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 Community Development Building 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.

Planning Commission
Meeting Agenda
May 4, 2021

Registration Link: https://us02web.zoom.us/webinar/register/WN_weSfmlOFSsuJ0AnpCVvPKQ

I. Call to Order

II. Approval of the April 20 Meeting Minutes

III. Consent Agenda

1. **Lots 1 & 2 Bennett Addition** — **Property Line Adjustment**
   508 & 510 SW O Street *(PLA21-0015)*

IV. Old Business

1. **Bentonville Planning Commission** — **General Plan Amendment***
   Medium-Density Residential to Low-Density Residential
   SW D Street *(GPA21-0001)*

2. **Bentonville Planning Commission** — **General Plan Amendment***
   Medium-Density Residential to Low-Density Residential
   SW E Street *(GPA21-0001)*

To see a full list of all pending Planning Commission items, please visit: https://arcg.is/08HvK8

V. New Business

1. **Pinnacle Villas, LLC** **Rezoning***
   R-1, Single-Family Residential to DN-3, Downtown High-Density Residential
   1004 SE 3rd *(RZ21-0024)*

2. **00028 Banks Addition** **Rezoning***
   R-1, Single-Family Residential to DE, Downtown Edge
   110 SE 13th Street *(RZ21-0025)*

3. **Take 5 Oil Change** **Large-Scale Development**
   3500 SW I Street *(LSD21-0013)*

4. **The Station Phase 1** **Large Scale Development**
   3000 & 3002 SE 14th Street *(LSD21-0018)*

5. **708 SE B Street** **Waiver**
   1100.01.f, Sight Distance at Driveways and Intersections
   708 SE B Street *(WAV21-0009)*

VI. Other Business

To see a full list of all pending Planning Commission items, please visit: https://arcg.is/08HvK8

Planning Commission Special Meeting
Minutes
April 20, 2021

Meeting called to order at 4:00 p.m. by Dana Davis, Chairman. Meeting was held at the Bentonville Community Center and via Zoom video conference.

Present: Dana Davis, Joe Haynie, Eric Hipp, Elaine Kerr, Rod Sanders, Reggie Wright, and Richard Binns
Staff: Ellen Norvell, Shelli Kerr, Tyler Overstreet, Jon Stanley, and Elizabeth Johnson

Motion by Mrs. Kerr, seconded by Mr. Hipp to approve the minutes of April 6, 2021.
Approved 7-0

Consent Agenda

1. Lots 11 and 12, Osage Hills Subdivision: Brookside Road and Ginn Road, PLA20-0068
2. Lots 14 and 15 Bentonville Plaza Addition: 609 SW 8th Street, LS21-0012
3. Lot28, Huffman's Addition: 502 NW 3rd Street, LS21-0015

Approved 7-0

New Business

Item #1
Resolution to adopt the Future Land Use Map and Zoning District alignment policy
Tyler Overstreet reads the staff report.
Opened public hearing
No public comments
Closed public hearing
There is a discussion month the Commissioners and Staff.
Approved 7-0

Resolution to amend the Future Land Use Map to update it based on rezonings that have occurred since it was adopted in 2018
Tyler Overstreet reads the staff report.
Opened public hearing
No public comments
Closed public hearing
There is a discussion month the Commissioners and Staff.
Approved 7-0

Ordinance requiring a Future Land Use Map amendment when a rezoning is inconsistent with the Future land Use Map
Tyler Overstreet reads the staff report.
Opened public hearing
No public comments
Closed public hearing
There is a discussion month the Commissioners and Staff.
Approved 7-0

Item #2 – Amendment to remove DC and DE Street Standards
Shelli Kerr reads the staff report
Opened public hearing
No public comments
Closed public hearing
There is a discussion month the Commissioners and Staff.
Approved 7-0

Item #3
Pinnacle Villas, LLC, R-1, Single-Family Residential to DN-2, Downtown Medium-Density Residential, SW 3rd Street and SW E Street, RZ20-0060
Tyler Overstreet reads the staff report
Andy Johnson, 305 SW E Street, spoke their concerns.
Johnathon Atwell, 217 SW E Street, spoke their concerns.
David Brittain, 307 SW E Street, spoke their concerns.
Bobby Carlson, 408 SW E Street, spoke their concerns.
Brian Johnson, 405 SW E Street, spoke their concerns.
Closed public hearing
Will Kelstrom, the representative, is available to speak.
There is discussion amongst staff and Commissioners.
The applicant requested to table the item until the May 18th meeting.
Tabled 7-0

Item #4
J Street Apartments, C-2, General Commercial; to R-4, High Density Residential, 3110 SE J Street, RZ21-0023
Tyler Overstreet announces that the applicant has withdrawn their request as the property was previously rezoned to C-2, General Commercial.

Item #13
Coler Grove, Conditional Use Temporary Parking, 2500 NW Grove Lane, CU21-0005
Tyler Overstreet reads the staff report.
Opened public hearing
No public Comments
Closed public hearing
Yume Rudzinski, the applicant, is available to speak.
Board agree to approve the item on with the understanding that the applicant only utilizes a maximum of three parking spaces.
Approved 7-0

Other Business

Motion by Mr. Binns, seconded by Mr. Haynie to adjourn.
Meeting adjourned

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

Consent Agenda Items

For Planning Commission meeting of May 4, 2021

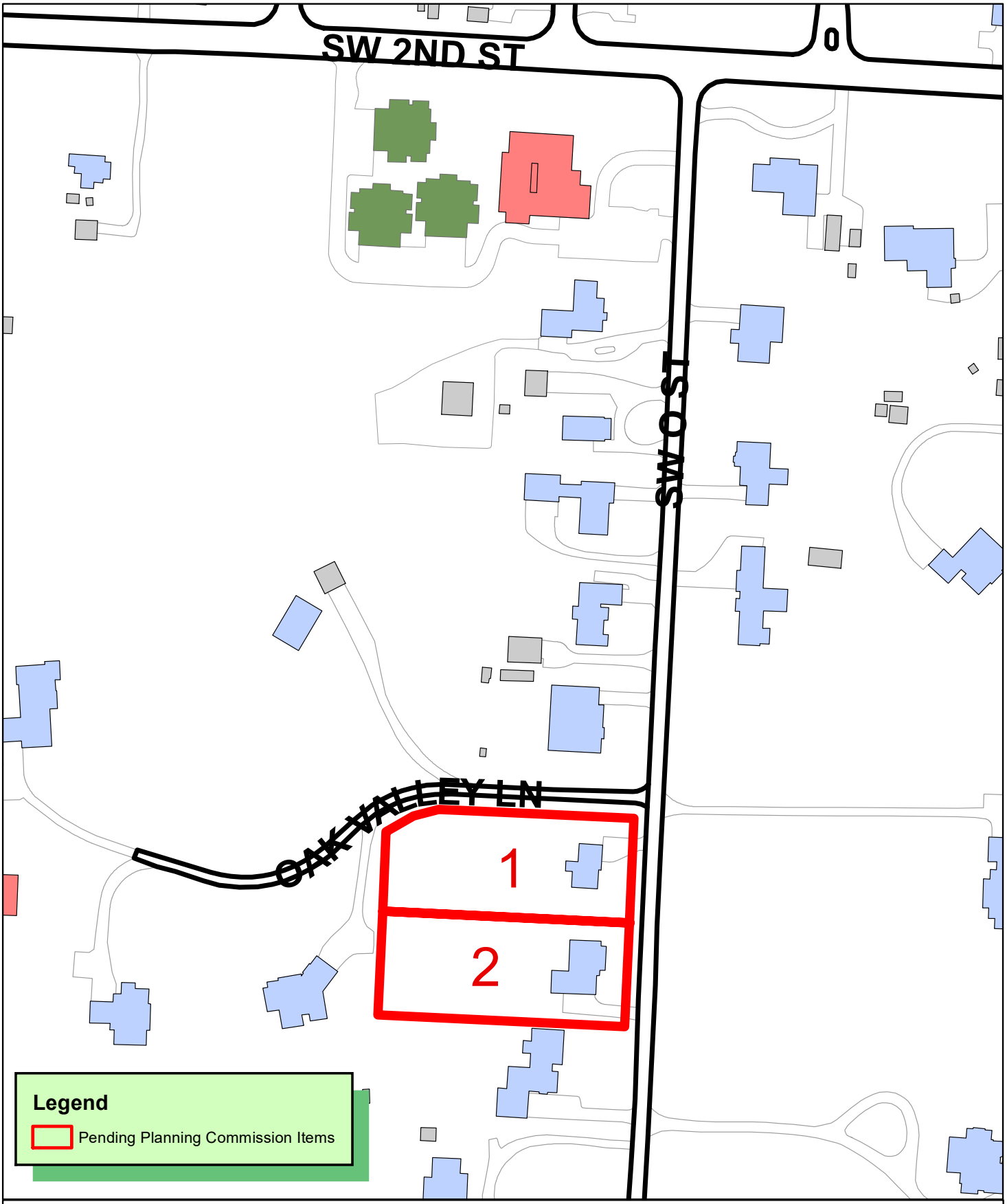
Reviewer: Tyler Overstreet, AICP, Planning Services Manager

- At the Technical Review meeting held on April 27, 2021 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: Lots 1 and 2, Bennett Addition, Bennett, 508 and 510 SW O Street, R-1, Single-Family Residential, *PLA21-0015*

A property line adjustment of existing Lot 3 of Country Estates and Lot 2 Hunt-Bennett Addition, creating new Lots 1, (+/-0.88 acres) and Lot 2, (+/-0.90 acres) of Bennett Addition. Per the requirements of the Master Street Plan, right-of-way is adequate along SW O Street. Oak Valley Lane to the north is a private drive. The plat dedicates a 10' wide utility easement adjacent to SW O Street to serve the lot with public utilities.

(Please click on this link to access the vicinity map for this item: https://arcg.is/08HvK8)



PLA21-0015
PROPERTY LINE ADJUSTMENT
508-510 SW O ST

BENNETT ADDITION LOTS 1 & 2

PROPERTY LINE ADJUSTMENT FOR LOT 3 OF COUNTRY WEST ESTATES SUBDIVISION & LOT 2 OF HUNT BENNETT ADDITION, CREATING BENNETT ADDITION - LOTS 1 & 2, BENTONVILLE, BENTON COUNTY, ARKANSAS

CERTIFICATE OF OWNERSHIP

We the undersigned, owners of the real estate shown and described herein, do hereby certify that we have laid off, platted, and subdivided and do hereby lay off, plat, subdivide said real estate in accordance with this plat and do hereby dedicate to the use of the public the streets, alleys, drives, easements, etc. as shown on said plat.

Date of Execution: _____

Owner Name : _____

Signed : _____

Owner Name : _____

Signed : _____

Source of Title: D.R. _____

Page _____

CERTIFICATE OF APPROVAL

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

Date of Execution: _____

Signed: _____
Community Development Director

CERTIFICATE OF SURVEYING ACCURACY

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

Date of Execution: _____

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

TOTAL ACREAGE: 1.78 ACRES
(77,534.42 SQ. FT.)

NOTES:

BEFORE ANY WORK IN THE RIGHT-OF-WAY COMMENCES, CONTRACTOR AND OR OWNER IS TO OBTAIN RIGHT-OF-WAY PERMIT FROM THE CITY OF BENTONVILLE TRANSPROTATION DEPARTMENT.

THERE MAY NOT BE FENCES OR ANY OTHER STRUCTURES BUILT IN ANY DRAINAGE EASEMENTS.

SIDEWALKS SHALL BE THE RESPONSIBILITY OF THE BUILDER/OWNER AT TIME OF BUILDING PERMIT ISSUANCE.

OWNER/DEVELOPER SHALL COORDINATE WITH ALL LOCAL UTILITIES TO INSURE THAT EACH LOT HAS WATER, SEWER AND ELECTRIC SERVICE.

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

BEUD'S STANDARD PRACTICE IS TO PLACE UNDERGROUND EQUIPMENT (TRANSFORMERS, SECONDARY PEDESTALS, JUNCTION BOXES, ETC) ON THE LOT LINE OF A DEVELOPMENT. ANY ADJUSTMENTS TO THE PROPERTY LINE THAT RESULT IN OUR EQUIPMENT NOT BEING ON THE LOT LINE WILL REQUIRE THE DEVELOPER TO PAY FOR THE COST OF BEUD TO RELOCATE THE EQUIPMENT TO THE LOT LINE.

IT IS THE RESPONSIBILITY OF THE DEVELOPER TO COORDINATES WITH THE NEW SERVICE COORDINATOR @ 479 271-3139 TO DETERMINE IF EQUIPMENT IS IN CONFLICT.

IT IS THE RESPONSIBILTY OF THE DEVELOPER TO PAY FOR ANY COST ASSOCIATED WITH LOSS OF EQUIPMENT (WIRE & ELBOWS) AND LABOR AND MATERIAL TO MOVE THE EQUIPMENT TO THE NEW LOT LINE.

Satterfield Land Surveyors P.A., Copyright 2021

This plat is copyright material and is provided solely for the use of the person(s) named on this plat and may not be used or distributed to any other person(s) or company for their benefit. No license has been created, expressed or implied to copy the survey without the written consent of Satterfield Land Surveyors, P.A.. No one including the person(s) named, may reproduce this plat. Only authentic copies that appear with the surveyor's seal in red may be used. Any copies used without this red seal are considered unauthorized copies and are considered a copyright infringement. After filing with State Surveyor's office, survey becomes public record.

PROPERTY DESCRIPTION

PARENT TRACT 1 (PARCEL: 01-04792-000)

Lot 3, Country West Estates Subdivision as recorded at Plat Bk. 6-90, City of Bentonville, Benton County, Arkansas, containing, 0.58 acres.

PARENT TRACT 2 (PARCEL: 01-10340-000)

Lot 2 of the Property Line Adjustment of Hunt Bennett Addition as recorded at Plat Bk. 2002-156, City of Bentonville, Benton County, Arkansas, containing, 1.20 acres.

LOT 1

Lot 3, Country West Estates Subdivision as recorded at Plat Bk. 6-90 and part of Lot 2 of the Property Line Adjustment of Hunt Bennett Addition as recorded at Plat Bk. 2002-156, City of Bentonville, Benton County, Arkansas, being more particularly described as follows:

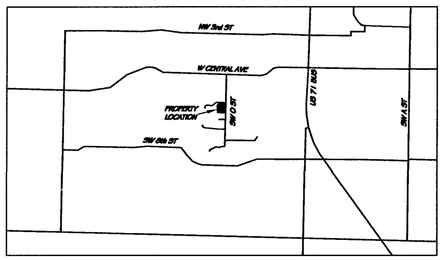
Beginning at an existing rebar marking the Southeast corner of Lot 3 of said Country West Estates Subdivision. Thence along the South line of said Lot 3, North 87 degrees 14 minutes 20 seconds West, 304.92 feet to a set rebar with cap on the West line of Lot 2 of said Hunt Bennett Addition. Thence along said West line, North 02 degrees 34 minutes 08 seconds East, 97.73 feet to an existing rebar marking the Northwest corner of said Lot 2. Thence along the North line of said Lot 2 the following bearings and distances: North 59 degrees 58 minutes 05 seconds East, 38.82 feet to an existing rebar; North 75 degrees 33 minutes 47 seconds East, 32.35 feet to an existing rebar; South 87 degrees 25 minutes 21 seconds East, 46.21 feet to a fence corner marking the Northwest corner of said Lot 3. Thence along the North line of said Lot 3, South 87 degrees 25 minutes 21 seconds East, 195.01 feet to an existing rebar marking the Northeast corner of said Lot 3, said point being on the West right of way line of SW O Street. Thence along the East line of said Lot 3, and along the West right of way line of said SW O Street, South 02 degrees 32 minutes 35 seconds West, 129.10 feet to the Point of Beginning, containing, 0.88 acres, and subject to any easements of record.

LOT 2

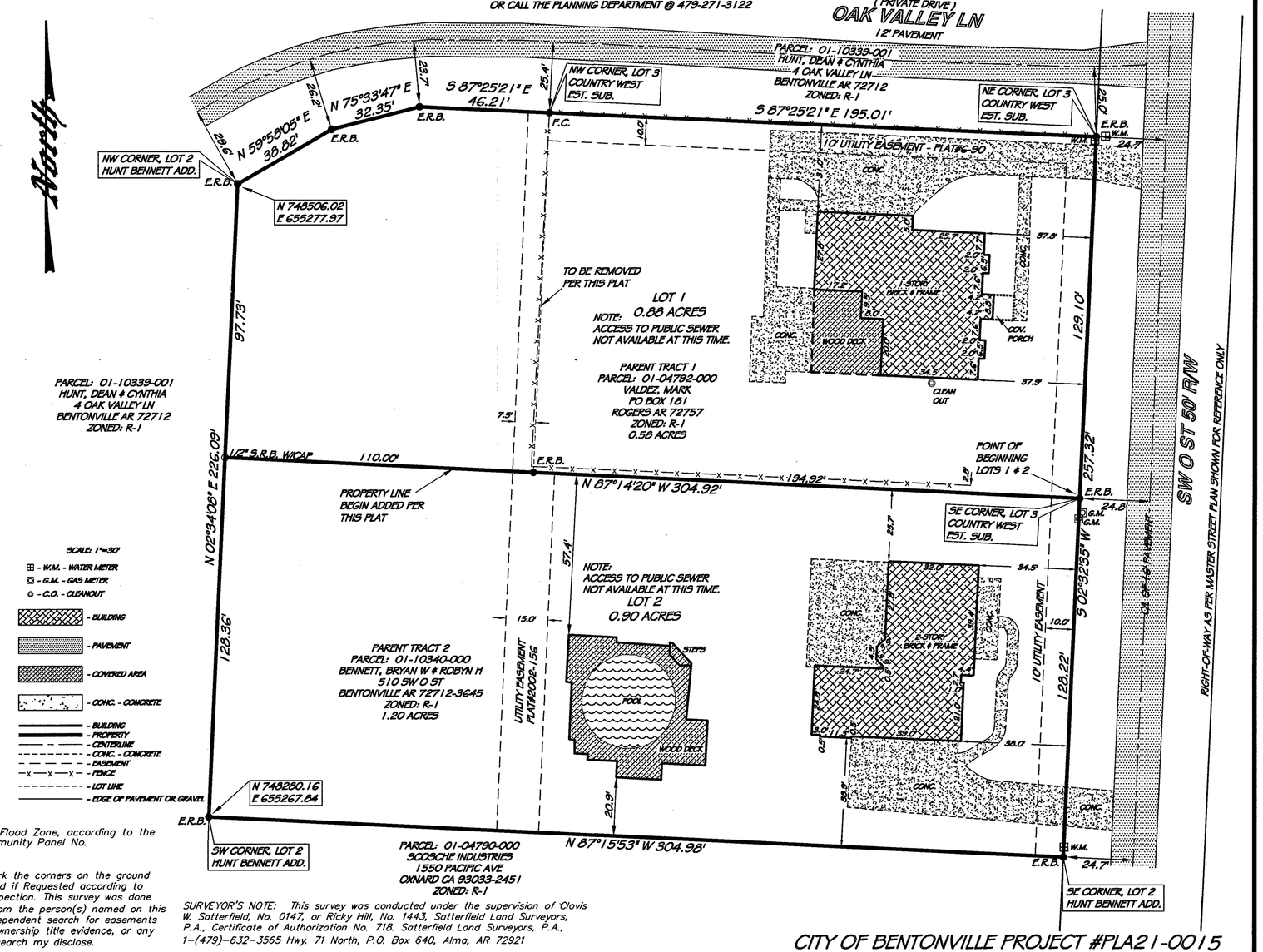
Part of Lot 2 of the Property Line Adjustment of Hunt Bennett Addition as recorded at Plat Bk. 2002-156, City of Bentonville, Benton County, Arkansas, being more particularly described as follows:

Beginning at an existing rebar marking the Southeast corner of Lot 3 of said Country West Estates Subdivision, said point being on the West right of way line of SW O Street. Thence along the East line of said Lot 2 and along the West right of way line of said SW O Street, South 02 degrees 32 minutes 35 seconds West, 128.22 feet to a set rebar with cap marking the Southeast corner of said Lot 2. Thence leaving said West right of way line, and along the South line of said Lot 2, North 87 degrees 15 minutes 53 seconds West, 304.98 feet to an existing rebar marking the Southwest corner of said Lot 2. Thence along the East line of said Lot 2, North 02 degrees 34 minutes 08 seconds East, 128.36 feet to a set rebar with cap. Thence along the South line of said Lot 3, South 87 degrees 14 minutes 20 seconds East, 304.92 feet to the Point of Beginning, containing, 0.90 acres and subject to any easements of record.

VICINITY MAP - NOT TO SCALE



NOTE:
SETBACKS SHALL BE PER THE CURRENT ZONING DISTRICT AS STATED IN THE MOST RECENT CITY OF BENTONVILLE ZONING CODE. FOR MORE INFO VISIT www.bentonvilleplanning.com OR CALL THE PLANNING DEPARTMENT @ 479-271-3122



SCALE: 1"=30'

- W.M. - WATER METER
- G.M. - GAS METER
- C.O. - CLEANOUT
- BUILDING
- PAVEMENT
- COVERED AREA
- CONC. - CONCRETE
- BUILDING
- PROPERTY
- CENTERLINE
- CONC. - CONCRETE
- EASEMENT
- FENCE
- LOT LINE
- EDGE OF PAVEMENT OR GRAVEL

SURVEYOR: RICKY HILL
P.O. BOX 640
ALMA, AR 72921
PHONE: (479) 632-3565

This property does not lie within the 100-Year Flood Zone, according to the Flood Map for Bentonville Couty, Arkansas Community Panel No. 05007C0255K Dated: June 5, 2012.

SURVEYOR'S NOTE: This survey was done to mark the corners on the ground and to show observed structures. Utilities located if Requested according to utility company records, and or above ground inspection. This survey was done from description furnished to us or instruction from the person(s) named on this plat. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts which an accurate and current title search my disclose.

SURVEYOR'S NOTE: This survey was conducted under the supervision of Clovis W. Satterfield, No. 0147, or Ricky Hill, No. 1443, Satterfield Land Surveyors, P.A., Certificate of Authorization No. 718. Satterfield Land Surveyors, P.A., 1-(479)-632-3565 Hwy. 71 North, P.O. Box 640, Alma, AR 72921

CITY OF BENTONVILLE PROJECT #PLA21-0015

30 15 0 GRAPHIC SCALE 30 60

REFERENCE DEED

SURVEY REFERENCES

BASIS OF BEARING
ARKANSAS STATE PLANE COORDINATES GRID NORTH

REVISIONS

LEGEND

- S.R.B. = SET 1/2" REBAR W/ CAP
- S.P/K.N. = SET P/K NAIL
- S.R.R.S. = SET RAILROAD SPIKE
- S.N. = SET NAIL
- E.R.B. = EXISTING REBAR
- E.I.P. = EXISTING IRON PIN
- E.P/K.N. = EXISTING P/K NAIL
- E.N. = EXISTING NAIL
- E.R.R.S. = EXISTING RAILROAD SPIKE
- = EXISTING GOVERNMENT MONUMENT
- = EXISTING STONE
- = EXISTING STATE MONUMENT
- = EXISTING R/W MARKER
- = EXISTING FENCE
- = COMPUTED POINT
- F.C. = FENCE CORNER

SURVEYORS DISCLAIMER AND STATEMENT OF USE

This survey was conducted by the written or verbal authorization of the person named as the buyer and/or Use by as shown on this plat. No one has the authority to use the data or legal description from this survey except those named or their agents and the survey is only certified to the date shown on this plat. This plat is protected by copyright and any person other than those named using or relying upon this plat will be held responsible. Satterfield Land Surveyors, P.A. will not be responsible or have any liability to any other person or company who uses this plat without written authorization. After filing with State Surveyor's office, survey becomes public record.

