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.

Regular City Council Meeting — **Tuesday, May 25, 2021 6:00 p.m.**
Bentonville Community Center — **1101 Southwest Citizens Circle**
BCC Community Rooms

***If the public would like to attend virtually, please register at the following link by 4:00 p.m. on May 25, 2021:**
https://us02web.zoom.us/webinar/register/WN_YHRfyf1fQ-WsKWh_oeF3Qw

Public Comments on Tonight's Agenda Items (Limited Public Forum)
Questions, Comments and Discussion from City Council Members on Tonight's Agenda
Call to Order
Pledge of Allegiance
Moment of Silence – For our Military Forces
Roll Call
Approval of Minutes: May 11, 2021

AGENDA

1. Proclamation presented to recognize "National Drug Court Month" in Bentonville, Arkansas. **(Page 6)**

2. Information Presentation regarding Quilt of Parks Project. **(Pages 7-8)**

3. An ordinance accepting the annexation of certain territory to the City of Bentonville, Arkansas, and making same a part of the City of Bentonville, and assigning same to wards. (Trailblazer Annexation) **(Pages 9-33)**

4. Planning:

4a. **Property Line Adjustment: Lots 61 & 62 Lonesome Pond Addition, 2900 SW 14th Street, PLA21-0017.**

(Pages 37-40)

The Planning Commission voted 7-0, recommending approval.

A property line adjustment of existing Lot 1 and Lot 2 of Lonesome Pond Addition, creating new Lot 61, (+/-1.33 acres) and Lot 62, (+/-2.20 acres) of Lonesome Pond Addition.

4b. **Lot Split: Lot 6, Block 15 of Railroad Addition, 117 SE F Street, LS21-0017.**

(Pages 41-43)

The Planning Commission voted 7-0, recommending approval.

A Lot Split of existing Lot 4, Block 15, creating new Lot 6, (+/0.29 acres), Block 15 of Rail Road Addition. The plat dedicates a 15' utility easement along SE F Street as well as right-of-way along SE F Street per the Master Street Plan.

4c. **Residential Zoning District Amendments to R-2, R-3, and R-4 Districts.**

(Pages 44-58)

The Planning Commission voted 7-0, recommending approval.

The Future Land Use Plan describes Medium Density Residential as townhouse or duplex residential with a density of 8-12 units per acre. The proposed amendment improves the alignment of the R-2 zoning district with the Medium Density Residential land use classification.

The Future Land Use Plan describes High Density Residential as apartments and condominiums 12 units per acre or higher. The proposed amendment retains R-4 aligning with the High Density Residential land use classification.

The R-3 zoning district may be appropriate in either the Medium Density or High Density Residential land use classifications, depending on surrounding conditions.

The amendment also support the residential goal on page 55 of the Community Plan: *1. Provide a variety of housing types that meet the spectrum of demands from Bentonville's diverse population.*

4d. **Rezone: RC-2, Central Residential – Moderate Density to DN-4, Downtown Mixed-Use Residential, 509 SE 6th Street, RZ21-0026.**

(Pages 59-66)

The Planning Commission voted 7-0, recommending approval.

The Future Land Use Plan currently depicts this property as Downtown Commercial. Downtown Commercial areas include traditional mixed-use developments with a focus on design character and pedestrian access. Properties in these areas should capitalize on pedestrian traffic and street life.

The Downtown Neighborhood Subarea Plan, Downtown Neighborhood "Districts," depicts this property in a mixed-use residential area.

4e. **Rezone: R-1, Single-Family Residential to DN-2, Downtown Medium Density Residential, 604 Bella Vista Road, RZ21-0027.**

(Pages 67-74)

The Planning Commission voted 7-0, recommending approval.

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. This lot falls within the Priority Area 1, Downtown Intensification. This area highlights reinvestment in urban neighborhoods in and around Downtown Bentonville.

4f. **Rezone: R-1, Single-Family Residential to DN-2, Downtown Medium Density Residential, 1202 NE Monroe Street, RZ21-0028.**

(Pages 75-81)

The Planning Commission voted 7-0, recommending approval.

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. This lot falls within the Priority Area 1, Downtown Intensification. This area highlights reinvestment in urban neighborhoods in and around Downtown Bentonville.

Additionally, Chapter 5, Neighborhoods and Housing, of the Community Plan classifies this area as neighborhood transformation, where existing neighborhoods are experiencing redevelopment due to several factors, including the age or condition of housing, proximity to other amenities, or the cost of the land. Goals within this section include providing various housing types to meet the spectrum of demands from Bentonville's diverse population. The intent is also to improve the character of the existing neighborhoods and ensure that future neighborhoods reflect a compatible and high level of design.

4g. **Rezone: Downtown Mixed-Use Residential to Downtown Edge, 527 SE 6th Street, RZ21-0030.**

(Pages 82-90)

The Planning Commission voted 7-0, recommending approval

The Future Land Use Plan identifies this area as Downtown Commercial. Downtown Commercial areas include traditional mixed-use developments with a focus on design character and pedestrian access. Properties in these areas should capitalize on pedestrian traffic and street life. The Future Land Use Map and Zoning District Alignment Policy identifies DC, DE, DN-4, and PUD as potentially appropriate zoning districts within the Downtown Commercial Classification.

The property is located within Priority Area 1, Downtown Intensification, as identified in Chapter 4 of the Land Use Plan. This area highlights reinvestment in urban neighborhoods in and around Downtown Bentonville (pg. 44).

The Bentonville Community Plan designates this area as part of the Southeast Downtown Neighborhood Plan Area, which identifies this parcel as appropriate for the DN-4 zoning district.

4h. **General Plan Amendment: Residential Estate to General Commercial, Mixed-Use Commercial, and High-Density Residential, 7048 Vaughn Road, GPA21-0003.**

(Pages 91-97)

The Planning Commission voted 7-0, recommending approval.

General Commercial areas include uses that serve both nearby residents and those coming from other areas. Appropriate uses in these areas include retail, restaurants, services, and offices. Vertical mixed-use developments are encouraged and the impacts of parking should be minimized.

Mixed-Use Commercial areas include uses that provide goods and services to nearby residents. It could include local retail, day-to-day services, and small offices. Vertical mixed-use developments are encouraged, with upper floors including offices, services, or residential uses. Parking should be designed not to be detrimental to the character of the area.

High-Density areas include apartments, condominium buildings, senior housing and special types of group living. These areas may also have integrated amenities for residents, including local parks, community centers, and resident-oriented commercial uses.

5. Appeal to a Planning Commission decision for a rezoning request by the Allen and Veda Kinyon Trustees of land located at 342 SW D Street. A rezoning request from R-1, Single-Family Residential to DN-2, Downtown Medium-Density Residential. The Planning Commission voted 7-0 to recommend to the City Council that the petition be denied and that said property not be rezoned from its present classification of R-1, Single Family Residential to DN-2, Downtown Medium-Density Residential. **(Pages 98-104)**

6. Appeal to a Planning Commission decision for a rezoning request by the Allen and Veda Kinyon Trustees of land located at 403 SW E Street. A rezoning request from R-1, Single-Family Residential to DN-2, Downtown Medium-Density Residential. The Planning Commission voted 7-0 to recommend to the City Council that the

petition be denied and that said property not be rezoned from its present classification of R-1, Single Family Residential to DN-2, Downtown Medium-Density Residential. **(Pages 105-111)**

7. Public hearing and ordinance vacating an Alley Right of Way at Lot 25 of W.A. Burk's Addition (21-0008). **(Pages 112-117)**

8. Resolution setting a public hearing for June 8, 2021 for a Utility Easement Vacation requested for 801 SW 41st Street, Eversole Addition (VAC21-0009). **(Pages 118-120)**

9. Resolution setting a public hearing for June 8, 2021 for a Utility Easement Vacation requested for 224 North Main Street, Bentonville Original (VAC21-0010). **(Pages 121-123)**

10. Resolution authorizing the Mayor and City Clerk to execute a Lease between the City of Bentonville, as Lessor and QWH Properties, LLC , or its assigns, as Lessee, for a hangar site located at the Bentonville Municipal Airport. **(Pages 124-134)**

11. Ordinance requesting a Waiver of Bid to Henry Schein Medical in the amount of $45,000.00 for the purchase of medical supplies for the ambulance service. **(Pages 135-138)**

PROCLAMATION

WHEREAS: 2021 marks the 32nd anniversary of treatment courts; and

WHEREAS: There are now more than 4,000 treatment courts nationwide; and

WHEREAS: Treatment Courts are the cornerstone of justice reform sweeping the nation; and

WHEREAS: Treatment Courts have served over 1.5 million individuals; and

WHEREAS: Treatment Courts are now recognized as the most successful criminal justice intervention in our nation's history; and

WHEREAS: City of Bentonville is in the 10th year of our DWI Court program, having had 49 participants in the program and 24 graduates to date. The graduates represent 600+ hours of treatment; and

WHEREAS: Treatment Courts save an average of $6,000 for every individual they serve; and

WHEREAS: Treatment Courts reduce crime and significantly improve substance use treatment outcomes at less expense than any other criminal justice strategy; and

WHEREAS: Treatment Courts improve education, employment, housing and financial stability, promote family reunification, reduce foster care placements and increase the rate of addicted mothers delivering babies who are fully drug free; and

WHEREAS: Treatment Courts facilitate community-wide partnerships, bringing together public safety and public health professionals in the fight against addiction and crime; and

WHEREAS: Treatment Courts demonstrate that when one person rises out of addiction and crime, we all rise.

NOW, THEREFORE, I Stephanie Orman, Mayor of the City of Bentonville do hereby proclaim the month of May, 2021, as **"National Drug Court Month"** in the City of Bentonville, Arkansas, in honor of the Treatment Courts, the team members and the participants who strive to address substance abuse and keep our City and citizens safe.

Given this 25th day of May, 2021, in Bentonville, in the great State of Arkansas, in the United States of America.

[redacted]

Stephanie Orman, Mayor
City of Bentonville

Agenda Item Form

Date of City Council Meeting	**5/25/2021**
Department	**Parks and Recreation**
Submitted by	**David Wright, Parks and Recreation Director**
Phone	**479-464-7275**

Item Type: (*Check All That Apply*)

☐ Budget Adjustment	☐ Change Order	☑ Informational	☐ Ordinance	☐ Resolution	☐ Bid Award

Recommendation/Suggested Action *(Enter recommendation in space below):*

Information Presentation regarding Quilt of Parks Project.

Estimated Cost	
Is this Item Budgeted?	☐ Yes ☐ No

If no, please explain how item will be funded *(briefly explain in space below)* **:**

Memo

To:	City Council, Mayor Orman
From:	David Wright, Parks and Recreation Director
Date:	May 13, 2021
Re:	Informational Presentation regarding the Quilt of Parks Planning Process

---

As you may recall, in 2020 City Council approved the Quilt of Parks Master Plan. After the approval, the Design Excellence Grant Program, allowed us to move forward for the SD Plans, DD Plans, and Construction Documents. In addition, the Walton Family Foundation awarded an additional grant for design for the A Street Promenade.

During the council meeting when we accepted the grant, I informed City Council there would be additional opportunities for you to review the plans and hear updates on the planning process. This presentation will allow our team to show you those updated drawings and provide feedback and offer direction in discussions we are having with our designers. Finally, we will be able to discuss project timelines.

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

Agenda Item Form

Date of City Council Meeting	**May 25th, 2021**
Department	**Administration**
Submitted by	**Jim Wheeless**
Phone	**(479) 271-5926**

Item Type: (*Check All That Apply*)

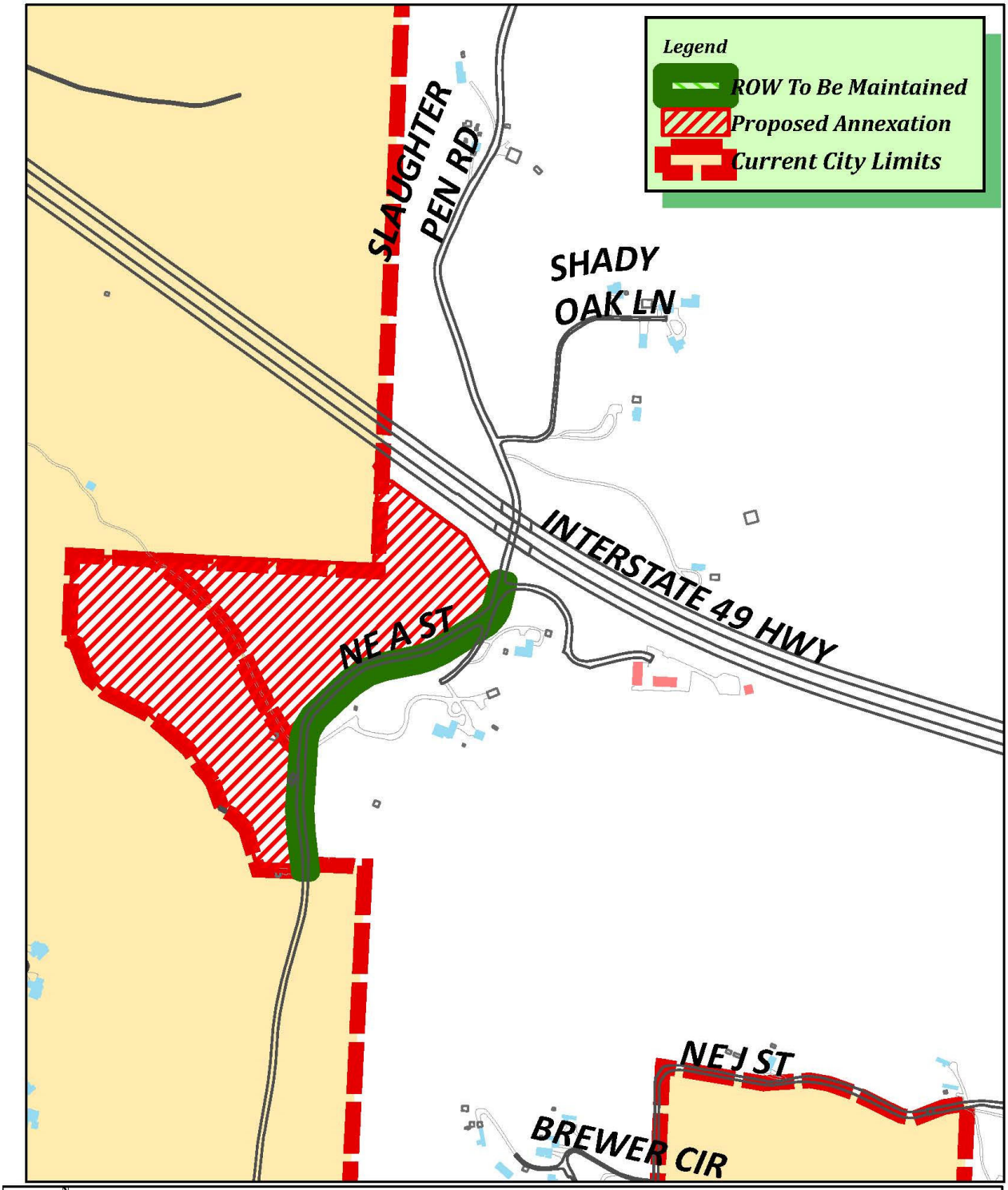
☐ Budget Adjustment	☐ Change Order	☐ Informational	☑ Ordinance	☐ Resolution	☐ Bid Award

Recommendation/Suggested Action *(Enter recommendation in space below):*

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

Estimated Cost	**$**
Is this Item Budgeted?	☐ Yes ☐ No

If no, please explain how item will be funded *(briefly explain in space below)* **:**


Legend
ROW To Be Maintained
Proposed Annexation
Current City Limits
SLAUGHTER PEN RD
SHADY OAK LN
INTERSTATE 49 HWY
NE A ST
NE J ST
BREWER CIR
N
W
E
S
1 inch = 517 feet
EXHIBIT "B"
Trail Blazer Annexation

ORDINANCE NO._____

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

WHEREAS, petition was filed with the County Clerk of Benton County, Arkansas by the owner of the hereinafter described territory, Bentonville/Bella Vista Trailblazers Associations, Inc., praying that said territory be annexed to, and made a part of the City of Bentonville, Arkansas, and

WHEREAS, on the 18th day of March, 2021, the County Court of Benton County, Arkansas, entered an amended order authorizing annexation pursuant to § 14-40-609 of the Arkansas Code, finding that the petition met the requirements for annexation under that provision and directed the Clerk to forward the order to the Mayor of the City of Bentonville; and

WHEREAS, the order entered by the County Judge provides that in order to accept the annexation proposed by the petitioners, the City of Bentonville is also required to accept as part of the territory to be annexed certain dedicated public roads and rights of way abutting or traversing the property proposed to be annexed, the legal descriptions for which are included as an attachment to the County Court's order,

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

Section 1. That the land described on the attached Exhibit "A," which includes both the territory sought to be annexed by the petitioners and the dedicated public roads and rights of way abutting or traversing the property proposed to be annexed, is territory contiguous to and adjoining

the City of Bentonville, Arkansas, and the petition to annex that property is hereby granted and the property described in Exhibit "A" is hereby accepted as part of and annexed to and made a part of the City of Bentonville.

Section 2. That the above-described territory shall be annexed to and made a part of Ward 1 of the City of Bentonville, and the same shall henceforth be a part of said ward as fully as existing parts of said ward.

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

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

PASSED AND APPROVED THIS _____ DAY OF May, 2021.

APPROVED: _____
HON. STEPHANIE ORMAN, Mayor

ATTEST: _____
HON. KIRBY ROMINES, City Clerk

Trail Blazer ANNEXATION
EXHIBIT "A"

Part of the Southwest quarter of Section 17, Township 20 North, Range 30 West, Benton County, Arkansas, being described as follows:

Commencing at the Northwest Corner of the Northeast Quarter, of the Southwest Quarter;
Thence South 02°34'03" West a distance of 930.36 feet to the point of beginning.
Thence South 77°26'59" East a distance of 43.85 feet;
Thence South 53°30'11" East a distance of 394. 30 feet;
Thence South 31°09'57" East a distance of 209. 27 feet;
Thence South 74°40'14" East a distance of 39.80 feet;
Thence South 13°32'55" West a distance of 103.10 feet;
Thence South 17°46'54" West a distance of 23.87 feet;
Thence South 28°20'18" West a distance of 21.30 feet;
Thence South 42°19'23" West a distance of 37.90 feet;
Thence South 57°49'06" West a distance of 222.30 feet;
Thence South 63°52'34" West a distance of 63.26 feet;
Thence South 73°49'01" West a distance of 47.81 feet;
Thence South 78°31'16" West a distance of 153.10 feet;
Thence South 71°10'17" West a distance of 73.19 feet;
Thence South 57°13'22" West a distance of 94.88 feet;
Thence South 46°34'29" West a distance of 216.21 feet;
Thence South 32°15'43" West a distance of 69.95 feet;
Thence South 16°31'49" West a distance of 46.80 feet;
Thence South 03°29'02" West a distance of 305.19 feet;
Thence South 02°42'55" East a distance of 103.32 feet;
Thence South 06°52'08" East a distance of 166.39 feet;
Thence South 00°13'11" West a distance of 6.52 feet;
Thence North 87°22'51" West a distance of 185.54 feet;
Thence North 16°49'30" West a distance of 186.70 feet;
Thence North 44°10'56" West a distance of 81.56 feet;
Thence North 62°49'38" West a distance of 47.69 feet;
Thence North 20°01'44" West a distance of 128.14 feet;

Thence North 34°56'01" West a distance of 169.76 feet;
Thence North 49°04'55" West a distance of 235.20 feet;
Thence North 63°07'11" West a distance of 203.24 feet;
Thence North 48°25'36" West a distance of 89.67 feet;
Thence North 21°47'23" West a distance of 179.40 feet;
Thence North 79°39'55" West a distance of 36.11 feet;
Thence North 02°58'30" East a distance of 366.03 feet;
Thence South 87°22'12" East a distance of 601.11 feet;
Thence North 03°29'44" East a distance of 20.00 feet;
Thence South 87°22'15" East a distance of 704.71 feet;
Thence North 02°28'20" East a distance of 374.07 feet;
Thence South 77°26'59" East a distance of 19.64 feet to the point of beginning.

AND

TRAIL BLAZER ANNEXATION
ROW To Be Maintained
Exhibit 'A'

Part of the Southwest quarter of Section 17, Township 20 North, Range 30 West, Benton County, Arkansas, being described as follows:

Commencing at the Northwest Corner of the Northeast Quarter, of the Southwest Quarter;
Thence South 02°34'03" West a distance of 930.36;
Thence South 77°26'59" East a distance of 43.85 feet;
Thence South 53°30'11" East a distance of 394. 30 feet;
Thence South 31°09'57" East a distance of 209. 27 feet;
Thence South 74°40'14" East a distance of 39.80 feet to the point of beginning;

Thence S76°27'05"E, 40.00';
Thence S13°32'55"W, 104.58';
Thence S17°46'54"W, 29.04';
Thence S28°20'20"W, 29.90';
Thence S42°19'22"W, 48.25';
Thence S57°49'06"W, 229.86';
Thence S63°52'34"W, 68.86';

Thence S73°49'01"W, 52.93';
Thence S78°31'16"W, 152.17';
Thence S71°10'17"W, 65.73';
Thence S57°13'22"W, 86.26';
Thence S46°34'29"W, 207.46';
Thence S32°15'43"W, 59.40';
Thence S16°31'49"W, 36.70';
Thence S03°29'02"W, 298.45';
Thence S02°42'55"E, 99.70';
Thence S06°52'08"E, 167.42';
Thence S00°13'19"W, 9.00';
Thence N89°46'41"W, 40.00';
Thence N00°13'19"E, 6.52';
Thence N06°52'08"W, 166.39';
Thence N02°42'55"W, 103.32';
Thence N03°29'02"E, 305.19';
Thence N16°31'49"E, 46.80';
Thence N32°15'43"E, 69.95';
Thence N46°34'29"E, 216.21';
Thence N57°13'22"E, 94.88';
Thence N71°10'17"E, 73.19';
Thence N78°31'16"E, 153.10';
Thence N73°49'01"E, 47.81';
Thence N63°52'34"E, 63.26';
Thence N57°49'06"E, 222.30';
Thence N42°19'22"E, 37.90';
Thence N28°20'20"E, 21.30';
Thence N17°46'54"E, 23.87';
Thence N13°32'55"E, 103.10' to the point of beginning.

IN THE MATTER OF ANNEXING TO THE CITY
OF BENTONVILLE, ARKANSAS CERTAIN TERRITORY
CONTIGUOUS TO SAID CITY NO. 2021-01

PETITION TO AMEND ANNEXATION ORDER

Come now the undersigned petitioner, and state as follows:

1. On January 14, 2021, the Court entered an Order Authorizing Annexation Pursuant to ACA § 14-40-609.

2. that since the entry of that order, it has been determined that the property to be annexed was incorrectly described and depicted in the petition. Accordingly, no action on the Court's order has occurred in the Bentoville City Council.

3. That the correct legal description is attached as Exhibit A to this Petition and a map showing the property is attached as Exhibit B.

4. That the revision to the legal description reduces the amount of property to be annexed.

5. That after the revision to the legal description, Petitioners will still be 100% of the property owners, the property will still be contiguous to and adjoining the present City of Bentonville city limits, there will still be no enclaves created if this petition to amend is accepted, and the schedule of services to be extended to the area by the City of Bentonville within three (3) years after the date the annexation becomes final remains: "All properties annexed into the City of Bentonville are provided with Police, Fire and EMS services. Additional services such as water and sewer may be provided if readily available. Such services are provided in accordance

with existing ordinances and terms of service, including but not limited to the payment of required fees, the necessary permits, inspections and approvals.

6. That since the property to be annexed is being reduced, it is thought that the title opinion and verification provided with the original petition are sufficient to support this petition to amend.

WHEREFORE, Petitioner requests the Court enter an amended order revising the property to be annexed, and for any other appropriate relief.

BENTONVILLE/BELLA VISTA
TRAILBLAZERS ASSOCIATION, INC.

By: [redacted]

ACKNOWLEDGMENT

State of Arkansas)
) ss.
County of Benton)

On this the 12th day of March, 2024, before me, the undersigned officer, personally appeared Erin Rushing, known to me (or satisfactorily proven) to be the person whose name is subscribed above and acknowledged and attested that it was executed for the purposes therein apparent.

[redacted]

My Commission Expires:

GINA NIDA
Notary Public-Arkansas
Benton County
My Commission Expires 07-07-2026
Commission # 12698299

Trail Blazer ANNEXATION
EXHIBIT "A"

Part of the Southwest quarter of Section 17, Township 20 North, Range 30 West, Benton County, Arkansas, being described as follows:

Commencing at the Northwest Corner of the Northeast Quarter, of the Southwest Quarter;
Thence South 02°34'03" West a distance of 930.36 feet to the point of beginning.
Thence South 77°26'59" East a distance of 43.85 feet;
Thence South 53°30'11" East a distance of 394. 30 feet;
Thence South 31°09'57" East a distance of 209. 27 feet;
Thence South 74°40'14" East a distance of 39.80 feet;
Thence South 13°32'55" West a distance of 103.10 feet;
Thence South 17°46'54" West a distance of 23.87 feet;
Thence South 28°20'18" West a distance of 21.30 feet;
Thence South 42°19'23" West a distance of 37.90 feet;
Thence South 57°49'06" West a distance of 222.30 feet;
Thence South 63°52'34" West a distance of 63.26 feet;
Thence South 73°49'01" West a distance of 47.81 feet;
Thence South 78°31'16" West a distance of 153.10 feet;
Thence South 71°10'17" West a distance of 73.19 feet;
Thence South 57°13'22" West a distance of 94.88 feet;
Thence South 46°34'29" West a distance of 216.21 feet;
Thence South 32°15'43" West a distance of 69.95 feet;
Thence South 16°31'49" West a distance of 46.80 feet;
Thence South 03°29'02" West a distance of 305.19 feet;
Thence South 02°42'55" East a distance of 103.32 feet;
Thence South 06°52'08" East a distance of 166.39 feet;
Thence South 00°13'11" West a distance of 6.52 feet;
Thence North 87°22'51" West a distance of 185.54 feet;
Thence North 16°49'30" West a distance of 186.70 feet;
Thence North 44°10'56" West a distance of 81.56 feet;
Thence North 62°49'38" West a distance of 47.69 feet;
Thence North 20°01'44" West a distance of 128.14 feet;
Thence North 34°56'01" West a distance of 169.76 feet;
Thence North 49°04'55" West a distance of 235.20 feet;
Thence North 63°07'11" West a distance of 203.24 feet;

Thence North 48°25'36" West a distance of 89.67 feet;
Thence North 21°47'23" West a distance of 179.40 feet;
Thence North 79°39'55" West a distance of 36.11 feet;
Thence North 02°58'30" East a distance of 366.03 feet;
Thence South 87°22'12" East a distance of 601.11 feet;
Thence North 03°29'44" East a distance of 20.00 feet;
Thence South 87°22'15" East a distance of 704.71 feet;
Thence North 02°28'20" East a distance of 374.07 feet;
Thence South 77°26'59" East a distance of 19.64 feet to the point of beginning.

