

Note – Due to health concerns related to COVID-19, and the current Federal recommendations to avoid gatherings of 10 or more people, some of the members of the Planning Commission, as well as City staff members, may attend this meeting by phone or other remote means. That being said, the Bentonville Community Center will be open for the public to attend. Those that do attend will be asked to watch the meeting from the building’s lobby. Attendees will only be allowed into chambers to make a public comment or to speak during any public hearing on the agenda. Those who do attend should observe the CDC recommendations concerning hygiene and social distancing (keeping at least 6 feet away from other persons present at the meeting). Moreover, no one should attend this meeting if they are experiencing any type of illness involving a fever, sneezing or coughing. Those wishing to make public comments who do not want to attend the meeting may do so in written form, submitted to planning@bentonvillear.com before 3:00 p.m. on the day of the meeting. Those comments will be communicated to the members of the Planning Commission. While email comments are encouraged, accommodation has also been made to allow Bentonville citizens to make “live” public comments orally in the event they cannot or do not feel comfortable attending the meeting in person. To do so, please send an email indicating a desire to make “live” oral public comments to planning@bentonvillear.com by at least 3:00pm on the day of the meeting and a reply email will be sent with instructions about how your comments can be made. Making comments will require you to register with your name, address, phone number, and email address. Procedures with respect to oral public comments still apply.



**Joint City Council and Planning Commission Meeting
Meeting Agenda
April 12, 2021**

Registration Link: https://us02web.zoom.us/webinar/register/WN_w_lcyjVQHu5rnn8XI9oag

**I. Call to Order
II. Agenda Items**

- 1. Understanding Land Use and Zoning**
- 2. Proposed Land Use and Zoning Alignment Policy**
- 3. R-3 and R-4 Zoning District Modifications to Better Accommodate Housing Needs**
- 4. Code Diagnostic and Next Steps**
 - a. Large Scale Development / Preliminary Plat Review Process**
 - b. Zoning District Informational Sheets**
 - c. Land Use Classification Descriptions**
 - d. Planning Commission Meeting Recordings**
 - e. Staff Recommendations and Planning Commission Decisions**

III. Other Business

JOINT CITY COUNCIL / PLANNING COMMISSION MEETING

Monday, April 12, 2021

1. Land Use vs Zoning

FUTURE LAND USE	ZONING CODE
Description The Future Land Use Plan and Map is a <u>planning</u> tool required by state statutes to enact zoning. It is adopted by resolution as part of the city's Community Plan. It does not carry the weight of law, but is to be used as a guide when making land use decisions. The Future Land Use Plan and Map is general in nature and describes preferred land use categories and locations.	Description Zoning is the <u>regulatory</u> tool to implement the plan. It is adopted by ordinance and is an enforceable law. Zoning establishes districts with specific regulations for land uses, lot sizes, setbacks and heights.

<http://www.bentonvillear.com/DocumentCenter/View/6662/Planning-101---Zoning-vs-Land-Use>

Land Use Plan Classifications

Agriculture

Residential Classifications

Residential Estate

Low-Density Residential

Medium-Density Residential

High-Density Residential

Public Use Classifications

Public/Semi-Public

Parks

Open Space

Utility/Transportation

Commercial Classifications

Mixed-Use Commercial

General Commercial

Office

Downtown Commercial

Industrial Classifications

Light Industrial

Heavy Industrial

Zoning Districts

A1, Agricultural

Residential Districts

RE Residential Estate

R1 Single Family Residential

R2 Duplex and Patio Home Res.

R3 Medium Density Res.

R4 High Density Res.

RMH Manufactured Home Res.

RZ Zero Lot Line Residential

RO Residential Office

PRD Planned Res. Development

Commercial Districts

C1 Neighborhood Com.

C2 General Commercial

C3 Mixed-use Com.

PUD Planned Unit Dev.

Downtown Residential

Districts

RC2 Central Res. Mod. Density

RC3 Central Res. High Density

DN1 Downtown Low Density Res.

DN2 Downtown Med. Density Res.

DN3 High Density Res.

DN4 Downtown Mixed Use Res.

Downtown Commercial

Districts

DC Downtown Core

DE Downtown Edge

Overlay Districts

Municipal Airport Overlay District

XNA Airport Overlay District

Industrial Districts

I1 Light Industrial

I2 Heavy Industrial

<http://www.bentonvillear.com/DocumentCenter/View/6662/Planning-101---Zoning-vs-Land-Use>

FUTURE LAND USE

Example of Land Use Category Descriptions

Low Density Residential

Low density residential areas include detached single-family residential properties with a typical density of 3 to 8 units per acre. While lot size and overall density may vary from one part of the city to another, these areas represent the predominant form of residential development in Bentonville. These areas may also include local amenities for residents, including neighborhood parks, places of worship, etc.

ZONING CODE

Example of Zoning District Regulations

R-1, Single-family Residential

Lot and Area Standards:

<u>District</u>	<u>Type</u>	<u>Lot Area</u>	<u>Lot Width</u>	<u>Coverage</u>
R-1	All	6,000 sq. ft.	60'	40%

Min. Setback Standards:

<u>District</u>	<u>Type</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
R-1	All	20'	7'	25'

Max. Height Allowed: 36'

<http://www.bentonvillear.com/DocumentCenter/View/6662/Planning-101---Zoning-vs-Land-Use>

Primary Differences

FUTURE LAND USE

Adopted by resolution.

Serves as a guide for land use decision making.

Is a planning tool.

Establishes land use categories.

Does not regulate.

Land use classification can be amended with a resolution.

Includes a Future Land Use Map and policy text in the Community Plan.

Land use categories shown on the map are desired or preferred land uses.

Does not require compliance. Used in the decision making process for rezonings.

ZONING CODE

Adopted by ordinance.

Is the law regarding land use.

Is a regulatory tool.

Establishes zoning districts.

Regulates land use, lot size, setbacks, height, lot coverage, and parking by zoning district.

Zoning district can only be changed with a rezoning ordinance.

Includes an official zoning map and the regulatory text in the Zoning Code.

Zoning districts shown on the map are the land uses allowed by law.

Rezoning, conditional use permit, and variance are tools used to achieve compliance with the Zoning Code.

<http://www.bentonvillear.com/DocumentCenter/View/6662/Planning-101---Zoning-vs-Land-Use>

Future Land Use and Zoning Code

FUTURE LAND USE

Example of Land Use Category Descriptions

Low Density Residential

Low density residential areas include detached single-family residential properties with a typical density of 3 to 8 units per acre. While lot size and overall density may vary from one part of the city to another, these areas represent the predominant form of residential development in Bentonville. These areas may also include local amenities for residents, including neighborhood parks, places of worship, etc.

Future Land Resources

- [Bentonville Community Plan](#)
- [Future Land Use Map Categories](#)

ZONING CODE

Example of Zoning District Regulations

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District	Type	Lot Area	Lot Width	Coverage
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Min. Setback Standards:

District	Type	Front	Side	Rear
R-1	All	20'	7'	25'

Max. Height Allowed: 36'

Zoning Resources

- [Article 401 Zoning Regulations](#)
- [Zoning Resources webpage](#)

Primary Differences

FUTURE LAND USE

Adopted by resolution.

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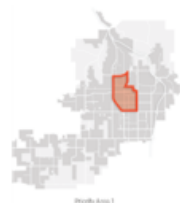
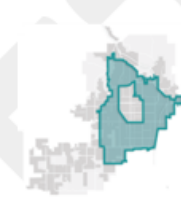
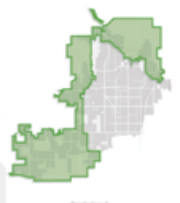
Rezoning, conditional use permit, and variance are tools used to achieve compliance with the Zoning Code.

2. Proposed Alignment Plan

- A. Adopt a Future Land Use Map and Zoning District alignment policy.
- B. Amend the Future Land Use Map to update it based on rezonings that have occurred since it was adopted in 2018.
- C. Amend Zoning Code to require Future Land Use Map amendments to keep the Future Land Use Map current.

