



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
Bentonville Community Center
BCC Community Rooms**

**Monday, November 9, 2020 6:00 p.m.
1101 Southwest Citizens Circle**

***If the public would like to attend virtually, please register at the following link by 4:00 p.m. on November 9, 2020:**

https://us02web.zoom.us/webinar/register/WN_5gP6yItrQOCwX0CQ3XH7lA

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

**Tuesday, November 10, 2020 6:00 p.m.
1101 Southwest Citizens Circle**

***If the public would like to attend virtually, please register at the following link by 4:00 p.m. on November 10, 2020:**

https://us02web.zoom.us/webinar/register/WN_vXz7xu6dTTiZCgno8riKBg

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: October 27, 2020

AGENDA

1. Planning:

- 1a. **Ordinance changing real estate from R-1, Single Family Residential to DN-1, Downtown Low-Density Residential, Bailey Family Trust, SW 4th Street & SW D Street.**

(Pages 9-17)

The Planning Commission voted 7-0, recommending approval.

This item was originally recommended for approval by a vote of 6-0 to rezone to DN-2, Downtown Medium-Density Residential by the Planning Commission at the October 20th meeting. City Council, at their October 27th meeting, voted by a vote of 5-3 that the applicant should seek a variance from Planning. Understanding the City Council's concerns regarding density, and reading the public comment letters from surrounding property owners, the applicant amended their rezoning request to DN-1, Downtown Low-Density Residential.

- 1b. **Ordinance accepting a lot split of Lots 24-25 of Happy Home Subdivision, Doffin Trust, 813 Bella Vista Road, R-1, Single Family Residential.**

(Pages 19-21)

The Planning Commission voted 7-0, recommending approval.

A lot split of Lot 19 of Happy Homes Subdivision, creating new Lots 24 and 25. The plat dedicates additional right-of-way along NW 10th Street and Bella Vista Road to meet the requirements of the Master Street Plan.

- 1c. **Ordinance accepting a lot split of Lots 23-25 of Eversole Addition, City of Bentonville, SW H Street & SW I Street, C-3, Mixed-Use Commercial.**

(Pages 22-27)

The Planning Commission voted 7-0, recommending approval.

The property fronts SW I Street, an Arterial, and SW 41st Street, a Local street on the Master Street Plan. The lot split creates three lots, Lot 19 (2.77 acres), Lot 20 (2.47 acres), and Lot 21 (6.15 acres) of Eversole Addition. This plat dedicates additional right of way and easements.

- 1d. **Ordinance changing real estate from A-1, Agricultural to R-1, Single Family Residential, Tommy Stracener, 9084 SW Lee Harris Road.**

(Pages 28-34)

The Planning Commission voted 7-0, recommending approval.

The site's existing residential use and being surrounded by single-family residential development may justify a rezoning to R-1, Single-Family Residential. According to the applicant's narrative, they intend to construct a shop building on the southeast corner of their property behind their existing single-family residence.

While the request is not consistent with the Future Land Use Plan, staff recommends approval of the rezoning request due to its compatibility with the surrounding residential zonings and the applicant's intent as stated in the Analysis section of this report.

- 1e. **Ordinance changing real estate from R-1, Single Family Residential to DN-2, Downtown Medium-Density Residential, Reggie & Lisa Robinson, 319 SW 4th Street.**

(Pages 35-39)

The Planning Commission voted 6-0, recommending approval.

According to the applicant, the intent of the rezoning request is to allow the zoning of their single-family home to fit in with the context of the surrounding neighborhood. The applicant would like to construct an eight-foot tall fence, which is only allowed within Downtown and Downtown Neighborhood zoning districts.

Planning staff has reviewed this rezoning request, and has found it to be consistent with the Bentonville Community Plan and the Downtown Neighborhood Subarea Plan. Although the applicant has already constructed a single-family home on the site, the DN-2 zoning district better fits with the current and future context of the surrounding neighborhood. Planning staff recommends approval of the rezoning request.

- 1f. **Ordinance changing real estate from R-1, Single Family Residential to DN-2, Downtown Medium-Density Residential, Hurricane WA, LLC, 1112 Fillmore Street.**

(Pages 40-45)

The Planning Commission voted 7-0, recommending approval.

1112 Fillmore Street falls within Priority Area 1, Downtown Intensification. To support the downtown's intensification, the City should do the following: Continue to support the increased density of residential development in select locations, in the form of a townhouse, multifamily, and mixed-use housing that allows developers to offset high property costs through market-driven means.

This lot also falls within Downtown Neighborhood Subarea Plan, Character Area 6, Secondary Residential Density Area. These are areas typically defined by smaller lot single-family houses, with a mix of townhomes and duplex developments.

This request meets the requirements of the Future Land Use Plan, Priority Area 1, Downtown Intensification, and Downtown Neighborhood Subarea Plan, Character Area 6, Secondary Residential Density Area. Staff recommends approval.

- 1g. **Ordinance changing real estate from R-1, Single Family Residential to DN-2, Downtown Medium-Density Residential, CHP, LLC, 407 SW D Street.**

(Pages 46-51)

The Planning Commission voted 7-0, recommending approval.

405, 407, & 409 SW D Street are surrounded by many of the city's zoning classifications to include RC-2, R-1, and D-E. The owner's intent per their narrative is to build a two-family duplex consistent with Bentonville's Community Plan for the moderate density classification. The adjacent property to the east is a duplex. Gilmore Park is directly across the street to the south. Lots in the general area vary in size from 44 feet wide to 60+ feet. Most of the new construction in the area are tear downs and rebuilds. While it can be easier to develop land on the outskirts of town prematurely, a better approach is to prioritize the development of vacant or underutilized properties within the city's already developed areas. These infill sites are served by existing infrastructure, provide access to existing transportation systems, support enhanced walkability and mobility, and provide proximity to goods, services, and activities. By filling in the existing urban fabric gaps, Bentonville can accommodate anticipated growth in a thoughtful, responsible, and appropriate manner.

Planning staff has reviewed this rezoning request. It is consistent with the Community Plan for Priority Area 1, Downtown Intensification, Downtown Neighborhood Subarea Plan, Character Area 5, High-Density Residential, and how the property has developed around this site. Staff recommends approval of the proposed rezoning.

- 1h. **Ordinance changing real estate from A-1, Agricultural to R-4, High Density Residential, David Murray, Nina Murray-Williams, & Elizabeth Murray, SW Regional Airport Boulevard.**

(Pages 52-57)

The Planning Commission voted 7-0, recommending approval.

According to the applicant's narrative, the property owner states he intends to submit large-scale development plans to construct townhomes. The property has water, sewer, and street infrastructure adjacent or abutting the property. SW Chickadee, a Local street, is stubbed on the north side of the property with water and sewer on the west side of SW Regional Airport Boulevard and the east side of SW Chickadee approximately 100 feet north of the property line. Vaughn Apartments Phase 2 abut this property to the north.

Planning staff has reviewed this rezoning request, and it is consistent with the Community Plan, Priority Area 3, Edge Growth, and its distance from public infrastructure and, like developments, multifamily. Staff recommends approval.

2. A resolution to support the temporary installation of artwork titled "Guide, These, My Hands" by artists Danielle Hatch and Traci Rae Manos in Train Station Park. The artwork was selected by the Public Art Advisory Committee as part of a request for proposals from local artists. The artwork will be on display for one year at a total cost of \$9,600.00. This is a budgeted item. Memo and proposal attached.

(Pages 58-62)

3. Public hearing and ordinance vacating a Utility Easement requested for LOT 21 of Creekstone Subdivision (VAC20-0026). **(Pages 63-66)**
4. Public hearing and ordinance vacating a Utility Easement requested for East End of SW Opal Road (VAC20-0027). **(Pages 67-71)**
5. Resolution authorizing the purchase of Wonderware West Software Licensing from Standard Automation and Control/DBA: Wonderware West for a total of \$24,948.72. Update to facility SCADA system to control and track facility and major lift station functions onsite. **(Pages 72-77)**
6. 2021 Budget Discussion.



City Council Agenda Items

For City Council Meeting of November 10, 2020
From the November 3, 2020 Planning Commission Meeting

Ordinance changing real estate from R-1, Single Family Residential to DN-1, Downtown Low-Density Residential, Bailey Family Trust, SW 4th Street & SW D Street.

The Planning Commission voted 7-0, recommending approval.

This item was originally recommended for approval by a vote of 6-0 to rezone to DN-2, Downtown Medium-Density Residential by the Planning Commission at the October 20th meeting. City Council, at their October 27th meeting, voted by a vote of 5-3 that the applicant should seek a variance from Planning. Understanding the City Council's concerns regarding density, and reading the public comment letters from surrounding property owners, the applicant amended their rezoning request to DN-1, Downtown Low-Density Residential.

Ordinance accepting a lot split of Lots 24-25 of Happy Home Subdivision, Doffin Trust, 813 Bella Vista Road, R-1, Single Family Residential.

The Planning Commission voted 7-0, recommending approval.

A lot split of Lot 19 of Happy Homes Subdivision, creating new Lots 24 and 25. The plat dedicates additional right-of-way along NW 10th Street and Bella Vista Road to meet the requirements of the Master Street Plan.

Ordinance accepting a lot split of Lots 23-25 of Eversole Addition, City of Bentonville, SW H Street & SW I Street, C-3, Mixed-Use Commercial.

The Planning Commission voted 7-0, recommending approval.

The property fronts SW I Street, an Arterial, and SW 41st Street, a Local street on the Master Street Plan. The lot split creates three lots, Lot 19 (2.77 acres), Lot 20 (2.47 acres), and Lot 21 (6.15 acres) of Eversole Addition. This plat dedicates additional right of way and easements.

Ordinance changing real estate from A-1, Agricultural to R-1, Single Family Residential, Tommy Stracener, 9084 SW Lee Harris Road.

The Planning Commission voted 7-0, recommending approval.

The site's existing residential use and being surrounded by single-family residential development may justify a rezoning to R-1, Single-Family Residential. According to the applicant's narrative, they intend to construct a shop building on the south east corner of their property behind their existing single-family residence.

While the request is not consistent with the Future Land Use Plan, staff recommends approval of the rezoning request due to its compatibility with the surrounding residential zonings and the applicant's intent as stated in the Analysis section of this report.

Ordinance changing real estate from R-1, Single Family Residential to DN-2, Downtown Medium-Density Residential, Reggie & Lisa Robinson, 319 SW 4th Street.

The Planning Commission voted 6-0, recommending approval.

According to the applicant, the intent of the rezoning request is to allow the zoning of their single-family home to fit in with the context of the surrounding neighborhood. The applicant would like to construct an eight-foot tall fence, which is only allowed within Downtown and Downtown Neighborhood zoning districts.

Planning staff has reviewed this rezoning request, and has found it to be consistent with the Bentonville Community Plan and the Downtown Neighborhood Subarea Plan. Although the applicant has already constructed a single-family home on the site, the DN-2 zoning district better fits with the current and future context of the surrounding neighborhood. Planning staff recommends approval of the rezoning request.

Ordinance changing real estate from R-1, Single Family Residential to DN-2, Downtown Medium-Density Residential, Hurricane WA, LLC, 1112 Fillmore Street.

The Planning Commission voted 7-0, recommending approval.

1112 Fillmore Street falls within Priority Area 1, Downtown Intensification. To support the downtown's intensification, the City should do the following: Continue to support the increased density of residential development in select locations, in the form of a townhouse, multifamily, and mixed-use housing that allows developers to offset high property costs through market-driven means.

This lot also falls within Downtown Neighborhood Subarea Plan, Character Area 6, Secondary Residential Density Area. These are areas typically defined by smaller lot single-family houses, with a mix of townhomes and duplex developments.

This request meets the requirements of the Future Land Use Plan, Priority Area 1, Downtown Intensification, and Downtown Neighborhood Subarea Plan, Character Area 6, Secondary Residential Density Area. Staff recommends approval.

Ordinance changing real estate from R-1, Single Family Residential to DN-2, Downtown Medium-Density Residential, CHP, LLC, 407 SW D Street.

The Planning Commission voted 7-0, recommending approval.

405, 407, & 409 SW D Street are surrounded by many of the city's zoning classifications to include RC-2, R-1, and D-E. The owner's intent per their narrative is to build a two-family duplex consistent with Bentonville's Community Plan for the moderate density classification. The adjacent property to the east is a duplex. Gilmore Park is directly across the street to the south. Lots in the general area vary in size from 44 feet wide to 60+ feet. Most of the new construction in the area are tear downs and rebuilds. While it can be easier to develop land on the outskirts of town prematurely, a better approach is to prioritize the development of vacant or underutilized properties within the city's already developed areas. These infill sites are served by existing infrastructure, provide access to existing transportation systems, support enhanced walkability and mobility, and provide proximity to goods, services, and activities. By filling in the existing urban fabric gaps, Bentonville can accommodate anticipated growth in a thoughtful, responsible, and appropriate manner.

Planning staff has reviewed this rezoning request. It is consistent with the Community Plan for Priority Area 1, Downtown Intensification, Downtown Neighborhood Subarea Plan, Character Area 5, High-Density Residential, and how the property has developed around this site. Staff recommends approval of the proposed rezoning.

Ordinance changing real estate from A-1, Agricultural to R-4, High Density Residential, David Murray, Nina Murray-Williams, & Elizabeth Murray, SW Regional Airport Boulevard.

The Planning Commission voted 7-0, recommending approval.

According to the applicant's narrative, the property owner states he intends to submit large-scale development plans to construct townhomes. The property has water, sewer, and street infrastructure adjacent or abutting the property. SW Chickadee, a Local street, is stubbed on the north side of the property with water and sewer on the west side of SW Regional Airport Boulevard and the east side of SW Chickadee approximately 100 feet north of the property line. Vaughn Apartments Phase 2 abut this property to the north.

Planning staff has reviewed this rezoning request, and it is consistent with the Community Plan, Priority Area 3, Edge Growth, and its distance from public infrastructure and, like developments, multifamily. Staff recommends approval.

REZONING STAFF REPORT



Bailey Family Trust

SW 4th & SW D Street

PC Date: 11/3/2020

Reviewer: Tyler Overstreet, Senior Planner, AICP

Project Number	RZ20-0047
Applicant / Current Owner	Bailey Family Trust
Site Area	.27 acres
Current Zoning	R-1, Single Family Residential
Requested Zoning	DN-1, Downtown Low-Density Residential
Future Land Use Map Designation	Medium Density Residential (MDR)

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

Location Map



Note: This item was originally recommended for approval by a vote of 6-0 to rezone to DN-2, Downtown Medium-Density Residential by the Planning Commission at the October 20th meeting. City Council, at their October 27th meeting, voted by a vote of 5-3 that the applicant should seek a variance from Planning. Understanding the City Council's concerns regarding density, and reading the public comment letters from surrounding property owners, the applicant amended their rezoning request to DN-1, Downtown Low-Density Residential.

Property Description

This property is located northeast of the intersection of SW 4th Street & SW D Street. Adjacent zoning districts are RC-2, Central Residential-Moderate Density to the north and R-1, Single-Family Residential to the east, south, and west.

Relationship to the Bentonville Community Plan

The Future Land Use Map currently depicts this property as Medium-Density Residential. Medium-Density Residential areas typically include townhouse, duplex, and denser single-family development. Examples within proximity of this property include 319-329 SW D Street, 228-244 SW D Street, and the 300 and 400 blocks of SW C Street. While these RC-2, Central Residential – Moderate Density developments are not reflected within our current Community Plan, the Medium-Density Land Use Category is a close approximation.

This site also falls within the Downtown Neighborhood Subarea Plan in Character Area 5, High-Density Residential. Areas immediately adjacent to the Downtown Core and Gateway Corridors planned for the highest density and range of housing types, including multi-family.

Public Comment

Staff has received comments on this rezoning request which are included within the packet. Based upon the comments received by surrounding property owners and City Council's recommendation, the applicant has amended their request to DN-1, Downtown Low-Density Residential.

Analysis

The Bentonville Community Plan depicts the downtown area as the area generally bounded by Tiger Boulevard to the north, J Street to the east, 14th street to the south, and Walton Boulevard to the west. Properties within this area could potentially support Downtown Neighborhood (i.e. DN-1, 2, 3, and 4) and Downtown Commercial (i.e. DC and DE) zoning districts, depending on their location, context, and land use classification. Each of these zoning districts have a close approximation for themselves in areas outside of downtown.

REZONING STAFF REPORT

In the case of this request, DN-1 and R-1 are close approximations of one another. R-1 and DN-1 share the following in common:

- Both R-1 and DN-1 allow only for single-family residential construction.
- Both R-1 and DN-1 have 36-foot height maximums.
- Both R-1 and DN-1 have a 45% lot coverage maximum for corner lots (such as this property).
- Both R-1 and DN-1 have 60-foot lot minimums and 6,000 square foot lot area minimums.

The primary difference between the districts are the setback standards. The DN-1 zoning district allows for 15-foot front and side exterior setbacks as opposed to the 20-feet required in the R-1 zoning district. The intent behind the more flexible setbacks of the Downtown Neighborhood districts is to orient the homes closer to the street and sidewalk, creating a more pedestrian friendly, slower traffic area, indicative of Traditional Neighborhood Design.

Conclusion

The proposed rezoning does not align with the Future Land Use Plan designation of Medium-Density Residential, nor reflect recent rezoning actions in the area to RC-2 or DN-2.

The applicant's amended request to DN-1 allows for the more flexible setbacks they desired in their original request to DN-2 while restricting the allowable uses to single-family. Staff recommends approval of the amended request.

Disclaimer: FOR INFORMATIONAL PURPOSES ONLY.

In cases of discrepancy between the information presented here and a city ordinance, the city ordinance will prevail.

