



**Planning Commission  
Agenda  
January 5, 2010**

**I. Call to Order**

**II. Approval of Minutes**

**III. Consent Agenda**

- |    |   |                                 |
|----|---|---------------------------------|
| 1. | <b>Lots 1 and 3 Moberly Corner Addition</b><br>Southeast 28 <sup>th</sup> Street and Southeast Moberly Lane | <b>Property Line Adjustment</b> |
| 2. | <b>Lot 25 Fountain Plaza</b><br>Southeast Walton Boulevard  | <b>Lot Split</b>                |
| 3. | <b>Christian Brothers Automotive</b><br>600 Southeast Walton Boulevard                                      | <b>Large Scale Development</b>  |

**IV. Old Business**

- |    |  |                                |
|----|--|--------------------------------|
| 1. | <b>Terra Firma Holdings, LLC</b><br>3700 East Highway 72 | <b>General Plan Amendment*</b> |
|----|--|--------------------------------|

**V. New Business**

- |    |                                       |                   |
|----|---------------------------------------|-------------------|
| 1. | <b>Cell Tower Amendment</b>           | <b>Ordinance*</b> |
| 2. | <b>Commercial Childcare Amendment</b> | <b>Ordinance*</b> |
| 3. | <b>Tress under Utilities</b>          | <b>Ordinance*</b> |

**VI. Election of Officers**

**VII. Planner's Report**

**VIII. Adjournment**

**Planning Commission Staff Report**  
**Property Line Adjustment: Lots 1 and 3 Moberly Corner Addition**

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**TO:** Bentonville Planning Commission Members  
**THRU:** Troy Galloway, AICP Community Development Director  
**FROM:** Beau Thompson, Planner  
**DATE:** January 5, 2010

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**GENERAL INFORMATION:**

**Project Number:** 09-07000019  
**Applicant:** Great Northwest Development LLC  
**Representative:** Chuck Bell  
**Requested Action:** Property Line Adjustment Approval  
**Location:** the corner of Southeast Moberly and Southeast 28<sup>th</sup> Street  
**Existing Zoning:** C-2, General Commercial  
**Land Use Plan:** Commercial

**BACKGROUND:**

The applicant has submitted a Property Line Adjustment for 16.15 acres located on the corner of Southeast 28<sup>th</sup> Street and Southeast Moberly Lane. The parent tract currently consists of two lots Lot 1 and 3 of Moberly Corner. The shared lot line between the two lots will be shifted to the east 195 feet to accommodate future development. The new lots will be known as Lots 4 and 5 of Moberly Corner Addition. All necessary right of way has been dedicated per the City of Bentonville Master Street Plan.

**SURROUNDING LAND USES AND ZONING:**

Direction	Zoning	Land Use
North	C-2, General Commercial	Commercial
South	C-2, General Commercial	Commercial
East	C-2, General Commercial	Commercial
West	C-2, General Commercial	Commercial

**STREETS**

Direction	Name	Classification
North		
South	Southeast 28 <sup>th</sup> Street	Arterial
East	Southeast Moberly Lane	Arterial
West		

**TRAFFIC FINDINGS**

- (a) Traffic data for the nearest intersections are as follows: N/A.
- (b) Traffic summary software predicts the additional traffic for this project is: N/A.

**STANDARD CONDITIONS OF APPROVAL**

- 1. A digital copy of the plat.
- 2. All technical review comments must be addressed before building permits will be issued.

