



**Planning Commission
Agenda
October 15, 2019**

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

- 1. Lot 26, Huffman Addition** **Property Line Adjustment**
209 NW D Street ([PLA19-0029](#))

IV. New Business

- 1. Art Condos, LLC** **Rezoning***
(DN-4, Downtown Mixed-Use Residential to DE, Downtown Edge)
609 & 610 SE E Street ([RZ19-0030](#))

- 2. Stearman Revocable Trust** **Rezoning***
(PUD, Planned Unit Development to C-2, General Commercial)
SW H Street ([RZ19-0031](#))

- 3. Kasita Hotel** **Conditional Use***
Lodging – Hotel/Motel
609 & 610 SE E Estreet ([CU19-0011](#))

- 4. Bentonville Container Park** **Waiver**
Section 1100.21, Large Scale Development Design Standards, Subsection E,
Building Material
406 S Walton Boulevard ([WAV19-0004](#))

- 5. Bentonville Maintenance Annex** **Large Scale Development**
SW 24th Street ([LSD19-0044](#))

- 6. Zoning Code Amendments** **Public Hearing***

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

Planning Commission
Minutes
October 1, 2019

Meeting called to order at 5:00 p.m. by Dana Davis, Vice-Chairman.

Present: Dana Davis, Scott Eccleston, Jim Grider, Joe Haynie, Elaine Kerr, and Rod Sanders
Absent: Richard Binns
Staff: Ellen Norvell, Jon Stanley, Tyler Overstreet, Ali Worley, Peter Farmer, and Mark Brightwell

Motion by Mr. Grider, seconded by Mr. Haynie to approve the minutes of September 17, 2019 as written

Approved 7-0

Consent Agenda

1. Lots 3-4, Block 1 of Incidental Subdivision Lot Split
306 SE C Street, PLA19-0008
2. Shelley Parson Insurance Large Scale Development
2001 SE J Street, LSD19-0042

Approved 6-0

New Business

Item #1

Brown: Rezoning, R-1, Single Family Residential to DN-2, Downtown Medium Density Residential, 306 SE C Street, RZ19-0020

Tyler Overstreet reads the staff report.

Opened public hearing

No public comments

Closed public hearing

Approved 6-0

Item #2

Montero Properties of NWA, LLC: Rezoning, R-O, Residential Office, R-2, Duplex and Patio Home Residential, and R-3, Medium Density Residential to DE, Downtown Edge, RZ19-0029

Tyler Overstreet reads the staff report.

Opened public hearing

Rosada, representative, gives PowerPoint presentation to Commissioners.

Closed public hearing

Approved 6-0

Item #3

Riggs Office Expansion: Waiver Request, Section 1400.07: Landscape, Screening, & Buffering, 1129 NW J Street, WAV19-0003

Tyler Overstreet reads the staff report.

Approved 6-0

Item #4

Strategy Systems: Large Scale Development, 3202 SE Moberly Lane, LSD19-0038

Tyler Overstreet reads the staff report.

Motion by Mr. Eccleston, seconded by Mr. Grider to approve the Waiver Request: Building Material
Approved 6-0

Motion by Mr. Haynie, seconded by Mr. Grider to approve the Waiver Request: Off-Site Improvements
Approved 6-0

Motion by Mr. Grider, seconded by Mr. Eccleston to approve the Waiver Request: Street-Frontage
Width

Approved 6-0

Motion by Mr. Haynie, seconded by Mr. Eccleston to approve the Waiver Request: Location of Building
from Detention Pond

Approved 6-0

Motion by Mr. Grider, seconded by Mr. Haynie to approve the Waiver Request: Detention Ponds Across
Lot Lines

Approved 6-0

Large Scale Development

Approved 6-0

Item #5

Vaughn Apartments Phase II: Large Scale Development, SW Chickadee Street, LSD19-0039

Tyler Overstreet reads the staff report.

Motion by Mr. Grider, seconded by Mr. Eccleston to approve the Waiver Request: Number of Off-Street
Parking Spaces

Approved 6-0

Large Scale Development

Approved 6-0

Item #6

Generations Bank: Large Scale Development, 600 SW 41st Street, LSD19-0043

Tyler Overstreet reads the staff report.

Motion by Mr. Sanders, seconded by Mr. Haynie to approve the Waiver Request: Building Material
Approved 6-0

Large Scale Development

Approved 6-0

Other Business

Mr. Overstreet informs the Commissioners of the Development Workshop to be held on October 3,
2019 to discuss current processes with developers/engineers.

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

Meeting adjourned

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

Ali Worley



Consent Agenda Items

For Planning Commission meeting of October 15, 2019

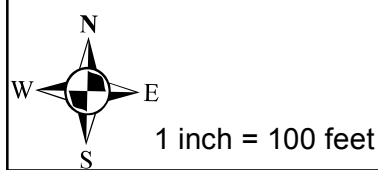
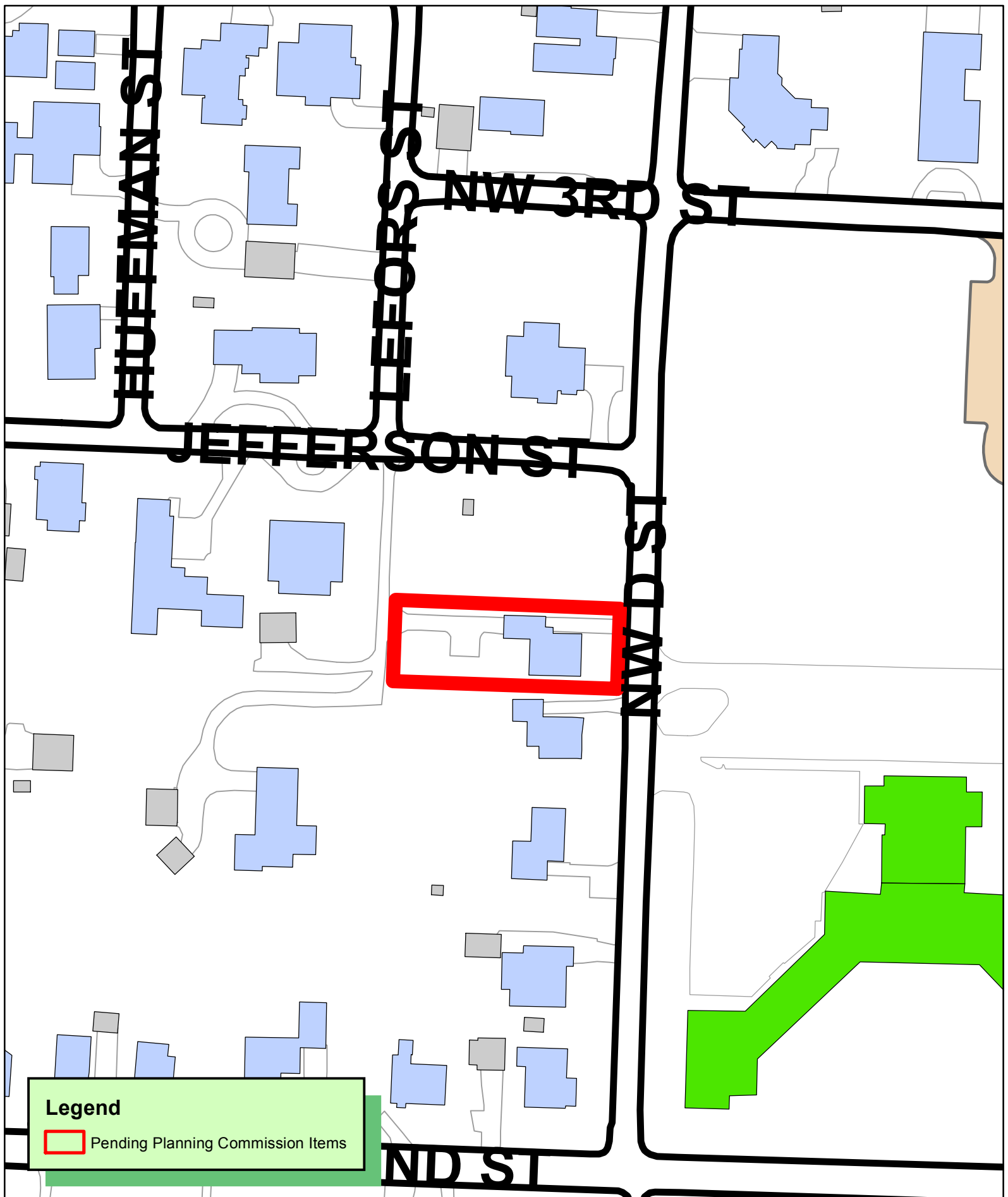
Reviewer: Tyler Overstreet, Senior Planner, AICP

- ❖ At the Technical Review meeting held on October 8, 2019 the Planning Commission requested these items be placed on the consent agenda. The descriptions below shall serve as the staff report for each of the consent agenda items.

Property Line Adjustment: Lot 26, Huffman Addition, Brenda Compton, 209 NW D Street, R-1, Single-Family Residential, (PLA19-0029)

A Property Line Adjustment of Lot 7 of Huffman Addition, creating new Lot 26 (+/- .27 acres). The plat dedicates a 10-foot utility easement and approximately 5.5-feet of right-of-way along NW D Street.

(Please click on this link to access the vicinity map for this item: <http://geo.bentonvillear.com/mgweb/PZpending/>)



PLA19-0019
PROPERTY LINE ADJUSTMENT
HUFFMAN ADDITION
OLD LOT 7 CREATING LOT 26



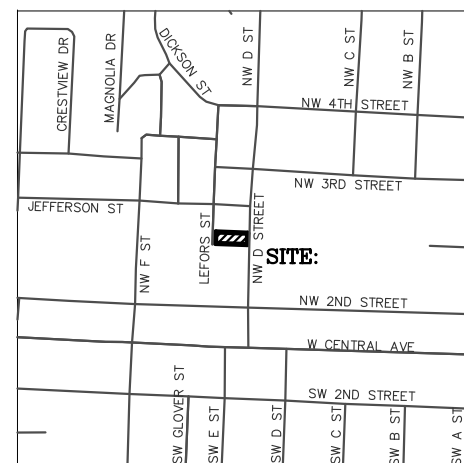
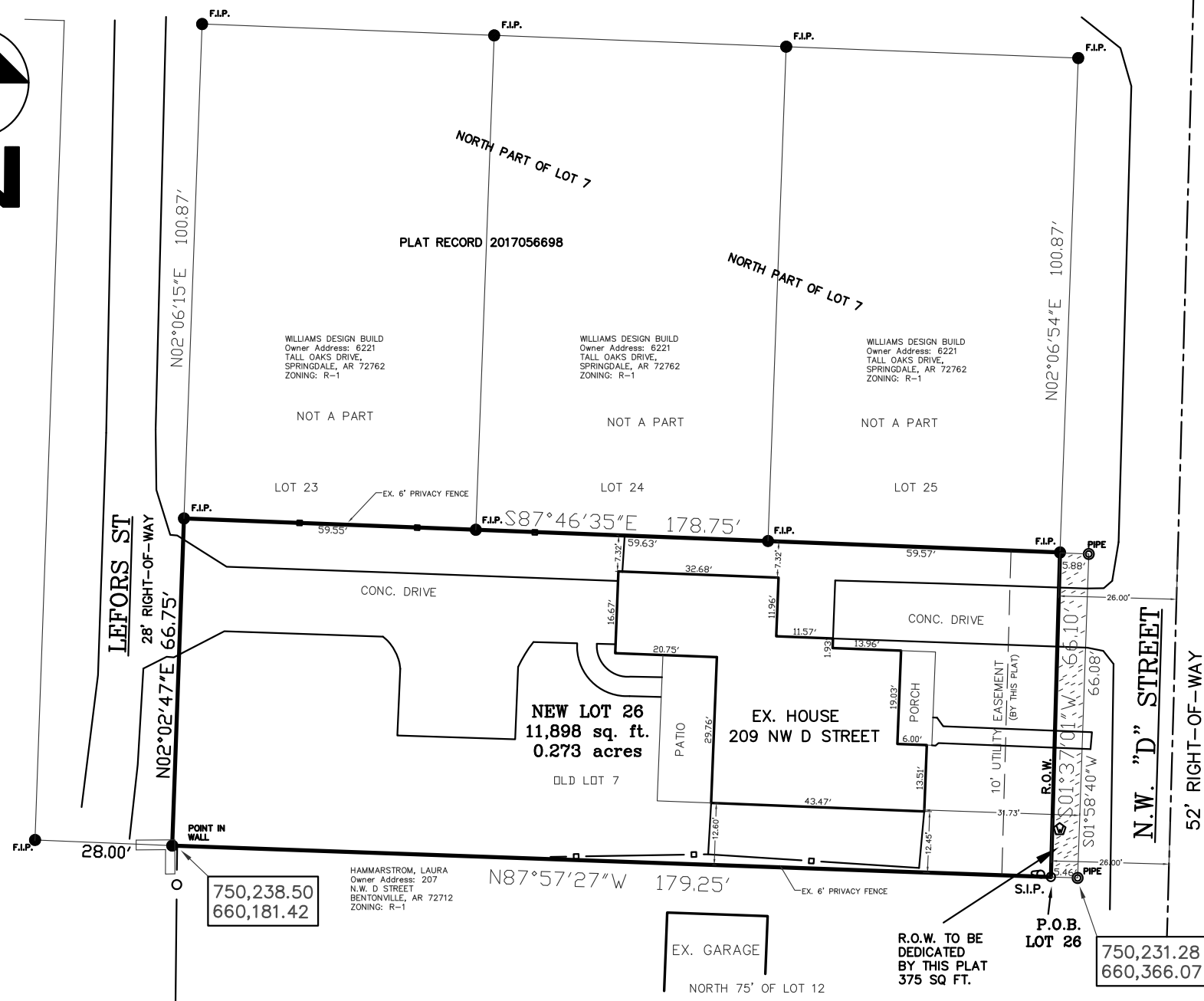
	POWER POLE
	WATER VALVE
	GAS METER
	WATER METER
	AIR CONDITIONING



5. ALL STRUCTURES MUST MAINTAIN MINIMUM OF 20' CLEARANCES FROM ALL ELECTRIC LINES.



SIGNED: _____
 REGISTERED LAND SURVEYOR
 NO. 1553
 STATE OF ARKANSAS



LOT 26, HUFFMAN'S ADDITION TO THE CITY OF
BETONVILLE, BENTON COUNTY, ARKANSAS.
FURTHER DESCRIBED AS FOLLOWS: BEGINNING AT
THE SOUTHEAST CORNER OF LOT 26, THENCE
NORTH 87°57'27" WEST 179.25 FEET; THENCE
NORTH 02°02'47" EAST 66.75 FEET; THENCE
SOUTH 87°44'55" EAST 178.75 FEET; THENCE
SOUTH 01°37'01" WEST 66.10 FEET TO THE POINT
OF BEGINNING, CONTAINING 0.273 ACRES MORE
OR LESS, SUBJECT TO THE RIGHT OF WAY OF NW
D STREET ALONG THE EAST LINE OF THE
PROPERTY.

NOTARY PUBLIC SIGNATURE

PLANNING COMMISSION CHAIRMAN

PROPERTY LINE ADJUSTMENT		REVISIONS	
		No.:	BY: DATE:
OWNER: BRENDA COMPTON 209 NW "D" STREET BENTONVILLE, AR 72712		#1	CITY 9/17/19
273-7989 OR 366-7989		 V&R CONSULTING INC.	
P.O. BOX 223 BENTONVILLE, AR 72712		DRAWN BY: DP/ZS	DATE: 9/09/19
		CHECKED BY:	JOB No.: 2019162
		SCALE: 1"=30'	SHEET: 1

PROJECT NUMBER (PLA19-0029)

REZONING STAFF REPORT



Art Condos, LLC

609 & 610 SE E Street

PC Date: 10/15/2019

Reviewer: Ali Worley, Planning Technician

Project Number	RZ19-0030
Applicant / Current Owner	Art Condos, LLC 2714 Otis Corley Drive Bentonville, AR 72712
Site Area	+/- 1.15 acres
Current Zoning	DN-4, Downtown Mixed-Use Residential
Requested Zoning	DE, Downtown Edge
Future Land Use Map Designation	Downtown Commercial

Property Description

This property is located north of SE 7th Street, east of SE D Street, and west of SE E Street. The site is currently DN-4, Downtown Mixed-Use Residential. Adjacent zonings are R-3, Medium Density Residential, to the north, C-2, General Commercial, to the east, DE, Downtown Edge, to the south, and R-1, Single Family Residential to the west.

Relationship to the General Plan

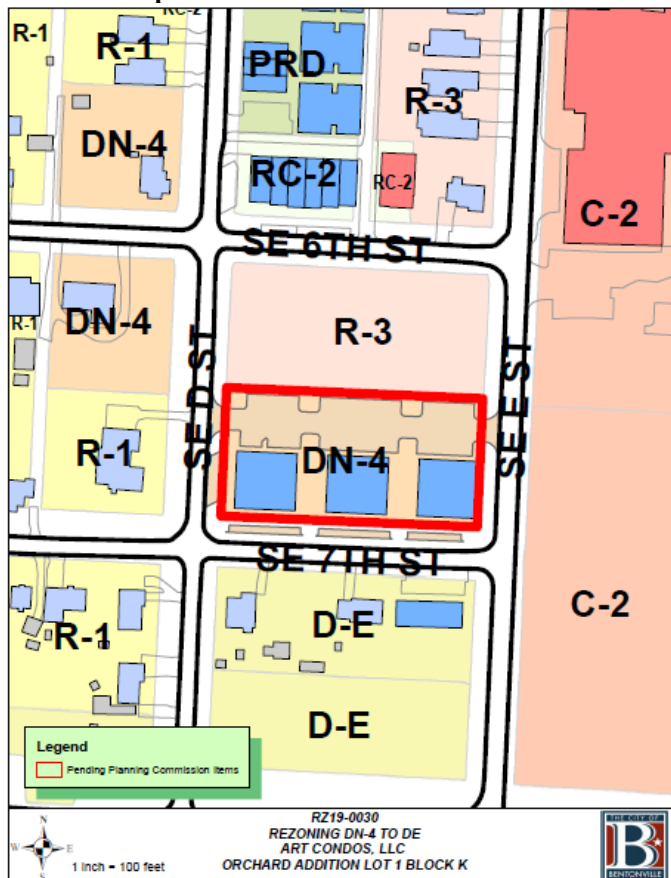
The Future Land Use Plan currently depicts this property as Downtown Commercial. These areas typically include traditional mixed-use developments with a focus on design character and pedestrian access.

Analysis

The proposed rezoning can potentially be justified due to the site's downtown location, general compatibility with the Future Land Use Plan, and surrounding uses.

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

Location Map





September 6, 2019

City of Bentonville Planning Commission
Community Development Building
305 SW "A" Street
Bentonville, Arkansas 72712

RE: *Rezoning Request for 609 SE D Street AND 610 SE E Street, Bentonville, AR 72712*
(Real parcel# 01-03595-000)

To The City of Bentonville Planning Commission:

On behalf of Green City Hospitality, LLC and/or Assigns, who have executed a commercial real estate contract to purchase the subject property from the current owner, Art Condos, LLC, EDG is requesting a zoning change **to Downtown Edge (proposed) from DN-4 Downtown Mixed Use Residential (current).**

The location is desired by the applicant because of its proximity to downtown, compatibility with adjacent land uses, the existing road network, site access, and complimentary developments in the nearby area.

Concurrent with this rezoning request, we have submitted a Conditional Use Permit to construct a boutique hotel on the property.

The DE zoning district is complimentary to the Downtown Commercial land use as identified in the Bentonville Community Plan (adopted 10/23/2018). We believe the proposed use is desirable both with respect to its impact on neighboring properties and to the city as a whole. The applicant is aware the City of Bentonville will require the development to meet commercial design standards as identified in the City of Bentonville Zoning Ordinance and the City of Bentonville Land Development Code.

