



**Planning Commission
Agenda
May 19, 2015**

- I. Call to Order**
- II. Approval of Minutes**
- III. Consent Agenda**

- 1. Lots 14, 15 & 16 , Block 9 of Deming's Addition** **Lot Split**
Northwest 'B' Street and Northwest 4th Street
- 2. Lot 11, Block 10 of Deming's 2nd Addition** **Property Line Adjustment**
Northeast 'A' Street

IV. New Business

- 1. Rateliff** **Rezoning***
(R- E, Residential Estate to R- 1, Single Family Residential)
1716 Southwest 2nd Street
- 2. Haas Hall Academy** **Conditional Use***
2600 Southeast 'J' Street

V. Other Business

VI. Planner's Report

VII. Adjournment

Planning Commission
Minutes
May 5, 2015

Meeting called to order at 5:00 p.m. by Richard Binns, Chairman.

Present: Scott Eccleston, Greg Matteri, Debi Havner, James Stanley, Rod Sanders, Richard Binns and Joe Haynie.

Motion by Binns, seconded by Haynie to approve the minutes of April 21, 2015.

Consent Agenda

Lots 1 & 2 of O'Dell Subdivision
7555 Hutchens Road
Approved 7-0

Lot Split

New Business

Item #1

Terry & Linda O'Dell: (15-09000016)Rezoning, O'Dell, 7555 Hutchens Road, Zoned A-1, Agricultural to R-1, Single Family Residential.

The applicants have requested a rezoning in order to split their property into 2 parcels. One being 3.33 acres and the other being 1.33 acres.

Approved 7-0

Item #2

George Nunnally Chevrolet: (15-02000007)Conditional Use, Nunnally Tent Sales, 2700 Southeast Moberly Lane, Zoned C-2, General Commercial.

The applicant has submitted a conditional use for a temporary use located at 2700 Southeast Moberly Lane. Nunnally Chevrolet is requesting 4 tents be used for General Motors events 4 times a year for two weeks each time. The applicant states that due to the short notice given by General Motors the applicant does not have adequate time to request the conditional use for each event. No balloons or banners shall be permitted with this conditional use permit. Hours of operation will be 7:30 am to 8:00pm for the duration of each event with the potential for some events to last until midnight. No structural or site changes are being proposed nor will there be any changes to the parking or traffic flow patterns that currently exist within the property. No outdoor lighting changes are anticipated.

No public Comment

Approved 7-0

Item #3

First National Bank of Fort Smith: (15-07000001)Property Line Adjustment, Lots 17, Block 1 of Hollands Addition.

The applicant has submitted a property line adjustment for property located at 402 Southwest 'A' Street. The proposed plat indicates the creation of one lot from portions of four existing lots to be known as Lot 17, Block 1 of Hollands Addition (0.5 acres). Thirty feet of right-of way is being dedicated along SW 'A' Street. Both water and sewer services are available to this location.

The applicant has requested a waiver request for Right-of-Way Dedication.

- o Right-of Way Dedication – Art1100, Sec 1100.5.B states that subdivision and large-scale developments shall dedicate sufficient right-of-way to bring those streets which the Master Street Plan shows to abut or intersect the development into conformance with right-of-way requirements of the most recently adopted Master Street Plan for said street.

The applicant is requesting 30' feet of right-of-way be allowed from the 35 feet required by ordinance.

Motion by Stanley, seconded by Sanders to approve the waiver request.

Approved 7-0

Motion to approve the property line adjustment with the standard conditions of approval.

Approved 7-0

Item #4

First National Bank of Fort Smith: (15-06000003) Large Scale Development, 402 Southwest 'A' Street, Zoned DC, Downtown Core.

The applicant has submitted Large Scale Development plans for a 0.5 acre project located at 402 Southwest 'A' Street. The submitted plans propose a 6,400 square feet, two story, mixed use office building to be known as First National Bank. The building will include a drive thru tell window and will be constructed of brick, cut stone, precast concrete, glass and wood. Seventeen parking spaces are required and 30 spaces are being provided. On-site storm water detention is included and will be located in the southwest corner of the property.

The applicant has requested 3 waiver request:

- o Waiver to the Interior Greenspace Requirements: (Art 1400, Sec 1400.8.c.1) Ordinance states that parking lots less than 50,000 square feet shall have a minimum of 8% interior greenspace. The applicant is requesting that 2.3% of interior greenspace be allowed.

Motion by Haynie, seconded by Eccleston to approve

Approved 7-0

- o Waiver to Internal Planting Island Width: (Art 1400, Sec 1400.g.3.a) Ordinance requires a minimum width of 18 feet for internal planting islands. He applicant is requesting that 13 feet be allowed for the one interior island.

Motion by Eccleston, seconded by Stanley to approve

Approved 7-0

- o Waiver to Access Requirements/Offset: (Art 1100, Sec 1100.0.a.4) Ordinance requires 75 feet of separation between opposing drives. The applicant is requesting that 44 feet be allowed which is a difference of 31 feet.

Motion by Havner, seconded by Binns to approve

Approved 7-0

Motion to approve the large scale development with the standard conditions of approval.

