



**Planning Commission
Agenda
March 19th, 2019**

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

- 1. KCG BV, LLC** **Rezoning***
(Expired PUD, Planned Unit Development to C-2, General Commercial)
SW Regional Airport Boulevard and SW Buckeye Street ([RZ19-0002](#))
- 2. Parnell** **Rezoning***
(PRD, Planned Residential Development to R-O, Residential Office)
2302 SW I Street ([RZ19-0003](#))
- 3. Emergent Property Management** **Rezoning***
(C-3, Mixed-Use Commercial to DC, Downtown Core)
109 SE 14th Street ([RZ19-0004](#))
- 4. Lots 1-3, Presley Place Subdivision** **Lot Split**
806 NW A Street ([LS19-0006](#))
- 5. Subdivision Ordinance Amendments** **Public Hearing***

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

Planning Commission
Minutes
March 5, 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: Shelli Kerr, Jon Stanley, and Tyler Overstreet

Motion by Mr. Grider, seconded by Mr. Eccleston to approve the minutes of February 19, 2019 as written
Approved 7-0

New Business

Item #1

Benton County Fairgrounds: Conditional Use, Commercial Outdoor Recreation Facility, 7640 SW Regional Airport Blvd, CU19-0001
Tyler Overstreet reads the staff report.
Opened public hearing
No public comments
Closed public hearing
Approved 7-0

Item #2

SE 14th Street Day Spa: Conditional Use, Personal Services, 2102 SE 14th Street, CU19-0002
Tyler Overstreet reads the staff report.
Opened public hearing
Luke Haller, representative, gives an update on the conditions of approval regarding access requirements.
Closed public hearing
Approved 7-0

Item #3

Lot 1 of Ratcliff Subdivision: Lot Split, 607 NE 2nd Street, LS19-0004
Tyler Overstreet reads the staff report.
There is discussion in regards to the right-of-way dedication waiver.
Nick Rumancik, representative, answers questions from staff and Commissioners.
Motion by Mr. Davis, seconded by Mr. Sanders to approve the Waiver Request: Right-of-Way Dedication
Approved 6-1
Mr. Binns votes against
Lot Split
Approved 7-0

Item #4

Lots 31-33 of Mid-Cities Crossing Subdivision: Final Plat, 2802 SE Mid-Cities Crossing, FP18-0010

Tyler Overstreet reads the staff report.

Approved 7-0

Item #5

Subdivision Ordinance Amendments

Shelli Kerr presents the amendments of the Subdivision Code.

There is discussion amongst the Commissioners in regards to model home water and sewer concerns.

Opened public hearing

Sue from Pea Ridge, speaks in favor.

Closed public hearing

Motion by Mr. Davis, seconded by Mr. Sanders to table the item.

Tabled 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

REZONING STAFF REPORT



KCG BV, LLC

SW Regional Airport Blvd & SW Buckeye St

PC Date: 3/19/2019

Reviewer: Ali Worley, Planning Technician

Project Number	RZ19-0002
Applicant / Current Owner	KCG BV, LLC 2 Stonegate Circle Texarkana, TX 75503
Site Area	+/- 5.44 acres
Current Zoning	Expired PUD, Planned Unit Development
Requested Zoning	C-2, General Commercial
Future Land Use Map Designation	General Commercial

Property Description

This property is located south of SW Regional Airport Boulevard and west of SW Buckeye Street. The property is currently zoned Expired PUD, Planned Unit Development. Adjacent zonings are C-2, General Commercial to the north, PUD, Planned Unit Development to the east and west, and R-3, Medium Density Residential to the south.

Projected Traffic Impact

The proposed rezoning does have the potential to impact traffic in the area. However, any future developments on the subject tract would be required to improve adjacent streets and meet the Access Management Standards of the Subdivision Code. Therefore, any increases in traffic caused by the rezoning should be accommodated through future development review processes.

Relationship to the General Plan

The Future Land Use Plan currently depicts this property as General Commercial. General Commercial areas include uses that serve both nearby residents and the larger community and region. In addition, the site is adjacent to a major arterial road (SW Regional Airport Boulevard), which may suggest a more intensive use.

Analysis

The site's adjacency to a major arterial road, surrounding uses, and general compatibility with the Future Land Use Plan may justify a rezoning to C-2, General Commercial.

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

Location Map





March 7, 2019

RE: SW Regional Airport Blvd. & SW Buckeye St.
Bentonville, AR
Project Number 18-18-00068

Dear Planning Commission,

We request to rezone the 4 parcels (Lots 5, 6, 7, & 8 of Harbin Point Addition) located south of SW Regional Airport Blvd. and west of SW Buckeye St. as these lots are currently in an expired PUD. We are asking to rezone these parcels to C-2/General Commercial which is consistent with the City of Bentonville's Land Use Plan. While not all parcels have a proposed use at this time, we plan to submit a Large Scale Development for a veterinary clinic to be located on the northeast parcel (Lot 6). Thank you for your consideration.

