



**Planning Commission
Agenda
April 21, 2015**

- I. Call to Order**
- II. Approval of Minutes**
- III. Consent Agenda**
 - 1. Lots 1 & 2 of RSB Subdivision** **Lot Split**
5578 Southwest Adams Road
 - 2. Lot 36 of Oakbrooke Subdivision Phase II** **Property Line Adjustment**
Northeast Oakview Cove
- IV. New Business**
 - 1. The Pointe @ Bentonville** **Large Scale Development**
Southwest Ranch Road & Southwest Stone Boulevard
 - 2. Street Light Standards Amendment** **Ordinance***
- V. Other Business**
- VI. Planner's Report**
- VII. Adjournment**

Planning Commission
Minutes
April 7, 2015

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

Present: Joe Haynie, Scott Eccleston, Greg Matteri, Debie Havner, James Stanley and Richard Binns.

Absent: Rod Sanders

Motion by Haynie, seconded by Matteri to approve the minutes of March 17, 2015 as written
Approved 6-0

No Tape for this meeting

Consent Agenda

- | | |
|--|--------------------------|
| 1. Lots 9 & 10 Durham Place
Durham Place | Lot Split |
| 2. Lot 26, Block 2, Clarks Second Addition
308 Southwest 3 rd Street | Property Line Adjustment |

New Business

Item #1

Michael Wright: (15-09000012)Wright, Rezoning from R-1, Single Family Residential to RC-2, Central Residential-Moderate Density.

The applicant has requested a rezoning from R-1 to RC-2 in order to build new single family homes.

Both water and sewer services are available to this property.

Opened public hearing:

Steve Slagel at 309 SW C Street, The RC-2 is much too broad, multifamily and single family both allowed. He could build 4 houses. Please review the concept of RC-2 Zoning. Also the alley will be very busy, 2 to 8 trips per day. Neighbor on east is downhill from property, ask builder to identify intention on property.

Todd Jacobs at 212 SW C Street-Applicant representative-The use of the property is single family homes with rear load garages. Two story matches existing redevelopments. 3 to 4 homes will be built based on width.

Mikie Fabor-SW D Street, block driveways, people will be blocking street & kids will be playing in street, additional people will creat problems.

TG-Single family homes do not require Large Scale Development.

Approved 6-0

Item #2

Burckart Construction, Inc.: (15-09000013)Burckart Construction, Rezoning from R-1, Single Family Residential to A-1, Agricultural, 2303 Southwest Birch.

The applicant has requested a rezoning for a single family private residence, with the intension of general livestock and hay production.

No public comment

Closed public hearing

Approved 6-0

Item #3

Food Hub NWA, LLC: (15-09000014)Food Hub NWA LLC, Rezoning from I-2, Heavy Industrial to C-2, General Commercial, 801 Southeast 8th Street.

The facility is proposed to be converted to a mixed commercial and educational use, the remainder of the building is tentatively planned for commercial use, including retail and food service occupancy.

No public comment

Approved 6-0

Item #4

Food Hub NWA, LLC: (15-02000006)Food Hub NWA, LLC, Conditional Use, 801 Southeast 8th Street, Zoned I-2, Heavy Industrial.

The applicant has submitted a Conditional Use application for property located at 801 southeast 8th Street that resides in an I-2 Heavy Industrial zoning district. The site is home to an existing 81,036 square feet building that will be re-purposed. Approximately 27,600 square feet of the existing building will be used for educational purposes and will be home to the NWACC culinary school. The remaining portion of the existing building is tentatively planned for small retail, café, restaurant and business incubator. See attached floor plan for additional detail. Up to 300 students are anticipated for the educational portion of the facility. Two hundred and sixty six total parking spaces are being provided and of those 92 will be utilized for the culinary school. See attached Parking Requirement tabulation. In addition the developer is placing considerable focus on trial connectivity for both pedestrian and bicycle access. Expected hours of operation are from 6:00am to 10:00pm Monday through Saturday with Sunday hours being similar or slightly less. The culinary school is expected to employ 15 to 25 people.

No public comment

Approved 6-0

Item #5

Mike Palmer: (15-02000005)Wonder Balloon Tethered Rides, Conditional Use, South Walton Boulevard and Southeast Macy Road, Zoned C-2, General Commercial.

The applicant has submitted a conditional use permit application for Property Located at the intersection of South Walton Boulevard and Southeast Macy Road and resides in the C-2 General Commercial zoning district. The Wonder hot air balloon which is 90' wide by 120' tall when inflated will be used to provide tethered rides to Flowers employees and their guest for employee appreciation. The event will be temporary and will take place for June 2, 2015 to June 4, 2015. No structural changes are being proposed and no structures currently exist on this site. No site lighting is being proposed. Employees and guest will park in the Flowers parking lot and walk to the event. Approximately 10 Flowers employees and their guest are anticipated each day of the event.

No public comment

Approved 6-0

Item #6

ATEX Investments: (15-05000003)Lots 198,199 and 200 Stoneburrow Subdivision Phase 1, Lot Split, Town Vu Road, Zoned R-1, Single Family Residential.

The applicant has submitted a Lot Split of Lot 197 Stoneburrow Subdivision Phase 1 at Town Vu Road and Southwest River Rock Street. Lot 197 will be split into three lots to be known as Lot 198 (.36 acres), Lot 199 (.25 acres) and Lot 200 (.33 acres). Lot 200 will have access to Southwest River Rock street only. The applicant is proposing Lots 199 and 198 have shared access to Town Vu Road. All utility and right of way exist for these lot.

The applicant has submitted a waiver request to the access requirements as it relates to Residential and Subdivision access. No residential lot shall have direct to a collector street. The applicant is proposing a shared driveway between lots 198 and 199 that would provide a turn around on each lot and facilitate safer egress onto Town Vu Road.

Motion by Stanley, seconded by Eccleston to approve the waiver request.

Approved 6-0

Motion to approve the lot split of lots 198,199 and 200 Stoneburrow Subdivision Phase 1.

Approved 6-0

Item #7

Louise Bishop Revocable Trust: (15-05000004)Lots 1,2, and 3 Hogwild Subdivision, Lot Split, Southeast 28th Street and Southeast J Street, Zoned I-1, Light Industrial, C-2 General Commercial, and A-1, Agricultural.

