



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

Registration Link: https://us06web.zoom.us/webinar/register/WN_F6NMjmISRp-so2ng13GbyA

I. Call to Order

II. Approval of Minutes

- | | |
|--|------------------------------------|
| 1. August 15th Meeting Minutes
Approval | Approval of Meeting Minutes |
|--|------------------------------------|

III. Consent Agenda

- | | |
|--|------------------|
| 1. Lots 15 & 16, Block 6 of Railroad Addition
207 Southeast B Street (LS23-0038) | Lot Split |
|--|------------------|

IV. New Business

Advertised Public Hearings

- | | |
|--|------------------|
| 1. O'Malley
901 Northeast 2nd Street (RZ23-0058)
Rezoning: R-1, Low-Density Single-Family Residential to DN-1, Downtown Low Density Residential | Rezoning* |
| 2. Brewer & McDonald
107 Lake Street (RZ23-0060)
Future Land Use Map Amendment: Medium-Density Residential (MDR) to High-Density Residential (HDR)
Rezoning: R-1, Low-Density Single-Family Residential to DN-3, Downtown High-Density Residential | Rezoning* |
| 3. Brewer & McDonald
906 North Main Street (RZ23-0061)
Rezoning: R-1, Low-Density Single-Family Residential to DN-2, Downtown Medium Density Residential | Rezoning* |
| 4. Brewer & McDonald
Northeast Monroe Street (RZ23-0062)
Rezoning: R-1, Low-Density Single-Family Residential to DN-2, Downtown Medium Density Residential | Rezoning* |
| 5. Brewer | Rezoning* |

Northeast Monroe Street ([RZ23-0063](#))

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

6. **807 NE 2nd, Bentonville, LLC** **Rezoning***
807 Northeast 2nd Street ([RZ23-0064](#))
Rezoning: R-1, Low-Density Single-Family Residential to DN-1, Downtown Low Density Residential
7. **SOCO Church** **Conditional Use Permit***
3201 South Walton Boulevard ([CU23-0027](#))
Religious Facility in C-2, General Commercial
8. **Parklets Amendment** **Ordinance***
An Ordinance amending Zoning Code, Sec. 601.33 - Parklet
9. **Territorial Jurisdiction** **Ordinance***
An Ordinance amending Articles 700 & 1100 of Appendix B - Land Development Code
10. **Residential Parking** **Ordinance***
An Ordinance amending Zoning Code Section 601.09 - Commercial Vehicles in Residential Zones, Municipal Code Chapter 76 - Property Maintenance Code, and Chapter 94-VI - Parking

Other New Business (Projects associated with waivers)

1. **Lots 5, 6, & 7, Block 8 of Lincoln & Rice Subdivision** **Lot Split**
807 Northeast 2nd Street ([LS23-0045](#))
2. **Bentonville LDS Church** **Large Scale Development**
2801 Southwest Featherston Road ([LSD23-0034](#))
3. **Brookside Townhomes** **Waiver**
Southeast Corner of Brookside Road & Ginn Road ([WAV23-0014](#))
Land Development Code: Article 1200, Off-site Improvements, Section 1200.02, Determining Necessity for Off-Site Improvements

V. Old Business

VI. Other Business

1. **Walmart Campus PUD** **Informational**
Southeast 8th Street ([PUD20-0002](#))
Minor amendment update

VII. Adjournment



**Planning Commission
Meeting Agenda
August 15, 2023
Bentonville City Hall
Tech Review: 4:00 PM
Public Hearing: 5:00 PM**

Meeting Recording:

https://us06web.zoom.us/rec/share/_1VJK53LwizN7EhIT2NnH8sQ3v_Pnu3Q6kQn9-hP_WSoLyCmiXDKe2Hm1-9wcg.JO0FMx_QoHEhjaMD

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

Commissioners Absent: N/A

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

Call to Order

- Meeting called to order at 5:01 pm by Chairman Sanders

I. Approval of the August 1, 2023, Meeting Minutes

- Motion by Haynie, second Wright to approve the minutes as presented
- Minutes are approved 7-0 by voice vote

II. Consent Agenda

- Commissioner Davis requests without objection that items 4 & 5 of new business, including any associated waivers, be moved to the consent agenda
- Wavier 2 (for John Rollow Dr. Multi-Family): A waiver from Article 1100, Sec. 1100.14, Retaining Wall Standards, is removed from the agenda, as it was deemed unnecessary during the technical review portion of the meeting

1. Lots 1, 2, and 3 of Pabst Addition

4229 Southwest Bright Road ([LS23-0036](#))

Lot Split

2. Lot 35, Block 2 of Clark's 2nd Addition

306 Southwest 3rd Street ([LS23-0042](#))

Property Line Adjustment

3. Hope Hill Subdivision

Ginn Road ([PP21-0022](#))

Preliminary Plat

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

* indicates item requires public hearing

4. John Rollow Dr. Multi-Family

Large Scale Development

Southeast John Rollow Drive ([LSD23-0027](#))

Wavier 1: A waiver to Article 1400, Sec. 1400.09, Landscape Screening Requirements

Waiver 3: A waiver from Stormwater Management and Drainage Manual – Section 5.4.1 to encroach in the 20' horizontal separation from a detention pond.

- Consent agenda is approved 7-0

III. New Business

1. Morgan

Rezoning*

303 Northwest H Street ([RZ23-0057](#))

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

- Mr. Adler provides an overview of the staff report for the item
- Chairman Sanders opens a public hearing for the item
- Public hearing is closed
- Discussion amongst the commission on the requested zoning
- Rezoning is approved 7-0

2. East Central Parking Garage

Conditional Use Permit*

300 East Central Avenue ([CU23-0025](#))

Noise Ordinance

- Mr. Adler provides an overview of the staff report for the item
- Chairman Sanders opens a public hearing for the item
- Adam Pottsman, resident of *The Howard* at 321 SE 2nd Street, speaks to his concerns around increased noise during overnight construction and how it could affect residents like himself, especially those that work from home and have large windows facing the job site in question along E Central Ave.
- Mary Gahagans, Property Manager of *The Howard*, speaks on behalf of her residents, requesting a schedule of all over night construction and asking for additional details on steps to be taken by the contractor to mitigate noise and light pollution during overnight work.
- Mrs. Gahagans requests that construction site lighting for the overnight work be directed away from windows of *The Howard*.
- Public hearing is closed
- Cole Martin, representing the applicant - CDI Contractors, LLC, shares additional details on the quantity and frequency of overnight concrete pours which would be allowed through the proposed conditional use permit (35 pours over a 1-year period, with overnight pours occurring once every 10-12 days).
- Mr. Martin confirms that he is able to share a construction schedule with Mrs. Gahagans to be provided to Howard residents, also explains the traffic, supply chain, and site conditions which necessitate work being done during overnight hours.
- Mike Trulove, also representing CDI Contractors, LLC, provides further detail on the lighting to be used during construction and reiterates that his team will work with the community nearby to adjust lighting as needed.

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

* indicates item requires public hearing

- At the request of the Commission, the following conditions of approval were added to this conditional use permit:
 1. *Contractor shall provide a minimum of 72 hours' notice to adjacent property owners prior to each overnight concrete pour with notice to the manager of The Howard being considered sufficient notice for residents of that facility*
 2. *All associated job site lighting shall be directed away from adjacent residential properties*
- The Conditional Use Permit is approved, with additions, 7-0

3. Walnut Farm Montessori School

Conditional Use Permit*

4206, 4208 and 4210 East Central Avenue ([CU23-0026](#))

Educational Facility in R-1 zoning district.

- Mr. Adler provides an overview of the staff report for the item
- Chairman Sanders opens a public hearing for the item
- Molly Pace of Ecological Design Group, representing the applicant, states the applicant's reasoning for the request being that the school has existed since the 90's and is now undergoing a long-needed building expansion. This permit is needed for an associated large scale development, previously approved by the commission, to be permitted and completed on the school's campus.
- Public hearing is closed
- Conditional use permit is approved 7-0

IV. Other Business

1. Implementing CivicClerk

- *This item was discussed between the Commission and City Staff during the technical review meeting.*

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

* indicates item requires public hearing

LOT SPLIT STAFF REPORT



Lots 15 & 16, Block 6 of Railroad Addition

207 Southeast B Street

PC Date: 9/5/2023

Reviewer: Keegan Stanton, Senior Planner, AICP

Project Number	LS23-0038
Applicant / Current Owner	Nick Rumancik/Heather & William Ayers
Site Area	+/-0.56 acres
Current Zoning	DN-3, Downtown High Density Residential
Future Land Use Map Designation	Undesignated
Related Project's	None

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

Location Map



Property Description

This property is located at 207 Southeast B Street. It is currently zoned DN-3, Downtown High Density Residential and contains an existing single-family residence. Adjacent zoning includes DN-3, Downtown High Density Residential to the east, DE, Downtown Edge to the west, and R-1, Low-density Single-family Residential to the north and south.

Project Details

The applicant is proposing a lot split of an existing +/-0.56 acre lot that will create two new lots to be known as Lot 15 (+/-0.19 acres), and Lot 16 (+/-0.37 acres), Block 6 of Railroad Addition.

The plat would dedicate utility easements to serve the newly created lots. All requirements of the zoning and Land Development code are being met. No additional ROW is proposed to be dedicated per waiver request granted with previous lot split in 2014.

Waivers

There are no waivers associated with this project.

Analysis and Recommendation

This lot split meets the minimum standards of the Zoning and Land Development codes. Staff recommends approval of the lot split.

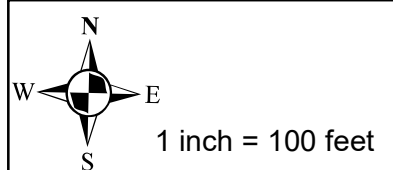
NOTES

- **Sidewalks.** Sidewalk installation will be the responsibility of individual lot owners at the time of building permit.



Legend

 Pending Planning Commission Items



**LS23-0038
LOT SPLIT
RAILROAD ADDITION
LOT 12 BLOCK 6 CREATING LOTS 15-16**



CITY NOTES:

1. ALL STRUCTURES MUST MAINTAIN MINIMUM OF 20' CLEARANCES FROM ALL ELECTRIC LINES.
2. BEUD'S STANDARD PRACTICE IS TO PLACE UNDERGROUND EQUIPMENT (TRANSFORMERS, SECONDARY PEDESTALS, JUNCTION BOXES, ETC) ON THE LOT LINE OF A DEVELOPMENT. ANY ADJUSTMENTS TO THE PROPERTY LINE THAT RESULT IN OUR EQUIPMENT NOT BEING ON THE LOT LINE WILL REQUIRE THE DEVELOPER TO PAY FOR THE COST OF BEUD TO RELOCATE THE EQUIPMENT TO THE LOT LINE.
3. OWNER TO CONTACT NEW SERVICE COORDINATOR (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.
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. OWNER/DEVELOPER SHALL COORDINATE WITH ALL LOCAL UTILITIES TO ENSURE THAT EACH LOT HAS WATER, SEWER AND ELECTRIC SERVICE.
6. THERE MAY NOT BE FENCES OR ANY OTHER STRUCTURES BUILT IN ANY DRAINAGE EASEMENTS.
7. SIDEWALKS SHALL BE THE RESPONSIBILITY OF THE BUILDER/OWNER AT TIME OF BUILDING PERMIT ISSUANCE

CERTIFICATE OF APPROVAL

PURSUANT TO THE BENTONVILLE SUBDIVISION REGULATION 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 _____
BENTONVILLE PLANNING COMMISSION
CHAIRMAN

SIGNED _____
MAYOR, CITY OF BENTONVILLE

SIGNED _____
CLERK, CITY OF BENTONVILLE

CERTIFICATE OF OWNERSHIP

I 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: _____

N & J FAMILY PROPERTIES LLC

CERTIFICATE OF SURVEYING ACCURACY

I, MATTHEW JAMES, 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: _____

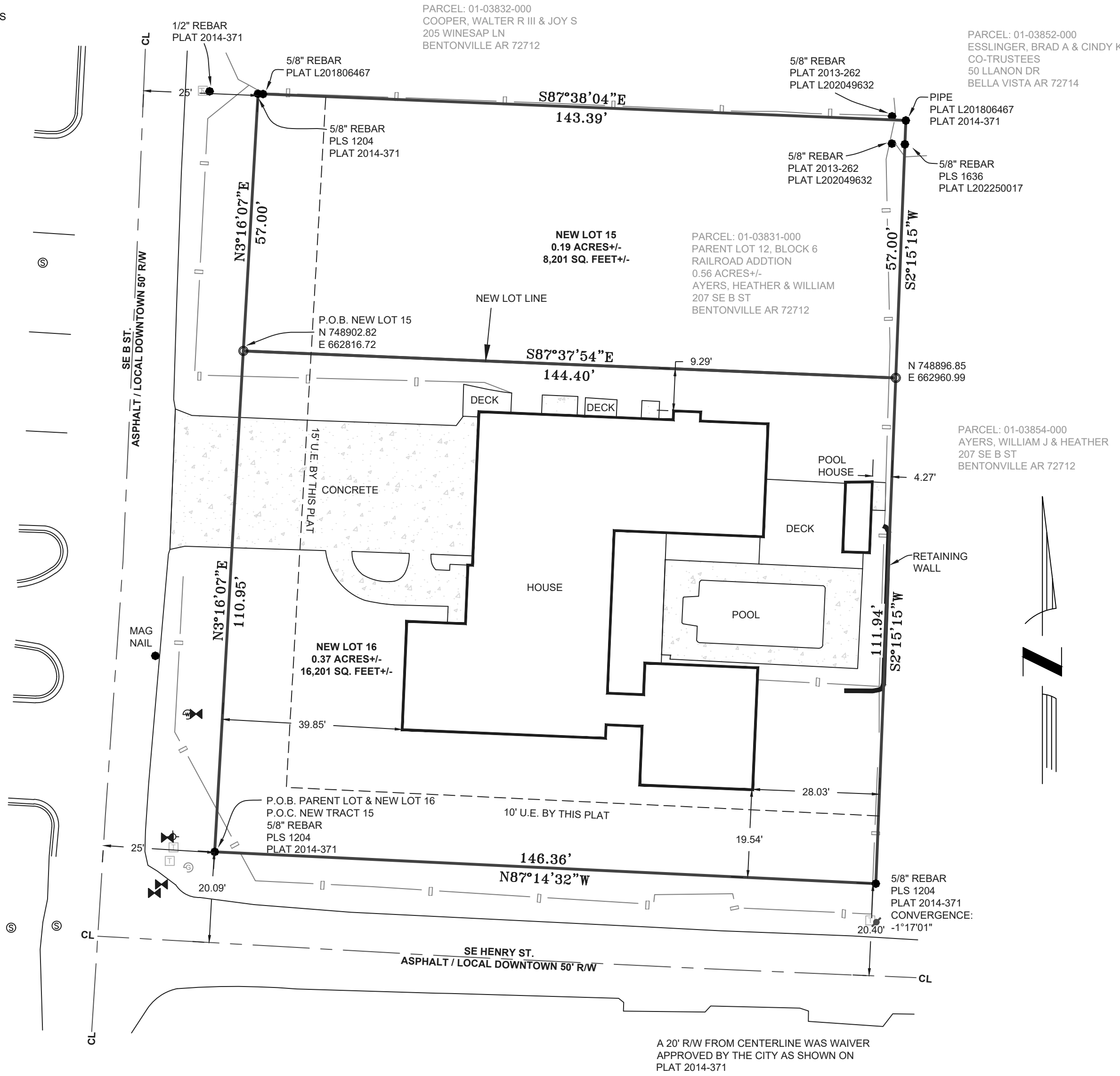
REGISTERED LAND SURVEYOR

NO. 1845

STATE OF ARKANSAS

PARENT LOT DESCRIPTION:

LOT 12, BLOCK 6, RAILROAD ADDITION TO THE CITY OF BENTONVILLE, ARKANSAS AS SHOWN IN PLAT RECORD 2014 AT PAGE 371 OF THE BENTON COUNTY RECORDS.



SCALE: 1" = 20'

NEW LOT 15 DESCRIPTION:

PART OF LOT 12, BLOCK 6, RAILROAD ADDITION TO THE CITY OF BENTONVILLE, ARKANSAS AS SHOWN IN PLAT RECORD 2014 AT PAGE 371 OF THE BENTON COUNTY RECORDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

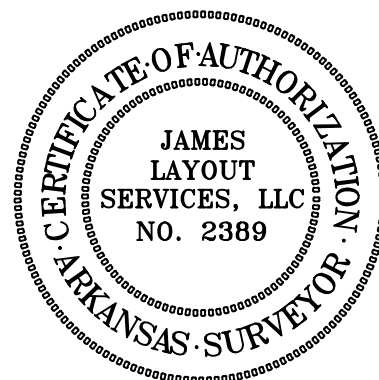
COMMENCING AT A FOUND 5/8" REBAR PLS 1204 BEING THE SOUTHWEST (SW) CORNER OF LOT 12, BLOCK 6, RAILROAD ADDITION; THENCE NORTH 03°16'07" EAST A DISTANCE OF 110.95 FEET TO A SET 5/8" REBAR PLS 1845 BEING THE POINT OF BEGINNING; THENCE NORTH 03°16'07" EAST A DISTANCE OF 57.00 FEET TO A FOUND 5/8" REBAR PLS 1204; THENCE SOUTH 87°38'04" EAST A DISTANCE OF 143.39 FEET TO A FOUND PIPE; THENCE SOUTH 02°15'15" WEST A DISTANCE OF 57.00 FEET TO A SET 5/8" REBAR PLS 1845; THENCE NORTH 87°37'54" WEST A DISTANCE OF 144.40 FEET TO THE POINT OF BEGINNING CONTAINING 0.19 ACRES OR 8,201 SQUARE FEET MORE OR LESS. SUBJECT TO ANY EASEMENTS OR RIGHTS-OF-WAY OF RECORD OR FACT.

NEW LOT 16 DESCRIPTION:

PART OF LOT 12, BLOCK 6, RAILROAD ADDITION TO THE CITY OF BENTONVILLE, ARKANSAS AS SHOWN IN PLAT RECORD 2014 AT PAGE 371 OF THE BENTON COUNTY RECORDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND 5/8" REBAR PLS 1204 BEING THE SOUTHWEST (SW) CORNER OF LOT 12, BLOCK 6, RAILROAD ADDITION; THENCE NORTH 03°16'07" EAST A DISTANCE OF 110.95 FEET TO A SET 5/8" REBAR PLS 1845; THENCE SOUTH 87°37'54" EAST A DISTANCE OF 144.40 FEET TO A SET 5/8" REBAR PLS 1845; THENCE SOUTH 02°15'15" WEST A DISTANCE OF 111.94 FEET TO A FOUND 5/8" REBAR PLS 1204; THENCE NORTH 87°14'32" WEST A DISTANCE OF 146.36 FEET TO THE POINT OF BEGINNING CONTAINING 0.37 ACRES OR 16,201 SQUARE FEET MORE OR LESS. SUBJECT TO ANY EASEMENTS OR RIGHTS-OF-WAY OF RECORD OR FACT.

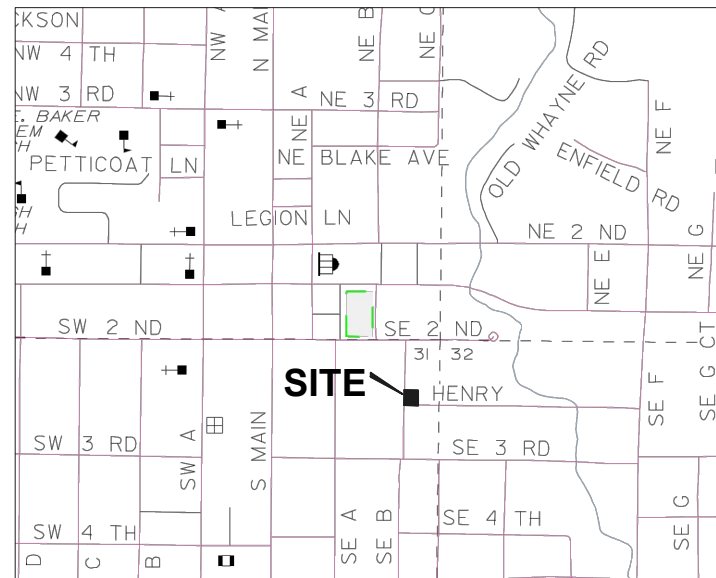
CITY PROJECT: #LS23-0038



Lot Split of Lot 12, Block 6 Railroad Addition
Creating Lot 15 & 16, Block 6 Railroad Addition

JLS

James Layout Services, LLC
P.O. Box 611
Farmington, Arkansas 72730
Telephone: (479) 439-9929
survey@jlsnwa.com



Vicinity Map
N.T.S.

Notes:

1. 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 possible easements which were visible at the time of making of this survey; 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.
2. 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.
3. This plat represents a boundary survey of the parcel recorded in Plat Records, Book 2014, Page 371 at the Office of the Circuit Clerk Benton County, Arkansas.
4. The contractor must determine that proposed structures are clear of all boundary lines, easements, and meet building setback requirements before construction begins.
5. Basis of Bearings: Arkansas State Plane System North Zone (NAD83).
6. This survey is valid only if the drawing includes the seal and signature of the surveyor.
7. This survey meets current "Arkansas Minimum Standards for Property Boundary Surveys and Plats."
8. No abstract of title, nor title commitment, nor results of title searches were furnished to the surveyor. There may exist other documents of record which would affect this parcel.
9. Declaration is made to the original purchaser of the survey and is not transferable to any additional institutions or subsequent owners.
10. This property is zoned DN-3.
11. 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.
12. No attempt was made to show building setback lines graphically on the survey.
13. Subsurface and environmental conditions were not examined nor considered a part of this survey.
14. No attempt has been made as a part of this boundary survey to obtain or show data concerning existence, size, depth, condition, capacity, or location of any utility or facilities.
15. (BY GRAPHICAL PLOTTING ONLY)
This property is not located within any presently established 100-year flood plain as determined by the National Flood Insurance Program, flood insurance rate map for Benton County, Arkansas. Map Number 05007C0255K. Revised date June 5, 2012.

Recording Information
Job Number: 23-129 split
Field Work: A.S.
Drawn By: N.R.
Checked By: M.J.
Certificate of Authorization Arkansas Land Surveyor No. 2389
Date: 6/27/2023
Scale: 1"=20'
Basis of Bearings:(NAD83) Arkansas State Plane North Zone

LEGEND	MONUMENT FOUND (AS NOTED) MONUMENT SET (AS NOTED) AHTD P.O.W. MONUMENT BENCHMARK GUARD POST UTILITY POLE TELEPHONE RISER FIBER OPTIC TELEPHONE RISER ELECTRICAL RISER
CABLE RISER TRAFFIC SIGNAL SIGN WATER METER WATER VALVE FIRE HYDRANT GAS METER DRAINAGE MANHOLE	RECORD DISTANCE RECORD BEARING SANITARY SEWER MANHOLE DECIDUOUS TREE EVERGREEN TREE
GAS LINE TELEVISION CABLE PROPERTY LINES BUILDING SETBACK UTILITY POLE (WITH GUY WIRE)	TREE LINE WOOD FENCE CHAIN LINK FENCE WIRE FENCE PAINTED STRIPE TELEPHONE LINE EXISTING WATER LINE OVERHEAD ELECTRIC LINE UNDERGROUND ELECTRIC LINE

ORDINANCE NO. _____

**AN ORDINANCE ACCEPTING A PROPERTY LINE ADJUSTMENT OF EXISTING
LOT 12, BLOCK 6 OF RAILROAD ADDITION; CREATING NEW LOTS 15 AND 16,
BLOCK 6 OF RAILROAD ADDITION TO THE CITY OF BENTONVILLE,
ARKANSAS; AND FOR OTHER PURPOSES.
(PROJECT NUMBER: LS23-0038)**

WHEREAS, pursuant to the provisions of the Land Development Code of the Bentonville Municipal Code, the property line adjustment of EXISTING LOT 12, BLOCK 6 OF RAILROAD ADDITION creating new LOTS 15 AND 16, BLOCK 6 OF RAILROAD ADDITION the City of Bentonville, Benton County, Arkansas was submitted to the Bentonville Planning Commission on September 5, 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 EXISTING LOT 12, BLOCK 6 OF RAILROAD ADDITION 2ND ADDITION, creating new LOTS 15 AND 16, BLOCK 6 OF RAILROAD 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

REZONING STAFF REPORT



O'Malley

901 Northeast 2nd Street

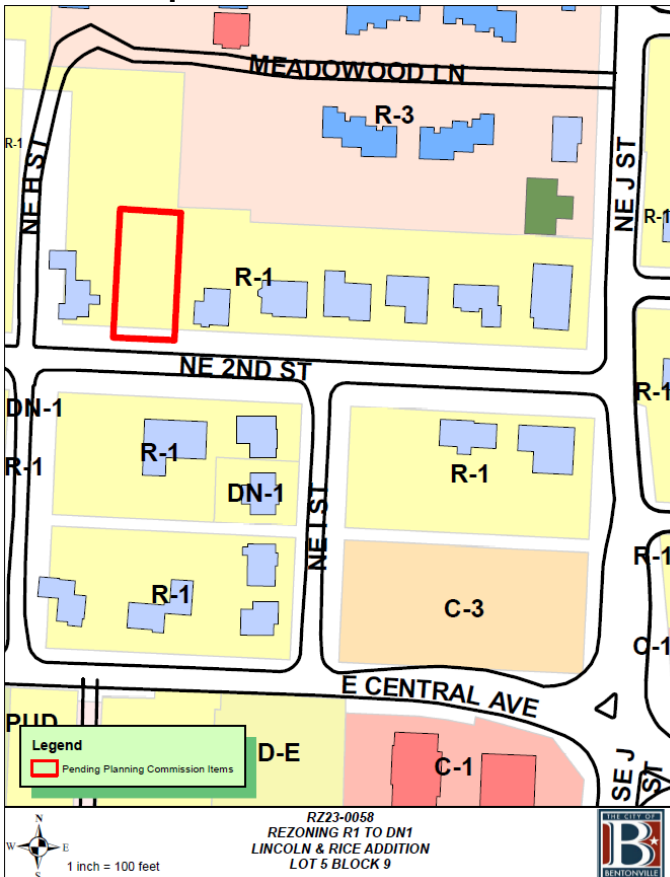
PC Date: 9/5/2023

Reviewer: Jon Stanley, Senior Planner, ASLA, APA

Project Number	RZ23-0058
Applicant / Current Owner	O'Malley Family Trust
Site Area	+/- 0.26 acres
Current Zoning	R-1, Single Family Residential
Requested Zoning	DN-1, Downtown Low-Density Residential
Current Future Land Use Map Designation	Low Density Residential (LDR)
Related projects	LS23-0045

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

Location Map



Property Description

This property is in the 900 Block of Northeast 2nd Street. It is currently zoned R-1, Single Family Residential and is currently undeveloped. Adjacent zonings are all R-1, Single Family Residential. There is a property zoned DN-1 on NE I Street one block to the east.

Relationship to the General Plan

The Future Land Use Plan depicts this property as Low Density Residential (LDR) and is surrounded by properties classified as Low Density Residential (LDR) on the future land use plan.

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.

