

1. Agenda

Documents:

[JULY 26, 2016 CITY COUNCIL FULL AGENDA.PDF](#)

2. Short Agenda

Documents:

[JULY 26, 2016 CITY COUNCIL SHORT AGENDA.PDF](#)



BENTONVILLE CITY COUNCIL AGENDA

**Committee of the Whole
Community Development
Planning Commission Meeting Room**

**Tuesday, July 26, 2016 6:00 p.m.
305 SW "A" Street**

**Regular City Council Meeting
Community Development
Planning Commission Meeting Room**

**Tuesday, July 26, 2016 6:00 p.m.
305 SW "A" Street**

**Public Comments on Tonight's Agenda Items (Limited Public Forum)
Questions, Comments and Discussion from Alderman on Tonight's Agenda
Call to Order
Pledge of Allegiance
Moment of Silence – For our Military Forces
Roll Call
Approval of Minutes: July 12, 2016**

AGENDA

1. An ordinance detaching certain property under Act 779, annexing said property to the City of Bentonville, Arkansas, and making same a part of the City of Bentonville, and assigning same to wards. (Sewell Family Development, LLC)
(Pages 4-25)

2. Planning:

- 2a. **Lot Split: Bridget Beckfield, Lot 19 Lefor's Addition, 203 Northwest 'D' Street, Zoned R-1, Single Family Dwelling.**

(Pages 28-31)

The planning commission voted 7-0 recommending approval.

The applicant has submitted a lot split for property located at 203 Northwest 'D' Street that resides in the R-1, Single Family Residential zoning district. The plat as provided by the applicant indicates one new lot being created. The new lot will be known as Lot 19 (0.22 acres), of Lefor's Addition. The plat shows the dedication of an additional right-of-way along Northwest 'D' Street per the current master street plan. Public utilities are available to the new lots.

- 2b. **Lot Split: Quality Housing Partners, LLC, Lots 17 through 27, Block 9 Deming's Addition, Northwest 'A' Street & Northwest 3rd Street (NW Corner), Zoned D-E, Downtown Edge.**

(Pages 32-35)

The planning commission voted 7-0 recommending approval.

The applicant has submitted a lot split for property located at the intersection of Northwest 'A' Street & Northwest 3rd Street that resides in the D-E, Downtown Edge zoning district. The plat as provided by the applicant indicates eleven new lots being created. The new lots will be known as Lots 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 & 27, Block 9 of Deming's Addition. Each new lot will be 0.03 acres in size. The plat shows the dedication of additional right-of-way along Northwest 'A' Street per the current master street plan. A private access easement is indicated on the plat. Each lot has direct access to public water service. Sewer service will be provided by a private sewer line that will connect to the public sewer main on the north side of the property via a private sewer easement.

- 2c. **Lot Split: Manuel Barnes, lots 23, 24 & 25, Block 1 Railroad Addition, 312 & 314 South Main Street, Zoned D-E, Downtown Edge.**
(Pages 36-39)

The planning commission voted 7-0 recommending approval.

The applicant has submitted a lot split for property located at 312 & 314 South Main Street that resides in the D-E, Downtown Edge zoning district. The plat as provided by the applicant indicates three new lots being created from one existing lot. The new lots will be known as Lot 23(0.19 acres), Lot 24 (0.20 acres) and Lot 25 (0.17 acres), Block 1, of the Railroad Addition. The plat shows the dedication of an additional right-of-way along South Main Street & Southwest 4th Street per the current master street plan. Public utilities are available to the new lots.

- 2d. **Lot Split: Neuebox LLC, Lots 26, Block 3, Railroad Addition, 307 South Main Street, Zoned D-C, Downtown Core.**
(Pages 40-43)

The planning commission voted 7-0 recommending approval.

The applicant has submitted a lot split for property located at 307 South Main Street that resides in the D-C, Downtown Core zoning district. The plat as provided by the applicant indicates the creation of 1 new lot that will be known as Lot 26 (0.29 acres) Block 1, of the Railroad Addition. The plat shows the dedication of an additional right-of-way along South Main Street per the current master street plan. Public utilities are available to the new lot.

- 2e. **Rezoning: Roth Family, Inc., 502 & 506 Southwest 'D' Street, Rezoning Request from R-1, Single Family Residential to D-E, Downtown Edge.**

(Pages 44-48)

The planning commission voted 7-0 recommending approval.

The applicant has requested a rezoning on the properties located at 502 & 506 Southwest 'D' Street. The property is currently vacant, the rezoning request is consistent with the City of Bentonville's Future Land Use Map.

3. Approval of crosswalk art to be installed on SW 4th Street at the intersection with SW A Street. Costs associated with this request include the \$1,500.00 fee for the artist's design and additional costs for fabrication and installation. This is a budgeted item. **(Pages 49-50)**
4. City Council approval of a budget adjustment, in the amount of \$16,573.00 for construction of a new fence at the Bentonville Community Center. **(Pages 51-53)**



CHECK ALL THAT APPLY		
	Bid Award	Bid #
	Budget Adjustment	
	Change Order	
	Informational	
X	Ordinance	
	Resolution	
	Other	

AGENDA FORM

CITY COUNCIL MEETING OF:

July 26, 2016

Submitted by:

Sewell Family Dev. LLC

Department

Phone

ACTION REQUIRED:

An ordinance detaching certain property under Act 779, annexing said property to the City of Bentonville, Arkansas, and making same a part of the City of Bentonville, and assigning same to wards.

COST TO CITY:

Cost of this Request:

Additional Budget Amount

☐ One time amount

☐ Continuing O and M

Previously Budgeted	\$
Funds Expended to Date	
Remaining Budget	-
Budget Adjustment	-
Remaining After Adjustment	\$ -

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712

www.bentonvillear.com



PLEASE RECYCLE



Brenda DeShields-Circuit Clerk
Benton County, AR
Book/Pg: 2016/37947
Term/Cashier: CASH4/Rozalia J. McCabe
06/29/2016 2:01:38PM
Tran: 384693
Total Fees: \$95.00

Book **2016** Page **37947**
Recorded in the Above
DEED Book & Page
06/29/2016

COVER SHEET

IN THE CIRCUIT COURT OF BENTON COUNTY, ARKANSAS
DEEDS AND MORTGAGES

DETACHMENT of LANDS UNDER ACT 779 as revised

Prepared by: Watkins, Boyer, Gray, & Curry, PLLC
Attorneys at Law
1106 West Poplar Street
Rogers, Arkansas 72756
(479) 636-2168

BEFORE THE CITY COUNCIL OF THE CITY OF BENTONVILLE, ARKANSAS
SEWELL FAMILY DEVELOPMENT, LLC PETITIONER

**PETITION FOR ANNEXATION AND NOTICE PURSUANT TO
AN ACT TO ASSIST LANDOWNERS IN OBTAINING MUNICIPAL SERVICES**

COME NOW Sewell Family Development, LLC, and for its Petition and Notice states as follows:

1. That the Petitioner is the owner of the following described property which is presently within the city limits of Cave Springs, Benton County, Arkansas, to wit:

SEE ATTACHED EXHIBIT A

LAYMAN'S DESCRIPTION: 24.91 acres, more or less, bounded on the West by Highway 112 and on the North side by St. Valery Downs Subdivision

2. That the above described property is suitable for development as a residential subdivision containing not less than fifty (50) single family residential units, which use requires that adequate and reliable water and sewer services be available. Sewer service is not presently available from the City of Cave Springs.

3. That on October 27, 2015, pursuant to Act 779 of the 1999 legislative session, as amended, entitled An Act to Assist Landowners in Obtaining Municipal Services (the "Act"), as codified in A.C.A. 14-40-2001, et seq., the Petitioners did make written demand upon the City of Cave Springs, by certified mail, return receipt requested, that said municipality notify the Petitioners of its intent to provide said sewer services to the Petitioner within 180 days of receipt of said notice. A copy of said written demand is attached hereto, marked as "Exhibit B" and made a part hereof. Further pursuant to the Act, the City of Cave Springs is required to provide notice to the Petitioner every thirty (30) days of its progress toward providing the requested services.

4. That in response to the above letter the City of Cave Springs notified the Petitioners in writing that it would commit to providing the requested services within 180 days but offered no specifics as to how it would endeavor to do so. A copy of said response is attached hereto, marked as "Exhibit C" and

made a part hereof. In its response the City of Cave Springs further requested additional information from the Petitioners which was provided by letter to counsel for the City of Cave Springs dated December 3, 2015.

5. That the property of the Petitioners consists of one area contiguous to the City of Bentonville. The City of Bentonville is able to provide the requested sewer service necessary for the development of the Petitioner's lands as same are present and available at the Petitioner's property directly across Highway 112.

6. That the City of Cave Springs has failed to take substantial steps to provide the requested services within the six (6) months required by the Act and has failed to provide the Petitioner with the updates as to its progress in providing the requested service every thirty (30) days as further required by the Act.

7. That, pursuant to said Act, the Petitioners request the following:

A. Detachment from the City of Cave Springs and annexation in to the City of Bentonville.

B. That since sewer service from the City of Bentonville is present and available to the Petitioners that such services be extended to the Petitioner's lands as above described within six (6) months.

WHEREFORE, the Petitioner, Sewell Family Development, LLC, petitions the City of Bentonville to annex the herein described property into the City of Bentonville pursuant to Act 779 and for all other proper relief.

SEWELL FAMILY DEVELOPMENT, LLC

BY
E

Arkansas Bar No. 84209
WATKINS, BOYER, GRAY & CURRY, PLLC
1106 West Poplar
Rogers, AR 72756
(479) 636-2168
bwatkins@watkinslawoffice.com

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06/29/2016

CERTIFICATE OF SERVICE

I, Bill Watkins, do hereby certify that I have mailed by regular first class mail a true and correct copy of the foregoing Petition to R. Justin Eichman, as attorney for the City of Cave Springs, and to Mrs. Camille Thompson as attorney for the City of Bentonville, this 29 day of June, 2016.



