



**City Council
Meeting Agenda
November 26, 2024
6:00 PM
Bentonville City Hall**

Note – The public, members of the City Council, and City staff, may have the option to attend this meeting by remote means. For public health reasons, those who attend in person should keep in mind hygiene, the use of facial coverings, and social distancing.

Bentonville residents can make public comments in the following ways:

- Public comments can be made in person at the meeting which is held at 305 SW A Street in Council Chambers.
- Public comments can be submitted by email to cc.comments@bentonvillear.com by at least 4:00 p.m. on the day of the meeting. This email includes the Mayor and City Council email addresses.
- Public comments can be made virtually by registering for the Council meeting at the Zoom link listed below. This requires you to register with your name, address, phone number and email address. The pre-existing limitations (3 minutes) and procedures concerning oral public comments will still apply.

*If you would like to attend virtually, please register at the following link by 4:00 p.m. on November 26, 2024:

https://us02web.zoom.us/webinar/register/WN_Bj2PslmqSgOar39GY6C-SQ

Council Questions/Discussion Concerning the Business Meeting

Call to Order

Pledge of Allegiance

Moment of Silence

Roll Call

Approval of Minutes: November 12, 2024

I. New Business - Public Comment to be Heard with Agenda Item

**1. Appointment of Eric Heaney to
Advertising & Promotion Commission**

Appointment

Mayor Stephanie Orman recommends Eric Heaney for appointment to Bentonville's Advertising & Promotion Commission. This term will begin on January 1, 2025 and will expire December 31, 2028.

**2. Appointment of Dan Weese to the Ozark
Regional Transit Board of Directors**

Appointment

Mayor Stephanie Orman is recommending Dan Weese for appointment to the Ozark Regional Transit Board of Directors. Mr. Weese will be filling Dennis Birge's unexpired term that will end in March 11, 2027.

3. **Public Hearing and Ordinance Vacating Street Right of Ways (VAC24-0011)** **Ordinance***
Public Hearing and approval of Ordinance vacating Street Right of Ways located at Lot 2 of Wal-Mart Campus Subdivision (VAC24-0011). No budget adjustment is needed.
4. **Resolution to Enter into an Agreement with Progressive Trail Design for Trail Repair Work** **Resolution**
A Resolution authorizing the Mayor and City Clerk to enter into an agreement with Progressive Trail Design in the amount of \$267,788.85, through participation in the Sourcewell Cooperative, for trail repair work at Park Springs Park caused by the May 26 storm. A budget adjustment is needed.
5. **Resolution Awarding Bid #IFB-24-35 to Clarity Pools, LLC for Melvin Ford Pump Room Renovation** **Resolution**
Awarding bid IFB-24-35 to Clarity Pools, LLC, in the amount of \$224,420.00, for the renovation of the pump room at Melvin Ford Aquatic Center. A budget adjustment is needed to reclassify funds.
6. **Resolution Amending the 2024 Budget to Reclassify Funds for the Legal Department Move** **Resolution**
A Resolution adjusting the 2024 budget to move budgeted funds from the Legal Department Plants and Building account to the appropriate expense account. A budget adjustment is needed.

II. Utility Board - No Meeting Held on November 19, 2024

III. Planning

1. **Property Line Adjustment - JB Townhomes RW Dedication & Easement Plat - 823 Northwest 14th Street (PLA24-0027)** **Ordinance***

The Planning Commission voted 7-0, recommending approval.

An Ordinance Accepting A Right Of Way And Easement Dedication Of Part Of Lot 2, Block 1, Braithwaite Park Addition And Lots 1 & 2 Of Northwoods Addition To The City Of Bentonville, Arkansas; And For Other Purposes.
2. **Rezoning - Stelte - R-1, Low-Density Single-Family Residential to DN-2, Downtown Medium Density Residential - 312 Northwest 7th Street (RZ24-0043)** **Ordinance***

The Planning Commission voted 7-0, recommending approval.

An Ordinance Changing Real Estate In The City Of Bentonville, Arkansas, From Its Present Zoning Classification Of R-1, Low Density Single Family Residential To DN-2, Downtown Medium-Density Residential; And For Other Purposes.

3. **Rezoning - Wal-Mart Stores Inc - R0, Residential Office to C-2, General Commercial - East Central Avenue (RZ24-0044)** **Ordinance***

The Planning Commission voted 7-0, recommending approval.

An Ordinance Changing Real Estate In The City Of Bentonville, Arkansas, From Its Present Zoning Classification Of R-O, Residential Office To C-2, General Commercial; And For Other Purposes.

4. **Future Land Use Map Amendment - Paulsen Revocable Trust - Agricultural to Low Density Residential (LDR) - 12815 Motley Road (RZ24-0046)** **Resolution**

The Planning Commission voted 7-0, recommending approval.

A Resolution Amending The City Of Bentonville Future Land Use Map For A Specific Area From Agriculture To Low-Density Residential; And For Other Purposes.

5. **Rezoning - Paulsen Revocable Trust - A-1, Agriculture to R-1, Low-Density Single-Family Residential - 12815 Motley Road (RZ24-0046)** **Ordinance***

The Planning Commission voted 7-0, recommending approval.

An Ordinance Changing Real Estate In The City Of Bentonville, Arkansas, From Its Present Zoning Classification Of A-1, Agricultural To R-1, Low Density Single Family Residential; And For Other Purposes.

6. **Future Land Use Map Amendment - Echelon - Open Space to Low Density Residential (LDR) - 1602 Northwest 3rd Street (PRD24-0004)** **Resolution**

The Planning Commission voted 4-3, recommending approval.

A Resolution Amending The City Of Bentonville Future Land Use Map For A Specific Area From Open Space To Low-Density Residential; And For Other Purposes.

7. **Planned Residential Development - Echelon - R-1, Low-Density Single-Family Residential and R-E, Residential Estate to Planned Residential Development (PRD) - 1602 Northwest 3rd Street (PRD24-0004)** **Ordinance***

The Planning Commission voted 5-2, recommending approval.

An Ordinance Changing Real Estate In The City Of Bentonville, Arkansas, From Its Present Zoning Classification Of R-1, Low Density Single Family Residential And R-E, Residential Estate To PRD, Planned Residential Development; And For Other Purposes.

IV. Other Business/Announcements/Comments

Adjournment

Public Comments Concerning Matters of City Related Business



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	11/26/2024	Submitted By:	Mayor Stephanie Orman
Phone:	(479) 271-5966	For Department(s):	Administration
Email:	sorman@bentonvillear.com		

Item Type (Check all that apply)

☒ Informational	☐ Bid Award	☐ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☐ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☐ Resolution	☒ Informational	☒ Appointment

Title, Recommendation & Justification

Title:	Appointment of Eric Heaney to Advertising & Promotion Commission
Action Recommendation & Justification:	Mayor Stephanie Orman recommends Eric Heaney for appointment to Bentonville's Advertising & Promotion Commission. This term will begin on January 1, 2025 and will expire December 31, 2028.
Additional Comments for Consideration (Optional):	
Amount for Approval:	\$

Budget Impact

Is this Item Budgeted? ☐ YES ☐ NO ☒ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712

www.bentonvillear.com

Please Recycle!



November 26, 2024

To: City Council Members & City Clerk

From: Mayor Stephanie Orman

Subject: Appointment of Eric Heaney to Bentonville's Advertising and Promotion Commission.

I recommend Eric Heaney for appointment to Bentonville's Advertising and Promotion Commission. Mr. Heaney's term expires on December 31, 2028.

SO

Stephanie Orman



November 6, 2024

Mayor Stephanie Orman
City of Bentonville
305 SW A Street
Bentonville, AR 72712

Dear Mayor:

On October 29, 2024, the Bentonville Advertising & Promotion Commission voted to submit to the City Council for their approval the appointment as a lodging representative on the commission. Mr. Eric Heaney will be serving his first term on the Bentonville Advertising & Promotion Commission.

We would like to be on the November 26, 2024 agenda, due to Mr. Heaney traveling and he would like to be present for the appointment.

The term for this seat is January 1, 2025, through December 31, 2028.

We are enclosing a copy of his application and Commission terms summary for your convenience.

Please let me know if you have any questions.

Sincerely,



Kalene Griffith
President/CEO



NAME: Eric Heaney DATE: 10/18/24

RESIDENCE ADDRESS: [REDACTED] LENGTH OF RESIDENCY: New Resident
Bentonville, AR 72712

MAILING ADDRESS (if different): _____

EMAIL ADDRESS: [REDACTED]

PHONE NUMBERS: (H) _____ (W) _____ (C) [REDACTED]

Workplace: Motto Hotel, Bentonville Position/Title: General Manager

REFERENCES:

NAME: Matthew Disheeroon NAME: David Littlefield

PHONE: [REDACTED] PHONE: [REDACTED]

EMAIL: [REDACTED] EMAIL: [REDACTED]

What are your qualifications for serving on this commission? Include education and expertise in the tourism industry.

Hospitality industry member for 14+ years, including 10 as General Manager

Tourism Committee of Nevada, MO - Member - 3 Years

Transient Guest Tax Committee of Fort Scott, KS - Member - 3 Years

Chamber of Commerce of Nevada, MO - Member - 3 Years

Chamber of Commerce of Lehigh Valley, PA - Member - 3 Years

Why would you like to be considered for the Bentonville Advertising & Promotion Commission position?

As active leader in prominent downtown hotel, and new community member, I find it interesting and valuable to engage civically and promote Bentonville, as growth benefits all members of the community. My interest is both to represent the community, and bring outside perspective to a growing market.

I meet all requirements for serving on this commission.

Signature: [REDACTED] Date: 10/18/24

Send completed application to Julie Drager, Director of Finance

Email: julie@visitbentonville.com

Mail: **Bentonville A&P Commission – Attention: Julie Drager**



ERIC HEANEY

PROFESSIONAL

Dual General Manager Tharaldson Hospitality Broomfield, CO November 2022 – Current	F&B Management Budgeting Catering Mgmt Recruiting 1 of 6 RevPAR (x2) 51% GHP Strict Budget Adherence
User Experience Specialist Multimind Media Remote July 2021 – November 2022	Project Oversight Web Design User Testing Wireframing Google Ads & Analytics Digital Marketing
Area General Manager ONE Lodging/Aimbridge Hospitality Lehigh Valley, PA March 2018 – June 2020	Accounting eCommerce Market Analysis Project Management Revenue Mgmt/Strategy Forecasting Budgeting Marketing
Area General Manager ONE Lodging Nevada, MO/Fort Scott, KS June 2016 – March 2018	F&B Management Multi-Property/Remote Management Brand Transition Oversight Revenue Mgmt/Strategy Market Strategy
General Manager JDSK/ONE Lodging Nevada, MO September 2014 – June 2016	IHG Torchbearer Award Winner Budget-Building Revenue Mgmt/Strategy Construction Management Marketing
Site Manager Platinum Storage Group Las Vegas, NV January 2014 – September 2014	Accounting Collections Security Scheduling Conflict Management
Guest Service Manager Airport Hospitality Irving, TX September 2012 – September 2013	Scheduling Overbooking Management Employee Evaluations Shuttle Scheduling

CIVIC

Member Lehigh Valley Chamber of Commerce March 2018 – June 2020	Member Lehigh Valley Young Professionals March 2018 – June 2020
Member Transiet Guest Tax Committee of Fort Scott October 2016 – March 2018	Member Tourism Committee of Nevada January 2016 – March 2018
Member Nevada Chamber of Commerce September 2014 – March 2018	Volunteer Nevada Homeless Shelter August 2016 – March 2018
Volunteer Nevada Community Center November 2015 – March 2018	Volunteer Osage Prairie YMCA December 2014 – March 2018

EDUCATION & CERTIFICATIONS

University of Oklahoma
Business Administration

Language: Spanish
Intermediate

Section 5
Brand Strategy Sprint

AHLA
Certified Hotel Administrator

REFERENCES

David Littlefield | Entrepreneur
Oklahoma City, OK | [REDACTED]

Matthew Disheroon | Director of Operations
Bentonville, AR | [REDACTED]



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	11/26/2024	Submitted By:	Mayor Stephanie Orman
Phone:	(479) 271-5966	For Department(s):	Administration
Email:	sorman@bentonvillear.com		

Item Type (Check all that apply)

☒ Informational	☐ Bid Award	☐ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☐ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☐ Resolution	☒ Informational	☒ Appointment

Title, Recommendation & Justification

Title:	Appointment of Dan Weese to the Ozark Regional Transit Board of Directors
Action Recommendation & Justification:	Mayor Stephanie Orman is recommending Dan Weese for appointment to the Ozark Regional Transit Board of Directors. Mr. Weese will be filling Dennis Birge's unexpired term that will end in March 11, 2027.
Additional Comments for Consideration (Optional):	
Amount for Approval:	\$

Budget Impact

Is this Item Budgeted? ☐ YES ☐ NO ☒ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712

Memorandum



To: City Council Members

From: Stephanie Orman, Mayor

Date: Thursday, November 21, 2024

Re: Appointment of Dan Weese to Ozark Regional Transit Board of Directors

I recommend Dan Weese for appointment to Ozark Regional Transit's Board of Directors. Mr. Weese will be filling the unexpired term of Dennis Birge, who is retiring from the City of Bentonville. Mr. Weese's term will expire March 11, 2027.

So

Stephanie Orman



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	11/26/2024	Submitted By:	Tracy Billings
Phone:	479-696-0229	For Department(s):	Transportation
Email:	tbillings@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational	☐ Bid Award	☐ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☐ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☒ Ordinance	☐ Resolution	☐ Informational	

Title, Recommendation & Justification

Title:	Public Hearing and Ordinance Vacating Street Right of Ways (VAC24-0011)
Action Recommendation & Justification:	Public Hearing and approval of Ordinance vacating Street Right of Ways located at Lot 2 of Wal-Mart Campus Subdivision (VAC24-0011). No budget adjustment is needed.
Additional Comments for Consideration (Optional):	
Amount for Approval:	\$ 0

Budget Impact

Is this Item Budgeted? ☐ YES ☐ NO ☒ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712



VAC24-0011

SE J ST



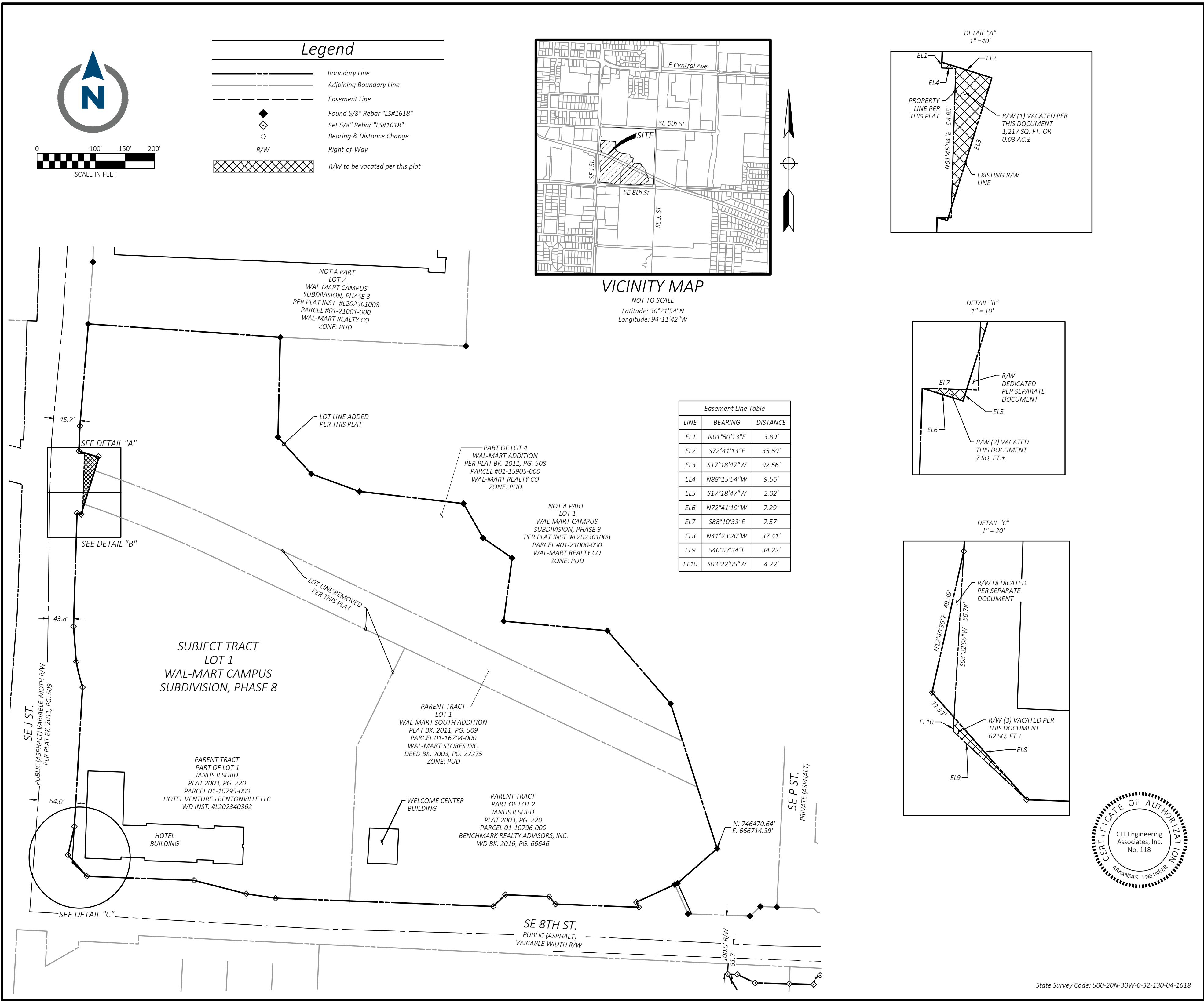
SE 8TH ST



VAC24-0011
Proposed ROW Vacation
WMC Welcome Center/Hotel ROW Vacation



DRAWING LOCATION - S:\31000\31470\DRAWINGS\SURVEY\31470 FP WELCOME\R-W VACATIONS\31470 RW VACATIONS.DWG -- SAVED BY - WPIERSON



Found 5/8" Rebar "LS#1618"

Set 5/8" Rebar "LS#1618"

Bearing & Distance Change

Right-of-Way

R/W to be vacated per this plat

NOT A PART LOT 2 WAL-MART CAMPUS SUBDIVISION, PHASE 3 PER PLAT INST. #L202361008 PARCEL #01-21001-000 WAL-MART REALTY CO ZONE: PUD

LOT LINE ADDED PER THIS PLAT

NOT A PART LOT 1 WAL-MART CAMPUS SUBDIVISION, PHASE 3 PER PLAT INST. #L202361008 PARCEL #01-15905-000 WAL-MART REALTY CO ZONE: PUD

LOT LINE REMOVED PER THIS PLAT

SUBJECT TRACT LOT 1 WAL-MART CAMPUS SUBDIVISION, PHASE 8

PARENT TRACT LOT 1 WAL-MART SOUTH ADDITION PLAT BK. 2011, PG. 509 PARCEL 01-16704-000 WAL-MART STORES INC. DEED BK. 2003, PG. 22275 ZONE: PUD

PARENT TRACT PART OF LOT 1 JANUS II SUBD. PLAT 2003, PG. 220 PARCEL 01-10795-000 HOTEL VENTURES BENTONVILLE LLC WD INST. #L202340362

HOTEL BUILDING

WELCOME CENTER BUILDING

PARENT TRACT PART OF LOT 2 JANUS II SUBD. PLAT 2003, PG. 220 PARCEL 01-10796-000 BENCHMARK REALTY ADVISORS, INC. WD BK. 2016, PG. 66646

SE 8TH ST. PUBLIC (ASPHALT) VARIABLE WIDTH R/W

SE J ST. PUBLIC (ASPHALT) VARIABLE WIDTH R/W PER PLAT BK. 2011, PG. 509

SE P ST. PRIVATE (ASPHALT)

SEE DETAIL "A"

SEE DETAIL "B"

SEE DETAIL "C"

100.0 R/W 51.7

SE 8TH ST. PUBLIC (ASPHALT) VARIABLE WIDTH R/W

SE J ST. PUBLIC (ASPHALT) VARIABLE WIDTH R/W PER PLAT BK. 2011, PG. 509

SE P ST. PRIVATE (ASPHALT)

SEE DETAIL "A"

SEE DETAIL "B"

SEE DETAIL "C"

100.0 R/W 51.7

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

NOT TO SCALE

Latitude: 36°21'54"N

Longitude: 94°11'42"W

ORDINANCE NO _____

**AN ORDINANCE VACATING STREET RIGHT OF WAY EASEMENT
LOCATED AT LOT 2 OF WAL-MART CAMPUS SUBDIVISION OF THE CITY OF
BENTONVILLE, ARKANSAS, BENTON COUNTY ARKANSAS (VAC24-0011).**

WHEREAS, a petition was filed with the City Council of the City of Bentonville, Arkansas, by NORTH ARKANSAS WHOLESALE CO, INC asking the City Council to vacate street right of way located in the City of Bentonville, Benton County, Arkansas, which portion is more particularly described as follows:

R/W Vacation Description 1

A part of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of Section 32, Township 20 North, Range 30 West also being a part of the Right-of-way of SE J Street per Plat Book 2011, Page 509 in the public records of Benton County, Arkansas and being described by metes and bounds as follows:

COMMENCING at a 5/8-inch rebar with cap LS1618 found at the Southwest Corner of Lot 2, Wal-Mart Campus Subdivision, Phase 3 per Plat Instrument #L202361008;

THENCE along the East Right-of-way SE J Street, South 04°44'46" West, 174.40 feet to a 5/8-inch rebar with cap LS1618;

THENCE continuing along said Right-of-way, South 02°11'23" West, 43.10 feet to the **POINT OF BEGINNING**;

THENCE along said Right-of-way, South 72°41'13" East, 35.69 feet to a 5/8-inch rebar with cap LS1618;

THENCE continuing along said Right-of-way, South 17°18'47" West, 92.56 feet;

THENCE departing said Right-of-way, North 01°45'04" East, 94.85 feet;

THENCE North 88°15'54" West, 9.56 feet;

THENCE North 01°50'13" East, 3.89 feet to the **POINT OF BEGINNING** containing 1,217 square feet or 0.03 acres, more or less.

R/W Vacation Description 2

A part of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of Section 32, Township 20 North, Range 30 West also being a part of the Right-of-way of SE J Street per Plat Book 2011, Page 509 in the public records of Benton County, Arkansas and being described by metes and bounds as follows:

COMMENCING at a 5/8-inch rebar with cap LS1618 found at the Southwest Corner of Lot 2, Wal-Mart Campus Subdivision, Phase 3 per Plat Instrument #L202361008;

THENCE along the East Right-of-way SE J Street the following four (4) courses:

1. South 04°44'46" West, 174.40 feet to a 5/8-inch rebar with cap LS1618;
2. South 02°11'23" West, 43.10 feet;
3. South 72°41'13" East, 35.69 feet;
4. South 17°18'47" West, 99.98 feet to the **POINT OF BEGINNING**;

THENCE departing said Right-of-way, South 88°10'33" East, 7.57 feet;

THENCE South 17°18'47" West, 2.02 feet;

THENCE North 72°41'19" West, 7.29 feet to the **POINT OF BEGINNING** containing 7 square feet more or less.

R/W Vacation Description 3

A part of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of Section 32, Township 20 North, Range 30 West also being a part of the Right-of-way of SE J Street per Plat Book 2011, Page 509 in the public records of Benton County, Arkansas and being described by metes and bounds as follows:

COMMENCING at a 5/8-inch rebar with cap LS1618 found at the Southwest Corner of Lot 2, Wal-Mart Campus Subdivision, Phase 3 per Plat Instrument #L202361008;

THENCE along the East Right-of-way SE J Street the following four (4) courses:

1. South 04°44'46" West, 174.40 feet to a 5/8-inch rebar with cap LS1618;
2. South 02°11'23" West, 43.10 feet to a 5/8-inch rebar with cap LS1618;
3. South 72°41'13" East, 35.69 feet to a 5/8-inch rebar with cap LS1618;
4. South 17°18'47" West, 102.00 feet to a 5/8-inch rebar with cap LS1618;
5. North 72°41'19" West, 7.29 feet to a 5/8-inch rebar with cap LS1618;
6. South 01°46'25" West, 192.86 feet to a 5/8-inch rebar with cap LS1618;
7. South 04°15'29" East, 60.69 feet to a 5/8-inch rebar with cap LS1618;
8. Southerly along the arc of a curve to the left 44.78 feet, having a radius of 357.85 feet, through a central angle of 07°10'11", having a chord bearing and distance of South 13°59'43" East, 44.75 feet to a 5/8-inch rebar with cap LS1618;
9. South 03°22'06" West, 238.32 feet to a 5/8-inch rebar with cap LS1618;
10. South 12°40'36" West, 49.39 feet to a 5/8-inch rebar with cap LS1618;
11. South 41°27'02" East, 11.33 feet to the **POINT OF BEGINNING**;

THENCE departing said Right-of-way, South 41°23'20" East, 37.41 feet to a 5/8-inch rebar with cap LS1618;

THENCE North 46°57'34" West, 34.22 feet to a 5/8-inch rebar with cap LS1618;

THENCE North 03°22'06" East, 4.72 feet to the **POINT OF BEGINNING** containing **62** square feet, more or less.

WHEREAS, after due notice as required by law, the Council has at the time and place mentioned the notice, heard all persons desiring to be heard on the question; that all the owners of the property abutting the easement to be vacated have joined in the petition or consented to the granting of the petition; and the public interest and welfare will not be adversely affected by the abandonment of the above described street right of way.

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Bentonville, Arkansas:

Section 1: The City of Bentonville Arkansas releases, vacates, and abandons all of its rights together with the rights of the public generally, in and to a right of way designated as follows:

R/W Vacation Description 1

A part of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of Section 32, Township 20 North, Range 30 West also being a part of the Right-of-way of SE J Street per Plat Book 2011, Page 509 in the public records of Benton County, Arkansas and being described by metes and bounds as follows:

COMMENCING at a 5/8-inch rebar with cap LS1618 found at the Southwest Corner of Lot 2, Wal-Mart Campus Subdivision, Phase 3 per Plat Instrument #L202361008;

THENCE along the East Right-of-way SE J Street, South 04°44'46" West, 174.40 feet to a 5/8-inch rebar with cap LS1618;

THENCE continuing along said Right-of-way, South 02°11'23" West, 43.10 feet to the **POINT OF BEGINNING**;

THENCE along said Right-of-way, South 72°41'13" East, 35.69 feet to a 5/8-inch rebar with cap LS1618;

THENCE continuing along said Right-of-way, South 17°18'47" West, 92.56 feet;

THENCE departing said Right-of-way, North 01°45'04" East, 94.85 feet;

THENCE North 88°15'54" West, 9.56 feet;

THENCE North 01°50'13" East, 3.89 feet to the **POINT OF BEGINNING** containing 1,217 square feet or 0.03 acres, more or less.

R/W Vacation Description 2

A part of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of Section 32, Township 20 North, Range 30 West also being a part of the Right-of-way of SE J Street per Plat Book 2011, Page 509 in the public records of Benton County, Arkansas and being described by metes and bounds as follows:

COMMENCING at a 5/8-inch rebar with cap LS1618 found at the Southwest Corner of Lot 2, Wal-Mart Campus Subdivision, Phase 3 per Plat Instrument #L202361008;

THENCE along the East Right-of-way SE J Street the following four (4) courses:

5. South 04°44'46" West, 174.40 feet to a 5/8-inch rebar with cap LS1618;
6. South 02°11'23" West, 43.10 feet;
7. South 72°41'13" East, 35.69 feet;
8. South 17°18'47" West, 99.98 feet to the **POINT OF BEGINNING**;

THENCE departing said Right-of-way, South 88°10'33" East, 7.57 feet;

THENCE South 17°18'47" West, 2.02 feet;

THENCE North 72°41'19" West, 7.29 feet to the **POINT OF BEGINNING** containing 7 square feet more or less.

R/W Vacation Description 3

A part of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of Section 32, Township 20 North, Range 30 West also being a part of the Right-of-way of SE J Street per Plat Book 2011, Page 509 in the public records of Benton County, Arkansas and being described by metes and bounds as follows:

COMMENCING at a 5/8-inch rebar with cap LS1618 found at the Southwest Corner of Lot 2, Wal-Mart Campus Subdivision, Phase 3 per Plat Instrument #L202361008;

THENCE along the East Right-of-way SE J Street the following four (4) courses:

12. South 04°44'46" West, 174.40 feet to a 5/8-inch rebar with cap LS1618;
13. South 02°11'23" West, 43.10 feet to a 5/8-inch rebar with cap LS1618;
14. South 72°41'13" East, 35.69 feet to a 5/8-inch rebar with cap LS1618;
15. South 17°18'47" West, 102.00 feet to a 5/8-inch rebar with cap LS1618;
16. North 72°41'19" West, 7.29 feet to a 5/8-inch rebar with cap LS1618;
17. South 01°46'25" West, 192.86 feet to a 5/8-inch rebar with cap LS1618;
18. South 04°15'29" East, 60.69 feet to a 5/8-inch rebar with cap LS1618;
19. Southerly along the arc of a curve to the left 44.78 feet, having a radius of 357.85 feet, through a central angle of 07°10'11", having a chord bearing and distance of South 13°59'43" East, 44.75 feet to a 5/8-inch rebar with cap LS1618;
20. South 03°22'06" West, 238.32 feet to a 5/8-inch rebar with cap LS1618;
21. South 12°40'36" West, 49.39 feet to a 5/8-inch rebar with cap LS1618;
22. South 41°27'02" East, 11.33 feet to the **POINT OF BEGINNING**;

THENCE departing said Right-of-way, South 41°23'20" East, 37.41 feet to a 5/8-inch rebar with cap LS1618;

THENCE North 46°57'34" West, 34.22 feet to a 5/8-inch rebar with cap LS1618;

THENCE North 03°22'06" East, 4.72 feet to the **POINT OF BEGINNING** containing **62** square feet, more or less.

Section 2: A copy of this Ordinance, duly certified by the City Clerk, shall be filed in the Office of the Recorder of Benton County, Arkansas and recorded in the deed records of the County.

Section 3: This Ordinance shall take effect and be in force from and after its passage. The above and foregoing Ordinance was passed, approved, and adopted the _____ day of _____, 2024 at a regular meeting of the City Council of the City of Bentonville, Arkansas.

Malorie Marrs, City Clerk
Bentonville, Arkansas

Stephanie Orman, Mayor
City of Bentonville, Arkansas



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	11/26/2024	Submitted By:	Josh Stacey
Phone:	479-418-8653	For Department(s):	Parks and Recreation
Email:	jstacey@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational	☐ Bid Award	☒ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☒ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☒ Resolution	☐ Informational	

Title, Recommendation & Justification

Title:	Resolution to Enter into an Agreement with Progressive Trail Design for Trail Repair Work
Action Recommendation & Justification:	A Resolution authorizing the Mayor and City Clerk to enter into an agreement with Progressive Trail Design in the amount of \$267,788.85, through participation in the Sourcewell Cooperative, for trail repair work at Park Springs Park caused by the May 26 storm. A budget adjustment is needed.
Additional Comments for Consideration (Optional):	A budget adjustment is needed to fund this from General Fund Reserves. This will be submitted to FEMA for an anticipated 75% reimbursement. Purchasing performed an evaluation of 112420-ARC, determining that the solicitation was in line with both Arkansas State Statute and the City's Purchasing Policy.
Amount for Approval:	\$ 267,788.85

Budget Impact

Is this Item Budgeted? ☐ YES ☒ NO ☐ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

105030-44430	Building/Ground Maintenance	\$ 267,788.85	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☒ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712

Memo



To: City Council, Mayor Orman
From: Josh Stacey, Parks and Recreation Deputy Director
CC: David Wright, Parks and Recreation Director
Date: November 14, 2024
Re: Council approval of a Resolution authorizing the Mayor and City Clerk to enter into an agreement with Progressive Trail Design in the amount of \$267,788.85 for trail repair work caused by the May 26 storm.

Parks and Recreation Staff is seeking City Council's approval of a resolution authorizing the Mayor and City Clerk to enter into an agreement with Progressive Trail Design in the amount of \$267,788.85 for trail repair work caused by the May 26 storm.

Park Springs Park received significant damage during the May 26 storm both to the main park area and the stream and trail system. The play park space was able to be cleared by our original debris contractor and then reopened to the public. The trail system however fell into the waterway debris removal which was just recently completed by the new waterway debris removal company. After that work, several sections of trail, including a 50ft spanning bridge are in need of complete repair and replacement. Progressive Trail Design (PTD) is an internationally well-known trail building and repair company and has built a good amount of the Park Springs Park trail system. PTD's Sourcewell pricing and contract have been vetted by Purchasing and Legal and deemed qualified for this purpose.

The trail work is expected to take 2-3 months to complete as numerous trails have been completely destroyed and need rebuilt. PTD's work includes rebuilding trail tread, rebuilding and repairing bridges and retaining walls, and returning the trails to their pre-storm conditions. The majority of this work will be covered through the Cities insurance coverage and the balance remaining is FEMA reimbursement eligible and has been vetted by our FEMA consultant, Thompson Consulting.

A budget adjustment is required for this work to be completed. After insurance and submitting the request to FEMA, we are anticipating the vast majority of the funds to be reimbursed for this project.

If you have any questions regarding this item, please contact Josh Stacey at jstacey@bentonvillear.com or call 418.8653.

Attachments:
Progressive Trail Design Agreement



MEMORANDUM

PURCHASING OFFICE

TO: ADMINISTRATION

FROM: Kelsi Frederick, Purchasing Manager

DATE: November 26, 2024

SUBJECT: Trail Repair Work – Park Springs Park

The Purchasing Department has reviewed the Sourcewell Cooperative contract and determined that the solicitation complies with Arkansas State Statute and the City's Purchasing Policy. I recommend the City Council approve the Mayor and City Clerk to enter into an agreement with Progressive Trail Design in the amount of \$267,788.85, for trail repair work at Park Springs Park.

This agreement will be executed through participation in the Sourcewell Cooperative Contract (#112420-ARC) for trail repair work needed as a result of damage caused by the May 26 storm. The total cost of the project will be submitted to FEMA for an anticipated 75% reimbursement.

Your approval of this agenda item will ensure timely repair of the City's trail system and facilitate cost recovery through FEMA's reimbursement program.

Please feel free to contact me with any questions.

Kelsi Frederick

(479) 271-3115

kfrederick@bentonvillear.com



DESIGN BUILD RIDE

TRAIL CONSTRUCTION CONTRACT

PROJECT: Bentonville Trail Storm Cleanup

CLIENT: The City of Bentonville AR

LOCATION: Bentonville, AR

DATE: 11.14.24

This agreement, entered into as of 11.14.24, by and between PROGRESSIVE TRAIL DESIGN LLC (herein referred to as "CONTRACTOR") and THE CITY OF BENTONVILLE, AR (herein referred to as "CLIENT"). Witnesseth, that the CONTRACTOR and CLIENT for the consideration hereinafter named agree as follows:

ARTICLE 1.

Scope of Services:

- A. See Appendix for Detailed Design and Estimate
- B. Trail Details:
 - 1. Go through ea section of Park Springs Park as listed in Appendix
 - 2. Fix all damaged tread and issues in the approved 10' corridor.
 - 3. Remove, move, or return root balls.
 - 4. Reroute damaged section of trail where needed due to storm damage.
 - 5. Improve drainage where needed. (This will mainly be needed in areas where significant root damage has occurred)
 - 6. Fix or replace wood bridges and boardwalks with Steel Substructure and Cedar bridges
 - 7. Fix or replace stone features for drainage, soil retention, etc.
 - 8. Team based on 8 hand crew and 1 operator. Bridge replacement/repair team will be skill craftsman.
- C. CONTRACTOR designs and builds all trails in accordance with industry Best Management Practices outlined by PTBA and IMBA "Trail Solutions: IMBA's Guide to Building Sweet Singletrack."



DESIGN BUILD RIDE

ARTICLE 2.

Time of Performance:

- A. Scope as defined above will take approximately 35 days to complete.
- B. Work is estimated to start November 1, 2024, and be completed by January 15, 2025, pending inclement weather, holidays and/or change orders. Note; this is not a hard deadline, only an estimate.

ARTICLE 3.

Compensation:

- A. For the Scope of Services set forth in the Article 1, CLIENT agrees to pay the CONTRACTOR the sum of **\$267,788.85 USD (TWO HUNDRED SIXTY-SEVEN THOUSAND SEVEN HUNDRED EIGHTY-EIGHT US DOLLARS AND EIGHTY-FIVE CENTS)**, which amount includes all sales and/or other applicable taxes, subject to additions and deductions for changes as agreed upon in writing. See Appendix for an itemized detail of the Contract Sum.
- B. A Mobilization Charge of **\$5,250.00** (line items 1.4, 2.4 & 3.4 ea) in Estimate is required upon execution of this agreement.
- C. CONTRACTOR will bill the CLIENT based on Unit Costs of Units actually completed. For example: if CONTRACTOR builds more (or less) trail than estimated, the CLIENT will be billed (or not) for the additional trail at the same unit price. The CONTRACTOR agrees to periodically measure Units throughout the construction process. Therefore, a Change Order can be submitted in time to address the overage or substitution. However, the CONTRACTOR cannot guarantee they will not exceed the estimated Units.
- D. This contract pricing is in compliance with Sourcwell contract # 112420 - ARC and will follow all terms and conditions listed in the Sourcwell original contrac

ARTICLE 4.

Billing Procedures:

- A. "Progress Invoices" will be submitted by CONTRACTOR, typically every 1-2 weeks. Progress payments will be due within 15 days ("Due Date").
- B. If any Invoice is not paid in full within five (5) days of the Due Date, CONTRACTOR reserves the right to charge a late fee equal to five percent



DESIGN BUILD RIDE

(5%) of the unpaid portion of the Progress Invoice shall be charged to CLIENT and interest shall begin to accrue and be payable at the rate of ten percent (10%) per annum until paid in full.

- C. CONTRACTOR reserves the right to stop work if any Progress Invoice is not paid in full within fifteen (15) days of the applicable Due Date.
- D. The final payment invoice shall be submitted and due when the services described in this Agreement when "final punch-list" is complete and CLIENT has signed "Closing/Warranty Document" (provided by CONTRACTOR).
Final payment is due within fifteen (15) days of the date of the final invoice.

ARTICLE 5.

Changes in Work:

- A. If either party would like to change or modify any of the scope of services, a written change order with both parties' signature and the reflecting costs will be required.
- B. Note: Trail Construction has many unforeseen variables that cannot be predicted during design, such as bedrock or inundated areas. It will be the CONTRACTORS responsibility to assess at that time and initiate a resolution through a change order that both parties can agree on.
- C. Change Orders will be billed upon completion and separately from the original Contract Sum. Payment to be made within fifteen (15) days. Late fees and interest shall be payable for any unpaid amounts consistent with Article 4.

ARTICLE 6.

Land Survey/Property Lines:

- A. The CONTRACTOR is a "Design/Build Firm" and typically builds off of a conceptual line on a map that has been ground-truthed and agreed upon by CLIENT during the design process. If a flagged and GPS'd line is required on the ground prior to construction to confirm location of trail, that can be arranged through a separate design contract or a mutually agreed upon arrangement between CLIENT and CONTRACTOR.
- B. The CONTRACTOR will also give the CLIENT the opportunity to walk through the final design with them and get final approval before construction.



DESIGN BUILD RIDE

ARTICLE 7.

Permitting/Plans:

- A. All permitting and/or any required environmental assessment and/or storm water pollution prevention plans (SWPPP) is the responsibility of the CLIENT, unless otherwise outlined in CONTRACTORS Scope of Services, per this agreement.
- B. If work is stopped for a period of 2 days or more, CONTRACTOR reserves the right to charge a daily rate based on the average rate of project production or time & materials (including all rental equipment and travel expenses) + 25%, until work resumes. If work is stopped for a period of 10 days or more, CONTRACTOR reserves the right to terminate the contract (see article 9)

ARTICLE 8.

Insurance:

- A. CONTRACTOR agrees to provide CLIENT with a Certificate of Insurance and/or any other necessary insurance requirements.
- B. The CONTRACTOR maintains insurance of the following types: Workers Compensation \$1mil, General Liability \$1mil, Professional Liability \$1mil
- C. These specified coverages shall be maintained without interruption and from the date of commencement of the work until the final date and payment thereof.



DESIGN BUILD RIDE

ARTICLE 9.

Termination of Contract:

- A. This Agreement may be terminated by the CONTRACTOR by written notice to CLIENT if;
1. The work is stopped for a period of thirty (30) days under the order of any court or other public authority having jurisdiction, or as a result of an act of government, such as a declaration of a national emergency making materials unavailable, through no act or fault of the CONTRACTOR or a Subcontractor or their agents or employees or any other person performing any of the Work under contract with the CONTRACTOR.
 2. The work is stopped for a period of fifteen (15) days by the CONTRACTOR as a result of the CLIENT's failure to make a payment as required in Article 3

ARTICLE 10.

Notices:

All notices and other communications hereunder shall be in writing and shall be deemed to have been given (a) when delivered by hand (with written confirmation of receipt); (b) when received by the addressee if sent by a nationally recognized overnight courier (receipt requested); (c) on the date sent by facsimile or e-mail of a PDF document (with confirmation of transmission) if sent during normal business hours of the recipient, and on the next Business Day if sent after normal business hours of the recipient or (d) on the third day after the date mailed, by certified or registered mail, return receipt requested, postage prepaid. Such communications must be sent to the respective parties at the following addresses (or at such other address for a party as shall be specified in a notice given in accordance with this Article:

	CLIENT:	CONTRACTOR:
Address:		Progressive Trail Design 3589-3 N. Shiloh Dr. #222 Fayetteville, AR 72703
Contact:		Whittney Faucette – Office Manager
Email:		whittney@progressivetraildesign.com



DESIGN BUILD RIDE

ARTICLE 11.

Miscellaneous:

This Agreement shall be deemed to have been executed in Bentonville, Arkansas and shall be governed by and construed in accordance with the internal laws of the State of Arkansas without giving effect to any choice or conflict of law provision or rule (whether of the State of Arkansas or any other jurisdiction).

ANY LEGAL SUIT, ACTION OR PROCEEDING ARISING OUT OF OR BASED UPON THIS AGREEMENT, THE OTHER TRANSACTION DOCUMENTS OR THE TRANSACTIONS CONTEMPLATED HEREBY OR THEREBY SHALL BE INSTITUTED IN EITHER THE FEDERAL COURTS OF THE UNITED STATES OF AMERICA OR THE COURTS OF THE STATE OF ARKANSAS IN EACH CASE LOCATED IN THE CITY OF BENTONVILLE AND COUNTY OF BENTON, AND EACH PARTY IRREVOCABLY SUBMITS TO THE EXCLUSIVE JURISDICTION OF SUCH COURTS IN ANY SUCH SUIT, ACTION OR PROCEEDING. SERVICE OF PROCESS, SUMMONS, NOTICE OR OTHER DOCUMENT BY MAIL TO SUCH PARTY'S ADDRESS SET FORTH IN THIS AGREEMENT SHALL BE EFFECTIVE SERVICE OF PROCESS FOR ANY SUIT, ACTION OR OTHER PROCEEDING BROUGHT IN ANY SUCH COURT. THE PARTIES IRREVOCABLY AND UNCONDITIONALLY WAIVE ANY OBJECTION TO THE LAYING OF VENUE OF ANY SUIT, ACTION OR ANY PROCEEDING IN SUCH COURTS AND IRREVOCABLY WAIVE AND AGREE NOT TO PLEAD OR CLAIM IN ANY SUCH COURT THAT ANY SUCH SUIT, ACTION OR PROCEEDING BROUGHT IN ANY SUCH COURT HAS BEEN BROUGHT IN AN INCONVENIENT FORUM.

EACH PARTY IRREVOCABLY AND UNCONDITIONALLY WAIVES ANY RIGHT IT MAY HAVE TO A TRIAL BY JURY IN RESPECT OF ANY LEGAL ACTION ARISING OUT OF OR RELATING TO THIS AGREEMENT.

In the event either party fails to perform any of its obligations under this Agreement, or in the event a dispute arises concerning the interpretation of any provision of this Agreement, the non-prevailing party in such action shall pay any and all costs and expenses incurred by prevailing party in enforcing or establishing its rights hereunder, including, without limitation, court costs and reasonable attorney's fees. (Signatures on following page)



DESIGN BUILD RIDE

Contract Signatures (PROJECT NAME):

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, the day and year first above written.

CONTRACTOR:



11.14.24

Signature

Date

Name & Title:

Jason Stouder-Director

Build Operations

Progressive Trail Design

CLIENT:

Signature

Date

Name & Title:



DESIGN BUILD RIDE

APPENDIX:

AR, Bentonville - PSP - Storm Cleanup_SW_OG

Item#	Description:	Unit:	Unit Price:	Quantif:	Total:	Est. Build Time:	Notes:
▣ Park Springs Park Trail Cleanup					\$267,788.86	36	
1	▣ Black Apple Tunnel to Spring Box (5 days)				\$34,300.00	5	
1.1	Operator Hours	HR	\$150.00	40	\$6,000.00		1 operator 40 hrs ea
1.2	Ground Labor Hours	HR	\$100.00	280	\$28,000.00		7 Ground Laborers 40 hrs ea
1.3	Mini-Excavator daily rate	DR	\$200.00	5	\$1,000.00		1 machines 5 days ea
1.4	Mobilization (5-10%)	PER	5%	35000	\$1,750.00		
1.5	Sourcwell Discount	PER	-7%	35000	-\$2,450.00		
2	▣ Spring to Sth and D (5 days)				\$34,300.00	5	
2.1	Operator Hours	HR	\$150.00	40	\$6,000.00		1 operators 40 hrs ea
2.2	Ground Labor Hours	HR	\$100.00	280	\$28,000.00		7 Ground Laborers 40 hrs ea
2.3	Mini-Excavator daily rate	DR	\$200.00	5	\$1,000.00		1 machines 5 days ea
2.4	Mobilization (5-10%)	PER	5%	35000	\$1,750.00		
2.5	Sourcwell Discount	PER	-7%	35000	-\$2,450.00		
3	▣ Burns Arboretum and Other (5 days)				\$34,300.00	5	
3.1	Operator Hours	HR	\$150.00	40	\$6,000.00		1 operators 40 hrs ea
3.2	Ground Labor Hours	HR	\$100.00	280	\$28,000.00		7 Ground Laborers 40 hrs ea
3.3	Mini-Excavator daily rate	DR	\$200.00	5	\$1,000.00		1 machines 5 days ea
3.4	Mobilization (5-10%)	PER	5%	35000	\$1,750.00		
3.5	Sourcwell Discount	PER	-7%	35000	-\$2,450.00		
4	▣ OTHER				\$164,888.86	20	
4.1	Bridge replacement (50' x 7')	SF	\$300.00	350	\$105,000.00		Steel I-Beams, Concrete Abutments, Cedar decking and Railing
4.2	Boardwalk replacement (32' x 6')	SF	\$150.00	200	\$30,000.00		Steel I-Beams, Cedar decking
4.3	Contingency	PER	3%	\$237,000.00	\$7,137.00		Project Contingency For Unknown Circumstances
4.4	Material and Supplies (culverts, dirt, Rock etc)	LS	\$10,000.00	1	\$10,000.00		Material Allowance For areas of need...Armoring and Culverts specifically.
4.5	Insurance, Workers Comp, Liability, etc.	PER	5%	\$255,037.00	\$12,751.85		

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH PROGRESSIVE TRAIL DESIGN, IN THE AMOUNT OF TWO HUNDRED SIXTY-SEVEN THOUSAND SEVEN HUNDRED EIGHTY-EIGHT DOLLARS AND EIGHTY-FIVE CENTS (\$267,788.85), FOR STORM DAMAGE TRAIL REPAIR AT PARK SPRINGS PARK; AMENDING THE 2024 BUDGET; AND FOR OTHER PURPOSES.

