



**Planning Commission
Agenda
June 15, 2010**

I. Call to Order

II. Approval of Minutes

III. Consent Agenda

- | | |
|---|--------------------------------|
| 1. BMW Dealership
2500 Southeast Moberly Lane | Large Scale Development |
| 2. The Park at Waverly Way
1205 Northeast Waverly Way | Large Scale Development |

IV. New Business

- | | |
|--|-------------------------|
| 1. O'Dell's Mobile Auto Detailing
2314 Southwest 17 th Street | Conditional Use* |
| 2. Lot 3 Vintage Estates
Southwest 'I' Street | Lot Split |
| 3. Digital Billboards | Ordinance* |

V. Planner's Report

VI. Adjournment

Planning Commission
Minutes
June 1, 2010

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

Present: Joe Thompson, Matt Hewitt, Patrick Carroll and Lisa Bohn

Absent: Richard Binns, Miguel Rivera and John Stanley

City Staff: Troy Galloway, Ben Peters, Beau Thompson, Brian Bahr and Troy Davis

Motion by Carroll, seconded by Thompson to approve the minutes of May 18, 2010.

Approved 4-0

Consent Agenda

Lot 184 Original Town of Bentonville
219 North Main Street

Property Line Adjustment

Main Street Parking
219 North Main Street

Large Scale Development

Vutara Commercial Building
115 South Main Street

Large Scale Development

Approved 4-0

New Business

Bentonville School District: Spring Hill Temporary Classrooms, Conditional Use, 3400 Highway 72 West, Zoned A-1.

The Bentonville School district has identified a need for additional space at Springhill 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. Currently two temporary classrooms exist on site.

No public comment

Approved 4-0

Planners Report

Next tech review will be reviewing the Outdoor Advertisement/Electronic Billboards Ordinance, should be on the planning commission within the next two weeks.

Motion by Thompson, seconded by Carroll to adjourn

Meeting adjourned

Diane Shastid

Planning Commission Staff Report

Large Scale Development: BMW Dealership

TO: Bentonville Planning Commission Members
THRU: Troy Galloway, AICP Community Development Director
FROM: Beau Thompson, City Planner
PC DATE: June 15, 2010

GENERAL INFORMATION:

Project Number: 10-06000006

Applicant: M. David Slone

Representative: Heather Robason W/ Morrison Shipley Engineering

Requested Action: Large Scale Development Approval

Location: Lot 5 Sam's Club H.O. Subdivision

Existing Zoning: C-2, General Commercial

Land Use Plan: Commercial

BACKGROUND:

The applicant has submitted a Large Scale Development for a BMW Dealership to be located on Lot 5 of Sam's Home Office Subdivision. The 20,708 square foot dealership will include 116 parking stalls. Drainage will be addressed through the use of a off site detention pond designed for entire Sub's Club Subdivision. The architectural depict a white architectural concrete masonry panel with large glass display windows located along the Moberly Lane façade.

PROJECT STATISTICS ARE AS FOLLOWS:

Site / Building Requirements	Required / Allowed	Proposed
Setbacks		
Front: Parking in front	50'	88'
Front: Without parking in front	20'	-
Side: Adjacent to non-residential district	7'	-
Side: Adjacent to residential district	30'	38'
Rear: Adjacent to non-residential district	20'	83'
Rear: Adjacent to residential district	30'	-
Height	24'	40'
Landscape Coverage	10%	10%
Parking		
Standard Stalls	65	116
Handicap Stalls	2	2
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 Simple Saving Drive	Local Street
East	Southeast Moberly Lane	Arterial
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

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):

Analysis / Conclusion: This large scale development 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: The Park at Waverly Way

TO: Bentonville Planning Commission Members
THRU: Troy Galloway, AICP Community Development Director
FROM: Beau Thompson, City Planner
PC DATE: June 15, 2010

GENERAL INFORMATION:

Project Number: 10-01400004
Applicant: City of Bentonville
Representative: Dan Cole
Requested Action: Large Scale Development Approval
Location: 1209 Waverly Way
Existing Zoning: R-1, Single Family Residential
Land Use Plan: Low Density Residential, Public Use

BACKGROUND:

The applicant has submitted a Large Scale Development for a Park and trail located along Northeast Waverly Way. The park will consist of 3.25 acres and house a 450 square foot pavilion. A 10' wide 1,100 linear feet of concrete trail will be constructed connecting Waverly Way to Northeast 'A' Street. The trail will also serve as an access road for the sanitary sewer line that runs along the same path. Handicap parking will be provided at the entrance to the trail off of Waverly Way.

SURROUNDING LAND USES AND ZONING:

Direction	Zoning	Land Use
North	R-1, Single Family Residential	Low Density Residential
South	R-1, Single Family Residential	High Density Residential
East	R-1, Single Family Residential	Public
West	R-1, Single Family Residential	Low Density Residential

STREETS

Direction	Name	Classification
North		
South		
East	Northeast Waverly Way	Local Street
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:
 No additional Traffic is anticipated at this location.

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 a vacant unbuildable lot in a single family subdivision.

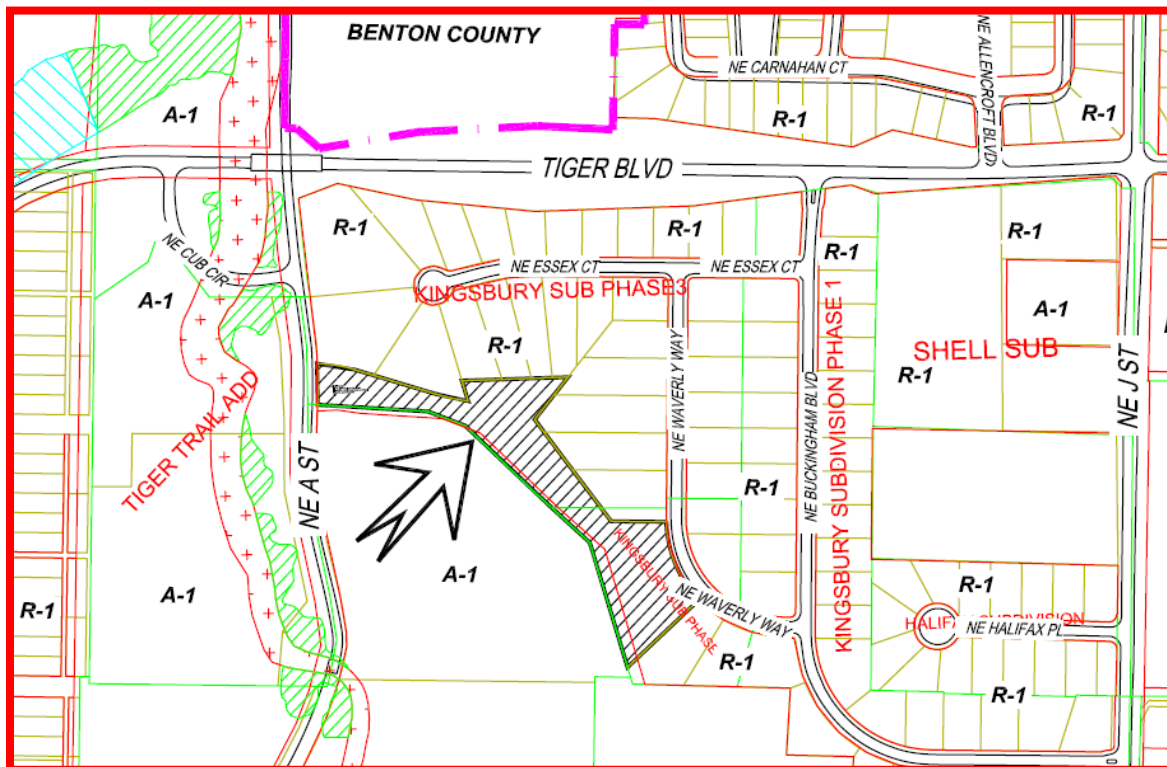
Drainage Report: A drainage report was submitted and tentatively approved by the city engineer.

