

Planning Commission
Minutes
January 5, 2010

Meeting called to order at 5:00 p.m. by Lisa Bohn.

Present: Joe Thompson, Miguel Rivera, Lisa Bohn and Patrick Carroll.

Absent: Richard Binns, Matt Hewitt and James Stanley

Others: Beau Thompson, Brian Bahr and Shelli Rushing, City Planners.

Motion to approve minutes of December 15, 2009 approved as written.

Consent Agenda

Lots 1 and 3 Moberly Corner Addition
Southeast 28th Street and Southeast Moberly Lane

Property Line Adjustment

Lot 25 Fountain Plaza
Southeast Walton Blvd

Lot Split

Christian Brothers Automotive
600 Southeast Walton Blvd.

Large Scale Development

Motion by Carroll, seconded by Thompson to approve the consent agenda.
Approved 4-0

Old Business:

Item #1

Terra Firma Holdings, LLC: (09-018000002) Terra Firm Holdings, *Land Use Map Amendment*, 3700 East Central Ave., Zoned R-1, Single Family Residential, Proposed Land Use Map Designation, Residential Office.

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.

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 as depicted in the exhibit below.

Bohn opened public hearing for anyone to speak that had different comments from last planning meeting.

Joe Carelus-a Kensington resident, spoke on behalf of the 3 surrounding areas, Woods Creek, Stonebridge and Kensington.

-does not support change

-presented petition with 121 signatures (one per household)

Rivera-

-explained that this is not a rezoning

-more steps are required for a rezoning change

-this is a landuse map amendment not a zoning change

Bahr

-read definition of Residential Office

-if rezoning takes place, an application, notification of property owners, public hearings and city council approval.

Lawrence

-traffic problem already exist, impossible from 7:30 to 8:00 am.

Tyler Thompson

-there probably won't be enough traffic to generate a light to be installed.

Bahr

-the area not being changed will remain green space.

Hayne-Acorn Circle

-negative impact on property values

Closed public hearing

Bahr-there are only 4 members present, do you wish to proceed.

Tyler Thompson-yes

Approved 4-0

Brian notified the public that they could contact Janice in the mayor's office or if they have any further questions they could call him. This item will be on the next city council agenda.

New Business:

Item #2

Shelli Rushing, Planning Services Manager-*Ordinance* Cell Tower Amendment

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.

No public comment

Approved 4-0

Item #3

Shelli Rushing, Planning Services Manager-*Ordinance* Commercial Child Care Amendment

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.

No public comment
Approved 4-0

Item #3

Shelli Rushing, Planning Services Manager-*Ordinance*, Trees Planted Under or Near Utilities

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.

No public comment
Approved 4-0

Election of Officers-Tabled until next meeting-Brian Bahr will check on By-laws.
Tabled

Planners Report-none

Meeting adjourned

Diane Shastid

Planning Commission Staff Report

Large Scale Development Extension: COPPERSTONE APARTMENTS PH. II

TO: Bentonville Planning Commission Members
THRU: Troy Galloway, AICP, Community Development Director
FROM: Beau Thompson, Planner
PC DATE: January 19, 2010 and June 16, 2009 (Original)

GENERAL INFORMATION:

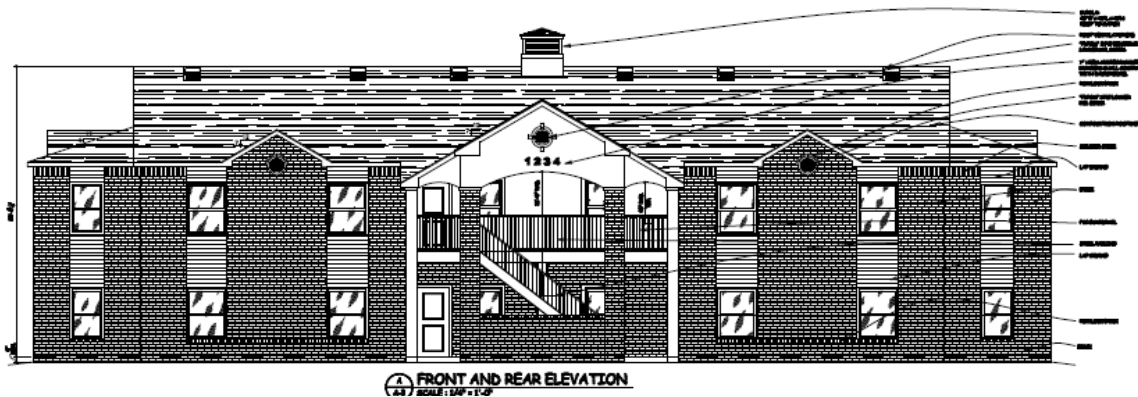
Project Number: 09-06000005
Applicant: Lindsey Development
Representative: Steven Beam w/ CTS
Requested Action: Large Scale Development Approval
Location: 1600 Been Road
Existing Zoning: R-3, Medium Density Residential
Land Use Plan: Medium Density Residential

BACKGROUND:

The applicant has submitted a Large Scale Development extension for 5.02 acres located at 1600 Been Road. The development will be an extension of the Copperstone Apartments located directly west of this site. The plans depict 8 apartment buildings with 12 units per building for a total of 96 proposed units. A network of pipes will collect the stormwater and route it to the existing detention pond located on Copperstone Phase 1. Southwest 16th Street will be installed as a private street and will connect Phase I with Been Road to the east. The large Scale Development extension will expire June 19, 2010.

RECOMMENDATION:

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





PC Meeting of: January 19, 2010

The City of Bentonville, Arkansas

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

REZONING: Word of Life Fellowship; R-1, Single Family Residential to C-2, General Commercial

Current Planning Division Correspondence: Planning Commission Staff Report

TO: City of Bentonville, Arkansas Planning Commission
FROM: Beau Thompson, Planner
THRU: Troy Galloway, AICP, Community Development Director
DATE: January 19, 2010

GENERAL INFORMATION

H.T.E. Project Number: 09-09000014

Applicant/Current Owner: Word of Life Fellowship

Representative: Chris Johnson

Requested Action: Rezoning

Location: 900 Southwest 14th Street

Existing Zoning: R-1, Single Family Residential

Proposed Zoning: C-2, General Commercial

Future Land Use Map Designation: Commercial

BACKGROUND / HISTORY

Property Description/Site Inspection: A site inspection was completed; this property is currently vacant property at the intersection of two major arterial roads.

Previous Rezoning Requests for this Property: There are no known rezonings for this property

Surrounding Land Uses & Zonings:

Direction	Current Land Use	Existing Zoning	Future Land Use Map Designation
North	Single Family Dwelling	R-1, Single Family Residential	Commercial
South	Vacant Wetlands	Agricultural	Agricultural
East	Religious Facility	R-1, Single Family Residential	Commercial
West	Commercial/ Office	Commercial	Commercial

Surrounding Streets & Classifications:

Direction	Name	Master Street Plan Classification	Current Condition
North			
South	Southwest 14 th Street	Arterial	Under Construction to 4 lanes
East			
West	Southwest 'I' Street	Arterial	2 lane with a turning lane. Recently Improved. Good Condition

LEGAL NOTIFICATIONS

Public Notice: On December 30 2009, the property owner and/or representative mailed certified public notices to property owners within a 200 foot radius of the subject site and staff published a legal notice in the Arkansas Democrat-Gazette, Northwest Arkansas Addition on December 31, 2009. In addition, staff posted a notice of public hearing sign on the property on January 4, 2009. This DOES meet legal noticing requirements and are adequate for the scope of this rezoning application.

RELATIONSHIP TO THE GENERAL PLAN AND FUTURE LAND USE MAP

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding(s) of Staff: The current land use plans designates this property as commercial. The land use plan is intended to create commercial nodes at major intersection throughout the city. This property is located at the intersection on two major arterial street with traffic counts exceeding 10,000 one way trips per day.

2. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding(s) of Staff: This rezoning will not have an adverse impact on transportation infrastructure once the improvements are completed to Southwest 'I' Street and Southwest 14th Street. The planned improvements along with the existing traffic control device located at the intersection will be adequate for any additional commercial improvements adjacent to the intersection.

3. A determination as to whether the proposed zoning would significantly alter the population density and thereby undesirably increase the load on public services including schools, emergency services, and water and sewer facilities.

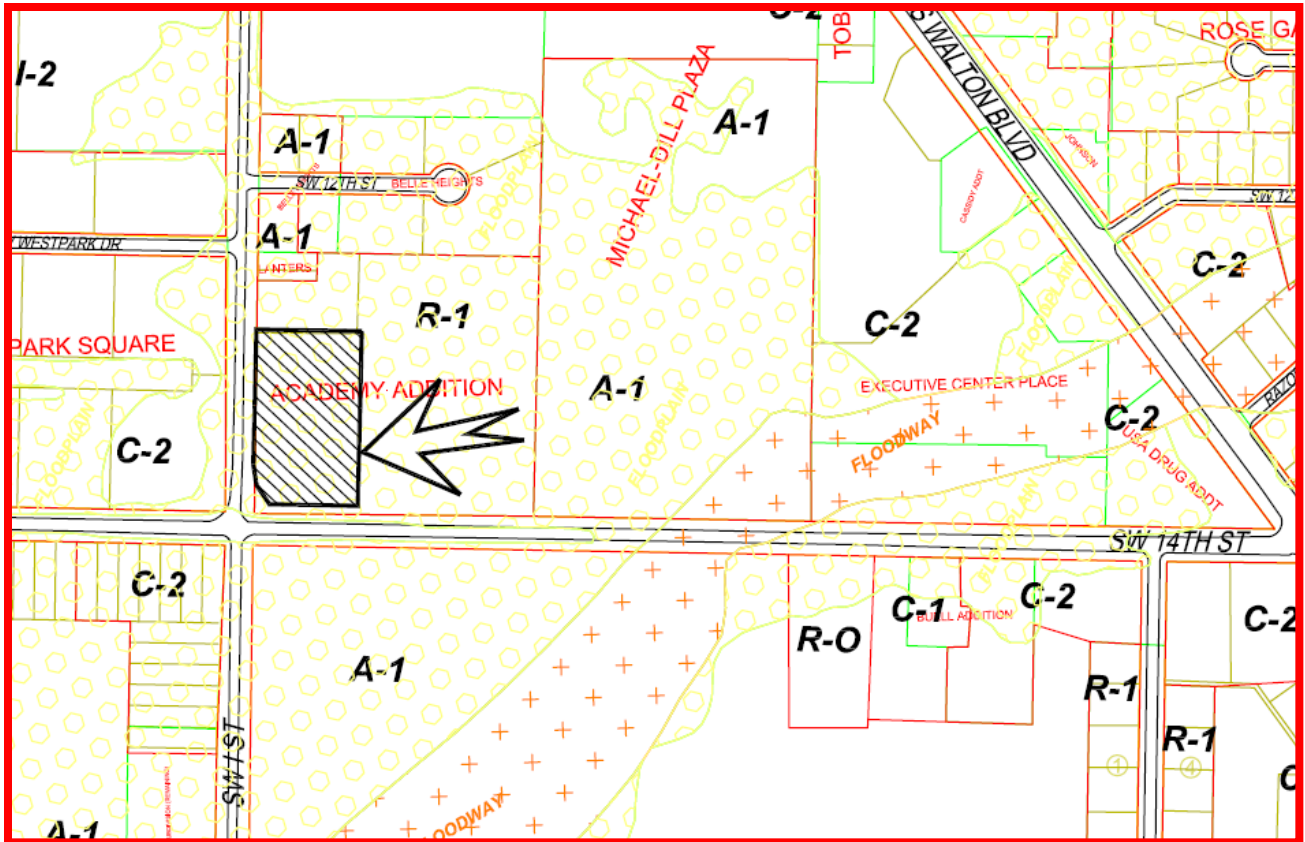
Finding(s) of Staff: The proposed zoning will not affect the infrastructure currently in place at this location. Additional improvements are not required for the scope of this project.

