



**Planning Commission
Agenda
July 16th, 2019**

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

- 1. Holland Family Trust** **Rezoning***
(A-1, Agricultural & C-2, General Commercial to R-4, High-Density Residential)
SE J Street ([RZ19-0019](#))
- 2. Spoke Adventures Shop** **Conditional Use Permit***
Bike Rental Facility
211 NE A Street ([CU19-0009](#))
- 3. Lots 24 & 25, Block 23, Deming's 2nd Addition** **Lot Split**
806 NE A Street ([LS19-0023](#))

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

Planning Commission
Minutes
July 2, 2019

Meeting called to order at 5:00 p.m. by Dana Davis, Vice 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. Haynie, seconded by Mr. Grider to approve the minutes of June 18, 2019 as written
Approved 7-0

New Business

Item #1

Glass Investments, LLC: Rezoning, A-1, Agricultural to I-1, Light Industrial, Southwest Rainbow Farm Road, RZ19-0017

Tyler Overstreet reads the staff report.

Opened public hearing

Bill Watkins, representative, speaks and explains the request to the Commissioners.

Cara Morton, 4503 SW Alfalfa Ave, has questions on the process going forward and any barriers between the homes and the property. Staff answers Ms. Morton's questions.

Robert Tillman, 4403 SW Brentwood Rd, asks how close the construction will be to the homes. Staff answers.

Gentleman who lives at 4306 SW Alfalfa Ave discusses traffic and drainage concerns. Staff answers.

Anisha Fouse, 4405 SW Butterfly Rd, asks about other areas where I-1 abuts residential areas. She also asks about conceptual development plans.

Gentleman asks about rezoning process. Staff answers.

Brett Fouse, 4405 SW Butterfly Rd, asks about the General Plan Amendment process that took place earlier.

Brian Ameling, 4300 SW Bermuda Ave, expresses that he is against the rezoning.

Jason Curtis, 4405 SW Brentwood Ave, expresses that he is against the rezoning. He also asks about road access on Brentwood and Butterfly. Staff answers.

Gentleman, 4402 SW Butterfly Rd, expresses concerns on the precedence that this will set.

Another neighboring resident on Southwest Alfalfa Avenue, speaks on their concerns.

Anisha Fouse, 4405 SW Butterfly Rd, speaks on her opposition the rezoning.

Another

Josh Grall, 4601 SW Sage Blvd, formerly opposes the rezoning.

Mr. Watkins, representative, speaks to concerns of those who spoke.

Closed public hearing

There is some discussion amongst staff and Commissioners.

Approved 7-0

Item #2

Walmart Properties, Inc.: Rezoning, R-1, Single Family Residential and I-2, Heavy Industrial to C-2, General Commercial, Southeast 8th Street and Martin Luther King Parkway, RZ19-0018

Tyler Overstreet reads the staff report.

Opened public hearing

John Youll, CEI Engineering, speaks to the Commissioners about the rezoning project.

Closed public hearing

Approved 7-0

Item #3

Lots 1-2 of Kindell Subdivision: Lot Split, 4425 SW H Street, LS19-0022

Tyler Overstreet reads the staff report.

Approved 7-0

Item #4

New Office Facility: Large Scale Development, 2403 SE J Street, LSD19-0025

Tyler Overstreet reads the staff report.

Motion by Mr. Sanders, seconded by Mr. Grider to approve the Waiver Request: Building Material

Approved 7-0

Large Scale Development

Approved 7-0

Item #5

Clarendon Heights Subdivision: Preliminary Plat, Southwest I Street, PP19-0004

Tyler Overstreet reads the staff report.

There is some discussion amongst staff and Commissioners.

Motion by Mr. Grider, seconded by Mr. Haynie to approve the Waiver Request: Stormwater Drainage Control Standards

