



**Planning Commission
Agenda
March 5th, 2019**

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

- 1. Benton County Fairgrounds**
Commercial Outdoor Recreation Facility
7640 SW Regional Airport Boulevard ([CU19-0001](#))
Conditional Use Permit*
- 2. SE 14th Street Day Spa**
Personal Services
2102 SE 14th Street ([CU19-0002](#))
Conditional Use Permit*
- 3. Lot 1, Ratcliff Subdivision**
607 NE 2nd Street ([LS19-0004](#))
Lot Split
- 4. Lots 31-33 Mid-Cities Crossing Subdivision**
2802 SE Mid-Cities Drive ([FP18-0010](#))
Final Plat
- 5. Subdivision Ordinance Amendments**
Public Hearing*

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

Planning Commission
Minutes
February 19, 2019

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

Present: Richard Binns, Dana Davis, Scott Eccleston, Jim Grider, Joe Haynie, Elaine Kerr, and Rod Sanders

Staff: Jon Stanley and Tyler Overstreet

Motion by Mr. Grider, seconded by Mr. Haynie to approve the minutes of February 5, 2019 as written
Approved 7-0

Consent Agenda

- | | |
|--|-----------------------------------|
| 1. Coler – Saint
11782 Peach Orchard Road, LSD18-0046 | Large Scale Development Extension |
| 2. Coler – Stanberry
2702 NW 3 rd Street, LSD18-0047 | Large Scale Development Extension |
| 3. Thaden Barn
901 SE C Street, LSD18-0054 | Large Scale Development Extension |
| 4. Off the Leash
Southwest 24 th Street, LSD18-0081 | Large Scale Development |

Approved 7-0

New Business

Item #1

BOS Park, LLC: Rezoning, R-2, Duplex and Patio Home Residential and PUD, Planned Unit Development to C-2, General Commercial, 3800 SW Post Loop, RZ18-0039

Tyler Overstreet reads the staff report.

Opened public hearing

No public comments

Closed public hearing

There is some discussion on determining traffic impacts of a rezoning.

Approved 7-0

Item #2

Lots 1-3 of BOS Park Subdivision: Lot Split, Southwest Regional Airport Boulevard and Southwest Featherston Road, LS19-0001

Tyler Overstreet reads the staff report.

There is no discussion.

Approved 7-0

Item #4 (jumped to this item, as it is the same site as the above lot split)

Cubesmart Self Storage: Large Scale Development, Southwest Regional Airport Boulevard and Southwest Featherston Road, LSD19-0001

Tyler Overstreet reads the staff report.

There is some discussion amongst Commissioners and staff on access and articulation.

Approved 7-0

Item #3

The Lofts on Elm Tree: Large Scale Development, 1304 SW Elm Tree Road, LSD18-0078

Tyler Overstreet reads the staff report.

Motion by Mr. Eccleston, seconded by Mr. Grider to approve the Waiver Request: Perimeter Landscaping

Approved 7-0

Large Scale Development

Approved 7-0

Motion by Mr. Haynie, seconded by Mr. Grider to adjourn.

Meeting adjourned

**A copy of this recording can be obtained from the Bentonville Planning Department.

Ali Worley

CONDITIONAL USE STAFF REPORT



Benton County Fairgrounds

7640 SW Regional Airport Boulevard

PC Date: 3/5/2019

Reviewer: Ali Worley, Planning Technician

Project Number	CU19-0001
Applicant / Current Owner	BCFA, Inc. PO Box 251 Bentonville, AR 72712
Site Area	+/- 59 acres
Current Zoning	A-1, Agricultural
Future Land Use Map Designation	Public/Semi-Public
Requested Use	Commercial Outdoor Recreation Facility
Protective Covenants	None

Property Description

This property is the site of the Benton County Fairgrounds, located at 7640 SW Regional Airport Boulevard. The applicant is proposing the site be allowed for use as a Commercial Outdoor Recreation Facility.

Proposed Use Description

The applicant is proposing to renew a previously approved Conditional Use permit (CU18-0007) to provide a more diverse variety of uses for the existing fairgrounds facility. Some of these uses may include outdoor events, concerts, and large gatherings. There will be no changes to the existing structure of the fairgrounds; any changes would require Large Scale Development approval. Existing parking and access to the site will be sufficient for the change in use classification.

Projected Traffic Impact

The proposed use will not adversely impact traffic in the area.

Public Notice

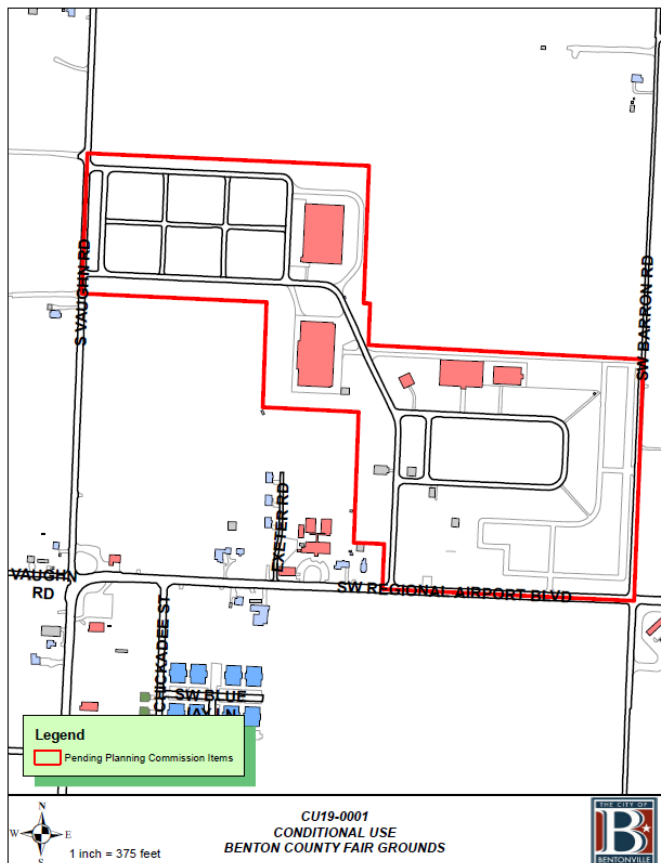
Staff has not been contacted regarding this request.

Conditions of Approval

1. Any additions, alterations, or substantial renovations to the existing fairgrounds facilities (including buildings, parking, etc.) will require submission and approval of a Large Scale Development project.
2. This conditional use permit shall be valid in perpetuity after issuance, unless one of the above conditions are violated.

<http://geo.bentonvillear.com/mgweb/PZpending/>

Location Map





Narrative for Conditional Use Application: Commercial and Outdoor Recreation Facility

A. Proposed use and reason for proposed change:

After many years of being in the heart of downtown Bentonville, due to increased growth and traffic in the area, as well as old, outdated facilities the Benton County Fairgrounds was relocated in 2007 to its new location and modern facilities. The BCFG then became the Benton County Fairgrounds and Expo Center.

The BCFGEC received 60 acres at 7640 SW. Regional Airport Rd. for operations, and the construction of several buildings to facilitate the annual fair event which has been held annually since 1904, serve the community and help the Benton County Fair Association (a 501c3 non-profit) produce earned income to support its mission through facility rental.

Given the recent and projected growth in Bentonville and Northwest Arkansas (NWA) in general, we are requesting a zoning change from public community facility to commercial recreation and outdoor facility to better serve our existing rental leasees as well as attract other event producers. Our goal is to take full advantage of the property and facilities, ensure for its long term financial sustainability to support our mission as well as add to the quality of life initiatives and economic development opportunities in NWA. We believe our fairground facility and acreage is the most modern in the state and perhaps the region.

The facility is under-utilized and may be noncompliant in some instances for camping/RV stays as well as for serving, consuming or selling adult beverages. Many of our leasees want more options as it pertains to adult beverages and we would require the event organizers to obtain the proper permits based on their needs. With a zoning change we could contribute more to the City of Bentonville, Arkansas Advertising and Promotions Commission (A&P) on lodging through RV stays as well as with food and beverage sales. We believe we could become a "destination" facility that helps Bentonville attract more tourism, and events not suitable for other venues nor our facilities as currently zoned.

With additional commercial rental of the facilities, we may be able to reduce fees to community groups and nonprofits. There are very few reasonably priced venues for cultural organizations, nonprofits and families to lease for celebrations and gatherings, and we could provide greater access if we can adjust our current financial model. We also enable Benton County 4H, Caring and Sharing and several other nonprofits to use our facility for free or at minimum fees to ensure their missions are fulfilled. We are proud to assist them and are doing more to quantify our facility's social impact beyond our actual fair event.

Our goal is to make the facility more financially viable and continue our more than 100-year heritage and mission of producing the Benton County Fair to celebrate the area's agricultural roots, youth from throughout the county, and economic impact. Even with the projected growth in our area, Benton County will likely remain one of the largest agricultural producing areas of the state. We could be doing more to bridge consumer trends for locally grown, clean eating and humane ranching practices further enhancing quality of life in NWA, and economic opportunity for rural ranching families.

B. Provide site plan to scale designating property lines, structures and proposed structures and indoor/outdoor areas to be utilized:

See attachment. We are not proposing constructing any new areas at this time but wish to maximize the areas and facilities we have to date.

C. Hours of operation:

Our facility is available for public and private event rental 365 days a year. We require leasees abide by all city and county standards. Typical maximize hours of operation are at the earliest 5am for livestock events, to 1am at latest for private gatherings.

D. Indoor and outdoor areas to be utilized:

We want to utilize all our facilities including:

- Auditorium
- Camping RV Hookups
- Exhibit Hall
- Horse Arena and Concession Kitchen
- Livestock Barn and show pens
- Midway 8 acres and paved track for sports, recreation and car shows
- Music Stage and grass seating
- Pavilion with covered and lighted seating and food truck hook ups
- Rabbit Barn
- West Parking Lot Acreage sports or recreation

E. Indoor and outdoor structural changes:

We do not anticipate any specific changes at this time. We are working to enhance the property landscaping, considering outdoor and indoor art murals and additional signage to recognize donors and sponsors. We have contracted with a skilled maintenance expert to help us perform routine maintenance, lighting and mechanical checkups and mowing. We do plan to install temporary stalls in the horse arena for shows and performances contracted in 2018. We are working with a campgrounds design expert to evaluate possible enhancements to existing RV and camping sites, but have not determined necessity, feasibility or costs.

F. Parking needs (provide a sketch)

We have ample parking for events. (see attached)

G. Planned outdoor lighting changes:

We do not foresee additional lighting changes but routine maintenance of existing structures and pending leasee requirements we may use rented lighting towers for some events. We deploy parking staff for some events and require leasees to have parking staff pending event characteristics. We have multiple entries to the property to help reduce traffic issues and keep entry and exit flowing.

H. Anticipated patrons/clients, deliveries and customers per day.

We average 30 rental events per year and would like to grow this to 50 by 2019. Our strategy is to attract repeat events who can grow with us and enhance our brand. Attendance is guided by building codes and typically is in a range 500 to 2000 people coming and going on site over several hours. We work with a number of event planners and Visit Bentonville to attract leasees including associations hosting regional sporting events, dog shows and more. Our goal is to make our facilities available at a reasonable price for the community at large to hold private gatherings, cultural celebrations, team building and corporate events, recreation in addition to large community events such as Vintage Market Days and the Crusing the Ozarks Car Show, Cowboy Mounted Shooting and Horse and Livestock Shows as well as charity fundraisers. We wish to continue to attract culturally relevant events for area residents as well as to support efforts to make Bentonville a destination.

I. Proposed number of employees

We do not have any direct employees but contract with at minimum four individuals for management of the facility and rentals, maintenance and cleaning and event support. Leasees are required to staff events accordingly to their plans.

J. Photographs of the Property:

Jon offered to help with google earth during meeting.



March 26, 2018

BCFA, Inc.
PO Box 521
Bentonville, Arkansas

To whom it may concern:

I am pleased to inform you that the Bentonville Planning Commission approved your conditional use permit for the Benton County Fairgrounds located at 7815 SW Regional Airport Boulevard. The following conditions apply:

1. This Conditional Use Permit shall be valid for one year from the date of approval. The applicant will need to apply for a new Conditional Use Permit before expiration.
2. Any additions, alterations, or substantial renovations to the existing fairgrounds facilities (including buildings, parking, etc.) will require submission and approval of a Large Scale Development project.

Please retain a copy of this for your records. If you have any questions do not hesitate to call the Planning Department at (479) 271-3122.

Sincerely,

Jon Stanley
City Planner

As owner/developer of the above reference project, I/we acknowledge receipt of this letter and agree to the conditions listed above.

By/Title

5/12/18

CONDITIONAL USE STAFF REPORT



SE 14th Street Day Spa

2102 SE 14th Street

PC Date: 3/5/2019

Reviewer: Tyler Overstreet, Planner

Project Number	CU19-0002
Applicant / Current Owner	Serenity Homes, Inc. 101 NW Olinka Pass Bentonville, AR 72712
Site Area	+/- .34 acres
Current Zoning	R-O, Residential Office
Future Land Use Map Designation	Low Density Residential (LDR)
Requested Use	Personal Services (Day Spa)
Protective Covenants	None

Property Description

This property is located southeast of the corner of SE 14th Street and SE Sunrise Street. The approximately .34-acre property is currently zoned R-O, Residential Office. Personal Services require a conditional use permit within this zoning district.

Proposed Use Description

The applicant submitted a conditional use permit application to allow a personal service (day spa) to operate at 2102 SE 14th Street. According to the applicant's narrative, they will operate the business from 10 a.m. to 10 p.m. seven days a week. They anticipate to only provide services to an average of five to six clients per day, with no more than two clients at a time.

Projected Traffic Impact

The proposed use will not adversely impact traffic in the area.

Public Notice

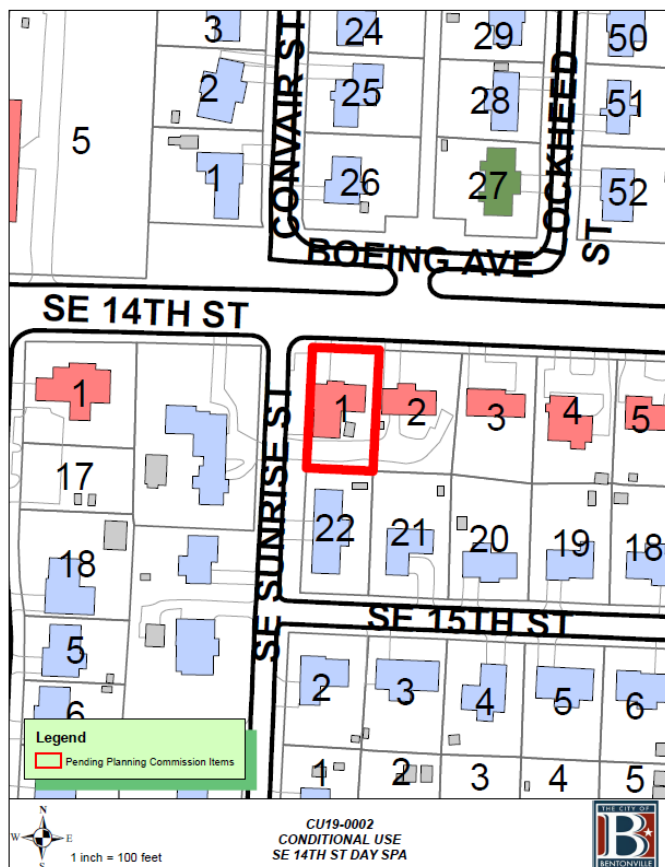
Staff has not been contacted regarding this request.

Conditions of Approval

1. An approved Reduced Pressure Zone Backflow device must be installed before the business may operate.
2. Access improvements to the property, as discussed with staff, shall be complete prior to approval of Code Compliance.
3. Any additions, alterations, or improvements to the site, outside of those discussed above, and as defined in Section 700.4.A of the Subdivision Code, shall require large scale development approval.
4. This conditional use permit shall be valid for one year after issuance, unless one of the above conditions are violated.

<http://geo.bentonvillear.com/mgweb/PZpending/>

Location Map



NARRATIVE

TO: Bentonville Planning Commission

FROM: Luke Haller, Attorney for JianFei Lin, Lessee of 2102 SE 14th Street

DATE: January 24, 2019

RE: Conditional Use Permit – 2102 SE 14th Street

1. Proposed Use. The Lessee, JianFei Lin, of 2102 SE 14th Street wishes to obtain a Conditional Use Permit for the purpose of opening a Day Spa at that location. Mr. Lin is in the Day Spa business and feels like 2102 SE 14th Street is the perfect location to open up a new Day Spa.

2. Site Plan.

1/18/2019

2102 SE 14th St - Google Maps



2102 SE 14th St
Bentonville, AR 72712

Pictured above is an aerial view of 2102 SE 14th Street provided by Google Maps and outlined in red. The building located at 2102 SE 14th Street is L-shaped and has a concrete parking lot to its left side running along Sunrise. Mr. Lin wishes to utilize the parking lot and the interior of the L-shaped building for his day spa use.

3. Hours of Operation. Mr. Lin's Day Spa will operate from 10 AM to 10 PM seven days a week.

4. Indoor/Outdoor Areas to be Utilized. Mr. Lin proposes to use the L-shaped building for his day spa services and the concrete parking lot to the side of the building for his clients' parking needs.
5. Planned Indoor/Outdoor Structural Changes. There are no such planned changes.
6. Parking Needs. There are approximately 10 total parking spaces as illustrated by the red lines in the depiction below. The green arrows represent traffic flow in and out of the parking lot. Mr. Lin will have two employees working and can only service two clients at any given time. Thus, 10 parking spaces should be more than adequate.



7. Planned Outdoor Lighting Changes. There are no such changes planned.
8. Anticipated Clients. Mr. Lin anticipates to only provide services to, on average, between five (5) and six (6) clients per day.
9. Proposed Number of Employees. Mr. Lin anticipates to only have at most two (2) employees on site at any given time.

LOT SPLIT STAFF REPORT



Lot 1, Ratcliff Subdivision

607 NE 2nd Street

PC Date: 3/5/2019

Reviewer: Tyler Overstreet, Planner

Project Number	LS19-0004
Applicant / Current Owner	Jeffrey and Denise Ratcliff Trustees 607 NE 2 nd Street Bentonville, AR 72712
Site Area	+/- .51 acres
Current Zoning	R-1, Single Family Residential
Future Land Use Map Designation	Low-Density Residential

<http://geo.bentonvillear.com/mgweb/PZpending/>

Location Map



Property Description

This property is located northwest of the intersection of NE 2nd Street and NE E Street. The approximately .5 acre property is currently zoned R-1, Single-Family Residential.

Project Details

A lot split of a previously unplatted tract of land, creating Lot 1 (+/- .5 acres) of Ratcliff Subdivision. The plat's primary purpose is to allow the homeowner to remodel the existing structures on site.

The plat dedicates a 10-foot utility easement along NE 2nd Street.

Projected Traffic Impact

The proposed lot split does not have the potential to impact traffic in the area.

Waivers

One waiver requested:

- A Waiver from Article 1100, Section 1100.5.B, Right-of-way Dedication, of the Subdivision Code. The applicant requests a 27-foot right-of-way width along NE 2nd Street be accepted as opposed to the 35-foot required by ordinance.

Conclusion

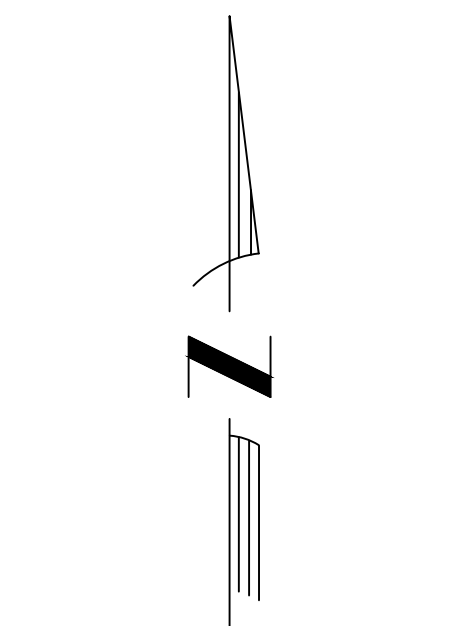
This lot split does not meet the minimum requirements of the subdivision regulations due to the waiver request.

Standard Conditions of Approval

- Provide a digital copy of the plat.
- Address all technical review comments before requesting a building permit.

NOTES

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



20' 0 20'

SCALE: 1" = 20'

LEGEND

- MONUMENT FOUND
- PROPERTY LINES
- 10' UTILITY EASEMENT
- BUILDING SETBACK

Drainage Easement Note:

There may not be fences or any other structures built in any drainage easements.

Owner/Developer

XXXXXXXXXXXXXX

N 00°19'21" E
593.30' (N.T.S)

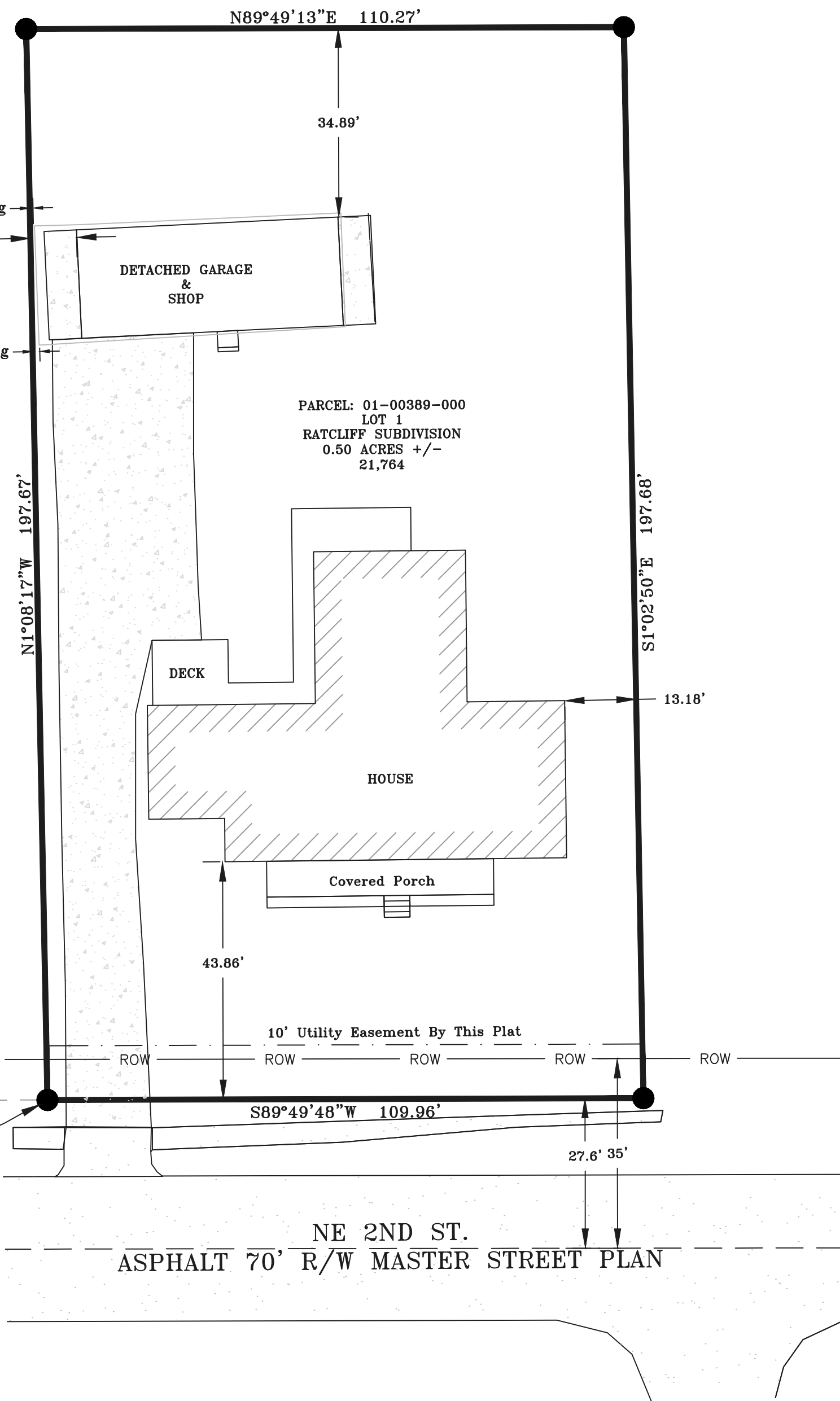
SW Corner
SW ¼ SW ¼
SEC 29
T-20-N
R-30-W

SURVEY CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A BOUNDARY SURVEY MADE UNDER MY SUPERVISION. BOUNDARY MARKERS AND LOT CORNERS SHOWN HEREON ACTUALLY EXIST AND THEIR LOCATION ARE CORRECTLY SHOWN.

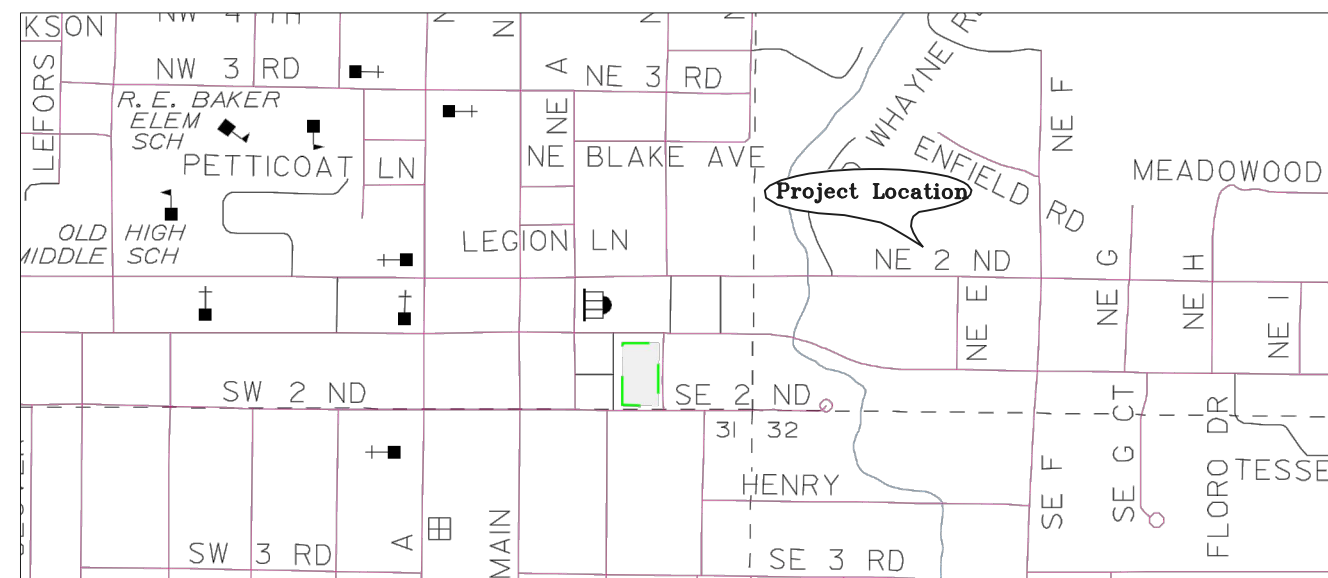
MATTHEW D. JAMES

DATE



LOT 1 SURVEY DESCRIPTION:

A PART OF THE SOUTHWEST QUARTER (SW ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION TWENTY-NINE (29), TOWNSHIP 20 NORTH, RANGE THIRTY (30) WEST. BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SW ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION TWENTY-NINE (29), TOWNSHIP 20 NORTH, RANGE THIRTY (30) WEST; THENCE NORTH 00°19'21" EAST A DISTANCE OF 593.30 FEET TO A POINT; THENCE NORTH 89°49'37" EAST A DISTANCE OF 733.54 FEET TO A FOUND IRON PIN FOR THE POINT OF BEGINNING; THENCE NORTH 01°08'17" WEST A DISTANCE OF 197.67 FEET TO A FOUND IRON PIN; THENCE NORTH 89°49'13" EAST A DISTANCE OF 110.27 FEET TO A FOUND IRON PIN; THENCE SOUTH 01°02'50" EAST A DISTANCE OF 197.68 FEET TO A FOUND IRON PIN; THENCE SOUTH 89°49'48" WEST A DISTANCE OF 109.96 FEET TO THE POINT OF BEGINNING CONTAINING IN ALL 21,764 SQUARE FEET OR 0.50 ACRES, MORE OR LESS. BEING SUBJECT TO THE RIGHT OF WAY OF NE 2ND STREET ALONG THE SOUTH SIDE THEREOF AND ALL OTHER EASEMENTS WHICH MAY OR MAY NOT BE OF RECORD.



Vicinity Map
NTS

NOTES:

Before any work in the Right-of-Way commences, Contractor and Owner is to contact the City of Bentonville Engineering and Transportation Departments and notify said departments on the intent and type of the work that will take place with-in the Right-of-Way.

Owner/Developer shall coordinate with all local utilities to insure each lot has water, sewer and electric service.

Sidewalks shall be the responsibility of the builder/owner at the time of building permit issuance.

All structures must maintain minimum of 20' clearance from all electric lines.

10' Utility Easement on exterior lot lines.

Lot 40 shall not have access onto NW 2nd Street.

CERTIFICATE OF OWNERSHIP

WE THE UNDERSIGNED, OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HERON, DO HEREBY CERTIFY THAT WE HAVE LAID OFF, PLATTED, AND SUBDIVIDED AND HEREBY LAY OFF, PLAT, SUBDIVIDE SAID REAL ESTATE IN ACCORDANCE WITH THIS PLAT AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC THE STREETS, ALLEYS, DRIVES, EASEMENTS, ECT. AS SHOWN ON SAID PLAT.

DATE OF EXECUTION: _____

SIGNED: JEFFREY A. RATCLIFF

SIGNED: DENISE K. RATCLIFF

NOTARY

STATE OF _____

COUNTY OF _____

SUBSCRIBED AND SWORN BEFORE ME THIS _____

DAY OF _____

MY COMMISSION EXPIRES: _____

CERTIFICATE OF APPROVAL

PURSUANT TO THE BENTONVILLE SUBDIVISION REGULATION AND ALL OTHER CONDITIONS AND APPROVAL HAVING BEEN COMPLETED, THIS DOCUMENT IS HEREBY ACCEPTED, THIS CERTIFICATE IS HEREBY EXECUTED UNDER THE AUTHORITY OF THE SAID RULES AND REGULATIONS.

DATE OF EXECUTION: _____

SIGNED: BENTONVILLE PLANNING COMMISSION CHAIRMAN

SIGNED: MAYOR CITY OF BENTONVILLE

SIGNED: CITY CLERK, CITY OF BENTONVILLE

Notes:

1. Except as specifically stated or shown on this plat, the survey does not purport to reflect any of the following which may be applicable to the subject real estate:

Easements, other than possible easements which were visible at the time of making of this survey; building setback lines; restrictive covenants; subdivision restrictions; zoning or other land-use regulations, or any other facts which an accurate and current title search may disclose.

2. Every document of record reviewed and considered as a part of this survey is noted hereon. Only the documents noted hereon were supplied the surveyor.

3. This plat represents a boundary survey of the parcel recorded in Deed Records, Book 2015, Page 20047 at the courthouse in Benton County, Arkansas.

4. Basis of Bearings: Arkansas State Plane, North Zone (NAD83).

5. This survey is valid only if the drawing includes the seal and signature of the surveyor.

6. This survey meets current "Arkansas Minimum Standards for Property Boundary Surveys and Plats."

7. No abstract of title, nor title commitment, nor results of title searches were furnished the surveyor. There may exist other documents of record which would affect this parcel.

8. Declaration is made to the original purchaser of the survey and is not transferable to any additional institutions or subsequent owners.

9. This property is zoned R-1.

10. Building setbacks for zone R-1 are as follows:

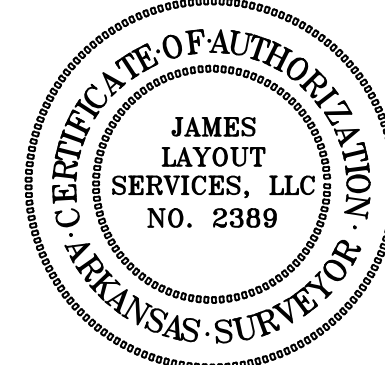
Front 20 Feet
Side(Interior) 7 Feet
Rear 25 Feet

11. Subsurface and environmental conditions were not examined nor considered a part of this survey.

12. No attempt has been made as a part of this boundary survey to obtain or show data concerning existence, size, depth, condition, capacity, or location of any utility or facilities.

13. (BY GRAPHICAL PLOTTING ONLY)

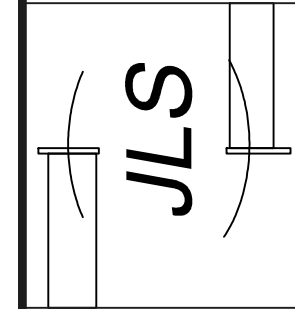
This property is not located within any presently established 100-year flood plain as determined by the National Flood Insurance Program, flood insurance rate map for Benton County, Arkansas. Map Number 05007C0255K. Revised date 06/05/2012



State Filing Code:
500-20N-30W-0-29-330-04-1845

CREATING LOT 1 OF RATCLIFF SUBDIVISION			
OWNER/DEVELOPER: JEFFREY & DENISE RATCLIFF	LOCATION:	607 NE 2ND ST.	
	FILENAME:	19-019 BOUNDARY.DWG	
	JOB NO.:	19-019	

James Layout Services, LLC
P.O. Box 611
Farmingington, Arkansas 72730
Telephone: (479) 439-9929
survey@jlsnwa.com



SHEET NO.

1 OF 1



James Layout Services, LLC

PO Box 611 Farmington, Arkansas 72730

(479) 445-7731

jameslayoutservices@yahoo.com

*January 28, 2019
Planning Department
City of Bentonville
315 S.W. "A" St.
Bentonville, AR 72712*

**Re: 607 NE 2nd. St.
Bentonville, AR 72712
Waiver Request**

We are representing Mr. & Mrs. Ratcliff to waive the right-of-way dedication at 607 NE 2nd Street. The city has done all the improvements to NE 2nd St. including curb & gutter and sidewalks to the north side.

*Sincerely,
James Layout Services, LLC*

**Nick Rumancik
Field Operation Manager**

FINAL PLAT STAFF REPORT



Lots 31-33 Mid-Cities Crossing Subdivision

2802 SE Mid-Cities Drive

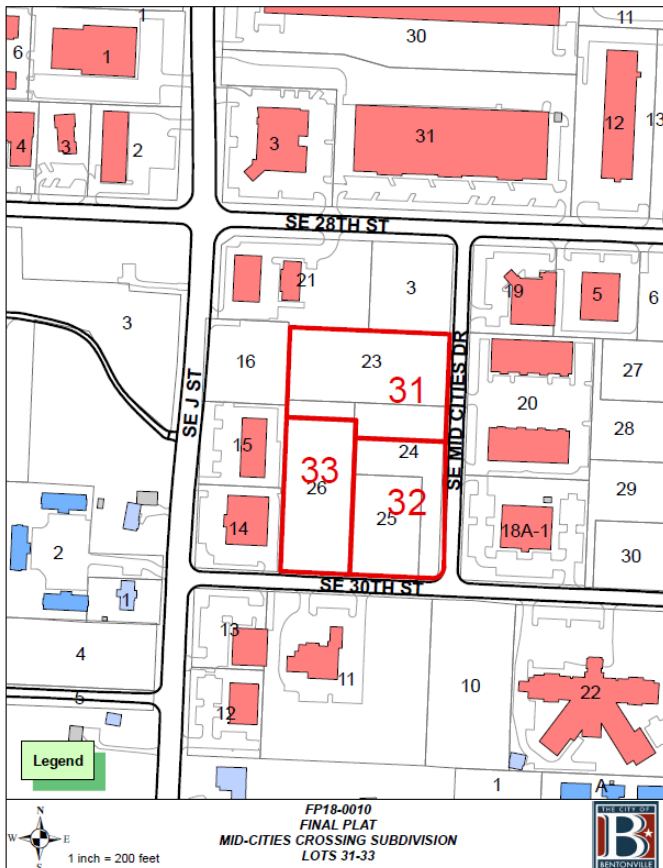
PC Date: 3/5/2019

Reviewer: Tyler Overstreet, Planner

Project Number	FP18-0010
Applicant / Current Owner	PLJ Investments, LLC PO Box 485 Bentonville, AR 72712
Site Area	± 5.55 acres
Current Zoning	C-2, General Commercial
Future Land Use Map Designation	Commercial (C)
No. of Lots	3
Subdivision Name	Mid Cities Crossing Subdivision

<http://geo.bentonvillear.com/mgweb/PZpending/>

Location Map



Property Description

This property is located northwest of the intersection of SE Mid-Cities Drive and SE 30th Street. The approximately 5.5 acre tract of land is currently zoned C-2, General Commercial.

Project Details

The applicant submitted a final plat establishing Lots 31-33 of Mid-Cities Crossing Subdivision. The plat dedicates multiple shared access easements of varying widths and a varying width drainage easement.

All non-bondable items and guarantees of improvements must be complete and a final inspection performed and approved prior to final plat approval.

Waivers

No waivers requested.

Conclusion

In conclusion, this final plat does meet the minimum requirements of the subdivision regulations.

Standard Conditions of Approval

1. Provide a digital copy of the plat.
2. Address all technical review comments before requesting a building permit.

Basis of Bearings: Grid North, Arkansas State Plane Coordinate System, North Zone (0301), NAD 83, based on Real-Time Kinematic (RTK) GNSS Observations from City of Bentonville GPS Monument #74, having published values of: Latitude 36°20'33.00" N / Longitude 94°12'21.11" W and a published Combined Scale Factor (Ground to Grid) = 0.999965471

- **Vertical Datum:** NAVD88 (Geoid 12B). Orthometric heights and contours are derived from Terrestrial and RT Kinematic GNSS Observations based on the City of Bentonville GPS Monument #74 having a published elevation of: 1303.53 feet
- **Flood Information:** Based upon review of NFIP FIRM, Benton County, Arkansas, and Incorporated Areas, Map Number 05007C0255K, Map Revised June 5, 2012 and by graphic plotting only, the subject property lies within: Zone X-Other Areas, areas determined to be outside the 0.2% annual chance floodplain. Surveyor assumes no liability for the correctness of cited map.
- Every recorded document reviewed and considered as a part of this survey is noted hereon. Surveyor has not made a thorough investigation or independent search for any easements or other encumbrances or facts that an accurate, complete and current title search and/or title commitment would disclose. Other documents of record, rights, or facts, may exist and affect this subject property.
- Subsurface or environmental conditions were not examined or considered as a part of this survey, except for underground storm pipes and sanitary sewer pipes as marked by the Arkansas One-Call System or observed at the time of the field survey.
- **Last Date of Field Survey:** October 5, 2018.

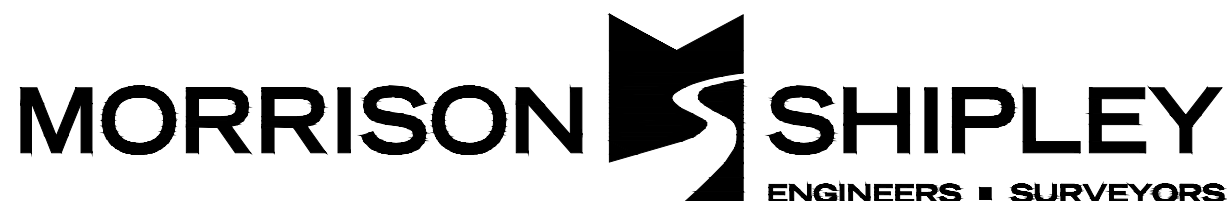
- Street Lights And Sidewalk construction shall be the responsibility of the Builder/Owner at the time of Building Permit issuance and in accordance with the City of Bentonville design standards.
- Before any work in the street right-of-way commences, Contractor and/or Owner is to contact the City of Bentonville Engineering and Transportation Departments and notify said departments of the intent and type of work that will take place within the right-of-way. Work in the right-of-way may require a separate permit.
- Individual water and sewer services must be added at the time of development for each lot. The services will be added at the lot owner's expense.
- Owner/Developer shall coordinate with all local utilities to insure that each lot has water, sewer and electric service.

1. The Drainage Easement being dedicated with this plat and being mostly on Lot 31, and on part of Lots 32 and 33, is for the common use and benefit of the owners of all Lots within the subdivision and for the benefit of the City of Bentonville. Detention and drainage facilities are to be constructed within Drainage Easement which is necessary to meet City of Bentonville detention and drainage requirements.
2. Detention and drainage facilities constructed in the Drainage Easement shall be in accordance with adopted standards of the City of Bentonville, and plans and specifications approved by the Department of Engineering of the City of Bentonville.
3. No fence, wall, building or other obstruction may be placed or maintained in the Drainage Easement, nor shall there be any alteration of the grades or contours within the dedicated area of the Drainage Easement unless approved by the Department of Engineering of the City of Bentonville.
4. The Drainage Easement on Lot 31 shall be maintained by the owner of Lot 31, in accordance with the following standard:
 - A. Drainage Easement shall be kept free of obstruction and debris;
 - B. Concrete appurtenances and detention facilities shall be maintained in good working condition.
5. In the event the owner of Lot 31 should fail to properly maintain the Drainage Easement and detention facilities therein situated upon Lot 31, the City of Bentonville, or its designated contractor, may enter the Drainage Easement by utilizing a reasonable means of access across Lot 31, Lot 32, or Lot 33 and perform maintenance to the achievement of the intended drainage and detention functions, and the cost thereof shall be paid by the owner of Lot 31.
6. In the event the owner Lot 31 fails to pay the cost of such maintenance after completion of the maintenance and receipt of a statement of costs, the City of Bentonville may file of record a copy of the statement of costs, and thereafter the cost shall be a lien against the owner of Lot 31. A lien established as above provided may be foreclosed by the City of Bentonville.



Lots 23-26, Mid-Cities Crossing Subdivision, Bentonville, Benton County, Arkansas, as shown in Plat Record Book 2017, Page 231.

Zoning - General Commercial (C-2)					
Building Setbacks					
Front Yard		Side Yard		Rear Yard	
With Front Parking	Without Front Parking	Adj. To Non-Residential District	Adj. To Residential District	Adj. To Non-Residential District	Adj. To Residential District
50'	20'	7'	30'	20'	30'



2407 SE Cottonwood Street ■ Bentonville, AR 72712 ■ 479.273.2209 ■ morrisonshopley.com

I, Patrick R. Foy, Hereby Certify That This Plan Correctly Represents A Plan Made Under My Direction And Engineering Requirements Of The Bentonville Subdivision Regulations Have Been Complied With.

Date Of Execution: _____

Signed _____
Registered Engineer

Pursuant to the Bentonville Subdivision Regulations and all other conditions and approval having been complete, this document is hereby accepted. This Certificate is hereby executed under authority of the said rules and regulations.

Date Of Execution: _____

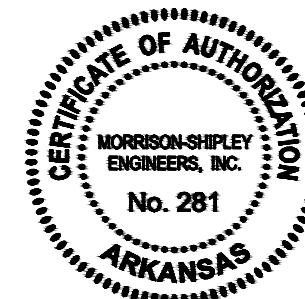
Signed _____
Bentonville Planning
Commission Chairman

Signed _____
Mayor City of Bentonville

Signed _____
City Clerk, City of Bentonville

I, Clayton D. Crotts, Hereby Certify This Plat Correctly
Represents A Boundary Survey Made By Me And All
Monuments Shown Hereon Actually Exist And Their
Location, Size, Type, And Material Are Correctly Shown.

Date Of Execution:_____



Owner/Developer
P L J Investments LLC
Contact: Lewis Yarborough
Phone: (479) 640-8284
PO Box 485
Rogers, AR 72757

FINAL PLAT

Mid-Cities Crossing Subdivision

Lots 23, 24, & 25

Creating Lots 31, 32, & 33

Bentonville, Benton County, Arkansas

Project #: PLJ-02
City Project #: FP18-0010

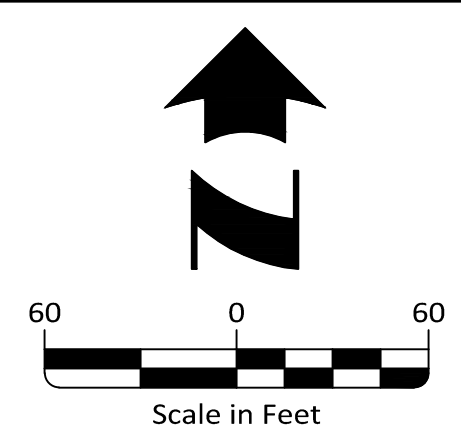
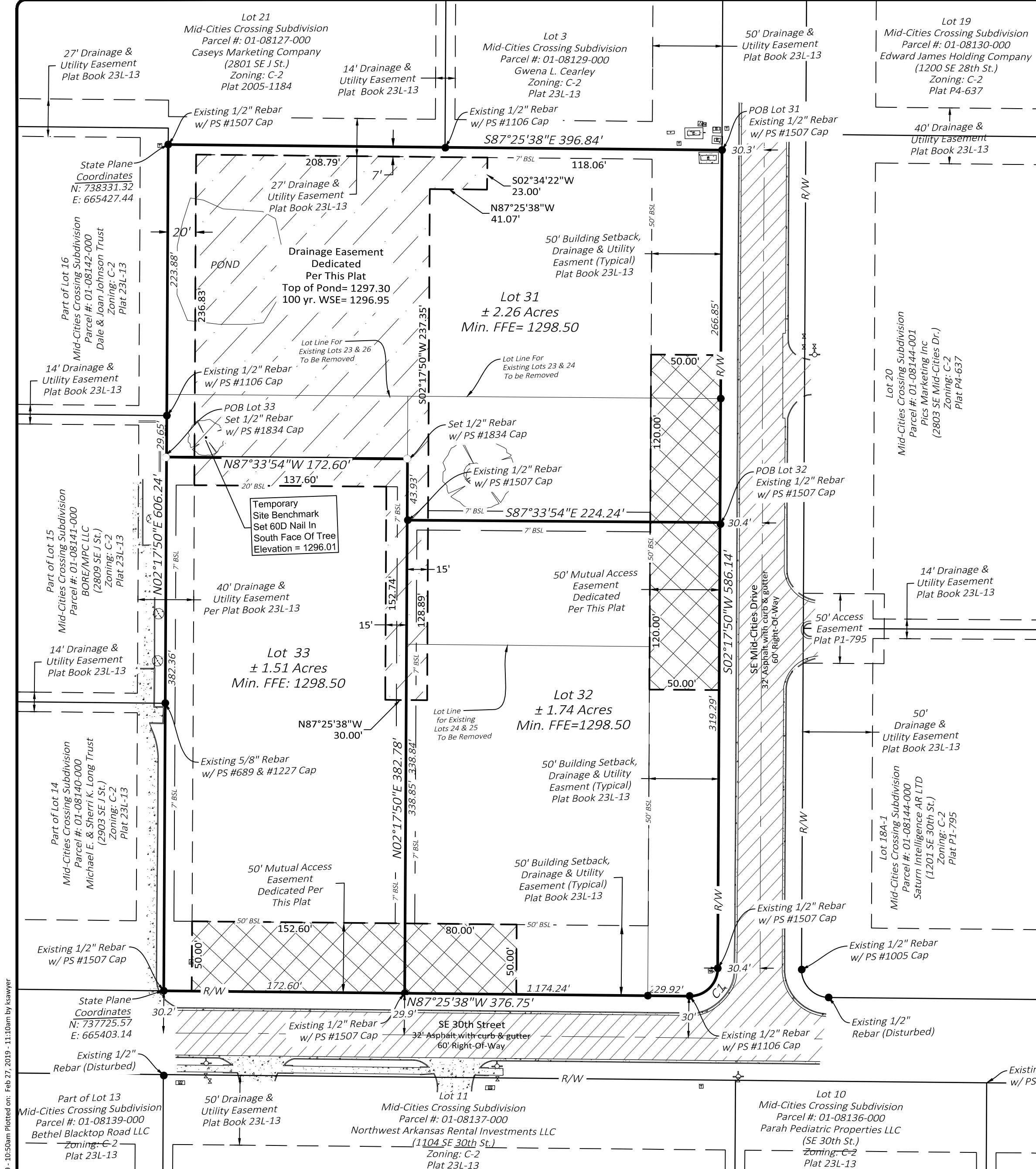
Drawn By KES
Checked By CDC

Date: 02.27.19

Sheet 1 of 2

FOR
REVIEW

Drawing Name: P:\PLJ-02\DWG\PLJ-02 Final Plat.dwg Plotted on: Feb 27, 2019 - 10:50am Plotted by: kswyer



Filing Block

LEGEND

Boundary Line

Proposed Easement

Adjacent Boundary Line

R/W

Road Center Line

Easement Line

Existing Concrete

Existing Asphalt

Proposed Access Easement

Proposed Drainage Easement

▲ Existing Monument

● Existing Rebar

● Existing Nail

⊕ Existing Water Meter

⊕ Existing Fire Hydrant

⊕ Existing Water Valve

⊕ Existing Sewer Manhole

⊕ Existing Gas Meter

⊕ Existing Fiber Optic Pedestal

⊕ Existing Television Pedestal

⊕ Existing Telephone Pedestal

⊕ Existing Electric Box

⊕ Existing Transformer

⊕ Existing Sign

⊕ Existing Tree

LOT 31:
Lot 23 and part of Lots 24 and 26, Mid-Cities Crossing Subdivision, Bentonville, according to record plat, Plat Book 2017, page 231, filed March 21, 2017, Benton County, Arkansas, being more particularly described as follows:
BEGINNING at a one-half inch (1/2") rebar with PS #1507 cap marking the Northeast Corner of Lot 23; thence South 02°17'50" West a distance of 266.85 feet to a one-half inch (1/2") rebar with PS #1507 cap; thence North 87°33'54" West a distance of 224.24 feet to a one-half inch (1/2") rebar with PS #1507 cap; thence North 02°17'50" East a distance of 43.93 feet to a one-half inch (1/2") rebar with PS #1834 cap; thence North 87°33'54" West a distance of 172.60 feet to a one-half inch (1/2") rebar with PS #1834 cap; thence North 02°17'50" East a distance of 223.88 feet to a one-half inch (1/2") rebar with PS #1507 cap; thence South 87°25'38" East a distance of 396.84 feet to the Point of Beginning.

LOT 32:
Lot 25 and part of Lot 24, Mid-Cities Crossing Subdivision, Bentonville, according to record plat, Plat Book 2017, page 231, filed March 21, 2017, Benton County, Arkansas, being more particularly described as follows:
COMMENCING at a one-half inch (1/2") rebar with PS #1507 cap marking the Northeast Corner of Lot 23; thence South 02°17'50" West a distance of 266.85 feet to a one-half inch (1/2") rebar with PS #1507 cap and the POINT OF BEGINNING; thence South 02°17'50" West a distance of 319.29 feet to a one-half inch (1/2") rebar with PS #1507 cap; thence 31.51 feet along the arc of a curve to the right, said curve having a radius of 20.00 feet and being subtended by a chord bearing and distance of South 47°26'06" West, 28.35 feet to an existing one-half inch (1/2") rebar with PS #1106 cap; thence North 87°25'38" West a distance of 204.15 feet to a one-half inch (1/2") rebar with PS #1507 cap; thence North 02°17'50" East a distance of 338.85 feet to a one-half inch (1/2") rebar with PS #1507 cap; thence South 87°33'54" East a distance of 224.24 feet to the Point of Beginning.

LOT 33:
Part of Lot 24, Mid-Cities Crossing Subdivision, Bentonville, according to record plat, Plat Book 2017, page 231, filed March 21, 2017, Benton County, Arkansas, being more particularly described as follows:
COMMENCING at a one-half inch (1/2") rebar with PS #1507 cap marking the Northeast Corner of Lot 23; thence North 87°25'38" West a distance of 396.84 feet to a one-half inch (1/2") rebar with PS #1507 cap; thence South 02°17'50" West a distance of 223.88 feet to a one-half inch (1/2") rebar with PS #1834 cap and the POINT OF BEGINNING; thence South 87°33'54" East a distance of 172.60 feet to a one-half inch (1/2") rebar with PS #1834 cap; thence South 02°17'50" West a distance of 382.78 feet to a one-half inch (1/2") rebar with PS #1507 cap; thence North 87°25'38" West a distance of 172.60 feet to a one-half inch (1/2") rebar with PS #1507 cap; thence North 02°17'50" East a distance of 382.36 feet to the Point of Beginning.

Curve Table					
Curve #	Length	Radius	Tangent	Chord Bearing	Chord Length
C1	31.51'	20.00'	20.10'	N 47° 26' 06" W	28.35'



FOR REVIEW

FINAL PLAT

Mid-Cities Crossing Subdivision

Lots 23, 24, & 25

Creating Lots 31, 32, & 33

Bentonville, Benton County, Arkansas

Project #: PLJ-02

City Project #: FP18-0010

Date: 02.27.19

Drawn By KES

Checked By CDC

Sheet 2 of 2



February 25, 2019

Mr. John Easterling
Engineering Department
City of Bentonville
305 SW A Street
Bentonville, AR 72712

Re: Mid-Cities Subdivision Lots 31-33
City Project #FP18-0010
Site Certification

Dear John,

Based on our observation throughout the project, all drainage improvements have been completed and appear to be in substantial compliance with the approved construction plans and city specifications. Our as-built detention survey shows the detention basin has been constructed generally as proposed. ***Therefore, please accept this letter as certification that the drainage improvements associated with the above project is determined to be in substantial compliance with the approved construction plans and city specifications.***

If you have questions or need additional information, you may reach me at 273-2209.

Sincerely,

Morrison-Shipley Engineers, Inc.

A handwritten signature in blue ink, appearing to read 'Patrick Foy', written over a horizontal line.

Patrick Foy, P.E.
Project Manager

ORDINANCE STAFF REPORT

Pg. 1



Subdivision Ordinance Amendments

PC Date: 3/5/2019

Reviewer: Shelli Kerr, AICP, Planning Services Mngr

<http://www.bentonvillear.com/198/Code-Amendments>

History

July 17, 2018 - The Planning Commission approved amendments to the Subdivision Ordinance on July 17, 2018. However, in preparing the agenda item for City Council, the city staff attorney identified a couple amendments that warranted additional review. Therefore, the amendment did not advance to city council.

November 6, 2018 - The item was on the November 6, 2018 Planning Commission agenda. Planning Commission held the public hearing, but agreed to table for further review.

The following staff report was prepared for the July 17 meeting and is updated with italicized text indicating changes from the original draft approved by Planning Commission.

From time to time, staff reviews the Subdivision Code for clarification, corrections, or updates to meet current conditions. The staff report summarize the most significant issues and proposed changes to the code. Staff requests approval of the proposed ordinance to amend Chapter 15 Subdivision Code.

Generally:

- Replaced “permitted” with allowed when there is no actual permit involved.
- Change the full title of “Community Development Director” to “director.”
- Change AHTD to ArDOT.
- Reorganized the design standards into alphabetical order, with specific design regulations (i.e. commercial, downtown, airport, etc.) moved to the end of the article.
- Reorganized the landscaping chapter to combine some regulations that were the same but listed several times throughout.
- The code currently requires applications to be submitted 22 days prior to the Planning Commission meeting. This timing was established when development activity slowed down during the recession. Since then, the planning review process has been adjusted to 36 days. To avoid amending the code when development levels change, the code should reference “currently adopted policies.”
- Chapter 15 is currently titled the Subdivision Code. Since the chapter regulates large scale developments and other non-subdivision related items, a more comprehensive title is needed and recommended to be titled “Land Development Code.”

ORDINANCE STAFF REPORT

Pg. 2

Issue	Solution
Ord. Sec. 3 Applicability	
1. The applicability section is vague and needs clarification.	100.06 Add language requiring all new construction and additions to meet the requirements unless specifically exempted.
Ord. Sec. 4 - Definitions	
2. Defined terms should be in the Definitions article instead of the regulatory articles. Where they are located in the regulatory articles they have been moved into the Definitions article.	Relocate definition of “caliper” and “dangerous traffic conditions” from the regulatory article to the definitions article and create a definition for “off-street parking space.”
3. Definitions should not include any regulatory language. The regulations pertaining to conduits are already established in the BEUD specifications.	Remove regulations pertaining to conduits from the Subdivision Code to avoid conflicts with BEUD specifications.
4. Definition of lot frontage is specific to abutting a street. The definition of street is broader and includes public – right-of-way.	In the definition of lot frontage, remove the term “ street” and replace with “public right-of-way.”
5. Definition of lot split is inconsistent with regulations. Remove and let the regulations describe a lot split.	Remove the definition of lot split.
Att. A: Article 300 Administration and Enforcement	
6. The role of the planning commission as it relates to land development is unclear. Use language similar to that in the zoning chapter.	Pg. 1 – 300.01: Add language from the zoning code regarding planning commission’s role in development review.
7. Fees related to land development are not addressed in this chapter.	Pg. 1 – 300.01: Add language from zoning pertaining to development fees.
8. <i>Language is unclear as to when platting is required in order to issue a building permit.</i>	<i>Pg. 1 – 300.02: Exempt unplatted A-1 zoned properties from having to plat prior to issuing a building permit.</i>
9. Ownership and maintenance of detention ponds is an administrative function, not a regulatory function.	Pg. 2 – 300.02: Move the regulations for ownership and maintenance of detention ponds from the Design Standards article to the Administration article.
10. <i>Ensure that waivers are being used appropriately.</i>	<i>Pg. 3 – Sec. 300.04: Revise language to ensure that the regulation from which a waiver is being requested is applicable.</i>

ORDINANCE STAFF REPORT

Pg. 3

11. *Engineering is currently reviewing vacations of street right-of-way, easements, and alleys; there is an application fee, the code does not address recording.*
Pg. 4 – 300.06 Replace Planning with Engineering as the department accepting applications; add “payment of application fee” in the application checklist, and add process for City Clerk to record vacations.
12. Per state statutes, appeals to the board of adjustment are for zoning code regulations or for staff interpretations. Planning commission approves waivers for development codes.
Pg. 5 – 300.07: Revise wording to reflect that appeals to the board of adjustment are for staff interpretations, and appeals to city council are for planning commission decisions.
13. Trail construction is currently addressed in the Administration chapter. This is best located in the regulatory section.
Pg. 5 – 300.08: Move trail construction language from the Administration article to the applicability section for Large Scale Development regulations.

Att. B: Article 400 Preliminary Plat

14. The process for development review has changed and plans are required instead of voluntary submittal of sketch plans.
Pg. 1 – 400.02: Add language that requires plans to be submitted for the pre-application process in accordance with current policies.
15. Utilities requires a specific size of paper and drawing scale for submittals.
Pg. 2 – 400.03: Add language that requires utility drawings to be on a 24” x 36” paper at a scale of 1” = 30’ or larger.
16. Planning commission action is to be based on when all comments have been addressed instead of when they initially submit.
Pg. 2 – 400.04: Change action deadline from the date of submittal to the date when staff accepts the submittal as complete and ready for review by Planning Commission.
17. City staff approves water and sewer, not the State Board of Health as the code states. Need to ensure that water and sewer supply is available to each lot.
Pg. 3 – 400.05: Change water and sewer approvals from State Board of Health to water and sewer staff and require each lot to have access to an approved source of water and sewer.
18. A pre-construction meeting is required before an applicant can proceed with making improvements.
Pg. 3 – 400.06: Clarify that Planning Commission approval means the applicant can proceed to the pre-construction conference, which is required prior to construction.
19. Before a building permit can be issued for a model home, water and sewer must be available and the lift station complete.
Pg. 4 – 400.08: Require water and sewer services to be available and a lift station to be completely finished before issuing a building permit for a model home.

ORDINANCE STAFF REPORT

Pg. 4

Att. C: Article 500 Final Plats

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| 20. Require utility easement dedications to be part of the final plat for approval. | Pg. 2 – 500.04: Add that utility easement dedications are also required on final plats. |
| 21. The code lists development items that cannot be guaranteed and have to be complete prior to Planning Commission approving a final plat. It also provides a list of items that can be guaranteed. | Pg. 4 – 500.08-09: Add water and sewer requirements for a project to be considered substantially complete. |

Att. D: Article 600 Incidental Subdivisions

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| 22. <i>Need clarification to criteria for lot splits and property line adjustments and what requirements apply.</i> | <i>Pg. 1 – 600.01: Make the review criteria the applicability standards for all incidental subdivisions. Add language regarding when new streets or alleys can be required. Exempt unplatted A-1 zoned property from platting when the remaining lots are five acres or more and no new streets are required or proposed. An informal plat is any platting that does not require any improvements, dedications, waivers, variances, etc.</i> |
| 23. All lots need access to water and sewer. | <i>Pg. 1 – 600.01: Add language to required that all lots created by a split or readjustment must have direct access to public water or sewer or an approved source of water and/or sewer.</i> |
| 24. The regulations do not have a mechanism for platting easements or dedications only. | Pg. 2 – 600.01: Establish an easement plat as an incidental subdivision. |
| 25. Administrative approvals should only be allowed where no waivers from the planning commission are required. | Pg. 2 – 600.03: Clarify that administrative approvals can only be approved if no waivers or variances are requested, <i>and revise so that all incidental subdivisions are eligible for administrative approval if they meet the requirements.</i> |
| 26. The process for recording incidental subdivision is different than that of other subdivisions. For consistency, the same process/language should be used for both. | Pg. 3 – 600.04: Revise language to read the same as recording of final plats. |

ORDINANCE STAFF REPORT

Pg. 5

Att. E: Large Scale Developments

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| 27. All development related departments should review trail construction and parking lots. | Pg. 1 – 700.01: Under applicability of large scale developments, require trails and parking lots to go through the process. |
| 28. The pre-application conference is mandatory to ensure that submittals for planning commission review are complete and accurate. | Pg. 1 – 700.02: Remove the “optional” section from Pre-Application conference and require plans to be submitted. |
| 29. The requirement to submit plans to other departments is no longer necessary now that eTrakIt is online. | Pg. 2 – 700.03: Remove the requirement to submit plans to other departments. |
| 30. Trails and parking lots can be administratively approved by the director | Pg. 2 – 700.04: Add trails and parking lots to the applicability section for administrative approval of large scale developments. |
| 31. The review criteria is written in a negative tone. It should be worded in a manner describing what is desired instead of what is prohibited. | Pg. 3 – 700.05: Revise wording to establish criteria that is desirable. |
| 32. The current expiration of a large scale development of six months is resulting in additional work on staff to extend the LSD. Financing and development related issues are common and can delay a project beyond six months. Staff feels that one year is adequate time to get an approved LSD started. | Pg. 4 – 700.07: Change the expiration on Large Scale developments from six months to one year. |
| 33. The appeals section is redundant with the administration article. | Pg. 4 – 700.08: Remove the appeals sections. |
| 34. Terminology in the code conflicts with terms used in the inspection process. | Pg. 5 – 700.10: Replace “development final” with “site final” and replace “certificate of occupancy” with “building final.” |
| 35. Additional items need to be complete before passing a site final. | Pg. 6 – 700.11-12: Add items that must be complete prior to passing a site final and what is acceptable to proceed with scheduling a building final. |

ORDINANCE STAFF REPORT

Pg. 6

Att. F: Planned Developments

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| 36. The Zoning Code categorized Planned Unit Developments (PUD) and Planned Residential Developments (PRD) as Planned Developments. They are to be developed under the same regulations. | Pg. 1 – 800.00: Change Article 800 Planned Unit Developments to regulate both PUDs and PRDs. |
| 37. Water and sewer availability and capacity should be reviewed when approving a planned development. | Pg. 3 – 800.05: Add a review criteria that water and sewer availability/capacity must be adequate for the proposed use and density. |

Att. G: Plat & Plan Requirements

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| 38. Establish requirements for scale and size of plans. | Pg. 1 – 900.01: Add a statement that the plan scale must be a minimum of 1" to 100' and minimum page size is 18" x 24". |
| 39. Needs a statement that the items in the table are to be shown on plats and plans. | Pg. 1 – 900.02: Add a statement that the item on the table are to be shown on corresponding application types. |
| 40. To assist with documentation, all plans and plats should have the assigned project number. | Pg. 2 – 900.02: Add requirement to indicate the project number on all submittals. |
| 41. It is important that any utilities locations have been field verified. | Pg. 3 – 900.02: Add a requirement for a statement on the plan that all utility locations have been field verified on all plats and plans except final plats. |
| 42. Need consistency on how detention and retention ponds should be shown on plans. | Pg. 5 – 900.02: Add standards for how detention and retention ponds should be shown on plans and plats. |
| 43. <i>Need to know if applicant proposed any fences in new developments.</i> | <i>Pg. 6 – 900.02 Add that proposed, not just required, fences be shown on plats, LSD's and PD's.</i> |
| 44. <i>Street frontage landscaping is required on large-scale developments and should apply to preliminary plats.</i> | <i>Pg. 6 – 900.02 Require landscape plan for preliminary plats.</i> |
| 45. Certificates of accuracy and approval are only needed on the final plats. The county has a stamp of recording, therefore a separate certificate is not necessary. | Pg. 7 – 900.03: Remove certificate requirements for preliminary survey accuracy, preliminary engineering accuracy, preliminary plat approval, and certificate of recording. |

ORDINANCE STAFF REPORT

Pg. 7

Att. H: Art. 1100 Design Standards

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| 46. As written, a lot must have access. This term is vague and the intent is to have direct access. | Pg. 1 – 1100.01: Add “direct” in front of “access” to require “direct access.” |
| 47. Engineering has established a right-of-way permit. | Pg. 2 – 1100.02: Revise city approval of curb cuts from a letter of approval from Community Development to a Right of way permit from Engineering. |
| 48. The regulations requiring specific distances between curb cuts does not establish how they are to be measured. | Pg. 3 – 1100.02: Add that the curb cuts are to be measured from centerline-to-centerline. |
| 49. Ownership of detention ponds is located in the design standards. This is more of an administration / enforcement issue and has been moved to Art. 300 Administration and Enforcement. | Pg. 7 – 1100.04: Delete ownership and maintenance of detention ponds, which is now in the administration chapter. |
| 50. Driveway standards apply to commercial, industrial and multifamily. They should also be applied in mixed-use developments. | Pg. 8 – 1100.05: Add “mixed-use” to the list of driveways that must meet the width standards. |
| 51. The driveway design standards conflict with adopted fire code standards for access to properties. | Pg. 9 - 1100.05: Revise driveway design standards for compliance with the fire code, requiring paving for any driveway longer than 150 ft. |
| 52. Fence regulations are currently in the landscaping article. Since fences pertain to any development, not just as a screening requirement, it is better served in the design standards article. | Pg. 10 - 1100.06: Relocate the fence regulations to the design standards article. |
| 53. Currently fence fees are to be paid after the application has been approved. This has resulted in the applicant being notified of approval and not picking up the permit or paying the fee. | Pg. 10 - 1100.06: Require fence fees to be paid at time of application. <i>Require a cut sheet with a fence application.</i> |
| 54. As development has increased in the downtown area, several variances for taller fences have been granted by the Board of Adjustments. Since this appears to be a trend that is supported by the board, the code should be changed to allow a taller fence downtown. <i>Also, the existing 3' maximum height in front yards is difficult because the standards size for materials is 4'.</i> | Pg. 12 - 1100.06: Change the fence height in the DN zoning districts from 6' to 8'. <i>Change the front and exterior side yard fences to be four feet in height instead of three feet.</i> |
| 55. Floodplain regulations are in a separate chapter, but staff feels it important that it be referenced in the design standards since floodplain regulations can affect site design. | Pg. 13 – 1100.07: Reference compliance with floodplain regulations. |

ORDINANCE STAFF REPORT

Pg. 8

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| <p>56. Landscaping and screening are in a separate chapter of the development code, but staff feels it important that it be referenced in the design standards since landscape regulations can affect design.</p> <p>57. Parking regulations are in the zoning code, but staff feels it important that such regulations be referenced in the design standards since parking regulations can affect site design.</p> <p>58. Engineering is reviewing retaining wall permits but the code states it is the Community Development Director.</p> <p>59. ADU's create an additional unit, which is essentially new residential construction and should be required to install sidewalks as other new residential construction.</p> <p>60. <i>Many sidewalk waivers are going to Planning Commission. In some instances, these can be administratively approved.</i></p> <p>61. <i>The right-of-way dedication is missing a section regarding applicability.</i></p> <p>62. In case the requirements of the master street plan change, the table should be removed and referenced to avoid inconsistency with future adopted plans.</p> <p>63. The same street light standards apply in several sections. Staff recommends compiling them into one location for easier reference.</p> <p>64. To assist in implementation of the Master Bicycle and Pedestrian Plan, as is done with the Master Street Plan, compliance with the plan should be required.</p> <p>65. <i>Requirements for screening of trash receptacles is vague.</i></p> <p>66. Existing electric overhead can be placed underground at the expense of the developer if approved.</p> | <p>Pg. 15 – 1100.09: Reference compliance with landscaping and screening regulations.</p> <p>Pg. 18 – 1100.13: Reference compliance with parking regulations.</p> <p>Pg. 19 – 1100.14: Replace the community development director with engineering as the reviewer of retaining wall permits.</p> <p>Pg. 21 – 1100.15: Add ADU's to the list of new residential construction required to build sidewalks.</p> <p><i>Pg. 21 – 1100.15: Add exemptions for A-1 zoned lots of 150 linear street frontage or more used for low density residential. Add that low-density residential sidewalk waivers can be approved administratively, and establish review criteria for granting a sidewalk waiver.</i></p> <p><i>Pg. 22 – 1100.16: Create an applicability section with review criteria and exempt A-1 property of five acres or more from dedicating right-of-way.</i></p> <p>Pg. 22 - 1100.16: Remove table of master street plan requirements and require compliance with the master street plan.</p> <p>Pg. 25 – 1100.17: Combine regulations that apply in all conditions instead of listing them out under each individual condition.</p> <p>Pg. 27 – 1100.18: Add language that requires compliance with the Master Bicycle and Pedestrian Plan.</p> <p><i>Pg. 27 – 1100.19 Require trash receptacle screening to be consistent with the utility and mechanical equipment screening in the LSD design standards.</i></p> <p>Pg. 27 – 1100.20: Specify that developers can place overhead electric underground at their own expense, if approved.</p> |
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ORDINANCE STAFF REPORT

Pg. 9

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| <p>67. The DN districts have their own design standards and should be exempt from the large scale development design standards.</p> <p>68. The regulations do not specify how the design standards apply in the case of additions and is interpreted to apply only to the addition itself.</p> <p>69. To ensure screening of utility and mechanical equipment presents a consistent appearance with the rest of the building, such screening should use similar materials as the primary structure.</p> <p>70. Bike racks should be an allowed site amenity to meet the site amenities requirement.</p> <p>71. The design standards for the downtown neighborhood zoning districts are currently in the zoning code and should be relocated to the development code so that all design standards are in the same code section.</p> <p>72. <i>The phrase “where alleys exist” is vague.</i></p> <p>73. To avoid conflicts, doors that access directly onto a sidewalk should be recessed to allow for safe pedestrian use of the sidewalk.</p> <p>74. Engineering staff recommends that the applicant for a project at the municipal airport must first meet with and receive approval from the airport manager instead of the Airport Advisory Board.</p> <p>75. The landscaping regulations for the airport district are currently in the design article. All landscaping regulations should be in the landscaping article.</p> | <p>Pg. 28 - 1100.21: For LSD design standards, exempt the DN district, which have their own design standards. <i>For industrial and agricultural zoned properties, add that the design standards apply to sides that are visible from a public right-of-way.</i></p> <p>Pg. 29 – 1100.21: Clarify that only the addition to the building must to meet the design standards.</p> <p>Pg. 30 – 1100.21: Add that screening of mechanical and utility equipment must use materials similar to the primary building.</p> <p>Pg. 32 - 1100.21: Add bike racks as an allowed site amenity for LSD site amenity requirements.</p> <p>Pg. 32-44 – 1100.22: Insert the DN district designs standard that were previously in the zoning regulations.</p> <p><i>Pg. 33 – 1100.22: Replace “exist” with “are platted and paved.” Add language allowing property owners to pave alley consistent with adopted standards.</i></p> <p>Pg. 46 – 1100.23: Require doors onto sidewalks to be recessed the width of the door.</p> <p>Pg. 50 – 1100.24 Revise language to require a meeting with the airport manager prior to beginning the large-scale process and that the project must be approved by the airport manager before moving on to Planning Commission approval.</p> <p>Pg. 52 – 1100.24: Relocate landscape regulations to the landscape chapter and add that the development must comply with the specific landscape regulations for airports.</p> |
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ORDINANCE STAFF REPORT

Pg. 10

Att. I: Art. 1400 Landscaping & Screening

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| 79. Landscaping and screening applies to parking lots and residential preliminary plats. | Pg. 1 – 1400.02: Add language that require the landscape requirements to apply to parking lots and residential preliminary plats. |
| 80. The Tree and Landscape Advisory Committee has determined that the Street Tree Corridor Plan has not achieved the anticipated goals. | Pg. 2 & 21 – 1400.04 & 1400.16: Delete the Street Tree Corridor Plan. |
| 81. The items shown on the landscape plan must also be shown in compliance with the landscaping regulations. | Pg. 3 – 1400.05: Require that the items shown on the plan are in compliance with the landscape regulations. |
| 82. The list of items to be shown on the plan also include regulations, which are best suited in regulatory sections, not plan requirement sections. | Pg. 3 – 1400.05: Combine regulations and relocate to the general provisions and tree size requirements. |
| 83. <i>There are some cases where private utility easements do not allow for the placement of trees and those easements are in the same location as the required street frontage buffer.</i> | <i>Pg. 5 – 1400.06: Add a requirement that when there are private utility conflicts in the street frontage buffer, trees are still required in an area parallel to the street and the location selected must be approved by the director.</i> |
| 84. <i>Current perimeter landscaping requirements do not make accommodations for cross access between properties.</i> | <i>Pg. 5 – 1400.07: Allow required perimeter landscaping requirements to be placed elsewhere on site when cross access is being provided.</i> |
| 85. Large scale developments and homeowners are required to plant trees. Tree planting should also apply to preliminary plats. | Pg. 5 & 9 – 1400.10: Add language requiring preliminary plats to plant one shade tree per 50 feet of street frontage along the perimeter streets of the subdivision. |
| 86. The same regulations are listed several times for different conditions. | Pg. 10 – 1400.12: Combined similar regulations into one area. |
| 87. The Tree and Landscape Advisory Committee has reviewed and established a new approved tree list and a new prohibited tree list. | Pg. 12 to 19 – 1400.13 & 1400.14 Revise both the approved and prohibited tree lists, as recommended by the Tree and Landscape Advisory Committee. |

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 15 SUBDIVISION CODE OF THE
BENTONVILLE MUNICIPAL CODE.

WHEREAS, Bentonville periodically reviews the Subdivision Code which uncovers errors, need for clarification, or updates to meet current conditions.

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

Section 1. That within this ordinance, except section headings, all underlined text shall be added and strikethrough text shall be deleted.

Section 2. The Bentonville Municipal Code, Chapter 15 Subdivision Code shall be and is hereby renamed to Land Development Code.

Section 3. That Bentonville Municipal Code, Chapter 15 Subdivision Code, Art. 100 General Provisions shall be and is hereby amended with the following:

Sec. 100.06Applicability.

It is hereby declared to be the policy of the City of Bentonville to consider the subdivision of land and the subsequent development of subdivided plat as subject to the control of the City pursuant to the General Plan, primarily the Land Use Plan and Master Street Plan of the City for orderly planning and efficient development of the City and the planning area. These regulations and development standards shall apply to the following forms of land subdivision and development:

- (a) *Subdivision.* The division of land into two or more tracts, lots, sites, or parcels;
- (b) *Property line adjustments.* A transfer or adjustment of a property line which does not create a separate, new lot. A property line adjustment may or may not dedicate right-of-way or utility easements;
- (c) *Large scale developments.* All development required to go through the Large Scale Development process ~~other than single family and duplex; or~~
- (d) *Dedications.* The dedication of any street or alley right-of-way, utility easement, drainage easement, or access easement through any tract of land regardless of the area involved.
- (e) *New construction and additions.* All new construction and additions, unless specifically exempt.

Section 4. That Bentonville Municipal Code, Chapter 15 Subdivision Code, Art. 200 Definitions shall be and is hereby amended with the following:

Caliper: The measurement of the diameter of the trunk six (6) inches above ground level for trees up to four (4) inches in caliper size.

Dangerous traffic condition: A traffic condition in which the risk of accidents involving motor vehicles is significant due to factors such as, but not limited to, high traffic volume, topography, or the nature of the traffic pattern.

Lot Frontage: That dimension of a lot or portion of a lot abutting on a street-public right-of-way, excluding the side dimension of a corner lot.

~~Lot split: A subdivision of three lots or less where right-of-ways and or utility easement are being dedicated to the City.~~

Parking space, off-street: A space for the parking of a motor driven vehicle within a parking lot and having a permanent means of access to a street right-of-way without requiring passage through another parking space.

Primary Junction Box: Used in both commercial and residential locations. These enclosures are used by BEUD in order to provide underground power in multiple directions. The underground cables in these devices carry primary power only (12.47/7.2 kV). There are three types of primary junction boxes: a 600A three-phase junction box, a 200A three-phase junction box, and a 200A single-phase junction box. ~~Conduits coming in and out of this device should be buried four (4) feet deep.~~

Secondary Junction Box: Provide secondary power to multiple locations. In a residential setting, these are typically located on the lot line in the front yard. ~~Conduits coming in and out of this device should be buried two (2) feet deep.~~

Section 5. That Bentonville Municipal Code, Chapter 15 Subdivision Code, Sec. 1200.2 Determining Necessity for Off-Site Improvements shall be and is hereby amended by adding the following:

(d) The off-site improvement shall be required whenever a proposed development or residence causes the need for such improvements.

Section 6. That the following articles of the Bentonville Municipal Code, Chapter 15 Subdivision Code, shall be and are hereby deleted and replaced with the respective attachment, an electronic copy and paper copy of which are on file with the City Clerk, and are hereby adopted by reference as though they were copied herein fully:

Attachment A: Art. 300 Administration and Enforcement

Attachment B: Art. 400 Preliminary Plats

Attachment C: Art. 500 Final Plats

Attachment D: Art. 600 Incidental Subdivisions;

Attachment E: Art. 700 Large Scale Developments;

Attachment F: Art. 800 Planned Developments

Attachment G: Art. 900 Plat and Plan Requirements;

Attachment H: Art. 1100 Design Standards; and,

Attachment I: Art. 1400 Landscaping, Screening and Buffering.

Section 7. This Ordinance shall be in full force and effect 30 days from the date of its passage and approval.

PASSED and APPROVED this ____ day of _____, 2019.

Approved:

Mayor Stephanie Orman

ATTEST:

City Clerk