ANALYSIS, CONCLUSION, & SUMMARY

The rezoning request IS consistent with the City of Bentonville's Future Land Use Map, which depicts this property as Commercial. According to the General Plan it is the intent of the plan and the Future Land Use plan to create commercial opportunity at major intersections throughout the city.

STAFF RECOMMENDATION

Staff has reviewed this application and based on the findings presented in this staff report, staff recommends APPROVAL of this rezoning from R-1, Single Family Residential to C-2, General Commercial.



Planning Commission Staff Report
Lot Split: ACADEMY ADDITION

TO: Bentonville Planning Commission Members
THRU: Troy Galloway, AICP Community Development Director
FROM: Beau Thompson, Planner
PC DATE: January 19, 2010

GENERAL INFORMATION:

Project Number: 09-05000009
Applicant: Word of Life Fellowship
Representative: Chris Johnson W/ CEI Engineering
Requested Action: Lot Split Approval
Location: Corner of Southwest 'T' Street and Southwest 14th Street
Existing Zoning: C-2, General Commercial
Land Use Plan: Commercial

BACKGROUND:

The applicant has submitted a lot split application for Lot 1 of Academy Addition. The 8.5 acre lot is currently the site of the Word of Life Fellowship. The current lot is being divided into 3 lots to be known as Lot 3 (5.92 acres), Lot 4 (1.31 acres) and Lot 5 (1.05 acres). Lot 3 will continue to house the Word of Life Fellowship while Lot 4 is proposed site of Kum and Go Store 407. Lot 5 is being retained for future sale. All required Right-of-way and easements are being dedicated with this plat.

SURROUNDING LAND USES AND ZONING:

Direction	Zoning	Land Use
North	C-2, General Commercial	Commercial
South	A-1, Agricultural	Agricultural
East	R-1, Single Family Residential	Commercial
West	C-2, General Commercial	Commercial

STREETS

Direction	Name	Classification
North		
South	Southwest 14 th street	Arterial
East		
West	Southwest 'T' Street	Arterial

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 commercial property at the intersection of two arterial streets.

