



**Planning Commission
Agenda
August 2, 2016**

- I. Call to Order**
- II. Approval of Minutes**
- III. Old Business**

- 1. Eversole Revocable Trust** **Rezoning***
(A-1, Agricultural to C-3, Central Commercial & R-4, High Density Residential)
Southwest 'I' Street & Southwest Regional Airport Boulevard

IV. New Business

- 1. Havermeyer Holdings, LLC** **Rezoning***
(C-1, Neighborhood Commercial & R-4, High Density Residential to I-1, Light Industrial)
Southeast 'J' Street
- 2. Lots 1 & 2 Little Osage Farms Addition** **Lot Split**
Southwest Elington Street
- 3. Cornerstone Ridge Phase 5 Subdivision** **Final Plat**
Southwest Rainbow Farms Road & Southwest Morningstar Road
- 4. King Burrito** **Large Scale Development**
2000 South Walton Boulevard
- 5. Macadoodle's Plaza** **Building Material Waiver Request**
3600 Southeast Guess Who Drive
- 6. Sign Code Amendment** **Ordinance***

- V. Other Business**
- VI. Planner's Report**
- VII. Adjournment**

Planning Commission
Minutes
July 19, 2016

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

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

City Staff: Beau Thompson and Jon Stanley

Motion by Grider, seconded by Haynie to approve the minutes of July 5, 2016 as written. Approved 7-0

Consent Agenda

- | | |
|--|-------------------------|
| 1. Lot 19 Lefor's Addition
203 Northwest 'D' Street | Lot Split |
| 2. Lots 17 through 27, Block 9 of Deming's Addition
Northwest A Street & Northwest 3 rd Street | Lot Split |
| 3. Lots 23,24 & 25, Block 1 Railroad Addition
312 & 314 South Main Street | Lot Split |
| 4. Lot 26, Block 3 Railroad Addition
307 South Main Street | Lot Split |
| 5. Willowbrook Subdivision Phase 2
Southwest Shell Road | Preliminary Plat |
| 6. Everett Buick GMC Parking Expansion
2500 Southeast Best Lane(Private Drive) | Large Scale Development |
| 7. Adair Creative Offices
307 South Main Street | Large Scale Development |
| 8. Maggie's Midtown Extension
301,303,309 & 315 Southwest 'D' Street | Large Scale Development |

Approved 7-0

New Business

Item #1

Roth Family, Inc.: (16-09000018) Rezoning, 502 & 506 Southwest 'D' Street, Zoned R-1.

The applicants have requested a rezoning for the construction of 10 residential townhomes from R-1, Single Family Residential to DE, Downtown Edge.

The properties are currently vacant in a Downtown Mixed Use Area in the downtown area.

Opened public hearing

No public comment

Randy Roth representative for Roth Family, LLC-available for any questions

Closed public hearing

Approved 7-0

Item #2

Eversole Revocable Trust: (16-09000019) Rezoning, Southwest 'I' Street & Southwest Regional Airport Boulevard, Zoned A-1, Agricultural.

The applicant has requested a rezoning from A-1, Agricultural to C-3 Central Commercial & R-4, High Density Residential.

The property is currently vacant in a developing mixed use area in the southwest part of the city.

Opened public hearing

No public comment

Closed public hearing

Approved 7-0

Item #3

Bryan Doffin: Waiver Request, 604 West Central Avenue-Driveway Design, Zoned R-1, Single Family Residential.

The applicant has submitted a waiver to the driveway design section of the Design Standards within the City of Bentonville subdivision regulations located at 604 West Central Avenue. Section 1100.10.E.1B states all driveways shall be paved from the property line and/or master street plan right-of-way with asphalt, concrete brick or stone pavers or other solid surface and shall extend 20 feet into the property unless no parking is provided between the property line and the structure. The waiver request is to install a 5' concrete driveway apron at the right-of-way and 17' of crushed stone from the proposed 5' concrete apron to the existing slab of the single car garage that fronts onto Northwest 2nd Street. The applicant intends to remove the existing curb cut onto West Central Avenue.

Opened public hearing

Eccleston-request edge

Grider-we should hold everyone to the same standards

Debie-whats under the gravel? Concerned that there was a grid under it, but know there's not.

Brian Doffin approached the microphone-would be happy to install curb on Central.

Closed public hearing

Motion by Sanders, seconded by Binns to approve with the following contingencies: The existing curb cut on East Central is removed and replaced with approved cut, and the driveway must be contained with solid edge.

Approved 5-2

Planners Report

- Downtown Residential Zoning Code Workshop –August 9, 2016 at 2:30

Meeting adjourned

Diane Shastid



PC Meeting of: August 2, 2016

The City of Bentonville, Arkansas

305 S.W. "A" Street
Bentonville, AR 72212
Telephone: (479) 271-3122
Fax: (479) 271-5906

REZONING: Eversole Revocable Trust (A-1, Agricultural to C-3 Central Commercial & R-4, High Density Residential)

TO: City of Bentonville, Arkansas Planning Commission Jon
FROM: Stanley, Planner
THRU: Troy Galloway, AICP, Community Development Director
DATE: August 2, 2016

GENERAL INFORMATION

H.T.E. Project Number: 16-09000019

Applicant/Current Owner: Eversole Revocable Trust

Representative: CEI Engineering Associates (Nate Bachelor)

Requested Action: Rezoning

Location: Southwest 'I' Street & Southwest Regional Airport Boulevard

Existing Zoning: A-1, Agricultural

Proposed Zoning: C-3, Central Commercial & R-4, High Density Residential

Future Land Use Map Designation: Mixed Use

BACKGROUND / HISTORY

Property Description/Site Inspection: A site inspection was completed; the property is vacant in a developing mixed use area in the southwest part of the city.

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

Surrounding Land Uses & Zonings:

Direction	Current Land Use	Existing Zoning	Future Land Use Map Designation
North	Vacant Commercial	A-1, Agricultural & C-2 General Commercial	Mixed Use
South	Agricultural	A-1, Agricultural	Mixed Use
East	Developed & Undeveloped Commercial	C-3, Central Commercial	Mixed Use
West	Developed Mixed Use & Residential	R-1, Single Family Residential, C-2, General Commercial & A-1 Agricultural	Low Density Residential, Commercial & Mixed Use

Surrounding Streets & Classifications:

Direction	Name	Master Street Plan Classification	Current Condition
North	Southwest Regional Airport Boulevard	Arterial	Improved 4 lane with center turn lane
South	Southwest 41 st Street	Local	Improved divided 2 lane
East	Southwest 'I' Street	Arterial	Improved divided 4 lane
West	-	-	-

LEGAL NOTIFICATIONS

Public Notice: The property owner and/or representative mailed certified public notices to property owners within a 200 foot radius of the subject site on **January 28, 2015** and staff published a legal notice in the Arkansas Democrat-Gazette, Northwest Arkansas Addition on **June 18, 2016**. In addition, staff posted a notice of public hearing sign on the property on **June 30, 2016**. This **DOES** meet legal notification requirements due to the applicant failing to notify all property owners within 200 feet of said parcel.

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 Mixed Use. Policy LU-23 Housing Types within the General Plan suggest multi-family housing with close proximity to activity nodes. The mix of uses and housing types will help to reduce the impact on city infrastructure while providing a variety of housing and mixed use options.

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.

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 Mixed Use. The proposed zoning districts will provide additional housing in an area where street and utility infrastructure is adequate.

STAFF RECOMMENDATION

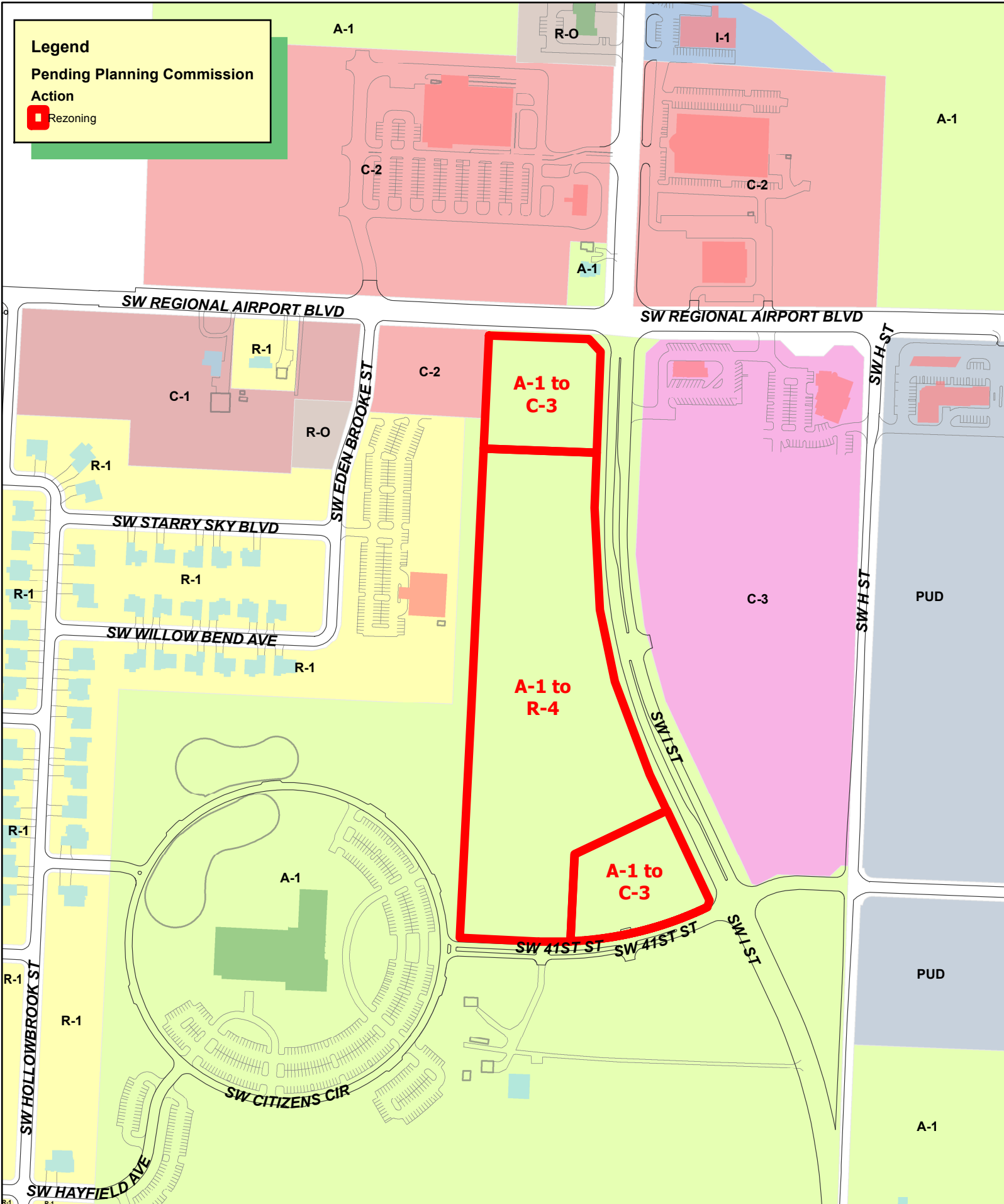
Staff has reviewed this application and based on the findings presented in this staff report, staff recommends **APPROVAL** of this rezoning from **A-1, Agricultural** to **C-3 Central Commercial & R-4, High Density Residential**.

Legend

Pending Planning Commission

Action

 Rezoning



1 inch = 333 feet

Rezone-Eversole Rev Trust





CEI Engineering Associates, Inc.

