



*** Revised to clarify virtual Zoom
Committee of the Whole meeting on page 1.
Adding item 1, which revises all item
numbers.**

BENTONVILLE CITY COUNCIL AGENDA

Note – Due to health concerns related to COVID-19, some of all of the members of the City Council, as well as City staff members, may attend this meeting by phone or other remote means. Those who attend should observe the CDC recommendations concerning hygiene, the use of masks or other facial coverings, and social distancing (keeping at least 6 feet away from other persons present at the meeting). No one should attend this meeting if they are experiencing any type of illness involving a fever, sneezing or coughing, or shortness of breath. Those attending the meeting in person may be screened before being allowed to enter by having their temperature taken and by being asked a series of questions focusing on possible exposure to COVID-19. Those wishing to make public comments who cannot or do not want to attend the meeting may do so by email submitted to cc.comments@bentonvillear.com by at least 4:00 p.m. on the day of the meeting and those comments will be communicated to the members of the Council and the Mayor. Accommodation has also been made to allow Bentonville citizens to make “live” public comments orally in the event they cannot or do not feel comfortable attending the meeting in person. To do so, please send an email indicating a desire to make public comments remotely to cc.comments@bentonvillear.com by at least 1:00 p.m. on the day of the meeting and a reply email will be sent with instructions about how your comments can be made. Making comments will require you to register with your name, address, phone number and email address. The pre-existing limitations (3 minutes) and procedures with respect to oral public comments will still apply.

Committee of the Whole

Monday, June 8, 2020 6:00 p.m.

***If the public would like to attend virtually, please register at the following link:**

https://us02web.zoom.us/webinar/register/WN_TvzN2E0nS7mY5P1g6nkxkg

New Location:

**Regular City Council Meeting
Bentonville Community Center
BCC Community Rooms**

**Tuesday, June 9, 2020 6:00 p.m.
1101 Southwest Citizens Circle**

**Public Comments on Tonight’s Agenda Items (Limited Public Forum)
Questions, Comments and Discussion from City Council Members on Tonight’s
Agenda
Call to Order
Pledge of Allegiance
Moment of Silence – For our Military Forces
Roll Call
Approval of Minutes: May 26, 2020**

AGENDA

1. Quilt of Parks Presentation – David Wright. **(Monday Night Only)**
2. Recognition by City Council of Robert and Shelly Stoker who reside at 302 SE 2nd Street. The property's landscaping was nominated by a Bentonville resident and is the June Residential Landscaping of the Month award winner. **(Pages 6-8)**
3. An ordinance accepting the annexation of certain territory to the City of Bentonville, Arkansas, and making same a part of the City of Bentonville, and assigning same to wards. (H-Street Partners LLC. Annexation). **(Pages 9-32)**
4. Planning:
- 4a. **Resolution adopting revisions to the Future Land Use Map changing real estate from Commercial, Medium Density Residential, and Residential Estate to High Density Residential, G&I Properties, LLC, 1507 SW 14th Street.**

(Pages 35-39)

The Planning Commission voted 7-0, recommending approval.

According to the applicant's narrative, they are proposing to construct a multi-family development similar to developments west of this location at Been Road and SW 14th Street. The intent of this development falls in line with the intent of the High Density Residential Land Use Plan designation. High Density Residential areas include apartments, condominium buildings, and special types of group living. These areas vary greatly in terms of density depending on scale and may also have integrated amenities for residents. It is important to note that according to the applicant's narrative, the developer is well aware of the screening, buffering, and separation requirements that will have to be met due to the surrounding residential properties. In addition, Commercial and Medium Density Residential land use designations both encourage multi-family and higher density. Staff recommends approval of the General Plan Amendment due to the site's adjacency to similar Land Use Plan designations, as well as direct access onto Highway 102 (classified as an Arterial per the Master Street Plan).

- 4b. **Ordinance accepting a lot split of Lots 5-6 of Northwest Prairie Addition, NWA Trailblazers, 1701 NW F Street, A-1, Agricultural.**

(Pages 41-47)

The Planning Commission voted 7-0, recommending approval.

A lot split of Lots 3 & 4 of Northwest Prairie Addition, creating new Lots 5 (+/- 55.19 acres) and 6 (+/- 8.61 acres). The plat dedicates additional utility easements of varying sizes and widths. Adequate right-of-way currently exists along SW I Street and SW 14th Street.

- 4c. **Ordinance accepting a property line adjustment of Lot 11, Block 2 of Pritchard's Addition, Eric Holland, 703 NW 6th Street, R-1, Single Family Residential.**

(Pages 48-50)

The Planning Commission voted 7-0, recommending approval.

A property line adjustment of part of Lots 1 & 2, Block 2 of Pritchard's Addition, creating new Lot 11 (+/- 0.26 acres). The plat dedicates a 10-foot utility easement along NW 6th Street. Planning Commission approved a right-of-way waiver for this address on April 21, 2020.

- 4d. **Ordinance accepting a property line adjustment of Lot 11, Block 4 of Young's Addition, G Street Holdings Partners, LLC, 802 SE 3rd Street, DN-4, Downtown Mixed-Use Residential.**

(Pages 51-53)

The Planning Commission voted 7-0, recommending approval.

A property line adjustment of Lots 5, 7, 8, 9, and 10, Block 4, of Young's Addition, creating new Lot 11, Block 4 (+/- 1.24 acres). The plat dedicates additional right-of-way along SE 3rd Street to meet the requirements of the Master Street Plan, which designates the roadway as a Collector.

- 4e. **Ordinance accepting a lot split of Lots 24-25 of Clarks Addition, AP RE and Development, LLC, 211 SW F Street, DN-2, Downtown Medium-Density Residential.**

(Pages 54-57)

The Planning Commission voted 7-0, recommending approval.

A lot split of the north half of Lot 3 of Clark's Addition, creating new Lots 24 & 25. There is an existing shared access easement along the common lot line. This easement will serve to side or rear load the garages for both the lots. The plat dedicates approximately 1.5-feet of right-of-way along SW F Street to meet the requirements of the Master Street Plan.

5. **Planning Item Tabled at April 28, 2020 City Council Meeting:**
Ordinance changing real estate from A-1, Agricultural to PRD, Planned Residential Development, Paul & Sue Ollar, SW Regional Airport Boulevard & Greenhouse Road.

(Pages 58-107)

The Planning Commission voted 6-1, recommending approval.

The Future Land Use Plan currently depicts this property as open space. Open space areas typically include undeveloped areas that are either actively preserved or have significant challenges to develop, such as flood plains or wetlands. While a portion of this property can be identified as such, there is a large portion of the property that is developable and does not fall within the description of the open space land use designation and lends itself to more intense uses. At 8-14 units per acre, the density that is proposed within this PRD is consistent with the adjacent medium density residential developments located to the south and east and offers a variety of housing types, including a balance of townhouse and multi-family units. The proposed density and character of this planned residential development is compatible with the existing development within the surrounding area. The proposed planned residential development is compatible with surrounding uses to the south and east. It will serve as a transition from the arterial streets that border the property to the south and east and single-family developments to the north

and west. There is a 330-foot +/- existing floodplain between this property and the residential developments to the north that will serve as a natural buffer between the two uses. Site design, traffic and storm water concerns shall all be addressed at the time of large scale development. Staff recommends approval.

6. **Planning Item Tabled at May 12, 2020 City Council Meeting:**
Ordinance changing real estate from R-1, Single Family Residential to DN-1, Downtown Low-Density Residential, Stratford Assets I, LLC, 502 NW 3rd Street.

(Pages 108-134)

The Planning Commission voted 6-0, recommending approval.

The Future Land Use Plan currently depicts this property as Low Density Residential. These areas include detached single-family residential properties. Originally, the applicant requested a rezoning to DN-2, Downtown Medium-Density Residential. However, on March 16, 2020, the applicant requested to amend the proposed rezoning to DN-1, Downtown Low-Density Residential. The DN-1 zoning district only allows single-family homes. Due to the site's compatibility with the Future Land Use Plan, its downtown location, and surrounding uses, staff recommends approval of the amended rezoning request to DN-1, Downtown Low-Density Residential.

7. Resolution setting a public hearing for June 23, 2020 to vacate a Street Right of Way and establish a Utility Easement at Lot 22 of Railroad Addition.
(Pages 135-137)
8. Resolution setting a public hearing for June 23, 2020 for a Access & Utility Easement Vacation requested for 1805 SW Riverstone of Stone Meadow Addition.
(Pages 138-140)
- 9a. Ordinance authorizing the Mayor and City Clerk to modify the 2020 Electric Department Pay Plan for Grades 95, 96, and 97 per the attached memo.
(Pages 141-149)
- 9b. Budget adjustment to remove \$350,000.00 from BEUD's Capital Vehicle account and transfer a portion to Salary and Benefits to cover BEUD's Pay Plan adjustment. Remainder will be put back into Electric Department Reserves. **(Pages 150-151)**
10. Bid Award to Banner Fire Equipment Inc. through participation in the HGAC Cooperative (Co-op) contract, FS 12-19 HC04. Use of a Co-op is allowed pursuant to Arkansas State Statute 19-11-249; Purchasing performed an evaluation of FS 12-19 HC04, determining that the solicitation was in line with both Arkansas State Statute and City Purchasing procedures. This is a budgeted item in the 2020 budget.
(Pages 152-158)
11. Resolution authorizing the Mayor and City Clerk to amend the current Hight Jackson agreement to allow for final billing of Civil Engineering to be paid through Hight Jackson and change the Administrative Services Building fee from a % based to a flat fee. The overall architectural cost of this project will be reduced by approximately \$140,000.00 as the City pauses the Community Development building project due to the economic environment, reduce cost due to moving from a full construction design to renovation for the Administrative Services Building, and utilize some remaining budget to evaluate the location of a Mayor's office at either the Utility Billing drive thru building or the Community Development building.
(Pages 159-161)

- 12a. Bid Award to Flintco, LLC in the amount of \$1,704,281.00 for IFB-20-40-Bentonville Administrative Services Building Remodel, for the remodel of the property located at 1000 SW 14th Street, purchased in November of 2019 as the future location of the City's Administrative Services Building. The Bid Award amount includes the Base Bid of \$1,685,000.00 plus Alternate Number 1 (stain exterior brick and mortar) for \$19,281.00. The City will also be adding a 3% owners construction contingency to the contract bring total potential contract amount to \$1,755,410. See the attached bid tabulation and bid submission forms for additional information. The Bentonville Administrative Services Building will include the Accounting, Human Resource, Utility Billing, and Information Technology Departments. **(Pages 162-167)**
- 12b. Approval of a budget adjustment for the West Plaza Building Renovation to provide space for the Utility Billing Department, IT Department, Accounting Department and HR Department. This budget amount includes \$1,704,281 for the low bid for renovation, 3% owners construction contingency, estimated budget for moving expenses, estimated budget for FF&E, estimated budget for signage, and non-construction contingency. **(Pages 168-169)**
13. Resolution requested by Staff for City Council approval authorizing the Mayor and City Clerk to enter into an amended professional services agreement with CEI Engineering Associates, Inc. for services associated with the design and construction of a sanitary sewer interceptor in southwestern Bentonville in an additional amount of \$30,000.00 for a total contract amount not to exceed \$151,350.00. Sewer capacity fees will be utilized to fund this agreement. **(Pages 170-174)**
- 14a. Resolution requested by Staff for City Council approval authorizing the Mayor and City Clerk to enter into an agreement with Aurora Development Company, LLC (Aurora) for the design and installation of the Nomad Creek Interceptor in southwestern Bentonville. Aurora will contribute \$280,000.00 to the project and grant easements to the City of Bentonville on property Aurora owns. Aurora's contribution is equal to their off-site requirements for the development of Aurora Subdivision. A budget adjustment is required to recognize their contribution. **(Pages 175-183)**
- 14b. Bid Award IFB-20-03 requested by Staff for Council approval to Brothers Construction in the amount of \$1,566,772.50 for the construction of the Nomad Creek Interceptor in southwestern Bentonville. A budget adjustment in the amount of \$730,000.00 is required with this project to recognize a \$280,000.00 contribution from Aurora Development Company, LLC and \$420,000.00 from Wastewater Reserves. **(Pages 184-201)**
- 14c. Budget Adjustment requested by Staff for City Council approval in the amount of \$700,000.00 to recognize a contribution of \$280,000.00 from Aurora Development Company, LLC and \$420,000.00 from wastewater reserves to fund construction of the Nomad Creek Interceptor. **(Pages 202-203)**
15. Coin flip and adoption of one of two ordinances depending on the results of the coin flip designating either Position 1 or Position 2 of each ward to have its two-year term extended to four years upon the City's population, determined by a Federal Census, reaching 50,000. **(Pages 204-212)**



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

AGENDA FORM

CITY COUNCIL MEETING OF:

June 9, 2020

Submitted by:

Danielle Semsrott

Department

Comprehensive Planning

Phone

(479) 271-6827

ACTION REQUIRED:

Recognition by City Council of Robert and Shelly Stoker who reside at 302 SE 2nd Street. The property's landscaping was nominated by a Bentonville resident and is the June Residential Landscaping of the Month award winner.

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



MEMO

Date: June 9, 2020

To: Bentonville City Council

From: Danielle Semsrott, AICP, Senior Planner

RE: Residential Landscaping of the Month Award

Dear Bentonville City Council,

The Residential Landscaping of the Month Award recognizes the hard work and pride exhibited by Bentonville residents because we are proud to have a community that strives to beautify their homes, neighborhoods, and the City of Bentonville.

The award was created to recognize Bentonville residents who have improved and maintained the exterior landscaping of their homes. The award is intended to inspire others to take pride in their home, improve their landscaping, pick up litter, and to improve the quality of life in the City of Bentonville.

The evaluation criteria are based on five categories: consistent maintenance, tasteful and creative landscaping, lawn accents, good use of seasonal color, and overall appearance.

The winners for the month of June in the residential category are Bob and Shelly Stoker, who reside at 302 SE 2nd Street. The property was nominated by a Bentonville resident.

The Stoker's home, built around 1890, is listed on the National Register of Historic Places as The Henry House. Norborne Henry was a Civil War artillery veteran who settled in Bentonville. The Stoker's love for the home and desire to see it restored to its one time prominence and stature have driven their work to restore it and to revive and create a landscape honoring Mr. Henry, his former home, and achievements. Both Bob and Shelly grew up interested in gardening. They moved to Bentonville in 1990 and purchased the Henry House in 2014. They feel it is their duty to care for, maintain, and continue to improve Mr. Henry's beautiful home as he was integral to Bentonville's early growth as an important mercantile and county hub. Their goal is for the home to demonstrate that important history through its gardens and upkeep.

Award winners are honored by the Mayor with a certificate and are presented with a decorative yard sign designating their landscaping as a winner. A photograph of the award winning landscaping will be placed in the next edition of the City of Bentonville's newsletter, the "Bentonville Focus".

Respectfully,



Danielle Semsrott, AICP
Senior Planner





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

AGENDA FORM

CITY COUNCIL MEETING OF:

June 9, 2020

Submitted by:

Jim Wheelless

Department

Phone

271-3112

ACTION REQUIRED:

An ordinance accepting the annexation of certain territory to the City of Bentonville, Arkansas, and making same a part of the City of Bentonville, and assigning same to wards. (H-Street Partners LLC. Annexation).

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



ORDINANCE NO. _____

AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF BENTONVILLE, ARKANSAS, AND MAKING SAME A PART OF THE CITY OF BENTONVILLE, AND ASSIGNING SAME TO WARDS.

WHEREAS, petition was filed with the County Clerk of Benton County, Arkansas by all of the owners of the hereinafter described territory, said owners being listed in Exhibit "A" to this ordinance, praying that said territory be annexed to, and made a part of the City of Bentonville, Arkansas, and

WHEREAS, on the 5th day of May, 2020, the County Court of Benton County, Arkansas, entered an order authorizing annexation pursuant to § 14-40-609 of the Arkansas Code, finding that the petition met the requirements for annexation under that provision and directed the Clerk to forward the order to the Mayor of the City of Bentonville; and

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

Section 1. That the land described on the attached Exhibit "B," which includes both the territory sought to be annexed by the petitioners and the dedicated public roads and rights of way abutting or traversing the property proposed to be annexed, is territory contiguous to and adjoining the City of Bentonville, Arkansas, and the petition to annex that property is hereby granted and the property described in Exhibit "B" is hereby accepted as part of and annexed to and made a part of the City of Bentonville.

Section 2. That the above described territory shall be annexed to and made a part of Ward 3 of the City of Bentonville, and the same shall henceforth be a part of said ward as fully as existing parts of said ward.

Section 3. That the above described territory shall be zoned A-1, to be used in accordance with City zoning laws and the laws of the State of Arkansas.

Section 4: That this ordinance shall become effective 30 days from its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF June, 2020.

APPROVED: _____
HON. STEPHANIE ORMAN, Mayor

ATTEST: _____
HON. LINDA SPENCE, City Clerk

H Street Partners, LLC. ANNEXATION
EXHIBIT "A"

H Street Partners, LLC.	18-09817-000
	18-06642-000

H-Street Partners, LLC. Annexation
Exhibit "B"

Part of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 13, Township 19N, Range 31W **AND** part of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 18, Township 19N, Range 30W and more particularly described as follows:

Beginning at the NW Corner of the said NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 13.

Thence S86° 54' 17"E, 1332.10';

Thence N04° 25' 45"E, 6.18';

Thence S87° 10' 13"E, 713.25';

Thence S01° 52' 13"W, 939.79';

Thence N86° 52' 51"W, 2056.60';

Thence N02° 32' 30"E, 929.28' to the Point of Beginning.

Containing 43.9 Acres more or less.

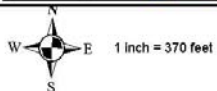
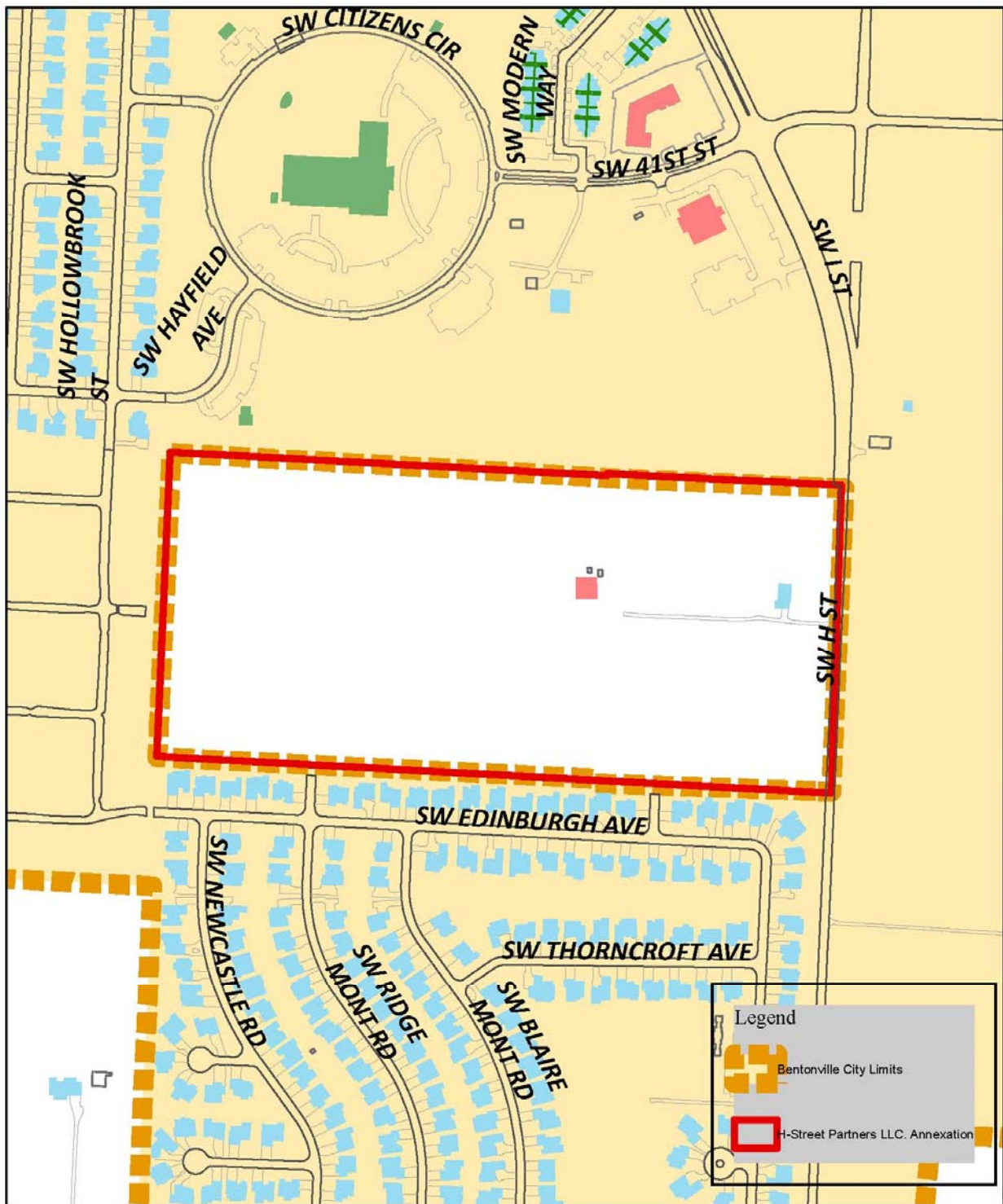


EXHIBIT 'B'
H-Street Partners, LLC Annexation



March 6, 2020

Hon. Betsy Harrell, County Clerk
Benton County Administration Building
215 East Central
Bentonville, AR 72712

Re: H-Street Partners Annexation.

Dear Ms. Betsy Harrell:

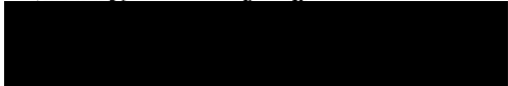
This letter accompanies the voluntary annexation petition being filed today by me on behalf of the City of Bentonville. In addition to the petition, accompanying this letter, please find:

- 1) a copy of the Arkansas GIS Office approval of the legal description as provided for in § 14-40-101 of the Arkansas Code.

Item 1) is not required by the 100% annexation statute, but does show up elsewhere in the Code so we thought it appropriate to provide it.

I am aware the County Judge has authority to require adjoining road right-of-way be added to this annexation. My review indicates there is no adjoining road right-of-way with respect to this proposed annexation.

Sincerely,



James M. Wheelless, GIS Coordinator
City of Bentonville

enc

BENTON COUNTY

STATE OF ARKANSAS

BETSY HARRELL

COUNTY CLERK & VOTER REGISTRAR

215 EAST CENTRAL, SUITE 217
BENTONVILLE, AR 72712-5373
479-271-1013
Fax: 479-271-1019

PROBATE COURT CLERK

COURTHOUSE, 102 N.E. "A" STREET
BENTONVILLE, AR 72712-5350
479-271-5727
FAX: 479-271-1712

May 6, 2020

Honorable Stephanie Orman
City of Bentonville
117 W. Central Ave
Bentonville, AR 72712

RECEIVED MAY 08 2020

Re: In the Matter of Annexing to the City of Bentonville, Arkansas Certain
Territory Contiguous To Said City of Bentonville, Arkansas

Dear Mayor Orman:

The County has received and processed a proposed annexation pursuant to ACA § 14-40-609 related to annexations by 100% of the property owners. I am transmitting to you a copy of the documents relating to the proposed annexation for consideration by the Bentonville City Council.

If your council and you approve the annexation, please ask your clerk or recorder to return to me one (1) certified copy of the plat of the annexed property and one (1) certified copy of the ordinance or resolution approving the annexation so that I can send those on to the Secretary of State as required by the statute.

Please feel free to contact me if you have questions.

Sincerely,


BETSY HARRELL, County Clerk

enc

ROGERS OFFICE
2111 W. WALNUT
(479) 636-3727
FAX (479) 636-4922

ROGERS ARCHIVES
2111 W. WALNUT
(479) 636-1037
FAX (479) 636-1053

SILAM SPRINGS OFFICE
707 S. LINCOLN
479-271-1013
FAX (479) 524-8534

FILED

2020 MAY -5 PM 2:26

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

IN THE MATTER OF ANNEXING TO THE
CITY OF BENTONVILLE, ARKANSAS
CERTAIN TERRITORY CONTIGUOUS TO SAID
CITY OF BENTONVILLE, ARKANSAS

COUNTY COURT CASE NO. CC 2020-06

ORDER AUTHORIZING ANNEXATION PURSUANT TO ACA § 14-40-609

I, Barry Moehring, County Judge of Benton County, having reviewed the attached petition for annexation and verification of petition, hereby find that the petition:

- 1) is in writing;
- 2) contains an attestation signed before a notary or notaries by the property owner or owners of the relevant property or properties confirming their desire to be annexed;
- 3) contains an accurate description of the relevant property or properties;
- 4) contains a letter or title opinion from a certified abstractor or title company verifying that the petitioners are all owners of record of the relevant property or properties;
- 5) contains a letter or verification from a certified surveyor or engineer verifying that the relevant property or properties are contiguous with the annexing city or town and that no enclaves will be created if the property or properties are accepted by the city or town -- additionally a copy of the letter from the State of Arkansas GIS office approving the legal description for the annexation was provided; and
- 6) includes a schedule of services of the annexing city or town that will be extended to the area within three (3) years after the date the annexation becomes final.

The County Clerk is directed to forward a copy of this order and the related Petition to the Mayor of the City of BENTONVILLE.


HON. BARRY MOEHRING, County Judge

Date

5.5.2020

2020 1947

IN THE MATTER OF ANNEXING TO THE
CITY OF BENTONVILLE, ARKANSAS
CERTAIN TERRITORY CONTIGUOUS TO SAID
CITY OF BENTONVILLE, ARKANSAS

FILED
2020 MAR 16 AM 9:20
CC 2020-06

VERIFICATION OF PETITION FOR ANNEXATION PURSUANT TO ACA § 14-40-609

We, Betsy Harrell, County Clerk of Benton County, and Roderick Grieve, County Assessor of Benton County, attest as follows:

Our offices have received the attached petition seeking annexation. The petition has been reviewed and we hereby verify that the petition:

- (A) is in writing;
- (B) contains an attestation signed before a notary or notaries by the property owner or owners of the relevant property or properties confirming the desire to be annexed;
- (C) contains an accurate description of the relevant property or properties;
- (D) contains a letter or title opinion from a certified abstractor or title company verifying that the petitioners are all owners of record of the relevant property or properties;
- (E) contains a letter or verification from a certified surveyor or engineer verifying that the relevant property or properties are contiguous with the annexing city or town and that no enclaves will be created if the property or properties are accepted by the city or town; and
- (F) include a schedule of services of the annexing city or town that will be extended to the area within three (3) years after the date the annexation becomes final.

[REDACTED]
HON. BETSY HARRELL, County Clerk

[REDACTED]
HON. RODERICK GRIEVE, County Assessor



FILED
2020 MAR 16 AM 9:20

Date: March 16, 2020
Subject: Proposed Annexation Checklist
CC 2020-06 Bentonville, AR

☒ (A) is in writing;

☒ (B) contains an attestation signed before a notary or notaries by the property owner or owners of the relevant property or properties confirming the desire to be annexed;

☒ (C) contains an accurate description of the relevant property or properties;

☒ (D) contains a letter or title opinion from a certified abstractor or title company verifying that the petitioners are all owners of record of the relevant property or properties;

☒ (E) contains a letter or verification from a certified surveyor or engineer verifying that the relevant property or properties are contiguous with the annexing city or town and that no enclaves will be created if the property or properties are accepted by the city or town; and

☒ (F) include a schedule of services of the annexing city or town that will be extended to the area within three (3) years after the date the annexation becomes final.

NA [Additionally, we note that the legal description in (B) does not include in its description certain dedicated public roads and rights of way abutting or traversing the property to be annexed, the legal descriptions for which are included on the attached Exhibit "A"]

[REDACTED]
Benton County Assessor's Office
Phone: 479-271-1037, ext. 7004
Email: michael.million@bentoncountyar.gov

FILED

2020 MAR -6 PM 1:59

CLERK OF THE
CITY OF BENTONVILLE
BENTONVILLE, ARKANSAS

IN THE MATTER OF ANNEXING TO THE CITY
OF BENTONVILLE, ARKANSAS CERTAIN TERRITORY
CONTIGUOUS TO SAID CITY

NO. 2020-06

PETITION FOR ANNEXATION - 100 % OF OWNERS PETITIONING

DATE: 2/21/2020

Come now the undersigned petitioners, and state as follows:

1. That we, owning 100% of the property in the following described area, do hereby petition, pursuant to A.C.A. §14-40-609, the City Council of Bentonville, Arkansas, to annex the following lands to the City of Bentonville, Arkansas.

Refer to Exhibit "A"

2. We further state that this petition is signed by one hundred percent (100%) of the real estate owners owning one hundred percent (100%) of the acreage in said area and that the area to be annexed does not contain property whose owners do not wish to have their property annexed.

3. That said property description herein is contiguous to and adjoining the present City of Bentonville city limits, as shown on the map attached hereto as Exhibit "B".

4. That no enclaves will be created if this petition is accepted and the territory annexed into the City of Bentonville.

5. That the following schedule of services shall be extended to the area by the City of Bentonville within three (3) years after the date the annexation becomes final:

All properties annexed into the City of Bentonville are provided with Police, Fire and EMS services.

Additional services such as water and sewer may be provided if readily available. Such services are provided in accordance with existing ordinances and terms of service, including but not limited to the payment of required fees, the necessary permits, inspections and approvals.

FILED

2020 MAR -6 PM 1:59

6. That a letter or title opinion from a certified abstractor or title company verifying that the petitioners are all owners of record of the relevant property or properties is attached hereto as Exhibit "C" and is made part of this petition as if set out word for word herein.

7. That a letter or verification from a certified surveyor or engineer verifying that the relevant property or properties are contiguous with the City of Bentonville and that no enclaves will be created if the property or properties are accepted by the City of Bentonville is attached hereto as Exhibit "D" and is made part of this petition as if set out word for word herein.

8. That each of the undersigned persons executing this petition has confirmed by their signature a desire that their property, which is included in the property described above, be annexed into the City of Bentonville.

I confirm my desire that property owned by me, which is to be included in a petition to annex property, be annexed into the City of Bentonville.

FILED
2020 MAR -6 PM 1:59

If the property being annexed is owned jointly, I attest that all owners of the property are signing a copy of this confirmation.

If the property is owned by a trust, I attest either that I have the authority to sign this confirmation on behalf of the trust, or that all persons required to do so by the trust are signing a copy of this confirmation.

If the property is owned by a corporation, limited liability company or other entity I attest either that I have the authority to sign this confirmation on behalf of the entity, or that all persons required to do so by the entity's governing documents are signing a copy of this confirmation.

[Redacted Signature]

Signature of Property Owner or
Legal Representative of Property Owner,
Petitioner

Manager H-STREET PARTNERS,
Title, if applicable (i.e. Trustee, LLC
(Managing Member, President,
Secretary)

18-08917-000 AND 18-06642-000
Parcel number of property to be annexed

ACKNOWLEDGMENT

State of Arkansas)
County of Benton) ss.

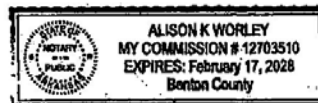
On this the 21st day of February, 2020, before me, the undersigned officer, personally appeared David Harris, known to me (or satisfactorily proven) to be the person whose name is subscribed above and acknowledged and attested that it was executed for the purposes therein apparent.

[Redacted Signature]

My Commission Expires:

2/17/2028

[Redacted Signature]



FILED

2020 MAR -6 PM 1:59

EXHIBIT "A"
H-Street Partners, LLC Annexation

Part of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 13, Township 19N, Range 31W AND part
of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 18, Township 19N, Range 30W and more
particularly described as follows:

Beginning at the NW Corner of the said NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 13.

Thence S86° 54' 17"E, 1332.10';

Thence N04° 25' 45"E, 6.18';

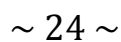
Thence S87° 10' 13"E, 713.25';

Thence S01° 52' 13"W, 939.79';

Thence N86° 52' 51"W, 2056.60';

Thence N02° 32' 30"E, 929.28' to the Point of Beginning.

Containing 43.9 Acres more or less.



Benton
216 W. Sevier Street
Benton, AR 72015

Bentonville
300 SW 28th Street
Bentonville, AR 72712

Eureka Springs
70 S. Main Street, Suite 2
Eureka Springs, AR 72632

Fayetteville
1420 Augustine Lane, Suite 1
Fayetteville, AR 72703

Sheridan
206 N Rose Street
Sheridan, AR 72150



**First National
Title Company**

Headquarters
First National Title Company
Little Rock
415 N McKinley Street Suite 1200
Little Rock, AR 72205

EXHIBIT "C"

Faulkner County Title Company Little Rock Title Company
A Division of A Division of
First National Title Company First National Title Company
Conway Conway
711 Locust Street 400 N.W. Markham Street #100
Conway, AR 72034 Little Rock, AR 72201

Greenbrier 2020 MAR -6 PM 1:59
8 Wilson Farm Road, Suite A
Greenbrier, AR 72058

March 5, 2020

Greetings,

This letter is given in connection with what is understood to be an effort to voluntarily annex certain real property into the City of Bentonville. Based on our review, we verify that the persons listed in Exhibit C-1 to this letter are all the owners of record of the real property described in Exhibit C-2 to this letter.

Sincerely,

[Redacted Signature]

Steve Pangle

Benton County Manager

First National Title

www.firstnationaltitle.net

H Street Partners, LLC. ANNEXATION
EXHIBIT "C-1"

FILED

2020 MAR -6 PM 1:59

FILED
2020 MAR 6 PM 1:59
CLERK OF COURT

H Street Partners, LLC.

18-09817-000

18-06642-000

H Street Partners, LLC. Annexation
Exhibit "C-2"

FILED

2020 MAR -6 PM 1:59

Part of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 13, Township 19N, Range 31W, **AND** part of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 18, Township 19N, Range 30W and more particularly described as follows:

Beginning at the NW Corner of the said NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 13.

Thence S86° 54' 17"E, 1332.10';

Thence N04° 25' 45"E, 6.18';

Thence S87° 10' 13"E, 713.25';

Thence S01° 52' 13"W, 939.79';

Thence N86° 52' 51"W, 2056.60';

Thence N02° 32' 30"E, 929.28' to the Point of Beginning.

Containing 43.9 Acres more or less.

EXHIBIT "D"

FILED

Greetings:

2020 MAR -6 PM 1:59

This letter is given in connection with what is understood to be an effort to voluntarily annex certain real property (H Street Partners, LLC Annexation) into the City of Bentonville. I am a licensed Professional Engineer in the State of Arkansas. Based on my review, I verify that the real property described in Exhibit D-1 to this letter is contiguous with the City of Bentonville and that no enclaves will be created if the described property is accepted by the City of Bentonville.

Sincerely,


No. 11416
TRAVIS W. MATLOCK
3/5/20

Travis Matlock, P.E.

H-Street Partners, LLC Annexation
EXHIBIT "D-1"

FILE

2020 MAR -6 PM 1:59

Part of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 13, Township 19N, Range 31W **AND** part
of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 18, Township 19N, Range 30W and more
particularly described as follows:

Beginning at the NW Corner of the said NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 13.