WHEREAS, the City of Bentonville Parks and Recreation Department requests approval to enter into an agreement with Progressive Trail Design for trail repair work at Park Springs Park caused by the May 26, 2024, storm;

WHEREAS, this agreement utilizes Sourcewell Cooperative Contract 112420-ARC and has been approved by the Purchasing Manager in accordance with the City's purchasing policy;

WHEREAS, it is intended that the project cost be submitted to FEMA for reimbursement consideration; and

WHEREAS, a budget adjustment is needed to adjust monies from General Fund for this purchase.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BENTONVILLE, ARKANSAS THAT:

Section 1: The Mayor and City Clerk are authorized to enter into an agreement with Progressive Trail Design, pursuant to Sourcewell Cooperative Contract 112420-ARC, in an amount not to exceed two hundred sixty-seven thousand seven hundred eighty-eight dollars and eighty-five cents (\$267,788.85), for trail repairs needed at Park Springs Park due to the May 26, 2024 storm;

Section 2: The 2024 Budget is adjusted to appropriate the same from General Fund into Account #105030-44430, Building/Ground Maintenance;

Section 3 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 4 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

PASSED this _____ day of _____, 2024.

APPROVED:

STEPHANIE ORMAN, Mayor

ATTEST:

MALORIE MARRS, City Clerk



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	11/26/2024	Submitted By:	Scott Mendenhall
Phone:	479-271-3190	For Department(s):	Parks and Recreation
Email:	smendenhall@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational	☒ Bid Award	☐ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☒ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☒ Resolution	☐ Informational	

Title, Recommendation & Justification

Title:	Resolution Awarding Bid #IFB-24-35 to Clarity Pools, LLC for Melvin Ford Pump Room Renovation
Action Recommendation & Justification:	Awarding bid IFB-24-35 to Clarity Pools, LLC, in the amount of \$224,420.00, for the renovation of the pump room at Melvin Ford Aquatic Center. A budget adjustment is needed to reclassify funds.
Additional Comments for Consideration (Optional):	Clarity Pools, LLC is the lowest bid for this project. Parks and Recreation is utilizing savings from other projects and reclassifying the budgeted amount for a pool liner replacement which, when put out for bid, came in over budget. A budget adjustment is needed to move \$65,000.00 into the appropriate expense account. See memo.
Amount for Approval:	\$ 224,420.00

Budget Impact

Is this Item Budgeted? ☒ YES ☐ NO ☐ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

105030-47390	Improv Other than Bldg / Other	\$ 65,000.00	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
105030-47410	Machinery and Equipment	\$ (65,000.00)	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☒ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

This project is being funding by capital savings of \$175,000 in 105030-47390 and \$65,000 from 105030-47410.

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712

www.bentonvillear.com

Please Recycle!

Memo



To: City Council, Mayor Orman
Thru: David Wright, Parks and Recreation Director
From: Scott Mendenhall, Parks and Recreation Maintenance Manager
Date: October 8, 2024
Re: Bid Award for IFB-24-35 in the amount of \$224,420.00, to Clarity Pools, LLC, for the Melvin Ford Aquatic Center Pump Room change out.

Parks and Recreation Staff is requesting City Council's approval of bid award of IFB 24-35, in the amount of \$224,420.00, for the renovation of the Melvin Ford Aquatic Center's Pump Room. The project involves the replacement of the large pool pump and filtration equipment within the pump room. The project scope includes demolition and disposal of existing equipment, necessary permitting, purchase and installation of new equipment, startup, verification and staff training. The objective is to upgrade existing pumps and filtration to improve efficiency, functionality and reliability.

Many components of the filtration and pumping systems are original to the aquatic center which was constructed in 1992 and were subject to some updates as a result of a pump room fire in 2016. The equipment has reached its life expectancy and subsequently requires constant monitoring and related costly repairs to ensure the pool water quality meets health code standards as well as consistent pool use functionality.

Parks and Recreation Staff worked with Purchasing to bid the pump room renovation and the separate but related Melvin Ford Aquatic Center Lap Pool Liner projects in May and Re-Bid in September. Bids for the liner came in at a price tag too expensive for us to move forward with at this time. We will work to reevaluate this project in the future. In the meantime, we believe our best interest is to move forward with the pump room renovation.

While Parks and Recreation is not asking for additional funds for this project, we are asking to utilize unused funds from other projects or equipment with prices were under budgeted amounts. Our budget breakdown is as follows:

Total Price of Renovation: \$224,420

Capital Budget – Pool Improvements / Liner: \$115,000

Soccer Field Repairs – Project Complete w/ remaining balance: \$60,000

Trash Truck Equipment for Downtown – Equipment ordered w/ savings: 65,000

By utilizing the Pool Improvements line item, plus savings from the soccer field project and the trash truck that are already completed and ordered, we have a balance of \$240,000 to pay for this \$224,420 project.

If you have any questions regarding this item, please let me know. Please call me at 271-3190, or email: smendenhall@bentonvillear.com.



CITY OF BENTONVILLE, ARKANSAS PURCHASING DEPARTMENT

FORMAL SEALED BID TABULATION

Date of Bid Opening:	9/26/24	Time of Bid Opening:	1:30 PM	IFB-24-35
----------------------	---------	----------------------	---------	-----------

Solicitation Title: Melvin Ford Aquatic Pump Room Change Outs Renovation Re-Bid

Bidders:				Clarity Pools, LLC	Blue Water Pools
Line Item	Estimated Quantity	Unit of Measure	Description	Unit Price	Unit Price
1	1	Lump Sum	Demolition	\$20,000.00	\$12,000.00
2	1	Lump Sum	Disposal	\$5,000.00	\$5,000.00
3	1	Lump Sum	Purchase of New Equipment	\$129,420.00	\$125,200.00
4	1	Lump Sum	Installation of Equipment	\$65,000.00	\$80,000.00
5	1	Lump Sum	Construction of Concrete Housekeeping Pad with Rebar Reinforcement	\$2,000.00	\$4,500.00
6	1	Lump Sum	Training	\$3,000.00	\$2,500.00
Total Bid Price				\$224,420.00	\$229,200.00
purchasing@bentonvillear.com - (479) 271-3115					

RESOLUTION NO. _____

A RESOLUTION AWARDING BID IFB-24-35 TO CLARITY POOLS, LLC., IN THE AMOUNT OF TWO HUNDRED TWENTY-FOUR THOUSAND FOUR HUNDRED TWENTY DOLLARS (\$224,420.00), FOR THE MELVIN FORD AQUATIC CENTER PUMP ROOM RENOVATION; AMENDING THE 2024 BUDGET; AND FOR OTHER PURPOSES.

WHEREAS, the City of Bentonville Parks and Recreation Department recommends awarding IFB-24-35 to Clarity Pools, LLC. for the Melvin Ford Aquatic Center pump room renovation;

WHEREAS, Clarity Pools, LLC. was the lowest responsive bidder;

WHEREAS, this project is funded using cost savings from other planned projects; and

WHEREAS, a budget adjustment is needed to reclassify funds for a portion of this purchase.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BENTONVILLE, ARKANSAS THAT:

Section 1: The Mayor and City Clerk are authorized to enter into a contract with Clarity Pools, LLC., awarding IFB-2-35, in the amount of two hundred twenty-four thousand four hundred twenty dollars (\$224,420.00) for the Melvin Ford Aquatic Center pump room renovation;

Section 2: The 2024 Budget is hereby adjusted to appropriate sixty-five thousand dollars (\$65,000.00) from Account #105030-47410 – Machinery and Equipment to Account #105030-47390 – Improvement Other than Building/Other to Account;

Section 3 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 4 - Repeal of Conflicting Resolutions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

PASSED and APPROVED this _____ day of _____, 2024.

APPROVED:

STEPHANIE ORMAN, Mayor

ATTEST:

MALORIE MARRS, City Clerk



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	11/26/2024	Submitted By:	Bonnie Bridges
Phone:	479-254-2036	For Department(s):	Legal
Email:	bbridges@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational	☐ Bid Award	☐ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☒ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☒ Resolution	☐ Informational	

Title, Recommendation & Justification

Title:	Resolution Amending the 2024 Budget to Reclassify Funds for the Legal Department Move
Action Recommendation & Justification:	A Resolution adjusting the 2024 budget to move budgeted funds from the Legal Department Plants and Building account to the appropriate expense account. A budget adjustment is needed.
Additional Comments for Consideration (Optional):	The 2024 legal budget contains \$100,000.00 to remodel the AT&T building. Upon purchasing the 221 S. Main St. property, City Council was apprised of the plan to move Legal and GIS into that building. With this shift, a portion of the budgeted funds will be utilized to furnish the building. A budget adjustment is needed so that funds are in the appropriate expense account. The 2024 IT budget also contains \$100,000.00, for the same purpose, a portion of which is being used to retrofit the building.
Amount for Approval:	\$ 50,000.00

Budget Impact

Is this Item Budgeted? ☒ YES ☐ NO ☐ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

101020-42510	Minor Equipment	\$ 50,000.00	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
101020-47210	Plants and Building	\$ (50,000.00)	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

Not all items needed are known at this point though it is not Legal's intent to spend the entirety of the \$50,000.00. We would rather have enough to cover unknowns with upcoming purchasing deadlines and end of the year approaching. All purchases will comply with the City's purchasing policy. Remaining funds will be absorbed into General Fund and not carried forward.

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712

RESOLUTION NO. _____

A RESOLUTION AMENDING THE 2024 BUDGET; APPROPRIATING BUDGETED FUNDS INTO THE CORRECT EXPENSE ACCOUNT; AND FOR OTHER PURPOSES.

WHEREAS, the City of Bentonville’s Legal and GIS departments are relocating to the 221 S. Main St. building recently acquired by the City;

WHEREAS, the 2024 budget currently contains \$100,000.00 (one hundred thousand dollars) in the legal budget and \$100,000.00 (one hundred thousand dollars) in the information technology budget, originally planned to renovate the AT&T building for combined office space;

WHEREAS, after the 221 S. Main St. purchase, it was determined that both departments would move to that location; therefore, the budgeted funds are needed for furnishings and to retrofit the building; and

WHEREAS, a budget adjustment is needed to appropriate the budgeted funds into the correct expense account.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BENTONVILLE, ARKANSAS THAT:

Section 1: The 2024 Budget is hereby adjusted to appropriate fifty thousand dollars (\$50,000.00) from Account #101020-47210 – Plants and Building to Account #101020-42510 – Minor Equipment;

Section 2 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Resolutions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

PASSED and APPROVED this _____ day of _____, 2024.

APPROVED:

STEPHANIE ORMAN, Mayor

ATTEST:

MALORIE MARRS, City Clerk



Property Line Adjustment - JB Townhomes RW Dedication & Easement Plat

823 Northwest 14th Street

PC Date: 11/19/2024

Staff Report Details

Project Number	PLA24-0027
Applicant / Current Owner	Ken Booth / Haney Enterprises LLC
Site Area	+/- 1.586 Acres
Current Zoning	R-2, Medium Density Two Family and Townhome Residential
Requested Zoning	N/A
Current Future Land Use Map Designation	Medium Density Residential (MDR) and Low Density Residential (LDR)
Requested Future Land Use Map Designation	N/A
Development Type / Use	Townhomes
Related projects	LSD23-0001

Property Description

Right of Way and Easement Dedication Plat: Part of Lot 2, Block 1 of Braithwaite Park Addition and Lots 1 and 2 of Northwoods Addition, 823 Northwest 14th Street, R-2, Medium Density Two Family and Townhome Residential, *PLA24-0027*

A Right of Way and Dedication Plat of part of Lot 2, Block 1 of Braithwaite Park Addition and Lots 1 and 2 of Northwoods Addition. The plat is dedicating 2,101 square feet of right-of-way along Northwest 14th Street to meet the requirements of the Master Street Plan for a Local with Shared Use Street. The plat is also dedicating a 15-foot utility easement at the front of all the lots and a 10-foot utility easement at the south of part of Lot 2, Block 1 of Braithwaite Park Addition.

Project Details

Relationship to the General Plan / Projected Traffic Impact

Relationship to the General Plan / Projected Traffic Impact

Public Comment
Has Staff received Public Comment at the time of this report? : No

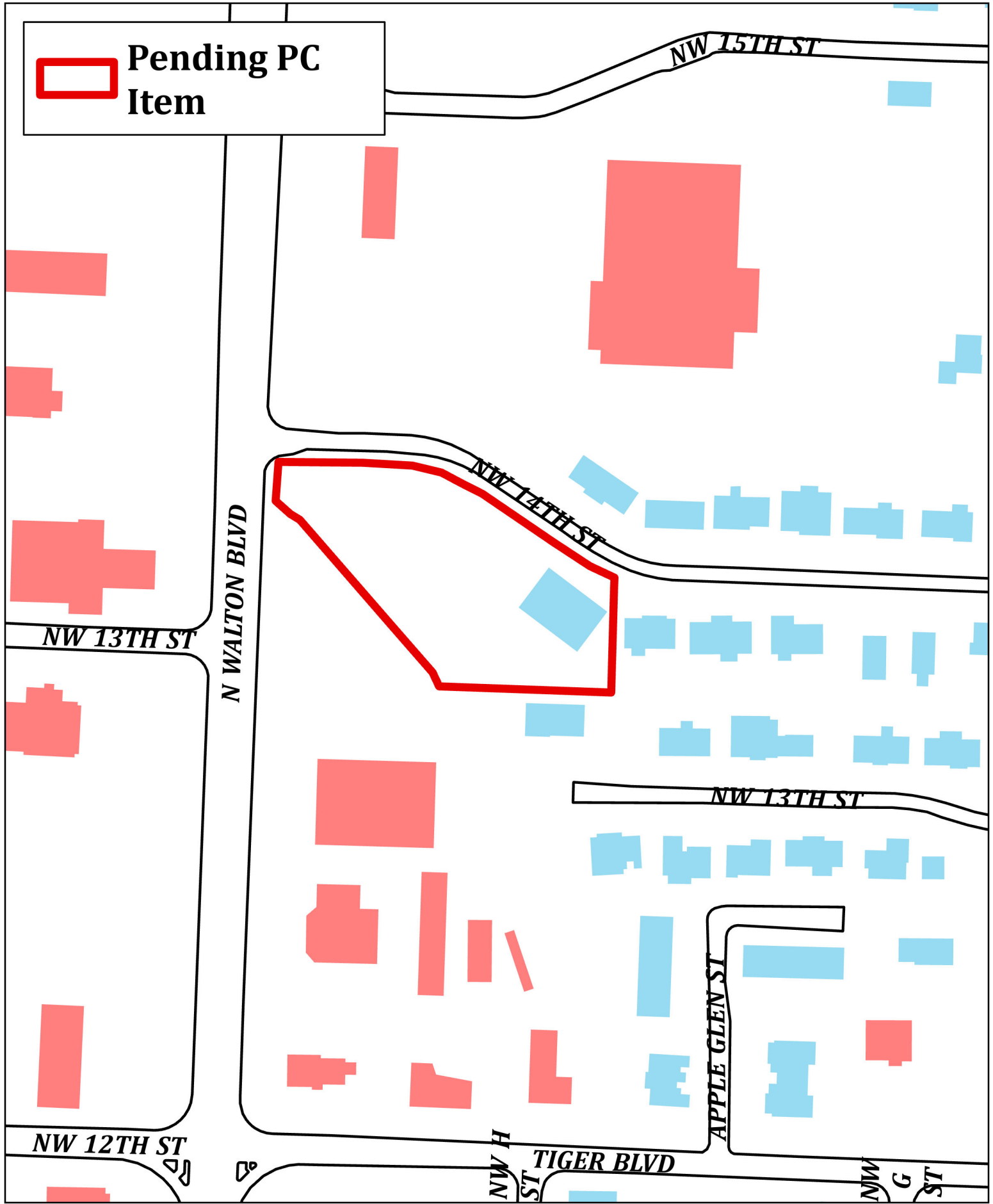
Analysis / Waivers

Conclusion

Additional Details



**Pending PC
Item**



PLA24-0027
JB Townhomes RW Dedication & Esmt Plat
823 NW 14TH ST

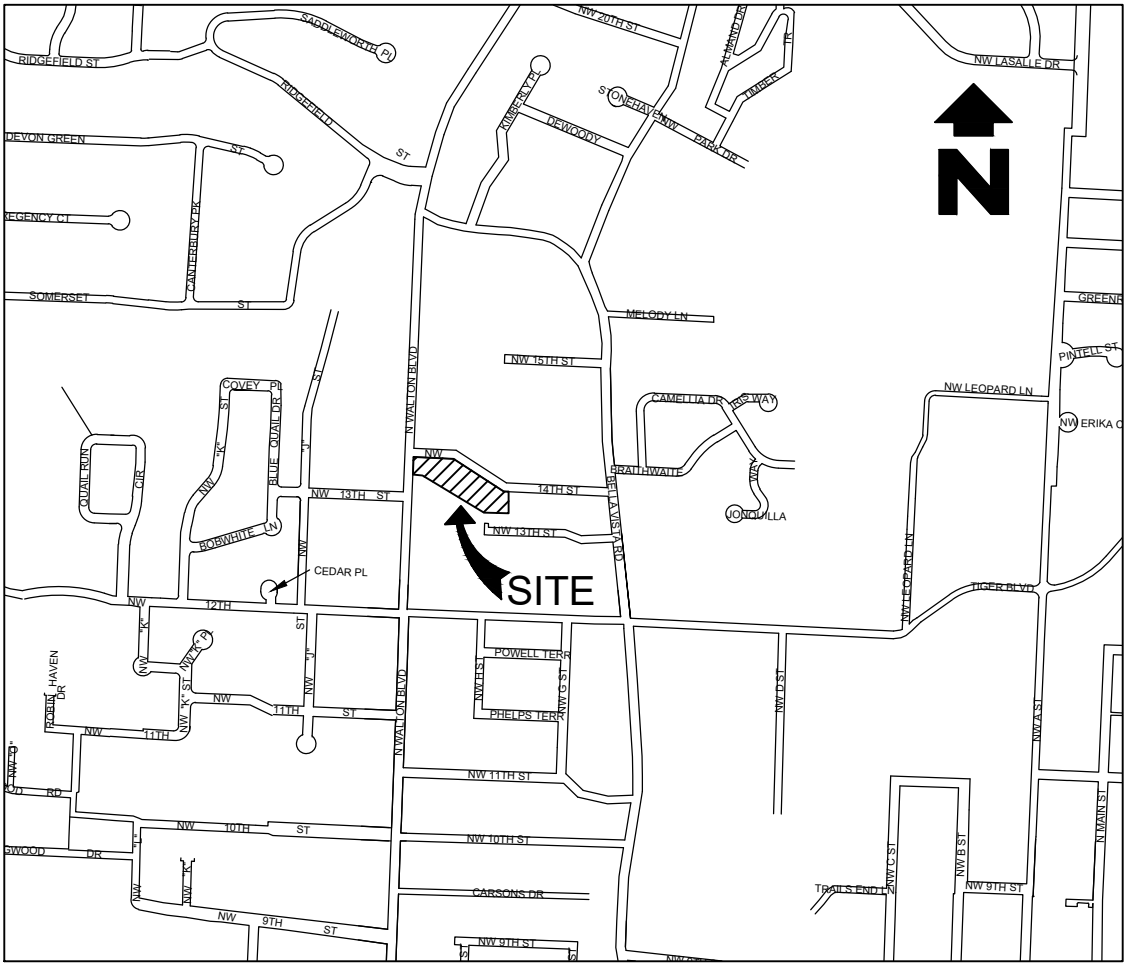


RIGHT OF WAY & EASEMENT DEDICATION PLAT
PART OF LOT 2, BLOCK 1, BRAITHWAITE PARK ADDITION
AND LOTS 1 & 2, NORTHWOODS ADDITION
BENTONVILLE, ARKANSAS

CLIENT: Haney Enterprises, LLC
P.O. Box 415
Bentonville, AR 72712
(479) 273-1608
johnnyhaney@gmail.com

SURVEY NOTES:

1. EVERY DOCUMENT OF RECORD REVIEWED AND CONSIDERED AS A PART OF THIS SURVEY IS NOTED HEREON. ONLY THE DOCUMENTS NOTED HEREON WERE SUPPLIED THE SURVEYOR.
2. THIS PLAT REPRESENTS A BOUNDARY SURVEY OF THE PARCELS RECORDED AT DEED BOOK 2012, PAGE 15058 AND INSTRUMENT NO. L202152491 IN THE CIRCUIT CLERK OFFICE OF BENTON COUNTY, ARKANSAS.
3. BASIS OF BEARINGS: NAD 83, STATE PLANE GRID COORDINATES, ARKANSAS NORTH ZONE REFERENCING TO WITH BENTONVILLE CITY CONTROL MONUMENT NUMBER 38.
4. NO ABSTRACT OF TITLE, NOR TITLE COMMITMENT, NOR RESULTS OF TITLE SEARCHES WERE FURNISHED TO THE SURVEYOR. THERE MAY EXIST OTHER DOCUMENTS OF RECORD WHICH WOULD AFFECT THIS PARCEL.
5. EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THE SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF MAKING THIS SURVEY; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND-USE REGULATIONS, OR ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
6. DECLARATION IS MADE TO THOSE LISTED IN THE CERTIFICATION OF THE SURVEY AND IS NOT TRANSFERABLE TO ANY ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
7. THIS PROPERTY IS ZONED R2 (MEDIUM DENSITY TWO FAMILY AND TOWNHOME). SETBACKS SHALL BE PER THE CURRENT ZONING DISTRICT AS STATED IN THE MOST RECENT CITY OF BENTONVILLE ZONING CODE. FOR MORE INFORMATION VISIT WWW.BENTONVILLEPLANNING.COM OR CALL THE PLANNING DEPARTMENT.
8. BUILDING SETBACK LINES ARE NOT SHOWN ON THE SURVEY. SETBACK DIMENSIONS ARE BASED ON THE ORIENTATION OF THE BUILDING(S).
9. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED NOR CONSIDERED PART OF THIS SURVEY.
10. THE LOCATIONS OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON SUCH ABOVE GROUND STRUCTURES AS WERE VISIBLE AT THE TIME OF SURVEY. MARKINGS PROVIDED BY AN 811 REQUEST, AND/OR FROM RECORD DRAWINGS PROVIDED TO THE SURVEYOR. THE LOCATION OF UNDERGROUND UTILITIES/STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE UNDERGROUND UTILITIES/STRUCTURES.
11. SIDEWALKS SHALL BE THE RESPONSIBILITY OF THE BUILDER/OWNER AT THE TIME OF BUILDING PERMIT ISSUANCE.
12. THERE MAY NOT BE ANY FENCES OR ANY OTHER STRUCTURES BUILT IN ANY DRAINAGE EASEMENT.
13. ALL STRUCTURES MUST MAINTAIN MINIMUM 20' CLEARANCES FROM ALL ELECTRIC LINES.
14. BEFORE ANY WORK IN THE RIGHT-OF-WAY COMMENCES, CONTRACTOR AND/OR OWNER IS TO OBTAIN RIGHT-OF-WAY PERMIT FROM THE CITY OF BENTONVILLE TRANSPORTATION DEPARTMENT.
15. OWNER/DEVELOPER SHALL COORDINATE WITH ALL LOCAL UTILITIES TO ENSURE THAT EACH LOT HAS ACCESS TO WATER, SEWER AND ELECTRIC SERVICE.



VICINITY MAP
Scale: 1" = 1,000'
ATLAS PAGE # 319

CERTIFICATE OF OWNERSHIP:

I, the undersigned, owner of the real estate shown and described herein, do hereby certify that I have laid off, platted, and subdivided and do hereby lay off, subdivide said real estate in accordance with this plat and do hereby dedicate to the use of the public the streets, alleys, drives, easements, etc. as shown on this plat.

Signature: _____ Printed _____ Date of Execution: _____
Name

Source of Title: Deed Record Book 2012, Page 15058

Instrument No. L202152491

State of Arkansas)
County of Benton) ACKNOWLEDGEMENT

On this day before the undersigned, a Notary Public duly qualified and acting in and for the county and state aforesaid, personally appeared _____, satisfactorily proven to be the person(s) whose name(s) appear(s) as the Owner(s) in the foregoing instrument, and stated the he / she / they has / have executed the same for the consideration, users and purposes herein stated.

In witness whereof, I hereunto set my hand and on this _____ day of _____, 20____.

Notary Public My Commission Expires _____

EXISTING WAIVERS:

- WAIVERS FOR PHASE 1 OF JB TOWNHOMES LSD23-0001
- 1 ARTICLE 1100.21 BUILDING MATERIAL TO ALLOW A SECOND PRIMARY MATERIAL FOR LSD23-0001
 - 2 SEC. 5.4.11 DRAINAGE MANUAL DRAINAGE EASEMENT IN LIEU OF SEPARATE LOT

SURVEYOR'S CERTIFICATE:

I, Grant E. Nevill, hereby certify that this plat or presents a boundary survey made by me and boundary markers shown hereon actually exist and their location, type, and all minimum requirements of the Arkansas Standards for Property Boundary Surveys and Plans have been met.

Date of Execution: _____

Grant E. Nevill
Registered Land Surveyor
State of Arkansas
Registration No. 16.

CERTIFICATE OF APPROVAL:

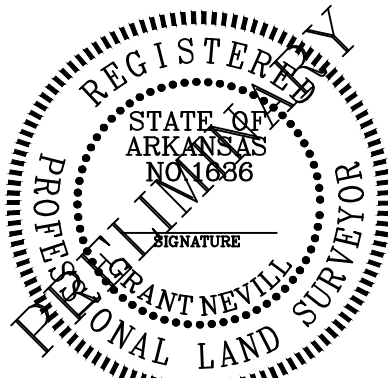
Pursuant to the Bentonville Land Development Code and all other conditions and approval having been completed, this document is hereby accepted. This Certificate is hereby executed under the authority of the said rules and regulations.

Date of Execution: _____

Signed: _____
Bentonville Planning Commission Chairman

Signed: _____
Mayor City of Bentonville

Signed: _____
City Clerk, City of Bentonville



SAND CREEK
Engineering and Land Surveying
1610 NW 12th St.
Bentonville, Arkansas (479) 464-9282



DEED DESCRIPTION (PARCELS 01-03496-000
AND 01-03497-000) PER DEED 2012-15058:

LOTS 1 AND 2 OF NORTHWOODS ADDITION, TO THE CITY OF BENTONVILLE, ARKANSAS, AS SHOWN IN PLAT BOOK W AT PAGE 165, OF THE RECORDS IN BENTON COUNTY, ARKANSAS.

RIGHT OF WAY DEDICATION DESCRIPTION:

FOR LOTS 1 AND 2 OF NORTHWOODS ADDITION

BEING A PART OF LOTS 1 AND 2 OF NORTHWOODS ADDITION, TO THE CITY OF BENTONVILLE, ARKANSAS, AS SHOWN IN PLAT BOOK W AT PAGE 165 AND MORE PARTICULARLY DESCRIBES AS FOLLOW:

BEGINNING AT A FOUND 5/8" REBAR AT THE NORTHEAST CORNER OF LOT 2 OF SAID NORTHWOODS ADDITION AND ALSO BEING A COMMON CORNER WITH THE NORTHWEST CORNER OF LOT 2 OF BRAITHWAITE PARK ADDITION; THENCE THENCE S39°38'26"W 7.31 FEET TO A SET 5/8" REBAR W/CAP AR1636; THENCE N56°15'02"W 102.66 FEET TO A SET 5/8" REBAR W/CAP AR1636; THENCE N56°15'02"W 34.45 FEET TO A SET 5/8" REBAR W/CAP AR1636; THENCE 41.83 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 75.00 FEET, A CHORD BEARING OF N72°13'36"W AND A CHORD LENGTH OF 41.29 FEET TO A SET 5/8" REBAR W/CAP AR1636; THENCE N88°11'36"W 143.46 FEET TO A SET 5/8" REBAR W/CAP AR1636; THENCE N02°14'27"E 3.24 FEET TO A POINT; THENCE S87°53'56"E 177.60 FEET TO A POINT; THENCE S55°42'31"E 46.45 FEET TO POINT; THENCE S55°42'31"E 103.35 FEET TO THE POINT OF BEGINNING. CONTAINING 1756 SQ FT OR 0.04 ACRES, MORE OR LESS.

SUBJECT TO ANY AND ALL EASEMENTS OR RIGHTS OF WAY OF RECORD OR OF FACT. SUBJECT TO ANY COVENANTS OR PRIOR MINERAL RESERVATIONS OF OIL AND GAS LEASES, IF ANY.

DEED DESCRIPTION (PARCEL 01-01510-001)
PER DEED INSTRUMENT L202152491:

A PART OF LOT 2, BLOCK 1, BRAITHWAITE PARK SUBDIVISION, BENTON COUNTY, ARKANSAS, OF A PART OF THE S1/4 OF THE SW1/4 OF SECTION 19, TOWNSHIP 20 NORTH, RANGE 30 WEST, DESCRIBED AS COMMENCING AT THE NW CORNER OF LOT 4 IN SAID BLOCK 1; THENCE SOUTH 296.00 FEET; THENCE S 49°30' EAST 257.00 FEET; THENCE S 46°00' E 195.00 FEET TO THE POINT OF BEGINNING; THENCE N46°00'00" W 60.00 FEET; THENCE N 54°17'00" E 133.90 FEET; THENCE N 37°11'30" E 79.85 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF NW 14TH STREET; THENCE S 50°42'15" E 94.29 FEET ALONG THE SOUTH RIGHT OF WAY LINE OF NW 14TH STREET; THENCE S 00°43'51" E 125.00 FEET; THENCE N 89°37'14" W 188.39 FEET TO THE POINT OF BEGINNING BEING SUBJECT TO ANY AND ALL EASEMENTS OR RIGHTS OF WAY OF RECORD OR OF FACT.

SUBJECT TO ANY COVENANTS OR PRIOR MINERAL RESERVATIONS OF OIL AND GAS LEASES, IF ANY.

RIGHT OF WAY DEDICATION DESCRIPTION:

FOR LOT 2, BLOCK 1 OF BRAITHWAITE PARK SUBDIVISION

A PART OF LOT 2, BLOCK 1, BRAITHWAITE PARK SUBDIVISION, BENTON COUNTY, ARKANSAS, ALL BEING A PART OF THE S1/4 OF THE SW1/4 OF SECTION 19, TOWNSHIP 20 NORTH, RANGE 30 WEST AND MORE PARTICULARLY DESCRIBED AS FOLLOW:

BEGINNING AT A FOUND 5/8" REBAR AT THE NORTHWEST CORNER OF LOT 2 OF BRAITHWAITE PARK ADDITION ALSO, BEING A COMMON CORNER WITH THE NORTH EAST CORNER OF LOT 2 OF NORTHWOODS ADDITION; THENCE S48°34'45"E 94.34 FEET TO A FOUND 1/2" PIPE; THENCE N53°01'07"W 94.40 FEET TO A SET 5/8" REBAR WITH CAP #1636; THENCE N39°38'26"E 7.31 FEET TO THE POINT OF BEGINNING. CONTAINING 345 SQ FT OR 0.01 ACRES, MORE OR LESS.

SUBJECT TO ANY AND ALL EASEMENTS OR RIGHTS OF WAY OF RECORD OR OF FACT. SUBJECT TO ANY COVENANTS OR PRIOR MINERAL RESERVATIONS OF OIL AND GAS LEASES, IF ANY.

AVIGATION EASEMENT

WE HEREBY GRANT TO THE CITY OF BENTONVILLE AN AVIGATION EASEMENT OVER THE ENTIRETY OF THIS PROPERTY PURSUANT TO MUNICIPAL CODE SECTION 400.12

SCE PROJECT # 24001
DATE REVISED: 11/05/2024
SHEET: 1/2

State Filing Code:
500-20N-30W-0-19-330-04-1636

Bentonville Project No: PLA24-0027

NWALTON BLVD (US HWY 71)
VARIABLE WIDTH ROW

NOTE:
No residential lot shall be permitted direct access to a collector or arterial street. All residential subdivision development contiguous to a collector or arterial street shall orient frontage to a local street, and back of the project, without access to the said major streets.

Curve Table				
Curve #	Length	Radius	Chord Direction	Chord Length
C1	41.83	75.00	N72° 13' 36"W	41.29

BENCHMARK:

BOLT BETWEEN THE "E" AND "L" IN THE WORD "MUELLER" ON TOP FLANGE OF FIRE HYDRANT LOCATED ON THE NORTH SIDE OF NW 14TH ST. APPROX. 60' NORTH OF THE NE CORNER OF NEW LOT 1.
NORTHING: 755339.44'
EASTING: 659033.61'
ELEV: 1255.06'

FLOOD STATEMENT:

(BY GRAPHICAL PLOTTING ONLY)

A portion of this property is located within a presently established 100-year flood plain as determined by the National Flood Insurance Program, flood insurance rate map for Benton County, Arkansas. Map Number 05007C0090J. Revised date September 28, 2007. Bentonville Ordinance #2022-99 requires that Base Level Engineering data established by FEMA's, Flood Insurance Study for Benton County, dated June 5, 2012 be added. No base flood elevations are determined for the "Special Flood Hazard Area" of this site, however the FEMA data calls for a possible 5' depth. BLE line is shown.

SURVEYOR'S CERTIFICATE:

I, Grant E. Nevill, hereby certify that this plat correctly represents a boundary survey made by me and boundary markers and lot corners shown hereon actually exist and their location, type, and material are correctly shown and all minimum requirements of the Arkansas Minimum Standards for Property Boundary Surveys and Plans have been met.

Date of Execution: _____

Grant E. Nevill
Registered Land Surveyor
State of Arkansas
Registration No. 1636



SITE LEGEND	
	PROPERTY LINES
	ADJOINING PROPERTY LINE
	EX. ESMT LINE
	CENTER LINE
	FENCE (WOOD)
	RECORD BEARING AND DISTANCES AS NOTED
	CONCRETE
	ASPHALT
	AREA OF POTENTIAL DEED/PLAT GAP
	AREA OF POTENTIAL DEED/PLAT OVERLAP
	RIGHT OF WAY DEDICATION
	FEMA FLOOD ZONE AE FRINGE
	FEMA FLOODWAY
	FEMA BLE LINE
	MONUMENT SET (5/8" REBAR AR1636)
	MONUMENT FOUND (AS NOTED)
	COMPUTED POINT
	BENCH MARK
	UTILITY POLE
	GUY WIRE
	SIGN
	GAS METER
	TELEPHONE VAULT
	ELECTRIC BOX
	WATER METER
	WATER VALVE
	FIRE HYDRANT
	SANITARY SEWER MANHOLE

State Filing Code:
500-20N-30W-0-19-330-04-1636

Bentonville Project No: PLA24-0027

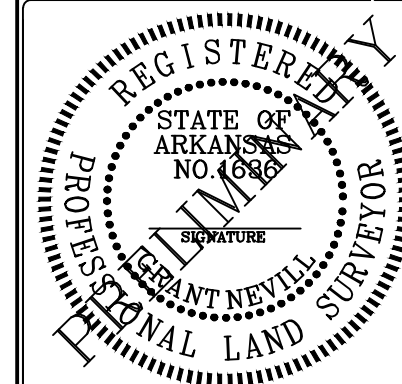
OWNER / CLIENT:
Haney Enterprises, LLC
P.O. Box 415
Bentonville, AR 72712
(479) 273-1608
johnnyhaney@gmail.com

RIGHT OF WAY & EASEMENT
DEDICATION PLAT

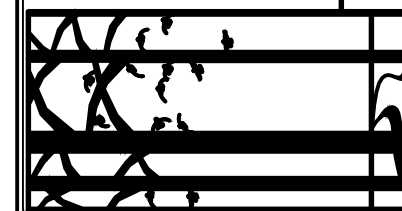
PART OF LOT 2, BLOCK 1, BRAITHWAITE PARK ADDITION
AND LOTS 1 & 2, NORTHWOODS ADDITION
BENTONVILLE, ARKANSAS

SHEET:

PROJ:



SAND CREEK
Engineering and Land Surveying
1610 NW 12th St.
Bentonville, Arkansas 47914-9202



PLS:	GN
CAD:	KB / MJH / WAP
FIELD:	MS
SCE PROJECT #:	24001 RW/ESMT
DATE REVISED:	11/05/2024
SHEET:	2 OF 2

ORDINANCE NO. _____

**AN ORDINANCE ACCEPTING A RIGHT OF WAY AND EASEMENT DEDICATION
OF PART OF LOT 2, BLOCK 1, BRAITHWAITE PARK ADDITION AND LOTS 1 & 2
OF NORTHWOODS ADDITION TO THE CITY OF BENTONVILLE, ARKANSAS;**

AND FOR OTHER PURPOSES.

(PROJECT NUMBER: PLA24-0027)

WHEREAS, pursuant to the provisions of the Land Development Code of the Bentonville Municipal Code, the right of way and easement dedication of PART OF LOT 2, BLOCK 1, BRAITHWAITE PARK ADDITION AND LOTS 1 & 2 OF NORTHWOODS ADDITION to the City of Bentonville, Benton County, Arkansas was submitted to the Bentonville Planning Commission on November 5, 2024;

WHEREAS, said property line adjustment is attached hereto as Exhibit “A”;

WHEREAS, the Bentonville Planning Commission considered said property line adjustment on the date stated and at other times, and voted to recommend the approval of said property line adjustment to the City Council; and

WHEREAS, the property line adjustment of real property as described herein has been submitted to the City Council for the City of Bentonville, and after consideration and deliberation, said Council is of the opinion that said property line adjustment should be approved.

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

Section 1: That the right of way and easement dedication of PART OF LOT 2, BLOCK 1, BRAITHWAITE PARK ADDITION AND LOTS 1 & 2 OF NORTHWOODS ADDITION to the City of Bentonville, Arkansas, should be and the same is hereby accepted and approved for all purposes;

Section 2: That the Mayor and City Clerk be and are hereby authorized and directed to evidence the acceptance of said property line adjustment by certifying said acceptance on the approved property line adjustment;

Section 3 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 4 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED AND APPROVED this _____ day of _____, 2024.

APPROVED:

Stephanie Orman, Mayor

ATTEST:

Malorie Marrs, City Clerk



Rezoning - Stelte - R-1, Low-Density Single-Family Residential to DN-2, Downtown Medium Density Residential

312 Northwest 7th Street

PC Date: 11/19/2024

Staff Report Details

Project Number	RZ24-0043
Applicant / Current Owner	Lee Anne Stelte
Site Area	+/- 0.17 Acres
Current Zoning	R-1, Low Density Single-Family Residential
Requested Zoning	DN-2, Downtown Neighborhood Medium Density Residential
Current Future Land Use Map Designation	Medium Density Residential
Requested Future Land Use Map Designation	NA
Development Type / Use	Single-family
Related projects	

Property Description

The subject property is located at 312 Northwest 7th Street. The property is presently zoned R-1, Low Density Single Family Residential, with a land use designation of Medium Density Residential. The property has direct access to Northwest C Street. Surrounding zoning districts include R-1, Low Density Single Family Residential and DN-2, Downtown Medium Density Residential.

Project Details

The applicant has requested a rezoning of the property from R-1, Low Density Single Family Residential to DN-2, Downtown Neighborhood Medium Density Residential. The applicant states in their narrative they are requesting the rezoning in order better utilize the lot size for a single family home.

Relationship to the General Plan / Projected Traffic Impact

The property is presently designated as Medium Density Residential and is surrounded by Medium Density residential in all directions.

Relationship to the General Plan / Projected Traffic Impact

Medium-density residential areas include townhouse or duplex residential properties with a typical density of 8-12 units per acre. These areas are found both near Downtown and in some recent growth areas. These areas may also include local amenities for residents, including neighborhood parks, places of worship, etc

This zoning request aligns with the Future Land Use Map, recommending DN-2, downtown neighborhood medium density residential as an appropriate zoning designation. This location is within Priority Area 1 of the Community Plan, Downtown Intensification, which highlights reinvestment in urban neighborhoods in and around Downtown Bentonville.

From a built environment lens, DN-2 and its supported housing types fits within the surrounding development.

The applicant states there is no anticipated increase in traffic from the zoning change.

Public Comment

Has Staff received Public Comment at the time of this report? : **Yes**

Analysis / Waivers

The applicant has stated the the DN-2 zoning district would help create more usable space for a new structure to be built on the lot. There is a current home on the lot that is being rented. The lot has direct access to water and sewer.

Conclusion

This rezoning is consistent with the future land use plan. Given this property's location within a variety of housing types, as well as the Community Plan's call for Downtown Intensification, staff recommends approval of this request.

Additional Details



Pending PC Item

R-1

R-1

NW 8TH ST

R-1

R-1

R-1

DN-2

R-1

NW C ST

Stelte

R-1

R-1

NW B ST

NW 7TH ST

R-1

DN-2

R-1

R-1

R-1

DN-2

NW 6TH ST

RZ24-0043

Stelte

R-1 to DN-2





Explanation of Proposed Zoning Change:

This property is a corner lot, currently measuring 145 x 50 feet, with an existing house that is being rented. The current zoning setback requirements make future development on the property challenging, resulting in a narrow and restrictive buildable footprint. Rezoning the property to DN-2 would allow for the construction of a single-family custom home that would better utilize the lot's dimensions.

Reason for Requesting the Zoning Change:

The rezoning is necessary to allow for the development of a new home that fits the lot's size and layout while avoiding the restrictions of the current zoning setbacks.

Relationship to Surrounding Properties:

The proposed change to DN-2 zoning will integrate well with surrounding properties, many of which are already zoned for residential purposes.

Use:

The property is currently rented as a residential home and will continue to be used for residential purposes after rezoning.

Traffic:

The proposed zoning change to DN-2 will not significantly affect traffic patterns.

Signage:

No new signage is anticipated except for temporary construction signage.

Appearance:

Any future development will blend with the neighborhood's architectural style.

Water and Sewer Availability:

The property currently has access to city water and sewer services, which are provided by the City of Bentonville.

5. Legal Description:

Legal Description of Property at 312 NW 7th Street, Bentonville, AR 72712

- APN (Parcel Number): 01-02316-000
- Subdivision Name: Deming's 2nd Addition
- Block: 27
- Buyer(s): William Samuel Seeger and Anne Stelte Lee
- Seller: Rampys Holdings LLC

Re: Comments re: Notice of Intent to Rezone

From Tyler Overstreet [REDACTED]

Date Thu 11/14/2024 8:28 AM

To Joseph Childers [REDACTED]

Cc Beverly Hall [REDACTED]; Bradley Gavrielides [REDACTED]; Brittany Chue [REDACTED]; Jon [REDACTED]
[REDACTED]; Keegan Stanton [REDACTED]; Sophie McAdara [REDACTED]; Thomas Adler [REDACTED]

Good morning Dr. Childers,

I have shared your letter with my team members to ensure it will be included in the meeting packet. Thank you!

Regards,



TYLER OVERSTREET

Planning Director



479.271.3122



305 SW A Street
Bentonville, AR 72712



www.bentonvillear.com

Help shape the future of Bentonville. Promote what we want. Preserve what we love. We need your voice. Learn more and take the survey: www.planbentonville.com

From: Joseph Childers [REDACTED]

Sent: Thursday, November 14, 2024 1:05 AM

To: Tyler Overstreet [REDACTED]

Subject: Comments re: Notice of Intent to Rezone

You don't often get email from jwchilders@gmail.com. [Learn why this is important](#)

Dear Mr. Overstreet:

I apologize if you are the incorrect contact, but I could discern no other appropriate contact emails on the Planning Department website for a matter such as this.

On Saturday, Nov. 9, I received a forwarded certified letter informing me of an intent to rezone a property at 312 NW 7th Street. Because I am currently away from Bentonville on business matters and because I am not confident surface mail will reach the planning commission in time to be read into the record at the public hearing

on November 19th, I am resorting to sending an email copy of the response of the Childers joint trust to this intent to rezone.

I am requesting that if you are not the correct person to receive this, you will please pass it along to the appropriate individual. I will also be sending a hard copy under separate cover in hopes that it will indeed arrive in time.

I am attaching the response as an attachment to this email as well as pasting it below against the possibility of the attachment file becoming corrupted in electronic transit.

Many thanks for your attention to this. And again, please pardon me if you are not the appropriate contact.

Sincerely,

Joseph Childers


Bentonville, AR 72712

November 11, 2024

Planning Commission
City of Bentonville Planning Department
305 SW A Street
Bentonville, AR 72712

Dear Planning Commissioners:

My name is Dr. Joseph W. Childers, and I represent the Neal G. and Bonnie A. Childers Joint Trust, which owns the property at 803 N.W. C Street in Bentonville.

Today I received a certified letter with notice of a planning hearing on November 19 to consider an intent to rezone. The parcel in question is Lot 7, Block 27, Deming's 2nd Addition; Plat Book 2430, page 20. The physical address is 312 N.W. 7th Street. This

notification complies with the requirement that property owners in the vicinity be notified and allowed to express comments regarding a rezoning request.

My family, who are the holders of the trust, object to this rezoning on a several grounds. The property is currently zoned R-1, which is appropriate for single-family housing in low-density neighborhoods where property is of highest value. Even as Bentonville has grown over the years, that designation remains correct for property in that neighborhood. Having grown up in the home on C street, which my family has owned since 1970, I can attest that single family homes on discrete lots have always characterized the neighborhood. Only recently has the city permitted some rezoning for multiple homes (and two-family homes) on single lots.

However, the city has not significantly improved the infrastructure of the neighborhood to accommodate this increased density. The streets are still quite narrow with no curbing or sidewalks, and they have the old-fashioned ditches still found in many of the older middle-class Bentonville neighborhoods. Consequently, residents, many of whom have been in the neighborhood for generations, find themselves faced with unsafe traffic conditions as well as drainage issues brought on by stacking more people and more cars on small lots.

Further, this part of Bentonville is only one block over from the elementary school complex on Bella Vista Road and from Lincoln Junior High on Leopard Lane. While there has been some infrastructure improvement over the last decade at the intersection of A Street and Tiger Blvd, which helps with traffic flow to Lincoln, the surrounding, directly affected neighborhoods, especially those to the south and east of the elementary schools and junior high, have been woefully neglected. Seventh street, which is a direct route to D street and Thomas Jefferson Elementary is already heavily congested in the mornings and the afternoons during the school year.

In addition to automobile traffic, many children use seventh street to walk to school. And, as I have already mentioned, there are no sidewalks for those children's use, creating a major safety concern. To continue to increase density in this neighborhood without a concomitant commitment by the city to dramatically improve infrastructure will have a negative impact on current residents in terms of the quality of life in what is still a walkable neighborhood, the value of their property, and most importantly, the safety of their children.

If Bentonville is interested in transitioning this neighborhood into one of higher density, then I suggest first investing in an infrastructure that will support it.

Finally, I submit that allowing ad hoc rezoning of lots by request creates precisely the sort of issues that currently bedevil Bentonville as it struggles to maintain the integrity and legacy of its historical districts. Also, why is there zoning at all if one can simply apply for an exception? Indeed, what are the conditions for approving an exception? Such practices speak to the potential for effectively undoing long-term planning, for undermining the guidelines for the planning commission, and for creating the appearance of favoritism or conflicts of interest when no specific parameters for exceptions are codified or disseminated.

For these reasons, the Childers trustees strenuously object to the rezoning of 312 N.W. 7th Street from R-1 to DN-2.

Yours

Joseph W. Childers, Ph.D.

ORDINANCE NO. _____

**AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF
BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING
CLASSIFICATION OF R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL
TO DN-2, DOWNTOWN MEDIUM-DENSITY RESIDENTIAL; AND FOR
OTHER PURPOSES.
(PROJECT NUMBER: RZ24-0043)**

WHEREAS, Lee Anne Stelte duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-2, DOWNTOWN MEDIUM-DENSITY RESIDENTIAL to be used in accordance with city zoning laws and state laws, which property is described as follows:

LOT 7, BLOCK 27, DEMING'S 2ND ADDITION, AS SHOWN BY PLAT BOOK 2430, PAGE 20, RECORDED IN THE BENTON COUNTY RECORDS;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held November 19, 2024 in the Council Chambers of the City of Bentonville;

WHEREAS, public notice of said hearing having been published in the Northwest Arkansas Democrat-Gazette for the time and in the manner required by law; and

WHEREAS, the Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification of R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-2, DOWNTOWN MEDIUM-DENSITY RESIDENTIAL.