ENGINEERS ■ SURVEYORS ■ LANDSCAPE ARCHITECTS ■ PLANNERS

3108 SW Regency Parkway, Suite 2
Bentonville, AR 72712
(479) 273-9472 Fax (479) 273-0844
www.ceieng.com

June 13, 2016

City of Bentonville
Beau Thompson / Planning Dept.
305 SW A St.
Bentonville, AR 72712

RE: Eversole rezoning application

Dear Planning Commission:

Please accept this letter as a formal request by Clayton Eversole, Trustee of the Eversole Revocable Trust, to rezone approximately 15.95 acres of property along the west side of SW "I" Street, south of SW Regional Airport Blvd. The property is currently zoned A-1 Agricultural with a requested zoning of R-4 High Density Residential and C-3 Neighborhood Commercial. The proposed rezoning is consistent with the city's master plan for this area showing mixed use around the Community Center. See the attached exhibit and legal descriptions for clarification of areas.

The applicant proposes to subdivide the property for sale along these boundaries. A potential buyer proposes to construct an apartment community on the R-4 district and offer the commercial space for sale. The proposed development will make use of the existing entry locations provided along 41st Street and a new access point along SW "I" Street consistent with the geometry of the existing roadway. Public water and sewer are available to the property and will be extended through the interior of the project.

Traffic generated by this development will utilize the primary entry on SW "I" Street with secondary entrances at the existing access points on SW 41st Street. Signage, architectural appearance and site lighting will be provided with the upcoming Large Scale Development plan for this project.

Thank you for your time and consideration in this matter. Should you have any questions, please do not hesitate to call.

Respectfully submitted,
CEI Engineering Associates, Inc.

Nate Bachelor, PE
Project Manager

Providing Consolidated Land Development Services

CALIFORNIA ■ TEXAS ■ ARKANSAS ■ MINNESOTA ■ PENNSYLVANIA



PC Meeting of: August 2, 2016

The City of Bentonville, Arkansas

305 S.W. "A" Street
Bentonville, AR 72212
Telephone: (479) 271-3122
Fax: (479) 271-5906

REZONING: Havermeyer Holdings, LLC, C-1, Neighborhood Commercial & R-4, High Density Residential to I-1, Light Industrial

TO: City of Bentonville, Arkansas Planning Commission
FROM: Jon Stanley, Planner
THRU: Troy Galloway, AICP, Community Development Director
DATE: August 2, 2016

GENERAL INFORMATION

H.T.E. Project Number: 16-09000020

Applicant/Current Owner: Havermeyer Holdings, LLC

Representative: Morrison Shipley (Larry Grelle)

Requested Action: Rezoning

Location: Southeast 'J' Street

Existing Zoning: C-1, Neighborhood Commercial & R-4, High Density Residential

Proposed Zoning: I-1, Light Industrial

Future Land Use Map Designation: Industrial

BACKGROUND / HISTORY

Property Description/Site Inspection: A site inspection was completed; this property is vacant along an established industrial and commercial corridor.

Previous Rezoning Requests for this Property: There are no known previous rezonings at this location.

Surrounding Land Uses & Zonings:

Direction	Current Land Use	Existing Zoning	Future Land Use Map Designation
North	Single Family Home	A-1, Agricultural	Industrial
South	Warehouse/Office	I-2, Heavy Industrial	Industrial
East	Vacant industrial parcel	I-2, Heavy Industrial	Industrial
West	Office	C-1, Neighborhood Commercial	Commercial

Surrounding Streets & Classifications:

Direction	Name	Master Street Plan Classification	Current Condition
North	-	-	-
South	-	-	-
East	-	-	-
West	Southeast 'J' Street	Arterial	Improved 5 lanes including turn lane

LEGAL NOTIFICATIONS

Public Notice: The property owner and/or representative did mail certified public notices to property owners within a 200 foot radius of the subject site on **June 29, 2016**. Staff published a legal notice in the Arkansas Democrat-Gazette, Northwest Arkansas Addition on **July 2, 2016**. In addition, staff posted a notice of public hearing sign on the property on **July 15, 2016**. This **DOES** meet legal notification 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: According to the General Plan Policy ED-12: “As major development occurs, the city should re-evaluate the supply of industrial land designated in the future land use map to ensure that there is an adequate supply of vacant land that can readily be served by adequate public facilities”. The supply of viable industrial land has diminished within the city’s core. This property will add to the industrial designation in an area where public utilities are adequate and transportation infrastructure will support large vehicle traffic.

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

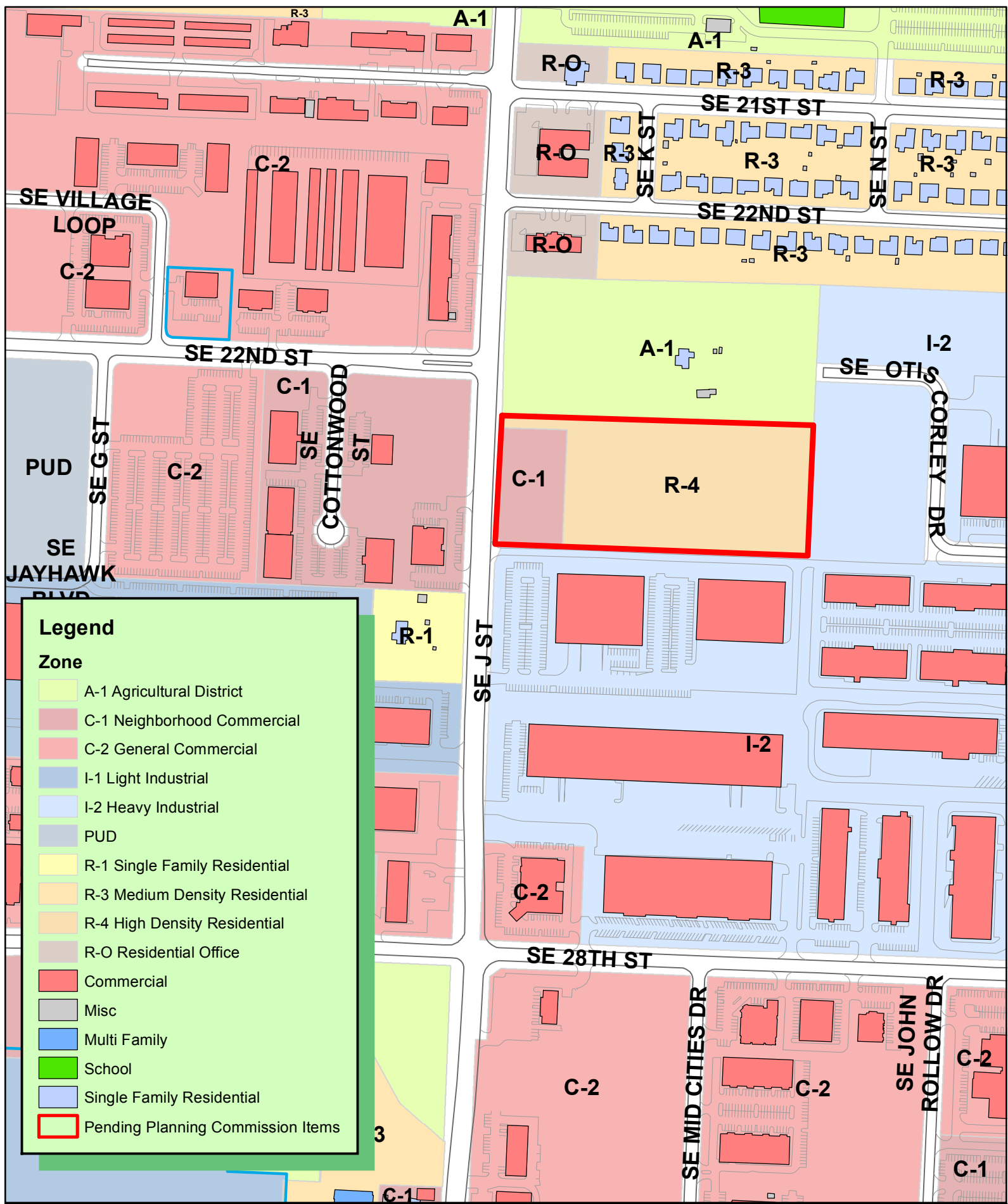
Finding(s) of Staff: The property is located along a major arterial street that is capable of handling the traffic that would be generated by the proposed development and will not create an increase to traffic danger in the area.

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: Water and sewer is adequate at this location. There is no foreseen adverse impact to public services or emergency services at this location.

STAFF RECOMMENDATION

Staff has reviewed this application and based on the findings presented in this staff report, staff recommends **APPROVAL** of this rezoning from C-1, Neighborhood Commercial & R-4, High Density Residential to I-1, Light Industrial.



Legend

Zone

- A-1 Agricultural District
- C-1 Neighborhood Commercial
- C-2 General Commercial
- I-1 Light Industrial
- I-2 Heavy Industrial
- PUD
- R-1 Single Family Residential
- R-3 Medium Density Residential
- R-4 High Density Residential
- R-O Residential Office
- Commercial
- Misc
- Multi Family
- School
- Single Family Residential
- Pending Planning Commission Items



1 inch = 350 feet

16-09000020
REZONING
HAVERMEYER HOLDINGS
ZONE R-4 & C-1 to I-2





June 27, 2016
Mr. Beau Thompson
City of Bentonville
315 S.W. "A" St.
Bentonville, AR 72712

**Re: Havermeyer Holdings, LLC
2303 and 2305 SE J Street Rezone Request
Narrative**

Dear Mr. Thompson:

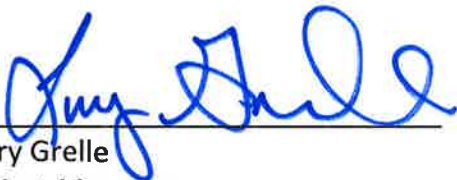
On behalf of Havermeyer Holdings, LLC, please find below, a narrative addressing the required items under the Rezoning Request Checklist.

- A. The two properties are currently zoned C-1 Neighborhood Commercial along the SW J Street frontage and R-4 High Density Residential behind the C-1 zoning to the rear of the property. The proposed zoning (I-2 Heavy Industrial) would allow for the construction of Office/Warehouse Buildings by the developer.
- B. The current R-4 zoning does not allow for office/warehouse.
- C. The surrounding zoning is as follows:
 - North – A-1
 - South – I-2
 - East – I-2
 - West – C-1
- D. The proposed development will be to construct an office/warehouse (approx. 50,000 sf)
- E. Access points will be proposed off of SE J Street as well as an agreement with the property to the south to access their existing drive off of SE J.
- F. Signage will be located along SE J Street as allowed by City ordinance.

- G. The Building will be designed to meet the City's current requirements for materials and design.
- H. A 12" water main exists along the east side of SE J Street and an 8" water main exists along the south property line.
A sanitary sewer manhole and 8" sewer main exists along the west side of SE J Street. Sewer for the site will need to be bored under SE J Street.

Sincerely,

Morrison Shipley Engineers, Inc.



Larry Grelle
Project Manager

Planning Commission Staff Report

Lot Split: Lots 1 & 2 Little Osage Addition

TO: Bentonville Planning Commission Members
THRU: Troy Galloway, AICP, Community Development Director
FROM: Jon Stanley, Planner
PC DATE: August 2, 2016

GENERAL INFORMATION:

Project Number: 16-01000012

Applicant: Little Osage Farms, LLC

Representative: Caster & Associates (Rob Caster)

Requested Action: Lot Split Approval

Location: Southwest Elington Street

Existing Zoning: A-1, Agricultural & R-ZL, Zero Lot Line Residential

Land Use Plan: Medium Density Residential

BACKGROUND:

The applicant has submitted a lot split for property located along Southwest Elington Street that resides in the A-1, Agricultural & R-ZL, Zero Lot Line Residential zoning districts. The plat as provided by the applicant indicates the creation of two new lots that will be known as Lot 1(27.74 acres) and Lot 2 (8.73 acres) of Little Osage Farms Addition. A private access easement is indicated on the plat to maintain the existing driveway to the new Lot 1. A 20' public utility easement is being dedicated along Southwest Elington Street. Both of the new lots have access to public water and sewer services.

SURROUNDING LAND USES AND ZONING:

Direction	Zoning	Land Use
North	R-1, Single Family Residential	Single Family Homes
South	Benton County	Agriculture (Benton County)
East	Benton County	Agriculture (Benton County)
West	R-1, Single Family Residential	Single Family Homes

STREETS

Direction	Name	Classification
North	Southwest Birch Street	Local
South	-	-
East	-	-
West	Southwest Elington Street	Local

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 residential subdivision in the Southwest part of the city.