DN-1, Downtown Low Density Residential



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

Building Types Allowed:

	Single-family	Two-family	Townhouse		Multi-family		Mixed-use
			Block-end	Mid-block	Block-end	Mid-block	
DN-1	•						

Maximum Height Allowed:

District	Single-family	Two-family	Townhouse	Multi-family	Mixed-use
DN-1	36 ft.	--	--	--	--

Lot and Area Standards:

District	Building type	Min. Lot Area (sq. ft.)	Min. Land Area / Dwelling Unit (sq. ft.)	Lot Width		Max. Lot Coverage	
				Min. Lot Width	Max. Lot Width	Interior lot	Exterior lot
DN-1	Single-family	6,000	-	60'	-	40%	45%

Setback Standards:

District	Building type	Front Yard		Side Yard				Rear Yard
				Exterior Side Yard		Interior Side Yard		
		Min.	Max.	Min.	Max.	Detached Yard	Attached Yard	
DN-1	All	15'	25'	15'	-	7'	0'	25'

Residential Tree Planting:

For newly constructed single and two-family residential structures: 1 shade tree planted in each yard adjacent to roadway and 1 shade tree planted in each right-of-way adjacent to roadway.

Updated 08-31-20

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DN-1, Downtown Low Density Residential

Garage Setback Standards (generally for DN districts – additional requirements may apply):

Prohibited in front yards. Garages, parking lots or designated parking spaces are prohibited in the front yard and corner side yard.

Attached garages. Garages may be attached to the primary structure. However, if the garage is attached, it must be located and oriented in such a way that it does not protrude from the side façade of the primary building in order to be visible from the public street.

Detached garages. Detached garages shall be located to the rear of the primary structure.

Corner lot. On a corner lot, the garage shall not be located closer than 20' to the corner side lot line in order to allow for outdoor vehicular parking entirely on the lot.

Detached garages. Detached garages must be separated from the primary structure by a minimum of 10'.

Garages with alley access. Garages with alley access must be setback 8' from the alley.

Accessory Structures & Uses: (i.e. garages, storage sheds, separate dwelling units)

	Detached Non-residential	Detached Accessory Dwelling	Attached Accessory Dwelling
% of floor area of primary structure	40%	50%	50%
Maximum footprint	720 sq. ft.	720 sq. ft.	-
Front setback	As required by the district	As required by the district	As required by the district
Side setback	7'	7'	As required by the district
Rear setback	7'	7'	As required by the district

On corner lots: Structure shall not project beyond the building line of the primary structure of existing primary structure on the adjacent lot

Land Uses:

ALLOWED BY RIGHT	CONDITIONAL	ACCESSORY
Residential Dwelling - modular	Agriculture and Animals Urban farm	Agriculture and Animals Community garden
Recreation, Education & Assembly Park - mini Park – neighborhood	Residential Home occupation - type b	Residential Dwelling - accessory Home occupation - type a
Services Child care - residential (4 children)	Recreation, Education & Assembly Educational facility Museum Religious facilities	Transportation / Utilities Solar energy system Wind energy system, small
	Services Adult day care Cemetery or mausoleum Child care - residential (5-10 children) Public safety services	Other Building, accessory - nonresidential
	Transportation / Utilities Utility facility Wireless communication facility (cell towers)	
	Other Temporary uses	

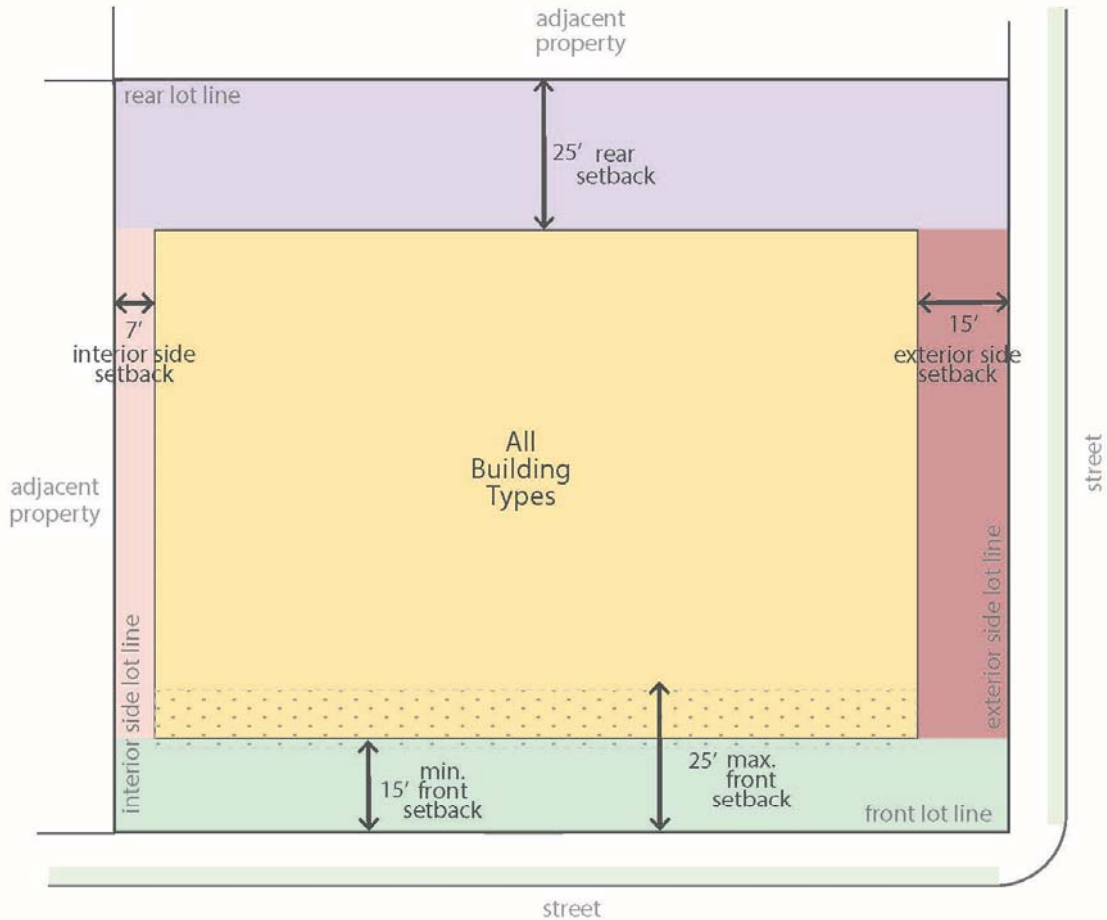
Updated 08-31-20

Disclaimer: FOR INFORMATIONAL PURPOSES ONLY.

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DN-1, Downtown Low Density Residential

Setback Illustration



Updated May 2020

We request that our property at 410 SW 4th be rezoned from R2to DN2 for the following reasons-

We are building a single-family home on a narrow corner lot. Therefore, we need the flexibility of the DN2 placement for our future home to better fit the lot size.

There is a large old tree on the southeast corner of the lot which sits on our lot and our neighbor's lot. We want to save this beautiful shade tree which will require the DN2 setback.

Using the DN2 setbacks (12 feet and 7 feet) will allow us to have approximately 15 feet on each side of our new home placing.

The property directly north of our property is zoned RC2 which is substantially similar to our requested zoning.

This request is in keeping with the city's future land use plan of moving toward DN2.

Water and sewer is available to the property.

NOTICE OF INTENT TO REZONE

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

R-1 to DN-2

The legal description of the property is as follows:

LOT 11 and the West half of 12, BLOCK 6, CLARK'S SECOND ADDITION,
BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN ON PLAT RECORDED
IN PAGE 502.

The common description of the property is: 410 S.W. 4th Street

Proposed land use: Single family home

The public hearing will be held OCT. 20, 20 20 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:

We would like the lot to add variance & not
rezone area and set bad precedent for
surrounding area

Physical Address

P220-0047

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:

zoning change
we understand this could allow for multi-family
structures/townhomes under the DN-2 designation.
Don't want that precedence to be set, isn't a variance



P2220-0047

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: RZ20-0047).

WHEREAS, Bailey Family Trust 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 11 AND THE WEST HALF OF 12, BLOCK 6, CLARK'S SECOND ADDITION, BENTONVILLE, BENTON COUNTY, ARKANSAS AS SHOWN ON PLAT RECORD Q PAGE 502; and,

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held November 3, 2020 in the Council Chambers of the City of Bentonville; and,

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

WHEREAS, the Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification of R-1, 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:

ATTEST:

Stephanie Orman, Mayor

Kirby Romines, City Clerk



Consent Agenda Items

For Planning Commission meeting of November 3, 2020

Reviewer: Tyler Overstreet, AICP, Senior Planner

- ❖ At the Technical Review meeting held on October 27, 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 24-25 of Happy Home Subdivision, 813 Bella Vista Road, R-1, Single-Family Residential, LS20-0049

A lot split of Lot 19 of Happy Homes Subdivision, creating new Lots 24 and 25. The plat dedicates additional right-of-way along NW 10th Street and Bella Vista Road to meet the requirements of the Master Street Plan.

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

Lot Split: Lots 23-25 of Eversole Addition, SW H Street & SW I Street, C-3, Mixed-Use Commercial, LS20-0051

The property fronts SW I Street, an Arterial, and SW 41st Street, a Local street on the Master Street Plan. The lot split creates three lots, Lot 19 (2.77 acres), Lot 20 (2.47 acres), and Lot 21 (6.15 acres) of Eversole Addition. This plat dedicates additional right of way and easements.

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



ORDINANCE NO. _____

AN ORDINANCE ACCEPTING A LOT SPLIT OF LOTS 24-25 OF HAPPY HOME SUBDIVISION TO THE CITY OF BENTONVILLE, ARKANSAS (PROJECT NUMBER: LS20-0049).

WHEREAS, pursuant to the provisions of the Land Development Code of the Bentonville Municipal Code, the lot split of Lots 24-25 of Happy Home Subdivision, Benton County, Arkansas, was submitted to the Bentonville Planning Commission on November 3, 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 Happy Home Subdivision to the City of Bentonville, Arkansas, should be and the same is hereby accepted and approved for all purposes.

Section 2: That the Mayor and City Clerk be and are hereby authorized and directed to evidence the acceptance of said lot split by certifying said acceptance on the approved lot split.

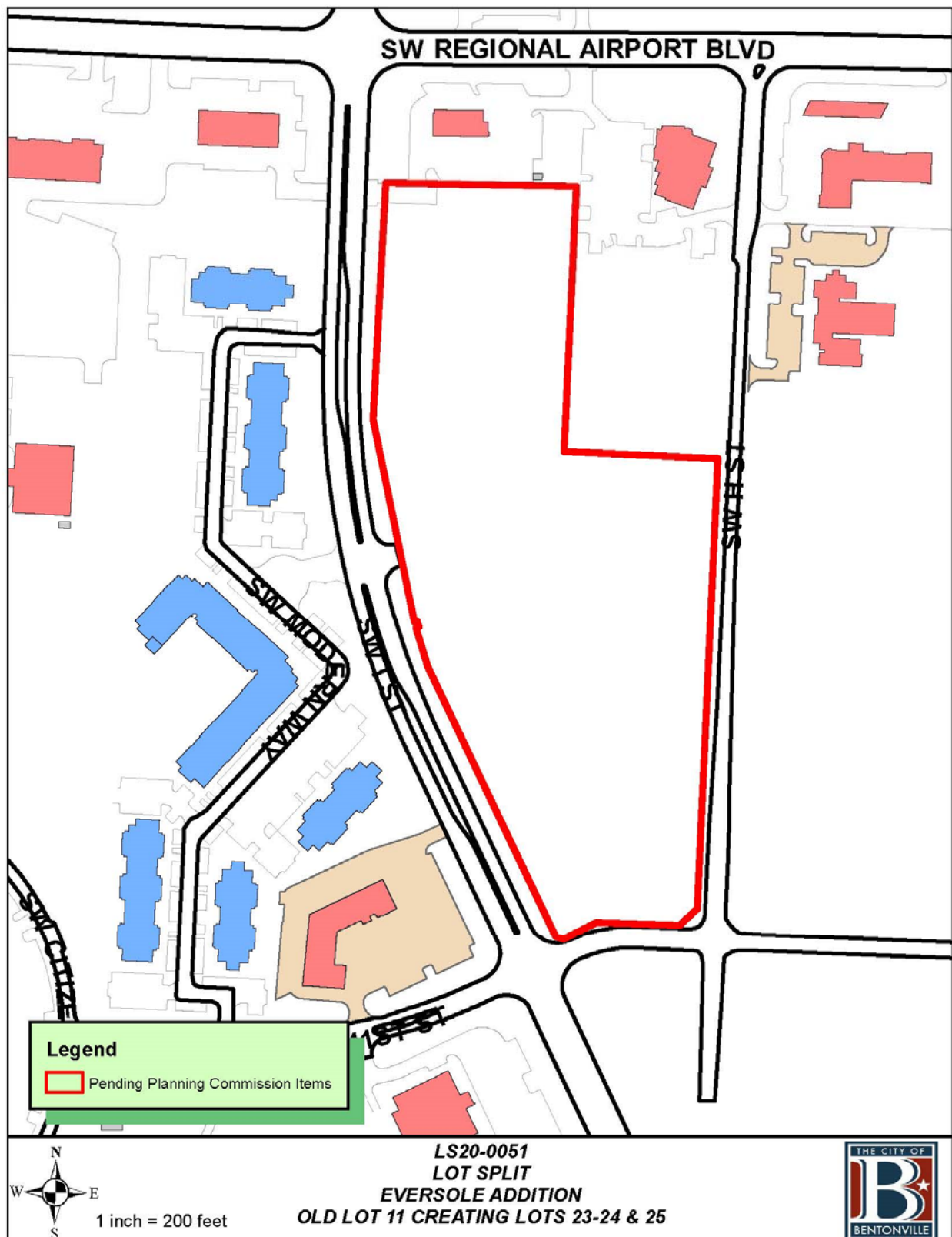
PASSED AND APPROVED this _____ day of _____, 2020.

APPROVED:

Stephanie Orman, Mayor

ATTEST:

Kirby Romines, City Clerk



Incidental Subdivision of Lot 11 Eversole Addition creating Lots 23, 24, & 25

City of Bentonville

SW 1 St.

Bentonville, Benton County, Arkansas



GEI
Solutions for
Land and Life

CHEN SUNBERG ASSOCIATES, INC.
3105 SAFFORD DRIVE
BENTONVILLE, AR 72712
P: 479/273-3472
F: 479/273-3444
COSTA@CHEN-SUNBERG.COM

3000 131 FREEWAY, SUITE 160
DALLAS, TX 75204
TEL: (214) 497-0800
FAX: (214) 497-0800

Incidental Subdivision
City of Bentonville
SW 1 St.
Bentonville, Benton County, Arkansas

1- β -H	NO β -H
67.22 (d, 1H)	34.4
79.18	2- β -H ^a , 1H, 2- β -HNO β -H
4	206.056, 67.38
20.1	2- β -HNO β -H
10.6	CHO β -H, +O β -HNO β -H, O β -H

Cover

0226664770025000

- [illegible]

REVISION		
NO.	DESCRIPTION	DATE
Δ	Submittal	06/06/20

Applied Behavior Analysis, 6th ed., by John M. Cooper, John E. Heron, and William L. Heward. Copyright 2007 by John Wiley & Sons, Inc.

[illegible]

Date of revision: 10.10.2020

2009.04.21

*Submitted: August 2007
Accepted: February 2008*

Scale of 1 to 5

City of Bentonville Project # 1520-0051

CIVIL ENGINEERING • LANDSCAPE ARCHITECTURE • LAND SURVEYING • PLANNING
BENTONVILLE | DALLAS | FRESNO | HOUSTON | JACKSONVILLE | MINNEAPOLIS | PHILADELPHIA | PHOENIX

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[illegible]

Incidental Subdivision
City of Bentonville
SW 1 St.
Bentonville, Benton County, Arkansas



NAME	DATE	TIME
PROJECT NUMBER	FILE	PC
DATA	TELEPHONE	NOTE

Preliminary Plat

ORDINANCE NO. _____

AN ORDINANCE ACCEPTING A LOT SPLIT OF LOTS 23-25 OF EVERSOLE
ADDITION TO THE CITY OF BENTONVILLE, ARKANSAS (PROJECT
NUMBER: LS20-0051).

WHEREAS, pursuant to the provisions of the Land Development Code of the Bentonville
Municipal Code, the lot split of Lots 23-25 of Eversole Addition, Benton County, Arkansas, was
submitted to the Bentonville Planning Commission on November 3, 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 23-25 of Eversole 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:

Stephanie Orman, Mayor

Kirby Romines, City Clerk

REZONING STAFF REPORT



Stracener

9084 SW Lee Harris Road

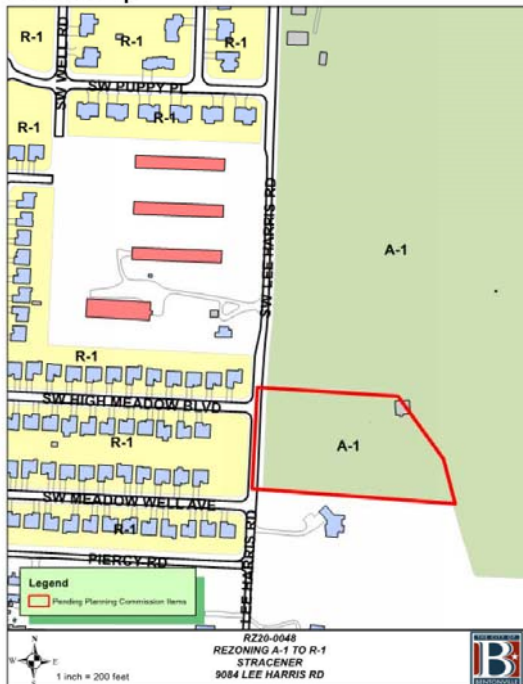
PC Date: 11/3/2020

Reviewer: Jon Stanley, Senior Planner

Project Number	RZ20-0048
Applicant / Current Owner	Tommy & Robin Stracener 9084 Lee Harris Road Bentonville, AR 72713
Site Area	+/- 4.17 Acres
Current Zoning	A-1, Agricultural
Requested Zoning	R-1, Single Family Residential
Future Land Use Map Designation	Residential Estates (RE)

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

Location Map



Property Description

This property is located at 9084 SW Lee Harris Road and surrounded by R-E, Residential Estate, R-1 Single Family Residential and A-1, Agricultural zonings. The current use of the property is a single-family residence.

Relationship to the General Plan

The Future Land Use Plan currently depicts this property as Residential Estate. These areas usually include large detached single-family residential homes.

Public Comment

To date, staff has not received public comment regarding this request.