Proposed Use, Appearance

Kasita is a contemporary upscale boutique hotel. Kasita will begin opening its first hotels in 2020 in premier locations including Austin and Nashville, and is currently pursuing hotel projects in numerous other locations, including Portland, San Antonio, and San Diego. Kasita hopes to add Bentonville to this exclusive list of destinations.

Kasita is focused on authentic, local, personalized, frictionless experiences for the independent-minded traveler. Guests arrive at their home away from home and experience seamless service. Each Kasita offers serene privacy, abundant natural light, a functional workspace, and luxurious amenities.

Kasita does not look or feel like a conventional hotel. High-quality construction will contribute positively to the perception of the neighborhood and the site will be beautifully integrated with human-scaled buildings and attractive landscaping. The scale is primarily one-story with a limited (700

+/- sf) two-story section. Outdoor lighting will be subtle, with façade lighting on the main building along SE E Street and some landscape lighting around the perimeter of the site.

"Kasita-Bentonville," if approved, will comprise thoughtfully-designed guest suites and common spaces that inspire creativity. Floor space will total 19,000 +/- sf:

- Between 39 and 42 single-story structures of 360 +/- sf each grouped together in groups of two to four;
- (1) two-story structure housing the common room and Host quarters;
- (1) structure housing the pool room;
- (1) pool; and
- (1) patio.

We believe Kasita will actively support the promotion of Bentonville as a premier tourist destination. Located directly across the street from The Momentary contemporary art space, Kasita-Bentonville will offer seamless compatibility with the culinary, visual and performing art, and festival experiences provided by The Momentary; will complement Austin-Baggett Park to the north; and will integrate effortlessly within the existing community. Kasita is a new hotel concept whose design, configuration, and spatial impact are more residential than hotel-like in nature. The main entrance will be located at 610 SE E Street, isolated from the quieter 609 SE D Street side of the property and 7th Street.

Signage

Planned signage will be building-mounted or integrated into the landscape, and will be located on the SE E Street side (and potentially along 7th Street as well.) Signage will be finalized when the project goes through the design and LSD process, but we can confirm that signage will be tasteful, that there will be no pole-mounted signs; and that all signage will meet the standards identified by the City of Bentonville.

Traffic

Traffic volume is forecast to be low. We forecast an average occupancy rate of 80%, or an average of 32-34 guests in residence at any given time. There is no on-site restaurant or other amenities open to the general public, therefore deliveries will be limited.

Availability of Water and Sewer

8" water lines are available on three sides of the property. For sewer service to this property, there are sewer mains on the east and west sides of the property.

Attachments

- Property Owner Consent Form
- Warranty Deed
- Legal Description (MS-Word format)

Respectfully submitted,

ECOLOGICAL DESIGN GROUP, INC.

A handwritten signature in blue ink, appearing to read "Brahm Driver", with a long horizontal flourish extending to the right.

Brahm Driver, PE

REZONING STAFF REPORT



Stearman Revocable Trust

SW H Street

PC Date: 10/15/2019

Reviewer: Ali Worley, Planning Technician

Project Number	RZ19-0031
Applicant / Current Owner	Gary Stearman Trustee 12382 W Hwy 62 Farmington, AR 72730
Site Area	+/- 4.56 acres
Current Zoning	PUD, Planned Unit Development
Requested Zoning	C-2, General Commercial
Future Land Use Map Designation	General Commercial

Property Description

This property is located east of SW H Street and at the northwest corner of SW F Street and SW Ranch Road. The site is currently zoned PUD, Planned Unit Development. Adjacent zonings are PUD to the east and south, C-1, Neighborhood Commercial to the north, and C-3, Central Commercial to the west.

Relationship to the General Plan

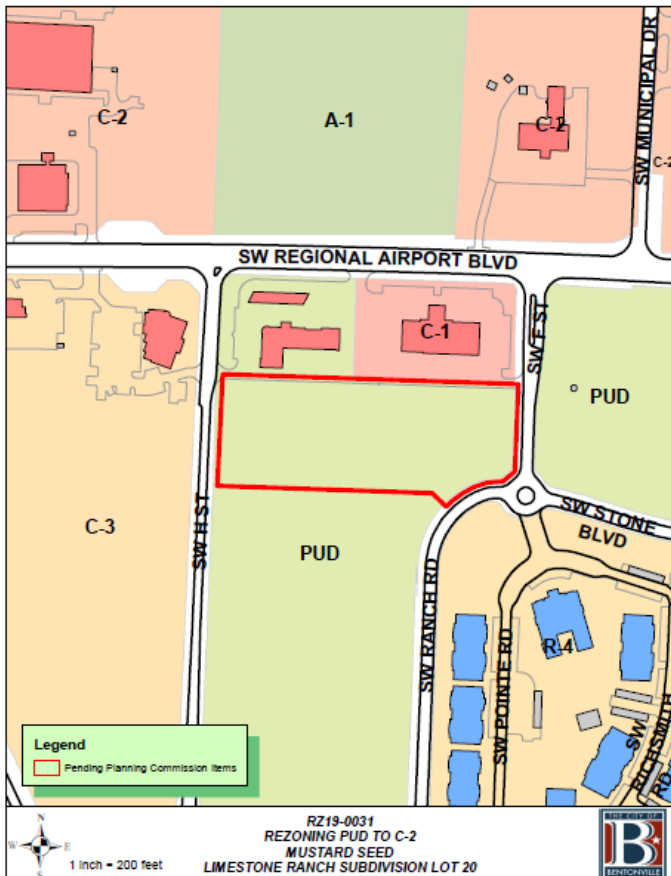
The Future Land Use Plan currently depicts this property as General Commercial. These areas typically include uses that serve both nearby residents and the community as a whole.

Analysis

The proposed rezoning can potentially be justified due to the site's general compatibility with the Future Land Use Plan and surrounding uses.

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

Location Map





CEI Engineering Associates, Inc.

ENGINEERS ■ SURVEYORS ■ LANDSCAPE ARCHITECTS ■ PLANNERS

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

September 4, 2019

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

RE: Mustard Seed rezoning application

Dear Planning Commission:

Please accept this narrative letter to accompany a formal request by Stearman Revocable Trust, Gary E Stearman Trustee, owner of real property located in the City of Bentonville, for consideration of a rezoning of request for Benton County parcel #01-14937-007 from Expired PUD, Planned Unit Development to C-2 General Commercial. The property is approximately 5.6 acres located at SW H Street in Bentonville, AR.

Pending approval of this rezoning request, a proposed large-scale development plan will be submitted. It will be consistent with the allowable uses under the current city of Bentonville zoning code for the proposed district. All necessary utilities for the proposed development are available on or adjacent to the subject tract. Zoning of the subject tract as C-2 general commercial use will be compatible with the surrounding commercial uses and provide services commonly found in the immediate area. Screening and buffering for adjacent multi-family residential uses west south of the property will be established as part of the forthcoming Large Scale Development of the subject property if applicable.

Traffic generated by this development will utilize the existing cross access easements provided from the adjoining developments to the north and connectivity to Southwest H Street, currently shown as an arterial per the Master Streets Plan. Details for signage, architectural appearance and site lighting will also be provided with the upcoming Large Scale Development plan for this project. Surrounding streets currently meet the city master street plan designations and no further street improvements are expected to be required with development of the subject property.

Thank you for your time and consideration in this matter.

Respectfully submitted,
CEI Engineering Associates, Inc.

Ryan Evjts
Project Manager

Providing Consolidated Land Development Services

CALIFORNIA ■ TEXAS ■ ARKANSAS ■ MINNESOTA ■ PENNSYLVANIA

CONDITIONAL USE STAFF REPORT



Kasita Hotel

609 & 610 SE E Street

PC Date: 10/15/2019

Reviewer: Tyler Overstreet, Senior Planner, AICP

Project Number	CU19-0011
Applicant / Current Owner	Art Condos, LLC 2714 Otis Corley Drive Bentonville, AR 72712
Site Area	+/- 1.15 acres
Current Zoning	DN-4, Downtown Mixed-Use Residential pending rezoning to DE, Downtown Edge
Future Land Use Map Designation	Downtown Commercial
Requested Use	Lodging – Hotel/Motel
Protective Covenants	N/A

Property Description

This property is currently vacant land at 609 & 610 SE E Street. The property is currently pending rezoning to DE, Downtown Edge.

Proposed Use Description

The applicant proposes to operate a hotel, which is a conditional use in the DE, Downtown Edge, zoning district. According to the applicant's narrative, the project will be an upscale boutique hotel. It will consist of a two-story structure housing the common room, a pool house and pool, a patio, and between 39-42 single-story structures of approximately 360 square feet each, grouped together in groups of two to four structures.

Also according to the applicant's narrative, they expect an occupancy rate of an average of 32-34 guests in residence at any given time. They propose to develop 22 on-street parking spaces in the right-of-way surrounding the property.

Public Notice

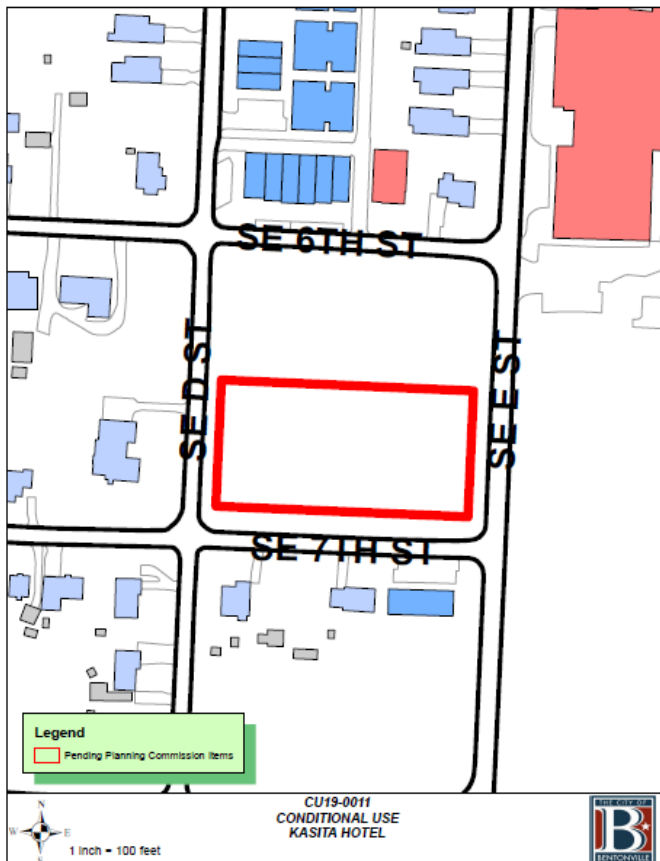
Staff has not been contacted regarding this request.

Conditions of Approval

1. This Conditional Use Permit shall be valid one year from date of issuance.
2. The Conditional Use Permit is contingent upon Large Scale Development application and approval.
3. 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.

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

Location Map





September 6, 2019

City of Bentonville Planning Commission
Community Development Building
305 SW "A" Street
Bentonville, Arkansas 72712

RE: *Conditional Use Permit Request for 609 SE D Street AND 610 SE E Street, Bentonville, AR 72712
(Real parcel# 01-03595-000)*

To The City of Bentonville Planning Commission:

We respectfully request a Conditional Use Permit on behalf of Green City Hospitality, LLC and/or Assigns, who have executed a commercial real estate contract to purchase the above referenced property consisting of 1.15 +/- acres from the current owner, Art Condos, LLC.

Concurrent with this CUP request, we have submitted a request to rezone the property from DN-4 Downtown Mixed Use Residential to Downtown Edge zoning district.

We hereby request approval to construct a boutique hotel on the subject property, conditioned upon rezoning of property to Downtown Edge zoning district, in accordance with City of Bentonville Zoning Code Sec. 301.06, Conditional Uses. We believe the proposed hotel is desirable both with respect to its impact on neighboring properties and to the city as a whole, and is compatible with other uses permitted on surrounding properties.

Proposed Use, Indoor/Outdoor Highlights, Lighting

Kasita is a contemporary upscale boutique hotel. Kasita will begin opening its first hotels in 2020 in premier locations including Austin and Nashville, and is currently pursuing hotel projects in numerous other locations, including Portland, San Antonio, and San Diego. Kasita hopes to add Bentonville to this exclusive list of destinations.

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Kasita does not look or feel like a conventional hotel. High-quality construction will contribute positively to the perception of the neighborhood and the site will be beautifully integrated with human-scaled buildings and attractive landscaping. The scale is primarily one-story with a limited (700 +/- sf) two-story section. Outdoor lighting will be subtle, with façade lighting on the main building along SE E Street and some landscape lighting around the perimeter of the site.

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- (1) structure housing the pool room;
- (1) pool; and

- (1) patio.

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Hours of Operation, Staffing

Kasita-Bentonville will be open 24 hours per day, 7 days per week, 365 days per year and will employ two to three local full-time employees, including a "Host," with supplemental staff provided by local contractors. Host quarters will be located above the common room on the east end of the site.

Anticipated Clientele, Deliveries (Average per Day)

Kasita-Bentonville forecasts an average occupancy rate of 80%, or an average of 32-34 guests in residence at any given time. There is no on-site restaurant or other amenities open to the general public, therefore deliveries will be limited.

Parking

The City of Bentonville Zoning Code Sec. 501.06 stipulates (1) one parking space per 1,000 sf of floor area (Downtown Edge zoning district, non-residential use), or a total of approximately 19 parking spaces for this planned development.

Based upon a preliminary study, we propose developing 22 on-street parking spaces in the Right of Way surrounding the property (see attached parking model).

In a preliminary conversation with the Bentonville Fire Marshal regarding on-street parking, he indicated that parking around the site with no fire truck access into the site may not present any issues, provided structures are sprinkled and FDCs and fire hydrants are strategically located for fire-fighting activities.

Enclosures

- Property Owner Consent Form;
- Warranty Deed;
- Site plan drawn to scale designating the property lines, proposed structure(s), and indoor and outdoor areas to be utilized;
- Photographs of the property;
- Parking Model;
- Kasita project brochure.

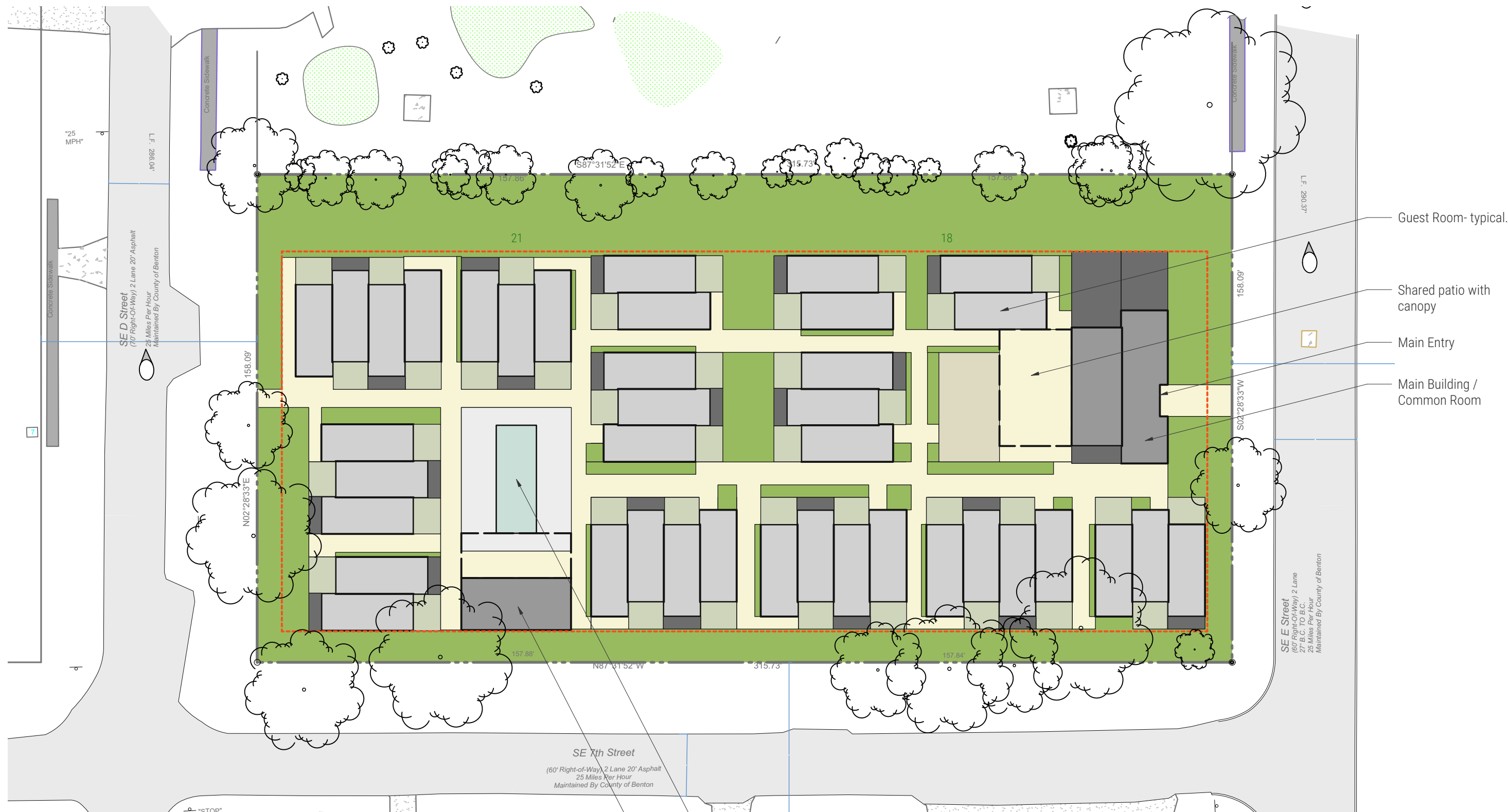
Protective Covenants – Not applicable.

Respectfully submitted,

ECOLOGICAL DESIGN GROUP, INC.



Brahm Driver, PE





PURPOSE DESIGNED
PRECISION CRAFTED
FACTORY BUILT
SEAMLESS SERVICE
DIGITALLY NATIVE



SXSW
Smart Cities
Innovation Award



Fast Company
World's Most
Innovative
Companies



Inc.
25 Most Disruptive
Companies

“By far the best micro home design I’ve ever set foot in.”

Art Gensler, architect of first 100 Apple stores



Our Story So Far

Co-founders and serial entrepreneurs Kenny Tomlin and Richard Lent share a decades-long friendship and a common passion around innovation and travel.

Spotting the trend away from big box hotels towards more flexible STRs, they made their first investment two and a half years ago by acquiring the Kimber Modern hotel in Austin. It was named one of the 10 best hotels in the world by Tablet Hotels and one of the 10 Best-Designed hotels in America by Dwell Magazine, and is #1 rated in its category for the last 8 years by Tripadvisor.

Thanks to its seamless-service and high-design model, the Kimber indexes at 1.85x market with trailing 8-year average occupancy at 80%+ and ADR of \$325+ p/n. In thinking about scaling the model, the duo recognized the huge challenges hotel developers face when site building and the disadvantages of retrofitting existing real estate for STR use.

So they set out to find the finest precision-designed, factory-built housing manufacturer. In 2018, they found the tiny home company Kasita. By early 2019, they owned all of its assets, including the brand.

The partners then began hiring great talent and recruited a world-class leadership team to round them out. With inspiration from the original Kasita, the team have created a purpose-built, best-in-class hospitality suite. They also forged manufacturing relationships with several state-of-the-art, geographically-distributed factories to build their proprietary products.