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

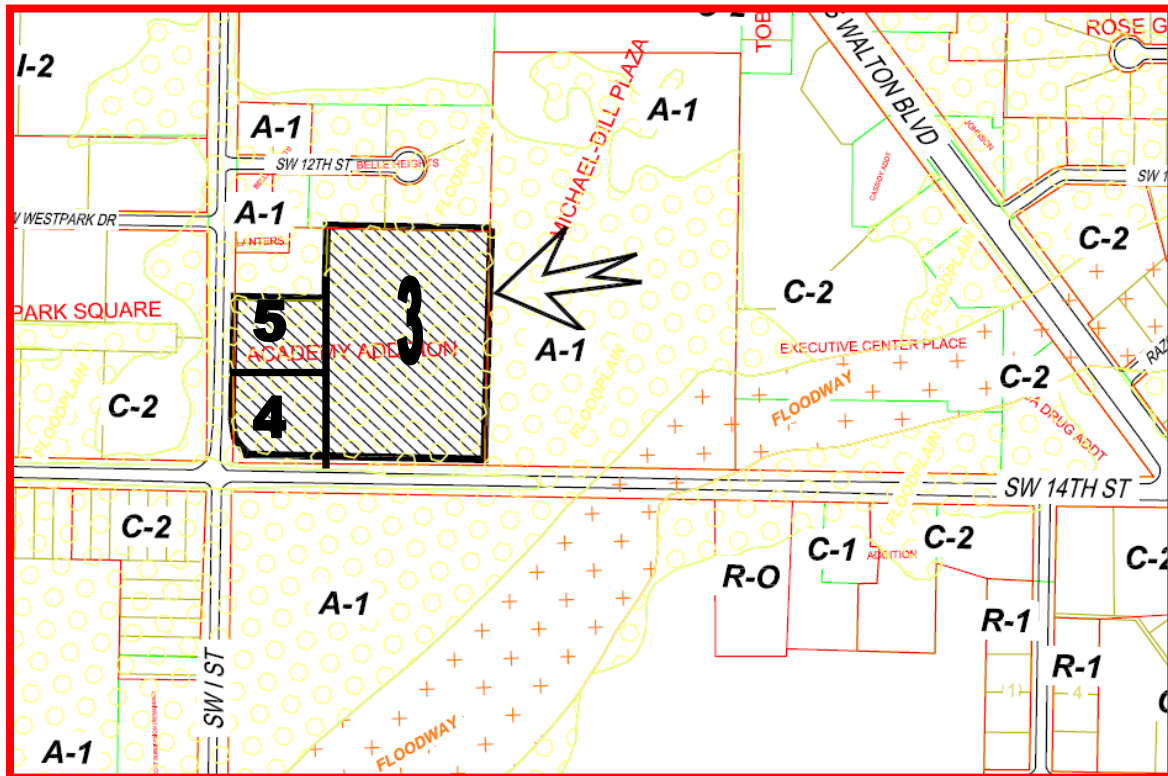
Water / Sewer: Per the G.I.S. site, water and sewer are available on site.

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: KUM & GO STORE# 407

TO: Bentonville Planning Commission Members
THRU: Troy Galloway, AICP Community Development Director
FROM: Beau Thompson, Planner
PC DATE: January 19, 2010

GENERAL INFORMATION:

Project Number: 09-06000019
Applicant: Kum and Go, LLC.
Representative: Chris Johnson w/ CEI Engineering
Requested Action: Large Scale Development Approval
Location: 900 Southwest 14th Street
Existing Zoning: C-2, General Commercial
Land Use Plan: Commercial

BACKGROUND:

The applicant has submitted a Large Scale Development application for a 3,392 square foot convenience store with 8 fueling stations. The proposed Kum and Go Store 407 will be located at the northeast corner of Southwest T Street and Southwest 14th Street. Ingress and egress will be achieved through a shared curb cut on the northern property line along with a curb cut in the southeast corner onto Southwest 14th Street. The developer plans to construct the station of brick with red accents.

PROJECT STATISTICS ARE AS FOLLOWS:

Site / Building Requirements	Required / Allowed	Proposed
Setbacks		
Front: Parking in front	50'	66'
Front: Without parking in front	20'	-
Side: Adjacent to non-residential district	7'	20'
Side: Adjacent to residential district	30'	-
Rear: Adjacent to non-residential district	20'	66'
Rear: Adjacent to residential district	30'	-
Height	60'	18'
Landscape Coverage	8%	20%
Parking		
Standard Stalls	17	18
Handicap Stalls	1	1
Total:		

SURROUNDING LAND USES AND ZONING:

Direction	Zoning	Land Use
North	C-2, General Commercial	Commercial
South	A-1, Agricultural	Agricultural
East	R-1, Single Family Residential	Commercial
West	C-2, General Commercial	Commercial

STREETS

Direction	Name	Classification
North		
South	Southwest 14 th street	Arterial
East		
West	Southwest 'P' Street	Arterial

TRAFFIC FINDINGS

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

Southwest 'P' Street with total motor vehicle counts for the northbound acceleration lane: 5204

Southwest 'P' Street with total motor vehicle counts for the southbound acceleration lane: 1979

Southwest 14th Street with total motor vehicle counts for the eastbound acceleration lane: 9512

Southwest 14th Street with total motor vehicle counts for the westbound acceleration lane: 10894

(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.
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 commercial property at the intersection of two arterial streets.

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 both located on site.

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.