



**Planning Commission
Meeting Agenda
March 21, 2023
Bentonville City Hall
Tech Review: 4:00 PM
Public Hearing: 5:00 PM**

Registration Link: https://us06web.zoom.us/webinar/register/WN_ALXyibtRhu_V5aBG7ZgjA

Call to Order

I. Approval of the March 7, 2023 Meeting Minutes

II. Consent Agenda

- | | |
|--|-----------------------------------|
| 1. Lot 31 of Clark's Addition | Lot Split |
| 302 Southwest E Street (LS22-0032) | |
| 2. Lot 19 of Claypool Addition | Property Line Adjustment |
| 215 Northwest A Street (PLA23-0006) | |
| 3. Hope Hills Subdivision | Preliminary Plat Extension |
| Ginn Road (PP21-0022) | |
| 4. Valley Multi Family Subdivision | Preliminary Plat |
| Southwest 2 nd Street (PP22-0008) | |
| 5. Legacy at Featherstone Addition | Preliminary Plat |
| Featherson Road and Been Road (PP23-0001) | |

III. New Business

Advertised Public Hearings

- | | |
|--|--------------------|
| 1. Amendment to Article 601 of the Zoning Code | Ordinance * |
| Section 601.03 Animals | |
| 2. Amendment to Article 601 of the Zoning Code | Ordinance * |
| Section 601.29 Alcohol Sales | |
| 3. Amendment to Article 1100 of the Land Development Code | Ordinance * |
| Section 1100.21 Large Scale Development Design Standards | |
| Subsection (e) Building Materials | |

- 4. Adventure Church** **Rezoning***
 Town Vu Road ([RZ22-0037](#))
Future Land Use Map Amendment: RE, Residential Estate to LDR, Low Density Residential to C, General Commercial
Rezoning: A-1, Agricultural to R-1, Low Density Single Family Residential
- 5. The Hub Bike Lounge** **Conditional Use Permit Extension***
 410 Southwest A Street ([CU22-0002](#))
Long Term Temporary Use for Shipping Container
- 6. North Walton Blvd. Staging Area** **Conditional Use Permit***
 612 North Walton Boulevard ([CU23-0005](#))
Long Term Temporary Use for construction Staging area
- 7. STEAM Ahead @ Canvas Church** **Conditional Use Permit***
 1106 Northwest 10th Street ([CU23-0006](#))
Commercial Childcare
- 8. FORMAT Festival** **Conditional Use Permit***
 3100 Price Coffee Road ([CU23-0007](#))
Outdoor Music Venue

IV. Other New Business (Projects associated with waivers)

- 1. Been Road Villas** **Waiver**
 Glen Road and Been Road ([PP20-0005](#))
Waiver #1: A waiver from Article 300, Section 300.02 Admin. & Enforcement, (a) Building Permits. The applicant is requesting to go vertical with construction without yet having an approved Final Inspection and Final Plat. The preliminary plat was originally approved by the Planning Commission on July 21, 2020 and the subdivision is currently under construction.

V. Other Business

- 1. Central & Battlefield** **Planned Unit Development Discussion**
 East Central Avenue. & East Battlefield Boulevard ([PUD22-0002](#))
Future Land Use Map Amendment: Mixed-Use Commercial
Rezoning: PRD, Planned Residential Development, A-1, Agriculture & R-O, Residential Office to PUD, Planned Unit Development



**Planning Commission
Meeting Minutes
March 7, 2023
Bentonville City Hall
Tech Review: 4:00 PM
Public Hearing: 5:00 PM**

Meeting Recording Link:

https://us06web.zoom.us/rec/share/sXIZdpysqCUw693UQQV6mEUMo6dwnR5Fe0n5HrK_TPegYuMr_di4Y0-GFP_IX4T8.FD8r6wmy59DAOGJ

Commissioners Present: Danny Bennett, Joe Haynie, Reginald Wright, Elaine Kerr, Dana Davis, Rod Sanders, Eric Hipp

Staff Present: Tyler Overstreet (via Zoom), Dan Weese, Bonnie Bridges, Tom Adler, Luke Aitken, Jon Stanley (via Zoom), Keegan Stanton (via Zoom)

Call to Order

- Meeting called to order at 5:00 pm by Chairman Sanders

I. Invitation from Mayor Orman

- This verbal invitation was moved to the end of the agenda due to the mayor having a scheduling conflict.
- Chairman Sanders reviews public hearing procedure because of the large number of rezoning requests on the agenda.
- Chairman Sanders states the rezoning requests are nearby each other and their public hearings will be grouped based on street addresses, with New Business items 2-10 first, then items 12, then items 13-15 together, then item 16.
- Commissioner Davis requests that item 11 of New Business be moved up to item 2 on the agenda, and that item 3 of other new business be removed from the agenda
- New business item 11 will be moved to item 2 and item 3 of Other New Business is removed from the agenda.
-

II. Approval of the February 21st, 2023, Meeting Minutes

- Motion by Hipp, second by Kerr to approve the February 21st meeting minutes as presented.
- Minutes are approved 7-0 by voice vote.

III. Consent Agenda

1. **Lots 25, 26, 27, 28, 29, & 30 of Railroad Addition** **Lot Split**
218-226 Southeast B Street ([LS23-0008](#))
 2. **SE L Street Development** **Large Scale Development Extension**
3320 Southeast L Street ([LSD22-0003](#))
- Mr. Adler presents the items on the consent agenda.
 - Consent agenda is approved 7-0 as presented.

IV. New Business

Advertised Public Hearings

1. **Buffington Barron, LLC** **Planned Unit Development**
SW Regional Airport Blvd. and SW Opal Road ([PUD22-0003](#))
Future Land Use Map Amendment: Agricultural to Mixed-Use Commercial
Rezoning: PUD, Planned Unit Development to PUD, Planned Unit Development
- Mr. Adler provides an overview of the staff report.
 - Chairman Sanders opens the public hearing.
 - Blake Murray of Crafton & Tull, representing the applicant, provides a project summary and speaks to the intent of the request.
 - Harvey Freeman of 5810 SW Knotty Pine Rd states he did not receive public notice for this second hearing early enough.
 - Mr. Freeman also speaks on his concerns around increased traffic through his neighborhood via a proposed secondary access to the site in question.
 - Public hearing is closed.
 - Mr. Murray states that he and his team worked with city staff to ensure the proper notices were sent out on time.
 - Mr. Overstreet states that the postmarked date (2/13/2023) listed on certified mailers sent out by the applicant is within the 15-day notification window required by our municipal code of all rezoning requests.
 - Commissioner Bennett requests that the use of building material percentages listed on the most recent elevation drawings be added as a condition of approval for the request.
 - Mr. Murray states that he and his client are in favor of adding this condition of approval.
 - Discussion amongst commissioners regarding the order of votes to be taken with land use map amendments being voted on first and rezoning requests second.
 - Future Land Use Map Amendment is denied 7-0.
 - Rezoning Request is approved 7-0.

Chairman Sanders announces that public hearings for items 2 through 10 related to Future Land Use Map Amendments and rezonings would be heard at the same time but that votes on each item would be conducted separately. Mr. Adler provides an overview of Items 2-10 and Commissioner Sanders opens the public hearing.

- Will Kelstrom, representing the applicant, speaks to the intent of the requested rezonings and is available to answer questions.
- Keith Campbell, of 905 SE 11th Street, speaks on his concerns around increased stormwater runoff and drainage issues stemming from redevelopment.
- Portland Williams, of 909 SE 11th Street, speaks in agreement with Mr. Campbells concerns around drainage.
- Mrs. Bridges asks for a show of hands from other members of the public that had concerns around drainage issues and eight (8) additional citizens raise their hands. Mr. Weese takes note.
- Lea Campbell, of 905 SE 11th, speaks to her concerns around overgrowth in the city owned alleyway behind her home and asks if it will be cleaned up prior to redevelopment in the area.
- Mr. Weese addresses the drainage and city alleyway concerns stating multiple options the city staff has to deal with these concerns and ensuring the public that engineering and planning departments take measures to address these issues prior to approval of all new development.
- Commissioner Davis reiterates to the public the positive impact of imposing Low Impact Development Standards on new construction.
- Public hearing is closed.
- Discussion amongst commissioners and staff regarding land use map amendments and rezonings proposed in New Business items 2-10. Chairman Sanders calls for votes on these items.

2. Seventh Living LLC

Rezoning

814 Southeast G Street ([RZ23-0002](#))

Rezoning: R-1, Low Density Single Family Residential to DN-3, Downtown High Density Residential

Future Land Use Map Amendment: MDR, Medium Density Residential to HDR, High Density Residential

- Future Land Use Map Amendment is approved 7-0.
- Rezoning Request is approved 7-0.

3. Seventh Living LLC

Rezoning

805 Southeast G Street ([RZ23-0003](#))

Rezoning: R-3, Medium High Density Residential to DN-3, Downtown High Density Residential

Future Land Use Map Amendment: MDR, Medium Density Residential to HDR, High Density Residential

- Future Land Use Map Amendment is approved 7-0.
- Rezoning Request is approved 7-0.

4. Borra Revocable Living Trust

Rezoning

811 Southeast G Street ([RZ23-0004](#))

Rezoning: R-1, Low Density Single Family Residential to DN-3, Downtown High Density Residential

Future Land Use Map Amendment: MDR, Medium Density Residential to HDR, High Density Residential

- Future Land Use Map Amendment is approved 7-0.
- Rezoning Request is approved 7-0.

5. Borra Revocable Living Trust

Rezoning

809 Southeast G Street ([RZ23-0005](#))

Rezoning: R-1, Low Density Single Family Residential to DN-3, Downtown High Density Residential

Future Land Use Map Amendment: MDR, Medium Density Residential to HDR, High Density Residential

- Future Land Use Map Amendment is approved 7-0.
- Rezoning Request is approved 7-0.

6. Seventh Living LLC

Rezoning

911 Southeast H Street ([RZ23-0006](#))

Rezoning: R-1, Low Density Single Family Residential to DN-3, Downtown High Density Residential

Future Land Use Map Amendment: MDR, Medium Density Residential to HDR, High Density Residential

- Future Land Use Map Amendment is approved 7-0.
- Rezoning Request is approved 7-0.

7. Seventh Living LLC

Rezoning

907 Southeast H Street ([RZ23-0008](#))

Rezoning: R-1, Low Density Single Family Residential to DN-3, Downtown High Density Residential

Future Land Use Map Amendment: MDR, Medium Density Residential to HDR, High Density Residential

- Future Land Use Map Amendment is approved 7-0.
- Rezoning Request is approved 7-0.

8. Gundapaneni Revocable Living Trust

Rezoning

607 Southeast 10th Street ([RZ23-0011](#))

Rezoning: R-1, Low Density Single Family Residential to DN-2, Downtown Medium Density Residential

Future Land Use Map Amendment: LDR, Low Density Residential to MDR, Medium Density Residential

- Future Land Use Map Amendment is approved 7-0.
- Rezoning Request is approved 7-0.

9. Seventh Living LLC

Rezoning

904 Southeast 10th Street ([RZ23-0012](#))

Rezoning: R-1, Low Density Single Family Residential to DN-2, Downtown Medium Density Residential

Future Land Use Map Amendment: LDR, Low Density Residential to MDR, Medium Density Residential

- Future Land Use Map Amendment is approved 6-1.
- Commissioner Davis votes no, stating that neighborhoods south of SE 10th Street should remain under a Low-Density Residential future land use classification.
- Rezoning Request is approved 7-0.

10. Seventh Living LLC

Rezoning

908 Southeast G Street [\(RZ23-0020\)](#)

Rezoning: R-1, Low Density Single Family Residential to DN-3, Downtown High Density Residential

Future Land Use Map Amendment: MDR, Medium Density Residential to HDR, High Density Residential

- Future Land Use Map Amendment is approved 7-0.
- Rezoning Request is approved 7-0.

11. Anglin Properties

Rezoning

Northwest Corner of Southwest Opal Road & Southwest Adams Road [\(RZ23-0013\)](#)

Rezoning: A-1, Agriculture to C-1, Neighborhood Commercial

Future Land Use Map Amendment: AG, Agriculture to C, General Commercial

- Mr. Adler provides an overview of the staff report.
- Chairman Sanders opens the public hearing.
- Paul Simms of Swope Engineering, representing the applicant, speaks to the intent of the rezoning request.
- Public hearing is closed.
- Commissioner Bennett asks when required road improvements nearby would be addressed when the parcel is developed.
- Mr. Weese states that road improvements would be addressed during the staff review of a large scale development plan to be submitted by the applicant.
- Discussion amongst staff and commissioners regarding lack of public comments on the request and the importance of the planning departments future land use map and zoning district alignment policy.
- Future Land Use Map Amendment is denied 7-0.
- Rezoning Request is approved 7-0.

12. Seventh Living LLC

Rezoning

1205 Fillmore Street [\(RZ23-0015\)](#)

Rezoning: R-1, Low Density Single Family Residential to DN-2, Downtown Medium Density Residential

- Mr. Adler provides an overview of the staff report.
- Chairman Sanders opens the public hearing.
- Will Kelstrom, representing the applicant, speaks to the intent of the request.
- Public hearing is closed.
- Rezoning Request is approved 7-0.

Chairman Sanders announces that public hearings for items 13 through 15 related to rezonings would be heard at the same time but that votes on each item would be

conducted separately. Mr. Adler provides an overview of Items 13-15 and Commissioner Sanders opens the public hearing.

- Will Kelstrom, representing the applicant, speaks to the intent of these requests.
- Public hearing is closed.
- Discussion amongst commissioners and staff
- rezonings proposed in New Business items 13-15. Chairman Sanders calls for votes on these items.

13. Seventh Living LLC

Rezoning

710 Northwest 10th Street ([RZ23-0016](#))

Rezoning: R-1, Low Density Single Family Residential to DN-1, Downtown Low Density Residential

- Rezoning Request is approved 7-0.

14. Seventh Living LLC

Rezoning

801 Northwest 10th Street ([RZ23-0017](#))

Rezoning: R-1, Low Density Single Family Residential to DN-1, Downtown Low Density Residential

- Rezoning Request is approved 7-0.

15. Seventh Living LLC

Rezoning

810 Northwest 10th Street ([RZ23-0018](#))

Rezoning: R-1, Low Density Single Family Residential to DN-1, Downtown Low Density Residential

- Rezoning Request is approved 7-0.

16. Jampana

Rezoning

3406 Southeast K Street ([RZ23-0019](#))

Rezoning: R-1, Low Density Single Family Residential to R-2, Medium Density Two Family and Townhome Residential

- Mr. Adler provides an overview of the staff report.
- Chairman Sanders opens the public hearing.
- Will Kelstrom, representing the applicant, is available for questions.
- Public hearing is closed.
- Rezoning Request is approved 7-0.

V. *Other New Business (Projects associated with waivers)*

1. Crain Dealership

Large Scale Development

2201 Southeast 28th Street ([LSD22-0073](#))

Waiver #1: A waiver from Section 1100.02(a)(4) – Access Management Standards, Curb Cuts, Offset: The applicant is requesting a waiver that nonresidential drives be offset by at least 75 feet. An existing platted shared access easement does not exactly align with the existing drive to the Clorox building.

- Mr. Adler provides an overview of the staff report.
- Commissioner Davis states the material in relation to this waiver should be noted as textured CMU block on the approved plans and elevations for the project.
- Motion by Haynie, second by Hipp to approve the waiver as presented.
- Waiver approved 7-0.
- Large scale development approved 7-0.

2. JB Townhomes

Large Scale Development

809 Northwest 14th Street ([LSD23-0001](#))

Waiver #1: A waiver from Section 1100.21(e) – Building Materials. The applicant is requesting to use cementitious board and batten siding as a second primary material.

Waiver #2: A waiver from Section 5.4.11 – Easements of the Drainage Manual. The applicant is requesting to place the detention pipe and outfall structure in an easement rather than separate lot.

- Mr. Adler provides an overview of the staff report.
- Mr. Weese states Engineering's support for the second waiver request.
- Motion by Davis, second by Haynie, to approve the Waiver 1.
- Waiver 1 is approved 7-0.
- Motion by Haynie, second by Hipp to approve the Waiver 2.
- Waiver 2 is approved 7-0.
- Large scale development approved 7-0.

3. GI Alliance Bentonville

Large Scale Development

3700 Southeast Dodson Road ([LSD23-0005](#))

This item was removed from the agenda during Tech Review.

4. Bentonville Plaza Addition, Phase 3: Lot 1 and Lot 2

Final Plat

Southwest Redbud Road ([FP22-0005](#))

Waiver #1: A waiver from Section 500.01(a) – Improvements Complete. The applicant is requesting to proceed with final plat approval without completing required improvements.

Waiver #2: A waiver from Section 500.05(c) – Final Inspection. The applicant is requesting a waiver from the final inspection requirements.

- Mr. Adler provides an overview of the staff report.
- Mr. Weese states Engineering's support for the second waiver request.
- Commissioner Davis reiterates the two conditions of approval on the request:
 - 1.** The amount of a surety bond to be provided by the applicant to the city in case the work is not completed shall be set at \$50,000 and in a form acceptable to the City.
 - 2.** The work to correct the improperly installed drainage infrastructure on the east of the site shall be completed within 90 days.
- Motion by Davis, second by Kerr, to approve Waiver 1.
- Waiver 1 is approved 7-0.
- Motion by Hipp, second by Wright to approve Waiver 2.
- Waiver 2 is approved 7-0.
- Large scale development approved 7-0.

5. Community Development Block Grant (CDBG) Citizen Participation Plan

A resolution to adopt the Citizen Participation Plan for re-entry into HUD's Community Development Block Grant Program.

- Resolution approved 7-0.

VI. Old Business

1. Beach BBQ

Conditional Use Permit Extension

1080 Southeast 14th Street ([CU22-0023](#))

- Mr. Adler provides an overview of the staff report and clarifies the conditions of approval to be agreed to by the applicant.
- Ravi Dadi, the applicant, is present and available for questions.
- Commissioner Davis suggests that a standard method of providing surety to the city by applicants requesting a conditional use permit for a gravel parking lot be explored so that we assure these gravel lots are remediated in the time frame approve.
- Commissioner Davis requests staff review all CUP approved gravel parking lots permitted within the last 5 years to see if the Commission or City will need to take action on any that have not been remediated.
- Conditional Use Permit extension is approved 7-0 with conditions as listed on the staff report for this item.

2. 7TH Street Townhomes

Waiver Request

207 & 209 SE 7th Street ([LSD21-0038](#))

Waiver #1: Applicant requests a waiver to exterior materials for a previously approved large-scale development. A waiver from Section 1100.21(e) – Building Material. The applicant is requesting a waiver to provide one primary material over 25% and to allow LP or Hardie Board as a primary material.

- Mr. Adler provides an overview of the staff report.
- Will Kelstrom, representing the applicant, speaks to the reasoning for this request and to which parts of the development the waiver would apply.
- Discussion between staff and commission around differences in materials compared to what was originally proposed with this project.
- Muni Shekar Raja, the applicant speaks to the commission clarifying details of the waiver request.
- Motion by Davis, second by Hipp to approve the waiver as presented.
- Waiver request is approved 7-0.

VII. Other Business

1. Discussion on upcoming text amendments

- a. An ordinance amending Zoning Code Sec. 601.29 Alcohol Sales to establish operating hours for Sunday alcohol sales; and for other purposes
- b. An ordinance amending Zoning Code Sec. 601.03 Animals; and for other purposes
- c. An ordinance amending Land Development Code Sec. 1100.21 Large-Scale Development Design Standards; and for other purposes

- Mr. Overstreet presents code amendments being proposed to the commission.
- There is discussion between staff and commissioners around allowed primary materials and changing minimum/maximum material requirements.

Invitation from Mayor Orman

- Mayor invites commission to attend the upcoming state of the city address in April

Adjournment

- Motion by Haynie, second by Wright to adjourn the meeting.
- Motion approved 7-0.
- Meeting is adjourned.



Consent Agenda Items

For the Planning Commission meeting on March 21, 2023

Reviewer: Jon Stanley, Senior Planner, ASLA, APA

- ❖ The descriptions below shall serve as the staff report for each of the proposed consent agenda items.

Lot Split: Lot 31 of Clark's Addition, Brittain, David Mark & Alyson P Trustees, 302 Southwest E Street, DN-1, Downtown Neighborhood Low Density Residential, *LS22-0032*

A lot split of a portion of the north ½ of Lot 17 of Clark's Addition, creating Lot 31 of Clark's Addition. The plat dedicates an approximately 7-foot-wide strip of right-of-way along Southwest Glover Street, and a 15-foot-wide wide utility easement along Southwest E Street. No variances or waivers are associated with this plat.

Property Line Adjustment: Lot 19 of Claypool Addition, 211, 213, 215 NW A LLC, 215 Northwest A Street, DC, Downtown Core, *PLA23-0006*

A property line adjustment of Lots 5, 9, 13, & 14 of Claypool Addition, creating Lot 19 of Claypool Addition. The plat dedicates an approximately 10.5-foot-wide strip of right-of-way along Northwest A Street. No variances or waivers are associated with this lot split. This PLA is associated with the Peloton office project.

Preliminary Plat Extension: Hope Hills Subdivision, West Osage Holdings LLC, Ginn Road, R-2, Medium Density Two Family and Townhome Residential, *PP21-0022*

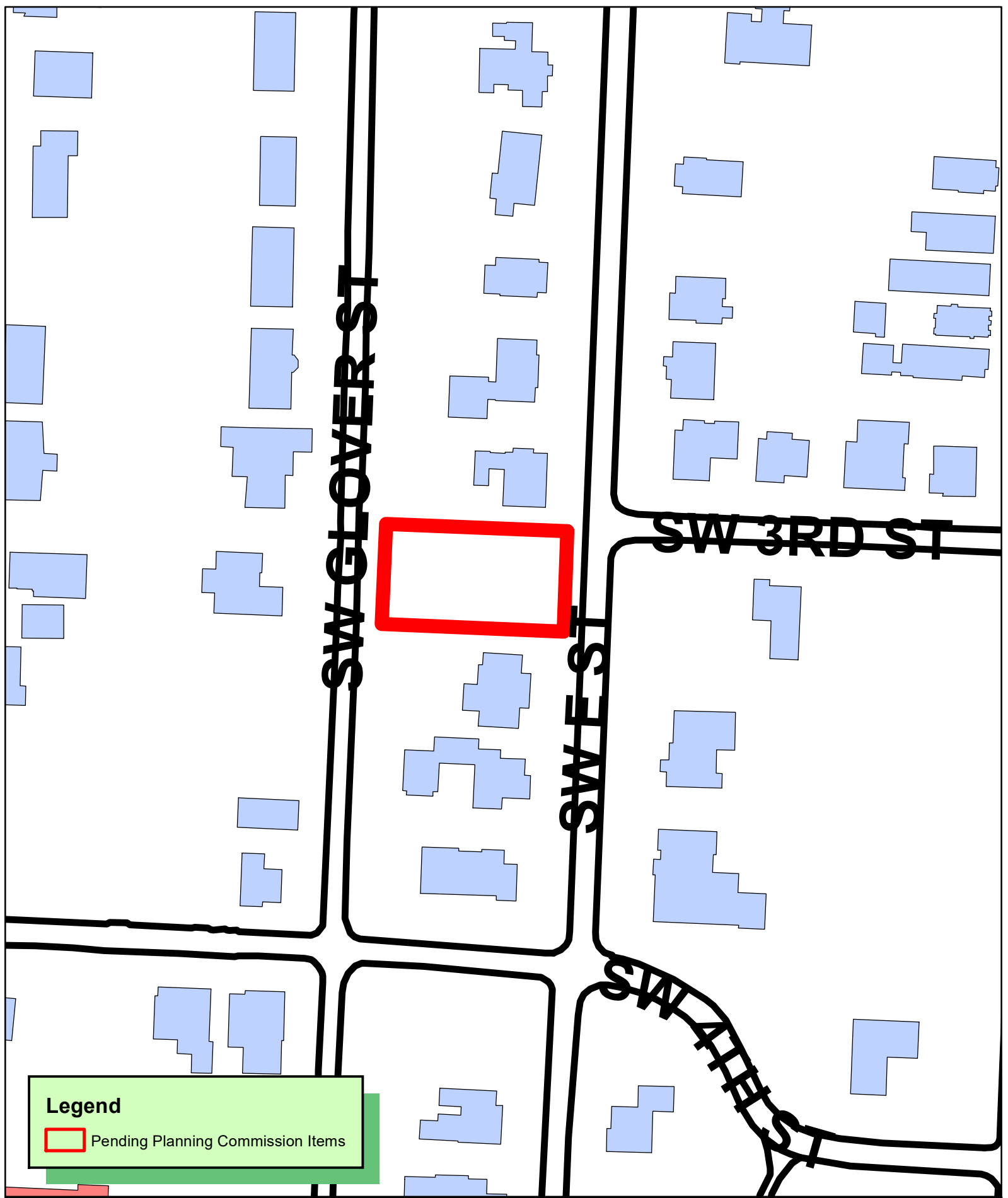
The planning commission originally approved this preliminary plat on May 3, 2022, and the applicant is now requesting the Planning Commission to extend that approval for another 12 months. A Preliminary Plat proposing an 82-lot residential subdivision to be known as Hope Hill Subdivision. One of the lots is for stormwater management and the other 81 lots meet the requirements of both the Zoning and Land Development Codes. There is no indication from the applicant that the project will be phased but if they choose to phase the development all necessary and required public infrastructure shall be constructed and installed with Phase 1. The plat dedicates various public utility and drainage easements and one access easement to serve the subdivision. All non-bondable items and guarantees of improvements must be complete, and a final inspection performed and approved before final platting.

Preliminary Plat: Valley Multifamily Subdivision, Deer Creek LLC, Southwest 2nd Street, R-3, Medium-High Density Multifamily Residential, PP22-0008

A preliminary plat for Valley Multifamily Subdivision located across Southwest 2nd Street from the northern terminus of Southwest Tater Black Road. The plat creates 16 lots, zoned R-3, Medium-High Density Multifamily Residential. A street network provides access off of Southwest 2nd Street and stubs out to properties to the east and west for future connections. Easements are dedicated throughout for utility services, and fire lane access is provided through a restricted secondary entrance. Sidewalks and landscaping will be provided in accordance with the provisions of the Land Development Code.

Preliminary Plat: Legacy at Featherstone Addition, Prestige Investments Group LLC, Southwest 2nd Street, R-2, Medium Density Two Family and Townhome Residential PP23-0001

A preliminary plat for Legacy at Featherstone Addition situated in between Been Road and Southwest Featherston Road. The plat creates 64 lots, zoned R-2, Medium Density Two Family Townhome Residential. A street network provides access off of both Southwest Featherston Road and Been Road. Street stubs out are provided to the properties to the north and south for future connections. Easements are dedicated throughout for utility services. Sidewalks and landscaping will be provided in accordance with the provisions of the Land Development Code.



Legend

 Pending Planning Commission Items

 1 inch = 100 feet

LS22-0032 3/21/23
LOT SPLIT
CLARKS ADDITION
PART OF LOT 17 CREATING LOT 31

THE CITY OF

BENTONVILLE

CITY REQUIRED NOTES:

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

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

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

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

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

01-01683-000
BRELSFORD, MARK DAVID & LAURIE HOSKINS
302 SW GLOVER ST
BENTONVILLE, AR 72712-5729

CERTIFICATE OF APPROVAL

PURSUANT TO THE BENTONVILLE LAND DEVELOPMENT CODE 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: _____

MAYOR

CITY CLERK

PLANNING COMMISSION CHAIRMAN

CERTIFICATE OF OWNERSHIP

WE, THE UNDERSIGNED, OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY CERTIFY THAT WE HAVE LAID OFF, PLATTED, AND SUBDIVIDED AND DO HEREBY LAY OFF, PLAT, SUBDIVIDE SAID REAL ESTATE IN ACCORDANCE WITH THIS PLAT AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC THE STREETS, ALLEYS, DRIVES, EASEMENTS, ETC. AS SHOWN ON SAID PLAT.

DATE OF EXECUTION _____

SIGNED: _____

NAME AND ADDRESS: _____

PRINT NAME: _____

SOURCE OF TITLE: D.R. _____
PAGE: _____

STATE OF ARKANSAS)

COUNTY OF BENTON)

SWORN TO AND SUBSCRIBED BEFORE ME THIS _____ DAY OF _____, 2023.

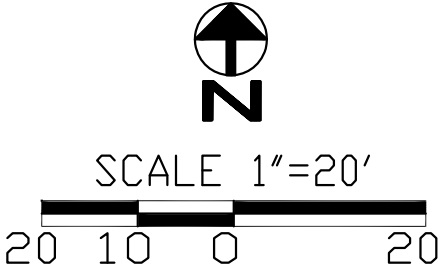
NOTARY PUBLIC SIGNATURE

FLOOD CERTIFICATION

THIS PROPERTY DOES NOT LIE IN FLOOD ZONE AE OR A, AS SHOWN ON FEMA PANEL #05007C0255 K, DATED JUNE 05, 2012.

BASIS OF BEARING

ARKANSAS STATE PLANE COORDINATE SYSTEM, CITY OF BENTONVILLE, AR CONTROL MONUMENTS (7 & 56).



LEGEND

- F.I.P. FOUND IRON PIN
- S.I.P. SET IRON PIN (5/8" W/CAP)
- POWER POLE
- - - BUILDING SETBACK
- - - MASTER STREET PLAN R.O.W.
- ⊕ EX. WATER METER
- ⊕ POWER POLE
- ⊕ AT& T VAULT
- ⊕ GAS METER
- ⊕ WATER VALVE
- ⊕ FIRE HYDRANT
- ⊕ SEWER MANHOLE



VIC. MAP

PROPERTY DESCRIPTION (PARENT)

THE NORTH 1/2 OF LOT 17 IN CLARK'S ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS.

PROPERTY DESCRIPTION (LOT 31)

NEW LOT 31 IN CLARK'S ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, FURTHER DESCRIBED AS FOLLOWS:
BEGINNING AT THE NE CORNER OF NEW LOT 31, THENCE SOUTH 02°14'56" WEST 83.18 FEET; THENCE NORTH 87°34'36" WEST 150.43 FEET TO THE EAST RIGHT OF WAY OF SW GLOVER STREET; THENCE ALONG SAID RIGHT OF WAY, NORTH 02°32'54" EAST 82.89 FEET; THENCE SOUTH 87°41'11" EAST 150.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.286 ACRES MORE OR LESS.

RIGHT OF WAY TO BE DEDICATED

BEGINNING AT THE NW CORNER OF THE NEW LOT 31, THENCE SOUTH 02°32'54" WEST 82.89 FEET; THENCE NORTH 87°34'36" WEST 6.53 FEET; THENCE NORTH 02°09'53" EAST 82.88 FEET; THENCE SOUTH 87°41'11" EAST 7.08 FEET TO THE POINT OF BEGINNING, CONTAINING 0.013 ACRES MORE OR LESS.

SITE ADDRESS:

302 SW "E" STREET
BENTONVILLE, ARKANSAS
ATLAS PAGE = 403/403B

SURVEYOR NOTES:

1. PARENT DEED IS A WARRANTY DEED FILED ON NOVEMBER 29, 2021 & FOUND AT BOOK L2021 AT PAGE 89710.

2. PROPERTY COUNTY TAX PARCEL #01-01701-000

3. THE CURRENT ZONING FOR THE PROPERTY IS DOWNTOWN LOW DENSITY RESIDENTIAL (DN-1). 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.

4. AT THE TIME OF THIS SURVEY, THIS PROPERTY IS NOT IN CONFORMITY TO THE CURRENT CITY OF BENTONVILLE STANDARDS.

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

6. A VARIANCE (VAR22-0042) WAS APPROVED BY THE CITY OF BENTONVILLE, ALLOWING A FENCE TO BE CONSTRUCTED ALONG THE EDGE OF THE R.O.W. BOUNDARY AND 5 FEET EAST OF THE PROPOSED SIDEWALK ALONG SW GLOVER STREET.

SURVEYOR NOTES:

ALL EASEMENTS AVAILABLE TO THE SURVEYOR ARE SHOWN. TO FIND ANY/ALL EASEMENTS OF RECORD A TITLE SEARCH IS REQUIRED.

CERTIFICATE OF ACCURACY

I, DAVID B. PLATZ, 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. 1553
STATE OF ARKANSAS

LOT SPLIT OF A PORTION OF THE NORTH 1/2 OF LOT 17 OF CLARK'S ADDITION, CREATING LOT 31, CLARK'S ADDITION, BENTONVILLE, ARKANSAS		REVISIONS		
OWNER:		No.:	BY:	DATE:
MARK BRITTAIN P.O. BOX 961009 FORT WORTH, TX 76161		#1	Z.S.	5/23/22
		#2	B.W.	7/8/22
		#3	Z.S.	2/14/23
366-7989 OR 273-7989 DAVID B. PLATZ LAND SURVEYOR P.O. BOX 223 BENTONVILLE, AR 72712		DRAWN BY:	DATE:	
		DBP/ZHS	12/17/21	
		CHECKED BY:	JOB No.:	
			2021558	
		SCALE:	SHEET:	
		1"=20'	1	

BENTONVILLE PROJECT #: LS22-0032

ORDINANCE NO. _____

AN ORDINANCE ACCEPTING A LOT SPLIT OF NORTH HALF OF LOT 17 IN CLARK’S ADDITION; CREATING NEW LOT 31 IN CLARK’S ADDITION TO THE CITY OF BENTONVILLE, ARKANSAS; AND FOR OTHER PURPOSES. (PROJECT NUMBER: LS22-0032)

WHEREAS, pursuant to the provisions of the Land Development Code of the Bentonville Municipal Code, the lot split of NORTH HALF OF LOT 17 IN CLARK’S ADDITION, creating new LOT 31 IN CLARK’S ADDITION, to the City of Bentonville, Benton County, Arkansas, was submitted to the Bentonville Planning Commission on March 21, 2023;

WHEREAS, said lot split is attached hereto as Exhibit “A”;

WHEREAS, the Bentonville Planning Commission considered said lot split on the date stated, and at other times, and voted to recommend the approval of said lot split to the City Council; and

WHEREAS, the lot split of real property as described herein has been submitted to the City Council of the City of Bentonville and, after consideration and deliberation, said Council is of the opinion that said lot split should be approved.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF BENTONVILLE, ARKANSAS:

Section 1: That the lot split of NORTH HALF OF LOT 17 IN CLARK’S ADDITION creating new LOT 31 IN CLARK’S ADDITION to the City of Bentonville, Arkansas, should be and the same is hereby accepted and approved for all purposes;

Section 2: That the Mayor and City Clerk are hereby authorized and directed to evidence the acceptance of said lot split by certifying said acceptance on the approved lot split;

Section 3 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 4 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED AND APPROVED this _____ day of _____, 2023

APPROVED:

ATTEST:

Stephanie Orman, Mayor

Kirby Romines, City Clerk

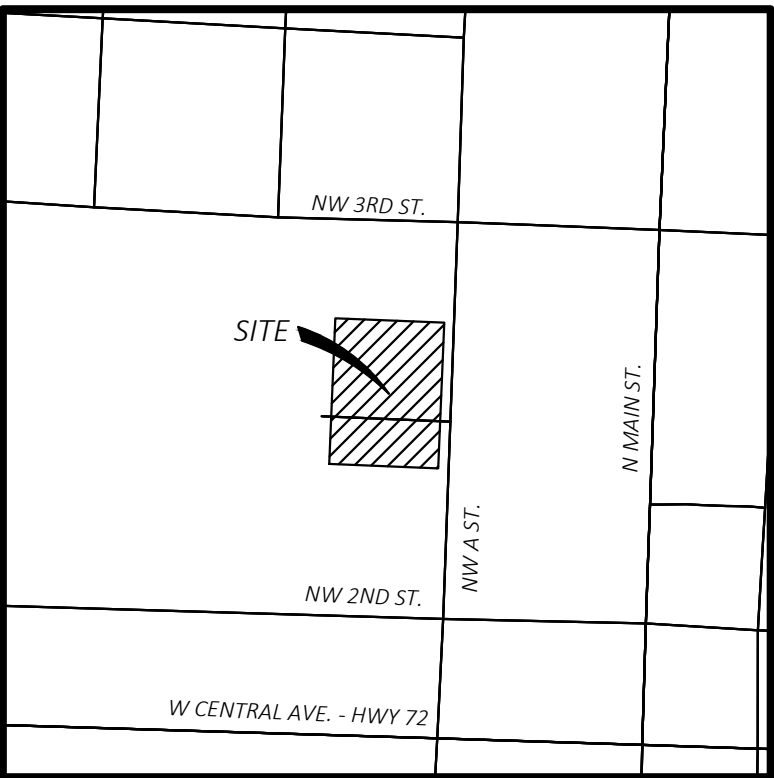


Property Line Adjustment of Lots 5, 9, 13, & 14 of Claypool Addition, Creating Lot 19

NW A Street
Bentonville, Benton County, Arkansas

GENERAL NOTES:

- Except as specifically stated or shown on this plat, the survey does not purport to reflect any of the following which may be applicable to the subject real estate: Easements, other than those shown on this plat; building setback lines, restrictive covenants; subdivision restrictions; zoning or other land-use regulations, or any other facts which an accurate and current title search may disclose.
- This plat represents a Property Line Adjustment of the parcels recorded in Deed Records, Deed Instrument #L201837437 in the public records of Benton County, Arkansas.
- Every document of record reviewed and considered as a part of this survey is noted hereon. Only the documents noted hereon were supplied to the surveyor.
- Declaration is made to the original purchaser of the survey and is not transferable to any additional institutions or subsequent owners.
- Basis of Bearings: All bearing and distances shown hereon are grid based on Arkansas State Plane Coordinate System, NAD83, North Zone, as established by a Static observation processed through OPUS.
- This survey is valid only if the drawing includes the seal and signature of the surveyor.
- This survey meets the current Arkansas Standards of Practice for Property Boundary Surveys and Plats.
- Subsurface and environmental conditions were not examined nor considered a part of this survey.
- Underground utilities were located by visible above ground markings as marked by utility locators and shown hereon as located by CEI Engineering Associates, Inc. survey field crews. All utility locations shown hereon are approximate. All utilities may not have been marked/located by the appropriate locators. No excavation has taken place as of this date to determine the exact location of existing underground utilities shown on this survey.
- The contractor is advised to contract the 811 One-Call Center before any construction begins, depending on the state there is a possibility of a severe penalty for not making this call. Not all utility companies are members of the One-Call Systems. Therefore the contractor is advised to contract all non-members as well as the One-Call System.
- The contractor must determine that proposed structures are clear of all boundary lines, easements, and meet building setback requirements before construction begins.
- By scaled map location and graphical plotting only. This property is located unshaded Zone "X" which are areas determined to be outside the 0.2% annual chance floodplain determined by the National Flood Insurance Program, Flood Insurance Rate Map for Benton County, Arkansas. Map Number: 05007C0255K Map Revised: June 05, 2012
- No current zoning report or letter regarding zoning classification was provided to the Surveyor. 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.
- Sidewalks shall be the responsibility of the builder/owner at time of building permit issuance.
- There may not be fences or any other structures built in any drainage easements.
- Before any work in the right-of-way commences, contractor and owner is to obtain right-of-way permit from the City of Bentonville Transportation Department.
- Owner is to contact New Service coordinator (479-271-3139) to discuss electric service prior to beginning any construction. Failure to contact BEUD prior to construction will result in delays to get electric service.
- All structures must maintain minimum of 20' clearance from all electric lines.
- 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 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 pay for any cost associated with moving of equipment. This includes but is not limited to any costs associated with loss of equipment (wire and elbows) and labor and material to move the equipment to the new lot line.
- Relocation of any existing electrical facilities shall be at the owner's expense.
- Owner/Developer shall coordinate with all local utilities to insure that each lot has water, sewer and electric service.



