



Planning Commission

Agenda

June 16, 2015

- I. Call to Order**
- II. Approval of Minutes**
- III. New Business**
 - 1. Lots 18 & 19, Block 5 of Dunn & Davis Addition** **Lot Split**
Southwest 'B' Street
 - 2. The BOS Park Phase 1** **Large Scale Development**
400 Southwest 'A' Street
 - 3. Lots 3 & 4 Phillips Valley Addition** **Lot Split**
NW 'D' Street
- IV. New Business**
 - 1. Terrell** **Rezoning***
(R-1, Single Family Residential to DE, Downtown Edge)
202 SE 7th Street
 - 2. Jacobs SW 'C' Subdivision** **Preliminary Plat**
305 SW 'C' Street
 - 3. The Estates @ Woods Creek Subdivision** **Preliminary Plat**
Woods Creek Road
- I. Other Business**
- II. Planner's Report**
- III. Adjournment**

Planning Commission
Minutes
June 2, 2015

The Bentonville Planning Commission called to order at 5:00 p.m. by Richard Binns, Chairman.

Present: Scott Eccleston, Greg Matteri, Jon Stanley, Joe Haynie, Rod Sanders, Richard Binns and Debi Havner after consent agenda.

City Staff: Beau Thompson, and Jon Stanley

Motion by Haynie, seconded by Matteri to approve the minutes of May 19, 2015 as written.
Approved 6-0

Consent Agenda

- | | |
|--|-----------|
| 1. Lots 1,2 & 3, of Rateliff Manor Addition
1716 Southwest 2 nd Street | Lot Split |
| 2. Lots 15,16, 17 & 18 of Claypool Block
219,221,223 & 225 Northwest 'A' Street | Lot Split |

Approved 6-0

New Business

Item #1

Arvest Bank: (15-09000019) Rezoning, 807 South Walton Boulevard, Zoned C-2.

The applicants have requested a rezoning from C-2, General Commercial to C-3, Central Commercial in order to relocate the current ATM Building to the southern portion of the property and to match the existing C-3 zoning for the proposed new five story office complex, retail and restaurant facility.

No Public Comment

Approved 7-0

Item #2

Michael Wisdom: (15-09000021) Rezoning, 1202 Southeast 'J' Street, Zoned R-1, Single Family Residential.

The applicants have requested a rezoning from the current R-1, Single Family Residential to R-O, Residential office to allow the current duplex to be converted into a low traffic vendor's office.

No public comment

Approved 7-0

Meeting Adjourned

Diane Shastid

Planning Commission Staff Report

Lot Split: Lots 18 & 19, Block 5, Dunn & Davis Addition

TO: Bentonville Planning Commission Members
THRU: Troy Galloway, AICP, Community Development Director
FROM: Jon Stanley, Planner
PC DATE: June 16, 2015

GENERAL INFORMATION:

Project Number: 15-05000021

Applicant: Jake Newell with Bike Rack Development, LLC

Representative: Jake Newell

Requested Action: Lot Split Approval

Location: Southwest 'B' Street

Existing Zoning: DE, Downtown Edge

Land Use Plan: Downtown Mixed Use Residential

BACKGROUND:

The applicant has submitted a lot split application for property located along Southwest 'B' Street and within the DE, Downtown Edge zoning district. The applicant is proposing to split one existing lot into two new lots that would be known as Lot 18 (0.10 acres) and Lot 19 (0.10 acres). The plat shows the dedication of right-of-way along Southwest 'B' Street per the master street plan. Water and sewer services are available to both of the proposed lots.

SURROUNDING LAND USES AND ZONING:

Direction	Zoning	Land Use
North	DE, Downtown Edge	Downtown Mixed Use Residential
South	DC, Downtown Core	Downtown Mixed Use Residential
East	DE, Downtown Edge	Mixed Use
West	DE, Downtown Edge	Downtown Mixed Use Residential

STREETS

Direction	Name	Classification
North	-	-
South	-	-
East	Southwest 'B' Street	Local
West	-	-

TRAFFIC FINDINGS

- (a) Traffic data for the nearest intersections are as follows: No traffic data exists for this location.
- (b) Traffic summary software predicts the additional traffic for this project is: N/A.

STANDARD CONDITIONS OF APPROVAL

1. A digital copy of the plat.
2. All technical review comments must be addressed before building permits will be issued.

ISSUES / ANALYSIS:

Site Inspection: A site inspection was completed; this is the location of a vacant parcel in a developing mixed use residential area of downtown.

Drainage Report: A drainage report is not required for this lot split.

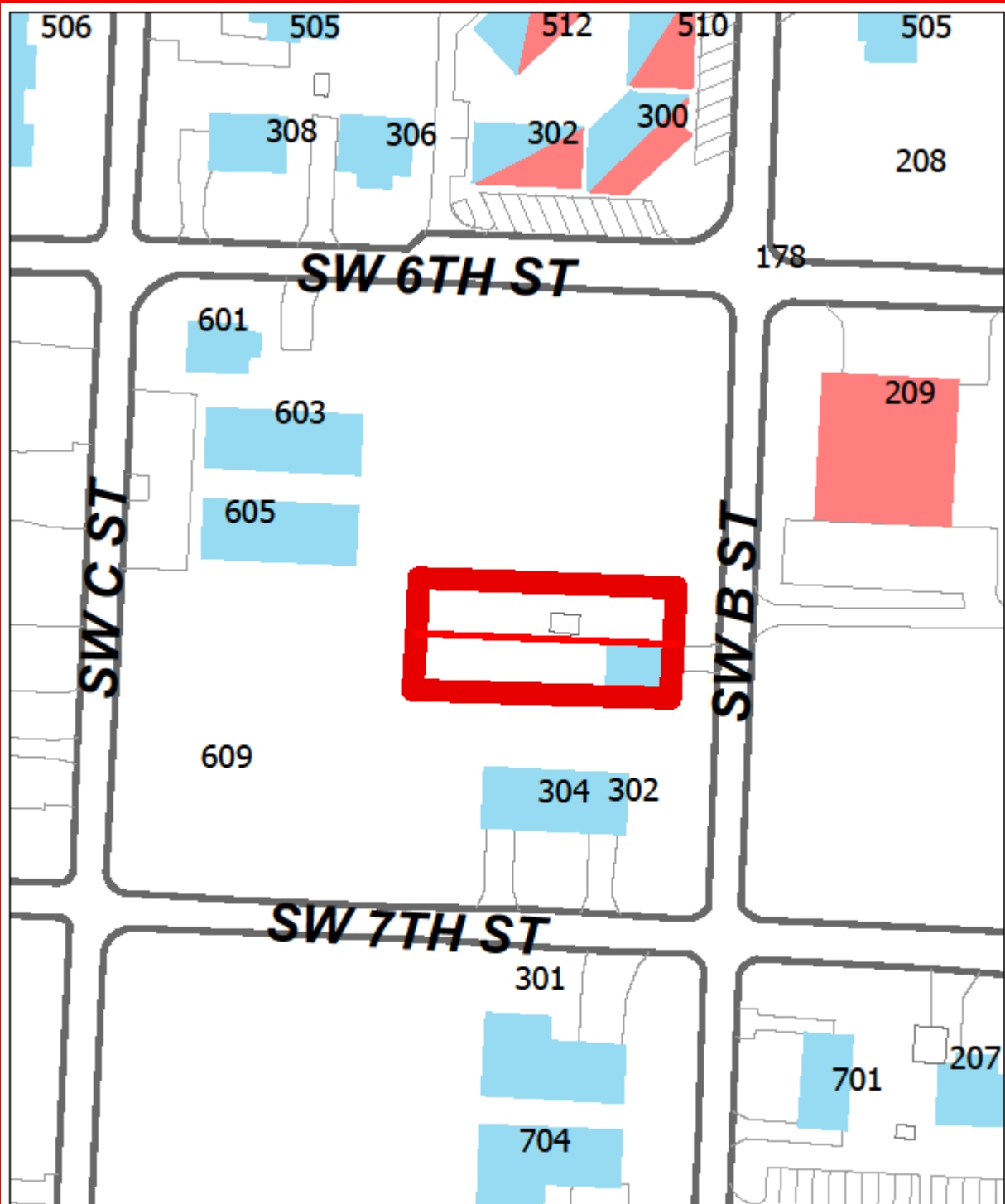
Water / Sewer: Per the G.I.S. site, water and sewer are currently in use on the site.

Waiver(s): N/A

Analysis / Conclusion: This lot split **DOES** meet the minimum requirements of the subdivision regulations.

RECOMMENDATION:

Staff has reviewed this application and recommends **APPROVAL**.