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

Section 1: That the above described real property is hereby changed from its present zoning classification of R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-2, DOWNTOWN MEDIUM-DENSITY RESIDENTIAL to be used in accordance with the city zoning laws and state laws;

Section 2 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED AND APPROVED this _____ day of _____, 2024.

APPROVED:

ATTEST:

Stephanie Orman, Mayor

Malorie Marrs, City Clerk



Rezoning - Wal-Mart Stores Inc - RO, Residential Office to C-2, General Commercial

East Central Avenue

PC Date: 11/19/2024

Staff Report Details

Project Number	RZ24-0044
Applicant / Current Owner	Brittany Gillen/Wal-Mart Stores Inc
Site Area	+/- 0.83 Acres
Current Zoning	RO, Residential Office
Requested Zoning	C-2, General Commercial
Current Future Land Use Map Designation	General Commercial
Requested Future Land Use Map Designation	
Development Type / Use	
Related projects	

Property Description

The subject property is located on East Central Avenue and is currently zoned RO, Residential Office with a future land use designation of General Commercial. Surrounding zoning districts include C-2, General Commercial to the North, East, and West, and I-2, Heavy Industrial to the South. Surrounding land use designations include General Commercial in all directions. The property has direct access to East Central Avenue.

Project Details

The applicant is requesting a rezoning of this property from RO, Residential Office to C-2, General Commercial. The applicant states the intent of the rezoning is to be consistent with surrounding zoning districts and that the property will be consistent with the allowable uses in the C-2 district.

Relationship to the General Plan / Projected Traffic Impact

The applicant's request is consistent with the Land Use and Zoning District alignment policy. C-2 zoning is appropriate for the General Commercial land use. The property is also located within Priority Area 2 Infill,

Relationship to the General Plan / Projected Traffic Impact

prioritizing new development or redevelopment in locations already served by public infrastructure and utilities.

Public Comment

Has Staff received Public Comment at the time of this report? : **No**

Analysis / Waivers

The applicant's request is consistent with the future land use designation and the Community Plan. C-2 zoning is also appropriate along arterial corridors, which East Central is designated.

Conclusion

Staff recommends approval of this rezoning request.

Additional Details



Pending PC
Item

A-1

C-2

C-2

E CENTRAL AVE

C-2

R-0

C-2

I-2

I-2



rz24-0044

Walmart Campus E Central Ave Rezone
E. Central Ave





*Civil Engineering, Landscape Architecture,
Survey, Planning & Program Management*

2600 NE 11th Street, 3rd Floor
Bentonville, AR 72712
Office: 479.273.9472
ceieng.com

10-15-2024

City of Bentonville
Planning Dept.
305 SW A Street
Bentonville, AR 72712

RE: Bentonville Parcel 01-19232-000 Rezoning Application

A typed or written statement addressing each of the following:

- State the current zoning designation and proposed zoning designation. Explanation of the proposed zoning change including current owner information and any proposed sales.
 - Current zoning is R-O, Residential Office
 - Rezone request is for C-2, General Commercial
 - Current Owner is Walmart Stores Inc
- Reason (need) for requesting the zoning change.
 - To allow for General Commercial Use which matches most of the surrounding properties in the area
- Statement of how the property will relate to surrounding properties.
 - Property will be consistent with future development and allowable uses under the City of Bentonville zoning code for C-2
- Use.
 - C-2, General Commercial
- Traffic.
 - No changes
- Signage.
 - No changes
- Appearance.
 - No changes
- Availability of water and sewer (state size of lines). If direct water and / or sewer is not available, state how lines will be accessed and connected. This information is available from the Water Department at (479) 271-3141 or off of the City of Bentonville's G.I.S. site.
 - Please see next page



Respectfully submitted,
CEI Engineering Associates, Inc.
 Dustin Riley, PS

ORDINANCE NO. _____

**AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF
BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING
CLASSIFICATION OF R-O, RESIDENTIAL OFFICE TO C-2, GENERAL
COMMERCIAL; AND FOR OTHER PURPOSES.
(PROJECT NUMBER: RZ24-0044)**

WHEREAS, WAL-MART STORES INC duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of R-O, RESIDENTIAL OFFICE to C-2, GENERAL COMMERCIAL to be used in accordance with city zoning laws and state laws, which property is described as follows:

LOT 2 OF WALMART LAYOUT SUBDIVISION CREATING LOT 1-6 AS SHOWN ON
PLAT RECORD L202108441 AND FILED FOR RECORD AT THE BENTON COUNTY
CLERKS OFFICE, BENTON COUNTY, ARKANSAS;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held November 19, 2024 in the Council Chambers of the City of Bentonville;

WHEREAS, public notice of said hearing having been published in the Northwest Arkansas Democrat-Gazette for the time and in the manner required by law; and

WHEREAS, the Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification of R-O, RESIDENTIAL OFFICE to C-2, GENERAL COMMERCIAL.

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

Section 1: That the above described real property is hereby changed from its present zoning classification of R-O, RESIDENTIAL OFFICE to C-2, GENERAL COMMERCIAL to be used in accordance with the city zoning laws and state laws;

Section 2 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED AND APPROVED this _____ day of _____, 2024.

APPROVED:

ATTEST:

Stephanie Orman, Mayor

Malorie Marrs, City Clerk



Future Land Use Map Amendment - Paulsen Revocable Trust - Agricultural to Low Density Residential (LDR)

12815 Motley Road

PC Date:

Staff Report Details

Project Number	RZ24-0046
Applicant / Current Owner	PAULSEN REVOCABLE TRUST, BETTY L
Site Area	+/- [Site_Area] Acres
Current Zoning	A-1, Agriculture
Requested Zoning	R-1, Low-Density Single-Family Residential
Current Future Land Use Map Designation	Agricultural
Requested Future Land Use Map Designation	Low Density Residential (LDR)
Development Type / Use	
Related projects	

Property Description

The subject property is located south of Motley Road between South Tycoon Avenue and South Vaughn Road. The property is presently zoned A-1, Agriculture, with a land use designation of Agricultural. The property has direct access to Motley Road. Surrounding zoning districts include R-3, High Density Residential and R-2, Medium Density Residential to the South and East, with Centerton and some agricultural property to the West and North.

Project Details

The applicant has requested a rezoning of the property from A-1, Agriculture to R-1, Low-Density Single-Family Residential. The applicant states in their narrative they are requesting the rezoning to facilitate the use of the property as a residential subdivision consisting of single-family homes.

Relationship to the General Plan / Projected Traffic Impact

The property is presently designated as Agriculture on the land use plan and is surrounded by Low, Medium, and High Density Residential to the East.

Relationship to the General Plan / Projected Traffic Impact

Low-density residential areas include detached single-family residential properties with a typical density of 3-8 units per acre. While lot size and overall density may vary from one part of the city to another, these areas represent the predominant form of residential development in Bentonville. These areas may also include local amenities for residents, including neighborhood parks, places of worship, etc

This zoning request does not align with the Future Land Use Map, recommending A-1, Agriculture, as an appropriate zoning designation. This location is within Priority Area 3 of the Community Plan, Edge Growth, which focuses on development in areas proximate to existing infrastructure in order to capitalize on municipal investment that has already taken place.

From a built environment lens, the proposed zoning and use will be similar to the current projects underway on the properties to the east, but at a lower possible dwelling unit per acre.

The applicant states there is no anticipated increase in traffic from the zoning change, however, due to the nature of going from Agriculture/open space to a residential subdivision, an increase in traffic will occur.

Public Comment

Has Staff received Public Comment at the time of this report? : **No**

Analysis / Waivers

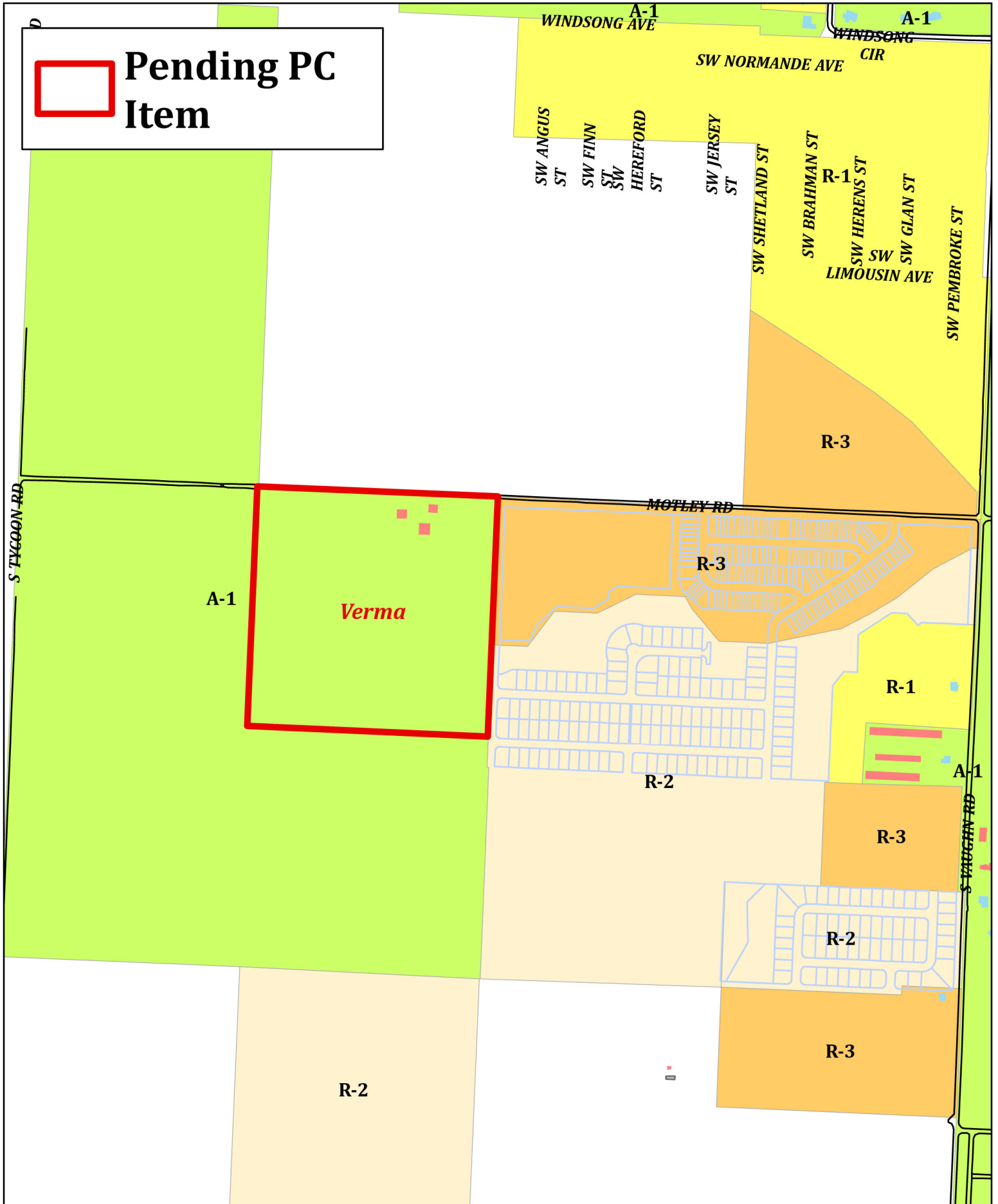
This rezoning request does not match the current land use plan designation for this area, but the surrounding built environment is similar to the proposed rezoning requested.

Conclusion

Additional Details



**Pending PC
Item**



RZ24-0046
Krishna Verma
A-1 to R-1





November 5, 2024

Planning Department
City of Bentonville
305 SW A Street
Bentonville, AR 72712

Re: *Motley Rd Subdivision (Parcel 01-08203-005)*
 Bentonville, AR 72713
 Rezoning Request

To whom it may concern,

We are representing Krishna Verma to request a rezoning of a property located south of Motley Road between Tycoon Avenue and Arkansas Highway 279/Vaughn Road. The property currently exists as a farm, and the owner would like to rezone the property to R-1, Single Family Residential to facilitate the use of the property as a residential subdivision consisting of single-family homes.

1. The current zoning designation is A-1 Agricultural. The proposed zoning is R-1 Single Family Residential.
2. The R-1 designation will allow the owner to develop the property as needed to house a residential subdivision.
3. The current owner is Michael Paulsen, Executor of trust, a future sale for the land between Krishna and Michael for the development of single family residential is intended.
4. Surrounding zoning includes R-3 and R-2, so the residential zoning proposed for this property would remain consistent with the surrounding areas.
5. The proposed use of the property is to house multiple single-family homes
6. The property will have access points on to Motley Road.
7. Signage will meet all city sign ordinances.
8. The appearance of the development is unknown; however, it will house a development consistent with R-1 regulations.
9. There is an 8" Water Main on the northern side of the property. There is a potential development at the southwest corner of Motley Road and Vaughn Road that will extend the sewer closer to the property for tie in. Size is unknown currently.
10. An update to the future land use map, updating from agricultural to low-density residential will be required.

Sincerely,

Halff Associates, Inc

Kylee Sawyer
Project Coordinator

RESOLUTION NO. _____

**A RESOLUTION AMENDING THE CITY OF BENTONVILLE FUTURE LAND USE
MAP FOR A SPECIFIC AREA FROM AGRICULTURE TO LOW-DENSITY
RESIDENTIAL; AND FOR OTHER PURPOSES.
(PROJECT NUMBER: RZ24-0046)**

WHEREAS, Allen F. and Betty L. Paulsen duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present land use classification of AGRICULTURE to LOW-DENSITY RESIDENTIAL, which property is described as follows:

THE NE1/4 OF THE NE1/4 OF SECTION 18, TOWNSHIP 19 NORTH, RANGE 31 WEST. SUBJECT TO COUNTY ROAD. SURVEY DESCRIPTION BASED ON ALAN REID ALTA SURVEY 2003-732 BEING ALL OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 19 NORTH, RANGE 31 WEST OF THE 5TH PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE NORTHEAST CORNER OF SAID 40-ACRE TRACT; THENCE SOUTH 00°58'04" WEST ALONG THE EAST LINE THEREOF, A DISTANCE OF 1318.69 FEET TO THE SOUTHEAST CORNER OF SAID 40-ACRE TRACT; THENCE DEPARTING SAID EAST LINE, NORTH 88°55'00" WEST ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 1321.70 FEET TO THE SOUTHWEST CORNER OF SAID 40-ACRE TRACT; THENCE DEPARTING SAID SOUTH LINE, NORTH 00°58'09" EAST ALONG THE WEST LINE THEREOF, A DISTANCE OF 1314.94 FEET TO THE NORTHWEST CORNER OF SAID 40-ACRE TRACT; THENCE DEPARTING SAID WEST LINE, SOUTH 89°04'45" EAST ALONG THE NORTH LINE THEREOF, A DISTANCE OF 1321.66 FEET TO THE POINT OF BEGINNING CONTAINING 39.95 ACRES MORE OR LESS BEING SUBJECT TO ANY EASEMENTS OF RECORD OR FACT;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held November 19, 2024 at the Council Chambers of the City of Bentonville;

WHEREAS, public notice of said hearing having been published in the Northwest Arkansas Democrat Gazette for the time and in the manner required by law; and

WHEREAS, the Planning Commission voted to recommend to the City Council that the petition be approved and that said future land use classification as presented on the property be changed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF BENTONVILLE, ARKANSAS:

Section 1: That the above described real property is hereby changed from its present land use classification of AGRICULTURE to LOW-DENSITY RESIDENTIAL on the City of Bentonville Future Land Use Map;

Section 2 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

PASSED AND APPROVED this ____ day of _____, 2024.

APPROVED:

ATTEST:

Stephanie Orman, Mayor

Malorie Marrs, City Clerk

ORDINANCE NO. _____

**AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF
BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING
CLASSIFICATION OF A-1, AGRICULTURAL TO R-1, LOW DENSITY
SINGLE FAMILY RESIDENTIAL; AND FOR OTHER PURPOSES.
(PROJECT NUMBER: RZ24-0046)**

WHEREAS, Allen F. and Betty L. Paulsen duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of A-1, AGRICULTURAL to R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to be used in accordance with city zoning laws and state laws, which property is described as follows:

THE NE1/4 OF THE NE1/4 OF SECTION 18, TOWNSHIP 19 NORTH, RANGE 31 WEST.SUBJECT TO COUNTY ROAD.SURVEY DESCRIPTION BASED ON ALAN REID ALTA SURVEY 2003-732 BEING ALL OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 19 NORTH, RANGE 31 WEST OF THE 5TH PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS:BEGINNING AT THE NORTHEAST CORNER OF SAID 40-ACRE TRACT; THENCE SOUTH 00°58'04" WEST ALONG THE EAST LINE THEREOF, A DISTANCE OF 1318.69 FEET TO THE SOUTHEAST CORNER OF SAID 40-ACRE TRACT; THENCE DEPARTING SAID EAST LINE, NORTH 88°55'00" WEST ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 1321.70 FEET TO THE SOUTHWEST CORNER OF SAID 40-ACRE TRACT; THENCE DEPARTING SAID SOUTH LINE, NORTH 00°58'09" EAST ALONG THE WEST LINE THEREOF, A DISTANCE OF 1314.94 FEET TO THE NORTHWEST CORNER OF SAID 40-ACRE TRACT; THENCE DEPARTING SAID WEST LINE, SOUTH 89°04'45" EAST ALONG THE NORTH LINE THEREOF, A DISTANCE OF 1321.66 FEET TO THE POINT OF BEGINNING CONTAINING 39.95 ACRES MORE OR LESS BEING SUBJECT TO ANY EASEMENTS OF RECORD OR FACT;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held November 19, 2024 in the Council Chambers of the City of Bentonville;

WHEREAS, public notice of said hearing having been published in the Northwest Arkansas Democrat-Gazette for the time and in the manner required by law; and

WHEREAS, the Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification of A-1, AGRICULTURAL to R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL.

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

Section 1: That the above described real property is hereby changed from its present zoning classification of A-1, AGRICULTURAL to R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to be used in accordance with the city zoning laws and state laws;

Section 2 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED AND APPROVED this _____ day of _____, 2024.

APPROVED:

ATTEST:

Stephanie Orman, Mayor

Malorie Marrs, City Clerk



Future Land Use Map Amendment - Echelon - Open Space to Low Density Residential (LDR)

1602 Northwest 3rd Street

PC Date: 11/19/2024

Staff Report Details

Project Number	PRD24-0004
Applicant / Current Owner	Amazing Land Company, LLC and Jeffery and Kelsey Garrett
Site Area	+/- [3.58] Acres
Current Zoning	R-1 Single Family Low-Density Residential, R-E, Residential Estate
Requested Zoning	PRD, Planned Residential Development
Current Future Land Use Map Designation	Open Space
Requested Future Land Use Map Designation	Low-Density Residential
Development Type / Use	Planned Residential Development
Related projects	

Property Description

This property is located on Northwest 3rd Street, and currently consists of four parcels, totaling 3.58 acres, and is zoned R-1, Residential Single Family, and RE, Residential Estate. The land use is designated as Open Space. The property has direct access to Northwest 3rd Street and Northwest Appaloosa Avenue.

Project Details

Since the October 15th Planning Commission meeting, the applicant has made adjustments to the originally submitted Planned Residential Development, by removing Lot 23 and revising Lot 22 to contain a single family home, decreasing the unit count from 21 to 20 dwelling units. Dwelling units per acre has decreased from 5.83 to 5.6. The property widths for Lots 18 through 22 were revised to increase green space between the homes. Additionally, the maximum building height was revised in Zone 1 and 2 to match the surrounding districts at 36 feet maximum, meeting the previous staff recommendation as a condition of approval. Utilities have been revised accordingly. New architectural elevations have been submitted with design that more closely mimics the style and feel of the surrounding neighborhoods. Additionally, the applicant has addressed many concerns heard by residents at the October 15th meeting through an exhibit of example covenant language and a breakdown of how they plan to address each concern. The lot frontage directions have been revised and design speed triangles at the intersection of

Project Details

Echelon Street and Northwest 3rd have been added.

The applicant is proposing a Planned Residential Development consisting of attached and detached single-family homes. The 3.58 acre development will have a total of 20 dwelling units, at 5.6 dwelling units per acre, which is consistent with the city's standards for low density residential development (3-8 dwelling units per acre). There will be 10 single-family attached units and 10 single-family detached units.

Included in the plan is a walking trail along the western property line and a neighborhood park along the northern property line. A 7-foot raised pedestrian table will be constructed where Echelon's decomposed granite walkway crosses Appaloosa Avenue, in order to improve pedestrian visibility and act as a traffic-calming feature. A total of 40 garage parking spots will be provided within this development, with each detached and attached single-family home providing garage parking for two dedicated spaces per dwelling unit. Additionally, the driveway length allows for two more cars to be parked directly behind the garage spaces, totaling 4 parking spaces per unit (See attached parking exhibit). This exceeds the R-1 and R-2 zoning code requirements for parking (Code requires 2 spaces per dwelling unit).

Per the narrative, while private, the street cross-sections will be built to conform with Bentonville street standards. The widths of these private streets will vary to best accommodate the garage parking of each unit and to ensure fire truck access for each unit as directed by the Bentonville Fire Department.

Proposed allowable uses include those seen within this proposal, namely single-family detached and attached dwellings as well as neighborhood parks. The proposal also includes conditional and accessory use provisions for cottage courts, accessory dwelling units, and various transportation, communication, and utility functions. The table of uses explicitly disallows short-term rentals to operate within the development.

The attached-single family homes in Zone 1 has a proposed maximum allowed height of 36 feet, the maximum allowable height in R-1 and the same as the surrounding districts. The detached single-family homes in Zone 2 will have a maximum height of 36 feet as well. In order to better match the surrounding neighborhoods, the development will locate the single-family attached units along Northwest 3rd Street. The 2-story detached single family homes will be located to the rear of the property.

The building materials will comply with all requirements of the Bentonville Municipal Code as found in §1100.21(e), but may be further restricted by covenant.

Please see the applicant's materials for additional information and architectural renderings.

Relationship to the General Plan / Projected Traffic Impact

Traffic will likely increase slightly as this piece of land is developing from previously undeveloped lots. With Northwest 3rd Street designated as a collector street, it is likely to be able to handle any additional traffic. Additionally, the dedicated bike line along Northwest 3rd Street and various nearby amenities connected to the bikeway may allow for more trips to be accomplished by walking and biking.

The Community Plan, in Chapter 4, Land Use and Strategic Growth, identifies this property as within an area of stable growth, where "existing land use, built character, and land use context suggest that they will generally remain the same over the horizon of this plan". However, the map outlines this area to lie entirely within Priority Area 2 of the Strategic Growth Zones, Infill development. Infill Development calls for the development of vacant properties already served by infrastructure within the context of existing

Relationship to the General Plan / Projected Traffic Impact

development.

Chapter 5, Neighborhoods and Housing, calls for various strategies to support affordability within the evolving landscape of Bentonville's Housing landscape. These directives include:

1. Allowing and prioritizing alternative forms of density, such as duplexes or projects that promote a mix of housing types.
2. Providing proximity to, or integration within neighborhood development, resident-based services such as parks, trails, public facilities, and local commerce.
3. Using creative, market-driven tools to maintain housing availability for all socioeconomic levels
4. Providing the residential environments that support the city's economic engine, employment base, and commerce.

This development meets many of these criteria by providing a mix of single-family attached and detached homes on smaller lots which increases the range of pricing. The attached units mimic a single-family home from the street frontage, providing more housing units while still maintaining some consistency with surrounding neighborhoods and the single family detached units located at the rear of the property. Additionally, this development fronts Northwest 3rd Street, which is designated as a regional Bike Connection in Chapter 7 of the Community Plan. The dedicated two-way bike lane provides access to nearby amenities, services, and outdoor recreation, such as the Applegate Trail along Coler Creek located 0.3 miles to the west. The plan also incorporates a neighborhood park, providing a community amenity. This proposal incorporates traditional neighborhood design principles by orienting front entries towards one another and placing rear-loaded garages in alleys where feasible. The homes at the south edge of the project will have primary entrances facing NW 3rd Street, with garages facing the private street.

Additionally, this proposed development meets Chapter 7's recommendation to reduce curb cuts along arterial roadways by decreasing the existing curb cuts from two to one.

The design and location of this development promotes access to alternative modes of transportation as outlined in the Community Plan, Chapter 7.

This project meets the Community Plan objective of increased housing diversity (page 55), by incorporating smaller footprint dwelling units on easier to maintain lots into a single-family style neighborhood.

To address concerns voiced by surrounding residents, the applicant has introduced examples of the covenants they plan to write for the neighborhood to disallow short-term rentals, limit the number of long-term rental properties in the neighborhood to 5%, or one at a time, and keep noise at appropriate levels. The covenants are based on existing covenants of the Scissortail neighborhood in Cave Springs and the Aurora subdivision in Southwest Bentonville. See exhibit for more details regarding this strategy.

While this property is designated as open space on the future land use plan, its prime location along Northwest 3rd Street which accesses a dedicated bike lane and trails, as well as its proximity to the commercial hub along Walton Boulevard, makes this location an ideal opportunity for context-sensitive infill development.

Public Comment

Has Staff received Public Comment at the time of this report? : **Yes**

Analysis / Waivers

The applicant proposes a single-family attached and detached development that is nearby to existing single-family neighborhoods and has access to developed active transportation routes. The development meets the parking requirements outlined for R-1 zoning districts, provides a mix of attached and detached single-family homes, a neighborhood park, and a walking trail that connects the back of the property to Northwest 3rd Street. The buildings will be composed of both primary and special use primary materials, and parking will be located at the rear of the structures, activating the frontage along Northwest 3rd street.

The proposal demonstrates the criteria outlined in the code for Planned Residential Developments with its mix of housing, high-quality community open space and park, and interconnected narrow street network that is safe and pleasant for pedestrians. The applicants have reviewed and made adjustments to the plan based on the concerns of nearby neighbors.

Conclusion

Staff recommends approval of the Planned Residential Development given that it aligns with both the community plan calling for housing diversity and meets the code requirements of the Planned Residential Development criteria.

Additional Details



Pending PC Item



PRD24-0004

Amazing Land Company LLC
1602 NW 3RD ST



05 November 2024
City of Bentonville
Planning Department
305 SW A Street
Bentonville, AR 72712

RE: Echelon – PRD Narrative of Changes

Please see the below list of changes to the Echelon PRD application.

- Removed Lot 23 and revised Lot 22 to contain a single-family home.
 - Revised utilities accordingly.
- Revised property widths for Lots 18 through Lot 22 to increase space between future homes.
- Revised Zone 1 and Zone 2 max building height.
- Revised Zone 1 and Zone 2 max lot coverage.
- Revised Lot Frontages directions – see table on PRD Site Plan.
- Included design speed sight triangles at the intersection of Echelon St. and NW 3rd St.

ECHELON

Thrilled 
HOME BUILDERS

 *Another*
LEADERSHIP
PROPERTIES
community



PRD SUBMISSION



PROJECT NUMBER 2024007

OWNER:
Leadership Properties, LLC
Thrilled Home Builders, LLC
3405 SW Awakening Ave
Bentonville, AR 72713
P: 918.808.6792

CIVIL ENGINEER & LANDSCAPE ARCHITECT:
Development Consultants, INC.
1 East Center Street, Suite 290
Fayetteville, AR 72701
P: 479.444.7880

ARCHITECT:
Travis Harris Design, LLC.
Travis Harris
10140 S. Hudson Ave.
Tulsa OK, 74137
P: 580.583.4335

Project Description



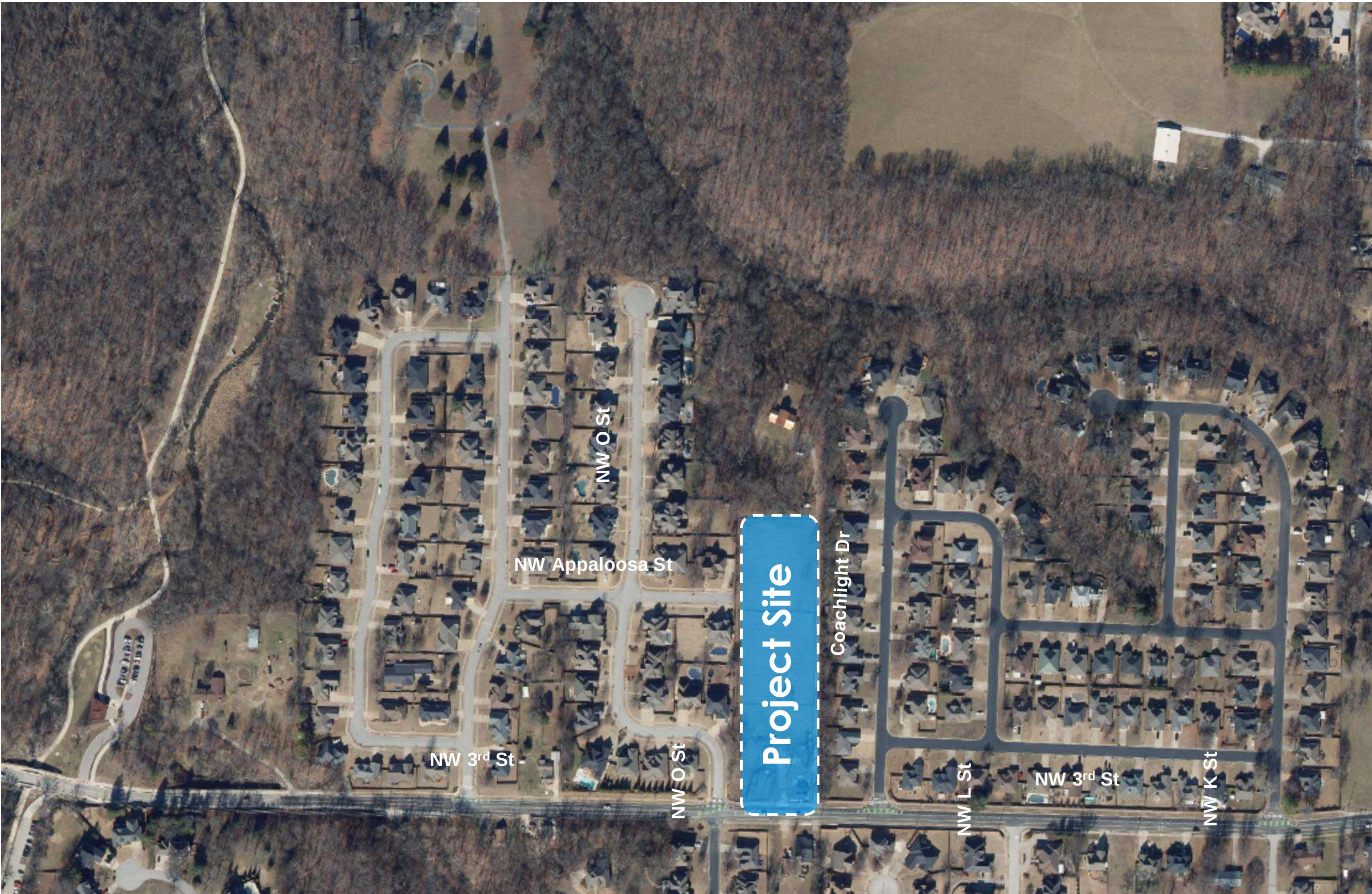
Leadership Properties and Thrilled Home Builders, in collaboration with Development Consultant Inc and Travis Harris Design, LLC, propose a 20-unit Planned Residential Development along NW 3rd Street in Bentonville, Arkansas, known as Echelon.

Echelon will blend active lifestyle elements and thoughtful transitional design to create a premier community for residents who are drawn to outdoor adventure and neighborhood connections.

A mix of detached and attached single-family homes will further the City’s goals for appropriate infill development between downtown Bentonville and Coler MTB Preserve by bringing new housing formats not currently available in the area.

Design elements like rear-loaded garages, low maintenance yards, and shared greenspace cater to the modern market demands of active executives and seniors alike. Smaller lots and POA-managed common spaces are carefully balanced to create a transition between the existing neighborhoods along the NW 3rd Street corridor.

The Planned Residential Development approach allows for the tailoring of street and setback dimensions to accommodate the specific size and access needs of the parcels, while allowing for the incorporation of outdoor amenities and place-making efforts. Building styles and materials are presented in the attached documentation and are generally consistent with standard building types for the NW Arkansas community and the adjacent neighborhoods.



Relation to Existing & Surrounding Uses

The proposed project will involve four parcels (01-18382-000, 01-18382-001, 01-18380-000, and part of 01-18380-001) totaling around 3.58 acres and including a vacant 644 sq ft residential structure. The property is served by existing water, sewer, and electric facilities available at the property edge.

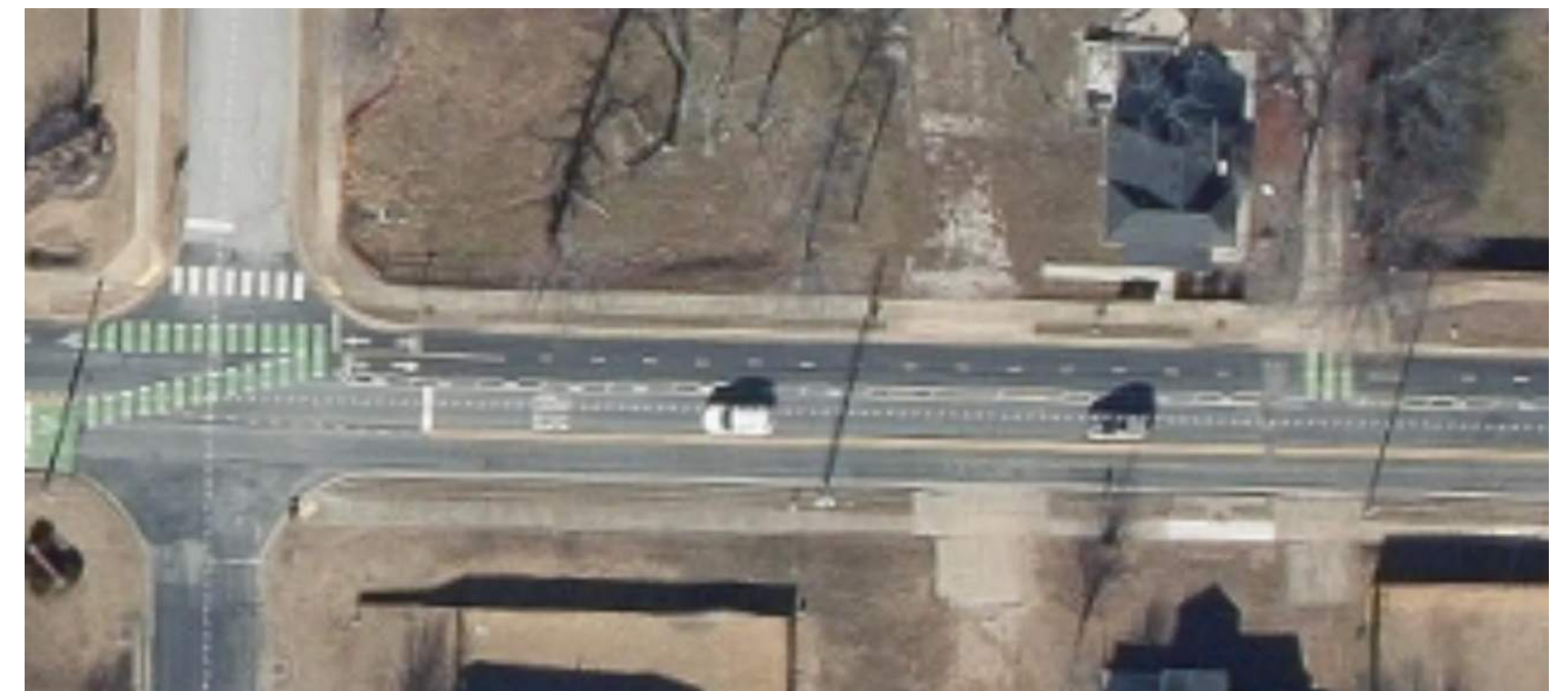
The project is on the north side of 3rd Street, a 2-lane public street with existing sidewalks on both sides and separated bicycle facilities on the north. There are two existing curb cuts along the project frontage that intersect the cycle path. The western curb cut will be abandoned. The other, an existing gravel driveway on the east edge of the development serving the flag lot to the north, will become an improved, paved street. This will provide frontage access to the existing home to the north and a westward street connection to the Appaloosa Ave stub into the Windsor Manor neighborhood. The alignment of this driveway and Appaloosa Ave are the primary drivers of the proposed site layout.

The adjacent subdivisions to the east and west of the proposed development consist of detached single-family homes built between 1995 - 2008 on lots averaging 0.22 acres (Sturbridge) to 0.27 acres (Windsor & Saddlebrook). NW 3rd St is lined with walls and privacy fences along the north side, extending 1320 ft to the east and 1050 ft to the west from the project boundaries. Similarly, the south side of 3rd Street has approximately 900 ft of wall, except for a single-lot gap directly across from the proposed development.

The impact on existing neighborhoods is minimized by placing the highest local density at the front of the project with 2-story attached single-family homes adjacent to NW 3rd Street and transitioning to lower density to the north with 2-story detached single-family homes that more closely mirror the scale of existing homes where Appaloosa Ave enters Windsor Manor.

This proposal incorporates traditional neighborhood design principles by orienting front entries towards one another and placing rear-loaded garages in alleys where feasible. The homes at the south edge of the project will have primary entrances facing NW 3rd Street, with garages facing the private street. While serving as the functional rear loading space, the facades facing the private street are intended to promote connectedness and convey a sense of welcoming entrances by including features such as second story floor balconies and purposeful garage door selections.

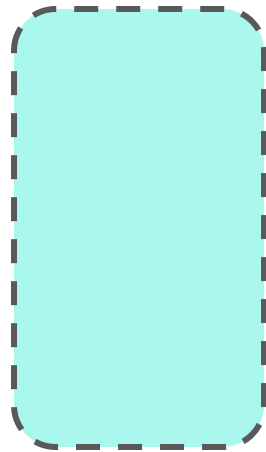
Bentonville's Future Land Use Plan designates the project area as "Open Space", however the entire site is within the Bentonville Community Plan's Priority Area 2: Infill. This proposal aligns with the Community Plan's vision of responsibly accommodating future growth by sensitively adding increased residential density to the area. Therefore, in accordance with the Future Land Use Plan and Zoning Districts Alignment Policy, we are requesting an amendment to the FLUP designation to "Low-Density Residential" which indicates 3-8 du / acre. The overall proposed project density is less than 6 du / acre.



Plan Types – Site Plan*



Zone 1:
Attached & Detached
Single-Family Homes



Zone 2:
Detached
Single-Family Homes

*Site Plan for illustration purposes, please see engineering documents for plan with setbacks



Description of Proposed Residential Land Uses

Zone 1:

Zone 1 will consist of ten (10) attached single-family homes on individual parcels and one (1) detached single-family home, with minimum lot sizes $\pm 100' \times 20'$, comprising an area of ± 0.8 acres. Each lot will have a minimum 15' front setback, 0' interior side setback, 5' exterior side setback, and a 15' rear setback. Each home will have garage parking and a maximum height of 36'. A transparent fence will be installed along the existing utility easement adjacent to Lots 18-22, to enhance the curb appeal of zone 1. Lot 22 will be restricted to a detached home as indicated in attached drawings.

Zone 2:

Zone 2 will consist of nine (9) $\pm 100' \times 50'$ minimum lot size, comprising an area of ± 1.29 acres, single-family residences with a maximum height of 36'. Each lot will have a minimum 15' front setback, 3' interior side setback, 15' exterior side setback, and a 5' rear setback. The lots will be comprised of mix of single-family residential homes with garage parking.

Zone 3:

Zone 3 will consist of the common green space with walking trail and stormwater management features, comprising an area of ± 0.61 acres. The southwest detention area will be a below-grade detention pond, preserving the green space at grade for the enjoyment of the Echelon community. The southwest pond will detain and subsequently discharge into an existing storm sewer system along NW 3rd street in the southwest corner of the property. To further maximizing the available greenspace available for recreational use, the north common area will also feature below-grade detention which will subsequently discharge to the north into an existing drainage swale during storm events. A decomposed granite trail will connect Zones 1 and 2 along the western and northern boundaries of the property, enhanced by public art, plantings, a hammock area, benches, and play structures. These amenities provide recreational opportunities for the residents and surrounding community, increasing the desirability of Echelon and welcoming connection with current residents.

Residential Density:

The maximum overall residential density will be 5.6 units per acre.

Private Streets:

Street cross sections shall be built to conform with Bentonville street standards and will be constructed of Portland cement concrete. The widths of these private streets will vary to best accommodate the garage parking of each units and to ensure fire truck access for each unit as directed by the Bentonville Fire Department.

Structural Design:

All zones within the development are assumed to be transitional style in home design and will be comprised of two-story construction limited to 36' in height. Exterior finish materials will comply with all requirements of the Bentonville Municipal Code as found in §1100.21(e), but may be further restricted by covenant.

Requested Modifications:

The intent of the development will stay within the permitted modifications allowed by the PRD development criteria and will mostly adhere to permitted residential zoning district regulations. The intent is to allow for design flexibility in lot widths and higher residential density. The goal for this development is to provide much needed housing in the area. The requested modifications will include density, building setbacks, and lot sizes as indicated above. Zone 1 is similar to R-2 type zoning requirements. Zone 2 closely reflects R-1 zoning regulations. A table of proposed zoning regulations is provided for comparison.



Zoning Comparison

	Zone 1	R-2 Medium Density Residential*	Difference		Zone 2	R-1 Low Density Single Family Residential	Difference
	PROPOSED	Standard	Comparison		PROPOSED	Adjacent Zone	comparison
Min Lot Area / DU	2000 SQ FT	2000 SQ FT	SAME		5000 SQ FT	6000 sq ft	< 1000 SQ FT
Min Lot Width	20 FT	20 FT	SAME		50 FT	60 ft	Reduced 10 ft
Lot Depth	100 FT	--	--		100 FT	--	
Max Lot Coverage	70%	65% / 70%	SAME		60%	40% / 50%	Increased 10%
Front Setback	MATCH UTILITY EASEMENTS	20 FT	SAME		15 FT	20 ft	Reduced 5 ft
Side Setback (Interior)	0 FT	7 FT	REDUCED 7 FT		3 FT	7 ft	Reduced 4 ft
Side Setback (Exterior)	5 FT	20 FT	REDUCED 15 FT		15 FT	20 ft	Reduced 5 ft
Rear Setback	15 FT	25 FT	SAME		5 FT	25 ft	Reduced 20 ft
Max Height	36 FT	36 FT	SAME		36 FT	36 ft	SAME
Parking / DU	2	2	SAME		2	2	SAME

Guideline: New infill structures should be constructed at a height that is compatible to the adjacent structures. If possible, the new dwelling should have a height within an acceptable percentage to the Planning commission to ensure compatible massing, scale and to prevent the overshadowing of the adjacent structure(s).

***R-2 Townhouse-unit Building type**

Table of Uses

Use Unit	Zone 1	Zone 2	Zone 3 Green Space
Agriculture & Animals			
Animal – Domestic or Household	•	•	•
Community Garden	•	•	•
Residential			
Dwelling – Single Family	•	•	
Dwelling – Townhouse	•		
Dwelling – Two-Family	•		
Dwelling – Accessory	A	A	
Dwelling – Condominium	•		
Dwelling – Cottage Court	C	C	
Home Occupation – Type A	A	A	
Home Occupation – Type B	C	C	
Recreation, Education, & Public Assembly			
Park - Mini			•
Park - Neighborhood			•
Public Safety Services	C	C	C
Mobile Food Vendor			C
Transportation, Communication, & Utilities			
Solar Energy System	A	A	
Utility Facility	C	C	C
Wind Energy System, Small	A	A	
Wireless Communication Facility (Cell Towers)	C	C	C
Other			
Donation box			•
Model Home	•	•	
Short-Term Rental			

NOTE: * WHERE A DOT (•), THE LETTER “C”, NOR THE LETTER “A” APPEARS IN A BOX, OR FOR USES NOT INCLUDED IN THE TABLE, THE USE IS NOT ALLOWED.

Addressing Smart Growth & TND Principles

1. Offer a range of housing opportunities and choices.

Echelon will increase the variety of housing choices in the area by offering residents a home-ownership option with reduced exterior maintenance requirements. Two different housing products, traditional detached single-family homes with small private yards; and attached single-family homes with POA-maintained setback areas, will allow home buyers to select what is right for their family.

2. Foster walkable, “close-knit” neighborhoods.

Echelon is designed for social connection with short private drives creating mini-communities at each access court. A pedestrian trail, separate from the vehicular entrance, connects each row of homes to a common recreational area designed for socializing. Generous patios and balconies will invite residents to interact at the boundary between public and private spaces.

3. Promote distinctive, attractive communities with a “sense of place”.

Nearby Coler Creek MTB and Bentonville's investments in cycling infrastructure inspired the concept for Echelon. A thematic public art installation will anchor Echelon visually within the community, and the theme will be carried through other recreational amenities and street names.

The developers have established successful signature communities in Bentonville and nearby communities for over the past decade. The exclusive builder for the 20 homes in Echelon has a trusted reputation for creating beautiful homes, and has been recognized by the NWA Home Builders Association with a gold medal quality award, and a gold medal for best home in the anticipated price category.

4. Preserve open space, farmland, and critical environmental areas.

As part of a regional strategy, increasing residential density through small infill projects like Echelon will allow the City of Bentonville to preserve more significant undisturbed open spaces in outlying areas. On site, design considerations have been included for the preservation of a significant 44” oak tree at the northeast corner of the property.

The location for Echelon formerly served as agricultural land but has fallen into disuse over time as the land around it has been developed for other purposes. Proposed stormwater improvements will correct localized flooding issues at the south end of the property and improve water quality as it flows into the ravine on the north end.

5. Strengthen and encourage growth in existing communities.

The City of Bentonville has established planning policies and practices that encourage gentle density increases in infill locations. While the dimensions of this property are challenging to develop under standard zoning, the PRD process allows for the sensitive tailoring of development to fit the site. The Echelon proposal has been carefully considered to address the City's stated goals, with extensive neighborhood feedback informing each iteration of the design.

6. Provide an interconnected network of narrow streets that are safe for pedestrians, and provide a variety of routes for local traffic.

Echelon will extend the existing stub street at Appaloosa providing a new alternative route from Windsor Manor to NW 3rd St. Traffic calming of any potential cut-through traffic achieved with a raised speed table at the transition between neighborhoods. Additionally, the use of private streets in Echelon allows for narrower widths than the City's standard street requirements and encourages more attentive driver behavior. Pedestrian circulation through the site is separated from vehicular traffic.

7. Provide high quality public spaces that are an organizing feature and gather place for the neighborhood.

Public space is woven throughout the Echelon community, with significant POA-managed greenspaces at both ends. Located midway between Walton Blvd to Coler Creek MTB, Echelon residents will also benefit from existing City infrastructure that gives them easy access to everything Bentonville has to offer.

The public is invited into the neighborhood via a pedestrian spur that leads from the front green of the homes on NW 3rd St. The trail then runs the length of the neighborhood, providing access for each row of homes to a beautiful gathering space for play, relaxation, and socializing. The farthest home from the park is only a 650' walk along the trail – that's less than Bentonville's maximum one-block length regulation!

Other Considerations

Traffic & Pedestrian Safety:

A 7-foot raised pedestrian table will be constructed where Echelon's decomposed granite walkway crosses Appaloosa Ave, serving to improve pedestrian visibility to motorists, and to act as a traffic calming feature for vehicles passing between Echelon and Windsor Manor. The interior streets cross sections are designed to encourage slower driving through Echelon.

The extension of Appaloosa Ave is proposed to be open to vehicles, with a public access easement along the private streets within Echelon. However, if the Windsor Manor Homeowners' Association chooses in the future to request permission from the City of Bentonville for a gate to limit through-traffic at the end of the public right of way, Leadership Properties would fully support their application, provided the request preserves pedestrian connectivity and emergency vehicle access.

