



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

BOARD OF ADJUSTMENT MEETING AGENDA
JUNE 10, 2021
4:00 PM
ROGERS CITY HALL, COMMUNITY ROOM
AGENDA

CALL TO ORDER:

ROLL CALL:

NEW BUSINESS:

1. Civic Clerk Training Session
2. (Var 21-22) A request by Southgate Shopping Center to allow a common signage plan with roofing signs at 1606-1714 S. 8th Street in the C-2 (Highway Commercial) zoning district.
- *STAFF: Gloria Garcia*
- *REPRESENTED BY: John Sporleder*
3. (VAR 21-23) A request by Robert Caster for Payne Construction to allow a reduced side setback in the R-SF (Residential Single Family) zoning district at 8703 W. Hackberry Road in the Scissortail Subdivision.
- *STAFF: Karen Perez*
- *REPRESENTED BY: Rob Caster*

ACTION ON MINUTES:

1. Minutes of May 13, 2021

ADJOURN:



COMMUNITY DEVELOPMENT
PLANNING DIVISION
301 W. CHESTNUT
planning@rogersar.gov
(479) 621-1186

MEETING DATE
June 10, 2021

TO: BOARD OF ADJUSTMENT

RE: **STAFF SUMMARY REPORT**
VARIANCE – #21-22 SOUTHGATE SHOPPING CENTER
PL202100592

STAFF: Gloria Garcia, Zoning Technician

REQUEST DETAILS

ADDRESS/LOCATION:	1606-1714 S. 8 th Street
SUBDIVISION:	PG Smith
CURRENT ZONING:	C-2 (Highway Commercial) and Overlay District
CURRENT USE:	Restaurant, Grocery Store, Retail Sales
APPLICANT/REPRESENTATIVE:	John Sporleader
PROPERTY OWNER:	John & Amilda Sporleader
NATURE OF REQUEST:	Allow a common signage plan
AUTHORITY:	Sec. 14-724, Rogers Code of Ordinances

SUMMARY

This request is to allow a common signage plan.

Community Development recommends approval of the request.

STAFF REVIEW

1. BOARD OF ADJUSTMENT DUTIES PER SEC. 14-724(e)(1):

- a) Hear appeals from the decision of the Department of Community Development in respect to the enforcement and application of the zoning ordinance and the sign permitting provisions contained in Chapter 44, and may affirm or reverse, in whole or in part, said decision of the Department of Community Development; and
- b) Hear requests for variance from the literal provisions of the zoning ordinance in instances where strict enforcement of the zoning ordinance would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning ordinance.

2. SUBJECT REQUEST:

- a) This request is to allow a common signage plan

3. GENERAL FINDINGS:

- a) The applicant requests approval of a common signage plan to allow roof signs at this site to be consistent with wall sign standards for each tenant space.
- b) Per Sec. 44-9, the C-2 zoning district allows 2-sf of sign area per one foot of frontage, not to exceed 400-sf. Each lease space will be allowed a minimum of 25-sf.
- c) Under the proposed signage plan, the applicant requests roof signs totaling: 102-sf for Building A; 623-sf for Building B; and, 112-sf for Building C. The signage plan would allow a minimum of 18-sf for the smallest tenant space and a maximum of 161-sf for the largest tenant space.
- d) The applicant states in their hardship letter that signs have been on the roof since 1967. Additionally, the glass windows are large causing a lack of available wall area.
- e) If approved, this would allow future tenants to obtain sign permits without going through the variance process individually.
- f) Staff has reviewed the proposed signage plan and finds it to be a reasonable request.

4. ZONING:

a) C-2 (Highway Commercial)

The purpose and intent of the C-2 zoning district, per Rogers Code Sec. 14-709 is to allow for commercial uses, which depend upon high visibility, generate high traffic volumes or cater to the traveling public.

b) Overlay District

The purpose of the Rogers Overlay District, per Rogers Code Sec. 44-13, is to protect and enhance the scenic quality of the highway corridors, create design standards for developments, provide effective land use planning and facilitate traffic flow. The Overlay District restricts the use of freestanding pole signs-

5. PUBLIC INPUT RECEIVED:

Staff has not received any comments from the public regarding this request.

6. RECOMMENDATIONS:

- a) Approve the request.

DIRECTOR'S COMMENTS

1. Agree with recommendations.

JOHN C. MCCURDY, Director
Community Development

SUGGESTED MOTIONS

1. IF APPROVING AS PRESENTED:

Move to approve the request as presented.

2. IF APPROVING SUBJECT TO OTHER ACTIONS:

Move to approve the request subject to [conditions or contingencies].

3. IF DENYING:

Move to deny the request as presented.

4. IF TABLING:

Move to table the request as presented [indefinite or date certain].

TABS

1. Variance application with required supplements
2. Vicinity map (aerial)

CH 2370



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

Permit Fee: \$100 (\$100)
Zoning: C-2, Overlay
App Number: 21-22
CityView Application: _____
Date: 5/17/2021

VARIANCE APPLICATION

APPLICANT: Southgate Shopping Center, Inc.

ADDRESS: 1606 - 1714 5th 8th SUITE #: _____

GENERAL LOCATION OF PROPERTY: 8th (718) & Olrich Street

PHONE #: _____ EMAIL: _____

PROPERTY OWNER: John & Amilda Sporleder PHONE #: 479 6195250

REQUEST to ALLOW: Allow a common signage plan

HARDSHIP JUSTIFICATION to VARY FROM CODE: Shopping Center is set far back from the highway
- lack of available wall area because of large glass windows

[Signature]
Applicant Signature

5/17/2021
Date

Attachment Checklist:

- ☒ Legal description of property
- ☒ Survey, elevations, sign proofs and/or other documents as needed to illustrate request

PLANNING STAFF PROVIDES:

DATE FILED: 5/17/2021

PUBLIC HEARING DATE: 6/10/2021

BOARD OF ADJUSTMENT DECISION: _____

SECRETARY, BOARD OF ADJUSTMENT

DATE

May 17, 2021

City of Rogers
Board of Adjustment

Re: Southgate Shopping Center – Common Signage Plan
1606 -1714 8th Street
Rogers, AR 72756

Dear Sir:

Southgate Shopping Center was built in 1967.

Signs have been on the roof since 1967.

Because the glass windows are large there is a lack of available wall area.

When we placed a new roof on the Southgate a few years ago we standardized the roof signs to be two feet above the bottom edge of the roof.
We used the same steel angle iron on almost every sign.

There are currently thirteen signs installed on the roof.

