

Note – Some of the members of the Planning Commission, as well as City staff members, may attend this meeting virtually. For public health reasons, those who attend in person should consider personal hygiene, the use of facial coverings, and social distancing.



**Planning Commission
Meeting Agenda
June 1, 2021**

Registration Link: https://us02web.zoom.us/webinar/register/WN_ujXu-lbzQeKZpAQhn9cQdQ

- I. Call to Order**
- II. Approval of the May 18 Meeting Minutes**
- III. Consent Agenda**

- 1. **Lots 1 & 2, of Isabell Addition** **Lot Split**
10313 Haxton Road ([LS21-0018](#))
- 2. **Lots 1 & 2, AJ Subdivision** **Lot Split**
604 Bella Vista Road ([LS21-0023](#))
- 3. **Creating Lot 2, Hollie Addition** **Lot Split**
405 Trails End Lane ([LS21-0024](#))
- 4. **Haxton District Townhomes** **Large-Scale Development**
218, 220, 222, 224 & 226 SE B Street ([LSD21-0023](#))
- 5. **Hawthorne Heights J Street Townhomes** **Large-Scale Development**
1801-2007 NE J Street ([LSD21-0016](#))

IV. New Business

- 1. **Public and Reserved Parklets** **Ordinance***
- 2. **Tara Ridge** **Rezoning***
A-1, Agricultural to R-3, Medium Density Residential
3809 SW Crockett Street ([RZ21-0029](#))
- 3. **Peloton Offices** **Conditional Use Permit***
Noise Ordinance
215 NW A Street ([CU21-0009](#))
- 4. **Glen Arbors** **Waiver**
Administration & Enforcement - Building Permits
Featherston Road & Glen Road ([WAV21-0011](#))

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

Planning Commission Special Meeting
Minutes
May 18, 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 Baylea Birchfield

Mr. Davis requested an amendment to the May 4 minutes. Item #2, GPA21-0011 should have reflected the following voting record.

“Motion by Mr. Sanders, seconded by Mr. Hipp to remove lots 1, 4, and 5 from consideration in the vote.

Approved 6-1

A vote for the General Plan Amendment for Medium-Density Residential to Low-Density Residential, SW E Street, GPA21-0001 with the approved amendment is made

Approved 5-2”

Motion by Mr. Haynie, seconded by Mrs. Kerr to approve the minutes of May 4, 2021 with the above amendment.

Approved 7-0

Old Business

Pinnacle Villas, LLC, R-1, Single-Family Residential to DN-2, Downtown Medium-Density Residential, 301 SW E Street, RZ20-0060

Applicant withdrew the item

Consent Agenda

1. Lots 61 & 62 Lonesome Pond Addition, 2900 SW 14th Street, PLA21-0017
2. Lot 6, Block 15 of Railroad Addition, 117 SE F Street, LS21-0017
3. Walmart Campus Zone 2 NW. 1300 SE 5th Street, LSD21-0020
4. Poigai Estates Subdivision, SW Maple and SW 28th Street, PP21-0013

Approved 7-0

New Business

Item #1

Residential Zoning District Amendments to R-2, R-3, and R-4 Districts

Shelli Kerr reads the staff report.

Opened public hearing

Tim Sorey, with Sand Creek Engineering, Spoke his concerns via Zoom.

Closed public hearing

There is a discussion amongst the Commissioners and Staff.

Motion by Mr. Hipp, seconded by Mr. Wright to adopt the amendments.

Approved 7-0

Item #2

Bentonville Academy of Music, LLC, RC-2, Central Residential-Moderate Density to DN-4, Downtown Mixed-Use Residential, 509 SE 6th Street, RZ21-0026

Jon Stanley reads the staff report.

Opened public hearing

No public Comments

Closed public hearing

There is a discussion amongst the Commissioners and Staff.

Approved 7-0

Item #3

Hurricane WA, LLC, R-1, Single-Family Residential to DN-2, Downtown Medium Density Residential, 604 Bella Vista Road, RZ21-0027

Jon Stanley reads the staff report.

Opened public hearing

No public Comments

Closed public hearing

There is a discussion amongst the Commissioners and Staff.

Approved 7-0

Item #4

Brewer & Abb, R-1 Single-Family Residential to DN-2, Downtown Medium Density Residential, 604 Bella Vista Road, RZ21-0028

Jon Stanley reads the staff report.