Most recently, Kasita signed a design, development, and management agreement for a flagship hub location on South Congress in Austin. The property will open in the first quarter of 2020.



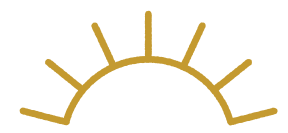
ACQUIRED KIMBER MODERN



ACQUIRED KASITA



KASITA SOCO/ATX Q1 2020



Austin, TX

OPENING EARLY 2020

Our flagship project will consist of 19 units with a luxurious community room, courtyard, and host living quarters in the heart of beautiful Austin, Texas.

The hotel will become a secluded urban oasis just steps away from South Congress, The SoHo House, Equinox Fitness and some of the city's most exciting restaurants, music venues, and nightlife.



Private & Inviting



Bright & Airy

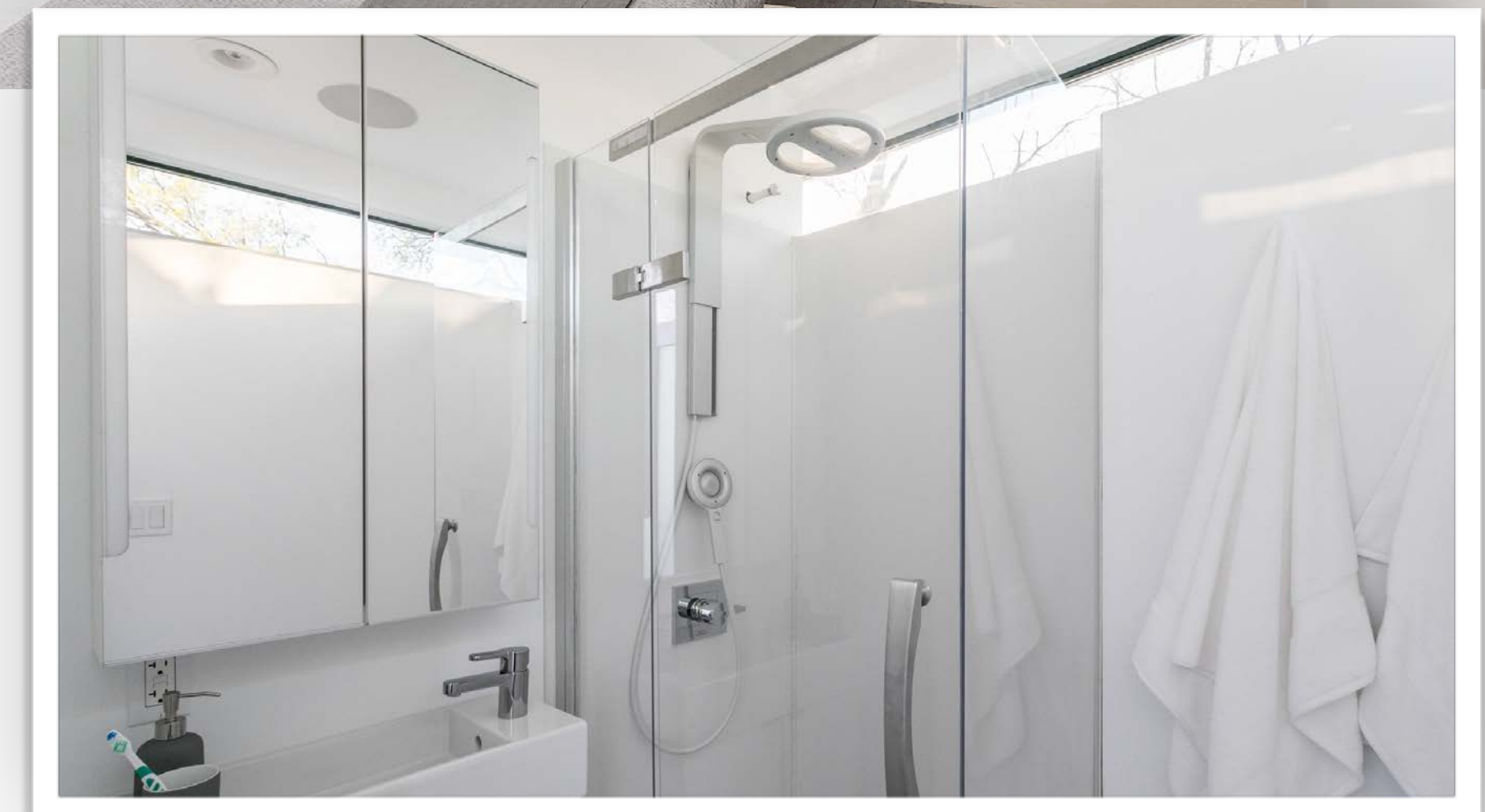


Our award-winning interior emphasizes natural light and an ingenious use of space

An efficient suite that looks and feels expansive, plush, and private. What you see is exactly what you get. Every Kasita is the same great quality no matter where you stay.

Privacy abounds with every unit offering a personal lanai that encourages indoor-outdoor flow, an efficient workspace, an incredibly comfortable mattress with luxury linens, abundant natural light, and a modern bathroom.

The space is custom-designed and factory-built to maximize convenience, warmth, and optimal rest and relaxation. Everything is where it should be and works as intended - no gimmicks, no clutter.





HELLO
NEIGHBOR

WAIVER REQUEST STAFF REPORT



Bentonville Container Park

406 S Walton Boulevard

PC Date: 10/15/2019

Reviewer: Tyler Overstreet, Senior Planner, AICP

Project Number	WAV19-0004
Applicant / Current Owner	Wal-Mart Stores, Inc. PO Box 8050 Bentonville, AR 72712
Site Area	+/- 1.71 acres
Current Zoning	C-2, General Commercial
Future Land Use Map Designation	Commercial (C)
Waiver Request	Article 1100, Section 1100.21, Large Scale Development Design Standards, Subsection E, Building Material

Property Description

This property is located at the southeast corner of the existing parking lot for Wal-Mart Supercenter Store 100. The approximately 1.71 acre area is currently zoned C-2, General Commercial.

Waiver Request

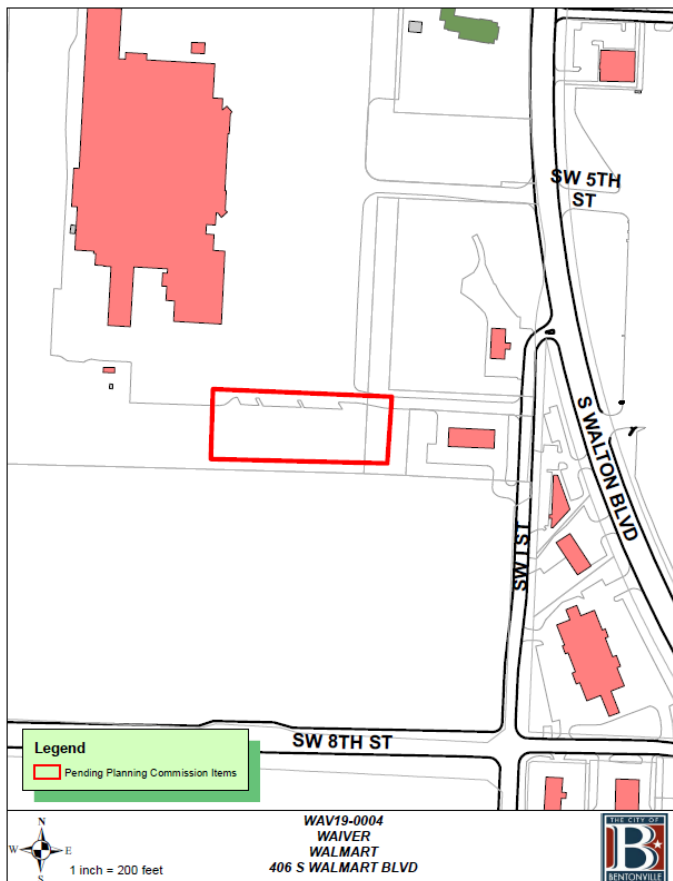
A waiver from Article 1100, Section 1100.21, Large Scale Development Design Standards, Subsection E, Building Material.

Analysis

The applicant proposes to construct a shipping container park, containing a mix of commercial uses adjacent to the existing Walmart Supercenter 100.

According to the applicant's narrative, the building materials ordinance is not true to the character of their proposed use. It is important to point out however, that all above-ground mechanical equipment is proposed to be screened with wood, which will serve as an accent to the shipping containers and create a mix of materials.

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



Narrative - Waiver of Subdivision Code

Cypress Acquisitions, LLC

9/30/2019

Cypress Acquisitions, LLC (the “Applicant”) and Walmart Stores, Inc. are partnering on a new outdoor food hall concept—fashioned out of repurposed shipping containers – that will offer a unique dining, boutique shopping and live entertainment experience for the Bentonville community.

The project will incorporate a variety of food and beverage users, including pizza, taco, burger, coffee, dessert, and several other local concepts, who will utilize the containers as full-service commercial kitchens serving patrons in an outdoor dining setting, with live music, games and other entertainment features. Selective areas will be covered with fans and space heaters as appropriate to enhance the consumer experience. In addition, the retail containers will be grouped together to provide a platform for unique second-level dining experience above.

Since the general profile of the targeted tenants will be local upstart businesses who do not have the wherewithal to take on traditional retail or restaurant space, it’s critical to Applicant’s business plan to minimize construction costs, while maximizing the overall dining experience, so those economics can be passed down to the vendors in the park; hence the modular approach to construction. As such, the project will be very sensitive to exterior enhancements required under Article 1100.21 of the building code; specifically:

1100.21 (e) Building Material. *“The primary material shall constitute at least 75 percent of the wall area, excluding glass. The exterior material shall consist of a combination of brick, textured concrete block, or natural stone.”*

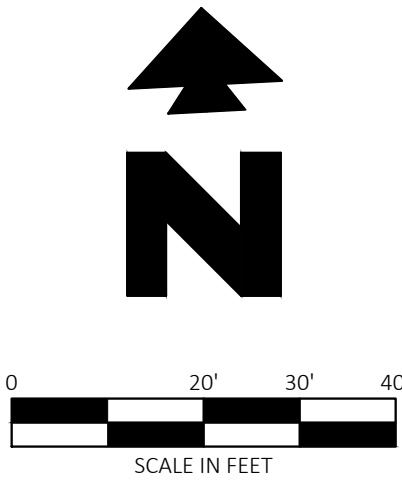
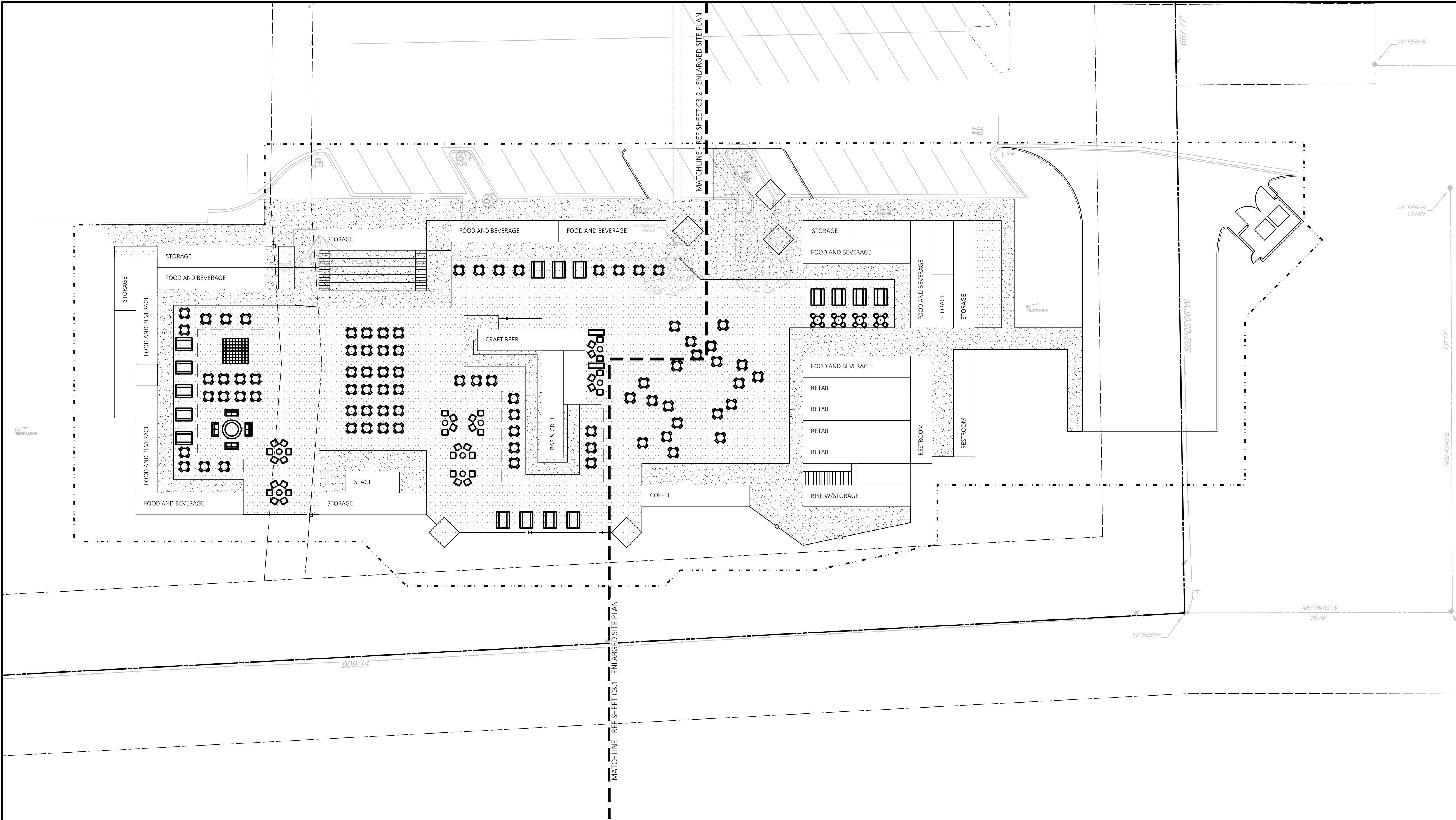
1100.21 (e) Building Material. *“No wood, Masonite, asphaltic exterior wall or roof material, aluminum or steel siding, non-textured concrete block, stucco, vinyl or other similar materials shall constitute a portion of any building except trim.”*

1100.21 (g) Building Compatibility. *“All commercial structures shall be designed in a manner compatible with other structures in the surrounding vicinity.”*

As can be seen in the application, the primary building element will be steel shipping containers, which would be in violation of the guidelines for primary materials referenced above, however covering the containers with alternate materials would not be true to the character of the park. Further, it will be difficult to match the surrounding buildings given the uniqueness of our use (and it should be noted that the subject property is adjacent to the Bentonville Water Utilities pump station and storage tanks). Wood paneling or other materials will be used to screen mechanical equipment above the containers which will dually serve to tastefully accent the appearance of the façade, and the color palate for the painted steel containers will be complimentary to the surrounding building environment.

Applicant respectfully submits that the uniqueness of the use qualifies as a special condition which would deprive Applicant’s ability to utilize the land under strict application of Section 1100.21. The requested waiver is necessary for the preservation of our ability to implement our development plan on the subject property. Further, the granting of this easement would in no way be detrimental to public health, safety, and welfare, nor injurious to the other property in the area given that we are partnering with the adjacent property owner. Lastly, granting this waiver would have no effect on the subdivision of other land in the area in accord with the provision of these regulations, as the uniqueness of our use would prohibit any claims or arguments for precedent should waiver any of these materials be requested by applicants on future projects.

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Know what's below.
Call before you dig.

LEGEND

EXISTING				
	EAST OR ELECTRIC		OHT	OVERHEAD TELEPHONE
	NORTH		OHTV	OVERHEAD TV
	OVERHEAD		X'SS	SANITARY SEWER
	SOUTH OR SEWER		UGE	UNDERGROUND ELECTRIC
	TELEPHONE		UGE&T	UNDERGROUND ELECTRIC AND TELEPHONE
	UNDERGROUND		UGT	UNDERGROUND TELEPHONE
	WEST OR WATER		UGTV	UNDERGROUND TV
	PROPERTY LINE		X'W	WATER
	RIGHT OF WAY LINE		5-10-11 50.5	TREE INFO
	STORM DRAIN			5 = DIAMETER OF TRUNK IN FEET
	GAS			10 = HEIGHT OF TREE IN FEET
	OVERHEAD ELECTRIC			11 = CANOPY DIAMETER IN FEET
	OVERHEAD ELECTRIC AND TELEPHONE			50.5 = ELEVATION AT BASE OF TREE

PROPOSED LEGEND

	LIMITS OF MODIFIED CONCRETE PATH, REF DETAIL 03F
	LIMITS OF CRUSHED STONE PAVING, REF DETAIL 08H
	LIMITS OF LANDSCAPE AREAS, REF LANDSCAPE PLANS
	LIMITS OF ONE (1) FOOT OVERBUILD AREAS, REF BUILDING PLANS AND GEOTECH REPORT
	LIMITS OF ASPHALT CONCRETE PAVING, REF DETAIL 08A
	LIMITS OF SIDEWALK DEMOLITION
	PROPOSED SITE - CONTAINER PARK: 63,966 SF (1.47 ACRES)

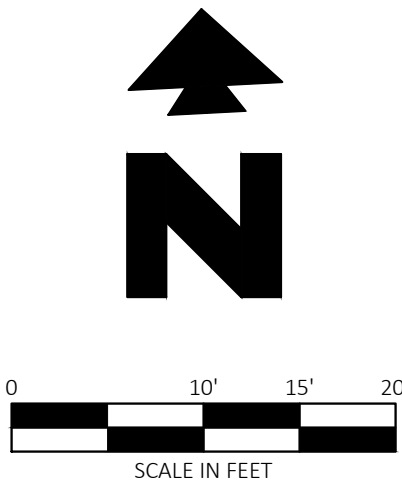
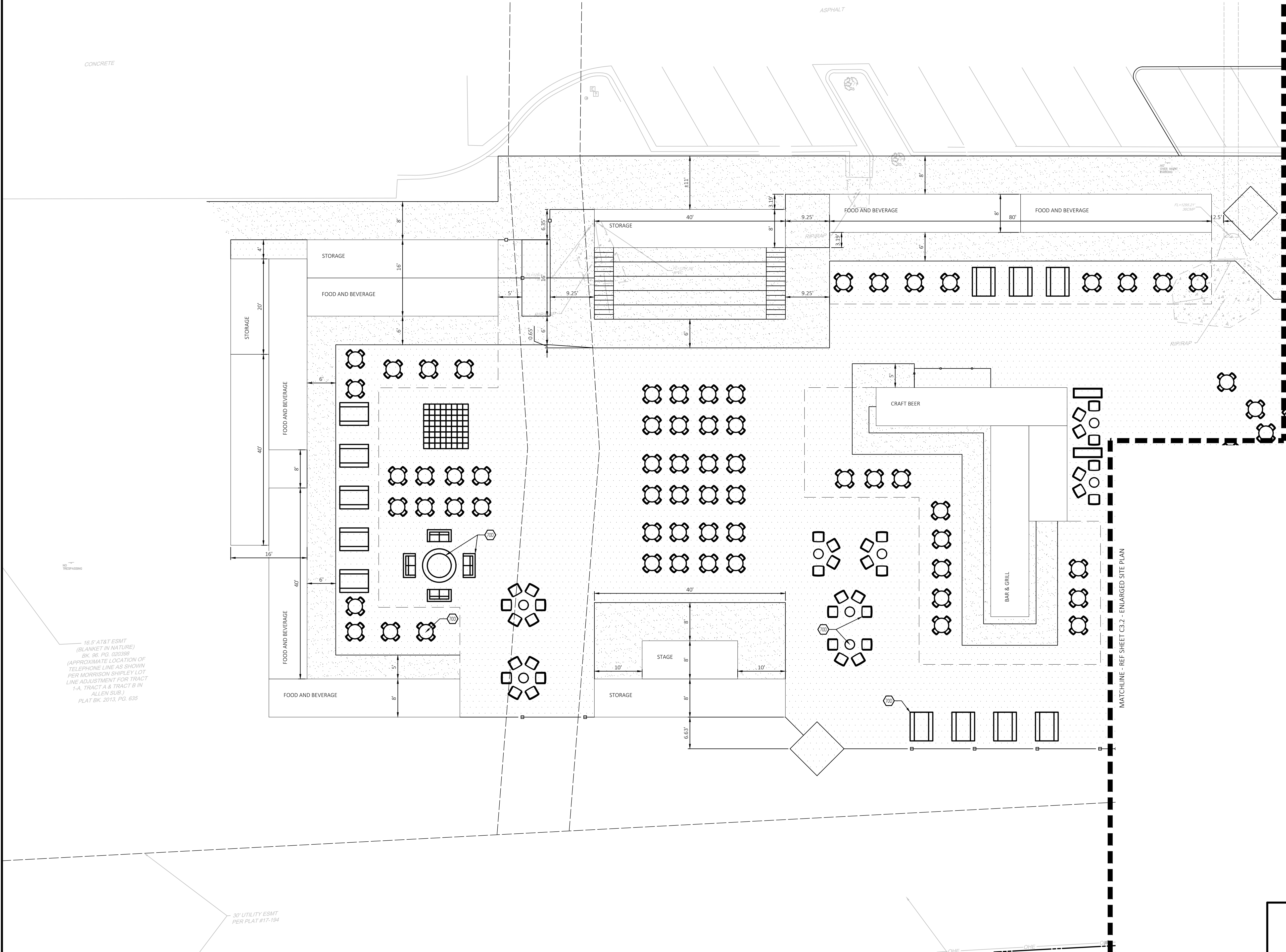
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- CONTRACTOR SHALL MODIFY EXISTING LANDSCAPE AND IRRIGATION TO ALLOW INSTALLATION OF NEW CURBING SYSTEM.