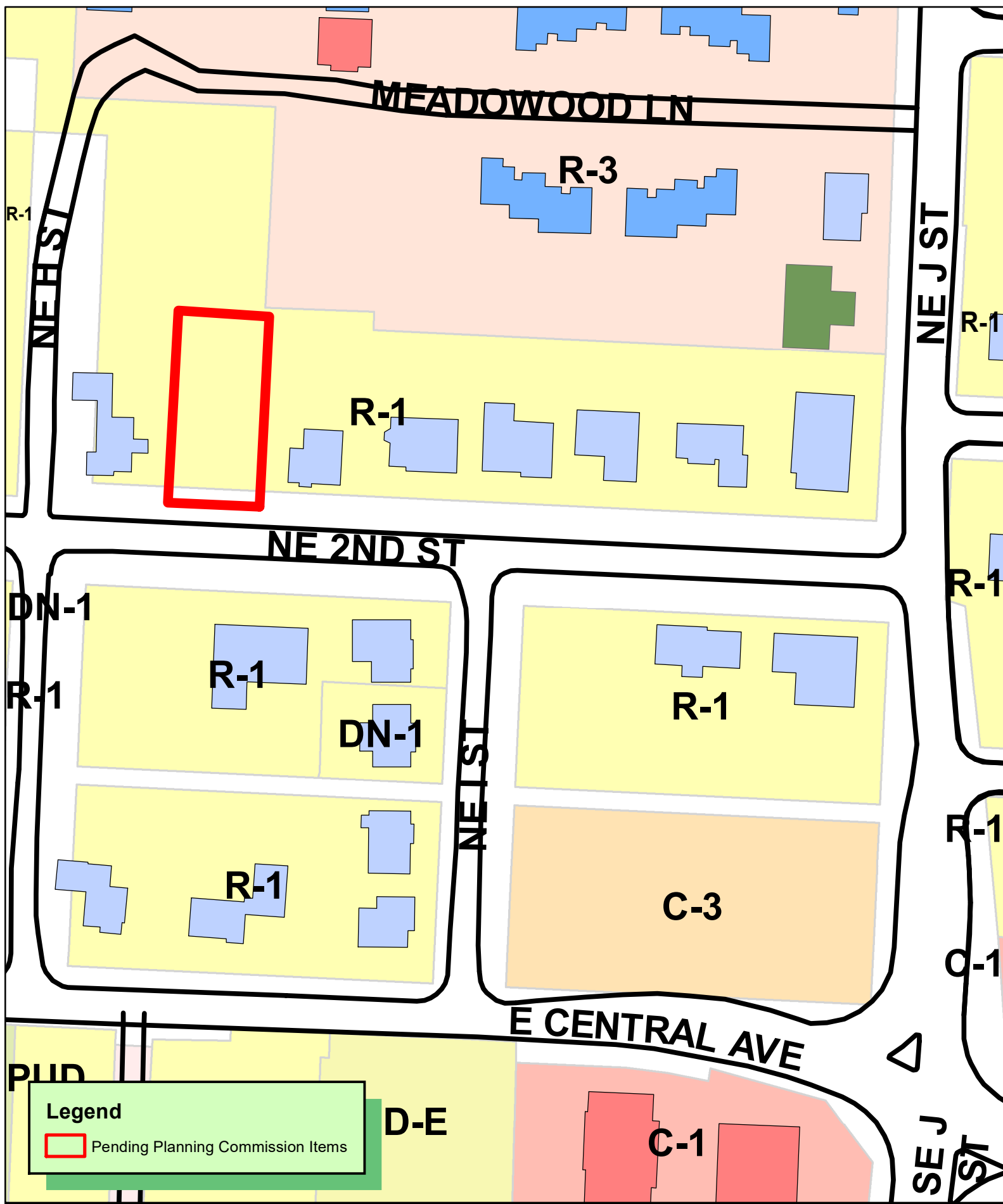
Analysis

The intent of the DN-1 district is to preserve the established development pattern of portions of the downtown neighborhoods that are predominantly single-family with lots generally larger than 60 feet in width.

The proposed zoning of DN-1 is consistent with the Future Land Use Plan for this area and is compatible with the surrounding development patterns within this area of the city which lends additional support to the requested change.

Conclusion

This request is consistent with the Future Land Use Plan, and it is consistent with the uses of the surrounding zoning districts and development patterns. Staff recommends approval of the rezoning request.



Legend

Pending Planning Commission Items

N
W E
S

1 inch = 100 feet

RZ23-0058
REZONING R1 TO DN1
LINCOLN & RICE ADDITION
LOT 5 BLOCK 9

THE CITY OF
B
 BENTONVILLE
 MAY 12, 2024

Narrative NE 2nd St Rezone

Current zoning R1 & proposed zoning DN1. Chad O'Malley wishes to rezone property to align with the area of downtown Bentonville. Home will have garage parking in the back.

Reason: Align with the area of downtown Bentonville

Statement: Home layout with parking in the rear of home will be like other properties on street that have been recently built or are currently being built.

Use: Personal residence

Traffic: Personal traffic of single family home

Signage: NA

Appearance: Modern new construction home similar to new builds in the area

Availability: Water and sewer is available at the street (geo.bentonvillear.com site unavailable)

RECORD DESCRIPTION

PARENT TRACT (FILE 02026699) APN:
LOTS 3 AND 4, BLOCK 9, LINCOLN AND RICE ADDITION, BENTONVILLE, BENTON COUNTY,
ARKANSAS, AS SHOWN IN PLAT RECORD "B" AT PAGE 101

SURVEY DESCRIPTION

LOT 5:
BEING THE SOUTH HALF OF LOT 3, BLOCK 9, LINCOLN AND RICE ADDITION, BENTONVILLE,
BENTON COUNTY, ARKANSAS, AS SHOWN IN PLAT RECORD "B" AT PAGE 101, BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A FOUND 1/2" REBAR BEING THE SOUTHEAST CORNER OF LOT 3, BLOCK 9,
ALSO BEING A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF NORTHEAST 2ND STREET,
THENCE ALONG SAID RIGHT-OF-WAY N87°06'24"W 75.05' TO A SET 5/8" REBAR; THENCE
LEAVING SAID RIGHT-OF-WAY N02°23'58"E 150.17' TO A SET 5/8" REBAR; THENCE S87°14'08"E
75.03' TO A SET 5/8" REBAR; THENCE S02°23'25"W 150.34' TOT HE POINT OF BEGINNING,
CONTAINING 0.259 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHT-OF-WAYS OR
RECORD.

LOT 6:
BEING THE NORTH HALF OF LOT 3 AND ALL OF LOT 4, BLOCK 9, LINCOLN AND RICE ADDITION,
BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN IN PLAT RECORD "B" AT PAGE 101,
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A FOUND 5/8" REBAR BEING THE SOUTHWEST CORNER OF LOT 4, BLOCK 9,
ALSO BEING THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF NORTHEAST
2ND STREET AND THE EASTERLY RIGHT-OF-WAY LINE OF NORTHEAST "H" STREET, THENCE
ALONG SAID RIGHT-OF-WAY OF NORTHEAST "H" STREET N02°24'31"E 300.00' TO A SET 5/8"
REBAR; THENCE S87°21'53"E 150.00' TO A FOUND 5/8" REBAR; THENCE S02°23'25"W 150.34' TO A
SET 5/8" REBAR; THENCE N87°14'08"W 75.03' TO A SET 5/8" REBAR; THENCE S02°23'58"W 150.17'
TO A SET 5/8" REBAR ON THE NORTHERLY RIGHT-OF-WAY OF NORTHEAST 2ND STREET;
THENCE ALONG SAID-RIGHT-OF-WAY N87°06'24"W 75.05' TO THE POINT OF BEGINNING,
CONTAINING 0.776 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHT-OF-WAYS OF
RECORD.

ZONING INFORMATION

CURRENT ZONING: "R-1"

SETBACK REQUIREMENTS:
FRONT - 20'
INTERIOR SIDE - 7'
EXTERIOR SIDE- 20'
REAR - 25'

MISCELLANEOUS NOTES

COMPLETED FIELD WORK:

AUGUST 30, 2022

REFERENCE DOCUMENTS:

1. WARRANTY DEED FILED IN FILE 02026699.
2. SURVEY PLAT FILED IN PLAT BOOR P4 AT PAGE 498.

BASIS OF BEARING:

THE BASIS OF BEARING OF THIS SURVEY IS GRID NORTH, BASED ON
ARKANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE NAD83.

SOME FEATURES SHOWN ON THIS PLAT MAY BE SHOWN OUT OF SCALE
FOR CLARITY.

DIMENSIONS ON THIS PLAT ARE EXPRESSED IN FEET AND DECIMAL PARTS
THEREOF UNLESS OTHERWISE NOTED. MONUMENTS WERE FOUND AT
POINTS WHERE INDICATED.

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS
SURVEY DOES NOT PURPORT TO REFLECT OF ANY OF THE FOLLOWING
WHICH MAY BE APPLICABLE TO THE SUBJECT PROPERTY: EASEMENTS,
OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF
SURVEY; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS OR
OTHER LAND USE REGULATIONS; AND ANY OTHER FACTS WHICH AN
ACCURATE TITLE SEARCH MAY DISCLOSE.

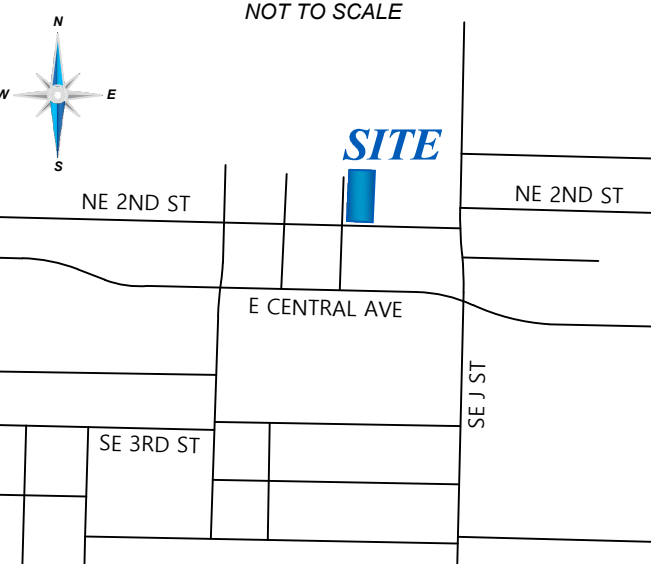
FLOOD ZONE INFORMATION

BY GRAPHIC PLOTTING ONLY, NO PORTION OF THIS PROPERTY IS IN
ZONE "A" OR "AE" OF THE FLOOD INSURANCE RATE MAP,
COMMUNITY PANEL NO. 05007C0255K, WHICH BEARS AN EFFECTIVE
DATE OF 6/05/2012 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.

UTILITY INFORMATION

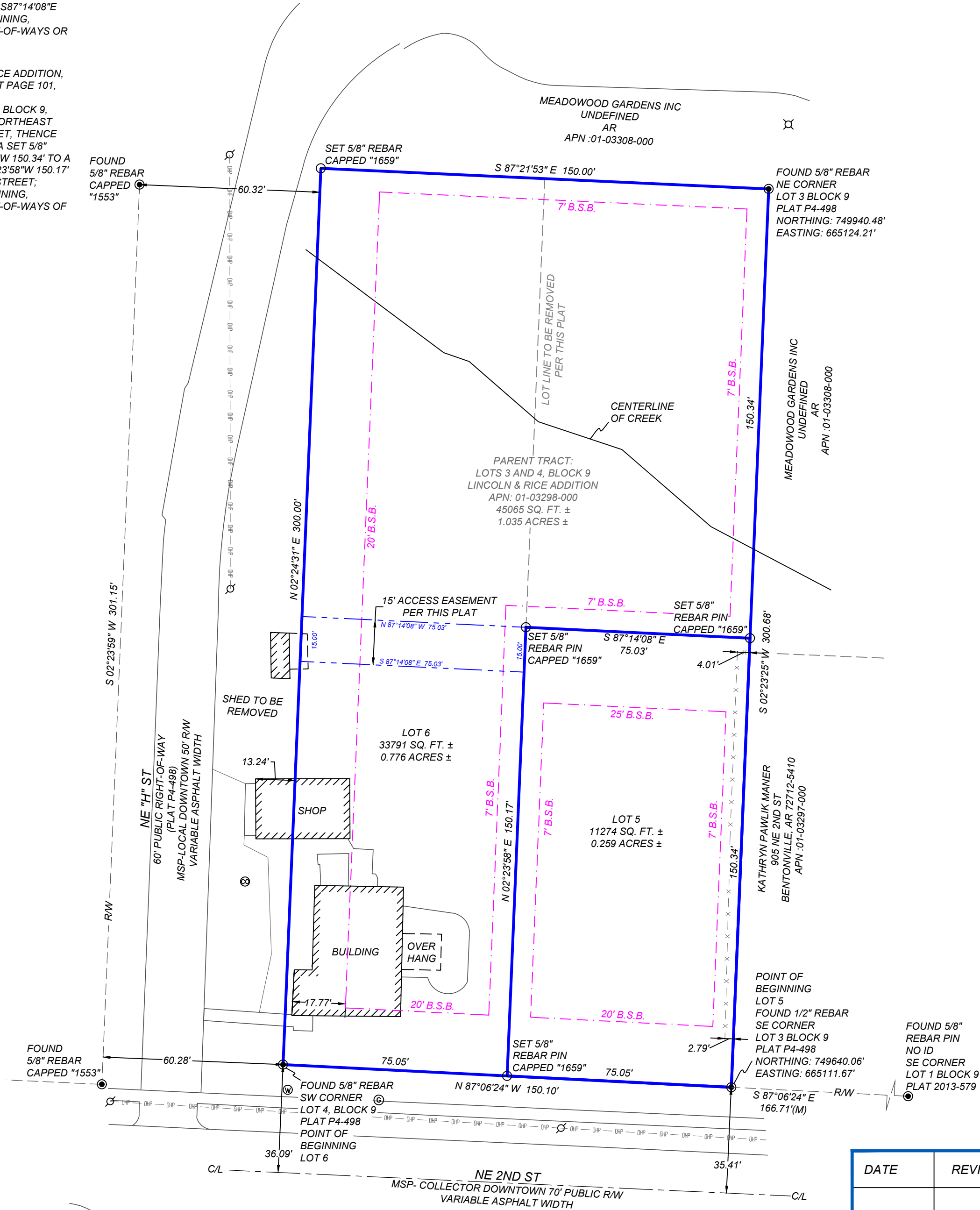
THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED
EVIDENCE OF ABOVE GROUND APPURTENANCES ONLY. THE
SURVEYOR WAS NOT PROVIDED WITH UNDERGROUND PLANS OR
SURFACE GROUND MARKINGS TO DETERMINE THE LOCATION OF
ANY SUBTERRANEAN USES.

VICINITY MAP



REPLAT OF LOTS 3 & 4, BLOCK 9
OF LINCOLN & RICE ADDITION
CREATING LOTS 5 & 6

901 NE 2ND ST., BENTONVILLE, ARKANSAS
BENTON COUNTY



CERTIFICATE OF OWNER:

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

SOURCE OF TITLE: D.R. _____ PAGE _____

CERTIFICATE OF SURVEYING ACCURACY:

I, WILLIAM G. GAGNER, 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

WILLIAM G. GAGNER
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. AR. 1659
STATE OF ARKANSAS

CERTIFICATE OF FINAL APPROVAL:

PURSUANT TO THE BENTONVILLE SUBDIVISION REGULATIONS
AND ALL OTHER CONDITIONS AND APPROVAL HAVING BEEN
COMPLETED, THIS DOCUMENT IS HEREBY ACCEPTED. THIS
CERTIFICATE IS HEREBY EXECUTED UNDER THE AUTHORITY OF
THE SAID RULES AND REGULATIONS.

DATE OF EXECUTION: _____

SIGNED: _____

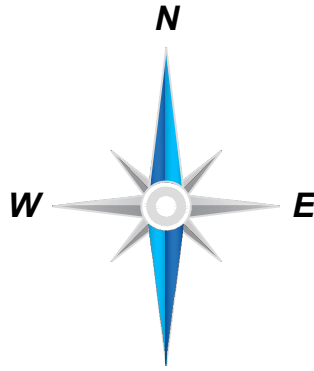
PLANNING REPRESENTATIVE

SIGNED: _____

MAYOR CITY OF BENTONVILLE

SIGNED: _____

CITY CLERK, CITY OF BENTONVILLE

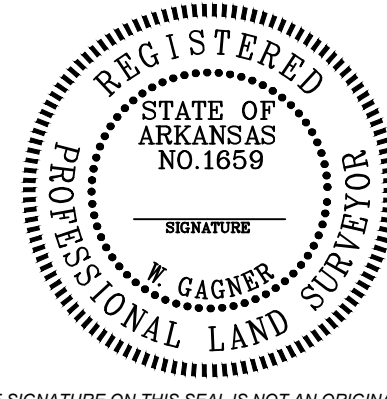
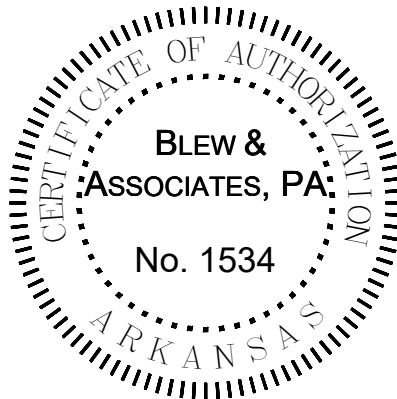


1" = 30'
GRAPHIC SCALE
0 15' 30' 60'

LEGEND & SYMBOLS

- FOUND MONUMENT (AS NOTED)
- SET MONUMENT (AS NOTED)
- ⊕ COMPUTED POINT
- ⊗ LIGHT POLE
- ⊙ WATER METER
- ⊕ GAS METER
- ⊕ SANITARY CLEANOUT
- ⊗ POWER POLE
- BOUNDARY LINE
- - - RIGHT-OF-WAY LINE (R/W)
- - - CENTERLINE (C/L)
- x - x - x - FENCE LINE
- OP - OP - OP - OVERHEAD POWER LINE
- - - - - SETBACK LINE (B.S.B.)
- - - - - EASEMENT LINE

I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT
TO THE BEST OF MY KNOWLEDGE AND BELIEF
ON THIS THE 31ST DAY OF AUGUST, 2022.



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.

SHEET 1 OF 1

DATE	REVISION HISTORY	BY

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: 22-7870	SURVEY DRAWN BY: AJO - 8/31/2022
SURVEY REVIEWED BY: TPN	SCALE: 1" = 30'
FOR THE USE AND BENEFIT OF: CHAD O MALLEY	

**AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE,
ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF R-1, LOW
DENSITY SINGLE FAMILY RESIDENTIAL TO DN-1, DOWNTOWN LOW-DENSITY
RESIDENTIAL; AND FOR OTHER PURPOSES.
(PROJECT NUMBER: RZ23-0058)**

WHEREAS, Chad O' Malley 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 R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-1, DOWNTOWN LOW-DENSITY RESIDENTIAL to be used in accordance with city zoning laws and state laws, which property is described as follows:

REPLAT 12/07/2022 L202275902; LOT 5, BLOCK 9, LINCOLN & RICE ADD BENTONVILLE,
BENTON COUNTY, AR;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held September 5, 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 R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-1, DOWNTOWN LOW-DENSITY 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 R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-1, DOWNTOWN LOW-DENSITY 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:

Stephanie Orman, Mayor

ATTEST:

Kirby Romines, City Clerk

REZONING AND LAND USE MAP AMENDMENT STAFF REPORT



Brewer & McDonald

Lake Street and Northeast Monroe Street

PC Date: 9/5/2023

Reviewer: Jon Stanley, Senior Planner, ASLA, APA

Project Number	RZ23-0060
Applicant / Current Owner	Brewer & McDonald
Site Area	+/- 0.22 Acres
Current Zoning	R-1, Low Density Single Family Residential
Requested Zoning	DN-3, Downtown High Density Residential
Future Land Use Map Designation	Medium-Density Residential (MDR)
Future Land Use Map Requested	High-Density Residential (HDR)

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

Property Description

This property is located on the northwest corner of the intersection of Northeast Monroe Street and Lake Street, and is currently zoned R-1, Low Density Single Family Residential with a future land use designation of Medium-Density Residential (MDR). Adjacent zoning districts are all either R-1, Low-Density Single Family Residential or DN-2, Downtown Medium-Density Residential. The property is adjacent to two local downtown streets that are both unimproved to the City's Master Street Plan requirements.

Relationship to the Bentonville Community Plan

The Future Land Use Plan currently shows this property as Medium-Density Residential (MDR), in which the proposed rezoning of DN-3 is NOT compatible. In addition to rezoning the property, the applicant also requests an amendment to the Future Land Use Plan to High-Density Residential (HDR).

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

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

This property is located within Priority Area 1, Downtown Intensification, as identified in Chapter 4 of the Bentonville Community Plan. This area highlights reinvestment in urban neighborhoods in and around Downtown Bentonville.

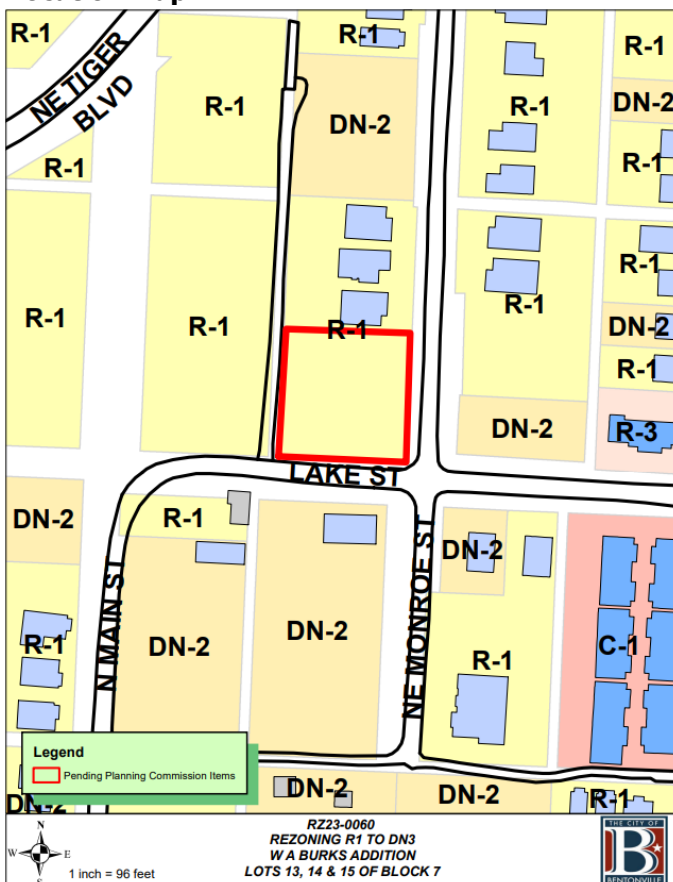
Public Comment

Staff has not received public comment on this item at the time of writing this staff report.

Analysis

The requested DN-3 zoning designation 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. This request is NOT consistent with the Future Land Use Map or the Zoning District Alignment Policy which states that property in Priority Area 1: Downtown Intensification with a Future Land Use

Location Map

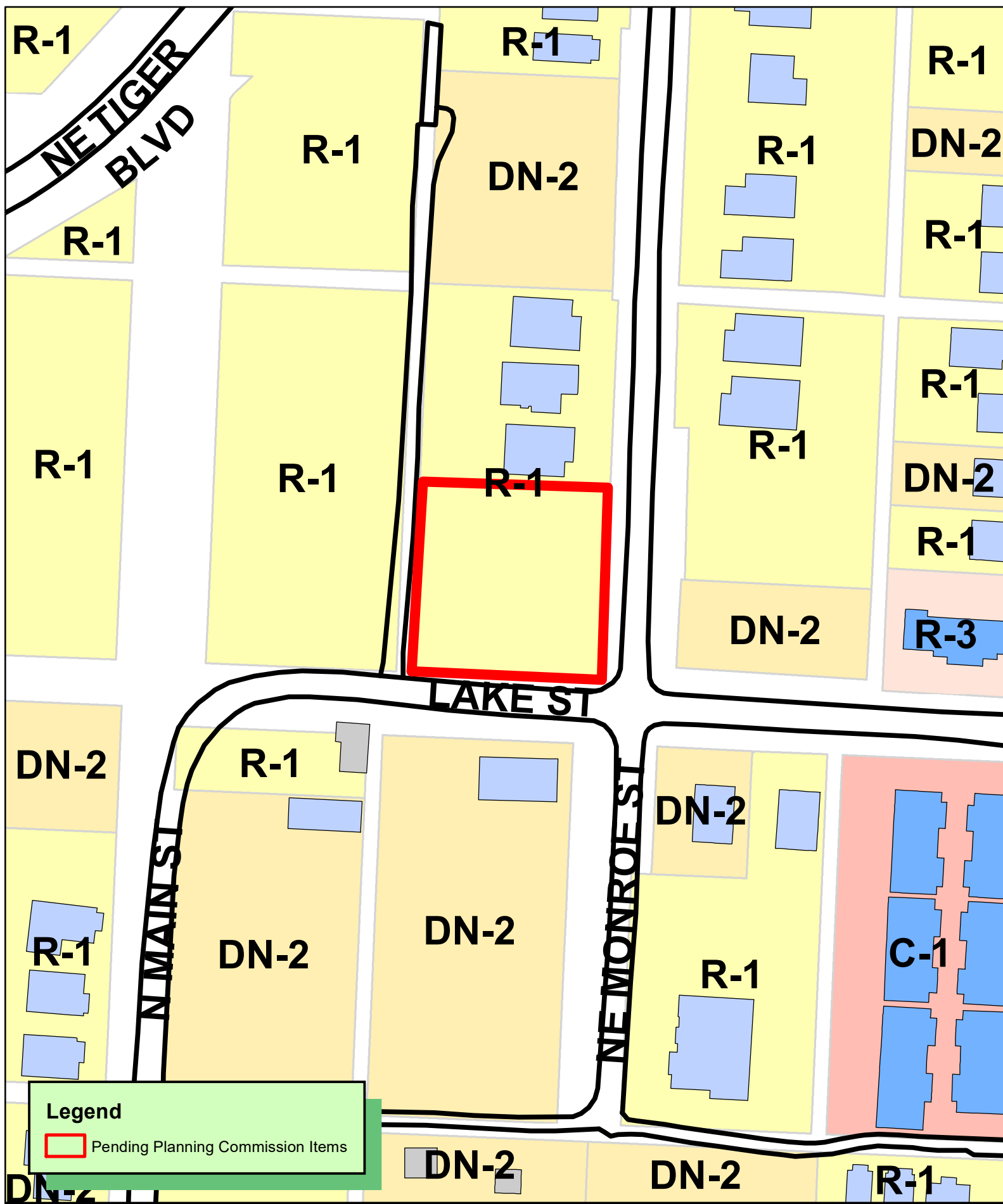


REZONING AND LAND USE MAP AMENDMENT STAFF REPORT

Classification of Medium Density Residential should be zoned DN-2, Downtown Medium- Density Residential or PRD, Planned Residential Development.

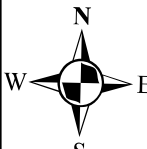
Conclusion

This rezoning request is NOT consistent with the Future Land Use Plan or the vision of growth and development for this area of the city. Additionally significant improvement would have to be done for any type of commercial property to be viable in this area. Staff does not support this rezoning request due to its incompatibility with the Future Land Use Plan, the Bentonville Community Plan and the surrounding existing uses, context, and scale within the neighborhood.



Legend

 Pending Planning Commission Items


1 inch = 96 feet

RZ23-0060
REZONING R1 TO DN3
W A BURKS ADDITION
LOTS 13, 14 & 15 OF BLOCK 7


Page 1 of 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
* ALSO LICENSED IN MISSOURI

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

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

July 26, 2023

City of Bentonville
Planning and Community Development
305 SW A St.
Bentonville, AR 72712

RE: Rezoning Parcel No. 01-04569-000 from R-1 to DN-3

Dear Planning Staff:

My name is Will Kellstrom and I have been retained to assist the applicants, Bryan Brewer and Laura Brewer, with respect to this rezoning request. The applicant is requesting that the property, Parcel No. 01-04569-000 (hereinafter "the Property"), be rezoned from R-1, Low Density Single Family Residential to DN-3, Downtown High Density Residential.

The Property is currently designated as Medium-Density Residential on the Future Land Use Plan, which accommodates for a zoning of DN-2. Therefore, an amendment to the Future Land Use Map, to a designation of High-Density Residential is necessary for this rezoning.

I. Future Land Use Map Amendment.

This is one of the few lots in this neighborhood which is undeveloped, and is large enough to accommodate multi-family housing. Therefore, this lot is a good place for context-appropriate density. This neighborhood is largely dominated by large single family homes, and has little to no variety of housing. A Future Land Use Map amendment to High Density Residential would allow for a zoning of DN-3, which would allow for moderately increased density, and a greater diversity of housing and residents in this neighborhood.

II. Rezoning.

The Applicant would like to rezone the Property to DN-3 in order to open up for the possibility of building multi-family on the subject property. The property is at the intersection of Lake St. and Monroe St. which is already zoned DN-2 on all corners. A moderate increase in capacity would be compatible with surrounding properties for this reason. It is unlikely that this would set any sort of precedent, because, as stated above, there are few lots of this size which are

actually suitable for multifamily development. Further, this zoning would accommodate for missing middle housing.

Any increase in traffic would be commensurate with recent redevelopment in the neighborhood, no signage is contemplated, the development will conform to Bentonville's Downtown Design codes, and sewer and water are both available on Park St. and Lake St.

Thank you for considering this request for rezoning. If you have any questions, please 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:

NOTICE OF INTENT TO REZONE

Bryan Brewer and Laura Brewer has requested the Bentonville Planning Commission to set a public hearing date to consider rezoning the following property from R-1, Low Density Single-Family Residential to DN-3, Downtown High Density Residential

The legal description of the property is as follows:

See attached.