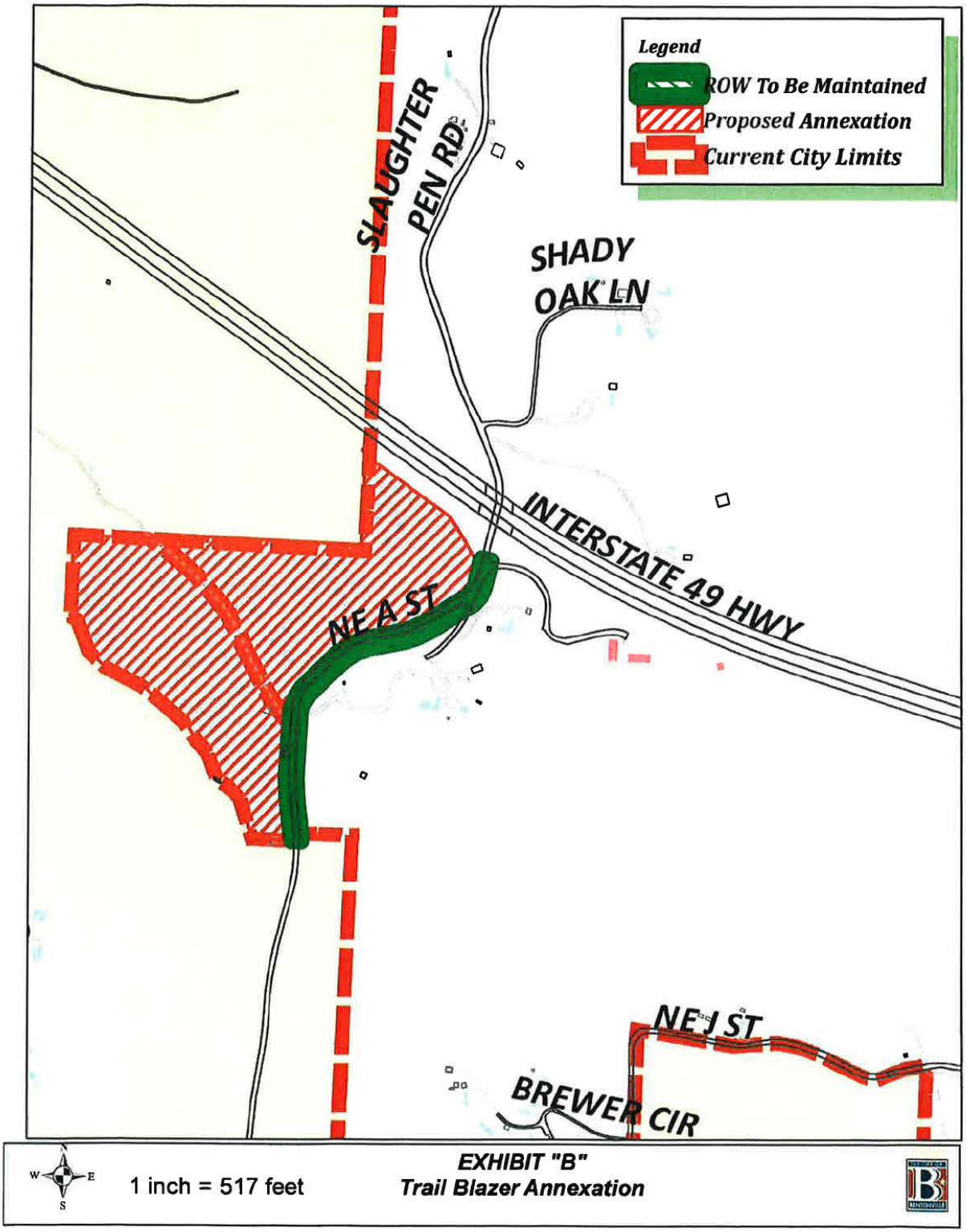
TRAIL BLAZER ANNEXATION
ROW To Be Maintained
EXHIBIT "A"

Part of the Southwest quarter of Section 17, Township 20 North, Range 30 West, Benton County, Arkansas, being described as follows:

Commencing at the Northwest Corner of the Northeast Quarter, of the Southwest Quarter;
Thence South 02°34'03" West a distance of 930.36;
Thence South 77°26'59" East a distance of 43.85 feet;
Thence South 53°30'11" East a distance of 394. 30 feet;
Thence South 31°09'57" East a distance of 209. 27 feet;
Thence South 74°40'14" East a distance of 39.80 feet to the point of beginning;

Thence S76°27'05"E, 40.00';
Thence S13°32'55"W, 104.58';
Thence S17°46'54"W, 29.04';
Thence S28°20'20"W, 29.90';
Thence S42°19'22"W, 48.25';
Thence S57°49'06"W, 229.86';
Thence S63°52'34"W, 68.86';
Thence S73°49'01"W, 52.93';
Thence S78°31'16"W, 152.17';
Thence S71°10'17"W, 65.73';
Thence S57°13'22"W, 86.26';
Thence S46°34'29"W, 207.46';
Thence S32°15'43"W, 59.40';
Thence S16°31'49"W, 36.70';
Thence S03°29'02"W, 298.45';
Thence S02°42'55"E, 99.70';
Thence S06°52'08"E, 167.42';
Thence S00°13'19"W, 9.00';
Thence N89°46'41"W, 40.00';
Thence N00°13'19"E, 6.52';
Thence N06°52'08"W, 166.39';
Thence N02°42'55"W, 103.32';
Thence N03°29'02"E, 305.19';
Thence N16°31'49"E, 46.80';
Thence N32°15'43"E, 69.95';

Thence N46°34'29"E, 216.21';
Thence N57°13'22"E, 94.88';
Thence N71°10'17"E, 73.19';
Thence N78°31'16"E, 153.10';
Thence N73°49'01"E, 47.81';
Thence N63°52'34"E, 63.26';
Thence N57°49'06"E, 222.30';
Thence N42°19'22"E, 37.90';
Thence N28°20'20"E, 21.30';
Thence N17°46'54"E, 23.87';
Thence N13°32'55"E, 103.10' to the point of beginning.


Legend
ROW To Be Maintained
Proposed Annexation
Current City Limits
SLAUGHTER PEN RD
SHADY OAK LN
INTERSTATE 49 HWY
NE A ST
NE J ST
BREWER CIR
W
E
S
1 inch = 517 feet
EXHIBIT "B"
Trail Blazer Annexation

BENTON COUNTY

STATE OF ARKANSAS

BETSY HARRELL

RECEIVED MAR 30 2021

COUNTY CLERK & VOTER REGISTRAR
215 EAST CENTRAL, SUITE 217
BENTONVILLE, AR 72712-5373
479-271-1013
FAX: 479-271-1019

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

March 22, 2021

Honorable Stephanie Orman
City of Bentonville
1000 SW 14th St
Bentonville, AR 72712

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

Dear Mayor Orman:

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

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

Please feel free to contact me if you have questions.

Sincerely,

[redacted]

BETSY HARRELL, County Clerk

enc

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

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

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

FILED
2020 MAR 18 PM 3:25
CIRCUIT/COUNTY CLERK
BENTON COUNTY, AR

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

NO. 2021-01

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

I, Barry Moehring, County Judge of Benton County, having reviewed the petition for annexation, the verification of petition, and the Petition to Amend Annexation Order filed herein, hereby find that the petition, as amended:

1) is in writing;

2) includes an attestation signed before a notary or notaries by the property owner or owners of the relevant property or properties confirming their desire to be annexed;

3) includes an accurate description of the relevant property or properties, which is attached to the Petition to Amend;

4) includes a letter or title opinion from a certified abstractor or title company verifying that the petitioners are all owners of record of the relevant property or properties;

5) includes a letter or verification from a certified surveyor or engineer verifying that the relevant property or properties are contiguous with the annexing city or town and that no enclaves will be created if the property or properties are accepted by the city or town – additionally a copy of the letter from the State of Arkansas GIS office approving the legal description for the annexation was provided; and

6) includes a schedule of services of the annexing city or town that will be extended to the

2021 1991

area within three (3) years after the date the annexation becomes final.

(7) does not include in its description certain dedicated public roads and rights of way abutting or traversing the property to be annexed, the legal descriptions for which are included on the attached Exhibit "C" to this order, and any acceptance of this annexation by the City of Bentonville is required to include acceptance of the property described in Exhibit "C" to this order or the resolution or ordinance accepting such annexation will not be confirmed by the Court.

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

[redacted]

HON. BARRY MOEHRING, County Judge

3.18.2021

Date

2021-1992

FILED

2021 MAR 18 PM 2:33

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

AMENDMENT TO VERIFICATION OF PETITON FOR ANNEXATION
PURSUANT TO ACA § 14-40-609 FOR CASE NO. 2021-01

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

Our offices have received the attached petition to amend the annexation order in Case 2021-01. The file has been reviewed and all previous matter attested to by us herein remain correct and there is no reason an amended order should not be entered.

We note that the reduced legal description in from the Petition to Amend does not include in its description certain dedicated public roads and rights of way abutting or traversing the property to be annexed, the legal descriptions for which are included on the attached Exhibit "C."

[redacted]

HON. BETSY HARRELL, County Clerk

[redacted]

HON. RODERICK GRIEVE, County Assessor

FILED
2021 MAR 17 PM 2:25
BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

IN THE MATTER OF ANNEXING TO THE CITY
OF BENTONVILLE, ARKANSAS CERTAIN TERRITORY
CONTIGUOUS TO SAID CITY NO. 2021-01

PETITION TO AMEND ANNEXATION ORDER

Come now the undersigned petitioner, and state as follows:

1. On January 14, 2021, the Court entered an Order Authorizing Annexation Pursuant to ACA § 14-40-609.

2. that since the entry of that order, it has been determined that the property to be annexed was incorrectly described and depicted in the petition. Accordingly, no action on the Court's order has occurred in the Bentoville City Council.

3. That the correct legal description is attached as Exhibit A to this Petition and a map showing the property is attached as Exhibit B.

4. That the revision to the legal description reduces the amount of property to be annexed.

5. That after the revision to the legal description, Petitioners will still be 100% of the property owners, the property will still be contiguous to and adjoining the present City of Bentonville city limits, there will still be no enclaves created if this petition to amend is accepted, and the schedule of services to be extended to the area by the City of Bentonville within three (3) years after the date the annexation becomes final remains: "All properties annexed into the City of Bentonville are provided with Police, Fire and EMS services. Additional services such as water and sewer may be provided if readily available. Such services are provided in accordance

FILED
2021 MAR 17 PM 2:25
BETSY MAXWELL
CO & PROBATE CLERK
BENTON COUNTY, AR

with existing ordinances and terms of service, including but not limited to the payment of required fees, the necessary permits, inspections and approvals.

6. That since the property to be annexed is being reduced, it is thought that the title opinion and verification provided with the original petition are sufficient to support this petition to amend.

WHEREFORE, Petitioner requests the Court enter an amended order revising the property to be annexed, and for any other appropriate relief.

BENTONVILLE/BELLA VISTA
TRAILBLAZERS ASSOCIATION, INC.

By: [redacted]

ACKNOWLEDGMENT

State of Arkansas)
) ss.
County of Benton)

On this the 12th day of March, 2021, before me, the undersigned officer, personally appeared Erin Rushing, known to me (or satisfactorily proven) to be the person whose name is subscribed above and acknowledged and attested that it was executed for the purposes therein apparent.

[redacted]
NOTARY PUBLIC

My Commission Expires:

GINA NIDA
Notary Public-Arkansas
Benton County
My Commission Expires 07-07-2026
Commission # 12698299

FILED
2021 MAR 17 PM 2:25
BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

Trail Blazer ANNEXATION
EXHIBIT "A"

Part of the Southwest quarter of Section 17, Township 20 North, Range 30 West, Benton County, Arkansas, being described as follows:

Commencing at the Northwest Corner of the Northeast Quarter, of the Southwest Quarter;
Thence South 02°34'03" West a distance of 930.36 feet to the point of beginning.
Thence South 77°26'59" East a distance of 43.85 feet;
Thence South 53°30'11" East a distance of 394. 30 feet;
Thence South 31°09'57" East a distance of 209. 27 feet;
Thence South 74°40'14" East a distance of 39.80 feet;
Thence South 13°32'55" West a distance of 103.10 feet;
Thence South 17°46'54" West a distance of 23.87 feet;
Thence South 28°20'18" West a distance of 21.30 feet;
Thence South 42°19'23" West a distance of 37.90 feet;
Thence South 57°49'06" West a distance of 222.30 feet;
Thence South 63°52'34" West a distance of 63.26 feet;
Thence South 73°49'01" West a distance of 47.81 feet;
Thence South 78°31'16" West a distance of 153.10 feet;
Thence South 71°10'17" West a distance of 73.19 feet;
Thence South 57°13'22" West a distance of 94.88 feet;
Thence South 46°34'29" West a distance of 216.21 feet;
Thence South 32°15'43" West a distance of 69.95 feet;
Thence South 16°31'49" West a distance of 46.80 feet;
Thence South 03°29'02" West a distance of 305.19 feet;
Thence South 02°42'55" East a distance of 103.32 feet;
Thence South 06°52'08" East a distance of 166.39 feet;
Thence South 00°13'11" West a distance of 6.52 feet;
Thence North 87°22'51" West a distance of 185.54 feet;
Thence North 16°49'30" West a distance of 186.70 feet;
Thence North 44°10'56" West a distance of 81.56 feet;
Thence North 62°49'38" West a distance of 47.69 feet;
Thence North 20°01'44" West a distance of 128.14 feet;
Thence North 34°56'01" West a distance of 169.76 feet;
Thence North 49°04'55" West a distance of 235.20 feet;
Thence North 63°07'11" West a distance of 203.24 feet;

FILED

2021 MAR 17 PM 2:25

BETSY HARRELL
CO & PROBATE CLERK
BENT[illegible] COUNTY, CO

Thence North 48°25'36" West a distance of 89.67 feet;
Thence North 21°47'23" West a distance of 179.40 feet;
Thence North 79°39'55" West a distance of 36.11 feet;
Thence North 02°58'30" East a distance of 366.03 feet;
Thence South 87°22'12" East a distance of 601.11 feet;
Thence North 03°29'44" East a distance of 20.00 feet;
Thence South 87°22'15" East a distance of 704.71 feet;
Thence North 02°28'20" East a distance of 374.07 feet;
Thence South 77°26'59" East a distance of 19.64 feet to the point of beginning.

FILED
2021 MAR 17 PM 2:26
BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

TRAIL BLAZER ANNEXATION
ROW To Be Maintained
EXHIBIT "A"

Part of the Southwest quarter of Section 17, Township 20 North, Range 30 West, Benton County, Arkansas, being described as follows:

Commencing at the Northwest Corner of the Northeast Quarter, of the Southwest Quarter;
Thence South 02°34'03" West a distance of 930.36;
Thence South 77°26'59" East a distance of 43.85 feet;
Thence South 53°30'11" East a distance of 394. 30 feet;
Thence South 31°09'57" East a distance of 209. 27 feet;
Thence South 74°40'14" East a distance of 39.80 feet to the point of beginning;

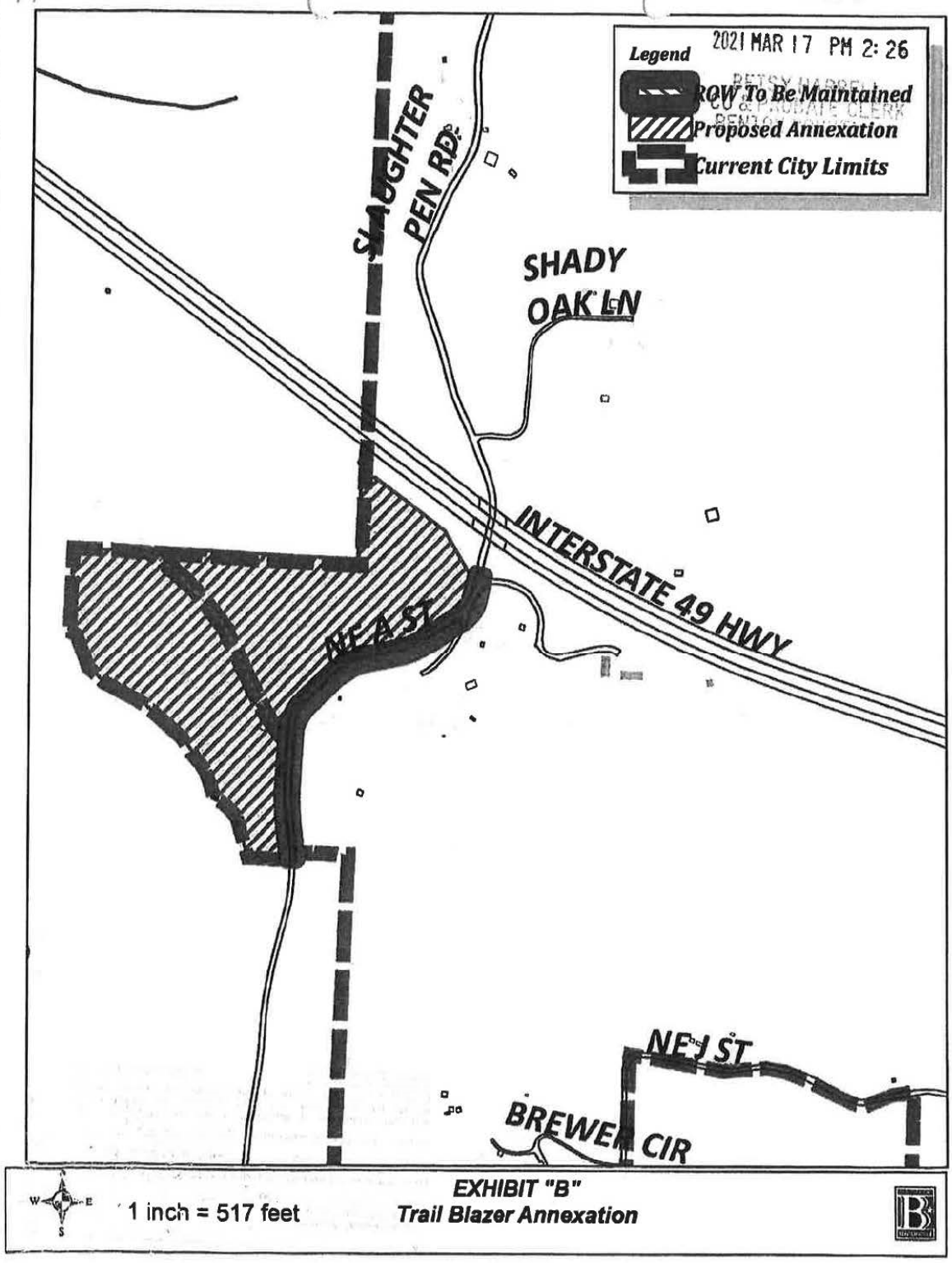
Thence S76°27'05"E, 40.00';
Thence S13°32'55"W, 104.58';
Thence S17°46'54"W, 29.04';
Thence S28°20'20"W, 29.90';
Thence S42°19'22"W, 48.25';
Thence S57°49'06"W, 229.86';
Thence S63°52'34"W, 68.86';
Thence S73°49'01"W, 52.93';
Thence S78°31'16"W, 152.17';
Thence S71°10'17"W, 65.73';
Thence S57°13'22"W, 86.26';
Thence S46°34'29"W, 207.46';
Thence S32°15'43"W, 59.40';
Thence S16°31'49"W, 36.70';
Thence S03°29'02"W, 298.45';
Thence S02°42'55"E, 99.70';
Thence S06°52'08"E, 167.42';
Thence S00°13'19"W, 9.00';
Thence N89°46'41"W, 40.00';
Thence N00°13'19"E, 6.52';
Thence N06°52'08"W, 166.39';
Thence N02°42'55"W, 103.32';
Thence N03°29'02"E, 305.19';
Thence N16°31'49"E, 46.80';
Thence N32°15'43"E, 69.95';

FILED
2021 MAR 17 PM 2:26
BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

Thence N46°34'29"E, 216.21';
Thence N57°13'22"E, 94.88';
Thence N71°10'17"E, 73.19';
Thence N78°31'16"E, 153.10';
Thence N73°49'01"E, 47.81';
Thence N63°52'34"E, 63.26';
Thence N57°49'06"E, 222.30';
Thence N42°19'22"E, 37.90';
Thence N28°20'20"E, 21.30';
Thence N17°46'54"E, 23.87';
Thence N13°32'55"E, 103.10' to the point of beginning.

FILED

2021 MAR 17 PM 2:26



City Council Agenda Items

For City Council Meeting of May 25, 2021

From the May 18, 2021 Planning Commission Meeting

a. Property Line Adjustment: Lots 61 & 62 Lonesome Pond Addition, 2900 SW 14th Street, PLA21-0017.

The Planning Commission voted 7-0, recommending approval.

A property line adjustment of existing Lot 1 and Lot 2 of Lonesome Pond Addition, creating new Lot 61, (+/-1.33 acres) and Lot 62, (+/-2.20 acres) of Lonesome Pond Addition.

b. Lot Split: Lot 6, Block 15 of Railroad Addition, 117 SE F Street, LS21-0017.

The Planning Commission voted 7-0, recommending approval.

A Lot Split of existing Lot 4, Block 15, creating new Lot 6, (+/0.29 acres), Block 15 of Rail Road Addition. The plat dedicates a 15' utility easement along SE F Street as well as right-of-way along SE F Street per the Master Street Plan.

c. Residential Zoning District Amendments to R-2, R-3, and R-4 Districts.

The Planning Commission voted 7-0, recommending approval.

The Future Land Use Plan describes Medium Density Residential as townhouse or duplex residential with a density of 8-12 units per acre. The proposed amendment improves the alignment of the R-2 zoning district with the Medium Density Residential land use classification.

The Future Land Use Plan describes High Density Residential as apartments and condominiums 12 units per acre or higher. The proposed amendment retains R-4 aligning with the High Density Residential land use classification.

The R-3 zoning district may be appropriate in either the Medium Density or High Density Residential land use classifications, depending on surrounding conditions.

The amendment also support the residential goal on page 55 of the Community Plan: *1. Provide a variety of housing types that meet the spectrum of demands from Bentonville's diverse population.*

d. Rezone: RC-2, Central Residential – Moderate Density to DN-4, Downtown Mixed-Use Residential, 509 SE 6th Street, RZ21-0026.

The Planning Commission voted 7-0, recommending approval.

The Future Land Use Plan currently depicts this property as Downtown Commercial. Downtown Commercial areas include traditional mixed-use developments with a focus on design character and pedestrian access. Properties in these areas should capitalize on pedestrian traffic and street life.

The Downtown Neighborhood Subarea Plan, Downtown Neighborhood "Districts," depicts this property in a mixed-use residential area.

e. Rezone: R-1, Single-Family Residential to DN-2, Downtown Medium Density Residential, 604 Bella Vista Road, RZ21-0027.

The Planning Commission voted 7-0, recommending approval.

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. This lot falls within the Priority Area 1, Downtown Intensification. This area highlights reinvestment in urban neighborhoods in and around Downtown Bentonville.

f. Rezone: R-1, Single-Family Residential to DN-2, Downtown Medium Density Residential, 1202 NE Monroe Street, RZ21-0028.

The Planning Commission voted 7-0, recommending approval.

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. This lot falls within the Priority Area 1, Downtown Intensification. This area highlights reinvestment in urban neighborhoods in and around Downtown Bentonville.

Additionally, Chapter 5, Neighborhoods and Housing, of the Community Plan classifies this area as neighborhood transformation, where existing neighborhoods are experiencing redevelopment due to several factors, including the age or condition of housing, proximity to other amenities, or the cost of the land. Goals within this section include providing various housing types to meet the spectrum of demands from Bentonville's diverse population. The intent is also to improve the character of the existing neighborhoods and ensure that future neighborhoods reflect a compatible and high level of design.

g. Rezone: Downtown Mixed-Use Residential to Downtown Edge, 527 SE 6th Street, RZ21-0030.

The Planning Commission voted 7-0, recommending approval

The Future Land Use Plan identifies this area as Downtown Commercial. Downtown Commercial areas include traditional mixed-use developments with a focus on design character and pedestrian access. Properties in these areas should capitalize on pedestrian traffic and street life. The Future Land Use Map and Zoning District Alignment Policy identifies DC, DE, DN-4, and PUD as potentially appropriate zoning districts within the Downtown Commercial Classification.

The property is located within Priority Area 1, Downtown Intensification, as identified in Chapter 4 of the Land Use Plan. This area highlights reinvestment in urban neighborhoods in and around Downtown Bentonville (pg. 44).

The Bentonville Community Plan designates this area as part of the Southeast Downtown Neighborhood Plan Area, which identifies this parcel as appropriate for the DN-4 zoning district.

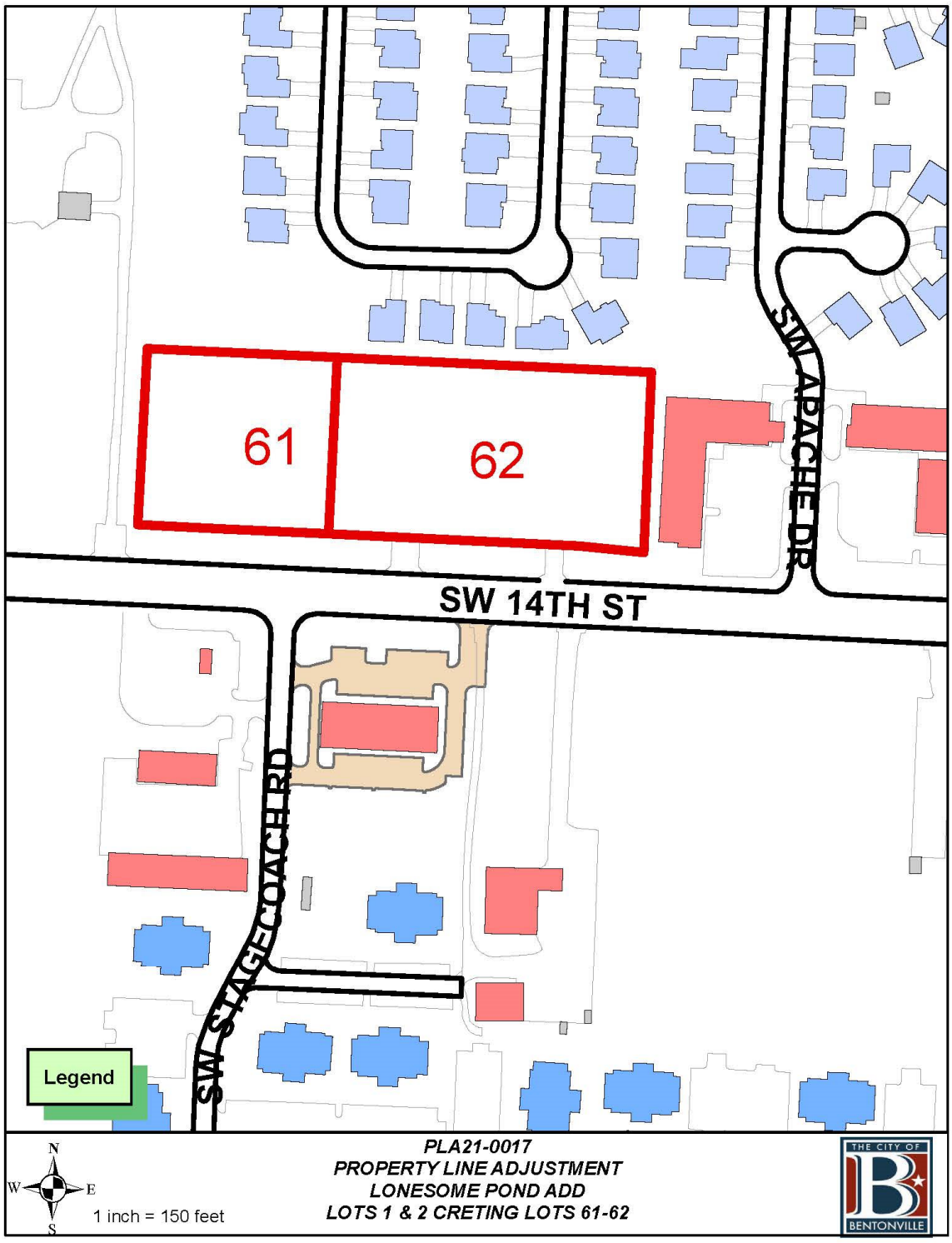
h. General Plan Amendment: Residential Estate to General Commercial, Mixed-Use Commercial, and High-Density Residential, 7048 Vaughn Road, GPA21-0003.

The Planning Commission voted 7-0, recommending approval.

General Commercial areas include uses that serve both nearby residents and those coming from other areas. Appropriate uses in these areas include retail, restaurants, services, and offices. Vertical mixed-use developments are encouraged and the impacts of parking should be minimized.

Mixed-Use Commercial areas include uses that provide goods and services to nearby residents. It could include local retail, day-to-day services, and small offices. Vertical mixed-use developments are encouraged, with upper floors including offices, services, or residential uses. Parking should be designed not to be detrimental to the character of the area.

High-Density areas include apartments, condominium buildings, senior housing and special types of group living. These areas may also have integrated amenities for residents, including local parks, community centers, and resident-oriented commercial uses.