1 inch = 65 feet

15-05000021
Bike Rack Group LLC
608 SW B St
Lot 14 (.10 Acres) Lot 15 (.10 Acres)



Planning Commission Staff Report

Large Scale Development: The BOS Park

TO: Bentonville Planning Commission Members
THRU: Troy Galloway, AICP, Community Development Director
FROM: Jon Stanley, Planner
PC DATE: June 16, 2015

GENERAL INFORMATION:

Project Number: 15-06000013

Applicant: Tim Risley with BOS Park, LLC

Representative: Gerald Fox with Blew & Associates

Requested Action: Large Scale Development Approval

Location: Greenhouse Road and Southwest Regional Airport Boulevard

Existing Zoning: Planned Unit Development

Land Use Plan: Commercial

BACKGROUND:

The applicant has submitted a large scale development at this location to be known as the BOS Park. The large scale development will be constructed in two phases and the information in this staff reports pertains to phase 1 only which contains 7.96 acres of an overall 12.26 acre development. A PUD, Planned Unit Development for the project was approved by the planning commission on January 6, 2015. Phase 1 will contain 1 retail/office unit at 10,160 square feet, 7 climate controlled storages units totaling 51,352 square feet, 2 covered RV parking units totaling 14,850 square feet and 6 non-climate controlled storage units totaling 11, 620. Total square footage for the first phase is 87,982 square feet. 77 parking spaces are required and 79 spaces are being provided. The 20% open space requirement is being met. All buildings along the street frontages or property lines will share a common architectural theme and will be constructed of a combination of Batten Metal Wall Panels, precast pilasters, pattern & textured stucco, brick veneer, and Board & Batten Cement Siding. The submitted elevations meet the design standards and are generally oriented as they were approved the with PUD, Planned Unit Development

PROJECT STATISTICS ARE AS FOLLOWS:

Site / Building Requirements	Required / Allowed	Proposed
Setbacks		
Front: Parking in front	20'	77' south
Front: Without parking in front	20'	25' west
Side Interior:	7'	45' west
Side Exterior:	25'	-
Rear: Adjacent to non-residential district	20'	-
Rear: Adjacent to residential district	25'	25'
Height	40'	30'
Landscape Coverage	20%	20%
Parking		
Standard Stalls	77	79
Handicap Stalls	4	4
Total:	81	83

SURROUNDING LAND USES AND ZONING:

Direction	Zoning	Land Use
North	R-2, Duplex and Patio Home Residential	Medium Density Residential
South	C-2, General Commercial and R-O, Residential Office	Commercial and Office
East	Planned Unit Development	Commercial
West	Benton County	Benton County

STREETS

Direction	Name	Classification
North		
South	Southwest Regional Airport Boulevard	Arterial
East	Southwest Morningstar Road	Local
West	Greenhouse Road	Arterial

TRAFFIC FINDINGS

(a) Traffic data for the nearest intersections are as follows:

STANDARD CONDITIONS OF APPROVAL

1. A digital copy of the plat.
2. All technical review comments must be addressed before building permits will be issued.
3. All landscaping shall be maintained in healthy living condition and all plant material that dies shall be replaced. (Sec 1400.5.C-10)
4. The building will be constructed with similar exterior materials of those submitted and approved by the planning commission.
5. The use of the property shall with in conformance with the PUD commonly known as the incubator.

ISSUES / ANALYSIS:

Site Inspection: A site inspection was completed; this site is currently vacant at the intersection of two arterial streets.

Drainage Report: A drainage report was submitted and tentatively approved by the city engineer.

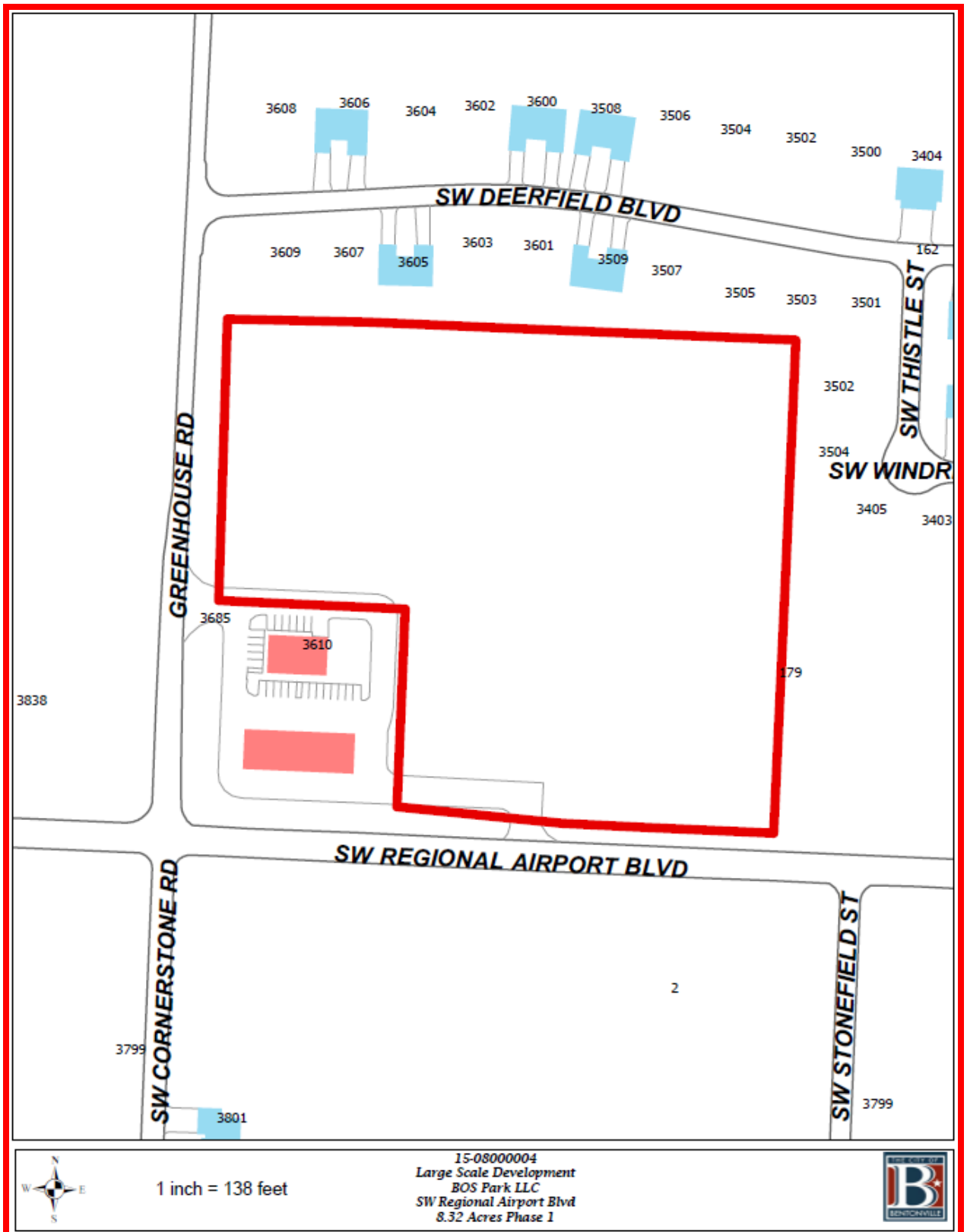
Water / Sewer: Per the G.I.S. site, water and sewer ARE available to this site.

