assist in your review. Please feel free to contact me directly at 903-824-7203.

Sincerely,

Leah Thrasher

Owner, Thrasher Investments, LLC



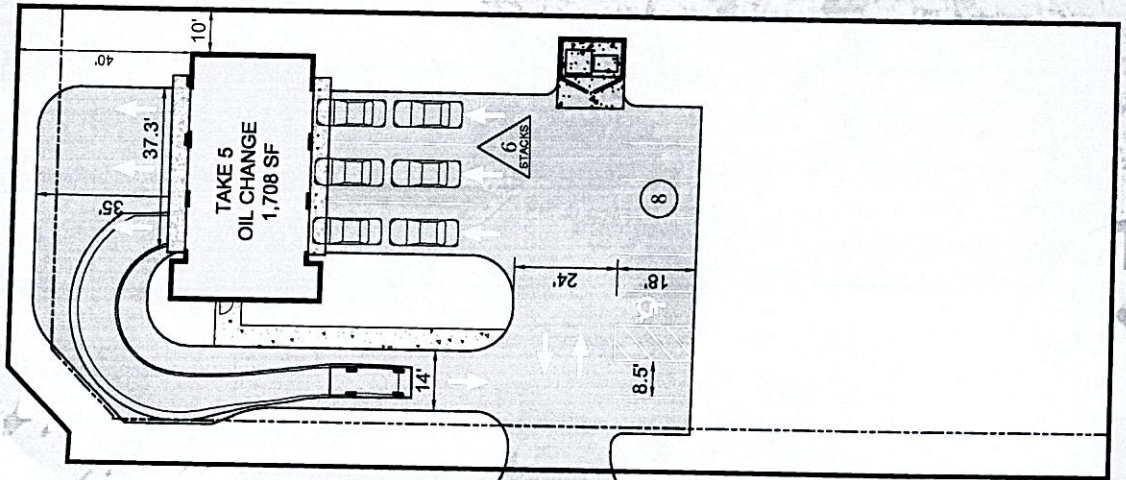
VISIT Q
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PROJECT NAM
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IN ROGERS, AR
ADDRESS: 201
ROGERS, AR 7
JURISDICTION:
CITY OF ROGE
PARCEL ID #:
02-10990-000
PARCEL AREA:
±0.61 AC
ZONE: T5.2
CITY MEDIUM -
EXISTING USE:
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PROPOSED US
AUTO SERVICE
(PERMITTED U
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PROVIDED PAF
1 ADA STALLS
7 STALLS (8.5'
8 TOTAL STALL
DRIVE AISLE:
24' TWO-WAY (

SETBACKS
FRONT: 0' (1
SIDE: 0'
REAR: 0'
BUFFERS: TBI
FLOOD ZONE:
FEMA MAP: 05C
DATED: 06/05/2
SITE SPECIFIC
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THE BUILDING
FRONT PROPE
MAY BE REQUI
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ON A CORNER
DOORS SHOULD
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DRAWING DAT,
DATE: 2/21/202

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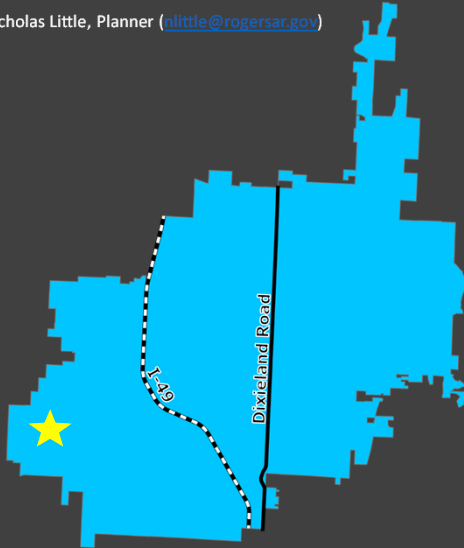




Variance Sisti Studio

PLANNING

Staff: Nicholas Little, Planner (nlittle@rogersar.gov)



Vicinity Map

Location

4905 S Inglewood Road
Shadow Valley Ph. VI

Nature of Request

Setback Encroachment

Zoning

T3.2 – Neighborhood Low-Intensity

Existing Use

Residential

Representative

Brody Boston, Evergreen Homes

Summary:

This request is for a variance from Section 4.5 Zone Standards to allow a 10' encroachment into the interior yard setback for the Shadow Valley Ph. VI plat.

Parcel: 02-16927-000

Site Acreage: ±0.27 acres



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:

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

Section 2.12 Variances:

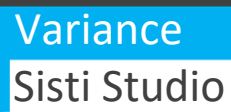
2.12.1 Purpose & Intent

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.

[illegible]

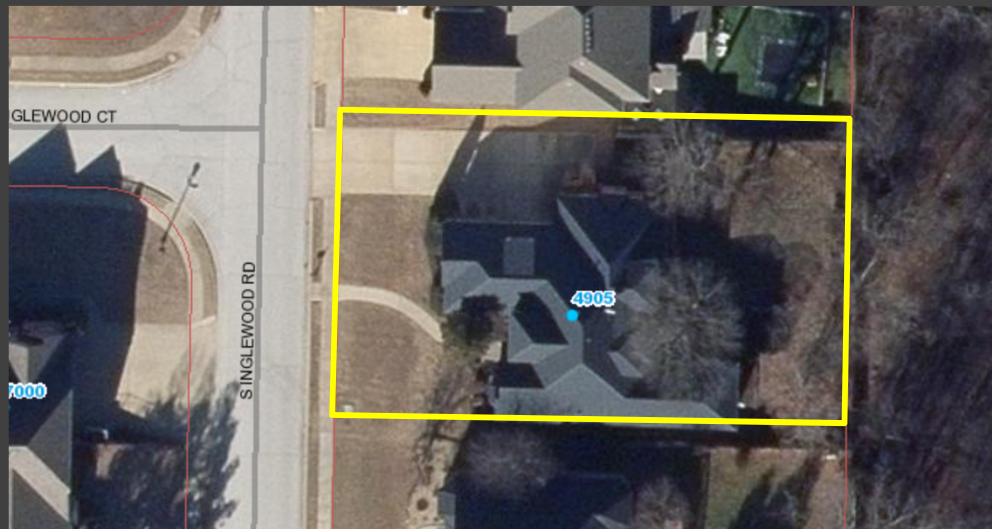
Aerial Vicinity Image

This site is located in southwest Rogers, within Shadow Valley Phase VI, near the intersection of W Pleasant Grove Road and Arkansas Highway 112.



Variance Sisti Studio

PLANNING



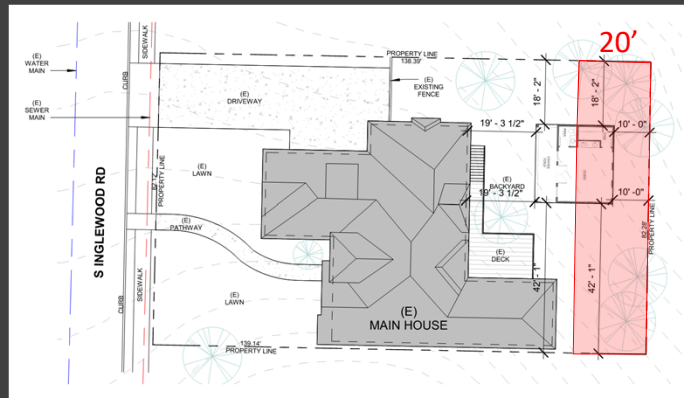
Aerial Site Image

Subject Property



Variance Request

- 1) Variance request from **Shadow Valley Phase VI Final Plat** to allow a **10' encroachment** into a **20' rear setback line**.



Proposal Exhibit

Variance Summary:

- 1) The variance request is not from the UDC, but from the final plat for Shadow Valley Phase VI. The applicant is requesting a 10' encroachment into a plated 20' setback and utility easement. Final plat for Shadow Valley VI was filed with Benton County Circuit Clerk on 9-17-2004.



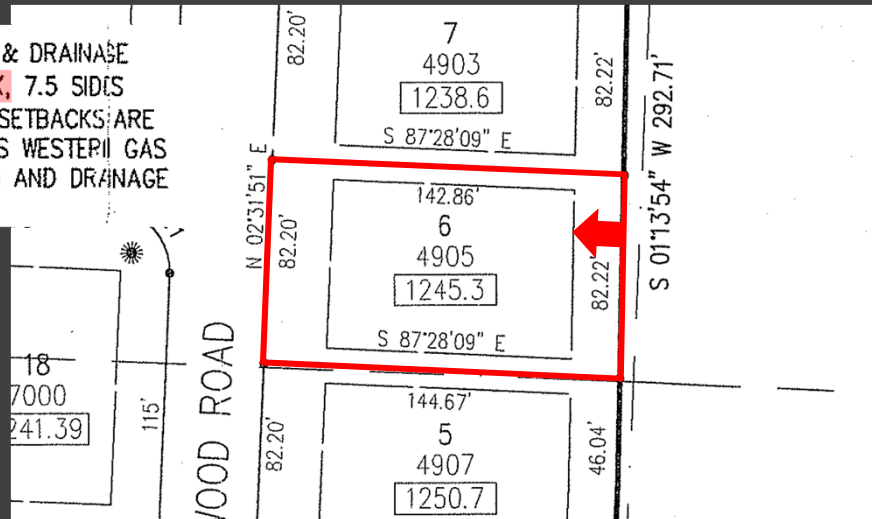
Variance

Sisti Studio

PLANNING

BUILDING SETBACK, UTILITY , & DRAINAGE ESMT. (25' FRONT, 20' BACK, 7.5 SIDES EXCEPT WHERE NOTED) SIDE SETBACKS ARE UTILITY ESMTS FOR ARKANSAS WESTERN GAS AND ROGERS WATER UTILITIES AND DRAINAGE ESMTS. ONLY WHERE NOTED.

Final Plat calls for 20' back/rear setback on all lots. This is larger than the 5' interior yard setback set in place by underlying T3.2 zoning.



Subject Property on Shadow Valley VI Final Plat

The variance request is not from the UDC, but from the final plat for Shadow Valley Phase VI. The applicant is requesting a 10' encroachment into a platted 20' setback and utility easement. Final plat for Shadow Valley VI was filed with Benton County Circuit Clerk on 9-17-2004.



Applicant's Stated Hardship

	Applicant's Response
Would strict application of the code cause an undue hardship due to circumstances that are unique to this property?	The original platted 20 foot setback does not accommodate expansion for an appropriately placed Accessory Structure.

Would strict application of the code cause an undue hardship due to circumstances that are unique to this property?

The original platted 20 foot setback does not accommodate expansion for an appropriately placed Accessory Structure.