Approved 7-0

Meeting adjourned

Diane Shastid

Planning Commission Staff Report

Lot Split: Lots 14, 15 & 16, Block 9 of Deming's Addition

TO: Bentonville Planning Commission Members
THRU: Troy Galloway, AICP, Community Development Director
FROM: Jon Stanley, Planner
PC DATE: May 19, 2015

GENERAL INFORMATION:

Project Number: 15-05000014

Applicant: Mill Project LLC (Todd Jacobs)

Representative: Bates & Associates (Derrick Thomas)

Requested Action: Lot Split Approval

Location: Northwest 'B' Street & Northwest 4th Street (southeast corner)

Existing Zoning: R-3, Medium Density Residential

Land Use Plan: Low Density Residential

BACKGROUND:

The applicant has submitted a lot split application for property located at the southeast corner of the intersection of Northwest 'B' Street and Northwest 4th Street. The plat proposes the creation of three lots from one existing lot to be known as Lot 14 (0.10 acres), Lot 15 (0.08 acres) & Lot 16 (0.08 acres), Block 9 of Deming's Addition. Right-of-way along both streets is in compliance with the current master street plan. A 5' sewer easement is being dedicated along Northwest 'B' Street to provide the availability of sewer service to each lot. Water service is currently available to each lot. A variance for minimum lot area, lot width, lot depth and rear setback requirements was granted by the board of adjustments on April 8, 2015.

SURROUNDING LAND USES AND ZONING:

Direction	Zoning	Land Use
North	R-1, Single Family Residential	Low Density Residential
South	R-1, Single Family Residential	Low Density Residential
East	R-1, Single Family Residential	Low Density Residential
West	R-3, Medium Density Residential	Low Density Residential

STREETS

Direction	Name	Classification
North	Northwest 4 th Street	Local
South	-	-
East	Northwest '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 an undeveloped lot in a low density area near downtown.

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

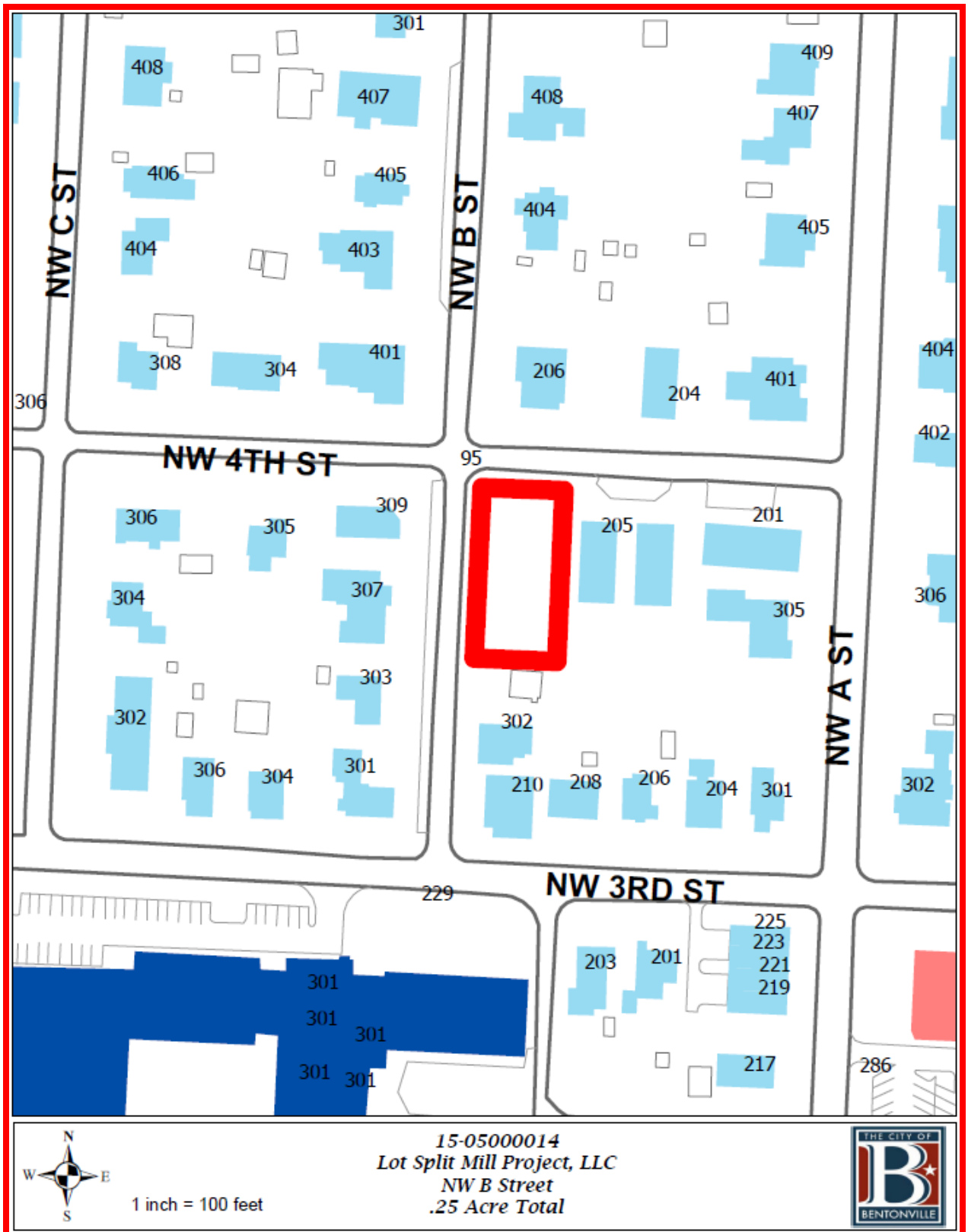
Water / Sewer: Per the G.I.S. site, water is available to all lots and sewer is available to the lot 16. A sewer main extension will be required to provide sewer service to lots 14 & 15.

