



**Planning Commission
Meeting Agenda
October 17, 2023
Bentonville City Hall
Tech Review: 4:00 PM
Public Hearing: 5:00 PM**

Registration Link: <https://us06web.zoom.us/j/86742670771>

I. Call to Order

II. Approval of Minutes

1. **October 3rd Meeting Minutes** **Approval of Meeting Minutes**

III. Consent Agenda

IV. New Business

1. **Walnut Grove Phase II-IV** **Preliminary Plat**

Southwest Barron Road and Piercy Road (PP22-0009)

Waiver 1: A waiver from Sec 1100.16 Street Standards (a) Standard street specifications to construct roads narrower than the Master Street Plan requirements.

Waiver 2: A waiver from Sec 1100.16 Street Standards (i) Traffic Calming to provide narrower streets in lieu of standard traffic calming.

2. **Medlin Park Detention Waiver** **Waiver**

2303 Medlin Lane (WAV23-0016)

3. **Lykins Driveway** **Waiver**

1410 Northeast J Street (WAV23-0018)

Advertised Public Hearings

1. **BVR Properties, LLC** **Rezoning***

1304 Bella Vista Road (RZ23-0068)

Future Land Use Map Amendment: Residential Estate (RE) to Medium Density Two Family and Townhome Residential

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

2. **Lovell Revocable Trust** **Rezoning***

1110 Southeast Walton Boulevard (RZ23-0069)

Rezoning: A-1, Agriculture to C-2, General Commercial

3. **Freeman Living Trust** **Rezoning***

218 and 220 Southwest Glover Street (RZ23-0070)

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

4. **Pinnacle Villas, LLC** **Rezoning***

208 Northwest G Street ([RZ23-0071](#))

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

5. **Wood Family Trust** **Rezoning***

308 Southwest E Street ([RZ23-0072](#))

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

6. **Doaba Investment, LLC** **Rezoning***

Southwest Regional Airport Boulevard ([RZ23-0073](#))

Future Land Use Map Amendment: Residential Estate (RE) to High Density Residential (HDR)

Rezoning: Planned Unit Development (PUD) to R-4, High Density Multifamily Residential

7. **Doaba Investment, LLC** **Rezoning***

Southwest Regional Airport Boulevard ([RZ23-0074](#))

Rezoning: Planned Unit Development (PUD) to C-2, General Commercial

8. **East Central Avenue Hotel - Noise Ordinance** **Conditional Use Permit***

200 East Central Avenue ([CU23-0029](#))

V. **Other New Business**

VI. **Old Business**

1. **Extra Territorial Jurisdiction** **Ordinance***

VII. **Other Business**
Adjournment



**Planning Commission
Meeting Minutes
October 3, 2023
Bentonville City Hall
Tech Review: 4:00PM
Public Meeting: 5:00PM**

Meeting Recording:

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, Luke Aitken, and via zoom: Keegan Stanton, Ellen Norwell, Jon Stanley and Dan Weese

I. Call to Order

II. Approval of September 19, 2023 Meeting Minutes

- Motion by Davis, second by Haynie.
- September 19th Meeting Minutes approved 7-0 by voice vote.

III. Consent Agenda

Request by Davis that based on the technical committee discussion, and without objection, that Item #1 under new business (LSD23-0012) be moved to the consent agenda. Chairman Sanders: So ordered.

- | | |
|--|-----------------------------------|
| 1. Walnut Grove Subdivision Phase 1 | Final Plat |
| Southwest Barron Road and Piercy Road (FP23-0006) | |
| 2. Rainbow Junction Sub Phase II | Preliminary Plat Extension |
| SW Corner of SW Rainbow Lane and SW Winsted Lane (PP22-0005) | |
| 3. Nest Apartments | Large Scale Development |
| Southeast C Street (LSD23-0012) | |

- Mr. Adler provides an overview of the Staff Report.
- **Consent agenda is approved 7-0.**

IV. New Business

Advertised Public Hearings

1. Brewer

Rezoning

1112 Northeast Monroe Street (RZ23-0067)

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

- Mr. Adler provides an overview of the Staff Report.
- Chairman Sanders opens and closes the Public Hearing
- **Roll Call vote - Large Scale Development is approved 7-0.**

2. Alice Walton School of Medicine

Noise Ordinance

1101 Northeast J Street (CU23-0028)

- Mr. Adler provides an overview of the Staff Report.
- Chairman Sanders opens and closes the Public Hearing.
- Commissioner Bennett asks that the notice on the property large enough to be visible from the street.
- Mitchell Butler of Crossland representing the applicant affirms the ability to post the schedule on a website, to have it visible from the street and to minimize all effort done at night.
- **Roll Call vote – Conditional Use Permit, with conditions as recommended in the staff report, is approved 7-0.**

3. Hamhane, LLC

Waiver

409 and 411 Northwest 5th Street (WAV23-0015)

- Mr. Adler provides an overview of the Staff Report.
- Mr. Thompson, Bentonville Water states the nature of repairing underground utilities with confined widths.
- Sterling Hamilton, applicant, explains why the 15' street width was requested.
- General discussion on an acceptable roadway width and the difficulty of spacing utilities in a substandard width.
- Motion by Davis to approve Waiver #1 to allow the homes to face a street, with a paved roadway width of 18', second by Wright.
- **Waiver #1 is approved 7/0**
- Waiver #2 is discussed to allow the garages to face the 18' wide street.
- Mr. Hamilton, explains why the garages need not be stepped back 2' and acquiesces to having the northerly two structures address NW 5 St with an architectural treatment.
- Motion by Davis to approve Waiver #2 to allow the garages to face the 18' wide street provided that the northerly two structures along NW 5 St address the street with an architectural treatment that appears more as front of house, second by Hipp.
- **Waiver #2 is approved 7/0**

V. Old Business

1. Guntupalli and Mallampati

Rezoning

1386 Southwest Gator Boulevard (RZ23-0066)

Future Land Use Map Amendment: R-E, Residential Estate to LDR, Low Density Residential

Rezoning: A-1, Agriculture to R-1, Low-Density Single-Family Residential

- Chairman Sanders opens the Public Hearing
- Molly Robb, Odyssey Engineering representing the applicant states she is available for questions.
- Mr. Hasan, 4800 SE Newcastle Rd neighboring the property makes an appeal to preserve and protect greenspace.
- Chairman Sanders closes the Public Hearing
- Ms. Robb states that there was a meeting last week and that multiple opportunities to provide sewer to the property have been determined.
- Mr. Overstreet concurs.
- Mr. Thompson, Bentonville Water states that Water Utilities bases their services levels on the Future Land Use Plan so that any changes to the plan are necessarily unplanned for
- **Roll Call vote: Future Land Use Map Amendment is approved 7-0.**
- **Roll Call vote: Rezone is approved 7-0.**

VI. Other Business

Plan Bentonville

Informational

- Mr. Overstreet provides an overview of the Future Land Use Map, zoning code and development code update and asks the commission for their goals. www.planbentonville.com
- Chairman Sanders states the need for zoning be simplified
- Commissioner Bennett sought mixed-use opportunities in the neighborhoods.
- Commissioner Hipp prioritized bikability and walkability, stating that true alternative transportation choices were not currently available.
- Commissioner Kerr requested that the role of the Planning Commission be better explained to the public so that they understood that the Planning Commission was advisory.
- Commissioner Davis desires the Commission to retain discretion so that the Commission and City Council could better guide types of development within the zone.

- Mr. Overstreet spoke to the types of development within Rogers and asked the commission for their concerns with the future land use update and code rewrite.
- Commissioners shared their concerns from emphasizing the value of the people of Bentonville to the desire of giving staff the tools to guide projects so that they were largely approvable by the time they made it to the commission.

VII. Adjournment - Meeting Adjourned at 6:20PM.



Walnut Grove Phase II-IV

Southwest Barron Road and Piercy Road

PC Date: 10/17/2023

Reviewer: Jon Stanley, Senior Planner

Staff Report Details

Project Number	PP22-0009
Applicant / Current Owner	RLP Developments, LLC
Site Area	+/- 78.23 Acres
Current Zoning	R-1, Low-Density Single-Family Residential
Requested Zoning	N/A
Current Future Land Use Map Designation	Residential Estate
Requested Future Land Use Map Designation	N/A
Development Type / Use	Single Family Subdivision
Related projects	PP19-0002 and FP23-0006

Property Description

This property is located at the Northeast Corner of Southwest Barron Road and Piercy Road. It is currently zoned R-1, Single Family Residential. Adjacent zonings include A-1, Agricultural to the North, A-1, Agriculture and R-1, Low-density Single-family Residential to the South and East, and I-1, Light Industrial to the West.

Project Details

The applicant is proposing a preliminary plat for phases 2 thru 4 of Walnut Grove Subdivision. The plat will create 283 total lots, of which 3 will be set aside for drainage or amenities. The proposed phases integrate into Phase 1 as well as the existing High Meadows Subdivision to the East. Stub-outs are provided to the undeveloped land to the north. Road improvements to Piercy Road will be completed per Master Street Plan requirements, as well as landscaping per the Land Development Code.

Relationship to the General Plan / Projected Traffic Impact

Public Comment

Has Staff Received Public Comment regarding this request? : **No**

Analysis / Waivers

The applicant is requesting two waivers with this preliminary plat:

Waiver 1: A waiver from Sec 1100.16 Street Standards (a) Standard street specifications to construct roads narrower than the Master Street Plan requirements.

Wavier 2: A waiver from Sec 1100.16 Street Standards (i) Traffic Calming to provide narrower streets in lieu of standard traffic calming.

Conclusion

The Engineering, Fire, and Planning Departments are not in support of either waiver. This plat meets the minimum requirements of the Land Development and Zoning Codes aside from the two requested waivers. If the Planning Commission does not approve both waivers, staff would recommend the item be tabled to allow the applicant to revise their plans. If the Planning Commission does approve the requested waivers, staff would recommend the item be approved.

Additional Details



September 25, 2023

Planning Commission
305 SW A Street
Bentonville, AR 72712

RE: *Waiver Request*
Walnut Grove ph.2-4 (PPL22-0009)

Dear Planning Commission,

On behalf of RLP Developments, we respectfully request the following two waivers for the above referenced project.

Sec. 1100.16 Land Development Code – Local Road Typical Section

The typical Local Road section under the current MSP is a 50' R/W with 28' of asphalt and 1'-6" curb and gutters on both sides, providing 31' measured back of curb to back of curb. Walnut Grove ph.1 was constructed under the 2008 MSP, which has local road sections built within a 50' R/W with 23' of asphalt and 2'-0" curb and gutters on both sides, providing 27' measured back of curb to back of curb. Walnut Grove ph.1 installed storm infrastructure to discharge to the detention basin located on the north side of the property using the 2008 MSP. In addition, the roads stubbed out to tie to ph.2 and the existing subdivision to the east are all constructed with the 2008 MSP street widths. Halff is requesting a waiver to be approved to build the remainder of Walnut Grove ph.2-4 using the 2008 MSP Local Road typical sections to facilitate clean tie in to existing infrastructure, both road stub outs and existing storm drainage.

Sec. 1100.16 Land Development Code – Street Geometry – Traffic Calming Measures

With the proposed 27' BC-BC street sections, the fire department has concerns of adding any more restrictions to the local roads which may hinder maneuvering and accessing for emergencies. In addition, the narrow road will naturally provide Traffic Calming. Halff is requesting a waiver from adding Traffic Calming measures within the subdivision due to the street widths and fire dept concerns. "Fire Lane – No Parking" signs will be proposed along the streets per IFC requirements.

If you have any questions or need additional information, I can be reached at (479) 273-2209.

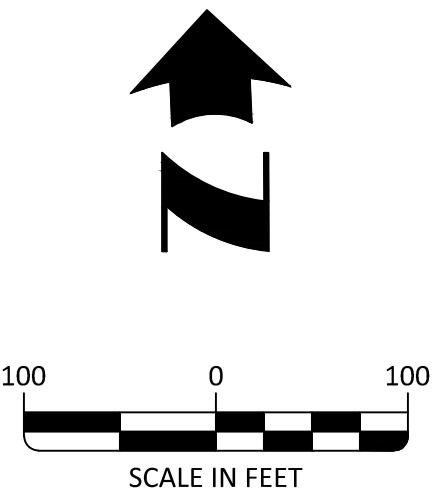
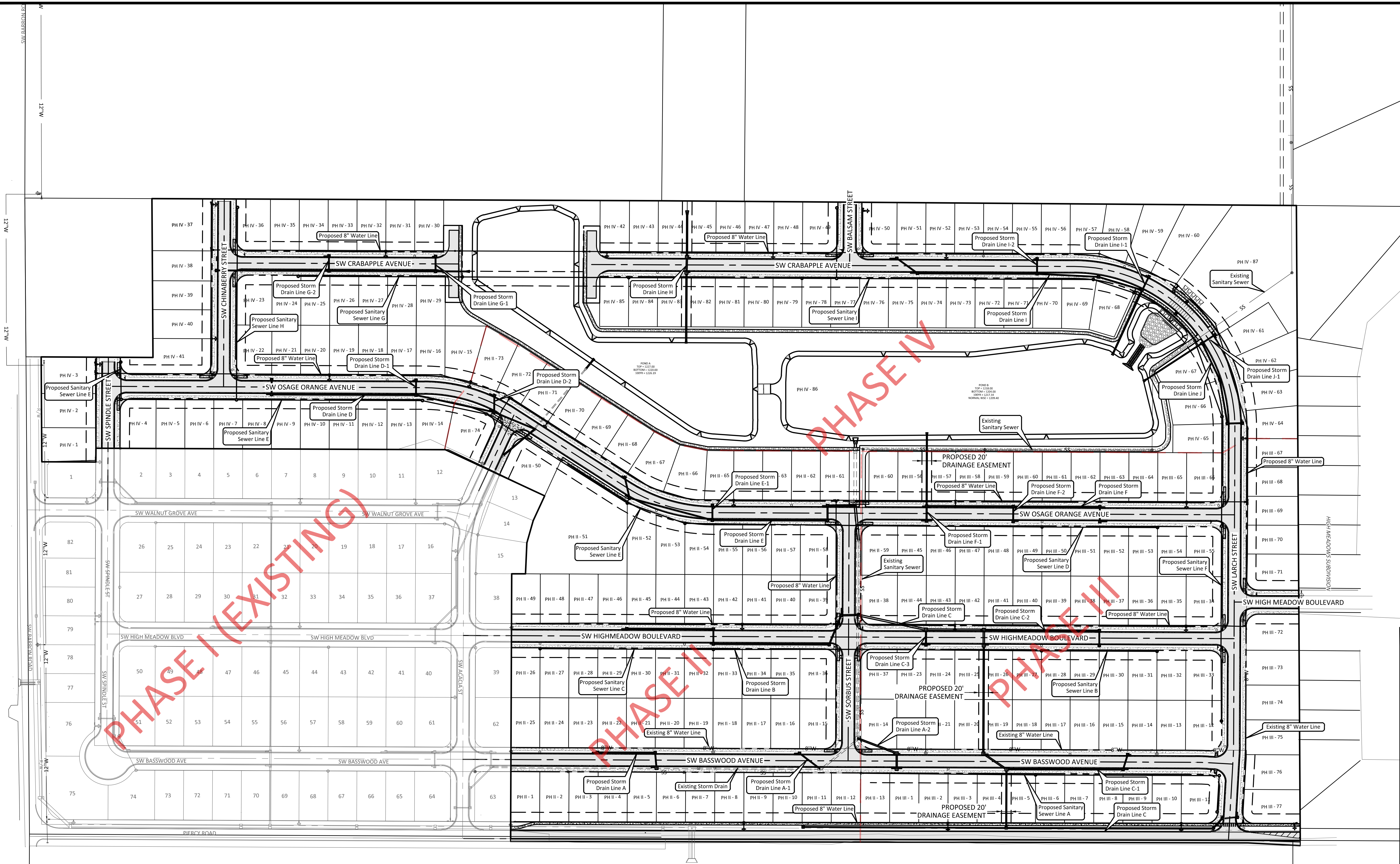
Sincerely,

HALFF Associates, Inc.

A handwritten signature in blue ink, appearing to read "Patrick Foy", is written over a horizontal line.

Patrick Foy, PE
Project Manager

Drawing Name: P:\RIP-36 Walnut Grove\Drafting\Sheets\RLP-36 SHEETS - OVERALL SITE.dwg, Last Modified: Sep 25, 2023 - 3:59pm Plotted on: Sep 25, 2023 - 8:42am by ah5161



PRELIMINARY
FOR INTERIM REVIEW ONLY

THESE DOCUMENTS ARE FOR INTERIM REVIEW AND NOT INTENDED FOR REGULATORY APPROVAL, PERMIT, BIDDING OR CONSTRUCTION PURPOSES. THEY WERE PREPARED BY OR UNDER THE SUPERVISION OF:

Patrick R. Foy
NAME P.E. NO. 18938
DATE 08.27.2023



HALFF ASSOCIATES, INC.
2407 SE COTTONWOOD ST. STE 1
BENTONVILLE, AR 72712
479.273.2209 - HALFF.COM

**WALNUT GROVE
PHASES II-IV
SUBDIVISION**
Bentonville, Arkansas
PP22-0009

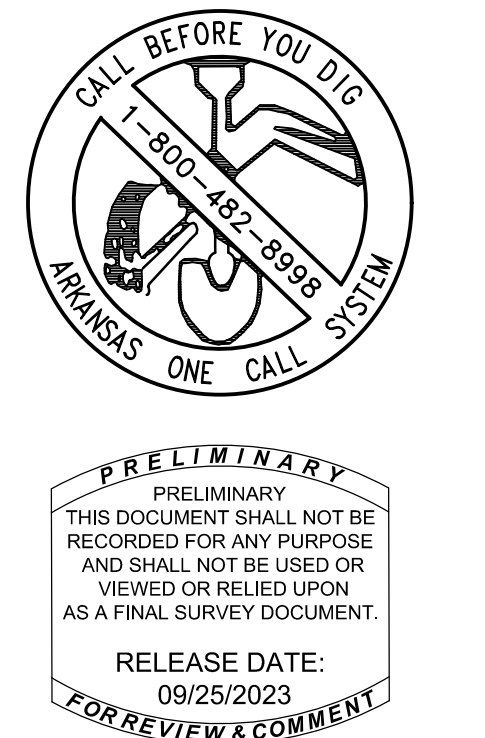
Issued for Review
08.28.23

OVERALL SITE LAYOUT

Revisions

Drawn By:	TJL/TLS	Vert. Scale:	AS NOTED
Approved By:	PRF	Horiz. Scale:	AS NOTED
Date:	04.18.2023	Plot Scale:	1
Project No.:	RLP-36	DWG Name:	OVERALL SITE

SHEET



HALFF ASSOCIATES, INC.
407 SE COTTONWOOD ST. STE 1
BENTONVILLE, AR 72712
479.273.2209 - HALFF.COM

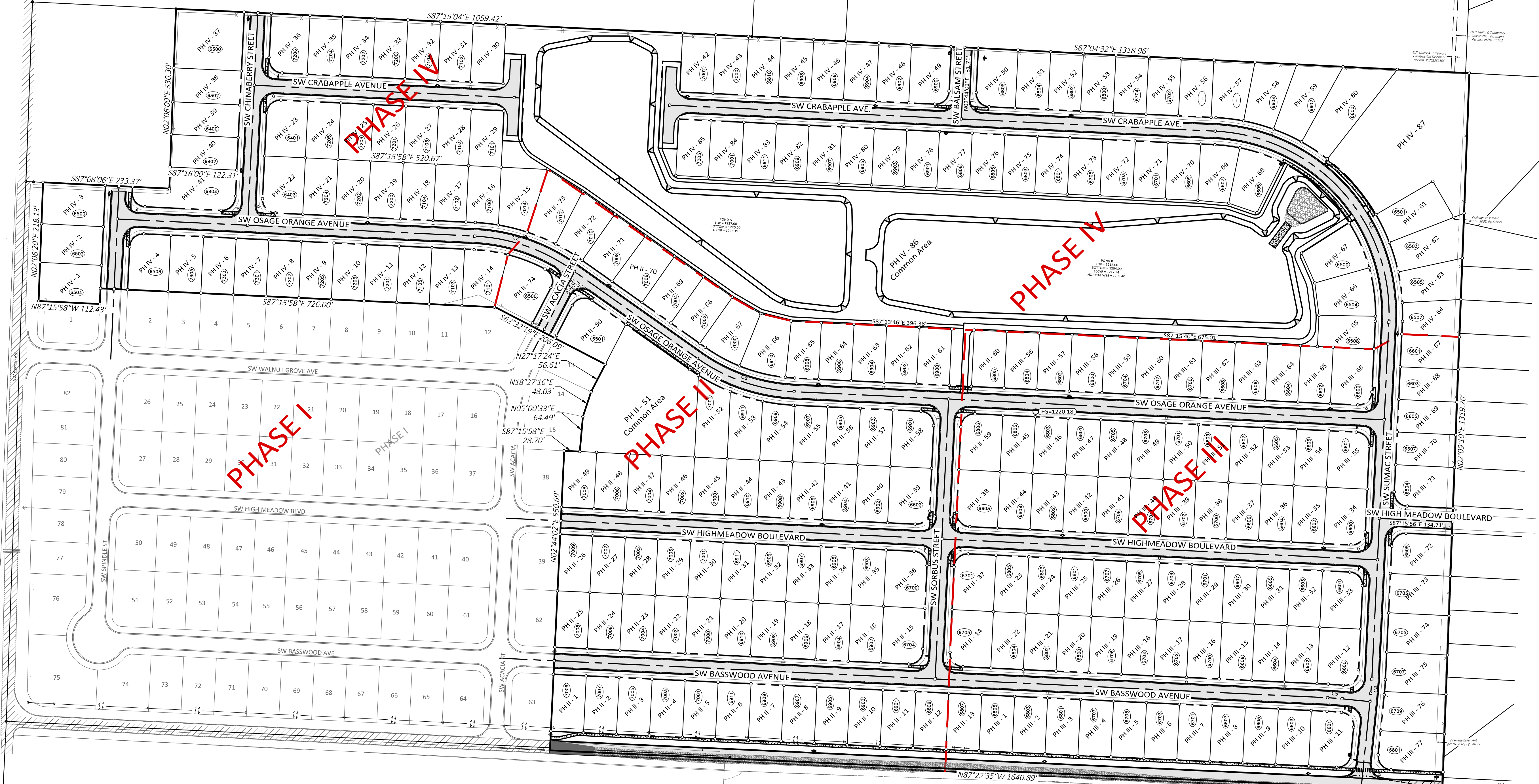
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PP22-0009

