



**Planning Commission
Agenda
May 4, 2010**

I. Call to Order

II. Approval of Minutes

III. New Business

- | | |
|---|--------------------------------|
| 1. Premier Dermatology
Lot 11 Fountain Plaza | Large Scale Development |
| 2. Nunnally Chevrolet
Lot 5 Moberly Corner Addition | Large Scale Development |
| 3. Digital Billboards | Ordinance* |

IV. Planner's Report

V. Adjournment

Planning Commission
Minutes
April 6, 2010

Meeting called to order at 5:00 p.m. by Richard Binns, Chairman.

Present: James Stanley, Miguel Rivera, Joe Thompson, Matt Hewitt, Richard Binns.

Absent: Lisa Bohn and Patrick Carroll.

Others: Troy Galloway, Troy Davis, Brian Bahr, Beau Thompson and Travis Matlock, City Staff.

Motion by Thompson, seconded by Hewitt to approve the minutes of March 16, 2010
Approved as written.

Consent Agenda

Item #1

Lot 20 Block 3 Railroad Addition Lot Split
301 South Main Street
Approved 6-0

New Business:

Item #1

Phillip Lee Trust: (10-02000002) Temporary Concrete Plant, Conditional Use, Southwest Melissa Drive, Zoned I-2 Heavy Industrial.

The applicant has submitted a Conditional Use request for a Temporary Concrete Plant along Southwest Melissa Drive. The concrete plant is needed to provide adequate concrete for the Southwest 14th Street widening project. The hours of operation shall be from 8:00 am to 6:00pm seven days a week and shall expire once the widening project is completed. The temporary plant will employ two full time workers. The conditions listed below shall apply due to the fact that Melissa Drive is currently sub standard for the type of traffic the concrete plant could potential produce.

CONDITIONS OF APPROVAL:

1. All technical review comments must be addressed before building permits are issued.
2. A Letter of Credit must be provided to the Engineering Department for 150% of the cost of replacement for Melissa Drive from Southwest 'P' Street to Southwest 8th Street. The letter of Credit shall be for a period of two years.
3. The contractor shall schedule a pre-construction meeting with the Engineering Department.
4. No traffic generated from the concrete plant shall use Southwest 8th Street for ingress or egress to or from the site.

No public comment

Troy recommended tabling

Motion by Thompson, seconded by Rivera denied 6-0

Planners Report

Troy's Report-

- ✚ Rebuilding Together of NW Arkansas is scheduled for April 17th
Look for e-mail on registration
- ✚ All American City Finalist-City of Bentonville has been named for the National Civic League's 2010 All-American City Awards. Cities were selected for addressing such issues as diversifying the labor force and funding services during the recession.
- ✚ APA's Fall Conference 2010 located in Bentonville

Brian's Report-

- ✚ Southeast Downtown Neighborhood Meeting, will be held on April 8,2010 @ 6:00 pm in the Training Room, Fire Station #1, 215 SW A Street.
- ✚ Developers Conference-April 15, 2010 at the Clarion Hotel, Registration is \$25.00

Joe's Report-

- ✚ Nice job on Gilmore Park

Motion by Thompson, seconded by Binns to adjourn

Meeting adjourned

Diane Shastid

Planning Commission Staff Report

Large Scale Development: Premier Dermatology

TO: Bentonville Planning Commission Members
THRU: Troy Galloway, AICP Community Development Director
FROM: Beau Thompson, City Planner
PC DATE: May 4, 2010

GENERAL INFORMATION:

Project Number: 10-06000004
Applicant: Lynne Murphy w/ Premier Dermatology
Representative: Erin Rushing W/ CEI Engineering
Requested Action: Large Scale Development
Location: Lot 11 Fountain Plaza
Existing Zoning: C-2, General Commercial
Land Use Plan: Commercial

BACKGROUND:

The applicant has submitted a Large Scale Development for a 29,157 square foot clinic to be located on lot 11 Fountain Plaza. The clinic will be known as Premier Dermatology. The applicant plans to access the site through two shared curb cut along the south property line onto Southeast Plaza Avenue. Stormwater is being addressed through the use of a shared detention pond for Fountain Plaza Subdivision. The architectural elevations depict a brick façade with a Natural Stone wainscot.