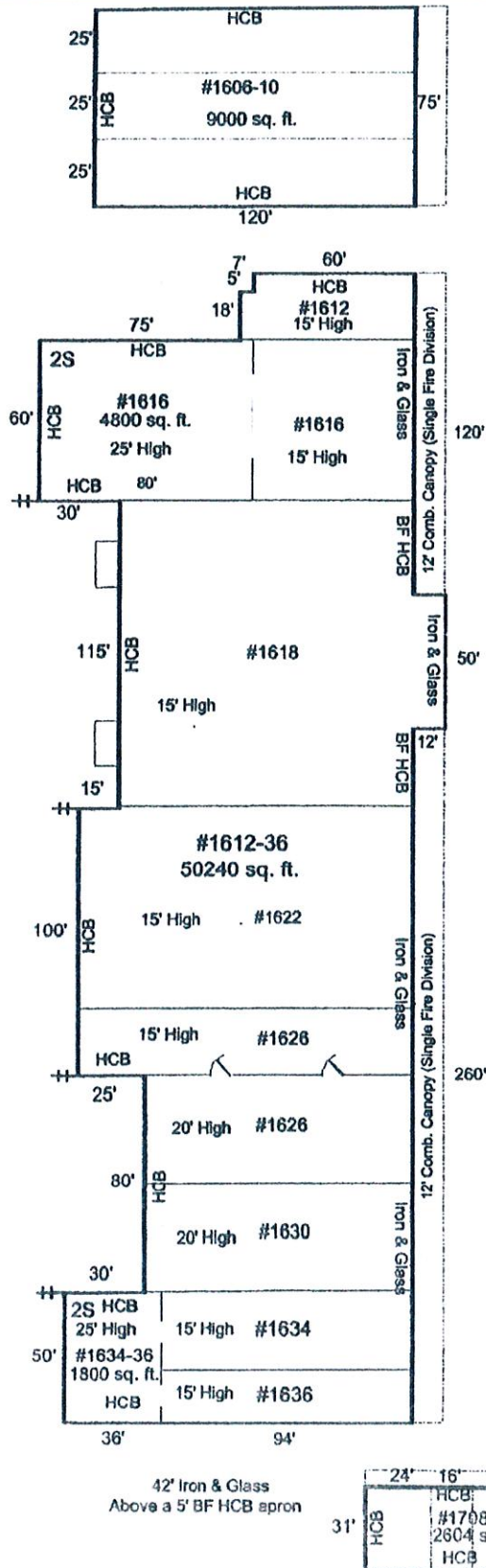
If approved, this common sign proposal would allow future tenants to obtain sign permits without going through the variance process.

If a tenant wants a sign that is larger than the proposed common signage plan then the tenant will have to go through the variance process.

Sincerely,



John K. Sporleder
Southgate Shopping Center, Inc
800 Morningside Drive
Rogers, AR 72756



A

B

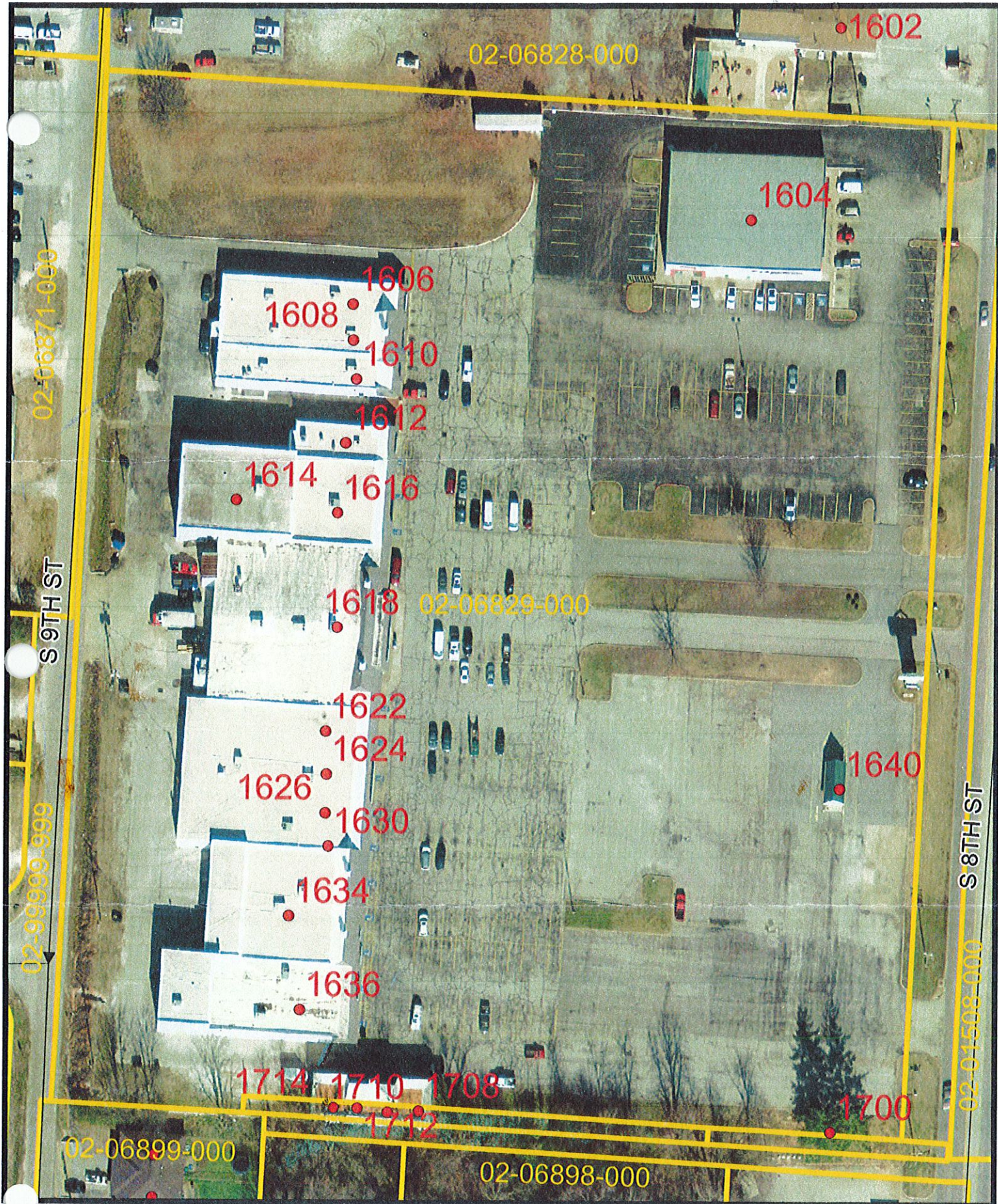
C2

C

S. 8th St.

12'
27' #1624
324 sq. ft.