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**.



Planning Commission Staff Report

Property Line Adjustment: Lot 11, Block 10 of Deming's 2nd Addition

TO: Bentonville Planning Commission Members
THRU: Troy Galloway, Community Development Director
FROM: Jon Stanley, Planner
PC DATE: May 19, 2015

GENERAL INFORMATION:

Project Number: 15-07000008

Applicant: Sandra Edwards

Representative: Bates & Associates (Derrick Thomas)

Requested Action: Property Line Adjustment Approval

Location: Northeast 'A' Street

Existing Zoning: R-1, Single Family Residential

Land Use Plan: Low Density Residential

BACKGROUND:

The applicant has submitted a property line adjustment for property located on Northeast 'A' Street that would create one lot to be known as Lot 11 (0.47 acres), Block 10 of Deming's 2nd addition. Right-of-way is being dedicated along Northeast 'A' Street per the master street plan. Both water and sewer services are available to this property.

SURROUNDING LAND USES AND ZONING:

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

STREETS

Direction	Name	Classification
North	-	-
South	-	-
East	Northeast 'A' Street	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 will be issued.

ISSUES / ANALYSIS:

Site Inspection: A site inspection was completed; this site is the location of a vacant parcel in a low density single family neighborhood.

Drainage Report: A drainage report is not required for this property line adjustment.

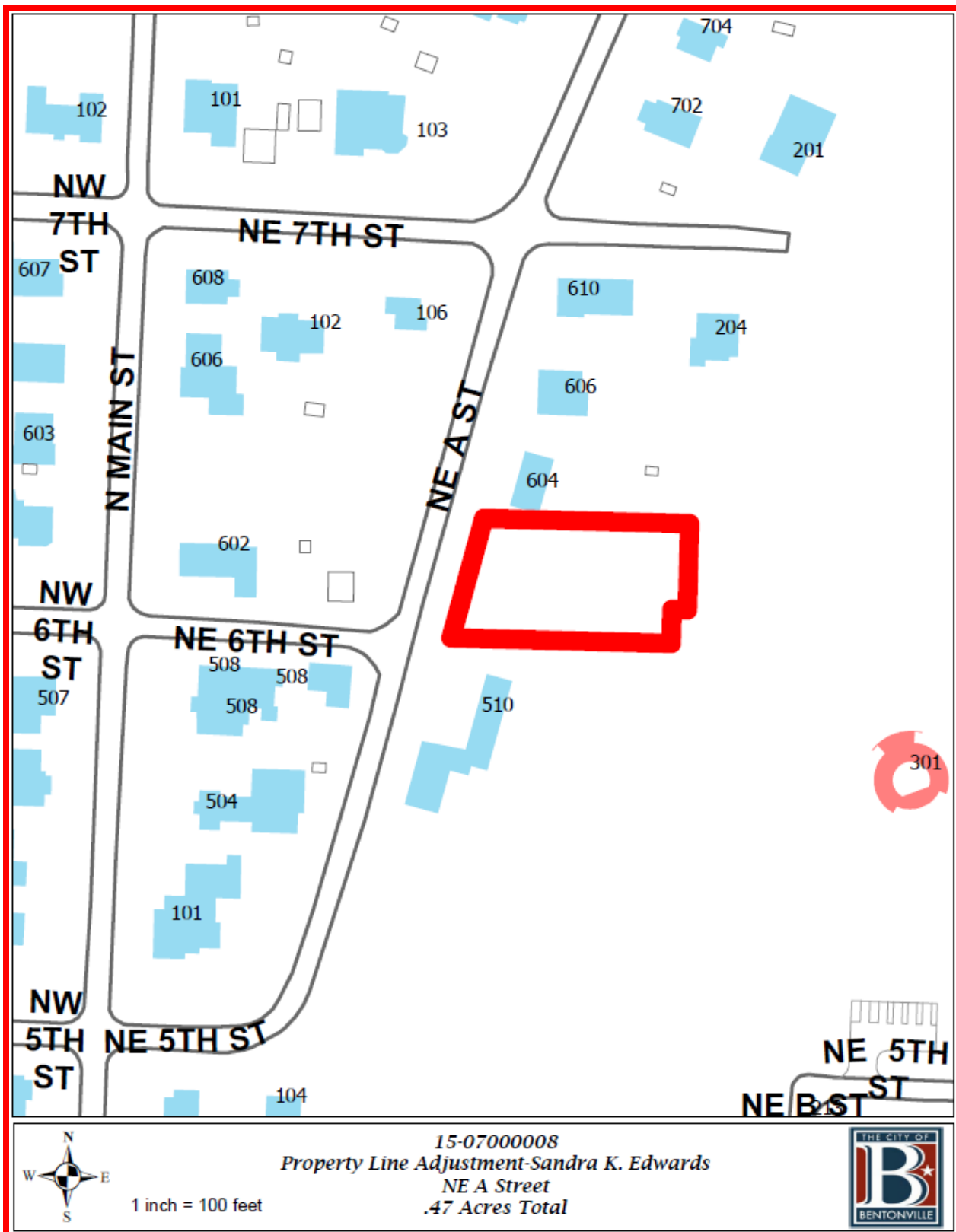
Water / Sewer: Per the G.I.S. site, water and sewer are both available to this location.