PROJECT STATISTICS ARE AS FOLLOWS:

Site / Building Requirements	Required / Allowed	Proposed
Setbacks		
Front: Parking in front	50'	78'
Front: Without parking in front	20'	-
Side: Adjacent to non-residential district	7'	95'
Side: Adjacent to residential district	30'	-
Rear: Adjacent to non-residential district	20'	35'
Rear: Adjacent to residential district	30'	-
Height	60'	40'
Landscape Coverage	21%	10%
Parking		
Standard Stalls	97	148
Handicap Stalls	4	6
Total:		

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 Plaza Avenue	Local Street
East		
West		

TRAFFIC FINDINGS

(a) Traffic data for the nearest intersections are as follows: No Data exist

:

(b) Traffic summary software predicts the additional traffic for this project is:

1. Total weekday average traffic predicted for this property is # motor vehicle trips.
2. Total weekend average traffic predicted for this property is # motor vehicle trips.

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

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.

Waiver(s):

North and West Perimeter Landscaping- The applicant has requested a waiver to the perimeter landscape requirements along the north and west property lines. Due to the similar uses a shared parking drive was installed along both property lines to better serve the existing and proposed developments. (See Below)

Analysis / Conclusion: This large scale development does not meet the minimum requirements of the subdivision regulations due to the waiver request

RECOMMENDATION:

Staff has reviewed this application and recommends APPROVAL contingent upon the waiver request being granted.



ENGINEERS ■ SURVEYORS ■ PLANNERS
LANDSCAPE ARCHITECTS ■ ENVIRONMENTAL SCIENTISTS

3108 S.W. Regency Parkway, Suite 2
Bentonville, AR 72712
479.273.9472 Fax 479.273.0844

April 29, 2010

DISTRIBUTION:
RER/File

City of Bentonville Planning Commission
117 W. Central
Bentonville, AR 72712
(479) 271-3126

Re: Premier Dermatology – Perimeter Landscaping Waiver Request
901 SE Plaza Ave
Bentonville, Arkansas
CEI Project No. 26372.0

To Bentonville Planning Commission:

This is a formal request for a waiver of the Bentonville Code Article 1400, SEC.1400.9.B Landscaped Perimeter on rear and side lot lines of a development. The said code requires a five (5) foot landscaped strip along the side and rear lot lines of a development. Due to the city's encouragement of cross access vehicular movements between buildings and along property lines, we are not able to meet the requirement of a landscaped strip on the North and West sides of this development.

We appreciate your consideration in this matter, and if you have questions or concerns, please do not hesitate to call.

Respectfully submitted,

Jacob P. Shy
Designer
CEI Engineering Associates, Inc.

Providing Consolidated Land Development Services

CALIFORNIA ■ ARIZONA ■ TEXAS ■ ARKANSAS ■ MINNESOTA ■ GEORGIA ■ PENNSYLVANIA

Planning Commission Staff Report
Large Scale Development: NUNNALLY CHEROLET DEALERSHIP

TO: Bentonville Planning Commission Members
THRU: Troy Galloway, AICP Community Development Director
FROM: Beau Thompson, City Planner
PC DATE: June 4, 2010

GENERAL INFORMATION:

Project Number: 10-06000005

Applicant: George Nunnally

Representative: Ferdie Fourie

Requested Action: Large Scale Development Approval

Location: Southeast Moberly Lane and Southeast 28th Street

Existing Zoning: C-2, General Commercial

Land Use Plan: Commercial

BACKGROUND:

The applicant has submitted a Large Scale Development for a 31,000 square foot auto dealership to be known as Nunnally Chevrolet. The dealership will be located on lot 5 Moberly Corner Addition and will consist of 6 acres of car sales and service for new and pre-owned cars. The applicant is proposing detention that will include the use of a proposed onsite pond and a shared pond with the property owner to the southeast. Approximately 294 parking stalls will be provided for new and pre-owned care sales. Access to the site will be achieved from the use of two shared curb cuts to the south onto Southeast 28th Street along with 2 additional curb cut to the east onto Southeast Moberly Lane.