	Frontage	Signage Allowed	Current Signage	Signage Needed
Building “A”	75’	150’	95’ 3 Tenants	102’
Building “B”	430’	860”	471’ 10 Tenants	623’
Building “C”	74’	148’	94’ 3 Tenants	112’



PRODUCED BY BENTON COUNTY 911 & ADMINISTRATION
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1700 S 8TH ST

03/15/2013



Building A

1606 S. 8th Street

Ministerio Cristiano Uncion

Maria Bautista

(existing sign)

Width inside business = 25'

City code allows 2' per lineal foot

50 SF allowed

Ministerio Cristiano

12'x 2.6' = 30 SF

30 SF needed



1608 S. 8th Street
Tarada Wholesale
Pedro Garcia

(existing sign)

Width inside business = 25'

City code allows 2' per lineal foot

50 SF allowed

<u>Blank</u> 3'x 12' = 36 SF

36 SF needed



1610 S. 8th Street
Pupuseria Salvadorena #2
Oralia Mendoza

(existing sign)

Width inside business = 25'

City code allows 2' per lineal foot

<u>Pupuseria</u> <u>Salvadorena #2</u> <u>5'x 5'8" = 28.75 sf</u>

50 SF allowed

36 SF needed



Building B

1612 S. 8th Street
El Senor De Los Tacos
Gildardo Contreras

(existing sign)

Width inside business = 25'

Senor Tacos

3'x 12' = 36 SF

City code allows 2' per lineal foot

50 SF allowed

36 SF needed



1616 S. 8th Street

Dragons Nest Martial Arts - (Old name Patriot)

James McGee

(existing sign)

Width inside business = 57'

City code allows 2' per lineal foot

114 SF allowed

Patriot
4'x 20' = 80 SF

80 SF needed



1618 S. 8th Street
Supermercado Tarada
Pedro Garcia

(existing sign)

Supermercado
3'6" x 46' = 161 SF

Width inside business = 113'

City code allows 2' per lineal ft

226 SF allowed

161 SF needed



1622 S. 8th Street

NWA Women's Shelter Thrift Store

Christi - Manager

(existing sign)

Width inside business = 73'

City code allows 2' per lineal foot

146 SF allowed

Thrift Store

3'x 10' = 30 SF

100 SF Needed



1622 S 8th Street

Dollar General Store

Size of sign that is needed to be seen from 8th Street



1622 S 8th Street

Dollar General Store

Size of sign that is needed to be seen from 8th Street



1626 S. 8th Street

Cinderella's Wedding Dress and Tuxedo Rental

Maria Salas

(existing sign)

2'6" x 12' = 30 SF

Width inside business = 25'

City code allows 2' per lineal foot

50 SF allowed

30 SF needed



1628 S. 8th Street
El Rancho Family Western Wear
Lupi Garcia

(existing sign)

Width inside business = 40'

City code allows 2' per lineal foot

80 SF allowed

Blank

6'x 3' = 18 SF

48 SF needed (4x12)



1630 S. 8th Street Southgate Mini Mall Offices

(existing sign)

Width inside business = 16'

City code allows 2' per lineal foot
32 SF allowed

Blank 4'x 5' = 20 SF

32 SF needed



1630 S. 8th Street
Southgate Mini Mall Offices

(existing sign)

Width inside business = 16'

City code allows 2' per lineal foot

32 SF allowed

Blank 4'x 5' = 20 SF

32 SF needed



1630 S. 8th Street
Secretos Beauty Salon
Beatriz Bonilla

(existing sign)

Width inside business = 23'

City code allows 2' per lineal foot

46 SF allowed

Secretos Beauty
3" x 12' = 36 SF

36 SF needed



1634 S. 8th Street
Arkansas Piano Warehouse
Carter Bergdorf

(existing sign)

Width inside business = 30'

City code allows 2' per lineal foot
60 SF allowed

Arkansas Piano
4'x 15' = 60 SF

60 SF needed



**1636 S. 8th Street
Mattress Retail Store
Carter Bergdorf**

(existing sign)

None

Width inside business = 20'

City code allows 2' per lineal foot

40 SF allowed **40 SF needed (4' x 10)**



**1636 S. 8th Street
Mattress Retail Store
Carter Bergdorf**

(existing sign)

None

Width inside business = 20'

City code allows 2' per lineal foot

40 SF allowed **40 SF needed (4' x 10)**



Building C

1708 S. 8th Street
Wholesale Auto Paint
Fidel Serrano

(existing sign)

Width inside business = 45'

City code allows 2' per lineal foot
90 SF allowed

Wholesale 2' x 9' = 18 SF

30 SF needed



1708 S. 8th Street
Wholesale Auto Paint
Fidel Serrano

(existing sign)

Wholesale

2'x 9' = 18 SF

4'x 4' = 16 SF

Building width = 31'

City code allows 2' per lineal foot

62 SF allowed

34 SF needed



1712 S. 8th Street
Barber Shop
Siegfried Schwarz

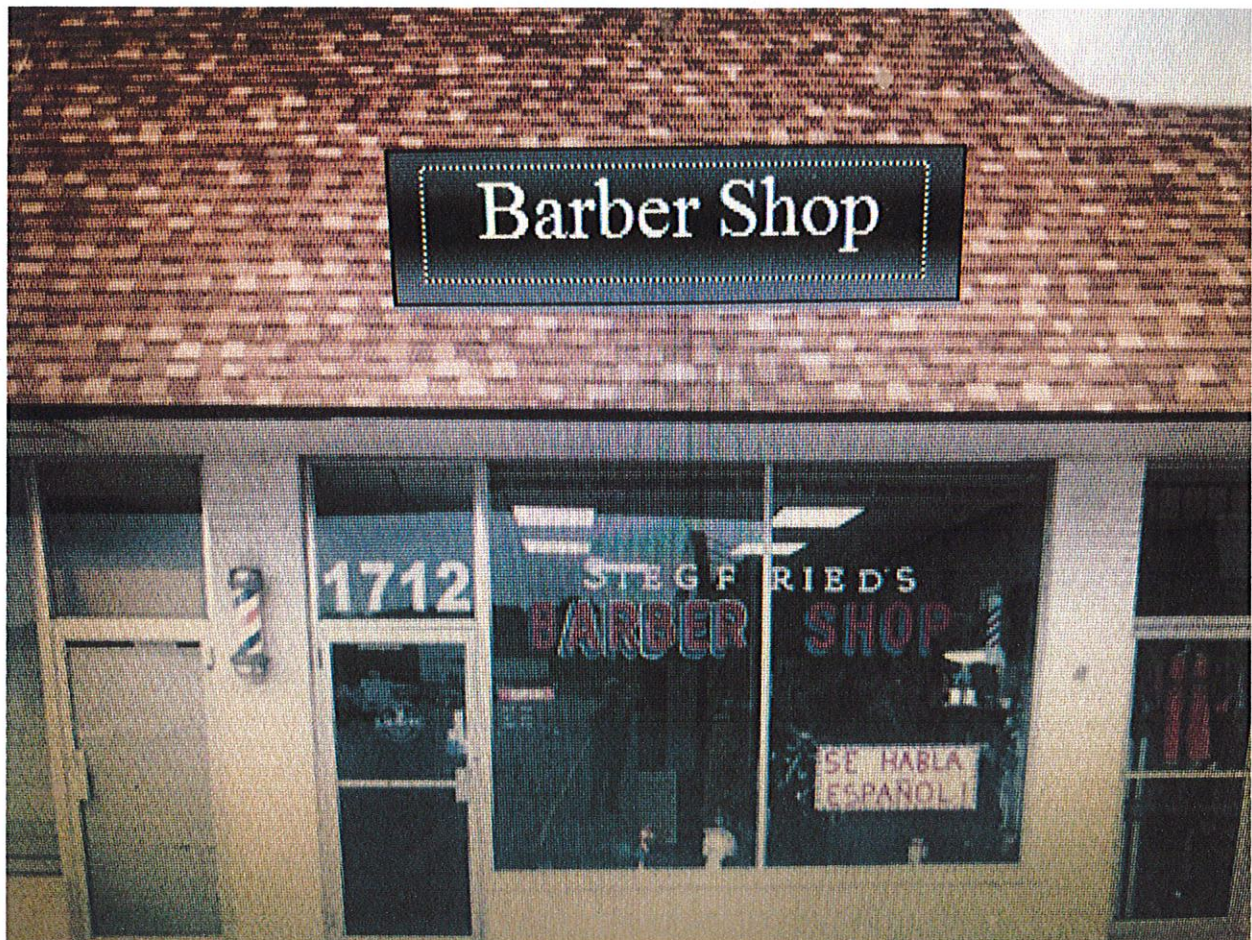
(existing sign)