Sincerely,

Kelsey Kreher

Kelsey Kreher
Project Manager

REZONING STAFF REPORT



Parnell

2302 SW I Street

PC Date: 3/19/2019

Reviewer: Ali Worley, Planning Technician

Project Number	RZ19-0003
Applicant / Current Owner	Joley Casey & Linda Parnell PO Box 5086 Bella Vista, AR 72714
Site Area	+/- 0.4 acres
Current Zoning	PRD, Planned Residential Development
Requested Zoning	R-O, Residential Office
Future Land Use Map Designation	Medium Density Residential

Property Description

This property is located west of Southwest I Street and south of Southwest Naphtali Boulevard. The property is currently zoned PRD, Planned Residential Development. Adjacent zonings are PRD, Planned Residential Development to the north and west and A-1, Agricultural to the south and east.

Projected Traffic Impact

The proposed rezoning does have the potential to impact traffic in the area. However, any future developments on the subject tract would be required to improve adjacent streets and meet the Access Management Standards of the Subdivision Code. Therefore, any increases in traffic caused by the rezoning should be accommodated through future development review processes.

Relationship to the General Plan

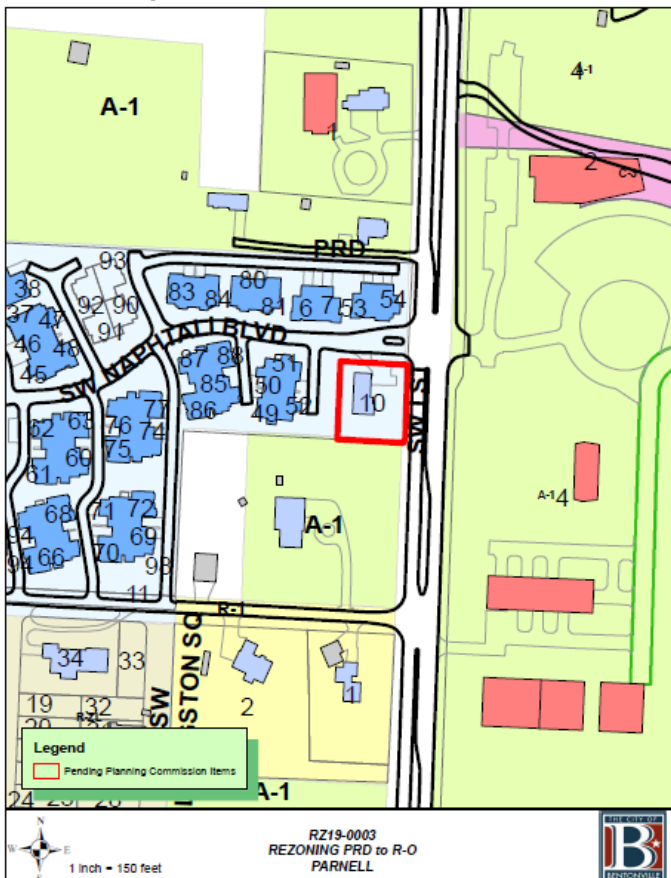
The Future Land Use Plan currently depicts this property as Medium Density Residential. Medium Density Residential areas include townhouse or duplex residential properties.

Analysis

According to the applicant's narrative, the site would establish a good transition between the adjacent arterial road to the east and the residences to the west. In addition, the site's adjacency to a major arterial road (Southwest I Street) and surrounding uses may justify a rezoning to R-O, Residential Office.

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

Location Map



020419

City of Bentonville Planning

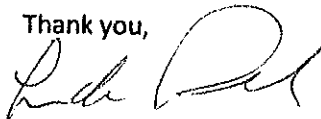
Attn: Mr. Jon Stanley

Mr. Stanley,

As the owner of 2302 SW I Street I am writing you today regarding the rezoning of the property.

I request that W.P. Burckart with Burckart Construction, Inc. act as my representative in the rezoning and I support the rezoning from PRD to RO.

Thank you,

A handwritten signature in black ink, appearing to read "Linda Parnell", written in a cursive style.

Linda Parnell

02/11/19

Planning Commission Members
305 SW A Street
Bentonville AR, 72712
CO: Jon Stanley, City Planner

Dear Commission Members,

As the representative for the owner Linda Parnell I request the rezoning of the property commonly known as 2302 SW I Street, Bentonville, AR. 72712. The current zoning is PRD and the proposed zoning is RO. The current owner does have a contract with the representative for the purchase of the property contingent on the approval of the rezoning.

The parcel was part of the PRD and neighborhood known as the "Arbors at Deer Crossing" up to and until the foreclosure of the original neighborhood and developer. When the bank received the cleared property it was without this parcel which reverted back to the original owner, Parnell.

Since the time of original plat I street has been widened and has made this parcel, which faces I street, less compatible for residential use. This parcel would establish a good transition between the boulevard known as I street and the residences that are in the neighborhood. RO zoning fits this need and also would buffer the general commercial land use plan beside it to the south.