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08.28.23**

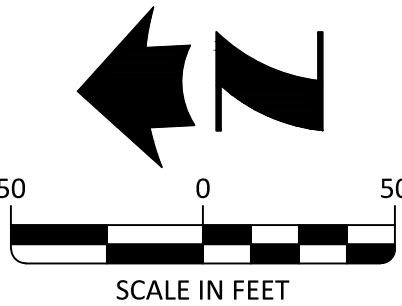
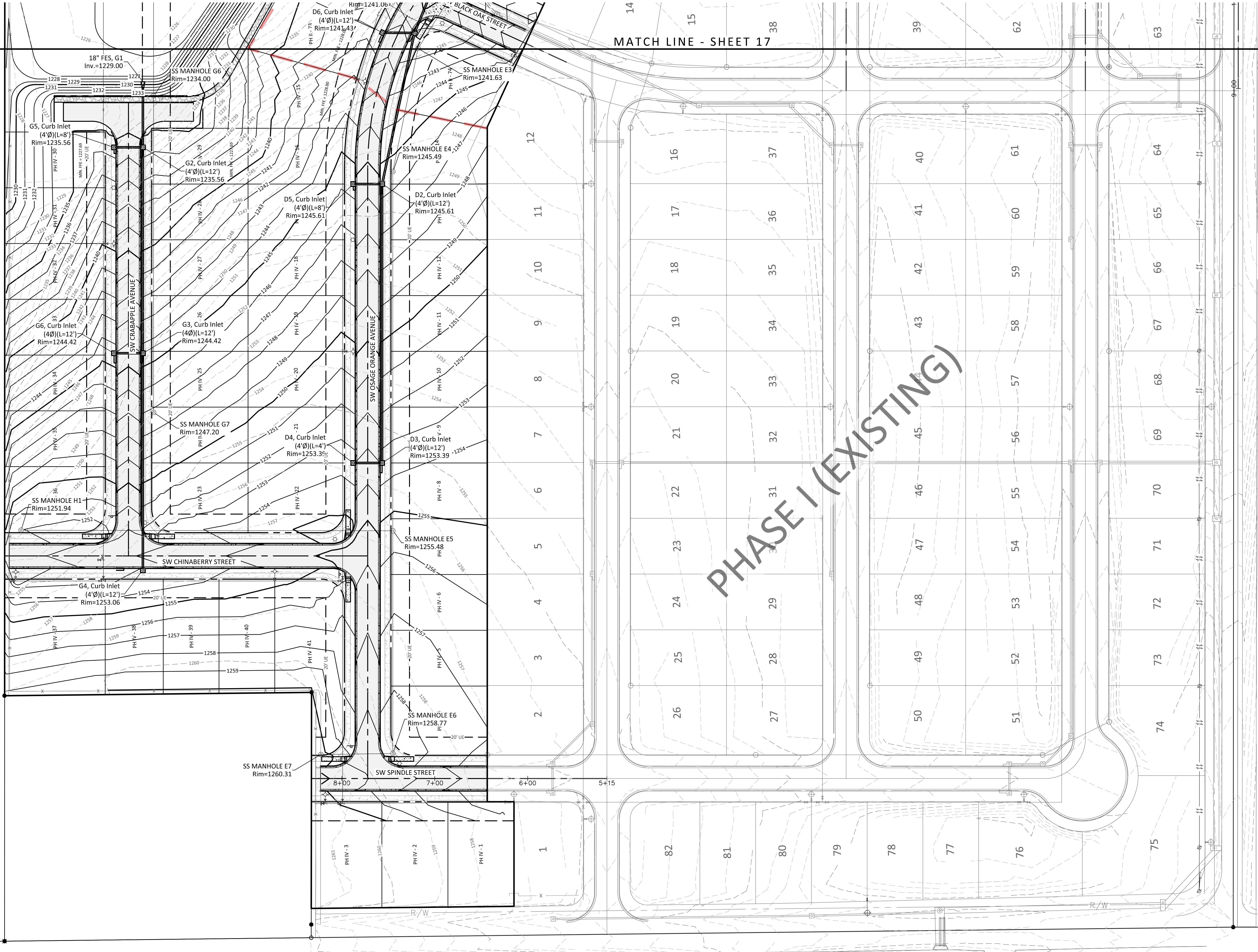
PRELIM PLAT - OVERALL

Revisions	

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Approved By:	JSA	Horiz. Scale:	AS NOTED
Date:	08.28.2023	Plot Scale:	1
Project No.:	RLP-36	DWG Name:	PRELIM PLAT



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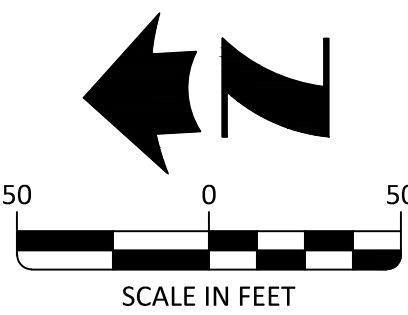
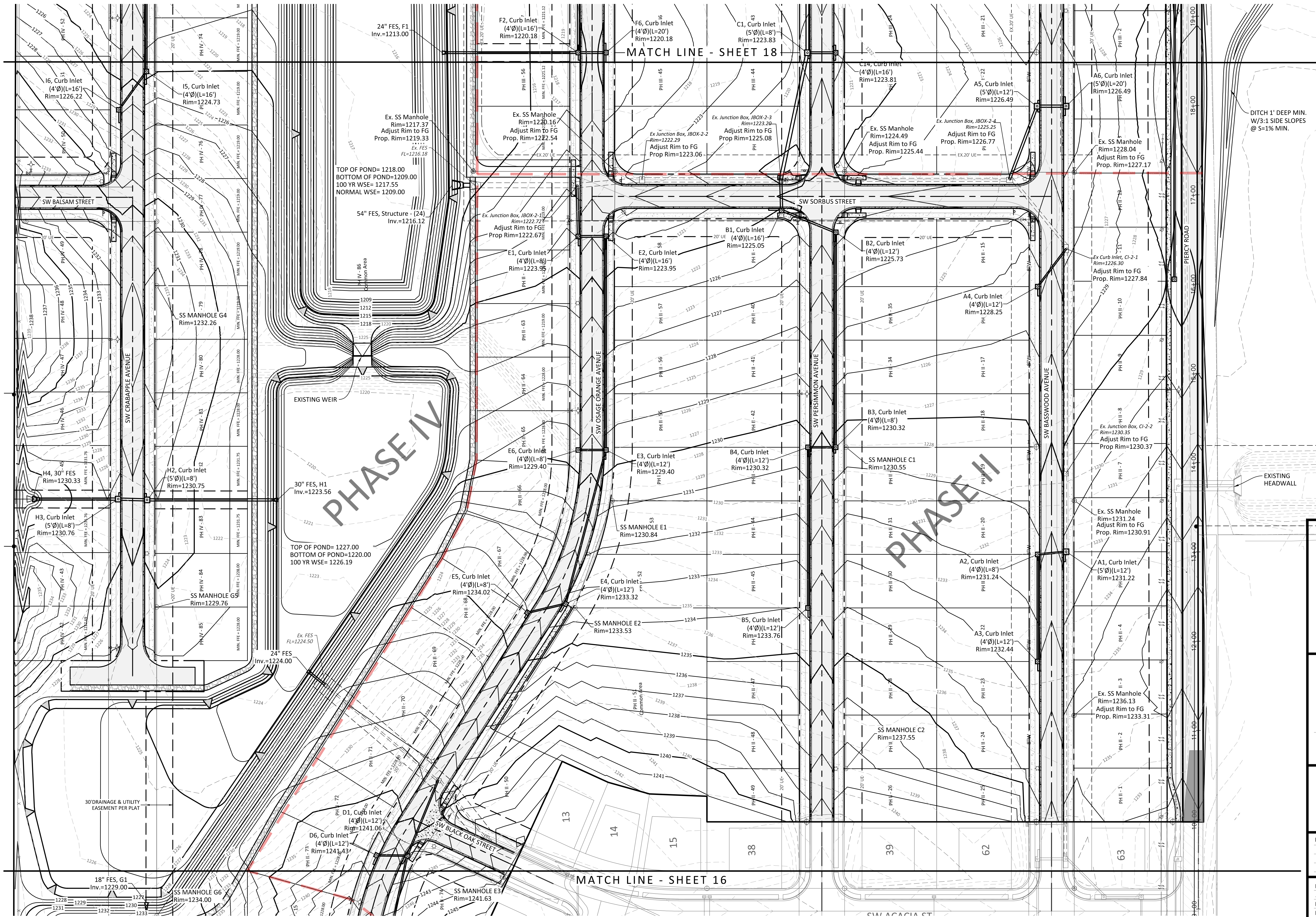
**WALNUT GROVE
PHASES II-IV
SUBDIVISION**
Bentonville, Arkansas
PP22-0009

**Issued for Review
08.28.23**

GRADING PLAN (WEST)

Revisions			
Drawn By:	TJL/TLS	Vert. Scale:	AS NOTED
Approved By:	PRF	Horiz. Scale:	AS NOTED
Date:	04.18.2023	Plot Scale:	1
Project No.:	RLP-36	DWG Name:	GRADING

Drawing Name: P:\RIP-36 Walnut Grove\Drafting\Sheets\RIP-36 SHEETS - GRADING.dwg Last Modified: Sep 22, 2023 - 3:04pm Plotted on: Sep 25, 2023 - 8:46am by ah5161



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NAME: P.E. NO. 189318
DATE: 08.27.2023



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**WALNUT GROVE
PHASES II-IV
SUBDIVISION**
Bentonville, Arkansas
PP22-0009

**Issued for Review
08.28.23**

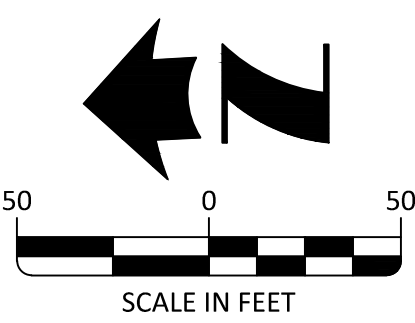
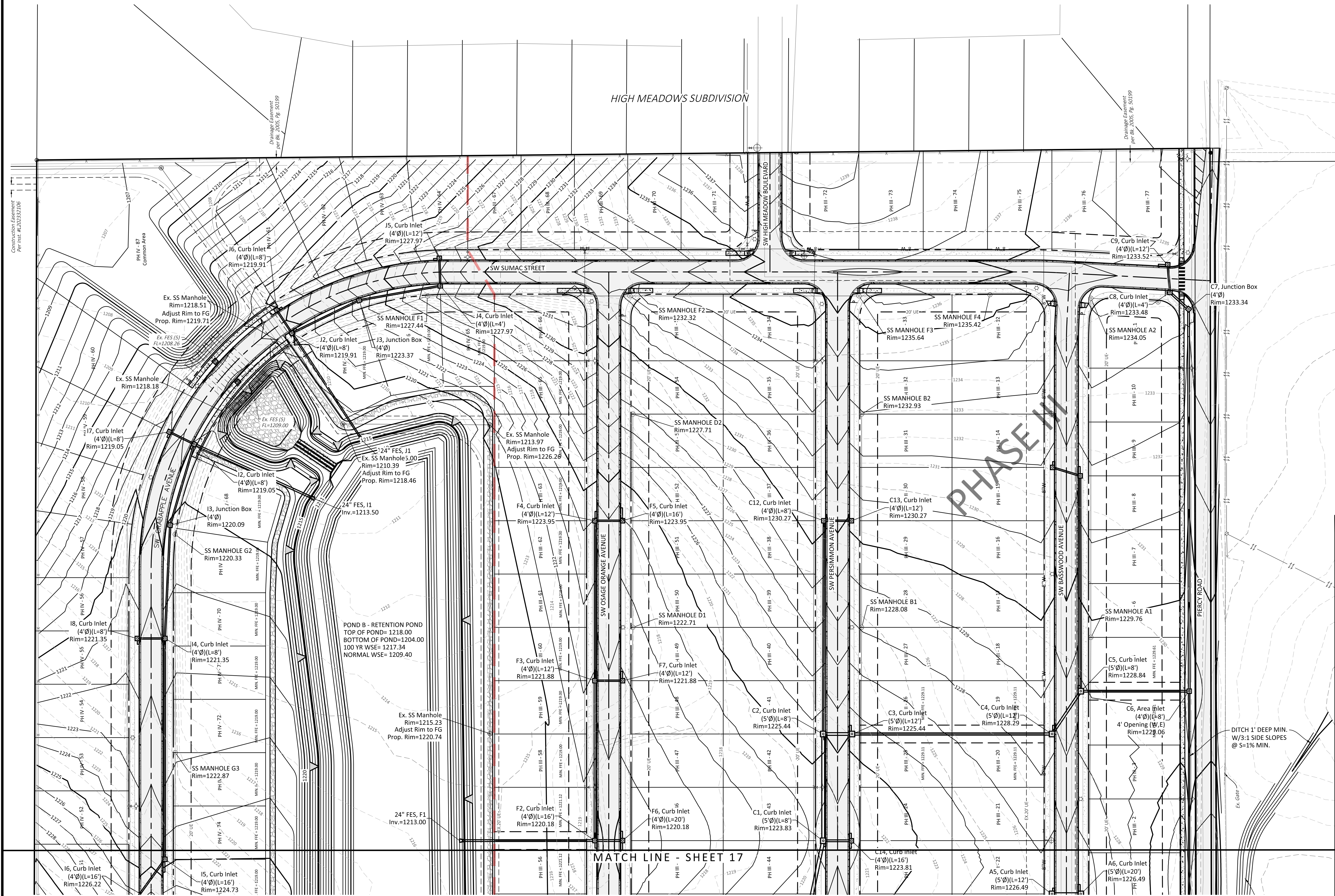
GRADING PLAN (CENTER)

Revisions

Drawn By:	TJL/TLS	Vert. Scale:	AS NOTED
Approved By:	PRF	Horiz. Scale:	AS NOTED
Date:	04.18.2023	Plot Scale:	1
Project No.:	RIP-36	DWG Name:	GRADING

SHEET

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NAME: P.E. NO. 18318
DATE: 08.27.2023



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BENTONVILLE, AR 72712
479.273.2209 - HALFF.COM

**WALNUT GROVE
SUBDIVISIONS II-IV
PHASE II
Bentonville, Arkansas
PP22-0009**

**Issued for Review
08.28.23**

GRADING PLAN (EAST)

Revisions			

Drawn By:	TJL/TLS	Vert. Scale:	AS NOTED
Approved By:	PRF	Horiz. Scale:	AS NOTED
Date:	04.18.2023	Plot Scale:	1
Project No.:	RIP-36	DWG Name:	GRADING

SHEET

Harris Add - Bentonville
5 SW Regional Airport Blvd)
Parcel #: 01-16729-001
& Leona Perking Rev Trust
Zoning: A-1

Drawing Name: P:\RIP-36 Walnut Grove\BRAFTING\Sheets\RLP-36 SHEETS - LANDSCAPE PLAN.dwg Last Modified: Sep 15, 2023 - 10:07am Plotted on: Sep 25, 2023 - 9:04am by ah5161

Ex. RR Spike
NW Corner
SW 1/4 NW 1/4
Sec. 21

Ex. 1/2" Rebar
(No Cap)

Parcel #: 01-07968-050
Ronald L. Moore
Zoning: R-1

Parcel #: 01-11494-000
Vaughn Sub - Bentonville
Zoning: R-1

PLANT SCHEDULE

TREES	COMMON / BOTANICAL NAME	CONT	CAL	QTY
	Chinese Pistache / Pistacia chinensis	B&B	2.5" Cal	27
	Forest Pansy Eastern Redbud / Cercis canadensis 'Forest Pansy'	B&B	2" Cal	23

MATCH LINE - SHEET 69

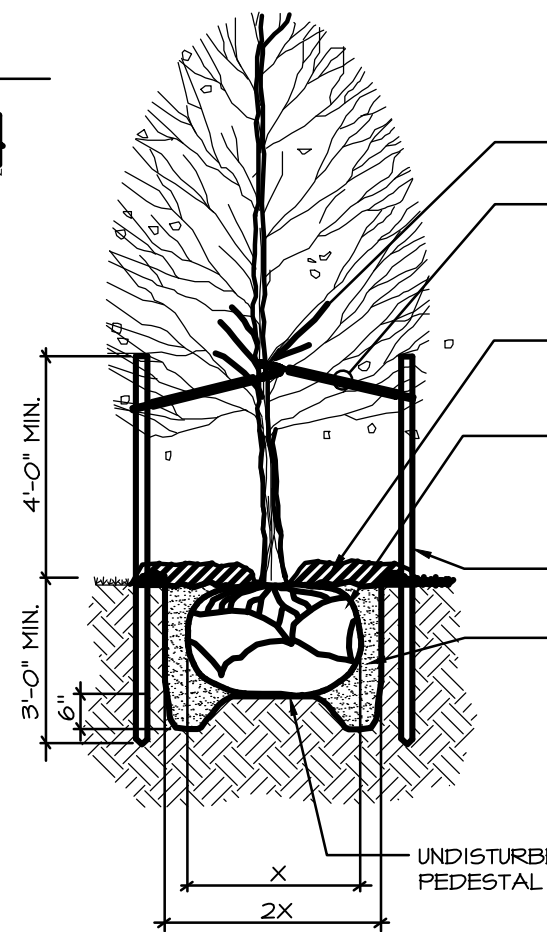
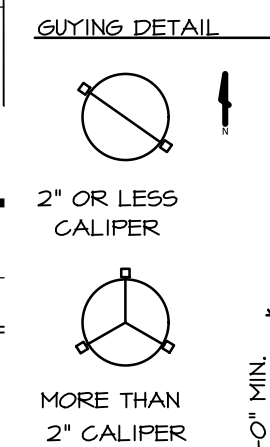
DECIDUOUS TREE PLANTING LEGEND

SYMBOL DESCRIPTION

- 1 TREE STRAP LOOP AT FIRST BRANCH, USE RUBBER HOSE OR APPROVED EQUAL TO PREVENT DAMAGE TO TREE
- 2 12 GAUGE GALVANIZED WIRE # 1-1/2 PVC PIPE
- 3 4" ORGANIC MULCH PER SPECIFICATIONS, DO NOT PLACE MULCH AGAINST TREE TRUNK
- 4 REMOVE WIRE BASKET AND REMOVE BURLAP & ROPE FROM TOP 1/3 OF ROOT BALL
- 5 TREE SAUCER (FORMED BY MIN. 4" THICK MULCH)
- 6 8" METAL TEE STAKE, KEEP STAKE PLUMB AND SECURED OUTSIDE OF TREE PIT
- 7 PREPARED BACKFILL-TAMP TO PREVENT SETTLEMENT, SOAK BACKFILL AFTER PLANTING.

PLANTING NOTES

- RETAIN NATURAL SHAPE. DO NOT SHEAR OR CUT CENTRAL LEADER. TREES WITH CENTRAL LEADERS ARE NOT ACCEPTED IF LEADER IS DAMAGED OR REMOVED.
- PRUNE ALL DAMAGED TWIGS AFTER PLANTING
- WRAP TREES TO FIRST BRANCH IF PLANTED IN FALL. DO NOT WRAP IF PLANTED IN SPRING.
- TREES TO BE INSTALLED 50 TOP OF ROOT BALL'S LEVEL WITH ADJACENT GRADE. TREE SHALL BEAR SAME RELATION TO FINISH GRADE AS MAINTAINED AT NURSERY
- PLACE TREE BALL ON FIRM UNDISTURBED SOIL.
- IF POSSIBLE MARK TREE TRUNK ON THE NORTHERN SIDE AT THE NURSERY AND PLANT TREE WITH MARK FACING NORTH
- TOPSOIL USED SHALL BE THE SAME AS MAINTAINED IN THE LANDSCAPE SPECIFICATIONS



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WALNUT GROVE
PHASES II-IV
SUBDIVISION
Bentonville, Arkansas
PP22-0009

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08.28.23

LANDSCAPE PLAN (WEST)

Revisions

Drawn By: RUC
Approved By: MDT
Date: 08.28.2023
Project No.: RLP-36

Vert. Scale: AS NOTED
Horiz. Scale: AS NOTED
Plot Scale: 1
DWG Name: LANDSCAPE PLAN

SITE AREA = 59.82 ACRES
DISTURBED AREA = 61.43 ACRES

SHEET

69

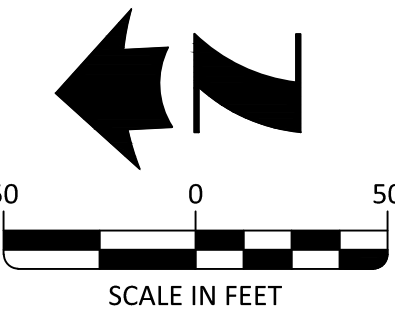
of 70

NOTE: WHERE POTENTIAL UTILITY CONFLICTS WITH LANDSCAPING,
UTILITY LOCATIONS SHALL BE FIELD VERIFIED.

PLANT SCHEDULE

TREES	COMMON / BOTANICAL NAME	CONT	CAL	QTY
	Chinese Pistache / Pistacia chinensis	B&B	2.5" Cal	27
	Forest Pansy Eastern Redbud / Cercis canadensis 'Forest Pansy'	B&B	2" Cal	23

MATCH LINE - SHEET 68



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WALNUT GROVE
PHASES II-IV
SUBDIVISION
Bentonville, Arkansas
PP22-0009

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LANDSCAPE PLAN (CENTER)

Revisions

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Approved By: MDT
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Project No.: RLP-36
Vert. Scale: AS NOTED
Horiz. Scale: AS NOTED
Plot Scale: 1
DWG Name: LANDSCAPE PLAN

SHEET

70

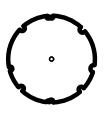
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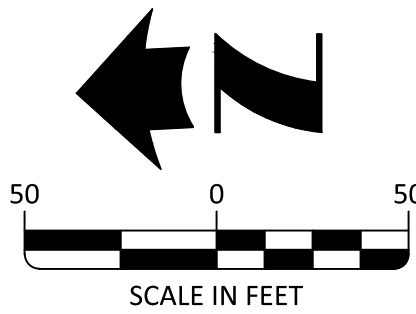
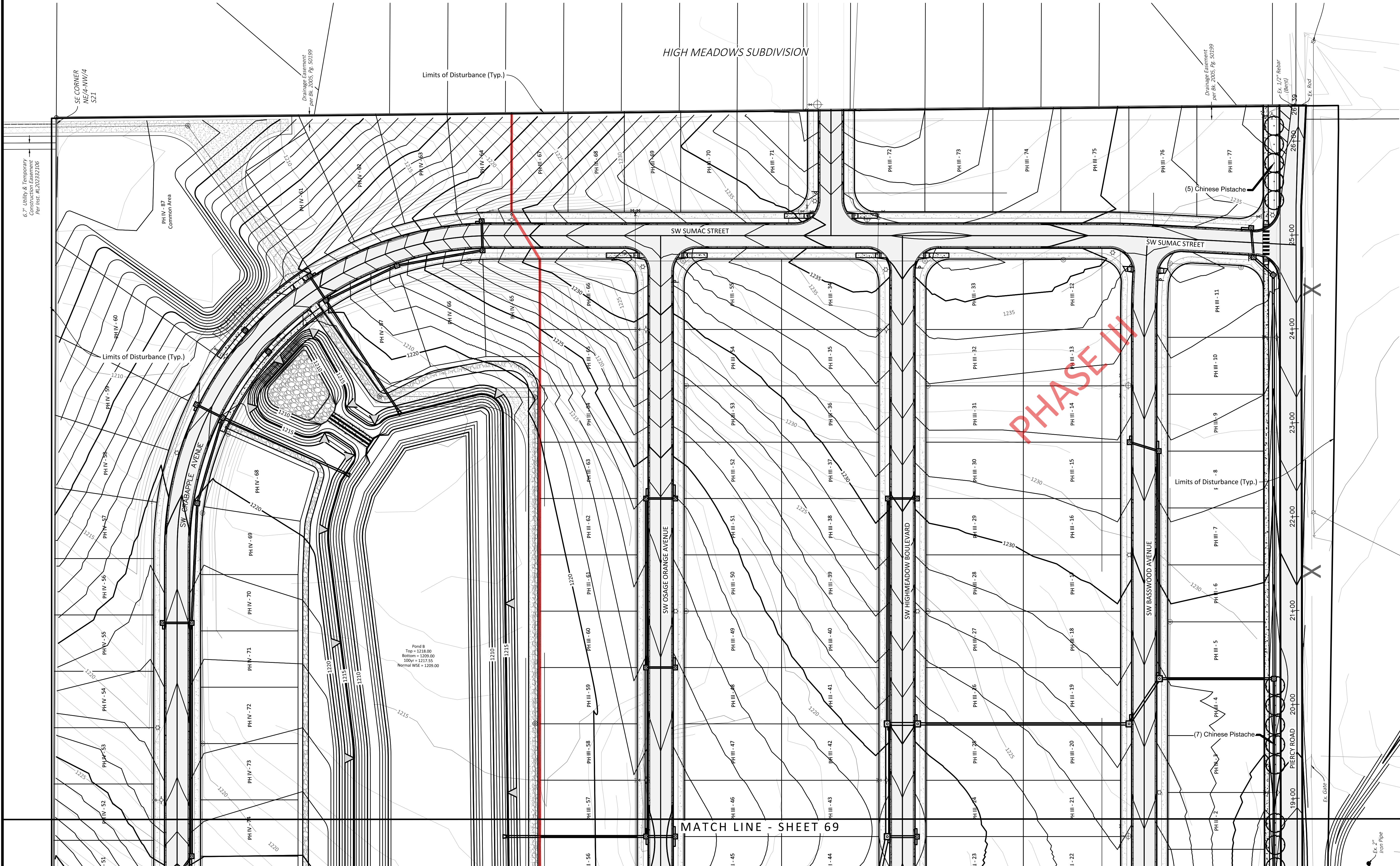
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FOR INTERIM REVIEW ONLY

THESE DOCUMENTS ARE FOR INTERIM
REVIEW AND NOT INTENDED FOR
REGULATORY APPROVAL, PERMIT,
BIDDING OR CONSTRUCTION
PURPOSES. THEY WERE PREPARED
BY OR UNDER THE SUPERVISION OF:

Patrick R. Foy 18938
NAME P.E. NO.
DATE 08.27.2023



HALFF ASSOCIATES, INC.
2407 SE COTTONWOOD ST. STE 1
BENTONVILLE, AR 72712
479.273.2209 - HALFF.COM

WALNUT GROVE
PHASES II-IV
SUBDIVISION
Bentonville, Arkansas
PP22-0009

Issued for Review
08.28.23

LANDSCAPE PLAN (EAST)

Revisions

Drawn By: RUC	Vert. Scale: AS NOTED
Approved By: MDT	Horiz. Scale: AS NOTED
Date: 08.28.2023	Plot Scale: 1
Project No.: RLP-36	DWG Name: LANDSCAPE PLAN

SHEET



Medlin Park Detention Waiver

2303 Medlin Lane

PC Date: 10/17/2023

Reviewer: Keegan Stanton, Senior Planner

Staff Report Details

Project Number	WAV23-0016
Applicant / Current Owner	Ken Booth/Burckart Construction
Site Area	+/- 6.43 Acres
Current Zoning	C-2, General Commercial
Requested Zoning	N/A
Current Future Land Use Map Designation	General Commercial
Requested Future Land Use Map Designation	N/A
Development Type / Use	Multi-family
Related projects	

Property Description

This property is located at 2303 Medlin Lane. It is zoned C-2, General Commercial and is presently undeveloped.

Project Details

Relationship to the General Plan / Projected Traffic Impact

Public Comment

Has Staff Received Public Comment regarding this request? : **No**

Analysis / Waivers

The applicant is requesting a waiver from the requirement to detain storm water on this site. The applicant states that the site sits in the South end of a large drainage basin and claims that the site improvements will not negatively impact downstream property by forgoing detention infrastructure. Please see the applicants' narrative for additional information.

Conclusion

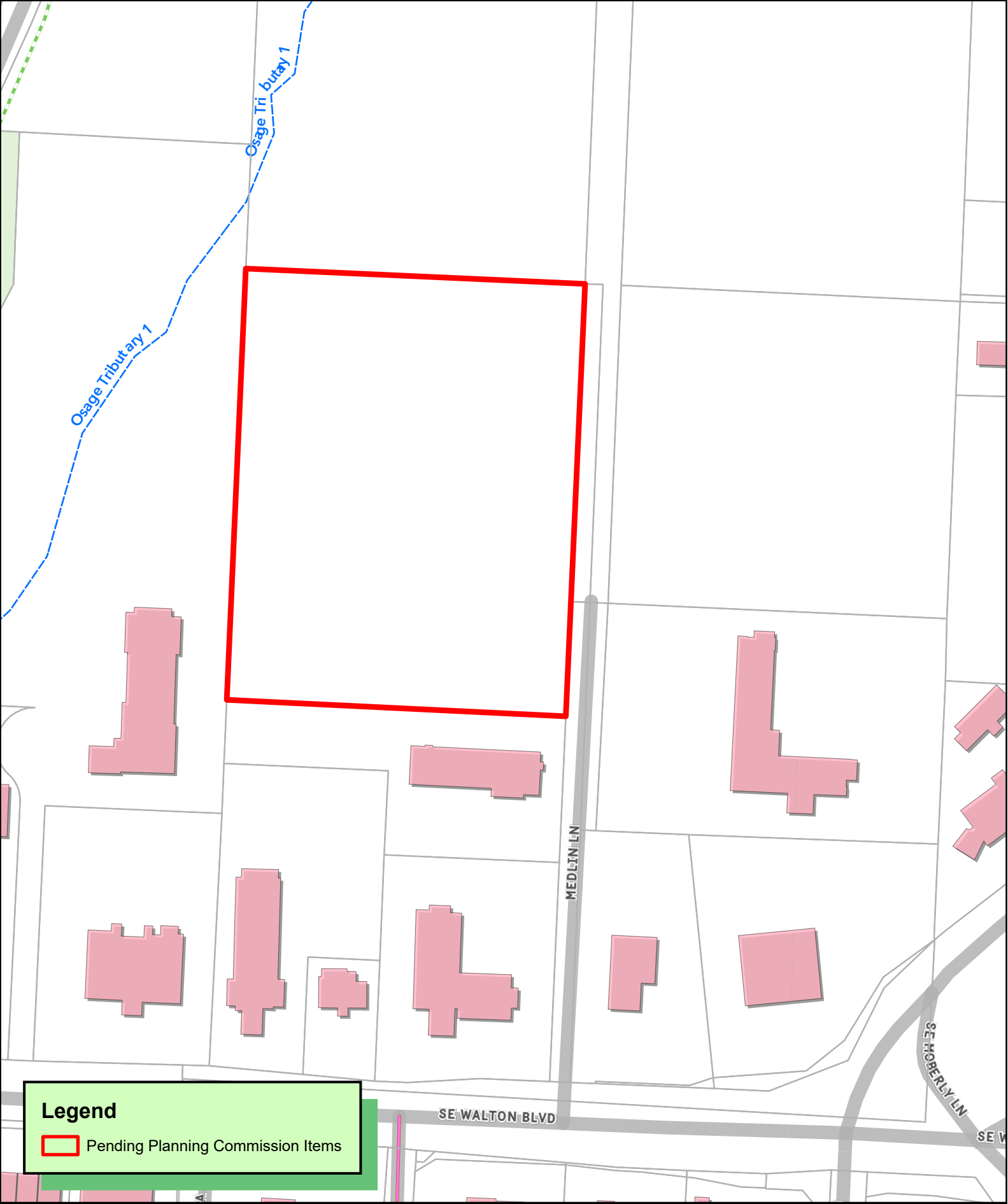
Engineering staff is not in support of this waiver due to the requirements found in Section 5.1.1 and 5.1.3 of the Bentonville Drainage Manual (see below).

SECTION V- STORMWATER DETENTION

5.1 GENERAL

1. No increase in peak flow discharge from the one hundred (100) year precipitation event down to and including the two (2) year event shall be allowed into areas within the City of Bentonville, Arkansas, or the city's planning jurisdiction, except as provided in item 2 below.
2. A waiver of detention may be requested if circumstances exist.
3. An acceptable solution must be presented to the Planning Commission as a part of the PROJECT DRAINAGE PLAN, which may include detention design and/or other on-site and/or off-site improvements as required to meet the intent of these regulations and have no negative impact on adjacent property or watersheds.

Additional Details



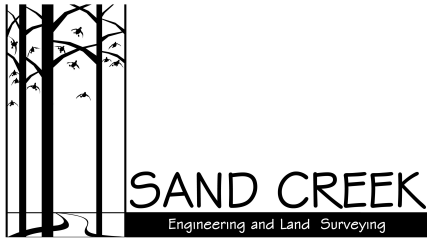
Legend

 Pending Planning Commission Items

N
W E
S
1:2,033

**WAV23-0016 11/7/2023
WAIVER
DRAINAGE MEDLIN MEADOWS**

THE CITY OF
B
BENTONVILLE
Page 1



August 10, 2023

Project: 23013

Reference: Medlin Park Condominiums
2303 Medlin Lane
Bentonville, AR.

Planning,

Due to the site location in the south end of a very large drainage basin, Sand Creek Engineering, on behalf of the developer, request a waiver of Section 5.1 of the Drainage Manual, requiring to detain storm water on this site.

The site improvements as indicated on the plans and detailed in the drainage analysis will not negatively impact downstream property with the absence of detention facilities. Due to this site's location in the total watershed, it is proposed to release storm flows ahead of the upstream peak volume. The granting of this waiver will not be detrimental to the public health, safety, and welfare or injurious to other property in the area. Granting this waiver will not have the effect of preventing orderly subdivision of other land in the area.

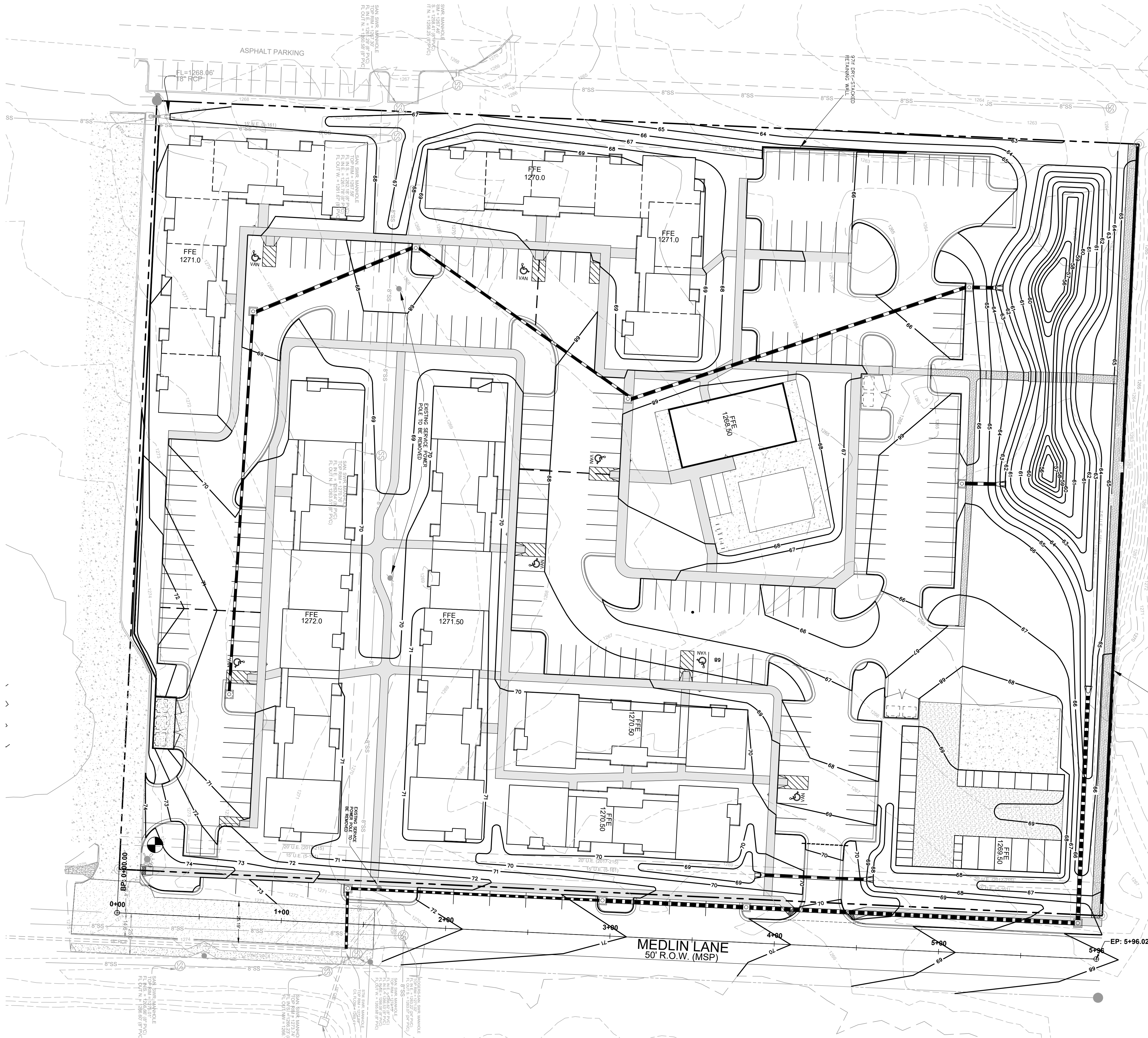
Please add this request to the agenda for consideration for the upcoming Large Scale Development.

Respectfully Submitted,

A handwritten signature in blue ink that reads 'Ken Booth'.

Ken Booth
Project Manager
kbooth@sandcreek.us

X:\23 Proj\23013\Drawings\Project\23013_MASTER.LSD.dwg Plotted on 10/12/2023 5:09 AM @ a scale of 1:1 to DWG TO PDF.PC3 by KB00TH



SCALE: 1" = 30'

BENCHMARK:
TOP NUT OF FIRE HYDRANT AT EXISTING DRIVE
Elev. 1277.70 PER SURVEY

EXISTING LEGEND

- MONUMENT SET (AS NOTED)
- MONUMENT FOUND (AS NOTED)
- WATER METER
- WATER VALVE
- DRAINAGE MANHOLE
- TV RISER
- TELEPHONE RISER
- LIGHTPOLE
- SIGN
- UTILITY POLE
- GAS LINE SIGN
- FIBER OPTIC SIGN
- PROPERTY LINES
- ADJOINING PROPERTY LINE
- SETBACK & EASEMENT LINE
- WATER LINE
- STREET CENTERLINE
- EXISTING CONCRETE
- EXISTING CONCRETE

GRADING LEGEND

- XXXX MINOR CONTOUR
- XXXX MAJOR CONTOUR
- LP LOW POINT
- HP HIGH POINT
- 68 PROPOSED CONTOURS

ACRES 6.44 ZONING - C-2 COMMERCIAL
SOIL TYPES Cs, Jo, PeC and CnB - Refer to drainage report

SETBACKS - FRONT - 50' with parking
REAR - 30' adjoining residential
SIDE - 7' adjoining commercial

USE: MULTI-FAMILY RESIDENTIAL

- GRADING NOTES:**
- COORDINATE WITH ALL UTILITIES PRIOR TO GRADING ACTIVITIES.
 - THE CONSTRUCTION AREA SHALL BE STRIPPED OF TOPSOIL AND ORGANIC MATTER FROM ALL AREAS TO BE OCCUPIED BY BUILDINGS, PAVING OR PROPOSED FILL.
 - AREAS TO RECEIVE FILL SHALL BE SCARIFIED AND THE TOP EIGHT-INCH DEPTH COMPACTED TO 95% STANDARD PROCTOR MAXIMUM DRY DENSITY. ANY UNSUITABLE AREAS SHALL BE UNDERCUT AND REPLACED WITH SUITABLE MATERIAL BEFORE ADDITIONAL FILL MATERIAL CAN BE APPLIED.
 - OFF-SITE FILL MATERIAL SHALL HAVE A PLASTICITY INDEX OF 20 OR LESS, A LIQUID LIMIT OF 50 OR LESS AND CONTAIN NO ROCK LARGER THAN FOUR INCHES.
 - AREAS CUT TO SUBGRADE LEVEL SHALL BE PROOF ROLLED WITH A FULLY LOADED TANDEM AXLE DUMP TRUCK OR SIMILAR APPROVED CONSTRUCTION EQUIPMENT TO DETECT UNSUITABLE SOIL CONDITIONS. CUT AREAS ARE TO BE SCARIFIED AND COMPACTED TO 95% STANDARD PROCTOR MAXIMUM DRY DENSITY AND TESTED BY MTA ENGINEERS PRIOR TO PLACEMENT OF BASE MATERIAL.
 - IN ALL AREAS OF EXCAVATION, IF UNSUITABLE SOIL CONDITIONS ARE ENCOUNTERED, MTA ENGINEERS SHALL RECOMMEND THE AREA TO UNDERCUT, HOW MUCH TO UNDERCUT, AND THE METHOD FOR COMPACTING THE APPROVED FILL MATERIAL OR OTHER PROPOSED STABILIZATION METHOD. ALL PROOF-ROLLING AND UNDERCUTTING SHALL BE PERFORMED DURING A PERIOD OF DRY WEATHER.
 - NO DEWATERING ACTIVITY IS EXPECTED, HOWEVER, THE APPROPRIATE FILTERS MUST BE USED IF DEWATERING BECOMES NECESSARY.

CAUTION - NOTICE TO CONTRACTOR:

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 UPON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANY AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN BY THESE PLANS.

DEVELOPER:
Burckart Construction Inc.
2302 SW 1 STREET UNIT 106
Bentonville, Arkansas 72712
479-633-4010
billburckart@gmail.com

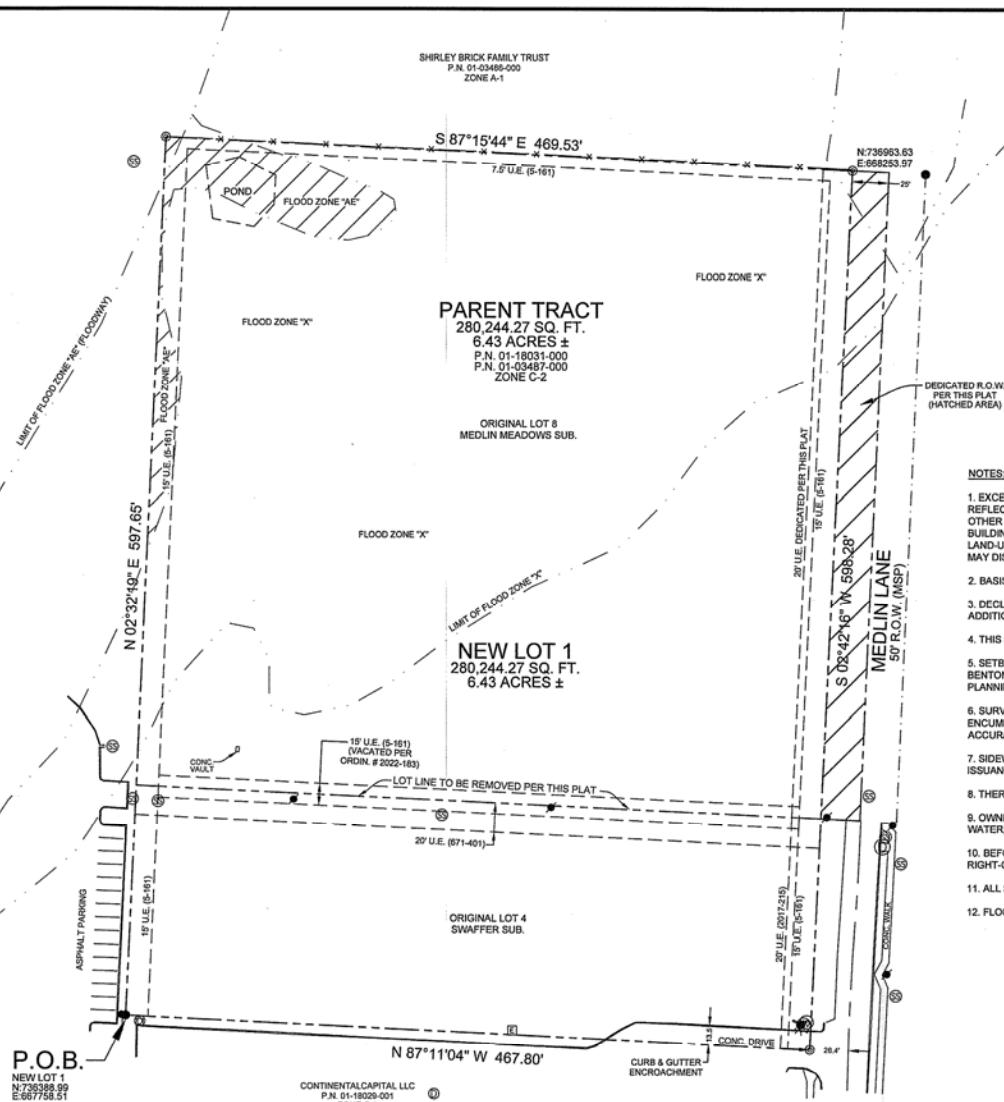
Engineer and Land Surveyor:
Sand Creek Engineering
1610 NW 12th Street
Bentonville, AR 72712
(479) 464-9282
kbooth@sandcreek.us

GRADING PLAN
MEDLIN PARK
2303 MEDLIN LANE
BENTONVILLE, ARKANSAS

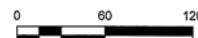
NOT FOR CONSTRUCTION
PRELIMINARY
NOT FOR CONSTRUCTION

SAND CREEK
Engineering and Land Surveying
Bentonville, Arkansas (479) 464-9282

MANAGER: Ken Booth
DESIGNED BY: KB
DRAWN BY: KB
CHECKED BY: TRS
SCE PROJECT #: 23013
CURRENT REVISION:
DATE: 10/12/23
SHEET: 4 of 4

**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.
- 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 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 AT (479) 271-3122.
- 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.
- FLOOD ZONES BY GRAPHIC PLOTTING ONLY.

**FLOOD CERTIFICATION:**

I CERTIFY THAT I HAVE EXAMINED THE OFFICIAL FLOOD INSURANCE HAZARD RATE MAP PANEL NO. 0507C0259K & 0507C0260K (EFFECTIVE DATE JUNE 5, 2012) AND FOUND A PART OF 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 9-15-22

SIGNED: Robert J. Caster
REGISTERED LAND SURVEYOR
NO. 1370
STATE OF ARKANSAS

CERTIFICATE OF AUTHORIZATION
COA CERTIFICATE NUMBER: 3049

VICINITY MAP
(N.T.S.)**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 9/15/22

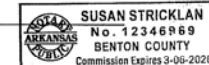
PRINT NAME: W.P. BURKART

SIGNATURE: W.P. Burkart

STATE OF ARKANSAS, COUNTY OF BENTON, SUBSCRIBED AND SWORN BEFORE ME THIS 15th DAY OF September, 2022

Susan Strickland
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: October 26, 2022 | 2:51 PM CDT

SIGNED: Ed Swain
PLANNING COMMISSION CHAIRPERSON

DATE OF EXECUTION:

SIGNED: Shelene Brown
MAYOR, CITY OF BENTONVILLE

SIGNED: Mike Davis
CITY CLERK, CITY OF BENTONVILLE

PLA22-0013

CASTER & ASSOCIATES
LAND SURVEYING, INC.

2715 SE "Y" Street, Suite 5
Bentonville, AR 72712
(479) 288-4464



SCALE: 1" = 60' DATE: 6-19-22

PROPERTY LINE ADJUSTMENT
LOT 4 SWAFFER SUBDIVISION &
LOT 8 MEDLIN MEADOWS SUB.
CREATING LOT 1 MEDLIN MEADOWS
SUBDIVISION, PHASE 2

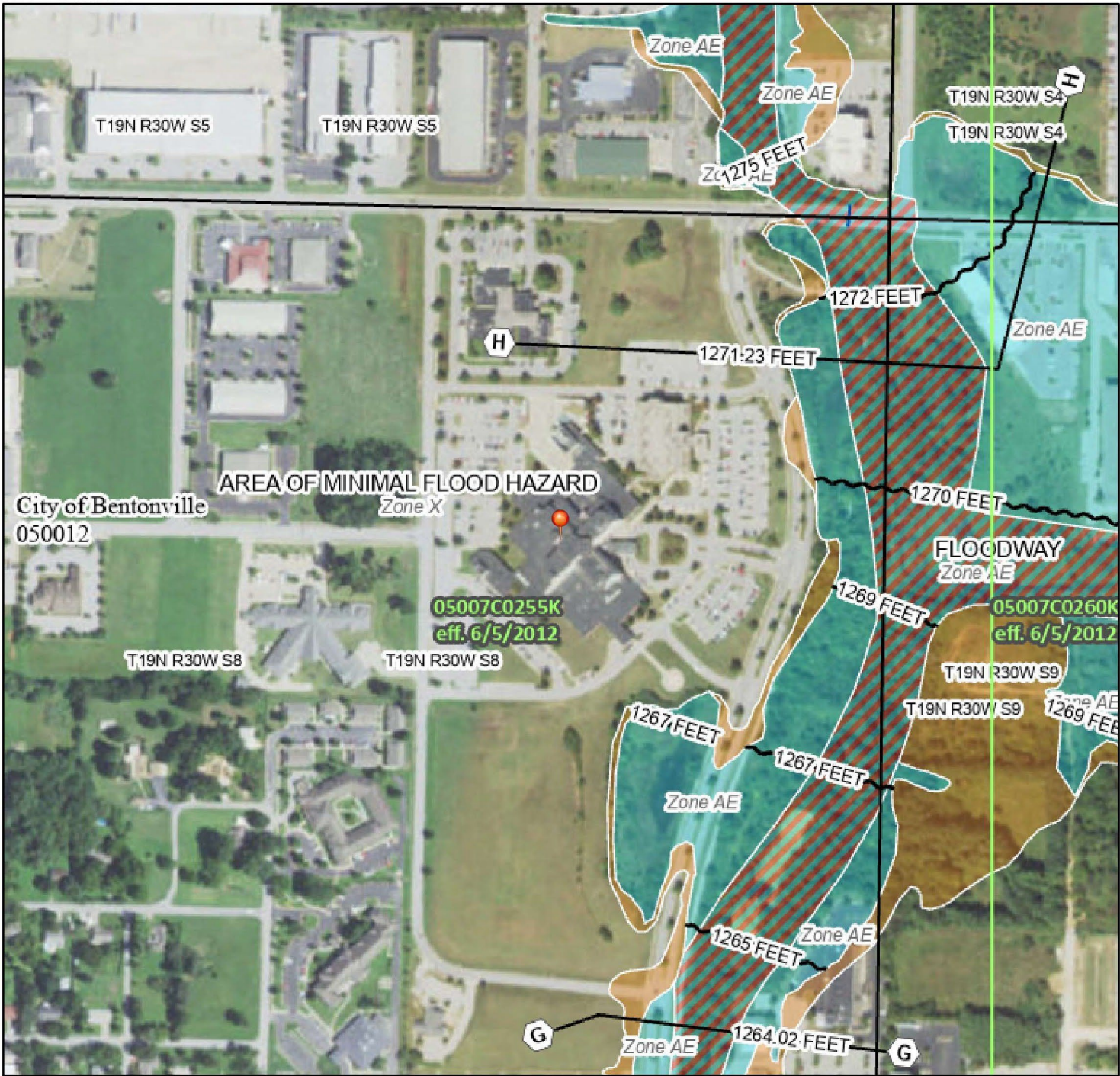
2303 MEDLIN LANE
BENTONVILLE, BENTON COUNTY,
ARKANSAS

JOB #	DRAWN BY:	CHKD BY:	PAGE
22-079PLA	ASD	RJC	1 OF 1

National Flood Hazard Layer FIRMette

FEMA

94°11'48"W 36°20'39"N



0 250 500 1,000 1,500

Feet 1:6,000

94°11'11"W 36°20'10"N

Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE)
Zone A, V, A99
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile zone x
- Future Conditions 1% Annual Chance Flood Hazard zone x
- Area with Reduced Flood Risk due to Levee. See Notes. zone x
- Area with Flood Risk due to Levee zone O

OTHER AREAS

- NO SCREEN Area of Minimal Flood Hazard zone x
- Effective LOMRs
- Area of Undetermined Flood Hazard zone O

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- 20.2 Cross Sections with 1% Annual Chance
- 17.5 Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 4/3/2023 at 6:13 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



Lykins Driveway

1410 Northeast J Street

PC Date: 10/17/2023

Reviewer: Keegan Stanton, Senior Planner

Staff Report Details

Project Number	WAV23-0018
Applicant / Current Owner	Nathan Couch (Blew Inc.)/Lykins Leasing LLC
Site Area	+/- 5.87 Acres
Current Zoning	A-1, Agriculture
Requested Zoning	N/A
Current Future Land Use Map Designation	Mixed-use Commercial
Requested Future Land Use Map Designation	N/A
Development Type / Use	
Related projects	

Property Description

This property is located at 1410 Northeast J Street. It is zoned A-1, Agriculture and is presently undeveloped but for a communications tower.

Project Details

Relationship to the General Plan / Projected Traffic Impact

Public Comment

Has Staff Received Public Comment regarding this request? : **No**

Analysis / Waivers

The applicant is requesting a waiver from Sec. 1100.02 Access Management Standards from the Land Development Code to allow for a residential lot to have direct access to an arterial street. In this instance, the applicant is requesting to allow for a residential driveway to access Tiger Blvd. so that the existing parcel can be split into two lots that each have separate access. There are several existing residential driveways with access to this portion of Tiger Blvd. A Right-of-Way permit will be required for any improvements within the city's right-of-way.

Conclusion

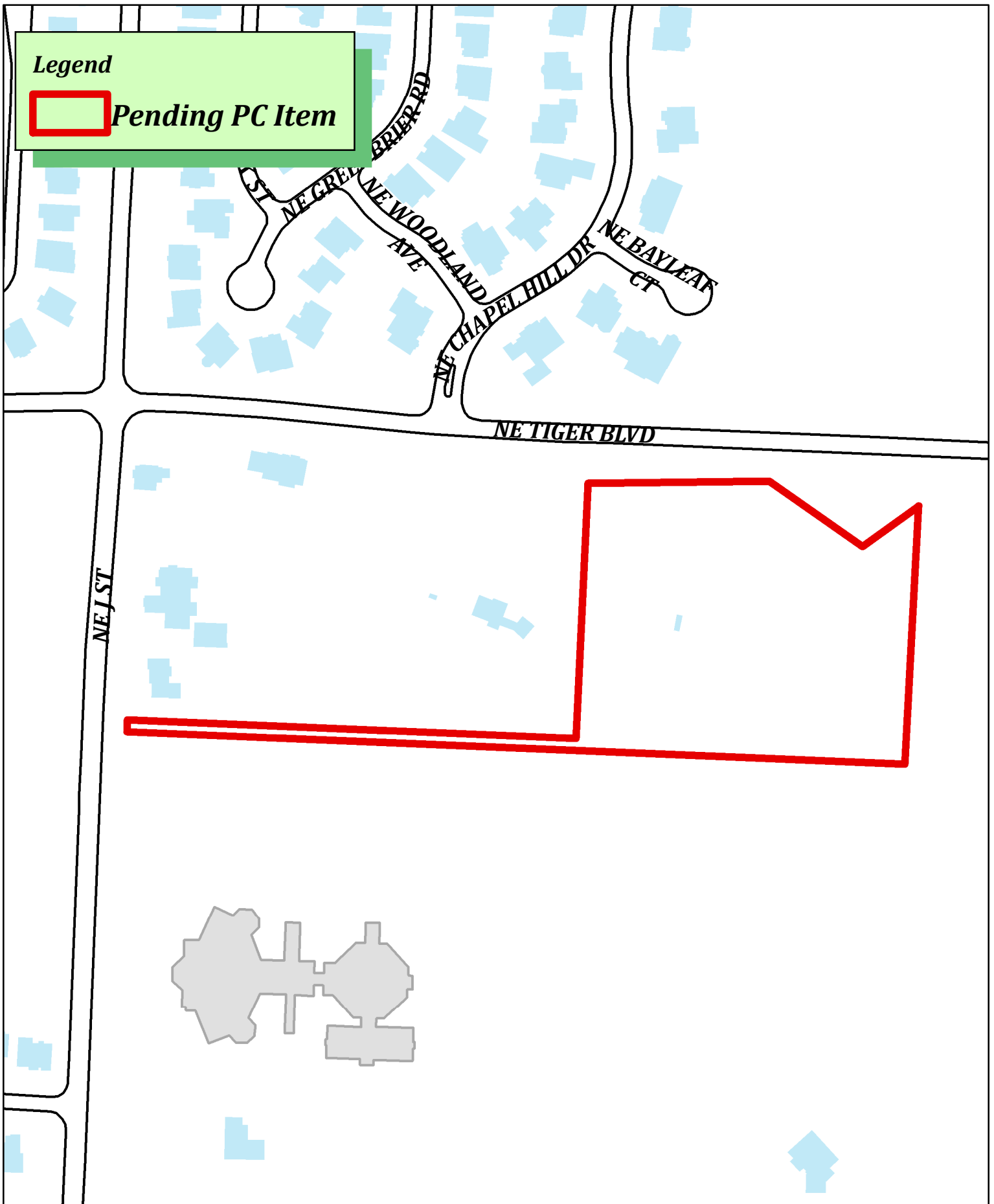
Given the low-density development of this area coupled with the relatively low traffic level for an arterial at this location, staff would recommend approval of this waiver request.

Additional Details

Legend



Pending PC Item



WAV23-0018
NE J Street
Residential Lot Access to Tiger Blvd



September 8, 2023

Waiver Narrative Letter

Bentonville Planning,

Our client, Lykins Leasing, LLC, is requesting a waiver for a property at 1410 SE J St in Bentonville. The waiver request is to allow proposed Tract 2, from Blew & Associates survey job number 23-4546, to access Tiger Blvd. to the north, rather than requiring them to cross Tract 1 to access Northeast J St.

The subject tract is adjacent to Tiger Blvd. right of way. There are residential driveways approx. 350 ft to the west, and 370' to the east.

The code section we're requesting the Waiver to address is Sec. 1100.02 Access Mgmt Standards, part (c) Residential and Subdivision access –

(c) Residential and subdivision access. No residential lot shall be permitted direct access to a collector, minor, or major arterial street shall orient frontage to a local street, and back of the project, without access to the said major streets.

This would not affect the adjacent properties in any way. We kindly ask for your approval of this waiver, which affects Tract 2 of Blew & Associates survey number 23-4546, existing parcel number 01-00248-046.

Sincerely,

Nikki Littrell

Senior Project Coordinator

Blew & Associates, P.A.





BVR Properties, LLC

1304 Bella Vista Road

PC Date: 10/17/2023

Reviewer: Jon Stanley, Senior Planner

Staff Report Details

Project Number	RZ23-0068
Applicant / Current Owner	BVR Properties, LLC
Site Area	+/- 0.62 Acres
Current Zoning	R-1, Low-Density Single-Family Residential
Requested Zoning	R-2, Medium Density Two Family and Townhome Residential
Current Future Land Use Map Designation	Residential Estate
Requested Future Land Use Map Designation	Medium Density Residential (MDR)
Development Type / Use	Single or Two Family Residences
Related projects	N/A

Property Description

This property is located at 1304 Bella Vista Road and is currently zoned R-1, Low-Density Single-Family Residential. All adjacent zoning are also R-1, Low-Density Single-Family Residential, however many of the surrounding residences are two-family.

Project Details

The Future Land Use Plan currently shows this property as Low-Density Residential. However, the applicant is requesting a change to the Future Land Use Map to Medium-Density Residential. These areas include townhouses 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.

This property is located within Priority Area 2, Infill, as identified in Chapter 4 of the Bentonville Community Plan. This area looks to leverage the City's existing investments in utilities and streets to accommodate new development.

Relationship to the General Plan / Projected Traffic Impact

N/A

Public Comment

Has Staff Received Public Comment regarding this request? : **No**

Analysis / Waivers

The R-2 District encourages the basic land use restrictions as the R-1 District. It allows slightly higher population density than the R-1 District, with residential and related uses separated from commercial and industrial activity. Such a district shall encourage and maintain duplex and patio home development at appropriate locations. The R-2 District has a dual purpose. First, the district should provide areas for the development of two-family residential structures. Second, the district should facilitate conversion of one family residences to two-family use in established developed areas. The district may be located in developed areas or undeveloped areas of the City where an environment compatible with moderate density residential development can be established. Such a district can also be located in medium density areas where conversion may facilitate their continuation as a desirable area.

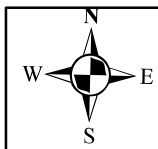
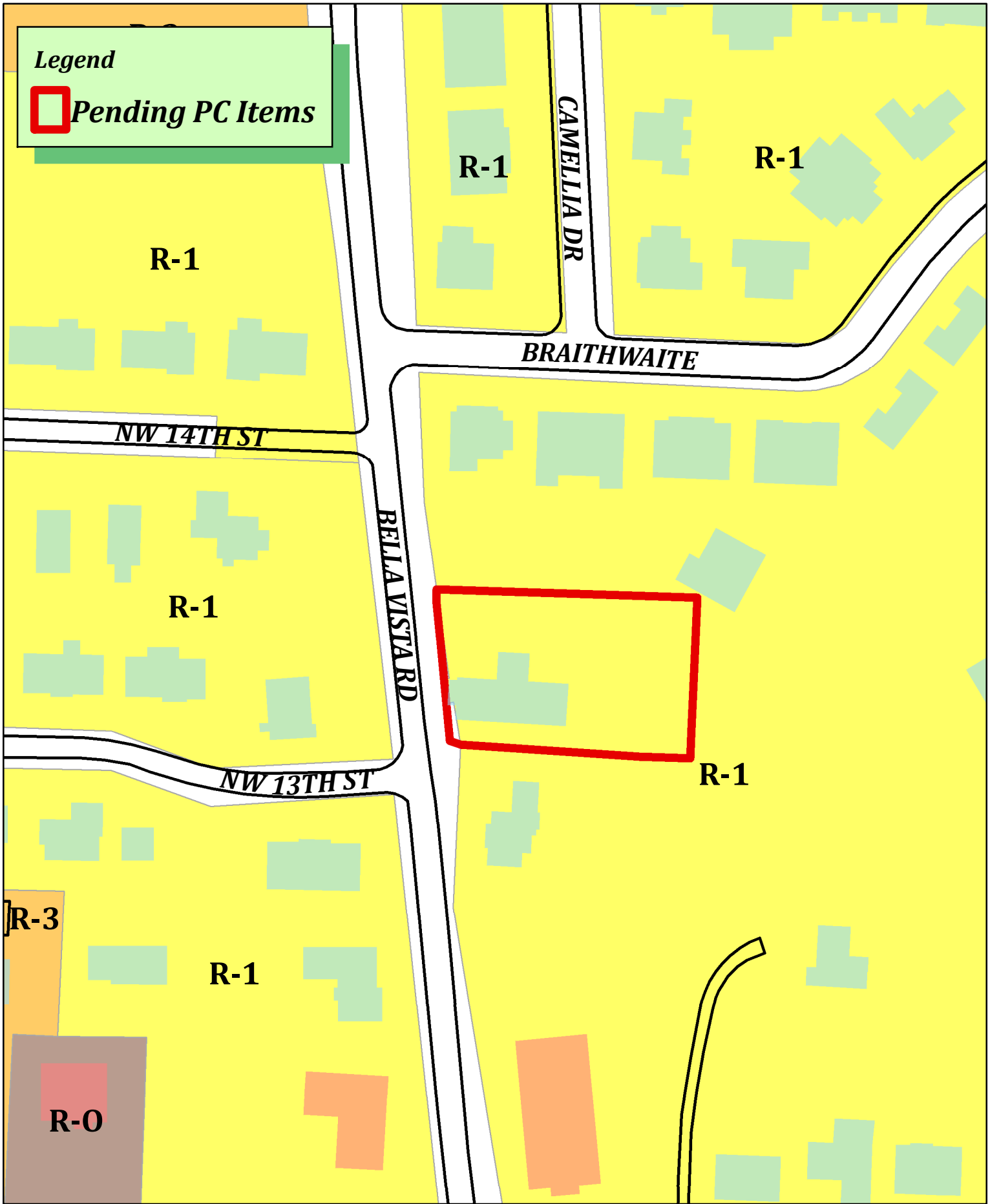
Conclusion

This request is not consistent with the Future Land Use Plan. However, the context of the property - with a significant number of existing two-family residential uses immediately adjacent to the subject property, along with the goals of the Community Plan to capitalize on the existing infrastructure in this part of the City, an amendment to the Future Land Use Plan to Medium-Density Residential would be appropriate.

Should the Planning Commission approve the Future Land Use Plan Amendment, planning staff recommends approval of the rezoning request. Should the Planning Commission deny the Future Land Use Plan Amendment, planning staff recommends denial of the rezoning.

Additional Details

N/A



RZ23-0068
BVR Properties LLC.
R-1 to R-2



Rezone Narrative

Owner: BVR Properties LLC
Address: 1304 Bella Vista Rd.
Bentonville, AR 72712

Current Zoning: R-1, Single Family Residential

Proposed Zoning: R-2, Medium Density Two Family and Townhome Residential

Owner: BVR Properties LLC

Reason for rezoning: Setback change with R-2.

How will property relate to surrounding properties: The current surrounding properties are all zoned R-1, Single Family Residential.

Proposed Use: 4 Single Family Residential Lots/Homes.

Traffic: The current city infrastructure is adequate to accommodate the use. No significant impact is expected to traffic.

Signage: Any signage to comply with city ordinances and regulations. None planned.

Appearance: 4 Single Family Residential Lots/Homes.

Water and Sewer Availability: Water mains and a 8" Sanitary system are available to serve the property. New water meters and sanitary service lines will need to be constructed.

R223-00 68
①

NOTICE OF INTENT TO REZONE

BVR Properties LLC, Neil Greenhaw has requested the Bentonville Planning Commission to set a public hearing date to consider rezoning the following property from R-1, Single Family Residential to R-2, Medium Density 2 Family & Townhome Residential

The legal description of the property is as follows:

Lot 10, Block 2, Braithwaite Park Subdivision, Bentonville, Benton County, Arkansas as shown on Survey Recorded in Plat Book 2013 at Page 35, Records of Benton County, Arkansas, Being a Lot Split of Part of Lot 2, Block 2 Braithwaite Park Subdivision, Benton County, Arkansas.

The common description of the property is: 1304 Bella Vista Rd.

The public hearing will be held Oct. 17th, 20 23 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:

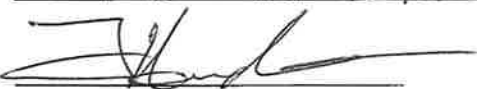
1. Attend the public hearing and express your views.
2. Express your opinion in writing to the Planning Commission. You may mail this or deliver it to the City of Bentonville Planning Department, 305 SW A Street, Bentonville, AR 72712.
3. Use the bottom of this form to express your opinion by checking 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:

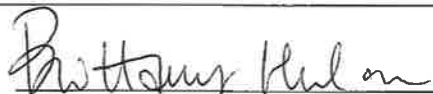
- ☐ I/we have no objections to the rezoning.
☒ I/we object to the rezoning because:

Medium density zoning changes the fundamental type of structures constructed in the area. The entire surrounding area is zoned R-1.



Signature and Physical Address

~~705~~ 605 A+B Braithwaite
Bentonville, AR 72712



Signature and Physical Address

RZB-8068
(2)

NOTICE OF INTENT TO REZONE

BVR Properties LLC, Neil Greenhaw has requested the Bentonville Planning Commission to set a public hearing date to consider rezoning the following property from

R-1, Single Family Residential to R-2, Medium Density 2 Family & Townhome Residential

The legal description of the property is as follows:

Lot 10, Block 2, Braithwaite Park Subdivision, Bentonville, Benton County, Arkansas as shown on Survey Recorded in Plat Book 2013 at Page 35, Records of Benton County, Arkansas, Being a Lot Split of Part of Lot 2, Block 2 Braithwaite Park Subdivision, Benton County, Arkansas.

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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:

Hary Bania

Signature and Physical Address

Genesis Gymnastics Academy
524 Tiger Blvd
Bentonville

Signature and Physical Address

RESOLUTION NO. _____

**A RESOLUTION AMENDING THE CITY OF BENTONVILLE FUTURE LAND USE
MAP FOR A SPECIFIC AREA FROM RESIDENTIAL ESTATE TO MEDIUM-
DENSITY RESIDENTIAL; AND FOR OTHER PURPOSES (PROJECT NUMBER:
RZ23-0068).**

WHEREAS, BVR Properties, LLC 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 RESIDENTIAL ESTATE to MEDIUM-DENSITY RESIDENTIAL, which property is described as follows:

LOT 10, BLOCK 2, BRAITHWAITE PARK SUBDIVISION, BENTONVILLE, BENTON COUNTY, ARKANSAS AS SHOWN ON SURVEY RECORDED IN PLAT BOOK 2013 AT PAGE 35, RECORDS OF BENTON COUNTY, ARKANSAS, BEING A LOT SPLIT OF PART OF LOT 2, BLOCK 2 BRAITHWAITE PARK SUBDIVISION, BENTON COUNTY, ARKANSAS;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held October 17, 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 RESIDENTIAL ESTATE to MEDIUM-DENSITY RESIDENTIAL on the City of Bentonville Future Land Use Map.

Section 2: That this resolution shall be in full force and effect from and after the date of its passage.

Section 3 - 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.

Section 4: 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 R-2, MEDIUM DENSITY TWO
FAMILY AND TOWNHOME RESIDENTIAL; AND FOR OTHER PURPOSES
(PROJECT NUMBER: RZ23-0068).**

WHEREAS, BVR Properties LLC 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 R-2, MEDIUM DENSITY TWO FAMILY AND TOWNHOME RESIDENTIAL to be used in accordance with city zoning laws and state laws, which property is described as follows:

LOT 10, BLOCK 2, BRAITHWAITE PARK SUBDIVISION, BENTONVILLE, BENTON COUNTY, ARKANSAS AS SHOWN ON SURVEY RECORDED IN PLAT BOOK 2013 AT PAGE 35, RECORDS OF BENTON COUNTY, ARKANSAS, BEING A LOT SPLIT OF PART OF LOT 2, BLOCK 2 BRAITHWAITE PARK SUBDIVISION, BENTON COUNTY, ARKANSAS.;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held October 17, 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 R-2, MEDIUM DENSITY TWO FAMILY AND TOWNHOME 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 R-2, MEDIUM DENSITY TWO FAMILY AND TOWNHOME 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.

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



Lovell Revocable Trust

1110 Southeast Walton Boulevard

PC Date: 10/17/2023

Reviewer: Jon Stanley, Senior Planner

Staff Report Details

Project Number	RZ23-0069
Applicant / Current Owner	Lovell Revocable Trust
Site Area	+/- 4.62 Acres
Current Zoning	A-1, Agriculture
Requested Zoning	C-2, General Commercial
Current Future Land Use Map Designation	General Commercial
Requested Future Land Use Map Designation	N//A
Development Type / Use	Unknown at this time
Related projects	N/A

Property Description

This property is located at 1110 SE Walton Boulevard, southeast of the intersection of SE Walton Blvd and SE J St, and is currently zoned A-1, Agriculture. All adjacent properties are zoned C-2, including the property directly to the south in the City of Rogers. A three-unit apartment building, one single family home, and two outbuildings exist on the site which is otherwise undeveloped.

Project Details

Relationship to the General Plan / Projected Traffic Impact

The Future Land Use Map classifies this property as General Commercial. General Commercial areas include uses that serve both nearby residents and those coming from other parts of the city or region. Appropriate uses in these areas include retail, restaurants, services, and offices. Vertical mixed-use developments are encouraged but are not as high a priority as in mixed-use or downtown commercial areas. General commercial uses should balance access between pedestrians and vehicles, though the

Relationship to the General Plan / Projected Traffic Impact

impacts of parking should be minimized through site design and landscaping. This property is located within Priority Area 2, Infill, as outlined in chapter 4 of the Bentonville Community Plan. This area supports the development of vacant properties already served by infrastructure within the context of existing development.

The South Walton Blvd Localized Framework Plan (Bentonville Community Plan - pg. 73, Chp. 6) directly identifies this property as a potential site for new development. The localized framework plan recommends this area's core focus be: "Intense mixed-commercial development, including retail, restaurant, hospitality and service uses, all with coordinated and managed access in an attractive and well landscaped setting."

Public Comment

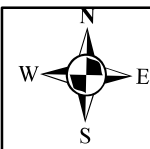
Has Staff Received Public Comment regarding this request? : **No**

Analysis / Waivers

Conclusion

This request is consistent with the Future Land Use Plan and the Bentonville Community Plan. Recent development activity in the surrounding area is also compatible with the applicants' request. For these reasons, staff recommends approval of the requested rezoning.

Additional Details





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

3108 SW Regency Parkway
Bentonville, AR 72712
Office: 479.273.9472
ceieng.com

09-06-2023

City of Bentonville
Planning Dept.
305 SW A St.
Bentonville, AR 72712

RE: Bentonville Parcel 01-00194-000 Rezoning Application

Dear Planning Commission:

Please accept this narrative letter to accompany a formal request by Melvina Lovell Revocable Trust, owner of real property located in the City of Bentonville, for consideration of a rezoning of parcel 01-00194-000 from A-1, *Agriculture* to C-2, *General Commercial*. The parcel is approximately 4.62 acres.

Pending approval of this rezoning request, a proposed development plan will be submitted to address details of construction. It will be consistent with the allowable uses under the current City of Bentonville zoning code for the proposed district. Zoning of the subject tract as C-2 use will be compatible with the surrounding neighborhood made up of C-2.

Thank you for your time and consideration in this matter.

Respectfully submitted,
CEI Engineering Associates, Inc.
Dustin Riley, PS

**AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE,
ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF A-1,
AGRICULTURAL TO C-2, GENERAL COMMERCIAL; AND FOR OTHER PURPOSES
(PROJECT NUMBER: RZ23-0069).**

WHEREAS, Melvina Lovell Revocable Trust duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of A-1, AGRICULTURAL to C-2, GENERAL COMMERCIAL to be used in accordance with city zoning laws and state laws, which property is described as follows:

A PART OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 8, TOWNSHIP 19, NORTH, RANGE 30 WEST, DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT A POINT 650 FEET WEST OF THE NORTHEAST CORNER (NE) OF SAID NW1/4 OF THE SE1/4 OF SAID SECTION 8, RUNNING THENCE WEST 340 FEET; THENCE SOUTH 660 FEET; THENCE EAST 320 FEET; THENCE NORTH 330 FEET; THENCE EAST 20 FEET; THENCE NORTH 330 FEET; TO THE POINT OF BEGINNING, CONTAINING 5 ACRES, MORE OR LESS, EXCEPT HIGHWAY 71 OFF THE NORTH SIDE THEREOF.;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held October 17, 2023 in the Council Chambers of the City of Bentonville;

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

WHEREAS, the Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification of A-1, AGRICULTURAL to C-2, GENERAL COMMERCIAL.

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

Section 1: That the above described real property is hereby changed from its present zoning classification of A-1, AGRICULTURAL to C-2, GENERAL COMMERCIAL 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.

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



Freeman Living Trust

218 and 220 Southwest Glover Street

PC Date: 10/17/2023

Reviewer: Jon Stanley, Senior Planner

Staff Report Details

Project Number	RZ23-0070
Applicant / Current Owner	Freeman Living Trust
Site Area	+/- 0.54 Acres
Current Zoning	R-1, Low-Density Single-Family Residential
Requested Zoning	DN-2, Downtown Medium Density Residential
Current Future Land Use Map Designation	Medium Density Residential (MDR)
Requested Future Land Use Map Designation	N/A
Development Type / Use	Single or Two Family Residence
Related projects	N/A

Property Description

These properties are located at 218 and 220 Southwest Glover Street. They are both zoned R-1, Low-Density Single-Family Residential and are classified as Medium Density Residential (MDR) on the Future Land Use Plan. All adjacent properties are currently zoned R-1, Low-Density Single-Family Residential. However, there are several properties in the nearby vicinity along Southwest Glover that have already been rezoned to DN-2, Downtown Medium Density Residential or DN-1, Downtown Low Density Residential.

Project Details

The Future Land Use Plan currently shows this property as Medium Density Residential (MDR). These 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.

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.

Relationship to the General Plan / Projected Traffic Impact

N/A

Public Comment

Has Staff Received Public Comment regarding this request? : **No**

Analysis / Waivers

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

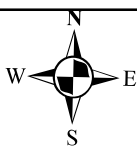
Conclusion

This request is consistent with the Future Land Use Plan and the allowable uses under the DN-2, Downtown Medium Density Residential zoning district are also compatible with the surrounding neighborhood development patterns. Therefore, the Planning staff recommends approval of the rezoning request.

Additional Details

N/A

Pending PC Items



**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

September 8, 2023

City of Bentonville
Planning Department
305 SW A Street
Bentonville, Arkansas 72712

RE: Rezoning Parcel No. 01-01685-000 & 01-01686-000 from R-1 to DN-2

Dear Planning Staff:

I have been retained to assist the applicant, Steve and Julie Freeman, with respect to this rezoning request. The applicant is requesting that the property, Parcel No. 01-01685-000 & 01-01686-000 (hereinafter "the Property"), be rezoned from R-1, Low Density Single Family, to DN-2, Downtown Low Density Residential. The Properties are designated as "Medium Density Residential" on the Bentonville Future Land Use Map, and no amendment is required.

The reason for this rezoning request is to bring the Property into compliance with the Bentonville Future Lane Use Map, and to take advantage of the updated standards under the downtown zoning codes. DN-2 is compatible with the surrounding properties, as several lots on Glover St. and adjacent SW F St have recently been rezoned to DN-2. The use, appearance, and traffic generated will be similar to other DN-2-zoned lots, and no signage is contemplated. Finally, both water (8") and sewer (8") are available on Glover 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

EXHIBIT A

LEGAL DESCRIPTION

Lot 26, of a Lot Split of Lot 9 in Clark's Addition to the City of Bentonville, Benton County, Arkansas, and creating Lots 26 & 27, as shown in survey recorded as Instrument L202152488.

Lot 27, being a part of a Lot Split of Lot 9, Clark's Addition to the City of Bentonville, Benton County, Arkansas, as originally shown in Plat Record "L" at Page 166, with said plat of Lot Split being recorded on July 14, 2021, as Land Document No. L202152488 in the land records of Benton County, Arkansas.

**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:
RZ23-0070).**

WHEREAS, Freeman Living Trust 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:

LOT 26, OF A LOT SPLIT OF LOT 9 IN CLARK'S ADDITION TO THE CITY OF BENTONVILLE, BENTONCOUNTY, ARKANSAS, AND CREATING LOTS 26 & 27, AS SHOWN IN SURVEY RECORDED AS INSTRUMENT L202152488. LOT 27, BEING A PART OF A LOT SPLIT OF LOT 9, CLARK'S ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS ORIGINALLY SHOWN IN PLAT RECORD "L" AT PAGE 166, WITH SAID PLAT OF LOT SPLIT BEING RECORDED ON JULY 14, 2021, AS LAND DOCUMENT NO. L202152488 IN THE LAND RECORDS OF BENTON COUNTY, ARKANSAS.;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held October 17, 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.

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



Pinnacle Villas, LLC

208 Northwest G Street

PC Date: 10/17/2023

Reviewer: Jon Stanley, Senior Planner

Staff Report Details

Project Number	RZ23-0071
Applicant / Current Owner	Pinnacle Villas, LLC
Site Area	+/- 0.39 Acres
Current Zoning	R-1, Low-Density Single-Family Residential
Requested Zoning	DN-1, Downtown Low Density Residential
Current Future Land Use Map Designation	Low Density Residential (LDR)
Requested Future Land Use Map Designation	N/A
Development Type / Use	Single Family Residence
Related projects	N/A

Property Description

This property is located at 208 Northwest G 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 south, and RO, Residential Office to the west.

Project Details

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.

Relationship to the General Plan / Projected Traffic Impact

Relationship to the General Plan / Projected Traffic Impact

N/A

Public Comment

Has Staff Received Public Comment regarding this request? : **No**

Analysis / Waivers

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.

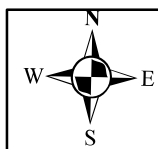
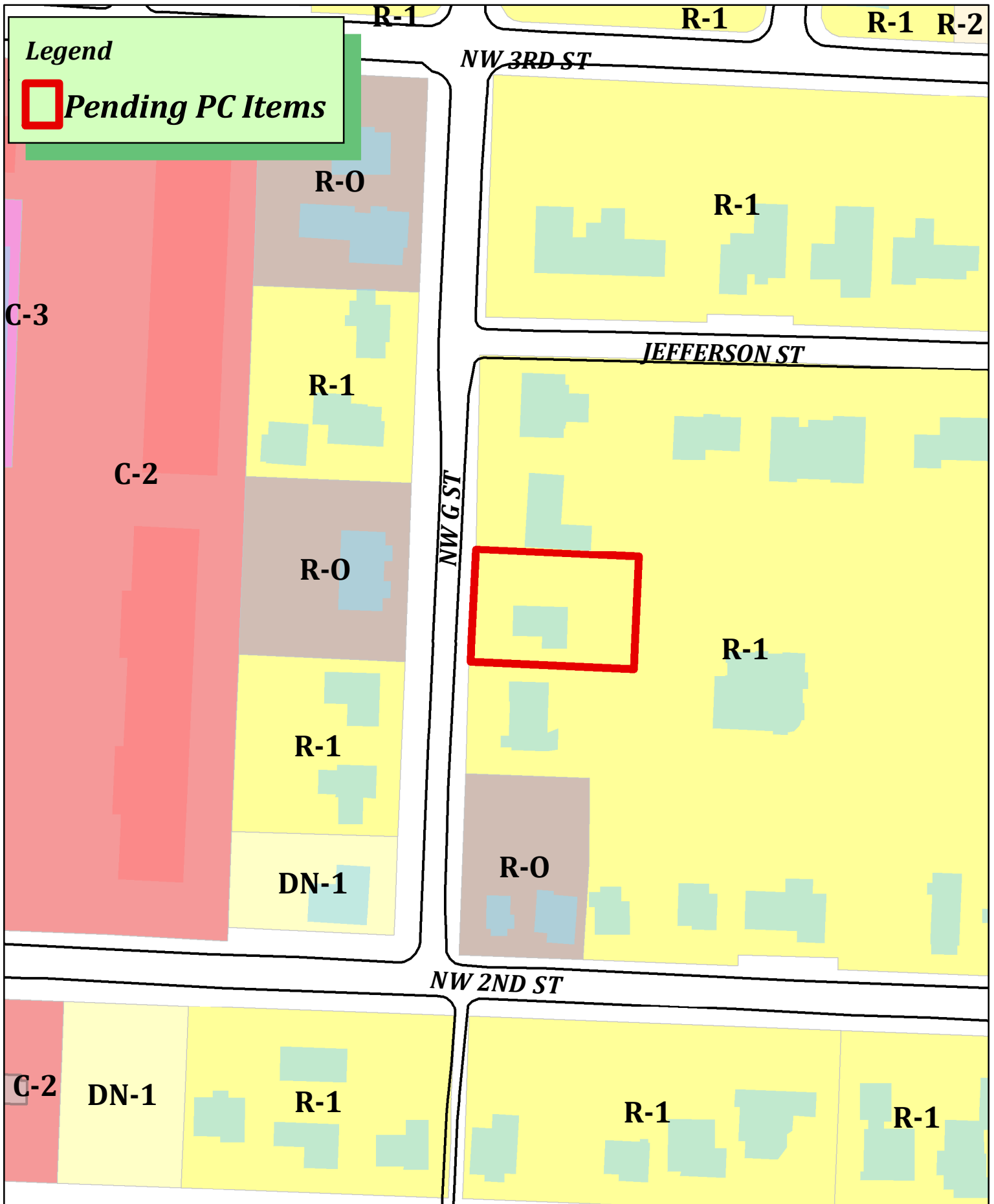
The proposed zoning of DN-1 is consistent with the Future Land Use Plan for this area and is compatible with the surrounding development patterns within this area of the city which lends additional support to the requested change.

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.

Additional Details

N/A



RZ23-0071
Pinnacle Villas LLC.
R-1 to DN-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

September 8, 2023

City of Bentonville
Planning Department
305 SW A Street
Bentonville, Arkansas 72712

RE: Rezoning Parcel No. 01-00525-000 from R-1 to DN-1

Dear Planning Staff:

I have been retained to assist the applicant, Pinnacle Villas, LLC, with respect to this rezoning request. The applicant is requesting that the property, Parcel No. 01-00525-000 (hereinafter "the Property"), be rezoned from R-1, Low Density Single Family, to DN-1, Downtown Low Density Residential. The Property is designated as "Low Density Residential" on the Bentonville Future Land Use Map, and therefore, no amendment is required.

The reason for this rezoning request is to bring the Property into compliance with the Bentonville Future Lane Use Map, and to take advantage of the updated standards under the downtown zoning codes. DN-1 is compatible with the surrounding properties, as the majority of surrounding lots are zoned R-1, and DN-1 is highly similar to R-1 in nature. The use, appearance, and traffic generated will be similar to other DN-1-zoned lots, and no signage is contemplated. Finally, both water (6") and sewer (8") are available on NW G 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

R223-0071
①

NOTICE OF INTENT TO REZONE

Pinnacle Villas, LLC 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-1, Downtown Low Density Residential

The legal description of the property is as follows:

See attached Exhibit A

The common description of the property is: 208 NW G St.

The public hearing will be held October 17th, 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:

I hope there won't be no gangs, drug addicts, or sex
offenders to be allowed to move into our quiet
neighbor.

Shelia Diann Stanley

Signature and Physical Address

205 N.W. "G" St.
Bentonville, AR 72712

Signature and Physical Address

**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: RZ23-0071).**

WHEREAS, Pinnacle Villas LLC 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:

PART OF THE SW1/4 OF THE SW1/4 OF SECTION 30, TOWNSHIP 20 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, COMMENCING AT THE SOUTHWEST CORNER OF SW1/4 OF SAID SECTION 30; THENCE NORTH 43 RODS 7 LINKS, THENCE EAST 43 RODS 15 ½ FEET, THENCE NORTH 93 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 102 FEET, THENCE EAST 147.5 FEET, THENCE SOUTH 102 FEET, THENCE WEST 147.5 FEET TO THE POINT OF BEGINNING.;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held October 17, 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.

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



Wood Family Trust

308 Southwest E Street

PC Date: 10/17/2023

Reviewer: Jon Stanley, Senior Planner

Staff Report Details

Project Number	RZ23-0072
Applicant / Current Owner	Wood Family Trust
Site Area	+/- 0.30 Acres
Current Zoning	R-1, Low-Density Single-Family Residential
Requested Zoning	DN-1, Downtown Low Density Residential
Current Future Land Use Map Designation	Low Density Residential (LDR)
Requested Future Land Use Map Designation	N/A
Development Type / Use	Single Family Residential
Related projects	N/A

Property Description

This property is located at 308 Southwest E Street. It is currently zoned R-1, Low-Density Single-Family Residential, and contains an existing single-family residence. Adjacent zonings are all R-1, Single Family Residential to the north, south, and west, and DN-1, Downtown Low-Density Residential to the southeast.

Project Details

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.

Relationship to the General Plan / Projected Traffic Impact

N/A

Public Comment

Has Staff Received Public Comment regarding this request? : **No**

Analysis / Waivers

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.

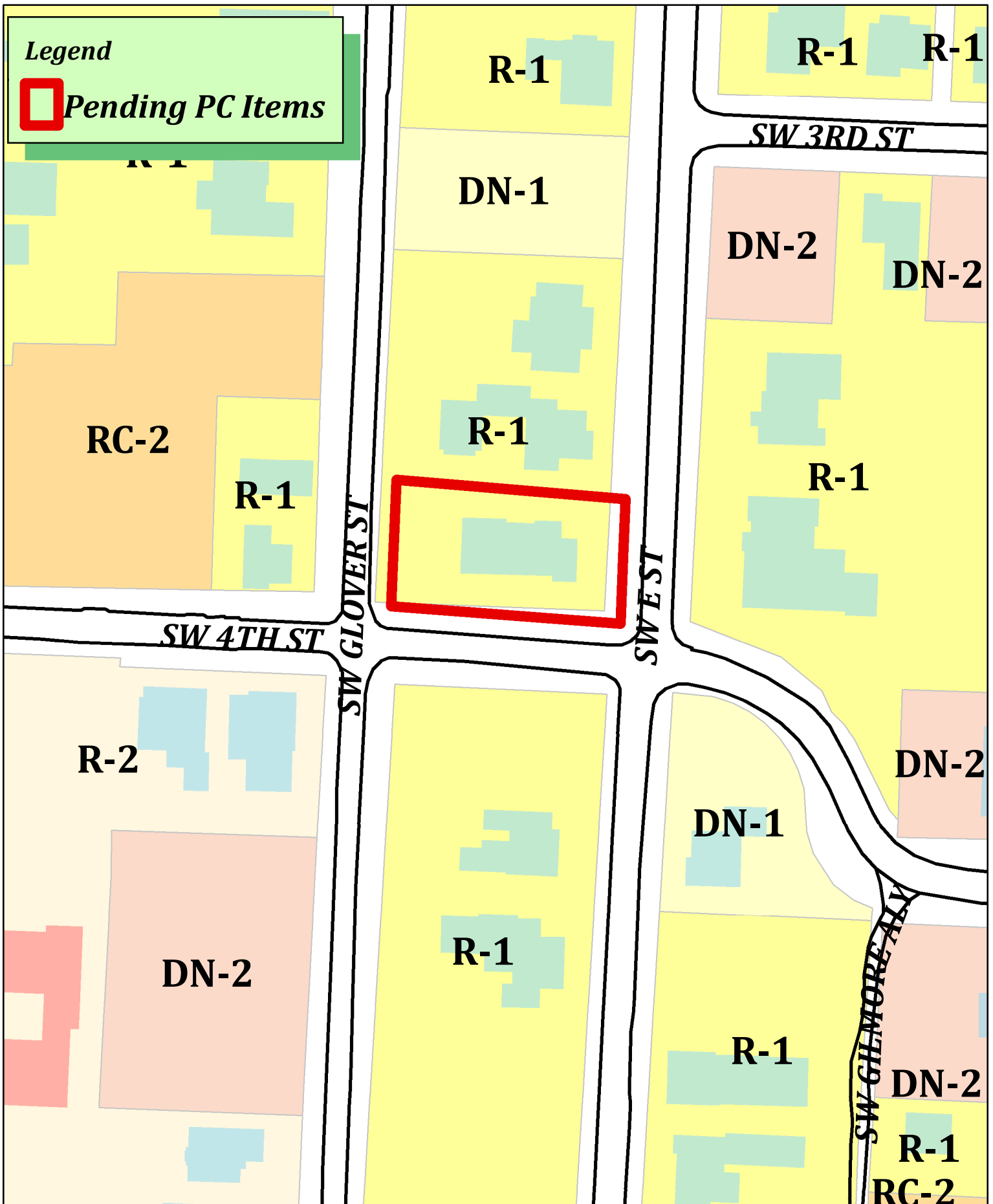
The proposed zoning of DN-1 is consistent with the Future Land Use Plan for this area and is compatible with the surrounding development patterns within this area of the city, which lends additional support to the requested change.

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. Therefore, the planning staff recommends approval.

Additional Details

N/A



Legend



Pending PC Items



RZ23-0072
Wood Family Trust
R-1 to DN-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

September 8, 2023

City of Bentonville
Planning Department
305 SW A Street
Bentonville, Arkansas 72712

RE: Rezoning Parcel No. 01-01704-000 from R-1 to DN-1

Dear Planning Staff:

I have been retained to assist the applicant, Wood Family Trust, with respect to this rezoning request. The applicant is requesting that the property, Parcel No. 01-01704-000 (hereinafter "the Property"), be rezoned from R-1, Low Density Single Family, to DN-1, Downtown Low Density Residential. The Property is designated as "Low Density Residential" on the Bentonville Future Land Use Map, and therefore, no amendment is required.

The reason for this rezoning request is to bring the Property into compliance with the Bentonville Future Land Use Map, and to take advantage of the updated standards under the downtown zoning codes. DN-1 is compatible with the surrounding properties, as the majority of surrounding lots are zoned R-1, and DN-1 is highly similar to R-1 in nature. The use, appearance, and traffic generated will be similar to other DN-1-zoned lots, and no signage is contemplated. Finally, both water (6") and sewer (8") are available on SW E 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

**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: RZ23-0072).**

WHEREAS, Wood Family Trust 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:

THE SOUTH ½ OF LOT 18, CLARK'S ADDITION, BENTONVILLE, BENTON COUNTY,
ARKANSAS, AS SHOWN ON PLAT RECORD "L" AT PAGE 166.;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held October 17, 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.

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



Doaba Investment, LLC

Southwest Regional Airport Boulevard

PC Date: 10/17/2023

Reviewer: Jon Stanley, Senior Planner

Staff Report Details

Project Number	RZ23-0073
Applicant / Current Owner	Doaba Investment, LLC
Site Area	+/- 13.35 Acres
Current Zoning	Planned Unit Development (PUD) Expired
Requested Zoning	R-4, High Density Multifamily Residential
Current Future Land Use Map Designation	R-E, Residential Estate
Requested Future Land Use Map Designation	General Commercial
Development Type / Use	Multi Family Residential
Related projects	RZ23-0074 and LS23-0049

Property Description

This property is located along Southwest Regional Airport Blvd. It is currently zoned PUD, Planned Unit Development. The property is presently undeveloped. Adjacent zonings are PUD, Planned Unit Development to the West and North, R-1, Low-density Single-family Residential to the South, and C-2, Commercial and R-3, Medium-High Density Multifamily Residential to the East.

Project Details

Relationship to the General Plan / Projected Traffic Impact

The Future Land Use Plan depicts this property as RE, Residential Estate. Residential estate areas include large detached single-family residential properties at least one acre in size. These areas may also include public uses that support residents. Surrounding Land Use designations include General Commercial, High-Density Residential, Residential Estate, and Low-Density Residential.

Relationship to the General Plan / Projected Traffic Impact

The applicant has requested that this property be amended from Residential Estate to High-Density Residential. High-density residential areas include apartments, condominium buildings, senior housing, and special types of group living. These areas vary greatly in terms of density depending on scale, but typically have at least 12 units per acre. These areas may also have integrated amenities for residents, including local parks, community centers, and resident-oriented commercial uses.