Opened public hearing

No public Comments

Closed public hearing

There is a discussion amongst the Commissioners and Staff.

Approved 7-0

Item #5

KY Enterprises, LLC, DN-4, Downtown Mixed-Use Residential to DE, Downtown Edge, 527 SE 6th Street, RZ21-0030

Jon Stanley reads the staff report.

Opened public hearing

No public Comments

Closed public hearing

Tim Sorey, the representative, is available to speak.

There is a discussion amongst the Commissioners and Staff.

Approved 7-0

Item #6

Highland LLC, General Plan Amendment for RE, Residential Estate to DN-3, Downtown High Density Residential, 7048 Vaughn Road, GPA21-0003

Jon Stanley reads the staff report.

Opened public hearing

No public comments

Closed public hearing

Barry Williams, the representative, is available to speak.

There is a discussion amongst the Commissioners and Staff.

Approved 7-0

Item #7

Midwest Equipment, 5400 SW Regional Airport Boulevard, CU21-0008

Jon Stanley reads the staff report.

Opened public hearing

No public comments

Closed public hearing

There is a discussion amongst the Commissioners and Staff.

Jeff Snyder, the applicant, is available to speak.

Commission requested to include the following statement under the fourth condition of approval. "Street trees are required in accordance with Article 1400, Sec. 1400.06(d) once installed, landscaping shall be maintained in healthy living condition, all plant material that may die shall be replaced.

Approved 7-0

Item #8

SW 4th and B Street Townhomes, 402-428 SW B Street, LSD21-0021

Jon Stanley reads the staff report

Opened public hearing

No public comment

Closed public hearing

There is discussion amongst staff and Commissioners.

Motion by Mr. Wright, seconded by Mrs. Kerr to approve the Waiver from Article 501, Section 501.07.

Approved 7-0

Motion by Mr. Sanders, seconded by Mr. Haynie to approve the Waiver from Article 1100, Section 1100.21.

Approved 7-0

A vote for the Large Scale is made.

Approved 7-0

Item #9

Bean Road Villas, 2001 Been Road, WAV21-0010

Jon Stanley reads the staff report

Opened public hearing

No public comment

Closed public hearing

There is discussion amongst staff and Commissioners.

Motion by Mr. Sanders, seconded by Mr. Wright to approve the waiver.

Approved 7-0

Motion by Mr. Haynie, seconded by Mr. Hipp 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 June 1, 2021

Reviewer: Tyler Overstreet, AICP, Planning Services Manager

- ❖ At the Technical Review meeting held on May 25, 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.

Lot Split: Lots 1 & 2, Isabell Addition, N & J Family Properties, LLC, 10313 Haxton Road, A-1, Agriculture, LS21-0018

A Lot Split of un-platted section land creating new Lot 1, (+/-10 acres) and Lot 2 (+/-29 acres) of Isabell Addition. The plat dedicates a 20' wide utility easement adjacent to Haxton Road. Right-of-way is not required to be dedicated because Haxton Road is not listed on the city's Master Street Plan and Agriculture Zoning and the two lots exceeding 5 acres in size, exempts this requirement.

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

Lot Split: Lot 1 & 2, AJ Subdivision, Hurricane WA, LLC, 604 Bella Vista Road, DN-2, Downtown Medium-Density Residential, LS21-0023

A Lot Split of un-platted section land creating new Lot 1, (+/-0.20 acres) and Lot 2 (+/-0.20 acres) of AJ Subdivision. The plat dedicates a 15' wide utility easement adjacent to Bella Vista Road. Per the requirements of the Master Street, the plat also dedicates additional right-of-way for Bella Vista Road. Access to both lots shall be conveyed thru a single ingress/egress point onto Bella Vista Road via the proposed shared public access easement as shown on the plat.

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

Lot Split: Lot 1, Hollie Addition, Hollie A Paul Trustee, 405 Trails End Lane, R-1, Single-Family Residential, LS21-0024

A property line adjustment of un-platted section land creating new Lot 1, (+/- 0.34 acres), of Hollie Addition. The plat dedicates approximately 2-feet of right-of-way along Trails End Lane. The plat dedicates a 15-foot utility easement along Trails End Lane.