PROJECT STATISTICS ARE AS FOLLOWS:

Site / Building Requirements	Required / Allowed	Proposed
Setbacks		
Front: Parking in front	50'	210'
Front: Without parking in front	20'	-
Side: Adjacent to non-residential district	7'	56'
Side: Adjacent to residential district	30'	-
Rear: Adjacent to non-residential district	20'	119'
Rear: Adjacent to residential district	30'	-
Height	60'	28'
Landscape Coverage	10%	13%
Parking		
Standard Stalls		128 Customer and Employee
Handicap Stalls		4
Total:		

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 th Street	Arterial
East	Southeast 28 th Street	Arterial
West		

TRAFFIC FINDINGS

(a) 2008 Traffic data for the nearest intersections are as follows:

Moberly Lane with total motor vehicle counts for the northbound acceleration lane: 5501 Trips

Moberly Lane with total motor vehicle counts for the southbound acceleration lane: 3000 Trips

Southeast 28th Street with total motor vehicle counts for the eastbound acceleration lane: 6868 Trips

Southeast 28th Street with total motor vehicle counts for the westbound acceleration lane: 4720 Trips

(b) Traffic summary software predicts the additional traffic for this project is:

3. Total weekday average traffic predicted for this property is 1034 motor vehicle trips.
4. Total weekend average traffic predicted for this property is 652 motor vehicle trips.

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 land 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 available to this site.

- a. Water is available on the east side of the property in a 12 inch iron pipe.
- b. Sewer is available in a man hole along the south side of the property.

Waiver(s):

Interior Parking Lot Landscaping Section 1400.8.C.3.b

No more than 15 parking spaces may be permitted in a row without interruption. The applicant is requesting the waiver due to the fact that the parking lot will be used for inventory display and storage.

Building Design, Wall Articulation Section 1100.13.E.5

All commercial building will facades greater than 200 ft shall incorporate projection or recesses at least 2 feet deep. The applicant is requesting the waiver due to the amount of articulations on the three other facades.

Building Design, Roofs Section 1100.13.E.7

Roof lines shall be varied with a change in height every 100 linear feet in the building length. Due to single pitch roof design sloping to the rear it is difficult to add a parapet wall with out increasing the chance of leaks.

Site Planning, Parking Placement Section 1100.13.G.2

No more than 60% if the off street parking shall be located in the front yard of the principal building. Per than applicant parking in the front is necessary for the display and sale of the car inventory.

Analysis / Conclusion: This large scale development DOES NOT meet the minimum requirements of the subdivision regulations due to the waiver request.

RECOMMENDATION:

Staff has reviewed this application and recommends APPROVAL.

CDE CIVIL DESIGN ENGINEERS, INC.

4285 N. Shiloh Drive Suite 110, Fayetteville, AR 72703 Phone: (479) 856-6111 Fax: (479)856-6112

April 26, 2010
City of Bentonville Planning Commission
Community Development Building
305 S.W. "A" Street
Bentonville, AR 72712
Phone (479) 271-3126
Fax (479) 271-5906

**Re: Waiver Request
Nunnally Chevrolet Dealership
Bentonville, AR
Large Scale Development #10-06000005
CDE Project No. 1032**

Dear Planning Commission,

With regards to the proposed Nunnally Chevrolet Dealership on the corner of Moberly Lane and S.E. 28th Street, this is a formal request for waiver of the following specific requirements:

1. Interior parking lot landscaping:

Section 1400.8 C (b) : "No more than 15 parking spaces shall be permitted in a row without interruption by a parking island."

The parking lot will be used for car inventory exhibition, and the capacity for new, used cars and cars that have been traded, need to be as high as possible.

As shown on the plans, row ends will consist of landscape islands with some oversized islands to be constructed as bio-islands.

2. Interior parking lot landscaping:

Section 1400.8 (C): "...Percent of total area of parking lot dedicated to interior planting shall be as follows"

The site plan shows a display of new and used cars for sale. The design intent is to maximize the inventory capacity.

#2 Not Required

Interior landscaping will still be provided at 8.1% with some oversize islands.

3. Wall Articulation:

Section 1100.13 G (5): "All commercial building with facades greater than 200-feet in length shall incorporate wall projections or recess that are at least 2-feet deep. Projections/recess must be at least 25% of the length of the façade. No uninterrupted length of a facade may exceed 100-feet in length"

The north, south and east elevations are well articulated with windows, canopies, porticos, accent materials, recesses and projection.