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7543 N. Ingram Ave., Suite 107 Fresno, CA 93711			(559)447-3119 FAX: (559)447-3129		
BENTONVILLE CONTAINER PARK					
406 S. WALTON BLVD BENTONVILLE AR 72712					
OVERALL SITE PLAN		REV DATE 9/30/19 REV-0	SHEET NO. C3.0		

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LEGEND

EXISTING		
	EAST OR ELECTRIC	OHT
	NORTH OVERHEAD	OHTV
	SOUTH OR SEWER	X"SS
	TELEPHONE	UGE
	UNDERGOUND WEST OR WATER	UGE&T
	PROPERTY LINE	UGT
	RIGHT OF WAY LINE	UGTV
	STORM DRAIN	X"W
	GAS	.5-10-11 50.5
	OVERHEAD ELECTRIC	
	OVERHEAD ELECTRIC AND TELEPHONE	
	OVERHEAD TELEPHONE	
	OVERHEAD TV	
	SANITARY SEWER	
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SITE NOTES

- 12G 4" WIDE PAINTED WHITE STRIPES, 2' O.C. @ 45° (SEE SIZE INDICATED AT SYMBOL)
- 18A EXISTING TO BE REMOVED
- 70A 1500 GALLON GREASE INTERCEPTOR, REF BUILDING PLANS
- 70B 3" DECORATIVE FENCE, ALLURE ALUMINUM "METROPOLITAN", OR OWNER APPROVED EQUAL, OWNER TO SUPPLY
- 70C 3" DECORATIVE GATE, ALLURE ALUMINUM "METROPOLITAN", OR OWNER APPROVED EQUAL, OWNER TO SUPPLY
- 70D PATIO FURNITURE, OWNER TO SUPPLY
- 70F STAIRS, REF BUILDING PLANS
- 70H LIGHT POLE, CONTRACTOR TO SUPPLY (COORDINATE WITH OWNER)
- 70N OVERHEAD STRING LIGHTS, OWNER TO SUPPLY
- 70X CONTRACTOR TO MAINTAIN \$5,000 ALLOWANCE UNDER FIREPLACES TO INCLUDE THE PURCHASE AND INSTALL OF LANDLORD SELECTED FIREPLACE

SITE DETAILS

- | | |
|-----|---------------------------------------|
| 01E | TYPE E CURB |
| 01K | HEADER BOARD, OR OWNER APPROVED EQUAL |
| 36C | IN-GROUND HOSE BIBB |

GENERAL SITE NOTES

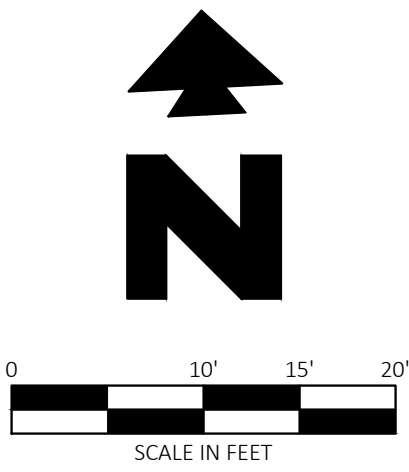
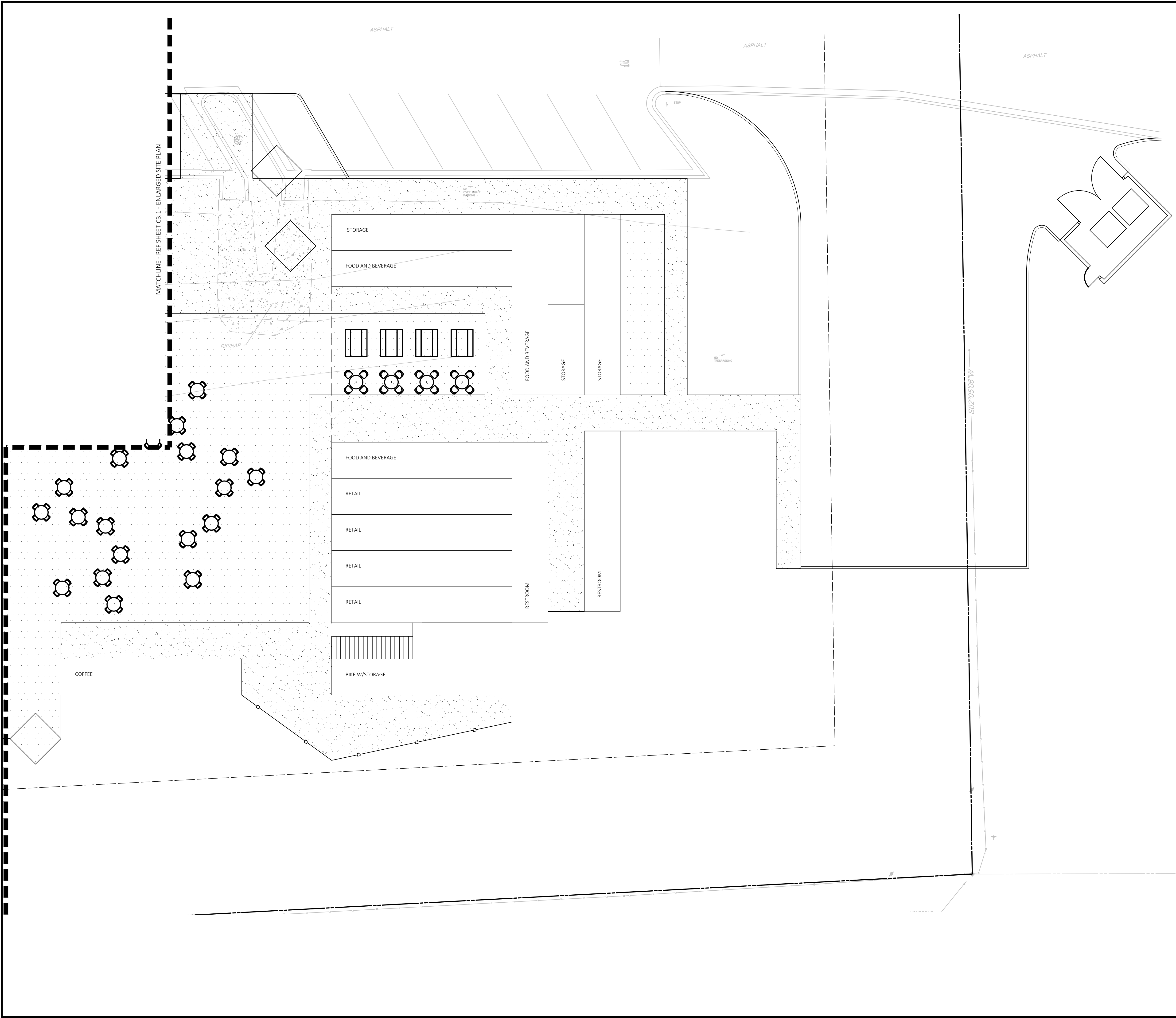
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(559)447-3119 FAX: (559)447-3129					
BENTONVILLE CONTAINER PARK					
406 S. WALTON BLVD BENTONVILLE AR 72712					
ENLARGED SITE PLAN		REV DATE 9/30/19 REV-0	SHEET NO. C3.1		

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LEGEND

EXISTING			
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n	NORTH	OHTV	OVERHEAD TV
oh	OVERHEAD	X"SS	SANITARY SEWER
s	SOUTH OR SEWER	UGE	UNDERGROUND ELECTRIC
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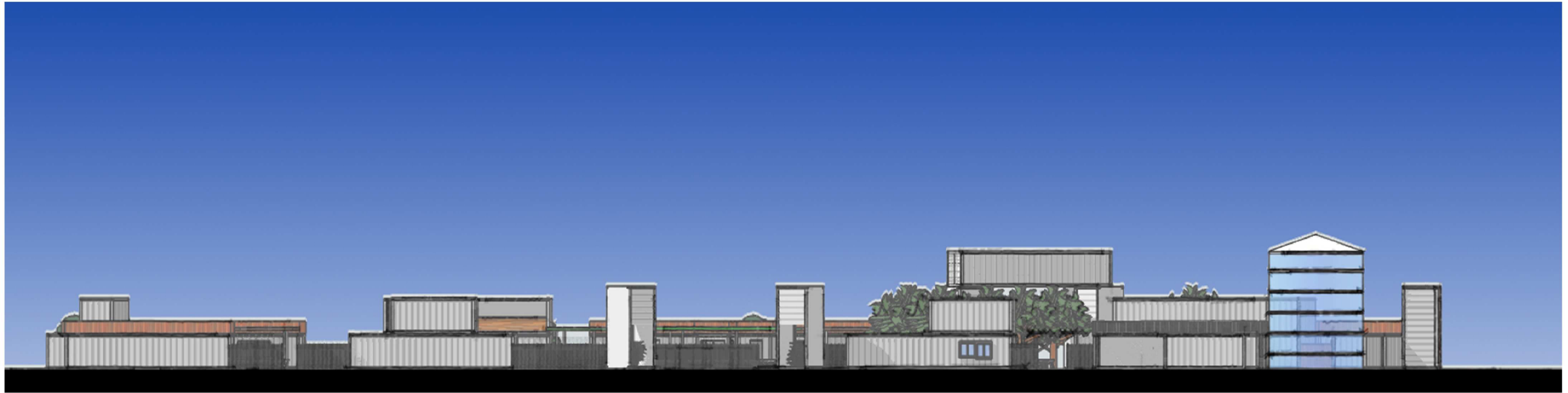
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REV DATE		SHEET NO.			
9/30/19		C3.2			
REV-0					
ENLARGED SITE PLAN					



SOUTH FACING ELEVATION



NORTH FACING ELEVATION



ENTRY VIEW



NORTH FACING VIEW



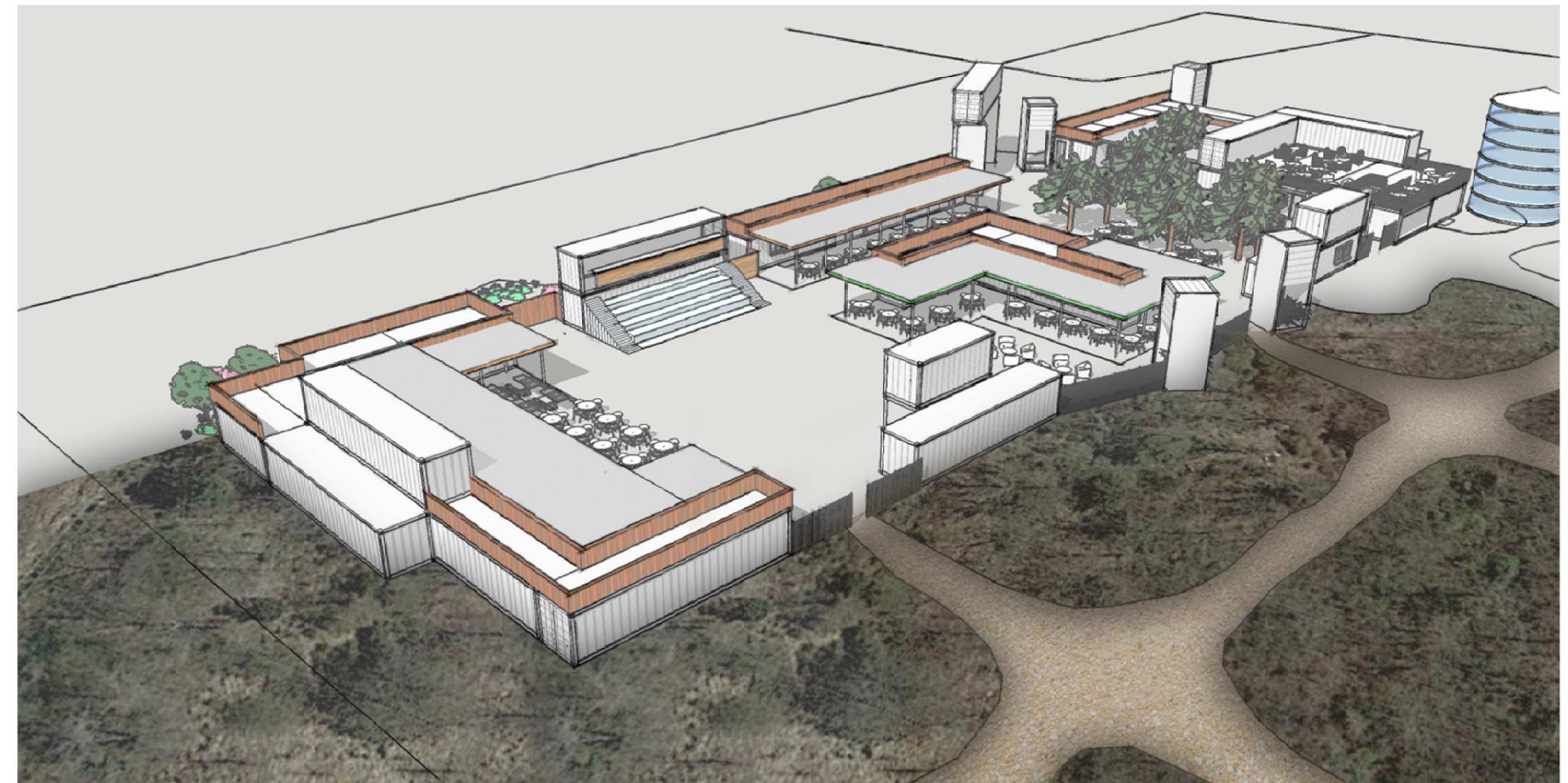
SOUTH SIDE VIEW



NORTH SIDE BIRD'S EYE VIEW



WEST SIDE BIRD'S EYE VIEW



SOUTH SIDE BIRD'S EYE VIEW

LARGE SCALE DEVELOPMENT STAFF REPORT



Bentonville Maintenance Annex

SW 24th Street

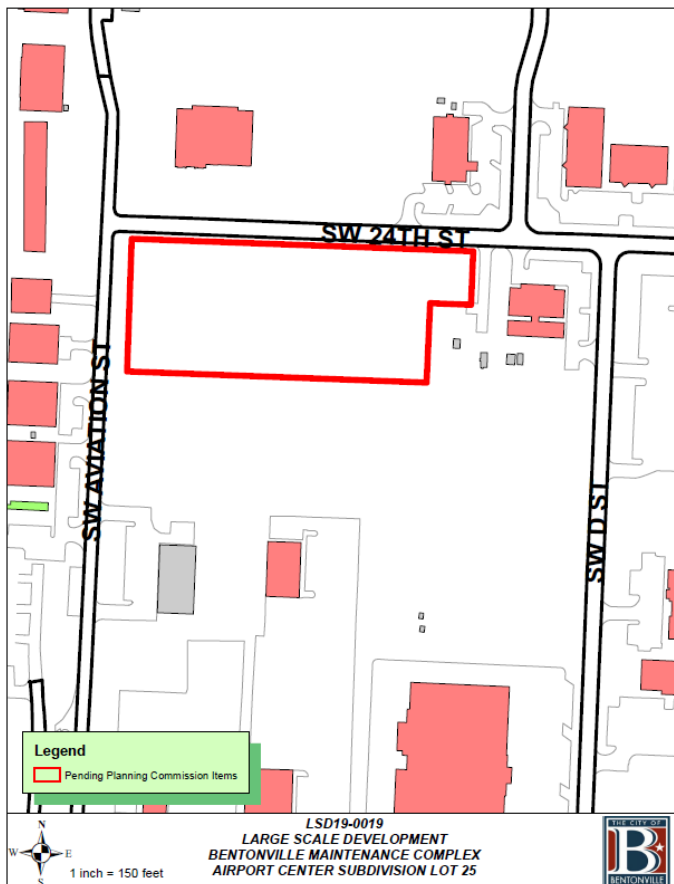
PC Date: 10/15/2019

Reviewer: Tyler Overstreet, Senior Planner, AICP

Project Number	LSD19-0044
Applicant / Current Owner	City of Bentonville 117 W Central Avenue Bentonville, AR 72712
Site Area	+/- 3.25 acres
Current Zoning	C-2, General Commercial
Future Land Use Map Designation	Light Industrial
Development Type / Use	City Maintenance Facility

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

Location Map



Property Description

This property is located southeast of the intersection of SW 24th Street and SW Aviation Street. The approximately 3.25 acre property is currently zoned C-2, General Commercial with a Future Land Use Map classification of Light Industrial.

Project Details

Large Scale Development proposing the development of a City of Bentonville Maintenance Annex facility. The plan calls for a 6,000 square foot office building, 3,000 square foot storage building, and a 4,000 square foot maintenance bay.

The development provides a total of 25 parking spaces, adequate landscaping, and a bench and bike rack as site amenities. The development is providing sidewalk along SW 24th Street and SW Aviation Drive.

Projected Traffic Impact

The proposed large scale development has the potential to impact traffic in the area. However, the site's compliance with the parking and access management standards, as outlined within the Zoning and Land Development Codes, should accommodate any increases in traffic to the area.

Waivers

One waiver request:

- A waiver from Article 1100, Section 1100.21, Large Scale Development Design Standards, Subsection E, Building Material, of the Land Development Code. The applicant requests that less than 75% masonry be accepted on each of their maintenance bay's façades. The percentages requested are as follows:
 - South: 0% masonry
 - North: 47% masonry
 - West: 11% masonry
 - East: 11% masonry

It is important to note that the only street-facing façade is the northern elevation.

Conclusion

In conclusion, this large scale development does not meet the minimum requirements of the City of Bentonville's Land Development Code, due to the waiver request.