Parking:

No modifications have been requested from the city's minimum parking requirements. Zones 1 and 2 will meet the same minimum of two off-street parking spaces per unit that is standard throughout all traditional residential zoning classifications throughout the City of Bentonville. Additional parking beyond the minimum requirement will be available in driveways, and on-street as allowed by local fire codes.

Privacy:

Residential structures will be set back from the project edges, buffered on the west side by landscaping features and the walking path, and on the east by the existing tree line and new private street. The developers will work with existing property owners to construct or improve fences at shared property lines to create a uniform perimeter.

Proposed maximum height regulations are identical to the adjacent R-1 zoning limits.

Other Considerations

Stormwater Management:

A previous property owner reportedly filled in a drainage swale, causing water and sediment to flow onto adjacent properties during storm events. The proposed stormwater management improvements should improve this condition, by restoring the proper flow and detention of runoff at the project's edge. Underground detention is proposed beneath recreational greenspaces at the north end and the southwest corner of Zone 3 as described earlier. The poorly constructed existing concrete junction box on the southwest corner of the property will be reconstructed to the city's specifications to ensure proper flow into the municipal storm sewer at NW 3rd St and NW O St.

Tree Preservation:

A certified arborist has provided a thorough assessment of the existing trees on site and provided recommendations for tree preservation efforts. The area of greatest impact will be along the east edge of the project at the proposed Echelon St. Preservation efforts in this area will focus on smaller trees that can withstand the root and soil disruption. Most significantly, extra attention will be given to preserve a large healthy 44" Pin Oak on the property line near the north common area. North of Appaloosa, Echelon St will transition from a fully paved street section to a lower-impact improved driveway running along the common area and serving the home to the north.

Covenants & Property Owners Association:

Leadership Properties has extensive experience forming and managing POA organizations to manage covenants in neighborhoods, including in Bentonville. Echelon's POA will manage common space landscaping and upkeep, private street maintenance, and enforcement of construction noise restrictions, on-street parking restrictions, and reasonable limits on rental operations consistent with fair housing laws.

Construction Disruption:

All construction traffic will access the property from NW 3rd St, minimizing the disruption to NW Appaloosa St and Windsor Manor.

Exterior Concept

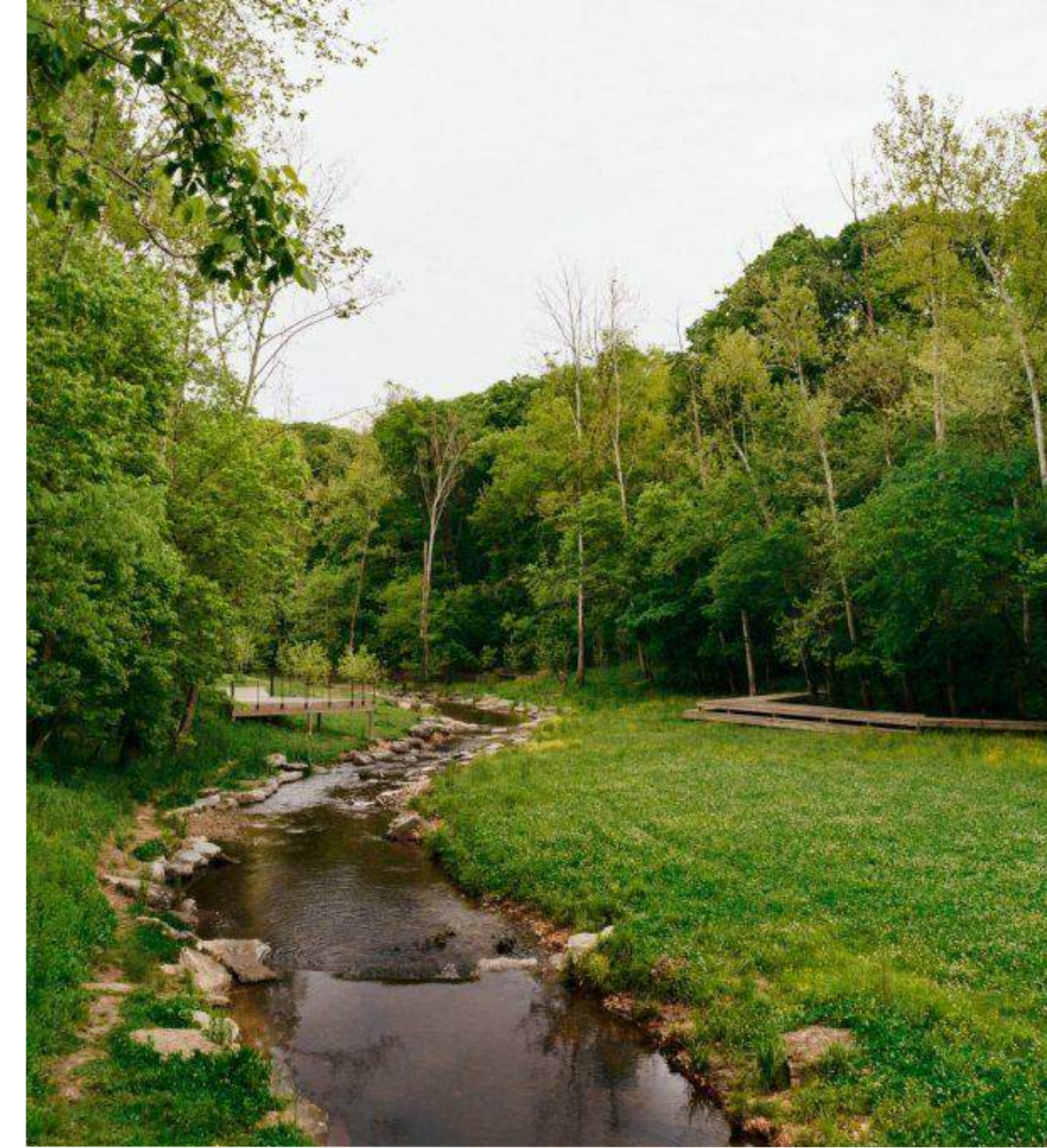
The neighborhood of homes occupies the boundary condition between forest + urban environment; the exterior concept amplifies and makes this contrast visible through the use of material and color.

Color palette: **light, neutral** color palette punctuated by **darker accents**.

Darker colors anchor the space and draw your eye outward to the surrounding site. These tones dominate the surrounding forest and reinforce shelter.

Lighter tones accentuate the interior volumes, making them feel more expansive.

By contrasting and controlling the balance between these two elements: light and dark, we mimic the qualities found on the building site and shape the experience of the neighborhood.





Exterior Materials

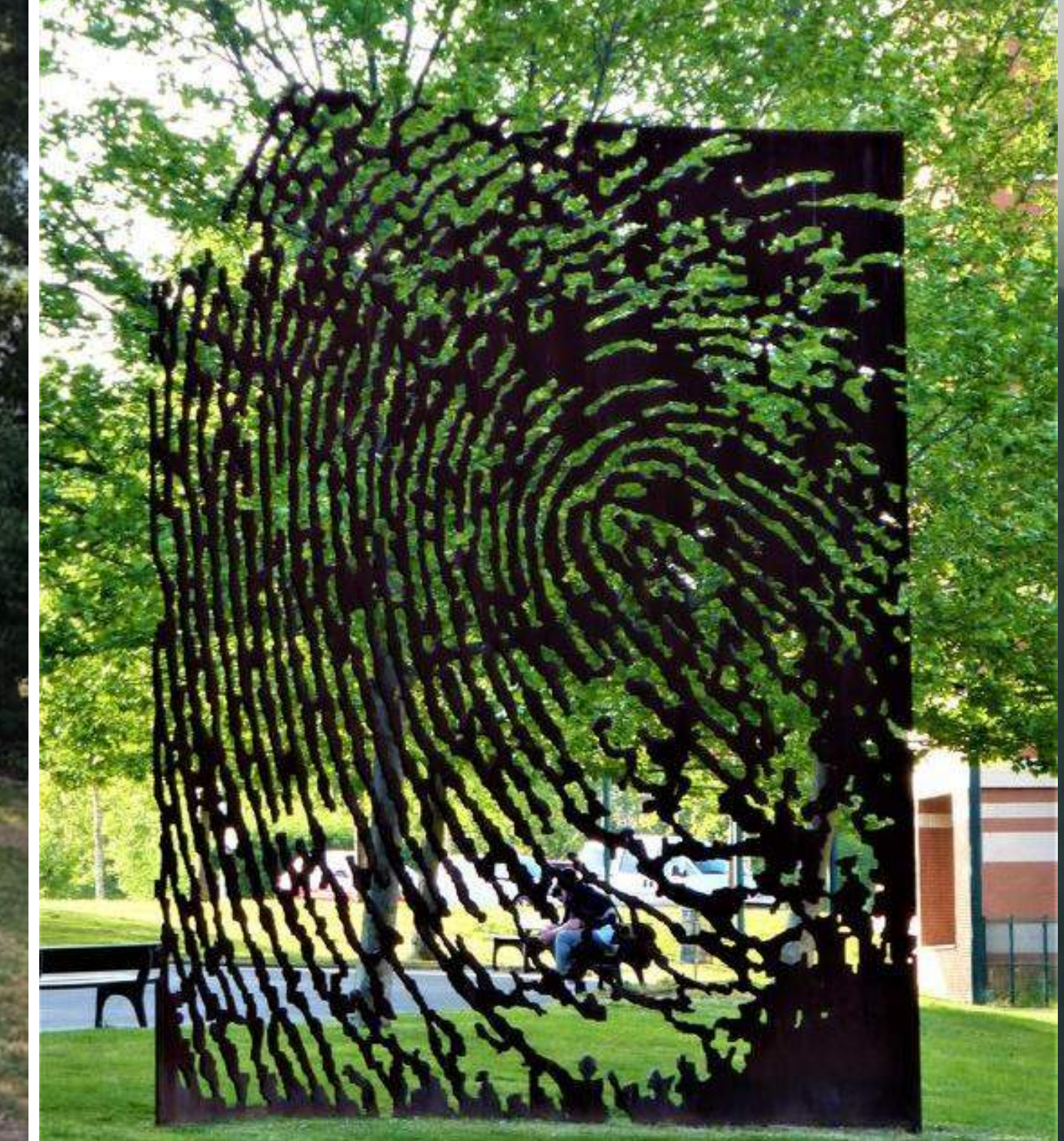
Exterior finish materials will comply with all requirements of the Bentonville Municipal Code as found in §1100.21(e), but may be further restricted by covenant.

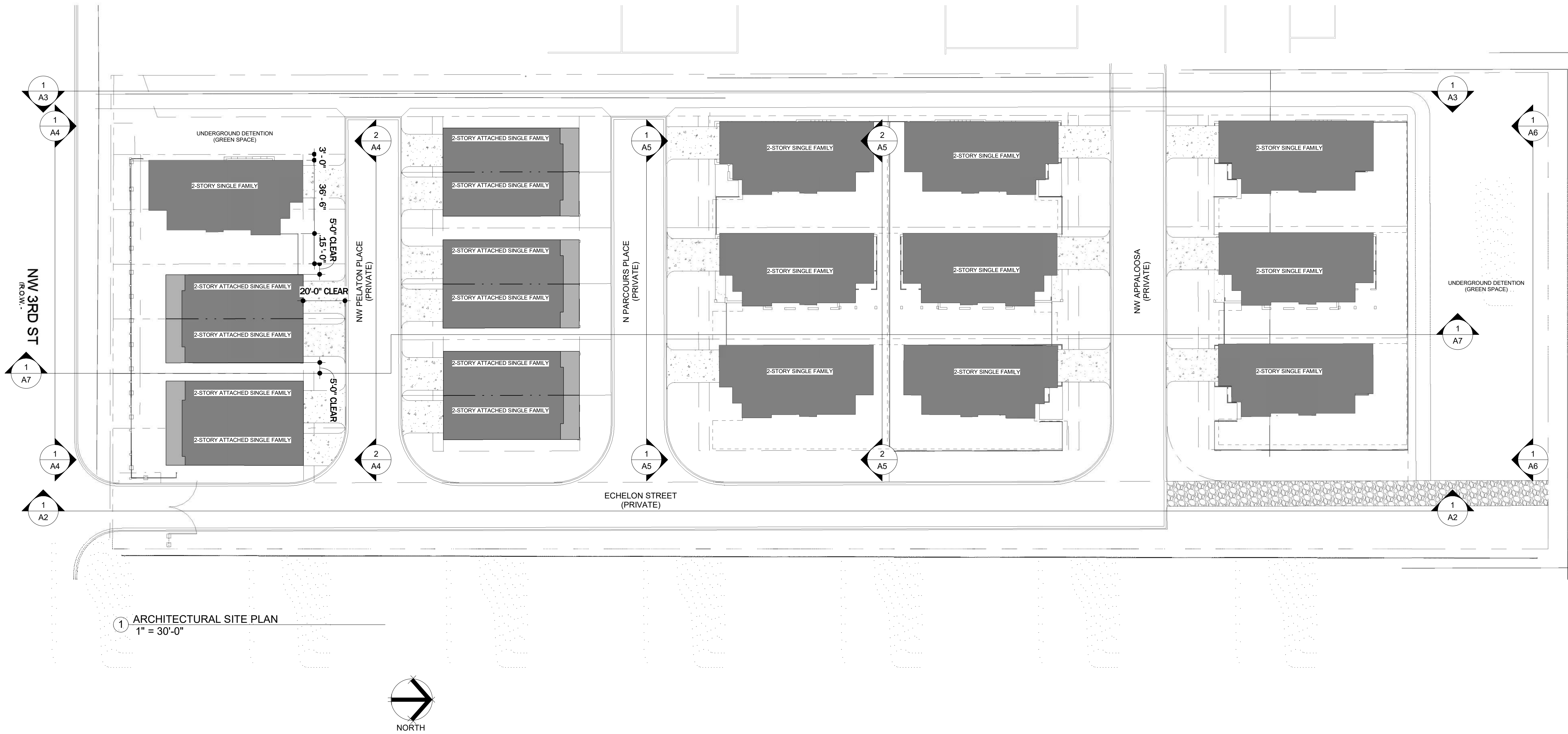
Sample materials palette is for illustrative purposes only and not a comprehensive list.



Art Installation

Echelon's art sculpture concept centers around two key concepts: the active Bentonville bike-trail lifestyle, and the town's growth and transformation. This installation will showcase the craftsmanship of local artisans and will serve as a tribute to Bentonville's commitment to sustainability and community. Visitors are invited to walk around the space, becoming part of the artwork while reflecting on the deep connections that tie the community together. It will also be used as an identifiable symbol for the community created by the residence of Echelon.





1 ARCHITECTURAL SITE PLAN
1" = 30'-0"



2-STORY SINGLE
FAMILY RESIDENCE

2-STORY SINGLE
FAMILY RESIDENCE

THRU ACCESS TO
WINDSOR MANOR
(NW APPALOOSA AVE)

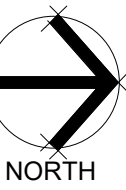
2-STORY SINGLE
FAMILY RESIDENCE

ROOF HEIGHT
32'-0"

2ND FLOOR PLATE HT
20'-7 1/4"

SECOND FLOOR
10'-7 1/4"

EAST ELEVATION - 01
FROM WINDSOR MANOR



2-STORY ATTACHED SINGLE FAMILY

EXISTING HOUSE
BEHIND
NW PELATON PLACE
(PRIVATE)

2-STORY ATTACHED SINGLE FAMILY

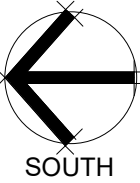
N PARCOURS PLACE
(PRIVATE)

ROOF HEIGHT
32'-0"

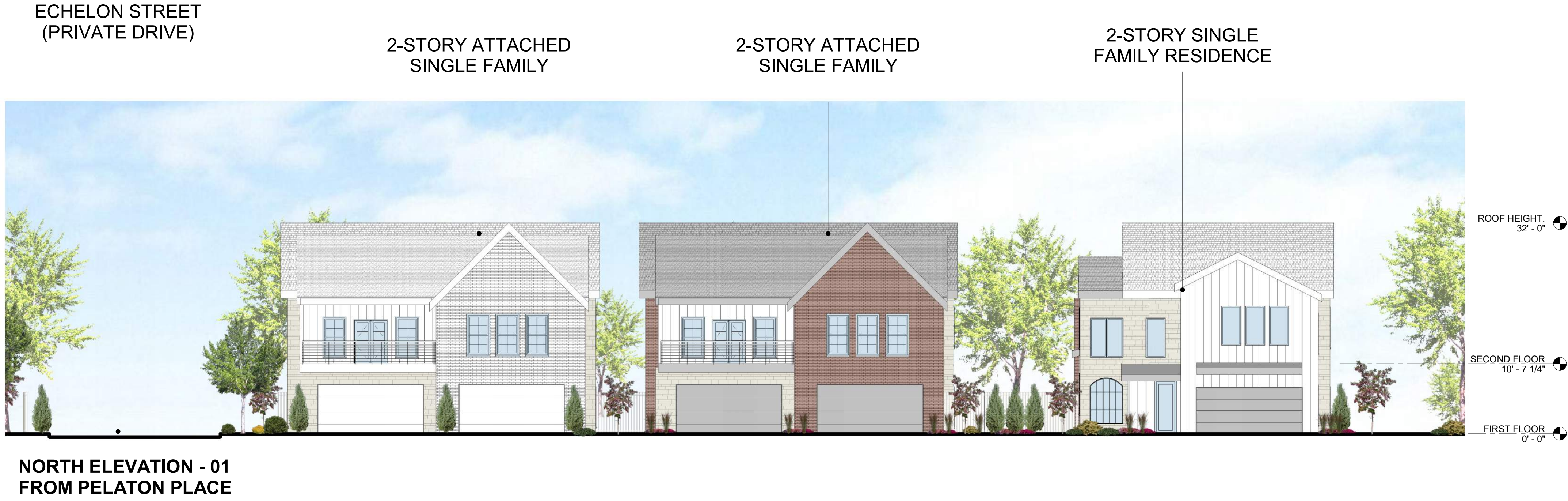
2ND FLOOR PLATE HT
20'-7 1/4"

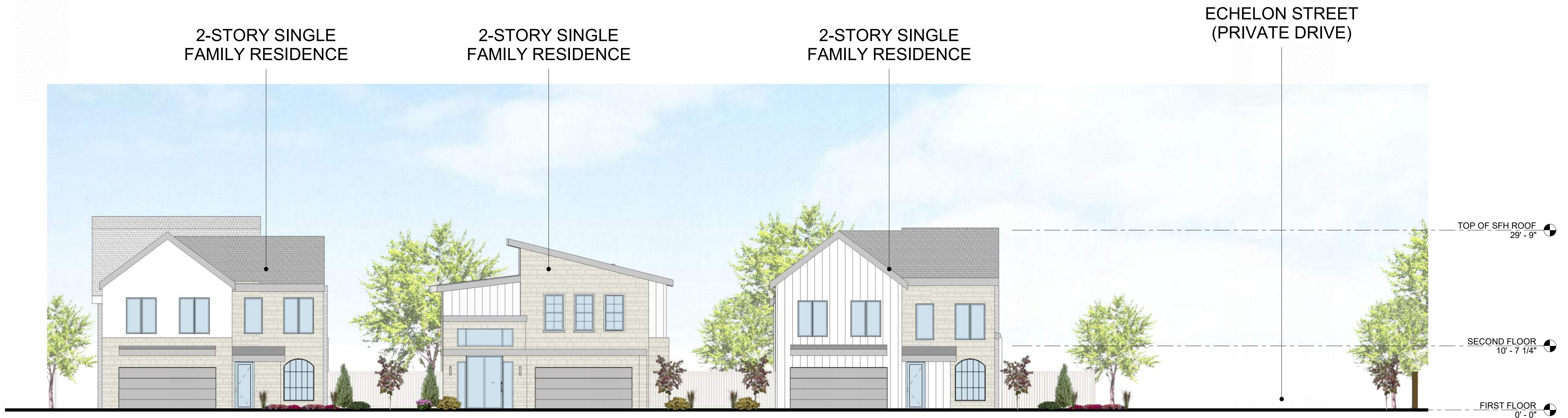
SECOND FLOOR
10'-7 1/4"

EAST ELEVATION - 01
FROM WINDSOR MANOR

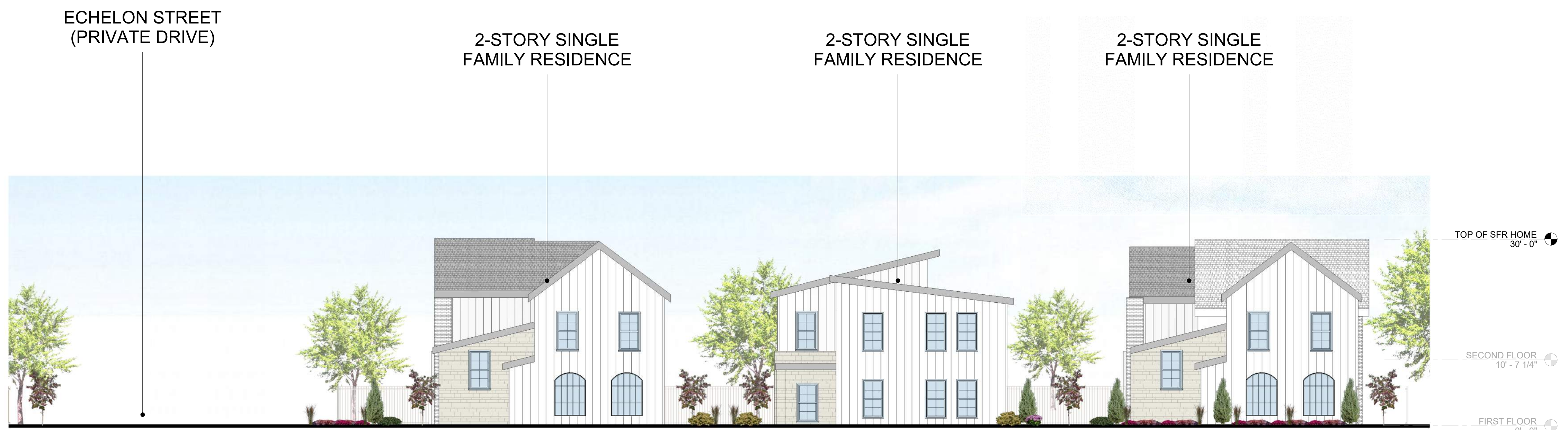






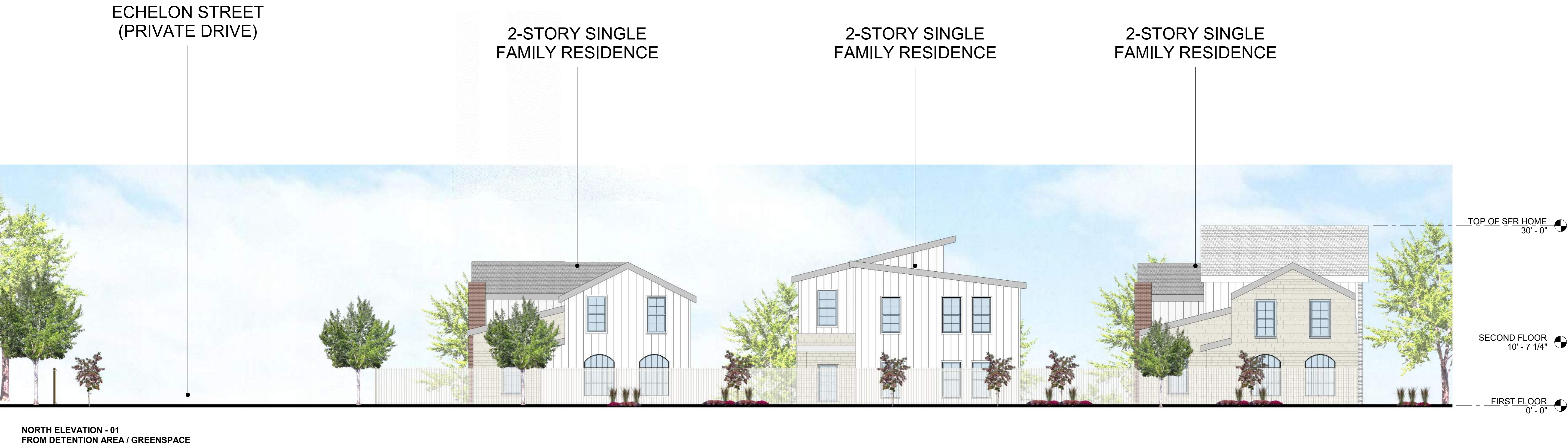


**SOUTH ELEVATION - 01
FROM PARCOURS**



**NORTH ELEVATION - 02
FROM REAR YARD**

11/7/2024 5:15:45 PM



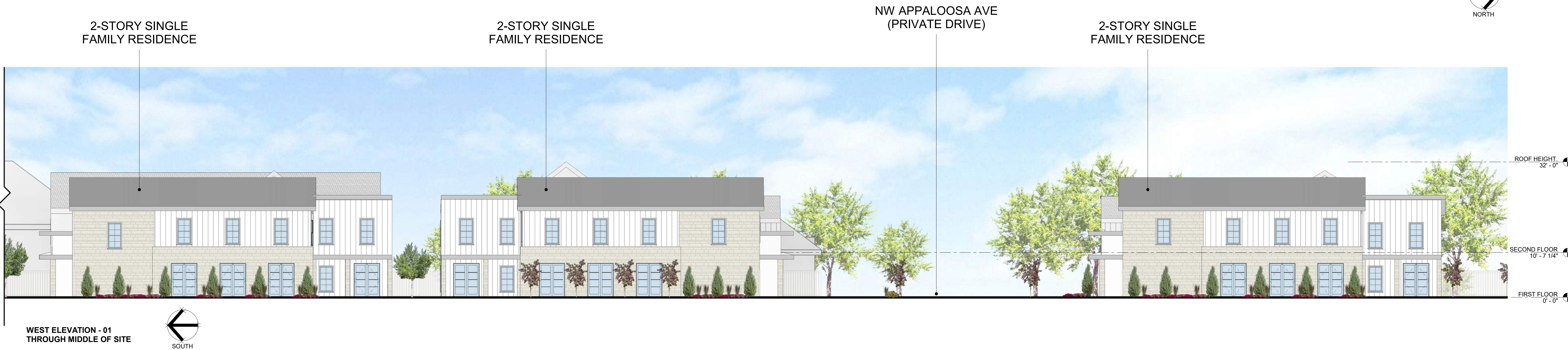
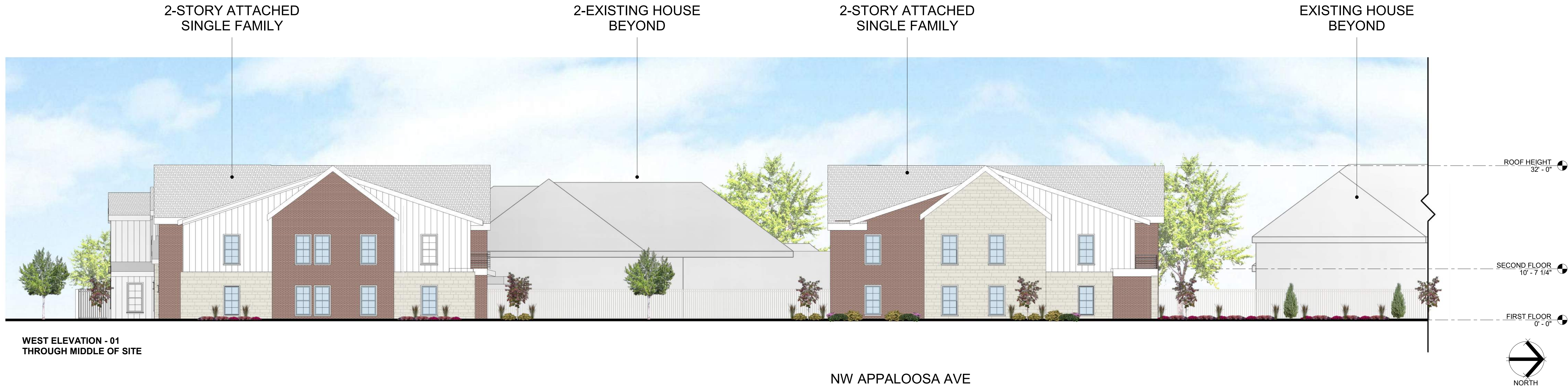
24004
ECHELON DEVELOPMENT

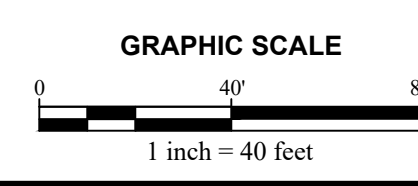
CLIENT
LEADERSHIP PROPERTIES, LLC

EXTERIOR ELEVATIONS

A6

SCALE 3/32" = 1'-0"





LEGEND

	FIRE HYDRANT
	WATER VALVE
	WATER METER
	GAS METER
	GAS VALVE
	POWER POLE
	POWER POLE W/ LIGHT
	GUY WIRE
	LIGHT POLE
	TELEPHONE PEDESTAL
	ELECTRIC METER
	SANITARY SEWER MANHOLE
	STORM DRAIN MANHOLE
	SIGN
	WATER LINE
	GAS LINE
	OVERHEAD ELECTRIC
	UNDERGROUND FIBER OPTIC
	UNDERGROUND TELEPHONE
	UGT
	UNDERGROUND ELECTRIC

Leadership Properties Covenant & Restriction Precedents

The planning commission raised several policy and procedure questions that are customarily managed through Property Owners Association covenants and restrictions. We present here examples from the Covenants of the two active POAs in Leadership Properties neighborhoods to demonstrate how we anticipate handling these issues in Echelon. We recognize that the City does not play a role in the enforcement of private covenants, and no City involvement is implied or requested in this exhibit. It is provided solely for the information of the Planning Commissioners to address their expressed concerns.

	Scissortail (est. Rogers, now Cave Springs)	Aurora (Bentonville)
Rental Properties – Several residents from adjacent neighborhoods expressed concern about rental properties nearby. Both Scissortail and Aurora regulate the quantity of homes allowed to be non-owner occupied, and both maintain a registry of those properties. A similar 5% policy in Echelon would allow no more than one residence to be rented at any given time.		
	4. Leasing of Units. "Leasing, leased, and lease" for purposes of this paragraph, is defined as regular, exclusive occupancy of a Lot by any person, other than the Owner for which the Owner receives any consideration or benefit, including, but not limited to, a fee, service, gratuity, or emolument. "Owner Occupied Lots" are defined for purposes of this paragraph as Lots occupied solely by the Owner, the members of the family of the Owner or other guests and invitees of the Owner who occupy without the payment of rent, as the occupant's principal residence or second home. This paragraph expressly limits and controls Section 3.4(5) of the Declaration. 4.1 Leasing Restricted. Subject to Declarant's absolute and subjective discretion during the Class B Control Period, and thereafter in the Association, Lots may be leased within the Properties provided the total percentage of leased Lots within the Properties shall not exceed five percent (5%) of the total number of Lots within the Properties. Any Owner seeking to lease a Lot shall submit a written request to the Declarant at the address provided for the Design Review Board requesting the Declarant's approval of the proposed lease and lessee. Upon the occurrence of a decrease below five percent (5%) of non-Owner Occupied Lots within the Properties, Lots will be permitted to be leased on a first bona fide request, first permitted basis, until the number of Lots which are leased reaches five percent (5%), at which time no further Lots shall be leased until the number of leased Lots drops below five percent (5%). Except for the Declarant and Builders who own more than one Lot for the sole purpose of construction of a residences, no single entity (the same Person, individual, investor group, partnership, or corporation, or any affiliate thereof) shall own more than one Lot. In order to administer the above regulation, all Persons purchasing a Lot within the Properties shall, simultaneous with closing of such Lot, provide the Declarant or Association with a certification stating: (a) that the Lot will not be occupied as the purchaser's principle residence or second home, or (b) covenanting and agreeing with the Association that the purchaser will occupy the Lot as an Owner Occupied Lot. The Association will keep a record of the Owner Occupied Lots and leased Lots (if any). Each lease shall be for a term of no less than twelve (12) months, shall be in writing, and shall expressly provide that each lessee agrees to the terms of the Governing Documents. Upon execution of any lease, each Owner shall provide the Declarant or, if applicable, the Association, a copy of such lease.	4. Leasing of Units. "Leasing, leased, and lease" for purposes of this paragraph, is defined as regular, exclusive occupancy of a Lot by any person, other than the Owner for which the Owner receives any consideration or benefit, including, but not limited to, a fee, service, gratuity, or emolument. "<u>Owner Occupied Lots</u>" are defined for purposes of this paragraph as Lots occupied solely by the Owner, the members of the family of the Owner or other guests and invitees of the Owner who occupy without the payment of rent, as the occupant's principal residence or second home. This paragraph expressly limits and controls Section 3.4(5) of the Declaration. 4.1 Leasing Restricted. Subject to Declarant's absolute and subjective discretion during the Class B Control Period, and thereafter in the Board's discretion, Rentals within the Subdivision shall not exceed 5% of the total number of Lots in the Subdivision (or such other number or percentage as the Board may determine is reasonable). An Owner wanting to rent a dwelling to a Renter must submit a written request on the Board's form requesting the Board's advance approval of the proposed Rental and Renter. If the number of Lots set aside for (previously approved) Renters does not exceed 5% of the Lots in the Subdivision, the application will be reviewed (and approvals considered) on a first-come basis, until the number of Rentals reaches 5% (or whatever the number may then be) of the total Lots. Once the requisite number of Rentals is reached, the Board will not consider new applications for prospective Renters until the number of Rentals drops below the (then current) stipulated number or percentage. Other than the Declarant, or except as permitted by the Declarant, no Person (or affiliate of a Person) shall own more than one Lot at any time; provided, however, this restriction shall not apply to Builders who may own more than one Lot for the purpose of constructing a single-family for sale within the next Year. In order to administer the above regulation, all Persons purchasing a Lot within the Subdivision shall, simultaneous with closing of such Lot, provide the Declarant or Association with a certification stating: (a) that the Lot will not be occupied as the purchaser's principle residence or second home, or (b) covenanting and agreeing with the Association that the purchaser will occupy the Lot as an Owner Occupied Lot. The Association will keep a record of the Owner-Occupied Lots and leased Lots (if any). Each lease shall be for a term of no less than twelve (12) months, shall be in writing, and shall expressly provide that each lessee agrees to the terms of the Governing Documents. Upon execution of any lease, each Owner shall provide the Declarant or, if applicable, the Association, a copy of such lease. Under no circumstances shall a dwelling unit on a Lot be used as a short-term rental of any kind including use of the unit as an AirBNB, VRBO, or similar short-term rental program or arrangement, except that Declarant and its assigns may operate such a program with respect to Lots which it owns.

Short Term Rentals (AirBNB, etc) – Despite the presence of multiple AirBNB rentals in surrounding neighborhoods, neighbors have requested that they not prohibited in Echelon and expressed doubt at our ability to do so. Scissortail does not specifically restrict short-term rental uses, but it is effectively discouraged in the gated neighborhood. The covenants in Auora take the issue seriously enough to mention it three separate times (in bold, underlined, and large print just for good measure). Additionally, the Table of Uses in the Echelon PRD explicitly excludes short-term rentals and bed & breakfasts in an effort to empower the City with a tool to exercise its zoning authority against short-term rentals if it chooses to do so. Regardless of the City’s zoning action, the Echelon covenants will prohibit short-term rentals in a similar manor as below.

		1. General. Lots in the Subdivision shall be used for single-family residential purposes and related purposes only but which may include, without implied limitation, an information center and a sales office for Declarant’s personnel or for any real estate broker retained by the Declarant to assist in the sale of real property described in <u>Exhibit A</u>, offices for any property manager retained by the Association or business offices for the Declarant or the Association) consistent with the Declaration and any Supplemental Declaration. As used herein, the term “single family residential purposes” shall be deemed to specifically prohibit, without implied limitation, the use of any Lot for a duplex apartment, a garage apartment or any other apartment, or for any multi-family use or for any business, professional or other commercial activity of any type, unless such business, professional or commercial activity is unobtrusive and merely incidental to the primary use of the Lot and the residential dwelling constructed on such Lot (Residential Dwelling). The term “single family residential purposes” shall also be defined as: (a) one or more individuals related by blood, marriage or adoption, which may include only parents, their children (including foster children and wards), their dependent brothers and sisters, their dependent parents and their dependent grandparents; (b) no more than two unrelated individuals living together as a single housekeeping unit and their children (including foster children and wards), their dependent brothers or sisters, their dependent parents and their dependent grandparents; and (c) in no event shall any Residential Dwelling be occupied by more individuals than the product of the total number of bedrooms contained in the Residential Dwelling multiplied by two. No Owner shall use or permit such Owner’s Lot or Residential Dwelling to be used for any purpose that would: (i) void any insurance in force with respect to the Subdivision; (ii) make it impossible to obtain any insurance required by this Declaration; (iii) constitute a public or private nuisance, which determination may be made by the Board in the Board’s sole discretion; (iv) constitute a violation of this Declaration or any applicable law; (v) unreasonably interfere with the use and occupancy of the Subdivision by other Owners; or (vi) generate an unreasonable amount of vehicular traffic within the Subdivision. <u>Under no circumstances shall a dwelling unit on a Lot be used as a short-term rental of any kind including use of the unit as an AirBNB, VRBO, or similar short-term rental program or arrangement.</u> C-1 2.15 Investment Uses. Use of any Lot for operation of a timesharing, fraction-sharing or similar program whereby the right to exclusive use of the Lot rotates among participants in the program on a fixed or floating time schedule over a period of years, except that Declarant and its assigns may operate such a program with respect to Lots which it owns. Also, under no circumstances shall a dwelling unit on a Lot be used as a short-term rental of any kind including use of the unit as an AirBNB, VRBO, or similar short-term rental program or arrangement, except that Declarant and its assigns may operate such a program with respect to Lots which it owns. No rental of any part of any Lot shall be allowed for events, such as swim parties, weddings, or other types of gatherings;
--	--	---

Garbage & Recycling Receptacles – Homes in Echelon will be designed with adequate space for the out-of-sight storage of garbage and recycling bins. We have confirmed with the City’s current contract carrier their willingness to provide curb-side service for each residence despite the private streets and short dead-end designs. Time and placement will be regulated similarly to both of our existing neighborhoods.

4.40. Trash and Garbage Receptacles. Trash and other receptacles shall be absent from view from any street, any Lot and Common Areas on all days other than designated trash and/or recycling pick up days.

4.40. Trash and Garbage Receptacles. Trash and other receptacles shall be absent from view from any street, any Lot, and Common Areas on all days other than designated trash and/or recycling pick up days.

On-Street Parking – In addition to exceeding all of the City’s mandated on-site parking requirements and providing additional designated guest parking, overnight and on-street parking outside designated areas may be regulated as below.

2. Restrictions. The following activities are prohibited at Scissortail unless expressly authorized by and then subject to such conditions as may be imposed by the Board:

2.1 Parking; Vehicles. Except as otherwise provided in this Declaration, no Owner, lessee, tenant or occupant of a Lot, including all individuals who reside with such Owner, lessee or occupant on the Lot, shall park, keep or store any passenger vehicle, pick-up truck, van, race car trailer, box trailer, bus, farm equipment, tractor trailer, flatbed trailer or other type of vehicle or trailer on a street or on a driveway within the Development for a period for longer than twenty four (24) consecutive hours. For purposes of this Declaration, the term “passenger vehicle” is limited to any vehicle which displays a passenger vehicle license plate issued by the State of Arkansas or which, if displaying a license plate issued by another state, would be eligible to obtain a passenger vehicle license plate from the State of Arkansas, and the term “pick-up truck” is limited to up to a three quarter (3/4) ton capacity ~~pick-up truck which has not been adapted or modified for commercial use. The Association shall have the right to~~ cause any vehicle in violation of any of the foregoing restrictions to be towed in the manner provided in the Arkansas Transportation Code.” No passenger vehicle, pick-up truck, commercial vehicle, mobile home trailer, recreational vehicle, boat or other vehicle of any kind shall be constructed, reconstructed or repaired (including, without implied limitation, oil changes) on any Lot, Common Area, or street, whether or not such street is dedicated, within the Properties. No mobile home trailers, recreational vehicles (whether for land or water), commercial vehicle, boats, boat rigging, trailers or camper shall be parked, kept or stored on any street, whether or not dedicated, for any length of time or on the driveway of any Lot for more than seventy-two (72) hours in any thirty (30) day period;

2.1 Parking; Vehicles. Except as otherwise provided in this Declaration, no Owner, lessee, tenant or occupant of a Lot, including all individuals who reside with such Owner, lessee or occupant on the Lot, shall park, keep or store any passenger vehicle, commercial vehicle, recreational vehicle, equipment, trailer, or other type of vehicle trailer on a street or on a driveway within the Subdivision for a period for longer than 24 hours. The Association shall have the right to cause any vehicle in violation of any of the foregoing restrictions to be towed in the manner provided in the Arkansas Transportation Code. No passenger vehicle, commercial vehicle, trailer, recreational vehicle, boat, or other vehicle of any kind shall be constructed, reconstructed, or repaired (including, without implied limitation, oil changes) on any Lot, Common Area, or street, whether such street is dedicated within the Subdivision or not. No mobile home trailers, recreational vehicles (whether for land or water), commercial vehicle, boats, boat rigging, trailers or camper shall be parked, kept, or stored on any street, whether or not dedicated, for any length of time or on the driveway of any Lot for more than 72 total hours in any 30-day period;

Noise Nuisances – Some neighbors expressed concern about the potential for disruptive noises from new residences. While there is no reason to believe the residents of Echelon would be any noisier than the existing neighbors, the Echelon covenants will limit amplified sound as follows.

2.8 Audible Discharge. Use or discharge of any radio, loudspeaker, horn, whistle, bell or other sound device so as to be audible to occupants of other Lots, except alarm devices used exclusively for security purposes;

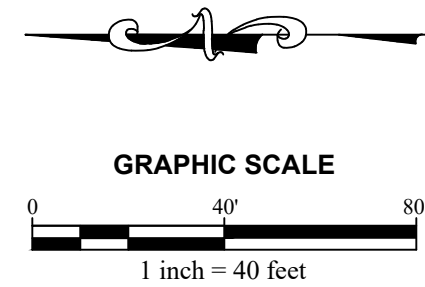
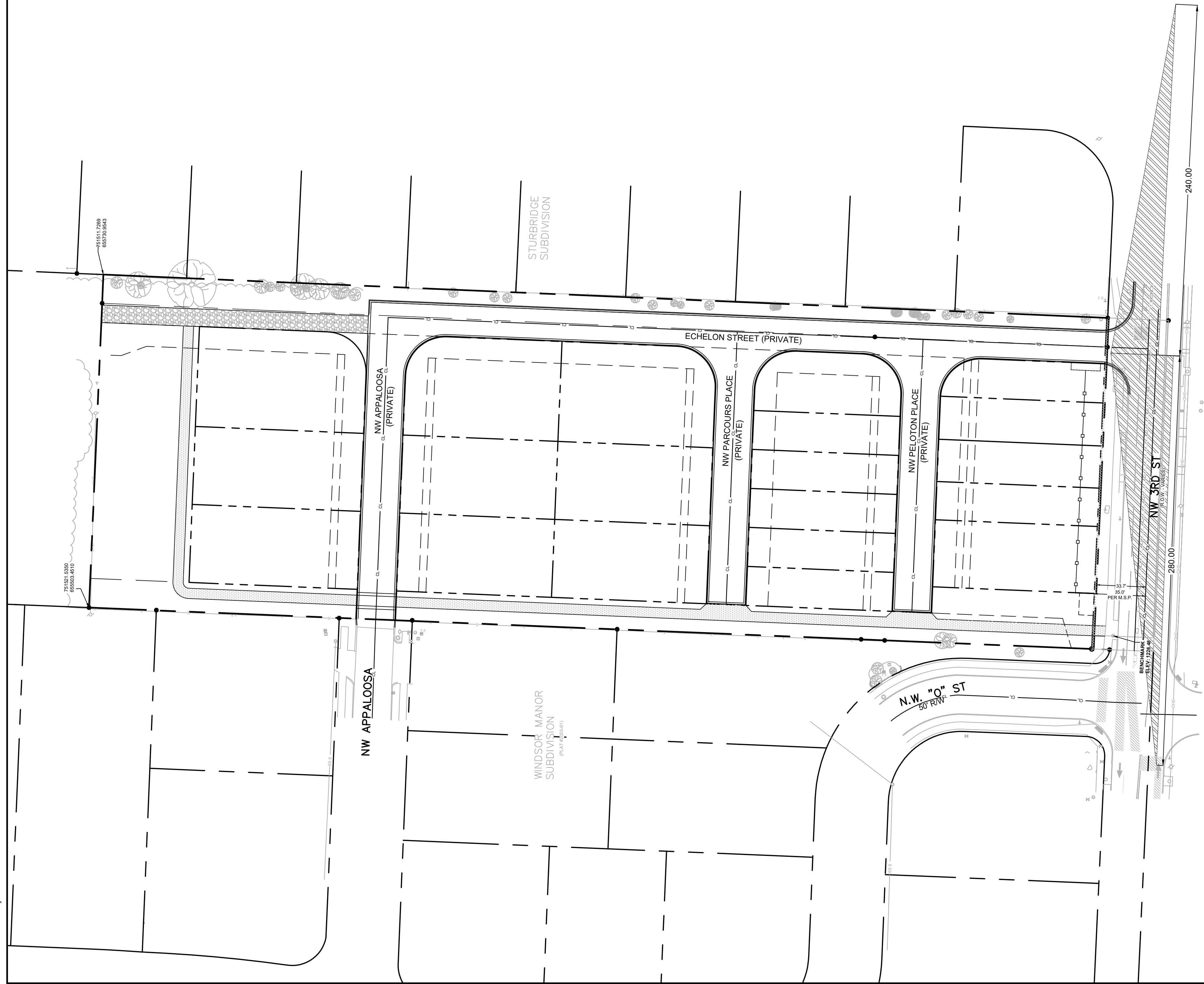
2.8 Audible Discharge. Use or discharge of any radio, loudspeaker, horn, whistle, bell, or other sound device so as to be audible to occupants of other Lots, except alarm devices used exclusively for security purposes;

Amendments – Some neighbors objected to reliance on private covenants to address their concerns, citing the hypothetical possibility that a majority of neighbors could gather to change the restrictions. While this is traditionally how the self-governance of neighborhood associations is conducted, our existing POAs have provisions raising the threshold for certain amendments to two-thirds.

Additionally, Leadership Properties POAs begin with a Declarant Control period during which the developer has unilateral control over the association and covenants. Upon transition to the Resident Control period, the efforts to amend them require notification and participation of first mortgage holders to protect the interests of financial institutions. This effectively limits the ability of a few residents to make radical changes to the status quo. These changes are usually limited to the manner of financial assessments and design rules changes that may impact the value of the real estate asset. We will consider other Planning Commission suggestions for restrictions to be subjected to the heightened threshold for modification if requested.