The common description of the property is: 107 Lake St.

The public hearing will be held September 5th, 2023 at 5:00 p.m. It will be held at 305 S.W. "A,, Street.

This notification is in response to the requirement that all property owners within 200 feet of said property must be notified. If you wish to express any comments about the requested rezoning, you may respond by the following methods:

- 1. Attend the public hearing and express your views.
- 2. Express your opinion in writing to the Planning Commission. You may mail this or deliver it to the City of Bentonville Planning Department, 305 SW A Street, Bentonville, AR 72712.
- 3. Use the bottom of this form to express your opinion by checking the appropriate box. (This may also be delivered or mailed to the above address.)

For more information, you may call the Planning Department at (479)271-3122.

I/We have received notice of the public hearing for the rezoning of the above described property and:

- ☐ I / we have no objections to the rezoning.
- ☒ I / we object to the rezoning because:

Do NOT WANT MULTI-FAMILY STRUCTURES IN NEIGHBORHOOD.

Bryan Brewer
Signature and Physical Address 202 LAKE ST. BENTONVILLE, AR 72712

Signature and Physical Address

RESOLUTION NO. _____

**A RESOLUTION AMENDING THE CITY OF BENTONVILLE FUTURE LAND USE
MAP FOR A SPECIFIC AREA FROM MEDIUM-DENSITY RESIDENTIAL TO HIGH-
DENSITY RESIDENTIAL; AND FOR OTHER PURPOSES.
(PROJECT NUMBER: RZ23-0060)**

WHEREAS, Bryan and Laura Brewer 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 MEDIUM-DENSITY RESIDENTIAL to HIGH-DENSITY RESIDENTIAL, which property is described as follows:

LOTS 13, 14 AND 15 IN BLOCK 7 IN W.A. BURK'S ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN IN PLAT RECORD "A" AT PAGES 81 AND 119;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held September 5, 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 MEDIUM-DENSITY RESIDENTIAL to HIGH-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

**AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE,
ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF R-1, LOW
DENSITY SINGLE FAMILY RESIDENTIAL TO DN-3, DOWNTOWN HIGH DENSITY
RESIDENTIAL; AND FOR OTHER PURPOSES.
(PROJECT NUMBER: RZ23-0060)**

WHEREAS, Bryan & Laura Brewer 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 R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-3, DOWNTOWN HIGH DENSITY RESIDENTIAL to be used in accordance with city zoning laws and state laws, which property is described as follows:

LOTS 13, 14, AND 15 IN BLOCK 7 IN W.A. BURK'S ADDITION TO THE CITY OF BENTONVILLE,
BENTON COUNTY, ARKANSAS, AS SHOWN IN PLAT RECORD "A" AT PAGES 81 AND 119.;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held September 5, 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 R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-3, DOWNTOWN HIGH DENSITY 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 R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-3, DOWNTOWN HIGH DENSITY 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:

Stephanie Orman, Mayor

ATTEST:

Kirby Romines, City Clerk

REZONING STAFF REPORT



Brewer and McDonald

960 North Main Street

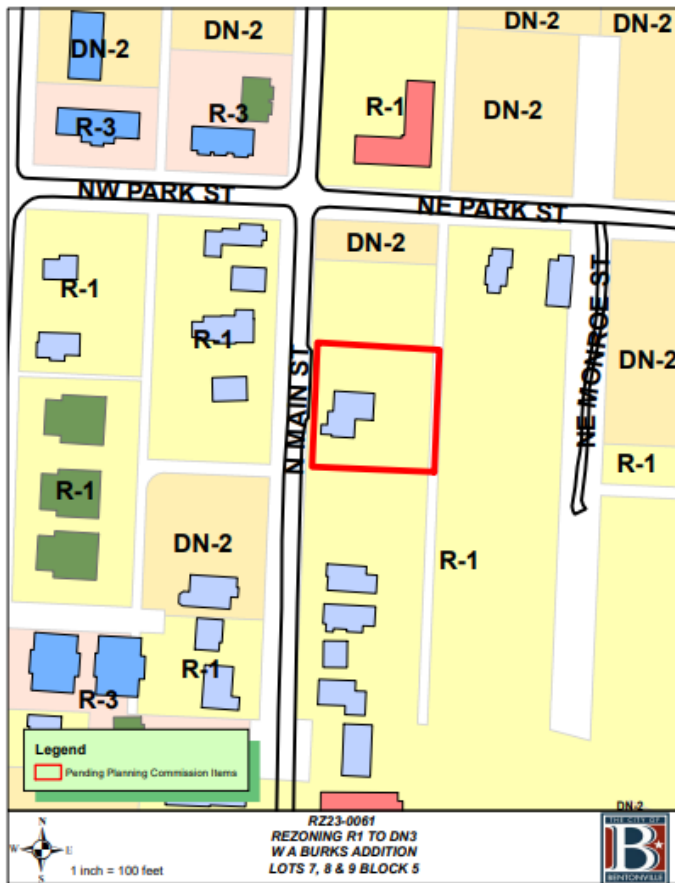
PC Date: 9/5/2023

Reviewer: Jon Stanley, Senior Planner, ASLA, APA

Project Number	RZ23-0061
Applicant / Current Owner	Bryan Brewer and Laura McDonald
Site Area	+/- 0.54 acres
Current Zoning	R-1, Single Family Residential
Requested Zoning	DN-2, Downtown Medium-Density Residential
Current Future Land Use Map Designation	Medium Density Residential (MDR)
Related projects	N/A

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

Location Map



Property Description

This property is located at 960 North Main Street. It is currently zoned R-1, Single Family Residential and contains an existing single-family residence. Adjacent zonings are all R-1, Single Family Residential, however the applicant has also submitted a rezoning request to rezone the adjacent parcel to the east to DN-2 Medium Density Downtown Residential as well. That request is item RZ23-0062 on this Planning Commission agenda.

Relationship to the General Plan

The Future Land Use Plan depicts this property as Medium Density Residential (MDR) and is surrounded Medium Density Residential (MDR) land use.

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

Public Comment

Staff has NOT received public comment regarding this request.

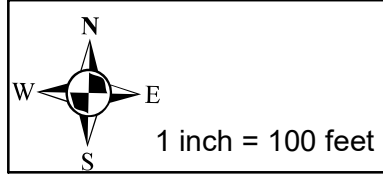
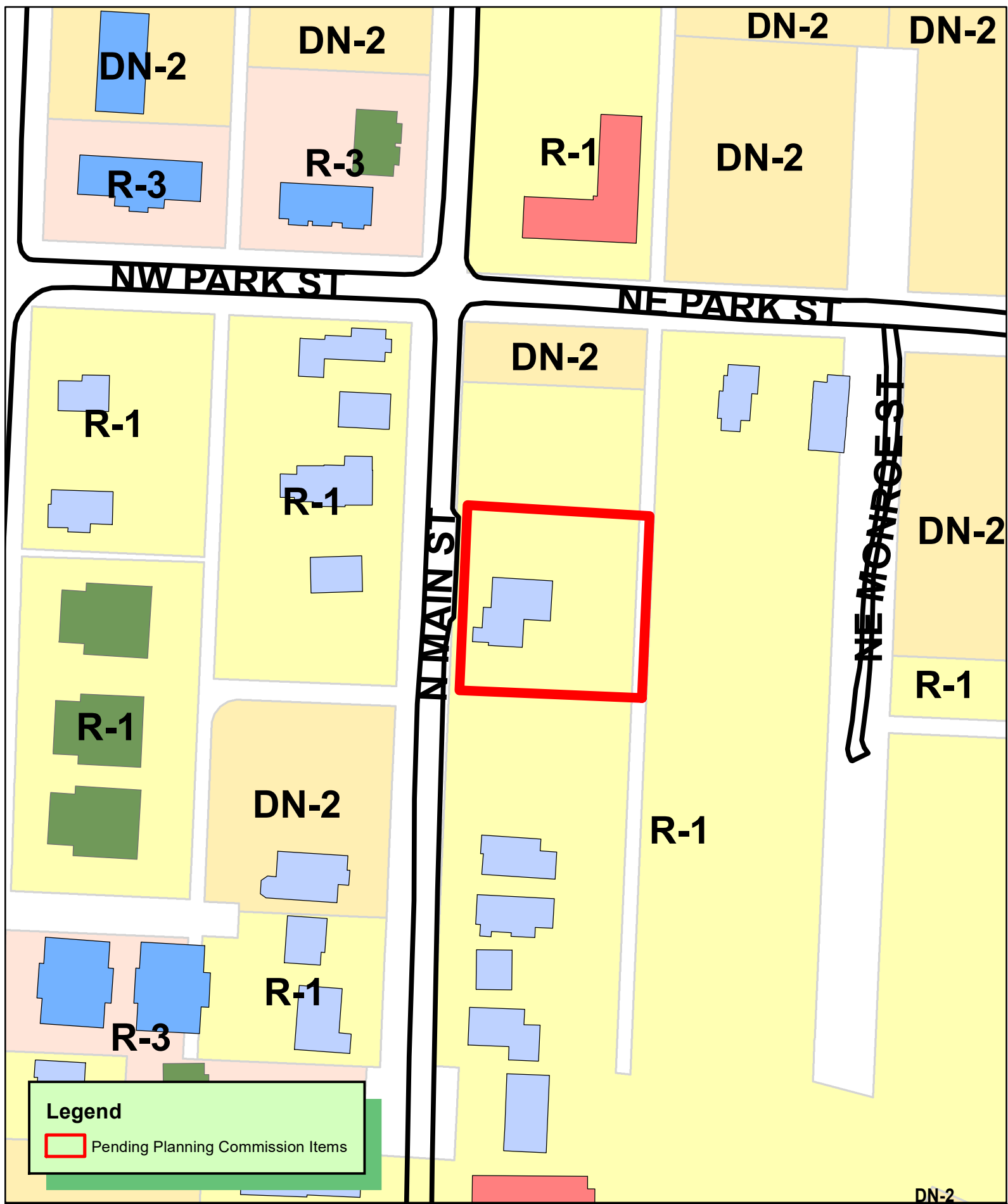
Analysis

The intent of the DN-2 district is to allow for an increased single-family density through small lot widths where alleys and infrastructure support such development and where small-lot single-family development provides an appropriate transition between large-lot residential areas and those of higher density. In some instances, such as the end of blocks, townhouses may be appropriate in this district.

The proposed zoning of DN-2 is consistent with the Future Land Use Plan and is compatible with the surrounding development patterns within this area of the city and support the requested change.

Conclusion

This request is consistent with the Future Land Use Plan, and it is consistent with the uses of the surrounding zoning districts and development patterns located within the vicinity. Staff recommends approval of this rezoning.



RZ23-0061
REZONING R1 TO DN3
W A BURKS ADDITION
LOTS 7, 8 & 9 BLOCK 5



**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
* ALSO LICENSED IN MISSOURI

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

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

July 26, 2023

City of Bentonville
Planning and Community Development
305 SW A St.
Bentonville, AR 72712

RE: Rezoning Parcel No. 01-04539-000 & 01-04540-000 from R-1 to DN-2

Dear Planning Staff:

My name is Will Kellstrom and I have been retained to assist the applicants, Bryan Brewer and Laura Brewer, with respect to this rezoning request. The applicant is requesting that the property, Parcel No. 01-04539-000 & 01-04540-000 (hereinafter "the Property"), be rezoned from R-1, Low Density Single Family Residential to DN-2, Downtown Medium-Density Residential.

The Property is currently designated as Medium-Density Residential on the Future Land Use Plan, which accommodates for a zoning of DN-2. Therefore, no amendment of the Future Land Use Map is necessary for this rezoning. The Applicant would like to rezone the Property to DN-2 in order make it conform with the Future Land Use Map, as well as to take advantage of the more modern regulations under the Downtown zoning codes. The Applicant has no immediate plans for redevelopment.

Generally speaking, the neighborhood located between NE A St. and NW A St. is designated as Medium Density Residential, and the individual properties are gradually all being zoned to DN-2. In this sense, this rezoning is conformity with the character and recent changes of the overall neighborhood. Specifically, there are multiple instances of DN-2 rezonings all along Main St., Park St., and Monroe St., all in near proximity to the subject property.

Any increase in traffic would be commensurate with recent redevelopment in the neighborhood, no signage is contemplated, the development will confirm to Bentonville's Downtown Design codes, and sewer and water are both available on Main St.

Thank you for considering this request for rezoning. If you have any questions, please 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:

**AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE,
ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF R-1, LOW
DENSITY SINGLE FAMILY RESIDENTIAL TO DN-2, DOWNTOWN MEDIUM-
DENSITY RESIDENTIAL; AND FOR OTHER PURPOSES.**

(PROJECT NUMBER: RZ23-0061)

WHEREAS, Bryan & Laura Brewer 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 R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-2, DOWNTOWN MEDIUM-DENSITY RESIDENTIAL to be used in accordance with city zoning laws and state laws, which property is described as follows:

LOTS 7, 8, AND 9 IN BLOCK 5 IN W.A. BURK'S ADDITION TO THE CITY OF BENTONVILLE,
BENTON COUNTY, ARKANSAS, AS SHOWN IN PLAT RECORD "A" AT PAGES 81 AND 119;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held September 5, 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 R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-2, DOWNTOWN MEDIUM-DENSITY 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 R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-2, DOWNTOWN MEDIUM-DENSITY 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:

Stephanie Orman, Mayor

ATTEST:

Kirby Romines, City Clerk

REZONING STAFF REPORT



Brewer and McDonald

Northeast Monroe Street

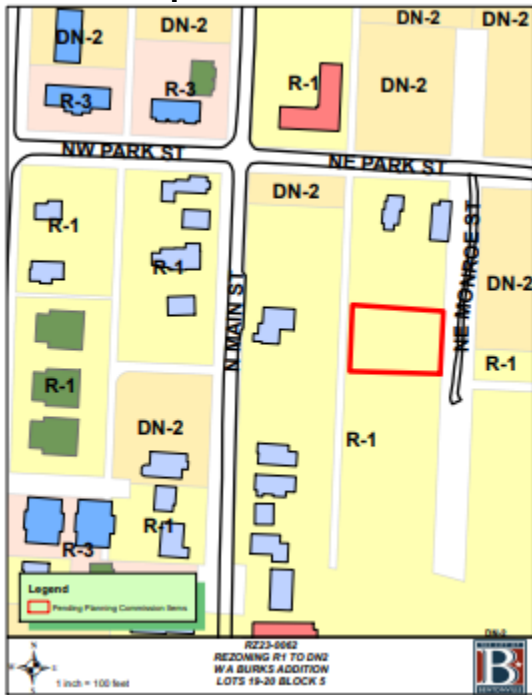
PC Date: 9/5/2023

Reviewer: Jon Stanley, Senior Planner, ASLA, APA

Project Number	RZ23-0062
Applicant / Current Owner	Bryan Brewer and Laura McDonald
Site Area	+/- 0.39 acres
Current Zoning	R-1, Single Family Residential
Requested Zoning	DN-2, Downtown Medium-Density Residential
Current Future Land Use Map Designation	Medium Density Residential (MDR)
Related projects	N/A

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

Location Map



Property Description

This property is located Parcel number 01-04545-000 & 01-04546-000. It is currently zoned R-1, Single Family Residential and contains an existing single family residence and accessory structure. Adjacent zonings are R-1, Single Family Residential to the north, south, and west and DN-2, Downtown Medium-Density Residential and R-1, Single Family Residential to the east.

Relationship to the General Plan

The Future Land Use Plan depicts this property as Medium Density Residential (MDR) and is surrounded Medium Density Residential (MDR) land use.

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

Public Comment

Staff has NOT received public comment regarding this request.

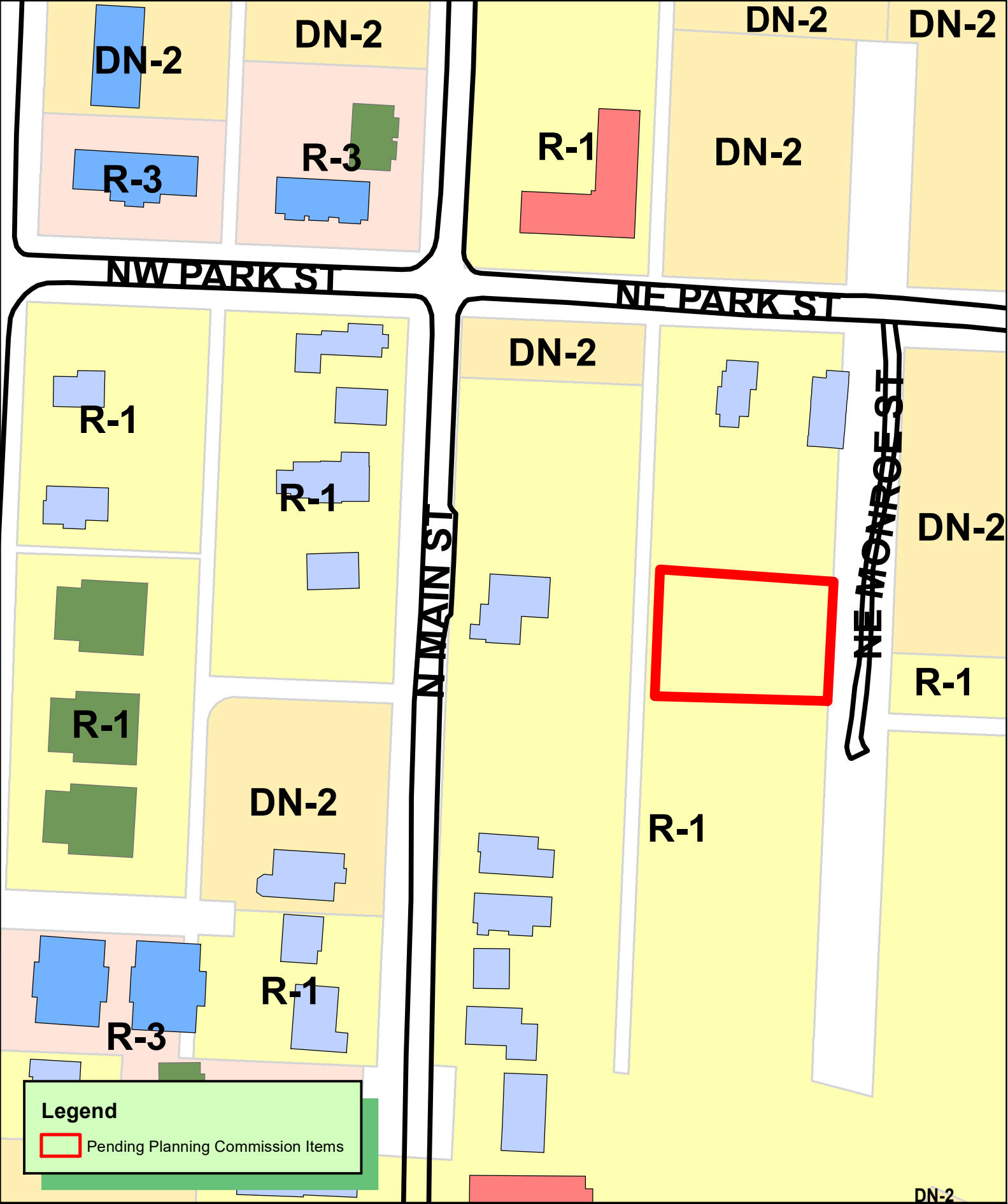
Analysis

The intent of the DN-2 district is to allow for an increased single-family density through small lot widths where alleys and infrastructure support such development and where small-lot single-family development provides an appropriate transition between large-lot residential areas and those of higher density. In some instances, such as the end of blocks, townhouses may be appropriate in this district.

The proposed zoning of DN-2 is consistent with the Future Land Use Plan and is compatible with the surrounding development patterns within this area of the city and support the requested change.

Conclusion

This request is consistent with the Future Land Use Plan, and it is consistent with the uses of the surrounding zoning districts and development patterns located within the vicinity. Staff recommends approval of this rezoning.



Legend

Pending Planning Commission Items

N
W E
S

1 inch = 100 feet

RZ23-0062
REZONING R1 TO DN2
W A BURKS ADDITION
LOTS 19-20 BLOCK 5

THE CITY OF
B
 BURKSVILLE

Page 34 of 104

**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
* ALSO LICENSED IN MISSOURI

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

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

July 26, 2023

City of Bentonville
Planning and Community Development
305 SW A St.
Bentonville, AR 72712

RE: Rezoning Parcel No. 01-04546-000 & 01-04545-000 from R-1 to DN-2

Dear Planning Staff:

My name is Will Kellstrom and I have been retained to assist the applicants, Bryan Brewer and Laura Brewer, with respect to this rezoning request. The applicant is requesting that the property, Parcel No. 01-04546-000 & 01-04545-000 (hereinafter "the Property"), be rezoned from R-1, Low Density Single Family Residential to DN-2, Downtown Medium-Density Residential.

The Property is currently designated as Medium-Density Residential on the Future Land Use Plan, which accommodates for a zoning of DN-2. Therefore, no amendment of the Future Land Use Map is necessary for this rezoning. The Applicant would like to rezone the Property to DN-2 in order make it conform with the Future Land Use Map, as well as to take advantage of the more modern regulations under the Downtown zoning codes. The Applicant has no immediate plans for redevelopment.

Generally speaking, the neighborhood located between NE A St. and NW A St. is designated as Medium Density Residential, and the individual properties are gradually all being zoned to DN-2. In this sense, this rezoning is conformity with the character and recent changes of the overall neighborhood. Specifically, there are multiple instances of DN-2 rezonings all along Main St., Park St., and Monroe St., all in near proximity to the subject property.

Any increase in traffic would be commensurate with recent redevelopment in the neighborhood, no signage is contemplated, the development will confirm to Bentonville's Downtown Design codes, and sewer and water are both available on Main St. or on Park St.

Thank you for considering this request for rezoning. If you have any questions, please 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:

**AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE,
ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF R-1, LOW
DENSITY SINGLE FAMILY RESIDENTIAL TO DN-2, DOWNTOWN MEDIUM-
DENSITY RESIDENTIAL; AND FOR OTHER PURPOSES.**

(PROJECT NUMBER: RZ23-0062)

WHEREAS, Bryan & Laura Brewer 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 R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-2, DOWNTOWN MEDIUM-DENSITY RESIDENTIAL to be used in accordance with city zoning laws and state laws, which property is described as follows:

LOTS 19 AND 20 IN BLOCK 5 IN W.A. BURK'S ADDITION TO THE CITY OF BENTONVILLE,
BENTON COUNTY, ARKANSAS, AS SHOWN IN PLAT RECORD "A" AT PAGES 81 AND 119.

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held September 5, 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 R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-2, DOWNTOWN MEDIUM-DENSITY 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 R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-2, DOWNTOWN MEDIUM-DENSITY 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:

Stephanie Orman, Mayor

ATTEST:

Kirby Romines, City Clerk

REZONING STAFF REPORT



Brewer

Northeast Monroe Street

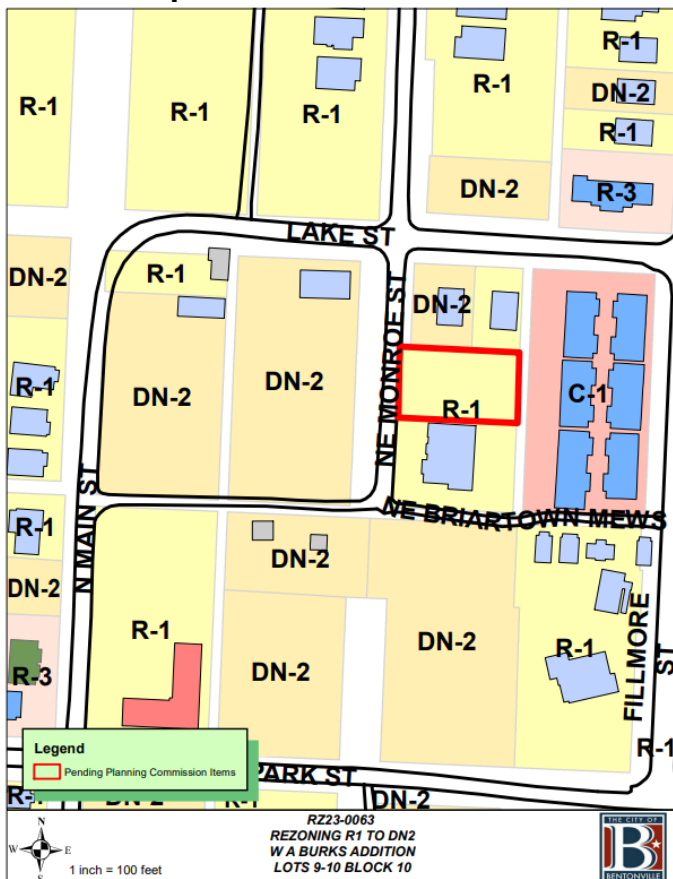
PC Date: 9/5/2023

Reviewer: Jon Stanley, Senior Planner, ASLA, APA

Project Number	RZ23-0063
Applicant / Current Owner	Bryan Brewer
Site Area	+/- 0.39 acres
Current Zoning	R-1, Single Family Residential
Requested Zoning	DN-2, Downtown Medium-Density Residential
Current Future Land Use Map Designation	Medium Density Residential (MDR)
Related projects	N/A

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

Location Map



Property Description

This property is located at parcel number 01-04586-000. It is currently zoned R-1, Single Family Residential and is undeveloped. Adjacent zonings are R-1, Single Family Residential to the south, DN-2, Downtown Medium-Density Residential to the north and west and C-1, Neighborhood Commercial to the east.

Relationship to the General Plan

The Future Land Use Plan depicts this property as Medium Density Residential (MDR) and is surrounded Medium Density Residential (MDR) land use.

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

Public Comment

Staff has NOT received public comment regarding this request.

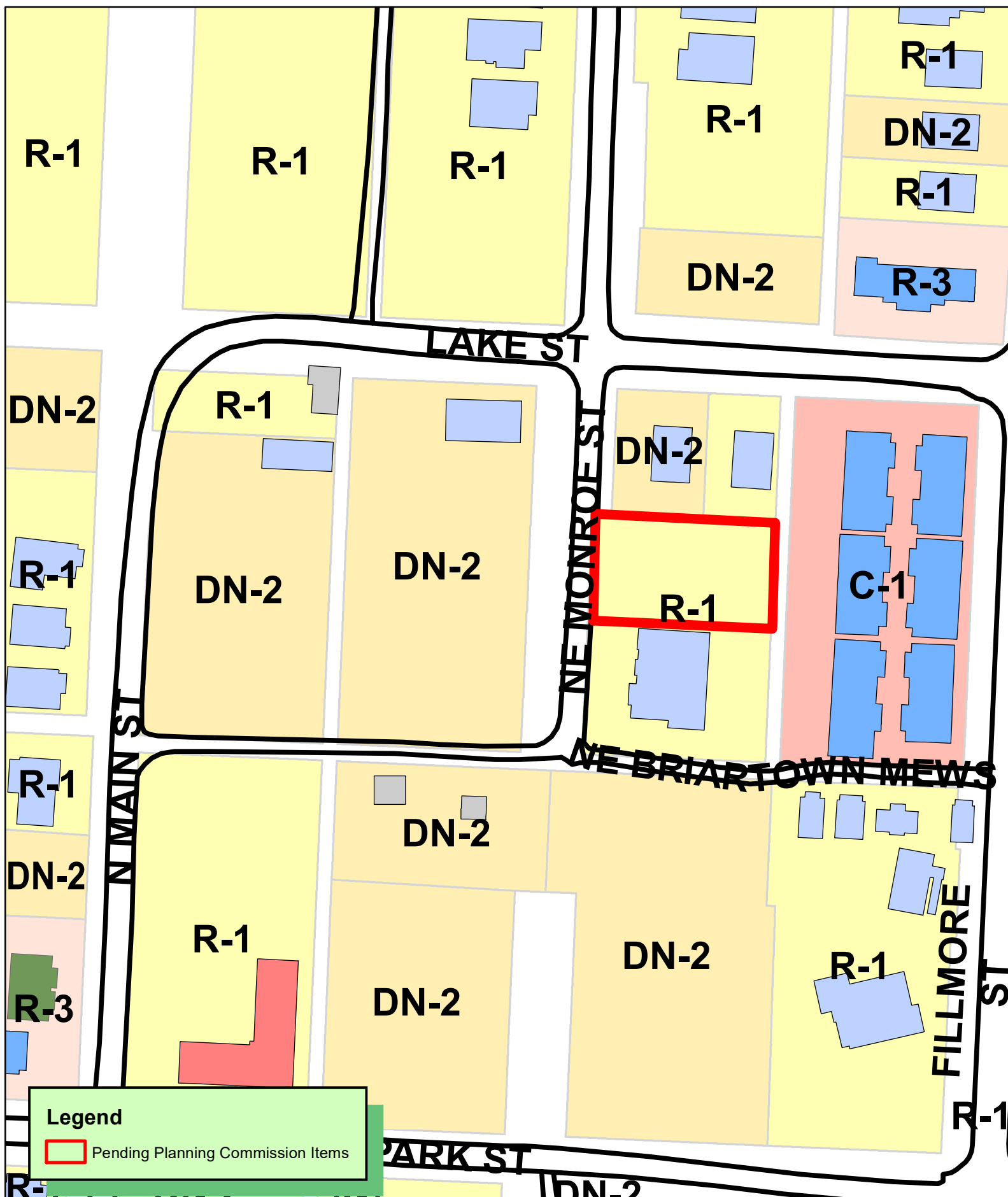
Analysis

The intent of the DN-2 district is to allow for an increased single-family density through small lot widths where alleys and infrastructure support such development and where small-lot single-family development provides an appropriate transition between large-lot residential areas and those of higher density. In some instances, such as the end of blocks, townhouses may be appropriate in this district.