**ISSUES / ANALYSIS:**

**Site Inspection:** A site inspection was completed; this site currently vacant in a commercial subdivision.

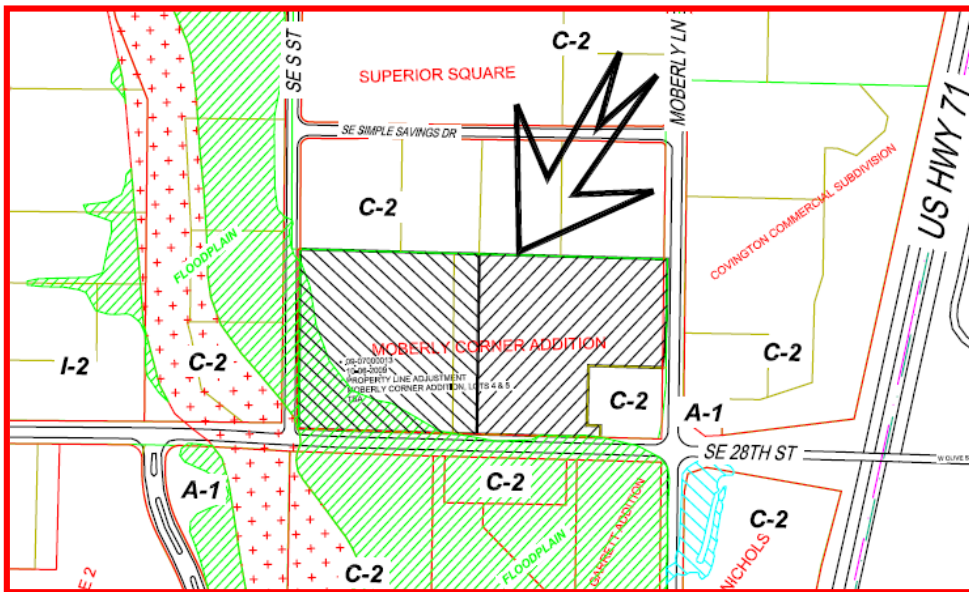
**Drainage Report:** A drainage report is not required for this property line adjustment.

**Water / Sewer:** Per the G.I.S. site, water and sewer currently located on site.

**Analysis / Conclusion:** This property line adjustment does meet the minimum requirements of the subdivision regulations.

**RECOMMENDATION:**

Staff has reviewed this application and recommends Approval.



**Planning Commission Staff Report**  
**Lot Split: Lot 25 Fountain Plaza**

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**TO:** Bentonville Planning Commission Members  
**THRU:** Troy Galloway, AICP Community Development Director  
**FROM:** Beau Thompson, Planner  
**PC DATE:** January 10, 2010

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**GENERAL INFORMATION:**

**Project Number:** 09-05000008  
**Applicant:** Main and Main Development Group  
**Representative:** John Chudoba  
**Requested Action:** Lot Split Approval  
**Location:** 600 Southeast Walton Boulevard  
**Existing Zoning:** C-2, General Commercial  
**Land Use Plan:** Commercial

**BACKGROUND:**

The applicant has submitted a Lot Split for 3.5 acres known as Lot 25 Fountain Plaza. The original lot will be divided into two lots to be known as Lots 29(2.76 acres) and Lot 30 (.75 acres). Lot 30 is being created to house the Christian Brothers Automotive Center. Cross access easements are being dedicated with this plat. All other easements and required right of way currently exist.

**SURROUNDING LAND USES AND ZONING:**

<b>Direction</b>	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	C-2, General Commercial	Commercial
<b>South</b>	C-2, General Commercial	Commercial
<b>East</b>	C-2, General Commercial	Commercial
<b>West</b>	C-2, General Commercial	Commercial

**STREETS**

<b>Direction</b>	<b>Name</b>	<b>Classification</b>
North	Southeast Walton Boulevard	Arterial
South		
East		
West		

**TRAFFIC FINDINGS**

- (a) Traffic data for the nearest intersections are as follows:
- (b) Traffic summary software predicts the additional traffic for this project is: N/A.

**STANDARD CONDITIONS OF APPROVAL**

1. A digital copy of the plat.
2. All technical review comments must be addressed before building permits will be issued.

**ISSUES / ANALYSIS:**

**Site Inspection:** A site inspection was completed; this site is currently vacant in a developing commercial subdivision.

**Drainage Report:** A drainage report is not required for this lot split.

**Water / Sewer:** Per the G.I.S. site, water and sewer ARE available to this site.

- a. Sewer is located in a manhole towards the southeast corner of the lot.
- b. Water is available along Southeast Walton Boulevard.

**Waiver(s):** N/A.

**Analysis / Conclusion:** This lot split DOES meet the minimum requirements of the subdivision regulations.

**RECOMMENDATION:**

Staff has reviewed this application and recommends **APPROVAL**.

**Planning Commission Staff Report**  
**Large Scale Development: CHRISTIAN BROTHERS AUTOMOTIVE**

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**TO:** Bentonville Planning Commission Members  
**THRU:** Troy Galloway, AICP Community Development Director  
**FROM:** Beau Thompson, Planner  
**PC DATE:** January 10, 2009

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**GENERAL INFORMATION:**

**Project Number:** 09-06000018  
**Applicant:** Main and Main Development Group  
**Representative:** John Chudoba  
**Requested Action:** Large Scale Development Approval  
**Location:** 600 Southeast Walton Boulevard  
**Existing Zoning:** C-2, General Commercial  
**Land Use Plan:** Commercial

**BACKGROUND:**

The applicant has submitted a Large Scale Development for .75 acres located at 600 Southeast Walton Boulevard. Christian Brothers Automotive plans to utilize the newly created lot for a 5,156 square foot automotive maintenance facility. The 9 bay building will be constructed of brick with rock accents. Stormwater will be addressed through the use of an existing detention pond within Fountain Plaza subdivision.