Waiver(s): N/A

Analysis / Conclusion: This property line adjustment does meet the minimum requirements of the subdivision regulations.

RECOMMENDATION:

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





PC Meeting of: May 19, 2015

The City of Bentonville, Arkansas

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

**REZONING: Rateliff – R-E, Residential Estate to R-1, Single Family Residential
Current Planning Division Correspondence: Planning Commission Staff Report**

TO: City of Bentonville, Arkansas Planning Commission
FROM: Jon Stanley, Planner
THRU: Troy Galloway, AICP, Community Development Director
DATE: May 19, 2015

GENERAL INFORMATION

H.T.E. Project Number: 15-09000017

Applicant/Current Owner: Charles & Brenda Rateliff

Representative: John Wary with Morrison Shipley

Requested Action: Rezoning

Location: 1716 Southwest 2nd Street (State Highway 72)

Existing Zoning: R-E, Residential Estate

Proposed Zoning: R-1, Single Family Residential

Future Land Use Map Designation: Residential Estate

BACKGROUND / HISTORY

Property Description/Site Inspection: A site inspection was completed; this property is the site of a single family home in a developed area of the city.

Previous Rezoning Requests for this Property: There are no known rezoning requests for this property.

Surrounding Land Uses & Zonings:

Direction	Current Land Use	Existing Zoning	Future Land Use Map Designation
North	Single Family Home	R-1, Single Family Residential	Residential Estate
South	Religious Facility & undeveloped parcel	R-O, Residential Office and PUD, Planned Unit Development	Mixed Use
East	Single Family Home	A-1, Agricultural	Low Density Residential
West	Single Family Homes	R-1, Single Family Residential	Low Density Residential

Surrounding Streets & Classifications:

Direction	Name	Master Street Plan Classification	Current Condition
North	-	-	-
South	Southwest 2 nd Street (State Highway 72)	Arterial	2 lane asphalt with center turn lane (State Highway 72)
East	-	-	-
West	-	-	-

LEGAL NOTIFICATIONS

Public Notice: On **April 28, 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 **April 16th, 2015**. In addition, staff posted a notice of public hearing sign on the property on **May 4, 2015**. This **DOES** meet legal noticing requirements and is 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 as Low Density Residential. Policy LU-23 Housing Types within the General Plan states “the City should encourage the development of a mix of housing types to meet the needs of residents...” The rezoning request is consistent with good land use planning and the general plan and will meet the intent of the policy.

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

Finding(s) of Staff: The proposed zoning will not create an increase to traffic danger in the area.

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.

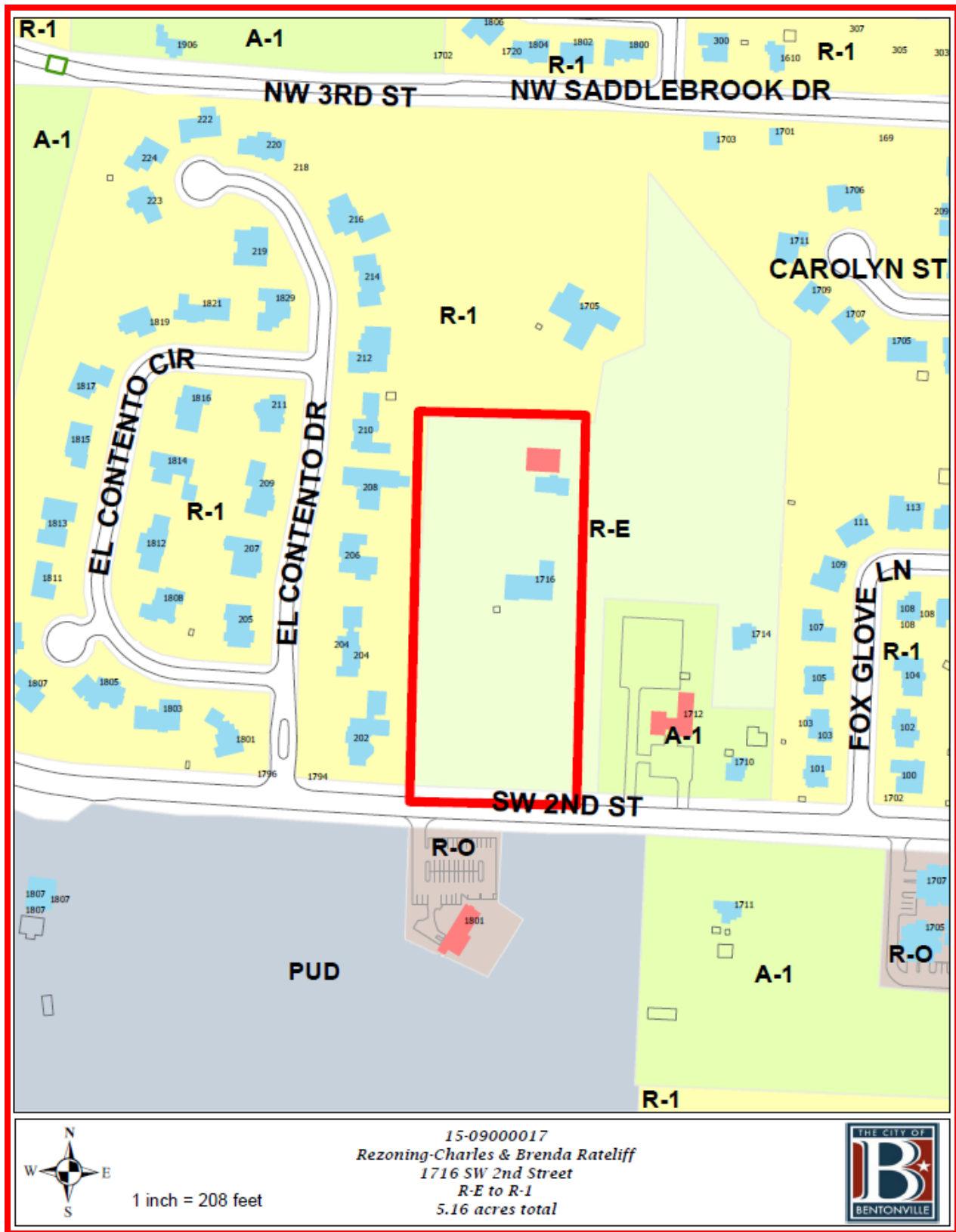
Finding(s) of Staff: City utility and emergency services are adequate at this location. The proposed zoning will not adversely impact the public infrastructure.