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

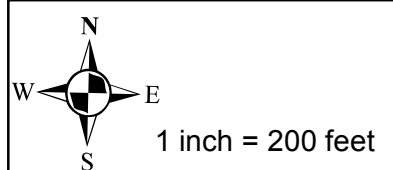
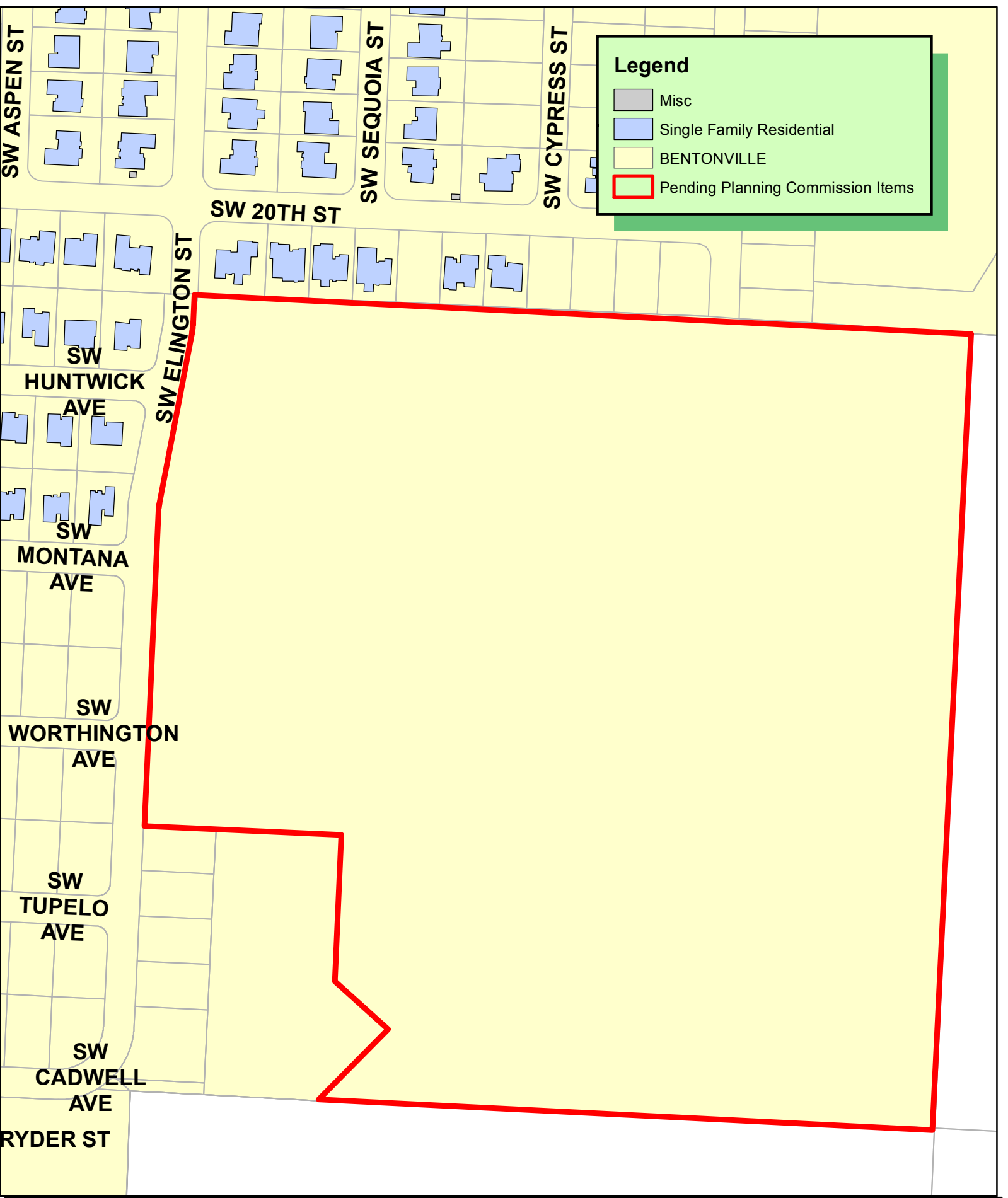
Water / Sewer: Per the G.I.S. site, water and sewer are currently available at this location.

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**.



16-01600012
INHOUSE LOT SPLIT
LITTLE OSAGE FARMS ADDITION



Planning Commission Staff Report

Final Plat: Cornerstone Ridge Phase 5 Subdivision

TO: Bentonville Planning Commission Members
THRU: Troy Galloway, AICP, Community Development Director
FROM: Jon Stanley, Planner
PC DATE: August 2, 2016

GENERAL INFORMATION:

Project Number: 16-03000005

Applicant: Rolling Acres Properties, LLC

Representative: Jorgensen & Associates (Jared Inman)

Requested Action: Final Plat Approval

Location: Southwest Rainbow Farms Road & Southwest Morningstar Road

Existing Zoning: R-1, Single Family Residential

Land Use Plan: Low Density Residential

BACKGROUND:

Cornerstone Ridge Phase 5 Subdivision consists 17.90 acres and 57 total lots, 66 of these lots are buildable. The property exists in a rapidly developing residential area in the southwest section of the city with two access points, one from Southwest Rainbow Farms Road to the south and the other along Southwest Morningstar Road to the east. All lots will have adequate access onto a public street. Regional detention exists and will address stormwater runoff from the subdivision. Drainage easements were also dedicated within the subdivision to aid in stormwater conveyance. Lots within this subdivision range from 0.16 acres to 0.34 acres. Traffic calming devices have been installed along Southwest Layton Road and Southwest Mistletoe Avenue. A 6' wide sidewalk was constructed along Southwest Rainbow Farms Road and connects to the existing sidewalk along Southwest Morningstar Road. Right-of-way was dedicated along Southwest Rainbow Farms Road per the current Master Street Plan. Utility easements were dedicated in various locations to serve each lot. All non-bondable items have been completed and tentatively approved by the city engineer.

SURROUNDING LAND USES AND ZONING:

Direction	Zoning	Land Use
North	R-1, Single Family Residential	Single Family Residences
South	Agricultural & Benton County	Agriculture
East	R-1, Single Family Residential	Single Family Residences
West	R-1, Single Family Residential	Single Family Residences

STREETS

Direction	Name	Classification
North	Southwest Shell Road	Collector
South	-	-
East	Southwest Regional Airport Boulevard	Arterial
West	Southwest Bermuda & Southwest Acres	Both are Local

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 and to an established single family subdivision in the southwest part of the city.

Drainage Report: A drainage report is not required at the time of final platting.

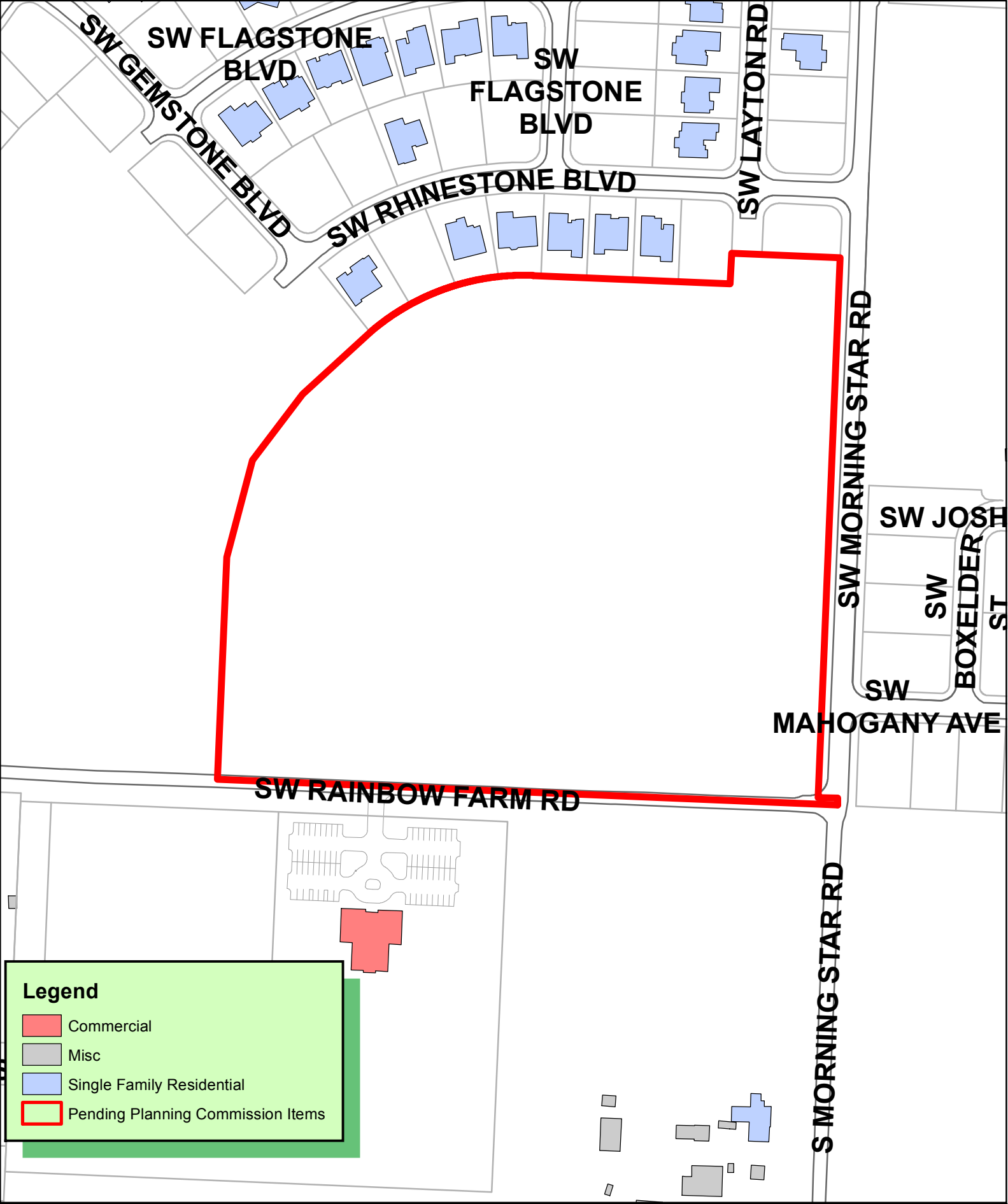
Water / Sewer: Per the G.I.S. site, water and sewer ARE available to this site.

Waiver(s): N/A

Analysis / Conclusion: This final plat **DOES** meet the minimum requirements of the subdivision regulations. All non-bondable items have been completed.

RECOMMENDATION:

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



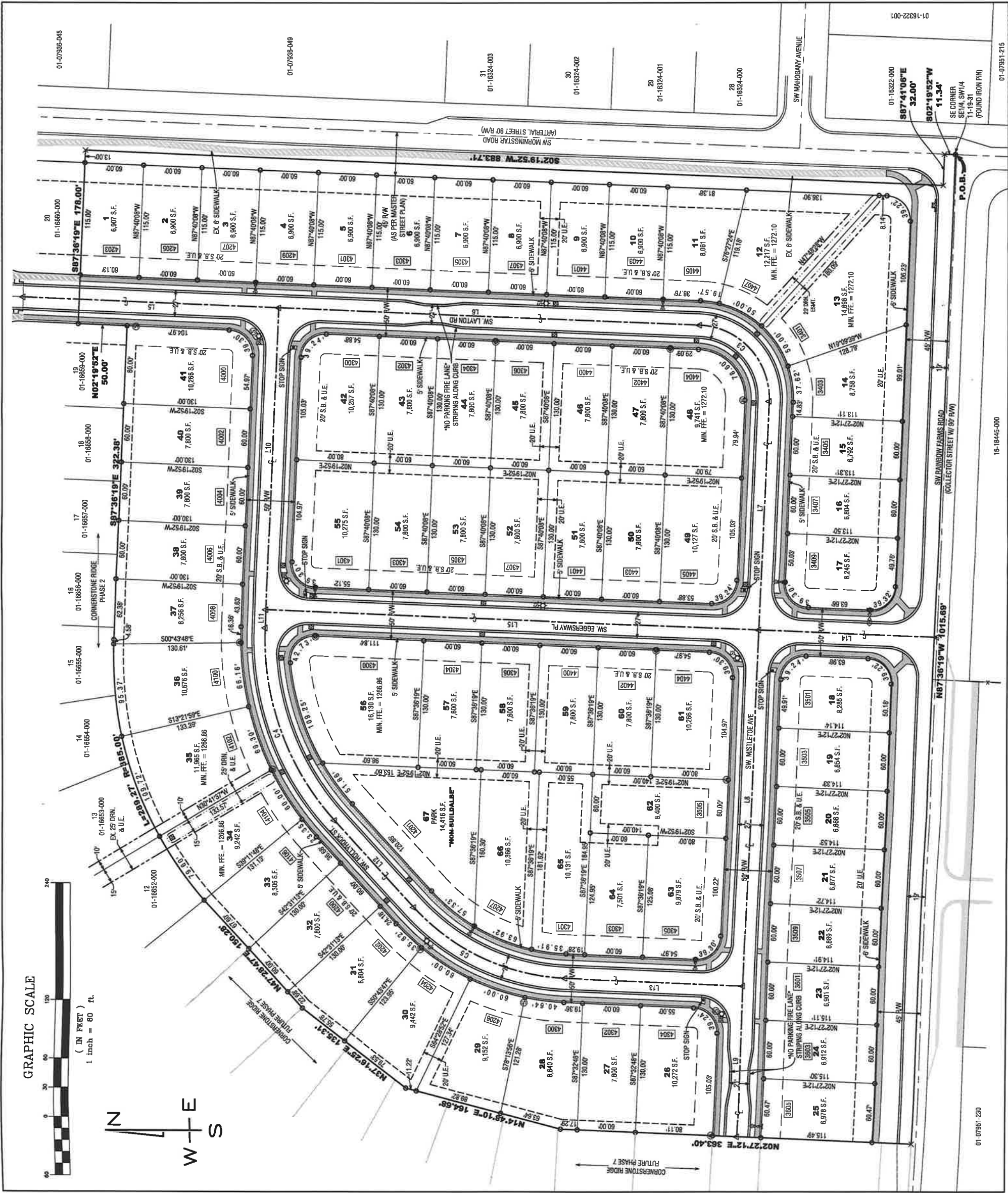
Legend

- Commercial
- Misc
- Single Family Residential
- Pending Planning Commission Items

1 inch = 200 feet

16-03000005
FINAL PLAT
CORNERSTONE RIDGE SUBDIVISION
PHASE 5





Planning Commission Staff Report

Large Scale Development: King Burrito

TO: Bentonville Planning Commission Members
THRU: Troy Galloway, AICP, Community Development Director
FROM: Jon Stanley, Planner
PC DATE: August 2, 2016

GENERAL INFORMATION:

Project Number: 16-06000029

Applicant: Adan Soto Rivera & Carlos Arreguin

Representative: Gray Rock Engineering (Dirk Thibodaux)

Requested Action: Large Scale Development Approval

Location: 2000 South Walton Boulevard

Existing Zoning: C-2, General Commercial

Land Use Plan: Commercial

BACKGROUND:

The applicant has submitted a Large Scale Development for a 2,868 sq. ft. restaurant with drive through window located at 2000 South Walton Boulevard in the C-2, General Commercial zoning district. Twenty Nice parking spaces are being provided. Ingress/egress to the site will be form a single curb cut onto Southwest 20th street, no access is being proposed onto South Walton Boulevard. A 6' wide sidewalk will be constructed along South Walton Boulevard and a 5' wide sidewalk will be constructed along Southwest 20th Street. All stormwater will be detained on-site. The proposed material along the exterior of the building are Hardie Panel, stone, brick, split faced CMU and store front glass.

PROJECT STATISTICS ARE AS FOLLOWS:

Site / Building Requirements	Required / Allowed	Proposed
Setbacks		
Front with Parking:	50' min	85' East
Front without Parking:	20' min	-
Side: Adjacent to non-residential	7' min	56'/North & 26' South
Side: Adjacent to residential	30' min	-
Rear: Adjacent to non-residential	20' min	105'/West
Rear: Adjacent to residential	30' min	-
Height	60'	27'
Landscape Coverage	8%	8+%
Parking		
Standard Stalls	27	27
Handicap Stalls	2	2
Total:	29	29

SURROUNDING LAND USES AND ZONING:

Direction	Zoning	Land Use
North	C-2, General Commercial	Commercial
South	C-2, General Commercial	Commercial
East	C-2, General Commercial	Commercial
West	R-1, Single Family Residential	Low Density Residential

STREETS

Direction	Name	Classification
North	Southwest 20 th Street	Local
South	-	-
East	South Walton Boulevard	Arterial
West	-	-

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.

ISSUES / ANALYSIS:

Site Inspection: A site inspection was completed; this is the location of a vacant commercial lot along an established commercial corridor in the Southwest part of the city.

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.

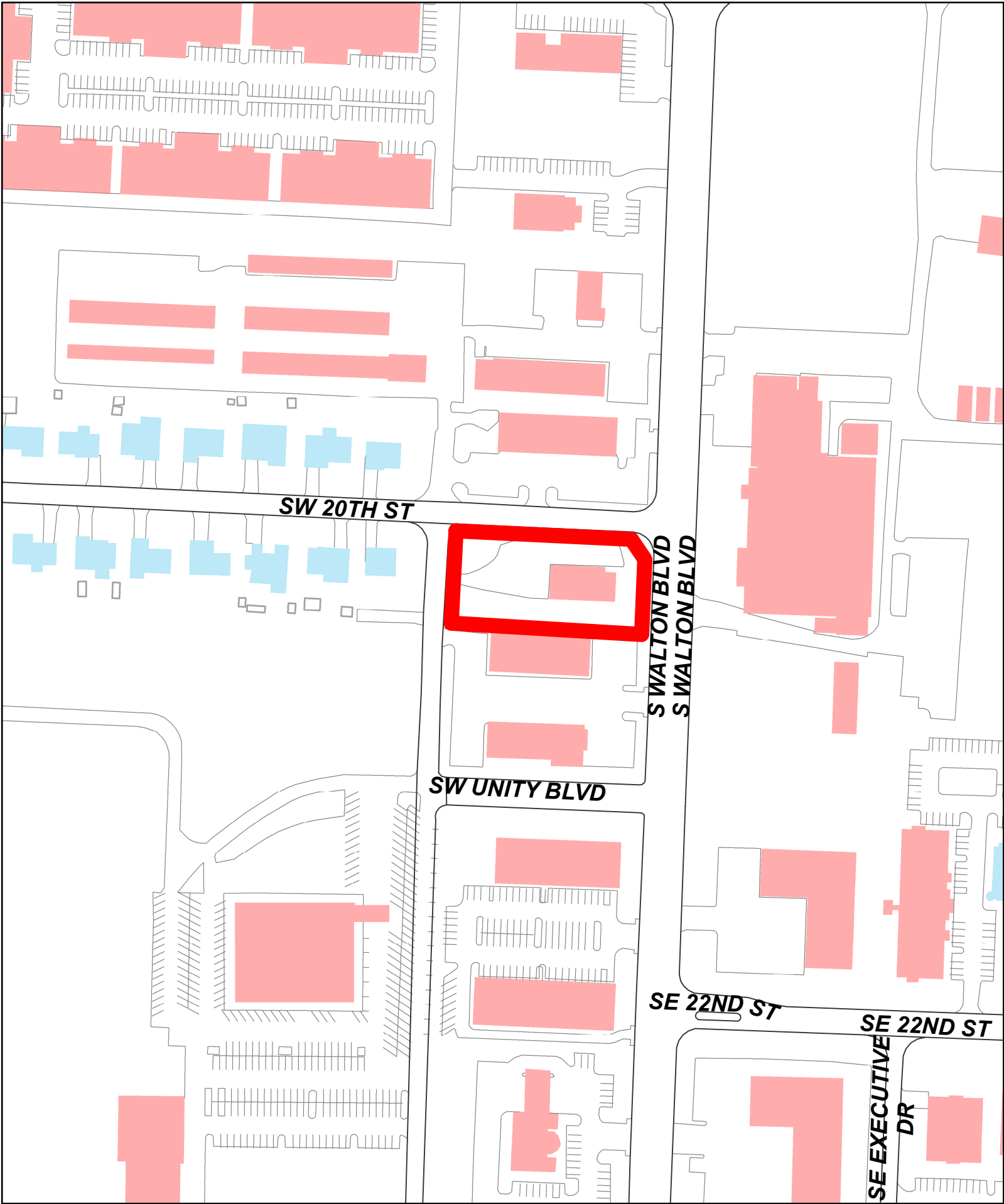
Waiver(s): 2 Waiver request:

- o The applicant has request a waiver to the Article 1400, Section 1400.6.A.1, Street Frontage Buffer, Minimum Width. Ordinance states that “The Landscaped street frontage buffer shall be a minimum of twenty (20) feet. The applicant is requesting 15’ of street frontage buffer be allowed to accommodate a pass through lane around the drive-through window along the southern property line.
- o The applicant has also submitted a waiver request to Article 1200, Section 1200.2.B, Direct Access to Substandard Streets. Ordinance states that “When a proposed subdivision has direct access to, or front 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 current city standards. The applicant is request a wavier to any street improvements within the public r/w along the western property line.

Analysis / Conclusion: This large scale development **DOES NOT** meet the minimum requirements of the subdivision regulations due to the waiver request.

RECOMMENDATION:

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





REV NO.	DATE	DESC.

HENRY ARCHITECTURE
1722 N COLLEGE AVE., SUITE C - BOX 153
FAYETTEVILLE, AR 72703
PHONE - 479.530.9693 EMAIL: chenny@henryarchitecture.com
DRAWN BY: GAK
CHECKED BY: CJH

BENTONVILLE, ARKANSAS

JOB # 16-001

BUILDING ELEVATIONS 2

DATE: 03-31-13

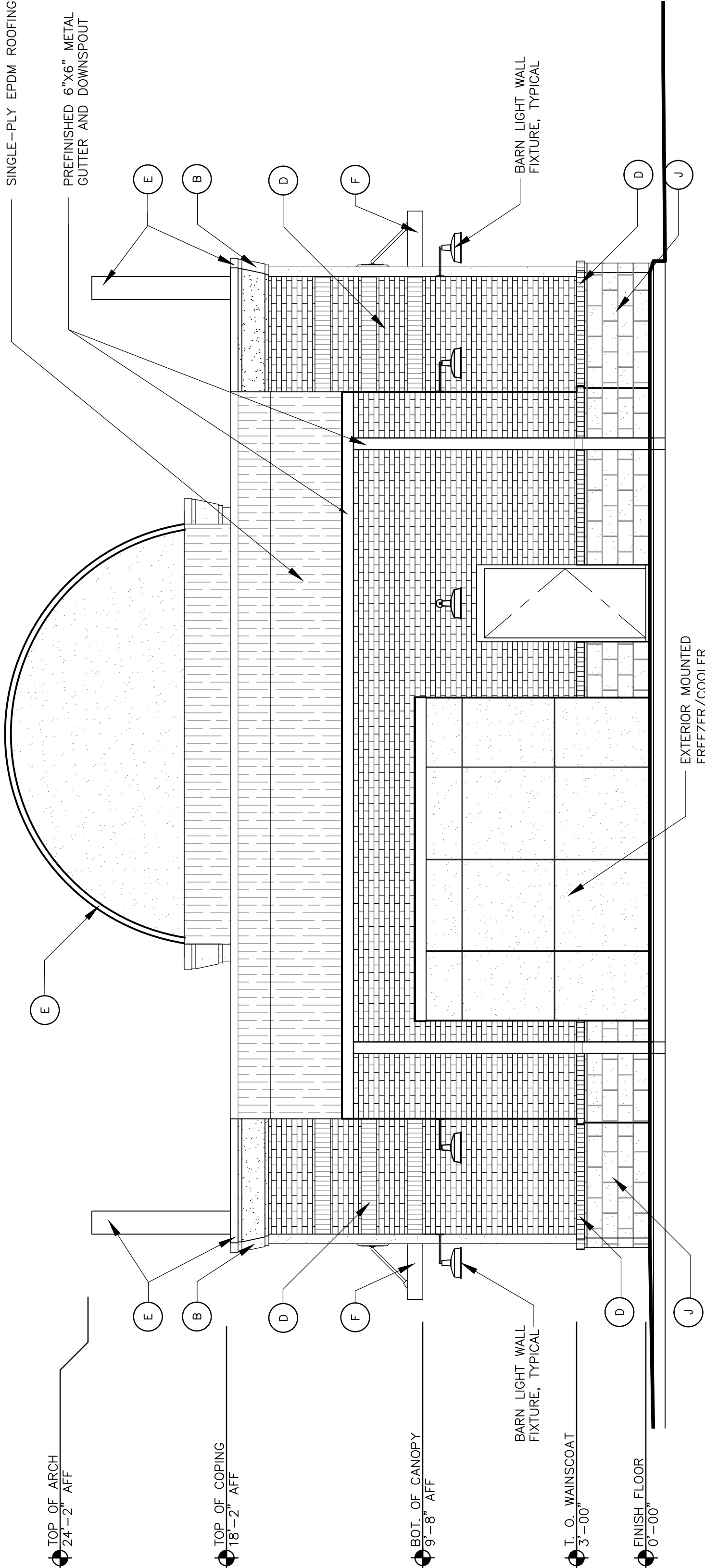
KING BURRITO

LSD COMMENT ISSUE 07.01.2016

A2.2

MATERIALS SPECIFICATION	
(A)	HARDIE PANEL REVEAL SYSTEM - MATCH DRYVIT COLOR - SWEET POTATO PIE
(B)	EIFS TRIM - MATCH DRYVIT COLOR - SWEET POTATO PIE
(C)	STONE - CANYON STONE INC. - CANYON LEDGE STYLE. DEER VALLEY BLEND OVER WIRE LATH AND 3/4" MORTAR SCRATCH COAT (2 LAYERS TYEAK AT STONE LOCATIONS)
(D)	BRICK - ACME BRICK, VELOUR, CACTUS FLOWER (MODULAR)
(E)	COPING - COIL STOCK, BEBRIDGE, KYNAR 500 ZINC-COTE, TERRA COTTA
(F)	METAL CANOPIES - MAPES PREFAB CANOPY SYSTEM MILL FINISH ALUMINUM FRAME
(G)	FABRIC CANOPIES - ALUMINUM TUBE FRAME WITH TERRA COTTA FABRIC
(H)	STOREFRONT FRAME AND DOORS - KAWNEER TRIFAB 451T, MILL FINISH ALUMINUM WITH CLEAR, INSULATED GLAZING
(J)	SPLIT-FACED CMU - ABC BLOCK, SLATE

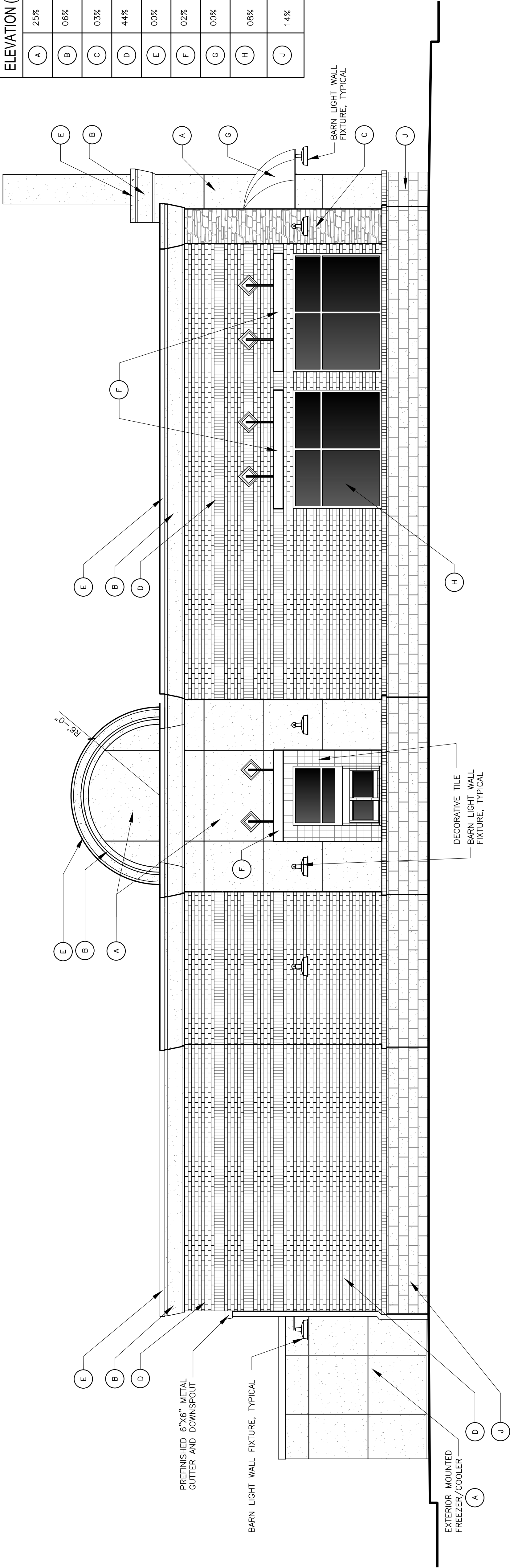
PERCENTAGE OF MATERIALS @ THIS ELEVATION (WEST ELEVATION)	
(A)	26%
(B)	02%
(C)	00%
(D)	60%
(E)	00%
(F)	00%
(G)	00%
(H)	00%
(J)	13%



1 WEST ELEVATION

SCALE: 3/8" = 1'-0"

PERCENTAGE OF MATERIALS @ THIS ELEVATION (SOUTH ELEVATION)	
(A)	25%
(B)	06%
(C)	03%
(D)	44%
(E)	00%
(F)	02%
(G)	00%
(H)	08%
(J)	14%



2 SOUTH ELEVATION

SCALE: 3/8" = 1'-0"



REV NO.	DATE	DESC.

HENRY ARCHITECTURE
1722 N COLLEGE AVE., SUITE C - BOX 153
FAYETTEVILLE, AR 72703
PHONE - 479.530.9693 EMAIL: chenry@henryarchitecture.com
DRAWN BY: GAK
CHECKED BY: CJH

JOB # 16-001
BENTONVILLE, ARKANSAS

MATERIALS ELEVATIONS

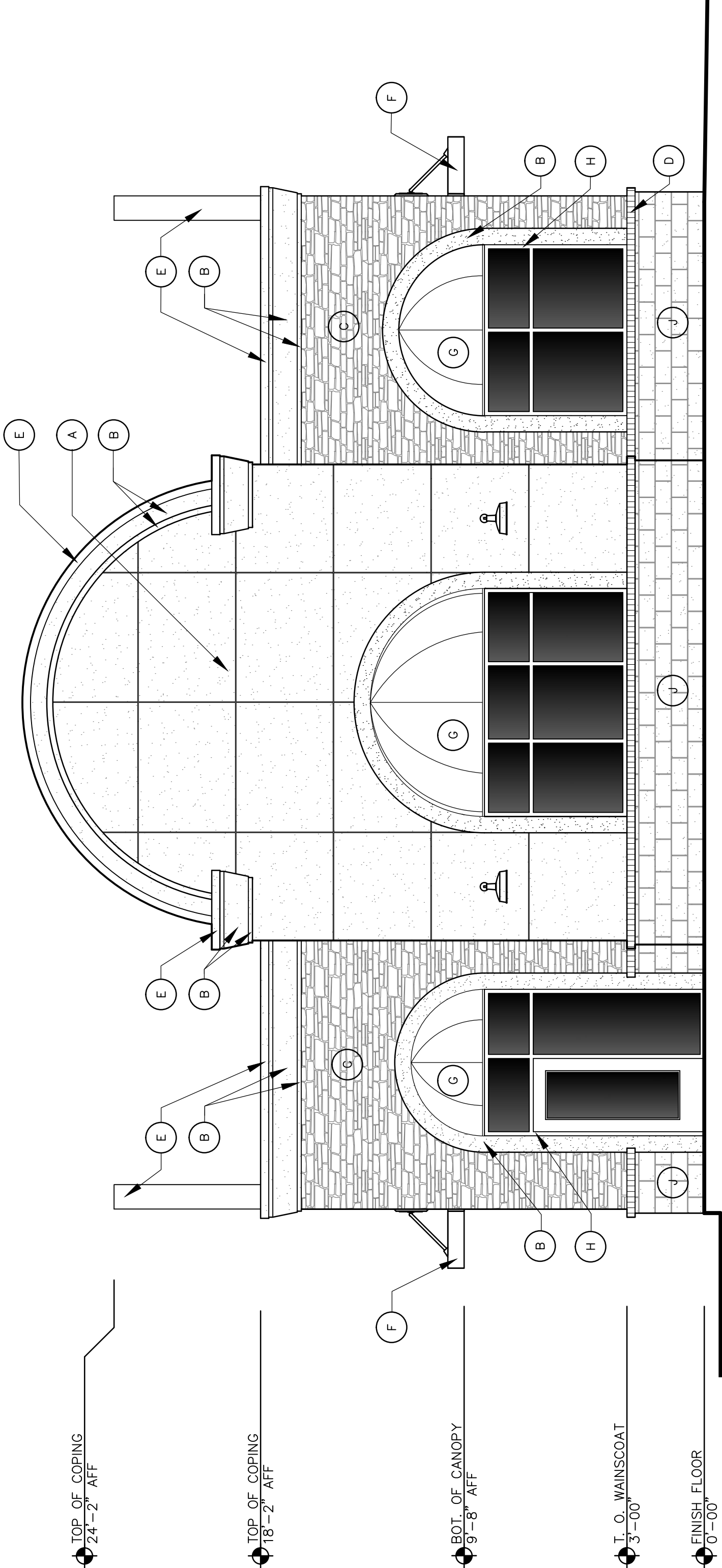
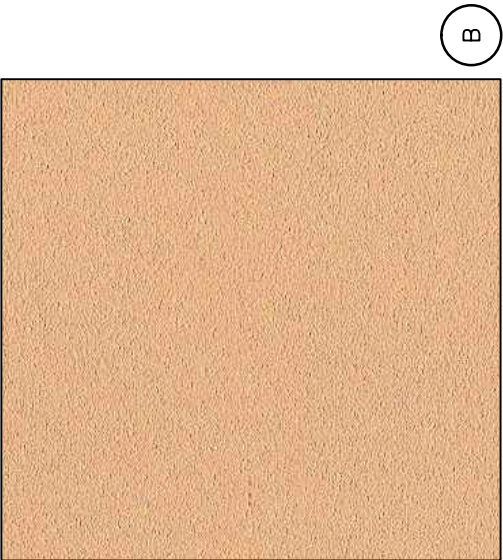
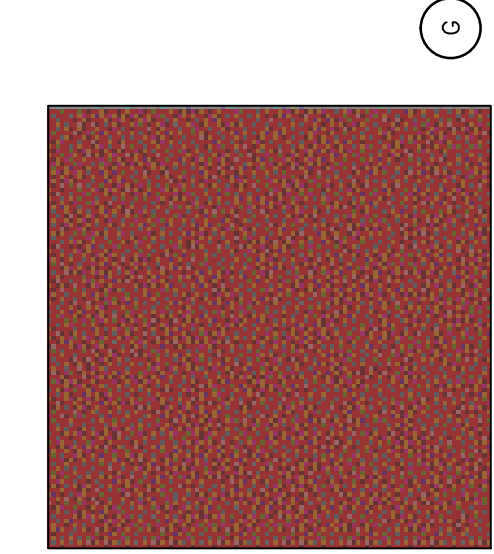
DATE: 06.10.2016

MB.1

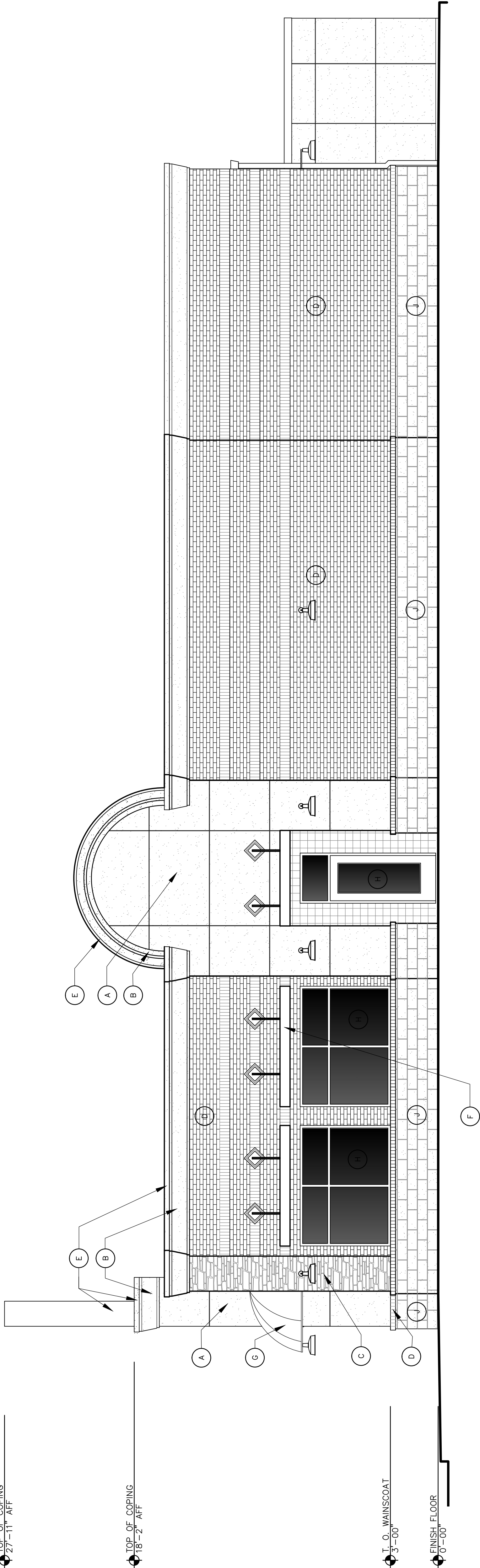
KING BURRITO

LSD COMMENT ISSUE 07.01.2016

MATERIALS SPECIFICATION	
(A)	HARDIE PANEL REVEAL - STUCCO FINISH - MATCH DRYVIT COLOR - SWEET POTATO PIE
(B)	EIFS TRIM - MATCH DRYVIT COLOR - SWEET POTATO PIE
(C)	STONE - CANYON STONE INC. - CANYON LEDGE STYLE, DEER VALLEY BLEND OVER WIRE LATH AND 3/4" MORTAR SCRATCH COAT (2 LAYERS TYVEK AT STONE LOCATIONS)
(D)	BRICK - ACME BRICK, VELOUR, CACTUS FLOWER (MODULAR)
(E)	COPING - COIL STOCK, BERRIDGE, KYNAR 500 ZINC-COTE, TERRA COTTA
(F)	METAL CANOPIES - MAPES PREFAB CANOPY SYSTEM MILL FINISH ALUMINUM FRAME
(G)	FABRIC CANOPIES - ALUMINUM TUBE FRAME WITH TERRA COTTA FABRIC
(H)	STOREFRONT FRAME AND DOORS - KAMNEER TRIFAB 451T, MILL FINISH ALUMINUM WITH CLEAR, INSULATED GLAZING
(J)	SPLIT-FACED CMU - ABC BLOCK, SLATE



1 EAST ELEVATION
SCALE: 1/4" = 1'-0"



2 NORTH ELEVATION
SCALE: 1/4" = 1'-0"



GRAY ROCK, LLC.
Civil Engineering and Landscape Architecture
5204 Village Parkway, Suite 11
Rogers, AR 72758 479.250.9131

July 18, 2015

Jon Stanley
Planning Department
City of Bentonville

Re: King Burrito Street Greenspace Waiver

Dear Mr. Easterling,

Please accept this letter requesting a waiver from article 1400, section 1400.6A.1 street frontage buffer, minimum distance. The required greenspace along SW 20th street is 20' and we are providing 15'. If we provide the 20' of greenspace, we will not be able to provide the escape route in the drive thru lane. We believe that eliminating the escape route could adversely affect the safety of the public in the case of an emergency. We have provided 15' of greenspace along SW 20th and it would be 20' of greenspace if we were not constructing the 5' of public sidewalk along SW 20th.

Respectfully submitted,

M. Dirk Thibodaux, ASLA, PLA
Gray Rock, LLC



GRAY ROCK, LLC.
Civil Engineering and Landscape Architecture
5204 Village Parkway, Suite 11
Rogers, AR 72758 479.250.9131

June 29, 2016

John Easterling
Engineering Department
City of Bentonville

Re: King Burrito Street Improvement Waiver

Dear Mr. Easterling,

Please accept this letter requesting a waiver for street improvements along the west property line. At the time of the pre-development meeting, it was discussed that we would not be required to make street improvements along the west since street improvements were being made along SW 20th and SW Walton. Also, the street south of our property is unplatted.

Respectfully submitted,

A handwritten signature in black ink, reading 'M. Dirk Thibodaux'.

M. Dirk Thibodaux, ASLA, PLA
Gray Rock, LLC



July 12, 2016

Jon Stanley
City of Bentonville
305 SW A Street
Bentonville, AR 72712

Re: Macadoodles Plaza Bldg 1, Building Material Waiver Request

Dear Mr. Stanley,

Please allow this letter to serve as a request for a building material waiver on the west side of the building for Macadoodles Plaza, Building1. According to Article 1100, Sec. 1100.13.E Building Design 1 Materials, the primary material shall constitute at least 75% of the wall area. The approved west elevation had Hardie siding as the primary material making up 81% of the wall area. The waiver request is for the use of an architectural metal panel along with the Hardie siding and Hardie panels. The architectural metal panel will constitute 60% of the west elevation, the Hardie siding at 21% and Hardie Panels at 19%. The west elevation does not face a public street and is the service side of this building. We will choose a color for the architectural metal panel to best match the color of the paint for the Hardie siding and panels.

Sincerely,
Yume Rudzinski, aia

Planning Commission Staff Report

Waiver Request: Macadoodle's Plaza - 3600 Southeast Guess Who Drive

TO: Bentonville Planning Commission Members
THRU: Troy Galloway, AICP, Community Development Director
FROM: Jon Stanley, Planner
PC DATE: August 2, 2016

GENERAL INFORMATION:

Project Number: 16-06000022

Applicant: Gild Corporation

Representative: Civil Design Engineers, Inc. (Ferdie Fourie)

Requested Action: Exterior Building Materials Waiver Approval

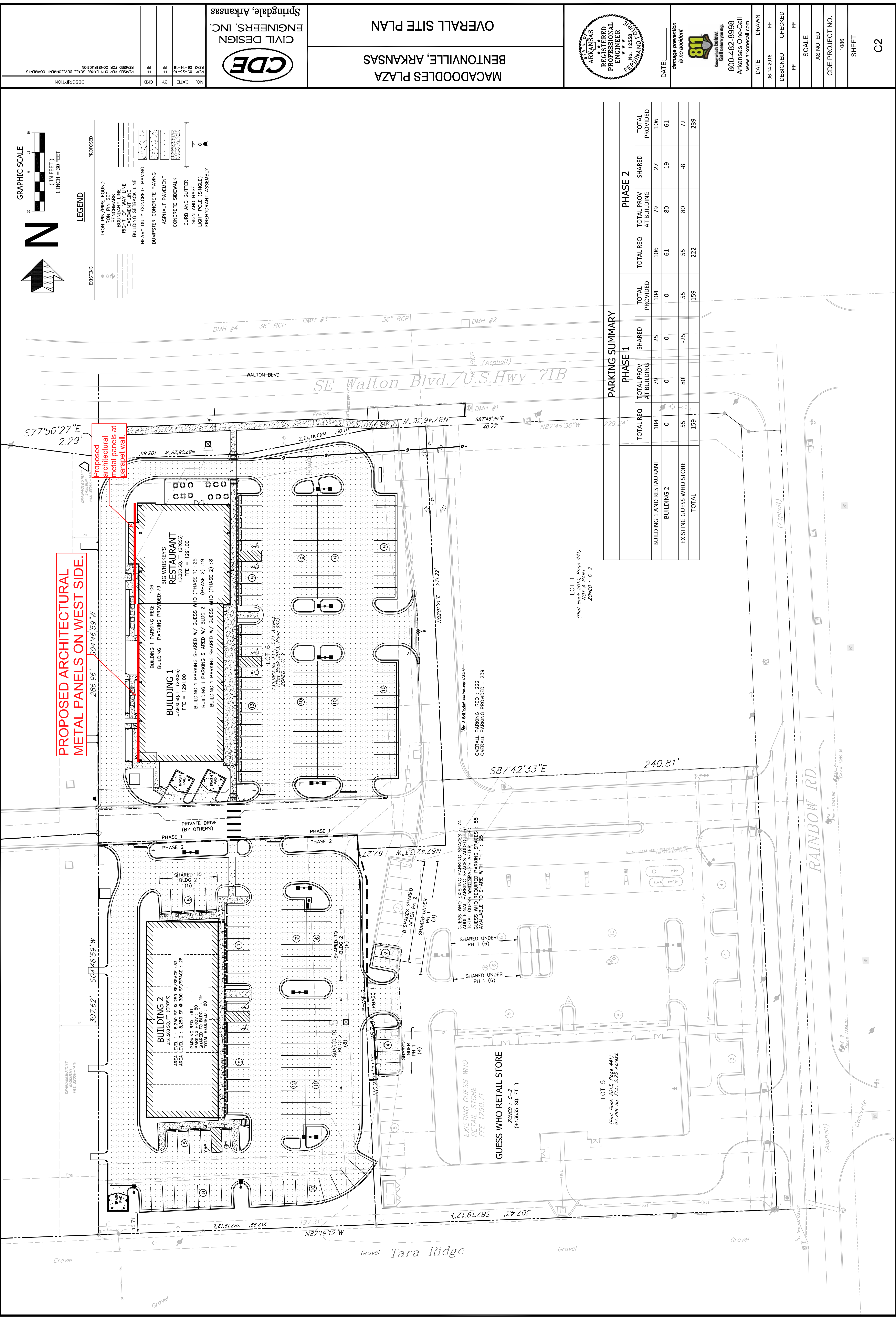
Location: 3600 Southeast Guess Who Drive

Existing Zoning: C-2, General Commercial

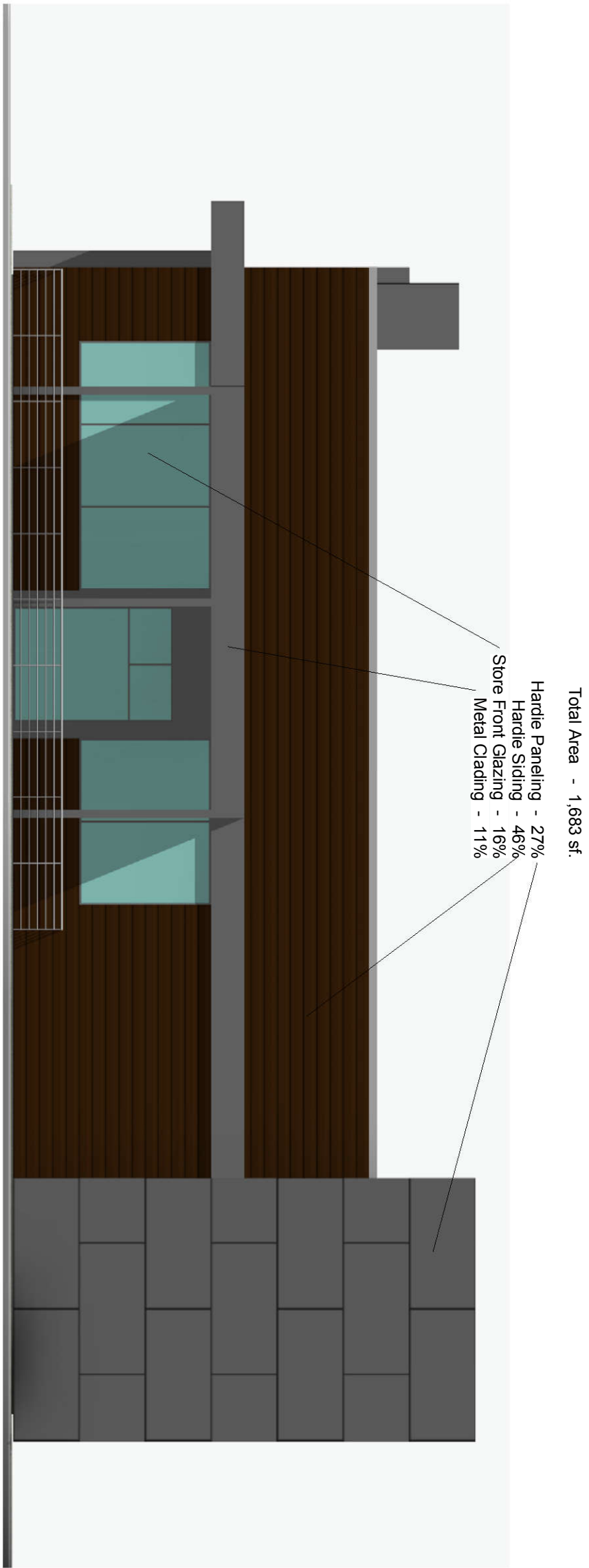
Land Use Plan: Commercial

BACKGROUND:

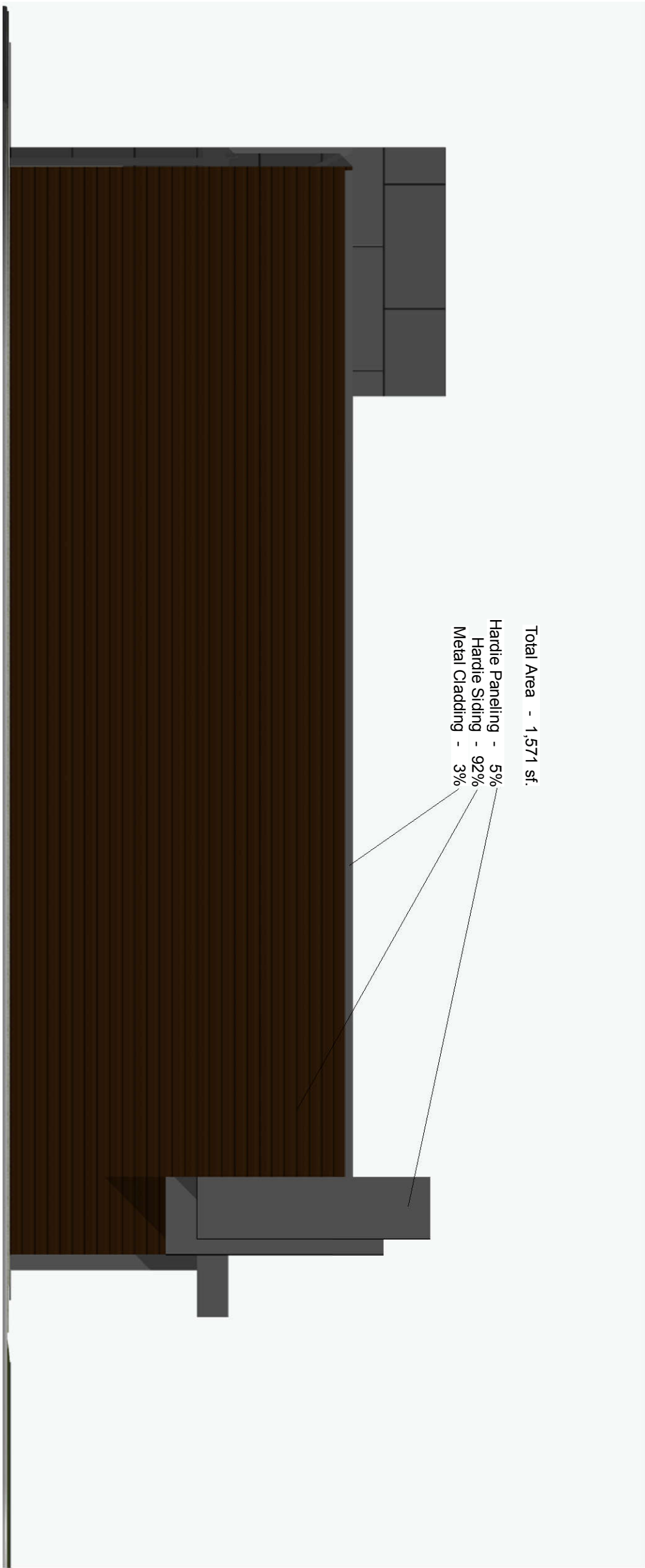
The applicant has submitted a waiver request to Article 1100, Section 1100.13.E.1, Building Design-Materials of the Subdivision code, for property located at 3600 Southeast Guess Who Drive. Ordinance states that the primary material shall constitute at least 75% of the wall area, excluding glass. The primary exterior material shall consist of a combination of brick, textured concrete block, or natural stone. The standards shall apply to all sides of any building. The applicant is proposing 19% Hardie Panel, 21% Haride Siding and 60% Architectural Metal Panel along the western façade.