Width inside business = 16'

City code allows 2' per lineal foot
32 SF allowed

Blank
2'x 9' = 18 SF

18 SF needed



1714 S. 8th Street
Benton County Gun Works
Mark Weidler

(existing sign)

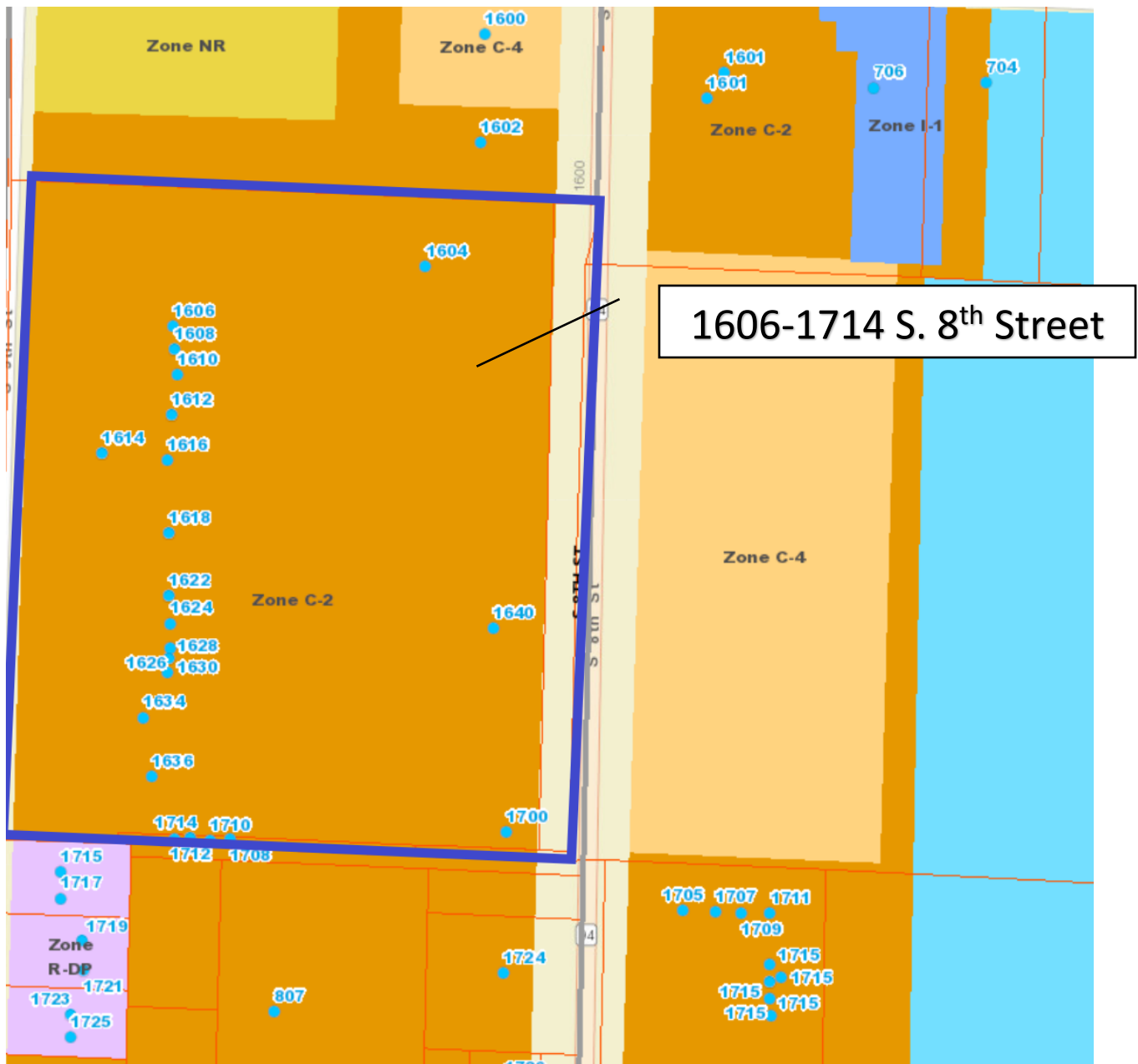
Guns-Gunsmithing
4'x 8' = 24 SF

Width inside business = 24'

City code allows 2' per lineal foot
48 SF allowed

30 SF needed









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

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the **Board of Adjustment** at Rogers City Hall at 301 W Chestnut Street on **June 10, 2021** at **4:00 p.m.** regarding an application by **Southgate Shopping Center** under the provisions of the City of Rogers Code of Ordinances, for a variance to **allow a common signage plan allowing roof signs** in the C-2 (Highway Commercial) zoning district and in the city's Overlay District at **1606-1714 S. 8th Street** more particularly described as follows:

LEGAL DESCRIPTION:

PART OF LOTS 1, 2 AND 15 OF P.G. SMITH SUBDIVISION, ROGERS, BENTON COUNTY, ARKANSAS, DESCRIBED AS BEGINNING 396.00 FEET NORTH AND N89°04'15"W 40.00 FEET (WEST, RECORD) OF THE SOUTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 726.00 FEET; THENCE N89°04'14"W 618.60 FEET (WEST, RECORD); THENCE N00°00'51"W 726.00 FEET (NORTH, RECORD); THENCE S89°04'15"E 618.78 FEET (EAST 618.60 FEET, RECORD) TO THE POINT OF BEGINNING, CONTAINING 10.31 ACRES, MORE OR LESS, BEING SUBJECT TO THE RIGHT OF WAY OF SOUTH NINTH STREET ALONG THE WEST LINE THEREOF AND TO THE RIGHT OF WAY, IF ANY, OF HIGHWAY 71-B ALONG THE EAST LINE THEREOF AND TO ANY AND ALL EASEMENTS AND RIGHTS OF WAY OF RECORD.