ANALYSIS, CONCLUSION, & SUMMARY

The rezoning request **IS** consistent with the City of Bentonville’s Future Land Use Map and the general plan which encourages a mix of housing types.

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-E, Residential Estate to R-1, Single Family Residential.





March 30, 2015
Mr. Beau Thompson
City of Bentonville
315 S.W. "A" St.
Bentonville, AR 72712

**Re: 1716 SW 2nd Street, Bentonville, AR
Rezoning Request**

Dear Mr. Thompson:

We present this request for Kutak Rock LLP and on behalf of Charles & Brenda Rateliff to rezone the property located at 1716 SW 2nd Street. This property is situated on the north side of SW 2nd Street, between El Contento Acres, a subdivision in the City of Bentonville and Foxglove Subdivision, to the City of Bentonville.

- The property is currently zoned R-E Residential Estate; the proposed zoning would be R-1 Single Family Residential. The property is currently owned by Charles & Brenda Rateliff. There is currently one residential home on the property.
- The rezone is requested in order to split the property into 3 tracts, all larger than one acre, for the purpose of building 2 additional residential homes.
- Sewer is available to the site via an existing 8" Bentonville sewer line running adjacent to the west property line along the east line of El Contento Acres Subdivision. There is an existing 8" Bentonville water main running along the west side of the property along the east line of El Contento Acres Subdivision.

Sincerely,
Morrison Shipley Engineers, Inc.



John Wary, P.E.

Planning Commission Staff Report
Conditional Use: Haas Hall Academy
Project Number: 15-02000008

TO: Bentonville Planning Commission Members
THRU: Troy Galloway, AICP, Community Development Director
FROM: Jon Stanley, Planner
PC DATE: May 19, 2015

GENERAL INFORMATION:

Applicant: Rogers Warehouse, LLC

Representative: Watkins, Boyer, Gray, Noblin & Curry, PLLC (Bill Watkins)

Requested Action: Conditional Use Permit Approval

Location: 2600 Southeast 'J' Street

Existing Zoning: I-1, Light Industrial

Land Use Plan: Industrial

Proposed Use: Charter School for grade 7 through 12

BACKGROUND:

The applicant has submitted a conditional use application for an existing 20,000 square feet educational facility located at 2600 Southeast 'J' Street. The large scale development was originally approved by the planning commission on April 15, 2014. The educational facility will consist of a charter school that will serve students from grades 7 through 12. Hours of operation will be 7:00am to 5:00pm Monday through Friday with occasional after hours school activities. Ninety parking spaces are required and 90 spaces are being provided as well as 30 stacking spaces. No additional outdoor lighting is planned. Internal structural changes are planned to provide for necessary classroom and office space. Average daily attendance is estimated to be 382 patrons consisting of 22 employees and 360 students. Fencing will be installed around the existing detention ponds to meet safety requirements.

SURROUNDING LAND USES AND ZONING:

Direction	Zoning	Land Use
North	PUD, Planned Unit Development & C-1, Neighborhood Commercial	Commercial & Office
South	C-2, General Commercial	Commercial
East	I-2, Heavy Industrial	Industrial
West	A-1, Agricultural	Commercial

STREETS

Direction	Name	Classification
North	-	-
South	-	-
East	Southeast 'J' Street	Arterial
West	-	-

Site Inspection: A site inspection was completed; this property is currently the site of a 20,000 vacant office building.

Public Notice: On **April 16, 2015** a notice was published in the *Arkansas Democrat-Gazette, Northwest Arkansas Addition* and a public hearing notice sign was posted on the property on **May 4, 2015**. This meets legal noticing requirements and is adequate for the scope of this project.

STANDARD CONDITIONS OF APPROVAL:

1. All technical review comments must be addressed before building permits are issued.
2. All stacking associated with pick up and drop off traffic must be located on-site.