**PROJECT STATISTICS ARE AS FOLLOWS:**

Site / Building Requirements	Required / Allowed	Proposed
<b>Setbacks</b>		
<b>Front:</b> Parking in front	50'	59'
<b>Front:</b> Without parking in front	20'	-
<b>Side:</b> Adjacent to non-residential district	7'	26'
<b>Side:</b> Adjacent to residential district	30'	-
<b>Rear:</b> Adjacent to non-residential district	20'	45'
<b>Rear:</b> Adjacent to residential district	30'	-
<b>Height</b>	60'	24'
<b>Landscape Coverage</b>	8%	10%
<b>Parking</b>		
Standard Stalls	30	31
Handicap Stalls	2	2
<b>Total:</b>		

**SURROUNDING LAND USES AND ZONING:**

<b>Direction</b>	<b>Zoning</b>	<b>Land Use</b>
North	C-2, General Commercial	Commercial
South	C-2, General Commercial	Commercial
East	C-2, General Commercial	Commercial
West	C-2, General Commercial	Commercial

**STREETS**

<b>Direction</b>	<b>Name</b>	<b>Classification</b>
North	Southeast Walton Boulevard	Arterial
South		
East		
West		

**STANDARD CONDITIONS OF APPROVAL**

1. A digital copy of the plat.
2. All technical review comments must be addressed before building permits will be issued.
3. All landscaping will be guaranteed for 36 months.
4. The building will be constructed with similar exterior materials of those submitted and approved by the planning commission.

**ISSUES / ANALYSIS:**

**Site Inspection:** A site inspection was completed; this site is currently vacant in a developing commercial subdivision.

**Drainage Report:** A drainage report was submitted and tentatively approved by the city engineer.

**Water / Sewer:** Per the G.I.S. site, water and sewer ARE available to this site.  
a. Sewer is located in a manhole towards the southeast corner of the lot.  
b. Water is available along Southeast Walton Boulevard.

**Waiver(s):**

**Analysis / Conclusion:** This large scale development DOES meet the minimum requirements of the subdivision regulations.

**RECOMMENDATION:**

Staff has reviewed this application and recommends **APPROVAL**.



**PC Meeting of: 5 January 2010**

**The City of Bentonville, Arkansas**

305 S.W. "A" Street  
Bentonville, AR 72212  
Telephone: (479) 271-3126  
Fax: (479) 271-5906

**LAND USE MAP AMENDMENT: Terra Firm Holdings, Residential Estate TO  
Residential Office**

**Current Planning Division Correspondence: Planning Commission Staff Report**

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**TO:** City of Bentonville, Arkansas Planning Commission  
**FROM:** Brian Bahr, Current Planning Manager  
**THRU:** Troy Galloway, AICP, Community Development Director  
**DATE:** 5 January 2010 and 15 December 2009 (Original)

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**GENERAL INFORMATION**

**H.T.E. Project Number:** 09-018000002

**Applicant/Current Owner:** Terra Firm Holdings, LLC

**Representative:** Tyler Thompson

**Requested Action:** Land Use Map Amendment

**Location:** 3700 East Central Avenue

**Existing Zoning:** R-1, Single Family Residential

**Future Land Use Map Designation:** Residential Estate

**Proposed Land Use Map Designation:** Residential Office

**BACKGROUND / HISTORY**

**Property Description/Site Inspection:** A site inspection was completed; this property has a single family structure and a shop building located in the rear. Over the last 8 years fill has been added to with two drainage areas for expansion of the buildable area. Over the past several years this site has resembled a salvage yard with dilapidated vehicles and vehicle parts.

