

1. Agenda

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[OCTOBER 11, 2016 CITY COUNCIL FULL AGENDA.PDF](#)

2. Short Agenda

Documents:

[OCTOBER 11, 2016 CITY COUNCIL SHORT AGENDA.PDF](#)



BENTONVILLE CITY COUNCIL AGENDA

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

**Tuesday, October 11, 2016 6:00 p.m.
305 SW "A" Street**

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

**Tuesday, October 11, 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: September 27, 2016**

AGENDA

1. A proclamation designating October 2016 Community Planning Month in the City of Bentonville. **(Pages 5-7)**
2. Request that the City Council adopt a resolution to recognize, commend and congratulate Lieutenant Joe Falcon upon his October 2016 retirement. This resolution recognizes more than 19 years of dedicated service to the Bentonville Police Department, 9 years as the Commander of a Uniform Division Shift. This resolution also wishes Lieutenant Falcon health, happiness, and continued success in all of his future endeavors. See attached resolution. **(Pages 8-9)**
3. Planning:
 - 3a. **Property Line Adjustment: Lots 18, 19 and 20 Curtis Addition, Westwood Holdings, LLC, Moro Development Co. and Peel House Foundation, 305 Northeast 'B' Street, Zoned D-E, Downtown Edge.**
(Pages 13-16)

The planning commission voted 5-0 recommending approval.

The applicant has submitted a property line adjustment that will create 3 new lots from portions of 3 existing lots. The new lots will be known as Lot 18 (0.55 acres), Lot 19 (0.18 acres) and Lot 20 (0.10 acres) of Curtis Addition. Additional right-of-way will be dedicated along Northeast 3rd Street per the current Master Street Plan. Sufficient right-of-way exists along Northeast 'B' Street. All new lots will have access to public water and sewer services and a public street.

- 3b. **Lot Split: Lots 19 & 20 Limestone Ranch Subdivision, Gary E. Stearman Revocable Trust, PUD, Planned Unit Development.**

(Pages 17-20)

The planning commission voted 5-0 recommending approval.

The applicant has submitted a lot split that will create 2 new lots from one existing lot. The new lots will be known as Lot 19 (2.20 acres) and Lot 20 (4.56 acres) of Limestone Ranch Subdivision. Sufficient right-of-way exists along all streets. A public access easement will be dedicated along all common lot lines. All new lots have direct access to public water and sewer services and a public street.

- 3c. **Lot Split: Lots 28 & 29 Dickson's Addition, Michael Gardner, 709 West Central Avenue, Zoned R-1, Single Family Residential.**

(Pages 21-24)

The planning commission voted 5-0 recommending approval.

The applicant has submitted a lot split that will create 2 new lots from one existing lot. The new lots will be known as Lot 28 (0.17 acres) and Lot 29 (0.24 acres) of Dickson's Addition. Sufficient right-of-way exists along West Central Avenue and right-of-way is being dedicated along Southwest 2nd Street per the current Master Street Plan. Access for both of the new lots will be through a shared private access easement onto Southwest 2nd Street. All new lots have direct access to public water and sewer services and a public street.

- 3d. **Rezoning: Chambers Bank, Southwest Adams Road and Anglin Road, Zoning from PUD, Planned Unit Development to R-1, Single Family Residential.**

(Pages 25-28)

The planning commission voted 5-0 recommending approval.

The R-1, Single Family Residential zoning designation allows for the abandoned subdivision to be completed and will offer a variety of single family housing types and opportunities in a rapidly developing sector of the city. The proposed zoning designation will promote future growth in the area and create opportunities for commercial, mixed-use and industrial development that will ultimately provide goods and services to residences in and near this area.

- 3e. **Rezoning: Parnell & Reach Church, Inc., 1307 Southwest Parnell Drive and Southwest 'I' Street, Zoning Request from A-1, Agricultural to R-4, High Density Residential.**

(Pages 29-31)

The planning commission voted 5-0 recommending approval.

The Future Land Use Plan depicts these properties as Mixed Use. The R-4, High Density Residential zoning is an appropriate zoning district. Policy LU-23 Housing Types within the General Plan suggest multi-family housing with close proximity to activity nodes. The mix of uses and housing types will help to reduce the impact on city infrastructure while providing a variety of housing options.

- 3f. **Rezoning: Reach Church, Inc., 2900 Southwest 'I' Street, Rezoning from A-1, Agricultural to C-2, General Commercial.**

(Pages 32-34)

The planning commission voted 5-0 recommending approval.

The Future Land Use Plan depicts this property as Mixed Use. The C-2, General Commercial zoning is an appropriate zoning district. Policy LU-23 Housing Types within the General Plan suggest multi-family housing with close proximity to activity nodes. The mix of uses and housing types will help to reduce the impact on city infrastructure while providing a variety of housing options. The C-2 zoning designation will provide the goods and services to those adjacent residential uses while further reducing vehicle trips and increasing conveyance for residents.

- 3g. **Rezoning: The Cadence Group, LLC, Southwest 'B' Street (north of alley) Rezoning from D-E, Downtown Edge to D-C, Downtown Core.**

(Pages 35-37)

The planning commission voted 5-0 recommending approval.

The Future Land Use Plan depicts this property as Mixed Use. The D-C, Downtown Core zoning is an appropriate zoning district. The intent of the Downtown Core zoning district is to expand the pedestrian oriented character of the town square while providing retail and entertainment venues. Small and large office and commercial uses should be provided to support the medium and high density residential uses. The DC, Downtown Core zoning district promotes a mix of commercial and residential uses that are separated both horizontally and vertically. The rezoning request is consistent with the policies and objectives of the Land Use plan.

- 3h. **Rezoning: Soos & Cadence Group LLC, 505 Southwest 'B' Street, Rezoning from D-E, Downtown Edge to D-C, Downtown Core.**

(Pages 38-40)

The planning commission voted 5-0 recommending approval.

The Future Land Use Plan depicts this property as Mixed Use. The D-C, Downtown Core zoning is an appropriate zoning district. The intent of the Downtown Core zoning district is to expand the pedestrian oriented character of the town square while providing retail and entertainment venues. Small and large office and commercial uses should be provided to support the medium and high density residential uses. The DC, Downtown Core zoning district promotes a mix of commercial and residential uses that are separated both horizontally and vertically. The rezoning request is consistent with the policies and objectives of the Land Use plan.

- 3j. **Resolution: Downtown Neighborhood Zoning Districts.**

(Pages 41-43)

The planning commission voted 5-0 recommending approval.

A resolution amended the Master Land Use Plan and establishing four new designations.

3k. **Ordinance: Amending Title 14, Zoning Code, to Adopt Downtown Neighborhood Zoning Districts.**

(Pages 44-62)

The planning commission voted 5-0 recommending approval.

An ordinance creating four new Downtown zoning District and adopting the regulatory framework within each district.

4. Approval of a temporary public art installation by Old High Middle School art students on public property located at the entrance of the Bentonville Community Center. The anticipated date for display is November 28 through December 26 with a seasonal theme. Old High Middle School will assume all costs associated with the project. The Public Art Advisory Committee and the Bentonville Parks and Recreation Advisory Board have approved this artwork.
(Pages 63-69)
5. Request that the City Council approve the Police Department to increase the number of fleet vehicles by one (1) unit with a department to department asset transfer of a Parks Maintenance Department vehicle (5020-51). This Parks Maintenance Department vehicle, a 2006 Ford F350 v-10 4x4, regular cab, utility bed truck, VIN 1FDWF37Y96ED67265, AR VL 152UGH has approximately 60,000 miles and is in good condition. With minimal repair and modification this Ford F350 would be used to support the Bentonville Police SWAT Team as an equipment carrier. This would allow the current SWAT equipment and personnel carrier, a 2001 Chevy Van Chassis Cab and Box, to be modified for use as a personnel carrier only. As an equipment and personnel carrier this vehicle is overloaded. This modification will also allow our existing 2001 Chevy Van Chassis Cab to better meet our needs, and also increase the safety, performance, and usable life of the vehicle. The modification of our existing 2001 Chevy Van Chassis Cab and the repurposing and transfer of the Ford F350 represent a responsible and cost effective disposition of city properties and will also increase the efficiency and capability of our SWAT Team.
(Page 70)
6. City Council approval of bid award to Fresh N Green Landscaping, in the amount of \$38,127.90 for the installation of trees along the Razorback Greenway.
(Pages 71-73)
7. Staff recommends to the Mayor and City Council approve the reclamation change order to the Osmose contract for the utility pole testing and treatment in the amount of \$1,167.03.
(Pages 74-78)
8. Bid award to Diamond C Construction for the project SE 10th Street Drainage Improvements - Phase II. Project consist of installing approximately 1250 LF of drainage pipe, six grated inlets and rebuilding curb and gutter on the south side of SE 10th St. The contract amount for this project is \$176,671.00 which will come from a Community Block Development Grant (CDBG) and Engineering Department Drainage Budget. Along with the contract amount an additional \$10,000.00 is requested for contingency and material testing.
(Pages 79-83)
9. A resolution approving a real estate agreement for the sale of certain property to First Security Bank.
(Pages 84-96)



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

AGENDA FORM

CITY COUNCIL MEETING OF:

October 11, 2016

Submitted by:

Troy Galloway

Department

Planning

Phone

271-6809

ACTION REQUIRED:

A proclamation designating October 2016 Community Planning Month in the City of Bentonville.

COST TO CITY:

Cost of this Request: \$0

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





MEMO

Community Planning Month Proclamation

TO: City Council
FROM: Troy Galloway, Community & Economic Development Director
CC DATE: October 11, 2016
RE: Community Planning Month Proclamation

The American Planning Association and its members participate in National Community Planning Month to raise the visibility of the important role of city planners and community planning across the United States. National Community Planning Month is held annually in October. This year's theme is *Civic Engagement*.

The City of Bentonville Community and Economic Development department is celebrating with its 4th annual poster contest for junior high school art students to provide artwork showing how the theme can be achieved in Bentonville.

To round out the activities, staff is respectfully requesting the Mayor and City Council to proclaim October as Community Planning Month in the City of Bentonville. The proclamation is attached.

PROCLAMATION

- WHEREAS:** Change is constant and affects all cities, towns, suburbs, counties, boroughs, townships, rural areas, and other places; and
- WHEREAS:** Community planning and plans can help manage this change in a way that provides better choices for how people work and live; and
- WHEREAS:** Community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and
- WHEREAS:** The full benefits of planning requires public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and
- WHEREAS:** The month of October is designated as National Community Planning Month throughout the United States of America and its territories, and
- WHEREAS:** The American Planning Association and its professional institute, the American Institute of Certified Planners, endorse National Community Planning Month as an opportunity to highlight the contributions sound planning and plan implementation make to the quality of our settlements and environment; and
- WHEREAS:** The celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of planning commissions and other citizen planners who have contributed their time and expertise to the improvement of the City of Bentonville, Arkansas; and
- WHEREAS:** We recognize the many valuable contributions made by professional community and regional planners of the City of Bentonville, Arkansas and extend our heartfelt thanks for the continued commitment to public service by these professionals.

NOW, THEREFORE, I Bob McCaslin, Mayor of the City of Bentonville do hereby proclaim the month of October 2016 as "**Community Planning Month**" in the City of Bentonville, Arkansas in conjunction with the celebration of National Community Planning Month and I further urge all citizens of the community, all civic and fraternal groups, all news media, and other community organizations to join in this recognition of our community and regional planners.

Given this eleventh day of October, 2016, in Bentonville, in the great State of Arkansas, in the United States of America.


Bob McCaslin, Mayor
City of Bentonville





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

AGENDA FORM

CITY COUNCIL MEETING OF:

October 11, 2016

Submitted by:

Jon Simpson

Department

Police

Phone

271-3172

ACTION REQUIRED:

Request that the City Council adopt a resolution to recognize, commend and congratulate Lieutenant Joe Falcon upon his October 2016 retirement. This resolution recognizes more than 19 years of dedicated service to the Bentonville Police Department, 9 years as the Commander of a Uniform Division Shift. This resolution also wishes Lieutenant Falcon health, happiness, and continued success in all of his future endeavors. See attached resolution.

COST TO CITY:

Cost of this Request: \$0

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





WAS BORN IN GRAND FORKS, NORTH DAKOTA AND GRADUATED FROM BELTON HIGH SCHOOL IN BELTON, MISSOURI IN MAY 1984, AND ATTENDED THE UNIVERSITY OF ARKANSAS FROM 1984-1989, WHERE HE SET NUMEROUS RECORDS AND GAINED GREAT ATHLETIC DISTINCTION; AND

WHEREAS, LIEUTENANT JOSEPH P. FALCON BEGAN HIS NINETEEN YEAR ARKANSAS LAW ENFORCEMENT CAREER IN AUGUST 1994 AS A PATROL OFFICER AT THE BENTONVILLE POLICE DEPARTMENT IN BENTONVILLE, ARKANSAS, AND GRADUATED FROM THE ARKANSAS LAW ENFORCEMENT TRAINING ACADEMY, CLASS 94-E, IN OCTOBER 1994 WHERE HE WAS DISTINGUISHED AS BEING THE NUMBER ONE PHYSICAL FITNESS STUDENT; AND

WHEREAS, LIEUTENANT JOSEPH P. FALCON WAS NAMED TRAINING COORDINATOR FOR THE BENTONVILLE POLICE DEPARTMENT IN 1995, AND WAS LATER ASSIGNED TO THE CRIMINAL INVESTIGATIONS DIVISION IN 1999, CONTINUING IN THIS POSITION UNTIL HE DEPARTED THE DEPARTMENT IN SEPTEMBER 2000 TO ACCEPT A DIRECTOR'S POSITION WITH THE FELLOWSHIP OF CHRISTIAN ATHLETES; AND

WHEREAS, LIEUTENANT JOSEPH P. FALCON RETURNED TO THE BENTONVILLE POLICE DEPARTMENT IN AUGUST 2003, STARTED ONCE AGAIN AS A PATROL OFFICER, WORKED HIS WAY UP TO THE CRIMINAL INVESTIGATION DIVISION IN MAY 2005, AND SOON AFTER, PROMOTED TO THE SUPERVISORY RANK OF CORPORAL IN MARCH, 2006, BEING ULTIMATELY PROMOTED TO THE STATUS OF WATCH COMMANDER IN MAY 2007, A POSITION OF GREAT RESPONSIBILITY IN WHICH HE FAITHFULLY SERVED, WITH THE PRESENT RANK OF POLICE LIEUTENANT UNTIL HIS RETIREMENT; AND

WHEREAS, LIEUTENANT JOSEPH P. FALCON, IN HIS ASSIGNED DUTIES OF THE BENTONVILLE POLICE DEPARTMENT, PROVIDED TRAINING, GUIDANCE, COUNSELING, SOUND ADVICE, EXPERT KNOWLEDGE, AND ENHANCED OFFICER SAFETY SKILLS, TO THE NUMEROUS OFFICERS HE TRAINED, SUPERVISED, AND SUPPORTED EACH DAY, INCLUDING DAYTIME, EVENING, NIGHT TIME, WEEKENDS AND HOLIDAYS, WITHIN TWO DECADES OF SERVICE; AND

WHEREAS, LIEUTENANT JOSEPH P. FALCON, WAS INVOLVED IN COUNTLESS SPECIAL ASSIGNMENTS INCLUDING THE CITIZEN'S AND YOUTH POLICE ACADEMIES, THE BIKE TEAM, THE SWAT TEAM, AS WELL AS DEFENSIVE TACTICS PROGRAMS, AND PHYSICAL TRAINING AND FITNESS INITIATIVES; AND

WHEREAS, LIEUTENANT JOSEPH P. FALCON HAS RECEIVED NUMEROUS CERTIFICATES AND CERTIFICATIONS, INCLUDING THE HIGHEST CERTIFICATION AWARDED TO ANY ARKANSAS LAW ENFORCEMENT OFFICER, THE SENIOR INSTRUCTOR CERTIFICATE, AWARDED IN SEPTEMBER 2012. LATER THAT SAME YEAR, HE RECEIVED THE HIGHEST ACKNOWLEDGEMENT GIVEN TO ANY MEMBER OF THE BENTONVILLE POLICE DEPARTMENT BY BEING SELECTED AS THE "2012 OFFICER OF THE YEAR", A SELECTION THAT MARKED THE FIRST TIME THAT A SUPERVISING OFFICER HAS EVER RECEIVED THIS HONOR; AND

WHEREAS, LIEUTENANT JOSEPH P. FALCON IS KNOWN FOR RECEIVING NUMEROUS LETTERS OF APPRECIATION FROM THE PUBLIC, PROMOTING TEAMWORK WITHIN THE DEPARTMENT, LEADING BY EXAMPLE, AND LOOKING OUT FOR THE BEST INTERESTS OF ALL OTHERS BY DOING THE RIGHT THING AT THE RIGHT TIME AND TREATING PEOPLE WITH DIGNITY AND RESPECT.

NOW THEREFORE, BE IT RESOLVED THAT BY THE ADOPTION OF THIS RESOLUTION, THE CITY COUNCIL OF BENTONVILLE, HEREBY COMMENDS AND CONGRATULATES LIEUTENANT JOSEPH P. FALCON FOR HIS NINETEEN YEARS OF UNPARALLELED AND PROFESSIONAL LAW ENFORCEMENT SERVICE TO THE BENTONVILLE POLICE DEPARTMENT AND THE CITIZENS OF BENTONVILLE, AND WISHES HIM HEALTH, HAPPINESS, AND CONTINUED SUCCESS IN ALL HIS FUTURE ENDEAVORS.

GIVEN THIS 11th Day Of October, 2016, in Bentonville, in the Great State of Arkansas, in the United States of America.

Bob McCaslin, Mayor

Linda Spence, City Clerk

**City Council
Planning Agenda
October 11, 2016**

Property Line Adjustment: Lots 18, 19 and 20 Curtis Addition, Westwood Holdings, LLC, Moro Development Co. and Peel House Foundation, 305 Northeast 'B' Street, Zoned D-E, Downtown Edge.

The planning commission voted 5-0 recommending approval.

The applicant has submitted a property line adjustment that will create 3 new lots from portions of 3 existing lots. The new lots will be known as Lot 18 (0.55 acres), Lot 19 (0.18 acres) and Lot 20 (0.10 acres) of Curtis Addition. Additional right-of-way will be dedicated along Northeast 3rd Street per the current Master Street Plan. Sufficient right-of-way exists along Northeast 'B' Street. All new lots will have access to public water and sewer services and a public street.

Lot Split: Lots 19 & 20 Limestone Ranch Subdivision, Gary E. Stearman Revocable Trust, PUD, Planned Unit Development.

The planning commission voted 5-0 recommending approval.

The applicant has submitted a lot split that will create 2 new lots from one existing lot. The new lots will be known as Lot 19 (2.20 acres) and Lot 20 (4.56 acres) of Limestone Ranch Subdivision. Sufficient right-of-way exists along all streets. A public access easement will be dedicated along all common lot lines. All new lots have direct access to public water and sewer services and a public street.

Lot Split: Lots 28 & 29 Dickson's Addition, Michael Gardner, 709 West Central Avenue, Zoned R-1, Single Family Residential.

The planning commission voted 5-0 recommending approval.

The applicant has submitted a lot split that will create 2 new lots from one existing lot. The new lots will be known as Lot 28 (0.17 acres) and Lot 29 (0.24 acres) of Dickson's Addition. Sufficient right-of-way exists along West Central Avenue and right-of-way is being dedicated along Southwest 2nd Street per the current Master Street Plan. Access for both of the new lots will be through a shared private access easement onto Southwest 2nd Street. All new lots have direct access to public water and sewer services and a public street.

Rezoning: Chambers Bank, Southwest Adams Road and Anglin Road, Zoning from PUD, Planned Unit Development to R-1, Single Family Residential.

The planning commission voted 5-0 recommending approval.

The R-1, Single Family Residential zoning designation allows for the abandoned subdivision to be completed and will offer a variety of single family housing types and

opportunities in a rapidly developing sector of the city. The proposed zoning designation will promote future growth in the area and create opportunities for commercial, mixed-use and industrial development that will ultimately provide goods and services to residences in and near this area.

Rezoning: Parnell & Reach Church, Inc., 1307 Southwest Parnell Drive and Southwest 'I' Street, Zoning Request from A-1, Agricultural to R-4, High Density Residential.

The planning commission voted 5-0 recommending approval.

The Future Land Use Plan depicts these properties as Mixed Use. The R-4, High Density Residential zoning is an appropriate zoning district. Policy LU-23 Housing Types within the General Plan suggest multi-family housing with close proximity to activity nodes. The mix of uses and housing types will help to reduce the impact on city infrastructure while providing a variety of housing options.

Rezoning: Reach Church, Inc., 2900 Southwest 'I' Street, Rezoning from A-1, Agricultural to C-2, General Commercial.

The planning commission voted 5-0 recommending approval.

The Future Land Use Plan depicts this property as Mixed Use. The C-2 General Commercial zoning is an appropriate zoning district. Policy LU-23 Housing Types within the General Plan suggest multi-family housing with close proximity to activity nodes. The mix of uses and housing types will help to reduce the impact on city infrastructure while providing a variety of housing options. The C-2 zoning designation will provide the goods and services to those adjacent residential uses while further reducing vehicle trips and increasing conveyance for residents.

Rezoning: The Cadence Group, LLC, Southwest 'B' Street (north of alley) Rezoning from D-E, Downtown Edge to D-C, Downtown Core.

The planning commission voted 5-0 recommending approval.

The Future Land Use Plan depicts this property as Mixed Use. The D-C, Downtown Core zoning is an appropriate zoning district. The intent of the Downtown Core zoning district is to expand the pedestrian oriented character of the town square while providing retail and entertainment venues. Small and large office and commercial uses should be provided to support the medium and high density residential uses. The DC, Downtown Core zoning district promotes a mix of commercial and residential uses that are separated both horizontally and vertically. The rezoning request is consistent with the policies and objectives of the Land Use plan.

Rezoning: Soos & Cadence Group LLC, 505 Southwest 'B' Street, Rezoning from D-E, Downtown Edge to D-C, Downtown Core.

The planning commission voted 5-0 recommending approval.

The Future Land Use Plan depicts this property as Mixed Use. The D-C, Downtown Core zoning is an appropriate zoning district. The intent of the Downtown Core zoning district is to expand the pedestrian oriented character of the town square while providing retail and entertainment venues. Small and large office and commercial uses should be provided to support the medium and high density residential uses. The DC, Downtown Core zoning district promotes a mix of commercial and residential uses that are separated both horizontally and vertically. The rezoning request is consistent with the policies and objectives of the Land Use plan.

Resolution: Downtown Neighborhood Zoning Districts.

The planning commission voted 5-0 recommending approval.

A resolution amended the Master Land Use Plan and establishing four new designations.

Ordinance: Amending Title 14, Zoning Code, to Adopt Downtown Neighborhood Zoning Districts.

The planning commission voted 5-0 recommending approval.