The applicant has submitted a lot split for 19.41 acres located southwest of Southeast J Street and Southeast 28th Street. The 3 lot subdivision will be known as Hog Wild Subdivision. Lot 1 will consist of 14.75 acres, Lot 2 will consist of 4.60 acres while lot 3 will encompass 5.13 acres. Right of way is being dedicated along Southeast 28th street and Southeast J Street. Right of way for a 250' cul-de-sac is also being dedicated from Southeast 28th Street. Water and sewer are available along both frontages.

Thirty-five feet of right way will also be dedicated along the west property line to meet the requirements of the Collector street shown on the Master Street Plan

Approved 6-0

Item #8

Rush Running Enterprises LLC: (15-06000009)Rush Running, Large Scale Development, Southeast J Street, Zoned C-2, General Commercial.

The applicant has submitted a Large Scale Development for a 7,433 square foot retail and medical center to be known Rush Running. The site will be accessed by a shared curb cut onto Southeast J Street. Thirty Six parking spaces are being provided. Stormwater detention is being provided for the site on the west side of the parking lot. The architectural elevations depict a brick building with architectural metal and stained pine accents along the south and east façades. All landscaping requirement have been met per section 1400.

The applicant has submitted a waiver to the Commercial Design Standards as it relates to secondary materials. Secondary materials including architectural metal panels may not constitute more than 25% of a building façade unless approved specifically by the planning commission. The south façade of Rush Running as it is proposed will consist of approximately 31% designer panel. Per the waiver request the metal is a vertical smooth architectural metal. Samples will be provided.

Motion by Havner, seconded by Stanley to approve the waiver request to the Commercial Design Standards.

Approved 6-0

Motion to approve the large scale development.
Approved 6-0

Planners Report: Troy Galloway

Thank for attending the smart growth, results from smart growth workshop will be provided.

Camille and George will review the conditional use process, planning commission may see some changes to current ordinance.

Changes to the RC-2 Zone, looking into changing to more specific residential zoning for single family.

128 single family permits issued since January with an average evaluation of \$300,000

Meeting adjourned

Diane Shastid

Planning Commission Staff Report

Lot Split: Lots 1 and 2 of RSB Subdivision

TO: Bentonville Planning Commission Members
THRU: Troy Galloway, AICP, Community Development Director
FROM: Beau Thompson, Planner
PC DATE: April 21, 2015

GENERAL INFORMATION:

Project Number: 15-05000012

Applicant: Richard and Sharon Baker

Representative: James Koenigseder

Requested Action: Lot Split Approval

Location: 5578 Southwest Adams Road

Existing Zoning: A-1, Agricultural

Land Use Plan: Agriculture

BACKGROUND:

The applicant is proposing a lot split that will create two lots that will be known as Lot 1 (11.58 acres) and Lot 2 (2.08 acres) of RSB subdivision. The lot split shows the dedication of right-of-way along Southwest Adams Road per the master street plan and the dedication of a 20 foot utility easement. Both water and sewer services are available to these lots.

SURROUNDING LAND USES AND ZONING:

Direction	Zoning	Land Use
North	A-1, Agricultural	Agriculture
South	R-1, Single Family Residential	Low Density Residential
East	A-1, Agricultural	Agriculture
West	A-1, Agricultural	Agriculture

STREETS

Direction	Name	Classification
North	-	-
South	-	-
East	Southwest Adams Road	Collector
West	-	-

TRAFFIC FINDINGS

- (a) Traffic data for the nearest intersections are as follows: No traffic data exists for this location.
- (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 is the location of a single family home in a rural area.

Drainage Report: A drainage report is not required for this lot split.

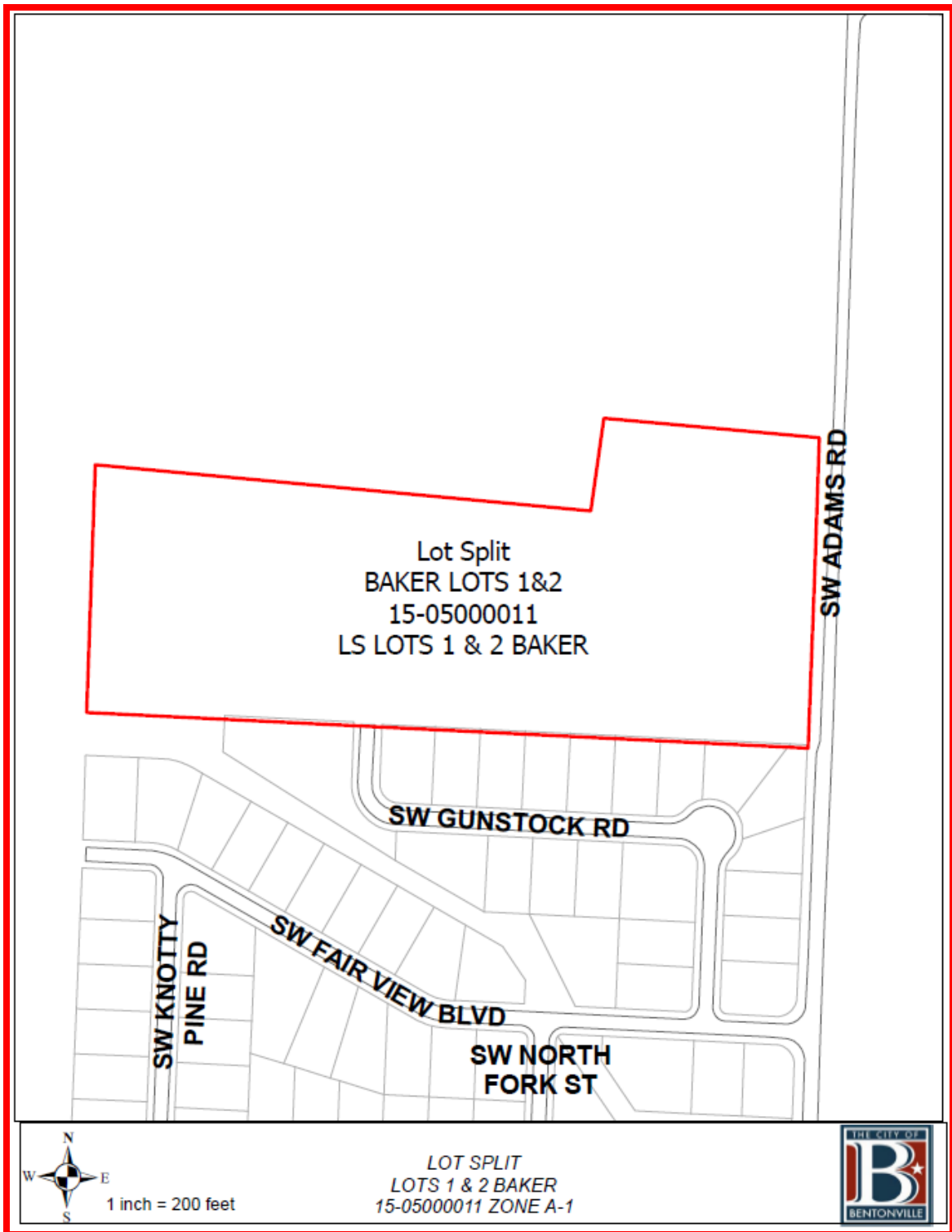
Water / Sewer: Per the G.I.S. site, water and sewer are available at this location.