61
62
SW APACHE DR
SW 14TH ST
SW STAGECOACH RD
Legend
N
W
E
S
1 inch = 150 feet
PLA21-0017
PROPERTY LINE ADJUSTMENT
LONESOME POND ADD
LOTS 1 & 2 CRETING LOTS 61-62
THE CITY OF
BENTONVILLE

16

Property Line Adjustment

of Lots 1 & 2 of Lonesome Pond Addition Creating Lots 61 & 62

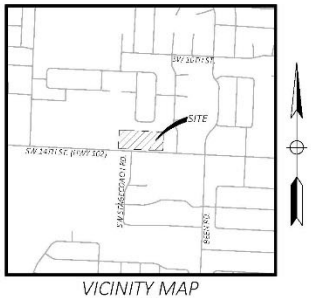
Delaney Property Group, LLC
2900 SW 14th Street
Bentonville, Benton County, Arkansas

GENERAL NOTES:

1. Every document of record reviewed and considered as a part of this survey is noted hereon. Only the documents noted hereon pertain/applies to the surveyor.
2. This plat represents a Property Line Adjustment of the parcel recorded in Deed Records, Book 2005, Page 34730 in the public records of Benton County, Arkansas.
3. The contractor must determine that proposed structures are clear of all boundary lines, easements, and meet building setback requirements before construction begins.
4. Basis of Bearings: NAD83, per GPS observations as established by processing through OPUS.
5. Basis of Elevation: NAVD88, per GPS observations as established by processing through OPUS.
6. Site Benchmark: See Sheet 2 for benchmark information block.
7. This survey is valid only if the drawing includes the seal and signature of the surveyor.
8. This survey is based on a title commitment provided by Fidelity National Title Insurance Company, File Number 20-9257 commissioned by Cox Title & Closing, LLC, Effective Date: January 05, 2021.
9. Declaration is made to the original purchaser of the survey and those listed in the certification for the use of the transaction, only and is not transferable to any additional purchasers or subsequent owners.
10. No attempt was made to show building setback lines graphically on the survey. The assignment, vacation, or orientation of setback lines (when there is no legal right-of-far property condemnation by the local governing jurisdictional agency. Surveyor's determination will be based on the orientation of the building(s) to be constructed as approved.
11. Subsurface and environmental conditions were not examined nor considered a part of this survey.
12. Underground utilities were located by Arkansas one-call ground markings as marked by utility locators and shown hereon, as located by CEI Engineering Associates, Inc. Survey field crews, for utility locations shown hereon are approximate. Of utilities may not have been marked/located by the appropriate locators. No excavation has taken place as of this date to determine the exact location of existing underground utilities shown on this survey.
13. The contractor is advised to contact the 811 One-Call Center before any construction begins, depending on the area there is a possibility of a severe penalty for not making this call. Not all utility companies are members of the One-Call Systems. Therefore the contractor is advised to contact all non-members as well as the One-Call Systems.
14. By vertical map location and graphical plotting only. This property is located in "unshaded Zone "X" which are areas determined to be outside the 0.2% annual chance floodplain, as located by the National Flood Insurance Program, Flood Insurance Rate Map for Benton County, Arkansas.
    Map Number: 05007C0220F
    Map Revised: June 5, 2012
15. No current zoning report or letter regarding zoning classification was provided to the Surveyor. Setbacks shall be per the current zoning district as stated in the most recent City of Bentonville Zoning Code. For more info visit www.bentonvillearkansas.gov or call the Planning Department @ 479-271-3122.
16. Sidewalks shall be the responsibility of the builder/owner at time of building permit issuance.
17. There may not be fences or any other structures built in any drainage easements.
18. Before any work in the right-of-way commences, contractor and or owner is to obtain right-of-way permit from the City of Bentonville Transportation Department.
19. Owner is to contact New Service coordinator (771-3139) to discuss electric service prior to beginning any construction. Failure to contact ASUD prior to construction will result in delays to get electric service.
20. All structures must maintain minimum of 20' clearances from all electric lines.
21. All NEW standard practice is to place underground equipment (primary lines, secondary pedestals, junction boxes, etc.) on the front line of a development. Any deviations to the property lines that result in our equipment not being on the lot line requires the developer to pay for the cost of ASUD to relocate the equipment to the lot line.
22. It is the responsibility of the developer to pay for any cost associated with moving of equipment. This includes but is not limited to any costs associated with, loss of equipment, labor and all/part/and labor and material to move the equipment to the new lot line.
23. Relocation of any existing electrical facilities shall be at the owner's expense.
24. Owner/Developer shall coordinate with all local utilities to insure that each lot has water, sewer and electric service.

REVISION

NO.	DESCRIPTION	DATE
1	1st sub comm.	04/23/21



VICINITY MAP
NOT TO SCALE
Latitude: 36°21'35"N
Longitude: 94°14'35"W

Owners

Parcel #'s 01-31205-000 & 01-31208-000
Millennium Ventures, LLC
P.O. Box 135
Farmington, AR 72730-0135

Certificate of Ownership:

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

Date of Execution: _____

Signed: _____

Name & Address: _____

Print Name: _____

Source of Title: Book 2004, Page 34730

Certificate of Approval:

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

Signed: _____
Bentonville Planning Commission Chairman

Signed: _____
Mayor, City of Bentonville

Signed: _____
City Clerk, City of Bentonville

Parent Tract Description:

Lot 1 & 2 of Lonesome Pond Addition, Bentonville, Benton County, Arkansas, as shown on Plat book 2004 & Page 150.

Survey Description Lot 61:

A part of Lot 1 and a part of Lot 2, Lonesome Pond Addition, to the City of Bentonville, Plat Book 2004, Page 109, in the public records of Benton County, Arkansas and being described by metes and bounds as follows:

BEGINNING at a 5/8" rebar capped LS 1618 found at the south west corner of said Lot 1;
THENCE along the west boundary of said Lot 1, North 00°59'39" East, 331.04 feet to a 5/8" rebar capped LS 1618;
THENCE along the south boundary of Lot 60, Lonesome Pond Subdivision, South 87°16'50" East, 345.28 feet to a set 5/8" rebar capped LS 1618;
THENCE leaving said south boundary, South 02°47'43" West, 291.35 feet to a 5/8" rebar capped LS 1618 set on the north right-of-way of SE 14th Street, per ARDOT Job #502-19;
THENCE along said right-of-way, North 87°13'28" West, 342.51 feet to a found 5/8" rebar capped LS 1618;
THENCE North 87°29'28" West, 10.18, feet to the POINT OF BEGINNING, containing 3.71, 61 square feet or 2.33 acres, more or less.

Survey Description Lot 62:

A part of Lot 2, Lonesome Pond Addition to the City of Bentonville, Plat Book 2004, Page 109, in the public records of Benton County, Arkansas and being described by metes and bounds as follows:

COMMENCING at the south west corner of Lot 1, Lonesome Pond Addition;
THENCE along the north right-of-way of SE 14th Street, per ARDOT Job # 90139, South 87°16'28" East, 107.81 feet;
THENCE continuing along said right of way, South 87°13'28" East, 342.51 feet to a set 5/8" rebar capped with LS 1618 the POINT OF BEGINNING
THENCE leaving said right-of-way, North 02°55'43" East, 291.30 feet to a set 5/8" rebar capped LS 1618;
THENCE along the north boundary of aforementioned Lot 2, South 87°16'50" East, passing the right a 1/2" rebar with cap at a distance of 337.05 feet, continuing for a total distance of 411.97 feet, and a found 1/2" rebar;
THENCE along the east boundary said Lot 2, South 02°22'15" West, 286.00 feet to a aluminum cap found on the aforementioned south right of way;
THENCE along said right of way, North 84°21'48" West, 85.51 feet to a found 5/8" rebar capped LS 1618;
THENCE continuing along said right of way, North 87°13'28" West, 338.05 feet to the POINT OF BEGINNING, containing 95,740 square feet or 2.20 acres, more or less.

Certificate of Surveying Accuracy:

I Dustin Alley, hereby certify that this plat correctly represents a boundary survey made by me and boundary markers and lot corners as shown hereon actually exist and their location, type and material are correctly shown and all requirements of the Arkansas Minimum Standards for Land Surveyors have been met.

Date of Execution: _____

Signed: _____
Registered Land Surveyor
No. 1618
State of Arkansas

CERTIFICATE OF AUTHORIZATION — CEI Engineering Associates, Inc. — No. 118 — EXPIRES: DECEMBER 31, 2021

City of Bentonville Project # PLA21-0017

CEI Solutions for Land and Life

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

© 2021 CEI ENGINEERING ASSOCIATES, INC.

CEI Solutions for Land and Life

CEI ENGINEERING ASSOCIATES, INC.
5109 SW PINNACLE PKWY
BENTONVILLE, AR 72712
PHONE: (479) 273-9732
FAX: (479) 273-9622
CORPORATE T.B.P.E. FIRM #10051500

3030 LBJ FREEWAY, SUITE 1320
DALLAS, TX 75234
PHONE: (972) 466-3337
FAX: (972) 768-9732
BRANCH T.B.P.E. FIRM #: 10194231

Property Line Adjustment
Delaney Property Group, LLC
2900 SW 14th Street
Bentonville, Benton County, Arkansas

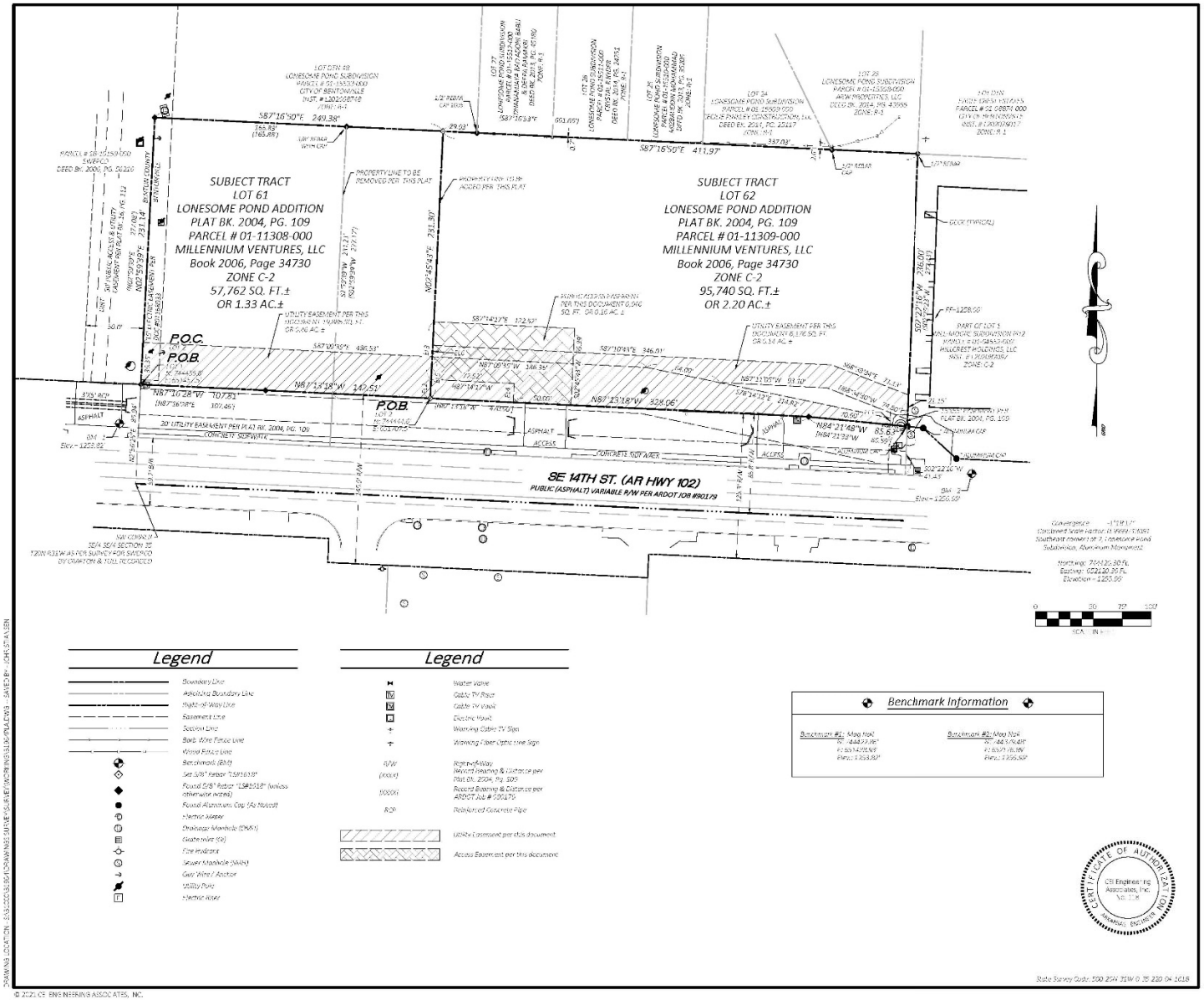
Preliminary
This document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document

PROFESSIONAL OF RECORD	DCB
DESIGNER	JJW
FIELD WORK	KDM
CEI PROJECT NUMBER	21-951
DATE	4/30/2021
REVISION	REV 1

COVER
SHEET TITLE

SHEET NUMBER
1 OF 2

DRAWING, PLANS, COMMERCIAL DESIGN, BUILDING, CONSTRUCTION, SURVEY, ILLUSTRATION



CEI ENGINEERING ASSOCIATES, INC.
3 CENTRAL BUSINESS PKWY
BENTONVILLE, AR 72712
PHONE: (479) 715-4477
FAX: (479) 273-0844
CERTIFICATE OF AUTHORIZATION #1218

SCIC - 3 FREEWAY, STE 300
DALLAS, TX 75234
PHONE: (972) 488-3737
FAX: (972) 488-6755
BRANCH OFFICE # 40-0194234

CEI Solutions for Land and Life

Property Line Adjustment
Delaney Property Group, LLC
2900 SW 14th Street
Bentonville, Benton County, Arkansas

Preliminary
This document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document

PREPARED BY	DRK
DESIGNED	DRK
FIELD WORK	KDM
CEI PROJECT NUMBER	31964
DATE	4/30/2021
REVISION	REV-1

Property Line Adjustment

SHEET TITLE

SHEET NUMBER

2 OF 2

© 2021 CEI ENGINEERING ASSOCIATES, INC.

ORDINANCE NO. _____

AN ORDINANCE ACCEPTING A PROPERTY LINE ADJUSTMENT OF LOTS 61 & 62, LONESOME POND ADDITION TO THE CITY OF BENTONVILLE, ARKANSAS (PROJECT NUMBER: PLA21-0017).

WHEREAS, pursuant to the provisions of the Land Development Code of the Bentonville Municipal Code, the property line adjustment of Lots 61 & 62, Lonesome Pond Addition, of the City of Bentonville, Benton County, Arkansas was submitted to the Bentonville Planning Commission on May 18, 2021; and,

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

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

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

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

Section 1: That the property line adjustment of Lots 61 & 62, Lonesome Pond Addition, to the City of Bentonville, Arkansas, should be and the same is hereby accepted and approved for all purposes.

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

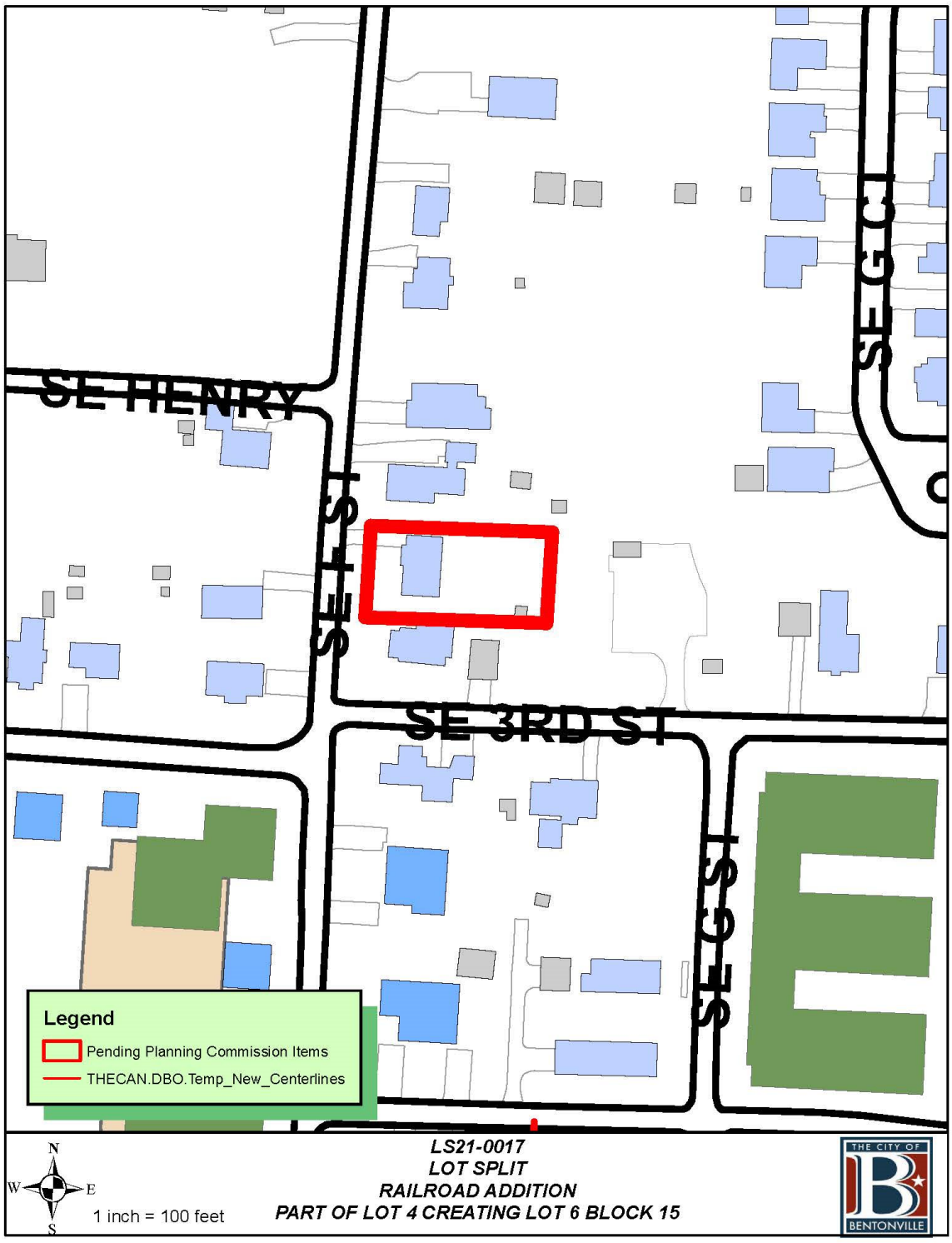
PASSED AND APPROVED this _____day of _____, 2021.

APPROVED:

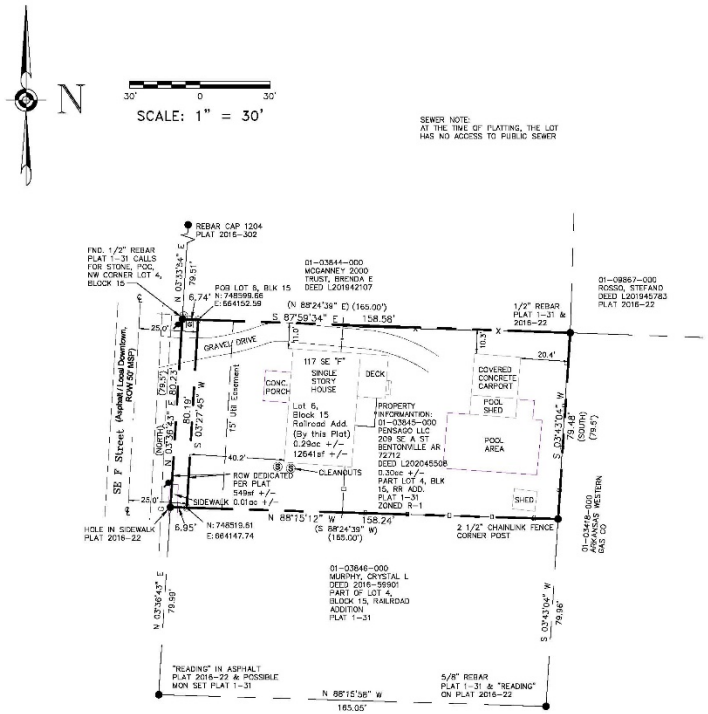
_____
Stephanie Orman, Mayor

ATTEST:

_____
Kirby Romines, City Clerk


SE HENRY
SE 5TH ST
SE 3RD ST
SE 6TH ST
SE 6TH
Legend
Pending Planning Commission Items
THECAN.DBO.Temp_New_Centerlines
N
W
E
S
1 inch = 100 feet
LS21-0017
LOT SPLIT
RAILROAD ADDITION
PART OF LOT 4 CREATING LOT 6 BLOCK 15
THE CITY OF
BENTONVILLE

19



SEWER NOTE:
AT THE TIME OF PLATTING, THE LOT HAS NO ACCESS TO PUBLIC SEWER

DRAINAGE EASEMENT NOTE: THERE MAY NOT BE FENCES OR ANY OTHER STRUCTURES BUILT IN ANY DRAINAGE EASEMENTS.

NOTE: SIDEWALKS SHALL BE THE RESPONSIBILITY OF THE BUILDER/OWNER AT TIME OF BUILDING PERMIT ISSUANCE

ZONING NOTE: ZONED R-1 SETBACKS SHALL BE PER THE CURRENT ZONING DISTRICT AS STATED IN THE MOST RECENT CITY OF BENTONVILLE ZONING CODE. FOR MORE INFO VISIT WWW.BENTONVILLEPLANNING.COM OR CALL THE PLANNING DEPARTMENT @ 479-271-3122.

NOTE: BEFORE ANY WORK IN THE RIGHT-OF-WAY COMMENCES, CONTRACTOR AND OR OWNER IS TO OBTAIN RIGHT-OF-WAY PERMIT FROM THE CITY OF BENTONVILLE TRANSPORTATION DEPARTMENT

NOTE: OWNER/DEVELOPER SHALL COORDINATE WITH ALL LOCAL UTILITIES TO INSURE THAT EACH LOT HAS WATER, SEWER AND ELECTRIC SERVICE.

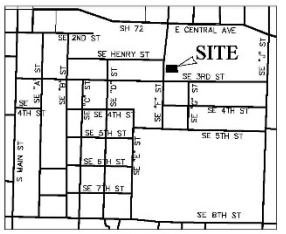
ELECTRIC NOTES:
-OWNER TO CONTACT NEW SERVICE COORDINATOR (271-3139) TO DISCUSS ELECTRIC SERVICE PRIOR TO BEGINNING ANY CONSTRUCTION. FAILURE TO CONTACT BEUD PRIOR TO CONSTRUCTION WILL RESULT IN DELAYS TO GET ELECTRIC SERVICE.

-ALL STRUCTURES MUST MAINTAIN MINIMUM OF 20' CLEARANCES FROM ALL ELECTRIC LINES.

-BEUDS STANDARD PRACTICE IS TO PLACE UNDERGROUND EQUIPMENT (TRANSFORMERS, SECONDARY PEDESTALS, JUNCTION BOXES, ETC) ON THE LOT LINE OF A DEVELOPMENT. ANY ADJUSTMENTS TO THE PROPERTY LINE THAT RESULT IN OUR EQUIPMENT NOT BEING ON THE LOT LINE WILL REQUIRE THE DEVELOPER TO PAY FOR THE COST OF BEUD TO RELOCATE THE EQUIPMENT TO THE LOT LINE.

-IT IS THE RESPONSIBILITY OF THE DEVELOPER TO COORDINATE WITH THE NEW SERVICE COORDINATOR @ 479 271-3139 TO DETERMINE IF EQUIPMENT IS IN CONFLICT.

-IT IS THE RESPONSIBILITY OF THE DEVELOPER TO PAY FOR ANY COSTS ASSOCIATED WITH MOVING OF EQUIPMENT. THIS INCLUDES BUT IS NOT LIMITED TO ANY COSTS ASSOCIATED WITH LOSS OF EQUIPMENT (WIRE AND ELBOWS) AND LABOR AND MATERIAL TO MOVE THE EQUIPMENT TO THE NEW LOT LINE



VICINITY MAP
N.T.S.

Notes:

1. Except as specifically stated or shown on this plat, the survey does not purport to reflect any of the following which may be applicable to the subject real estate:

   Easements, other than possible easements which were visible at the time of making of this survey; building setback lines; restrictive covenants; subdivision restrictions; zoning or other land-use regulations, or any other facts which an accurate and current title search may disclose.
2. Every document of record reviewed and considered as a part of this survey is noted hereon. Only the documents noted hereon were supplied the surveyor.
3. The contractor must determine that proposed structures are clear of all boundary lines, easements, and meet building setback requirements before construction begins.
4. Basis of Bearings/ Elevation: Arkansas State Plane Coordinate system Arkansas-North: Bentonville GPS #1, N 746498.96, E 661629.95, NAVD 88 1789.86, Convergance -01°17'12.64"
5. Subsurface and environmental conditions were not examined nor considered a part of this survey.
6. Declaration is made to the original purchaser of the survey and is not transferable to any additional institutions or subsequent owners.
7. No attempt was made to show building setback lines graphically on the survey.
8. Underground utilities were located by visible above ground markings as marked by utility locators and plans provided by the client shown hereon. All utility locations shown hereon are approximate. All utilities may not have been marked/located by the appropriate locators. No excavation has been place as of this survey to determine the exact location of existing underground utilities shown on this survey
9. (BY GRAPHICAL PLOTTING ONLY)
   Subject property is located within Zone "X", areas determined to be outside 500-year flood plain as determined by the National Flood Insurance Program, flood insurance rate map for City of Bentonville, Arkansas, Benton County, Map Number 05007C0259K. Revised date June 3, 2012.

CERTIFICATE OF OWNERSHIP

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

DATE OF EXECUTION: _____

SIGNED: _____

_____

PRINTED OWNER NAME: _____

SOURCE OF TITLE:
W.D. L202045508

STATE OF ARKANSAS

COUNTY OF _____

SWORN TO AND SUBSCRIBED BEFORE ME THIS DAY OF _____ 20___.

_____
NOTARY PUBLIC SIGNATURE

CERTIFICATE OF SURVEYING ACCURACY

I, GRANT NEVILL, HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A BOUNDARY SURVEY MADE BY ME AND BOUNDARY MARKERS AND LOT CORNERS SHOWN HEREON ACTUALLY EXIST AND THEIR LOCATION, TYPE AND MATERIAL ARE CORRECTLY SHOWN AND ALL MINIMUM REQUIREMENTS OF THE ARKANSAS MINIMUM STANDARDS FOR LAND SURVEYORS HAVE BEEN MET.

DATE:

SIGNED: _____
ARKANSAS LS NO.1636

CERTIFICATE OF AUTHORIZATION
NEVILL SURVEYING, LLC
No. 2383
ARKANSAS

CERTIFICATE OF APPROVAL

PURSUANT TO THE BENTONVILLE SUBDIVISION REGULATIONS AND ALL OTHER CONDITIONS AND APPROVAL HAVING BEEN COMPLETED, THIS DOCUMENT IS HEREBY ACCEPTED. THIS CERTIFICATE IS HEREBY EXECUTED UNDER THE AUTHORITY OF THE SAID RULES AND REGULATIONS.

DATE OF EXECUTION _____

_____
BENTONVILLE PLANNING COMMISSION CHAIR

_____
MAYOR, CITY OF BENTONVILLE

_____
CITY CLERK, CITY OF BENTONVILLE

LEGEND

- MONUMENT FOUND (AS NOTED)
- SET 5/8" REBAR W/CAP (PLS #1636) UNLESS OTHERWISE NOTED
- UTILITY POLE
- WATER METER
- GAS RISER
- SANITARY SEWER CLEANOUT
- WOOD FENCE
- CHAIN LINK FENCE
- OVERHEAD ELECTRIC LINE
- UNDERGROUND GAS LINE
- PROPERTY LINES
- (xxx.xx') RECORD DISTANCE
- (xx°xx'xx") RECORD BEARING

LOT 6, BLOCK 15 SURVEY DESCRIPTION
Part of Lot 4, Block 15 of Railroad Addition, to the City of Bentonville, Benton County, Arkansas and being more particularly described as follows:
Commencing at a found 1/2" rebar at the Northwest corner of said Lot 4, thence S87°59'34"E a distance of 6.74 feet to the Point of Beginning; thence S87°59'34"E a distance of 158.58 feet; thence S03°43'04"W a distance of 79.46 feet; thence N88°15'12"W a distance of 158.24 feet; thence N03°27'45"E a distance of 80.19 feet, to the Point of Beginning and containing 0.29 Acres more or less.