Applicant's Stated Spirit and Intent

	Applicant's Response
How will approval of this variance be in keeping with the "spirit and intent" of the code being varied?	"The primary spirit and intent of the setback requirement is to ensure adequate space between structures for safety, privacy, aesthetics, and access. Approving this variance to reduce the rear setback from 20 feet to 10 feet will still fully respect these goals for several reasons: • Preserves separation between structures and utilities: Even with a 10-foot setback, the ADU will maintain meaningful distance from the rear property line and adjacent structures, ensuring safety, privacy, and access for maintenance. Furthermore, the property does not have any utilities within the rear setback and does not share a rear property line with another home. • Improves site functionality: By allowing the ADU to be placed further from the primary residence, the design actually improves functional outdoor space for the residents. It avoids crowding the primary dwelling and maintains usable, private yard space—meeting the intent of providing livable, well-planned lots. • Protects existing mature tree canopy: Granting this variance avoids the removal of a significant existing tree, preserving neighborhood character, environmental quality, and visual appeal—all values in line with the intent of zoning rules. • Aligns with modern lot patterns: The 20-foot setback standard is older and not as well-matched to newer development patterns in the area. Many newer nearby subdivisions now have rear setbacks that are even more lenient, including other variance approvals within Shadow Valley. Granting this variance supports consistent, contemporary planning while avoiding arbitrary hardship on this lot. • No adverse impact on neighbors: The proposed placement does not put the structure any closer to a neighbor's lot nor does it create privacy, shading, or access issues."

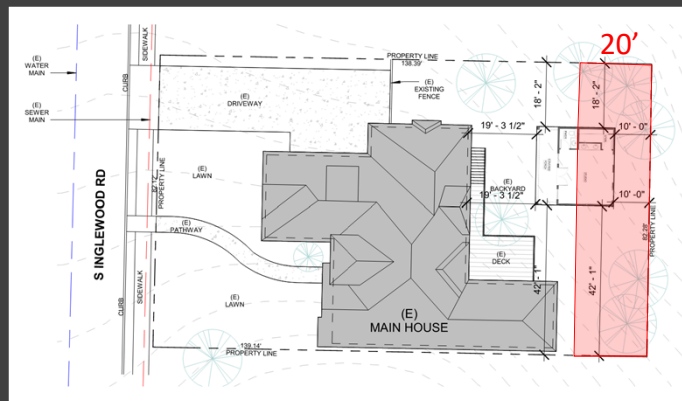
The applicant believes the request aligns with the intent of the code by not encroaching any of the setbacks adjacent to neighboring existing residential units, protecting existing tree canopy, and aligning with the form and disposition standards of the underlying zoning.



Staff Analysis

Would strict application of the code cause an undue hardship due to circumstances that are unique to this property?

This setback requirement isn't coming from the UDC, but from the recorded final plat for Shadow Valley Phase VI, which was platted 20 years prior to the adoption of the UDC. Strict application of the platted setbacks, that seem to hold no particular purpose other than separation, particularly the rear setback in this instance, could be seen as a site-specific hardship.



Proposed Site Plan w/ exhibited setback

Would strict application of the code cause an undue hardship due to circumstances that are unique to this property?

This setback requirement isn't coming from the UDC, but from the recorded final plat for Shadow Valley Phase VI, which was platted 20 years prior to the adoption of the UDC. Strict application of the platted setbacks, that seem to hold no particular purpose other than separation, particularly the rear setback in this instance, could be seen as a site-specific hardship.



Variance

Sisti Studio

PLANNING

Staff Analysis

Is the hardship a result of any action taken by the property owner or on their behalf?	No. The hardship in this case is the excessive platted setback, which is no fault of the owner.
Is the variance or waiver requested the minimum amount necessary to carry out the project?	Yes. The setback reduction would only take place in the encroachment area, as to minimize the significance of the variance.
Is there another reasonable method of avoiding the need for a variance or waiver?	Other than changing the location of the proposed addition, no.

Is the hardship a result of any action taken by the property owner or on their behalf?

No. The hardship in this case is the excessive platted setback, which is no fault of the owner.

Is the variance or waiver requested the minimum amount necessary to carry out the project?

Yes. The setback reduction would only take place in the encroachment area, as to minimize the significance of the variance.

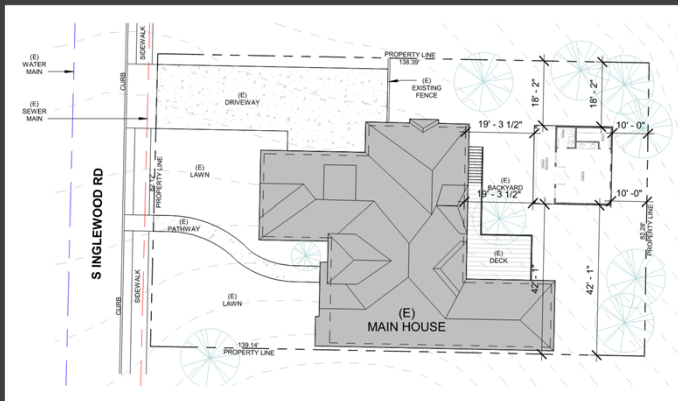
Is there another reasonable method of avoiding the need for a variance or waiver?

Other than changing the location of the proposed addition, no.



Variance Sisti Studio

PLANNING



Recommendation

- **APPROVE** the variance from **Shadow Valley Phase VI final plat** to allow a **10' encroachment** into the 20' rear yard setback.

Public Input:

One email from a notified neighbor asking for further information.

Recommendation:

- **APPROVE** the variance from **Shadow Valley Phase VI final plat** to allow a **10' encroachment** into the 20' rear yard setback.

SHADOW VALLEY PHASE VI ROGERS, ARKANSAS

CURVE TABLE							
NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	DEGREE	CHORD DIRECTION	CHORD LENGTH
C1	90°00'00"	25.00	39.27	25.00	229°10'59"	N 42°28'09" W	35.36
C2	90°00'00"	25.00	39.27	25.00	229°10'59"	N 47°31'51" E	35.36
C3	11°08'13"	250.00	48.59	24.37	22°55'06"	S 86°57'45" W	48.52
C4	18°41'09"	250.00	81.53	41.13	22°55'06"	S 72°03'04" W	81.17
C5	09°35'06"	290.00	48.51	24.31	19°45'26"	S 87°44'18" W	48.46
C6	16°33'37"	290.00	83.82	42.20	19°45'26"	S 74°39'56" W	83.53
C7	03°40'38"	290.00	18.61	9.31	19°45'26"	S 64°32'49" W	18.61
C8	119°49'21"	20.00	41.83	34.52	286°28'44"	N 57°22'50" W	34.61
C9	63°18'18"	47.00	51.93	28.97	121°54'21"	N 85°41'03" W	49.33
C10	48°04'41"	47.00	39.44	20.96	121°54'21"	N 29°59'33" W	38.29
C11	78°15'11"	47.00	64.19	38.23	121°54'21"	N 33°10'23" E	59.32
C12	69°46'07"	25.00	30.44	17.43	229°10'59"	N 37°24'55" E	28.60
C13	90°00'00"	25.00	39.27	25.00	229°10'59"	N 42°28'09" W	35.36
C14	63°03'30"	25.00	27.51	15.34	229°10'59"	N 34°03'37" E	26.15
C15	26°56'28"	25.00	11.76	5.99	229°10'59"	N 79°03'36" E	11.65
C16	90°00'00"	25.00	39.27	25.00	229°10'59"	S 42°28'09" E	35.36
C17	60°30'27"	65.00	68.64	37.91	88°08'50"	S 57°12'55" E	65.50
C18	29°29'33"	65.00	33.46	17.11	88°08'50"	S 12°12'55" E	33.09
C19	12°46'09"	65.00	14.48	7.27	88°08'50"	S 03°51'14" E	14.46
C20	90°00'00"	25.00	39.27	25.00	229°10'59"	S 47°31'51" W	35.36
C21	90°00'00"	25.00	39.27	25.00	229°10'59"	N 42°28'09" W	35.36
C22	51°19'04"	25.00	22.39	12.01	229°10'59"	N 61°48'37" W	21.65
C23	42°45'09"	47.00	35.07	18.40	121°54'21"	N 57°31'40" W	34.26
C24	45°36'34"	47.00	37.41	19.76	121°54'21"	S 78°17'29" W	36.43
C25	52°57'21"	47.00	43.44	23.41	121°54'21"	S 29°00'31" W	41.91
C26	52°57'21"	47.00	43.44	23.41	121°54'21"	S 23°56'50" E	41.91
C27	45°36'34"	47.00	37.41	19.76	121°54'21"	S 73°13'47" E	36.43
C28	42°45'09"	47.00	35.07	18.40	121°54'21"	N 62°35'21" E	34.26
C29	51°19'04"	25.00	22.39	12.01	229°10'59"	N 66°52'19" E	21.65
C30	51°30'29"	80.00	71.92	38.59	71°37'11"	S 66°46'36" W	69.52
C31	91°39'59"	25.00	40.00	25.74	229°10'59"	S 01°07'41" E	35.87
C32	52°15'38"	120.00	109.45	58.87	47°44'47"	S 66°24'02" W	105.70
C33	92°46'07"	25.00	40.48	26.24	229°10'59"	S 86°39'16" W	36.20
C34	10°50'05"	240.00	45.38	22.76	23°52'24"	S 41°32'38" E	45.32
C35	25°55'09"	240.00	108.57	55.23	23°52'24"	S 23°10'01" E	107.65
C36	20°11'25"	240.00	84.57	42.73	23°52'24"	S 00°06'44" E	84.14
C37	08°07'43"	230.00	32.63	16.34	24°54'40"	S 05°55'07" W	32.60
C38	25°17'35"	230.00	101.53	51.61	24°54'40"	S 10°47'32" E	100.71
C39	06°35'18"	230.00	26.45	13.24	24°54'40"	S 26°43'59" E	26.43
C40	48°40'09"	230.00	195.37	104.02	24°54'40"	S 54°21'43" E	189.55
C41	20°14'22"	230.00	81.25	41.05	24°54'40"	S 88°48'58" E	80.82
C42	19°23'12"	230.00	77.82	39.29	24°54'40"	N 71°22'15" E	77.45
C43	03°46'47"	520.00	34.30	17.16	11°01'06"	N 63°34'03" E	34.30
C44	09°32'19"	520.00	86.57	43.38	11°01'06"	N 70°13'36" E	86.47
C45	09°03'23"	520.00	82.19	41.18	11°01'06"	N 79°31'26" E	82.11
C46	08°28'43"	520.00	76.95	38.55	11°01'06"	N 88°17'29" E	76.88
C47	90°00'00"	25.00	39.27	25.00	229°10'59"	N 47°31'51" E	35.36