**Surrounding Land Uses & Zonings:**

Direction	Current Land Use	Existing Zoning	Future Land Use Map Designation
North	Residential	R-1, Single Family Residential & Residential Office	Residential
South	Residential	R-1, Single Family Residential	Residential
East	Residential	R-1, Single Family Residential	Residential
West	Residential	R-1, Single Family Residential & C-2, General Commercial	Residential

**Surrounding Streets & Classifications:**

Direction	Name	Master Street Plan Classification	Current Condition
North	Highway 72 East	Arterial	Good
South			
East			
West			

**LEGAL NOTIFICATIONS**

**Public Notice:** Staff published a legal notice in the Arkansas Democrat-Gazette, Northwest Arkansas Addition on November 26, 2009. In addition, staff posted a notice of public hearing sign on the property on November 24, 2009. This does meet legal noticing requirements and are adequate for the scope of this land use change application.

**RELATIONSHIP TO THE GENERAL PLAN AND FUTURE LAND USE MAP**

1. A determination of how the proposed change impacts the overall intent of the General Plan or the land use mix on the Future Land Use Map, how the proposed change affects other land uses. **The general plan identifies a future need for office and retail in a mixed use setting.**

**Finding(s) of Staff:**

2. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion. **The proposed land use change would ultimately increase traffic in the area. General office space usually generates 4 driveway trips per day per employee.**

(a) Traffic data for the nearest intersections are as follows: N/A

(b) Traffic summary software predicts the additional traffic for this project is: Without a specific use identified and square footage of that use an accurate traffic prediction is not possible.

**Finding(s) of Staff:**

3. A determination as to whether the proposed land use would significantly alter the population density and thereby undesirably increase the load on public services including schools, emergency services, and water and sewer facilities. **The proposed land use change would not significantly alter the population density and create unsustainable demands on the public services. If this site was developed as office it would potentially draw on the residents in the general area.**

**ANALYSIS, CONCLUSION, & SUMMARY**

Policy LU-3 requires the request to be compatible with existing and future land uses for the surrounding areas. The subject property is adjacent to R-O, Residential Office to the northeast and C-2, General Commercial to the west. Both adjacent properties have a residential component in conjunction with the office, commercial zoning classification. The approximate acreage for both non residential zoned properties is 2 acres and provides twenty plus acres of residential. The office, commercial property is intended to buffer the highway frontage as well as provide residential services to the adjoining subdivisions. Policy LU-3 also requires the request to not create a shortage of any one particular type residential or non-residential. The request would change a topography challenged property currently zoned R-1, Single Family Residential and shown as residential estate on the future land use map without creating a shortage of one type or another.

The request is not consistent with past actions of the planning commission which has zoned or rezoned property in the immediate area. 3601 East Central Avenue was petitioned on December 2, 2003 from A-1 to R-O, Residential Office which was approximately 1 acre and the remaining 2 acres was rezoned to R-E, Residential Estate. It has been the practice of the commission to classify the frontage of the property as office, commercial while the remaining portion is utilized for residential in a variety of classification from R-E, Residential Estate to R-1, Single Family Residential and PUD, Planned Unit Development.

It is staffs position to recommend the front half of the property change its land use classification to R-O, Residential Office while the remaining portion remain R-E, Residential Estate or residential providing a buffer to the residential already developed. Ideally the remaining property would develop as residential. Access for the residential component would be off of East Central Avenue or if possible a connector street from Woods Creek Boulevard. The future land use plan is used to develop property in a uniform manor that does not detract from current and established properties. This request only changes the future land use map and any development would require the property to be rezoned from its present classification R-1, Single Family Residential to R-O, Residential Office. Rezoning this property will require another public hearing and public notification of all property owners within two hundred feet.

**STAFF RECOMMENDATION**

Staff has reviewed this application and based on the findings presented in this staff report, staff recommends approval of 6.0 acres of Office located in the northwest corner of the property ending approximately 90' from the eastern property line and 160' from the southern property line has depicted in the exhibit below.



**Planning Commission Staff Report**  
**Ordinance: CELL TOWER AMENDMENT**

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**TO:** Bentonville Planning Commission Members  
**THRU:** Troy Galloway, AICP Community Development Director  
**FROM:** Shelli Rushing, Planning Services Manager  
**PC DATE:** January 5, 2010

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Staff is requesting that Planning Commission recommend for approval an ordinance moving The Landscape and Aesthetic Requirements for Wireless Communication Facilities from the Zoning Code to the Subdivision Code

**Background:** The Wireless Communications Facility Ordinance was adopted in 1999. This was adopted as a complete ordinance and inserted as a Supplemental Regulation when the Zoning Ordinance was completely revised in 2003.