F:\Bill\Sewell\Act 779 Petition.wpd

A part of SE 1/4 of the SE 1/4 of Section 13, Township 19 North, Range 31 West, Benton County, Arkansas, more particularly described as follows: Beginning at the SW corner of said SE 1/4 of the SE 1/4; thence along the West line of said SE 1/4 of the SE 1/4, North 02°43'50" East a distance of 825.69 feet; thence South 87°15'34" East a distance of 1314.27 feet to the East line of said SE 1/4 of the SE 1/4; thence along said East line of said SE 1/4 of the SE 1/4, South 02°49'42" West a distance of 834.18 feet; thence North 86°53'20" West a distance of 1312.87 feet to the point of beginning, containing 25.03 acres, more or less, and being subject to the right of way of Arkansas State Highway 112, and the right of way of Windmill Road (Benton County Road 585) along the West line thereof, and subject to any other easements of record or fact.

LESS AND EXCEPT

Part of the SE 1/4 of the SE 1/4 of Section 13, Township 19 North, Range 31 West of the Fifth Principal Meridian, Benton County, Arkansas, being more particularly described as follows: Beginning at the SW

corner of the SE 1/4 of the SE 1/4; thence along the West line of said SE 1/4 of the SE 1/4, North 02°42'49" East a distance of 92.42 feet to the proposed North right of way line of Windmill Road; thence along said North line, North 54°28'37" East a distance of 26.49 feet to the apparent West right of way line of Arkansas State Highway 112; thence along said West line, 90.25 feet along a 387.70 foot radius non tangent curve left, whose chord bears South 33°38'09" East 90.05 feet to the proposed South right of way line of Windmill Road; thence along said South line, South 54°28'37" West a distance of 53.89 feet; thence continuing along said South line, 5.17 feet along a 220.00 foot radius curve right, whose chord bears South 55°08'58" West 5.17 feet to the South line of said SE 1/4 of the SE 1/4; thence along said South line, North 86°51'48" West a distance of 27.76 feet, more or less, to the point of beginning, containing 0.11 acres, more or less, of which 0.06 acres exists in prescriptive right of way of Windmill Road.

Subject to any recorded: assessments, building lines, easements, mineral reservations and/or conveyances, and restrictions, if any.



Brenda DeShields-Circuit Clerk
Benton County, AR
Book/Ps: 2015/61458
Term/Cashier: CASH5/Jimmy Bennett
10/29/2015 1:30:51PM
Tran: 353453
Total Fees: \$55.00

Book ~~2015~~ Page 61458
Recorded in the Above
DEED Book & Page
10/29/2015

Book 2016 Page 37952
Recorded in the Above
DEED Book & Page
06/29/2016

COVER SHEET

IN THE CIRCUIT COURT OF BENTON COUNTY, ARKANSAS
DEEDS AND MORTGAGES

DETACHMENT of LANDS UNDER
ACT 779
as revised

Prepared by:

Watkins, Boyer, Gray, & Curry, PLLC
Attorneys at Law
1106 West Poplar Street
Rogers, Arkansas 72756
(479) 636-2168



**WATKINS, BOYER,
GRAY & CURRY, PLLC**

ATTORNEYS AT LAW

WRITER'S DIRECT E-MAIL
bwatkins@watkinslawoffice.com

WILLIAM P. WATKINS, III, P.A.
RONALD L. BOYER, P.A.
JENNIFER E. GRAY, P.A.*
ANDREW T. CURRY, P.A.

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06/29/2016

DELYNN HALE, SECRETARY
AMY BENSON, PARALEGAL
ANNA ANTAO, OFFICE MANAGER
*ALSO LICENSED IN MISSOURI

October 27, 2015

CERTIFIED MAIL ITEM NO. 7014 2120 0004 4050 6031

Mayor Travis Lee
City of Cave Springs
P.O. Box 36
Cave Springs, AR 72718

Book 2015 Page 61459
Recorded in the Above
DEED Book & Page
10/29/2015

Re: Detachment of Lands Under Act 779 as revised

Dear Mayor Lee:

This firm represents Sewell Family Development, LLC. As you are no doubt aware, my clients are attempting to develop certain lands consisting of 24.91 acres, more or less, in Cave Springs as a residential subdivision. At this time sewer service is not available to the property from Cave Springs and does not appear to be forthcoming in the near future. Given the apparent inability of the City of Cave Springs to provide the required sewer service, the purpose of this letter is to provide you with the formal statement and request for services pursuant to Act 779 of the 1999 legislative session, as revised and codified as A.C.A. 14-40-2001, et seq.

As stated, my clients property consists of an approximately 24.91 acre tract adjoined on its West side by the Bentonville city limits. A map of the property created via the Bentonville GIS system is enclosed with the Bentonville city limits shown in orange. A complete legal description of the property is contained in the enclosed deed.

The specific service the landowners are seeking to have provided by the City of Cave Springs is municipal sewer service sufficient to serve a residential subdivision containing not less than fifty (50) single family residences. The City of Cave Springs is not presently providing this service which is necessary in order to maximize the use and value of the subject property as provided by the above Arkansas code section. This service is presently available to the property from the City of Bentonville just across the road.

Pursuant to Act 779, as revised, the City of Cave Springs is hereby placed on notice and requested to make a commitment, in writing, within 30 days, that the City of Cave Springs will take substantial steps within 180 calendar days after receipt of this statement toward making the requested service reasonably available to the subject property. My clients will make the subject property reasonably available to the City of Cave Springs for purposes of providing the requested services and will provide any additional available information reasonably requested by the City of Cave Springs.

In the interests of time, and since the City of Cave Springs has no ability to provide the requested

1106 WEST POPLAR STREET
ROGERS, AR 72756
PH: 479-636-2168
FX: 479-636-6098
WWW.WATKINSLAWOFFICE.COM

REAL ESTATE, CONSTRUCTION & LIEN LAW, LAND USE & PLANNING
CORPORATE & COMMERCIAL LAW, BANKING, BANKRUPTCY
CRIMINAL LAW, FAMILY LAW, GUARDIANSHIPS, LANDLORD-TENANT
ESTATE PLANNING, ELDER LAW, PROBATE, TRUST LITIGATION
CIVIL LITIGATION, COMMERCIAL & CONSUMER DEBT COLLECTION

Mayor of Cave Springs
October 27, 2015
page 2

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service at this time, if the City of Cave Springs is unable or unwilling to make the written commitment required by Act 779 within the required 30 days, my clients would appreciate it if you would simply so notify them in writing, through this office, of that fact. If the City of Cave Springs is unable to make the written commitment required it is the expectation that detachment from Cave Springs and annexation to Bentonville as provided by the Act will be pursued.

As required under the revisions of Act 779 adopted in the 2001 legislative session a copy of this letter will be placed of record with the Benton County Circuit Clerk.

Sincerely,

WATKINS, BOYER,
CRUISE, SMITH & PLLC



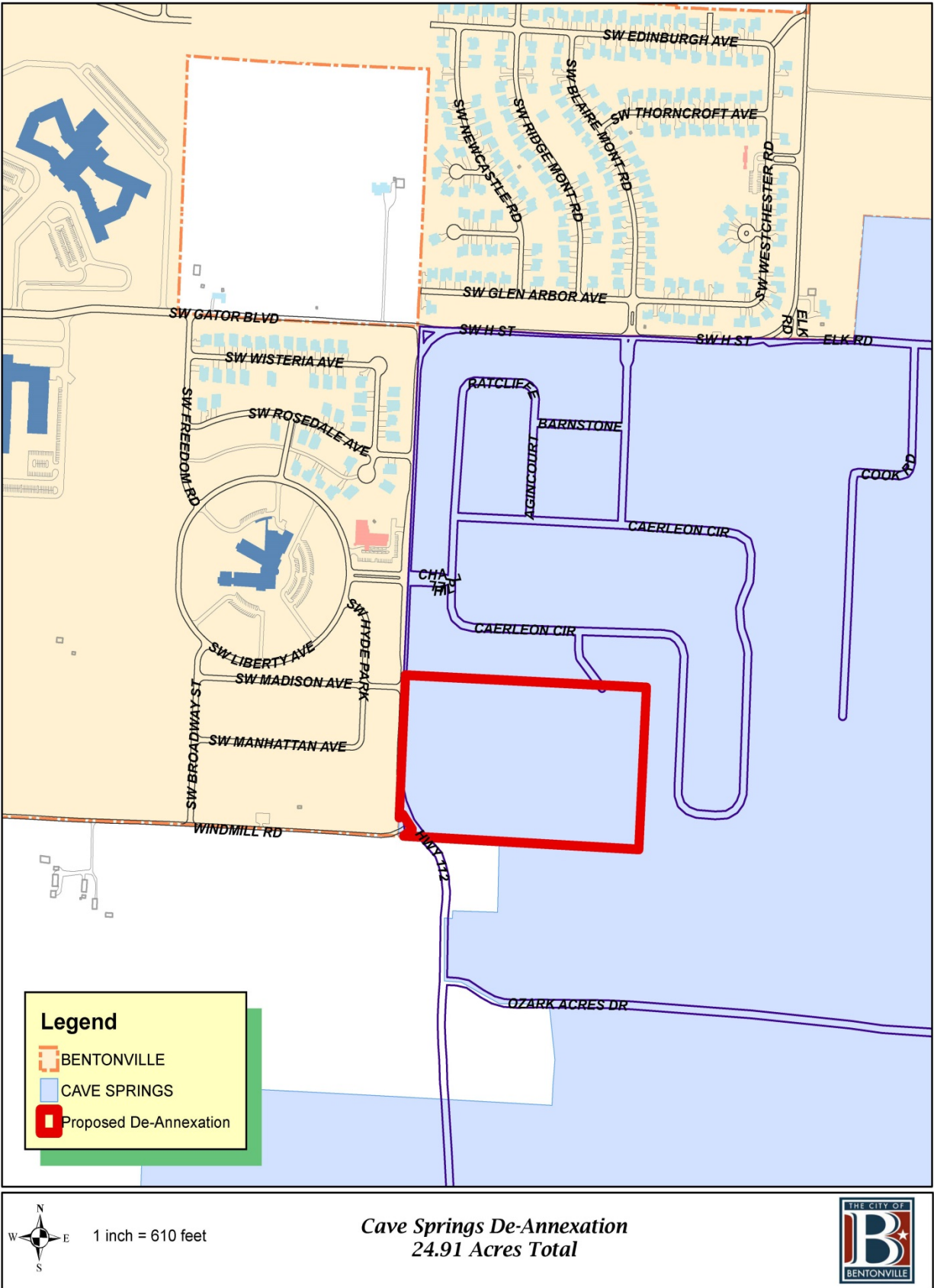
Bill Watkins

BW:dh
Enclosures
pc: client
Benton County Circuit Clerk

Book 2015 Page 61460
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10/29/2015