VICINITY MAP

NOT TO SCALE
Latitude: 36°22'26"N
Longitude: 94°12'38"W

Owner:
Parcel Number #01-01809-000,
01-01810-000, & 01-01811-000
211 213 215 NW A, LLC
4728 Spottswood Avenue #224
Memphis, Tennessee 38117

Surveyor:
CEI Engineering Associates, Inc.
3108 SW Regency Parkway
Bentonville, AR 72712
Phone: (479) 273-9472
Fax: (479) 271-0536
Surveyor: Dustin Riley, Arkansas PLS #1618



CERTIFICATE OF OWNERSHIP:

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

Date of Execution: _____ Signed: _____

Name & Address: _____

Print Name: _____

Source of Title: D.R. _____, Page _____ or Inst. No. _____

Subscribed and sworn before me, this _____ day of _____, 20____.

Notary Public

My Commission Expires

CERTIFICATE OF APPROVAL:

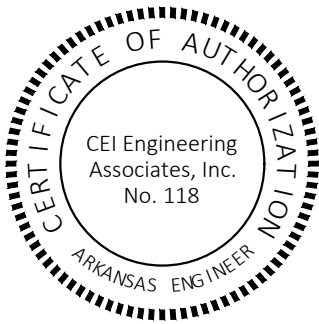
Pursuant to the Bentonville Land Development Code and all other conditions and approval having been completed, this document is hereby accepted. This Certificate is hereby executed under the authority of said rules and regulations.

Date of Execution: _____

Signed: _____
Bentonville Planning Commission Chairman

Signed: _____
Mayor, City of Bentonville

Signed: _____
City Clerk, City of Bentonville



CERTIFICATE OF SURVEYING ACCURACY:

I, Dustin Riley, 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. Field work was completed on 01/26/2023.

Date of Execution: _____

Signed: _____
Registered Land Surveyor
No. 1618
State of Arkansas

ATLAS PAGE: 361

City of Bentonville Project # PLA23-0006

State Survey Code: 500-20N-30W-0-30-230-04-1618



CEI ENGINEERING ASSOCIATES, INC.
3108 SW REGENCY PKWY
BENTONVILLE, AR 72712
PHONE: (479) 273-9472
FAX: (479) 273-0844
CORPORATE TBPLS FIRM #10031500

3030 LBJ FREEWAY, SUITE 100
DALLAS, TX 75234
PHONE: (972) 488-3737
FAX: (972) 488-6732
BRANCH TBPLS FIRM #10194234

Property Line Adjustment
Walton Enterprises Inc.
NW A Street
Bentonville, Benton County, Arkansas

Preliminary
This document shall
not be recorded for any
purpose and shall not
be used or viewed or
relied upon as a final
survey document

PROFESSIONAL OF RECORD	DGR
DESIGNER	MEK
FIELD WORK	KTC
CEI PROJECT NUMBER	31410
DATE	2/27/2023
REVISION	REV-0

Cover Sheet

SHEET TITLE

SHEET NUMBER

1 OF 2



State Survey Code: 500-20N-30W-0-30-230-04-1618

ORDINANCE NO. _____

AN ORDINANCE ACCEPTING A PROPERTY LINE ADJUSTMENT OF LOTS 5, 9, 13, &14 OF CLAYPOOL ADDITION; CREATING NEW LOT 19 OF CLAYPOOL ADDITION TO THE CITY OF BENTONVILLE, ARKANSAS; AND FOR OTHER PURPOSES.

(PROJECT NUMBER: PLA23-0006)

WHEREAS, pursuant to the provisions of the Land Development Code of the Bentonville Municipal Code, the property line adjustment of LOTS 5, 9, 13, &14 OF CLAYPOOL ADDITION; creating new LOT 19 OF CLAYPOOL ADDITION to the City of Bentonville, Benton County, Arkansas was submitted to the Bentonville Planning Commission on March 21, 2023;

WHEREAS, said property line adjustment is attached hereto as Exhibit “A”;

WHEREAS, the Bentonville Planning Commission considered said property line adjustment on the date stated and at other times, and voted to recommend the approval of said property line adjustment to the City Council; and

WHEREAS, the property line adjustment of real property as described herein has been submitted to the City Council for the City of Bentonville, and after consideration and deliberation, said Council is of the opinion that said property line adjustment should be approved.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF BENTONVILLE, ARKANSAS:

Section 1: That the property line adjustment of LOTS 5, 9, 13, &14 OF CLAYPOOL ADDITION; creating new LOT 19 OF CLAYPOOL ADDITION to the City of Bentonville, Arkansas, should be and the same is hereby accepted and approved for all purposes;

Section 2: That the Mayor and City Clerk be and are hereby authorized and directed to evidence the acceptance of said property line adjustment by certifying said acceptance on the approved property line adjustment;

Section 3 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 4 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict

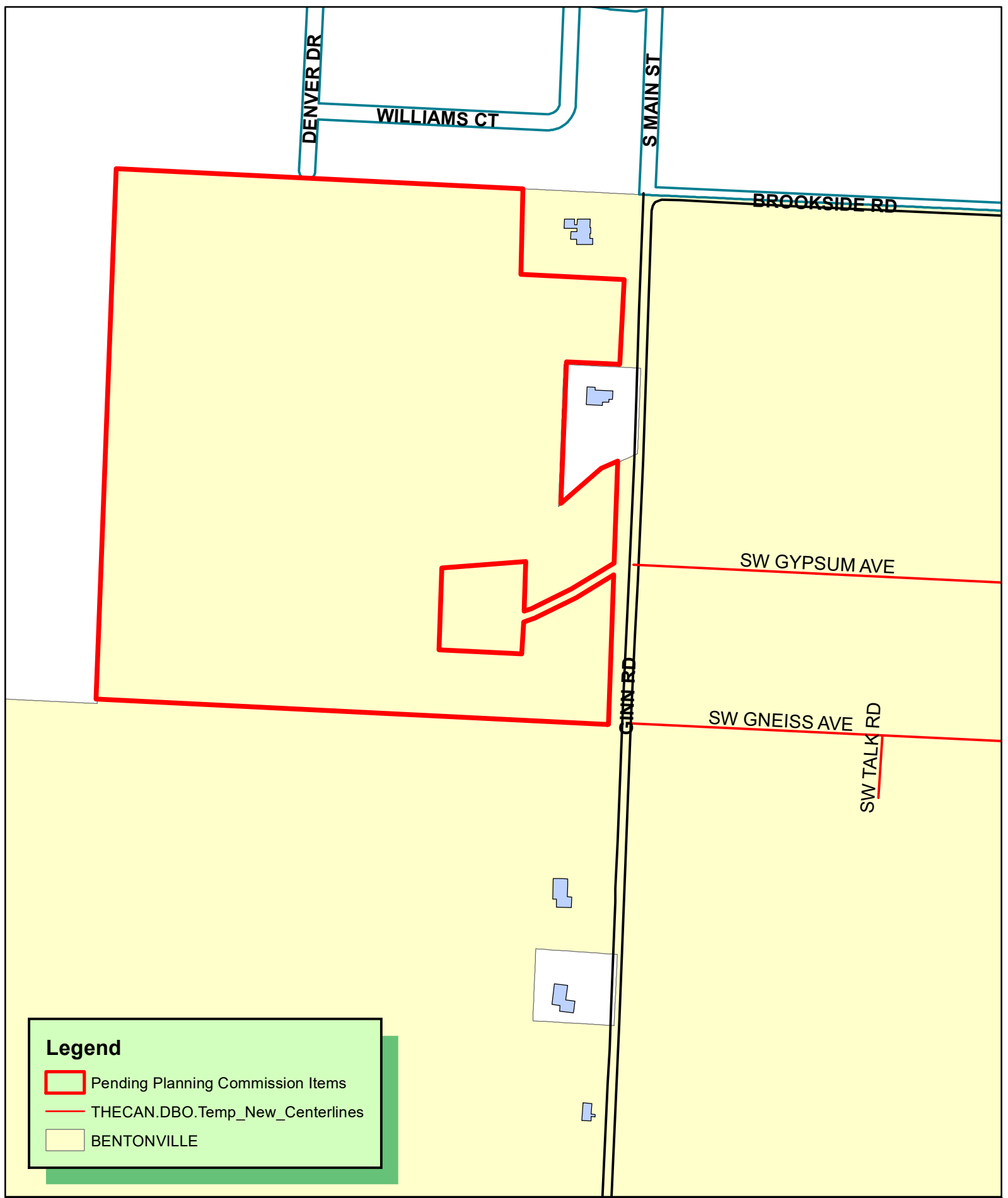
PASSED AND APPROVED this _____ day of _____, 2023.

APPROVED:

Stephanie Orman, Mayor

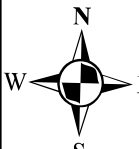
ATTEST:

Kirby Romines, City Clerk



Legend

-  Pending Planning Commission Items
-  THECAN.DBO.Temp_New_Centerlines
-  BENTONVILLE


1 inch = 300 feet

PP21-0022
PRELIMINARY PLAT
OSAGE HILLS SUBDIVISION PHASE 2





March 8th, 2023

City of Bentonville
Attn: Planning Commission
305 SW A St
Bentonville, AR 72712

RE: PP21-022 Hope Hills Extension Letter
(Sec 400.07 Expiration of Preliminary Plat Approval)

Planning Department,

Please accept this letter as a request for the extension of time from the referenced city code requirements. The preliminary plat plans were originally approved by Planning Commission on April 19th, 2022. We request to be placed on the March 21st, 2023, Planning Commission agenda.

This project took longer than expected to obtain all agency approvals due to complications with wetlands, floodplain, and general drainage. We expect the final approvals in the following 2-3 months. Please allow for a 12 month extension to the expiration of this project.

Sincerely,

Phil Swope, PE
Project Engineer

PROJECT ENGINEER

Phil Swope, P.E.
Swope Engineering
7 Halsted Circle, Suite 210
Rogers, Arkansas 72756
479.685.8399 office

PROJECT SURVEYOR

Terry Ging, P.S.
Swope Engineering
3511 SE J Street, Suite 9
Bentonville, Arkansas 72712
479.685.8399 office

WETLANDS INFORMATION

There are no known Wetlands on this Site.

MISCELLANEOUS INFORMATION

BASIS OF BEARING:
ARKANSAS STATE PLANE, NORTH ZONE (NAD 83), BASED UPON CITY OF
BENTONVILLE GPS MONUMENT, CONVERGENCE ANGLE -01°19'24.76",
COMBINED SCALE FACTOR: 0.999973753.

PRELIMINARY PLAT
LEGEND

FEATURE LINES AND SURVEY SYMBOLS

- PROPERTY LINE
- SECTION LINE
- CENTERLINE OF ROAD
- RIGHT-OF-WAY
- FENCE
- ACCESS EASEMENT
- BUILDING SET BACK
- UTILITY EASEMENT
- CURB AND GUTTER
- ASPHALT PAVEMENT
- SET/FOUND REBAR
- SET/FOUND NAIL
- FENCE CORNER POST
- FOUND STONE
- STATE MONUMENT
- SET/FOUND ALUM. MONUMENT
- SET/FOUND COTTON SPINDLE
- SET / FOUND P/K NAIL
- RAILROAD SPIKE
- BENCH MARK (ELEV.)

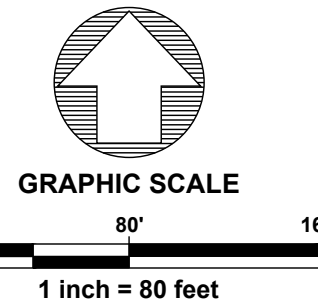
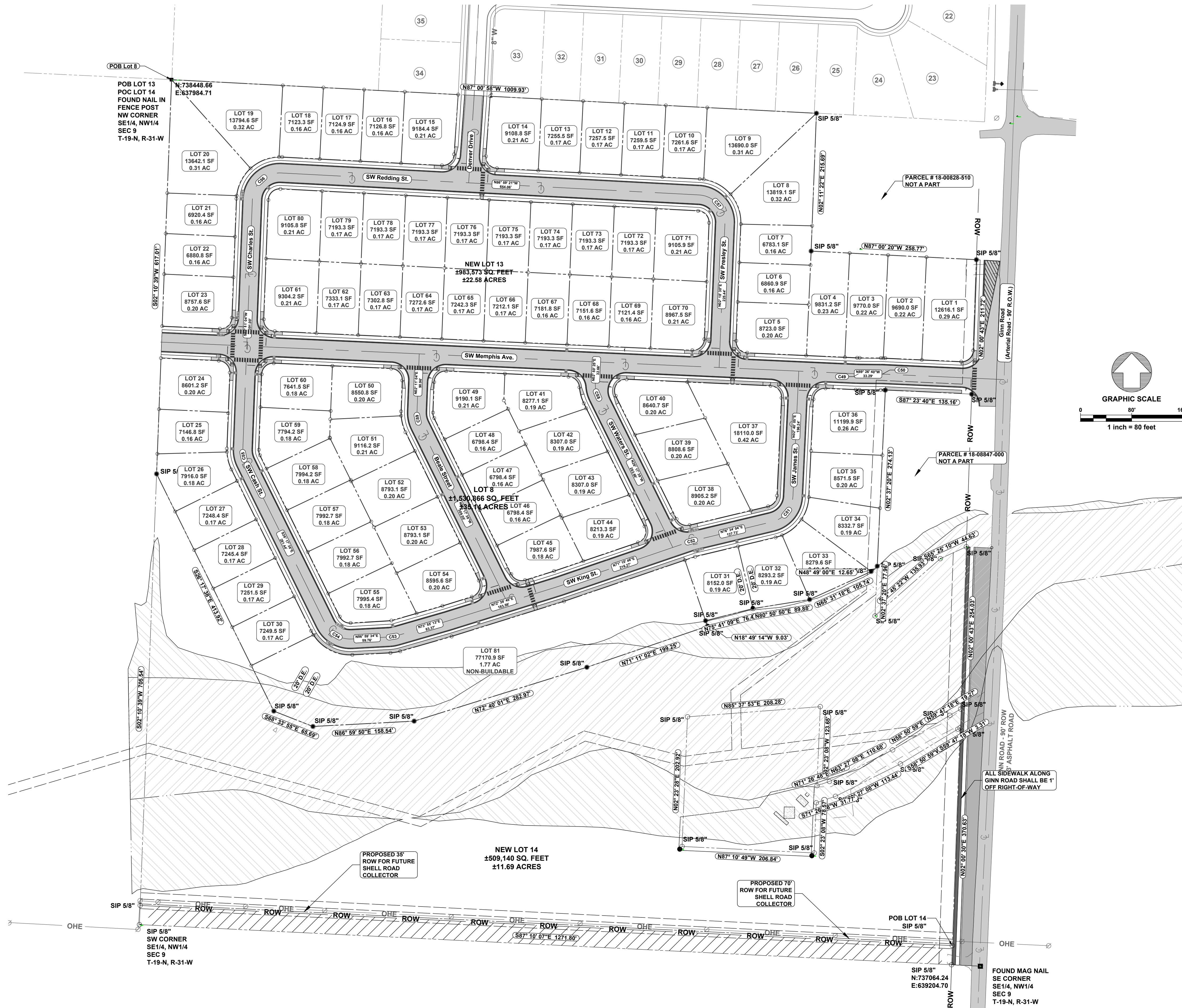
PROPOSED UTILITY SYMBOLS

- FLARED END SECTION
- CURB INLET
- AREA INLET
- JUNCTION BOX
- GRATE INLET
- SANITARY SEWER
- SEWER SERVICE
- FIRE HYDRANT ASSEMBLY
- WATER VALVE
- WATER SERVICE
- WATER METER
- AIR RELEASE VALVE
- LIGHT

HATCHES

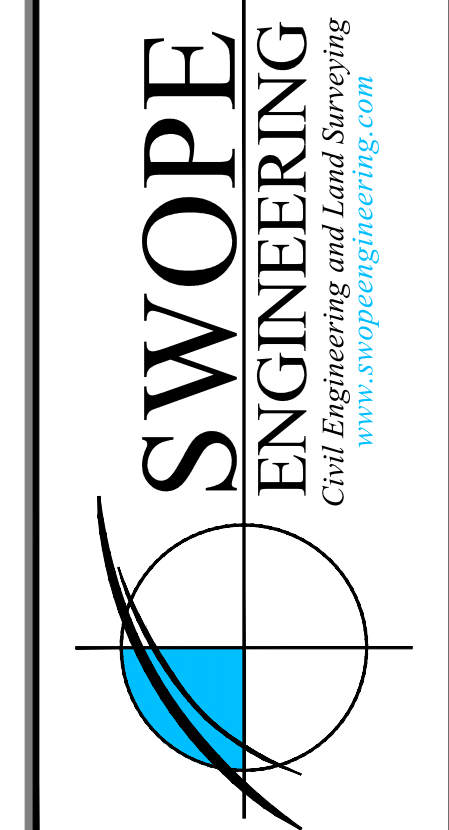
- ASPHALT & DEVELOPER
REQUIRED SIDEWALK & RAMPS
- CONCRETE
- FLOOD ZONE
- GRAVEL
- WET
- POND

THIS LEGEND MAY CONTAIN SOME SYMBOLS NOT
SHOWN WITHIN THE PLAN OR PLAT VIEW



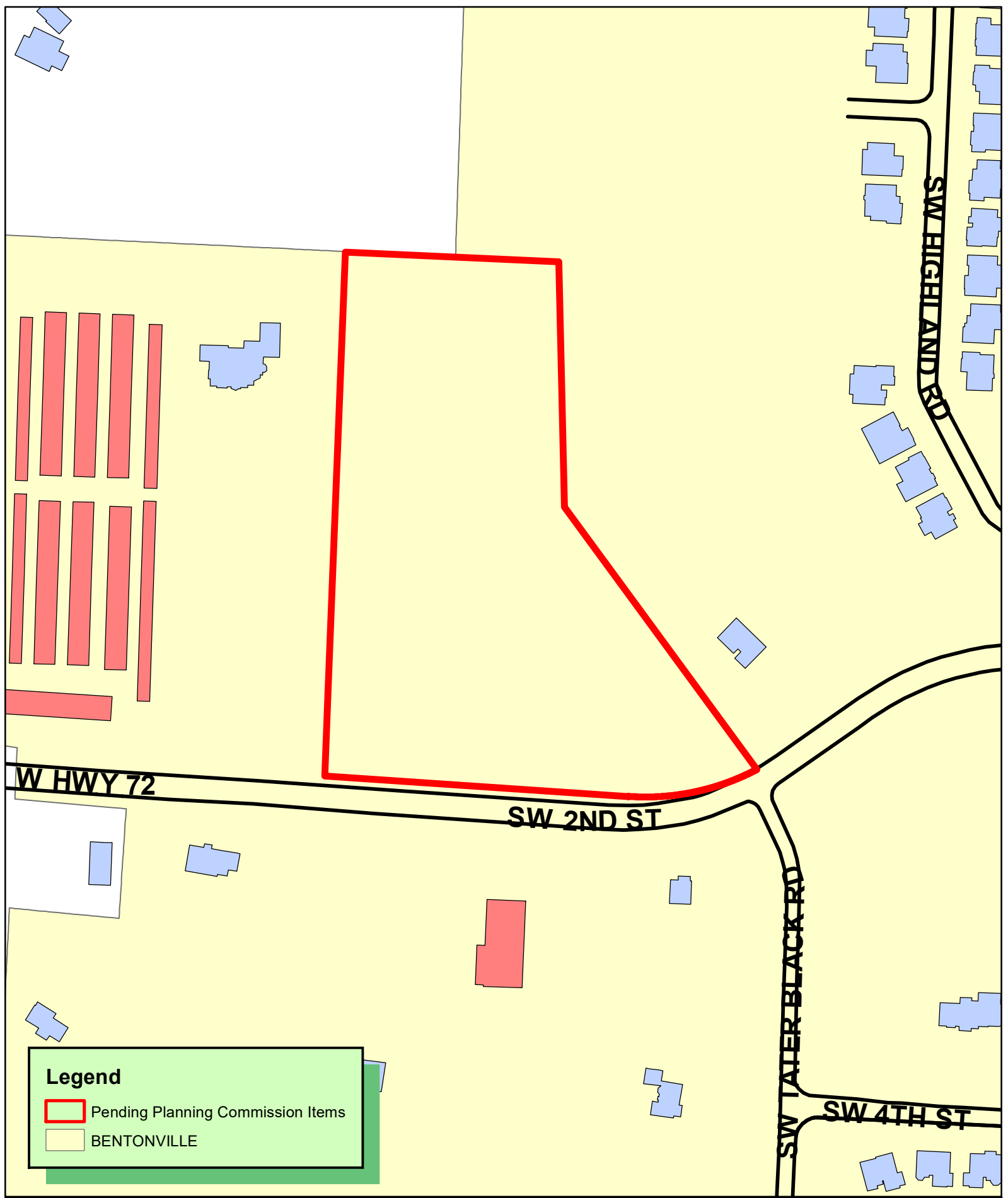
OVERALL PLAT
HOPE HILL SUBDIVISION
PRELIMINARY PLAT
MITCHELL MASSEY
GINN ROAD
BENTONVILLE, AR

NO.	DATE	REVISION
1	10/04/2021	FIRST SUBMITTAL



DRAWN BY: CLAYTON	JOB NUMBER: 20-115
SUBMITTAL DATE: 10/04/2021	CITY NUMBER: PP21-0022
DRAWING NAME: 20-115 - PR.DWG	SHEET NUMBER: C1.2



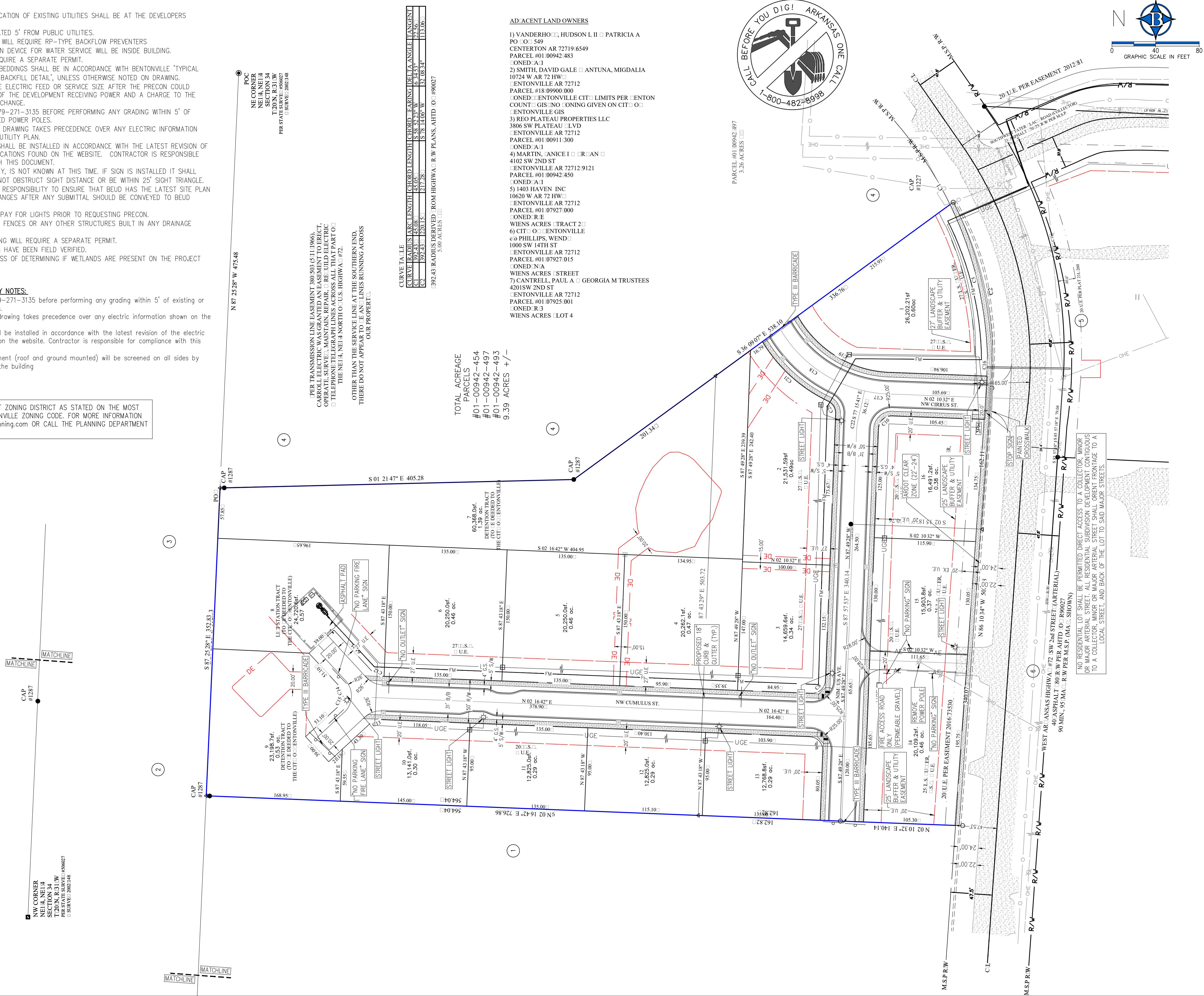


Time: 11:40 am
Scale: 1=20 (PS)
Date: 5/16/2022

- 3) DAMAGE TO OR RELOCATION OF EXISTING UTILITIES SHALL BE AT THE DEVELOPERS EXPENSE.
- 2) TREES MUST BE LOCATED 5' FROM PUBLIC UTILITIES.
- 4) ALL WATER SERVICES WILL REQUIRE RP-TYPE BACKFLOW PREVENTERS
- 4) BACKFLOW PREVENTION DEVICE FOR WATER SERVICE WILL BE INSIDE BUILDING.
- 4) ALL SIGNAGE WILL REQUIRE A SEPARATE PERMIT.
- 6) ALL TRENCHING AND BEDDINGS SHALL BE IN ACCORDANCE WITH BENTONVILLE 'TYPICAL BEDDING DETAIL AND BACKFILL DETAIL', UNLESS OTHERWISE NOTED ON DRAWING.
- 7) ANY CHANGES TO THE ELECTRIC FEED OR SERVICE SIZE AFTER THE PRECON COULD RESULT IN A DELAY OF THE DEVELOPMENT RECEIVING POWER AND A CHARGE TO THE DEVELOPER FOR THE CHANGE.
- 8) CONTACT BEUD AT 479-271-3135 BEFORE PERFORMING ANY GRADING WITHIN 5' OF EXISTING OR PROPOSED POWER POLES.
- 9) BEUD DESIGN LAYOUT DRAWING TAKES PRECEDENCE OVER ANY ELECTRIC INFORMATION SHOWN ON THE SITE UTILITY PLAN.
- 10) ELECTRIC FACILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST REVISION OF THE ELECTRIC SPECIFICATIONS FOUND ON THE WEBSITE. CONTRACTOR IS RESPONSIBLE FOR COMPLIANCE WITH THIS DOCUMENT.
- 11) SIGN LOCATION, IF ANY, IS NOT KNOWN AT THIS TIME. IF SIGN IS INSTALLED IT SHALL CONFORM WITH WILL NOT OBSTRUCT SIGHT DISTANCE OR BE WITHIN 25' SIGN TRIANGLE.
- 12) IT IS THE ENGINEER'S RESPONSIBILITY TO ENSURE THAT BEUD HAS THE LATEST SITE PLAN FOR DESIGN. ANY CHANGES AFTER ANY SUBMITTAL SHOULD BE CONVEYED TO BEUD IMMEDIATELY.
- 13) OWNER REQUIRED TO PAY FOR LIGHTS PRIOR TO REQUESTING PRECON.
- 14) THERE SHALL NOT BE FENCES OR ANY OTHER STRUCTURES BUILT IN ANY DRAINAGE EASEMENTS.
- 15) ALL PROPOSED FENCING WILL REQUIRE A SEPARATE PERMIT.
- 16) ALL UTILITY LOCATIONS HAVE BEEN FIELD VERIFIED.
- 17) FTN IS IN THE PROCESS OF DETERMINING IF WETLANDS ARE PRESENT ON THE PROJECT SITE.

1. Contact BEUD at 479-271-3135 before performing any grading within 5' of existing or proposed power poles.
2. BEUD Design layout drawing takes precedence over any electric information shown on the site plan.
3. Electric facilities shall be installed in accordance with the latest revision of the electric specifications found on the website. Contractor is responsible for compliance with this document.
4. All Mechanical Equipment (roof and ground mounted) will be screened on all sides by similar materials as the building

SHALL BE PER CURRENT ZONING DISTRICT AS STATED ON THE MOST RECENT CITY OF BENTONVILLE ZONING CODE. FOR MORE INFORMATION VISIT www.bentonvilleplanning.com OR CALL THE PLANNING DEPARTMENT AT 479-271-3122.



DRAWING NO

03

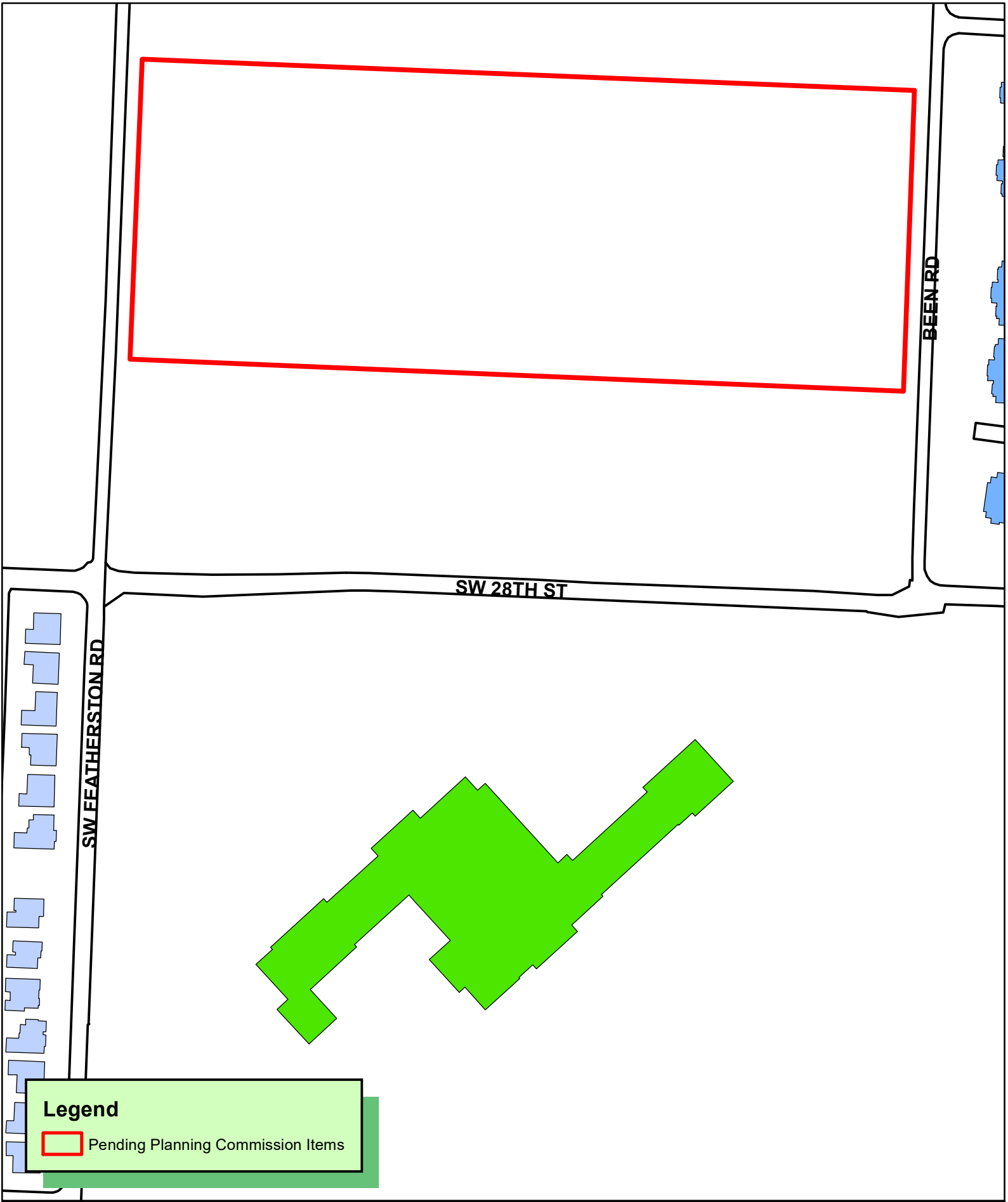
VALLEY MULTI FAMILY
SUBDIVISION PLANS
PRELIMINARY PLAT

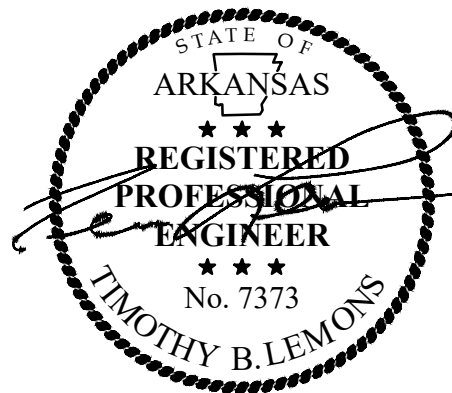
BENTONVILLE, ARKANSAS

**Bates &
Associates, Inc.**
www.rwbatesinc.com
Civil Engineering & Surveying
7230 S. Pleasant Ridge Dr. Fayetteville, Arkansas 72704 • 479.442.9350 • Fax 479.521.9350

The image shows a professional engineer's seal for the State of Arkansas. The seal is circular with a double-lined border. Inside the border, the text "STATE OF ARKANSAS" is at the top, followed by three stars. Below the stars, the words "REGISTERED PROFESSIONAL ENGINEER" are written in a semi-circle. Underneath this, the number "No. 9810" is centered, followed by three more stars. At the bottom of the inner circle, the name "GEOFFREY H. BATES" is written. A handwritten signature, "Geoffrey H. Bates", is written across the seal. To the left of the seal, the date "02/06/23" is handwritten. Below the seal is another circular stamp that reads "CERTIFICATE OF AUTHORIZATION" around the perimeter. In the center of this stamp, it says "BATES & ASSOCIATES, INC." and "#335". At the bottom of this stamp, it says "ARKANSAS ENGINEER". To the right of the seal, the text "Copyright © 2021 Bates & Associates, Inc." is printed vertically.

REVISIONS	DATE
1st Submittal	10/07/22
2nd Submittal	10/31/22
3rd Submittal	11/23/22
4th Submittal	12/27/22
5th Submittal, added water main to (NE) property line	01/19/23
6th Submittal, CITY COMMENT REVISIONS	02/06/23





CERTIFICATE OF ENGINEERING ACCURACY:

I, TIMOTHY B. LEMONS, HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A PLAT MADE BY ME, OR UNDER MY SUPERVISION, AND THAT ENGINEERING REQUIREMENTS OF THE BENTONVILLE SUBDIVISION RULES AND REGULATIONS HAVE BEEN COMPLIED WITH.

DATE

TIMOTHY B. LEMONS, REGISTERED PROFESSIONAL ENGINEER
NO. 7373, ARKANSAS

CERTIFICATE OF SURVEYING ACCURACY:

I, BILLY A. LAWRENCE, HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A BOUNDARY SURVEY MADE BY ME AND ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST AND THEIR LOCATION, SIZE, TYPE AND MATERIAL ARE CORRECTLY SHOWN.

DATE

BILLY A. LAWRENCE, ARKANSAS
PROFESSIONAL SURVEYOR,
NO. 1552

CERTIFICATE OF OWNERS:

WE, THE UNDERSIGNED, OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY CERTIFY THAT WE HAVE LAID OFF, PLATTED, AND SUBDIVIDED SAID REAL ESTATE IN ACCORDANCE WITH THE WITHIN PLAT AND HEREBY DEDICATE TO THE CITY OF AVOCA ALL ROADS, ALLEYS, EASEMENTS, AND RIGHTS OF WAY IN ACCORDANCE WITH THE WITHIN PLAT.