An Ordinance creating four new Downtown zoning District and adopting the regulatory framework within each district.



Lots 18, 19 & 20 Curtis Addition

Northeast 3rd Street & Northeast 'B' Street

PC Date: 10/4/2016

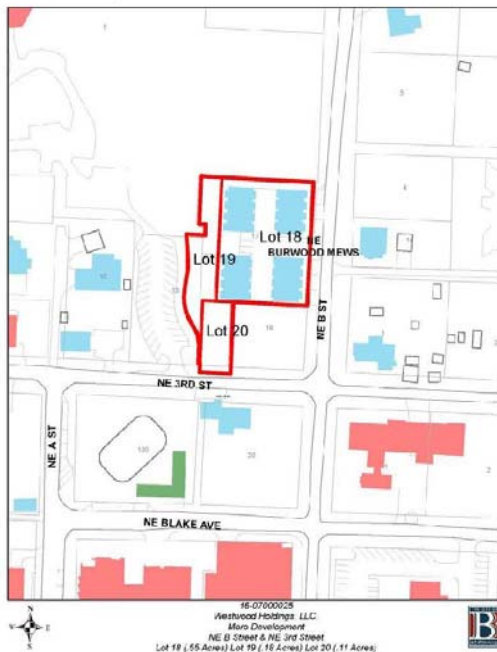
Recommendation: Approval

Reviewer: Jon Stanley, Planner

Project Number	16-07000025
Applicant / Current Owner	Westwood Holdings, LLC 305 Northeast 'B' Street Bentonville, AR 72712 Moro Development Company, LLC 207 Northeast 3 rd Street Bentonville, AR 72712 Peel House Foundation 400 South Walton Boulevard Bentonville, AR 72712
Site Area	0.83 Acres
Current Zoning	DE, Downtown Edge
Future Land Use Map Designation	Downtown Mixed Use Residential (DMUR)

<http://geo.bentonvillear.com/mgweb/PZpending/>

Location Map



Property Description

These properties are the locations of the entrance into Compton Gardens and two vacant mixed use lots, one of which has recently been approved for a Large Scale Development of 16 attached residential units.

Project Details

The applicant has submitted a property line adjustment that will create 3 new lots from portions of 3 existing lots. The new lots will be known as Lot 18 (0.55 acres), Lot 19 (0.18 acres) and Lot 20 (0.10 acres) of Curtis Addition. Additional right-of-way will be dedicated along Northeast 3rd Street per the current Master Street Plan. Sufficient right-of-way exist along Northeast 'B' Street. All new lots will have access to public water and sewer services and a public street.

Projected Traffic Impact

This property line adjustment will not adversely impact traffic in the area. The downtown street grid will provide multiple options for ingress and egress.

Utility Infrastructure

Per the GIS website, water and sewer are available to this site.

Standard Conditions of Approval

- Provide a digital copy of the plat.
- Address all technical review comments before requesting a building permit.

Drainage Report

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

Waivers

Not applicable

Conclusion

This property line adjustment does meet the minimum requirements of the subdivision regulations.

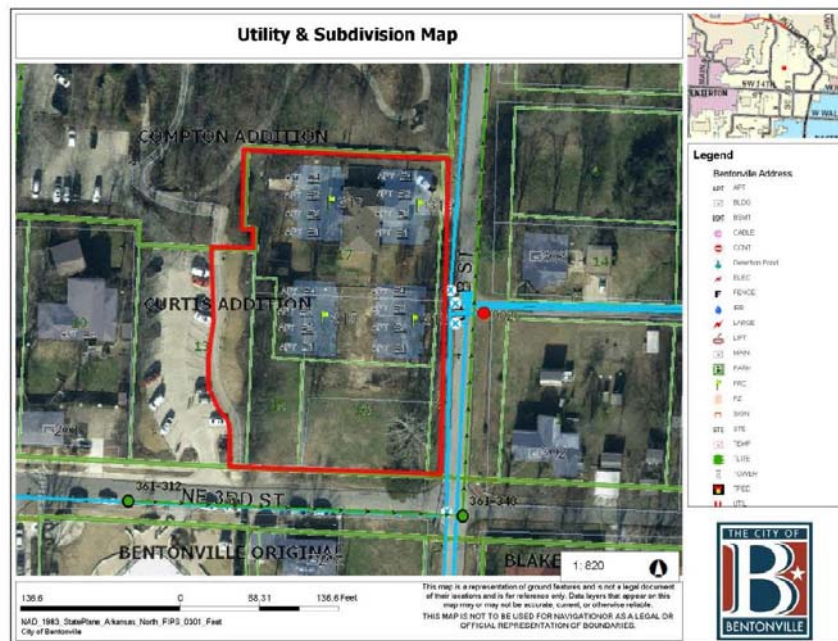
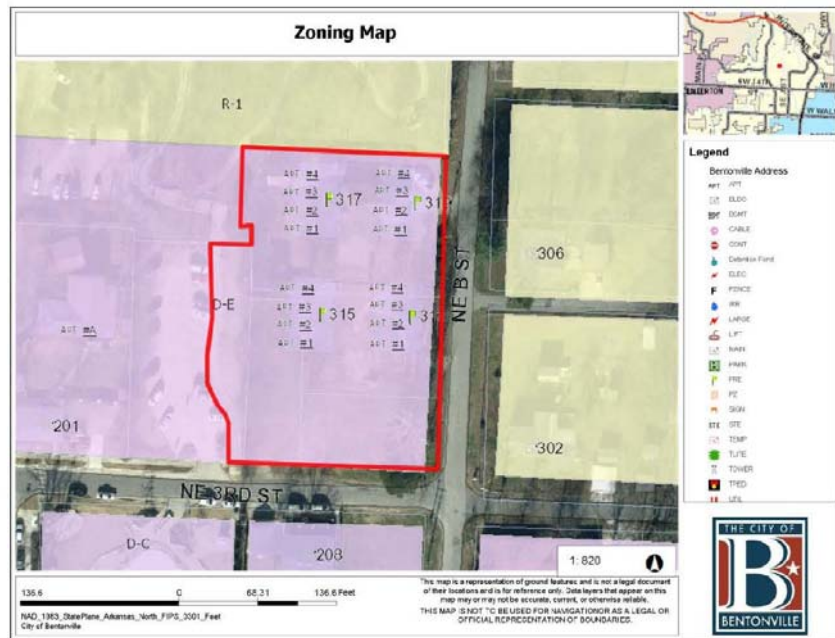
Recommendation

Staff has reviewed this application and based on the findings presented in this staff report, staff recommends approval.

NOTES

- **Street Names:** All street names are preliminary and are for planning purposes only. Street names are not finalized until Final Plat approval.
- **Sidewalks.** Sidewalk installation will be the responsibility of individual lot owners at the time of building permit.
- **Conceptual Approval.** Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer and streets. The information submitted for the preliminary plat review process was reviewed for general concept only.

PROPERTY LINE ADJUSTMENT STAFF REPORT



ORDINANCE NO. _____

AN ORDINANCE ACCEPTING A PROPERTY LINE ADJUSTMENT OF LOTS 18,19 & 20 CURTIS ADDITION TO THE CITY OF BENTONVILLE, ARKANSAS.

WHEREAS, pursuant to the provisions of Title 15 of the Bentonville Municipal Code, the property line adjustment Lots 18, 19 & 20 Curtis Addition, to the City of Bentonville, Benton County Arkansas, was submitted to the Bentonville Planning Commission on the 4th day of October, 2016 and

WHEREAS, said property line adjustment is attached hereto as Exhibit "A" and

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 of 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 property line adjustment of Lots 18,19 & 20 Curtis 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.

PASSED AND APPROVED THIS _____ DAY OF _____, 2016.

ATTEST:

APPROVED:

CITY CLERK

MAYOR

LOT SPLIT STAFF REPORT



Lots 19 & 20 Limestone Ranch Subdivision

Southwest Regional Airport Boulevard & Southwest 'F' Street

PC Date: 10/4/2016

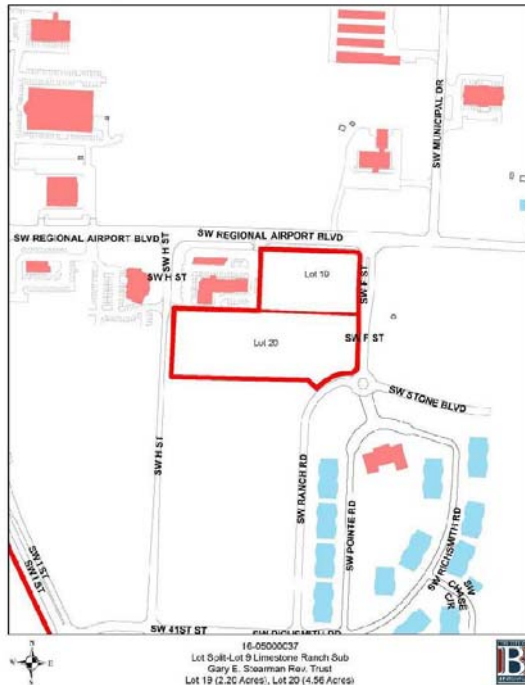
Recommendation: Approval

Reviewer: Jon Stanley, Planner

Project Number	16-05000037
Applicant / Current Owner	Gary E. Stearman Revocable Trust 12382 West Highway 62 Farmington, AR 72730
Site Area	6.81 Acres
Current Zoning	Expired PUD, Planned Unit Development
Future Land Use Map Designation	Mixed Use (MU)

<http://geo.bentonvillear.com/mgweb/PZ/pending/>

Location Map



Property Description

This property is the location of a vacant commercial lot along a rapidly developing commercial and mixed use corridor in the southwest part of the city near an activity node.

Project Details

The applicant has submitted a lot split that will create 2 new lots from one existing lot. The new lots will be known as Lot 19 (2.20 acres) and Lot 20 (4.56 acres) of Limestone Ranch Subdivision. Sufficient right-of-way exists along all streets. A public access easement will be dedicated along all common lot lines. All new lots have direct access to public water and sewer services and a public street.

Projected Traffic Impact

This property line adjustment will not adversely impact traffic in the area. The arterial street to the north and the local streets to the east and west will provide multiple options for ingress and egress.

Utility Infrastructure

Per the GIS website, water and sewer are available to this site.

Standard Conditions of Approval

- Provide a digital copy of the plat.
- Address all technical review comments before requesting a building permit.

Drainage Report

A drainage report is not required at the time of final platting.

Waivers

Not applicable

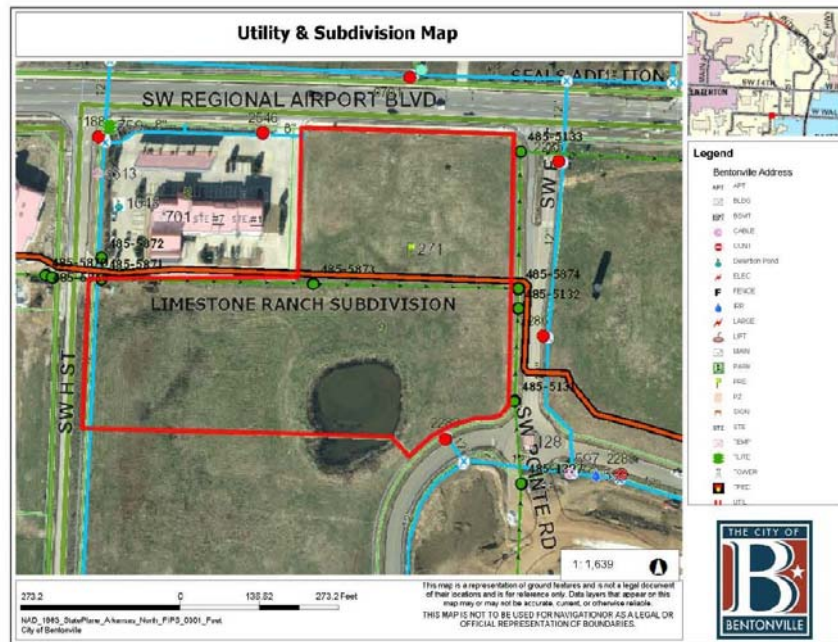
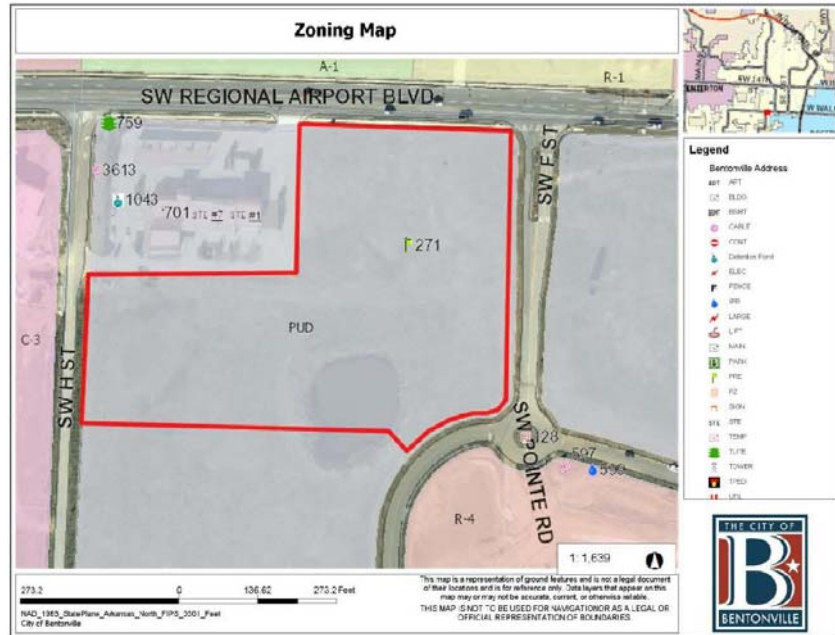
Conclusion

This lot split does meet the minimum requirements of the subdivision regulations.

Recommendation

Staff has reviewed this application and based on the findings presented in this staff report, staff recommends approval.

LOT SPLIT STAFF REPORT



ORDINANCE NO. _____

**AN ORDINANCE ACCEPTING A LOT SPLIT OF LOTS 19 & 20 LIMESTONE RANCH
SUBDIVISION TO THE CITY OF BENTONVILLE, ARKANSAS.**

WHEREAS, pursuant to the provisions of Title 15 of the Bentonville Municipal Code, the lot split of Lots 19 & 20 Limestone Ranch Subdivision, Benton County Arkansas, was submitted to the Bentonville Planning Commission On the 4th day of October, 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 19 & 20 Limestone Ranch Subdivision, 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.

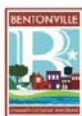
ATTEST:

APPROVED:

CITY CLERK

MAYOR

LOT SPLIT STAFF REPORT



Lots 28 & 29 Dickson's Addition

709 West Central Avenue

PC Date: 10/4/2016

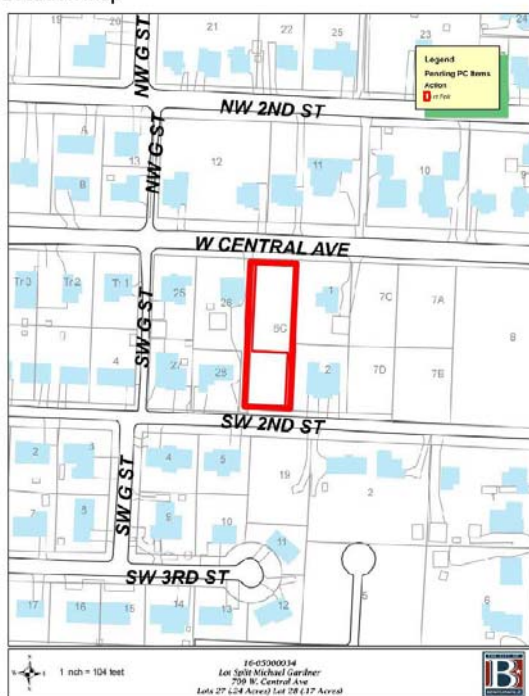
Recommendation: Approval

Reviewer: Jon Stanley, Planner

Project Number	16-05000034
Applicant / Current Owner	Michael Gardner 203 Miramar Boulevard Little Rock, AR 72223
Site Area	0.41 Acres
Current Zoning	R-1, Single Family Residential
Future Land Use Map Designation	Low Density Residential (LDR)

<http://geo.bentonvillear.com/mgweb/PZpending/>

Location Map



Property Description

This property is the location of a single family home under construction in an established neighborhood in the downtown area.

Project Details

The applicant has submitted a lot split that will create 2 new lots from one existing lot. The new lots will be known as Lot 28 (0.17 acres) and Lot 29 (0.24 acres) of Dickson's Addition. Sufficient right-of-way exists along West Central Avenue and right-of-way is being dedicated along Southwest 2nd Street per the current Master Street Plan. Access for both of the new lots will be through a shared private access easement onto Southwest 2nd Street. All new lots have direct access to public water and sewer services and a public street.

Projected Traffic Impact

This lot split will not adversely impact traffic in the area. A collector street borders the property to the north and a local street borders it to the south. The downtown street grid will provide multiple options for ingress and egress.

Utility Infrastructure

Per the GIS website, water and sewer are available to this site.

Standard Conditions of Approval

- Provide a digital copy of the plat.
- Address all technical review comments before requesting a building permit.

Drainage Report

A drainage report is not required at the time of final platting.

Waivers

Not applicable

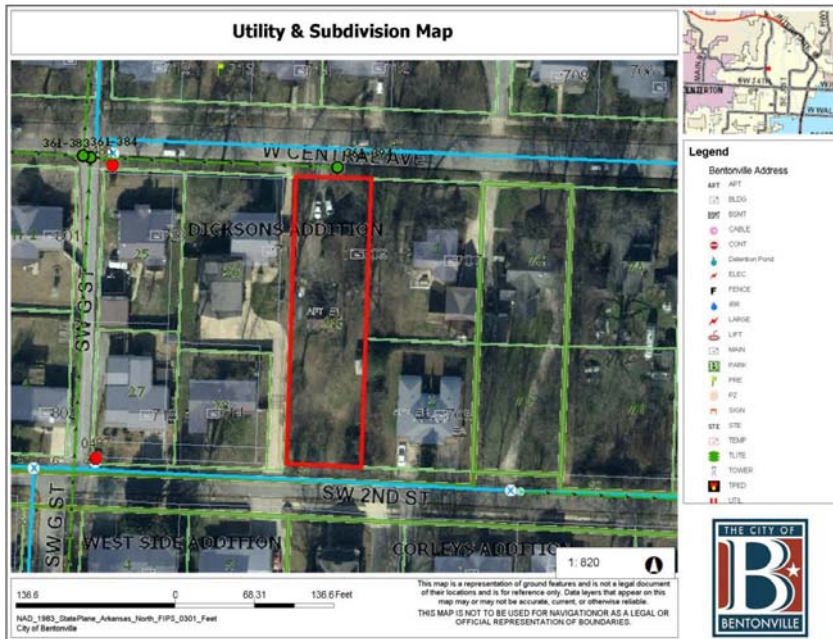
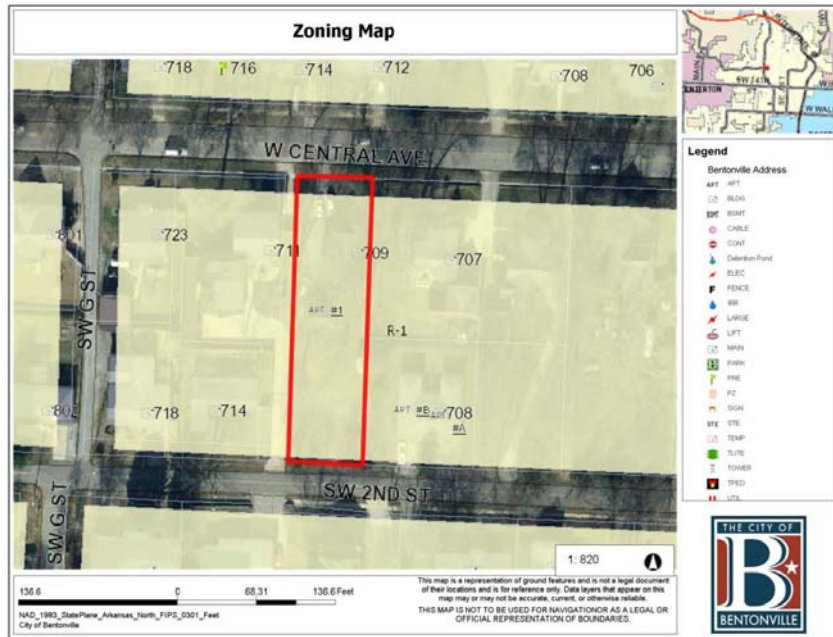
Conclusion

This lot split does meet the minimum requirements of the subdivision regulations.

Recommendation

Staff has reviewed this application and based on the findings presented in this staff report, staff recommends approval.

LOT SPLIT STAFF REPORT



ORDINANCE NO. _____

AN ORDINANCE ACCEPTING A LOT SPLIT OF LOTS 28 & 29 DICKSON'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 28 & 29 Dickson's Addition, Benton County Arkansas, was submitted to the Bentonville Planning Commission On the 4th day of October, 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 28 & 29 Dickson'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

REZONING STAFF REPORT



Chambers Bank

Southwest Adams Road and Anglin Road

PC Date: 10/5/2016

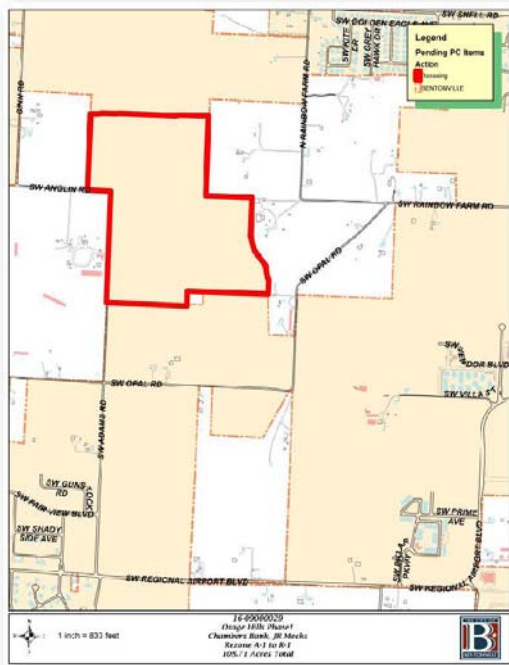
Recommendation: Approval

Reviewer: Beau Thompson, AICP, Senior Planner

Current Zoning	PUD, Planned Unit Development
Requested Zoning	R-1, Single Family Residential
Project Number	16-09000029
Applicant / Current Owner	Chambers Bank 901 Main Street Danville, Arkansas 72833
Site Area	109 Acres
Future Land Use Map Designation	Agricultural (A)

<http://geo.bentonvillear.com/mgweb/PZpending/>

Location Map



Property Description

This property is the location of an abandoned single family subdivision in a residential and agricultural area in the southwest section of the city.