Thence S86° 54' 17"E, 1332.10';

Thence N04° 25' 45"E, 6.18';

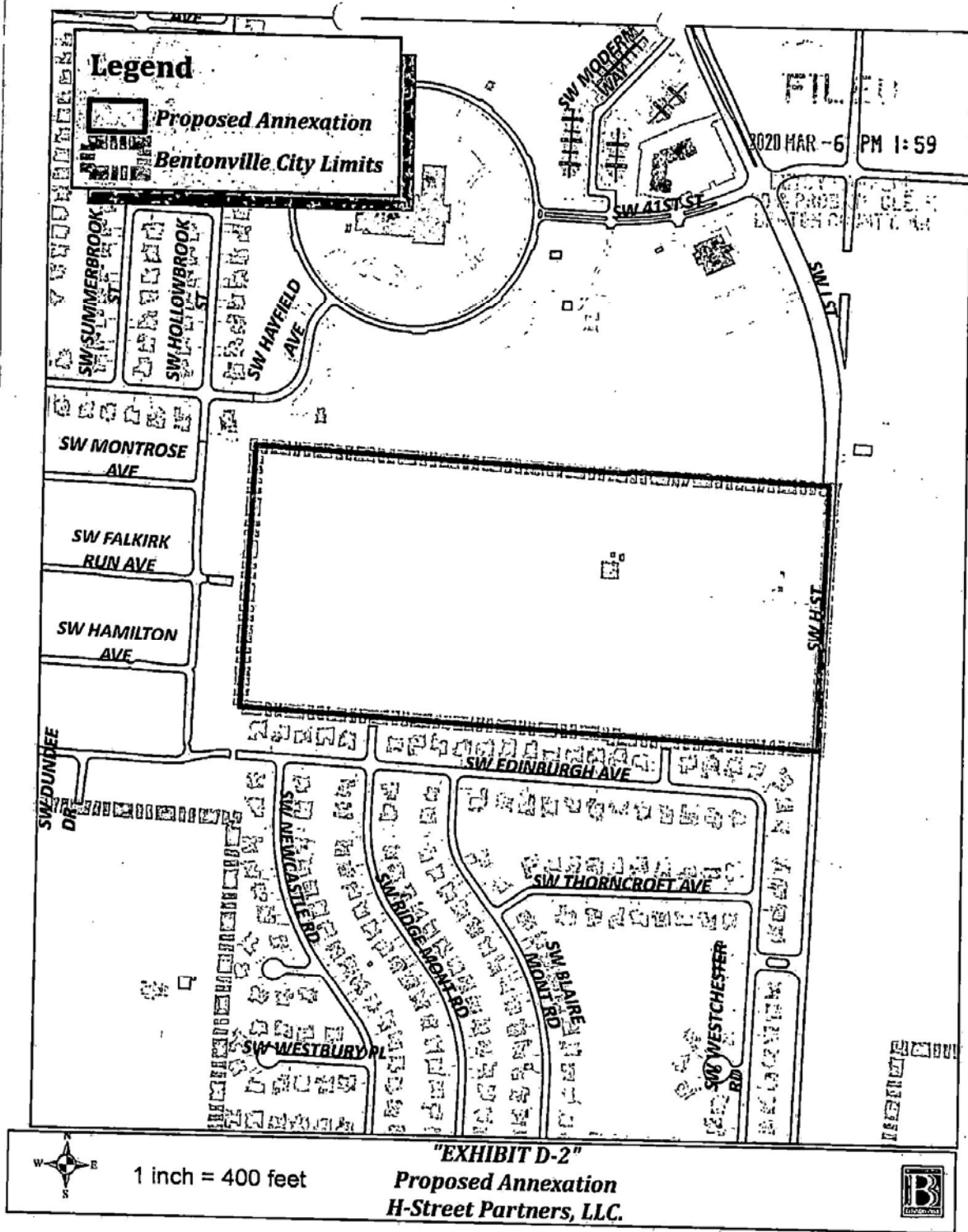
Thence S87° 10' 13"E, 713.25';

Thence S01° 52' 13"W, 939.79';

Thence N86° 52' 51"W, 2056.60';

Thence N02° 32' 30"E, 929.28' to the Point of Beginning.

Containing 43.9 Acres more or less.





**ARKANSAS
GIS OFFICE**

Department of Transformation
and Shared Services
Governor Asa Hutchinson
Secretary Amy Fether
Director Shelby Johnson

2020 MAR 16 PM 1:59
JULIE PROHASKA, CLERK
LEGISLATIVE COUNCIL

February 21, 2020

Mr. Jim Wheelless
GIS Coordinator – City of Bentonville
305 SW A Street
Bentonville, AR 72712

RE: City of Bentonville Coordination Requirement

Mr. Wheelless,

Thank you for coordinating with our office as you seek to annex property into the City of Bentonville, AR described as the "H-Street Partners, LLC Annexation" located in Section 13, Township 19 North, Range 31 West and Section 18, Township 19 North, Range 30 West. This letter represents confirmation that you have properly coordinated with our office (Arkansas GIS Office) as specified in § 14-40-101 (Act 914 of 2015) of the 90th General Assembly.

Our office will wait completion of any additional steps necessary for the proposed boundary change, which normally comes from the Arkansas Secretary of State Elections Division after any appropriate filing by your County Clerk.

Thank you,

Jennifer Wheeler, GIS Analyst

Attachments:
GIS Office Map of Proposed Annexation
Legal Description
Secretary of State Municipal Change Checklist

H:\City_Annexations\Cities\Bentonville\20200221\Doc\20200221_Bentonville_Annexation_Coordination_Letter.docx

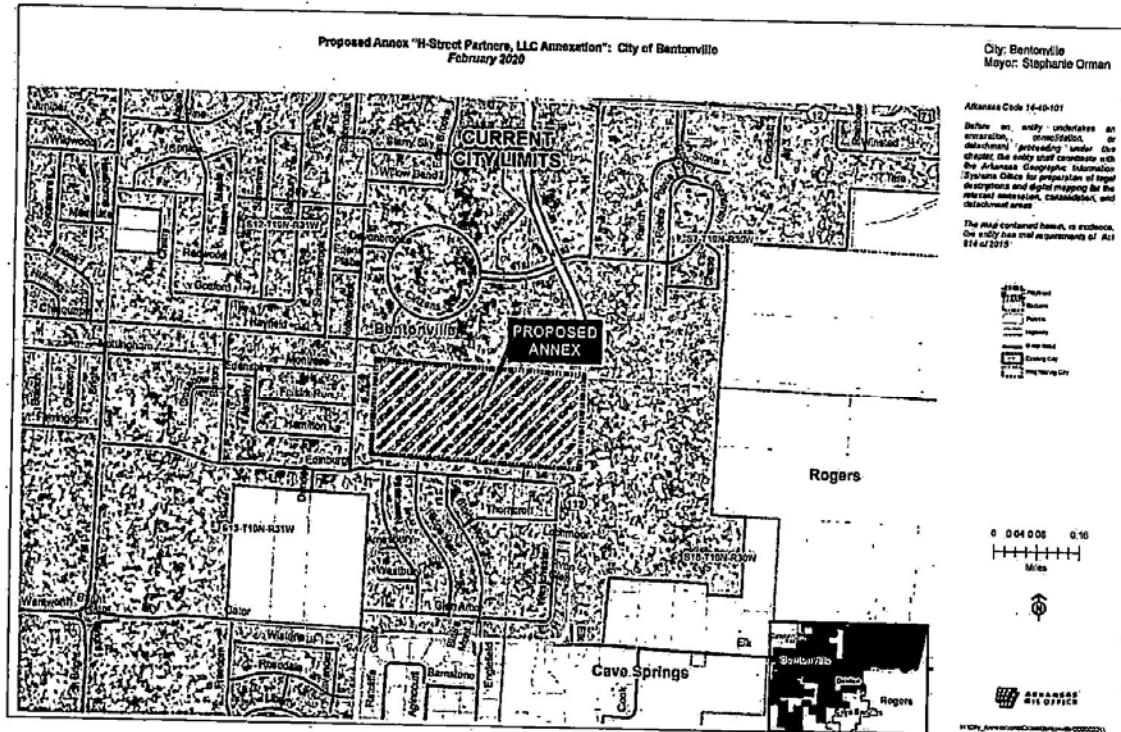
ARKANSAS GIS OFFICE
1 Capitol Mall, Suite 6D • Little Rock, AR 72201 • 501.682.2767
gis.arkansas.gov • transform.ar.gov



FILED

2020 MAR -6 PM 2:00

DEPT. OF REVENUE
AND PUBLIC SAFETY
BENTON COUNTY, AR





City Council Agenda Items
For City Council Meeting of June 9, 2020
From the June 2, 2020 Planning Commission Meeting

- a. Resolution adopting revisions to the Future Land Use Map changing real estate from Commercial, Medium Density Residential, and Residential Estate to High Density Residential, G&I Properties, LLC, 1507 SW 14th Street.**

The Planning Commission voted 7-0, recommending approval.

According to the applicant's narrative, they are proposing to construct a multi-family development similar to developments west of this location at Been Road and SW 14th Street. The intent of this development falls in line with the intent of the High Density Residential Land Use Plan designation. High Density Residential areas include apartments, condominium buildings, and special types of group living. These areas vary greatly in terms of density depending on scale and may also have integrated amenities for residents. It is important to note that according to the applicant's narrative, the developer is well aware of the screening, buffering, and separation requirements that will have to be met due to the surrounding residential properties. In addition, Commercial and Medium Density Residential land use designations both encourage multi-family and higher density. Staff recommends approval of the General Plan Amendment due to the site's adjacency to similar Land Use Plan designations, as well as direct access onto Highway 102 (classified as an Arterial per the Master Street Plan).

- b. Ordinance accepting a lot split of Lots 5-6 of Northwest Prairie Addition, NWA Trailblazers, 1701 NW F Street, A-1, Agricultural.**

The Planning Commission voted 7-0, recommending approval.

A lot split of Lots 3 & 4 of Northwest Prairie Addition, creating new Lots 5 (+/-55.19 acres) and 6 (+/- 8.61 acres). The plat dedicates additional utility easements of varying sizes and widths. Adequate right-of-way currently exists along SW I Street and SW 14th Street.

- c. Ordinance accepting a property line adjustment of Lot 11, Block 2 of Pritchard's Addition, Eric Holland, 703 NW 6th Street, R-1, Single Family Residential.**

The Planning Commission voted 7-0, recommending approval.

A property line adjustment of part of Lots 1 & 2, Block 2 of Pritchard's Addition, creating new Lot 11 (+/- 0.26 acres). The plat dedicates a 10-foot utility easement along NW 6th Street. Planning Commission approved a right-of-way waiver for this address on April 21, 2020.

- d. Ordinance accepting a property line adjustment of Lot 11, Block 4 of Young's Addition, G Street Holdings Partners, LLC , 802 SE 3rd Street, DN-4, Downtown Mixed-Use Residential.**

The Planning Commission voted 7-0, recommending approval.

A property line adjustment of Lots 5, 7, 8, 9, and 10, Block 4, of Young's Addition, creating new Lot 11, Block 4 (+/- 1.24 acres). The plat dedicates additional right-of-way along SE 3rd Street to meet the requirements of the Master Street Plan, which designates the roadway as a Collector.

- e. Ordinance accepting a lot split of Lots 24-25 of Clarks Addition, AP RE and Development, LLC, 211 SW F Street, DN-2, Downtown Medium-Density Residential.**

The Planning Commission voted 7-0, recommending approval.

A lot split of the north half of Lot 3 of Clark's Addition, creating new Lots 24 & 25. There is an existing shared access easement along the common lot line. This easement will serve to side or rear load the garages for both the lots. The plat dedicates approximately 1.5-feet of right-of-way along SW F Street to meet the requirements of the Master Street Plan.

GENERAL PLAN AMENDMENT STAFF REPORT



G&I Properties, LLC

1507 SW 14th Street

PC Date: 6/2/2020

Reviewer: Ali Worley, Planning Technician

Project Number	GPA20-0002
Applicant/ Current Owner	G&I Properties, LLC 3502 SW Champagne Avenue Bentonville, Arkansas 72712
Site Area	+/- 17.06 acres
Current Zoning	PUD, Planned Unit Development and C-2, General Commercial
Current Future Land Use Map Designation	Commercial (C), Medium Density Residential (MDR), and Residential Estate (RE)
Requested Future Land Use Map Designation	High Density Residential (HDR)

<https://arcg.is/08HvK8>

Location Map





April 27, 2020

Planning Commission
City of Bentonville
305 SW A Street
Bentonville, AR 72758

Re: Parcel # 01-00819-000; 18-08641-000; 01-00818-002
01-00818-005; 01-18370-000
SW 14th Street (Hwy 102)
General Plan Amendment Request

Planning Commission,

Please find below the responses to each of the questions asked of for the request of General Plan Amendment.

- Reasons for initiation of this proposal. Has information become available that was not available at the time of adoption of the Future Land Use Map? Or, since its adoption, has land use in the area changed?
The current owner of the 17 acres of property would like to build a multi-family development similar to developments west of this location at Been Rd and SW 14th Street.
- How will this change impact the land use and character of the property in question and surrounding areas?
The proposed land use is more dense, but justified with direct access to Hwy 102. The developer is aware of the surrounding residential properties and layout design will proceed with care and be sensitive to those properties. Separation requirements will be met as well as required screening.
- How is the property more suitable for the proposed land use designation than for the current land use classification presented on the Future Land Use Map?
The property is currently zoned C-2 and although it could develop as C-2, the property owner would like to pursue the construction of a multi-family development.
- Would the uses permitted by the proposed change be detrimental in any way to the surrounding property?
Since there is direct access to Hwy 102 the project would not negatively impact surrounding properties.

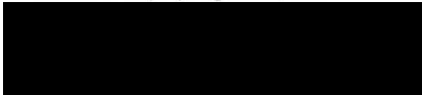
Planning Commission
April 27, 2020
Page 2 of 2

- What are the alternative courses of action if the proposed land use change is not approved? [Re-strategize the development of the property or sale.](#)
- What are your plans for the property if the proposed land use change is approved? [Rezone the property to R-4 to accommodate a multi-family development.](#)
- What alternatives other than changing the land use designation have been discussed? [None, the property owner would like to present multi-family residential to the Planning Commission in steps to rezone the property to R-4.](#)
- Is there any other additional information that is pertinent to support this request? [The property owner is aware of the residential properties surrounding properties. The plan as it is now is to provide buffer/separation between the single-family homes and provide the required screening. We assume connectivity to the neighbor hood to the south will be required, but we are anticipating to minimize any impact to the surrounding neighbors and shooting to have a nice multi-family development with Hwy 102 frontage.](#)

If you should have any questions, please feel free to contact me at (479) 273-2209

Sincerely,

Morrison-Shipley Engineers, Inc.



Patrick Foy
Project Manager

RESOLUTION NO. _____

A RESOLUTION ADOPTING REVISIONS TO THE FUTURE LAND USE MAP OF THE CITY OF BENTONVILLE TO CHANGE REAL ESTATE FROM ITS PRESENT LAND USE CLASSIFICATION OF COMMERCIAL, MEDIUM DENSITY RESIDENTIAL, AND RESIDENTIAL ESTATE TO HIGH DENSITY RESIDENTIAL (PROJECT NUMBER: GPA20-0002).

WHEREAS, G&I Properties, LLC duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present land use classification of Commercial, Medium Density Residential, and Residential Estate to High Density Residential on the City of Bentonville Future Land Use Map, which property is described as follows:

PART OF THE NE¼ OF THE NW ¼ OF SECTION 1, TOWNSHIP 19 NORTH, RANGE 31 WEST OF THE 5TH PRINCIPAL MERIDIAN, BENTONVILLE, BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SW CORNER OF THE NE 1/4 OF THE NW 1/4 OF SAID SECTION 1; THENCE SOUTH 86°42'07" EAST A DISTANCE OF 615.20 FEET TO A 5/8" REBAR BEING THE POINT OF BEGINNING; THENCE NORTH 02°35'05" EAST A DISTANCE OF 1197.12 FEET TO A 5/8" REBAR; THENCE SOUTH 87°09'32" EAST A DISTANCE OF 181.47 FEET TO A 5/8" REBAR WITH CAP; THENCE SOUTH 02°35'05" WEST A DISTANCE OF 659.63 FEET TO A SET 5/8" REBAR; THENCE SOUTH 87°14'12" EAST A DISTANCE OF 543.00 FEET TO A SET 5/8" REBAR; THENCE SOUTH 02°33'57" WEST A DISTANCE OF 544.00 FEET TO A 5/8" REBAR; THENCE NORTH 86°42'07" WEST A DISTANCE OF 724.70 FEET TO THE POINT OF BEGINNING, CONTAINING 11.74 ACRES OR 511,431 SQUARE FEET, MORE OR LESS. SUBJECT TO ALL EASEMENTS OF RECORD OR FACT. AND LOT 2, MAC'S ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN ON PLAT BOOK 2017 AT PAGE 402 AND CORRECTION FILED AS PLAT BOOK 2017 AT PAGE 432.; and,

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held June 2, 2020 in the Council Chambers of the City of Bentonville; and,

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

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 land use classification of Commercial, Medium Density Residential, and Residential Estate to High Density Residential on the Future Land Use Map.

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

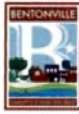
PASSED AND APPROVED this _____ day of _____, 2020.

APPROVED:

ATTEST:

MAYOR

CITY CLERK



Consent Agenda Items

For Planning Commission meeting of June 2, 2020

Reviewer: Tyler Overstreet, Senior Planner, AICP

- ❖ At the Technical Review meeting held on May 26, 2020 the Planning Commission requested these items be placed on the consent agenda. The descriptions below shall serve as the staff report for each of the consent agenda items.

Lot Split: Lots 5 & 6, Northwest Prairie Addition, NWA Trailblazers, 1701 NW F Street, A-1, Agricultural, LS20-0026

A lot split of Lots 3 & 4 of Northwest Prairie Addition, creating new Lots 5 (+/-55.19 acres) and 6 (+/- 8.61 acres). The plat dedicates additional utility easements of varying sizes and widths. Adequate right-of-way currently exists along SW I Street and SW 14th Street.

(Please click on this link to access the vicinity map for this item: <https://arcg.is/08HvK8>)

Property Line Adjustment: Lot 11, Block 2, Pritchard's Addition, Holland, 703 NW 6th, R-1, Single-Family Residential, PLA20-0025

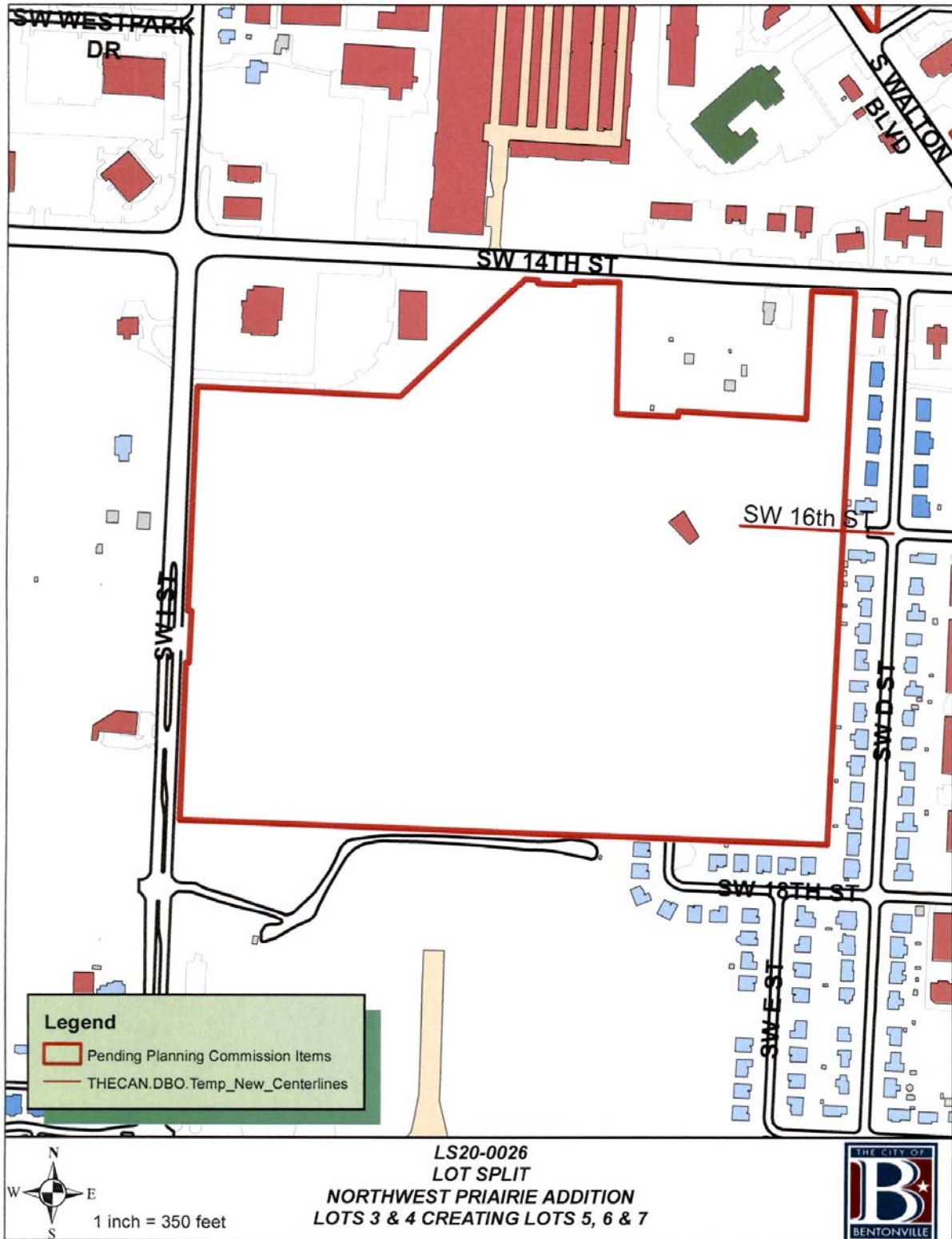
A property line adjustment of part of Lots 1 & 2, Block 2 of Pritchard's Addition, creating new Lot 11 (+/- 0.26 acres). The plat dedicates a 10-foot utility easement along NW 6th Street. Planning Commission approved a right-of-way waiver for this address on April 21, 2020.

(Please click on this link to access the vicinity map for this item: <https://arcg.is/08HvK8>)

Property Line Adjustment: Lot 11, Block 4, Young's Addition, G Street Holdings Partners, LLC, 802 SE 3rd Street, DN-4, Downtown Mixed-Use Residential, PLA20-0029

A property line adjustment of Lots 5, 7, 8, 9, and 10, Block 4, of Young's Addition, creating new Lot 11, Block 4 (+/- 1.24 acres). The plat dedicates additional right-of-way along SE 3rd Street to meet the requirements of the Master Street Plan, which designates the roadway as a Collector.

(Please click on this link to access the vicinity map for this item: <https://arcg.is/08HvK8>)



LOTS 5, 6, 7



OVERSEAS DEVELOPER INFORMATION
MVA TRAILBLAZERS
1000 SE 5TH STREET, STE. E
BENTONVILLE, ARKANSAS 72712
PH 479-25-0960



NT.S.
BENTONVILLE PROJECT #LS-20-0026

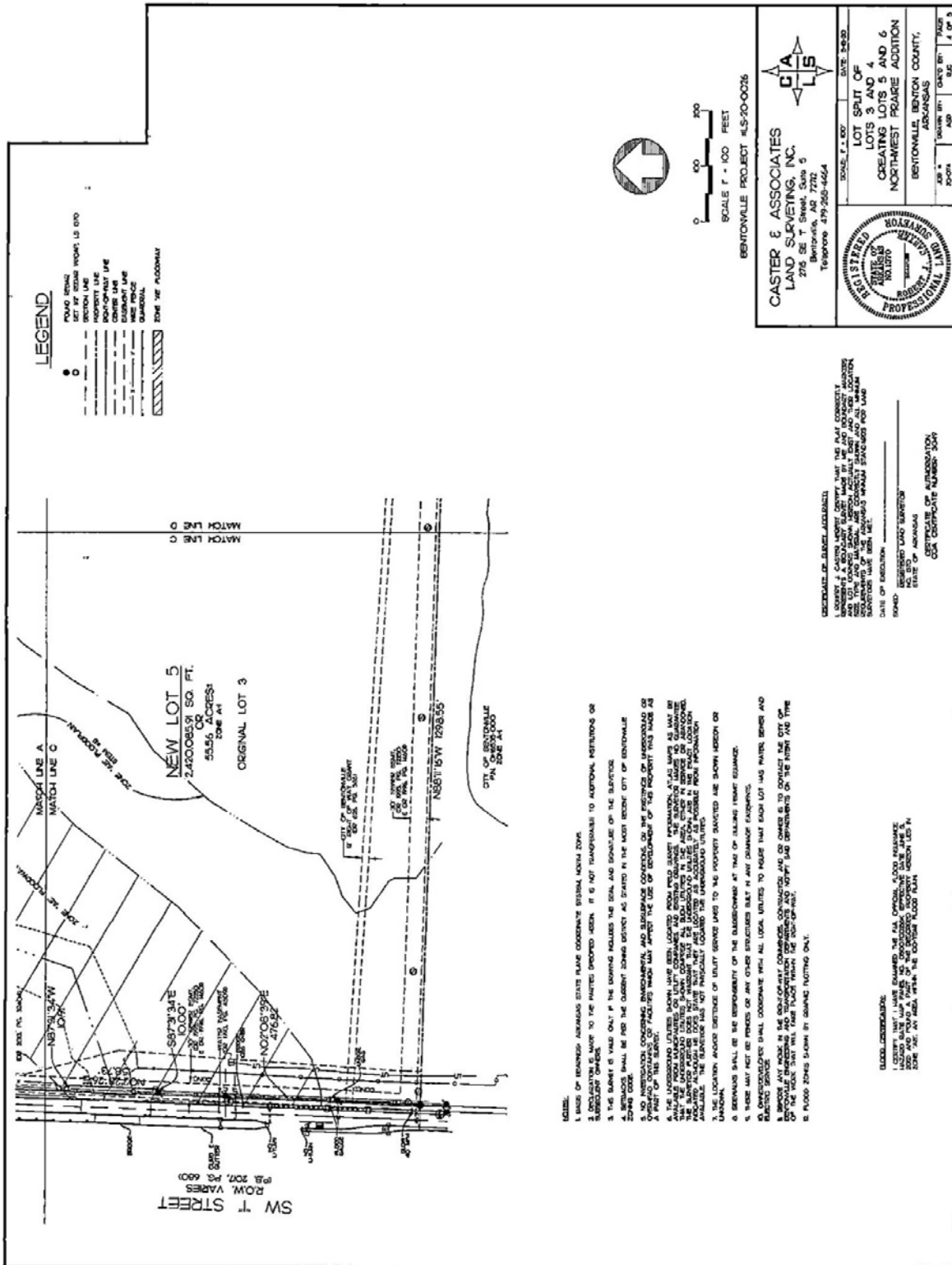
CASTER & ASSOCIATES
LAND SURVEYING, INC.
2715 SE T Street, Suite 5
El Paso, AZ 87372
Telephone 479-249-4464



SCALE: 1" = 100' DATE: 8-6-90

LOT SPLIT OF:
LOTS 3 AND 4
CREATING LOTS 5 AND 6
NORTHWEST PRARIE ADDITION

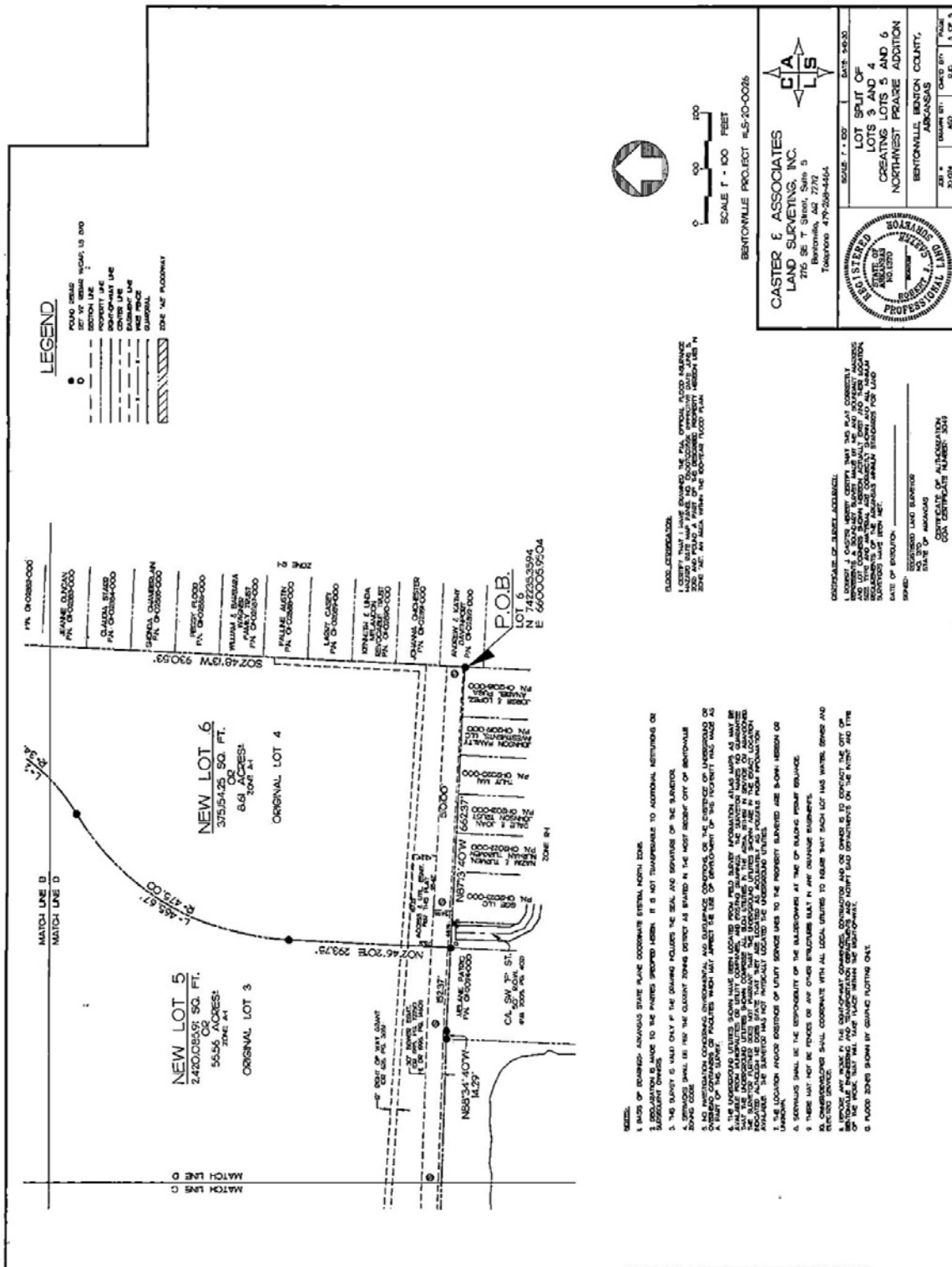
BENTONVILLE, BENTON COUNTY,
ARKANSAS



- NOTES:**
1. BASIS OF BENTONVILLE, ARKANSAS STATE PLANE COORDINATE SYSTEM, NAD 83 ZONE 10.
 2. COORDINATES ARE BASED ON THE UNITED STATES COAST AND GEODETIC SURVEY. IT IS NOT TRANSFERABLE TO ANY OTHER INSTRUMENTS OR SURVEYING METHOD.
 3. THE SURVEY IS MADE ONLY IF THE SURVEYING INCLUDES THE SIGN AND SIGNATURE OF THE SURVEYOR.
 4. THE SURVEYOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE SURVEY.
 5. NO INSTRUMENTS CONCERNING INSTRUMENTAL AND SURVEYING CONDITIONS, OR THE PRESENCE OF UNDERGROUND OR ABOVEGROUND UTILITIES, SHALL BE USED IN THE SURVEY.
 6. THE UNDERGROUND UTILITIES HAVE BEEN LOCATED AND MARKED BY THE SURVEYOR. IT IS THE RESPONSIBILITY OF THE OWNER TO PROTECT THESE UTILITIES. THE SURVEYOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE SURVEY.
 7. THE SURVEYOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE SURVEY.
 8. THE SURVEYOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE SURVEY.
 9. THE SURVEYOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE SURVEY.
 10. THE SURVEYOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE SURVEY.
 11. THE SURVEYOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE SURVEY.
 12. THE SURVEYOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE SURVEY.

DECLARATION:
I, [blank], being duly sworn, depose and say that the foregoing is a true and correct copy of the original plat as shown to me by the surveyor, and that I am a resident of the State of Arkansas.

DEPARTMENT OF REVENUE, ARKANSAS
I, [blank], being duly sworn, depose and say that the foregoing is a true and correct copy of the original plat as shown to me by the surveyor, and that I am a resident of the State of Arkansas.
DATE OF EXECUTION: [blank]
SIGNED: [blank]
NOTARY PUBLIC, STATE OF ARKANSAS
COM. EXPIRATION DATE: [blank]



ORDINANCE NO. _____

AN ORDINANCE ACCEPTING A LOT SPLIT OF LOTS 5-6 OF NORTHWEST PRAIRIE ADDITION TO THE CITY OF BENTONVILLE, ARKANSAS (PROJECT NUMBER: LS20-0026).

WHEREAS, pursuant to the provisions of Title 15 of the Bentonville Municipal Code, the lot split of Lots 5-6 of Northwest Prairie Addition, Benton County, Arkansas, was submitted to the Bentonville Planning Commission on June 2, 2020; 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 of Bentonville and, after consideration and deliberation, said Council is of the opinion 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 5-6 of Northwest Prairie 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 _____, 2020.

APPROVED:

ATTEST:

MAYOR

CITY CLERK



[illegible]

ARE THE UNDERSIGNED, OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREON, DO HEREBY CERTIFY THAT WE HAVE LAD OFF, PLATTED, AND SUBDIVIDED AND HEREBY LAY OFF, PLAT, SUBDIVIDE SAID REAL ESTATE IN ACCORDANCE WITH THIS PLAT AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC THE STREETS, ALLEYS, DRIVES, EASEMENTS, ETC., AS SHOWN ON SAID PLAT.

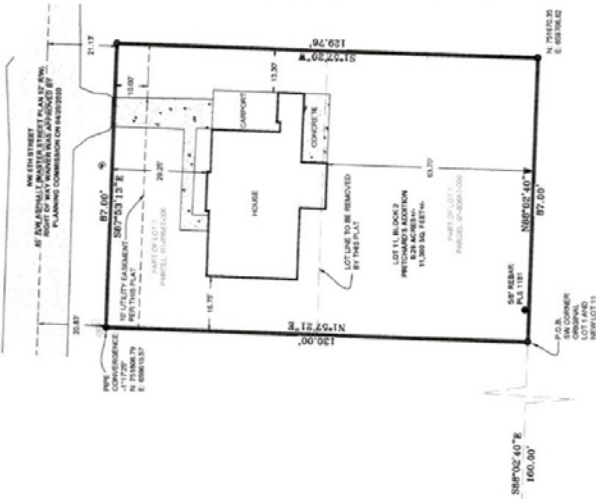
ISSUED _____ DATE _____
 ERIC HOLLAND
 ISSUED _____ DATE _____
 JAY HOLLAND
 INSTANTY _____
 STATE OF _____
 COUNTY OF _____
 SUBSCRIBED AND SIGNED BEFORE ME THIS _____
 DAY OF _____
 MY COMMISSION EXPIRES _____

CERTIFICATE OF SURVEYING AGENCY
I, MATTHEW JAMES, HEREBY CERTIFY THAT THIS PLAT
CORRECTLY REPRESENTS A BOUNDARY SURVEY MADE BY ME
AND BOUNDARY MARKERS AND LOT CORNERS SHOWN
HEREON ACTUALLY EXIST AND THEIR LOCATION, TYPE AND
REQUIREMENTS OF THIS SURVEY MEET MINIMUM STANDARDS FOR
LAND SURVEYORS HAVE BEEN MET.

DATE OF EXECUTION _____
REGISTERED LAND SURVEYOR _____
NO. 1440 STATE OF ARKANSAS

CERTIFICATE OF APPROVAL

Signed _____ COMMUNITY DEVELOPMENT DIRECTOR



PARENT DESCRIPTION: THE WEST HALF OF LOTS 1 AND 2, BLOCK 2, PITCHCOARDS ADDITION, BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN BY THE RECORDED PLAT THEREOF.

LOT 11 DESCRIPTION: 1 AND 2, BLOCK 2, PITCHCOARDS SUBDIVISION, BENTONVILLE, BRITISH COLUMBIA, BEING MORE OR LESS AS SHOWN BY THE RECORDED PLAT THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 1, BLOCK 2, OF PITCHCOARDS ADDITION, THENCE NORTH 72°12' EAST A DISTANCE OF 130.08 FEET TO A FOUND PIN; THENCE SOUTH 72°12' EAST A DISTANCE OF 87.00 FEET TO A 6" X 8" ALUMINUM PIN; THENCE SOUTH 72°12' EAST A DISTANCE OF 11.30 FEET TO A 6" X 8" ALUMINUM PIN; THENCE SOUTH 72°12' WEST A DISTANCE OF 87.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.25 ACRES OR 11,300 SQUARE FEET MORE OR LESS.

SUBJECT TO EASEMENTS, RIGHT OF WAY'S, AND PROTECTIVE COVENANTS OF RECORD, IF ANY.

SUBJECT TO ALL PRIOR REPLEVING AND OIL AND GAS RIGHTS.