The proposed zoning of DN-2 is consistent with the Future Land Use Plan and is compatible with the surrounding development patterns within this area of the city and support the requested change.

Conclusion

This request is consistent with the Future Land Use Plan, and it is consistent with the uses of the surrounding zoning districts and development patterns located within the vicinity. Staff recommends approval of this rezoning request.



Legend

 Pending Planning Commission Items

N
W E
S

1 inch = 100 feet

RZ23-0063
REZONING R1 TO DN2
W A BURKS ADDITION
LOTS 9-10 BLOCK 10

THE CITY OF
B
BIRMINGHAM

Page 40 of 124

**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
* ALSO LICENSED IN MISSOURI

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

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

July 26, 2023

City of Bentonville
Planning and Community Development
305 SW A St.
Bentonville, AR 72712

RE: Rezoning Parcel No. 01-04586-000 from R-1 to DN-2

Dear Planning Staff:

My name is Will Kellstrom and I have been retained to assist the applicants, Bryan Brewer and Laura Brewer, with respect to this rezoning request. The applicant is requesting that the property, Parcel No. 01-04586-000 (hereinafter "the Property"), be rezoned from R-1, Low Density Single Family Residential to DN-2, Downtown Medium-Density Residential.

The Property is currently designated as Medium-Density Residential on the Future Land Use Plan, which accommodates for a zoning of DN-2. Therefore, no amendment of the Future Land Use Map is necessary for this rezoning. The Applicant would like to rezone the Property to DN-2 in order make it conform with the Future Land Use Map, as well as to take advantage of the more modern regulations under the Downtown zoning codes. The Applicant has no immediate plans for redevelopment.

Generally speaking, the neighborhood located between NE A St. and NW A St. is designated as Medium Density Residential, and the individual properties are gradually all being zoned to DN-2. In this sense, this rezoning is conformity with the character and recent changes of the overall neighborhood. Specifically, there are multiple instances of DN-2 rezonings all along Main St., Park St., and Monroe St., all in near proximity to the subject property.

Any increase in traffic would be commensurate with recent redevelopment in the neighborhood, no signage is contemplated, the development will confirm to Bentonville's Downtown Design codes, and sewer and water are both available on Monroe St.

Thank you for considering this request for rezoning. If you have any questions, please 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:

**AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE,
ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF R-1, LOW
DENSITY SINGLE FAMILY RESIDENTIAL TO DN-2, DOWNTOWN MEDIUM-
DENSITY RESIDENTIAL; AND FOR OTHER PURPOSES.**

(PROJECT NUMBER: RZ23-0063)

WHEREAS, Bryan Brewer 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 R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-2, DOWNTOWN MEDIUM-DENSITY RESIDENTIAL to be used in accordance with city zoning laws and state laws, which property is described as follows:

THE NORTH 40 FEET OF LOT 9 AND ALL OF LOT 10 IN BLOCK 10 IN W.A. BURK'S ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN IN PLAT RECORD "A" AT PAGES 81 AND 119.

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held September 5, 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 R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-2, DOWNTOWN MEDIUM-DENSITY 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 R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-2, DOWNTOWN MEDIUM-DENSITY 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

REZONING STAFF REPORT



807 NE 2nd Street Bentonville, LLC

807 Northeast 2nd Street

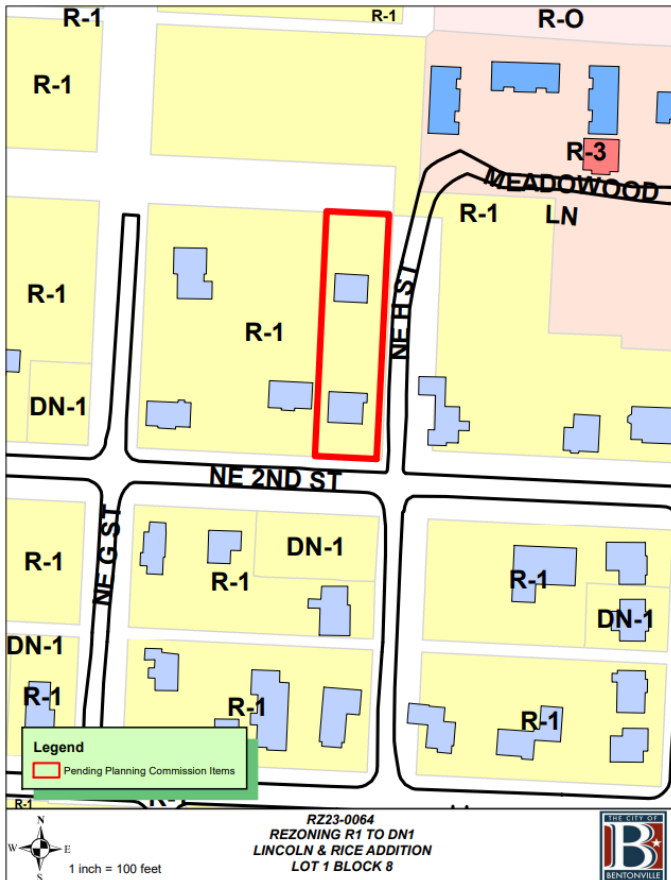
PC Date: 9/5/2023

Reviewer: Jon Stanley, Senior Planner, ASLA,
APA

Project Number	RZ23-0064
Applicant / Current Owner	807 NE 2nd Street Bentonville, LLC
Site Area	+/- 0.52 acres
Current Zoning	R-1, Single Family Residential
Requested Zoning	DN-1, Downtown Low-Density Residential
Current Future Land Use Map Designation	Low Density Residential (LDR)
Related projects	LS23-0045

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

Location Map



Property Description

This property is located at 807 Northeast 2nd Street. It is currently zoned R-1, Single Family Residential and contains an existing single family residence and accessory structure. Adjacent zonings are all R-1, Single Family Residential to the north, east, and west and DN-1, Downtown Low-Density Residential to the south.

Relationship to the General Plan

The Future Land Use Plan depicts this property as Low Density Residential (LDR) and is surrounded by properties classified as Low Density Residential (LDR) on the future land use plan.

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.

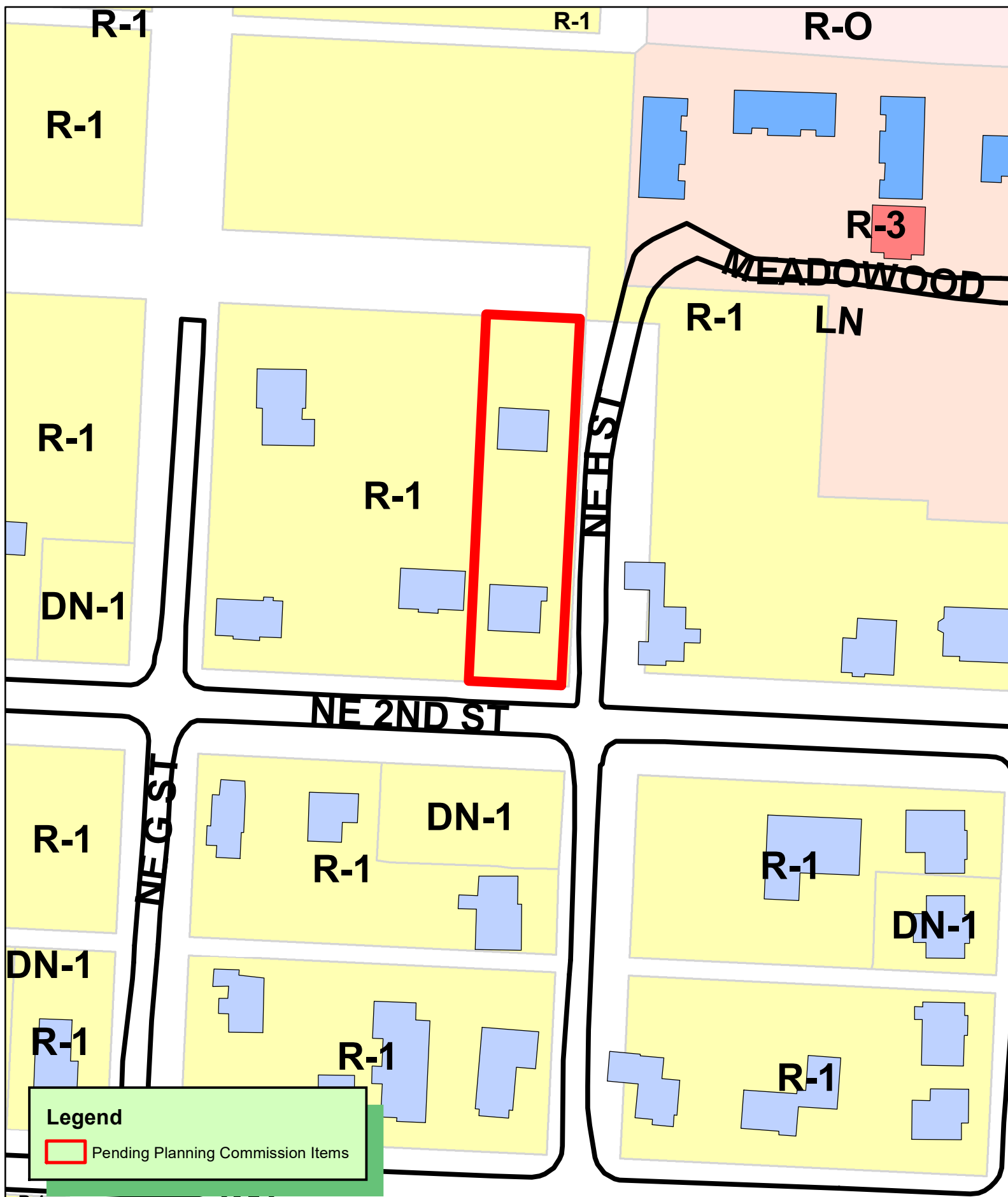
Analysis

The intent of the DN-1 district is to preserve the established development pattern of portions of the downtown neighborhoods that are predominantly single-family with lots generally larger than 60 feet in width.

The proposed zoning of DN-1 is consistent with the Future Land Use Plan for this area and is compatible with the surrounding development patterns within this area of the city which lends additional support to the requested change.

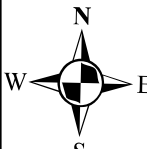
Conclusion

This request is consistent with the Future Land Use Plan, and it is consistent with the uses of the surrounding zoning districts and development patterns.



Legend

 Pending Planning Commission Items



1 inch = 100 feet

RZ23-0064
REZONING R1 TO DN1
LINCOLN & RICE ADDITION
LOT 1 BLOCK 8



Page 6 of 10

CASTER & ASSOCIATES LAND SURVEYING, INC.
2715 SE 'I' STREET, SUITE 5, BENTONVILLE, ARKANSAS 72712
PH.(479) 268-4464

July 28th, 2023

RE: Rezone from R1 to DN-1
807 NE 2nd St.
P.N. 01-03290-000 & 01-03291-000
Bentonville, AR

To Whom It May Concern,

This is a request for a rezone from R1 to DN-1. The current owner (NWA Maven Properties LLC) will be splitting the two parcels into three and intends to access each one from NE 2nd Street as the North two lots will be stem lots. (See attached survey).

There is currently DN-1 zoning in the surrounding areas (826 NE 2nd St., 727 NE 2nd St., and 105 NE I St.) to name a few. The properties will be for residential use and will not affect traffic flow, signage, or appearance. Water and sewer is accessible along the South Right of Way line of NE 2nd St.

Thank you for your consideration in this matter. Please reach out to our office for any concerns via the phone number listed above or email me at rcastercals@gmail.com.

Sincerely,



Robert J. Caster, PS

**AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE,
ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF R-1, LOW
DENSITY SINGLE FAMILY RESIDENTIAL TO DN-1, DOWNTOWN LOW-DENSITY
RESIDENTIAL; AND FOR OTHER PURPOSES.
(PROJECT NUMBER: RZ23-0064)**

WHEREAS, Bryan & Laura Brewer 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 R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-1, DOWNTOWN LOW-DENSITY RESIDENTIAL to be used in accordance with city zoning laws and state laws, which property is described as follows:

**ALL OF LOT 1, BLOCK 8, RICE AND LINCOLN ADDITION, BENTONVILLE, BENTON
COUNTY, ARKANSAS.**

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held September 5, 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 R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-1, DOWNTOWN LOW-DENSITY 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 R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-1, DOWNTOWN LOW-DENSITY 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

CONDITIONAL USE STAFF REPORT



SOCO Church

3201 South Walton Boulevard

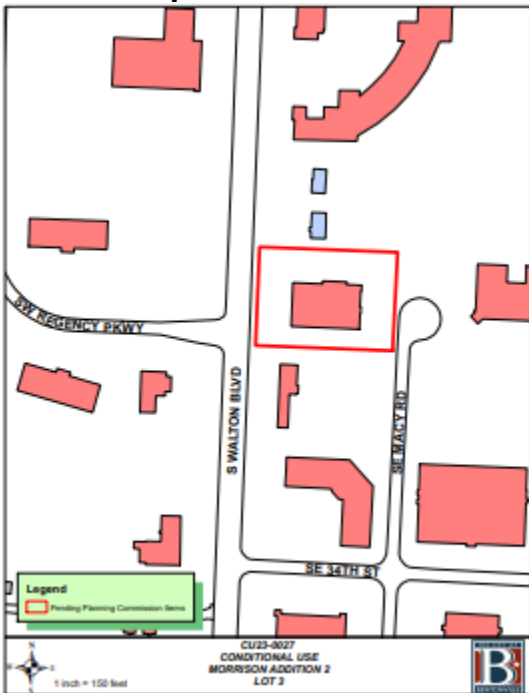
PC Date: 9/5/2023

Reviewer: Jon Stanley, Senior Planner, ASLA,
APA

Project Number	CU23-0027
Applicant / Current Owner	SOCO Church Bentonville Property Owner I, LLC & Bentonville Property owner II, LLC et al
Site Area	+/- 1.71 acres
Current Zoning	C-2, General Commercial
Future Land Use Map Designation	General Commercial (C)
Requested Use	Religious Facility
Protective Covenants	N/A

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

Location Map



Property Description

This property is located at 3201 South Walton Boulevard. It is currently zoned C-2, General Commercial with a Future Land Use Classification of General Commercial. Religious Facilities are an allowed by a conditional use permit in all zoning districts.

Proposed Use Description

Per the applicant's narrative, they are currently using a portable space that is only available to them on Sunday mornings. This conditional use permit request is to convert the building at 3201 S Walton to a permanent facility for Sunday morning worship and daily office use by their staff. Use of this building will double their current Sunday morning capacity.

Hours of operation are Sundays from 7:00am to 5:00pm and Monday through Thursday from 8:00am to 5:00pm with a total of 15 employees anticipate at the location.

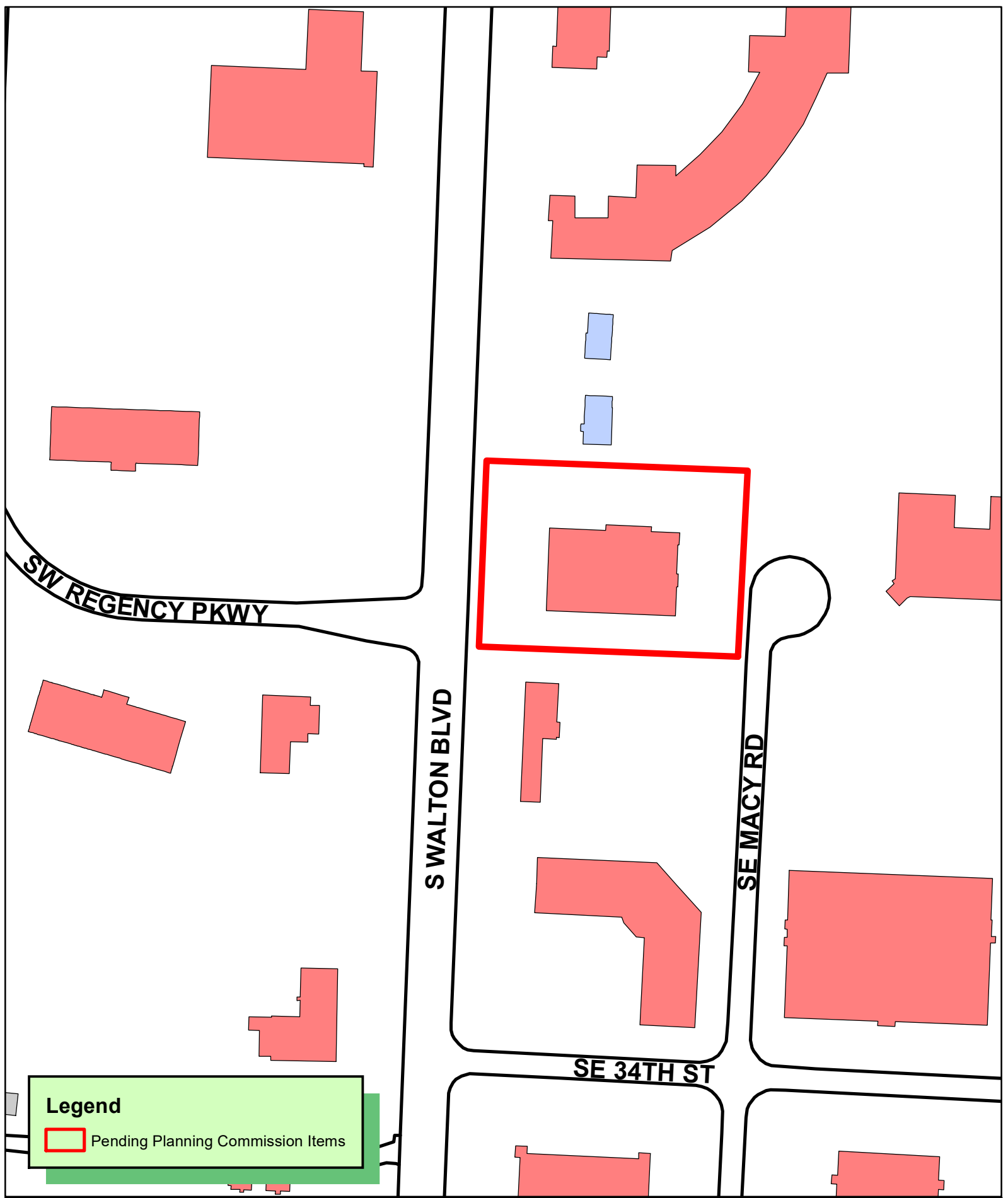
By utilizing the existing parking space located on site, the parking requirements for the school are currently the requirements of the zoning code.

Public Notice

Staff has NOT received public notice regarding this request.

Conditions of Approval

1. This Conditional Use Permit shall be valid in perpetuity, for the applicant.
2. Any changes in scope, use, or ownership, may require a new Conditional Use Permit. In addition, the Planning Commission has the ability to hold a public hearing on or revoke the Conditional Use at any time.
3. The applicant shall coordinate with the Bentonville Building and Fire Safety Department for any additional permitting requirements.



CU23-0027
CONDITIONAL USE
MORRISON ADDITION 2
LOT 3



Conditional Use Narrative



We are currently using a portable space that is only available to us on Sunday mornings. This request is to convert the building at 3201 S Walton to a permanent facility for Sunday morning worship and daily office use by our staff. Use of this building will double our current Sunday morning capacity and give us a permanent home so we can better serve our community.

Hours of Operation

Sunday: 7:00am - 5:00pm
Monday: 8:00am - 5:00pm
Tuesday: 8:00am - 5:00pm
Wednesday: 8:00am - 5:00pm
Thursday: 8:00am - 5:00pm
Friday: N/A
Saturday: N/A

Proposed Number of Employees

15

Anticipated Patrons, Clients, Deliveries, and/or Customers (average per day)

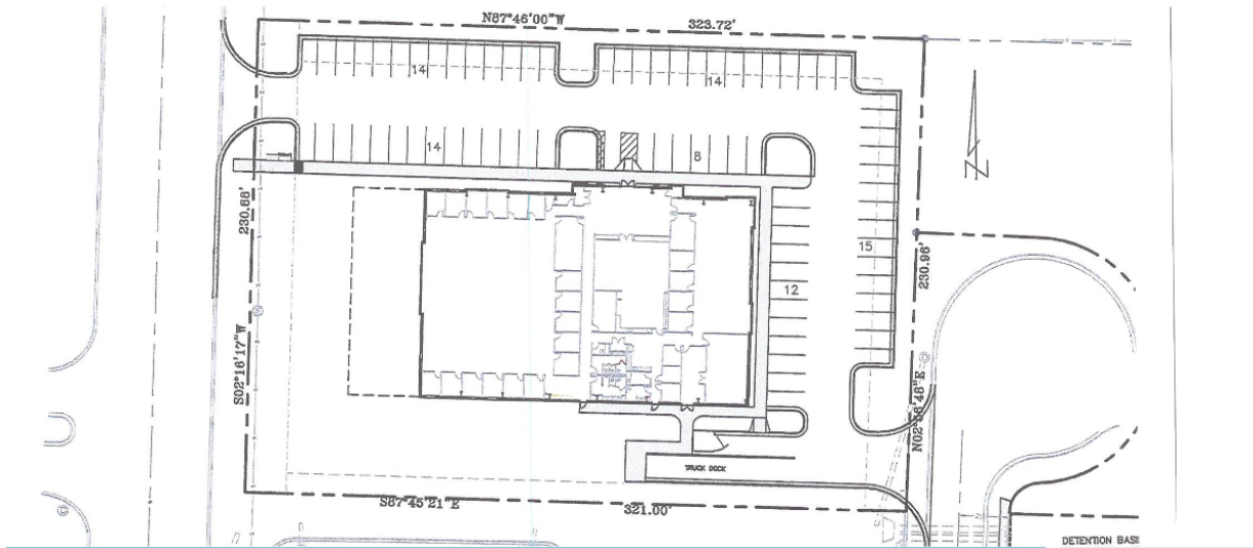
The majority of our patrons will be on the property on Sunday mornings. On weekdays, our staff will be on the property unless we are having an evening event. That being said, our daily average will be **100 patrons**.

Planned Outdoor Lighting Changes

N/A

Site plan drawn to scale designating the property lines, existing structure(s), proposed structure(s), and indoor and outdoor areas to be utilized





Photographs of the property



Planned Indoor and Outdoor Structural Changes

There would be no structural changes to the exterior of the building aside from signage. We would, however, remove several walls (as seen below) in the interior of the building to meet our auditorium's space needs.



Traffic Flow

The majority of traffic would enter the premises from Walton Blvd and/or SE Macy Rd.



Parking Needs

75 spaces at 3201 S Walton Blvd + additional parking as needed at the neighboring building as agreed upon by the owner of the building(s).





Parklet Amendment

PC Date: 9/5/2023

Reviewer: Shelli Kerr, AICP, Comprehensive Planning Mngr

Type	Amendment
Code Impacted	Zoning Code
Section(s)	Sec. 601.33 Parklet
Recommendation	APPROVAL

Issue Statement

City staff has determined that parklets should not impede pedestrian access and should meet all safety standards. For streamlining purposes, the parklet permits should be renewed annually by calendar year, instead of by the date on the agreement.

History

July 14, 2020	City Council approved Ord. No. 2020-130 allowing the placement of tables and chairs in public on-street parking through Jan. 1, 2021 to support local businesses during the COVID-19 pandemic.
Oct. 13, 2020	City Council approved Ord. No. 2020-196 extending the expiration to April 30, 2021.
March 30, 2021	City Council approved Ord. No. 2021-84 extending the expiration to August 31, 2021.
June 8, 2021	City Council approve Ord. No. 2021-122 amending the Zoning Code to establish a parklet as a land use with specific use regulations.

Proposed Changes

In the Zoning Code, Sec. 601.33 Parklet, add the following regulations:

- Add to the criteria that the establishment has no other constrictions of the pedestrian way that the parklet would exacerbate.
- Any substantial changes to the design already approved will require a new application.
- Change the terms of the agreement to follow the calendar year instead of by the agreement date.
- Required passing all inspections before permit can be issued.
- Require compliance with life safety codes.

The Code Review Committee has reviewed and supports the proposed amendment.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING BENTONVILLE MUNICIPAL CODE
APPENDIX A ZONING CODE SECTION 601.33 PARKLET;
AND FOR OTHER PURPOSES.**

WHEREAS, the City wishes to ensure adequate pedestrian access on city sidewalks;

WHEREAS, a life safety inspection from the Fire Department is necessary to ensure parklets comply with all life safety codes;

WHEREAS, to ease application processes for applicants and city staff, approvals and expirations should coincide with the calendar year;

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

Section 1: That Bentonville Municipal Code, Appendix A Zoning Code, Sec. 601.33 Parklets shall be and is hereby amended with *Attachment A: Amendment to Parklet Regulations*, an electronic copy and hard copy of which is on file with the City Clerk and is hereby adopted by references as though it were copied herein fully.

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:

Stephanie Orman, Mayor

ATTEST:

Kirby Romines, City Clerk

Attachment A: Amendment to
Parklet Regulations

Sec 601.33 Parklet

- (a) **Applicability.** Public and reserved parklets are allowed in certain zoning districts by right, as identified in the Table of Uses in Article 401 of the Zoning Code, and require establishments to enter into an Encroachment Agreement with the city and shall comply with the regulations of this section.
- (b) **Eligibility.** To be eligible to enter into an encroachment agreement to use a public parking space for a public or reserved parklet, the establishment must meet all of the following criteria:
 - (1) The establishment is located in the Downtown Study Area as shown on the city's GIS map.
 - (2) The establishment is located in a zoning district where parklets are allowed by right.
 - (3) The establishment is adjacent to a public street with public on-street parking;
 - (4) The establishment has no other constriction of the pedestrian way that the proposed parklet would exacerbate.
- (c) **Submittal Requirements.**
 - (1) *Application.* Establishments that meet the eligibility requirements may submit an application for an Encroachment Agreement to the planning department in accordance with current planning department policies and procedures. The application shall indicate if the establishment is using their designated encroached premises for a public or reserved parklet.
 - (2) *Letter of Support.* Applicants must submit letters of support, in a format provided by the city, from adjacent property owners indicating that the use of the encroached premises will not negatively impact use of their property.
 - (3) *Design.* The application shall include a site plan showing the location and design of the parklet and shall identify the location of all public utilities including associated rights-of-way/easements. Any substantial change to a previously approved site plan, as determined by the Planning Director, will require a new application.
- (d) **Encroachment Agreement.** The Encroachment Agreement shall include the following:
 - (1) *Encroached premises.* The Encroachment Agreement shall designate parking spaces adjacent to the establishment, hereinafter referred to as the "encroached premises," with a map outlining the designated parking spaces for the placement of tables, chairs and other items. The establishment agrees to use only the designed encroached premises and maintain a minimum of 5' of clear passageway for pedestrians between the building and the parklet.
 - (2) *Utility access.* The establishment shall agree that the parklet will not inhibit access to, maintenance or operation of any public utility. If the parklet is located over a utility main or any appurtenances, the establishment shall remove the parklet to accommodate any work on utilities.
 - (3) *Signage.* The establishment shall agree that the parklet will not be used for advertising for the establishment. Signage shall not be attached to, on or located in the parklet.

