



**Planning Commission
Agenda
May 18, 2010**

I. Call to Order

II. Approval of Minutes

III. Old Business

1. Digital Billboards

Ordinance*

IV. New Business

**1. Barker Middle School Temporary Classroom
500 Southeast 18th Street**

Conditional Use*

**2. Lot 183 Original Town of Bentonville
West Central Avenue and Southwest 'A' Street**

Property Line Adjustment

V. Planner's Report

VI. Adjournment

Bentonville Planning
Minutes
May 4, 2010

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

Present: Matt Hewitt, Richard Binns, Joe Thompson, Lisa Bohn, Patrick Carroll,
James Stanley and Miguel Rivera.

Others: Beau Thompson, Troy Davis, Ben Peters, Troy Galloway, Brian Bahr and
Shelli Rushing.

Motion by Carroll, seconded by Rivera to approve the minutes of April 6, 2010.
Approved as written.

New Business:

Item #1

Lynne Murphy: (10-06000004)Premier Dermatology, *Large Scale Development*, Lot 11 Fountain Plaza, Zoned C-2,
General Commercial.

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.

Applicant has requested a waiver of the north and west perimeter landscaping 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.

Motion by Carroll, seconded by Stanley to approve the waiver request for landscaping requirements.

Approved 7-0

Motion by Carroll seconded by Rivera to approve the large scale development with the
The standard conditions of approval and waiver request.

Approved 7-0

Item #2

George Nunnally: Nunnally Chevrolet Dealership, *Large Scale Development*, Southeast Moberly Lane and
Southeast 28th Street, zoned C-2, General Commercial.

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.

The applicant has requested four waiver request:

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.

Motion by Carroll, seconded by Rivera to approve the waiver request.

Approved 7-0

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.

Motion by Stanley, seconded by Carroll to approve the waiver request
Approved 7-0

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.

Motion by Carroll, seconded by Rivera to approve the waiver request.
Approved 7-0

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.

Motion by Binns, seconded by Carroll to approve the parking placement requirements from 72% front, 28% side/rear.
Approved 7-0

Motion by Rivera, seconded by Carroll to approve the large scale development with waiver request.
Approved 7-0

Item #3

Shelli Rushing: Digital Billboards, Ordinance

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 ration 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

Shelli has requested that this item be tabled in order to work out more details.

No public comments

Motion by Carroll, seconded by Rivera to table.

Tabled 7-0

Planners Report:

Troy Galloway wanted to recognize Shelli for her tremendous job she did on the application to All American City.

Also there was a request for information on current street projects

Meeting adjourned

Diane Shastid

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 ration 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

Planning Commission Staff Report
Conditional Use: Ruth Barker Temporary Classrooms
Project Number: 10-0200003

TO: Bentonville Planning Commission Members
THRU: Troy Galloway, AICP Community Development Director
FROM: Beau Thompson, Planner
PC DATE: May 18, 2010

GENERAL INFORMATION:

Applicant: Bentonville School District

Representative: Scott Passmore

Requested Action: Conditional Use Permit Approval

Location: 500 SE 18th Street

Existing Zoning: A-1, Agricultural

Land Use Plan: Public

Proposed Use: Temporary Classrooms

BACKGROUND:

The Bentonville School district has identified a need for additional space at Ruth Hale Barker middle school. Temporary space will have to be used to accommodate students due to the continued growth in the school district which has outpaced the ability to build or expand the existing facilities. Hours of operation will be from 7:30a.m.-4:00 p.m. during the normal school calendar year. Two teachers and 50 students are expected to be divided between two classrooms in the temporary structure. This conditional use permit request is for one additional temporary classroom bringing the total needed on site to 3 classrooms.

This conditional use permit shall also serve as an extension for three existing locations where temporary classrooms were previously approved on June 19, 2009. The three locations include:

- 1.) Bentonville High School 1901 Southeast 'J' Street, 3 Existing Temporary Classrooms
- 2.) Spring Hill Middle School 3400 Highway 72 West 2 Existing Temporary Classrooms
- 3.) Ruth Barker Middle School 500 Southeast 18th Street 2 Existing Temp. Classrooms

SURROUNDING LAND USES AND ZONING:

Direction	Zoning	Land Use
North	A-1, Agricultural	Bentonville Public School Facilities
South	C-2, General Commercial	Undeveloped land
East	R-3, Medium Density Residential	Residential
West	A-1, Agricultural & R-1, Single Family Residential	Residential

STREETS

Direction	Name	Classification
North	SE 18 th Street	Local
South		
East		
West	SE C Street	Collector

TRAFFIC FINDINGS

- (a) Traffic data for the nearest intersections are as follows: SE C Street and SE 22 Street with a total traffic count of 1,216 trips per 24 hours taken on March 7, 2007.
- (b) Traffic summary software predicts the additional traffic for this project is: Average weekday two way traffic: Driveway volume Of 81.