**Issues:** The landscaping and aesthetic regulations for wireless communication facilities are presently located in the Zoning Code and all other landscaping regulations are addressed in the Subdivision Code.

**Purpose:** To ensure all landscape and aesthetic regulations are located appropriately in the Subdivision Code.

**Proposal:** The proposed ordinance moves the landscape and aesthetic requirements of the wireless communication facilities regulations in the Supplemental Regulations of the Zoning Code to the Landscape Section of the Subdivision Code.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE MOVING THE LANDSCAPE AND AESTHETIC  
REQUIREMENTS FOR WIRELESS COMMUNICATION FACILITIES  
FROM THE ZONING CODE TO THE SUBDIVISION CODE**

**WHEREAS**, the landscaping and aesthetic regulations for wireless communication facilities are presently located in the Zoning Code; and,

**WHEREAS**, landscaping and aesthetic regulations are addressed in the Subdivision Code instead of the Zoning Code;

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

**Section 1.** That Sec. 601.27 Wireless Communication Facilities (WCF), subsection G. Landscaping of the Zoning Code be hereby moved to Article 1400 Landscaping of the Subdivision Code, as Sec. 1400.18 Landscaping for Wireless Communication Facilities (WCF).

**Section 2.** That Sec. 601.27 Wireless Communications Facilities (WCF), Subsection H Aesthetics of the Zoning Code be hereby moved to Article 1100 Design Standards of the Subdivision Code, as Sec. 1100.14 Aesthetics for Wireless Communication Facilities (WCF).

**Section 3.** This Ordinance shall be in full force and effect 30 days from the date of its passage and approval.

**PASSED and APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2010.**

**APPROVED:**

\_\_\_\_\_  
**Mayor Bob McCaslin**

**ATTEST:**

\_\_\_\_\_  
**City Clerk**

**Planning Commission Staff Report**  
**Ordinance: COMMERCIAL CHILD CARE AMENDMENT**

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**TO:** Bentonville Planning Commission Members  
**THRU:** Troy Galloway, AICP Community Development Director  
**FROM:** Shelli Rushing, Planning Services Manager  
**PC DATE:** January 5, 2010

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Staff is requesting that Planning Commission recommend for approval an ordinance amending Chapter 14 Zoning Code, Article 601.7 Child Care of the Supplemental Regulations and Appendix A, Table of Permitted Uses

**Background:** The Supplemental Regulations and Table of Permitted uses were updated with the adoption of Ordinance No. 2009-50 on May 26, 2009. When the update was made, the child care supplemental regulations were not appropriately updated to be consistent with the new Table of Permitted uses.

**Issues:** The Child Care, Commercial regulations currently indicates that such use requires a conditional use permit in religious facilities or in multifamily or residential office designations. Where a use is permitted by right or conditionally is determined by the Table of Permitted Uses, not the Supplemental Regulations.

The regulations for child care use are applicable in all child care facilities, not just those approved by conditional use.

The Supplemental Regulations state that residential child care facilities must be authorized as a conditional use under Home Occupation, Type A. However, the Table of Permitted Uses lists residential child care facilities as a separate use.

The Table of Permitted Uses does not allow for child care-residential (5-10) in any zoning district and staff has determined this was an oversight in drafting the new regulations.

**Purpose:** The purpose of the proposed ordinance is to correct these oversights and conflicting regulations.

**Proposal:** The proposed ordinance removes the text pertaining to the need for a conditional use for commercial child care facilities in religious facilities;

Instead of requiring residential child care to be approved as a home occupation, it defers to the Table of Permitted Uses, but requires that such facilities meet the provisions of Sec. 601.12 Home Occupations, Subsection A. Type A.

In the Table of Permitted Uses, the Child Care (5-10) use is conditionally permitted in the A1, RE, R1, R2, R3, R4, R-C2, R-C3, RMH, and R-ZL districts and permitted by right in the RO, C3, and DE districts.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 14 ZONING CODE,  
ARTICLE 601.7 CHILD CARE OF THE SUPPLEMENTAL REGULATIONS  
AND APPENDIX A TABLE OF PERMITTED USES**

**WHEREAS**, the Supplemental Regulations and Table of Permitted uses were updated with the adoption of Ordinance No. 2009-50 on May 26, 2009.