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Recorded in the Above
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10/29/2015





[illegible]

Brenda DeShields
Circuit Clerk
Benton County, AR
Book/Pg: 2015/44951
e-Filed for Record
08/17/2015 8:09:06AM

Please Return To:

Lenders Title Company
3761 N Mall Avenue
Fayetteville AR, 72703
Phone: 479-444-3333
Fax: 479-443-4256

File Number: 15-045841-500

Approved as to form by:
J. Mark Spradley, Attorney-at-Law
Transactional data completed by Lenders Title Company

Warranty Deed - LLC (Letter).nf

Book ~~2015~~ Page ~~61462~~
Recorded in the Above
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10/29/2015

Book ~~2016~~ Page ~~37956~~
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06/29/2016

FOR RECORDER'S USE ONLY

WARRANTY DEED
(LIMITED LIABILITY COMPANY)

KNOW ALL MEN BY THESE PRESENTS:

That, Lorane, LLC, Grantor, organized under and by virtue of the laws of the State of Arkansas, by and through its Member, duly authorized and empowered hereto by its Operating Agreement and law, for and in consideration of the sum of ---TEN AND 00/100--- DOLLARS---(\$10.00)--- and other good and valuable consideration in hand paid by, Sewell Family Development, L.L.C., an Arkansas limited liability company, Grantee(s), the receipt and sufficiency of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto the Grantee(s) and unto its successors and assigns forever, the following described land, situated in the County of Benton and the State of Arkansas to-wit:

A part of SE 1/4 of the SE 1/4 of Section 13, Township 19 North, Range 31 West, Benton County, Arkansas, more particularly described as follows: Beginning at the SW corner of said SE 1/4 of the SE 1/4; thence along the West line of said SE 1/4 of the SE 1/4, North 02°43'50" East a distance of 825.69 feet; thence South 87°15'34" East a distance of 1314.27 feet to the East line of said SE 1/4 of the SE 1/4; thence along said East line of said SE 1/4 of the SE 1/4, South 02°49'42" West a distance of 834.18 feet; thence North 86°53'20" West a distance of 1312.87 feet to the point of beginning, containing 25.03 acres, more or less, and being subject to the right of way of Arkansas State Highway 112, and the right of way of Windmill Road (Benton County Road 585) along the West line thereof, and subject to any other easements of record or fact.

LESS AND EXCEPT

Part of the SE 1/4 of the SE 1/4 of Section 13, Township 19 North, Range 31 West of the Fifth Principal Meridian, Benton County, Arkansas, being more particularly described as follows: Beginning at the SW

corner of the SE 1/4 of the SE 1/4; thence along the West line of said SE 1/4 of the SE 1/4, North 02°42'49" East a distance of 92.42 feet to the proposed North right of way line of Windmill Road; thence along said North line, North 54°28'37" East a distance of 26.49 feet to the apparent West right of way line of Arkansas State Highway 112; thence along said West line, 90.25 feet along a 387.70 foot radius non tangent curve left, whose chord bears South 33°38'09" East 90.05 feet to the proposed South right of way line of Windmill Road; thence along said South line, South 54°28'37" West a distance of 53.89 feet; thence continuing along said South line, 5.17 feet along a 220.00 foot radius curve right, whose chord bears South 55°08'58" West 5.17 feet to the South line of said SE 1/4 of the SE 1/4; thence along said South line, North 86°51'48" West a distance of 27.76 feet, more or less, to the point of beginning, containing 0.11 acres, more or less, of which 0.06 acres exists in prescriptive right of way of Windmill Road.

Subject to any recorded: assessments, building lines, easements, mineral reservations and/or conveyances, restrictions, if any.

TO HAVE AND TO HOLD the above described lands unto the Grantee(s) and unto its successors and assigns forever, with all tenements, appurtenances, and hereditaments thereunto belonging.

And the Grantor hereby covenants with the Grantee(s) that it will forever warrant and defend the title to the above described lands against all claims whatsoever.

IN TESTIMONY WHEREOF, The name of the Grantor is hereunto affixed by its Member and its seal affixed this 15th day of Aug 2015.

I certify under penalty of false swearing that documentary stamps or a documentary symbol in the legally correct amount has been placed on this instrument. Exempt or no consideration paid if none.

GRANTEE OR AGENT:

GRANTEE'S ADDRESS: 1315 Chalmers Lane
Cave Springs, AR 72718

Lorane, LLC (an Arkansas limited liability company)

By: The Joint Trust Agreement of Ravinder Kumar and Lori Robinson Kumar dated April 18, 2002
Its Member

By: [Redacted]
Ravinder Kumar, Co-Trustee of The Joint Trust Agreement of Ravinder Kumar and Lori Robinson Kumber dated April 18, 2002

By: [Redacted]
Lori Robinson, Co-Trustee of The Joint Trust Agreement of Ravinder Kumar and Lori Robinson Kumber dated April 18, 2002

Book 2016 Page 37957
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06/29/2015 2:01:38 PM

Book 2015 Page 61463
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10/29/2015

ACKNOWLEDGMENT

Book 2015 Page 61464
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10/29/2015

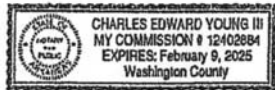
STATE OF ARKANSAS)

COUNTY OF WASHINGTON)

SS.

BE IT REMEMBERED that on this 15 th day of Aug. 2015, came before me, the undersigned, a Notary Public, duly commissioned, qualified and acting, within and for the said County and State, Ravinder Kumar and Lori R. Kumar, to me personally well known (or satisfactorily proven to be), who stated that they were the Co-Trustees of The Joint Trust Agreement of Ravinder Kumar and Lori Robinson Kumar dated April 18, 2002, said trust being the authorized Member of Lorane, LLC, an Arkansas limited liability company, and were duly authorized in their respective stated capacities to execute the foregoing instrument for and in the name and on behalf of said trust and said limited liability company, and further stated and acknowledged that they had so signed, executed and delivered the foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 15 th day of Aug., 2015.



Notary Public

My commission Expires:

2-9-2025

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06/29/2016



STATE OF ARKANSAS
DEPARTMENT OF FINANCE AND ADMINISTRATION
MISCELLANEOUS TAX SECTION
P.O. BOX 896, LITTLE ROCK, AR 72203-0896

Real Estate Transfer Tax Stamp
Proof of Tax Paid



File Number: 15-045841-500

Grantee:
Mailing Address:

SEWELL FAMILY DEVELOPMENT, L.L.C.
1315 CHANCERY LANE
CAVE SPRINGS AR 727180000

Grantor:
Mailing Address:

LORANE, LLC
2812 S. WALTON BLVD.
BENTONVILLE AR 727120000

Book ~~2016~~ Page 37959
Recorded in the Above
DEED Book & Page
06/29/2016

Property Purchase Price: \$889,000.00
Tax Amount: \$2,933.70
County: BENTON
Date Issued: 08/16/2015
Stamp ID: 529293312

Book ~~2015~~ Page 61465
Recorded in the Above
DEED Book & Page
10/29/2015

I certify under penalty of false swearing that documentary stamps or a documentary symbol in the legally correct amount has been placed on this instrument

Grantee or Agent Name (printed): Ed Young
Grantee or Agent Name (signature): [Redacted Signature] Date: 08/16/2015
Address: 1315 Chancery Lane
City/State/Zip: Cave Springs, AR 72718

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Book ~~2015~~ Page ~~61466~~
Recorded in the Above
DEED Book & Page
10/29/2015

Benton County, AR
I certify this instrument was filed on
10/29/2015 1:30:51PM
and recorded in DEED Book
2015 at pages 61458 - 61466
Brenda DeShields-Circuit Clerk

Tran: ~~343659~~
Total Fees: \$30.00

Benton County, AR
I certify that this instrument was Electronically filed
on 08/17/2015 8:09:06AM
in DEED Book 2015 Pages 44951 - 44955
Brenda DeShields-Circuit Clerk



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06/29/2016

November 25, 2015

Via Facsimile 479-636-6098

Bill Watkins
Watkins, Boyer, Gray & Curry, PLLC
1106 West Poplar Street
Rogers, AR 72756

Re: Act 779 Statement and Demand for Services

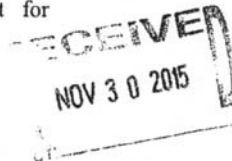
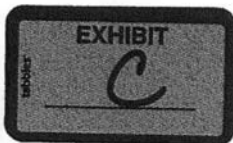
Dear Bill:

I represent the City of Cave Springs (City). I am in receipt of your letter dated October 27, 2015 (letter), a copy of which is attached to this letter. In your letter, you invoke state law, specifically Ark. Code Ann §14-40-2001, et seq. You identify your letter as your "statement" in accordance with that code section, and request that the City make a commitment to provide the municipal services you describe in your letter. You also demand that the City strictly comply with the terms of the code section.