Analysis

The site's existing residential use and being surrounded by single-family residential development may justify a rezoning to R-1, Single-Family Residential. According to the applicant's narrative, they intend to construct a shop building on the south east corner of their property behind their existing single-family residence.

Conclusion

While the request is not consistent with the Future Land Use Plan, staff recommends approval of the rezoning request due to its compatibility with the surrounding residential zonings and the applicant's intent as stated in the Analysis section of this report.

Disclaimer: FOR INFORMATIONAL PURPOSES ONLY.

In cases of discrepancy between the information presented here and a city ordinance, the city ordinance will prevail.

R-1, Single Family Residential



The R-1 District serves low density developments in which housing is generally of the highest value and where strict separation of land uses is desired. Since R-1 Districts are separated from all commercial and industrial activity, access to connecting traffic arteries is essential.

Maximum Height Allowed: 36 feet

Minimum Street Frontage: Equal to min. lot width required at building line, except for lots fronting on cul-de-sac turnarounds and on curving street frontages, which must have no less than 20 ft. of street frontage with the two side lots lines intersecting the street diverging until they are separated by the min. required lot width at the building line.

Minimum Width of Corner Lots: 75 ft. at building line.

Lot and Area Standards:

District	Building type	Min. lot area (sq. ft.)	Min. land area / dwelling unit (sq. ft.)	Min. lot width	Max. lot coverage	
					Interior lot	Exterior lot
R-1	All	6,000	-	60'	40%	45%

Minimum Setback Standards:

District	Building type	Front	Side		Rear
			Interior	Exterior	
R-1	All	20'	7'	20'	25'

Where a utility easement extends beyond the required setback, the edge of the utility easement shall be the setback.

Garage Setback Standards: *Applicable to attached and detached garages.*

Garage, Street Facing: 30 ft. from the property line the garage faces
Garage, Side- or Rear-loading: 20 ft. from the facing property line
Garage, Alley Facing: 20 ft. from property line at alley

Accessory Structures & Uses: (i.e. garages, storage sheds, separate dwelling units)

	Detached Non-residential	Detached Accessory Dwelling	Attached Accessory Dwelling
% of floor area of primary structure	40%	50%	50%
Maximum footprint	720 sq. ft.	720 sq. ft.	-
Front setback	As required by the district	As required by the district	As required by the district
Side setback	7'	7'	As required by the district
Rear setback	7'	7'	As required by the district

On corner lots: Structure shall not project beyond the building line of the primary structure of existing primary structure on the adjacent lot.

Updated 08-31-2020

Disclaimer: FOR INFORMATIONAL PURPOSES ONLY.

In cases of discrepancy between the information presented here and a city ordinance, the city ordinance will prevail.

R-1, Single Family Residential

Residential Tree Planting:

For newly constructed single and two-family residential structures: 1 shade tree planted in each yard adjacent to roadway and 1 shade tree planted in each right-of-way adjacent to roadway.

Land Uses:

ALLOWED BY RIGHT	CONDITIONAL	ACCESSORY
Agriculture and Animals Animal - domestic or household Community garden Residential Dwelling - modular Dwelling - single family Recreation, Education & Assembly Library Park - community Park - mini Park - neighborhood Services Child care - residential (4 children) Retail Mobile food vendor	Agriculture and Animals Animal - farm Botanical garden Urban farm Residential Home occupation - type a Recreation, Education & Public Aquarium Community center Country club Educational facility Golf course Religious facilities Services Adult day care Cemetery or mausoleum Child care - commercial Child care - residential (5-10 children) Lodging - bed & breakfast Transportation / Utilities Utility facility Wireless communication facility (cell towers) Other Temporary Uses	Agriculture and Animals Apiculture Hobby chicken Residential Dwelling - accessory Home occupation - type a Transportation / Utilities Solar energy system Wind energy system, small Other Building, accessory - nonresidential

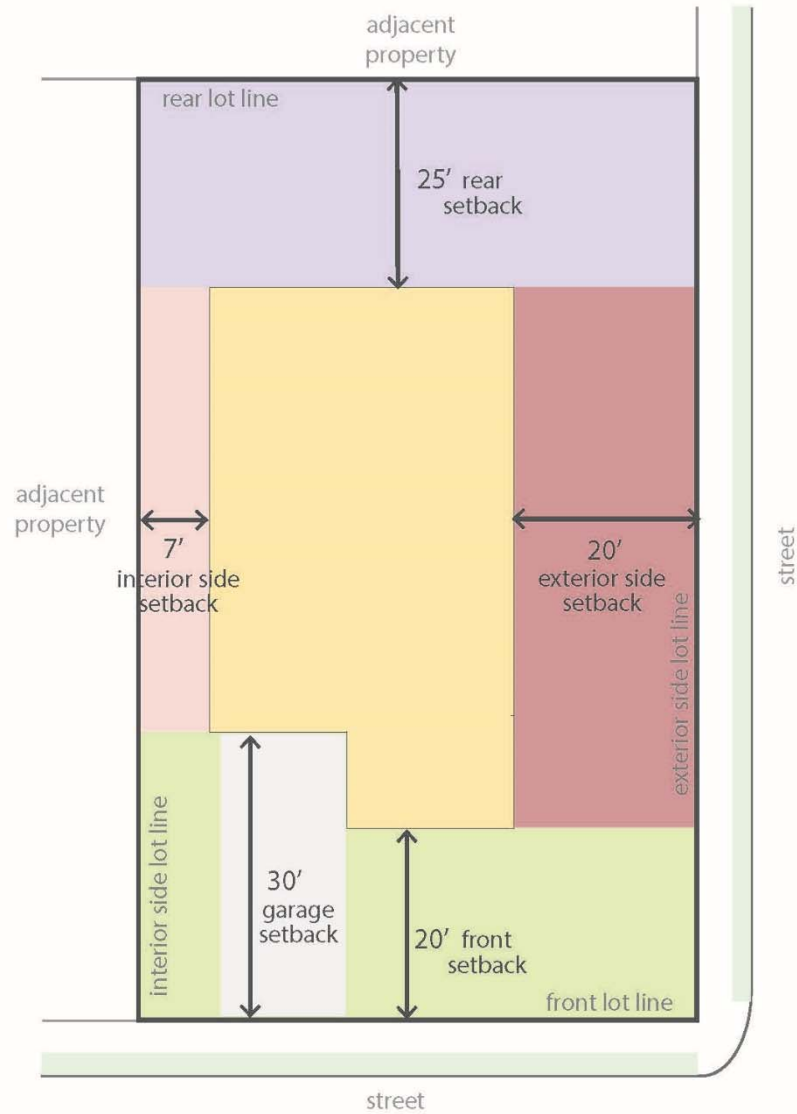
Updated 08-31-2020

Disclaimer: FOR INFORMATIONAL PURPOSES ONLY.

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R-1, Single Family Residential

Setback Illustration



Updated May 2020

REQUEST FOR REZONING APPLICATION

Property Owner: Tommy and Robin Stracener

Property Address: 9084 Lee Harris Road, Bentonville, AR 72713

Contact Information: 870-926-9764

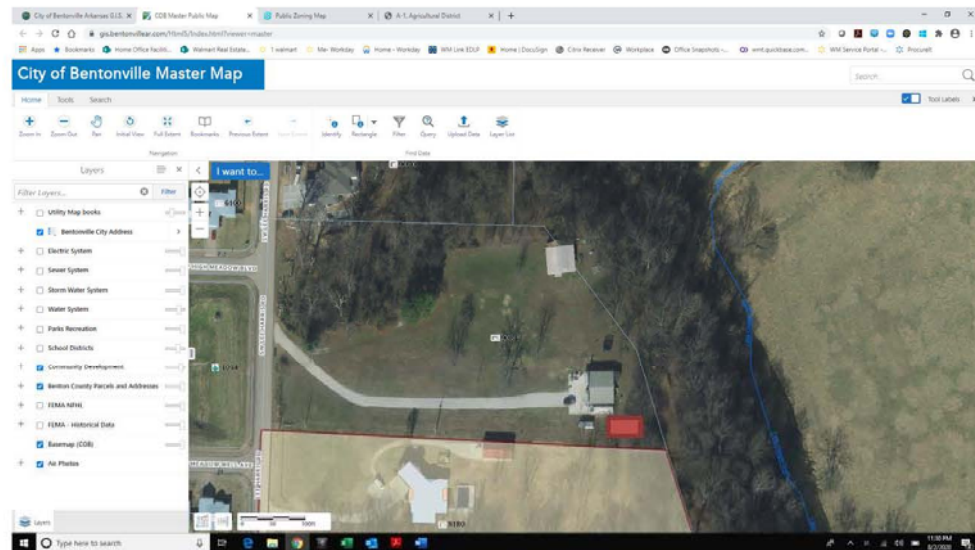
Contact Email: tommystracener@yahoo.com

Property Owner Consent Form: See Exhibit A

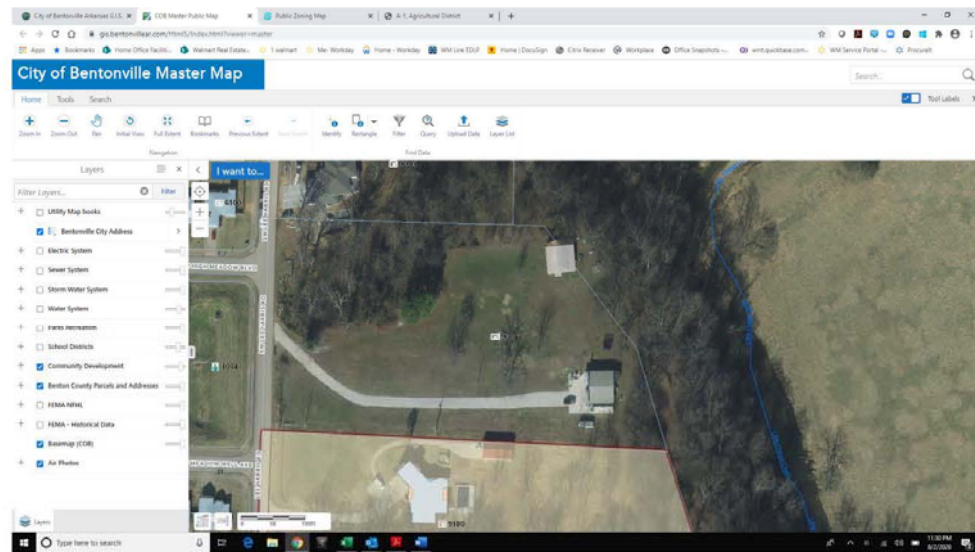
Warranty Deed: See Exhibit B

Narrative:

Proposed use- Rezone from A-1 (Agricultural District) to R-1 (Single Family Residential) to allow for new privately used shop to be built on southeast corner of the property to comply with minimum setback of R-1.



Hours of operation- N/A, for personal use
Indoor and outdoor areas to be utilized- N/A, for personal use
Planned indoor and outdoor structural changes- New structure
Parking needs- N/A, for personal use
Planned outdoor lighting changes- N/A, for personal use
Anticipated patrons- N/A, for personal use
Proposed number of employees- N/A, for personal use
Photographs of property- see aerial



ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF A-1, AGRICULTURAL TO R-1, SINGLE FAMILY RESIDENTIAL (PROJECT NUMBER: RZ20-0048).

WHEREAS, Tommy Stracener duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of A-1, Agricultural to R-1, Single Family Residential to be used in accordance with city zoning laws and state laws, which property is described as follows:

LOT 2 BOCKHOLT SUBDIVISION TO BENTONVILLE, BENTON COUNTY, AR
AS SHOWN ON PLAT RECORD BOOK 2015 PAGE 856, RECORDED IN THE
BENTON COUNTY CLERK'S OFFICE, BENTONVILLE, ARKANSAS.; and,

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held November 3, 2020 in the Council Chambers of the City of Bentonville; and,

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

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

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

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

PASSED AND APPROVED this _____ day of _____, 2020.

APPROVED:

ATTEST:

Stephanie Orman, Mayor

Kirby Romines, City Clerk

REZONING STAFF REPORT



Robinson

319 SW 4th Street

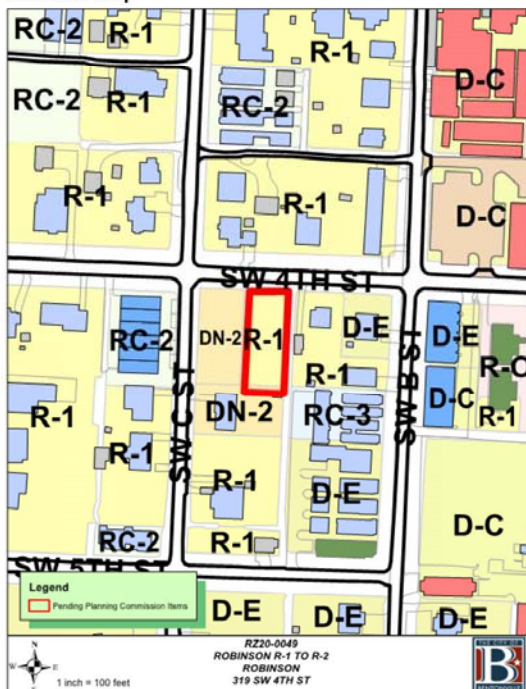
PC Date: 11/3/2020

Reviewer: Tyler Overstreet, Senior Planner, AICP

Project Number	RZ20-0049
Applicant / Current Owner	Lisa & Reginald Robinson
Site Area	+/- .24 acres
Current Zoning	R-1, Single Family Residential
Requested Zoning	DN-2, Downtown Medium-Density Residential
Future Land Use Map Designation	Medium Density Residential (MDR)

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

Location Map



Property Description

This property is located on SW 4th Street, mid-block between SW B and SW C Streets. The property is currently zoned R-1, Single-Family Residential. Adjacent zoning classifications include R-1, Single-Family Residential to the north and east, and DN-2, Downtown Medium-Density Residential to the south and west.

Relationship to the Bentonville Community Plan

The Land Use Plan identifies this area as Medium-Density Residential. These areas typically include duplex, townhome, and denser single-family residential uses.

The Bentonville Community Plan depicts this parcel within Downtown Neighborhood Character Area 5, High-Density Residential Area. High-Density Residential Areas are noted for their potential to support higher densities and a range of housing types (p. 137). The plan further indicates that the property is located within an area of potential change.

Public Comment

Staff has not received comment on this request.

Analysis

According to the applicant, the intent of the rezoning request is to allow the zoning of their single-family home to fit in with the context of the surrounding neighborhood. The applicant would like to construct an eight-foot tall fence, which is only allowed within Downtown and Downtown Neighborhood zoning districts.

Conclusion

Planning staff has reviewed this rezoning request, and has found it to be consistent with the Bentonville Community Plan and the Downtown Neighborhood Subarea Plan. Although the applicant has already constructed a single-family home on the site, the DN-2 zoning district better fits with the current and future context of the surrounding neighborhood. Planning staff recommends approval of the rezoning request.

Disclaimer: FOR INFORMATIONAL PURPOSES ONLY.

In cases of discrepancy between the information presented here and a city ordinance, the city ordinance will prevail.

DN-2, Downtown Medium Density Residential



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

Building Types Allowed:

District	Single-family	Two-family	Townhouse		Multi-family		Mixed-use
			Block-end	Mid-block	Block-end	Mid-block	
DN-2	•	•	•				

Maximum Height Allowed:

District	Single-family	Two-family	Townhouse	Multi-family	Mixed-use
DN-2	36 ft.	36 ft.	36 ft.	--	--

Lot and Area Standards:

District	Building type	Min. Lot Area (sq. ft.)	Min. Land Area / Dwelling Unit (sq. ft.)	Lot Width		Max. Lot Coverage	
				Min. Lot Width	Max. Lot Width	Interior lot	Exterior lot
DN-2	Single-family, alley access	4,000	-	40'	-	50%	55%
	Single-family, no alley access	5,000	-	50'	-	50%	55%
	Single-family attached unit	2,000	-	20'		-	-
	Single-family attached structure, alley access	4,000	-	40'	-	50%	55%
	Single-family attached structure, no alley access	5,000	-	50'	-	50%	55%
	Two-family, alley access	4,000	-	40'	-	50%	55%
	Two-family, no alley access	5,000	-	50'	-	50%	55%
	Townhouse unit	2,000	-	20'	-	-	-
	Townhouse structure	7,500	2,500	75'	-	60%	65%

Minimum Setback Standards:

District	Building type	Front Yard		Side Yard				Rear Yard
				Exterior Side Yard		Interior Side Yard		
		Min.	Max.	Min.	Max.	Detached Yard	Attached Yard	
DN-2	Single-family and Two-family	12'	25'	12'	25'	7'	0'	25'
	Townhouse block-end and all others not listed	12'	25'	12'	25'	10'	0'	25'

Residential Tree Planting:

For newly constructed single and two-family residential structures: 1 shade tree planted in each yard adjacent to roadway and 1 shade tree planted in each right-of-way adjacent to roadway.

Updated 08-31-20

Disclaimer: FOR INFORMATIONAL PURPOSES ONLY.

In cases of discrepancy between the information presented here and a city ordinance, the city ordinance will prevail.

DN-2, Downtown Medium Density Residential

Garage Setback Standards (generally for DN districts – additional requirements may apply):

Prohibited in front yards. Garages, parking lots or designated parking spaces are prohibited in the front yard and corner side yard.

Attached garages. Garages may be attached to the primary structure. However, if the garage is attached, it must be located and oriented in such a way that it does not protrude from the side façade of the primary building in order to be visible from the public street.

Detached garages. Detached garages shall be located to the rear of the primary structure.

Corner lot. On a corner lot, the garage shall not be located closer than 20' to the corner side lot line in order to allow for outdoor vehicular parking entirely on the lot.

Detached garages. Detached garages must be separated from the primary structure by a minimum of 10'.

Garages with alley access. Garages with alley access must be setback 8' from the alley.