LOT SCHEDULE		
NAME	SQUARE FEET	ACRES
1	11574.70	0.27
2	11590.14	0.27
3	11605.59	0.27
4	11621.03	0.27
5	11621.10	0.27
6	11501.34	0.27
7	11356.19	0.27
8	11218.70	0.27
9	13031.75	0.30
10	11200.00	0.26
11	10537.90	0.24
12	11893.03	0.27
13	13750.12	0.32
14	13870.39	0.32
15	11906.89	0.27
16	10537.90	0.24
17	11200.00	0.26
18	13165.87	0.30
19	13165.87	0.30
20	11200.00	0.26
21	11264.98	0.26
22	12386.81	0.28
23	18175.41	0.42
24	12141.92	0.28
25	10595.59	0.24
26	11480.15	0.26
27	12198.92	0.28
28	12164.09	0.28
29	12421.48	0.29
30	23145.84	0.53
31	25103.38	0.58
32	23600.00	0.54
33	24600.00	0.56
34	19400.00	0.45
35	21865.87	0.50
36	25597.14	0.59
37	16928.82	0.39
38	14847.30	0.34
39	16020.47	0.37
40	17305.85	0.40
41	16653.65	0.38
42	21978.94	0.50

SHORT COURSE TABLE		
NUMBER	BEARING	DISTANCE
L1	N 87°28'09" W	3.33'
L2	S 61°40'39" W	9.05'
L3	S 78°41'47" E	11.48'
L4	S 09°58'59" W	14.07'
L5	S 42°30'35" W	3.46'

NOTES

ALL FINISHED FLOOR ELEVATIONS MUST BE A MINIMUM OF ONE FOOT ABOVE CURB LEVEL OR PROVIDE THE BUILDING OFFICIAL AND CITY PLANNER WITH A COPY OF A GRADING PLAN FOR EACH LOT THAT CANNOT MEET THIS REQUIREMENT.

SIDEWALKS MUST BE BUILT ON EACH LOT BY THE BUILDER TO MEET CITY CODE AND RAMPED AT ALL CURB CUTS TO MEET ADA SPECIFICATIONS.

SIDEWALKS MUST BE A MINIMUM OF FOUR FEET IN WIDTH AND THREE FEET BEHIND THE CURB. TRUNCATED DOMES ARE REQUIRED AT HANDICAP RAMPS.

MINIMUM BUILDING SQUARE FOOTAGE ON LOTS 1-42 IS 2,200 SQUARE FEET.

BASIS OF BEARINGS: STATE PLANE NAD 83

ZONING: P.U.D.

OWNER - C.R. REAVES FLP

TOTAL ACREAGE IN DEVELOPMENT: 17.13 ACRES

LAND SURVEYOR'S DECLARATION

I HEREBY DECLARE THAT ON THE 14 DAY OF SEP 20 04 THE HEREON PLATTED AND DESCRIBED SURVEY WAS COMPLETED UNDER MY SUPERVISION.

STATE OF ARKANSAS
No. 1088
RICHARD WRIGHT R.L.S.#1088
RICHARD P. WRIGHT
SEAL

ALL COPIES THAT DO NOT BEAR AN ORIGINAL SEAL AND SIGNATURE MAY HAVE BEEN ALTERED. THE ABOVE DECLARATION SHALL NOT APPLY TO ANY COPY THAT DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE.

ACCEPTANCE

APPROVED AND RECOMMENDED FOR ACCEPTANCE BY THE CITY PLANNING COMMISSION OF ROGERS, ARKANSAS THIS 2nd DAY OF SEP 20 04.

CHAIRMAN

ACCEPTANCE

THIS PLAT IS HEREBY ACCEPTED THIS 14th DAY OF September 20 04 BY THE ROGERS CITY COUNCIL.

SEAL
CITY OF ROGERS
MAYOR

LEGEND

- SET IRON PIN
- FOUND IRON PIN
- BUILDING SETBACK, UTILITY, & DRAINAGE ESMT. (25' FRONT, 20' BACK, 7.5 SIDES EXCEPT WHERE NOTED) SIDE SETBACKS ARE UTILITY ESMTS FOR ARKANSAS WESTERN GAS AND ROGERS WATER UTILITIES AND DRAINAGE ESMTS. ONLY WHERE NOTED.

PROPERTY LINE
SECTION LINE
RIGHT OF WAY LINE

INDICATES SCENIC LOT 6500/5225 LOT NUMBER
1250 STREET ADDRESS (MAIN/SIDE)
(SEE MIN. F.F.E. NOTE, SHT. 1)

- * STREET LIGHT
- STOP SIGN

DESCRIPTION PHASE 6

PART OF THE SE/4 NW/4, AND PART OF THE NE/4 SW/4 ALL IN SECTION 30, TOWNSHIP 19 NORTH RANGE 30 WEST, BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID NE/4 SW/4, THENCE N 02°31'51" E 674.41 FEET ALONG THE EAST LINE THEREOF; THENCE N 02°01'12" W 18.23 FEET; THENCE N 01°29'53" E 220.04 FEET TO THE POINT OF BEGINNING, BEING THE NORTHEAST CORNER OF LOT 11, SHADOW VALLEY PHASE III; THENCE N 87°28'09" W 144.59 FEET TO THE SOUTHWEST CORNER OF SAID LOT 11; THENCE N 02°31'51" E 45.00 FEET; THENCE N 87°28'09" W 40.00 FEET TO THE NORTHERLY RIGHT-OF-WAY OF OSAGE CREEK ROAD; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING TWELVE COURSES; THENCE 39.27 FEET ALONG A CURVE TO THE RIGHT WITH A S 47°31'51" W 35.36 FOOT CHORD; THENCE N 87°28'09" W 73.33 FEET; THENCE 280.02 FEET ALONG A CURVE TO THE LEFT WITH A S 77°06'15" W 276.64 FOOT CHORD; THENCE S 61°40'39" W 67.28 FEET; THENCE 159.07 FEET ALONG A CURVE TO THE RIGHT WITH A S 81°29'26" W 155.92 FOOT CHORD; THENCE N 78°41'47" W 57.12 FEET; THENCE 195.37 FEET ALONG A CURVE TO THE RIGHT WITH A N 54°21'43" W 189.55 FOOT CHORD; THENCE N 30°01'38" W 35.93 FEET; THENCE 160.61 FEET ALONG A CURVE TO THE RIGHT WITH A N 10°01'20" W 157.37 FOOT CHORD; THENCE N 09°58'59" E 182.95 FEET; THENCE 238.53 FEET ALONG A CURVE TO THE LEFT WITH A N 18°29'21" W 228.83 FOOT CHORD; THENCE N 46°57'40" W 103.43 FEET TO THE NORTHERLY RIGHT-OF-WAY OF ROAD 6-1; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING FOUR COURSES; THENCE 40.48 FEET ALONG A CURVE TO THE LEFT WITH A N 66°39'16" E 36.20 FOOT CHORD; THENCE 109.45 FEET ALONG A CURVE TO THE RIGHT WITH A N 66°24'02" E 105.70 FOOT CHORD; THENCE S 87°28'09" E 825.66 FEET; THENCE 68.64 FEET ALONG A CURVE TO THE RIGHT WITH A S 57°12'55" E 65.50 FOOT CHORD; THENCE S 87°28'09" E 147.25 FEET; THENCE S 01°13'54" W 292.72 FEET; THENCE S 02°40'09" W 364.99 FEET TO THE POINT OF BEGINNING, CONTAINING 17.13 ACRES MORE OR LESS.

CERTIFICATE OF DEDICATION

WE, THE UNDERSIGNED OWNER OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY DEDICATE TO THE PUBLIC THE RIGHT-OF-WAY FOR RAINBOW ROAD AND DO HEREBY ESTABLISH THE EASEMENTS SHOWN UPON THIS PLAT. SAID EASEMENTS SHALL BE FOR THE BENEFIT OF THE CITY OF ROGERS, THE DEVELOPER, SHADOW VALLEY P.O.A. AND ALL UTILITY COMPANIES, INCLUDING CABLE TELEVISION COMPANIES; AND SAID EASEMENTS SHALL BE FOR THE PURPOSE OF CONSTRUCTING, MAINTAINING, REPAIRING, AND REPLACING UTILITY LINES, CABLE TELEVISION LINES, AND DRAINAGE STRUCTURES. THE CITY OF ROGERS, THE DEVELOPER, SHADOW VALLEY P.O.A. AND ALL UTILITY COMPANIES, AND ALL CABLE TELEVISION COMPANIES SHALL HAVE THE RIGHT OF INGRESS AND EGRESS TO SAID EASEMENTS AND SHALL HAVE THE RIGHT TO REMOVE OR TRIM TREES WITHIN SAID EASEMENTS AND THE RIGHT TO PROHIBIT THE ERECTION OF BUILDINGS, STRUCTURES, OR FENCES WITHIN SAID EASEMENTS.

DATED 9/14/04

C.R. REAVES FLP

2004 1100

Recorded in the Above
Plat Book & Page
09-17-2004 10:20:43 AM
Brenda DeShields-Circuit Clerk

STATE OF ARKANSAS }
COUNTY OF BENTON } SS

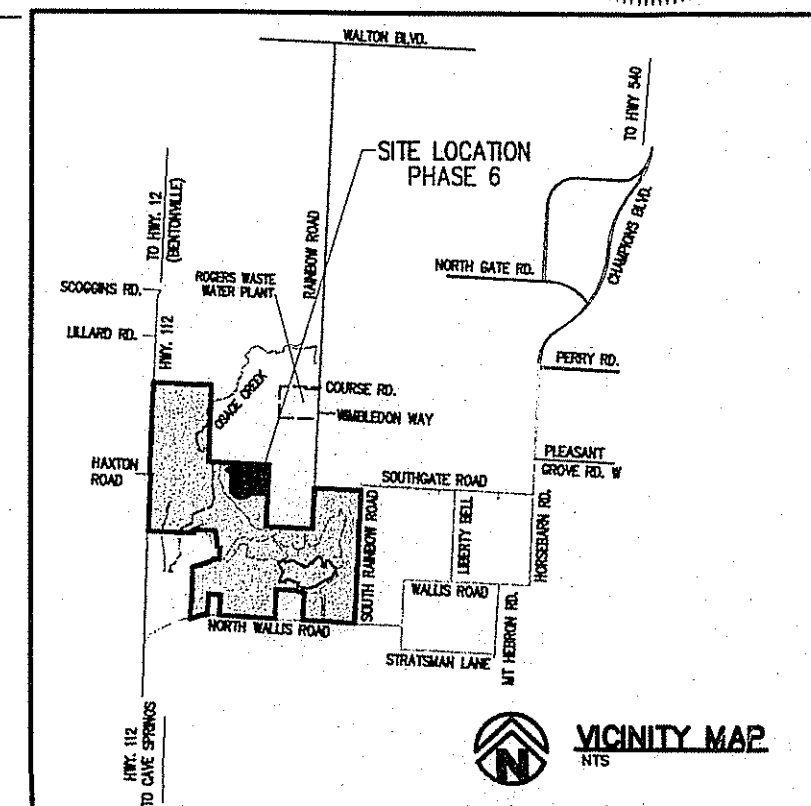
ON THIS 14th DAY OF September 20 04, THERE BEFORE ME, I, AR PERSONALLY APPEARED CHARLES R. REAVES WHO ACKNOWLEDGED HIMSELF TO BE THE GENERAL PARTNER OF C.R. REAVES FLP, AND HE SPOKE THAT HE WAS AUTHORIZED TO EXECUTE THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED AS SUCH OFFICER AND DID SO IN MY PRESENCE.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES:

NOTARY PUBLIC

DEBORAH REEL
COM. EXPI. 03-01-2015
NOTARY PUBLIC
BENTON COUNTY, AR



FINAL PLAT
SHADOW VALLEY P.U.D.
PHASE VI LOTS 1-42
Prepared For
C.R. REAVES FLP

Crafton, Tull & Associates, Inc.
801 N. 47th Street, Suite 200, Rogers, AR 72756
479.638.4636 FAX: 479.631.6224 www.craftontull.com
Architects, Engineers & Surveyors

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DRAWN: ET
DATE: JULY '04
CHECKED: SHEET NO.: 1 OF 2

PROJECT NO.

