

ARTICLE 700 LARGE SCALE DEVELOPMENT

SEC. 700.01 **Applicability of large scale development regulations.**

A development plan shall be submitted to the ~~Bentonville~~ planning commission for all developments, ~~or~~ building construction, parking lots, and trail construction regardless of zone and for all additions to existing developments, ~~or~~ buildings or trails regardless of zone. Single family and duplex residential construction is specifically exempted from this requirement. Trails and parking lots constructed as part of an approved large scale development or preliminary plat shall not be required to submit separate large scale development application.

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

(Code 1994; Ord. No. 95-5, § 1, 01-24-1995; Ord. No. 95-26, § 1, 04-11-1995; Ord. 2003-100, § 1, 06-10-2003; Ord. No. 2007-40, § 1, 04-10-2007; Ord. No. 2010-71, § 6, 11-23-2010)

SEC. 700.02 **Pre-application conference for large scale development.**

(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.~~

(b) *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.

(c) *Sketch ~~p~~Plans.* The applicant ~~may~~ shall submit ~~sketch~~ plans and data showing existing conditions within the site and its vicinity and the proposed layout in accordance with current planning department policies and procedures and development of the proposed subdivision.

(d) *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.

(Code 1994; Ord. 2003-100, § 1, 06-10-2003)

SEC. 700.03 **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~~ in accordance with current planning department policies and procedures 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 city' general plan.

ATTACHMENT E - ARTICLE 700 LARGE SCALE DEVELOPMENT

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- (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.~~

(Code 1994: Ord. No. 95-4, § 1, 01-24-1995; Ord. No. 95-13, § 3, 02-28-1995; Ord. 2003-100, § 1, 06-10-2003)

SEC. 700.04 Review and approval of large scale developments.

- (a) *Administrative approval.*
 - (1) *Applicability.* The 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 D~~director.
 - c. *Trails.* Any trail proposed to be constructed that is not part of an existing large scale development.
 - d. *Parking lots.* Any parking lot proposed to be constructed or existing gravel parking lots to be paved.
 - (2) *Staff action.* Within ten (10) days of receipt of the complete development, landscape and construction plans by the ~~Community Development D~~director, he shall approve, disapprove or approve with conditions said plans, after all reviewing departments have approved the plans.
 - a. *Approved.* If the ~~Community Development D~~director approves the plans, ~~he shall immediately issue a building permit to the developer~~the applicant may apply for a building permit.
 - b. *Approved with conditions.* 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.~~
 - c. *Disapproved.* 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 D~~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

ATTACHMENT E - ARTICLE 700 LARGE SCALE DEVELOPMENT

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(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 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~~approval.* All developments other than those excepted by *Sec. 50-704(a)(1) Applicability* shall be submitted to the planning commission, which shall approve, disapprove or approve with conditions the submitted plan. The 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.

(Code 1994; Ord. No. 2003-101, § 1, 06-10-2003; Ord. No. 2004-63, § 7, 03-23-2004)

SEC. 700.05 Review criteria for large scale developments.

The ~~Development~~ director, planning commission or city council may refuse approval of any development plan ~~for any of the following reasons:~~ if the applicant does not provide clear and convincing evidence of meeting the following criteria ~~Community:~~

(a) ~~Ine~~ Complete application. The development plan ~~was not~~ submitted in accordance with the requirements of this article.

(b) ~~Violation~~ Compliance of law. The proposed development or construction would not violate a city ordinance, state or federal law.

(c) No dangerous traffic conditions. The proposed development would not create or compound a dangerous traffic condition, as defined in this chapter.

~~(e) 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~~ provided. City water and sewer, and electrical utilities are ~~not~~ readily available to the property and/or the developer has made ~~no~~ provisions for extending such service to the development.

(e) ~~Ina~~ Adequate drainage conditions. The proposed development plan shows adequate drainage conditions and any property to be developed reflects an existing extreme drainage problem on the property is uncorrected by with the proposed development plan.

(f) *Other actions required.* The proposed plans are consistent with platting and zoning ~~plans pertain to a parcel which requires prior platting or rezoning~~ regulations.

(Code 1994; Ord. No. 2003-101, § 1, 06-10-2003)

SEC. 700.06 Adjustments and alterations of approved large scale developments.

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~~

ATTACHMENT E - ARTICLE 700 LARGE SCALE DEVELOPMENT

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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.

(Code 1994; Ord. No. 2003-101, § 1, 06-10-2003)

SEC. 700.07 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~~ one year 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.

(Code 1994; Ord. No. 2003-101, § 1, 06-10-2003)

SEC. 700.08 ~~Appeals~~ Reserved.

~~(a) 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) 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. 700.09 ~~Application for~~ Requirements for building permit application.

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 determine 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. 300.09 Maintenance letter of credit* and a warranty in accordance with the requirements in *Sec. 300.10 Guarantee of installation*.

(Code 1994; Ord. No. 2003-101, § 1, 06-10-2003; Ord. No. 2007-41, § 6, 4-10-07)

ATTACHMENT E - ARTICLE 700 LARGE SCALE DEVELOPMENT

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Sec. 700.10 ~~Large-scale development~~ **Final inspection** for large-scale developments.