Accessory Structures & Uses: (i.e. garages, storage sheds, separate dwelling units)

	Detached Non-residential	Detached Accessory Dwelling	Attached Accessory Dwelling
% of floor area of primary structure	40%	50%	50%
Maximum footprint	720 sq. ft.	720 sq. ft.	-
Front setback	As required by the district	As required by the district	As required by the district
Side setback	7'	7'	As required by the district
Rear setback	7'	7'	As required by the district

On corner lots: Structure shall not project beyond the building line of the primary structure of existing primary structure on the adjacent lot

Land Uses:

ALLOWED BY RIGHT	CONDITIONAL	ACCESSORY
Residential Dwelling - modular Dwelling - single family Dwelling - townhouse or rowhouse – end block Dwelling - two-family	Agriculture and Animals Urban farm Residential Home occupation - type b Recreation, Education & Assembly Educational facility Museum Religious facilities Services Adult day care Cemetery or mausoleum Child care - residential (5-10 children) Lodging - bed & breakfast Public safety services Transportation / Utilities Utility facility Wireless communication facility (cell towers) Other Temporary uses	Agriculture and Animals Community garden Residential Dwelling – accessory Home occupation - type a Transportation Utilities Solar energy system Wind energy system, small Other Building, accessory - nonresidential

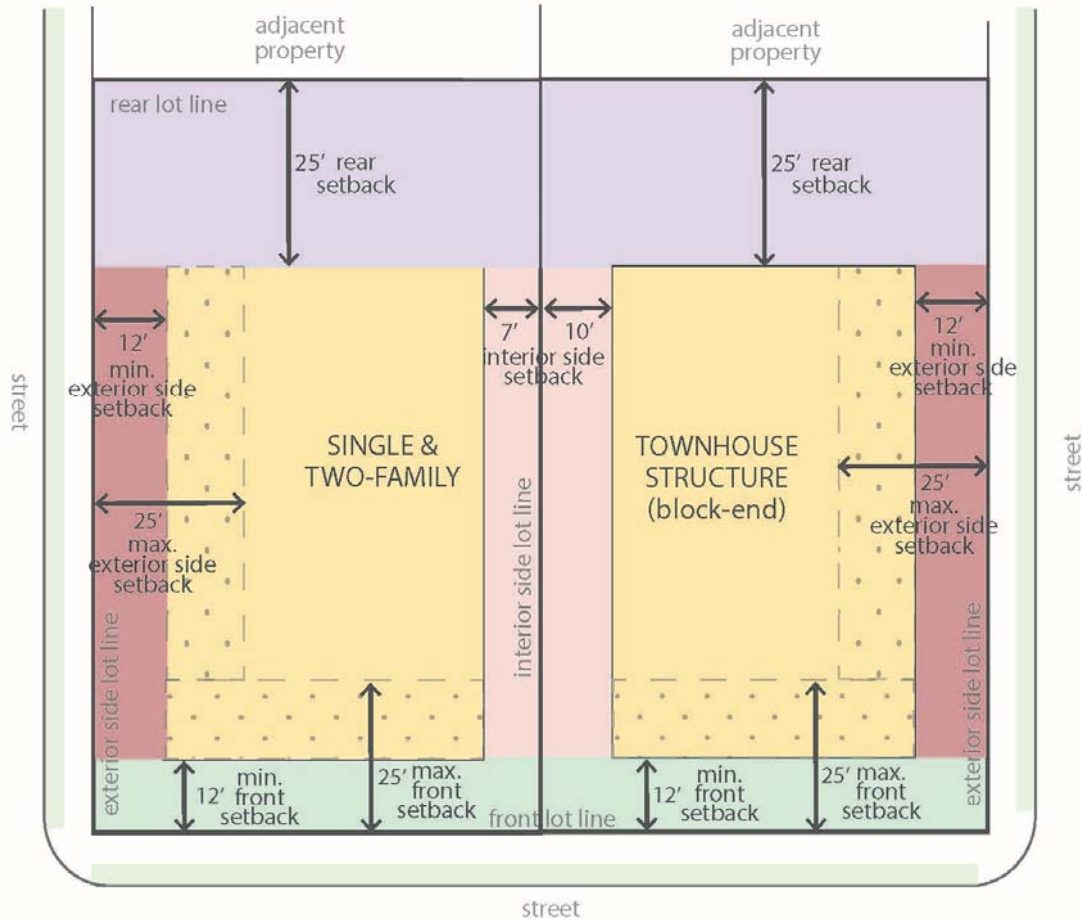
Updated 08-31-20

Disclaimer: FOR INFORMATIONAL PURPOSES ONLY.

In cases of discrepancy between the information presented here and a city ordinance, the city ordinance will prevail.

DN-2, Downtown Medium Density Residential

Setback Illustration



Updated May 2020

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-2, DOWNTOWN MEDIUM-DENSITY RESIDENTIAL (PROJECT NUMBER: RZ20-0049).

WHEREAS, Reggie & Lisa Robinson 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-2, Downtown Medium-Density Residential to be used in accordance with city zoning laws and state laws, which property is described as follows:

LOT 1 BLOCK 1 SCOGGAN SUBDIVISION TO BENTONVILLE, BENTON COUNTY, AR AS SHOWN ON PLAT RECORD BOOK "A" PAGE 134, RECORDED IN THE BENTON COUNTY CLERK'S OFFICE, BENTONVILLE, ARKANSAS.; and,

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held November 3, 2020 in the Council Chambers of the City of Bentonville; and,

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

WHEREAS, the Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification of R-1, Single Family Residential to DN-2, Downtown Medium-Density Residential.

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

Section 1: That the above described real property is hereby changed from its present zoning classification of R-1, Single Family Residential to DN-2, Downtown Medium-Density Residential to be used in accordance with the city zoning laws and state laws.

PASSED AND APPROVED this _____ day of _____, 2020.

APPROVED:

ATTEST:

Stephanie Orman, Mayor

Kirby Romines, City Clerk

REZONING STAFF REPORT



Jacobs Group

1112 Fillmore Street

PC Date: 11/3/2020

Reviewer: Brian Bahr, Planning Services Manager

Project Number	RZ20-0050
Applicant / Current Owner	Allison Jacobs
Site Area	.17 acres
Current Zoning	R-1, Single Family Residential
Requested Zoning	DN-2, Downtown Medium-Density Residential
Future Land Use Map Designation	Downtown Medium-Density Residential (D-MDR)

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

Location Map



Property Description

1112 Fillmore Street is zoned R-1, Single Family Residential with adjacent zoning classifications of R-1, Single Family Residential to the north and south, A-1, Agricultural used as parks to the east, and C-1, Neighborhood Commercial to the west, with the existing land use as apartments. The lot fronts Fillmore Street, which is classified as a Local street on the Master Street Plan.

Relationship to the Bentonville Community Plan

The Land Use Plan identifies this area and the surrounding areas as Moderate Density Residential. These areas support the DN-2, Downtown Medium-Density Residential classification that allows for single and two-family homes midblock and townhomes at the end of the block. This lot is mid-block with side alley access. Some of these alleys exist as functioning alleys, and others are merely existing rights-of-way yet to be improved with actual alleys. In these areas, increased residential densities and narrower lots can be accommodated, along with reduced side-yards and larger building areas. This is because lots are accessed via the alley at the rear and do not require the minimum 10' wide setback to accommodate a side driveway to access a rear garage.

Public Comment

To date staff has not received public comment about this rezoning.

Analysis

1112 Fillmore Street falls within Priority Area 1, Downtown Intensification. To support the downtown's intensification, the City should do the following: Continue to support the increased density of residential development in select locations, in the form of a townhouse, multifamily, and mixed-use housing that allows developers to offset high property costs through market-driven means.

This lot also falls within Downtown Neighborhood Subarea Plan, Character Area 6, Secondary Residential Density Area. These are areas typically defined by smaller lot single-family houses, with a mix of townhomes and duplex developments.

Conclusion

This request meets the requirements of the Future Land Use Plan, Priority Area 1, Downtown Intensification, and Downtown Neighborhood Subarea Plan, Character Area 6, Secondary Residential Density Area. Staff recommends approval.

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DN-2, Downtown Medium Density Residential



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

Building Types Allowed:

District	Single-family	Two-family	Townhouse		Multi-family		Mixed-use
			Block-end	Mid-block	Block-end	Mid-block	
DN-2	•	•	•				

Maximum Height Allowed:

District	Single-family	Two-family	Townhouse	Multi-family	Mixed-use
DN-2	36 ft.	36 ft.	36 ft.	--	--

Lot and Area Standards:

District	Building type	Min. Lot Area (sq. ft.)	Min. Land Area / Dwelling Unit (sq. ft.)	Lot Width		Max. Lot Coverage	
				Min. Lot Width	Max. Lot Width	Interior lot	Exterior lot
DN-2	Single-family, alley access	4,000	-	40'	-	50%	55%
	Single-family, no alley access	5,000	-	50'	-	50%	55%
	Single-family attached unit	2,000	-	20'		-	-
	Single-family attached structure, alley access	4,000	-	40'	-	50%	55%
	Single-family attached structure, no alley access	5,000	-	50'	-	50%	55%
	Two-family, alley access	4,000	-	40'	-	50%	55%
	Two-family, no alley access	5,000	-	50'	-	50%	55%
	Townhouse unit	2,000	-	20'	-	-	-
	Townhouse structure	7,500	2,500	75'	-	60%	65%

Minimum Setback Standards:

District	Building type	Front Yard		Side Yard				Rear Yard
				Exterior Side Yard		Interior Side Yard		
		Min.	Max.	Min.	Max.	Detached Yard	Attached Yard	
DN-2	Single-family and Two-family	12'	25'	12'	25'	7'	0'	25'
	Townhouse block-end and all others not listed	12'	25'	12'	25'	10'	0'	25'

Residential Tree Planting:

For newly constructed single and two-family residential structures: 1 shade tree planted in each yard adjacent to roadway and 1 shade tree planted in each right-of-way adjacent to roadway.

Updated 08-31-20

Disclaimer: FOR INFORMATIONAL PURPOSES ONLY.

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DN-2, Downtown Medium Density Residential

Garage Setback Standards (generally for DN districts – additional requirements may apply):

Prohibited in front yards. Garages, parking lots or designated parking spaces are prohibited in the front yard and corner side yard.

Attached garages. Garages may be attached to the primary structure. However, if the garage is attached, it must be located and oriented in such a way that it does not protrude from the side façade of the primary building in order to be visible from the public street.

Detached garages. Detached garages shall be located to the rear of the primary structure.

Corner lot. On a corner lot, the garage shall not be located closer than 20' to the corner side lot line in order to allow for outdoor vehicular parking entirely on the lot.

Detached garages. Detached garages must be separated from the primary structure by a minimum of 10'.

Garages with alley access. Garages with alley access must be setback 8' from the alley.

Accessory Structures & Uses: (i.e. garages, storage sheds, separate dwelling units)

	Detached Non-residential	Detached Accessory Dwelling	Attached Accessory Dwelling
% of floor area of primary structure	40%	50%	50%
Maximum footprint	720 sq. ft.	720 sq. ft.	-
Front setback	As required by the district	As required by the district	As required by the district
Side setback	7'	7'	As required by the district
Rear setback	7'	7'	As required by the district

On corner lots: Structure shall not project beyond the building line of the primary structure of existing primary structure on the adjacent lot

Land Uses:

ALLOWED BY RIGHT	CONDITIONAL	ACCESSORY
Residential Dwelling - modular Dwelling - single family Dwelling - townhouse or rowhouse – end block Dwelling - two-family	Agriculture and Animals Urban farm Residential Home occupation - type b Recreation, Education & Assembly Educational facility Museum Religious facilities Services Adult day care Cemetery or mausoleum Child care - residential (5-10 children) Lodging - bed & breakfast Public safety services Transportation / Utilities Utility facility Wireless communication facility (cell towers) Other Temporary uses	Agriculture and Animals Community garden Residential Dwelling – accessory Home occupation - type a Transportation Utilities Solar energy system Wind energy system, small Other Building, accessory - nonresidential

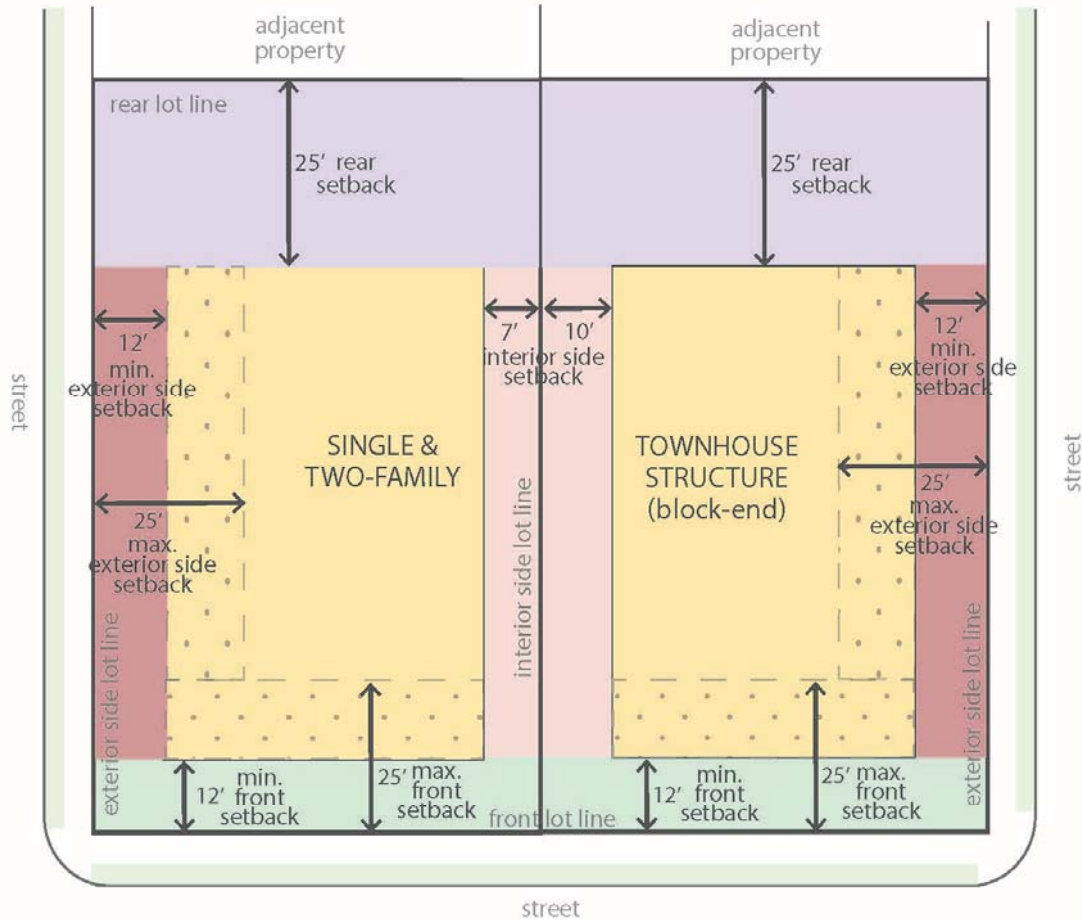
Updated 08-31-20

Disclaimer: FOR INFORMATIONAL PURPOSES ONLY.

In cases of discrepancy between the information presented here and a city ordinance, the city ordinance will prevail.

DN-2, Downtown Medium Density Residential

Setback Illustration



Updated May 2020

JACOBS GROUP

Specializing in Downtown Housing

September 28th, 2020

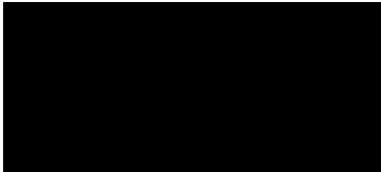
City of Bentonville
305 SW A Street
Bentonville, Arkansas 72712

RE: 1112 Fillmore Street – Rezoning Request

Dear Planning Staff,

We are requesting that the property located at **1112 NE Filmore Street**, which is currently zoned R-1, to be rezoned to DN-2, Downtown Medium-density Residential. The property will only be used for residential purposes and will be loaded from the existing public alley to limit the impact vehicles can have along the streetscape. Minimal traffic increase is expected and no signage is proposed for the project. The new housing will be served by existing water and sewer lines which run along NE Filmore Street.

Sincerely,



Jacobs Group
PO Box 1285
Bentonville, AR 72712

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-2, DOWNTOWN MEDIUM-DENSITY RESIDENTIAL (PROJECT NUMBER: RZ20-0050).

WHEREAS, Hurricane WA, 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-2, Downtown Medium-Density Residential to be used in accordance with city zoning laws and state laws, which property is described as follows:

LOT 7, BLOCK 14, W. A. BURK'S ADDITION, A SUBDIVISION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS AS SHOWN ON PLAT RECORD A AT PAGE 119. ALSO: THE WEST HALF OF A 12 FOOT WIDE ALLEY ADJACENT TO THE EAST SIDE OF SAID LOT 7,, BLOCK 14, W. A. BURK'S ADDITION AS VACATED BY ORDINANCE NO. 2020-160, FILED AUGUST 17, 2020 AND FILED OF RECORD AS DOCUMENT NO. L202050259.; and,

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held November 3, 2020 in the Council Chambers of the City of Bentonville; and,

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

WHEREAS, the Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification of R-1, Single Family Residential to DN-2, Downtown Medium-Density Residential.

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

Section 1: That the above described real property is hereby changed from its present zoning classification of R-1, Single Family Residential to DN-2, Downtown Medium-Density Residential to be used in accordance with the city zoning laws and state laws.

PASSED AND APPROVED this _____ day of _____, 2020.