CONTACT: ROBYN BENNETT
510 SW O ST
BENTONVILLE, AR 72712
PHONE: (479) 936-0155

DRAWN BY:	K.S.
SCALE:	1"=30'
DATE:	3-22-21
JOB NO.	46,119

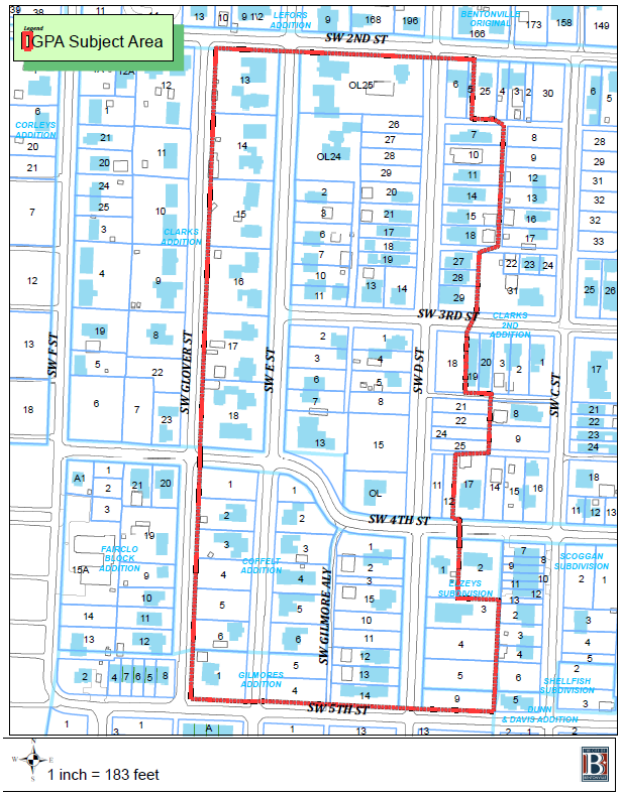
Satterfield Land Surveyors P.A.
REG. ARK. & OKLA.
1928 HWY. 71 NORTH, ALMA, ARK. - PHONE No. (479) 632-3565
FAX (479) 632-5002 - WEBSITE: http://www.slsurveying.com

SW E / SW D Study Area

PC Date: 5/4/2021

Reviewer:

Project Number	GPA21-0001
Applicant/ Current Owner	Planning Commission Request
Site Area	SW E St and SE D St, between SW 2nd St and SW 5th St
Current Zoning	R-1, Single Family Residential; RC-2, Central Residential – Moderate Density; and DN-2, Downtown Medium Density Residential
Current Future Land Use Map Designation	Medium Density Residential (MDR)
Requested Future Land Use Map Designation	Low Density Residential (LDR)



https://arcg.is/08HvK8

Request

On January 5, 2021, Planning Commission requested a land use classification change from Medium-Density Residential to Low-Density Residential for the following area:

1.) SW E Street, Central to SW 5th, both sides of the street, from 108 SW E to 524 SW E on the east side of the street and 103 SW E to 604 SW5th on the west side of the street; and,
2.) SW D Street, from SW 2nd to SW 5th Street, both sides of the street, 201 SW D to 403 SW D and 202 SW D and 448 SW D.

Study Area Description

Staff used this request to establish a study area identified as parcels adjacent to SW E and SW D Streets, from SW 2nd to SW 5th Streets. The area is approximately 27 acres (82 parcels.)

On the Future Land Use Map, most of the area is classified as Medium-Density Residential with approximately 3.5 acres classified as Low-Density Residential. The areas to the east, south, and west of the study area are classified as Medium-Density Residential and the area to the north is classified as Low-Density Residential.

Regarding zoning, the study area consists of primarily R-1, Low Density Residential zoning with several medium density districts: RC-2, Central Residential-Moderate Density (19 parcels) and DN-2, Downtown Medium Density Residential (3 parcels). Property to the south is zoned DN-2, Downtown Medium Density Residential and DE, Downtown Edge. The areas to the west, north, and east are predominantly R-1 with a few DN-2 parcels. Zoning district information sheets are attached.

Background

Downtown Zoning Study. In 2015, the city hired Houseal Lavigne Associates to conduct a Downtown Residential Zoning Study. The purpose was to develop specific downtown residential zoning categories in response to increasing development and redevelopment in the downtown area and to accommodate the need for moderate to higher residential densities. Higher densities are necessary to support an economically vibrant commercial downtown. This is listed as a top priority in the Downtown Master Plan adopted in 2004 (Downtown Master Plan, pg. 58). Providing a mixture and variety of housing types was identified as a land use policy in the 2007 General Plan Update (General Plan, 2007, Policy LU-15, pg. 10; Policy LU-23, pg. 11). And, higher densities are necessary to provide housing for the growing population, projected to be 72,463 by 2035 (Community Plan, 2015, pg. 12).

The analysis included rezoning activity, lot widths, access to existing alleys, block vacancy, and deterioration to identify areas that could accommodate higher densities.

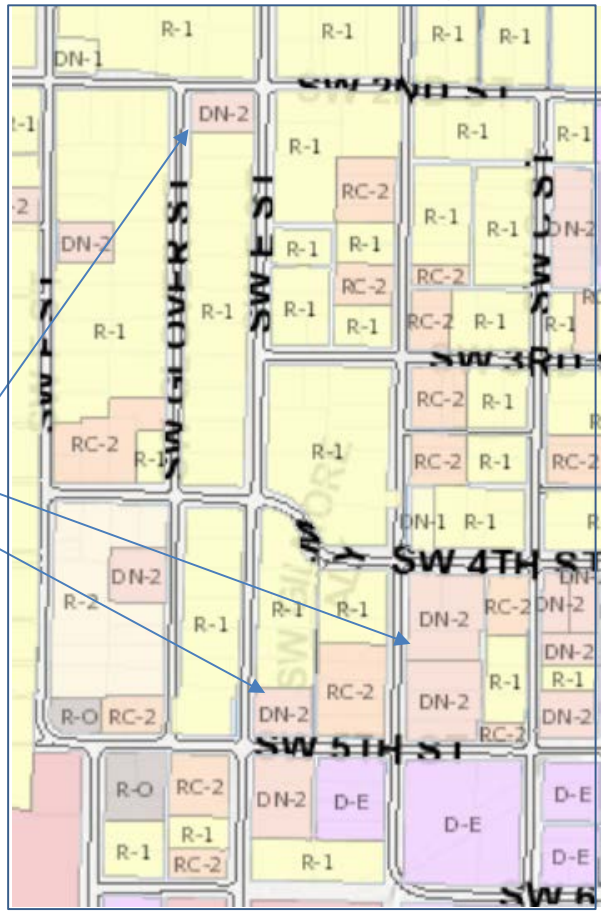
The study resulted in a proposed amendment to the existing Future Land Use Map that classified this study area as Medium-Density Residential. The process included an open house on August 31, 2016, a public hearing and approval by Planning Commission on Oct. 4, 2016 and City Council adoption on October 11, 2016 (Res. No. 10-11-16B).

This amendment carried through to the current Future Land Use Map. That adoption process included an open house on August 7, 2018, two public hearings (Oct. 2, 2018, and Oct. 16, 2018). Planning Commission approved the Community Plan and Future Land Use Map on Oct. 16, 2018 and City Council adopted them on Oct. 23, 2018 (Res. No. 10-23-18A).

Recent Zoning Activity. Since the Land Use Plan was adopted in 2018, there have been several rezoning requests within this study area:

- 202 and 204 SW E: R-1 to DN-2 (8/18/20)
- 405-407-409 SW D: R-1 to DN-2 (11/03/20)
- 524 SW 5th; 447 SW E: R-1 to DN-2 (8/20/19)

Zoning Districts



Relationship to the Community Plan

The study area is classified as Medium-Density Residential on the Future Land Use Map. This category is described in the Community Plan as "areas that include townhouse or duplex residential properties with a residential density of 8-12 units per acre."

The proposed classification is Low-Density Residential. This category is described in the Community Plan as "areas that include detached single-family residential properties with a typical density of 3-8 units per acre." The full descriptions are attached.

Land Use Descriptions

Low Density Residential

Future Land Use Plan Category Description

Res. No. 10-23-18A



Description

Low-density residential areas include detached single-family residential properties with a typical density of 3-8 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.

Medium Density Residential

Future Land Use Plan Category Description

Res. No. 10-23-18A



Description

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.

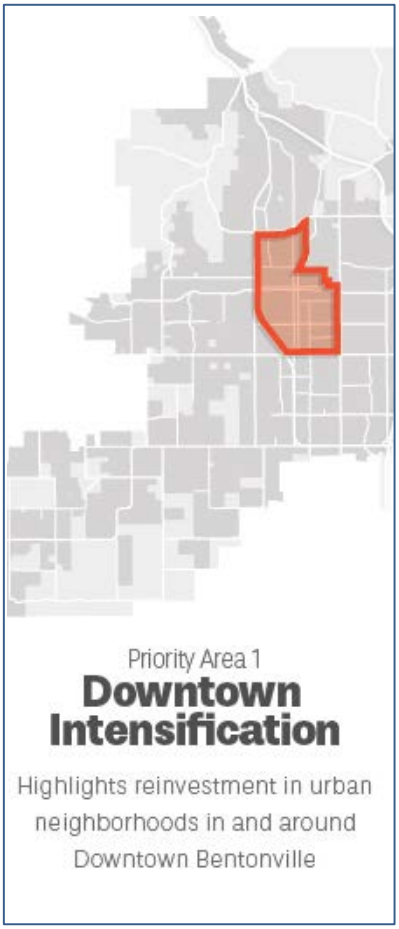
The study area is addressed in three chapters of the Community Plan: (1) Chapter 4: Land Use and Strategic Growth, (2) Chapter 5: Neighborhoods and Housing, and (3) Chapter 10: Subarea Plans.

In Chapter 4, the study area is located in Priority Area #1: Downtown Intensification (pg. 46-47). This is an area of infill redevelopment with future land use classifications established to accommodate anticipated growth over the next 20 years by increasing the population and housing in this area.

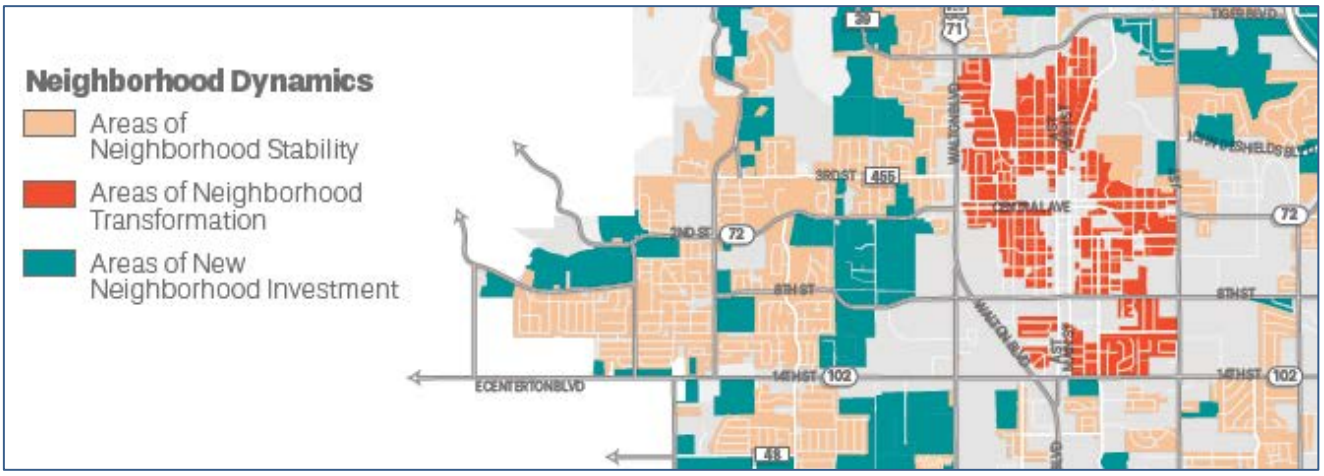
In Chapter 5, a significant portion of the study area is identified as an area of Neighborhood Transformation (pg. 54). These are described as existing neighborhoods experiencing redevelopment due to several factors, including the age and condition of housing, proximity to other amenities, or the costs of land. The goals of this area are to support housing variety, increase residential density, and utilize alleys and utility corridors.

In Chapter 10, the study area is part of the Downtown Neighborhood Subarea Plan (pg. 135-142). This study area includes both lower and higher density recommendations. A portion from SW E Street to the west is shown as a Residential Preservation Area where redevelopment and subdivision into higher residential densities is not anticipated. The area from SW E Street to the east is designated as an Area of Potential Change described as a transitional residential area accommodating a higher density and mix of residential uses due to its proximity to new institutional and cultural development.

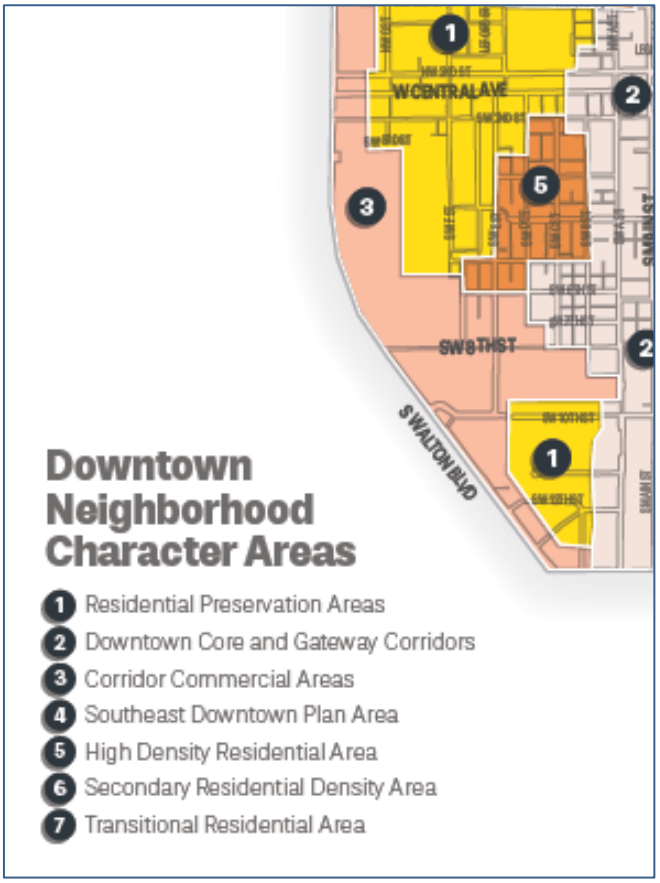
From Ch. 4 Land Use



From Ch. 5 Neighborhoods



From Ch. 10 Subarea Plans



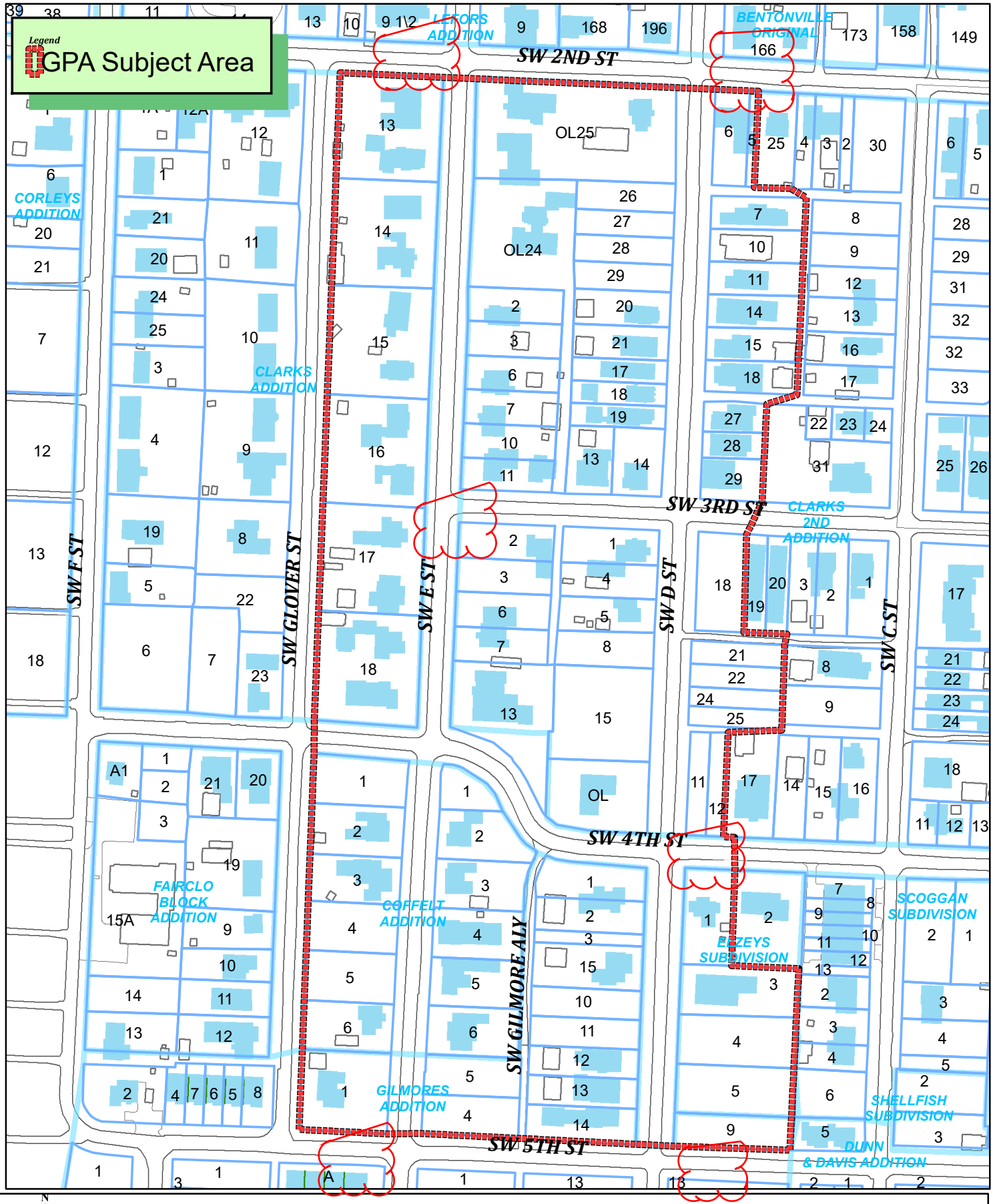
Projected Traffic Impact

Amending the land use in this area from Medium-Density Residential to Low-Density Residential should not impact traffic in the area.

Analysis

Portions of the study area have remained single family residential. And, the area west of SW E Street is identified as an area of stability. Should Planning Commission pursue a reclassification of this area to low-density residential, the west side of SW E Street is supported by the policies of the Community Plan.

Recent rezonings to DN-2 on either end of the study area and the numerous RC-2 zonings on SW D Street suggest support for Medium-Density Residential development in this area.


Legend
GPA Subject Area
SW 2ND ST
SW 3RD ST
SW 4TH ST
SW 5TH ST
SW F ST
SW GLOVER ST
SW E ST
SW D ST
SW C ST
SW GILMORE ALY
LEFORS ADDITION
BENTONVILLE ORIGINAL
CORLEYS ADDITION
CLARKS ADDITION
CLARKS 2ND ADDITION
FAIRCLO BLOCK ADDITION
COFFELT ADDITION
GILMORES ADDITION
EZEYS SUBDIVISION
SCOGGAN SUBDIVISION
SHELLFISH SUBDIVISION
DUNN & DAVIS ADDITION
OL25
OL24
OL
N
W
E
S
1 inch = 183 feet

NOTICE OF GENERAL PLAN AMENDMENT

Members of the Planning Commission have requested to amend the Future Land Use Map from Medium Density Residential to Low Density Residential. The legal description of the property is as follows:

See Attached Legal Description and Vicinity Map

The common description of the property is:

The area consists of parcels adjacent to SW E Street and SW D Street, between SW 2nd Street and SW 5th Street

The public hearing will be held February 16, 2021 at 4:00 p.m. It will be held at the Bentonville Community Center, 1101 SW Citizens Circle.

If you wish to express any comments about the requested General Plan Amendment, you may respond by the following methods:

1. Attend the public hearing and express your views. You can attend in person or virtually. *(If you would like to virtually participate in the public hearing, please email planning@bentonvillear.com no later than 2pm on February 16, 2021 to register.)*
2. Express your opinion in writing to the Planning Commission. You may mail or deliver it to the City of Bentonville Planning Department, 305 SW A Street, Bentonville, AR 72712.
3. Use the bottom of this form to express your opinion by checking the appropriate box. (This may also be delivered or mailed to the above address.)
4. Email your comments to planning@bentonvillear.com.

For more information, you may call the Planning Department at 479-271-3122 or email planning@bentonvillear.com.

I/We have received notice of the General Plan Amendment for the above described property and:

□ I/We have no objections to the General Plan Amendment.

□ I/We object to the General Plan Amendment because:

_____

_____

_____

_____ _____

Signature & Physical Address Signature & Physical Address

Proposed GPA

Beginning at the SW Corner of Lot 1 Block 3 Gilmores Addition as shown on Plat Record Book 'A' Page 37, and filed for record with the Benton County Clerk's Office, Bentonville, Arkansas. The beginning point is also the NE Corner of SW Glover Street and SW 5th Street Right-of-Way.