Attachment A: Amendment to
Parklet Regulations

- (4) *Indemnification.* Establishment shall agree to include a release and indemnification provision releasing and indemnifying the City of Bentonville from personal injury and property damage liability resulting from the use of the encroached premises;
- (5) *Condition of encroached premises.* Establishment shall agree to inspect and report to the Street Department in a timely manner any defects in the encroached premises. The establishment owner shall be responsible for the cleanliness, maintenance, and upkeep of their encroached premises.
- (6) *Insurance.* Establishment shall agree that, at its sole expense, shall maintain comprehensive general liability insurance, protecting against all claims for personal injury, death or property damage occurring upon, in or about the encroached premises resulting from the use or occupancy thereof, with a minimum of \$1,000,000 (one million dollars) in coverage and limits acceptable to the city for the entire term of the Encroachment Agreement insurance rated and any extension thereof. The city must be named in this policy as an additional insured entity. Further, if the establishment serves alcohol, then the establishment must have liquor liability insurance with a minimum of \$1,000,000 (one million dollars). The city must also be named in this policy as an additional insured entity. The establishment shall include copies of all policies of insurance with evidence of the payment of the premiums thereon with his, her or its application. The establishment shall deliver to the city at least ten (10) days prior to the expiration of such policy, evidence that it has been renewed. All policies of insurance carried hereunder shall provide that they cannot be canceled without giving at least ten days prior written notice to the city and shall be written by insurance companies licensed by the State of Arkansas and reasonably satisfactory to the city. Any insurance carried by an establishment on his, her or its own property or for his, her or its own benefit in connection with this section shall contain a clause waiving any claim by the insurance company for subrogation against the city.
- (7) *Smoking.* The establishment shall agree to designate that the encroached premises will be non-smoking, due to the premises being an extension of the establishment.
- (8) *Alcohol.* The establishment shall agree that alcoholic beverages may only be served or consumed in the encroached premises if the establishment is in compliance with their ABC liquor state and local licenses as approved by the state Department of Alcoholic Beverage Control or otherwise allowed by law.
- (9) *Hours of Operation.* The establishment shall agree to operate the encroached premises during the establishment's hours of operation 7:00 a.m. and all operations in the encroached premises must cease and be vacated by the close of operation hours or up to 1:00 a.m., whichever occurs first is earlier. Outside of the establishment's hours of operation, the parklet shall be available for public use.
- (10) *Agreement terms.* The Encroachment Agreement ~~agreement~~ shall expire on December 31 every one (1) year from the date of fully executed agreement. Applicants may request to renew annually and pay the annual encroachment fee.
- (11) *Conditions of parklet.* The establishment shall agree to maintain all elements of the parklet in good condition. Elements experiencing routine wear and tear shall be repaired or placed.

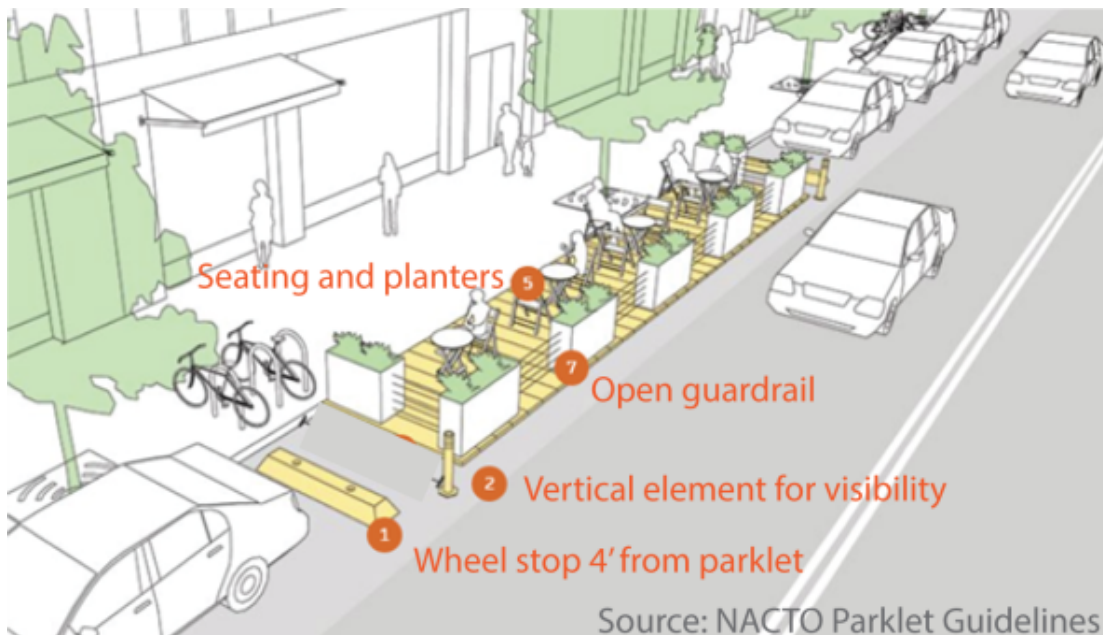
Attachment A: Amendment to
Parklet Regulations

- (12) *Inspections.* The permit will not be issued until inspections are conducted and approved by all city departments. The establishment shall also agree to periodic inspections by city staff for compliance with all regulations.
- (13) *Minimum Design Standards.* The establishment shall agree to comply with the minimum design standards set forth in Subsection (e) Minimum design standards below.
- (14) *Building and Fire Codes.* The establishment shall agree to comply with all Building and Fire Safety Codes.
- (e) *Minimum Design Standards.* Establishment shall agree that the encroached premises, at the sole expense of the establishment, must be effectively blocked off and visibly marked in order to ensure safety of patrons from vehicles in the area. If table, chairs or other seating is being provided, the encroached premises shall meet the following minimum requirements. Additional elements may be allowed in the encroached premises if the design meets the guidelines of parklet design as established by National Association of City Transportation Officials (NACTO).
- (1) *Size.*
- a. *Length.* The maximum length of a parklet is limited to the length of the responsible establishment's frontage. If an establishment wishes to exceed this requirement, they must include a letter of support from adjacent establishment owners. This letter of support must expressly grant permission to occupy the parking spaces in front of their establishment.
 - b. *Width.* The maximum width of a parklet is the area between the curb and travel lane of the parking space it replaces.
- (2) *Location.*
- a. *Separation from travel lane.* A parklet may not intrude into travel lanes. Parklet elements should provide a minimum 1-foot buffer between the travel lane and the parklet.
 - b. *Separation from intersections.* To allow for clear visibility at intersections, a parklet may not be located within 20-feet of an intersection, measured from the right-of-way of the intersection to the edge of the parklet.
 - c. *Separation from adjacent parking stalls.* Parklets must be buffered a minimum of 4-feet on each end from adjacent parking stalls. Wheel stops are required to clearly delineate the buffer zone.
 - d. *Separation from street infrastructure.* Parklets shall not block critical curbside or street infrastructure. These include, but are not limited to: fire apparatus, utility meters or manholes, and handicap-accessible parking spaces.
 - e. *Sight visibility.* Parklets may not interfere with the sightlines of traffic nor pedestrians. Parklets shall conform to AASHTO's sight visibility requirements.
- (3) *Design Requirements.*
- a. *Temporary design.* Parklets should be temporary in nature. The parklet must be designed to be removable and should be constructed with a wood frame, steel frame,

Attachment A: Amendment to Parklet Regulations

or pedestal support systems, or other method as approved by the Planning Director, are encouraged.

- b. *Parklet delineation.* To clearly delineate between the parklet and the travel way, a parklet must have a continuous barrier along the travel lane. The barrier may be composed of railings, barricades, planters, and/or a seat wall. The barrier may be a maximum of 42 inches in height. Parklets should incorporate seating and plantings in their design.
- c. *Materials.* Materials shall be high quality, weather-resistant materials that fit within the context of downtown. The surface of the parklet should be slip and weather resistant to ensure safety and accessibility.
- d. *ADA Compliance.* Parklets must meet the requirements of the Americans with Disabilities Act. The seating area must accommodate a 60-inch turning circle for a wheelchair and the entrance to the parklet must be a minimum of 60-inches in width. The parklet must be designed to be flush with the adjacent curb. A steel transition plate should be used to ensure a flush transition.
- e. *Open Air.* Parklets may not be enclosed by walls or permanent structures. Parklets must be open to the air, except that an awning, canopy, or umbrella, may be placed or constructed over the parklet. In order to provide sufficient pedestrian clearance, awnings, canopies and umbrellas shall have 7 feet of free and clear space from the road surface to the lower edge of the umbrella, awning or canopy.
- f. *Drainage.* The design of the parklet should not inhibit the adequate drainage of stormwater.



Attachment A: Amendment to
Parklet Regulations

- (f) **Revocation.** An Encroachment Agreement may be revoked by the city upon a finding by the Planning Director that the establishment has violated any terms of the agreement; or that the encroachment causes a health/safety risk; or that a city ordinance or state or federal law has been violated; or the establishment or an employee of the establishment has been convicted of serving alcohol to a minor; the parklet is not being adequately maintained or ~~or~~ that the city has initiated an infrastructure improvement project in the area of the encroached premises. The establishment may appeal this revocation to the City Council within 14 days of the notice of revocation.
- (g) Life Safety: Compliance with life safety codes is required for parklet use, including but not limited to the following:
- (1) Location, construction, operation and maintenance;
 - (2) Use of open flames, heaters, extension cords, awnings/canopies/shade sails, etc. is subject to approval by the Fire Department.
 - (3) Location of the parklet shall not impede access to fire lanes, fire hydrants, fire department connections (FDCs), or other fire protection equipment.
 - (4) Egress shall not be compromised by the location of the parklet or tables, chairs, planters, etc.
 - (5) If located within the City's established Fire District the parklet must be compliant with those specific restrictions.



Development in Planning Boundary

PC Date: 9/5/2023

Reviewer: Shelli Kerr, AICP, Comprehensive Planning Mngr

Type	Amendment
Code Impacted	Land Development Code
Section(s)	Sec. 700; Sec. 1100.21
Recommendation	APPROVAL

Issue Statement

Bentonville Municipal Code Appendix B Land Development Code does not specify the review process for large-scale development in the planning boundary. Clear delineation of when and what process is applied to development in the planning boundary is necessary for enforcement purposes.

History

Arkansas State Statute 14-56-413 Territorial Jurisdiction authorizes municipalities to designate areas within its territorial jurisdiction for which it will prepare plans, ordinances and regulations. This area is known as the Planning Boundary. Bentonville's most recent Planning Boundary was adopted on July 12, 2022 with Resolution No. 2-12-22A and the attached Planning Area Map which is on file with the Benton County Clerk's Office.

The applicability regarding subdivision is clear within the Land Development Code but is not clearly stated regarding large scale development.

Proposed Changes

In the Land Development Code the following amendments are proposed:

- Require a large-scale development in the Planning Boundary.
- Allow administrative approvals for all development types in the Planning Boundary.
- Development in the Planning Boundary must meet Benton County requirements for a building permit.
- Exempt large-scale developments in the Planning Boundary from Sec. 1100.21 Large-scale Development Design Standards.

The Code Review Committee has reviewed and supports the proposed amendment.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING BENTONVILLE MUNICIPAL CODE
APPENDIX B LAND DEVELOPMENT CODE, SEC. 700 AND 1100
TO IDENTIFY REGULATIONS APPLICABLE IN THE
CITY'S PLANNING AREA; AND FOR OTHER PURPOSES.**

WHEREAS, Arkansas State Statute 14-56-413 Territorial Jurisdiction authorizes municipalities to designate areas within its territorial jurisdiction for which it will prepare plans, ordinances and regulations; this area is known as the Planning Boundary;

WHEREAS, the statute requires the planning commission to designate this Planning Boundary and file with the city clerk and county clerk;

WHEREAS, Bentonville's most recent Planning Boundary was adopted on July 12, 2022 with Resolution No. 2-12-22A and the attached Planning Area Map which is on file with the Benton County Clerk's Office; and

WHEREAS, Bentonville Municipal Code Appendix B Land Development Code does not specify the review process for large-scale development in the planning boundary.

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

Section 1: That Bentonville Municipal Code, Appendix B Land Development Code should be and is hereby amended with *Att. A: Development in Planning Boundary*, an electronic copy and hard copy of which is on file with the City Clerk and is hereby adopted by reference as though it were copied herein fully.

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.

Section 3 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders, or parts thereof, which are in conflict herewith, are hereby repealed to the extent of such conflict.

PASSED and APPROVED this _____ day of _____, 2023.

APPROVED:

Attachment A: Development in
Planning Boundary

ATTEST:

Stephanie Orman, Mayor

Kirby Romines, City Clerk

Attachment A: Development in
Planning Boundary

Underline text to be added, strikethrough text to be deleted.

Any section(s) not included in this attachment remain as currently approved.

Sec 700.01 Applicability Of Large-Scale Development Regulations

- (a) Plan required. In the city limits and within the planning area, Aa large scale development plan shall be submitted to the planning commission for all developments, building construction, parking lots, and trail construction regardless of zone and for all additions and improvements to existing developments, buildings, parking lots or trails regardless of zone. Single-family and duplex residential construction is specifically exempted from this requirement. Trails and parking lots constructed as part of an approved large-scale development or preliminary plat shall not be required to submit separate large-scale development application. This shall not apply to interior remodels or general upkeep and maintenance of an existing structure.
- (b) Approval required. No building permit shall be issued and no temporary or permanent connection to city utilities shall be allowed until the development plan has been approved as set forth in this article. No permanent connection to city utilities shall be allowed until the chief building inspector has certified compliance with the approved development plan.

Sec 700.04 Review And Approval Of Large-Scale Developments

- (a) *Administrative approval.*
- (1) *Applicability.* The director may administratively approve:
- a. *Residential.* Any residential development not exceeding four (4) family units; ~~or~~
 - b. *Nonresidential.* Any nonresidential alteration or extension not exceeding 50% of the gross floor area of the existing structure. Only one (1) such alteration or extension to a structure may be approved by the director.
 - c. *Trails.* Any trail proposed to be constructed that is not part of an existing large-scale development.
 - d. *Parking lots.* Any parking lot proposed to be constructed or existing gravel parking lots to be paved.
 - e. Planning Boundary. Any residential development exceeding four (4) units or nonresidential development within the Planning Boundary.
- (2) *Staff action.* Within ten (10) days of receipt of the complete development, landscape and construction plans, the Director shall approve, disapprove or approve with conditions said plans, after all reviewing departments have approved the plans.
- a. *Approved.* If the director approves the plans, the applicant may apply for a building permit. If the project is located within the Planning Boundary, the applicant may apply for necessary permits with Benton County.
 - b. *Approved with conditions.* If the plans are approved with conditions, the conditions shall be set forth in written form to the developer. The signature of the developer on the form setting forth the conditions of approval shall be deemed his agreement to comply with said conditions.
 - c. *Disapproved.* If the plans are disapproved, the reasons for such action shall be reduced to written form and supplied to the developer.

Attachment A: Development in Planning Boundary

- (3) *Additional review.* If the director determines that there is a necessity of transmitting the plans to outside sources for additional comment or in-depth study, he shall notify the developer in writing within the ten-day period that a decision will not be made within the ten-day period, what the reasons are for the delay and the date at which a decision can be expected. A copy of said letter shall be sent the chairman of the planning commission. If the developer objects to such an extension, said objection shall be heard as a priority item at the next regular planning commission meeting.
- (4) *Approval signatures.* All staff approvals to any development plan shall be signified by the signature of said staff member upon the development plan.

Sec 700.07 Expiration Of Large-Scale Development Approval

- (a) *Expiration.* The approved development plan is conditioned upon the applicant accomplishing the following tasks within one year from the date of approval:
 - (1) Receive a building permit;
 - (2) Pour footing; and
 - (3) Receive all permits and approvals required by city, county, state, and federal regulations to start construction of the development or project.

(b) Extension.

~~(b)(1)~~ Originally approved by Planning Commission. For large-scale development plans originally approved by the Planning Commission Prior to expiration, an applicant may request the planning commission extend the period to accomplish the task by up to six (6) additional months. The request for an extension must be made prior to expiration. The applicant has the burden to show good cause why the task could not be reasonably completed within the normal time limit.

~~(c)(2)~~ Planning Boundary Originally approved administratively. For development plans originally approved administratively, Prior to expiration, an applicant may request the Planning Director extend the period to accomplish the task by up to six (6) additional months. The request for an extension must be made prior to expiration. The applicant has the burden to show good cause why the task could not be reasonably completed within the normal time limit.

Sec 700.09 Requirements For Building Permit Application

Upon approval or conditional approval of the large-scale development plan, the applicant may submit an application for a building permit. The applicant shall provide the following documents prior to issuance of the building permit.

- (a) Grant of all dedications proposed;
- (b) A 36-month replacement guarantee from the supplier or property owner on all live plant material used in the landscape plan; and
- (c) Any Large-Scale Development that has over \$20,000.00 of sewer infrastructure, as determine by the engineer of record that is to be dedicated to the City of Bentonville shall provide a maintenance letter of credit in accordance with the requirements in Section 300.09, Maintenance letter of credit and a warranty in accordance with the requirements in Section 300.10, Guarantee of installation.

Attachment A: Development in
Planning Boundary

- (d) For projects in the Planning Boundary, the applicant must meet all requirements of Benton County for a building permit.

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 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 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.
 - (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).
 - (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.
 - (5) Planning Boundary. All development requiring large scale development approval within the Planning Boundary shall be exempt from this section.



Residential Parking

PC Date: 9/5/2023

Reviewer: Shelli Kerr, AICP, Comprehensive Planning Mngr

Type	Amendment
Code Impacted	Ch. 76 Property Maintenance Code & Ch. 94-VI Parking
Recommendation	APPROVAL

Issue Statement

City officials have received complaints regarding vehicles, particularly large commercial vehicles and recreational vehicles, parked continuously in residential areas. Such on-street and off-street parking of larger vehicles can reduce travel safety, impact response times for public safety, and effect the appearance and value of residential neighborhoods. Further, to clarify enforcement responsibility, the on-street parking regulations should be in Ch. 94 enforced by the Police Department and the private property parking regulations should be in the Property Maintenance Code enforcement by Code Enforcement division.

Proposed Changes

To Zoning code, Sec. 601.09:

- Remove section regarding parking of commercial vehicles in residential zones.

To Ch. 76 Property Maintenance Code:

- Add definitions for *commercial vehicle*, *recreational vehicle*, and *residential driveway*.
- Recreational vehicles:
 - 2 RVs per residential property. Those in a garage or behind a 6' fence are excluded.
 - Only 1 RV allowed on the driveway.
 - RV cannot be used for residential use unless approved as an accessory dwelling unit.
- Commercial vehicles:
 - 1 per unit on residential property.

To Ch. 94-VI Parking:

- Add definitions for *commercial vehicle*, *recreational vehicle*, *residential driveway*, and *inoperable vehicle*. *Note: Inoperable vehicle* was not added to Ch. 76 Property Maintenance Code because it is already defined in that chapter.
- Add a section regarding on-street parking:
 - No parking of any vehicle on public street for more than 72 consecutive hours.
 - No parking of inoperable vehicles on public street at any time.
 - No parking of any vehicles on public street for purposes of sale, washing or repairing at any time.
 - No parking of commercial vehicles on a public street in a residential zone between 10 pm - 7 am.
 - No parking of RVs on public street, except for loading, and no longer than 48 hours.

The Code Review Committee has reviewed and supports the proposed amendment.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING BENTONVILLE MUNICIPAL CODE
CH. 76 PROPERTY MAINTENANCE CODE, CH. 94-VI PARKING, AND
APPENDIX A ZONING TO REGULATE ON-STREET AND OFF-STREET
PARKING IN RESIDENTIAL AREAS; AND FOR OTHER PURPOSES.**

WHEREAS, city officials have documented numerous cases of vehicles, particularly large commercial vehicles and recreational vehicles, parked continuously in residential areas;

WHEREAS, such on-street and off-street parking of larger vehicles can reduce travel safety, impact response times for public safety, and effect the appearance and value of residential neighborhoods;

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

Section 1: That Bentonville Municipal Code, Ch. 76 Property Maintenance should be and is hereby amended with *Att. A: Amendment to Ch. 76 Property Maintenance*, an electronic copy and hard copy of which is on file with the City Clerk and is hereby adopted by reference as though it were copied herein fully;

Section 2: That Bentonville Municipal Code, Ch. 94-VI Parking should be and is hereby amended with *Att.t B: Amendment to Ch. 94-VI Parking*, an electronic copy and hard copy of which is on file with the City Clerk and is hereby adopted by reference as though it were copied herein fully;

Section 3: That Zoning Code, *Sec. 601.09 Commercial Vehicles in Residential Zones* should be and the same is hereby deleted.

Section 4 - 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.

Section 5 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders, or parts thereof, which are in conflict herewith, are hereby repealed to the extent of such conflict.

PASSED and APPROVED this _____ day of _____, 2023.

APPROVED:

Stephanie Orman, Mayor

ATTEST:

Kirby Romines, City Clerk

Attachment A

Amendment to Ch. 76 Property Maintenance Code

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

Sec. 76-202 Definitions

Commercial Vehicle - a self-propelled or towed vehicle to transport passengers or property used primarily for business or commercial purposes, or, if the vehicle-- (1) Has a gross vehicle weight rating or gross vehicle weight of at least 12,001 pounds, whichever is greater; (2) Is designed or used to transport more than 8 passengers (including the driver) for compensation; or (3) Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation.

Recreational Vehicle ("RV") - a vehicular-type unit primarily designed for recreational camping or travel use that has its own motive power or is mounted on or towed by another vehicle. The units include travel trailers, fifth wheel trailers, folding camping trailers, truck campers, motor homes, and non-freight trailers used to transport other leisure equipment, such as a boat, horse, motorcycle, show car, race car, snowmobile or bicycle.

Driveway, Residential – a continuous and unobstructed path of travel between the public street to the garage or carport or vehicle entrance to the residential structure.

Sec. 76-302 Exterior Property Areas

(h) Motor vehicles.

- (1) *Inoperable vehicles.* Except as provided for in other regulations, inoperative motor vehicle shall not be parked, kept or stored on any premises other than in a carport or enclosed building,
- (2) *State of disrepair.* ~~and~~ Vehicles shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. **Exception:** A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes and that the vehicle is registered to the property owner.
- (3) *Recreational Vehicles.*
 - a. *Number allowed.* It shall be unlawful to park more than two (2) recreational vehicles or trailers on any residentially zoned property, excluding those parked in an enclosed garage or placed in the side or rear yard, if said yard is enclosed by a minimum of a six foot (6') tall opaque fence.
 - b. *Residential driveway.* Only one (1) recreational vehicle or trailer may be parked or stored between the paved edge of any street and a dwelling or garage (whichever is closer to the paved edge of the street) and shall be parked or left on a residential driveway.
 - c. *Dwelling or Lodging Use.* It shall be unlawful to use a recreational vehicle, trailer or any other vehicle for temporary or permanent on-premises dwelling or lodging purposes for more than seven days total in any continuous 12-month period, unless such vehicle is approved and permitted as an accessory dwelling unit which shall comply with the Zoning Code, Sec. 601.01 Accessory Structures and Sec. 601.02 Accessory Dwelling Units.
- (4) *Commercial Vehicles.* No more than one (1) commercial vehicle per dwelling unit shall be parked or stored on residentially zoned property.

Att. B Amendment to Ch. 94-VI Parking

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

Chapter 94-149 Definitions

Commercial Vehicle - a self-propelled or towed vehicle to transport passengers or property used primarily for business or commercial purposes, or, if the vehicle-- (1) Has a gross vehicle weight rating or gross vehicle weight of at least 12,001 pounds, whichever is greater; (2) Is designed or used to transport more than 8 passengers (including the driver) for compensation; or (3) Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation.

Recreational Vehicle ("RV") - a vehicular-type unit primarily designed for recreational camping or travel use that has its own motive power or is mounted on or towed by another vehicle. The units include travel trailers, fifth wheel trailers, folding camping trailers, truck campers, motor homes, and non-freight trailers used to transport other leisure equipment, such as a boat, horse, motorcycle, show car, race car, snowmobile or bicycle.

Driveway, Residential – a continuous and unobstructed path of travel between the public street to the garage or carport or vehicle entrance to the residential structure.

Inoperable motor vehicle. A vehicle that cannot be driven upon the public streets for reason including but not limited to being wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

Chapter 94-VI Parking

94-163 On-street parking

1. **Length of time.** It shall be unlawful for any person or business to park a vehicle in the public street and to occupy a space in the same block for more than a consecutive period of 72 hours.
2. **Inoperable Vehicles.** It shall be unlawful for any person to park, keep or store any vehicle that is inoperable and/or has been damaged, wrecked or is in a state of disrepair within any public right-of-way.
3. **Display and repairs.** It shall be unlawful for any person to park a vehicle or trailer within any public right-of-way for the purpose of displaying a vehicle for sale or for washing/repairing vehicles or trailers, except in an emergency.
4. **Commercial Vehicles.** It shall be unlawful for any person to park or store commercial vehicles, as defined herein, within any public right-of-way in a residential zone or within a public right-of-way abutting a residential zone between 10 pm and 7 am.
5. **Recreational Vehicles.** It shall be unlawful to park a recreational vehicle, all-terrain vehicle, boat, utility trailer, or trailer of any kind, within a public right-of-way, except when it is actually being loaded, readied for use, or unloaded, but in no event longer than 48 hours.

LOT SPLIT STAFF REPORT



Lots 5, 6 and 7, Block 8 of Lincoln and Rice Addition

807 Northeast 2nd Street

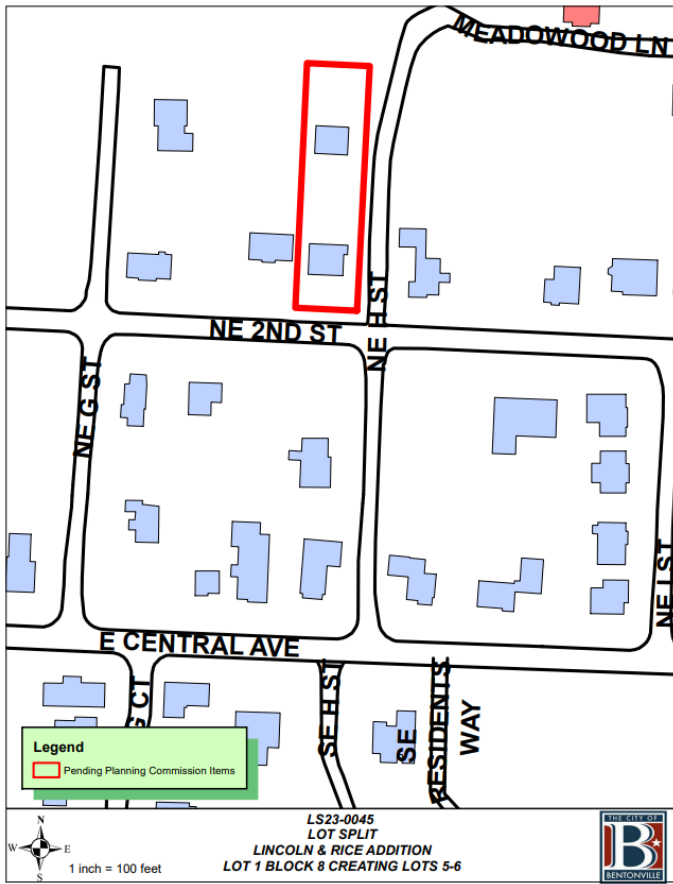
PC Date: 8/15/2023

Reviewer: Jon Stanley, Senior Planner, ASLA, APA

Project Number	LS23-0045
Applicant / Current Owner	807 NE 2nd Street Bentonville, LLC
Site Area	+/-0.52 acres
Current Zoning	R-1, Low Density Single Family Residential
Future Land Use Map Designation	Low-Density Residential (LDR)
Related Project's	RZ23-0064

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

Location Map



Property Description

This property is located at 807 Northeast 2nd Street. It is currently zoned R-1, Single Family Residential and contains an existing single family residence and accessory structure. Adjacent zonings are all R-1, Single Family Residential to the north, east, and west and DN-1, Downtown Low-Density Residential to the south.

Project Details

The applicant is proposing a lot split of an existing +/-0.52 acre lot that will create three new lots to be known as Lots 5 (+/-0.52 acres), Lot 6 (+/-0.17 acres) and Lot 7 (+/-0.13 acres), Block 8 of Lincoln and Rice Addition. This project is related to rezoning RZ23-0064 on this agenda.

The plat dedicates utility easements to serve the newly created lots. The plat meets all requirements of the Zoning and Land Development Codes. Right-of-way along both Northeast 2nd Street and Northeast H Street meets the requirements of the Master Street Plan.

Waivers

There are no waivers associated with this project.