Approved 7-0

Preliminary Plat

Approved 7-0

Other Business

Motion by Mr. Binns, 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



Holland Family Trust

SE J Street

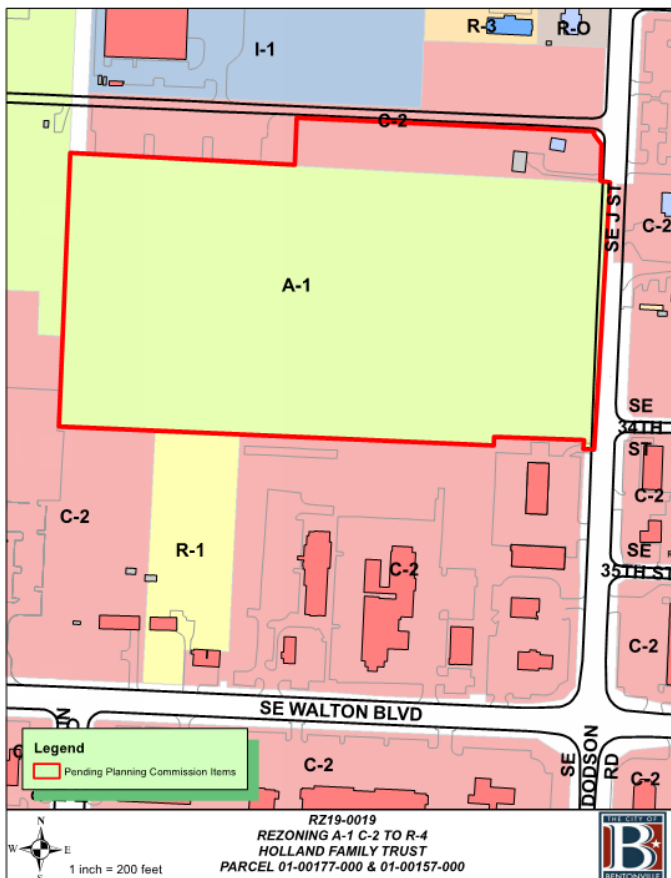
PC Date: 7/16/2019

Reviewer: Tyler Overstreet, AICP, Senior Planner

Project Number	RZ19-0019
Applicant / Current Owner	Patsy Holland Trustee 2419 Boston Mountain View Bentonville, AR 72712
Site Area	+/- 21.89 acres
Current Zoning	A-1, Agricultural & C-2, General Commercial
Requested Zoning	R-4, High-Density Residential
Future Land Use Map Designation	Residential Estate

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

Location Map



Property Description

This property is located south of SE 28th Street and west of SE J Street. The property is currently zoned A-1, Agricultural & C-2, General Commercial. Adjacent zonings are C-2 to the north, south, east, and west, and A-1 to the west.

Relationship to the General Plan

The Future Land Use Plan currently depicts this property as Residential Estate. Residential Estate areas typically contain larger than typical lots for single-family homes. However, existing land uses and the site's adjacency to a major arterial road (SE J Street) infer that this land use classification is not advisable.

Analysis

While the proposed rezoning does not align with the Future Land Use Plan, existing uses to the north, south, east, and west, can potentially justify the proposed rezoning request. R-4 zoning allows for a maximum density of 24 units per acre with a maximum height of 40-feet. This form and density aligns with existing industrial and commercial uses in the area.

NARRATIVE

The Property is currently owned by the Holland Family Trust and has been for many year. The Property is currently vacant , however, it is surrounded by commercial, warehouse, industrial and recreational uses. This proposed zoning change is to allow the development of apartment homes close to the commercial center of Bentonville, thereby allowing residents to live close to where they work.

The need for the zoning change is to bring the current agriculture zoning up to date with current market needs.

The proposed zoning of R4 will not adversely impact the surrounding zonings, the southern and eastern properties are currently commercial, north of the Property is multifamily, warehouse and recreational uses, and west of the Property is an industrial use.

The Property is located on J Street and just north of Walton Boulevard. The surrounding street network has been improved, and locating residences close to jobs will reduce traffic on outlying congested roads.

All utilities are available to the site.