APPROVED:

ATTEST:

Stephanie Orman, Mayor

Kirby Romines, City Clerk

REZONING STAFF REPORT



CHP LLC

407 SW D Street

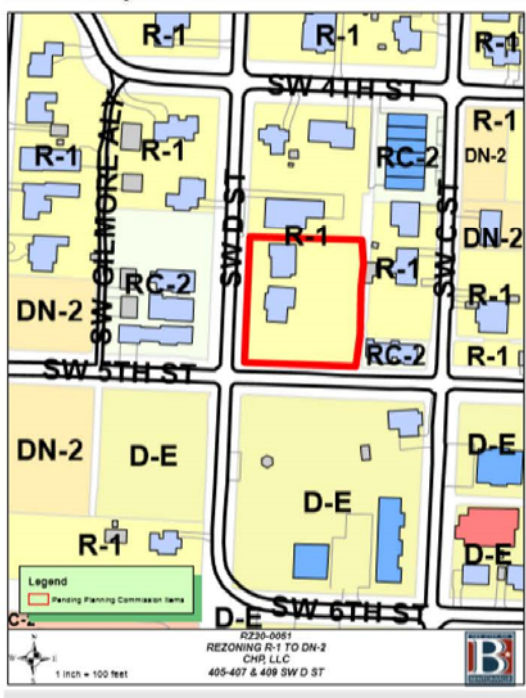
PC Date: 11/3/2020

Reviewer: Jon Stanley, Senior Planner

Project Number	RZ20-0051
Applicant / Current Owner	CHP, LLC
Site Area	.33 Acres
Current Zoning	R-1, Single Family Residential
Requested Zoning	DN-2, Downtown Medium-Density Residential
Future Land Use Map Designation	Medium Density Residential (MDR)

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

Location Map



Property Description

405, 407, & 409 SW D Street are zoned R-1, Single Family Residential. The surrounding properties are zoned R-1, Single Family Residential and RC-2, Central Residential-Moderate Density to the east, R-1, to the north, D-E, Downtown Edge to the south, and RC-2 to the west. The lots are located on the corner of SW 5th and SW D Streets; both are Local streets on the Master Street Plan.

Relationship to the Bentonville Community Plan

The Land Use Plan identifies this area and the surrounding area as Medium-Density Residential. These areas support the DN-2, Downtown Medium-Density Residential classification that allows for single and two-family homes midblock and townhomes at the end of the block. These lots fall within the Priority Area 1, Downtown Intensification, and Downtown Neighborhood Subarea Plan, Character Area 5, High-Density Residential. Areas immediately adjacent to the Downtown Core and Gateway Corridors planned for the highest density and range of housing types, including multi-family.

Public Comment

To date staff has not received public comment on this rezoning request.

Analysis

405, 407, & 409 SW D Street are surrounded by many of the city's zoning classifications to include RC-2, R-1, and D-E. The owner's intent per their narrative is to build a two-family duplex consistent with Bentonville's Community Plan for the moderate density classification. The adjacent property to the east is a duplex. Gilmore Park is directly across the street to the south. Lots in the general area vary in size from 44 feet wide to 60+ feet. Most of the new construction in the area are tear downs and rebuilds. While it can be easier to develop land on the outskirts of town prematurely, a better approach is to prioritize the development of vacant or underutilized properties within the city's already developed areas. These infill sites are served by existing infrastructure, provide access to existing transportation systems, support enhanced walkability and mobility, and provide proximity to goods, services, and activities. By filling in the existing urban fabric gaps, Bentonville can accommodate anticipated growth in a thoughtful, responsible, and appropriate manner.

Conclusion

Planning staff has reviewed this rezoning request. It is consistent with the Community Plan for Priority Area 1, Downtown Intensification, Downtown Neighborhood Subarea Plan, Character Area 5, High-Density Residential, and how the property has developed around this site. Staff recommends approval of the proposed rezoning.

Disclaimer: FOR INFORMATIONAL PURPOSES ONLY.

In cases of discrepancy between the information presented here and a city ordinance, the city ordinance will prevail.

DN-2, Downtown Medium Density Residential



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

Building Types Allowed:

District	Single-family	Two-family	Townhouse		Multi-family		Mixed-use
			Block-end	Mid-block	Block-end	Mid-block	
DN-2	•	•	•				

Maximum Height Allowed:

District	Single-family	Two-family	Townhouse	Multi-family	Mixed-use
DN-2	36 ft.	36 ft.	36 ft.	--	--

Lot and Area Standards:

District	Building type	Min. Lot Area (sq. ft.)	Min. Land Area / Dwelling Unit (sq. ft.)	Lot Width		Max. Lot Coverage	
				Min. Lot Width	Max. Lot Width	Interior lot	Exterior lot
DN-2	Single-family, alley access	4,000	-	40'	-	50%	55%
	Single-family, no alley access	5,000	-	50'	-	50%	55%
	Single-family attached unit	2,000	-	20'		-	-
	Single-family attached structure, alley access	4,000	-	40'	-	50%	55%
	Single-family attached structure, no alley access	5,000	-	50'	-	50%	55%
	Two-family, alley access	4,000	-	40'	-	50%	55%
	Two-family, no alley access	5,000	-	50'	-	50%	55%
	Townhouse unit	2,000	-	20'	-	-	-
	Townhouse structure	7,500	2,500	75'	-	60%	65%

Minimum Setback Standards:

District	Building type	Front Yard		Side Yard				Rear Yard
				Exterior Side Yard		Interior Side Yard		
		Min.	Max.	Min.	Max.	Detached Yard	Attached Yard	
DN-2	Single-family and Two-family	12'	25'	12'	25'	7'	0'	25'
	Townhouse block-end and all others not listed	12'	25'	12'	25'	10'	0'	25'

Residential Tree Planting:

For newly constructed single and two-family residential structures: 1 shade tree planted in each yard adjacent to roadway and 1 shade tree planted in each right-of-way adjacent to roadway.

Updated 08-31-20

Disclaimer: FOR INFORMATIONAL PURPOSES ONLY.

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DN-2, Downtown Medium Density Residential

Garage Setback Standards (generally for DN districts – additional requirements may apply):

Prohibited in front yards. Garages, parking lots or designated parking spaces are prohibited in the front yard and corner side yard.

Attached garages. Garages may be attached to the primary structure. However, if the garage is attached, it must be located and oriented in such a way that it does not protrude from the side façade of the primary building in order to be visible from the public street.

Detached garages. Detached garages shall be located to the rear of the primary structure.

Corner lot. On a corner lot, the garage shall not be located closer than 20' to the corner side lot line in order to allow for outdoor vehicular parking entirely on the lot.

Detached garages. Detached garages must be separated from the primary structure by a minimum of 10'.

Garages with alley access. Garages with alley access must be setback 8' from the alley.

Accessory Structures & Uses: (i.e. garages, storage sheds, separate dwelling units)

	Detached Non-residential	Detached Accessory Dwelling	Attached Accessory Dwelling
% of floor area of primary structure	40%	50%	50%
Maximum footprint	720 sq. ft.	720 sq. ft.	-
Front setback	As required by the district	As required by the district	As required by the district
Side setback	7'	7'	As required by the district
Rear setback	7'	7'	As required by the district

On corner lots: Structure shall not project beyond the building line of the primary structure of existing primary structure on the adjacent lot

Land Uses:

ALLOWED BY RIGHT	CONDITIONAL	ACCESSORY
Residential Dwelling - modular Dwelling - single family Dwelling - townhouse or rowhouse – end block Dwelling - two-family	Agriculture and Animals Urban farm Residential Home occupation - type b Recreation, Education & Assembly Educational facility Museum Religious facilities Services Adult day care Cemetery or mausoleum Child care - residential (5-10 children) Lodging - bed & breakfast Public safety services Transportation / Utilities Utility facility Wireless communication facility (cell towers) Other Temporary uses	Agriculture and Animals Community garden Residential Dwelling – accessory Home occupation - type a Transportation Utilities Solar energy system Wind energy system, small Other Building, accessory - nonresidential

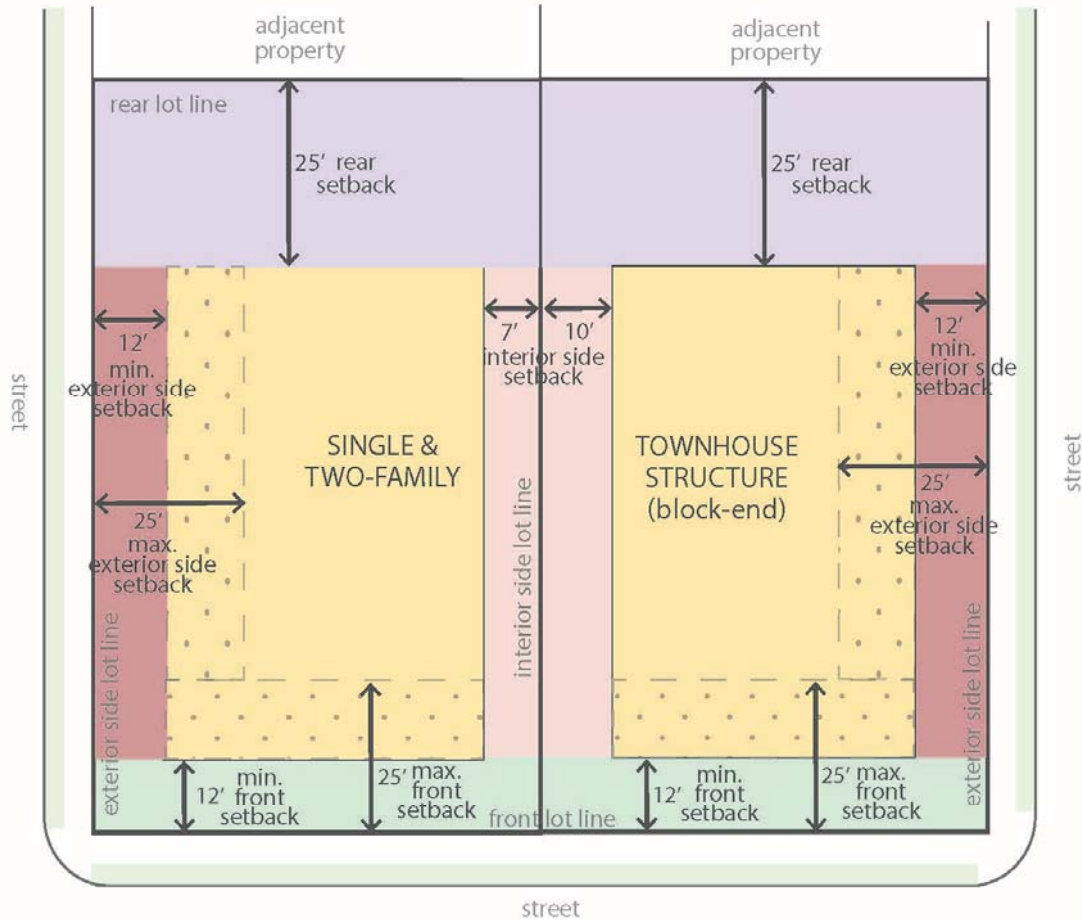
Updated 08-31-20

Disclaimer: FOR INFORMATIONAL PURPOSES ONLY.

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DN-2, Downtown Medium Density Residential

Setback Illustration



Updated May 2020

Rezone Narrative

Owner: CHP, LLC

Address: 403 SW D St., 407 SW D St., 409 SW D St.
Bentonville, AR 72712

Current Zoning: R-1, Single Family Residential

Proposed Zoning: DN-2, Downtown Medium Density Residential

Owner: CHP, LLC

Reason for rezone: To build two-family (duplex) homes at a density that fits with the current Master Land Use Plan, which calls for Medium Density Residential.

How will property relate to surrounding properties: The current surrounding properties include Gilmore Park to the South, a Duplex to the East, Single Family Homes to the East and North, and Single Family Residential to the West. Surrounding zoning within a one-block radius includes a mixture of DE-Downtown Edge, R1-Single Family Residential, RC-2 – Central Residential, Moderate Density, RC-3 – Central Residential, High Density and DN-2 – Downtown Medium Density Residential.

Proposed Use: Medium Density, Two-Family Residential use

Traffic: The current city infrastructure is adequate to accommodate the use. No significant impact is expected to traffic.

Signage: Any signage to comply with city ordinances and regulations. None planned.

Appearance: The intention is to build new two-family housing that will blend with the surrounding residences in style and materials and fit well with the current downtown architecture.

Water and Sewer Availability: Water and Sewer mains are available to serve the property.

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-2, DOWNTOWN MEDIUM-DENSITY RESIDENTIAL (PROJECT NUMBER: RZ20-0051).

WHEREAS, CHP, 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-2, Downtown Medium-Density Residential to be used in accordance with city zoning laws and state laws, which property is described as follows:

LOT 9, BLOCK 1, AND THE WEST HALF OF A 12 FOOT ALLEY, GILMORES ADDITION TO THE CITY OF BENTONVILLE, AS RECORDED AT PLAT BOOK "A", AT PAGE 37 IN THE OFFICIAL PUBLIC RECORDS OF BENTON COUNTY, ARKANSAS. LOTS 4 & 5, AND THE WEST HALF OF AN ALLEY, ELZEY'S SUBDIVISION TO THE CITY OF BENTONVILLE, AS RECORDED AT PLAT BOOK "C" AT PAGE 103.; and,

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held November 3, 2020 in the Council Chambers of the City of Bentonville; and,

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

WHEREAS, the Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification of R-1, Single Family Residential to DN-2, Downtown Medium-Density Residential.

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

Section 1: That the above described real property is hereby changed from its present zoning classification of R-1, Single Family Residential to DN-2, Downtown Medium-Density Residential to be used in accordance with the city zoning laws and state laws.

PASSED AND APPROVED this _____ day of _____, 2020.

APPROVED:

ATTEST:

Stephanie Orman, Mayor

Kirby Romines, City Clerk

REZONING STAFF REPORT



Murray & Williams

SW Regional Airport Boulevard

PC Date: 11/3/2020

Reviewer: Brian Bahr, Planning Services Manager

Project Number	RZ20-0052
Applicant / Current Owner	Murray & Williams
Site Area	10.09 acres
Current Zoning	PRD, Planned Residential Development
Requested Zoning	R-4, High Density Residential
Future Land Use Map Designation	Medium Density Residential (MDR)

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

Location Map



Property Description

Parcel # 01-08207-000 is zoned A-1, Agricultural and the adjacent zoning classifications are A-1, Agricultural, R-2, Medium Density Residential, and R-4, High-Density Residential to the north, C-2, General Commercial to the west, A-1, Agricultural to the south, and I-1, Light Industrial to the east. The property fronts SW Regional Airport Boulevard an Arterial street on the Master Street Plan.

Relationship to the Bentonville Community Plan

The Land Use Plan identifies this area as Residential Estate, to include everything adjacent to the north, east, and south. The Community Plan identifies this area as Priority Area 3, Edge Growth and is intended to accommodate anticipated long-term population growth. Land that is proximate to existing infrastructure should be considered for new growth and development. To ensure that edge growth happens responsibly, the City should support the following: Within the quarter-mile buffer of existing infrastructure (water/sewer), approve new subdivisions only if they connect to existing infrastructure and serve as logical extensions to existing/adjacent development.

Public Comment

Staff has not received comment on this request to date.

Analysis

According to the applicant's narrative, the property owner states he intends to submit large-scale development plans to construct townhomes. The property has water, sewer, and street infrastructure adjacent or abutting the property. SW Chickadee, a Local street, is stubbed on the north side of the property with water and sewer on the west side of SW Regional Airport Boulevard and the east side of SW Chickadee approximately 100 feet north of the property line. Vaughn Apartments Phase 2 abut this property to the north.

Conclusion

Planning staff has reviewed this rezoning request, and it is consistent with the Community Plan, Priority Area 3, Edge Growth, and its distance from public infrastructure and, like developments, multifamily. Staff recommends approval.

Disclaimer: FOR INFORMATIONAL PURPOSES ONLY.

In cases of discrepancy between the information presented here and a city ordinance, the city ordinance will prevail.

R-4, High Density Residential



The R-4 District is established in order to provide high-density residential development. This area could exist in the older sections and newer developed areas of town. Such a district may be developed adjacent to, or in conjunction with neighborhood commercial or shopping center development. Adequate public utilities and services shall exist prior to or be provided in conjunction with development. Such a district may exist as a buffer zone between single-family and non-compatible use districts. Within this district, buildings, structures or uses having commercial characteristics and not planned as a main part of the total development shall be excluded.

Maximum Height Allowed: 40 feet

Minimum Street Frontage: 20 feet

Minimum Width of Corner Lots: 75 feet at building line

Lot and Area Standards:

District	Building type	Min. lot area (sq. ft.)	Min. land area / dwelling unit (sq. ft.)	Min. lot width	Max. lot coverage	
					Interior lot	Exterior lot
R-4	Single-family	6,000	-	60'	40%	45%
	Two-family	7,000	-	65'	50%	55%
	Townhouse unit	2,500	-	25'	-	-
	Townhouse structure	7,500	2,500	75'	65%	70%
	Multi-family	10,000	800	100'	50%	55%
	All others not listed	10,000	-	100'	50%	55%

Minimum Setback Standards:

District	Building type	Front	Side		Rear
			Interior	Exterior	
R-4	All	20'	10'	20'	25'

Where a utility easement extends beyond the required setback, the edge of the utility easement shall be the setback.

Garage Setback Standards: *Applicable to attached and detached garages.*

Garage, Street Facing: 30 ft. from the property line the garage faces

Garage, Side- or Rear-loading: 20 ft. from the front property line

Garage, Alley Facing: 20 ft. from property line at alley

Accessory Structures & Uses: (i.e. garages, storage sheds, separate dwelling units)

	Detached Non-residential	Detached Accessory Dwelling	Attached Accessory Dwelling
% of floor area of primary structure	40%	50%	50%
Maximum footprint	720 sq. ft.	720 sq. ft.	-
Front setback	As required by the district	As required by the district	As required by the district
Side setback	7'	7'	As required by the district
Rear setback	7'	7'	As required by the district

On corner lots: Structure shall not project beyond the building line of the primary structure of existing primary structure on the adjacent lot.

Updated 08-31-2020

Disclaimer: FOR INFORMATIONAL PURPOSES ONLY.

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R-4, High Density Residential

Residential Tree Planting:

For newly constructed single and two-family residential structures: 1 shade tree planted in each yard adjacent to roadway and 1 shade tree planted in each right-of-way adjacent to roadway.