MORRISON SHIPLEY

September 9, 2019

Peter Farmer
City of Bentonville
315 SW A Street
Bentonville, Arkansas 72712

**RE: *Bentonville Maintenance Complex Annex
144 Southwest 24th Street
Bentonville, Arkansas***

Dear Mr. Farmer,

On behalf of City of Bentonville, we respectfully request a waiver from the Stormwater Management and Drainage Manual 2008 Section 5.0 – Stormwater Detention.

Per the post-developed calculations, as shown in the Drainage Report for this project, there is less than one foot of freeboard for the pond at the 100-year storm event with the proposed maintenance complex. It is our opinion that due to our conservative analysis of the overall site and the lack of space for expansion with this development that this waiver be considered and accepted.

In conclusion, based on the stated findings, it is our opinion that the lack of one foot of freeboard in the post developed 100-year event will not adversely affect this site. Please consider this waiver request on the future site development described.

Sincerely,

Morrison Shipley Engineers, Inc.



Jonathan Clemons, E.I.
Project Engineer

August 28, 2019

City of Bentonville Planning Department
305 SW A Street
Bentonville, Arkansas 72712

RE: Waiver Request for Commercial Design Standards
Maintenance Bays Building
Bentonville Maintenance Facility Annex

Dear Commissioners;

On behalf of the City of Bentonville, Hight Jackson Associates respectfully requests a waiver of the Commercial Design Standards on a portion of the complex required for Commercial Zoned properties. The property for this project is located to the southeast of the intersection of SW24th Street, and SW Aviation Drive. This waiver is in regard to Building 'C' Maintenance Bays. Based on multiple factors, we believe adhering to the requirement of 75% primary material (masonry) for facades of the Maintenance Bay building is not practical for this building type. The street facing façade (north face) of the Maintenance Bay building currently shows a 3'-4" brick wainscot with vertical brick sections full height of elevation along SW 24th Street. The east and west sides of the building currently shows a 3'-4" brick wainscot between six coiling overhead doors. The south end of the building is an open bay for storage of maintenance items and is designed to be enclosed if needed in the future. The Maintenance Bay building is very practical and utilitarian in usage.

I would like to request a waiver to provide an architectural prefinished metal panel system on all four sides of the building along with the brick finish as shown on the accompanying rendered elevations. This Architectural prefinished metal panel system was used on the recently completed Bentonville Public Works project. We have also provided prefinished architectural metal panel in several high profile projects in the area such as Bentonville Osage Creekside Elementary School, Fayetteville High School, and others in Rogers.

We provide the following conditions to support this waiver request:

- There are two other buildings that will be constructed on this site. Both are 100% brick facades on all sides.
- Because of the required height of the building, it would be difficult to provide the required wind resistance if brick extends to this height. Wall movement would have to be restricted to prevent cracking of the brick and mortar. The architectural metal panel is lighter and more flexible, which would make it more practical for wind loading.

- Future expansion to the south end of the Maintenance Bay building is planned where the open bay is shown and it is not as practical to install masonry that will be removed. The proposed architectural prefinished metal panel system would be provided on the interior of the open bay.

I greatly appreciate your consideration of this request. If you have any questions or need additional information, please contact me or Mark Haguewood at your convenience.

Sincerely,



Brian Jackson
Hight Jackson Associates

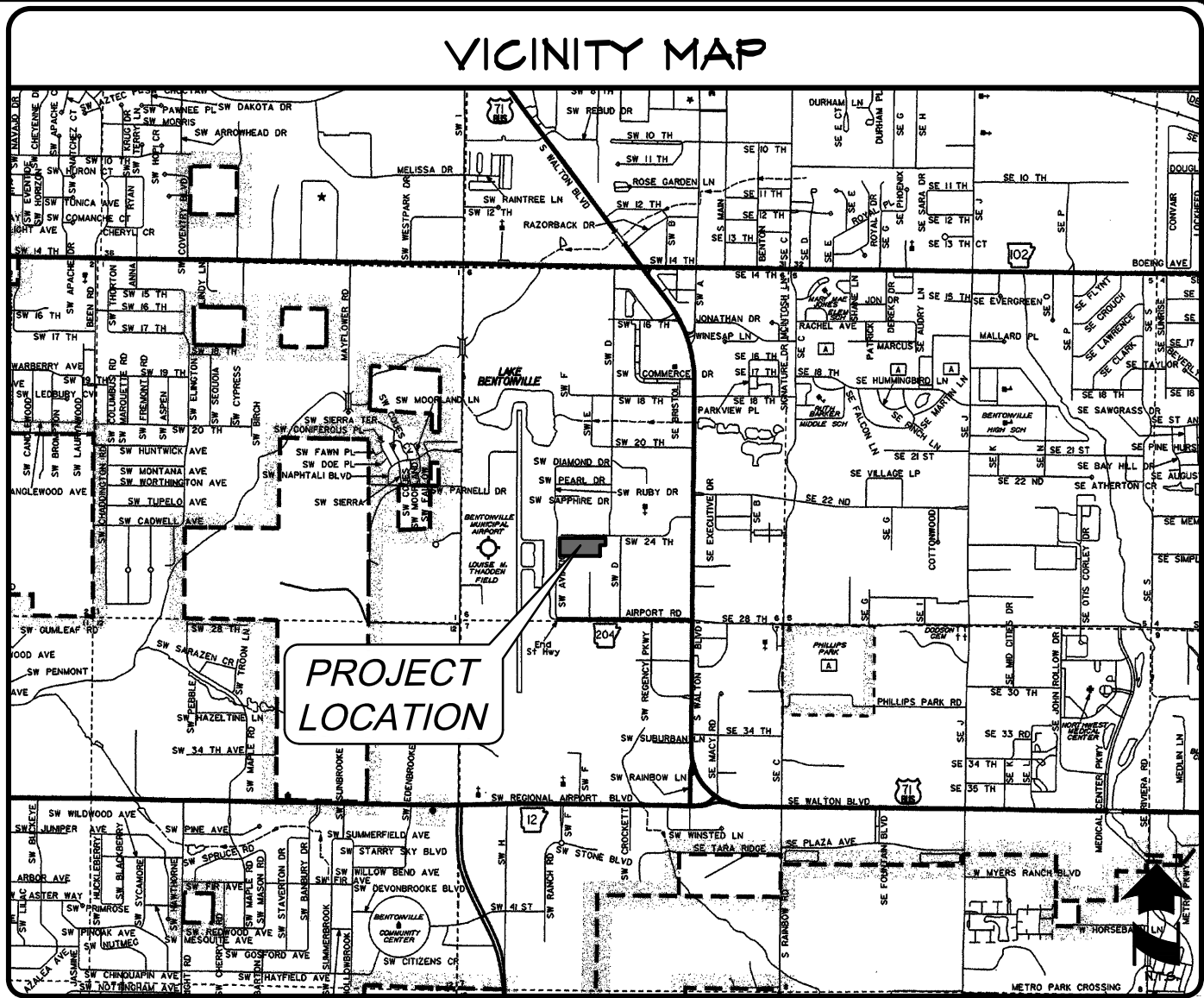
September 2019

Large Scale Development Plans

for

CITY OF BENTONVILLE MAINTENANCE COMPLEX ANNEX 2401 Southwest Aviation Street

Bentonville, Benton County, Arkansas



INDEX OF SHEETS

- CO.0 Cover Sheet & Vicinity Map
- C1.0 Construction Notes
- C2.0 Demolition Plan
- C3.0 Site Dimension Plan
- C4.0 Grading Plan
- C4.1 Storm Drainage Profiles
- C5.0 Erosion Control Plan
- C5.1 Erosion Control Details
- C6.0 Site Utility Plan
- C7.0 Miscellaneous Details
- C7.1 Drainage Details
- C7.2 Outlet Structure Details
- L1.0 Landscape Plan
- L1.1 Landscape Notes And Details

- * Bentonville Water & Sewer Standard Details
- ** Bentonville Electric Layout Sheet & Standard Details

UTILITY CONTACTS

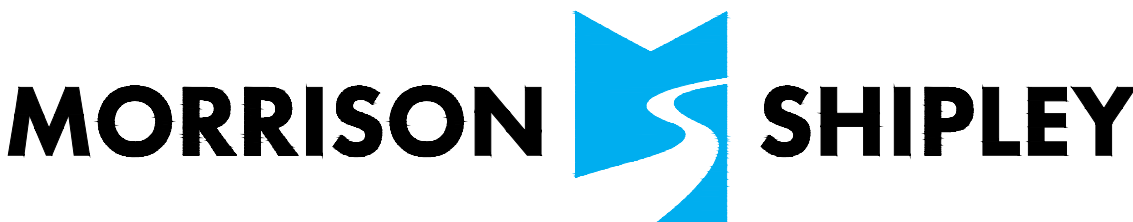
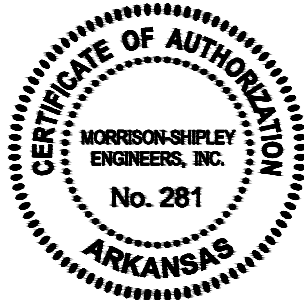
NATURAL GAS BLACK HILLS ENERGY CONTACT: JOSH KNIGHT 1301 FEDERAL WAY PO BOX 2129 LOWELL, AR 72745 PHONE: 479-333-7005	CABLE TELEVISION COX COMMUNICATIONS CONTACT: KIP SMITH 4901 S. 48th STREET SPRINGDALE, ARKANSAS PHONE: 479-717-3796 EMAIL: kip.smith@cox.com
TELEPHONE AT&T CONTACT: SCOTT SEAMAN PHONE: 479-442-1967 CONTACT: LAYNE RHODES PHONE: 479-442-1977 627 WHITE ROAD SPRINGDALE, ARKANSAS 72766	WASTEWATER CITY OF BENTONVILLE CONTACT: NANCY BUSEN 1901 NE A STREET BENTONVILLE, ARKANSAS PHONE: 479-271-3160
WATER & SEWER CITY OF BENTONVILLE CONTACT: PRESTON NEWBILL 3200 S.W. MUNICIPAL DRIVE BENTONVILLE, ARKANSAS 72712 PHONE: 479-271-3140	FIRE DEPARTMENT CITY OF BENTONVILLE CONTACT: BRENT BOYDSTON (FIRE CHIEF) 800 SW "A" STREET BENTONVILLE, ARKANSAS 72712 PHONE: 479-271-5927
ELECTRIC CITY OF BENTONVILLE CONTACT: CHARLIE BARNES 3200 S.W. MUNICIPAL DRIVE BENTONVILLE, AR 72712 PHONE: 479-271-3159	DEPARTMENT OF HEALTH ARKANSAS DEPARTMENT OF HEALTH DIVISION OF ENGINEERING, SLOT 37 4815 W. MARKHAM LITTLE ROCK, AR 72205 PHONE: 501-661-2623

GOVERNING AGENCIES

CITY OF BENTONVILLE 3200 S.W. MUNICIPAL DRIVE BENTONVILLE, ARKANSAS 72712	BUILDING INSPECTION PHONE: 479-271-3125
CITY ENGINEER/PLANNING CONTACT: ELLEN NORVELL PHONE: 479-271-5993	STORMWATER CONTACT: JANET PAITH PHONE: 479-271-5002 jpaith@bentonvillear.com
STREET DEPARTMENT CONTACT: TONY DAVIS PHONE: 479-271-3130	PUBLIC WORKS CONTACT: MIKE BENDER PHONE: 479-271-6720

Issued For Review - 09.30.19

FOR
REVIEW



2407 SE COTTONWOOD STREET • BENTONVILLE, AR 72712 • 479.273.2209 • MORRISONSHIPLEY.COM

Zoning - General Commercial (C-2)
City Atlas Page #444

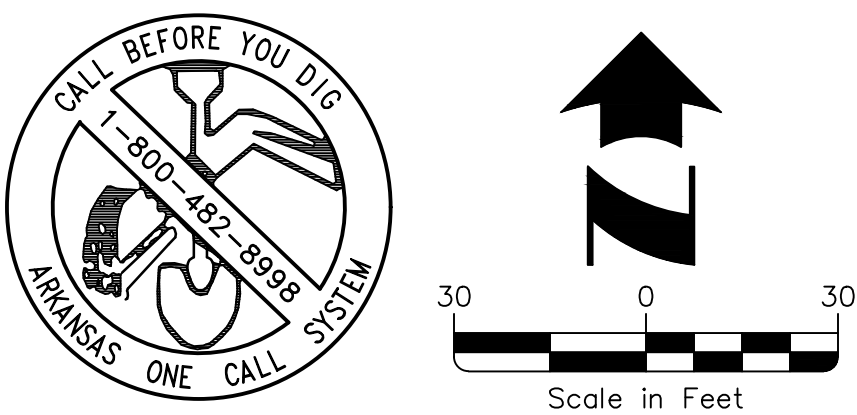
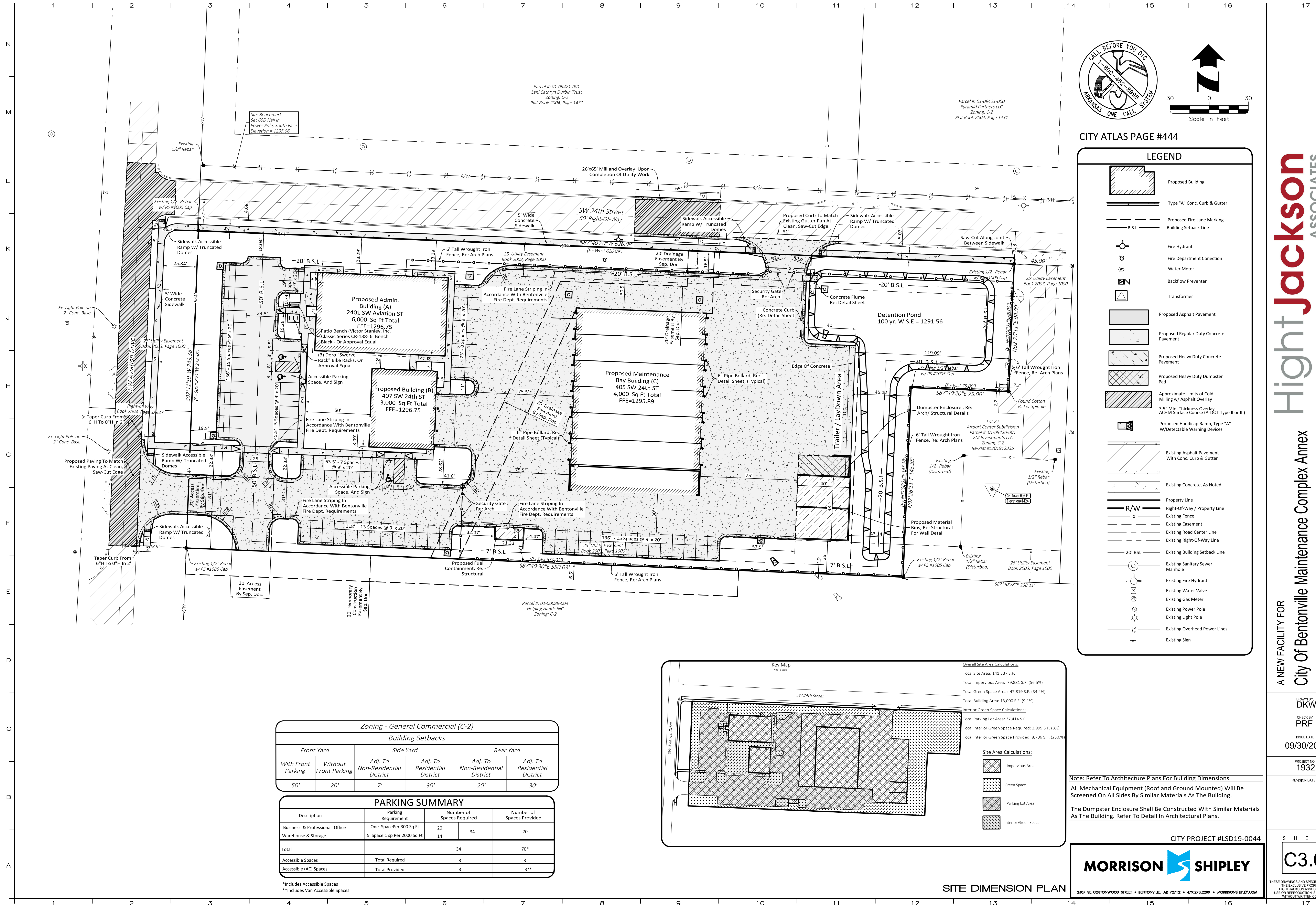
CITY PROJECT #LSD19-0044

FLOOD CERTIFICATION:

Based Upon Review Of FEMA Firm: Benton County, Arkansas The Subject Property Lies In Zone X - Areas Determined To Be Outside The 0.2% Annual Chance Floodplain. At The Current State Of The Property, Stagnant Water (Approximately .2' Deep) Lies In Predominantly The South Portion Of The Property After Significant Rain Events At The Time Of Survey.

Map Number: 05007C0255K
Effective Date: June 05, 2012

Owner/Developer
City Of Bentonville
Public Works Depart.
Contact: Mike Bender
3200 SW Municipal Drive
Phone: (479) 271.6873



CITY ATLAS PAGE #444

LEGEND

Proposed Building

Type "A" Conc. Curb & Gutter

Proposed Fire Lane Marking Building Setback Line

B.S.L.