Waiver(s): N/A

Analysis / Conclusion: This lot split **DOES** meet the minimum requirements of the subdivision regulations.

RECOMMENDATION:

Staff has reviewed this application and recommends **APPROVAL**.



Planning Commission Staff Report

Property Line Adjustment: Lot 36 of Oakbrooke Subdivision PH II

TO: Bentonville Planning Commission Members
THRU: Troy Galloway, AICP, Community Development Director
FROM: Beau Thompson, Planner
PC DATE: April 21, 2015

GENERAL INFORMATION:

Project Number: 15-07000006

Applicant: IDGAS, LLC

Representative: Kellye Hamblen

Requested Action: Property Line Adjustment

Location: Northeast Oakbrooke Cove

Existing Zoning: R-1, Single Family Residential

Land Use Plan: Low Density Residential

BACKGROUND:

The applicant is proposing a property line adjustment that will remove the common lot line between existing lots 8 & 9 to create one lot that will be known as Lot 36 (1.97 acres) of Oakbrooke Subdivision Phase II. The property line adjustment also shows the vacation of an existing 25 feet access easement along the common lot line that is being removed and relocating the access easement to the eastern and southern property lines of the new lot 36. Both water and sewer services are available to the property.

SURROUNDING LAND USES AND ZONING:

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

STREETS

Direction	Name	Classification
North	Northeast Oakview Cove	Local
South	-	-
East	-	-
West	-	-

TRAFFIC FINDINGS

- (a) Traffic data for the nearest intersections are as follows: No traffic data exists for this location.
- (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 is the location of a of a vacant lot within a single family subdivision.

Drainage Report: A drainage report is not required for this property line adjustment.

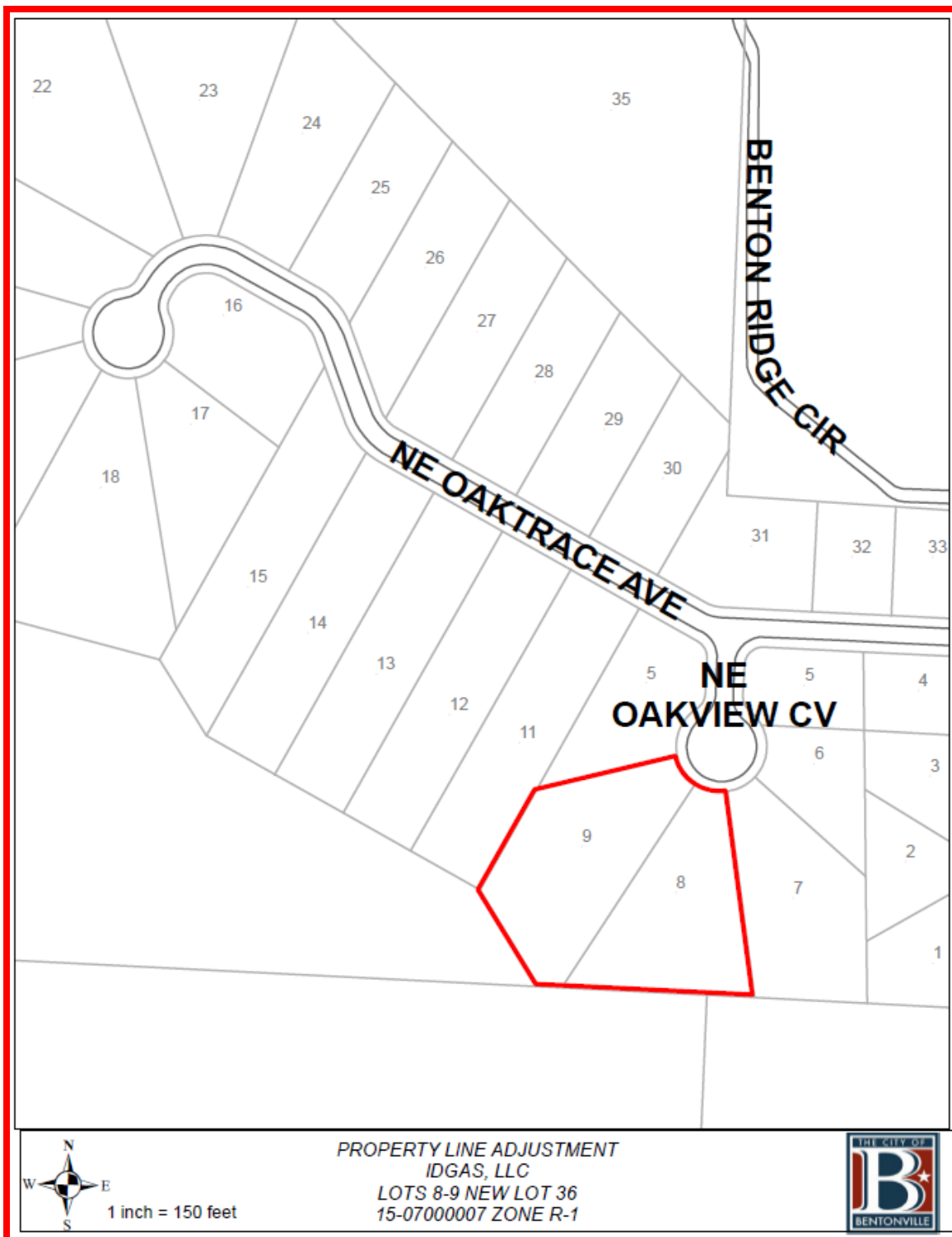
Water / Sewer: Per the G.I.S. site, water and sewer are available at this location.