This rezoning would not affect the traffic on I street due to the small size of the project and that I street is an arterial street. Any signage would be shown during LSD process.

The appearance of the site and project should reflect the zoning and commercial standards while understanding the need to blend architecture from the new commercial across the street to the residences that reside in the Arbors and other surrounding properties.

All utilities are to the building on the site. The LSD plan will show the site utilities as proposed to the new building.

I believe the request meets the zoning definition "The R-O district is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities and compatible residential uses. It is further the intent of this district to establish a transition area where the continuation of residential activity is no longer practical between residential and nonresidential uses." We also feel that this parcel is an excellent example of why it was developed.

Thank you for your consideration and we look forward to discussing this with you as we move through the process.

Sincerely,

A handwritten signature in black ink, appearing to read "W.P. Burckart", with a long horizontal flourish extending to the right.

W.P. Burckart

Applicant Representative

NOTICE OF INTENT TO REZONE

THE OWNER, LINDA PARNELL has requested the Bentonville Planning Commission to set a public hearing date to consider rezoning the following property from

PRD to R-O

The legal description of the property is as follows:

LOT 10 VINTAGE ESTATES (SEE PLAT ATTACHED)
2302 SW I. STREET
BENTONVILLE AR 72712; PARCEL# 01-4549-007

The common description of the property is: 2302 SW I STREET

Proposed land use: RESIDENTIAL OFFICE PURPOSE

The public hearing will be held MARCH 19, 2019 at 5:00 p.m. It will be held at 305 S.W. "A" Street.

This notification is in response to the requirement that all property owners within 200 feet of said property must be notified. If you wish to express any comments about the requested rezoning, you may respond by the following methods:

1. Attend the public hearing and express your views.
2. Express your opinion in writing to the Planning Commission. You may mail this or and deliver it to the City of Bentonville Planning Department, 305 S.W. A Street, Bentonville, AR 72712.
3. Use the bottom of this form to express your opinion by checking the appropriate box. (This may also be delivered or mailed to the above address.).

For more information, you may call the Planning Department at (479) 271-3122.

I/we have received notice of the public hearing for the rezoning of the above described property and:

☒ I / we have no objections to the rezoning. * SEE ATTACHED LETTER

☐ I / we object to the rezoning because:

TOWNHOMES AT THE ARBORS POA - PLEASE SEE
ATTACHED LETTER DATED 3/11/2017

TOWNHOMES@THE ARBORS POA
Signature and Physical Address

J. Albata, President
Signature and Physical Address
1100 SW PARNELL DR
BENTONVILLE, AR 72713

March 11, 2019

Bentonville Planning Department
305 S.W. A Street
Bentonville, AR 72712

Re: Rezoning 2302 SW I Street

Dear Sir or Madam,

I am writing you today on behalf of the Townhomes at the Arbors Property Owners Association in response to the Notice of Intent to Rezone, Lot 10 Vintage Estates, 2302 SW I Street, Bentonville, AR 72712, Parcel #01-14549-007 sent out by Mr. Bill Burckart on behalf of the owner of the property, Ms. Linda Parnell.

Our POA is in support of the rezoning to R-O that Ms. Parnell is seeking. Although it was originally planned as such, we feel that the lot is not a good fit for another town home building like we have in our community due to the close proximity to SW I Street and that a small office building, designed with architecture that is compatible with our community would be a good fit for the lot. However, we want to make sure that the Planning Department is aware of issues that exist with the property that we will want to have addressed once specific building plans are brought to the City for approval.

Our understanding of the history of this property and its relationship to our community is described here. The property is located at the SW corner SW I Street and SW Naphtali Blvd. which is the entrance to our community. The parcel was, at one time, part of our Association, thus the reason it is currently zoned PRD. Along I Street, both north and south of Naphtali Blvd. and along the frontage of Lot 10, there is a white fence that defines the entrance of what was originally called The Arbors at Deer Crossing, which is the name on our entry monuments. There are entry monuments on both the north and south sides of our entrance on Naphtali.

When the Arbors at Deer Crossing residential project failed during the recent real estate recession and, as we understand, was given back to the bank in lieu of a foreclosure action, the loan on this Lot 10 which was with Ms. Parnell, also defaulted and Lot 10 went back to Ms. Parnell. It was subsequently removed from the Property Owners Association of The Arbors at Deer Crossing. However, at that time there was apparently no consideration given to the effects of that transfer from our association on the Arbors POA. Unfortunately, the fencing that was supposed to be part of the community's front entrance as well as a portion of the south entry monument and a portion of the landscape irrigation plumbing, and electrical systems was now on Lot 10, property no longer part of the association. These Common Elements intended to create a very attractive entrance to the community, were now on someone else's property.

