

VOLUNTARY GENERAL PLAN AMENDMENT

APPLICATION PROCEDURES

Adopted by Resolution #9-09-08A at City Council:
September 9, 2008



**City of Bentonville
PLANNING DEPARTMENT**

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VOLUNTARY AMENDMENTS TO THE GENERAL PLAN TEXT AND FUTURE LAND USE MAP

Clear policies and procedures for amending the City of Bentonville's General Plan are critical to maintaining the integrity and ultimate viability of the General Plan. The value of any plan depends on its stability and predictability. Both the business community and the general population of Bentonville benefit from clear guidelines to direct and protect investments.

While General Plan amendments are needed to adapt to changing circumstances and opportunities, they must be made in the context of a stable and dependable plan, and only after careful deliberation. Consistent amendment guidelines assure that the General Plan will be a living, creative document which can adapt to changing conditions, community goals, and urban development opportunities while assuring stability for our neighborhoods and protecting investments and welfare.

1. What is a General Plan?

The General Plan is used to guide growth and development within the jurisdiction through the year 2030. The role of the General Plan is to:

- Guide the future of the City by providing direction to city leaders as they make decisions;
- State the City's vision for its future, outline the goals and policies needed to achieve the vision, and describe how growth should occur;
- Affect community character, fiscal issues, natural resources, public facilities and services, and legal issues;
- Serve as an ongoing exercise for local self-government; a tool for democratic discourse; and the only formal unified overview of life in the community;
- Serve as an ongoing status report of the community's performance;
- Provide a statement of the community's view of itself;
- Be the public officials' most basic statement of public policy;
- Describe how the City should act to achieve its desired future;
- Inform the public and all stakeholders; and,
- Serve as a tool to assist in the management and stewardship of the City.

2. What is a Future Land Use Map?

The Future Land Use Map designates where and what future land uses are appropriate within the City's jurisdiction and was created by the input of the community. The Future Land Use Map is required by Arkansas law in order for Bentonville to instate zoning. It serves as a guide to city planning staff, Planning Commission, City Council, and citizens concerning rezoning requests.

3. Why are General Plan amendments needed and what is a voluntary amendment to the General Plan?

Although the City will review and update its General Plan (Plan) on an annual basis, there occasionally arises a need or desire to change some specific portion of the Plan such as a land use designation for a particular area according to the Future Land Use Map or specific text within the

narrative portion of the Plan. No portion of the Plan should be amended without reviewing the entire document. Piecemeal amendments to the Plan should not occur unless related conditions have changed since the last adoption of the Plan or circumstances unforeseen at the time of the adoption of the Plan become known. Changes in a Plan usually mean amended goals or objectives in the development policies of the City. The General Plan represents one of the most important policy statements of the City. Proposed changes are reviewed carefully by planning staff, Planning Commission, and City Council. Applications for amendments should only be submitted when there are compelling reasons for a change in the Plan.

Reasons for amendments to the General Plan include, but are not limited to the following:

- Significant land use changes have occurred in the area of concern since the adoption of the General Plan or since the last staff review and associated amendment;
- The General Plan contains provisions which unreasonably limit the ability to achieve the Policies/Objectives contained in the Plan; and,
- Oversights, inconsistencies, or land use related inequities exist in the area of concern.

A voluntary General Plan amendment consists of any proposed change to the General Plan. Although the City will review and periodically update the General Plan, occasionally, the need or desire to change some specific portion of the Plan such as the land use designation for a particular area may arise.

Amendments are divided into text amendments and map amendments.

4. Text Amendments

A text amendment is a revision in the wording contained within the narrative portion of the General Plan. A text amendment changes the intent of the Plan.

Examples include:

- Entire policy revisions; and,
- Additions or deletions.

5. Map Amendments

The foundation for future community development is the Future Land Use Map, which shows the desired location for each land use as the City continues to develop. As outlined in the General Plan, the goal of the Future Land Use Map is to foster a safe, convenient, attractive, compatible, and fiscally responsible land use pattern that includes a variety of housing, recreational, and commercial opportunities while respecting unique community assets.

A map amendment is a revision in the land use designation as presented on the Future Land Use Map and has an impact on the intent and concepts of the Future Land Use Map. Map amendments drastically change the land use mix as presented on the Future Land Use Map.

Example includes:

- Change in the land use that is not similar to the land use category presented on the Future Land Use Map. For example, a change from R-1, Single Family Residential to C-2, General Commercial is considered a map amendment because the proposed use of residential and commercial is drastically different.

6. Who may submit an application to amend the General Plan?

Amendments to the General Plan text or Future Land Use Map may be initiated by the Planning Commission, City Council, and city planning staff or by petition of an owner of property located within the City.

7. What is the process to amend the General Plan?

Any person wishing to amend the General Plan may submit an application for review to the Planning Department on a designated submittal day, prior to the deadline. The applicant may choose one of the following options:

- ✓ **Option 1:** Submit General Plan amendment application at any time throughout the year on a designated submittal day to be evaluated **ONLY** during the annual General Plan review (**fee required for map amendments only**).
- ✓ **Option 2:** Submit General Plan amendment application at any time throughout the year on a designated submittal day to be reviewed by Planning Commission and City Council at the next available meeting (**fee required for text and map amendments**).