DATE OF EXECUTION

TRI-STAR CONTRACTORS, INC.
1910 WAUKESHA ROAD
SILOAM SPRINGS, AR 72761

PROPERTY DESCRIPTION:

PART OF LOT 2 OF FEATHERSTON VALLEY SUBDIVISION, INSTRUMENT # L201818491, BEING RECORDED IN THE OFFICE OF THE EXOFFICIO RECORDER OF BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NE CORNER OF SAID LOT 2 OF FEATHERSTON VALLEY SUBDIVISION; THENCE S 01°42'32" E, 200.00 FEET; THENCE S 02°04'49" W, 296.43 FEET TO THE POINT OF BEGINNING; THENCE S 02°04'49" W, 494.83 FEET TO THE SE CORNER OF SAID LOT 2; THENCE N 87°37'09" W, 1271.10 TO THE SW CORNER OF SAID LOT 2; THENCE N 02°17'47" E, 493.51 FEET; THENCE S 87°40'44" E, 1269.23 FEET TO THE POINT OF BEGINNING, CONTAINING 14.41 ACRES, MORE OR LESS.

GENERAL NOTES:

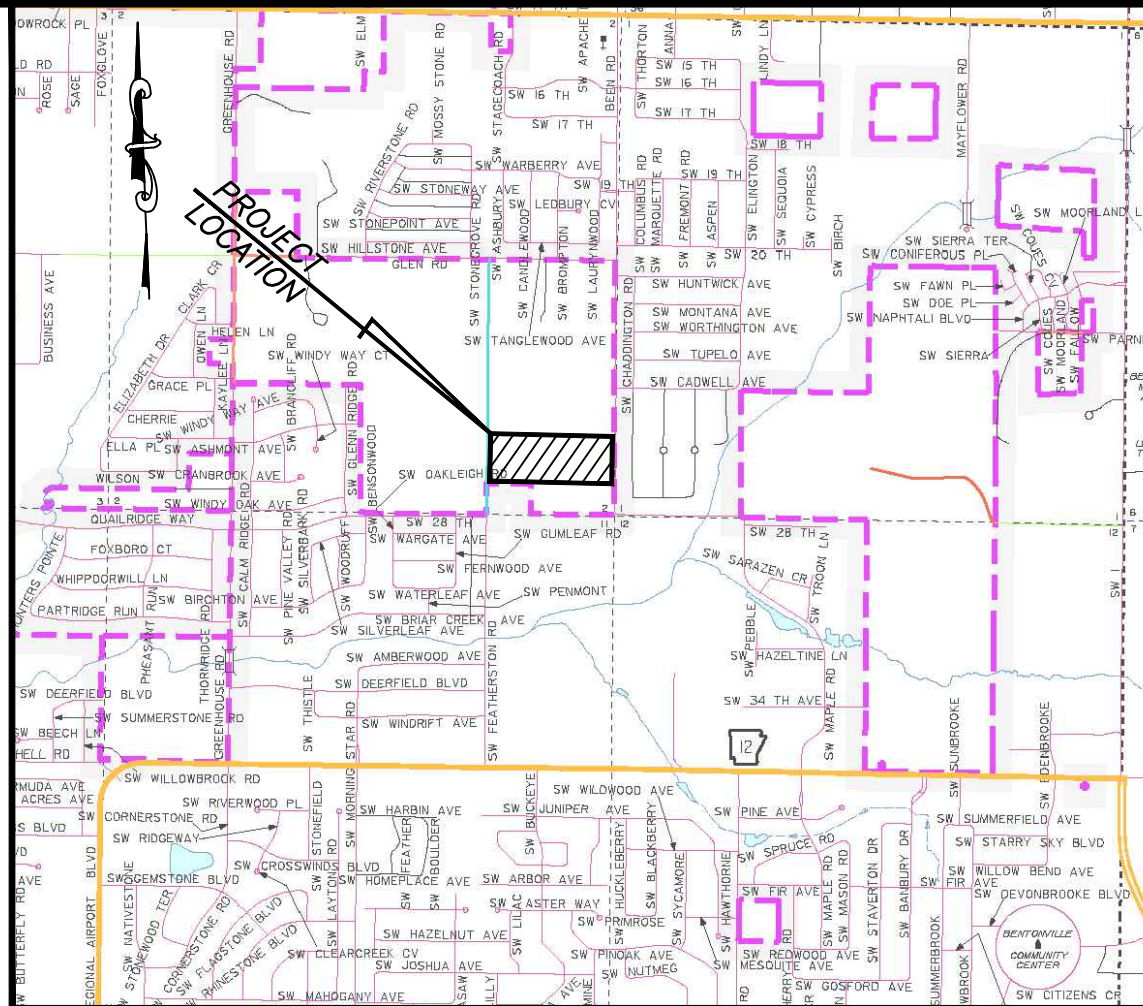
- IRON PINS SHALL BE SET AT ALL LOT CORNERS.
- EASEMENTS TO BE USED FOR UTILITIES AND DRAINAGE.
- ALL EASEMENTS ARE AS NOTED.
- ALL BUILDING LINES ARE AS NOTED.
- ALL LOT CORNERS AT INTERSECTIONS TO HAVE A RADIUS OF 25' UNLESS OTHERWISE NOTED.
- WATER SOURCE: CITY OF BENTONVILLE
WASTEWATER SOURCE: CITY OF BENTONVILLE
- EASEMENTS TO BE USED FOR UTILITIES AND DRAINAGE.
- FEE FOR ALL STRUCTURES SHALL EXIST A MINIMUM OF 18" ABOVE THE HIGHEST TOP OF CURB ELEVATION EXISTING ALONG PERIMETER OF SAID LOT.
- BASIS OF BEARING IS ARKANSAS STATE PLANE, NORTH ZONE (NAD 83), BASED UPON CITY OF BENTONVILLE GPS MONUMENT, CONVERGENCE ANGLE -01°19'24.76", COMBINED SCALE FACTOR: 0.999973753.
- NO WETLANDS FOUND ON PROPERTY TO BE PLATTED.
- NO EXISTING WELLS OR SEPTIC SYSTEMS FOUND ON PROPERTY TO BE PLATTED.
- ROW & EASEMENTS ARE AS SHOWN ON PLAT AND DEDICATED BY OWNER'S STATEMENT.
- THE DEVELOPER HAS INSTALLED (WILL INSTALL) ALL ADA RAMPS AND ALL COMMON PROPERTY SIDEWALKS.
- LOT DEVELOPER/BUILDER SHALL BE RESPONSIBLE FOR REPLACEMENT IN KIND OF ANY EXISTING SIDEWALK OR ADA RAMP(S) DAMAGED DURING THEIR CONSTRUCTION ACTIVITIES.
- ADA RAMPS SHALL BE TYPE 3 ARDOT.
- ALL SIGNAGE WILL REQUIRE SEPARATE PERMIT.
- NO FENCING PLANNED.
- ALL FENCE SEGMENTS ABUTTING A THOROUGHFARE, EXCEPT FOR CORNER LOTS, SHALL PROVIDE ONE GATE OPENING PER LOT TO ALLOW ACCESS TO THE AREA BETWEEN THE FENCE AND THE STREET PAVEMENT FOR MAINTENANCE & MOWING. AN EXCEPTION MAY BE GRANTED IF THE CITY RECEIVES A LETTER FROM THE HOMEOWNERS' ASSOCIATION STATING THAT THIS AREA IS MAINTAINED BY THE ASSOCIATION AND NOT BY INDIVIDUAL HOMEOWNERS.
- NO RESIDENTIAL LOT SHALL BE PERMITTED DIRECT ACCESS TO A COLLECTOR, MINOR, OR MAJOR ARTERIAL STREET. ALL RESIDENTIAL SUBDIVISION DEVELOPMENT CONTIGUOUS TO A COLLECTOR, MINOR, OR MAJOR ARTERIAL STREET SHALL ORIENT FRONTAGE TO A LOCAL STREET, & BACK OF THE PROJECT, WITHOUT ACCESS TO THE SAID MAJOR STREETS.
- BEFORE ANY WORK IN THE RIGHT-OF-WAY COMMENCES, CONTRACTOR AND/OR OWNER IS TO OBTAIN RIGHT-OF-WAY PERMIT FROM THE CITY OF BENTONVILLE TRANSPORTATION DEPARTMENT.
- OWNER/DEVELOPER SHALL COORDINATE WITH ALL LOCAL UTILITIES TO ENSURE THAT EACH LOT HAS WATER, SEWER & ELECTRIC SERVICE.
- SIDEWALKS SHALL BE RESPONSIBILITY OF THE BUILDER/OWNER AT TIME OF BUILDING PERMIT ISSUANCE.
- THERE MAY NOT BE FENCES OR ANY OTHER STRUCTURES BUILT IN ANY DRAINAGE EASEMENTS.
- SETBACKS SHALL BE PER THE CURRENT ZONING DISTRICT AS STATED IN THE MOST RECENT CITY OF BENTONVILLE ZONING CODE.
- THIS PROPERTY APPEARS TO BE IN ZONE C (3);
- OUTER SAFETY ZONE (OSZ)
- LIGHT POLES ARE SHOWN IN APPROXIMATE LOCATION. ACTUAL LOCATION TO BE DETERMINED BY BEUD (UNDER REVIEW).

SUBDIVISION INFORMATION

BUILDABLE LOTS	62
NON-BUILDABLE LOTS	2
TOTAL LOTS	64
MAXIMUM LOT COVERAGE	50%
SMALLEST LOTS	50 & 51 (6113 SF)
LARGEST STRUCTURE	3056.5 SF
PROPOSED STRUCTURE	2222.4 SF

LEGEND:

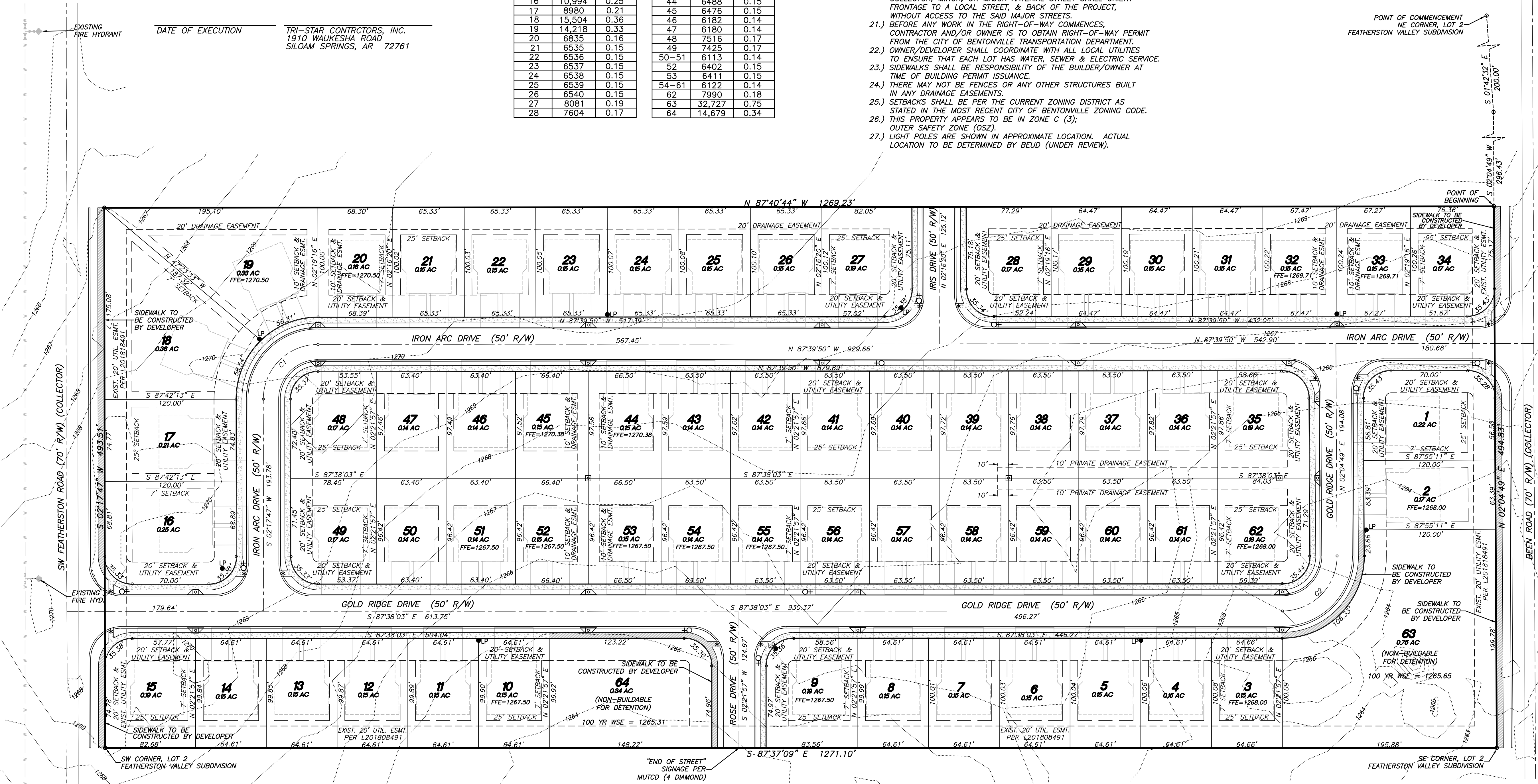
- SET IRON PIN
- ⊕ STOP / STREET NAME COMBINATION SIGN
- LP LIGHT POLE
- * HC RAMP
- △ CURB INLET
- PROPERTY BOUNDARY
- LOT LINE
- CENTERLINE OF ROAD
- BUILDING SETBACK
- EASEMENT
- 1270 EXISTING CONTOUR
- PROPOSED SIDEWALK



VICINITY MAP
SCALE: 1" = 2000'

PROPERTY INFORMATION

GROSS SITE AREA	14.41 AC
PROPOSED DEDICATED R/W	3.30 AC
NET SITE AREA	11.11 AC
ZONING	R-2 (DUPEX)



CURVE	RADIUS	ARC LENGTH	TANGENT	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	50.00'	78.57'	50.03'	90°02'23"	N 47°18'58" E	70.74'
C2	50.00'	78.79'	50.25'	90°17'08"	S 47°13'23" W	70.89'

FLOOD NOTE:

BASED ON FIRM COMMUNITY PANEL NO. 05007C0255K, PANEL 255 OF 560, WITH AN EFFECTIVE DATE OF JUNE 5, 2012, THIS PROPERTY APPEARS TO BE LOCATED IN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).



(PP23-0001)

LEMONS ENGINEERING CONSULTANTS, INC.
CABOT, ARKANSAS 72023
(501) 843-5081 • Fax (501) 941-0959
ENGINEERING + SURVEYING
WATER • SEWER • TRANSPORTATION • SUBDIVISIONS

PRELIMINARY PLAT
LEGACY AT FEATHERSTONE ADDITION
Part of the SE 1/4 of Section 2, T-20-N, R-31-W
City of Bentonville, Benton County, Arkansas

Prepared for:
Tri-Star Contractors, Inc.
1910 Waukesha Road
Siloam Springs, AR 72761

No.	Revisions	Date	By
1	Revised as per city's comments.	1-30-23	B. Judd
2	Revised as per city's comments.	2-9-23	B. Judd
3	Revised as per city's comments.	3-1-23	B. Judd
4	Revised as per city's comments.	3-1-23	B. Judd
Project No.	22-072	Date:	January 2023
File:	01-Featherstone Plat	Scale:	1" = 50'
Sheet:	1	Drawn By:	B. Judd
			17



LANDSCAPING NOTES:

- 1.) ONCE INSTALLED, LANDSCAPING SHALL BE MAINTAINED IN HEALTHY LIVING CONDITION AND ALL PLANT MATERIAL THAT DIES SHALL BE REPLACED. (SEC 1400.5.C-10)
- 2.) TREES SHALL NOT BE TOPPED AT ANY TIME AND PROPER TREE PRUNING TECHNIQUES AS ESTABLISHED BY THE LATEST EDITION OF ANSI A300 "STANDARDS FOR ALL TREE CARE" SHALL BE UTILIZED FOR MAINTENANCE PURPOSES. (SEC 1400.5.C-11)
- 3.) HEALTHY TREES SHALL NOT BE REMOVED AT ANY TIME AND PROPER TREE PRUNING TECHNIQUES AS ESTABLISHED BY THE LATEST EDITION OF THE ANSI A300 "STANDARDS OF TREE CARE" SHALL BE UTILIZED FOR MAINTENANCE PURPOSES. (SEC 1400.5.C-12)
- 4.) LIVING MATERIALS, SUCH AS LAWN, GRASS OR HERBACEOUS GROUND COVERS LIKE JUNCUS OR LIRIOPE, ETC. SHALL COVER A MINIMUM OF EIGHTY PERCENT (80%) OF THE PLANTING ISLANDS. ONE HUNDRED PERCENT (100%) OF LIVING MATERIALS IS STRONGLY ENCOURAGED. (SEC 1400.6.A-8 & 1400.8.G-7)
- 5.) ALL TREES PLANTED IN THE PUBLIC RIGHT-OF-WAY SHALL BE 4" CALIBER AND THE LOWEST LIMB SHALL BE 96" OR HIGHER AT TIME OF PLANTING.
- 6.) ALL PROPOSED TREES SHALL BE A MINIMUM OF 5' FROM ALL PUBLIC UTILITIES. IF UTILITY CONFLICTS WITH LANDSCAPING, UTILITY LOCATIONS SHALL BE FIELD VERIFIED.

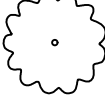
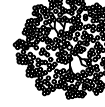
SEEDING AND SODDING NOTES:

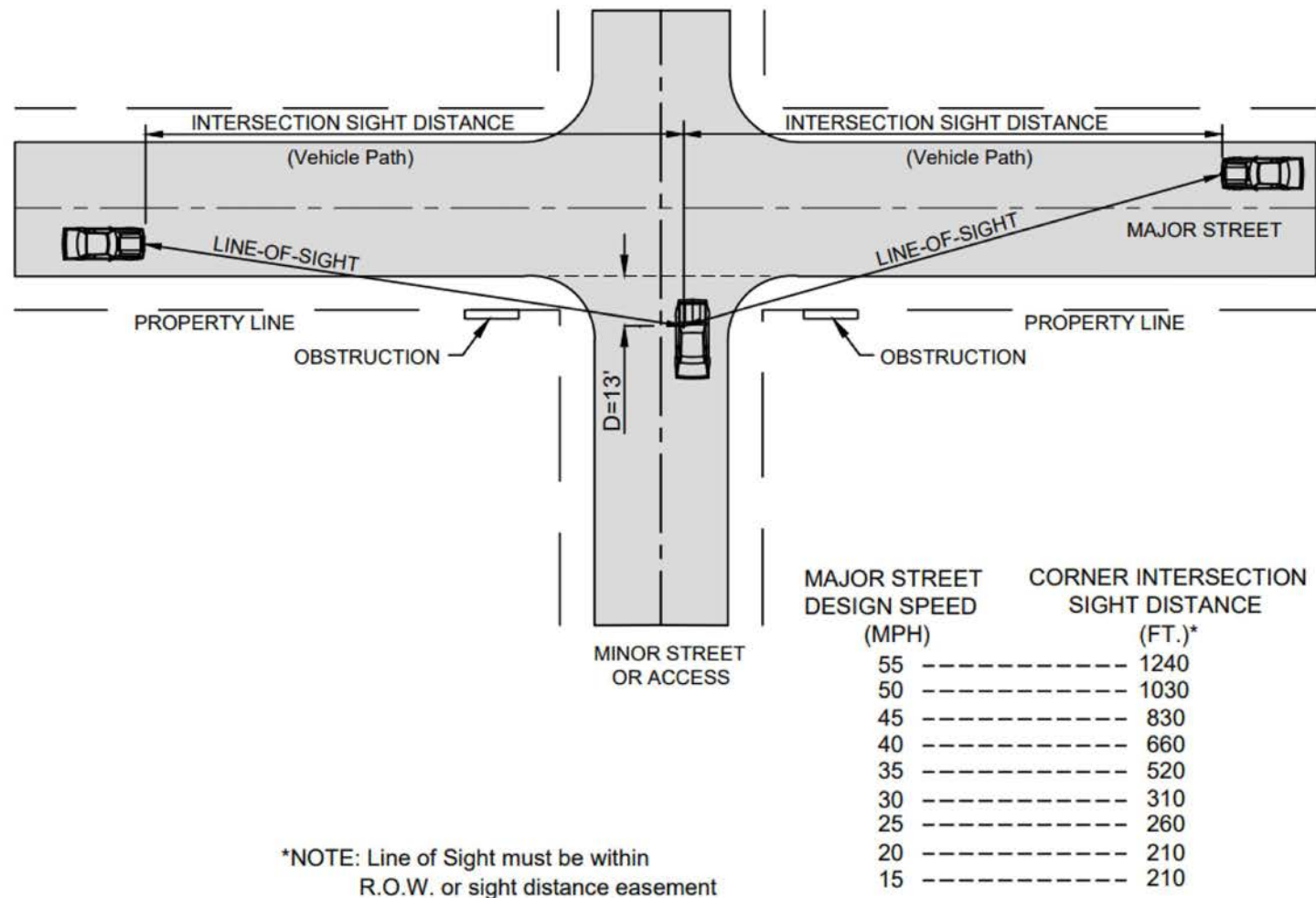
- 1.) ALL DISTRIBUTED AREAS UNDER A 10% SLOPE SHALL BE TOPSOILED TO A MINIMUM DEPTH OF 4", FERTILIZED AT A RATE OF 250 POUNDS PER ACRE AND SEEDED WITH ANNUAL RYE GRASS AT A RATE OF 3-4 POUNDS PER 1000 SQUARE FEET AND WITH TURF-TYPE FESCUE AT A RATE OF 8 POUNDS PER 1000 SQUARE FEET, OR SODDED IF THE AREA IS DESIGNATED FOR SOD. THE AREA MUST ALSO BE MULCHED WITH STRAW. THE CONTRACTOR SHALL WATER AND MAINTAIN THE GRASS UNTIL A HEALTHY PERMANENT STAND IS ESTABLISHED.
- 2.) ALL DISTURBED AREAS WITH A 10% TO 15% SLOPE SHALL BE TOPSOILED TO A MINIMUM DEPTH OF 4", FERTILIZED AT A RATE OF 250 POUNDS PER ACRE AND SODDED AND STAKED WITH ZOYSIA GRASS (SEE PLAN FOR AREAS.) IF ANY OTHER SLOPES ARE CREATED BY THE CONTRACTOR ABOVE 10%, THEY SHALL BE TREATED IN THIS MANNER.
- 3.) ALL AREAS OVER 15% SHALL BE PLANTED AS ABOVE, BUT SHALL ALSO BE COVERED WITH EROSION CONTROL FABRIC AND STAKED.
- 4.) AREAS TO BE SODDED ARE DESIGNATED BY THE DOTTED HATCH AS SHOWN IN THE LEGEND OF THE PLAN.

LANDSCAPE REQUIREMENTS:
TOTAL STREET FRONTAGE = 988 FT
1 SHADE TREE PER 20 FT

 $988/20 = 49$
49 SHADE TREES REQUIRED
49 SHADE TREES PROVIDED

PLANT SCHEDULE

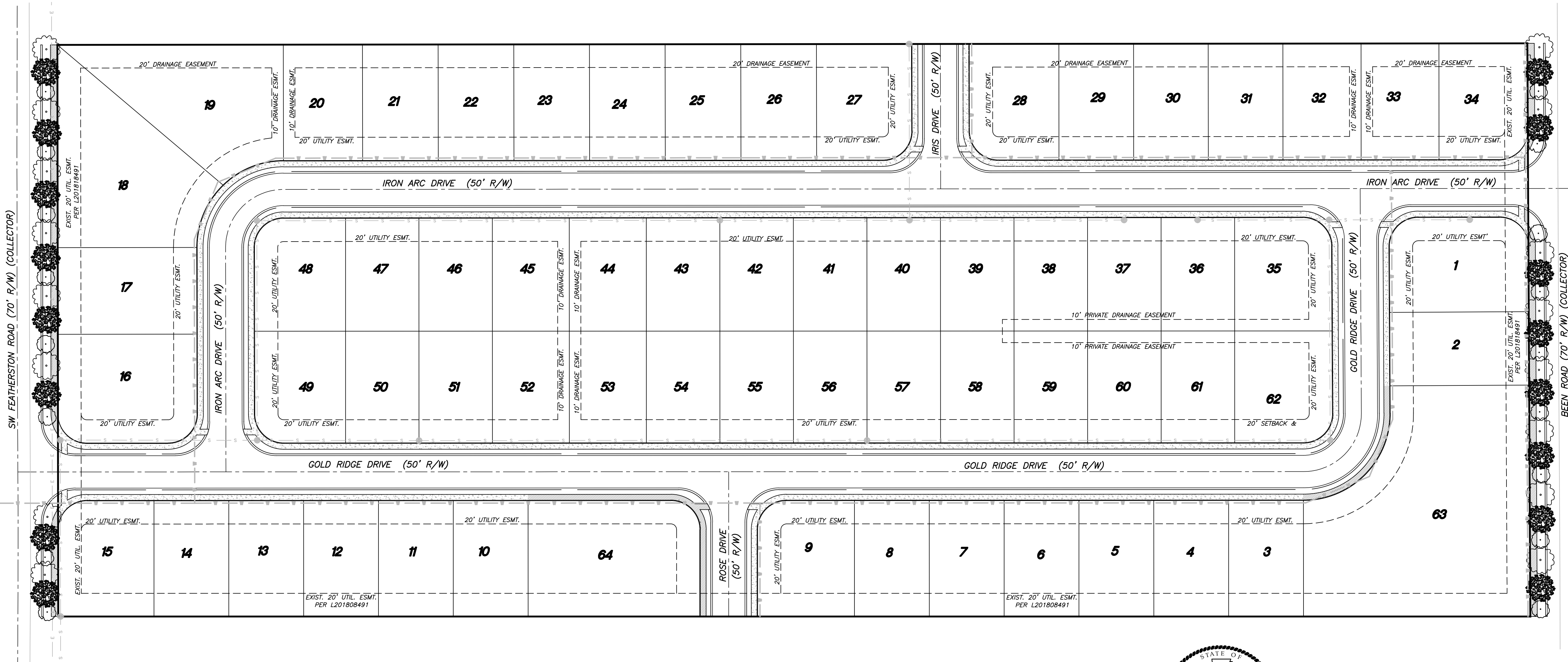
NO.	SYM.	COMMON NAME <i>Botanical Name</i>	SIZE/SPACING/ REMARKS
16		NORWEGIAN SUNSET MAPLE <i>Acer x Norwegian Sunset</i>	4.0" CAL./ B&B AS SHOWN; MATURE HEIGHT & SPREAD: 35 FT & 35 FT
17		TRIDENT MAPLE <i>Acer Buergerianum</i>	4.0" CAL./ B&B AS SHOWN; MATURE HEIGHT & SPREAD: 30 FT & 25 FT
18		YOSHINO CHERRY <i>Prunus x yedoensis</i>	2.0" CAL./ B&B AS SHOWN; MATURE HEIGHT & SPREAD: 25 FT & 30 FT



*NOTE: Line of Sight must be within R.O.W. or sight distance easement

1. Corner sight distance measured from a point on the minor road at 13 feet back from the edge of the travel lane (flowline) and measured from a height of eye at 3.5 feet on the minor road to a height of object at 3.5 feet on the major road.
2. At Local-Local street intersections only, the "D" distance shall be ten feet (10') and the sight distance shall be measured to the centerline of the street.
3. For private driveway access to a public street, use 10 feet back from flowline (or shoulder for gravel roads).
4. Adjustments may be required on a skewed intersection.
5. For local/local street intersection, the minimum sight distance allowed is the stopping sight distance per Table 400-4 and 400-5.
6. Trees/shrubs within line of sight triangle shall be governed by City Code with respect to caliper & size, not to obstruct line of sight.

Figure 400-1 Minimum Intersection Sight Distance at Intersections (Unsignalized)





Amendment to Animal Use in Zoning Code

PC Date: 3/21/2023

Reviewer: Shelli Kerr, AICP, Comprehensive Planning Mngr

Type	Amendment
Code Impacted	Zoning Code
Section(s)	Sec. 601.03 Animals
Recommendation	APPROVAL

Issue Statement

Bentonville Animal Services amended Bentonville Municipal Code (BMC) *Chapter 6, Animals* with Ordinance No. 2022-215 on October 25, 2022. One amendment removed regulations limiting the number of pets within a household. The regulations in BMC Appendix A: Zoning Code, *Sec. 601.03 Animals* regarding number of animals per household remain and are now in conflict with BMC *Chapter 6, Animals*.

Proposed Changes

Staff recommends an amendment to BMC Appendix A: Zoning Code *Sec. 601.03 Animals* to remove specific animal regulations including the number of animals per household and reference the regulations set forth in BMC *Chapter 6, Animals*.

Sec 601.03 Animals

Animals and fowls, where ~~permitted~~ allowed in a zoning district, shall be kept only in accordance with Bentonville Municipal Code, Chapter 6 Animals and other applicable City Ordinances and Codes. ~~Proponents of such uses shall show that adequate measures will be taken to prevent odor, dust, noise or drainage from becoming a nuisance to uses on other properties. No incineration of animal refuse shall be permitted on the premises. In a Residential District, no more than four (4) domestic/household animals over the age of four (4) months shall be kept, maintained or harbored.~~

Justification

- **Single location for animal regulations.** Currently, animal regulations are in two separate sections of the BMC: Chapter 6 and Appendix A: Zoning Code. This condition could result in redundancy or conflicting regulations. The amendment to the Zoning Code removes the regulations from the Zoning Code leaving only the regulations in Chapter 6 to prevail.
- **Reference.** The amendment adds a reference to the regulations established in *Chapter 6, Animals* so Zoning Code users know where to find those regulations.
- **Enforcement.** *Chapter 6, Animals* clearly defines enforcement responsibilities. With regulations currently being in the Zoning Code as well, it implies that Bentonville Planning may have enforcement responsibilities, but is not clear. The amendment removes this overlap in enforcement, allowing the enforcement regulations in Chapter 6 to prevail.

ORDINANCE NO. _____
CITY OF BENTONVILLE, ARKANSAS

AN ORDINANCE AMENDING ZONING CODE
SEC. 601.03 ANIMALS; AND FOR OTHER PURPOSES

WHEREAS, animals are regulated in Bentonville Municipal Code (BMC), Chapter 6 Animals;
WHEREAS, animals are also regulated in BMC Appendix A: Zoning Code;
WHEREAS, the city finds that the regulations in BMC Chapter 6 Animals should prevail.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BENTONVILLE, ARKANSAS:

Section 1 - Amendment of Sec. 601.03 Animals. That Bentonville Municipal Code, Appendix A Zoning Code, Sec. 601.03 Animals should be and the same is hereby amended as follows:

Sec 601.03 Animals

Animals and fowls, where ~~permitted~~ allowed in a zoning district, shall be kept only in accordance with Bentonville Municipal Code, Chapter 6 Animals and other applicable City Ordinances and Codes. ~~Proponents of such uses shall show that adequate measures will be taken to prevent odor, dust, noise or drainage from becoming a nuisance to uses on other properties. No incineration of animal refuse shall be permitted on the premises. In a Residential District, no more than four (4) domestic/household animals over the age of four (4) months shall be kept, maintained or harbored.~~

Section 2 - Severability Provision: Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 3 - Repeal of Conflicting Provisions: All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 4 - Effective Date: This Ordinance be in full force and effect 30 days from the date of its passage and approval.

PASSED and APPROVED this _____ day of _____, 2023.

APPROVED:

Stephanie Orman, Mayor

ATTEST:

Kirby Romines, City Clerk



Amendment to Alcohol Sales in Zoning Code

PC Date: 3/21/2023

Reviewer: Shelli Kerr, AICP, Comprehensive Planning Mngr

Type	Amendment
Code Impacted	Zoning Code
Section(s)	Sec. 601.29 Alcohol Sales
Recommendation	APPROVAL

Issue Statement

As a result of the November 2022 general election, Benton County, Arkansas voters voted in favor of alcohol sales on Sunday. The Benton County law establishes hours of operation for alcohol sales on Sunday from 10:00 am to midnight.

BMC Appendix A: Zoning Code, *Sec. 601.29 Alcohol Sales* regulates alcohol sales in Bentonville. Bentonville's regulations currently allow alcohol sales from 7:00 am to 10:00 pm and does not specify the day of the week. These regulations conflict with the county regulations regarding hours of operations on Sunday.

History

In the November 2012 general election, Benton County, Arkansas voters voted in favor of the manufacture or sale of intoxicating liquors to include alcoholic beverages of every kind and type, including but not limited to beer, vinous, spirituous and malt liquor within Benton County, Arkansas pursuant to applicable Arkansas State law and regulations related to alcohol beverages. In response to this election, the City of Bentonville amended the Zoning Code on January 22, 2013 to align with the county laws regarding alcohol sales. Then, in the November 2022 general election, Benton County, Arkansas voters voted in favor of alcohol sales on Sunday, establishing specific hours of operation for Sunday alcohol sales.

Proposed Changes

Staff recommends an amendment to BMC Appendix A: Zoning Code, *Sec. 601.29 Alcohol Sales*, subsection (c)3 revising hours of operations as follows:

Sec 601.29 Alcohol Sales

(c) Conditions for use.

- It shall be unlawful to sell, offer for sale, or give away, at wholesale or retail for consumption off the premises, beer and/or light wine of every kind and type and/or packaged intoxicating liquors to include alcoholic beverages of every kind and type Monday through Saturday before the hour of 7:00 a.m. and after the hour of 10:00 p.m. and Sunday before the hour of 10:00 a.m. and after the hour of midnight.

Justification

- Alignment with state and county law.** The proposed amendment aligns Bentonville alcohol sales regulations with Benton County alcohol sales regulations.

ORDINANCE NO. _____
CITY OF BENTONVILLE, ARKANSAS

**AN ORDINANCE AMENDING ZONING CODE SEC. 601.29 ALCOHOL SALES TO
ESTABLISH OPERATING HOURS FOR SUNDAY ALCOHOL SALES;
AND FOR OTHER PURPOSES**

WHEREAS, as a result of the November 2012 general election, Benton County, Arkansas voters voted in favor of the manufacture or sale of intoxicating liquors to include alcoholic beverages of every kind and type, including but not limited to beer, vinous, spirituous and malt liquor within Benton County, Arkansas;

WHEREAS, the City of Bentonville amended the Zoning Code on January 22, 2013 to align with the county laws regarding alcohol sales; and

WHEREAS, as a result of the November 2022 general election, Benton County, Arkansas voters voted in favor of alcohol sales on Sunday;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BENTONVILLE, ARKANSAS:

Section 1 – Amendment of Use Regulations for Alcohol Sales. That Bentonville Municipal Code, Appendix A Zoning Code should be and the same is hereby amended with the following:

Sec 601.29 Alcohol Sales

(c) Conditions for use.

3. It shall be unlawful to sell, offer for sale, or give away, at wholesale or retail for consumption off the premises, beer and/or light wine of every kind and type and/or packaged intoxicating liquors to include alcoholic beverages of every kind and type Monday through Saturday before the hour of 7:00 a.m. and after the hour of 10:00 p.m. and Sunday before the hour of 10:00 a.m. and after the hour of midnight.

Section 4 - Severability Provision: Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 5 - Repeal of Conflicting Provisions: All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 6 - Effective Date: This Ordinance is necessary to preserve the public peace, health, safety and welfare and because of such an emergency is declared to exist and this Ordinance shall be in full force and effect from the date of its passage and approval.

PASSED and APPROVED this _____ day of _____, 2023.

APPROVED:

ATTEST:

Stephanie Orman, Mayor

Kirby Romines, City Clerk



Development Standards Amendment

PC Date: 3/21/2023

Preparer: Tyler Overstreet, AICP Community Development Director

Type	Amendment
Code Impacted	Appendix B: Land Development Code, Sec. 1100.21, Sec. 1100.22 and Sec. 1100.23
Recommendation	Approval

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

Background

The current design standards for large scale developments, particularly regarding building materials, was adopted with Ordinance No. 2020-149 adopted on August 11, 2020. Planning Commission frequently receives requests of waivers from the Building Material Standards in *Sec. 1100.21 Large Scale Development Design Standards, Subsection (e) Building Materials*.

Issues

1. The current requirement of a minimum of two primary materials making up at least 75% of the façade, with no less than 25% being a single primary material, can be interpreted differently and creates confusion.
2. Current articulation requirements are too prescriptive and reduce opportunity for creativity.
3. Current design standards for downtown are regulated by district. If applicable by use and building type, it will allow for more consistent design throughout the entirety of downtown.

Proposed Amendments

The following amendment are proposed to clarify the intent of the regulations, clarify the minimum requirements with a goal of reducing the need for waiver request.

1. Sec. 1100.21 Large Scale Development Design Standards

Att. A, Pg. 1

- a. Provide details of what the Community Plan says about design.
- b. Eliminate the applicability statement regarding agriculture and industrial properties.
- c. Clarify exemptions for DN and D Districts. They do not have to comply with Sec. 1100.21, but residential uses must comply with Sec. 1100.22 and nonresidential and mixed uses must comply with Sec. 1100.23.
- d. Replace the waiver request details by allowing the approval of the development plan by planning commission to serve as approval of the building materials.
- e. Require a minimum of 75% of each façade to be composed of a primary material. Eliminating the two primary material requirements. Anything less than the 75% would have to be approved by Planning Commission through approval of the development

- plan.
- f. Removing the materials table and replace with descriptive verbiage.
- g. Remove the articulation table and replace with descriptive verbiage.
- h. Remove architectural detail requirements.
- i. Add a ratio for bike racks when used to meet the site amenity requirement.

2. Sec. 1100.22 Downtown Neighborhood (DN) Districts Residential Design Standards.

- a. Revise applicability from only applying in the Downtown Neighborhood (DN) residential districts to applicable to all residential development in any downtown district (D or DN).

3. Sec. 1100.23 Downtown (D) Districts Design Standards.

- a. Revise applicability from only applying in the Downtown Districts to applicable to all non-residential and mixed use in any downtown district.
- b. Expanded on purpose and intent.