Land Uses:

ALLOWED BY RIGHT	CONDITIONAL	ACCESSORY
Agriculture and Animals Animal - domestic or household Community garden Residential Dwelling - condominium Dwelling - modular Dwelling - multi-family Dwelling - single family Dwelling - townhouse or rowhouse Dwelling - two-family Residential facility - assisted living Residential facility - temporary shelter Recreation, Education & Assembly Library Park - mini Retail Mobile food vendor Services Child care - residential (4 children)	Agriculture and Animals Botanical garden Urban farm Residential Home occupation - type b Recreation, Education & Assembly Aquarium Community center Country club Educational facility Golf course Museum Religious facilities Services Adult day care Cemetery or mausoleum Child care - commercial Child care - residential (5-10 children) Lodging - bed & breakfast Public safety services Transportation / Utilities Utility facility Wireless communication facility (cell towers) Other Temporary uses	Residential Dwelling - accessory Home occupation - type a Transportation / Utilities Solar energy system Wind energy system, small Other Building, accessory - nonresidential

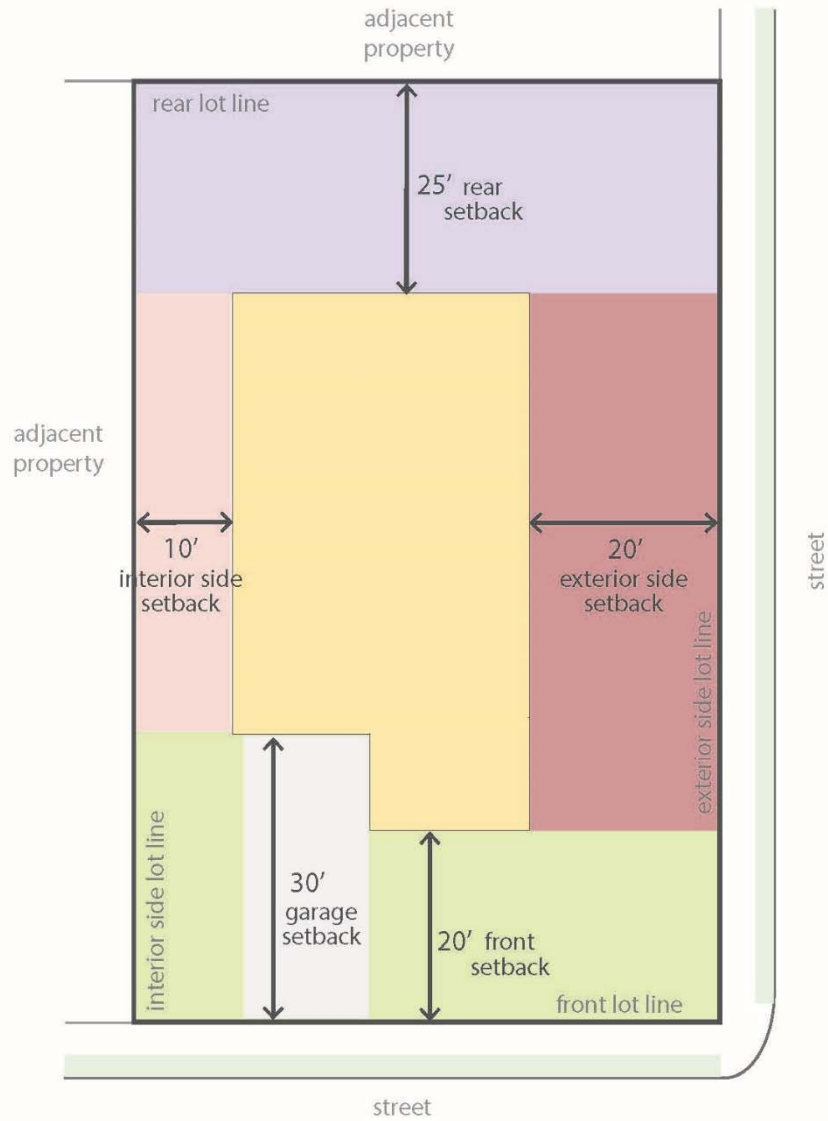
Updated 08-31-2020

Disclaimer: FOR INFORMATIONAL PURPOSES ONLY.

In cases of discrepancy between the information presented here and a city ordinance, the city ordinance will prevail.

R-4, High Density Residential

Setback Illustration



Updated May 2020



JORGENSEN
+ASSOCIATES
Civil Engineering · Surveying

124 W. Sunbridge Drive, Suite 5
Fayetteville, AR 72703
Office: 479.442.9127
Fax: 479.582.4807
www.jorgensenassoc.com

September 24, 2020

City of Bentonville
305 SW A Street
Bentonville, AR 72712

Attn: Planning Department
Re: Aviator Phase 2 Rezoning

This letter is in regards to a proposed rezoning for parcel #01-08207-000 which is located at the end of SW Chickadee St and on the east side of SW Regional Airport Blvd. The intent if rezoned is to become Ph 2 of multi-family development known as the Aviator which is located directly north of this site. Please see the following required information below:

- This property is currently zoned Agriculture (A-1) and the owner is David Murray. The requested zoning designation is R-4 High Density Residential. The developer is owner intends to submit LSD plans to the City, for review, detailing development of townhomes on the properties.
- We feel that R-4 High Density Residential will be compatible with surrounding residential zoning and existing developments.
- The following are the current zonings surrounding this site: R-4 to the north, C-2 to the west across SW Regional Blvd, A-1 to the south (same property owner), and I-1 to the east. We feel that the R-4 High Density Residential is compatible and fits in well with the surrounding properties and future zoning in this area.
- The proposed use after rezoning will be multi-family.
- The property has direct access to SW Chickadee St and SW Regional Blvd., which are fairly new streets, built to current City Code, and are classified as local streets. SW Chickadee street stubs out to this property on the north side and is classified as a Local. SW Regional Airport Blvd. provides access from the west side of this property and is classified as an Arterial. Both streets have the capacity to handle any increase in traffic due to this development.
- Signage may be placed to distinguish the townhome development from surrounding developments. Signage will be approved prior to installation and will meet City Code.
- The appearance of Future Development will be compatible with surrounding developments.
- There is currently an 8-inch water line at the south end of SW Chickadee St and a 12" line on the west side of SW Regional Airport Blvd. There is also an 8-inch sewer line on the west side of SW Regional Blvd that drains to the north and then east to a pump station located on the north side of SW Regional Blvd. Water and Sewer will be connected to this existing infrastructure when future development occurs.

Sincerely,

Justin L. Jorgensen, PE

ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF A-1, AGRICULTURAL TO R-4, HIGH DENSITY RESIDENTIAL (PROJECT NUMBER: RZ20-0052).

WHEREAS, David Murray, Nina Murray-Williams, & Elizabeth Murray duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of A-1, Agricultural to R-4, High Density Residential to be used in accordance with city zoning laws and state laws, which property is described as follows:

A PART OF THE NW1/4 OF THE NE1/4 OF SECTION 20 IN TOWNSHIP 19 NORTH OF RANGE 31 WEST AND BEING DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 59.89 RODS SOUTH OF THE NW CORNER OF SAID NW1/4, NE1/4, THENCE SOUTH TO THE SW CORNER OF SAID FORTY, THENCE EAST TO THE SE CORNER OF SAID FORTY, THENCE NORTH 20.11 RODS, THENCE WEST TO THE PLACE OF BEGINNING; CONTAINING 10 ACRES MORE OR LESS.; and,

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held November 3, 2020 in the Council Chambers of the City of Bentonville; and,

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

WHEREAS, the Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification of A-1, Agricultural to R-4, High 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 A-1, Agricultural to R-4, High Density Residential to be used in accordance with the city zoning laws and state laws.

PASSED AND APPROVED this _____ day of _____, 2020.

APPROVED:

ATTEST:

Stephanie Orman, Mayor

Kirby Romines, City Clerk



Agenda Item Form

Date of City Council Meeting	11/10/2020
Department	Planning
Submitted by	Shelli Kerr
Phone	(479)271-6822

Item Type: (Check All That Apply)					
☐ Budget Adjustment	☐ Change Order	☐ Informational	☐ Ordinance	☒ Resolution	☐ Bid Award
Recommendation/Suggested Action (Enter recommendation in space below):					
A resolution to support the temporary installation of artwork titled "Guide, These, My Hands" by artists Danielle Hatch and Traci Rae Manos in Train Station Park. The artwork was selected by the Public Art Advisory Committee as part of a request for proposals from local artists. The artwork will be on display for one year at a total cost of \$9,600. This is a budgeted item. Memo and proposal attached.					

Estimated Cost	9,600
Is this Item Budgeted?	☒ Yes ☐ No
If no, please explain how item will be funded (briefly explain in space below):	



117 West Central Avenue, Bentonville, AR 72712
www.bentonvillear.com
PLEASE RECYCLE



MEMO



To: Mayor Stephanie Orman and Bentonville City Council
From: Shelli Kerr, AICP, Comprehensive Planning Manager
On behalf of: Bentonville Public Art Advisory Committee
CC date: November 10, 2020
RE: **Temporary Public Art “Guide, These, My Hands” in Train Station Park**

The Bentonville Public Art Advisory Committee (PAAC) is seeking approval to install temporary public art titled “*Guide, These, My Hands*” in Train Station Park.

In May 2020, the PAAC issued a call for artwork proposals from local artists in Benton and Washington Counties in an effort to increase awareness and support for local artists during the COVID-19 pandemic. By the deadline of Friday, June 26, the PAAC received 27 proposals. This proposal was one of only two selected.

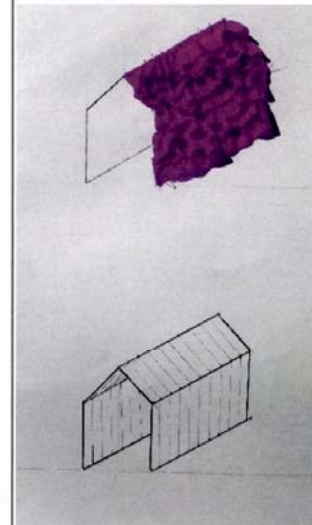
“*Guide, These, My Hands*” is a fabric and text-based sculpture. This artwork is a collaboration between sculptor, Danielle Hatch, and poet, Traci Rae Manos— both residents of Benton County. The medium for this work is waterproof fabric with hand-embroidered text of the poem “*Foothills Healer*” and is intended for temporary outdoor display.

Details of the artwork are attached. The artists suggest ensuring accessibility to the artwork by providing the poem off to the side of the installation printed in English and Spanish, making it available in Braille, and providing a QR code that links to a video of a reading of the poem. Their ideas for promoting the artwork is an unveiling with a poem reading and a special guest herbalist to speak about Ozark plants and medicinal herbs.

The artists, city staff, and the committee discussed the details of the proposal over several months. At the September 8 PAAC meeting, the committee voted 4 – 0 to recommend approval to City Council. Committee members selected this artwork because it is a new medium that pushes the boundaries of current installations, it represents diversity and inclusion, reflects local history, and its kinetic nature will draw people in to learn more.

Please see the attached proposal for the full narrative about the artwork as well as the structural drawings to show how the artwork will be attached and displayed. The cost for installation, a one-year display time, and removal is \$9,600. Funding is provided from the Public Art Advisory Committee’s annual budget.

Proposed Artwork
Guide, These, My Hands



Display Site:
Train Station Park



PROPOSAL

Guide, These, My Hands

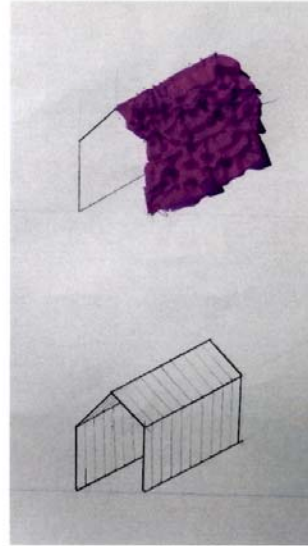
By Traci Rae Manos & Danielle Hatch

Project Overview

“Guide, these, my hands” is a temporary fabric and text-based sculpture. This artwork is a collaboration between sculptor, Danielle Hatch, and poet, Traci Rae Manos—both residents of Benton County. The medium for this work is waterproof fabric with hand-embroidered text and is intended for temporary outdoor display.

The sculpture will consist of 120 yards of waterproof nylon sewn into a continuous ruffle and hand embroidered with the text of the poem, “Foothills Healer” (see full text below). The fabric color will be a deep violet, evoking the flower of the wild burdock plant, known for its medicinal properties.

One initial thought was to build a welded metal structure which the fabric could wrap around. The structure would subtly evoke the farm house vernacular seen throughout rural areas of Benton County, with two walls and a gabled roof, wrapped on all sides with the gathered fabric and embroidered text of the poem. With this form we would allow the poem to create a sense of shelter and place (though the material itself would still be permeable to the weather) that viewers could walk through and around. The contrast of a reference to domestic space within the public sphere feels compelling and connected to our original focus on the lives of unsung women. Please see the initial sketches for a visual reference. The scale of the work in the image is 6' wide by 10' long by 9' tall at the center of the gable.



Project Narrative

“Guide, these, my hands” will build on the art and cultural experience in NWA by softening the edges of our public space and providing a counterpoint to the rigidity of the structures that currently make up our collective unconscious. The piece’s fabric construction, organic shape, and movement make it unique from public artwork currently on display in Bentonville. Because this tactile sculpture is composed of durable but lightweight fabric, it will move in response to wind, weather, and visitor interaction. As visitors draw near to this vibrant sculpture, touch the fabric, read and run their fingers over the hand-embroidered text, the “Guide, these, my hands” sculpture, will—in a sense—guide visitors’ hands to experience one of Bentonville’s public spaces in a newly personal, tactile, and sensorial way.

The proposed artwork reflects Bentonville history in that it celebrates the Ozark Mountains and traditional folk medicine practiced here. In contrast to the hard and cold facts often associated with history, this work tells the emotional history of the strength and resourcefulness of everyday Arkansas women—the mothers, daughters, sisters, grandmothers—who rarely appear in our

history books. Many of these women relied on oral histories of native plant remedies passed down over generations to care for the health and well-being of their families and communities, especially in the days before physicians were readily available in the area. The compassion and resilience of these Arkansas women is evoked by the sculpture's colorful, waterproof fabric that moves and bends in response to the elements but does not break.

The sculpture expresses Bentonville's growing diversity by creating space for women's voices. By amplifying and celebrating the voice of one unsung woman, a "healer" of the Ozark foothills, the piece speaks to the strength and compassion of all Arkansas women as they heal and tend to the needs of our diverse NWA community. The work also promotes community harmony by bringing the personal, the nurturing, and the compassionate into the public sphere.

Foothills Healer

Make me of a quiet mind and steadfast heart.
 Wake me before the sap rises in the pulp
 and the buds spring forth, that I might sense
 the first stem's quiver in my marrow. Then will
 I rise early and take to the woods. I will lift mine
 eyes to these hills from whence comes my help.
 Guide these, my hands, to the sassafras and burdock,
 to the blue burvene, dogwood and wild cherry,
 so too, to the roots of sarsaparilla and mayapple.
 For the physicians here are few and far-between.
 The roads, likewise, slow-going. And it falls
 on us women-folk to see to it that our neighbors
 and loved ones are looked after in times of need—
 whether they be young or old, sick or dying,
 or with child. We are the night watchmen.
 It is we who keep the kerosene lamps.

- Traci Rae Manos

Budget

Fabrication Materials -

Waterproof Nylon Fabric	\$1,200
Marine grade elastic cord	\$ 200
Embroidery thread	\$ 100
Artist Fees	\$3,000
Steel /anchoring materials / welding labor	\$4,000
Annual Insurance Cost-	\$ 600
Installation-	\$ 250
Deinstallation-	<u>\$ 250</u>
Total	\$9,600

RESOLUTION NO. _____

A RESOLUTION ENDORSING THE TEMPORARY ONE-YEAR INSTALLATION OF ARTWORK TITLED “GUIDE, THESE, MY HANDS” BY DANIELLE HATCH AND TRACI RAE MANOS AND FUNDED BY THE PUBLIC ART ADVISORY COMMITTEE, ON PUBLIC PROPERTY AT TRAIN STATION PARK, 412 S MAIN STREET.

WHEREAS, the City Council of the City of Bentonville has established the importance of integrating public art into the daily lives of the citizens of Bentonville by adopting a Public Art Policy with Ordinance No. 2013 – 40 on May 14, 2013;

WHEREAS, the Public Art Advisory Committee issued a call for proposals for temporary artwork on May 21, 2020 with a deadline for submittals of June 26, 2020; and,

WHEREAS, artists Danielle Hatch and Traci Rae Manos submitted a proposal for artwork titled “Guide, These, My Hands” in response to this call for proposals; and,

WHEREAS, the Public Art Advisory Committee selected and recommend “Guide, These, My Hands” artwork at the regularly scheduled meeting on September 8, 2020; and,

WHEREAS, the Public Art Advisory Committee is funding the temporary installation from the 2020 budget in the amount of \$9,600.

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

Section 1. That the City Council of the City of Bentonville, Arkansas hereby endorses the temporary one-year installation of artwork titled “Guide, These, My Hands” by artists Danielle Hatch and Traci Rae Manos and funded by the Bentonville Public Art Advisory Committee, on public property at Train Station Park, 412 S Main Street.

PASSED and APPROVED this _____ day of _____, 2020.

APPROVED:

ATTEST:

Mayor Stephanie Orman

Kirby Romines, City Clerk



Agenda Item Form

Date of City Council Meeting	11/10/2020
Department	ENGINEERING
Submitted by	TRACY BILLINGS
Phone	(479) 696-0229

Item Type: Public Hearing and Ordinance					
☐ Budget Adjustment	☐ Change Order	☐ Informational	☒ Ordinance	☐ Resolution	☐ Bid Award
Recommendation/Suggested Action (Enter recommendation in space below): Public hearing and ordinance vacating a Utility Easement requested for LOT 21 of Creekstone Subdivision (VAC20-0026).					

Estimated Cost	\$
Is this Item Budgeted?	☐ Yes ☒ No
If no, please explain how item will be funded (briefly explain in space below):	



117 West Central Avenue, Bentonville, AR 72712
www.bentonvillear.com
PLEASE RECYCLE





ORDINANCE NO _____

AN ORDINANCE VACATING A UTILITY EASEMENT LOCATED AT LOT 21 OF CREEKSTONE SUBDIVISION TO THE CITY OF BENTONVILLE, ARKANSAS, BENTON COUNTY ARKANSAS (VAC20-0026).