13.1 Notices of Action. An institutional holder, insurer or guarantor of a first Mortgage which provides a written request to the Association (such request to state the name and address of such holder, insurer or guarantor and the street address of the Lot to which the Mortgage relates, thereby becoming an "Eligible Holder"), will be entitled to timely written notice of: (i) Any condemnation loss or any casualty loss which affects a material portion of the Properties or which affects any Lot on which there is a first Mortgage held, insured or guaranteed by such Eligible Holder; (ii) Any delinquency in the payment of assessments or charges owed by a Lot subject to the Mortgage of such Eligible Holder, where such delinquency has continued for a period of sixty (60) days or any other violation of the Governing Documents relating to such Lot or the Owner or occupant which is not cured within sixty (60) days; (iii) Any lapse, cancellation or material modification of any insurance policy maintained by the Association; or (iv) Any proposed action which would require the consent of a specified percentage of Eligible Holders. 13.2 Special FHLMC Provision. So long as required by the Federal Home Loan Mortgage Corporation, the following provisions apply in addition to and not in lieu of the foregoing Section. Unless at least sixty-seven percent (67%) of the first Mortgagees or Members representing at least sixty-seven percent (67%) of the total Association vote consent, the Association shall not: (1) By act or omission seek to abandon, partition, subdivide, encumber, sell or transfer all or any portion of the real property comprising the Common Area which the Association owns, directly or indirectly (the granting of easements for utilities or other similar purposes consistent with the intended use of the Common Area shall not be deemed a transfer within the meaning of this subsection); (2) Change the method of determining the obligations, assessments, dues or other charges which may be levied against an Owner of a Lot (a decision, including contracts, by the Board or provisions of any declaration subsequently Recorded on any portion of Scissortail regarding assessments for Communities or other similar areas shall not be subject to this provision where such decision or subsequent declaration is otherwise authorized by this Declaration); (3) By act or omission change, waive or abandon any scheme of regulations or enforcement pertaining to architectural design, exterior appearance or maintenance of Lots and the Common Area (the issuance and amendment of architectural standards, procedures, rules and regulations or use restrictions shall not constitute a change, waiver or abandonment within the meaning of this provision); (4) Fail to maintain insurance, as required by this Declaration; or (5) Use hazard insurance proceeds for any Common Area losses for other than the repair, replacement or reconstruction of such property.	13.1 Notices of Action. An institutional holder, insurer, or guarantor of a first Mortgage which provides a written request to the Association (such request to state the name and address of such holder, insurer or guarantor and the street address of the Lot to which the Mortgage relates, thereby becoming an "Eligible Holder"), will be entitled to timely written notice of: (i) Any condemnation or casualty loss which affects a Lot on which there is a first Mortgage held, insured, or guaranteed by the Eligible Holder; (ii) Any delinquency in the payment of assessments or charges owed by a Lot subject to the Mortgage of the Eligible Holder, where such delinquency has continued for a period of 60 days or any other violation of the Governing Documents relating to such Lot or the Owner or occupant which is not cured within 60 days; (iii) Any lapse, cancellation or material modification of any insurance policy maintained by the Association which continues for a period of 30 beyond the cancellation date; or (iv) Any proposed action which would require the consent of a specified percentage of Eligible Holders. 13.2 Special FHLMC Provision. So long as required by the Federal Home Loan Mortgage Corporation, the following provisions apply in addition to and not in lieu of the foregoing Section. Unless at least 67% of the first Mortgagees or Members representing at least 67% of the total Association vote consent, the Association shall not: (i) By act or omission seek to abandon, partition, subdivide, encumber, sell, or transfer all or any portion of the real property comprising the Common Area which the Association owns, 42 directly or indirectly (the granting of easements for utilities or other similar purposes consistent with the intended use of the Common Area shall not be deemed a transfer within the meaning of this subsection); (ii) Change the method of determining the obligations, assessments, dues, or other charges which may be levied against an Owner of a Lot (a decision, including contracts, by the Board or provisions of any declaration subsequently Recorded on any portion of the Subdivision regarding assessments for Communities or other similar areas shall not be subject to this provision where such decision or subsequent declaration is otherwise authorized by this Declaration); (iii) Change, waive, or abandon any scheme of regulations or enforcement pertaining to architectural design, exterior appearance or maintenance of Lots and the Common Area (the amendment of Governing Documents shall not constitute a change, waiver, or abandonment within the meaning of this provision); (iv) Fail to maintain insurance, as required by this Declaration; or (v) Use hazard insurance proceeds for any Common Area losses for other than the repair, replacement, or reconstruction of property.
--	---

	(B) The consent of Members representing at least sixty-seven percent (67%) of the Class A votes and of Declarant, so long as Declarant owns any land subject to this Declaration and the approval of Eligible Holders of first Mortgages on Lots to which more than fifty percent (50%) of the votes of Lots subject to a Mortgage appertain, shall be required materially to amend any provisions of this Declaration, the Bylaws or the Articles or to add any material provisions thereto which establish, provide for, govern or regulate any of the following: (i) voting; (ii) assessments, assessment liens or subordination of such liens; (iii) reserves for maintenance, repair and replacement of the Common Area; (iv) insurance or fidelity bonds; (v) rights to use the Common Area; (vi) responsibility for maintenance and repair of Scissortail; (vii) expansion or contraction of Scissortail or the addition, annexation or withdrawal of property to or from the Association; (viii) boundaries of any Lot; (ix) leasing of Lots; (x) imposition of any right of first refusal or similar restriction of the right of any Owner to sell, transfer or otherwise convey his or her Lot; (xi) establishment of self-management by the Association where professional management has been required by an Eligible Holder; or (xii) any provisions included in this Declaration, the Bylaws or Articles which are for the express benefit of holders, guarantors or insurers of first Mortgages on Lots.	(2) By Members Generally. Except as provided above and Arkansas law, these Bylaws may be amended only by the affirmative vote or written consent or any combination thereof, of Members representing 51% of the total Class A votes in the Association and the consent of the Class B Member, if such exists. In addition, the approval requirements set forth in <u>Article 14</u> of the Declaration shall be met, if applicable. Notwithstanding the above, the percentage of votes necessary to amend a specific clause shall not be less than the prescribed percentage of affirmative votes required for action to be taken under that clause.
--	--	--



LEGEND	
	FIRE HYDRANT
	WATER VALVE
	WATER METER
	GAS MAIN
	GAS VALVE
	POWER POLE
	POWER POLE W/ LIGHT
	GUY WIRE
	LIGHT POLE
	SEWER MANHOLE
	ELECTRIC METER
	SANITARY SEWER MANHOLE
	STORM DRAIN MANHOLE
	SIGN
	WATER LINE
	GAS LINE
	OVERHEAD ELECTRIC
	UNDERGROUND FIBER OPTIC
	UNDERGROUND TELEPHONE
	UNDERGROUND ELECTRIC



UTILITY NOTES	1. ALL WORK, MATERIALS, INSTALLATION METHODS, & COORDINATION RELATED TO WATER & SEWER LINES & SERVICES SHALL COMPLY WITH THE CURRENT STANDARD DETAILS & CITY SPECIFICATIONS. ALL WATER MAINS SHALL BE INSTALLED WITH A MINIMUM 10' HORIZONTAL SEPARATION FROM SANITARY SEWER FACILITIES & 18" VERTICAL SEPARATION OVER SEWER LINE CROSSINGS, OR 12" OVER SANITARY SEWER LINES. ALL WATER MAINS SHALL BE INSTALLED WITH A MINIMUM 10' HORIZONTAL SEPARATION FROM ALL EXISTING OR PROPOSED SANITARY SEWER LINES. ALL CONDUITS TO HAVE PULL CHORDS INSTALLED WITH STEEL POST TIE OFFS AT EACH END. ALL EASEMENTS EXTEND BEYOND SETBACK LINES. THE EASEMENT LINE SHALL BE THE SETBACK LINE. 2. ALL FIRE HYDRANTS SHALL BE LOCATED 3' TO 8' BACK OF CURB. 3. ALL TREES SHALL MAINTAIN A MINIMUM DISTANCE OF 3' FROM ALL PUBLIC UTILITIES. 4. IRRIGATION ONLY AFTER FIRE LINE PLAN SUBMITTED TO CITY OF BENTONVILLE. 5. ALL UTILITIES SHALL BE SHOWN ON THE UNDERGROUND FILE PLAN. 6. RECEIPT BY FILE PLAN CONTRACTOR ON THE UNDERGROUND FILE PLAN. 7. THE PROPOSED AVERAGE AND PEAK DESIGN FLOWS GENERATED FROM ALL PROPOSED BUILDINGS SHALL BE SUBMITTED TO THE CITY OF BENTONVILLE FOR REVIEW. ALL DESIGN RULES AND PRESENTATIONS AS AN EXIST. SEE NOTE OR TABLE ON THE UTILITY PAGE OF A PLAN SET. THESE FLOWS SHALL BE PROVIDED AT THE TIME OF APPLICATION AND SHALL REMAIN ON ALL REVISIONS INCLUDING CONSTRUCTION PLANS AND RECORD DRAWINGS.
SEED NOTES	1. RELOCATION OF ANY EXISTING ELECTRICAL FACILITIES SHALL BE AT THE OWNER'S DISCRETION. 2. ANY CHANGES TO ELECTRICAL FEED OR SERVICE AFTER PRECON COULD RESULT IN A DELAY OF THE DEVELOPMENT. PROVIDING POWER AND A CHARGE TO THE DEVELOPER FOR CONTACT BEHOLD AT 4/29/2021 3:15PM BEFORE PERFORMING ANY GRADING WITHIN 5 OF EXISTING OR PROPOSED POWER POLES. 3. THE CITY OF BENTONVILLE HAS THE ULTIMATE PRECEDENCE OVER ANY ELECTRICAL INFORMATION SHOWN ON THE SITE UTILITY PLAN. 4. ALL ELECTRICAL FACILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST REVISION OF THE NATIONAL ELECTRICAL CODE (NEC) AND THE CITY OF BENTONVILLE IS NOT RESPONSIBLE FOR COMPLIANCE WITH THIS DOCUMENT.

BEUD NOTES:

1. RELOCATION OF ANY EXISTING ELECTRICAL FACILITIES SHALL BE AT THE OWNER'S EXPENSE.
2. ANY CHANGES TO ELECTRICAL FEED OR SERVICE AFTER PRECON COULD RESULT IN A DELAY TO THE DEVELOPMENT RECEIVING POWER AND A CHARGE TO THE DEVELOPER FOR THE CHANGE.
3. CONTRACT BEHAT AT 479-271-3134 BEFORE PERFORMING ANY GRADING WITHIN 5' OF EXISTING OR PROPOSED POWER POLES.
4. FIELD DESIGN LAYOUT DRAWING TAKES PRECEDENCE OVER ANY ELECTRIC INFORMATION PROVIDED BY THE OWNER.
5. THE ELECTRICAL SPECIFICATION SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST VERSION OF THE ELECTRICAL SPECIFICATION FOUND ON THE WEBSITE. CONTRACTOR IS RESPONSIBLE FOR COMPLIANCE WITH THIS DOCUMENT.

Property Description:

Lot 2 of Lot Split Forrest Oaks Subdivision as recorded at Plat #L2017056697,
Benton County, Arkansas.

519

AND

AND

C

[illegible]

AND

Part of Lot 1 of Lot Split Forrest Oaks Subdivision as recorded at Plat
#L2017056697, Benton County, Arkansas.

Commencing at a found 5/8" found rebar at the Southeast Corner of said Lot. Thence N 87°22'10" E, a distance of 1.30 feet to the Point of Beginning; Thence N 87°22'10" E, a distance of 1.30 feet to the Point of Beginning; Thence N 87°22'10" E, a distance of 19.93 feet; Thence N 02°29'34" E, a distance of 686.10 feet; Thence S 87°31'153" E, a distance of 19.60 feet to the West line of Subridge Subdivision (Plat #19-289); Thence S 02°28'10" W, a distance of 686.15 feet to the Point of Beginning, containing 0.31 of an acre or less.

Leaving a total of 3.58 acres more or less.

GRAPHIC SCALE

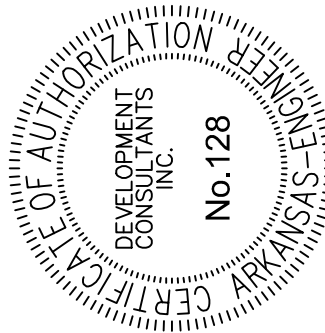


1 inch = 30 feet

OWNER:
AMAZING LAND COMPANY LLC
P.O. BOX 52847
TULSA, OK 74152
TELEPHONE: 479-841-5162
PARCEL ID: 01-18381-000

OWNER:
GARRETT, JEFFREY & GARRETT, TYLER KELSEY
1600 NW 3RD STREET
BENTONVILLE, AR 72712
PARCEL ID: 01-18380-000

CIVIL ENGINEER & LANDSCAPE ARCHITECT:
DEVELOPMENT CONSULTANTS, INC.
1 EAST CENTER STREET, SUITE 290
FAYETTEVILLE, ARKANSAS 72701
TELEPHONE: 479-444-7880



INCORPORATED

CONSULTANTS

DEVELOPMENT

ECHELON
BENTONVILLE, ARKANSAS

MASTER UTILITY COORDINATION - PRD

PROJECT TITLE	
---------------	--

SHEET NO:

PRD-2

SHEET 2 OF 2



DEVELOPMENT
CONSULTANTS
INCORPORATED

1 EAST CENTER STREET
SUITE 290
FAYETTEVILLE, AR 72701
479-444-7880

COPYRIGHT: 2024

SCALE: 1" = 30'

DATE: 11/5/2024

Deny PRD Rezoning @ 1602 NW 3rd St. Bentonville AR



Started September 17, 2024

Why this petition matters



Started by [Beth Keck](#)

Echelon by Leadership Properties is asking Bentonville officials to rezone 1602 NW 3rd Street from R-1/R-Estate to Planned Residential Development (PRD). If PRD zoning is approved, the developer will build 9 single family homes and 12 3-story townhouses.

PRD zoning is out of character with surrounding neighborhoods which are zoned R-1 and the City's Future Land Use Plan which zones the area Neighborhood-Suburban.

Sign our petition asking Bentonville City officials to DENY rezoning of 1602 NW 3rd St. to PRD.

124 200

Signatures

Next Goal

50 people signed this week



Deny PRD Rezoning @ 1602 NW 3rd St. Bentonville AR

Share on Facebook

Send an email to friends

Send a message via WhatsApp

Tweet to your followers

Copy link

change.org

Start a petition

My petitions

Browse

Membership



Reasons for signing

See why other supporters are signing, why this petition is important to them, and share your reason for signing (this will mean a lot to the starter of the petition).



[Cornelis Bosua](#)

1 day ago

I don't believe this area should be rezoned. It doesn't seem to match the surrounding area which is all single family homes, and will greatly affect the neighborhood's style and character.

0

Report



[Donna Duncan](#)

3 days ago

I live on NW 3rd St. Changes were implemented without input from the residents and they have been awful for many of us! And this possible new rezoning for Echelon will create more issues. We have too much traffic already and they are speeding daily. If 21 units are added it will make traffic even worse. Lastly, it doesn't fit into the type of housing that current exists. Allowing the rezoning and the structures to be built, will set precedence for other similar structures and rezoning to be allowed. I do not want this in my neighborhood.

0

Report



[Diane Bland](#)

2 weeks ago

I do not want a development like this in our neighborhood area on 3rd street. Everything associated with this does not work for our neighborhoods. The traffic is already bad.

0

Report

Name	City	State	Postal Code	Signed On
Beth Keck	Bentonville	AR	72712	9/17/2024
Randy Green	Bentonville	AR	72712	9/17/2024
Brad Anderson	Bentonville	AR	72712	9/17/2024
Vicque White	Bentonville	AR	72712	9/17/2024
Dillon Waters	Bentonville	AR	72712	9/17/2024
Jeanine Duffey	Bentonville	AR	72712	9/18/2024
Renee Harris	BENTONVILLE	AR	72712	9/18/2024
Kelli Crossland	Bentonville	AR	72712	9/18/2024
Michael Simmons	Bentonville	AR	72712	9/18/2024
Benjamin Nice	Bentonville	AR	72712	9/18/2024
Robert Kenny	Bentonville	AR	72712	9/18/2024
Maria Pearson	Bentonville	AR	72712	9/18/2024
Ashley Adams	Bentonville	AR	72712	9/18/2024
Ryan Adams	Provo	UT	84604	9/18/2024
Jose Casasola	Rogers	AR	72758	9/18/2024
Laura Cooper	Kansas City	MO	64124	9/18/2024
Emily Adams	Bentonville	AR	72712	9/18/2024
Kassie Wilkins	Bentonville	AR	72712	9/18/2024
Jacqueline Suggitt	Bentonville	AR	72712	9/18/2024
Tim Williams	Bentonville	AR	72712	9/18/2024
Susan Raines	Bentonville	AR	72712	9/18/2024
Donna Duncan	Bentonville	AR	72712	9/18/2024
Roseanne Kisse	Bentonville	AR	72712	9/18/2024
Lynne Dinas	Bentonville	AR	72712	9/18/2024
Rachel Sargent	Bentonville	AR	72713	9/18/2024
Elizabeth Gillespie	Bentonville	AR	72712	9/18/2024
Cynthia Minardi	Bentonville	AR	72712	9/18/2024
Heather Mason	Bentonville	AR	72712	9/18/2024
Matthew Sargent	Bentonville	AR	72712	9/18/2024
Jennifer Castaneda	Bentonville	AR	72712	9/18/2024
Jennifer Enssle	Bentonville	AR	72712	9/18/2024
Scott Mason	Bentonville	AR	72712	9/18/2024
Paul Schumann	Bentonville	AR	72712	9/18/2024
Jaime Castaneda	Bentonville	AR	72712	9/18/2024
Katherine Ferree	Santa Clara	CA	95051	9/18/2024
Annika Greenwood	Bentonville	AR	72712	9/18/2024
Hoa Bury	Bentonville	AR	72712	9/18/2024
B Reynolds	Bentonville	AR	72712	9/18/2024
Leigh Anne Chitwood	Bentonville	AR	72712	9/18/2024
Kendra Coons	Rogers	AR	72758	9/18/2024
Joseph Dinas	Bentonville	AR	72712	9/18/2024
Julie Rowan	Bentonville	AR	72712	9/18/2024
Claire Gililland	Bentonville	AR	72712	9/18/2024
Dylan Gililland	Bentonville	AR	72712	9/18/2024

Elma Green	Bentonville	AR	72712	9/18/2024
Vickie Salsbury	Fayetteville	AR	72703	9/18/2024
Sam Minardi	Bentonville	AR	72712	9/18/2024
Joni Webster	Bentonville	AR	72712	9/18/2024
Carolyn Mason	Bentonville	AR	72712	9/18/2024
Donna Anderson	Bentonville	AR	72712	9/18/2024
Ronald Bolena	Bentonville	AR	72712	9/19/2024
Gail Cabot	Broken Arrow	OK	74011	9/19/2024
Kitt Wilkins	Kansas City	MO	64124	9/19/2024
Joel Pearson	Rogers	AR	72758	9/19/2024
Brandon Hill	Bentonville	AR	72712	9/19/2024
Diane Bland	Bentonville		72712	9/19/2024
Amanda Estelle	Bentonville	AR	72712	9/19/2024
James Taylor	Johnson	AR	72741	9/19/2024
Jennafer Norris	Springfield	MO	65898	9/19/2024
Patricia Phillips	Bentonville	AR	72712	9/19/2024
Annslee Turley	Bentonville	AR	72712	9/19/2024
Kendra Coons	Bentonville	AR	72712	9/19/2024
Beth Bolena	Bentonville	AR	72712	9/19/2024
Celinda Warren	Bentonville	AR	72712	9/20/2024
Bronwen Dassing	Bentonville	AR	72712	9/20/2024
BILL RAMPY	Bentonville	AR	72712	9/20/2024
Lindsay Mosier	Bentonville	AR	72712	9/21/2024
Jeff Going	Bentonville	AR	72712	9/21/2024
Karen Sinning	Bentonville	AR	72712	9/21/2024
Janet Wilson	Bentonville	AR	72712	9/22/2024
Michael Harris	Bentonville	AR	72712	9/23/2024
Timothy Harrell	Kansas City	MO	64127	9/25/2024
Katie Bouwhuis	Bentonville	AR	72712	9/26/2024
Norman Bouwhuis	Bentonville	AR	72712	9/26/2024
Ann Cenzalli	Bentonville	AR	72712	9/28/2024
Lyle Clapper	Bentonville	AR	72712	9/29/2024
Brendan Sanders	Bentonville	AR	72712	9/30/2024
Kevin McCall	Ozark	MO	65721	9/30/2024
Patricia Bates	Bentonville	AR	72712	10/1/2024

Sarah Alderson	Bentonville	AR	72712	10/1/2024
Elizabeth Ray	Bentonville	AR	72712	10/1/2024
Katie Yen	BENTONVILLE	AR	72712	10/1/2024
Mike Abb	Bentonville	AR	20011	10/1/2024
Nick Tallman	Bentonville	AR	72713	10/1/2024
Mackenzie Tallman	Bentonville	AR	72712	10/1/2024
Greg Coambes	Bentonville	AR	72712	10/1/2024
Gretchen Newton	Bentonville	AR	72712	10/1/2024
Kyle Markowski	Bentonville	AR	72712	10/1/2024
Kirstie Markowski	Bentonville	AR	72653	10/1/2024
Katherine Christensen	Bentonville	AR	72712	10/1/2024
Paige Percer	bentonville	AR	72712	10/1/2024
Marlon Toney	Bentonville	AR	72712	10/1/2024
Liz Owen	Bentonville	AR	72712	10/1/2024
Tyler Garrett	Bentonville	AR	72712	10/1/2024
Robi Brust	Bentonville	AR	72712	10/1/2024
James Dockery	Bentonville	AR	72712	10/1/2024
Taylor Kennedy	Bentonville	AR	72713	10/1/2024
Katherine McEwen ~Going	Bentonville	AR	72712	10/1/2024
Brenda Beam-Ihry	Bentonville	AR	72712	10/1/2024
Connie D'Aubin	Bentonville	AR	72712	10/2/2024
Kim Thompson	BENTONVILLE	AR	72712	10/2/2024
James Ivie	Edmond	OK	73034	10/2/2024
Gina Miller	Bentonville	AR	72712	10/2/2024
David Clements	Bentonville	AR	72712	10/2/2024
JD C	Bentonville	AR	72712	10/2/2024
Leslie Marilyn Huffman	Bentonville	AR	72712	10/2/2024
Nancy Griffith	Bentonville	AR	72712	10/2/2024
Nicole Cracchiolo	Bentonville	AR	72712	10/2/2024
Joseph Lombardo	Bentonville	AR	72712	10/2/2024
Lily Chiang	Bentonville	AR	72712	10/2/2024
Daisy Agosto	Bentonville	AR	72712	10/3/2024
Susan Weller	Yukon	OK	73099	10/3/2024
Nathan Boen	Bentonville	AR	72712	10/3/2024
Tracey Woods	Bentonville	AR	72712	10/3/2024
Cornelis Bosua			3103	10/3/2024
Jordan Bernstein	Bentonville	AR	72712	10/3/2024
Brent Ratelle	Bentonville	AR	72712	10/3/2024
Noah Horowitz	Fort Lauderdale	FL	33308	10/3/2024
Iara Masri	Memphis	TN	38115	10/3/2024
Kevin Wilson	Bentonville	AR	72712	10/3/2024
Amy Mitts	BENTONVILLE	AR	72712	10/3/2024
Thomas Miller	Bentonville	AR	72712	10/3/2024
Kristin Veit	Bentonville	AR	72712	10/4/2024
Tina Brandt	Bentonville	AR	72712	10/4/2024
Travis Robertson	Bentonville	AR	72712	10/4/2024

FW: Echelon Development Continued...

From Tyler Overstreet <[REDACTED]>

Date: Mon 10/21/2024 8:14 AM

To: Beverly Hal [REDACTED] >; Bradley Gavrielides [REDACTED] rittany Chue [REDACTED] on Stanley [REDACTED] eegan Stanto [REDACTED] >; Sophie McAdar [REDACTED] homas Adler <[REDACTED]>

Regards,



From: Randy A Gree [REDACTED]

Sent: Saturday, October 19, 2024 9:53 AM

To: Tyler Overstreet <toverstreet@bentonvillear.com>

Subject: Echelon Development Continued...

You don't often get email from ragreen731@icloud.com. [Learn why this is important.](#)

Hello Again Tyler,

It was nice to finally put a face with the name of the person that I have been communicating with in regards to my opposition to the Echelon Development proposal when I attended the Planning Commission meeting on Tuesday, Oct 15.

As you know, frustratingly I might add, the Planning Commission tabled the Echelon PRD rezoning until its November 19th meeting. Even more frustrating, is that it has been ruled that the 19th meeting will be conducted with NO further public voices being heard.

Given the overwhelming opposition to the Echelon PRD rezoning, shutting out public comment on the modified plan is not acceptable to me or my many neighbors that attended the meeting. It was appalling to see the developers get the "last word" without any dissent, especially when some of their comments about the specifics of R1 requirements were, let's just say...misrepresented to you and the committee.

I heard the comments by the committee, as did everyone else, stating that; this point of order as, *"having always been that way"*. I shook my head in disbelief as did the other numerous neighbors that took the time to attend and voice their concerns. The opposition to this project as it is presented, should be given far more consideration than *"we've always done it that way"*.

As one of the neighbors impacted by this development, we should be allowed to speak about the modified Echelon PRD rezoning plan. I will attend the November 19th Planning Commission meeting and we seek your help in making public comment possible at this meeting also.

Not one single person that I have spoken to in regards to this project is opposed to a development of the area, they are simply opposed to the size and density that will be allowed to go unchecked should the property be rezoned from R1 to PRD.

Randy A Green

[REDACTED]
Bentonville,, Ar. 72712

FW: Planning Commission meeting Nov 19th

From Thomas Adler <[REDACTED]>
Date Fri 10/18/2024 8:56 AM
To Sophie McAdara <[REDACTED]>



From: Danny Bennett <[REDACTED]>
Sent: Friday, October 18, 2024 8:56 AM
To: Tyler Overstreet <[REDACTED]>; Thomas Adler <[REDACTED]>
Subject: Fwd: Planning Commission meeting Nov 19th

Begin forwarded message:

From: Lynne Dinas <[REDACTED]>
Date: October 18, 2024 at 6:25:31 AM CDT
To: Danny Bennet <[REDACTED]>
Subject: Planning Commission meeting Nov 19th

You don't often get email from roses4lynne55@gmail.com. [Learn why this is important](#)
To Mr Bennett,

I was at the Planning Commission meeting on Tuesday, Oct 15, where the Planning Commission tabled the Echelon PRD rezoning until its November 19th meeting **with NO public hearing**.

As you witnessed there was an overwhelming opposition to the Echelon PRD rezoning, **shutting out public comment** on the modified plan is NOT acceptable. We live here and we pay taxes.

As one of the neighbors impacted by this development, **we should be allowed to speak** and be considered regarding the modified Echelon PRD rezoning plan.

I will attend the November 19th Planning Commission meeting alongside my neighbors and seek your help in making public comment possible at this meeting.

As many of my neighbors stated, we understand the land is going to be developed and Bentonville needs more housing but the rezoning to 21 homes in that small property is not appropriate.

Thank you for your attention to this matter.

Lynne Dinas
[REDACTED]

Bentonville Ar 72712

Fwd: Reject the Echelon PRD proposal

From Danny Bennett [REDACTED]

Date Tue 10/29/2024 8:45 PM

To Tyler Overstreet [REDACTED] >; Thomas Adler [REDACTED]

Cc Sophie McAdara <[REDACTED]>

Begin forwarded message:

From: Kevin Wilson [REDACTED]

Date: October 29, 2024 at 8:08:00 PM CDT

To: Danny Bennet [REDACTED]

Subject: Reject the Echelon PRD proposal

You don't often get email from [REDACTED] [Learn why this is important](#)

Mr. Bennett,

Here are my notes from the October 15, 2024 Planning Commission meeting where the Planning Commission recommended “tabling” the Echelon to a meeting on November 19, 2024. We must reject the Echelon PRD request.

Key Objections voiced during the meeting:

1. **Density** – the density of this development does not align with Bentonville’s Master Plan and is incompatible with the surrounding neighborhoods.
 - a. Density will drive down property values in adjacent neighborhoods
 - b. Density will increase traffic and need for incremental infrastructure investments.
 - c. Density will make the intersection of 3rd and “O” street even more dangerous
 - d. Density will reduce or even eliminate privacy for adjacent properties.
2. **Greenspace** – the greenspace proposal was an afterthought for this development and is located at the far North end of the property. Based on Commissioner feedback the Echelon plan:
 - a. Does not include enough **greenspace (should be 50% development and 50% greenspace)**, and,

- b. Commissioner **Danny Bennett** recommended that the greenspace be moved to the center of the property.
3. **Trash pickup** – according to the discussion at the meeting Bentonville trash trucks will not back-up to collect trash. Some streets within the Echelon development are dead-end and would require trash trucks to back up. Echelon to follow-up.
4. **Street width** – Keep in mind the streets within the Echelon development are narrow and “private” and will not conform to the public streets we see in ALL the subdivisions that surround this project. Street widths are not to “public” standards.
5. **Parking** – the Echelon plan provides for 2 “off-street” parking spaces (driveways), but the driveways are only 20ft long, which I don’t think would easily accommodate most vehicles.
 - a. I did not see any accommodation for guest parking, which is a concern with the narrow private streets.
 - b. I also did not see garage depths and my assumption is that most of these dwellings **would NOT** use their garages for cars, only storage.
 - c. There will be a minimum of 42 parking spaces needed if each dwelling has 2 vehicles. My concern is that the average number of vehicles will be greater than 2 per dwelling and the development will need on-street parking. There is no plan for on-street parking, every day.
6. **Rental concerns** – these dwellings will almost certainly be short-term rentals and AirBnBs, with effectively no restrictions on usage once built.
7. **POA** – this neighborhood will be governed by a Property Owners Association. All street maintenance, “public” greenspace maintenance, security, community events, parking enforcement, dwelling appearance, trash pickup, etc. will be the responsibility of the POA. There was concern expressed that with a POA structure there would be little or no control of the property. Remember that covenants are largely unenforceable, so don’t rely on covenants to preserve the integrity of the development.
8. **Inconsistent proposal information - The commission pointed out that there are several inconsistent and conflicting pieces of information in the Echelon proposal:**
 - a. **Roofing materials show composite shingles and metal roofing. Need clarity.**
 - b. **Use of stone for undisclosed purposes**
 - c. **Use of concrete for undisclosed purposes**
 - d. **Height changes not rendered correctly**
 - e. **Street widths not clearly rendered correctly**
 - f. **Second and third story patio sight-line renderings not oriented correctly**

g. **Second and third story patio privacy protection not rendered correctly**

h. **“Concepts” of architecture and not *actual* architecture disclosed.**

9. **Requirement for Multi-Family** – the developer expressed that the city requires multi-family housing for developments. **This is pure fiction.** There is no requirement that any development have multi-family housing.

a. Commission recommended placement of multi-family housing at the rear of the property but developers did not entertain the idea.

b. Placement of the multi-family housing at the front of the property was most likely done to placate the owners of the private house at the rear of the property. Even the former property owners did not want the multi-family housing near them!

10. **Dangerous precedent** – if this project is approved, we can all expect to see more multi-family housing on the north end of this property which is currently undeveloped.

a. As a side note – there is a 5 acre piece of land at the NW corner of 3rd and “J” street that will most certainly be multi-family if the Echelon project is approved. This will create more chaos on 3rd street!

11. **Cottage Courts** – I see in the Echelon documents that “the proposal includes conditional and accessory use provisions for *cottage courts*, accessory dwelling units..” This form of development was not disclosed or discussed in the Planning Commission meeting. I think we need to be vigilant on the changes Echelon may make to the PRD plan. **We need another PUBLIC meeting.**

Other various concerns:

A. **Profit** - This development is a **pure profit play** and not aligned with the Master Plan

a. We are not responsible for the developers making a profit

b. We should not have our quality of life or property values reduced because of this development.

c. The Planning Commission should be focused on making Bentonville a great place to live for existing residents and not prioritizing out of state investors.

B. Too many qualified promises and commitments. Quotes directly from the Echelon City Planning Staff report:

a. “...various nearby amenities connected to the bikeway *may allow* for more trips to be accomplished by walking or biking” This cannot be validated!

- b. "...calls for various strategies to support *affordability* with the evolving landscape" is not addressed or even factual!
- c. "...mix of single-family attached and detached homes on smaller lots which may increase affordability" is not factual or substantiated in any way!
- d. "The design and location of this development promotes access to alternative modes of transportation." This statement is patently false and unsubstantiated!
- e. "...interconnected narrow street network.." This development is primarily comprised of dead-end streets, a street that already exists (Appaloosa) and a private drive. I hardly think this qualifies as an "interconnected network!"

Kevin Wilson



RE: Echelon

From Jon Stanley [REDACTED]
Date Thu 11/7/2024 10:42 AM
To Lisa Hostetler <[REDACTED]>
Cc Sophie McAdara <[REDACTED]>

Hello Lisa,

Thank you for your comments. We will ensure that your comments are included in the packet when this item goes to Planning Commission for consideration.



From: Lisa Hostetle [REDACTED] >
Sent: Thursday, November 7, 2024 9:55 AM
To: Jon Stanle [REDACTED] >
Subject: Echelon

Dear Mr. Stanley:

We are very grateful that the planning commission has decided to allow us to speak at the November 19th meeting. I think it was impressive how many people were in attendance and represented at the first meeting where this proposed zoning change was tabled. I would like to hope that the committee will respect the long time residents in the surrounding neighborhoods and hear our objections. We understand that growth is necessary, yet this proposed zoning change will not put a dent in the needs for housing.

The Echelon development group has not listened at all to our objections and I hope that you will.

This proposed zoning change to PRD, will NOT be an asset to this area. It simply does not fit. It is out of place to put 3 story townhouses in the middle of single family

homes. A big concern is that it will simply become a rental area for AirB&B's. The proposed project is not conducive to family homes. The lack of parking, lack of yards, and lack of convenient trash removal will not attract home owners to live there long. There is a big sense of community in all of the neighborhoods surrounding this land. Since the developer knew it was zoned R-1 when they purchased the property, I feel that it is not our responsibility to endure this eye sore every day in order for them to make a bigger profit.

I have lived in my home in Foxglove Neighborhood for 30+ years and have watched a lot of growth. We (and our neighbors) have worked hard to keep our neighborhood presentable and friendly. We look out for each other and create the kind of community that I feel we all want in Bentonville. 3rd Street is already becoming an unsafe street due to the addition of bike lanes and the street width becoming way too narrow. People cut through our neighborhood from 3rd to Hwy 72 already. They ignore stop signs making it unsafe for us and our children. Adding the additional cars will only make it worse.

We are adamantly opposed to the property being rezoned to PRD.
Thank you for hearing us out.

Sincerely,

Lynn and Lisa Hostetler

FW: Vote NO Echelon PRD - Allow Public Hearing

From Thomas Adler [REDACTED] >
Date Fri 10/18/2024 7:59 AM
To Sophie McAdara [REDACTED] >



From: Danny Bennet [REDACTED]
Sent: Thursday, October 17, 2024 9:10 PM
To: Tyler Overstre [REDACTED] >; Thomas Adler [REDACTED]
Subject: Fwd: Vote NO Echelon PRD - Allow Public Hearing

Begin forwarded message:

From: Joni Webster [REDACTED] >
Date: October 17, 2024 at 8:55:41 PM CDT
To: Danny Bennet [REDACTED] >
Cc: Ron Bolena [REDACTED] >, Beth Keck [REDACTED] >, Justin Webster [REDACTED] >, Ben Nice [REDACTED] >
Subject: Vote NO Echelon PRD - Allow Public Hearing

You don't often get email from jweb21@gmail.com. [Learn why this is important](#)
Council Member:

I was so encouraged to see so many of my neighbors show up to the council meeting on October 17 to protest and speak out against the Echelon development (for over 3 hours). However, it was quite disheartening that the council continues to entertain this proposed development. How many people speaking out does it take for the council to heed their concerns? Why are developers who don't even live in this community given preference? Who exactly are you serving in your public office?

Given the overwhelming response from the citizens of this community, I cannot believe there will be no further ability to hear their concerns. I am asking that be reconsidered. In all fairness, 3 minutes per person does not give anyone much time to cover all of the concerns we have with this development. And since we are all just everyday average citizens, our statements had to be limited to our top concerns. I would ask that if the council cannot provide another public hearing, then allow the citizens to appoint a spokesperson who may speak for up to 15 minutes at the next meeting. Please consider this request and let us know.

Since the citizens of this community may not have the opportunity to speak, I would like to address some of the comments made by the developer during the meeting and additional thoughts.

- 1.
- 2.
3. The representatives for Echelon said multiple times they want to be "good neighbors"
4. but that has not been the case thus far. They have not taken care of the property since they purchased it and we have called the city twice to come mow the grass. They have removed the windows from the farm house, so that it now looks like a derelict crack
5. house. They also had several trees that fell during the storm that have not been addressed. The owners themselves could not even be bothered from their vacation to even call into the meeting. If I had so much money invested in this deal, I think I could
6. have attended at least via zoom. By all indications, these are not good neighbors or people who care about the community. They just want to make as much money as possible.
- 7.
- 8.
- 9.
10. As some council members noted, one of the major requirements of a PRD is to promote harmony
11. amongst the neighborhood. The representative for Echelon made a statement that harmony is about different notes. I would like to add that harmony is about different notes working together to make a pleasing sound. This project is not harmonious among the
12. existing neighborhood, but more embodies discord, which is different notes that lack harmony and create dissonance. That is what this project will do.
- 13.
- 14.
- 15.

16. The developer said they will produce a copy of the POA agreement and limit the rentals.
17. POAs can be changed by the majority of homeowners at any time. They can impose no restrictions on their ability to change. So regardless of what they put in the POA agreement, the owners will be able to change on day 1. This is a significant concern because
18. this will open the door to short term rentals and with that comes parties on the deck that disturb the voters and tax payers of this community. And not just that, but short term renters need not pass any security check and can be convicted sex offenders.
19. And while the developer thinks they will price a 2000 sq ft condo at \$800,000 to reduce that risk, that is not the reality of what they will get. The 4000 - 5000 sq ft single family homes in the area are priced between \$800,000-\$1,000,000. Why would someone
20. pay that much for so little? They won't, and the prices will be reduced. I have no issue with affordable housing and agree that we need more of it, but we are in the midst of a housing shortage because the affordable homes are being purchased by investors,
21. not families as their primary residence. Allowing this only adds to the supply for investors, not affordable housing for the people of Bentonville. The housing shortage is a bigger issue outside of this council, but please recognize why there is a shortage
22. in the first place. If you really want to help, impose a city ordinance on number of property rentals an individual or corporation can have. At least half of those units would be purchased by investors. The only way to really keep investors out is if the
23. price at a point so high that it does not make financial sense to purchase. Again, while they say they will price them around \$800k, the market will not support that for a 2,000 sq ft condo that looks like an army barracks with no green space.
- 24.
- 25.
- 26.
27. As covered during the public hearing and in the numerous letters to the council, the
28. design is terrible. The representative for the developer said that the homes are being built in a modern style because it is 2024. There is plenty of new construction every year that is built with traditional materials and blends elements of new and old
29. architecture that look great and fit within the neighborhoods. The developers have chosen these designs and materials because they are cheap and they want to maximize their profit. They barely even have windows, with windows only on the front and back of
30. most of the units due to the townhouse design. They have tried to say this is modern design. The problem with modern design is that unless it is truly a work of art, it's just cheap. Their designs are no work of art and will not age well. In fact, they
31. will look terrible from the beginning. I will point out The Howard, the new apartments on Central right off the square. This is not a work of art, but a complete eye sore, and it is the cheapest, ugliest construction I've ever seen in this town (same architect?).
32. I cannot believe that space was used for such an atrocity. If I had Walton money, I would buy it just to tear it down, as a trash heap would have more appeal. Unfortunately, it's been built and now we're stuck with it for the next 40 - 50 years or more.
33. While I could point out many other terrible designs throughout the city, I will stop there, but I will ask the committee really consider some of these designs before approving them. Bentonville is fast on its way to becoming "the shipping container homes"
34. capital of the world.
- 35.
- 36.
- 37.
38. Parking is absolutely going to be an issue and not just for guests. As you drive around
39. an area, notice homes where cars park in the driveway or on the street, instead of in the garage. It is smaller homes where this occurs most frequently because they use the garage space as storage. With a 2,000 sq ft home, people will need to use all of
40. their garage space for storage, leaving their vehicles in their drive. That means their guests will not park in their drives, but on too narrow of streets or on neighboring streets. One of the developers reps said people will want these small places with
41. no lawns when they downsize. I have worked with a lot of people who downsize and it seems they still keep the same amount of stuff, they just cram it into a smaller space and fill their garage to the rafters. Although, the reality is that no retiree is going
42. to buy a 2,000 sq ft, \$800k condo, so that point is probably moot.
- 43.
- 44.
- 45.
46. They have intentionally designed the property to fit as many units as possible leaving
47. practically no green space. Their reasoning was so that people would not have to take care of a lawn. If the POA is going to pay to take care of the green space in the back, would the POA not pay for other greenspaces throughout the property? Again, that
48. is just an excuse to build more units. But this lack of sufficient green spaces brings a bigger issue and that is drainage. There is a slope from this parcel into the below neighborhoods of Windsor Manor and Saddlebrook. Even with a large field, there is
49. still runoff that already washes out several yards. With that much concrete and hard materials in that space now, the runoff is going to become a major issue to the point that it could flood some houses. We sit next to the property and there is already an
50. issue of water coming into our garage during heavy rains.
- 51.
- 52.
- 53.
54. This proposal does not even fit with the guidelines of a PRD, as Mr. Davis noted. In
55. my reading of PRD requirements, they should:
- 56.

- a.
- b.
- c. Enhance the design of residential development that improve public health, safety and
- d. welfare. I would say that with the increased traffic at an already busy and dangerous intersection, the design does none of those things.
- e.
- f.
- g.
- h. Have high quality design (see above).
- i.
- j.
- k.
- l. Preserve open spaces and provide high quality public spaces. Nope - doesn't do that.
- m. The strip of grass in the back for dogs to do their business doesn't seem to be high quality.
- n.
- o.
- p.
- q. Strengthen and encourage growth in the existing community - I would say it doesn't do
- r. that and it will actually reduce the value of the surrounding homes. Lovely single family homes sitting next to high density, industrial style apartments with 2x as many people crammed onto the same sized plot do not improve values. In all honesty, we are
- s. considering selling and moving out of Bentonville if this happens, which is incredibly sad as we love our home and neighborhood.
- t.
- u.
- v.
- w. Must include all parking on and off street (see above)
- x.

So please, I am asking the council to deny this PRD request. That land should be used to build more single family homes that are consistent with the neighborhood. Large, mid to high end homes will not be bought by investors, keeping neighborhoods safe and fostering community.

Sincerely,
Joni Webster

[REDACTED]

From: [Tyler Overstreet](#)
To: [Kevin Wilson](#)
Cc: [Beverly Hall](#); [Bradley Gavrielides](#); [Brittany Chue](#); [Jon Stanley](#); [Keegan Stanton](#); [Sophie McAdara](#); [Thomas Adler](#)
Subject: RE: Opposition to "Echelon" project
Date: Friday, August 16, 2024 9:36:22 AM
Attachments: [image001.png](#)

Kevin,

Thank you for your comments. I'm copying other team members to ensure that your comments are included in the packet when this item comes through for approval.

Regards,



From: Kevin Wilson [REDACTED]
Sent: Friday, August 16, 2024 9:22 AM
To: Tyler Overstreet [REDACTED]
Subject: Opposition to "Echelon" project

You don't often get email from [REDACTED] [Learn why this is important](#)

Mr. Overstreet,

I attended a community town hall meeting last night regarding a proposed development called "Echelon by Leadership Properties." The proposed development is on the northeast corner of NW 3rd street and "O" street. The proposed development would include 21 living units (9 single family homes and 12 townhomes) on 3.2 acres.

I am opposed to this proposed development for the following reasons:

1. The townhomes and lot sizes are **inconsistent** with all the contiguous properties and would create downward value pressure on adjacent homes.
2. The **density** of this project is also incompatible with all the properties that border this project. Approximately 1 living unit per .15 acres. This would allow for

effectively no privacy and very narrow roadway widths within the development.

3. **Traffic** is already awful on 3rd street with the bike lanes occupying one-third of the roadway and with an extra 50 to 60 vehicles needing to use 3rd street, (at a single access point) on the bike lane side, this development would be a significant **safety** concern for people on the sidewalk, bike lanes or driving on 3rd street. Keep in mind that 3rd street is also the bus route for Elm Tree Elementary and Ardis Ann Middle School.

4. The plan did not show **adequate parking** in the development, and parking was not discussed in the townhall meeting. My fear is that this development will result in cars parked along the narrow streets, which would be another safety concern, and not accretive to adjacent home values.

5. **Drainage** always seems to be an issue in Bentonville and this project would only exacerbate this problem. Jamming 21 living units into 3.2 acres will only create more flooding/draining problems.

6. My fear is that these townhomes, which were rendered as **3 story buildings**, and open roof access, will result in noise issues, **loss of privacy** for adjacent properties and result in depressing home values in the area.

7. The developer's materials state **"None of the units will be rentals."** This is completely unenforceable, incorrect and deceptive. I encourage you to please warn developers/builders that this language is misleading and false.

8. The developers were also somewhat deceptive on the size and values of the single family homes and townhomes. My belief is that they **inflated the estimated values** of the project to try to address opposition.

9. This plan **does not align with Bentonville's Master Plan**. This area is currently zoned as Residential Estate and R-1. The developers want to change this designation which requires a PRD Planned Residential Development rezoning effort. Again, all the other properties surrounding this proposed development are Residential Estate or R-1, single family homes on at least .25 acres.

My overarching concern is that this development is **purely profit oriented**. Bentonville has a Master Plan for the city and this project clearly is not aligned to **improving the livability** of the city, **adding value** to the neighborhood, or creating **consistency across the city**.

What I would like for you to do is to **reject this proposal, reject the PRD** and work with the developers to create a plan that is consistent with adjacent properties, consistent with the Master Plan, get rid of multi-family (**rental**) townhome properties and focus on projects that don't further strain our infrastructure (streets/traffic, water runoff, parking, safety, etc.)

Perhaps 6 homes, 2 stories max, each on a half acre, with a value of \$1.5 to \$2 million would yield a similar return, increase the value of adjacent homes and not negatively impact infrastructure needs. That would be a project to be proud of!

Finally, I applaud the folks at Echelon by Leadership Properties for reviewing their plans in front of a group of neighbors tonight. They received a lot of negative feedback but at least they tried to be upfront about the project.

Best regards,
Kevin Wilson



From: Tyler Overstreet
Sent: Friday, August 16, 2024 2:09 PM
To: Beverly Hall; Bradley Gavrielides; Brittany Chue; Jon Stanley; Keegan Stanton; Sophie McAdara; Thomas Adler
Subject: FW: Letter in opposition to the Echelon development on NW. 3rd St.

Regards,



TYLER OVERSTREET

Planning Director

479.271.3122
305 SW A Street
Bentonville, AR 72712
www.bentonvillear.com

Help shape the future of Bentonville. Promote what we want. Preserve what we need your voice. Learn more and take the survey: www.planbentonville.com

From: Janet Atwood [REDACTED]
Sent: Friday, August 16, 2024 2:07 PM
To: Tyler Overstreet [REDACTED]
Subject: Letter in opposition to the Echelon development on NW. 3rd St.

You don't often get email from atwoodjanet@gmail.com. [Learn why this is important](#)

Letter in opposition to the Echelon development on NW 3rd Street

I am Janet Atwood and I live at [REDACTED] [REDACTED] in the Foxglove Neighborhood. I built the home and moved into it April 1994. I am a past chair of the Board of Adjustment and as the owner of Atwood Design, LLC (now retired) I have worked on many, many remodel and new residential construction projects in the city of Bentonville.

Please do not allow the PRD plan for the Echelon development to be approved.