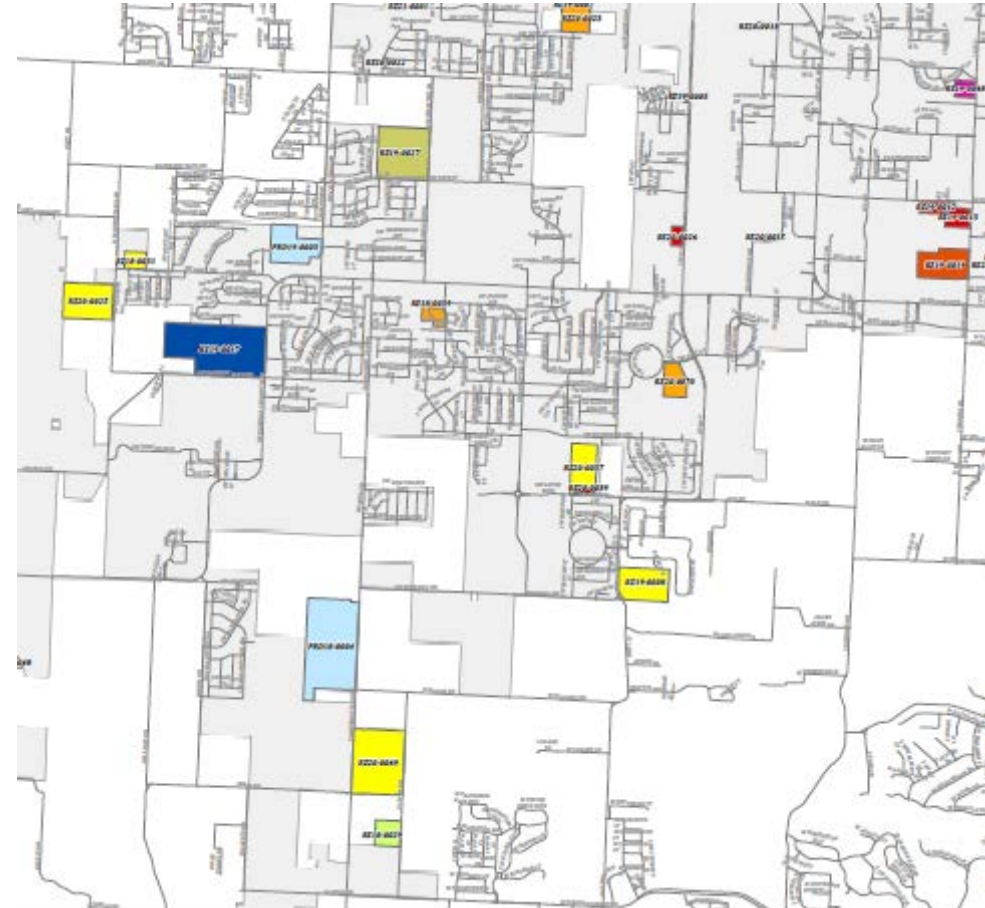
A. Adopt a Future Land Use Map and Zoning District alignment policy.

1. Consistency with the Future Land Use Plan.
2. Consistency with the vision and policies of the Community Plan.
3. Relationship and effect on the land use and zoning of the surrounding area.
4. Compatibility with recent development activity in the surrounding area.

	 Priority Area 1: Downtown Intensification Encourages redevelopment in urban neighborhoods in and around downtown downtown	 Priority Area 2: Infill Supports the development of vacant properties already serving infrastructure within the context of existing development	 Priority Area 3: Edge Growth Provides for development in areas proximate to existing infrastructure in order to capitalize on existing investment that has already taken place
Land Use Classification			
Agriculture	--	--	A-1
Residential Estate	--	--	R-E
Low-Density Residential	DN-1 / PRD	R-1 / PRD	R-1 / PRD / RMH
Medium-Density Residential	DN-2 / RC-2 / PRD	R-2 / R-3 / R-ZL / PRD / RO	R-2 / R-3 / R-ZL / PRD / RO
High Density Residential	DN-3 / DN-4 / RC-3 / PRD	R-4 / R-3 / PRD	R-4 / R-3 / PRD
Mixed-Use Commercial	DC / DN-4 / PUD	C-3 / PUD	C-3 / PUD
General Commercial	C-1 ¹ / C-2 / PUD	C-1 / C-2	C-1 / C-2
Downtown Commercial	DC / DE / DN-4 / PUD	--	--
Office	DC / DE / R-O	R-O / C-1 / C-2	R-O / C-1
Light Industrial	--	I-1	I-1
Heavy Industrial	--	--	I-2
Utility/Transportation	--	I-1	I-1 / I-2
Public/Semi-Public	Review for compatibility on a cases-by-case basis and should not be required to submit a Future Land Use map amendment until corresponding districts for these classifications are adopted.		
Parks			
Open Space			

B. Amend the Future Land Use Map to update it based on rezonings that have occurred since it was adopted in 2018.

<https://gis.bentonvillear.com/portal/home/webmap/viewer.html?webmap=169059558e794754b959859cd39f09ea&extent=-94.3393,36.2927,-94.1177,36.4029>



C. Amend Zoning Code to require Future Land Use Map amendments to keep the Future Land Use Map current.

301.08 (b)(1) Application.

If the rezoning request is for a zoning district inconsistent with the land use classification recommended by the Future Land Use Plan, as guided by the Future Land Use Plan and Zoning Districts Alignment Policy, the applicant shall also submit an application for a Future Land Use Plan map amendment, at no charge, to the planning department in accordance with current planning department policies and procedures.

ORDINANCE STAFF REPORT



Alignment of Future Land Use Map and Zoning Districts

PC Date: 4/20/2021

Reviewer: Shelli Kerr, AICP, Comprehensive Planning Manager & Tyler Overstreet, Planning Services Manager, AICP

Type	Resolutions and Amending Ordinance
Code Impacted	Zoning Code
Section(s)	Sec. 301.08 Zoning Amendments (rezoning)

Issues

The Code Diagnostic completed by Jim von Tungeln makes several suggestions regarding the relationship between zoning districts and Future Land Use classifications.

- Establish a clear process for dealing with rezone requests that do not match the city's plans.
- Create a "growth sector" overlay or, alternatively, a "transect overlay" to identify areas of transition from urban core to low-intensity residential.
- Revise zoning districts to be more in-line with plan proposals.

These recommendations, combined with the following issues, suggest a need to improve alignment between the Zoning Code and the Future Land Use Plan and Map.

1. The Future Land Use Plan land use categories do not clearly align with the city's zoning districts. Guidance is needed on how to apply the Future Land Use Plan in making rezoning decisions.
2. Planning Commission and City Council have approved numerous rezoning requests that are inconsistent with the recommendations of the Future Land Use Map; making the Future Land Use map outdated.
3. The city does not have a streamlined process for keeping the Future Land Use Map current.

Background

When the Future Land Use Map was adopted in 2007, it came with a table identifying the zoning districts recommended for each land use classifications. Then, the new Future Land Use Map was adopted in 2018 and did not provide such a table. This has left planning staff and Planning Commission without proper guidance on how to apply the Future Land Use Map when considering rezoning requests.

Since the new Future Land Use Map was adopted in 2018, Planning Commission and City Council have approved a total of 156 rezoning requests (See All Rezoning Projects by Land Use). Of those, 64 are proposed for General Plan Amendments due to incompatibility with the Future Land Use Map (See Recommended Land Use Amendments).

Interestingly, 27 of the 64 (42%) proposed amendments currently have a Land Use Classification of Agricultural or Residential Estate. Both of these classifications, according to the plan, are meant to serve as placeholders until there is adequate access to city utilities (p.50). This is reflected in the Future Land Use Map and Zoning District alignment policy, where the Agriculture and Residential Estate Zoning Districts are only supported in the Edge Growth Priority Area.

Highlighted items on the Recommended Land Use Amendments Table are those that staff does not recommend a Land Use Amendment, despite potential support from the policy. The reasoning behind these recommendations are summarized below in Table 1.