**WHEREAS**, the Child Care, commercial regulations in the supplemental regulations indicates that such use requires a conditional use permit in religious facilities or in multifamily or residential office designations and this is inconsistent with the Table of Permitted Uses; and,

**WHEREAS**, the Table of Permitted Uses does not allow for child care-residential (5-10) in any zoning district and staff has determined this was an oversight in drafting the new regulations;

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

**Section 1.** That *Sec. 601.7 Child Care* be hereby amended with the following. Deleted text is shown as a strike through and new text is highlighted.

- A. **Child Care, Residential: four (4) children or less.** Residential child care, ~~when authorized as a conditional use under Home Occupation Type A~~ shall meet the provisions of Sec. 601.12 Home Occupations, Subsection A. Type A, and shall also meet the following provisions:
- B. **Child Care, Residential: five (5) to ten (10) children.** Residential child care, ~~when authorized as a conditional use under Home Occupation Type B~~ shall meet the provisions of Sec. 601.12 Home Occupations, Subsection B. Type B; shall meet all of the provisions of a small residential child care; and the additional following provisions:
- C. **Child Care, Commercial.** Commercial day care centers, pre-schools, kindergartens, and nurseries ~~must~~ shall be operated from structures that are commercial in nature or operated within a religious facility. ~~A conditional use permit is required for all commercial day cares operating within a religious facility or in a multi-family or residential office zoning designation.~~ They shall be limited by the requirements of the State of Arkansas in licensing such a facility, and shall otherwise comply with all area regulations established for the district in which such facility is located.

**Section 2.** That Appendix A, Table of Permitted Uses be hereby amended by adding the following permitted and conditional uses to the use “child care – residential (5-10 children)”.

	Supp. Regs.	AG		RES										COMM			IND		Mixed Use	
		A-1	RE	R1	R2	R3	R4	R-C2	R-C3	R-MH	R-ZL	RO	C1	C2	C3	I1	I2	DC	DE	
child care-residential (5-10 children)	601.7 B	C	C	C	C	C	C	C	C	C	C	C	P			P				P

**Section 3.** This Ordinance shall be in full force and effect 30 days from the date of its passage and approval.

**PASSED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.**

**APPROVED:**

**ATTEST:**

\_\_\_\_\_  
Mayor Bob McCaslin

\_\_\_\_\_  
City Clerk

**Planning Commission Staff Report**  
**Ordinance: TREES PLANTED UNDER OR NEAR UTILITIES**

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**TO:** Bentonville Planning Commission Members  
**THRU:** Troy Galloway, AICP Community Development Director  
**FROM:** Shelli Rushing, Planning Services Manager  
**PC DATE:** January 5, 2010

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Staff is requesting that Planning Commission recommend for approval an ordinance regulating the location and type of trees located under or near overhead utility lines.

**Background:** Chapter 15 of the Subdivision Code, Article 1400 Landscaping, Screening and Buffering regulates the number of trees that must be planted as part of a new development project. This article also determines where such landscaping is required. Often, this coincides with a utility easement and creates a conflict with overhead utility lines.

**Issues:** Trees planted as part of a development project may grow into overhead power lines as the tree matures. Branches and leaves near power lines create a public safety hazard. Installation of appropriately sized trees in the appropriate location can circumvent this potential hazard.

**Purpose:** The purpose of the proposed ordinance is to revise the landscape regulations such that options are available to meet the landscape requirements and avoid the conflicts with the overhead utility lines.

**Proposal:** The following changes are suggested to be added to Article 1400 Landscaping, Sec. 1400.11 Landscape Installation Requirements.

1. Encourage developers to avoid placement of trees under overhead utilities, when possible.
2. When large shade trees are needed to meet the requirements, they must be spaced from the overhead utilities one half the mature width of that tree species plus five feet.
3. When trees need to be located under the overhead utility lines, trees from the provided list must be used. These are small ornament trees with a mature height less than the typical height of overhead utility lines.
4. Allow developers to substitute a required shade with two trees from the tree list provided.
5. Encourage placement of trees at least five feet from any underground utilities to avoid conflicts between utilities and tree roots.
6. Allow required trees to be planted in the right-of-way to avoid conflicts with utilities.