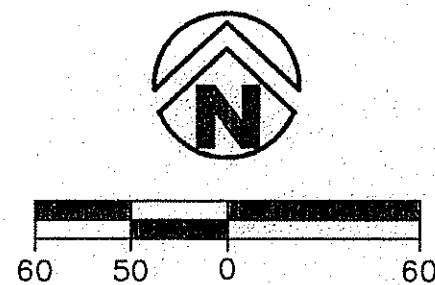
001070-00

DATE	BY	DESCRIPTION
REVISIONS		

Tab Name: Layout1 (2)
Drawing Name: G:\001070-00\phase 6\eng dwg\FINAL PLAT.dwg (efirm)
Xrefs Used: 001070bss6; 001070bss2; SUR1; TOP0; water sewer base 3; street topo; water sewer base; QTA1824

Time: 11:27am
Scale: 1"=60'
Date: 9/14/2004

Scale: 1=60
Date: 9/14/2004



			© 2004  Crafton, Tull & Associates, Inc.		
			DRAWN: ET	DATE: JULY '04	PROJECT NO. 001070-00
DATE	BY	DESCRIPTION	CHECKED:	SHEET NO.: 2 OF 2	
REVISIONS					

FINAL PLAT
SHADOW VALLEY P.U.D.
PHASE VI LOTS 1-42
Prepared For
C.R. REAVES FLP



Crafton, Tull & Associates, Inc.
801 N. 47th Street, Suite 200, Rogers, AR 72756
479.636.4838 FAX: 479.631.6224 www.crafttull.com
Engineers & Surveyors

2004 1101
Recorded in the Above
Plat Book & Page
09-17-2004 10:24:34 AM
Brenda DeShields-Circuit Clerk
Benton County, AR

— P.O.B.

N 01°29'53"W
220.04'

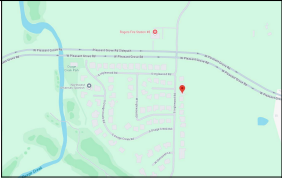
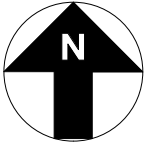
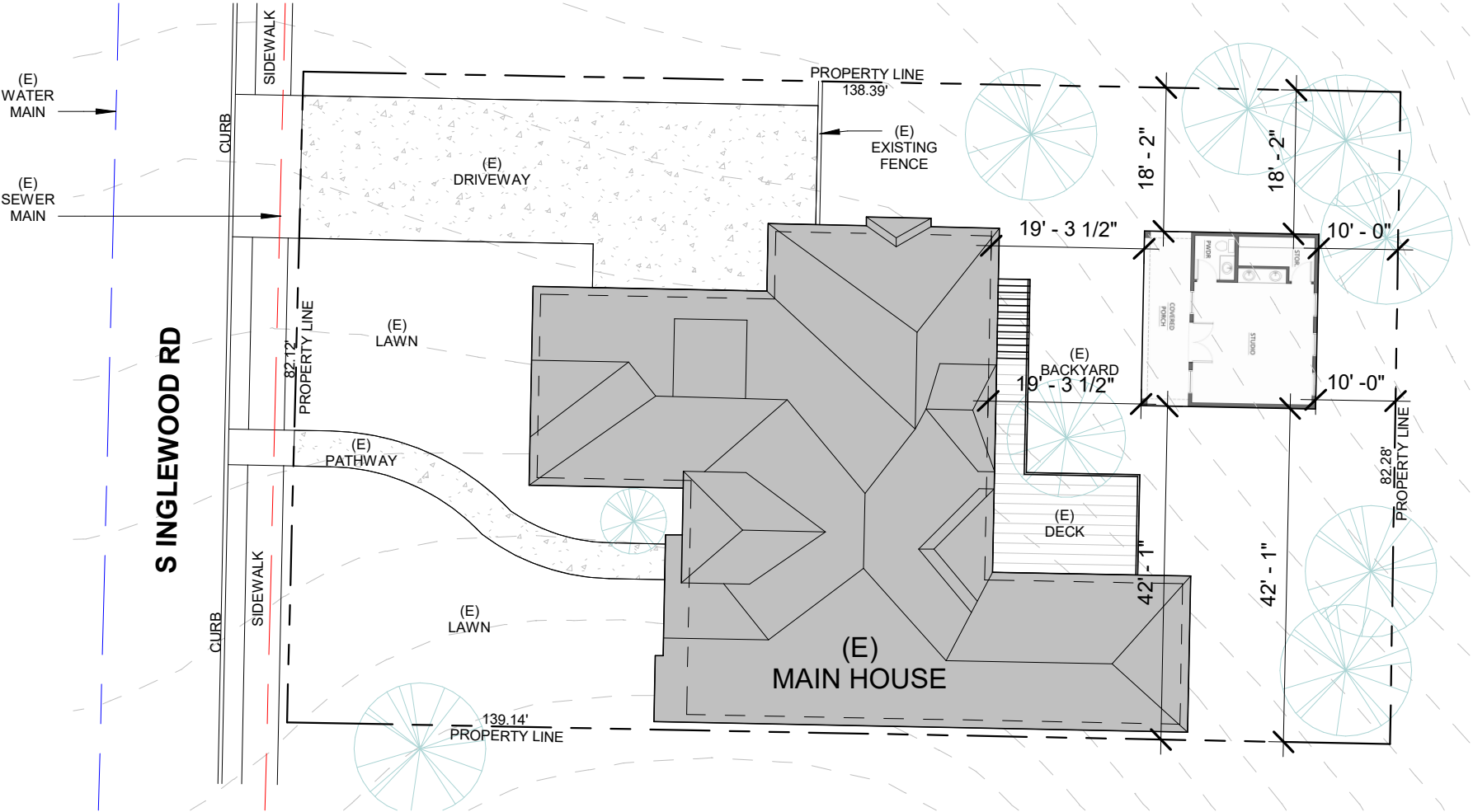
— N 02°01'12" W
18.23'

- N 02°31'51" E
67.41' — SE

SE CORNER
NE 1/4, SW 1/4
SECTION 30
T-19-N, R-30-

LAND USE	HOUSEHOLD
LAND ZONING	RSF-5
COUNTY	BENTON

TOTAL LOT AREA	=	11,761.2	SQ. FT.
BUILDING FOOTPRINT	=	3436.21	SQ. FT.
DRIVEWAY	=	1273.94	SQ. FT.
WALKPATH / PATHWAY	=	228.25	SQ. FT.
DECK	=	329.47	SQ. FT.
TOTAL IMPERVIOUSE SURFACE AREA	=	5,267.87	SQ. FT.
IMPERVIOUS SURFACE AREA PERCENTAGE	=	44.79%	



VICINITY MAP
NOT TO SCALE



canibuild

4900 California Ave, STE 210B,
Bakersfield, CA 93309

SHEET NAME: SITE PLAN

PROJECT: SISTI, STEPHEN ANDREW
4905 S Inglewood Rd, Rogers, AR 72758, USA
0216927000

DATE:
2025.07.10

JOB:
PLOT PLAN

SCALE:
1" = 20'-0"

SHEET NO:
A100



DISCLAIMER: PLEASE BE ADVISED THAT THE TOPOGRAPHY PROVIDED IS DERIVED FROM OPEN DATA SOURCES AND MAY NOT BE ENTIRELY ACCURATE. WHILE EFFORTS HAVE BEEN MADE TO ENSURE THE ACCURACY OF THE DATA, IT IS IMPORTANT TO NOTE THAT THERE IS NO GUARANTEE THAT THE TOPOGRAPHY IS 100% ACCURATE. BLOCK PLAN IS NOT A LEGAL SURVEY, NOR IS IT INTENDED TO BE OR REPLACE A LEGAL SURVEY. SETBACK PROVIDED IS INDICATIVE ONLY, PLEASE REFER TO LOCAL CITIES FOR MORE INFORMATION.

DATE	DESCRIPTION	REV	DRAWN BY
2025.07.10	PLOT PLAN	1	canibuild

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING VARIANCE

DESCRIPTION:	A variance to differ from the Unified Development Code at 4905 S. Inglewood Road in the T3.2 (Neighborhood Low-Intensity) zoning district.
APPLICANT:	Brody Boston (Case #: VAR25-0395)
BOARD/COMMISSION:	Board of Adjustment
MEETING DATE/TIME:	September 2, 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

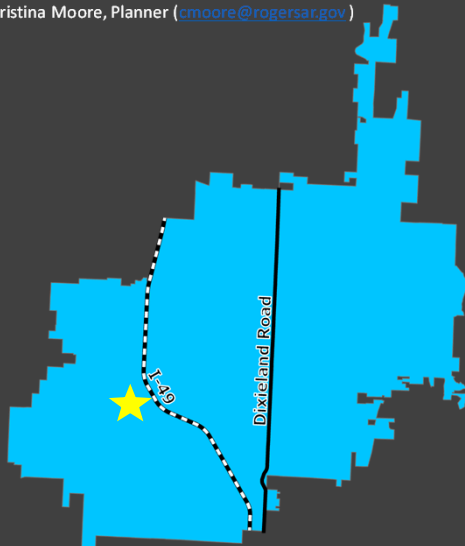


Variance

PLANNING

Walmart Pinnacle – Wing Drone

Staff: Christina Moore, Planner (cmoore@rogersar.gov)



Vicinity Map

Location

5000 W Pauline Whitaker Pkwy

Nature of Request

Fence Height Variance

Zoning

T5.2

Representative

Nathan Crouch

Summary:

This request is for a variance from Table 4.5.A Selected Zone Standards stating that the maximum fence height in the exterior yard is 4ft in T5.2 zoning.