ORDINANCE STAFF REPORT

Table 1: Areas Without Recommended Land Use Changes

Project	PC Notes	PC Date	Land Use Designation	Current Zoning	Recommended Land Use	Notes
RZ19-0006	403 NW 6TH ST RZ R-1 TO DN-1	4/2/2019	Medium Density Residential	DN-1	Medium-Density Residential	The surrounding area is designated as Medium-Density Residential. One property should not have a different Land Use.
RZ19-0026	A-1 to C-2	8/20/2019	Office	C-2	Office	C-2, General Commercial is a secondary choice for Office areas.
RZ19-0049	B'VILLE ACADEMY OF MUSIC RZ RC-2 TO DN-4	1/21/2020	Downtown Commercial	DN-4	Downtown Commercial	DN-4 is a secondary choice for Downtown Commercial Areas.
RZ20-0001	PUMP STATION RZ R-Z TO DN-3	2/18/2020	Public / Semi-Public	DN-3	Medium-Density Residential	Although DN-3 is a higher density than suggested for Medium-Density areas, it would not make sense to amend this area to High-Density Residential
RZ20-0034	408 SE D ST RZ R-1 TO DN-2	8/18/2020	High Density Residential	DN-2	High-Density Residential	While DN-3 may have been supported, the applicant could accomplish their development within DN-2. It would not make sense to lower the recommended density because an applicant chose not to pursue the highest use.
RZ20-0042	ML, RES, LLC RZ R-1 TO DN-2	10/6/2020	High Density Residential	DN-2	High-Density Residential	See above reasoning.
RZ20-0056	LOT 10 CRYSTAL BRIDGES RZ A-1 TO C-3	12/1/2020	Public / Semi-Public	C-3	Public/Semi-Public	The current and future use of the property (Crystal Bridges) makes sense in the semi-public land use category.
RZ20-0074	CRYSTAL BRIDGES RZ A-1 TO C-3	3/2/2021	Public / Semi-Public	C-3	Public/Semi-Public	The current and future use of the property (Crystal Bridges) makes sense in the semi-public land use category.
RZ21-0017	ORCHARDS ADD LOT 1 BLK H RZ R1 TO DE	3/16/2021	High Density Residential	DE	High-Density Residential	DE is a secondary choice in High-Density Residential areas. This property would not make sense as Downtown Commercial.

ORDINANCE STAFF REPORT

Relationship to the Community Plan

The proposed resolutions and amendments will help bridge the gap between the Community Plan and development regulations in an effort to better implement the Community Plan. It implements strategy A1 on pg. 182 – *Amend zoning ordinance and map to reflect the recommendations of the Community Plan's Land Use Plan and establish development review and approval procedures that streamline and improve the infill development process.*

Proposed Changes

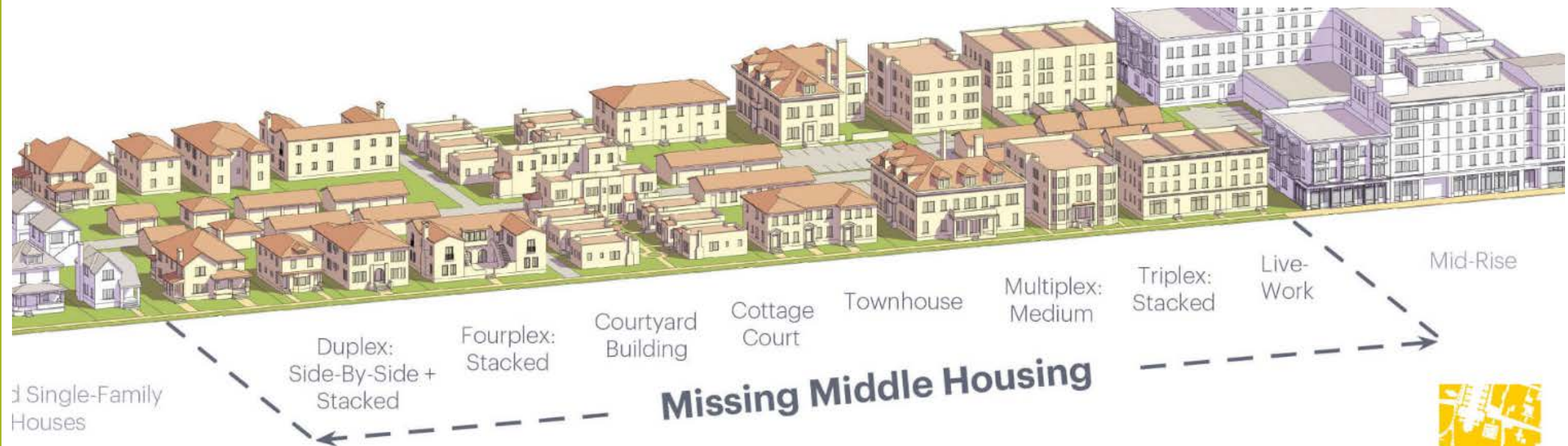
Staff recommends the following:

- 1) A resolution adopting a Future Land Use Map and Zoning District alignment policy.
- 2) A resolution to amend the Future Land Use Map to update it based on rezonings that have occurred since it was adopted in 2018.
- 3) An ordinance requiring a Future Land Use Map amendment when a rezoning is inconsistent with the Future Land Use Map. The goal is to keep the Future Land Use Map current with zoning activity.

3. R-2, R-3 and R-4 Modifications

- Removed maximum density standards in February 2020.
- Without the designated densities, R-3 and R-4 essentially became the same.
- Proceeded with a consolidation of R-3 and R-4.
- Public hearing comments indicated a need for regulations that accommodate the “missing middle” housing.

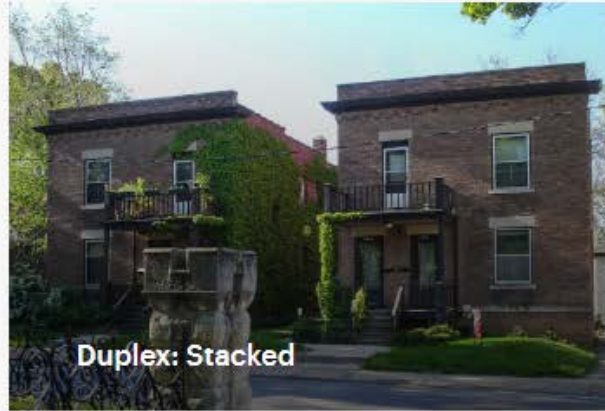
Allowing for small scale multi-unit housing:



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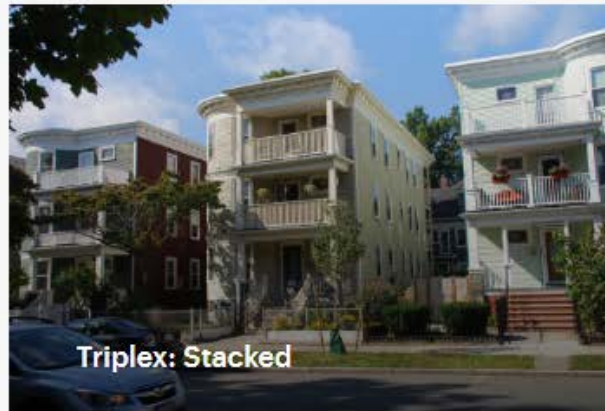
Missing Middle Housing Types:



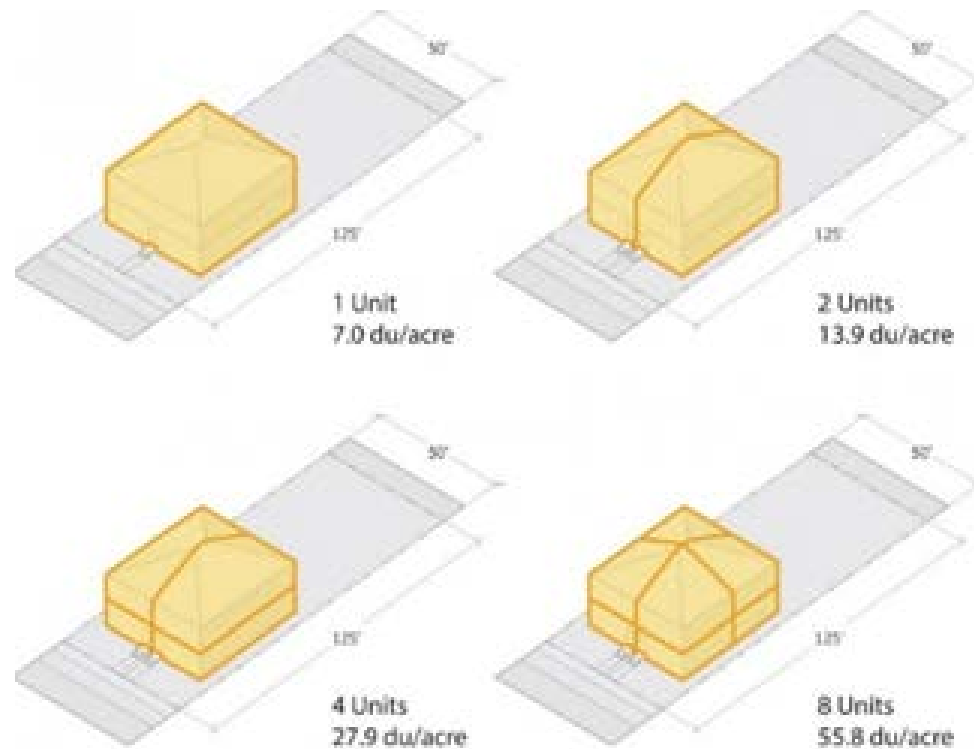
Missing Middle Housing Types:



Missing Middle Housing Types:



Achieving multiple units within same building envelope as a single-family structure:



R-2 Duplex and Patio Home Residential

Lot and Area Standards:

District	Building type	Min. lot area (sq. ft.)	Min. land area / dwelling unit (sq. ft.)	Min. lot width	Max. lot coverage	
					Interior lot	Exterior lot
R-2	Single-family	6,000 <u>5,000</u>	-	60' <u>50'</u>	40%	45%
	Two-family	7,000 <u>5,000</u>	-	70' <u>50'</u>	50%	55%
	Townhouse unit	3,000 <u>2,000</u>	-	30' <u>20'</u>	-	-
	Townhouse structure	9,000 <u>6,000</u>	3,000 <u>2,000</u>	90' <u>60'</u>	65%	70%
	All others not listed	6,000	6,000	60'	40%	45%

*Increases the maximum gross density
from 14 units/acre to 21 units/acre.*

R-3 Medium Density Residential

Lot and Area Standards:

District	Building type	Min. lot area (sq. ft.)	Min. land area / dwelling unit (sq. ft.)	Min. lot width	Max. lot coverage	
					Interior lot	Exterior lot
R-3	Single-family	6,000 <u>5,000</u>	- <u>5,000</u>	60' <u>50'</u>	40%	45%
	Two-family	7,000 <u>5,000</u>	- <u>2,500</u>	70' <u>50'</u>	50%	55%
	Townhouse unit	2,500 <u>2,000</u>	- <u>2,000</u>	25' <u>20'</u>	-	-
	Townhouse structure	7,500 <u>6,000</u>	2,500 <u>2,000</u>	75' <u>60'</u>	65%	70%
	Multi-family*	10,000 <u>6,000</u>	800 <u>1,500</u>	100' <u>60'</u>	50% <u>65%</u>	55% <u>70%</u>
	All others not listed	10,000	-	100'	50%	55%

*Reduces maximum gross density
from 54 units/acre to 29 units/acre.*

R-4 High Density Residential

Lot and Area Standards:

R-4	Single-family	6,000	-	60'	40%	45%
	Two-family	7,000 <u>5,000</u>	- 2,500	65' <u>50'</u>	50%	55%
	Townhouse unit	2,500 <u>2,000</u>	- 2,000	25' <u>20'</u>	-	-
	Townhouse structure	7,500 <u>6,000</u>	2,500 <u>2,000</u>	75' <u>60'</u>	65%	70%
	Multi-family	10,000	800	100'	50%	55%
	All others not listed	10,000	-	100'	50%	55%

Maximum Height: Increase from 40' to 50'.

Maintains maximum gross density at 54 units/acre.

ORDINANCE STAFF REPORT



Amendments to R-2, R-3 and R-4 Districts (DRAFT)

PC Date: 5/4/2021

Reviewer: Shelli Kerr, AICP, Comprehensive Planning Mngr

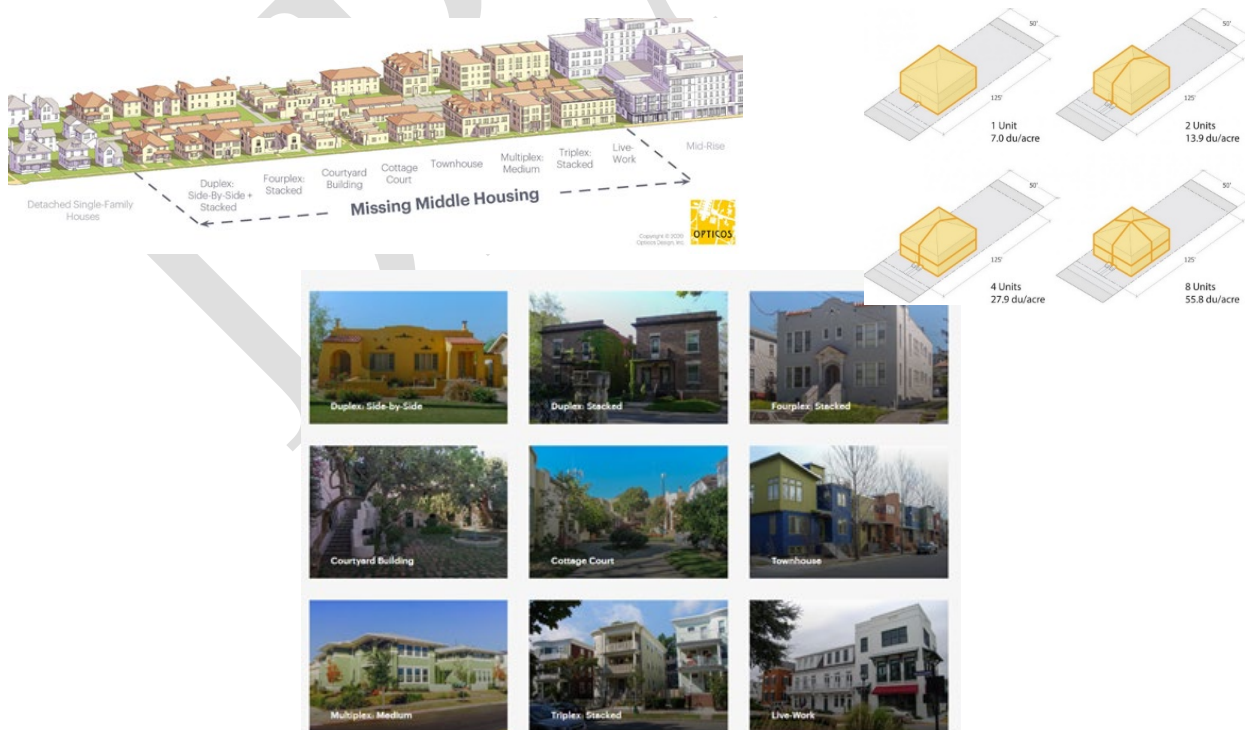
Type	Amendment
Code Impacted	Zoning Code
Section(s)	Art. 401 Zoning Regulations

Background

On February 11, 2020 with Ordinance No. 2020-38, city council approved an ordinance removing density maximum regulations in residential zoning districts. A result of doing so was that the R-3 and R-4 districts have the same bulk and area regulations, minimum setbacks, maximum height and allowable land uses, and just two differences:

- Two-family minimum lot width is 70' in R-3 and 65' in R-4, a 5' difference.
- A neighborhood park is allowed in R-4 but not in R-3.

On March 16, 2021, planning staff submitted a proposal to planning commission to consolidate the R-3 and R-4 districts. Public hearing comments expressed concern about not having a district in-between a two-family/townhouse district and a high density district. It does not provide a zoning district specific to small-scale multifamily housing, such as four-plexes and cottage style developments, often referred to as the “missing middle” housing. The zoning code does not accommodate the housing types promoted in the Community Plan and the type needed to address the increasing housing demand and affordability issues. There are 90 properties zoned R-3 and 13 properties zoned R-4.