Without waiver of any and all rights, claims or remedies the City has under the Ark. Code Ann. §14-40-2001, et seq., or otherwise at law or equity, all of which are hereby expressly reserved, please consider this letter as the City's written commitment to take substantial steps, within one hundred eighty (180) days toward making the municipal services described in your letter available to the property described in your letter

In order to complete the steps toward making the services you requested available to the land you own, it is necessary that you provide information to the City. In your letter, you kindly commit to complying with the City's reasonable requests for such information. The services you have requested are "municipal sewer service sufficient to serve a residential subdivision containing not less than fifty (50) single family residences". You provided no details about the plan you have which makes your request for these services necessary at this time. In order to take steps to provide services that are sufficient and reasonably related to the development or projects planned, and to avoid the waste of public resources in undergoing substantial steps to meet your request, which is presently both broad and vague, please provide this information at your earliest opportunity, but at least within thirty (30) days of the date of this letter. Specifically, please provide:

- 1) a detailed description of the type of use(s) and size of the residences, subdivision and/or development for which you have requested the services (development);



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- 2) any and all engineering studies, drawings and plans which reflect the development;
- 3) any and all concept drawings, narratives or marketing materials which reflect or describe the development;
- 4) any and all sewer flow capacity requirements, information, studies or other data to serve the property;
- 5) your anticipated timeline for submission of plans and proposed plant to the City for review, consideration and approval;
- 6) your planned construction timeline for the construction of the buildings and/or development for which you have made your request for municipal services.

If you have any questions about the information which is required and necessary, please contact me at your convenience.

You also committed to making the property accessible to the City. As the City continues in its steps to provide the services you requested, we will contact you for your cooperation in accessing the property when it becomes necessary.

In addition to the information requested above, the City will also expect and require you to comply with all applicable regulations, law and ordinances required for both the provision of the municipal services you requested, as well as in the undertaking of the subdividing, building and developing of and on the property.

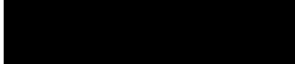
You stated in your letter that the services you requested are available in Bentonville. I request that I, or another City representative is present for any communication or negotiation you have with any City of Bentonville official, employee or agent representing Bentonville which relates to the matters addressed in your letter and this letter. Further I must demand that you notify me sufficiently in advance of any appearance you may have at any meeting of the Bentonville City Council, any of its commissions or committees. Please provide me copies of any requests you make of, or file with the City of Bentonville, or any other public agency which pertain to the matters addressed in this letter or your letter to the City.

Again, and to be clear, this letter is strictly without waiver or prejudice of any and all rights, claims or remedies the City of Cave Springs has under Ark. Code Ann. §14-40-2001, et seq. or otherwise at law or in equity, all of which are hereby expressly reserved.

November 25, 2015
Page 3

I look forward to speaking with you or your representative about this at your convenience. If you have any questions or would like to discuss this commitment or any other matters surrounding your client's property in Cave Springs, please do not hesitate to contact me.

Sincerely,



R. Justin Eichmann

Enclosure

cc: Mayor Travis Lee, City of Cave Springs

Book 2016 Page 37963
Recorded in the Above
DEED Book & Page
06/29/2016

Benton County, AR
I certify this instrument was filed on
06/29/2016 2:01:38PM
and recorded in DEED Book
2016 at pages 37947 - 37963
Brenda DeShields-Circuit Clerk

ORDINANCE NO. _____
CITY OF BENTONVILLE, ARKANSAS

**AN ORDINANCE ACCEPTING AND ANNEXING
CERTAIN REAL PROPERTY TO THE CITY OF BENTONVILLE, ARKANSAS,
PURSUANT TO ACT 779 OF THE 82nd GENERAL ASSEMBLY
AND ASSIGNING SAID PROPERTY TO A CITY WARD,**

WHEREAS, The Petitioner, Sewell Family Development, LLC, the owner of real property contiguous to and adjacent to the City of Bentonville, Arkansas, has petitioned for annexation of said real property by the City of Bentonville, Arkansas, pursuant to Act 779 of the 82nd General Assembly and assignment of said property to a City ward; and

WHEREAS, Sewell Family Development, LLC, pursuant to said Act 779, did make demand upon the City of Cave Springs to provide a commitment to the Petitioners to provide sanitary sewer services to the property of the Petitioners; and,

WHEREAS, the City of Cave Springs has not made such commitments and has otherwise failed to take the necessary actions required of it by Act 779; and,

WHEREAS, the City of Bentonville, as annexing municipality, shall take substantial steps within 180 calendar days after this petition is filed toward making the services available, and within each 30 day period thereafter, continue to take steps demonstrating a consistent commitment to provide the requested water and sanitary sewer services within a reasonable time; and,

WHEREAS, upon the City of Bentonville making the commitment to provide the requested sanitary sewer services, the above named property owners and the City of Bentonville desire that the property be annexed into the City of Bentonville, Arkansas.

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

SECTION 1: That, pursuant to Act 779 of the 82nd General Assembly, Regular Session, 1999, as amended and codified as A.C.A. 14-40-2001, et. seq., The City of Bentonville shall, within 180 days, take substantial steps toward making water and sanitary sewer services available to the hereafter described property and within each 30 day period thereafter continue to take steps demonstrating a consistent commitment to provide the requested services within a reasonable time.

SECTION 2: That, pursuant to Act 779 of the 82nd General Assembly, Regular Session, 1999, certain real property be and the same is hereby accepted for annexation to the City of Bentonville, Arkansas, and the same shall hereafter be a part of the City of Bentonville, and the people residing therein shall be citizens and qualified voters of the City of Bentonville.

SECTION 3: That said real property is described as follows:

A part of the Southeast Quarter of the Southeast Quarter of Section 13, Township 19 North, Range 31 West, Benton County, Arkansas, being more particularly described as follows, to-wit: Beginning at an existing rebar marking the Southeast corner of said Section 13 and running thence along the South line thereof N 86°51'16" W 1284.71' to the South right-of-way of Windmill Road, thence

**City Council
Agenda
July 26, 2016**

Lot Split: Bridget Beckfield, Lot 19 Lefor's Addition, 203 Northwest 'D' Street, Zoned R-1, Single Family Dwelling.

The planning commission voted 7-0 recommending approval.

The applicant has submitted a lot split for property located at 203 Northwest 'D' Street that resides in the R-1, Single Family Residential zoning district. The plat as provided by the applicant indicates one new lot being created. The new lot will be known as Lot 19 (0.22 acres), of Lefor's Addition. The plat shows the dedication of an additional right-of-way along Northwest 'D' Street per the current master street plan. Public utilities are available to the new lots.

Lot Split: Quality Housing Partners, LLC, Lots 17 through 27, Block 9 Deming's Addition, Northwest 'A' Street & Northwest 3rd Street (NW Corner), Zoned D-E, Downtown Edge.

The planning commission voted 7-0 recommending approval.

The applicant has submitted a lot split for property located at the intersection of Northwest 'A' Street & Northwest 3rd Street that resides in the D-E, Downtown Edge zoning district. The plat as provided by the applicant indicates eleven new lots being created. The new lots will be known as Lots 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 & 27, Block 9 of Deming's Addition. Each new lot will be 0.03 acres in size. The plat shows the dedication of additional right-of-way along Northwest 'A' Street per the current master street plan. A private access easement is indicated on the plat. Each lot has direct access to public water service. Sewer service will be provided by a private sewer line that will connect to the public sewer main on the north side of the property via a private sewer easement.

Lot Split: Manuel Barnes, lots 23, 24 & 25, Block 1 Railroad Addition, 312 & 314 South Main Street, Zoned D-E, Downtown Edge.

The planning commission voted 7-0 recommending approval.

The applicant has submitted a lot split for property located at 312 & 314 South Main Street that resides in the D-E, Downtown Edge zoning district. The plat as provided by the applicant indicates three new lots being created from one existing lot. The new lots will be known as Lot 23(0.19 acres), Lot 24 (0.20 acres) and Lot 25 (0.17 acres), Block 1, of the Railroad Addition. The plat shows the dedication of an additional right-of-way along South Main Street & Southwest 4th Street per the current master street plan. Public utilities are available to the new lots.

Lot Split: Neuebox LLC, Lots 26, Block 3, Railroad Addition, 307 South Main Street, Zoned D-C, Downtown Core.

The planning commission voted 7-0 recommending approval.

The applicant has submitted a lot split for property located at 307 South Main Street that resides in the D-C, Downtown Core zoning district. The plat as provided by the applicant indicates the creation of 1 new lot that will be known as Lot 26 (0.29 acres) Block 1, of the Railroad Addition. The plat shows the dedication of an additional right-of-way along South Main Street per the current master street plan. Public utilities are available to the new lot.

Rezoning: Roth Family, Inc., 502 & 506 Southwest 'D' Street, Rezoning Request from R-1, Single Family Residential to D-E, Downtown Edge.

The planning commission voted 7-0 recommending approval.

The applicant has requested a rezoning on the properties located at 502 & 506 Southwest 'D' Street. The property is currently vacant, the rezoning request is consistent with the City of Bentonville's Future Land Use Map.

Planning Commission Staff Report
Lot Split: Lot 19 Lefor's Addition

TO: Bentonville Planning Commission Members
THRU: Troy Galloway, AICP, Community Development Director
FROM: Jon Stanley, Planner
PC DATE: July 19, 2016

GENERAL INFORMATION:

Project Number: 16-07000017

Applicant: Bridget Beckfield

Representative: Dave Marrs

Requested Action: Lot Split Approval

Location: 203 Northwest 'D' Street

Existing Zoning: R-1, Single Family Residential

Land Use Plan: Low Density Residential

BACKGROUND:

The applicant has submitted a lot split for property located at 203 Northwest 'D' Street that resides in the R-1, Single Family Residential zoning district. The plat as provided by the applicant indicates one new lot being created. The new lot will be known as Lot 19 (0.22 acres), of Lefor's Addition. The plat shows the dedication of an additional right-of-way along Northwest 'D' Street per the current master street plan. Public utilities are available to the new lots.

SURROUNDING LAND USES AND ZONING:

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

STREETS

Direction	Name	Classification
North	-	Arterial
South	-	-
East	Northwest 'D' Street	Local
West	-	-

TRAFFIC FINDINGS

- (a) Traffic data for the nearest intersections are as follows: No traffic data exists for this location.
- (b) Traffic summary software predicts the additional traffic for this project is: N/A.