ISSUES / ANALYSIS: N/A

SEC. 301.6. Planning Commission

E. Standards for Approval. In carrying out the purpose of this section, the Commission's consideration shall include, but not be limited to, the following development standards and design specifics. The appropriateness of these standards shall be determined at the discretion of the Planning Commission for each specific conditional use location.

1. The proposed use shall be so designated, located and operated so that the public health, safety and welfare will be protected.
2. The proposed land use shall be compatible with other area properties located near it.
3. The proposed use shall be in compliance with the provision of "Conditional Uses" as set out in this Ordinance.
4. The proposed use shall be in conformance with all applicable provisions stated in this Ordinance for the district in which the use is to be located. The use shall facilitate public convenience at that location.
5. The proposed conditional use shall be in conformance with all off-street parking and loading requirements of this Ordinance and ingress and egress and pedestrian ways shall be adequate.
6. Safeguards limiting noxious or offensive emissions, including lighting, noise, glare, dust and odor shall have been addressed in the proposed use application.

7. Landscaping and screening of the proposed use shall be in accordance with these Ordinance regulations and the City of Bentonville landscaping regulations.
8. Proposed use signage shall be in accordance with the provisions of this Ordinance.
9. Open space located on the proposed use shall be maintained by the owner/developer.
10. The size and shape of the site, including size, shape and arrangement of proposed structures shall be in keeping with the intent of this Ordinance.
11. The Planning Commission shall in no case authorize less than minimum requirements of the Ordinance relating to height, area, setbacks, parking or landscaping.
12. The Planning Commission shall not permit any use in a zone as a conditional use that is not permitted under the Zoning Ordinance.
13. The conditional use permit shall run with the land however the permit can be reviewed by the City of Bentonville planning commission at any time.

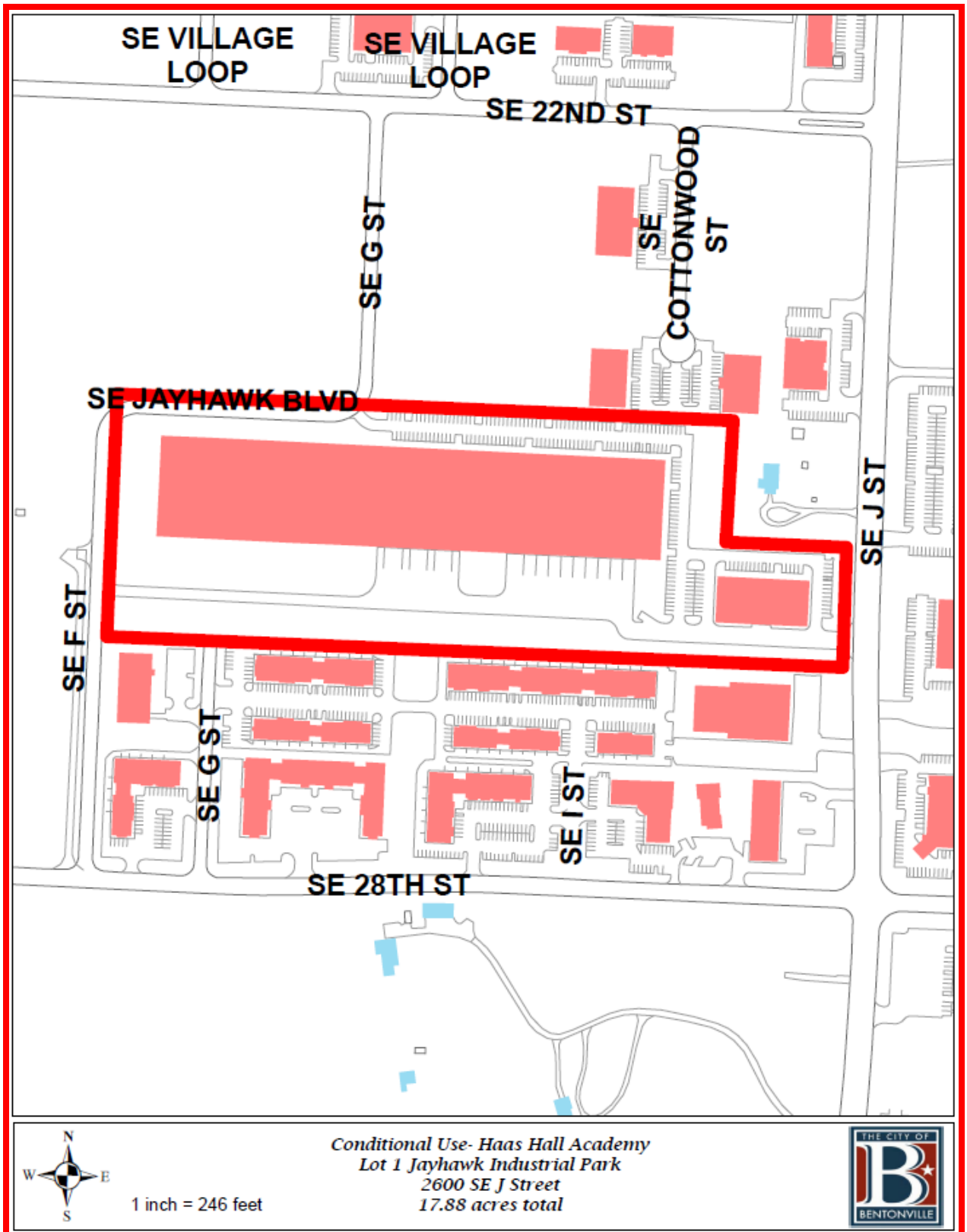
The conditional use is allowed on appeal in the **(I-1, Light Industrial)** district.