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

Large-Scale Development: Haxton District Townhomes, NLG Properties, LLC, 218 – 226 SE B Street, DE, Downtown Edge, LSD21-0023

A large-scale development proposing the construction of five (5) townhouse units that average 2,316 sq. ft. each in size. The total building square footage is +/- 11,583 square feet. The development provides a total of 10 garage spaces, 5 on-street parking spaces and 11 additional parking spaces located to the rear of the development. Sidewalk, landscaping, grading/drainage, and site amenities are in accordance with the development requirements. A variance (VAR21-0007) for the on-street parking to be located within the triangle was approved by the Board of Adjustments on April 14, 2021. The primary materials on the exterior of the building include stone, brick, fiber cement siding and glass.

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

Large-Scale Development: Hawthorne Heights J Street Townhomes, Martin, 1801 – 2007 NE J Street, PRD, Planned Residential Development, LSD21-0016

A large-scale development proposing the construction of 3 townhome units containing 4 townhomes in each unit for a total of 12 townhomes units. Each unit will have a two-car garage to provide an adequate amount of parking for the development. Sidewalks, landscaping, grading/drainage, and site amenities are in accordance with the approved PRD zoning document. The primary materials on the exterior of the building include brick, fiber cement siding, wood trim, and glass and all exterior materials are in accordance with the approved PRD zoning document.

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



Public and Reserved Parklets

PC Date: 6/1/2021

Reviewer: Shelli Kerr, AICP, Comprehensive Planning Manager

Type	Amendment
Code Impacted	Zoning Code
Section(s)	Art. 201 Definitions Art. 401 Zoning Regulations

Background

On March 11, 2020, Governor Asa Hutchinson declared a public health emergency in the State of Arkansas due to the COVID-19 pandemic, and the emergency restrictions curbed local establishments' ability to conduct business in order to protect the public from exposure to Coronavirus.

These restrictions included guidelines regarding reopening businesses limiting restaurant dining rooms at only sixty-six percent (66%) capacity beginning on June 15, 2020. Many establishments located in downtown Bentonville did not have the outdoor space or designated parking areas in which to provide outdoor dining or curbside pickup during the COVID-19 restrictions.

To support and assist Bentonville establishments so that they may increase their sales, provide food and drink to their patrons and produce revenue and jobs to help the economy while maintaining social distancing requirements, City Council adopted Ordinance No. 0-2020-130 on July 14, 2020 allowing placement of tables, chairs and other items on city of Bentonville public on-street parking spaces adjacent to downtown business establishments temporarily through January 1, 2021.

The ordinance adopted a Downtown Encroachments Map; established a process to submit a request to enter into an encroachment agreement with the city to use designated parking spaces adjacent to their establishment for the placement of tables, chairs and other items; and identified the details of the encroachment agreement. Details included that these designated areas be non-smoking; that alcohol only be sold if in compliance with ABC liquor state and local licenses; specific hours of operation; and detailed design and safety standards.

City Council extended the expiration date twice, first to April 30, 2021 (Ord. No. 2020-196; 10-13-2020) and second to August 31, 2021 (Ord. No. 2021-84; 3-30-21). In association with these extensions, City Council requested staff to prepare an ordinance to allow these spaces, often referred to as parklets, to become permanent. The ordinance proposed is in response to this request. The requirements from the initial ordinance have been modified for codification in the Zoning Code.

ORDINANCE STAFF REPORT

Since adoption, the city has entered into five (5) encroachment agreements. Map provided

- 100 NW 2nd Street, Onyx Coffee Lab
- 108 E Central Ave, Table Mesa
- 110 SE A Street, Tusk & Trotter
- 234 SW 7th St, Two Friends Books
- 409 SE 6th St, Table at the Station

Proposed Changes

The proposal incorporates the regulations of the original ordinance allowing use of public parking spaces for dining and codifies them into the zoning code with a few additions recommended below.

- Add definitions of parklets, encroachment agreement and encroached premises.
- Align regulations with sidewalk cafés.
- Change the applicable area to the entire downtown study area.
- Add “parklet” as a use on the Table of Uses under Retail and allow by right in DC, DE, and DN4.
- Require an application process.
- Require inspections.
- Require annual review or permitting.
- Establish a fee.