STANDARD CONDITIONS OF APPROVAL

1. A digital copy of the plat.
2. All technical review comments must be addressed before building permits will be issued.

ISSUES / ANALYSIS:

Site Inspection: A site inspection was completed; the property is currently the location of a single family home in an established single family neighborhood.

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

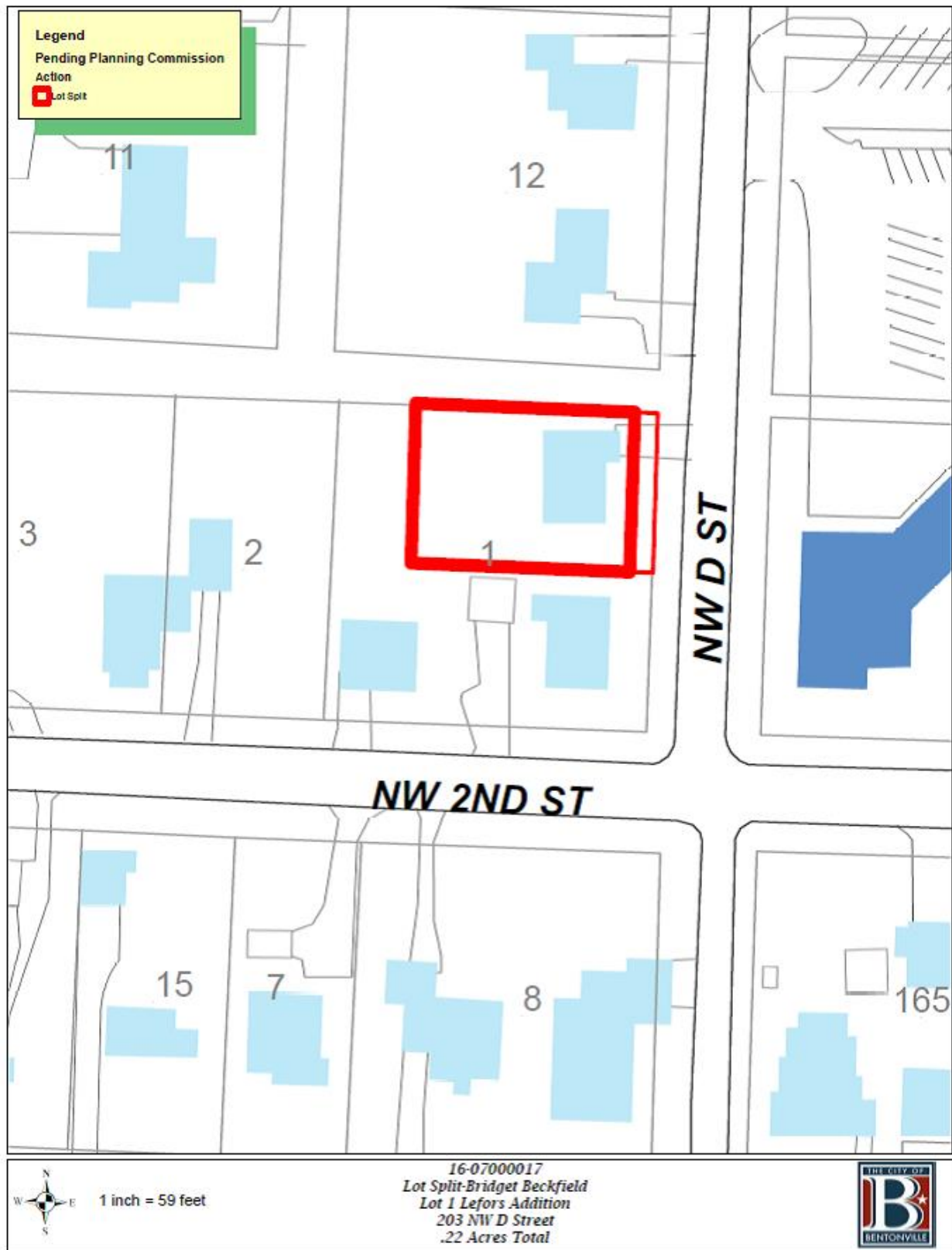
Water / Sewer: Per the G.I.S. site, water and sewer are currently available at this location.

Waiver(s): N/A

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

RECOMMENDATION:

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



ORDINANCE NO. _____

AN ORDINANCE ACCEPTING A LOT SPLIT OF LOT 19 LEFOR'S ADDITION TO THE CITY OF BENTONVILLE, ARKANSAS.

WHEREAS, pursuant to the provisions of Title 15 of the Bentonville Municipal Code, the lot split of Lot 19 Lefor's Addition , Benton County Arkansas, was submitted to the Bentonville Planning Commission On the 19th day of July, 2016 and

WHEREAS, said lot split is attached hereto as Exhibit "A" and

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

WHEREAS, the lot split of real property as described herein has been submitted to the City Council of the City Bentonville, and after consideration and deliberation said Council is of the option that said lot split should be approved.

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

Section 1: That the lot split of Lot 19 Lefor's 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 lot split by certifying said acceptance on the approved lot split.

PASSED AND APPROVED THIS _____ DAY OF _____, 2016.

ATTEST:

APPROVED:

CITY CLERK

MAYOR

Planning Commission Staff Report
Lot Split: Lot s 17 through 27, Block 9 Deming's Addition

TO: Bentonville Planning Commission Members
THRU: Troy Galloway, AICP, Community Development Director
FROM: Jon Stanley, Planner
PC DATE: July 19, 2016

GENERAL INFORMATION:

Project Number: 16-05000024

Applicant: Quality Housing Partners, LLC

Representative: Bates & Associates (Justin Reid)

Requested Action: Lot Split Approval

Location: Northwest 'A' Street & Northwest 3rd Street (NW Corner)

Existing Zoning: D-E, Downtown Edge

Land Use Plan: Downtown Mixed Use Residential

BACKGROUND:

The applicant has submitted a lot split for property located at the intersection of Northwest 'A' Street & Northwest 3rd Street that resides in the D-E, Downtown Edge zoning district. The plat as provided by the applicant indicates eleven new lots being created. The new lots will be known as Lots 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 & 27, Block 9 of Deming's Addition. Each new lot will be 0.03 acres in size. The plat shows the dedication of additional right-of-way along Northwest 'A' Street per the current master street plan. A private access easement is indicated on the plat. Each lot has direct access to public water service. Sewer service will be provided by a private sewer line that will connect to the public sewer main on the north side of the property via a private sewer easement.

SURROUNDING LAND USES AND ZONING:

Direction	Zoning	Land Use
North	R-3, Medium Density Residential	Low Density Residential
South	R-1, Single Family Residential & D-E, Downtown Edge	Mixed Use
East	R-1, Single Family Residential	Downtown Mixed Use Residential
West	R-1, Single Family Residential	Low Density Residential

STREETS

Direction	Name	Classification
North	Public Alley	Public Alley
South	Northwest 3 rd Street	Local
East	Northwest 'A' Street	Collector
West	-	-

TRAFFIC FINDINGS

- (c) Traffic data for the nearest intersections are as follows: No traffic data exists for this location.
- (d) Traffic summary software predicts the additional traffic for this project is: N/A.

STANDARD CONDITIONS OF APPROVAL

1. A digital copy of the plat.
2. All technical review comments must be addressed before building permits will be issued.

ISSUES / ANALYSIS:

Site Inspection: A site inspection was completed; the property is currently vacant in a redeveloping residential and mixed use area near the downtown square.

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

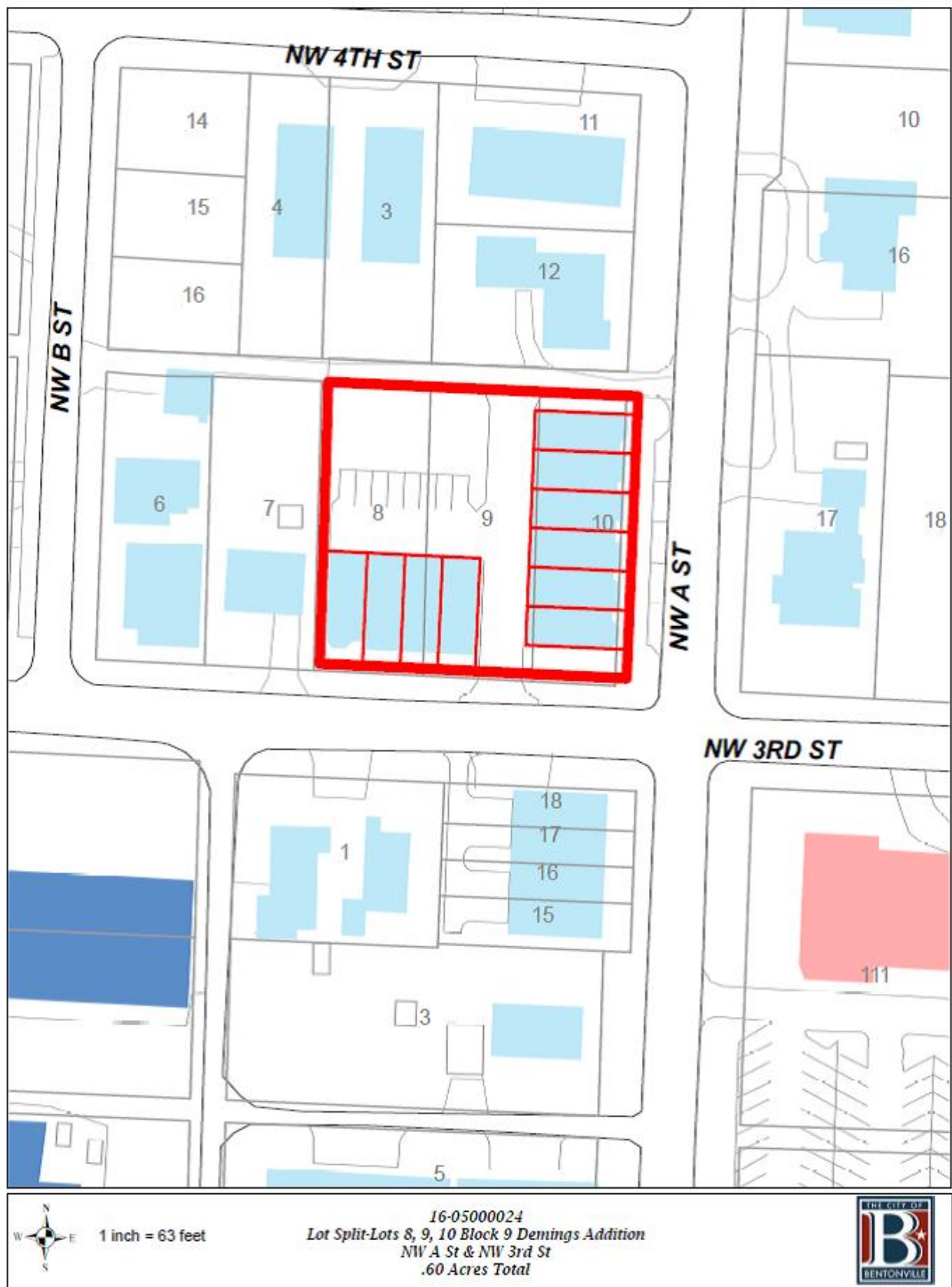
Water / Sewer: Per the G.I.S. site, water and sewer are currently available at this location.