Allowed under the Protective Covenants of the subdivision. N/A

To date staff **HAS NOT** been contacted regarding this request.

RECOMMENDATION:

Staff has reviewed this application and recommends APPROVAL.



**WATKINS, BOYER,
GRAY, NOBLIN & CURRY, PLLC**

WILLIAM P. WATKINS, III, P.A.
RONALD L. BOYER, P.A.
JENNIFER E. GRAY, P.A.*
ANTHONY W. NOBLIN, P.A.
ANDREW T. CURRY, P.A.

ATTORNEYS AT LAW

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

DELYNN HALE, SECRETARY
AMY BENSON, PARALEGAL
ANNA ANTAO, FINANCIAL MGR

*ALSO LICENSED IN MISSOURI

April 9, 2015

Bentonville Planning Staff
305 SW A. Street
Bentonville, AR 72712

**Re: CUP Narrative for Haas Hall Academy
2600 SE "J" St.**

Dear Troy and Staff:

Accompanying this narrative is the application for the above CUP for location of the proposed Haas Hall Academy in the warehouse structure located at the above address. Haas Hall Academy has a need to establish a location in Bentonville and there is no other suitable space for the operation of a charter high school in the City.

The hours of operation of the proposed school would be from 7:00 a.m. to 5:00 p.m. Monday through Friday. There will, of course, on occasion be after hours activities that will require staff, students and parents to be on site at other times. Many of the students will drive to school and park for the day but non-drivers will be brought and picked up by their parents at the beginning and end of each school day.

Three drawings are enclosed and constitute site plans as well as illustrations of traffic flow and two options for parking. A photo of the property is also enclosed.

It is expected that 382 persons will use the site daily. These will consist of approximately 22 employees with the balance being students. Internal structural changes will be required to the facility in order to define classroom and administrative spaces but no external structural changes or outdoor facilities are anticipated at this time. There will be no outdoor lighting changes.

A copy of the deed to the property is also enclosed. I believe that this fulfills the checklist that accompanies the CUP application form. If you need further information please do not hesitate to contact me.