LAYMAN'S DESCRIPTION:

1606-1714 S. 8th Street

Roger Clark, Secretary
Board of Adjustment

PUBLISH ONE TIME ONLY: **May 30, 2021**
BILL THE CITY OF ROGERS



COMMUNITY DEVELOPMENT
PLANNING DIVISION
301 W. CHESTNUT
planning@rogersar.gov
(479) 621-1186

MEETING DATE
June 10, 2021

TO: BOARD OF ADJUSTMENT
RE: **STAFF SUMMARY REPORT**
VARIANCE – #21-23 PAYNE CONSTRUCTION
PL202100621

STAFF: Karen Perez, Zoning Technician

REQUEST DETAILS

ADDRESS/LOCATION:	8703 W. Hackberry Rd.
SUBDIVISION:	Scissortail Ph. 1
CURRENT ZONING:	R-SF (Residential Single Family)
APPLICANT/REPRESENTATIVE:	Robert J. Caster for Payne Construction
PROPERTY OWNER:	Payne Construction
NATURE OF REQUEST:	Reduce side setback
AUTHORITY:	Sec. 14-724, Rogers Code of Ordinances

SUMMARY

This request is to allow a reduction in the 7.5-foot side setback to 7 feet

Community Development recommends approval

STAFF REVIEW

1. BOARD OF ADJUSTMENT DUTIES PER SEC. 14-724(e)(1):

- a) Hear appeals from the decision of the Department of Community Development in respect to the enforcement and application of the zoning ordinance, Chapter 14, and the sign permitting provisions contained in Chapter 44, and may affirm or reverse, in whole or in part, said decision of the Department of Community Development; and
- b) Hear requests for variance from the literal provisions of the zoning ordinance in instances where strict enforcement of the zoning ordinance would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning ordinance.

2. SUBJECT REQUEST:

- a) Reduce side setback for existing house.

3. GENERAL FINDINGS:

- a) Side setbacks are set out in Rogers Sec. 14-699(f)(2)(b), at 10 feet for the RSF zoning district. However, the Final Plat for Scissortail phase 1, recorded 4/27/17, establishes the side setback at 7.5 feet for the single-family lots within the development.
- b) The site plan provided proposes a reduction of the 7.5-foot side setback to 7 feet for an existing home.
- c) In September 2020 a building permit was issued for the home to be built 7.5 feet from the eastern side. It was built one-half foot encroaching into the side setback.
- d) Since this is an existing structure, staff finds this to be a reasonable request.
- e) If approved, a recorded setback/easement reduction survey will be required.

4. ZONING:

- a) R-SF (Residential Single Family):

The R-SF district, per Rogers Code Section 14-699, is suitable areas within the city for attached and detached residential development.

5. PUBLIC INPUT RECEIVED:

Staff has not received any comments from the public regarding this request.

6. RECOMMENDATIONS:

Staff recommends approval

DIRECTOR'S COMMENTS

1. Agree with recommendation.



JOHN C. MCCURDY, Director
Community Development

SUGGESTED MOTIONS

1. IF APPROVING AS PRESENTED:

Move to approve the request as presented.

2. IF APPROVING SUBJECT TO OTHER ACTIONS:

Move to approve the request subject to (conditions or contingencies).

3. IF DENYING:

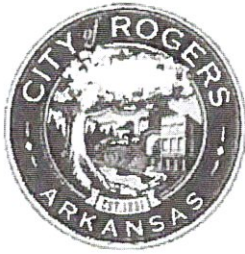
Move to deny the request as presented.

4. IF TABLING:

Move to table the request (indefinite or date certain).

TABS

1. Variance application with supplements
2. Public Notice
3. Vicinity map (aerial)



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

OFFICE USE ONLY

Permit Fee: \$100 (\$100)

Zoning: RSF

App Number: 21-23

CityView Application: PL202100621

Date: 5-24-21

VARIANCE APPLICATION

APPLICANT: Robert J. Caster FOR PAYNE CONSTRUCTION

ADDRESS: 2715 SE "I" St. Bentonville, AR 72712 SUITE #: 5

GENERAL LOCATION OF PROPERTY: Lot 70, Scissortail Subdivision, Phase 2

PHONE #: 479-268-4464 EMAIL: rcastercals@gmail.com

PROPERTY OWNER: Payne Construction PHONE #: 640-3581

REQUEST to ALLOW: Side setback reduction from 7.5 feet to 7 feet.

HARDSHIP JUSTIFICATION to VARY FROM CODE: Existing house lies 0.5 feet inside existing
side setback lines.

Robert J. Caster
Applicant Signature

05/24/2021
Date

Attachment Checklist:

- ☒ Legal description of property
- ☒ Survey, elevations, sign proofs and/or other documents as needed to illustrate request

PLANNING STAFF PROVIDES:

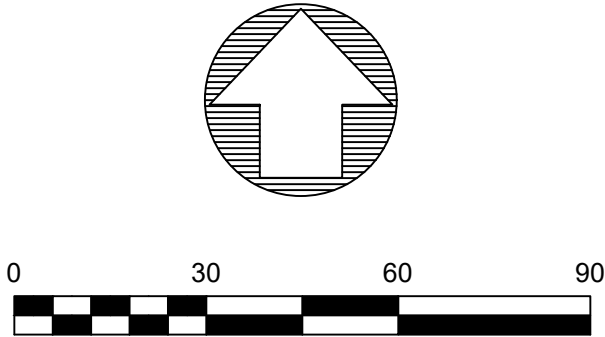
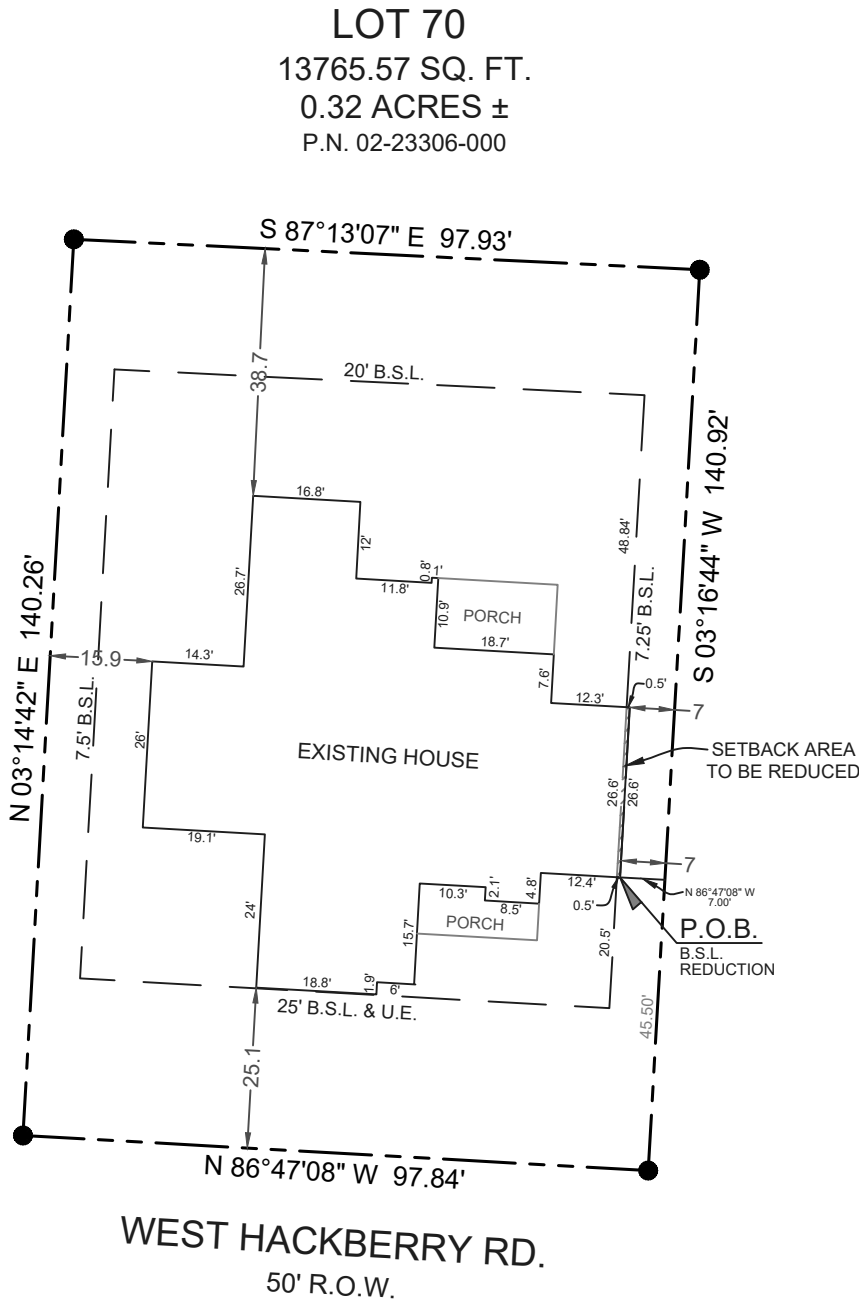
DATE FILED: 5-24-21