Parcel: 02-22646-000

Site Acreage: ±6.06 acres



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:

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

Section 2.12 Variances:

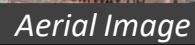
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- Would the variance or waiver cause undue hardship to the property owner due to circumstances unique to the property; and
- Is the hardship a result of any action taken by the property owner or on their behalf; and
- Is the variance or waiver requested 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.



This Neighborhood Walmart is located in west Rogers, at the southeast corner of the roundabout at Pauline Whitaker Pkwy and S Pinnacle Hills Pkwy.



Variance

PLANNING

Walmart Pinnacle – Wing Drone

Applicant's Stated Hardship

	Applicant's Response
Would strict application of the code cause an undue hardship due to circumstances that are unique to this property?	"The drone delivery company requires the 8ft fence. Without it, the drone system will not meet it's minimum requirements for safety and security. Locating the system farther away from the store is not an option."

Applicant's Response:

The stated hardship by the applicant is that the drone company requires the 8ft fence to ensure safety and security of the operation.



Variance

PLANNING

Walmart Pinnacle – Wing Drone

Applicant's Stated Spirit and Intent

	Applicant's Response
How will approval of this variance be in keeping with the "spirit and intent" of the code being varied?	"The intent of the code is to provide uniformity across the specific zoning district. This 4ft maximum fence height extends to all of the "T" zoning districts. By approving this variance to allow an 8ft fence around the drone system's two locations on the subject property, the store will be able to provide a more modern, advance delivery service to the community. It could potentially decrease daily traffic counts in the vicinity as well."

Applicant's Response:

The applicant believes the request aligns with the intent of the code because the drone service is a modern approach to delivery that will potentially reduce the amount of vehicle traffic to the area.



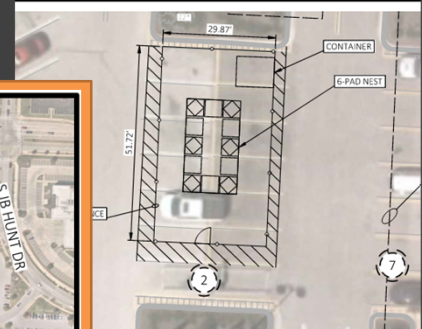
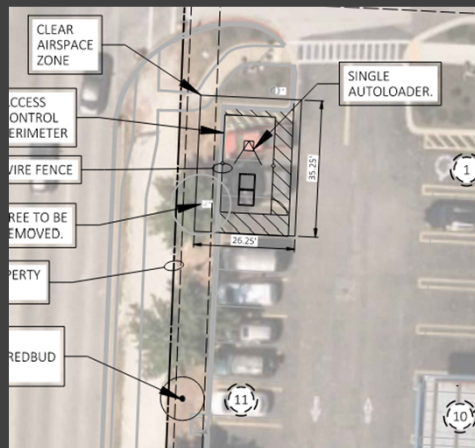
Variance

PLANNING

Walmart Pinnacle – Wing Drone

Variance Request

- To allow an 8ft fence in the exterior yard



Proposal

Variance Summary:

The variance request is to allow an 8ft fence in the exterior yard. The middle picture shows the overall site and where the two fenced areas are in relation to each other. The left picture is for the area in the lower left of the property and the right picture is in the upper right area of the property.



Variance

PLANNING

Walmart Pinnacle – Wing Drone

Staff Analysis

Would strict application of the code cause an undue hardship due to circumstances that are unique to this property?	No. Strict application of the code at this location does not cause undue hardship. The use of the drone causes the hardship.
Is the hardship a result of any action taken by the property owner or on their behalf?	Yes, the 8ft fence is required to keep associates and customers safe as well as security for the drone system.

Staff Analysis:

- Strict application of the code does not cause undue hardship. The accessory drone service use causes the need for the 8ft fence.
- Because of the nature of the drone operation an 8ft fence is required for the safety of associates and customers as well as the security of the system.



Variance

PLANNING

Walmart Pinnacle – Wing Drone

Staff Analysis

	Staff's Response
Is the variance or waiver requested the minimum amount necessary to carry out the project?	Yes, according to the applicant the fence height is the minimum height necessary to operate the drones safely.
Is there another reasonable method of avoiding the need for a variance or waiver?	No. According to the applicant installing a shorter fence would put the safety of individuals at risk. There is no rezoning alternative that would allow a taller fence in the Uptown Regional Center placetype. A taller fence is only allowed in I-1 and I-2 both of which are not an allowed zoning in Uptown Regional Center

Staff Analysis:

- The variance request is the minimum fence height required for safety according to the applicant.
- The need for the variance cannot be avoided because according to the applicant a shorter fence would compromise the safety of individuals and the drone system. There is also not a different zone with a higher fence height allowed in Uptown Regional Center.



Variance

PLANNING

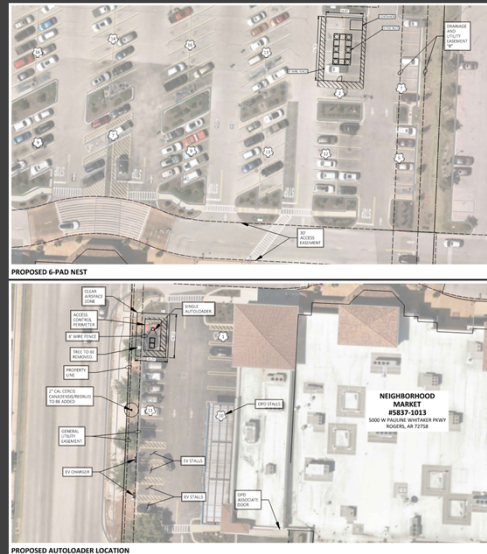
Walmart Pinnacle – Wing Drone

Staff Analysis

Staff's Response

Any other factor the Board feels is important to consider in keeping with the purpose and intent of this UDC.

The drone system will include two (2) fenced enclosures within the existing parking area on the subject property. The first for the charging and storage enclosure (the "Nest"), and the second for the loading and launching enclosure (the "Autoloader"). These two enclosures require an 8ft fence, for safety and security.



Staff Analysis:

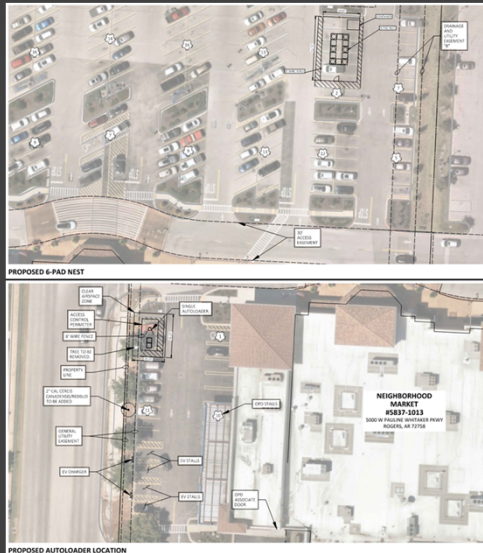
- The drone operation will include two fenced areas within the existing parking area. The top picture show the charging and storage enclosure called "The Nest". The bottom picture shows the loading and launching enclosure called "The Autoloader".



Variance

PLANNING

Walmart Pinnacle – Wing Drone



Recommendation

APPROVE the request to install an 8ft fence for drone operation in the exterior yard in T5.2 zoning.

Public Input:

Staff has received a phone call from a passerby enquiring more information.

Recommendation:

Approve the variance request to allow an 8ft fence in the exterior yard for a drone operation.



*Civil Engineering, Landscape Architecture,
Survey, Planning & Program Management*

3108 SW Regency Parkway
Bentonville, AR 72712
Office: 479.273.9472
Toll-free: 1.800.433.4173
ceieng.com

July 16, 2025

City of Rogers, Ar.
Planning Department

RE: Variance for Fence Height
Narrative Letter

On behalf of our client, CEI respectfully submits the following project narrative letter describing the project, the Variance request, and the hardship prompting the request.

Project Description:

Walmart Neighborhood Market desires to add a drone delivery system to the Pinnacle Hills location at 5000 W. Pauline Whitaker Parkway. The system will include two (2) fenced enclosures within the existing parking area on the subject property. The first for the charging and storage enclosure (the "Nest"), and the second for the loading and launching enclosure (the "Autoloader").

These two enclosures require an 8 ft fence, both for safety, and security.

Variance Request:

In Section 4.5 (Zone Standards), Table 4.5.A (Selected Zone Standards), the maximum fence height in the T5.2 zoning district is 4 ft.

The Wing drone company, contracted for the drone system at this location, requires an 8 ft fence, both for the safety of the associates that will be loading and managing the drones, and for the security of the system.

This Variance request is for an 8 ft fence at the Nest and the Autoloader locations.

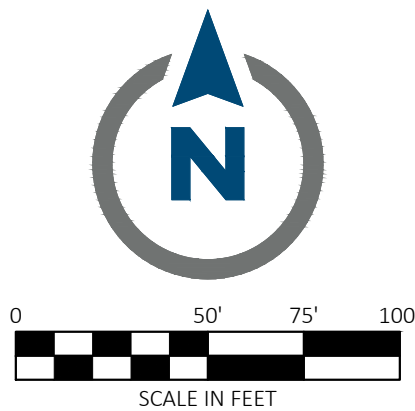
A photo of a similar fence used at another location is attached.

Hardship:

Several location constraints are required by Wing, such as hard surface, 8 ft fence, level ground in good condition, and specific size requirements depending on their Autoloader configuration. For the purpose of this letter, the request for 8 ft fence height, one hardship is that if Wing utilized the 4 ft fence height (the maximum in T5.2 zoning) the safety and security of the Associates and the System cannot be ensured. An additional hardship is that the Associates who will be loading the drones will exit the store from a door on the west side of the building, near the Autoloader, which offers safety measures such as pedestrian crosswalks and close proximity for Associate travel distance.

Thank you for your consideration of this Variance request.