CONDITIONAL USE STAFF REPORT



Spoke Adventures Bike Shop

211 NE A Street Suite 1

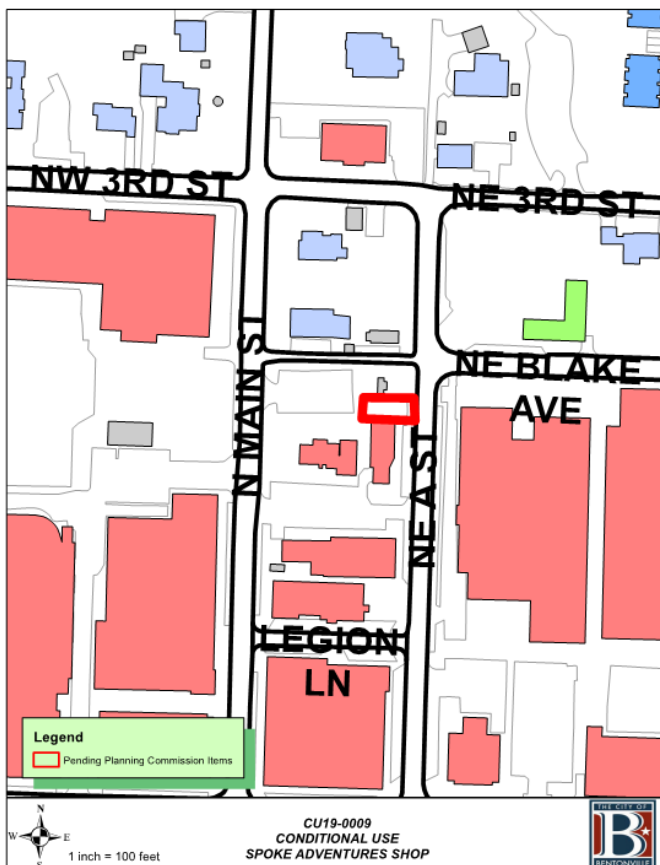
PC Date: 7/16/2019

Reviewer: Tyler Overstreet, Senior Planner, AICP

Project Number	CU19-0009
Applicant / Current Owner	Spoke Adventures, LLC 211 NE A Street, Temp 1 Bentonville, AR 72712
Site Area	N/A
Current Zoning	DC, Downtown Core
Future Land Use Map Designation	Downtown Commercial
Requested Use	Outdoor Vendor
Protective Covenants	N/A

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

Location Map



Property Description

This property is located within an existing Outdoor Vendor Park at 211 NE A Street. The site is currently zoned DC, Downtown Core.

Proposed Use Description

The applicant seeks a Conditional Use Permit to allow the operation of a bike rental facility out of a shipping container. The proposed use is not expressly allowed or prohibited by ordinance, necessitating the need for a conditional use.

The business shall operate daily from 10:00 AM until 6:00 PM. The applicant anticipates no immediate parking needs, with a total of one to two employees and approximately 10 customers daily.

Conditions of Approval

1. This Conditional Use Permit shall be valid for one year from the date of issuance.
2. The applicant shall provide an updated site plan and photos for their existing Outdoor Vendor Permit.
3. The use shall not operate until completion of the Outdoor Vendor Park's pending sidewalk project.
4. Any changes in scope, use, or ownership, may require a new Conditional Use Permit. In addition, the Planning Commission has the ability to hold a public hearing on or revoke the Conditional Use at any time.

Spoke Adventures LLC

211 ZNE A street, temp 1

Bentonville, AR 72712

Project Narrative Conditional Use

To: City of Bentonville

From: Spoke Adventures

Date: June 7, 2019

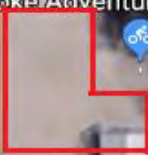
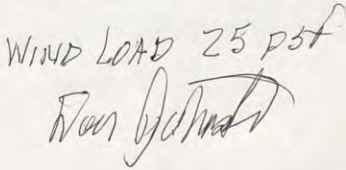
Re: Shipping container retail store