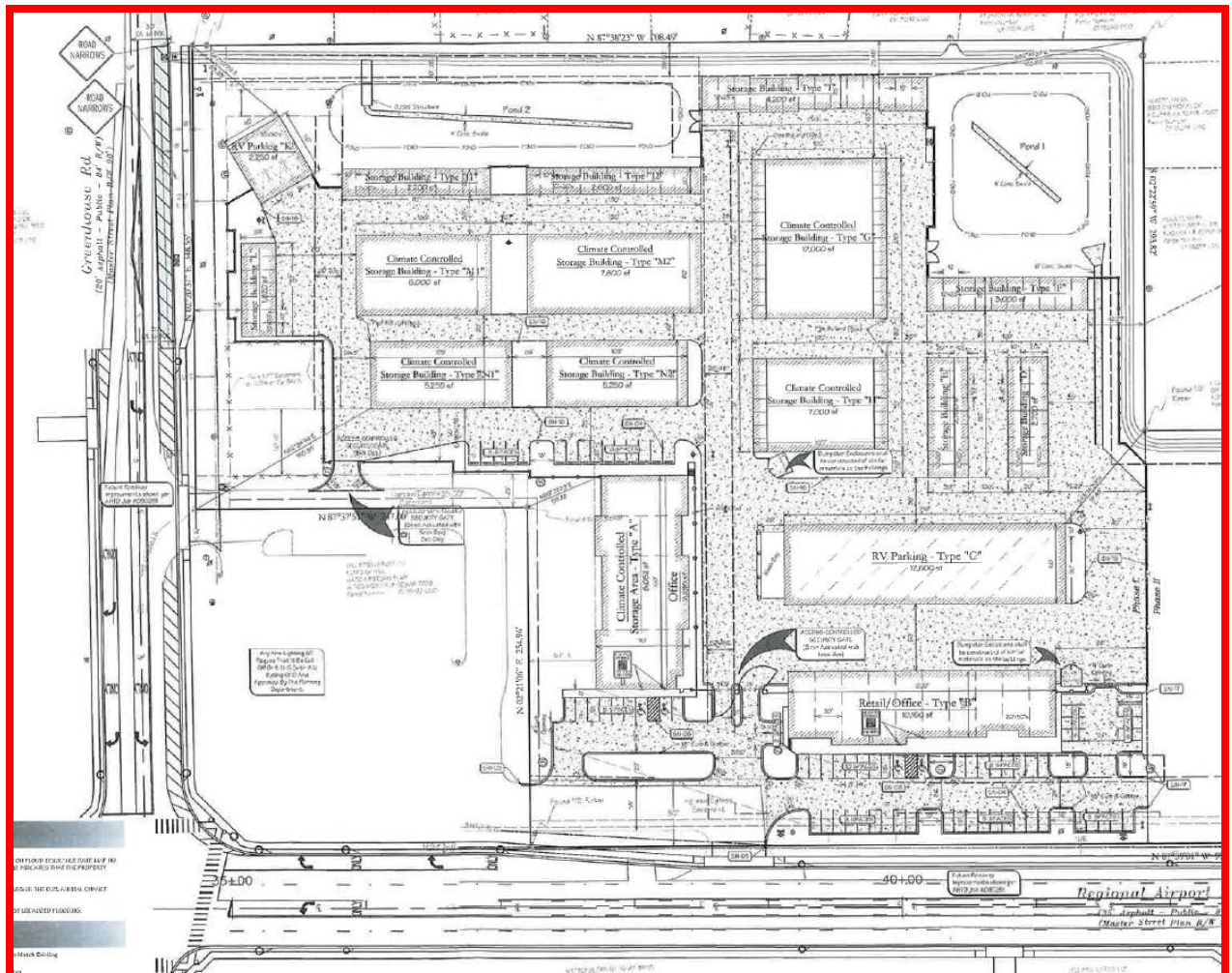
Waiver(s): N/A

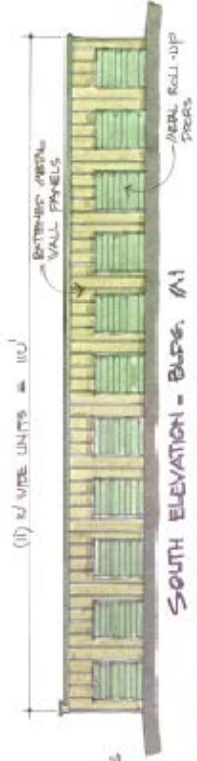
Analysis / Conclusion: This large scale development **DOES** meet the minimum requirements of the subdivision regulations.

RECOMMENDATION:

Staff has reviewed this application and recommends **APPROVAL**.





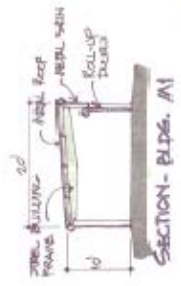


SOUTH ELEVATION - BLDG. A1

TYPICAL INTERIOR BUILDINGS ALL METAL - NOT VISIBLE TO PUBLIC.



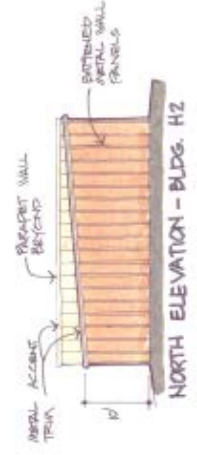
WEST ELEVATION - BLDG. A1



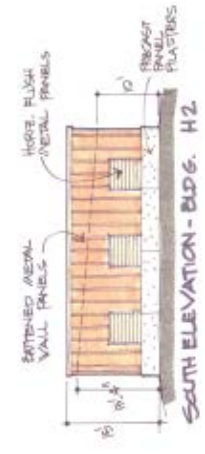
SECTION - BLDG. A1



**CONCEPT IMAGE
GREENHOUSE ROAD**



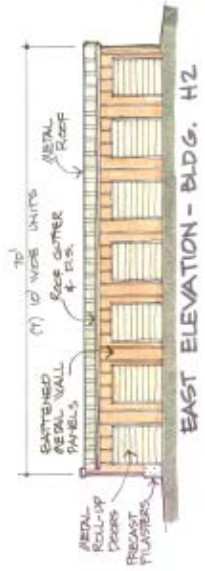
NORTH ELEVATION - BLDG. H2



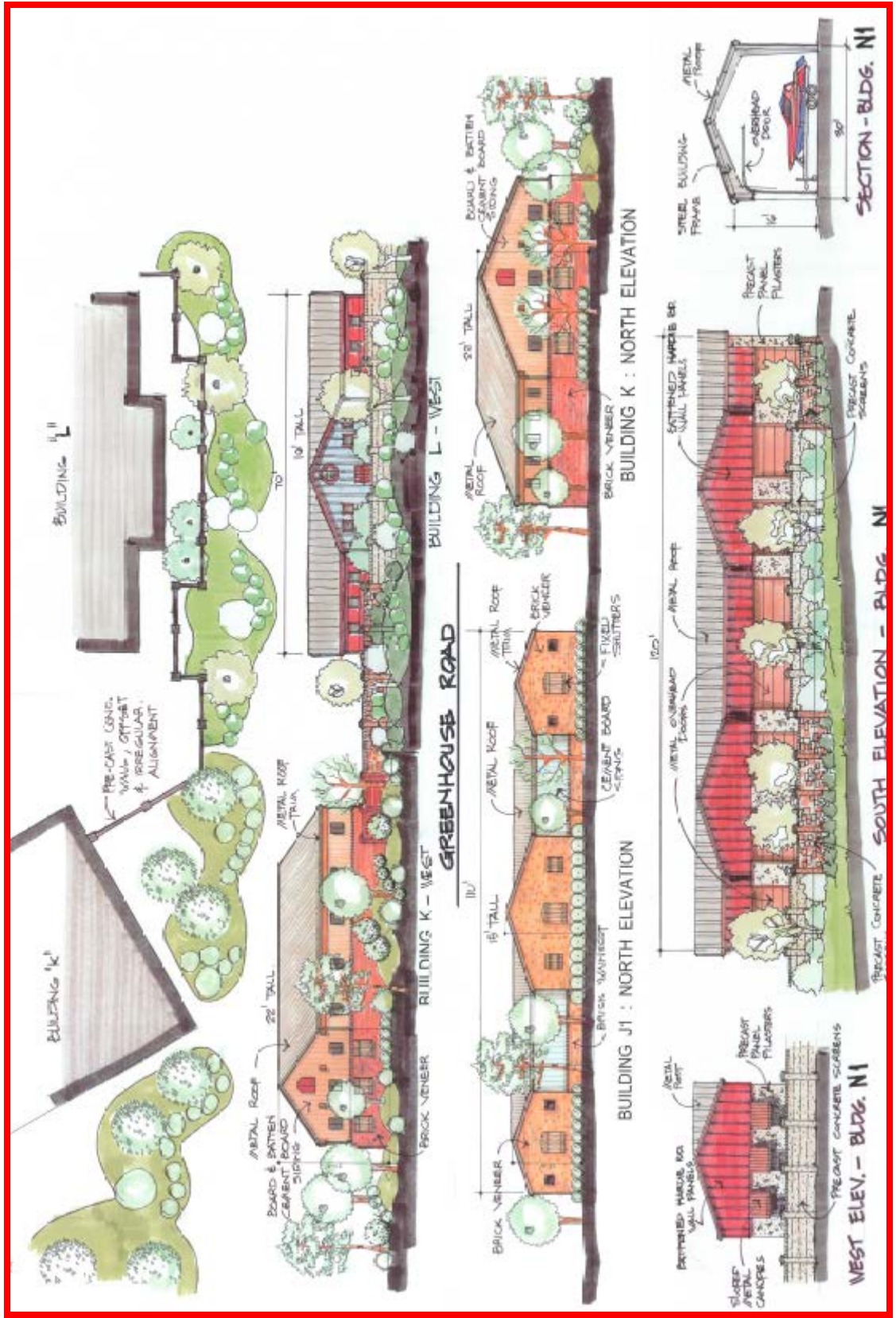
SOUTH ELEVATION - BLDG. H2



SECTION - BLDG. H2



EAST ELEVATION - BLDG. H2





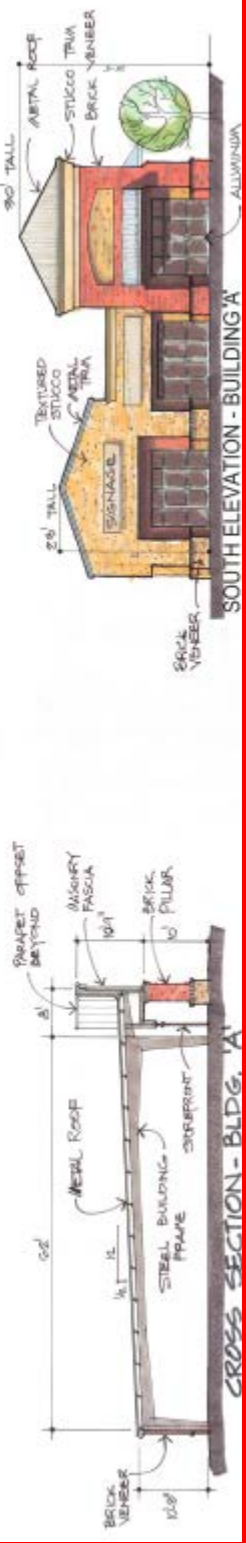
PLAN - BUILDING 'A' FACADE



EAST ELEVATION - BUILDING 'A'