Projected Traffic Impact

The proposed zoning designation will not adversely impact traffic in the area. The development of the property is scheduled to occur in phases and as these phases come on-line and density in the area is increased then additional and improved access to the area will be necessary.

Utility Infrastructure

Per the city GIS website, public water and sewer are available at this location.

Relationship to the General Plan

Policy LU-23 Housing Types within the General Plan suggest that the city should encourage the development of a mix of housing types to meet the needs of residents throughout their lives. As utilities are extended to new locations within the city, the city should reevaluate and adjust the land uses accordingly. The proposed rezoning will help to reduce the impact on city infrastructure by the extension and utilization of existing public utilities that will be required with the development of this land, all helping to meet the intent of the policy.

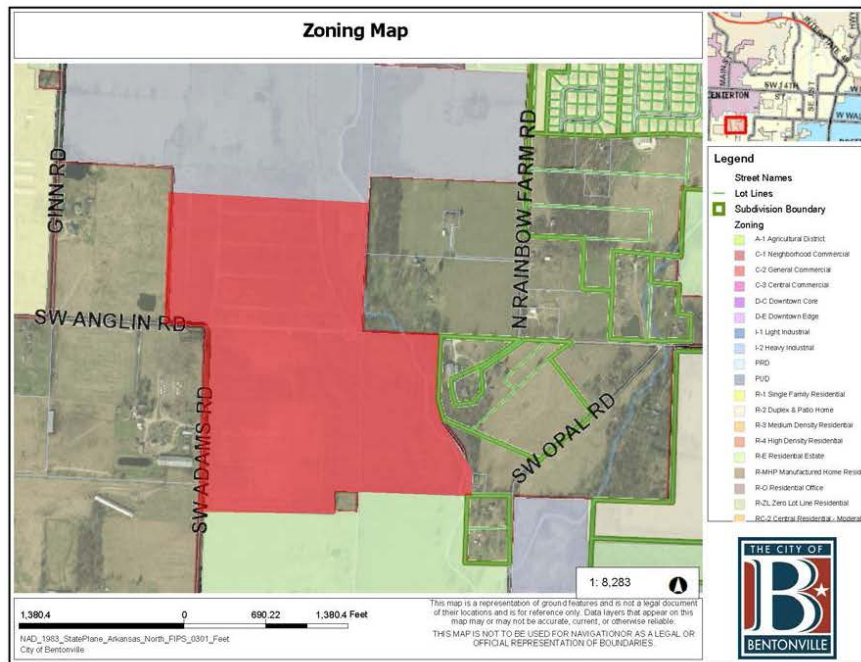
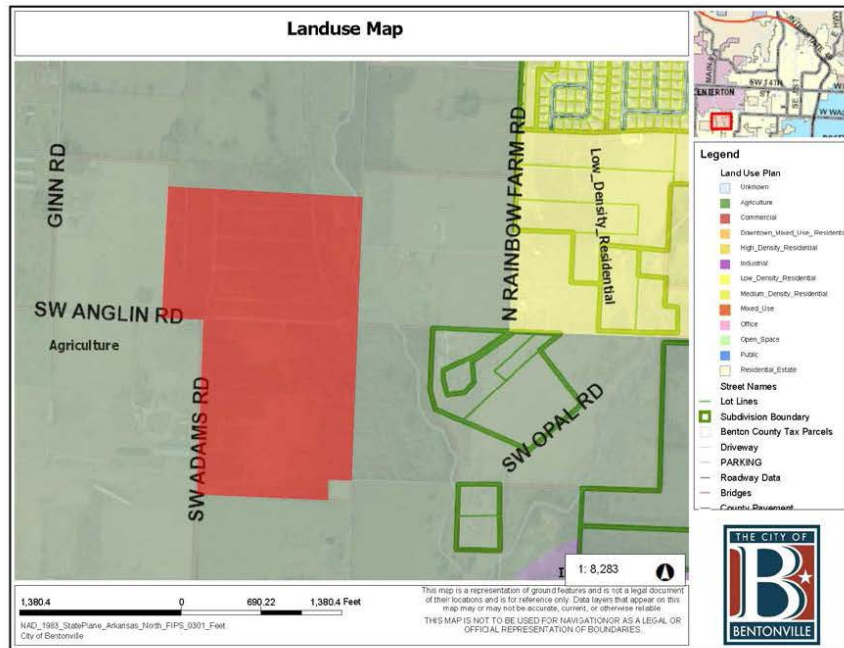
Analysis, Conclusion and Summary

The R-1, Single Family Residential zoning designation allows for the abandoned subdivision to be completed and will offer a variety of single family housing types and opportunities in a rapidly developing sector of the city. The proposed zoning designation will promote future growth in the area and create opportunities for commercial, mixed-use and industrial development that will ultimately provide goods and services to residences in and near this area.

Recommendation

Staff has reviewed this application and based on the findings presented in this staff report, staff recommends approval of the rezoning from PUD, Planned Unit Development to R-1, Single Family Residential.

REZONING STAFF REPORT



City of Bentonville, Arkansas | Community & Economic Development Department
Troy Galloway, AICP, Community & Economic Development Director | 305 SW A Street, Bentonville, AR | (p) 479-271-3122 | (f) 479-271-5906

ORDINANCE NO. _____

**AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE,
ARKANSAS, FROM ITS PRESENT CLASSIFICATION TO R-1, SINGLE FAMILY
RESIDENTIAL.**

WHEREAS, Chambers Bank, 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 R-1, property to be used in accordance with city zoning laws and state laws; which property is described as follows.

All of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) and a part of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) in Section Sixteen (16), and part of the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼) in Section Fifteen (15), and part of the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) and part of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) in Section Nine (9) all in Township Nineteen (19) North, Range Thirty-one (31) West of the 5th Principal Meridian, located in the City of Bentonville, Benton County, Arkansas. Described as commencing at Southeast Corner of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) in Section Nine (9) all in Township Nineteen (19) North, Range Thirty-one (31) West said point being the POINT OF BEGINNING; thence North 87°12'08" West along the South line of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) in Section Nine (9), Township Nineteen (19) North, Range Thirty-one (31) West, a distance of 319.53 feet; thence leaving the South line of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) in Section Nine (9), Township Nineteen (19) North, Range Thirty-one (31) West North 02°20'57" East, a distance of 1,056.70 feet; thence South 87°39'04" East, a distance of 101.00 feet; thence North 76°23'18" East, a distance of 52.00 feet; thence South 87°39'04" East, a distance of 202.00 feet; thence North 84°12'25" East, a distance of 50.51 feet; thence South 87°12'08" East, a distance of 773.17 feet; thence North 77°00'41" East, a distance of 51.67 feet; thence South 88°09'06" East, a distance of 406.32 feet to the East line of the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) in Section Nine (9), Township Nineteen (19) North, Range Thirty-one (31) West; thence along the east line of the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) in Section Nine (9), Township Nineteen (19) North, Range Thirty-one (31) West South 02°10'53" West, a distance of 1,102.13 feet to the common Section corner for Sections Nine (9), Ten (10), Fifteen (15) and Sixteen (16), all in Township Nineteen (19) North, Range Thirty-one (31) West of the 5th Principal Meridian ; thence leaving said common section corner and along the section line common to Sections Ten (10) and Fifteen (15), Township Nineteen (19) North, Range Thirty-one (31) West of the 5th Principal Meridian South 87°36'14" East, a distance of 645.82 feet; thence leaving the section line common to Sections Ten (10) and Fifteen (15), Township Nineteen (19) North, Range Thirty-one (31) West of the 5th Principal Meridian South 02°23'20" West, a distance of 531.06 feet; thence South 14°41'59" East, a distance of 205.09 feet; thence South 36°35'59" East, a distance of 257.99 feet; thence South 09°32'46" East, a distance of 178.90 feet; thence South 41°40'22" East, a distance of 23.23 feet; thence South 02°26'01" West, a distance of

Northwest Quarter (NW ¼) in Section Fifteen (15) Township Nineteen (19) North, Range Thirty-one (31) West of the 5th Principal Meridian North 87°44'01" West, a distance of 908.89 to the Southwest Corner of the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼) in Section Fifteen (15) Township Nineteen (19) North, Range Thirty-one (31) West of the 5th Principal Meridian said point also being the Southeast Corner of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of Section Sixteen (16) Township Nineteen (19) North, Range Thirty-one (31) West of the 5th Principal Meridian; thence along the South line of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of Section Sixteen (16) Township Nineteen (19) North, Range Thirty-one (31) West of the 5th Principal Meridian North 87°44'01" West, a distance of 210.69; thence leaving the South line of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of Section Sixteen (16) Township Nineteen (19) North, Range Thirty-one (31) West of the 5th Principal Meridian South 00°41'55" West, a distance of 206.50 feet; thence North 87°39'46" West, a distance of 1,112.83 feet to the West line of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) and the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) Section Sixteen (16) Township Nineteen (19) North, Range Thirty-one (31) West of the 5th Principal Meridian; thence along the west line of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) and the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) Section Sixteen (16) Township Nineteen (19) North, Range Thirty-one (31) West of the 5th Principal Meridian North 01°58'39" East, a distance of 1,542.41 feet to the POINT OF BEGINNING Containing 108.71 acres, more or less and subject to any and all easements which may or may not be of record.

WHEREAS, the City Planning Commission duly met and considered the application and duly set the petition for public hearing to be held the 4th day of October 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 R-1 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 R-1 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

REZONING STAFF REPORT



Parnell & Reach Church, Inc.

1307 Southwest Parnell Drive & Southwest 'I' Street

PC Date: 10/4/2016

Recommendation: Approval

Reviewer: Jon Stanley, Planner

Current Zoning	A-1, Agricultural
Requested Zoning	R-4, High Density Residential
Project Number	16-09000030
Applicant / Current Owner	Sara Parnell 13467 Lookout Drive Bella Vista, AR 72714 Reach Church, Inc. 900 West Centerton Blvd. Centerton, AR 72719
Site Area	24.53 Acres
Future Land Use Map Designation	Mixed Use (MU)

<http://geo.bentonvillear.com/mgweb/PZpending/>

Location Map



Property Description

These properties are the locations of a single family home and a vacant agricultural field along a rapidly developing arterial street in the southwest section of the city and in close proximity to an activity node.

Projected Traffic Impact

The proposed zoning designation will not adversely impact traffic in the area. The two properties are adjacent to an arterial street that consists of a boulevard and there are several options for ingress/egress to the subject properties.

Utility Infrastructure

Per the city GIS website, public water and sewer are available at these locations.

Relationship to the General Plan

The Future Land Use Plan depicts these properties as Mixed Use (MU). The R-4, High Density Residential zoning is an appropriate zoning district. Policy LU-23 Housing Types within the General Plan suggest multi-family housing with close proximity to activity nodes. The mix of uses and housing types will help to reduce the impact on city infrastructure while providing a variety of housing options.

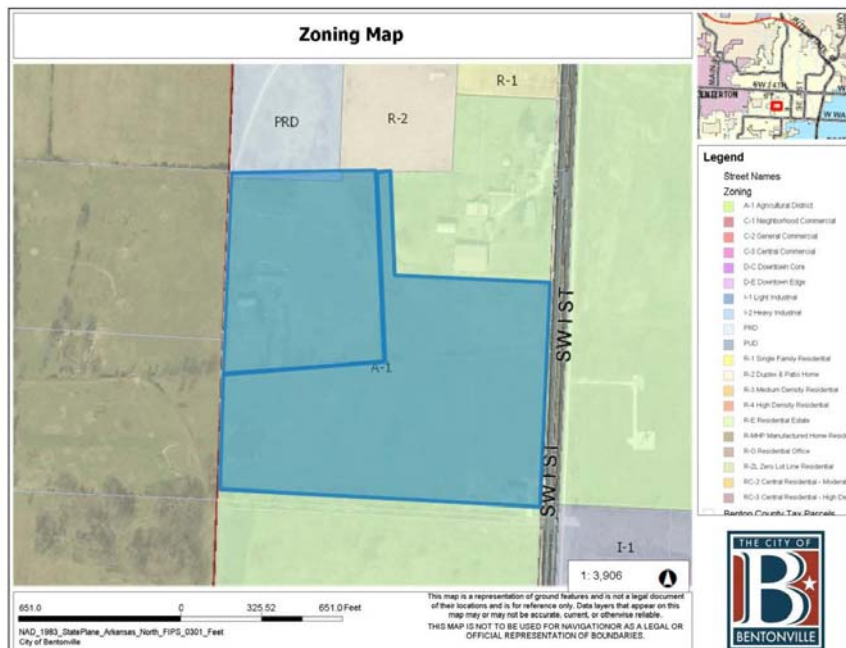
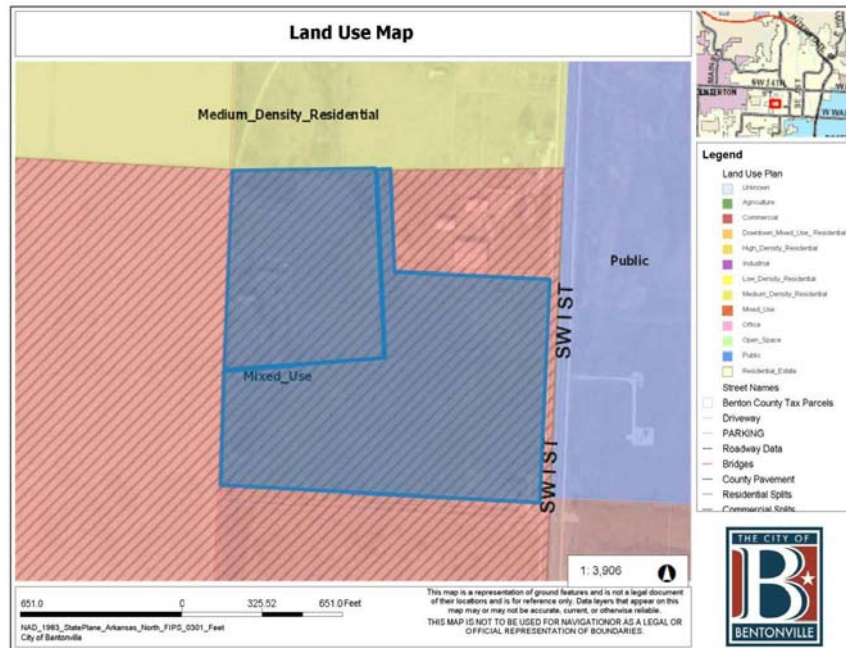
Conclusion

The R-4, High Density Residential zoning designation is consistent with the City of Bentonville's Future Land Use Map which depicts these properties as Mixed Use.

Recommendation

Staff has reviewed this application and based on the findings presented in this staff report, staff recommends approval of this rezoning request from A-1 Agricultural to R-4, High Density Residential.

REZONING STAFF REPORT



ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT CLASSIFICATION TO R-4, HIGH DENSITY RESIDENTIAL.

WHEREAS, Parnell & Reach Church, Inc. 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 R-4, property to be used in accordance with city zoning laws and state laws; which property is described as follows.

A PART OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 19 NORTH, RANGE 31 WEST, BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 1, T-19-N, R-31-W IN BENTON COUNTY, ARKANSAS; THENCE NORTH 86°55'34" WEST A DISTANCE OF 40.00 FEET; THENCE NORTH 02°25'50" EAST A DISTANCE OF 45 FEET; THENCE NORTH 86°54'56" WEST A DISTANCE OF 1288.99 FEET; THENCE NORTH 01°17'48" EAST A DISTANCE OF 449.97 FEET TO THE POINT OF BEGINNING; THENCE NORTH 03°11'01" EAST A DISTANCE OF 824.80 FEET; THENCE SOUTH 88°16'40" EAST A DISTANCE OF 584.77 FEET; THENCE SOUTH 01°59'53" EAST A DISTANCE OF 746.87 FEET; THENCE SOUTH 84°49'01" WEST A DISTANCE OF 659.04 FEET TO THE POINT OF BEGINNING. CONTAINING 11.18 ACRES MORE OR LESS. SUBJECT TO ANY EASEMENTS OF RECORD OR FACT.

WHEREAS, the City Planning Commission duly met and considered the application and duly set the petition for public hearing to be held the 4th day of October 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 R-4 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 R-4 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

REZONING STAFF REPORT



Reach Church, Inc.

2900 Southwest 'I' Street

PC Date: 10/4/2016

Recommendation: Approval

Reviewer: Jon Stanley, Planner

Current Zoning	A-1, Agricultural
Requested Zoning	C-2, General Commercial
Project Number	16-09000031
Applicant / Current Owner	Reach Church, Inc. 900 West Centerton Blvd. Centerton, AR 72719
Site Area	7.92 Acres
Future Land Use Map Designation	Mixed Use (MU)

<http://geo.bentonvillear.com/mgweb/PZpending/>

Location Map



Property Description

This property is the location of a vacant single family home and a vacant agricultural field along a rapidly developing arterial street in the southwest section of the city and in close proximity to an activity node.

Projected Traffic Impact

The proposed zoning designation will not adversely impact traffic in the area. The property is adjacent to an arterial street that consists of a boulevard and there are several options for ingress/egress.

Utility Infrastructure

Per the city GIS website, public water and sewer are available at this location.

Relationship to the General Plan

The Future Land Use Plan depicts this property as Mixed Use (MU). The C-2, General Commercial zoning is an appropriate zoning district. Policy LU-23 Housing Types within the General Plan suggest multi-family housing with close proximity to activity nodes. The mix of uses and housing types will help to reduce the impact on city infrastructure while providing a variety of housing options. The C-2 zoning designation will provide the goods and services to those adjacent residential uses while further reducing vehicle trips and increasing conveyance for residents.

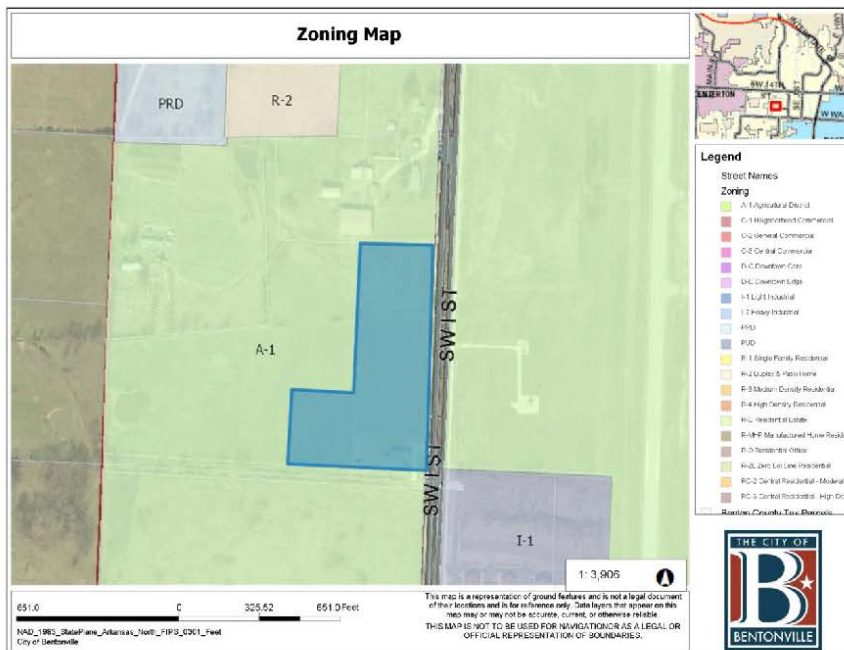
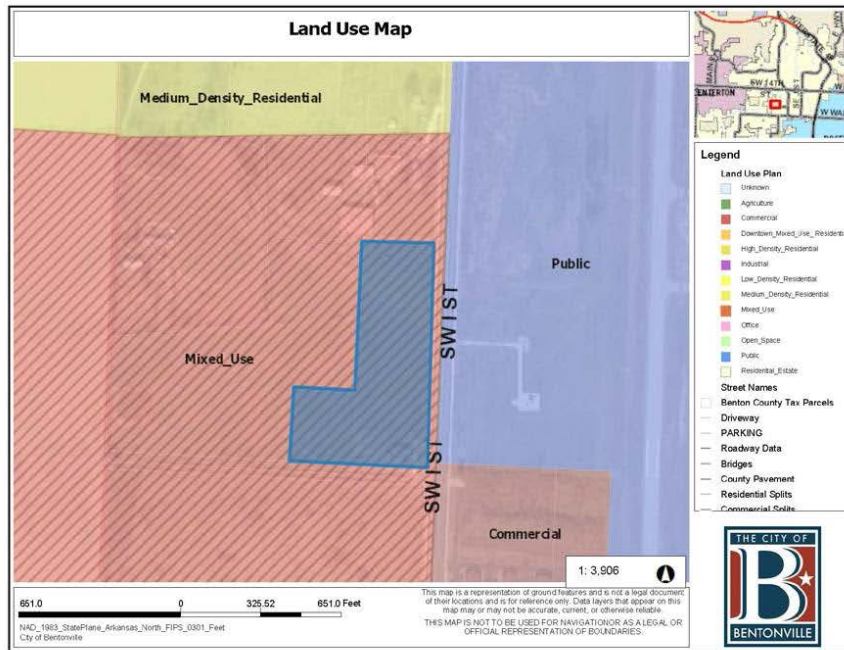
Conclusion

The C-2, General Commercial zoning designation is consistent with the City of Bentonville's Future Land Use Map which depicts this property as Mixed Use.

Recommendation

Staff has reviewed this application and based on the findings presented in this staff report, staff recommends approval of this rezoning request from A-1 Agricultural to C-2, General Commercial.

REZONING STAFF REPORT



City of Bentonville, Arkansas | Community & Economic Development Department
Troy Galloway, AICP, Community & Economic Development Director | 305 SW A Street, Bentonville, AR | (p) 479-271-3122 | (f) 479-271-5906

ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT CLASSIFICATION TO C-2, GENERAL COMMERCIAL.

WHEREAS, Reach Church, Inc. 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 C-2, General Commercial, property to be used in accordance with city zoning laws and state laws; which property is described as follows.

LEGAL DESCRIPTION FOR 5.52 ACRES REZONING (COMMERCIAL)

A PART OF LOT 4 OF JARNAGAN ADDITION AS RECORDED AT PLAT RECORD 2011-372, AND DESCRIBED AS COMMENCING AT THE SOUTHEAST CORNER OF SECTION I, T-19-N, R-31-W IN BENTON COUNTY, ARKANSAS; THENCE NORTH 86°55'34" WEST A DISTANCE OF 40.00 FEET; THENCE NORTH 02°25'50" EAST A DISTANCE OF 45 FEET TO THE POINT OF BEGINNING; THENCE NORTH 86°54'56" WEST A DISTANCE OF 549.79 FEET; THENCE NORTH 02°25'52" EAST A DISTANCE OF 300.00 FEET; THENCE SOUTH 86°55'59" EAST A DISTANCE OF 249.83 FEET; THENCE NORTH 02°25'40" EAST A DISTANCE OF 250.00 FEET; THENCE SOUTH 87°34'10" EAST A DISTANCE OF 300.00 FEET; THENCE SOUTH 02°26'09" WEST A DISTANCE OF 553.50 FEET TO THE POINT OF BEGINNING. CONTAINING 5.52 ACRES. SUBJECT TO THE RIGHT OF WAY OF "I" STREET ALONG THE EAST SIDE AND THE RIGHT OF WAY OF "28TH" STREET ALONG THE SOUTH SIDE, AND ANY EASEMENTS OF RECORD OR FACT.