Thence along the East Right-of-Way of SW Glover Street North approximately 1600' more or less to the NW Corner of Lot 13 Clarks Addition as shown on Plat Record Book 'L' Page 166, and filed for record with the Benton County Clerk's Office, Bentonville, Arkansas, said point which is also the SW Corner of SW 2nd Street and SW Glover Street Right-of-Way;

Thence East along the South Right-of-Way of SW 2nd Street approximately 640' more or less to the NE Corner of Lot 5 Block 3 Clarks 2nd Addition as shown on Plat Record 'Q' Page 502 and filed for record with the Benton County Clerk's Office, Bentonville, Arkansas;

Thence East along the South Lot line of Lot 25 Block 3 to the Southeast Corner of Lot 25 Block 3 Clark's 2nd Addition as shown on Plat Record Book 2006 Page 1523 and filed for record with the Benton County Clerk's Office, Bentonville, Arkansas;

Thence Southeast to the Northeast Corner of Lot 7 Block 3 Clarks 2nd Addition as shown on Plat Record 'Q' Page 502 and filed for record with the Benton County Clerk's Office, Bentonville, Arkansas;

Thence South approximately 300' more or less to the Southeast Corner of Lot 18 Block 3 Clark's 2nd Addition as shown on Plat Record 'Q' Page 502 and filed for record with the Benton County Clerk's Office, Bentonville, Arkansas;

Thence Southwest to the Northeast Corner of Lot 27 Block 3 Clark's 2nd Addition as shown on Plat Record Book 2014 Page 14 and filed for record with the Benton County Clerk's Office, Bentonville, Arkansas;

Thence South to the Southeast Corner of Lot 29 Block 3 Clark's 2nd Addition as shown on Plat Record Book 2014 Page 14 and filed for record with the Benton County Clerk's Office, Bentonville, Arkansas;

Thence Southwest to the Northeast Corner of Lot 18 Block 6 Clark's 2nd Addition as shown on Plat Record Book 2014 Page 623 and filed for record with the Benton County Clerk's Office, Bentonville, Arkansas;

Thence South to the Southeast Corner of Lot 18 Block 6 Clark's 2nd Addition as shown on Plat Record Book 2014 Page 623 and filed for record with the Benton County Clerk's Office, Bentonville, Arkansas;

Thence East to the Southeast Corner of Lot 20 Block 6 Clark's 2nd Addition as shown on Plat Record Book 2014 Page 623 and filed for record with the Benton County Clerk's Office, Bentonville, Arkansas;

Thence South to the Southeast Corner of Lot 25 Block 6 Clark's 2nd Addition as shown on Plat Record L201802628 and filed for record with the Benton County Clerk's Office, Bentonville, Arkansas;

Thence Southwest to the Northeast Corner of Lot 12 Block 6 Clark's 2nd Addition as shown on Plat Record Book 'Q' Page 502 and filed for record with the Benton County Clerk's Office, Bentonville, Arkansas;

Thence Southwest to the Southeast Corner of Lot 12 Block 6 Clark's 2nd Addition as shown on Plat Record Book 'Q' Page 502 and filed for record with the Benton County Clerk's Office, Bentonville, Arkansas;

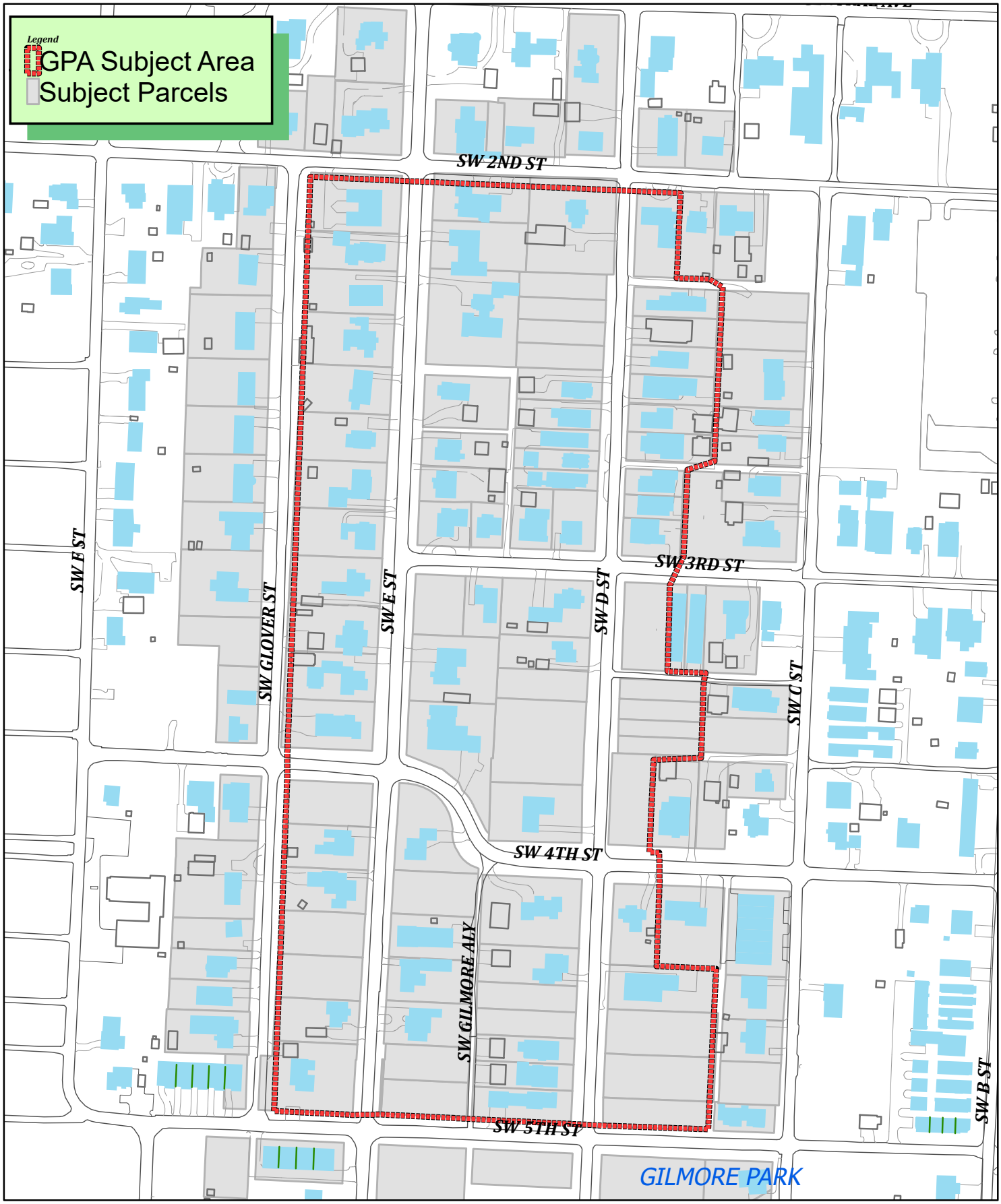
Thence South to the Northeast Corner Lot 1 Elzey's Subdivision as shown on Plat Record Book 'C' Page 98 and filed for record with the Benton County Clerk's Office, Bentonville, Arkansas;

Thence South to the Southeast Corner Lot 1 Elzey's Subdivision as shown on Plat Record Book 'C' Page 98 and filed for record with the Benton County Clerk's Office, Bentonville, Arkansas;

Thence East to the Northeast Corner of Lot 3 Elzey's Subdivision as shown on Plat Record Book 'C' Page 98 and filed for record with the Benton County Clerk's Office, Bentonville, Arkansas;

Thence South to the Southeast Corner of Lot 9 Block 1 Gilmores Addition as shown on Plat Record Book 'A' Page 37 and filed for record with the Benton County Clerk's Office, Bentonville, Arkansas, which is also the North Right-of-Way of SW 5th Street.

Thence West along the said North Right-of-Way of SW 5th Street to the Point of Beginning.



N
W E
S
1 inch = 208 feet

GPA21-0001

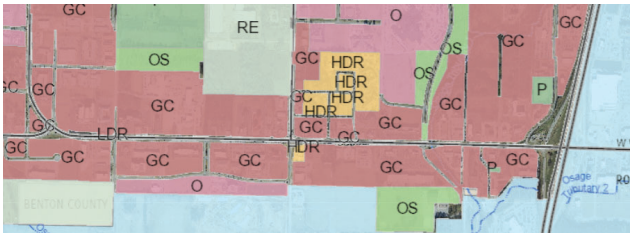
Future Land Use and Zoning Code

FUTURE LAND USE

Description

The Future Land Use Plan and Map is a planning 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.

Land Use Plan Map



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

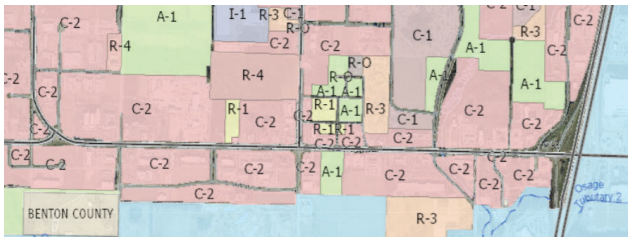
Industrial Classifications
Light Industrial
Heavy Industrial

ZONING CODE

Description

Zoning is the regulatory 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.

Zoning District Map



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

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

R-1, Single-family Residential

Lot and Area Standards:

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

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	ZONING CODE
Adopted by resolution.	Adopted by ordinance.
Serves as a guide for land use decision making.	Is the law regarding land use.
Is a planning tool.	Is a regulatory tool.
Establishes land use categories.	Establishes zoning districts.
Does not regulate.	Regulates land use, lot size, setbacks, height, lot coverage, and parking by zoning district.
Land use classification can be amended with a resolution.	Zoning district can only be changed with a rezoning ordinance.
Includes a Future Land Use Map and policy text in the Community Plan.	Includes an official zoning map and the regulatory text in the Zoning Code.
Land use categories shown on the map are desired or preferred land uses.	Zoning districts shown on the map are the land uses allowed by law.
Does not require compliance. Used in the decision making process for rezonings.	Rezoning, conditional use permit, and variance are tools used to achieve compliance with the Zoning Code.

Low Density Residential

Future Land Use Plan Category Description

Res. No. 10-23-18A



Description

Low-density residential areas include detached single-family residential properties with a typical density of 3-8 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.

Medium Density Residential

Future Land Use Plan Category Description

Res. No. 10-23-18A



Description

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.

From:	Luke wetzel
To:	Planning
Subject:	Down-zoning Downtown
Date:	Wednesday, February 17, 2021 9:31:53 AM

Good morning! I hope everyone is safe and well during this wintry week!

I am reaching out in concern of down-zoning SW D and SW E to R1, which to my understanding, has been zoned for medium density since 2018.

Downtowns are the heart of any city and Bentonville is no exception. The city invested in a master plan to guide future land use and it's working! As a business owner of a downtown location, I am realizing Bentonville's potential to be a vibrant, bustling downtown that still maintains its small town vibe.
Continuing to support higher density in Bentonville will foster economic growth, housing affordability, and encourage ethnic and social diversity.

Furthermore, downtown is the best place for density, as transportation, utility infrastructure, and access to employment/services/retail can all be more efficiently planned and funded, while avoiding sprawl which increases traffic and has adverse effects on public health and the environment.

With escalating property value comes escalated rents. Small businesses rely on foot traffic and we need as many potential customers as possible to make our required per square foot revenue.

Small retail and local restaurants are crippled from COVID and now is not the time to limit our potential for profit. Keep up the good leadership and help us all keep serving this community!

Stay well,

Luke Wetzel

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See Attached Legal Description and Vicinity Map

The common description of the property is:

The area consists of parcels adjacent to SW E Street and SW D Street, between SW 2nd Street and SW 5th Street

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I/We have received notice of the General Plan Amendment for the above described property and:

☒ I/We have no objections to the General Plan Amendment.

☐ I/We object to the General Plan Amendment because:

BEYOND RETAINING SINGLE FAMILY DESIGNATION, WE WOULD APPRECIATE ANY EFFORT TO RETAIN CURRENT DENSITY, MIX OF LOT SIZES, MIX OF STYLES, PREVENTION OF MASSIVE STRUCTURES OVERSHADOWING NEIGHBORS.

Signature & Physical Address

FOR FOR MARY P. MARQUESS
503 W. CENTRAL
OWNER, 504 SW 2ND ST.

Signature & Physical Address

I/We have received notice of the General Plan Amendment for the above described property and:

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☐ I/We object to the General Plan Amendment because:

_____

_____

_____

408 SW 3rd St.
Signature & Physical Address

Leslie Lee Dan 408 SW 3rd
Signature & Physical Address

408 SW 3rd St, Bentonville

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☐ I/We object to the General Plan Amendment because:

I/We have received notice of the General Plan Amendment for the above described property and:

☒ I/We have no objections to the General Plan Amendment.

☐ I/We object to the General Plan Amendment because:

Signature & Physical Address
411 SW E Street
Bentonville, AR

Signature & Physical Address
411 SW E Street
Bentonville, AR

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Signature & Physical Address
108 SW D St.
Bville, AR 72712

Signature & Physical Address
108 SW D St
Bentonville, AR. 72712

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□ I/We object to the General Plan Amendment because:

Signature & Physical Address

101 SW D St.
Bville, 72712

Signature & Physical Address

109 SW D St
Bentonville, AR 72712

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☐ I/We object to the General Plan Amendment because:

Signature & Physical Address

501 W Central Ave
B'ville, AR

Signature & Physical Address

501 W. Central Ave
Bentonville, AR. 72712

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SEE BELOW

☐ I/We object to the General Plan Amendment because:

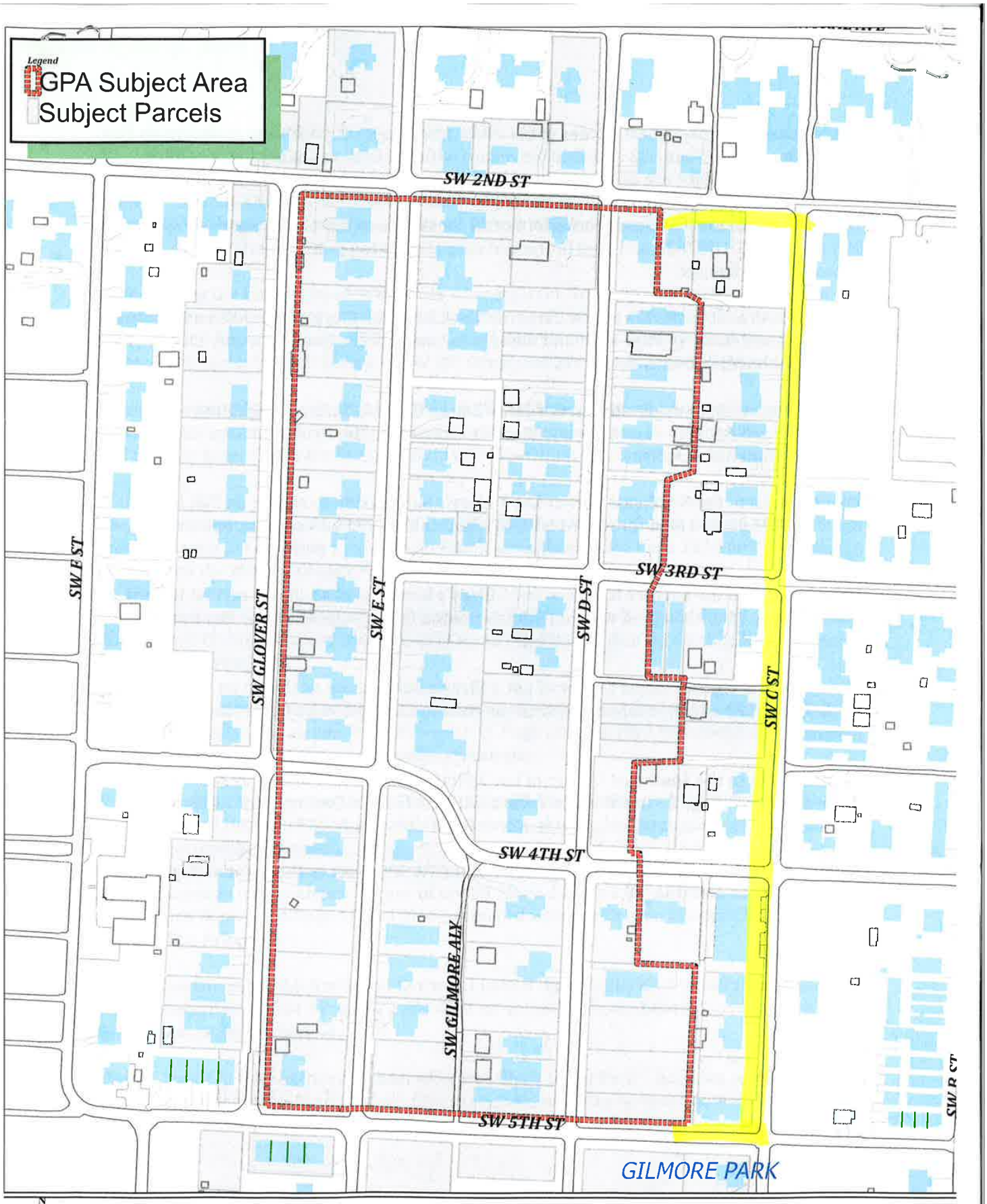
RATHER THAN HAVE OUR HOME ON S.W. D ST. (AND OTHERS) BACK UP TO MEDIUM DENSITY RESIDENTIAL WHY NOT BE CONSISTANT AND HAVE THE LOW DENSITY ZONE EXTEND TO C STREET, (SEE DIAGRAM ON REVERSE SIDE.

Signature & Physical Address

209 S.W. D ST

Signature & Physical Address

209 SW D ST


Legend
GPA Subject Area
Subject Parcels
SW 2ND ST
SW F ST
SW GLOVER ST
SW E ST
SW D ST
SW 3RD ST
SW C ST
SW 4TH ST
SW GILMORE AlY
SW 5TH ST
GILMORE PARK
N
W
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S
1 inch = 208 feet

GPA21-0001

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☒ I/We object to the General Plan Amendment because:

Doesn't follow master plan

Signature & Physical Address

Signature & Physical Address

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☐ I/We object to the General Plan Amendment because:

Karlos Davidson
Signature & Physical Address
208 S.W. 'C'

Signature & Physical Address

Pinnacle Villas, LLC

1004 and 1006 SE 3rd Street

PC Date: 5/4/2021

Reviewer: Tyler Overstreet, AICP, Planning Services Manager

Project Number	RZ21-0024
Applicant/ Current Owner	Pinnacle Villas, LLC
Site Area	0.63 Acres
Current Zoning	R-1, Single Family Residential
Requested Zoning	DN-3, Downtown High Density Residential
Future Land Use Map Designation	Low Density Residential (LDR)

https://arcg.is/08HvK8

Location Map



Property Description

This property is located at 1004 and 1006 SE 3rd Street, between SE J Street and SE G Street. The property is currently zoned R-1, Single-Family Residential. Surrounding zoning districts are PUD, Planned Unit Development, to the north, and R-1, Single-Family Residential to the east, south, and west.

Relationship to the Bentonville Community Plan

The Future Land Use Plan currently depicts this property as Low-Density Residential. Low-Density Residential areas typically include detached single-family residential properties with a density of 3-8 units per acre.

The current Land Use classification does not seem indicative of recent development and rezoning trends in the area, however. Brick Avenue Lofts to the north, G @ Market to the west at SE G Street and SE 3rd Street, and a rezoning to the southeast of the request to DN-3, Downtown High-Density Residential, suggest this is an area in transition to a higher density.

Public Comment

Staff has not received public comment on this rezoning request.

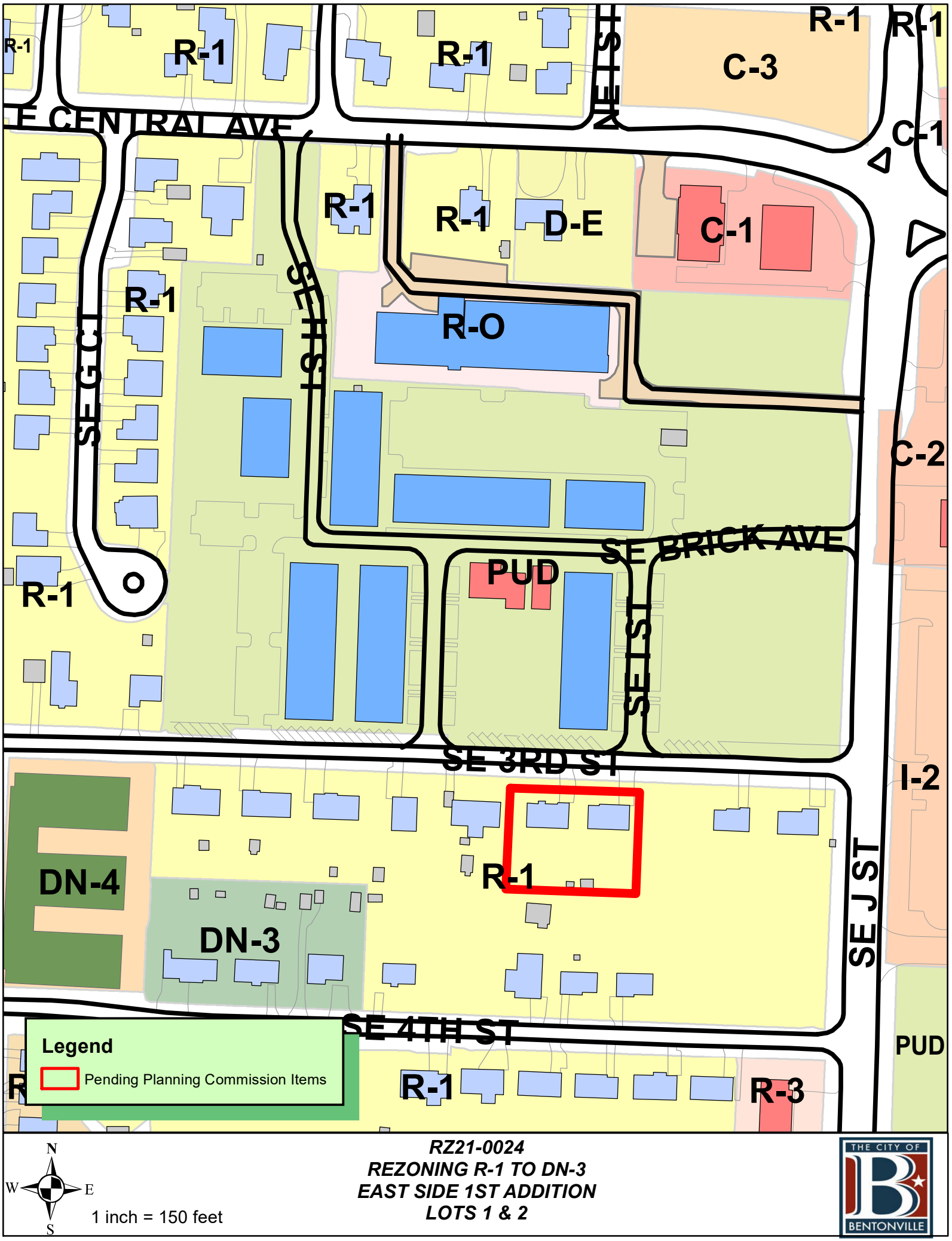
Analysis

According to the applicant's narrative, the intent of the rezoning request is to construct townhomes at this location. The Downtown Neighborhood Subarea Plan discusses the expectation and opportunity to provide a range of housing types within close proximity (p. 139). From a context and development standpoint, it makes sense to cluster denser development products, such as multi-family/mixed-use development, at the ends of blocks and along major corridors, while transitioning to less dense products, such as townhomes at the midblock. This development model helps to reinforce the idea of a mixed-use downtown.

In addition, recent development trends, as discussed above, suggest support for a rezoning to a higher density.

Conclusion

Planning staff has reviewed this rezoning request. It is consistent with the Community Plan and surrounding development patterns. Staff recommends approval of the proposed rezoning.


R-1
R-1
R-1
R-1
C-3
R-1
R-1
E CENTRAL AVE
SE I ST
C-1
R-1
R-1
D-E
C-1
R-1
R-O
SE G ST
SE H ST
C-2
SE BRICK AVE
R-1
PUD
SE I ST
SE 3RD ST
I-2
DN-4
R-1
DN-3
SE J ST
SE 4TH ST
PUD
R-1
R-3
Legend
Pending Planning Commission Items
N
W
E
S
1 inch = 150 feet
RZ21-0024
REZONING R-1 TO DN-3
EAST SIDE 1ST ADDITION
LOTS 1 & 2
THE CITY OF
BENTONVILLE

WATKINS, BOYER, GRAY & CURRY, PLLC

ATTORNEYS AT LAW

WILLIAM P. WATKINS, III, P.A.
RONALD L. BOYER, P.A.
JENNIFER E. GRAY, P.A.*
ANDREW T. CURRY, P.A.
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* ALSO LICENSED IN MISSOURI

WRITER'S DIRECT E-MAIL
wkellstrom@watkinslawoffice.com

DELYNN HALE, SECRETARY
AMY BENSON, PARALEGAL
WHITNEY DUCKER, OFFICE MANAGER

March 29, 2021

Bentonville Planning Department
305 SW A Street
Bentonville, AR 72712

RE: Rezoning Parcel Nos. 01-02469-000 AND 01-02470-000 from R-1 to DN-3

Dear Planning Staff:

This law firm has been hired to represent the applicant, Pinnacle Villas, LLC, in obtaining a rezoning of Parcel Nos. 01-02469-000 and 01-02470-000, located at 1004 & 1006 SE 3rd St., Bentonville, AR from R-1 to DN-3.