8. How long does the process take?

Option 1: As stated above, this option consists of the annual review. As a result, the process will vary depending on when the amendment application was submitted in relation to the annual review.

Option 2: Generally, it takes a minimum of 32 weekdays to process an amendment to the General Plan and receive a decision from the Planning Commission and City Council.

9. How much does it cost to process an amendment?

The fees for filing an application to amend the General Plan are based according to the following fee schedule:

Option 1 (annual review):

Type of Amendment	Fee
Text	No Fee
Map	\$25.00

Option 2 (next available Planning Commission):

Type of Amendment	Fee
Text	\$65.00
Map	\$125.00

PLANNING DEPARTMENT
Voluntary General Plan Amendment – Application and Review Steps

The following procedural outline identifies the steps involved in the voluntary General Plan amendment process. Any person wishing to amend the General Plan may submit an application for review to the Planning Department.

Step 1: Amendment option determination.

The applicant may choose one of the following options:

Option 1:

Submit General Plan amendment application at any time throughout the year on a designated submittal day to be evaluated only during the annual General Plan review. All proposed amendments submitted for the annual review will be analyzed by planning staff, Planning Commission, and City Council. A public hearing will be held at Planning Commission.

Option 2:

Submit General Plan amendment application at any time throughout the year on a designated submittal day to be reviewed by planning staff, Planning Commission, and City Council according to the development review schedule. A public hearing will be held at Planning Commission.

Step 2: Project consideration.

The applicant should carefully review what the General Plan calls for in the location or area affected. A proposed land use change should be compatible with the surrounding uses and provide a logical progression for the City's development.

Step 3: Pre-application conference and staff review.

A pre-application conference should be scheduled with Planning Department staff before application submittal. Staff will review the General Plan, area trends, and Zoning Ordinance development standards as they relate to or impact the proposed amendment.

Step 4: Application submittal and fee.

The applicant will submit the completed application, associated fee, and other required information to the Planning Department on a designated submittal day. A planner will be assigned to review the material to make sure all the required information is provided.

Step 5(a): Staff review for a text amendment.

Once the application has been deemed complete, planning staff will review the proposed text amendment based on the criteria listed below. Planning staff will then either approve or deny the text amendment application.

Review Criteria:

- Study the request by reviewing the General Plan's current policies;
- Determine how the proposed change impacts overall intent of the General Plan;
- Assess the impact and need of the proposed change; and,
- Determine any other issues unique to the proposed request.

Step 5(b): Staff review for a map amendment.

Once the application has been deemed complete, planning staff will review the proposed map amendment based on the criteria listed below. Planning staff will then create a staff report for Planning Commission, which will analyze the requested change and state staff's recommendation. The applicant or project representative must be present at the Planning Commission meeting.

Review Criteria:

- Study the request by reviewing the General Plan's current policies or land use designation;
- Determine how the proposed change impacts the overall intent of the General Plan or the land use mix on the Future Land Use Map, how the proposed change affects other land uses, and if it will spur other changes to the Future Land Use Map;
- Conduct an investigation of the site (if applicable);
- Assess the impact and need of the proposed change;
- Establish the impact on land use and character;
- Verify the availability of other sites for the use proposed;
- Decide on alternative uses for the site;
- Predict anticipated traffic generation;
- Determine the effect on recreation and open space, schools, and infrastructure availability;
- Ascertain the appropriateness of the size of the area proposed for change; and,
- Determine any other issues unique to the proposed request.

Sign posting for all map amendments. The Planning Department will post a notice of public hearing sign on said property proposed to be amended on the Future Land Use Map. Such sign(s) shall be clearly visible, unobstructed to the passing general public, and posted on or near the front property line no later than fifteen (15) days prior to the public hearing.

Legal notice for all map and text amendments. The City of Bentonville will submit a public hearing notice in regard to the amendment, which must run in the local newspaper at least one (1) time fifteen (15) days prior to the public hearing. The Planning Department will publish the notice of proposed amendment. The notice shall include the amendment being sought, the location including legal description and address, and the time, date, and place of the public hearing.

Step 7: Planning Commission review and public hearing.

The Planning Commission is required to hold at least one public hearing on amendments to the General Plan. At the public hearing:

- Planning department staff will present a report and recommendation to the Planning Commission;
- The staff presentation will be followed by testimony from the applicant and any interested persons who wish to comment on the proposed amendment as mandated by the public hearing requirements;
- A decision will be made by the Planning Commission after evaluating the public testimony and the staff report;
- If the Planning Commission recommends approval, the proposed amendment will be placed on the next City Council agenda; and,
- If the Planning Commission recommends denial, no action will be taken by the City Council unless a written *Notice of Appeal* has been filed with the City Clerk within thirty (30) days after the Planning Commission's final action.

Step 6: City Council hearing and final decision.

If the proposed amendment to the General Plan is approved by the Planning Commission, the application will be placed on the next City Council meeting agenda. The applicant or a project representative must be present at the meeting. The Resolution adopting any City Council action will become effective immediately.

Approved by Resolution # 9-09-08A at City Council on 9/9/08