Site Inspection: A site inspection was completed; this property is the Ruth Hale Barker Middle school for the Bentonville school district.

Public Notice: On April 29, 2010 a notice was published in the *Arkansas Democrat-Gazette, Northwest Arkansas Addition* and a public hearing notice sign was posted on the property on April 29, 2010. This meets legal noticing requirements and is adequate for the scope of this project.

STANDARD CONDITIONS OF APPROVAL:

1. All technical review comments must be addressed before building permits are issued.
2. The conditional use permit must be resubmitted for review two years after the approval date.

ISSUES / ANALYSIS:

SEC. 301.6. Planning Commission

E. Standards for Approval. In carrying out the purpose of this section, the Commission's consideration shall include, but not be limited to, the following development standards and design specifics. The appropriateness of these standards shall be determined at the discretion of the Planning Commission for each specific conditional use location.

1. The proposed use shall be so designated, located and operated so that the public health, safety and welfare will be protected.
2. The proposed land use shall be compatible with other area properties located near it.
3. The proposed use shall be in compliance with the provision of "Conditional Uses" as set out in this Ordinance.
4. The proposed use shall be in conformance with all applicable provisions stated in this Ordinance for the district in which the use is to be located. The use shall facilitate public convenience at that location.

5. The proposed conditional use shall be in conformance with all off-street parking and loading requirements of this Ordinance and ingress and egress and pedestrian ways shall be adequate.
6. Safeguards limiting noxious or offensive emissions, including lighting, noise, glare, dust and odor shall have been addressed in the proposed use application.
7. Landscaping and screening of the proposed use shall be in accordance with these Ordinance regulations and the City of Bentonville landscaping regulations.
8. Proposed use signage shall be in accordance with the provisions of this Ordinance.
9. Open space located on the proposed use shall be maintained by the owner/developer.
10. The size and shape of the site, including size, shape and arrangement of proposed structures shall be in keeping with the intent of this Ordinance.
11. The Planning Commission shall in no case authorize less than minimum requirements of the Ordinance relating to height, area, setbacks, parking or landscaping.
12. The Planning Commission shall not permit any use in a zone as a conditional use that is not permitted under the Zoning Ordinance.

The conditional use is allowed on appeal in the A-1, Agricultural district.

Allowed under the Protective Covenants of the subdivision. **N.A.**

To date staff has not been contacted regarding this request.

RECOMMENDATION:

The City of Bentonville, planning commission has previously granted conditional use permits for temporary classroom space to the Bentonville School district. The temporary classrooms shall meet local codes and ordinances. Said buildings shall be removed within fifteen (15) days after construction of any permanent structure intended for expansion purposes is complete. The temporary classrooms shall not be allowed more than eighteen (18) months, unless expressly authorized by the Planning Commission. Planning commission has recommended a 2 year conditional use permit for this site while the school district works out its funding and expansion requirements.

Staff has reviewed this application and recommends approval.



Planning Commission Staff Report
Property Line Adjustment: Lot 183 Original Town of Bentonville

TO: Bentonville Planning Commission Members
THRU: Troy Galloway, AICP Community Development Director
FROM: Beau Thompson, Planner
PC DATE: May 18, 2010

GENERAL INFORMATION:

Project Number: 10-07000002
Applicant: Community Publishers, Inc.
Representative: Bob Norwood
Requested Action: Property Line Adjustment Approval
Location: West Central Avenue and Southeast 'A' Street
Existing Zoning: Downtown Core
Land Use Plan: Mixed Use

BACKGROUND:

The applicant has submitted a Property line Adjustment for part of Lot 135 to be known as Lot 183 Original Town of Bentonville. Lot 183 will consist of .335 acres. All required easements are being dedicated with this plat.

SURROUNDING LAND USES AND ZONING:

Direction	Zoning	Land Use
North	Downtown Core	Mixed Use
South	Downtown Core	Mixed Use
East	Downtown Core	Mixed Use
West	R-1, Single Family Residential	Low Density Residential

STREETS

Direction	Name	Classification
North	West Central Avenue	Urban Collector
South		
East	Southeast 'A' Street	Urban Collector
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 is the location of the parking lot for old Daily Record print shop.

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 in use on site.

Waiver(s):

The applicant has requested the commission waive the requirements of the Master Street Plan due to the proximity of adjacent building to the right of way line.

Analysis / Conclusion: This property line adjustment does not meet the minimum requirements of the subdivision regulations due to the right of way requirement waiver.

RECOMMENDATION:

Staff has reviewed this application and recommends Approval.