Sec 1100.21 Large-Scale Development Design Standards

- (a) *Purpose and intent.* The design standards in this section are intended to implement the city's vision for commercial and multifamily development as set forth in the city's Community Plan. The Community Plan recommends a high quality of design, improved functionality and appearance of commerce and industry areas, and to support transformation and modernization of aging areas. The intent of these standards is to improve the overall quality of development with surrounding land uses and enhance pedestrian safety and walkability.
- (b) *Applicability.* The provisions of this section shall apply to all developments requiring large scale development approval. ~~Agriculture and industrial zoned properties shall only be required to meet the standards for the side(s) facing a street frontage or clearly visible from a public right-of-way.~~ The standards in this section and in Sec. 1100.23 Downtown (D) ~~districts~~ Non-residential and Mixed use design standards shall apply in the DC, Downtown Core and DE, Downtown Edge zoning districts.
- (c) *Exemptions.*
- (1) ~~Downtown Neighborhood (DN) districts. Development that is subject to the design standards for the Downtown Neighborhood (DN-1, DN-2, DN-3, and DN-4) zoning districts, which have specific site and architectural design standards established in Section 1100.22, Downtown Neighborhood (DN) districts design standards, shall be exempt from this section.~~ Residential uses in Downtown districts. Residential development in the Downtown (DC and DE) and Downtown Neighborhood (DN1, DN-2, DN-3, DN-4) districts shall be exempt from this section but shall be subject to Sec. 1100.22 Downtown Residential Design Standards.
 - (2) ~~Downtown (DC and DE) districts. Development that is subject to the design standards for the Downtown Core and Downtown Edge zoning districts, which have specific site and architectural design standards established in Section 1100.23 Downtown (D) districts design standards, shall be exempt from the site amenities requirement in subsection (r).~~ Nonresidential, commercial and mixed-uses in Downtown Districts. Nonresidential, commercial and mixed-use development in the Downtown (DC and DE) and Downtown Neighborhood (DN1, DN-2, DN-3, DN-4) districts shall be exempt from the site amenities requirement in subsection r but shall be subject to Sec. 1100.22 Downtown Non-residential Design Standards.
 - (3) *Municipal airport.* Development subject to the design standards for the Bentonville Municipal Airport, which have specific site and architectural design standards established in Section 1100.24, Municipal Airport design standards, shall be exempt from this section.
 - (4) *Existing structures.* When a large-scale development is only an addition to an existing structure, the design standards shall only apply to the addition itself. Façade re-skins, where building façade materials are fully or in part replaced or covered, shall be subject to the building material requirements of this section unless otherwise approved by the Planning Director.
- (d) *Review process.* These standards shall be applied in the normal review process for large-scale developments and shall be approved by the planning commission.

~~(1) Waiver request. Requests for waivers to these requirements must be accompanied by the following items:~~

- ~~1. Narrative. A written narrative explaining why the waiver is necessary to enhance the architectural design of the structure.~~
- ~~2. 3-D Rendering. A 3-D full-color architectural rendering of the final product to include an outline of adjacent structures.~~
- ~~3. Existing examples. Photos of existing buildings or structures that have incorporated the related design element. Examples are not required to be located in Bentonville.~~

(e) Building material. A minimum of seventy five percent of the wall surface area of each façade of a building, not including windows, doors or trim, or glazing, shall be composed of a maximum of three primary materials unless otherwise recommended by the Planning and Community Development Director and approved by the Planning Commission. Anything less than seventy five percent must be approved by planning commission. The remaining 25% of the wall surface area shall be composed of primary, special use primary, or other high quality building materials as approved by the Planning Commission.

(1) Primary Materials. All structures in all zoning districts may utilize brick, natural stone, marble, granite, cast stone, windows, glazing, aluminum composite material or panel (ACM) and copper, bronze, or similar quality metals as primary materials.

(2) Special Use Primary Materials. Fiber cement siding, wood siding (, three-coat cement-based stucco, 24-gauge architectural metal panel systems, manufactured stone, textured concrete block, glass block, concrete tilt-up panels, architectural cast-in-place or pre-cast concrete, and other durable or innovative materials may be used as primary materials subject to the following approvalreview criteria:

1. Location: Exterior materials should be consistent with the character of the surrounding neighborhood context and be appropriate for the building use type. Applicants shall provide 3-D renderings of their project, and example photos of the material in use to the Planning Director for evaluation with the application.

2. Design and Innovation: The materials list above are not meant to be exhaustive, but applicants should be prepared to present compelling reasons to the Planning Commission to accept alternatives, such as for specific design purposes or due to new, innovative materials coming available to the development community. Applicants shall supply a written narrative to the Planning Director explaining why the alternativeSpecial Use Primary material is necessary for their proposed structure with the application.

3. Quality. Selected materials shall be high-quality and durable. Applicants shouldshall provide cut sheets, warranty information, and clear evidence that their materials are equal or superior to other primary materials to the Planning Directorwith the application.

4. Building Form and Pedestrian Scale. Special use primary materials should be integrated to compliment the building form, articulation, and may be used alongside

other allowed primary materials. Examples may include limiting their use to non-street facing facades, as a material change for articulation purposes, or to the upper stories of multi-story buildings.

5. *Intent.* Exterior materials shall meet the purpose and intent of this Article.

(3) *Prohibited Primary Materials* ~~Primary Materials. Masonite, Corrugated Metal Panel, Non-textured~~ ~~concrete block, vinyl, plywood, and Exterior Insulation Finish System (EIFS) shall not constitute a portion of any building~~ any portion of the wall surface area of any façade. ~~–Loading docks, overhead doors, and other service entries are prohibited on primary street-facing facades.~~

~~—Prohibited Materials. Masonite, Corrugated Metal Panel, Non-textured concrete block, vinyl, and Exterior Insulation Finish System (EIFS) shall not constitute a portion of any building.~~

(e) ~~A minimum of two primary building materials is required constituting at least 75 percent of the wall area. No single primary material shall constitute less than 25% of wall area. The standard shall apply to all sides of any building. Materials shall comply with the standards established below.~~

LARGE SCALE DEVELOPMENT BUILDING MATERIALS		
	Primary Materials	Trim Materials
Allowed	Brick Textured concrete block Natural stone Glass veneer Pre-finished architectural metal panels (min. 24 gauge)	Tile Stone Glass block Copper flashing Metal Wood EIFS Pre-finished concrete masonry board
Prohibited	Wood Masonite Asphaltic wall or roof material Aluminum siding Steel siding Non- textured concrete block Stucco Vinyl Fiberglass Ribbed metal panel	

(f) *Building color.* The building's exterior color scheme shall utilize primarily muted, neutral, or earth tone type colors. The primary use of bright, intense, or extreme colors not consistent with the adjoining developments shall not be permitted. This regulation is not intended to prohibit the use of these colors for specifically approved architectural detailing. ~~–All vents, gutters, downspouts, flashing, electrical conduits, etc. shall be painted to match or compliment the color of the adjacent surface, unless being used expressly as a trim or accent element. Building color shall be consistent with the standards established below.~~

LARGE SCALE DEVELOPMENT BUILDING COLOR STANDARDS		
	Primary Colors	Trim Colors

Allowed	Muted Neutral Earth tone	Muted Neutral Earth tone Bright Light Primary
Prohibited	Bright Primary	

- (g) *Building compatibility.* ~~All commercial structures shall be designed in a manner compatible with other structures in the surrounding vicinity.~~ The exterior building design, including roof style, color, materials, architectural form and detailing, shall ~~be consistent~~ use common design characteristics among all buildings in a common commercial development and on all elevations of each building to achieve design harmony and continuity within itself.
- (h) *Scale and bulk.* The height and scale of new buildings shall be consistent or compatible with the height and scale of adjacent buildings. Special care, however, shall be taken to achieve the compatibility of larger buildings next to small scale buildings; techniques shall include limited size, building articulation, and shadow patterns. The scale of the building shall also consider building setback, lot size and relationship to street width.
- (i) ~~Wall-Facade~~ *art articulation.* Buildings shall avoid long uninterrupted façade planes and/or blank walls and shall meet the following requirements.
- (1) *Vertical articulation.* Vertical articulation is required to visually break up the massing of front and corner facades. Vertical articulation elements are required at intervals no less than 20-feet and no more than 50-feet from each other and may include architectural features such as bays, columns, pilasters, regular repetition of window patterns, a break in the building plane, sunscreens, recessed entries, or other architectural that meet the intent of this article.
 - (2) *Horizontal articulation.* Horizontal articulation is required to help distinguish the ground floor from upper stories on buildings with three or more stories. Allowable methods include base, awnings or canopies, sunscreens, changes in materials or window patterns, a break in the building plane, recessed entries, eyebrow (projection) or other architectural treatments that meet the intent of this article.
 - (3) *Color.* Variation in color shall not be used to meet the required articulation.
 - (4) *Roofs.* Roof lines and/or parapets shall be varied with a change in height proportionate to the building length and height. Parapets, gable roofs, high roofs, or dormers shall be used to conceal flat roofs and rooftop equipment from public view.
 - (5) *Entrances.* All primary building entrances shall be visible and accessible from the public street and sidewalk. Each primary building on a site, regardless of size, shall have clearly defined, highly visible customer entrances. This may be satisfied through the use of architectural features such as canopies or porticos, overhangs, recesses/projections, arcades, arches, architectural detail such as moldings integrated into the building structure and design, integrated planters or wing walls that incorporate landscaped areas and/or places for sitting or other architectural features approved by the planning commission.

(+)(j) _____

LARGE SCALE DEVELOPMENT WALL ARTICULATION	
Vertical	50' max. between articulation
Horizontal	Articulation required between first and second floor
Techniques	• Relief change (projection or recess at least <u>no less than 2'</u> deep) • Breaks in the surface wall • Windows and door openings • Balconies, awnings and canopies • Series of display windows • Recessed entries • Decorative materials / tile • Material change • Texture change • Other techniques that meet the intent of these regulations and approved by Planning Commission.

- (j) ~~*Façades.* All commercial structures shall be architecturally finished on all sides with same materials, detailing, and features when visible from the public realm or adjacent residential areas. The degree of visibility from the public realm shall be evaluated using the following criteria:~~
- ~~(1) The degree of visibility from all adjacent public ways;~~
 - ~~(2) Possible visibility from future buildings and public ways; and~~
 - ~~(3) Internal overall appearance in relation to the site.~~
- (k) ~~*Roofs.* Roof lines and/or parapets shall be varied with a change in height every 100 linear feet in the building length. Parapets, gable roofs, high roofs, or dormers shall be used to conceal flat roofs and rooftop equipment from public view. Alternative lengths and designs may be acceptable and may be approved by planning commission if the required design would create water drainage or structural issues; or is necessary to enhance the architectural design of the building.~~
- (l) ~~*Entrances.* primary Each primary building on a site, regardless of size, shall have clearly defined, highly visible customer entrances featuring no less than two (2) of the following:~~
- ~~(1) Canopies or porticos;~~
 - ~~(2) Overhangs;~~
 - ~~(3) Recesses/projections;~~
 - ~~(4) Arcades;~~
 - ~~(5) Raised corniced parapets over the door;~~
 - ~~(6) Peaked roof forms;~~
 - ~~(7) Arches;~~
 - ~~(8) Architectural detail such as tile work and moldings integrated into the building structure and design;~~
 - ~~(9) Integral planters or wing walls that incorporate landscaped areas and/or places for sitting;~~
 - ~~(10) Change in material; or,~~
 - ~~(11) Other architectural features approved by planning commission.~~
- (m) ~~*Architectural details.* All buildings shall be designed to incorporate no less than three (3) of the architectural elements from the list below, in addition to regulations regarding the design~~

~~of entrances above. Buildings over fifty thousand (50,000) square feet shall include a minimum of five (5) of the referenced architectural elements. Buildings over one hundred thousand (100,000) square feet shall include a minimum of six (6) of the referenced architectural elements.~~

- ~~(1) Canopies, awnings, or porticos;~~
- ~~(2) Recesses/projections;~~
- ~~(3) Arcades;~~
- ~~(4) Peaked roof forms;~~
- ~~(5) Arches;~~
- ~~(6) Display windows;~~
- ~~(7) Accent materials (minimum of 15% of exterior façade);~~
- ~~(8) Architectural details (such as tile work and moldings) integrated into the building façade;~~
- ~~(9) Articulated cornice line;~~
- ~~(10) Articulated ground floor levels or base;~~
- ~~(11) Varied roof heights; or,~~
- ~~(12) Other architectural features approved by planning commission.~~

~~(+)(k)~~ (k) *Utility and mechanical equipment screening.*

- (1) Screening of service yards, utility meters and hardware, mechanical equipment, and/or other potentially unattractive places from public view, shall be accomplished by the use of walls constructed with the same materials as the primary building, fencing, planting, or a combination of the measures that follow. Screening shall be equally effective in the winter and the summer seasons. For rooftop equipment, parapet walls or other screening methods approved by planning commission are required along street frontages and bordering residential areas.
 1. Adjusting the architectural or landscape profile to screen those elements from view.
 2. Placing those elements on service courts or other locations usable by the general public.
 3. Integrating those elements into the architecture or landscaping of the site.
 4. Use materials similar to that of the primary structure.
- (2) The degree of visibility and screening of service yards, utility meters and hardware, mechanical equipment, refuse areas, and/or other potentially unattractive places shall be evaluated using the following criteria:
 1. The degree of visibility from all adjacent public ways;
 2. The architectural compatibility of the design and color of the yards, meters and equipment of the building;
 3. Possible visibility from future buildings and public ways; and
 4. Internal overall appearance in relation to the site.

~~(+)(l)~~ (l) *Building placement.* Place as much of the building width at the front of the lot as possible to maximize front façade exposure to the public. The front façade shall be kept parallel with the street. On corner lots, place as much building mass near the intersection as possible to help anchor the lot and take advantage of high visibility.

~~(+)(m)~~ (m) *Parking placement.* No more than 60% of the off-street parking area for the entire property shall be located between the front façade within the front yard of the principal building and the primary abutting street unless the principal building and/or parking lots are screened from view

by out-lot development and additional tree plantings or berms. Whenever possible, attempt to link with adjacent parking lots or provide shared parking areas which can serve neighboring buildings simultaneously. Parking lots shall be designed in regular, rectangular shapes.

~~(+)(n)~~ (n) *Pedestrian circulation.* Clearly defined pedestrian walkways or paths shall be provided from public sidewalks to primary building entrances. Design walkways and parking lots so that pedestrians do not have to cross parking aisles and landscape islands to reach building entries. All internal walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Painted crosswalks shall not be considered sufficient definition of the pedestrian path from the driving surface.

~~(+)(o)~~ (o) *Site amenities.* Each commercial development shall contribute to the establishment or enhancement of the community and public spaces by providing at least two (2) of the amenities listed below. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.

- (1) Patio, seating area;
- (2) Pedestrian plaza with benches;
- (3) Mini park, square or green;
- (4) Transit stop;
- (5) Public art;
- (6) Window shopping walkway;
- (7) Outdoor play area;
- (8) Kiosk area;
- (9) Water feature;
- (10) Clock tower or steeple;
- (11) Bike racks that hold at least 2 bikes; or
- (12) Any other deliberately shaped area and/or focal feature that, in the planning commission's judgment adequately enhances such development and serves as a gathering place.

Sec 1100.22 Downtown ~~Neighborhood (DN) Districts~~ Residential Design Standards

- (a) *Purpose and intent.* The design standards in this section are intended to improve the overall quality of development and enhance pedestrian safety and walkability in ~~the downtown neighborhood districts, residential areas.~~
- (b) *Applicability.* The provisions of this section shall apply to all residential development in the DC, DE, DN-1, DN-2, DN-3 and DN-4 districts.
- (c) ~~DN districts general~~ General Residential *Building orientation and design.*
 - (1) *Building orientation.* All residential buildings shall be oriented with their primary facades toward the public street. For corner lots, the primary façade must be oriented toward the designated front lot line.
 - (2) *Materials and design.* Front, side, and rear building facades visible from the public street shall incorporate attractive design materials and massing elements that create visual interest and a character consistent with surrounding development. Such design and massing elements could include porches or stoops, dormers, varied roof lines planar modulation or varied façade materials.
 - (3) *Character elements.* Character elements such as porches, window bays, dormers, etc., if used in a way that is consistent with the intended character of the neighborhood, can result in a maximum lot coverage bonus of up to 5% based on the discretion of the Director.
 - (4) *Functional character elements.* Where appropriate, character elements shall be fully functional. Dormers shall be constructed to allow for occupiable space, and porches shall be a minimum depth of 6' to allow for regular use.
 - (5) *Exterior materials.* Exterior façade materials and details should be consistent with the character of the surrounding context.
- (d) ~~DN districts general~~ General Residential *Site access and parking.*
 - (1) *Parking location.*
 - a. *Prohibited in front yards.* Garages, parking lots or designated parking spaces are prohibited in the front yard .
 - b. *Attached garages.* Garages may be attached to the primary structure. However, if the garage is attached, it must be located and oriented in such a way that it does not protrude from the side façade of the primary building in order to be visible from the public street.
 - c. *Detached garages.* Detached garages shall be located to the rear of the primary structure.
 - (2) *Parking setbacks.*
 - a. *Corner lot.* On a corner lot, the garage shall not be located closer than 20' to the corner side lot line in order to allow for outdoor vehicular parking entirely on the lot.
 - b. *Detached garages.* Detached garages must be separated from the primary structure by a minimum of 10'.
 - c. *Garages with alley access.* Garages with alley access must be setback 8' from the alley.

(3) *Parking access.*

- a. *With alleys.* Where alleys are platted and paved, vehicular access to the designated parking area shall be provided from the alleys.
- b. *Without alleys.*
 1. Where alleys are not platted, or are platted and not paved, property owners are encouraged to locate parking areas in such a way that parking access could be easily converted to an alley if one is installed in the future. Property owners may choose to pave platted alleys provided they pave the portion of the alley that abuts their property to the nearest public road as identified by the Master Street Plan and shall construct the alley in accordance with Section 1100.16.
 2. Where no alley is provided, vehicular access shall be provided in accordance with the standards for each building type.

(4) *Shared parking access.* Where a private drive from the public street is permitted, adjacent properties are encouraged to utilize a shared private drive in order to reduce the overall number of private drives and curb cuts on a block. Where this is done, the following standards shall be met:

a. *Adjacent single-family.*

1. Driveway width. The driveway width shall be a minimum 12' and a maximum of 14'. This area should be kept clear of parked vehicles or other property that would inhibit vehicular circulation.
2. Clear circulation. A clear circulation area shall be provided between designated parking areas or garages and shall have a minimum width of 22' to allow for backing out of vehicles. This area should remain clear of parked vehicles or other property that would inhibit vehicular circulation.
 - i. Garages may be located up to the edge of the required clear circulation area so long as they meet the other setbacks and locational requirements of this chapter.
 - ii. Outdoor parking can be accommodated by setting back the façade of the garage a minimum of 18' and a maximum of 22' from the property line.

b. *Adjacent townhouse or multi-family.*

1. Driveway width. The minimum driveway width shall be 12'. This area shall be kept clear of parked vehicles or other property that would inhibit vehicular circulation.
2. Access. The driveway from the public street shall lead to separate drive aisles for parking on each lot. These drive aisles shall conform to parking lot standards included in the zoning ordinance and shall provide access to individual parking spaces or garages.

c. *Pedestrian access.* Pedestrian access from public sidewalk to front façade shall be provided in accordance with the standards for each building type.

(e) ~~DN districts single-family~~ Single-Family standards.

- (1) *Street access.* Where no alley is provided, one private drive can be provided from the public street. For corner lots, drive access should be provided from the designated side street.
- (2) *Alley access.* Vehicular access to all lots with a width less than 50' must be provided by a rear alley.
- (3) *Pedestrian access.* Direct pedestrian access shall be provided from the public sidewalk to an articulated building entrance on the front façade of the building.

(f) ~~DN districts townhouse~~ Townhouse standards.

(1) *Townhouse design standards.*

- a. *Townhouse unit width.* The minimum width of a townhouse unit is 20'.
- b. *Townhouse cluster size.* One townhouse cluster can have a maximum of 6 dwelling units.
- c. *Townhouse cluster spacing.* Multiple townhouse clusters can be provided on a single lot so long as there is a minimum spacing of 20' between clusters and all clusters are oriented toward the public street.
- d. *Townhouse unit articulation.* Individual townhouse units should be articulated through the exterior design of the cluster. This can be accomplished through dormers, porches, vertical design elements, varying roof forms, or other appropriate techniques.

e. *Block end townhouses.* ~~In the DN-2 district~~ In districts where, townhouse clusters are only ~~permitted~~ allowed at the end of a block. ~~In such instances,~~ the cluster(s) shall be oriented toward the intersecting side street. Where existing alleys exist and intersect with the side street, the alley must either be accommodated by new development, or reconfigured and dedicated as part of the new development in order to preserve alley access to other properties on the block.

f. *Mid-block townhouses.* In ~~the DC, DE, DN-3 and DN-4 Districts~~ districts where, townhouse clusters are ~~permitted~~ allowed on any portion of a block. ~~In these districts,~~ when a cluster is located at the end of a block, it may orient toward either public street.

(2) *Townhouse access and parking management.*

- a. *Alley and drive access.* Vehicular access to townhouse clusters shall be served by a rear alley, or by a private on-site drive.
- b. *Drive access width.* The private on-site drive with a maximum width of 20' can be provided for each cluster of townhouse units. (The drive can be provided in the required 20' spacing between clusters.) However, wherever possible, one private drive should be used to provide access to multiple townhouse clusters.
- c. *Pedestrian access.* Direct pedestrian access shall be provided from the public sidewalk to an articulated entrance for each unit on the front façade of the building.

(g) ~~DN districts multi-family~~Multi-Family standards.

(1) *Multi-family design standards.*

- a. *Design elements.* Multi-family buildings shall incorporate design elements that create visual interest and avoid large blank facades. Such elements should be used to create a façade rhythm that is consistent with surrounding attached or detached single-family buildings. Appropriate elements include protruding or recessed patios, vertical and horizontal design elements, planar variations, varied roof lines, dormers, and others.
- b. *Multiple buildings on a lot.* More than one multi-family building can be provided on a single lot so long as there is a minimum spacing of 20' between buildings and all buildings are oriented toward the public street.
- c. *Block-end multi-family buildings.* In the DN-3 district, multi-family buildings are only permitted at the end of a block. In such instances, the building(s) shall be oriented toward the intersecting side street. Where existing alleys exist and intersect with the side street, the alley must either be accommodated by new development, or reconfigured and dedicated as part of the new development in order to preserve alley access to other properties on the block.
- d. *Mid-block multi-family buildings.* In the DC, DE, and DN-4 districts, multi-family buildings are permitted on any portion of a block. In this district, when a building is located at the end of a block, it may orient toward either public street.

(2) *Multi-family access and parking management.*

- a. *Vehicular alley access.* Vehicular access to all multi-family buildings must be provided by an alley. Where no alley exists, a private drive may be provided. However, the private drive should be dedicated as a future public alley and designed to be integrated with future alleys as they are built.
- b. *Pedestrian access.* Direct pedestrian access shall be provided from the public sidewalk to an articulated entrance or entrances on the front façade of the building.

(h) ~~DN districts integrated~~Integrated commercial use standards. Commercial uses that are integrated into a primarily residential structure, shall meet the following standards.

(1) *Allowed location.*

- a. *Ground floor.* Ground-floor commercial uses are permitted in multi-family buildings along property frontages indicated on the City's zoning map and in accordance with items 1.a.—3.c. below.
- b. *Corners.* Commercial uses should be located at the corner of the building and at the corner where a side street exists, if possible.

(2) *Dedicated entrance.* Commercial uses must provide a dedicated entrance from either the public sidewalk or publicly accessible vestibule of the building. Entry from an internal residential corridor is prohibited.

(3) *Commercial area and operations.*

- a. *Size.* The area of any single commercial use shall not exceed 3,000 sq. ft., and the total commercial area in a multi-family building shall not exceed 5,000 sq. ft. Structures that

exceed the maximum size requirements shall be classified and regulated as Mixed-Use structures (1100.22.9)

- b. *Multiple uses.* The commercial use shall not be the only use on the ground floor. Other qualifying uses include residential units or resident amenities (i.e. laundry, parking, storage, building management, etc.).
- c. *Functional operations.* Operations related to the function of commercial tenants (i.e. outdoor trash receptacles, loading areas, etc.) shall be located and designed so they do not interfere with resident access or substantially impact residents through noise, odor, etc.

Sec 1100.23 Downtown Non-residential and Mixed-Use Design Standards

- (a) Purpose and intent. The design standards in this section are intended to implement the city's vision for the downtown area as outlined in the Downtown Master Plan and the Bentonville Community Plan. The intent of these standards is to improve the overall quality of development and enhance pedestrian safety and walkability in the downtown districts.
- (b) Applicability. The provisions of this section shall apply to all commercial, non-residential and mixed-use developments requiring approval within the DN-1, DN-2, DN-3, DN-4, DC, and DE, districts. These standards are in addition to the regulations in Sec. 1100.21 Large scale development design standards. Where there is conflict between regulations, the regulations in this section shall prevail. These regulations do not apply to residential, integrated commercial or mixed use which are regulations in Sec. 1100.22 Downtown Residential Design Standards.
- (c) Review process. These standards shall be applied in the normal review process for large scale developments and shall be approved by the planning commission.
- (d) Downtown commercial design standards. Buildings design for non-residential or commercial only uses, shall meet the following standards.
 - (1) Downtown commercial building design standards.

- a. Façades. Loading docks, overhead doors, and other service entries are prohibited on primary street-facing façades. Features added to the façade, such as balconies and shutters, shall be useable and/or operational to ensure authenticity of design.

b. ~~Roofs.~~ ~~Roof styles in the Downtown districts shall meet the standards below:~~

DOWNTOWN (D) DISTRICTS ROOF STYLES ALLOWED	
DC	Gable, hipped, flat
DE <u>DN-1, DN-2,</u>	Gable, hipped

- c. Entrances.
 - 1. Doors adjacent to sidewalk. All doors from the structure that are immediately adjacent to the sidewalk shall be recessed from the front of the structure a minimum of the width of the door to allow for safe pedestrian use of the sidewalk.
 - 2. Primary entrance emphasized. All primary entrances to a building shall be emphasized with one of the following techniques, or as approved by planning commission: slightly recessed; change in color; and/or materials or paving treatment.
 - d. Glazing. Commercial, mixed use- and non-residential buildings shall create visible interest at the pedestrian scale. For the purposes of this Section, glazing is the percent of the façade square footage covered by windows and doors, excluding trim. Glazing shall constitute a minimum of 50% of the façade square footage of the ground floor, between 2 and 12 feet, visible from the public street for commercial and mixed use

~~buildings and shall be transparent enough to allow for the public to view inside at the ground floor~~ be visible to an interior depth of five feet inside the floorplate.

- e. *Corner architecture.* All buildings located at the corner of the intersection between any combination of arterial and collector streets shall incorporate a minimum of one of the following architectural elements, or as approved by planning commission: Cupola, Turret, Pitched roof.
- f. *Awnings, canopies, and balconies.* Awnings, canopies and balconies shall meet the standards below.

DOWNTOWN (D) DISTRICTS AWNING, CANOPIES AND BALCONY STANDARDS	
Material	Durable, protective, water repellant
Prohibited	Plastic, aluminum, fiberglass Backlighting of awning

- g. *Franchise architecture.* Franchise architecture (building design that is trademarked or identified with a particular chain or corporation and is generic in nature) is prohibited. Franchises or national chains shall follow these standards to create a unique building that is compatible with the DC, Downtown Core ~~and~~ DE, Downtown Edge, DN-1, DN-2, DN-3, Downtown High-Density Residential, and DN-4, Downtown Mixed-Use Residential districts.

(2) Downtown Commercial site design standards.

- a. *Building placement.* A minimum of 80% of the façade must be placed along the maximum setback allowed in the ~~Downtown zoning~~ districts. Any section along the maximum setback on an arterial or collector street that is not defined by a building up to a 10-foot setback of the maximum setback shall be defined by a 2'6" to 4'6" high fence or wall. The material on the fence or wall shall be consistent and compatible with the adjacent structure and approved by planning commission. The fence or wall may consist of a gate or opening for access.
- b. *Parking placement.* Off-street parking shall be located behind or to the side of the primary building. On corner lots, parking drive shall not be located on arterial or collector streets, unless at the intersection of any combination of arterial and collector streets Parking drives are highly discouraged along arterial and collector streets and only allowed if there is no other option for access to parking areas. Off-site parking may be provided off-site within 600' or as shared parking. A shared parking agreement shall be provided to Planning for all residential use parking spaces. ~~The standards for garages and parking for residential uses set forth in Sec. 1100.22 Downtown Neighborhood (DN) Districts Design Standards shall apply to residential uses in the DC and DE districts.~~

- (e) *Downtown Mixed-use design standards.* [Buildings that mix residential and commercial/non-residential uses shall meet the following standards.](#)

(1) *Downtown Mixed use building standards.*

- a. *Upper floor design.* Upper-floor residential portions of mixed-use buildings shall incorporate design elements that create visual interest and avoid large blank facades. Such elements should be used to create a façade rhythm that is consistent with surrounding attached or detached single-family buildings. Appropriate elements include protruding or recessed patios, vertical and horizontal design elements, planar variations, varied roof lines, dormers, and others.
- b. *Ground floor design.* Ground-floor commercial facades must integrate a high level of transparency and elements typical of traditional commercial design. Such elements should include knee walls, window bays framed by architectural columns and pilasters, transom windows, recessed entries, awnings, and others.
- c. *Buildings on a corner lot.* Mixed-use buildings located on corners should integrate prominent massing elements such as corner turrets or chamfered facades.
- d. *Signage and lighting.* Commercial signage and lighting should be integrated into the design of the façade and have a minimal impact on the aesthetic of the area. All commercial signs should comply with the regulations for signs located in the D-C Downtown Core District.
- e. *~~Commercial~~ floor delineation.* [For buildings taller than two stories, there should be a clear delineation between the ground-floor commercial or nonresidential space and upper-floor residential areas. Such a delineation can be created through the use of varying materials, slight upper-floor recession, projection or horizontal variation.](#)
- f. *Large scale development compliance.* Mixed-use buildings are subject to the standards for Large Scale Developments [and Downtown Commercial development](#) as described in Appendix B, Sec. 1100.21, [Large-Scale Development Design Standards and Sec. 1100.23, Downtown Commercial Design Standards and the requirements of Sec. 1100.23 shall prevail.](#)
- g. *Functional operations.* Operations related to the function of commercial tenants (i.e. outdoor trash receptacles, loading areas, etc.) shall be located and designed so they do not interfere with resident access or substantially impact residents through noise, odor, etc. Trash receptacles should not be adjacent to a public right-of-way [or located in a front setback.](#)
- h. *Screening of adjacent residential lots.* Mixed-use buildings shall provide screening against abutting residential properties that is compliant with regulations established in Section 1400.09 of the City's Land Development Code.

(2) *Downtown Mixed-use access and parking management.*

- a. *Vehicular access.* Vehicular access to all multi-family buildings must be provided by an alley. Where no alley exists, a private drive may be provided. However, the private drive should be dedicated as a future public alley and designed to be integrated with future alleys as they are built.

b. *Pedestrian access.*

1. *Ground floor commercial.* Direct pedestrian access shall be provided from the public sidewalk to an articulated entrance for each ground-floor commercial unit on the front façade of the building.
2. *Residential.* Direct pedestrian access shall be provided from the public sidewalk to a dedicated entrance that provides access to upper-floor residential units.

- (f) Downtown *Site amenity standards.* ~~Site amenities are not required. However, if a specific site amenity is being provided, it~~ A minimum of two site amenities are required and shall meet the standards below. ~~for all streets in the DC, Downtown Core and DE, Downtown Edge districts.~~ All street furniture shall be installed per manufacturer's specifications.

(1) *Street amenity placement.*

- a. Street trees and streetlights shall not be placed directly in front of an entrance to a building.
- b. All street furniture shall be placed so that a minimum of 4' of the width of the sidewalk is clear and unobstructed.
- c. Trees, street lamps, and all street furniture shall be placed a minimum of 36" away from the back of curb to allow for car doors opening.

(2) *Streetlight standard.*

- a. Luminaire: Granville
- b. Pole: Wadsworth
- c. Pole height: 12' maximum
- d. Color: Black
- e. Spacing: Determined by Bentonville Electric Utility Department.

(3) *Bench standard.*

- a. Length: 6' minimum
- b. Style: Victor Stanley "Classic" Series (Model # C-10) (or approved equal)
- c. Color: Black

(4) *Trash receptacle standard.*

- a. Size: 40-gallon
- b. Style: Victor Stanley "Ironsites" (Model # S-35), or approved equal
- c. Color: Black

(5) *Bicycle rack standard.*

- a. Size: 34" x 21.5"
- b. Style: Single hoop, Dero Swerve Rack, Black
- c. Tube Width: 1.9"
- d. Setback from parallel wall: 24"
- e. Setback from horizontal wall: 28"
- f. Setback from parallel street: 36"
- ~~g. Distance from horizontal street: 62"~~

~~g.~~

Sec 1100.21 Large-Scale Development Design Standards

- (a) *Purpose and intent.* The design standards in this section are intended to implement the city's vision for commercial and multifamily development as set forth in the city's Community Plan. The Community Plan recommends a high quality of design, improved functionality and appearance of commerce and industry areas, and to support transformation and modernization of aging areas. The intent of these standards is to improve the overall quality of development with surrounding land uses and enhance pedestrian safety and walkability.
- (b) *Applicability.* The provisions of this section shall apply to all developments requiring large scale development approval. The standards in this section and in Sec. 1100.23 Downtown (D) Non-residential and Mixed use design standards shall apply in the DC, Downtown Core and DE, Downtown Edge zoning districts.
- (c) *Exemptions.*
 - (1) *Residential uses in Downtown districts.* Residential development in the Downtown (DC and DE) and Downtown Neighborhood (DN1, DN-2, DN-3, DN-4) districts shall be exempt from this section but shall be subject to *Sec. 1100.22 Downtown Residential Design Standards*.
 - (2) *Nonresidential, commercial and mixed-uses in Downtown Districts.* Nonresidential, commercial and mixed-use development in the Downtown (DC and DE) and Downtown Neighborhood (DN1, DN-2, DN-3, DN-4) districts shall be exempt from the site amenities requirement in subsection r but shall be subject to *Sec. 1100.22 Downtown Non-residential Design Standards*.
 - (3) *Municipal airport.* Development subject to the design standards for the Bentonville Municipal Airport, which have specific site and architectural design standards established in Section 1100.24, Municipal Airport design standards, shall be exempt from this section.
 - (4) *Existing structures.* When a large-scale development is only an addition to an existing structure, the design standards shall only apply to the addition itself. Façade re-skins, where building façade materials are fully or in part replaced or covered, shall be subject to the building material requirements of this section unless otherwise approved by the Planning Director.
- (d) *Review process.* These standards shall be applied in the normal review process for large-scale developments and shall be approved by the planning commission.
- (e) *Building material.* A minimum of seventy five percent of the wall surface area of each façade of a building, not including doors or trim, shall be composed of a maximum of three primary materials. Anything less than seventy five percent must be approved by planning commission. The remaining 25% of the wall surface area shall be composed of primary, special use primary, or other high quality building materials as approved by the Planning Commission.
 - (1) *Primary Materials.* All structures in all zoning districts may utilize brick, natural stone, marble, granite, cast stone, windows, glazing, aluminum composite material or panel (ACM) and copper, bronze, or similar quality metals as primary materials.

(2) *Special Use Primary Materials.* Fiber cement siding, wood siding (, three-coat cement-based stucco, 24-gauge architectural metal panel systems, manufactured stone, textured concrete block, glass block, concrete tilt-up panels, architectural cast-in-place or pre-cast concrete, and other durable or innovative materials may be used as primary materials subject to the following review criteria:

1. *Location:* Exterior materials should be consistent with the character of the surrounding neighborhood context and be appropriate for the building use type. Applicants shall provide 3-D renderings of their project, and example photos of the material with the application.
 2. *Design and Innovation:* The materials list above are not meant to be exhaustive, but applicants should be prepared to present compelling reasons to the Planning Commission to accept alternatives, such as for specific design purposes or due to new, innovative materials coming available to the development community. Applicants shall supply a written narrative explaining why the Special Use Primary material is necessary for their proposed structure with the application.
 3. *Quality.* Selected materials shall be high-quality and durable. Applicants shall provide cut sheets, warranty information, and clear evidence that their materials are equal or superior to other primary materials with the application.
 4. *Building Form and Pedestrian Scale.* Special use primary materials should be integrated to compliment the building form, articulation, and may be used alongside other allowed primary materials. Examples may include limiting their use to non-street facing facades, as a material change for articulation purposes, or to the upper stories of multi-story buildings.
 5. *Intent.* Exterior materials shall meet the purpose and intent of this Article.
- (3) *Prohibited Primary Materials.* Masonite, non-textured concrete block, vinyl, plywood, and Exterior Insulation Finish System (EIFS) shall not constitute any portion of the wall surface area of any façade. Loading docks, overhead doors, and other service entries are prohibited on primary street-facing facades.

(f) *Building color.* The building's exterior color scheme shall utilize primarily muted, neutral, or earth tone type colors. The primary use of bright, intense, or extreme colors not consistent with the adjoining developments shall not be permitted. This regulation is not intended to prohibit the use of these colors for specifically approved architectural detailing. All vents, gutters, downspouts, flashing, electrical conduits, etc. shall be painted to match or compliment the color of the adjacent surface, unless being used expressly as a trim or accent element. Building color shall be consistent with the standards established below.