Fees

Staff studied other cities that have developed a parklet permit. Regional cities, such as Fayetteville, are still temporary in nature. Other cities reviewed included Tulsa, OK, Tahlequah, OK, Baton Rouge, LA, Lafayette, LA, Austin, TX, Batavia, IL and Albuquerque, NM. The fees included an application fee and an annual permit fee. Several based the fee on either a building permit cost or an amount per square feet of space used. The application fees ranged from \$50 to \$500. The annual fees ranged between \$1,000 to 2,000.

Staff recommends adopting an application fee and an annual encroachment fee. The application fee should be the same as a conditional use for an outdoor vendor, which is \$125. This covers the staff time to review and approve the permit and administer the encroachment agreement.

While the city does not charge for parking downtown, those space do have a value to the city as part of its infrastructure that require maintenance and upkeep. The annual permit fee should reflect this financial value. The annual permit fee should be per parking space, typically 200 sq. ft.

ORDINANCE STAFF REPORT

Relationship to the Community Plan

This recommended ordinance assists in implementing the Downtown Subarea Plan in Chapter 10 of the Community Plan. The city providing the opportunity to convert public parking spaces to public and reserved parklets supports “design solutions in the public and private realms that prioritize the traditional character and pedestrian orientation of the area over factors related to automatic access, utilities, and other elements” on page. 118. Also, the design component and safety requirements ensure the city continues “to prioritize pedestrian safety and mobility” as stated on pg. 118.

Recommendation

Staff recommends approval of the proposed amendments to allow conversion of public parking spaces to parklets and establishing an application fee and annual encroachment fee to administer that conversion.

BENTONVILLE

COMMUNITY & ECONOMIC DEVELOPMENT

Reviewer: Elizabeth Johnson, Senior Planner, AICP

Project Number	RZ21-0029
Applicant / Current Owner	Charles R and Brenda K Salley
Site Area	+/- 19.62 acres
Current Zoning	A-1, Agricultural
Requested Zoning	R-3, Medium Density Residential
Future Land Use Map Designation	Residential Estates (RE)

Pending PC Items
Current City Limits
BENTONVILLE

SW RANCH RD
 SW STONE BLVD
 SW SHIMMER RD
 SW CHASE CIR
 SW DOGWATCH AVE
 SW HAWK RD
 SE 34TH ST
 SE WALTON BLVD
 SE WINSTON LN
 SE TARA RD
 S RAINBOW RD
 SW REGIONAL AIRPORT BLVD
 SW CROOKETT ST
 SW RANDOLPH LN
 SE ELIZABETH AVE

1 inch = 419 feet

RZ21-0029
Tara Ridge
A-1 to R-3

Planning staff has reviewed this rezoning request. It is consistent with the Bentonville Community Plan and nearby zoning districts. Staff recommends approval of the proposed rezoning.

Disclaimer: FOR INFORMATIONAL PURPOSES ONLY.

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

R-3, Medium Density Residential



The R-3 District is established to provide suitable areas for medium density residential development. Such units would be located in areas where adequate city facilities existed prior to development or would be provided in conjunction with development, and where a suitable environment for medium density residential development would be available. Such districts could be used in suburban portions of the city as buffer or transitional zones between single-family and other uses not compatible with low density residential development. Within this district, zero lot line and townhouses are permitted.

Maximum Height Allowed: 40 feet

Minimum Street Frontage: 20 feet

Minimum Width of Corner Lots: 75' at building line

Lot and Area Standards:

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

Minimum Setback Standards:

District	Building type	Front	Side		Rear
			Interior	Exterior	
R-3	All	20'	10'	20'	25'

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

Garage Setback Standards: *Applicable to attached and detached garages.*

Garage, Street Facing: 30 ft. from the property line the garage faces

Garage, Side- or Rear-loading: 20 ft. from the front property line

Garage, Alley Facing: 20 ft. from property line at alley

Accessory Structures & Uses: (i.e. garages, storage sheds, separate dwelling units)

	Detached Non-residential	Detached Accessory Dwelling	Attached Accessory Dwelling
% of floor area of primary structure	40%	50%	50%
Maximum footprint	720 sq. ft.	720 sq. ft.	-
Front setback	As required by the district	As required by the district	As required by the district
Side setback	7'	7'	As required by the district
Rear setback	7'	7'	As required by the district

On corner lots: Structure shall not project beyond the building line of the primary structure of existing primary structure on the adjacent lot.

Disclaimer: FOR INFORMATIONAL PURPOSES ONLY.