PUBLIC HEARING DATE: 6-10-21

BOARD OF ADJUSTMENT DECISION: _____

SECRETARY, BOARD OF ADJUSTMENT _____

DATE _____



SETBACK REDUCTION AREA DESCRIPTION:

PART OF LOT 70 OF SCISSORTAIL SUBDIVISION, PHASE 1, CITY OF ROGERS, BENTON COUNTY, ARKANSAS, AS SHOWN IN PLAT BOOK 2017, PAGES 350-359 OF THE BENTON COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SE CORNER OF SAID LOT 70; THENCE N03°16'44"E 45.50 FEET; THENCE N86°47'08"W 7.00 FEET TO THE POINT OF BEGINNING; THENCE N86°47'08"W 0.50 FEET; THENCE N03°16'44"E 26.60 FEET; THENCE S86°47'08"E 0.50 FEET; THENCE S03°16'44"W 26.60 FEET TO THE POINT OF BEGINNING, CONTAINING 13.30 SQUARE FEET.

FLOOD CERTIFICATION:

I CERTIFY THAT I HAVE EXAMINED THE OFFICIAL FLOOD INSURANCE HAZARD RATE MAP PANEL NO. 05007C0265K(EFFECTIVE DATE JUNE 5, 2012) AND FOUND IN THE DESCRIBED PROPERTY HEREON LIES IN ZONE "X", AN AREA HAVING NO SPECIAL FLOOD HAZARDS.

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT I HAVE COMPLETED A SURVEY OF THE ABOVE DESCRIBED PROPERTY. THE PROPERTY LINES AND CORNER MONUMENTS ARE TO THE BEST OF MY KNOWLEDGE AND ABILITY, CORRECTLY ESTABLISHED, AND THERE ARE NO VISIBLE ENCROACHMENTS EXCEPT AS SHOWN ON THIS PLAT. THIS SURVEY MEETS THE CURRENT "MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS", PER THE STATE OF ARKANSAS.

ROBERT J. CASTER, P.L.S. NO. 1370, ARKANSAS DATE

OWNER'S CERTIFICATION AND DEDICATION

WE, THE UNDERSIGNED OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY ACKNOWLEDGE THAT WE HAVE THE LEGAL RIGHT AND AUTHORITY TO MAKE THE PROPERTY INTEREST GRANTS CONTAINED ON AND WITHIN THIS DOCUMENT. WE, THE UNDERSIGNED OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY ESTABLISH, GRANT, AND DEDICATE TO THE CITY OF ROGERS, ARKANSAS THE RIGHTS-OF-WAY, EASEMENTS, STREETS, AND ALLEYS AS SHOWN ON THIS PLAT FOR PUBLIC USE, BENEFIT, AND ACCESS. THE CITY OF ROGERS IS FURTHER GRANTED THE RIGHTS OF INGRESS AND EGRESS TO AND FROM SAID RIGHTS-OF-WAY, EASEMENTS, STREETS, AND ALLEYS. THE CITY OF ROGERS IS ALSO GRANTED THE RIGHT AND AUTHORITY TO MAINTAIN, SERVICE, AND IMPROVE SAID RIGHTS-OF-WAY, EASEMENTS, STREETS, AND ALLEYS AND THE IMPROVEMENTS CONTAINED THEREIN. ANY RIGHT OR AUTHORITY GRANTED ABOVE SPECIFICALLY REGARDING MAINTENANCE, SERVICE, OR IMPROVEMENT SHALL BE EXERCISED IN A MANNER CHOSEN AT THE DISCRETION OF THE CITY OF ROGERS. SAID RIGHTS-OF-WAY, EASEMENTS, STREETS, AND ALLEYS SHALL BE FOR THE BENEFIT OF THE CITY OF ROGERS AND ALL OF ITS FRANCHISED UTILITY PROVIDERS. THE CITY OF ROGERS AND ITS FRANCHISED UTILITY PROVIDERS SHALL HAVE THE RIGHT AND AUTHORITY TO CUT, TRIM, OR REMOVE TREES, SHRUBS, AND OTHER VEGETATION WITHIN SAID RIGHTS-OF-WAY, EASEMENTS, STREETS, AND ALLEYS. THE CITY OF ROGERS AND ALL OF ITS FRANCHISED UTILITY PROVIDERS SHALL ALSO HAVE THE RIGHT AND AUTHORITY TO PROHIBIT THE ERECTION OF BUILDING, STRUCTURES, OR FENCES WITHIN SAID RIGHTS-OF-WAY, EASEMENTS, STREETS, AND ALLEYS.

DATE _____ OWNER _____

STATE OF ARKANSAS
COUNTY OF BENTON
SUBSCRIBED AND SWORN BEFORE ME THIS __ DAY OF _____ 20__.

NOTARY PUBLIC

MY COMMISSION EXPIRES _____

CERTIFICATE OF AUTHORIZATION
COA CERTIFICATE NUMBER: 3049

LEGAL DESCRIPTION:

LOT 70 OF SCISSORTAIL SUBDIVISION, PHASE 1, CITY OF ROGERS, BENTON COUNTY, ARKANSAS, AS SHOWN IN PLAT BOOK 2017, PAGES 350-359 OF THE BENTON COUNTY RECORDS.

ROGERS PLANNING DIVISION:

THIS _____ DAY OF _____, 20__.

COMMUNITY DEVELOPMENT DIRECTOR

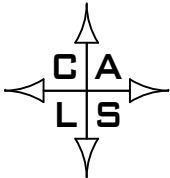
BOARD OF ADJUSTMENT SECRETARY

CITY ROGERS, MAYOR

CITY ROGERS, CITY CLERK

CASTER & ASSOCIATES
LAND SURVEYING, INC.