LARGE SCALE DEVELOPMENT BUILDING COLOR STANDARDS		
	Primary Colors	Trim Colors
Allowed	Muted Neutral Earth tone	Muted Neutral Earth tone Bright Light Primary
Prohibited	Bright Primary	

- (g) *Building compatibility*.. The exterior building design, including roof style, color, materials, architectural form and detailing, shall use common design characteristics among all buildings in a common commercial development and on all elevations of each building to achieve design harmony and continuity within itself.
- (h) *Scale and bulk*. The height and scale of new buildings shall be consistent or compatible with the height and scale of adjacent buildings. Special care, however, shall be taken to achieve the compatibility of larger buildings next to small scale buildings; techniques shall include limited size, building articulation, and shadow patterns. The scale of the building shall also consider building setback, lot size and relationship to street width.
- (i) *Facade articulation*. Buildings shall avoid long uninterrupted façade planes and/or blank walls and shall meet the following requirements.
- (1) *Vertical articulation*. Vertical articulation is required to visually break up the massing of front and corner facades. Vertical articulation elements are required at intervals no less than 20-feet and no more than 50-feet from each other and may include architectural features such as bays, columns, pilasters, regular repetition of window patterns, a break in the building plane, sunscreens, recessed entries, or other architectural that meet the intent of this article.
 - (2) *Horizontal articulation*. Horizontal articulation is required to help distinguish the ground floor from upper stories on buildings with three or more stories. Allowable methods include base, awnings or canopies, sunscreens, changes in materials or window patterns, a break in the building plane, recessed entries, eyebrow (projection) or other architectural treatments that meet the intent of this article.
 - (3) *Color*. Variation in color shall not be used to meet the required articulation.
 - (4) *Roofs*. Roof lines and/or parapets shall be varied with a change in height proportionate to the building length and height. Parapets, gable roofs, high roofs, or dormers shall be used to conceal flat roofs and rooftop equipment from public view.
 - (5) *Entrances*. All primary building entrances shall be visible and accessible from the public street and sidewalk. Each primary building on a site, regardless of size, shall have clearly defined, highly visible customer entrances. This may be satisfied through the use of architectural features such as canopies or porticos, overhangs, recesses/projections, arcades, arches, architectural detail such as moldings integrated into the building structure and design, integrated planters or wing walls that incorporate

landscaped areas and/or places for sitting or other architectural features approved by the planning commission.

(j)

(k) *Utility and mechanical equipment screening.*

(1) Screening of service yards, utility meters and hardware, mechanical equipment, and/or other potentially unattractive places from public view, shall be accomplished by the use of walls constructed with the same materials as the primary building, fencing, planting, or a combination of the measures that follow. Screening shall be equally effective in the winter and the summer seasons. For rooftop equipment, parapet walls or other screening methods approved by planning commission are required along street frontages and bordering residential areas.

1. Adjusting the architectural or landscape profile to screen those elements from view.
2. Placing those elements on service courts or other locations usable by the general public.
3. Integrating those elements into the architecture or landscaping of the site.
4. Use materials similar to that of the primary structure.

(2) The degree of visibility and screening of service yards, utility meters and hardware, mechanical equipment, refuse areas, and/or other potentially unattractive places shall be evaluated using the following criteria:

1. The degree of visibility from all adjacent public ways;
2. The architectural compatibility of the design and color of the yards, meters and equipment of the building;
3. Possible visibility from future buildings and public ways; and
4. Internal overall appearance in relation to the site.

(l) *Building placement.* Place as much of the building width at the front of the lot as possible to maximize front façade exposure to the public. The front façade shall be kept parallel with the street. On corner lots, place as much building mass near the intersection as possible to help anchor the lot and take advantage of high visibility.

(m) *Parking placement.* No more than 60% of the off-street parking area for the entire property shall be located between the front façade within the front yard of the principal building and the primary abutting street unless the principal building and/or parking lots are screened from view by out-lot development and additional tree plantings or berms. Whenever possible, attempt to link with adjacent parking lots or provide shared parking areas which can serve neighboring buildings simultaneously. Parking lots shall be designed in regular, rectangular shapes.

(n) *Pedestrian circulation.* Clearly defined pedestrian walkways or paths shall be provided from public sidewalks to primary building entrances. Design walkways and parking lots so that pedestrians do not have to cross parking aisles and landscape islands to reach building entries. All internal walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Painted crosswalks shall not be considered sufficient definition of the pedestrian path from the driving surface.

(o) *Site amenities.* Each commercial development shall contribute to the establishment or enhancement of the community and public spaces by providing at least two (2) of the amenities listed below. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.

- (1) Patio, seating area;
- (2) Pedestrian plaza with benches;
- (3) Mini park, square or green;
- (4) Transit stop;
- (5) Public art;
- (6) Window shopping walkway;
- (7) Outdoor play area;
- (8) Kiosk area;
- (9) Water feature;
- (10) Clock tower or steeple;
- (11) Bike racks that hold at least 2 bikes; or
- (12) Any other deliberately shaped area and/or focal feature that, in the planning commission's judgment adequately enhances such development and serves as a gathering place.

Sec 1100.22 Downtown Residential Design Standards

- (a) *Purpose and intent.* The design standards in this section are intended to improve the overall quality of development and enhance pedestrian safety and walkability in downtown residential areas.
- (b) *Applicability.* The provisions of this section shall apply to all residential development in the DC, DE, DN-1, DN-2, DN-3 and DN-4 districts.
- (c) *General Residential Building orientation and design.*
 - (1) *Building orientation.* All residential buildings shall be oriented with their primary facades toward the public street. For corner lots, the primary façade must be oriented toward the designated front lot line.
 - (2) *Materials and design.* Front, side, and rear building facades visible from the public street shall incorporate attractive design materials and massing elements that create visual interest and a character consistent with surrounding development. Such design and massing elements could include porches or stoops, dormers, varied roof lines planar modulation or varied façade materials.
 - (3) *Character elements.* Character elements such as porches, window bays, dormers, etc., if used in a way that is consistent with the intended character of the neighborhood, can result in a maximum lot coverage bonus of up to 5% based on the discretion of the Director.
 - (4) *Functional character elements.* Where appropriate, character elements shall be fully functional. Dormers shall be constructed to allow for occupiable space, and porches shall be a minimum depth of 6' to allow for regular use.
 - (5) *Exterior materials.* Exterior façade materials and details should be consistent with the character of the surrounding context.
- (d) *General Residential Site access and parking.*
 - (1) *Parking location.*
 - a. *Prohibited in front yards.* Garages, parking lots or designated parking spaces are prohibited in the front yard .
 - b. *Attached garages.* Garages may be attached to the primary structure. However, if the garage is attached, it must be located and oriented in such a way that it does not protrude from the side façade of the primary building in order to be visible from the public street.
 - c. *Detached garages.* Detached garages shall be located to the rear of the primary structure.
 - (2) *Parking setbacks.*
 - a. *Corner lot.* On a corner lot, the garage shall not be located closer than 20' to the corner side lot line in order to allow for outdoor vehicular parking entirely on the lot.
 - b. *Detached garages.* Detached garages must be separated from the primary structure by a minimum of 10'.
 - c. *Garages with alley access.* Garages with alley access must be setback 8' from the alley.

(3) *Parking access.*

- a. *With alleys.* Where alleys are platted and paved, vehicular access to the designated parking area shall be provided from the alleys.
- b. *Without alleys.*
 1. Where alleys are not platted, or are platted and not paved, property owners are encouraged to locate parking areas in such a way that parking access could be easily converted to an alley if one is installed in the future. Property owners may choose to pave platted alleys provided they pave the portion of the alley that abuts their property to the nearest public road as identified by the Master Street Plan and shall construct the alley in accordance with Section 1100.16.
 2. Where no alley is provided, vehicular access shall be provided in accordance with the standards for each building type.

(4) *Shared parking access.* Where a private drive from the public street is permitted, adjacent properties are encouraged to utilize a shared private drive in order to reduce the overall number of private drives and curb cuts on a block. Where this is done, the following standards shall be met:

a. *Adjacent single-family.*

1. Driveway width. The driveway width shall be a minimum 12' and a maximum of 14'. This area should be kept clear of parked vehicles or other property that would inhibit vehicular circulation.
2. Clear circulation. A clear circulation area shall be provided between designated parking areas or garages and shall have a minimum width of 22' to allow for backing out of vehicles. This area should remain clear of parked vehicles or other property that would inhibit vehicular circulation.
 - i. Garages may be located up to the edge of the required clear circulation area so long as they meet the other setbacks and locational requirements of this chapter.
 - ii. Outdoor parking can be accommodated by setting back the façade of the garage a minimum of 18' and a maximum of 22' from the property line.

b. *Adjacent townhouse or multi-family.*

1. Driveway width. The minimum driveway width shall be 12'. This area shall be kept clear of parked vehicles or other property that would inhibit vehicular circulation.
2. Access. The driveway from the public street shall lead to separate drive aisles for parking on each lot. These drive aisles shall conform to parking lot standards included in the zoning ordinance and shall provide access to individual parking spaces or garages.

c. *Pedestrian access.* Pedestrian access from public sidewalk to front façade shall be provided in accordance with the standards for each building type.

(e) *Single-Family standards.*

- (1) *Street access.* Where no alley is provided, one private drive can be provided from the public street. For corner lots, drive access should be provided from the designated side street.
- (2) *Alley access.* Vehicular access to all lots with a width less than 50' must be provided by a rear alley.
- (3) *Pedestrian access.* Direct pedestrian access shall be provided from the public sidewalk to an articulated building entrance on the front façade of the building.

(f) *Townhouse standards.*

(1) *Townhouse design standards.*

- a. *Townhouse unit width.* The minimum width of a townhouse unit is 20'.
- b. *Townhouse cluster size.* One townhouse cluster can have a maximum of 6 dwelling units.
- c. *Townhouse cluster spacing.* Multiple townhouse clusters can be provided on a single lot so long as there is a minimum spacing of 20' between clusters and all clusters are oriented toward the public street.
- d. *Townhouse unit articulation.* Individual townhouse units should be articulated through the exterior design of the cluster. This can be accomplished through dormers, porches, vertical design elements, varying roof forms, or other appropriate techniques.
- e. *Block end townhouses.* In districts where townhouse clusters are only allowed at the end of a block,, the cluster(s) shall be oriented toward the intersecting side street. Where existing alleys exist and intersect with the side street, the alley must either be accommodated by new development, or reconfigured and dedicated as part of the new development in order to preserve alley access to other properties on the block.
- f. *Mid-block townhouses.* In districts where, townhouse clusters are allowed on any portion of a block, when a cluster is located at the end of a block, it may orient toward either public street.

(2) *Townhouse access and parking management.*

- a. *Alley and drive access.* Vehicular access to townhouse clusters shall be served by a rear alley, or by a private on-site drive.
- b. *Drive access width.* The private on-site drive with a maximum width of 20' can be provided for each cluster of townhouse units. (The drive can be provided in the required 20' spacing between clusters.) However, wherever possible, one private drive should be used to provide access to multiple townhouse clusters.
- c. *Pedestrian access.* Direct pedestrian access shall be provided from the public sidewalk to an articulated entrance for each unit on the front façade of the building.

(g) *Multi-Family standards.*

(1) *Multi-family design standards.*

- a. *Design elements.* Multi-family buildings shall incorporate design elements that create visual interest and avoid large blank facades. Such elements should be used to create a façade rhythm that is consistent with surrounding attached or detached single-family buildings. Appropriate elements include protruding or recessed patios, vertical and horizontal design elements, planar variations, varied roof lines, dormers, and others.
- b. *Multiple buildings on a lot.* More than one multi-family building can be provided on a single lot so long as there is a minimum spacing of 20' between buildings and all buildings are oriented toward the public street.
- c. *Block-end multi-family buildings.* In the DN-3 district, multi-family buildings are only permitted at the end of a block. In such instances, the building(s) shall be oriented toward the intersecting side street. Where existing alleys exist and intersect with the side street, the alley must either be accommodated by new development, or reconfigured and dedicated as part of the new development in order to preserve alley access to other properties on the block.
- d. *Mid-block multi-family buildings.* In the DC, DE, and DN-4 districts, multi-family buildings are permitted on any portion of a block. In this district, when a building is located at the end of a block, it may orient toward either public street.

(2) *Multi-family access and parking management.*

- a. *Vehicular alley access.* Vehicular access to all multi-family buildings must be provided by an alley. Where no alley exists, a private drive may be provided. However, the private drive should be dedicated as a future public alley and designed to be integrated with future alleys as they are built.
- b. *Pedestrian access.* Direct pedestrian access shall be provided from the public sidewalk to an articulated entrance or entrances on the front façade of the building.

(h) *Integrated commercial use standards.* Commercial uses that are integrated into a primarily residential structure, shall meet the following standards.

(1) *Allowed location.*

- a. *Ground floor.* Ground-floor commercial uses are permitted in multi-family buildings along property frontages indicated on the City's zoning map and in accordance with items 1.a.—3.c. below.
- b. *Corners.* Commercial uses should be located at the corner of the building and at the corner where a side street exists, if possible.

(2) *Dedicated entrance.* Commercial uses must provide a dedicated entrance from either the public sidewalk or publicly accessible vestibule of the building. Entry from an internal residential corridor is prohibited.

(3) *Commercial area and operations.*

- a. *Size.* The area of any single commercial use shall not exceed 3,000 sq. ft., and the total commercial area in a multi-family building shall not exceed 5,000 sq. ft. Structures that

exceed the maximum size requirements shall be classified and regulated as Mixed-Use structures (1100.22.9)

- b. *Multiple uses.* The commercial use shall not be the only use on the ground floor. Other qualifying uses include residential units or resident amenities (i.e. laundry, parking, storage, building management, etc.).
- c. *Functional operations.* Operations related to the function of commercial tenants (i.e. outdoor trash receptacles, loading areas, etc.) shall be located and designed so they do not interfere with resident access or substantially impact residents through noise, odor, etc.

Sec 1100.23 Downtown Non-residential and Mixed-Use Design Standards

- (a) *Purpose and intent.* The design standards in this section are intended to implement the city's vision for the downtown area as outlined in the Downtown Master Plan and the Bentonville Community Plan. The intent of these standards is to improve the overall quality of development and enhance pedestrian safety and walkability in the downtown districts.
- (b) *Applicability.* The provisions of this section shall apply to all commercial, non-residential and mixed-use developments requiring approval within the DN-1, DN-2, DN-3, DN-4, DC, and DE, districts. These standards are in addition to the regulations in Sec. 1100.21 Large scale development design standards. Where there is conflict between regulations, the regulations in this section shall prevail. These regulations do not apply to residential, integrated commercial or mixed use which are regulations in Sec. 1100.22 Downtown Residential Design Standards.
- (c) *Review process.* These standards shall be applied in the normal review process for large scale developments and shall be approved by the planning commission.
- (d) *Downtown commercial design standards.* Buildings design for non-residential or commercial only uses, shall meet the following standards.
 - (1) *Downtown commercial building design standards.*
 - a. *Façades.* Loading docks, overhead doors, and other service entries are prohibited on primary street-facing façades. Features added to the façade, such as balconies and shutters, shall be useable and/or operational to ensure authenticity of design.
 - c. *Entrances.*
 - 1. *Doors adjacent to sidewalk.* All doors from the structure that are immediately adjacent to the sidewalk shall be recessed from the front of the structure a minimum of the width of the door to allow for safe pedestrian use of the sidewalk.
 - 2. *Primary entrance emphasized.* All primary entrances to a building shall be emphasized with one of the following techniques, or as approved by planning commission: slightly recessed; change in color; and/or materials or paving treatment.
 - d. *Glazing.* Commercial, mixed use and non-residential buildings shall create visible interest at the pedestrian scale. For the purposes of this Section, glazing is the percent of the façade square footage covered by windows and doors, excluding trim. Glazing shall constitute a minimum of 50% of the façade square footage of the ground floor, between 2 and 12 feet, visible from the public street and shall be transparent enough to be visible to an interior depth of five feet inside the floorplate.
 - e. *Corner architecture.* All buildings located at the corner of the intersection between any combination of arterial and collector streets shall incorporate a minimum of one of the following architectural elements, or as approved by planning commission: Cupola, Turret, Pitched roof.
 - f. *Awnings, canopies, and balconies.* Awnings, canopies and balconies shall meet the standards below.

DOWNTOWN AWNING, CANOPIES AND BALCONY STANDARDS	
Material	Durable, protective, water repellant
Prohibited	Plastic, aluminum, fiberglass Backlighting of awning

- g. *Franchise architecture.* Franchise architecture (building design that is trademarked or identified with a particular chain or corporation and is generic in nature) is prohibited. Franchises or national chains shall follow these standards to create a unique building that is compatible with the DC, Downtown Core DE, Downtown Edge. DN-1, DN-2, DN-3, Downtown High-Density Residential, and DN-4, Downtown Mixed-Use Residential districts.

(2) Downtown Commercial site design standards.

- a. *Building placement.* A minimum of 80% of the façade must be placed along the maximum setback allowed in the zoning district. Any section along the maximum setback on an arterial or collector street that is not defined by a building up to a 10-foot setback of the maximum setback shall be defined by a 2'6" to 4'6" high fence or wall. The material on the fence or wall shall be consistent and compatible with the adjacent structure and approved by planning commission. The fence or wall may consist of a gate or opening for access.
- b. *Parking placement.* Off-street parking shall be located behind or to the side of the primary building. On corner lots, parking drive shall not be located on arterial or collector streets, unless at the intersection of any combination of arterial and collector streets Parking drives are highly discouraged along arterial and collector streets and only allowed if there is no other option for access to parking areas. Off-site parking may be provided off-site within 600' or as shared parking. A shared parking agreement shall be provided to Planning for all residential use parking spaces.

- (e) *Downtown Mixed-use design standards.* Buildings that mix residential and commercial/non-residential uses shall meet the following standards.

(1) *Downtown Mixed use building standards.*

- a. *Upper floor design.* Upper-floor residential portions of mixed-use buildings shall incorporate design elements that create visual interest and avoid large blank facades. Such elements should be used to create a façade rhythm that is consistent with surrounding attached or detached single-family buildings. Appropriate elements include protruding or recessed patios, vertical and horizontal design elements, planar variations, varied roof lines, dormers, and others.

- b. *Ground floor design.* Ground-floor commercial facades must integrate a high level of transparency and elements typical of traditional commercial design. Such elements should include knee walls, window bays framed by architectural columns and pilasters, transom windows, recessed entries, awnings, and others.
- c. *Buildings on a corner lot.* Mixed-use buildings located on corners should integrate prominent massing elements such as corner turrets or chamfered facades.
- d. *Signage and lighting.* Commercial signage and lighting should be integrated into the design of the façade and have a minimal impact on the aesthetic of the area. All commercial signs should comply with the regulations for signs located in the D-C Downtown Core District.
- e. *floor delineation.* For buildings taller than two stories, there should be a clear delineation between the ground-floor commercial or nonresidential space and upper-floor residential areas. Such a delineation can be created through the use of varying materials, slight upper-floor recession, projection or horizontal variation.
- f. *Large scale development compliance.* Mixed-use buildings are subject to the standards for Large Scale Developments and Downtown Commercial development as described in Appendix B, Sec. 1100.21, Large-Scale Development Design Standards and Sec. 1100.23, Downtown Commercial Design Standards and the requirements of Sec. 1100.23 shall prevail.
- g. *Functional operations.* Operations related to the function of commercial tenants (i.e. outdoor trash receptacles, loading areas, etc.) shall be located and designed so they do not interfere with resident access or substantially impact residents through noise, odor, etc. Trash receptacles should not be adjacent to a public right-of-way or located in a front setback.
- h. *Screening of adjacent residential lots.* Mixed-use buildings shall provide screening against abutting residential properties that is compliant with regulations established in Section 1400.09 of the City's Land Development Code.

(2) *Downtown Mixed-use access and parking management.*

- a. *Vehicular access.* Vehicular access to all multi-family buildings must be provided by an alley. Where no alley exists, a private drive may be provided. However, the private drive should be dedicated as a future public alley and designed to be integrated with future alleys as they are built.
 - b. *Pedestrian access.*
 - 1. *Ground floor commercial.* Direct pedestrian access shall be provided from the public sidewalk to an articulated entrance for each ground-floor commercial unit on the front façade of the building.
 - 2. *Residential.* Direct pedestrian access shall be provided from the public sidewalk to a dedicated entrance that provides access to upper-floor residential units.
- (f) *Downtown Site amenity standards.* A minimum of two site amenities are required and shall meet the standards below. All street furniture shall be installed per manufacturer's specifications.

(1) *Street amenity placement.*

- a. Street trees and streetlights shall not be placed directly in front of an entrance to a building.
- b. All street furniture shall be placed so that a minimum of 4' of the width of the sidewalk is clear and unobstructed.
- c. Trees, street lamps, and all street furniture shall be placed a minimum of 36" away from the back of curb to allow for car doors opening.

(2) *Streetlight standard.*

- a. Luminaire: Granville
- b. Pole: Wadsworth
- c. Pole height: 12' maximum
- d. Color: Black
- e. Spacing: Determined by Bentonville Electric Utility Department.

(3) *Bench standard.*

- a. Length: 6' minimum
- b. Style: Victor Stanley "Classic" Series (Model # C-10) (or approved equal)
- c. Color: Black

(4) *Trash receptacle standard.*

- a. Size: 40-gallon
- b. Style: Victor Stanley "Ironsites" (Model # S-35), or approved equal
- c. Color: Black

(5) *Bicycle rack standard.*

- a. Size: 34" x 21.5"
- b. Style: Single hoop, Dero Swerve Rack, Black
- c. Tube Width: 1.9"
- d. Setback from parallel wall: 24"
- e. Setback from horizontal wall: 28"
- f. Setback from parallel street: 36"
- g. Distance from horizontal street: 62"

ORDINANCE NO. _____

CITY OF BENTONVILLE, ARKANSAS

**AN ORDINANCE AMENDING THE BENTONVILLE MUNICIPAL
CODE APPENDIX B LAND DEVELOPMENT CODE, ARTICLE 1100
DEVELOPMENT STANDARDS; AND FOR OTHER PURPOSES.**

WHEREAS,

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF BENTONVILLE, ARKANSAS:**

Section 1 - Amendment: That the Bentonville Municipal Code, *Appendix B Land Development Code* should be and the same is hereby amended with the following *Attachment A: Development Standard Amendments*, an electronic copy and paper copy of which is on file with the City Clerk, is hereby referred to, adopted and made a part hereof as though it were copied herein fully.

Section 2 - Severability Provision: Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 3 - Repeal of Conflicting Provisions: All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 4 - Effective Date: This Ordinance shall be in full force and effect 30 days from the date of its passage and approval.

PASSED and APPROVED this _____ day of _____, 2023.

APPROVED:

Stephanie Orman, Mayor

ATTEST:

Kirby Romines, City Clerk



Adventure Church

4508 Town Vu Road

PC Date: 3/21/2023

Reviewer: Bradley Gavrielides, Planning Technician

Project Number	RZ22-0037
Applicant / Current Owner	Blew & Associates / Adventure Church
Site Area	+/- 5.574 acres
Current Zoning	A-1, Agricultural
Requested Zoning	R-1, Single Family Residential
Current Future Land Use Map Designation	Residential Estates (RE)
Requested Future Land Use Map Designation	Low Density Residential (LDR)
Related projects	LS22-0028

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

Location Map



Property Description

This property is located at 4508 Town Vu Road. It is currently zoned A-1, Agricultural. It contains no existing structures. Adjacent zonings are mostly low-density with a few High-density residential nearby. The applicant is requesting the rezone to follow the lot size requirements for the two lots that are being split off.

Relationship to the General Plan

The Future Land Use Plan depicts this property as Residential Estates (RE) and is surrounded by Low Density Residential, with a few High density residential nearby. 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.

Public Comment

Staff has NOT received public comment regarding this request.

Analysis

The intent of the R-1 District is to serve low density developments in which housing is generally of the highest value and where strict separation of land uses is desired. Since R-1 Districts are separated from all commercial and industrial activity, access to connecting traffic arteries is essential. The R-1 district is to allow for an increased neighborhood density through the development of small-lot single-family housing and townhouses throughout the district. These areas tend to be adjacent to downtown commercial uses. In some instances, such as at the ends of blocks, multi-family apartment buildings may be an appropriate use in this district.

The proposed zoning of R-1 is not consistent with the Future Land Use Plan. R-1 is a smaller lot size residential zoning district but would likely create a similar dwelling unit with ease of setbacks on these lots.

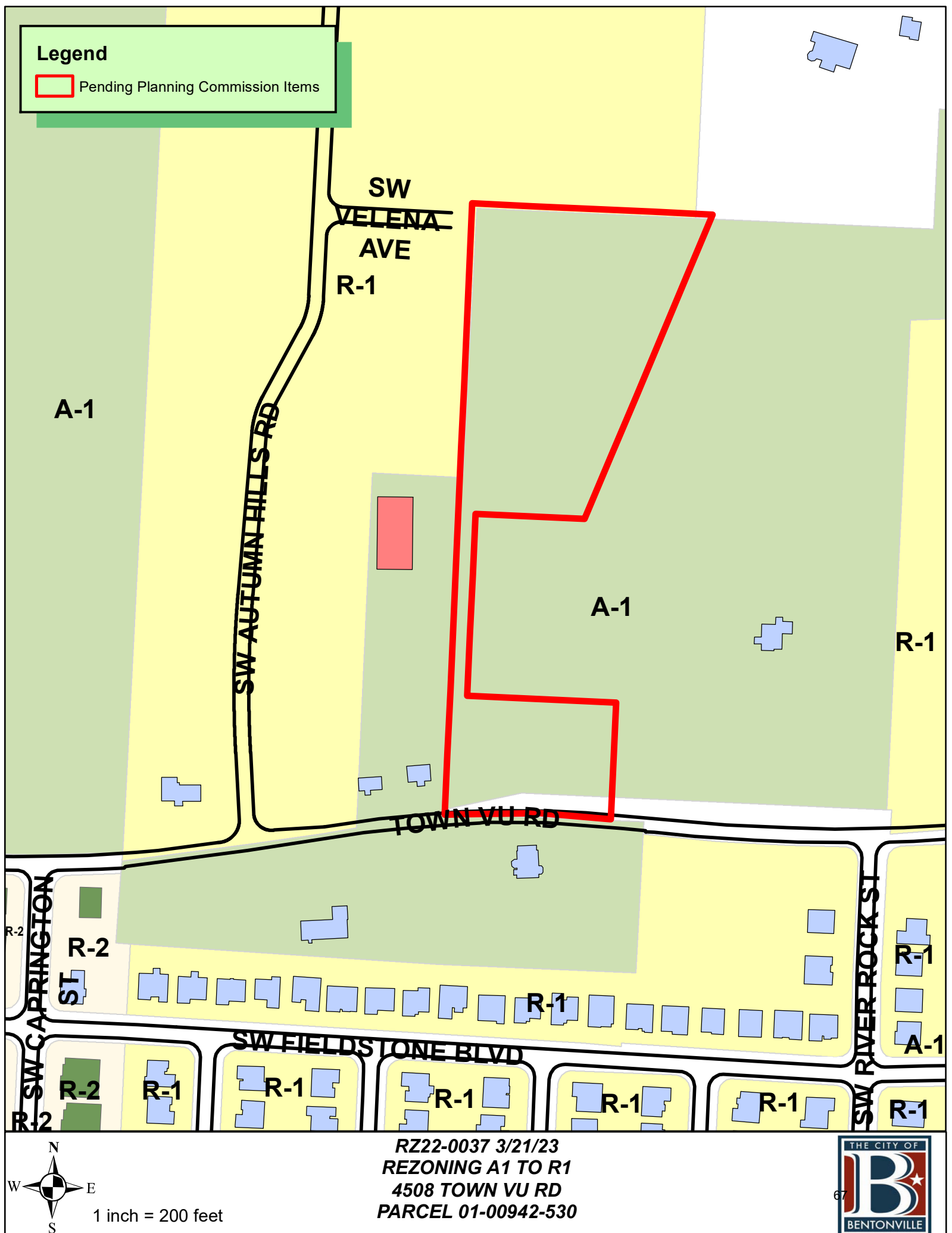
Lots 1 and 3 will have a difficulty obtaining access to sewer without a sewer line extension. The closest sewer is along SW Autumn Hills Road, and there is currently no access via Town Vu Road, to which both lots have street frontage.

Conclusion

While this request is not consistent with the Future Land Use Plan or surrounding zoning districts, it is consistent with some of the uses of the surrounding zoning districts and development patterns located in the vicinity.

Legend

 Pending Planning Commission Items



**RZ22-0037 3/21/23
REZONING A1 TO R1
4508 TOWN VU RD
PARCEL 01-00942-530**





Blew & Associates, P.A.

Civil Engineers

Professional Land Surveyors

3825 N. Shiloh Dr.
Fayetteville, Arkansas 72703
479-443-4506
Fax 582-1883

February 10, 2023

To Whom It May Concern,

Rezone

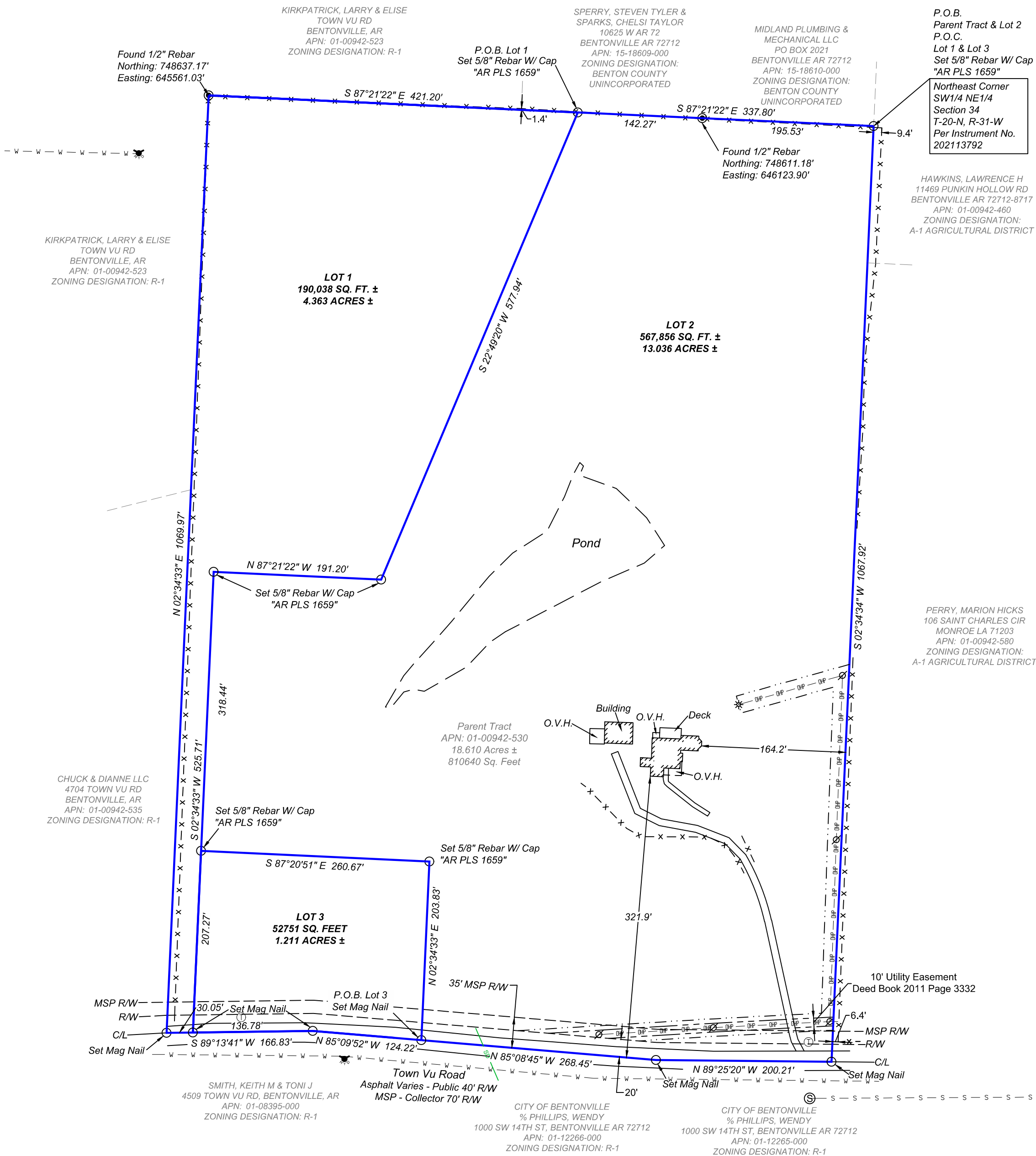
My client, Adventure Church is requesting a rezone for part of their property at 4508 Town Vu Road in Bentonville. The property is currently zoned A-1. We are requesting that Tracts 1 & 3 be rezoned to R-1 and leave the rest in the agricultural zone. We are requesting an amendment to the future land use to Low-Density Residential. They are hoping to sell tracts 1 and 3 if this project is approved. The zoning change is required because proposed tracts 1 and 3 do not meet the minimum acreage requirement of 5 acres. We believe that the proposed zoning will be in keeping with the current developments in the area. There are multiple residential neighborhoods in the area. The use of these lots would be to sell them initially but residential use. This will not cause an increase in traffic, there are no signs proposed for these properties and the appearance will remain as is until the properties are sold. There is water and sewer access on Southwest Autumn Hills Road and on Town Vu Road. The water lines are 8". We kindly ask for your approval to have a portion of my client's property rezoned. The rezone will affect a part of parcel 01-00942-530.

Sincerely,

Nikki Littrell
Project Manager
Blew & Associates, P.A.

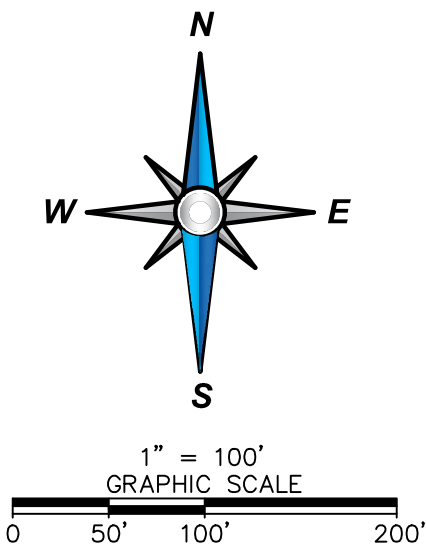
LOT SPLIT FOR PARCEL 01-00942-530 CREATING "ADVENTURE SUBDIVISION" LOTS 1, 2, & 3

4508 TOWN VU ROAD, BENTONVILLE,
BENTON COUNTY, AR 72712

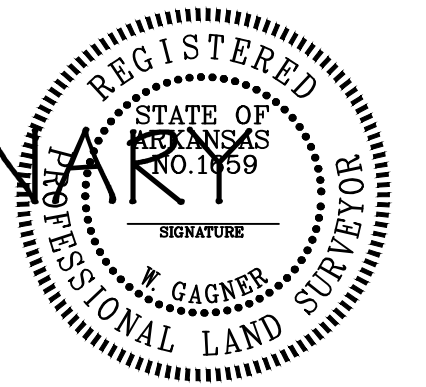


LEGEND & SYMBOLS

- FOUND MONUMENT (AS NOTED)
- SET MONUMENT (AS NOTED)
- ∅ POWER POLE
- * LIGHT
- Ⓣ TELEPHONE PEDESTAL
- Ⓜ FIRE HYDRANT
- Ⓢ SANITARY MANHOLE
- O.V.H. OVERHANG
- B.S.B. BUILDING SETBACK
- C/L CENTERLINE
- R/W RIGHT-OF-WAY
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- BOUNDARY LINE
- - - - - RIGHT-OF-WAY LINE
- — — — — CENTERLINE
- x - x - x - FENCE LINE
- OP - OP - OP - OVERHEAD POWER LINE
- WP - WP - WP - WATER LINE
- S - S - S - SANITARY SEWER
- SD - SD - SD - STORM DRAIN
- - - - - EASEMENT LINE



I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT
TO THE BEST OF MY KNOWLEDGE AND BELIEF
ON THIS THE 6TH DAY OF FEBRUARY, 2023.



IF THE SIGNATURE ON THIS SEAL IS NOT AN ORIGINAL AND
NOT BLUE IN COLOR THEN IT SHOULD BE ASSUMED THAT
THIS PLAT MAY HAVE BEEN ALTERED. THE ABOVE
CERTIFICATION SHALL NOT APPLY TO ANY COPY THAT
DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE.

BLEW & ASSOCIATES, P.A.
Surveying
Engineering
Mapping
3825 N. SHILOH DRIVE - FAYETTEVILLE, AR 72703
EMAIL: SURVEY@BLEWINC.COM
OFFICE: 479.443.4506 - FAX: 479.582.1883
EMAIL: SURVEY@BLEWINC.COM-WWW.BLEWINC.COM

SURVEYOR JOB NUMBER: 22-3413	SURVEY DRAWN BY: JDC - 2/3/2022
SURVEY REVIEWED BY: TPN	SCALE: 1" = 100'
FOR THE USE AND BENEFIT OF: ADVENTURE CHURCH	

RESOLUTION NO. _____

**A RESOLUTION AMENDING THE CITY OF BENTONVILLE FUTURE LAND USE
MAP FOR A SPECIFIC AREA FROM AGRICULTURE TO LOW-DENSITY
RESIDENTIAL; AND FOR OTHER PURPOSES.**

(PROJECT NUMBER: RZ22-0037)

WHEREAS, Adventure Church, duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present land use classification of AGRICULTURE to LOW-DENSITY RESIDENTIAL, which property is described as follows:

A PART OF SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 20 NORTH, RANGE 31 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT A SET 5/8" REBAR BEING THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT; THENCE N87°21'22"W 337.80' TO A SET 5/8" REBAR BEING THE TRUE POINT OF BEGINNING; THENCE S22°49'20"W 577.94' TO A SET 5/8" REBAR, THENCE N87°21'22"W 191.20' TO A SET 5/8" REBAR, THENCE S02°34'33"W 525.71' TO A SET MAG NAIL ON THE CENTER LINE OF TOWN VU ROAD; THENCE ALONG SAID CENTERLINE S89°13'44"W 30.05' TO A SET MAG NAIL; THENCE LEAVING SAID CENTERLINE N02°34'33"E 1069.67' TO A FOUND 1/2" REBAR, THENCE S87°21'22" E 421.20' TO THE POINT OF BEGINNING. CONTAINING 4.363 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

AND

A PART OF SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 20 NORTH, RANGE 31 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT A SET 5/8" REBAR BEING THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT; THENCE S02°34'32"W 1067.93' TO A SET MAG NAIL ON THE CENTERLINE OF TOWN VU ROAD, THENCE ALONG SAID CENTERLINE THE FOLLOWING COURSES: N89°25'20"W 200.21' TO A SET MAG NAIL, THENCE N85°08'45"W 268.45' TO A SET MAG NAIL BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID CENTERLINE THE FOLLOWING COURSES: THENCE N85°09'52"W 124.22' TO A SET MAG NAIL, THENCE S89°13'41"W 136.78' TO A SET MAG NAIL, THENCE LEAVING SAID CENTERLINE N02°34'33"E 207.27' TO A SET 5/8" REBAR, THENCE S87°20'51"E 260.67' TO A SET 5/8" REBAR, THENCE S02°34'33"W 203.83' TO THE POINT OF BEGINNING. CONTAINING 1.211 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held March 21, 2023 at the Council Chambers of the City of Bentonville;

WHEREAS, public notice of said hearing having been published in the Northwest Arkansas Democrat Gazette for the time and in the manner required by law; and

WHEREAS, the Planning Commission voted to recommend to the City Council that the petition be approved and that said future land use classification as presented on the property be changed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF BENTONVILLE, ARKANSAS:

Section 1: That the above-described real property is hereby changed from its present land use classification of AGRICULTURE to LOW-DENSITY RESIDENTIAL on the City of Bentonville Future Land Use Map;

Section 2 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

PASSED AND APPROVED this ____ day of _____, 2023.