Fire Hydrant

Fire Department Connection

Water Meter

Backflow Preventer

Transformer

Proposed Asphalt Pavement

Proposed Regular Duty Concrete Pavement

Proposed Heavy Duty Concrete Pavement

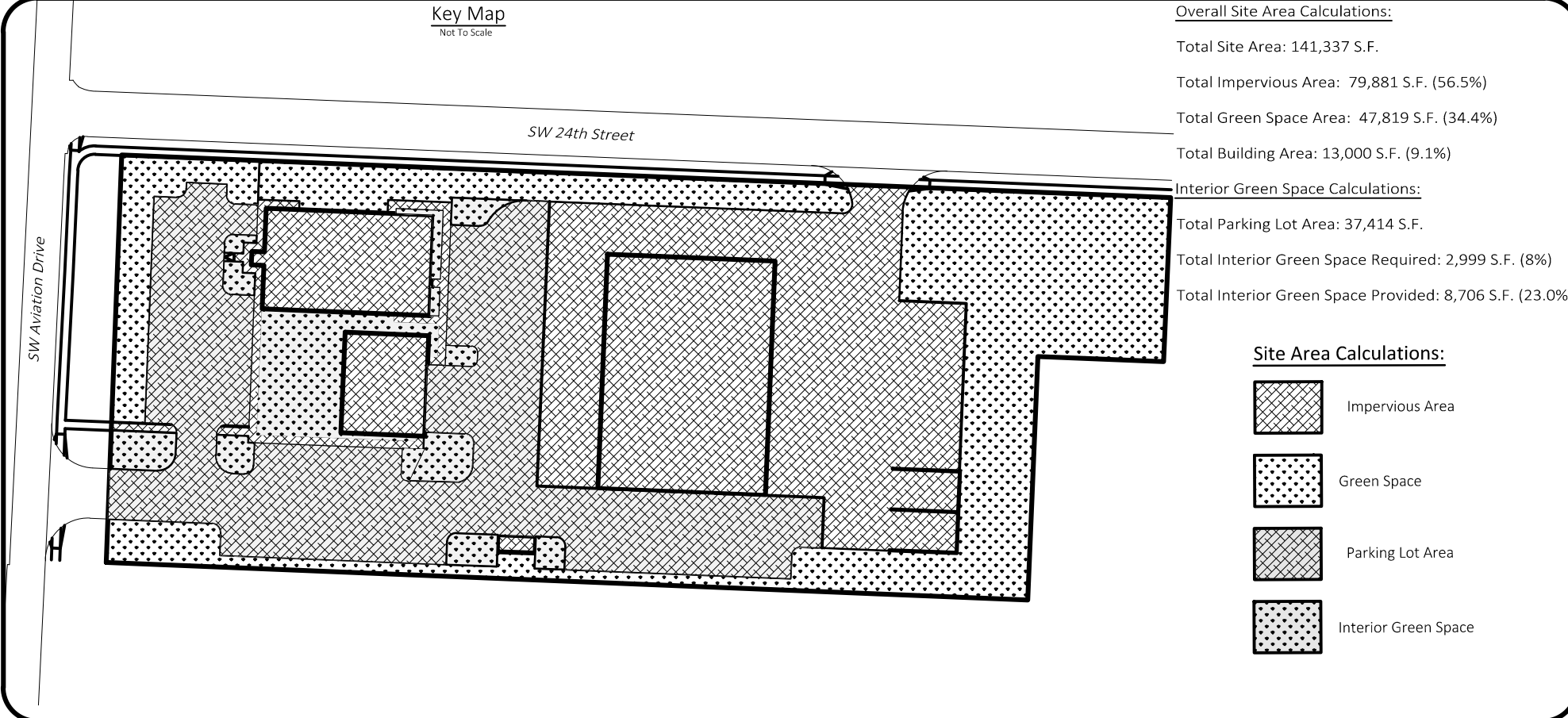
Proposed Heavy Duty Dumpster Pad

Approximate Limits of Cold Milling w/ Asphalt Overlay

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'

PARKING SUMMARY			
Description	Parking Requirement	Number of Spaces Required	Number of Spaces Provided
Business & Professional Office	One Space Per 300 Sq Ft	20	70
Warehouse & Storage	5 Space 1 sp Per 2000 Sq Ft	14	
Total		34	70*
Accessible Spaces	Total Required	3	3
Accessible (AC) Spaces	Total Provided	3	3**

*Includes Accessible Spaces
**Includes Van Accessible Spaces



Overall Site Area Calculations:
Total Site Area: 141,337 S.F.
Total Impervious Area: 79,881 S.F. (56.5%)
Total Green Space Area: 47,819 S.F. (34.4%)
Total Building Area: 13,000 S.F. (9.1%)
Interior Green Space Calculations:
Total Parking Lot Area: 37,414 S.F.
Total Interior Green Space Required: 2,999 S.F. (8%)
Total Interior Green Space Provided: 8,706 S.F. (23.0%)

Note: Refer To Architecture Plans For Building Dimensions
All Mechanical Equipment (Roof and Ground Mounted) Will Be Screened On All Sides By Similar Materials As The Building.
The Dumpster Enclosure Shall Be Constructed With Similar Materials As The Building. Refer To Detail In Architectural Plans.

CITY PROJECT #LSD19-0044

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A NEW FACILITY FOR
City Of Bentonville Maintenance Complex Annex
2401 SW Aviation Street
Bentonville, Arkansas

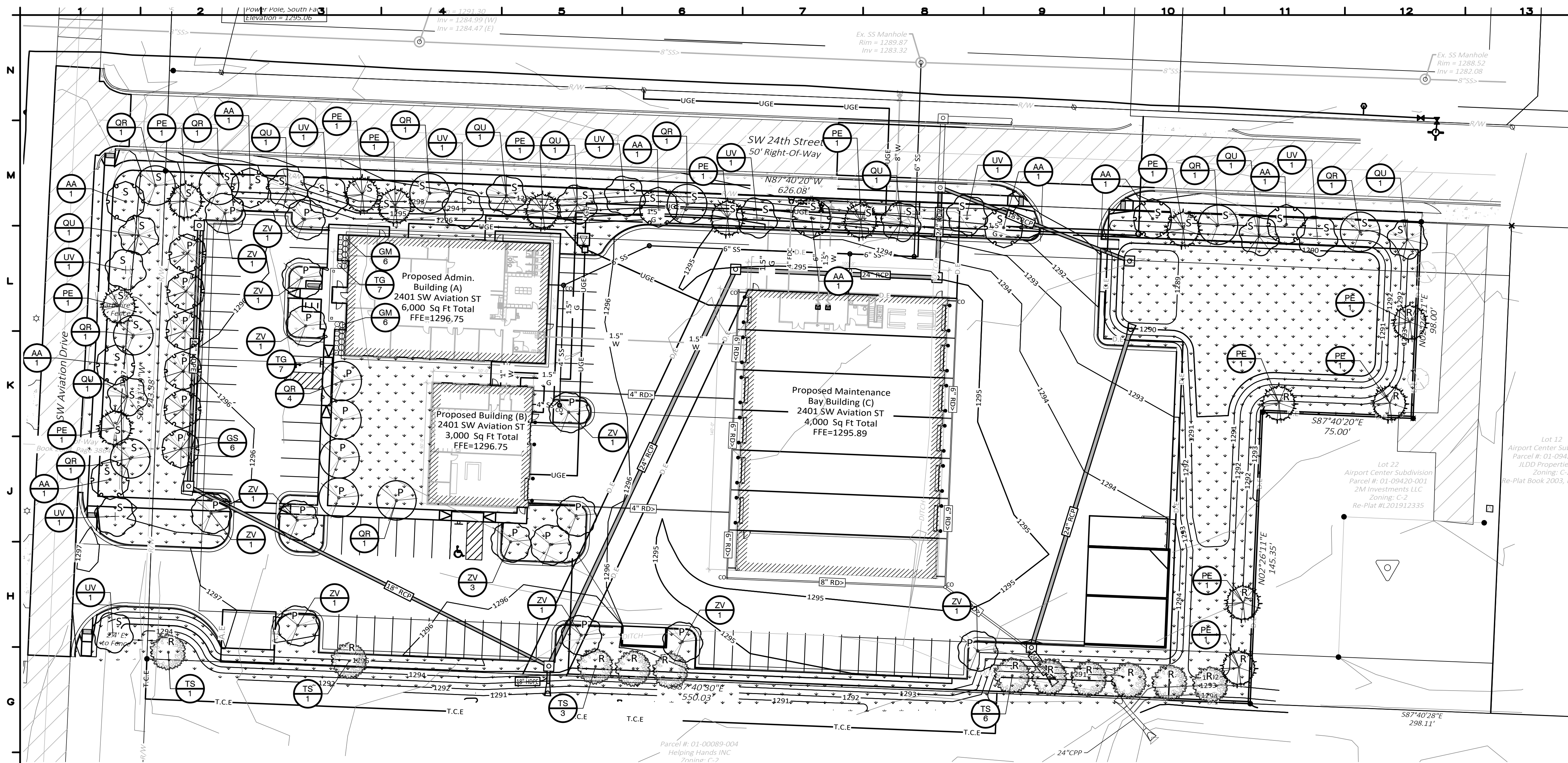
DRAWN BY:
DKW
CHECK BY:
PRF
ISSUE DATE:
09/30/2019
PROJECT NO:
1932
REVISION DATES:

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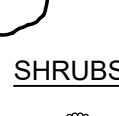
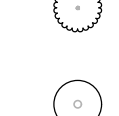
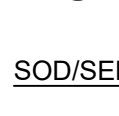
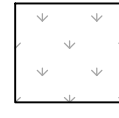
SITE DIMENSION PLAN



LANDSCAPE PLAN GENERAL NOTES

- ALL PLANT MATERIALS SHALL ARRIVE AT THE SITE WITH MOIST SOIL.
- CONTRACTORS SHALL HAVE UNDERGROUND UTILITIES LOCATED, LEGIBLY MARKED, AND SHALL REPAIR ANY AND ALL DAMAGE WHICH MAY OCCUR AS A RESULT OF LANDSCAPE INSTALLATION. UTILITIES SHOWN ON THIS PLAN ARE APPROXIMATED, AND SHOULD BE VERIFIED ON THE CIVIL UTILITY PLAN AND IN THE FIELD.
- UNDER NO CIRCUMSTANCES WILL LANDSCAPE WORK BE APPROVED FOR PAYMENT IF PLANT SIZE AND GENERAL HEALTH ARE NOT AS REQUIRED ON PLAN.
- ALL PLANTS MUST BE CONTAINER GROWN OR BALLED AND BURLAPPED AS INDICATED ON PLANT LIST.
- ALL TREES MUST BE STRAIGHT TRUNKED, FULL HEADED AND MEET ALL REQUIREMENTS AS SPECIFIED.
- ALL PLANTS ARE SUBJECT TO THE APPROVAL OF THE LANDSCAPE ARCHITECT AND THE OWNER BEFORE, DURING AND AFTER INSTALLATION.
- THE LANDSCAPE ARCHITECT MUST APPROVE ANY ALTERATIONS OR REVISIONS TO THE LANDSCAPE PLAN.
- THE CONTRACTOR SHALL PROTECT EXISTING FEATURES ON SITE.
- ALL DISTURBED LANDSCAPED AREAS NOT DESIGNATED TO BE SODED SHALL BE SEEDED WITH A GRASS SEED MIX OF 75% PERENNIAL RYE AND 25% BERMUDA GRASS SEED AT A RATE OF 4# PER 1000 SF.
- THE LANDSCAPE CONTRACTOR SHALL VERIFY ALL QUANTITIES SHOWN ON THESE PLANS, BEFORE PRICING THE WORK.
- THE LANDSCAPE CONTRACTOR SHALL FULLY MAINTAIN ALL PLANTING (INCLUDING BUT NOT LIMITED TO WATERING, SPRAYING, MULCHING, FERTILIZING, ETC.) OF PLANTING AREAS AND LAWNS FOR 90 DAYS AFTER SUBSTANTIAL COMPLETION.
- ONCE INSTALLED, LANDSCAPING SHALL BE MAINTAINED IN HEALTHY LIVING CONDITION AND ALL PLANT MATERIAL THAT DIES SHALL BE REPLACED.
- HEALTHY TREES SHALL NOT BE REMOVED AT ANY TIME AND PROPER TREE PRUNING TECHNIQUES AS ESTABLISHED BY THE LATEST EDITION OF ANSI A300 "STANDARDS FOR TREE CARE" SHALL BE UTILIZED FOR MAINTENANCE PURPOSES.
- THE GENERAL CONTRACTOR IS RESPONSIBLE FOR FINISHED GRADING ALL LANDSCAPE PARKING ISLANDS. FINISHED GRADE IN ISLANDS IS TO BE CROWNED APPROXIMATELY 12"-18" ABOVE THE TOP OF CURB. SOIL IN ISLANDS IS TO BE FREE OF UNSUITABLE MATERIAL AND DEBRIS I.E. GRAVEL OR ASPHALT.
- IF CONTRACTOR IS UNABLE TO DIG PLANT PITS TO A DEPTH THAT WILL PROVIDE THE AREA OF SOIL AROUND THE ROOT BALL DUE TO ROCK, CONTACT ARCHITECT, CIVIL ENGINEER, AND CITY HORTICULTURIST IMMEDIATELY.
- THE PROPOSED IRRIGATION METHOD FOR THIS SITE IS FROST PROOF WATER HYDRANTS OFF BUILDING.
- ALL PROPOSED TREES SHALL BE A MINIMUM OF 5' FROM ALL PUBLIC UTILITIES.
- TREES SHALL NOT BE TOPPED AT ANY TIME AND PROPER TREE PRUNING TECHNIQUES AS ESTABLISHED BY THE LATEST EDITION OF ANSI A300 "STANDARDS FOR TREE CARE" SHALL BE UTILIZED FOR MAINTENANCE PURPOSES.
- IN THE SIGHT TRIANGLE AT THE FRONT DRIVE THERE CANNOT BE ANYTHING BETWEEN 30" AND 60" IN HEIGHT WITHIN THE SHADED AREA.
- LIVING MATERIALS, SUCH AS LAWN, GRASS OR HERBACEOUS GROUNDCOVERS LIKE JUNIPER OR LIRIOPE, ETC., SHALL COVER A MINIMUM OF EIGHTY PERCENT (80%) OF THE PLANTING ISLANDS. ONE HUNDRED PERCENT (100%) OF LIVING MATERIALS IS STRONGLY ENCOURAGED.
- ALL TREES PLANTED IN THE ROW SHALL BE 4" CALIPER.
- THERE SHALL NOTHING BETWEEN 30" AND 60" WITHIN THE SITE TRIANGLE. ALL TREES WITHIN SITE TRIANGLE SHALL BE LIMBED UP TO 60".
- CONTRACTOR SHALL VERIFY PERCOLATION OF TREE LOCATIONS THROUGH TEST PER CODE. PERCOLATION TEST RESULTS ARE REQUIRED TO BE VERIFIED BY THE CITY'S ENGINEERING DEPARTMENT.

PLANT SCHEDULE

TREES	CODE	BOTANICAL / COMMON NAME	CONT	CAL	HEIGHT	QTY
	AA	Acer freemanii `Armstrong` / Freeman Maple	B & B	2.5"Cal		9
	GS	Gleditsia triacanthos inermis `Shademaster` TM / Shademaster Locust	B & B	2.5"Cal		6
	PE	Pinus echinata / Short Leaf Pine	B & B	2.5"Cal	8' minimum	14
	QU	Quercus macrocarpa / Urban Pinnacle Oak	B & B	2.5"Cal	8' minimum	8
	QR	Quercus rubra / Red Oak	B & B	2.5"Cal		13
	TS	Taxodium distichum / Bald Cypress Matched trees	B & B	2.5"Cal	8' minimum	11
	UV	Ulmus americana `Valley Forge` / American Elm	B & B	2"Cal	8' minimum	9
	ZV	Zelkova serrata `Village Green` / Sawleaf Zelkova	B & B	4"Cal	16'-18'	14
SHRUBS	CODE	BOTANICAL / COMMON NAME	SIZE		SPACING	QTY
	GM	Buxus x `Green Mountain` / Boxwood	5 gal		36" o.c.	12
	TG	Thuja occidentalis `Golden Globe` / Golden Globe Cedar	3 gal		30" o.c.	14
SOD/SEED	CODE	BOTANICAL / COMMON NAME	CONT		SPACING	QTY
	CT	Cynodon dactylon `Tif 419` / Bermuda Grass	sod			60,417 sf

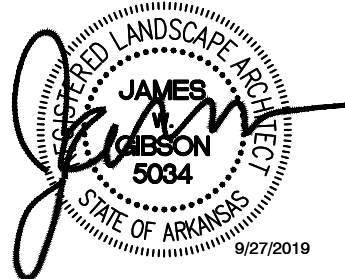
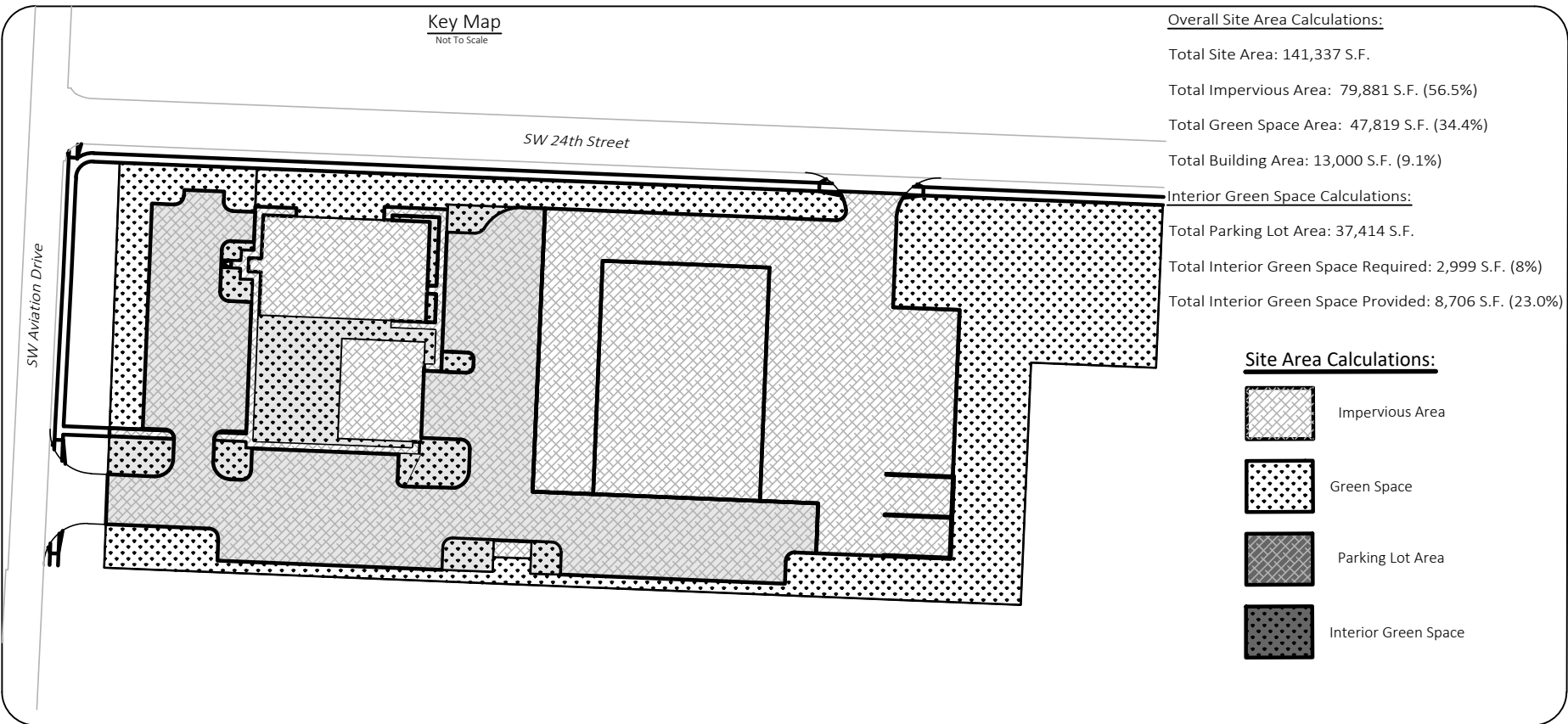
WOOD MULCH

AFTER ALL PLANTING IS COMPLETE, CONTRACTOR SHALL INSTALL 3" THICK LAYER OF 1-1/2" SHREDDED WOOD MULCH OVER LANDSCAPE FABRIC IN ALL PLANTING AREAS EXCEPT AS NOTED. CONTRACTOR SHALL SUBMIT SAMPLES OF ALL MULCHES TO LANDSCAPE ARCHITECT AND OWNER FOR APPROVAL PRIOR TO CONSTRUCTION. ABSOLUTELY NO EXPOSED GROUND SHALL BE LEFT SHOWING ANYWHERE ON THE PROJECT AFTER MULCH HAS BEEN INSTALLED.

S = STREET TREE
R = PERIMETER TREE
P = PARKING LOT TREES

LANDSCAPE REQUIREMENTS

STREET FRONTAGE	ONE CANOPY TREE PER 20 LINEAR FEET OF FRONTAGE	REQUIRED	PROVIDED
SW 24th STREET	626'/20=31 TREES	31	31
SW AVIATION DR	243'/20=12 TREES	12	12
PARKING LOT REQUIREMENTS	ONE SHADE TREE PER 125 SQ. FT OF INTERIOR PARKING LOT LANDSCAPES AREA (2,999/125=24 TREES)	REQUIRED	PROVIDED
		24	24
PERIMETER LANDSCAPE SOUTHERN BOUNDARY	ONE CANOPY TREE PER 50 LINEAR FEET OF PERIMETER	REQUIRED	PROVIDED
EASTERN BOUNDARY	550 LF / 50 = 11 TREES 243 LF / 50 = 5 TREES	11 5	11 5



LANDTEK STUDIOS
2503 SWEETBRIAR DR.
FAYETTEVILLE, AR 72703
PH# 479.283.9721

CITY PROJECT #LSD19-0044

MORRISON SHIPLEY
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A NEW FACILITY FOR
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LANDSCAPE PLAN



ORDINANCE STAFF REPORT

Pg. 1



Zoning Ordinance Amendments

PC Date: 10/15/2019

Reviewer: Shelli Kerr, AICP, Planning Services Mngr

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

From time to time, staff reviews the existing zoning code for clarification, corrections, or updates to meet current conditions. The following outline is a summary of the key issues and the recommended changes. Staff requests approval of the proposed ordinance to amend Chapter 14 Zoning Code.