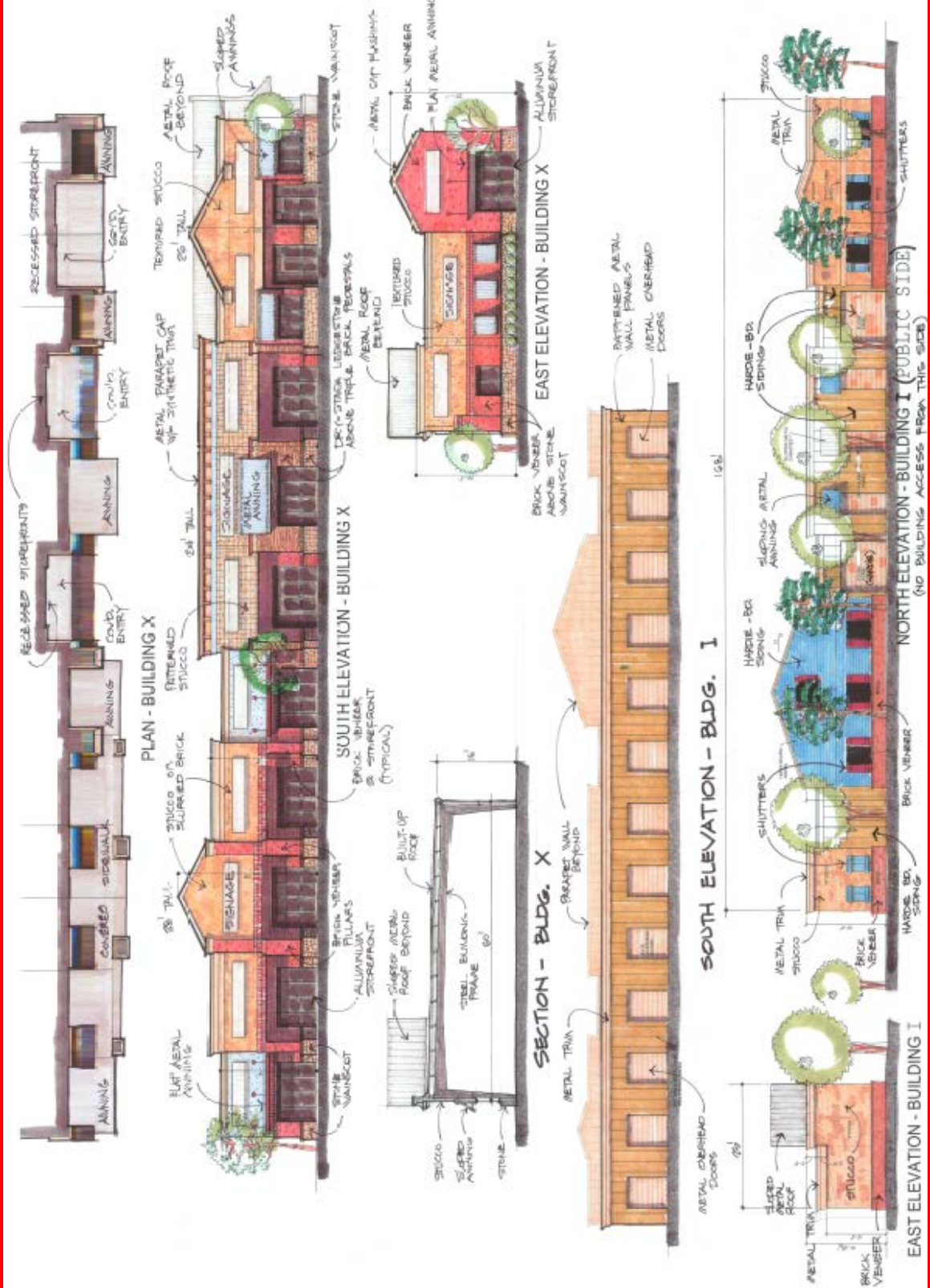


WEST ELEVATION - BUILDING 'A'



CROSS SECTION - BLDG. 'A'

SOUTH ELEVATION - BUILDING 'A'





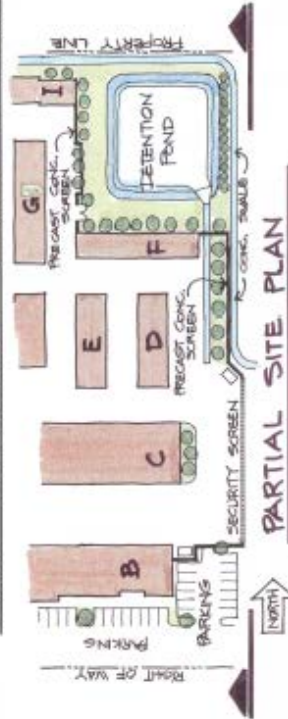
EAST ELEVATION - PHASE 1



EAST ELEVATION - PHASE 1 CONT.



EAST ELEVATION - PHASE 1 CONT.



PARTIAL SITE PLAN

Planning Commission Staff Report

Lot Split: Lots 3 & 4 Phillips Valley Addition

TO: Bentonville Planning Commission Members
THRU: Troy Galloway, AICP, Community Development Director
FROM: Jon Stanley, Planner
PC DATE: June 16, 2015

GENERAL INFORMATION:

Project Number: 15-05000020

Applicant: John Alan Lewis

Representative: Derrick Thomas with Bates & Associates

Requested Action: Lot Split Approval

Location: Northwest 'D' Street

Existing Zoning: R-1, Single Family Residential

Land Use Plan: Low Density Residential

BACKGROUND:

The applicant has submitted a lot split application for property located along Northwest 'D' Street that resides in the R-1, Single Family zoning designation. The lot split as provided show the creation of two lots from one existing lot to be known as Lot 3 (0.17 acres) and Lot 4 (0.17 acres) of Phillips Valley Addition. Right-of-way is dedicated along Northwest 'D' Street per the master street plan. The lots do have access to public water access however they do not have access to public sewer without a sewer main extension. A sewer main extension will be required prior to the lot split being recorded.

SURROUNDING LAND USES AND ZONING:

Direction	Zoning	Land Use
North	R-1, Single Family Residential	Low Density Residential
South	R-E, Residential Estate	Low Density Residential
East	R-1, Single Family Residential	Low Density Residential
West	R-E, Residential Estate	Low Density Residential

STREETS

Direction	Name	Classification
North	-	-
South	-	-
East	Northwest 'D' Street	Local
West	-	-

TRAFFIC FINDINGS

- (a) Traffic data for the nearest intersections are as follows: No traffic data exists for this location.
- (b) Traffic summary software predicts the additional traffic for this project is: N/A.

STANDARD CONDITIONS OF APPROVAL

1. A digital copy of the plat.
2. All technical review comments must be addressed before building permits will be issued.
3. Public sewer service shall be provided to each lot prior to plat being filed/recorded.

ISSUES / ANALYSIS:

Site Inspection: A site inspection was completed; this is the location of a vacant lot in an established single family residential subdivision.

Drainage Report: A drainage report is not required for this lot split.