9. This survey meets current "Advanced Minimum Standards for Property Boundary Surveys and Plans."
10. No abstract of title, nor this commitment, nor results of title searches were furnished to the surveyor. There may be title or other documents of record which would affect this parcel.
11. Collaboration is made in the original preparation of this survey and is not transmittable to any additional recipients or subsequent owners.
12. Parties shall be per the current zoning district as stated in the zoning ordinance. For more information, please visit the web site for more information, visit www.broward.org/planning.com or call the Planning Department at 474-2713/2722.
13. Subdivision and environmental conditions were not examined nor considered a part of this survey.

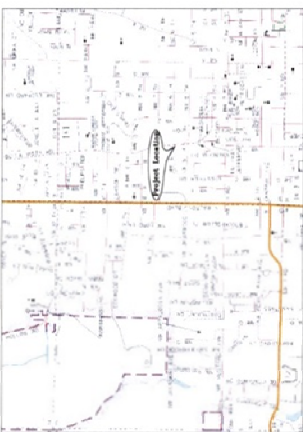
(BY GRAPHICAL PLATTING ONLY)

11. (BY GRAPHICAL PLOTTING ONLY)
This property is not located within any presently established 100-year flood plain as determined by the National Flood Insurance Program. Flood insurance rate map for Berton County, Arkansas. Map Number 05007C0090J. Revised date 09/28/2007.

	James Layout Services, LLC P.O. Box 611 Farmington, Arkansas 72730 Telephone: (479) 439-9929 surveys@jlsusa.com
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CITY OF BENTONVILLE PROJECT NUMBER: PL420-0015

SHEET NO.
1 OF 1



Vicinity Map

4420

- [illegible]

11. (BY GRAPHICAL PLOTTING ONLY)
This property is not located within any presently established 100-year flood plain as determined by the National Flood Insurance Program. Flood insurance rate map for Berton County, Arkansas. Map Number 05007C0090J. Revised date 09/28/2007.

	James Layout Services, LLC P.O. Box 611 Farmington, Arkansas 72730 Telephone: (479) 439-9929 surveys@jlsusa.com
---	--

CITY OF BENTONVILLE PROJECT NUMBER: PL420-0015

SHEET NO.
1 OF 1

ORDINANCE NO. _____

AN ORDINANCE ACCEPTING A PROPERTY LINE ADJUSTMENT OF LOT 11, BLOCK 2 OF PRITCHARD'S ADDITION TO THE CITY OF BENTONVILLE, ARKANSAS (PROJECT NUMBER: PLA20-0025).

WHEREAS, pursuant to the provisions of Title 15 of the Bentonville Municipal Code, the property line adjustment of Lot 11, Block 2 of Pritchard's Addition of the City of Bentonville, Benton County, Arkansas was submitted to the Bentonville Planning Commission on June 2, 2020; 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 for the City of Bentonville, and after consideration and deliberation, said Council is of the opinion that said property line adjustment should be approved.

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

Section 1: That the property line adjustment of Lot 11, Block 2 of Pritchard'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 property line adjustment by certifying said acceptance on the approved property line adjustment.

PASSED AND APPROVED this _____ day of _____, 2020.

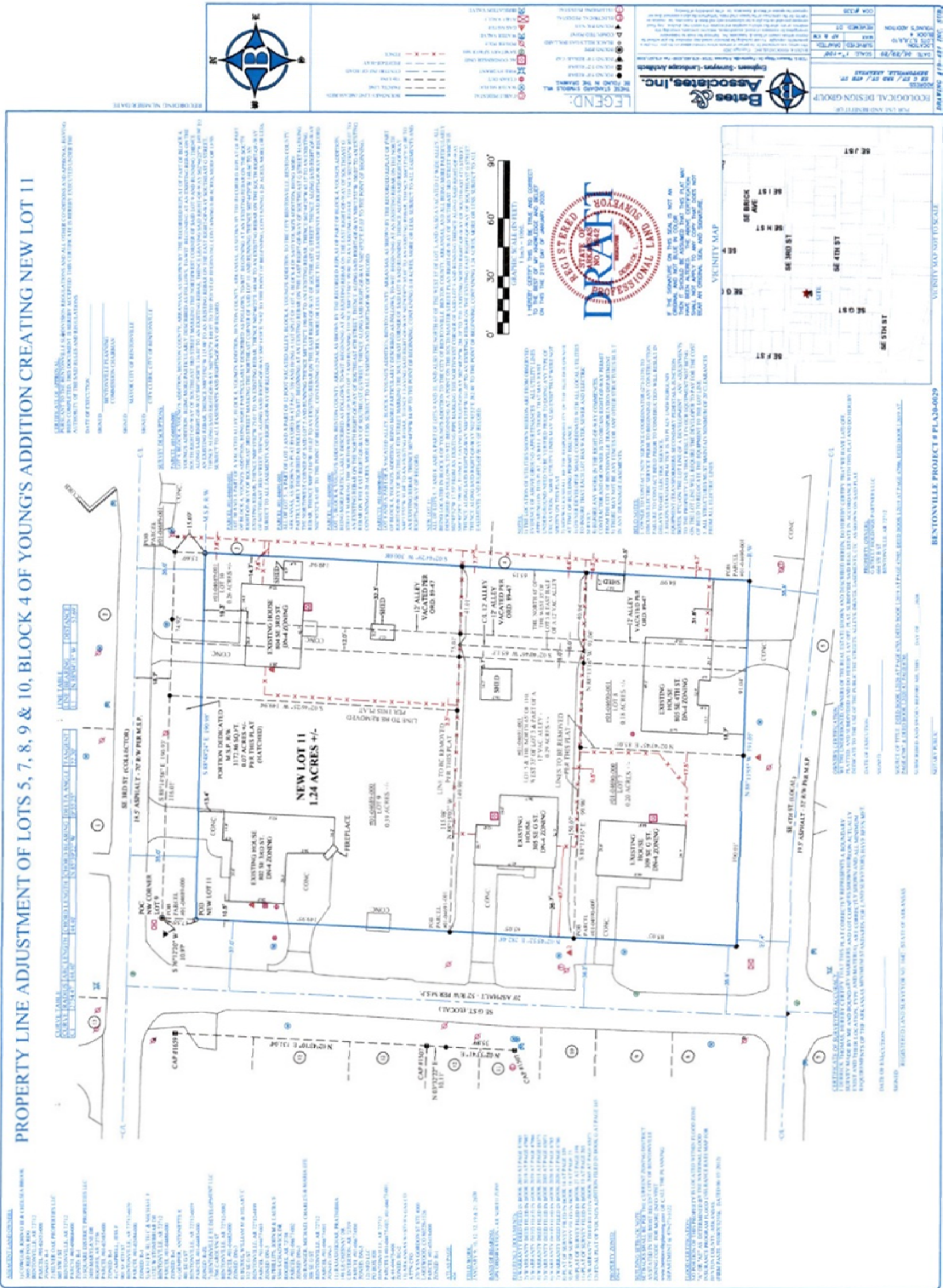
APPROVED:

ATTEST:

MAYOR

CITY CLERK





ORDINANCE NO. _____

AN ORDINANCE ACCEPTING A PROPERTY LINE ADJUSTMENT OF LOT 11, BLOCK 4 OF YOUNG'S ADDITION TO THE CITY OF BENTONVILLE, ARKANSAS (PROJECT NUMBER: PLA20-0029).

WHEREAS, pursuant to the provisions of Title 15 of the Bentonville Municipal Code, the property line adjustment of Lot 11, Block 4 of Young's Addition of the City of Bentonville, Benton County, Arkansas was submitted to the Bentonville Planning Commission on June 2, 2020; 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 for the City of Bentonville, and after consideration and deliberation, said Council is of the opinion that said property line adjustment should be approved.

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

Section 1: That the property line adjustment of Lot 11, Block 4 of Young'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 property line adjustment by certifying said acceptance on the approved property line adjustment.

PASSED AND APPROVED this _____ day of _____, 2020.

APPROVED:

ATTEST:

MAYOR

CITY CLERK

LOT SPLIT ADJUSTMENT STAFF REPORT



Lots 24 & 25, Clarks Addition

211 SW F Street

PC Date: 6/2/2020

Reviewer: Tyler Overstreet, Senior Planner, AICP

Project Number	LS20-0014
Applicant / Current Owner	AP RE and Development, LLC PO Box 2591 Bentonville, AR 72712
Site Area	+/- .32 acres
Current Zoning	DN-2, Downtown Medium-Density Residential
Future Land Use Map Designation	Medium Density Residential (MDR)

<https://arcgis/08HvK8>

Location Map



Property Description

This property is located at 211 SW F Street. The Planning Commission rezoned this property to DN-2, Downtown Medium-Density Residential on April 7, 2020.

Project Details

A Lot Split of the north half of Lot 3 of Clark's Addition, creating new Lots 24 & 25. There is an existing shared access easement along the common lot line. This easement will serve to side or rear load the garages for both the lots. The plat dedicates approximately 1.5-feet of right-of-way along SW F Street to meet the requirements of the Master Street Plan.

Waivers

There are no waivers associated with this Lot Split.

Analysis and Recommendation

The lot split meets all of the minimum requirements of the City of Bentonville Land Development Code. In addition, the shared access easement accomplishes the Downtown Neighborhood Subarea Plan's goal of orienting garages away from the public street. Planning Staff recommends approval of the project.

Standard Conditions of Approval

1. Provide a digital copy of the plat.
2. Address all technical review comments prior to filing or requesting a building permit.

NOTES

- **Sidewalks.** Sidewalk installation will be the responsibility of individual lot owners at the time of building permit.

LOT SPLIT **PART OF LOT 3, CLARK'S ADDITION** **CREATING LOTS 24 & 25** **BENTONVILLE, ARKANSAS**

CLARK'S
 1001 N. 1st Street
 Bentonville, AR 72712
 479-644-8738
 jordan@clarksc.com



- SURVEY NOTES:**
1. Survey was conducted on-site on 10/10/17. The survey was performed in accordance with the following: Arkansas Surveying and Mapping Act, Chapter 144, Arkansas Code, Annotated, 2015 Edition, and the International Surveying and Mapping Act, Chapter 144, Arkansas Code, Annotated, 2015 Edition.
 2. The survey was conducted in accordance with the following: Arkansas Surveying and Mapping Act, Chapter 144, Arkansas Code, Annotated, 2015 Edition, and the International Surveying and Mapping Act, Chapter 144, Arkansas Code, Annotated, 2015 Edition.
 3. The survey was conducted in accordance with the following: Arkansas Surveying and Mapping Act, Chapter 144, Arkansas Code, Annotated, 2015 Edition, and the International Surveying and Mapping Act, Chapter 144, Arkansas Code, Annotated, 2015 Edition.
 4. The survey was conducted in accordance with the following: Arkansas Surveying and Mapping Act, Chapter 144, Arkansas Code, Annotated, 2015 Edition, and the International Surveying and Mapping Act, Chapter 144, Arkansas Code, Annotated, 2015 Edition.
 5. The survey was conducted in accordance with the following: Arkansas Surveying and Mapping Act, Chapter 144, Arkansas Code, Annotated, 2015 Edition, and the International Surveying and Mapping Act, Chapter 144, Arkansas Code, Annotated, 2015 Edition.
 6. The survey was conducted in accordance with the following: Arkansas Surveying and Mapping Act, Chapter 144, Arkansas Code, Annotated, 2015 Edition, and the International Surveying and Mapping Act, Chapter 144, Arkansas Code, Annotated, 2015 Edition.
 7. The survey was conducted in accordance with the following: Arkansas Surveying and Mapping Act, Chapter 144, Arkansas Code, Annotated, 2015 Edition, and the International Surveying and Mapping Act, Chapter 144, Arkansas Code, Annotated, 2015 Edition.
 8. The survey was conducted in accordance with the following: Arkansas Surveying and Mapping Act, Chapter 144, Arkansas Code, Annotated, 2015 Edition, and the International Surveying and Mapping Act, Chapter 144, Arkansas Code, Annotated, 2015 Edition.
 9. The survey was conducted in accordance with the following: Arkansas Surveying and Mapping Act, Chapter 144, Arkansas Code, Annotated, 2015 Edition, and the International Surveying and Mapping Act, Chapter 144, Arkansas Code, Annotated, 2015 Edition.
 10. The survey was conducted in accordance with the following: Arkansas Surveying and Mapping Act, Chapter 144, Arkansas Code, Annotated, 2015 Edition, and the International Surveying and Mapping Act, Chapter 144, Arkansas Code, Annotated, 2015 Edition.
 11. The survey was conducted in accordance with the following: Arkansas Surveying and Mapping Act, Chapter 144, Arkansas Code, Annotated, 2015 Edition, and the International Surveying and Mapping Act, Chapter 144, Arkansas Code, Annotated, 2015 Edition.
 12. The survey was conducted in accordance with the following: Arkansas Surveying and Mapping Act, Chapter 144, Arkansas Code, Annotated, 2015 Edition, and the International Surveying and Mapping Act, Chapter 144, Arkansas Code, Annotated, 2015 Edition.
 13. The survey was conducted in accordance with the following: Arkansas Surveying and Mapping Act, Chapter 144, Arkansas Code, Annotated, 2015 Edition, and the International Surveying and Mapping Act, Chapter 144, Arkansas Code, Annotated, 2015 Edition.
 14. The survey was conducted in accordance with the following: Arkansas Surveying and Mapping Act, Chapter 144, Arkansas Code, Annotated, 2015 Edition, and the International Surveying and Mapping Act, Chapter 144, Arkansas Code, Annotated, 2015 Edition.
 15. The survey was conducted in accordance with the following: Arkansas Surveying and Mapping Act, Chapter 144, Arkansas Code, Annotated, 2015 Edition, and the International Surveying and Mapping Act, Chapter 144, Arkansas Code, Annotated, 2015 Edition.
 16. The survey was conducted in accordance with the following: Arkansas Surveying and Mapping Act, Chapter 144, Arkansas Code, Annotated, 2015 Edition, and the International Surveying and Mapping Act, Chapter 144, Arkansas Code, Annotated, 2015 Edition.
 17. The survey was conducted in accordance with the following: Arkansas Surveying and Mapping Act, Chapter 144, Arkansas Code, Annotated, 2015 Edition, and the International Surveying and Mapping Act, Chapter 144, Arkansas Code, Annotated, 2015 Edition.
 18. The survey was conducted in accordance with the following: Arkansas Surveying and Mapping Act, Chapter 144, Arkansas Code, Annotated, 2015 Edition, and the International Surveying and Mapping Act, Chapter 144, Arkansas Code, Annotated, 2015 Edition.
 19. The survey was conducted in accordance with the following: Arkansas Surveying and Mapping Act, Chapter 144, Arkansas Code, Annotated, 2015 Edition, and the International Surveying and Mapping Act, Chapter 144, Arkansas Code, Annotated, 2015 Edition.
 20. The survey was conducted in accordance with the following: Arkansas Surveying and Mapping Act, Chapter 144, Arkansas Code, Annotated, 2015 Edition, and the International Surveying and Mapping Act, Chapter 144, Arkansas Code, Annotated, 2015 Edition.

CERTIFICATE OF APPROVAL:

I, the undersigned, being duly qualified and sworn to by the City of Bentonville, Arkansas, do hereby certify that the foregoing plat is a true and correct copy of the original plat as filed in the City of Bentonville, Arkansas, and that the same is in accordance with the provisions of the Arkansas Surveying and Mapping Act, Chapter 144, Arkansas Code, Annotated, 2015 Edition, and the International Surveying and Mapping Act, Chapter 144, Arkansas Code, Annotated, 2015 Edition.

 City Clerk



LEGAL DESCRIPTION PER L200007192:
 The portion of Lot 3, Clark's Addition, in the City of Bentonville, Benton County, Arkansas, as shown on Plat Book 1, Page 18, in the Official Public Records of Benton County, Arkansas, being more particularly described as follows:

SURVEY DESCRIPTION LOT 24:
 The portion of Lot 3, Clark's Addition, in the City of Bentonville, Benton County, Arkansas, as shown on Plat Book 1, Page 18, in the Official Public Records of Benton County, Arkansas, being more particularly described as follows:

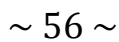
SURVEY DESCRIPTION LOT 25:
 The portion of Lot 3, Clark's Addition, in the City of Bentonville, Benton County, Arkansas, as shown on Plat Book 1, Page 18, in the Official Public Records of Benton County, Arkansas, being more particularly described as follows:

CERTIFICATE OF OWNERSHIP:

I, the undersigned, being duly qualified and sworn to by the City of Bentonville, Arkansas, do hereby certify that the foregoing plat is a true and correct copy of the original plat as filed in the City of Bentonville, Arkansas, and that the same is in accordance with the provisions of the Arkansas Surveying and Mapping Act, Chapter 144, Arkansas Code, Annotated, 2015 Edition, and the International Surveying and Mapping Act, Chapter 144, Arkansas Code, Annotated, 2015 Edition.

 City Clerk

Surveyor's Project Number:
 L200007192



ORDINANCE NO. _____

AN ORDINANCE ACCEPTING A LOT SPLIT OF LOTS 24-25 OF CLARKS
ADDITION TO THE CITY OF BENTONVILLE, ARKANSAS (PROJECT
NUMBER: LS20-0014).

WHEREAS, pursuant to the provisions of Title 15 of the Bentonville Municipal Code, the lot split of Lots 24-25 of Clarks Addition, Benton County, Arkansas, was submitted to the Bentonville Planning Commission on June 2, 2020; 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 of Bentonville and, after consideration and deliberation, said Council is of the opinion 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 24-25 of Clarks 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 _____, 2020.

APPROVED:

ATTEST:

MAYOR

CITY CLERK

REZONING STAFF REPORT



The Reserve Bentonville

SW Regional Airport Boulevard & Greenhouse Road

PC Date: 4/21/2020

Reviewer: Jon Stanley, Senior Planner

Project Number	PRD19-0003
Applicant / Current Owner	Paul & Sue Ollar 2822 Highland Drive Rogers, AR 72756
Site Area	+/- 23.50 acres
Current Zoning	A-1, Agricultural
Requested Zoning	PRD, Planned Residential Development
Future Land Use Map Designation	Open Space

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

Location Map



Property Description

A planned residential development to develop 300 multi-family apartment units and 36 townhome units with a maximum density of 14 units/acre. All housing units are located to the south of Little Osage Creek Tributary 2 and the 300+ feet wide existing vegetative buffer will remain mostly intact. The development intends to utilize the natural beauty of the creek by constructing a portion of a 10' wide trail as depicted in the city's Bicycle & Pedestrian Master Plan. Other site amenities include an on-site community center and various neighborhood park facilities to meet the open space requirements for PRD's. The proposed extension of SW Deerfield Boulevard as a private street will traverse the development from west to east.

Adjacent zonings are a single-family subdivision located in the City of Centerton to the north, PUD and R-2 to the east, C-2 and R-O to the south.

Relationship to the General Plan

The Future Land Use Plan currently depicts this property as open space. Open space areas typically include undeveloped areas that are either actively preserved or have significant challenges to develop, such as flood plains or wetlands. While a portion of this property can be identified as such, there is a large portion of the property that is developable and does not fall within the description of the open space land use designation and lends itself to more intense uses.

At 8-14 units per acre, the density that is proposed within this PRD is consistent with the adjacent medium density residential developments located to the south and east and offers a variety of housing types, including a balance of townhouse and multi-family units. The proposed density and character of this planned residential development is compatible with the existing development within the surrounding area.

Conclusion

The proposed planned residential development is compatible with surrounding uses to the south and east. It will serve as a transition from the arterial streets that border the property to the south and east and single-family developments to the north and west. There is a 330-foot +/- existing floodplain between this property and the residential developments to the north that will serve as a natural buffer between the two uses. Site design, traffic and storm water concerns shall all be addressed at the time of large scale development. Staff recommends approval.

REZONING STAFF REPORT



The Reserve Bentonville

SW Regional Airport Blvd & Greenhouse Road

PC Date: 1/21/2020

Reviewer: Jon Stanley, Senior Planner

Project Number	PRD19-0003
Applicant / Current Owner	Paul & Sue Ollar 2822 Highland Drive Rogers, AR 72756
Site Area	+/- 23.50 acres
Current Zoning	A-1, Agricultural
Requested Zoning	PRD, Planned Residential Development
Future Land Use Map Designation	Open Space

Property Description

A planned residential development to develop 300 multi-family apartment units and 36 townhome units with a maximum density of 14 units/acre. All housing units are located to the south of Little Osage Creek Tributary 2 and the 300+ feet wide existing vegetative buffer will remain mostly intact. The development intends to utilize the natural beauty of the creek by constructing a portion of a 10' wide trail as depicted in the city's Bicycle & Pedestrian Master Plan. Other site amenities include an on-site community center and various neighborhood park facilities to meet the open space requirements for PRD's. The proposed extension of SW Deerfield Blvd. as a private street will traverse the development from west to east.

Adjacent zonings are a single-family subdivision located in the City of Centerton to the north, PUD and R-2 the east, C-2 and R-O to the south.

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

Location Map



Relationship to the General Plan

The Future Land Use Plan currently depicts this property as open space. Open space areas typically include undeveloped areas that are either actively preserved or have significant challenges to develop, such as flood plains or wetlands. While a portion of this property can be identified as such, there is a large portion of the property that is developable and does not fall within the description of the open space land use designation and lends itself to more intense uses.

At 8-14 units per acre, the density that is proposed within this PRD is consistent with the adjacent medium density residential developments located to the south and east and offers a variety of housing types, including a balance of townhouse and multi-family units. The proposed density and character of this planned residential development is compatible with the existing development within the surrounding area.

Conclusion

The proposed planned residential development is compatible with surrounding uses to the south and east. It will serve as a transition from the arterial streets that border the property to the south and east and single-family developments to the north and west. Staff recommends approval.



THIS PROJECT WAS DESIGNED BY
BLUE ROCK DESIGN · BUILD
FOR THE PROJECTS AND
SPECIFICATIONS
DATE: 11.27.19

PROJECT: 19-130

DATE: 11.27.19

PROJECT: 19-130

DATE: 11.27.19

PROJECT: 19-130

DATE: 11.27.19

PROJECT: 19-130

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PROJECT: 19-130

DATE: 11.27.19

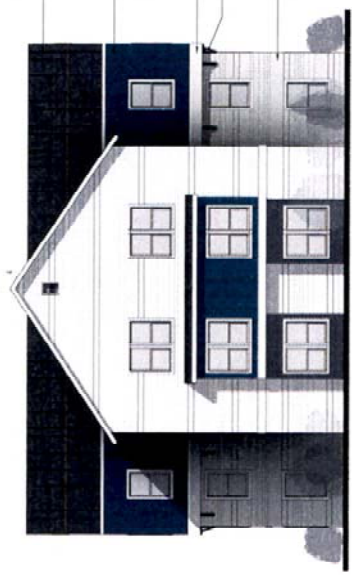
PROJECT: 19-130

DATE: 11.27.19

MF1.0

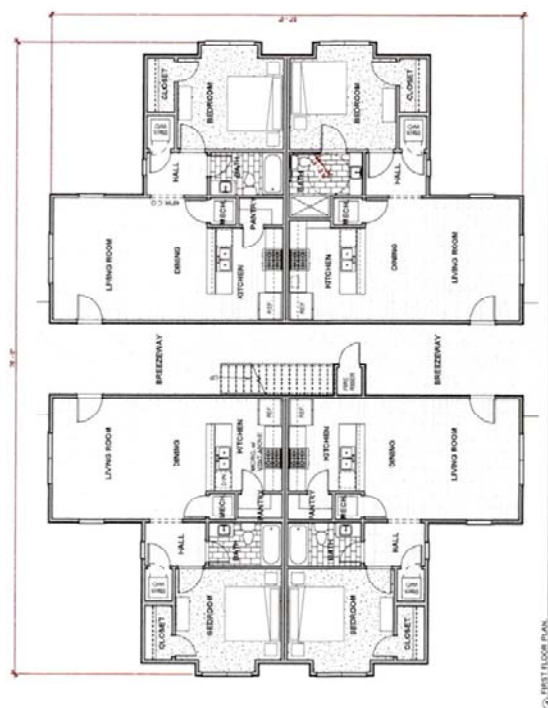


1 FRONT ELEVATION
3/4" = 1'-0"

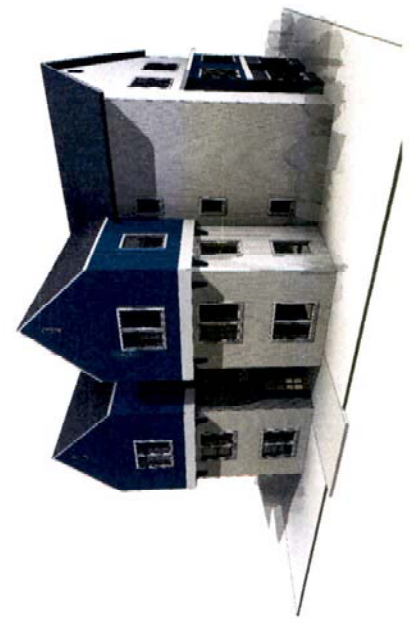


2 SIDE ELEVATION
3/4" = 1'-0"

AREA SCHEDULE			
NAME	LEVEL	AREA	NET GL.
FOUNDATION	1ST	1,000.00	21.0
FOUNDATION	2ND	1,000.00	21.0



3 FIRST FLOOR PLAN
3/4" = 1'-0"



4 PERSPECTIVE VIEW - 1 BEDROOM
3/4" = 1'-0"



2 BEDROOM
PLAN
FURNITURE &
3D RENDER

DATE

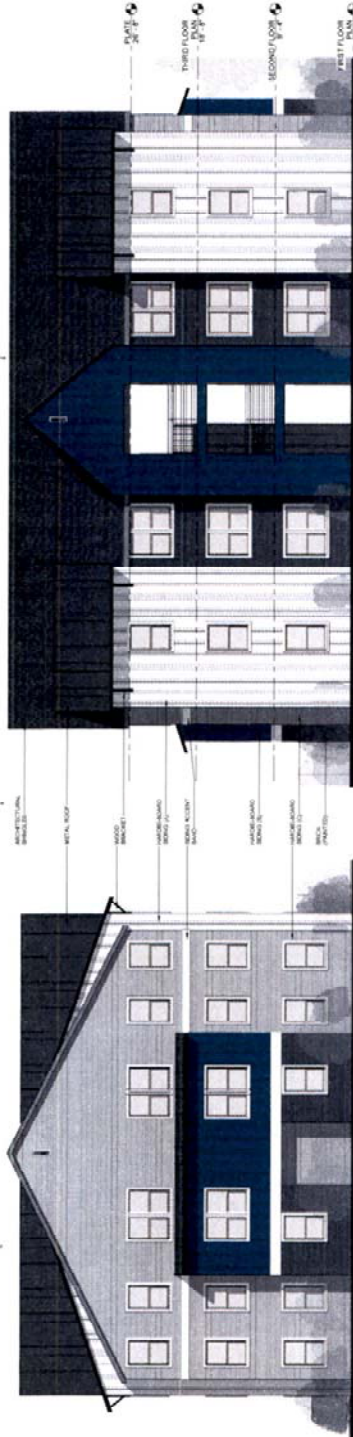
PROJECT

DATE

11.7.18

19.100

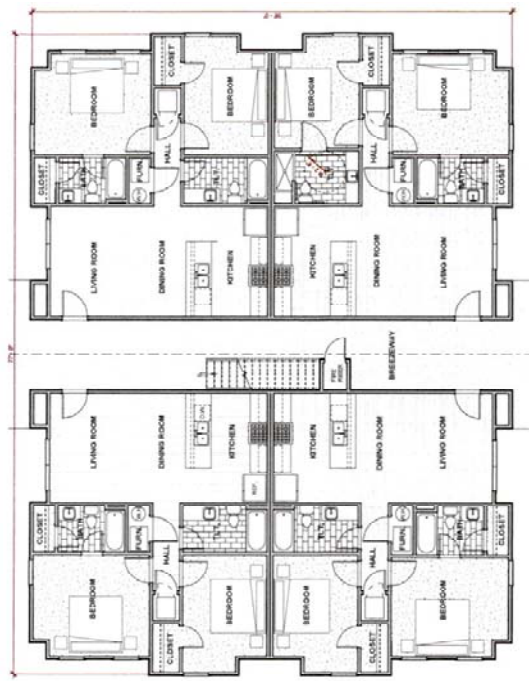
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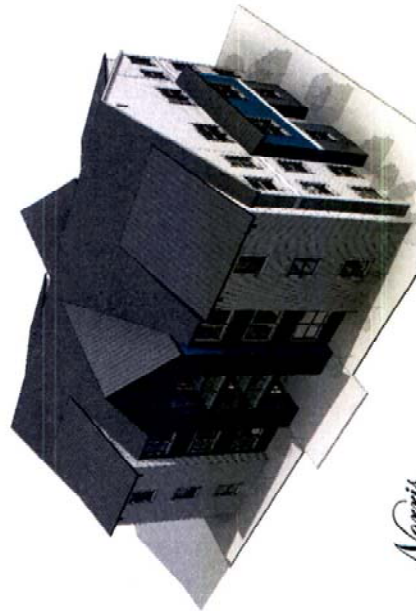
① SIDE ELEVATION
3'0" x 11'0"

② FRONT ELEVATION
3'0" x 11'0"

AREA SCHEDULE			
NAME	AREA	UNIT	AMOUNT
FLOORING - CARPET	1,200.00	SQ. FT.	1,200.00
FLOORING - HARDWOOD	1,200.00	SQ. FT.	1,200.00
FLOORING - TILE	1,200.00	SQ. FT.	1,200.00
FLOORING - VINYL	1,200.00	SQ. FT.	1,200.00
FLOORING - OTHER	1,200.00	SQ. FT.	1,200.00
FLOORING - TOTAL	5,000.00	SQ. FT.	5,000.00

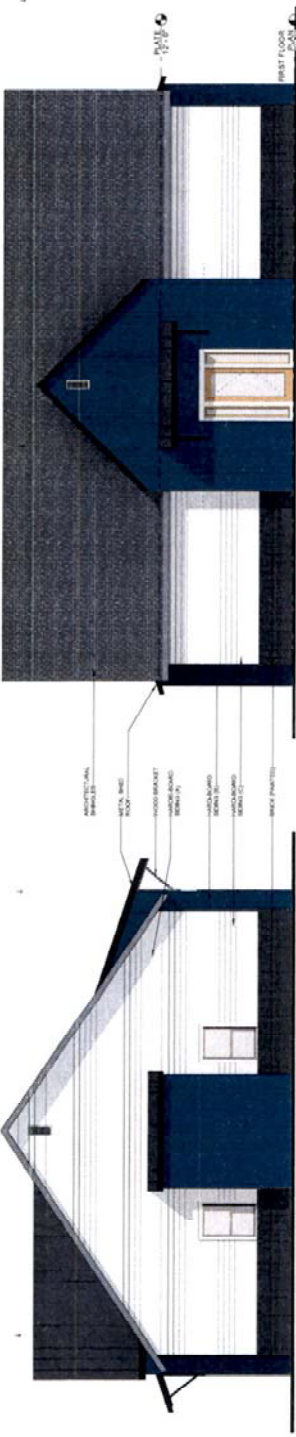


③ FIRST FLOOR PLAN
3'0" x 11'0"



Norris
SEP 2017

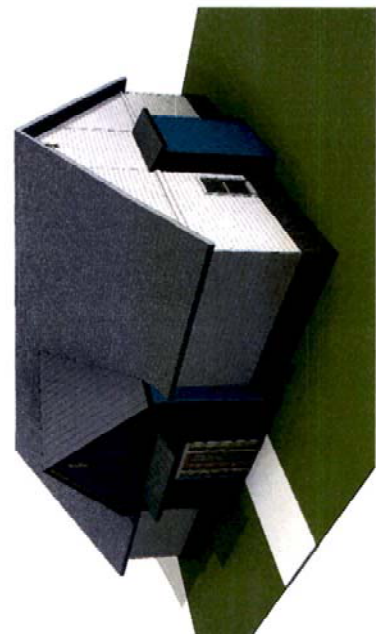
④ 3D RENDERING OF BUILDING



① SIDE ELEVATION
14' x 14'

② FRONT ELEVATION
14' x 14'

AREA SCHEDULE			
NAME	AREA	PERIMETER	REMARKS
FOOTPRINT	1,170.00	117.00	
FOOTPRINT + 10% PAD	1,287.00	128.70	



③ PERSPECTIVE VIEW



④ FIRST FLOOR PLAN (UNIT 1)
14' x 14'



ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF A-1, Agricultural TO PRD, Planned Residential Development (Project number: PRD19-0003).

WHEREAS, Paul & Sue Ollar duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of A-1, Agricultural to PRD, Planned Residential Development to be used in accordance with city zoning laws and state laws, which property is described as follows:

A PART OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION ELEVEN (11), TOWNSHIP NINETEEN NORTH (T-19-N), RANGE THIRTY-ONE WEST (R-31-W) OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE SW 1/4 OF THE NW 1/4 (W 1/4 CORNER) OF SAID SECTION 11, SAID POINT BEING A FOUND NAIL IN CAP; THENCE ALONG THE WEST LINE OF SAID SW 1/4 OF THE NW 1/4, N02°23'38"E A DISTANCE OF 344.09 FEET TO THE POINT OF BEGINNING, SAID POINT BEING A SET IRON PIN WITH CAP "PLS 1156"; THENCE CONTINUING ALONG SAID WEST LINE, N02°23'38"E A DISTANCE OF 975.28 FEET TO THE NORTHWEST CORNER OF SAID SW 1/4 OF THE NW 1/4 AND A FOUND ALUMINUM MONUMENT "PLS 1005"; THENCE LEAVING SAID WEST LINE AND ALONG THE NORTH LINE OF SAID SW 1/4 OF THE NW 1/4, S87°41'39"E A DISTANCE OF 665.56 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE LEAVING SAID NORTH LINE, S02°19'11"W A DISTANCE OF 330.00 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE S87°41'39"E A DISTANCE OF 660.00 FEET TO THE EAST LINE OF SAID SW 1/4 OF THE NW 1/4 AND A COMPUTED POINT IN GREENHOUSE ROAD; THENCE ALONG THE EAST LINE OF SAID SW 1/4 OF THE NW 1/4 AND ALONG GREENHOUSE ROAD, S02°19'11"W A DISTANCE OF 362.58 FEET TO A COMPUTED POINT ON THE ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT RIGHT OF WAY; THENCE LEAVING SAID EAST LINE AND GREENHOUSE ROAD AND ALONG SAID RIGHT OF WAY, N87°39'36"W A DISTANCE OF 44.39 FEET TO A FOUND IRON PIN WITH CAP "GARVER LLC 1392"; THENCE S13°07'02"W A DISTANCE OF 119.86 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE LEAVING SAID RIGHT OF WAY, N87°14'20"W A DISTANCE OF 238.94 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE S02°45'40"W A DISTANCE OF 175.00 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE N87°14'20"W A DISTANCE OF 1019.73 FEET TO THE POINT OF BEGINNING, CONTAINING 23.47 ACRES, MORE OR LESS, AND SUBJECT TO THE RIGHT OF WAY OF GREENHOUSE ROAD ON THE EAST SIDE THEREOF AND ALL RIGHTS OF WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT; and,

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held April 21, 2020 in the Council Chambers of the City of Bentonville; and,

WHEREAS, public 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 Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification of A-1, Agricultural to PRD, Planned Residential Development.

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

Section 1: That the above described real property is hereby changed from its present zoning classification of A-1, Agricultural to PRD, Planned Residential Development to be used in accordance with the city zoning laws and state laws.

PASSED AND APPROVED this _____ day of _____, 2020.

APPROVED:

ATTEST:

MAYOR

CITY CLERK

RECORD OR FACT.

The common description of the property is: Parcel Number 01-07937-010 (±40 Acre Tract at Intersection of Greenhouse Rd. & SW Regional Airport Blvd.)

Proposed land use: Multi-Family Residential Development

The public hearing will be held January 21, 2020 at 5:00 p.m. It will be held at 305 SW A Street.

This notification is in response to the requirement that all property owners within 200 feet of said property must be notified. If you wish to express any comments about the requested rezoning, you may respond by the following methods:

1. Attend the public hearing and express your views.
2. Express your opinion in writing to the Planning Commission. You may mail this or deliver it to the City of Bentonville Planning Department, 305 SW A Street, Bentonville, AR 72712.
3. Use the bottom of this form to express your opinion by checking the appropriate box. (This may also be delivered or mailed to the above address.)

For more information, you may call the Planning Department at (479)271-3122 extension 2.

I/We have received notice of the public hearing for the rezoning of the above described property and:

☐ I/we have no objections to the rezoning.

☒ I/we object to the rezoning because:

Greenhouse road cannot handle the traffic of this magnitude @ drive time!
I don't believe "multi-family residential" units should
be placed in an area of single family homes. Also the auto
traffic created by what would be approx 1000 residents would create
a problem.