(a) *Purpose.* The purpose of the large scale development site final inspection (development final) is to insure the completed project complies with the ~~Subdivision~~ Land Development 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~~ Site final inspection ~~(development final)~~. The owner/developer's engineer-of-record shall request in writing a ~~development~~ site final inspection, addressed to the Engineering Department. No inspection shall be passed until all items are completed in accordance with Subsections ~~(e) and (d)~~ 700.11 below.
- (3) ~~Certificate of occupancy~~ Building final ~~inspection (building final)~~. A ~~certificate of occupancy~~ building final inspection ~~(building final)~~ shall be scheduled only after the project has passed the ~~development~~ site final inspection.

Sec. 700.11 Completed improvements ~~for certificate of occupancy~~. The following improvements shall be complete prior to the city passing the development site final inspection and the owner/developer scheduling a ~~certificate of occupancy~~ building final inspection.

(a) *Drainage.*

- (1) Drainage swales in-place, sodded or concrete-lined, properly dedicated with erosion control measures in- place.
- (2) Detention / retention facilities to grade and draining properly.
- (3) Outlet structures, pilot channels, and headwalls, flumes, etc. in-place and constructed to approved plans and specifications.
- (4) Any needed off-site improvements or easements in-place.
- (5) Sodding of detention/retention ponds complete and established.
- (6) Aeration facilities for retention ponds in-place.
- (7) All drainage inlets, outlets, and conduits in proper location and constructed to approved plans and specifications.
- (8) Required fencing of detention/retention ponds in-place.
- (9) Final layer of drainage paving in- place as required by approved plan, including parking lots.

(b) Fire.

- (1) All hydrants and valves in-place, accessible, and operational (facing street).
- (2) Fire lanes marked.
- (3) Building addressed (temporary).

(c) Planning.

ATTACHMENT E - ARTICLE 700 LARGE SCALE DEVELOPMENT

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- (1) Final grades achieved.
- (2) Seeding and sodding in-place.
- (3) ADA requirements met.
- (4) Landscaping installed when scheduling a development final inspection between March 2 to July 14 and September 16 to November 30.
- (5) Parking paved and marked.
- (6) Dumpsters screened.

(d) Sewer. Installation required per currently adopted water and sewer specifications.

- (1) All sewer lines constructed to grade.
- (2) Mandrel and pressure tests complete.
- (3) Televising and discrepancies repaired and re-televised ing completed and approved.
- ~~(3)(4)~~ All manholes complete to required elevations and vacuum tested.
- (5) Sewer services marked with T-posts.
- (6) Tracer wires on force mains and tested and approved.
- (7) Lift stations operational site complete and approved – there are no bondable items.
- ~~(4)(8)~~ Lift station alarm deposit submitted.
- ~~(5)(9)~~ Lift station extra pump delivered.
- (10) Lift station site accessible with pavement.
- (11) Draft of As-builts drawings per specifications – approved PDF and AutoCAD submitted.

(e) Streets.

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

(f) Water. Installation required per currently adopted water and sewer specifications.

- (1) All water lines in-place, pressure tested and bacteriological tested safe.
- (2) All hydrants and valves in place, accessible, and operational (facing street).
- (3) Meter tiles and setters in-place ~~and operational.~~
- (4) Tracer wires in-place and tested.
- ~~(5) Draft of as-builts submitted.~~ As-built drawings per specifications – approved PDF and AutoCAD.
- (6) All backflow prevention devices installed properly and functional.
- ~~(7) All valves operational.~~

ATTACHMENT E - ARTICLE 700 LARGE SCALE DEVELOPMENT

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~~(8)~~(7) Passing test results for all backflow devices provided.

Sec. 700.12 Exceptions ~~for temporary certificate of occupancy.~~ The city may schedule a ~~certificate of occupancy~~**building final** inspection ~~to issue a temporary certificate of occupancy~~ if the items in Section **700.11** above are complete, but any of the following items are incomplete:

(a) *Drainage.*

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

(b) *Fire.*

(1) Building addressed (permanently).

(c) *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.

(d) *Sewer.*

(1) Cosmetic work.

(2) ~~Final as built drawings submitted.~~

(e) *Streets.*

(1) Unacceptable curb sections on city streets corrected.

(2) Approved as-built street drawings submitted.

(3) Joints in concrete pavement and curb and gutter cleaned and caulked.

(f) *Water.*

(1) Hydrants painted.

(2) Meter tiles adjusted to grade.

(3) Meter setters adjusted to grade.

(4) Valve stacks adjusted to grade.

(5) Concrete valve operator pads installed and / or grouted.

~~a. Final as built drawings submitted.~~

(Ord. No. 98-98, § 4, 12-08-1998; Ord. No. 2003-101, § 1 06-10-2003; Ord. No. 2004-63, § 14,03-23-2004; Ord. No. 2007-41, § 4-5, 4-10-07)

SEC 700.113 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~~ **article** 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

ATTACHMENT E - ARTICLE 700 LARGE SCALE DEVELOPMENT

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in which the proposed project is to be located. No use, building height or population density which violates its district requirements shall be allowed.

(Ord. No. 2009-50, § 5, 05-26-2009)

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