These are some of my concerns:

1. The properties surround the 3.2 acres are all zoned R1. The introduction of a PRD zoning is to provide:
 - "A maximum choice in the types of environment and living units available to the public" - we were told all units would have 2500 to 3000 sq ft and all would be 2 or 3 story. There was no mention of handicapable, single story, pocket parks, walkways or native water saving green spaces.
 - "A variety of housing types that effectively meets the varying price points of the community" - there is no attempt to meet varying price points per their letter announcing last night's meeting - "These townhomes/homes will be crafted with premium design and finishes, aiming to enhance your neighborhood's overall appeal with prices beginning around \$800,000. All units will be single-family-owned homes. None of the units will be rentals."
 - "Energy-efficient site design or building features" - we were looking at an artists rendering of the 21 units and couldn't tell what the actual front, rear, and side setbacks were between the buildings but it didn't appear to allow for shade trees, covered patios. We didn't actually have enough information on this aspect. The requirements for setbacks per the Bentonville website for PRD is "As proposed by applicant and shown on the approved site plan." over and over in every section of this part.
 - "A minimum of fifteen percent (15%) common, useable open space and recreation areas" - in last night's meeting, we were told that the green space at the back was for the purpose of a detention pond, not usable and not recreational.
 - "A pattern of development which preserves natural features and prevents soil erosion" - according to the concept drawings that we were shown last night the coverage of the property with structures and paving allow very little absorption of water. In fact, the explanation of how the current erosion will be cured by the catchment tank that will tie water runoff into the system that exists under Northwest O Street would seem to cause that water runoff system to be overwhelmed.
 - "A creative approach to the use of land and related physical development" - there doesn't seem to be much creativity in a barracks style approach as shown in the concept drawings.
 - "Efficient use of land resulting in smaller networks of utilities and streets and thereby lowering costs" - simply increasing density and having dead end alley driveways does not feel efficient. Instead of lowering costs, the developer seems to be maximizing square footage and their income.
 - "An environment of stable character in harmony with the surrounding development" - 6 of the units will be three-story with patios on the third floor. Without seeing an actual site plan and floorplans for the units, it is hard to know if any of the homes have patios, balconies, or any outdoor space.

- "Efficient use of infrastructure" - there are two curb cuts onto 3rd St however only one is in actual use. The western curb cut on 3rd St is too close to the four-way stop and opens onto the two-way bike lane. Appaloosa has been stubbed in to continue into the Echelon property, and I understand that the city has told Echelon that it is not to put a gate between the Windsor and the Echelon developments. Thank you for that. The driveway that is used by the parcel to the north is not owned by Echelon, and it was not made clear what the relationship is with that property owner and Echelon with regard to a permanent right of way for the Echelon units. Is it being dedicated to the city for an actual road? Or is it a shared driveway for the 21 Echelon units and however many units are developed in the future for parcel 01-18380-001.
- "High quality architectural design, placement, relationship and orientation of structures" - judging by the concept drawings it's hard to imagine the views from the windows, enjoyable spaces for landscaping and lawn furniture, and other design elements.
-
- 2. "Smart Growth and Traditional Neighborhood Design (TND): The PRD district shall incorporate Smart Growth principles, including Traditional Neighborhood Design elements into the development." It doesn't appear to.
-
- 3. "Rear and side loading garages shall be setback a minimum of 30 ft. for a rear loading garage and twenty feet (20') for a side loading street facing garage. Front loading garages shall be setback a minimum of 30 ft. from the property line." - this appears at the end of the PRD and appears to be in conflict with "Garage Setbacks: As proposed by applicant and shown on the approved site plan." which is in the setbacks section. There are no driveways or garage setbacks shown on the concept drawings in the presentation. There is no guest parking. The roads appear to be access alleys with no turn-around space, so that if you didn't have a garage to pull into you would have to back out of the dead end. And 2500 to 3000 sq ft houses often have more than 2 car drivers in the family and visitors who arrive by car.

Sent from my iPhone

From: Tyler Overstreet
Sent: Monday, August 19, 2024 8:14 AM
To: Beverly Hall; Bradley Gavrielides; Brittany Chue; Jon Stanley; Keegan Stanton; Sophie McAdara; Thomas Adler
Subject: FW: Proposed Echelon PRD rezoning

Regards,



TYLER OVERSTREET

Planning Director

479.271.3122

305 SW A Street
Bentonville, AR 72712

www.bentonvillear.com

Help shape the future of Bentonville. Promote what we want. Preserve what we need your voice. Learn more and take the survey: www.planbentonville.com

From: Diane Phillips [REDACTED]
Sent: Sunday, August 18, 2024 8:23 PM
To: Tyler Overstreet [REDACTED]
Subject: Proposed Echelon PRD rezoning

You don't often get email from [REDACTED]. [Learn why this is important](#)

Tyler,

As an official of Bentonville, I know you must constantly receive letters requesting assistance in varying matters around town. I appreciate your time and assistance with a matter of importance to me and my neighbors.

Last week I attended a meeting hosted by Leadership Properties concerning its proposed rezoning of a property a block from my house on NW 3rd Street to a Planned Residential Development called Echelon. From what I saw on their plans and heard in the discussion, I feel strongly that this development would be out of line with the development plans the city has to continue to grow our city to stay the family friendly, safe place to live it has always been.

As I'm sure you know from driving down NW 3rd street west of Walton Blvd, the houses from Walton to Elm Tree Road past Coler Bike Park, are all single-family homes. We all have yards, garages, trees (what's left of them anyway) and enjoy living in a safe, comfortable neighborhood environment. The subdivisions most closely impacted are Windsor Manor, Sturbridge, Foxglove and Denali Park. The property is currently zoned Residential Estate and we want it to continue to be single family homes.

The plans for Echelon are to be 21 units on 3.2 acres – 12 townhomes and 9 single family homes. Here are a few of the issues this brings to mind:

- Traffic safety – 3rd Street contains a large bike path and the two private drives they propose would cross the bike path in very close proximity to the intersection of NW “O” and NW 3rd. This is already a busy intersection with the School Bus Barn down 3rd Street as well as two schools and a very popular bike/walking trail park. The bike path crosses from the south side to north side in the middle of the intersection and then to add 20-40 additional cars pulling out into traffic (not at the intersection) will further congest an already busy street.
- Density - The Townhouses face 3rd street and appear more like apartments than “townhomes”. This would give the appearance that the entire area behind are apartments. The single-family homes are not visible from the road. I know I would not purchase a single-family home behind apartments.
- Parking – This was not addressed in the meeting but it was evident from the plans they showed that there was no additional parking other than in the garages and on the very narrow private drives. Additional vehicles will be forced to park in the adjacent neighborhoods. Houses of 2500 – 3000 sq ft will often have more than two cars and certainly have company they will need parking for. The plans they showed did not show any room at all for this.
- Neighborhood design – The plans they showed appear as if they crammed as many building into the 3.2 acres as they possibly could. It did not at all resemble a “neighborhood” in any sense of the word. Look out their windows and you simply see another building. And a close one at that. This

model does not fit with any of the adjoining properties in any conceivable way.

- Profit – Lets be honest. Most of us have worked in business way too long not to see the fact that they are maximizing the property for their gain to the detriment of the surrounding homes and community. So, I will be honest too. The density that is proposed will, within 10 years or less, start to deteriorate and it will take the value of my property down as well. This is my forever home and I wish to live here as long as my God permits me to have the health and ability to do so. I need this neighborhood to remain stable. Safe. Clean. Well kept.

Solution – There are other options available to them. They could easily build 6 or 7 single family homes on this beautiful piece of property that could sell for well over a million dollars. They need a different design.

Request – Please do not allow the PRD plan for the Echelon development to be approved. PLEASE! Protect our community. Protect our neighborhoods. Protect us.

Thank you for your time and I am sure you will do the right thing when these plans are presented for approval or denial.

Dennis and Diane Phillips

██████████

██████████

From: Tyler Overstreet
Sent: Monday, August 19, 2024 8:15 AM
To: Beverly Hall; Bradley Gavrielides; Brittany Chue; Jon Stanley; Keegan Stanton; Sophie McAdara; Thomas Adler
Subject: FW: Opposition to "Echelon" project

Regards,



TYLER OVERSTREET

Planning Director

479.271.3122
305 SW A Street
Bentonville, AR 72712
www.bentonvillear.com

Help shape the future of Bentonville. Promote what we want. Preserve what we need your voice. Learn more and take the survey: www.planbentonville.com

From: Marge Griffin [REDACTED]
Sent: Saturday, August 17, 2024 7:21 PM
To: Tyler Overstreet [REDACTED]
Subject: Opposition to "Echelon" project

You don't often get email from [REDACTED]. [Learn why this is important](#)

I was unable to attend the community town hall meeting the other night due to the start of school this past week. I was interested in the proposed development called "Echelon by Leadership Properties." This development is on the northeast corner of NW 3rd street and "O" street and would include 21 living units (9 single family homes and 12 townhomes) on 3.2 acres.

I am opposed to this proposed development for MANY reasons:

1. The townhomes and lot sizes are **inconsistent** with all the surrounding properties and would create downward value pressure on adjacent homes.
2. The **density** of this project is also incompatible with all the properties that border this project. Approximately 1 living unit per .15 acres. This would allow for effectively no privacy and very narrow roadway widths within the development.
3. **Traffic** is already awful on 3rd street with the bike lanes occupying one-third of the roadway (Who's great idea was that, since 3rd street is the thoroughfare for the School District's bus system), and with an extra 50 to 60 vehicles needing to use 3rd street, (at a single access point) on the bike lane side, this development would be a significant **safety** concern for people on the sidewalk, bike lanes or driving on 3rd street.
4. The plan did not show **adequate parking** in the development, and parking was not discussed in the town hall meeting. My fear is that this development will result in cars parked along the narrow streets, which would be another safety concern.
5. **Drainage** always seems to be an issue in Bentonville and this project would only exacerbate this problem. Jamming 21 living units into 3.2 acres will only create more flooding/draining problems.
6. My fear is that these townhomes, which were rendered as **3 story buildings**, and open roof access, will result in noise issues, **loss of privacy** for adjacent properties and result in depreciating home values in the area.
7. The developer's materials state **"None of the units will be rentals."** This is completely unenforceable, incorrect and deceptive. I encourage you to please warn developers/builders that this language is misleading and false. Especially when it's basically right next to Coler MOUNTAIN BIKE Preserve.
8. The developers were also somewhat deceptive on the size and values of the single family homes and townhomes. My belief is that

they **inflated the estimated values** of the project to try to address opposition.

9. This plan **does not align with Bentonville's Master Plan**. This area is currently zoned as Residential Estate and R-1. The developers want to change this designation which requires a PRD Planned Residential Development rezoning effort. Again, all the other properties surrounding this proposed development are Residential Estate or R-1, single family homes on at least .25 acres.

This development is **purely profit oriented**. Bentonville has a Master Plan for the city and this project clearly is not aligned to **improving the livability** of the city, **adding value** to the neighborhood, or creating **consistency across the city**.

What I would like for you to do is to **reject this proposal, reject the PRD** and work with the developers to create a plan that is consistent with adjacent properties, consistent with the Master Plan, get rid of multi-family (**rental**) townhome properties and focus on projects that don't further strain our infrastructure (streets/traffic, water runoff, parking, safety, etc.)

Perhaps 6 homes, 2 stories max, each on a half acre, with a value of \$1.5 to \$2 million would yield a similar return, increase the value of adjacent homes and not negatively impact infrastructure needs. That would be a project to be proud of!

Best regards,

Marge Griffin
Foxglove Home Owner



From: Tyler Overstreet
Sent: Monday, August 19, 2024 8:15 AM
To: Beverly Hall; Bradley Gavrielides; Brittany Chue; Jon Stanley; Keegan Stanton; Sophie McAdara; Thomas Adler
Subject: FW: Deny Echelon PRD @ 1602 NW O St.

Regards,



TYLER OVERSTREET

Planning Director

479.271.3122
305 SW A Street
Bentonville, AR 72712
www.bentonvillear.com

Help shape the future of Bentonville. Promote what we want. Preserve what we need your voice. Learn more and take the survey: www.planbentonville.com

From: Danny Bennett [REDACTED]
Sent: Saturday, August 17, 2024 2:54 PM
To: Tyler Overstreet [REDACTED]; Thomas Adler [REDACTED]
Subject: Fwd: Deny Echelon PRD @ 1602 NW O St.

Begin forwarded message:

From: Beth Keck [REDACTED]
Date: August 17, 2024 at 12:11:15 PM CDT
To: Danny Bennett [REDACTED]
Subject: Re: Deny Echelon PRD @ 1602 NW O St.

You don't often get email from bethkeck719@gmail.com. [Learn why this is important](#)

Dear Mr. Bennett - A correction: Deny Echelon PRD @ 1602 NW 3rd St.
Sincerely,
Beth Keck

On Sat, Aug 17, 2024 at 11:51 AM Beth Keck [REDACTED] wrote:

Dear Mr. Bennett,

My name is Beth Keck and I live at [REDACTED]. I attended the community meeting hosted by Leadership Properties concerning its proposed Planned Residential Development rezoning called Echelon. The developers told us that they plan to build 12 townhomes and 9 single family homes on the 3.24 acre parcel. From what I learned at the meeting the Echelon PRD plan is ill conceived and incompatible with our surrounding neighborhoods.

I ask that you vote against the Echelon PRD rezoning for 1602 NW 3rd Street.

My first concern is that the design of the development is 'urban' and completely out of step with our surrounding traditional single family home neighborhood. The plan includes three-story townhouses that would tower over our homes, intruding on our privacy and increasing noise from their open party balconies.

Furthermore, the rezoning request is incompatible with our neighborhood. The homes in this part of Bentonville are zoned R-1 and consist of two-story single-family homes with yards, garages and driveways. We also have public streets that meet city width standards. Granting the PDR would allow this developer to cram too many homes on this acreage, build private narrow roads and increase traffic by potentially 50 to 60 more cars through two additional cuts across the bike lane on NW 3rd street.

Importantly, this rezoning request is incompatible with the Future Land Use plan currently under development. The Future Land Use plan, including the Echelon parcel, designates our neighborhoods as "Neighborhood-Suburban". Let's keep it "Neighborhood-Suburban."

For several years I have submitted 311 complaints to the City about stormwater runoff on this property. (see attached photo) I was very surprised to hear the developer say he just learned about this runoff problem at this community meeting. Furthermore, we learned that

Leadership Properties has no experience with this type of development. Their lack of due diligence concerning key components such as stormwater runoff and lack of experience with high density is a major red flag.

I would like to circle back to the safety issues. As proposed, the developer plans for each unit to have a two-car garage. In driving around any neighborhood, especially those with smaller square footage, we know that garages become living and storage space. At the same time it is common for families, especially those with teenagers, to have three cars and everyone likes to have guests. Without driveways where are these cars going to park? If the developer is allowed to have 'private roads', these roads can be narrow and will be clogged with cars. How are our fire and EMS vehicles going to respond if there is an emergency?

Another important safety issue is access onto NW 3rd Street. The developer has proposed using two cuts on NW 3rd Street between Coachlight and NW O Street. Both of these cuts cross our bike lane which is used daily by many bikers, including families biking their children to school. Allowing an additional 50 to 60 cars a day to cut across the bike lane is irresponsible and a fatal accident is waiting to happen.

In closing, I want to commend the City on requiring connectivity with the existing road, Appaloosa. Our neighborhoods should be connected! I also ask City officials to hold the line to the current zoning of R-1 Estate and that the developer respect the existing zoning of R-1 Estate and build the six homes previously proposed for this parcel.

Thank you for your attention to this matter.

Sincerely,

Beth Keck

██████████.

Bentonville, AR

██

████████████████████

From: Tyler Overstreet
Sent: Monday, August 19, 2024 8:15 AM
To: Beverly Hall; Bradley Gavrielides; Brittany Chue; Jon Stanley; Keegan Stanton; Sophie McAdara; Thomas Adler
Subject: FW: 1602 NW O St - Deny

Regards,



TYLER OVERSTREET

Planning Director

479.271.3122
305 SW A Street
Bentonville, AR 72712
www.bentonvillear.com

Help shape the future of Bentonville. Promote what we want. Preserve what we need your voice. Learn more and take the survey: www.planbentonville.com

From: Danny Bennett <DBennett@bentonvillear.com>
Sent: Friday, August 16, 2024 11:24 PM
To: Tyler Overstreet <toverstreet@bentonvillear.com>; Thomas Adler <tadler@bentonvillear.com>
Subject: Fwd: 1602 NW O St - Deny

Begin forwarded message:

From: Ken Leonard [REDACTED]
Date: August 16, 2024 at 8:11:45 PM CDT
To: Danny Bennett [REDACTED]
Subject: Re: 1602 NW O St - Deny

You don't often get email from kenleonard57@gmail.com. [Learn why this is important](#)

Hi Mr. Bennet,

The subject line should have been 1602 NW 3rd St. My apologies for this error.

Greetings, Ken Leonard

On Fri, Aug 16, 2024 at 7:27 PM Ken Leonard <kenleonard57@gmail.com> wrote:

Dear Mr. Bennet,

It has come to my attention that a property (1602 NW 3rd Street) at the northeast corner of NW O Street and NW 3rd Street has plans to be developed under the name Echelon by Leadership Properties. The current zoning for this property is R1 Estate. On the future city plan map the property is indicated as Neighborhood Suburban. Both designations call for single family homes on lots with space for yards, off street parking, etc. It is my understanding that these designations do not allow high density development such as townhomes or high-density single-family homes.

The plan that the developer has presented to the community for this parcel is a PRD with high density homes and townhomes, some being three stories, creating an additional 21 housing units on this, according to the developer, 3.24-acre parcel. The plan as presented does not conform to the existing or future zoning requirements and it does not conform to the existing development in the community, which is single-family homes on lots with space for yards, off-street parking, etc. This nonconformity is the first reason for asking the city to deny this development plan.

As presented, this development plan calls for two curb cuts (roads) to be made on NW 3rd Street. This would create four road entry points on NW 3rd Street from Coachlight Drive to NW 3rd Street. This is a very short distance on a busy road that includes car, school bus, truck and bicycle traffic. This would create a dangerous traffic choke point. One should also remember that this is a School Bus Stop for neighborhood children. Furthermore, one of the road entry points would be very close to an existing four way stop intersection, creating an additional hazard. The creation of this precarious traffic situation is the second reason for asking the city to deny this development plan.

In the public meeting held by the developer on 15 August 2024, the developer said that they purchased 3.24 acres. In the plan that they presented at this meeting there are 15 lots. The developer stated that each

lot would be 0.22 acres. Fifteen lots times 0.22 acres equals three point three (3.3) acres. It is easy to see that something is wrong, since according to the developer there are 3.24 acres. Furthermore, on the developer's plan as presented there are roads and a retention pond. One can safely assume that these structures would also take up part of the property. On the surface this plan and the information presented by the developer lacks integrity. This lack of integrity is the third reason for asking the city to deny this development plan.

Drainage and stormwater runoff would also be an additional problem for this development plan. Currently without any hard nonpermeable surfaces this property has runoff problems. Even with the vegetation and permeable surfaces that are present, water and sediment flows on the sidewalk and road at NW O and 3rd Streets, creating a mess at best and during the wintertime dangerous icy conditions. Again, this intersection is a School Bus Stop for neighborhood children. This development plan would create a huge amount of nonpermeable surfaces and rooftops that could overwhelm the existing stormwater/drainage infrastructure, causing even more problems than already exist at this busy intersection. This is the fourth reason for asking the city to deny this development plan, The Echelon by Leadership Properties.

It is my understanding that the initial development plan created for this property called for 6 homes to be built on this parcel. I cannot speak for the community, but I do feel safe in saying that the community would support this plan. I am not opposed to development, but the development should fit into the existing community. The plan presented; The Echelon by Leadership Properties does not even come close to fitting into the community. I request that the city deny any request for waivers and permits for Leadership Properties for 1602 NW O Street and its surroundings. Thank you for your service.

Sincerely,

Ken Leonard

[REDACTED]
Bentonville, AR 72712
[REDACTED]
[REDACTED]

--

Ken Leonard

[REDACTED]

[REDACTED]

--

Ken Leonard

[REDACTED]

[REDACTED]

August 18, 2024

Tyler Overstreet
305 NW A Street
Bentonville, AR 72712

Re: Vote NO to Planned Residential Development for Echelon
1603 NW 3rd Street/ 1603 NW Appaloosa Ave

Dear Mr. Overstreet:

The Echelon by Leadership Properties is planning to ask the City of Bentonville to approve a high-density Planned Residential Development (PRD) zoning plan for 1602 NW 3rd Street. The proposed development includes 21 living units - 9 single family homes and 12 townhomes. This plan is ill-conceived and incompatible with surrounding neighborhoods. Please vote NO to this planned development for the following reasons:

Design: The proposed townhomes and single-family homes, some of which are three stories, are incompatible with surrounding neighborhoods. This urban design will create a loss of privacy for adjacent homeowners. The 6 foot privacy fences currently in place will do no good for 3 story units that will peer over into neighbors yards, making existing neighbors backyard space no longer private. Also, the design does not meet the City's criteria for a PRD and goes against the City of Bentonville's Master Plan.

In addition, the Echelon Group has stated that none of these properties will be rentals. Without a HOA, how are they going to enforce that? They cannot. I point to the development of Elm Tree Townhomes at 3102 SW 2nd Street as an example of how that was not enforced. All of the townhomes were purchased and became rentals. The properties were nice enough with landscaping, but because they are not owner occupied, the grounds around the property are not well maintained. The green area between the sidewalk and the road is often overgrown and there are large "NOW LEASING" signs hanging off of the buildings.

The urban design of the properties are also not in keeping with the style of the surrounding neighborhoods. The design is modern and trendy, which will pass in a few years. They will become an eye sore and out of place with the traditional homes in

the neighborhoods.

Density: The density of the proposed Echelon plan is incompatible with surrounding properties, which typically have .25 acre lots with yards and driveways for off-street parking. The proposed plan does not align with Bentonville's Master plan. The property is currently zoned as a mix of Residential Estate and R-1. The zoning for this property in the City's proposed Future Land Use Plan is "Neighborhood-Suburban" and is the same as surrounding neighborhoods.

The Echelon group is trying to say that the lots are comparable to the surrounding area, but they are taking into consideration roads and a common space. In measuring the total space of the Echelon development against Windsor Manor to make an apples to apples comparison, the numbers are as follows:

Windsor Manor	Area Acreage 12.66 acres	Homes 31 = .40 acres per home
Echelon	Area Acreage >4 acres	Homes 21 = .19 acres per home

Safety: In case of a fire, parking on narrow streets will cause a significant safety issue as fire engines will have problems accessing the property. The plan calls for two cuts onto 3rd Street, crossing the bike path. The cuts are too close to existing crossroads and on an incline. The bike path is heavily used by families biking their children to and from school during peak hours.

Traffic: 21 units will result in approximately 50 to 60 additional vehicles needing access to 3rd Street, which already has long backups during peak hours.

In addition, traffic on NW O Street and Appaloosa Avenue will increase dramatically. There are mostly families with children along these streets and this will increase the risk of a child being hit in traffic. People do not let their children play near NW 3rd Street due to the traffic, but this will increase the traffic so much there will be no safe areas for the children along this new route to play.

Noise: Adding homes with open balconies will increase noise in our neighborhood. It is likely that many of these properties will become rentals and thus "party pads" as evidenced by their own presentation that states "porch living". This will be a disturbance and will increase the number of calls to Bentonville police for noise complaints. The homes down NW 3rd are just that - homes. They are not apartments or weekend getaways. People live here. Allowing a development that will be rentals and AirBnBs will take away from the neighborhood and introduce an unwanted element. As neighbors that have already had to contact the city about keeping the lot mowed, this will only

increase.

Parking and Road Width: The plan does not provide adequate parking. With only two garages and no driveways, residents and their guests will park on the streets. The plan does not provide information about whether the roads will be public or private. Private roads can be narrow and have no parking.

Drainage/Storm Water: Ever since previous property owners filled the drainage ditch at 3rd and O St, the Windsor neighborhood has been plagued by stormwater, which flows over NW O Street. Increasing density will create more flooding and stormwater problems.

Misrepresentations by Echelon: The Echelon Group have already made several misrepresentations about the property to the point that we cannot trust what they say. Those are as follows:

- They state that the prices will begin at \$800,000. The current price per square foot of the homes in the surrounding area is around \$200. If they build a 2400 sq ft townhouse, that is \$432/sq ft. Comps for townhomes do not support this at all except within a few blocks of the square, and it is higher than even those. Comps at a comparable distance from the square are in the \$150 - 180/sq ft range, which puts the price point around \$400k. At \$400k, the properties will attract real estate investors and they will become short term rentals.
- They state all will be owner occupied and no rentals. Because there will not be an HOA, that is unenforceable and the price point as stated above will make these perfect investments for real estate investors.
- As covered above, they stated that each home will have a similar footprint to those of the surrounding neighborhoods. That is false as they are taking into account the entire acreage that includes roads.
- They stated in their letter to the neighbors that they would build a gate on Appaloosa for emergency vehicles only. In the meeting, they said they could not get a gate because it was against city ordinance, but those present pointed out there are gates in numerous neighborhoods and there is just an exception process.
- They stated in their letter that they would share copies of the plan if asked. Numerous people requested prior to the meeting, but they never received them. It was not until after the meeting they provided the presentation.
- They have done nothing to maintain the property since purchasing. Windsor neighbors had to call the City of Bentonville to just get them to cut the grass in the lot, which was a fire hazard. They also have several trees down on the

property since the tornado and have done nothing to clean them up.

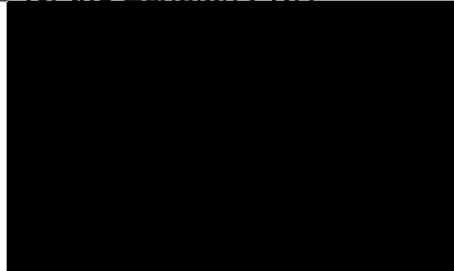
I am not opposed to the development of the land, but it needs to be in keeping with the surrounding neighborhoods of single family homes. This is just Echelon Group squeezing as many properties onto that plot of land so they can make as much money as possible. This is just greed that will only decrease the quality of life for those who currently live here. Vote NO for the Echelon PRD

Sincerely,

Justin Webster

Resident, Windsor Manor

CC: Windsor Manor HOA



FW: Echelon Development on 1602 NW 3rd Street

Jon Stanley [REDACTED]

Tue 8/20/2024 3:22 PM

To: Sophie McAdara [REDACTED]



From: Ashley Adams [REDACTED]

August 20, 2024 9:49 AM

To: Jon Stanley [REDACTED]

Subject: Echelon Development on 1602 NW 3rd Street

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Mr. Stanley,

I would ask that you consider voting no on the proposed plan for Echelon Development at 1602 NW 3rd street, it is a bad idea and incompatible with the area that it is planned for. Along with this I offer the following thoughts.

- It is entirely too big for the lot size. With single family homes lining both sides of the property it doesn't add any value to the area. The reason I chose to purchase the property I live at was because there were not high-density living properties. To add one takes away from the homey neighborhood appeal and does not fit with the current zoning of this area. Additionally, there is already a high-density complex being added at the intersection of 3rd and Walton which will make an already congested area even more so.
- Traffic along 3rd street is already tricky with the added bike lane. The proposed development will add an additional burden to an already congested area. The current number of bikes and vehicles makes for sometimes dangerous situations. Additional homes will create additional vehicles and that is irresponsible. With the number of properties they are planning to add there will be no additional space for parking thus leading to extra congestion in the already narrow streets of the surrounding neighborhoods. Should there ever be a fire it will cause a significant safety issue as fire engines will have problems accessing the property. The plan calls for two cuts onto 3rd street, crossing the bike path. The cuts are too close to existing crossroads and on an incline. The bike path is heavily used by families biking their children to and from school during peak hours.
- The drainage ditch on the property was filled in and has caused flooding of debris on to the sidewalk leading into Windsor Manor. I've seen firsthand bikes that have wrecked because of the additional debris on the sidewalk. I can't imagine what the drainage will be like when the proposed 21 units are added.

People are moving to Bentonville in droves and it's wonderful, but the city needs to plan responsibly for this growth. Putting high-volume complexes into and around already established neighborhoods is not only disrespectful of the current property owners, but also takes away from the wonderful feel that makes Bentonville so great. I ask that you think about it as if it were your own neighborhood, and a large complex was added to your backyard. Please consider these factors as the city continues to grow and flourish.

Warm Regards,
Ashley Adams



RE: Please VOTE NO on the Echelon Planned Residential Development (PRD) for 1602 NW 3rd Street

Jon Stanley [REDACTED]

Wed 8/21/2024 9:31 AM

To: Randy A Green [REDACTED] >

Cc: Sophie McAdara [REDACTED]

Mr. Green,

Thank you for your comments. We will ensure that your comments are included in the packet when this item goes to Planning Commission for consideration.



From: Randy A Green [REDACTED]

Sent: Wednesday, August 21, 2024 9:27 AM

To: Jon Stanley [REDACTED]

Subject: Please VOTE NO on the Echelon Planned Residential Development (PRD) for 1602 NW 3rd Street

You don't often get email from ragreen731@icloud.com. [Learn why this is important](#)

Hi Jon-

I hope you are doing well-

I write to you today to ask for you to consider voting no on the planned expansion of townhome adjacent to my home just off of 3rd Street. I live on O street and would be the second house away from the proposed expansion. I have many concerns with the development of 3 story townhomes as do most of my neighbors. The top floor of these townhomes would be looking down into my backyard and many others. Aside from that invasion of privacy, here is a list of other concerns.

- **Design:** The proposed townhomes and single-family homes, some of which are three stories, are incompatible with surrounding neighborhoods. The proposed development plan does not meet the city's purpose for a PRD
- **Density:** The density of the proposed Echelon plan is incompatible with surrounding properties, which typically have .25 acre lots with yards and driveways for off-street parking. The proposed plan does not align with Bentonville's Master plan. The property is currently zoned as a mix of Residential Estate and R-1. The zoning for this property in the City's proposed Future Land Use Plan is "Neighborhood-Suburban" and is the same as surrounding neighborhoods.
- **Safety:** In case of a fire, parking on narrow streets will cause a significant safety issue as fire engines will have problems accessing the property. The plan calls for two cuts onto 3rd Street, crossing the bike path. The cuts are too close to existing crossroads and on an incline. The bike path is heavily used by families biking their children to and from school during peak hours.
- **Traffic:** 21 units could result in 40 to 60 additional vehicles needing access to 3rd Street, which already has long backups during peak hours.
- **Noise:** Adding homes with open balconies will increase noise in our neighborhood.
- **Parking and Road Width:** The plan does not provide adequate parking. With only two garages and no driveways, residents and their guests will park on the streets. The plan does not provide information about whether the roads will be public or private. Private roads can be narrow and have no parking.
- **Drainage/Storm Water:** Ever since previous property owners filled the drainage ditch at 3rd and O St, the Windsor neighborhood has been plagued by storm water, which flows over NW O Street. Increasing density will create more flooding and storm water problems.

Needless to say, the traffic along 3rd street is already heavy as it is a main access to Coler park and the trails. As residents, we frustratingly see more often than not, cars blow through the stop signs at the intersection of 3rd and O. This proposed rezoning would certainly exacerbate that problem.

Randy A Green


From: Tyler Overstreet
Sent: Wednesday, August 21, 2024 10:55 AM
To: Beverly Hall; Bradley Gavrielides; Brittany Chue; Jon Stanley; Keegan Stanton; Sophie McAdara; Thomas Adler
Subject: FW: Opposition to Proposed PRD at 1602 NW 3rd Street

Regards,



TYLER OVERSTREET

Planning Director

479.271.3122

305 SW A Street
Bentonville, AR 72712

www.bentonvillear.com

Help shape the future of Bentonville. Promote what we want. Preserve what we need your voice. Learn more and take the survey: www.planbentonville.com

From: Ben Nice <benjamin.nice@gmail.com>
Sent: Wednesday, August 21, 2024 10:32 AM
To: Tyler Overstreet <toverstreet@bentonvillear.com>
Subject: Opposition to Proposed PRD at 1602 NW 3rd Street

You don't often get email from benjamin.nice@gmail.com. [Learn why this is important](#)

Dear Mr. Tyler Overstreet-

I am writing to express my strong opposition to the proposed Planned Residential Development (PRD) for 1602 NW 3rd Street, put forth by Leadership Properties under the name "Echelon" (PRD24-0004 & WAV24-0012). My land is directly adjacent to this new proposed development and would greatly impact my home and my family. This development proposes to introduce 21 high-density residential units—9 single-family homes and 12 townhomes—into an area currently zoned as a mix of Residential Estate

and R-1. I urge you and the City Council to vote against this PRD proposal for the following reasons:

1.

2.

3. **Safety Issues:**

4. I think we can all agree that safety is always the number one priority and this plan is very concerning. The proposed layout, including two access points onto NW 3rd Street, poses significant safety risks. These access points are positioned too close to existing

5. crossroads and on a slope which make it very hard to see oncoming traffic, bicycles and pedestrians as you try to pull out. This would almost certainly lead to more accidents at this location. The design would also impede emergency services, particularly fire

6. trucks. The proximity of these access points to a heavily used bike path, frequented by families during school hours, exacerbates these concerns.

7.

8.

9.

10. **Design Incompatibility:**

11. Bentonville's Master Plan and the current zoning designation for this area make much more sense than this PRD. One required feature of a PRD is to "Strengthen and encourage growth in existing communities" and I would argue that this proposal would do the opposite.

12. The design fails to meet the spirit of Bentonville's PRD guidelines, which aim to ensure harmonious integration with surrounding communities and would be like trying to fit a square peg in a round hole.

13.

14.

15.

16. **Privacy Concerns:**

17. This urban plan includes many three-story townhomes with rooftop decks which will lead to a significant loss of privacy for adjacent homeowners, disrupting the character of our well-established residential area. As one of those landowners, I am very worried

18. about so many people, especially those in short term rentals, being able to look straight down on my backyard as my young children play.

19.

20.

21.

22. **Density Concerns:**

23. The density of the Echelon plan is vastly inconsistent with neighboring properties, which generally feature .25-acre lots with ample yards and driveways for off-street parking. The Future Land Use Plan designates the area as “Neighborhood-Suburban,” consistent

24. with the surrounding residential properties, not the high-density proposal put forth.

25.

26.

27.

28. Traffic Congestion:

29. Introducing 21 new residential units could add 40 to 60 vehicles to NW 3rd Street, a road already experiencing long backups during peak hours. That traffic will inevitably spill over into the surrounding neighborhoods, leading to more safety concerns. The

30. increase in traffic will further strain an already congested area, making daily commutes more difficult for current residents.

31.

32.

33.

34. Parking and Road Width:

35. The development’s plan does not address adequate parking provisions. With only two garages and no driveways, residents and visitors will be forced to park on the streets and surrounding neighborhoods. Furthermore, without clarification on whether roads will

36. be public or private, there are concerns about the adequacy of road width and parking availability.

37.

38.

39.

40. Drainage and Stormwater Management:

41. My land sits at the corner of 3rd and O Street and has been directly affected by the stormwater issues since the drainage ditch at 3rd and O Street was filled in by previous property owners. Increasing the density of this development will likely exacerbate

42. flooding problems, negatively impacting both the Windsor Manor neighborhood and the broader community.

43.

Given these concerns, the proposed Echelon PRD is ill-conceived and out of sync with the needs and existing characteristics of our community. I respectfully request that you and the City Council reject the proposed zoning change and uphold the integrity of our neighborhood.

Thank you for considering my concerns.

Sincerely,

Benjamin Nice

[REDACTED]

Bentonville, AR 72712

[REDACTED]

[REDACTED]

RE: Echelon: New Development Next to Winsor Manor

Jon Stanley [REDACTED]

Wed 8/21/2024 1:29 PM

To: Art Guillen [REDACTED]

Cc: Sophie McAdara [REDACTED]

Hi Art,

Thank you for your comments. We will ensure that your comments are included in the packet when this item goes to Planning Commission for consideration.



From: Art Guillen [REDACTED]

Sent: Wednesday, August 21, 2024 11:25 AM

To: Jon Stanley [REDACTED]

Subject: Echelon: New Development Next to Winsor Manor

You don't often get email from aguillen_2691@outlook.com. [Learn why this is important](#)

Hello Mr. Senior Planner, Jon Stanley,

My name is Art Guillen, and I have lived at [REDACTED] since 2006. My property is directly adjacent (West) to the property known as 1602 NW 3rd Street where it is intended to create a residential development called Echelon by Leadership Properties. Throughout the years said property has been sold and acquired by many and has created many challenges to my family and me due to lack of maintenance.

Recently I received a letter from Leadership Properties explaining plans they have for the lot and then we met downtown at the Arvest conference room on 8/15 for a townhall meeting. In the meeting they explained that they plan to build 12 Townhouses, 9 Traditional Homes and a Recreation Area. Our neighborhood, Windsor Manor, comprised of around 36 houses is a calm, peaceful, safe neighborhood where we know and look after each other. I personally am delighted that finally the lot next to my house is being developed; however, the plan that was presented to my neighbors and I is worrisome given the following:

- High Density – The proposed 12 Townhouses and 9 homes crammed into a limited space means that many people will live there, perhaps more than live in my neighborhood. As you are well aware new population in a location have needs as; Utilities, mobility, high human interaction and not to mention future subleasing homes, Air B&B's, etc.
- Structural Quality, design, and value – Our properties were built by Wayne Mumford and are well made, are of great quality with ample yards and value. Having a dense neighborhood with smaller houses, townhouses, smaller yards affect the value of our properties.
- Traffic – As mentioned our neighborhood is calm, peaceful, and safe and having so many people in the adjacent neighborhood and being connected to our neighborhood through NW Appaloosa Ave, there will be a huge increase in traffic which will be annoying and unsafe to our children who are used to being safe on Appaloosa Ave and O Street. We were hoping that they would have a gate that would be used only for emergencies and service, but not for everyday traffic. 3rd street as it is with you bright idea of enhanced bike trail is dangerous and very narrow.
- Drainage/Storm Water - Ever since previous property owner filled the drainage ditch at 3rd and O St, the Windsor Manor neighborhood has had issues stormwater, which flows over NW O Street. Increasing density will create more flooding and stormwater problems.
- Property Line Enclosure - Echelon should have a heavy-duty Fence along their property line in order to protect their side as well as our side from all the activity that will be taking place on their neighborhood. Should the easement be an issue, I would be willing to remove my fence.

- Safety – As a +18-year resident of Winsor Manor and being adjacent to the mentioned property, I am concerned about the changes that will take place if you authorize the current Echelon planned proposal. My family and I have lived in this house safe and peaceful for +18 years and we have a 5-year-old son, and we oppose to this radical, high-density proposal which is not in line with the community we live in.

In conclusion:

- We urge you not to accept the Planned Residential Development (PRD) for Echelon - Have them go back to the drawing board and come up with a plan that is more commensurate to Neighborhoods surrounding, and consider our concerns and requests.
- Please do not prioritize companies' ambition to maximize profits over resident taxpayers and their families.

Thank you in advance for your support and attention to this matter,

Art Guillen

[REDACTED]
Bentonville, AR 72712
[REDACTED]

FW: 1602 NW 3rd Street-PRE

Tyler Overstreet [REDACTED]

Fri 8/23/2024 9:05 AM

To: Beverly Hall [REDACTED]; Bradley Gavrielides [REDACTED]; Brittany Chue [REDACTED]; Jon Stanlev [REDACTED]; Keegan Stanton [REDACTED]; Sophie McAdara [REDACTED]; Thomas Adler [REDACTED]

Regards,



TYLER OVERSTREET

Planning Director

479.271.3122
305 SW A Street
Bentonville, AR 72712
www.bentonvillear.com

Help shape the future of Bentonville. Promote what we want. Preserve what we love. We need your voice. Learn more and take the survey: www.planbentonville.com

From: Beth Allar [REDACTED]
Sent: Thursday, August 22, 2024 10:44 PM
To: Tyler Overstreet [REDACTED]
Subject: 1602 NW 3rd Street-PRE

You don't often get email from bethallar@yahoo.com. [Learn why this is important](#)
Good Evening;

First, I'd like to thank you for your service and dedication to the City of Bentonville. My husband, our two boys, and I have lived in Bentonville for 16 years. We have a graduate of BHS, and a current senior at BHS, my husband and I are both involved with city organizations and we both work in Bentonville. Simply put, we are invested in our city and are proud of it.

We are not opposed to growth and development. We support it and understand the 1602 NW 3rd Street property was one day going to be developed. What I disagree with is the proposed plan. Please VOTE NO on the Echelon Planned Residential Development.

Here are a few facts and opinions about why I feel the PRD should not be approved:

1) City Plan. The proposed Echelon plan does not fit into the year-long conversations that the city is presenting to the residents on how and where we want to grow. Specifically, it does not fall into the Place Type of the Neighborhood Center which is broken down into the Urban, Walkable, or Suburban neighborhood plan. Townhomes three levels high with open rooftops do not fit in the mix of the current residential single-family home format. It is obvious the city planning committee has put much time, taxpayer money, and thought into the plan and I think it is detrimental to implement the city plan.

2) Safety. The proposed development will add burden to an already congested area. I understand the current number of needed entrances/exits in a neighborhood due to safety, however, by adding an entrance on Appaloosa, it will be utilized by all 21 families in Echelon due to the access of bikes and vehicles traveling east and west on 3rd Street has tripled since the opening of the Coler Bike Hub. The plan calls for two cuts onto 3rd Street, crossing the bike path. The cuts are too close to existing crossroads with limited vision because of a hill. The bike path is heavily used, *as it was intended*, therefore we should take into consideration the safety of bikers.

3) Proposed traffic flow through Windsor Manor Subdivision on Appaloosa: I understand the need for two four-way stops on 3rd Street.

Thank you for considering as our city continues to grow and thrive,

Beth Bolena



RE: Echelon Planned Residential Development

Jon Stanley [REDACTED]

Fri 8/23/2024 10:20 AM

To: Leslie Nice [REDACTED]

Cc: Sophie McAdara [REDACTED]

Leslie,

Thank you for your comments. We will ensure that your comments are included in the packet when this item goes to Planning Commission for consideration.



From: Leslie Nice [REDACTED]

Sent: Friday, August 23, 2024 10:14 AM

To: Jon Stanley [REDACTED]

Subject: Echelon Planned Residential Development

You don't often get email from [REDACTED] [Learn why this is important](#)

Hello Mr. Stanley,

I hope this message finds you well. My name is Leslie, and I'm writing to express my deep concerns regarding the proposed Echelon development at 1602 NW 3rd Street, which is planned to include 21 living units on less than 4 acres of land. As a resident of Windsor Manor, the neighborhood directly adjacent to this development, I want to share the impact this project could have on my family, our neighborhood, and the surrounding communities.

As a mother of three young children who love to ride their bikes and play outside, I'm particularly worried about the potential increase in traffic. The proposed plan includes a new road that would open directly into our neighborhood. Our streets are already busy, and adding more vehicles would not only worsen the traffic but also heighten safety concerns, especially with children around. I fear that more cars speeding through our streets will create a dangerous environment for my kids and others in the community.

Privacy is another major concern. The proposed townhomes include three-story units with rooftop terraces that will overlook my yard and those of my neighbors. This loss of privacy is deeply unsettling, as our yards are where we spend a lot of family time. It's where my children play, and I worry about the lack of security that these elevated structures could bring.

Additionally, the density of this development is out of character with the surrounding neighborhoods, which consist of single-family homes on more spacious lots. The current zoning reflects a more suburban, family-friendly environment, which is why we chose to live here. Allowing a high-density development like this one would not only disrupt the aesthetic and character of our neighborhood but also go against the city's vision for this area, as laid out in the Master Plan.

Beyond these personal concerns, I am also troubled by the broader implications for safety and infrastructure. The increased density will strain our already narrow streets, making it difficult for emergency vehicles to navigate, particularly

if cars are parked on the street. This could be a serious issue in case of a fire or other emergencies. Moreover, there is an existing stormwater drainage problem caused by changes the previous property owner made, which has worsened over time. Whenever it rains, the inadequate drainage causes water to overflow onto the sidewalks and our land, creating a mess and potential hazards. I am deeply concerned that the construction of a dense development on that plot will exacerbate this issue, leading to even more significant flooding and damage. This situation needs to be addressed with careful consideration of the impact on our land and community.

Lastly, I worry about the impact of noise and congestion from the additional residents, particularly those with open balconies, which will inevitably bring more activity and disturbances to our peaceful neighborhood.

In light of these issues, I respectfully urge you to **vote against the rezoning request for the Echelon PRD**. While I understand the need for growth and development, it should not come at the cost of the safety, privacy, and character of existing neighborhoods.

Thank you for taking the time to consider my concerns. I appreciate your attention to this matter and your commitment to preserving the integrity of our community.

Sincerely,

Leslie Nice



FW: Please VOTE NO on the Echelon Planned Residential Development/1602 NW 3rd St. -PRD

Tyler Overstreet [REDACTED]

Mon 8/26/2024 7:17 AM

To: Beverly Hall [REDACTED] >; Bradley Gavrielides [REDACTED] >; Brittany Chue [REDACTED] >; Jon Stanlev [REDACTED] >; Keegan Stanton [REDACTED] >; Sophie McAdara [REDACTED] >; Thomas Adler [REDACTED] >

Regards,



TYLER OVERSTREET

Planning Director



479.271.3122



305 SW A Street
Bentonville, AR 72712



www.bentonvillear.com

Help shape the future of Bentonville. Promote what we want. Preserve what we love. We need your voice. Learn more and take the survey: www.planbentonville.com

From: Ron Bolena [REDACTED] >

Sent: Friday, August 23, 2024 11:12 PM

To: Tyler Overstreet [REDACTED]

Subject: Please VOTE NO on the Echelon Planned Residential Development/1602 NW 3rd St. -PRD

You don't often get email from [REDACTED] [why this is important](#)
Good Evening;

First, I'd like to thank you for your service and dedication to the City of Bentonville. My husband, our two boys, and I have lived in Bentonville for 16 years. We have a BHS graduate and a current senior. My husband and I are involved with city organizations and work in Bentonville. Simply put, we are invested in our city and are proud of it.

We are not opposed to growth and development. We support it and understand the **1602 NW 3rd Street property** will one day be developed. What I disagree with is the proposed plan. ***Please VOTE NO on the Echelon Planned Residential Development.***

Here are a few facts and opinions about why I feel the PRD should not be approved:

1) City Plan. The proposed Echelon plan fits outside the year-long conversations the city presents to the residents on how and where we want to grow. Specifically, it does not fall into the Place Type of the Neighborhood Center, broken down into the Urban, Walkable, or Suburban neighborhood plan. Townhomes three levels high with open rooftops do not fit in the mix of the current residential single-family home format. The city planning committee has put much time, taxpayer money, and thought into the plan, and I believe that the current plans submitted by Echelon need to meet city standards.

2) Safety. The proposed development will add burden to an already congested area. I understand the current number of needed entrances/exits in a neighborhood due to safety; however, by adding an entrance on Appaloosa, all 21 families in Echelon will utilize it due to bikes and vehicles traveling east and west on 3rd Street, which has tripled since the opening of the Coler Bike Hub. The plan calls for two cuts onto 3rd Street, crossing the bike path. The cuts are too close to existing

crossroads, and the vision is limited because of the hill. The bike path is heavily used, *as it was intended*; therefore, we should consider the safety of bikers.

3) Proposed traffic flow through Windsor Manor Subdivision on Appaloosa: I understand the need for two four-way stops on 3rd Street.

Thank you for considering as our city continues to grow and thrive.

Ron Bolena

[REDACTED]

[REDACTED]

RE: Opposition to: 1602 NW 3rd Street by Echelon by Leadership Properties

Jon Stanley [REDACTED] >

Mon 8/26/2024 8:21 AM

To [REDACTED]

Cc: Sophie McAdara [REDACTED]

Hello James,

Thank you for your comments. We will ensure that your comments are included in the packet when this item goes to Planning Commission for consideration.



From: [REDACTED]

Sent: Saturday, August 24, 2024 8:12 AM

To: [REDACTED]

Subject: Opposition to: 1602 NW 3rd Street by Echelon by Leadership Properties

Some people who received this message don't often get email from jamesc.dockery@gmail.com. [Learn why this is important](#)

Dear Planning Commissioner

I am writing to express my strong opposition to the proposed high-density Planned Residential Development (PRD) zoning designation for 1602 NW 3rd Street by Echelon by Leadership Properties. This development plan, which includes 21 living units consisting of 9 single-family homes and 12 townhomes, is ill-conceived and incompatible with the surrounding neighborhoods for several reasons:

Design: The proposed townhomes and single-family homes, some of which are three stories tall, are entirely out of character with the surrounding neighborhoods. This urban design will significantly reduce the privacy of adjacent homeowners. Additionally, the proposed development plan does not align with the city's stated purpose for a PRD.

Density: The density of the proposed Echelon plan is not in harmony with surrounding properties, which typically feature .25-acre lots with yards and driveways that allow for off-street parking. The proposed development is inconsistent with Bentonville's Master Plan. The property is currently zoned as a mix of Residential Estate and R-1, and the zoning for this property in the City's proposed Future Land Use Plan is "Neighborhood-Suburban," which matches the zoning of the surrounding neighborhoods.

