



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

MEETING DATE
OCTOBER 20, 2020

TO: PLANNING COMMISSION

RE: **STAFF SUMMARY REPORT**
PRELIMINARY PLAT VARIANCES– DTG INVESTMENTS LLC

STAFF: ETHAN HUNTER, CITY PLANNER

REQUEST DETAILS

PROJECT NAME:	N/A – potential subdivision development
ADDRESS/LOCATION:	38± acres on S. Bellview Road north of W. Garrett Road
CURRENT ZONING:	N-R (Neighborhood Residential)
CGM GROWTH DESIGNATION:	Neighborhood
APPLICANT/REPRESENTATIVE:	DTG Investments LLC / Bill Watkins
PROJECT OWNER/DEVELOPER:	DTG Investments LLC
PROPERTY OWNER:	Mary Ellen Miller
NATURE OF REQUEST:	Approval of zoning variances prior to project submittal
AUTHORITY:	Chapter 14, Article VI, Rogers Code of Ordinances

SUMMARY

The applicant requests consideration of the included variances in advance of a potential subdivision development. The request involves two variances from N-R zoning standards:

1. A **VARIANCE** from Sec. 14-702(d)(2) for a reduction in minimum lot width from 60' to 55'.
2. A **VARIANCE** from Sec. 14-702(d)(3) for an increase in maximum building coverage from 30% to 50%.

Staff finds the applicant's justification for both variances to be compelling and keeping with the intent of the N-R zoning district. This request identifies technical discrepancies in the zoning code and highlights the need to calibrate existing zoning standards with a future code update. However, while staff supports the requested variances, the provided plat exhibit is conceptual in nature and does not account for certain development requirements related to street connectivity and drainage. These development requirements could potentially make the variances irrelevant by altering lot layout and yield.

Community Development therefore recommends **tabling** this request to allow the applicant to revise their concept and better ascertain the potential effect of the other development requirements on the overall layout.

STAFF REVIEW

1. VARIANCE REQUESTS:

- a) A **VARIANCE** from Sec. 14-702(d)(2) for a reduction in minimum lot width from 60' to 55'.

As stated in the applicant's request letter, this reduction would maintain the required minimum lot depth and area. Minimum lot width and depth should ostensibly result in a minimum lot area that reflects both dimensions. By exceeding the minimum lot depth, a 5' reduction in lot width still results in a compliant minimum lot area (55' x 110' = 6,050-SF). Moreover, the 60' minimum is not reflective of standard practice for N-R-style lot development; 50' is commonly considered an appropriate minimum lot width and can be found in many existing (albeit currently nonconforming) N-R neighborhoods like in Downtown Rogers.

- b) A **VARIANCE** from Sec. 14-702(d)(3) for an increase in maximum building coverage from 30% to 50%.

As stated in the applicant's request letter, 30% maximum building coverage conflicts with the building envelope created by the required setbacks. Maximum building coverage should ostensibly match the buildable area created by required setbacks, which in this case is 50% (3,010-SF of a 6,050-SF lot). This request makes sense not only for that reason, but it also enables lot development that is consistent with the intent of N-R zoning.

2. ADDITIONAL FINDINGS:

Due to the potential effect that unaccounted-for development requirements could have on the proposed conceptual plat, the requested variances should not be considered until a more accurate depiction of the layout is provided. Specifically, the current concept does not provide an east-west public street connection as required by Sec. 14-604, and Engineering staff anticipates necessary modifications related to drainage and floodplain management at the northwest of the site. These findings are not based on a complete review of the code, but are apparent upon cursory review. The applicant should update their concept accordingly since these variances are being requested in advance of actual project approval and are based on a concept that is likely to change.

RECOMMENDATIONS

1. Table 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, contingencies, waivers/variances].

3. IF DENYING:

Move to deny the request as presented.

4. IF TABLING:

Move to table [indefinite or date certain].

TABS

1. Variance request documents

WATKINS, BOYER, GRAY & CURRY, PLLC

ATTORNEYS AT LAW



WRITER'S DIRECT E-MAIL
bwatkins@watkinslawoffice.com

WILLIAM P. WATKINS, III, P.A.
RONALD L. BOYER, P.A.
JENNIFER E. GRAY, P.A.*
ANDREW T. CURRY, P.A.
WILLIAM A. KELLSTROM
JOHN E. JENNINGS (OF COUNSEL)
* ALSO LICENSED IN MISSOURI

DELYNN HALE, SECRETARY
AMY BENSON, PARALEGAL
WHITNEY DUCKER, OFFICE MANAGER

October 9, 2020

Rogers Planning Commission
C/O Department of Community Development
Attn: Mr. Ethan Hunter, City Planner

Re: Request for Variance from Lot Frontage and Lot Coverage Standards

Dear Commissioners:

I represent DTG Investments, LLC., the prospective developers of the property known as the Pack Farm on Bellview Road. This narrative will explain the request for variances from two of the development standards for the NR zoning district. As written some of the NR development standards seem to conflict with themselves. Further, the current standards restrict, or even eliminate, the possibility of building larger homes on NR lots. The two specific pre-development variances my clients request are: (1) variance from the minimum lot frontage from 60 to 55 feet, and (2) increase of the lot coverage maximum from 30% to 50%.