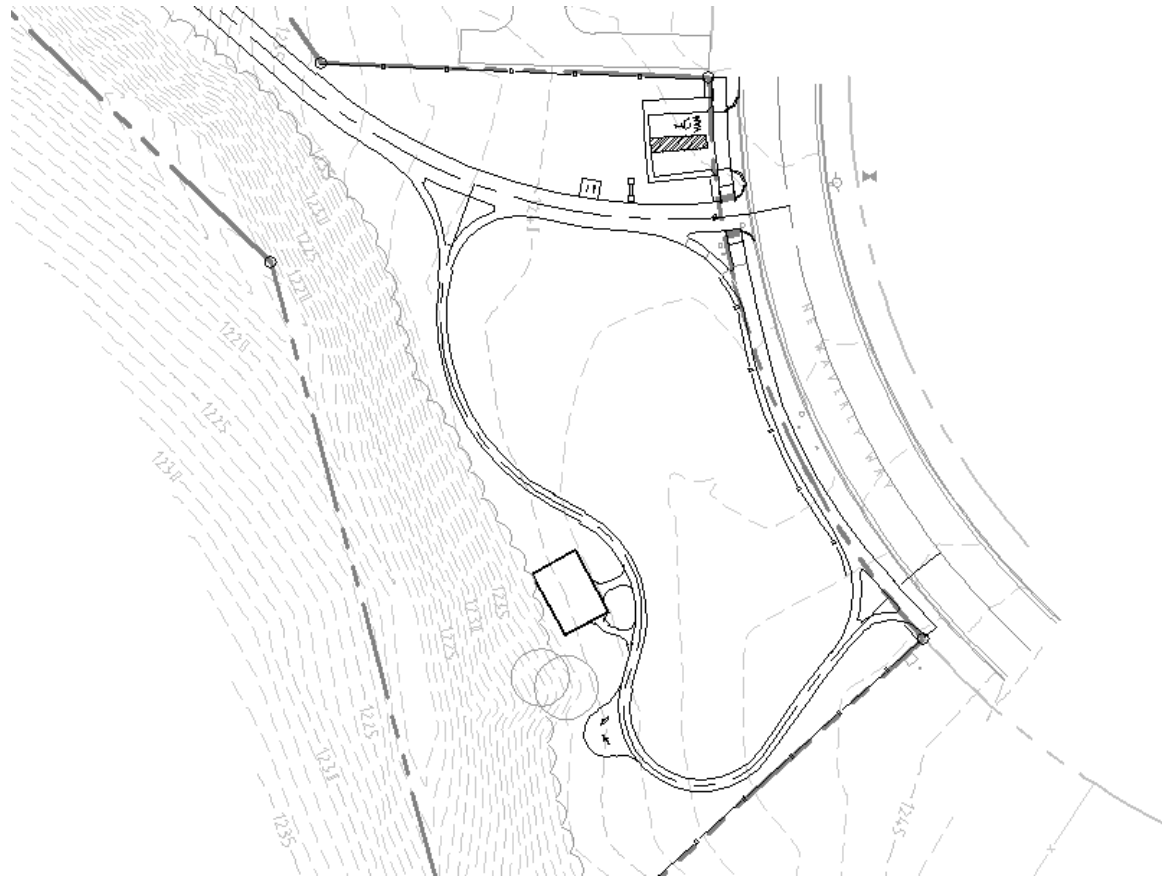
Water / Sewer: Per the G.I.S. site, water and sewer ARE available to this site.