2715 SE "I" Street, Suit 5
Bentonville, AR 72712
(479) 268-4464

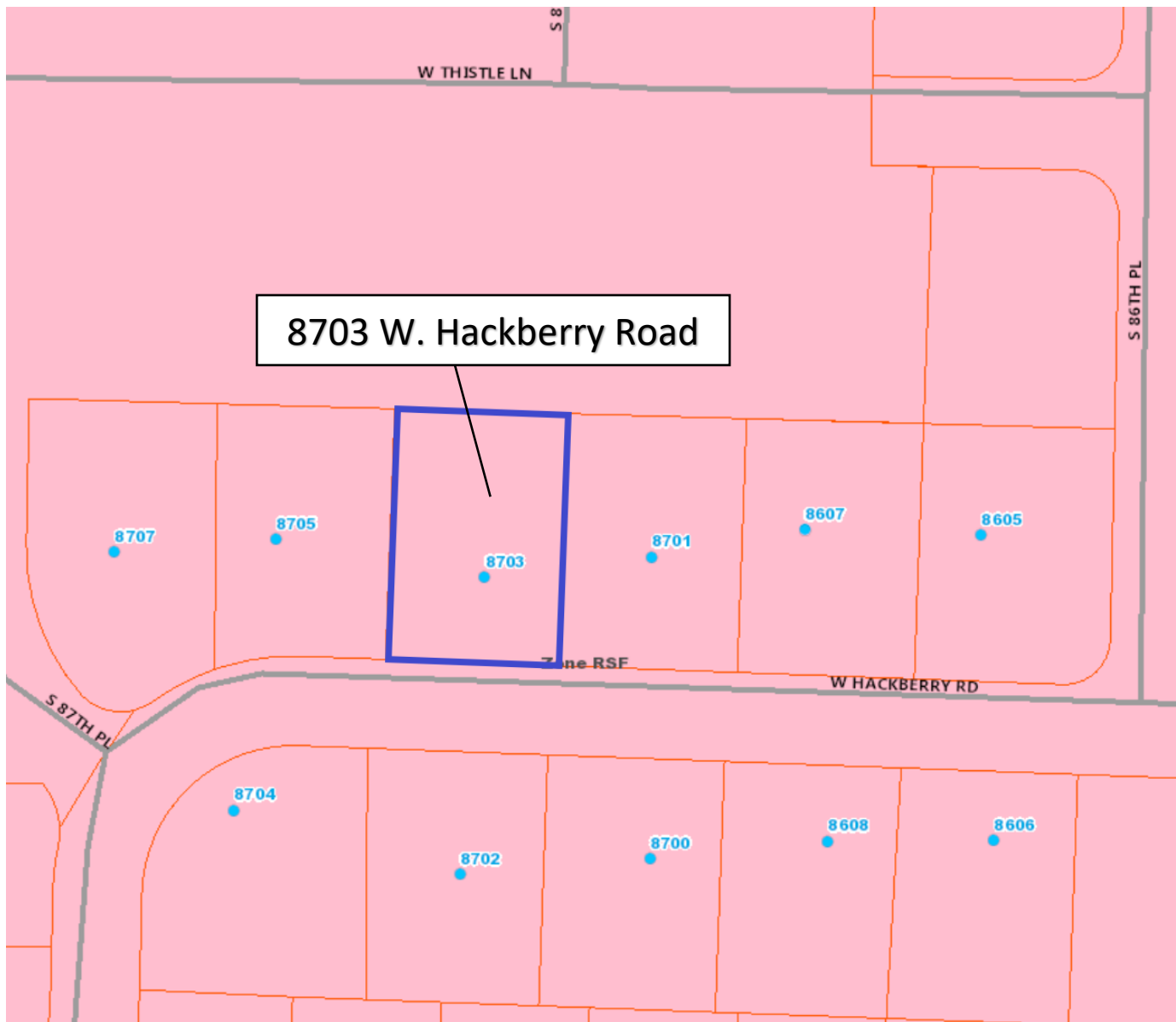


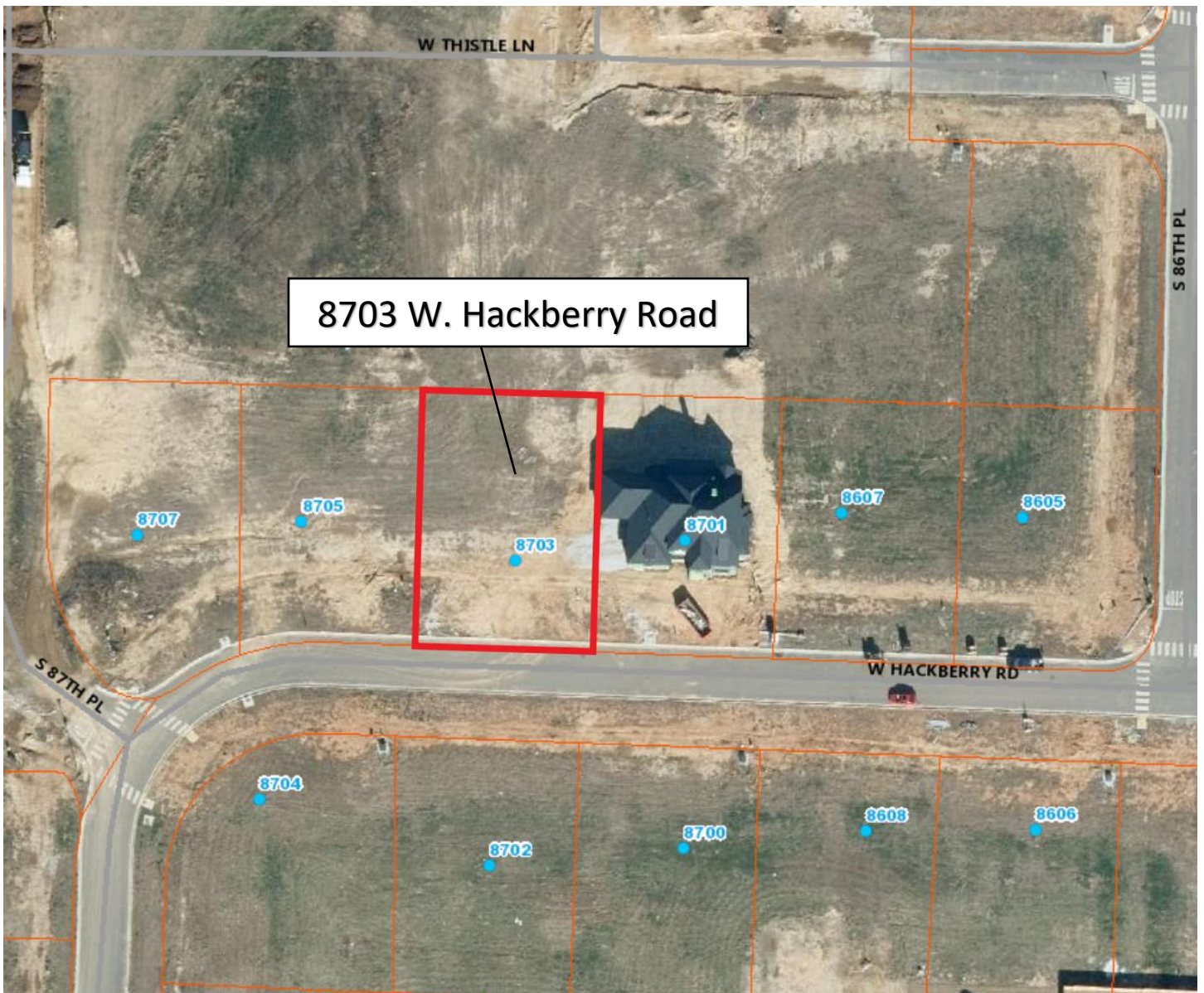
SCALE: 1" = 30' DATE: 5-21-21

SETBACK REDUCTION PLAT
LOT 70 SCISSORTAIL
SUBDIVISION PHASE 1

8703 WEST HACKBERRY ROAD
ROGERS, BENTON COUNTY,
ARKANSAS

JOB #	DRAWN BY:	CHK'D BY:	PAGE
21-144	ASD	RJC	1 OF 1







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NOTICE OF PUBLIC HEARING

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LEGAL DESCRIPTION:

Lot 70, Scissortail, Phase 1, Rogers, as recorded in Benton County, AR

LAYMAN'S DESCRIPTION:

8703 W. Hackberry Road

Roger Clark, Secretary
Board of Adjustment

PUBLISH ONE TIME ONLY: **May 30, 2021**
BILL THE CITY OF ROGERS



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PHONE: (479) 621-1186
FAX: (479) 986-6896

**BOARD OF ADJUSTMENT
MINUTES
May 13, 2021**

MEMBERS PRESENT:

Hunter Fry
Roger Clark
Andrew Curry
Aaron Smith
John Schmelzle.

OTHERS ATTENDING:

Lori Ericson, Zoning Administrator
Gloria Garcia, Zoning Technician
Karen Perez, Zoning Technician

Hunter Fry called the meeting to order at 4:02 pm.

NEW BUSINESS

- 1. VAR 21-17: A request by Boston Mountain Flooring to allow the use of an existing pole sign in the C-2 (Highway Commercial) zoning district and in the city's Overlay District at 1724 S. 8th Street.**

Staff presented the request noting the applicant cites the fact that they are leasing the space and the landlord isn't interested in changing out the existing sign as a hardship.

Mike Jones, with Best Sign Group, stated the request is to update the sign faces on the existing pole sign. He confirmed the owner of the property's refusal to cooperate.

Fry opened the public hearing. There were no public comments and the hearing was closed.

Andrew Curry stated that the BOA has held fast in its denial of pole signs in the Overlay District, and with that in mind, he said he opposes the variance.

Motion by Clark to DENY the variance. Second by Smith.

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

DENIED

- 2. VAR 21-18: A request by HFA for Walmart #3479 for a variance to allow two additional**

wall signs and additional sign area in the C-4 (Open Display Commercial) zoning district and in the city's Overlay District at 1819 S. 8th Street.

Staff presented the request for the two additional wall signs and 88.58 additional sign area for a total sign area of 435.5 for the store. Staff also made note of previous variance for the structure.

Jody Ebert, with HFA representing Walmart, reviewed the request. Staff noted that one of the "Welcome" signs requested would be under the canopy over the entrance and wouldn't need a variance or a permit for that since it would be considered an interior sign. That made the request a total of 422.04 sf. in total signage, Ebert said. He noted the extensive setback from S. 8th Street and Walmart's desire to enlarge its spark logo and the pharmacy drive-through facing west. He said the trees on the south side prevent visibility from New Hope for the pharmacy sign.

Fry opened the public hearing. There were no public comments and the hearing was closed.

Schmelzle stated he supported the variance, noting the store could end up removing those trees if denied. Curry clarified the request is for less sf than the original application. Staff confirmed the request was modified to one additional wall sign and 79.77 additional sign area.

Motion by Schmelzle to APPROVE the variance request as amended. Second by Curry.

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

APPROVED

3. VAR 21-19: A request by Wing Stop to allow a roof sign, three additional wall signs, and additional sign area in the C-2 (Highway Commercial) zoning district and in the city's Overlay District at 1036 W. Walnut Street.

Staff presented its staff report on the variance request for a roof sign on the restaurant's front and three additional wall signs. Two on the west elevation at 28.3 sf and 39.3 sf, and one on the east side at 39.3 sf.

Mike Jones, with Best Sign Group, noted visibility in the request for the additional wall signs, and agreed with the staff report that the building frontage doesn't allow for any signage other than on the roof. He said the additional wall sign request is to offset the lack of freestanding signage. There's not enough room to add a monument sign without eliminating some parking.

Fry opened the public hearing. There were no public comments and the hearing was closed.

Curry noted his support for the roof sign considering the lack of a monument sign. He said, however, he finds the amount of wall signage requested alarming. Board members discussed the three wall signs, favoring the logo signs but not the additional Wing Stop sign requested for the west side of the building. Clark noted the signage on the east and west sides of the building will help with visibility without the monument sign.

Motion by Clark to APPROVE the variance for a roof sign. Second by Smith.

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

APPROVED

Board members discussed separating votes on the wall signs between the two wing –logo signs and the larger Wing Stop sign on the west side. Considering the Board’s reluctance to approve the Wing Stop name sign, Jones asked that it be withdrawn from consideration allowing a vote on the two additional logo signs only.

Motion by Clark to APPROVE the variance for the two logo signs. Second by Schmelzle.

Voice vote: YES – Unanimous *Motion carried*

APPROVED

4. VAR 21-20: A request by Midwest Outdoor Concepts to allow an additional wall sign in the C-2 (Highway Commercial) zoning district and in the city’s Overlay District at 2403 W. Hudson Road.

Staff presented the request for additional wall signage noting a previous variance for a former tenant of the same retail space.

Mike Jones, with Best Sign Group, stated the need for more visibility on Hudson Road and to adequately designate the tenant’s location with frontage on both Hudson and the side parking area.

Fry opened the public hearing. There were no public comments and the hearing was closed.

Calling the issue a “no brainer” since the signage is still less than the amount allowed, Curry said he supports the proposal.

Motion by Curry to APPROVE the request. Second by Schmelzle.

Voice vote: YES – Unanimous *Motion carried*

APPROVED

5. VAR 21-21: A request by Chick-fil-A to reduce the required number of parking spaces in the C-2 (Highway Commercial) zoning district and in the city’s Overlay District at 4001 W. Walnut Street.

Staff explained the request for reduced parking due to a plan to double the drive-through area and handle more traffic for the restaurant. City Code requires 54 spaces and the reduction will result in 49 spaces.

Bryan Burger, engineer representing Chick-fil-A, said the planned project will include a small building expansion and a dual-lane ordering station that will eliminate a few spaces and improve the speed of service at the drive-through.

Fry opened the public hearing. There were no public comments and the hearing was closed.

Clark said he supports the proposal with the expected improvement in traffic flow.

Motion by Clark to APPROVE the request. Second by Smith.

Voice vote: YES – Unanimous *Motion carried*

APPROVED

Previous minutes: April 8, 2021

Motion by Clark to accept the minutes for the April 8, 2021 meeting of the Board of Adjustment as presented. Second by Smith.

Voice vote: YES - Unanimous *Motion carried*

APPROVED

Meeting adjourned at 4:36 pm.

As recorded by:

Gloria Garcia

Zoning Tech

Community Development Department

City of Rogers

Approved by vote of the Board of Adjustment on: