



**Planning Commission Admin  
Meeting Agenda  
December 12, 2023  
Bentonville City Hall  
Tech Review: 3:00 PM  
Meeting Start: 3:00 PM**

**Registration Link:** <https://us06web.zoom.us/j/82615766426>

**I. Call to Order**

**II. Approval of Minutes**

- |                                                    |                                    |
|----------------------------------------------------|------------------------------------|
| <b>1. Approval of December 5th Meeting Minutes</b> | <b>Approval of Meeting Minutes</b> |
|----------------------------------------------------|------------------------------------|

**III. New Business**

- |                                        |                             |
|----------------------------------------|-----------------------------|
| <b>1. Review of By-laws</b>            | <b>Informational</b>        |
| <b>2. Setting of the 2024 Calendar</b> | <b>Informational</b>        |
| <b>3. Election of Officers</b>         | <b>Election of Officers</b> |
| <b>4. GIS Training</b>                 | <b>Informational</b>        |
| <b>5. Plan Bentonville Update</b>      | <b>Informational</b>        |

**IV. Adjournment**





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

**Meeting Recording:**

[https://us06web.zoom.us/rec/share/vp4sbJHIYZE3D9d\\_U2UmeWpGKsH3xL9-jNjKs25Sdd7q32EfIMznwVOU5yq2aJJX.Vv4dDBPRgUzLeJ3X](https://us06web.zoom.us/rec/share/vp4sbJHIYZE3D9d_U2UmeWpGKsH3xL9-jNjKs25Sdd7q32EfIMznwVOU5yq2aJJX.Vv4dDBPRgUzLeJ3X)

**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, Keegan Stanton, Jon Stanley, and Dan Weese

**I. Call to Order**

**II. Approval of November 21, 2023 Meeting Minutes**

- Motion by Haynie, second by Kerr.
- November 21<sup>st</sup> 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 #2 under new business (LSD23-0017) be removed from the agenda and that Items #4, #5, and #6 (with associated waivers) be moved to the consent agenda. No objections noted.*

- |    |                                                             |                         |
|----|-------------------------------------------------------------|-------------------------|
| 1. | <b>Lots 9-17, Block A of Orchard Addition</b>               | <b>Lot Split</b>        |
|    | 407 Southeast B Street & 410 Southeast C Street (LS23-0021) |                         |
| 2. | <b>Lots 12, 13, 14, 15, and 16 of Loesche Subdivision</b>   | <b>Lot Split</b>        |
|    | 801 Northwest 8th Street (LS23-0058)                        |                         |
| 3. | <b>Vivian Farms Subdivision Phase 1</b>                     | <b>Preliminary Plat</b> |
|    | South Vaughn Road (PP23-0008)                               |                         |

4. **Eversole Lot 20 Addition** **Large Scale Development Extension**  
Southwest I Street & Regional Airport Blvd ([LSD22-0054](#))
5. **SW 6th Townhomes** **Large Scale Development Extension**  
Southwest 6th Street & Southwest B Street  
([LSD22-0025](#))
6. **Mallard Meadows** **Large Scale Development**  
Southeast Corner of Ginn Road and Brookside Road ([LSD23-0035](#))
7. **Remote Work Hub** **Large Scale Development**  
602 North Walton Boulevard ([LSD23-0044](#))  
**Waiver 1:** A waiver from Sec. 1400.06 Street Frontage Buffer due to utility and transportation conflicts,  
**Waiver 2:** A waiver from Sec. 1100.02 Access Management Standards to allow for driveway offset of less than 75 feet and to forgo cross access to neighboring commercial property, and to reduce the minimum distance between curb cuts.
8. **8th Street Gateway Park** **Large Scale Development**  
Southwest 8th Street ([LSD23-0047](#))

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

#### **IV. New Business**

##### ***Advertised Public Hearings***

1. **Jacobs Group** **Rezoning\***  
1104 Fillmore Street ([RZ23-0084](#))  
**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 - Rezone is approved 7-0.**
2. **Ironhead Ford Spring LLC** **Conditional Use Permit\***  
East Ford Springs Road ([CU23-0035](#))  
*To allow for the use of an outdoor recreation facility.*
  - Mr. Adler provides an overview of the Staff Report.
  - Chairman Sanders opens and closes the Public Hearing
  - Zachary Hoyt, representing applicant, confirms that all noise and lighting impacts will be addressed at large scale.
  - Approval further conditioned upon satisfactory resolution of sight line and visibility issues for bikers and vehicles at large scale.
  - **Roll Call vote – Conditional use permit is approved 7-0.**

#### **V. Other New Business**

1. **Ironhead Ford Spring LLC** **Waiver**  
East Ford Springs Road ([WAV23-0021](#))  
*A waiver from Sec. 1200.04 Off-Site Improvements that requires street improvements per Master Street Plan requirements.*
  - Mr. Adler provides an overview of the Staff Report.

- Zachary Hoyt, representing applicant, confirms that all right of way per the master street plan will be dedicated.
- **Roll Call vote – Waiver is approved 7-0.**

## 2. **U-Haul Storage** **Large Scale Development**

Griffin Drive ([LSD23-0020](#))

**Waiver 1:** A waiver of 5 spaces from the required 35 spaces by Sec. 501.06 of the Land Development Code.

**Waiver 2:** A waiver of the requirement that all rows of parking terminate with an island or landscaped area for one termination.

- Motion by Davis, second by Kerr to approve waivers 1 and 2.
- Roll Call vote – **Waivers 1 and 2 are approved 7-0.**

**Waiver 3:** A waiver of the requirement that a primary material be at least 25% from Sec. 1100.21 of the Land Development Code.

- Motion by Davis, second by Sanders to approve waiver 3, provided that the non-operable rollup doors be excluded from the westerly and southerly elevations
- Motion amended by Davis, fails for lack of second
- Motion by Davis, second by Hipp to approve waiver 3, provided that the non-operable rollup doors be excluded from all elevations.
- Roll Call vote – **Waiver 3 is approved 7-0 with the condition that non-operable rollup doors be removed from final design.**
- Commissioner Bennett questions the scuppers allowing sheet flow from the building.
- Roll Call vote – **Large Scale Development is approved 7-0 with the condition that low profile downspouts and low profile gutters be provided with a color match to the materials where located.**

## VI. **Old Business**

### 1. **Market District II LLC** **Planned Unit Development\***

1003 Southeast 4th Street (PUD23-0001)

**Future Land Use Map Amendment:** Low Density Residential to High Density Residential

**Rezoning:** R-1, Low Density Single Family Residential to PUD, Planned Unit Development

- Mr. Adler provides an overview of the Staff Report.
- Chairman Sanders opens the Public Hearing
- Applicant Bill Butler and consultant Chris Baribeau outline the modifications to the project since the last hearing.
- Mr. Michael Keeley of 806 SE 4<sup>th</sup> Street describes why he is against the project and why it should be three stories.
- Toni Gemper of 401 SE G Street is against the project and discusses traffic and construction related impacts.
- Chairman Sanders closes the public hearing.
- Commissioners discuss the need for housing near jobs.
- Commissioner Bennett asks the applicant to ensure the streets are clean during construction, that noise ordinances are followed and the speeding vehicles be addressed.
- Mr. Butler agrees to the cleaning of the streets and noise requirements but proposes that some speeding may not be related to the project.
- Roll Call vote – **Future Land Use Map Amendment is approved 7-0.**
- Roll Call vote – **Rezone to PUD is approved 7-0.**

## **VII. Other Business**

- Commissioners are asked for feedback on the following items.

- |    |                                 |                      |
|----|---------------------------------|----------------------|
| 1. | <b>Tree Preservation</b>        | <b>Informational</b> |
| 2. | <b>Affordable Housing</b>       | <b>Informational</b> |
| 3. | <b>Cottage Zoning</b>           | <b>Informational</b> |
| 4. | <b>Administrative Approvals</b> | <b>Informational</b> |

**VIII. Adjournment** Motion by Haynie, second by Kerr to adjourn. Meeting Adjourned.

**BY-LAWS  
BENTONVILLE PLANNING COMMISSION**

**Article 1**      Member, Term, Attending to Duties

- 1.1      The Members and term of office shall be as stipulated by the most recent city ordinances or as amended.
- 1.2      When a new member is appointed to the commission the position number he or she is filling will be so designated at the time of appointment.
- 1.3      Missing three (3) consecutive regularly scheduled meetings, or a total of six (6) meetings combined in a calendar year, except in extraordinary cases, may, at the recommendation of the Mayor, constitute cause for removal by the city council.
- 1.4      Members should advise the secretary or planning staff before the meeting date if they expect to be absent or late.

**Article 2**      Officers, Election and Term, Duties, Chairing the Meeting, Signing for the Commission.

- 2.1      The members shall elect a chairman, vice-chairman and a secretary at the administrative meeting in December, and the term of office shall be two years or until the next officers have been elected.
- 2.2      The chairman shall preside at meetings and hearings and shall decide points of order or procedure, following Robert's Rules of Order. The chair may designate a parliamentarian to keep the meeting running in an orderly fashion.
- 2.3      In case the chairman is absent, the vice-chairman shall assume the duties as chair; next comes the secretary. If all three are absent and a quorum is present, those members shall elect from among themselves a chairman and secretary and proceed.
- 2.4      The secretary shall be responsible for the following tasks; however, (s) he may delegate authority for performing them to another member or employee of the planning department;
  - 2.4.1      Bring an up-to-date copy of the by-laws and appointing orders (names, addresses, term dates, and committee lists) to every meeting.
  - 2.4.2      Prepare the minutes of meetings and public hearings.
  - 2.4.3      Distribute minutes of regular meetings, special meetings and public hearings to all Commission members prior to next regularly scheduled meeting.
  - 2.4.4      Hand deliver, mail, email or otherwise digitally notify the proposed order of business items and notice of regular meetings, and the purpose and notice of special meetings.
  - 2.4.5      Keep up with priority correspondence and inspect the files; complete filings with city officials as required. Routine matters will normally be delegated to the employee (s) of the planning department.
  - 2.4.6      Place notices of public hearing and legal advertising.
- 2.5      When adopting all or a part of the comprehensive city plan for all or any part of the incorporated territory which takes the certifying signature of the chairman, the material shall be signed by the appointed chairman or the acting chairman.
  - 2.5.1      In lesser matters and when agreed to by the members, the chair shall delegate the authority for certifying specific commission actions to another officer. Routine matters will normally be the duty of the planning department.
  - 2.5.2      In the event the planning commission takes action accompanied by restrictions or conditions that must be met before that action is to be certified and carried into effect, the planning staff will assure satisfaction of these conditions.

**Article 3**      Meeting scheduling, Quorum, Majority, Order of Business, Public Hearings

- 3.1 Commission meetings shall be open to the public as provided by the Arkansas Freedom of Information Act.
  - 3.1.1. The regular meetings of the planning commission shall be on the first and third Tuesday of each month at 4:00 p.m. for the Technical Review and at 5:00pm for the Planning Commission Meeting in the Planning Commission Chambers of the Bentonville Community Development Building located at 305 SW A Street.
  - 3.1.2. Special meetings may be called at any time by the chairman or any three members.
- 3.2. No formal business shall be conducted without a quorum and no member may vote by proxy.
  - 3.2.1 A quorum shall exist when a majority of the appointive members are present.
  - 3.2.2 The affirmative vote of a simple majority of those members present shall carry any motion or resolution, except as otherwise stated. The chairman may make or second motions, and shall have a vote at all times.
  - 3.2.3 The mayor shall be an ex-officio member (or any ex-officio member) and shall not be counted in arriving at quorum.
- 3.3 The order of business shall follow the distributed agenda unless otherwise agreed to by the members.
- 3.4 Public hearings shall be conducted (formally), and the chair shall make all rulings and determinations regarding the scope of the inquiry, the admissibility of evidence, the order in which evidence, objections and arguments will be heard, and other like matters, except that other members shall be privileged to make inquires personally and to call for a vote on any ruling of the chair, whereupon the vote shall determine the rule. It shall be the purpose of the chair to entertain the presentation of sufficient matter to do substantial justice to all concerned parties to the proceedings. It is not the intent in the public hearing to defy the members and their responsibilities as spokesmen for the public view on public issues, but rather to develop them in this role. Final or official action shall be taken only in regular meetings unless the public hearing is continued to a special session of the planning commission after the hearing.
- 3.5 A rehearing shall be called if there is substantial information indicating a factual error, omission or oversight in the first consideration or at the request of city council. A request for a rehearing must be made in writing and must state the factual error, omission or oversight asserted as the basis for a rehearing. A request of a rehearing must be filed with the community development director within 30 days from the date of final action on the matter by planning commission.
- 3.6 The Planning Commission shall hold an annual administrative meeting on the 2<sup>nd</sup> Tuesday of December. No development items will be heard at this meeting.
- 3.7 In April of each year, Planning Commission and Planning Staff will hold a special meeting to review the previous year's Zoning and General Plan Amendments and evaluate the need for changes to the Future Land Use Plan.

**Article 4** Consent Agenda

- 4.1 The community development director or his/her designee is authorized to prepare for each meeting a consent agenda for consideration by the planning commission.
- 4.2 Items may be placed on the consent agenda if it is non-controversial, the item does not require a public hearing and staff and applicant agree on the findings and conditions of approval.
- 4.3 The following procedure will generally be followed by the planning commission when considering consent agenda items:
  - 4.3.1 Introduction of the consent agenda items by the chair.
  - 4.3.2 Any commissioner or member of the public may request that an item be removed from the consent agenda. The reason for the request shall be stated. Such request need not be seconded.

- 4.3.3 The chair shall determine if the item removed from the consent agenda can be expeditiously resolved or be placed at the end of the regular agenda. The public hearing on each item, which has been removed from consent, shall be limited to the issues raised by those requesting removal.
- 4.3.4 After any item(s) has been removed from the consent agenda, the chair may call for a motion to approve the item(s) remaining on the consent agenda.
- 4.3.5 Only one motion is required for all consent items. After being duly seconded, the consent agenda shall be voted on by a roll call vote of the commissioners.

**Article 5** Committees

- 5.1 The chairman may establish standing, special, or advisory committees. Committee members may be persons other than member of the planning commission, but a commission member shall be named as either active or ex officio chairman of each committee. The chairman shall be obliged to follow Robert's Rules of Order.
- 5.2 Meetings shall be called by the chairman of the committee, or a majority of the membership of the committee, notifying the others.

**Article 6** Records, Action, Studies, Recommendations, Public Access

- 6.1 The planning department shall keep a file including, among other things, studies, plans, reports and recommendations made by the commission members and planning department staff in the discharge of its duties and responsibilities.
- 6.2 Records shall be kept open to the public, available without fees or delays, subject only to the necessity for good order and discipline in the office of the planning department.

**Article 7** Changes to These By-Laws, Timing, 2/3 Majority

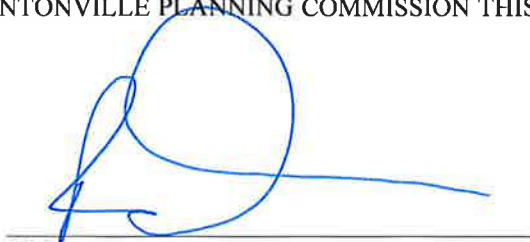
- 7.1 These by-laws shall be adopted, and later suspended, changed, or canceled only after an affirmative vote of 2/3rds of the membership of the planning commission. Amendments shall be proposed in writing at a regular meeting and moved for action at a following meeting, unless ten days notice and the written amendment itself have been given to all members, in which case motion may be made at a special meeting ten days after all the members have received the proposed change to these by-laws.

PLANNING COMMISSION ACTION: by majority of the appointed members so voting, these by-laws for the Bentonville Planning Commission are approved.

REVISED AND ADOPTED BY THE CITY OF BENTONVILLE PLANNING COMMISSION THIS 3rd DAY OF JANUARY, 2023.

ATTEST:

  
Secretary

  
Chair

Amended      02/11/77  
                  05/19/98  
                  02/03/04  
                  12/28/05  
                  03/20/07  
                  03/6/18  
                  08/18/20  
                  11/17/20  
                  03/02/21  
                  1/3/23