Waiver(s): N/A

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

RECOMMENDATION:

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



ORDINANCE NO. _____

**AN ORDINANCE ACCEPTING A LOT SPLIT OF LOTS 17 THROUGH 27, BLOCK 9
DEMING'S ADDITION TO THE CITY OF BENTONVILLE, ARKANSAS.**

WHEREAS, pursuant to the provisions of Title 15 of the Bentonville Municipal Code, the lot split of Lots 17 through 27, Block 9 Deming's Addition, Benton County Arkansas, was submitted to the Bentonville Planning Commission On the 19th day of July, 2016 and

WHEREAS, said lot split is attached hereto as Exhibit "A" and

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

WHEREAS, the lot split of real property as described herein has been submitted to the City Council of the City Bentonville, and after consideration and deliberation said Council is of the option that said lot split should be approved.

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

Section 1: That the lot split of Lots 17 through 27, Block 9 Deming's 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 lot split by certifying said acceptance on the approved lot split.

PASSED AND APPROVED THIS _____ DAY OF _____, 2016.

ATTEST:

APPROVED:

CITY CLERK

MAYOR

Planning Commission Staff Report
Lot Split: Lots 23, 24 & 25, Block 1, Railroad Addition

TO: Bentonville Planning Commission Members
THRU: Troy Galloway, AICP, Community Development Director
FROM: Jon Stanley, Planner
PC DATE: July 19, 2016

GENERAL INFORMATION:

Project Number: 16-05000014

Applicant: Manuel Barnes

Representative: Terry Ging

Requested Action: Lot Split Approval

Location: 312 & 314 South Main Street

Existing Zoning: D-E, Downtown Edge

Land Use Plan: Mixed Use

BACKGROUND:

The applicant has submitted a lot split for property located at 312 & 314 South Main Street that resides in the D-E, Downtown Edge zoning district. The plat as provided by the applicant indicates three new lots being created from one exiting lot. The new lots will be known as Lot 23(0.19 acres), Lot 24 (0.20 acres) and Lot 25 (0.17 acres), Block 1, of the Railroad Addition. The plat shows the dedication of an additional right-of-way along South Main Street & Southwest 4th Street per the current master street plan. Public utilities are available to the new lots.

SURROUNDING LAND USES AND ZONING:

Direction	Zoning	Land Use
North	D-E, Downtown Edge	Mixed Use
South	D-E, Downtown Edge	Mixed Use
East	D-E, Downtown Edge & D-C, Downtown Core	Mixed Use
West	D-C, Downtown Core	Mixed Use

STREETS

Direction	Name	Classification
North	-	-
South	Southwest 4 th Street	Local
East	South Main Street	Collector
West	-	-

TRAFFIC FINDINGS

- (e) Traffic data for the nearest intersections are as follows: No traffic data exists for this location.
- (f) Traffic summary software predicts the additional traffic for this project is: N/A.

STANDARD CONDITIONS OF APPROVAL

1. A digital copy of the plat.
2. All technical review comments must be addressed before building permits will be issued.

ISSUES / ANALYSIS:

Site Inspection: A site inspection was completed; the property is currently the location of a dental office and office building in the downtown area.

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

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

Waiver(s): N/A

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

RECOMMENDATION:

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



ORDINANCE NO. _____

AN ORDINANCE ACCEPTING A LOT SPLIT OF LOTS 23, 24 & 25, BLOCK 1, RAILROAD ADDITION TO THE CITY OF BENTONVILLE, ARKANSAS.

WHEREAS, pursuant to the provisions of Title 15 of the Bentonville Municipal Code, the lot split of Lots 23,24 & 25, Block 1, Railroad Addition, Benton County Arkansas, was submitted to the Bentonville Planning Commission on the 19th day of July, 2016 and

WHEREAS, said lot split is attached hereto as Exhibit "A" and

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

WHEREAS, the lot split of real property as described herein has been submitted to the City Council of the City Bentonville, and after consideration and deliberation said Council is of the option that said lot split should be approved.

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

Section 1: That the lot split of Lots 23, 24 & 25, Block 1, Railroad 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 lot split by certifying said acceptance on the approved lot split.

PASSED AND APPROVED THIS _____ DAY OF _____, 2016.

ATTEST:

APPROVED:

CITY CLERK

MAYOR

Planning Commission Staff Report
Lot Split: Lot 26, Block 3, Railroad Addition

TO: Bentonville Planning Commission Members
THRU: Troy Galloway, AICP, Community Development Director
FROM: Jon Stanley, Planner
PC DATE: July 19, 2016

GENERAL INFORMATION:

Project Number: 16-05000025

Applicant: Neuebox, LLC

Representative: Caster & Associates (Rob Caster)

Requested Action: Lot Split Approval

Location: 307 South Main Street

Existing Zoning: D-C, Downtown Core

Land Use Plan: Mixed Use

BACKGROUND:

The applicant has submitted a lot split for property located at 307 South Main Street that resides in the D-C, Downtown Core zoning district. The plat as provided by the applicant indicates the creation of 1 new lot that will be known as Lot 26 (0.29 acres) Block 1, of the Railroad Addition. The plat shows the dedication of an additional right-of-way along South Main Street per the current master street plan. Public utilities are available to the new lot.

SURROUNDING LAND USES AND ZONING:

Direction	Zoning	Land Use
North	D-E, Downtown Edge	Mixed Use
South	D-E, Downtown Edge	Mixed Use
East	D-E, Downtown Edge	Mixed Use
West	D-E, Downtown Edge	Mixed Use

STREETS

Direction	Name	Classification
North	Public Alley	Public Alley
South	-	-
East	-	-
West	South Main Street	Collector

TRAFFIC FINDINGS

(g) Traffic data for the nearest intersections are as follows: No traffic data exists for this location.

(h) Traffic summary software predicts the additional traffic for this project is: N/A.

STANDARD CONDITIONS OF APPROVAL

1. A digital copy of the plat.
2. All technical review comments must be addressed before building permits will be issued.

ISSUES / ANALYSIS:

Site Inspection: A site inspection was completed; the property is vacant in a mixed use area of southeast downtown.

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

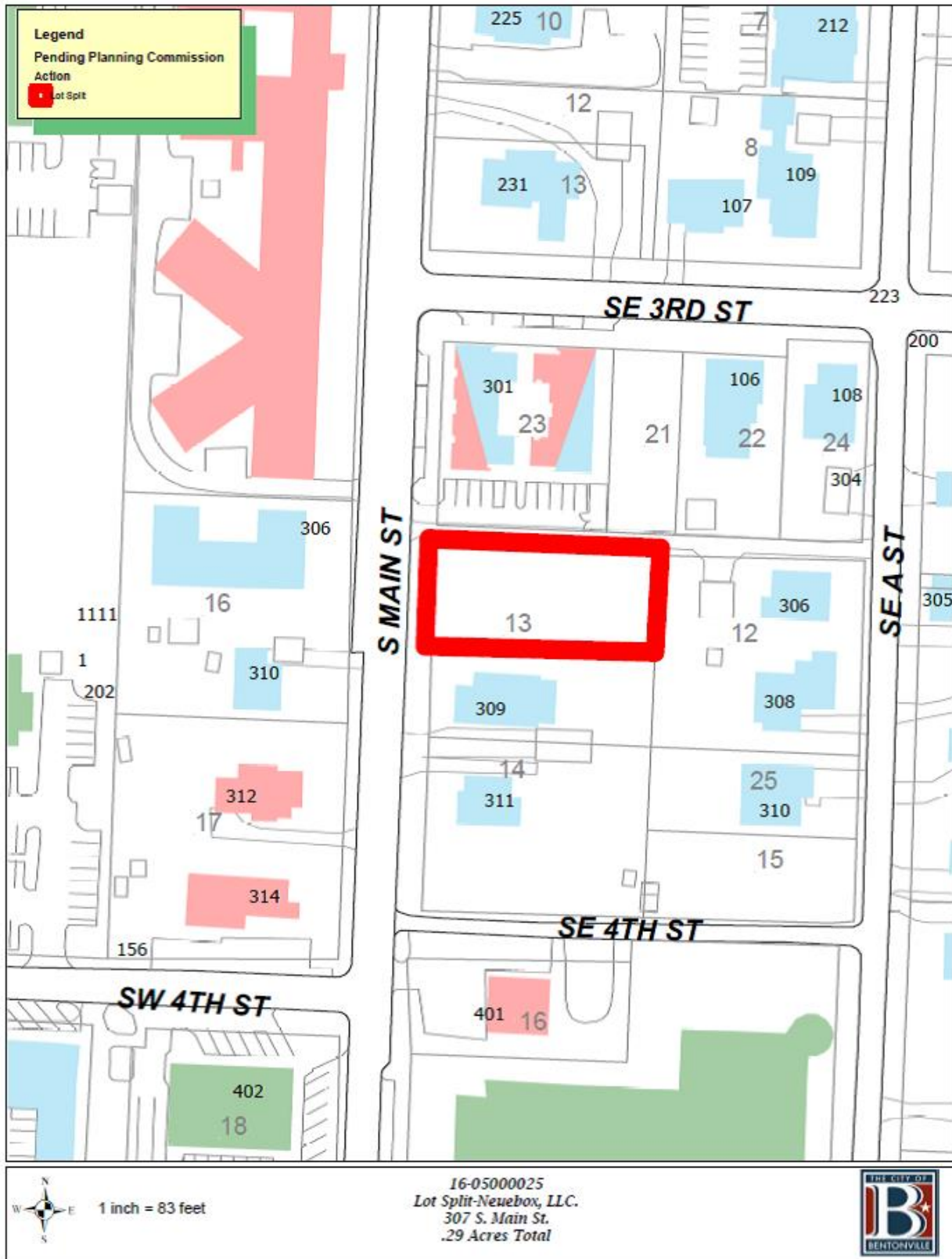
Water / Sewer: Per the G.I.S. site, water and sewer are currently available at this location.