Waiver(s): N/A

Analysis / Conclusion: This lot split **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 Pointe @ Bentonville

TO: Bentonville Planning Commission Members
THRU: Troy Galloway, AICP, Community Development Director
FROM: Jon Stanley, City Planner
PC DATE: April 21, 2015

GENERAL INFORMATION:

Project Number: 15-06000010

Applicant: Bentonville 12, Ltd.

Representative: Jerry Kelso (Crafton Tull & Associates)

Requested Action: Large Scale Development Approval

Location: Southwest Ranch Road & Southwest Stone Boulevard

Existing Zoning: R-4, High Density Residential

Land Use Plan: Mixed Use & Office

BACKGROUND:

The applicant has submitted Large Scale Development plans for a 22.57 acre, two phase apartment development to be known as The Pointe @ Bentonville. The project is located along Southwest Ranch Road and Southwest Stone Boulevard and will consist of 19 two and three story apartment buildings that range in size from 10,106 square feet to 11,385 square feet and have a total of 452 units. The development will also include a club house that will be 3 stories and 11,024 square feet. Seven hundred and fifteen parking spaces are being provided and of these some spaces will be covered. The exterior of the building will be constructed of brick, Hardie Board siding, stone and EFIS. On-site stormwater detention is being provided and both water and sewer are available to this location.

PROJECT STATISTICS ARE AS FOLLOWS:

Site / Building Requirements	Required / Allowed	Proposed
Setbacks		
Front:	20'	168'
Side Interior:	10'	29.68'
Side Exterior:	20'	36.85
Rear:	25'	57'
Height	40'	46'
Landscape Coverage	15%	7.2%
Parking		
Standard Stalls	678	697
Handicap Stalls	18	18
Total:	696	715

SURROUNDING LAND USES AND ZONING:

Direction	Zoning	Land Use Plan Classification
North	PUD, Planned Unit Development	Mixed Use
South	A-1, Agricultural	Office
East	A-1, Agricultural & City of Rogers	Commercial & Medium Density Residential
West	PUD, Planned Unit Development	Mixed Use

STREETS:

Direction	Name	Classification
North	Southwest Stone Boulevard	Local
South	-	-
East	-	-
West	Southwest Ranch Road	Local

TRAFFIC FINDINGS

(a) Traffic data for the nearest intersections are as follows: 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.
3. All landscaping will be maintained in healthy living condition and all plant material that dies shall be replaced.
4. The building will be constructed with similar exterior materials of those submitted and approved by the planning commission.
5. The applicant must provide the City of Bentonville with an official ruling from the FAA in regards to the height of structure prior to building permit issuance.
6. The applicant must provide the City of Bentonville with an official decimal reduction reading prior to building permit issuance.

ISSUES / ANALYSIS:

Site Inspection: A site inspection was completed; this site is currently a vacant in a developing industrial and commercial area.

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

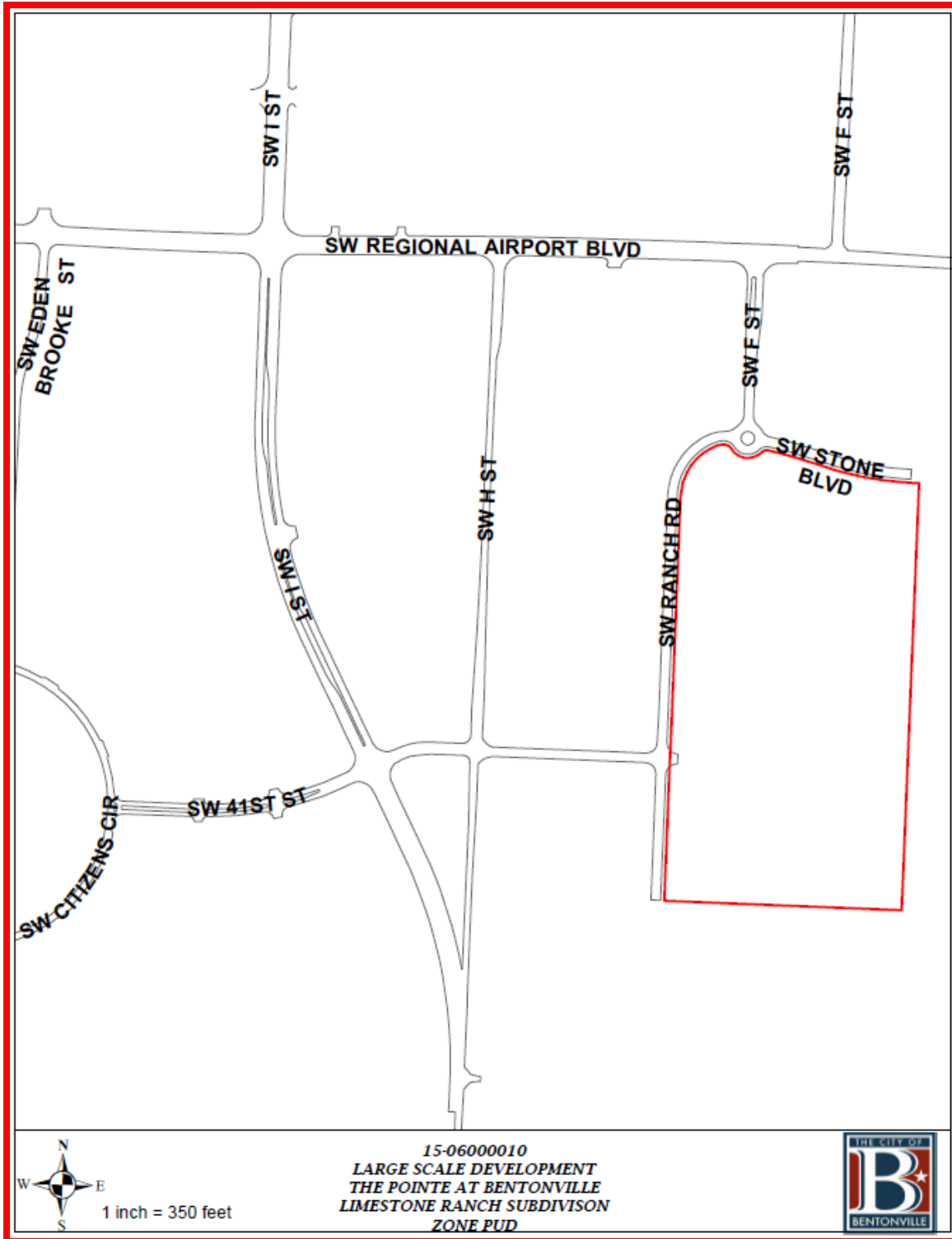
Water / Sewer: Per the G.I.S. site, water and sewer **ARE** available to this site.