APPROVED:

ATTEST:

Stephanie Orman, Mayor

Kirby Romines, City Clerk

ORDINANCE NO. _____

**AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE,
ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF A-1,
AGRICULTURAL TO R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL; AND
FOR OTHER PURPOSES.**

(PROJECT NUMBER: RZ22-0037)

WHEREAS, Adventure Church, duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of A-1, AGRICULTURAL to R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to be used in accordance with city zoning laws and state laws, which property is described as follows:

A PART OF SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 20 NORTH, RANGE 31 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT A SET 5/8" REBAR BEING THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT; THENCE N87°21'22"W 337.80' TO A SET 5/8" REBAR BEING THE TRUE POINT OF BEGINNING; THENCE S22°49'20"W 577.94' TO A SET 5/8" REBAR, THENCE N87°21'22"W 191.20' TO A SET 5/8" REBAR, THENCE S02°34'33"W 525.71' TO A SET MAG NAIL ON THE CENTER LINE OF TOWN VU ROAD; THENCE ALONG SAID CENTERLINE S89°13'44"W 30.05' TO A SET MAG NAIL; THENCE LEAVING SAID CENTERLINE N02°34'33"E 1069.67' TO A FOUND 1/2" REBAR, THENCE S87°21'22" E 421.20' TO THE POINT OF BEGINNING. CONTAINING 4.363 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

AND

A PART OF SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 20 NORTH, RANGE 31 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT A SET 5/8" REBAR BEING THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT; THENCE S02°34'32"W 1067.93' TO A SET MAG NAIL ON THE CENTERLINE OF TOWN VU ROAD, THENCE ALONG SAID CENTERLINE THE FOLLOWING COURSES: N89°25'20"W 200.21' TO A SET MAG NAIL, THENCE N85°08'45"W 268.45' TO A SET MAG NAIL BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID CENTERLINE THE FOLLOWING COURSES: THENCE N85°09'52"W 124.22' TO A SET MAG NAIL, THENCE S89°13'41"W 136.78' TO A SET MAG NAIL, THENCE LEAVING SAID CENTERLINE N02°34'33"E 207.27' TO A SET 5/8" REBAR, THENCE S87°20'51"E 260.67' TO A SET 5/8" REBAR, THENCE S02°34'33"W 203.83' TO THE POINT OF BEGINNING. CONTAINING 1.211 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held March 21, 2023 in the Council Chambers of the City of Bentonville;

WHEREAS, public notice of said hearing having been published in the Northwest Arkansas Democrat-Gazette for the time and in the manner required by law; and

WHEREAS, the Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification of A-1, AGRICULTURAL to R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF BENTONVILLE, ARKANSAS:

Section 1: That the above-described real property is hereby changed from its present zoning classification of A-1, AGRICULTURAL to R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to be used in accordance with the city zoning laws and state laws;

Section 2 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED AND APPROVED this _____ day of _____, 2023.

APPROVED:

ATTEST:

Stephanie Orman, Mayor

Kirby Romines, City Clerk



The Hub Bike Lounge Extension Request

410 SW A Street

PC Date: 3/1/2022 & 3/21/23

Reviewer: Jon Stanley, Senior Planner, ASLA, APA

Project Number	CU22-0002
Applicant / Current Owner	SW A Building, LLC
Site Area	+/- 0.22 acres
Current Zoning	DC, Downtown Core
Future Land Use Map Designation	Downtown Commercial (DC)
Requested Use	Long-Term Temporary Uses and Structures
Protective Covenants	N/A

Property Description

The subject property is located at 410 SW A Street and is currently zoned DC, Downtown Core. The use of "Long-Term Temporary Uses and Structures" is allowed conditionally in non-residential zoning districts and shall have no facilities located nearer to a residential district than 200 feet.

Proposed Use Description

According to the applicant's narrative, they propose to open a bike staging and rental business using shipping containers as the building.

The hours of operation are planned to be 8 a.m. to 6 p.m. Wednesday through Sunday. The applicant anticipates 5 to 10 customers per day and one staff member.

Public Notice

At the time of writing this staff report, staff has not received public comment on this item.

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

Location Map



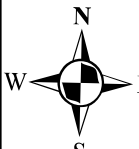
Conditions of Approval

1. A building permit will be required for this structure and the attached deck.
2. The applicant shall coordinate with the Bentonville Building and Fire Safety Department for any additional permitting requirements.
3. This conditional use permit shall be valid for one (1) year from the date of issuance at which time the applicant shall remove the structure or renew the Conditional Use Permit.
4. Any changes in scope, use, or ownership, may require a new conditional use permit. In addition, the Planning Commission may hold a public hearing to reconsider the conditional use at any time.



Legend

 Pending Planning Commission Items

 1 inch = 100 feet

CU22-0002
CONDITIONAL USE
HOLLANDS ADDITION
LOT 5 BLOCK 1

75





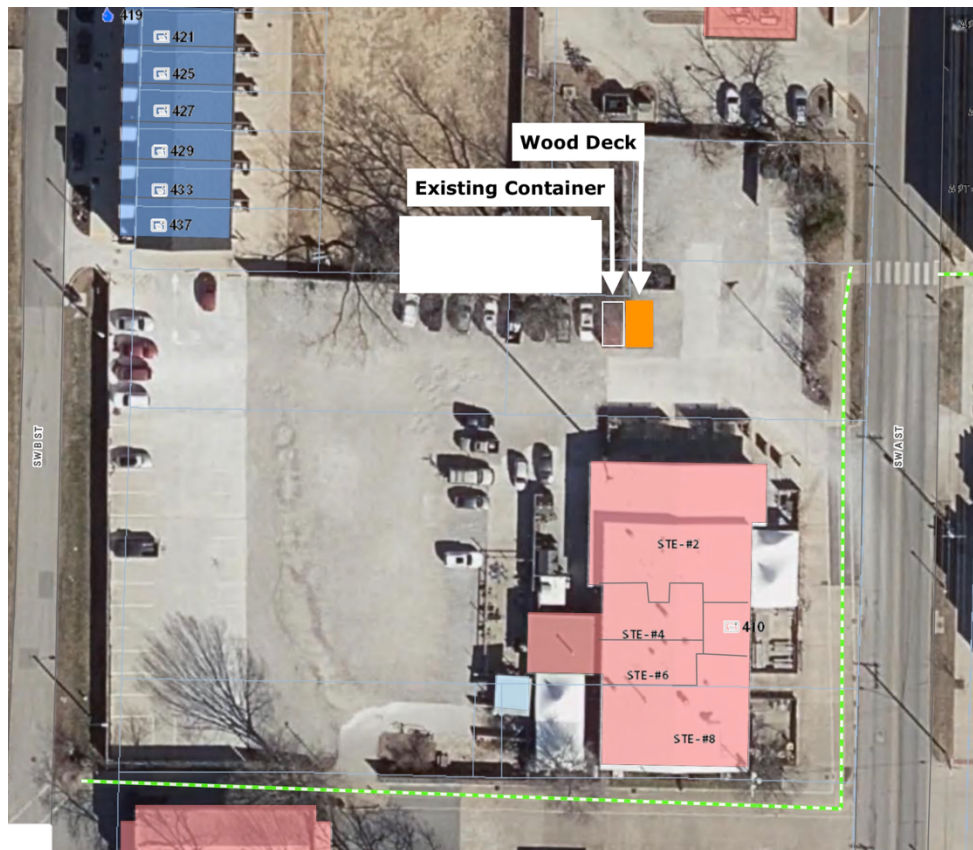
Conditional Use Permit Request:

The HUB Bike Lounge, located at 410 SW. A St. Suite 3&4, is requesting a permit to convert our existing Storage Container, located in our North Parking Lot, into a Bike Rental Shop & Staging Area. We would add a garage door on the front of the container and add a small wood deck that would take up a few spots in front of the container for staging and fitting customers (5-10/day avg).

Hours of Operation: 8am-6pm Wed-Sun, 1 staff.

Utilities: We may need to run power for lighting and electrical outlets, but no other utilities will be necessary.

Site Plan:



Sincerely,

Nathan (Woody) & Kelly Woodruff
www.thehubbikelounge.com



Concept Plan:





North Walton Staging Area

602 N Walton Boulevard

PC Date: 3/21/23

Reviewer: Bradley Gavrielides Planning Technician

Project Number	CU23-0005
Applicant / Current Owner	Blue Crane / North Walton Boulevard LLC
Site Area	+/- 7.67 acres
Current Zoning	C-2, General Commercial
Future Land Use Map Designation	General Commercial (C)
Requested Use	Temporary Use as lay down area
Protective Covenants	N/A

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

Location Map



Property Description

The subject property is located at 602 N Walton Boulevard and is currently zoned C-2, General Commercial. The use of "Temporary Uses" are allowed conditionally in non-residential zoning districts and shall have no facilities located nearer to a residential district than 200 feet. There are multiple old growth trees that are currently scattered on the property as well as a large portion of hard surface parking on the northern side. The property is adjacent to single family residential to the north, east, and south. There are currently no structures on the property. There are many overhead electric lines running along N Walton Blvd and NW 7th Street.

Proposed Use Description

According to the applicant's narrative, they propose to use the laydown yard for multiple projects in the downtown area.

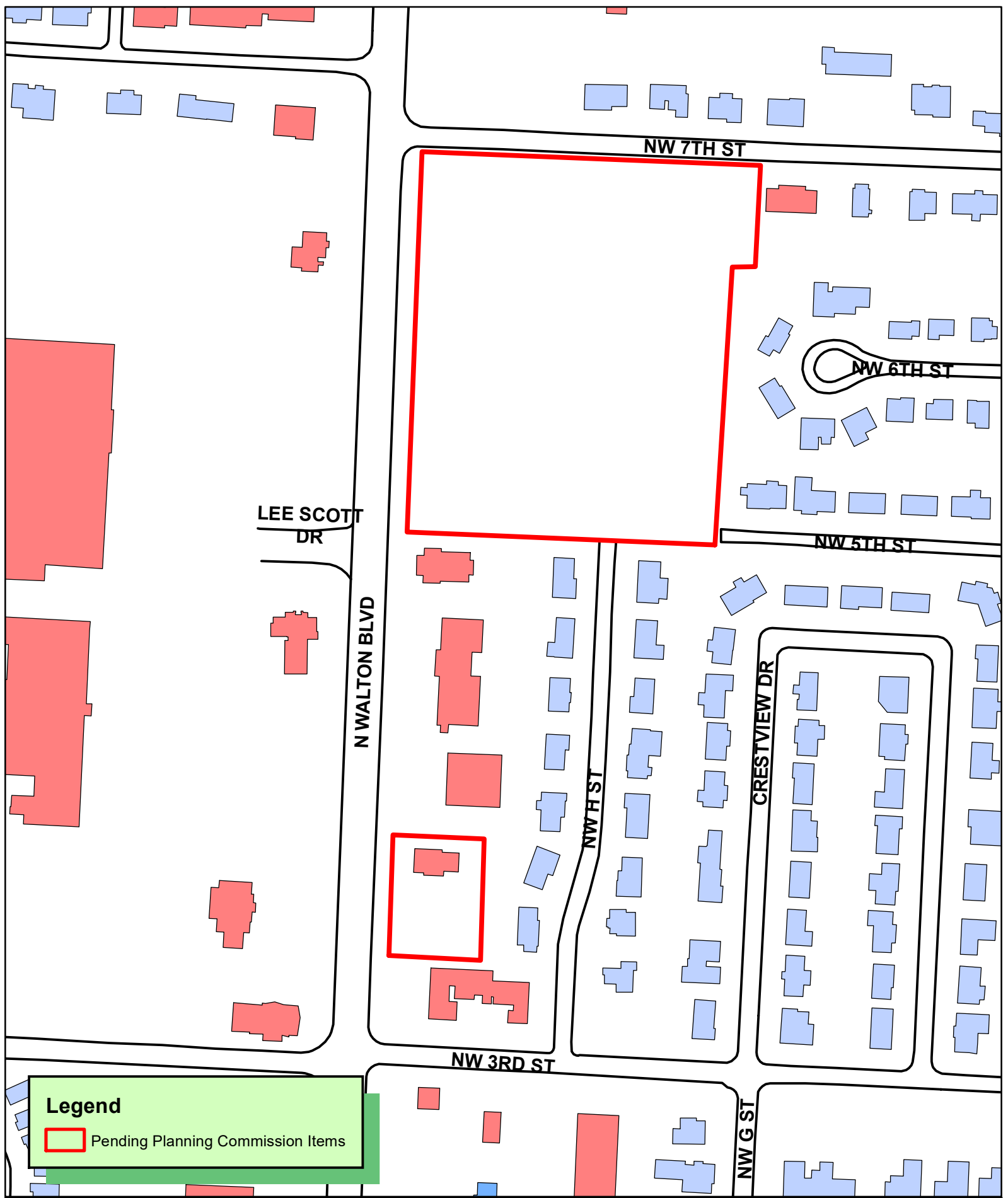
The hours of operation are planned to be 24/7 for approved users. The applicant states that the property will solely be used for storage and no other structures will be erected or moved to the site. Deliveries are said to be made via N Walton Blvd, which is an arterial street, or NW 7th Street, which is a local downtown street. Applicant states that all traffic is able to pull onto the property to offload/load.

Public Notice

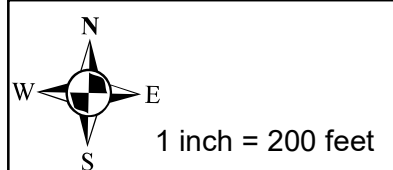
At the time of writing this staff report, staff has not received public comment on this item.

Conditions of Approval

1. The applicant shall coordinate with the Bentonville Building and Fire Safety Department for permitting requirements.
2. This conditional use permit shall be valid for one (1) year from the date of issuance at which time the applicant shall remove the structure or renew the Conditional Use Permit.
3. 24/7 access shall be maintained to all public utilities.
4. No construction material storage or equipment parking within any portion of a public easement.
5. Any changes in scope, use, or ownership, may require a new conditional use permit. In addition, the Planning Commission may hold a public hearing to reconsider the conditional use at any time.
6. Traffic to and from this site by construction or other heavy vehicles shall have access limited to North Walton Blvd. Northwest 7th Street shall not be used to access the site by any construction-related vehicle or other heavy vehicle.
7. Access to the site for approved vehicles shall be between the hours of 7am and 10pm.
8. All materials/stockpiles shall be kept a minimum of 100 feet from residential property lines.



Legend
Pending Planning Commission Items



CU23-0005 3/21/23
CONDITIONAL USE
MCANDREW & JACKSON ADDITION
LOT 31



602 North Walton Staging Area Narrative

North Walton Boulevard LLC. proposes the temporary use of 602 North Walton as a storage area for construction materials. This conditional use would allow for this site to be used to support multiple other construction projects in the downtown area that have limited lay down area. This property would be made available to all approved users 24/7. This property would be solely used as storage and no other structures would be erected or moved to the site. No additional power is planned for this effort. At this time there would not be any parking needs. Deliveries will be made to the site via Walton or 7th, but all traffic is able to pull onto the property to offload / load.

Site Plan:



Site Photo:





STEAM Ahead @ Canvas Church

1106 Northwest 10th Street

PC Date: 3/21/23

Reviewer: Keegan Stanton, Senior Planner, AICP

Project Number	CU23-0006
Applicant / Current Owner	Canvas Church
Site Area	+/- 1.63 acres
Current Zoning	R-1, Low Density Single Family Residential
Future Land Use Map Designation	General Commercial (C)
Requested Use	Commercial Childcare
Protective Covenants	N/A

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

Location Map



Property Description

The subject property is located at 1106 Northwest 10th Street and is currently zoned R-1, Low Density Single Family Residential. Childcare uses are allowed conditionally in residential zoning districts and shall comply with standards set forth in Sec. 601.07 of the Zoning Code.

Proposed Use Description

According to the applicant's narrative, they propose to open a summer and after-school care service at Canvas Church. They anticipate providing care for approximately 40 children per day, and will employ a staff of 5.

The hours of operation during school days are planned to be 2 p.m. to 6 p.m. Monday through Friday, and 9 a.m. to 3 p.m. during school breaks and over the summer.

Public Notice

At the time of writing this staff report, staff has not received public comment on this item.

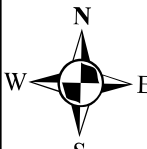
Conditions of Approval

1. A building permit will be required for the proposed storage structure.
2. Fence and sign permits will be required for any new fencing or signage.
3. The applicant shall coordinate with the Bentonville Building and Fire Safety Department for any additional permitting or fire mitigation requirements.
4. Property owner will have an RP type backflow device installed by their planned opening in June.
5. This conditional use permit shall be valid for one (1) year from the date of issuance at which time the applicant shall remove the structure or renew the Conditional Use Permit.
6. Any changes in scope, use, or ownership, may require a new conditional use permit. In addition, the Planning Commission may hold a public hearing to reconsider the conditional use at any time.



Legend

 Pending Planning Commission Items

 1 inch = 100 feet

CU23-0006 3/21/23
CANVAS CHURCH
1106 NW 10TH ST

83

 THE CITY OF
B
BENTONVILLE

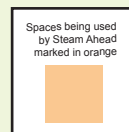
To whom it may concern,

STEAM Ahead is a local childrens activity center in Bentonville AR. We are expanding our current services for school aged children. Families in Northwest Arkansas struggle each year to find summer and afterschool care. There are currently over 300 children on waitlists in Bentonville alone. This causes stress in families and workplaces. STEAM Ahead recognizes this need and has a desire to be part of the solution in our local city. With the help and use of Canvas Church we will be able to provide a safe space for children to go to and parents to trust. STEAM Ahead is equipped to provide educational, engaging and fun activities for the children in our care. We will keep our class size small in order to provide more specialized care. Staff will be fully background checked. We will provide transportation from schools and quality care of roughly 40 students each day. We anticipate parents of these 40 children dropping off and picking up, plus a staff count of 5. Our hours of operation will be from 2pm-6pm Monday through Friday during school days and from 9am-3pm during school breaks and summer break. We may need to place a sign by the road and will have vinyl signage on the rear door. STEAM Ahead and Canvas Church plan to add 4 ft. chainlink fencing around the back field. STEAM Ahead will utilize 2 back classrooms and the front welcome room, as well as, the field in the back of the building. STEAM Ahead plans to add an 8x8 storage shed to the concrete pad on the west side of the church.

Thank you,

Candice Ericksen & Alisha Horstmann

STEAM Ahead LLC











CONDITIONAL USE STAFF REPORT



FORMAT Festival

3100 Price Coffee Road

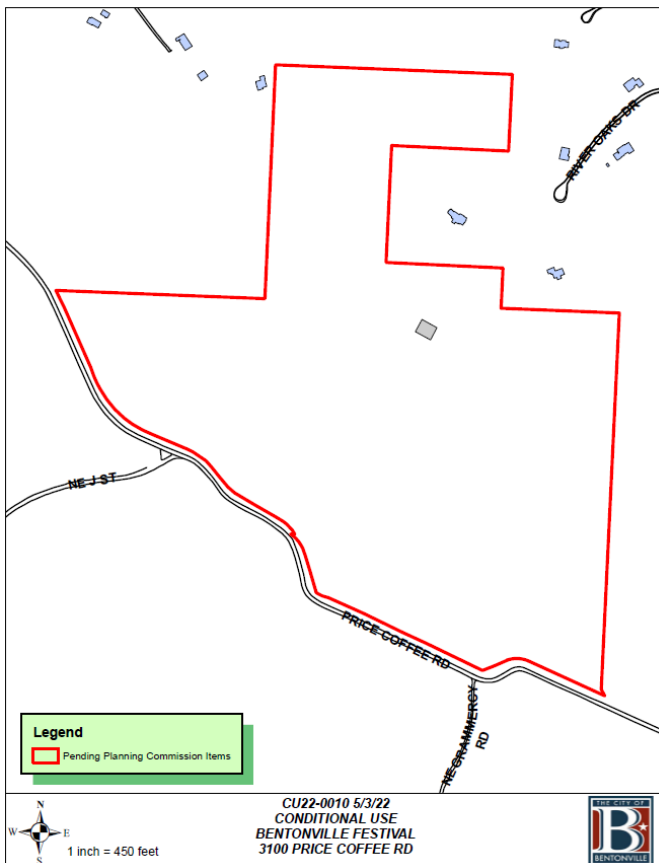
PC Date: 3/21/2023

Reviewer: Tyler Overstreet, Planning Director,
AICP

Project Number	CU23-0007
Applicant / Current Owner	Avacaspar, LLC
Site Area	+/- 170 Acres
Current Zoning	A-1, Agricultural
Future Land Use Map Designation	Agriculture (A)
Requested Use	Outdoor Music Venue
Protective Covenants	N/A

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

Location Map



Property Description

The property in question is comprised of two parcels: Parcel #01-16859-000 and Parcel #01-00206-566 and spans +/- 170 Acres. It is currently zoned A-1 Agriculture, with surrounding Agriculture and PUD zoning to the South and Benton County to the North, East, and West.

Proposed Use Description

According to the applicant's narrative, FORMAT is a multi-day music, art, and technology festival that will be held in Bentonville in the fall of 2023. This will be the event's second year in Bentonville after their inaugural festival in September of 2022.

The applicant requests a Conditional Use Permit to utilize the property as an Outdoor Music Venue, which is allowed conditionally in the A-1 zoning classification. As part of their application, and as required by Section 601.13.c of the Zoning Code, the applicant has provided three sound studies. The first depicts noise levels when the North Stage is operating. The second depicts noise levels when only the indoor venues are operating. And the third depicts noise levels when the South Stage is operating.

The three sound studies depict areas in excess of 55 dB(A) noise levels, which is the limit for overnight noise in residential areas per the City's Municipal Code. Outdoor Music Venues are exempt from the requirements of the Noise Ordinance, if approved by the Planning Commission, however.

Section 601.13.c of the Zoning Code requires applicants to provide details of sound attenuation measures proposed to ensure that the outdoor music venue does not create a nuisance to surrounding properties. According to their narrative, the applicant states that the venue's agricultural location and natural features will provide natural sound attenuation to mitigate impacts to surrounding properties.

The applicant requests their Outdoor Music Venue for the FORMAT Festival be approved to operate their venue from 12:00 to 3:00 AM Friday and Saturday, and from 12:00 PM to 10:30 PM on Sunday, and play amplified music from 12:00 PM to 1:00 AM on Friday and Saturday, and from 12:00 PM to 10:30 PM on Sunday.

The applicant requests that they be approved for the use of "Outdoor Music Venue" for a five year period.

CONDITIONAL USE STAFF REPORT

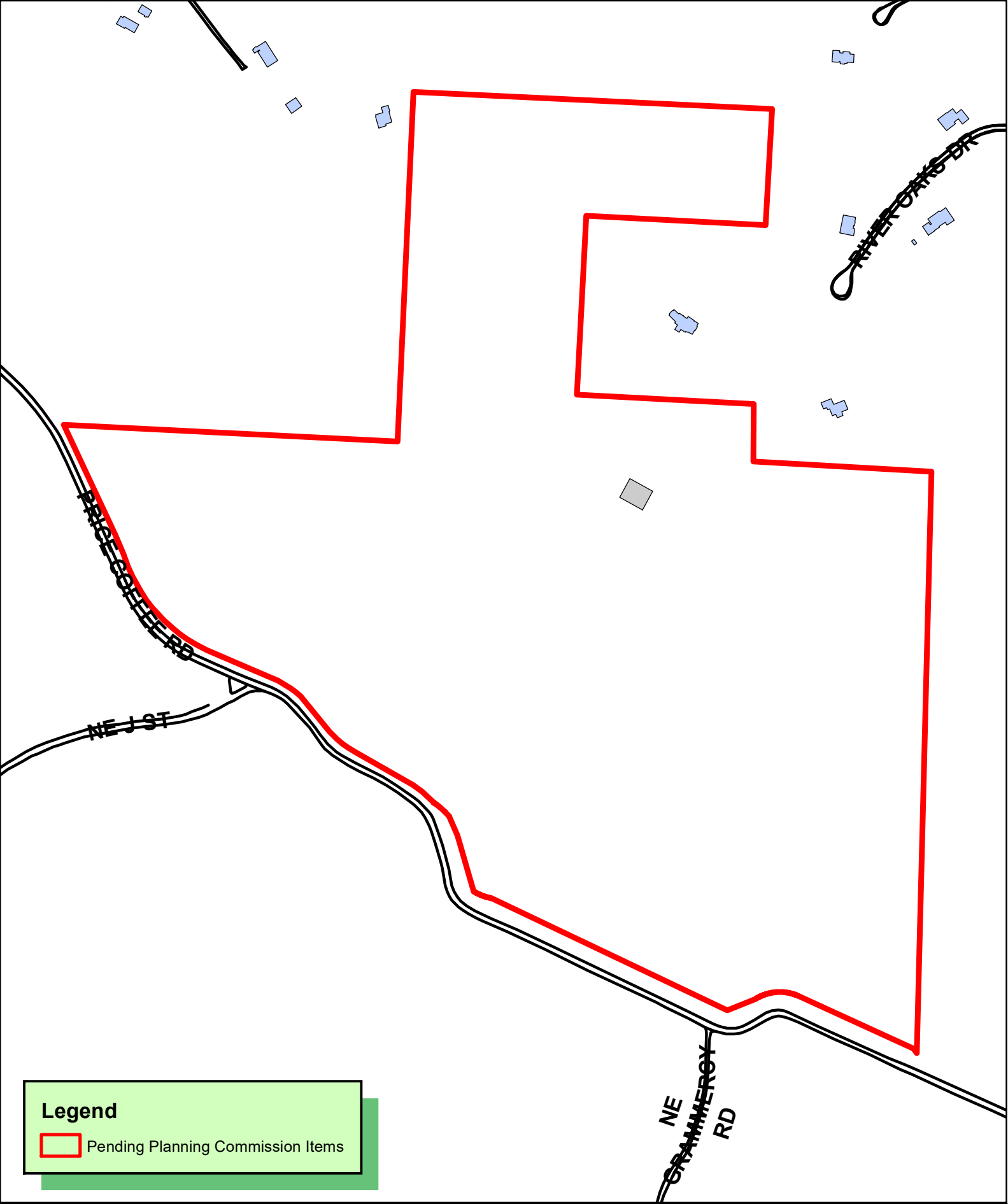
Public Notice

At the time of writing this staff report, staff has received public comment on this item in the form of phone inquiries.

a pre-event conference to discuss the submitted items.

Conditions of Approval

1. The Conditional Use of Outdoor Music Venue shall be permitted for the next five years for the purposes of the annual FORMAT Festival. Amplified music shall be allowed until 1:00 AM on Friday and Saturday, and until 10:30 PM on Sunday.
2. The applicant shall obtain all additional required municipal permits to operate any events at the Outdoor Music Venue, including, but not limited to, floodplain development and building permits.
3. The applicant must receive approval from the Traffic, Safety, and Signage Committee for any events to be held at the Outdoor Music Venue, including the 2023 FORMAT Festival.
4. For each year the festival is conducted, the applicant shall, no less than thirty (30) days prior to the scheduled date of the festival in that given year, submit to the City of Bentonville a final report containing the following: (1) final site plan and event schedule; (2) safety plan; (3) updated noise survey based on final site plan and stage arrangements; (4) proposed locations for noisemonitoring to be approved by Planning Director and Chief of Police. Staff may request
5. For each year the festival is conducted, the applicant shall coordinate a kickoff meeting with City officials prior to the public announcement of event dates and shall participate in any After Action Meetings requested by the City.
6. Granting of this Conditional Use shall meet the exception provision of Section 58-108 of the Noise Ordinance. So long as no conditions of approval are violated, this event shall not be required to follow the requirements of the Noise Ordinance.
7. This Conditional Use Permit shall be subject to the requirements of Sections 301.06.c.5.b (Conditions) and 301.06.e (Amendments) of the Zoning Code. Violation of these conditions of approval may result in revocation of the Conditional Use. Major amendments to the Conditional Use may require a new public hearing and approval by the Planning Commission.



CU23-0007 3/21/23
CONDITIONAL USE
PRICE COFFEE ADDITION
LOT 1



WATKINS, BOYER, GRAY & CURRY, PLLC

ATTORNEYS AT LAW

WILLIAM P. WATKINS, III, P.A.
RONALD L. BOYER (OF COUNSEL)
JENNIFER E. GRAY, P.A.*
ANDREW T. CURRY, P.A.
WILLIAM A. KELLSTROM
MICHELLE FENDLEY
* ALSO LICENSED IN MISSOURI

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

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

February 10, 2023

Bentonville Planning Department
305 SW A Street
Bentonville, AR 72712

**RE: Application for Conditional Use Permit for Outdoor Music Venue on
Benton County Parcel Nos. 01-16859-000 and 01-00206-567**

Dear Planning Commissioners:

My name is Will Kellstrom and I have been retained to assist the applicant, Avacaspar, LLC ("Applicant") with obtaining a conditional use permit for a music and art festival, FORMAT Festival ("FORMAT") to take place on Benton County Parcel Nos. 01-16859-000 and 01-00206-567, owned by Price Coffee, LLC (the "Property"). Please accept this letter as the narrative component to accompany a formal application by the Applicant.

Introduction and Current Zoning

FORMAT is a multi-day multi-disciplinary music, art, and technology festival. The event will focus on cross-disciplinary collaboration and experimentation through a uniquely fluid dialogue between its participants and attendees. By unifying live music with visual artists, performing arts, site-specific commissions, and architectural interventions, the festival aims to encourage discovery, spark curiosity, and build community. The inaugural event was held last year, in September of 2022.

Parcel #01-16859-00 is currently zoned A-1, Agriculture, and is approximately 120 acres. Parcel #01-00206-567 is currently in an expired PUD. Per Bentonville code, the parcel will revert to the original zoning if the PUD has expired, which would place this parcel as A-1 Agriculture as well. This parcel is ±13.23 acres. In short, the Property is approximately 133 acres and is effectively all zoned A-1.

The Applicant is requesting a conditional use permit for "Outdoor Music Venue," which is allowed by condition under A-1 zoning. This application is intended to request the CUP only, and any other applications, such as those for temporary structures, floodplain development, and road closures, which may be required in the process of conducting FORMAT will be duly submitted to the appropriate Bentonville City Department. CU22-0010 approved in perpetuity the use of "Temporary Parking Lot" or "Construction Staging Yard" for the subject property.

Scope of Conditional Use

Per Sec. 401.05 and 601.13, a conditional use permit is required for an open-air music venue in the city limits. The Applicant is requesting a conditional use permit for "Outdoor Music Venue," which is allowed by condition under A-1 zoning. This application is intended to request the CUP only, and any other applications, such as those for temporary structures, floodplain development, and road closures, which may be required in the process of conducting FORMAT will be duly submitted to the appropriate Bentonville City Department. A site plan depicting the various areas of the festival grounds and uses of each has been submitted herewith.

A summary of the scope and nature of the conditional use has been provided below:

- Live Music Performances
 - Outdoor Main Stages for larger performances
 - Secondary Indoor and Outdoor Stages and Venues for smaller performances
 - Will consist of audio-visual effects and amplified music
- Art Installations
 - May consist of audio-visual and amplified sound effects
- Food and Beverage
 - Applicant and third-party food and beverage vendors in various areas of the festival grounds
 - Catering for staff and lounge areas
 - Equipment related to preparation and storage of food
 - e.g. refrigeration units
- Merchandise
 - Multiple art vendors
 - Merchandise stands at various areas of the festival grounds
- Staff and Artist Areas
 - Temporary buildings and tents for on-site offices and lounges for management and staff, ticket sales, customer services, security, etc.
 - Temporary buildings for artist dressing rooms and lounges
 - Medical tent
 - Audio-visual and sound control booths
 - Equipment storage
- Parking Areas
 - Grass and/or Gravel
 - The specific amount of parking provided on the adjacent County parcel 18-07467-001 is fluid and will be permitted through the appropriate County process. While under County jurisdiction, it is shown on this application to provide a full picture of the event.
- Festival Infrastructure
 - Restroom Facilities
 - Vacuum toilets with frac tanks
 - Waste Management
 - Trash and recycling facilities
 - Transportation of waste from festival
 - Shuttling to and from festival
 - Temporary bridge over Little Sugar Creek
- Dates and Frequency
 - One (1) event annually
 - During September and/or October
 - Up to four (4) consecutive days of music, typically Thursday thru Sunday
 - Thirty (30) days of set-up and take-down prior to and following the festival dates

- Length of Conditional Use Permit
 - The Applicant is requesting that this permit be valid for a duration of five (5) years.
- Attendance
 - Festival Staff-approximately 250-1000
 - Festival Attendees-approximately 7,500 to 25,000
- Hours of Operation
 - Festival Support and Management
 - 24 hours operation
 - Examples: Waste disposal, clean up, set up for following day
 - Music
 - Friday-Saturday: 12:00 p.m.-3:00 a.m.
 - Sunday: 12:00 p.m.-10:30 p.m.
- Safety Protocol
 - Written safety plans will be produced and distributed by the event staff.
 - Emergency notifications will be distributed via live announcement, social media, and SMS text to attendees and event staff.
 - Event staff provide a director of security that will oversee execution of safety plan and assist public/private security and emergency services coordination.
 - Festival site will be secured with safety fence to limit access from unauthorized people.
- Transportation
- Most attendees and staff will be parked off site and be shuttled into the event space. This will limit the amount of traffic and congestion potential along Price Coffee Road.
- Bicycling will be encouraged, and bicycle valet service will be provided.
 - A portion of Price Coffee Road, adjacent to the event grounds, will be requested to be closed for the event days. This request will be permitted through the City of Bentonville Traffic Safety and Signage committee and the appropriate Benton County departments.
- Utilities
 - Electric will be handled by outside generators.
 - Sewer will be handled by self-contained units.
 - Water will be handled by a combination of city water (accessed via hydrant), wells, and holding tanks.
 - No gas or communications connection required.
- Rickett's Cemetery a/k/a Valley View Cemetery
 - Cemetery on site will be outside proposed security fencing and not accessible to Festival patrons.

Sound Attenuation and Noise Ordinance

Sec. 601.13 requires that a noise impact assessment be completed. A noise impact assessment conducted by D & B Audiotechnik has been submitted herewith. The study shows the noise impact at various times of the festival by demonstrating noise levels when each main stage is engaged and then later at night when only the smaller stages are engaged.

Sec. 601.13 also requires that the applicant include details of sound attenuation measures so as to not create a noise nuisance to surrounding properties. The area of this event is in a rural area of the City, adjacent to the Benton County limits. All adjacent zoning is Agriculture or Benton County. The general shape of the valley and the high concentration of forested vegetation will act to limit the reverberation of noise created by the event. All stages have been situated to take advantage of these natural features.

The Bentonville noise ordinance is provided by Sec. 58-103 thru 58-111. Sec. 58-108 provides as follows:

"The provisions of this article shall not apply to:

. . .

(h) A facility used for the production, display, and promotion of indoor and outdoor musical events that has been designed and built with inherent architectural design, landscape, and topography measures to reduce sound to minimal intrusive levels and has been approved by Planning Commission."

If approved by the Planning Commission, FORMAT will be exempt from the Bentonville noise ordinance for the approved duration of the conditional use permit pursuant to Section 58-108. Nonetheless, it is important to note that the festival will still be subject to any and all conditions placed on the permit, and will still be held to the same standards of compliance as other conditional use permits.

Thank you for considering this application for conditional use permit. If you have any questions, please do not hesitate to contact me at 479-636-2168 or at wkellstrom@watkinslawoffice.com.