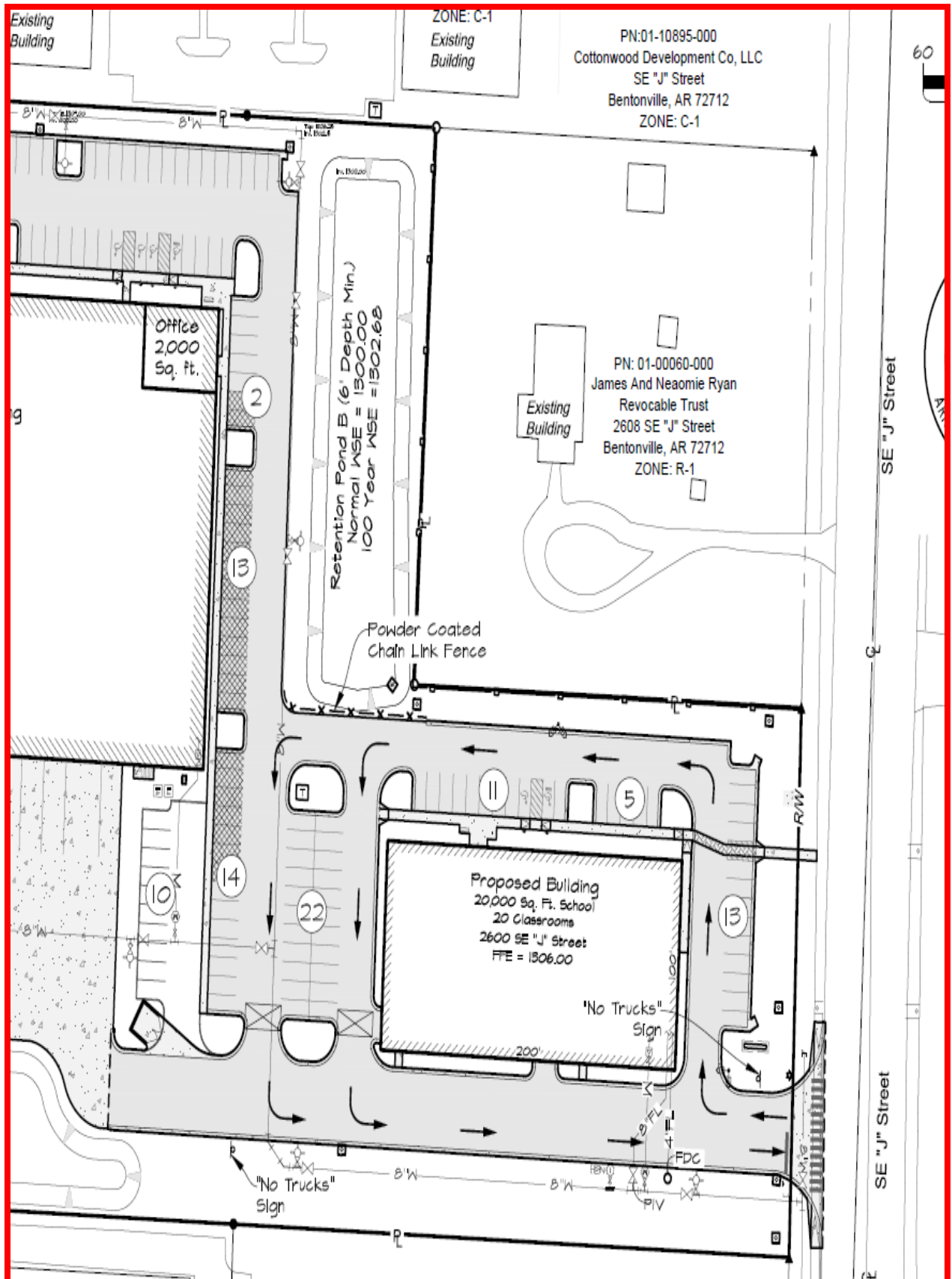
Sincerely,

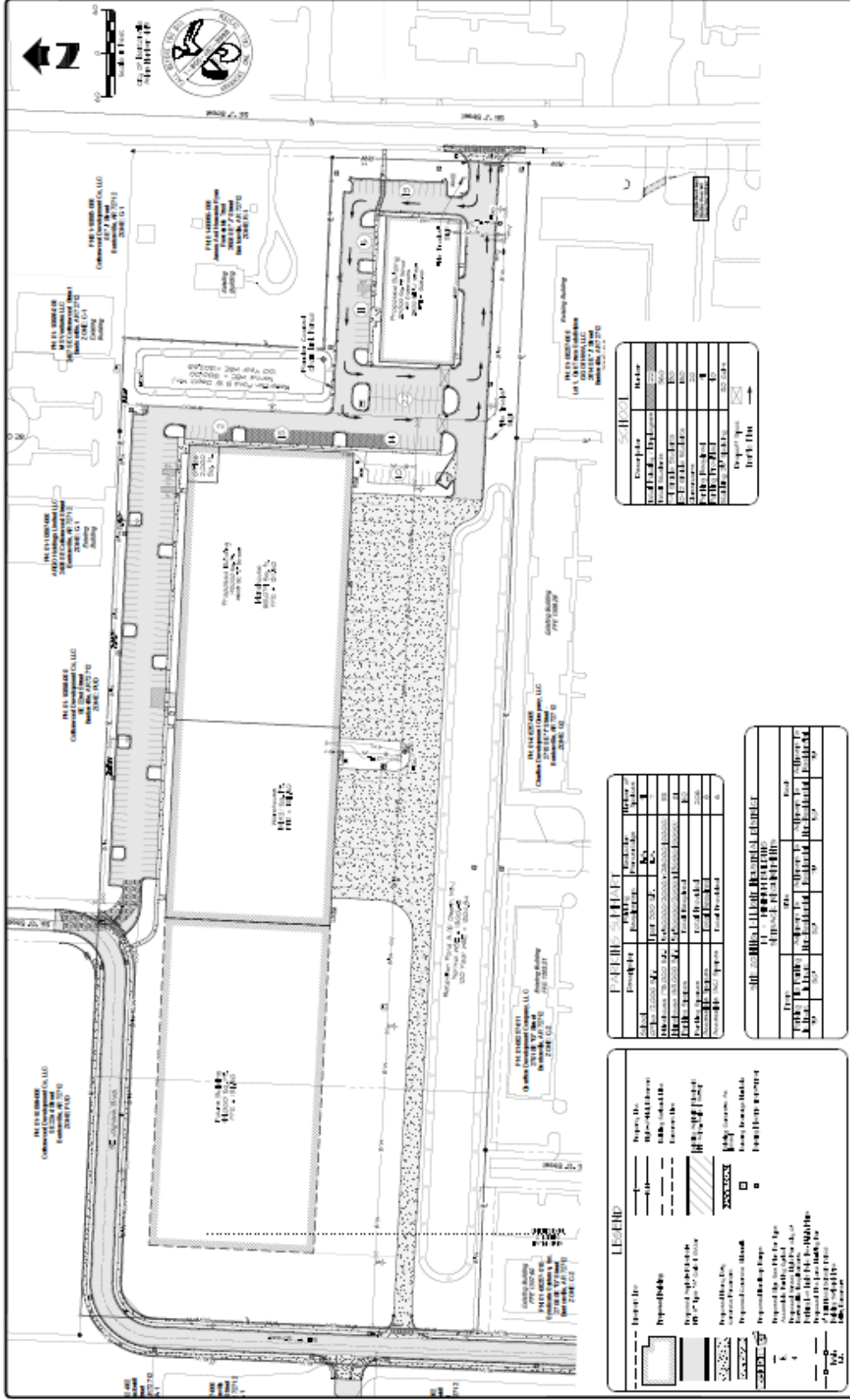
WATKINS, BOYER, GRAY,
NOBLIN & CURRY, PLLC



Bill Watkins

BW:dh
Enclosures





MORRISON SHIPLEY
Engineering & Architecture

1000 S. 10th St.
Bentonville, AR 72716
Phone: (501) 251-1234
Fax: (501) 251-5678
Email: info@shipley.com

WAREHOUSE DEVELOPMENT

Bentonville, Benton County, Arkansas

Conventional Use Exhibit

SCHOOL TRAFFIC