Bentonville, AR

RECORD OR FACT.

The common description of the property is: Parcel Number 01-07937-010 (±40 Acre Tract at Intersection of Greenhouse Rd. & SW Regional Airport Blvd.)

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☒ I/we object to the rezoning because:

The proposal does not meet criteria for rezoning. It does not adhere to land use plan, it is incompatible with the surrounding properties, and there is insufficient road infrastructure to handle the dramatic increase in traffic that will occur if rezoning is permitted. There is no circumstance justifying the rezoning.

- The proposed rezoning is Inconsistent with the neighborhood context
- There has been no change in the neighborhood justifying the Re-zoning
- Additional traffic created by this proposal can cause safety issues and more accidents

RECORD OR FACT.

The common description of the property is: Parcel Number 01-07937-010 (±40 Acre Tract at Intersection of Greenhouse Rd. & SW Regional Airport Blvd.)

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I/We have received notice of the public hearing for the rezoning of the above described property and:

☐ I/we have no objections to the rezoning.

☒ I/we object to the rezoning because:

- adverse effects -
a) increased traffic in already congested area b) area is single family homes w/young kids - decrease value in neighborhoods; safety concerns for the area; lighting from apartments detrimental to enjoyment of homes in surrounding areas c) destruction of trees/beauty of area d) over abundance of apartments in area

Bentonville, AR 72713

RECORD OR FACT.

The common description of the property is: Parcel Number 01-07937-010 (±40 Acre Tract at Intersection of Greenhouse Rd. & SW Regional Airport Blvd.)

Proposed land use: Multi-Family Residential Development

The public hearing will be held January 21, 2020 at 5:00 p.m. It will be held at 305 SW A Street.

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For more information, you may call the Planning Department at (479)271-3122 extension 2.

I/We have received notice of the public hearing for the rezoning of the above described property and:

- ☐ I/we have no objections to the rezoning.
☒ I/we object to the rezoning because:

WE DEFINITELY + STRONGLY OBJECT TO MULTI-FAMILY RESIDENTIAL DEVELOPMENTS OF ANY FORM
IN THE ABOVE MENTIONED PARCEL. A RESIDENTIAL SUBDIVISION SIMILAR TO THE ONE WE LIVE IN,
QUAIL RIDGE, WOULD BE OKAY. THANKS!

Si

RECORD OR FACT.

The common description of the property is: Parcel Number 01-07937-010 (±40 Acre Tract at Intersection of Greenhouse Rd. & SW Regional Airport Blvd.)

Proposed land use: Multi-Family Residential Development

The public hearing will be held January 21, 2020 at 5:00 p.m. It will be held at 305 SW A Street.

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For more information, you may call the Planning Department at (479)271-3122 extension 2.

I/We have received notice of the public hearing for the rezoning of the above described property and:

- ☐ I/we have no objections to the rezoning.
☒ I/we object to the rezoning because:

Area is a flood plain. Why was this area zoned agricultural? Greenhouse road is insufficient for the current traffic level.



RECORD OR FACT.

The common description of the property is: Parcel Number 01-07937-010 (±40 Acre Tract at Intersection of Greenhouse Rd. & SW Regional Airport Blvd.)

Proposed land use: Multi-Family Residential Development

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For more information, you may call the Planning Department at (479)271-3122 extension 2.

I/We have received notice of the public hearing for the rezoning of the above described property and:

☐ I/we have no objections to the rezoning.

☒ I/we object to the rezoning because:

The complex will essentially be right
behind our fence! I'm not sure how they plan to cover the enormous
acres bed? Traffic on both Greenhouse and Airport roads is terrible as it
is. At a standstill in the mornings and evenings. This will devalue our

beloved neighborhood! We can't handle another 300 people
on these roads. The schools are packed. There is going to
be a major traffic issue created on the corner. Please DO NOT
PASS THIS!

Alison Worley

From: Stan Ackerman [REDACTED]
Sent: Tuesday, April 21, 2020 12:08 PM
To: Planning
Subject: Apartment complex planned for the west corner of Greenhouse road and Airport road HW12

I am against putting the apartment complex in on the west corner of Greenhouse and Airport road. "I" street has apartments going up like there is a gold rush and I don't believe they will be fully occupied when finished.

All these apartments will bring increased traffic to a current overly used Greenhouse Road. Prior to Covid-19 Greenhouse was like a freeway all day and you had to wait several minutes to pull out from 28th street. More residents will only increase an over used road.

Also, it has been my experience that more apartments, will in the long run decrease property values for us home owners.

I would highly recommend not building anymore apartments in West Bentonville.

Stan Ackerman
[REDACTED]

Sent from my iPad



April 21, 2020

Re: "The Reserve Bentonville" - rezoning at Greenhouse Rd. and Regional Airport Blvd

To Whom It My Concern,

My family lives in Quail Ridge subdivision. I have been a resident of northwest Arkansas for 21 years, and I value our quality of life. Thank you for your efforts to help ensure that residents continue to thrive in this community and enjoy life here.

The primary issue we face pertains to traffic congestion, flow, and the city's and/or county's little oversight to prevent accidents (vehicle, bicycling, or pedestrian).

I urge the council NOT to approve the construction of "The Reserve Bentonville" across from Kum & Go at the south part of Greenhouse Rd.

While I don't have information pertaining to the number of accidents, I can tell you how it *feels* to leave the neighborhood to go to work or the grocery store – events that should be done without fear. I can also tell you how it *feels* to be a mother of two teenage drivers that traverse the same course. There is already too much traffic and it is stressful and hurried to simply even turn onto Greenhouse Rd. or Regional Airport Blvd.; it is that much more stressful to cross a lane of traffic or the intersection. The potential for collisions is constant and consistent. The traffic does not slow... Additionally, two Walmart distribution centers are nearby so commercial traffic and large semi-trucks pose an increased threat.

My concern pertains to the increased multitude of people and vehicles. There is simply NOT enough well-designed traffic flow to facilitate the development under review. If the information I received regarding the planned building of The Reserve Bentonville at 25 apartment buildings (300 units), plus 9 townhome buildings (36 units), plus 2 tenant storage buildings, and a club house is accurate, the infrastructure does not exist to handle the additional capacity!

Our neighborhood, and those surrounding us, were built with the area now under review as an Agricultural District and the area should remain as such.

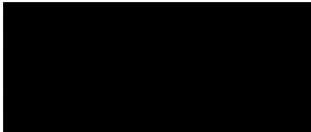
The council's recent notes said that the proposed planned residential development would serve as a transition from the arterial streets that border the property to the south and east and single-family developments to the north and west. In fact...the only feasible transition from these streets and neighborhoods is something that would NOT INCREASE TRAFFIC.

Additionally, because Greenhouse Rd. is a dividing line between Bentonville and Centerton, the traffic flow is not well-managed. The governing entities don't appear to be coordinating surveys, studies, or traffic flow reports. It's my understanding that this project has already been denied once before on the basis of traffic concerns.

I urge you to DENY this project, and desist in future considerations for multi-family units in this location. It would be fabulous to see this area become a park or a continuation of our awesome recreation/bike/walking trail system.

Thank you for your consideration,

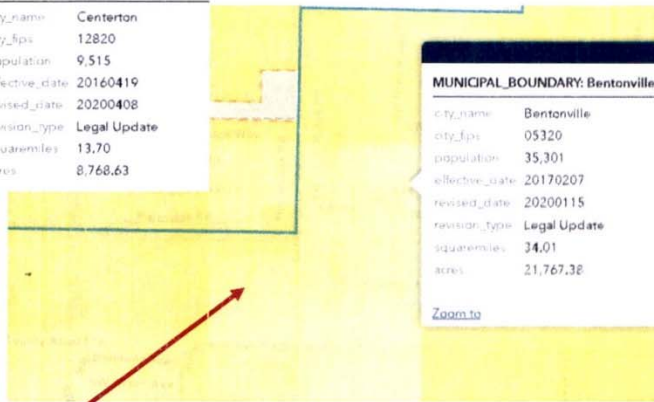
Kristin Frei





MUNICIPAL_BOUNDARY: Centerton

city_name: Centerton
 city_fips: 12820
 population: 9,515
 effective_date: 20160419
 revised_date: 20200408
 revision_type: Legal Update
 squaremiles: 13.70
 acres: 8,768.63



MUNICIPAL_BOUNDARY: Bentonville

city_name: Bentonville
 city_fips: 05320
 population: 35,301
 effective_date: 20170207
 revised_date: 20200115
 revision_type: Legal Update
 squaremiles: 34.01
 acres: 21,767.38

[Zoom to](#)

Area in consideration allows for ill-conceived traffic and property management given the municipal boundaries.

21 April 2020

Subject: "The Reserve Bentonville", PRD19-0003

Dear Commissioners,

I am writing in opposition to "The Reserve Bentonville" located on SW Regional Airport Blvd. (hereafter, SWRA) at the intersection of Greenhouse Rd. The proposal is to rezone from A1 (Agricultural) to PRD for a multi-family development (aka an apartment complex).

While I have several objections, my primary objections are as follows.

1. Development of the area is outpacing infrastructure investment...specifically roads/traffic. SWRA already carries a heavy amount of traffic. Greenhouse Road is also in poor condition, both physically, especially towards the north, and regarding the amount of traffic it carries, particularly at rush hour. Parts of Greenhouse are very narrow with no shoulders and poor drainage. In fact, I believe in an earlier meeting (January 2020) the city engineer advised that Greenhouse couldn't really be widened the way it probably needs to be.



Photo by Brent Phillips, 6 March 2020.
(https://nextdoor.com/news_feed/?post=133271478&comment=347639614)

Stormwater/drainage is also an issue in the area. Just drive up Greenhouse and look at the side of the road on a rainy day.

2. There is already a large quantity of non-single-family residential (R-1) lots in the area, including existing apartment complexes. I viewed the Public Zoning Map available at: <https://bentonvillear.maps.arcgis.com/apps/webappviewer/index.html?id=43d3237f106f4a1aa3a3a682c1554c8e>.

Directly across Greenhouse Rd from the proposed site is an existing duplex development (R-2). This community stretches from Greenhouse, across Morningstar to Featherston Rd. Further north of the site, just off Greenhouse at Glen Rd., another R-2, duplex development also exists.

- Directly south of the site, across SWRA, is a commercial (C-2) site containing a senior living community. Village on the Park contains just one larger building holding multiple studio and 1-bedroom units and then has 31 independent cottages.

One block east of the proposed development, just off Morningstar at SWRA is an **existing apartment complex**, Harbin Pointe. **Further large apartment communities** are found just down the road (The Links at Rainbow Curve) and at SW 1, in front of the Community Center (I Street Modern Apartments). Also, south of the site, on either side of the newest distribution center on SWRA are two more apartment complexes (Flagstone Creek and Parc at Bentonville).

A commercial property, a storage facility, is under construction on SWRA between Morningstar and Featherston. Additionally, the construction of a new church is under proposal at the SWRA /Featherston intersection.

The area also contains multiple industrial areas in the very near southwest (SWRA and SW Rainbow Farm Rd). That includes light industrial (I-1) warehouses and heavy industrial (I-2) distribution centers.

An additional planned, multi-family development will only **further degrade** the quality of life for the surrounding single-family home units...in terms of infrastructure, safety, crowding, school zones, property values, and the transient population of the area.

In **conclusion**, I disagree with the Rezoning Staff Report. The report concludes that "The proposed planned residential development is compatible with surrounding uses to the south and east. It will serve as a transition from [...] single-family developments to the north and west."

A large apartment complex (over 30 buildings!) is not compatible with surrounding uses of single-family homes and duplex units. It is also significantly different from the senior living facility to the south.

Further, the report indicates a "maximum density of 14 units/acre." However, the master site plan contradicts this indicating that Phase I will be 18.7 units/acre and Phase II will be 18.1 units/acre. The lower density of the townhome phase does allow the overall numbers to be manipulated to appear lower. However, the inclusion of the townhomes does not negate the fact that the 25 buildings making up 300 apartment units does not serve as an appropriate transition and is actually not compatible with surrounding developments. A more appropriate plan would comprise only townhomes or duplexes.

Thank you for your attention.

Regards,

Georgia Adamson


Alison Worley

From: Renee MacCabe [REDACTED]
Sent: Tuesday, April 21, 2020 2:11 PM
To: Planning
Subject: Apartments being built on greenhouse and regional airport road

Dear Planning Commission,

First off, thank you for your service to our community and all you do as part of the planning commission to build a better Bentonville.

I think it is inappropriate to have a meeting where the input of those impacted could not attend due to the current pandemic. I feel like it is sneaky and irresponsible.

My family and I live in the Eagle Creek neighborhood which is directly West of a proposed multi-family complex. We travel SW Regional Airport Road everyday going to and from work, school and frequent activities of our 4 children. I am already concerned for our safety we navigate SW Regional Airport with all its traffic, not to mention Greenhouse Road with its traffic and lack of shoulders.

I want to write and let you know that we strongly oppose the building of any multi-family complex on the corner of Greenhouse Road and SW Regional Airport. The infrastructure cannot support this type of facility. There's more to be considered than the direct area around where the apartment complex would be built. Those who live down Osage Creek from the facility will also be impacted because of the lack of improper drainage of the Osage Creek. We moved here in November of 2009, as the 5 lane road was being built I was hopeful that was going to alleviate the traffic. While I believe the expansion of the road has helped, traffic is still heavy on this road. During Morning and evening commute hours, traffic is backed up in both Eastbound lanes from Walton Blvd. to Greenhouse Road. During daytime hours it is dangerous to enter Airport road since people are accelerating as they come around the corner and see the road expand from two-lane to four-lane. In addition to residential traffic at this intersection, we see heavy commercial tractor trailer traffic from the two Walmart DC's that use this road.

I cannot see how adding the potential for another 450+ cars to the intersection of Greenhouse & SW Regional Airport is feasible nor safe (assuming 300 units/families with an avg. of 1.5 cars/family). Not only will this traffic add to SW Regional Airport and Greenhouse road, but I believe that it will increase traffic in our neighborhood as people try to avoid the congestion on Airport road via Cornerstone Road and Rhinestone Blvd.

Respectfully,
Renee MacCabe & Family

Alison Worley

From: Valocean [REDACTED]
Sent: Tuesday, April 21, 2020 2:25 PM
To: Planning
Subject: Apartments consideration

To whom it may concern:

It has come to my attention that there are plans for a new apartment complex being considered near airport road and Briar Creek ave in the city of Bentonville. This is of serious concern to me as a homeowner and resident of Bentonville. We have several apartment complexes surrounding us already, to add another can be seriously detrimental to house values as well as residents safety. The area is congested as is adding even more apartments will add to the crowding and frustration that current residents already feel. We are strongly opposed to any new apartment developments in the area and ask that the motion to put more in be denied. I am also highly concerned that this matter is being considered during this pandemic so that residents are unable to effectively voice their opinions and frustrations at this time. It is disappointing that the leadership would even consider this matter at this time.

Sincerely,
Valocean J Byrd

Sent from my iPhone

Alison Worley

From: Tony McClorey [REDACTED]
Sent: Tuesday, April 21, 2020 9:09 AM
To: Planning
Subject: Apt complex

We appreciate all you do as a City of Bentonville. As neighbors of the Quailridge Subdivision, Riverwalk Subdivision, and Quail Hollow Subdivision, we want to let you know that we strongly oppose the building of any multi-family complex on the corner of Greenhouse Road and Regional Airport. That would be extremely detrimental for this nice area for several reasons: a) more traffic on an already difficult/dangerous/compromised intersection, b) less safety in this area, c) We already have a duplex complex on the East side of Greenhouse, we don't need apartments across the street from that, d) it just doesn't make sense since there is so much more land moving further east on Regional Airport that could be developed for multi-family without hurting Bentonville's image any further.

Sent from my iPhone

Alison Worley

From: Brienne Austin [REDACTED]
Sent: Tuesday, April 21, 2020 6:15 AM
To: Planning
Subject: Concern for Planned Development at Greenhouse Road and SW Regional Airport Blvd.

Dear Planning Commission,

I was very disappointed to learn that the commission deemed "The Reserve Bentonville" as compatible for the plot of land found at the intersection of Greenhouse Road and SW Regional Airport Blvd. I urge you to reconsider this decision at your council meeting April 21st.

I am very concerned that the new development will very negatively impact this area. The information and context that residents surrounding this plot of land can give is critical to the decision making process. I believe that the decision making process for this plot of land has not been made clear to the public during this pandemic and residents of this area have not been properly informed about the decisions that are being made and have not had the opportunity to attend these meetings in person. The city buildings have been closed to the public, it appears that the general knowledge is that these meetings were not happening. And I believe I have a right to know what is happening in my town and my neighborhood.

I have concerns about this development. In addition to SW Airport Blvd. traffic, many developments are going up along S Morning Star Road, SW Shell Road, N Rainbow Farm Road, and out to Main Street, Centerton and the Tamarron Subdivision in Centerton, just to name a very few, that could impact additional Airport Blvd. traffic. My family and I have lived in the Eagle Creek Subdivision off of SW Shell Road for over 9 years and are directly impacted by the proposed development. We have seen a major increase in traffic and, most importantly, accidents at this intersection. The traffic lines up terribly, there are often accidents in the morning, and Greenhouse as a single lane road is already a burden. Greenhouse Road simply can not take on the traffic. The plan calls for the main access on Greenhouse to be at Deerfield Rd. with a secondary access to SW Regional Airport in between Greenhouse and Shell Roads. With 300 units plus 36 townhomes I simply believe you need to totally reconsider the impact this will have on this already over burdened area.

There is also the concern of SW Airport Blvd. turning from a two lane highway to a one way highway on this stretch between Greenhouse Road and SW Shell Road. The right lane turns into a right turn only and at 45 miles per hour, and not much indication that it is going to happen, there is often close calls with switching lanes so as not to turn. The residents would be trying to make a left turn over two lanes that are merging on a sharp curve.

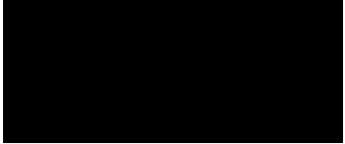
It was recommended at your last meeting that site design, traffic, and storm water concerns shall all be addressed at the time of large scale development. This is not acceptable. These are major issues that need to be taken into account and dealt with before a decision to move forward is made. I'd like to see that land zoned for commercial activity, NOT more residential.

I believe Bentonville is, and should continue to be, a welcoming community and encourage sustainable new businesses, development, and revitalization projects. However, these should not come at the cost of community engagement and participation.

Therefore, I oppose the proposed planned residential development and urge you to re-think this issue. If the Zoning Code requires changes, multiple voices need to be invited to the table so that we keep Bentonville's best interest in mind, not just the interests of a select few.

Thank you,

Brienne Austin



Alison Worley

From: Mansi Pathak [REDACTED]
Sent: Tuesday, April 21, 2020 1:47 PM
To: Planning
Subject: Concerns about new apartment complex (Greenhouse and Airport Road)

Hi Planning Commission,

Thank you for all the excellent work you are doing for our town. It is acknowledged and appreciated.

I am writing this letter for one of my concerns. Me and my family live in Riverwalk Farm Estate , off Greenhouse road. I am concerned about the new plan of approving a new apartment complex on Greenhouse and Airport Road across Kum and Go gas station. There are already so many apartment complexes in this part of the town and an additional one would make it chaotic. Greenhouse and Airport Rd are already congested and it does not have any capacity to take additional traffic. Very often we see accidents from our backyard on Greenhouse road.

Builder may somehow sell the idea of a 300+ unit apartment complex , with XYZ entrance and state of the art traffic plan , we can't beat the builders , but as a common citizen we think its not in the best interest of the community. This part of the town needs a park so kids don't have to go to memorial park or orchard park.

Kindly go through this request and re access your decision on permitting a new multi-unit housing in this area.

Thanks,

Mansi Pathak
[REDACTED]

Alison Worley

From: Madison Worley [REDACTED]
Sent: Tuesday, April 21, 2020 1:43 PM
To: Elaine Kerr; Planning; Alison Worley; Jim Grider; Joe Haynie; Richard Binns; Rod Sanders; Scott Eccleston; Dana Davis
Subject: Greenhouse and SW Regional Airport Blvd Lot-Oppose

We appreciate all that you do for the City of Bentonville and for our community. We are reaching out today in regards to the lot on the corner of Greenhouse and Regional Airport Blvd across from the Kum and Go. My husband and I live in the Riverwalk Estates neighborhood off of Greenhouse and it is mainly composed of families and people like us. We are writing to say that we strongly oppose the building of any multi-family complex on the corner of Greenhouse Road.

There is already so much traffic in the morning, I cannot fathom adding another few hundred cars on the road in the morning. A few times a week I sit in standstill traffic due to an accident, I would not like to see more accidents. I sit in standstill traffic for 10+ cycles at the light at SW Bright Rd and SW Regional Airport Blvd, this takes up to 15 minutes in the mornings.

Greenhouse is also heavily congested in the mornings and in the evenings, making a left turn out of our neighborhood can take up to 10 minutes some mornings and is dangerous.

I would like to see homes like ours, or a park in that area. :) I think that corner would be a wonderful area for a park with some trails for bike riding and a beautiful place for people to enjoy the outdoors.

Thank you for your time, stay safe.
Madison and Cody Lancelot
[REDACTED]

Alison Worley

From: masterofmedicalsci [REDACTED]
Sent: Tuesday, April 21, 2020 2:44 PM
To: Planning
Subject: Greenhouse intersection

A neighbor captured my thoughts about rezoning in my neighborhood completely:

"As neighbors of the Quailridge Subdivision, Riverwalk Subdivision, and Quail Hollow Subdivision, we want to let you know that we strongly oppose the building of any multi-family complex on the corner of Greenhouse Road and Regional Airport. That would be extremely detrimental for this nice area for several reasons: a) more traffic on an already difficult/dangerous/compromised intersection, b) less safety in this area, c) We already have a duplex complex on the East side of Greenhouse, we don't need apartments across the street from that, d) it just doesn't make sense since there is so much more land moving further east on Regional Airport that could be developed for multi-family without hurting Bentonville's image any further . Respectfully!"

Please reconsider rezoning this area. Especially during these uncertain times when many families are to overwhelmed to think about this right now.

Dr. Ashley McElroy

Alison Worley

From: Sam Pittman [REDACTED]
Sent: Tuesday, April 21, 2020 2:58 PM
To: Planning
Subject: Greenhouse Rezoning

Dear Planning Commission,

My family and I live in the Cornerstone Ridge neighborhood which is directly South of a proposed multi-family complex. We travel SW Regional Airport Road everyday going to and from work, getting food, groceries and soon we will be taking our first child to and from daycare. At least 3 times a week, we see debris from an accident or wreck at or very close to the Greenhouse/SW Regional Airport Rd intersection.

I want to write and let you know that we strongly oppose the building of any multi-family complex on the corner of Greenhouse Road and SW Regional Airport. During Morning and evening commute hours, traffic is backed up in both Eastbound lanes from Walton Blvd. to Greenhouse Road. During daytime hours it is dangerous to enter Airport road since people are accelerating as they come around the corner and see the road expand from two-lane to four-lane. In addition to residential traffic at this intersection, we see heavy commercial tractor trailer traffic from the two Walmart DC's that use this road. Not to mention how narrow the current 2 lanes are in Greenhouse Rd. It honestly makes me nervous every time I'm on that road, especially at night. I go out of my way to avoid it, even though it's the most convenient route for me most of the time.

I cannot see how adding the potential for another 450+ cars to the intersection of Greenhouse & SW Regional Airport is feasible nor safe (assuming 300 units/families with an avg. of 1.5 cars/family). Not only will this traffic add to SW Regional Airport and Greenhouse road, but I believe that it will increase traffic in our neighborhood as people try to avoid the congestion on Airport road via Cornerstone Road and Rhinestone Blvd. I believe a city architect had the opinion a couple months ago that the current infrastructure in this area cannot safely support this addition, and I can't imagine that has changed so quickly.

Sincerely,

Sam Pittman

Alison Worley

From: Brandon Knight [REDACTED]
Sent: Tuesday, April 21, 2020 2:02 PM
To: Planning
Subject: Issues with Rezoning Land on SW Regional Airport Road

Dear Planning Commission,

First of all, I want to thank you for your public service and the role you play in making Bentonville a better place to live. I understand your job is a thankless one and you rarely hear from people unless they are attending a meeting or writing a letter to complain about a proposal. Even though I am writing to challenge a proposed zoning changes, I do want to convey my thanks for your service.

I am writing to voice my concern regarding the rezoning of the land on the corner of Greenhouse Rd and SW Regional Airport Rd. I, like many of my fellow citizens, have reservations about adding a multi-family complex to this area of Bentonville for multiple reasons.

First, this area already experiences terrible traffic around rush hour. In the morning, SW Reg Airport Rd is so backed up it causes people to cut through our and surrounding neighborhoods to avoid the traffic. The recent widening of the road has helped, but we still experience people driving at high speeds through our neighborhoods. I use Greenhouse Rd in the evening, and it might experience the single highest volume of traffic of any single lane road in NWA. My parents live on the other side of 14th street and we take Greenhouse to get to there house to drop off/pick up our kids in the evening. It has taken me 30+ minutes before to make the 3.6 mile drive. A drive that takes less than 5 minutes early on Saturday or Sunday morning always takes at least four times longer during rush hour. The lack of additional lanes and the light at the 14th street intersection that gives the right of way to people leaving Walmart and doesn't have a dedicated left turn arrow light doesn't help the issue. Adding apartments that add even more cars per square acer than an average neighborhood will make both of these issues worse.

Second, there are better uses for the land that would benefit the public more. For the amount of houses in the area, we are still very underserved when it comes to restaurants, grocery stores, etc. In my job, I am often tasked with considering the opportunity costs of a given decision. That is, if we make a given decision, what other opportunities are we eliminating. In this instance, we would be eliminating the chance to use the land in a way that would benefit current residents. Commercial property would also help with the traffic issue, since the traffic flow timing to commercial property isn't the same as traffic flow timing to and from residential property.

Third, I feel like most of the resident's complaints come out of a lack of understanding regarding the current proposal. What kind of apartments are being proposed? What will the vertical footprint of the buildings be? What will they look like? I am not against multi-family zoning and recognize the need it fills in our community. I just feel like a good majority of residents want to protect their property values and have questions regarding the current proposal. I am not convinced those questions have been answered and am therefore not in favor of the proposal.

Thank your time and consideration.

Sincerely,

Brandon Knight

[REDACTED] Bentonville, AR

Alison Worley

From: Justin Christensen [REDACTED]
Sent: Tuesday, April 21, 2020 8:11 AM
To: Planning
Subject: Multi-family complex on SW Airport Road & Greenhouse

Dear Planning Commission, First off, thank you for your service to our community and all you do as part of the planning commission to build a better Bentonville. My family and I live in the Cornerstone Ridge neighborhood which is directly South of a proposed multi-family complex. We travel SW Regional Airport Road everyday going to and from work, school and frequent activities of our 4 children. I have one teenage driver and will have another in the next couple of years and am already concerned for their safety as they navigate SW Regional Airport with all its traffic, not to mention Greenhouse Road with its traffic and lack of shoulders.

I want to write and let you know that we strongly oppose the building of any multi-family complex on the corner of Greenhouse Road and SW Regional Airport. We moved here in April of 2016 right as the 5 lane road was being built and I was hopeful that was going to alleviate the traffic. While I believe the expansion of the road has helped, traffic is still heavy on this road. During Morning and evening commute hours, traffic is backed up in both Eastbound lanes from Walton Blvd. to Greenhouse Road. During daytime hours it is dangerous to enter Airport road since people are accelerating as they come around the corner and see the road expand from two-lane to four-lane. In addition to residential traffic at this intersection, we see heavy commercial tractor trailer traffic from the two Walmart DC's that use this road.

I cannot see how adding the potential for another 450+ cars to the intersection of Greenhouse & SW Regional Airport is feasible nor safe (assuming 300 units/families with an avg. of 1.5 cars/family). Not only will this traffic add to SW Regional Airport and Greenhouse road, but I believe that it will increase traffic in our neighborhood as people try to avoid the congestion on Airport road via Cornerstone Road and Rhinestone Blvd.

Respectfully! Justin & Natalie Christensen [REDACTED]

Alison Worley

From: Jo A. [REDACTED]
Sent: Tuesday, April 21, 2020 9:12 AM
To: Planning
Subject: Multi-family complex on the corner of Greenhouse Road and Regional Airport

Dear Planning Commission:

As neighbors in the Cornerstone Ridge subdivision, we want to let you know that we strongly oppose the building of any multi-family complex on the corner of Greenhouse Road and Regional Airport. We did attend the first meeting regarding this development. There were so many people there we had to stand in the lobby and had no knowledge that the meeting last night was going to take place.

We agree with the other our neighbors that the multi-family complex would be extremely detrimental for this nice area for several reasons: a) more traffic on an already difficult/dangerous/compromised intersection, b) less safety in this area, c) We already have a duplex complex on the East side of Greenhouse, we don't need apartments across the street from that, d) it just doesn't make sense since there is so much more land moving further east on Reginal Airport that could be developed for multi-family without hurting Bentonville's image any further .

Regards,

JoAnn Amato and Vera Amato
[REDACTED]

Alison Worley

From: Christina Hendrick [REDACTED]
Sent: Tuesday, April 21, 2020 2:27 PM
To: Planning
Subject: Multi-family housing at Greenhouse & Regional Airport Rd.

Good Afternoon,

I am a resident in Cornerstone Ridge on Graystone St. I was recently informed that there have been planning meetings held regarding a proposed multi-family housing development at the corner of Greenhouse & Regional Airport Rd. I first want to say that the fact that such an important meeting for our area is being held during the current pandemic comes across as corrupt, to be frank. We residents will all be affected and deserve more of a seat at the table than what is being offered.

I hope you are in receipt of the many email messages that my neighbors and I have submitted regarding the variety of incredibly valid reasons that this proposed community should not be approved. I agree with the traffic concerns, as well as transient population, but my main concern is further burdening our already at-capacity local schools. We have seen our kids go through so many rezonings because the schools just keep filling up so quickly, and adding yet another massive multi-family development so close to several others is going to impact our schools greatly.

As a local resident, who drives these already congested roads every day, and has two kids in these schools that keep getting rezoned, I am **STRONGLY** against this development. Please take our valid concerns into account and provide a forum for us to voice them instead of holding zoom meetings without giving the local residents adequate notification.

Thank you,
Christy Hendrick

Alison Worley

From: Jaimi Kinnamon [REDACTED]
Sent: Tuesday, April 21, 2020 12:08 PM
To: Planning
Subject: Object to Apartments

Hi there

I am writing to share my objection to the zoning for apartments at the corner of Greenhouse and Airport Road. The amount of traffic on Greenhouse has increased exponentially over the past several years and is already unable to handle what we have. There is no way it is going to be able to manage the traffic that will come from an apartment complex in that location.

Jaimi Kinnamon
[REDACTED]

Alison Worley

From: Tanya Kalma [REDACTED]
Sent: Tuesday, April 21, 2020 12:32 PM
To: Planning
Subject: Opposition to Greenhouse/Regional Airport P&Z

To whom it may concern,

Good afternoon. I hope this email finds you safe and well. My name is Tanya Kalma and I am a resident of Bentonville. More specifically, my family lives in the Riverwalk Farm Estates subdivision on Greenhouse Rd., just north of Regional Airport Rd. It has come to my attention that the Planning commission is hearing opinions on a proposed multi-family complex near the intersection of Greenhouse/Regional and I am writing today to express my opposition. I am hopeful that an email will suffice, as current COVID restrictions prohibit my attendance at a formal meeting.

My primary concern is the increase in traffic this complex will create at an already over-capacity intersection in the City. My usual morning commute includes sitting in a 15-20 minute, stop-and-go line of traffic, waiting to enter Regional Airport from Greenhouse. Greenhouse is a 2-way road that is already at maximum capacity during peak travel times. My husband's commute to work is exactly one-mile from our home and it often takes him over 25 minutes to get to work in the mornings because of the traffic delays. The traffic problems will only compound by an increased number of vehicles from the complex. That compounded problem will likely include additional traffic accidents as well, further taxing residents, travelers, and public safety personnel.

Additionally, I have a major concern related to the safety of pedestrians in the area. Greenhouse Rd. does not have sidewalks and is NOT safe for pedestrians, bicyclists, or others who are not driving in a vehicle. I enjoy that much of Bentonville is a 'walkable' city but this area is not safe for that and citizens are putting their lives at risk by being anywhere near Greenhouse while on foot. A new multi-family complex would obviously increase the number of people in the area and would likely include many families with children. Children who would likely attend Osage Creek/Creekside, located across Greenhouse Rd, on Featherston. How will those children/families safely get across Greenhouse with no pedestrian options available?

While I do appreciate that Bentonville is a growing city and that development is a positive change, I do not believe that this specific project on this specific piece of property is appropriate, or safe, at this time. My hope is that this project is not approved.

I would be happy to answer any questions or formally share my opposition, if needed. Please feel free to contact me if necessary. I have listed my contact information below.

Respectfully,
Tanya Kalma
[REDACTED]

Alison Worley

From: Anita Royko [REDACTED]
Sent: Tuesday, April 21, 2020 2:12 PM
To: Planning
Subject: Opposition to Rezoning on NW corner of Greenhouse & Regional Airport Roads

Dear Planning Commission

First off, thank you for your service to our community and all you do as part of the planning commission to build a better Bentonville.

My husband and I (retired) live in the Riverwalk Farm Estates neighborhood which is North of a proposed multi-family complex. We travel a busy and dangerous, shoulderless Greenhouse Rd to access both the extremely busy Regional Airport Rd (Hwy 12) and Centerton Rd/14th Street (Hwy 102) intersections. The addition of an ever expanding Rainbow Apartment multifamily complex has already increased traffic and safety dangers at north end of Greenhouse for family and retiree residents of Riverwalk Farm Estates, Quail Ridge, Quail Hollow and Creekside Estates.

I want to write and let you know that we strongly oppose the building of any multi-family complex on the corner of Greenhouse Road and SW Regional Airport. We moved here in January of 2014 knowing plans for expanding Hwys 102 and 12 were underway for relieving traffic congestion for safer traffic flow. While we believe the expansion of the road has helped, traffic is still heavy on this road. During Morning and evening commute hours, traffic is backed up in both Eastbound lanes from Walton Blvd. to Greenhouse Road. During daytime hours it is dangerous to enter Airport road since people are accelerating as they come around the corner and see the road expand from two-lane to four-lane. In addition to residential traffic at this intersection, we see ever increasing heavy commercial tractor trailer traffic from the ever expanding Walmart DC's and other warehouses located on Regional Airport Road.

We do not see how adding the potential for another 450+ cars to the intersection of Greenhouse & SW Regional Airport is feasible nor safe (assuming 300 units/families with an avg. of 1.5 cars/family).

Respectfully submitted

Anthony (Tony) and Anita Royko

Alison Worley

From: London Byrd [REDACTED]
Sent: Monday, April 20, 2020 11:37 PM
To: Planning
Subject: Opposition to the New Apartments

Good evening,

I am emailing in opposition of the new apartments that a company wants to build on the corner of Greenhouse and Airport. I bet you are wondering why, well I will tell you. Why do we need more apartments in this area? The roads already cannot handle the amount of traffic it has now. Greenhouse is a two lane road and the city does not have any plans of widening the road. Why create more traffic when it has not been resolved? Also, what is the point of having 6 apartment complexes crowded in together? The best thing to go on that corner would be another set of duplexes.

Bentonville needs to concentrate on its roads and road management. We don't need apartments who rents are more than most people's mortgages in the area. This is not healthy for the area. Bentonville is a family location not a city like Dallas or St Louis. Keep it small town feel.

Please vote no this motion.

Much Regards,

London Byrd

Alison Worley

From: Sung Kim [REDACTED]
Sent: Tuesday, April 21, 2020 11:42 AM
To: Planning; Tim Robinson
Subject: Proposed Apartment Complex: Greenhouse and Airport Blvd

Hello Bentonville Planning Commission,

My name is Sung Kim, resident of the Quail Ridge community, which is adjacent to the area that is currently being proposed for being zoned for large apartments. I would like to present an opposing view of such a zoning.

Greenhouse Blvd.: Currently Greenhouse Blvd is too congested as it is during rush hour traffic. Getting out of the Quail Ridge, Riverwalk, and any other subdivisions which use Greenhouse as the primary egress point is difficult. Left turns are particularly difficult. Wait times for a safe opportunity to make a left turn can run over five minutes, based on empirical experience.