Waiver(s): N/A

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

RECOMMENDATION:

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



ORDINANCE NO. _____

**AN ORDINANCE ACCEPTING A LOT SPLIT OF LOT 26, BLOCK 3 RAILROAD ADDITION
TO THE CITY OF BENTONVILLE, ARKANSAS.**

WHEREAS, pursuant to the provisions of Title 15 of the Bentonville Municipal Code, the lot split of Lot 26, Block 3 Railroad Addition, Benton County Arkansas, was submitted to the Bentonville Planning Commission on the 19th day of July, 2016 and

WHEREAS, said lot split is attached hereto as Exhibit "A" and

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

WHEREAS, the lot split of real property as described herein has been submitted to the City Council of the City Bentonville, and after consideration and deliberation said Council is of the option that said lot split should be approved.

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

Section 1: That the lot split of Lot 26, Block 3 Railroad 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 lot split by certifying said acceptance on the approved lot split.

PASSED AND APPROVED THIS _____ DAY OF _____, 2016.

ATTEST:

APPROVED:

CITY CLERK

MAYOR



The City of Bentonville, Arkansas

PC Meeting of: July 19, 2016

305 S.W. "A" Street
Bentonville, AR 72212
Telephone: (479) 271-3122
Fax: (479) 271-5906

REZONING: Roth Family, Inc. (R-1, Single Family Residential to DE, Downtown Edge)

TO: City of Bentonville, Arkansas Planning Commission
FROM: Jon Stanley, Planner
THRU: Troy Galloway, AICP, Community Development Director
DATE: July 19, 2016

GENERAL INFORMATION

H.T.E. Project Number: 16-09000018

Applicant/Current Owner: Roth Family, Inc.

Representative: Bates & Associates (Geoff Bates)

Requested Action: Rezoning

Location: 502 & 506 Southwest 'D' Street

Existing Zoning: R-1, Single Family Residential

Proposed Zoning: D-E, Downtown Edge

Future Land Use Map Designation: Mixed Use

BACKGROUND / HISTORY

Property Description/Site Inspection: A site inspection was completed; these properties are vacant in a Downtown Mixed Use Area in the downtown area.

Previous Rezoning Requests for this Property: There are no known rezoning's at this location.

Surrounding Land Uses & Zonings:

Direction	Current Land Use	Existing Zoning	Future Land Use Map Designation
North	Single Family Residence	R-C2, Central Residential – Moderate Density	Downtown Mixed Use Residential
South	Single Family Residence	R-1, Single Family Residential	Downtown Mixed Use Residential
East	Gilmore Park	D-E, Downtown Edge	Downtown Mixed Use Residential
West	Vacant Single Family Lot	R-1, Single Family Residential	Downtown Mixed Use Residential

Surrounding Streets & Classifications:

Direction	Name	Master Street Plan Classification	Current Condition
North	Southwest 5 th Street	Local	2 lane asphalt
South	-	-	-
East	Southwest 'D' Street	Local	2 lane asphalt
West	-	-	-

LEGAL NOTIFICATIONS

Public Notice: The property owner and/or representative mailed certified public notices to property owners within a 200 foot radius of the subject site on **June 15, 2016** and staff published a legal notice in the Arkansas Democrat-Gazette, Northwest Arkansas Addition on **June 18, 2016**. In addition, staff posted a notice of public hearing sign on the property on **June 30, 2016**. This **DOES** meet legal notification requirements due to the applicant failing to notify all property owners within 200 feet of said parcel.

RELATIONSHIP TO THE GENERAL PLAN AND FUTURE LAND USE MAP

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding(s) of Staff: According to Policy LU-16 Infill Development of the General Plan "The City shall encourage the development of mixed-use and residential projects with in the downtown area to increase the community's housing stock and to enhance the vitality of downtown businesses. Policy LU-23 Housing Types states "the City should encourage the development of a mix of housing types to the meet the needs of residents..."

The proposed rezoning will meet the intent of both policies therefore the request is consistent with good land use planning and the general plan.

2. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding(s) of Staff: The proposed development will not create an increase to traffic danger in the area.

3. A determination as to whether the proposed zoning would significantly alter the population density and thereby undesirably increase the load on public services including schools, emergency services, and water and sewer facilities.

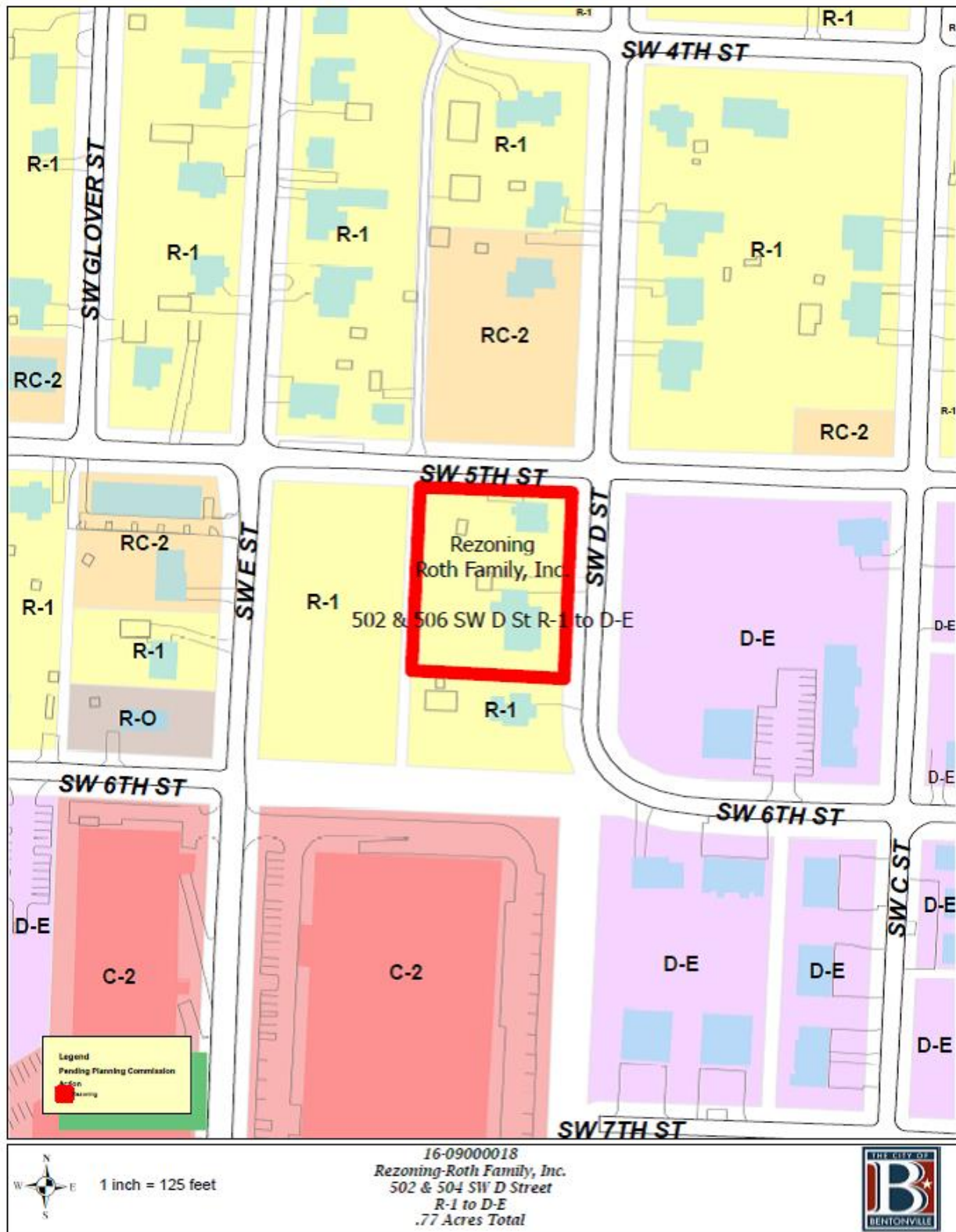
Finding(s) of Staff: The proposed zoning will not adversely impact the public infrastructure. Emergency services are adequate at this location.

ANALYSIS, CONCLUSION, & SUMMARY

The rezoning request is consistent with the City of Bentonville's Future Land Use Map, which depicts this property as downtown mixed use. According to the general plan this designation permits for a range of residential types with supportive neighborhood-scale commercial uses. The Downtown Edge zoning classification creates an area of transition between the low density residential to the north and the commercial zoning to the south. The Downtown Edge allows for commercial and residential mixed use developments and will have the greatest potential for infill and redevelopment. The proposed zoning will add density to downtown therefore helping retain current commercial uses in the downtown area.