WHEREAS, the City Planning Commission duly met and considered the application and duly set the petition for public hearing to be held the 4th day of October 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 C-2 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 C-2 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

REZONING STAFF REPORT



Cadence Group, LLC

Southwest 'B' Street (north of alley)

PC Date: 10/4/2016

Recommendation: Approval

Reviewer: Jon Stanley, Planner

Current Zoning	DE, Downtown Edge
Requested Zoning	DC, Downtown Core
Project Number	16-09000032
Applicant/ Current Owner	Cadence Group, LLC 101 Southeast 'G' Street Bentonville, AR 72712
Site Area	0.29 Acres
Future Land Use Map Designation	Mixed Use (MU)

<http://geo.bentonvillear.com/mgweb/PZpending/>

Location Map



Property Description

This property is the location of a vacant lot in the southwest quadrant of the downtown area in a redeveloping mixed use neighborhood.

Projected Traffic Impact

The proposed zoning designation will not adversely impact traffic in the area. The property has adequate access to a public street and the existing alley network will help to facilitate ingress/egress to the property.

Utility Infrastructure

Per the city GIS website, public water and sewer are available at this location.

Relationship to the General Plan

The Future Land Use Plan depicts this property as Mixed Use (MU). The DC, Downtown Core zoning is an appropriate zoning district. The intent of the Downtown Core zoning district is to expand the pedestrian oriented character of the town square while providing retail and entertainment venues. Small and large office and commercial uses should be provided to support the medium and high density residential uses. The DC, Downtown Core zoning district promotes a mix of commercial and residential uses that are separated both horizontally and vertically. The rezoning request is consistent with the policies and objectives of the Land Use plan.

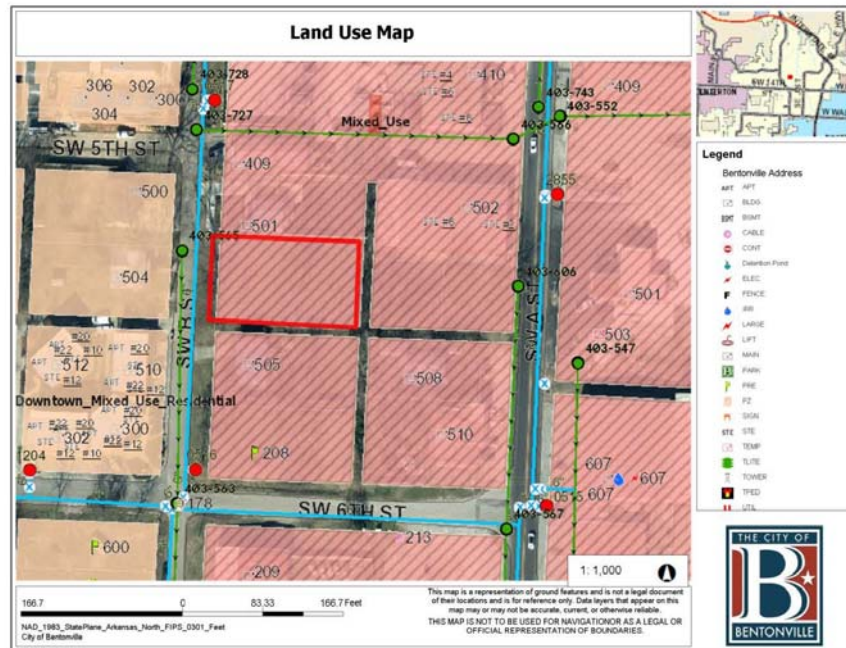
Conclusion

The DC, Downtown Core zoning designation is consistent with the City of Bentonville's Future Land Use Map which depicts this property as Mixed Use. The General Plan encourages a mix of uses in the downtown and specifically encourages a variety of office and commercial uses within close proximity to the downtown square.

Recommendation

Staff has reviewed this application and based on the findings presented in this staff report, staff recommends approval of this rezoning request from DE, Downtown Edge to DC, Downtown Core.

REZONING STAFF REPORT



ORDINANCE NO. _____

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

WHEREAS, Candence Group LLC 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-C, Downtown Core, property to be used in accordance with city zoning laws and state laws; which property is described as follows.

Lot 15, Block 1, Dunn and Davis Addition, to the City of Bentonville, Benton County, Arkansas,
as shown on replat filed in Plat Book 2015-78

WHEREAS, the City Planning Commission duly met and considered the application and duly set the petition for public hearing to be held the 4th day of October 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-C 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-C 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

REZONING STAFF REPORT



Soos & Cadence Group, LLC

505 Southwest 'B' Street

PC Date: 10/4/2016

Recommendation: Approval

Reviewer: Jon Stanley, Planner

Current Zoning	DE, Downtown Edge
Requested Zoning	DC, Downtown Core
Project Number	16-09000033
Applicant / Current Owner	Cadence Group, LLC 101 Southeast 'G' Street Bentonville, AR 72712 Craig Soos PO Box 1337 Bentonville, AR 72712
Site Area	0.50 Acres
Future Land Use Map Designation	Mixed Use (MU)

<http://geo.bentonvillear.com/mgweb/PZpending/>

Location Map



Property Description

This property is the location of a vacant lot in the southwest quadrant of the downtown area in a redeveloping mixed use neighborhood.

Projected Traffic Impact

The proposed zoning designation will not adversely impact traffic in the area. The property has adequate access to a public street and the existing alley network will help to facilitate ingress/egress to the property.

Utility Infrastructure

Per the city GIS website, public water and sewer are available at this location.

Relationship to the General Plan

The Future Land Use Plan depicts this property as Mixed Use (MU). The DC, Downtown Core zoning is an appropriate zoning district. The intent of the Downtown Core zoning district is to expand the pedestrian oriented character of the town square while providing retail and entertainment venues. Small and large office and commercial uses should be provided to support the medium and high density residential uses. The DC, Downtown Core zoning district promotes a mix of commercial and residential uses that are separated both horizontally and vertically. The rezoning request is consistent with the policies and objectives of the Land Use plan.

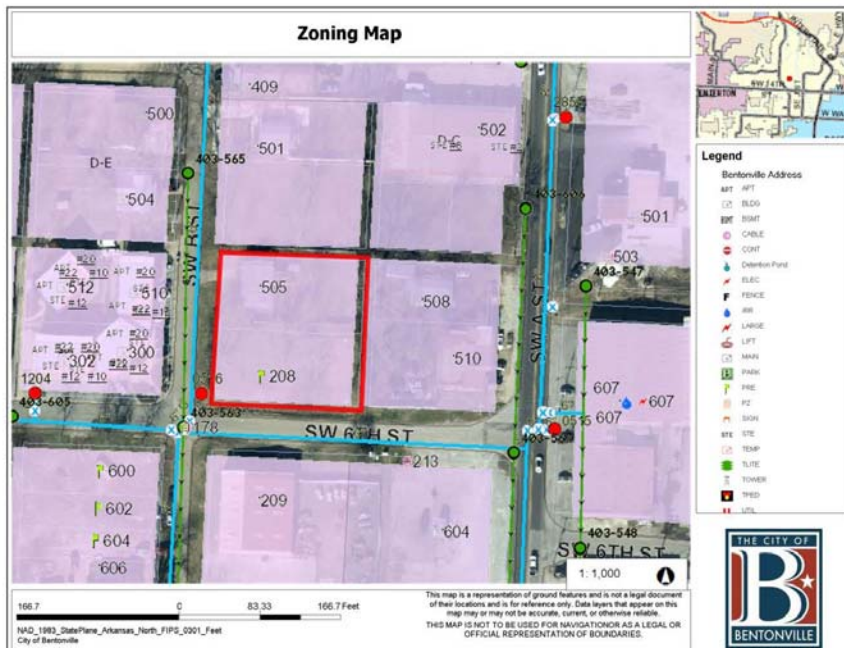
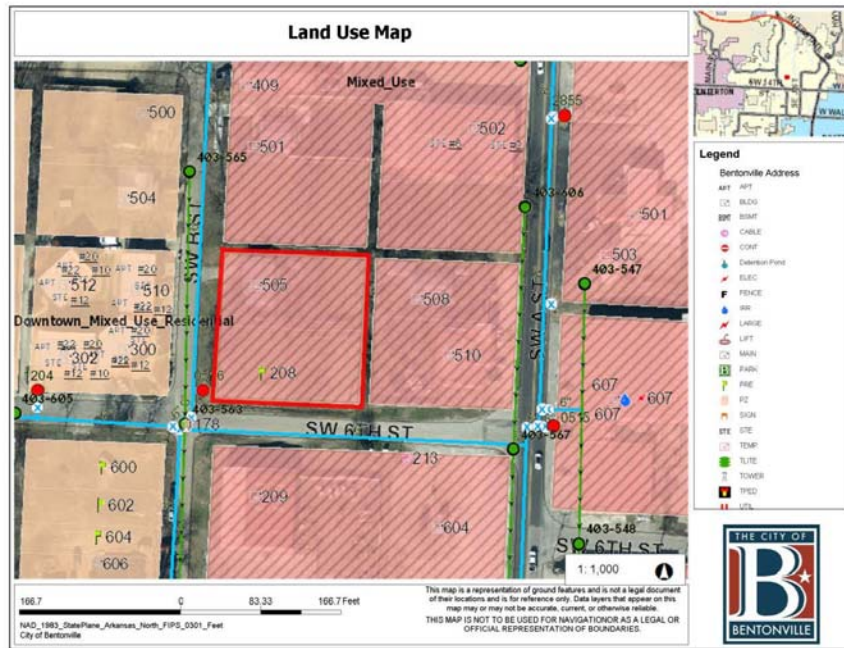
Conclusion

The DC, Downtown Core zoning designation is consistent with the City of Bentonville's Future Land Use Map which depicts this property as Mixed Use. The general plan encourages a mix of uses in the downtown and specifically encourages a variety of office and commercial uses within close proximity to the downtown square.

Recommendation

Staff has reviewed this application and based on the findings presented in this staff report, staff recommends approval of this rezoning request from DE, Downtown Edge to DC, Downtown Core.

REZONING STAFF REPORT



ORDINANCE NO. _____

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

WHEREAS, Soos & Cadence Group, LLC 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-C, Downtown Core, property to be used in accordance with city zoning laws and state laws; which property is described as follows.

Lot 15, Block 1, Dunn and Davis Addition, to the City of Bentonville, Benton County, Arkansas, as shown on replat filed in Plat Book 2015-78.

Property Description 505 SW B and 208 SW 6th Street (Parcel 01-02408-000 & 01-02411-000)

Lots 7, 10 and 11, Block 1, Dunn and Davis Addition, to the City of Bentonville, Benton County, Arkansas.

Or

Lot 7A, Dunn and Davis Addition, to the City of Bentonville, Benton County, Arkansas, as shown on replat filed in Plat Book 22-65 and Lot 11 and the South ½ of Lot 10, Dunn and Davis Addition, to the City of Bentonville, Benton County, Arkansas.

WHEREAS, the City Planning Commission duly met and considered the application and duly set the petition for public hearing to be held the 4th day of October 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-C 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-C 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

ORDINANCE STAFF REPORT



Downtown Neighborhood Zoning Districts

PC Date: 10/4/2016

Recommendation: Approval

Reviewer: Shelli Kerr, AICP, Planning Services Manager

<http://www.bentonville.com/departments/planning-department/codes/code-changes/>

Type	New Regulations
Code Impacted	Zoning Code
Section(s)	Art. 401 Zoning Regulations
Public Meetings	8/31/2016

Request

- Approval of a resolution establishing three new downtown neighborhood land use categories, amending one existing category, and amending the Future Land Use Map for downtown.
- Approval of an ordinance establishing four new downtown neighborhood zoning districts and regulations.

Background

Bentonville's downtown neighborhoods are experiencing unprecedented growth and development. Rezoning and variances for residential development are at an all-time high because the city's current zoning ordinances do not adequately accommodate urban-style development that is necessary to support a successful downtown. To better manage downtown residential development, Houseal Lavigne Associates, the team working on the Community Plan, has developed regulations for four new zoning districts.

Purpose

The purpose of the resolution and ordinance is to establish residential zoning districts for the downtown area to better accommodate a variety of housing types and increase densities to support downtown redevelopment.

Relationship to General Plan

The new zoning districts are consistent with Policy LU-15 stating "The City shall encourage the development of mixed-use and residential projects within the downtown area to increase the community's housing stock and to enhance the vitality of downtown businesses."

Summary

The Future Land Use amendments include:

- Adding three new land use categories:
 - Downtown Low Density Residential (D-LDR)
 - Downtown Medium Density Residential (D-MDR)
 - Downtown High Density Residential (D-HDR)
- Amending the description of an existing land use category:
 - Downtown Mixed-Use Residential (D-MUR)
- Amending the future land use map to assign the new categories in the downtown area where appropriate.

The Zoning Regulation amendment includes adding four new downtown neighborhood zoning districts and adopting regulations for each district:

- DN-1, Downtown Low-Density Residential
- DN-2, Downtown Medium-Density Residential
- DN-3, Downtown High Density Residential
- DN-4, Downtown Mixed-Use Residential

Changes Since Public Meeting

- Map: Removed integrated commercial areas.
- Map: Changed the area around the current public works facility from DN-3 to DN-4.
- Removed density requirements.
- Decreased the land area per dwelling unit as follows:

District	Structure Type	From	To
DN-3	Multi-family	1,200	800
DN-4	Multi-family	900	800
DN-4	Mixed-use	1,200	800

- Restated interior side setbacks.
- Added an 8' setback from the alley for garages accessed by the alley.
- Reduced the shared driveway width for townhouse clusters from 20' to 12'.

RESOLUTION NO. _____

A RESOLUTION ADOPTING REVISIONS TO THE FUTURE LAND USE MAP OF THE CITY OF BENTONVILLE, ARKANSAS PURSUANT TO ARKANSAS CODE ANNOTATED §14-56-414 TO ADD FOUR DOWNTOWN NEIGHBORHOOD LAND USES.

WHEREAS, the City of Bentonville adopted a Future Land Use Map with Resolution No. 5-22-07-A on May 22, 2007; and,

WHEREAS, the Future Land Use Map is revised from time to time to better manage development trends; and,

WHEREAS, the City of Bentonville hired Houseal Lavigne Associates to establish a land use plan and corresponding zoning districts to address downtown neighborhood residential development; and,

WHEREAS, revisions to the Future Land Use Map are necessary to establish downtown residential zoning districts;

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

Section 1. The adopted 2007 General Plan is hereby amended by establishing the following Future Land Use Categories and adding them to Exhibit 1 of the adopted 2007 General Plan:

Category	Description	Average Dwelling Units per acre	Zoning Districts Included	Typical Floor Area Ratio
Downtown Low-Density Residential (D-LDR)	Established downtown neighborhoods that are predominantly single-family with large lots.	8	DN-1, PRD	--
Downtown Medium-Density Residential (D-MDR)	Established downtown neighborhoods where increased single-family density can be accomplished with small-lot single family development.	12-16	DN-2, PRD	--
Downtown High Density Residential (D-HDR)	Downtown neighborhoods with increased density achieved through small lot single family and townhouse development.	36-48	DN-3, PRD	--
Downtown Mixed-Use Residential (D-MUR)	Downtown neighborhoods allowing a range of residential types and densities with supportive neighborhood-scale commercial uses. Appropriate uses will be considered on an individual basis with an emphasis on compatibility.	36	DN-4, PRD	0.5 to 4.0

Section 2. That the Future Land Use Map of the City of Bentonville is hereby amended by reference with *Attachment A: Future Land Use Map – Downtown Neighborhood Amendment*, a digital copy and a paper copy of which is on file with the City Clerk, as though it were copied herein fully.

Section 2: That this resolution shall be in full force and effect from and after the date of its passage.

PASSED and APPROVED this th day of , 2016.

APPROVED:

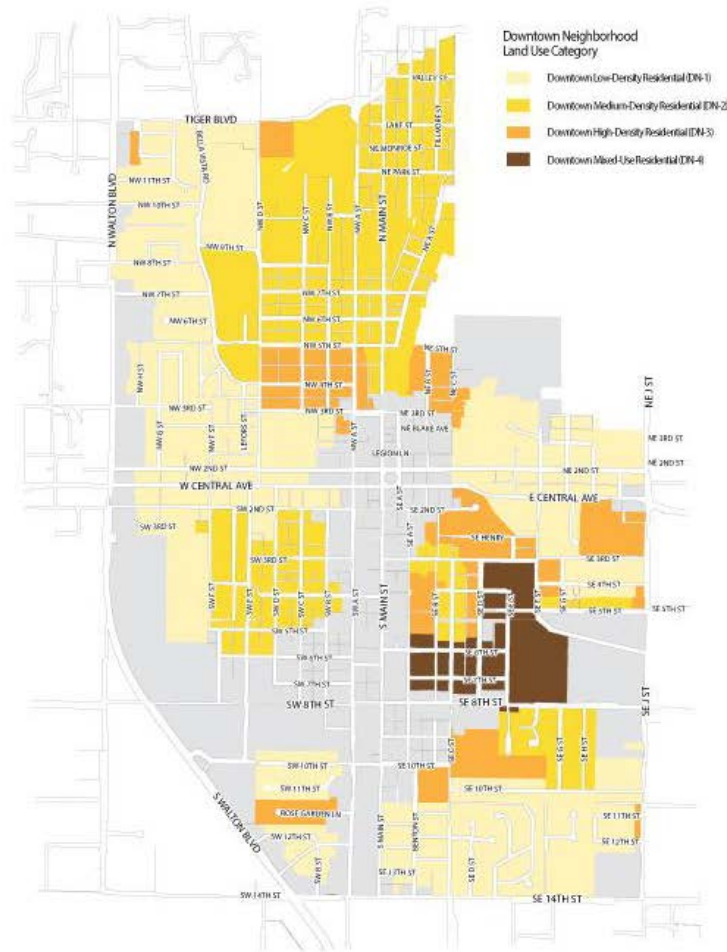
ATTEST:

Bob McCaslin

City Clerk

ATTACHMENT A
FUTURE LAND USE MAP DOWNTOWN NEIGHBORHOOD AMENDMENT

Downtown Neighborhood (DN) Districts
Land Use Plan



ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 14, ZONING CODE, TO ADOPT
DOWNTOWN NEIGHBORHOOD ZONING DISTRICTS.

WHEREAS, the City of Bentonville hired Houseal Lavigne Associates to establish a land use plan and corresponding zoning districts to address downtown neighborhood residential development; and,

WHEREAS, City Council has adopted revisions to the Future Land Use Map adopting four downtown neighborhood land uses;

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

Section 1. That the Bentonville Municipal Code, Title 14 Zoning Code, Article 201 Definitions should be and the same is hereby amended by adding the following definition:

***Mixed-use Building:** A single building containing both residential uses and non-residential uses.*

Section 2: That the Bentonville Municipal Code, Title 14 Zoning Code, Article 401 Zoning District Regulations, Sec. 401.2 Classification of Districts should be and the same is hereby amended by adding the following zoning districts:

Downtown Residential

1. *DN-1, Downtown Low-Density Residential*
2. *DN-2, Downtown Medium-Density Residential*
3. *DN-3, Downtown High Density Residential*
4. *DN-4, Downtown Mixed-Use Residential*

Section 3: That the Bentonville Municipal Code, Title 14 Zoning Code, Article 401 Zoning District Regulations should be and the same is hereby amended by reference with the following *Attachment A: Downtown Neighborhood Zoning Districts*, an electronic copy and paper copy of which is on file with the City Clerk, as though it were copied herein fully.

Section 4. That the Bentonville Municipal Code, Title 14 Zoning Code, Appendix A Table of Permitted Uses should be and the same is hereby amended by reference with the following *Attachment B: Table of Permitted Uses for Downtown Neighborhood Districts*, an electronic copy and paper copy of which is on file with the City Clerk, as though it were copied herein fully.

Section 5: That this ordinance shall be in full force and effect 30 days from the date of its passage and approval.

PASSED and APPROVED this th day of _____, 2016.

APPROVED:

ATTEST:

Bob McCaslin,

City Clerk

ATTACHMENT A DOWNTOWN NEIGHBORHOOD ZONING DISTRICTS

Sec. 401.7-B Downtown Neighborhood (DN) Districts

A. District Purposes

1. DN-1, Downtown Low-Density Residential

The intent of the DN-1 district is to preserve the established development pattern of portions of the Downtown Neighborhoods that are predominantly single-family with lots generally larger than 60' in width.

2. DN-2, Downtown Medium-Density Residential

The intent of the DN-2 district is to allow for an increased single-family density through small lot widths where alley and infrastructure support such development, and where small-lot single family development provides an appropriate transition between large-lot residential areas and those of higher density. In some instances, such as the end of blocks, townhouses may be appropriate in this district.

3. DN-3, Downtown High Density Residential

The intent of the DN-3 district is to allow for an increased neighborhood density through the development of small-lot single-family housing and townhouses throughout the district. These areas tend to be adjacent to downtown commercial uses. In some instances, such as at the ends of blocks, multi-family apartment buildings may be an appropriate use in this district.

4. DN-4, Downtown Mixed-Use Residential

The intent of the DN-4 district is to allow for increased neighborhood density and increased local commerce through the development of multi-family housing and mixed-use structures. These areas tend to be located in areas of unique activity due to the surrounding context and resulting levels of activity and housing demand.

B. Building Types Allowed

For the purposes of the Downtown Neighborhood Districts, all structures must be classified as one of the building types below, as defined in Article 201 Definitions.