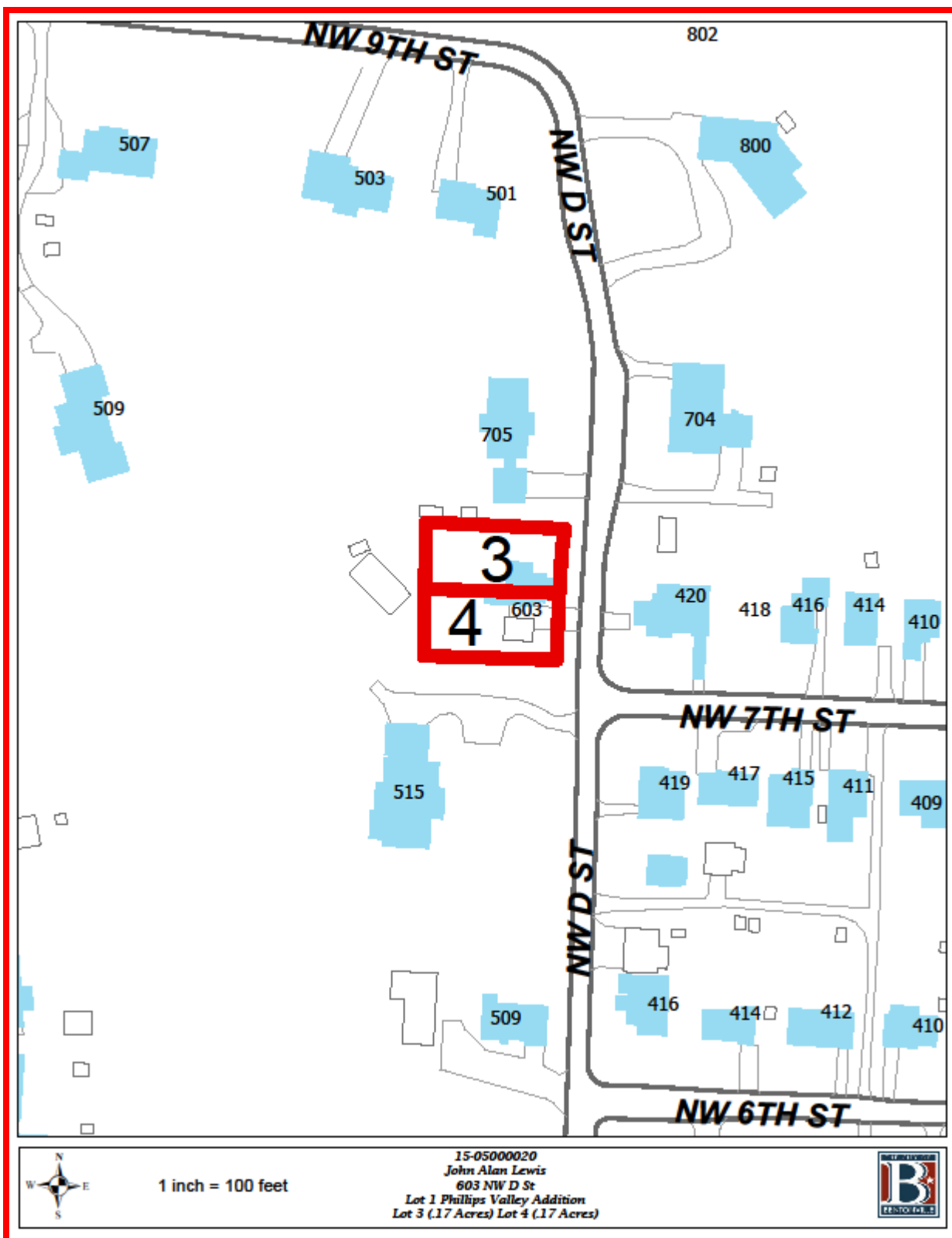
Water / Sewer: Per the G.I.S. site, water is available to the site but sewer is not.

Waiver(s): N/A

Analysis / Conclusion: This lot split **DOES NOT** meet the minimum requirements of the subdivision regulations due to the lack of sewer service availability.

RECOMMENDATION:

Staff has reviewed this application and recommends **APPROVAL**.





PC Meeting of: June 16, 2015

The City of Bentonville, Arkansas

305 S.W. "A" Street
Bentonville, AR 72212
Telephone: (479) 271-3126
Fax: (479) 271-5906

**REZONING: Terrell, R-1, Single Family Residential to D-E, Downtown Edge
Current Planning Division Correspondence: Planning Commission Staff Report**

TO: City of Bentonville, Arkansas Planning Commission
FROM: Beau Thompson, Planner
THRU: Troy Galloway, AICP, Community Development Director
DATE: June 16, 2016

GENERAL INFORMATION

H.T.E. Project Number: 15-09000020

Applicant/Current Owner: Thomas and Judith Terrell

Representative: Todd Jacobs

Requested Action: Rezoning

Location: 202 Southeast 7th Street

Existing Zoning: R-1, Single Family Residential

Proposed Zoning: D-E, Downtown Edge

Future Land Use Map Designation: Mixed Use

BACKGROUND / HISTORY

Property Description/Site Inspection: A site inspection was completed; this property is the site of a single family residence in redeveloping area of the downtown.

Previous Rezoning Requests for this Property: There are no known rezonings for the property.

Surrounding Land Uses & Zonings:

Direction	Current Land Use	Existing Zoning	Future Land Use Map Designation
North	Single Family Residential	R-1, Single Family Residential	Downtown Mixed Use Residential
South	Single Family Residential	D-E, Downtown Edge	Mixed Use
East	Single Family Residential	R-1, Single Family Residential	Mixed Use
West	Single Family Residential	D-E, Downtown Edge	Mixed Use

Surrounding Streets & Classifications:

Direction	Name	Master Street Plan Classification	Current Condition
North	-	-	-
South	-	-	-
East	-	-	-
West	Southwest 'C' Street	Local Street	2 lane urban residential Street

LEGAL NOTIFICATIONS

Public Notice: On, May 14, 2015, the property owner and/or representative mailed certified public notices to property owners within a 200 foot radius of the subject site and staff published a legal notice in the Arkansas Democrat-Gazette, Northwest Arkansas Addition on, May 31, 2015. In addition, staff posted a notice of public hearing sign on the property on June 1, 2015. This **DOES** meet legal noticing requirements and are adequate for the scope of this rezoning application.

RELATIONSHIP TO THE GENERAL PLAN AND FUTURE LAND USE MAP

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding(s) of Staff: The Master land use plan depicts this property has Downtown Mixed Use which is consistent with the proposed request of D-E, Downtown Edge. Appropriate policies shall provide for a transition area between downtown commercial and single family residential. According to Policy LU-16 Infill Development of the General Plan "The City shall encourage the development of mixed-use and residential projects with in the downtown area to increase the community's housing stock and to enhance the vitality of downtown businesses. Policy LU-23 Housing Types states "the City should encourage the development of a mix of housing types to the meet the needs of residents...". The proposed rezoning will meet the intent of both policies therefore the request is consistent with good land use planning and the general plan.

2. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding(s) of Staff: The proposed development will not create an increase to traffic danger in the area. The existing street infrastructure is adequate for the proposed traffic.

3. A determination as to whether the proposed zoning would significantly alter the population density and thereby undesirably increase the load on public services including schools, emergency services, and water and sewer facilities.

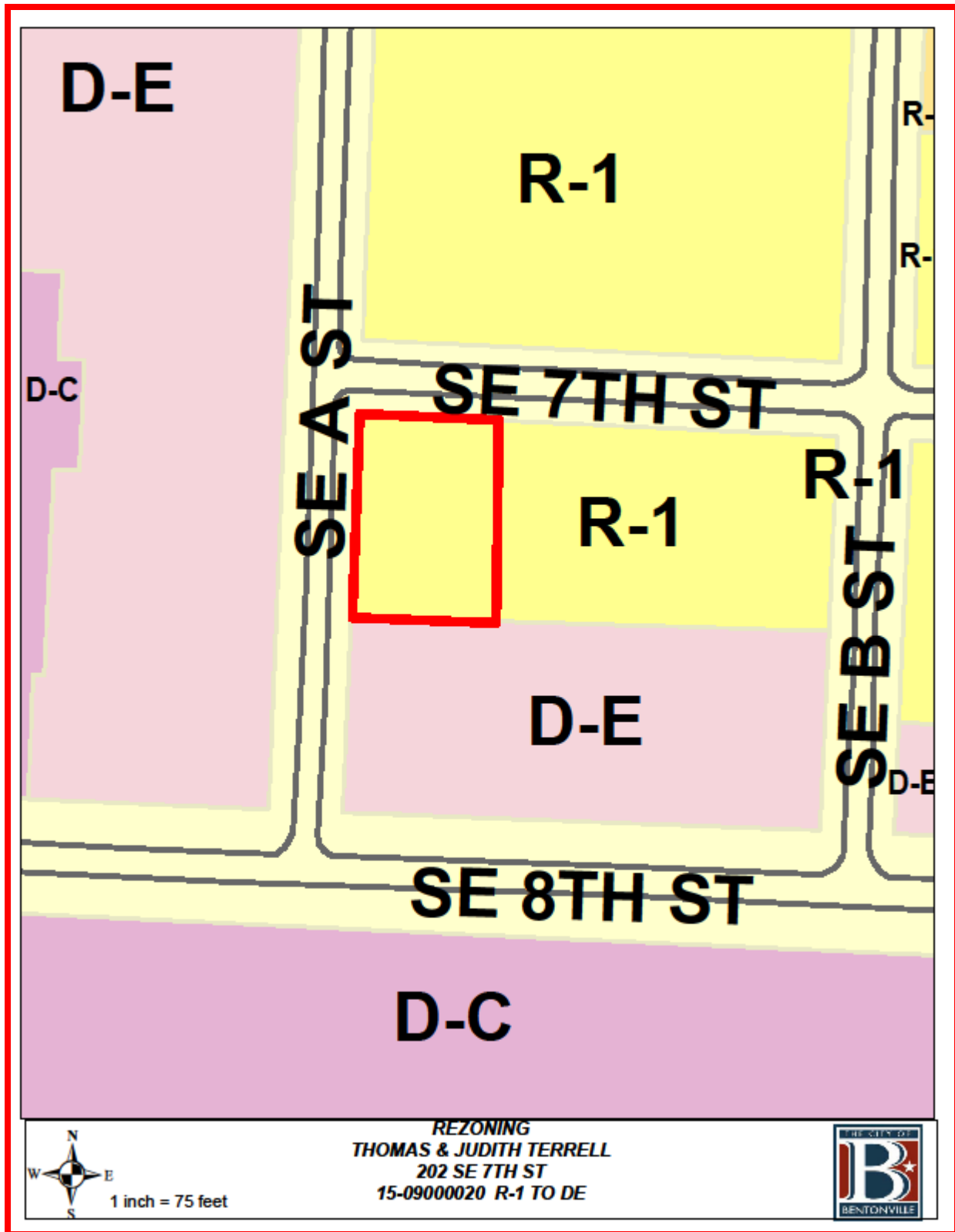
Finding(s) of Staff: The proposed zoning will not adversely impact the public infrastructure. Emergency services are adequate at this location.