Subject to easements, rights-of-way, and protective covenants of record, if any. Subject to all prior mineral reservations and oil and gas leases.

01-03845-000 Deed Description (L202045508)
The North 79.5 feet of Lot 4, Block 15 of Railroad Addition, to the City of Bentonville, Benton County, Arkansas, also being described as follows: Beginning at the NW corner of said Lot 4, thence N88°24'39"E 165.00 feet; thence South 79.5 feet; thence S88°24'39"W 165.00 feet; thence North 79.5 feet to the point of beginning.

Subject to easements, rights-of-way, and protective covenants of record, if any. Subject to all prior mineral reservations and oil and gas leases.

CITY PROJECT #LS21-0017

500-20N-30W-0-32-440-04-1636

REVISIONS		
NO.	DATE	DESCRIPTION
1.	5/4/21	1ST SUB COMMENTS
2.	5/27/21	

CLIENT:
PENSAGO LLC
209 SE A ST
BENTONVILLE AR 72712

LOT ADJUSTMENT

Part of Lot 4, Block 15, Railroad Addition, To Be Known As Lot 6, Block 15, Railroad Addition, City of Bentonville, Arkansas

PROFESSIONAL LAND SURVEYOR — REGISTERED — GRANT NEVILL — STATE OF ARKANSAS — NO. 1636 — SIGNATURE

SURVEYOR
Nevill Surveying, LLC
705 NW D Street
Bentonville, AR 72712
479-790-7284
edagen@sbcglobal.net

P.I.S:	GEN
CAD:	GEN
FIELD:	MB
FIELD:	GEN
DWG:	21005 split
DATE:	April 11, 2021
SHEET:	1 OF 1

ORDINANCE NO._____

AN ORDINANCE ACCEPTING A LOT SPLIT OF LOT 6, BLOCK 15 OF RAILROAD ADDITION TO THE CITY OF BENTONVILLE, ARKANSAS (PROJECT NUMBER: LS21-0017).

WHEREAS, pursuant to the provisions of the Land Development Code of the Bentonville Municipal Code, the lot split of Lot 6, Block 15 of Railroad Addition, Benton County, Arkansas, was submitted to the Bentonville Planning Commission on May 18, 2021; 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 Lot 6, Block 15 of Railroad Addition to the City of Bentonville, Arkansas, should be and the same is hereby accepted and approved for all purposes.

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

PASSED AND APPROVED this _____ day of _____, 2021.

APPROVED:

_____
Stephanie Orman, Mayor

ATTEST:

_____
Kirby Romines, City Clerk

Amendments to R-2, R-3 and R-4 Districts

PC Date: 5/18/2021
Reviewer: Shelli Kerr, AICP, Comprehensive Planning Manager

Type	Amendment
Code Impacted	Zoning Code
Section(s)	Art. 401 Zoning Regulations

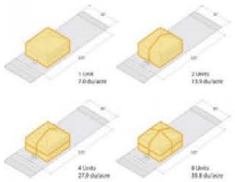
Background

On February 11, 2020 with Ordinance No. 2020-38, City Council approved an ordinance removing density maximum regulations in residential zoning districts. As a result, the R-3 and R-4 are duplicative with the same bulk and area regulations, minimum setbacks, maximum height and allowable land uses, with just two differences:

- The minimum lot width for two-family uses is 70' in R-3 and 65' in R-4, a 5' difference.
- A neighborhood park is allowed in R-3 but not in R-4.

To address the issue, Planning Commission reviewed a proposal on March 16, 2021 to consolidate the R-3 and R-4 districts. At that meeting, public hearing comments suggested that this consolidation would result in Bentonville unable to accommodate a variety of housing types; eliminating a zoning district specific to small-scale multifamily housing. This housing type, often referred to as the "missing middle", includes four-plexes and cottage style developments. The zoning code currently does not provide a reasonable means of developing the housing types promoted in the Community Plan and needed to address Bentonville's increasing housing demand and affordability issues. Examples of the "missing middle" housing types are shown below.







Proposed Changes

Staff recommends the following to accommodate a variety of housing types by amending the R-2 district to allow for smaller lots; R-3 district to allow for small-scale multifamily; and the R-4 district to achieve higher densities.

R-1 LOW DENSITY SINGLE-FAMILY RESIDENTIAL

Effect:

- *Title change is more descriptive with a reference to density as used in the land use plan.*

R-2 MEDIUM DENSITY TWO FAMILY AND TOWNHOME ~~DUPLEX AND PATIO HOME~~ RESIDENTIAL

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-2	Single-family	~~6,000~~ 5,000	-	~~60'~~ 50'	40%	45%
	Two-family	~~7,000~~ 5,000	-	~~70'~~ 50'	50%	55%
	Townhouse unit	~~3,000~~ 2,000	-	~~30'~~ 20'	-	-
	Townhouse structure	~~9,000~~ 6,000	~~3,000~~ 2,000	~~90'~~ 60'	65%	70%
	All others not listed	6,000	6,000	60'	40%	45%

Effect:

- *Aligns with the Medium Density Land Use classification.*
- *Allows for smaller lot sizes.*
- *Title change clearly identifies the primary uses allowed in the district and is more descriptive with a reference to density as used in the land use plan.*
- *Increases the maximum gross density from 14 units/acre to 21 units/acre.*

R-3 MEDIUM-HIGH ~~MEDIUM~~ DENSITY MULTIFAMILY RESIDENTIAL

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-3	Single-family	~~6,000~~ 5,000		~~60'~~ 50'	40%	45%
	Two-family	~~7,000~~ 5,000		~~70'~~ 50'	50%	55%
	Townhouse unit	~~2,500~~ 2,000		~~25'~~ 20'	-	-
	Townhouse structure	~~7,500~~ 6,000	~~2,500~~ 2,000	~~75'~~ 60'	65%	70%
	Multi-family	~~10,000~~ 6,000	~~800~~ 1,500	~~100'~~ 60'	~~50%~~ 65%	~~55%~~ 70%
	All others not listed	10,000	-	100'	50%	55%

- Add a neighborhood park as an allowed use.

Effect:

- *Clear differences from the R-4 High Density district, addressing the current issue of their similarity.*
- *Creates a district specific for the "missing middle" housing concerns by accommodating multiplexes.*
- *Creates a transitional district that could be acceptable in both Medium Density and High Density Land Use classifications, depending on other conditions in the surrounding area.*
- *Increases the lot coverage for multi-family; making it consistent with townhouses.*
- *Allows for smaller lot sizes.*
- *Increases the land area per dwelling unit requirement for multifamily to reduce the number of units that could be accommodated, further designating the district for "missing middle" housing.*
- *Title change clearly identifies the primary use allowed in the district.*
- *Reduces the maximum gross density from 54 units/acre to 29 units/acre.*

R-4 HIGH DENSITY MULTIFAMILY RESIDENTIAL

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~~ 5,000	-	~~65'~~ 50'	50%	55%
	Townhouse unit	~~2,500~~ 2,000	-	~~25'~~ 20'	-	-
	Townhouse structure	~~7,500~~ 6,000	~~2,500~~ 2,000	~~75'~~ 60'	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', 30' when adjacent to single-family	20'	25'

Maximum Height: Increase from 40' to 50'.

Land Use: Remove single family as an allowed use.

Effect:

- *Allows for smaller lot sizes, but eliminates single-family uses in order to function as a high density residential district.*
- *Allows for taller structures, with same height maximum as the DN-4 Downtown Mixed Use Residential district.*
- *Title change clearly identifies the primary land use allowed in the district.*
- *Requires an increased setback when adjacent to single-family uses, in addition to the existing opaque screen requirements between multifamily and single-family uses.*
- *Maintains the maximum gross density of 54 units/acre and allows taller structures.*

Relationship to the Community Plan

The Future Land Use Plan describes Medium Density Residential as townhouse or duplex residential with a density of 8-12 units per acre. The proposed amendment improves the alignment of the R-2 zoning district with the Medium Density Residential land use classification.

The Future Land Use Plan describes High Density Residential as apartments and condominiums 12 units per acre or higher. The proposed amendment retains R-4 aligning with the High Density Residential land use classification.

The R-3 zoning district may be appropriate in either the Medium Density or High Density Residential land use classifications, depending on surrounding conditions.





Medium-Density Residential

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



High-Density Residential

High-density residential areas include apartments, condominium buildings, senior housing, and special types of group living. These areas vary greatly in terms of density depending on scale, but typically have at least 12 units per acre. These areas may also have integrated amenities for residents, including local parks, community centers, and resident-oriented commercial uses.

The amendment also support the residential goal on page 55 of the Community Plan: *1. Provide a variety of housing types that meet the spectrum of demands from Bentonville's diverse population.*

Impact on Existing Properties

- **R-2:** Properties currently zoned R-2 would not be negatively impacted with the proposed changes. In fact, since lot sizes and widths are smaller, it may provide more flexibility in developing those properties.
- **R-3:** Properties currently zoned R-3 (90 properties) should not be negatively impacted for single-family, two-family or townhomes. However, those properties wishing to develop as multifamily may be impacted since the land area per unit requirement is higher. However, required lot sizes decreased while lot coverage increased. This may accommodate the adjustment in land area per unit requirements.

  Properties developed prior to the removal of density requirements would have only been allowed to develop at a density of 12 units per acre, which is significantly below what would be allowed under the proposed regulations. Five properties have been rezoned to R-3 since the density requirement was removed, therefore, they may be impacted slightly more by the proposed changes.
- **R-4**: Properties currently zoned R-4 (13 properties) should not be negatively impacted by the proposed changes. The proposed regulations allow smaller lots and an additional 10' of height which should assist in improving the ability to reach the gross maximum densities available in the R-4 district. However, those adjacent to single-family will have to accommodate a larger setback.

Recommendation

Staff recommends approval of the proposed amendments.

SECTION 1: **AMENDMENT** "Sec 401.02 Classification Of Districts" of the Bentonville Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 401.02 Classification Of Districts

This chapter classifies and regulates the use of land, buildings, and structures within the city limits of Bentonville, Arkansas as hereinafter set forth. For the purpose of promoting the health, safety, and welfare of the inhabitants by dividing the city into zones and regulating therein the use of the land and the use and size of buildings as to height and number of stories, the coverage of land by buildings, the size of yards and open spaces, density of population and location of buildings. Zoning districts shall be designated as follows:

(a) *Agricultural (A) districts.*
  (1) A-1, Agricultural
(b) *Residential (R) districts.*
  (1) R-E, Residential Estate
  (2) R-1, Low Density Single Family Residential
  (3) R-2, Medium Density ~~Duplex and Patio Home~~ Two Family and Townhome Residential
  (4) R-3, Medium-High Density Multifamily Residential
  (5) R-4, High Density Multifamily Residential
  (6) R-MH, Manufactured Home Residential
  (7) R-ZL, Zero Lot Line
  (8) R-O, Residential Office
  (9) R-C2, Central Residential - Moderate Density
  (10) R-C3, Central Residential - High Density
(c) *Downtown Neighborhood (DN) districts.*
  (1) DN-1, Downtown Low-Density Residential
  (2) DN-2, Downtown Medium-Density Residential
  (3) DN-3, Downtown High Density Residential
  (4) DN-4, Downtown Mixed-Use Residential
(d) *Commercial (C) districts.*
  (1) C-1, Neighborhood Commercial
  (2) C-2, General Commercial
  (3) C-3, Central Commercial
(e) *Downtown (D) districts.*
  (1) DC, Downtown Core
  (2) DE, Downtown Edge
(f) *Industrial (I) districts.*
  (1) I-1, Light Industrial
  (2) I-2, Heavy Industrial

(g) *Planned development districts.*

(1) PUD, Planned Unit Development

(2) PRD, Planned Residential Development

(h) *Overlay districts.*

(1) Municipal Airport Overlay District

(2) Northwest Arkansas Regional (XNA) Airport Overlay District

(Code 1994; Ord. No. 99-20, § 1, 2-9-1999; Ord. No. 2003-101, § 1, 6-10-2003; Ord. No. 2006-33, § 1; Ord. No. 2009-50, § 4; Ord. No. 2009-111, § 1; Ord. No. 2012-58, § 2, 7-24-2012; Ord. No. 2016-141, § 2, 10-11-2016; Ord. No. 2018-62, § 6, 3-27-2018)

SECTION 2: **AMENDMENT** "Sec 401.07 Residential (R) Districts Regulations" of the Bentonville Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 401.07 Residential (R) Districts Regulations

(a) *Description and purpose.*

(1) *Residential districts generally*. The target goal of the residential districts is to provide sound, safe, economical, and innovative housing solutions for all citizens of Bentonville. Specific goals of residential districts include:

a. Provisions of adequate space at appropriate locations necessary to create an appropriate mix of housing alternatives for people of all lifestyles;

b. Consideration to site selection and variety of choice;

c. Prevention of congestion as much as possible by regulating population density, activity intensity and extent of building bulk in relation to area land use;

d. Control of structure height to provide light and air access through windows; and

e. Promotion of desirable land use and development in order to protect district character and to conserve land and building value.

(2) *R-E, Residential Estate purpose*. The R-E district is an extremely low density residential district designed to provide for maximum privacy through the use of open spaces, permit the keeping of animals, specifically approved by the planning commission, promote scenic attraction, expand and promote residential alternatives and encourage the development of residential areas most protective of the environment.

(3) *R-1, Low Density Single-family Residential purpose*. 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.

(4) *R-2, Medium Density ~~Duplex and Patio Home~~ Two Family and Townhome Residential purpose*. The R-2 district encourages the basic land use restrictions as the R-1 district. It permits slightly higher density than the R-1 district, with residential and related uses separated from commercial and industrial activity.
   a. Such a district shall encourage and maintain duplex and patio home development at appropriate locations.
   b. The R-2 district should provide areas for the development of two-family residential structures, attached or detached. The district may be located in developed areas or undeveloped areas of the city where an environment compatible with moderate density residential development can be established. Such a district can also be located in medium density areas where conversion may facilitate their continuation as a desirable area.

(5) *R-3, Medium-High Density Multifamily Residential purpose*. The R-3 district is established to provide suitable areas for medium density residential development. Such units would be located in areas where adequate city facilities existed prior to development or would be provided in conjunction with development, and where a suitable environment for medium density residential development would be available. Such districts could be used as buffer or transitional zones between incompatible development districts. Within this district, zero lot line and townhouses are allowed.

(6) *R-4, High Density Multifamily Residential purpose*. 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.

(7) *R-MH, Manufactured Home Residential purpose*. The R-MH district is established to allow and encourage the development of single-family manufactured home subdivisions, manufactured home parks, or placement of manufactured homes on individual lots in a suitable environment.

(8) *R-ZL, Zero Lot Line Residential purpose*. The R-ZL district is a moderate density residential district designed to permit and encourage the development of a variety of dwelling types including "zero lot line" units suitable for a low cost per unit development. To be approved, an R-ZL district must be efficient in the use of land and utilities. It should be considered compatible with other residential uses and may be used to create a transition from purely residential districts to medium and high-density residential zones.

(9) *R-O, Residential Office purpose*. The R-O district is designed primarily to

provide area for offices without limitation to the nature or size of the office, together with community facilities and compatible residential uses. It is further the intent of this district to establish a transition area where the continuation of residential activity is no longer practical between residential and nonresidential uses.

(10) *R-C2, Central Residential—Moderate Density purpose.* The R-C2 district is established to provide moderate density residential development and redevelopment in that area generally referred to as "Downtown", primarily those residential areas beyond the town square and beyond the commercial corridors of SW A Street and S Main Street. The purpose of the district is to stabilize and improve existing residential neighborhoods, encourage infill of available lands, provide a choice of housing types and locations for a variety of lifestyles and economic levels, and encourage traditional urban design. This district is appropriate as a buffer or transitional zone between single-family and higher density residential or commercial districts.

(11) *R-C3, Central Residential—High Density purpose.* The R-C3 district is established to provide high density residential development and redevelopment in that area generally referred to as "Downtown", primarily the areas surrounding the town square and along the commercial corridors of SW A Street and S Main Street. The purpose of the district is to stabilize and improve existing residential neighborhoods, encourage infill of available lands, provide a choice of housing types and locations for a variety of lifestyles and economic levels, and encourage traditional urban design.

(b) *Residential (R) districts lot and area standards.*

(1) *Standards.* The table below establishes minimum residential lot and area standards.

RESIDENTIAL (R) DISTRICTS
LOT AND AREA STANDARDS

District	Building type	Min. Lot area (sq. ft.)	Min. Land area/ Dwelling unit (sq. ft.)	Minimum lot width	Max. lot coverage	
					Interior lot	Exterior/corner lot
R-E	All	87,120 (2 acres)	--	100'	10%	15%
R-1	All	6,000	--	60'	40%	45%
	Single-family	~~6,000~~ 5,000	--	~~60'~~ 50'	40%	45%
	Two-family	~~7,000~~ 5,000	--	~~70'~~ 50'	50%	55%

R-2	Townhouse - unit	~~3,000~~ 2,000	--	~~30'~~ 20'	--	--
	Townhouse - structure	~~9,000~~ 6,000	~~3,000~~ 2,000	~~90'~~ 60'	65%	70%
	All others not listed	6,000	6,000	60'	40%	45%
R-3	Single-family	~~6,000~~ 5,000	--	~~60'~~ 50'	40%	45%
	Two-family	~~7,000~~ 5,000	--	~~70'~~ 50'	50%	55%
	Townhouse - unit	~~2,500~~ 2,000	--	~~25'~~ 20'	--	--
	Townhouse - structure	~~7,500~~ 6,000	~~2,500~~ 2,000	~~75'~~ 60'	65%	70%
	Multi-family	~~10,000~~ 6,000	~~800~~ 1,500	~~100'~~ 60'	~~50%~~ 65%	~~55%~~ 70%
	All others not listed	10,000	--	100'	50%	55%
R-4	~~Single-family~~	~~6,000~~	--	~~60'~~	~~40%~~	~~45%~~
	Two-family	~~7,000~~ 5,000	--	~~65'~~ 50'	50%	55%
	Townhouse - unit	~~2,500~~ 2,000	--	~~25'~~ 20'	--	--
	Townhouse - structure	~~7,500~~ 6,000	~~2,500~~ 2,000	~~75'~~ 60'	65%	70%
	Multi-family	10,000	800	100'	50%	55%
	All others not listed	10,000	--	100'	50%	55%
R-MH	Manufactured home lots	4,500	4,500	50'	30%	35%
	Manufactured home parks	11,000	3,500	60'	30%	35%

	All others not listed	7,000	7,000	65'	40%	45%
R-ZL	Zero lot line	4,000	--	40'	60%	65%
R-O	Single-family	6,000	--	60'	40%	45%
	Two-family	7,000	--	70'	50%	55%
	All others not listed	6,000	6,000	60'	60%	65%
R-C2	Single-family and all others not listed	4,000	--	35', rear access via alley or private drive; 50', no rear access via alley or private drive	--	--
	Two-family Townhome structure - End block	--	2,000	20', rear access via alley or private drive; 25', no rear access via alley or private drive	--	--
R-C3	Single-family	3,000	--	15'	70%	75%
	Two-family	7,000	--	15'	70%	75%
	Townhome structure	--	1,200	15' per unit	No max.	No max.
	Multi-family	--	1,200	No minimum	No max.	No max.
	All others not listed	4,000	--	15'	70%	75%

(2) *Street frontage*. Each lot in R-1, R-2, R-C2 and R-C3 zoning districts shall have a minimum street frontage equal to the minimum lot width required at the building line, except for lots fronting on cul-de-sac turnarounds and on curving street frontages, which must have no less than 20 feet of street frontage with the two side lot lines intersecting the street diverging until they are separated by the minimum required lot width at the building line. Each lot in the remaining residential zoning districts shall have a minimum of 20 feet of street frontage.

(3) *Width of corner lots*. The minimum width for corner lots shall be 75 feet at the building line. The minimum width for corner lots in a manufactured home subdivision shall be 60 feet at the building line.

(4) *Setbacks for zero lot line lots*. One side yard setback must be no less than 12 feet, and the other side yard setback may be 0 feet.

(c) *Residential (R) districts setback standards.*

(1) *Standards*: The table below establishes the minimum residential setback standards.

RESIDENTIAL (R) DISTRICTS
MINIMUM SETBACK STANDARDS

District	Building Type	Front	Side		Rear
			Interior	Exterior	
R-E	All	30'	30'	30'	30'
R-1	All	20'	7'	20'	25'
R-2	All	20'	7'	20'	25'
R-3	All	20'	10'	20'	25'
R-4	All	20'	10'; 30' when adjacent to single-family	20'	25'
R-MH	Manufactured home lots	20'	10'	20'	25'
	Manufactured home park	25'	15'	25'	25'
R-ZL	Zero lot line	20'	12'/0'	20'	25'
	Single-family	20'	7'	20'	25'
	Two-family	20'	10'	20'	25'

R-O	Office with parking in front	50'	10'	50' parking; 20' no parking	25'
	Office w/o parking in front	20'	10'	20'	25'
R-C2	Single-family and all others not listed	20'	7'	20'	15'
	Two-family	20'	7'; 0' where attached	20'	15'
	Townhome structure —End block	10'	7'; 0' where attached	10'	15'
R-C3	Single-family	0'	0'	5'	7'
	Two-family	0'	0'	5'	7'
	Townhome structure	10'	0'	10'	10'
	Multi-family	0'	0'	10'	7'
	All others not listed	0'	7'	5'	7'

(2) *Garages.*

a. *Street facing garage*. The minimum front setback for street facing garages shall be 30 feet from the property line that the garage faces.

b. *Side or rear-loading garage*. The minimum front setback for side- or rear-loading garages shall be 20 feet from the front property line. The minimum garage setbacks apply to attached and detached garages.

c. *Garages in R-C2 and R-C3 districts*. In the R-C2 and R-C3 districts, when a rear alley or rear private drive exists or is platted, a rear-loading garage is required. When no rear alley or rear private drive exists or is platted, a front-loading garage is allowed, but must be pushed toward the rear lot line and must be recessed a minimum of 6 feet from the front façade of the building.

(3) *Easements*. Where a utility easement extends beyond the required setback, the edge of the utility easement shall be the setback.

(d) *Residential (R) districts height standards*. The table below establishes the maximum height allowed in residential (R) districts.

(1) *Standards*.

RESIDENTIAL (R) DISTRICTS HEIGHT STANDARDS	
District	Maximum height allowed
RE, R-1, R-2, R-MH, R-ZL	36'
R-3, ~~R-4,~~ R-C2, R-C3, RO	40'
R-4	50'

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

(3) *Exceptions*. The principal use building or structure may exceed the maximum allowed height when an additional one foot of interior side yard setback is provided for each two feet of additional height. This exception does not apply to zero lot line buildings.

(Code 1994; Ord. No. 99-20, § 1, 2-9-1999; Ord. No. 2003-101, § 1, 6-10-2003; Ord. 2004-63, § 2; Ord. No. 2006-33, § 2-12; Ord. No. 2006-58, §§ 1, 2; Ord. No. 2012-58, § 2, 7-24-2012; Ord. No. 2016-83, § 2, 6-14-2016; Ord. No. 2018-62, § 6, 3-27-2018)

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING CODE OF THE BENTONVILLE MUNICIPAL CODE TO AMEND THE LOT AND SETBACKS FOR THE R-2, DUPLEX AND PATIO HOME DISTRICT, R-3, MEDIUM DENSITY RESIDENTIAL DISTRICT AND R-4, HIGH DENSITY RESIDENTIAL DISTRICT.

WHEREAS, Ordinance No. 2020-38 removed density maximums from zoning district regulations and now zoning district titles that include "density" are misleading; and,

WHEREAS, the R-3 Medium-Density Residential zoning district does not align with the Medium-Density Residential land use classification in the Future Land Use Plan.

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

Section 1. That within this ordinance, except section headings, all underlined text shall be added and strikethrough text shall be deleted.

Section 2. That the Zoning Code shall be and is hereby amended with *Attachment A: R-2, R-3 and R-4 Amendments*, an electronic copy and paper copy of which is on file with the City Clerk, and is hereby adopted by reference as though it were copied herein fully.

Section 3. That **Sec 401.05 Table of Uses for Zoning District** shall be and is hereby amended by adding "*Neighborhood Park*" as an allowed use in the R-4 district and establishing "*Dwelling – Single-Family*" as a prohibited use in the R-4 district.

Section 4. That this Ordinance shall be in full force and effect 30 days from the date of its passage and approval.

PASSED and APPROVED this _____day of _____2021.

Approved:

_____

Mayor Stephanie Orman

ATTEST:

_____

Kirby Romines, City Clerk

Bentonville Academy of Music, LLC

509 SE 6th Street

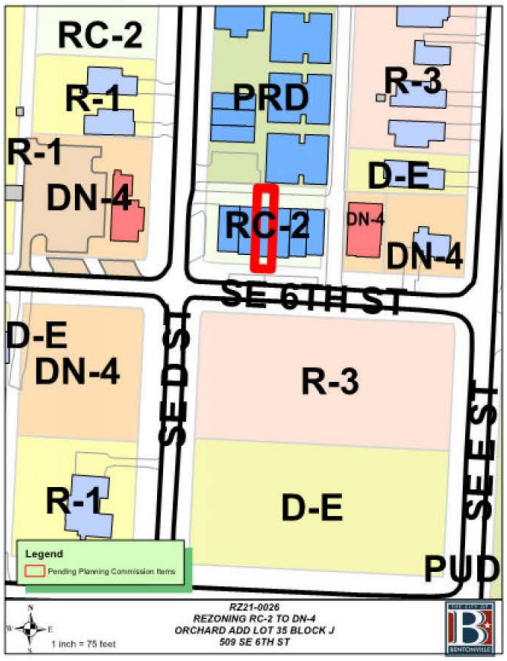
PC Date: 5/18/2021

Reviewer: Tyler Overstreet, AICP, Planning Services Manager

Project Number	RZ21-0026
Applicant/ Current Owner	Bentonville Academy of Music, LLC
Site Area	0.29 Acres
Current Zoning	R-C2, Central Residential - Moderate Density
Requested Zoning	DN-4, Downtown Mixed-Use Residential
Future Land Use Map Designation	Downtown Commercial

https://arcg.is/08HvK8

Location Map



Property Description

This property is located at 509 SE 6th Street. The property is the third unit in a six-unit townhouse structure. Surrounding zoning districts are PRD, Planned Residential Development to the north, RC-2, Central Residential, Moderate Density and R-3, Medium-Density Residential to the south.

Relationship to the Bentonville Community Plan

The Future Land Use Plan currently depicts this property as Downtown Commercial. Downtown Commercial areas include traditional mixed-use developments with a focus on design character and pedestrian access. Properties in these areas should capitalize on pedestrian traffic and street life.

The Downtown Neighborhood Subarea Plan, Downtown Neighborhood "Districts," depicts this property in a mixed-use residential area.

Public Comment

Staff has not received public comment on this rezoning request.

Analysis

According to the applicant's narrative, the intent of the rezoning request is to convert the existing townhome unit into a mixed-use. The future homeowner operates a salon and would like to utilize a portion of the first floor of the home as a two-chair salon. Any changes to the use or scope of the personal services use could require additional permits from the Building and Fire Safety Department.

Conclusion

Planning staff has reviewed this rezoning request. It is consistent with the Community Plan and nearby zoning districts. Staff recommends approval of the proposed rezoning.

509 SE 6th Street

March 29, 2021
To Whom it May Concern,

We are requesting a rezoning for the property located at 509 SE 6th Street, Bentonville. Currently zoned RC-2, we are requesting to change the zoning to DN-4 to better fit the surrounding area. We feel the zoning change creates the highest and best use of the property and allows for creative live/work opportunities, which is especially helpful in today's business climate. The properties located to the East, West and Northeast are zoned DN-4. The property directly south is Austin-Baggett Park. The property just south of the park is zoned DE. The proposed use will be primarily residential with an in-home business component. The Property Owner's Association for the Marsalis Townhome project (which we developed) prohibits any signage other than door clings. Traffic will not be impacted. Appearance will not change from current design. The property is currently built. Water, sewer and electric are all currently in use. Thank you for your consideration!