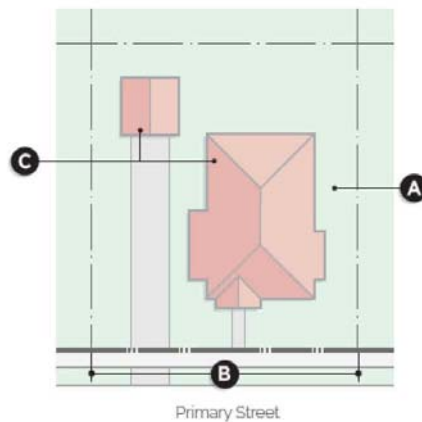
Table 401.7-B(1) DN Building Types Allowed

Building Type	Condition	DN-1	DN-2	DN-3	DN-4
Single family		•	•	•	
Two-family			•	•	•
Townhouse	Block-end		•	•	•
	Mid-block			•	•
Multifamily	Block-end			•	•
	Mid-block				•
Mixed-use					•

1. Lot and Area Standards

Table 401.7-B (2) below

District	Building Type	(A) Min. Lot Area (sq. ft.)	*Min. Land Area per Dwelling Unit (sq. ft.)	(B) Min. Lot Width (ft.)	Max. Lot Width (ft.)	(C) Max. Lot Coverage
DN-1	Single-family and Two-family	6,000	6,000	60'	N/A	40%
DN-2	Single-family and Two-family	5,000	3,500	40'	N/A	50%
	Townhouse Cluster	15,000	2,700	125'	N/A	60%
DN-3	Single-family and Two-family	5,000	3,500	40'	N/A	50%
	Townhouse Cluster	15,000	2,700	125''	N/A	65%
	Multi-family	20,000	800	125'	N/A	65%
DN-4	Single-family and Two-family	5,000	3,500	40'	50'	50%
	Townhouse Cluster	15,000	2,700	125'	N/A	65%
	Multi-family	20,000	800	125'	N/A	75%
	Mixed-use	10,000	800	75'	N/A	75%



A

- A** Lot Area
- B** Lot Width
- C** Lot Coverage (Total area of all structures)

2. Setback Standards

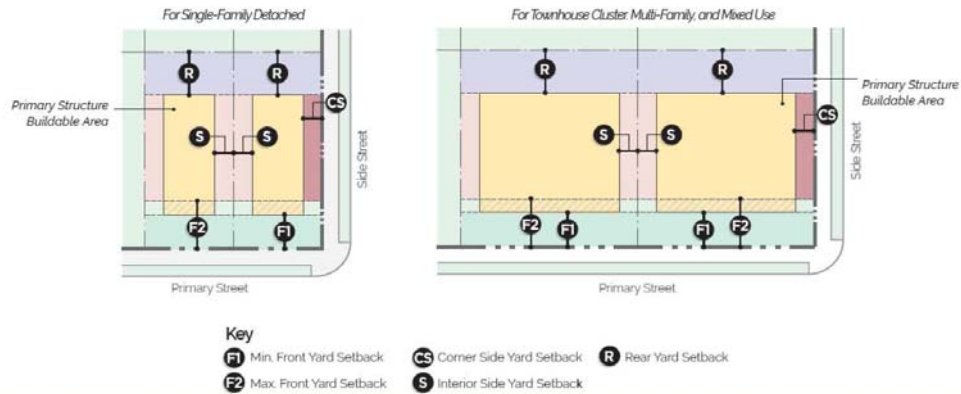
Table 401.7-B (3) below establishes the setback standards for the Downtown Neighborhood districts.

Table 401.7-B(3) Setback Standards in the DN Districts

District	Building Type		Front Yard Setback		Corner Side Yard Setback		Interior Side Yard Setback*			Rear Yard Setback
			F1 Min.	F2 Max.	Min.	Max.	Total Min.	Yard 1	Yard 2	
DN-1	Single-family		15'	25'	15'	N/A	25% of lot width	10'	Remainder of total, but no less than 5'	25'
DN-2	Single-family, lot width <u>greater</u> than 50', & Two-family	With Alley Access	15'	25'	12'	N/A	30% of lot width	5'	Remainder of total, but no less than 5'	25'
		Without Alley Access	15'	25'	12'	N/A	25% of lot width	10'	Remainder of total, but no less than 5'	25'
	Single-family, lot width <u>less</u> than 50', & Two-family		15'	25'	12'	N/A	25% of lot width	5'	Remainder of total, but no less than 5'	25'
	Townhouse Cluster; Block- end		15'	25'	12'	N/A	N/A	10'	10'	25'
DN-3	Single-family, lot width <u>greater</u> than 50', & Two-family	With Alley Access	15'	25'	10'	N/A	30% of lot width	5'	Remainder of total, but no less than 5'	25'
		Without Alley Access	15'	25'	10'	N/A	25% of lot width	10'	Remainder of total, but no less than 5'	25'
	Single-family, lot width <u>less</u> than 50', & Two-family		15'	25'	10'	N/A	25% of lot width	5'	Remainder of total, but no less than 5'	25'
	Townhouse Cluster		15'	25'	10'	N/A	N/A	10'	10'	25'
	Multi-family; Block-end		15'	25'	10'	N/A	N/A	12'	12'	25'
DN-4	Single-family & Two-family		10'	20'	8'	N/A	25% of lot width	5'	Remainder of total, but no less than 5'	25'
	Townhouse Cluster		10'	20'	8'	N/A	N/A	10'	10'	25'
	Multi-family		10'	20'	8'	N/A	N/A	12'	12'	25'
	Mixed-use		0'	15'	0'	10'	N/A	0', unless adjacent to a non-mixed-use building then 8'	Same as Yard 1	25'

- Note: The required setback for townhouses applies to townhouse clusters. No setback is required between individual townhouse dwelling units within the same townhouse cluster.

Figure 401.7-B (2) Setback Standards Reference



3. Height Standards

Table 401.7-B (4) below establishes the height standards for the Downtown Neighborhood districts. For the purpose of this table, a 1/2 –story refers to a level of habitable interior space that is integrated into the design of the roof structure through the use of dormers or other protrusions.

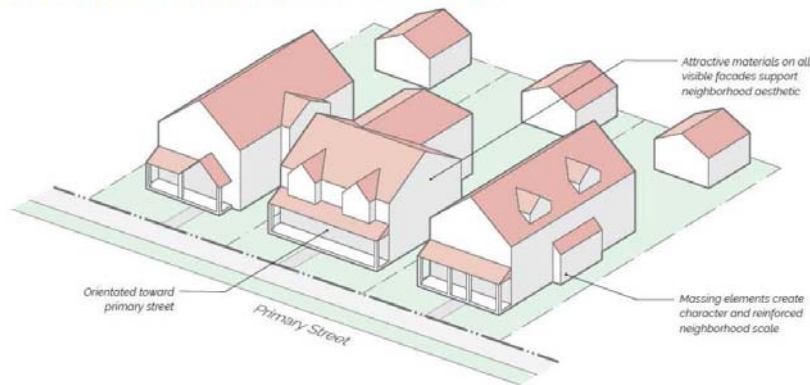
Table 401.7-B (4) DN Height Standards

Building Type	DN-1	DN-2	DN-3	DN-4
Single-family and Two-family	35' or 2.5 stories	35' or 2.5 stories	40' or 3 stories	40' or 3 stories
Townhouse	--	35' or 2.5 stories	40' or 3 stories	40' or 3 stories
Multi-family	--	--	40' or 3 stories	50' or 4 stories
Mixed-use	--	--	--	50' or 4 stories

D. General Building Orientation and Design

1. **Building Orientation.** All residential buildings shall be oriented with their primary facades toward the public street. For corner lots, the primary façade must be oriented toward the designated front lot line.
2. **Materials and Design.** Front, side, and rear building facades visible from the public street shall incorporate attractive design materials and massing elements that create visual interest and a character consistent with surrounding development. Such design and massing elements could include porches or stoops, dormers, varied roof lines planar modulation or varied façade materials.
3. **Character Elements.** Character elements such as porches, window bays, dormers, etc., if used in a way that is consistent with the intended character of the neighborhood, can result in a maximum lot coverage bonus of up to 5% based on the discretion of the Director.
4. **Functional Character Elements.** Where appropriate, character elements shall be fully functional. Dormers shall be constructed to allow for occupiable space, and porches shall be a minimum depth of 6' to allow for regular use.
5. **Exterior Materials.** Exterior façade materials and details should be consistent with the character of the surrounding context.

Figure 401.7-B (3) General Building Orientation & Design



These images provide examples of how building orientation, dormers, porches, and building materials can result in the desired character for single-family development in the DN Districts.

E. General Site Access and Parking

1. Parking Location

- Prohibited in Front Yards.* Garages, parking lots or designated parking spaces are prohibited in the front yard and corner side yard.
- Attached Garages.* Garages may be attached to the primary structure. However, if the garage is attached, it must be located and oriented in such a way that it does not protrude from the side façade of the primary building in order to be visible from the public street.
- Detached Garages.* Detached garages shall be located to the rear of the primary structure.

2. Parking Setbacks

- Corner Lot.* On a corner lot, the garage shall not be located closer than 20' to the corner side lot line in order to allow for outdoor vehicular parking entirely on the lot.
- Detached Garages.* Detached garages must be separated from the primary structure by a minimum of 10'.
- Garages with Alley Access.* Garages with alley access must be setback 8' from the alley.

3. Parking Access

- With Alleys.* Where alleys exist, vehicular access to the designated parking area shall be provided from the alleys.
- Without Alleys.*
 - Where alleys do not current exist, property owners are encouraged to locate parking areas in such a way that parking access could be easily converted to an alley if one is installed in the future.
 - Where no alley is provided, vehicular access shall be provided in accordance with the standards for each building type.

Figure 401.7-B (4) Single-family & Two-family Parking Locations - WITH Alley Access

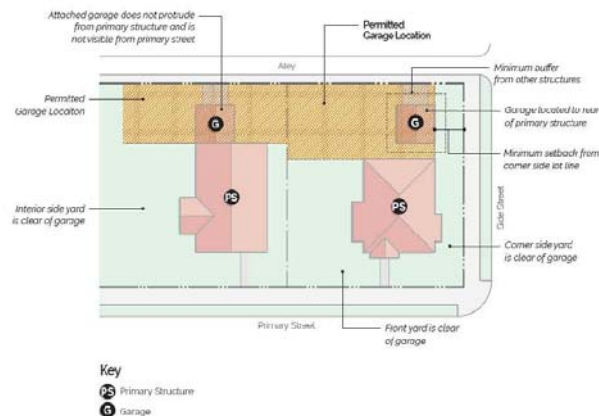
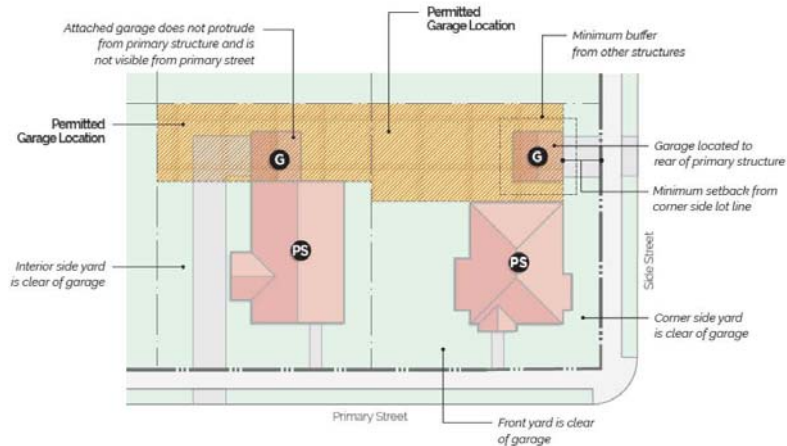


Figure 401.7-B (5) Single-family & Two-family Parking Locations - WITHOUT Alley Access



4. Shared Parking Access. Where a private drive from the public street is permitted, adjacent properties are encouraged to utilize a shared private drive in order to reduce the overall number of private drives and curb cuts on a block. Where this is done, the following standards shall be met:

a. Adjacent single-family:

- i. **Driveway Width.** The driveway width shall be a minimum 12' and a maximum of 14'. This area should be kept clear of parked vehicles or other property that would inhibit vehicular circulation.
- ii. **Clear Circulation.** A clear circulation area shall be provided between designated parking areas or garages, and shall have a minimum width of 22' to allow for backing out of vehicles. This area should remain clear of parked vehicles or other property that would inhibit vehicular circulation.
 - a) Garages may be located up to the edge of the required clear circulation area so long as they meet the other setbacks and locational requirements of this chapter.
 - b) Outdoor parking can be accommodated by setting back the façade of the garage a minimum of 18' and a maximum of 22' from the property line.

b. Adjacent townhouse or multi-family:

- i. **Driveway Width.** The minimum driveway width shall be 12'. This area shall be kept clear of parked vehicles or other property that would inhibit vehicular circulation.
- ii. **Access.** The driveway from the public street shall lead to separate drive aisles for parking on each lot. These drive aisles shall conform to parking lot standards included in this zoning ordinance, and shall provide access to individual parking spaces or garages.

Figure 401.7-B (6) Single-family & Two-family Shared Access

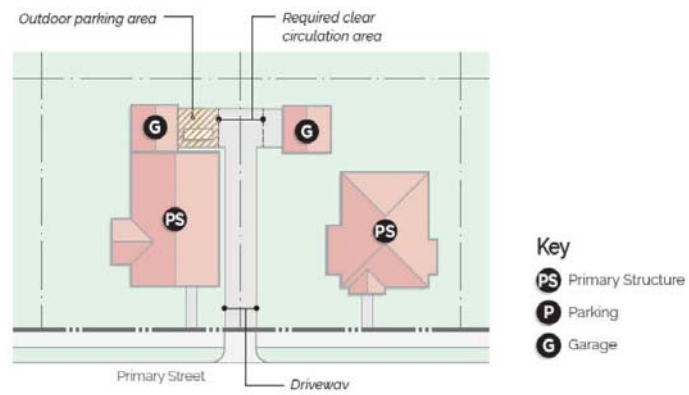
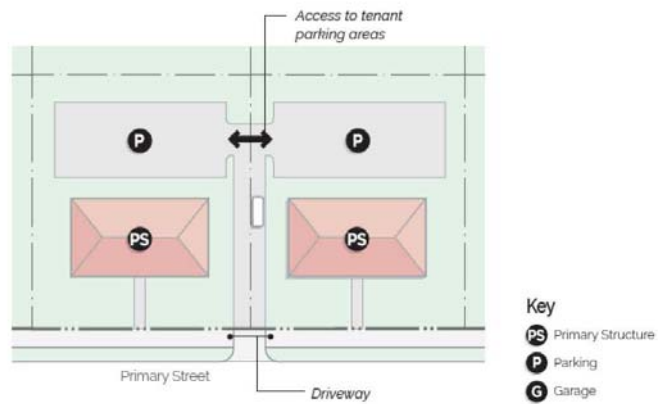


Figure 401.7-B (7) Townhouse Clusters and Multi-family Shared Access



5. **Pedestrian Access.** Pedestrian access from public sidewalk to front façade shall be provided in accordance with the standards for each building type.

F. Single-family Standards

1. **Street Access.** Where no alley is provided, one private drive can be provided from the public street. For corner lots, drive access should be provided from the designated side street.
2. **Alley Access.** Vehicular access to all lots with a width less than 50' must be provided by a rear alley.
3. **Pedestrian Access.** Direct pedestrian access shall be provided from the public sidewalk to an articulated building entrance on the front façade of the building.

Figure 401.7-B (8) Single-family & Two-family Pedestrian & Vehicle Access - WITHOUT Alley Access

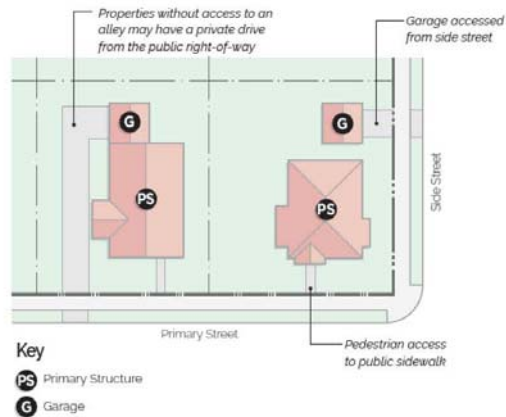
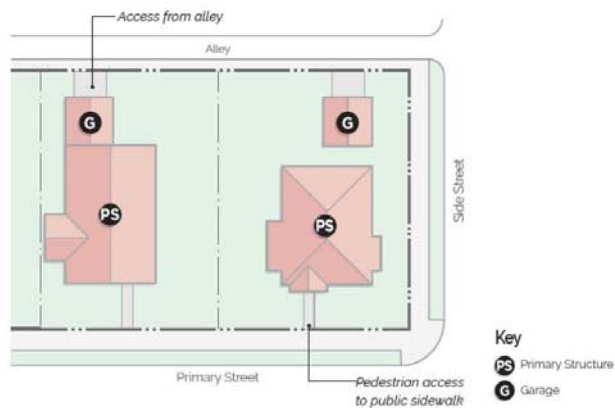


Figure 401.7-B (9) Single-family & Two-family Pedestrian & Vehicle Access - WITH Alley Access



G. Townhouse Standards

1. Townhouse Design Standards

- a. *Townhouse Unit Width.* The minimum width of a townhouse unit is 20'.
- b. *Townhouse Cluster Size.* One townhouse cluster can have a maximum of 6 dwelling units.
- c. *Townhouse Cluster Spacing.* Multiple townhouse clusters can be provided on a single lot so long as there is a minimum spacing of 20' between clusters and all clusters are oriented toward the public street.
- d. *Townhouse Unit Articulation.* Individual townhouse units should be articulated through the exterior design of the cluster. This can be accomplished through dormers, porches, vertical design elements, varying roof forms, or other appropriate techniques.
- e. *Block End Townhouses.* In the DN-2 district, townhouse clusters are only permitted at the end of a block. In such instances, the cluster(s) shall be oriented toward the intersecting side street. Where existing alleys exist and intersect with the side street, the alley must either be accommodated by new development, or reconfigured and dedicated as part of the new development in order to preserve alley access to other properties on the block.
- f. *Mid-block Townhouses.* In the DN-3 and DN-4 Districts, townhouse clusters are permitted on any portion of a block. In these districts, when a cluster is located at the end of a block, it may orient toward either public street.

Figure 401.7-B (10) Townhouse Design Standards



These images provide examples of how building massing, dormers, porches, and building materials can result in the desired character for townhouse development in the DN Districts.

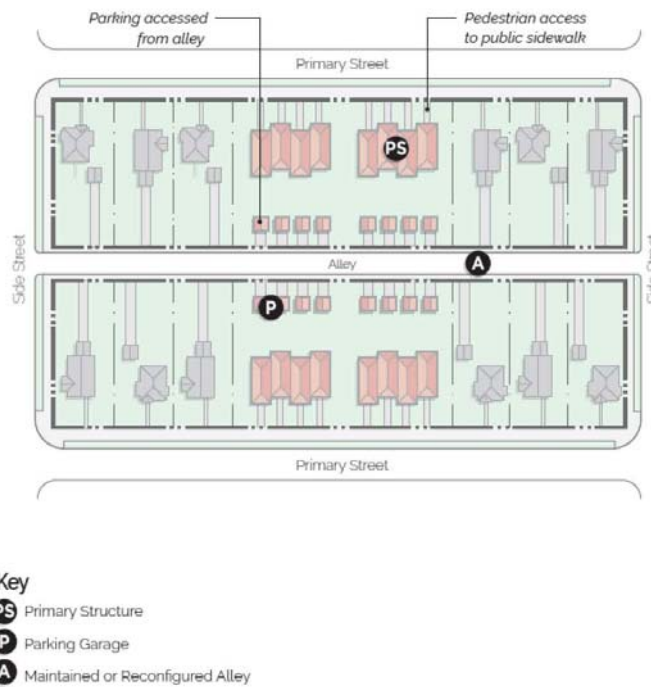
2. Townhouse Access and Parking Management

- a. *Alley and Drive Access.* Vehicular access to townhouse clusters shall be served by a rear alley, or by a private on-site drive.
- b. *Drive Access Width.* The private on-site drive with a maximum width of 20' can be provided for each cluster of townhouse units. (The drive can be provided in the required 20' spacing between clusters.) However, wherever possible, one private drive should be used to provide access to multiple townhouse clusters.
- c. *Pedestrian Access.* Direct pedestrian access shall be provided from the public sidewalk to an articulated entrance for each unit on the front façade of the building.

Figure 401.7-B (11) Townhouse Pedestrian & Vehicle Access - END OF BLOCK



Figure 401.7-B (12) Townhouse Pedestrian & Vehicle Access - MID BLOCK



H. Multi-family Standards

1. Multi-family Design Standards

- a. *Design Elements.* Multi-family buildings shall incorporate design elements that create visual interest and avoid large blank facades. Such elements should be used to create a façade rhythm that is consistent with surrounding attached or detached single-family buildings. Appropriate elements include protruding or recessed patios, vertical and horizontal design elements, planar variations, varied roof lines, dormers, and others.
- b. *Multiple Buildings on a Lot.* More than one multi-family building can be provided on a single lot so long as there is a minimum spacing of 20' between buildings and all buildings are oriented toward the public street.
- c. *Block-end Multi-Family Buildings.* In the DN-3 district, multi-family buildings are only permitted at the end of a block. In such instances, the building(s) shall be oriented toward the intersecting side street. Where existing alleys exist and intersect with the side street, the alley must either be accommodated by new development, or reconfigured and dedicated as part of the new development in order to preserve alley access to other properties on the block.
- d. *Mid-block Multi-family Buildings.* In the DN-4 district, multi-family buildings are permitted on any portion of a block. In this district, when a building is located at the end of a block, it may orient toward either public street.

Figure 401.7-B (13) Multi-family Design Standards



These images provide examples of how building massing, dormers, porches, and building materials can result in the desired character for multi-family development in the DN Districts.

2. Multi-family Access and Parking Management

- a. *Vehicular Alley Access.* Vehicular access to all multi-family buildings must be provided by an alley. Where no alley exists, a private drive may be provided. However, the private drive should be dedicated as a future public alley and designed to be integrated with future alleys as they are built.
- b. *Pedestrian Access.* Direct pedestrian access shall be provided from the public sidewalk to an articulated entrance or entrances on the front façade of the building.