Safety: The development plan raises significant safety concerns. Parking on the narrow streets within the proposed development will likely cause issues for emergency vehicle access, particularly fire engines. Additionally, the plan calls for two cuts onto 3rd Street, which crosses a heavily used bike path. These cuts are too close to existing crossroads and are located on an incline, further exacerbating the safety risks, especially during peak hours when families use the bike path to transport their children to and from school.

Traffic: With 21 units potentially resulting in 40 to 60 additional vehicles, the increased traffic on 3rd Street is likely to cause even longer backups during peak hours. The current traffic situation on 3rd Street is already strained, and this development will only worsen the congestion.

Noise: The addition of homes with open balconies will inevitably increase noise levels in our neighborhood, further disrupting the quiet, residential character of the area.

Parking and Road Width: The plan does not provide adequate parking solutions. With only two garages and no driveways, residents and their guests will be forced to park on the streets. Moreover, the plan fails to clarify whether the roads within the development will be public or private. Private roads can often be narrow and lack sufficient parking spaces.

Drainage/Storm Water: The Windsor neighborhood has experienced persistent stormwater issues ever since previous property owners filled the drainage ditch at 3rd and O Street. Increasing the density on this property will likely exacerbate flooding and stormwater problems, further threatening our community.

In summary, the proposed development at 1602 NW 3rd Street by Echelon is incompatible with the character, safety, and well-being of the surrounding neighborhoods. I respectfully urge you as a member of the Planning Commission to deny the request for a high-density PRD zoning designation to preserve the integrity of our community.

Thank you for considering my concerns. I hope you will stand with the hundreds of families living along the 3rd Street Corridor and the thousands of bikers and pedestrians who rely on 3rd Street to access Coler.

Sincerely,

James C. Dockery

[REDACTED]
Bentonville, AR 72712

RE: Please vote no on Echelon 3rd St Development

Jon Stanley [REDACTED]

Tue 8/27/2024 10:06 AM

To:Sandra Hutchens [REDACTED]

Cc:Sophie McAdara [REDACTED]

Hello Sandra,

Thank you for your comments. We will ensure that your comments are included in the packet when this item goes to Planning Commission for consideration.

-----Original Message-----

From: Sandra Hutchens [REDACTED]

Sent: Monday, August 26, 2024 8:45 PM

To: Jon Stanley [REDACTED]

Subject: Please vote no on Echelon 3rd St Development

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

August 27, 2024

Mr. Stanley,

Please vote no on the Echelon Planned Residential Development for 1602 NW 3 Street.

I already personally experience concerns regarding cars and bicycler safety as I travel 3rd Street from my Cross Creek Street residence several times a day. I try to drive 3rd Street during times that attempt to avoid the heavy use of school buses as they travel 3rd Street. The additional car traffic needing 3rd Street access, should the Echelon project proceed, would cause greater congestion and add to the already huge safety concerns I have with the interactions of cars, walkers, strollers, and bikers. The bike lanes have helped but many times bikers use the car traffic lanes and weirdly I've witnessed cars getting confused and accessing bike only lanes. My point is the present shared street is already challenging without adding to the congestion that would come with the Echelon Development for 1602 NW 3rd Street. Please vote no.

Thank you.

Sandra Hutchens

[REDACTED]
Bentonville

RE: No Planned Residential Development (PRD) for Echelon

Jon Stanley [REDACTED] >

Mon 8/26/2024 8:40 AM

To: Jackie Suggitt [REDACTED]

Cc: Sophie McAdara [REDACTED]

Good morning Jackie,

Thank you for your comments. We will ensure that your comments are included in the packet when this item goes to Planning Commission for consideration.



From: Jackie Suggitt [REDACTED]

Sent: Friday, August 23, 2024 3:29 PM

To: Jon Stanley [REDACTED]

Subject: No Planned Residential Development (PRD) for Echelon

You don't often get email from jlondon6@gmail.com. [Learn why this is important](#)

Good Afternoon - Echelon by Leadership Properties is planning to ask the City of Bentonville to approve a high-density Planned Residential Development (PRD) zoning designation for 1602 NW 3rd Street. The proposed development includes 21 living units - 9 single family homes and 12 townhomes. This plan is ill-conceived and incompatible with surrounding neighborhoods. As a resident of Saddlebrook Estates, adjacent to the property in question, I have strong concerns about the proposed development.

High Level Summary: As a parent of three young kids, one of whom I bike to Kindergarten everyday along the protected 3rd street bike lane, I am very concerned for my family's safety by adding in two additional entry/exit driveways along a very busy bike lane, especially one heavily used by children.

My Address: [REDACTED]; Bentonville, AR 72712

Key Ask: Please VOTE NO on the Echelon Planned Residential Development (PRD) for 1602 NW 3rd Street.

Additional Reasoning:

-
- **Safety:** In case of a fire, parking on narrow streets will cause a significant safety issue as fire engines will have problems accessing the property. The plan calls for two cuts onto 3rd Street, crossing the bike path. The cuts are too close to existing crossroads and on an incline. The bike path is heavily used by families biking their children to and from school during peak hours.
Design: The proposed townhomes and single-family homes, some of which are three stories, are incompatible with surrounding neighborhoods. This urban design will create a loss of privacy for adjacent homeowners. The proposed development plan does not meet the city's purpose for a PRD
- **Density:** The density of the proposed Echelon plan is incompatible with surrounding properties, which typically have .25 acre lots with yards and driveways for off-street parking. The proposed plan does not align with Bentonville's Master plan. The property is currently zoned as a mix of Residential Estate and R-1. The zoning for this property in the City's proposed Future Land Use Plan is "Neighborhood-Suburban" and is the same as surrounding neighborhoods.
- **Traffic:** 21 units could result in 40 to 60 additional vehicles needing access to 3rd Street, which already has long backups during peak hours.
- **Noise:** Adding homes with open balconies will increase noise in our neighborhood.
- **Parking and Road Width:** The plan does not provide adequate parking. With only two garages and no driveways, residents and their guests will park on the streets. The plan does not provide information about whether the roads will be public or private. Private roads can be narrow and have no parking.

Thank you for your consideration.



FW: Echelon

Jon Stanley [REDACTED] >

Thu 8/29/2024 10:56 AM

To: Sophie McAdara [REDACTED]

Cc: Bradley Gavrielides [REDACTED]

She included her address on this one.



From: Lynne Dinas [REDACTED]

Sent: Thursday, August 29, 2024 10:54 AM

To: Jon Stanley [REDACTED]

Subject: Re: Echelon

You don't often get email from [REDACTED] [Learn why this is important](#)

Lynne Dinas

[REDACTED] Bentonville ar

Dear John Stanley,

I am writing in hopes you will consider and address my concerns regarding "The Echelon Development"

And ask you to vote NO

First is the proposed town-homes and single-family homes, are three stories and are not the same as all the current residents in the surrounding neighborhoods.

Second, the proposed development plan does not meet the city's purpose. Most homes in the surrounding area typically have .25-acre lots with yards and driveways for off-street parking. As far as I can see the proposed plan does not seem to align with Bentonville's master plan. And from what I understand the property is currently zoned as a mix of Residential Estate and R-1. The zoning for this property in the City's proposed Future Land Use Plan is "Neighborhood-Suburban" and is the same as surrounding neighborhoods.

I am also concerned about safety, what happens if there's a fire, parking on narrow streets will cause a lot of safety issues, and I feel confident fire engines will have problems accessing the newly proposed property.

When reviewing the plan it calls for two cuts on 3rd Street, crossing the bike path. The cuts are too close to existing crossroads and on an incline. I walk that street every day and it is heavily used by families biking their children to and from school during peak hours. And also many people here ride to Coler to use the bike paths.

With 21 units there could be a minimum of 40 to 60 additional vehicles needing access to 3rd Street, which already has long backups during rush hour. Not to mention additional noise

I am not an expert but it seems like there isn't enough room in the parking plan. With only two garages and no driveways, where will their company park?

I ask you to please keep the integrity of the surrounding neighborhoods



ReplyForward
Add reaction

FW: VOTE NO to the Echelon Planned Residential Development

Tyler Overstreet

Tue 9/3/2024 8:11 AM

To: Beverly Hall >:Bradley Gavrielides >:Brittany Chue >:Jon Stanley
Keegan Stanton >:Sophie McAdara >:Thomas Adler

Regards,



From: Danny Bennett
Sent: Monday, September 2, 2024 1:11 PM
To: Tyler Overstreet >: Thomas Adler
Subject: FW: VOTE NO to the Echelon Planned Residential Development

From: Cameron Dassing
Sent: Wednesday, August 21, 2024 8:49 PM
Subject: VOTE NO to the Echelon Planned Residential Development

Some people who received this message don't often get email from >:Bradley Gavrielides >:Brittany Chue >:Jon Stanley >:Sophie McAdara >:Thomas Adler. [Learn why this is important](#)
Dear Bentonville Leaders. As a resident of the Foxglove Neighborhood, I am asking that you **VOTE NO** on the Echelon Planned Residential Development (PRD) for 1602 NW 3rd Street. I love living and working in Bentonville and am excited about the growth of the city and the ways in which we are diversifying our offerings for those who are moving to the area. I'm sure this type of development would be attractive to newcomers. However, I have several concerns about bringing this type of development specifically to this part of town.

- **Design:** Design of the proposed townhomes and single-family homes, some of which are three stories, is incompatible with surrounding neighborhoods. It is an urban design that will create a *loss of privacy* for adjacent homeowners. The design does not meet the City's criteria for a PRD.
- **Density:** The density of the proposed Echelon plan is incompatible with surrounding properties which typically have .25 acre lots with yards and driveways for off street parking. The proposed plan does not align with Bentonville's Master plan. The property is currently zoned as a mix of Residential Estate and R-1. The zoning for this property in the City's proposed Future Land Use Plan is "Neighborhood-Suburban" which is the same as surrounding neighborhoods.
- **Safety:** In case of a fire, parking on the narrow streets will cause a major safety issue as fire engines will have problems accessing the property. The plan calls for two cuts onto 3rd Street crossing the bike path. The cuts are too close to existing crossroads and on an incline. The bike path is heavily used by families biking their children to and from school during peak hours.
- **Traffic:** 21 units will result in approximately 50 to 60 additional vehicles needing access to 3rd Street which already has long backups during peak hours.
- **Noise:** The addition of homes with open balconies will increase noise in our neighborhood.
- **Parking and Road Width:** The plan does not provide adequate parking. With only two car garages and no driveways, residents and their guests will be parking on the streets. The plan does not provide information about whether the roads will be public or private. Private roads can be narrow with no parking.
- **Drainage/Storm Water:** Ever since previous property owners filled the drainage ditch at 3rd and O St, both the Windsor and Foxglove neighborhoods have been plagued by storm water which flows over NW O Street. Increasing density will create more flooding and storm water problems.
- **Property Values:** While some of the homes will be listed as single-family homes, the combination of townhomes and single-family homes on very small lots will likely have a negative effect on property values overall, specifically for the surrounding neighborhoods. I would recommend having this property zoned the same as surrounding neighborhoods and encourage one of the following options.
- Build housing similar to the new Trail Ridge neighborhood, reducing privacy concerns, limiting traffic, and improving property values for all surrounding neighborhoods

- Large park / playground area similar to Mt Hebron Park in Rogers for the children on this side of town to enjoy.

Thank you for considering this, I look forward to sharing more ideas with you on 08/28 and to the decision not to allow this development to proceed at this location

FW: Echelon by Leadership Properties - Request for zoning 1602 NW 3rd Street

Tyler Overstreet [REDACTED]

Tue 9/3/2024 8:12 AM

To: Beverly Hall [REDACTED]; Bradley Gavrielides [REDACTED]; Brittany Chue [REDACTED]; Jon Stanley [REDACTED];
Keegan Stanton [REDACTED]; Sophie McAdara [REDACTED]; Thomas Adler [REDACTED];

Regards,



TYLER OVERSTREET
Planning Director

479.271.3122
305 SW A Street
Bentonville, AR 72712
www.bentonvillear.com

Help shape the future of Bentonville. Promote what we want. Preserve what we love. We need your voice. Learn more and take the survey: www.planbentonville.com

From: Danny Bennett <DBennett@bentonvillear.com>

Sent: Monday, September 2, 2024 6:21 PM

To: Tyler Overstreet [REDACTED]; Thomas Adler [REDACTED]

Subject: Fwd: Echelon by Leadership Properties - Request for zoning 1602 NW 3rd Street

Begin forwarded message:

From: Brad Anderson [REDACTED]
Date: September 2, 2024 at 5:36:12 PM CDT
To: Danny Bennett [REDACTED]
Subject: Echelon by Leadership Properties - Request for zoning 1602 NW 3rd Street

You don't often get email from brada32017@gmail.com. [Learn why this is important](#)

Echelon by Leadership Properties is planning to ask the Bentonville Planning Commission to rezone 1602 NW 3rd Street from a mix of R-1/R-Estate zoning to a Planned Residential Development (PRD) zoning.

I am asking you to deny this request for the following reasons.

- a. Zoning: The proposed plan does not align with Bentonville's current Master plan and Future Land Use plan. All surrounding neighborhoods are zoned R-1. The property is zoned as a mix of Residential Estate and R-1. In the City's proposed Future Land Use Plan, the zoning of the Echelon parcel and surrounding neighborhoods is "Neighborhood-Suburban."
- b. PRD Criteria: Echelon plan does not meet City criteria for PRD zoning.
- c. Design: Design of the proposed townhouses and single-family homes is barracks style and incompatible with surrounding neighborhoods. The 3-story townhouses create a loss of privacy for adjacent homeowners.
- d. Density: The density of the proposed Echelon plan is incompatible with surrounding properties which typically have .25 acre lots with yards and driveways, and roads wide enough for guest parking.
- e. Safety: In case of a fire, parking on the narrow streets will cause major safety issue as fire engines will have problems accessing the property. The plan calls for cuts on 3rd Street crossing the bike path. The cuts are too close to existing crossroads. The bike path is heavily used by families biking their children to and from school during peak hours.
- f. Traffic: 21 units will result in approximately 50 to 60 additional vehicles needing access to 3rd Street which already has backups during peak hours.
- g. Noise: The addition of homes with open balconies will increase noise in our neighborhood.
- h. Parking and Road Width: The plan does not provide adequate parking. With only two car garages and no driveways, residents and their guests will be parking on the streets. The plan does not provide information about whether the roads will be public or private. Private roads can be narrow with no parking.
- i. Drainage/Stormwater: Previous property owners filled the drainage ditch at 3rd and O St, the Windsor Manor neighborhood

has been plagued by stormwater which flows across NW O Street. Increasing density will create more flooding and stormwater problems.

Appreciate your time and consideration,

Brad Anderson

[REDACTED], Bentonville AR 72712

FW: Echelon Residential Development Plan

Tyler Overstreet

Tue 9/3/2024 8:12 AM

To: Beverly Hall >:Bradley Gavrielides >:Brittany Chue >:Jon Stanley
Keegan Stanton ;Sophie McAdara ;Thomas Adler

Regards,



From: Donna Anderson
Sent: Monday, September 2, 2024 7:11 PM
To: Tyler Overstreet >
Subject: Echelon Residential Development Plan

You don't often get email from <[redacted]> [Learn why this is important](#)
Dear

My name is Donna Anderson and I live at [redacted]. Last week, I attended a neighborhood meeting regarding the Echelon Residential Development plan at 1602 NW 3rd Street. This development includes 9 single family homes and 12 3-story townhomes on 3.2 acres. So about .15 acre per home.

I am opposed to this development for the following reasons:

1. Echelons plan does not meet City criteria for PRD zoning.
2. Design of the proposed townhomes and single-family homes, some is barrack style are incompatible with the surrounding neighborhoods The three-story townhomes will create a loss of privacy for the adjacent homeowners.
3. The density of the proposed Echelon plan is incompatible with surrounding properties which typically have .25 acre lots with yards and driveways, and road wide enough for guest parking.
4. The proposed plan does not align with Bentonville's current master plan. The property is currently zoned as a mix of Residential Estate and R-1. The zoning in the City's proposed Future Land Use Plan is, "Neighborhood-Suburban: which is the same as surrounding neighborhoods.
5. In case of fire, parking on the narrow streets will cause major safety issues as fire engines will have problems accessing the property. The plan calls for two cuts onto 3rd Street crossing the bike path. The cuts are too close to existing crossroads. The bike path is heavily used by families biking their children to and from school during peak hours.
6. Twenty-one units will result in approximately 50 to 60 additional cars needing access to 3rd street which already has backups during peak hours.
7. The addition of homes with open balconies will increase noise in our neighborhood.
8. The plan does not provide adequate parking. With only two car garages and no driveways, residents and their guests will be parking on the streets. The plan does not provide information about whether the roads will be public or private. Private roads can be narrow with no parking.
9. Ever since previous property owners filled the drainage ditch at 3rd and O Street the Windsor Neighborhood has been plagued by stormwater which flows across NW O Street. Increasing density will create more flooding and storm water problems.

My concern is this proposed project is purely profit oriented. Bentonville's Master Plan for the city is to improve the livability of our city and this proposal does not align.

VOTE: NO ON PLANNED RESIDENTIAL DEVELOPMENT (PRD) FOR ECHELON. Work with Echelon to develop a plan consistent with the Master Plan, get rid of multi-family (PRD) and focus on projects that don't further strain our infrastructure (streets/traffic, water runoff, parking and safety).

Best regards,

Re: PRD rezone

Elizabeth Gillespie [REDACTED]

Tue 9/3/2024 8:36 AM

To: Jon Stanley [REDACTED]

Cc: Sophie McAdara [REDACTED]

You don't often get email from [REDACTED]. [Learn why this is important](#)

Appreciate you both!

On Tue, Sep 3, 2024 at 8:13 AM Jon Stanley [REDACTED] > wrote:

Hello Elizabeth,

Thank you for your comments. We will ensure that your comments are included in the packet when this item goes to Planning Commission for consideration.



JON STANLEY

Senior Planner, ASLA, APA

479.271.3122
305 SW A Street
Bentonville, AR 72712
www.bentonvillear.com

Help shape the future of Bentonville. Promote what we want. Preserve what we love. We need your voice. Learn more and take the survey: www.planbentonville.com

From: Elizabeth Gillespie [REDACTED]

Sent: Monday, September 2, 2024 11:55 AM

To: Jon Stanley [REDACTED]

Subject: PRD rezone

You don't often get email from [REDACTED]. [Learn why this is important](#)

Hi!

I'm writing to ask that the development on 1602 3rd Street does not get rezoned for PRD. This plot of land is close enough to Downtown but not close enough. Not only will it create an eye sore, congestion and school rezone nightmare but it takes away from our small quaint 3rd street. There is so many multi family options in this town going up we don't need another one. At a certain point the multi family is great but not on 3rd street. We live in Angel Falls if this gets passed for PRD the small farms will go up for sale and developers will want to build three stories there too. Please stop the bleeding now.

Elizabeth Gillespie

Fwd: Echelon Planning Request on 3rd Street

Danny Bennett [REDACTED]

Thu 9/5/2024 10:01 AM

To: Tyler Overstreet [REDACTED]; Thomas Adler [REDACTED]
Cc: Sophie McAdara [REDACTED]

Begin forwarded message:

From: Lisa Hostetler [REDACTED]

Date: September 5, 2024 at 9:38:31 AM CDT

To: Danny Bennett [REDACTED]

Subject: Echelon Planning Request on 3rd Street

You don't often get email from wings1758@yahoo.com. [Learn why this is important](#)

Dear Mr. Bennett:

We would like to express our objection to the proposal from Echelon Developers to rezone the property of 1602 NW 3rd Street from Residential Estate and R-1 to Planned Residential Development (PRD).

We passionately object to this for several reasons. This plan does not fit at all with the surrounding neighborhoods. It makes no sense to put in townhomes (which are essentially 3 story condos) No one wants condos in the middle of our neighborhood. There are obviously parking issues with this proposal as well. It looks like there will be an additional 45-60 vehicles that will not have sufficient places to park. There won't be options for street parking either. Vehicles will also create an issue with access to and from 3rd Street. The density of housing in this small space is way too much.

The design is flawed. When you put in housing with NO yards (they call it low maintenance) you are not attracting families as they imply. Townhomes with three stories create a loss of privacy for homeowners. There is also a safety issue. The bike lane already is dangerous as people attempt to enter 3rd Street from different access points. Adding two more entrances doesn't make sense.

There is a big issue with trust. People buy homes in this area and look at the zoning and expect that to be carried out. We have lived in our home for 30 years. We know all of the neighbors in our block and beyond. Please keep the zoning to Estate Residential and R-1.

Sincerely,

Lynn and Lisa Hostetler

Fwd: Echelon Neighborhood Proposal Preview

Danny Bennett [REDACTED] >

Wed 9/4/2024 11:23 AM

To: Tyler Overstreet [REDACTED] >; Thomas Adler [REDACTED]

Begin forwarded message:

From: "Echelon, Another Leadership Properties Neighborhood" [REDACTED]

Date: September 4, 2024 at 10:29:36 AM CDT

To: Danny Bennett [REDACTED] >

Subject: Echelon Neighborhood Proposal Preview

You don't often get email from echelon@leadershipproperties.com. [Learn why this is important](#)

Dear Commissioner Bennett,

I'm Kyle Smith, project manager with Leadership Properties. By now, I'm sure you have heard of our proposed neighborhood for NW 3rd St called Echelon! We know Bentonville is in the middle of big planning activities, and we want to make sure we understand your goals and priorities for housing development in the city.

Echelon is still a few weeks away from its first public hearing, but we would love to have an opportunity to visit with you before then to share our current plans and get your initial reactions. We want to be proactive about addressing any feedback you may have about the design, and you may even see opportunities for us to make improvements and to get a jump on some of the evolving issues in the ongoing planning talks.

We'd like to meet with you sometime next week (Sept 9-13) if you're available. You're welcome to join us at the model home at Aurora (one of our other Bentonville neighborhoods), or we're happy to meet you somewhere more convenient for you. We're pretty flexible. Please let us know what works well for you and I'll get it on our calendars - it'll most likely be me and one of our owners - Bob or Julie.

We are pretty excited about this neighborhood and look forward to sharing our vision with you!

Kyle Smith
Leadership Properties Project Manager

3403 Awakening Ave, Bentonville
www.LeadershipPropertiesNWA.com
[REDACTED]

PS - When I saw your name on the Planning Commission list, I had to check with my mom and see if I was remembering correctly. But Doris Smith says hello!

FW: NW 3rd St. proposed development- Echelon

Danny Bennett [REDACTED]

Tue 9/3/2024 2:32 PM

To: Tyler Overstreet [REDACTED]; Thomas Adler [REDACTED]

From: Vicque [REDACTED]

Sent: Tuesday, September 3, 2024 2:28 PM

To: Danny Bennett [REDACTED]

Subject: NW 3rd St. proposed development- Echelon

You don't often get email from vicque57@gmail.com. [Learn why this is important](#)

Dear Planning Commision Member Bennett,

My home, within the Sturbridge Subdivision backs up to parcel #01-18380-000 located on 3rd St. NW.

In October 2017, the parcel was re-zoned from rural to estate homes.

That would allow for 2 or 3 homes with large lots to be built there.

I was ok with that.

Recently I received a letter from Leadership about their proposal to develop that parcel.

They invited me, as a homeowner within 200 ft. of that parcel, to attend a community town hall 8/15/24. Leadership Properties were going to present to the surrounding community their plans to develop that parcel.

I attended.

Their proposal is to change the current zoning to make it a PRD. They propose 6, two and three story modern farmhouse styled townhome buildings; plus 9 similar styled two story homes, a small greenspace with hammock stations, bike path, plus a two lane paved road with spaced out parallel parking on it.

The parcel is approximately 3.38 acres.

The subdivisions along 3rd St. NW are traditional styling, with trees, flower beds, yards, and for the most part are quiet and safe places.

The traffic along 3rd street NW is busy due to the number of homes along the street, buses from the elementary and middle school on Elm Tree, Coler Creek entrance, and the bike path routes.

I think bringing in multifamily homes on that parcel will change the character of the surrounding neighborhoods bringing in more traffic, more noise, and more people in a small space.

I would like for the parcel to remain zoned for estate homes.

Thank you,
Vicque White

[REDACTED]

Fwd: Request for Support

Danny Bennett [REDACTED]

Thu 8/22/2024 1:25 PM

To: Tyler Overstreet [REDACTED] > Thomas Adler [REDACTED]

Begin forwarded message:

From: "Harris, Renee" [REDACTED]

Date: August 22, 2024 at 12:19:52 PM CDT

To: Danny Bennett [REDACTED]

Subject: Request for Support

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Mr. Bennett,

I am writing to you today to request your support in **Voting No** to the proposal for the **Echelon development** (1602 NW 3rd Street Bentonville AR). The proposal is seeking to rezone this area differently than the surrounding neighborhoods. It appears the proposal is designed to maximize profit for the builder and does not reflect a thoughtful approach to the long-term impact this development will have to the area.

One of my biggest concerns is that this proposal will overpopulate a very small space with a mix of condos and single-family homes unlike the communities surrounding it which are comprised solely of single-family homes with at least .25 acre lots and plenty of space for parking. With 21 units there could be a minimum of 40 to 60 additional vehicles needing space to park and access to 3rd Street as their main entrance and exit. The entrance to the development will undoubtedly cut into the bike lanes leading to Coler with high potential to cause accidents as there would not be enough distance between that access point and the Stop sign at NW O St to add another break point in the traffic.

I would be happy to see this area developed to support single family homes with comparable lot sizes to the surrounding area. To date the property owner has left the lot in complete disarray and caused flooding into our neighborhood by improperly filling in the drainage ditch on the property.

Thank you in advance for your support.

Sincerely,

Renee Harris

[REDACTED]
Bentonville, AR 72712

Renee Harris

Executive Director, Omnichannel Engagement and Strategic Planning

Astellas Pharma



August 18, 2024

Tyler Overstreet
305 NW A Street
Bentonville, AR 72712

Re: Vote NO to Planned Residential Development for Echelon
1603 NW 3rd Street/ 1603 NW Appaloosa Ave

Dear Mr. Overstreet:

The Echelon by Leadership Properties is planning to ask the City of Bentonville to approve a high-density Planned Residential Development (PRD) zoning plan for 1602 NW 3rd Street. The proposed development includes 21 living units - 9 single family homes and 12 townhomes. This plan is ill-conceived and incompatible with surrounding neighborhoods. Please vote NO to this planned development for the following reasons:

Design: The proposed townhomes and single-family homes, some of which are three stories, are incompatible with surrounding neighborhoods. This urban design will create a loss of privacy for adjacent homeowners. The 6 foot privacy fences currently in place will do no good for 3 story units that will peer over into neighbors yards, making existing neighbors backyard space no longer private. Also, the design does not meet the City's criteria for a PRD and goes against the City of Bentonville's Master Plan.

In addition, the Echelon Group has stated that none of these properties will be rentals. Without a HOA, how are they going to enforce that? They cannot. I point to the development of Elm Tree Townhomes at 3102 SW 2nd Street as an example of how that was not enforced. All of the townhomes were purchased and became rentals. The properties were nice enough with landscaping, but because they are not owner occupied, the grounds around the property are not well maintained. The green area between the sidewalk and the road is often overgrown and there are large "NOW LEASING" signs hanging off of the buildings.

The urban design of the properties are also not in keeping with the style of the surrounding neighborhoods. The design is modern and trendy, which will pass in a few years. They will become an eye sore and out of place with the traditional homes in

the neighborhoods.

Density: The density of the proposed Echelon plan is incompatible with surrounding properties, which typically have .25 acre lots with yards and driveways for off-street parking. The proposed plan does not align with Bentonville's Master plan. The property is currently zoned as a mix of Residential Estate and R-1. The zoning for this property in the City's proposed Future Land Use Plan is "Neighborhood-Suburban" and is the same as surrounding neighborhoods.

The Echelon group is trying to say that the lots are comparable to the surrounding area, but they are taking into consideration roads and a common space. In measuring the total space of the Echelon development against Windsor Manor to make an apples to apples comparison, the numbers are as follows:

Windsor Manor	Area Acreage 12.66 acres	Homes 31 = .40 acres per home
Echelon	Area Acreage >4 acres	Homes 21 = .19 acres per home

Safety: In case of a fire, parking on narrow streets will cause a significant safety issue as fire engines will have problems accessing the property. The plan calls for two cuts onto 3rd Street, crossing the bike path. The cuts are too close to existing crossroads and on an incline. The bike path is heavily used by families biking their children to and from school during peak hours.

Traffic: 21 units will result in approximately 50 to 60 additional vehicles needing access to 3rd Street, which already has long backups during peak hours.

In addition, traffic on NW O Street and Appaloosa Avenue will increase dramatically. There are mostly families with children along these streets and this will increase the risk of a child being hit in traffic. People do not let their children play near NW 3rd Street due to the traffic, but this will increase the traffic so much there will be no safe areas for the children along this new route to play.

Noise: Adding homes with open balconies will increase noise in our neighborhood. It is likely that many of these properties will become rentals and thus "party pads" as evidenced by their own presentation that states "porch living". This will be a disturbance and will increase the number of calls to Bentonville police for noise complaints. The homes down NW 3rd are just that - homes. They are not apartments or weekend getaways. People live here. Allowing a development that will be rentals and AirBnBs will take away from the neighborhood and introduce an unwanted element. As neighbors that have already had to contact the city about keeping the lot mowed, this will only

increase.

Parking and Road Width: The plan does not provide adequate parking. With only two garages and no driveways, residents and their guests will park on the streets. The plan does not provide information about whether the roads will be public or private. Private roads can be narrow and have no parking.

Drainage/Storm Water: Ever since previous property owners filled the drainage ditch at 3rd and O St, the Windsor neighborhood has been plagued by stormwater, which flows over NW O Street. Increasing density will create more flooding and stormwater problems.

Misrepresentations by Echelon: The Echelon Group have already made several misrepresentations about the property to the point that we cannot trust what they say. Those are as follows:

- They state that the prices will begin at \$800,000. The current price per square foot of the homes in the surrounding area is around \$200. If they build a 2400 sq ft townhouse, that is \$432/sq ft. Comps for townhomes do not support this at all except within a few blocks of the square, and it is higher than even those. Comps at a comparable distance from the square are in the \$150 - 180/sq ft range, which puts the price point around \$400k. At \$400k, the properties will attract real estate investors and they will become short term rentals.
- They state all will be owner occupied and no rentals. Because there will not be an HOA, that is unenforceable and the price point as stated above will make these perfect investments for real estate investors.
- As covered above, they stated that each home will have a similar footprint to those of the surrounding neighborhoods. That is false as they are taking into account the entire acreage that includes roads.
- They stated in their letter to the neighbors that they would build a gate on Appaloosa for emergency vehicles only. In the meeting, they said they could not get a gate because it was against city ordinance, but those present pointed out there are gates in numerous neighborhoods and there is just an exception process.
- They stated in their letter that they would share copies of the plan if asked. Numerous people requested prior to the meeting, but they never received them. It was not until after the meeting they provided the presentation.
- They have done nothing to maintain the property since purchasing. Windsor neighbors had to call the City of Bentonville to just get them to cut the grass in the lot, which was a fire hazard. They also have several trees down on the

property since the tornado and have done nothing to clean them up.

I am not opposed to the development of the land, but it needs to be in keeping with the surrounding neighborhoods of single family homes. This is just Echelon Group squeezing as many properties onto that plot of land so they can make as much money as possible. This is just greed that will only decrease the quality of life for those who currently live here. Vote NO for the Echelon PRD.

Sincerely,


Joni Webster

Resident, Windsor Manor

CC: Windsor Manor HOA

Fwd: Deny Planned Residential Development (PRD) zoning for 1602 NW 3rd Street

Tyler Overstreet [REDACTED]

Thu 9/12/2024 10:00 AM

Get [Outlook for iOS](#)

From: Tina Brandt [REDACTED]

Sent: Thursday, September 12, 2024 9:48:08 AM

To: Tyler Overstreet [REDACTED]

Subject: Fwd: Deny Planned Residential Development (PRD) zoning for 1602 NW 3rd Street

You don't often get email from [REDACTED] [Learn why this is important](#)

Sent from my iPad

Begin forwarded message:

From: Tina Brandt [REDACTED] >

Date: September 12, 2024 at 5:50:02 AM CDT

Subject: Deny Planned Residential Development (PRD) zoning for 1602 NW 3rd Street

We are Tina and Doug Brandt, living at [REDACTED] in Foxglove. We ask that you vote against the Echelon PRD rezoning for 1602 NW 3rd Street for the reasons listed below.

1. Safety is a major concern. The bike path is used by many individuals and families. The plan calls for two cuts into 3rd street, crossing the bike path. These cuts are too close to existing crossroads. Two narrow traffic lanes make vehicle travel difficult especially with the numbers of school busses, construction vehicles, trucks and car traffic. Traffic has increased heavily in recent months. There are children standing on corners early morning waiting for school busses and school busses dropping off children in the afternoon. The plan calls for 21 units consisting of 12 3-story townhomes bordering NW 3rd and 9 single family homes causing 50 to 60 more vehicles needing access to 3rd street where there are already backups during peak hours.
2. Another concern that ties in to #1 above is that the plan calls for no guest parking, no driveways or yards. Without driveways, where are cars going to park? On the narrow streets of this development!! Consider fire and ambulance vehicles trying to respond through these clogged streets!
3. Drainage and stormwater: We learned in the community meeting that Windsor Manor has experienced problems with stormwater flowing across NW O Street. We are all too familiar with drainage issues on NW O St. The Echelon project will increase density adding to more flooding and storm water problems as well as decreasing home values in our area. We also learned that the developers of this plan have had no experience with stormwater runoff and high density!
4. The addition of homes with open balconies overlooking surrounding yards will increase the noise level in the neighborhood and decrease privacy.
5. From a design standpoint I can't picture from the drawings that there would be acceptable views or outdoor spaces for entertaining. Furthermore the proposed townhomes and single family homes in barracks style are not consistent or compatible with surrounding neighborhoods.
6. The Echelon plan does not meet the City criteria for PRD zoning. It does not align with Bentonville's current Master Plan and Future Land Use plan.

To sum up, Zoning, Safety, increased Traffic and Congestion which we believe would cripple the area at peak times, increased Stormwater and Drainage, Loss of Privacy, Noise are all Major issues to closely consider and Deny the Planned Residential Development (PRD) Zoning for 1602 NW 3rd Street.

Sincerely,

Doug and Tina Brandt

[REDACTED]
Bentonville, AR

Fwd: Urgent Request Regarding Zoning at 1602 NW 3rd Street

From Danny Bennett [REDACTED]
Date Fri 9/20/2024 8:04 AM
To Tyler Overstreet [REDACTED]; Thomas Adler [REDACTED]
Cc Sophie McAdara [REDACTED]

Begin forwarded message:

From: Angela Mensah [REDACTED]
Date: September 20, 2024 at 8:00:41 AM CDT
To: Danny Bennett [REDACTED]
Subject: Urgent Request Regarding Zoning at 1602 NW 3rd Street

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Planning Commissioner Bennett,

I hope this message finds you well. I am writing to express my deep concern regarding the proposed Planned Residential Development (PRD) zoning for 1602 NW 3rd Street. As a dedicated member of the Bentonville community, I truly believe our city prioritizes family values and the well-being of its residents over mere profit.

Bentonville has earned its reputation as the "Biking Capital of the World," a title that resonates with our commitment to family-friendly activities and safety. However, the proposed development raises significant safety concerns, particularly for families and children who use the bike paths daily. I urge you to consider the potential consequences of increased traffic and congestion on our streets, which could put lives at risk.

In addition, I commute to work in Fayetteville before 8 a.m. If I leave after 6:30 a.m., I face the risk of being late or worse, being involved in an accident due to the congestion that I have witnessed many times while living in the area. This situation is a daily concern for many residents, and I hope that you will prioritize our safety.

Here are some key reasons to deny the PRD zoning:

- 1. Alignment with Master Plan:** The proposed plan does not align with Bentonville's Master Plan and Future Land Use Plan. Surrounding neighborhoods are zoned R-1, and the property itself is a mix of Residential Estate and R-1. The Future Land Use Plan designates this area as "Neighborhood-Suburban," which is inconsistent with the high density proposed.
- 2. PRD Criteria Compliance:** The Echelon plan fails to meet the city's criteria for PRD zoning, which is designed to maintain the character and integrity of our neighborhoods.
- 3. Design Compatibility:** The proposed barracks-style design of the townhouses and homes is incompatible with the surrounding architecture, impacting the privacy and quality of life for adjacent homeowners.
- 4. Density Issues:** The plan's density does not match that of nearby properties, which typically feature .25-acre lots with ample yards and driveways, contributing to a community-oriented environment.
- 5. Safety Concerns:** Narrow streets may hinder emergency access, especially in fire situations. Additionally, the plan includes two cuts onto 3rd Street that cross a heavily used bike path, raising the risk of accidents during peak travel times.
- 6. Traffic Impact:** The addition of 21 units is projected to generate an influx of 50 to 60 additional vehicles on 3rd Street, exacerbating existing congestion and safety risks.
- 7. Noise Pollution:** The presence of open balconies in the proposed homes would likely increase noise levels, disrupting the peaceful atmosphere of our neighborhood.
- 8. Parking and Road Width:** The development offers inadequate parking solutions, relying on narrow streets that may not accommodate guest vehicles. Furthermore, without clear information on road ownership, we face uncertainty about future accessibility.
- 9. Stormwater Management:** Historical issues with stormwater drainage in the Windsor Manor neighborhood have not been resolved, and increased density could further exacerbate flooding concerns.

As a community that has always championed safety and family values, I implore you to prioritize the well-being of our residents over development. Let us maintain the compassionate credibility that Bentonville is known for. I trust that you will make a decision that reflects the best interests of all parties involved.

Thank you for your consideration of this urgent matter. I look forward to your thoughtful response.

Warm regards,



FW: Echelon Comments & Context for Oct 15

From: Danny Bennett [REDACTED]
Date: Tue 9/24/2024 3:21 PM
To: Tyler Overstreet [REDACTED]; Thomas Adler [REDACTED]
Cc: Sophie McAdara [REDACTED]

1 attachments (12 MB)
Echelon Public Comment Review & Additional Context.pdf;

From: Kyle Smith [REDACTED]
Sent: Tuesday, September 24, 2024 12:53 PM
To: Eric Hipp [REDACTED]; Ifeoma Ibekwe [REDACTED]; Douglas Bryant [REDACTED]; Reginald Wright [REDACTED]
[REDACTED] Danny Bennett [REDACTED]; Dana Davis [REDACTED]; Elaine Kerr [REDACTED]
Cc: Bill Burckart [REDACTED]; Gayatri Agnew [REDACTED]; Beckie Seba [REDACTED]; Octavio Sanchez [REDACTED]
[REDACTED] Chris Sooter [REDACTED]; Holly Hook [REDACTED]; Aubrey Patterson [REDACTED]
[REDACTED] Cindy Acree [REDACTED]; Robert David [REDACTED]; Julie Vaught [REDACTED]
[REDACTED] Angela Belford [REDACTED]
Subject: Echelon Comments & Context for Oct 15

Some people who received this message don't often get email from kyle@leadershipproperties.com. [Learn why this is important](#)
Dear Planning Commissioners & City Council members:

Our proposed 21-home Echelon neighborhood development has not yet made its way to your agenda, but I know you have already received a significant number of emails from neighbors near and far! The Leadership Properties team hosted about 50 residents at a town hall on August 15 to preview our plan. Since then, we have been listening to their feedback and working to reasonably accommodate as many of the concerns that have been raised as possible. We've invited the same group - plus anyone who's letters were provided to us by Planning Staff - to come next Thursday, Oct 3 and take a look at the changes we have made.

We hope to be on your (Planning Commission) agenda on Oct 15. In the meantime, I wanted you to know that we are actively working to make this a project Bentonville can be proud of. Please take a look at the attached overview of our public engagement efforts, a summary of the comments that have been shared with us so far, and some additional context about how Echelon will fit with the surrounding area.

The complete PRD application will be on your official agenda soon. If you would like to see a working copy sooner – or if you have any questions, concerns, or suggestions – please don't hesitate to reach out to me.

Thank you for your dedicated service,

Kyle Smith
Leadership Properties
Project Manager
[REDACTED]

Fwd: Opposition to updated "Echelon" development

From Danny Bennett [REDACTED]
Date Wed 9/25/2024 5:06 PM
To Tyler Overstreet [REDACTED]; Thomas Adler [REDACTED]
Cc Sophie McAdara [REDACTED]

Begin forwarded message:

From: Kevin Wilson <kevinwilson1709@gmail.com>
Date: September 25, 2024 at 4:56:55 PM CDT
To: Danny Bennett [REDACTED]
Subject: Opposition to updated "Echelon" development

You don't often get email from [REDACTED]. [Learn why this is important](#)

Mr Bennett,

I am writing to express my **strong opposition to the PRD and rezoning** necessary to accommodate the proposed multi-unit housing construction project ("Echelon") near our suburban neighborhood of Fox Glove, based on an "updated" proposal from Echelon dated 9.6.24. While I understand there may be some need for housing development, I believe the "Echelon" project is not suitable for our community or neighborhood for several reasons.

1) Impact on Traffic and Infrastructure:

Our suburban area is not equipped to handle the significant increase in traffic that a multi-unit housing and high-density project would bring. The existing roads and infrastructure are already strained, and additional traffic could lead to congestion, increased accidents, and a decline in the quality of life for area residents.

- a) Please note that the area of this proposed project also contains a 2-way bike lane on the north side of 3rd street, the same side as the proposed Echelon development.
- b) Also note that 3rd street is the main thoroughfare for school buses going to and from Elm Tree Elementary School and Ardis Ann Middle School and for parents taking their children to either of these two schools.

2) Significant design flaws:

- a.) Setbacks and lot sizes – setbacks of 0ft (zero) and lot widths of 20ft. The narrow townhouses would be about the same width as a trailer house. I don't believe this is consistent with the suburban areas that surround this proposed project.
- a) Transparent fences? - "A *transparent fence* will be installed along the existing utility easement adjacent to Lots 18-23, to enhance the curb appeal of zone 1." Does this make any sense?
- b) Parking – "No modifications have been requested from the city's minimum parking requirements." I fail to see how there could be 2 off-street parking spaces per unit in a narrow "Private" street to accommodate the *basic* parking requirements.
- c) Street width – I do NOT see any street widths given in the "updated" Echelon plan. I only see that "The widths of these private streets will vary to best accommodate the garage parking of each units..." Best for whom? Also, keep in mind that the streets will be "private" so all maintenance will be the responsibility of the tenants. This is a way for the builders to absolve themselves of any future responsibility of maintenance or upkeep of the streets.
- d) Garage parking – while the images portrayed in the stylized renderings show 2 car garages, I fail to see how any of these units could accommodate a 2 car garage, much less 2 off-street parking spaces. Please provide details with dimensions.
- e) POA – this statement is included in the materials for Echelon: "Leadership Properties has extensive experience forming and managing POA organizations to manage covenants in neighborhoods." However, covenants in neighborhoods are **not legally unenforceable** by any city or county entity. This entire development will be rental property (short-term and long-term) which is totally inconsistent with the surrounding neighborhoods.
- f) Request Modifications - The plans contain this statement: "The goal for this development is to provide much needed housing in the area." Really? I've lived within 500 ft of this proposed development for the past 24 years and never once thought we needed more housing in the area.

3. Environmental Concerns:

The construction and subsequent increase in population density could have adverse effects on our local environment. The loss of green spaces, increased pollution, more stormwater issues, and potential harm to local wildlife are significant concerns that need to be addressed.

4. Preservation of Community Character:

Our neighborhood is characterized by its suburban charm, with single-family homes and open spaces that foster a sense of community. Introducing a multi-unit housing project would fundamentally alter the character of our neighborhood, potentially leading to a decline in property values and community cohesion.

5. Communication of Changes:

I understand that this plan has changed from the initial submission but I could not easily identify what changes were made. In the future, when changes to proposed developments are made I think it would be beneficial, for everyone, to note the changes for easy comparative purposes.

6. Alternative Solutions:

I urge the commission to consider alternative solutions that would address potential housing needs without compromising the integrity of our suburban area. This could include smaller-scale developments, with larger houses, more green spaces, adding to the property value of the surrounding neighborhoods. Again, let's build large homes on large lots that we can be **proud** of and will add value to the neighborhoods that surround the development.

In conclusion, I respectfully request that the city planning commission **deny the application for a PRD and rezoning** for the multi-unit housing construction project in our suburban neighborhood. I believe that preserving the character and quality of life in our community is of utmost importance, and I trust that the commission will take these concerns into serious consideration.

Thank you for your attention to this matter.

Sincerely,

Kevin Wilson

A solid black rectangular box used to redact the signature of Kevin Wilson.

Fwd: Please Vote NO to Re-Zone the Echelon Residential Development to PRD. Vote to Keep Current Zoning, R-1 and R-Estate

Mon 9/30/2024 6:56 PM

Begin forwarded message:

Date: September 30, 2024 at 5:36:17 PM CDT

Subject: Please Vote NO to Re-Zone the Echelon Residential Development to PRD. Vote to Keep Current Zoning, R-1 and R-Estate

Dear Bentonville Planning Commission Member,

Mr. Danny Bennett,

As a 45 year resident of Bentonville, retired Walmart Senior Manager

in the Home Office and homeowner in Bentonville, I am making an

appeal to you on the development of the Echelon Planned Residential

Development (PRD) for 1602 NW 3rd street. VOTE "NO" for the re-zoning of Echelon and maintain the current zoning of R-1 and R-Estate.

Here are my reasons for this request:

1) PRD Criteria: Echelon's plan with 3-story townhomes, does not meet

city criteria for PRD zoning, as it will be "SANDWICHED" between 2

current residential communities; Sturbridge and Saddlebrook. The plan calls for packing as many people into the space as possible. It doesn't appear that the plan calls for the "Lot and Area Standards" as well as minimum setbacks for R-1 and R-Estate rules and is incompatible with surrounding Sturbridge, Saddlebrook, Denali, Windsor Manor and Foxglove's .25 acre lots.

2) No "Green Space" as stated in the PRD requirement, as directly specified on the bentonville.com website, specifically states:

a) Must preserve open space, farmland, natural beauty and critical environmental areas.

b) Must provide high quality public spaces such as greenbelts, parks, plazas, squares, courtyards and streets that are an organizing feature and gathering place for the neighborhood.

There is no such "green" space that I can see on the plan. It appears there will be a "packing in" of as many residents as possible in the approximately 4 acre area.

3-Story town-homes will also have an environmental affect the homes in Sturbridge and they will be so close to the west side homes that it will block western sun to these homes in the evening. This violates the environmental preservation maintenance clause as stated on the bentonville.com website. How can Sturbridge homeowners enjoy their current homes and back yards without sunshine and at the same time have increased noise?

3) Safety: Fire trucks will not be able to access properties due to

narrow roads and the many cars that will be parked in the streets. Two cuts into the 3rd street bike path is too many and they are too close to existing crossroads. The bike path is not only used by bikers going to and from Coler Trail, but are also used by families that bike their children to and from school.

4) Traffic: 21 Units will result in 50-60 additional vehicles needing

to access to 3rd street which already backs up during peak hours.

5) Parking and Road Width: Residents in Echelon will probably use Sturbridge and Saddlebrook streets for overflow parking. Echelon plan does not provide adequate parking with only two-car parking and no driveways, so residents and guests will be parking in the streets and in neighboring streets.

6) Drainage/Stormwater: Previous property owners filled in the drainage ditch at 3rd and O street, the Windsor Manor neighborhood has been plagued by stormwater which flows across NW "O" Street. Increasing density will create more flooding and water problems.

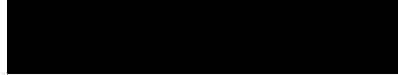
7) Density/Over-population: Two huge apartment complexes have recently been erected near this location. One at Walton and 3rd and another across from the Walmart Supercenter. People are coming in by droves and traffic is already out of control on Walton Blvd. Residents are already concerned about the influx of people in cars in such a small area and the addition of these 21 units crammed into an already dense area is going to disturb the peace and livability of the current residents.