In addition, no consideration was given to the fact that Lot 10 did not have an access easement allowing traffic to move across property owned by the Property Owners Association to have access to SW Naphtali Blvd., a private street owned and privately maintained by the POA through the association dues. However, the residents of the home on Lot 10 have continued to access our privately-owned street using a curb cut that exists from when the project was first developed. There is no paved

driveway, so we are continually dealing with loose gravel in the street at the entrance to our beautiful community along with multiple cars continually parked on the lawn of Lot 10.

Another concern that we have is with storm water drainage. A substantial amount of storm water drains north from the property at 2400 SW I Street onto our property as well as onto Lot 10. As Lot 10 is redeveloped, we expect every effort to be made to make sure that this serious storm water problem can be addressed and alleviated as much as possible.

It is for these reasons that the Townhomes at the Arbors Property Owners Association is supportive of Ms. Parnell's desire to rezone the property to R-O and then subsequently sell it to Mr. Burckart for the purpose of developing the parcel into an office building. We are confident that Mr. Burckart will work with our Association to meet our concerns, at least as much as he can. However, we ask the Planning Department to please consider our issues and concerns as they work with Mr. Burckart or anyone else that should come forward with specific plans for Lot 10. Once Lot 10 is redeveloped, we would want that redevelopment to include a satisfactory completion of the entrance to our community including provisions for the relocation of our front fencing, easements for our south entry monument and irrigation system, rebuilding the curbs along the south side of SW Naphtali Blvd. where the gravel access to Lot 10 has existed, storm water drainage issues as well as consideration for incorporating our 35 feet of vacant property west of and adjacent to Lot 10 into the landscape plan for new building.

Sincerely,



Jim Albertson, President – Townhomes at the Arbors POA
1100 SW Parnell Dr
Bentonville, AR 72713

REZONING STAFF REPORT



Emergent Property Management, LLC

109 SE 14th Street

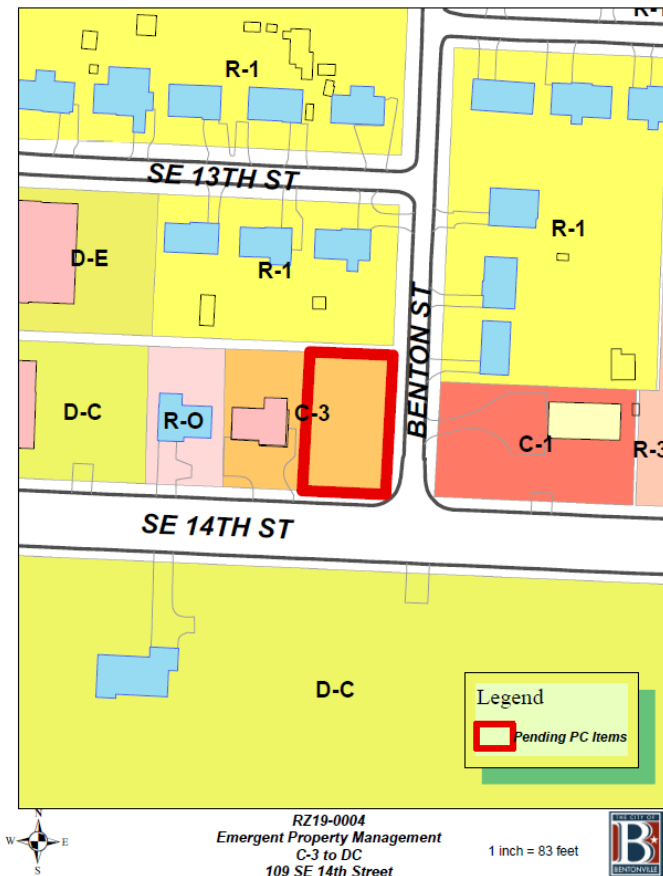
PC Date: 3/19/2019

Reviewer: Tyler Overstreet, Planner

Project Number	RZ19-0004
Applicant / Current Owner	Emergent Property Management, LLC PO Box 2578 Bentonville, AR 72712
Site Area	+/- .3 acres
Current Zoning	C-3, Mixed-Use
Requested Zoning	DC, Downtown Core
Future Land Use Map Designation	Mixed-Use Commercial

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

Location Map



Property Description

This property is located northeast of the corner of S Benton Street and SE 14th Street. Adjacent zonings are R-1, Single Family Residential to the north, C-1, Neighborhood Commercial to the east and west, and DC, Downtown Core to the south.

Projected Traffic Impact

The proposed rezoning does not have the potential to impact traffic in the area. The existing downtown street network and required street and access improvements as part of the EMC Development Large Scale Development should accommodate any increases in traffic caused by the development.

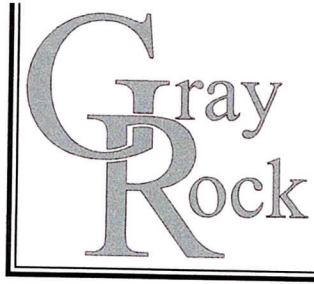
Relationship to the General Plan

The Future Land Use Plan currently depicts this property as Mixed-Use Commercial. Mixed-Use Commercial areas include uses that provide goods and day-to-day services to nearby residents. Local retail and small offices are appropriate in these areas.