Figure 401.7-B (14) Multi-family Pedestrian & Vehicle Access - END OF BLOCK

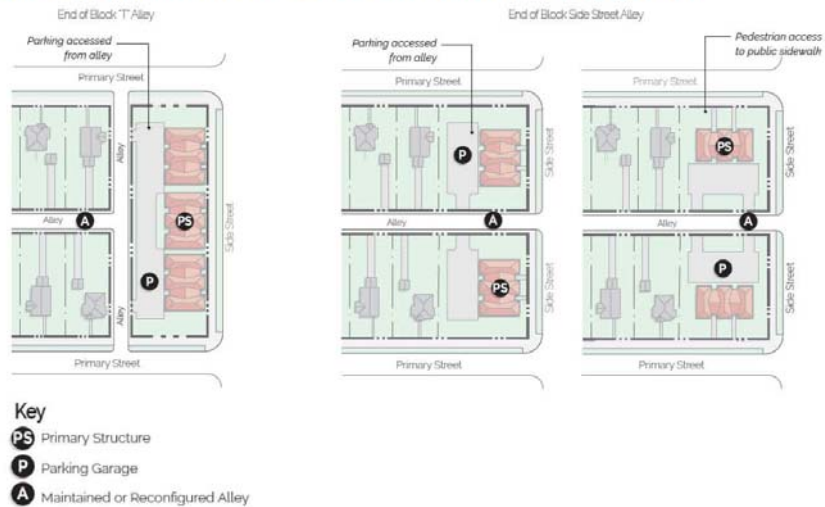
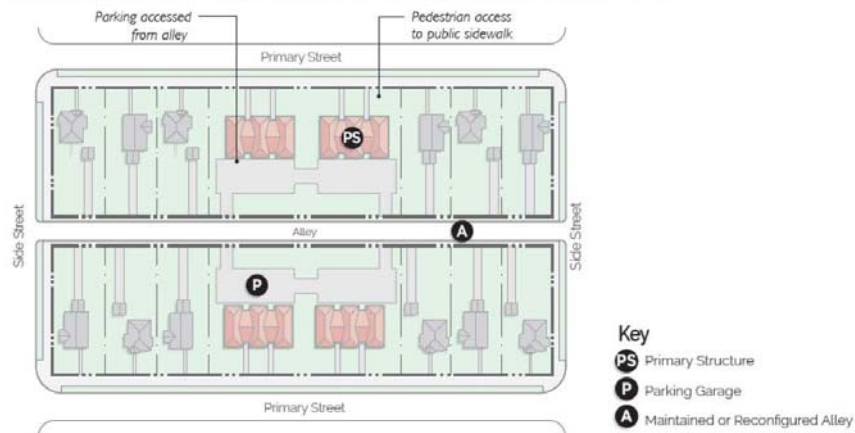


Figure 401.7-B (15) Multi-family Pedestrian & Vehicle Access - MID- BLOCK



I. Integrated Commercial Use Standards

1. Allowed Location

- a. *Ground Floor.* Ground-floor commercial uses are permitted in multi-family buildings along property frontages indicated on the City's zoning map and in accordance with items 1a-3c below.
- b. *Corners.* Commercial uses should be located at the corner of the building and at the corner where a side street exists, if possible.

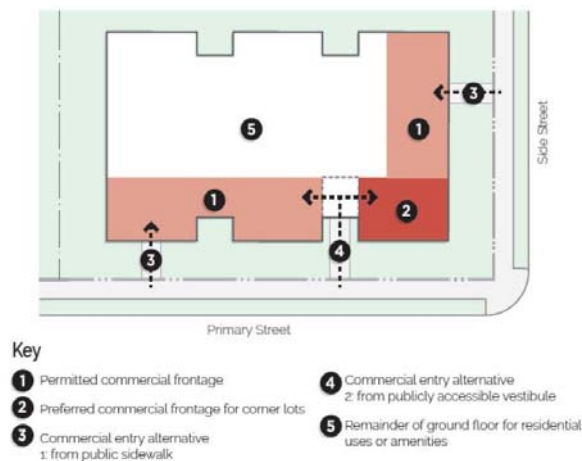
2. Access

- a. *Dedicated Entrance.* Commercial uses must provide a dedicated entrance from either the public sidewalk or publicly accessible vestibule of the building. Entry from an internal residential corridor is prohibited.

3. Commercial Area and Operations

- a. *Size.* The area of any single commercial use shall not exceed 3,000 sq. ft., and the total commercial area in a multi-family building shall not exceed 5,000 sq. ft.
- b. *Multiple Uses.* The commercial use shall not be the only use on the ground floor. Other qualifying uses include residential units or resident amenities (i.e. laundry, parking, storage, building management, etc.)
- c. Operations related to the function of commercial tenants (i.e. outdoor trash receptacles, loading areas, etc.) shall be located and designed so they do not interfere with resident access or substantially impact residents through noise, odor, etc.

Figure 401.7-B (16) Integrated Commercial Uses



J. Mixed-use Standards

i. Mixed-use Design Standards

- a. *Upper Floor Design.* Upper-floor residential portions of mixed-use buildings shall incorporate design elements that create visual interest and avoid large blank facades. Such elements should be used to create a façade rhythm that is consistent with surrounding attached or detached single-family buildings. Appropriate elements include protruding or recessed patios, vertical and horizontal design elements, planar variations, varied roof lines, dormers, and others.
- b. *Ground Floor Design.* Ground-floor commercial facades must integrate a high level of transparency and elements typical of traditional commercial design. Such elements should include knee walls, window bays framed by architectural columns and pilasters, transom windows, recessed entries, awnings, and others.
- c. *Buildings on a Corner Lot.* Mixed-use buildings located on corners should integrate prominent massing elements such as corner turrets or chamfered facades.
- d. *Signage and Lighting.* Commercial signage and lighting should be integrated into the design of the façade and have a minimal impact on the aesthetic of the area. All commercial signs should comply with the regulations for signs located in the D-C Downtown Core District.
- e. *Commercial Floor Delineation.* There should be a clear delineation between the ground-floor commercial space and upper-floor residential areas. Such a delineation can be created through the use of varying materials, slight upper-floor
- f. *Large Scale Development Compliance.* Mixed-use buildings are subject to the standards for Large Scale Developments as described in Section 1100.13 of the City's Subdivision Code. When identifying additional site amenities in order to meet the standards of the Subdivision Code, Applicants should be encouraged to provide amenities in accordance with Section 1100.13.G.4 that are appropriate for a walkable mixed-use environment, such as patio seating and benches, a pedestrian plaza, window shopping walkway, or public art.
- g. *Operations.* Operations related to the function of commercial tenants (i.e. outdoor trash receptacles, loading areas, etc.) shall be located and designed so they do not interfere with resident access or substantially impact residents through noise, odor, etc. Trash receptacles should not be adjacent to a public right-of-way.
- h. *Screening of Adjacent Residential Lots.* Mixed-use buildings shall provide screening against abutting residential properties that is compliant with regulations established in Section 1400.7 of the City's Subdivision Code.

Figure 401.7-B (17) Mixed-use Design Standards



These images provide examples of how building massing, balconies, building materials and appropriate signage can result in the desired character for mixed-use development in the DN Districts.

ii. Access and parking management

- a. *Vehicular Access.* Vehicular access to all multi-family buildings must be provided by an alley. Where no alley exists, a private drive may be provided. However, the private drive should be dedicated as a future public alley and designed to be integrated with future alleys as they are built.
- b. *Pedestrian Access.*
 - i. *Ground Floor Commercial.* Direct pedestrian access shall be provided from the public sidewalk to an articulated entrance for each ground-floor commercial unit on the front façade of the building.
 - ii. *Residential.* Direct pedestrian access shall be provided from the public sidewalk to a dedicated entrance that provides access to upper-floor residential units.

ATTACHMENT B TABLE OF PERMITTED USES

A = Accessory Use
P = Permitted Use
C = Conditional Use

	Supp. Regs.	DN			
		DN-1	DN-2	DN-3	DN-4
AGRICULTURE AND ANIMALS					
agriculture					
agricultural product processing					
agriculture-related business					
animal clinic	601.3				
animal kennel or shelter	601.3				
animal - domestic or household					
animal - exotic					
animal - farm	601.3				
apiculture	601.4				
botanical garden					
chicken, hobby	601.11				
community garden		P	P	P	P
greenhouse					
livestock market					
plant nursery					
slaughterhouse					
stable, commercial					
RESIDENTIAL					
dwelling - accessory	601.4	A	A	A	A
dwelling - condominium				P	P
dwelling - manufactured					
dwelling - modular		P	P	P	P
dwelling - multi-family					P
dwelling - multi-family - end block				P	P
dwelling - single-family		P	P	P	P
dwelling - townhouse or rowhouse				P	P
dwelling - townhouse or rowhouse - end block			P	P	P
dwelling - two-family			P	P	P
home occupation - type a	601.12	P	P	P	P
home occupation - type b	601.12	C	C	C	C
manufactured home park					
residential facility - assisted living				P	P
residential facility - extended medical care					
residential facility - rehabilitation					
residential facility - temporary shelter					

	Supp. Regs.	DN-1	DN-2	DN-3	DN-4
RECREATION, EDUCATION & PUBLIC ASSEMBLY					
arena / auditorium					
museum		C	C	C	C
aquarium					
conference / convention center					
community center	601.1				
commercial recreation facility - indoor					
commercial recreation facility - outdoor	601.8				
country club					
cultural studio				C	C
educational facility		C	C	C	C
golf course	601.8				
library					
park - mini		P	P	P	P
park - neighborhood		P	P	P	
park - community					
religious facilities	601.19	C	C	C	C
recreational vehicle park	601.17				
SERVICES					
ATM machine					
adult day care		C	C	C	C
auction house					
auto or equipment auction					
automobile repair					
car wash	601.6				
cemetery or mausoleum		C	C	C	C
child care - commercial	601.7 C				
child care - residential (4 children)	601.7 A	P	P	P	P
child care - residential (5 -10 children)	601.7 B	C	C	C	C
copy services					
correctional facility or jail					
crematory					
financial institution					
funeral home					
governmental service facility					
lodging - bed & breakfast	601.5		C	C	C
lodging - hotel / motel					
maintenance service					
medical services - hospital	601.13				
medical services - doctor office					
medical services - urgent care clinic					
medical services - laboratory					
medical services - substance abuse or mental health treatment clinic					
office - small scale(s 4,000 sq ft)				C	P
office - large scale (> 4,000 sq ft)					
office/warehouse					
personal services				C	P
public safety services		C	C	C	C
postal services					
repair services - household					
repair services - equipment, large appliances					

		DN			
	Supp. Regs.	DN-1	DN-2	DN-3	DN-4
RETAIL					
artisan shop				C	P
auto and vehicle sales/rental					
bakery				C	P
bar, lounge or tavern					
building and landscape material sales					
construction / heavy equipment sales/rental					
convenience store					
convenience store that sells beer and/or light wine for off-site consumption	601.29			C	C
convenience store that sells beer and/or light wine for off-site consumption within 500' of a city owned park or trail	601.29				
convenience store that sells beer, light wine and/or spirits for off-site consumption	601.29				
convenience store that sells beer, light wine and/or spirits for off-site consumption within 500' of a city owned park or trail	601.29				
equipment rental - indoor					
equipment rental - outdoor					
gas station					
manufactured home sales					
recreational vehicle and boat sales/rental					
outdoor vending, private property	601.16				
outdoor vending, public right-of-way	601.16				
outdoor vendor park	601.2				
mobile food vendor	601.2				P
package liquor store	601.29				
package liquor store within 500' of a city owned & maintained park or trail	601.29				
restaurant					P
restaurant, drive-in					
restaurant, microbrewery	601.29				P
retail - small scale (<4,000 gsf)				P	P
retail - large scale (>4,000 gsf)					
sexually oriented business	601.22				
sidewalk cafe in public right-of-way	601.23				P

		DN			
	Supp. Regs.	DN-1	DN-2	DN-3	DN-4
INDUSTRIAL AND WAREHOUSING					
artisan / craft product manufacturing					
bulk storage of highly flammable material					
cold storage plant					
contractor maintenance yard					
industrial - intensive					
industrial - light					
laboratory - dental or medical					
laboratory - manufacturing					
laboratory - research					
light fabrication and assembly process					
manufacturing and/or distribution plant, alcoholic beverages of every kind and type	601.29				
manufacturing and/or distribution plant, alcoholic beverages of every kind and type within 500' of a city owned & maintained park or trail	601.29				
mining					
mini-warehouse storage	601.14				
taxidermy					
salvage yard	601.20				
warehousing or wholesaling					

		DN			
	Supp. Regs.	DN-1	DN-2	DN-3	DN-4
TRANSPORTATION, COMMUNICATION & UTILITIES					
airport facilities					
broadcasting studio					
electric generating plant					
parking facility (as principal use)					
sewage treatment plant	601.21				
solar energy system	601.24	A	A	A	A
solid waste disposal					
transportation facilities excluding airports					
utility facility		C	C	C	C
wind energy system, small	601.26	A	A	A	A
wind energy system, large					
wireless communication facility (cell towers)	601.27	C	C	C	C
OTHER					
building, accessory - nonresidential	601.1	A	A	A	A
temporary uses		C	C	C	C



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

AGENDA FORM

CITY COUNCIL MEETING OF:

October 11, 2016

Submitted by: **Shelli Kerr**
obo Public Art Advisory Committee

Department **Planning Services**

Phone **271-6822**

ACTION REQUIRED:

Approval of a temporary public art installation by Old High Middle School art students on public property located at the entrance of the Bentonville Community Center. The anticipated date for display is November 28 through December 26 with a seasonal theme. Old High Middle School will assume all costs associated with the project. The Public Art Advisory Committee and the Bentonville Parks and Recreation Advisory Board have approved this artwork.

COST TO CITY:

Cost of this Request: **\$0**

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
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PLEASE RECYCLE



MEMO



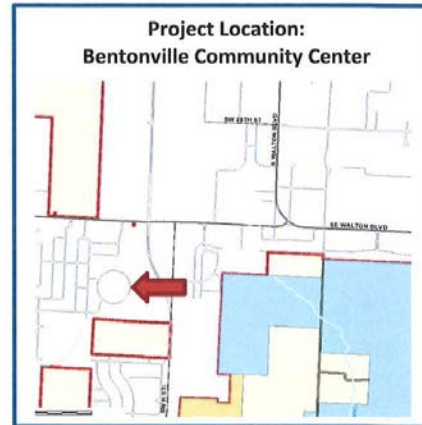
To: Mayor Bob McCaslin, City Council
From: Troy Galloway, AICP, Community & Economic Development Director
CC Date: October 11, 2016
Re: Proposal for public art on public property – OHMS Art Project

On September 9, 2016, Napoleon Dezaldivar with Old High Middle School submitted a proposal to create a collaborative, temporary hanging public art display to be installed at the Bentonville Community Center. The planned period of display is Nov. 28 through Dec. 26 with a seasonal theme.

The project is inspired by Patrick Shearn's Liquid Shard installation in Los Angeles, California. Students will create individual kinetic works of 3D art created from recycled materials. Each piece will be attached to a light mesh-like material; resulting in a collaborative piece that will hang from the exposed steel beams to the left of the main entrance of the Community Center. The artwork will be installed so that it does not impede ingress or egress to the facility. Details of the proposal are attached.

The project is part of a school wide goal to support Project Based Learning in the curriculum. The goal is to promote relevant, hands-on projects that connect the student with real-world career ideas.

Old High Middle School is assuming all costs associated with the project. There is no cost to the city for this agenda item. The Bentonville Public Art Advisory Committee recommends approval of this artwork, which has also been approved by the Bentonville Parks and Recreation Advisory Board.



Bentonville Public Art Installation Proposal

Friday, September 09, 2016

Napoleon Dezaldivar
Old High Middle School
406 NW 2nd St.
Bentonville, Ar, 72712
479-601-5194
ndezaldivar@bentonvillek12.org

Old High Middle School
Bentonville Community Center Installation Piece

Desired location of proposed work:

Artwork will be installed from the exposed steel beams outside of the Bentonville Community Center to the left of the front/main entrance.

Physical project description

Inspired by Patrick Shearn's *Liquid Shard* installation in Los Angeles, California, the 5th and 6th grade art students of Old High Middle School will create a collaborative, temporary, hanging display to be installed at the Bentonville community Center main entrance. This is part of a school wide initiative to support project based learning in our school district and will be guided by the driving question: *How can visual art be used to enhance your community?*

Prospective dates for the installation will be from November 28th to December 26th 2016 and will have a seasonal theme chosen by students.

Project narrative

This year, each team at Old High Middle School will be participating in a school wide goal to support Project Based Learning in our curriculum. The goal of this type of learning is to promote relevant, hands-on projects that connect the student with real-world career ideas. Students learn to collaborate with one another as well as the community throughout the project. Each project is led by a driving question to engage students in critical thinking as well as keep them on task towards their project goals.

Our driving question for this particular project will be:

"How can visual art be used to enhance your community?"

To save on time, I have made the decision to keep my eyes open for a place in which to display our class project once it is complete. Over the summer, I noticed the exposed steel beams out in front of the Bentonville Community Center main entrance and thought this would be an amazing place to uniquely hang and display local student artwork from a lightweight, mesh-like structure. As I brainstormed on what type of choices to introduce and offer to the student (again, in an effort to save for time) I was inspired by a recent installation by artist Patrick Shearn, who created *Liquid Shard* in Downtown Los Angeles, California.

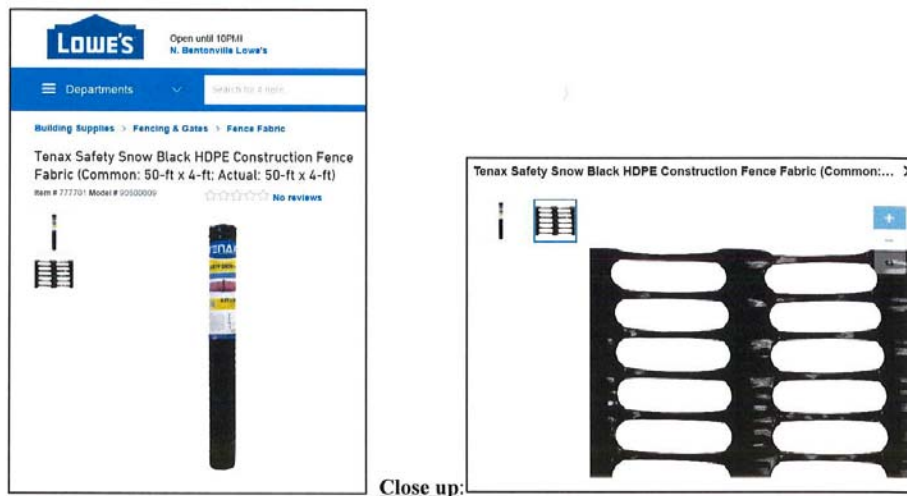
Here is a link to Shearn's project:

<https://www.youtube.com/watch?v=kkZmQ2L3uBw>



Our school project will be substantially smaller in scale in order to appropriately fit into the chosen space outside the community center. I will provide a wide array of materials that the students may choose from in order to design their pieces that will together as a collaborative whole piece. Pieces will include a hand-made combination of found and recycled materials to include Mylar that will reflect and bring the overall project to life.

The plan is for each student to create and attach a kinetic work of 3D art to a light mesh-like material that can be easily hung as a whole piece for a temporary contemporary display in front of the Community Center. I will use a construction material called *Tenax* from which each student will attach and hang their piece. See images on next page.



I have already studied the surrounding area to make sure there would be no obstruction to the BCC main entrance. The whole display will be durable, super light, and a combination of mobile sculptures.

Timeline:

Our project will kick off in the first week of October and since the objects each student will create will be so small, I am planning for the project to be complete and ready to assemble by the first week of November.

I will keep the pre-measured large “sheets” of Tenax at the school. As each student completes their work, they will attach to a designated spot using a type of fishing line. Once the rows of Tenax are filled with student work, the whole piece will be ready to gather up and be moved over to the community center. The whole assemblage can be stretched and affixed to the steel beams by simple zip ties in the corners and on the sides.

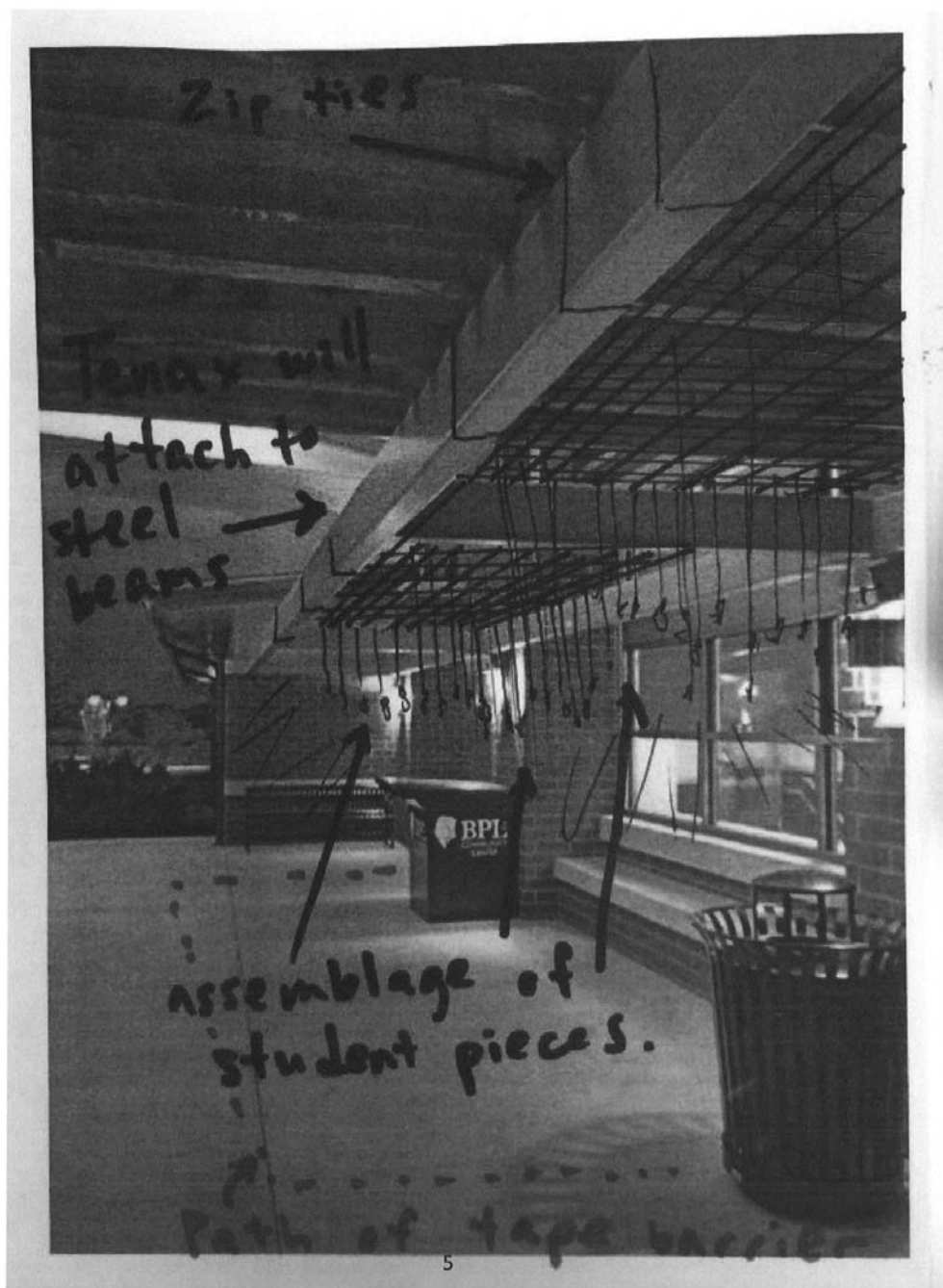
Old High will take care of all costs, labor, installation, appropriate sign work and barriers. For barriers, I was thinking tape barriers like the image below:



Since I live only blocks away from the community center and visit there almost daily, it will be easy for me to check on the work and keep it maintained until the project is taken down.

The final installation will provide a unique, contemporary, work of art that is easily moved by the elements of nature. The reflective Mylar elements will bring in a whimsical effect to accent light and movement. I know that Old High Middle school students will take pride in this project as well as gain an appreciation for the community and learn more about the planning, respect and care for public works of art.