CDE CIVIL DESIGN ENGINEERS, INC.

4285 N. Shiloh Drive Suite 110, Fayetteville, AR 72703 Phone: (479) 856-6111 Fax: (479)856-6112

The rear building wall along the service center shall be a straight wall of 250-feet in length, but interrupted at two locations with five large garage door openings.

This west side of the building does not face a residential neighbor but is adjacent to other buildings with similar usage.

4. Roofs:

Section 1100.13 G (7): "Roof lines and/or parapets shall be varied with a change in height every 100 linear feet in the building length. Parapets, gable roofs, high roofs, or corners shall be used to conceal flat roofs and rooftop equipment from public view. Alternative lengths and designs may be acceptable and may be approved by the Planning Commission"

The roof parapet wall will be high enough to screen all mechanical equipment. The Chevrolet architectural elements and canopy will create interruption along the building façade.

5. Parking Placement:

Section 1100.13 F (2): "No more than 60% of the off-street parking area for the entire property shall be located between the front façade within the front yard of the principle building and the primary abutting street...."

The parking area between the front façade and abutting street will not be used for off-street parking but for the public display of new and used cars for sale. The design intent is to maximize the inventory capacity between the front façade and primary abutting street.

78% Front 22% Rear

Please let me know if you have any questions.

Sincerely,



Ferdinand Fourie, P.E.
Project Engineer
E/FF

Planning Commission Staff Report
Ordinance: **Digital Billboards**

TO: Bentonville Planning Commission Members
THRU: Troy Galloway, AICP Community Development Director
FROM: Shelli Rushing, AICP, Planning Services Manager
PC DATE: May 4, 2010

Staff is requesting that Planning Commission recommend for approval an ordinance adopting regulations that allow for digital billboards that replace existing static billboards at a ratio of 3:1. The ordinance establishes location, placement, size, height, and display standards

Background:

Issues: Change in technology and opportunity to reduce the amount of existing billboards.

Purpose: To establish regulations that allow for appropriate digital billboards while eliminating undesired existing static billboards.

Proposal: The proposed ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE 801 SIGNS OF CHAPTER 14 ZONING CODE ESTABLISHING REGULATIONS FOR DIGITAL BILLBOARD SIGNS

WHEREAS, the regulation of signs is necessary to protect the public health, safety and welfare;
and

WHEREAS, electronic digital changeable message technology is a new and significant component of outdoor advertising; and

WHEREAS, an outdoor advertising company, Clear Channel Outdoor, has approach the City regarding defining and regulating new digital technology for signs; and

WHEREAS, the City supports the reduction in the number of off-premise signs, many of which are nonconforming structures and/or uses under the City Code; and

WHEREAS, digital signs provide an efficient and economic manner of advertising because the technology allows multiple advertisers on one sign thereby reducing the need for large numbers of off-premise signs; and

WHEREAS, the removal of certain existing billboards and providing for regulation of new materials an technology in the sign industry promotes economic growth, sustainable business practices, promotes tourist oriented business and thereby benefits the public health, safety and welfare; and

WHEREAS, the City of Bentonville General Plan Policy Number CD-17 states “The City shall regularly review its sign ordinances to remain current with changing sign technology and address sign trends”; and

WHEREAS, the City desires to reduce the total number of billboards in the City and allow the new digital technology to be presented safely and aesthetically

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

Section 1. That Article 201 Definitions of Chapter 14 Zoning Code be hereby amended by adding the following definition:

Digital Billboard or Smartboard: A type of off-site sign utilizing digital message technology, capable of changing the static message or copy on the sign electronically. A digital billboard may be internally or externally illuminated. Digital Billboards shall contain static messages only and shall not have animation, movement, or the appearance or optical illusion of movement, of any part of the sign structure. Each static message shall not include flashing, scintillating lighting or the varying of light intensity.