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

RECOMMENDATION:

Staff has reviewed this application and recommends Approval.





Planning Commission Staff Report
Conditional Use: Mr. Detail
Project Number: 10-02000006

TO: Bentonville Planning Commission Members
THRU: Troy Galloway, AICP Community Development Director
FROM: Beau Thompson, Planner
PC DATE: June 15, 2010

GENERAL INFORMATION:

Applicant: Todd O'Dell

Representative: Todd O' Dell

Requested Action: Conditional Use Permit Approval

Location: 2314 Southwest 17th Street

Land Use Plan: Commercial Only

Proposed Use: Mobile Auto Detailing

BACKGROUND:

The applicant has submitted a Conditional Use application for a Mobile Auto Detaining service to be located at various commercial properties within the City of Bentonville. The applicant is proposing hours of operation for 8:00a.m. to 5:00p.m. daily with approximately 2 customers per day. A self contained mobile detailing trailer will contain all supplied required to conduct business on a daily basis. Conditions of Approvals do apply. (See Below)

Public Notice: On May 28, 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 **June 1, 2010**. This meets legal noticing requirements and is adequate for the scope of this project.

CONDITIONS OF APPROVAL:

- 1. Business may not take place in the front setback adjacent to an Arterial Street.**
- 2. MSDS (Material Safety Data Sheets) and a Spill Kit must be on site at all times.**
- 3. Oil Soak Pads or booms must be placed in front of any storm water drains.**
- 4. Environmentally safe soaps and chemicals must be used.**
- 5. This conditional use shall be good for a period of one year and shall be reviewed by the Planning Commission at that time.**

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 all Commercial districts.

Allowed under the Protective Covenants of the subdivision. Not applicable

To date staff has been contacted regarding this request.

RECOMMENDATION:

Staff has reviewed this application and recommends APPROVAL.

Planning Commission Staff Report

Lot Split: Lot 3 Vintage Estates

TO: Bentonville Planning Commission Members
THRU: Mike Bender, PE, Interim Community Development Director
FROM: Beau Thompson, Planner
PC DATE: June 15, 2010

GENERAL INFORMATION:

Project Number: 10-05000003

Applicant: Arbors at Deer Crossing LLC

Representative: Crafton, Tull, Sparks & Assoc.

Requested Action: Lot Split Approval

Location: 2302 Southwest I Street

Proposed Zoning: Planned Residential Development

Land Use Plan: Medium Density Residential

BACKGROUND:

The applicant has submitted an Lot Split application for 23.45 acres located north of Parnell lane on Southwest T Street. The Arbors at Deer Crossing was approved as a Large Scale Development on May 1 .2007, at that time the development was designed a condominium community. Due to changes in financing the owner has requested the Planning Commission to approve a plat which would subdivide 4 existing structures into separate lots which may be sold independent from the development. This plat would create lots 5, 6, 7 8, 9 and 10 of Vintage Estates. Lot 10 is the site of an existing house that will be divided for future sale outside the subdivision. All necessary Right-of-way was dedicated with a lot split of Vintage Estates.

SURROUNDING LAND USES AND ZONING:

Direction	Zoning	Land Use
North	A-1, Agricultural	Medium Density Residential
South	A-1, Agricultural	Medium Density Residential
East	A-1, Agricultural	Public
West	County	Single Family Residential

STREETS

Direction	Name	Classification
North	NA	
South	Parnell Lane	Local
East	SW I St.	Minor Arterial
West	NA	

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: June 15, 2010

Staff is requesting that Planning Commission recommend for approval an ordinance adopting regulations that allow for digital billboards that replace existing legally non-conforming off-site billboards at a ratio of 4:1. The ordinance establishes location, placement, size, height, and display standards.

Background: Bentonville prohibited any new off-site signs in Ordinance No 2001-34. The ordinance required removal within four years of adoption of the ordinance. However, state regulations do not allow a municipality to require the removal of such signs without just compensation. Due to the high cost of compensation, the city has been unable to enforce the removal of these nonconforming signs.