STAFF RECOMMENDATION

Staff has reviewed this application and based on the findings presented in this staff report, staff recommends **APPROVAL** of this rezoning from R-1, Single Family Residential to D-E, Downtown Edge



ORDINANCE NO. _____

**AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE,
ARKANSAS, FROM ITS PRESENT CLASSIFICATION TO D-E, DOWNTOWN EDGE.**

WHEREAS, Roth Family, Inc. duly filed a petition with the City Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present classification to D-E, property to be used in accordance with city zoning laws and state laws; which property is described as follows.

Lots 2, 4, 6, 8 Block 7 Gilmore's Addition as shown on Plat Record A-37 Recorded in the Benton County Clerk's Office-Benton County, Arkansas

More commonly known as 502 and 506 Southwest 'D' Street

WHEREAS, the City Planning Commission duly met and considered the application and duly set the petition for public hearing to be held the 19th day of July 2016 in the Council Room of the City of Bentonville; notice of said hearing having been published in the Benton County daily Record for the time and in the manner required by law; and

WHEREAS, the City planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification to D-E property;

**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 classification to D-E property to be used in accordance with the City zoning laws of the State of Arkansas.

PASSED AND APPROVED this _____ day of _____, 2016.

ATTEST:

APPROVED:

CLERK

MAYOR



CHECK ALL THAT APPLY		
Bid Award	Bid #	
Budget Adjustment		
Change Order		
Informational		
Ordinance		
Resolution		
X Other		

AGENDA FORM

CITY COUNCIL MEETING OF:

July 26, 2016

Submitted by:

Shelli Kerr

Department

Planning Services

Phone

271-6822

ACTION REQUIRED:

Approval of crosswalk art to be installed on SW 4th Street at the intersection with SW A Street. Costs associated with this request include the \$1,500 fee for the artist's design and additional costs for fabrication and installation. This is a budgeted item.

COST TO CITY:

Cost of this Request: \$1,500

Additional Budget Amount

☐ One time amount

☐ Continuing O and M

Previously Budgeted	\$	15,000
Funds Expended to Date		
Remaining Budget		15,000
Budget Adjustment		-
Remaining After Adjustment	\$	15,000

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712

www.bentonvillear.com



PLEASE RECYCLE



MEMO



To: Mayor Bob McCaslin, City Council
From: Shelli Kerr, AICP, Planning Services Manager
On behalf of: Bentonville Public Art Advisory Committee
CC date: July 26, 2016
Re: Crosswalk Art

The Bentonville Public Art Advisory Committee (PAAC) is seeking approval from City Council to install an art-infused crosswalk on SW 4th Street at the intersection of SW A Street.

Project Description. In April, the committee issued a Call for Proposals for "Art Infused Crosswalks" to be located in the Arts District. Eight proposals were submitted on June 1, 2016. The committee selected "Speed Bump Illusion" by Joann Lacey and Eric Williams on June 21, 2016. The design uses the standard width and spacing of a crosswalk and applies shading to create a three-dimensional illusion of raised speed bumps. The crosswalk design will be tested at the Compost Facility before installation on SW 4th Street. Bentonville Traffic Safety and Signage Committee approved the design on Monday, July 11, 2016.



How it Works:
The design from aerial view.





CHECK ALL THAT APPLY			
	Bid Award	Bid #	
x	Budget Adjustment		
	Change Order		
	Informational		
	Ordinance		
	Resolution		
	Other		

AGENDA FORM

CITY COUNCIL MEETING OF:

July 26, 2016

Submitted by:

David Wright

Department

Parks and Rec

Phone

271-6813

ACTION REQUIRED:

City Council approval of a budget adjustment, in the amount of \$16,573.00 for construction of a new fence at the Bentonville Community Center.

COST TO CITY:

Cost of this Request:

Additional Budget Amount

☒ One time amount

☐ Continuing O and M

Previously Budgeted	\$
Funds Expended to Date	
Remaining Budget	-
Budget Adjustment	-
Remaining After Adjustment	\$ -

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

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PLEASE RECYCLE



Memo



To: City Council, Mayor McCaslin
From: David Wright, Parks and Recreation Director
Date: July 18, 2016
Re: City Council approval of a budget adjustment, in the amount of \$16,573, to allocate funding for the construction on a new security fence at the Bentonville Community Center.

Parks and Recreation Staff seeks council approval of a budget adjustment, in the amount of \$16,573, to allow for the construction of a new security fence at the Bentonville Community Center.

The original community center design called for a decorative fence along the back side (facing northwest) of the building. The fence was placed "on hold" during the bidding phase in an effort to ensure our team had sufficient funding to construct the building.

The fence serves multiple purposes. However, the most important purpose is security of the patrons using the building. Currently, we require all patrons using the building to enter through the front door. This allows us to monitor the number of people in the building to ensure we supervise the facility correctly. This fence will prevent someone, who may or may not pose harm to patrons, from walking to the back door and asking someone to let them in. Although we don't know that this is a currently problem, it serves as a preventative measure to ensure our patrons, especially our young patrons, remain as safe as possible. The fence also serves as security for the building and creating a barrier between the fee-based building and the common area of Citizens Park.

The funds being transferred into the Parks Capital account come from Fund Balance. Parks and Recreation revenue is well ahead of where we projected for the year, allowing us to use funds generated from the facility to fund this improvement.

If you have any questions regarding this item, please call me at 479.464.7275 or email dwright@bentonvillear.com.



Date of Request: July 20, 2016

Justification:

FOR ACTING USE ONLY

Council Action: Approved Disapproved Other _____

Date: _____ Date entered: _____ By: _____

Revised 5/1/07

117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712
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PLEASE RECYCLE





BENTONVILLE CITY COUNCIL AGENDA

**Committee of the Whole
Community Development
Planning Commission Meeting Room**

**Tuesday, July 26, 2016 6:00 p.m.
305 SW "A" Street**

**Regular City Council Meeting
Community Development
Planning Commission Meeting Room**

**Tuesday, July 26, 2016 6:00 p.m.
305 SW "A" Street**

**Public Comments on Tonight's Agenda Items (Limited Public Forum)
Questions, Comments and Discussion from Alderman on Tonight's Agenda
Call to Order
Pledge of Allegiance
Moment of Silence – For our Military Forces
Roll Call
Approval of Minutes: July 12, 2016**

AGENDA

1. An ordinance detaching certain property under Act 779, annexing said property to the City of Bentonville, Arkansas, and making same a part of the City of Bentonville, and assigning same to wards. (Sewell Family Development, LLC)
2. Planning:
- 2a. **Lot Split: Bridget Beckfield, Lot 19 Lefor's Addition, 203 Northwest 'D' Street, Zoned R-1, Single Family Dwelling.**

The planning commission voted 7-0 recommending approval.

The applicant has submitted a lot split for property located at 203 Northwest 'D' Street that resides in the R-1, Single Family Residential zoning district. The plat as provided by the applicant indicates one new lot being created. The new lot will be known as Lot 19 (0.22 acres), of Lefor's Addition. The plat shows the dedication of an additional right-of-way along Northwest 'D' Street per the current master street plan. Public utilities are available to the new lots.

- 2b. **Lot Split: Quality Housing Partners, LLC, Lots 17 through 27, Block 9 Deming's Addition, Northwest 'A' Street & Northwest 3rd Street (NW Corner), Zoned D-E, Downtown Edge.**

The planning commission voted 7-0 recommending approval.

The applicant has submitted a lot split for property located at the intersection of Northwest 'A' Street & Northwest 3rd Street that resides in the D-E, Downtown Edge zoning district. The plat as provided by the applicant indicates eleven new lots being created. The new lots will be known as Lots 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 & 27, Block 9 of Deming's Addition. Each new lot will be 0.03 acres in size. The plat shows the dedication of additional right-of-way along Northwest 'A' Street per the current master street plan. A private access easement is indicated on the plat. Each lot has direct access to public water service. Sewer service will be provided by a private sewer line that will connect to the public sewer main on the north side of the property via a private sewer easement.

- 2c. **Lot Split: Manuel Barnes, lots 23, 24 & 25, Block 1 Railroad Addition, 312 & 314 South Main Street, Zoned D-E, Downtown Edge.**

The planning commission voted 7-0 recommending approval.

The applicant has submitted a lot split for property located at 312 & 314 South Main Street that resides in the D-E, Downtown Edge zoning district. The plat as provided by the applicant indicates three new lots being created from one existing lot. The new lots will be known as Lot 23(0.19 acres), Lot 24 (0.20 acres) and Lot 25 (0.17 acres), Block 1, of the Railroad Addition. The plat shows the dedication of an additional right-of-way along South Main Street & Southwest 4th Street per the current master street plan. Public utilities are available to the new lots.

- 2d. **Lot Split: Neuebox LLC, Lots 26, Block 3, Railroad Addition, 307 South Main Street, Zoned D-C, Downtown Core.**

The planning commission voted 7-0 recommending approval.

The applicant has submitted a lot split for property located at 307 South Main Street that resides in the D-C, Downtown Core zoning district. The plat as provided by the applicant indicates the creation of 1 new lot that will be known as Lot 26 (0.29 acres) Block 1, of the Railroad Addition. The plat shows the dedication of an additional right-of-way along South Main Street per the current master street plan. Public utilities are available to the new lot.

- 2e. **Rezoning: Roth Family, Inc., 502 & 506 Southwest 'D' Street, Rezoning Request from R-1, Single Family Residential to D-E, Downtown Edge.**

The planning commission voted 7-0 recommending approval.

The applicant has requested a rezoning on the properties located at 502 & 506 Southwest 'D' Street. The property is currently vacant, the rezoning request is consistent with the City of Bentonville's Future Land Use Map.

3. Approval of crosswalk art to be installed on SW 4th Street at the intersection with SW A Street. Costs associated with this request include the \$1,500.00 fee for the artist's design and additional costs for fabrication and installation. This is a budgeted item.
4. City Council approval of a budget adjustment, in the amount of \$16,573.00 for construction of a new fence at the Bentonville Community Center.