Analysis and Recommendation

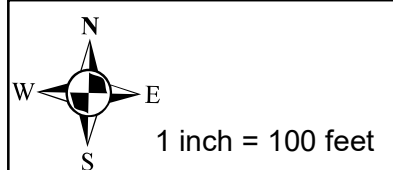
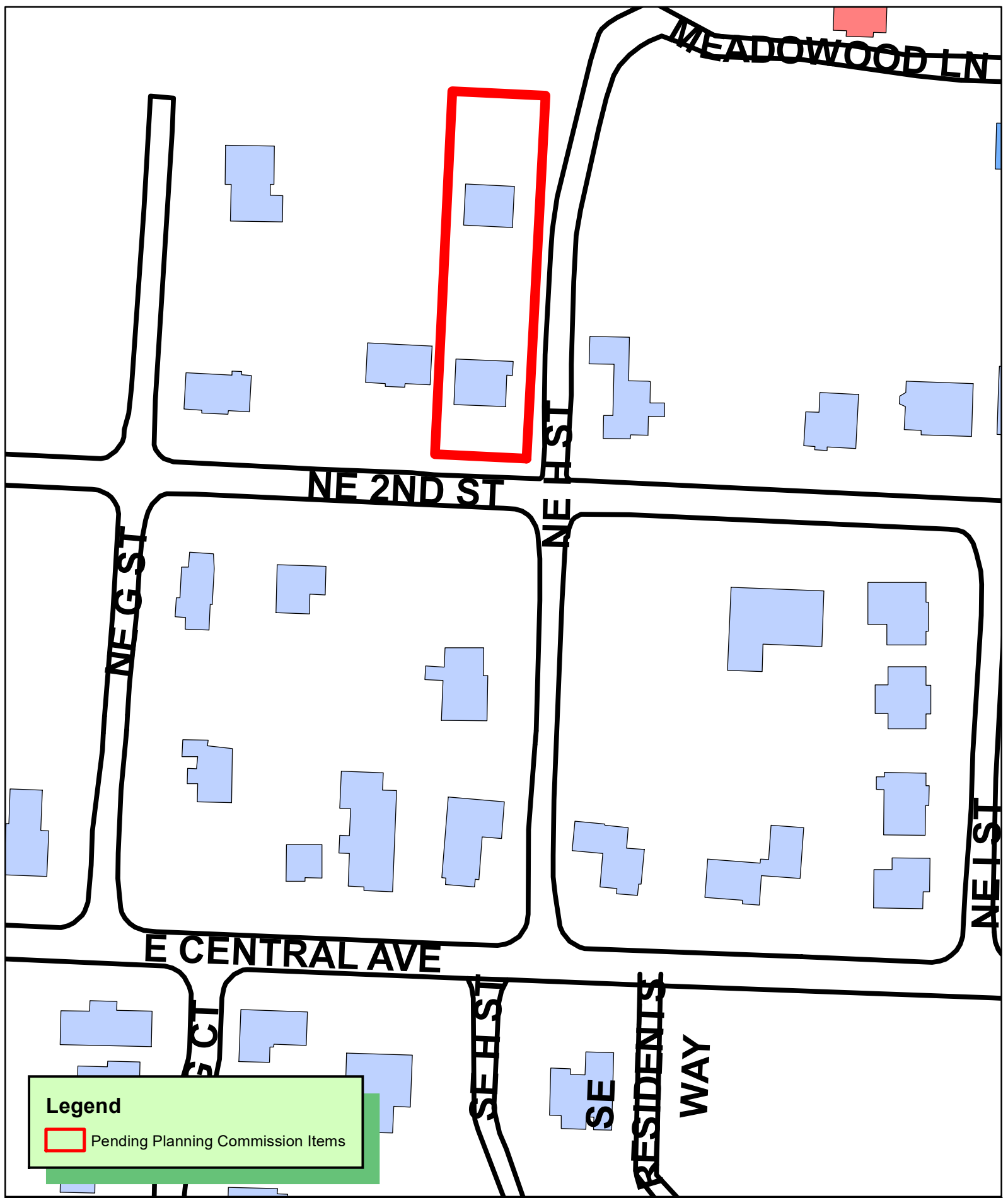
Staff recommends approval of the lot split, under the condition that the associated rezone is approved, as presented, the proposed lot split would comply with all Zoning Code and Land Development Code requirements.

Standard Conditions of Approval

1. Provide a digital copy of the plat.
2. Address all technical review comments prior to filing or requesting a building permit.
3. The plat shall not be filed until a final inspection has been completed and accepted.

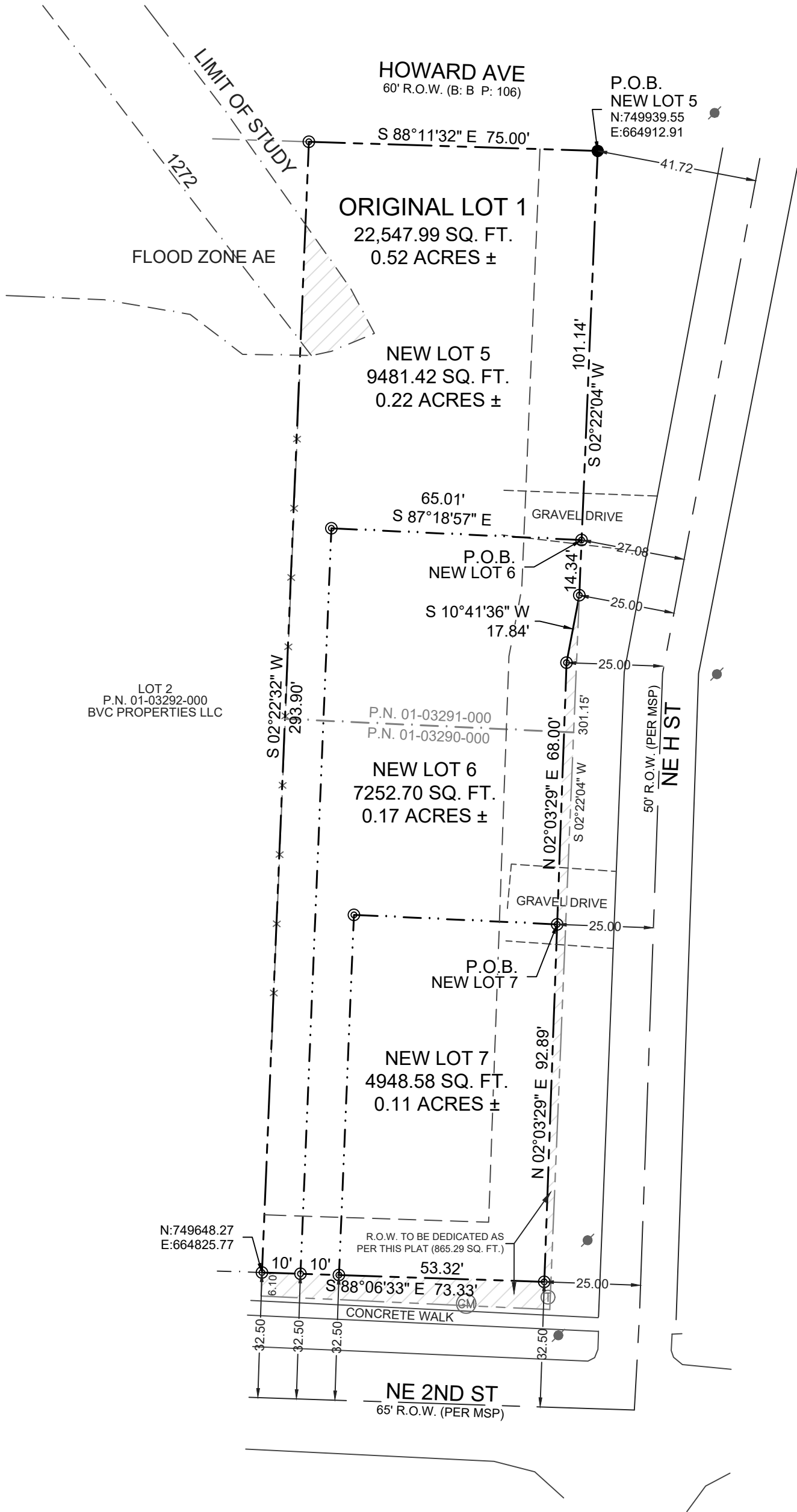
NOTES

- **Sidewalks.** Sidewalk installation will be the responsibility of individual lot owners at the time of building permit.



LS23-0045
 LOT SPLIT
 LINCOLN & RICE ADDITION
 LOT 1 BLOCK 8 CREATING LOTS 5-6





NOTES:

- EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF MAKING OF THIS SURVEY; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND-USE REGULATIONS, AND ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE COMMITMENT MAY DISCLOSE.
- BASIS OF BEARINGS: ARKANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE.
- SURVEY REPRESENTS A BOUNDARY SURVEY OF A PARCEL DESCRIBED IN BENTON COUNTY DEED RECORDS, INSTRUMENT #L202325604.
- DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
- THIS SURVEY IS VALID ONLY IF THE DRAWING INCLUDES THE SEAL AND SIGNATURE OF THE SURVEYOR.
- SETBACKS SHALL BE PER THE CURRENT BENTON COUNTY REQUIREMENTS. FOR MORE INFORMATION VISIT <https://bentoncountyar.gov/county-planning/> OR CALL THE BENTON COUNTY PLANNING OFFICE AT 479-464-6166
- SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP, TITLE EVIDENCE, OR ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE COMMITMENT MAY DISCLOSE.
- 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.
- OWNER/DEVELOPER SHALL COORDINATE WITH ALL LOCAL UTILITIES TO INSURE THAT EACH LOT HAS WATER, SEWER AND ELECTRIC SERVICE.
- 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.
- ALL STRUCTURES MUST MAINTAIN MINIMUM OF 20' CLEARANCES FROM ALL ELECTRIC LINES.
- THERE ARE NO WAIVERS, VARIANCES AND/OR CONDITIONAL USES AT THE TIME OF PREPARING THIS PLAT.
- NO RESIDENTIAL LOT SHALL BE PERMITTED DIRECT ACCESS TO A COLLECTOR OR ARTERIAL STREET. ALL RESIDENTIAL SUBDIVISION DEVELOPMENT CONTIGUOUS TO A COLLECTOR OR ARTERIAL STREET SHALL ORIENT FRONTAGE TO A LOCAL STREET, AND BACK OF THE PROJECT, WITHOUT ACCESS TO THE SAID MAJOR STREETS.

PARENT DESCRIPTION:
FROM L202325604

ALL OF LOT 1, BLOCK 8, RICE AND LINCOLN ADDITION, BENTONVILLE, BENTON COUNTY, ARKANSAS.

NEW LOT 5:

A PART OF LOT 1, BLOCK 8, LINCOLN & RICE ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NE CORNER OF SAID LOT 1; THENCE S 02°22'04" W A DISTANCE OF 101.14 FEET; THENCE N 87°18'57" W A DISTANCE OF 65.01 FEET; THENCE S 02°22'32" W A DISTANCE OF 193.76 FEET; THENCE N 88°06'33" W A DISTANCE OF 10.00 FEET; THENCE N 02°22'32" E A DISTANCE OF 293.90 FEET; THENCE S 88°11'32" E A DISTANCE OF 75.00 FEET TO THE POINT OF BEGINNING, WITH AN AREA OF 9481.42 SQUARE FEET, OR 0.218 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

NEW LOT 6:

A PART OF LOT 1, BLOCK 8, LINCOLN & RICE ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NE CORNER OF SAID LOT 1; THENCE S 02°22'04" W A DISTANCE OF 101.14 FEET TO THE POINT OF BEGINNING; THENCE S 02°22'04" W A DISTANCE OF 14.34 FEET; THENCE S 10°41'36" W A DISTANCE OF 17.84 FEET; THENCE S 02°03'29" W A DISTANCE OF 68.00 FEET; THENCE N 87°18'57" W A DISTANCE OF 52.81 FEET; THENCE S 02°22'32" W A DISTANCE OF 93.62 FEET; THENCE N 88°06'33" W A DISTANCE OF 10.00 FEET; THENCE N 02°22'32" E A DISTANCE OF 193.76 FEET; THENCE S 87°18'57" E A DISTANCE OF 65.01 FEET TO THE POINT OF BEGINNING, WITH AN AREA OF 7252.70 SQUARE FEET, OR 0.166 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

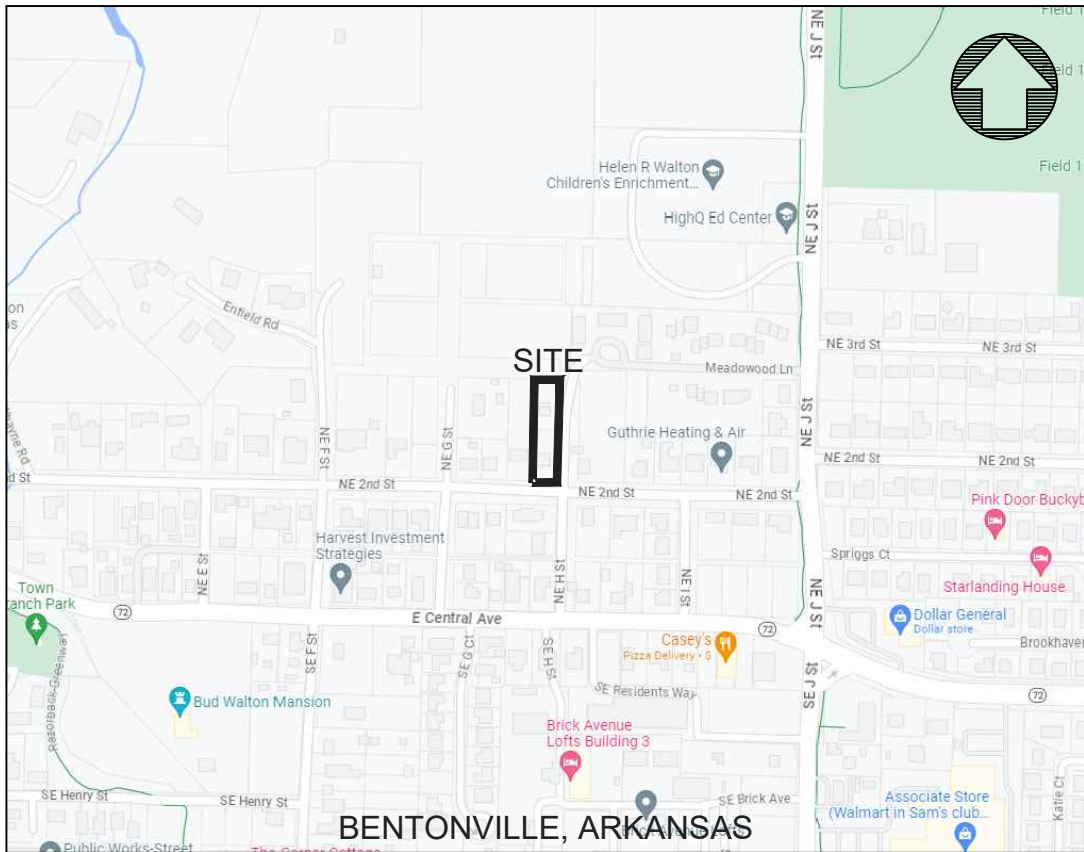
NEW LOT 7:

A PART OF LOT 1, BLOCK 8, LINCOLN & RICE ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NE CORNER OF SAID LOT 1; THENCE S 02°22'04" W A DISTANCE OF 115.48 FEET; THENCE S 10°41'36" W A DISTANCE OF 17.84 FEET; THENCE S 02°03'29" W A DISTANCE OF 68.00 FEET TO THE POINT OF BEGINNING, THENCE S 02°03'29" W A DISTANCE OF 92.89 FEET; THENCE N 88°06'33" W A DISTANCE OF 53.32 FEET; THENCE N 02°22'32" E A DISTANCE OF 93.62 FEET; THENCE S 87°18'57" E A DISTANCE OF 52.81 FEET TO THE POINT OF BEGINNING, WITH AN AREA OF 4948.58 SQUARE FEET, OR 0.114 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

OWNERSHIP INFORMATION:
807 NE 2ND BENTONVILLE LLC
1394 W SUNSET AVE
SPRINGDALE, AR 72764

LEGEND

- FOUND REBAR
- FOUND PIPE
- SET 1/2" IRON PIN W/CAP
- UTILITY POLE
- TELEPHONE VAULT
- GAS METER
- PROPERTY LINE
- NEW LOT LINE PER THIS PLAT
- LOT LINE REMOVED PER THIS PLAT
- RIGHT-OF-WAY
- CENTERLINE
- FLOOD LINE
- FENCE LINE



FLOOD CERTIFICATION:

I CERTIFY THAT I HAVE EXAMINED THE OFFICIAL FLOOD INSURANCE HAZARD RATE MAP PANEL NO. 05007C0255K (EFFECTIVE DATE 06/05/2012) AND FOUND IN THE DESCRIBED PROPERTY HEREON LIES IN ZONE "AE", AN AREA WITHIN THE 100-YEAR FLOOD PLAIN.

CERTIFICATE OF SURVEY ACCURACY:

I, ROBERT J. CASTER 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, SIZE, 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. 1370
STATE OF ARKANSAS

CERTIFICATE OF OWNERSHIP AND DEDICATION:

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:

PRINT NAME:

SIGNATURE:

STATE OF ARKANSAS, COUNTY OF BENTON, 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 THE SAID RULES AND REGULATIONS.

DATE OF EXECUTION:

SIGNED
PLANNING COMMISSION CHAIRPERSON

DATE OF EXECUTION:

SIGNED
MAYOR, CITY OF BENTONVILLE

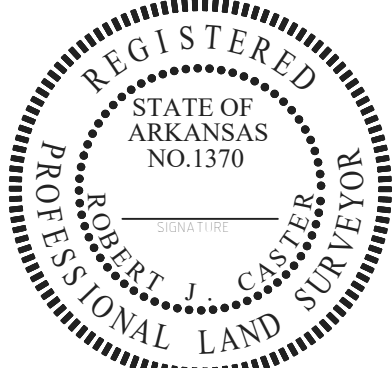
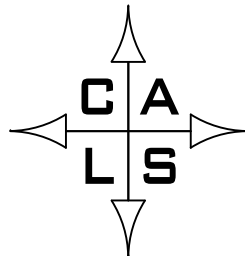
SIGNED
CITY CLERK, CITY OF BENTONVILLE

CERTIFICATE OF AUTHORIZATION
COA CERTIFICATE NUMBER: 3049

CITY OF BENTONVILLE PROJECT #LS23-0045

CASTER & ASSOCIATES
LAND SURVEYING, INC.

2715 SE "I" Street, Suite 5
Bentonville, AR 72712
(479) 268-4464



SCALE: 1" = 30' DATE: 07/18/2023

LOT SPLIT OF LOT 1
CREATING LOTS 5, 6, & 7, BLOCK 8
LINCOLN & RICE ADDITION

807 NORTHEAST 2ND STREET
CITY OF BENTONVILLE
BENTON COUNTY, ARKANSAS

JOB #	DRAWN BY:	CHK'D BY:	PAGE
23-193	ASG	RJC	1 OF 1

ORDINANCE NO. _____

**AN ORDINANCE ACCEPTING A PROPERTY LINE ADJUSTMENT OF EXISTING
LOT 1 OF LINCOLN AND RICE ADDITION; CREATING NEW LOTS 5, 6, AND 7 OF
LINCOLN AND RICE ADDITION TO THE CITY OF BENTONVILLE, ARKANSAS;
AND FOR OTHER PURPOSES.**

(PROJECT NUMBER: LS23-0045)

WHEREAS, pursuant to the provisions of the Land Development Code of the Bentonville Municipal Code, the property line adjustment of EXISTING LOT 1, BLOCK 8 OF LINCOLN AND RICE ADDITION creating new LOTS 5, 6, AND 7 OF LINCOLN AND RICE ADDITION the City of Bentonville, Benton County, Arkansas was submitted to the Bentonville Planning Commission on September 5, 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 EXISTING LOT 1, BLOCK 8 OF LINCOLN AND RICE ADDITION creating new LOTS 5, 6, AND 7 OF LINCOLN AND RICE 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

LARGE-SCALE DEVELOPMENT STAFF REPORT



Bentonville LDS Church

2900 Southwest 28th Street

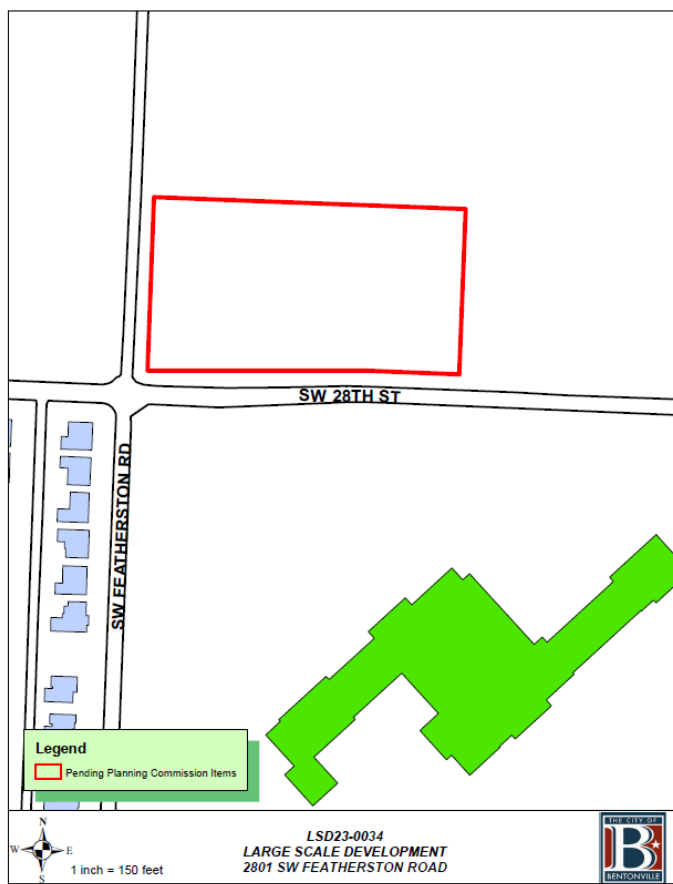
PC Date: 9/5/2023

Reviewer: Jon Stanley, Senior Planner, ASLA, APA

Project Number	LSD23-0034
Applicant / Current Owner	Corp of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints
Site Area	+/- 4.16 acres
Current Zoning	C-1, Neighborhood Commercial
Future Land Use Map Designation	Mixed-Use Commercial (MUC)
Development Type / Use	Religious Facility
Related Project(s)	CU18-0026 - Approved by PC in 2018

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

Location Map



Property Description

This property is located at the northeast corner of Southwest Featherston Road and Southwest 28th Street. The property is currently zoned C-1, Neighborhood Commercial with a land use of MUC, Mixed-Use Commercial.

Project Details

This project is a large-scale development that consists of 18,000 square feet, 268 person capacity, religious facility on approximately 4.16 acres. The height of the structure is an average of 26 feet not including the steeple which is shown to be 66 feet tall in the provided architectural elevation. The development will provide 219 parking spaces, exceeding the required 1 space for every 4 seats.

Two means of access are proposed, one onto Southwest 28th Street and another on Southwest Featherston Road.

The proposal provides pedestrian connection via a proposed sidewalk to the public way along the southern lot line. Landscaping and stormwater management are both in compliance with the Land Development and Stormwater codes.

A waiver was granted by the Planning Commission on June 5, 2023, for a Fee in Lieu of the required street improvements due the project being immediately adjacent to an approved city bond project at the intersection of Southwest Featherston Road and Southwest 28th Street.

The primary external building materials are brick and, textured concrete block.

Projected Traffic Impact

The proposed development will constitute an increase in intensity from the current vacant property, although the traffic impact will likely be minimal. Adequate cross access with neighboring properties and connectivity to existing sidewalk infrastructure as well as direct access to an arterial and collector street should mitigate some effects of additional traffic. This project is near the future trail network along Southwest 28th Street as well as the Greenway, both of which would afford residents the opportunity to replace vehicle trips with bicycle or walking trips.

Waivers

One waiver request is associated with this project:

1. A waiver for a Fee-In-Lieu of street improvements was granted by the Planning Commission on June 6, 2023, in the amount of \$76,887 with no more than a 5% increase or a 10% decrease. However, upon further review that amount was determined to be insufficient by the City's Engineering Department and a new amount of \$138,387 is now being requested to be approved.

Conclusion

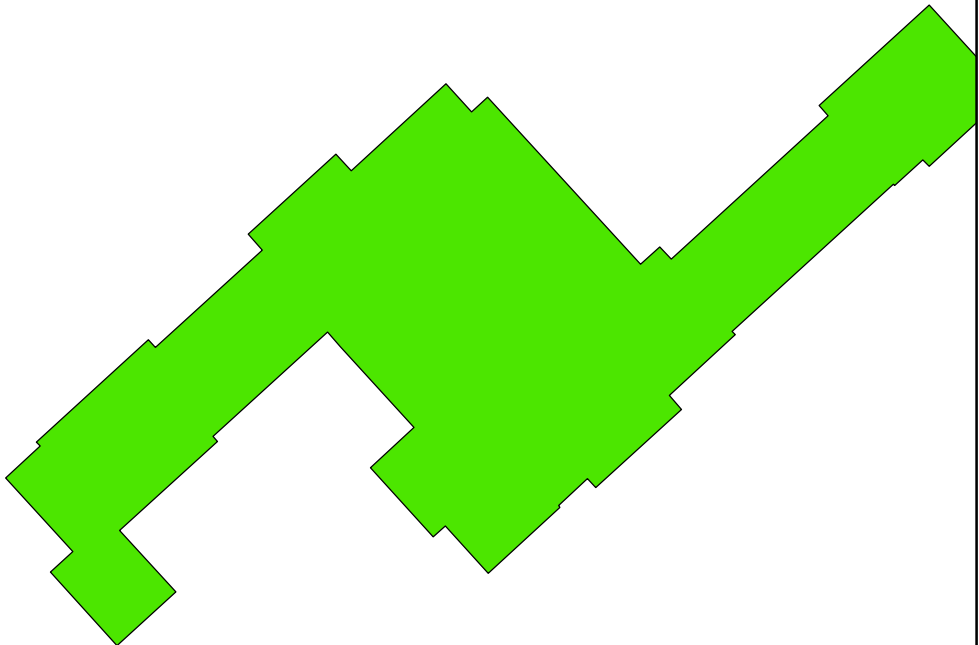
The proposed large-scale development does not meet the minimum requirements of the Land Development Code due to the requested waiver. Given the approved bond project at the intersection of Southwest 28th Street and Southwest Featherston Roads, staff recommends approval of the new amount requested for the fee-in-lieu.

Should Planning Commission not approve the new amount for the fee-in-lieu, staff recommends the item be tabled to allow the applicant to consult with city staff.