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

R-3, Medium Density Residential

Residential Tree Planting:

For newly constructed single and two-family residential structures: 1 shade tree planted in each yard adjacent to roadway and 1 shade tree planted in each right-of-way adjacent to roadway.

Land Uses:

ALLOWED BY RIGHT	CONDITIONAL	ACCESSORY
Agriculture and Animals Animal - domestic or household Community garden	Agriculture and Animals Botanical garden Urban farm	Residential Dwelling - accessory Home occupation - type a
Residential Dwelling - condominium Dwelling - modular Dwelling - multi-family Dwelling - single family Dwelling - townhouse or rowhouse Dwelling - two-family Residential facility - assisted living Residential facility - temporary shelter	Residential Home occupation - type b	Transportation / Utilities Solar energy system Wind energy system, small
Recreation, Education & Assembly Library Park - mini Park - neighborhood	Recreation, Education & Public Aquarium Community center Country club Educational facility Golf course Museum Religious facilities	Other Building, accessory - nonresidential
Services Child care - residential (4 children)	Services Adult day care Cemetery or mausoleum Child care - commercial Child care - residential (5-10 children) Lodging - bed & breakfast Public safety services	
Retail Mobile food vendor	Transportation / Utilities Utility facility Wireless communication facility (cell towers)	
	Other Temporary uses	

CONDITIONAL USE STAFF REPORT



Project Peloton Offices

215 NW A Street

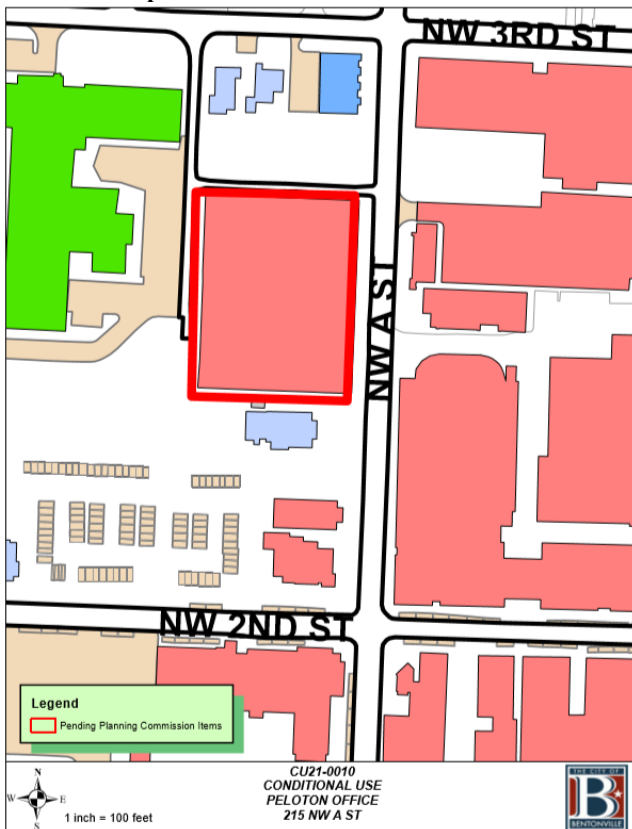
PC Date: 6/1/2021

Reviewer: Jon Stanley, Senior Planner, APA, ASLA

Project Number	CU21-0009
Applicant / Current Owner	211 213 215 NW A, LLC
Site Area	1.26 acres
Current Zoning	DC, Downtown Core
Future Land Use Map Designation	Downtown Commercial
Requested Use	Noise Ordinance Violation
Protective Covenants	N/A

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

Location Map



Property Description

215 NW A Street is currently zoned DC, Downtown Core. Noise Ordinance violations require a Conditional Use Permit regardless of Zoning District.

Proposed Use Description

A request to allow for early morning and late night construction activity in association with the previously approved Peloton Office project. According to the applicant's narrative, due to the timing and scope of concrete pours affiliated with the project, they need the ability to pour overnight. These pours may require temporary lighting, concrete trucks, and machinery be located on site for their duration. Specific timelines are included within this packet.

Public Notice

Staff has not received public comment on this conditional use request

Conditions of Approval

1. This Conditional Use Permit shall be valid for the timeframe and number of occurrences presented by the applicant within their narrative.
2. Any changes in scope, use, or ownership, may require a new Conditional Use Permit. In addition, the Planning Commission has the ability to hold a public hearing on or revoke the Conditional Use if the conditions of approval are not met.
3. This conditional use shall be limited to construction activities directly related to the overnight concrete pours and shall not include other scopes of construction.
4. This Conditional Use Permit shall be limited to the hours of 7:00pm to 6:00am Monday through Sundays and legal holidays.