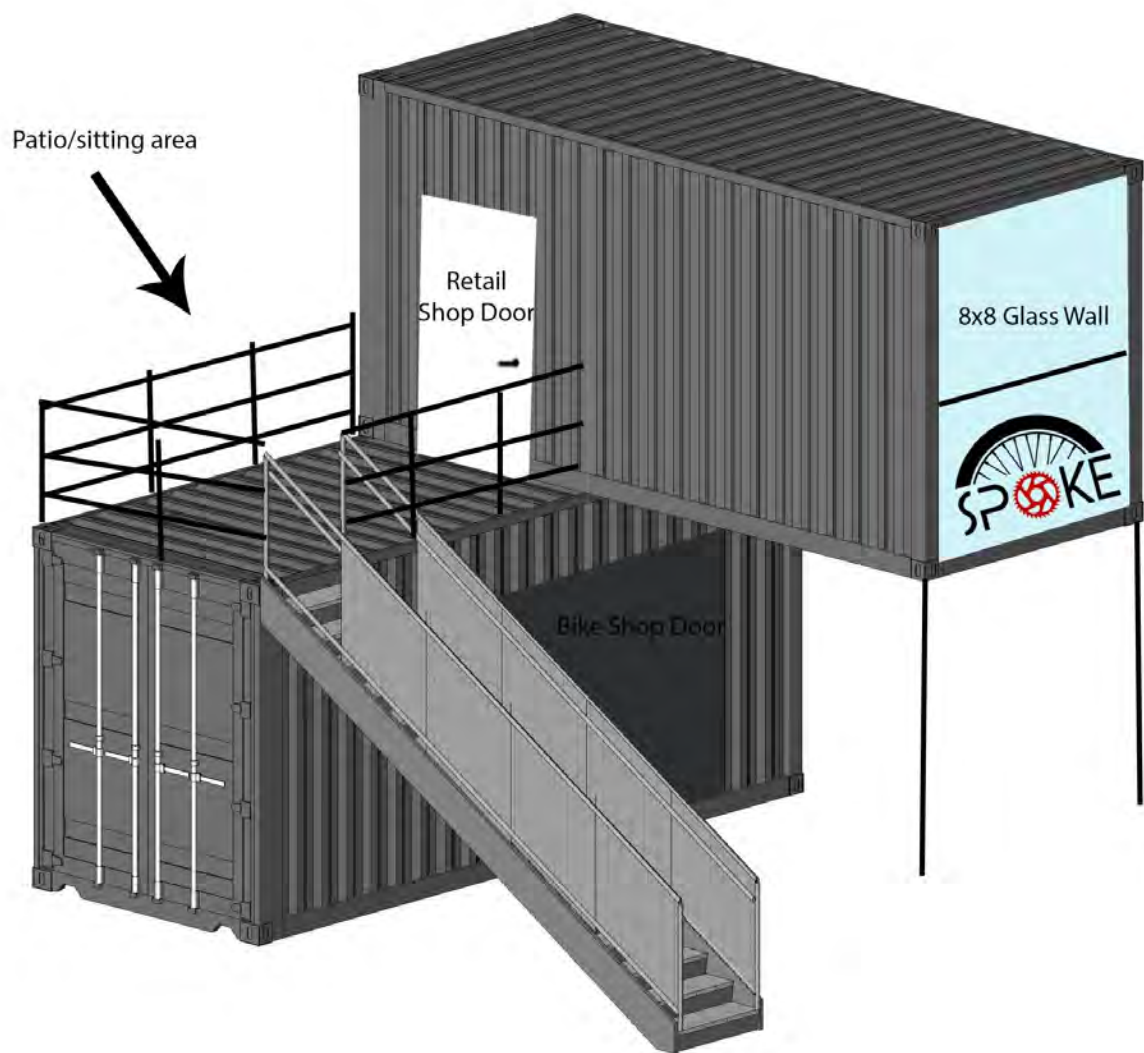
Conditional Use Narrative:

- The applicant is seeking a conditional use permit in order to open a bike rental business. This building would house bikes for rent to be offered to the general public.
- Site plan drawn to scale designating the property lines, existing structure(s), proposed structure(s), and indoor and outdoor areas to be utilized;
- Hours of operation, including days of the week;

Bike Shop will operate daily, weather permitting, from 10am to 6pm.

- Indoor and outdoor areas to be utilized;
Bike Shop will be located in approximately 400 square feet of the proposed 211 NE A street building driveway.
- Planned indoor and outdoor structural changes;
Containers will be used as structures for this business
- Parking needs required for the proposed use including existing and proposed provide sketch of traffic flow and parking pattern (if applicable);
No parking needs
- Planned outdoor lighting changes
No additional lighting will be installed.
- Anticipated patrons, clients, deliveries, and/or customers (average per day);
Anticipate an average of 10 customers per day
- Proposed number of employees; and,
One to two employees at a time
- Photographs of the property





LOT SPLIT STAFF REPORT



Lots 24 & 25, Block 23, Deming's 2nd Addition

806 NE A Street

PC Date: 7/16/2019

Reviewer: Tyler Overstreet, AICP, Senior Planner

Project Number	LS19-0023
Applicant / Current Owner	Bixby Properties, LLC PO Box 1860 Bentonville, AR 72712
Site Area	+/- .94 acres
Current Zoning	R-1, Single-Family Residential
Future Land Use Map Designation	Medium-Density Residential

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

Location Map



Property Description

This approximately one-acre property is located on NE A Street, south of the Black Apple development. The site is currently zoned R-1, Single-Family Residential, with a Future Land Use Map classification of Medium-Density Residential.

Project Details

A lot split of Lot 11A, Block 23, Deming's 2nd Addition, creating new Lots 24 (+/- .30 acres) and 25 (+/- .64 acres).