Our Sturbridge neighborhood is very disturbed by the possibility of the new Echelon being crammed in between us and Saddlebrook. We currently are dealing with the growth issues with the bike lane and additional traffic along with 2 huge apartment complexes being erected near us. Please hear our pleas for no packing-in of people with the PRD zoning and please keep the zoning as is: R-1 and R-Estate.

Thank you so much for keeping the happiness and wishes of the current residents in mind.

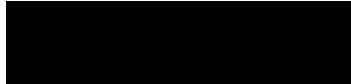
Best Regards,

Roseanne Kisse



Sturbridge Subdivision

Bentonville, AR



Fwd: Rezoning 1602 NW 3rd St

[REDACTED]

Date Tue 10/1/2024 8:55 AM

[REDACTED]

Begin forwarded message:

[REDACTED]

Date: October 1, 2024 at 8:46:49 AM CDT

[REDACTED]

Subject: Rezoning 1602 NW 3rd St

[REDACTED]

The Echelon rezoning request is inconsistent with zoning of surrounding neighborhoods and the City's Future Development Plan. Existing homes in the surrounding neighborhoods have at least 1/4 acre lots and cramming in 3 story townhomes and small homes with no yards is a shame. Our cities infrastructure is already stressed. I believe there should be more concentration on improving our roads and traffic problems before filling every remaining green area into high density housing. I'm 69 years old and I've seen what happens to neighborhoods when this type of housing is put smack dab in the middle of them. Beautiful neighborhoods who many bought their homes based upon how the area is zoned. These types of projects will only decrease the values of the homes surrounding them. Please don't turn this beautiful area into a traffic nightmare. Please deny Planned Residential Development (PRD) rezoning for 1602 NW 3rd Street.

Jeffrey Going

[REDACTED]

Bentonville, AR

Sent from my iPhone

Fwd: Zoning for 1602 NW 3rd St.

Danny Bennett [REDACTED]

Tue 9/17/2024 7:03 PM

[REDACTED]

Begin forwarded message:

From: Ty Garrett [REDACTED]

Date: September 17, 2024 at 6:27:41 PM CDT

To: Danny Bennett [REDACTED]

Subject: Zoning for 1602 NW 3rd St.

You don't often get email from tygarrett72@gmail.com. [Learn why this is important](#)

Honorable Commissioner Bennet, I reside at 1600 NW 3rd St, and I am the Original owner of [REDACTED] My Name is Tyler Garrett, I urge you to vote against Amazing land Company LLC plans to rezone the property I live directly behind the affected plot of land and will have to live with the ramifications of rezoning for the foreseeable future if approved by what Mr. Bob David is planning I and my neighbors are saying no to this rezoning, and I urge you to vote a solid no on this Agenda item.

Tyler Garrett

[REDACTED]
Bentonville, AR
72712

Triple Oaks LLC

Bentonville, AR 72712

Danny Bennett
Member Bentonville Planning

Dear Sir,

My name is Tim Harrell and I reside at [REDACTED] in Bentonville Ar. I am writing this to you today to tell you that I am very opposed to the PRD rezoning for 1602 Northwest 3rd street. I have lived in this residence since I built it in July of 1994. This area has grown up all around us and the subdivisions are all R-1 in designation. I am a General Contractor and Developer myself. This plan that Leadership properties is proposing in no way fits the land usage set forth by the city nor is it in any way conducive to the tranquil R-1 neighborhoods that surround this property. Some points to consider are as follows:

1. The proposed plan does in no way align with Bentonville's current Master Plan and Future land use. As stated above all the surrounding properties are zoned R-1 and have much more constrictive regulations for building size, height, setback and green space. The property is currently zoned R-E and R-1 mixed which does align with the area. In conversations with John Stanley he has said that the area right now is slated for a green belt and he opposes the rezoning as proposed. This area is a suburban neighborhoods designed for family living.
2. The design of the 3 Story town homes and "single family homes" are Barracks style homes designed to maximize square footage in a minimized area. This is incompatible with the surrounding neighborhoods and is an urban design that is trying to be shoved into a suburban area. IT DOES NOT FIT.
3. The noise that will be created from the open two story Balconies will be disruptive and infringe on the privacy of surrounding homes.
4. The road with and parking areas will be greatly reduced with this type of design and zoning request. This will only add to the congestion of this area.

As previously stated I am a General Contractor and Developer myself and know the difficulties of trying to do such a project. The developers are clearly trying to cram an urban development into a Suburban area.

As for me personally this will affect my privacy and only add Noise to my residence. The 3 Story balconies that they have planned overlooking 3rd street look directly into my back yard. I appreciate you time and service to our community and hope that you will vote no on this rezoning proposal.

If you have any questions please feel free to contact me with the numbers above.

Sincerely

Timothy A Harrell
Foxglove Resident

FW: Echelon Development - 1602 NW 3rd St - DENY re-zoning request

Danny Bennett [REDACTED]

Wed 10/2/2024 4:01 PM

From: Joni Webster [REDACTED]

Sent: Wednesday, October 2, 2024 2:22 PM

To: [REDACTED]

Subject: Echelon Development - 1602 NW 3rd St - DENY re-zoning request

Hello Mr. Bennett,

I am following up with you regarding the Echelon Development at 1602 NW 3rd Street that will be presented at the October 15 planning commission meeting. I have reviewed the revised submission and request that you DENY the rezoning request. I plan to be at the meeting, but I wanted to make a couple of additional points prior to the meeting.

First, as has been discussed and everyone is aware, the development is asking for a rezoning that is not only significantly divergent from the current area and zoning, but also against the Bentonville Master Plan for the area. I am not sure who created the Master Plan that has the area zoned as suburban, but I am assuming it was created by people with years of experience as civil engineers and city planners. I also assume that its purpose was to ensure responsible and thoughtful development that helps keep Bentonville a nice place to live for its residents. So what I would like the council to consider as you weigh this request is that if you vote for this request, it is setting the precedent that the Bentonville Master Plan doesn't matter. That the purpose and intent for this city are not as important as the profit of developers and as long as any developer speaks to the right people and makes enough personal promises, they can do whatever they want, regardless of the plan. What happens when someone buys land downtown (or next to your own home) and decides to put a pig farm on it? So please do consider carefully what the planning commission is agreeing to - it is not just this parcel of land, it is the entire plan for the city that is at stake and either that plan matters or it doesn't.

Second, while any developer wants to maximize their profit, this developer may need to put as many units on the land as possible to cover the cost they paid for the land. I am sure it was a significant amount. If that is the case, I consider that a bad business decision on their part and they should be the only ones to suffer the consequences of that decision. The surrounding families should not have to pay the price for their poor business judgment. I am sure they are putting a lot of pressure on the council for this rezoning because they need it. Building 5 new houses instead of 21 is simply not going to cover their cost. But that was their decision and however it works out, only they should be impacted by it. They seem very confident in getting this passed, which makes me wonder why. Are they arrogant, foolish or do they have connections that can help push this through? Either way, the losers in this scenario are the neighboring families, which is simply not right. And again, this is setting the precedent and it is not just these neighborhoods, but will impact other Bentonville residents and neighborhoods in the future.

Finally, I have called every member of the council and left voicemails to grab coffee and discuss my concerns. As of today, I have not received a single callback from any member. The only member that took my call that I was able to speak with was Eric Hipp. I also have sent emails and written letters, of which no members of the planning council have responded to. I would like to ask if any council members have spoken to any of the other residents who reached out to them? I would also like to ask if any of the council members have spoken with representatives for the developer? That has been disappointing and I have copied Mayor Orman here since the council members have been appointed by her.

Look forward to seeing you all at the October 15 meeting.

Sincerely,
Joni Webster
Resident Windsor Manor

Fwd: Stop Rezoning of 1602 NW 3rd St.

From Danny Bennett [REDACTED]
Date Thu 10/3/2024 7:24 PM
To Tyler Overstreet [REDACTED]; Thomas Adler [REDACTED]
Cc Sophie McAdara [REDACTED]

Begin forwarded message:

From: Cornelius Pratt [REDACTED]
Date: October 3, 2024 at 6:33:27 PM CDT
To: Danny Bennett [REDACTED]
Cc: [REDACTED]
Subject: Stop Rezoning of 1602 NW 3rd St.

[You don't often get email from [REDACTED] [REDACTED] @ [REDACTED] [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Mr. Danny Bennett,

Thanks so much for your continual hard work and dedication to public service. We appreciate your commitment to excellence and the advancement of our city.

The purpose of this email is to simply to express our disagreement to the Rezoning request for "1602 NW 3rd Street".

The reason for the disapproval is that the proposed project or product is grossly inappropriate for the current R1 Zoning of the neighborhood.

Thanks for your kind consideration.

Kind regards,
Cornelius and Wanita Pratt
[REDACTED]
Bentonville, AR 72712.

Fwd: Proposed Echelon Development

From Danny Bennett <[REDACTED]>
Date Sun 10/6/2024 10:16 AM
To Tyler Overstreet [REDACTED] Thomas Adler [REDACTED]
Cc Sophie McAdara [REDACTED]

Begin forwarded message:

From: Karen Sinning [REDACTED]
Date: October 6, 2024 at 9:07:11 AM CDT
To: Danny Bennett [REDACTED]
Subject: Re: Proposed Echelon Development

You don't often get email from [REDACTED]. [Learn why this is important](#)

Mr Bennett,

As a member of the Bentonville Community who travels NW 3rd Street a minimum of 2x per day, including weekends, I am concerned with the proposed change in zoning for 1602 NW 3rd Street from a mix of R-1/R-Estate zoning to a Planned Residential Development (PRD) zone. My concerns include, but are not limited to:

1. Proposed egress for the development is too close to existing crossroads. The safety of the community who use 3rd street and those families who transport their children to and from school via the existing bike lanes would be at increased risk to accident and/or incident.
 1. As a frequent user NW 3rd Street, it is almost daily I witness cars running 4-way stop signs, speeding or actually driving in the two-lane bike path due to driver confusion regarding the placement of the bike lanes when making a right-hand turn from any of the streets joining NW 3rd Street from the north.
2. Increased traffic from the proposed community onto an already congested street during peak hours. Community members already turning from NW J Street at the 4-way stop are not able to turn due to traffic being stopped at the streetlight at the corner of Walton Blvd. and NW 3rd Street causing significant backup and unnecessary chances impacting public safety including children and families riding their bikes to school.
3. Proposed plan change does not align with Bentonville's current Master plan and future Land Use plan. All surrounding neighborhoods are zoned R-1. The property is currently zoned as a mix of Residential Estate and R-1 and the City's proposed Future Land Use Plan calls for this plot of land is "Neighborhood-Suburban."
4. Stormwater including mud and debris from the existing 1602 NW 3rd street property runs onto the sidewalk. Increased elevation to accommodate the proposed development has the possibility to increase the runoff with storm debris causing a safety issue for community members using the sidewalk and bike lanes. Increasing density will create more flooding and storm water problems that will need to be addressed by the city as they occur.
5. Design, including the material used in the construction of the buildings, of the proposed townhomes and single-family homes is not compatible with the surrounding neighborhoods. The addition of 3 story townhouses creates a loss of privacy for adjacent homeowners, including those who live the homes across NW 3rd Street to the south.
6. Parking and road width within the proposed plan does not provide adequate parking, nor does it allow for street parking for residents and their guests.

Please vote no to the proposed rezoning of the property at 1602 NW 3rd Street from a mix of R-1/R-Estate zoning to a Planned Residential Development (PRD) zone.

Sincerely,

Karen Sinning

RE: Echelon PRD submission and the City Planning Office Staff Report

[REDACTED]

Date Wed 10/9/2024 10:27 AM

[REDACTED]

Hello randy,

Thank you for your comments. We will ensure that your comments are included in the packet when this item goes to Planning Commission for consideration.



[REDACTED]

Sent: Wednesday, October 9, 2024 8:30 AM

[REDACTED]

Subject: Echelon PRD submission and the City Planning Office Staff Report

[REDACTED]

Dear Jon:

I wrote to you earlier and I have been unable to find a response, so I will follow up again to express my concerns.

As one of the closest residents to the proposed development on 3rd st, I have reviewed the revised Echelon PRD submission and the City Planning Office Staff Report. I ask the Planning Commission to listen to me, the community and deny this PRD. The Echelon Development fails on all accounts and this PRD should be denied. The Echelon PRD does not meet existing development characteristics, existing zoning, proposed future zoning, nor meet affordable and aging-in-place housing strategies.

I am not opposed to more affordable housing, however, this development does not meet that criteria and it does not conform well with it's surroundings. We have a beautiful city with incredible citizens that require much more critical thought on your behalf in regards to this project.

Please understand that I am adamantly opposed to the current proposed development.

*Sincerely,
Randy A Green*

Bentonville, Ar. 72712

RE: Echelon Project

Date Wed 10/9/2024 10:25 AM

Hello Sandy,

Thank you for your comments. We will ensure that your comments are included in the packet when this item goes to Planning Commission for consideration.



Sent: Wednesday, October 9, 2024 9:03 AM

Subject: Echelon Project

Dear Planning Commission Member:

I have reviewed the revised Echelon PRD submission and the City Planning Office Staff Report. I am asking the Planning Commission to **PLEASE** listen to the community and **deny** this PRD. The Echelon Development fails on all accounts and this PRD should be denied. **The Echelon PRD does not meet existing development characteristics, existing zoning, proposed future zoning, nor meet affordable and aging-in-place housing strategies.**

On a very personal note, 3rd street already has so much traffic (I am a biker and live in Sturbridge). The added number of families will intensify that problem and I have a lot of concern for the safety of all of the bikers who frequent Coler!

Thank you for considering this request!

Sandy Brust
Medicare Made Simple

Sandy Brust
Medicare Broker



RE: Deny Echelon 1602 NW 3rd Street PRD

[REDACTED]

Date Wed 10/9/2024 7:54 AM

[REDACTED]

Hello Ken,

Thank you for your comments. We will ensure that your comments are included in the packet when this item goes to Planning Commission for consideration.



[REDACTED]

Sent: Tuesday, October 8, 2024 5:36 PM

[REDACTED]

Subject: Fw: Deny Echelon 1602 NW 3rd Street PRD

Regards,



TYLER OVERSTREET

Planning Director



479.271.3122



305 SW A Street

Bentonville, AR 72712



www.bentonvillear.com

Help shape the future of Bentonville. Promote what we want. Preserve what we love. We need your voice. Learn more and take the survey: www.planbentonville.com

Sent: Tuesday, October 8, 2024 11:31 AM

Subject: Deny Echelon 1602 NW 3rd Street PRD

[Learn why this is important](#)

Dear Mr. Overstreet,

Why is the quality-of-life index declining? Might the answer to this question be: planning commissions and planning departments are not listening to the community. They are only listening to the developer. The Echelon project at 1602 NW 3rd Street is a perfect example.

The Planning Department's own language states that development should be within the context of existing development. Three story townhomes are not even close to the existing development in this community. Furthermore, the Planning Department suggests in their own words that three story townhomes better match the surrounding neighborhoods. There is not a single three story townhouse anywhere near this site.

Regarding affordable housing or even moderately priced housing, the Planning Department states that their strategies call for the support of affordable housing. Of course, \$700,000 to \$800,000 homes are not affordable and they are not even moderately priced.

The Planning Department also mentions the effort to support aging in place development strategies. Common sense tells us that two- and three-story structures which make up the Echelon development plan do not support aging-in-place strategies.

The Echelon development plan fails on all accounts. This PRD rezoning should be denied. It does not fall within existing development characteristics, existing zoning, proposed future zoning, affordable housing and aging in place strategies.

We ask the Planning Commission to listen to the community and deny PRD rezoning for the Echelon development. Thank you for your service.

Sincerely,

Ken Leonard

[REDACTED]
Bentonville, AR 72712
[REDACTED]

Sent from my iPad

Fwd: NW 3rd street - we OPPOSE the rezoning of a few acres to a PRD request (ECHELON) - please keep as R-1

[REDACTED]

Date Tue 10/8/2024 6:45 PM

[REDACTED]

Begin forwarded message:

[REDACTED]

Date: October 8, 2024 at 1:58:53 PM CDT

[REDACTED]

Subject: NW 3rd street - we OPPOSE the rezoning of a few acres to a PRD request (ECHELON) - please keep as R-1

Fwd: Request to Deny Rezoning for Echelon Development

[REDACTED]

Date Tue 10/8/2024 6:42 PM

[REDACTED]

Begin forwarded message:

[REDACTED]

Date: October 8, 2024 at 11:59:51 AM CDT

[REDACTED]

Subject: Request to Deny Rezoning for Echelon Development

[REDACTED] [Learn why this is important](#)

Dear Mr. Bennett,

We have reviewed the revised Echelon PRD submission and the City Planning Office Staff Report. We ask the Planning Commission to listen to the community and deny this PRD. The Echelon Development fails on all accounts and this PRD should be denied. The Echelon PRD does not meet existing development characteristics, existing zoning, proposed future zoning, nor meet affordable and aging-in-place housing strategies. Thank you.

Takeaways from the Staff Report:

- The Planning Department Staff Report states that development should be within “the **context of existing development**”. Furthermore, it states “In order to better match the surrounding neighborhoods, the development will locate the taller, 3-story single-family attached units along Northwest 3rd Street...” Three story townhouses are not even close to the existing “land use and built character” of our neighborhoods. There is not a single three-story townhouse anywhere near this site.
- The Staff Report states that our neighborhoods are in Priority Area 2 designated for “Infill development”. **Infill development does not equate to PRD.** According to the City’s own criteria, infill development should be compatible zoning with the existing land use and “built character”. Based upon this, the zoning should be R-1 or with the Future Land Use Plan zoned as Neighborhood Suburban.
- The Staff Report calls out the need for strategies to **support affordability**. These \$700,000 and \$800,000 homes are not affordable. The nearby Foxglove

and Sturbridge homes are half that amount. Echelon units will be out of reach for many people.

- The Staff Report discusses supporting “**aging in place.**” Common sense says that two and three-story structures are not aging in place homes.
- The Staff Report states that **Northwest 3rd Street is “designated as a collector street”**. The addition of the bike lane took away the middle turning lane. When you travel east down NW 3rd Street during rush hour cars are backed up blocks from the traffic light at Walton Blvd.

Thank you very much for your support.
Renee

Renee Harris

Executive Director, Omnichannel Engagement and Strategic Planning



FW: Echelon Development

Regards,



TYLER OVERSTREET

Planning Director

479.271.3122

305 SW A Street
Bentonville, AR 72712

www.bentonvillear.com

Help shape the future of Bentonville. Promote what we want. Preserve what we love. We need your voice. Learn more and take the survey: www.planbentonville.com

Sent: Tuesday, October 8, 2024 1:20 PM

Subject: Echelon Development

[Learn why this is important](#)

I do not want this Development brought into my neighborhood. We already have way too much traffic, that are driving way too fast on a road that is supposed to be 25 MPH. The Development does not fit in with the current housing. And allowing this Development will just open up the area for other builders to request the same type of rezoning, which again, we DO NOT want!

Donna Duncan

Bentonville, AR 72712

FW: ECHELON PRD

[REDACTED]

Date Thu 10/10/2024 11:51 AM

[REDACTED]

[REDACTED]

Regards,



TYLER OVERSTREET

Planning Director

479.271.3122

305 SW A Street

Bentonville, AR 72712

www.bentonvillear.com

Help shape the future of Bentonville. Promote what we want. Preserve what we love. We need your voice. Learn more and take the survey: www.planbentonville.com

[REDACTED]

Sent: Thursday, October 10, 2024 10:42 AM

[REDACTED]

Subject: ECHELON PRD

[REDACTED] [Learn why this is important](#)

Dear Mr. Overstreet, Planning Director:

I have reviewed the revised Echelon PRD submission and the City Planning Office Staff report and ask the Planning Commission to listen to the community and deny this PRD. The Echelon Development is not appropriate for this area and would be a safety concern for residents and everyone that travels 3rd Street. The Echelon PRD does not meet existing development characteristics, existing zoning, proposed future zoning, nor meet affordable and aging-in-place housing strategies.

I live in the Highland Park subdivision located at 3rd and Elm Tree and know first hand the large amount of both car and bike traffic daily on 3rd Street. 3rd Street isn't designed to handle the additional traffic this development would add nor provide any parking that would run over from this development.

The Echelon PRD fails on all accounts and this PRD should be denied.

Thank you,
Mary Hubble

FW: Echelon PRD NW3rd St

Regards,



TYLER OVERSTREET

Planning Director

479.271.3122

305 SW A Street
Bentonville, AR 72712

www.bentonvillear.com

Help shape the future of Bentonville. Promote what we want. Preserve what we love. We need your voice. Learn more and take the survey: www.planbentonville.com

Sent: Thursday, October 10, 2024 10:32 AM

Subject: Echelon PRD NW3rd St

You don't often get email from jeffgoing1@outlook.com. [Learn why this is important](#)

The Echelon PRD proposal on NW 3rd Street doesn't come even remotely close to fitting in with the surrounding environment and communities. Homeowners on all sides of the proposed rezoning area take pride in caring for their beautiful lawns and homes which makes this community so unique. Very expensive, high density, multiple story housing with \$800k- \$700k price tags are far different from the average \$300k - \$500k homes in the surrounding neighborhoods. The thought that these three and two story units sitting on lots that are not much bigger than their footprints will blend in with the surrounding homes is ridiculous. The thought that these multiple story units will cater to the elderly and using the term "Aging in Place" is even more ridiculous. Obviously the developers are not seniors. I'm 69 y/o and the last thing I'd want to do is climb up and down stairs. I put multiple story homes behind me 8 years ago. There are much larger areas in Bentonville where high density housing would fit in without cramming them right in the middle of existing communities with homes on 1/4 - 1/3 acre lots. NW 3rd Street is already a dangerous street to drive on. It's even worse since they installed a bike lane that took away the center lane where you could make your turns. Please listen to the

community, those of us who are directly impacted by too much growth for a stagnant infrastructure. The Echelon Development fails to come close to existing zoning or proposed future zoning. The Echelon Development will add to traffic and there will most definitely be parking problems that will likely lead to disputes. I'm asking the Planning Commission to listen to the community and deny this PRD.

Jeff Goings

Bentonville

Sent from my iPad

NOTICE OF INTENT TO REZONE

AMAZING LAND COMPANY LLC & GARRETT, JEFFREY & GARRETT, TYLER KELSEY has requested the Bentonville Planning Commission to set a public hearing date to consider rezoning the following property from
R-E & R-1 to PRD

The legal description of the property is as follows:

EXHIBIT A - PROPERTY DESCRIPTION

The common description of the property is: 1602 NW 3RD STREET, BENTONVILLE +/- 3.58 ACRES

The public hearing will be held OCTOBER 15TH, 20 24 at 5:00 p.m. It will be held at 305 S.W. "A" Street.

This notification is in response to the requirement that all property owners within 200 feet of said property must be notified. If you wish to express any comments about the requested rezoning, you may respond by the following methods:

1. Attend the public hearing and express your views.
2. Express your opinion in writing to the Planning Commission. You may mail this or deliver it to the City of Bentonville Planning Department, 305 SW A Street, Bentonville, AR 72712.
3. Use the bottom of this form to express your opinion by checking the appropriate box. (This may also be delivered or mailed to the above address.)

For more information, you may call the Planning Department at (479)271-3122.

I/We have received notice of the public hearing for the rezoning of the above described property and:

- ☐ I/We have no objections to the rezoning.
- ☐ I/We object to the rezoning because:

Signature and Physical Address

Signature and Physical Address

NOTICE OF INTENT TO REZONE

AMAZING LAND COMPANY LLC & GARRETT, JEFFREY & GARRETT, TYLER KELSEY has requested the Bentonville Planning Commission to set a public hearing date to consider rezoning the following property from
R-E & R-1 to PRD

The legal description of the property is as follows:

EXHIBIT A - PROPERTY DESCRIPTION

The common description of the property is: 1602 NW 3RD STREET, BENTONVILLE +/- 3.58 ACRES

The public hearing will be held OCTOBER 15TH, 2024 at 5:00 p.m. It will be held at 305 S.W. "A" Street.

This notification is in response to the requirement that all property owners within 200 feet of said property must be notified. If you wish to express any comments about the requested rezoning, you may respond by the following methods:

1. Attend the public hearing and express your views.
2. Express your opinion in writing to the Planning Commission. You may mail this or deliver it to the City of Bentonville Planning Department, 305 SW A Street, Bentonville, AR 72712.
3. Use the bottom of this form to express your opinion by checking the appropriate box. (This may also be delivered or mailed to the above address.)

For more information, you may call the Planning Department at (479)271-3122.

I/We have received notice of the public hearing for the rezoning of the above described property and:

☐ I/We have no objections to the rezoning.

☒ I/We object to the rezoning because:

1 NW 3rd St traffic is already bad w/ bike lanes + dealing w/ school traffic, 2 The Echelon project doesn't fit the area 3 Parents are biking their kids to school making unsafe with additional traffic

Signature and Physical Address

Signature and Physical Address

4. Not consistent with surrounding neighborhoods.

5. The plan is to dense

6. Noise the balconies will noise in the neighborhood.

NOTICE OF INTENT TO REZONE

AMAZING LAND COMPANY LLC & GARRETT, JEFFREY & GARRETT, TYLER KELSEY has requested the Bentonville Planning Commission to set a public hearing date to consider rezoning the following property from R-E & R-1 to PRD

The legal description of the property is as follows:

EXHIBIT A - PROPERTY DESCRIPTION

The common description of the property is: 1602 NW 3RD STREET, BENTONVILLE +/- 3.58 ACRES

The public hearing will be held OCTOBER 15TH, 20 24 at 5:00 p.m. It will be held at 305 S.W. "A" Street.

This notification is in response to the requirement that all property owners within 200 feet of said property must be notified. If you wish to express any comments about the requested rezoning, you may respond by the following methods:

1. Attend the public hearing and express your views.
2. Express your opinion in writing to the Planning Commission. You may mail this or deliver it to the City of Bentonville Planning Department, 305 SW A Street, Bentonville, AR 72712.
3. Use the bottom of this form to express your opinion by checking the appropriate box. (This may also be delivered or mailed to the above address.)

For more information, you may call the Planning Department at (479)271-3122.

I/We have received notice of the public hearing for the rezoning of the above described property and:

☐ I/We have no objections to the rezoning.

☒ I/We object to the rezoning because:

This area should be aligned with the surrounding neighborhoods as Neighborhood-Suburban. The density of the proposed plan is incompatible and will cause traffic and parking issues.

Signature and Physical Address

Bentonville, AR

Signature and Physical Address

Fwd: Tuesday's planning meeting agenda

[REDACTED]
Date Sun 10/13/2024 9:16 PM
[REDACTED]

Begin forwarded message:

[REDACTED]
Date: October 13, 2024 at 8:40:46 PM CDT
To: Danny Bennett <DBennett@bentonvillear.com>
Subject: Tuesday's planning meeting agenda

[REDACTED] [Learn why this is important](#)

Thank you for your time to read this email concerning a planned development.

This is concerning rezoning the property at 1602 NW 3rd Street from R-1 to PRD. The plans the developers have for this property are not appropriate and it does not stay in the context of existing development. The plans do not meet with the existing land use and the zoning should stay R-1 and not be changed to PRD.

The Townhouses face 3rd street and appear more like apartments than "townhomes". This would give the appearance that the entire area behind are apartments. The single-family homes are not visible from the road. I know I would not purchase a single-family home behind apartments. Nor would anyone paying as much for a home as they say the homes will be sold for.

Also, looking at the "private roads" as opposed to city streets, there is no parking allowed for any guests for the residents. Where are they going to park? There is a bike lane in front of the property and I would hope they would not try to park there but there really is no where else available to park.

There are other options available to them. They could easily build 6 or 7 single family homes on this beautiful piece of property that could sell for well over a million dollars. This would be a more appropriate use of the property. They just need a different design.

PLEASE DO NOT GRANT THE REZONING REQUEST TO PRD. PLEASE KEEP THE PROPERTY AS R-1.

Thank you,

Dennis Phillips
[REDACTED]

Fwd: Eschelon Revised Plan

[REDACTED]
Date Sat 10/12/2024 7:56 PM

To Tyler Overstreet [REDACTED]

Cc Sophie McAdara [REDACTED]

Begin forwarded message:

From: Tina Brandt [REDACTED]

Date: October 12, 2024 at 5:24:48 PM CDT

To: Danny Bennett [REDACTED]

Subject: Fwd: Eschelon Revised Plan

[REDACTED] [Learn why this is important](#)

From: Tina Brandt [REDACTED]

Date: October 12, 2024 at 4:50:37 PM CDT

My husband and I have reviewed the above revised plan and still do not agree with Eschelon's request for Rezoning. Please consider the following reasons:

1. Number 1 and vitally important is Safety. I drive NW 3rd every day to and from my job. The placement of the bike lane caused the narrowing of the two lanes. Construction vehicles, fire trucks, garbage trucks, vehicles with wide trailers, large SUVs, school busses barely pass. I see school children on the corners waiting to be picked up each morning. They are quite close to the curbs. Traffic has increased considerably. Vehicles now cut thru NW O street for a short cut to Central or NW 3rd. The addition of 3 story homes along NW 3rd will only add to current problems.
2. It is not within the context of existing development. There are no 3 story townhouses near this site. They are not within the land use and built character of our neighborhoods. Further, infield development should be compatible zoning with existing land use. It clearly follows that the zoning should remain R-1 or with the future land use plan zoned as Neighborhood Suburban.
3. These homes are not affordable! Nearby homes are half the 700,000 to 800,000 cost of the proposed homes. Plus the fact that these homes do not support aging in place as has been discussed.
4. In reference to traffic cited in No. 1 above, I can attest to the fact that vehicles are already in a backed up situation during rush hour, blocks from the traffic light. Eschelon's plan will create a nightmare of increased density, traffic problems, safety issues with the narrowed lanes and entry to the bike lane, and houses sitting empty because of affordability.

The Eschelon development fails in every aspect. We respectfully request that this PRD be denied.

Thank you.

Tina and Doug Brandt

NOTICE OF INTENT TO REZONE

AMAZING LAND COMPANY LLC & GARRETT, JEFFREY & GARRETT, TYLER KELSEY has requested the Bentonville Planning Commission to set a public hearing date to consider rezoning the following property from R-E & R-1 to PRD

The legal description of the property is as follows:

EXHIBIT A - PROPERTY DESCRIPTION

The common description of the property is: 1602 NW 3RD STREET, BENTONVILLE +/- 3.58 ACRES

The public hearing will be held OCTOBER 15TH, 20 24 at 5:00 p.m. It will be held at 305 S.W. "A" Street.

This notification is in response to the requirement that all property owners within 200 feet of said property must be notified. If you wish to express any comments about the requested rezoning, you may respond by the following methods:

1. Attend the public hearing and express your views.
2. Express your opinion in writing to the Planning Commission. You may mail this or deliver it to the City of Bentonville Planning Department, 305 SW A Street, Bentonville, AR 72712.
3. Use the bottom of this form to express your opinion by checking the appropriate box. (This may also be delivered or mailed to the above address.)

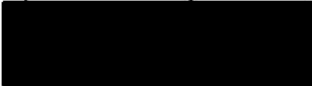
For more information, you may call the Planning Department at (479)271-3122.

I/We have received notice of the public hearing for the rezoning of the above described property and:

☐ I/We have no objections to the rezoning.

☒ I/We object to the rezoning because:

This is not an appropriate use of PRD zoning. The future land use plan has designated this area as "Neighborhood-Suburban" but the Echelon Development will turn us into a Urban area. It will increase already elevated traffic + parking issues, create additional safety concerns, invade the privacy of all neighbors and stick out like a sore thumb. Please see additional pages for details.


Signature and Physical Address

  Bentonville
Signature and Physical Address

Benjamin and Leslie Nice
[REDACTED]

Bentonville, AR 72712

October 11, 2024

City of Bentonville Planning Department
[REDACTED]

Bentonville, AR 72712

Dear Members of the Planning Commission,

We are writing as residents and homeowners of Bentonville since 2014 to express our serious concerns regarding the proposed rezoning and development plan for the property adjacent to our home. As you consider the developer's request to rezone this land, we feel it is important to highlight the negative impacts this project will have on our neighborhood, with privacy and safety being our primary concerns.

As parents of 3 small children we feel that the proposed 3-story townhouses are incompatible with the character of the surrounding area, which consists entirely of single-family homes on larger lots. Our backyard has been a safe haven for our kids to run and play freely but, these towering structures will overlook our property and those of our neighbors, causing a significant invasion of privacy for all of us. Unlike the current zoning, which allows for homes that complement the neighborhood's layout and character, the proposed design places multi-story buildings at an uncomfortably close proximity to existing homes, allowing future residents or worse, short term renters, a direct view into our backyards, patios, and windows. The loss of privacy is not only frustrating, but also disheartening for those of us who have invested in the peaceful, suburban environment that this part of Bentonville offers.

Furthermore, the density and design of this development would severely disrupt the established character of our neighborhood. All surrounding areas are zoned R-1, and this development would introduce an incompatible housing style (i.e. barracks-style townhouses) that the City's current and future land use plans do not support. This intrusion of high-density housing brings not only privacy concerns but also the potential for increased traffic, noise, and safety issues—particularly given the lack of adequate parking and the heavy use of the nearby bike path by families and schoolchildren.

The new developers want you to believe that they are doing everything that they can to minimize any privacy, safety, traffic and noise concerns but if they weren't requesting a rezoning that would make this area stick out like a sore thumb but instead were adhering to the current zoning and future plan for the city of Bentonville then they wouldn't have to worry about these concerns at all.

In closing, we urge the Planning Commission to reject this rezoning request and development plan. It is essential to preserve the privacy, safety, and character of our neighborhood. This project, in its current form, is simply not appropriate for the area and will create significant

NOTICE OF INTENT TO REZONE

AMAZING LAND COMPANY LLC & GARRETT, JEFFREY & GARRETT, TYLER KELSEY has requested the Bentonville Planning Commission to set a public hearing date to consider rezoning the following property from R-E & R-1 to PRD

The legal description of the property is as follows:

EXHIBIT A - PROPERTY DESCRIPTION

The common description of the property is: 1602 NW 3RD STREET, BENTONVILLE +/- 3.58 ACRES

The public hearing will be held OCTOBER 15TH, 20 24 at 5:00 p.m. It will be held at 305 S.W. "A" Street.

This notification is in response to the requirement that all property owners within 200 feet of said property must be notified. If you wish to express any comments about the requested rezoning, you may respond by the following methods:

1. Attend the public hearing and express your views.
2. Express your opinion in writing to the Planning Commission. You may mail this or deliver it to the City of Bentonville Planning Department, 305 SW A Street, Bentonville, AR 72712.
3. Use the bottom of this form to express your opinion by checking the appropriate box. (This may also be delivered or mailed to the above address.)

For more information, you may call the Planning Department at (479)271-3122.

I/We have received notice of the public hearing for the rezoning of the above described property and:

☐ I/We have no objections to the rezoning.

☒ I/We object to the rezoning because:

This would be inappropriate for the current R1 neighborhood and unsuitable for the area.

CORNELIUS W. PRATT, II

BENTONVILLE, AR 72712

Signature and Physical Address

Signature and Physical Address

FW: Echelon Rezone Request

From Jon Stanley [REDACTED]
Date Mon 10/14/2024 10:22 AM
To Sophie McAdara [REDACTED]



From: Lisa Hostetler [REDACTED]
Sent: Monday, October 14, 2024 9:54 AM
To: Jon Stanley [REDACTED]
Subject: Echelon Rezone Request

You don't often get email from [REDACTED]. [Learn why this is important](#)
Dear Jon Stanley:

We adamantly oppose Echelon's request to rezone the 3rd street property from R-1 to PUD. We believe it is evident by looking at a map that this would be way out of place. This lot is right in the middle of all R-1. If you look at an aerial view of the land all you would see would be R-1 lots all around this plot. To put townhouses in this would not be appropriate use of the land. We are a block away from this land and hope that we can keep this area R-1 as it has been.

We appreciate your consideration of this concern we have. The previous email I sent goes in to more detail our objections. But no matter how they sugar-coat the request, it is still objectionable.

Sincerely,

Lynn and Lisa Hostetler

Fwd: Proposed Echelon Development

From Danny Bennett [REDACTED]
Date Sun 10/13/2024 12:43 PM
To Tyler Overstreet [REDACTED]; Thomas Adler [REDACTED]
Cc Sophie McAdara [REDACTED]

Begin forwarded message:

From: Karen Sinning [REDACTED]
Date: October 13, 2024 at 8:56:03 AM CDT
To: Danny Bennett [REDACTED]
Subject: Re: Proposed Echelon Development

You don't often get email from [REDACTED]. [Learn why this is important](#)

Mr Bennett,

I have reviewed the revised Echelon PRD submission and the City Planning Office Staff Report. I ask the Planning Commission to listen to the community and deny this PRD. The Echelon Development fails on all accounts and this PRD should be denied. The Echelon PRD does not meet existing development characteristics, existing zoning, proposed future zoning, nor meet affordable and aging-in-place housing strategies.

Thank you.

Karen Sinning

On Sunday, October 6, 2024 at 09:07:06 AM CDT, Karen Sinning [REDACTED] wrote:

Mr. Bennett,

As a member of the Bentonville Community who travels NW 3rd Street a minimum of 2x per day, including weekends, I am concerned with the proposed change in zoning for 1602 NW 3rd Street from a mix of R-1/R-Estate zoning to a Planned Residential Development (PRD) zone. My concerns include, but are not limited to:

1. Proposed egress for the development is too close to existing crossroads. The safety of the community who use 3rd street and those families who transport their children to and from school via the existing bike lanes would be at increased risk to accident and/or incident.
 1. As a frequent user NW 3rd Street, it is almost daily I witness cars running 4-way stop signs, speeding or actually driving in the two-lane bike path due to driver confusion regarding the placement of the bike lanes when making a right-hand turn from any of the streets joining NW 3rd Street from the north.
2. Increased traffic from the proposed community onto an already congested street during peak hours. Community members already turning from NW J Street at the 4-way stop are not able to turn due to traffic being stopped at the streetlight at the corner of Walton Blvd. and NW 3rd Street causing significant backup and unnecessary chances impacting public safety including children and families riding their bikes to school.
3. Proposed plan change does not align with Bentonville's current Master plan and future Land Use plan. All surrounding neighborhoods are zoned R-1. The property is currently zoned as a mix of Residential Estate and R-1 and the City's proposed Future Land Use Plan calls for this plot of land is "Neighborhood-Suburban."
4. Stormwater including mud and debris from the existing 1602 NW 3rd street property runs onto the sidewalk. Increased elevation to accommodate the proposed development has the possibility to increase the runoff with storm debris causing a safety issue for community members using the sidewalk and bike lanes. Increasing density will create more flooding and storm water problems that will need to be addressed by the city as they occur.
5. Design, including the material used in the construction of the buildings, of the proposed townhomes and single-family homes is not compatible with the surrounding neighborhoods. The addition of 3-story townhouses creates a loss of privacy for adjacent homeowners, including those who live the homes across NW 3rd Street to the south.
6. Parking and road width within the proposed plan does not provide adequate parking, nor does it allow for street parking for residents and their guests

Please vote no to the proposed rezoning of the property at 1602 NW 3rd Street from a mix of R-1/R-Estate zoning to a Planned Residential Development (PRD) zone.

Sincerely,

RESOLUTION NO. _____

**A RESOLUTION AMENDING THE CITY OF BENTONVILLE FUTURE LAND USE
MAP FOR A SPECIFIC AREA FROM OPEN SPACE TO LOW-DENSITY
RESIDENTIAL; AND FOR OTHER PURPOSES.
(PROJECT NUMBER: PRD24-0004)**

WHEREAS, Amazing Land Company LLC duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present land use classification of OPEN SPACE to LOW-DENSITY RESIDENTIAL, which property is described as follows:

LOT 2 OF LOT SPLIT FORREST OAKS SUBDIVISION AS RECORDED AT PLAT #L2017056697, BENTON COUNTY, ARKANSAS. AND LOT 3 OF LOT SPLIT FORREST OAKS SUBDIVISION AS RECORDED AT PLAT #L2017056697, LESS & EXCEPT THE RIGHT OF WAY TAKEN PER CONSENT JUDGMENT (CV-2004-1855-2) AND ORDER OF POSSESSION (CIV-2005-1239-1), BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND P/K NAIL AT THE SOUTHEAST CORNER OF THE NE1/4 SW1/4 OF SECTION 25, T-20-N, R-31-W. THENCE N 02°28'10" E ALONG THE EAST LINE OF SAID NE1/4 SW1/4, A DISTANCE OF 40.83 FEET; THENCE N 87°23'20" W, A DISTANCE OF 19.93 FEET TO A FOUND 1/2" REBAR (PLS #1380), SAID POINT BEING ON THE NORTHERLY RIGHT OF WAY LINE OF NW 3RD ST PER AFORESAID CONSENT JUDGMENT (CV-2004-1855-2) AND THE POINT OF BEGINNING; THENCE N 87°23'20" W ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAID NW 3RD ST PER SAID CONSENT JUDGMENT AND ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAID NW 3RD ST PER AFORESAID ORDER OF POSSESSION (CIV-2005-1239-1), A DISTANCE OF 206.48 FEET TO THE WEST LINE OF AFORESAID LOT 3; THENCE N 02°21'38" E ALONG THE WEST LINE OF SAID LOT 3, A DISTANCE OF 159.01 FEET TO THE NW CORNER OF SAID LOT 3; THENCE S 87°23'20" E ALONG THE NORTH LINE OF SAID LOT 3, A DISTANCE OF 206.85 FEET TO A FOUND 1/2" REBAR AT THE NE CORNER OF SAID LOT 3; THENCE S 02°29'34" W ALONG THE EAST LINE OF SAID LOT 3, A DISTANCE OF 159.01 FEET TO THE POINT OF BEGINNING, CONTAINING 0.75 ACRES MORE OR LESS. AND PART OF LOT 1 OF LOT SPLIT FORREST OAKS SUBDIVISION AS RECORDED AT PLAT #L2017056697, BENTON COUNTY, ARKANSAS. COMMENCING AT A FOUND 5/8" FOUND REBAR AT THE SOUTHEAST CORNER OF SAID LOT. THENCE N 02°28'10" E, A DISTANCE OF 1.30 FEET TO THE POINT OF BEGINNING; THENCE N 87°23'20" W, A DISTANCE OF

19.93 FEET; THENCE N 02°29'34" E, A DISTANCE OF 686.10 FEET; THENCE S 87°31'53" E, A DISTANCE OF 19.60 FEET TO THE WEST LINE OF STURRBRIDGE SUBDIVISION (PLAT #19-289); THENCE S 02°28'10" W, A DISTANCE OF 686.15 FEET TO THE POINT OF BEGINNING, CONTAINING 0.31 OF AN ACRE MORE OR LESS. LEAVING A TOTAL OF 3.58 ACRES, MORE OR LESS;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held November 19, 2024 at the Council Chambers of the City of Bentonville;

WHEREAS, public notice of said hearing having been published in the Northwest Arkansas Democrat Gazette for the time and in the manner required by law; and

WHEREAS, the Planning Commission voted to recommend to the City Council that the petition be approved and that said future land use classification as presented on the property be changed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF BENTONVILLE, ARKANSAS:

Section 1: That the above described real property is hereby changed from its present land use classification of OPEN SPACE to LOW-DENSITY RESIDENTIAL on the City of Bentonville Future Land Use Map;

Section 2 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

PASSED AND APPROVED this ____ day of _____, 2024.

APPROVED:

ATTEST:

Stephanie Orman, Mayor

Malorie Marrs, City Clerk

ORDINANCE NO. _____

**AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF
BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING
CLASSIFICATION OF R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL
AND R-E, RESIDENTIAL ESTATE TO PRD, PLANNED RESIDENTIAL
DEVELOPMENT; AND FOR OTHER PURPOSES.
(PROJECT NUMBER: PRD24-0004)**

WHEREAS, Amazing Land Company LLC duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL and R-E, RESIDENTIAL ESTATE to PRD, PLANNED RESIDENTIAL DEVELOPMENT to be used in accordance with city zoning laws and state laws, which property is described as follows:

LOT 2 OF LOT SPLIT FORREST OAKS SUBDIVISION AS RECORDED AT PLAT #L2017056697, BENTON COUNTY, ARKANSAS. AND LOT 3 OF LOT SPLIT FORREST OAKS SUBDIVISION AS RECORDED AT PLAT #L2017056697, LESS & EXCEPT THE RIGHT OF WAY TAKEN PER CONSENT JUDGMENT (CV-2004-1855-2) AND ORDER OF POSSESSION (CIV-2005-1239-1), BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND P/K NAIL AT THE SOUTHEAST CORNER OF THE NE1/4 SW1/4 OF SECTION 25, T-20-N, R-31-W. THENCE N 02°28'10" E ALONG THE EAST LINE OF SAID NE1/4 SW1/4, A DISTANCE OF 40.83 FEET; THENCE N 87°23'20" W, A DISTANCE OF 19.93 FEET TO A FOUND 1/2" REBAR (PLS #1380), SAID POINT BEING ON THE NORTHERLY RIGHT OF WAY LINE OF NW 3RD ST PER AFORESAID CONSENT JUDGMENT (CV-2004-1855-2) AND THE POINT OF BEGINNING; THENCE N 87°23'20" W ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAID NW 3RD ST PER SAID CONSENT JUDGMENT AND ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAID NW 3RD ST PER AFORESAID ORDER OF POSSESSION (CIV-2005-1239-1), A DISTANCE OF 206.48 FEET TO THE WEST LINE OF AFORESAID LOT 3; THENCE N 02°21'38" E ALONG THE WEST LINE OF SAID LOT 3, A DISTANCE OF 159.01 FEET TO THE NW CORNER OF SAID LOT 3; THENCE S 87°23'20" E ALONG THE NORTH LINE OF SAID LOT 3, A DISTANCE OF 206.85 FEET TO A FOUND 1/2" REBAR AT THE NE CORNER OF SAID LOT 3; THENCE S 02°29'34" W ALONG THE EAST LINE OF SAID LOT 3, A DISTANCE OF 159.01 FEET TO THE POINT OF BEGINNING, CONTAINING 0.75 ACRES MORE OR LESS. AND PART OF LOT 1 OF LOT SPLIT FORREST OAKS SUBDIVISION AS RECORDED AT PLAT #L2017056697, BENTON COUNTY, ARKANSAS. COMMENCING AT A FOUND 5/8" FOUND REBAR AT

THE SOUTHEAST CORNER OF SAID LOT. THENCE N 027°28'10" E, A DISTANCE OF 1.30 FEET TO THE POINT OF BEGINNING; THENCE N 87°23'20" W, A DISTANCE OF 19.93 FEET; THENCE N 02°29'34" E, A DISTANCE OF 686.10 FEET; THENCE S 87°31'53" E, A DISTANCE OF 19.60 FEET TO THE WEST LINE OF STURRBRIDGE SUBDIVISION (PLAT #19-289); THENCE S 02°28'10" W, A DISTANCE OF 686.15 FEET TO THE POINT OF BEGINNING, CONTAINING 0.31 OF AN ACRE MORE OR LESS. LEAVING A TOTAL OF 3.58 ACRES, MORE OR LESS;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held November 19, 2024 in the Council Chambers of the City of Bentonville;

WHEREAS, public notice of said hearing having been published in the Northwest Arkansas Democrat-Gazette for the time and in the manner required by law; and

WHEREAS, the Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification of R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL and R-E, RESIDENTIAL ESTATE to PRD, PLANNED RESIDENTIAL DEVELOPMENT.

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

Section 1: That the above described real property is hereby changed from its present zoning classification of R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL and R-E, RESIDENTIAL ESTATE to PRD, PLANNED RESIDENTIAL DEVELOPMENT to be used in accordance with the city zoning laws and state laws;

Section 2 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED AND APPROVED this _____ day of _____, 2024.

APPROVED:

ATTEST:

Stephanie Orman, Mayor

Malorie Marrs, City Clerk