Sincerely,

WATKINS, BOYER,
GRAY & CURRY, PLLC

/s/ Will A. Kellstrom

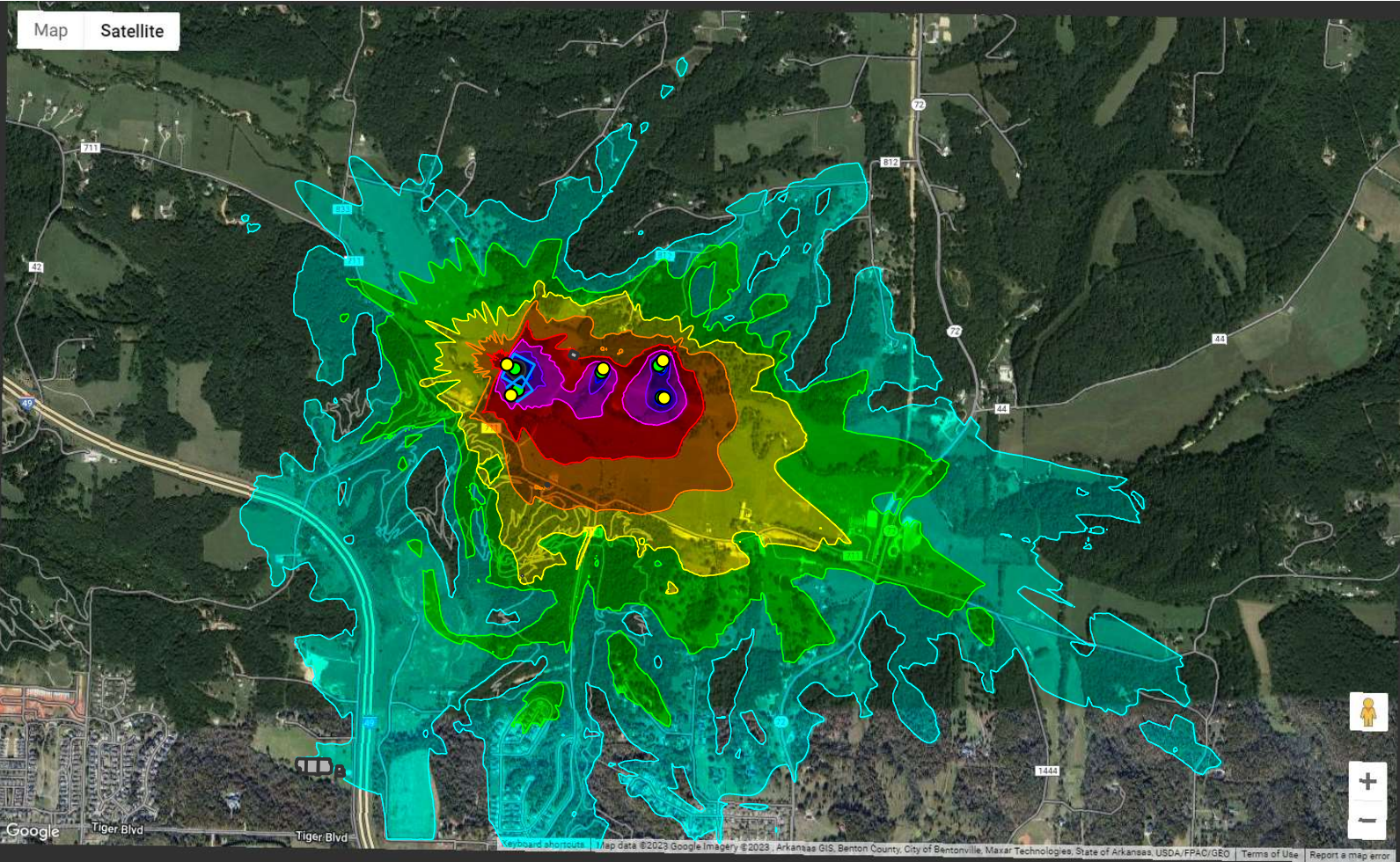
Will A. Kellstrom

WK:
pc:

Calculation standard: ISO 9613-2: 1996

Height above ground: 2 m

Meteorology: 22°C, Humidity 64%



North Stage FORMAT Festival

Spectrum: Live bands
SPL at reference point: 102.0 dB(A)

Drag Me To the Disco

Spectrum: Live bands
SPL at reference point: 100.0 dB(A)

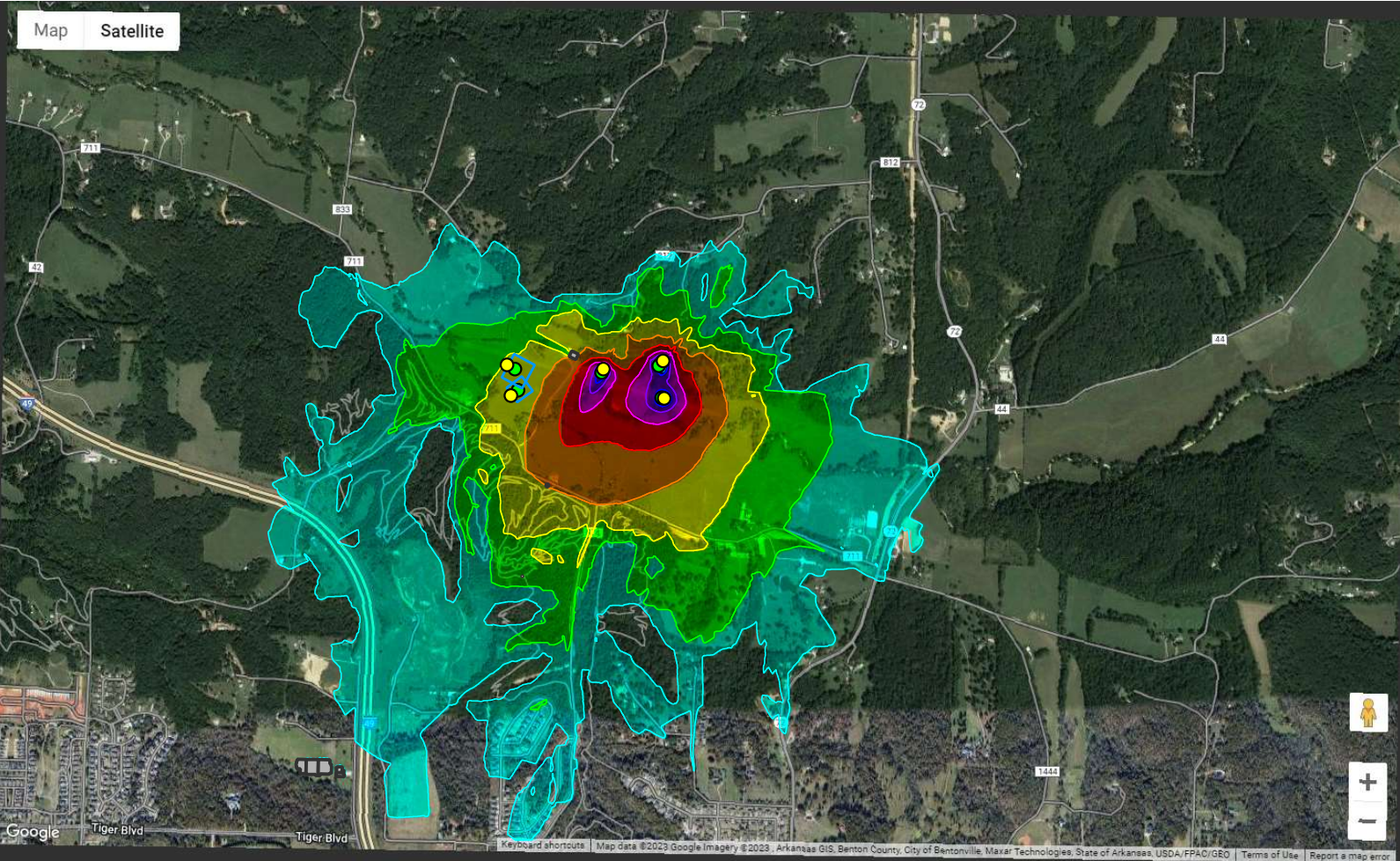
Smokey's at Format Festival

Spectrum: Live bands
SPL at reference point: 100.0 dB(A)

Cube v4 Sub Line

Spectrum: Live bands
SPL at reference point: 100.0 dB(A)

Signs and symbols	Levels in dB(A)
Building	> 95
Stage origin	90 - 95
Reference point	85 - 90
Loudspeaker	80 - 85
Audience area	75 - 80
	70 - 75
	65 - 70
	60 - 65
	55 - 60
	< 55



Drag Me To the Disco

Spectrum: Live bands
SPL at reference point: 100.0 dB(A)

Smokey's at Format Festival

Spectrum: Live bands
SPL at reference point: 100.0 dB(A)

Cube v4 Sub Line

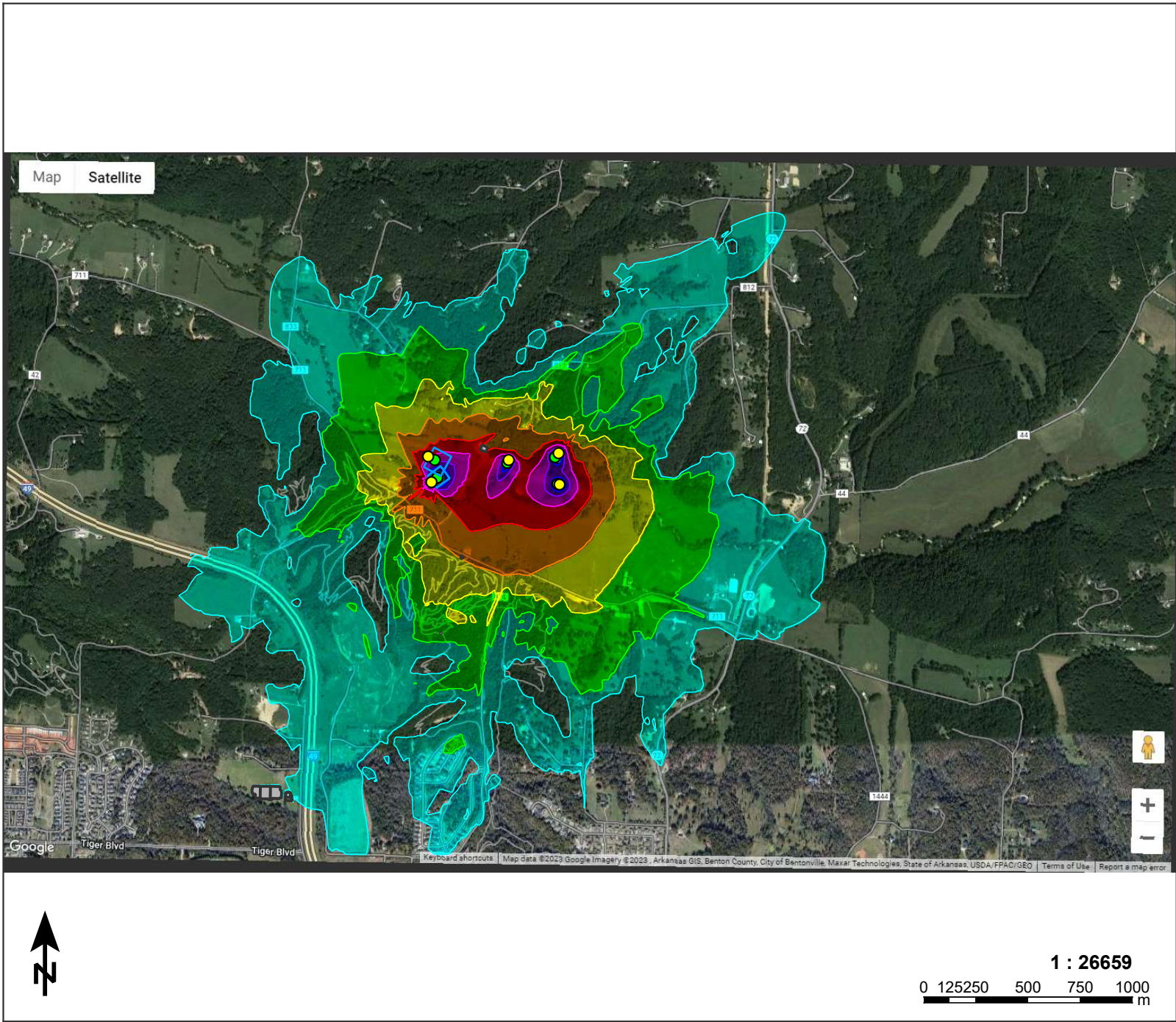
Spectrum: Live bands
SPL at reference point: 100.0 dB(A)

Signs and symbols	Levels in dB(A)
Building	> 95
Stage origin	90 - 95
Reference point	85 - 90
Loudspeaker	80 - 85
Audience area	75 - 80
	70 - 75
	65 - 70
	60 - 65
	55 - 60
	< 55



1 : 26659

0 125250 500 750 1000 m



South Stage FORMAT Festival	
Spectrum: Live bands	
SPL at reference point: 102.0 dB(A)	
Drag Me To the Disco	
Spectrum: Live bands	
SPL at reference point: 100.0 dB(A)	
Smokey's at Format Festival	
Spectrum: Live bands	
SPL at reference point: 100.0 dB(A)	
Cube v4 Sub Line	
Spectrum: Live bands	
SPL at reference point: 100.0 dB(A)	

Signs and symbols

Building

Stage origin

Reference point

Loudspeaker

Audience area

Levels in dB(A)

> 95

90 - 95

85 - 90

80 - 85

75 - 80

70 - 75

65 - 70

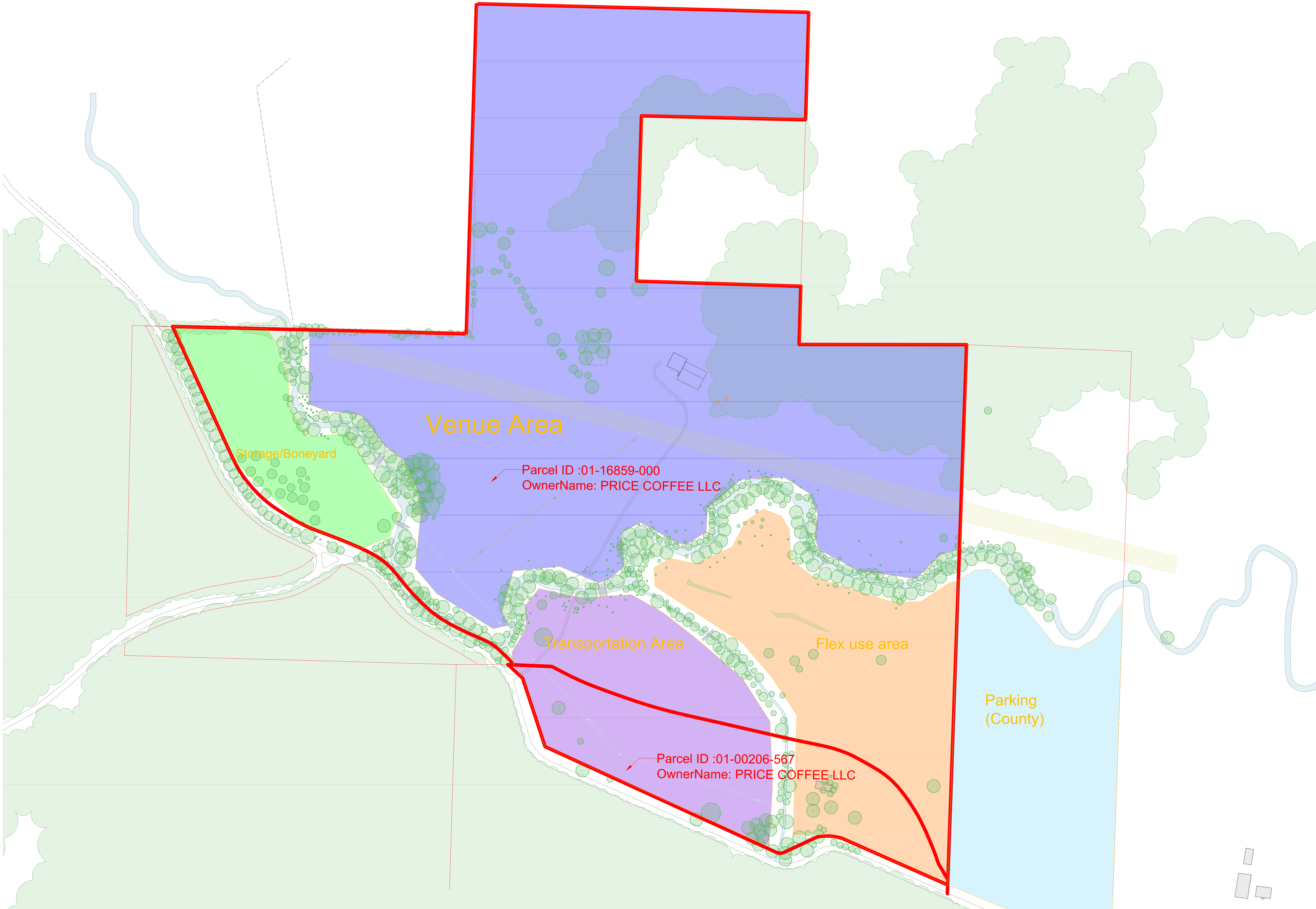
60 - 65

55 - 60

< 55

d&b

audiotechnik



Format Festival



1645 E. 6TH ST
SUITE 150
AUSTIN, TX
512.478.7211
www.c3presents.com

EVENT DETAILS

LOCATION: Bentonville, Arkansas
SITE: Little Sugar Creek Airstrip
DATES: 9/22 - 9/24/23

REFERENCE

	6FT FENCE
	8FT FENCE
	7FT BIKE RACK
	CONCERT BARRICADE
	GENERATOR
	TENT
	FOOTPRINT
	TRAILER
	GROUND OFFICE
	STORAGE CONTAINER
	POLAR UNIT
	DUMPSTER
	VAC TOILET UNIT
	VAC PUMP UNIT
	URINAL UNIT
	COMFORT STATION
	ADA POT
	STANDARD POT

DRAWING DETAILS

VERSION:	####
REV DATE:	2/9/2023
DRAWN BY:	C3 - BH
SCALE:	AS NOTED
DRW #:	2/9/2023

NAVIGATION





Been Road Villas – Admin & Enforcement – Building Permits

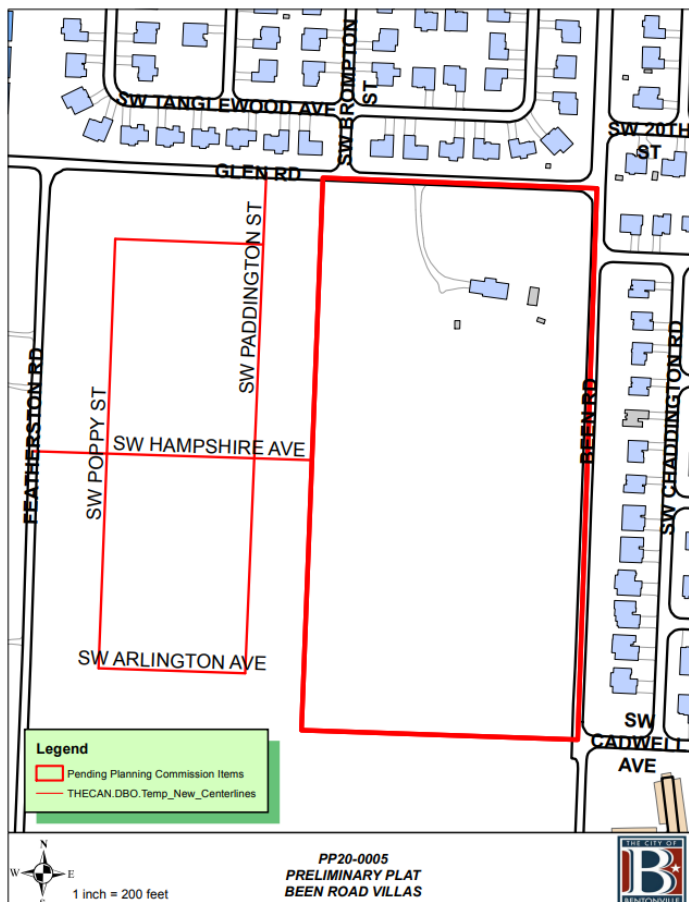
Glen Road & Been Road

PC Date: 6/1/21 & 3/21/23

Reviewer: Jon Stanley, Senior Planner,
ASLA, APA

Project Number	PP20-0005
Applicant / Current Owner	BBG Property Development, LLC
Site Area	+/- 20.05 acres
Current Zoning	R-2, Duplex and Patio Home Residential
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 Glen and Been Roads and is zoned R-2, Duplex and Patio Home Residential. Adjacent zoning districts are R-1, Single-Family Residential to the north and east, R-2, Duplex and Patio Home Residential to the south and PRD, Planned Residential Development 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 plan has not been approved and recorded in the manner prescribed within the Land Development Code"

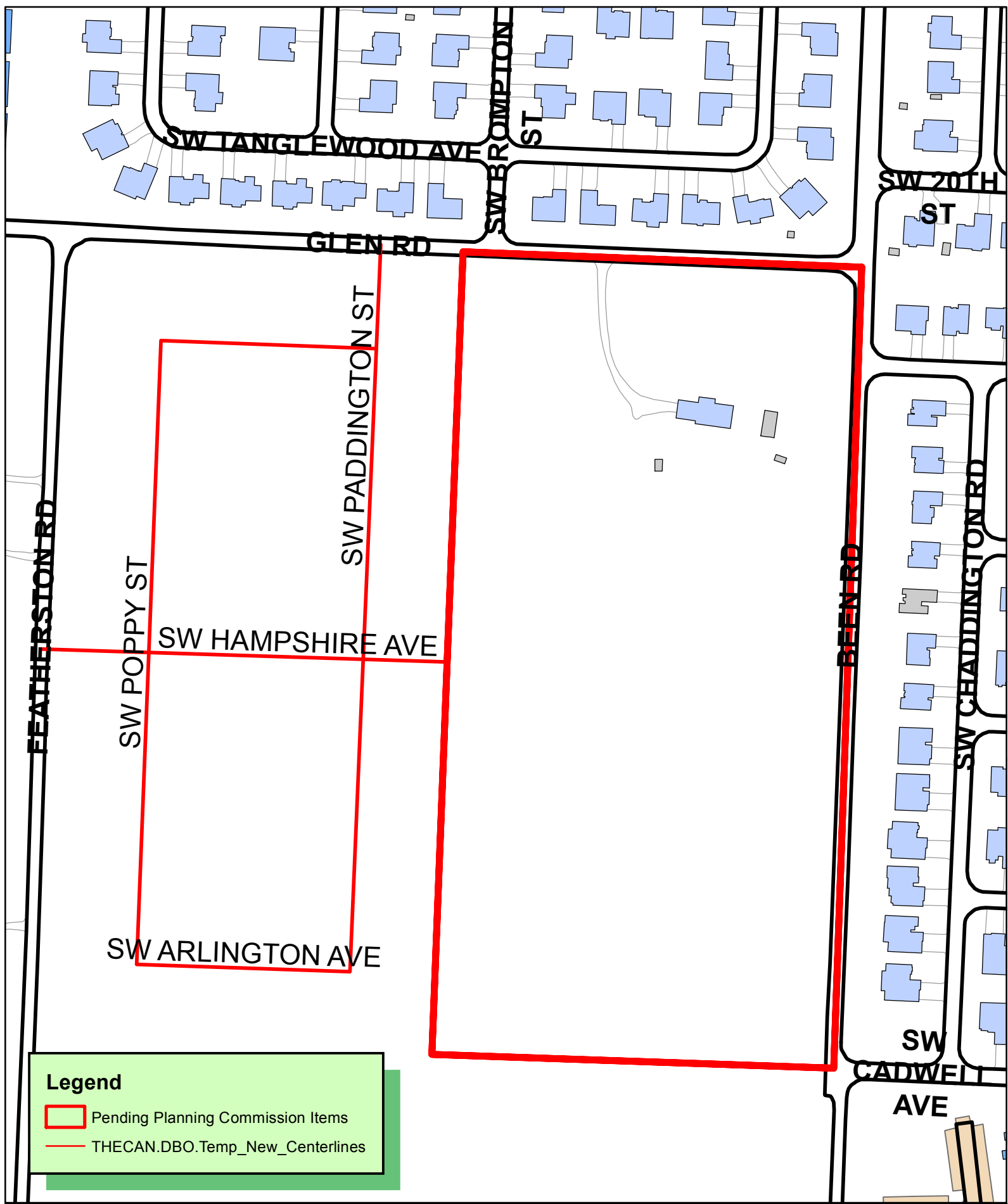
Analysis

The construction of the Been Road Villas infrastructure is nearing completion. The curbs are complete, and the base is on all the street surfaces for access. Fire hydrant protection is available on the site for storage of materials and protection of the structures. Storm drainage and grading are nearing completion. The street improvements to Glen and Been Roads is nearing completion. All the utilities have been installed and are currently being tested. Legacy Builders, the developer, understands that the homes cannot receive a certificate of occupancy until the subdivision's water and sewer mains/services are finalized and the final plat having been accepted and recorded by the City of Bentonville.

Staff Recommendation

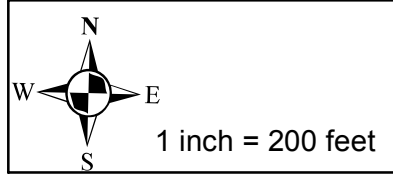
Staff recommends approval for this waiver request to allow the issuance of building permits prior to the acceptance of the public infrastructure with the following conditions:

- The applicant shall provide a surety in a form and amount acceptable to the City Engineer to guarantee the completion of any punch list items. Said amount shall be 150% of the City Engineer's estimate to finish the improvements.
- There shall be no final inspection conducted on any home allowed to start construction under the approval of this waiver until the final plat is filed and of record.



Legend

-  Pending Planning Commission Items
-  THECAN.DBO.Temp_New_Centerlines



PP20-0005
PRELIMINARY PLAT
BEEM ROAD VILLAS



February 23, 2023

City of Bentonville Planning Commission

RE: Request for Waiver to Commence Construction Prior to Final Plat

Dear Planning Commissioners,

Please accept this letter as a formal request to be placed on the agenda for permission to commence construction prior to obtaining final plat. We are currently working on curb and gutter across the 20-acre Been Road Vilas site and have all infrastructure substantially completed.

We have the support of all City of Bentonville departments and stakeholders with the following conditions of approval:

1. Water department requires that all curb and gutter has been installed and subsequent finish grading around meter boxes is complete. Additionally, all testing must be completed on the public water/sewer infrastructure. Upon notification these items are completed, the water department will inspect and provide their approve for vertical construction.
2. If the above is finished but Contractor has not 100% completed the road widening along Glen and Been, the Engineering department will require the Contractor/Owner to bond all unapproved infrastructure related to the road widening and in accordance with the attached schedule of values.

We are requesting approval from the Planning Commission now so that we can immediately commence vertical construction upon completion of the above milestones.

I realize this request is outside of normal process and procedure but am hopeful you might give it careful consideration based on the below points.

- a. All utilities are complete, and no life safety issues exist.
- b. Current ownership will build out entire subdivision without selling individual lots for a very cohesive complete project. Affordable housing of this nature is in short supply in the City of Bentonville.
- c. Willingness to put up the necessary surety.
- d. As Builts have been submitted.
- e. Remaining construction milestones are curb/gutter/base and paving. However, the site is completely covered in base for easy and safe emergency vehicle access.
- f. We can minimize messy construction activities while simultaneously finishing subdivision. This results in minimal use/depreciation of city streets and sidewalks by heavy construction activity.

We are looking forward to developing a community that delivers high quality housing at an affordable price point. And in doing so create a community and together leaving our **Legacy** one **Venture** at a time.

Sincerely,



Tim Brisiel



PROPOSED FEATURES

FEATURE LINES

PROPERTY LINE

OFFSITE PROPERTY LINE

CENTERLINE OF ROAD

RIGHT-OF-WAY

FENCE

ACCESS EASEMENT

BUILDING SET BACK

UTILITY EASEMENT

CURB AND GUTTER

ASPHALT PAVEMENT

FIRELANE STRIPING

STORM PIPE

UTILITY LINES

8" W

8" SS

GAS

FO

TELE

C-900 DR-14 CLASS 200 PVC WATERLINE

ELECTRICAL CONDUIT

SDR-26 PVC CLASS 12454-8 SANITARY SEWER

FLOW LINE

GAS LINE

FIBER OPTIC

TELEPHONE LINE

SYMBOLS

HATCHES

FLARED END SECTION

CURB INLET

AREA INLET

JUNCTION BOX

GRATE INLET

SANITARY SEWER

SEWER SERVICE

FIRE HYDRANT ASSEMBLY

WATER VALVE

WATER SERVICE

WATER METER

POWER POLE

LIGHT

ELECTRICAL BOX

ELECTRICAL METER

TELEPHONE PEDESTAL

ASPHALT

CONCRETE

FLOOD ZONE

GRAVEL

POND

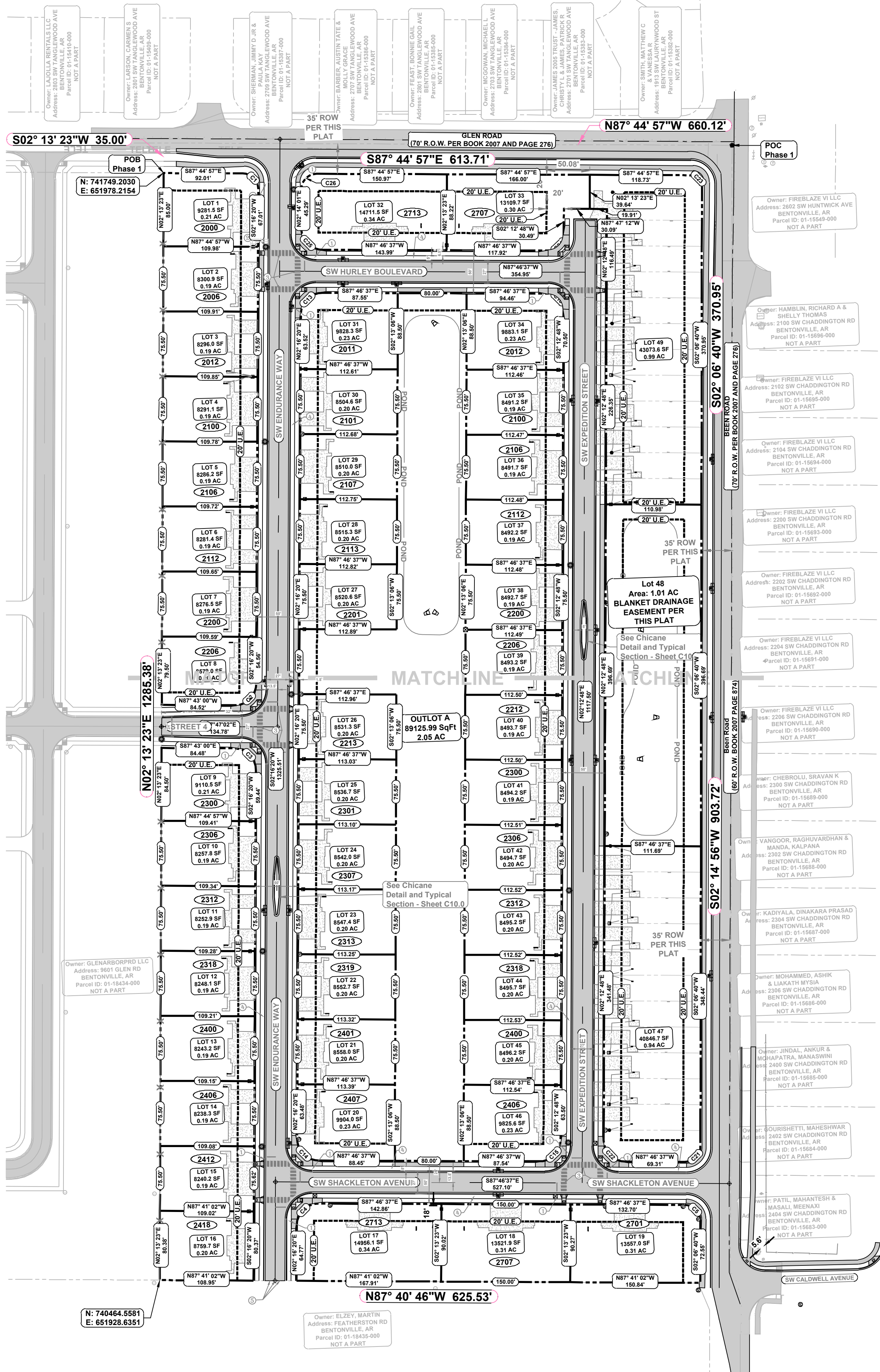
PROPOSED LEGAL DESCRIPTION - PHASE 1

PART OF THE NE 1/4 OF THE SE 1/4 OF SECTION 2, TOWNSHIP 19 NORTH OF RANGE 31 WEST BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NE CORNER OF SAID NE 1/4 OF THE SE 1/4 OF SECTION 2;
THENCE N 87°44'57" W 660.12 FEET;
THENCE S 02°13'23" W 35.00 FEET TO THE POINT OF BEGINNING;
THENCE S 87°44'57" W 613.71 FEET;
THENCE A LONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 18.04 FEET AND A CHORD BEARING AND DISTANCE OF S 42°49'09" 16.24 FEET;
THENCE S 02°06'40" W 370.95 FEET;
THENCE S 02°14'56" W 903.72 FEET;
THENCE N 87°40'46" W 625.53 FEET;
THENCE N 02°13'23" E 1285.38 FEET, THE POINT OF BEGINNING, CONTAINING 18.47 ACRES, MORE OR LESS, BEING SUBJECT TO ANY COVENANTS, EASEMENTS, OR RIGHT-OF-WAYS OF RECORD OR FACT.

Curve Table

Curve #	Length	Radius	Chord Bearing	Chord Length	Delta Angle
C1	28.29	18.02	S42° 49' 08"E	25.47	089.97238340°
C2	39.27	25.00	S47° 16' 40"W	35.36	090.01121788°
C3	39.27	25.00	S42° 43' 20"E	35.35	089.98878144°
C4	39.25	25.00	N47° 14' 51"E	35.34	089.95099883°
C5	28.24	18.00	S42° 49' 58"E	25.43	089.88794315°
C13	39.25	25.00	N47° 14' 51"E	35.34	089.95099884°
C14	39.29	25.00	N42° 45' 09"W	35.37	090.04900116°
C15	39.27	25.00	S47° 13' 06"W	35.36	090.00974464°
C16	28.27	18.00	S42° 46' 54"E	25.45	089.99025536°
C21	28.31	18.00	S47° 10' 02"W	25.48	090.11205685°
C22	39.27	25.00	N42° 46' 54"W	35.35	089.99025536°
C23	18.04	11.50	S42° 49' 09"E	16.24	089.86032655°
C24	28.28	18.00	S47° 13' 06"W	25.46	090.00974464°
C25	39.27	25.00	N42° 46' 18"W	35.36	090.01043362°
C26	28.28	18.00	N47° 14' 13"E	25.46	090.02761660°



PROJECT ENGINEER

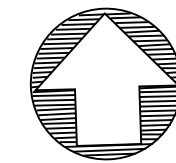
Phil Swope, P.E.
Swope Engineering
3511 SE J Street, Suite 9
Bentonville, Arkansas 72712
479.685.8399 office

PROJECT SURVEYOR

Terry Geng, P.S.
Swope Engineering
3511 SE J Street, Suite 9
Bentonville, Arkansas 72712
479.685.8399 office



Know what's below.
Call before you dig.



GRAPHIC SCALE
1 inch = 40 feet
BASIS OF BEARING
ARKANSAS STATE PLANE
COORDINATE SYSTEM
(NAD-83) NORTH ZONE.

Owner's Certification and Dedication

All public streets and public rights-of-way/easements shall be dedicated to the public using the following language:
We, the undersigned owners of the real estate shown and described herein, do hereby acknowledge that we have the legal right and authority to make the property interest grants contained on and within this document. We, the undersigned owners of the real estate shown and described herein, do hereby establish, grant, and dedicate to the City of Bentonville, Arkansas the rights-of-way, easements, streets, and alleys as shown on this plat for public use, benefit, and access. The City of Bentonville is further granted the rights of ingress and egress to and from said rights-of-way, easements, streets, and alleys. The City of Bentonville is also granted the right and authority to maintain, service, and improve said rights-of-way, easements, streets, and alleys shall be for the benefit of the City of Bentonville and all of its franchised utility providers. The City of Bentonville and its franchised utility providers shall have the right and authority to cut, trim, or remove trees, shrubs, and other vegetation within said rights-of-way, easements, streets, and alleys. The City of Bentonville and all of its franchised utility providers shall also have the right and authority to prohibit the erection of building, structures, or fences within said rights-of-way, easements, streets, and alleys.

Owner _____ Date _____

Owner _____ Date _____

State of Arkansas
County of Benton
Subscribed and sworn before me this _____ day of _____, 2019.

Notary Public
My commission expires _____

CERTIFICATE OF SURVEYING ACCURACY

I, TERRY L. GING, HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A BOUNDARY SURVEY MADE UNDER MY SUPERVISION 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.1301
STATE OF ARKANSAS

FLOOD INFORMATION

This property lies in Zone "X" (Special Flood Hazard Areas Inundated by 100-year Flood) as determined from the F.I.R.M. maps of Benton County, Arkansas, and Incorporated Areas, Map Number 05007C0256K, effective June 5, 2012.