Issues: The change in billboard technology for digital display allows billboard owners to provide more ad space to more customers. Also, because the technology is so costly, the size of digital billboards is significantly smaller than existing billboards and is less invasive to the landscape. This presented an opportunity to the city to allow the off-site digital billboards if replacing existing off-site billboards, removing the undesired off-site signs while allowing the billboard company an opportunity for improved advertising.

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

Proposal: The proposed ordinance establishes a definition for digital billboards, also known as smartboards: *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.*

The regulations establish the guidelines for replacing existing non-conforming billboards with a digital billboard and set a priority of the removal of double-decker billboards first.

Sign Face Size:	300 sq ft - 480 sq ft.
Height:	45'
Setbacks:	Consistent with zoning
Zoning:	A-1, C-1, C-2, I-1 and I-2
Min. Dwell Time:	8 seconds
Max. Transition Time:	1 second
Dist. From Residential:	250'
Dist. From intersection:	150'
Malfunction Default:	Required
Emergency Information:	Encouraged to coordinate with local authorities to display emergency information.

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE 801 SIGNS AND BILLBOARDS OF CHAPTER 14 ZONING CODE TO REGULATE 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. 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 4. That the Bentonville Municipal Code, Title 14 Zoning Code, *Article 801 Signs and Billboards* should be and the same is hereby amended with Attachment “A”, an electronic copy and paper copy of which is on file with the City Clerk, and is hereby adopted by reference as though it were copied herein fully.

Section 5. 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

ATTACHMENT "A"

SEC. 801.12 DIGITAL BILLBOARDS

Digital billboards (smartboards) shall be permitted subject to acquiring a conditional use permit as set forth in Art. 301.4 Conditional Uses and meeting the following regulations.

- A. Replacement Ratio.** Digital billboards shall only be permitted to replace existing legally nonconforming off-site signs at a ratio of one digital billboard face for every four (4) existing legally nonconforming sign faces removed. The existing off-site signs shall be removed prior to installation of the digital billboard that is replacing the off-site signs being removed.
- B. Existing Double-deckers.** Owners wishing to seek a conditional use for a digital billboard shall first remove any double-deckers they own within the city limits, prior to using single boards, to meet the removal ratio.
- C. Location.**
 - a. **Signs per Lot.** Only one (1) digital billboard sign structure shall be permitted per lot. Double sided signs shall be permitted.
 - b. **Zoning.** Digital billboards shall only be permitted in A-1, C-1, C-2, I-1 and I-2 districts.
 - c. **Setback.** Digital billboards shall be placed behind the front, side and rear setback of the district.
 - d. **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.
- D. Dimensions.**
 - a. **Maximum Height.** Digital billboards shall not exceed 45' in height, measured from the street grade that the sign is oriented toward.
 - b. **Maximum Sign Area.** Digital billboards shall not exceed 300 sq. ft. when adjacent to and arterials and shall not exceed 480 sq. ft. when adjacent to Hwy 71/I-540. The size of the replacement digital billboard may not exceed the size of the smallest existing off-site sign removed.
- E. Display.**
 - a. **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.
 - b. **Dwell time 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.
- F. Lighting.**
 - a. **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.

- b. **Light sensing device.** Each display must have a light sensing device that will adjust the brightness as ambient light conditions change.

G. Separation Requirements.

- a. **Distance from residential.** Digital billboards shall be prohibited within 250 feet of a residentially zoned property.
- b. **Distance from intersection.** Digital billboards shall be prohibited within 150 feet of an intersection with a traffic signal, measured from the centerline of the intersection.
- c. **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 ft	1,000 ft	1,000 ft	500 ft

- H. **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.
- I. **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.
- J. **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 F(a) above shall not require an ordinance change for approval.
- K. **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.
- L. **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.
- M. **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.