ORDINANCE STAFF REPORT

Relationship to the Community Plan

The Future Land Use Plan describes Medium Density Residential as townhouse or duplex residential with a density of 8-12 units per acre. High Density Residential is described as apartments and condominiums 12 units per acre or higher.

The bulk and area regulations of the R-3 and R-4 districts are the same, essentially making both of the districts high density with an achievable density of 27 units/acre once you apply parking requirements. The R-2 district, while allowing the uses of townhouses and duplex as described in the land use plan, may reach 10/units per acres once setbacks and lot coverage are applied. Therefore, R-2 does not adequately accommodate medium density residential land use classification.



Medium-Density Residential

Medium-density residential areas include townhouse or duplex residential properties with a typical density of 8-12 units per acre. These areas are found both near Downtown and in some recent growth areas. These areas may also include local amenities for residents, including neighborhood parks, places of worship, etc.



High-Density Residential

High-density residential areas include apartments, condominium buildings, senior housing, and special types of group living. These areas vary greatly in terms of density depending on scale, but typically have at least 12 units per acre. These areas may also have integrated amenities for residents, including local parks, community centers, and resident-oriented commercial uses.

Proposed Changes

Staff recommends the following to accommodate a great variety of housing by amending the R-2 Duplex and Patio Home Residential to allow for smaller lots; R-3 Medium Density Residential to allow for small-scale multifamily; and amending the R-4 High Density Residential district to allow for higher density.

R-2 DUPLEX AND PATIO HOME RESIDENTIAL

Lot and Area Standards:

District	Building type	Min. lot area (sq. ft.)	Min. land area / dwelling unit (sq. ft.)	Min. lot width	Max. lot coverage	
					Interior lot	Exterior lot
R-2	Single-family	5,000	-	50'	40%	45%
	Two-family	5,000	-	50'	50%	55%
	Townhouse unit	2,000	-	20'	-	-
	Townhouse structure	6,000	2,000	60'	65%	70%
	All others not listed	6,000	6,000	60'	40%	45%

Effect:

- Aligns with the DN-2 Downtown Residential District.
- Aligns with the Medium Density Land Use classification.
- Allows for smaller lot sizes.
- Increases the maximum gross density from 14 units/acre to 21 units/acre.

ORDINANCE STAFF REPORT

R-3 MEDIUM DENSITY RESIDENTIAL

Lot and Area Standards:

District	Building type	Min. lot area (sq. ft.)	Min. land area / dwelling unit (sq. ft.)	Min. lot width	Max. lot coverage	
					Interior lot	Exterior lot
R-3	Single-family	5,000	5,000	50'	40%	45%
	Two-family	5,000	2,500	50'	50%	55%
	Townhouse unit	2,000	2,000	20'	-	-
	Townhouse structure	6,000	2,000	60'	65%	70%
	Multi-family*	6000	1,500	60'	65%	70%
	All others not listed	10,000	-	100'	50%	55%

Minimum Setback Standards:

District	Building type	Front	Side		Rear
			Interior	Exterior	
R-3	All	20'	7'	20'	25'

Maximum Height: Keep at 40'.

- Add a neighborhood park as an allowed use.

Effect:

- *Aligns better with the DN-3 Downtown Residential District*
- *Differentiates it from the R-4 High Density district*
- *Creates a transitional district that could be acceptable in both Medium Density and High Density Land Use classifications, depending on other conditions in the surrounding area.*
- *Allows for smaller lot sizes, but increases the land area per dwelling unit for multifamily.*
- *Creates the same side setbacks as in R-2.*
- *Reduces the maximum gross density from 54 units/acre to 29 units/acre.*

ORDINANCE STAFF REPORT

R-4 HIGH DENSITY RESIDENTIAL

Lot and Area Standards:

R-4						
	Two-family	5,000	2,500	50'	50%	55%
	Townhouse unit	2,000	2,000	20'	-	-
	Townhouse structure	6,000	2,000	60'	65%	70%
	Multi-family	10,000	800	100'	50%	55%
	All others not listed	10,000	-	100'	50%	55%

Maximum Height: Increase from 40' to 50'.

Effect:

- *Allows for smaller lot sizes, but eliminates single-family so functions as a high density district.*
- *Maintains the maximum gross density of 54 units/acre and allows taller structures.*

4. Code Diagnostic & Next Steps

Wrap up the highest priority items by end of May...

Proj. No.	Category	Project Title	Task Descriptions	Page in Code Diagnostic	Target Date	Responsibility	Status	
7d	Alignment	Align zoning districts with Community Plan.	Provide a document to correlate the land use classifications with the zoning districts.	Pg. 50-60	3/31/2021	Shelli	In Progress	Resolution to Planning Commission 4/20.
5a	Alignment	Maintain updated Future Land Use Map.	Bring Future Land Use Map up-to-date, consistent with rezonings.	N/A	4/30/2021	Tyler	In Progress	Resolution to Planning Commission 4/20.
5b	Alignment	Maintain updated Future Land Use Map.	Establish a process of keeping the Future Land Use Plan updated with rezoning activity.	N/A	4/30/2021	Shelli	In Progress	Ordinance to Planning Commission 4/20
6a	Alignment	Reduce number of zoning districts.	Combine R-3 and R-4 into a Multi-family District.	Pg. 50-60	3/31/2021	Shelli	In Progress	Ordinance to Planning Commission 5/4

Finish alignment and clean-up over the summer . . .

6c	Alignment	Reduce number of zoning districts.	Determine continued need for DN-1 - or revised bulk and area regulations.	Pg. 50-60	5/31/2021	Shelli	In Progress
6b	Alignment	Reduce number of zoning districts.	Eliminate R-ZL - combine with R-3, or allow in other districts.	Pg. 50-60	5/31/2021	Shelli	In Progress
12a	Clean-up	Clean-up definitions.	Clarify specified definitions. (See pg 39 & 40 for list.)Align zoning and development definitions.	Pg. 39-40	5/31/2021	Shelli	Not Started
12b	Clean-up	Clean-up definitions.	Match DHS definitions of child care facilities.	Pg. 21	5/31/2021	Shelli	Not Started
12c	Clean-up	Clean-up definitions.	Replace “mobile home” with “manufactured home”; auto sales.	Pg. 39-40	5/31/2021	Shelli	Not Started
12c	Clean-up	Clean-up definitions.	Housing Definitions (Building Code vs Zoning)	N/A	5/31/2021	Shelli	Not Started
13	Clean-up	Title and name updates.	Update titles and names - ARDOT, Community Plan, Department titles, Plans, Zoning Code.	Pg. 28-29	5/31/2021	Shelli	Not Started
14	Clean-up	Waiver approval.	Clarify conditions for waiver approval to positive language as compared to “proving a negative.”	Pg. 27	5/31/2021	Shelli	Not Started

Finish alignment and clean-up over the summer . . .