Public Comment

Has Staff Received Public Comment regarding this request? : **No**

Analysis / Waivers

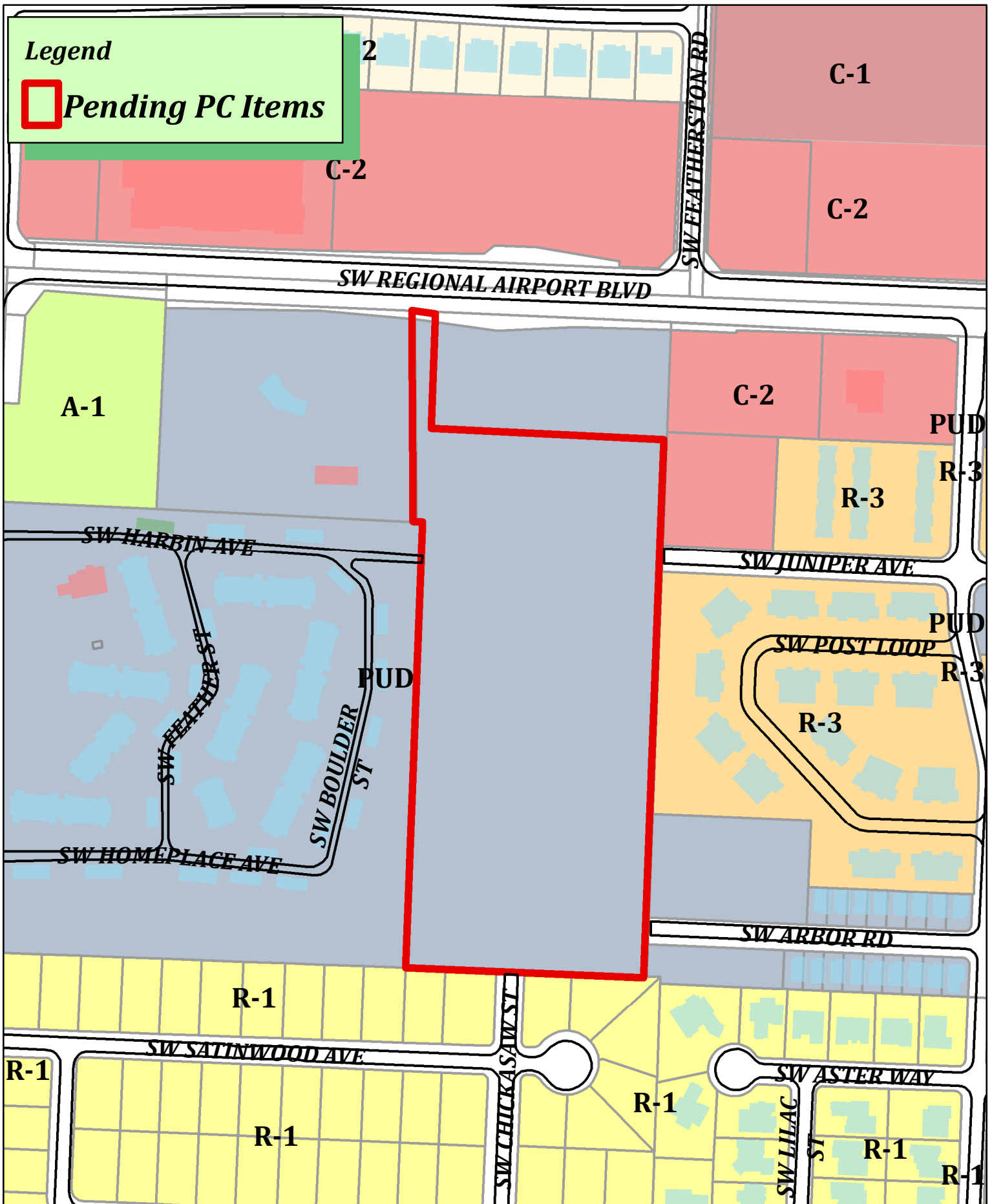
This request is half of a two-part request to rezone all of a single parcel to two separate zoning districts. The 'rear' portion, or southern portion, includes most of the property save the front 215' of frontage along Southwest Regional Airport Blvd. This rear portion is requested to be rezoned to R-4, High Density Multifamily Residential.

The proposed zoning is not consistent without the approval of the accompanying Land Use Amendment. The proposed zoning and Land Use amendment are both consistent with the existing developed fabric of this corridor, its proximity to both Regional Airport Blvd. and Morningstar Road, both of which are classified as arterials, and the existing density of the east and west neighborhoods.

Conclusion

Given the context of the built environment around this proposal, staff recommends approval of both the Land Use amendment and rezoning request.

Additional Details



RZ23-0073
Doaba Investment LLC.
PUD to R-4





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

3108 SW Regency Parkway
Bentonville, AR 72712
Office: 479.273.9472
ceieng.com

September 8, 2023

City of Bentonville
Planning Dept.
305 SW A St.
Bentonville, AR 72712

RE: Bentonville Parcel 01-12833-000 Rezoning Application

Dear Planning Commission:

Please accept this narrative letter to accompany a request by Doaba Investment LLC, owner of real property located in the City of Bentonville, Benton County parcel 01-12833-000 (13.35± acres). The requested rezone is for the southern 11.08± acres of the parent tract from PUD *Planned Unit Development* to R-4, *High Density Multifamily Residential* (See pdf of Rezone Map for proposed lot area). The parcel is on the southwest corner of at SW Regional Airport Blvd and SW Featherston Rd. Development of the property is anticipated by the current owner.

Pending approval of this rezoning request, a proposed development plan will be submitted to address details of construction. It will be consistent with the allowable uses under the current city of Bentonville zoning code for the proposed district. Zoning of the subject tract as R-4 uses will be compatible with the surrounding neighborhood as a buffer from C-2 to the north and east along SW Regional Airport Blvd, R-3 townhomes to the east, R-1 subdivision to the south, and a PUD with multifamily to the southeast corner and to the west. The multifamily development intends to provide a transition between the commercial frontage along Airport Blvd and the single family to the south. Multifamily exists on either side of the proposed R-4.

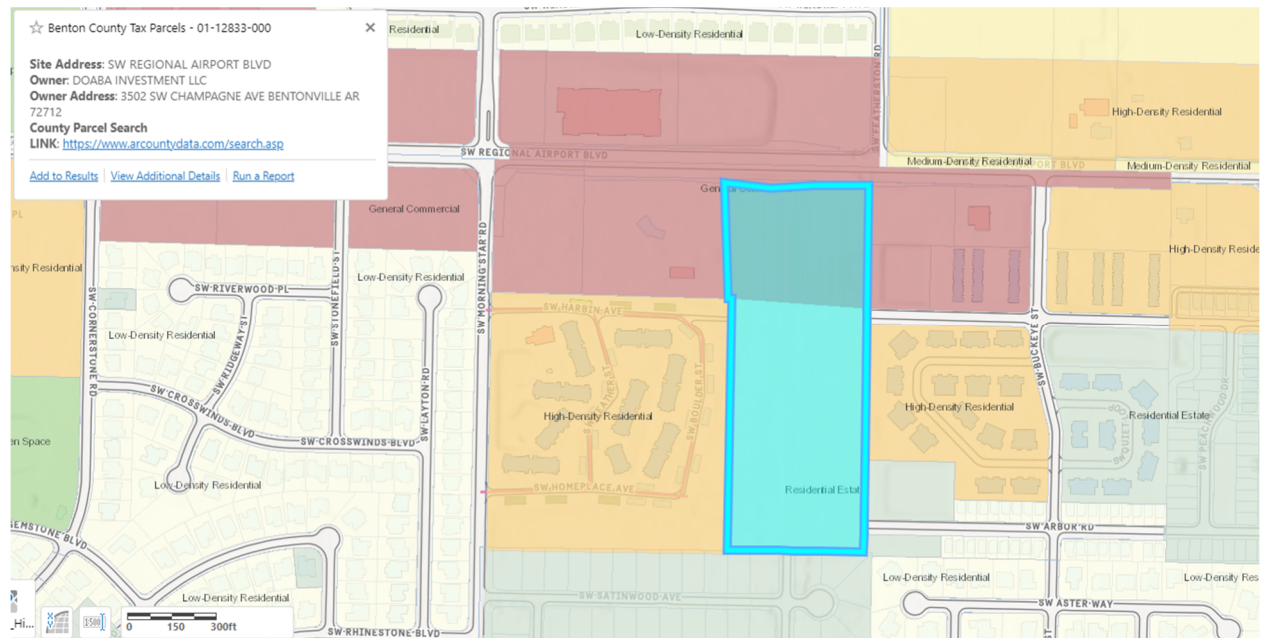
Access to this development will be provided by the existing street network (public connections are available at SW Regional Airport Blvd, SW Juniper Ave, SW Arbor Rd, SW Chickasaw St; private connection at SW Harbin Ave) with parking counts to meet code requirements. An increase of traffic can be expected from the development of the commercial property and apartments, which is being analyzed in a traffic study. All necessary utilities for the proposed development are available with an 18" water line and 12" gravity sewer along Airport Blvd or by existing connections adjacent to the subject tract (four 8" water connections and two 8" gravity sewer connections); a sewer capacity study is also anticipated for the forthcoming development plans. Signage is anticipated for the development.

(See next page for Land Use Amendment)

RE: Bentonville Parcel 01-12833-000 Rezoning Application: Land Use Amendment

Dear Planning Commission:

Please accept this narrative letter to satisfy the requirements of Ordinance 2021-94 regarding rezoning requests when such request is inconsistent with the future land use plan map. On behalf of Doaba Investment LLC, CEI has submitted a request for rezoning of parcel 01-12833-000 requesting R-4 Zoning with *High Density Residential* land use where the future land use plan map shows *General Commercial* frontage with *Residential Estate* land use to the south (See pdf of Rezone Map for proposed R4 / High Density Residential land use areas). The property is planned for development by the current owner with commercial frontage along SW Regional Airport Blvd and multifamily to the south – more information is provided in the Rezoning Narrative. If the commission finds the rezoning request in keeping with the highest and best use of the land, we also ask for the land use plan to be amended as noted for consistency with that zoning.

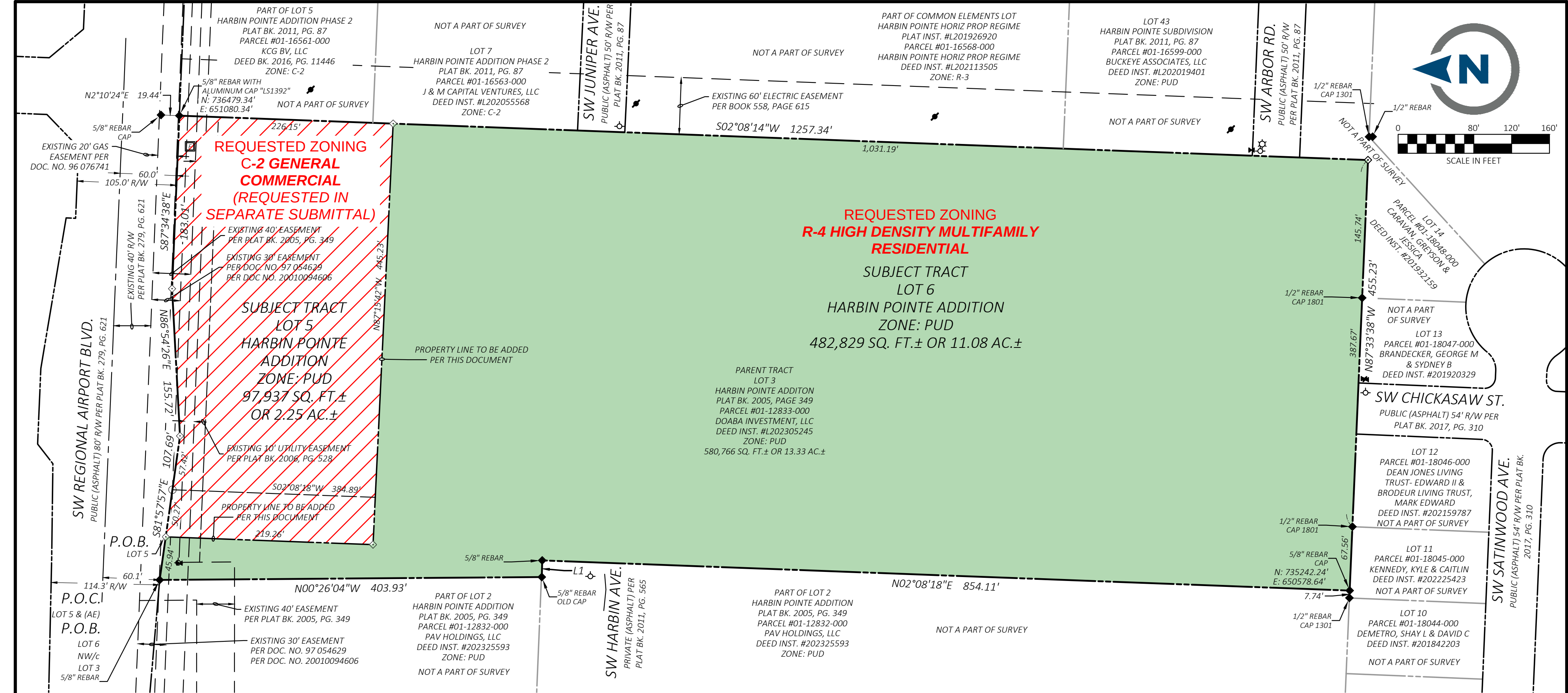


Thank you for your time and consideration in this matter.

Respectfully submitted,
CEI Engineering Associates, Inc.

Chad Caletka, Project Manager

DRAWING LOCATION - S:\330001\33049\DRAWINGS\SURVEY\WORKING\33049LS.DWG -- SAVED BY - MKETKEORASMY



Legend

	Boundary Line
	Adjoining Boundary Line
	Right-of-Way Line
	Easement Line
	Centerline
	Bearing & Distance Change
	Drainage Manhole (DMH)
	Fire Hydrant
	Sewer Manhole (SMH)
	Utility Pole
	Electric Riser
	Water Valve
	Light Pole Straight
	Fiber Optic Vault
	Found Monument (As Noted)
	Set 5/8" Rebar "LS#1618"
	Found Nail (As Noted)
	Right-of-Way (AE)
	Access Easement

Property Line Table

Line #	Direction	Length
L1	N88°28'34"W	17.57'

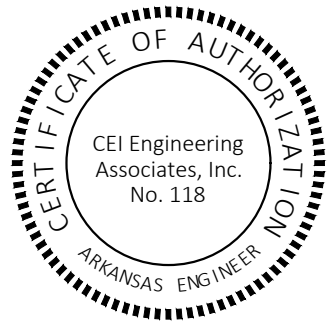
Easement Curve Table

Curve #	Radius	Length	Delta	Chord Bearing	Chord Distance
EC1	25.00'	39.01'	89°24'00"	S42°33'42"E	35.17'

Parent Tract Description, per Deed Instrument No. L202305245:

LOT 3 OF THE LOT SPLIT OF LOTS 1-4 HARBIN POINTE ADDITION TO THE CITY OF BENTONVILLE, ARKANSAS, AS SHOWN IN PLAT BOOK 2005, PAGE 349 OF THE RECORDS OF BENTON COUNTY, ARKANSAS.

LESS AND EXCEPT: PART OF LOT 3, LOT SPLIT OF LOTS 1-4 HARBIN POINTE ADDITION TO THE CITY OF BENTONVILLE, ARKANSAS, LOCATED IN THE NW1/4 OF THE SE1/4 OF SECTION AA, TOWNSHIP 19 NORTH, RANGE 31 WEST, BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A MAG NAIL FOUND AT THE CENTER EAST SIXTEENTH CORNER OF SAID SECTION 11; THENCE ALONG THE EAST LINE OF SAID NW1/4 OF THE SE1/4, SOUTH 02°11'01" WEST A DISTANCE OF 45.00 FEET TO THE SOUTHERN RIGHT OF WAY OF HIGHWAY 12 AS ESTABLISHED BY HARBIN POINT ADDITION PHASE 2 RECORDED IN PLAT BOOK 2011, PAGE 87 AS FILED IN BENTON COUNTY; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, NORTH 87°38'54" WEST ALONG SAID SOUTHERN RIGHT OF WAY A DISTANCE OF 25.72 FEET TO THE EAST LINE OF SAID LOT 3 AND THE POINT OF BEGINNING; THENCE ALONG SAID EAST LINE, SOUTH 02°08'59" WEST A DISTANCE OF 14.42 FEET TO THE SOUTHERN RIGHT-OF-WAY OF HIGHWAY 12 AS ESTABLISHED BY AHTD JOB 090251; THENCE ALONG SAID SOUTHERN RIGHT OF WAY THE FOLLOWING BEARING AND DISTANCES: NORTH 87°33'55" WEST A DISTANCE OF 182.95 FEET; SOUTH 86°54'26" WEST A DISTANCE OF 155.72 FEET; NORTH 81°58'01" WEST A DISTANCE OF 153.76 FEET TO THE WEST LINE OF SAID LOT 3; THENCE ALONG SAID WEST LINE, NORTH 00°26'04" WEST A DISTANCE OF 16.73 FEET TO THE SOUTHERN RIGHT OF WAY OF HIGHWAY 12 AS ESTABLISHED BY LOT SPLIT OF LOTS 1-4 HARBIN POINTE ADDITION TO THE CITY OF BENTONVILLE, ARKANSAS, PLAT BOOK 2005, PAGE 349 AS FILED IN BENTON COUNTY; THENCE ALONG SAID SOUTHERN RIGHT OF WAY SOUTH 87°38'54" EAST A DISTANCE OF 491.73 FEET; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, SOUTH 02°08'59" WEST A DISTANCE OF 3.00 FEET TO THE POINT OF BEGINNING, AS SHOWN ON AHTD PLANS, REFERENCED AS JOB 090251.



ATLAS PAGE: 483

City of Bentonville Project #

State Survey Code: 500-19N-31W-0-11-140-04-1618



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

3030 LBJ FREEWAY, SUITE 920
DALLAS, TX 75234
PHONE: (972) 488-3737
FAX: (972) 488-6732

Lot Split of Part of Lot 3
SW Regional Airport Boulevard
Bentonville, Benton County, Arkansas

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

PROFESSIONAL OF RECORD	DGR
DESIGNER	MEK
FIELD WORK	KTC
CEI PROJECT NUMBER	33049
DATE	9/8/2023
REVISION	REV-0

Lot Split Sheet

SHEET TITLE
SHEET NUMBER

2 OF 2

NOTICE OF INTENT TO REZONE

CEI Engineering on behalf of Doaba Investment, LLC has requested the Bentonville Planning Commission to set a public hearing date to consider rezoning the following property from

PUD, Planned Unit Development

to

R-4 High Density Multifamily Residential

The legal description of the property is as follows:

See attached

The common description of the property is: Rear Lot of SW Regional Airport Blvd (Southwest of Featherston Rd)

Proposed land use: High Density Residential

The public hearing will be held October 17, 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 and deliver it to the City of Bentonville Planning Department, 305 S.W. 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:

Signature and Physical Address

Signature and Physical Address

3004 SW
Satinwood Ave
Bentonville, AR 72713

NOTICE OF INTENT TO REZONE

CEI Engineering on behalf of Doaba Investment, LLC

has requested the Bentonville Planning Commission to set a public hearing date to consider rezoning the following property from

PUD, Planned Unit Development

to

R-4 High Density Multifamily Residential

The legal description of the property is as follows:

See attached

The common description of the property is: Rear Lot of SW Regional Airport Blvd (Southwest of Featherston Rd)

Proposed land use: High Density Residential

The public hearing will be held October 17 2023 at 5:00 p.m. It will be held at 305 S.W. "A" Street.

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1. Attend the public hearing and express your views.
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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:

① Safety due to increased traffic from high density housing. ② Privacy & Quiet Enjoyment - A 25ft setback on a building up to 50ft is not sufficient to maintain privacy. All of our patios back up to property line and were not designed to mitigate against R4 zoning to the rear. ③ Property Value Impacts ④ Water Flow Disruptions ⑤ Utilities strain

J. L. Lam 2902 SW Satinwood Cv, Bentonville, AR 72713
Signature and Physical Address

J. L. Lam 2902 SW Satinwood
Signature and Physical Address CV

Bentonville AR
72713

RESOLUTION NO. _____

**A RESOLUTION AMENDING THE CITY OF BENTONVILLE FUTURE LAND USE
MAP FOR A SPECIFIC AREA FROM RESIDENTIAL ESTATE TO GENERAL
COMMERCIAL; AND FOR OTHER PURPOSES (PROJECT NUMBER: RZ23-0073).**

WHEREAS, Doaba Investment, LLC 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 RESIDENTIAL ESTATE to GENERAL COMMERCIAL, which property is described as follows:

A PART OF LOT 3 OF THE LOT SPLIT OF LOTS 1-4, HARBIN POINTE ADDITION, TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN ON PLAT BOOK 2005, PAGE 349, BEING A PORTION OF LAND CONVEYED TO DOABA INVESTMENT, LLC, DESCRIBED IN DEED INSTRUMENT NO. L202305245 AND BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS: BEGINNING AT A 5/8" REBAR FOUND AT THE NORTHWEST CORNER OF SAID LOT 3;THENCE ALONG THE SOUTH RIGHT-OF-WAY OF SW REGIONAL AIRPORT BOULEVARD, SOUTH 81°57'57" EAST, 45.94 FEET TO A SET 5/8" REBAR WITH CAP STAMPED "LS#1618";THENCE LEAVING SAID SOUTH RIGHT-OF-WAY, SOUTH 02°08'16" WEST, 219.26 FEET TO A SET 5/8" REBAR WITH CAP STAMPED "LS#1618";THENCE SOUTH 87°15'42" EAST, 445.23 FEET TO A SET 5/8" REBAR WITH CAP STAMPED "LS#1618";THENCE SOUTH 02°08'14" WEST, 1,031.19 FEET TO A SET 5/8" REBAR WITH CAP STAMPED "LS#1618";THENCE NORTH 87°33'38" WEST, CROSSING A 1/2" REBAR WITH CAP STAMPED "1801" FOUND AT A DISTANCE OF 145.74, AND CROSSING A 1/2" REBAR WITH CAP STAMPED "1801" FOUND AT A DISTANCE OF 387.66 FEET, FOR A TOTAL DISTANCE OF 455.23 FEET TO A FOUND 5/8" REBAR WITH CAP;THENCE NORTH 02°08'18" EAST, 854.11 FEET TO A FOUND 5/8" REBAR;THENCE NORTH 88°28'34" WEST, 17.57 FEET TO A FOUND 5/8" REBAR WITH OLD CAP;THENCE NORTH 00°26'04" WEST, 403.93 FEET TO THE POINT OF BEGINNING AND CONTAINING 482,829 SQUARE FEET OR 11.08 ACRES, MORE OR LESS.;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held October 17, 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 RESIDENTIAL ESTATE to GENERAL COMMERCIAL on the City of Bentonville Future Land Use Map.

Section 2: That this resolution shall be in full force and effect from and after the date of its passage.

Section 3 - 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.

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

PASSED AND APPROVED this ____ day of _____, 2023.