Nathan Crouch
Assistant Project Manager- CEI
ncrouch@ceieng.com



SITE ANALYSIS TABLE (EXISTING STORE)		
	EXISTING	PROPOSED*
TOTAL BUILDING AREA	36,464 S.F.	36,464 S.F.
REQUIRED PARKING (PER CITY OF ROGERS) REQUIRED PARKING RATIO (PER CITY OF ROGERS)	NO RESTRICTIONS	NO RESTRICTIONS
CUSTOMER AND ASSOCIATE PARKING	178 SPACES	160 SPACES
ACCESSIBLE PARKING	6 SPACES	9 SPACES
EV PARKING	4 SPACES	12 SPACES
PICKUP PARKING	10 SPACES	10 SPACES
CART CORRALS (NOT INCLUDED IN PARKING COUNTS BELOW)	10 CORRALS / 10 SPACES	9 CORRALS / 10 SPACES
TOTAL PARKING EXCLUDING PICKUP STALLS PARKING RATIO EXCLUDING PICKUP STALLS	188 SPACES 5.16 /1,000 S.F.	181 SPACES 4.96 /1,000 S.F.
TOTAL PARKING INCLUDING PICKUP STALLS PARKING RATIO INCLUDING PICKUP STALLS	198 SPACES 5.43 /1,000 S.F.	191 SPACES 5.24 /1,000 S.F.

REFERENCE NOTE:
*PER PROPOSED EV CHARGING PLAN SET FROM KIMLEY HORN DATED 03/24/2025

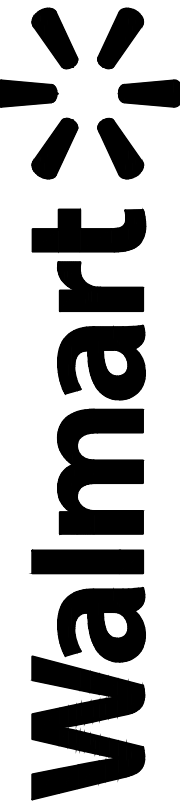
TABLE NOTE:
TRISTAN SMITH VERIFIED PARKING STALL COUNTS ON 07/16/2025

VICINITY MAP



CEI ENGINEERING ASSOCIATES, INC.
2600 NE 11TH ST, SUITE 300
BENTONVILLE, AR 72712
PHONE: (479) 273-9472
FAX: (479) 273-0844

#5837-1013 NEIGHBORHOOD MARKET | DRONE PROJECT
5000 W PAULINE WHITAKER PARKWAY
ROGERS, AR



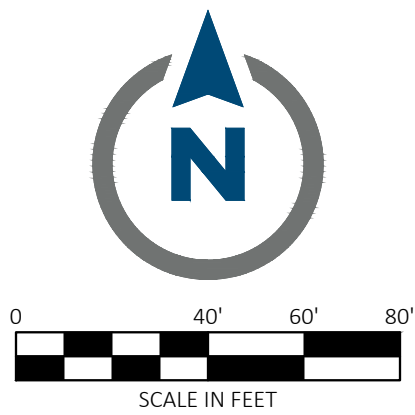
PRELIMINARY
NOT FOR
CONSTRUCTION

PROFESSIONAL OF RECORD	AED
PROJECT MANAGER	MCM
DESIGNER	AIS
CEI PROJECT NUMBER	34654
DATE	07/16/2025
REVISION	REV-0

VICINITY MAP

SHEET TITLE
SHEET NUMBER

C-1.0



#5837-1013 NEIGHBORHOOD MARKET | DRONE PROJECT
5000 W PAULINE WHITAKER PARKWAY
ROGERS, AR



PRELIMINARY
NOT FOR
CONSTRUCTION

PROFESSIONAL OF RECORD	AED
PROJECT MANAGER	MCM
DESIGNER	AIS
CEI PROJECT NUMBER	34654
DATE	07/16/2025
REVISION	REV-0

OVERALL EXISTING
CONDITIONS

SHEET TITLE
SHEET NUMBER

C-2.0

OVERALL EXISTING CONDITIONS

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 public hearing request.

Dated this the 20th day of August, 2025.

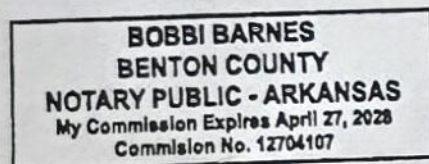
Nathan Crouch
Signed

Nathan Crouch
Name Printed

STATE OF ARKANSAS

COUNTY OF Benton

Subscribed and sworn before me this the 20 day of August, 2025.



Bobbi Barnes

Notary Signature

Bobbi Barnes
Notary Name Printed

April 27, 2028
Commission Expires



*Civil Engineering, Landscape Architecture,
Survey, Planning & Program Management*

2600 NE 11th Street, 3rd Floor
Bentonville, AR 72712
Office: 479.273.9472
Toll-free: 1.800.433.4173
ceieng.com

July 15, 2025

City of Rogers
301 W. Chestnut St.
Rogers, AR 72756

Dear City of Rogers,

I, the undersigned, being an employee of CEI Engineering Associates, Inc., do hereby certify that I have made a due and diligent search of the Assessor's Records for Benton County, Arkansas, and find the list of adjacent owners of the project boundary and addressed.

Parcel: 02-22646-000
Owner: WAL-MART REAL ESTATE BUSINESS TRUST
Mailing Address: ATTN: Property Tax Dept #5837, Bentonville, AR 72716-8050

Parcel: 02-22853-000
Owner: DISTRICT SHOPS LLC
Mailing Address: 1400 Kirk Road STE 110, Little Rock, AR 72223-6004

Parcel: 02-22646-000
Owner: WAL-MART REAL ESTATE BUSINESS TRUST
Mailing Address: ATTN: Property Tax Dept #5837, Bentonville, AR 72716-8050

Parcel: 02-02087-400
Owner: STAMJA-DT
Mailing Address: 1 Allied Dr. Ste 1500, Little Rock, AR 72202-2067

Parcel: 02-24660-00
Owner: PINNACLE VILLAGE DEVELOPMENT LLC
Mailing Address: 2225 S Bellview Rd. Rogers, AR 72758

Parcel: 02-24661-000
Owner: PINNACLE VILLAGE DEVELOPMENT LLC
Mailing Address: 2225 S Bellview Rd, Rogers, AR 72758

Parcel: 02-24672-000
Owner: CITY OF ROGERS
Mailing Address: 301 W Chestnut St. Rogers, AR 72756

Parcel: 02-22648-000

Owner: WAL-MART REAL ESTATE BUSINESS TRUST

Mailing Address: ATTN: Property Tax Dept #5837, Bentonville, AR 72716-8050

Parcel: 02-02087-404

Owner: CITY OF ROGERS

Mailing Address: ATTN: City Clerk Rogers, 301 W Chestnut St. Rogers, AR 72756

Parcel: 02-24659-000

Owner: PINNACLE VILLAGE DEVELOPMENT LLC

Mailing Address: 2225 S Bellview Rd. Rogers, AR 72758

Thank you,

Dustin G. Riley, PS 1618

As authorized by _____ (insert city staff person that granted waiver) on

_____ (insert date).

Section 2. I understand that to expedite review of my submittal staff will not independently verify that I have met these minimum submittal requirements and will instead proceed directly to a formal review. I understand that, if during formal review, it is found that I have filed the incorrect application, or it is found that my submittal does not include the required plan sheets or plan contents including **a .kmz shapefile, and all related files, including ONLY linework depicting rights-of-ways, easements, utilities, edge of curb, driveways, building footprints, sidewalks, shared-use paths, lots, tracts, and programmed open spaces. In the event the total number of records exceeds 1,000 the project must be divided spatially such that there are two or more shapefiles, and related files** which were not waived by staff, that my project may be subject to delay.

Date: July 17, 2025

Applicant's Printed Name: Nathan Crouch

Applicant's Signature: Nathan D. Crouch

Digitally signed by Nathan D. Crouch
DN: cn=Nathan D. Crouch, o=CEI
Engineering, ou=COMM 1, cn=Nathan D. Crouch
Reason: I agree to the terms defined by the placement
of my signature on this document
Contact info: ncrouch@ceieng.com
Date: 2025.07.17 11:13:24-05'00'

APPLICANT'S ACKNOWLEDGMENT

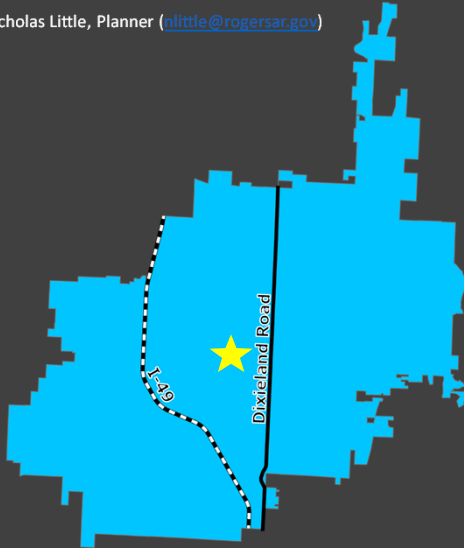




Variance New Heights

PLANNING

Staff: Nicholas Little, Planner (nlittle@rogersar.gov)



Vicinity Map

Location

2125 W New Hope Road

Nature of Request

Exceed maximum impervious area percentage of site

Zoning

T2 – Rural

Existing Use

Civic Space – Religious Assembly

Representative

Ali Karr, Crafton Tull

Summary:

This request is for a variance from Section 4.5 Zone Standards to allow exceedance of the 30% maximum impervious coverage.

Parcel: 02-01585-000, 02-01585-002, 02-01585-001

Site Acreage: ±9.09 acres



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:

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

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

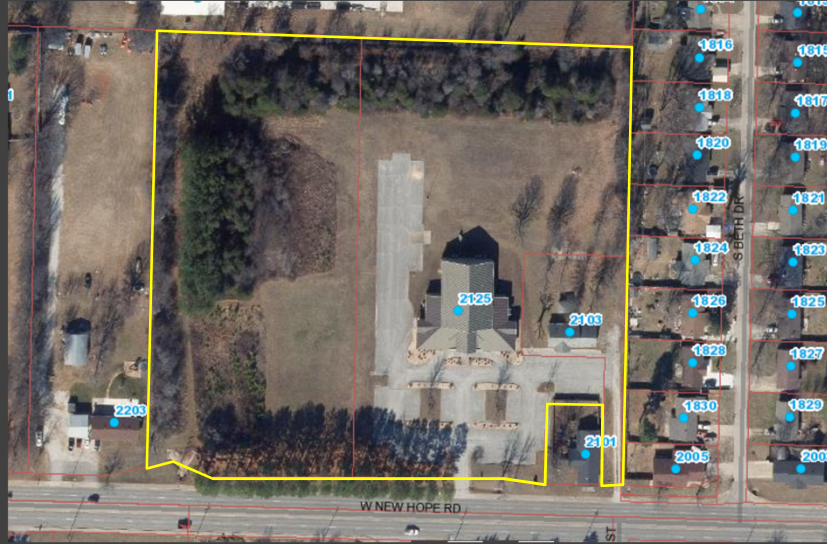
The Board of Adjustment shall consider the following in determining whether or not to grant a variance or waiver:

- 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 New Heights

PLANNING



Aerial Site Image

Subject Property

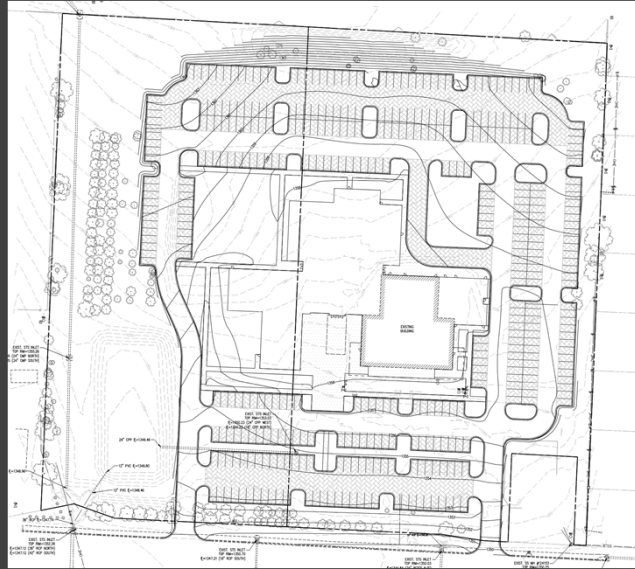


Variance New Heights

PLANNING

Variance Request

- 1) Variance request from **Table 4.5.A.** to allow **50% impervious coverage** on site, where code only allows a **maximum of 30%.**



Proposal Exhibit

Variance Summary:

- 1) Variance request from **Table 4.5.A.** to allow exceedance of the **30% maximum impervious surface coverage of the site to 50%.**



Variance

PLANNING

New Heights

Applicant's Stated Hardship

	Applicant's Response
Would strict application of the code cause an undue hardship due to circumstances that are unique to this property?	"All other zonings allow 50% impervious surface coverage or more except T2. The current property is operating under T2 zoning. Since the use is not changing with the expansion, rezoning the property would cause additional hardships to the owner to bring an existing site into compliance with T3 or higher such as additional demolition and loss of existing trees with a site plan change. "

Applicant's stated hardship speaks to the requirement of a rezone to achieve their impervious coverage area proposal.



Variance

PLANNING

New Heights

Applicant's Stated Spirit and Intent

	Applicant's Response
How will approval of this variance be in keeping with the "spirit and intent" of the code being varied?	"The current site plan was drawn in an effort to preserve as many onsite trees as possible and protect the existing stormwater pond. We propose to plant additional trees, have thoughtful greenspaces onsite and improve the existing stormwater pond for detention and water quality purposes. These site plan features are directly intended to manage the stormwater runoff that comes from an increased impervious area."

The applicant states their meeting of the spirit and intent of the varied code by speaking to tree preservation, additional plantings, thoughtful greenspaces and improved stormwater facilities with their proposal, as a means to "make up" for the added impervious area.



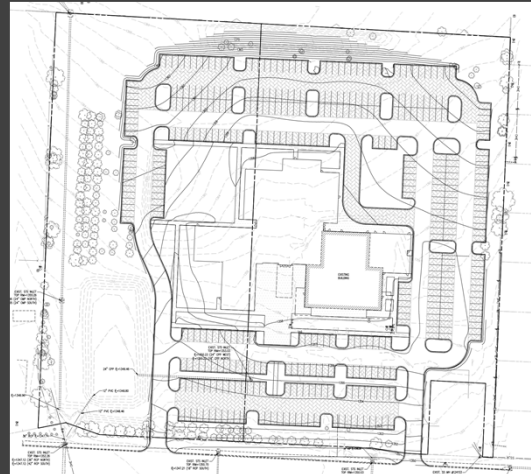
Variance New Heights

PLANNING

Staff Analysis

Would strict application of the code cause an undue hardship due to circumstances that are unique to this property?

No. T2 is intended for rural and agricultural development which is why its impervious coverage is limited to 30%. Although the use is permitted in T2, the extent of impervious coverage proposed is not rural in character and there are other means to achieve the applicant's goals - rezoning.



Proposed Site Plan

Would strict application of the code cause an undue hardship due to circumstances that are unique to this property?

No. T2 is intended for rural and agricultural development which is why its impervious coverage is limited to 30%. Although the use is permitted in T2, the extent of impervious coverage proposed is not rural in character and there are other means to achieve the applicant's goals - rezoning.



Variance

PLANNING

New Heights

Staff Analysis

Is the hardship a result of any action taken by the property owner or on their behalf?	Yes - to the extent there is a hardship at all. The need for the variance could be avoided if the applicant rezoned to a district allowed by the Future Land Use Map. T2, the current zone, is not appropriate.
Is the variance or waiver requested the minimum amount necessary to carry out the project?	No.
Is there another reasonable method of avoiding the need for a variance or waiver?	Yes. A rezone to a more appropriate zoning district would allow the applicants to build up to or greater than 50% impervious coverage without variance.

Is the hardship a result of any action taken by the property owner or on their behalf?

Yes - to the extent there is a hardship at all. The need for the variance could be avoided if the applicant rezoned to a district allowed by the Future Land Use Map. T2, the current zone, is not appropriate

Is the variance or waiver requested the minimum amount necessary to carry out the project?

No.

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

Yes. A rezone to a more appropriate zoning district would allow the applicants to build up to or greater than 50% impervious coverage without variance.



Variance New Heights

PLANNING

Table 2.8.3.A zoning districts allowed in placetypes

Place Type	T2	T3.1	T3.2	T4.1	T4.2	T5.1	T5.2	T5.3	T6.1	T6.2	T6.3	HC	I-1	I-2
Neighborhood Center				ER	ER	ER								
Neighborhoods														
Urban Neighborhood			ER	SR	SR	ER								
Fabric			SR	SR	ER									
Downtown			ER	SR	ER									
Suburban Neighborhood		SR	SR	SR										

Standard	T2	T3.1	T3.2	T4.1	T4.2	T5.1	T5.2	T5.3	T6.1	T6.2	T6.3	HC	I1	I2
Area Standards														
Max Building Coverage (% of lot)	30	40	50	60	70	90	100	100	100	100	100	70	80	80
Max. Impervious Surface (% of lot)	30	50	60	70	80	100	100	100	100	100	100	80	80	80

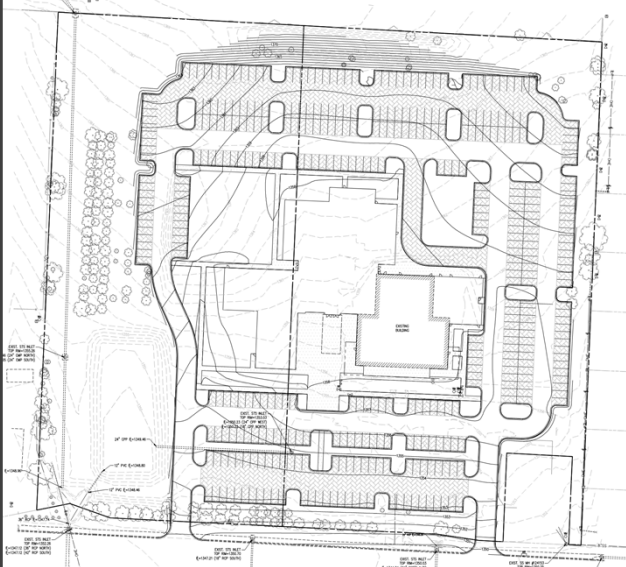
Table 4.5.A. coverage percentage maximums

The variance could be obviated by a rezone to a more appropriate zoning district, per the Future Land Use Map. The subject property is designated for Urban Neighborhood growth, which would allow zones T4.1 and T4.2 by standard review, and T3.2 and T5.1 by enhanced review.



Variance New Heights

PLANNING



Recommendation

DENY the proposed variance from Table 4.5.A, requesting to **allow 50% impervious area coverage**, which exceeds the maximum **30%** site impervious area coverage

Public Input:

One call from a notified neighbor asking for further information.

Recommendation: DENY the proposed variance from Table 4.5.A, requesting to **allow 50% impervious area coverage**, which exceeds the maximum **30%** site impervious area coverage



July 17, 2025

City of Rogers
Community Development
301 W. Chestnut
Rogers, AR 72756

RE: New Heights Church – Variance Request
CTA Job No. 25301300

City Staff and Board of Adjustment Members,

We would like to request a variance from the maximum impervious surface requirement listed in Article 4 Section 4.5 of the UDC. The UDC currently limits impervious surface covers to 30% of the total lot area in T2. Our proposed site plan necessitates an impervious surface coverage of 50%. The new site plan will include building expansion, accessible sidewalks, adequate parking, and loading/unloading zones.

All other zonings allow 50% impervious surface coverage or more except T2. The current property is operating under T2 zoning. Since the use is not changing with the expansion, rezoning the property would cause additional hardships to the owner to bring an existing site into compliance with T3 or higher such as additional demolition and loss of existing trees with a site plan change.

The current site plan was drawn in an effort to preserve as many onsite trees as possible and protect the existing stormwater pond. We propose to plant additional trees, have thoughtful greenspaces onsite and improve the existing stormwater pond for detention and water quality purposes. These site plan features are directly intended to manage the stormwater runoff that comes from an increased impervious area.

We appreciate your consideration of this variance request. Should you have any questions, or require any additional information, please contact us at your convenience.

Sincerely,

Ali Karr, P.E.