The plat dedicates a 20-foot utility easement along NE A Street and a 15-foot utility easement along the rear lot line. The plat dedicates additional right-of-way along NE A Street to meet the requirements of the Master Street Plan.

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

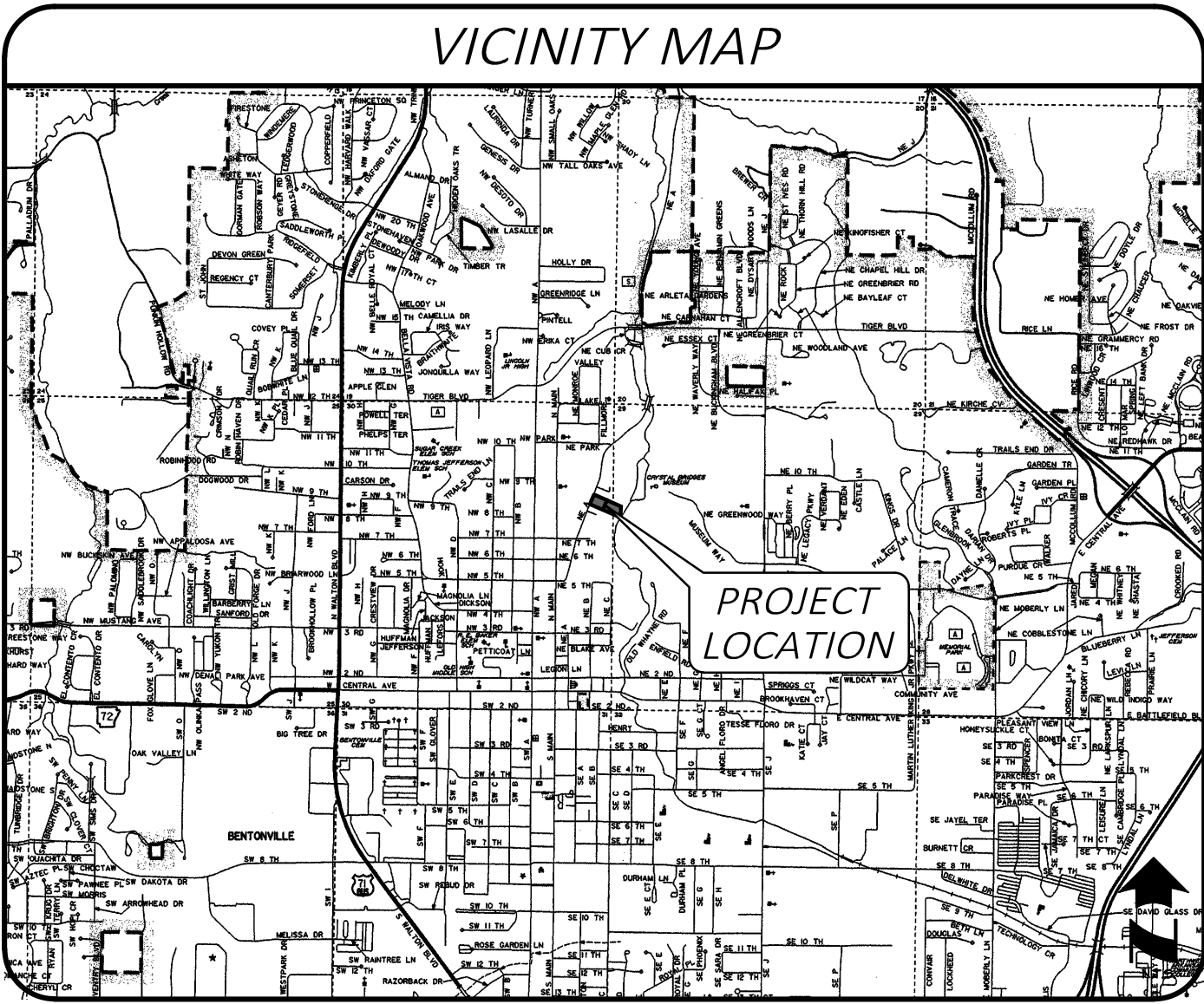
- **Sidewalks.** Sidewalk installation will be the responsibility of individual lot owners at the time of building permit.