Waiver(s): The applicant has submitted a waiver to the Interior Greenspace Requirements. Ordinance states that parking lots larger than 150,000 square feet shall have a minimum of 15% greenspace. The applicant is requesting that 7.2% of interior greenspace be allowed.

Analysis / Conclusion: This large scale development **DOES NOT** meet the minimum requirements of the subdivision regulations due to the waiver request.

RECOMMENDATION:

Staff has reviewed this application and recommends **APPROVAL**.





Crafton Tull
architecture | engineering | surveying

479.631

479.631
479.631

April 17, 2015

Mr. Jon Stanley
City Planner
City of Bentonville
305 SW A Street
Bentonville, AR 72712

RE: The Pointe at Bentonville – Interior Greenspace Waiver

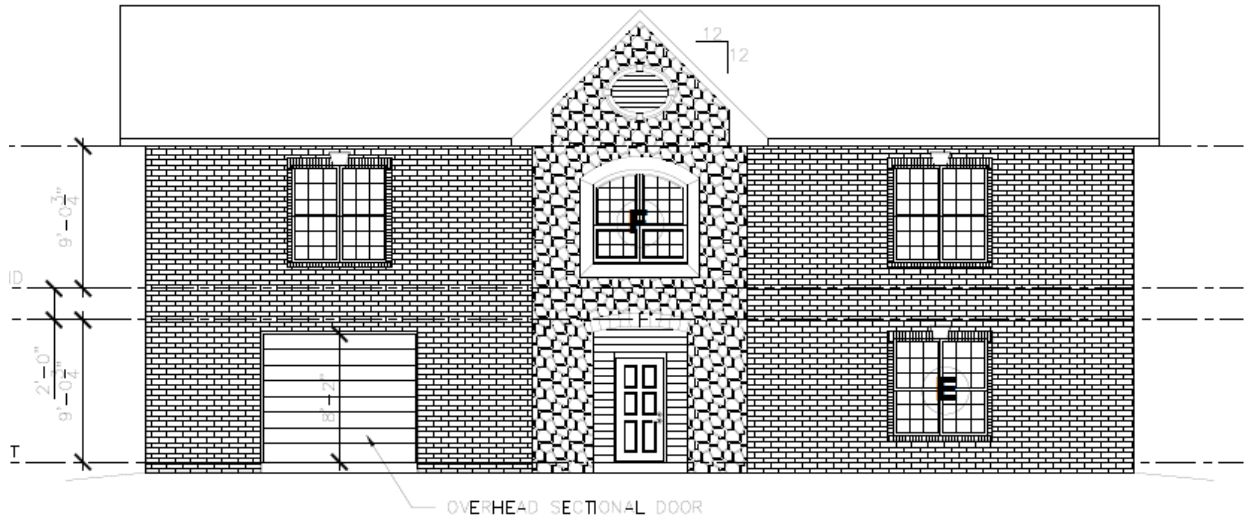
Mr. Stanley,

We are writing this letter to request a waiver from the requirements spelled out in the zoning code covering interior greenspace in the parking lot. We are requesting a reduction from the specified amount of 15% to 7.2 %. The site was configured to provide large open gathering areas between the buildings at the club house and at the dog park. In addition we are also providing a large green space buffer along the adjacent streets to the project. It is also our opinion that the linear nature of the parking lot makes it very difficult to meet the requirement and provide the necessary parking spaces for this project. To meet the intent of the requirement we proposing to plant shade trees throughout the project adjacent to the parking lots and drive to minimize the heat island effect that a parking lot can create.

If you should have any further questions please feel free to give me a call.