This subject property is described in an attachment with this letter. The property is encumbered by a significant flood plain or marshy area in the Northwest corner as can be seen from the attached preliminary concept plan. Given the room the developers would have to work with, a minimum 55 foot lot frontage works best, though most lots would be wider than that. It is important to note that even at 55 feet of frontage **all lots will continue to meet or exceed the minimum 6000 square foot lot size** required in an NR zone.

The attached illustration demonstrates the lot coverage issue. If a 3000 square foot home were built **to the existing setbacks (no setback variance)** it would exceed the 30% lot coverage maximum specified for an NR zone. So, as written, it would be impossible to build to the setbacks and still meet the maximum coverage of 30%. This forces a development in an NR zone to be smaller houses. My clients believe that the market is shifting to a demand for larger homes on smaller lots. The Rogers Code simply does not accommodate such development as written. As per the illustration, my clients seek a variance to allow construction up to the base setbacks with a 50% maximum lot coverage.

Rogers Planning Commission

October 8, 2020

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So, to summarize, my clients seek variances for development of the subject property allowing 55 foot minimum lot frontage and construction on the lots up to the base setbacks not to exceed 50% lot coverage.

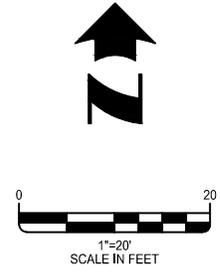
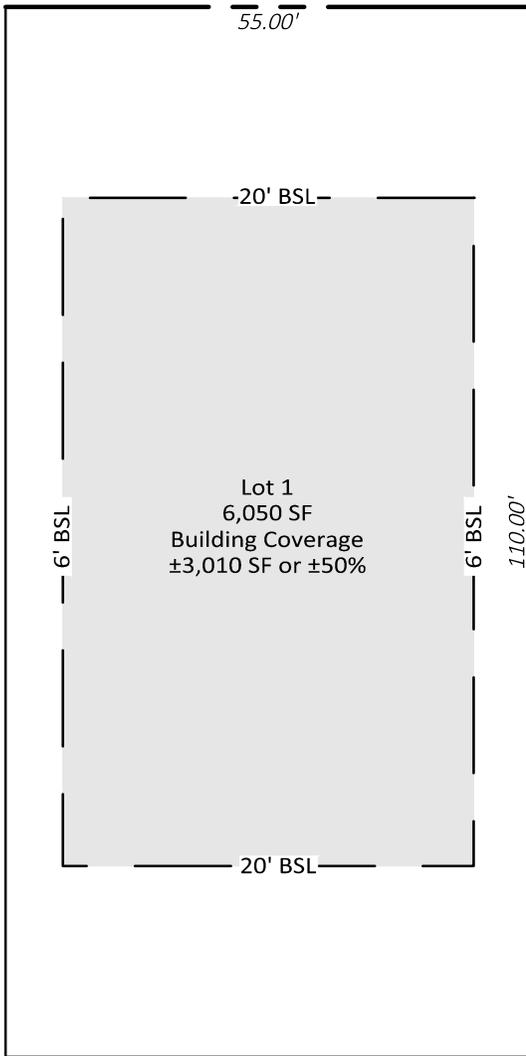
If you have any questions, please do not hesitate to contact me.

Sincerely,

WATKINS, BOYER,
GRAY & CURRY, PLLC

/S/ Bill Watkins
Bill Watkins

BW:mos
attachments



Proposed Zoning: N-R

Required Maximum
Building Coverage: 30%

Requested Maximum
Building Coverage: 50%



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*VARIANCE
MAXIMUM BUILDING COVERAGE*

Rogers, Arkansas

<i>Drawn By:</i>	TJL
<i>Date:</i>	09.02.20
<i>Project No.:</i>	SFD-05
<i>Drawing Name:</i>	Concept 13

Drawing Name: F:\SFD-05\DRAWING\WORK\Bentwell - 58 ac Belleville Rd Rogers\Pack Property with Floodplain Basing Lot Modified Sep 02, 2020 - 3:21pm Plotted on: Sep 02, 2020 - 3:36pm by timelord

Bellview Road

1156.44'



- 1 8,472 SF
- 2 6,765 SF
- 3 6,793 SF
- 4 6,820 SF
- 5 6,847 SF
- 6 6,875 SF
- 7 7,055 SF
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