This site is the subject of a proposed large scale development for EMC Development (LSD19-0005), a retail and office building. This development is generally compatible with the Future Land Use Plan; however, there are no guarantees of this development's construction at this time.

Analysis

The site's adjacency to a major arterial road, general downtown location, and compatibility with the Future Land Use Plan may justify a zoning to DC, Downtown Core.



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

March 7, 2019

City of Bentonville Planning Services
305 SW "A" Street
Bentonville, AR
479-271-3122
Attn.: Tyler Overstreet

Re: EMC Development Rezone Request

Mr. Overstreet,

Please accept this letter containing narrative to accompany our request to rezone the property at 109 SE 14th Street from C-3 to D-C. The property across the street and other property within our block is zoned D-C. The D-C zoning classification works with our proposed development and is consistent the surrounding zoning.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'M. Dirk Thibodaux'. The signature is fluid and cursive, with a long horizontal stroke at the end.

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

LOT SPLIT STAFF REPORT



Lots 1-3, Presley Place Subdivision

806 NW A Street

PC Date: 3/19/2019

Reviewer: Tyler Overstreet, Planner

Project Number	LS19-0006
Applicant / Current Owner	Mud Puddle Investments, LLC 6077 SW Regional Airport Boulevard, Suite 1 Bentonville, AR 72712
Site Area	+/- 1.36 acres
Current Zoning	DN-2, Downtown Medium-Density Residential
Future Land Use Map Designation	Downtown Medium-Density Residential

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

Property Description

This 1.36-acre property is located at 806 NW A Street. The property is currently zoned DN-2, Downtown Medium-Density Residential.

Project Details

A Lot Split of a previously unplatted tract of land, creating Lots 1 (+/- .29 acres), 2 (+/- .35 acres), and 3 (+/- .72 acres) of Presley Place Subdivision.

The plat dedicates 20-foot utility easements along all front property lines and 7.5-foot utility easements along all side property lines. The plat dedicates approximately 16-feet of right-of-way along NW A Street and 1.7 feet of right-of-way along N Main Street.

Projected Traffic Impact

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

Waivers

No waivers requested

Conclusion

This lot split does meet the minimum requirements of the subdivision regulations.

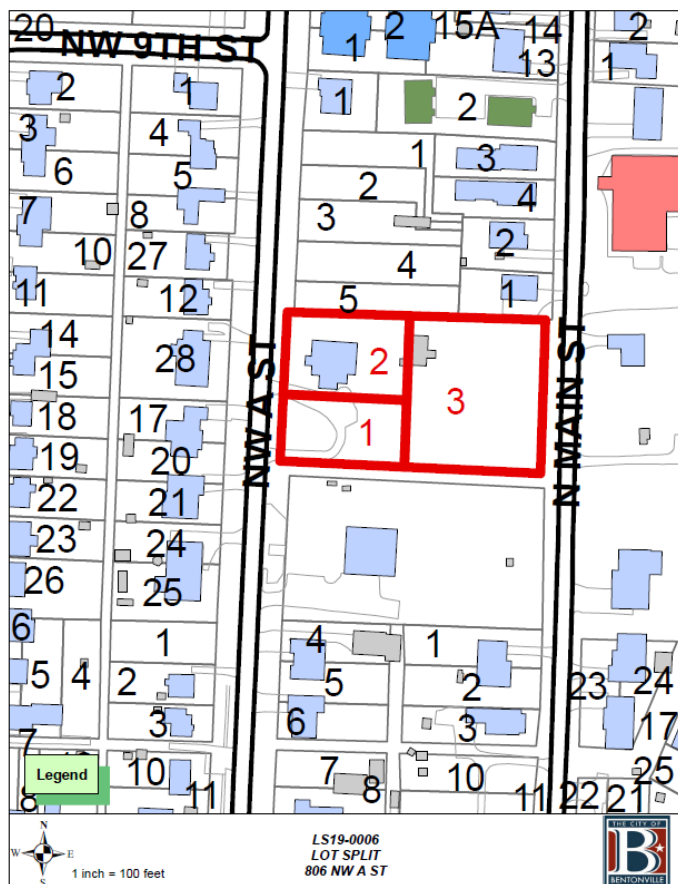
Standard Conditions of Approval

1. Provide a digital copy of the plat.
2. Address all technical review comments prior to filing or requesting a building permit.