WAIVER REQUEST STAFF REPORT



Glen Arbor – Admin & Enforcement – Building Permits

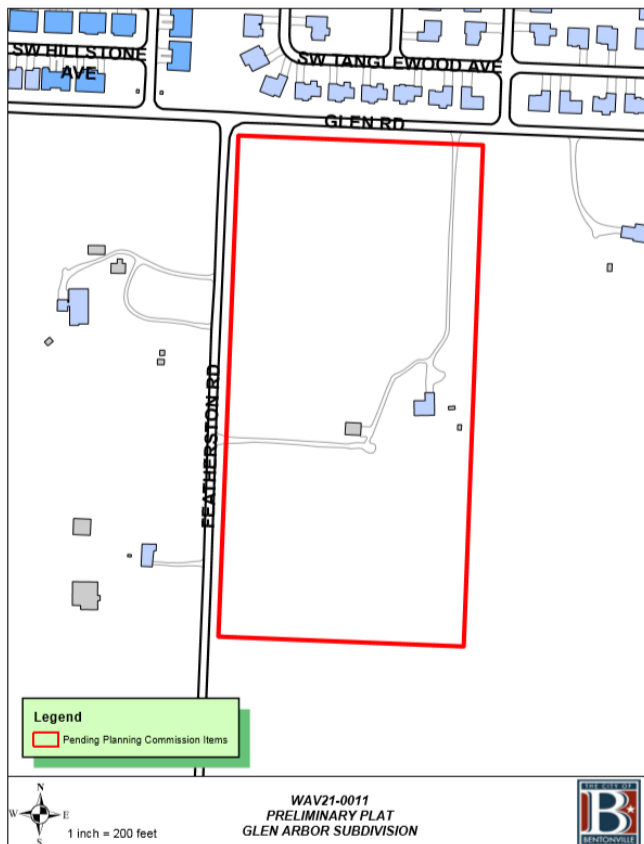
Featherston Road and Glen Road

PC Date: 6/1/2021

Reviewer: Jon Stanley, Senior Planner, ASLA, APA

Project Number	WAV21-0011
Applicant / Current Owner	Glenarborprd, LLC
Site Area	+/- 18.51 acres
Current Zoning	PRD, Planned Residential Development
Future Land Use Map Designation	Medium Density Residential (MDR)
Waiver Request	Article 300, Section 300.02, Admin & Enforcement – Building Permits

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



Property Description

This property is located at the intersection of Featherston and Glen Roads and is zoned PRD, Planned Unit Development. Adjacent zoning districts are R-1, Single-Family Residential to the north, R-2, Duplex and Patio Home Residential to the south and east and Benton County to the west.

Waiver Request

The applicant is requesting a waiver to Article 300, Section 300.02, Enforcement, (a) Building permits:

The code states that “The Building Inspector shall not issue building permits for any structure on any lot in a subdivision for which a plat or pan has not been approved and recorded in the manner prescribed within the Land Development Code”

Analysis

Per the applicant’s “Glen Arbor planned residential development’s infrastructure is currently at 95% completion. The curbs are complete, and the base is on all of the street surfaces for clean access. Fire hydrant protection is available at the northwest corner of the site that assures the safe storage of our materials and protection of the structures. Storm drainage and grading are nearing completion, with the exception of the concrete outfall structures and final sodding. All of the utilities have been installed and are currently being tested. The homes within the Glen Arbor community will be built on legal parcels (the parent tract). IAS the developer, we understand that the homes cannot receive a certificate of occupancy until the subdivision’s water and sewer mains/services are finalized alongside the final plat having been accepted and recorded by the City of Bentonville....”etc.

Staff Recommendation

Planning Commission Members may recall the approval of same request by a different applicant immediately adjacent to this project on the May 18, 2021 PC agenda. Staff is currently exploring options to codify this process.

Staff has reviewed this waiver request and recommends approval with the proper notifications, inspections and coordination with the city’s Engineering and Utilities Departments.

There shall be no final inspection conduct on any home allowed to start construction under the approval of this waiver until the final plat is filed and of record.