The primary reason for the rezoning request is to allow the owner to demolish the existing homes and build townhomes on the property at slightly higher density than what the property is currently zoned for. The reason DN-3 is requested as opposed to DN-2 is due to dimensional requirements, and not due to a desire to develop at a higher density than what is allowed under a request for DN-2. The surrounding properties are zoned R-1 and PUD, with the PUD zone being the Brick Ave Lofts, which is a medium sized apartment complex. Other properties on the SE 3rd St.–SE J St.–SE G St.–SE 4th block have recently been zoned both DN-3 and DN-4. Additionally, the properties are in close proximity to the new Walmart Home Office Complex, which makes this neighborhood ripe for a moderate increase in density. Accordingly, this rezoning request is in line with the recent patterns of change in the area and is compatible with the surrounding properties.

Because this property already lies in close proximity to one existing apartment complex, another apartment building under construction, and the site of the future home office, this rezoning will not increase traffic in any appreciable way. The appearance of the development is expected to be similar to other recent townhome projects in Downtown Bentonville. No signage is contemplated for the development. Lastly, as for utilities, both properties are currently served by a 6" sewer line and a 8" water line on SE 3rd St.

Thank you for considering this rezoning request. If you have any questions please feel free to contact me at 479-636-2168 or at wkellstrom@watkinslawoffice.com.

Sincerely,

WATKINS, BOYER,
GRAY & CURRY, PLLC

W. Kellstrom

Will A. Kellstrom

WK:
pc:

1106 WEST POPLAR STREET
ROGERS, AR 72756
PH: 479-636-2168
FX: 479-636-6098
WWW.WATKINSLAWOFFICE.COM

REAL ESTATE, CONSTRUCTION & LIEN LAW, LAND USE & PLANNING
CORPORATE & COMMERCIAL LAW, BANKING, BANKRUPTCY
CRIMINAL LAW, FAMILY LAW, GUARDIANSHIPS, LANDLORD-TENANT
ESTATE PLANNING, ELDER LAW, PROBATE, TRUST LITIGATION
CIVIL LITIGATION, COMMERCIAL & CONSUMER DEBT COLLECTION

REZONING STAFF REPORT

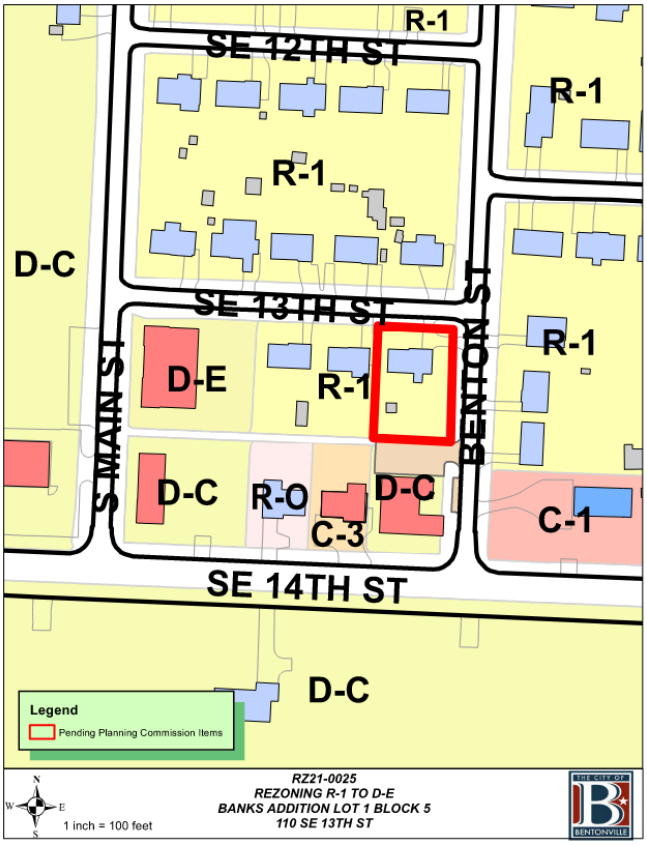
00028 Banks Addition

110 SE 13th Street
PC Date: 5/4/2021
Reviewer: Elizabeth Johnson, Senior Planner, AICP

Project Number	RZ21-0025
Applicant / Current Owner	Emergent Property Management / Terra Firma Holdings, LLC
Site Area	+/- 0.32 acres
Current Zoning	R-1, Single Family Residential
Requested Zoning	DE, Downtown Edge
Future Land Use Map Designation	Low Density Residential (LDR)

https://arcg.is/08HvK8

Location Map



Property Description
This property is located on the northeast corner of SE 13th and Benton Streets; both are Local Downtown streets on the Master Street Plan. The property is currently zoned R-1, Single-Family Residential. Surrounding zoning districts are R-1, Single-Family Residential to the north, east and west, and DC, Downtown Core to the south.

Relationship to the Bentonville Community Plan
The Future Land Use Plan identifies this area as Low Density Residential. Low-Density Residential areas typically include detached single-family residences and local neighborhood oriented amenities such as schools, religious facilities or parks. The Low-Density Residential land use classification is inconsistent with surrounding land uses, especially when all but three parcels on this block are classified as Mixed-Use Commercial.

The property is located 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 as part of the 14th Street Subarea Plan. The West End 14th Street Character Area states that "This existing residential neighborhood should be protected from encroachment of non-residential uses and non-residential structures", but that "Strict zoning enforcement and home occupation standards should be developed to accommodate appropriate non-residential use while maintaining residential character and upkeep."

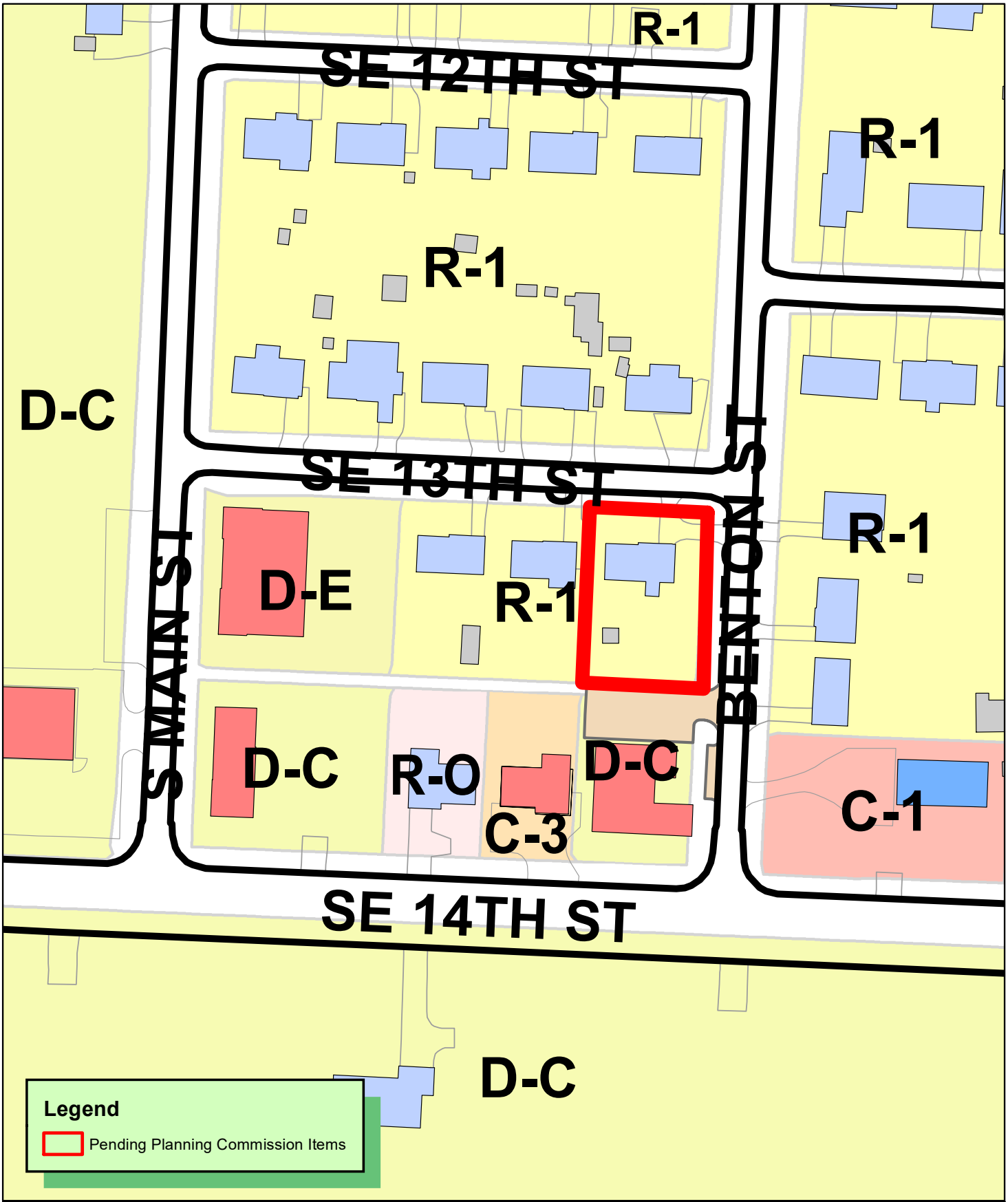
Public Comment
Staff has not received any public comment on this rezoning.

Analysis
The DE, Downtown Edge zoning district definition cites its potential as a transitionary zone between the downtown core and adjacent residential areas. The form and character of structures in the DE district are meant to provide a service-oriented character for surrounding neighborhoods.

While this rezoning request is not consistent with the Future Land Use Plan and the Bentonville Community Plan, there are many existing DE and DC zoning districts in close proximity to this request. These zoning districts and surrounding commercial developments suggest a transition to Downtown Commercial in this area.

Conclusion
Although the request does not align with the Future Land Use Plan, surrounding development patterns lend support to the rezoning request.

Staff recommends approval of the rezoning request.



N
W E
S

1 inch = 100 feet

RZ21-0025
REZONING R-1 TO D-E
BANKS ADDITION LOT 1 BLOCK 5
110 SE 13TH ST

THE CITY OF BENTONVILLE

McCLELLAND CONSULTING ENGINEERS, INC.
DESIGNED TO SERVE

1580 E Stearns Street
Fayetteville, AR 72703/72702
479-443-2377/Fax 479-443-9241
mce.us.com

March 29, 2021

Jon Stanley and Tyler Overstreet
Current Planning – City of Bentonville
305 SW A Street
Bentonville, AR 72712

RE: EPM Development – Rezone of 110 SE 13th Street

Mr. Stanley and Mr. Overstreet,

McClelland Consulting Engineers, Inc. is seeking a Rezone on behalf of Emergent Property Development (future Owner) and in agreement with Terra Firma Holdings, LLC (current Owner) for the property located at 110 SE 13th Street. The request is to rezone from R-1 to Downtown Edge (DE).

Current Owner (Proposed Seller):
Terra Firma Holdings, LLC
PO Box 1198
Bentonville, AR 72712

Future Owner (Proposed Buyer) and Applicant:
Emergent Property Management
P.O. Box 2578
Bentonville, AR 72712

The applicant is seeking rezone to support mixed use construction on the subject property. The applicant recently completed construction of a commercial building on the property immediately adjacent to the south. A parking facility to support the adjacent property will be proposed on the subject property. The current zoning R-1 does not support parking facilities. The existing single-family dwelling will remain in place at this time. It is planned to demolish the single-family dwelling and construct a multi-family housing unit in its place at a later date. The zoning of DE, immediately adjacent to a parcel zoned Downtown Core (DC) is consistent with the mirroring properties on the west face of the same city block bound by SE 14th Street, S Main Street, and SE 13th Street. Patrons of the proposed parking facility on the subject property will enter the property from Benton Street via the commercial drive installed during construction of the commercial facility immediately adjacent to the south. This driveway remains in an existing city alley, and will be shared by the adjacent commercial building on the adjacent property and the proposed parking facility on the subject property. Right-of-way improvements including curb and gutter, storm drainage, sidewalk, and greenspace in

compliance with the City of Bentonville master street plan will be provided as part of the construction of the parking facility. The property will be designed to meet the City's landscaping requirements. The existing single-family dwelling will match the appearance of neighboring residential parcels on SE 13th street. Future multi-family construction will meet the aesthetic design requirements as enforced by the DE zoning requirements. Public utility services currently serve the single-family dwelling and will support future multi-family units.

Should you have any questions, I can be reached at contact information below.

Thank you,

Zach Hixson, EI
McClelland Consulting Engineers, Inc.
479-443-2377
zhixson@mce.us.com

Disclaimer: FOR INFORMATIONAL PURPOSES ONLY.
In cases of discrepancy between the information presented here and a city ordinance, the city ordinance will prevail.

DE, Downtown Edge

The Downtown Edge creates an area of transition between the Downtown Core with its retail emphasis and the lower density residential neighborhoods on the outskirts of downtown. This is the area of downtown with the greatest potential for infill and redevelopment. The physical form of structures begins to shift from commercial to residential character with flexibility in use, taking on a more service-oriented character for surrounding neighborhoods. The horizontal and vertical mixed use allows retail, commercial, office and residential uses on all floors. Live/work housing, personal services and small offices are strongly evident in this district. Buildings are spaced closely, but are separated by setbacks.

Primary and Secondary Streets: Developments that face **primary streets** have specific regulations pertaining to the relationship between the building and the street. The designated **primary streets** in the downtown districts are: Central Avenue, SW A Street, SW 8th Street, and S. Main Street. All other streets in the downtown districts shall be considered **secondary streets**.

Minimum Height Required: No minimum

Maximum Height Allowed: 50 feet

Lot and Area Standards:

District	Building type	Lot area		Min. land area /dwelling unit (sq. ft.)	Lot width		Min. lot depth	Lot coverage	
		Min.	Max.		Min. lot width	Max. lot width		Min.	Max.
DE	All	None	None	-	None	None	-	None	80%

Setback Standards:

District	Building type	Front Yard		Side Yard		Rear			
						Adjacent to Residential		Adjacent to Non-residential	
		Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.
DE	Residential	-	20’	7’	-	12’	-	7’	-
	Nonresidential	-	0’	7’	-	12’	-	7’	-

Encroachment Standards:

District	Min. height clearance	Min. setback adjacent to a primary street	Min. setback adjacent to a secondary street
DE	8’	4’	6’

Applied to encroachments such as canopies, awnings and balconies.

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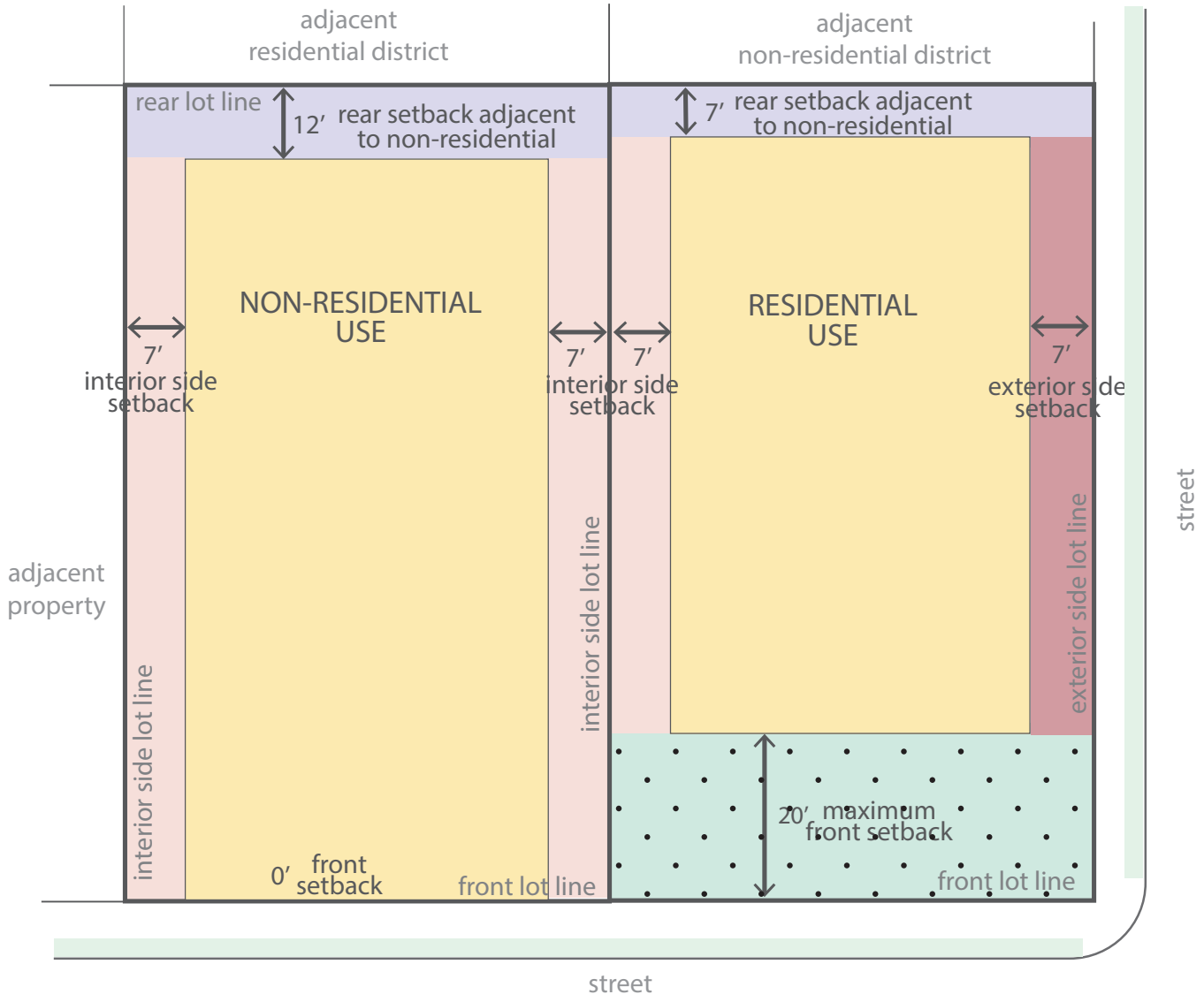
DE, Downtown Edge

ALLOWED BY RIGHT	CONDITIONAL	ACCESSORY
Agriculture and Animals Animal - domestic or household Chicken - hobby Community Garden Greenhouse Plant nursery **Residential** Dwelling - condominium Dwelling - modular Dwelling - multi-family Dwelling - single family Dwelling - townhouse or rowhouse Dwelling - two family **Recreation, Education & Public Assembly** Commercial recreation facility - indoor Commercial recreation facility - outdoor Community Center Cultural studio Library Park - mini Park - neighborhood **Services** Adult day care ATM machine Cemetery or mausoleum Child care - commercial Child care - residential (4 children) Child care - residential (5 – 10 children) Copy facilities Financial institution Governmental services facility Maintenance service Medical services - doctor office Medical services - laboratory Medical services - urgent care clinic Office - small scale (≤ 4,000 gsf) Personal services Postal services Repair services - household **Retail** Artisan shop Bakery Mobile food vendor Outdoor vending - private property Outdoor vending - public right-of-way Retail - small scale (≤ 4,000 gsf) Sidewalk café in public right-of-way	**Agriculture and Animals** Animal clinic Urban farm **Residential** Home occupation - type b **Recreation, Education & Assembly** Aquarium Arena / auditorium Conference / convention center Educational facility Event center Museum Religious facilities **Services** Lodging - bed & breakfast Lodging - hotel / motel Office/warehouse Public safety services **Retail** Bar, lounge or tavern Restaurant **Transportation / Utilities** Parking facility (as principal use) Utility facility Wireless communication facility (cell tower) **Other** Temporary uses	**Residential** Dwelling - accessory Home occupation - type a **Transportation / Utilities** Solar energy system Wind energy system, small **Other** Building, accessory - nonresidential

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DE, Downtown Edge

Setback Illustration



LARGE SCALE DEVELOPMENT STAFF REPORT

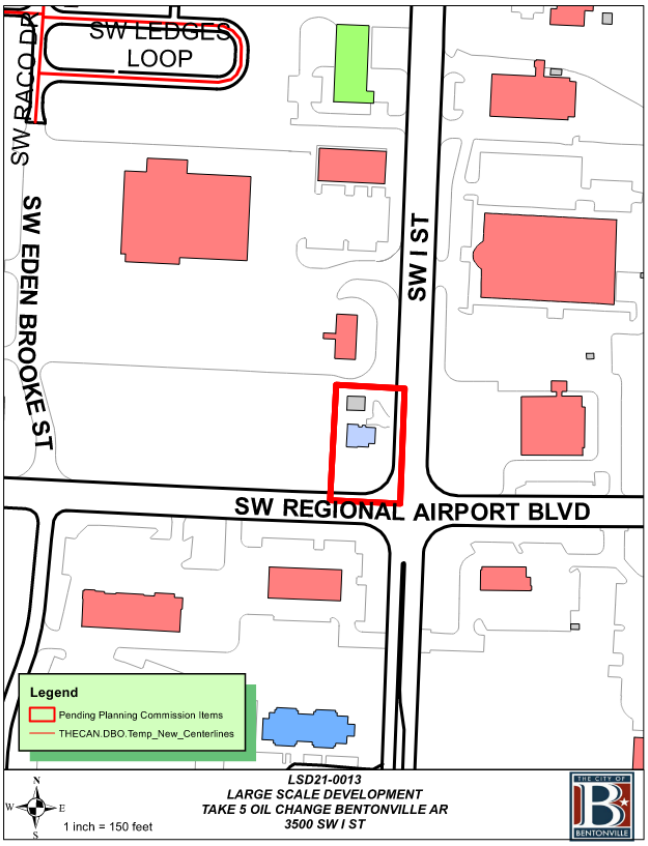
Take 5 Oil Change

3500 SW I Street
PC Date: 5/4/2021
Reviewer: Elizabeth Johnson, Senior Planner, AICP

Project Number	LSD21-0013
Applicant / Current Owner	Sharpshair, Jennifer & Harmon; Dustin & Harmon, Lindsey ET AL
Site Area	+/- 0.68 acres
Current Zoning	C-2, General Commercial
Future Land Use Map Designation	General Commercial (GC)
Development Type / Use	Oil Change Facility

https://arcg.is/08HvK8

Location Map



Property Description
This property is located on the corner of SW I Street and SW Regional Airport Boulevard and is currently zoned C-2, General Commercial, with a Future Land Use Map classification of General Commercial.

Project Details
A large-scale development proposing the construction of a 1, 421 square-foot oil change facility. The development provides a total of 6 parking spaces on site. The development provides landscaping in accordance with the Land Development Code. The primary building materials depicated on the exterior elevations are Brick, Split-face CMU, and Glass.

Projected Traffic Impact
This development has the potential to impact traffic in the area. However, the site's compliance with the parking standards of the Zoning Code and the proposed right-in-right-out only curb cut, should help alleviate potential impacts.