SW 28TH ST

SW FEATHERSTON RD



Legend

 Pending Planning Commission Items

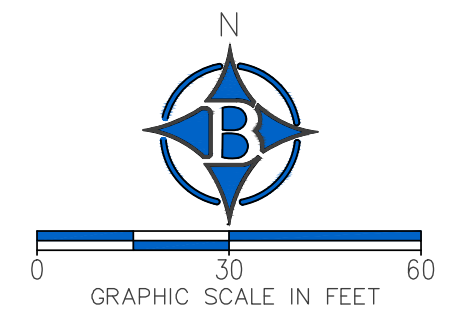
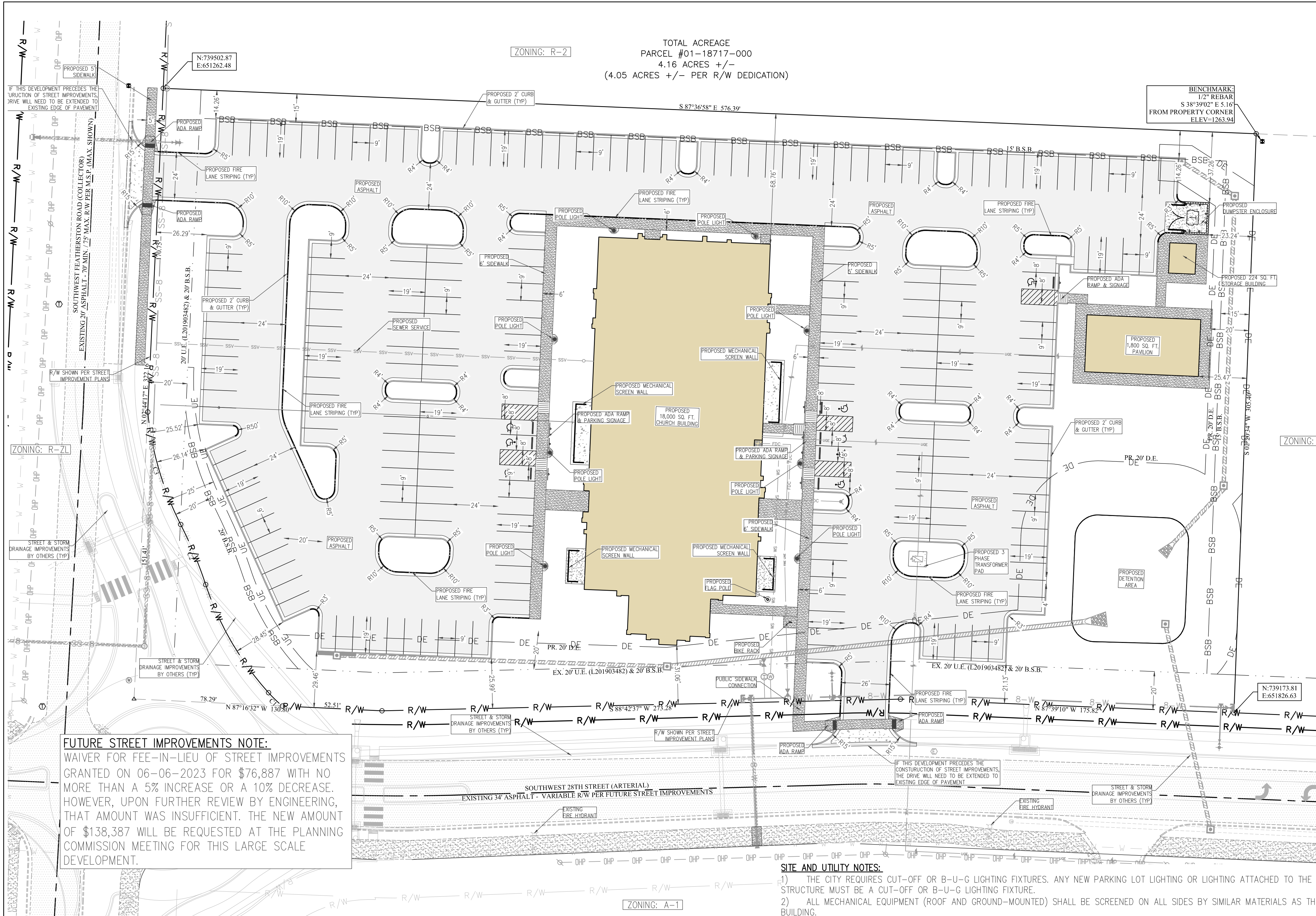


1 inch = 150 feet

LSD23-0000
LARGE SCALE DEVELOPMENT
NAME AND OR ADDRESS



Page 29 of 24



BUILDING SETBACKS:	
FRONT	50ft - PARKING IN FRONT
FRONT	20ft - NO PARKING IN FRONT
SIDE	07ft - ADJACENT TO NON-RESIDENTIAL DISTRICT
SIDE	15ft - ADJACENT TO RESIDENTIAL DISTRICT
REAR	20ft - ADJACENT TO NON-RESIDENTIAL DISTRICT
REAR	25ft - ADJACENT TO RESIDENTIAL DISTRICT

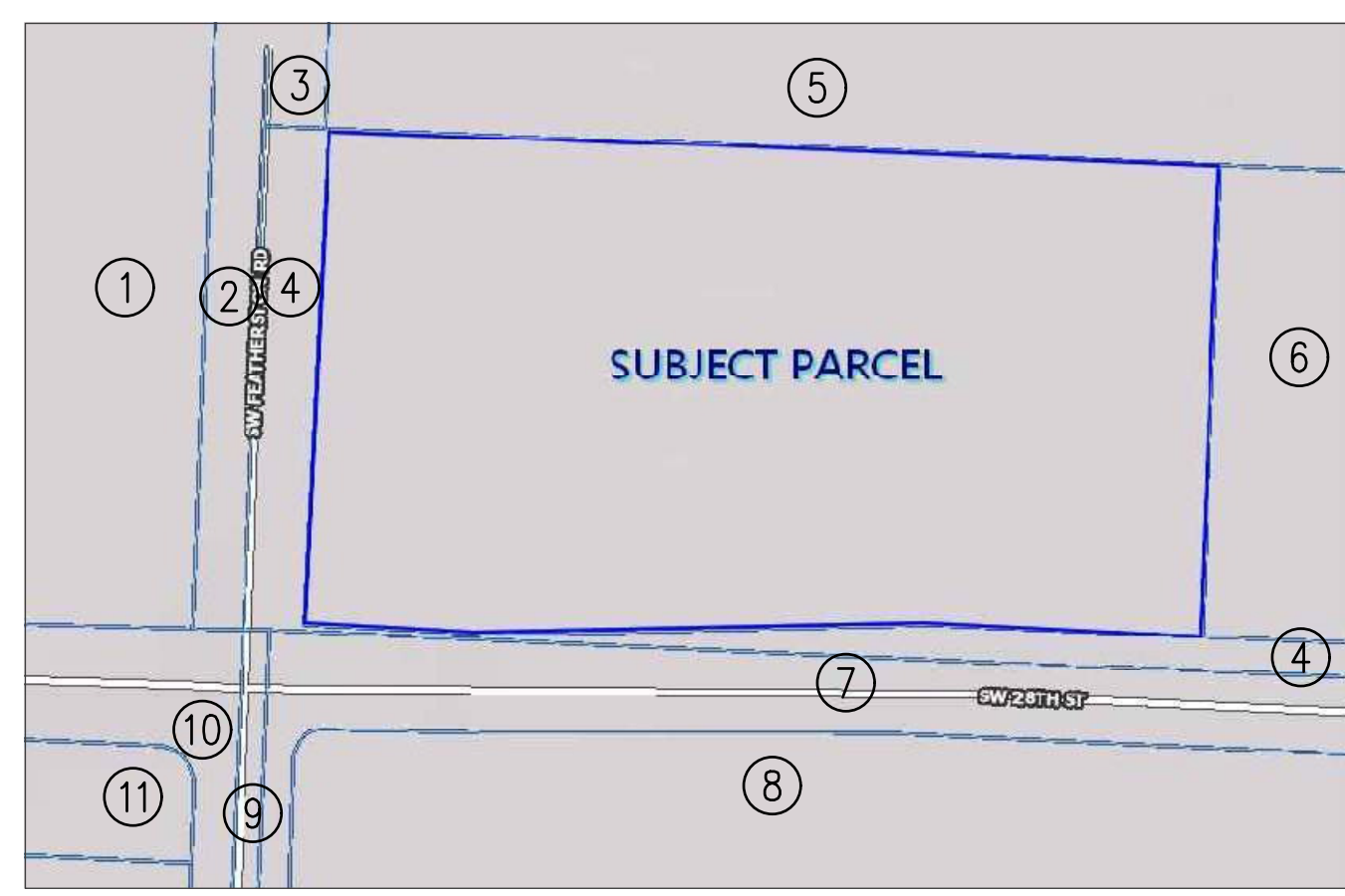
PARKING TABLE:	
501.06.F OFF-STREET PARKING STANDARDS	
CHURCH SANITARY (1 PARKING SPACE FOR EACH FOUR (4) SEATS BASED ON MAXIMUM SEATING CAPACITY IN THE PRINCIPAL ASSEMBLY ROOM)	
ASSEMBLY ROOM SEATING CAPACITY:	268
PARKING SPACES REQUIRED:	67
TOTAL STANDARD SPACES PROVIDED:	219
TOTAL ADA SPACES REQUIRED/PROVIDED:	7

PARKING LOT LANDSCAPE AREA REQUIREMENTS:	
SEC. 1400.08 - INTERIOR PARKING LOT LANDSCAPING REQUIRED:	
PARKING LOT AREA:	89263 SQ. FT.
PARKING LOT LANDSCAPING REQUIRED:	8926 SQ. FT. (10%)
PARKING LOT LANDSCAPING PROVIDED:	9131 SQ. FT. (10.2%)

SITE COVERAGE CALCULATIONS:	
TOTAL SITE AREA:	176489 SQ. FT.
BUILDING COVERAGE:	20041 SQ. FT. (11.4%)
ADDITIONAL IMPERMEABLE:	88942 SQ. FT. (50.4%)
PERMEABLE AREA:	67506 (38.2%)

PROPOSED	EXISTING	DESCRIPTION
AE	AE	ACCESS EASEMENT
AS	AS	ASPHALT (EDGE)
AS	AS	ASPHALT (SURFACE)
B	B	BOLLARD
B	B	BUILDING
BS	BS	BUILDING SETBACK LINE
C	C	CABLE TV (UNDERGROUND)
CE	CE	CENTERLINE
CE	CE	CONCRETE (EDGE)
CE	CE	CONCRETE (SURFACE)
CO	CO	CONDUIT
CO	CO	CONTOURS
CU	CU	CURB & GUTTER
DE	DE	DRAINAGE FLOW
DE	DE	DUMPSTER
EL	EL	UTILITY EASEMENT
EL	EL	ELECTRICAL (UNDERGROUND)
EL	EL	ELECTRICAL (OVERHEAD)
ET	ET	ELECT. TRANSFORMER
EX	EX	EROSION CONTROL (TRENCH)
EX	EX	EROSION CONTROL (RIP RAP)
F	F	FENCE (X. WOOD/POST SCREENING)
F	F	FIRE OPTIC CABLE
F	F	FIRE HYDRANT ASSEMBLY
FL	FL	FLOWLINE
FM	FM	FORCE MAIN
GM	GM	GAS MAIN
GM	GM	GAS METER VALVE
G	G	GRAVEL (EDGE)
G	G	GRAVEL (SURFACE)
I	I	IRON PIN (RE-BAR)
L	L	LIGHT
P	P	POND
PP	PP	POWER POLE
PL	PL	PROPERTY LINE
R	R	RETAINING WALL
R	R	RIGHT-OF-WAY
RS	RS	SANITARY SEWER MANHOLE
RS	RS	SANITARY SEWER PIPE
RS	RS	SANITARY SEWER SERVICE
S	S	SECTION/H LINE
S	S	SIDEWALK
SE	SE	SEASON
SE	SE	SPOT ELEVATION
SE	SE	STABILIZED CONSTRUCTION ENT.
SE	SE	STORM SEWER INLET
SE	SE	STORM SEWER PIPE
SE	SE	STRIP (PAINTED OR STICKY)
SE	SE	TELEPHONE PED/MANHOLE
SE	SE	TELEPHONE (UNDERGROUND)
SE	SE	TREE LINE CANOPY
SE	SE	TREE (NOT TO BE REMOVED)
SE	SE	WATER MAIN BLOWOFF VALVE
SE	SE	WATER MAIN FIRE DEPT. CONN.
SE	SE	WATER MAIN PIPE
SE	SE	WATER MAIN REDUCER
SE	SE	WATER MAIN THURST BLOCK
SE	SE	WATER METER
SE	SE	WATER METER (IRRIGATOR)
SE	SE	WATER VALVE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	65.50	10.17	10.16	N 46°00'31" W	8°53'37"
C2	231.50	34.38	34.35	N 22°36'28" W	8°30'36"
C3	168.50	62.10	61.75	N 16°18'19" W	21°06'53"



- ADJACENT LAND OWNERS:
- | | | | | | | | | | | |
|---|---|---|---|--|--|---|--|---|--|--|
| 1) SUNRISE RESIDENTIAL CONSTRUCTION INC
669 S 48TH ST
BENTONVILLE AR 72713
PARCEL #01-18922-000
ZONED: R-ZL | 2) CITY OF BENTONVILLE
1000 SW 14TH ST
BENTONVILLE AR 72712
PARCEL #01-18923-000
ZONED: ROW | 3) CITY OF BENTONVILLE
1000 SW 14TH ST
BENTONVILLE AR 72712
PARCEL #01-18436-000
ZONED: ROW | 4) CITY OF BENTONVILLE
1000 SW 14TH ST
BENTONVILLE AR 72712
PARCEL #01-18719-000
ZONED: ROW | 5) PRESTIGE INVESTMENTS GROUP LLC
4203 SW ACRES AVE
BENTONVILLE AR 72713
PARCEL #01-18435-001
ZONED: R-2 | 6) PINNACLE VENTURES & DEVELOPERS LLC
7331 RIDGEPOINT DR
IRVING TX 75063
PARCEL #01-18718-000
ZONED: R-3 | 7) CITY OF BENTONVILLE
1000 SW 14TH ST
BENTONVILLE AR 72712
PARCEL #01-16701-000
ZONED: ROW | 8) BENTONVILLE SCHOOL DISTRICT #6
500 TIGER BLVD
BENTONVILLE AR 72712-4208
PARCEL #01-16697-000
ZONED: A-1 | 9) CITY OF BENTONVILLE
1000 SW 14TH ST
BENTONVILLE AR 72712
PARCEL #01-07933-005
ZONED: ROW | 10) CITY OF BENTONVILLE
1000 SW 14TH ST
BENTONVILLE AR 72712
PARCEL #01-13617-001
ZONED: ROW | 11) DODDA, RAMESH
4001 SW LAYTON RD
BENTONVILLE AR 72713
PARCEL #01-13487-000
ZONED: R-1 |
|---|---|---|---|--|--|---|--|---|--|--|

- SITE AND UTILITY NOTES:**
- THE CITY REQUIRES CUT-OFF OR B-U-G LIGHTING FIXTURES. ANY NEW PARKING LOT LIGHTING OR LIGHTING ATTACHED TO THE STRUCTURE MUST BE A CUT-OFF OR B-U-G LIGHTING FIXTURE.
 - ALL MECHANICAL EQUIPMENT (ROOF AND GROUND-MOUNTED) SHALL BE SCREENED ON ALL SIDES BY SIMILAR MATERIALS AS THE BUILDING.
 - ALL EXISTING UTILITIES BELOW 12KV SHALL BE RELOCATED UNDERGROUND. ALL INSTALL UTILITIES SHALL BE LOCATED UNDERGROUND.
 - ALL CONDUITS PLACED BY CONTRACTOR MUST HAVE 48" OF COVER AT FINAL GRADE AND MARKED WITH POST TO IDENTIFY THE END OF CONDUITS. THERE MUST BE A MINIMUM SEPARATION OF 12" BETWEEN CONDUITS FOR ELECTRIC AND CONDUITS FOR OTHER UTILITIES.
 - DAMAGE TO OR RELOCATION OF EXISTING UTILITIES SHALL BE AT THE DEVELOPERS EXPENSE.
 - TREES MUST BE LOCATED 5' FROM PUBLIC UTILITIES.
 - THIS LARGE SCALE DEVELOPMENT WILL REQUIRE RP TYPE BACKFLOW PREVENTER ON ALL DOMESTIC WATER SERVICES. IRRIGATION SERVICE CONNECTIONS SHALL ALSO BE PROTECTED BY AN RP TYPE BACKFLOW PREVENTER.
 - ALL WATER SERVICES WILL REQUIRE RP-TYPE BACKFLOW PREVENTERS
 - BACKFLOW PREVENTION DEVICE FOR WATER SERVICE WILL BE INSIDE BUILDING.
 - ALL SIGNAGE WILL REQUIRE A SEPARATE PERMIT.
 - ALL TRENCHING AND BEDDINGS SHALL BE IN ACCORDANCE WITH BENTONVILLE 'TYPICAL BEDDING DETAIL AND BACKFILL DETAIL', UNLESS OTHERWISE NOTED ON DRAWING.
 - 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.
 - CONTACT BEUD AT 479-271-3135 BEFORE PERFORMING ANY GRADING WITHIN 5' OF EXISTING OR PROPOSED POWER POLES.
 - BEUD DESIGN LAYOUT DRAWING TAKES PRECEDENCE OVER ANY ELECTRIC INFORMATION SHOWN ON THE SITE UTILITY PLAN.
 - 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.
 - 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' SIGHT TRIANGLE.
 - ALL PROPOSED SIGNAGE WILL REQUIRE A SEPARATE PERMIT
 - 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.
 - THE DUMPSTER ENCLOSURE SHALL BE CONSTRUCTED WITH SIMILAR MATERIALS AS THE BUILDING.
 - OWNER REQUIRED TO PAY FOR LIGHTS PRIOR TO REQUESTING PRECON.
 - 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.

- SITE AMENITIES (2 REQUIRED):**
- CHURCH STEEPLE
 - BIKE RACK

ENGINEER: G. Bates

DRAWN BY: J. Young

08/14/23

CERTIFICATE OF AUTHORIZATION

BATES & ASSOCIATES, INC.

REGISTERED PROFESSIONAL ENGINEER

No. 9810

GEORGE H. BATES

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DATE

03/10/23

06/09/23

07/19/23

08/14/23

REVISIONS

PRE-APPLICATION PLAN PREPARATION

PRE-APPLICATION REVISION

FIRST SUBMITTAL

REVISIONS PER 08/07/23 STAFF REVIEW

BENTONVILLE LDS CHURCH

LARGE SCALE DEVELOPMENT PLANS

SITE PLAN

BENTONVILLE, ARKANSAS

Bates & Associates, Inc.

Civil Engineering & Surveying

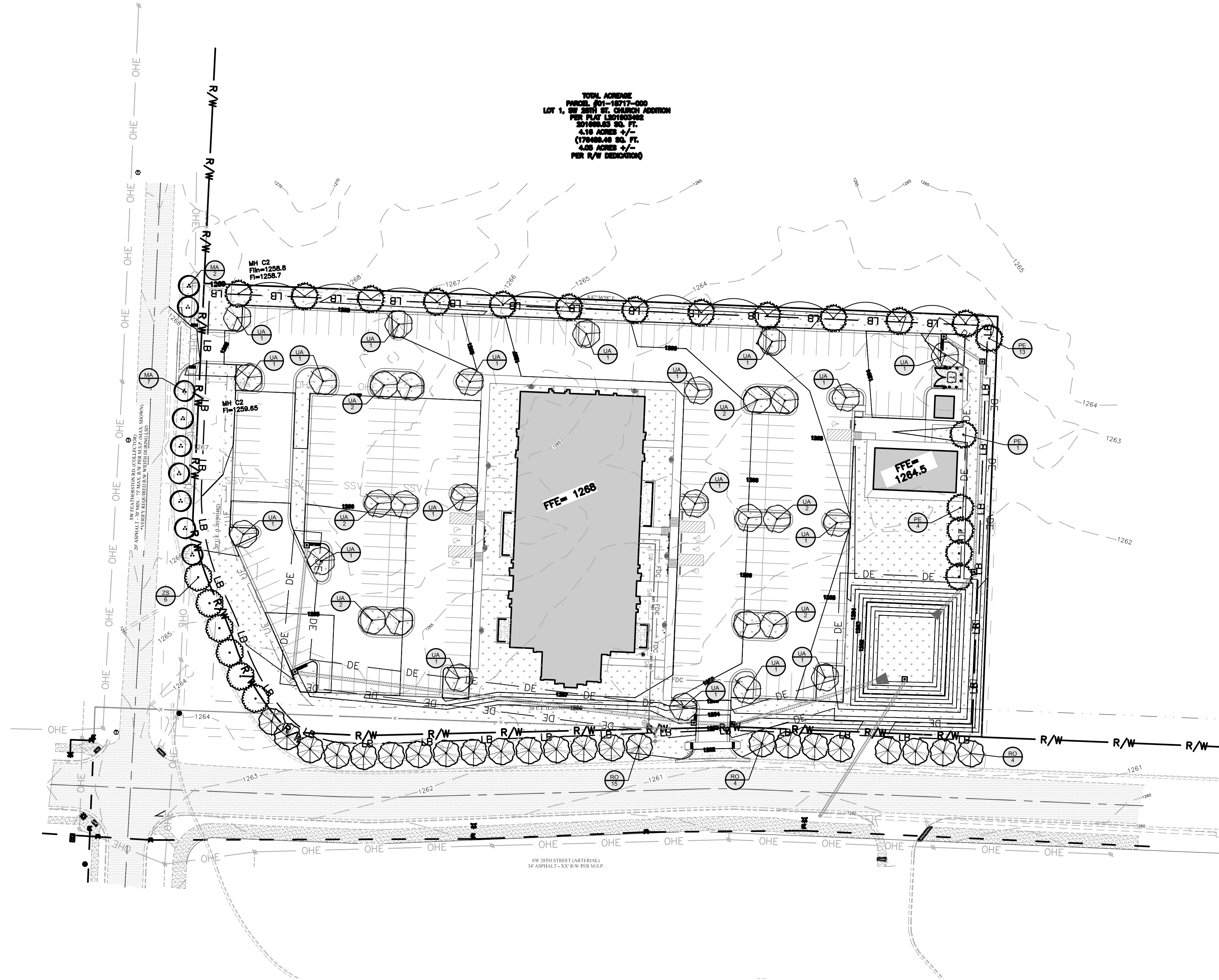
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7230 S. Pleasant Ridge Dr. Fayetteville, Arkansas 72704 • 479.442.9350 • Fax 479.521.9350

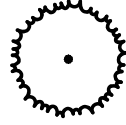
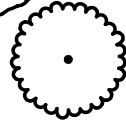
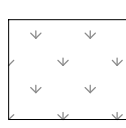
DRAWING NO

02A

CAUTION NOTICE TO CONTRACTORS
THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL 811 AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF THE UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THESE PLANS.



PLANT SCHEDULE

EVERGREEN TREES	CODE	BOTANICAL / COMMON NAME	CALIPER	ROOT	HEIGHT	QTY
	PE	Pinus echinata / Short Leaf Pine	2.5" Cal.	B&B	10' min.	18
SHADE TREES	CODE	BOTANICAL / COMMON NAME	CALIPER	ROOT	HEIGHT	QTY
	UA	Ulmus americana / American Elm	2" Cal.	B&B or Cont.	10' min.	31
STREET TREES	CODE	BOTANICAL / COMMON NAME	CALIPER	ROOT	HEIGHT	QTY
	MA	Malus x 'Adirondack' / Adirondack Crabapple	4" Cal.	B&B or Cont.	6' min.	9
	RO	Quercus rubra / Red Oak	4" Cal.	B&B or Cont.	12' min.	23
	ZS	Zelkova serrata / Japanese Zelkova	4" Cal.	B&B or Cont.	12' min.	6
SOD/SEED	CODE	BOTANICAL / COMMON NAME				QTY
	CT	Cynodon dactylon 'Tif 419' / Bermuda Grass				62,713 sf

LANDSCAPE REQUIREMENTS

STREET FRONTAGE BUFFER PRIVATE DRIVE 1 TREE PER 20 LF SW FEATHERSTON RD 302 LF SW 28TH ST. 456 LF	15 TREES REQUIRED 23 TREES REQUIRED	15 TREES PROVIDED 23 TREES PROVIDED
PERIMETER LANDSCAPING 1 TREE PER 50 LF EAST BOUNDARY 301 LF NORTH BOUNDARY 591 LF	6 TREE REQUIRED 12 TREE REQUIRED	6 TREE PROVIDED 12 TREE PROVIDED
INTERIOR PARKING LOT TOTAL PARKING LOT AREA = 77,403SF	8% GREENSPACE REQUIRED 6,192.258 = 405 GREENSPACE REQUIRED	8,937 (11.5%) SF PROVIDED
SCREENING	N/A	

LANDSCAPE PLAN GENERAL NOTES

- ALL PLANT MATERIALS SHALL ARRIVE AT THE SITE WITH MOIST SOIL.
- CONTRACTORS SHALL HAVE UNDERGROUND UTILITIES LOCATED, LEGIBLY MARKED, AND SHALL REPAIR ANY AND ALL DAMAGE WHICH MAY OCCUR AS A RESULT OF LANDSCAPE INSTALLATION. UTILITIES SHOWN ON THIS PLAN ARE APPROXIMATED, AND SHOULD BE VERIFIED ON THE CIVIL UTILITY PLAN AND IN THE FIELD.
- UNDER NO CIRCUMSTANCES WILL LANDSCAPE WORK BE APPROVED FOR PAYMENT IF PLANT SIZE AND GENERAL HEALTH ARE NOT AS REQUIRED ON PLAN.
- ALL PLANTS MUST BE CONTAINER GROWN OR BALLED AND BURLAPPED AS INDICATED ON PLANT LIST.
- ALL TREES MUST BE STRAIGHT TRUNKED, FULL HEADED AND MEET ALL REQUIREMENTS AS SPECIFIED.
- ALL PLANTS ARE SUBJECT TO THE APPROVAL OF THE LANDSCAPE ARCHITECT AND THE OWNER BEFORE, DURING AND AFTER INSTALLATION.
- THE LANDSCAPE ARCHITECT MUST APPROVE ANY ALTERATIONS OR REVISIONS TO THE LANDSCAPE PLAN.
- THE CONTRACTOR SHALL PROTECT EXISTING FEATURES ON SITE.
- ALL DISTURBED LANDSCAPED AREAS NOT DESIGNATED TO BE SODDED SHALL BE SEEDDED WITH A GRASS SEED MIX OF 75% PERENNIAL RYE AND 25% BERMUDA GRASS SEED AT A RATE OF 4# PER 1000 SF.
- THE LANDSCAPE CONTRACTOR SHALL VERIFY ALL QUANTITIES SHOWN ON THESE PLANS, BEFORE PRICING THE WORK.
- THE LANDSCAPE CONTRACTOR SHALL FULLY MAINTAIN ALL PLANTING (INCLUDING BUT NOT LIMITED TO WATERING, SPRAYING, MULCHING, FERTILIZING, ETC.) OF PLANTING AREAS AND LAWNS FOR 90 DAYS AFTER SUBSTANTIAL COMPLETION.
- ONCE INSTALLED, LANDSCAPING SHALL BE MAINTAINED IN HEALTHY LIVING CONDITION AND ALL PLANT MATERIAL THAT DIES SHALL BE REPLACED.
- HEALTHY TREES SHALL NOT BE REMOVED AT ANY TIME AND PROPER TREE PRUNING TECHNIQUES AS ESTABLISHED BY THE LATEST EDITION OF ANSI A300 "STANDARDS FOR TREE CARE" SHALL BE UTILIZED FOR MAINTENANCE PURPOSES.
- THE GENERAL CONTRACTOR IS RESPONSIBLE FOR FINISHED GRADING ALL LANDSCAPE PARKING ISLANDS. FINISHED GRADE IN ISLANDS IS TO BE CROWNED APPROXIMATELY 12"-18" ABOVE THE TOP OF CURB. SOIL IN ISLANDS IS TO BE FREE OF UNSUITABLE MATERIAL AND DEBRIS I.E. GRAVEL OR ASPHALT.
- IF CONTRACTOR IS UNABLE TO DIG PLANT PITS TO A DEPTH THAT WILL PROVIDE THE AREA OF SOIL AROUND THE ROOT BALL DUE TO ROCK, CONTACT ARCHITECT, CIVIL ENGINEER, AND CITY HORTICULTURIST IMMEDIATELY.
- NO PROPOSED IRRIGATION SYSTEM - HOSE BIBS ARE LOCATED ON THE EXTERIOR WALLS OF THE BUILDING AND ARE WITHIN 100' OF ALL PLANT MATERIAL.
- ALL PROPOSED TREES SHALL BE A MINIMUM OF 5' FROM ALL PUBLIC UTILITIES.
- TREES SHALL NOT BE TOPPED AT ANY TIME AND PROPER TREE PRUNING TECHNIQUES AS ESTABLISHED BY THE LATEST EDITION OF ANSI A300 "STANDARDS FOR TREE CARE" SHALL BE UTILIZED FOR MAINTENANCE PURPOSES.
- IN THE SIGHT TRIANGLE AT THE FRONT DRIVE THERE CANNOT BE ANYTHING BETWEEN 30" AND 60" IN HEIGHT WITHIN THE SHADED AREA
- LIVING MATERIALS, SUCH AS LAWN, GRASS OR HERBACEOUS GROUNDCOVERS LIKE JUNIPER OR LIRIOPE, ETC., SHALL COVER A MINIMUM OF EIGHTY PERCENT (80%) OF THE PLANTING ISLANDS. ONE HUNDRED PERCENT (100%) OF LIVING MATERIALS IS STRONGLY ENCOURAGED.
- ALL TREES PLANTED IN THE PUBLIC RIGHT-OF-WAY SHALL BE 4" CALIBER AND THE LOWEST LIMB SHALL BE 96" OR HIGHER FROM FINAL GRADE AT TIME OF PLANTING.
- THERE CANNOT BE ANYTHING BETWEEN 3' AND 8' IN HEIGHT WITHIN THE SIGHT TRIANGLE.
- THE SITE IS NOT WITHIN THE AIRPORT ZONE.
- WHERE POTENTIAL UTILITY CONFLICTS WITH LANDSCAPING, UTILITY LOCATIONS SHALL BE FIELD VERIFIED.