NOTES

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

Location Map



ADJACENT LAND OWNERS

1) RICHBURG, BERNARD SCOTT & REGINA KAY TRUSTEES
PO BOX 24512
LITTLE ROCK AR 72223
PARCEL #01-18220-000
ZONED: DN-2
2) SHAFER, MAC
805 N MAIN ST
BENTONVILLE AR 72712-4820
PARCEL #01-06999-000
ZONED: R-3
3) COMMUNITY DEV CORP OF BENTONVILLE/BELLA VISTA
808 N MAIN ST
BENTONVILLE AR 72712-4834
PARCEL #01-00448-000
ZONED: R-1
4) REDD, THOMAS CHRISTOPHER
806 N MAIN ST
BENTONVILLE AR 72712-4821
PARCEL #01-00451-002
ZONED: R-1
5) PRINCE-COLBATH, CHRISTOPHER D & PAULA C
513 S DODSON RD APT B4
ROGERS AR 72758
PARCEL #01-00451-001
ZONED: R-1
6) LONGMATE, JAMES & GEORGIA CO-TRUSTEES
708 N MAIN ST
BENTONVILLE AR 72712-4819
PARCEL #01-00442-000
ZONED: R-1
7) AFFORDABLE ARKANSAS HOMES LLC
700 SE 5TH ST, STE 1
BENTONVILLE AR 72712-6026
PARCEL #01-08237-000
ZONED: R-1
8) PORTER, GEORGE G & ANN E
337 CRESTVIEW DR
BENTONVILLE AR 72712-5145
PARCEL #01-01911-000
ZONED: R-1
9) SILER, JOHNNY L & SHIRLEY M
805 NW A ST
BENTONVILLE AR 72712-4732
PARCEL #01-01909-000
ZONED: R-1
10) LUKA, GREGORY CHARLES & CASSI MARANNE TRUSTEES
807 NW A ST
BENTONVILLE AR 72712-4732
PARCEL #01-01907-000
ZONED: R-1
11) HANCOCK, HEATHER
809 NW A ST
BENTONVILLE AR 72712-4732
PARCEL #01-01904-000
ZONED: R-1

LAST SITE VISIT:
DECEMBER 20, 2017

BASIS OF BEARING:
GPS OBSERVATION -
AR NORTH ZONE

REFERENCE DOCUMENTS:

- 1) PLAT OF SURVEY FILED IN BOOK 11 AT PAGE 272
- 2) FINAL PLAT OF HEAD START ADDITION FILED IN BOOK 22L AT PAGE 147
- 3) PLAT OF SURVEY FILED IN BOOK 111 AT PAGE 262
- 4) PLAT OF SURVEY BY NEVILL SURVEYING LLC JOB NO. 2016-0017 DATED MAY 19, 2016
- 5) WARRANTY DEED FILED IN BOOK 678 AT PAGE 452

FLOOD CERTIFICATION:
NO PORTION OF THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE "A" OR "AE" AS DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR BENTON COUNTY, ARKANSAS.
(FIRM PANEL #05007C00901, DATED 09/28/2007)

SURVEY DESCRIPTIONS:

PARENT TRACT (PARCEL #01-00451-000):
A PART OF OUT LOT 9 OF THE ORIGINAL TOWN OF BENTONVILLE, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING REBAR ON THE EAST RIGHT-OF-WAY OF NORTHWEST A STREET WHICH IS N02°43'29"E 199.92' FROM THE NORTHWEST CORNER OF LOT 4, BLOCK 25, OF DEMMING'S SECOND ADDITION TO THE CITY OF BENTONVILLE AND RUNNING THENCE ALONG SAID RIGHT-OF-WAY N02°43'29"E 182.27' TO AN EXISTING REBAR, THENCE LEAVING SAID RIGHT-OF-WAY S88°15'08"E 333.33' TO AN EXISTING REBAR ON THE WEST RIGHT-OF-WAY OF NORTH MAIN STREET, THENCE ALONG SAID RIGHT-OF-WAY S01°20'51"W 188.36' TO AN EXISTING REBAR, THENCE LEAVING SAID RIGHT-OF-WAY N87°12'54"W 337.81' TO THE POINT OF BEGINNING, CONTAINING 1.43 ACRES, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

LOT 1:
A PART OF OUTLOT 9 OF THE ORIGINAL TOWN OF BENTONVILLE, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE EAST MASTER STREET PLAN RIGHT-OF-WAY OF NORTHWEST A STREET WHICH IS N02°43'29"E 199.92' AND S87°12'54"E 16.45' FROM THE NORTHWEST CORNER OF LOT 4, BLOCK 25, OF DEMMING'S SECOND ADDITION TO THE CITY OF BENTONVILLE AND RUNNING THENCE ALONG SAID RIGHT-OF-WAY N02°46'07"E 81.72' THENCE LEAVING SAID RIGHT-OF-WAY S87°13'53"E 151.39', THENCE S02°01'29"W 81.77', THENCE N87°12'54"W 152.46' TO THE POINT OF BEGINNING, CONTAINING 0.29 ACRES, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

