

ARTICLE 700

LARGE SCALE DEVELOPMENTS

SEC. 700.1 APPLICABILITY

A development plan shall be submitted to the Bentonville Planning Commission for all developments or building construction regardless of zone and for all additions to existing developments or buildings regardless of zone. Single family and duplex residential construction is specifically exempted from this requirement.

No building permit shall be issued and no temporary or permanent connection to city utilities shall be permitted until the development plan has been approved as set forth in this article. No permanent connection to city utilities shall be permitted until the City Building Inspector has certified compliance with the approved development plan.

SEC. 700.2 PRE-APPLICATION CONFERENCE

- A. Purpose.** The purpose and intent of the pre-application conference is to afford the applicant an opportunity to obtain the advice of the planning staff in order to avoid unnecessary costs and delays to the applicant and to give informal guidance to the development at a stage where potential points of conflict or differences can be readily resolved.
- B. Optional.** When the owner of a tract of land proposes its subdivision, the applicant is urged to discuss informally the intent of his subdivision with the planning staff.
- C. Fees.** No fees shall be collected for pre-application conference, its purpose being to acquaint the applicant with plans and policies in effect that may be significant to his proposed subdivision.
- D. Sketch Plans.** The applicant may submit sketch plans and data showing existing conditions within the site and its vicinity and the proposed layout and development of the proposed subdivision.
- E. Discussion.** At the pre-application conference, the general character of the development will be discussed and items including zoning, utility service, street requirements, flooding and

drainage, and other pertinent factors related to the proposed development will be reviewed. Discussions at the pre-application conference shall not imply any approval of subsequent development plan approval.

SEC. 700.3 APPLICATION FOR LARGE SCALE DEVELOPMENT APPROVAL

Development plans are to be submitted to the Planning Department at least 22 days prior to the meeting at which it is to be considered and shall be reviewed upon their individual merits upon specific application of the developer. The Community Development Director shall be permitted to waive certain requirements as set forth herein, depending on the size and complexity of the building or development and upon the impact which the building or development may have on the General Plan.

- A. Application.** Complete the application provided by the Planning Department.
- B. Fee.** Pay the fee as indicated on the application.
- C. Plans.** The number of copies of development plans and landscaping plans as identified on the application and including the information required in Article 900, Plat and Plan Requirements.
- D. Deed.** Copy of land deed showing ownership of property.
- E. Submittal to other Departments.** The developer shall submit to the Community Development Director or his designee(s) for the Water, Sewer and Electrical Departments, agencies, as required by the Community Development Director or the Planning Commission, sufficient copies of the development plan drawn to scale. The plan shall be submitted containing a Development Plan, Landscape or Planting Plan, Utility Plan, Detail Sheet and Erosion Control Plans.

SEC. 700.4 REVIEW AND APPROVAL

A. Administrative Approval.

1. **Applicability.** The Community Development Director may administratively approve:
 - (a) *Residential.* Any residential development not exceeding four (4) family units; or,
 - (b) *Nonresidential.* Any nonresidential alteration or extension not exceeding 50% of the gross floor area of the existing structure. Only one (1) such alteration or extension to a structure may be approved by the Community Development Director.
2. **Staff Action.** Within ten (10) days of receipt of the complete development, landscape and construction plans by the Community Development Director, he shall approve, disapprove or approve with conditions said plans. If the Community Development Director approves the plans, he shall immediately issue a building permit to the developer. If the plans are approved with conditions, the conditions shall be set forth in written form to the developer. The signature of the developer on the form setting forth the conditions of approval shall be deemed his agreement to comply with said conditions, whereupon the Building Inspector shall immediately issue the building permit. If the plans are disapproved, the reasons for such action shall be reduced to written form and supplied to the developer.
3. **Additional Review.** If the Community Development Director of the City of Bentonville, Arkansas, determines that there is a necessity of transmitting the plans to outside sources for additional comment or in-depth study, he shall notify the developer in writing within the ten (10) day period that a decision will not be made within the ten (10) day period, what the reasons are for the delay and the date at which a decision can be expected. A copy of said letter shall be sent the Chairman of the Bentonville Planning Commission. If the developer objects to such an extension, said objection shall be heard as a priority item at the next regular Planning Commission meeting.

4. **Approval Signatures.** All staff approvals to any development plan shall be signified by the signature of said staff member upon the development plan.