APPROVED:

ATTEST:

Stephanie Orman, Mayor

Kirby Romines, City Clerk

ORDINANCE NO. _____

**AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE,
ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF PUD, PLANNED
UNIT DEVELOPMENT TO R-4, HIGH DENSITY MULTIFAMILY RESIDENTIAL;
AND FOR OTHER PURPOSES (PROJECT NUMBER: RZ23-0073).**

WHEREAS, Doaba Investment LLC 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 PUD, PLANNED UNIT DEVELOPMENT to R-4, HIGH DENSITY MULTIFAMILY RESIDENTIAL to be used in accordance with city zoning laws and state laws, which property is described as follows:

A PART OF LOT 3 OF THE LOT SPLIT OF LOTS 1-4, HARBIN POINTE ADDITION, TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN ON PLAT BOOK 2005, PAGE 349, BEING A PORTION OF LAND CONVEYED TO DOABA INVESTMENT, LLC, DESCRIBED IN DEED INSTRUMENT NO. L202305245 AND BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS: BEGINNING AT A 5/8" REBAR FOUND AT THE NORTHWEST CORNER OF SAID LOT 3;THENCE ALONG THE SOUTH RIGHT-OF-WAY OF SW REGIONAL AIRPORT BOULEVARD, SOUTH 81°57'57" EAST, 45.94 FEET TO A SET 5/8" REBAR WITH CAP STAMPED "LS#1618";THENCE LEAVING SAID SOUTH RIGHT-OF-WAY, SOUTH 02°08'16" WEST, 219.26 FEET TO A SET 5/8" REBAR WITH CAP STAMPED "LS#1618";THENCE SOUTH 87°15'42" EAST, 445.23 FEET TO A SET 5/8" REBAR WITH CAP STAMPED "LS#1618";THENCE SOUTH 02°08'14" WEST, 1,031.19 FEET TO A SET 5/8" REBAR WITH CAP STAMPED "LS#1618";THENCE NORTH 87°33'38" WEST, CROSSING A 1/2" REBAR WITH CAP STAMPED "1801" FOUND AT A DISTANCE OF 145.74, AND CROSSING A 1/2" REBAR WITH CAP STAMPED "1801" FOUND AT A DISTANCE OF 387.66 FEET, FOR A TOTAL DISTANCE OF 455.23 FEET TO A FOUND 5/8" REBAR WITH CAP;THENCE NORTH 02°08'18" EAST, 854.11 FEET TO A FOUND 5/8" REBAR;THENCE NORTH 88°28'34" WEST, 17.57 FEET TO A FOUND 5/8" REBAR WITH OLD CAP;THENCE NORTH 00°26'04" WEST, 403.93 FEET TO THE POINT OF BEGINNING AND CONTAINING 482,829 SQUARE FEET OR 11.08 ACRES, MORE OR LESS.;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held October 17, 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 PUD, PLANNED UNIT DEVELOPMENT to DN-4, DOWNTOWN MIXED-USE 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 PUD, PLANNED UNIT DEVELOPMENT to DN-4, DOWNTOWN MIXED-USE 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.

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



Doaba Investment, LLC

Southwest Regional Airport Boulevard

PC Date: 10/17/2023

Reviewer: Jon Stanley, Senior Planner

Staff Report Details

Project Number	RZ23-0074
Applicant / Current Owner	Doaba Investment, LLC
Site Area	+/- 2.26 Acres
Current Zoning	Planned Unit Development (PUD) Expired
Requested Zoning	C-2, General Commercial
Current Future Land Use Map Designation	General Commercial
Requested Future Land Use Map Designation	N/A
Development Type / Use	Commercial
Related projects	RZ23-0073 and LS23-0049

Property Description

This property is located along Southwest Regional Airport Blvd. It is currently zoned PUD, Planned Unit Development. The property is presently undeveloped. Adjacent zonings are PUD, Planned Unit Development to the West and South, C-2, General Commercial to the North, C-2, Commercial to the East.

Project Details

Relationship to the General Plan / Projected Traffic Impact

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

Relationship to the General Plan / Projected Traffic Impact

designations include General Commercial, High-Density Residential, Residential Estate, and Low-Density Residential.

Public Comment

Has Staff Received Public Comment regarding this request? : **No**

Analysis / Waivers

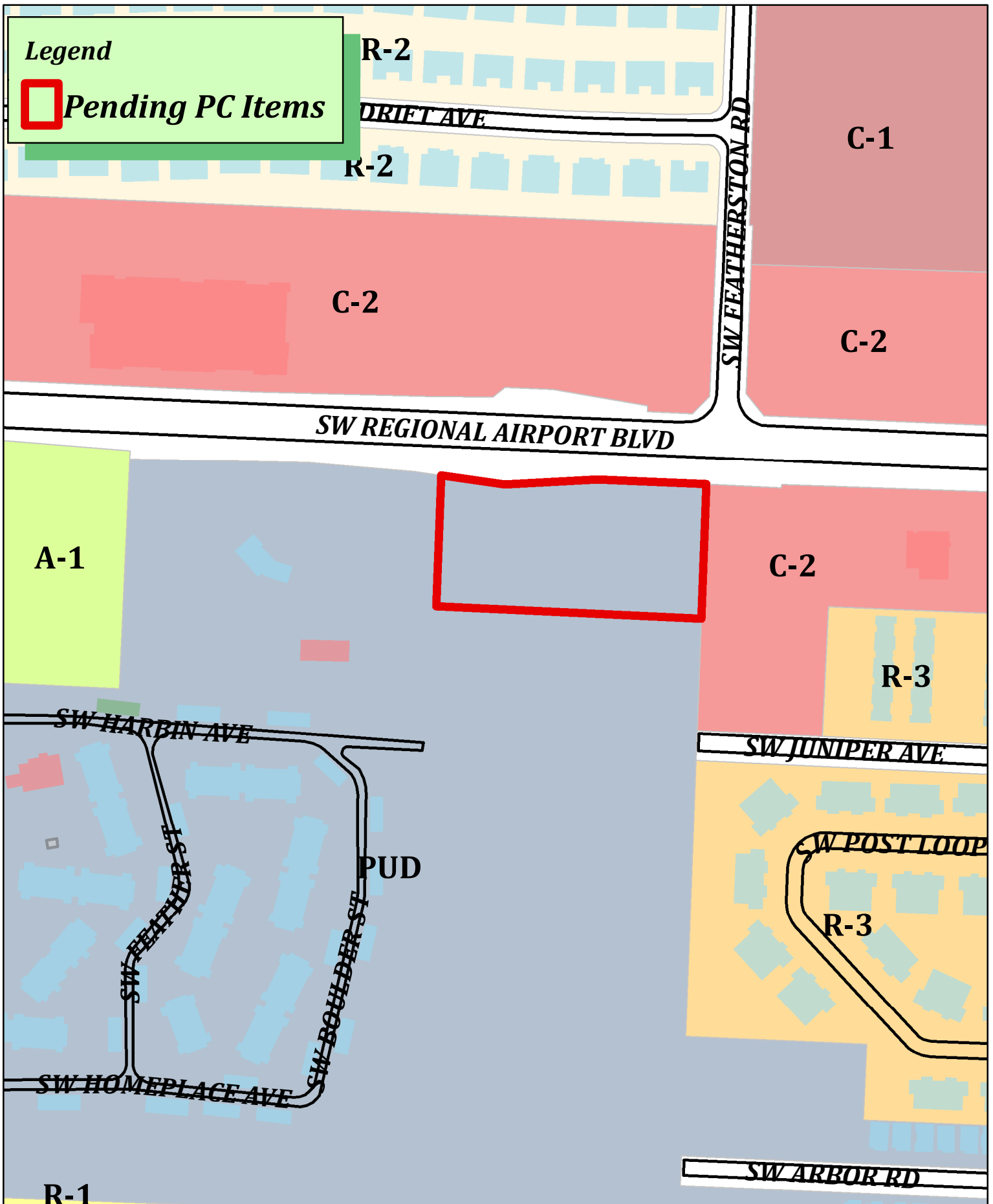
This request is half of a two-part request to rezone all of a single parcel to two separate zoning districts. The 'front' portion, or northern portion, includes roughly two acres and most of the frontage along Southwest Regional Airport Blvd. This front portion is requested to be rezoned to C-2, General Commercial.

The proposed zoning is consistent with the Future Land Use Plan, and the proposed zoning is consistent with the existing developed fabric of this corridor, its proximity to both Regional Airport Blvd. and Morningstar Road, both of which are classified as arterials, and the existing density of the east and west neighborhoods.

Conclusion

Staff recommends approval of this rezoning request.

Additional Details



RZ23-0074
Doaba Investment LLC.
PUD to C-2





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

3108 SW Regency Parkway
Bentonville, AR 72712
Office: 479.273.9472
ceieng.com

September 8, 2023

City of Bentonville
Planning Dept.
305 SW A St.
Bentonville, AR 72712

RE: Bentonville Parcel 01-12833-000 Rezoning Application

Dear Planning Commission:

Please accept this narrative letter to accompany a request by Doaba Investment LLC, owner of real property located in the City of Bentonville, Benton County parcel 01-12833-000 (13.35± acres). The requested rezone is for the northern 2.25± acres of the parent tract frontage from PUD *Planned Unit Development* to C-2, *General Commercial* (See pdf of Rezone Map for proposed lot area). The parcel is on the southwest corner of at SW Regional Airport Blvd and SW Featherston Rd. Development of the property is anticipated by the current owner.

Pending approval of this rezoning request, a proposed development plan will be submitted to address details of construction. It will be consistent with the allowable uses under the current city of Bentonville zoning code for the proposed district. Zoning of the subject tract as C-2 uses will be compatible with the surrounding neighborhood made up of C-2 to the north and east along SW Regional Airport Blvd with R-3 townhomes to the east, R-1 subdivision to the south, and a PUD with multifamily to the southeast corner and to the west. The development intends to add commercial frontage to Airport Blvd.

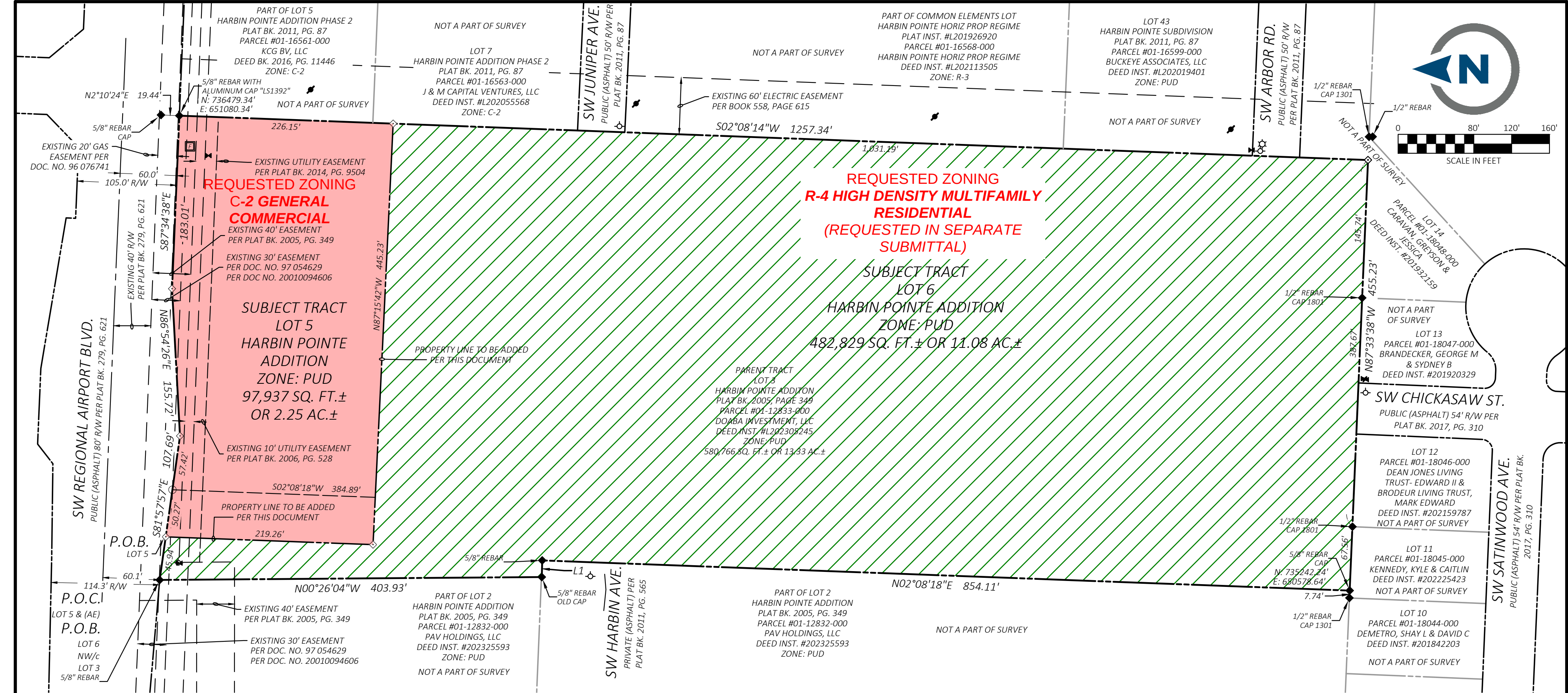
Access to this development will be provided by the existing street network (public connections are available at SW Regional Airport Blvd, SW Juniper Ave, SW Arbor Rd, SW Chickasaw St; private connection at SW Harbin Ave) with parking counts to meet code requirements. An increase of traffic can be expected from the development of the commercial property and apartments, which is being analyzed in a traffic study. All necessary utilities for the proposed development are available with an 18" water line and 12" gravity sewer along Airport Blvd or by existing connections adjacent to the subject tract (four 8" water connections and two 8" gravity sewer connections); a sewer capacity study is also anticipated for the forthcoming development plans. Signage is anticipated for the development.

Thank you for your time and consideration in this matter.

Respectfully submitted,
CEI Engineering Associates, Inc.

Chad Caletka, Project Manager

DRAWING LOCATION - S:\33000\33049\DRAWINGS\SURVEY\WORKING\33049\LS.DWG -- SAVED BY - MKETKEORASMY



Legend

- Boundary Line
- Adjoining Boundary Line
- Right-of-Way Line
- Easement Line
- Centerline
- Bearing & Distance Change
- Drainage Manhole (DMH)
- Fire Hydrant
- Sewer Manhole (SMH)
- Utility Pole
- Electric Riser
- Water Valve
- Light Pole Straight
- Fiber Optic Vault
- Found Monument (As Noted)
- Set 5/8" Rebar "LS#1618"
- Found Nail (As Noted)
- Right-of-Way
- Access Easement

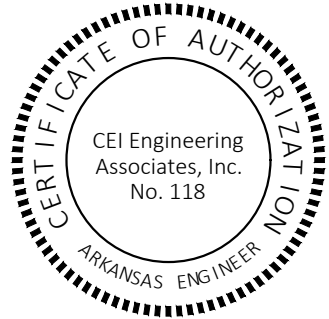
Property Line Table		
Line #	Direction	Length
L1	N88°28'34"W	17.57'

Easement Curve Table					
Curve #	Radius	Length	Delta	Chord Bearing	Chord Distance
EC1	25.00'	39.01'	89°24'00"	S42°33'42"E	35.17'

Parent Tract Description, per Deed Instrument No. L202305245:

LOT 3 OF THE LOT SPLIT OF LOTS 1-4 HARBIN POINTE ADDITION TO THE CITY OF BENTONVILLE, ARKANSAS, AS SHOWN IN PLAT BOOK 2005, PAGE 349 OF THE RECORDS OF BENTON COUNTY, ARKANSAS.

LESS AND EXCEPT: PART OF LOT 3, LOT SPLIT OF LOTS 1-4 HARBIN POINTE ADDITION TO THE CITY OF BENTONVILLE, ARKANSAS, LOCATED IN THE NW1/4 OF THE SE1/4 OF SECTION AA, TOWNSHIP 19 NORTH, RANGE 31 WEST, BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A MAG NAIL FOUND AT THE CENTER EAST SIXTEENTH CORNER OF SAID SECTION 11; THENCE ALONG THE EAST LINE OF SAID NW1/4 OF THE SE1/4, SOUTH 02°11'01" WEST A DISTANCE OF 45.00 FEET TO THE SOUTHERN RIGHT OF WAY OF HIGHWAY 12 AS ESTABLISHED BY HARBIN POINT ADDITION PHASE 2 RECORDED IN PLAT BOOK 2011, PAGE 87 AS FILED IN BENTON COUNTY; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, NORTH 87°38'54" WEST ALONG SAID SOUTHERN RIGHT OF WAY A DISTANCE OF 25.72 FEET TO THE EAST LINE OF SAID LOT 3 AND THE POINT OF BEGINNING; THENCE ALONG SAID EAST LINE, SOUTH 02°08'59" WEST A DISTANCE OF 14.42 FEET TO THE SOUTHERN RIGHT-OF-WAY OF HIGHWAY 12 AS ESTABLISHED BY AHTD JOB 090251; THENCE ALONG SAID SOUTHERN RIGHT OF WAY THE FOLLOWING BEARING AND DISTANCES: NORTH 87°33'55" WEST A DISTANCE OF 182.95 FEET; SOUTH 86°54'26" WEST A DISTANCE OF 155.72 FEET; NORTH 81°58'01" WEST A DISTANCE OF 153.76 FEET TO THE WEST LINE OF SAID LOT 3; THENCE ALONG SAID WEST LINE, NORTH 00°26'04" WEST A DISTANCE OF 16.73 FEET TO THE SOUTHERN RIGHT OF WAY OF HIGHWAY 12 AS ESTABLISHED BY LOT SPLIT OF LOTS 1-4 HARBIN POINTE ADDITION TO THE CITY OF BENTONVILLE, ARKANSAS, PLAT BOOK 2005, PAGE 349 AS FILED IN BENTON COUNTY; THENCE ALONG SAID SOUTHERN RIGHT OF WAY SOUTH 87°38'54" EAST A DISTANCE OF 491.73 FEET; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, SOUTH 02°08'59" WEST A DISTANCE OF 3.00 FEET TO THE POINT OF BEGINNING, AS SHOWN ON AHTD PLANS, REFERENCED AS JOB 090251.



ATLAS PAGE: 483

City of Bentonville Project #

State Survey Code: 500-19N-31W-0-11-140-04-1618



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

3030 LBJ FREEWAY, SUITE 920
DALLAS, TX 75234
PHONE: (972) 488-3737
FAX: (972) 488-6732

Lot Split of Part of Lot 3
SW Regional Airport Boulevard
Bentonville, Benton County, Arkansas

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

PROFESSIONAL OF RECORD	DGR
DESIGNER	MEK
FIELD WORK	KTC
CEI PROJECT NUMBER	33049
DATE	9/8/2023
REVISION	REV-0

Lot Split Sheet

SHEET TITLE
SHEET NUMBER

2 OF 2

R223-0074
(2)

NOTICE OF INTENT TO REZONE

CEI Engineering Associates, Inc has requested the Bentonville Planning Commission to set a public hearing date to consider rezoning the following property from

A-1, Agricultural

to

C-2, General Commercial

The legal description of the property is as follows:

A part of the Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) of Section 8, Township 19, North, Range 30 West, described as follows, to wit: Beginning at a point 650 feet West of the Northeast Corner (NE) of Said NW1/4 of the SE1/4 of said Section 8, running thence West 340 feet; thence South 660 feet; thence East 320 feet; thence North 330 feet; thence East 20 feet; thence North 330 feet; to the point of beginning, containing 5 acres, more or less, EXCEPT highway 71 off the North side thereof.

The common description of the property is: Agriculture

Proposed land use: Commercial

The public hearing will be held October 17th, 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 and deliver it to the City of Bentonville Planning Department, 305 S.W. 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:

MATHIAS SHOPPING CENTERS, INC.

By  PRESIDENT

Signature and Physical Address

ARTHUR THURMAN

Signature and Physical Address

NOTICE OF INTENT TO REZONE

CEI Engineering on behalf of Doaba Investment, LLC has requested the Bentonville Planning Commission to set a public hearing date to consider rezoning the following property from

PUD, Planned Unit Development

to

C-2 General Commercial

The legal description of the property is as follows:

See attached

The common description of the property is: Frontage of SW Regional Airport Blvd (Southwest of Featherston Rd)

Proposed land use: General Commercial

The public hearing will be held October 17, 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 and deliver it to the City of Bentonville Planning Department, 305 S.W. 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:

Signature and Physical Address

Signature and Physical Address

3004 SW Satinwood Ave
Bentonville, AR 72713

**AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE,
ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF PUD, PLANNED
UNIT DEVELOPMENT TO C-2, GENERAL COMMERCIAL; AND FOR OTHER
PURPOSES (PROJECT NUMBER: RZ23-0074).**

WHEREAS, Doaba Investment LLC 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 PUD, PLANNED UNIT DEVELOPMENT to C-2, GENERAL COMMERCIAL to be used in accordance with city zoning laws and state laws, which property is described as follows:

A PART OF LOT 3 OF THE LOT SPLIT OF LOTS 1-4, HARBIN POINTE ADDITION, TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN ON PLAT BOOK 2005, PAGE 349, BEING A PORTION OF LAND CONVEYED TO DOABA INVESTMENT, LLC, DESCRIBED IN DEED INSTRUMENT NO. L202305245 AND BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS: COMMENCING AT A 5/8" REBAR FOUND AT THE NORTHWEST CORNER OF SAID LOT 3;THENCE ALONG THE SOUTH RIGHT-OF-WAY OF SW REGIONAL AIRPORT BOULEVARD PER PLAT BOOK 279, PAGE 621, SOUTH 81°57'57" EAST, 45.94 FEET TO A SET 5/8" REBAR WITH CAP STAMPED "LS#1618" ALSO BEING THE POINT OF BEGINNING;THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY THE FOLLOWING THREE (3) COURSES:1.

SOUTH 81°57'57" EAST, 107.69 FEET; 2. NORTH 86°54'26" EAST, 155.72 FEET; 3.

SOUTH 87°34'38" EAST, 183.01 FEET TO A 5/8" REBAR WITH AN ALUMINUM CAP STAMPED "LS1392" BEING THE NORTHEAST CORNER OF SAID LOT 3;THENCE LEAVING SAID RIGHT-OF-WAY, SOUTH 02°08'14" WEST, 226.15 FEET TO A SET 5/8" REBAR WITH CAP STAMPED "LS#1618";THENCE NORTH 87°15'42" WEST, 445.23 FEET TO A SET 5/8" REBAR WITH CAP STAMPED "LS#1618";THENCE NORTH 02°08'16" EAST, 219.26 FEET TO THE POINT OF BEGINNING AND CONTAINING 97,937 SQUARE FEET OR 2.25 ACRES, MORE OR LESS.;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held October 17, 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 PUD, PLANNED UNIT DEVELOPMENT to C-2, GENERAL COMMERCIAL.

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 PUD, PLANNED UNIT DEVELOPMENT to C-2, GENERAL COMMERCIAL 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.

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



East Central Avenue Hotel - Noise Ordinance

200 East Central Avenue

PC Date: 10/17/2023

Reviewer: Jon Stanley, Senior Planner

Staff Report Details

Project Number	CU23-0029
Applicant / Current Owner	Tuckers Corner, LLC
Site Area	+/- 1.0 Acres
Current Zoning	DC, Downtown Core
Requested Zoning	N/A
Current Future Land Use Map Designation	Downtown Commercial
Requested Future Land Use Map Designation	N/A
Development Type / Use	Nighttime construction noise
Related projects	LSD22-0019

Property Description

This project is located at 200 East Central Avenue, just to the southeast of the square. The property is currently zoned DC, Downtown Core. Adjacent zoning districts are all also DC, Downtown Core.

Development of this property is currently underway for the 200 East Central Avenue Hotel that was originally approved by the Planning Commission in May of 2022. (Municipal Code Section 58-110, Construction Noise)

Project Details

The applicant requests a Conditional Use Permit to allow for early morning and late-night construction activity in association with the previously approved Large Scale Development LSD22-0019, 200 East Central Avenue Hotel. Since specific dates are not known at this time, this is a blanket request to perform construction activities during the normally restricted hours (see below) until December 31, 2023. The applicant is only performing work that cannot be completed during normal hours and will strive to limit consecutive periods of night work to a minimum.

Proposed Night Work

Nighttime operations are from 12 p.m. to 7 a.m. There are 11 concrete pours that will be occurring once per week during nighttime hours through December 31, 2023.

Project Details

According to the applicant's narrative, due to the timing and scope of concrete pours and utility installations affiliated with the project, they require the ability to pour concrete, stage equipment, and run utilities overnight. These pours may require temporary lighting, concrete trucks, and machinery to be located on-site for their duration.