| January |    |    |    |    |    |    | February |    |    |    |    |    |    | March     |    |    |    |    |    |    |
|---------|----|----|----|----|----|----|----------|----|----|----|----|----|----|-----------|----|----|----|----|----|----|
| Su      | Mo | Tu | We | Th | Fr | Sa | Su       | Mo | Tu | We | Th | Fr | Sa | Su        | Mo | Tu | We | Th | Fr | Sa |
|         | 1  | 2  | 3  | 4  | 5  | 6  |          |    |    |    | 1  | 2  | 3  |           |    |    |    |    | 1  | 2  |
| 7       | 8  | 9  | 10 | 11 | 12 | 13 | 4        | 5  | 6  | 7  | 8  | 9  | 10 | 3         | 4  | 5  | 6  | 7  | 8  | 9  |
| 14      | 15 | 16 | 17 | 18 | 19 | 20 | 11       | 12 | 13 | 14 | 15 | 16 | 17 | 10        | 11 | 12 | 13 | 14 | 15 | 16 |
| 21      | 22 | 23 | 24 | 25 | 26 | 27 | 18       | 19 | 20 | 21 | 22 | 23 | 24 | 17        | 18 | 19 | 20 | 21 | 22 | 23 |
| 28      | 29 | 30 | 31 |    |    |    | 25       | 26 | 27 | 28 | 29 |    |    | 24        | 25 | 26 | 27 | 28 | 29 | 30 |
|         |    |    |    |    |    |    |          |    |    |    |    |    |    | 31        |    |    |    |    |    |    |
| April   |    |    |    |    |    |    | May      |    |    |    |    |    |    | June      |    |    |    |    |    |    |
| Su      | Mo | Tu | We | Th | Fr | Sa | Su       | Mo | Tu | We | Th | Fr | Sa | Su        | Mo | Tu | We | Th | Fr | Sa |
|         | 1  | 2  | 3  | 4  | 5  | 6  |          |    |    | 1  | 2  | 3  | 4  |           |    |    |    |    |    | 1  |
| 7       | 8  | 9  | 10 | 11 | 12 | 13 | 5        | 6  | 7  | 8  | 9  | 10 | 11 | 2         | 3  | 4  | 5  | 6  | 7  | 8  |
| 14      | 15 | 16 | 17 | 18 | 19 | 20 | 12       | 13 | 14 | 15 | 16 | 17 | 18 | 9         | 10 | 11 | 12 | 13 | 14 | 15 |
| 21      | 22 | 23 | 24 | 25 | 26 | 27 | 19       | 20 | 21 | 22 | 23 | 24 | 25 | 16        | 17 | 18 | 19 | 20 | 21 | 22 |
| 28      | 29 | 30 |    |    |    |    | 26       | 27 | 28 | 29 | 30 | 31 |    | 23        | 24 | 25 | 26 | 27 | 28 | 29 |
|         |    |    |    |    |    |    |          |    |    |    |    |    |    | 30        |    |    |    |    |    |    |
| July    |    |    |    |    |    |    | August   |    |    |    |    |    |    | September |    |    |    |    |    |    |
| Su      | Mo | Tu | We | Th | Fr | Sa | Su       | Mo | Tu | We | Th | Fr | Sa | Su        | Mo | Tu | We | Th | Fr | Sa |
|         | 1  | 2  | 3  | 4  | 5  | 6  |          |    |    |    | 1  | 2  | 3  | 1         | 2  | 3  | 4  | 5  | 6  | 7  |
| 7       | 8  | 9  | 10 | 11 | 12 | 13 | 4        | 5  | 6  | 7  | 8  | 9  | 10 | 8         | 9  | 10 | 11 | 12 | 13 | 14 |
| 14      | 15 | 16 | 17 | 18 | 19 | 20 | 11       | 12 | 13 | 14 | 15 | 16 | 17 | 15        | 16 | 17 | 18 | 19 | 20 | 21 |
| 21      | 22 | 23 | 24 | 25 | 26 | 27 | 18       | 19 | 20 | 21 | 22 | 23 | 24 | 22        | 23 | 24 | 25 | 26 | 27 | 28 |
| 28      | 29 | 30 | 31 |    |    |    | 25       | 26 | 27 | 28 | 29 | 30 | 31 | 29        | 30 |    |    |    |    |    |
| October |    |    |    |    |    |    | November |    |    |    |    |    |    | December  |    |    |    |    |    |    |
| Su      | Mo | Tu | We | Th | Fr | Sa | Su       | Mo | Tu | We | Th | Fr | Sa | Su        | Mo | Tu | We | Th | Fr | Sa |
|         |    | 1  | 2  | 3  | 4  | 5  |          |    |    |    |    | 1  | 2  | 1         | 2  | 3  | 4  | 5  | 6  | 7  |
| 6       | 7  | 8  | 9  | 10 | 11 | 12 | 3        | 4  | 5  | 6  | 7  | 8  | 9  | 8         | 9  | 10 | 11 | 12 | 13 | 14 |
| 13      | 14 | 15 | 16 | 17 | 18 | 19 | 10       | 11 | 12 | 13 | 14 | 15 | 16 | 15        | 16 | 17 | 18 | 19 | 20 | 21 |
| 20      | 21 | 22 | 23 | 24 | 25 | 26 | 17       | 18 | 19 | 20 | 21 | 22 | 23 | 22        | 23 | 24 | 25 | 26 | 27 | 28 |
| 27      | 28 | 29 | 30 | 31 |    |    | 24       | 25 | 26 | 27 | 28 | 29 | 30 | 29        | 30 | 31 |    |    |    |    |