24° C

EXIST. STS INLET
TOP RIM=1352.09
ℳ=1346.58 (42° RCP NORTH)
ℳ=1346.58 (48° RCP EAST)

EXIST. STS INLET —
TOP RIM=1350.41
H=1344.83 (48" RCP'S E/W)
H=1344.83 (18" RCP NORTH)

EXIST. STS INLET
TOP RIM=1349.78
RL=1343.90 (48" RCP'S E/W)
RL=1343.90 (24" RCP NORTH)

RL=1342.04 (8" PVC EAST & (2) 4" PVC'S N/W

$\hat{r}_L = 1345.43$ (24" RCP EAST)

$R_L = 1343.06$ (48" RCP'S E/W)

LEGEND (CONSTRUCT)

SYMBOLS		LINEWORK	
	FOUND IRON PIPE/REBAR		EASEMENT
	ELECTRIC METER		=====
	ELECTRIC TRANSFORMER		CURB
	4" FI		-----1206
	FIRE HYDRANT		INTERMEDIATE CONTOUR
	LIGHT POLE		-----1205
	POWER POLE		INDEX CONTOUR
	SANITARY MANHOLE		SS SS
	SIGN		SANITARY SEWER LINE
	TELEPHONE PEDESTAL		W W
	WATER METER		WATER LINE
	WATER VALVE		OHE
	STORM SEWER MANHOLE		OVERHEAD ELECTRIC
	STORM SEWER PIPE		CHAIN LINK FENCE
			RIGHT OF WAY
			ROAD CENTERLINE
			
			
			
			
			
			

SYMBOLS

XX.XX

LINEWORK

EASEMENT

CURB

INTERMEDIATE CONTOUR

INDEX CONTOUR

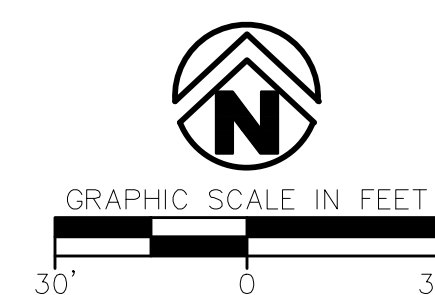
PROPERTY LINE

 GRADING AND DRAINAGE NOTES

1. THE DESIGN, INSPECTION, AND CERTIFICATION OF ANY RETAINING WALL SHOWN OR REFERENCED HEREIN, INCLUDING BUT NOT LIMITED TO, SEGMENTAL RETAINING WALLS, MASS GRAVITY WALLS, GABION WALLS, ETC., GREATER THAN FORTY-EIGHT INCHES IN HEIGHT, SHALL BE BY OTHERS. ANY RETAINING WALL DATA SHOWN OR REFERENCED HEREIN SHALL BE FOR COORDINATION OF THE WALL LOCATION AND ELEVATIONS ONLY.
2. THE OWNER/CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR OBTAINING AND PROVIDING SEPARATE AND INDEPENDENT RETAINING WALL DESIGNS, INSPECTIONS, AND CERTIFICATIONS BY A REGISTERED PROFESSIONAL ENGINEER OTHER THAN CRAFTON TULL. THIS SHALL ALSO APPLY TO ANY ASSOCIATED RETAINING WALL PUBLIC UTILITY CROSSINGS, BUT NOT LIMITED TO, FERRISWAY STREET RAILS.
3. THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES, AND WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF UTILITIES AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF EXISTING UTILITIES ON SITE OR IN RIGHT-OF-WAY. ALL UTILITIES MUST BE LOCATED PRIOR TO GRADING START.
4. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE TECHNICAL SPECIFICATIONS, GEO-TECHNICAL REPORT, AND LOCAL ORDINANCES, WHICH ARE MORE STRINGENT, BUT NOT LIMITED TO, FERRISWAY STREET RAILS.
5. ALL CUT OR FILL SLOPES SHALL BE A MAX 3:1 SLOPE OR FLATTER UNLESS OTHERWISE NOTED.
6. IF ANY EXISTING STRUCTURES TO REMAIN ARE DAMAGED DURING CONSTRUCTION, IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO REPAIR AND/OR REPLACE THE EXISTING STRUCTURE AS NECESSARY TO RETURN IT TO EXISTING CONDITION OR BETTER.
7. ALL EXISTING PAVED DRIVEWAYS TO STRUCTURES SHALL BE GROUTED TO ENSURE CONNECTION AT STRUCTURE IS WATER-TIGHT. ALL STORM SEWER STRUCTURES SHALL HAVE A SMOOTH UNIFORM POURED MORTAR INVERT FROM INVERT IN TO INVERT OUT.
8. ALL DRAINAGE STRUCTURES AND STORM SEWER PIPES SHALL MEET HEAVY DUTY TRAFFIC (H20) LOADING AND BE INSTALLED ACCORDING TO LOCAL AND TRAFFIC AGENCIES.
9. ALL STORM SEWER MANHOLES IN PAVED AREAS SHALL BE FLUSH WITH THE PAVEMENT AND SHALL HAVE STRONG BEARING RINGS AND COVERS. MANHOLES IN UNPAVED AREAS SHALL BE 1' ABOVE FINISH GRADE. UDS SHALL BE LABELED PER JURISDICTIONAL SPECIFICATIONS.
10. SITE CLOSURES SHALL BE IN ACCORDANCE WITH LOCAL AND STATE AND SEDIMENT CONTROL MEASURES HAVE BEEN INSTALLED. THE CONTRACTOR SHALL ADHERE TO ALL TERMS AND CONDITIONS AS OUTLINED IN THE GENERAL NPDES PERMIT AND THE SWPPP FOR STORMWATER DISCHARGE ASSOCIATED WITH CONSTRUCTION ACTIVITIES.
11. ALL UNSURFACED AREA IS TO BE DISTURBED BY GRADING OPERATION SHALL RECEIVE 4 INCHES OF TOPSOIL TO FINAL GRADE. REFER TO THE LANDSCAPE PLAN.
12. TOPOGRAPHIC INFORMATION TAKEN FROM A TOPOGRAPHIC SURVEY BY LAND SURVEYORS. IF CONTRACTOR DOES NOT ACCEPT EXISTING TOPOGRAPHY AS SHOWN ON PLANS, CONTACT ENGINEER IMMEDIATELY.
13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY BUILDINGS FOR ALL NATURAL AND PAVED AREAS THROUGHOUT ALL PHASES OF CONSTRUCTION.
14. CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF VESTIBULES, SLOPE PAVING, SIDEWALKS, EXIT PORCHES, TRUCK DOCS, PRECISE BUILDING DIMENSIONS AND EXISTING UTILITY ENTRANCE LOCATIONS.
15. THE EARTHWORK FOR ALL BUILDING FOUNDATIONS AND SLABS SHALL BE IN ACCORDANCE WITH ARCHITECTURAL BUILDING PLANS, GEO-TECHNICAL REPORT AND SPECIFICATIONS.
16. EXISTING DRAINAGE STRUCTURES TO BE INSPECTED AND REPAIRED AS NEEDED, AND EXISTING PIPES TO BE EXCAVATED TO REMOVE AND RENEW.
17. CONTRACTOR SHALL ADJUST AND/OR CUT EXISTING PAVEMENT AS NECESSARY TO ENSURE A SMOOTH FIT AND CONTINUOUS GRADE.
18. CONTRACTOR SHALL MAINTAIN ALL EXISTING PARKING, SIDEWALKS, DRIVES, ETC. CLEAR AND FREE FROM ANY CONSTRUCTION DEBRIS AND/OR MATERIAL TO ENSURE EASY AND SAFE PEDESTRIAN AND VEHICULAR TRAFFIC TO AND FROM THE SITE.
19. IF WEY AREAS ARE ENCOUNTERED ON-SITE THE CONTRACTOR SHALL COORDINATE WITH THE GEOTECHNICAL ENGINEER FOR THE DESIGN AND PLACEMENT OF A FRENCH DRAIN SYSTEM.
20. ALL EXCAVATIONS AND BACKFILLS SHALL BE TO THE FINISHED MINIMUM FINISH FLOOR ELEVATIONS FOR EACH INDIVIDUAL BUILDING OR LOT IN THIS SUBDIVISION. WHEN A MINIMUM BUILDING FLOOR ELEVATION IS NOT ESTABLISHED AND NOTED, THE ULTIMATE RESPONSIBILITY FOR THE PROPER GRADING OF EACH INDIVIDUAL LOT OR PARCEL SHALL REST WITH THE LOT'S OWNER. TYPICALLY, THE MINIMUM FINISH FIRST FLOOR ELEVATIONS SHOULD BE AT LEAST TWELVE INCHES (12") ABOVE THE FINISHED TOP OF CURB DRIVE CURB ELEVATION ASSOCIATED WITH EACH INDIVIDUAL LOT OR PARCEL OR AS REQUIRED BY LOCAL AND STATE CODES.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
SITE STABILIZATION AND CERTIFICATION

CRAFTON TULL CANNOT CERTIFY THE SITE AS COMPLETE IN ORDER TO OBTAIN THE CERTIFICATE OF OCCUPANCY UNTIL ALL DISTURBED AREAS RELATED TO THE CONSTRUCTION OF THE PROJECT, BOTH ONSITE AND OFFSITE, HAVE BEEN STABILIZED PER THE PLANS AND SPECIFICATIONS AND ALL REQUIREMENTS SHELLED OUT IN PERMITS ISSUED BY THE STATE AND LOCAL AUTHORITIES HAVE BEEN MET.



NEW HEIGHTS
COMMUNITY DEVELOPMENT
NH

NEW HEIGHT CHURCH

NEW HOPE ROAD
ROGERS, AR

[illegible]

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PROJECT NO: 25301300
ISSUE DATE: 05/30/25
CONTACT: W. BURGESS
QC BY:
QC DATE:

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SCHEMATIC
DESIGN

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GRADING PLAN

GRADING PLAN

C-102



UNDERSTANDING THE VARIANCE PROCESS

Sec. 2.12 of Rogers Unified Development Code

Application steps:

1. Discuss variance with Planning staff to verify nature of request.
2. Complete application and provide the following supplements:
 - Five-hundred dollar (\$500) filing fee made payable to the City of Rogers.
 - A signed copy of the Director's Minimum Submittal Requirements with all required documents for a Variance.
 - Unabbreviated legal description. Platted lot/block description is sufficient.
 - Reduction survey, site plan, sign proofs, pictures, or any other items necessary to explain request. Setback reduction requests must include the reduction distance in terms of linear feet.
3. Once application and required supplements are submitted and determined to meet all requirements, Planning staff will assign the variance request to a public hearing date based on the Public Hearing deadline and meeting schedule.

Public hearing details:

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

If your setback reduction is approved:

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



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

OFFICE USE ONLY

Permit Fee: _____ (\$500) Zoning: _____

App. Number _____

CityWorks Application: _____

Date: _____

VARIANCE APPLICATION

APPLICANT: Crafton Tull

ADDRESS: 901 N 47th St SUITE #: 400

GENERAL LOCATION OF PROPERTY: 2125 New Hope Rd

PHONE #: 479-878-2468 EMAIL: ali.karr@craftontull.com

PROPERTY OWNER: New Heights Bentonville PHONE #: _____

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

Impervious surface area to be 50% of total lot area

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

This project is an expansion of a current use onsite. T2 only allows for 30% impervious area whereas our current site plan shows 50%. Rezoning the property to allow for greater impervious area would cause other areas of the site to be out of compliance and would require greater site demolition and site plan changes that could impact the function of the site.

Is the hardship a result of any action taken by the property owner or on their behalf; and

See attached letter.

Is the variance or waiver requested the minimum amount necessary to carry out the project; and

Yes, see attached letter for more details.

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

Permeable pavers would be the only other method to achieve the same site plan with a lesser impervious area but cause concern for long term maintenance and overall stormwater function.

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

The site and use are existing. The use is not changing and the owner just wants to expand their site to facilitate a growing congregation. All aspects of the site design are in an effort to preserve onsite trees and enhance existing stormwater ponds.



7/17/2025

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