6d	Alignment	Reduce number of zoning districts.	Look at DN districts and DC /DE district for opportunities to eliminate or combine.	Pg. 50-60	7/30/2021	Shelli	Not Started
6e	Alignment	Reduce number of zoning districts.	Determine continued need for RC2 and RC3 districts.	Pg. 50-60	7/30/2021	Shelli	Not Started
7a	Alignment	Align zoning districts with Community Plan.	Revise Agriculture land use since it is technically being used as a holding category.	Pg. 9-10, 50-60	7/30/2021	Shelli	Not Started
7b	Alignment	Align zoning districts with Community Plan.	Revisit industrial land use/zoning categories.	Pg. 50-60	7/30/2021	Shelli	Not Started
9	Alignment	Establish a Growth Sector Overlay.	Create a “growth sector” or “transect overlay” to identify areas that transition from urban core to low-intensity residential.	Pg. 68	4/30/2021	Shelli / Tyler	In Progress
8	Alignment	Revise C-1 district.	Convert the neighborhood commercial district to a “low-intensity commercial/office district.	Pg. 50-60	7/30/2021	Shelli	Not Started
11	Alignment	Revise C-3 district.	Ensure the regulations are designed to achieve a true mixed-use district.	Pg. 50-60	7/30/2021	Shelli	Not Started

TASK LIST

Code Diagnostic Implementation

Proj. No.	Category	Project Title	Task Descriptions	Page in Code Diagnostic	Target Date	Responsibility	Status
7d	Alignment	Align zoning districts with Community Plan.	Provide a document to correlate the land use classifications with the zoning districts.	Pg. 50-60	3/31/2021	Shelli	In Progress
5a	Alignment	Maintain updated Future Land Use Map.	Bring Future Land Use Map up-to-date, consistent with rezonings.	N/A	4/30/2021	Tyler	In Progress
5b	Alignment	Maintain updated Future Land Use Map.	Establish a process of keeping the Future Land Use Plan updated with rezoning activity.	N/A	4/30/2021	Shelli	In Progress
6a	Alignment	Reduce number of zoning districts.	Combine R-3 and R-4 into a Multi-family District.	Pg. 50-60	3/31/2021	Shelli	In Progress
6c	Alignment	Reduce number of zoning districts.	Determine continued need for DN-1 - or revised bulk and area regulations.	Pg. 50-60	5/31/2021	Shelli	In Progress
6b	Alignment	Reduce number of zoning districts.	Eliminate R-ZL - combine with R-3, or allow in other districts.	Pg. 50-60	5/31/2021	Shelli	Not Started
12a	Clean-up	Clean-up definitions.	Clarify specified definitions. (See pg 39 & 40 for list.)Align zoning and development definitions.	Pg. 39-40	5/31/2021	Shelli	Not Started
12b	Clean-up	Clean-up definitions.	Match DHS definitions of childcare facilities.	Pg. 21	5/31/2021	Shelli	Not Started
12c	Clean-up	Clean-up definitions.	Replace “mobile home” with “manufactured home”; auto sales.	Pg. 39-40	5/31/2021	Shelli	Not Started

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13	Clean-up	Title and name updates.	Update titles and names - ARDOT, Community Plan, Department titles, Plans, Zoning Code.	Pg. 28-29	5/31/2021	Shelli	Not Started
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8	Alignment	Revise C-1 district.	Convert the neighborhood commercial district to a “low-intensity commercial/office district.	Pg. 50-60	7/30/2021	Shelli	Not Started
11	Alignment	Revise C-3 district.	Ensure the regulations are designed to achieve a true mixed-use district.	Pg. 50-60	7/30/2021	Shelli	Not Started
28	Policy	Adopt policies.	Prepare and adopt a specific body of policies to support city plans.	Pg. 67	7/30/2021	Shelli	Not Started
16	Clean-up	Board of Adjustment responsibilities.	Limit Board of Zoning Adjustment responsibilities to those outlined in the state statute.	Pg. 27	7/30/2021	Shelli	Not Started

7c	Alignment	Align zoning districts with Community Plan.	Establish zoning districts for land use categories: public, open space, transportation and utilities.	Pg. 16	QTR 3 2021	Shelli	Not Started
4	Legal Review	A.C. A § 14-56-422 (5) Compliance .	A.C.A §14-56-422 (5): Check for compliance with plan adoption process.	Pg. 20-24	6/30/2021	Camille / Steve	Not Started
3	Legal Review	A.C.A. 14-17-208 Compliance.	Confirm compliance with planning area jurisdictions.	Pg. 20-24	6/30/2021	Camille / Steve	Not Started
1a	Legal Review	Act 446 of 2019 Compliance.	Sec. 1100.22 Downtown Neighborhood (DN) districts design standards.	Pg. 20-24	6/30/2021	Camille / Steve	Not Started
1b	Legal Review	Act 446 of 2019 Compliance.	Design requirements for ADUs relative to the provisions of Act 446 of 2019 beginning with A.C.A § 14-17-212.	Pg. 20-24	6/30/2021	Camille / Steve	Not Started
2	Legal Review	Trail requirements per SCOTUS rulings.	Sec. 1100.18 Trail requirements and standards. Recommend a legal analysis of this with regard to SCOTUS rulings.	Pg. 20-24	6/30/2021	Camille / Steve	Not Started
20a	Regulatory	Revise PUD regulations.	Revise the PUD regulations to allow smaller minimum areas size.	Pg. 13, 61-64	QTR 3 2021	Shelli	Not Started
20c	Regulatory	Revise PUD regulations.	Eliminate unnecessary public hearings.	Pg. 61-64	QTR 3 2021	Shelli	Not Started
10	Alignment	Planned Infill District.	Consider an additional PUD classification for infill development.	Pg. 50-60	QTR 3 2021	Shelli	Not Started
20b	Regulatory	Revise PUD regulations.	Reconsider the open space requirements for PUD's and correlate with Parks Master Plan.	Pg. 61-64	QTR 3 2021	Shelli	Not Started
22a	Regulatory	Improve parking requirements.	Develop criteria for parking waivers.	Pg. 30	QTR 3 2021	Shelli	Not Started
22b	Regulatory	Improve parking requirements.	Incentivize and promote shared parking.	Pg. 40	QTR 3 2021	Shelli	Not Started

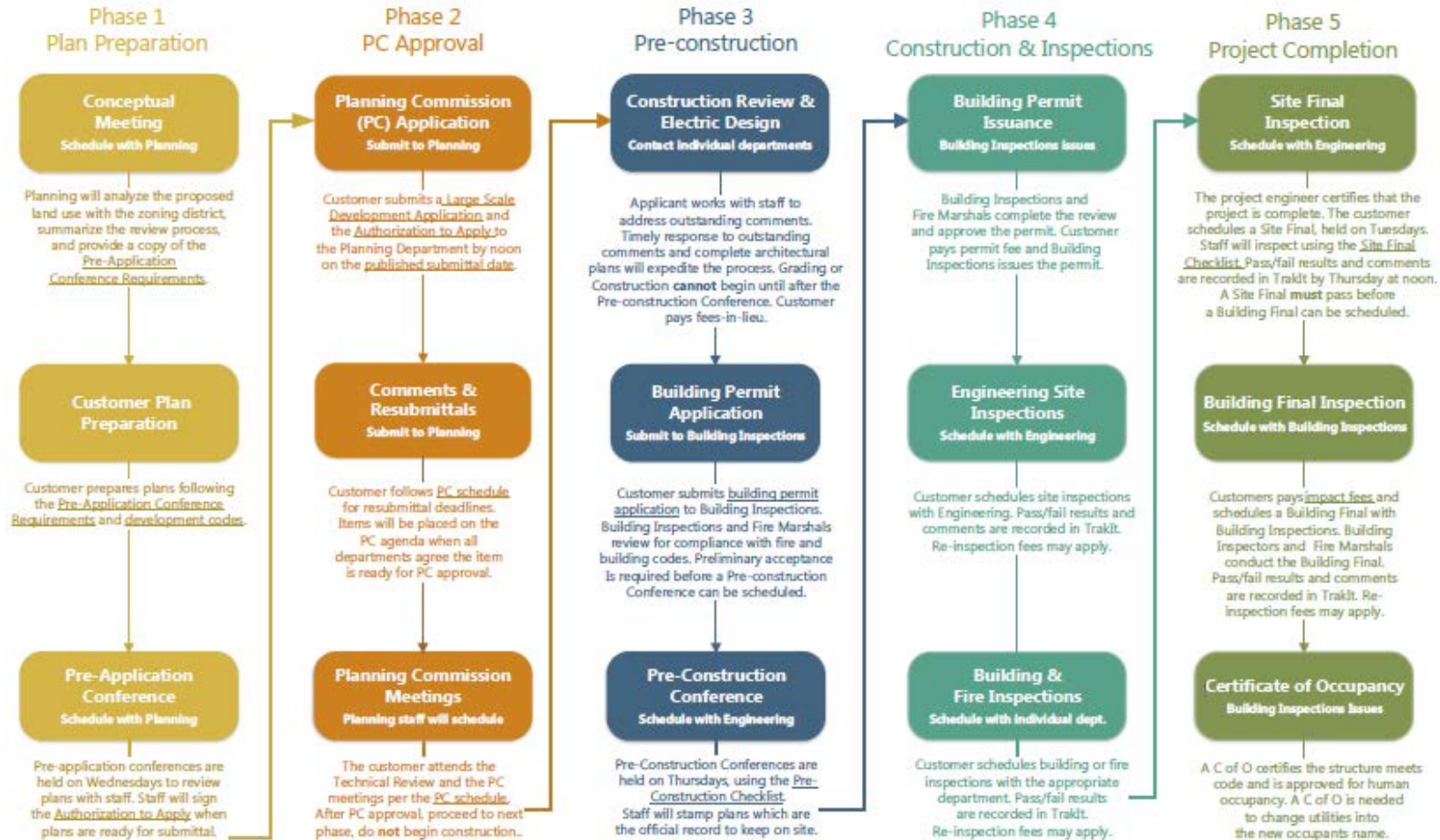
23a	Process	Improve Rezoning process.	Establish a clear process for dealing with rezone requests that do not match the city's plans.	Pg. 45	QTR 4 2021	Shelli	Not Started
23b	Process	Improve Rezoning process.	Develop higher standards for denying proposals that meet specific plan proposals.	Pg. 45	QTR 4 2021	Shelli	Not Started
23c	Process	Improve Rezoning process.	Make approvals of proposals that meet plan proposals simpler.	Pg. 45	QTR 4 2021	Shelli	Not Started
26	Process	Ordinance review committee.	Establish a review committee to discuss ordinances.	Pg. 68	QTR 4 2021	Shelli	Not Started
33	Policy	Promote benefits of housing variety.	In support of plan elements, share the benefits of housing variety on other community factors, ie transportation.	Pg. 42-45	QTR 4 2021	Shelli	Not Started
21	Regulatory	Codify annexation process.	Codify the annexation process consistent with state statutes.	N/A	QTR 4 2021	Shelli	Not Started
19	Regulatory	Review Home Occupation regulations.	Review to allow for work/live spaces, arts production studios/gallery and display spaces.	Pg. 15	QTR 4 2021	Danielle	Not Started
25	Process	Conditional use approvals.	Review process for conditional uses.	Pg. 68	QTR 4 2021	Shelli	Not Started
32	Policy	Higher densities for affordable housing.	Promote the inclusion of higher densities to promote affordable housing with innovative regulations.	Pg. 42-45	QTR 1 2022	Shelli	Not Started
30	Policy	Include transportation in all plans.	Include all forms of transportation in plan formations.	Pg. 19	Ongoing	Dennis	Not Started
34	Policy	Interdepartmental communications.	Promote lateral communication among city departments.	Pg. 36	Ongoing	City Staff	Not Started
29	Policy	Prioritize infrastructure.	Prioritize new infrastructure development in areas easily linked to existing systems.	Pg. 18	Ongoing	City Council	Not Started