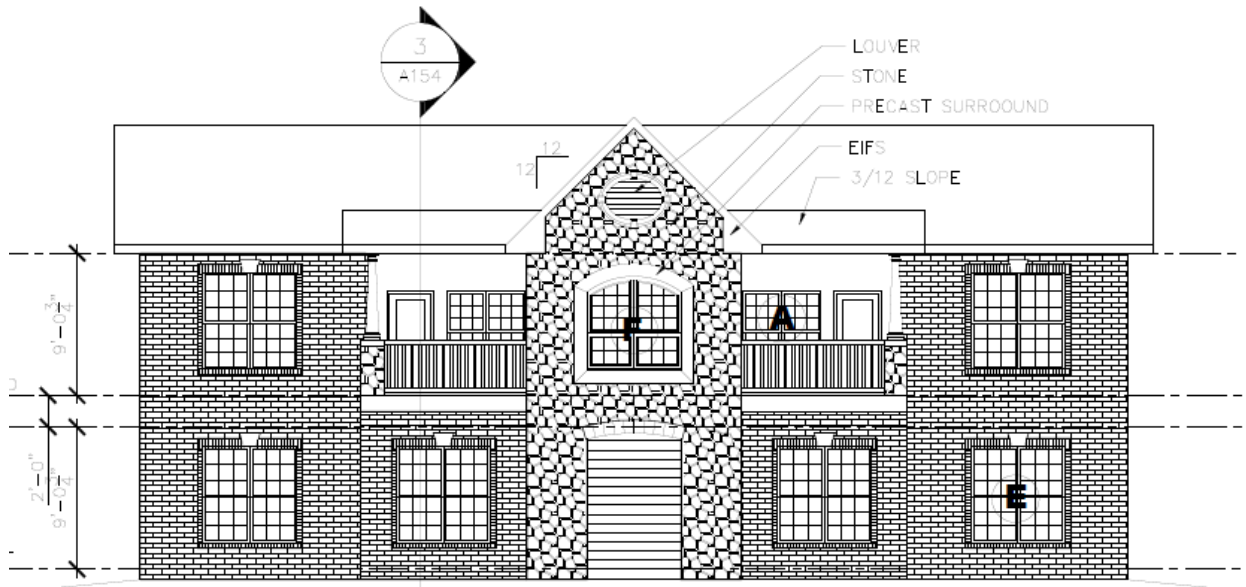
Crafton Tull

Daniel P. Ellis, P.E.
Vice President



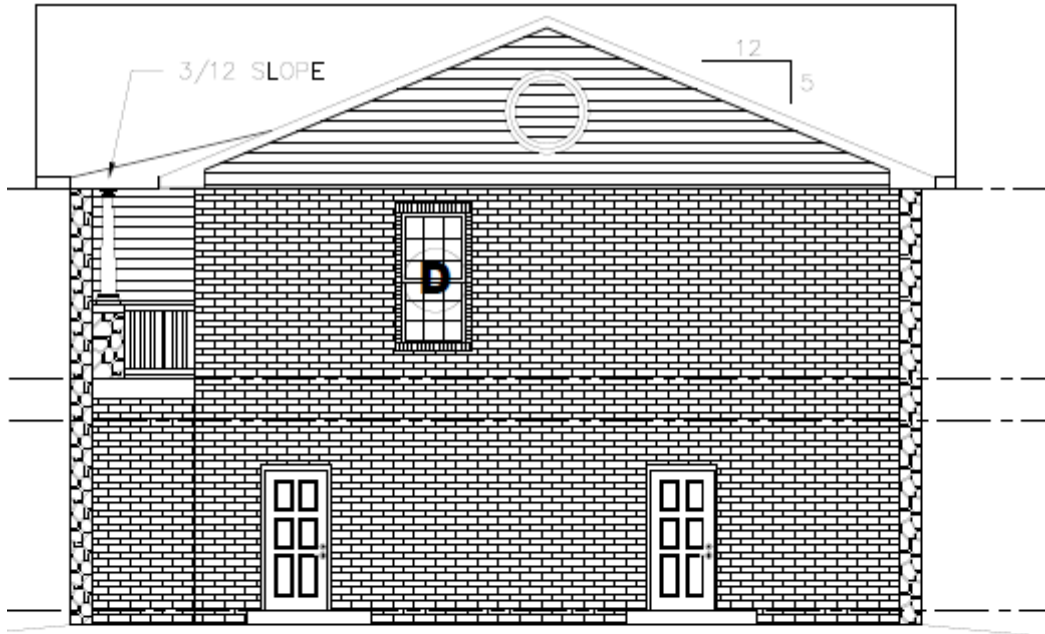
2 REAR ELEVATION

SCALE: 1/8" = 1'-0"

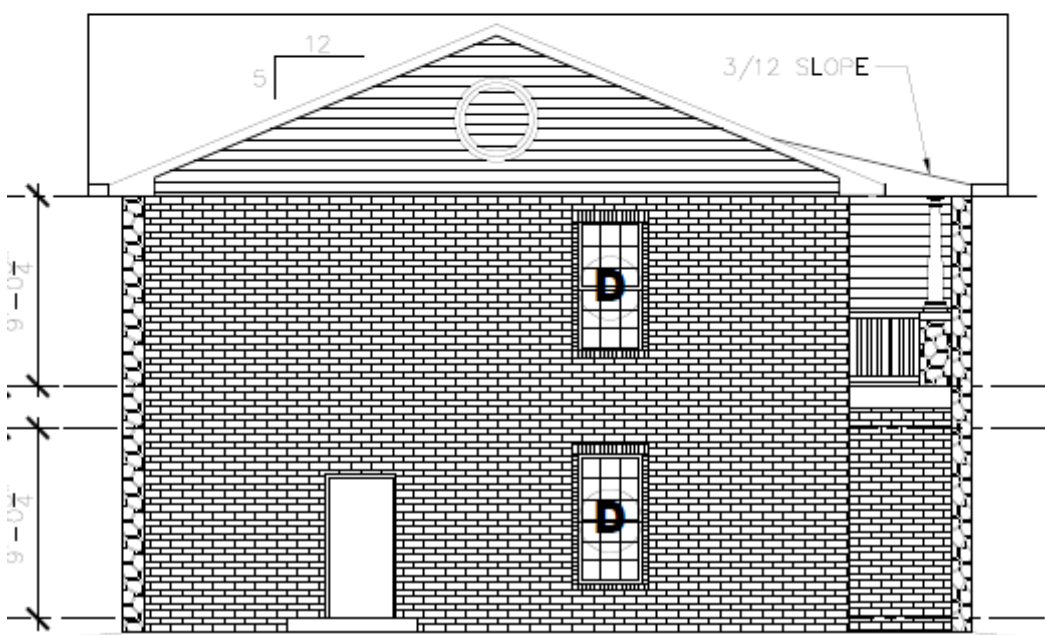


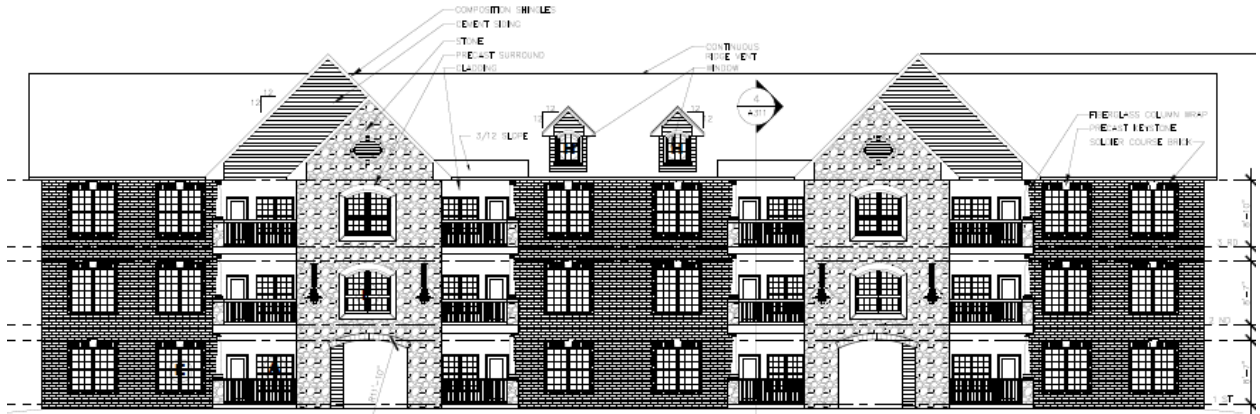
1 FRONT ELEVATION

SCALE: 1/8" = 1'-0"