# ORDINANCE NO. \_\_\_\_\_

## AN ORDINANCE AMENDING CHAPTER 15 SUBDIVISION CODE, ARTICLE 1400, LANDSCAPING, SCREENING AND BUFFERING TO REGULATE TREES PLANTED UNDER OR NEAR UTILITIES

**WHEREAS**, trees planted as part of a development project may grow into overhead power lines as the tree matures;

**WHEREAS**, branches and leaves near power lines creates a public safety hazard; and,

**WHEREAS**, installation of appropriately sized trees in the appropriate location can circumvent this potential hazard;

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

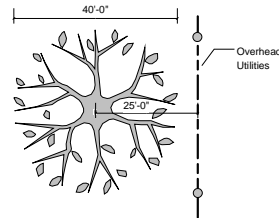
**Section 1.** That Sec. 1400.11 Landscape Installation Requirements, A. Location be hereby amended with the following. Deleted text is shown as a strike through and added text is highlighted.

**A. Location.**

**1. Drainage.** ~~Trees shall not be placed where they interfere with site drainage.~~

**2. Overhead utilities.** ~~Trees shall not be placed where they require frequent pruning in order to avoid interference with overhead power lines. In such locations, small ornamental trees are encouraged.~~ Every effort shall be made to avoid placing trees directly under overhead utilities.

**(a) Shade / Large Trees.** Tree species with a mature height greater than 30' shall be planted a minimum distance from overhead utilities that is half the mature width of the subject tree species plus five feet.



**Example:** Pin Oak has a mature width of 40 ft  
 $(40 \text{ ft} \div 2) + 5 \text{ ft} = 25 \text{ ft}$   
 Pin Oak should be planted a minimum of 25 ft from overhead utilities

**(b). Suitable Trees Under Overhead Utilities.** In cases where it is not possible to meet the landscape code without planting trees under overhead utilities or meeting the spacing requirements in Section A.2(a) Shade/ Large Trees above, the following tree species shall be used:

<b>Suitable Trees Under Overhead Utilities</b>			
<b>Common Name</b>	<b>Mature Height (in feet)</b>	<b>Mature Width (in feet)</b>	<b>Growth Rate</b>
American Hornbeam, Ironwood	25	25	Slow
Amur Maple/Tatarian Maple	15	18	Medium / Fast
Chinese Fringetree	25	25	Medium / Fast
Chinese Pistache	30	30	Medium
Crabapple	12-25	15-25	Medium
Common Winterberry / Possumhaw	12	12	Medium

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Crapemyrtle	15-30	8-18	Fast
Dwarf Southern Catalpa	18	22	Medium
Eastern Flowering Dogwood	20	20	Slow
Goldenraintree	30	35	Medium / Fast
Kousa Dogwood	15-25	25	Slow / Medium
Kwanzan Cherry Tree	15-25	15-20	Medium
Persian Parrotia	30	25	Medium
Prairiefire Crabapple Tree	20	20	Medium
Redbud Tree	25-30	15-25	Medium
Saucer Magnolia	20-30	25	Medium
Shantung Maple	15-30	25	Slow / Medium
Southern Magnolia	20	10	Medium
Star Magnolia	15	15	Slow / Medium
Sweetbay Magnolia	25	15	Medium
Thornless Cockspur Hawthorn	20	28	Medium
Thornless Osage - orange	25	30	Fast
Trident Maple	30	25	Medium
White Fringetree / Grancy Gray-beard	20	20	Medium
Yoshino Cherry	25	30	Medium / Fast

**(b) Substitution of Shade/Large Trees.** Where shade/large trees are required by this article and placement under or near overhead utilities is necessary to meet the landscaping requirements, trees from the list in Section A.2(b) Suitable Trees Under Overhead Utilities may be used to substitute for a required shade/large tree at a ratio of 2 substituted trees for 1 required shade/large tree.

Example: 100 ft of linear street frontage  
Requirement: 1 shade tree per 25 linear ft = 4 shade trees required  
Substitution: (2 utility trees for each shade tree):  
2 x 4 = 8 trees from list in Section D.4 below

- Water lines. Underground utilities.** Landscaping shall be installed at locations that avoid placement directly above water lines. Where possible, tree plantings shall be located a minimum of 5 feet from all underground utilities.
- Fire hydrants.** Landscaping shall not be placed within three (3) feet of a fire hydrant.
- Right of Way.** Trees may be planted in the public right-of-way when the street is classified as an arterial on the Master Street Plan and the necessary right of way is dedicated.

**Section 2.** This Ordinance shall be in full force and effect 30 days from the date of its passage and approval.

PASSED and APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2010.

APPROVED:

ATTEST:

\_\_\_\_\_  
Mayor Bob McCaslin

\_\_\_\_\_  
City Clerk