GENERAL NOTES:

- Basis of Bearings:** Grid North, Arkansas State Plane Coordinate System, North Zone (0301), NAD 83, based on Bentonville GPS Monument #1, verified with GPS Observations and NGS OPUS Solution: Lat. 36°21'50.73", Lon. 94°12'37.63" West, Combined Scale Factor (Grid to Ground) of 1.00002877 and a Convergence Angle of -1°17'10.54". The measured Grid Bearing along the north line of Lot 11A, Block 23, is South 66°11'31" East.
- Grid North Convergence:** At the northwest corner of Lot 11A, Block 23, rotate from Grid North, 1°17'02" to the left for True (Geodetic) North.
- Flood Information:** Based upon review of NFIP FIRM, Benton County, Arkansas and Incorporated Areas, Map Number-Panel, 05007C0090J, Map Revised: September 28, 2007, and by graphic plotting only, the subject property lies within Zone X, Areas determined to be outside the 0.2% 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 marked through the Arkansas One-Call System and observed during the field survey. Existing utilities shown hereon were located by reasonable visual observed surface improvements, unless noted otherwise. Actual locations of utilities shown, or the existence of additional subsurface improvements not shown hereon, should be verified before any excavations. Locations or existence of surface or subsurface improvements may differ from those shown hereon.
- Last Date of Field Survey:** June 3, 2019.
- 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.
- Owner/Developer shall coordinate with all local utilities to insure that each lot has water, sewer and electric service.
- Sidewalks shall be the responsibility of the builder/owner at time of building permit issuance.
- there may not be fences or any other structures built in any drainage easements.

REFERENCE DOCUMENTS:

- Correction Warranty Deed; Bixby Properties, LLC, Grantee; filed for record, Document L201815839, on March 29, 2018, Benton County, Arkansas.
- Correction Warranty Deed; City of Bentonville, Arkansas, grantee; filed for record, Document L201815796, on March 29, 2018, Benton County, Arkansas.
- Warranty Deed; Scott H. Minor, Grantee; filed for record in Book 91, page 56885, on December 6, 1991, Benton County, Arkansas.
- Agreement for Vacating Alleys; Raymond Hammer and Dorothy L. Hammer, First Party; filed for record in Book 91, page 56882, on December 6, 1991, Benton County, Arkansas.
- Warranty Deed; Raymond Hammer and Dorothy L. Hammer, Grantees; filed for record in Book 91, page 16770, on April 29, 1991, Benton County, Arkansas.
- Warranty Deed; Teresa Braziel, Grantee; filed for record in Book 92, page 17356, on March 26, 1992, Benton County, Arkansas.
- Warranty Deed; Rex G. Bowlin and Dolores Bowlin, Grantees; filed for record in Book 92, page 40842, on July 7, 1992, Benton County, Arkansas.
- Warranty Deed; James A. Oakley and Mary K. Oakley, Grantees; filed for record in Book 97, page 100232, on November 12, 1997, Benton County, Arkansas.
- Replat for Raymond Hammers, creating Lot 11A, Block 23, Deming's 2nd Addition; prepared by Billy D. Cochran, AR PLS #601, filed for record in Plat Book 22, page 152, on November 26, 1991, Benton County, Arkansas.
- Survey of Lot 11A, Block 23, Deming's 2nd Addition, for Scott Minor, prepared by Robert W. Wallace, AR PLS #1271, filed for record in Plat Book 4, page 516, on February 15, 2002, Benton County, Arkansas.
- Boundary Survey of Lot 11A, Block 23, Deming's 2nd Addition, prepared by Robert J. Caster, AR PLS #1370, filed for record in Book 2017, page 725, on August 21, 2017, Benton County, Arkansas.
- Boundary Survey for Bixby Properties, LLC, of Lot 11A, Block 23, Deming's 2nd Addition, prepared by James L. Payne, AR PLS #1698, Morrison Shipley Engineers, project BXB-02, dated March 28, 2018.
- Property Line Adjustment, creating Lots 6, 7, and 8, Crystal Bridges Museum Addition, prepared by Thomas W. Copelin, AR PLS #944, filed for record in Book 2011, page 101, on March 9, 2011, Benton County, Arkansas.



Zoning - Single Family Residential (R-1)			
Building Setbacks			
Front Yard	Side Yard		Rear Yard
20'	Interior	Exterior	25'
	7'	20'	

ENGINEER / SURVEYOR
Morrison Shipley Engineers Inc
2407 SE Cottonwood Street
Bentonville, AR 72712
Phone: 479-273-2209

OWNER / DEVELOPER
Bixby Properties LLC
P.O. Box 30000
Jackson, WY 83002
Contact: JoAnn Shannon
Telephone: (760)-801-0440

CERTIFICATE OF OWNERSHIP:

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: _____
JoAnn Shannon, Manager

Name & Address _____

Print Name: _____

Source of Title: D.R. _____

CERTIFICATE OF APPROVAL:

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

CERTIFICATE OF SURVEYING ACCURACY:

I, Keith A. Sikes, hereby certify that this plat correctly represents a boundary survey made by me and boundary markers and lot corners shown hereon actually exist and their location, type and material are correctly shown and all minimum requirements of the Arkansas Minimum Standards for Land Surveyors have been met.