A rough sketch of the concept can be seen on the next page:





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

AGENDA FORM

CITY COUNCIL MEETING OF:

October 11, 2016

Submitted by:

Jon Simpson

Department

Police

Phone

271-3172

ACTION REQUIRED:

Request that the City Council approve the Police Department to increase the number of fleet vehicles by one (1) unit with a department to department asset transfer of a Parks Maintenance Department vehicle (5020-51). This Parks Maintenance Department vehicle, a 2006 Ford F350 v-10 4x4, regular cab, utility bed truck, VIN 1FDWF37Y96ED67265, AR VL 152UGH has approximately 60,000 miles and is in good condition. With minimal repair and modification this Ford F350 would be used to support the Bentonville Police SWAT Team as an equipment carrier. This would allow the current SWAT equipment and personnel carrier, a 2001 Chevy Van Chassis Cab and Box, to be modified for use as a personnel carrier only. As an equipment and personnel carrier this vehicle is overloaded. This modification will also allow our existing 2001 Chevy Van Chassis Cab to better meet our needs, and also increase the safety, performance, and usable life of the vehicle. The modification of our existing 2001 Chevy Van Chassis Cab and the repurposing and transfer of the Ford F350 represent a responsible and cost effective disposition of city properties and will also increase the efficiency and capability of our SWAT Team.

COST TO CITY:

Cost of this Request: \$0

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

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PLEASE RECYCLE





CHECK ALL THAT APPLY			
☒	Bid Award	Bid #	16-49
☐	Budget Adjustment		
☐	Change Order		
☐	Informational		
☐	Ordinance		
☐	Resolution		
☐	Other		

AGENDA FORM

CITY COUNCIL MEETING OF:

October 11, 2016

Submitted by:

David Wright

Department

Parks and Rec

Phone

271-6813

ACTION REQUIRED:

City Council approval of bid award to Fresh N Green Landscaping, in the amount of \$38,127.90 for the installation of trees along the Razorback Greenway.

COST TO CITY:

Cost of this Request:	\$38,128
Additional Budget Amount	\$38,128

☒ One time amount

☐ Continuing O and M

Previously Budgeted	\$
Funds Expended to Date	
Remaining Budget	-
Budget Adjustment	38,128
Remaining After Adjustment	\$ 38,128

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

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PLEASE RECYCLE



Memo



To: City Council, Mayor McCaslin
From: David Wright, Parks and Recreation Director
Date: October 3, 2016
Re: Council approval of bid award to Fresh-N-Green, Inc. in the amount of \$38,127.90 for the installation of trees along the Razorback Greenway (South Bentonville and North Bentonville Trails).

Parks and Recreation Staff is seeking the City Council's approval of a bid award for bid #16-49 in the amount of \$38,127.90 for the installation of trees along the Razorback Green Way (South and North Bentonville Trail).

On June 28, City Council approved a grant award from the Walton Family Foundation in the amount of \$150,000.00. As part of the same action, Council approved a bid waiver to Select Trees, for the purchase of 120 trees ranging from 5.5" to 7.5" in caliper. As stated in the council packet for the June 28 meeting, the plan was to bid the installation of the trees to a local contractor.

Bids for this project opened on September 29. Fresh N Green, Inc. was the low bidder at \$38,127.90. After the contract for installation, this brings the total cost of the project to \$147,907.00. If City Council approves this bid award, installation of these new trees will begin around November 15th and conclude by the end of 2016.

If you have any questions regarding this item, please call me at 271.6813, or email dwright@bentonvillear.com.

Attachments:

Bid Tabulation

**Bid #16-49 Fall 2016 Tree Planting
09/29/2016 1:00PM
City Of Bentonville Parks Department**

Vendor	Bid Submitted
<u>Fresh-N-Green, Inc.</u>	<u>\$ 38,060.00</u>
P.O. Box 910	Tax 3,615.70
Tontitown, AR 72770	41,675.70 Total
<u>Frank Sharum Landscape</u>	<u>\$ 41,088.00</u>
P.O. Box 6524	Tax 3,903.00
Fort Smith, AR 72906	44,991.00 Total

Recommend bid award go to Fresh-N-Green, INC. out of Tontitown Arkansas.



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

AGENDA FORM

CITY COUNCIL MEETING OF:

October 11, 2016

Submitted by:

Travis Matlock

Department

Electric

Phone

271-5941

ACTION REQUIRED:

Staff recommends to the Mayor and City Council approve the reclamation change order to the Osmose contract for the utility pole testing and treatment in the amount of \$1,167.03.

COST TO CITY:

Cost of this Request: \$1,167

Additional Budget Amount

☐ One time amount

☐ Continuing O and M

Previously Budgeted	\$	26,600
Funds Expended to Date		26,600
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

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PLEASE RECYCLE



MEMORANDUM

DATE: October 3, 2016

TO: City Council, Mayor McCaslin

FROM: Travis Matlock, Engineer Director

**RE: Reclamation Change Order for the Mayor and
City Council with Osmose**

The Electric Department recommends approval of a reclamation change order in the amount of \$1,167.03 for the utility pole testing/treatment contract with Osmose.

Osmose tested and treated 795 of the City's poles for structural integrity. Some of the poles required more than the standard treatment and excavation. This change order allowed Osmose to finish the section of poles they were testing and treating.

**Bill to:**

CITY OF BENTONVILLE ELECTRIC UTIL DEPT
ATTN: TRAVIS MATLOCK, PE
ENGINEERING DIRECTOR
608 SE 3RD STREET
BENTONVILLE, AR 72712-6087

INVOICE

Page: 1

Invoice No: 7UB-0223929
Invoice Date: SEP 28 2016
Customer No: 1005524

Sales Order No: UBF0218049
Order Date: SEP 28 2016
Job Number: 1019305

Payment Terms: Net 30
Due Date: OCT 28 2016
Sales Person: LaPlante, David Wayne

Location of Work:

., AR

Make Checks Payable To:

Osmose Utilities Services, Inc

Please Remit Payment To:

M & T Lock Box
Dept No 560
P.O. Box 8000
Buffalo NY 14267
United States

Line	Id/Description		Quantity	Unit Price	Net Amount
1	7K-PIT-000-502	EXTERNAL TREAT	71.00	48.3100	3,430.01
2	7K-PIT-000-007	EXCAVATED REJECT	16.00	44.9300	718.88
3	7S-VIS-000-007	VISUAL	56.00	8.9100	498.96
4	7K-PIT-000-038	SOUND AND BORE	124.00	11.2300	1,392.52
5	7K-INT-000-020	INTERNAL TREAT	3.00	22.4700	67.41
6	7K-FUM-000-012	MITC-FUME PER TUBE	318.00	9.1200	2,900.16
7	7S-VIS-ONC-001	ONLINE DELIVERY	268.00	0.0000	0.00
8	7S-GMK-000-001	INSTALL GUY MARKER-CUST	44.00	8.9900	395.56
9	7S-GRW-000-003	GROUNDWIRE REPAIR	1.00	21.0500	21.05
COUNTY: BENTON					
FOREMAN: ROBERT TUCKER					
FOR SERVICES FROM : 9/19/2016 TO 9/21/2016					
SUBTOTAL:					9,424.55
TOTAL TAXES:					50.06
TOTAL AMOUNT DUE BY: OCT 28 2016					\$ 9,474.61
SERVICE CHARGES MAY APPLY ON PAST DUE INVOICES					

For billing questions, please call 716-319-3520

Osmose Utilities Services, Inc
635 Hwy 74 S * Peachtree City, GA 30269-3003

**Bill to:**

CITY OF BENTONVILLE ELECTRIC UTIL DEPT
ATTN: TRAVIS MATLOCK, PE
ENGINEERING DIRECTOR
608 SE 3RD STREET
BENTONVILLE, AR 72712-6087

INVOICE

Page: 1

Invoice No: 7UB-0223145
Invoice Date: SEP 25 2016
Customer No: 1005524

Sales Order No: UBF0217273
Order Date: SEP 23 2016
Job Number: 1019305

Payment Terms: Net 30
Due Date: OCT 25 2016
Sales Person: LaPlante, David Wayne

Location of Work:

, AR

Make Checks Payable To:

Osmose Utilities Services, Inc

Please Remit Payment To:

M & T Lock Box
Dept No 560
P.O. Box 8000
Buffalo NY 14267
United States

Line	Id/Description		Quantity	Unit Price	Net Amount
1	7K-PIT-000-502	EXTERNAL TREAT	103.00	48.3100	4,975.93
2	7K-PIT-000-007	EXCAVATED REJECT	13.00	44.9300	584.09
3	7S-VIS-000-007	VISUAL	67.00	8.9100	596.97
4	7K-PIT-000-038	SOUND AND BORE	114.00	11.2300	1,280.22
5	7K-INT-000-020	INTERNAL TREAT	2.00	22.4700	44.94
6	7K-FUM-000-012	MITC-FUME PER TUBE	353.00	9.1200	3,219.36
7	7S-VIS-ONC-001	ONLINE DELIVERY	297.00	0.0000	0.00
8	7S-GMK-000-001	INSTALL GUY MARKER-CUST	25.00	8.9900	224.75
9	7S-GRW-000-003	GROUNDWIRE REPAIR	6.00	21.0500	126.30
COUNTY: BENTON					
FOREMAN: ROBERT TUCKER					
FOR SERVICES FROM : 9/12/2016 TO 9/16/2016					
SUBTOTAL:					11,052.56
TOTAL TAXES:					58.71
TOTAL AMOUNT DUE BY: OCT 25 2016					\$ 11,111.27
SERVICE CHARGES MAY APPLY ON PAST DUE INVOICES					

For billing questions, please call 716-319-3520

Osmose Utilities Services, Inc
635 Hwy 74 S * Peachtree City, GA 30269-3003

**Bill to:**

CITY OF BENTONVILLE ELECTRIC UTIL DEPT
ATTN: TRAVIS MATLOCK, PE
ENGINEERING DIRECTOR
608 SE 3RD STREET
BENTONVILLE, AR 72712-6087

INVOICE

Page: 1

Invoice No: 7UB-0222155
Invoice Date: SEP 15 2016
Customer No: 1005524

Sales Order No: UBF0216300
Order Date: SEP 15 2016
Job Number: 1019305

Payment Terms: Net 30
Due Date: OCT 15 2016
Sales Person: LaPlante, David Wayne

Location of Work:-
- AR**Make Checks Payable To:**

Osmose Utilities Services, Inc

Please Remit Payment To:

M & T Lock Box
Dept No 560
P.O. Box 8000
Buffalo NY 14267
United States

Line	Id/Description		Quantity	Unit Price	Net Amount
1	7K-PIT-000-502	EXTERNAL TREAT	53.00	48.3100	2,560.43
2	7K-PIT-000-007	EXCAVATED REJECT	10.00	44.9300	449.30
3	7S-VIS-000-007	VISUAL	58.00	8.9100	516.78
4	7K-PIT-000-038	SOUND AND BORE	110.00	11.2300	1,235.30
5	7K-INT-000-020	INTERNAL TREAT	4.00	22.4700	89.88
6	7K-FUM-000-012	MITC-FUME PER TUBE	217.00	9.1200	1,979.04
7	7S-VIS-ONC-001	ONLINE DELIVERY	231.00	0.0000	0.00
8	7S-GMK-000-001	INSTALL GUY MARKER-CUST	34.00	8.9900	305.66
9	7S-ADD-000-011	EXCAVATE CABLE	1.00	9.5600	9.56

COUNTY: BENTON

FOREMAN: ROBERT TUCKER

FOR SERVICES FROM : 9/7/2016 TO 9/10/2016

SUBTOTAL:

7,145.95

TOTAL TAXES:

35.20

TOTAL AMOUNT DUE BY: OCT 15 2016**\$ 7,181.15**

SERVICE CHARGES MAY APPLY ON PAST DUE INVOICES

For billing questions, please call 716-319-3520

Osmose Utilities Services, Inc
635 Hwy 74 S * Peachtree City, GA 30269-3003



CHECK ALL THAT APPLY			
☒	Bid Award	Bid #	16-36
☐	Budget Adjustment		
☐	Change Order		
☐	Informational		
☐	Ordinance		
☐	Resolution		
☐	Other		

AGENDA FORM

CITY COUNCIL MEETING OF:

October 11, 2016

Submitted by:

Bryan Wick

Department

Engineering

Phone

696-0227

ACTION REQUIRED:

Bid award to Diamond C Construction for the project SE 10th Street Drainage Improvements - Phase II. Project consist of installing approximately 1250 LF of drainage pipe, six grated inlets and rebuilding curb and gutter on the south side of SE 10th St. The contract amount for this project is \$176,671.00 which will come from a Community Block Development Grant (CDBG) and Engineering Department Drainage Budget. Along with the contract amount an additional \$10,000 is requested for contingency and material testing.

COST TO CITY:

Cost of this Request: \$186,671.00

Additional Budget Amount \$19,003

☒ One time amount

☐ Continuing O and M

Previously Budgeted	\$	198,168.00
Funds Expended to Date		30,500.00
Remaining Budget		167,668.00
Budget Adjustment		19,003.00
Remaining After Adjustment	\$	186,671.00

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





Budget Adjustment #
(Assigned by Admin)

Department: Engineering

Date of Request: October 3, 2016

Acct Number	Account Name	Revenue + (-)	Expense + (-)	Fund Balance + (-)
	General Fund		\$ 19,003.00	\$ (19,003.00)
010-1630-463.73-90	Improv's other than Bldg/Other	\$ 19,003.00		\$ 19,003.00
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
	Totals	\$ 19,003.00	\$ 19,003.00	\$ -

Justification:

Budget Adjustment for funding of the SE 10th Street Drainage Improvements PH II project. Asking for the difference between budgeted amount and contract price along with \$10,000 for contingency and material testing.

FOR ACTING USE ONLY

Council Action: Approved Disapproved Other _____

Date: _____ Date entered: _____ By: _____

Revised 5/1/07

117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712
www.bentonvillear.com



PLEASE RECYCLE



Memorandum



To: Mayor and City Council
From: Bryan Wick, Project Manager
Date: Monday, October 3rd, 2016
Re: Bid Award for SE 10th St Drainage Improvements PH II

Staff is seeking City Council approval and budget adjustment for the SE 10th Street Drainage Improvements PH II. This project includes installing approximately 1250 LF of drainage pipe, 6 grated inlets and rebuilding curb and gutter on the south side SE 10th Street. SE 10th St Drainage Improvements PH II received the following bids:

- | | |
|--------------------------|--------------|
| • Diamond C Construction | \$176,671.00 |
| • Fochtman | \$298,935.00 |

The budgeted amount for this project is \$198,168.00, which is a combination of a Community Development Block Grant (CDBG) (\$168,168) and Engineering Department Drainage Account (\$60,000). Currently, \$30,500 is under contract for design services to Crafton Tull and Associates for this project. This leaves a remaining balance of \$167,668.00. Staff is requesting \$19,003.00 as a budget adjustment for the difference between the budgeted amount and the contract price along with \$10,000 for contingency and material testing. This budget adjustment will be placed in the Engineering Department Drainage Account; see budget adjustment form.

Staff is seeking City Council approval allowing the Mayor and City Clerk to enter into an agreement with Diamond C Construction.

Staff recommends approval of the contract as written.

Please contact me with any questions or concerns regarding the proposed contract or the project as a whole. My telephone number is (479) 696-0227 or I can be reached via email at bwick@bentonvillear.com.

*Attachment – Bid Recommendation
*Attachment – Bid Tabulation

September 29, 2016

Mr. Bryan Wick
City of Bentonville
305 SW "A" St.
Bentonville, AR 72712

RE: **City Bid # 16-36**
SE 10th St Drainage Improvements – Phase II
CTA No. 12104101

Dear Bryan,

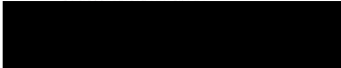
Bids received during the September 29, 2016 bid opening for the above referenced project are listed below. All bid totals were verified to be correct as read.

Diamond C Construction	\$ 176,671.00
Fochtman Enterprises	\$ 298,935.00
Engineer's Estimate	\$ 166,875.50

We recommend acceptance of the low bid of \$176,671.00 given by Diamond C Construction. The complete bid tabulation is attached for your use. If you have any questions prior to the City Council Meeting, please feel free to call at your convenience.

Sincerely,

CRAFTON TULL



Bill Burnett, P.E.

Enclosure (1)

BID TABULATION

JOB: SE 10th Street Drainage Phase II
DESCRIPTION:
JOB NO.: 12104101
DATE: 9/29/2016

ITEM NO.	SPEC SECTION	DESCRIPTION OF ITEMS	CONTRACT QUANTITY	ENGINEER		Diamond C		Fochtman	
				UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1.0	CTA 111	Construction Control	1	LS	\$ 2,200.00	\$ 2,200.00	\$ 5,000.00	\$ 5,000.00	\$ 6,500.00
2.0	CTA201 & SP	Clearing and Grubbing	1	LS	\$ 11,000.00	\$ 11,000.00	\$ 12,200.00	\$ 12,200.00	\$ 13,000.00
3.0	CTA 204	4" Topsoil Placement	1300	SY	\$ 5.50	\$ 7,150.00	\$ 3.34	\$ 4,342.00	\$ 5.50
4.0	CTA 301	18" Reinforced Concrete Pipe Within Roadway	27	LF	\$ 66.00	\$ 1,782.00	\$ 70.00	\$ 1,890.00	\$ 92.00
5.0	CTA 301	18" CMP Slotted Drain, 14 GA Trapezoidal, 6" Wall Ht. Within Roadway	60	LF	\$ 132.00	\$ 7,920.00	\$ 121.00	\$ 7,260.00	\$ 186.00
6.0	CTA 301	24" CMP Slotted Drain, 14 GA Trapezoidal, 6" Wall Ht. Within Roadway	120	LF	\$ 154.00	\$ 18,480.00	\$ 134.00	\$ 16,080.00	\$ 255.00
7.0	CTA 302	18" Hel-Cor CMP 14 GA Within Roadway	459	LF	\$ 44.00	\$ 20,196.00	\$ 52.00	\$ 23,868.00	\$ 109.00
8.0	CTA 301	24" Hel-Cor CMP 14 GA Within Roadway	470	LF	\$ 66.00	\$ 31,020.00	\$ 88.00	\$ 41,360.00	\$ 127.00
9.0	CTA 301	24" Hel-Cor CMP 14 GA Outside Roadway	144	LF	\$ 55.00	\$ 7,920.00	\$ 54.00	\$ 7,776.00	\$ 80.00
10.0	CTA 302	30"x40" Grated Inlet	6	EA	\$ 3,300.00	\$ 19,800.00	\$ 3,500.00	\$ 21,000.00	\$ 4,425.00
11.0	CTA 405	Asphalt Concrete Patching	15	SY	\$ 33.00	\$ 495.00	\$ 66.00	\$ 990.00	\$ 120.00
12.0	CTA 501	Concrete Curb & Gutter (Modified)	1125	LF	\$ 16.50	\$ 18,562.50	\$ 13.00	\$ 14,625.00	\$ 20.00
13.0	CTA 504 & SP	Concrete Headwall for 24" CMP	1	EA	\$ 550.00	\$ 550.00	\$ 1,200.00	\$ 1,200.00	\$ 5,850.00
14.0	CTA 505	Seeding	0.3	AC	\$ 13,200.00	\$ 3,960.00	\$ 3,500.00	\$ 1,050.00	\$ 6,000.00
15.0	CTA 506	Mailbox/Support Relocation	34	EA	\$ 110.00	\$ 3,740.00	\$ 230.00	\$ 7,820.00	\$ 350.00
16.0	CTA 509	Erosion Control	1	LS	\$ 3,300.00	\$ 3,300.00	\$ 2,000.00	\$ 2,000.00	\$ 12,600.00
17.0	CTA 510	Traffic Control	1	LS	\$ 3,300.00	\$ 3,300.00	\$ 2,300.00	\$ 2,300.00	\$ 10,000.00
18.0	CTA 511	Mobilization	1	LS	\$ 5,500.00	\$ 5,500.00	\$ 5,910.00	\$ 5,910.00	\$ 13,800.00
				ENGINEER Estimate		Diamond C Bid		Fochtman Bid	
				\$ 166,875.50		\$ 176,671.00		\$ 298,935.00	



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

AGENDA FORM

CITY COUNCIL MEETING OF:

October 11, 2016

Submitted by:

Gary Wilson

Department

Utility Billing/Meter Reading

Phone

271-3104

ACTION REQUIRED:

A Resolution approving a real estate agreement for the sale of certain property to First Security Bank.

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



Memorandum

To: City Council, Mayor McCaslin
From: Gary Wilson
Date: 10/5/2016
Re: Sale of former Utility Drive-thru at 108 S Main St

Staff received bids on the property at 108 S Main Street formerly used as the Utility Drive-thru. The highest bid was \$400,000 from First Security Bank. Staff recommends accepting the bid and authorizing the sale of the former drive-thru property.

August 24, 2016

City of Bentonville
Attn: Katherine Bertschy, Purchasing Agent
City Hall
117 West Central
Bentonville, AR 72712



VIA: HAND DELIVERY

RE: For Sale to Highest Bidder – Property located at 108 S. Main

Dear Ms. Bertschy:

Please find below First Security Bank's formal bid amount for the above-referenced property, as well as, some informal information about First Security Bank and its intended project for the property:

Bid/Purchase Price - \$400,000.00

Proposed Use and Project – First Security Bank (hereinafter as the “Bank”) would propose a mixed-use project, to include a full service bank branch with a dynamic space available for public use to advance the downtown’s focus on arts, education, recreation and culinary activities. The project would entail a very high end architectural look aimed at meeting the City of Bentonville’s goal of respecting the traditional charm and feel of its downtown area while incorporating more modern urban design elements. Having a First Security Bank branch downtown also realizes the objectives set out in the City’s Community Plan of minimizing the travel distance between residents and the services they seek and keeping the downtown core active and vibrant. These are all goals shared by First Security Bank.

Project Timeline – The Bank would begin work on its project upon closing with a goal of having the branch finished and opened by 2018.

Estimated Proposed Investment - Not including the cost of real estate, design and construction of new First Security bank branch in Northwest Arkansas requires an estimated average investment of \$1,500,000.00. As this location would require a very special project, the Bank would expect to exceed the estimated average investment noted above.

P.O. Box 1246
Fayetteville, AR 72702
(479) 597-7000
Fax: (479) 597-7001
fsbancorp.com
Member FDIC

History of the Purchaser and Ability to Finance Purchase and Project – First Security Bank is an Arkansas banking corporation with its headquarters in Searcy, Arkansas. I have enclosed a Consolidated Statement of Condition, which also details our Board of Directors and all our locations throughout the State of Arkansas.

I look forward to the results of the bidding process.

Thank you for your kind consideration.