ORIGINALLY APPROVED MATERIALS



3 Material Rendering - Restaurant - North
12" = 1'-0"

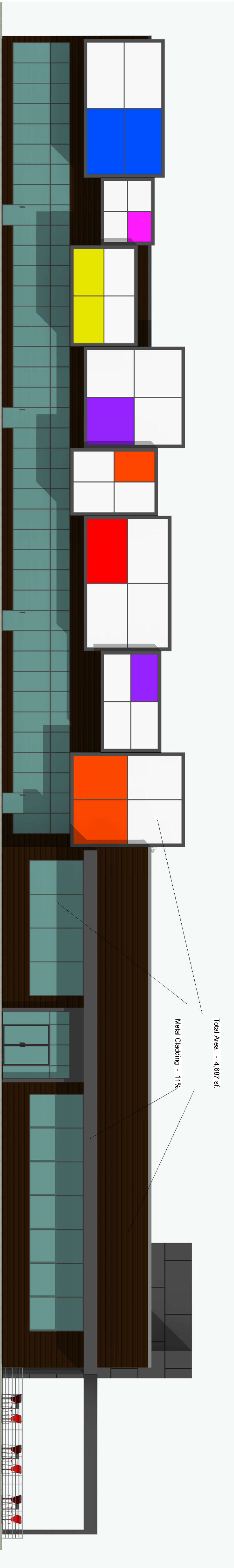


4 Material Rendering - Restaurant & Retail - South
12" = 1'-0"

APPROVED ELEVATION:
TOTAL AREA= 3,518 SF
HARDIE PANELS= 19%
HARDIE SIDING= 81%

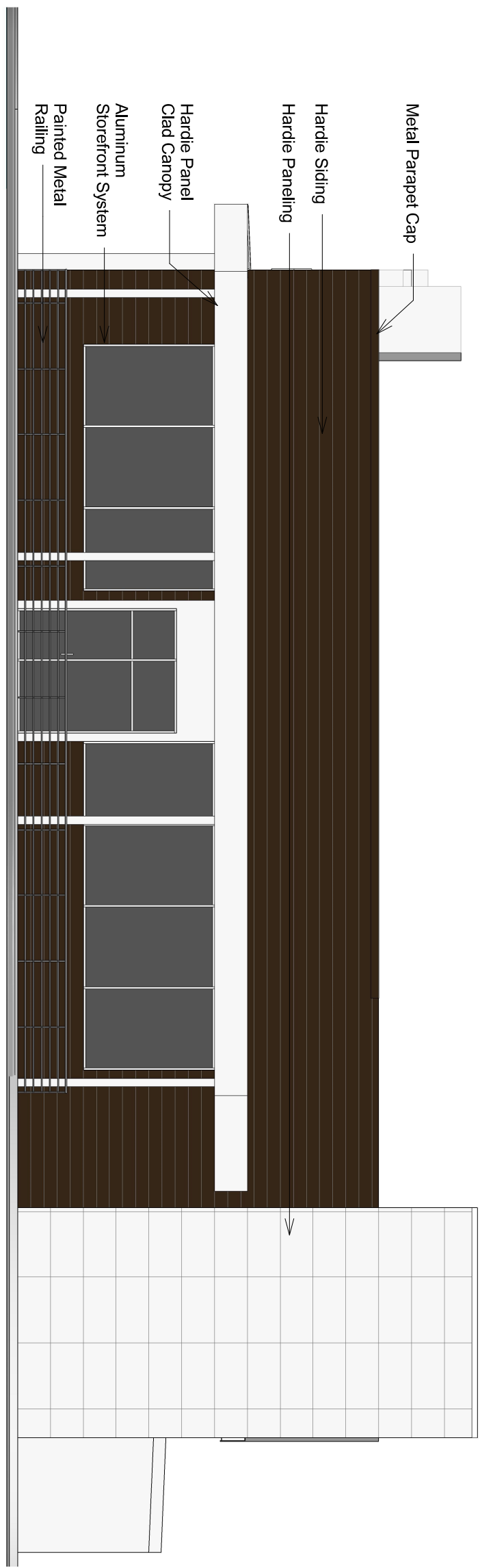


2 Material Rendering - Restaurant & Retail - West
12" = 1'-0"

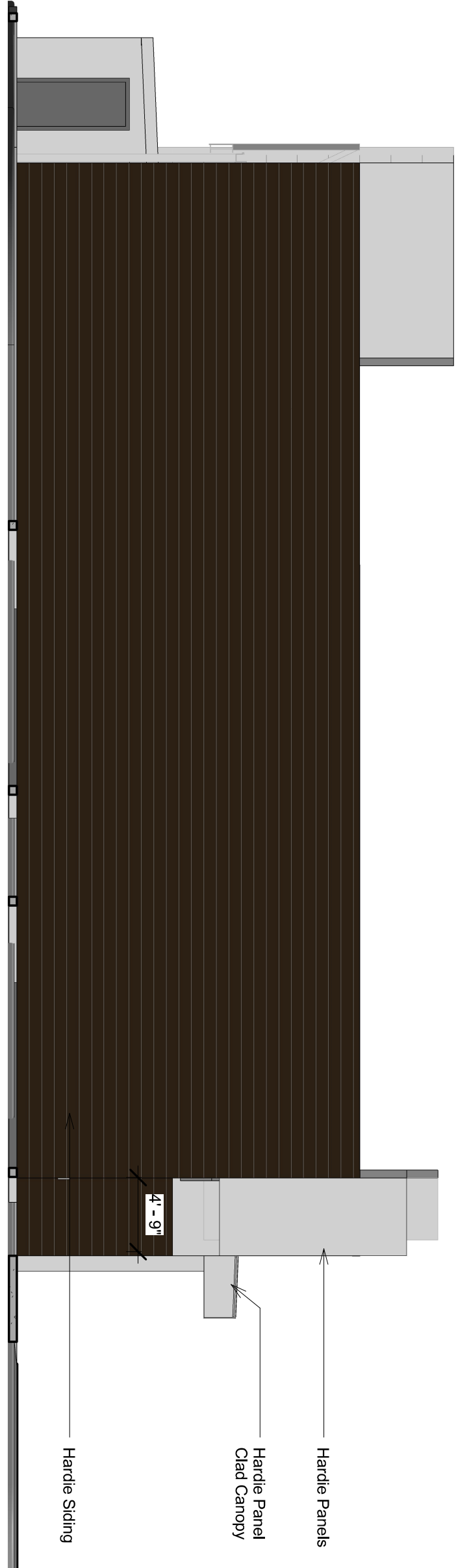


1 Material Rendering - Restaurant & Retail - East
12" = 1'-0"

MATERIALS WAWIER REQUEST



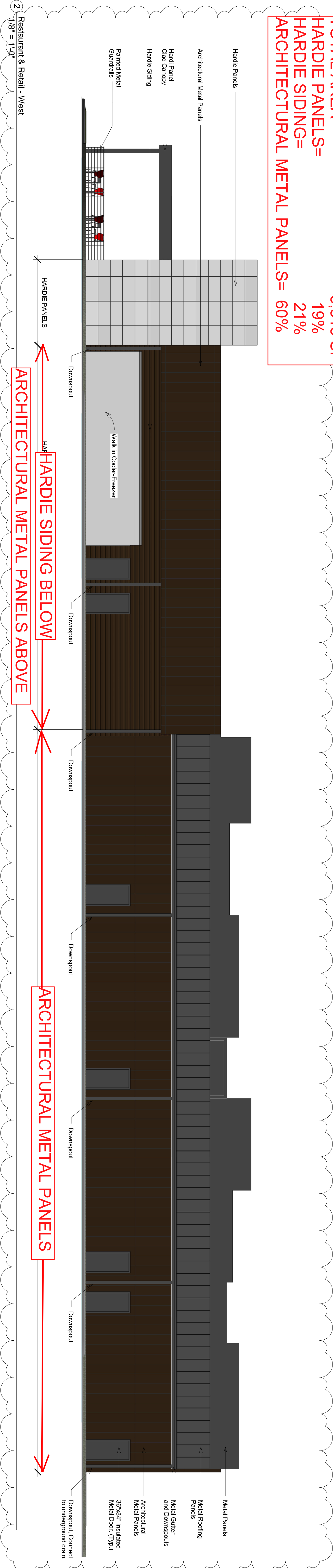
3 Restaurant - North
1/8" = 1'-0"



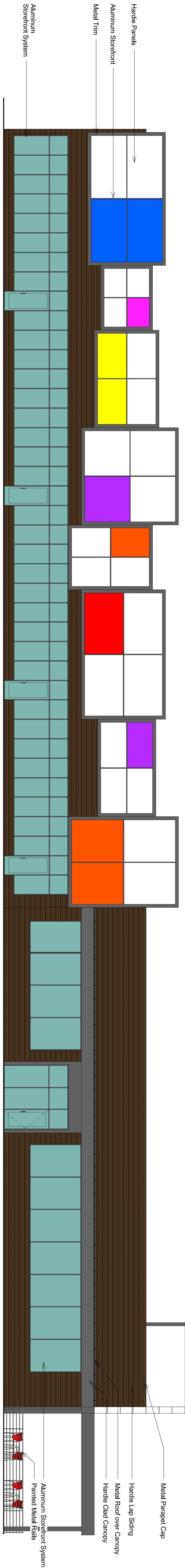
4 Restaurant & Retail - South
1/8" = 1'-0"

MATERIAL WAIVER REQUEST:

TOTAL AREA= 3,518 SF
HARDIE PANELS= 19%
HARDIE SIDING= 21%
ARCHITECTURAL METAL PANELS= 60%



2 Restaurant & Retail - West
1/8" = 1'-0"



1 Restaurant & Retail - East
1/8" = 1'-0"

Planning Commission Staff Report

Ordinance: Amendment of Sign Code

TO: Bentonville Planning Commission Members
THRU: Troy Galloway, AICP, Community and Economic Development Director and
Camille Thompson, Staff Attorney
FROM: Shelli Kerr, AICP, Planning Services Manager
PC DATE: August 2, 2016

Background:

United States Supreme Court Ruling. In early 2015, the U.S. Supreme Court considered the case of Reed v. Gilbert Arizona and issued an important ruling regarding municipal sign law regulation, particularly with regard to content-based sign regulations. As a result of that case, municipalities throughout the United States are reviewing their sign ordinances in order to ensure compliance with this ruling.

Professional Guidance. In August 2015, the city contracted with Randal Morrison to review our sign code in light of the Reed v Gilbert Supreme Court case findings. Mr. Morrison is an attorney specializing in sign regulations, with expertise in this field generally and the Reed case specifically. Over the last several months, we have worked with Mr. Morrison to make the necessary changes to our sign code to bring it into compliance with the court ruling. To help explain the legal framework, Mr. Morrison attended the April 26 Planning Commission and City Council meetings to discuss sign law, Reed v Gilbert and its impact on local sign codes and the changes proposed to Bentonville's sign code.

Purpose:

The purpose of the proposed amendment of the sign ordinance is to ensure compliance with the U.S. Supreme Court ruling in the case of Reed v. Gilbert, Arizona.

Proposed Changes:

GENERALLY

- Separate chapters for signs on private property and signs on public property.
- Replace “business” with “establishment” throughout code.
- Replace “permitted” with “allowed” throughout code.
- Add sections establishing the title, authority to regulate, applicability and intent. (801.01-801.04)
- Add to the existing purpose section. (801.05)
- The Director has the authority to approve common signage plans and any changes in sign location. Add that the purpose of the ordinance must be used as criteria in making that decision. (801.09.D & 801.09.F)

- Add a “message neutrality policy” and “message substitution policy” to avoid favoring commercial speech over non-commercial speech. (801.11.A.)
- Add an artwork policy. (801.11.C)
- Distinguish onsite and offsite regulations as applicable only to commercial messages. (801.11.D)
- Add illumination measurement criteria for electronic message boards, based on footcandles measured at a certain distance from the sign. (801.12.G.4)
- Add clarification for “nonconforming sign” to include signs that are in a state of disrepair that is beyond 50% of the current repair or replacement cost or the sign is proposed for major alteration or replacement, thereby requiring that the sign be brought into conformance with the code. (801.12.H)
- A banner sign is currently required to be attached to a building or existing sign. Add that if no building or sign is available, the Director may authorize another method of installation that creates a frame around the banner. (801.12.I)

TEMPORARY SIGNS

- Remove regulations for the following temporary signs allowed without a permit: (content-based) (801.13)
 - Construction signs
 - Farm signage
 - Flags
 - Historic markers
 - Holiday decorations
 - Identification signs
 - Non-legible signs
 - Non-profit announcements
 - Political signs
 - Real estate signs
 - Religious institution direction signs (this was at the heart of the Reed v. Gilbert, AZ case.)
 - Stadium signage
 - Traffic control signs
 - Vending machines, ATMs, gas pumps
 - Yard sale signs
- Create one section to cover all of these temporary signs: (801.13.A.4)

Temporary Signs.

- **Residential Uses.** *Each legal dwelling unit may have a total display area (cumulative of all temporary signs on the lot) of 24 square feet at all times. Such signage may be used to display any protected noncommercial message but may not be used for general advertising for hire.*
- **Non-residential Uses.** *Each non-residential establishment may have a total display area (cumulative of all temporary signs on the lot) of 36 square feet at all times. Such signage may be used to display any protected noncommercial message but may not be used for general advertising for hire.*

- Add that additional signs are allowed when certain conditions apply to the property:
(801.13.B)

Property Condition	Land Use		Max. No. Allowed	Max. Area	Max. Height
	Residential	Nonresidential			
1. Property Under Construction	•		1 /street frontage of the lot	16 sq. ft.	6 ft.
		•	1/street frontage of the neighborhood or subdivision	32 sq. ft.	12 ft.
2. Subdivision Under Construction	•	•	1 /street frontage of the lot or development	32 sq. ft.	12 ft.
3. Property for Sale or Lease	•		1 freestanding / street frontage and 1 wall/dwelling unit	8 sq. ft.	6 ft.
		•	1 freestanding / street frontage and 1 wall / lease space	32 sq. ft.	8 ft.

- Add the specific sign types that will be allowed on nonresidential property with an approved temporary sign permit as banners, wall signs, commercial mascots, yard signs, and projected images. (801.14.A)
- Add that a maximum of 32 square feet (cumulative of all temporary signs) are allowed with a temporary sign permit. (801.14.B)
- Change the number of temporary signs allowed per year based on the calendar year, rather than the issuance of the first permit. (801.14.D)

PERMANENT SIGNS

- Create new table format for signs allowed with a permanent sign permit. (801.15.A)
- Change height of subdivision signs from 5' to 6', consistent with other monument sign heights. (801.15.A)
- Add that wall signs cannot exceed 1 ft. above the roof peak. (801.15.A)
- Remove all definitions into a separate section at the end of the chapter. (801.18)
- Combine the regulations for signs on awnings and canopies. (801.15.B)
- For signs adjacent to I49, add a clarification that the use must cater to travelers, justifying the taller and larger sign to be seen from the highway and are allowed up to 100 square feet in sign area. (801.15.C.5)
- Combine the regulations for marquee, projecting and suspended signs. (801.15.F)

ELECTRONIC BILLBOARDS

- Changed the replacement ratio from 4 sign faces of existing billboard for 1 digital billboard to 2 ½ square feet of existing billboard for 1 square foot of digital billboard. (801.17.A)
- Add requirements for dimming capabilities. (801.17.F.2)

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 14, ZONING CODE TO REPEAL AND REPLACE ARTICLE 801 SIGNS AND BILLBOARDS AND ADOPT ARTICLE 802 SIGNS ON CITY PROPERTY AND PUBLIC RIGHT-OF-WAY

WHEREAS, the City of Bentonville first adopted regulations for signs on February 13, 2001 with Ordinance No. 2001-34 which has been amended several times since initial adoption; and,

WHEREAS, the City of Bentonville intends to comply the 2015 U.S. Supreme Court ruling in the 2015 case of Reed V. Gilberts, Arizona;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BENTONVILLE, ARKANSAS:

Section 1: That the Bentonville Municipal Code, Title 14, Zoning Code, Article 201 Definitions should be and the same is hereby amended by deleting the following definitions:

Banner,	Sign, Freestanding	Sign, Public
Billboard	Sign, Incidental	Sign, Real Estate
Common Signage Plan	Sign, Manual Change Copy	Sign, Roof
Digital Billboard or Smartboard	Sign, Marquee	Sign, Single Tenant
Historical or Memorial Marker	Sign, Monument	Sign, Suspended
Maximum Sign Area	Sign, Multiple Tenant	Sign, Temporary
Real Estate Sign	Sign, Noncommercial	Sign, Wall
Sign	Sign, Obsolete	Sign, Window
Sign, Awning	Sign, Off-Premise, Off-Site Sign or Billboard	Sign Area
Sign, Changeable Copy	Sign, Pole	Sign Face
Sign, Construction	Sign, Portable	Sign Height
Sign, Door	Sign, Projecting	Sign Structure
Sign, Electronic Changeable Copy		

Section 2: That the Bentonville Municipal Code, Title 14, Zoning Code, Article 801 Signs and Billboards should be and the same is hereby deleted and replaced with *Attachment A: Article 801 Sign Ordinance- Private Property* which is attached hereto and made a part hereof.

Section 3: That the Bentonville Municipal Code, Title 14, Zoning Code should be and the same is hereby amended by adopting *Attachment B: Article 802 Signs on City Property and Public Right-of-Way* which is attached hereto and made a part hereof.

Section 4: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5: That this ordinance shall be in full force and effect 30 days from the date of its passage and approval.

PASSED and APPROVED this ___th day of _____, 2016.

APPROVED:

ATTEST:

Bob McCaslin, Mayor

City Clerk