Ordinance Section 2: Table of Uses

ISSUE	RECOMMENDATION
1. Uses. Over time, new land uses are introduced and need to be addressed in the code. Recent requests include urban farms and event centers.	Sec. 401.05 Table of Uses. • Add “urban farm” and “event center” as a land use and establish districts where such uses are allowed by right, by condition use or as an accessory use.
2. Commercial in DN-4. The description of the DN-4 district indicates that commercial uses are encouraged as part of a mixed use building. However, several are allowed either by right or as a conditional use in the Table of Uses.	• Change retail uses shown as “allowed” to “accessory use.”

Att. A: Zoning Definitions (Sec. 201.02)

ISSUE	RECOMMENDATION
3. New and revised definitions. Clear definitions are necessary for code interpretation. Several definitions should be revised and a few added.	Sec. 201.02 Definitions. • Revise definitions for: community garden, conference/convention center, dwelling, dwelling unit, single-family dwelling, condominium, townhouse, two-family dwelling, and temporary uses. • Add new terms and definitions for: event center, urban garden, single-family attached, temporary structure, and shipping container.

ORDINANCE STAFF REPORT

Pg. 2

Att. B: Residential District Standards (Sec. 401.07)

ISSUE	RECOMMENDATION
4. Lot standards. Current code allows single family and townhouses in the R-2, R-3 and R-4 districts, however, does not provide the lot and area standards for those uses.	Sec. 401.07 (c) Residential (R) districts lot and area standards. • Add single-family building type to the R-2 and R-4 districts with associated lot and area regulations. • Add townhouse unit and townhouse structure building types to the R-2, R-3 and R-4 districts with associated lot and area standards.
5. Lot depth. Lot depth is not a necessary regulation. The lot area, lot width and setbacks will determine the depth needed.	• Delete the minimum lot depth column and associated regulations.
6. Street frontage. The minimum street frontage for culdesacs and R-3, R-4, R-MH, R-ZL and R-O is 35 feet. This requirement can be difficult to meet, especially for cul-de-sacs and more dense residential districts.	• Change the street frontage requirement for cul-de-sacs and R-3, R-4, R-MH, R-ZL and R-O zoning districts from 35' to 20', adequate to accommodate a standard driveway and necessary utility easements.

Att. C: Downtown Neighborhood District Standards

ISSUE	RECOMMENDATION
7. Uses. Single-family is an allowed use in the DN-4 district, however, is not indicated as a building type allowed in the DN-4 district.	Sec. 401.07-B (b) DN districts building types allowed. • Add single-family building type as allowed in the DN-4 district.
8. Lot coverage. Exterior lots are typically larger to meet exterior side setback requirements. Therefore, to compensate for the greater side setback requirements, the lot coverage on an exterior lot should be 5% higher than that of interior lot coverage.	Sec. 401.07-B(c) DN districts lot and area standards. • Change all exterior /corner lot coverage to 5% higher than the interior lot coverage.

ORDINANCE STAFF REPORT

Pg. 3

ISSUE

RECOMMENDATION

9. **Lot splits.** In the DN districts, the city has received requests to split traditional two-family structures onto separate lots, creating a single-family attached building type. Similarly, townhouses can be developed as several units on one lot, but developers often want the opportunity to split individual units onto separate lots. The current code does not have a mechanism to split such structures onto separate lots.
10. **Side setbacks.** The interior side yard setback calculation has been confusing, difficult to implement and has not achieved the desired goals. Staff recommends revising the setbacks to a specific number rather than a calculation.
- Add the following building types and associated lot and area standards to the DN-2, DN-3 and DN-4 districts:
 - o Single-family attached – unit
 - o Single-family attached – structure
 - o Townhouse – unit
 - o Townhouse - structure
- Sec. 401.07-B(d) DN districts setback standards.**
- Delete the “Total minimum interior side yard setback” column and associated regulations.
 - Revise Yard 1 to read “detached yard.” Make all building types in DN-1 and DN-2 have an interior detached side yard setback of 7’.
 - Revise Yard 2 to read “attached yard” and make all districts and building types 0’.

Att. D: Accessory Uses & Structures

ISSUE

RECOMMENDATION

11. **Accessory uses and structures.** The footprint and setback requirements for accessory structures and accessory dwelling units are conflicting and becoming confusing to enforce. Staff recommends combining into one section to treat ADU’s when detached, similarly as any other accessory structure.
- Sec. 601.01 Accessory nonresidential buildings and 601.02 Accessory dwelling units (ADUs).**
- Combine the regulations for all accessory structures into one section for consistency.
 - For ADUs, change the *maximum size* of 800 sq. ft .to maximum *footprint* of 720 sq. ft. (consistent with other accessory structures). Increase size from 40% to 50% of the sq. ft. of the primary structure.
 - Increase side and rear setbacks from 5’ to 7’.
 - Allow a 5’ setback for accessory nonresidential structures of 200 sq. ft. or less.

ORDINANCE STAFF REPORT

Pg. 4

Att. E: Temporary Uses & Structures

ISSUE	RECOMMENDATION
12. Temporary events and structures. The regulations for temporary uses and structures are vague and not accommodating for recent requests for temporary use and structures, including increased use of shipping containers used for storage purposes.	Sec. 601.25 Temporary uses and structures. Separate temporary uses into short-term (no conditional use permit, 3 consecutive days, twice per year) and long-term (conditional use permit with additional regulations). This allows those more unique temporary uses and structures to come through the conditional use process and for the planning commission to establish conditions based on the unique use or structure. Storage shipping containers are long-term temporary structures.

Att. F: Signs

ISSUE	RECOMMENDATION
13. Special event signs. Current code does not address signs used during temporary special events.	Sec. 801.13 Signs allowed without a sign permit. For temporary uses, establish a total display area of 36 sq. ft. and allow air-activated signs, otherwise prohibited.
14. Outdoor vendor signs. Current code does not address signs for outdoor vendors.	Add section regulating outdoor vendor signs: attached signs not to exceed 15% of the area of the vendor conveyance and one sandwich board sign within the area allowed for the vendor.
15. DN district signs. Current code does not specify regulations for DN districts. Based on district character, signs in DN-1 and DN-2 districts should be the same as residential districts and DN-3 and DN-4 should be the same as the DC and DE districts.	Sec. 801.15 Signs allowed with a sign permit. - Add DN-1 and DN-2 to the column with the residential zoning districts. - Add DN-3 and DN-4 to the column with the DC and DE districts.
16. Wall signs. Limiting wall signs to one per wall is restrictive.	Change regulation from <i>one wall sign</i> to a <i>cumulative total of all sign faces</i> on the wall not to exceed 15% of wall area.
17. Off-site signs. Current code infers that off-site commercial message signs are prohibited but is not clearly stated.	Sec. 801.16 Prohibited signs. - Add an exception for air-activated graphics for special events. - Prohibit off-site commercial message signs.

ATTACHMENT A

Zoning Definitions

Underlined text to be added and strikethrough text to be deleted.

Sec. 201.02 Definitions

Community garden: A site Publicly or privately owned land used for ~~growing~~ the cultivation of fruits, vegetables, plants, for food, fiber, herbs and/or flowers, which is shared and maintained by community residents. by multiple users, where the primary purpose is to for education and/or to serve as a local food source or recreation for individuals without access to a home garden.

Conference/Convention Center: ~~One or more structures~~ Multipurpose commercial facilities with accommodating multiple assembly, meeting, and or exhibit rooms or spaces and related support facilities, such as full kitchens, offices, and lodging for the primary purpose of hosting business and professional conferences, conventions, meetings, and trade shows.

Dwelling: A house, apartment building or other stationary part of a building designed or primarily used for human habitation containing permanent facilities for living, sleeping, cooking, and sanitation for occupancy by one or more families. This definition does not include a recreational vehicle trailer, hotel, dormitory, hospital or other accommodations for the transient public or group living or sleeping accommodations.

Dwelling unit: A room or group of rooms ~~within a dwelling and forming a single habitable unit~~ complete, independent living unit with permanent facilities for living, sleeping, ~~and cooking,~~ and sanitation.

Dwelling, Condominium: A single dwelling unit in a multi-family structure that is separately owned from the wall in and that may be combined with an undivided interest in the ground, common areas and facilities of the property.

Dwelling, Single-family: A detached residence dwelling primarily designed for or occupied by one family only.

Dwelling, Single-family attached: Two side-by-side single-family dwellings attached by a common wall extending from the ground to the roof, with all exits opening directly to the outside, and each unit located on or capable of being located on a separate lot.

Dwelling, Townhouse unit or Row House: ~~One of a group of no less than three, nor more than twelve, attached dwelling units, each dwelling unit~~ A single dwelling unit in a townhouse structure attached to the adjoining dwelling unit by a common wall extending from the ground to the roof with all exits opening directly to the outside, and ~~located on,~~ or capable of being located on, a separate lot.

Dwelling, Townhouse structure: A dwelling structure consisting of three or more attached townhouse dwelling units.

Dwelling, Two-family: A residence dwelling structure designed for or occupied by two families only with separate housekeeping living, sleeping, cooking, and sanitation ~~and cooking~~ facilities for each dwelling unit and

ATTACHMENT A Zoning Definitions

Underlined text to be added and strikethrough text to be deleted.

not located on or capable of being located on a separate lot. This definition shall include a duplex and shall not include “dwelling, accessory” or “single family attached”. which ~~is~~ are separately defined.

Event Center: A multi-purpose commercial facility with single or multiple assembly rooms or spaces and related support facilities, such as catering kitchens, indoor/outdoor seating and stage or event area for the primary purpose of hosting special events such as graduations, weddings, anniversaries, holiday gatherings, corporate functions or parties, concert settings, and general get-togethers.

Residence: ~~A building or part of a building containing one or more dwelling units or rooming units. However, residences do not include:~~

- ~~A. Such transient accommodations as transient hotels, motels, tourist homes, or similar establishments, or~~
- ~~B. Dormitories, fraternity or sorority houses, monasteries or convents, or similar establishments containing~~
- ~~C. group living or sleeping accommodations; or~~
- ~~D. Nurses’ residences, sanitariums, nursing homes, convalescent homes, rest homes, or other sleeping or living accommodations in community facility buildings or portions of buildings used for community facility uses. See also “Dwelling.”~~

Temporary Uses: Land uses that are not permanent in nature and often include, but are not limited to, carnivals, circus, tent revivals, real estate sales offices, construction facilities, special sales events, community events, private special events, and Christmas tree stands.

Temporary Structure: Structures that are not attached to a permanent foundation, are not connected to water or sewer, and are not permanent in nature, often including, but not limited to tents, other structures with open walls, and shipping containers used for temporary storage.

Urban Farm: Publicly or privately owned land used for the cultivation of fruits, vegetables, plants, flowers, and/or herbs by an individual, organization or business with the primary purpose of growing food for sale located in a zoning district other than A-1, Agricultural.

Shipping Container: A container fabricated for the purpose of transporting freight or goods on a truck, railroad or ship, including cargo containers, shipping containers, storage units or other portable structures placed on private property and used for storage of items.

ATTACHMENT B

Residential Districts Standards

Underlined text to be added and strikethrough text to be deleted.

Sec. 401.07 Residential districts regulations.

(c) Residential (R) districts lot and area standards.

(1) The table below establishes minimum residential lot and area standards.

RESIDENTIAL (R) DISTRICTS LOT AND AREA STANDARDS

District	Building type	Min. Lot area (sq. ft.)	Min. Land area / dwelling unit (sq. ft.)	Lot width		Min. lot depth	Max. lot coverage	
				Min. lot width	Max. lot width		Interior lot	Exterior / corner lot
R-E	All	87,120 (2 acres)	-	100'	-	100'	10%	10% <u>15%</u>
R-1	All	6,000	-	60'	-	100'	40%	45%
R-2	<u>Single-family</u>	<u>6,000</u>	-	<u>60'</u>	-	100'	<u>40%</u>	<u>45%</u>
	Two-family	7,000	-	70'	-	100'	50%	55%
	Townhouses - <u>unit</u>	10,000 / dev. 2,000 / lot <u>3,000</u>	3,500 =	14' (interior) 21' (exterior) <u>30'</u>	-	100'	50%	55%
	<u>Townhouse - structure</u>	<u>10,500</u>	<u>3,500</u>	<u>105'</u>	-		<u>65%</u>	<u>70%</u>
	All others	6,000	6,000	60'	-	100'	40%	45%
R-3	Single-family	6,000	-	60'	-		40%	45%
	Two-family	7,000	-	70'	-	100'	50%	55%
	<u>Townhouse - unit</u>	<u>2,500</u>	=	<u>25'</u>	=		<u>50%</u>	<u>55%</u>
	<u>Townhouse - structure</u>	<u>9,000</u>	<u>3,000</u>	<u>90'</u>	=		<u>50%</u>	<u>55%</u>
	All others	6,000	6,000	60'	-	100'	40%	45%
R-4	<u>Single-family</u>	<u>6,000</u>	=	<u>60'</u>	=		<u>40%</u>	<u>45%</u>
	Two-family	7,000	--	65'	-	100'	50%	55%
	<u>Townhouse - unit</u>	<u>2,500</u>	=	<u>25'</u>	=		<u>50%</u>	<u>55%</u>
	<u>Townhouse - structure</u>	<u>9,000</u>	<u>3,000</u>	<u>90'</u>	=		<u>50%</u>	<u>55%</u>
	All others	10,000	--	65'	-	100'	50%	55%
R-MH	Manufactured home lots	4,500	4,500	50'	-	100'	30%	35%
	Manufactured home parks	11,000	3,500	60'	-	100'	30%	35%
	All others	7,000	7,000	65'	-	100'	40%	45%

ATTACHMENT B

Residential Districts Standards

Underlined text to be added and strikethrough text to be deleted.

RESIDENTIAL (R) DISTRICTS LOT AND AREA STANDARDS

District	Building type	Min. Lot area (sq. ft.)	Min. Land area / dwelling unit (sq. ft.)	Lot width		Min. lot depth	Max. lot coverage	
				Min. lot width	Max. lot width		Interior lot	Exterior / corner lot
R-ZL	Zero lot line	4,000	--	40'	-	100'	60%	65%
R-O	Single-family	6,000	--	60'	-	100'	40%	45%
	Two-family	7,000	--	70'	-	100'	50%	55%
	All others	6,000	6,000	60'	-	100'	60%	65%

- (2) *Street frontage.* Each lot in R-1, R-2, R-C2 and R-C3 zoning districts shall have a minimum street frontage equal to the minimum lot width required at the building line, except for lots fronting on cul-de-sac turnarounds and on curving street frontages, which must have no less than ~~35~~ 20 feet of street frontage with the two side lot lines intersecting the street diverging until they are separated by the minimum required lot width at the building line. Each lot in the remaining residential zoning districts shall have a minimum of ~~thirty five (35)~~ 20 feet of street frontage.

ATTACHMENT C

DN Districts Standards

Underlined text to be added and strikethrough text to be deleted.

Sec. 401.07-B Downtown Neighborhood (DN) districts regulations.

(b) *DN districts building types allowed.*

(1) *Standards.* For the purposes of the Downtown Neighborhood districts, all structures must be classified as one of the building types below, as defined in Article 201 Definitions.

DOWNTOWN NEIGHBORHOOD (DN) DISTRICTS
BUILDING TYPES ALLOWED

	Single-family	Two-family	Townhouse		Multi-family		Mixed-use
			Block-end	Mid-block	Block-end	Mid-block	
DN-1	•						
DN-2	•	•	•				
DN-3	•	•	•	•	•		
DN-4	<u>•</u>	•	•	•	•	•	•

(2) *Commercial buildings.* Commercial uses allowed in the DN-4 district shall be located within a mixed-use building unless Planning Commission approves a conditional use permit for a single-use commercial building.

ATTACHMENT C DN Districts Standards

Underlined text to be added and strikethrough text to be deleted.

(c) *DN districts lot and area standards.*

(1) Standards. The table below establishes the lot and area standards for all development in the Downtown Neighborhood districts. Accessory dwelling units (ADUs) are permitted in DN-1 and DN-2 on lots with single-family structures and do not require additional land area per the table below, but are subject to additional standards in *Article 601.02 Accessory dwelling units.*

DOWNTOWN NEIGHBORHOOD (DN) DISTRICTS
LOT AND AREA STANDARDS

District	Building Type	Min. Lot Area (sq. ft.) (A)	Min. Land Area / Dwelling Unit (sq. ft.)	Lot Width		Max. Lot Coverage (C)	
				Min. Lot Width (B)	Max. Lot Width	Interior lot	Exterior /corner lot
DN-1	Single-family	6,000	--	60'	N/A =	40%	40% <u>45%</u>
DN-2	Single-family, alley access	5,000 <u>4,000</u>	--	40'	N/A =	50%	50% <u>55%</u>
	Single-family, no alley access	5,000	--	50'	N/A =	50%	50% <u>55%</u>
	<u>Single-family attached - unit</u>	<u>2,000</u>	=	<u>20'</u>	=	<u>50%</u>	<u>55%</u>
	<u>Single-family attached - structure, alley access</u>	<u>4,000</u>	=	<u>40'</u>	=	<u>50%</u>	<u>55%</u>
	<u>Single-family attached - structure, no alley access</u>	<u>5,000</u>	=	<u>50'</u>	=	<u>50%</u>	<u>55%</u>
	Two-family, alley access	5,000 <u>4,000</u>	--	40'	N/A =	50%	50% <u>55%</u>
	Two-family, no alley access	5,000	--	50'	N/A =	50%	50% <u>55%</u>
	<u>Townhouse – unit</u>	<u>2,000</u>	=	<u>20'</u>	=	<u>60%</u>	<u>65%</u>
	<u>Townhouse cluster - structure</u>	15,000 <u>7,500</u>	2,700 <u>2,500</u>	125' <u>75'</u>	N/A =	60%	60% <u>65%</u>

ATTACHMENT C

DN Districts Standards

Underlined text to be added and strikethrough text to be deleted.