Zone: R-1, Single-Family Building Setbacks

Front	20'
Side, Interior/Exterior	7'/20'
Rear	25'
Front facing garage	30'

SITE INFORMATION

PROPERTY INFORMATION		
Gross Site area	805,389.52 sf	18.49 acres
Proposed Dedicated R.O.W.	68,147.52 sf	1.56 acres
Net Site Area	873,537.12 sf	20.05 acres
Zoning	R-3 Residential	
ZONING REGULATIONS		
Front Yard		20 ft
Rear Yard		25 ft
Side Yard		7 ft
Side Yard (Street Side)		20 ft
Minimum Lot Width		75.50 ft
PHASE II SUBDIVISION INFORMATION		
Buildable Lots		50
Non-Buildable Lots		4
Total Lots		54



OVERALL PRELIMINARY PLAT
BEEN ROAD VILLAS SUBDIVISION
PHASE 1
BAXTER PROPERTIES, INC.
GLEN AND BEEN ROAD
BENTONVILLE, ARKANSAS

NO.	DATE	REVISION
1	05/25/2020	XXXXXXXXXX

SWOPE ENGINEERING

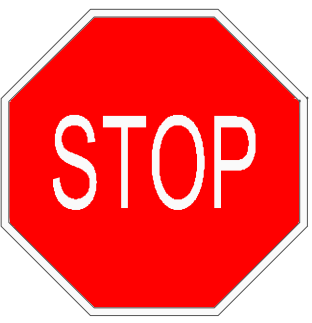
Civil Engineering
Construction Management
Municipal Engineering
Land Surveying

7 Thistle Circle
Suite #210
Rogers, Arkansas 72756
479.250.4285 fax

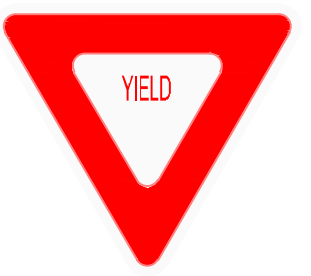
PHOTOGRAPHIC COPY

NOT A PART

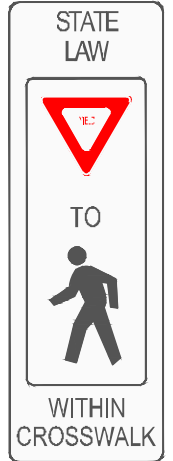
DESIGNED BY:	DUFF	JOB NUMBER:	19-126
SUBMITTAL DATE:	04/15/2020	CITY NUMBER:	PP20-0005
DRAWING NAME:	19-126 - PR-DWG		
SHEET NUMBER:	C2.0		



1



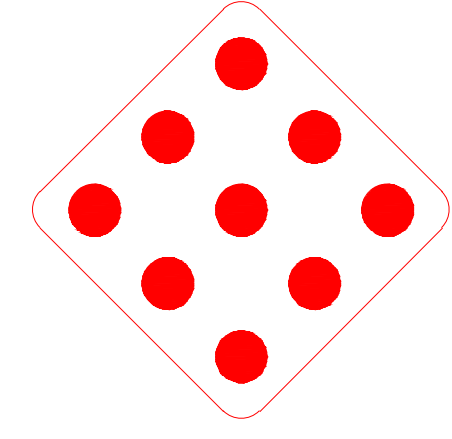
2



3



4



5



Central & Battlefield

East Central Ave and Battlefield Boulevard

PC Date: 3/21/2022

Reviewer: Tom Adler

Project Number	PUD22-0002
Applicant	Uncommon Developers
Site Area	+/- 7.48 acres
Current Zoning	PRD, A-1, C1 and R-O
Requested Zoning	PUD, Planned Unit Development
Future Land Use Map Designation	High Density Residential & Residential Estate
Requested Future Land Use Map Designation	Mixed-Use Commercial (MUC)

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

Location Map



Property Description

This property is located at the intersection of East Central Avenue and East Battlefield Boulevard.

Relationship to the Bentonville Community

Plan

The Future Land Use Plan currently depicts this property as High Density Residential and Residential Estate. The applicant requests a change to the Mixed-Use Commercial Land Use classification which specifically allows for and encourages Planned Unit Developments. These areas typically include uses that provide goods and services to nearby residents. Local retail, day-to-day services, and small offices are appropriate in these areas. Vertical mixed-use developments are encouraged in mixed-use commercial areas, with upper floors including offices, services, or residential uses. Parking may be more prominent in these areas than in Downtown commercial areas, but should be sited and designed to not be detrimental to the character of the area.

The property is located within Priority Area 2, Infill, as identified in Chapter 4 of the Bentonville Community Plan. This area supports the development of vacant properties already served by infrastructure within the context of existing development.

Public Comment

At the time of writing this staff report, staff has received public comment on this item. Many comments center on drainage and traffic. This information item is for the purpose of collection additional public comment so that the applicant may further refine the project's scope for a future public hearing to consider the project for final approval.

Analysis

The primary purpose of a PUD is to establish a mechanism for a person to propose a commercial, industrial or residential mixed-use development that is innovative but which does not strictly comply with the provisions of the zone in which the property is located and cannot be achieved through traditional zoning. The intent of the PUD district is to promote high quality developments while allowing greater flexibility in the design of such developments. The PUD should produce: (1) a maximum choice in the types of environment and living units available to the public; (2) common open space and recreation areas; (3) a pattern of development which preserves natural features and prevents soil erosion; (4) a creative approach to the use of land and related physical development; (5) an efficient use of land resulting in smaller networks of utilities and streets and thereby lowering costs; (6) internally located commercial uses that serve surrounding residential areas; and, (7) an environment of stable character in harmony

with the surrounding development.

The applicant is proposing a Planned Unit Development (PUD) Development of approximately 7.48 acres consisting of approximately 9,000 square feet of retail space, 40,000 square feet of Class A Office space, a 150 room hotel and 500 multifamily housing units. The PUD adheres to the minimum open space requirements by allocating 20% of the site to common open space.

Approximately 940 surface parking spaces are being provided with the PUD. See the applicant's attachments for master plan, elevations and architectural style.

Waivers

At this time there on no waivers requested

Conclusion

Having a mix of housing types located near to employment centers helps to lower traffic generally and placement of the buildings and park along E. Central will add to the walkability of the area. The applicant has modified the project scope to address some of the concerns presented at the last public meeting. Specifically, the applicant has secured the interior parcel and shifted the project toward E. Central. The applicant is also proposing to close E. Battlefield Blvd to westerly traffic along the

project's southern boundary and to construct a new road from E. Battlefield along the project's easterly boundary to connect to E. Central. Any road closure would need City Council approval which could be included in the PUD's approval if City Council eventually approves the project.

The project is superior to the last version that the Planning Commission was presented but there remains some refinement necessary. Staff recommends that the applicant include within the project's master site plan the roundabout options studied in the traffic report that were found to be superior to the signalized alternative. It is critical that the phasing of these street improvements and the dedication of the associated right of way necessary for the roundabouts be completed at the same time as the development of the project. The applicant is encouraged to enter into a development agreement with City to identify sources and uses funds for the construction of the roundabouts.

PUD Submission #6

March 13, 2023

PUD22-0002



TEAM

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drone photo of existing site



Narrative

1

Planned Unit Development Intent.

Uncommon Developers, Modus Studio, and McClelland Consulting Engineers are pleased to submit this mixed-use Planned Unit Development to the City of Bentonville.

This project seeks to address the ongoing housing crisis in Northwest Arkansas by occupying a formerly suburban, but increasingly urban infill site that is bound by robust infrastructure and general connectivity for pedestrians, cyclists and motorists. This project will provide neighborhood retail, class-A office space, high-end hospitality rooms, and much-needed housing within the growing context of Bentonville. The project will enhance the quality of walkable urban life and strike a balance for livable proximity to the major workcenters, schools, trails, and cultural amenities that define the Northwest Arkansas community.

The PUD encompasses an original **8.73 acre** site that is bound by Central Avenue on the Northwest and Battlefield Boulevard on the South. However, through the process of addressing traffic issues and working directly with the city staff, this PUD is proposing to allocate land for a **New Road** along the eastern edge of the site and terminating with a new traffic signal at Central Avenue as well as transforming a portion of the existing Battlefield Boulevard into an East-bound one-way road. This will eliminate the already existing congestion and turning issues at the Central + Battlefield intersection. The development team and city staff have conceptually agreed upon this approach as a major undertaking that will be officially scoped after conceptual approval of the PUD process. The new resultant site area is approximately **7.48 acres** (a loss of land of approximately 1.25 acres).

While the site currently has a Walkscore of only 20 and a Bikescore of 47, it is evident this will increase significantly over the next decade as Bentonville becomes increasingly connected and the new Walmart Headquarters is completed.

The amenities are burgeoning and people need quality places to live, work and play. This project will provide new options within the context of Bentonville and the greater Northwest Arkansas community.

2

Description of Land Uses.

This PUD includes the following mixed-use allocations. Please refer to the PUD Concept Plan for layout.

Neighborhood Retail.

Approximately 9,000 sf located at ground level along Central Avenue.

Class A Office.

Approximately 40,000 sf.

Hospitality.

Approximately 57,000 sf and 150 hotel rooms with ample amenities.

Housing + Amenities.

Approximately 490,000 sf and 500 units of multifamily housing.

Parking.

Approximately 940 parking spaces allocated between on-street, surface, and structured parking.

Narrative

3

Structural Design.

The various buildings of the mixed-use project will have a range of construction types all rooted in a placemaking concept inspired by the bluffs, falls, and flora of the Arkansas Ozarks. The buildings are terraced and carved to control scale and massing while weaving the natural flora of the Ozarks into the architecture. Additionally, ground level open space and pocket parks are provided along with elevated open space at multiple courtyards including various amenities such as pools, sport courts, outdoor living, etc. Additionally, the design seeks to save a small grove of existing specimen trees as a point of convergence between the neighborhood commercial and housing.

Neighborhood Retail, Hospitality + Office Building.

The Retail, Hospitality + Office Buildings are proposed as mass timber structures that are purposefully sustainable and beautiful. Layered terracing of the spaces will minimize total height above the street while providing a soft and inviting terminating vista to the long axis of Central Avenue that is experienced when leaving the Bentonville Square.

Modus Studio has completed multiple mass timber projects and the positive effects in the quality of construction and spaces crafted in wood are undeniable for quality living, working, and playing spaces.

Housing.

The multifamily housing units, community amenities, and structured parking are proposed as two-stories of concrete podium with five-stories of light wood frame construction above. The same terracing and layering of space with ample public, semi-public, and private outdoor spaces become the primary reading of the architecture. The goal is to intertwine landscape with built form, creating a generous and comfortable place to live.

Specifically, the height and scale of the housing buffers away from the existing single family homes to the East while also creating new strong urban edges, ultimately a welcoming ensemble as citizens and visitors alike traverse from I-49 to Downtown Bentonville.

Sustainability.

This project will be designed as a sustainable beacon with a focus on carbon sequestration, renewable energy, biophilic principles, and a focus on the tenents of the Urban Land Institute’s Building Healthy Places Initiative.



Ozark bluffs, falls, and flora



Adohi Hall in Fayetteville, expressing the quality of mass timber in community spaces and housing.



Greenway Offices in Bentonville, expressing the quality of mass timber in Class A office space



Narrative

4

Development Criteria.

The proposed mixed-use project seeks to adhere to all materiality and articulation requirements of the city design and approval process.

No separate phasing is planned for the project, with all buildings executing construction simultaneously to cohesively deliver a new neighborhood center.

The development + design team hosted a neighborhood meeting to explain the project and hear any concerns of the nearby dwellers. Traffic and flooding were by far the most prominent issues, which will be clearly addressed by this proposed project.

A traffic report has been completed and **New Road** is proposed along the eastern edge of the property. **This provides a new public ROW as a buffer between the existing neighborhood and the proposed project.**

drone photo showing the existing treeline buffer along the eastern edge of the proposed project

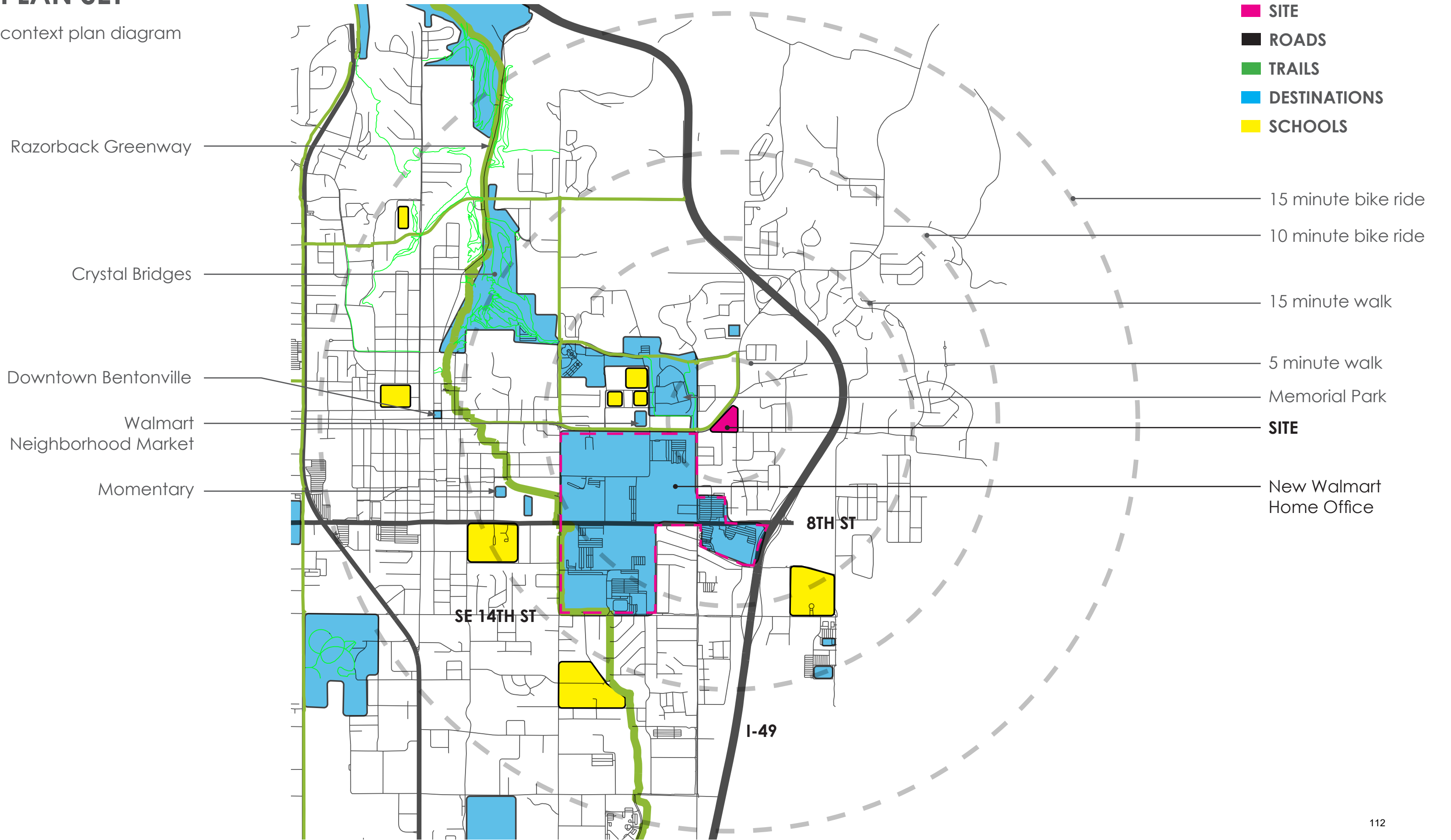


PUD Summary.

Site.	
Site Area:	7.48 acres (remaining after addition of New Road)
Open Space Required:	20% 1.5 acres
Open Space Provided:	20% 1.5 acres
Setbacks + Buffers.	
Central Avenue	20' Setback inclusive of overhead powerlines
Battlefield Boulevard	0' Setback from new edge of ROW
New Road	0' Setback from new edge of ROW
North Side Yard	10' Setback Existing Fencing Existing Trees Type A Screening per Landscape Requirements
Buildings.	
Neighborhood Retail:	9,000 SF
Office:	40,000 SF
Hospitality:	57,000 SF 150 hotel rooms
Housing + Amenities:	490,000 SF 500 units (reduced from 545 units) 66 units per acre (reduced from 85 units per acre)
Parking Spaces:	940 +/-

PLAN SET

context plan diagram



PLAN SET

current zoning

- Planned Residential Development (existing)
- Neighborhood Commercial
- Residential Office
- Agricultural District



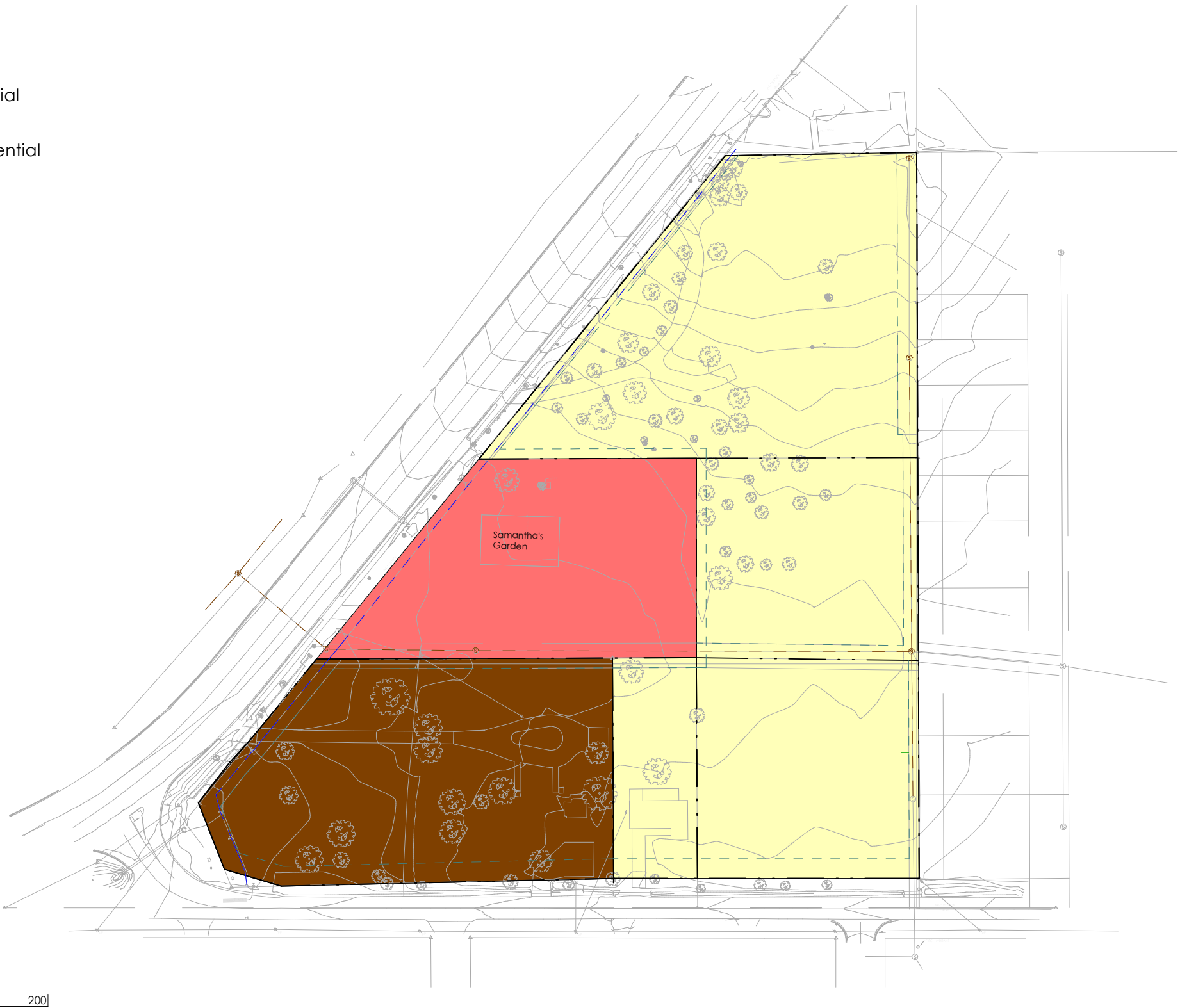
Zoning Intent.

The proposed mixed-use project reabsorbs a mixture of incongruent zoning into a specific, focused development opportunity for balancing the Central Ave and Battlefield Blvd intersection as Bentonville continues to grow and require neighborhood centers supporting housing, retail and existing homes.

PLAN SET

future land use

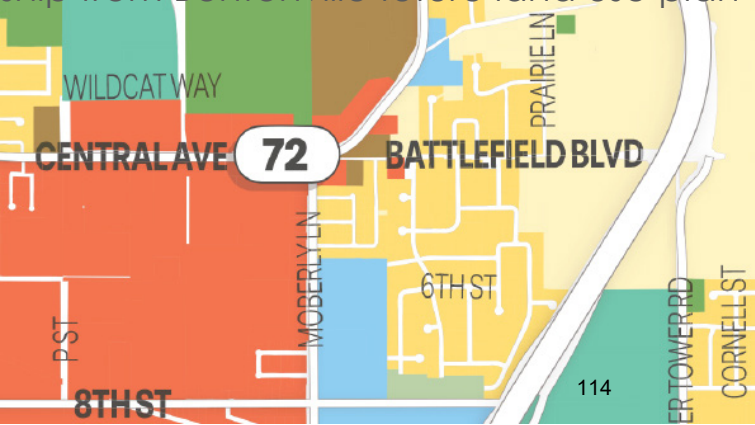
- Residential Estate
- General Commercial
- High-Density Residential



Land Use Intent.

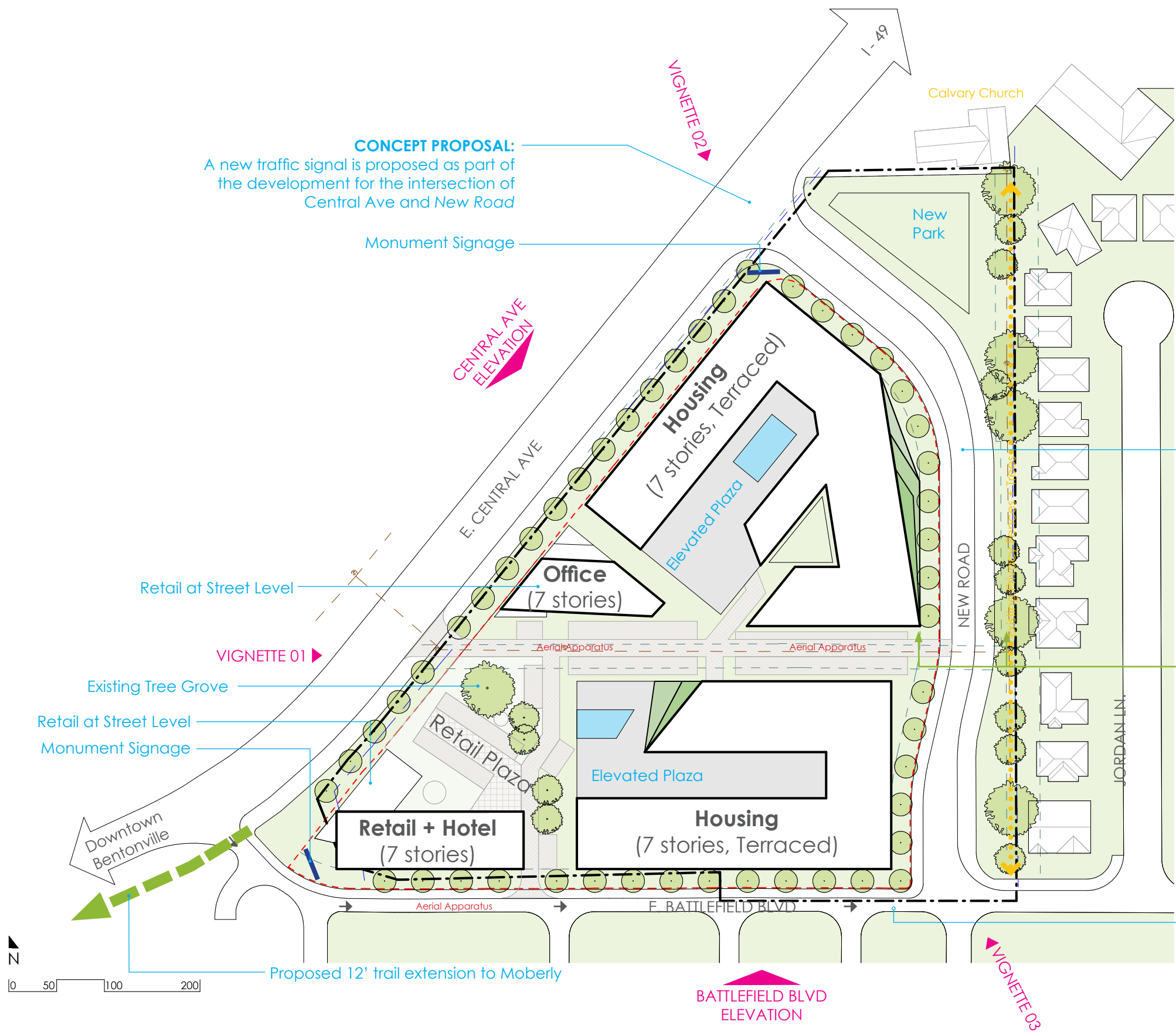
The proposed mixed-use project is in keeping with the future land use plan, but expands the intent of smart growth to address the critical intersection of Central Ave and Battlefield Blvd.

snip from Bentonville future land use plan



PLAN SET

concept plan



PUD Summary.

Site Area:	7.48 acres
Open Space Required:	20% 1.5 acres
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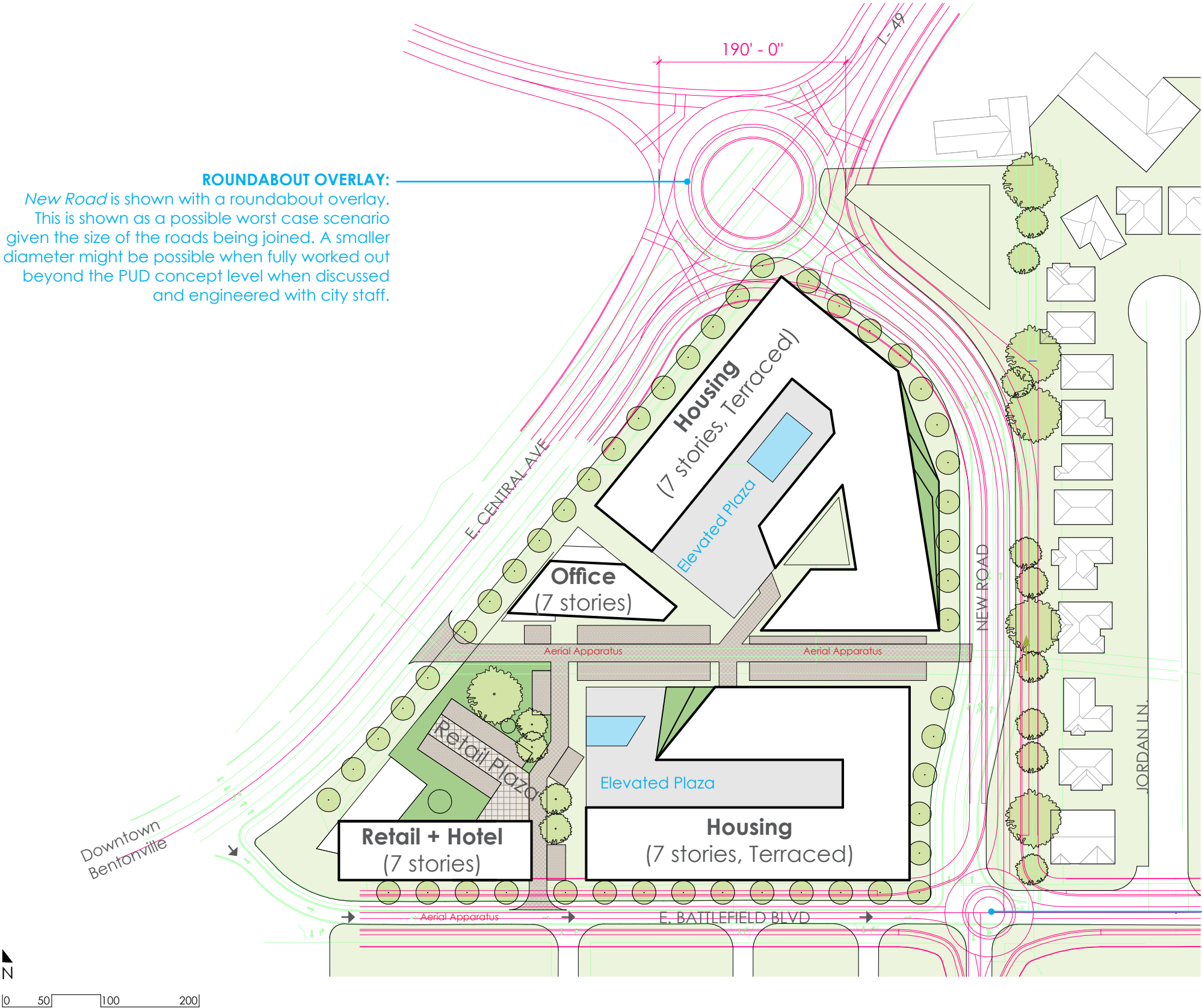
CONCEPT PROPOSAL:
New Road is proposed to use the pre-approved Bentonville Street Section Collector with Sidepath from page 14 of the 2021 Bentonville Master Street Plan Volume 1. Portions of the road may remove the turning lane as indicated, which will allow for the existing tree buffer along the east of the property line to remain. Final determination and engineering evaluation will take place beyond the PUD concept level.

100' Buffer at tightest buildable location

CONCEPT PROPOSAL:
Existing Battlefield Boulevard reduced to an East-bound one-way road (with 12' trail) from Central Avenue to the intersection of New Road to avoid cut-through traffic in the area. The success of the development is not dependent on this change, but it is a further aid in traffic control

PLAN SET

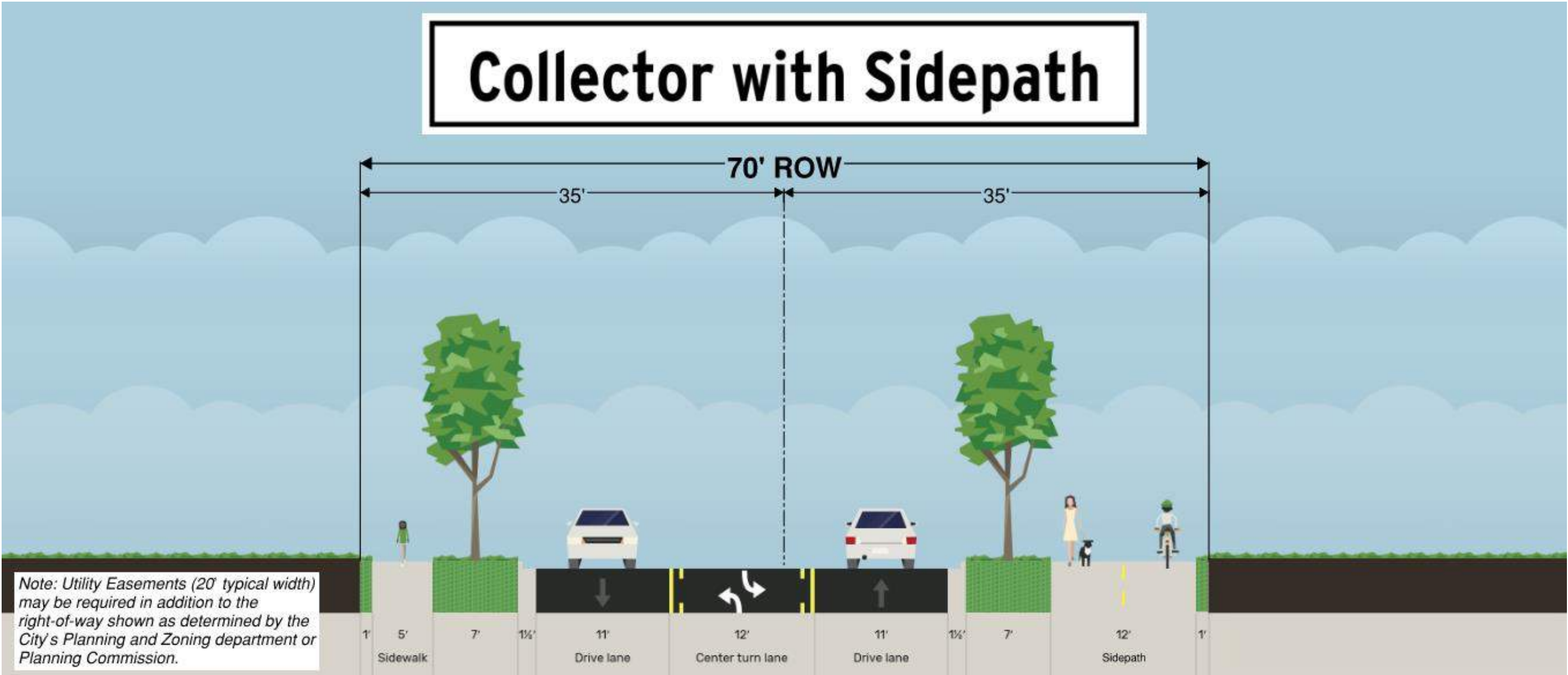
concept plan with ROUNDABOUT OVERLAY DIAGRAM



ROUNDABOUT OVERLAY:
New Road is shown with a roundabout overlay.
This is shown as a possible worst case scenario given the size of the roads being joined. A smaller diameter might be possible when fully worked out beyond the PUD concept level when discussed and engineered with city staff.

PLAN SET

street section



Typical Street Section 5-Collector with Sidepath

New Road is proposed to use the pre-approved Bentonville Street Section Collector with Sidepath from page 14 of the 2021 Bentonville Master Street Plan Volume 1. Portions of the road may remove the turning lane as indicated on the Concept Plan.

PLAN SET

street elevations

The buildings are terraced along the eastern edge to further mitigate height along the eastern edge of the property



Battlefield Boulevard Elevation



Central Avenue Elevation

Primary Materials



masonry (brick / brick screen / panelized stone)

Secondary Materials

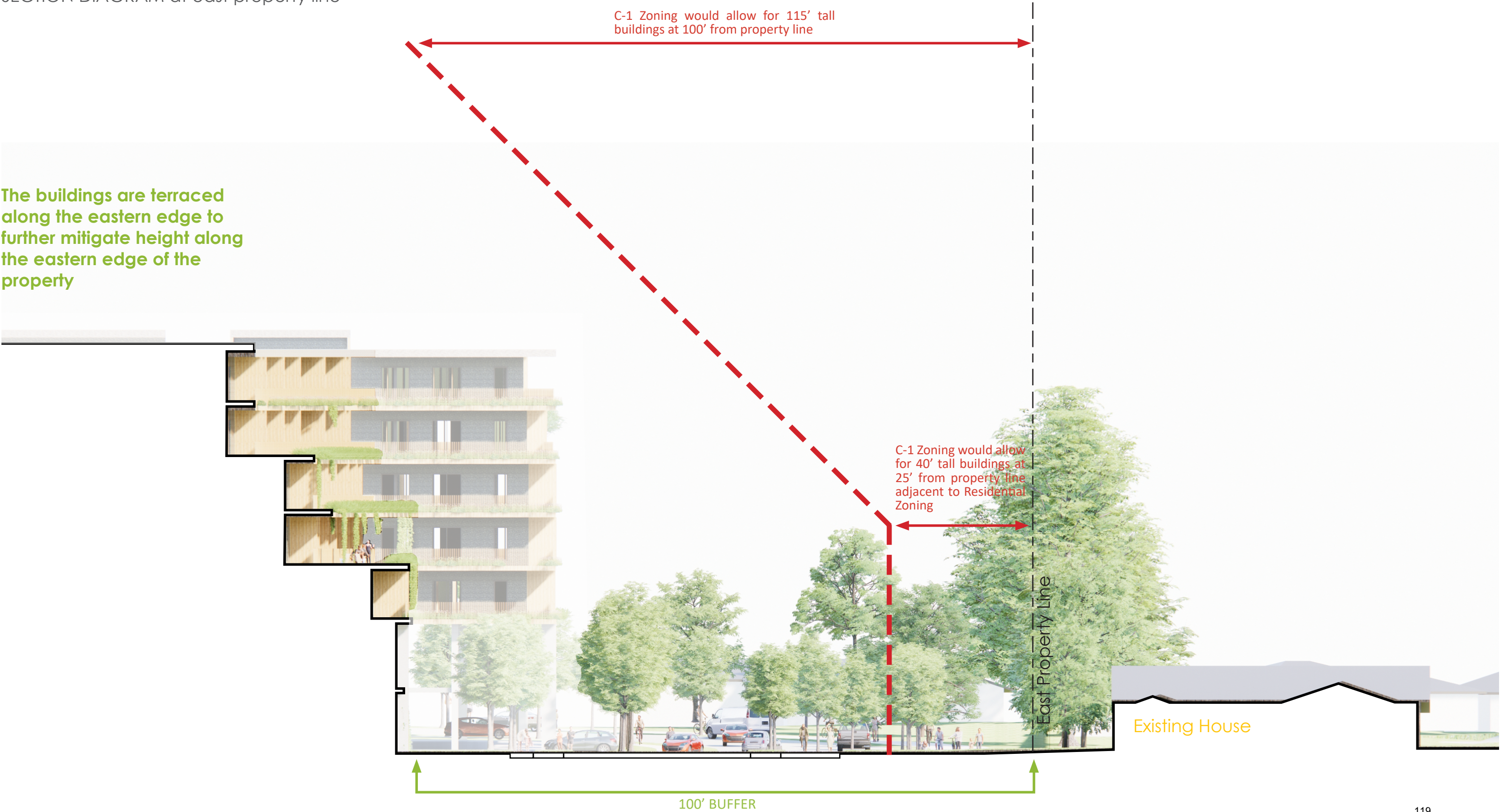


wood rainscreen (vertical / horizontal)

fiber cement board (lap / panel)

PLAN SET

SECTION DIAGRAM at east property line



PLAN SET

Drainage Diagram (CoB GIS reference image)



The proposed Central + Battlfield project will drastically improve the stormwater and drainage problems that currently exist on this site and in this area. It is anticipated that stormwater will be discharged to the north side of Central Avenue through new underground piping. Along with the City's Battlefield Boulevard Bond project, potential flooding in this area will be heavily resolved. The final system, routing, and sizing will be coordinated and approved by the City of Bentonville through the Large Scale Development process.

THE BATTLEFIELD BOULEVARD BOND PROJECT IS CURRENTLY DESIGNED TO ADD A NEW 4' X 8' CULVERT DISCHARGING AT THIS LOCATION, TO DRAIN STORMWATER TO THE EXISTING 4' X 8' CULVERT UNDER CENTRAL AVENUE

PLAN SET

place-making mixed-use project precedents



Lighting and atmosphere scaled to pedestrians



Building arrangements to control scale



Retail opportunities and integrated plaza space



Building form and landscape terraces



Vibrant retail and seasonal change



Elevated gardens as part of the architecture



Warm materiality and bike/ped friendly design along with community-focused amenities



Mixed-use balance between space and buildings

vignette looking east from Central Ave



vignette looking southeast from Central Ave



vignette looking north from Battlefield Blvd