LOT 2:
A PART OF OUTLOT 9 OF THE ORIGINAL TOWN OF BENTONVILLE, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: THE NORTHWEST CORNER OF LOT 4, BLOCK 25, OF DEMMING'S SECOND ADDITION TO THE CITY OF BENTONVILLE AND RUNNING THENCE N02°43'29"E 199.92', THENCE S87°12'54"E 16.45' TO THE EAST MASTER STREET PLAN RIGHT-OF-WAY OF NORTHWEST A STREET, THENCE ALONG SAID RIGHT-OF-WAY N02°46'07"E 81.72' TO THE TRUE POINT OF BEGINNING, THENCE CONTINUING ALONG SAID RIGHT-OF-WAY N02°46'07"E 100.85', THENCE LEAVING SAID RIGHT-OF-WAY S88°15'08"E 150.07', THENCE S02°01'29"W 103.53', THENCE N87°13'53"W 151.39' TO THE POINT OF BEGINNING, CONTAINING 0.35 ACRES, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

LOT 3:
A PART OF OUT LOT 9 OF THE ORIGINAL TOWN OF BENTONVILLE, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N02°43'29"E 199.92' AND S87°12'54"E 152.46' FROM THE NORTHWEST CORNER OF LOT 4, BLOCK 25, OF DEMMING'S SECOND ADDITION TO THE CITY OF BENTONVILLE AND RUNNING THENCE N02°01'29"E 185.30', THENCE S88°15'08"E 166.37' TO THE WEST MASTER STREET PLAN RIGHT-OF-WAY OF NORTH MAIN STREET, THENCE ALONG SAID RIGHT-OF-WAY S01°45'40"W 188.33', THENCE LEAVING SAID RIGHT-OF-WAY N87°12'54"W 167.25' TO THE POINT OF BEGINNING, CONTAINING 0.72 ACRES, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

LOT SPLIT OF PART OF OUTLOT 9 OF THE ORIGINAL TOWN OF BENTONVILLE CREATING LOTS 1, 2 & 3 OF PRESLEY PLACE SUBDIVISION

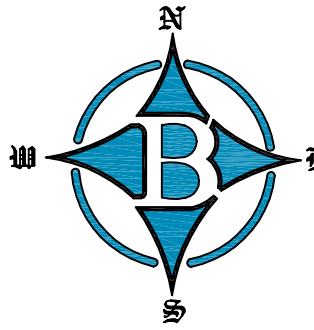
PLAT NOTES:

- 1) THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES. ALL UTILITY LINES APPEARING ON THIS PLAT, AS WELL AS THOSE THAT MAY EXIST UNDERGROUND NEED TO BE VERIFIED PRIOR TO DOING ANY TYPE OF EXCAVATION. SOME UTILITY LINES MAY ALSO EXIST THAT WERE NOT SHOWN ON THIS PLAT.
- 2) SIDEWALKS SHALL BE THE RESPONSIBILITY OF THE BUILDER/OWNER AT TIME OF BUILDING PERMIT ISSUANCE.
- 3) BEFORE ANY WORK IN THE RIGHT-OF-WAY COMMENCES, CONTRACTOR AND OR OWNER IS TO OBTAIN RIGHT-OF-WAY PERMIT FROM THE CITY OF BENTONVILLE TRANSPORTATION DEPARTMENT.
- 4) OWNER/DEVELOPER SHALL COORDINATE WITH ALL LOCAL UTILITIES TO INSURE THAT EACH LOT HAS WATER, SEWER AND ELECTRIC SERVICE.
- 5) THERE MAY NOT BE FENCES OR ANY OTHER STRUCTURES BUILT IN ANY DRAINAGE EASEMENTS
- 6) ANY FUTURE DEVELOPMENT ON LOT 1, SHALL MEET THE REQUIREMENTS OF ARTICLE 1100.9, ACCESS REQUIREMENTS, OF THE SUBDIVISION CODE.

BEUD NOTES:

1. OWNER TO CONTACT NEW SERVICE COORDINATOR (271-3139) TO DISCUSS ELECTRIC SERVICE PRIOR TO BEGINNING ANY CONSTRUCTION. FAILURE TO CONTACT BEUD PRIOR TO CONSTRUCTION WILL RESULT IN DELAYS TO GET ELECTRIC SERVICE.
2. BEUD'S STANDARD PRACTICE IS TO PLACE UNDERGROUND EQUIPMENT (TRANSFORMERS, SECONDARY PEDESTALS, JUNCTION BOXES, ETC) ON THE LOT LINE OF A DEVELOPMENT. ANY ADJUSTMENTS TO THE PROPERTY LINE THAT RESULT IN OUR EQUIPMENT NOT BEING ON THE LOT LINE WILL REQUIRE THE DEVELOPER TO PAY FOR THE COST OF BEUD TO RELOCATE THE EQUIPMENT TO THE LOT LINE.
3. ALL STRUCTURES MUST MAINTAIN MINIMUM OF 20' CLEARANCES FROM ALL ELECTRIC LINES.