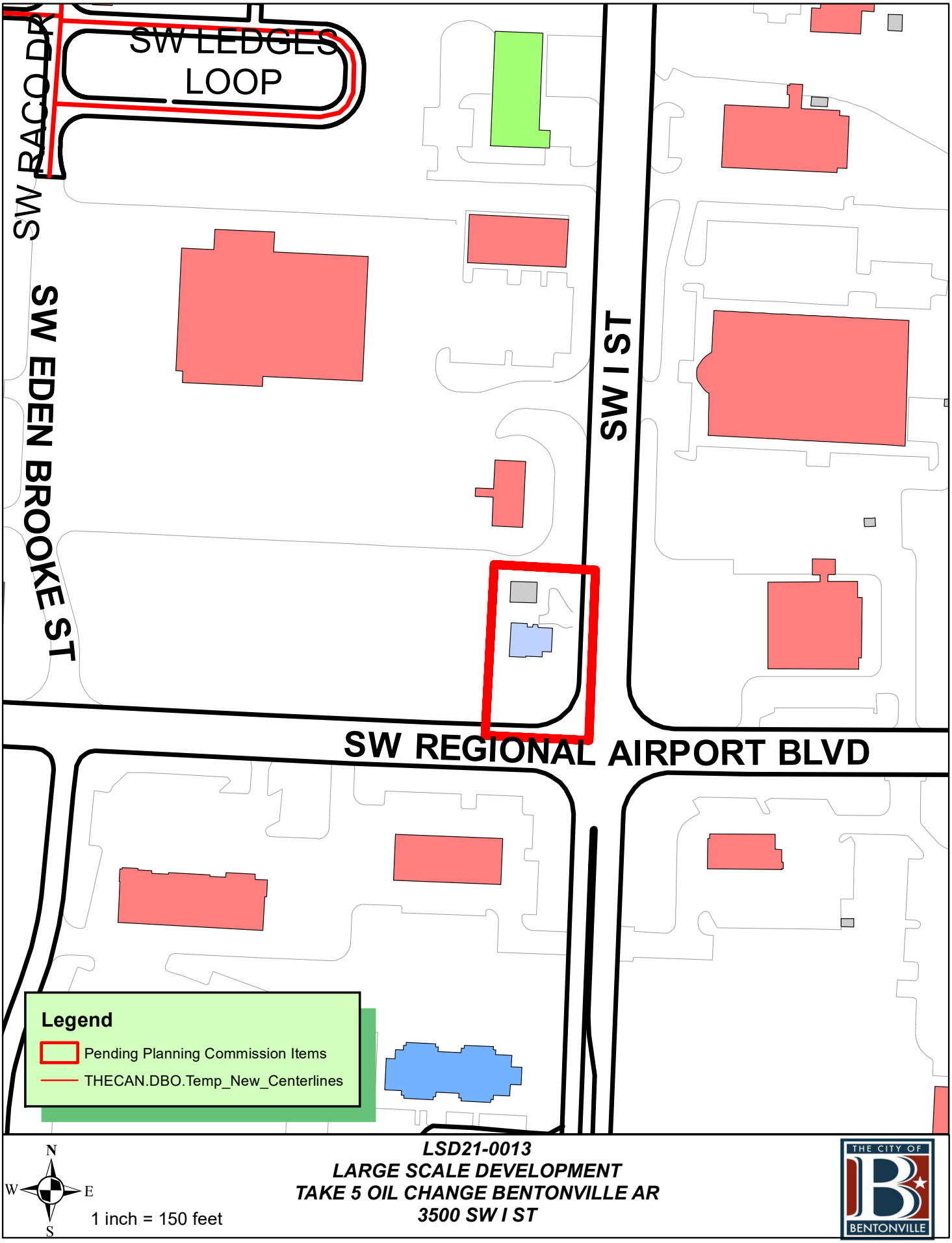
Waivers
One waiver request:

- A waiver from Article 1100 Development Standards, Section 1100.02 Access Management Standards, (a) Curb Cuts, (3) Distance from Intersections, to allow a curb cut 164 feet from the right-of-way of an intersection involving an arterial to the center line of the drive, instead of a minimum 250 feet.

Conclusion
The proposed large-scale development does not meet the minimum requirements of the Land Development Code because of the waiver request.

However, staff recommends approval of this waiver request due to the small size of the lot and the applicants attempt to save a large, mature tree, by shifting the drive to the south. Additonally, the curb cut will be right-in-right-out only, which will help alleviate potential traffic impacts. The applicant is also dedicating an access easement to the west, so future development will provide other means of access to the site.

Staff recommends approval of the waiver request and approval of the large-scale development.



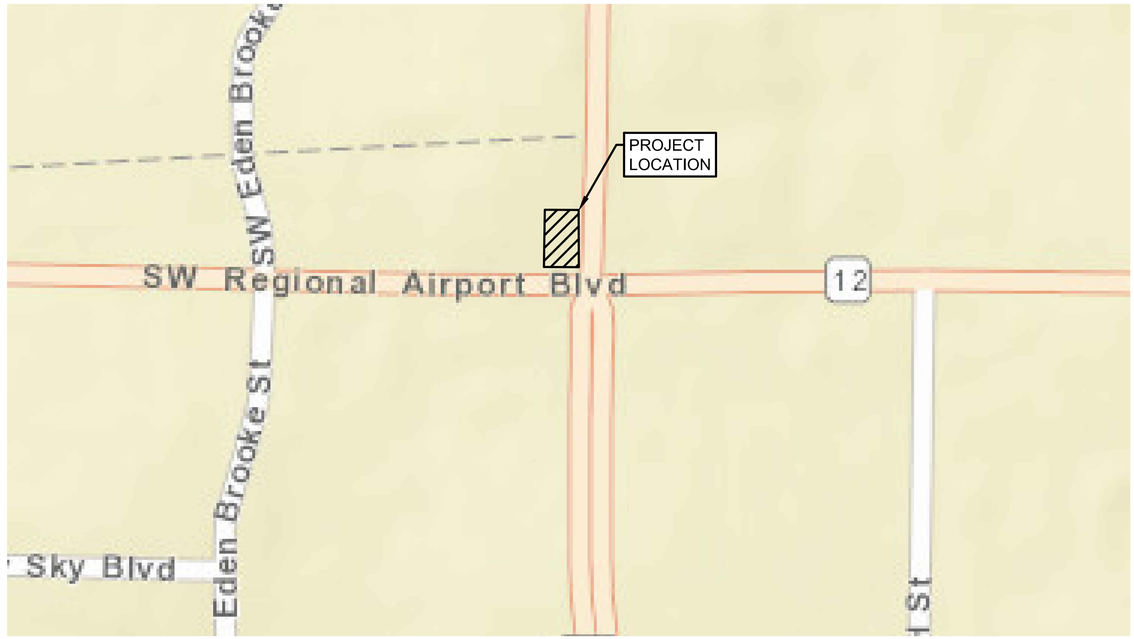
LSD21-0013
LARGE SCALE DEVELOPMENT
TAKE 5 OIL CHANGE BENTONVILLE AR
3500 SW I ST

PROJECT# LSD21-0014

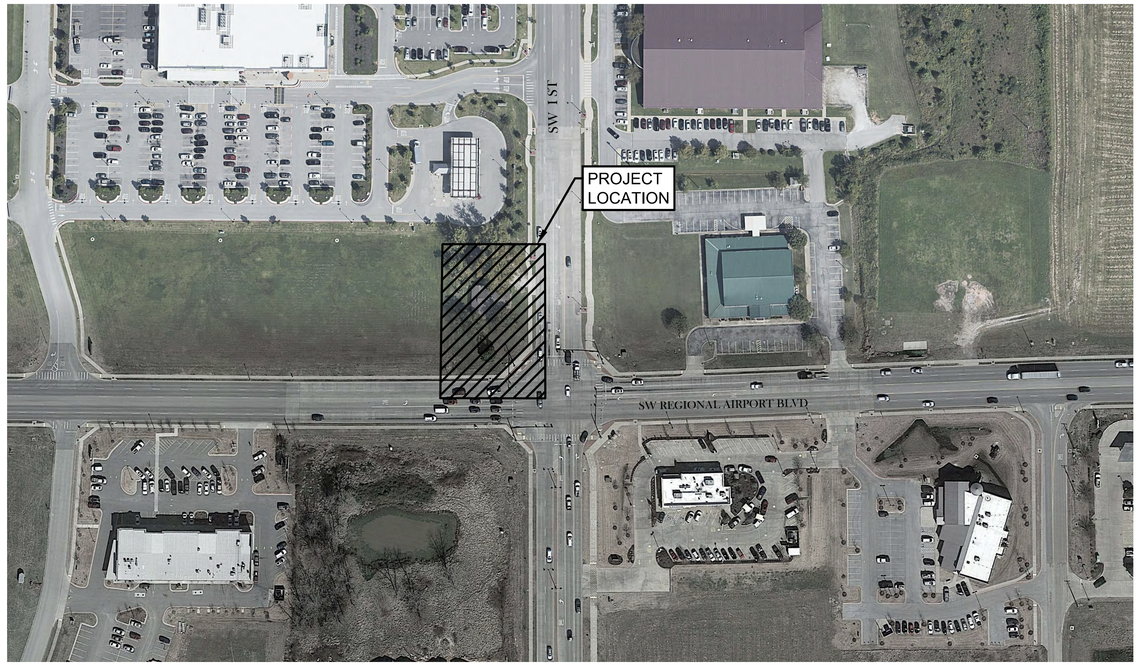
TAKE 5 OIL CHANGE

PERMITTING PLANS

3500 SW 1 ST
BENTONVILLE, AR 72712
CONCEPTUAL PLAN



VICINITY MAP
SCALE: 1" = 150'



LOCATION MAP
SCALE: 1" = 100'

LEGAL DESCRIPTION

LOCATED IN A PART OF THE SE 1/4 OF THE NE 1/4 OF SECTION 12, TOWNSHIP 19 NORTH, RANGE 31 WEST IN BENTON COUNTY, ARKANSAS, MORE PRECISELY DESCRIBED AS FOLLOWS: STARTING AT THE SE CORNER OF THE SE 1/4 OF THE NE 1/4 OF SECTION 12 FOR THE TRUE POINT OF BEGINNING; THENCE NORTH 87 DEGREES 16 MINUTES 54 SECONDS WEST 135.7 FEET; THENCE NORTH 03 DEGREES 07 MINUTES 58 SECONDS EAST 223.40 FEET; THENCE SOUTH 86 DEGREES 52 MINUTES 02 SECONDS EAST 131.98 FEET; THENCE SOUTH 02 DEGREES 18 MINUTES 39 SECONDS WEST 222.44 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 0.684 ACRES MORE OR LESS AND BEING SUBJECT TO THE RIGHTS-OF-WAY OF ARKANSAS STATE HIGHWAY #12 ALONG THE SOUTH AND SW "I" ALONG THE EAST AND ANY EASEMENTS OF RECORD.

RESTRICTIONS & EASEMENTS

1. RIGHT OF WAY/EASEMENT IN FAVOR OF THE CITY OF BENTONVILLE, ARKANSAS, AND RECORDED IN CV13010176, IN BENTON COUNTY, ARKANSAS. (DOCUMENT NOT PROVIDED.)
2. RIGHT OF WAY/EASEMENT IN FAVOR OF THE CITY OF BENTONVILLE, ARKANSAS, AND RECORDED IN BOOK 2013 AT PAGE 61449, IN BENTON COUNTY, ARKANSAS. (DOCUMENT NOT PROVIDED.)
3. RIGHT OF WAY/EASEMENT IN FAVOR OF THE CITY OF BENTONVILLE, ARKANSAS, AND RECORDED IN INSTRUMENT NO. 20010115199, IN BENTON COUNTY, ARKANSAS. (DOCUMENT NOT PROVIDED.)

NOTE: SURVEY INFORMATION PROVIDED BY BLEW & ASSOCIATES LAND SURVEYING (DRAWN 12-07-2020)

BENTONVILLE STANDARD NOTES

NOTE: THE CITY OF BENTONVILLE STREET STANDARDS, DRAINAGE CRITERIA MANUAL, SUBDIVISION ORDINANCE, WATER, SEWER, ELECTRIC UTILITY SPECIFICATIONS, AND STATE CODE SHALL GOVERN THESE PLANS. IF THERE ARE DISCREPANCIES IN THE PLANS OR INFORMATION CONTAINED WITHIN, CITY OF BENTONVILLE ORDINANCES, STANDARDS, AND SPECIFICATIONS SHALL RULE, UNLESS, APPROVED IN WRITING BY THE CITY ENGINEER.

NOTE: TO SCHEDULE AN INSPECTION OR TEST WITH THE CITY OF BENTONVILLE ENGINEERING DEPARTMENT, INSPECTIONS MUST BE CALLED IN (479-271-3168) BY THE ENGINEER OF RECORD 24 HOURS IN ADVANCE BEFORE 10AM FOR AN INSPECTION THE FOLLOWING DAY.

NOTE: THE ENGINEER OF RECORD MUST CERTIFY THE SITE AND THE PROJECT MUST PASS A DEVELOPMENT FINAL SITE INSPECTION BEFORE REQUESTING A BUILDING FINAL INSPECTION.

NOTE: ALL UTILITY STREET CROSSINGS SHALL BE BY JACK AND BORE ONLY, NO OPEN CUTS ARE PERMITTED UNLESS APPROVED BY THE CITY ENGINEER AND THE TRANSPORTATION DIRECTOR.

NOTE: ALL NON-BONDABLE ITEMS AND GUARANTEES OF IMPROVEMENTS MUST BE COMPLETE, AND A FINAL INSPECTION PERFORMED AND APPROVED PRIOR TO PLANNING COMMISSION APPROVAL OF YOUR FINAL PLAT.

SHEET INDEX

C-0	COVER SHEET	
C-1	CONSTRUCTION NOTES	
C-2	DEMOLITION PLAN	
C-3	SITE PLAN	
C-4	GRADING, DRAINAGE & UTILITY PLAN	
~~C-5~~	~~CONSTRUCTION DETAILS~~	REMOVED FROM SET
~~C-6~~	~~CONSTRUCTION DETAILS~~	REMOVED FROM SET
C-7	CONSTRUCTION DETAILS	
C-7.1	CONSTRUCTION DETAILS	
C-8	CONSTRUCTION DETAILS	
	BENTONVILLE WATER DETAILS 1 OF 2	
	BENTONVILLE WATER DETAILS 2 OF 2	
	BENTONVILLE SANITARY DETAILS 1 OF 2	
L-1	LANDSCAPE PLAN	
S-1	SURVEY (BY OTHERS)	

DEVELOPMENT TEAM

BENTONVILLE BUILDING & FIRE
BENTONVILLE BUILDING AND FIRE SAFETY
305 SW A STREET
BENTONVILLE, AR 72712
CONTACT: JAKE FEEMSTER
PHONE: (479) 271-3108

BENTONVILLE ENGINEERING
BENTONVILLE CITY ENGINEERING
3200 SW MUNICIPAL DRIVE
BENTONVILLE, AR 72712
CONTACT: DAN WEESE
PHONE: (479) 271-5993

BENTONVILLE UTILITIES
BENTONVILLE STORMWATER
3200 SW MUNICIPAL DRIVE
BENTONVILLE, AR 72712
CONTACT: JANET PAITH
PHONE: (479) 271-5002
EMAIL: JPAITH@BENTONVILLEAR.COM

BENTONVILLE FIRE DEPT.
CITY OF BENTONVILLE FIRE DEPT.
800 SW A STREET
BENTONVILLE, AR 72712
CONTACT: BRENT BOYDSTON
PHONE: (479) 271-5927

BENTONVILLE PLANNING
BENTONVILLE PLANNING DEPT.
305 SW A STREET
BENTONVILLE, AR 72712
CONTACT: TYLER OVERSTREET
PHONE: (479) 271-3122

BENTONVILLE UTILITIES
BENTONVILLE WASTEWATER
1901 NE A STREET
BENTONVILLE, AR 72712
CONTACT: NANCY BUSEN
PHONE: (479) 271-3160

STREET DEPT.
CITY OF BENTONVILLE
3200 SW MUNICIPAL DRIVE
BENTONVILLE, AR 72712
CONTACT: TONY DAVIS
PHONE: (479) 271-3130

CABLE
COX COMMUNICATIONS
4901 S 48TH STREET
SPRINGDALE, AR 72762
CONTACT: KIP SMITH
PHONE: (479) 717-3796
EMAIL: KIP.SMITH@COX.COM

DEVELOPER/APPLICANT
TAKE 5 OIL CHANGE
440 S. CHURCH STREET SUITE 700
CHARLOTTE, NC 28202
CONTACT: MATTHEW GILBERT
PHONE: (980) 259-0701
EMAIL: MATTHEW.GILBERT@DRIVENBRANDS.COM

ENGINEER
CARTER ASSOCIATES INC.
1708 21ST STREET
VERO BEACH, FL 32960
CONTACT: TREVOR STUBBS, P.E.
PHONE: (772) 562-4191
EMAIL: TREVORS@CARTERASSOC.COM

TELPHONE
AT&T
1133 EAST HAROLD ST.
FAYETTEVILLE, AR 72703
CONTACT: BRENT BALDWIN
PHONE: (479) 571-6609, CELL: (479) 200-9022

BENTONVILLE ELECTRIC
BLACK HILL ENERGY
1301 FEDERAL WAY,
LOWELL, AR 72745
CONTACT: JOSH KNIGHT
PHONE: (479) 333-7005
EMAIL: JOSHUA.KNIGHT@BLACKHILLSCORP.COM

OWNER
SHARPSHAIR,
JENNIFER & HARMON,
DUSTIN & HARMON, LINDSEY ETAL

SURVEYOR
BLEW & ASSOCIATES, PA
3825 N. SHILOH DRIVE FAYETTEVILLE,
ARKANSAS 72703 OFFICE: 479.443.4506
FAX: 479.582.1883 www.BLEWINC.com

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3200 SW MUNICIPAL DRIVE
BENTONVILLE, AR 72712
CONTACT: BEAU THOMPSON
PHONE: (479) 271-3140

BENTONVILLE ELECTRIC
BENTONVILLE ELECTRIC UTILITY DEPT.
3200 SW MUNICIPAL DRIVE
BENTONVILLE, AR 72712
CONTACT: CHARLIE BARNES
PHONE: (479) 271-3159
EMAIL: CBARNES@BENTONVILLEAR.COM

CARTER ASSOCIATES, INC.
SERVING FLORIDA SINCE 1911
CONSULTING ENGINEERS AND LAND SURVEYORS
1708 21ST STREET
VERO BEACH, FL 32960
TEL: (772) 562-4191
EMAIL: ClintR@CarterAssoc.com

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TAKE 5 PROPERTIES SPV, LLC.
440 S. CHURCH STREET
SUITE 700
CHARLOTTE, NC 28202
TEL: (980) 259-0701
EMAIL: Matthew.Gilbert@drivenbrands.com

NO.	REVISION	DATE
1	REVISED PER CITY COMMENTS	04/02/21

TAKE 5 OIL CHANGE
AT
3500 SW 1 ST,
BENTONVILLE, ARKANSAS 72712
LARGE SCALE DEVELOPMENT
LSD21-0014

04/09/21
STATE OF ARKANSAS
LICENSED PROFESSIONAL ENGINEER
No. 19745
TREVOR G. STUBBS
TREVOR STUBBS, P.E.
AR. LIC. NO. 19745
CARTER ASSOCIATES, INC.
COA 205 / LB 205

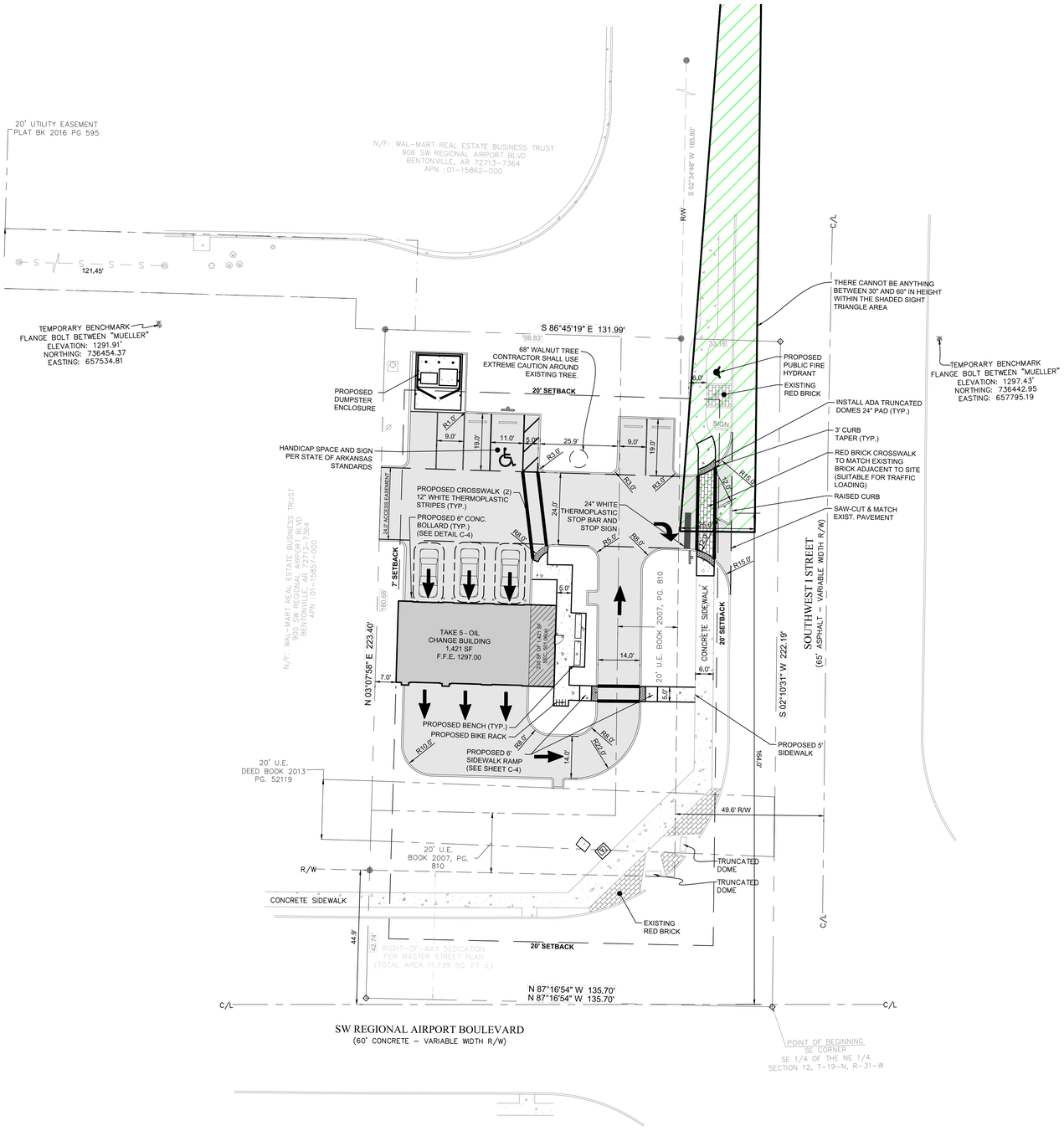
DATE : 4/19/21
PROJ. # : 20-479 E
DRAWN BY: DRAWN BY
DATUM : SEE SURVEY
REF. # : SEE SURVEY
F.B. & PG. : SEE SURVEY

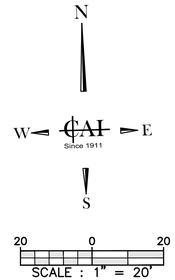
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COVER SHEET

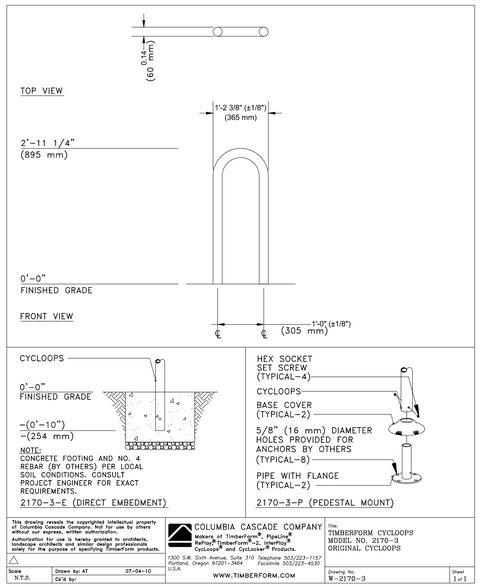
SHEET
C-0

DWG. NO:

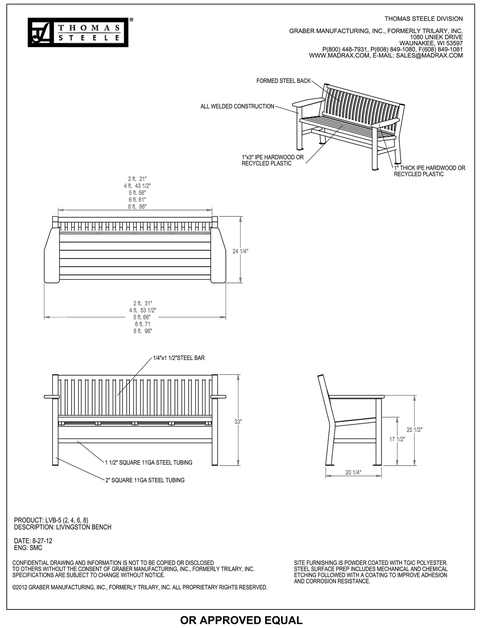
P:\20-479E TS-Bentonville-AR\dwg\20-479E-COVER.dwg, COVER, Keith Brown
Apr. 19, 21, 11:54 AM







OR APPROVED EQUAL



OR APPROVED EQUAL

SITE DATA

PROJECT NAME:	TAKE 5 OIL CHANGE AT 3500 SW 1 ST. BENTONVILLE, ARKANSAS 72712
SITE ADDRESS:	3500 SW 1 ST. BENTONVILLE, ARKANSAS 72712
TOTAL PARCEL AREA:	±0.685 AC
JURISDICTION:	CITY OF BATESVILLE
ZONING:	C-2 GENERAL COMMERCIAL (REZONE FROM A-1)
TAX PARCEL NO.:	01-07944-000
INTENDED USE:	AUTO SERVICE
EXISTING USE:	RESIDENTIAL (SINGLE FAMILY)
FLOOD ZONE:	ZONE X MAP 05007C0255K DATED JUNE 5, 2012
IMPERVIOUS (%):	46% (EXISTING) 69% (PROPOSED)

SETBACKS:	REQUIRED
FRONT	20 FT.
REAR	20 FT.
SIDE	7 FT.