WHEREAS, a petition was filed with the City Council of the City of Bentonville, Arkansas, by Doug McCash asking the City Council to vacate a utility easement located in the City of Bentonville, Benton County, Arkansas, which portion is more particularly described as follows:

PART OF A 10 FOOT UTILITY EASEMENT ALONG THE NORTH LINE OF LOT 21 OF CREEKSTONE SUBDIVISION, PHASE 1, TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS AS RECORDED IN PLAT BOOK 2002 AT PAGE 52. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SE CORNER OF SAID LOT 21; THENCE N81°25'35"W 10.45 FEET; THENCE N08°17'06"W 76.84 FEET TO THE POINT OF BEGINNING; THENCE N58°01'13"W 90.70 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 210.00 FEET, AN ARC LENGTH OF 3.03 FEET AND A CHORD BEARING AND DISTANCE OF N40°26'21"E 3.03 FEET; THENCE S58°01'13"E 87.71 FEET; THENCE S08°17'06"E 3.93 FEET TO THE POINT OF BEGINNING. CONTAINING 268 SQUARE FEET, MORE OR LESS.

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

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

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

PART OF A 10 FOOT UTILITY EASEMENT ALONG THE NORTH LINE OF LOT 21 OF CREEKSTONE SUBDIVISION, PHASE 1, TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS AS RECORDED IN PLAT BOOK 2002 AT PAGE 52. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SE CORNER OF SAID LOT 21; THENCE N81°25'35"W 10.45 FEET; THENCE N08°17'06"W 76.84 FEET TO THE POINT OF BEGINNING; THENCE N58°01'13"W 90.70 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A

RADIUS OF 210.00 FEET, AN ARC LENGTH OF 3.03 FEET AND A CHORD BEARING AND DISTANCE OF N40°26'21"E 3.03 FEET; THENCE S58°01'13"E 87.71 FEET; THENCE S08°17'06"E 3.93 FEET TO THE POINT OF BEGINNING. CONTAINING 268 SQUARE FEET, MORE OR LESS.

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

Section 3: This Ordinance shall take effect and be in force from and after its passage. The above and foregoing Ordinance was passed, approved, and adopted the _____ day of _____, 2020 at a regular meeting of the City Council of the City of Bentonville, Arkansas.

**Kirby Romines, City Clerk and
Recorder for the City of Bentonville**

**STEPHANIE ORMAN, Mayor
City of Bentonville, Arkansas**



Agenda Item Form

Date of City Council Meeting	11/10/2020
Department	ENGINEERING
Submitted by	TRACY BILLINGS
Phone	(479) 696-0229

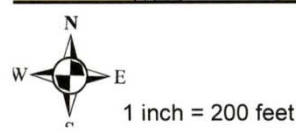
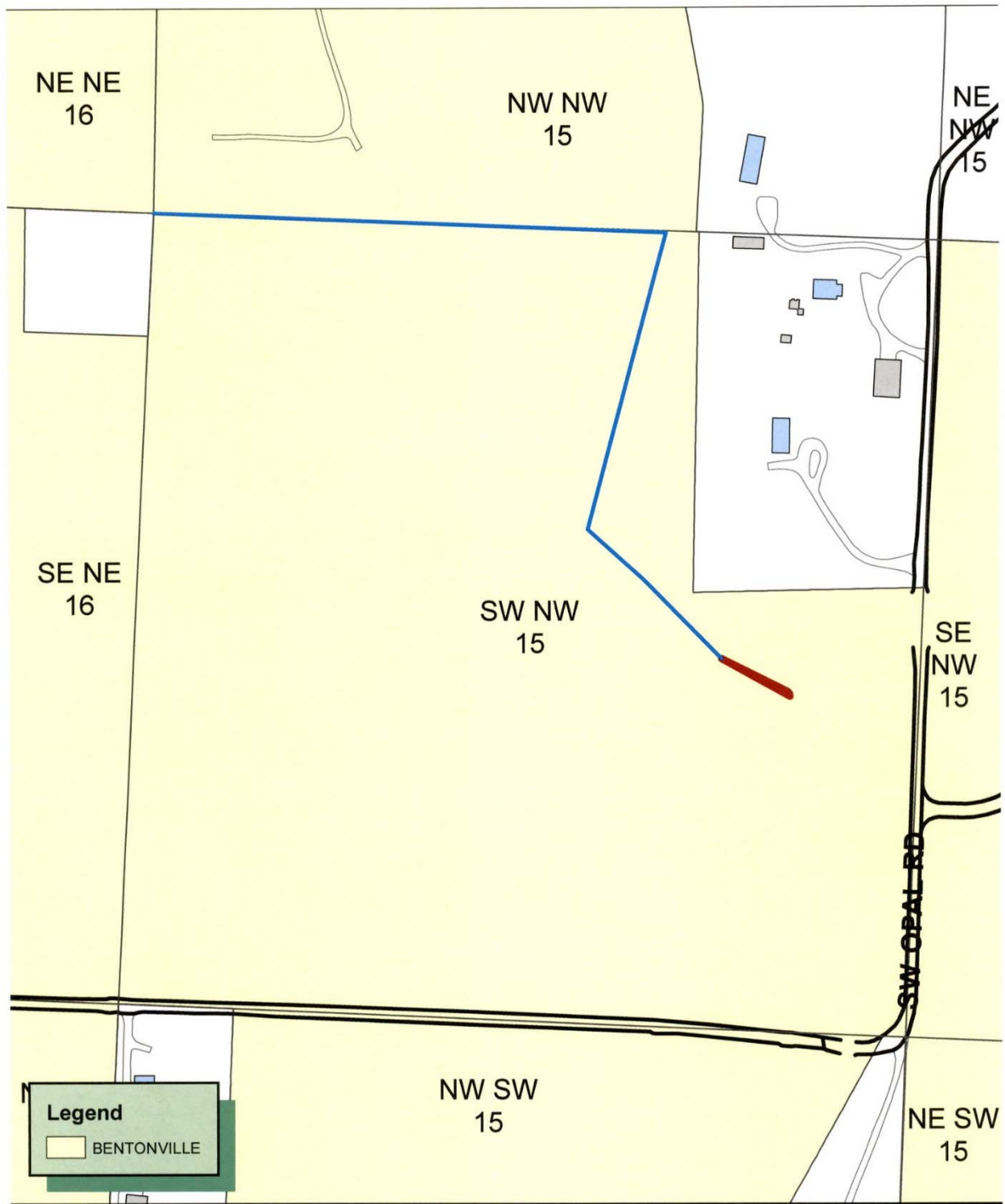
Item Type: Public Hearing and Ordinance					
☐ Budget Adjustment	☐ Change Order	☐ Informational	☒ Ordinance	☐ Resolution	☐ Bid Award
Recommendation/Suggested Action (Enter recommendation in space below): Public hearing and ordinance vacating a Utility Easement requested for East End of SW Opal Road (VAC20-0027).					

Estimated Cost	\$
Is this Item Budgeted?	☐ Yes ☒ No
If no, please explain how item will be funded (briefly explain in space below):	



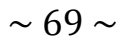
117 West Central Avenue, Bentonville, AR 72712
www.bentonvillear.com
PLEASE RECYCLE





VAC20-0027
VACATION
GRIMSLEY EASEMENT





ORDINANCE NO _____

**AN ORDINANCE VACATING A UTILITY EASEMENT LOCATED AT EAST
END OF SW OPAL ROAD TO THE CITY OF BENTONVILLE, ARKANSAS, BENTON
COUNTY ARKANSAS (VAC20-0027).**

WHEREAS, a petition was filed with the City Council of the City of Bentonville, Arkansas, by Swope Engineering asking the City Council to vacate a utility easement located in the City of Bentonville, Benton County, Arkansas, which portion is more particularly described as follows:

A TRACT OF LAND BEING A PERMANENT 20 FOOT UTILITY EASEMENT, BEING A PART OF THE NW 1/4 OF THE NW 1/4 OF SECTION 15, TOWNSHIP 19 NORTH OF RANGE 31 WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING FROM THE SW CORNER OF SAID NW 1/4 OF THE NW 1/4 OF SECTION 15;

THENCE S 87°44'05" E 845.11 FEET TO A POINT;
THENCE S 14°59'47" W 504.29 FEET TO A POINT;
THENCE S 48°01'52" E 124.40 FEET TO A POINT;
THENCE S 44°21'08" E 182.02 FEET TO THE POINT OF
BEGINNING;

THENCE S 60°59'14" E 128.24 FEET TO A POINT;
THENCE N 04°01'09 W 3.86 FEET TO A POINT;
THENCE N 45°40'34" W 5.55 FEET TO A POINT;
THENCE N 63°13'03" W 120.87 FEET TO THE POINT OF
BEGINNING, CONTAINING 308.7 SQUARE FEET± OR 0.007
ACRES±, BEING SUBJECT TO ANY COVENANTS OR
RIGHT-OF-WAYS OF RECORD OR FACT.

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

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

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

A TRACT OF LAND BEING A PERMANENT 20 FOOT UTILITY EASEMENT, BEING A PART OF THE NW 1/4 OF THE NW 1/4 OF SECTION 15, TOWNSHIP 19 NORTH OF RANGE 31 WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING FROM THE SW CORNER OF SAID NW 1/4 OF THE NW 1/4 OF SECTION 15;

THENCE S 87°44'05" E 845.11 FEET TO A POINT;
THENCE S 14°59'47" W 504.29 FEET TO A POINT;
THENCE S 48°01'52" E 124.40 FEET TO A POINT;
THENCE S 44°21'08" E 182.02 FEET TO THE POINT OF BEGINNING;

THENCE S 60°59'14" E 128.24 FEET TO A POINT;
THENCE N 04°01'09" W 3.86 FEET TO A POINT;
THENCE N 45°40'34" W 5.55 FEET TO A POINT;
THENCE N 63°13'03" W 120.87 FEET TO THE POINT OF BEGINNING, CONTAINING 308.7 SQUARE FEET± OR 0.007 ACRES±, BEING SUBJECT TO ANY COVENANTS OR RIGHT-OF-WAYS OF RECORD OR FACT.

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

Section 3: This Ordinance shall take effect and be in force from and after its passage. The above and foregoing Ordinance was passed, approved, and adopted the _____ day of _____, 2020 at a regular meeting of the City Council of the City of Bentonville, Arkansas.

Kirby Romines, City Clerk and
Recorder for the City of Bentonville,

STEPHANIE ORMAN, Mayor
City of Bentonville, Arkansas



Agenda Item Form

Date of City Council Meeting	11/10/2020
Department	Water Resource Recovery Facility
Submitted by	Nancy Busen
Phone	479-271-6749

Item Type: (Check All That Apply)					
☐ Budget Adjustment	☐ Change Order	☒ Informational	☐ Ordinance	☒ Resolution	☐ Bid Award
Recommendation/Suggested Action (Enter recommendation in space below):					
Resolution authorizing the purchase of Wonderware West Software Licensing from Standard Automation and Control/DBA: Wonderware West for a total of \$24,948.72. Update to facility SCADA system to control and track facility and major lift station functions onsite.					

Estimated Cost	\$24,948.72
Is this Item Budgeted?	☒ Yes ☐ No
If no, please explain how item will be funded (briefly explain in space below):	



117 West Central Avenue, Bentonville, AR 72712
www.bentonvillear.com
PLEASE RECYCLE



Memo

To: City Council, Mayor Orman

CC: Mike Bender

From: Nancy Busen, Water Resource Recovery Facility

Date: Oct. 20, 2020

Re: **Resolution:** Purchase for upgrade to Wonderware SCADA Software

A Resolution requesting purchase of an upgrade to the Bentonville Water Resource Recovery Facility's Wonderware West SCADA Software. This Software enables remote access for monitoring and control of the facility equipment and McKissic lift station equipment, both from the operations control room and from remote locations when required.

The last upgrade for this system was approximately 10 years ago.

This is a 2020 Budgeted item.

Thank you for your consideration.

Corporate Address:
Standard Automation and Control
/DBA: Wonderware West
601 Travis Street, Suite 1850
Houston, TX 77002
Phone: 713-209-8884



Jeff Shaffer
North Texas/Oklahoma Region
OFFICE: 918-369-4506
MOBILE: 918-671-6963
FAX: 918-369-4507
Jeff.Shaffer@wonderwarewest.com

Quote

Customer: City of Bentonville
Location: Bentonville,
Phone#:

Q-ID: QUO-41933-X1W2Z9 Rev:4
Date: 9/11/2020

Terms: New Customer - Pending Credit Check
Contact: Tucker, Bryan
Phone#: 479-271-5938
Email: btucker@bentonvillear.com

Quote Valid for 30 Days

Reference: City of Bentonville - Version Upgrade

THIS IS NOT AN INVOICE

#	Qty	Part Number	Product Description	Price Per Unit		Extended Amount
1	1	DevStd-03-N-20	AVEVA Development Studio 2020 Large 5K/3K/500	\$10,375.00		\$10,375.00
2	2	InTch-05-U-20	AVEVA Upg. InTouch 2020 Runtime 3K Tag with I/O [SNs: 1252899, 1252900]	\$2,070.00	25.0%	\$3,105.00
3	1	HstStd-02-U-20	AVEVA Upg. Historian 2020 Standard, 500 Tag [SN: 1252902]	\$3,865.00	25.0%	\$2,898.75
4	2	HstClt-01-U-20	AVEVA Upg. WW Historian Client 2020 Concurrent, Single [SN: 1252901 (2 Users)]	\$850.00	25.0%	\$1,275.00
5	1	STDS-019N	Wonderware Customer FIRST Support - Standard Level - One (1) year from purchase date to include technical support and version upgrades for the term for the above licenses only. Additional licenses registered to site will affect support cost.	\$5,026.90		\$5,026.90
				SubTotal:		\$22,680.65
				10.00% Est. Tax		\$2,268.07
				TOTAL:		\$24,948.72

To ensure rapid processing of your Purchase Order, please note the following:

- By agreeing to purchase you are accepting the Wonderware West Terms and Conditions attached to this quotation.
- If this quotation includes Wonderware products, by agreeing to purchase you are accepting the AVEVA End User License Agreement found [HERE](#).
- Shipping Terms: FOB Shipping Point.
- Standard Payment Terms is NET 30.
- This quotation may contain products that are sold on a subscription basis. Subscription products require a purchase order to cover the full amount of the term of the subscription. Subscriptions will be invoiced on an annual basis and will be billed against the original purchase order.

As your Certified Wonderware Training Provider, we find that customers who attend training get the most out of their software investment. To learn more about the classes we offer and see our class schedule, please visit <https://wonderwarewest.com/training/>

Remittance Address:
Standard Automation & Control, LP
DBA Wonderware West
28373 Network Place
Chicago, IL 60673-1283
Phone: 713-209-8884

TERMS AND CONDITIONS OF SALE
(Products, Software and/or Services)

1) **Governing Effect of these Terms:** An agreement for the sale and purchase of Products, Software and/or Services arises only upon Seller's acceptance of the Buyer's order. Seller's acceptance is expressly made conditional on Buyer's assent to these Terms and Conditions. Any additional or different terms and conditions set forth in the Buyer's order or any similar communication are objected to and will not be binding upon Seller unless agreed to by it.

2) **Definitions:**

- a) "Seller" means Standard Automation & Control, LP d/b/a Wonderware West.
- b) "Buyer" means the person or company whose order is accepted by the Seller.
- c) "Products" means equipment, software, components of either and combinations of both, sold by Seller.
- d) "Software" means all software and firmware programming routines and documentation thereof included in or supplied for use with, a Product, whether or not such Software was separately priced.
- e) Scope of Work (SOW): means the Services to be performed, which are detailed in the Quotation.
- f) "Services" mean services in the nature of installation, repair or maintenance performed by Seller's employees with respect to Products or Software, or which are described in the Scope of Work of the Quotation.
- g) "Quotation" is a document that a Seller submits to Buyer with a proposed price for the Seller's Products, Software and Services based on certain conditions.

3) **Prices and Quotations:** Prices of Products or Services shall either be based upon Seller's published price lists current at the time, specified in an applicable Quotation or other written confirmation from Seller or contained in separate contract between Buyer and Seller. Quotations of prices and specifications for Products and Services must be in writing and will expire on the expiration date indicated on said Quotation, or, if no date is specified, then sixty (60) days after the date of the Quotation. Seller reserves the right to change the prices on its price list on thirty (30) days' notice. Quotations are subject to these Terms and Conditions of Sale.

4) **Services:**

- a) In the case of Services, normal working hours are 8:00 AM to 5:00 PM. A "man day" is eight (8) hours' time, per man, per day during normal working hours. "Time" is on-the-job time, plus travel time to and from the job. "Time" starts and ends at the office location, unless otherwise agreed upon prior to the start of work. Saturdays, Sundays and Holidays will be charged at overtime rates. Overtime rates will apply when hours worked in one given day exceeds eight (8) hours. Overtime rate is 1-1/2 times applicable service rate. A minimum charge of 1/2 days' time, plus expenses will be charged when work done is under four (4) hours. Travel and living expenses are billed at cost. Automobile travel is billed at the allowable IRS rate then in effect per mile from office location, which is the point of origin and return, plus any required local travel. For larger jobs extending more than one month, travel and living expenses will be billed on a monthly basis.
- b) Seller will determine which of its employee(s) or subcontractor(s) will be assigned to perform the Services, and when to replace or reassign such employee(s) or subcontractor(s) during the term of this SOW. If an employee or consultant is unable to complete their assigned work, or if Buyer requests replacement of an employee or consultant, Seller will use reasonable efforts to replace such employee or consultant with an individual of substantially equivalent qualifications.
- c) When performing Services at the premises of Buyer, Seller will comply with applicable health, safety and security regulations of which Seller is informed in writing. Seller employees or subcontractors reserve the right to refuse to work under hazardous conditions. In case of doubt, mutual agreement must be reached prior to commencement of any Services. Any protective clothing or equipment required by Buyer's regulations shall be provided by Buyer to Seller at Buyer's sole cost. Seller's performance depends upon Buyer's timely and effective cooperation in connection with the Services, including providing Seller with reasonable facilities, timely access to appropriate data, information, and appropriately skilled Buyer personnel. Seller will not be liable for any failure to perform the Services, to the extent that the failure is caused by Buyer's lack of cooperation. Seller may rely upon the accuracy and completeness of data, material, and other information furnished by Buyer, without any independent investigation or verification.
- d) Buyer shall appoint an employee with technical expertise, resources, and management authority to work with or facilitate Seller in the performance of its Services as defined in the SOW.