Todd and Dana Renfrow
Lamplighter Restorations

L20149111 9/17/2019 11:11:01 AM
Brenda DeShields,Circuit Clerk
BENTON CO Circuit Clerk & Recorder

CERTIFICATE OF APPROVAL:

Pursuant to the Bentonville Subdivision Regulations and all other conditions and approval having been completed, this document is hereby accepted. This certificate is hereby executed under the authority of said rules and regulations.

Signed: [redacted]

CERTIFICATE OF OWNERSHIP:

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

[redacted]

Source of Title: D.R. 2015
Page 48227

SURVEYOR'S CERTIFICATE:

I, C. Ed Gray, hereby certify that this plat correctly represents a boundary survey made by me and all monuments shown hereon actually exist and their location, size, type, and material are correctly shown.

Date of Execution: Sept. 16, 2019

[redacted]

State of Arkansas
Registration No. 1002

CERTIFICATE OF AUTHORIZATION
SAND CREEK ENGINEERING AND LANDSCAPE ARCHITECTURE, INC.
No. 385
ARKANSAS - ENGINEER

FLOOD STATEMENT:

(BY GRAPHICAL PLOTTING ONLY)
This property is not located within any presently established 100-year flood plain as determined by the National Flood Insurance Program, flood insurance rate map for Benton County, Arkansas. Map Number 05007C0025K. Revised date September JUNE, 2012.

BENCHMARK:

BOLT BETWEEN THE "E" AND "L" IN THE WORD "MUELLER" ON FIRE HYDRANT
NORTHING: 747171.53'
EASTING: 663325.88'
ELEV: 1311.23

LEGAL DESCRIPTION:

LOT 16, BLOCK "J", ORCHARD ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN ON PLAT RECORD BK. 2016, PG. 327. SUBJECT TO EASEMENTS, RIGHTS-OF-WAYS, AND PROTECTIVE COVENANTS OF RECORD, IF ANY. SUBJECT TO ALL PRIOR MINERAL RESERVATIONS AND OIL AND GAS LEASES, IF ANY

LEGEND

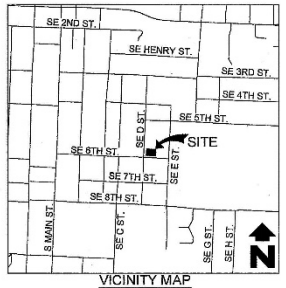
- MONUMENT FOUND (AS NOTED)
- MONUMENT SET (AS NOTED)
- BENCH MARK
- UTILITY POLE
- TELEPHONE RISER
- SIGN
- WATER METER
- WATER VALVE
- FIRE HYDRANT
- SANITARY SEWER
- PROPERTY LINES
- ADJOINING PROPERTY LINE
- CENTERLINE
- EASEMENT LINE
- ASPHALT
- CONCRETE

N

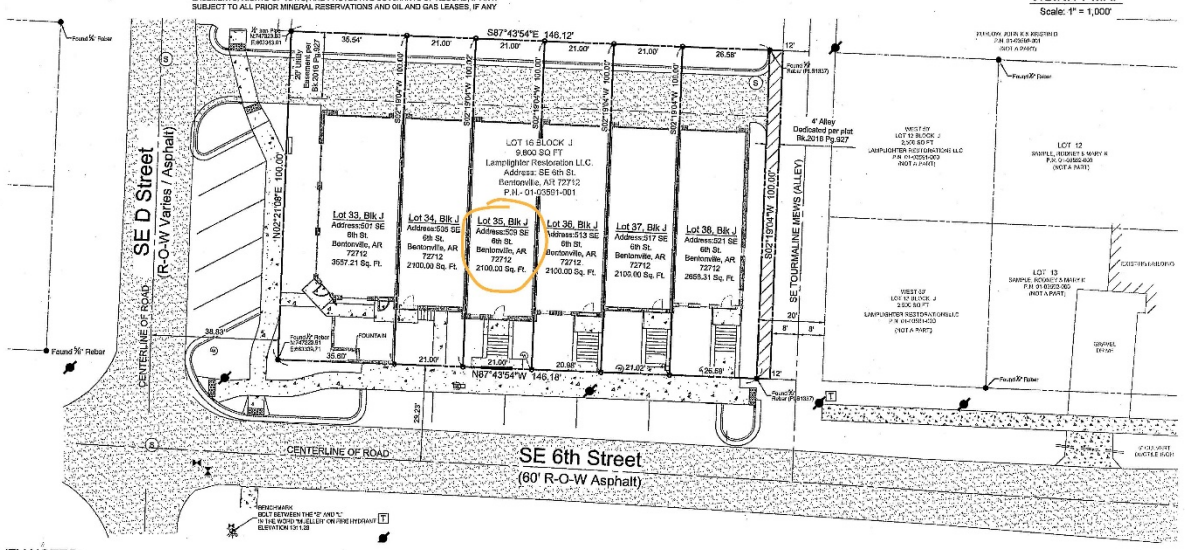
SCALE: 1" = 20'

BASIS OF BEARINGS:

ARKANSAS-NORTH
STATE PLANE GRID
BOLT BETWEEN THE "E" AND "L"
IN THE WORD "MUELLER" ON FIRE HYDRANT
NORTHING: 747171.53'
EASTING: 663325.88'
CONVERGENCE: -01°16'57.72854"



VICINITY MAP
Scale: 1" = 1,000'



SURVEY NOTES:

1. Except as specifically stated or shown on this plat, the survey does not purport to reflect any of the following which may be applicable to the subject real estate:

   Easements, other than possible easements which were visible at the time of making of this survey; building setback lines; restrictive covenants; subdivision restrictions, zoning or other land-use regulations, or any other facts which an accurate and current title search may disclose.
2. Every document of record reviewed and considered as a part of this survey is noted hereon. Only the documents noted hereon were supplied the surveyor.
3. This plat represents a boundary survey of the parcel recorded in Plat Book Records, Book 2015, Page 327 at the courthouse in Benton County, Arkansas.
4. The contractor must determine that proposed structures are clear of all boundary lines, easements, and meet building setback requirements before construction begins.
5. Basis of Bearings: NAD83, State Plane Grid Coordinates, Arkansas North Zone referencing to with Bentonville City Control Monument Number 56.
6. Basis of Elevation: NAVD83, referencing to with Bentonville City Control Monument Number 56.
7. This survey is valid only if the drawing includes the seal and signature of the surveyor.
8. This survey meets current "Arkansas Minimum Standards for Property Boundary Surveys and Plats".
9. No abstract of title, nor title commitment, nor results of title searches were furnished the surveyor. There may exist other documents of record which would affect this parcel.
10. Declaration is made to the original purchaser of the survey and is not transferable to any additional institutions or subsequent owners.
11. Building setbacks for zone R-C2 (Central Residential-Moderate Density) are as follows:

Front	10 Feet
Side(Interior)	07 Feet
Side(R.O.W)	10 Feet
Rear	15 Feet

12. No attempt was made to show building setback lines graphically on the survey. Setback dimensions are based on the orientation of the building(s) to be constructed.
13. Subsurface and environmental conditions were not examined nor considered a part of this survey.
14. No attempt has been made as a part of this boundary survey to obtain or show data concerning existence, size, depth, condition, capacity, or location of any utility or facilities.
15. All areas of asphalt and curb & gutter are in "good" condition unless otherwise noted.
16. Before any work in the Right-of-Way commences, Contractor and or owner is to contact the City of Bentonville Engineering and Transportation Departments and notify said departments on the intent and type of the work that will take place within the Right-of-Way.
17. Owner/Developer shall coordinate with all local utilities to insure that each lot has water, sewer and electric service.
18. Sidewalks shall be the responsibility of the builder/owner at time of building permit issuance.
19. There may not be fences or any other structures built in any drainage easements.

City of Bentonville
Project No.:
LS19-5029

State Filing Code:
500-20N-30W-6-32-430-04-1002

CLIENT:
LAMPLIGHTER RESTORATIONS LLC
639 E. SKY MOUNTAIN DR.
ROGERS AR 72756
PHONE: 479-621-0395
FAX: 479-271-6838

SHEET: LOT SPLIT

PROJECT: Lot 16 of Block J, Orchard Addition to the City of Bentonville, To be known as Lot 33-38 Block J Orchard Addition

REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF ARKANSAS
NO. 1002
C. ED GRAY
9/16/2019

SAND CREEK
Engineering and Land Surveying
Bentonville, Arkansas 479-271-2585

PLR:	JW
CAD:	AF
FIELD:	MJH
SCE PROJECT #:	18033
DATE:	09/12/2019
SHEET:	1 OF 1

Disclaimer: FOR INFORMATIONAL PURPOSES ONLY.
In cases of discrepancy between the information presented here and a city ordinance, the city ordinance will prevail.

DN-4, Downtown Mixed-use Residential

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

Building Types Allowed:

District	Single-family	Two-family	Townhouse		Multi-family		Mixed-use
			Block-end	Mid-block	Block-end	Mid-block	
DN-4	•	•	•	•	•	•	•

Maximum Height Allowed:

District	Single-family	Two-family	Townhouse	Multi-family	Mixed-use
DN-4	40 ft.	40 ft.	40 ft.	50 ft.	50 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-4	Single-family, alley access	4,000	-	40'	50'	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'	50%	55%
	Two-family, no alley access	5,000	-	50'	-	50%	55%
	Townhouse unit	2,000	-	20'	-	-	-
	Townhouse structure	6,000	2,000	60'	-	65%	70%
	Multi-family	8,000	800	80'	-	75%	80%
	Mixed-use and all others not listed	10,000	800	80'	-	75%	80%

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-4	Single-family and Two-family	8'	15'	8'	15'	7'	0'	25'
	Townhouse	8'	15'	8'	15'	10'	0'	25'
	Multi-family	8'	15'	8'	15'	10'	0'	15'
	Mixed-use and others not listed	0'	15'	0'	15'	0', 12'if adjacent to a non mixed-use building	0'	15'

.

Disclaimer: FOR INFORMATIONAL PURPOSES ONLY.
In cases of discrepancy between the information presented here and a city ordinance, the city ordinance will prevail.

DN-4, Downtown Mixed-use 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

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

Disclaimer: FOR INFORMATIONAL PURPOSES ONLY.
In cases of discrepancy between the information presented here and a city ordinance, the city ordinance will prevail.

DN-4, Downtown Mixed-use Residential

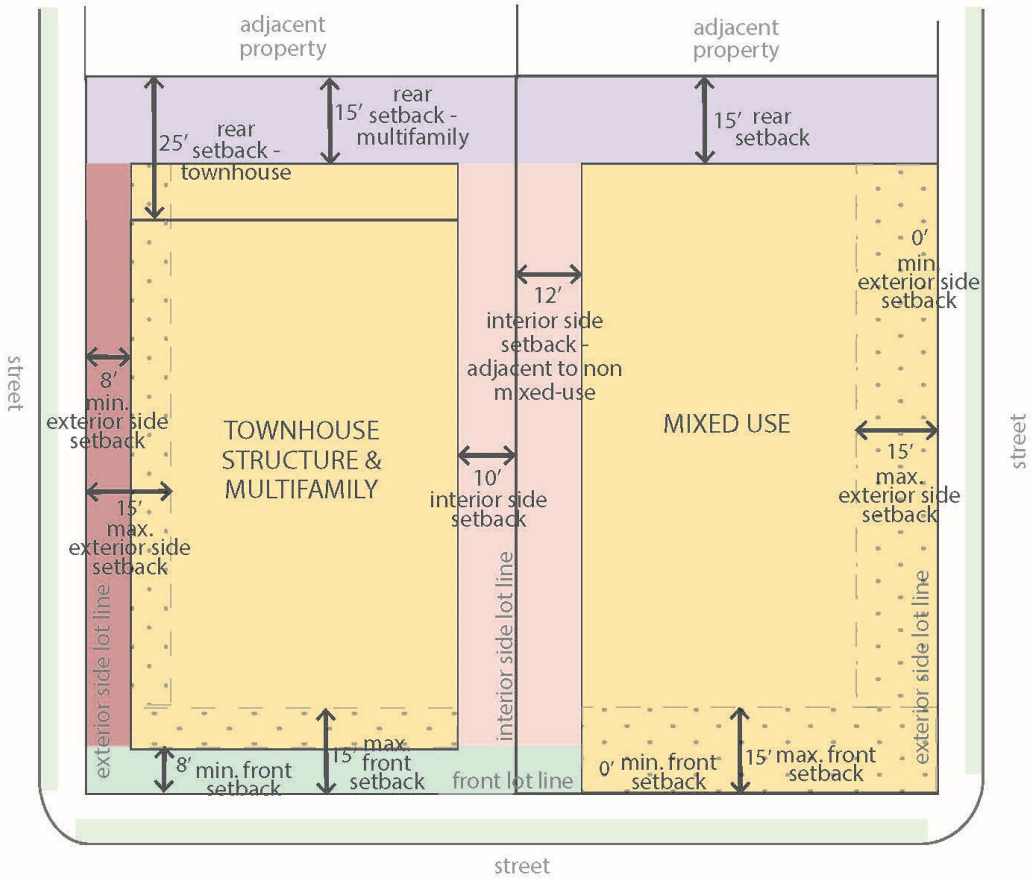
Land Uses:

ALLOWED BY RIGHT	CONDITIONAL	ACCESSORY
Residential Dwelling - condominium Dwelling - modular Dwelling - multi-family Dwelling - multi-family - end block Dwelling - single family Dwelling - townhouse or rowhouse Dwelling - townhouse or rowhouse - end block Dwelling - two-family Residential facility - assisted living **Recreation, Education & Assembly** Park – mini **Services** Child care - residential (4 children) Personal services **Retail** Mobile food vendor	**Agriculture and Animals** Urban farm **Residential** Home occupation - type b **Recreation, Education & Assembly** Cultural studio Educational facility Event center 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 **Retail** Artisan shop Bakery Retail - small scale (≤ 4,000 gsf) **Transportation / Utilities** Utility facility Wireless communication facility (cell towers) **Other** Temporary uses	**Agriculture and Animals** Community garden **Residential** Dwelling - accessory Home occupation - type a **Services** Office - small scale (≤ 4,000 gsf) Medical services – doctor office **Retail** Convenience store that sells beer and/or light wine for off-site consumption Convenience store that sells beer and/or light wine, and spirits for off-site consumption Restaurant Restaurant, microbrewery Sidewalk café in public right-of-way **Transportation / Utilities** Solar energy system Wind energy system, small **Other** Building, accessory - nonresidential
	CONDITIONAL ACCESSORY USE	
	Convenience store that sells beer and/or light wine for off-site consumption within 500' of a city-owned park or trail Convenience store that sells beer and/or light wine, and spirits for off-site within 500' of a city-owned park or trail	

Disclaimer: FOR INFORMATIONAL PURPOSES ONLY.
In cases of discrepancy between the information presented here and a city ordinance, the city ordinance will prevail.

DN-4, Downtown Mixed-Use Residential

Setback Illustration



Updated May 2020
52

ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF R-C2, CENTRAL RESIDENTIAL - MODERATE DENSITY TO DN-4, DOWNTOWN MIXED-USE RESIDENTIAL (PROJECT NUMBER: RZ21-0026).

WHEREAS, Todd Renfrow 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-C2, Central Residential - Moderate Density to DN-4, Downtown Mixed-Use Residential to be used in accordance with city zoning laws and state laws, which property is described as follows:

Lot 32 Block J Orchard Addition to Bentonville, Benton County, AR as shown on Plat Record Book & Page L201949111, 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 May 18, 2021 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-C2, Central Residential - Moderate Density to DN-4, Downtown Mixed-Use 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-C2, Central Residential - Moderate Density to DN-4, Downtown Mixed-Use Residential to be used in accordance with the city zoning laws and state laws.

PASSED AND APPROVED this _____ day of _____, 2021.

APPROVED:

_____
Stephanie Orman, Mayor

ATTEST:

_____
City Clerk

REZONING STAFF REPORT

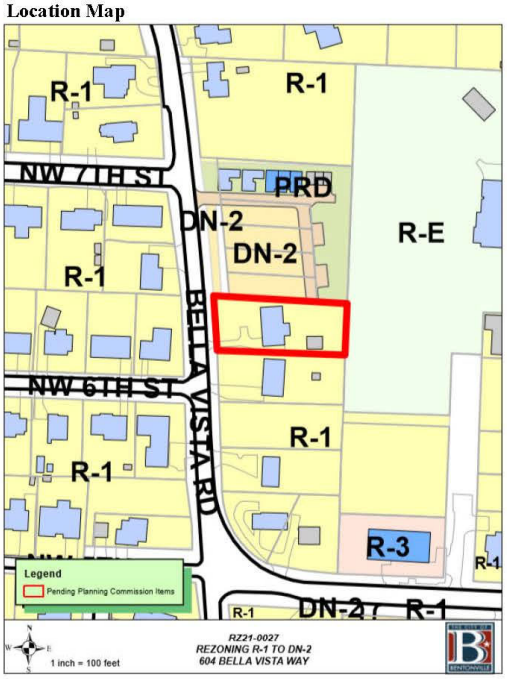
Hurricane WA, LLC

604 Bella Vista Road
PC Date: 5/18/2021
Reviewer: Jon Stanley, APA, ALSA, Senior Planner

Project Number	RZ21-0027
Applicant/ Current Owner	Hurricane WA, LLC
Site Area	0.41 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 at 604 Bella Vista Road; resides in a Medium Density Residential Land Use Area and is and is currently zoned R-1, Single-Family Residential. Adjacent zoning districts are DN-2, Medium Density Residential to the north, R-1, Single-Family Residential to the west, and south and R-E, Residential Estate to the east.

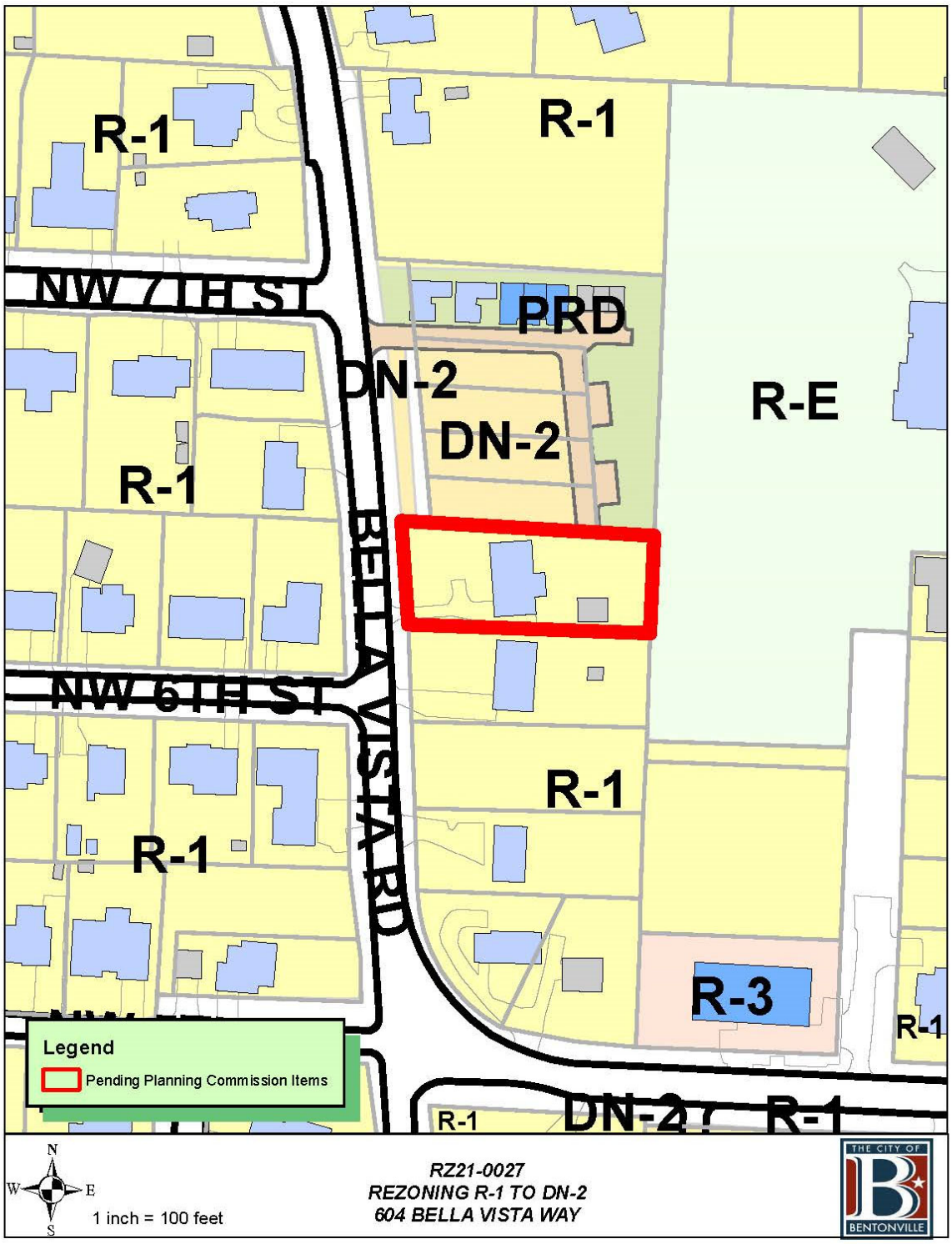
Relationship to the Bentonville Community Plan
The Land Use Plan identifies this area and the surrounding area as Medium-Density Residential. These areas support the DN-2, Downtown Medium-Density Residential classification that allows for single and two-family homes midblock and townhomes at the end of the block. This lot falls within the Priority Area 1, Downtown Intensification. This area highlights reinvestment in urban neighborhoods in and around Downtown Bentonville.

Public Comment
Staff HAS received public comment on this rezoning request.

Analysis
The Master Street Plan depicts a Downtown Collector roadway directly adjacent to the property to the west (Bella Vista Road). Only a single point of access will be allow for this lot onto Bella Vista Road.

Most of the new construction in the area are tear-downs and rebuilds. Vacant infill sites like this request are served by existing infrastructure, provide access to existing transportation systems, support enhanced walkability and mobility, and provide proximity to goods, services, and activities. Through urban infill opportunities downtown, 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, the Future Land Use Plan and surrounding development patterns. Staff recommends approval of the proposed rezoning.


R-1
R-1
NW 7TH ST
PRD
DN-2
R-E
DN-2
R-1
BELLA VISTA RD
NW 6TH ST
R-1
R-1
R-3
R-1
Legend
Pending Planning Commission Items
R-1
DN-2
R-1
N
W
E
S
1 inch = 100 feet
RZ21-0027
REZONING R-1 TO DN-2
604 BELLA VISTA WAY
THE CITY OF
BENTONVILLE

54

JACOBS GROUP

Specializing in Downtown Housing

April 9, 2021

City of Bentonville
305 SW A Street
Bentonville, Arkansas 72712

RE: 604 Bella Vista Rd – Rezoning Request

Dear Planning Staff,

We are requesting that the property located at **604 Bella Vista Rd,** 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.

Sincerely,



Jacobs Group

PO Box 1285

Bentonville, AR 72712

55

NOTICE OF INTENT TO REZONE

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

[ ] to DN 2

The legal description of the property is as follows:

Parcel ID: 01-00472-000
Lot 29 of Mc Andrew & Jackson Addition to Bentonville in Benton CO

The common description of the property is: 1604 Bella Vista Rd, Bentonville, AR 72712

Proposed land use: Residential

The public hearing will be held May 18th 2021 at 4:00 p.m. It will be held at the Bentonville Commmunity Center, 1101 SW Citizens Circle.

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

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

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

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

☑ I / we have no objections to the rezoning.

☐ I / we object to the rezoning because:

_____

_____

_____

[redacted]

Signature and Physical Address

Bentonville, AR
72712

56

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 were 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

57

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

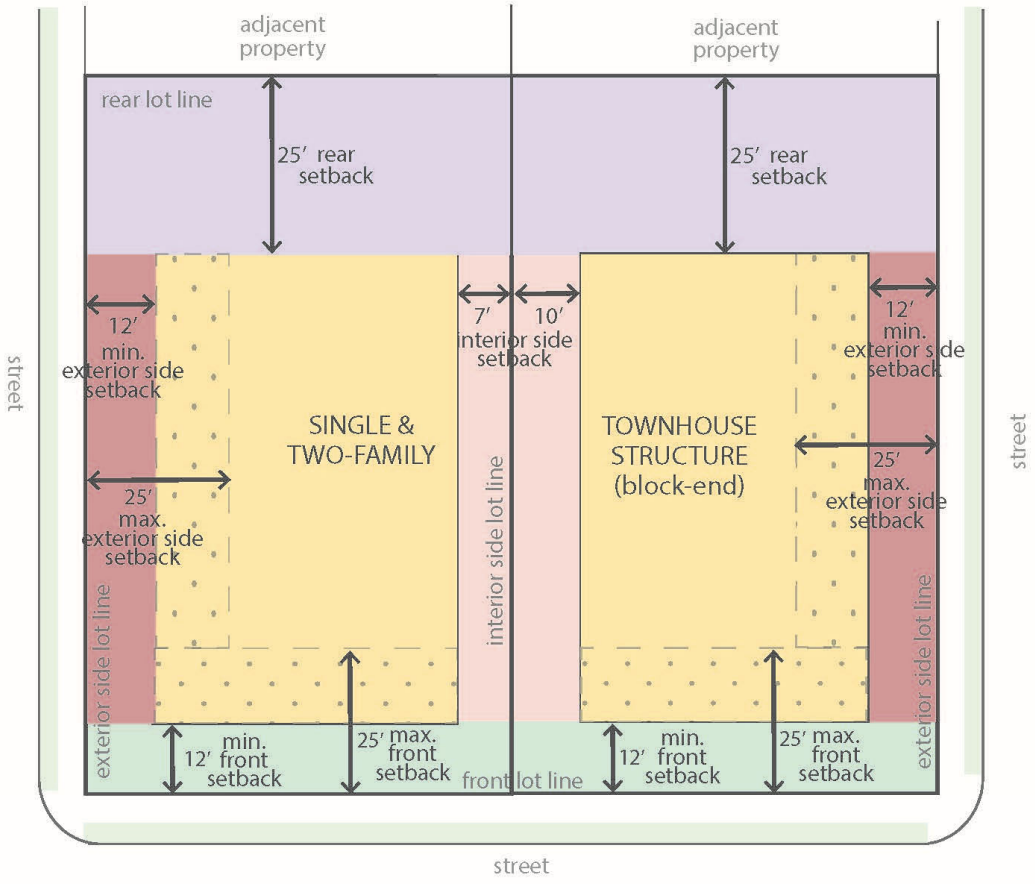
Land Uses:

ALLOWED BY RIGHT	CONDITIONAL	ACCESSORY
Residential Dwelling - modular Dwelling - single family Dwelling - townhouse or rowhouse – end block Dwelling - two-family **Recreation, Education & Assembly** Park - mini Park - neighborhood **Services** Child care - residential (4 children)	**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

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
59

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: RZ21-0027).

WHEREAS, Jacobs Group 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:

A PART OF THE FRL. SE1/4 OF THE NW1/4 AND A PART OF THE FRL. NE1/4 OF THE SW1/4 OF SECTION 30, IN TOWNSHIP 20 NORTH, RANGE 30 WEST, DESCRIBED AS FOLLOWS: BEGINNING AT THE SE CORNER OF LOT 29 OF MCANDREW & JACKSON ADDITION TO BENTONVILLE, RUN THENSE SOUTH 82 ½ FEET; THENCE WEST TO OLD HWY 00; THENCE IN A NORTHWESTERLY DIRECTION WITH SAID HWY TO THE SW CORNER OF SAID LOT 29; THENCE EAST 221 FEET TO THE PLACE OF BEGINNING; and,

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held May 18, 2021 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 _____, 2021.