With the sheer number of cars that will be making left turns from Greenhouse onto Airport, having the only exit from the proposed apartments being Greenhouse would lead to cars blocking other cars that seek to make a right turn onto Airport from Greenhouse, as well as an even greater back-up of cars on Greenhouse itself. Note, the difficulty in making safe left turns onto Greenhouse extends all the way up to Kimmel with current rush hour traffic.

To add an apartment complex into an already congested area will exacerbate congestion and potentially make traffic an unmitigated disaster.

Thank you,
Sung Kim

Alison Worley

From: Sung Kim [REDACTED]
Sent: Tuesday, April 21, 2020 11:42 AM
To: Planning; Tim Robinson
Subject: Proposed Apartment Complex: Greenhouse and Airport Blvd

Hello Bentonville Planning Commission,

My name is Sung Kim, resident of the Quail Ridge community, which is adjacent to the area that is currently being proposed for being zoned for large apartments. I would like to present an opposing view of such a zoning.

Greenhouse Blvd.: Currently Greenhouse Blvd is too congested as it is during rush hour traffic. Getting out of the Quail Ridge, Riverwalk, and any other subdivisions which use Greenhouse as the primary egress point is difficult. Left turns are particularly difficult. Wait times for a safe opportunity to make a left turn can run over five minutes, based on empirical experience.

With the sheer number of cars that will be making left turns from Greenhouse onto Airport, having the only exit from the proposed apartments being Greenhouse would lead to cars blocking other cars that seek to make a right turn onto Airport from Greenhouse, as well as an even greater back-up of cars on Greenhouse itself. Note, the difficulty in making safe left turns onto Greenhouse extends all the way up to Kimmel with current rush hour traffic.

To add an apartment complex into an already congested area will exacerbate congestion and potentially make traffic an unmitigated disaster.

Thank you,
Sung Kim

Alison Worley

From: Megha Malik [REDACTED]
Sent: Tuesday, April 21, 2020 2:29 PM
To: Planning
Subject: Resident of river walk

Hello ,
I just came to know an apartment coming in our area and am opposed for that .

Hopefully you will consider it .

Thank you ,
Megha Malik

Sent from my iPhone

Alison Worley

From: [REDACTED]
Sent: Tuesday, April 21, 2020 1:51 PM
To: Planning
Subject: Rezoning

Dear Planning Commission,

I'm writing today to strongly speak against rezoning for an additional apartment community to be added off Greenhouse Rd, near Shell Rd and Regional Airport Blvd.

My family moved to a home in Wildwood from Austin, TX in July of 2018. Our decision to purchase a home in this area was based on our attraction to the specific tight-knit community feel we experienced in our neighborhood. We were drawn to the safety of the single family homes around us and looked forward to putting down deep roots here. Since then, we've settled in, had a child, our neighbors have become our friends, and we've been very happy.

The addition of yet more apartments in our walking distance is something that would have swayed us away had we known when searching for homes. It's something that would ultimately be the reason we would decide to leave and purchase in a more established and safer area of town. The transient lifestyles that often accompany apartment living is something we chose to get away from when leaving Austin.

Having so many units of apartments so close to us just increases the chances of crime, traffic accidents, and the presence of residents who don't feel the same pride or community respect as is felt by homeowners. I say this as someone who lived in apartments the last 10 years, there's just a different way of living when you rent vs when you buy.

My parents recently moved off of Shell Rd from another state to help with their first grandson. The increased amount of vehicle traffic and transient resident traffic that would be present between our homes makes me ill. There has already been a shocking amount of crime, death, and fatal traffic incidents the last 8 months. I simply can't fathom adding to what is already bad.

I was shocked to find out that such vital meetings on this rezoning issue which affects so many are being held during our global pandemic. To be frank, the ease of flying under the public radar on this is showing me a glaring red flag. It feels as though you're taking advantage of the National situation to get going on this, and it comes across as corrupt and severely questionable at best. You're supposed to be serving us, yet I wasn't aware of any meeting to have a voice.

If you do move forward with the plan I will also strongly advocate for proper environmental, historical, and archaeological impact studies for the proposed building site and all affected bodies of water (nearby streams and creeks) in the watershed. This area is too nice to not fight to keep it as it deserves.

I hope the concerns of my community and myself are taken into account before this costly mistake is finalized.

Kind Regards,

Katie Milner
[REDACTED]

Alison Worley

From: [REDACTED]
Sent: Tuesday, April 21, 2020 9:46 AM
To: Planning
Subject: Rezoning at the end of Greenhouse

Good morning. As a resident of Quailridge, I am concerned about the proposed complex at the end of Greenhouse and SW Regional. With the addition of the multi unit at the end of Greenhouse and 102, we have seen an increase in the traffic on single-laned Greenhouse Road. This proposed new addition would only multiply this problem. In addition, I am concerned about the increase of student numbers in the school zone. Most schools stay close to max numbers as it is. There are no new elementary or middle schools in the long term plan. This type of addition may lower proper values and bring more crime to the area. Please consider denying this unit as residents do not want it. We would much prefer single family homes at this location.

Respectfully,

Tawnya Beard
Quailridge

Sent from my iPhone

Alison Worley

From: Lina Gibson [REDACTED]
Sent: Tuesday, April 21, 2020 9:02 AM
To: Planning
Subject: Rezoning concerns

To whom it may concern,

It has come to my attention that there are plans for apartments and condos to go in on Greenhouse and Regional Airport in Bentonville. It is a very busy road already, very narrow in spots, and because of the high traffic there are worn areas on the road which need repairs. Traveling to work in the morning and coming home in the afternoon with all the Walmart traffic makes the roads very congested. It takes me twice as long to get to work when Walmart employees are going to work.

This apartment complex with condos will only add to the congestion were already experiencing in an area that has lots of traffic and no means of a raised interstate to travel easier across town. There are many wrecks in this area constantly and putting in the complex will only increase the risks of more wrecks and possibly deaths. There is new construction with homes to go in off Kimmel which will add to the traffic congestion and possible car accidents already. Putting in this complex will make matters extremely worse especially since there is a curve between Greenhouse and Shell. In my opinion this area would be better served in the land was left as is, or used for commercial property or had bike paths and/or a park for kids to play. There are many other locations and land where apartments would be more appropriate. Here is not. I urge you to please reconsider.

Thank you,
Lina Gibson

[REDACTED]

Sent from my iPhone

Alison Worley

From: Tom Bruns [REDACTED]
Sent: Tuesday, April 21, 2020 10:47 AM
To: Planning
Subject: Rezoning of Property at Greenhouse and Regional Airport

It is our understanding that the owners of the subject property are requesting that the property be rezoned from agriculture to apartments/townhomes. As residents of Cornerstone Ridge, we are opposed to this rezoning request.

Allowing a 300 unit development at this location will greatly increase traffic on both roadways (Regional Airport and Greenhouse), thereby increasing the likelihood of serious accidents. In addition, Greenhouse Rd cannot adequately handle the current traffic, let alone the increased traffic that would be generated by this apartment complex.

Also, the areas surrounding this property are single family detached housing units. The addition of a large apartment complex will have an adverse impact of property values. We believe there are enough rental units in Bentonville to meet the needs of a transient population. The effort needs to be on establishing single family housing that would support a stable and committed population.

We appreciate the opportunity to have our views considered.

Tom & Betty Bruns
[REDACTED]

Alison Worley

From: Latricia Goding [REDACTED]
Sent: Tuesday, April 21, 2020 8:32 AM
To: Planning
Subject: Rezoning on Greenhouse & Regional Airport Rd

Good morning,

My husband and I are very concerned about the rezoning of the property at the corner of Greenhouse and Regional Airport Rd to allow an apartment complex to be built there. We live on Quailridge Way and already experience difficulty trying to leave our street and turn onto Greenhouse. With more housing being built off Greenhouse, the traffic has become overwhelming. Adding an apartment complex with hundreds of renters will only exacerbate the problem. Think of the school buses (during the school year) full of children trying to turn out of the different subdivisions onto Greenhouse. It's a disaster in the making. Turning off of SW Shell Road onto Regional Airport is the exact same nightmare.

Please reconsider rezoning and do not allow an apartment complex with hundreds of more drivers on Greenhouse.

Thank you,
Latricia and Rob Goding
[REDACTED]

Alison Worley

From: Dustin Stevens [REDACTED]
Sent: Tuesday, April 21, 2020 12:33 PM
To: Planning
Cc: Erin Stevens
Subject: Rezoning Regional & Greenhouse

Here's our email

Dear Planning Commission,

First off, thank you for your service to our community and all you do as part of the planning commission to build a better Bentonville.

My family and I live in the Rolling Acres neighborhood which is directly South of a proposed multi-family complex. We travel SW Regional Airport Road everyday going to and from work, school and frequent activities of our 2 children. I will have teenage driver in the next couple of years and am already concerned for their safety as they navigate SW Regional Airport with all its traffic, not to mention Greenhouse Road with its traffic and lack of shoulders.

I want to write and let you know that we strongly oppose the building of any multi-family complex on the corner of Greenhouse Road and SW Regional Airport. We moved here in July of 2019 with a rather large concern for traffic exiting our neighborhood. While I believe the expansion of the road has helped, traffic is still heavy on this road. During Morning and evening commute hours, traffic is backed up in both Eastbound lanes from Walton Blvd. to Greenhouse Road. During daytime hours it is dangerous to enter Airport road since people are accelerating as they come around the corner and see the road expand from two-lane to four-lane. In addition to residential traffic at this intersection, we see heavy commercial tractor trailer traffic from the two Walmart DC's that use this road.

I cannot see how adding the potential for another 450+ cars to the intersection of Greenhouse & SW Regional Airport is feasible nor safe (assuming 300 units/families with an avg. of 1.5 cars/family). Not only will this traffic add to SW Regional Airport and Greenhouse road, but I believe that it will increase traffic in our neighborhood as people try to avoid the congestion on Airport road via Cornerstone Road and Rhinestone Blvd.

Respectfully!

Stevens Family!

Sent from my iPhone

Alison Worley

From: Jeffrey Valdez [REDACTED]
Sent: Tuesday, April 21, 2020 1:20 PM
To: Planning
Subject: Rezoning SW Regional Airport/Greenhouse

We are writing you today to express our strong opposition to the proposed apartment complex at the corner of Regional Airport and Greenhouse Road.

First, the existing traffic flow during morning and evening commutes is already at capacity. Adding additional residents in this area will add to the maxed-out congestion.

Second, the stop light at Regional Airport and Greenhouse is already a liability. Too often traffic rounding the corner north/east bound on Regional Airport has minimal time to respond to the traffic light. Adding additional people and an entrance will most certainly increase the risk for problems and accidents.

While we continue to grow as a community, we must be mindful of the infrastructure. There is no doubt the area further south of this area (near the Walmart DC and beyond) will continue to grow. We do not want this vulnerable area to be further developed without first addressing the need for safe traffic flow.

Regards,

Jeff and Kim Valdez
Cornerstone Ridge

Alison Worley

From: Jason Russo [REDACTED]
Sent: Tuesday, April 21, 2020 10:18 AM
To: Planning
Subject: Rezoning the corner of Greenhouse and SE Regional Airport Blvd

Dear Bentonville Planning Commission,
We appreciate all you do for our beautiful city!
As neighbors of the Quailridge Subdivision, Riverwalk Subdivision, and Quail Hollow Subdivision, we want to let you know that we strongly oppose the building of any multi-family complex on the corner of Greenhouse Road and Regional Airport. That would be extremely detrimental for this nice area for several reasons: a) more traffic on an already difficult/dangerous/compromised intersection, b) less safety in this area, c) We already have a duplex complex on the East side of Greenhouse, we don't need apartments across the street from that, d) it just doesn't make sense since there is so much more land moving further east on Regional Airport that could be developed for multi-family without hurting Bentonville's image any further. Respectfully,

Jason Russo
[REDACTED]

Alison Worley

From: Clemens, Randy T. [REDACTED]
Sent: Tuesday, April 21, 2020 10:12 AM
To: Tim Robinson
Cc: Planning; Chad Goss; Cindy Acree; Chris Sooter
Subject: Rezoning the corner of Greenhouse and SE Regional Airport Blvd

Tim,

As a resident of Quail Ridge and a concerned citizen of this city I wanted to voice my concern for the rezoning the corner of Greenhouse and SE Regional Airport Blvd for multifamily apartments. The timing of this couldn't be worse since we're encouraged by the CDC to not attend gatherings and I feel that this reconsideration is playing on that disadvantage of our collective voices not being heard. Greenhouse has a known traffic issue and I fear that the rezoning would multiply that issue to a critical failure level and could potentially be a safety hazard. I also own a home in Quail Ridge on Partridge Run that would back up to this new apartment complex and I fear what this consideration would do to our property value. There is an active creek on that property and without any remediation could be a safety hazard for the residents of that complex as well. Its begun to erode and the embankments are steep. There is plenty of property unencumbered just a little further south or west of this land and our home and our neighbors would love to see that this corner not be rezoned as multifamily at this time. We appreciate all that you do and appreciate you reading these emails for concerned residents that will be directly impacted by this change.

Thank you,

Randy T. Clemens

Resident of Quail Ridge
[REDACTED]

REZONING STAFF REPORT



Stratford Assets I, LLC

502 NW 3rd Street

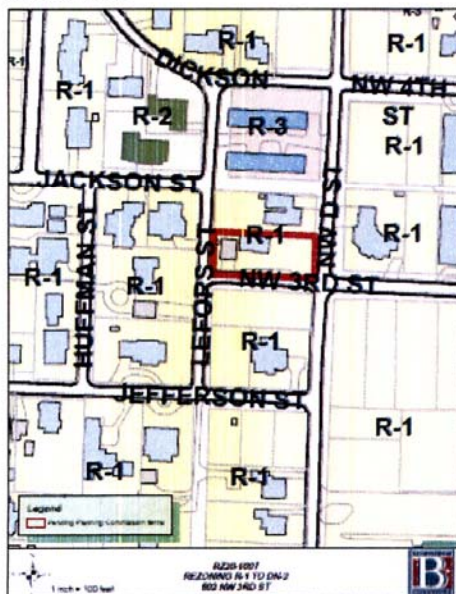
PC Date: 5/5/2020

Reviewer: Ali Worley, Planning Technician

Project Number	RZ20-0007
Applicant / Current Owner	Stratford Assets I, LLC 211 Edgehill Road Merion Station, PA 19066
Site Area	0.28 acres
Current Zoning	R-1, Single Family Residential
Requested Zoning	DN-1, Downtown Low-Density Residential
Future Land Use Map Designation	Low Density Residential (LDR)

<https://arcg.is/08HvK8>

Location Map



Property Description

This property is located at 502 NW 3rd Street and is currently zoned R-1, Single Family Residential. Adjacent zonings are R-1 to the north, south, east, and west.

Relationship to the General Plan

The Future Land Use Plan currently depicts this property as Low Density Residential. These areas include detached single-family residential properties.

Public Comment

Staff has received several public comments regarding this request in the form of phone calls, letters, and emails.

Analysis

Originally, the applicant requested a rezoning to DN-2, Downtown Medium-Density Residential. However, on March 16, 2020, the applicant requested to amend the proposed rezoning to DN-1, Downtown Low-Density Residential. The DN-1 zoning district only allows single-family homes.

Conclusion

Due to the site's compatibility with the Future Land Use Plan, its downtown location, and surrounding uses, staff recommends approval of the amended rezoning request to DN-1, Downtown Low-Density Residential.



CEI Engineering Associates, Inc.

ENGINEERS ■ SURVEYORS ■ LANDSCAPE ARCHITECTS ■ PLANNERS

3108 SW Regency Parkway, Suite 2
Bentonville, AR 72712
(479) 273-9472 Fax (479) 273-0844
www.ceieng.com

February 10, 2020

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

RE: 502 NW 3rd Street Rezoning Application

Dear Planning Commission:

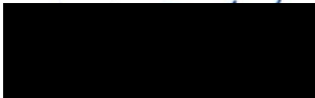
Please accept this narrative letter to accompany a formal request by Stratford Assets, LLC, owner of real property located in the City of Bentonville, for consideration of a rezoning of request for Benton County parcel #01-03159-000 from R-1, Single-family Residential to DN-2, Downtown Medium-density Residential. The property is approximately 0.27 acres located at 502 NW 3rd Street in Bentonville, AR.

This rezoning request is being proposed to allow flexibility of future redevelopment of the subject tract for a possible duplex, attached single family, or two family townhome construction. If approved, any proposed development will be consistent with the allowable uses under the current city of Bentonville zoning code for the DN-2 district. All necessary utilities for the proposed development are available on or adjacent to the subject tract and could serve the property without extending public utilities. Properties immediately surrounding the tract are zoned R-1 but within 500 feet there are several higher intensity zonings including R-2 and DN-2 properties and an R-3 zoned property within 100 feet to the north. With this in mind, we feel the DN-2 district will be compatible with the surrounding uses in a developing part of Bentonville.

Traffic generated by future development of the property would have limited impact on the surrounding local street network due to the small size of the property and limited development opportunities. Development of the property would be in keeping with access management standards of the city and any required rights of way would be dedicated with the redevelopment plan. Appearance of any redevelopment project would be in keeping with the surrounding neighborhood and current city requirements.

Thank you for your time and consideration in this matter.

Respectfully submitted,
CEI Engineering Associates, Inc.



Nate Bachelor, PE
Project Manager

Providing Consolidated Land Development Services

CALIFORNIA ■ TEXAS ■ ARKANSAS ■ MINNESOTA ■ PENNSYLVANIA

ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF R-1, SINGLE FAMILY RESIDENTIAL TO DN-1, DOWNTOWN LOW-DENSITY RESIDENTIAL (PROJECT NUMBER: RZ20-0007).

WHEREAS, Stratford Assets I, LLC duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of R-1, Single Family Residential to DN-1, Downtown Low-Density Residential to be used in accordance with city zoning laws and state laws, which property is described as follows:

LOT 1, HUFFMAN'S ADDITION, BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN IN PLAT RECORD "Y" AT PAGE 529, LESS AND EXCEPT THE NORTH 60 FEET.;
and,

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held May 5, 2020 in the Council Chambers of the City of Bentonville; and,

WHEREAS, public 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 Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification of R-1, Single Family Residential to DN-1, Downtown Low-Density Residential.

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

Section 1: That the above described real property is hereby changed from its present zoning classification of R-1, Single Family Residential to DN-1, Downtown Low-Density Residential to be used in accordance with the city zoning laws and state laws.

PASSED AND APPROVED this _____ day of _____, 2020.

APPROVED:

MAYOR

ATTEST:

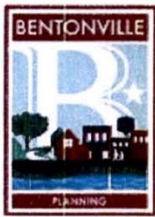
CITY CLERK

Alison Worley

From: Jon Stanley
Sent: Monday, April 06, 2020 10:18 AM
To: Dana Davis; Dana Davis; Elaine Kerr; Elaine Kerr; Jim Grider ; Jim Grider; Joe Haynie; Joe Haynie [REDACTED] Mary Jordan (mjordan@nwadg.com); Mike Jones (mjones@nwadg.com); Richard Binns; Richard Binns (Rod Sanders; Rod Sanders [REDACTED] Scott Eccleston; Scott Eccleston; Tyler Overstreet
Cc: Alison Worley; Brian Bahr; Ellen Norvell
Subject: FW: Opposed - Rezoning of 502 NW 3rd

PC Members,

Please see the below opposition the requested rezoning at this location. These will also be include in your PC agendas.
Thanks



Jon Stanley
Senior Planner
305 SW A Street
Bentonville, AR 72712
Office: 479.271.3122
Fax: 479.271-6807
www.bentonvillear.com

From: Lucy Kelley
Sent: Monday, April 06, 2020 10:08 AM
To: Elaine Kerr ; Jim Grider ; Joe Haynie ; Richard Binns ; Rod Sanders ; Scott Eccleston ; Dana Davis
Cc: Jon Stanley ; Mary Line ; Virginia Germann ; Lucy Kelley
Subject: Opposed - Rezoning of 502 NW 3rd

Dear Bentonville Planning Commission:

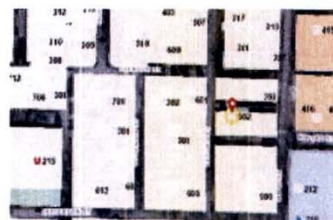
I am **opposed** to the intent to rezone the property at 502 NW 3rd Street in the Huffman Addition in Bentonville from R-1 Single-family Residence to DN-1 because:

1. Property is designated as R1 in the City Land Use Master Plan as indicated on map and legend below taken from the COB Master Map on-line.

2. We want to keep the character of this neighborhood as intended per Master Plan - Our downtown neighborhood is one of the only remaining that has large lots, old canopy trees and a quiet park-like setting...we would like it to remain that way...not every neighborhood downtown needs to be dense.

3. Rezoning to DN-1 has the strong potential of infringing the legacy Marilyn Bogle spent a lifetime cultivating for this quiet and beautiful neighborhood - an important reason we chose to live here.

4. Current out of state owners have shown little to no interest in maintaining or improving the property since vacated by last occupant i.e. no mowing, repairs, etc. despite numerous requests from neighbors - an indication of their lack of respect for the character of our neighborhood.



Land Use Plan

-  Agriculture
-  Residential Estate
-  Low Density Residential
-  Medium Density Residential
-  High Density Residential
-  Public / Semi-Public

Please consider the broader scope, the precedent, and longer term, negative impact that this decision has on this very special, unique legacy area within the downtown perimeter.

Thank you,

Lucy Kelley

Alison Worley

From: Ellen Norvell
Sent: Tuesday, April 07, 2020 4:00 PM
To: Alison Worley
Subject: FW: Planning Commission

George has asked that this be forwarded to the Planning Commission members.

Ellen

From: George Spence
Sent: Tuesday, April 07, 2020 3:42 PM
To: Stephanie Orman <SOrman@bentonvillear.com>; Ellen Norvell <enorvell@bentonvillear.com>
Cc: Camille Thompson <CThompson@bentonvillear.com>; Tim Robinson <TRobinson@bentonvillear.com>
Subject: RE: Planning Commission

Same thing I said earlier. People are free to attend (respecting CDC guidelines) and comment. People are free to comment in writing by email (which has the advantage of not having a time limit). People are free to include in their comments that the item(s) they are concerned about should not be considered until we are back to more normal order.

The email as sent to the Mayor is a public comment for the Planning Commission meeting and should be forwarded to the Commission as a whole.

George Spence

From: Stephanie Orman <SOrman@bentonvillear.com>
Sent: Tuesday, April 7, 2020 3:30 PM
To: Ellen Norvell <enorvell@bentonvillear.com>
Cc: George Spence <george@clarkandspence.com>
Subject: FW: Planning Commission

From: Henry Green
Sent: Tuesday, April 07, 2020 3:27 PM
To: Stephanie Orman <SOrman@bentonvillear.com>
Subject: Fwd: Planning Commission

I am resending this message due to a delivery failure previously. Thanks

----- Forwarded message -----

From: Henry Green
Date: Tue, Apr 7, 2020 at 3:23 PM



Subject: Planning Commission

To: <trobinson@bentonvillear.com>, <soraman@bentonvillear.com>

Ms. Mayor, Mr. council member, I write to voice my concern over the Planning commissions decision to not provide public electronic access to tonight' commission meeting. I have been told that there will not be electronic access to the meeting, as their was last week for the tech meeting. The only way the public can comment is by appearing in person. If it is too dangerous to hold court, or to allow taxpayers access to the city offices, then how is it ok for the Planning commission to in essence continue the agenda without consideration of public input?

Why do I care? well I am concerned about an agenda item that has generated a great deal of neighborhood dissent. Those families and property owners are in essence being told that they have to risk their health to participate in the process. Is it not the commissions role to hear the voice of the community? And is it not our right to speak at city meetings? And are these agenda items so critical that they cannot be held until the world clears up? or a process is perfected?

Thank you,

--

H.A. "Andy" Green
Chief Experience Officer
Mesa Verde, LLC & Ozark Production Services, LLC
P.O. Box 2584
Bentonville, AR 72712

Please remember, an email sent is not necessarily an email received.

--

H.A. "Andy" Green
Chief Experience Officer
Mesa Verde, LLC & Ozark Production Services, LLC
P.O. Box 2584
Bentonville, AR 72712

Please remember, an email sent is not necessarily an email received.

Alison Worley

From: Jon Stanley
Sent: Monday, April 06, 2020 10:19 AM
To: Dana Davis; Dana Davis; Elaine Kerr; Elaine Kerr; Jim Grider ; Jim Grider; Joe Haynie; Joe Haynie [REDACTED] Mary Jordan (mjordan@nwadg.com); Mike Jones (mjones@nwadg.com); Richard Binns; Richard Binns [REDACTED] Scott Eccleston; Scott Eccleston; Rod Sanders; Rod Sanders [REDACTED] Tyler Overstreet
Cc: Alison Worley; Brian Bahr; Ellen Norvell
Subject: FW: Rezoning of 502 NW 3rd, Bentonville

PC Members,

Please see the below opposition the requested rezoning at this location. These will also be include in your PC agendas.
Thanks

Jon Stanley
Senior Planner
305 SW A Street
Bentonville, AR 72712
Office: 479.271.3122
Fax: 479.271-6807
www.bentonvillear.com

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

From: Jim Ward <flatrockpartners@gmail.com>
Sent: Saturday, April 04, 2020 1:52 PM
To: Elaine Kerr <ekerr@bentonvillear.com>; Jim Grider <jgrider@bentonvillear.com>; Joe Haynie <jhaynie@bentonvillear.com>; Richard Binns <rbinns@bentonvillear.com>; Rod Sanders <rsanders@bentonvillear.com>; Scott Eccleston <seccleston@bentonvillear.com>; Dana Davis <ddavis@bentonvillear.com>; Jon Stanley <JStanley@bentonvillear.com>
Subject: Rezoning of 502 NW 3rd, Bentonville

Dear Bentonville Planning Commission:

As home owners living immediately across the street from 502 NW 3rd Street, we want to strenuously object to the rezoning being considered.

All the surrounding lots are currently R1 larger lots. We understand that we may be in an area of "planning" that encourages dense population but the REALITY of this neighborhood is one of larger houses and larger lots. Many of these, especially east of this proposed split, are new builds.

We have been professional real estate investors for over 20 years so we can understand a developer or owner trying to maximize their return.
However, that desire for more money should not be a deciding factor in zoning or we might as well not even have zoning.

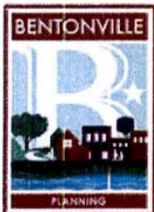
Jim and Vergean Ward

Alison Worley

From: Jon Stanley
Sent: Monday, April 06, 2020 10:20 AM
To: Dana Davis; Dana Davis; Elaine Kerr; Elaine Kerr; Jim Grider ; Jim Grider; Joe Haynie; Joe Haynie; [REDACTED] Mary Jordan (mjordan@nwadg.com); Mike Jones (mjones@nwadg.com); Richard Binns; Richard Binns (Richard.Binns@edwardjones.com); Rod Sanders; Rod Sanders; [REDACTED] Scott Eccleston; Scott Eccleston; Tyler Overstreet
Cc: Alison Worley; Brian Bahr; Ellen Norvell
Subject: FW: Rezoning of 503 NW 3rd Street

PC Members,

Please see the below opposition the requested rezoning at this location. These will also be include in your PC agendas.
Thanks



Jon Stanley
Senior Planner
305 SW A Street
Bentonville, AR 72712
Office: 479.271.3122
Fax: 479.271-6807
www.bentonvillear.com

From: Susan Delacruz
Sent: Saturday, April 04, 2020 11:15 AM
To: Jon Stanley ; Elaine Kerr ; Jim Grider ; Joe Haynie ; Richard Binns ; Rod Sanders ; Scott Eccleston ; Dana Davis
Cc: Keith & Mary Line
Subject: Rezoning of 503 NW 3rd Street

Dear Bentonville Planning Commission:

We are opposed to the intent to rezone the property at 502 NW 3rd Street in the Huffman Addition in Bentonville from R-1 Single-family Residence to DN-1 because:

1. Property is designated as R1 in the City Land Use Master Plan as indicated on map and legend below taken from the COB Master Map on-line.

2. We want to keep the character of this neighborhood as intended per Master Plan - Our downtown neighborhood is one of the only remaining that has large lots, old canopy trees and a quiet park-like setting...we would like it to remain that way...not every neighborhood downtown needs to be dense.
3. Rezoning to DN-1 has the strong potential of infringing the legacy Marilyn Bogle spent a lifetime cultivating for this quiet and beautiful neighborhood - an important reason we chose to live here.
4. Current out of state owners have shown little to no interest in maintaining or improving the property since vacated by last occupant i.e. no mowing, repairs, etc. despite numerous requests from neighbors - an indication of their lack of respect for the character of our neighborhood.

We bought our house on NW Jefferson in 2013. It's three houses down from Bogle Park. We were attracted to this street because of it's beauty and charm and are delighted to be a part of this lovely downtown neighborhood. We are saddened to see some of the lots around us that once housed single one or two story homes become crammed with two or three homes that are now up to three stories tall. Please consider all of our neighbors' concerns before making a decision that affects so many of your tax paying constituents. Thank you.

Susan Delacruz

Sent from my iPhone

Alison Worley

From: Custom Covers
Sent: Wednesday, March 04, 2020 10:17 AM
To: Planning
Subject: Property @ 502 NW 3rd st

I have to voice my concerns and complete disapproval of re-zoning the property at 502 NW 3rd st. If the property is divided the beautiful trees that are on that lot will end up cut down which is part of the charm of downtown. Not everyone wants to see another box house be put up against another one on a single lot. People in this neighborhood want this area to remain single family properties at low density. I hope the city starts looking at the box houses that are being built and realize you are allowing the charm of this town to be bought out.

Thank you,
Robin Reagan

Sent from my iPhone

NOTICE OF INTENT TO REZONE

Stratford Assets, LLC

has requested the Bentonville Planning Commission to set a public hearing date to consider rezoning the following property from

R-1, Single-family Residential

to

DN-2, Downtown Medium-density Residential

The legal description of the property is as follows:

LOT 1, HUFFMAN'S ADDITION, BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN IN PLAT RECORD "Y" AT PAGE 529, LESS AND EXCEPT THE NORTH 60 FEET.

The common description of the property is: 502 NW 3rd St Bentonville, AR

Proposed land use: Medium Density Residential (MDR)

The public hearing will be held March 17 2020 at 5:00 p.m. It will be held at 305 S.W. "A" Street.

This notification is in response to the requirement that all property owners within 200 feet of said property must be notified. If you wish to express any comments about the requested rezoning, you may respond by the following methods:

1. Attend the public hearing and express your views.
2. Express your opinion in writing to the Planning Commission. You may mail this or and deliver it to the City of Bentonville Planning Department, 305 S.W. A Street, Bentonville, AR 72712.
3. Use the bottom of this form to express your opinion by checking the appropriate box. (This may also be delivered or mailed to the above address.).

For more information, you may call the Planning Department at (479) 271-3122.

I/we have received notice of the public hearing for the rezoning of the above described property and:

☐ I / we have no objections to the rezoning.

☒ I / we object to the rezoning because:

Project is not in character with the neighborhood. Cannot believe property could/would meet zoning regulations

Bentonville, AR
72712

Bentonville, AR
72712

February 24, 2020

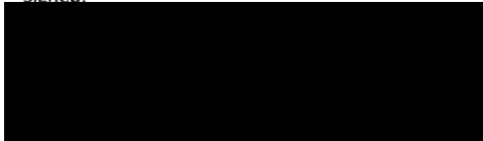
Mr. Jon Stanley
City of Bentonville
Planning Department
305 SW A Street
Bentonville, AR 72712

Dear Jon,

I am **opposed** to the intent to rezone the property at 502 NW 3rd Street in the Huffman Addition in Bentonville from R-1 Single-family Residence to DN-2 Downtown Medium Density because:

1. Property is designated as Low Density Residential in the City Land Use Master Plan as indicated on map and legend below taken from the COB Master Map on-line.
2. We want to keep the character of this neighborhood as intended per Master Plan.
3. Rezoning to medium density is an infringement on the legacy Marilyn Bogle spent a lifetime cultivating for this quiet and beautiful neighborhood - an important reason we chose to live here.
4. Current out of state owners have shown little to no interest in maintaining or improving the property since vacated by last occupant i.e. no mowing, repairs, etc. despite numerous requests from neighbors - an indication of their lack of respect for the character of our neighborhood.

Signed:



Land Use Plan

- Agriculture
- Residential Estate
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Public / Semi-Public

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I/we have received notice of the public hearing for the rezoning of the above described property and:

☐ I / we have no objections to the rezoning.

☒ I / we object to the rezoning because:

OUR NEIGHBORHOOD HAS A
DISTINCT PERSONALITY AND WE ARE
NOT READY TO CHANGE IT FOR OUT OF STATE
INVESTORS.

BENTONVILLE AR 72712

BENTONVILLE AR 72712

February 24, 2020

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

Dear Jon,

We are **opposed** to the intent to rezone the property at 502 NW 3rd Street in the Huffman Addition in Bentonville from R-1 Single-family Residence to DN-2 Downtown Medium Density because:

1. Property is designated as Low Density Residential in the City Land Use Master Plan as indicated on map and legend below taken from the COB Master Map on-line.
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3. Rezoning to medium density is an infringement on the legacy Marilyn Bogle spent a lifetime cultivating for this quiet and beautiful neighborhood - an important reason we chose to live here.
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Bentonville, AR 72712
Signature & Physical Address



Land Use Plan

- Agriculture
- Residential Estate
- Low Density Residential
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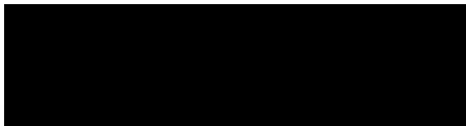
February 24, 2020

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Planning Department
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Bentonville AR 72712

Signature & Physical Address



Land Use Plan

- Agriculture
- Residential Estate
- Low Density Residential
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February 24, 2020

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Planning Department
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Signed:



Bentonville, AR



Land Use Plan

- Agriculture
- Residential Estate
- Low Density Residential
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February 24, 2020

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Bentonville



Land Use Plan

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February 24, 2020

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Bentonville, AR 72712

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Signed:

[Redacted Signature]

Bentonville, AR



Land Use Plan

- Agriculture
- Residential Estate
- Low Density Residential
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February 24, 2020

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City of Bentonville
Planning Department
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Land Use Plan

-  Agriculture
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NOTICE OF INTENT TO REZONE

Stratford Assets, LLC

Planning Commission to set a public hearing date to consider rezoning the following property from

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to

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The common description of the property is: 502 NW 3rd St Bentonville, AR

Proposed land use: Medium Density Residential (MDR)

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3. Use the bottom of this form to express your opinion by checking the appropriate box. (This may also be delivered or mailed to the above address.).

For more information, you may call the Planning Department at (479) 271-3122.

I/we have received notice of the public hearing for the rezoning of the above described property and:

☐ I / we have no objections to the rezoning.

☒ I / we object to the rezoning because:

I very much want to keep the character of the neighborhood per Master Plan and not support a change of character. The very unique character of this neighborhood

Signature and Physical Address

Bentonville, AR 72712

NOTICE OF INTENT TO REZONE

Stratford Assets, LLC has requested the Bentonville Planning Commission to set a public hearing date to consider rezoning the following property from R-1, Single-family Residential to DN-2, Downtown Medium-density Residential

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I/we have received notice of the public hearing for the rezoning of the above described property and:

☐ I / we have no objections to the rezoning.

☒ I / we object to the rezoning because:

I prefer SFH for our neighborhood...

Signature and Physical Address

Bentonville, AR 72712

February 24, 2020

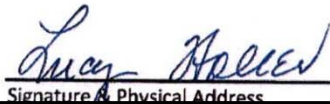
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Dear Jon,

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1. Property is designated as Low Density Residential in the City Land Use Master Plan as indicated on map and legend below taken from the COB Master Map on-line.
2. We want to keep the character of this neighborhood as intended per Master Plan.
3. Rezoning to medium density is an infringement on the legacy Marilyn Bogle spent a lifetime cultivating for this quiet and beautiful neighborhood - an important reason we chose to live here.
4. Current out of state owners have shown little to no interest in maintaining or improving the property since vacated by last occupant i.e. no mowing, repairs, etc. despite numerous requests from neighbors - an indication of their lack of respect for the character of our neighborhood.

Signed:


Signature & Physical Address



Land Use Plan

-  Agriculture
-  Residential Estate
-  Low Density Residential
-  Medium Density Residential
-  High Density Residential
-  Public / Semi-Public

From: Dave Burris [REDACTED]
Sent: Monday, February 24, 2020 10:19 AM
To: Jon Stanley
Subject: 501 NW 3rd Street - rezone

Jon,

I am writing to let you know that as a neighbor, I am not in favor of the rezone from R-1 to DN-2. I feel the visions set forth in the Land Use plan confirm lower density residential, and feel this should be followed.