5) **Orders and Acceptance of Orders:** All orders must be bona fide commitments specifying the Product(s) or Services, requested shipping dates, stipulated quantities and prices. No order or other commitment shall be binding upon Seller unless and until accepted in writing by an authorized officer of Seller.

6) **Taxes:** Prices do not include federal, state or local sales, use or other taxes now or hereafter enacted (unless otherwise specifically stated in Seller's acceptance) applicable to the Product(s) or Services. Such taxes will, in any event, be paid by Buyer unless Buyer provides a proper tax exemption certificate. Should Buyer fail to pay any such taxes and any taxing authority seeks to collect such taxes from Seller, Buyer agrees to indemnify Seller and hold it harmless from any such tax and any and all interest and penalties related thereto. Seller may, in its discretion, add such taxes to the sales price or bill for such taxes separately.

7) **Shipments:** All Products will be shipped F.O.B. Seller's shipping location. In the absence of specific instructions, Seller will select the carrier and, at its discretion, ship "collect" or prepaid, but shall not be deemed thereby to assume any liability in connection with the shipment nor shall the carrier be construed to be the agent of Seller. Buyer must provide its own insurance. Title and risk of loss or damage to the Products shall pass from Seller to Buyer upon delivery by Seller to the possession of the carrier. Any claims for loss or damage or misdelivery shall be filed with the carrier. Products may be delivered in installments. The Buyer will clear the Products for export from the United States and import into the country of delivery.

8) **Delivery Dates:** The estimated shipping schedule stated in the Quotation or order acceptance does not constitute a commitment to deliver Products in accordance therewith. However Seller will use reasonable efforts to ship on or before the estimated shipping dates indicated. Delay in delivery of any installments will not entitle the Buyer to refuse acceptance or terminate the agreement. If Buyer refuses to accept delivery, Seller may (without prejudice to other rights) store or dispose of the Products, in which case the Buyer will pay upon request the amount of any reasonable storage or disposal charges. Missing or damaged items must be reported within 5 days of delivery.

9) **Payments and Credit:**

- a) Payment terms are net thirty (30) days upon approval for credit. All payments are to be made in U.S. Dollars, unless otherwise agreed to in writing by Seller.
- b) Method of payment will be as specified in the Quotation or order acceptance, whichever applies. Extensions of credit and time for payment may be subject to limitations and vary, in Seller's discretion, as determined by (a) type of Product or Service, (b) magnitude of order, and (c) ultimate shipment destination. The amount of credit or terms of payment may be changed or credit withdrawn at any time. If Buyer fails to pay the price when due, Seller may recover, in addition to the price, interest thereon at the rate of 1 1/2% per month where lawful, otherwise the maximum lawful monthly interest rate, and reasonable attorney's fees.
- c) Time and Material. Unless stated otherwise in the SOW, all Services performed will be rendered on a time and material basis. Fees shall be as described in the Quotation.

10) **Security Interest:** Where requested by Seller as a condition of the extension of credit, Buyer agrees to grant Seller a Uniform Commercial Code purchase money security interest in the Products purchased as security for the performance of Buyer's obligations and to execute such documents to evidence, perfect and enforce said security interest as Seller may require.

11) **Excusable Delays:** Seller shall not be liable for any delay in performance of Services or delivery or non-delivery Products, in whole or in part, caused by the occurrence of any contingency beyond the control either of Seller or its suppliers, including by way of illustration but not limitation, war (whether an actual declaration thereof is made or not), sabotage, insurrection, riot or other act of civil disobedience, act of a public enemy, failure or delay in transportation, act of any government or any agency or subdivision thereof, judicial action, labor dispute, accident, fire, explosion, flood, storm or other act of God, shortage of labor, fuel, raw material or machinery or technical failure where Seller has exercised ordinary care in the prevention thereof. If any contingency occurs, Seller may allocate production and deliveries among Seller's customers and shall be entitled to a price adjustment, where equitable, in addition to extension of the time for performance.

12) **Substitutions and Modifications:** Seller may modify the specifications of components designed by Seller and incorporated into the Product, provided the modifications do not adversely affect the performance of the equipment. Seller may furnish suitable substitutes for materials unobtainable because of priorities, or regulations established by government authority, or non-availability of materials from suppliers.

13) **Software:** Seller shall at all times retain title to and full ownership of all Software created and supplied by it. Seller grants to Buyer a fully paid license to use the Software with the Product. Buyer shall have the right to make copies of the Software in any human or machine-readable form only to the extent necessary for the efficient use of the Product. Buyer shall not remove any statutory copyright notice included in the Software furnished to Buyer and shall reproduce all such notices on all copies of any form including revised, modified, or translated version made by Buyer, unless otherwise directed by Seller in writing. Buyer shall limit use and access of all Software provided by Seller, and copies thereof, to such of Buyer's employees as are directly involved in the operation and maintenance of the Product. Buyer shall require its employees not to make any disclosure of such Software or copies, except as required for the operation and maintenance of the Product. The rights and licenses granted to Buyer with respect to any Software furnished by Seller may not be assigned or transferred to another party without the prior written consent of Seller, except that such rights and licenses may be assigned or transferred upon the transfer of the Product to which such rights and licenses apply and the transferee's acceptance of such Product shall be deemed its agreement to assume and comply with any and all obligations of Buyer with respect to such Software. When Buyer no longer desires to use the Software, it shall notify Seller in writing and destroy all copies thereof.

Where Seller sells or licenses Software accompanied by a separate Software License, the terms and conditions of the latter will control in the case of any variances with these Terms and Conditions.

14) **Warranties:**

- a) **Equipment:** Seller warrants that its equipment will conform to Seller's specifications and shall be free from defects under normal use in material and workmanship for a period of one year from receipt at destination. No equipment will be accepted for warranty consideration without a specific Return Material Authorization ("RMA") number furnished by Seller in advance of the return shipment. If equipment or components covered by warranty and assigned a RMA number are returned to the original shipping point, transportation charges and all other charges including but not limited to custom duties and insurance prepaid, within eighteen (18) months of invoice or twelve (12) months of installation whichever occurs first, and Seller determines to its satisfaction that the returned items are defective in material or workmanship and such defect was not caused by accident, misuse, neglect, alteration, improper installation, repair, improper testing or operation, or by improper packing for return, then Seller shall at its option (1) repair or replace the defective parts and ship prepaid to Buyer, excluding any custom duties and/or import fees etc., which shall be Buyer's responsibility, or (2) credit the account of Buyer for the original cost of the equipment plus original transportation charges. If Seller elects to repair or replace the defective parts, it shall have a reasonable time to do so. Seller shall not be responsible for failure of its equipment to perform specified functions or any other non-conformance caused by or attributable to (a) any associated or complementary equipment, parts or software not furnished by Seller, (b) misuse, neglect or abuse of, or accident to the Product, use of sub-standard consumables, reasonable wear and tear or operator error, (c) exposure of the Product to conditions beyond the environmental, power and operating constraints specified by Seller, or (d) installation or wiring practices not in accordance with those recommended by Seller.
- b) **Software:** Seller warrants that any Software accompanying its Products will perform in accordance its software documentation, i.e. during the period ending ninety (90) days after delivery, the occurrence of any material error in the Software or any failure of the Software substantially to conform to Seller's software documentation that limits or prevents use of the

is free from defects or that all defects can be corrected; further, this warranty shall apply only to those portions of the Software, or its replacement that incorporate all program corrections and modifications, if any, delivered to Buyer, and provided further that this warranty shall not apply to any error or failure due to the misuse or negligence, incorrect installation or operation, improper repair or maintenance, the use of sub-standard consumables, or by any person other than Seller and shall not apply to any Software which has been modified by any person other than Seller.

c) Services: Seller warrants that the Services performed will be of reasonable and workmanlike quality and conform to generally accepted Services standards. Seller will correct deficiencies in any deliverable described in the SOW of which Seller is notified by Buyer within thirty (30) days after delivery of Services to Buyer. For this purpose, a "deficiency" is a substantial and material deviation from the applicable deliverable as defined in the SOW. Such correction by Seller will constitute Buyer's sole and exclusive remedy for any such deficiencies.

d) Non-Seller products or software: Seller warrants products or software supplied by third parties (non-Seller Parties) only to the extent that such non-Seller Parties allow Seller to transfer to the Buyer the warranties of such non-Seller Parties. Seller will, to the extent permitted, assign to Buyers any such warranties. Buyer's sole remedy for breach of such warranty shall be the remedy offered by and available from the non-Seller Party, if any. Products or software from non-Seller which are not accompanied by non-Seller Party warranties are sold on an "AS IS, WHERE IS, WITH ALL FAULTS" basis.

THE FOREGOING WARRANTIES ARE IN LIEU OF ALL OTHER REPRESENTATIONS, WARRANTIES AND COVENANTS, EXPRESS OR IMPLIED, WITH RESPECT TO PRODUCTS, SOFTWARE AND SERVICES AND ANY DEFECTS THEREIN OF ANY NATURE WHATSOEVER, INCLUDING, WITHOUT LIMITATION, WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. SELLER'S SOLE AND EXCLUSIVE LIABILITY, AND BUYER'S SOLE AND EXCLUSIVE REMEDY, FOR ANY NONCONFORMITY OR DEFECT IN THE PRODUCTS, IN TORT (INCLUDING NEGLIGENCE), CONTRACT, OR OTHERWISE, SHALL BE AS SET FORTH IN THIS SECTION AND SECTION 14.

15) Limitations on Liability:

a) SELLER'S LIABILITY ON ALL CLAIMS OF ANY KIND, WHETHER BASED ON CONTRACT, INDEMNITY, WARRANTY, TORT (INCLUDING NEGLIGENCE), STRICT LIABILITY OR OTHERWISE, FOR ALL LOSSES OR DAMAGES ARISING OUT OF, CONNECTED WITH, OR RESULTING FROM THESE TERMS AND CONDITIONS, OR FROM THE PERFORMANCE OR BREACH THEREOF, OR FROM ANY PRODUCTS COVERED BY OR FURNISHED UNDER A CONTRACT HEREUNDER OR ANY EXTENSION OR EXPANSION THEREOF (INCLUDING REMEDIAL WARRANTY EFFORTS), SHALL IN NO CASE EXCEED THE CONTRACT PRICE EXCEPT AS TO TITLE TO ANY PRODUCTS FURNISHED. ALL SUCH LIABILITY SHALL TERMINATE UPON THE EXPIRATION OF THE WARRANTY PERIOD SPECIFIED IN SECTION 13 ABOVE.

b) IN NO EVENT, WHETHER BASED ON CONTRACT, INDEMNITY, WARRANTY TORT (INCLUDING NEGLIGENCE), STRICT LIABILITY OR OTHERWISE, SHALL SELLER AND OR ITS EMPLOYEES BE LIABLE FOR SPECIAL, INCIDENTAL, EXEMPLARY OR CONSEQUENTIAL DAMAGES INCLUDING, BUT NOT LIMITED TO, LOSS OF PROFITS OR REVENUE, LOSS OF USE OF ANY PROPERTY, COST OF CAPITAL, COST OF PURCHASED POWER, COST OF SUBSTITUTE EQUIPMENT, FACILITIES OR SERVICES, DOWNTIME COSTS, OR CLAIMS OF CUSTOMERS FOR SUCH DAMAGES. BUYER WILL INDEMNIFY SELLER AND ITS EMPLOYEES AGAINST ANY SUCH CLAIMS FROM THE BUYER'S CUSTOMERS, IF THE PRODUCTS OR SERVICES BEING PROVIDED BY SELLER WILL BE FURNISHED BY THE BUYER TO A THIRD PARTY BY CONTRACT OR RELATE TO A CONTRACT BETWEEN THE BUYER AND A THIRD PARTY, THE BUYER SHALL OBTAIN FROM SUCH THIRD PARTY A PROVISION AFFORDING SELLER THE PROTECTION OF THIS AND THE PRECEDING PARAGRAPH.

16) Warranty Termination Upon Buyer Default: Upon the occurrence of any default by Buyer in payment of any portion of the purchase price when due, all warranties and all obligations of Seller to service the Product or components delivered by Seller to Buyer whether under this transaction or otherwise shall terminate.

17) Patent Infringement: Seller warrants that any Products or Software it manufactures will be free of any rightful claim of another for infringement of any United States patent. Provided Buyer gives Seller prompt notice in writing of such claim and permits Seller to contest or settle the same through its own counsel, Seller will defend Buyer, or may settle, at its expense, any suit or proceeding against Buyer based upon a claimed infringement which would result in a breach of this warranty and pay any settlement amounts or damages awarded against Buyer provided, however, that Seller shall not be liable to the Buyer for any indirect, consequential or incidental damages including but not limited to lost profits. Seller will, at its own cost, obtain for the Buyer the right to use the Product or Software, or modify it to avoid infringement or reclaim and replace it with a non-infringing Product or Software, or to grant Buyer a credit for the then value (after reasonable depreciation) of the Product, and accept its return.

The above warranty shall apply neither to any software the warranties of which are solely expressed in a software license accompanying such software nor to any products which are (a) not of Seller's manufacture, (b) manufactured to Buyer's own design, (c) furnished in conjunction with any other products in a combination not offered by Seller as part of the transaction.

THE FOREGOING STATES THE SOLE AND EXCLUSIVE LIABILITY OF SELLER FOR PATENT INFRINGEMENTS AND IS IN LIEU OF ALL WARRANTIES, EXPRESSED OR IMPLIED IN REGARD THERE TO.

18) Confidential Information: Documentation, data, software, computer applications, and the like, whether in written or machine readable form, which Seller supplies to the Buyer shall constitute Confidential Information. Buyer agrees not to disseminate or copy any software or computer applications and to take reasonable measures to ensure the confidentiality of such Confidential Information, including the obtaining of binding agreements to this effect from its employees, and not to disclose the Confidential Information to any third party, except as may be authorized in writing by Seller. This provision shall not apply to information in the Buyer's legitimate possession prior to receipt from Seller or information which is or becomes available to the public or becomes general knowledge in the industry, otherwise than through the fault of Buyer.

19) Termination: Orders accepted by Seller may be canceled by Buyer only with the written consent of Seller (which consent Seller may withhold) and upon payment of reasonable cancellation or restocking charges. Seller shall have the right to cancel any order placed or to refuse, or to delay, the shipment thereof for failure of Buyer to meet promptly payments due Seller, or any other reasonable requirements established by Seller, or for any acts or omissions of Buyer that delay or impair Seller's performance. In the event of bankruptcy or insolvency of Buyer, or in the event any proceeding is brought by or against Buyer, voluntarily or involuntarily, under any provision of the Bankruptcy Act or any Insolvency law, SELLER shall be entitled to cancel any order then outstanding, at any time during the period allowed for filing claims against the estate, and shall receive reimbursements for its reasonable and proper cancellation charges. If Seller elects to continue to make shipments under any of the circumstances referenced above, its action shall not constitute a waiver of any default by Buyer or in any way affect Seller's legal remedies.

20) Applicable Law: The validity, performance and construction of this contract shall be governed by the laws of the State of Texas and the parties expressly disclaim any applicability of the United Nations Convention on the International Sale of Goods.

21) Government Contract Provisions: If the Product to be furnished under this contract is to be used in the performance of a Government contract or subcontract, the Government contract number and a statement to this effect shall appear on Buyer's purchase order, and in such event these clauses of the applicable Government procurement regulation which are, mandatorily required by Federal Statute to be included in Government subcontracts shall be incorporated hereto by reference, including, without limitation, the Equal Opportunity clause specified in 41 CFR Section 60.250.4, and the Affirmative Action For Handicapped Workers clause specified in 41 CFR 60.741.4.

22) Interference with Seller Employees:

a) Buyer shall not interfere with any employment relationship between Seller and any employee of Seller, including offering to employ the employee or engaging the employee as a consultant of Buyer or any of its affiliates or its other suppliers. The term "employee" includes any person who performs any work for or supplies any services to Seller or for or to its customers (on behalf of Seller) for wages, including but not limited to under a contract of hire by Seller.

b) In the event that Buyer does interfere with an employment agreement or arrangement between the employee and Seller, including offering to employ the employee or engaging the employee as a consultant of Buyer or any of its affiliates or its other suppliers, then Buyer shall pay Seller the equivalent amount of that employee's gross wages earned during the six month period immediately prior to the last date of employment of employee by Seller ("damages") to compensate Seller for its investment in training such employee. Buyer agrees that in no event will it request or otherwise induce or permit employee to disclose to anyone any of the Confidential Information of Seller.

c) Section 22 shall apply regardless of whether the employee in question had or has a "covenant not to compete" with Seller.

23) Exports: Any instructions by Buyer for delivery of Products outside the United States shall be deemed a representation and warranty that such instructions correctly specifies the consignee and correctly describes the ultimate destination of the Products. Buyer agrees to provide such additional information as SELLER may request regarding the identity of the consignee.

24) Assignment: This contract shall be binding upon and inure to the benefit of the parties and the successor and assigns of the entire business and goodwill of either Seller or Buyer or of that part of the business of either used in the performance of this contract, but shall not be otherwise assignable.

25) Complete Agreement Modifications: This contract constitutes the entire agreement between the parties relating to the sale of the Product or the performance of Services and no addition to or modification of any provision shall be binding Seller unless made in writing and signed by an authorized officer of Seller.

26) Notice: All notices given hereunder shall be in writing, mailed first class, certified or registered, or delivered by hand to the address of other party set forth in the Quotation or to such other address as such party may designate from time to time by such notice, and shall take effect (a) when mailed, or (b) when received if delivered by hand.

27) Remedies: All Seller rights and remedies whether evidenced hereby or by any other agreement, instrument, or paper shall be cumulative and may be exercised singularly or concurrently.

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE MAYOR AND
CLERK TO ENTER INTO AN AGREEMENT FOR THE
PURCHASE OF CERTAIN SOFTWARE FOR THE CITY
OF BENTONVILLE, ARKANSAS.**

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

Section 1: That the Mayor and Clerk be and are hereby authorized to enter into an agreement to purchase Wonderware West Software for the City of Bentonville, as set forth in the agreement attached hereto as Exhibit "A".

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

PASSED and APPROVED this ____ day of _____, 2020.

APPROVED:

MAYOR

ATTEST:

CITY CLERK