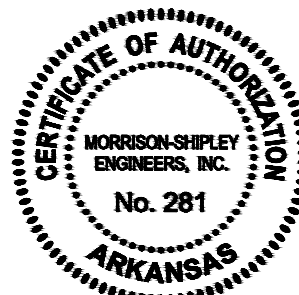
Date of Execution: July 1, 2019



Signed: _____
Registered Land Surveyor
No. 1507
State of Arkansas

LOT SPLIT	
of LOT 11A, Block 23, Deming's 2nd Addition CREATING Lots 24 & 25, Block 23, Deming's 2nd Addition Bentonville, Benton County, Arkansas	
Bentonville Atlas Page 361 Bentonville Project #LS19-0023	
Project No. BXB-02	Drawn By JDS Checked By KAS
Date: 07.01.19	Sheet 1 of 3
MORRISON SHIPLEY ENGINEERS ■ SURVEYORS 2407 SE Cottonwood Street ■ Bentonville, AR 72712 ■ 479.273.2209 ■ morrisonshipley.com	

Filing Block



FOR
REVIEW

	Boundary Line		Existing Monument
	Adjacent Boundary Line		Existing Rebar
	Right-Of-Way Line		Existing Nail
	Centerline of Platted R/W		Existing Chiseled "X" In Concrete
	Easement Line		Set Mag Nail w/ PS# 1507 Washer
	Building Setback Line		Set 1/2" Rebar w/ PS# 1507 Cap
	Existing Concrete		Set Chiseled "X"
	Existing Asphalt		Existing Water Meter
	Existing Water Line		Existing Fire Hydrant
	Existing Gas Line		Existing Water Valve
	Existing Fiber Optic Line		Existing Water Spigot
	Existing Overhead Power Line		Existing Sewer Manhole
	Existing Fence Line		Existing Sewer Clean Out
	Existing Ditch Line		Existing Gas Meter
	Existing Sanitary Sewer Line		Existing Telephone Pedestal
	Master Street Plan		Existing Television Pedestal
			Existing Power Pole
			Existing Light Pole

*of LOT 11A, Block 23, Deming's 2nd Addition
CREATING Lots 24 & 25, Block 23, Deming's 2nd Addition
Bentonville, Benton County, Arkansas*

Project No. BXB-02

Drawn By JDS
Checked By KAS

Date: 07.01.19

Sheet 2 of 3



PARENT TRACT DESCRIPTION - Correction Warranty Deed, L201815839:

Part of Lot 11A, Block 23, of Deming's 2nd Addition, City of Bentonville, Benton County, Arkansas, formerly known as Lots 11, 12 and the N1/2 of Lot 16, Block 23, Deming's 2nd Addition to the City of Bentonville, Benton County, Arkansas, as shown in Plat Book 'P4' at Page 516 and Part of a vacated 20 foot alley per Ordinance No. 2013-15 as recorded in Deed Book 2013, Page 9822 of the Benton County Records, and being more particularly described as: Beginning at the SW corner of said Lot 11A, thence along the East right-of-way line of NE "A" Street North 22°47'32" East 120.13 feet, thence leaving said East right-of-way line South 66°11'31" East 333.77 feet, thence South 02°19'59" West 81.37 feet, thence South 40°30'02" West 42.91 feet, thence North 66°44'00" West 349.12 feet to the Point of Beginning, containing 41,542,13 square feet or 0.954 acres, more or less, and subject to all rights-of-way, easements and restrictive covenants of record or fact.

Subject to easements, rights-of-way, and protective covenants of record, if any.
Subject to all prior mineral reservations and oil and gas leases.