Adam Rutledge
President

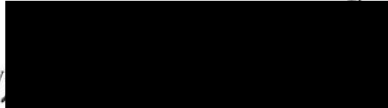
REAL ESTATE SEALED BID/OFFER

On behalf of Kingman Land, LLC, ("Bidder"), and/or assigns, I hereby submit my bid/offer for the building and land in Downtown Bentonville, Benton County, Arkansas property to The City of Bentonville ("Seller") as follows:

108 S. Main Street, Bentonville, Arkansas 72712
Containing approximately .10 acres zoned Downtown Core
Parcel #01-01030-001

I hereby bid/offer **Three Hundred Fifty Eight Thousand Dollars (\$358,150.00)** to purchase the above referenced property. Sealed bid/offer is for the total price. Bidder and Seller to arrange acceptable payment terms in the above stated amount upon acceptance of bid price.

By



Kingman Land, LLC

Date

8/25/16

Bidder Contact Information:

Ron Pender
Kingman Land, LLC
4602 Hillside Dr.
Rogers, AR 72858
(479) 721-2178

Deliver Bid To Seller by 2:00 p.m. August 25, 2016:

Kathy Bertschy
City of Bentonville
117 W. Central Avenue
Bentonville, AR 72712

Real Estate Contract (Lots and Acreage)

Page 1 of 11



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Arkansas
REALTORS®
Association

FORM SERIAL NUMBER: 076088-700147-2052317

1. PARTIES: DALWARR, LLC

(individually, or collectively, the "Buyer") offers to purchase, subject to the terms and conditions set forth herein, from the undersigned (individually or collectively, the "Seller") the real property described in Paragraph 2 of this Real Estate Contract (the "Property").

2. **ADDRESS AND LEGAL DESCRIPTION:** Buyer is not relying on Seller, Listing Firm or Selling Firm regarding location of the Property, Buyer having sole responsibility to engage surveyors, engineers, attorneys or other professionals to determine the location, size, slope and boundaries of the Property. If Buyer is dissatisfied with the results of such determination, Buyer, without further obligation, may declare this Real Estate Contract terminated with both parties agreeing to sign a Termination of Contract Addendum and Buyer to recover Earnest Money.

108 S. MAIN, BENTONVILLE, AR 72712

A 4565 SF PIECE OF PROPERTY, PARCEL #01-01030-001, WD BK. 93, PG. 19491

THE S 1/2 OF LOTS 84 AND 97 IN THE ORIGINAL TOWN OF BENTONVILLE, BENTON COUNTY, ARKANSAS

3. **PURCHASE PRICE:** Subject to the following conditions Buyer shall pay the following to Seller for the Property (the "Purchase Price"): (select **one** of the following four options)

- ☒ total purchase price, _____ \$ 252,000.00
or;
☐ price per acre, _____ \$ _____
or;
☐ price per square foot, _____ \$ _____
or;
☐ price per front foot _____ \$ _____

with Buyer paying the sum of _____ \$ _____
in cash at Closing as down payment, with the balance of the Purchase Price (the "Balance") to be paid pursuant to the following:

- ☐ (i) **NEW LOAN:** Subject to the Property appraising for not less than the Purchase Price and Buyer's ability to obtain a loan to be secured by the Property in the amount of \$ _____

FINANCING AS FOLLOWS:

- ☒ (ii) **CASH:** _____ \$ 252,000.00

Buyer and Seller will each independently verify quantities as set forth above and agree neither are relying upon a representation from Selling Firm or Listing Firm concerning quantities of land or front feet.

Page 1 of 11

OFFER AND ACCEPTANCE

PARTIES: the City of Bentonville, Arkansas, as "Seller", and First Security Bank, an Arkansas State Banking Corporation, as "Buyer", hereby agree that the Seller shall sell and Buyer shall buy the following property upon the following terms and conditions:

1. DESCRIPTION:

a) Legal description of real estate ("Property") located in Benton County, Arkansas:

Parcel Number 01-01030-001, Benton County, Arkansas, as more particularly described in the attached Exhibit "A."

b) Street address, if any, of the Property being conveyed is:
108 S. Main Street, Bentonville, Arkansas

2. PURCHASE PRICE: \$ 400,000 cash on closing.

3. EARNEST MONEY: Buyer shall deposit with Realty Title in Rogers, Arkansas, as escrowee (and hereinafter as "the Title Agent"), within five (5) days after the last execution of this Contract, TEN THOUSAND AND NO/100 DOLLARS (\$10,000.00), as earnest money, to be credited against the purchase price at closing. If Buyer defaults under this Contract and fails to cure the default within 10 days after receipt of written notice from Seller, then, upon demand of Seller, the earnest money shall be forfeited as liquidated damages, and not as a penalty; and this Contract shall become null and void. If this Contract is terminated for any reason other than Buyer's default, the earnest money shall be returned to Buyer.

4. SURVEY & TITLE COMMITMENT; PERMITTED EXCEPTIONS:

Buyer shall obtain preliminary title insurance commitment for the Property showing fee simple title in Buyer, issued by the Title Agent in its capacity as a licensed agent for a nationally recognized title insurer acceptable to Buyer (the "Title Commitment"). At Closing, such insurer, shall issue to Buyer an owner's title insurance policy in the amount of the Purchase Price (the "Title Policy"). The Title Commitment and the Owner's Title Policy shall be subject only to liens, encumbrances, exceptions or qualifications set forth in this Contract or otherwise acceptable to Buyer, and in the case of the Title Commitment, those items which shall be discharged by Seller at or before closing. Buyer shall have twenty (20) days from the date of receiving Title Commitment to examine it. If title is found defective, if Buyer has objections to the Survey (as defined below) or the issuer of the Title Commitment has not provided satisfactory assurances that the Title Requirements will be met, Buyer shall notify Seller in writing, within twenty (20) days from the date of receiving the Title Commitment specifying the objection(s) to the Title Commitment or Survey. If the objection(s), in Buyer's opinion, renders title unmarketable, uninsurable, or the objections affect Buyer's intended use of the Property, development of the Project, ability to obtain construction and permanent financing for the Project or contain terms Buyer deems unreasonable, Seller will have thirty (30) days from receipt of such notice within which to attempt to remove

such objection(s) to the Title Commitment or Survey. Seller agrees that it shall use a diligent, good faith effort to correct any objection(s), provided, however, Seller shall not be required to spend an amount it deems unreasonable to correct any such objections. If Seller is unsuccessful in removing such objection(s) within said time, Buyer shall have the option of (i) extending such time period, (ii) accepting the title as it then is, or (iii) rescinding this Contract and thereupon Buyer and Seller shall be released, as to one another, of all further obligations and all damages arising under this Contract, and Buyer shall immediately be refunded its earnest money.

Seller will deliver to Buyer a copy of any survey of the Property in Seller's possession. Buyer shall have the right to obtain a new or recertified survey of the Property (the "Survey") at Buyer's cost. Subject to approval of the Survey by Buyer, the legal description of the Property contained in the Survey will be the description of the Property used in the Deed.

5. **BUYER'S REQUIREMENTS:** Buyer shall undertake to remove the conditions to closing contained in this Contract in a timely manner. Seller agrees to cooperate fully with Buyer with respect to Buyer's efforts to obtain all relevant information pertaining to the Property and the permitted uses of it. In the event such conditions cannot reasonably be removed Buyer may terminate this Contract. In the event Buyer does not notify Seller in the manner set forth in paragraph 11(a) of the failure of a condition or Buyer's decision to terminate within (10) days of the Closing Date, (the "Buyer's Inspection Period" or the "Inspection Period"), all of Buyer's conditions shall be deemed satisfied

6. **SELLER DOCUMENTS:** Seller agrees to deliver to Buyer within ten (10) days of the Effective Date copies of the following: all title insurance policies and surveys; all plats, covenants, deeds, easements, development plans, construction plans, if any; and environmental reports relating to the Property (collectively, the "Seller Documents"). Buyer shall return all Seller Documents if the Closing does not occur and shall keep the Seller Documents confidential to the best of its ability.

7. **SELLER'S REPRESENTATION AND WARRANTIES:** Seller represents and warrants as to following matters:

- a) there is no action, suit, or proceeding pending, or to Seller's actual knowledge and belief, threatened or contemplated against or affecting, either directly or indirectly, the Property; and
- b) the Property is not located within any wetlands area as determined under the Clean Water Act and applicable FEMA maps and there is no application currently pending regarding the same.

8. **RISK OF LOSS:** All risk of loss to the Property shall remain with Seller prior to Closing. If any improvements on the Property are damaged prior to Closing and Seller is either unable or unwilling to restore the Property to the condition it was as of the Effective Date, at Buyer's sole option, Buyer may (i) elect to terminate this Contract or (ii) elect to take the Property as it then is, together with any insurance proceeds payable by virtue of such loss or damage. If

Buyer elects to terminate this Contract, Buyer and Seller shall be released, as to one another, of all obligations and liabilities under this Contract.

9. REPAIR AND MAINTENANCE: Between the Effective Date and the date of Closing, Seller shall maintain the Property in substantially the same condition the Property was in on the Effective Date. Further, Seller agrees not to enter into, extend, or renew beyond closing any agreement covering any portion of the Property (or real property contiguous to the Property) or which might change the status, condition, or commercial marketability of the Property without the prior written approval of Buyer.

10. PROVISIONS WITH RESPECT TO CLOSING:

- a) Closing Date. The consummation of the transaction contemplated by this Agreement ("Closing") shall take place at such place as designated by Seller on or before October 30, 2016, or at such earlier date as agreed mutually, unless extended by other provisions hereof.
- b) Seller's Obligation at Closing. At Closing, Seller shall furnish good and marketable title at closing and execute, acknowledge, and deliver to Buyer a Warranty Deed conveying the Property to Buyer subject to:
 - (i) taxes and assessments for year of closing and subsequent years;
 - (ii) restrictions, easements and zoning ordinances of record, if any;
 - (iii) public utility easements of record, if any.
- c) Buyer's Obligations at Closing. Subject to the terms, conditions and provisions hereof, and concurrently with the performance by Seller of its obligations set forth in Section 10(b) above, Buyer shall deliver to Seller cashier's check or other immediate local funds in the amount set forth in Section 2 of this Agreement, subject to adjustment for pro-rated real estate taxes and any other credits due to the Buyer.
- d) Closing Costs. Buyer and Seller shall equally share all costs and expenses in connection with the Closing, including the following:
 - (i) Documentary stamps which are required to be affixed to the Warranty Deed;
 - (ii) The intangible tax required by law on the mortgage.
 - (iii) All recording costs, including recording of the deed, mortgage, and any documents required in connection with the title insurance commitment.
 - (iv) The premium payable for the title commitment and title policy issued pursuant thereto, if any.
 - (v) Survey work.
- e) Proration of Taxes. Taxes for the year of the Closing shall be prorated to the date of Closing. If the Closing shall occur before the tax rate is fixed for the then current year, the

apportionment of taxes shall be upon the basis of the tax rate of the preceding year applied to the latest assessed valuation.

11. OTHER CONTRACTUAL PROVISION:

a) Notices. Any notice to be given or to be served upon any party hereto, in connection with this Agreement, must be in writing, and may be given by certified mail and shall be deemed to have been given and received when a certified letter containing such notice, properly addressed, with postage prepaid, is deposited in the United States Mail; and if given otherwise than by certified mail, it shall be deemed to have been given when delivered to and received by the party to whom it is addressed. Such notices shall be given to the parties hereto at the addresses, including email addresses noted below

Any party hereto may, at any time by giving five (5) days' written notice to the other party hereto, designate any other address in substitution of the foregoing address to which such notice shall be given and other parties to whom copies of all notices hereunder shall be sent.

For the Buyer: Adam Rutledge, President
First Security Bank
1219 E. Joyce Blvd.
Fayetteville, AR 72703
arutledge@fsbank.com

For the Seller: Bob McCaslin, Mayor
City of Bentonville
117 West Central
Bentonville, AR 72712

b) Assignability. The Buyer is prohibited from assigning all or any part of this Agreement.

c) Entire Agreement; Modification. This Agreement embodies and constitutes the entire understanding between the parties with respect to the transaction contemplated herein. All prior or contemporaneous agreements, understandings, representations, and statements, oral or written, are merged into this Agreement. Neither this Agreement nor any provision hereof may be waived, modified, amended, discharged, or terminated except by an instrument in writing signed by the party against which the enforcement of such waiver, modification, amendment, discharge or termination is sought, and then only to the extent set forth in such instrument.

d) Applicable Law. This Agreement shall be governed by, and construed in accordance with, the laws of the State of Arkansas.

e) Headings. Descriptive headings are for convenience and shall not control or affect the meaning or construction of any provision of this Agreement.

f) Binding Effect. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their successors and assigns.

g) Counterparts. This Agreement may be executed in several counterparts, each constituting a duplicate original, but all such counterparts constituting one and the same Agreement.

h) Interpretation. Whenever the context hereof shall require, the singular shall include the plural, the male gender shall include the female gender and the neuter, and vice versa.

i) Severability. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

k) Time for Acceptance & Effective Date. If this offer is not executed by both parties hereto on or before September 30, 2016, this offer shall thereafter be null and void. The date of the Agreement ("Effective Date") shall be the date when the last one of the Seller and Buyer has signed this offer.

l) City Council Approval. This contract is conditioned upon the City of Bentonville receiving Approval from the Bentonville City Council to sell this property pursuant to the terms and conditions herein.

m) Jury Trial Waiver. THE PARTIES HEREBY WAIVE TRIAL BY JURY IN ANY ACTION, PROCEEDING, OR COUNTERCLAIM BROUGHT BY ANY PARTY AGAINST ANY OTHER PARTY, ARISING FROM OR RELATING TO THE SUBJECT MATTER HEREOF. THE PARTIES HERETO WAIVE ANY RIGHT TO ANY PUNITIVE DAMAGES, AND EACH PARTY HEREBY IRREVOCABLY WAIVES ANY RIGHT TO SUCH DAMAGES. THIS PROVISION IS A MATERIAL INDUCEMENT FOR THE PARTIES TO ENTER INTO THIS AGREEMENT.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement.

Witnesses:

"Buyer" (First Security Bank) by:

[Redacted Signature]

By: Adam Rutledge, President NWA

Atte:

[Redacted Signature]

Date:

9/29/16

"Seller" (The City of Bentonville, Arkansas)

By: Mayor Bob McCaslin

Attest:

Date: 9/30/16

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE MAYOR AND
CLERK TO ENTER INTO AN AGREEMENT FOR THE
SALE OF CERTAIN REAL PROPERTY TO FIRST
SECURITY BANK.**

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

Section 1: That the Mayor and Clerk be and are hereby authorized to enter into an agreement for the sale of certain real property to First Security Bank, as set forth in the Agreement attached hereto as Exhibit "A".

Section 2: This resolution shall be in full force and effect from and after the date of its passage.

PASSED and APPROVED this ____ day of _____, 2016.

APPROVED:

MAYOR

ATTEST:

CITY CLERK



BENTONVILLE CITY COUNCIL AGENDA

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

**Tuesday, October 11, 2016 6:00 p.m.
305 SW "A" Street**

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

**Tuesday, October 11, 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: September 27, 2016**

AGENDA

1. A proclamation designating October 2016 Community Planning Month in the City of Bentonville.
2. Request that the City Council adopt a resolution to recognize, commend and congratulate Lieutenant Joe Falcon upon his October 2016 retirement. This resolution recognizes more than 19 years of dedicated service to the Bentonville Police Department, 9 years as the Commander of a Uniform Division Shift. This resolution also wishes Lieutenant Falcon health, happiness, and continued success in all of his future endeavors. See attached resolution.
3. Planning:
- 3a. **Property Line Adjustment: Lots 18, 19 and 20 Curtis Addition, Westwood Holdings, LLC, Moro Development Co. and Peel House Foundation, 305 Northeast 'B' Street, Zoned D-E, Downtown Edge.**

The planning commission voted 5-0 recommending approval.

The applicant has submitted a property line adjustment that will create 3 new lots from portions of 3 existing lots. The new lots will be known as Lot 18 (0.55 acres), Lot 19 (0.18 acres) and Lot 20 (0.10 acres) of Curtis Addition. Additional right-of-way will be dedicated along Northeast 3rd Street per the current Master Street Plan. Sufficient right-of-way exists along Northeast 'B' Street. All new lots will have access to public water and sewer services and a public street.

- 3b. **Lot Split: Lots 19 & 20 Limestone Ranch Subdivision, Gary E. Stearman Revocable Trust, PUD, Planned Unit Development.**

The planning commission voted 5-0 recommending approval.

The applicant has submitted a lot split that will create 2 new lots from one existing lot. The new lots will be known as Lot 19 (2.20 acres) and Lot 20 (4.56 acres) of Limestone Ranch Subdivision. Sufficient right-of-way exists along all streets. A public access easement will be dedicated along all common lot lines. All new lots have direct access to public water and sewer services and a public street.

- 3c. **Lot Split: Lots 28 & 29 Dickson's Addition, Michael Gardner, 709 West Central Avenue, Zoned R-1, Single Family Residential.**

The planning commission voted 5-0 recommending approval.

The applicant has submitted a lot split that will create 2 new lots from one existing lot. The new lots will be known as Lot 28 (0.17 acres) and Lot 29 (0.24 acres) of Dickson's Addition. Sufficient right-of-way exists along West Central Avenue and right-of-way is being dedicated along Southwest 2nd Street per the current Master Street Plan. Access for both of the new lots will be through a shared private access easement onto Southwest 2nd Street. All new lots have direct access to public water and sewer services and a public street.

- 3d. **Rezoning: Chambers Bank, Southwest Adams Road and Anglin Road, Zoning from PUD, Planned Unit Development to R-1, Single Family Residential.**

The planning commission voted 5-0 recommending approval.

The R-1, Single Family Residential zoning designation allows for the abandoned subdivision to be completed and will offer a variety of single family housing types and opportunities in a rapidly developing sector of the city. The proposed zoning designation will promote future growth in the area and create opportunities for commercial, mixed-use and industrial development that will ultimately provide goods and services to residences in and near this area.

- 3e. **Rezoning: Parnell & Reach Church, Inc., 1307 Southwest Parnell Drive and Southwest 'I' Street, Zoning Request from A-1, Agricultural to R-4, High Density Residential.**

The planning commission voted 5-0 recommending approval.

The Future Land Use Plan depicts these properties as Mixed Use. The R-4, High Density Residential zoning is an appropriate zoning district. Policy LU-23 Housing Types within the General Plan suggest multi-family housing with close proximity to activity nodes. The mix of uses and housing types will help to reduce the impact on city infrastructure while providing a variety of housing options.

- 3f. **Rezoning: Reach Church, Inc., 2900 Southwest 'I' Street, Rezoning from A-1, Agricultural to C-2, General Commercial.**

The planning commission voted 5-0 recommending approval.

The Future Land Use Plan depicts this property as Mixed Use. The C-2, General Commercial zoning is an appropriate zoning district. Policy LU-23 Housing Types within the General Plan suggest multi-family housing with close proximity to activity nodes. The mix of uses and housing types will help to reduce the impact on city infrastructure while providing a variety of housing options. The C-2 zoning designation will provide the goods and services to those adjacent residential uses while further reducing vehicle trips and increasing conveyance for residents.

- 3g. **Rezoning: The Cadence Group, LLC, Southwest 'B' Street (north of alley) Rezoning from D-E, Downtown Edge to D-C, Downtown Core.**

The planning commission voted 5-0 recommending approval.

The Future Land Use Plan depicts this property as Mixed Use. The D-C, Downtown Core zoning is an appropriate zoning district. The intent of the Downtown Core zoning district is to expand the pedestrian oriented character of the town square while providing retail and entertainment venues. Small and large office and commercial uses should be provided to support the medium and high density residential uses. The DC, Downtown Core zoning district promotes a mix of commercial and residential uses that are separated both horizontally and vertically. The rezoning request is consistent with the policies and objectives of the Land Use plan.

- 3h. **Rezoning: Soos & Cadence Group LLC, 505 Southwest 'B' Street, Rezoning from D-E, Downtown Edge to D-C, Downtown Core.**

The planning commission voted 5-0 recommending approval.

The Future Land Use Plan depicts this property as Mixed Use. The D-C, Downtown Core zoning is an appropriate zoning district. The intent of the Downtown Core zoning district is to expand the pedestrian oriented character of the town square while providing retail and entertainment venues. Small and large office and commercial uses should be provided to support the medium and high density residential uses. The DC, Downtown Core zoning district promotes a mix of commercial and residential uses that are separated both horizontally and vertically. The rezoning request is consistent with the policies and objectives of the Land Use plan.

- 3j. **Resolution: Downtown Neighborhood Zoning Districts.**

The planning commission voted 5-0 recommending approval.

A resolution amended the Master Land Use Plan and establishing four new designations.

3k. **Ordinance: Amending Title 14, Zoning Code, to Adopt Downtown Neighborhood Zoning Districts.**

The planning commission voted 5-0 recommending approval.

An ordinance creating four new Downtown zoning District and adopting the regulatory framework within each district.

4. Approval of a temporary public art installation by Old High Middle School art students on public property located at the entrance of the Bentonville Community Center. The anticipated date for display is November 28 through December 26 with a seasonal theme. Old High Middle School will assume all costs associated with the project. The Public Art Advisory Committee and the Bentonville Parks and Recreation Advisory Board have approved this artwork.
5. Request that the City Council approve the Police Department to increase the number of fleet vehicles by one (1) unit with a department to department asset transfer of a Parks Maintenance Department vehicle (5020-51). This Parks Maintenance Department vehicle, a 2006 Ford F350 v-10 4x4, regular cab, utility bed truck, VIN 1FDWF37Y96ED67265, AR VL 152UGH has approximately 60,000 miles and is in good condition. With minimal repair and modification this Ford F350 would be used to support the Bentonville Police SWAT Team as an equipment carrier. This would allow the current SWAT equipment and personnel carrier, a 2001 Chevy Van Chassis Cab and Box, to be modified for use as a personnel carrier only. As an equipment and personnel carrier this vehicle is overloaded. This modification will also allow our existing 2001 Chevy Van Chassis Cab to better meet our needs, and also increase the safety, performance, and usable life of the vehicle. The modification of our existing 2001 Chevy Van Chassis Cab and the repurposing and transfer of the Ford F350 represent a responsible and cost effective disposition of city properties and will also increase the efficiency and capability of our SWAT Team.
6. City Council approval of bid award to Fresh N Green Landscaping, in the amount of \$38,127.90 for the installation of trees along the Razorback Greenway.
7. Staff recommends to the Mayor and City Council approve the reclamation change order to the Osmose contract for the utility pole testing and treatment in the amount of \$1,167.03.
8. Bid award to Diamond C Construction for the project SE 10th Street Drainage Improvements - Phase II. Project consist of installing approximately 1250 LF of drainage pipe, six grated inlets and rebuilding curb and gutter on the south side of SE 10th St. The contract amount for this project is \$176,671.00 which will come from a Community Block Development Grant (CDBG) and Engineering Department Drainage Budget. Along with the contract amount an additional \$10,000.00 is requested for contingency and material testing.
9. A resolution approving a real estate agreement for the sale of certain property to First Security Bank.