Relationship to the General Plan / Projected Traffic Impact

Public Comment

Has Staff Received Public Comment regarding this request? : **No**

Analysis / Waivers

Conclusion

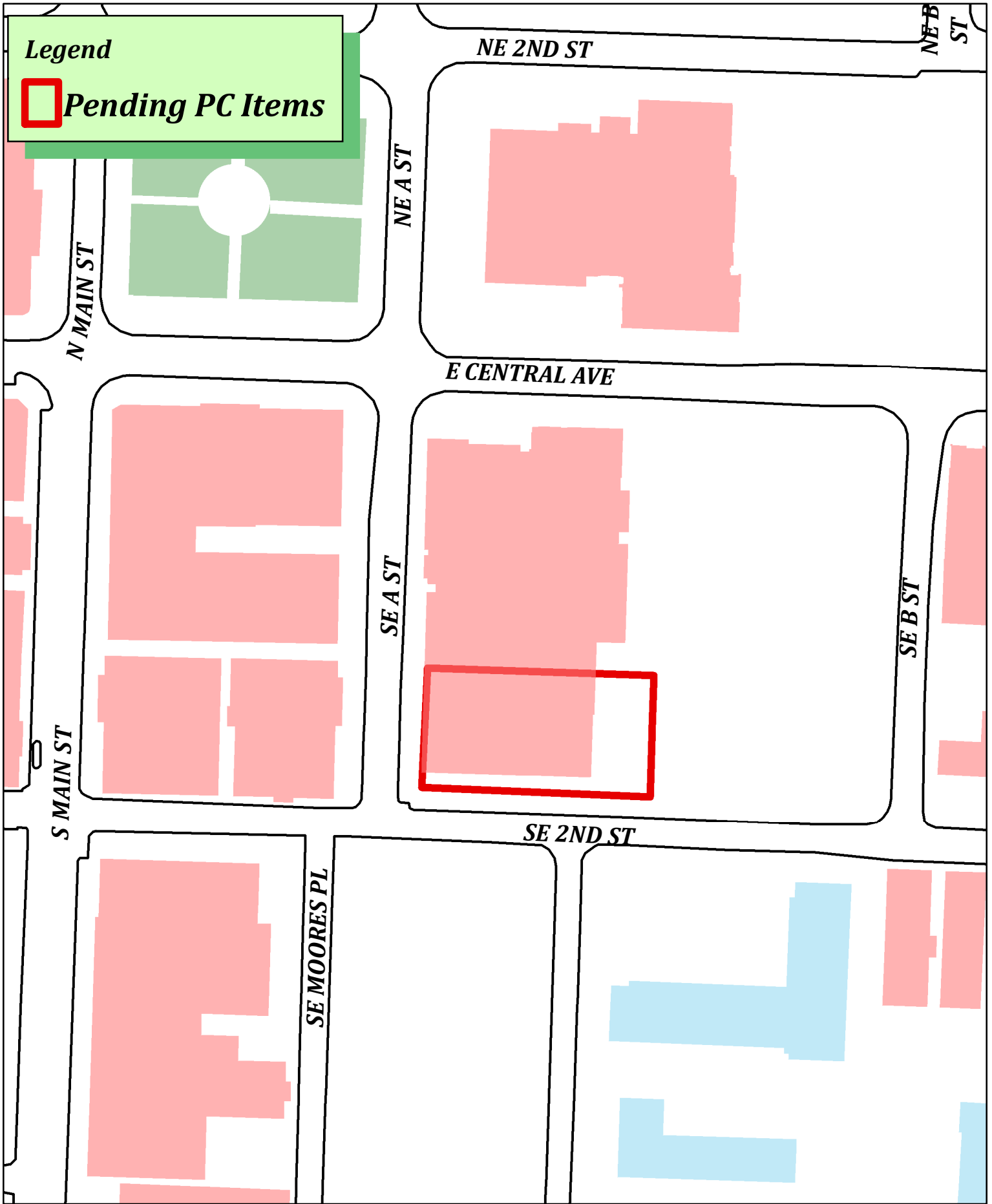
Staff recommends the applicant proactively engage with residents and property managers of nearby communities to give as much notice as possible to those impacted by the proposed noise and lighting after hours.

Proposed conditions of approval:

1. This Conditional Use Permit shall be valid until January 2024 for overnight construction activities.
2. Any changes in scope, use, or ownership, may require a new Conditional Use Permit. In addition, the Planning Commission has the ability to hold a public hearing on or revoke the Conditional Use if the conditions of approval are not met.
3. This conditional use shall be limited to construction activities directly related to LSD22-0019 and shall not include other construction activities.
4. All temporary lighting will be directed at the work and away from residential areas.
5. The applicant shall post a weekly night work schedule online with a notice on-site detailing how to reach the online schedule (Due to the nature of construction the schedule may change but as new information becomes available the schedule should be updated).

Additional Details

Additional Details



Legend

 Pending PC Items



CU23-0029
Tuckers Corner LLC
Construction Activities



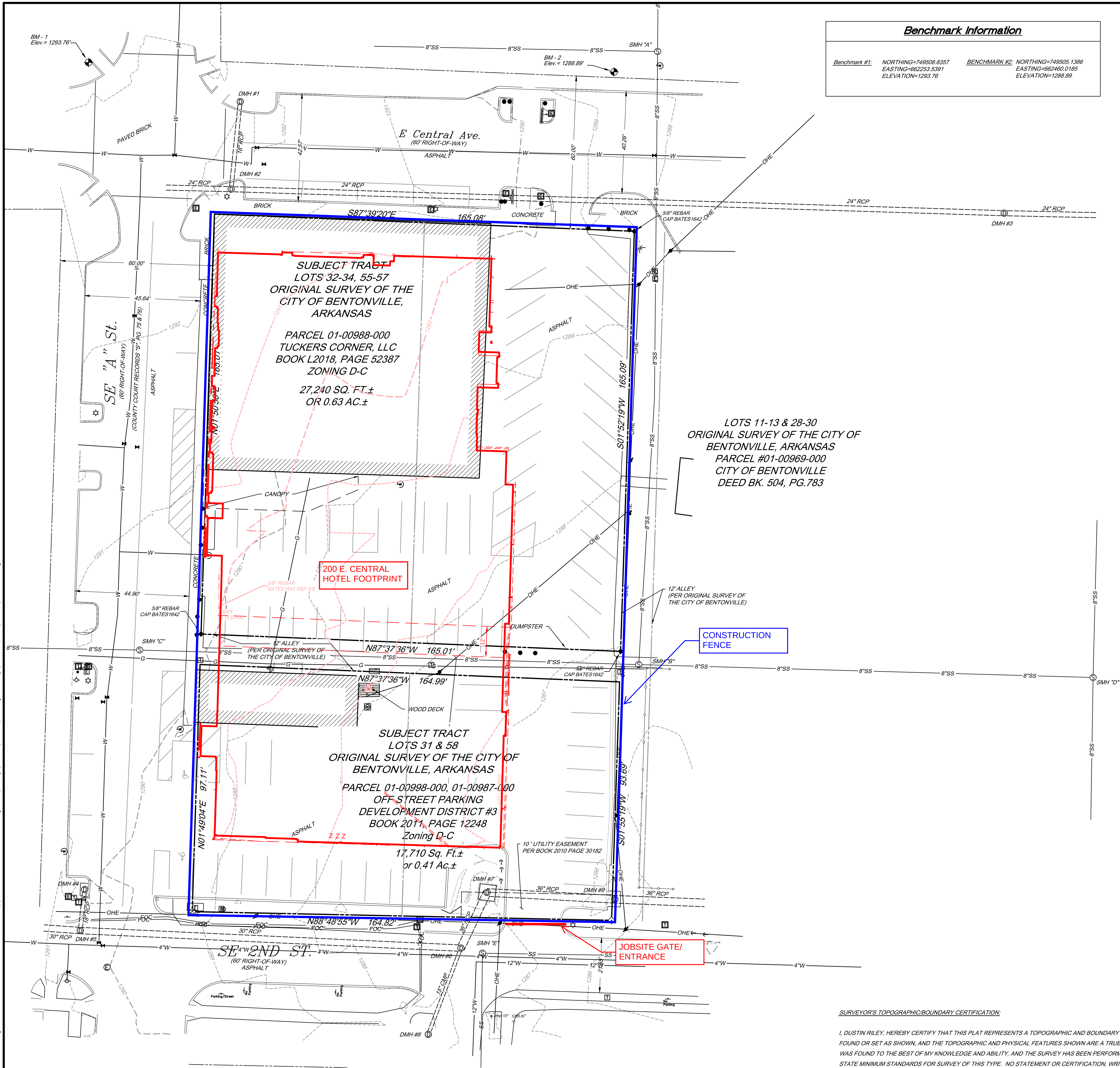
Conditional Use Checklist

Depending on the nature and proposed use of the Conditional Use permit, additional information may be requested by the Planning Department staff and the Planning Commissioners.

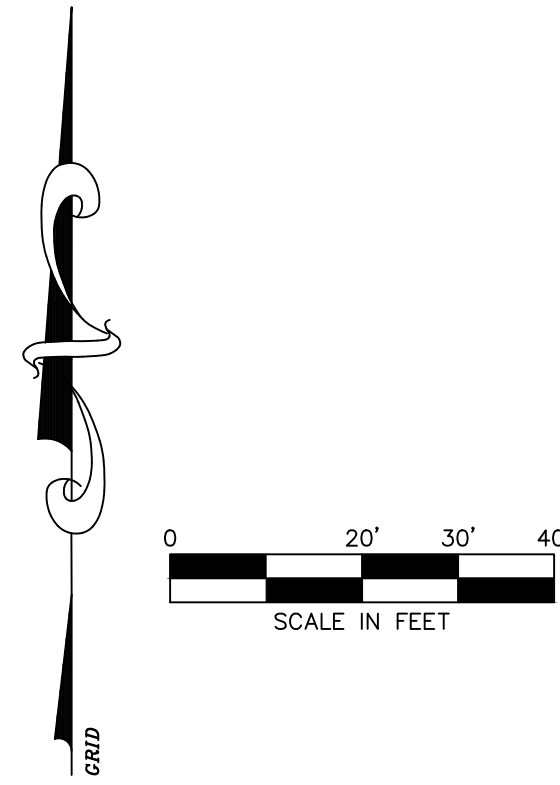
1. Application Packet. All items must be submitted in one PDF in the order listed below.

- **Property Owner Consent Form.** A signed Property Owner Consent Form is required. This form must be signed by the property owner. **If one property has multiple owners, then a separate form is required for each property owner.**
 - See attached.
- **Warranty Deed.** A copy of the warranty deed showing the current ownership of the property. A survey may be required if the deed cannot be accurately drawn to meet the Arkansas minimum survey accuracy standards. If you do not have a warranty deed, a copy may be obtained from the Benton County Deeds / Mortgages Department located in the Benton County Administration building at 215 E. Central Avenue, second floor, room number 202. Phone number: (479) 271-1017.
 - See attached.
- **Narrative.** A typed narrative addressing each of the following items:
 - Proposed use and reason for the proposed use;
 - Proposed use will be for nighttime concrete pours for the 200 E. Central Hotel project. Concrete pumping and trucks during the nighttime hours for deck pours.
 - Site plan drawn to scale designating the property lines, existing structure(s), proposed structure(s), and indoor and outdoor areas to be utilized;
 - See attached markups on current Land Title Survey sheet.
 - Hours of operation, including days of the week;
 - Nighttime operations are from 12pm to 7am. There are 11 concrete pours that will be occurring once per week during night time hours thru December 31, 2023. Request approval for deviation from City Noise Ordinance No. 2020-39.
 - Indoor and outdoor areas to be utilized;
 - See attached markups on current Land Title Survey sheet.
 - Planned indoor and outdoor structural changes;
 - New 6 story hotel to be built on current property.
 - Parking needs required for the proposed use including existing and proposed- provide sketch of traffic flow and parking pattern (if applicable);
 - See attached markups on current Land Title Survey sheet.
 - Planned outdoor lighting changes
 - No lighting changes to be made to public streets. Exterior lighting to be added once project is completed.
 - Anticipated patrons, clients, deliveries, and/or customers (average per day);
 - Average deliveries would be 6 per day.
 - Proposed number of employees; and,
 - 50
 - Photographs of the property
 - **Protective Covenants.** A copy of the Protective Covenants (if applicable) for your subdivision to confirm that the proposed use is allowed in your subdivision. **N/A**

Job # 31202 DRAWING: 31202B1.dwg LAST SAVED BY: DRILEY LOCATION: \\BNA\PANNA\31202B1.dwg (survey) 31202 ALTA Rev. 01/2020B1.dwg



Benchmark Information			
Benchmark #1:	NORTHING=749508.8357	BENCHMARK #2:	NORTHING=749505.1386
	EASTING=662253.5391		EASTING=662480.0185
	ELEVATION=1293.76		ELEVATION=1288.89



Vicinity Map

Not to Scale
Latitude: 36°22'18.75"N
Longitude: 94°12'28.26"W

LEGEND

---	Boundary Line
---	Adjoiner Boundary Line
---	Right-of-Way Line
---	Easement Line
---	Gas Line
---	Underground Fiber Optic Cable
---	Overhead Electric Line
---	Sanitary Sewer Line
---	Storm Drain Pipe
---	Underground Telephone Line
---	Water Line
---	Wood Fence Line
---	Benchmark
---	Found Monument (as noted)
---	Set 5/8" Rebar "L" S#1618"
---	Gas Meter
---	Electric Meter
---	Water Meter
---	Drainage Manhole
---	Grate Inlet
---	Fire Hydrant
---	Sewer Manhole
---	Sewer Cleanout
---	Guy Wire/Anchor
---	Utility Pole
---	Electric Riser
---	Telephone Riser
---	Water Valve
---	Traffic Sign (type of sign)
---	Bollard
---	Telephone vault
---	Pad mount AC unit
---	Electrical vault
---	Electrical manhole
---	Fire department connector
---	Light pole straight

GENERAL NOTES:

- THIS SURVEY DOES NOT PURPORT TO BE A PROPOSED TRACT SPLIT, REPLAT OR ANY OTHER SUBDIVISION PLAT AS MAY BE DEFINED BY CITY, COUNTY, OR STATE LAW. THE LAND OWNER IS ENCOURAGED TO CHECK WITH THE LOCAL PLANNING/DEVELOPMENT AUTHORITIES FOR PROPER PLATTING PROCEDURES BEFORE PROCEEDING WITH THIS DEVELOPMENT.
- 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.
- THIS PLAT REPRESENTS A SURVEY OF THE PARCEL RECORDED IN DEED RECORDS, BOOK 518, PAGE 566 AND BOOK 2018, PAGE 32387 IN THE PUBLIC RECORDS OF BENTON COUNTY, ARKANSAS.
- THE CONTRACTOR MUST DETERMINE THAT PROPOSED STRUCTURES ARE CLEAR OF ALL BOUNDARY LINES, EASEMENTS, AND MEET BUILDING SETBACK REQUIREMENTS BEFORE CONSTRUCTION BEGINS.
- BASIS OF BEARINGS: NAD 83, ARKANSAS STATE PLANE COORDINATE, NORTH ZONE, BASED ON CEI'S BASE
- BASIS OF ELEVATION: NAVD 88.
- SITE BENCHMARK: SEE SHEET 1 FOR BENCHMARK INFORMATION BLOCK.
- THIS SURVEY IS VALID ONLY IF THE DRAWING INCLUDES THE SEAL AND SIGNATURE OF THE SURVEYOR.
- THIS SURVEY MEETS CURRENT ARKANSAS STANDARDS OF PRACTICE FOR PROPERTY BOUNDARY SURVEYS AND PLATS.
- A TITLE SEARCH WAS NOT CONDUCTED BY A CERTIFIED TITLE COMPANY. ALL DOCUMENTS WERE PROVIDED BY THE CLIENT/CLIENTS AND/OR RESEARCHED BY CEI ENGINEERING ASSOCIATES, INC. AND MAY BE SUBJECT TO RECORD UNRECORDED, EASEMENTS, RIGHTS OF WAY, COVENANTS, BUILDING SETBACK LINES, SUBDIVISION RESTRICTIONS, ZONING, LAND REGULATIONS OR OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE SEARCH MAY REVEAL.
- DECLARATION IS MADE TO THE ORIGINAL PURCHASER OF THE SURVEY AND THOSE LISTED IN THE CERTIFICATION FOR THE USE OF THIS TRANSACTION ONLY AND IS NOT TRANSFERABLE TO ANY ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
- SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED NOR CONSIDERED A PART OF THIS SURVEY.
- UNDERGROUND UTILITIES WERE LOCATED BY VISIBLE ABOVE GROUND MARKINGS AS MARKED BY UTILITY LOCATORS AND SHOWN HEREON AS LOCATED BY CEI ENGINEERING ASSOCIATES, INC. SURVEY FIELD CREWS. ALL UTILITY LOCATIONS SHOWN HEREON ARE APPROXIMATE. ALL UTILITIES MAY NOT HAVE BEEN MARKED/LOCATED BY THE APPROPRIATE LOCATORS. NO EXCAVATION HAS TAKEN PLACE AS OF THIS DATE TO DETERMINE THE EXACT LOCATION OF EXISTING UNDERGROUND UTILITIES SHOWN ON THIS SURVEY.
- THE CONTRACTOR IS ADVISED TO CONTACT THE 811 ONE-CALL CENTER BEFORE ANY CONSTRUCTION BEGINS, DEPENDING ON THE STATE THERE IS A POSSIBILITY OF A SEVERE PENALTY FOR NOT MAKING THIS CALL. NOT ALL UTILITY COMPANIES ARE MEMBERS OF THE ONE-CALL SYSTEMS. THEREFORE THE CONTRACTOR IS ADVISED TO CONTACT ALL NON-MEMBERS AS WELL AS THE ONE-CALL SYSTEM.
- BY SCALED MAP LOCATION AND GRAPHICAL PLOTTING ONLY. THIS PROPERTY IS LOCATED IN ZONE "X" WHICH ARE AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM. FLOOD INSURANCE RATE MAP FOR BENTON COUNTY, ARKANSAS. MAP NUMBER: 05007C0255K. MAP REVISED: JUNE 5, 2012.
- NO CURRENT ZONING REPORT OR LETTER REGARDING ZONING CLASSIFICATION WAS PROVIDED TO THE SURVEYOR. THE FOLLOWING INFORMATION WAS OBTAINED FROM BENTONVILLE GIS. THIS PROPERTY IS ZONED D-C DOWNTOWN CORE. BUILDING SETBACKS FOR ZONE D-C ARE AS FOLLOWS:
FRONT: 00 FEET
SIDE (INTERIOR): 00 FEET
SIDE (R.O.W.): 00 FEET
REAR: 00 FEET

SEWER TABLE	STORM TABLE
Sewer manhole "A" Rim=1288.89 Invert (OUT) [S] Elevation=1283.74 Invert (IN) [W] Elevation=1283.89 Invert (IN) [N] Elevation=1283.79 Sewer manhole "B" Rim=1286.68 Invert (OUT) [E] Elevation=1281.43 Invert (IN) [W] Elevation=1281.49 Invert (IN) [N] Elevation=1281.58 Sewer manhole "C" Rim=1290.44 Invert (OUT) [E] Elevation=1283.79 Invert (IN) [W] Elevation=1283.84 Sewer manhole "D" Rim=1283.10 Invert (IN) [S] Elevation=1279.20 Invert (IN) [W] Elevation=1279.20 Invert (OUT) [N] Elevation=1279.10 Sewer manhole "E" Rim=1287.45 Invert (OUT) [E] Elevation=1280.89 Invert (IN) [S] Elevation=1281.89	Drainage manhole #1 Rim=1292.75 Invert (OUT) [S] Elevation=1289.75 Drainage manhole #2 Rim=1292.09 Invert (OUT) [E] Elevation=1288.19 Invert (IN) [W] Elevation=1288.29 Drainage manhole #3 Rim=1285.55 Invert (IN) [W] Elevation=1281.70 Drainage manhole #4 Rim=1290.69 Invert (OUT) [S] Elevation=1283.09 Drainage manhole #5 Rim=1290.29 Invert (IN) [E] Elevation=1282.09 Invert (OUT) [W] Elevation=1281.99 Invert (IN) [N] Elevation=1282.29 Drainage manhole #6 Rim=1287.50 Invert (IN) [S] Elevation=1279.80 Invert (OUT) [W] Elevation=1278.90 Invert (OUT) [N] Elevation=1279.00 Drainage manhole #7 Rim=1286.29 Invert (IN) [S] Elevation=1278.79 Invert (OUT) [E] Elevation=1278.69 Drainage manhole #8 Rim=1288.27 Invert (OUT) [N] Elevation=1284.97 Drainage manhole #9 Rim=1286.35 Invert (OUT) [E] Elevation=1278.25 Invert (IN) [W] Elevation=1278.35

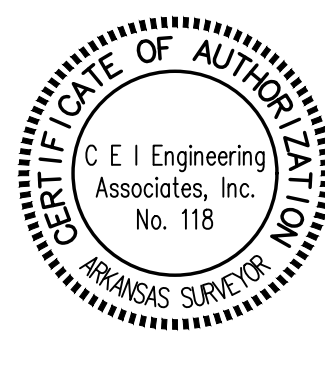
LEGAL DESCRIPTIONS

DEED BOOK 2011, PAGE 12248
LOTS 32, 33, 34, 55, 56 AND 57 OF THE ORIGINAL SURVEY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN ON THE COUNTY RECORD "S" AT PAGES 75 AND 76.
DEED BOOK L2018, PAGE 52387
LOT 31 AND 58, IN THE ORIGINAL SURVEY OF THE CITY OF BENTONVILLE, ARKANSAS.

SURVEYOR'S TOPOGRAPHIC/BOUNDARY CERTIFICATION:

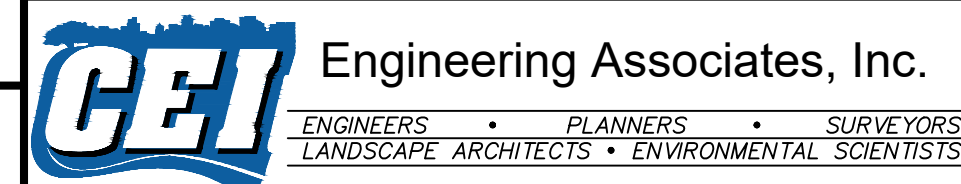
I, DUSTIN RILEY, HEREBY CERTIFY THAT THIS PLAT REPRESENTS A TOPOGRAPHIC AND BOUNDARY SURVEY. ALL MONUMENTS WERE FOUND OR SET AS SHOWN, AND THE TOPOGRAPHIC AND PHYSICAL FEATURES SHOWN ARE A TRUE REPRESENTATION OF WHAT WAS FOUND TO THE BEST OF MY KNOWLEDGE AND ABILITY, AND THE SURVEY HAS BEEN PERFORMED IN COMPLIANCE WITH THE STATE MINIMUM STANDARDS FOR SURVEY OF THIS TYPE. NO STATEMENT OR CERTIFICATION, WRITTEN OR IMPLIED, IS MADE REGARDING THE EXISTENCE OR ABSENCE OF PECULIAR SUBSURFACE CONDITIONS, FLOOD HAZARDS, ECOLOGICAL CONCERNS, EASEMENTS, OR ANY FACTS THAT AN ACCURATE AND COMPLETE TITLE SEARCH WOULD DISCLOSE, UNLESS, IT IS SPECIFICALLY STATED OR SHOWN.

DUSTIN RILEY, ARKANSAS & NO. 1618
4.12.2019
DATE



State Survey Code: 500-20N-30W-0-30-220-04-1618

31202	04-03-19	DGR	SWG	ELI	DGR
CEI PROJECT NO.	INITIAL DATE	PLS	DRW	FLD	CHK'R



TUCKERS CORNER, LLC		
E. CENTRAL AVE & SE 1st ST.		
CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS		
BOUNDARY AND TOPOGRAPHIC SURVEY	REV DATE 4/12/19 REV 0	SHEET NO. 1 OF 1



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.

Attachment A: Development in
Planning Boundary

- 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.
- (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 with in the normal time limit.

~~(e)(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.
- (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

Attachment A: Development in
Planning Boundary

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.