District	Building Type	Min. Lot Area (sq. ft.) (A)	Min. Land Area / Dwelling Unit (sq. ft.)	Lot Width		Max. Lot Coverage ©	
				Min. Lot Width (B)	Max. Lot Width	Interior lot	Exterior /corner lot
DN-3	Single-family, alley access	5,000 <u>4,000</u>	--	40'	N/A =	50%	50% <u>55%</u>
	Single-family, no alley access	5,000	--	50'	N/A =	50%	50% <u>55%</u>
	<u>Single-family attached - unit</u>	<u>2,000</u>	=	<u>20'</u>	=	<u>50%</u>	<u>55%</u>
	<u>Single-family attached – structure, alley access</u>	<u>4,000</u>	=	<u>40'</u>	=	<u>50%</u>	<u>55%</u>
	<u>Single-family attached – structure, no alley access</u>	<u>5,000</u>	=	<u>50'</u>	=	<u>50%</u>	<u>55%</u>
	Two-family, alley access	5,000 <u>4,000</u>	--	40'	N/A =	50%	50% <u>55%</u>
	Two-family, no alley access	5,000	--	50'	N/A =	50%	50% <u>55%</u>
	<u>Townhouse - unit</u>	<u>2,000</u>	=	<u>20'</u>	=	<u>65%</u>	<u>70%</u>
	<u>Townhouse cluster - structure</u>	15,000 <u>7,500</u>	2,700 <u>2,500</u>	125' <u>75'</u>	N/A =	65%	65% <u>70%</u>
	Multi-family <u>and all others not listed</u>	20,000 <u>10,000</u>	800	125'	N/A =	65%	65% <u>70%</u>
DN-4	Single-family, alley access	5,000 <u>4,000</u>	--	40'	50'	50%	50% <u>55%</u>
	Single-family, no alley access	5,000	--	50'	N/A =	50%	50% <u>55%</u>
	<u>Single-family attached - unit</u>	<u>2,000</u>	=	<u>20'</u>	=	<u>50%</u>	<u>55%</u>
	<u>Single-family attached – structure, alley access</u>	<u>4,000</u>	=	<u>40'</u>	=	<u>50%</u>	<u>55%</u>
	<u>Single-family attached – structure, no alley access</u>	<u>5,000</u>	=	<u>50'</u>	=	<u>50%</u>	<u>55%</u>
	Two-family, alley access	5,000 <u>4,000</u>	--	40'	50'	50%	50% <u>55%</u>
	Two-family, no alley access	5,000	--	50'	N/A =	50%	50% <u>55%</u>
	<u>Townhouse - unit</u>	<u>2,000</u>	=	<u>20'</u>	=	<u>65%</u>	<u>70%</u>
	<u>Townhouse cluster - structure</u>	15,000 <u>7,500</u>	2,700 <u>2,500</u>	125' <u>75'</u>	N/A =	65%	65% <u>70%</u>
	Multi-family	20,000 <u>10,000</u>	800	125'	N/A =	75%	75% <u>80%</u>

ATTACHMENT C

DN Districts Standards

Underlined text to be added and strikethrough text to be deleted.

District	Building Type	Min. Lot Area (sq. ft.) (A)	Min. Land Area / Dwelling Unit (sq. ft.)	Lot Width		Max. Lot Coverage ©	
				Min. Lot Width (B)	Max. Lot Width	Interior lot	Exterior /corner lot
	Mixed-use and all others not listed	10,000	800	75'	N/A <u>=</u>	75%	75% <u>80%</u>

(2) Street frontage. All lots in the DN districts shall have a minimum street frontage of 20'.

(d) DN districts setback standards. The table below establishes the setback standards for the Downtown Neighborhood districts. ~~The required setback for townhouses applies to townhouse clusters. No setback is required between individual townhouse dwelling units within the same townhouse cluster.~~

DOWNTOWN NEIGHBORHOOD (DN) DISTRICTS
MINIMUM SETBACK STANDARDS

District	Building type	Front Yard		<u>Side Yard</u>					Rear Yard (R)
				<u>Exterior / Corner Side Yard (CS)</u>		Interior Side Yard (S)			
		Min. (F1)	Max. (F2)	Min.	Max.	Total Min. (% of lot width)	<u>Detached</u> Yard 1	<u>Attached</u> Yard 2	
DN-1	Single family <u>All</u>	15'	25'	15'	N/A <u>=</u>	25%	10' <u>7'</u>	Remainder of total, but no less than 5' <u>0'</u>	25'
DN-2	<u>Single family and Two-family</u>	<u>12'</u>	<u>25'</u>	<u>12'</u>	<u>25'</u>		<u>7'</u>	<u>0'</u>	<u>25'</u>
	Single family with lot width > 50' & two-family with alley access	15'	25'	12'	N/A	30%	7'	Remainder of total, but no less than 5'	25'
	Single family with lot width > 50' & two-family without alley access	15'	25'	12'	N/A	25%	10'	Remainder of total, but no less than 5'	25'
	Single family with lot width equal to or < 50' & two-family	15'	25'	12'	N/A	25%	7'	Remainder of total, but no less than 5'	25'
	Townhouse cluster: block-end, <u>and all others not listed</u>	15' <u>12'</u>	25'	12'	N/A <u>25'</u>	N/A	10'	10' <u>0'</u>	25'

ATTACHMENT C

DN Districts Standards

Underlined text to be added and strikethrough text to be deleted.

District	Building type	Front Yard		Side Yard					Rear Yard (R)
				Exterior / Corner Side Yard (CS)		Interior Side Yard (S)			
		Min. (F1)	Max. (F2)	Min.	Max.	Total Min. (% of lot width)	Detached Yard 1	Attached Yard 2	
DN-3	Single-family and Two-family	10'	20'	10'	20'		7'	0'	25'
	Single family with lot width > 50' & two-family with alley access	15'	25'	10'	N/A	30%	7'	Remainder of total, but no less than 5'	25'
	Single family with lot width > 50' & two-family without alley access	15'	25'	10'	N/A	25%	10'	Remainder of total, but no less than 5'	25'
	Single family with lot width equal to or < 50' & two-family	15'	25'	10'	N/A	25%	7'	Remainder of total, but no less than 5'	25'
	Townhouse cluster	15' 10'	25' 20'	10'	N/A 20'	N/A	10'	10' 0'	25'
	Multi-family: block-end, and others not listed	15' 10'	25' 20'	10'	N/A 20'	N/A	12' 10'	12' 0'	25'
DN-4	Single-family & two-family	10' 8'	20' 15'	8'	N/A 15'	25%	7'	Remainder of total, but no less than 5' 0'	25'
	Townhouse cluster	10' 8'	20' 15'	8'	N/A 15'	N/A	10'	10' 0'	25'
	Multi-family	10' 8'	20' 15'	8'	N/A 15'	N/A	12' 10'	12' 0'	25'
	Mixed-use and others not listed	0'	15'	0'	10' 15'	N/A	0', & 12' if adjacent to a non mixed-use building	Same as Yard 1 0'	25'

ATTACHMENT D

Accessory Structures and Uses

Underlined text to be added and strikethrough text to be deleted.

Sec. 601.01 Accessory ~~nonresidential buildings~~ structures.

(a) ~~Attached accessory~~ General. An accessory ~~nonresidential building~~ structure may be erected detached from the principal building, or, except when a stable, may be erected as an integral part of the principal building.

(b) ~~Size~~. ~~An accessory building shall have a footprint no larger than 720 square feet.~~

(1) Standards. The table below establishes the maximum size standards for accessory structures.

	Detached Nonresidential	Detached Accessory Dwelling	Attached Accessory Dwelling
Size			
% of livable floor area of primary structure	40%	40% <u>50%</u>	40% <u>50%</u>
Max. footprint	720 sq. ft.	800 sq. ft and no more than 2 bedrooms <u>720 sq. ft.</u>	--
Lot coverage	As required by zoning district	As required by zoning district	As required by zoning district

(2) Total area. Total area cumulative of all accessory ~~nonresidential buildings~~ structures shall not exceed 40% 50% of the total area of the primary structure.

(3) Exception. ~~Except that ADU's~~ Accessory structures in the A-1 and RE districts may be allowed a maximum footprint of up to 1,000 square feet ~~in size~~.

~~A variance to the requirement may be requested in accordance with Article 301 Administration and Enforcement. An accessory building footprint in excess of 720 square feet shall be required to have a building permit and shall conform to required setbacks and shall not be located in any easement.~~

(c) ~~Setbacks~~. ~~No detached accessory nonresidential building with a footprint of 720 square feet or less shall be located closer than five (5) feet to any side or rear lot line.~~

(1) Standards. The table below establishes the minimum setback standards for accessory structures.

	Detached Accessory Nonresidential	Detached Accessory Dwelling	Attached Accessory Dwelling
Front setback	As required by zoning district	As required by zoning district	As required by zoning district
Side setback	5' <u>7'</u>	As required by zoning district <u>7'</u>	As required by zoning district
Rear setback	5' <u>7'</u>	As required by zoning district <u>7'</u>	As required by zoning district

ATTACHMENT D

Accessory Structures and Uses

Underlined text to be added and strikethrough text to be deleted.

- (2) Corner lots. In the case of a corner lot, said accessory ~~building~~ structure shall not project beyond the building line of the primary structure ~~required~~ or existing primary structure on the adjacent lot. ~~Accessory buildings shall meet the front building setbacks for the zone it is to be located.~~
- (3) Distance from primary structure. Any detached accessory structure in excess of 200 square feet shall be located a minimum of 10' from the primary structure.
- (4) Size variance. An accessory ~~nonresidential building~~ structure footprint in excess of 720 square feet as approved through a variance shall conform to the required setbacks of the zoning district.
- (5) Exception. Any accessory non-residential structure less than 200 square feet and not attached to a permanent foundation, shall have a minimum side and rear yard setback of five feet (5') and shall meet the front setback as required by the zoning district.

(d) *Height.* Accessory ~~buildings~~ structures shall not exceed the maximum height as allowed by the appropriate ~~table for~~ zoning district in which it is located.

(e) *Barns and stables.* Barns and stables shall not be considered nonresidential accessory structures and shall meet the setback requirements as set forth in the zoning district in which it is located.

(f) ~~Facade~~ Architectural design. The façade of the accessory structure shall have a similar architecture to that of the main structure. In commercial districts, the accessory structure shall meet the design standards for large-scale developments.

- (g) Location. No permanent accessory structure over 200 square feet shall be located in an easement. Accessory structures under 200 square feet and not attached to a permanent foundation may be located in an easement as long as it can easily be moved out of the easement if necessary.

Sec. 601.02 — ~~Accessory dwelling units (ADUs).~~

(h) *Accessory dwelling unit additional requirements.*

(1) *Occupancy.*

- a. *A1, RE, R1, DN-1 Districts – owner-occupied.* Either the primary or accessory dwelling unit shall be owner-occupied. “Owner-occupied” shall mean a property owner who makes his or her legal residence at the site as evidenced by voter registration, vehicle registration, or similar means, and at no time receives rent for the owner-occupied unit.
- b. *C2, I1 and I2 districts – caretaker only.* ADU’s in the C2, I1 or I2 districts shall be used solely for a watchman, caretaker or custodian of the facility or use on the same site. The caretaker unit shall not be separately rented, let, or leased to other than the caretaker. The caretaker shall be employed, whether compensation is direct or indirect, principally on the lot for purposes of care and protection of persons, plants, animals, equipment or other facilities on-site.

(2) *ADUs per lot.* Only one ADU shall be ~~permitted~~ allowed per lot.

ATTACHMENT D

Accessory Structures and Uses

Underlined text to be added and strikethrough text to be deleted.

- (3) ~~Lot coverage.~~ The ADU shall not cause the property to exceed the maximum amount of lot coverage permitted by the zoning district.
- (4) ~~Setbacks.~~ shall meet the setback requirements of the zoning district in which the property is located.
- (5) ~~Location.~~ The ADU shall not be located in the front setback or be located such that the ADU building line is closer to the front property line than the primary structure.
- (6) ~~Size.~~ An ADU shall be no larger than 40% of the livable floor area of the primary structure, shall not exceed 800 square feet in size and shall not have more than two bedrooms. Except that ADU's in the A-1 and RE district may be allowed up to 1,000 square feet in size.
- (7) *Architectural design.* The addition of an ADU shall be allowed only if the appearance and character of the lot and neighborhood are maintained. The design of the ADU shall be consistent with the design of the primary structure and shall maintain the style, appearance and character of the main building, and shall use matching materials, colors, window style, and comparable roof appearance.
- (8) *Entrances and stairs.* Only one entrance to the primary structure and only one entrance to the detached ADU shall be visible from the front street. For the purpose of this regulation, the front street shall be defined as the street with the address. Exterior stairways shall not be constructed on the front of the principal dwelling unit.
- (9) ~~Occupancy standards.~~ The total number of occupants in the ADU shall not exceed four (4).
- (10) *Parking.* No additional parking spaces are required. A maximum of one additional off-street parking space may be provided for the ADU and shall be paved.
- (11) *Compliance with applicable codes.* The ADU shall comply with all standards for health and life safety codes, building codes, as well as zoning codes as adopted by the City, except as provided in this chapter.
- (12) *Sewer and water connections.* The ADU shall be served by the existing primary ~~residence's~~ dwelling's sewer and water connections and water meter. The water meter size shall not be increased for the purpose of serving the ADU.
- (13) *Subdivision.* The accessory dwelling unit, or the land on which the ADU is located, shall not be subdivided or otherwise segregated in ownership from the principal dwelling unit or the land on which the principal dwelling unit is located.
- (14) ~~Recording.~~ The applicant shall provide a covenant in a form acceptable to the City Attorney and suitable for recording with the County Clerk, providing notice to future owners or long term lessors of the subject lot that the existence of the ADU is predicated upon the occupancy of either the ADU or the principal dwelling by the property owner.

ATTACHMENT E

Temporary Uses and Structures

Underlined text to be added and strikethrough text to be deleted.

Sec. 601.25 Temporary uses and structures. ~~Temporary uses, buildings and structures, not used for dwelling purposes, may be placed on a lot or parcel and occupied only under the following conditions:~~

(a) Purpose. To establish regulations that:

- (1) Reasonably allow for land use and structures on a temporary basis that are not appropriate on a long-term/permanent basis;
- (2) Provide for the health, safety and welfare of surrounding properties and the community;
- (3) Provide predictable outcomes for applicants; and
- (4) Promote economic development.

(b) ~~Exemption~~ Short-term temporary uses or structures.

- (1) Applicability. The regulations for short-term temporary uses or structures shall apply to temporary uses located in and/or temporary structures ~~will not require a conditional use permit if they meet the following requirements: The use and/or structure shall not~~ that do not exceed three (3) days in a 12-month time period per location, no more than two times per calendar year; ~~the temporary structure shall not create a traffic or parking hazard; or the temporary structure or use is an, except~~ outdoor vendors otherwise regulated in this chapter.
- (2) Regulations. Short-term temporary uses and/or structures shall be allowed without obtaining a conditional use permit, however, shall comply with the following:
 - a. Site access. The site shall have access drives so located as to minimize traffic hazards.
 - b. Nuisance control. The property owner shall take adequate measures to prevent odor, dust, noise, lights, trash, debris, and traffic from becoming a nuisance to uses on adjacent properties.
 - c. Fire code. All temporary structures shall meet City of Bentonville Fire Code, as approved by the Fire Marshal.

(c) Long-term temporary uses or structures ~~Conditional use permit required.~~

- (1) Applicability. The regulations for long-term ~~A temporary uses~~ and/or structures shall apply to ~~such as a carnival, circus, church tent revival, temporary tent sales, sales using non permanent temporary structures, and outdoor sales/service activity or similar temporary uses that do not meet the exemption requirements shall be permitted~~ temporary uses and/or structures that do not meet the applicability or otherwise meet the regulations for short-term temporary uses or structures. Such temporary uses and structures include manufactured homes as temporary classrooms and shipping containers used for storage purposes.
- (2) Regulations. Long-term temporary uses and/or structures shall be allowed only with an approved conditional use permit and shall comply with the following and any additional conditions established by the Planning Commission as part of approval of the conditional use permit.

ATTACHMENT E

Temporary Uses and Structures

Underlined text to be added and strikethrough text to be deleted.

- a. Zoning districts allowed. Long-term temporary uses and/or structure shall be allowed only in a non-residential zoning district and shall have no facilities located nearer to a residential district than 200 feet ~~and no nearer a occupied residential structure than 300 feet.~~
- b. *Site access.* The site shall have access drives so located as to minimize traffic hazards.
- c. *Nuisance control.* The applicant shall show, and provide as part of the conditional use permit application, that adequate measures will be taken to prevent odor, dust, noise, lights, trash, debris, and traffic from becoming a nuisance to uses on other adjacent properties.
- d. Fire code. All temporary structures shall meet City of Bentonville Fire Code, as approved by the Fire Marshal.
- e. Time period. Planning Commission shall determine the time period of approval based on the request in the conditional use permit application, the nature of the use or structure, and nearby uses. ~~Each conditional use permit for such an enterprise shall be valid for a period of not more than 15 days and shall not be permitted for more than two (2) such periods for the same location within any one calendar year.~~
- f. Setbacks. Long-term temporary structures shall meet the setbacks of the zoning district in which it is located and in no instance placed in front of the primary structure.

~~(d) Temporary classrooms. Said classrooms shall meet local codes and ordinances. Said buildings shall be removed within fifteen (15) days after construction of any permanent structure intended for expansion purposes is complete. The temporary classrooms shall not be allowed more than eighteen (18) months, unless expressly authorized by the Planning Commission.~~

ATTACHMENT F

Signs

Underlined text to be added and strikethrough text to be deleted.

801.13 Signs allowed without a sign permit.

(4) *Temporary signs.*

- a. *Residential uses.* Each legal dwelling unit may have a total display area (cumulative of all temporary signs on the lot) of 24 square feet at all times. Such signage may be used to display any protected noncommercial message but may not be used for general advertising for hire.
- b. *Non-residential uses.* Each non-residential establishment may have a total display area (cumulative of all temporary signs on the lot) of 36 square feet at all times. Such signage may be used to display any protected noncommercial message but may not be used for general advertising for hire.
- c. *Temporary uses.* Any temporary use that meet the requirements of a “short-term temporary use” as regulated in Sec. 601.25 may have a total display area (cumulative of all temporary signs on the lot) of 36 square feet and may use air-activated signs, otherwise prohibited in this article.

(5) *Window and door signs.* Window and door signs are allowed subject to a maximum area that does not exceed 40% of the window or door area.

(6) *Outdoor vendor signs.* Signs for outdoor vendors shall be considered part of the approved outdoor vendor permit and shall comply with the following:

- a. *Attached signs:* Signs may be attached to the vending conveyance. The cumulative total of all signs attached to the conveyance shall not exceed 15% of the surface area of the conveyance.
- b. *Detached signs:* Outdoor vendors are allowed one sandwich sign not to exceed 6 square feet in size and 4 feet in height within the allowed outdoor vending space.

ATTACHMENT F

Signs

Underlined text to be added and strikethrough text to be deleted.

801.15 Signs allowed with a sign permit.

Sign Type	ZONING								Use	No. Allowed	Max. Height	Max. Area (per sign face)
	A1, RE R1, R2, R3, R4, RC-2, RC-3 PRD, <u>DN1</u> , <u>DN2</u>	RO	C1	C2	C3	<u>DC & DE, DN3, DN4</u>	I1 & I2	PUD				
Freestanding	•								Subdivision & Multifamily	2/street entrance	6 ft.	32 sq. ft.
	•								Non -residential	1/street entrance	6 ft.	32 sq. ft.
		•							All	1/lot	6 ft.	32 sq. ft.
			•						All	1/street frontage	6 ft.	32 sq. ft.
				•			•	•	Single tenant	1/street frontage	8 ft.	60 sq. ft.
				•			•	•	Multiple tenant	1/street frontage	12 ft.	100 sq. ft.
					•				All	1/street frontage	6 ft.	32 sq. ft.
Wall	•	•							Residential	1/building	1 ft. above roof peak	4 sq. ft., non-illuminated
	•	•							Non-residential	1/building	1 ft. above roof peak	25 sq. ft.
			•	•	•	•	•	•	All	1/wall OR 1/wall of each suite <u>No maximum number; however, the total area cumulative of all sign faces cannot exceed 15% of the wall area for the building, or suite if applicable.</u>	1 ft. above roof peak	15% of wall area* (includes awning, canopy, projecting and roof signs) 25 sq. ft. min. allowed

ATTACHMENT F

Signs

Underlined text to be added and strikethrough text to be deleted.

801.16 Prohibited signs.

The following signs shall be prohibited, and may neither be erected nor maintained, unless otherwise specifically allowed within this Article.

(a) *Generally prohibited.* The following signs and methods of drawing attention, as defined in this Article, are prohibited:

1. Air-activated graphics, except as allowed for special events in Sec. 801.13(4) Temporary signs;
2. Pole signs;
3. Rotating or revolving signs;
4. Commercial handheld signs,
5. Portable message center signs.
6. Off-site commercial message signs.