ANALYSIS, CONCLUSION, & SUMMARY

The rezoning request is consistent with the City of Bentonville's Future Land Use Map, which depicts this property as downtown mixed use. According to the general plan this designation permits for a range of residential types with supportive neighborhood-scale commercial uses. The Downtown Edge zoning classification creates an area of transition between the downtown core and the low density residential to the north and east. The Downtown Edge allows for commercial and residential mixed use developments and will have the greatest potential for infill and redevelopment. The proposed zoning will add density to downtown therefore helping retain current commercial uses in the downtown area.

STAFF RECOMMENDATION

Staff has reviewed this application and based on the findings presented in this staff report, staff recommends **APPROVAL** of this rezoning from R-1, Single Family Residential to D-E, Downtown Edge



April 27, 2015

City of Bentonville
305 SW A Street
Bentonville, Arkansas 72712

RE: Property at corner of SE A St and SE 7th Street – Rezoning Request

Dear Mr. Stanley,

In keeping with the Bentonville Downtown Master Plan to increase residential housing opportunities and have a vibrant downtown, we are requesting that the property located at corner of SE A St and SE 7th street, which is currently zoned R-1, to be rezoned to DE. This zoning change will allow for new housing to be built on this property later this year. The properties directly to the West and South of this parcel are currently zoned DE and we believe this rezoning will further stabilize the neighborhood and improve the streetscape on the corner of SE A St and SE 7th St. In addition, this rezoning will allow us to build housing for individuals who are looking for housing in the downtown area and do not want to be 100% car dependent.

The property will only be used for residential purposes, and will be rear loaded to limit the impact vehicles can have along the streetscape. Minimal traffic increase is expected and no signage is proposed for the infill housing. The new housing will be served by existing water and sewer lines which are run along the length of SE A and SE 7th street.

Sincerely,



Todd Jacobs

Planning Commission Staff Report

Preliminary Plat: Jacobs SW 'C' Subdivision

TO: Bentonville Planning Commission Members
THRU: Brian Bahr, Community Development Director
FROM: Jon Stanley, Planner
PC DATE: June 16, 2015

GENERAL INFORMATION:

Project Number: 15-08000004

Applicant: Todd Jacobs with the Jacobs Group

Representative: Evan Niehues

Requested Action: Preliminary Plat Approval

Location: 305 Southwest 'C' Street

Existing Zoning: R-C2, Central Residential, Moderate Density

Land Use Plan: Downtown Mixed Use Residential

BACKGROUND:

The applicant has submitted a preliminary plat for 0.44 acres located at 305 Southwest 'C' Street. The plat indicates the creation of 4 single family lots all of which are buildable and will be known as Jacobs SW 'C' Subdivision. The lots range in size from 4,669 square feet to 4,621 square feet. Improvements will be made to the existing 10' wide alley located along the eastern property line of each proposed lot. Sidewalks will be installed along Southwest 'C' Street. Stormwater detention is not required as part of this development. Both water and sewer services are available to all proposed lots.

SURROUNDING LAND USES AND ZONING:

Direction	Zoning	Land Use
North	R-1, Single Family Residential	Downtown Mixed Use Residential
South	R-1, Single Family Residential	Downtown Mixed Use Residential
East	R-1, Single Family Residential	Downtown Mixed Use Residential
West	R-1, Single Family Residential	Downtown Mixed Use Residential

STREETS

Direction	Name	Classification
North	-	-
South	-	-
East	-	-
West	Southwest 'C' Street	Local

TRAFFIC FINDINGS

- (a) Traffic data for the nearest intersections are as follows: No traffic data is available for this location.
- (b) Traffic summary software predicts the additional traffic for this project is: N/A

STANDARD CONDITIONS OF APPROVAL:

1. A digital copy of the plat
2. All technical review comments must be addressed before building permits are issued.

ISSUES / ANALYSIS:

Site Inspection: A site inspection was completed; this property is the site of an existing single family home in a developed single family subdivision.

Street Names: All street names are preliminary and are for planning purposes only. Street names are not finalized until Final Plat approval.

Sidewalks: Sidewalk installation will be the responsibility of individual lot owners at the time of building permit.

Water / Sewer: Per the G.I.S. site, water and sewer ARE currently available to this location.

Drainage: A drainage report was submitted and tentatively approved by the city engineer.

Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, and streets. The information submitted for the plat review process was reviewed for general concept only.

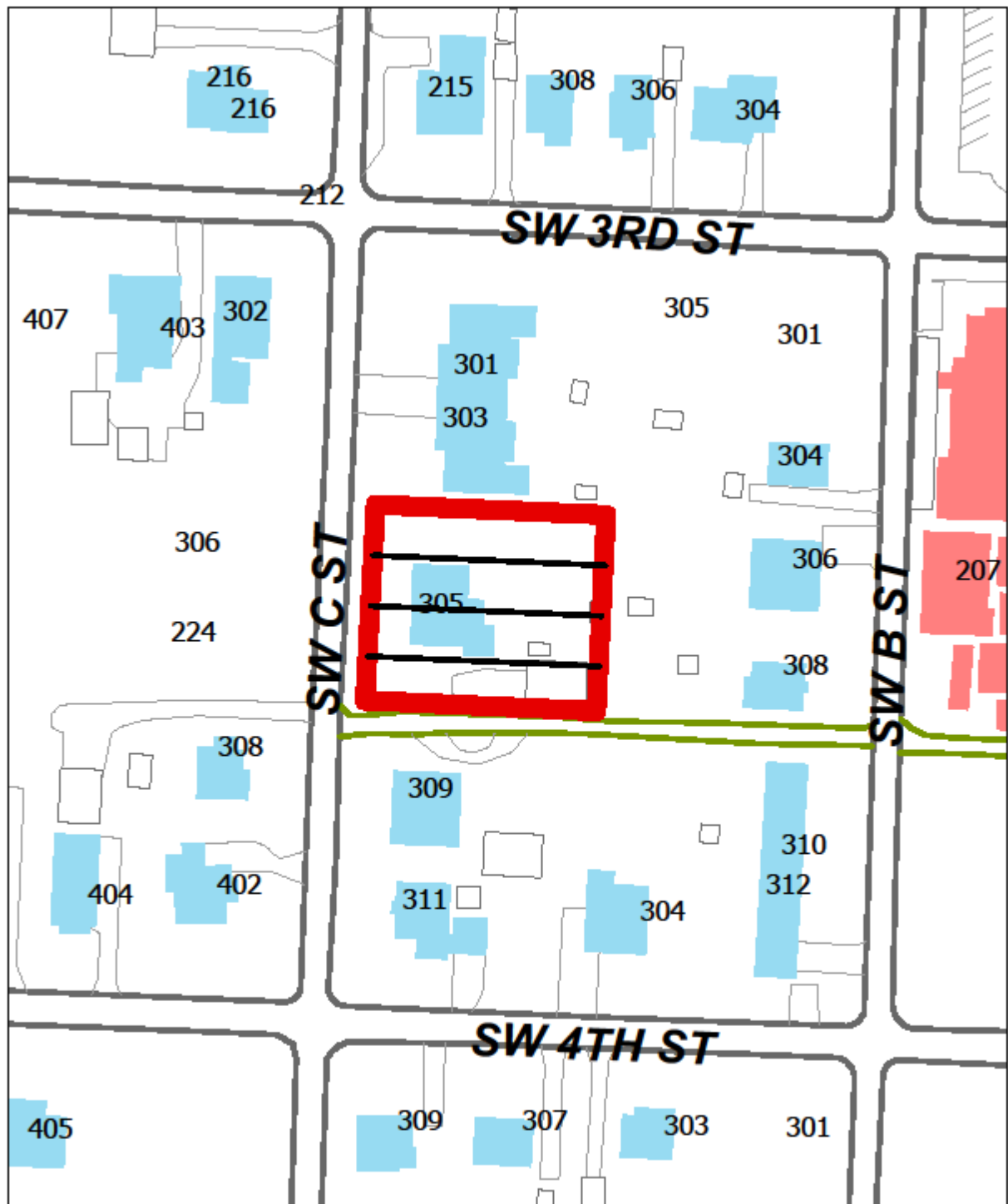
Waiver(s): The applicant has submitted 1 waiver request:

- o Waiver to the Off-Site Improvements Requirements Regarding Direct Access to Substandard Streets: (Art 1200, Sec 1200.2.B) Ordinance states when a proposed subdivision has direct access to, or fronts on, an existing road or street which is below current standards, the sub-divider shall be responsible for contributing his proportionate share of the cost of improving said street or road to existing city standards.

Analysis / Conclusion: The preliminary plat **DOES NOT** meet the minimum requirements of the subdivision regulations due to the waiver request.

RECOMMENDATION:

Staff has reviewed this application and recommends **APPROVAL**.



1 inch = 75 feet

15-08000004
Preliminary Plat
Hurricane WA LLC-
305 SW C Street
Four Lots all .11 Acres Each



June 6th, 2015

Planning Commission
City of Bentonville
117 W. Central Ave.
Bentonville, AR 72712

RE: Waiver Request for Street Improvements, Jacobs Subdivision 305 SW "C"

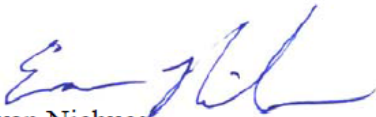
Dear Commissioners,

Mr. Jacobs would like to officially request a waiver to street expansion and curb and gutter improvements for the proposed 4 lot Jacobs Subdivision at 305 SW "C". Based on conversation with Bentonville City officials and their internal staff meetings it would be better if these improvements were not made. It is our understanding there are changes planned to the street different from what would be required based on current local street standards.

We plan to continue improvements to the sidewalk as well as the alley intersection and alley expansion.

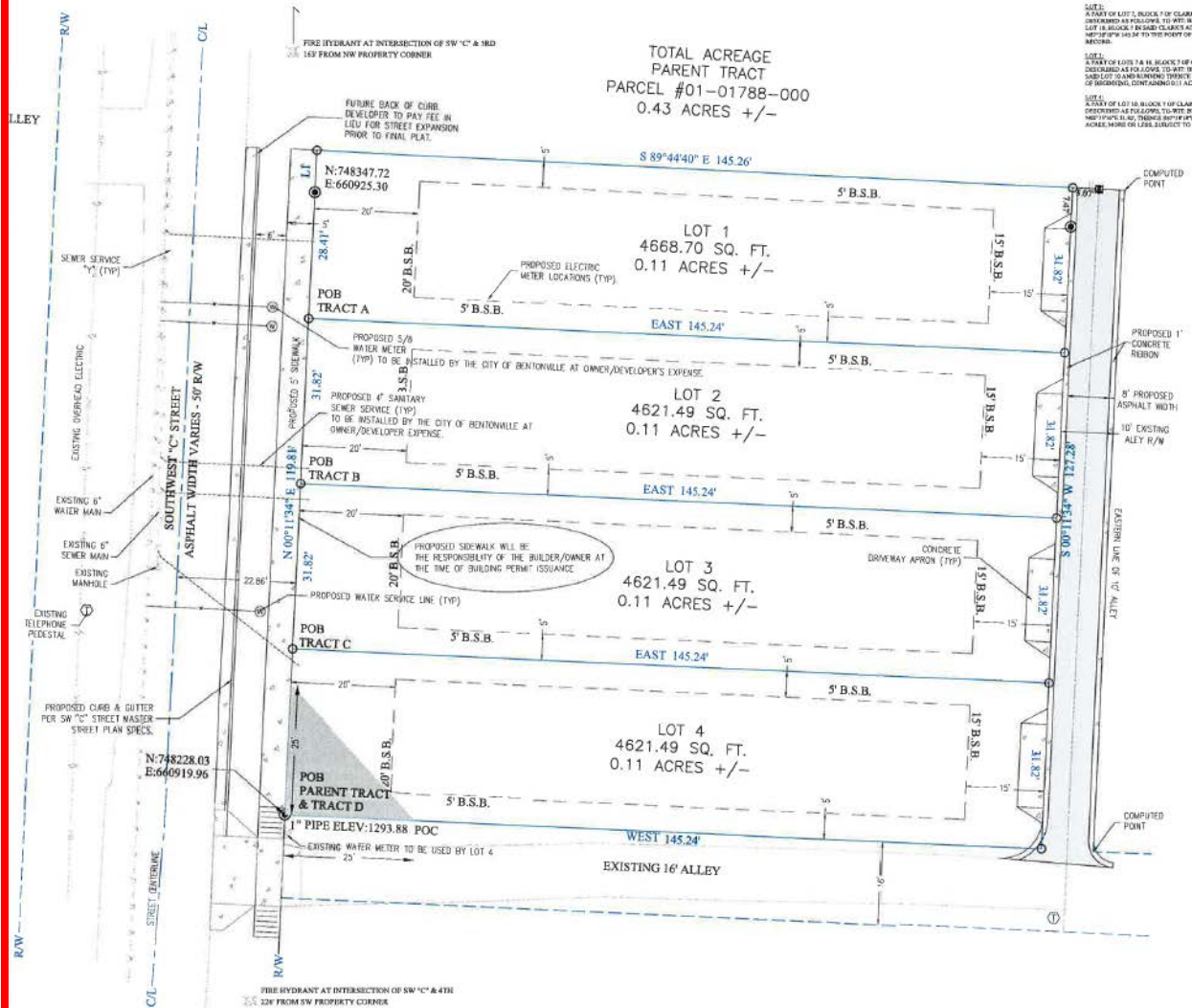
If you have any questions or require additional information, please feel free to contact me at your convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Evan Niehues', is written over the printed name.

Evan Niehues

Bates & Associates, Inc.



Planning Commission Staff Report

Preliminary Plat: The Estates at Woods Creek

TO: Bentonville Planning Commission Members
THRU: Brian Bahr, Community Development Director
FROM: Jon Stanley, Planner
PC DATE: June 16, 2015

GENERAL INFORMATION:

Project Number: 15-08000003

Applicant: The Meadows at Woods Creek, Inc.

Representative: Gerald Fox with Blew & Associates

Requested Action: Preliminary Plat Approval

Location: Woods Creek Road

Existing Zoning: R-1, Single Family Residential

Land Use Plan: Medium Density Residential

BACKGROUND:

The applicant has submitted a preliminary plat for 20.40 acres located along the west side of Woods Creek Road to be known as The Estates at Woods Creek. The plat as provided indicates the creation of 14 buildable and 1 non buildable lot for a total of 15 lots. The lots range in size from 11,520 square feet to 174,257 square feet. Stormwater detention is being provided on the 1 non-buildable lot. Both water and sewer service are available to the site.

SURROUNDING LAND USES AND ZONING:

Direction	Zoning	Land Use
North	R-1, Single Family Residential	Low Density Residential
South	R-1, Single Family Residential	Medium Density Residential
East	R-1, Single Family Residential	Low Density Residential
West	A-1, Agricultural	Residential Estate

STREETS

Direction	Name	Classification
North	-	-
South	-	-
East	Woods Creek Road	Collector
West	-	-

TRAFFIC FINDINGS

- (a) Traffic data for the nearest intersections are as follows: N/A
- (b) Traffic summary software predicts the additional traffic for this project is: N/A

STANDARD CONDITIONS OF APPROVAL:

1. A digital copy of the plat
2. All technical review comments must be addressed before building permits are issued.

ISSUES / ANALYSIS:

Site Inspection: A site inspection was completed; this property is vacant in a developing medium density residential subdivision.

Street Names: All street names are preliminary and are for planning purposes only. Street names are not finalized until Final Plat approval.