MULCHES

CONTRACTOR SHALL INSTALL 3-4" THICK LAYER OF DOUBLE SHREDDED NON-CYPRESS HARDWOOD WOOD MULCH OVER ALL NEW TREES, SHRUBS AND PERENNIAL BEDS PER THE DETAILS ON THE DETAIL SHEET. SAMPLES OF ALL MULCHES SHALL BE SUBMITTED TO THE OWNER OR LANDSCAPE ARCHITECT FOR APPROVAL BEFORE BEING PLACED. THERE SHALL BE NO EXPOSED GROUND IN ANY OF THE AREAS BEING COVERED BY MULCH AFTER INSTALLATION.

PROJECT NO. 22-368

DRAWING NO.

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

BENTONVILLE LDS CHURCH
LARGE SCALE DEVELOPMENT PLANS

BENTONVILLE, ARKANSAS

ENGINEER: G. Bates
JAMES GIBSON
5034
3/8/2023
LANDTEK STUDIOS
2503 SWEETBRIAR DR.
FAYETTEVILLE, AR 72703
PH # 479.283.9721
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VIEW FROM SOUTH



VIEW FROM NORTH



VIEW FROM NORTHEAST

CERTIFICATE OF AUTHORITY
ARCHITECTURE: C-358
CERTIFICATE OF AUTHORITY
ENGINEERING: 1078



PRELIMINARY

NEW GRANGER 250 STAKE CENTER
WITH MISSION OFFICE SUITE
BENTONVILLE AR STAKE
SW FEATHERSTON AND SE 28TH STREET
BENTONVILLE, AR 72712

Project for:
THE CHURCH OF
JESUS CHRIST
OF LATTER-DAY SAINTS
50 EAST NORTH TEMPLE
SALT LAKE CITY, UT 84150

EXTERIOR MATERIALS (Percentages):

SOUTH (Front, toward 28th):
Brick: 42%
Textured Concrete Block: 42%
Exterior Insulation Finish System (EIFS): 8%
Windows, doors, louvers: 4%
Metal fascias and trim: 4%

WEST (Toward Featherston):
Brick: 37%
Textured Concrete Block: 39%
Windows, doors, louvers: 16%
Metal fascias and trim: 8%

EAST:
Brick: 37%
Textured Concrete Block: 39%
Windows, doors, louvers: 16%
Metal fascias and trim: 8%

NORTH:
Brick: 55%
Textured Concrete Block: 26%
Exterior Insulation Finish System (EIFS): 4%
Windows, doors, louvers: 7%
Metal fascias and trim: 8%

OVERALL (entire building):
Brick: 41%
Textured Concrete Block: 38%
Exterior Insulation Finish System (EIFS): 2%
Windows, doors, louvers: 12%
Metal fascias and trim: 7%

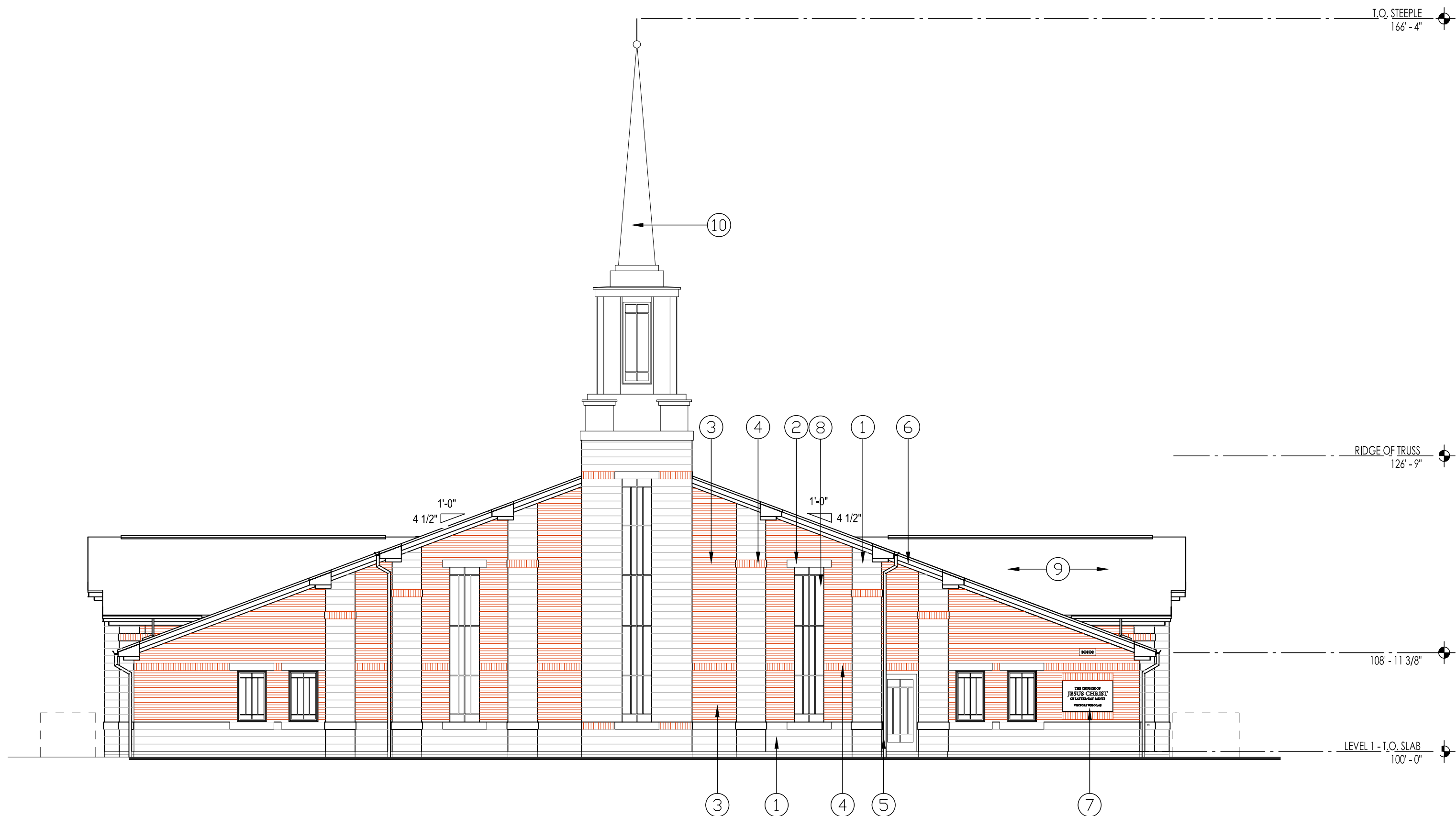
ARTICULATION: Maximum spacing between vertical
elements is 22'-0"

GHN Project Number:
22-580.00
Work Order No.:
LDS Prop. No.:
5014810210101

Sheet Title:
BUILDING
RENDERINGS

March 30, 2023

Sheet:
A200



FRONT ELEVATION (SOUTH)

1/8" = 1'-0"

A
A201

KEYED NOTES:

NOTES TYPICAL

- 16" x 8" TEXTURED CONCRETE BLOCK - RUNNING BOND
- 8" CAST STONE LINTEL
- FIELD BRICK - RUNNING BOND
- FIELD BRICK - SOLDIER COURSE
- PREFINISHED WHITE METAL GUTTERS AND DOWNSPOUTS
- PREFINISHED WHITE METAL FASCIA
- ENGRAVED STONE MEETINGHOUSE SIGN
- EXTERIOR INSULATION FINISH SYSTEM (EIFS) WITH DECORATIVE JOINGS
- ARCHITECTURAL ASPHALT SHINGLES.
- PREFABRICATED ALUMINUM STEEPLE (WHITE)

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ARTICULATION: Maximum spacing between vertical elements is 22'-0"



WEST ELEVATION

1/8" = 1'-0"

B
A201

CERTIFICATE OF AUTHORITY
ARCHITECTURE: C-358
CERTIFICATE OF AUTHORITY
ENGINEERING: 1078



PRELIMINARY

NEW GRANGER 250 STAKE CENTER
WITH MISSION OFFICE SUITE
BENTONVILLE AR STAKE
SW/FEATHERSTON AND SE 28TH STREET
BENTONVILLE, AR 72712

Project for:
THE CHURCH OF
JESUS CHRIST
OF LATTER-DAY SAINTS
50 EAST NORTH TEMPLE
SALT LAKE CITY, UT 84150

GHN Project Number:
22-580.00
Work Order No.:
LDS Prop. No.:
5014810210101

Sheet Title:
BUILDING
ELEVATIONS

March 30, 2023

Sheet:

A201

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Metal fascias and trim: 7%

ARTICULATION: Maximum spacing between vertical elements is 22'-0"

CERTIFICATE OF AUTHORITY
ARCHITECTURE: C-358
CERTIFICATE OF AUTHORITY
ENGINEERING: 1078



PRELIMINARY

NEW GRANGER 250 STAKE CENTER
WITH MISSION OFFICE SUITE
BENTONVILLE AR STAKE
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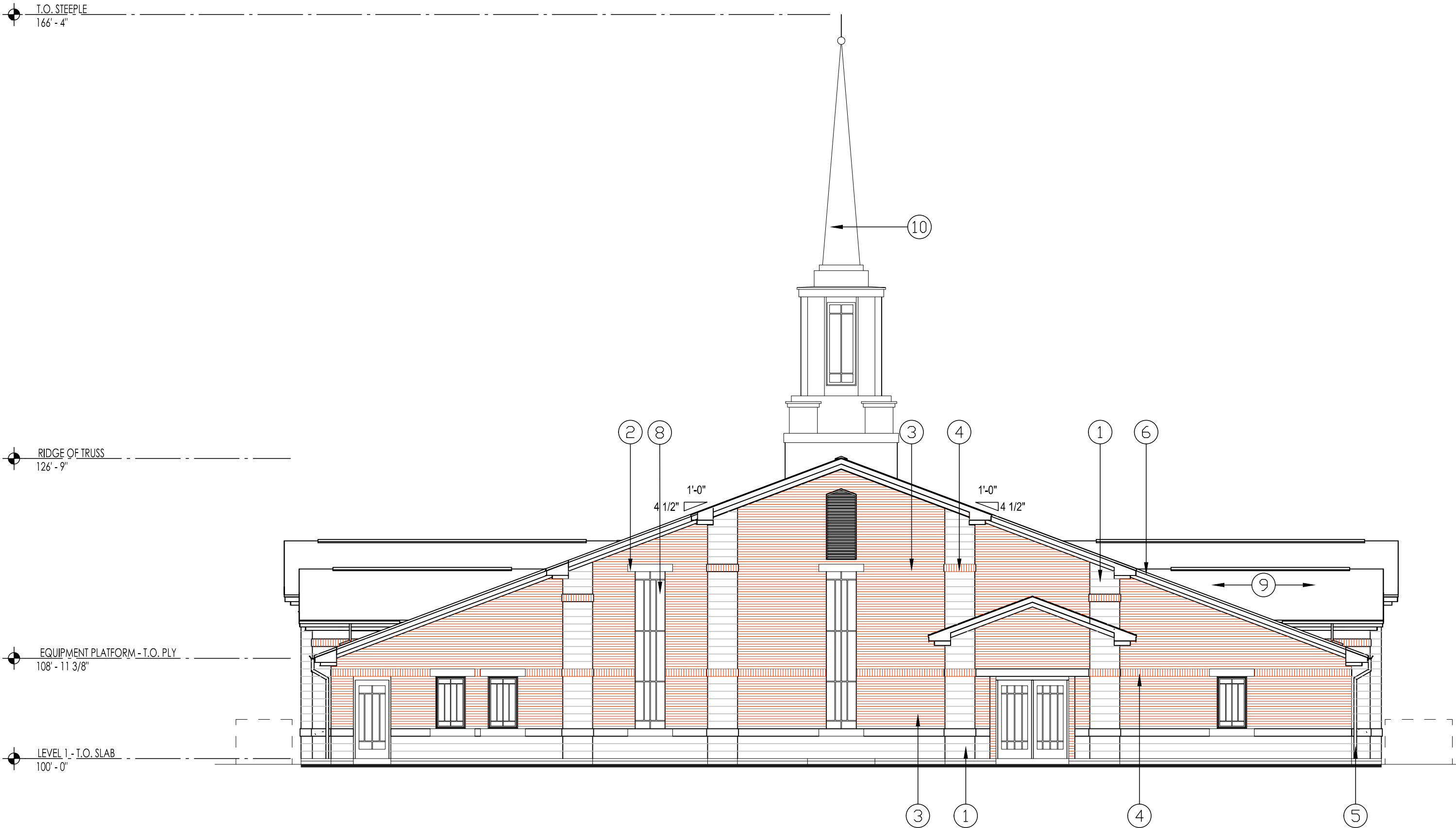
GHN Project Number:
22-580.00
Work Order No.:
LDS Prop. No.:
5014810210101

Sheet Title:
BUILDING
ELEVATIONS

March 30, 2023

Sheet:

A202



BACK ELEVATION (NORTH)

1/8" = 1'-0"

C
A202



EAST ELEVATION

1/8" = 1'-0"

D
A202



Bates & Associates, Inc.

Civil Engineering - Land Surveying - Landscape Architecture

7230 S. Pleasant Ridge Dr. / Fayetteville, AR 72704

PH: 479-442-9350 / www.batesnwa.com

CONTRACT TITLE: LDS Church Typical Street improvements

Date: 4/6/2023

By: Geoffrey Bates, P.E.

JOB #: 22-368

APPROVED
08/08/2023

SW Featherston & SW 28th Street Estimate for Fee in Lieu of Street Improvements

<u>ITEM</u>	<u>UNIT</u>	<u>QUANTITY</u>	<u>UNIT PRICE</u>	<u>TOTAL</u>
<u>STREET</u>				
Red dirt backfill (6000 x 2)	CU. YD.	445	\$18.00	\$8,010.00
8" Class 7 Base (6,000 sf)	TON	300	\$28.00	\$8,400.00
3" Asphalt (4,000 sf)	SQ YD	80	\$20.00	\$1,600.00
1.5' Concrete Curb & Gutter	L.F.	927	\$26.00	\$24,102.00
5' Concrete Sidewalk	S.F.	4,556	\$6.25	\$28,475.00
HC Ramps	E.A.	1	\$1,500.00	\$1,500.00
<u>STORM SEWER</u>				
curb inlets	E.A	3	\$3,000.00	\$9,000.00
18" RCP	LF	150	\$150.00	\$22,500.00
<u>MISC.</u>				
Street lights	E.A.	1	\$4,000.00	\$4,000.00
Cross walk striping	E.A.	1	\$800.00	\$800.00
1/2 street mill and overlay	S.F	15,000	\$2.00	\$30,000.00
TOTAL				\$138,387.00

WAIVER REQUEST STAFF REPORT



Brookside Townhomes

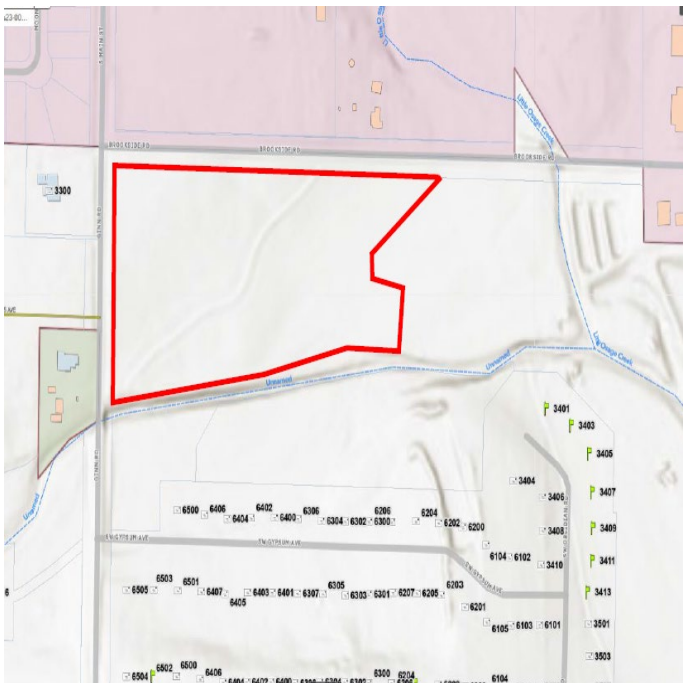
Brookside Road and Ginn Road

PC Date: 9/5/2023

Reviewer: Jon Stanley, Senior Planner, ASLA, APA

Project Number	WAV23-0014
Applicant / Current Owner	Route 71 Construction Company, LLC
Site Area	+/- 9.87 Acres
Current Zoning	R-2, Medium Density Two Family and Townhome Residential
Future Land Use Map Designation	Agricultural (A)
Waiver Request	Land Development Code: Article 1200, Off-site Improvements, Section 1200.02, Determining Necessity for Off-Site Improvements
Related Project #'s	N/A

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



WAIVER REQUEST STAFF REPORT

share of the cost of improving the substandard access roads or streets to existing city standards. The developer's proportionate share of said costs shall be determined by the Planning Commission in accordance with the provisions of Section 1200.1."



August 25th, 2023

City of Bentonville

Attn: Dan Weese, P.E.
Deputy Director of Transportation
479.254.2024
3200 SW Municipal Dr.,
Bentonville, AR 72712

RE: Brookside Townhomes
Brookside and Ginn Rd.
Bridge Waiver Letter

Dear Mr. Weese and City of Bentonville Staff,

The following waiver letter has been prepared for the Brookside Townhomes project located at the Southeast corner of Main Street / Ginn Road and Brookside Road. The proposed development is for 94-units of townhomes located on ±9.87 acres.

Main Street / Ginn Road is proposed to be improved along the West frontage of the property to a three-lane roadway. It is recommended to provide southbound left turn lanes at Brookside Road and a proposed street servicing the development. Brookside Road is proposed to be improved along the North frontage of the property. Right-of-way will be retained and dedicated along the outer edges of the site to support the governing master plan roadway sections.

This development is expected to have minimal impact on operations of the road network. Of the trips generated by it daily, only 15% are anticipated to travel South over the bridge. Furthermore, the proposed development offers public access to the surrounding network via routes to the East and North. Considering the minimal overall impact per the traffic study submitted to the City by Olsson on 07/10/23, we are requesting waiver from Section 1200.02 (d).

Please see the following Code references utilized to support this request.

- Section 1200.02 & 1200.02 (d) - This development does not “cause the need for such improvements” as updating the bridge to the Southwest.
- Section 1200.04 (a) – It was noted during meetings that the existing bridge needs improvement, but there are no plans in place to upgrade it.
- Section 1200.04 (b) - The development will have primary access to improved streets / roads. Thus, it would be an “unfair imposition on the developer” to be responsible for cost sharing this bridge.

Should you have any questions, please contact me at 501.733.2240 or at mloos@olsson.com.

Sincerely,

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

Matthew K. Loos, P.E.

Olsson Technical Leader / Civil

BROOKSIDE TOWNHOMES

TRAFFIC IMPACT STUDY

Prepared for:

Prism Design Studio

July 2023

Olsson Project No. 023-01229



5. SUMMARY

This report summarizes analysis conducted for the Brookside Townhomes development located in the southeast quadrant of the intersection of Main/Ginn Road and Brookside Road in Bentonville, Arkansas.

5.1 Conclusions

The general findings for this traffic impact study include the following:

1. The land use of the proposed development is consistent with zoning for the property.
2. The proposed development is expected to have minimal impact on the operations of the road network.
3. Sidewalk improvements are planned along Main Street (east side of roadway) and Brookside Road (south side of roadway). Internal to the development, a sidewalk network is planned along both sides of all proposed streets.

5.2 Recommendations

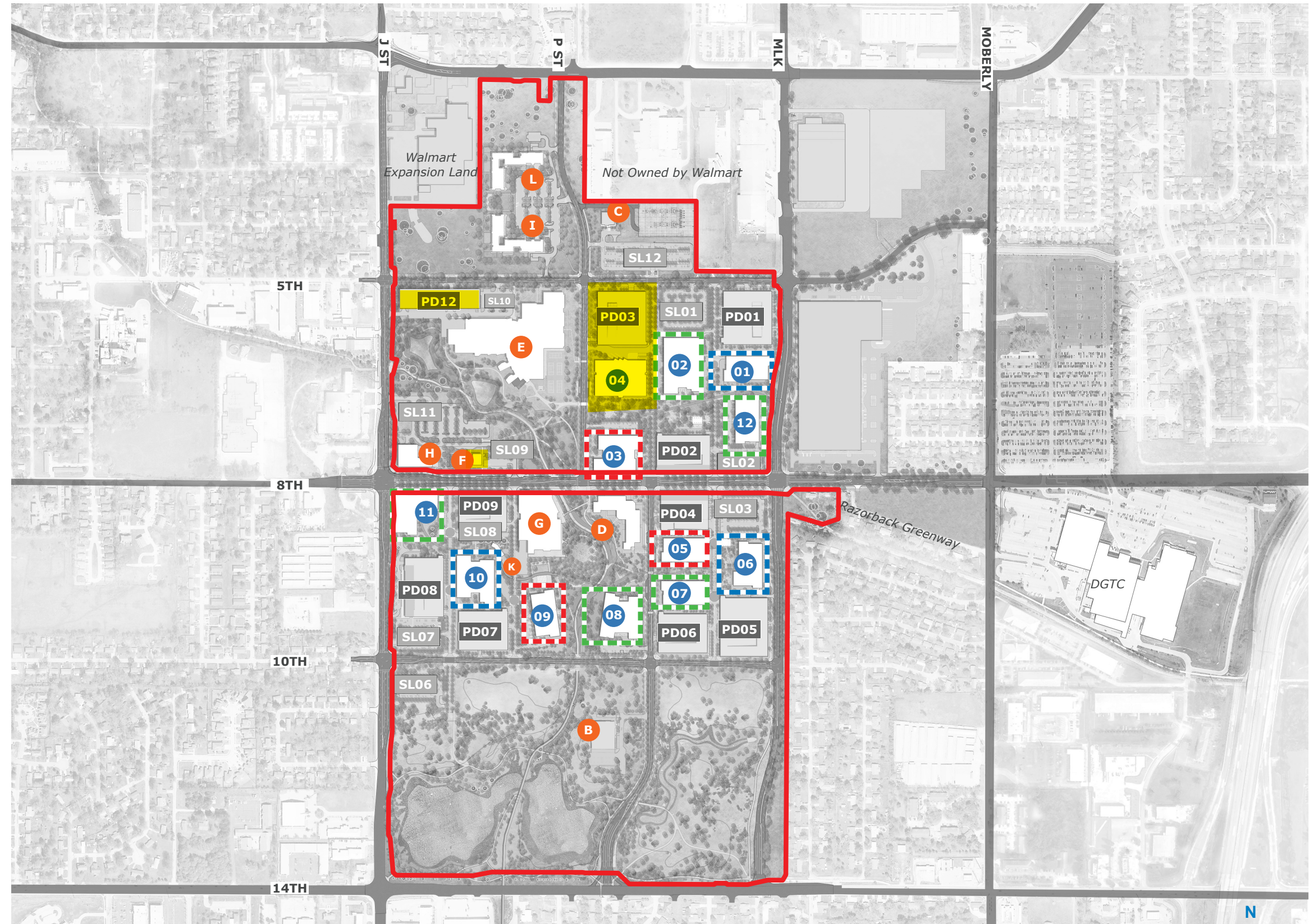
All improvements should be designed to meet local agency standards. Sight distance should be provided at all proposed intersections. Sidewalks and pedestrian facilities should be installed and maintained according to City of Bentonville Minimum Street Standards.

5.2.1 Existing Conditions

No recommended improvements.

5.2.2 Existing Plus Development Conditions

Planned roadway improvements associated with the development include retaining right-of-way along the frontage of the property to support the master plan roadway section and improvement of Main Street along the west frontage of the property to a three-lane section. With construction of a three-lane section along Main Street, southbound left turn lanes should be provided at Brookside Road and at Street A. Length of the turn lane will be dependent up whether a three-lane section or dedicated left-turn lane is provided. A minimum storage of 50 feet should be provided for the left turn lanes. Adequate deceleration and taper should be provided following American Association of State Highway Officials (AASHTO) *A Policy on Geometric Design of Highways and Streets* guidance. No other improvements are recommended under existing plus development conditions.



Legend

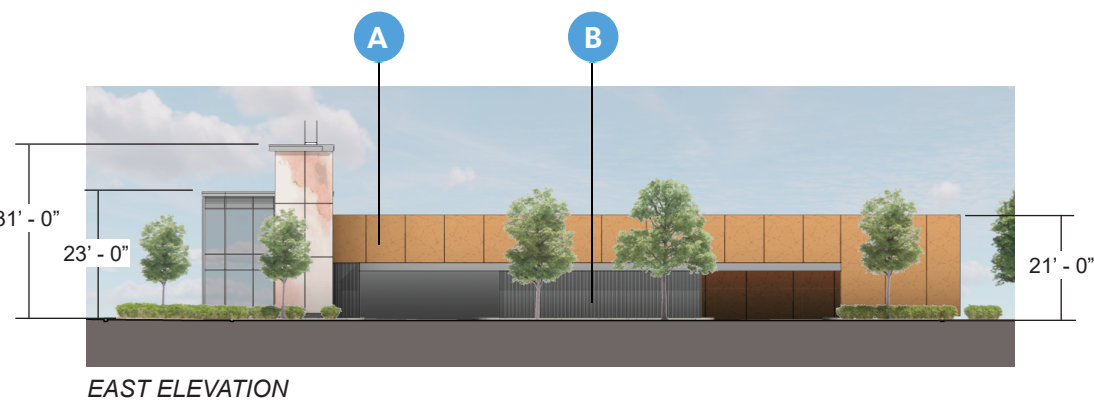
- # Office Building Number
- A Amenity & Support
- PD# Parking Deck
- SL# Surface Lot
- “Mill” Building
- “Foundry” Building
- “Collection” Building
- Areas Revised from Previous Submission



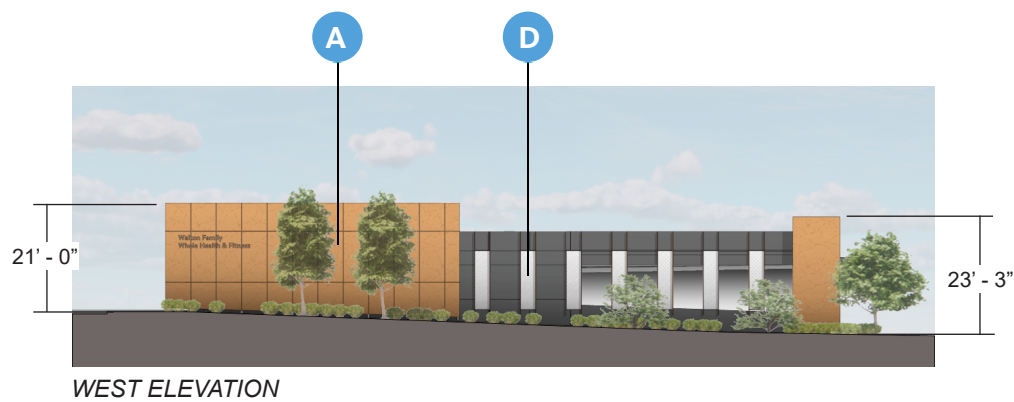
NORTH ELEVATION



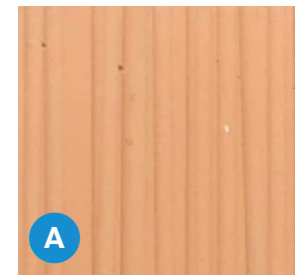
SOUTH ELEVATION



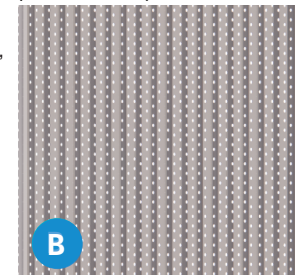
EAST ELEVATION



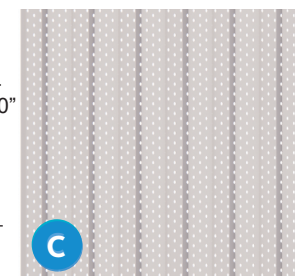
WEST ELEVATION



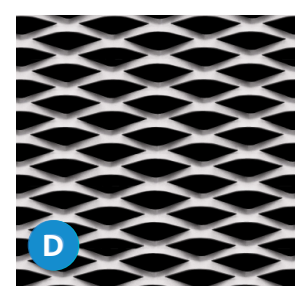
CFP- Concrete Facade Panel (Taktl' Arbos)



MWP1- Corrugated Metal Panel, min. 24 ga.



MWP2- Corrugated Metal Panel, min. 24 ga.



EMP- Expanded Metal Panel, min 1/8 in.