B. Planning Commission Action. All developments other than those excepted by Sec. 700.4(A)(1) shall be submitted to the Planning Commission, which shall approve, disapprove or approve with conditions the submitted plan. The Bentonville Planning Commission is required to take such action within forty-five (45) days of submission unless the applicant agrees to a postponement. All Planning Commission approvals to any development plan shall be signified by the signature on the development plan of the Chairperson of the Planning Commission.

SEC. 700.5 REVIEW CRITERIA

The Community Development Director, Planning Commission or City Council may refuse approval of any development plan for any of the following reasons:

- A. Incomplete Application.** The development plan is not submitted in accordance with the requirements of this article.
- B. Violation of Law.** The proposed development or construction would violate a City Ordinance, a State or Federal Law.
- C. Dangerous Traffic Conditions.** The proposed development would create or compound a dangerous traffic condition. For the purpose of this ordinance, a "dangerous traffic condition" shall be construed to mean a traffic condition in which the risk of accidents involving motor vehicles is significant due to factors such as, but not limited to, high traffic volume, topography, or the nature of the traffic pattern.
- D. Lack of utilities.** City water and sewer, and electrical utilities are not readily available to the property and the developer has made no provision for extending such service to the development.
- E. Inadequate Drainage Conditions.** The property to be developed reflects an extreme drainage problem uncorrected by the proposed development plan.
- F. Other Actions Required.** The plans pertain to a parcel which requires prior platting or rezoning.

SEC. 700.6 ADJUSTMENTS AND ALTERATIONS

The development plan approved by the Community Development Director or Planning Commission will be deemed to be a final plan for which minor adjustments and modifications may be granted upon request of the Community Development Director. In no event may any modifications to a development plan be made without prior approval of the Community Development Director. Any substantial changes in the development will be in conformance with the procedures for a new submission. Determination of the gravity of the alterations will lie with the Community Development Director.

SEC. 700.7 EXPIRATION OF LARGE SCALE DEVELOPMENT APPROVAL

A. Expiration. The approved development plan is conditioned upon the applicant accomplishing the following tasks within six (6) months from the date of approval:

1. receive a building permit;
2. pour footing; and
3. receive all permits and approvals required by City, State and Federal regulations to start construction of the development or project.

B. Extension. Prior to the expiration of the six (6) month time limit, an applicant may request the Planning Commission to extend the period to accomplish the task by up to six (6) additional months. The applicant has the burden to show good cause why the task could not be reasonably completed with the normal six (6) month time limit.

SEC. 700.8 APPEALS

A. Administrative Determination. Any decision of the Community Development Director disapproving or approving with conditions a development plan may be appealed to the Planning Commission provided the developer does so within thirty (30) days of the Community Development Director's decision.

B. Planning Commission Determination. Any decision of the Planning Commission may be appealed to the Bentonville City Council provided the developer does so within thirty (30) days of the decision of the Planning

Commission. All such appeals shall be in writing, and shall be filed with the City Clerk of the City of Bentonville, Arkansas.

SEC. 700.9 APPLICATION FOR BUILDING PERMIT

Upon approval or conditional approval of the large scale development plan, the applicant may submit an application for a building permit. The applicant shall provide the following documents prior to issuance of the building permit.

- A.** Grant of all dedications proposed;
- B.** A 36 month replacement guarantee from the supplier or property owner on all live plant material used in the landscape plan; and
- C.** Any Large Scale Development that has over \$20,000 of sewer infrastructure, as determined by the engineer of record that is to be dedicated to the City of Bentonville shall provide a maintenance letter of credit in accordance with the requirements in Sec. 300.8 Maintenance Letter of Credit and a warranty in accordance with the requirements in Sec. 300.9 Guarantees.

SEC. 700.10 LARGE-SCALE DEVELOPMENT FINAL INSPECTION

(Ord. No. 2007-41, 4-10-07)

A. Purpose. The purpose of the large scale development final inspection (development final) is to insure the completed project complies with the Subdivision Code, Zoning Code, and other governing specifications and regulations of the City of Bentonville.

B. Process.

- 1. Certificate of Completion.** When site construction is complete, the owner/developer's engineer-of-record shall submit a written statement certifying that all improvements and installations to the large scale development required for its approval under the terms of these regulations have been made, added, or installed and functional in accordance with City specifications
- 2. Development Final Inspection (Development Final).** The owner/developer's engineer-of-record shall request in writing a development final inspection, addressed to the Engineering

Department. No inspection shall be passed until all items are completed in accordance with Sections C and D below.