Rezoning would allow for townhouse or two family on this smaller lot, and the rezone seems to be an effort to maximize profits rather than maximize character. If their goal was to give setbacks for a single family, DN-1 would have been the proper rezone.

Thank you.

--

Dave P Burris AIA
LEED AP

From: Scott Crossett [REDACTED]
Sent: Wednesday, March 04, 2020 4:43 PM
To: Jon Stanley
Cc: Lisa Crossett
Subject: Oppose rezoning of 502 NW 3rd

Mr. Stanley,

I appreciate the work and considerations of the planning commission. As someone that lives within a few hundred yards, I want to express opposition of the rezoning request for 502 NW 3rd St. for several reasons.

First, this small strip of road is a high traffic area for R.E. Baker school before 8am and around 3pm. It may not be obvious from a map view, but if you travel this road during this time you will understand. Because of the traffic flow leaving the West parking lot of Old High that travels to the north (causing a bottleneck at the stop sign), the cars travelling East on Jefferson avoid the stop sign at the end of Jefferson by turning left onto LeFors and then turn right onto 3rd street (exactly where this property is located) to take kids to R.E. Baker or to head through the square on their way to work. Also, traffic coming from the north (Bella Vista Way and other connectors) weave through and turn from LeFors onto 3rd Street at this property to take kids to/from R.E. Baker and Old High. This property being rezoned would likely create additional driveways and possibly cars parked on the side of the road of an already distressed traffic situation before and after school. It is also a busy street for kids walking home from school. Second, if this property gets rezoned then the property directly across the street gets rezoned also, which will make that section of the road a complete mess, both from traffic, but also because it would be out of character with the neighborhood of single family homes that pride themselves on yards and organically increasing their property values.

Third, my family has lived at 208 NW F Street for 7 years. When we moved-in, we did not have drainage problems, but since downtown has developed, the drainage, flooding and overflows have started to become very problematic and the city needs to invest in drainage infrastructure in the Northwest quadrant of the square before allowing for greater density. The neighbor behind my house is still on septic tank (how is this possible?) and when her yard floods to my yard, her septic is spread everywhere. This needs to be planned for and it's starting to get crazy. When I say "flood", I'm talking about 2 feet deep of water covering my entire back yard and front yard because the 5 foot deep drainage ditch can't hold all the water that is directed to it from the square when we have hard rains or rains for extended periods. In the last few weeks, the planning commission I assume, approved subdividing a single lot on Jefferson Street into 3 lots and did not add drainage or run sewer to this neighbor on septic tank that adjoins these newly created properties, which makes very little sense to our neighbors.

Last, the property on 502 NW 3rd St. already has high-value as a single family dwelling. If the property owner does not wish to have a single family dwelling here, there is a market for someone that will purchase this property without rezoning it. There should not be an expectation that the city will turn all old homes into higher density without respect for the neighborhoods or current zoning standards. How could anyone confidently purchase a family home if they knew the city will always approve the property next door to be a condo at anyone's request and without strong cause...

Thank you for your consideration. Please don't start setting new precedence and hopefully some areas of the downtown can maintain boundaries for single family, including the Northwest quadrant surrounding Bogle Park.
Glad to discuss any time. 479-466-7792

Scott Crossett
[REDACTED]

file:///I:/...G%20COMMISSIONS_/20_PC/1ST%20QTR/3-17-20/RZ20-0007_Stratford%20Assets%20I/Opposition%20Letter%203-4-20.txt[3/5/2020 7:43:07 AM]





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

AGENDA FORM

CITY COUNCIL MEETING OF:

June 9, 2020

Submitted by:

Tracy Billings

Department

Engineering

Phone

271-3130

ACTION REQUIRED:

Resolution setting a public hearing for June 23, 2020 to vacate a Street Right of Way and establish a Utility Easement at Lot 22 of Railroad Addition.

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.

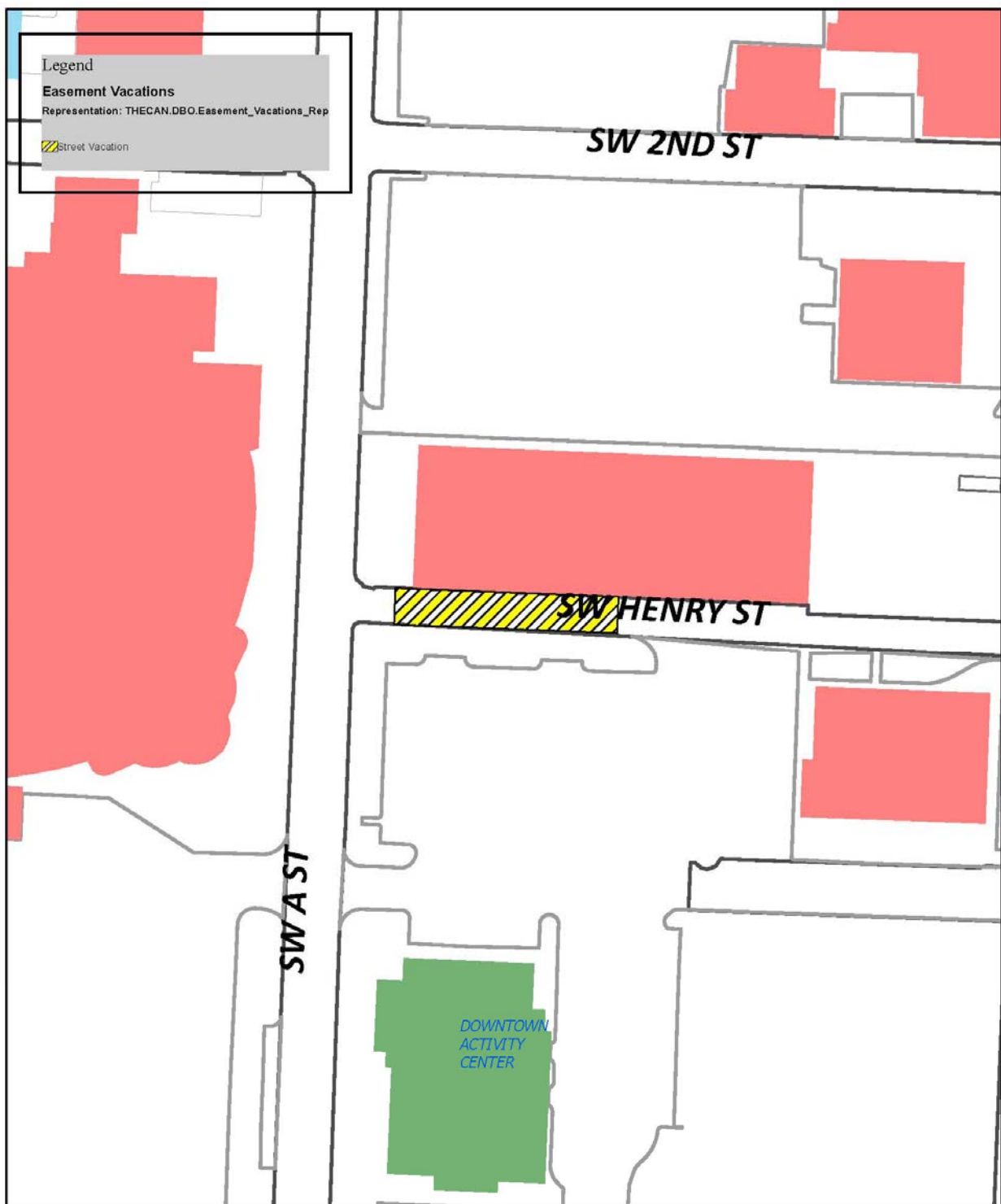
117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712

www.bentonvillear.com



PLEASE RECYCLE





1 inch = 67 feet

Proposed ROW Vacation



RESOLUTION NO. _____

IN THE CITY COUNCIL FOR THE CITY OF BENTONVILLE, ARKANSAS

WHEREAS, a petition was duly filed with the City Council of Bentonville, Arkansas requesting Street Right-of-Way Vacation (VAC20-0009) and establish a Utility Easement within the City of Bentonville, Arkansas be vacated, which said alley right of way is described as follows:

Commencing at the Northwest Corner of Lot twenty-two (22) of Railroad Addition to the City of Bentonville per Book 2010, Page 463 in the records of the Circuit Clerk, Benton County, Arkansas; thence South 87°46'23" East 5.00 feet along the south right of way of Henry Street to the point of beginning; thence leaving said south right of way North 01°57'05" East 20.00 feet to the north right of way line of Henry Street; thence along said north right of way South 87°46'23" East 122.59 feet; thence leaving said north right of way South 02°14'51" West 20.00 feet to the south right of way of Henry Street; thence North 87°46'23" West 122.49 feet along said right of way to the Point of Beginning, containing 2449.32 square feet or 0.056 acres.

WHEREAS, Ark. Code Ann. Section 14-301-302(c) provides that the City Council shall by resolution fix a day for the hearing of the petition and shall direct the City Clerk and Recorder to give notice of the meeting, by publication, once per week for two (2) consecutive weeks in some newspaper published in and having general circulation in Bentonville, Benton County, Arkansas.

NOW, THEREFORE, BE IT RESOLVED, by the City of Bentonville, Arkansas, that the petition to vacate the above described Alley Right-of-Way is set for a hearing June 23, 2020 at 6:00 p.m. in the City Council Room of the City of Bentonville, Arkansas, and the Bentonville City Clerk and Recorder is directed to give notice of this meeting by publication as set forth by Ark. Code Ann. Section 14-301-302(c).

The above and foregoing resolution was passed, approved, and adopted the _____ day of _____ 2020 at a regular meeting of the City Council of the City of Bentonville, Arkansas.

Linda Spence, City Clerk
Bentonville, Arkansas

Stephanie Orman, Mayor
City of Bentonville, Arkansas



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

AGENDA FORM

CITY COUNCIL MEETING OF:

June 9, 2020

Submitted by:

Tracy Billings

Department

Engineering

Phone

271-3168

ACTION REQUIRED:

Resolution setting a public hearing for June 23, 2020 for a Access & Utility Easement Vacation requested for 1805 SW Riverstone of Stone Meadow Addition.

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.

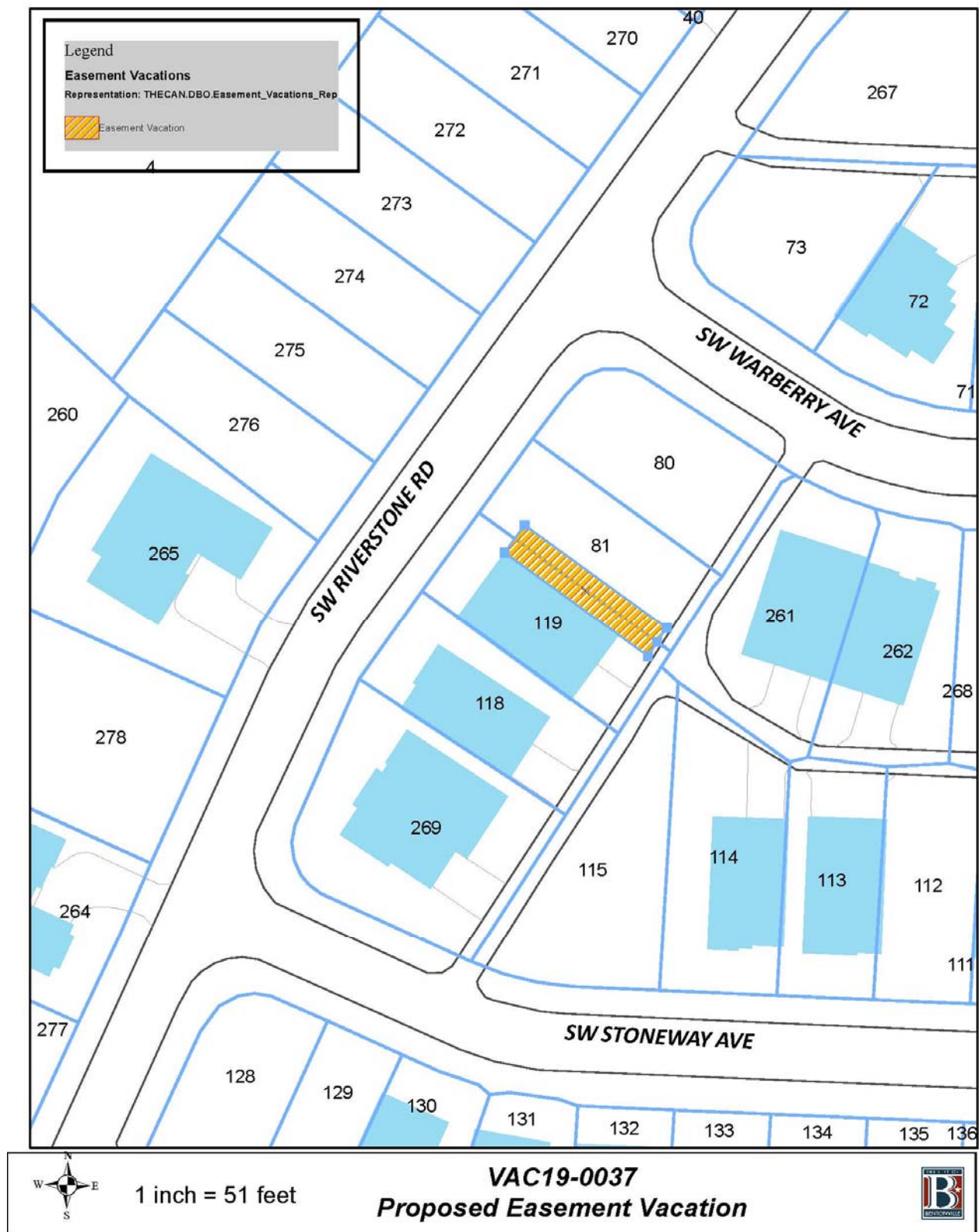
117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712

www.bentonvillear.com



PLEASE RECYCLE





RESOLUTION NO. _____

IN THE CITY COUNCIL FOR THE CITY OF BENTONVILLE, ARKANSAS:

WHEREAS, a petition was duly filed with the City Council of Bentonville, Arkansas by Eric Heller requesting access and utility easement vacation within the City of Bentonville, Arkansas be vacated, which said access and utility easement is described as follows:

BEING A PART OF LOT 119 & LOT 81 OF THE OF THE STONE MEADOW ADDITION FINAL PLAT, TO THE CITY OF BENTONVILLE, BENTON COUNTY, AR. AS SHOWN ON PLAT RECORD BOOK 2006 PAGES 954, 955, & 956 (08/09/2006) IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 119 AND RUNNING THENCE N54°00'06"E 7.51' TO THE TRUE POINT OF BEGINNING; THENCE S32°56'49"W 7.51'; THENCE N54°00'06"W 77.94'; THENCE N35°59'54"E 15.0'; THENCE S54°00'06"W 77.14'; THENCE S32°56'49"W 7.51' TO THE POINT OF BEGINNING, CONTAINING 1163 SQ FT., MORE OR LESS.

WHEREAS, Ark. Code Ann. Section 14-301-302(c) provides that the City Council shall by resolution fix a day for the hearing of the petition and shall direct the City Clerk and Recorder to give notice of the meeting, by publication, once per week for two (2) consecutive weeks in some newspaper published in and having general circulation in Bentonville, Benton County, Arkansas.

NOW, THEREFORE, BE IT RESOLVED, by the City of Bentonville, Arkansas, that the petition to close the above described utility easement is set for a hearing on June 23, 2020 at 6:00 p.m. in the City Council Room of the City of Bentonville, Arkansas, and the Bentonville City Clerk and Recorder is directed to give notice of this meeting by publication as set forth by Ark. Code Ann. Section 14-301-302(c).

The above and foregoing resolution was passed, approved and adopted the _____ day of _____ 2020 at a regular meeting of the City Council of the City of Bentonville, Arkansas.

Linda Spence, City Clerk
Bentonville, Arkansas

Stephanie Orman, Mayor
City of Bentonville, Arkansas



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

AGENDA FORM

CITY COUNCIL MEETING OF:

June 9, 2020

Submitted by:

Travis Matlock

Department

Electric

Phone

271-5941

ACTION REQUIRED:

Ordinance authorizing the Mayor and City Clerk to modify the 2020 Electric Dept. Pay Plan for Grades 95, 96, and 97 per the attached memo.

COST TO CITY:

Cost of this Request: \$165,100

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

DATE: June 9, 2020

TO: City Council, Mayor Orman

FROM: Travis Matlock, Electric Utility Director

RE: Revisions to Electric Pay Plan

BEUD (Bentonville Electric Utility Department) is experiencing an issue with our workforce, particularly the power line workers. Since December, BEUD has lost 7 employees (all resigned) and the same reason was given by all of them in the exit interview, non-competitive pay/existing pay scale. They did note that they were satisfied with our benefits and work environment but the pay scale was their ultimate decision for leaving. We currently have six (6) openings (2 full crews) with no prospects. We did hire 1 new employee from a local competitor at the end of December that had submitted an application before the exodus took place (he actually took a pay cut to come here).

In the NWA metro area, lineman salaries have been changing at a greater rate than the rest of the state and the increase happened at a much faster pace. BEUD is competitive with other municipalities throughout the state, but none of them are experiencing what is going on in NWA. Because of the sharp increase, BEUD has found itself as the lowest paying power line worker on average of 19% (or around \$7.00/hr.). This gap has allowed competitors (Co-ops, Investor Owned, and Contractors) to hire away BEUD employees with the promise of an instant pay raise doing the exact same job. Local competitors continue to aggressively call BEUD's existing employees (seemingly every day) to try to lure them away.

To ensure BEUD was not just "hearing" things about the pay, an agreement was entered into with the Johanson Group to conduct a 3rd party, unbiased salary survey of the Lineman pay rates, focused on the NWA area (not the entire state). The survey produced two different results. BEUD was the lowest paid Electric Department in the area (again, 19% or \$7.00/hr. on average), and that majority of Electric Line workers/utilities pay a "craft hourly rate". A "craft hourly rate" means there is 1 pay rate for a lineman, not a pay range. A lineman is a lineman, whether they have been working for 1 year or 20 years. Making the situation even worse, all of our competitors

currently also have openings and because of the gap in pay, BEUD cannot get anyone to interview.

BEUD is proposing to change Grades 95, 96, and 97 on the existing Bentonville Pay Plan from the range to the "craft hourly rate" to match the typical electric line workers in this area. Going to the "craft hourly rate" would allow BEUD to be more competitive (both in the area and in advertising for open positions) and retain the existing employees. The Lineman pay scale for grades of 95, 96, and 97 would be changed to the following:

- 95 (Lineman/Safety Coordinator/Construction Coordinator) - \$42.50/hr
- 96 (Electric Dept. Crew Leader) - \$45.00/hr
- 97 (Electric Dept. Foreman) - \$47.50/hr

This adjustment will place these positions more in line with equivalent jobs in the NW Arkansas metro area. With the current vacant positions and time remaining in 2020, this would be an additional \$165,100.42 increase to the current Salaries/Benefits budget. In discussions with Finance to cover the costs of the increase, a budget adjustment will move \$350,000 from Capital-Vehicles to Salaries/Benefits. When the vehicle was budgeted in 2019, it was based on the information provided. In 2020, the cost of the vehicle increase substantially so a decision was made to not purchase the vehicle in 2020, but re-budget it in 2021.

With the Cost of Services analysis that is just beginning, the salaries in the future would be taken into account for the subsequent years.

If this change were approved, BEUD would be compensated differently than the rest of the city, but more in line with the industry. If a COLA were approved by City Council, the COLA would be applied. However, there would be no merit raises applied to the affected categories. The "craft hourly rates" would be tied to the Electric Cost of Services Study that is conducted every 5 years, and a 3rd party survey would be conducted (as it was this year) to ensure that BEUD would not fall that far behind its competitors again.

1st Class Powerline Electrician

1st Class Powerline Electrician (Journeyman Lineman)					
Job Description					
Senior level hourly position under the supervision of the Field Electric Supervisor. Acts as the lead worker in the construction, maintenance, and repair of electrical distribution lines in accordance with accepted safety and electrical standards. Leads and assists in the installation and maintenance of City electrical lines, both overhead and underground. Responsible for transformers, arrestors, and other electrical equipment maintenance. Responsible for the installation of right-of-way clearing and maintenance. Supervises and trains subordinate Powerline Electricians. May substitute for Field Electric Supervisor in their absence. Installs new electrical lines by digging holes, setting poles, anchors, stringing wire, installing and changing transformers, installing new service wire, trimming trees, and maintaining right-of-ways. Performs public relations work and customer complaints concerning powerline electrical operations. Performs all primary line maintenance and replaces equipment as necessary.					
Qualifications					
4 year apprentice or formal school training and 5 years of experience.					
CITY	Job	Actual Pay	Range Min.	Salary Range Submitted	
	Match			*Craft Hourly Pay Rate	Range Max.
Organization 1	Match	\$39.95		\$39.95	
Organization 2	Match	\$44.68		\$44.68	
Organization 3	Match	\$41.98		\$41.98	
Organization 4	Match	\$43.70		\$43.70	
Organization 5	Match	\$40.65		\$40.65	
Organization 6	Match	\$34.95	\$29.67	\$36.54	\$43.41
APPA	Match	\$41.99	\$33.23	\$41.54	\$49.85
		\$41.13	\$31.45	\$41.29	\$46.63
City of Bentonville		\$34.60	\$33.08	\$38.54	\$44.00
\$ Difference		-\$6.53	\$1.63	-\$2.75	-\$2.63
% Difference		-18.9%	4.9%	-7.1%	-6.0%
*A majority of the electric utilities pay the above craft hourly rate to new journeyman/1st class powerline electricians or existing internal new journeyman/1st class powerline electricians.					

Pay Study Sources

AEP - Regional Area
 Carroll Electric Coop
 Liberty Utilities- Empire District
 New-Mac Electric Coop
 Ozark Electric Coop
 SWEPCO
 APPA

Electric Crew Leader

Job Description					
Acts as lead worker in the construction, maintenance, and repair of electrical distribution lines in accordance with accepted safety and electrical standards. Reporting relationships, work assignments, and work schedules may be subject to change in order to meet City needs or operational requirements. Demonstrates knowledge of Electric Utility systems, substations, and mapping. Directly supervises the installation and maintenance of City electrical lines, both overhead and underground. Responsible for transformers, arrestors, and other electrical equipment maintenance. Supervises and trains subordinate Powerline Electricians and Electric Ground workers. May substitute for the General Foreman in their absence. Carries out work assignments. Interprets staking sheets and maps, material tickets, and field and inspection reports as required. Installs new electrical lines by digging holes, setting poles, anchors, stringing wire, installing and changing transformers, installing new service wire, trimming trees, and maintaining right-of-ways. Energizes new lines, changes phases, and switches lines from one source of feed to another source. Sees that all personnel under his supervision know when conductors are energized or de-energized, and ensures that crews follow the best safety practices.					
Qualifications					
4 year apprentice or formal school training and 5 years of experience. Powerline Electrician Certification and completion of hot line schools and seminars.					
CITY	Job	Salary Range Submitted			
	Match	Actual Pay	Range Min.	*Craft Hourly Pay Rate	Range Max.
Organization 1	Match	\$42.93		\$42.93	
Organization 2	Match	\$48.92		\$48.92	
Organization 3	Match	\$45.75		\$45.75	
Organization 4	Match	\$46.70		\$46.70	
Organization 5	Match	\$43.79		\$43.79	
Organization 6	Match	\$44.09	\$35.16	\$43.54	\$51.93
APPA	Match	\$46.49	\$36.89	\$46.11	\$55.33
AVERAGES		\$45.52	\$36.03	\$45.39	\$53.63
City of Bentonville		\$38.29	\$36.69	\$42.11	\$47.53
\$ Difference		-\$7.23	\$0.66	-\$3.28	-\$6.10
% Difference		-18.9%	1.8%	-7.8%	-12.8%
*A majority of the electric utilities pay the above craft hourly rate to electric crew leaders.					

Pay Study Sources

AEP - Regional Area
 Carroll Electric Coop
 Liberty Utilities- Empire District
 New-Mac Electric Coop
 Ozark Electric Coop
 SWEPCO
 APPA

Field Electric Supervisor

Job Description						
Senior level hourly position under the general supervision of the Assistant Manager (Construction). Oversees and coordinates the work electric construction crews comprised of First Class Powerline Electricians, Powerline Electricians, and Apprentice Powerline Electricians as they perform their functions to assure an efficient and safe electrical system for the City. Advises and assists the Assistant Electric Utilities Manager concerning the planning of work programs, long and short range Department planning, methods, procedures, and to provide leadership. Keeps the Assistant Electric Utilities Manager informed of special activities, needs, defects, and problems in the department. Carries out work assignments. Interprets staking sheets and maps, material tickets, and field and inspection reports as required. Inspects completed construction and jobs to determine that the completed work is according to specifications and other requirements, and see that all deficiencies are corrected.						
Qualifications						
2 Years college or Technical School; 8 years of general experience and 2 years of management experience in an electric utilities department; and Powerline Electrician Certification. Ability to obtain a Class "A" Commercial Drivers License.						
CITY	Job Match	Salary Range Submitted				
		Actual Pay	Range Min.	Range Midpoint	Range Max.	
Organization 1	Match	\$93,623	\$76,427	\$95,534	\$114,641	
Organization 2	Match	\$103,674	\$86,395	\$107,994	\$129,594	
Organization 3	Match	\$97,331	\$81,120	\$101,400	\$121,680	
Organization 4	Match	\$99,975	\$83,701	\$103,376	\$124,050	
Organization 5	Match	\$92,300	\$91,500	\$96,000	\$100,000	
Organization 6	Match	\$96,023	\$79,347	\$98,555	\$117,763	
APPA	Match	\$97,775	\$76,731	\$96,278	\$115,534	
AVERAGES		\$97,243	\$82,174	\$99,877	\$117,609	
City of Bentonville		\$85,893	\$66,040	\$89,138	\$112,237	
\$ Difference		-\$11,350	-\$16,134	-\$10,739	-\$5,372	
% Difference		-13.2%	-24.4%	-12.0%	-4.8%	

Pay Study Sources

AEP - Regional Area
 Carroll Electric Coop
 Liberty Utilities- Empire District
 New-Mac Electric Coop
 Ozark Electric Coop
 SWEPCO
 APPA

Construction Coordinator

Job Description						
Inspects and oversees construction of electric construction projects for the City, ensuring that procedures and materials comply with plans and specifications. Is the first point of contact for contractors with the Bentonville Electric Utility Department. Attends all Pre-Construction meetings. First point of contact between Contractor and Bentonville Electric Utility Department. Addresses any questions during construction with the Contractor. Coordinates scheduling of temporary and permanent power required by development with Bentonville Electric Utility Department Construction Manager. Measures distances to verify accuracy of dimensions of structural installations and layouts. Verifies levels, alignment, and elevation of installations. Observes work in progress to ensure that procedures followed and materials used conform to specifications. Witness quality control testing to ensure construction meets with Bentonville Electric Utility Department specifications. Examines workmanship of finished installations for conformity to standard and approves installation. Interprets construction plans or design drawings for contractors and discusses deviations from specified construction procedures to ensure compliance with regulations governing construction. Maintains daily log of construction and inspection activities and prepares progress reports. Prepares sketches of construction installations that deviate from construction plans or design drawings and reports such changes for incorporation on "As Built" construction plans or design drawings.						
Qualifications						
Four years in high school, plus night, trade extension, or correspondence school specialized training, equal to two years of college. 5 years of general experience and 2 years of management experience.						
CITY	Job Match	Actual Pay		Salary Range Submitted		
				Range Min.	Range Midpoint	Range Max.
Organization 1	Match	\$78,941		\$66,477	\$83,096	\$99,715
Organization 2	Match	\$75,808		\$57,758	\$72,198	\$86,636
Organization 3	Match	\$82,952		\$69,854	\$87,318	\$104,782
Organization 4	Match	\$88,386		\$74,430	\$93,038	\$111,646
Organization 5	Match	\$70,792		\$64,921	\$81,130	\$97,379
Organization 6	Match	\$93,627		\$79,347	\$98,555	\$117,763
APPA	Match	\$87,339		\$69,123	\$86,403	\$103,684
AVERAGES		\$82,549		\$68,844	\$85,965	\$103,086
City of Bentonville		\$77,835		\$68,808	\$80,163	\$91,520
\$ Difference		-\$4,714		-\$36	-\$5,802	-\$11,566
% Difference		-6.1%		-0.1%	-7.2%	-12.6%

Pay Study Sources

AEP - Regional Area
 Carroll Electric Coop
 Liberty Utilities- Empire District
 New-Mac Electric Coop
 Ozark Electric Coop
 SWPCO
 APPA

Safety Compliance Officer

Job Description						
Review, evaluate, and analyze work environments and provide direction in safety practices, procedures and activities to control, eliminate and prevent workplace injury and/or disease. Provide expertise and direction in coordinating safety practices, activities and concerns for the Bentonville Electric Utility Department. Plan and direct the safety operations for all departments of the Bentonville Electric Utility Department with emphasis on employee safety. Develop, implement, audit and maintain employee health and safety programs and activities to prevent injuries and environmental impacts and to comply with all applicable safety regulations affecting the utility industry. Provide proactive leadership in creating and maintaining a best in class safety culture through interactions with all levels of management, employees, subcontractors, customers, and others, to ensure safe working practices are being observed for the benefit of the company, employees, the general public, and the environment. Conduct and document regular and appropriate safety training or education programs for employees. Identify and monitor legal requirements and government reporting regulations affecting safety functions. Inform management personnel, as needed, of changes, as well as proposed changes, in regulations which may affect their respective work areas. Conduct necessary safety inspections and audits to insure the safety program is working effectively. Where there is an eminent danger or serious hazard exists, the Director shall have the authority to take the necessary action to prevent injury to any employee or to the public. Conduct necessary incident and accident investigations to determine why they occurred and to improve the safety level by preventing future occurrences. Develop and maintain emergency response plans or procedures, evacuation maps and plans for facilities. Provide training to employees on those plans and procedures. Lead the implementation and upkeep of Emergency Response Plans and coordinate the testing of these plans with Operations, Management and appropriate outside resources. Assist human resources personnel in safety aspects of employee orientations. Coordinate with human resources on return-to-work program.						
Qualifications						
5 years of general experience and Certified Utility Safety Professional (CUSP) or Certified Safety Professional (CSP) certification; or ability to obtain. Instructor certificates in CPR & first aid.						
CITY	Job Match	Actual Pay	Salary Range Submitted			
			Range Min.	Range Midpoint	Range Max.	
Organization 1	Match	\$78,941	\$66,477	\$83,096	\$99,715	
Organization 2	Match	\$76,530	\$57,758	\$72,198	\$86,636	
Organization 3	Match	\$79,161	\$69,854	\$87,318	\$104,782	
Organization 4	Match	\$83,787	\$74,430	\$93,038	\$111,646	
Organization 5	Match	\$72,571	\$55,293	\$69,115	\$82,937	
Organization 6	Match	\$106,458	\$79,347	\$98,555	\$117,763	
APPA	Match	\$84,726	\$70,505	\$88,131	\$105,758	
AVERAGES		\$83,168	\$67,666	\$84,493	\$101,320	
City of Bentonville		\$78,909	\$68,808	\$80,163	\$91,520	
\$ Difference		-\$4,259	\$1,142	-\$4,330	-\$9,800	
% Difference		-5.4%	1.7%	-5.4%	-10.7%	

Pay Study Sources

AEP - Regional Area
 Carroll Electric Coop
 Liberty Utilities- Empire District
 New-Mac Electric Coop
 Ozark Electric Coop
 SWEPKO
 APPA

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE PAY PLAN FOR THE
CITY OF BENTONVILLE, ARKANSAS PERTAINING TO
CERTAIN GRADES WITHIN THE BENTONVILLE
ELECTRIC DEPARTMENT.**

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

Section 1: That the Pay Plan for the City of Bentonville Electric Department be
amended to establish flat rates for certain Lineman pay scale grades, as follows:

- 95 (Lineman/Safety Coordinator/Construction Coordinator) - \$42.50/hr
- 96 (Electric Dept. Crew Leader) - \$45.00/hr
- 97 (Electric Dept. Foreman) - \$47.50/hr

PASSED and APPROVED this ____ day of _____, 2020.

APPROVED:

MAYOR

ATTEST:

CITY CLERK



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

AGENDA FORM

CITY COUNCIL MEETING OF:

June 9, 2020

Submitted by:

Travis Matlock

Department

Electric

Phone

271-5941

ACTION REQUIRED:

Budget adjustment to remove \$350,000.00 from BEUD's Capital Vehicle account and transfer a portion to Salary and Benefits to cover BEUD's Pay Plan adjustment. Remainder will be put back into Electric Department Reserves.

COST TO CITY:

Cost of this Request: \$165,100

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



BUDGET ADJUSTMENT REQUEST FORM

Budget Adjustment #
(Assigned by Admin)

Department: Electric

Date of Request: January 14, 2020

Acct Number	Account Name	Revenue + (-)	Expense + (-)	Fund Balance + (-)
503010-41010	Full Time Salary and Wages		\$134,088.44	\$ (134,088.44)
503010-41810	Retirement-APERS		\$20,542.35	\$ (20,542.35)
503010-41510	Taxes		\$10,257.77	\$ (10,257.77)
503010-41720	Long Term Disability		\$211.86	\$ (211.86)
503010-47420	Capital - Vehicles		(\$350,000.00)	\$ 350,000.00
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
	Totals	\$ -	\$ (184,899.58)	\$ 184,899.58

Justification:

Budget adjustment to remove \$350,000 from BEUD's Capital Vehical account and transfer a portion to Salary and Benefits to cover BEUD's Pay Plan adjustment. Remainder of \$184,899.58 will be put back into Electric Dept. Reserves.

FOR ACTING USE ONLY

Council Action: Approved Disapproved Other _____

Date: _____ Date entered: _____ By: _____

Revised 5/1/07

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

AGENDA FORM

CITY COUNCIL MEETING OF:

June 9, 2020

Submitted by:

Brent Boydston

Department

Fire

Phone

271-5927

ACTION REQUIRED:

Bid Award to Banner Fire Equipment Inc. through participation in the HGAC Cooperative (Co-op) contract, FS 12-19 HC04. Use of a Co-op is allowed pursuant to Arkansas State Statute 19-11-249; Purchasing performed an evaluation of FS 12-19 HC04, determining that the solicitation was in line with both Arkansas State Statute and City Purchasing procedures. This is a budgeted item in the 2020 budget.

COST TO CITY:

Cost of this Request: \$644,250

Additional Budget Amount

☐ One time amount

☐ Continuing O and M

Previously Budgeted	\$	660,000
Funds Expended to Date		
Remaining Budget		660,000
Budget Adjustment		-
Remaining After Adjustment	\$	660,000

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

117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712

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PLEASE RECYCLE





Inter-office Memorandum

To: Mayor Orman and City Council
From: Brent Boydston, Fire Chief
CC: Camille Thompson, Staff Attorney, Gladys Shoemake, Purchasing Manager,
Jake Harper, Finance Director
Date: June 9, 2020
Re: Engine 1 Replacement

Currently, Engine 1 is a 2000 model E-One, Class A Pumper. At 20 years of age, this apparatus exceeds the NFPA 1901, recommended timeframe of 15 years for a first-line apparatus.

NFPA 1901, Annex D, Guidelines for First-Line and Reserve Fire Apparatus

Because the changes, upgrades, and fine tuning to NFPA 1901 have been truly significant, especially in the area of safety, fire departments should seriously consider the value (or risk) to fire fighters of keeping fire apparatus more than 15 years old in first-line service.

It is recommended that Engine 1 be replaced. Current build times are 400 days out to delivery from the time a unit is ordered. This timeframe will put Engine 1 at 22 years of first-line service and 7 years past the recommended replacement window.

This replacement is a budgeted 2020 item.



4289 Industrial Drive, Roxana, IL 62084 T: 888-BAN-FIRE P: 618-251-4200

May 28, 2020

Deputy Chief K. Kevin Boydston
Bentonville Fire Department
800 SW A Street
Bentonville, AR 72712

Dear Chief,

Per your request, here is some additional information.

Although the Houston Galveston Area Council is based in Texas, their procurement services have been available to government entities nationwide for over thirty years. These services have included bid contracts that enable those entities to buy a variety of products, including fire apparatus.

Banner Fire Equipment Inc. is an authorized dealer for E-One Fire Apparatus, who is an approved provider under Fire Apparatus contract FS12-17. Our dealership has been an approved contractor for this HGAC contract since 2016. Our HGAC customer number is ILV0584.