31	Policy	Promote community plan.	Promote the value of following the Community Plan.	Pg. 73	Ongoing	Shelli	Not Started
35	Policy	Regional communications.	Promote lateral communication among other cities in the region.	Pg. 73	Ongoing	Shelli	Not Started
27	Process	Development approvals.	Streamline the process of development approvals where possible.	Pg. 68	QTR 1 2022	Shelli	Not Started
24	Process	Final plat approvals.	Review process for approving final plats.	Pg. 17, 68	QTR 1 2022	Shelli	Not Started
37	Policy	Growth sector/transect guide.	Develop a growth sector/transect to guide establish a transition from highly urbanized to semi-rural land development patterns.	Pg. 73	QTR 1 2022	Shelli	Not Started
17	Regulatory	Address short-term rentals.	Develop regulations governing short-term rentals.	Pg. 45-50	On hold	Shelli	In Progress
18	Regulatory	Small Cell Wireless Regulations	Include a section on location of small-cell towers and dealing with abandoned ones.	Pg. 21	QTR 1 2022	Shelli	Not Started
36	Policy	Plan evaluation.	Revisit and improve plan proposals that are not working.		QTR 1 2022	Shelli	Not Started
22c	Regulatory	Improve parking requirements.	Consider eliminating free downtown parking.	Pg. 40	QTR 1 2022	Shelli	Not Started
15	Clean-up	Provide more illustrations.	Talk with Jeff Runder of Metroplan.	Pg. 37	QTR 1 2022	Shelli	Not Started

5. Finding Information

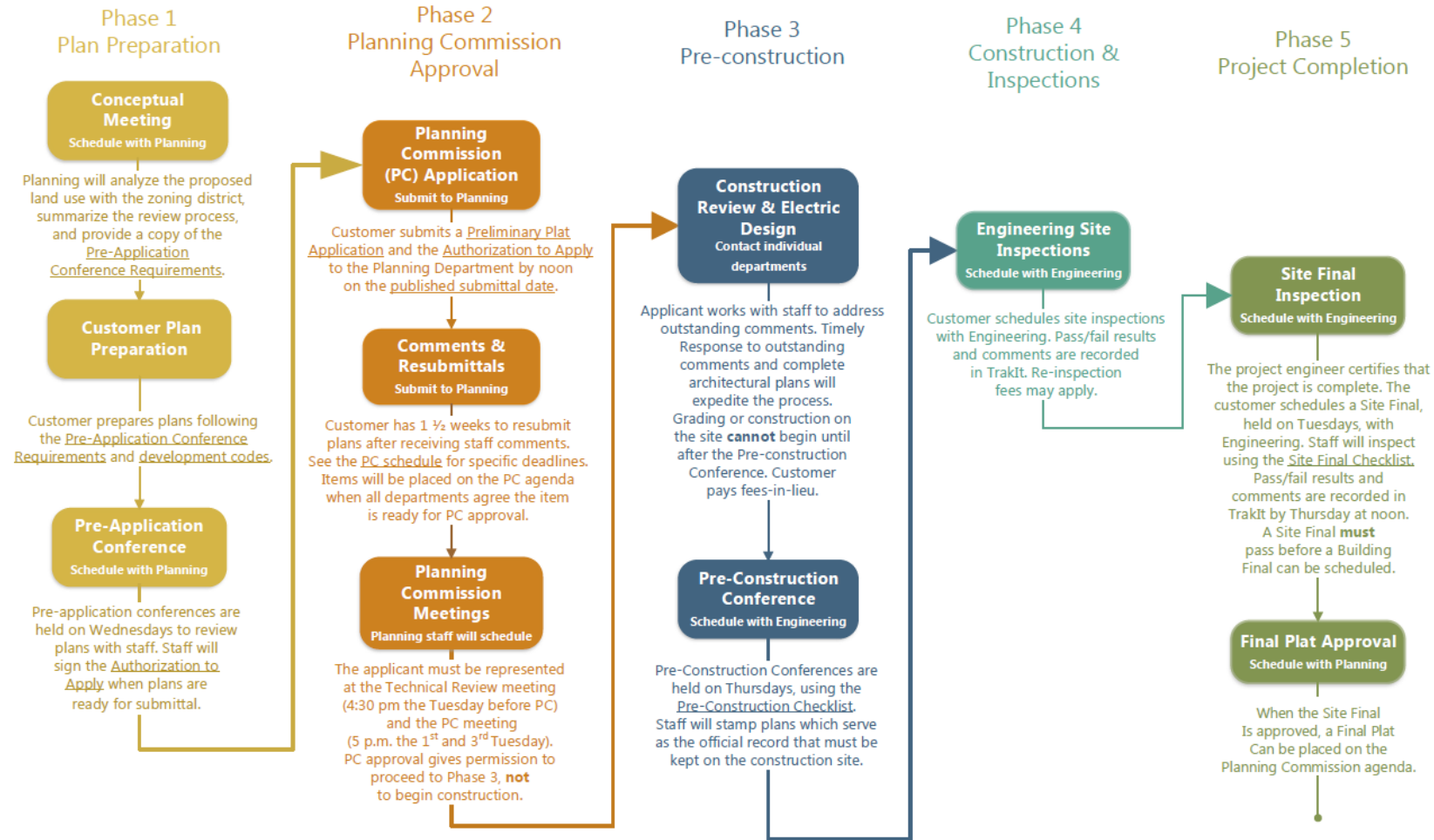
- Online Resource Page: <http://www.bentonvillear.com/189/Resources>
 - Large Scale Development
 - Preliminary Plat Review Process
 - Land Use Classification Descriptions
 - Zoning District Informational Sheets
- Planning Commission Meeting Recordings
- Staff Recommendations and Planning Commission Decisions

LARGE SCALE DEVELOPMENT PROCESS



<http://www.bentonvillear.com/957/Large-Scale-Development-Process>

PRELIMINARY PLAT PROCESS



<http://www.bentonvillear.com/958/Preliminary-Plat-Process>

Land Use Classifications

General Commercial

Future Land Use Plan Category Description

Res. No. 10-23-18A

Description

General commercial areas include uses that serve both nearby residents and those coming from other parts of the city or region. Appropriate uses in these areas include retail, restaurants, services, and offices. Vertical mixed-use developments are encouraged, but are not as high a priority as in mixed-use or downtown commercial areas. General commercial uses should balance access between pedestrians and vehicles, though the impacts of parking should be minimized through site design and landscaping.