2 RIGHT SIDE ELEVATION
 SCALE: 1/4" = 1'-0"





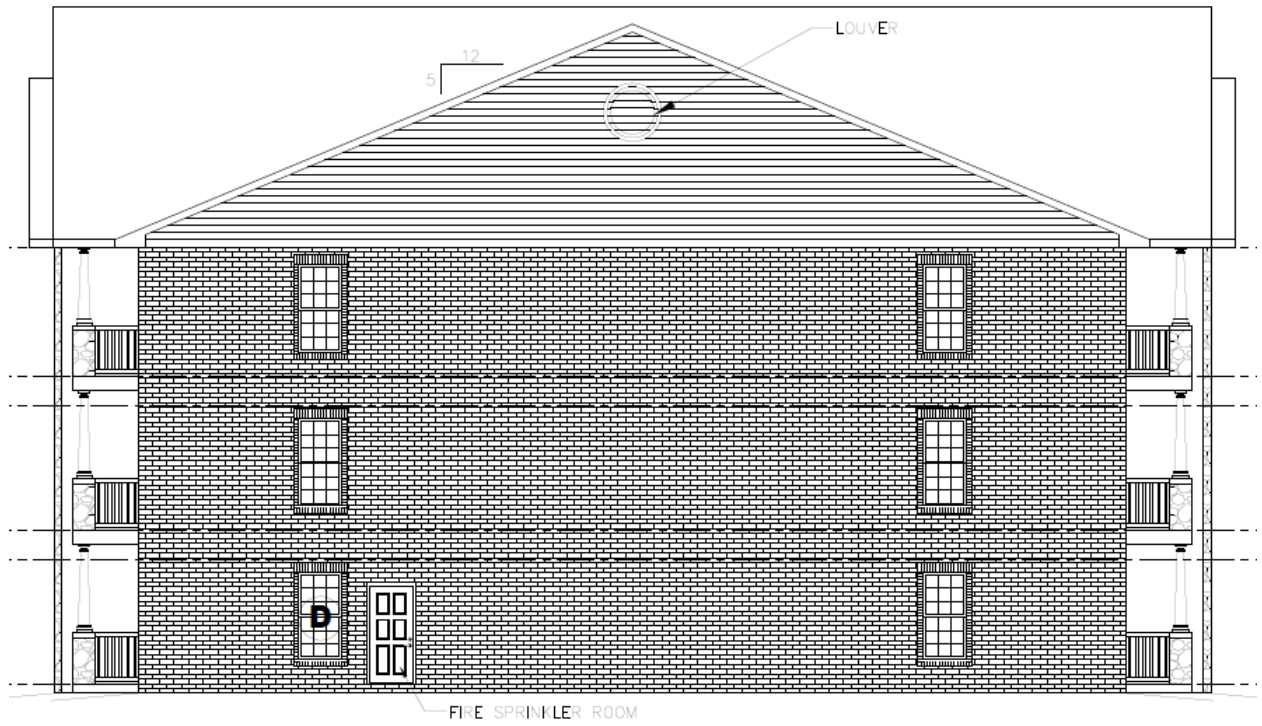
2 FRONT ELEVATION

SCALE 1/8" = 1'-0"



1 ENLARGED FRONT ELEVATION

SCALE 1/4" = 1'-0"



1 **END ELEVATION**
SCALE: 1/4" = 1'-0"



2 REAR ELEVATION
 1/8" = 1'-0"



1 ENLARGED REAR ELEVATION
 1/8" = 1'-0"

CLUB HOUSE



2 REAR ELEVATION
SCALE 1/8" = 1'-0"



1 FRONT ELEVATION
SCALE 1/8" = 1'-0"

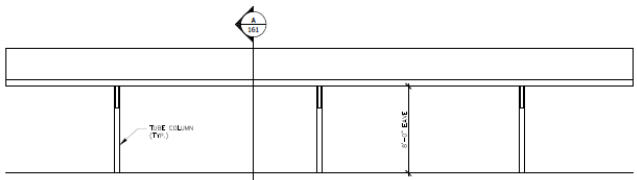
CLUB HOUSE



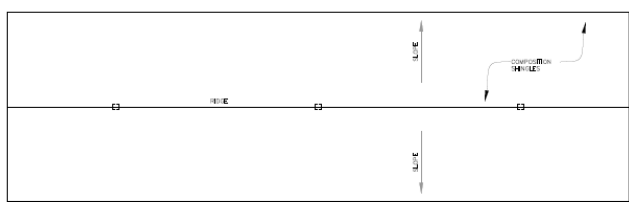
2 RIGHT ELEVATION
SCALE 1/4" = 1'-0"



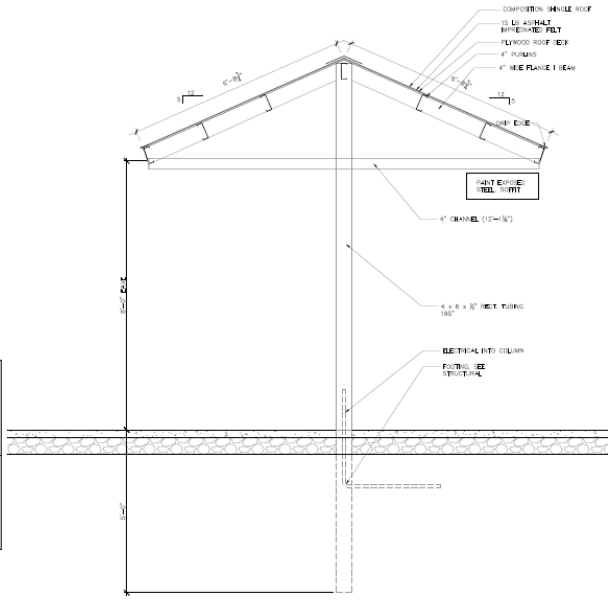
1 LEFT ELEVATION
SCALE 1/4" = 1'-0"



1 CARPORT ELEVATION
SCALE 1/4" = 1'-0"



3 CARPORT ROOF PLAN
SCALE 1/4" = 1'-0"



A SECTION @ CARPORT
SCALE 1/4" = 1'-0"

MEMORANDUM

DATE: April 28, 2015

TO: Planning Commission, City Council, Mayor McCaslin

FROM: Travis Matlock, Engineering Director

RE: Subdivision Code Revision – Article 1100,
Section H & I – Lighting standards

The City of Bentonville Electric Department recommends revising the residential/commercial lighting standards in order to clear up some ambiguity with the requirements on when/where the City of Bentonville standard light is placed.

Under Section “H” and “I”, the existing Subdivision Code allows for two options, a “standard” option and an “upgraded” option. The City Of Bentonville no longer offers two options. Any new subdivision (residential or commercial) or LSD is required to install the decorative, Holophane light unless there are existing overhead power lines that would interfere with the placement of the light.

Also, under Section “I” – Commercial Street Lights, the existing Subdivision Code does not address Large Scale Developments or public street extensions. It only states “commercial subdivision”. The revision addresses the possible types of developments that could occur in the City Of Bentonville.