APPROVED:

_____
Stephanie Orman, Mayor

ATTEST:

_____
Kirby Romines, City Clerk

REZONING STAFF REPORT

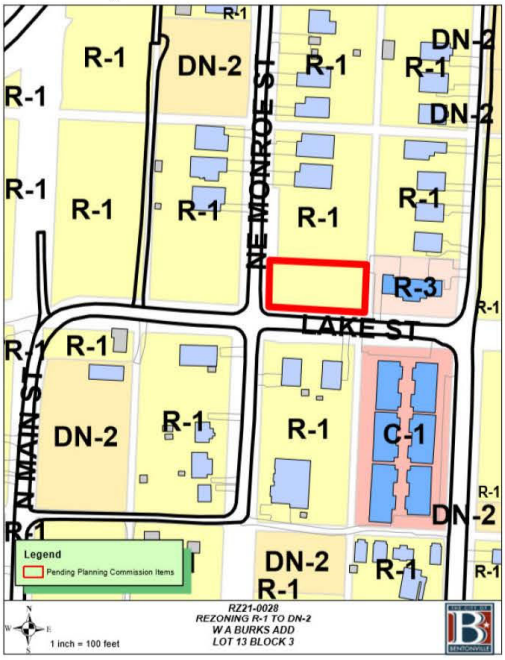
Brewer & Abb

1202 NE Monroe Street
PC Date: 5/18/2021
Reviewer: Jon Stanley, APA, ALSA, Senior Planner

Project Number	RZ21-0028
Applicant/ Current Owner	Brewer & Abb
Site Area	0.26 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 at 1202 NE Monroe Street; resides in a Medium Density Residential Land Use Area and is and is currently zoned R-1, Single-Family Residential. Adjacent zoning districts are R-1, Single-Family Residential to the north, south and west, and R-3, Medium Density Residential to the east.

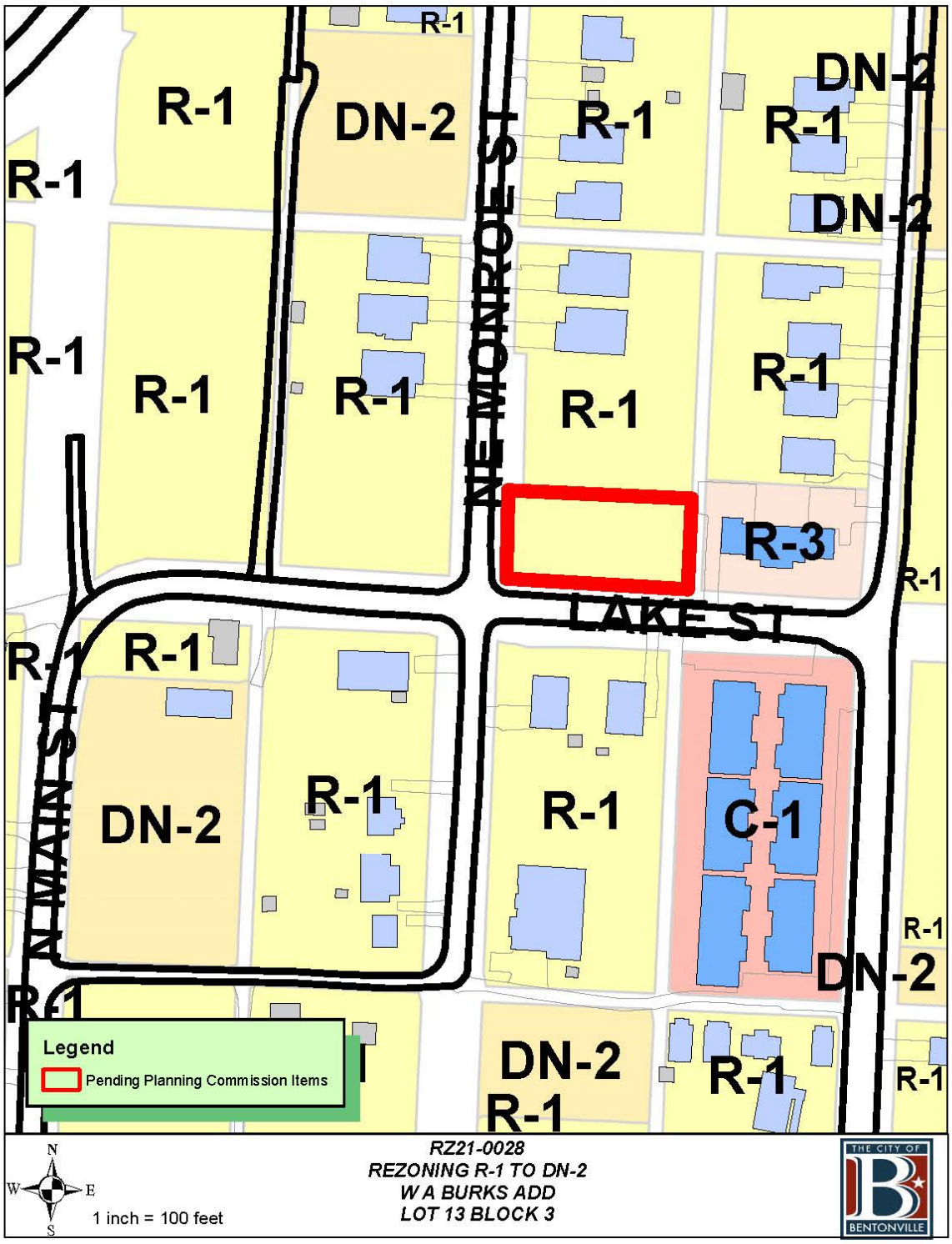
Relationship to the Bentonville Community Plan
The Land Use Plan identifies this area and the surrounding area as Medium-Density Residential. These areas support the DN-2, Downtown Medium-Density Residential classification that allows for single and two-family homes midblock and townhomes at the end of the block. This lot falls within the Priority Area 1, Downtown Intensification. This area highlights reinvestment in urban neighborhoods in and around Downtown Bentonville.

Additionally, Chapter 5, Neighborhoods and Housing, of the Community Plan classifies this area as neighborhood transformation, where existing neighborhoods are experiencing redevelopment due to several factors, including the age or condition of housing, proximity to other amenities, or the cost of the land. Goals within this section include providing various housing types to meet the spectrum of demands from Bentonville's diverse population. The intent is also to improve the character of the existing neighborhoods and ensure that future neighborhoods reflect a compatible and high level of design.

Public Comment
Staff HAS NOT received public comment on this rezoning request.

Analysis
1202 NE Monroe Street is a vacant lot in an area experiencing redevelopment and zoning changes to support a variety of housing options. The area currently supports duplex, single-family, and small-scale apartments. This area will continue to infill new homes on existing vacant lots and redevelop when the existing housing stock has reached the end of use. The overall trend has been infill and redevelopment. Most of the new construction in the area are tear-downs and rebuilds. Vacant infill sites like this request are served by existing infrastructure, provide access to existing transportation systems, support enhanced walkability and mobility, and provide proximity to goods, services, and activities. Through urban infill opportunities downtown, 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, the Future Land Use Plan and surrounding development patterns. Staff recommends approval of the proposed rezoning.


R-1
DN-2
R-1
R-1
DN-2
R-1
DN-2
R-1
R-1
R-1
R-1
R-1
R-1
R-1
R-3
R-1
LAKE ST
NE MONROE ST
MAIN ST
R-1
R-1
R-1
DN-2
R-1
R-1
C-1
R-1
DN-2
R-1
DN-2
R-1
R-1
R-1
Legend
Pending Planning Commission Items
N
W
E
S
1 inch = 100 feet
RZ21-0028
REZONING R-1 TO DN-2
W A BURKS ADD
LOT 13 BLOCK 3
THE CITY OF
BENTONVILLE

61

JACOBS GROUP

Specializing in Downtown Housing

April 9, 2021

City of Bentonville
305 SW A Street
Bentonville, Arkansas 72712

RE: 1202 NE Monroe – Rezoning Request

Dear Planning Staff,

We are requesting that the property located at **1202 NE Monroe,** 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.

Sincerely,



Jacobs Group

PO Box 1285

Bentonville, AR 72712

62

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 were 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

63

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

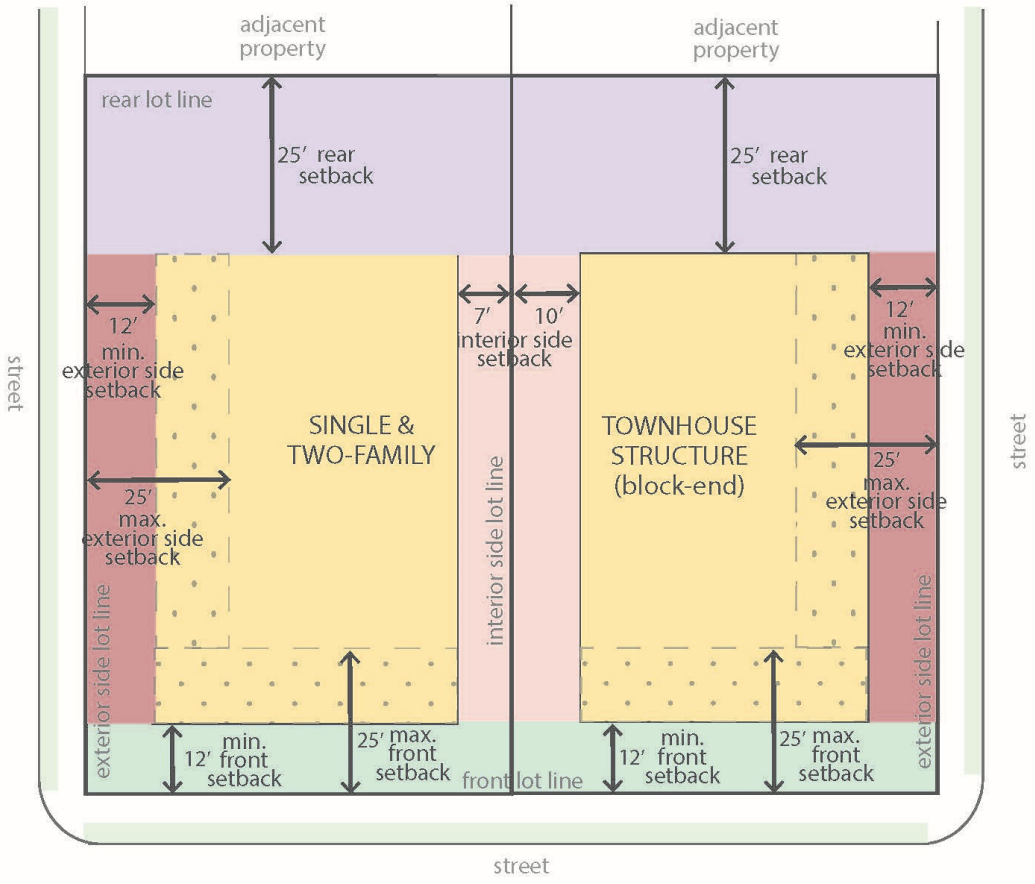
Land Uses:

ALLOWED BY RIGHT	CONDITIONAL	ACCESSORY
Residential Dwelling - modular Dwelling - single family Dwelling - townhouse or rowhouse – end block Dwelling - two-family **Recreation, Education & Assembly** Park - mini Park - neighborhood **Services** Child care - residential (4 children)	**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

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
65

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: RZ21-0028).

WHEREAS, Jacobs Group 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:

Lots 1 & 2 Block 11 W A Burks Addition to Bentonville, Benton County, AR as shown on Plat Record Book "A" Pages 81 & 119, 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 May 18, 2021 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 _____, 2021.

APPROVED:

_____
Stephanie Orman, Mayor

ATTEST:

_____
Kirby Romines, City Clerk

REZONING STAFF REPORT

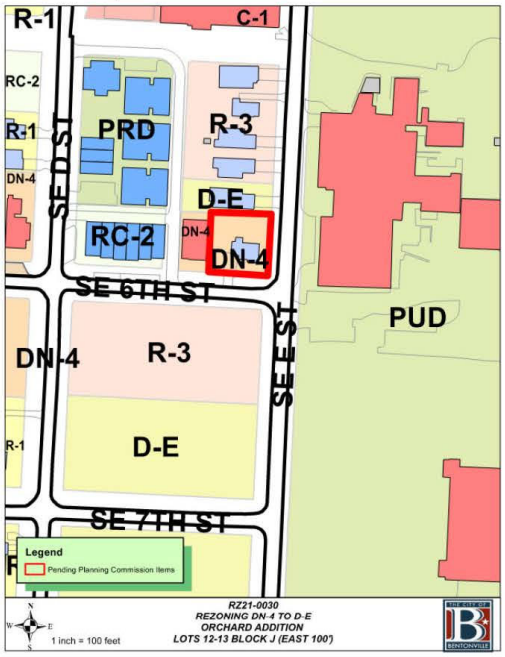
KY Enterprises

527 SE 6th Street
PC Date: 5/18/2021
Reviewer: Elizabeth Johnson, Senior Planner, AICP

Project Number	RZ21-0030
Applicant / Current Owner	KY Enterprises, LLC
Site Area	+/- 0.23 acres
Current Zoning	DN-4, Downtown Mixed-Use Residential
Requested Zoning	DE, Downtown Edge
Future Land Use Map Designation	Downtown Commercial

https://arcg.is/08HvK8

Location Map



Property Description
This property is located on the northwest corner of SE 6th Street, a local downtown street on the Master Street Plan, and SE E Street, a collector downtown street on the Master Street Plan. The property is currently zoned DN-4, Downtown Mixed-Use Residential. Surrounding zoning districts are D-E, Downtown edge to the north, PUD, Planned Unit Development to the west, R-3, Medium Density Residential to the south, and RC-2, Central Residential – Moderate Density to the west.

Relationship to the Bentonville Community Plan
The Future Land Use Plan identifies this area as Downtown Commercial. Downtown Commercial areas include traditional mixed-use developments with a focus on design character and pedestrian access. Properties in these areas should capitalize on pedestrian traffic and street life. The Future Land Use Map and Zoning District Alignment Policy identifies DC, DE, DN-4, and PUD as potentially appropriate zoning districts within the Downtown Commercial Classification.

The property is located within Priority Area 1, Downtown Intensification, as identified in Chapter 4 of the Land Use Plan. This area highlights reinvestment in urban neighborhoods in and around Downtown Bentonville (pg. 44).

The Bentonville Community Plan designates this area as part of the Southeast Downtown Neighborhood Plan Area, which identifies this parcel as appropriate for the DN-4 zoning district.

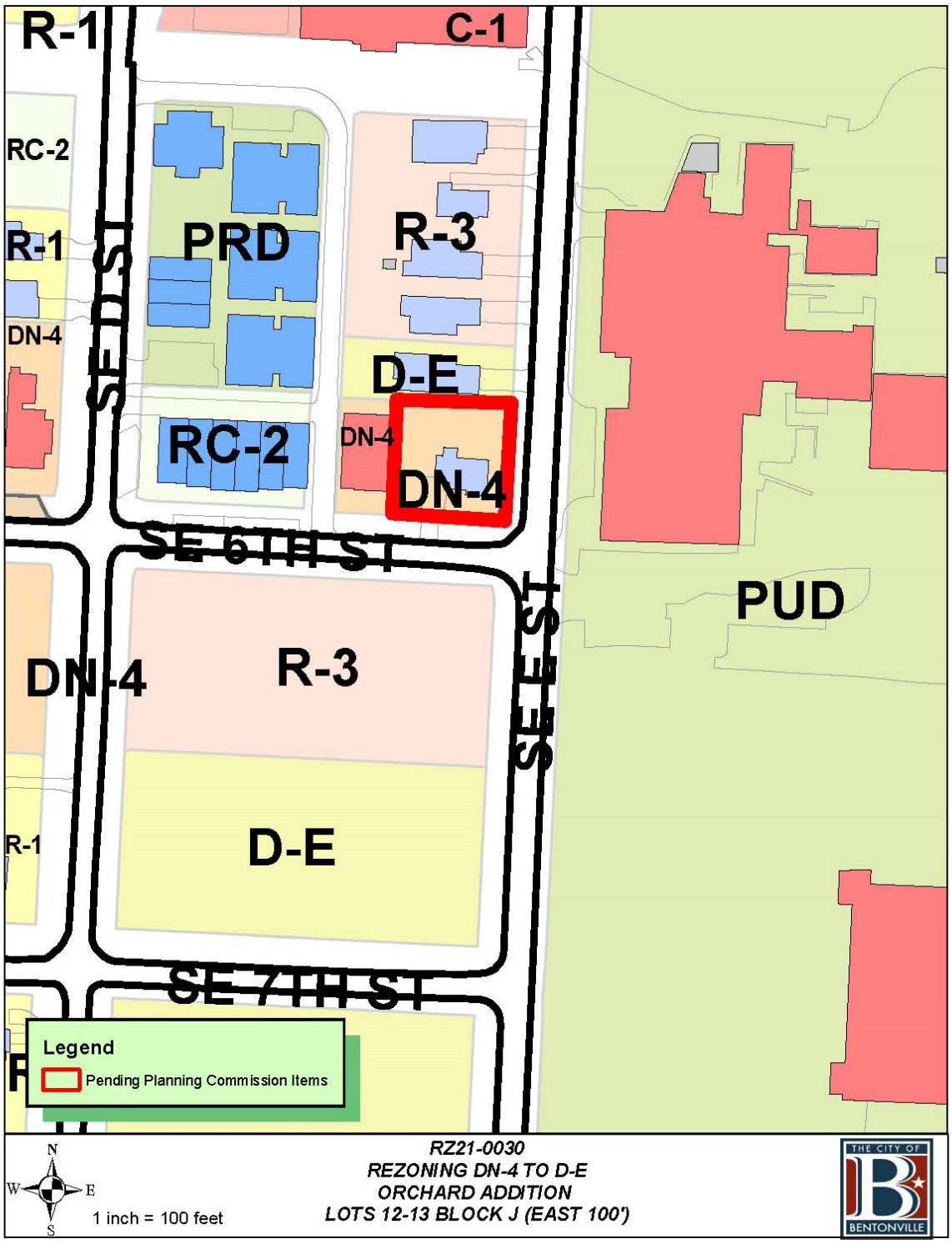
Public Comment
Staff has received public comments in opposition of this rezoning request.

Analysis
The DE, Downtown Edge zoning district definition cites its potential as a transitionary zone between the downtown core and adjacent residential areas. The form and character of structures in the DE district are meant to provide a service-oriented character for surrounding neighborhoods.

Per the applicant's narrative, their intent is to rezone their property in order to obtain smaller setbacks to be able to accommodate utility easements. While this rezoning request is not consistent with the Bentonville Community Plan, it is consistent with the Future Land Use Plan. Additionally, there are many existing DE zoning districts in close proximity to this request, which suggests a transition to more Downtown uses within this area.

Conclusion
This rezoning request aligns with the Future Land Use Map and Zoning District Alignment Policy and is compatible with surrounding land uses.

Staff recommends approval of the rezoning request.


R-1
C-1
RC-2
R-1
PRD
R-3
DN-4
SE D ST
D-E
RC-2
DN-4
DN-4
SE 6TH ST
PUD
DN-4
R-3
SE E ST
R-1
D-E
SE 7TH ST
Legend
Pending Planning Commission Items
N
W
E
S
1 inch = 100 feet
RZ21-0030
REZONING DN-4 TO D-E
ORCHARD ADDITION
LOTS 12-13 BLOCK J (EAST 100')
THE CITY OF
BENTONVILLE

67

Rezone Narrative

Owner: KY Enterprises
Address: 200 SW Chardonnay Blvd.
Bentonville, AR 72712

Current Zoning: DN-4, Downtown Mixed-Use Residential

Proposed Zoning: DE, Downtown Edge

Owner: Kevin Yingst Properties, LLC

Reason for rezone: To better accommodate the proposed building hindered by an electric line along SE 6th Street that requires 20' setbacks resulting in the loss of 14'-0" +/- of building area along the south property line.

How will property relate to surrounding properties: Surrounding Properties are DN-4, West, DE, North, City Park, South, Momentary, PUD, East.

Proposed Use: Mixed use, office and residential.

Traffic: The current city infrastructure is adequate to accommodate the use, however street widening is required by street standards.

Signage: None.

Appearance: Existing home on property will be removed with the intention of building new modern structure that will blend with the surrounding development in style and materials.

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


NEW R.O.W.
NEW RIGHT-OF-WAY
NEW RIGHT-OF-WAY
(50.00')
S02°17'W 100.00'
N87°43'54"W 100.18'
S87°43'54"E 100.12'
N02°19'14"E 100.00'
32.5'
12'
2'
18'
7.66'
8'
8.33'
9'
4.58'
24'
19'
9'
2.72'
25.67'
14.12'
20.08'
9.49'
11.17'
14.41'
4'
7.25'
FIRE HYDRANT
TRANSFORMER PAD
UE

NOTICE OF INTENT TO REZONE

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

DN-4, Downtown Mixed-use Residential to D-E, Downtown Edge

The legal description of the property is as follows:

East 100 feet of Lots 12 and 13, Block J, Orchard Addition, Bentonville, Benton County, Arkansas, as shown in Plat Record "A" at Pages 4 and 89, and in Plat Record "B" at Page 27. (DEED 2014-1516)

The common description of the property is: 527 SE 6th Street

Proposed land use: Mixed use (Office, Residential)

The public hearing will be held May 18th 20 21 at 4:00 p.m. It will be held at the Bentonville Commmunity Center, 1101 SW Citizens Circle.

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

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

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

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

☐ I / we have no objections to the rezoning.

☒ I / we object to the rezoning because:

There is not enough parking available now for the Real Estate Co next door and their agents already take up spaces that residents need infront of Tourmaline

[redacted]

Signature and Physical Address

Unless this business provides their own parking lot I am not in favor of another business on this corner

70

NOTICE OF INTENT TO REZONE

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

R-3, Medium-density Residential to DN-4, Downtown Mixed-use Residential

The legal description of the property is as follows:

Lot 35, Block J of a lot split of lot 16, Block J in Orchard Addition to the City of Bentonville, Benton County, Arkansas as shown on document number L201949111.

The common description of the property is: 509 SE 6th Street Bentonville, AR

Proposed land use: Mixed-use residential

The public hearing will be held May 19 20 21 at 4:00 p.m. It will be held at the Bentonville Commmunity Center, 1101 SW Citizens Circle.

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

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

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

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

☐ I / we have no objections to the rezoning.

☒ I / we object to the rezoning because:

Because running a business out of this location would make parking even harder for residents near by to have available for friends + family to use

[redacted]

Signature and Physical Address

71

Disclaimer: FOR INFORMATIONAL PURPOSES ONLY.
In cases of discrepancy between the information presented here and a city ordinance, the city ordinance will prevail.

DE, Downtown Edge

The Downtown Edge creates an area of transition between the Downtown Core with its retail emphasis and the lower density residential neighborhoods on the outskirts of downtown. This is the area of downtown with the greatest potential for infill and redevelopment. The physical form of structures begins to shift from commercial to residential character with flexibility in use, taking on a more service-oriented character for surrounding neighborhoods. The horizontal and vertical mixed use allows retail, commercial, office and residential uses on all floors. Live/work housing, personal services and small offices are strongly evident in this district. Buildings are spaced closely, but are separated by setbacks.

Primary and Secondary Streets: Developments that face **primary streets** have specific regulations pertaining to the relationship between the building and the street. The designated **primary streets** in the downtown districts are: Central Avenue, SW A Street, SW 8th Street, and S. Main Street. All other streets in the downtown districts shall be considered **secondary streets**.

Minimum Height Required: No minimum

Maximum Height Allowed: 50 feet

Lot and Area Standards:

District	Building type	Lot area		Min. land area /dwelling unit (sq. ft.)	Lot width		Min. lot depth	Lot coverage	
		Min.	Max.		Min. lot width	Max. lot width		Min.	Max.
DE	All	None	None	-	None	None	-	None	80%

Setback Standards:

District	Building type	Front Yard		Side Yard		Rear			
						Adjacent to Residential		Adjacent to Non-residential	
		Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.
DE	Residential	-	20'	7'	-	12'	-	7'	-
	Nonresidential	-	0'	7'	-	12'	-	7'	-

Encroachment Standards:

District	Min. height clearance	Min. setback adjacent to an arterial or collector street	Min. setback adjacent to a downtown residential street
DE	8'	4'	6'

Applied to encroachments such as canopies, awnings and balconies.

Updated 05-03-21

Disclaimer: FOR INFORMATIONAL PURPOSES ONLY.
In cases of discrepancy between the information presented here and a city ordinance, the city ordinance will prevail.

DE, Downtown Edge

ALLOWED BY RIGHT	CONDITIONAL	ACCESSORY
Agriculture and Animals Animal - domestic or household Chicken - hobby Community Garden Greenhouse Plant nursery **Residential** Dwelling - condominium Dwelling - modular Dwelling - multi-family Dwelling - single family Dwelling - townhouse or rowhouse Dwelling - two family **Recreation, Education & Public Assembly** Commercial recreation facility - indoor Commercial recreation facility - outdoor Community Center Cultural studio Library Park - mini Park - neighborhood **Services** Adult day care ATM machine Cemetery or mausoleum Child care - commercial Child care - residential (4 children) Child care - residential (5 – 10 children) Copy facilities Financial institution Governmental services facility Maintenance service Medical services - doctor office Medical services - laboratory Medical services - urgent care clinic Office - small scale (≤ 4,000 gsf) Personal services Postal services Repair services - household **Retail** Artisan shop Bakery Mobile food vendor Outdoor vending - private property Outdoor vending - public right-of-way Retail - small scale (≤ 4,000 gsf) Sidewalk café in public right-of-way	**Agriculture and Animals** Animal clinic Urban farm **Residential** Home occupation - type b **Recreation, Education & Assembly** Aquarium Arena / auditorium Conference / convention center Educational facility Event center Museum Religious facilities **Services** Lodging - bed & breakfast Lodging - hotel / motel Office/warehouse Public safety services **Retail** Bar, lounge or tavern Restaurant **Transportation / Utilities** Parking facility (as principal use) Utility facility Wireless communication facility (cell tower) **Other** Temporary uses	**Residential** Dwelling - accessory Home occupation - type a **Transportation / Utilities** Solar energy system Wind energy system, small **Other** Building, accessory - nonresidential

ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF DN-4, DOWNTOWN MIXED-USE RESIDENTIAL TO DE, DOWNTOWN EDGE (PROJECT NUMBER: RZ21-0030).

WHEREAS, Mike Garrison 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 DN-4, Downtown Mixed-Use Residential to DE, Downtown Edge to be used in accordance with city zoning laws and state laws, which property is described as follows:

East 100 feet of Lots 12 and 13, Block J, Orchard Addition, Bentonville, Benton County, Arkansas, as shown in Plat Record "A" at Pages 4 and 89, and in Plat Record "B" at Page 27. (DEED 2014-1516); and,

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held May 18, 2021 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 DN-4, Downtown Mixed-Use Residential to DE, Downtown Edge.

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 DN-4, Downtown Mixed-Use Residential to DE, Downtown Edge to be used in accordance with the city zoning laws and state laws.

PASSED AND APPROVED this _____ day of _____, 2021.

APPROVED:

_____
Stephanie Orman, Mayor

ATTEST:

_____
Kirby Romines, City Clerk

GENERAL PLAN AMENDMENT STAFF REPORT

Highland, LLC

7048 Vaughn Road

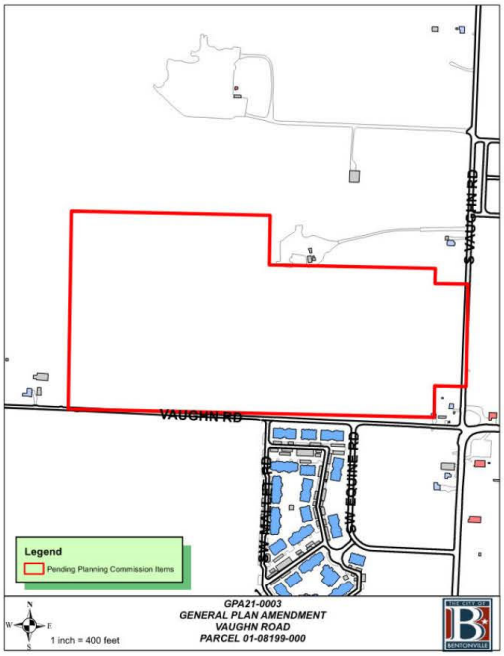
PC Date: 5/18/2021

Reviewer: Elizabeth Johnson, Senior Planner, AICP

Project Number	GPA21-0003
Applicant/ Current Owner	Cynthia H Coughlin
Site Area	+/- 68.42 acres
Current Zoning	A-1, Agricultural
Current Future Land Use Map Designation	Residential Estates (RE)
Requested Future Land Use Map Designation	General Commercial, Mixed Use and High-Density Residential

https://arcg.is/08HvK8

Location Map



Property Description

This property is located at 7048 Vaughn Road and is currently zoned A-1, Agricultural. Adjacent zonings are county land to the north, County land and C-2, General Commercial to the east, C-2, General Commercial, R-4 High Density Residential, and Centerton to the south, and A-1, Agricultural to the west. The Future Land Use Plan designates this property as Residential Estates. Adjacent Land Use Plan designations are Agriculture and Residential Estates to the north, Residential Estates and Mixed-Use Commercial to the east, Mixed-Use Commercial, General Commercial, and High-Density Residential to the south, and Agriculture to the west.