PARKING CALCULATIONS

PARKING REQUIRED:	5 + 1 PER 200 SF NET BLDG AREA (DEFINED SEC. 501.06(a)) (5 + 230/200) = 6 SPACES
PARKING PROVIDED:	5 SPACES 1 ADA SPACE = 6 SPACES

SITE NOTES

1. THE CONTRACTOR SHALL REMOVE AND DISPOSE OF ALL EXISTING IMPROVEMENTS AND TREES AND OTHER DEBRIS WITHIN THE LIMITS OF THE WORK FROM THE SITE. THE BURIAL OF TREES AND OTHER DEBRIS ON-SITE WILL NOT BE ALLOWED.
2. ALL CONSTRUCTION ACTIVITIES/WORK SHALL COMPLY WITH ALL GOVERNING JURISDICTIONS, STATE OF ARKANSAS, AND FEDERAL CODES AND ALL NECESSARY LICENSES AND PERMITS SHALL BE OBTAINED BY THE CONTRACTOR AT HIS EXPENSE UNLESS PREVIOUSLY OBTAINED BY THE OWNER.
3. ALL WORK SHALL BE PERFORMED IN A FINISHED AND WORKMANLIKE MANNER TO THE ENTIRE SATISFACTION OF THE OWNER, AND IN ACCORDANCE WITH THE BEST RECOGNIZED TRADE PRACTICES.
4. ALL MATERIALS SHALL BE NEW UNLESS USED OR SALVAGED MATERIALS ARE AUTHORIZED BY THE OWNER PRIOR TO USE.
5. ALL WORK PERFORMED ON CITY, COUNTY, AND/OR STATE OR FEDERAL RIGHT-OF-WAY SHALL BE IN STRICT CONFORMANCE WITH APPLICABLE STANDARDS AND SPECIFICATIONS OF THE APPROPRIATE GOVERNING AGENCIES.
6. PRIOR TO COMMENCEMENT OF CONSTRUCTION BUILDING DIMENSIONS SHALL BE COORDINATED AND CHECKED WITH THE ARCHITECTURAL PLANS.
7. ALL DISTURBED AREAS WITHIN SIDEWALK/ CURB AND GUTTER/ ROAD PAVEMENT SHALL BE RESTORED TO ITS ORIGINAL OR BETTER CONDITIONS.
8. ALL DIMENSIONS ARE TO THE FACE OF CURB, UNLESS OTHERWISE NOTED.
9. ALL SIDEWALKS SHALL HAVE A WIDTH OF 5 FEET, UNLESS OTHERWISE NOTED.
10. THE DUMPSTER ENCLOSURE SHALL BE CONSTRUCTED WITH SIMILAR MATERIALS AS THE BUILDING. SEE SHEET 7.1 FOR DUMPSTER DETAIL.
11. ALL PROPOSED SIGNAGE WILL REQUIRE A SEPARATE PERMIT.
12. ALL PROPOSED FENCE WILL REQUIRE A SEPARATE PERMIT.
13. ALL MECHANICAL EQUIPMENT (ROOF AND GROUND MOUNTED) WILL BE SCREENED ON ALL SIDES BY SIMILAR MATERIALS AS THE BUILDING.
14. ANY NEW LIGHTING WILL REQUIRE THAT IT BE CUT-OFF OR B-U-G (WITH A U RATING OF 0) AND APPROVED BY THE PLANNING DEPARTMENT.

LEGEND

- PROPOSED CONCRETE PAVEMENT
- PROPOSED CONCRETE SIDEWALK
- BUILDING SETBACK
- (4) PARKING SPACE COUNTER

NOTE: LIGHTER SHADE DENOTES EXISTING CONDITION.

CARTER ASSOCIATES, INC.
SERVING FLORIDA SINCE 1911
CONSULTING ENGINEERS
AND LAND SURVEYORS
1708 21ST STREET
VERO BEACH, FL 32960
TEL: (772) 562-4191
EMAIL: ClintR@CarterAssoc.com

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TAKE 5 PROPERTIES SPV, LLC.
440 S. CHURCH STREET
SUITE 700
CHARLOTTE, NC 28202
TEL: (980) 259-0701 EMAIL: Matthew.Gillard@brvanbrands.com

NO.	REVISION	DATE
1	REVISED PER CITY COMMENTS	04/02/21

TAKE 5 OIL CHANGE AT
3500 SW 1 ST.
BENTONVILLE, ARKANSAS 72712
LARGE SCALE DEVELOPMENT
LSD21-0014

04/05/21
STATE OF ARKANSAS
LICENSED PROFESSIONAL ENGINEER
No. 19745
TREVOR G. STUBBS

TREVOR STUBBS, P.E.
AR. LIC. NO. 19745
CARTER ASSOCIATES, INC.
COA 205 / LB 205

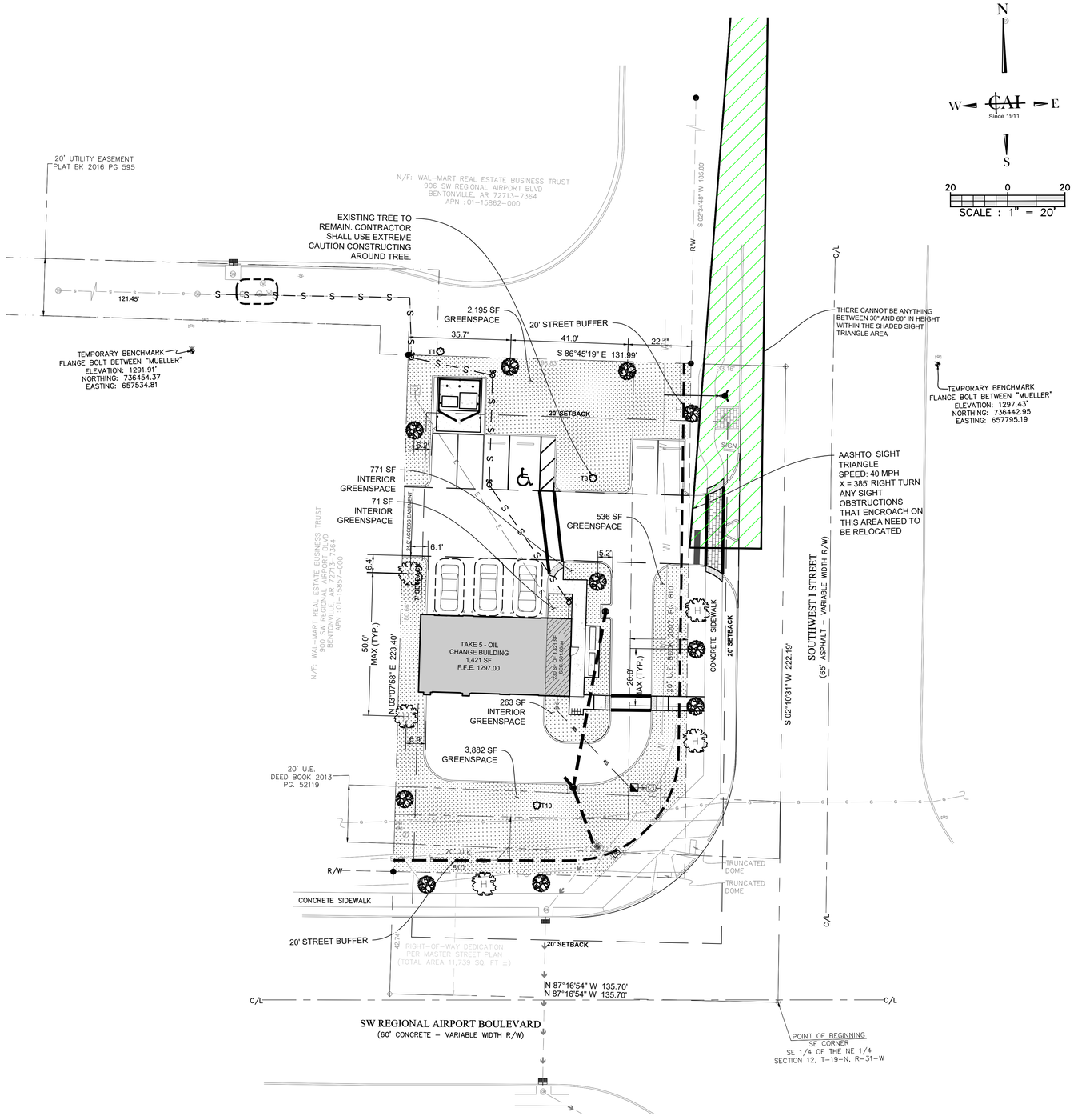
DATE : 4/19/21
PROJ. # : 20-479 E
DRAWN BY: DRAWN BY
DATUM : SEE SURVEY
REF. # : SEE SURVEY
F.B. & PG. : SEE SURVEY

SHEET TITLE:
SITE PLAN

SHEET
C-3

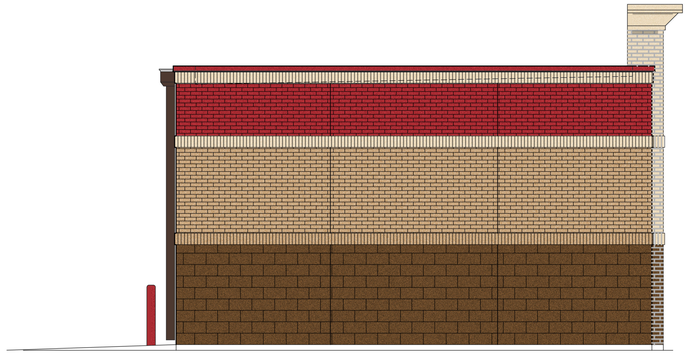
DWG. NO:

Apr. 19, 21, 12:31 PM P:\20-479E T5-Bentonville-AR\dwg\20-479E-BASE.dwg, Site Plan, Keith Brown


N
W
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S
Since 1911
20 0 20
SCALE : 1" = 20'
20' UTILITY EASEMENT
PLAT BK 2016 PG 595
N/F: WAL-MART REAL ESTATE BUSINESS TRUST
900 SW REGIONAL AIRPORT BLVD
BENTONVILLE, AR 72713-7364
APN :01-15862-000
EXISTING TREE TO REMAIN. CONTRACTOR SHALL USE EXTREME CAUTION CONSTRUCTING AROUND TREE.
121.45'
TEMPORARY BENCHMARK
FLANGE BOLT BETWEEN "MUELLER"
ELEVATION: 1291.91'
NORTHING: 736454.37
EASTING: 657534.81
2,195 SF GREENSPACE
35.7'
20' STREET BUFFER
41.0'
22.1'
S 86°45'19" E 131.99'
78.83'
35.16'
20' SETBACK
T1
T2
T3
T4
T5
T6
T7
T8
T9
T10
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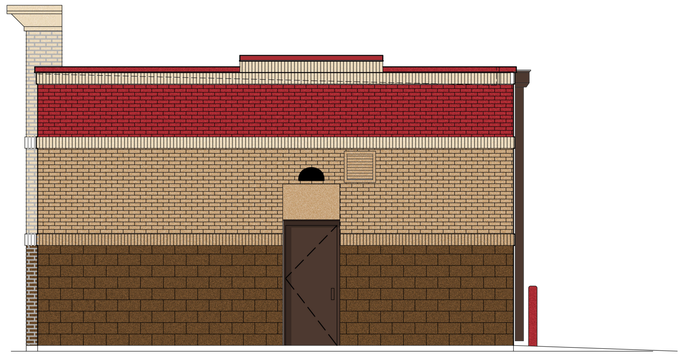
1 A-200 NORTH ELEVATION
1/4"=1'-0"



3 A-200 WEST ELEVATION
1/4"=1'-0"



2 A-200 SOUTH ELEVATION
1/4"=1'-0"



4 A-200 EAST ELEVATION
1/4"=1'-0"

MATERIAL SAMPLES



ACME BRICK – CRANBERRY

SW 6871
Positive Red
Interior / Exterior
Location Number 101-C7



ACME BRICK/BLOCK – MOCHA IRONSPOT



ACME BRICK – CASTLE GRAY



ACME BRICK – RUSTIC WHITE

North Elevation		
Material	Area (SF)	%
Split-face CMU	135	27%
Brick Veneer	367	73%
EIFS	0	0%
Total Façade	502	100%

West Elevation		
Material	Area (SF)	%
Split-face CMU	162	37%
Brick Veneer	280	63%
EIFS	2	0.5%
Total Façade	442	100%

East Elevation		
Material	Area (SF)	%
Split-face CMU	142	34%
Brick Veneer	268	64%
EIFS	9	2.1%
Total Façade	419	100%

South Elevation		
Material	Area (SF)	%
Split-face CMU	133	25%
Brick Veneer	379	70%
EIFS	27	5.0%
Total Façade	539	100%

CLIENT

DELTA	DESCRIPTION	DATE
1	CITY COMMENTS	2020.12.10

TAKE 5 OIL CHANGE

900 SW REGIONAL AIRPORT BLVD
BENTONVILLE, AR 72713

ARCHITECT:
NEPTUNE DESIGN STUDIO

ENGINEER:

STAMPS

THIS DRAWING FOR PERMITTING AND BID PURPOSES ONLY. NOT FOR CONSTRUCTION

SHEET TITLE
ELEVATIONS

PROJECT NUMBER
20-009

DATE 11.06.2020
SCALE AS NOTED
DRAWN TMS
CHECKED JE

SHEET NO
A-201

Neptune Design Studio
P.O. Box 1417 / Fort Worth, TX 76102

Date: 2021-03-04

City of Bentonville – Planning Commission
305 SW A Street
Bentonville, AR 72712
479-271-3122

Waiver Request

Take 5 Oil Change
900 SW Regional Airport Boulevard
Bentonville AR 72713

Waiver Request From Section 1100.02(a)(3)

The proposed Take 5 Oil Change development is located at 900 SW Regional Airport Boulevard. The proposed curb cut located on SW 1st Street is approximately 185 feet centerline to centerline of the driveway and Regional Airport Boulevard. Per section 1100.02(a)(3), the minimum distance between a curb cut and the right-of-way involving an arterial intersection to the center line of the driveway is 250'.

We are seeking a waiver from that distance due to the site's size and landscape requirements. The existing curb cut is slightly to the south, closer to Regional Airport Boulevard, so overall there will be an improvement. We have proposed the driveway as far north as possible allowing the site to still be developable. Please consider our waiver request so that we may develop the site. If there are any questions or concerns, please feel free to reach out to Trevor Stubbs, P.E. at 813-613-9885 or by email at TrevorS@carterassoc.com

Cesar Segovia
Project Manager
817.454.7207
segoviac@neptunedesignstudio.com

LARGE SCALE DEVELOPMENT STAFF REPORT

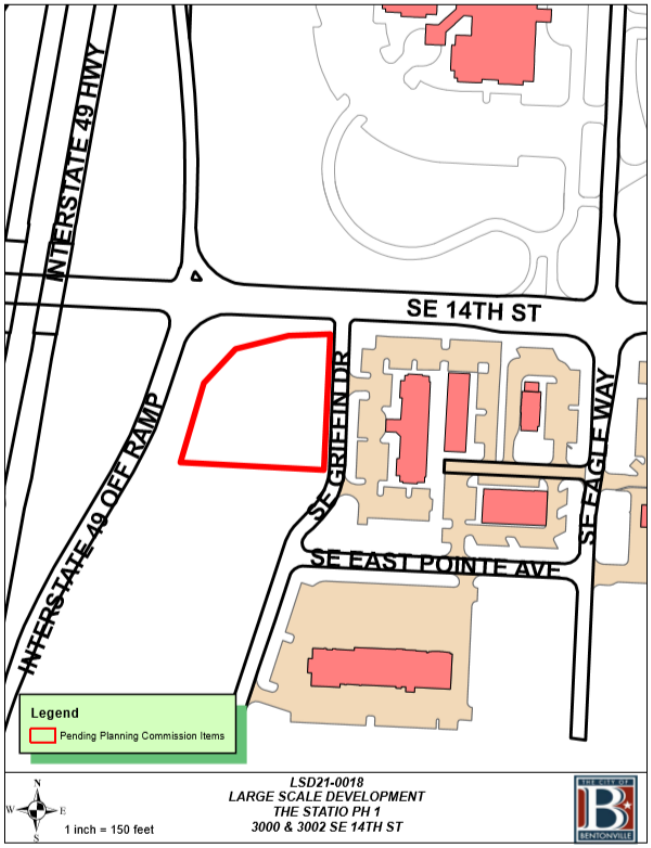
The Station Phase 1

1005 S Walton Boulevard
PC Date: 5/4/2021
Reviewer: Jon Stanley, Senior Planner, ASLA, APA

Project Number	LSD21-0018
Applicant / Current Owner	Rose Development, LLC
Site Area	+/- 2.25 acres
Current Zoning	C-2, General Commercial
Future Land Use Map Designation	General Commercial (GC)
Development Type / Use	Retail/Drive Through Resturant

https://arcg.is/08HvK8

Location Map



Property Description
This property is located at 3000 & 3002 SE 14th Street. It is currently zoned C-2, General Commercial, with a Future Land Use Map classification of General Commercial.

Project Details
A large scale development proposing the construction of one new retail building and the renovation of an existing retail building. Each building is approximately 1800 square feet in size and the Western is intend to be a drive through facility. 18 parking spaces are required, 45 spaces are being provided. The primary exterior materials of the buildings consist of masonry, glass and architectural metal. The use of a composite material is being used on the existing building. Staff has requested additional information on the composite material. Ingress/egress will be from two existing curb cuts onto SE Griffin Drive. Sidewalk, landscaping, grading/drainage, and site amenities are in accordance with the development requirements.

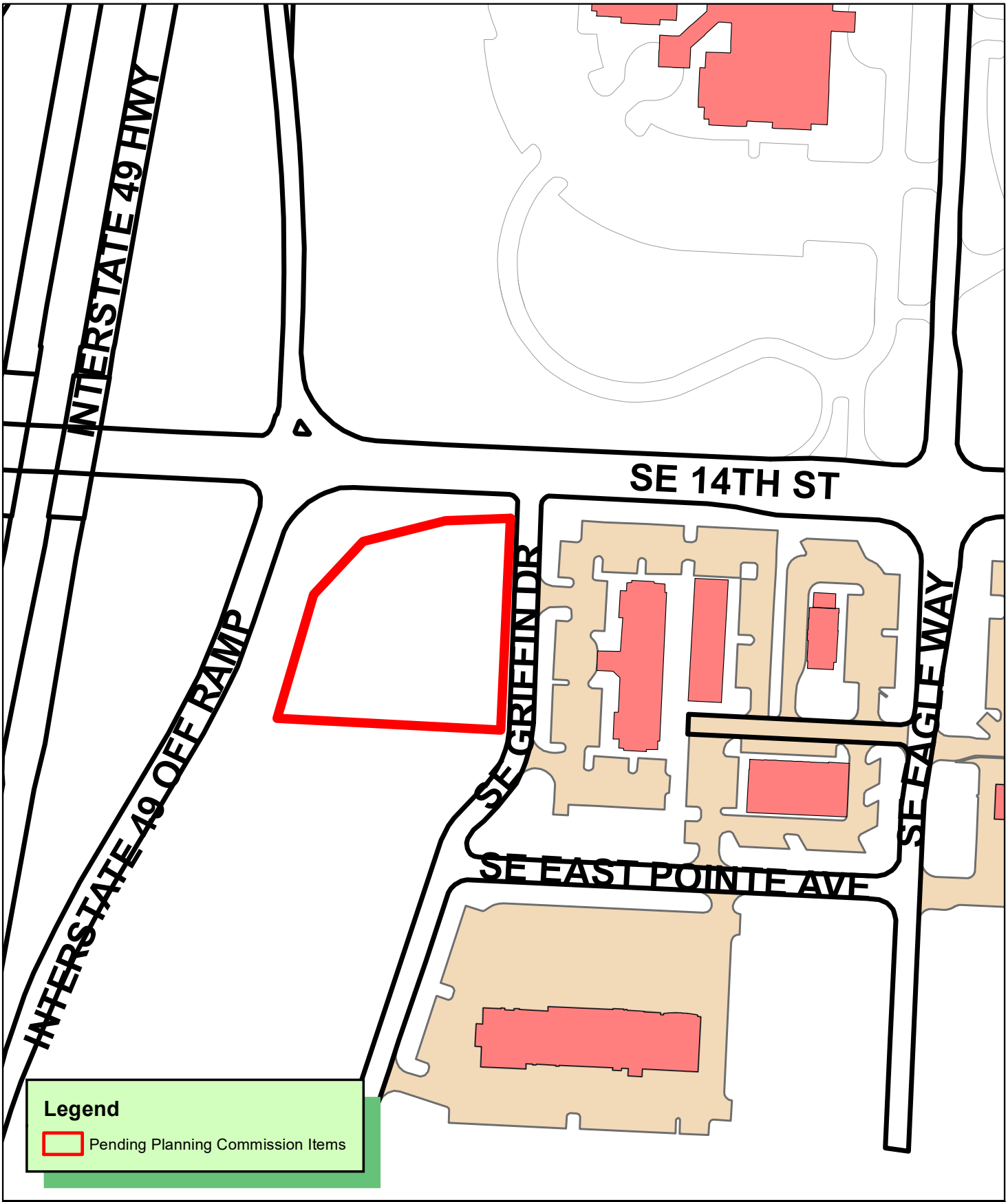
Projected Traffic Impact
This development has the potential to impact traffic in the area. However, the site's compliance with the parking standards and the elimination of a curb cut onto SE 14th Street should help alleviate potential impacts.