This revision articulates the current practice within the City Of Bentonville concerning any new residential/commercial development or expansion of an existing development.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 15,
SUBDIVISION CODE TO REVISE STREET LIGHT
STANDARDS FOR RESIDENTIAL SUBDIVISIONS,
COMMERCIAL SUBDIVISIONS, AND
LARGE SCALE DEVELOPMENTS

WHEREAS, it is necessary for the City to rationally and reasonably furnish lighting fixtures in commercial subdivisions, residential subdivisions, and large scale developments; and,

WHEREAS, it is economical to have an inventory of street light luminaires and poles that are compatible to reduce maintenance costs; and,

WHEREAS, the City of Bentonville desires to protect the health, safety and welfare of the general public and to protect the night sky that adds to the quality of life of the City;

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF BENTONVILLE, ARKANSAS:**

Section 1: That Ordinance No. 2004-15 and Ordinance No. 2004-201 are herein repealed.

Section 2: That the Bentonville Municipal Code, Chapter 15, Subdivision Code, Article 1100 Design Standards, Sec. 1100.5 (H) Residential Street Lights, be deleted and replaced with the following:

H. Residential Street Lights.

- 1. Public Streets.*** *Developers of all new residential subdivisions with public streets shall install standard decorative street lighting along all public streets.*
 - a. Description.*** *The residential decorative street lights are 100 Watt, High Pressure Sodium acorn style fixtures installed on a cast iron/steel pole that meets the IESNA definition of a “cutoff” fixture. The decorative street light is serviced by underground power lines. Specifications for residential street light luminaires and poles, as amended, are on file at the BEUD.*
 - b. Developer Responsibility.*** *The developer shall contribute the cost of the residential street light and pole; provide the surface mount foundation and anchor system; and provide the 2” conduit raceway, as specified by the Bentonville Electric Utilities Department (BEUD).*

- c. **City Responsibility.** The City shall pull wire in the provided 2” conduit raceway, install luminaires and poles in conjunction with installation of the electric infrastructure for the subdivision. The City shall provide electrical power services and maintain street lights at no cost to the developer or property owners association.*
 - d. **Note.** The cost and availability of luminaires and poles are subject to change from year to year*
- 2. **Private streets.** The developer of new commercial subdivisions that have private streets shall have the option of installing street light fixtures as described in H(1)(a) and installing a metering pedestal, per a BEUD approved design, or setting up a rent light service through Utility Billing. The developer and/or property owners association shall be responsible for the cost of the electrical power service. The City shall preform all maintenance on any metered light or rent light (but not the meter pedestal). If neither of these options is selected, the developer and/or property owners association shall be responsible for the cost of the electrical power service and ongoing maintenance and upkeep of the fixtures installed in the development. The City will bear no responsibility for any lights installed by the developer and/or property owners association.*
- 3. **Gas street light fixtures.** Gas operated residential street light fixtures are prohibited in the City Of Bentonville.*
- 4. **Existing non-standard street light fixtures.** Non-standard street light fixtures existing prior to adoption of this Ordinance may continue. If the non-standard street light is damaged, two options are available:*
 - a. **Repair.** To use the same fixture, the homeowner’s association shall provide the replacement parts to the City and the City shall repair the fixture at no charge.*
 - b. **Replacement.** When a property owner’s association does not provide the replacement parts, the City shall remove the existing fixture and replace it with a street light fixture that is available in existing inventory.*
- 5. **Location and placement.** BEUD shall provide the location and placement of all types of street light fixtures.*

Section 3: That the Bentonville Municipal Code, Chapter 15, Subdivision Code, Article 1100 Design Standards, Sec. 1100.5 be deleted and replaced with the following:

I. Commercial Street Lights.

- 1. Public Streets.*** *Developers of all new commercial subdivisions that contain public streets within the development or Large Scale Developments (LSD) that front a public street or public street extensions shall place commercial street lights at the location designated by Bentonville Electric Utility Department (BEUD), unless location of Overhead Wires create an unsafe condition.*

a. Standard Commercial Street Light

- i. Description.*** *The commercial street lights are 250 Watt, High Pressure Sodium acorn style fixtures installed on a cast iron/steel pole that meets the IESNA definition of a “cutoff” fixture. The commercial street light is serviced by underground power lines. Specifications for commercial street light luminaires and poles, as amended, are on file at the BEUD.*
- ii. Developer Responsibility.*** *The developer shall contribute the cost of the commercial street light and pole; provide the surface mount foundation and anchor system; and provide the 2” conduit raceway, as specified by the BEUD.*
- iii. City Responsibility.*** *The City shall pull wire in the provided 2” conduit raceway, install luminaires and poles in conjunction with installation of the electric infrastructure for the subdivision or LSD. The City shall provide electrical power services and maintain street lights at no cost to the developer or property owners association.*
- iv. Note.*** *The cost and availability of luminaires and poles are subject to change from year to year*

b. Commercial Street Light Option near Overhead (OH) Electric

- i. Description.*** *The commercial street light is a 400 Watt, High Pressure Sodium Cobra head style installed on an existing wood pole. The commercial street light is serviced by overhead power lines and shall not be installed in developments where all utilities are located underground.*
- ii. Developer Responsibility.*** *The developer shall bear no responsibility for this street light option.*

- iii. **City Responsibility.** *The City shall contribute all costs and installation of the commercial street light fixture. The City shall provide electrical power service and maintain the commercial street light fixture at no cost to the developer or property owners association.*
 - iv. **Note.** *The option of placing the commercial street light on an existing wood pole will lie solely within BEUD's discretion once the overall safety is analyzed.*
2. **Private streets.** *The developer of new commercial subdivisions that have private streets shall have the option of installing street light fixtures as described in I(1)(a)(i) and installing a metering pedestal, per a BEUD approved design, or setting up a rent light service through Utility Billing. The developer and/or property owners association shall be responsible for the cost of the electrical power service. The City shall preform all maintenance on any metered light or rent light (but not the meter pedestal). If neither of these options is selected, the developer and/or property owners association shall be responsible for the cost of the electrical power service and ongoing maintenance and upkeep of the fixtures installed in the development. The City will bear no responsibility for any lights installed by the developer and/or property owners association.*
3. **Gas street light fixtures.** *Gas operated commercial street light fixtures are prohibited in the City Of Bentonville.*
4. **Location and placement.** *BEUD shall provide the location and placement of all types of street light fixtures.*

Section 4: 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 _____, 2015.

APPROVED:

Mayor Bob McCaslin

ATTEST:

City Clerk