Projected Traffic Impact

Traffic impacts will be assessed at the time of development and shall adhere to the city's Access Management Standards.

Relationship to the General Plan

According to the applicant's narrative, they have no specific plans for this property.

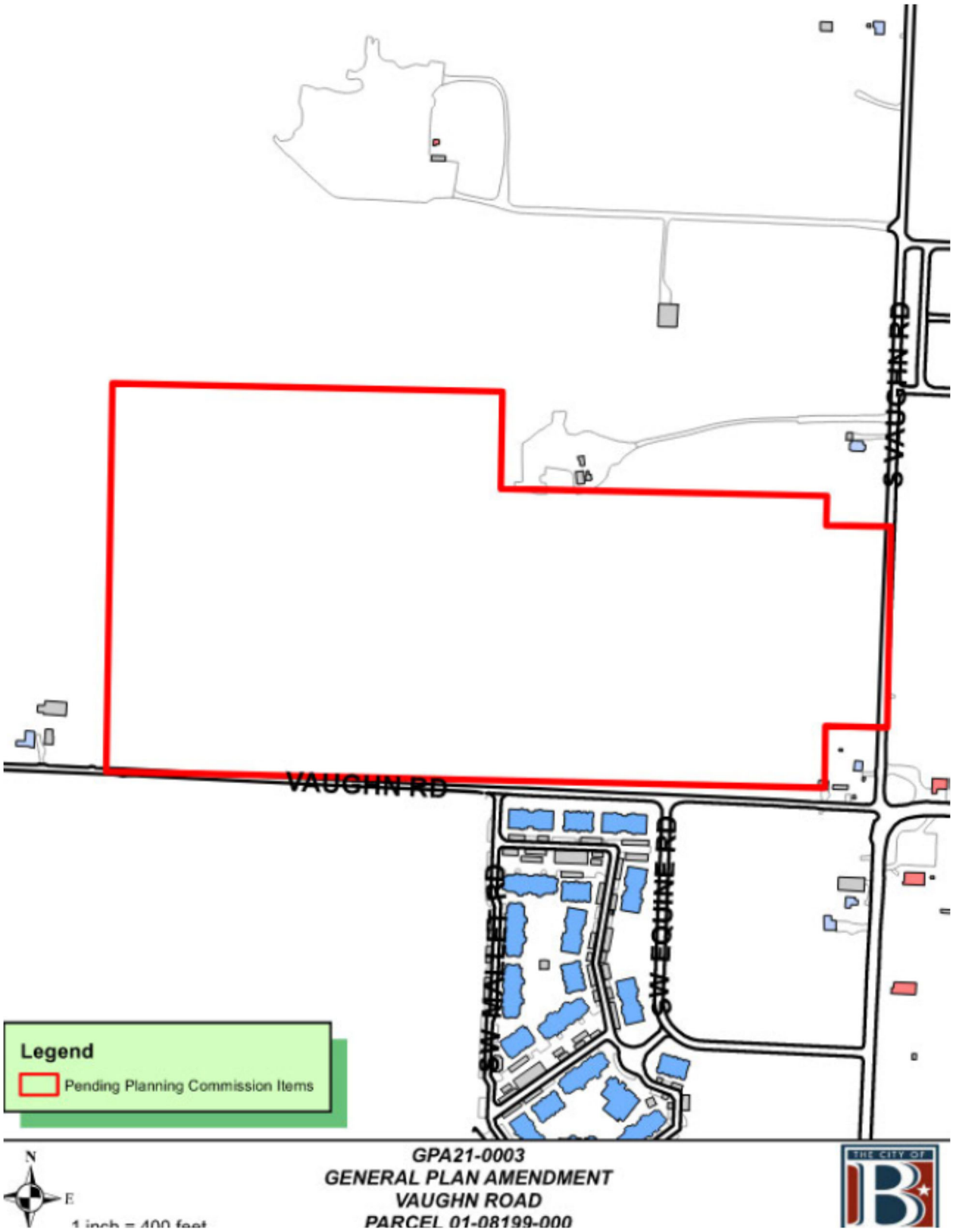
General Commercial areas include uses that serve both nearby residents and those coming from other areas. Appropriate uses in these areas include retail, restaurants, services, and offices. Vertical mixed-use developments are encouraged and the impacts of parking should be minimized.

Mixed-Use Commercial areas include uses that provide goods and services to nearby residents. It could include local retail, day-to-day services, and small offices. Vertical mixed-use developments are encouraged, with upper floors including offices, services, or residential uses. Parking should be designed not to be detrimental to the character of the area.

High-Density areas include apartments, condominium buildings, senior housing and special types of group living. These areas may also have integrated amenities for residents, including local parks, community centers, and resident-oriented commercial uses.

Analysis & Recommendation

The Future Land Use Plan currently depicts a mix of general commercial, mixed-use commercial, residential land use categories at the intersection of SW Regional Airport Boulevard and S Vaughn Road. Staff is support of changing the Future Land Use Plan to show General Commercial from S Vaughn Road to SW Equine Road, Mixed-Use Commercial from SW Equine Road to SW Mallet Road, and High-Density Residential from SW Mallet Road to west edge of the property due to compatibility with surrounding Future Land Use Designations and its ability to provide a transition of less intense uses as the property gets further away from the intersection.


VAUGHN RD
SW MILLER RD
SW EDGEWOOD RD
SW VAUGHN RD
Legend
Pending Planning Commission Items
N
E
1 inch = 400 feet
GPA21-0003
GENERAL PLAN AMENDMENT
VAUGHN ROAD
PARCEL 01-08199-000
THE CITY OF

Crafton Tull

901 N 47th Street, Suite 400
Rogers, AR 72756

479.636.4838 (ph)
479.631.6224 (fax)

May 14, 2021

City of Bentonville
Office of Current Planning
305 SW A Street
Bentonville, AR 72712

RE: General Plan Amendment Request GPA21-0003
Located at the NW corner of S Vaughn Road and SW Regional Airport Blvd. -
Crafton Tull #1111100

Planning Staff,

The property in question, Parcel # 01-08199-00, is currently listed on the Land Use Plan as RE – Residential Estate. Our desire is amend the Land Use Plan to show this parcel in three new categories, General Commercial, Mix Use Commercial and High Density Residential. The latest version of the master street plan shows S Vaughn Road and Vaughn Road / Hwy 12 to both be Arterial Streets. This sets this property up nicely to be a commercial node at what will be a major intersection. Moving from the immediate intersection to the NW the property would set up well for other transition uses to be developed separating any future Residential Estate and Low Density developments that may come to the north and south. Currently around the intersection other parcels are shown as MU, and to the south we can see High Density and General Commercial.

At this time there are no specific plans for the ultimate use of the property. However, if this plan amendment is approved, we will begin working with staff on some ideas we would like to implement.

Overall we feel this request makes good planning sense given the future plans for the roadways and the current and future surrounding uses. We look forward to your review and assessment of our application. Should you have any additional questions or comments, please let us know. We appreciate your time and consideration of this general plan amendment request.

Sincerely,

Barry R. Williams, ASLA
Project Manager

Attachment A: Vaughn Road Land Use Amendment



General Commercial

Future Land Use Plan Category Description

Res. No. 10-23-18A



Description

General commercial areas include uses that serve both nearby residents and those coming from other parts of the city or region. Appropriate uses in these areas include retail, restaurants, services, and offices. Vertical mixed-use developments are encouraged, but are not as high a priority as in mixed-use or downtown commercial areas. General commercial uses should balance access between pedestrians and vehicles, though the impacts of parking should be minimized through site design and landscaping.

78

Mixed-Use Commercial

Future Land Use Plan Category Description

Res. No. 10-23-18A



Description

Mixed-use commercial areas include uses that provide goods and services to nearby residents. Local retail, day-to-day services, and small offices are appropriate in these areas. Vertical mixed-use developments are encouraged in mixed-use commercial areas, with upper floors including offices, services, or residential uses. Parking may be more prominent in these areas than in Downtown commercial areas, but should be sited and designed to not be detrimental to the character of the area.

79

High Density Residential

Future Land Use Plan Category Description

Res. No. 10-23-18A



Description

High-density residential areas include apartments, condominium buildings, senior housing, and special types of group living. These areas vary greatly in terms of density depending on scale, but typically have at least 12 units per acre. These areas may also have integrated amenities for residents, including local parks, community centers, and resident-oriented commercial uses.

RESOLUTION NO. _____

A RESOLUTION ADOPTING REVISIONS TO THE FUTURE LAND USE PLAN FROM RESIDENTIAL ESTATE TO GENERAL COMMERCIAL, MIXED-USE COMMERCIAL, AND HIGH-DENSITY RESIDENTIAL FOR SPEICIFIC AREAS. (PROJECT NUMBER: GPA21-0003).

WHEREAS, Highland, LLC duly filed a petition with the Planning Commission requesting that property commonly described as parcel 01-08199-000 situated in Benton County, Arkansas, be amended from its current Future Land Use Classification of Residential Estate to General Commercial, Mixed-Use Commercial, and High-Density Residential; and,

WHEREAS, the applicant's intended areas for General Plan Amendment are depicted on Attachment A: Vaughn Road Land Use Amendment herein; and,

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held May 18, 2021 at the Bentonville Community Center; 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 future land use class classification as presented on the property be changed.

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

Section 1: That the properties depicted on Attachment A: Vaughn Road Land Use Amendment, are hereby changed from their present land use classification of Residential Estate to General Commercial, Mixed-Use Commercial, and High-Density Residential on the Future Land Use Map.

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

PASSED AND APPROVED this _____ day of _____, 2021.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY CLERK

Agenda Item Form

Date of City Council Meeting	**5/25/2021**
Department	**Planning**
Submitted by	**Ellen Norvell**
Phone	**(479) 271-5993**

Item Type: *(Check All That Apply)*

☐ Budget Adjustment	☐ Change Order	☐ Informational	☑ Ordinance	☐ Resolution	☐ Bid Award

Recommendation/Suggested Action ***(Enter recommendation in space below):***

Appeal to a Planning Commission decision for a rezoning request by the Allen and Veda Kinyon Trustees of land located at 342 SW D Street. A rezoning request from R-1, Single-Family Residential to DN-2, Downtown Medium-Density Residential. The Planning Commission voted 7-0 to recommend to the City Council that the petition be denied and that said property not be rezoned from its present classification of R-1, Single Family Residential to DN-2, Downtown Medium-Density Residential.

Estimated Cost	**$**
Is this Item Budgeted?	☐ Yes ☐ No

If no, please explain how item will be funded ***(briefly explain in space below)*****:**

January 25, 2021

City of Bentonville City Council
117 W. Central Avenue
Bentonville, Arkansas 72712

NOTICE OF APPEAL
(2) REQUEST FOR REZONING FROM R-1 – DN-2
ADDRESS ONE: 342 SW D Street
ADDRESS TWO: 403 SW E Street

To City of Bentonville and the City Council:

My name is Barry Kinyon and I am the applicant for the above highlighted properties requesting rezoning that were on the Planning Commission agenda February 5, 2020. Both zoning requests received unanimous denials by the Planning Commission.

It was my observation and opinion that the Planning Commission's decision was already made before applicant comments were heard. Moreover, one planning commissioner made a reference that the commission was already taking a re-look at the Southwest Quadrant zoning overlay.

The City of Bentonville's DN-2 district for the Southwest Quadrant took **years of planning** and became official by the City of Bentonville **only three years ago - 2018.**

There is a recent undercurrent to stop the DN-2 District overlay.

Whenever the subject properties received notice from a neighbor of their intent to rezone R-1 to DN-2 we have never objected. Including one property that received their zoning request from R-1 to DN-2 that is a stone's throw and on the opposite corner from our subject property at 342 SW D Street.

We have accepted the progressive urban planning that the City of Bentonville overlaid for the Southwest Quadrant and the future development of our properties. We fully agree with the progressive thought envisioned by the planners that allows for a pedestrian way of life, whether it's going to a movie, out to dinner or going to work in the downtown area.

Except for the large historical homes along Central Avenue, the Southwest Quadrant has always been a small home community. Recently however, new purchases and subsequent building of large single-family homes, sometimes taking over two or more lots have taken place.

You must ask yourself who's really stepping out of character for this neighborhood. The new small urban homes on small lots or the new larger homes going in?

It is the responsibility of anyone buying a property in this neighborhood, or any neighborhood for that matter, to do their due diligence during their investigations. To understand the zoning and possibilities that surround them. Especially in a City that is growing by leaps and bounds.

This neglect during their investigations when buying into this neighborhood should not be the cause of undoing the City of Bentonville's initiatives for progressive urban growth planning in the downtown area.

For the two properties in question, the curvature of 4th street, and the way these two properties are both positioned in the neighborhood, **as they are both large endcap lots**, fall directly in-line **and represent showcase examples of the intent** the City of Bentonville planned to create higher density for the enjoyment of urban living. There are no gray areas and there are many lots similar to these that have already been granted DN-2 zoning.

Receiving a no vote at the last Planning Commission hearing should be a concern to the City of Bentonville and their long-term urban growth strategy. There are too many failed examples of this in other high growth cities when low density activism leads to unaffordability and long commutes causing downtown street congestion.

I'm applying to rezone these properties to be in line with the Community Plan for the neighborhood. Any future development will be in harmony with the surrounding neighborhood framework.

I'm respectfully requesting the City Council to approve both requests for re-zoning and not be sent back to the Planning Commission.

[redacted]
Barry Kinyon

REZONING STAFF REPORT

Allen and Veda Kinyon Trustees

403 SW E Street
PC Date: 1/5/2021
Reviewer: Tyler Overstreet, Senior Planner, AICP

Project Number	RZ20-0063
Applicant / Current Owner	Allen and Veda Kinyon Trustees
Site Area	+/- .37 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
342 SW D Street, located northwest of the intersection of SW 4th and SW D Streets, currently contains a single-family home. Adjacent zoning districts are R-1, Single-Family Residential to the north, south, and west, and DN-1, Downtown Low-Density Residential to the east. Further north and south on SW D Street are zoning designations of RC-2, Central Residential – Moderate Density and DN-2, Downtown Medium-Density Residential.

Relationship to the Bentonville Community Plan
The Downtown Neighborhood Subarea Plan of the Bentonville Community Plan depicts this property within a High Density Residential Character Area (p. 135). The Neighborhood Framework model depicted in the plan (p.137) defines High Density Residential Areas as areas immediately adjacent to the Downtown Core and Gateway Corridors, planned for the highest density and range of housing types.

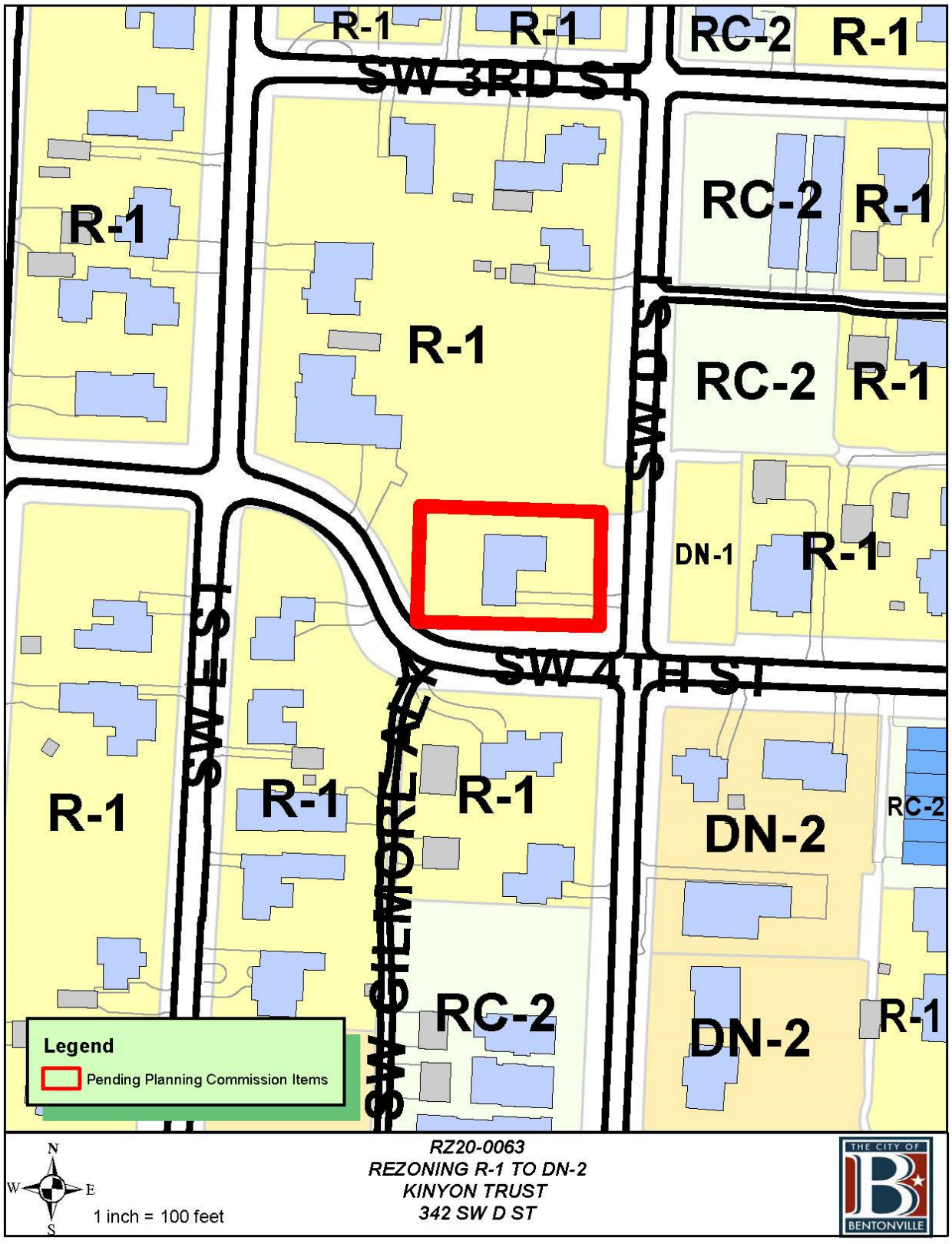
The Future Land Use Map currently depicts this property as Medium-Density Residential. These areas typically include townhouse, duplex, and denser single-family development.

Public Comment
Staff has received public comment on this request.

Analysis
According to the applicant's narrative, the intent of the rezoning request is to pursue similar zoning as other properties in the vicinity; they are unsure of their development plans at this time.

In regard to supported development in the DN-2, Downtown Medium-Density Residential District, the applicant would be allowed to construct townhomes, single-family, or two-family structures. Any future townhome development, however, would require large scale development review and approval to ensure compliance with the Land Development Code. DN-2, with its reduced setbacks and increased lot coverage minimums, also allows for row house style, single-family development like homes on SW D Street to the north and south, which are zoned DN-2 and RC-2 (a close approximation of DN-2).

Conclusion
The Future Land Use Plan, the Downtown Neighborhood Subarea Plan, and the zoning of properties within the vicinity all lend credence to this rezoning request. Staff recommends approval.


R-1
R-1
RC-2
R-1
SW 3RD ST
R-1
RC-2
R-1
R-1
SW D ST
RC-2
R-1
DN-1
R-1
SW 4TH ST
SW E ST
R-1
R-1
R-1
SW 5TH ST
DN-2
RC-2
RC-2
DN-2
R-1
Legend
Pending Planning Commission Items
N
W
E
S
1 inch = 100 feet
RZ20-0063
REZONING R-1 TO DN-2
KINYON TRUST
342 SW D ST
THE CITY OF
BENTONVILLE

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: RZ20-0063).

WHEREAS, Allen & Veda Kinyon Trustees 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:

31-20-30-BENTONVILLE 31-20-30 0.37 Acres PART OF OUT LOT 23 OF THE NW/4 OF THE NE/4 OF SECTION 31 TOWNSHIP 20 NORTH, RANGE 30 WEST, OF THE FIFTH PRINCIPAL MERIDIAN, BENTONVILLE, BENTON COUNTY, ARKANSAS. MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SE CORNER OF LOT 12 OF BLOCK 5 OF CLARKS SECOND ADDITION TO THE CITY OF BENTONVILLE, ARKANSAS, BEING A FOUND IRON PIN AS SHOWN ON PLAT "G" PAGE 21, THENCE S 00'II "30" W 40.58 FEET FOR THE POINT OF BEGINNING, BEING A FOUND IRON PIN.; and,

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held January 5, 2021 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 that the petition be denied and that said property not be rezoned from its present classification of R-1, Single Family Residential to DN-2, Downtown Medium-Density Residential.

WHEREAS, the owners of said property appealed the Planning Commission decision to the City Council, and the City Council voted to approve the petition 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 _____, 2021.

APPROVED:

_____
Stephanie Orman, Mayor

ATTEST:

_____
Kirby Romines, City Clerk

Agenda Item Form

Date of City Council Meeting	**5/25/2021**
Department	**Planning**
Submitted by	**Ellen Norvell**
Phone	**(479) 271-5993**

Item Type: *(Check All That Apply)*

☐ Budget Adjustment	☐ Change Order	☐ Informational	☑ Ordinance	☐ Resolution	☐ Bid Award

Recommendation/Suggested Action ***(Enter recommendation in space below):***

Appeal to a Planning Commission decision for a rezoning request by the Allen and Veda Kinyon Trustees of land located at 403 SW E Street. A rezoning request from R-1, Single-Family Residential to DN-2, Downtown Medium-Density Residential. The Planning Commission voted 7-0 to recommend to the City Council that the petition be denied and that said property not be rezoned from its present classification of R-1, Single Family Residential to DN-2, Downtown Medium-Density Residential.

Estimated Cost	**$**
Is this Item Budgeted?	☐ Yes ☐ No

If no, please explain how item will be funded ***(briefly explain in space below)*****:**

January 25, 2021

City of Bentonville City Council
117 W. Central Avenue
Bentonville, Arkansas 72712

NOTICE OF APPEAL
(2) REQUEST FOR REZONING FROM R-1 – DN-2
ADDRESS ONE: 342 SW D Street
ADDRESS TWO: 403 SW E Street

To City of Bentonville and the City Council:

My name is Barry Kinyon and I am the applicant for the above highlighted properties requesting rezoning that were on the Planning Commission agenda February 5, 2020. Both zoning requests received unanimous denials by the Planning Commission.

It was my observation and opinion that the Planning Commission's decision was already made before applicant comments were heard. Moreover, one planning commissioner made a reference that the commission was already taking a re-look at the Southwest Quadrant zoning overlay.

The City of Bentonville's DN-2 district for the Southwest Quadrant took **years of planning** and became official by the City of Bentonville **only three years ago - 2018.**

There is a recent undercurrent to stop the DN-2 District overlay.

Whenever the subject properties received notice from a neighbor of their intent to rezone R-1 to DN-2 we have never objected. Including one property that received their zoning request from R-1 to DN-2 that is a stone's throw and on the opposite corner from our subject property at 342 SW D Street.

We have accepted the progressive urban planning that the City of Bentonville overlaid for the Southwest Quadrant and the future development of our properties. We fully agree with the progressive thought envisioned by the planners that allows for a pedestrian way of life, whether it's going to a movie, out to dinner or going to work in the downtown area.

Except for the large historical homes along Central Avenue, the Southwest Quadrant has always been a small home community. Recently however, new purchases and subsequent building of large single-family homes, sometimes taking over two or more lots have taken place.

You must ask yourself who's really stepping out of character for this neighborhood. The new small urban homes on small lots or the new larger homes going in?

It is the responsibility of anyone buying a property in this neighborhood, or any neighborhood for that matter, to do their due diligence during their investigations. To understand the zoning and possibilities that surround them. Especially in a City that is growing by leaps and bounds.

This neglect during their investigations when buying into this neighborhood should not be the cause of undoing the City of Bentonville's initiatives for progressive urban growth planning in the downtown area.

For the two properties in question, the curvature of 4th street, and the way these two properties are both positioned in the neighborhood, **as they are both large endcap lots**, fall directly in-line **and represent showcase examples of the intent** the City of Bentonville planned to create higher density for the enjoyment of urban living. There are no gray areas and there are many lots similar to these that have already been granted DN-2 zoning.

Receiving a no vote at the last Planning Commission hearing should be a concern to the City of Bentonville and their long-term urban growth strategy. There are too many failed examples of this in other high growth cities when low density activism leads to unaffordability and long commutes causing downtown street congestion.

I'm applying to rezone these properties to be in line with the Community Plan for the neighborhood. Any future development will be in harmony with the surrounding neighborhood framework.

I'm respectfully requesting the City Council to approve both requests for re-zoning and not be sent back to the Planning Commission.

[redacted]
Barry Kinyon

REZONING STAFF REPORT

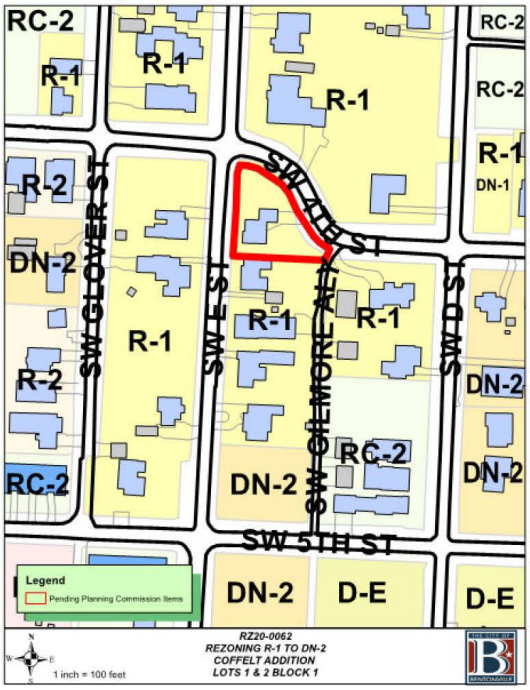
Allen and Veda Kinyon Trustees

403 SW E Street
PC Date: 1/5/2021
Reviewer: Tyler Overstreet, Senior Planner, AICP

Project Number	RZ20-0062
Applicant / Current Owner	Allen and Veda Kinyon Trustees
Site Area	+/- .32 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
403 SW E Street, located southeast of the intersection of SW 4th and SW E Streets, currently contains a single-family home. The parcel contains two lots, Lots 1-2, Block 1 of Coffelt Addition. Adjacent zoning districts are R-1, Single-Family Residential to the north, south, east, and west. The Future Land Use Map depicts property to the north, south, east, and west as Medium-Density Residential.

Relationship to the Bentonville Community Plan
The Downtown Neighborhood Subarea Plan of the Bentonville Community Plan depicts this property within a High Density Residential Character Area (p. 135). The Neighborhood Framework model depicted in the plan (p.137) defines High Density Residential Areas as areas immediately adjacent to the Downtown Core and Gateway Corridors, and plan for the highest density and range of housing types.

The Future Land Use Map currently depicts this property as Medium-Density Residential. These areas typically include townhouse, duplex, and denser single-family development.

Public Comment
Staff has received public comment on this request.

Analysis
According to the applicant's narrative, the intent of the rezoning request is to pursue similar zoning as other properties in the vicinity; they are unsure of their development plans at this time.

In regard to supported development in the DN-2, Downtown Medium-Density Residential District, the applicant would be allowed to construct townhomes, single-family, or two-family structures. Any future townhome development, however, would require large scale development review and approval to ensure compliance with the Land Development Code. DN-2, with its reduced setbacks and increased lot coverage minimums, also allows for row house style, single-family development, like homes on SW D Street a block to the east.