Sidewalks: Sidewalk installation will be the responsibility of individual lot owners at the time of building permit.

Water / Sewer: Per the G.I.S. site, water and sewer ARE currently available to this site.

Drainage: A drainage report was submitted and tentatively approved by the city engineer.

Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, and streets. The information submitted for the plat review process was reviewed for general concept only.

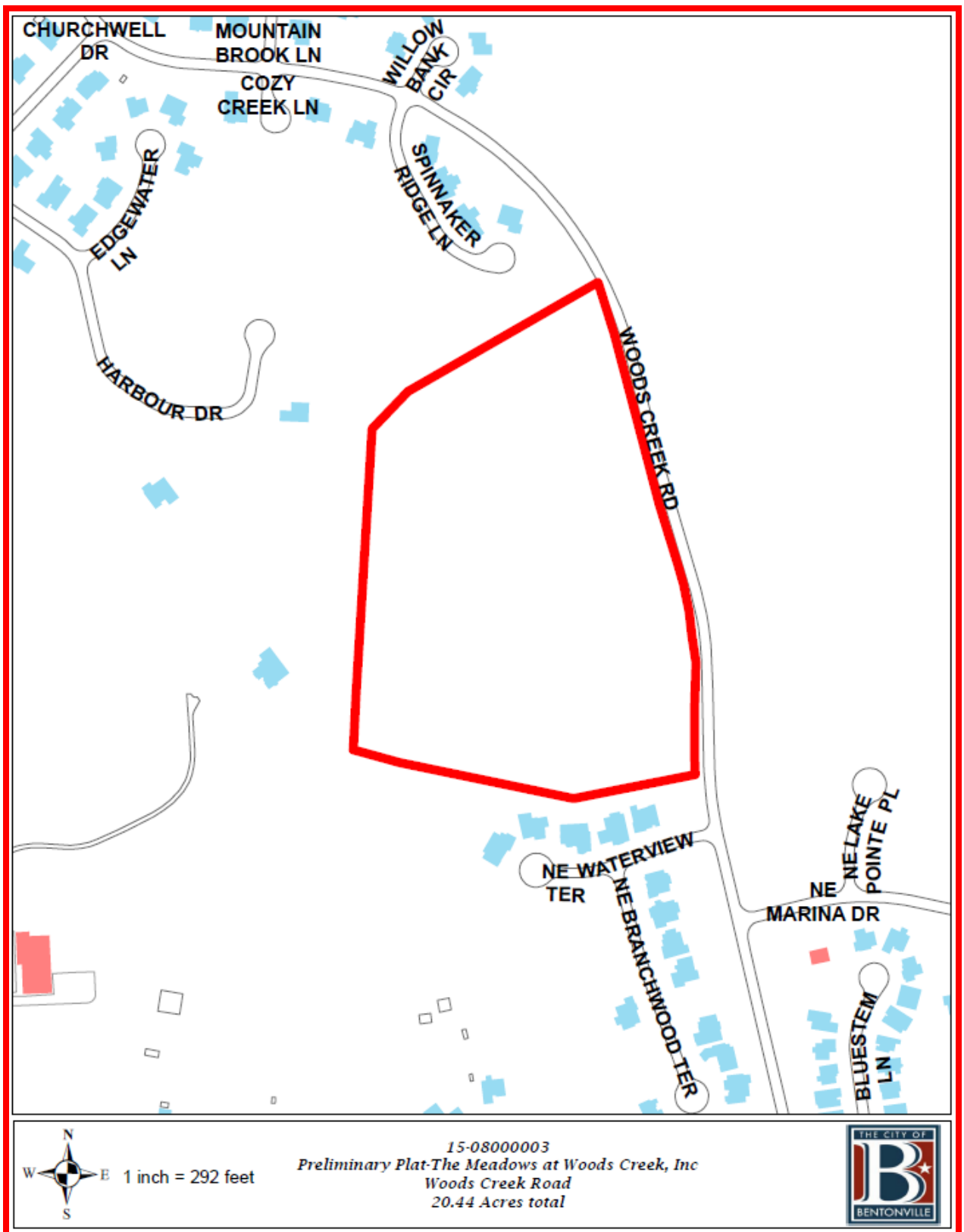
Waiver(s): The applicant has submitted 2 waiver requests:

- o Waiver to the Design Standards – Right-of-Way Dedication: (Art 1100, Sec 1100.5.B) Ordinance states that subdivisions and large-scale developments shall dedicate sufficient right-of-way to bring those streets which the Master Street Plan show to abut or intersect the development into conformance with the right-of-way requirements of the most recently adopted Master Street Plan for said streets.
- o Waiver to the Design Standards – Sidewalks: (Art 1100, Sec 1100.6) Ordinance states that all sidewalk shall be constructed as set forth in the current adopted Standard Street Specification for the City of Bentonville.

Analysis / Conclusion: The preliminary plat **DOES NOT** meet the minimum requirements of the subdivision regulations due to the waiver request.

RECOMMENDATION:

Staff has reviewed this application and recommends **APPROVAL**.



SUBJECT: Waiver Request for Right of Way dedication of Woods Creek Road
The Estates at Woods Creek
Blew Project Number 15-059

June 9, 2015

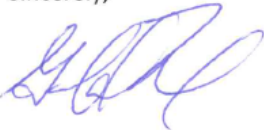
To Whom It May Concern:

On behalf of The Meadows at Woods Creek, Inc., I respectfully request your consideration of the waiver described below. Our Client is proposing to build a 15 Lot (1 nonbuildable) Subdivision along the west side of the Existing Woods Creek road. Our request for relief on the addition of additional right of way for Woods Creek Road meets the four (4) conditions for a waiver as follows:

1. *Requirement – That there are special circumstances or conditions affecting the land involved such that the strict application of the provision of these regulations would deprive the applicant of the reasonable use of this land.* Response – Since Woods Creek is completely developed both north and south of the current subdivision, there is no reason to believe that additional right of way will be dedicated either to the north or the south.
2. *Requirement – That the waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant.* Response – The Entirety of Woods Creek Road is in the Woods Creek Development and is constructed according to the city specifications.
3. *Requirement – That the granting of the waiver will not be detrimental to the public health, safety and welfare or injurious to other property in the area.* Response – The existing 60' Right of Way for this section of Woods Creek Road was dedicated in 2013 as part of East Ridge Subdivision.
4. *Requirement – That the granting of the waiver will not have the effect of preventing the orderly subdivision of other land in the area in the accord with the provision of these regulations.* Response – All of Woods Creek Road north and south of this subdivision are completely developed with a ROW of 60'.

Your consideration and approval of this waiver request is appreciated.

Sincerely,



Gerald Fox, PE, PLS
Blew & Associates, PA

June 9, 2015

To Whom It May Concern:

On behalf of The Meadows at Woods Creek, Inc., I respectfully request your consideration of the waiver described below. Our Client is proposing to build a 15 Lot (1 nonbuildable) Subdivision along the west side of the Existing Woods Creek road. Our request for relief on Sidewalks along the west side of Woods Creek Road meets the four (4) conditions for a waiver as follows:

1. *Requirement – That there are special circumstances or conditions affecting the land involved such that the strict application of the provision of these regulations would deprive the applicant of the reasonable use of this land.* Response – The majority of this portion of Woods Creek Road is in a deep cut and an existing BEUD underground electric line is buried along the top of the catch line for the road construction. Near the north end of the proposed subdivision (the nonbuildable lot area), the road bed for Woods Creek Road transitions into a major fill section. The construction of a standard sidewalk section would require a severe cut into the two buildable lots and a severe fill into the nonbuildable lot.
2. *Requirement – That the waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant.* Response – If constructed, the sidewalk section will not be directly accessible to any of the proposed lots, and also will not have the possibility of connecting on the north end.
3. *Requirement – That the granting of the waiver will not be detrimental to the public health, safety and welfare or injurious to other property in the area.* Response – There is an existing sidewalk on the west side of Woods Creek Road which is accessible to residents to the north and south.
4. *Requirement – That the granting of the waiver will not have the effect of preventing the orderly subdivision of other land in the area in the accord with the provision of these regulations.* Response – After the development of The Estates, the only undeveloped property along Woods Creek Road will be on the east side of Woods Creek Road. There is an existing sidewalk along the east side of Woods Creek Road.

Woods Creek was began as a PUD in the mid 1990's by Woods Creek, Inc. but was not completely developed by the original developer.

The principal for the current developer, Meadows at Woods Creek, Inc. is Mr. Bart Bauer. Mr. Bauer was also associated with the 2nd developer, LandQuest, in the earlier to mid 2000's. Mr. Bauer was a participant in discussions between the City of Bentonville and LandQuest which resulted in an agreement with LandQuest which included an agreement that in lieu of putting any sidewalk on the west side of Woods Creek Road, that LandQuest