3. Certificate of Occupancy Inspection (Building Final). A certificate of occupancy inspection (building final) shall be scheduled only after the project has passed the development final inspection.

C. Completed Improvements for Certificate of Occupancy. The following improvements shall be complete prior to the city passing the development final inspection and the owner/developer scheduling a certificate of occupancy inspection.

1. Streets

- (a) All curb and gutter completed and backfilled.
- (b) Final layer of pavement in-place to required thickness and density.
- (c) Sidewalks constructed per approved plan including accessible ramps.
- (d) Low or ponding areas in public street corrected.

2. Drainage

- (a) Drainage swales in-place, sodded or concrete-lined, properly dedicated with erosion control measures in-place.
- (b) Detention / retention facilities to grade and draining properly.
- (c) Outlet structures, pilot channels, and headwalls, flumes, etc. in-place and constructed to approved plans and specifications.
- (d) Any needed off-site improvements or easements in-place.
- (e) Sodding of detention/retention ponds complete and established.
- (f) Aeration facilities for retention ponds in-place.
- (g) All drainage inlets, outlets, and conduits in proper location and constructed to approved plans and specifications.
- (h) Required fencing of detention/retention ponds in-place.
- (i) Final layer of drainage paving in-place as required by approved plan, including parking lots.

3. Water

- (a) All water lines in-place, pressure tested and bacteriological tested safe.
- (b) Meter tiles and setters in-place and operational.

- (c) Tracer wires in-place and tested.
- (d) Draft of as-builts submitted.
- (e) All valves operational.
- (f) Passing test results for all backflow devices provided.
- (g) All backflow prevention devices installed properly and functional.

4. Sewer

- (a) All sewer lines constructed to grade.
- (b) Mandrel and pressure tests complete.
- (c) Televises and discrepancies repaired and re-televised.
- (d) All manholes complete to required elevations and vacuum tested.
- (e) Sewer services marked.
- (f) Lift stations operational.
- (g) Tracer wires on force mains and tested.
- (h) Lift station alarm deposit submitted.
- (i) Lift station extra pump delivered.
- (j) Draft of as-builts submitted.

5. Fire

- (a) All hydrants and valves in-place, accessible, and operational (facing street).
- (b) Fire lanes marked.
- (c) Building addressed (temporary).

6. Planning

- (a) Final grades achieved.
- (b) Seeding and sodding in-place.
- (c) ADA requirements met.
- (d) Landscaping installed when scheduling a development final inspection between March 2 to July 14 and September 16 to November 30. (*Ord. No. 2004-64, 03-23-04*)
- (e) Parking paved and marked.
- (f) Dumpsters screened.

D. Exceptions for Temporary Certificate of Occupancy. The city may schedule a certificate of occupancy inspection to issue a temporary certificate of occupancy if the items in Section C above are complete, but any of the following items are incomplete:

1. Streets

- (a) Unacceptable curb sections on city streets corrected.
- (b) Approved as-built street drawings submitted.
- (c) Joints in concrete pavement and curb and gutter cleaned and caulked.

2. Drainage

- (a) Cosmetic work (finish grout, clean out boxes and pipes, etc.).

3. Water

- (a) Hydrants painted.
- (b) Meter tiles adjusted to grade.
- (c) Meter setters adjusted to grade.
- (d) Valve stacks adjusted to grade.
- (e) Concrete valve operator pads installed and / or grouted.
- (f) Final as-built drawings submitted.

4. Sewer

- (a) Cosmetic work complete.
- (b) Final as-built drawings submitted.

5. Fire

- (a) Building addressed (permanently).

6. Planning. Landscaping installed when scheduling a development final inspection between December 1 to March 1 and July 15 to September 15 if the climate and weather delay completion. (Ord. No. 2004-64, 03-23-04)

Sec. 700.11 Building Groups.

In approving building groups planned as a unit such as shopping centers, schools, civic centers, churches or housing projects consisting of a group of two (2) or more buildings to be constructed on a plot of ground of at least two (2) acres, the following shall apply. If the building group development is not subdivided into the customary streets and lots, or where the existing or contemplated street and lot layout make it impractical to apply the requirements of this Ordinance to the individual buildings in such project, the application of such requirements to the project shall be done by the Planning Commission. This procedure shall be done in a manner that will be in harmony with the character of the neighborhood, will ensure a density of land use no higher and a standard of open space at least as high as required in the district in which the proposed project is to be located. No use, building height or population density which violates its district requirements shall be allowed.