A few of the past HGAC transactions conducted by our dealership include fire apparatus purchases made by:

The City of Marion, IL.
The City of Bloomington, IL. (two transactions)
O'Fallon, Missouri Fire Protection District (nearing completion)

I have enclosed a copy of Banner's HGAC contractor's information sheet for your records.

Please let us know how we can help you through this process.

Thank you

Michael J. Benker

Michael J. Benker (sr)
Apparatus Coordinator

WWW.BANNERFIRE.COM

info@bannerfire.com



FIRE APPARATUS PROPOSAL

This proposal has been prepared for:

DATE: April 7, 2020
Revised May 14, 2020

**BENTONVILLE FIRE DEPARTMENT
800 SW A STREET
BENTONVILLE, ARKANSAS 72712**

We hereby propose to furnish to you, subject to proper execution of the attached agreement by you and by an officer of this Company, the following apparatus and equipment to be built in accordance with the attached specifications:

UNIT QUANTITY	MODEL	PRICE
1	E-One All Aluminum 1500 gpm Custom Pumper unit mounted on an E-One Typhoon custom chassis with Cummins L9 450hp engine, 780 gallon tank, 1500 gpm QMAX pump, per submitted specifications.	\$624,685.00
	Loose Equipment Package	\$19,565.00

Price does not include any applicable sales taxes

Delivery will be FOB Roxana, IL and will be made approximately 400 calendar days after receipt of a contract. (A prebuild conference adds 60 days to delivery time) Standard Terms of Payment are 90% of the purchase price due upon arrival of the unit at our Roxana, IL facility, with the balance due upon pick up.

Price is firm until close of business **June 19, 2020**. Price is subject to increase after that time.

Price per HGAC FS12-19 HC04

Company: BANNER FIRE EQUIPMENT, INC.

By:

Michael J. Benker

Title:

Apparatus Coordinator



The City may elect to exercise the following prepayment option:

Prepayment Option

Prepayment discounts can also be calculated on a per day basis based upon a 3% annual percentage rate. Prepayments earn interest beginning three business days after funds are received at our Roxana office, and ending the day the truck leaves the Ocala, Florida plant. The discounts are based upon a specific calendar day delivery schedule and may be adjusted up or down based upon the actual delivery time.

Example 1: \$200,000.00 down payment with a 365 day delivery:

$\$200,000.00 \times 0.03 / 365 \text{ days} \times 365 \text{ days} = \$6,000.00 \text{ discount}$

BANNER
FIRE EQUIPMENT, INC.

CONTRACTOR CONTACT INFORMATION

ATTENTION Houston-Galveston Area Council (H-GAC) Contractor: The following information is needed to communicate with your company concerning contract matters which may arise. To expedite the process, we ask that you provide the information requested below. During the term of this contract, notify H-GAC in writing of any changes to this information by emailing updates to: cpcontractfax@h-gac.com

Section I

CONTRACTOR: Banner Fire Equipment, Inc.	CONTRACT #: FS-19
Purchase Order Address: 4601 Hedge Road	Invoice Address: 4601 Hedge Road
Contact Name: Michael J. Benker	Contact Name: Michael J. Benker
Address: Roxana IL 62084	Address: Roxana IL 62084
City State Zip Code	City State Zip Code
Telephone No.: 1.888.226.3473	Telephone No.: 1.888.226.3473
Fax No.: 1.618.251.6020	Fax No.: 1.618.251.6020
Email Address: mikeb@bannerfire.com	Email Address: Mikeb@bannerfire.com

Section II

CONTRACT INFORMATION:

Indicate the person (s) authorized to sign contracts, requests for contract price increases, or other contract-related documents. A copy of your corporate resolution may be acceptable for Section II.

Printed Name of: Michael T. Benker	Printed Name of Sign: Michael T. Benker
Corporate Title: President	Corporate Title: President
Tel. No.: 1.888.226.3473	Tel. No.: 1.888.226.3473
Fax No.: 1.618.251.6020	Fax No.: 1.618.251.6020
Email Address: mikejr@bannerfire.com	Email Address: mikejr@bannerfire.com

Section III

SALES CONTACT INFORMATION

Person who End Users will contact for product information and pricing quotes

Contact Name:	Title: Apparatus Sales Coordinator
Address: 4601 Hedge Road Street Roxana IL 62084 City State Zip	
Telephone No.: 1.888.226.3473	Fax No.: 1.618.251.6020
Mobile No. (optional): 1.618.407.7031	
Email Address: mikeb@bannerfire.com	

CONTRACTOR CONTACT INFORMATION

ATTENTION Houston-Galveston Area Council (H-GAC) Contractor: The following information is needed to communicate with your company concerning contract matters which may arise. To expedite the process, we ask that you provide the information requested below. During the term of this contract, notify H-GAC in writing of any changes to this information by emailing updates to: cpcontractfax@h-gac.com

Section I

CONTRACTOR: <u>Banner Fire Equipment, Inc.</u>	CONTRACT #: <u>FS-19</u>
Purchase Order Address: <u>4601 Hedge Road</u>	Invoice Address: <u>4601 Hedge Road</u>
Contact Name: <u>Michael J. Benker</u>	Contact Name: <u>Michael J. Benker</u>
Address: <u>Roxana IL 62084</u>	Address: <u>Roxana IL 62084</u>
City <u>State</u> <u>Zip Code</u>	City <u>State</u> <u>Zip Code</u>
Telephone No.: <u>1.888.226.3473</u>	Telephone No.: <u>1.888-226.3473</u>
Fax No.: <u>1.618.251.6020</u>	Fax No.: <u>1.618.251.6020</u>
Email Address: <u>mikeb@bannerfire.com</u>	Email Address: <u>Mikeb@bannerfire.com</u>

Section II

CONTRACT INFORMATION:

Indicate the person (s) authorized to sign contracts, requests for contract price increases, or other contract-related documents. A copy of your corporate resolution may be acceptable for Section II

Printed Name: <u>Michael T. [REDACTED]</u>	Printed Name: <u>Michael T. [REDACTED]</u>
Corporate Title: <u>President</u>	Corporate Title: <u>President</u>
Tel. No.: <u>1.888.226.3473</u>	Tel. No.: <u>1.888.226.3473</u>
Fax No.: <u>1.618.251.6020</u>	Fax No.: <u>1.618.251.6020</u>
Email Address: <u>mikejr@bannerfire.com</u>	Email Address: <u>mikejr@bannerfire.com</u>

Section III

SALES CONTACT INFORMATION

Person who End Users / pricing quotes

Contact Name: <u>[REDACTED]</u>	Title: <u>Apparatus Sales Coordinator</u>
Address: <u>4601 Hedge Road</u>	<u>Roxana IL 62084</u>
Street	City State Zip
Telephone No.: <u>1.888.226.3473</u>	Fax No.: <u>1.618.251.6020</u>
Mobile No.: (optional) <u>1.618.407.7031</u>	
Email Address: <u>mikeb@bannerfire.com</u>	



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

AGENDA FORM

CITY COUNCIL MEETING OF:

June 9, 2020

Submitted by: **Jake Harper/Ellen Norvel**

Department: **Administration/Planning**

Phone: **271-6781**

ACTION REQUIRED:

Resolution authorizing the Mayor and City Clerk to amend the current Hight Jackson agreement to allow for final billing of Civil Engineering to be paid through Hight Jackson and change the Administrative Services Building fee from a % based to a flat fee. The overall architectural cost of this project will be reduced by approximately \$140,000.00 as the City pauses the Community Development building project due to the economic environment, reduce cost due to moving from a full construction design to renovation for the Administrative Services Building, and utilize some remaining budget to evaluate the location of a Mayor's office at either the Utility Billing drive thru building or the Community Development building.

COST TO CITY:

Cost of this Request: \$0

Additional Budget Amount: \$0

☐ 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





AIA® Document G802® – 2017

Amendment to the Professional Services Agreement

PROJECT: *(name and address)*
City of Bentonville Administrative
Services Building
Bentonville, AR

AGREEMENT INFORMATION:
Date: December 26, 2018

AMENDMENT INFORMATION:
Amendment Number: 1
Date: May 13, 2020

OWNER: *(name and address)*
City of Bentonville
Bentonville, AR

ARCHITECT: *(name and address)*
Hight Jackson Associates Pa
Rogers, AR

The Owner and Architect amend the Agreement as follows:
Ref: Article 3.1 shall include Civil Engineering Services.

The Architect's compensation and schedule shall be adjusted as follows:

Compensation Adjustment:

Compensation shall be changed from Six & one-half Percent of the Cost of the Work to a Lump Sum Fee of One Hundred Twenty-seven Thousand, Five Hundred Dollars (\$127,500.00)

Schedule Adjustment:
N/A

SIGNATURES:

Hight Jackson Associates PA
ARCHITECT *(Firm name)*

City of Bentonville, AR
OWNER *(Firm name)*

Brian T. Jackson, President

SIGNATURE

Stephanie Orman, Mayor

PRINTED NAME AND TITLE

PRINTED NAME AND TITLE

DATE

DATE

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE MAYOR AND
CLERK TO ENTER INTO AN AMENDMENT TO THE
AGREEMENT WITH HIGHT JACKSON FOR RELATED
ARCHITECTURAL SERVICES.**

**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 amendment to the Agreement with Hight Jackson related to architectural services for the City of Bentonville Administrative Services Building, as set forth in the amendment to 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 _____, 2020.

APPROVED:

MAYOR

ATTEST:

CITY CLERK



CHECK ALL THAT APPLY			
X	Bid Award	Bid #	IFB-20-40
	Budget Adjustment		
	Change Order		
	Informational		
	Ordinance		
	Resolution		
	Other		

AGENDA FORM

CITY COUNCIL MEETING OF:

June 9, 2020

Submitted by:

Jake Harper

Department

Accounting

Phone

271-6781

ACTION REQUIRED:

Bid Award to Flintco, LLC in the amount of \$1,704,281.00 for IFB-20-40-Bentonville Administrative Services Building Remodel, for the remodel of the property located at 1000 SW 14th Street, purchased in November of 2019 as the future location of the City's Administrative Services Building. The Bid Award amount includes the Base Bid of \$1,685,000.00 plus Alternate Number 1 (stain exterior brick and mortar) for \$19,281.00. The City will also be adding a 3% owners construction contingency to the contract bring total potential contract amount to \$1,755,410. See the attached bid tabulation and bid submission forms for additional information. The Bentonville Administrative Services Building will include the Accounting, Human Resource, Utility Building, and Information Technology Departments.

COST TO CITY:

Cost of this Request: \$1,755,410

Additional Budget Amount \$1,755,410

☒ One time amount

☐ Continuing O and M

Previously Budgeted	\$
Funds Expended to Date	
Remaining Budget	-
Budget Adjustment	1,755,410
Remaining After Adjustment	\$ 1,755,410

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



HIGHT, JACKSON, ASSOCIATES, PA

Bid Tabulation Form

Bid Date: May 6, 2020

Time Taken: 1:00 PM local time

City of Bentonville Administrative Services Remodel Bentonville, Arkansas

Contractors	Flintco	Nabholz	C.R. Crawford	Turn Key	Dave Grundfest	Oelke	SSI
License No.	1976870620	0000020120	0173580420	0186310420	0010990420	0220000520	0001310421
Bid Bond	✓	✓	✓	✓	✓	✓	✓
Addenda 1, 2, 3	✓	✓	✓	✓	✓	✓	✓
Base Bid	\$1,685,000.00	\$1,993,937.00	\$1,859,000.00	\$1,894,949.00	\$1,663,000.00	\$1,665,531.00	\$1,737,777.00
Alternate No. 1 Stain all exterior brick and mortar, two colors per owner's choice. Add	\$19,281.00	\$21,717.00	\$20,000.00	\$40,000.00	\$72,500.00	\$39,706.00	\$25,000.00
Alternate No. 2 Remove all work associated with 2nd floor office suite. Deduct	\$7,519.00	\$19,500.00	\$11,500.00	\$10,179.00	\$12,134.00	\$22,570.00	\$11,000.00
Sub-Contractors							
Plumbing	Allied	Kramer	Allied	Allied	Allied	Ward & Son	Ward & Son
License No.	0352900520	MP5341	0352900520	0352900520	0352900520	0370170320	0370170320
Mechanical	Allied	Allied	Allied	Allied	Allied	Pascal	Allied
License No.	0352900520	0352900520	0352900520	0352900520	0352900520	0316641020	0352900520
Electrical	BEI	AWJ	Ark Power & Elec	BEI	Arnold & Blevins	Ark Power & Elec	Arnold & Blevins
License No.	0077850421	0338950321	0204530421	0077850421	0336370520	0204530421	0336370520

00 42 13
PROPOSAL FOR LUMP SUM CONTRACT

PLACE Bentonville City Hall

DATE & TIME 5/6/2020 1:00 PM

PROJECT 1942.1 - City of Bentonville Administrative Services

PROPOSAL OF Flintco, LLC.
(Hereinafter called the "Bidder")

A Corporation, organized and existing under the laws of the State of Arkansas

A Partnership consisting of _____

An individual trading as _____

TO:

Gentlemen:

The undersigned, in compliance with your invitation for bids for the construction of City of Bentonville Administrative Services Building (project) having examined the plans and specifications with related documents, and having visited the site of the proposed work within the past seven (7) days, and being familiar with all the conditions surrounding the construction of the proposed project, including the availability of materials and labor, hereby propose to furnish all labor, materials, supplies, plants, etc., and to construct the project in accordance with the contract documents within the time set forth therein and at the prices stated herein, to cover all general construction work, including plumbing, mechanical and electrical. These prices are to cover all expenses incurred in performing the work required under the contract documents of which this proposal is a part.

I/We acknowledge receipt of the following Addenda:

(Arkansas public bid statutory requirement: Bidder must acknowledge all addenda issued by addendum number)

# <u>1</u>	Dated <u>4/24/2020</u>
# <u>2</u>	Dated <u>5/01/2020</u>
# <u>3</u>	Dated <u>5/04/2020</u>
# _____	Dated _____

Base Bid Proposal for General Construction:

One Million Six Hundred Eighty Five DOLLARS (\$1,685,000)
(Arkansas public bid statutory requirement: Bidder must enter bid amount in numerical format)

00 42 13-1
Bentonville Administrative Services Remodel
Bentonville, AR

ALTERNATE PRICES: For the materials and work described in the specifications and/or drawings, the undersigned agrees to adjust his base bid for the following described work:

ALTERNATE NO. 1:

Stain all exterior brick and mortar, two colors per owner's choice. Refer to section 09 97 23.

ADD\$ 19,281.00

DEDUCT\$ _____

ALTERNATE NO. 2:

Remove all work associated with second floor office suite within the area shown on the drawings. This includes new walls, doors, millwork, ceilings, lights, mechanical ductwork. The "shell" of the space will be finished including painted walls, new door, flooring/base, ceiling, light fixtures, mechanical ductwork.

ADD\$ _____

DEDUCT\$ 7,519.00

ALTERNATE NO. 3:

Add a third fiber optic line into the building per civil drawings.

ADD\$ _____

DEDUCT\$ _____

COMPLETION TIME:

The Contractor agrees, if awarded the contract, to complete project no later than **six (6) months after signed contract/notice to proceed.**

Liquidated damages in the amount of Five Hundred Dollars (\$500.00) per calendar day for delay beyond that time will be paid by the Contractor except for extensions of time granted under the General and Supplementary Conditions.

In submitting this bid, it is understood that the right is reserved by the Owner to reject any or all bids. No bid shall be withdrawn for a period of sixty (60) days subsequent to the opening of bids without the consent of the Owner.

In submitting this bid I/We acknowledge and include Cash Allowance costs as part of the Base Bid as listed in Specification Section 01 21 13.

I (or we) submit the names of the subcontractors I (or we) propose to use, and the State Contractors' License Number (If Applicable), as follows:

00 42 13-2
Bentonville Administrative Services Remodel
Bentonville, AR

SUBCONTRACTORS NAME

STATE CONTRACTOR'S
LICENSE NO.

A. Plumbing

[REDACTED]

ore?

Yes ___ No ☒

If yes, list plumbing subcontractor and license number above.

B. Mechanical

[REDACTED]

Is the amount of the mechanical work \$50,000.00 or more?

Yes ☒ No ___

If yes, list mechanical subcontractor and license number above.

C. Electrical

[REDACTED]

ore?

Yes ☒ No ___

If yes, list electrical subcontractor and license number above.

Item A. and B. may be separate or combined under one mechanical contract, if so stated above.
(Arkansas public bid statutory requirement: Bidder must enter subcontractors name in blanks above along with license number unless amount of subcontract is less than \$20,000.00.)

CONDITIONS:

- A. It is agreed that after the time of opening bids, a period of time not to exceed thirty (60) days shall be allowed to the Owner in which to determine the manner in which to award or not award the contract.
- B. It is further agreed that if awarded the contract, the undersigned will execute the contract and commence work within seven (7) calendar days, and will fully complete the work ready to use, not later than the time stipulated.

DECLARATION:

- A. The Undersigned hereby declares that he has carefully examined the Invitation and Instructions for Proposals, the Drawings and Specifications, has visited the actual location of the work and has consulted his sources of supply, and has satisfied himself as to all quantities and conditions, and understands that in signing this proposal, he waives all right to pleas of any misunderstanding regarding the same.
- B. It is the intent of the requirement to visit the site within seven days of bid opening that the bidder familiarize himself/herself with the site/existing building, review existing conditions, and that his bid reflects same.

00 42 13-3

Bentonville Administrative Services Remodel
Bentonville, AR

FIRM Fletcher LLC

BY [Redacted Signature]
(Arkansas public bid statutory requirement: Bidder must sign in space provided above)

PRINTED NAME & TITLE Brent Farmer, Vice President/Area Manager

TITLE Vice President/Area Manager

DATE 5/6/2020

NOTE: If bidder is a corporation, indicate state of incorporation, under the Firm's Signature, and if a partnership, give full names of all partners.

Arkansas State Contractor's License No.
1976870620
(Arkansas public bid statutory requirement: Bidder must provide current State Contractor's number)



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

AGENDA FORM

CITY COUNCIL MEETING OF:

June 9, 2020

Submitted by:

Jake Harper

Department

Administration

Phone

271-6781

ACTION REQUIRED:

Approval of a budget adjustment to for the West Plaza Building Renovation to provide space for the Utility Billing Department, IT Department, Accounting Department and HR Department. This budget amount includes \$1,704,281 for the low bid for renovation, 3% owners construction contingency, estimated budget for moving expenses, estimated budget for FF&E, estimated budget for signage, and non-construction contingency.

COST TO CITY:

Cost of this Request:	\$1,950,000
-----------------------	-------------

Additional Budget Amount	\$1,950,000
--------------------------	-------------

☒ One time amount

☐ Continuing O and M

Previously Budgeted	\$	-
Funds Expended to Date		-
Remaining Budget		-
Budget Adjustment		1,950,000
Remaining After Adjustment	\$	1,950,000

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

117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712

www.bentonvillear.com



PLEASE RECYCLE







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

AGENDA FORM

CITY COUNCIL MEETING OF:

June 9, 2020

Submitted by:

Preston Newbill

Department

Water

Phone

271-3140

ACTION REQUIRED:

Resolution requested by Staff for City Council approval authorizing the Mayor and City Clerk to enter into an amended professional services agreement with CEI Engineering Associates, Inc. for services associated with the design and construction of a sanitary sewer interceptor in southwestern Bentonville in an additional amount of \$30,000.00 for a total contract amount not to exceed \$151,350.00. Sewer capacity fees will be utilized to fund this agreement.

COST TO CITY:

Cost of this Request: \$30,000

Additional Budget Amount \$0

☐ One time amount

☐ Continuing O and M

Previously Budgeted	\$	1,072,350
Funds Expended to Date		172,070
Remaining Budget		900,280
Budget Adjustment		-
Remaining After Adjustment	\$	900,280

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

117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712

www.bentonvillear.com



PLEASE RECYCLE



Memo



To: City Council, Mayor Orman

From: Mike Bender

CC:

Date: May 29, 2020

Re: CEI Agreement Amendment– Nomad Creek Interceptor 6-09-2020

Staff requests Council approval of a resolution authorizing the Mayor and City Clerk to enter into an amended professional services agreement with CEI Engineering Associates, Inc. for services associated with the design and construction of a sanitary sewer interceptor in southwestern Bentonville in an additional amount of \$30,000.00 for a total contract amount not to exceed \$151,350.00. Sewer capacity fees will be utilized to fund this agreement.

CEI was hired in 2018 to design a sanitary sewer interceptor to extend from the NACA line near Mill Dam Road and Sears Road to Morningstar Road for an original amount of \$121,350.00. After completing design, design adjustments and bidding including input on construction time from contractors, it is evident that additional time/effort will be needed for CEI to complete the project. This amendment will bring the total engineering contract to \$151,350.00 which is less than 10% of the construction bid.

Thank you for your consideration of this request.

Mike Bender



EXTRA WORK AUTHORIZATION

☐ ADDITIONAL WORK

☐ CHANGE IN SCOPE OF SERVICES

WORK WILL BE PERFORMED UNDER THE SAME TERMS & CONDITIONS AS IN ORIGINAL AGREEMENT: UNLESS OTHERWISE STATED

THESE SERVICES WERE VERBALLY DIRECTED AND/OR APPROVED BY: City of Bentonville / Bob McCaslin ON: May 18, 2020

DATE: 5/27/2020
CLIENT: City of Bentonville
PROJECT NAME: Sanitary Main Extension to NACA
CLIENT CONTACT: Mayor Stephanie Orman
PROJECT NO.: 30677
PROJECT MANAGER: Nate Bachelor
DATE OF CURRENT CONTRACT: 8/28/2018

Description of Services: Additional Construction Administration

Compensation: \$30,000.00

See attached Exhibit A for scope of services and compensation proposed.

If this Authorization is not executed within 30 days, it becomes null and void. This Authorization is only valid if addressed and executed by the authorized signature of the original contracted entity or its assignment as approved per the original contract Terms and Conditions.

Agreed to by CEI ENGINEERING ASSOCIATES, INC.

Agreed to on this date: _____

(Signature)

(Company Name)

(Date)

(Company Authorized Representative & Title)

Distribution:

(Signature)

PLEASE SIGN & RETURN ORIGINAL

☐ CALIFORNIA
7543 N. Ingram Avenue
Suite 107
Fresno, CA 93711
(559) 447-3119
(559) 447-3129 FAX

☐ TEXAS – DALLAS
TriWest Plaza
3030 LBJ Freeway, Suite 100
Dallas, TX 75234
(972) 488-3737
(972) 488-6732 FAX

☐ TEXAS – HOUSTON
4800 Sugar Grove Boulevard
Suite 316
Stafford, TX 77477
(281) 494-0360
(281) 494-0309 FAX

☒ ARKANSAS
3108 SW Regency Parkway
Suite 2
Bentonville, AR 72712
(479) 273-9472
(479) 273-0844 FAX

☐ MINNESOTA
2025 Centre Point Boulevard
Suite 210
Mendota Heights, MN 55120
(651) 452-8960
(651) 452-1149 FAX

☐ PENNSYLVANIA
400 Spruce Street
Suite 400-A
Scranton, PA 18503
(570) 963-0313
(570) 963-5711 FAX

EXHIBIT A

I. SCOPE OF SERVICES

A. Construction Administration (phase 400)

CEI shall provide additional construction administration and project closeout for the sewer main extension based on the increase in construction duration. Duration increased from 16 weeks assumed in the original proposal to 40 weeks as developed with the city and contractors during the bidding process. This fee assumes that city utility forces will be used for day-to-day observation of the work with CEI providing twice weekly observation for coordination and attendance of the required testing for the work. Fees for production of record drawings, answering contractor RFIs, and review of submittals were not increased and remains per the original agreement. Construction staking is excluded but setting project elevation control shall be provided by CEI survey team.

Fees, Lump Sum..... \$ 30,000.00

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AMENDED PROFESSIONAL SERVICES AGREEMENT WITH CEI ENGINEERING ASSOCIATES, INC. FOR SERVICES ASSOCIATED WITH THE DESIGN AND CONSTRUCTION OF THE NOMAD CREEK INTERCEPTOR IN SOUTHWESTERN BENTONVILLE

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

Section 1: That the Mayor and City Clerk be and are hereby authorized to enter into an amended professional services agreement with CEI Engineering Associates, Inc. for services associated with the design and construction of the Nomad Creek Interceptor in southwestern Bentonville as outlined 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 _____, 2020.

APPROVED:

Stephanie Orman, Mayor

ATTEST:

Linda Spence, City Clerk



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

AGENDA FORM

CITY COUNCIL MEETING OF:

June 9, 2020

Submitted by:

Preston Newbill

Department

Water/Sewer

Phone

271-3140

ACTION REQUIRED:

Resolution requested by Staff for City Council approval authorizing the Mayor and City Clerk to enter into an agreement with Aurora Development Company, LLC (Aurora) for the design and installation of the Nomad Creek Interceptor in southwestern Bentonville. Aurora will contribute \$280,000.00 to the project and grant easements to the City of Bentonville on property Aurora owns. Aurora's contribution is equal to their off-site requirements for the development of Aurora Subdivision. A budget adjustment is required to recognize their contribution.

COST TO CITY:

Cost of this Request:

Additional Budget Amount

☐ One time amount

☐ Continuing O and M

Previously Budgeted	\$	1,072,350
Funds Expended to Date		202,070
Remaining Budget		870,280
Budget Adjustment		280,000
Remaining After Adjustment	\$	1,150,280

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

117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712

www.bentonvillear.com



PLEASE RECYCLE



Memo



To: City Council, Mayor Orman

From: Mike Bender

CC:

Date: May 29, 2020

Re: Aurora Subdivision Development Agreement - Sanitary Sewer Cost Share

Staff requests Council approval of a resolution authorizing the Mayor and City Clerk to enter into an agreement with Aurora Development Company, LLC (Aurora) for the design and installation of the Nomad Creek Interceptor in southwestern Bentonville. Aurora will contribute \$280,000.00 to the project and grant easements to the City of Bentonville on property Aurora owns. Aurora's contribution is equal to their off-site requirements for the development of Aurora Subdivision. A budget adjustment is required to recognize their contribution.

The southwest part of the City is growing rapidly. This area is served by the NACA facility, but limited gravity interceptors are available to collect and transport sewer without the addition of lift stations. The City was pursuing a project to run a sanitary sewer collector from the NACA line near the intersection of Sears Road and Mill Dam Road to Bright Road following natural drainage. Aurora is currently constructing a subdivision on the west side of Morningstar Road within this drainage basin and in line with the City's planned route. With the development of Aurora subdivision, Aurora would be required to run off-site sewer to the west to an existing lift station resulting in lift station upgrades. With installation of this sanitary sewer gravity interceptor, the City could ultimately remove at least 6 lift stations and prevent construction of additional lift stations. This section of sewer line included in this development agreement will extend from the NACA line near Sears Road and Mill Dam Road to Morningstar Road. The line has been designed and is ready to award the bid. Aurora is currently under construction.

A budget adjustment is required with this project to recognize the contribution from Aurora Development Company, LLC of as well as additional funds from reserves as shown below.

Initial engineering costs	\$121,350.00
Engineering adjustment for construction services	\$30,000.00
Easement acquisition	\$50,720.00
Low bid for construction	<u>\$1,566,772.50</u>
Total project cost	\$1,768,842.50

Sewer capacity fees available for project (previous adjustments) \$1,072,350.00

Budget Adjustment required	\$696,492.50
Aurora contribution	\$280,000.00
Wastewater reserves	\$416,492.50

A budget adjustment of \$700,000.00 is requested. This will provide approximately \$3,500.00 to cover additional associated costs such as reimbursable expenses.

Thank you for your consideration of this request.

Mike Bender

DEVELOPMENT AGREEMENT

This Development Agreement ("**Agreement**") is entered into between the City of Bentonville, Arkansas, a municipal corporation with a mailing address of 117 West Central, Bentonville, Arkansas 72712 ("**Bentonville**") and Aurora Development Company, LLC with a mailing address of 324 Haxton Road, Rogers, Arkansas 72756-6856 ("**Aurora**").

WHEREAS, Aurora is developing a large tract of land (approximately 70 acres) along and west side of Morningstar Road south of Windmill Road in southwestern Bentonville (the "**Aurora Tract**"); and

WHEREAS, sanitary sewer infrastructure improvements are necessary for the Aurora development to connect to Bentonville's sanitary sewer collection system; and

WHEREAS, Bentonville is pursuing the design and installation of a large gravity interceptor in the same vicinity as Aurora's development connecting to the NACA line near the intersection of Mill Dam Road and Sears Road and extending eastward, ultimately, to SW Bright Road (the "**Development Project**"). A map is attached to illustrate the area; and

WHEREAS, the design and construction, as well as the timing and size, of the Development benefits both parties and is anticipated to be complete by April 2021;

NOW, THEREFORE, it is agreed:

1. **Incorporation of Recitals.** The recitals set forth above are not mere recitals of fact but are contractual in nature and incorporated into this Agreement by reference, except in the event of a conflict between the incorporated recitals and the numbered sections of this Agreement, the numbered sections of this Agreement control.

2. **Project Development Costs.** The parties will share in the Project Development Costs as defined below. "**Project Development Costs**" means all actual and incurred costs associated with the design of the Development Project, the preparation of bid and contract documents, easement acquisition costs, construction oversight/management fees, and actual construction costs. Notwithstanding the foregoing, Aurora shall not be required to expend more than **\$280,000.00**. (the "**Aurora Share Amount**") towards the Project Development Costs. Bentonville will cover all expenses in excess of \$280,000.00. Bentonville has complete responsibility for the oversight and management of the Development Project and Aurora has no responsibility in these areas. Aurora will pay Bentonville its share of all Project Development Costs within 30 days of the date an invoice is presented. Bentonville Planning Commission shall not consider the Final Plat for the Aurora Subdivision or any phase thereof until Aurora's total cost share has been paid to Bentonville.

3. **Permits; Compliance with law.** As part of its construction oversight/management services Bentonville will secure, maintain and comply with all required licenses, permits and certificates necessary or appropriate for the completion of the Development Project. Bentonville will comply with applicable federal, state and local laws, rules, regulations, statutes, codes, orders and ordinances, including, but not limited to, those governing the prevention, abatement and elimination of pollution and/or protection of the environment and the employment of their workers. Bentonville has sole responsibility to obtain all governmental permits to perform any required work and to abide by any governmental regulations associated with the Development. If the overall design for the required work is approved, Bentonville will issue all permits to finish the required work in a timely manner.

4. **Default; Revocation.** If Bentonville materially defaults in the performance of its oversight and management duties for the Development Project, Aurora will be granted ownership of the design and construction drawings, specifications, easement documents, permits and other documents necessary to complete the Development Project.

5. **Indemnification.** Aurora shall indemnify, defend and hold Bentonville and its affiliates, subsidiaries, officers, employees and agents harmless from and against any and all loss, damage, injury, liability or claims of any kind or character to any person or property arising from or related solely to **Aurora's** or its contractors' or consultants' actions or the violation of any applicable law by Aurora or its contractors.

6. **Intentionally Omitted.**

7. **Counterparts.** This Agreement may be executed at different times and in any number of originals or counterparts and by each party on a separate counterpart, each of which is deemed to be an original but all of which together constitutes only one agreement. In proving this Agreement, it will not be necessary to produce or account for more than one counterpart signed by the party against whom enforcement is sought. Facsimile and email signatures will be deemed valid on all documents related to this Agreement. Any signature page from one counterpart may be appended to another counterpart to create a fully executed counterpart.

8. **Other Acts.** Each party agrees to perform any further acts and deliver any additional documents which may be reasonably requested or necessary to carry out the provisions of this Agreement.

9. **Agreement Construction.** This Agreement has been jointly drafted (or reviewed and negotiated) and agreed to and is deemed to have been prepared jointly by the parties, each being sophisticated in transactions such as the one contemplated by this Agreement and each having the benefit and advice of legal counsel (or the opportunity to seek such counsel) and shall not be construed in favor of or against any party to this Agreement. All headings contained in this Agreement are inserted only as a matter of convenience and in no way define, limit or extend the scope or intent of this Agreement or any provisions hereof and should not be considered in interpreting this

Agreement. In this Agreement the use of any gender includes all genders and the use of the singular includes the plural, wherever it appears appropriate from the context.

10. **Governing Law.** This Agreement is governed by the laws of the State of Arkansas, and the United States District Court for the Western District of Arkansas, Fayetteville Division, or State courts located in Benton County, Arkansas, is the exclusive forum for any disputes arising in connection with this Agreement. The parties acknowledge and agree they will not raise in connection herewith and waive, any defenses based upon venue, Inconvenience of forum, lack of personal jurisdiction or the like in any action or suit brought in accordance with the terms of this section. **The parties acknowledge they have read and understand this clause and willingly agree to its terms.**

11. **Severability.** If any part of this Agreement is contrary to, prohibited by or deemed invalid under applicable law or regulation, such provision shall be deemed inapplicable and deemed omitted to the extent so contrary, prohibited or invalid but the remainder hereof will not be invalidated thereby and will be given full force and effect so far as possible.

12. **Time is of the Essence.** The parties specifically agree time is of the essence with regard to all provisions of this Agreement. All actions/responses required during the project will be addressed as soon as practical and will not exceed 7 days on any item. Any action or issue that cannot be resolved within 7 days shall have a written communication regarding the issue within 7 days.

13. **Binding Effect.** This Agreement is binding upon and inures to the benefit of the parties and their respective transferees, successors and assigns, as such succession is permitted in this Agreement.

14. **Intentionally Omitted.**

15. **Survival of Provisions.** The expiration, termination or consummation of this Agreement will not affect the provisions, and the rights and obligations set forth therein, which by their terms state or evidence the intent of the parties that the provisions survive the expiration or termination thereof.

16. **Authority of Signors.** The parties signing this Agreement represent that they have full authority to enter into and perform this Agreement and the parties know of no contract, agreement, promise or undertaking which prevents the full execution and performance of this Agreement.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF this Agreement has been duly executed and made
effective by the parties on this _____ day of _____, 2020.

City of Bentonville:

Attest:

By: _____
Stephanie Orman, Mayor

Linda Spence, City Clerk

Aurora Development Company, LLC:

By: _____
Robert David, Manager

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR AND
THE CITY CLERK TO ENTER INTO A
DEVELOPMENT AGREEMENT WITH AURORA
DEVELOPMNET COMPANY, LLC FOR THE
DESIGN AND INSTALLATION OF THE NOMAD
CREEK INTERCEPTOR IN SOUTHWESTERN
BENTONVILLE

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

Section 1: That the Mayor and City Clerk be and are hereby authorized to enter
into an agreement with Aurora Development Company, LLC for the design and
installation of the Nomad Creek Interceptor in southwestern Bentonville as outlined 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 _____, 2020.

APPROVED:

Stephanie Orman, Mayor

ATTEST:

Linda Spence, City Clerk



CHECK ALL THAT APPLY			
X	Bid Award	Bid #	IFB-20-03
	Budget Adjustment		
	Change Order		
	Informational		
	Ordinance		
	Resolution		
	Other		

AGENDA FORM

CITY COUNCIL MEETING OF:

June 9, 2020

Submitted by:

Preston Newbill

Department

Water

Phone

271-3140

ACTION REQUIRED:

Bid Award IFB-20-03 requested by Staff for Council approval to Brothers Construction in the amount of \$1,566,772.50 for the construction of the Nomad Creek Interceptor in southwestern Bentonville. A budget adjustment in the amount of \$730,000.00 is required with this project to recognize a \$280,000.00 contribution from Aurora Development Company, LLC and \$420,000.00 from Wastewater Reserves.

COST TO CITY:

Cost of this Request: \$1,566,773

Additional Budget Amount \$700,000

☐ One time amount

☐ Continuing O and M

Previously Budgeted	\$ 1,072,350
Funds Expended to Date	202,070
Remaining Budget	870,280
Budget Adjustment	700,000
Remaining After Adjustment	\$ 1,570,280

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

117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712

www.bentonvillear.com



PLEASE RECYCLE



Memo



To: City Council, Mayor Orman
From: Mike Bender
CC:
Date: May 29, 2020
Re: Bid Award – Nomad Sewer Interceptor 6-09-2020

Staff requests Council award bid IFB-20-03 to Brothers Construction in the amount of \$1,566,772.50 for the construction of the Nomad Creek Interceptor in southwestern Bentonville. A budget adjustment in the amount of \$700,000.00 is required with this project to recognize a \$280,000.00 contribution from Aurora Development Company, LLC and \$420,000.00 from Wastewater Reserves.