RECORDING NUMBER/DATE



PROPERTY ZONED:
DN-2

BUILDING SETBACKS:
SINGLE FAMILY- LOT WIDTH GREATER THAN OR EQUAL TO 50' & SINGLE FAMILY-WITHOUT ALLEY ACCESS:

FRONT	15ft MIN - 25ft MAX
SIDE (CORNER)	12ft MIN - N/A MAX
SIDE (INTERIOR)	TOTAL MIN: 25% OF LOT WIDTH
SIDE (YARD 1)	10ft
SIDE (YARD 2)	REMAINDER OF TOTAL, BUT NO LESS THAN 5ft
REAR	25ft

PURSUANT TO THE BENTONVILLE SUBDIVISION REGULATIONS 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

OWNER'S CERTIFICATION:
WE THE UNDERSIGNED, OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY CERTIFY THAT WE HAVE LAID OFF, PLATTED, AND SUBDIVIDED AND DO 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, ETC. AS SHOWN ON SAID PLAT.

DATE OF EXECUTION: _____

SIGNED: _____

SOURCE OF TITLE: DEED BOOK 2016 AT PAGE 65332

PROPERTY OWNERS: MUD PUDDLE INVESTMENTS LLC ATLAS PAGE: 361
6077 SW REGIONAL AIRPORT BLVD
SUITE 1
BENTONVILLE AR 72713

PROPOSED USE:
RESIDENTIAL

LEGEND:
THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING.

YARD HYDRANT	BOUNDARY LINE (PREVIOUS)
LIGHT	THE LINE
BOUNDARY LINE (PREVIOUS)	CENTERLINE OF ROAD
RIGHT-OF-WAY	FENCE
FOUND 5/8" REBAR	COMPUTED POINT
FOUND 1/2" REBAR	CLEAN OUT
SET 5/8" REBAR & CAP	POWER POLE
GENERATOR	AC UNIT

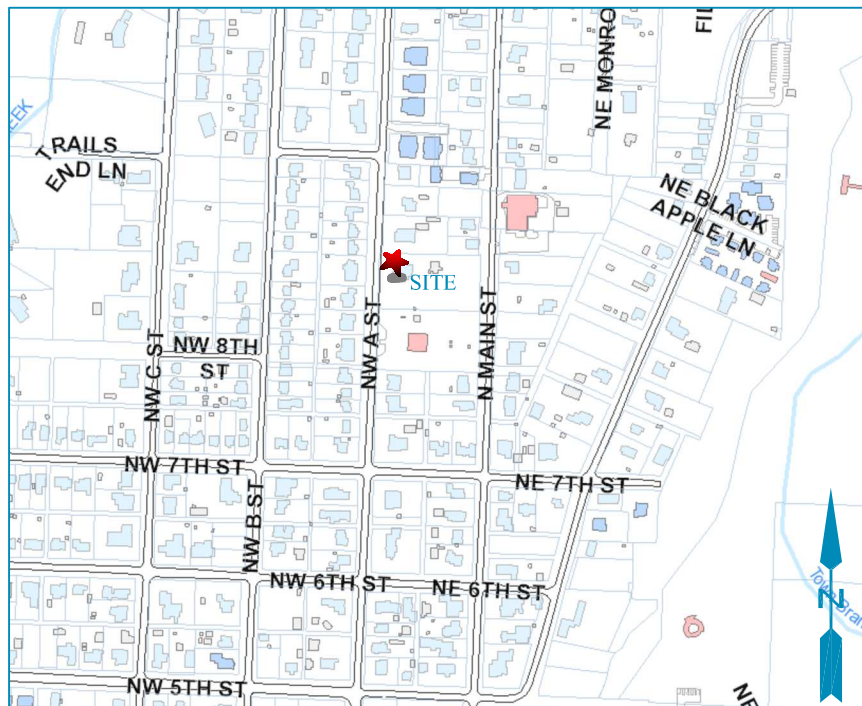
0' 30' 60' 90'
GRAPHIC SCALE (IN FEET)
1 inch = 30ft.

I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS THE 20TH DAY OF DECEMBER, 2017.



IF THE SIGNATURE ON THIS SEAL IS NOT AN ORIGINAL AND NOT BLUE IN COLOR THEN IT SHOULD BE ASSUMED THAT THIS PLAT MAY HAVE BEEN ALTERED. THE ABOVE CERTIFICATION SHALL NOT APPLY TO ANY COPY THAT DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE.

CITY OF BENTONVILLE PROJECT #LS19-0006
VICINITY MAP



Bates & Associates, Inc.
Engineers · Surveyors · Landscape Architects



FOR USE AND BENEFIT OF:
RANDY ROTH

ADDRESS:
806 NW A STREET
BENTONVILLE, ARKANSAS

DATE: 03/04/19	SCALE: 1"=80'
SURVEYED: DRAFTED:	
LOCATION: PART OF OUT LOT 9	
REVIEWED: DT	
COA #1335	

DRAWING# 16-406LOTSPLIT2019

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. |