SURVEY DESCRIPTION - Lot 24, Block 23:

Part of Lot 11A, Block 23, Deming's 2nd Addition to the City of Bentonville, according to Replat Book 22 page 152 and part of the vacated Alley being vacated by Ordinance 2013-15, file for record in Book 2013 at page 9822, Benton County, Arkansas, and being more particularly described as follows:

COMMENCING at the northwest corner of Lot 11A, Block 23; thence by bearing and distance (basis of bearing, Grid North), South 66°11'31" East along the north line of said Lot 11A a distance of 5.00 feet to a one-half inch (1/2") rebar with PS #1507 cap and the POINT OF BEGINNING; thence South 66°11'31" East continuing along said north line a distance of 328.77 feet to a one-half inch (1/2") rebar with PS #1370 cap; thence South 02°19'59" West a distance of 81.37 feet to a one-half inch (1/2") rebar with PS #1370 cap at the northwest corner of a tract conveyed to the City of Bentonville, Correction Warranty Deed, L201815796, filed March 29, 2018; thence South 40°30'02" West a distance of 42.91 feet to a one-half inch rebar with PS #1507 cap at the southwest corner of said tract conveyed to the City of Bentonville and the south line of said Lot 11a; thence North 66°44'00" West along said south line a distance of 189.12 feet to a one-half inch (1/2") rebar with PS #1507 cap; thence leaving said south line, North 22°46'45" East a distance of 83.62 feet to a one-half inch (1/2) rebar with PS #1507 cap; thence North 66°11'31" West a distance of 155.00 feet to a one-half inch rebar with PS #1507 cap; thence North 22°47'32" East a distance of 35.00 feet to the Point of Beginning.

SURVEY DESCRIPTION - Lot 25, Block 23:

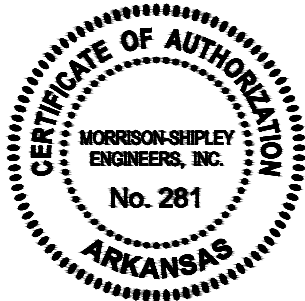
Part of Lot 11A, Block 23, Deming's 2nd Addition to the City of Bentonville, according to Replat Book 22, page 152, Benton County, Arkansas, being more particularly described as follows:

COMMENCING at the northwest corner of Lot 11A, Block 23; thence by bearing and distance (basis of bearing, Grid North), South 22°47'32" West a distance of 120.13 feet to an existing three-eighths inch (3/8") rebar at the southwest corner of said Lot 11A; thence South 66°44'00" East along the south line of said Lot 11A a distance of 5.00 feet to a one-half inch (1/2") rebar with PS #1507 cap and the POINT OF BEGINNING; thence leaving said south line, North 22°47'32" East a distance of 85.09 feet to a one-half inch (1/2") rebar with PS #1507 cap; thence South 66°11'31" East a distance of 155.00 feet to a one-half inch (1/2") rebar with PS #1507 cap; thence South 22°46'45" West a distance of 83.62 feet to a one-half inch (1/2") rebar with PS #1507 cap on said south line of Lot 11A; thence North 66°44"00" West along said south line a distance of 155.00 feet to the Point of Beginning.

SURVEY DESCRIPTION - Right-of-way Dedication:

Part of Lot 11A, Block 23, Deming's 2nd Addition to the City of Bentonville, according to Replat Book 22, page 152, Benton County, Arkansas, being more particularly described as follows:

BEGINNING at the northwest corner of Lot 11A, Block 23; thence by bearing and distance (basis of bearing, Grid North), South 66°11'31" East along the north line of said Lot 11A a distance of 5.00 feet to a one-half inch (1/2") rebar with PS #1507 cap; thence leaving said north line, South 22°47'32" West a distance of 120.09 feet to a one-half inch (1/2") rebar with PS #1507 cap on the south line of said Lot 11A; thence North 66°44'00" West a distance of 5.00 feet to a three-eighths inch (3/8") rebar at the southwest corner of said Lot 11A; thence North 22°47'32" East a distance of 120.13 feet to the Point of Beginning.



LOT SPLIT

of LOT 11A, Block 23, Deming's 2nd Addition
CREATING Lots 24 & 25, Block 23, Deming's 2nd Addition
Bentonville, Benton County, Arkansas

Bentonville Atlas Page 361
Bentonville Project #LS19-0023

Project No. BXB-02

Drawn By JDS
Checked By KAS

Date: 07.01.19

Sheet 3 of 3

MORRISON



SHIPLEY

ENGINEERS ■ SURVEYORS

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

Drawing Name: P:\BXB-02.dwg BXB-02 Lot Split.dwg Last Modified: Jun 28, 2014 - 11:06am Plotted on: Jul 01, 2014 - 10:22am by jacksonbaum