The southwest part of the City is growing rapidly. This area is served by the NACA facility, but limited gravity interceptors are available to collect and transport sewer without the addition of lift stations. The City was pursuing a project to run a sanitary sewer collector from the NACA line near the intersection of Sears Road and Mill Dam Road to Bright Road following natural drainage. Aurora has planned to construct a subdivision on the west side of Morningstar Road within this drainage basin and in line with the City's planned route. With the development of Aurora subdivision, Aurora would be required to run off-site sewer to the west to an existing lift station resulting in lift station upgrades. With installation of this sanitary sewer gravity interceptor, the City could ultimately remove at least 6 lift stations and prevent construction of additional lift stations. This section of sewer line included in this development agreement will extend from the NACA line near Sears Road and Mill Dam Road to Morningstar Road. The line has been designed and is ready to award the bid. Aurora is currently under construction.

Bids received are as follows:

Brothers Construction	\$1,566,772.50
Boyles Construction	\$1,734,607.10
Heavy Contractors of AR, LLC	\$2,338,932.30
Goins Enterprises, Inc.	\$2,898,559.00
Goodwin & Goodwin, LLC	\$3,957,150.00

A budget adjustment is required with this project to recognize the contribution from Aurora Development Company, LLC of as well as additional funds from reserves as shown below.

Initial engineering costs	\$121,350.00
Engineering adjustment for construction services	\$30,000.00
Easement acquisition	\$50,720.00
Low bid for construction	<u>\$1,566,772.50</u>
Total project cost	\$1,768,842.50

Sewer capacity fees available for project (previous adjustments)	\$1,072,350.00
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Budget Adjustment required	\$696,492.50
Aurora contribution	\$280,000.00
Wastewater reserves	\$416,492.50

A budget adjustment of \$700,000.00 is requested which will allow for approximately \$3,500.00 to cover additional minor costs such as reimbursable expenses.

Thank you for your consideration of this request.

Mike Bender



ENGINEERS ■ SURVEYORS ■ PLANNERS
LANDSCAPE ARCHITECTS ■ ENVIRONMENTAL SCIENTISTS
3108 SW Regency Parkway, Suite 2
Bentonville, AR 72712
(479) 273-9472 Fax (479) 273-0844
www.ceieng.com

May 28, 2020

City of Bentonville
Mike Bender
3200 SW Municipal Drive
Bentonville, AR 72712

**Re: Nomad Creek Interceptor IFB-20-03
Bentonville, Arkansas
CEI Project No. 30677**

Mr. Bender:

CEI has reviewed the bids for the Nomad Creek Interceptor, taken March 31, 2020 and find them to be consistent with the project requirements.

The low bidder has been identified as Brother's Construction in the amount of \$1,566,772.50. CEI recommends award of bid to Brother's Construction.

If you have questions or concerns, please do not hesitate to call.
Respectfully submitted,



Nate Bachelor, PE
Project Manager
CEI Engineering Associates, Inc.

Providing Consolidated Land Development Services

CALIFORNIA ■ TEXAS ■ ARKANSAS ■ MINNESOTA ■ GEORGIA ■ PENNSYLVANIA

Contractors Bid Breakdown
 Submit to the City of Bentonville
 Bentonville, Arkansas

Item	Quantity	Unit	Engineer's Estimate Cost	Heavy Construction of A/C LC Cost	Goodman & Goodman, Inc. Cost	Boyes Construction Inc. Cost	Brother's Construction Cost	Stouts Interprises, Inc. Cost
1 Mobilization	1	LS		\$42,000.00	\$42,000.00			
2 1/2" AC	810	LF	7,500.00	\$2,700.00	\$15,000.00	\$15,000.00	\$40,000.00	\$180,000.00
3 1/2" AC	810	LF	7,500.00	\$2,700.00	\$15,000.00	\$15,000.00	\$40,000.00	\$180,000.00
4 1/2" AC	810	LF	7,500.00	\$2,700.00	\$15,000.00	\$15,000.00	\$40,000.00	\$180,000.00
5 1/2" AC	810	LF	7,500.00	\$2,700.00	\$15,000.00	\$15,000.00	\$40,000.00	\$180,000.00
6 1/2" AC	810	LF	7,500.00	\$2,700.00	\$15,000.00	\$15,000.00	\$40,000.00	\$180,000.00
7 1/2" AC	810	LF	7,500.00	\$2,700.00	\$15,000.00	\$15,000.00	\$40,000.00	\$180,000.00
8 1/2" AC	810	LF	7,500.00	\$2,700.00	\$15,000.00	\$15,000.00	\$40,000.00	\$180,000.00
9 Temporary construction entrance	6	EA	1,200.00	\$2,000.00	\$1,200.00	\$1,200.00	\$5,000.00	\$20,000.00
10 1/2" AC	810	LF	7,500.00	\$2,700.00	\$15,000.00	\$15,000.00	\$40,000.00	\$180,000.00
11 1/2" AC	810	LF	7,500.00	\$2,700.00	\$15,000.00	\$15,000.00	\$40,000.00	\$180,000.00
12 Rock check dam	1	EA	750.00	\$1,200.00	\$750.00	\$750.00	\$3,000.00	\$12,000.00
13 1/2" AC	810	LF	7,500.00	\$2,700.00	\$15,000.00	\$15,000.00	\$40,000.00	\$180,000.00
14 1/2" AC	810	LF	7,500.00	\$2,700.00	\$15,000.00	\$15,000.00	\$40,000.00	\$180,000.00
15 1/2" AC	810	LF	7,500.00	\$2,700.00	\$15,000.00	\$15,000.00	\$40,000.00	\$180,000.00
16 1/2" AC	810	LF	7,500.00	\$2,700.00	\$15,000.00	\$15,000.00	\$40,000.00	\$180,000.00
17 1/2" AC	810	LF	7,500.00	\$2,700.00	\$15,000.00	\$15,000.00	\$40,000.00	\$180,000.00
18 1/2" AC	810	LF	7,500.00	\$2,700.00	\$15,000.00	\$15,000.00	\$40,000.00	\$180,000.00
19 1/2" AC	810	LF	7,500.00	\$2,700.00	\$15,000.00	\$15,000.00	\$40,000.00	\$180,000.00
20 1/2" AC	810	LF	7,500.00	\$2,700.00	\$15,000.00	\$15,000.00	\$40,000.00	\$180,000.00
21 1/2" AC	810	LF	7,500.00	\$2,700.00	\$15,000.00	\$15,000.00	\$40,000.00	\$180,000.00
22 1/2" AC	810	LF	7,500.00	\$2,700.00	\$15,000.00	\$15,000.00	\$40,000.00	\$180,000.00
23 1/2" AC	810	LF	7,500.00	\$2,700.00	\$15,000.00	\$15,000.00	\$40,000.00	\$180,000.00
24 1/2" AC	810	LF	7,500.00	\$2,700.00	\$15,000.00	\$15,000.00	\$40,000.00	\$180,000.00
25 1/2" AC	810	LF	7,500.00	\$2,700.00	\$15,000.00	\$15,000.00	\$40,000.00	\$180,000.00
26 1/2" AC	810	LF	7,500.00	\$2,700.00	\$15,000.00	\$15,000.00	\$40,000.00	\$180,000.00
27 1/2" AC	810	LF	7,500.00	\$2,700.00	\$15,000.00	\$15,000.00	\$40,000.00	\$180,000.00
28 1/2" AC	810	LF	7,500.00	\$2,700.00	\$15,000.00	\$15,000.00	\$40,000.00	\$180,000.00
29 1/2" AC	810	LF	7,500.00	\$2,700.00	\$15,000.00	\$15,000.00	\$40,000.00	\$180,000.00
30 1/2" AC	810	LF	7,500.00	\$2,700.00	\$15,000.00	\$15,000.00	\$40,000.00	\$180,000.00
31 1/2" AC	810	LF	7,500.00	\$2,700.00	\$15,000.00	\$15,000.00	\$40,000.00	\$180,000.00
32 1/2" AC	810	LF	7,500.00	\$2,700.00	\$15,000.00	\$15,000.00	\$40,000.00	\$180,000.00
33 Contingency Allowance	1	LS		\$150,000.00	\$150,000.00	\$150,000.00	\$150,000.00	\$600,000.00
Total			1,607,443.50	2,338,932.30	3,497,160.00	1,734,697.19	1,606,772.50	2,888,799.50

Notes:
 Items 1 & 20-23 were added to the bid tab after the engineer provided estimate of construction cost to the city and are not included in engineer's total.
 For Goodman construction line item 22 and cost was edited by CCI from written value of \$10.00 to \$1.00 in order to match the total value provided and maintain the total project cost.

DOCUMENT 00 41 44

BID FORM
for

Nomad Creek Interceptor
Bentonville, Arkansas

Bid of Brother's Construction (hereinafter called "Bidder"), a corporation, organized and existing under the laws of the State of Arkansas, or a partnership, or an individual doing business as

To: **The City of Bentonville**, (hereinafter called the "OWNER"):

The Bidder, in compliance with your Advertisement For Bids, and having examined the drawings and specifications with related documents and the site of the proposed work, and being familiar with all of the conditions surrounding the construction of the proposed project including normal inclement weather conditions and the availability of materials, and labor, hereby proposes to furnish all labor, materials, and equipment to construct the project in accordance with the Contract Documents, within the time set forth therein, and at the prices stated below. These prices are to cover all expenses incurred in performing the work required under the Contract Documents. The costs of miscellaneous material items not listed below that are required for a complete job shall be included in the prices below and shall not be a cause for an extra.

Bidder hereby agrees to commence work under this contract on or before a date to be agreed upon by CONTRACTOR and OWNER, to substantially complete the project within 240 calendar days, and to fully complete the project within 285 calendar days thereafter as stipulated in the General Conditions.

Bidder hereby acknowledges that for this project the Liquidated Damages will be up to \$1,000 per day based on extended engineering services fees for Substantial and Final Completion.

Bidder acknowledges receipt of the following addendum

<u>Addendum No.</u>	<u>Subject</u>
<u>01</u>	<u>Plan Clarifications 3/20/20</u>
<u>02</u>	<u>Detail Clarifications 3/24/20</u>
<u> </u>	<u> </u>

Nomad Creek Interceptor
Bentonville, AR
CEI Project No. 30677

March 20, 2020

00 41 44-1

Item No.	Item Description	Units	Quantity	Unit Price	Extension
1	Mobilization	LS	1	40,000	40,000
2	Tree Removal Area	AC	6.75	5,500	37,125
3	Remove and Replace Barbed Wire Fence	LF	880	8.00	7,040
4	Nomad road cut & repair (conc & asphalt)	SF	815	7.00	5,705
5	Morning Star road cut & repair (conc & asphalt)	SF	700	7.00	4,900
6	traffic control for road cuts	EA	4	5,000	20,000
7	Temporary livestock fence	LF	2,570	6.00	15,420
8	Temporary construction entrance	EA	6	2,000	12,000
9	Concrete washout	EA	6	300	1,800
10	Straw wattle	LF	12,215	3.00	36,645
11	Silt fence	LF	1,292	4.00	5,168
12	Rock check dam	EA	11	250	2,750
13	Flexamat	SF	9,889	6.50	64,278.50
14	Staging area	EA	2	1,000	2,000
15	SWPPP reporting & maintenance	MO	9.5	500	4,750
16	Final stabilization	AC	15.5	1,500	23,250.00
17	Class 7 backfill under road cuts	CY	475	100	47,500
18	72" Cast in place Manhole (10' standard depth)	EA	20	3,500	70,000
19	72" CIP Manhole Additional depth	LF	22	400	8,800
20	48" Cast in place Manhole (10' standard depth)	EA	12	2,700	32,400

Nomad Creek Interceptor
Bentonville, AR
CEI Project No. 30677

March 20, 2020

00 41 44-2

Item No.	Item Description	Units	Quantity	Unit Price	Extension
21	48" CIP Manhole Additional depth	LF	44	200	\$ 8,800
22	8" sanitary pipe stub out (X4)	LF	25	40	\$ 1,000
23	12" sanitary pipe stub out (X1)	LF	5	100	\$ 500
24	18" sanitary pipe stub out (X1)	LF	5	150	\$ 750
25	4' Guard post	EA	15	500	\$ 7,500
26	24" PS115 PVC pipe	LF	5,708	98	\$ 559,384
27	20" steel encasement pipe	LF	130	105	\$ 13,650
28	36" steel encasement pipe	LF	363	300	\$ 108,900
29	12" SDR-26 PVC pipe	LF	3,537	61	\$ 215,757
30	Trench & Excavation Safety Systems	LS	1	48,000	\$ 48,000
31	Rock Excavation	CY	0	350	\$0
32	Filter Fabric	SF	22,000	.50	\$ 11,000
33	Contingency Allowance	LS	1	\$150,000	\$150,000

TOTAL BID AMOUNT in words: one million, five hundred sixty six thousand seven hundred seventy two and fifty cents

in numerals: \$ 1,566,772.50

The Bidder shall state the price bid in numerals (written in ink or typed) for each pay item, and the total bid in both words and numerals. In case of conflict between words and numerals, the words, unless obviously incorrect, shall govern.

Nomad Creek Interceptor
Bentonville, AR
CEI Project No. 30677

March 20, 2020

00 41 44-3

Bidder understands that OWNER reserves the right to award the total project, or to reject any or all bids and to waive any formalities in the bidding.

Bidder agrees that this Bid shall be good and will not be withdrawn for a period of sixty (60) calendar days after the scheduled closing time for the receipt of bids.

Respectfully submitted by,

Firm Name: Brothers Construction Inc

Address: PO Box 1763

City, State, Zip: Van Buren, Ar. 72956

Signed By: 

Printed Name: Ryan Falk

Title: Project Manager



End of Document 00 41 44

Nomad Creek Interceptor
Bentonville, AR
CEI Project No. 30677

March 20, 2020

00 41 44-4

DOCUMENT 00 52 43

AGREEMENT BETWEEN OWNER AND CONTRACTOR

THIS AGREEMENT is dated as of the _____ day of _____ in the year _____ by and between The City of Bentonville (hereinafter called OWNER) and Brother's Constreution, Inc. (hereinafter called CONTRACTOR).

OWNER and CONTRACTOR, in consideration of the mutual covenants hereinafter set forth, agree as follows:

Article 1. Work

CONTRACTOR shall complete all work as specified or indicated in the Contract Documents. The work is generally described as follows:

The project work involves installing 9,243 linear feet of sanitarty sewer line varying between 12 inches and 24 inches in diameter from Nomad Creek and going northeast to Morningstar Road. This will include, but is not limited to: Clearing; tree removal; trenching; bedding; manholes; encased stream crossings; fencing removal and replacement; pavement cut and repair; and bollards. Additional work includes: erosion and sediment control; temporary cattle fencing; and maintenance of traffic.

Article 2. Engineer

The project has been designed by:

CEI Engineering Associates, Inc.
3108 SW Regency Parkway, Suite 2
P.O. Box 1408
Bentonville, AR 72712
479-273-9472

who is hereinafter called ENGINEER and who is to act as OWNER's representative, assume all duties and responsibilities and have the rights and authority assigned to ENGINEER in the Contract Documents in connection with completion of the work in accordance with the Contract Documents.

Article 3. Contract Time

- 3.1 The work will be Substantially completed within 240 calendar days after the date when the Contract Time commences to run as provided in paragraph 2.03 of the General Conditions, and completed and ready for Final payment in accordance with paragraph 15.06 of the General Conditions within 285 calendar days after the date when the Contract Time commences to run.

3.2 *Liquidated Damages*

Nomad Creek Interceptor
Bentonville, AR
CEI Project No. 30677

November 11, 2019

00 52 43-1

- 3.2.1 OWNER and CONTRACTOR recognize that time is of the essence as stated in Paragraph 3.1 above and that OWNER will suffer financial and other losses if the work is not completed within the times specified in paragraph 3.1 above, plus any extensions thereof allowed in accordance with Article 12 of the General Conditions. The parties also recognize the delays, expense and difficulties involved in proving in a legal or arbitration proceeding the actual loss suffered by OWNER if the work is not completed on time. Accordingly, instead of requiring any such proof, OWNER and CONTRACTOR agree that as liquidated damages for delay (but not as a penalty).
- 3.2.2 Substantial Completion: Contractor shall pay OWNER the lesser of the two following amounts: either the sum of one thousand dollars (\$1,000) for each day of delay or the sum of excess engineering cost resulting from the delay. This is for each day that expires after the time (as duly adjusted to the Contract) specified in Paragraph 3.1 above for Substantial Completion until the work is substantially complete.
- 3.2.3 Completion of Remaining Work: After Substantial Completion, if CONTRACTOR shall neglect, refuse, or fail to complete the remaining work within the Contract Time (as duly adjusted pursuant to the Contract) for completion and readiness for final payment, CONTRACTOR shall pay the OWNER the lesser of the two following amounts: either the sum of one thousand dollars (\$1,000) for each day of delay or the sum of excess engineering cost resulting from the delay. This is for each day that expires after such time until the work is completed and ready for final payment.
- 3.2.4 Liquidated damages for failing to timely attain Substantial Completion and Final Completion are not additive and will not be imposed concurrently. However, if the achieved Substantial Completion date falls after the specified Final Completion date, liquidated damages as specified in Completion of Remaining Work will immediately begin accruing from the date of Substantial Completion until Final Completion is achieved.

Article 4. Contract Price

OWNER shall pay CONTRACTOR for completion of the work in accordance with the Contract Documents an amount in current funds equal to the sum of the amounts determined from the following Schedule of Values pursuant to paragraphs 4.1 and 4.2 below.

- 4.1 For all Unit Price work, an amount equal to the sum of the established unit price for each separately identified item of Unit Price work times the estimated quantity of that item as indicated in the following Schedule of Values.
- A. For all Work based on the Lump Sum Costs proposed in the Bid Form:
- \$1,566,772.50
(figure)
- One million five hundred sixty six thousand seven hundred seventy two dollars and fifty cents
(use words)

Article 5. Payment Procedures

Nomad Creek Interceptor
Bentonville, AR
CEI Project No. 30677

November 11, 2019

00 52 43-2

CONTRACTOR shall submit Applications for Payment in accordance with Article 14 of the General Conditions. Applications for Payment will be processed by ENGINEER as provided in the General Conditions.

- 5.1 *Progress Payments and Retainage:* OWNER shall make progress payments on account of the Contract Price on the basis of CONTRACTOR's Applications for Payment as recommended by ENGINEER, on or about the 15th day of each month during construction as provided in paragraphs 5.1.1 and 5.1.2 below. All such payments will be measured by the Schedule of Values established in paragraph 2.07 of the General Conditions.
- 5.1.1 Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below, but, in each case, less the aggregate of payments previously made and less such amounts as ENGINEER shall determine, or OWNER may withhold, in accordance with paragraph 14.02.B.5 of the General Conditions.
- 80 percent of work completed (with the balance being retainage). If work has been 50 percent completed as determined by ENGINEER, and if the character and progress of the work have been satisfactory to OWNER and ENGINEER, OWNER, on recommendations of ENGINEER, may determine that as long as the character and progress of the work remain satisfactory to them, there will be no additional retainage on account of work completed, in which case the remaining progress payments prior to Substantial Completion will be in an amount equal to 100 percent of the work completed.
- 90% (with the balance being retainage) of materials and equipment not incorporated in the work (but delivered, suitably stored and accompanied by documentation satisfactory to OWNER, as provided in paragraph 14.02 of the General Conditions).
- 5.1.2 Upon Substantial Completion, in an amount sufficient to increase total payments to CONTRACTOR to 95 percent of the Contract Amount (with the balance being retainage), less such amounts as ENGINEER shall determine, or OWNER may withhold, in accordance with paragraph 14.02.B.5 of the General Conditions.
- 5.2 *Final Payment:* Upon final completion and acceptance of the work in accordance with paragraph 14.07 of the General Conditions, OWNER shall pay the remainder of the Contract Amount as recommended by ENGINEER as provided in said paragraph 14.07.

Article 6. Contractor's Representations

In an effort to encourage OWNER to enter into this Agreement, CONTRACTOR makes the following representations:

- 6.1 CONTRACTOR has examined and carefully studied the Contract Documents (including the Addenda listed in Article 7) and the other related data identified in the Bidding Documents including "technical data".
- 6.2 CONTRACTOR has visited the site and become familiar with and is satisfied as to the general, local and specific site conditions that may affect cost, progress, performance and furnishing of the work.
- 6.3 CONTRACTOR is familiar with and is satisfied regarding all federal, state and local Laws and Regulations that may affect cost, progress, performance and furnishing of the work.

Nomad Creek Interceptor
Bentonville, AR
CEI Project No. 30677

November 11, 2019

00 52 43-3

- 6.4 CONTRACTOR has carefully studied all reports of explorations and tests of subsurface conditions at or contiguous to the site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the site (except Underground Facilities) which have been identified in the Supplementary Conditions as provided in paragraph 4.02.A of the General Conditions. CONTRACTOR accepts the determination set forth in paragraph SC-4.02 of the Supplementary Conditions regarding the extent of the "technical data" contained in such reports and drawings upon which CONTRACTOR is entitled to rely as provided in paragraph 4.02 of the General Conditions. CONTRACTOR acknowledges that such reports and drawings are not Contract Documents and may not be complete for CONTRACTOR's purposes. CONTRACTOR acknowledges that OWNER and ENGINEER do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Contract Documents with respect to Underground Facilities at or contiguous to the site. CONTRACTOR has obtained and carefully studied (or assumes responsibility for having done so) all such additional supplementary examinations, investigations, explorations, tests, studies and data concerning conditions, (surface, subsurface and Underground Facilities) at or contiguous to the site or otherwise which may affect cost, progress, performance or furnishing of the work or which relate to any aspect of the means, methods, techniques, sequences and procedures of construction to be employed by CONTRACTOR and safety precautions and programs incident thereto. CONTRACTOR does not consider that any additional examinations, investigations, explorations, tests, studies or data are necessary for the performance and furnishing of the work at the Contract Price, within the Contract Times and in accordance with the other terms and conditions of the Contract Documents.
- 6.5 CONTRACTOR is aware of the general nature of the work to be performed by OWNER and others at the site that relates to the work as indicated in the Contract Documents.
- 6.6 CONTRACTOR has correlated the information known to CONTRACTOR, information and observations obtained from visits to the site, reports and drawings identified in the Contract Documents and all additional examinations, investigations, explorations, tests, studies and data with the Contract Documents.
- 6.7 CONTRACTOR has given ENGINEER written notice of all conflicts, errors, ambiguities or discrepancies that CONTRACTOR has discovered in the Contract Documents and the written resolution thereof by ENGINEER is acceptable to CONTRACTOR, and the Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the work.

Article 7. Contract Documents

The Contract Documents which comprise the entire agreement between OWNER and CONTRACTOR concerning the work consist of the following:

- 7.1 This Agreement (pages 1 to 9, inclusive).
- 7.2 Performance and Payment Bonds (Exhibits A and B respectively).

Nomad Creek Interceptor
Bentonville, AR
CEI Project No. 30677

November 11, 2019

00 52 43-4

- 7.3 Certificate of Insurance (Exhibit C).
- 7.4 General Conditions (Document 00 72 00).
- 7.5 Supplementary Conditions (Document 00 73 00).
- 7.6 Specifications consisting of Division 01 through Division 32 as listed in table of contents.
- 7.7 Standard Specifications For Highway Construction, ARDOT, Edition of 2014, and ARDOT Standard Roadway Drawings, Latest Edition.
- 7.8 Drawings (not attached hereto) consisting of a cover sheet and sheets numbered 1 through 27, inclusive with each sheet bearing the following general title:
- 7.9 Addenda numbers 1 to 2, inclusive. (Listed in Document 00 91 13.)
- 7.10 The following which may be delivered or issued after the Effective Date of the Agreement and are not attached hereto:
 - 7.10.1 Notice to Proceed
 - 7.10.2 All Written Amendments and other documents amending, modifying or supplementing the Contract Documents pursuant to paragraph 3.04 of the General Conditions.

There are not Contract Documents other than those listed above in this Article 7. The Contract Documents may only be amended, modified or supplemented as provided in paragraph 3.04 of the General Conditions.

Article 8. Miscellaneous

- 8.1 Terms used in this Agreement which are defined in Article 1 of the General Conditions will have the meanings indicated in the General Conditions.
- 8.2 No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge OWNER or CONTRACTOR from any duty or responsibility under the Contract Documents.
- 8.3 OWNER and CONTRACTOR each binds itself, its partners, successors, assigns and legal representatives to the other party hereto, its partners, successors, assigns and legal representatives in respect to all covenants, agreements and obligations contained in the Contract Documents.
- 8.4 Any provision or part of the Contract Documents held to be void to unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon OWNER and CONTRACTOR, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

IN WITNESS WHEREOF, OWNER and CONTRACTOR have signed this Agreement in triplicate. One counterpart each has been delivered to OWNER, CONTRACTOR, and ENGINEER. All portions of the Contract Documents have been signed, initialed or identified by OWNER and CONTRACTOR or identified by ENGINEER on their behalf.

This Agreement will be effective on _____, _____ (which is the Effective Date of the Agreement).

OWNER: _____

CONTRACTOR: _____

By: _____

By: _____

Corporate Seal:

Corporate Seal:

Attest _____

Attest _____

Address for giving notices:

Address for giving notices:

(If OWNER is a public body, attach evidence of authority to sign and resolution or other documents authorizing execution of Agreement.)

License No. _____

Agent for service of process: _____

(If CONTRACTOR is a corporation, attach evidence of authority to sign.)

End of Document 00 52 43

Attachment A

PERFORMANCE BOND

Attachment B

PAYMENT BOND

Attachment C

CERTIFICATES OF INSURANCE



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

AGENDA FORM

CITY COUNCIL MEETING OF:

June 9, 2020

Submitted by:

Preston Newbill

Department

Water/Sewer

Phone

271-3140

ACTION REQUIRED:

Budget Adjustment requested by Staff for City Council approval in the amount of \$700,000.00 to recognize a contribution of \$280,000.00 from Aurora Development Company, LLC and \$420,000.00 from wastewater reserves to fund construction of the Nomad Creek Interceptor.

COST TO CITY:

Cost of this Request: \$1,768,843

Additional Budget Amount \$700,000

☐ One time amount

☐ Continuing O and M

Previously Budgeted	\$	1,072,350
Funds Expended to Date		202,070
Remaining Budget		870,280
Budget Adjustment		700,000
Remaining After Adjustment	\$	1,570,280

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







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

AGENDA FORM

CITY COUNCIL MEETING OF:

June 9, 2020

Submitted by:

George Spence

Department

City Attorney

Phone

273-2777

ACTION REQUIRED:

Coin flip and adoption of one of two ordinances depending on the results of the coin flip designating either Position 1 or Position 2 of each ward to have its two-year term extended to four years upon the City's population, determined by a Federal Census, reaching 50,000.

COST TO CITY:

Cost of this Request: Minimal*

Additional Budget Amount None

☐ One time amount

☐ Continuing O and M

Previously Budgeted	\$
Funds Expended to Date	
Remaining Budget	-
Budget Adjustment	None
Remaining After Adjustment	\$ -

* There are some minor attorney fees related to this, which will be paid out of the budget for professional fees.

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: Bentonville City Council, Mayor Stephanie Orman
Cc: Linda Spence, City Clerk
From: George R. Spence, City Attorney
Date: May 23, 2019
Re: Extension of terms when population reaches 50,000

I received a call yesterday morning from a newspaper reporter. He told me that there was a recent report about Bentonville's population going over 50,000 and he thought that would have some effect on the City government but was not certain. I explained it to him, and am doing so for you now, to avoid it being in the news and you not having heard about it. (He beat me to it – the story, by Tom Sissom, was published today. I have not read it and do not know if it contains any of what follows.)

Section 14-14-303 of the Arkansas Code addresses officials for Mayor-Council cities with a population in excess of 50,000. It provides in pertinent part:

(a)(1)(A) In the general election in the year 1960, and every four (4) years thereafter, cities of the first class that have a population of fifty thousand (50,000) persons or more, according to the latest decennial federal census or special federal census, and that also have the mayor-council form of government shall elect the following officials:

- (i) One (1) mayor;
- (ii) One (1) city clerk; and
- (iii) One (1) council member from each ward of the city.

(B) All of these officials shall hold office for a term of four (4) years and until their successors are elected and qualified.

(2)(A) At the general election in the year 1962 and every four (4) years thereafter, the city shall elect:

- (i) One (1) city attorney;

.....

- (iii) One (1) council member from each ward of the city.

(B) All of these officials shall hold office for a term of four (4) years and until their successors are elected and qualified.

....

(d)(1) If a city first attains a population of fifty thousand (50,000) as shown in a decennial federal census or special federal census completed after January 1, 1997,

and the mayor or other elected official of the city last elected before the census was elected to a four-year term and the term will expire two (2) years before the quadrennial general election year at which city officials are elected as provided in subsection (a) of this section, the terms of such officials shall be extended for a period of two (2) years in order that the terms will coincide with the next quadrennial general election year. At that quadrennial general election and at each quadrennial general election thereafter, the mayor and such other municipal officials shall be elected to terms of four (4) years as provided in this section.

(2) The provisions of this subsection shall not affect in any way the provisions of this section that provide for staggering the terms of office of council members so that one (1) council member will be elected from each ward every two (2) years.

What this means is that if Bentonville's population in the next regular census in 2020 exceeds 50,000, which is expected to occur, the Mayor, City Clerk, and one-half of the Council members elected in 2020 will get extended terms that will expire at the end of 2024 instead of at the end of 2022. The terms of the other half of the Council and, sadly, the City Attorney, will still expire at the end of 2022. From those points, the terms of all positions will be four-year terms, and this will result in half of the Council being elected every two years.

Section 14-14-303 does not provide whether position 1 or position 2 gets the four-year term. Section 14-42-312, which provides for terms for council members in cities having a population smaller than 50,000, has a procedure (which there has been discussion about applying here in the past) for four years terms for council members alternating in the same fashion. Absent finding something controlling to the contrary, I think this would be the best analogy to our situation and I would recommend it be applied. It would result in the council members elected to position 1 in 2020 being extended to 2024 and the council members elected to position 2 in 2020 having to run in 2022. As stated, the elections in 2022 and 2024 would be for four-year terms for all positions.

I suspect we will discuss this further as time goes on but wanted you to have some background if you hear about it in the news or get asked about it. By the way, the reason this does not apply earlier is that it is only triggered by a federal census, be it the decennial or a special. It is not triggered by estimates.

NOTE – Below is the original memorandum on this topic. Remember that after some additional consideration and consulting with the Municipal League's lawyers, it was determined that nothing kept the Council from simply picking which position would get the extended term and doing it by chance, a coin flip, was agreed to.

MEMORANDUM

To: Bentonville City Council, Mayor Stephanie Orman
Cc: Linda Spence, City Clerk
From: George R. Spence, City Attorney
Date: May 23, 2019
Re: Extension of terms when population reaches 50,000

I received a call yesterday morning from a newspaper reporter. He told me that there was a recent report about Bentonville's population going over 50,000 and he thought that would have some effect on the City government but was not certain. I explained it to him, and am doing so for you now, to avoid it being in the news and you not having heard about it. (He beat me to it – the story, by Tom Sissom, was published today. I have not read it and do not know if it contains any of what follows.)

Section 14-14-303 of the Arkansas Code addresses officials for Mayor-Council cities with a population in excess of 50,000. It provides in pertinent part:

(a)(1)(A) In the general election in the year 1960, and every four (4) years thereafter, cities of the first class that have a population of fifty thousand (50,000) persons or more, according to the latest decennial federal census or special federal census, and that also have the mayor-council form of government shall elect the following officials:

- (i) One (1) mayor;
- (ii) One (1) city clerk; and
- (iii) One (1) council member from each ward of the city.

(B) All of these officials shall hold office for a term of four (4) years and until their successors are elected and qualified.

(2)(A) At the general election in the year 1962 and every four (4) years thereafter, the city shall elect:

- (i) One (1) city attorney;

.....

- (iii) One (1) council member from each ward of the city.

(B) All of these officials shall hold office for a term of four (4) years and until their successors are elected and qualified.

....

(d)(1) If a city first attains a population of fifty thousand (50,000) as shown in a decennial federal census or special federal census completed after January 1, 1997, and the mayor or other elected official of the city last elected before the census was elected to a four-year term and the term will expire two (2) years before the quadrennial general election year at which city officials are elected as provided in subsection (a) of this section, the terms of such officials shall be extended for a period of two (2) years in order that the terms will coincide with the next quadrennial general election year. At that quadrennial general election and at each quadrennial general election thereafter, the mayor and such other municipal officials shall be elected to terms of four (4) years as provided in this section.

(2) The provisions of this subsection shall not affect in any way the provisions of this section that provide for staggering the terms of office of council members so that one (1) council member will be elected from each ward every two (2) years.

What this means is that if Bentonville's population in the next regular census in 2020 exceeds 50,000, which is expected to occur, the Mayor, City Clerk, and one-half of the Council members elected in 2020 will get extended terms that will expire at the end of 2024 instead of at the end of 2022. The terms of the other half of the Council and, sadly, the City Attorney, will still expire at the end of 2022. From those points, the terms of all positions will be four-year terms, and this will result in half of the Council being elected every two years.

Section 14-14-303 does not provide whether position 1 or position 2 gets the four-year term. Section 14-42-312, which provides for terms for council members in cities having a population smaller than 50,000, has a procedure (which there has been discussion about applying here in the past) for four years terms for council members alternating in the same fashion. Absent finding something controlling to the contrary, I think this would be the best analogy to our situation and I would recommend it be applied. It would result in the council members elected to position 1 in 2020 being extended to 2024 and the council members elected to position 2 in 2020 having to run in 2022. As stated, the elections in 2022 and 2024 would be for four-year terms for all positions.

I suspect we will discuss this further as time goes on but wanted you to have some background if you hear about it in the news or get asked about it. By the way, the reason this does not apply earlier is that it is only triggered by a federal census, be it the decennial or a special. It is not triggered by estimates.

ORDINANCE NO. _____

**AN ORDINANCE ESTABLISHING THE TERMS OF COUNCIL MEMBERS IN THE
EVENT THE CITY REACHES A POPULATION OF 50,000**

WHEREAS, § 14-14-303 of the Arkansas Code addresses effects on City government in the event a City reaches a population in excess of 50,000, and

WHEREAS, among those effects it to change the terms of members of the City Council to four-year terms to be staggered with half of the Council members being elected every two years, and

WHEREAS, at the time it is determined the City has reached a population of 50,000 according to the most recent federal census, one member of the Council from each Ward is to have their term extended for an additional two years, and

WHEREAS, Arkansas law provides no method as to how the City is to determine which position in each Ward is to have the extended term, and

WHEREAS, the Council has determined by lot that those Council members occupying position 1 for each Ward shall be the members to have their terms extended.

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

Section 1. That in accordance with § 14-14-303 of the Arkansas Code, at such point as the City of Bentonville reaches a population of 50,000 according to the latest decennial federal census or special federal census, those Council members occupying Position 1 for each Ward shall have

their terms extended for an additional two years, and further, all members of the Council will thereafter be elected to four-year terms.

PASSED AND APPROVED THIS _____ DAY OF _____, 2020.

APPROVED: _____
HON. STEPHANIE ORMAN, Mayor

ATTEST: _____
HON. LINDA SPENCE, City Clerk

ORDINANCE NO. _____

**AN ORDINANCE ESTABLISHING THE TERMS OF COUNCIL MEMBERS IN THE
EVENT THE CITY REACHES A POPULATION OF 50,000**

WHEREAS, § 14-14-303 of the Arkansas Code addresses effects on City government in the event a City reaches a population in excess of 50,000, and

WHEREAS, among those effects it to change the terms of members of the City Council to four-year terms to be staggered with half of the Council members being elected every two years, and

WHEREAS, at the time it is determined the City has reached a population of 50,000 according to the most recent federal census, one member of the Council from each Ward is to have their term extended for an additional two years, and

WHEREAS, Arkansas law provides no method as to how the City is to determine which position in each Ward is to have the extended term, and

WHEREAS, the Council has determined by lot that those Council members occupying position 2 for each Ward shall be the members to have their terms extended.

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

Section 1. That in accordance with § 14-14-303 of the Arkansas Code, at such point as the City of Bentonville reaches a population of 50,000 according to the latest decennial federal census or special federal census, those Council members occupying Position 2 for each Ward shall have

their terms extended for an additional two years, and further, all members of the Council will
thereafter be elected to four-year terms.

PASSED AND APPROVED THIS _____ DAY OF _____, 2020.

APPROVED: _____
HON. STEPHANIE ORMAN, Mayor

ATTEST: _____
HON. LINDA SPENCE, City Clerk