Section 2. That Article 201 Definitions of Chapter 14 Zoning Code be hereby amended by amending the definition of electronic changeable copy sign by adding the following text: *Shall not include ‘digital billboards’, which is separately defined.*

Section 3. That Sec. 801.11 Signs Not Permitted, C. Off-site Signs of Chapter 14 Zoning Code be hereby amended with the following exemption:

5. Digital billboards in conformance with Sec.801.9.

Section 4. That Sec. 1100.11 Outdoor Lighting, C. Exemptions of Chapter 15 Subdivision Code be hereby amended with the following:

7. The outdoor illumination of digital billboards in compliance with Sec. 801.9 of the Zoning Code.

Section 5. That Sec. 801.9 Signs Permitted with a Sign Permit of Chapter 14 Zoning Code shall be hereby amended with the following:

A. Height and Area Regulations

Zoning District	Sign types permitted	No. of signs permitted	Max. Height	Maximum Sign Area (per sign face)
N/A	Digital Billboard or Smartboard replacing an existing nonconforming billboard	1/lot, only in location of an existing nonconforming billboard	45 ft., measured from the street grade that the sign is oriented toward.	300 sq. ft. adjacent to arterials, 480 sq. ft. adjacent to Hwy 71/I-540

L. Digital Billboards. Digital billboards may be permitted in C-2, PUD, I-1, and I-2 districts abutting I-540 or arterial roadways in replacement of existing legally nonconforming off-site signs subject to the following requirements:

1. **Replacement Ratio.** One digital billboard face shall be allowed for three existing legally nonconforming billboard sign faces removed of similar face size dimensions (within 33% of proposed sign face.).
2. **Static Messages.** Such displays shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement, during the static display period, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination or the flashing, scintillating or the varying of light intensity during the static display period.
3. **Display and transition time.** Messages on digital billboards shall be displayed for a minimum dwell time of eight (8) seconds and maximum transition time between messages shall not exceed one (1) second.
4. **Maximum brightness.** Digital billboards shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter at a distance of 200' for a 10'6 X 36' board and 150' for a 12 X 24 board. Documentation shall be provided to the City at time of permit issuance certifying the digital billboard has been set to be incapable of exceeding .3 foot candles above ambient light.
5. **Light sensing device.** Each display must have a light sensing device that will adjust the brightness as ambient light conditions change.
6. **Setback.** Digital billboards shall be placed behind the front, side and rear setback of the district.
7. **Anchoring.** Digital billboards shall be independent of support from any building and shall be structural erected as a pole/pylon sign, unless proposed anchoring is approved by Planning Commission.
8. **Landscaping.** All digital billboards shall be landscaped in accordance with Sec. 801.9.D.3 Freestanding Signs – Nonresidential District, Sign Landscaping and meet the following requirement: Trees and shrubs shall be selected such that the mature height of the selected

species is tall enough to reach the base of the sign face. For monument style boards, low lying shrubs may be used in place of tree requirements at a ratio of 1:1.

- 9. **Distance from residential.** Digital billboards shall be prohibited within 250 feet of a residentially zoned property.
- 10. **Distance from intersection.** Digital billboards shall be prohibited within 250 feet of an intersection with a traffic light.
- 11. **Distance from other off-site signs.** Digital billboards shall be located such that it meets the following minimum spacing requirements from other digital billboards and off-site signs.

	Same Side of Street		Opposite Side of Street	
	Existing Digital Billboard	Existing Off-site Sign	Existing Digital Billboard	Other Off-site Sign
New Digital Billboard	2,500	1,000	1,000	500

- 12. **Malfunction default:** Each digital billboard shall have a default mechanism built in to either turn the display off or show “full black” on the display in the event of a malfunction.
- 13. **Display technology.** The technology currently being deployed for digital billboards is LED (light emitting diode), but there may be alternate, preferred and superior technology available in the future. Any other technology that operates under the maximum brightness stated in #c above shall not require an ordinance change for approval.
- 14. **Display of emergency information.** Owners of digital billboards are encouraged to coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or emergency management information.
- 15. **Tree cutting.** Vegetation cutting in the public rights-of-way for the purpose of clearing views for signs shall be prohibited unless approved by the Community Development Director. Cutting of any trees required by the Landscape Regulations that are located in the setback on any property for the purpose of clearing views for signs is also prohibited. Routine tree trimming and maintenance is permitted.
- 16. **Maintenance.** The maintenance, repair, cleaning and replacements of parts of the digital component shall be expressly allowed regardless of the conformity of the structure or site. This also applies should the sign and/or digital components become damaged.

Section 6. 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