Mixed-Use Commercial

Future Land Use Plan Category Description

Res. No. 10-23-18A

Description

Mixed-use commercial areas include uses that provide goods and services to nearby residents. Local retail, day-to-day services, and small offices are appropriate in these areas. Vertical mixed-use developments are encouraged in mixed-use commercial areas, with upper floors including offices, services, or residential uses. Parking may be more prominent in these areas than in Downtown commercial areas, but should be sited and designed to not be detrimental to the character of the area.



Light Industrial

Future Land Use Plan Category Description

Res. No. 10-23-18A

Description

Light industrial areas include low-impact manufacturing and assembly, large-scale storage, distribution, and warehousing facilities. Light industrial activities are typically characterized as having little or no environmental impact on surrounding properties.



Heavy Industrial

Future Land Use Plan Category Description

Res. No. 10-23-18A

Description

Heavy industrial areas include manufacturing, processing, or salvage activities that typically have significant environmental impacts (such as noise, odor, vibration, etc.) on surrounding properties.



<http://www.bentonvillear.com/DocumentCenter/View/5588/Land-Use-Categories>

Zoning District Regulations

ZONING DISTRICTS

The informational sheets for the zoning districts below are provided for informational purposes only. The most recent ordinance shall prevail.

Agricultural

- [A-1 Agriculture](#)

Residential

- [R-E Residential Estate](#)
- [R-1 Single Family Residential](#)
- [R-2 Duplex and Patio Home Residential](#)
- [R-3 Medium Density Residential](#)
- [R-4 High Density Residential](#)
- [R-ZL Zero Lot Line Residential](#)
- [R-C2 Central Residential Mod Density](#)
- [R-C3 Central Residential High Density](#)
- [R-MH Manufactured Home Residential](#)
- [RO Residential Office](#)
- [DN-1, Downtown Low Density Residential](#)
- [DN-2, Downtown Medium Density Residential](#)
- [DN-3, Downtown High Density Residential](#)
- [DN-4, Downtown Mixed-Use Residential](#)
- [Planned Residential Development \(PRD\)](#)

Commercial

- [C-1 Neighborhood Commercial](#)
- [C-2 General Commercial](#)
- [C-3 Mixed-Use Commercial](#)
- [DC Downtown Core](#)
- [DE Downtown Edge](#)
- [Planned Unit Development \(PUD\)](#)

Disclaimer: FOR INFORMATIONAL PURPOSES ONLY.

In cases of discrepancy between the information presented here and a city ordinance, the city ordinance will prevail.

R-1, Single Family Residential



The R-1 District serves low density developments in which housing is generally of the highest value and where strict separation of land uses is desired. Since R-1 Districts are separated from all commercial and industrial activity, access to connecting traffic arteries is essential.

Maximum Height Allowed: 36 feet

Minimum Street Frontage: Equal to min. lot width required at building line, except for lots fronting on cul-de-sac turnarounds and on curving street frontages, which must have no less than 20 ft. of street frontage with the two side lots lines intersecting the street diverging until they are separated by the min. required lot width at the building line.

Minimum Width of Corner Lots: 75 ft. at building line.

Lot and Area Standards:

District	Building type	Min. lot area (sq. ft.)	Min. land area / dwelling unit (sq. ft.)	Min. lot width	Max. lot coverage	
					Interior lot	Exterior lot
R-1	All	6,000	-	60'	40%	45%

Minimum Setback Standards:

District	Building type	Front	Side		Rear
			Interior	Exterior	
R-1	All	20'	7'	20'	25'

Where a utility easement extends beyond the required setback, the edge of the utility easement shall be the setback.

<http://www.bentonvillear.com/1002/Zoning-Districts>

<http://www.bentonvillear.com/DocumentCenter/View/5604/Zoning-District-Guidebook>

Staff Recommendations and Planning Commission Decisions

REZONING STAFF REPORT



Westpark Properties, LLC

408 S Main Street

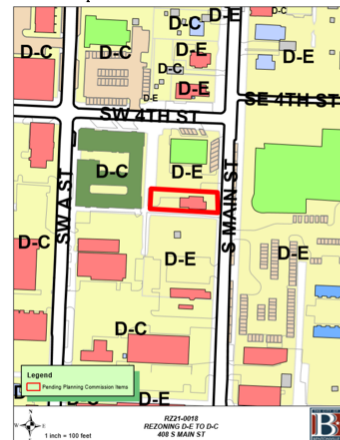
PC Date: 4/6/2021

Reviewer: Elizabeth Johnson, Senior Planner, AICP

Project Number	RZ21-0018
Applicant / Current Owner	Westpark Properties, LLC
Site Area	+/- 0.19 acres
Current Zoning	DE, Downtown Edge
Requested Zoning	DC, Downtown Core
Future Land Use Map Designation	Downtown Commercial (DT)

<https://arcg.is/08HvK8>

Location Map



Property Description

This property is located at 408 S Main Street, north of Train Station Park. Surrounding zoning districts are DE, Downtown Edge to the north, east, and south, and D-C, Downtown Core to the west.

Relationship to the Bentonville Community Plan

The Future Land Use Plan currently depicts this property as Downtown Commercial. Downtown Commercial areas include traditional mixed-use developments with a focus on design, character, and pedestrian access. Ground floor uses should capitalize on pedestrian traffic and support street life with uses such as restaurants, retail, and services that create frequent patron traffic. Upper-floor uses could include offices, services not reliant on ground-floor visibility, and residential uses.

The property is within Priority Area 1, Downtown Intensification, as identified in Chapter 4 of the Land Use Plan. This area highlights reinvestment in urban neighborhoods in and around Downtown Bentonville (pg. 44).

The Bentonville Community Plan designates this Downtown Bentonville Character Area as part of the South Gateway. This encourages continued support of S Main as a secondary entry to Downtown, with a mix of commercial, public, and residential uses.

Public Comment

Staff has not received public comment regarding this request.

Analysis

The purpose of the Downtown Core zoning district is to maintain and expand the pedestrian oriented character of the town square. According to the applicant's narrative, the intent of the requested rezoning is to develop a project that would provide amenities to the public using the Downtown Trail, Train Station Park and the Library. A rezone to DC is compatible with this area being part of the South Gateway Downtown Character Area Plan.

Conclusion

The Future Land Use Plan, the South Gateway Downtown Character Area Plan, and surrounding land uses all support the rezoning request.

Staff recommends approval of the rezoning request.

Rezoning: Westpark Properties, LLC, 408 S Main Street, From DE, Downtown Edge to DC, Downtown Core

The Planning Commission voted 6-0, recommending approval.

The Future Land Use Plan currently depicts this property as Downtown Commercial. Downtown Commercial areas include traditional mixed-use developments with a focus on design, character, and pedestrian access. Ground floor uses should capitalize on pedestrian traffic and support street life with uses such as restaurants, retail, and services that create frequent patron traffic. Upper-floor uses could include offices, services not reliant on ground-floor visibility, and residential uses.

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Planning Staff can send a link to the Zoom recording of the Planning Commission meeting the Wednesday after the meeting.