Waivers
Three waiver request:

- A waiver from Article 1400, Landscaping, Screening and Buffering, Section 1400.07, Perimeter Landscape Strip Requirements of the Land Development Code. The applicant is requesting to waive these requirements along the eastern and southern property lines stating that the project is phased and installing the trees in these two location during phase 1 would be counterproductive as they will either have to be removed or destroyed during phase 2 construction and would be better served to plant them after phase 2 is completed. Staff feels this is an acceptable request.
- A waiver from Article 1100, Development Standards, Section 1100.02, Access Management Standards. Code requires 100' of separation between curb cuts however the applicant is requesting to utilize the two existing curb cuts on SE Griffin Drive that do not meet the code requirements in exchange for closing the existing curb cut onto SE 14th Street. Staff feels this is an acceptable request.
- A waiver from Article 1100, Section 1100.21.e, Building Materials, of the Land Development Code. The Code requires that a minimum of two primary materials be utilized for each facade, constituting a minimum of 75% of the wall area. The applicant is requesting a 26% waiver to the requirement for both the north and south façades. They are proposing the use of a Trex Cladding composite system to be used.

Conclusion
The proposed large-scale development does not meet the minimum requirements of the Land Development Code because of the waiver request.

Staff recommends approval of the waiver request and approval of the large-scale development.

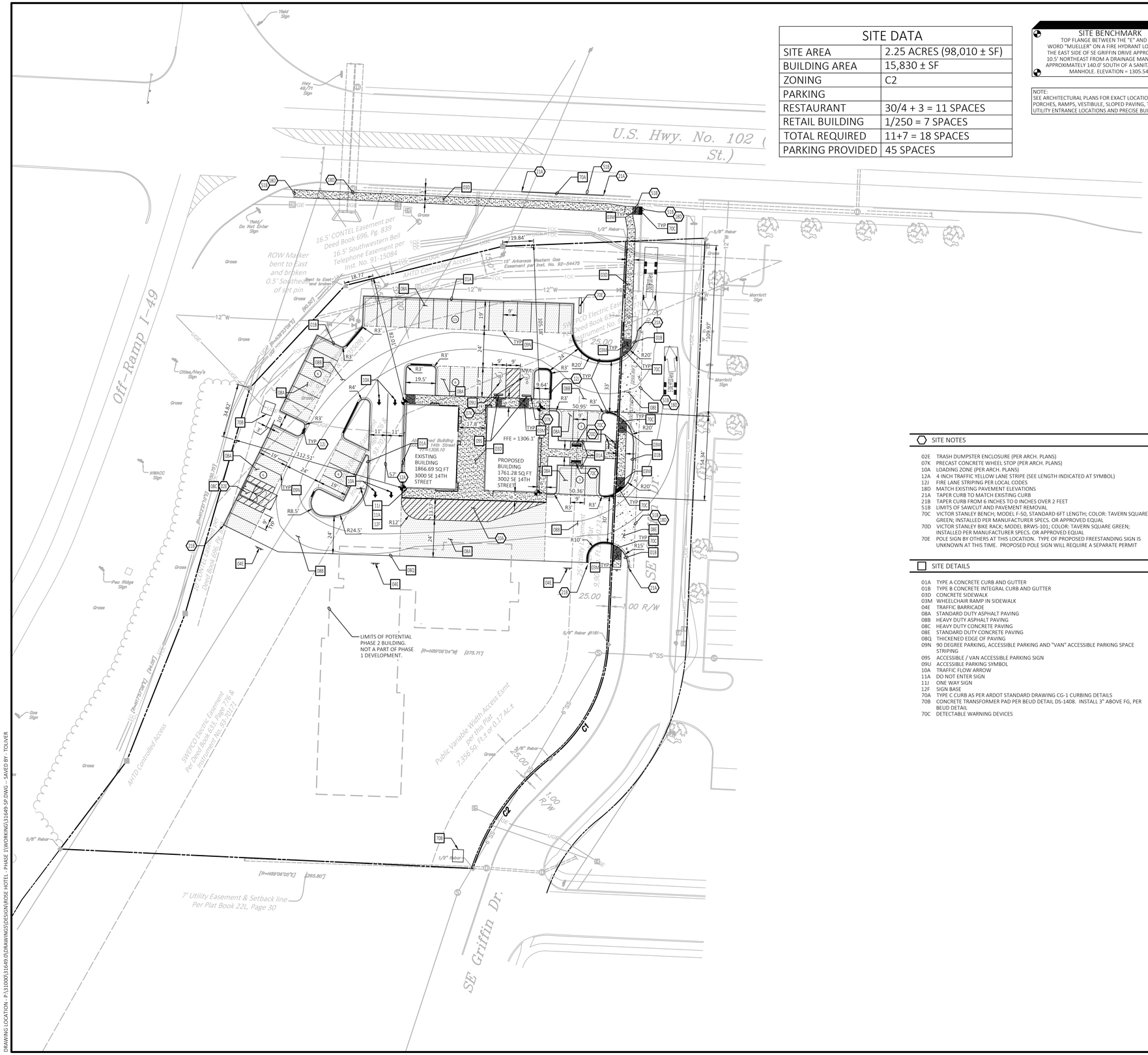


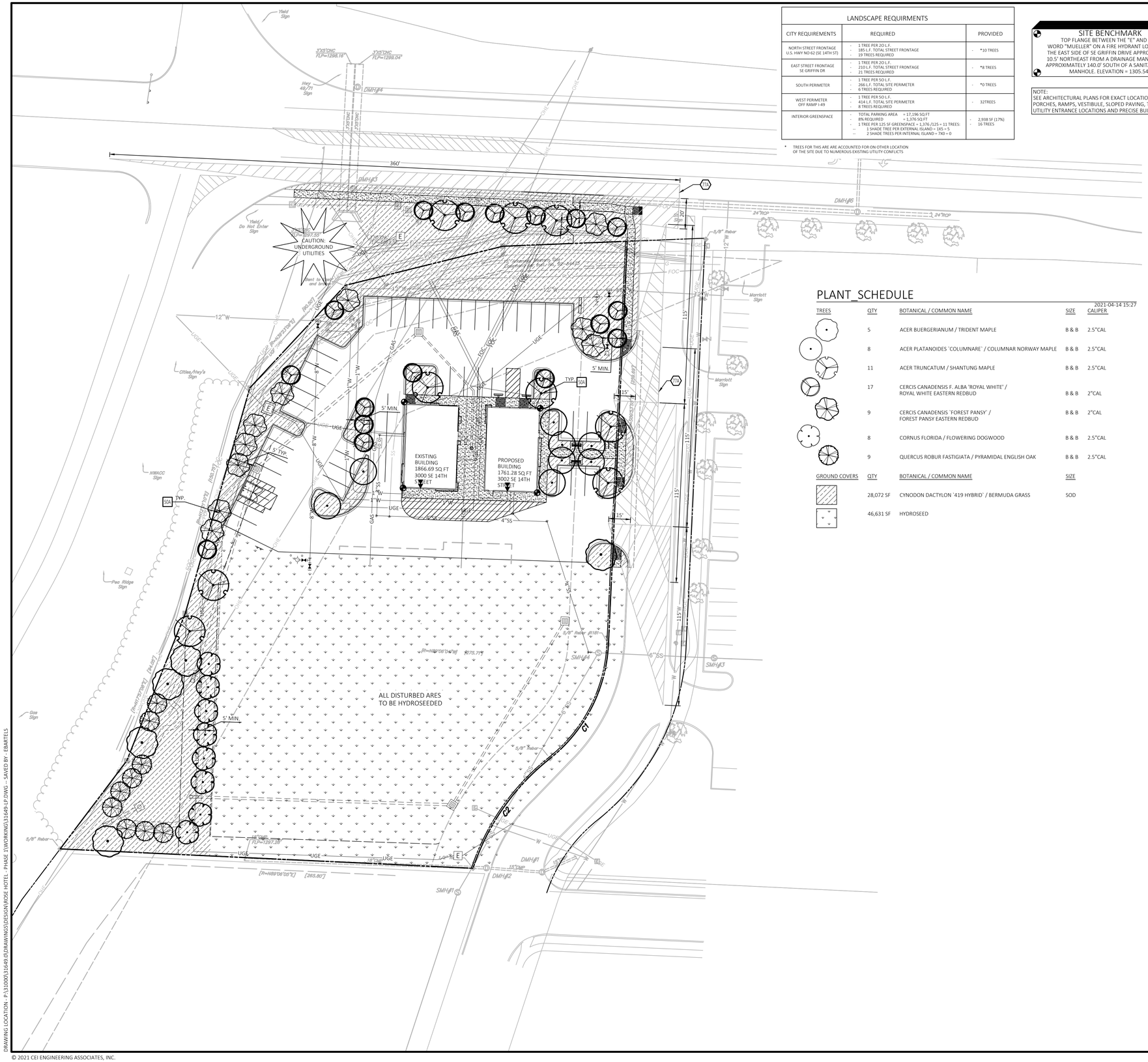
N
W E
S

1 inch = 150 feet

LSD21-0018
LARGE SCALE DEVELOPMENT
THE STATIO PH 1
3000 & 3002 SE 14TH ST

THE CITY OF BENTONVILLE


U.S. Hwy. No. 102 (St.)
Off-Ramp I-49
SE Griffin Dr.
LIMITS OF POTENTIAL PHASE 2 BUILDING. NOT A PART OF PHASE 1 DEVELOPMENT.
EXISTING BUILDING 1866.69 SQ FT 3000 SE 14TH STREET
PROPOSED BUILDING 1761.28 SQ FT 3002 SE 14TH STREET
FFE = 1306.1
16.5' CONTEL Easement per Deed Book 696, Pg. 839
16.5' Southwestern Bell Telephone Easement per Inst. No. 91-15084
15' Arkansas Western Gas Easement per Inst. No. 82-54475
SWEPCO Electric Easement Per Deed Book 633, Page 776 & Instrument No. 93-01271
Public Variable Width Access Esmt. per this Plat 7,355 Sq. Ft.± or 0.17 Ac.±
7' Utility Easement & Setback line Per Plat Book 22L, Page 30
AHTD Controlled Access
ROW Marker bent to East and broken 0.5' Southeast of set pin
Yield Sign
Hwy 49/71 Sign
Yield/ Do Not Enter Sign
Cities/Hwy's Sign
NWACC Sign
Pea Ridge Sign
Gas Sign
Marriott Sign
Bentonville West High
Gross
1/2" Rebar
5/8" Rebar
1/2" Rebar @ 0.2' Below Grade
5/8" Rebar @ 0.2' Below Grade
5/8" Rebar @ 0.2' Above



LANDSCAPE REQUIRMENTS		
CITY REQUIREMENTS	REQUIRED	PROVIDED
NORTH STREET FRONTAGE U.S. HWY NO 62 (SE 14TH ST)	- 1 TREE PER 20 L.F. - 185 L.F. TOTAL STREET FRONTAGE - 19 TREES REQUIRED	- *10 TREES
EAST STREET FRONTAGE SE GRIFFIN DR	- 1 TREE PER 20 L.F. - 210 L.F. TOTAL STREET FRONTAGE - 21 TREES REQUIRED	- *8 TREES
SOUTH PERIMETER	- 1 TREE PER 50 L.F. - 266 L.F. TOTAL SITE PERIMETER - 6 TREES REQUIRED	- *0 TREES
WEST PERIMETER OFF RAMP I-49	- 1 TREE PER 50 L.F. - 414 L.F. TOTAL SITE PERIMETER - 8 TREES REQUIRED	- 32TREES
INTERIOR GREENSPACE	- TOTAL PARKING AREA = 17,196 SQ FT - 8% REQUIRED = 1,376 SQ FT - 1 TREE PER 125 SF GREENSPACE = 1,376 /125 = 11 TREES. -- 1 SHADE TREE PER EXTERNAL ISLAND = 1X5 = 5 -- 2 SHADE TREES PER INTERNAL ISLAND = 7X0 = 0	- 2,938 SF (17%) - 16 TREES

* TREES FOR THIS ARE ARE ACCOUNTED FOR ON OTHER LOCATION OF THE SITE DUE TO NUMEROUS EXISTING UTILITY CONFLICTS

SITE BENCHMARK
TOP FLANGE BETWEEN THE "E" AND "L" ON THE WORD "MUELLER" ON A FIRE HYDRANT LOCATED ON THE EAST SIDE OF SE GRIFFIN DRIVE APPROXIMATELY 10.5' NORTHEAST FROM A DRAINAGE MANHOLE AND APPROXIMATELY 140.0' SOUTH OF A SANITARY SEWER MANHOLE. ELEVATION = 1305.54'.

NOTE:
SEE ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF PORCHES, RAMPS, VESTIBULE, SLOPED PAVING, TRUCK DOCKS, BUILDING UTILITY ENTRANCE LOCATIONS AND PRECISE BUILDING DIMENSIONS.

N

0 30' 45' 60'
SCALE IN FEET

811
Know what's below.
Call before you dig.

PLANT_SCHEDULE

2021-04-14 15:27

TREES	QTY	BOTANICAL / COMMON NAME	SIZE	CALIPER
	5	ACER BUERGERIANUM / TRIDENT MAPLE	B & B	2.5"CAL
	8	ACER PLATANOIDES `COLUMNARE` / COLUMNAR NORWAY MAPLE	B & B	2.5"CAL
	11	ACER TRUNCATUM / SHANTUNG MAPLE	B & B	2.5"CAL
	17	CERCIS CANADENSIS F. ALBA 'ROYAL WHITE' / ROYAL WHITE EASTERN REDBUD	B & B	2"CAL
	9	CERCIS CANADENSIS `FOREST PANSY` / FOREST PANSY EASTERN REDBUD	B & B	2"CAL
	8	CORNUS FLORIDA / FLOWERING DOGWOOD	B & B	2.5"CAL
	9	QUERCUS ROBUR FASTIGIATA / PYRAMIDAL ENGLISH OAK	B & B	2.5"CAL

GROUND COVERS	QTY	BOTANICAL / COMMON NAME	SIZE
	28,072 SF	CYNODON DACTYLON `419 HYBRID` / BERMUDA GRASS	SOD
	46,631 SF	HYDROSEED	

EXISTING LEGEND

Property Line		Rebar Found (As Noted)	
Easement Line		Riser Electrical	
Building Setback		Riser Gas	
Existing Building		Right-of-Way Sign Post	
Canopy - Overhang		Sewer Manhole	
Natural Gas Line	G	Sign	
Fuel Line	G	Sign-Fiber Optic Sign	
Overhead Electric Line		Sign-Telephone	
Sanitary Sewer Line		Traffic Signal-2 Lamp	
Storm Drainage Pipe		Traffic Signal-3 Lamp	
Underground Electric Line		Tree (Deciduous)	(x")
Underground Fiber-optic Line			
Water Line	W	Utility Pole	
Metal Chainlink Fence		Vault Traffic Signal	TS
Wire Metal Fence		Water Meter	
Wood Fence		Water Valve	
Tree Line		Bottom of Bank	bb
Aluminum Mounument		Bench Mark	BM
Backflow Preventer		Curb Inlet Flow	CIF
Benchmark		Corrugated Metal Pipe	CMP
Clean out	C	Concrete	cnc
Drainage Manhole		Canopy-Overhanging	cpy
Electric Meter		Crown	cr
Fueling Cap	E	Drainage Manhole	DMH
Fire Hydrant		Edge of Asphalt	ea
Guard Post		Edge of Concrete	ec
Guy Wire		Existing Ground	eg
Handicapped Facility		Flow Line (Ditch)	fl
Light Pole Straight - 1 Lamp		Flow Line Pipe	FLP
Light Pole Straight - 2 Lamp		Grade Break	gb
Light on Utility Pole		Gutter	gut
MAG Nail Found (As Noted)	MAG	Polyvinyl Chloride Pipe	PVC
Mail Box	MB	Reinforced Concrete Pipe	RCP
Mail Box		Sanitary Sewer Manhole	SMH
		Stripe Solid	st
		Sidewalk	sw
		Top of Bank	tb
		Top Back Curb	tbc
		Wall Block	wbl

PROPOSED LEGEND

BOUNDARY LINE
STORM DRAIN

GENERAL NOTES

A. SEE LANDSCAPE NOTES (SHEET C6.1) FOR LANDSCAPE NOTES AND DETAILS.
B. ALL TREES MUST MAINTAIN A MINIMUM 5' SEPARATION FROM ALL PUBLIC UTILITIES.

LANDSCAPE NOTES

77A AASHTO SIGHT TRIANGLES

LANDSCAPE DETAILS

50A TREE PLANTING DETAIL

CEI ENGINEERING ASSOCIATES, INC.
3108 SW REGENCY PKWY
BENTONVILLE, AR 72712
PHONE: (479) 273-9472
FAX: (479) 273-0844

THE STATION
PHASE 1
3000 & 3002 SE 14TH STREET
BENTONVILLE, ARKANSAS

REGISTERED LANDSCAPE ARCHITECT
RYAN Y. EVITTS
9456
STATE OF ARKANSAS
2021-04-16

PROFESSIONAL OF RECORD	TCO
PROJECT MANAGER	JS
DESIGNER	TMO
CEI PROJECT NUMBER	31649
DATE	4/16/2021
REVISION	REV-1

LANDSCAPE PLAN

SHEET TITLE

SHEET NUMBER

C6

COB PROJECT NUMBER: LSD21-0018

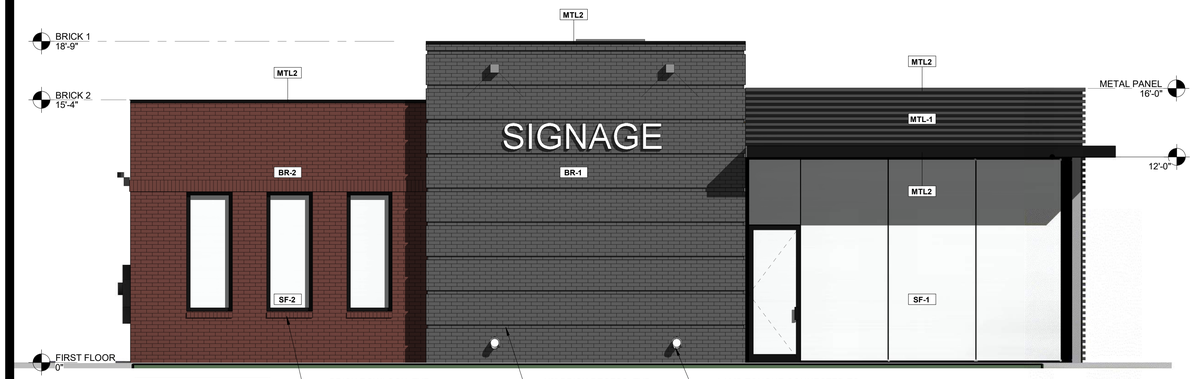
DRAWING LOCATION - P:\31000\31649.00\DRAWINGS\DESIGN\ROSE HOTEL - PHASE 1\WORKING\31649-LP.DWG -- SAVED BY - EBARTELS

© 2021 CEI ENGINEERING ASSOCIATES, INC.



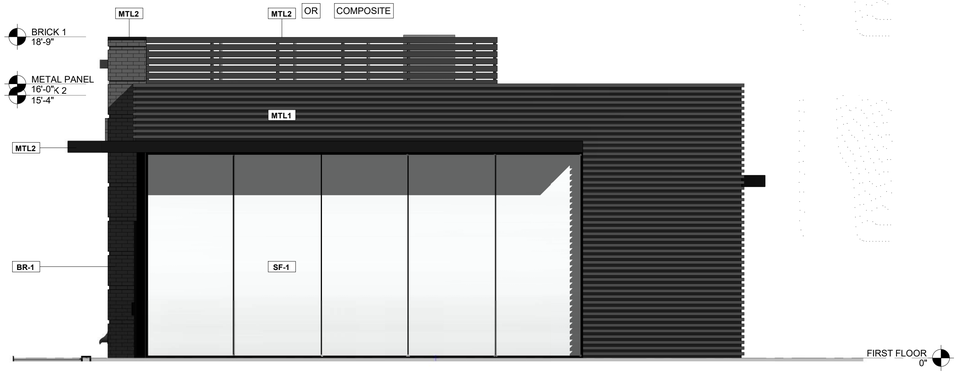
862 SF TOTAL
MASONRY = 543 SF = 63%
GLAZING = 117 SF = 13.6%
METAL = 202 SF = 23.4%

WEST ELEVATION
1/4" = 1'-0"



918 SF TOTAL
MASONRY = 559SF = 60%
GLAZING = 280 SF = 30.5%
METAL = 79 SF = 8.5%

EAST ELEVATION
1/4" = 1'-0"



571 SF TOTAL
GLAZING = 332 SF = 58.1%
METAL = 239 SF = 41.9%

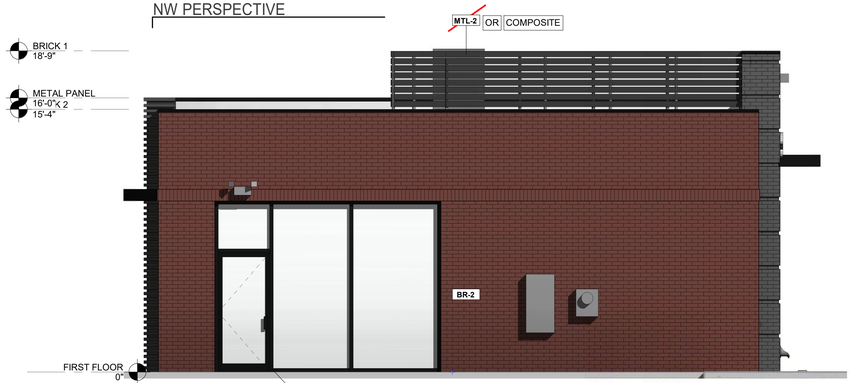
NORTH ELEVATION
1/4" = 1'-0"



NE PERSPECTIVE



NW PERSPECTIVE



531 SF TOTAL
MASONRY = 399 SF = 70.1%
GLASS = 132 SF = 25%

SOUTH ELEVATION
1/4" = 1'-0"

ELEVATION KEYNOTES	
001	OUTLET FOR FUTURE DECORATIVE LIGHTING
002	DOOR, PAINT BLACK TO MATCH STOREFRONT

MATERIALS

B-1: BRICK, MODULAR,
(TO MATCH ACME THINBRICK OBSIDIAN)

B-2: - BRICK, MODULAR,
(TO MATCH ACME THINBRICK REAVES PARK)

MTL-1: METAL PANEL, LUX METAL CRAFT SERIES - FOLDED WALL VARYING PROFILE THICKNESS. COLOR: BRUSHED CARBON

MTL-2: PREFINISHED METAL - SATIN BLACK

SF-1: STOREFRONT, KAWNEER CLEARWALL SSI, BLACK ANODIZED

SF-2: STOREFRONT, KAWNEER 451T BLACK ANODIZED

TPO: ROOF MEMBRANE, WHITE

INSULATION

INSULATION REQUIREMENTS:
IECC 2009, ZONE 4

ROOF:	R-20
WALLS:	R-19







COMPOSITE
TREX SCREEN

NIELSEN
ARCHITECTURE, LLC
nielsen-architecture.com
1710 SW Commerce Drive
Suite 25
Bentonville, AR 72712
eric@nielsen-architecture.com
479.254.0112

FOR REFERENCE AND REVIEW ONLY
NOT FOR CONSTRUCTION

PERTAINING TO ISSUES OF CONFIDENTIALITY AND COPYRIGHT, REQUEST FOR THE RELEASE OR REPRODUCTION OF THESE DRAWINGS MUST BE APPROVED BY NIELSEN ARCHITECTURE, LLC.

STATION BLDG #2
3000 SE 14TH ST. BENTONVILLE, AR 72712

PROJECT NUMBER: 2019-0050
DRAWN BY: Author
APPROVED BY: Approver
ISSUE DATE: xx/xx/xx

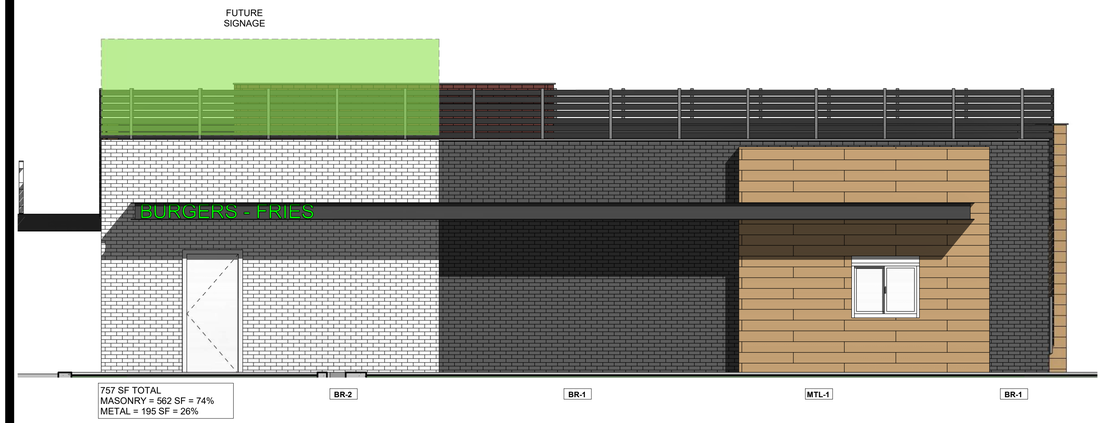
REVISIONS

#	DATE	DESCRIPTION

SHEET CONTENTS:
BUILDING ELEVATIONS

A200

2/26/2021 4:45:05 PM
C:\Users\eric\Documents\2020-0074 - Rose Restaurant #2 CENTRAL_FILE ALT_BRIANSTAHL.rvt



757 SF TOTAL
MASONRY = 562 SF = 74%
METAL = 195 SF = 26%

WEST ELEVATION
1/4" = 1'-0"



NE PERSPECTIVE

MATERIALS

BR-1: BRICK, EXISTING
ACME THINBRICK OBSIDIAN)

BR-2: - BRICK, EXISTING BRICK PAINTED WHITE

MTL-1: METAL PANEL, LUX METAL CRAFT SERIES - FOLDED WALL VARYING PROFILE THICKNESS. COLOR: BRUSHED CARBON

C-1 - TREX TRANSCEND COMPOSITE CLADDING, VINTAGE LANTERN

SF-1: STOREFRONT, KAWNEER CLEARWALL SSI, BLACK ANODIZED

INSULATION

INSULATION REQUIREMENTS:
IECC 2009, ZONE 4

ROOF: R-20

WALLS: R-19







TREX RAIN SCREEN

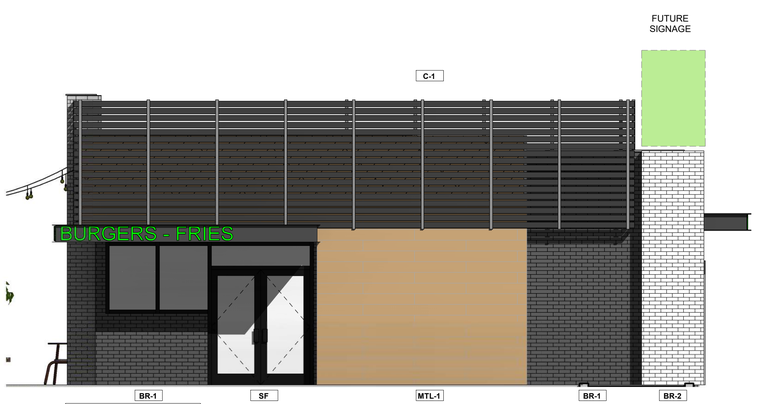


NW PERSPECTIVE



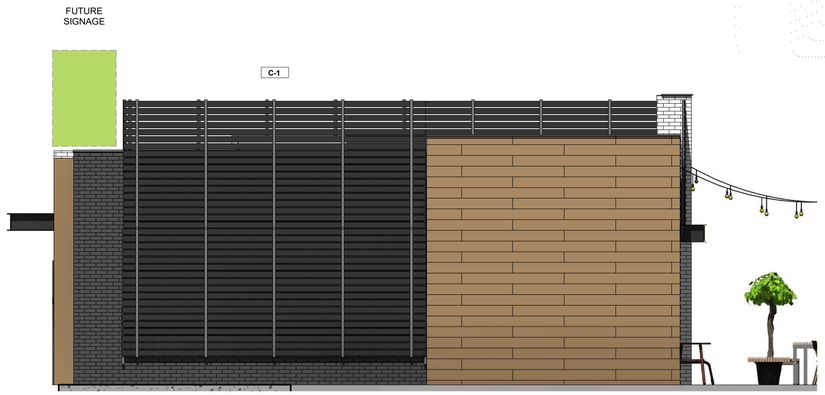
899 SF TOTAL
MASONRY = 355 SF = 39.5%
COMPOSITE = 242.5 = 27%
GLASS = 301.5 SF = 33.5%

EAST ELEVATION
1/4" = 1'-0"



480 SF TOTAL
MASONRY = 157 SF = 33%
COMPOSITE = 246 SF = 51%
GLASS = 77 SF = 16%

NORTH ELEVATION
1/4" = 1'-0"



576 SF TOTAL
MASONRY = 69 SF = 12%
COMPOSITE = 292 = 51%
METAL = 215 SF = 37%

SOUTH ELEVATION
1/4" = 1'-0"

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ROSE RESTAURANT B 1

PROJECT NUMBER: 2019-0050
DRAWN BY: JGK
APPROVED BY: EJN
ISSUE DATE: 2021-03-16

REVISIONS

#	DATE	DESCRIPTION

SHEET CONTENTS:

BUILDING ELEVATIONS

A200

3/16/2021 1:43:17 PM
C:\Users\eric\Documents\RoseRestaurant DWG Exterior\Revit\rep_BRKNSTAHL.rvt

Civil Engineering, Landscape Architecture,
Survey, Planning & Program Management

3108 SW Regency Parkway
Bentonville, AR 72712
Office: 479.273.9472
Toll-free: 1.800.433.4173
ceieng.com

March 25, 2021

City of Bentonville
Planning Commission
Attn: Planning Department

Re: The Station Phase 1 – Partial Waiver of Landscape Strip Requirements
3000 SE 14th Street
Bentonville, AR
CEI Project No. 31649

To Bentonville Planning Commission:

This is a formal request for a waiver of the Bentonville Zoning Ordinance Article 1400 Landscaping, Screening and Buffering, Section 1400.07. Said ordinance requires a minim 7' perimeter landscape strip along rear and side lot lines that includes landscaping and screening, if required.

We are proposing a waiver to the requirement of planting the landscape strip areas on a portion of the east and south sides of this proposed development. These areas are currently undeveloped as part of The Station Phase 1 but will be developed and part of The Station Phase 2. These areas will be sodded as a part of Phase 1, so we will be meeting the intention of the buffer. We are concerned that planting these areas, as part of Phase 1 construction, will only lead to the necessity to remove them and replant the area as part of Phase 2.

The current plan meets the intention of this ordinance on the north and west sides of the site.

Large Scale Development (LSD) plans have been submitted to the City Planning Department and shall be considered inclusive of this request including any revisions made throughout the review process.

We appreciate your consideration in this matter, and if you have questions or concerns, please do not hesitate to call.

Respectfully submitted,

Zachary Hoyt
Project Manager
CEI Engineering Associates, Inc.

Civil Engineering, Landscape Architecture,
Survey, Planning & Program Management

3108 SW Regency Parkway
Bentonville, AR 72712
Office: 479.273.9472
Toll-free: 1.800.433.4173
ceieng.com

March 19, 2021

City of Bentonville
Planning Commission
Attn: Planning Department

Re: The Station Phase 1 – Waiver of Curb Cut Separation Requirement
3000 SE 14th Street
Bentonville, AR
CEI Project No. 31649

To Bentonville Planning Commission:

This is a formal request for a waiver of the Bentonville Zoning Ordinance Article 1100 Development Standards, Section 1100.02 Access Management Standards. Said ordinance requires a minimum of 100' between curb cuts on a maximum 30mph roadway. SE Griffin Drive is not marked by a speed limit sign currently, so it is assumed it is a 30mph or less roadway. We are proposing a waiver of the minimum requirement between curb cuts. Our current plan is developed using existing drive cuts. These drive cuts have ±75' of separation. In our development plan, this separation is maintained by landscaping and parking. We believe this waiver will allow safe ingress and egress from the site. We also believe the site distances can be maintained for safe operation.

The existence of curb cuts on this site are unique and this situation is not applicable to other sites in the same district. Literal interpretation of the provisions of these ordinances would deprive us of rights commonly enjoyed by other properties in the same district under the terms of these ordinance.

These special conditions do not result from the any actions on our part and granting these variance requests will not confer on us any special privilege that is denied by this ordinance to other sites in the same district.

Large Scale Development (LSD) plans have been submitted to the City Planning Department and shall be considered inclusive of this request including any revisions made throughout the review process.

We appreciate your consideration in this matter, and if you have questions or concerns, please do not hesitate to call.

WAIVER REQUEST STAFF REPORT

Jacobs Group – On-Street Parking Waiver

708 SE B Street
PC Date: 5/4/2021
Reviewer: Jon Stanley, Senior Planner, ASLA, APA

Project Number	WAV21-0009
Applicant / Current Owner	Redbud Holdings, LLC
Site Area	+/- 0.22 acres
Current Zoning	DE, Downtown Edge
Future Land Use Map Designation	Downtown Commercial (DT)
Waiver Request	On-Street Parking Waiver

https://arcg.is/08HvK8



Property Description
This property is located at 708 SE B Street and is zoned DE, Downtown Edge. Adjacent zoning districts are DE, Downtown Edge to the north and south and west and R-1, Single-Family Residential to the east. The Future Land Use Plan designates this area as Downtown Commercial.

Waiver Request
The applicant requests a waiver from Article 1100, Section 1100.1, *General Provision, (f),*Sight Distance at Driveways and Intersections, (3), *Determination of Area to be kept clear of sight obstructions*, of the Land Development Code. The Code states that *"All intersections and commercial driveways shall use AASHTO standards to determine the area is to be kept clear of sight obstructions, unless otherwise approved by the city engineer"*.

Analysis
The on-street parking request was originally denied with the approval of the Large Scale Development for this project that was approved by the Planning Commission on February 4, 2020. Engineering staff did not support the on-street parking at that time due to the obstructions these parking spaces would have created within the AASHTO sight triangle standards.

Per the applicant's narrative, "*Recently the city staff approved on-street parking located at 409 SE 6th Street. In approving this on-street parking the City staff have arbitrarily enforced certain requirements on our project, while not on substantially similar project. This action was arbitrary, capricious, and unreasonable by city staff.*

Such selective enforcement also constitutes as capricious actions by the City as it does not show a steady judgment or purpose – to the contrary, it is an unequal and haphazard application of the City's review process. There is no reasonable explanation for city staff requiring certain items from specific projects and not on other similarly situated projects.

Also, it is well settled within the courts that cities may not exceed the power given to them by the legislature and must stay within the delegated authority which must be exercised reasonably and without arbitrary restrictions."

Staff Recommendation
Staff has reviewed this waiver request and based on the analysis provide by the Engineering Department, staff recommends denial of this waiver request.



WAV21-0009
GENERAL WAIVER
AJ PROJECT
700 SE B ST

JACOBS GROUP

Specializing in Downtown Housing

3-3-21

City of Bentonville
Planning Commission
305 SW A Street
Bentonville, AR. 72712

RE: On-Street Parking Waiver

Dear Planning Commissioners

We are requesting a waiver from **Section1100.1 General Provision - (f) Sight Distant at Driveway and Intersection** located at **708 SE B Street** which is in Downtown.

Recently the city staff approved on-street parking located at **409 SE 6th Street**. In approving this on-street parking the City staff have arbitrarily enforced certain requirements on our project, while not on substantially similar project. This action was arbitrary, capricious, and unreasonable by city staff.

Such selective enforcement also constitutes as capricious actions by the City as it does not show a steady judgment or purpose – to the contrary, it is an unequal and haphazard application of the City's review process. There is no reasonable explanation for city staff requiring certain items from specific projects and not on other similarly situated projects.

Also, it is well settled with in the courts that cities may not exceed the power given to them by the legislature and must stay within the delegated authority which must be exercised reasonably and without arbitrary restrictions.

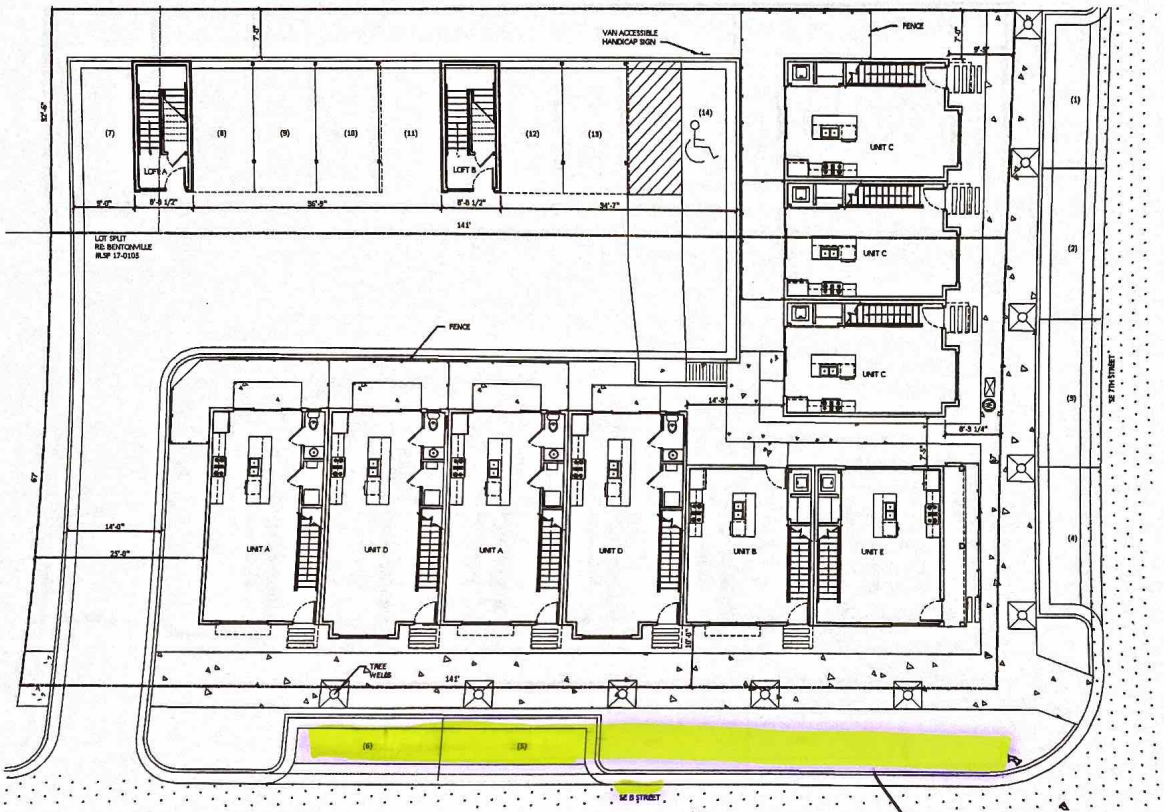
Thanks for your time and consideration.

Sincerely,

Jacobs Group
PO Box 1285
Bentonville AR, 72712

NOTE: ALL SITE IMPROVEMENTS ARE ILLUSTRATIVE. REFER TO LARGE SCALE DEVELOPMENT PACKAGE FOR DETAILS.

SUBDIVISION COVENANTS:
1100.3
A. USE: R-3 MEDIUM DENSITY RESIDENTIAL PURPOSE
B. ZONING: CURRENTLY ZONED DE
C. ACCESS: PARKING PARALLEL TO BE 9'X22'
D. TOPOGRAPHY: NO SIGNIFICANT SITE ISSUES
E. SIZE
F. BUSINESS AND INDUSTRIAL USE: PROJECT IS RESIDENTIAL, DOES NOT APPLY
G. RESIDENTIAL USE



1 ARCHITECTURAL SITE PLAN

SCALE: 1/8" = 1'-0"

NORTH

DISTRICT DE REQUIREMENTS 401.8-B:
ALLOWS 18 DUPLEX PER ACRE - PROJECT HAS 9 TOWN HOUSES AND 2 APARTMENTS
ALL BUILDING TYPES ALLOWED - R-3 ALLOWED
NO MAX. OR MIN. LOT AREA REQUIRED
MAX. OF 80% LOT COVERAGE ALLOWED- PROJECT IS 80% LOT COVERAGE
MAX. HEIGHT 50'- ACTUAL BUILDING HEIGHT IS 38'-3 ½"
ENCROACHMENT: MIN. HEIGHT 8', MIN. SETBACK PRIMARY STREET 4', MIN.
SETBACK ADJACENT TO A SECONDARY STREET 6' SETBACKS
FRONT YARD: NO MIN, 20' MAX.
SIDE YARD: 7' MIN, NO MAX. 5' (ON WEST SIDE)
REAR ADJACENT TO RESIDENTIAL: 12' MIN., NO MAX.

SETBACKS PROVIDED:
FRONT - NORTH ELEVATION TO PROPERTY LINE: 10'-0"
SIDE - SOUTH ELEVATION TO PROPERTY LINE: 2.5'-0"
FRONT - EAST ELEVATION TO PROPERTY LINE: 10'-0"
REAR - WEST ELEVATION TO PROPERTY LINE: 11'-0"

PARKING REQUIREMENTS: RESIDENTIAL USES-2 + BEDROOMS - 1 SPACE/UNIT PLUS .5 FOR EACH BEDROOM OVER 3

11 PARKING SPACES REQUIRED (1 HANDICAP)/ 14 PARKING SPACES PROVIDED

CODE INFORMATION

1. SUMMARY OF WORK:

   THE PROJECT IS NEW 2-STORY AND 3-STORY TOWN HOMES. THE NEW BUILDINGS CONSISTS OF A WOOD FRAMED WALLS AND PRE-ENGINEERED WOOD TRUSSES. EXTERIOR MATERIALS INCLUDE BRICK VENEER AND A COMPOSITION SHINGLE ROOF. SITE GRADING, PAVING, UTILITIES, SIDEWALKS AND LANDSCAPING ARE ALSO INCLUDED.

   APPLICABLE CODES:

2. INTERNATIONAL RESIDENTIAL BUILDING CODE 2012
   INTERNATIONAL FIRE CODE 2012
   INTERNATIONAL PLUMBING CODE (PER STATE OF ARKANSAS)
   INTERNATIONAL MECHANICAL CODE (PER STATE OF ARKANSAS)
   NATIONAL ELECTRICAL CODE 2017

3. CONSTRUCTION CLASSIFICATION:
   TYPE VB,

4. USE AND OCCUPANCY CLASSIFICATION:
   TOWN HOUSE

5. R302.2 TOWN HOUSES:
   EACH TOWN HOUSE SHALL BE CONSIDERED A SEPARATE BUILDING AND SHALL BE SEPARATED BY FIRE-RESISTANCE RATED WALL ASSEMBLIES MEETING THE REQUIREMENTS OF SECTION R302.1 FOR EXTERIOR WALLS.

6. CONSTRUCTION SUMMARY
   TYPE VB (TABLE 302.1(1))

7. FIRE-RESISTANCE RATING REQ FOR EXTERIOR WALLS BASED ON SEPARATION DISTANCE (TABLE 602)- R OCCUPANCY, VB CONSTRUCTION
   X<5 = 1 HR
   5<X<10 = 1 HR
   10<X<30 = 0 HR
   >30 = 0 HR

   NORTH ELEVATION TO PROPERTY LINE: 10'-0", NO RATING REQUIRED
   SOUTH ELEVATION TO PROPERTY LINE: 2.5'-0" AT WORST CASE, NO RATING REQUIRED
   EAST ELEVATION TO PROPERTY LINE: 10'-0", NO RATING REQUIRED
   WEST ELEVATION TO PROPERTY LINE: 5'-0", 1 HR RATING REQUIRED

TABLE R302.1(1)
EXTERIOR WALLS

WALL/PROJECTION	ELEMENT	MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
Walls	Fire-resistance rated	1 hour—tested in accordance with ASTM E 119 or UL 263 with exposure from both sides	< 5 feet
	Not fire-resistance rated	0 hours	≥ 5 feet
Projections	Fire-resistance rated	1 hour on the underside	≥ 2 feet to < 5 feet
	Not fire-resistance rated	0 hours	≥ 5 feet
	Not allowed	N/A	< 2 feet
Openings in walls	25% maximum of wall area	0 hours	3 feet
	Unlimited	0 hours	≥ 5 feet
Penetrations	All	Comply with Section R302.4	< 3 feet
		None required	≥ 3 feet

For SI: 1 foot = 304.8 mm.
N/A = Not Applicable

8. FIRE PARTITIONS SHALL HAVE A FIRE RESISTANCE RATING OF NOT LESS THAN 1 HOUR

   COMPLIANCE: WALL BETWEEN TOWNHOUSES WILL HAVE TO BE A 1 HR FIRE PARTITION

9. SMOKE DETECTION AND FIRE ALARM SYSTEMS SHALL BE PROVIDED.

OJECT SUMMARY

DESCRIPTION	QUANTITY OF UNITS	HEATED/COOLED SQ FOOTAGE (FIRST FLOOR)	HEATED/COOLED SQ FOOTAGE (SECOND FLOOR)	HEATED/COOLED SQ FOOTAGE (THIRD FLOOR)	FULL BATHS	½ BATHS	EXTERIOR FRAME	EXTERIOR SIDING	INTERIOR FRAME
OUSE - UNIT 'A'	2	572 SF	572 SF	-	2	1	2X6 WOOD STUDS	MASONRY	2X4 WOOD STUDS
OUSE - UNIT 'B'	1	456 SF	468 SF	468 SF	2	-	2X6 WOOD STUDS	MASONRY	2X4 WOOD STUDS
USE - UNIT 'C'	3	454 SF	454 SF	454 SF	2	-	2X6 WOOD STUDS	MASONRY	2X4 WOOD STUDS
SE - UNIT 'D'	2	580 SF	580 SF	-	2	1	2X6 WOOD STUDS	MASONRY	2X4 WOOD STUDS
E - UNIT 'E'	1	456 SF	458 SF	456 SF	2	-	2X6 WOOD STUDS	MASONRY	2X4 WOOD STUDS
	1	166 SF	698 SF		1		2X6 WOOD STUDS	CEMENTITIOUS SIDING	2X4 WOOD STUDS
	1	166 SF	523 SF		1		2X6 WOOD STUDS	CEMENTITIOUS SIDING	2X4 WOOD STUDS

on street parking request

PRELIMINARY NOT APPROVED FOR CONSTRUCTION

RSA
BECK STUPER ARCHITECT

JACOBS GROUP
SOUTHEAST 7TH STREET & SOUTHEAST B STREET
ROW HOMES
BENTONVILLE, AR

Issued:	Date:
1	2-07-2019
2	3-27-2019
3	8-02-2019
Revisions:	Date:
1	11-15-2019
2	12-06-2019

Drawn by: JH
Checked by: RS
Date: 1-31-20
Plan Number: 19
Contents: ARCHITECTUR SITE PLAN
Sheet Number: AS1

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