The vicinity map included within this packet reflects a number of recent rezoning actions in proximity of this request. DN-2 zoned property can be seen on SW Glover Street, SW D Street, and SW E Street, between SW 4th and SW 5th Streets.

Conclusion
The Future Land Use Plan, the Downtown Neighborhood Subarea Plan, and the zoning of properties within the vicinity all lend credence to this rezoning request. Staff recommends approval.


RC-2
R-1
R-1
R-1
RC-2
RC-2
R-1
DN-1
R-2
SW GLOVER ST
SW 4TH ST
DN-2
R-1
R-1
SW L ST
SW ELMORE ALY
SW O ST
R-2
R-1
DN-2
RC-2
RC-2
DN-2
DN-2
SW 5TH ST
Legend
Pending Planning Commission Items
DN-2
D-E
D-E
N
W
E
S
1 inch = 100 feet
RZ20-0062
REZONING R-1 TO DN-2
COFFELT ADDITION
LOTS 1 & 2 BLOCK 1
THE CITY OF
BENTONVILLE

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: RZ20-0062).

WHEREAS, Allen & Veda Kinyon Trustees 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'S 1 & 2, BLOCK 1 COFFELT ADDITION TO BENTONVILLE, BENTON COUNTY, AR AS SHOWN ON PLAT RECORD BOOK "A" PAGE 91, 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 January 5, 2021 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 that the petition be denied and that said property not be rezoned from its present classification of R-1, Single Family Residential to DN-2, Downtown Medium-Density Residential.

WHEREAS, the owners of said property appealed the Planning Commission decision to the City Council, and the City Council voted to approve the petition 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 _____, 2021.

APPROVED:

_____
Stephanie Orman, Mayor

ATTEST:

_____
Kirby Romines, City Clerk

Agenda Item Form

Date of City Council Meeting	**5/25/2021**
Department	**Engineering**
Submitted by	**Tracy Billings**
Phone	**696-0229**

Item Type: Public Hearing and Ordinance

☐ Budget Adjustment	☐ Change Order	☑ Informational	☑ Ordinance	☐ Resolution	☐ Bid Award

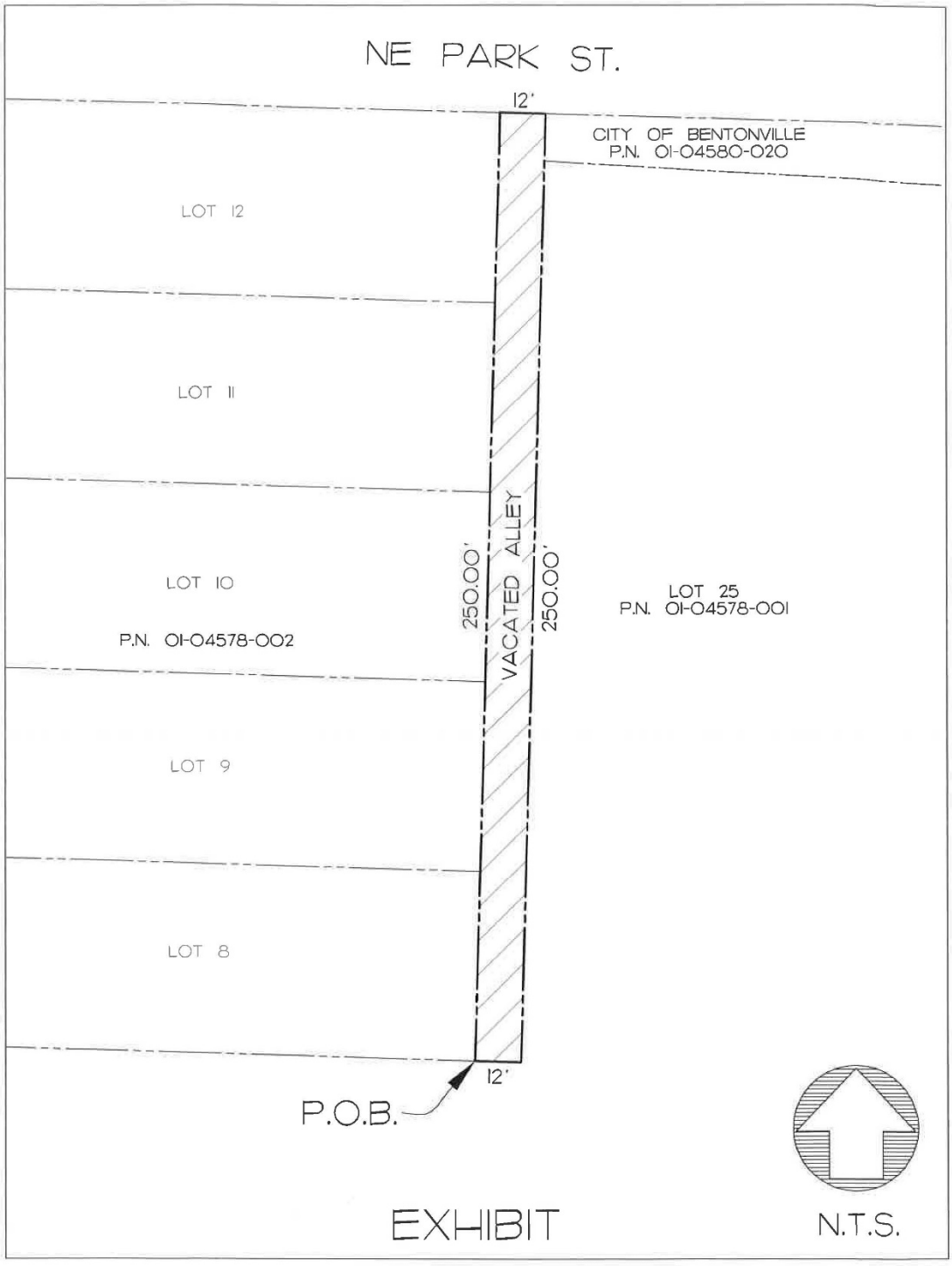
Recommendation/Suggested Action ***(Enter recommendation in space below):***

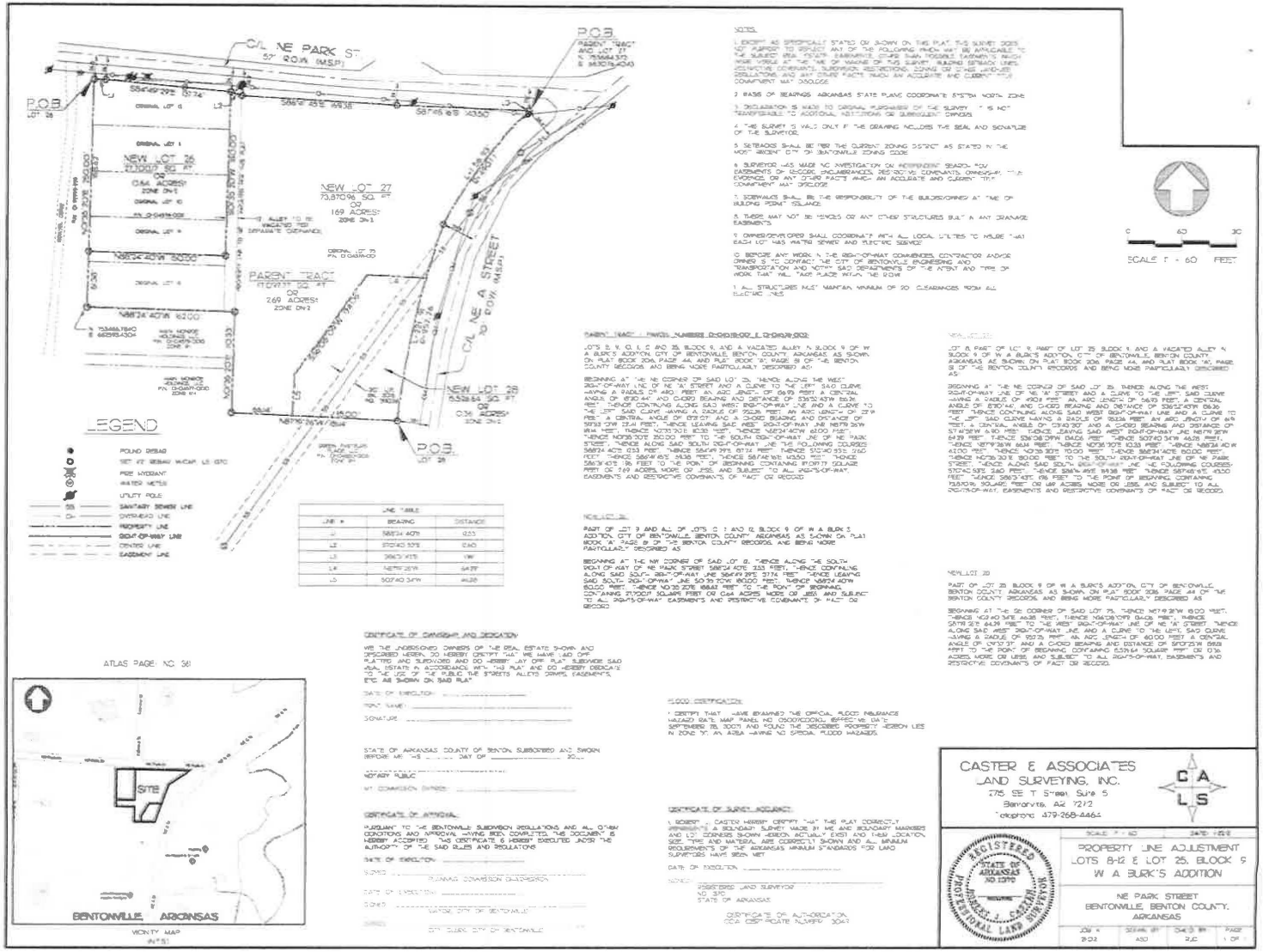
Public hearing and ordinance vacating an Alley Right of Way at Lot 25 of W.A. Burk's Addition (21-0008).

Estimated Cost	**$**
Is this Item Budgeted?	☐ Yes ☐ No

If no, please explain how item will be funded ***(briefly explain in space below)*** **:**


Easement Vacations
Representation: THECAN.DBO.Easement_Vacations_Rep
Alley Vacation
NE PARK ST
NE MONROE ST
FILLMORE ST
NE A ST
28
29
30
17
16
6A
4
3
2
1
14
13
26
24
23
22
21
20
19
18
17
16
15
14
12
11
10
9
8
7
6
5
4
3
2
25
17A
16A
15A
14A
13
8
4
3
2
1 inch = 78 feet
VAC21-0008
Proposed Alley Vacation
NE Park St


NE PARK ST.
12'
CITY OF BENTONVILLE
P.N. 01-04580-020
LOT 12
LOT 11
LOT 10
P.N. 01-04578-002
LOT 9
LOT 8
250.00'
VACATED ALLEY
250.00'
LOT 25
P.N. 01-04578-001
12'
P.O.B.
EXHIBIT
N.T.S.



NOTES:

1. EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN VISIBLE FASEMENTS IN USE WHICH ARE AT THE TIME OF MAKING OF THIS SURVEY, BUILDING SETBACK LINES, RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS, ZONING OR OTHER LAND-USE REGULATIONS, AND ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE COMMITMENT MAY DISCLOSE.

2. BASIS OF BEARINGS ARKANSAS STATE PLANE COORDINATE SYSTEM NORTH ZONE.

3. DECLARATION IS MADE TO ORIGINAL PURCHASERS OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONAL OR SUBSEQUENT OWNERS.

4. THIS SURVEY IS VALID ONLY IF THE DRAWING INCLUDES THE SEAL AND SIGNATURE OF THE SURVEYOR.

5. SETBACKS SHALL BE PER THE CURRENT ZONING DISTRICT AS STATED IN THE MOST RECENT CITY OF BENTONVILLE ZONING CODE.

6. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP, TITLE EVIDENCE, OR ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE COMMITMENT MAY DISCLOSE.

7. SIDEWALKS SHALL BE THE RESPONSIBILITY OF THE BUILDER/OWNER AT TIME OF BUILDING PERMIT ISSUANCE.

8. TREES MAY NOT BE REMOVED OR ANY OTHER STRUCTURES BUILT IN ANY DRAINAGE EASEMENTS.

9. OWNER/DEVELOPER SHALL COORDINATE WITH ALL LOCAL UTILITIES TO ENSURE THAT EACH LOT HAS WATER SEWER AND ELECTRIC SERVICE.

10. BEFORE ANY WORK IN THE RIGHT-OF-WAY COMMENCES, CONTRACTOR AND/OR OWNER IS TO CONTACT THE CITY OF BENTONVILLE ENGINEERING AND TRANSPORTATION AND NOTIFY SAID DEPARTMENTS OF THE INTENT AND TYPE OF WORK THAT WILL TAKE PLACE WITHIN THE ROW.

11. ALL STRUCTURES MUST MAINTAIN MINIMUM OF 10' CLEARANCES FROM ALL ELECTRIC LINES.

PARENT TRACT - PARCEL NUMBERS 01-04819-002 & 01-04819-003:

LOTS 5, 6, 7, 8, 9, 10, C, AND 35, BLOCK 9, AND A VACATED ALLEY IN BLOCK 9 OF W A BURK'S ADDITION, CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS AS SHOWN ON PLAT BOOK 2016, PAGE 44, AND PLAT BOOK "A", PAGE 91 OF THE BENTON COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE NE CORNER OF SAID LOT 35; THENCE ALONG THE WEST RIGHT-OF-WAY LINE OF NE "A" STREET AND A CURVE TO THE LEFT SAID CURVE HAVING A RADIUS OF 480.1 FEET, AN ARC LENGTH OF 69.73 FEET, A CENTRAL ANGLE OF 8°19'44", AND CHORD BEARING AND DISTANCE OF S36°52'43"W 69.67 FEET; THENCE CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE AND A CURVE TO THE LEFT SAID CURVE HAVING A RADIUS OF 952.39 FEET, AN ARC LENGTH OF 27.19 FEET, A CENTRAL ANGLE OF 1°38'01", AND A CHORD BEARING AND DISTANCE OF S30°53'09"W 27.41 FEET; THENCE LEAVING SAID WEST RIGHT-OF-WAY LINE N87°19'26"W 181.41 FEET; THENCE N03°13'01"E 81.38 FEET; THENCE N89°24'40"W 60.00 FEET; THENCE N03°35'20"E 350.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF NE PARK STREET; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE THE FOLLOWING COURSES S88°24'40"E 17.53 FEET; THENCE S86°49'39"E 81.74 FEET; THENCE S10°40'33"E 21.62 FEET; THENCE S88°41'45"E 241.38 FEET; THENCE S87°46'16"E 43.50 FEET; THENCE S86°41'40"E 196 FEET TO THE POINT OF BEGINNING CONTAINING 21.7002 SQUARE FEET OR 0.69 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF FACT OF RECORD.

NEW LOT 26

BEING A REPLAT OF LOTS 9 AND ALL OF LOTS C, 1 AND 10, BLOCK 9 OF W A BURK'S ADDITION, CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS AS SHOWN ON PLAT BOOK "A" PAGE 91 OF THE BENTON COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS

BEGINNING AT THE NW CORNER OF SAID LOT 10; THENCE ALONG THE SOUTH RIGHT-OF-WAY OF NE PARK STREET S88°24'40"E 233 FEET; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE S86°49'39"E 51.74 FEET; THENCE LEAVING SAID SOUTH RIGHT-OF-WAY LINE S03°35'20"W 180.00 FEET; THENCE N88°24'40"W 80.00 FEET; THENCE N03°35'20"E 88.88 FEET TO THE POINT OF BEGINNING CONTAINING 21,700.01 SQUARE FEET OR 0.66 ACRES MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF FACT OF RECORD.

NEW LOT 27

LOT 9, PART OF LOT 8, AND PART OF LOT 35, BLOCK 9, AND A VACATED ALLEY IN BLOCK 9 OF W A BURK'S ADDITION, CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS AS SHOWN ON PLAT BOOK 2016, PAGE 44, AND PLAT BOOK "A", PAGE 91 OF THE BENTON COUNTY RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE NE CORNER OF SAID LOT 35, THENCE ALONG THE WEST RIGHT-OF-WAY LINE OF NE "A" STREET AND A CURVE TO THE LEFT SAID CURVE HAVING A RADIUS OF 480.1 FEET, AN ARC LENGTH OF 54.93 FEET, A CENTRAL ANGLE OF 6°51'46", AND CHORD BEARING AND DISTANCE OF S36°52'43"W 54.90 FEET; THENCE CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE AND A CURVE TO THE LEFT SAID CURVE HAVING A RADIUS OF 952.39 FEET, AN ARC LENGTH OF 41.74 FEET, A CENTRAL ANGLE OF 2°30'57", AND A CHORD BEARING AND DISTANCE OF S31°38'39"W 41.73 FEET; THENCE LEAVING SAID WEST RIGHT-OF-WAY LINE N87°19'26"W 64.78 FEET; THENCE N03°13'01"E 81.38 FEET; THENCE N89°24'40"W 60.00 FEET; THENCE N03°35'20"E 350.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF NE PARK STREET; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE THE FOLLOWING COURSES: S72°40'53"E 124.0 FEET; THENCE S86°41'40"E 44.38 FEET; THENCE S87°46'16"E 43.50 FEET; THENCE S86°41'40"E 196 FEET TO THE POINT OF BEGINNING CONTAINING 73,870.96 SQUARE FEET OR 1.69 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF FACT OF RECORD.

NEW LOT 28

PART OF LOT 35, BLOCK 9 OF W A BURK'S ADDITION, CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS AS SHOWN ON PLAT BOOK 2016, PAGE 44 OF THE BENTON COUNTY RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS

BEGINNING AT THE SE CORNER OF SAID LOT 35; THENCE N01°19'26"W 69.00 FEET; THENCE N02°40'34"E 44.38 FEET; THENCE N86°03'09"E 84.06 FEET; THENCE S47°19'26"E 64.78 FEET TO THE WEST RIGHT-OF-WAY LINE OF NE "A" STREET; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE AND A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 952.39 FEET, AN ARC LENGTH OF 60.00 FEET, A CENTRAL ANGLE OF 3°36'37", AND A CHORD BEARING AND DISTANCE OF S00°23'51"W 59.99 FEET TO THE POINT OF BEGINNING CONTAINING 5,539.64 SQUARE FEET OR 0.13 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF FACT OF RECORD.

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

DATE OF EXECUTION: _____

PRINT NAME: _____

SIGNATURE: _____

STATE OF ARKANSAS, COUNTY OF BENTON, SUBSCRIBED AND SWORN BEFORE ME THIS _____ DAY OF _____, 20__.

NOTARY PUBLIC: _____

MY COMMISSION EXPIRES: _____

CERTIFICATE OF APPROVAL

PURSUANT TO THE BENTONVILLE SUBDIVISION REGULATIONS AND ALL OTHER CONDITIONS AND APPROVAL HAVING BEEN COMPLETED, THIS DOCUMENT IS HEREBY ACCEPTED. THIS CERTIFICATE IS HEREBY EXECUTED UNDER THE AUTHORITY OF THE SAID RULES AND REGULATIONS.

DATE OF EXECUTION: _____

SIGNED: _____
PLANNING COMMISSION CHAIRPERSON

DATE OF EXECUTION: _____

SIGNED: _____
MAYOR, CITY OF BENTONVILLE

ATTEST: _____
CITY CLERK, CITY OF BENTONVILLE

FLOOD CERTIFICATION

I CERTIFY THAT I HAVE EXAMINED THE OFFICIAL FLOOD INSURANCE HAZARD RATE MAP PANEL NO. 05007C0010J, EFFECTIVE ON DATE SEPTEMBER 28, 2007, AND FOUND THE DESCRIBED PROPERTY HEREON LIES IN ZONE "X", AN AREA HAVING NO SPECIAL FLOOD HAZARDS.

CERTIFICATE OF SURVEY ACCURACY

I, ROBERT J. CASTER HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A BOUNDARY SURVEY MADE BY ME AND BOUNDARY MARKERS AND LOT CORNERS SHOWN HEREON ACTUALLY EXIST AND THEIR LOCATION, SIZE, TYPE AND MATERIAL ARE CORRECTLY SHOWN AND ALL MINIMUM REQUIREMENTS OF THE ARKANSAS MINIMUM STANDARDS FOR LAND SURVEYORS HAVE BEEN MET.

DATE OF EXECUTION: _____

SIGNED: _____
REGISTERED LAND SURVEYOR
NO. 670
STATE OF ARKANSAS

CERTIFICATE OF AUTHORIZATION
C&A CERTIFICATE NUMBER: 3043

CASTER & ASSOCIATES
LAND SURVEYING, INC.
275 SE T Street, Suite 5
Bentonville, AR 72712
cnsphone 479-268-4461

REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF ARKANSAS
NO 1370
ROBERT J. CASTER

SCALE: 1" = 60'
DATE: 1-22-19

PROPERTY LINE ADJUSTMENT
LOTS 8-12 & LOT 25, BLOCK 9
W A BURK'S ADDITION

NE PARK STREET
BENTONVILLE, BENTON COUNTY, ARKANSAS

JOB # 19-22 | DRAWN BY: ASD | CHK'D BY: RJC | PAGE 1 OF 1

ORDINANCE NO_____

AN ORDINANCE VACATING ALLEY RIGHT OF WAY OF LOT 25 OF W.A. BURKS ADDITION OF BENTONVILLE TO THE CITY OF BENTONVILLE, ARKANSAS, BENTON COUNTY ARKANSAS (VAC21-0008).

WHEREAS, a petition was filed with the City Council of the City of Bentonville, Arkansas, by Rob Caster asking the City Council to vacate alley right of way located in the City of Bentonville, Benton County, Arkansas, which portion is more particularly described as follows:

PART OF A 12 FOOT WIDE ALLEY LYING BETWEEN LOTS 8, 9, 10 11 & 12, BLOCK 9 AND LOT 25, BLOCK 9 OF W A BURK'S ADDITION, CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN ON PLAT BOOK "A" PAGE 81, AND PLAT BOOK 2016 PAGE 144 OF TAE BENTON COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT TUE SE CORNER OF SAID LOT 8, THENCE NO1'35'20"E 250.00 FEET, THENCE S88'24'40"E 12.00 FEET, THENCE S01'35'20"W 250.00 FEET, THENCE N88'24'40W 12.00 FEET TO THE POINT OF BEGINNING, CONTAINING 3,000.14 SQUARE FEET OR 0.07 ACRES, 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 alley right of way 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 an alley right of way designated as follows:

PART OF A 12 FOOT WIDE ALLEY LYING BETWEEN LOTS 8, 9, 10 11 & 12, BLOCK 9 AND LOT 25, BLOCK 9 OF W A BURK'S ADDITION, CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN ON PLAT BOOK "A" PAGE 81, AND PLAT BOOK 2016 PAGE 144 OF TAE BENTON COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT TUE SE CORNER OF SAID LOT 8, THENCE NO1'35'20"E 250.00 FEET, THENCE S88'24'40"E 12.00 FEET, THENCE S01'35'20"W 250.00 FEET, THENCE N88'24'40W 12.00 FEET TO THE POINT OF BEGINNING, CONTAINING 3,000.14 SQUARE FEET OR 0.07 ACRES, 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 _____, 2021, at a regular meeting of the City Council of the City of Bentonville, Arkansas.

_____	_____
Kirby Romines, City Clerk/Recorder	Stephanie Orman, Mayor
City of Bentonville, Arkansas	City of Bentonville, Arkansas

Agenda Item Form

Date of City Council Meeting	**5/25/2021**
Department	**ENGINEERING**
Submitted by	**TRACY BILLINGS**
Phone	**(479) 696-0229**

Item Type: Resolution to set public hearing

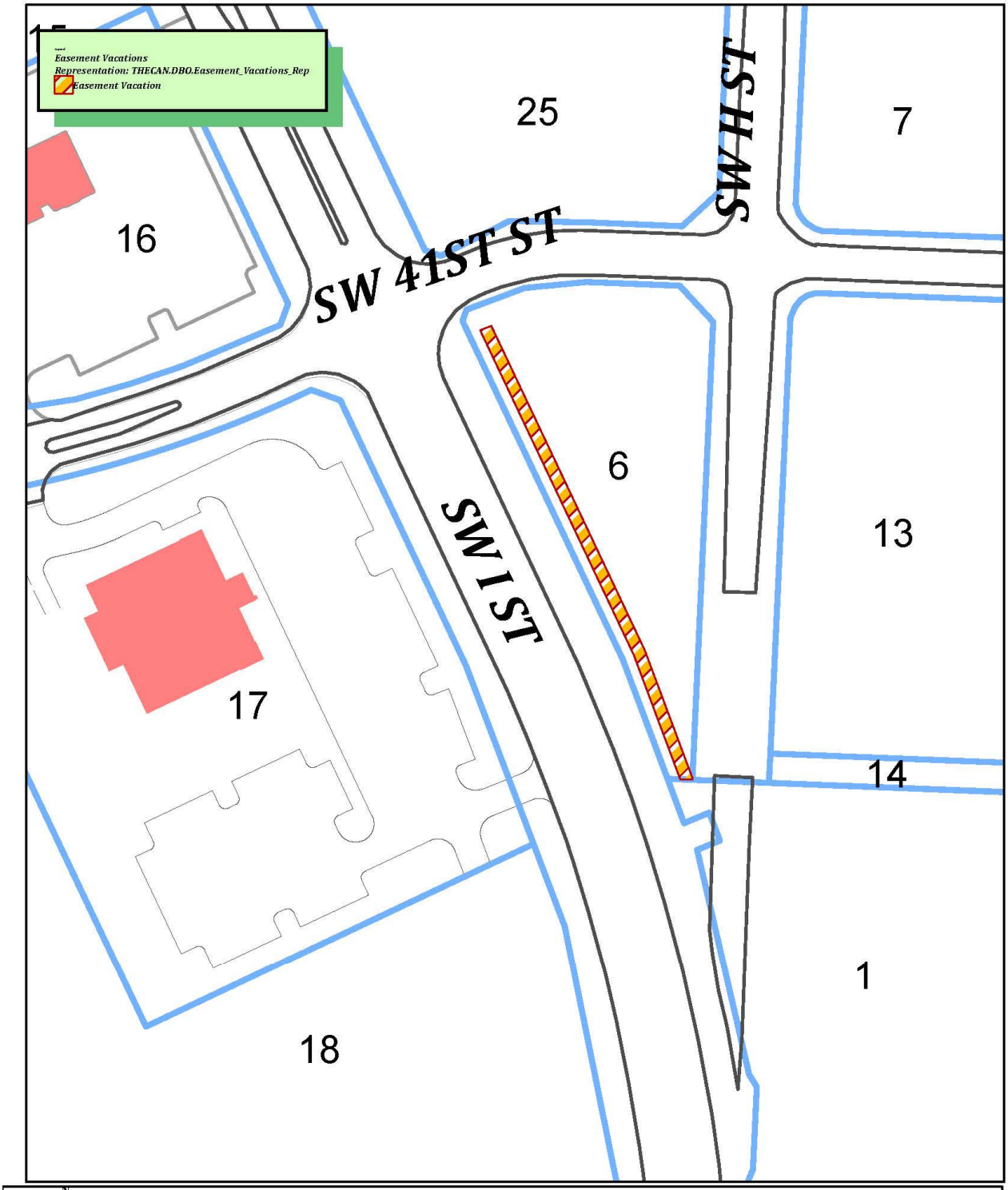
☐ Budget Adjustment	☐ Change Order	☐ Informational	☐ Ordinance	☑ Resolution	☐ Bid Award

Recommendation/Suggested Action ***(Enter recommendation in space below):***

Resolution setting a public hearing for June 8, 2021 for a Utility Easement Vacation requested for 801 SW 41st Street, Eversole Addition (VAC21-0009).

Estimated Cost	**$**
Is this Item Budgeted?	☐ Yes ☑ No

If no, please explain how item will be funded ***(briefly explain in space below)*** **:**


Easement Vacations
Representation: THECAN.DBO.Easement_Vacations_Rep
Easement Vacation
25
7
16
SW 41ST ST
SW H ST
6
13
SW 1 ST
17
14
1
18
1 inch = 100 feet
VAC21-0008
Proposed Easement Vacation

RESOLUTION NO._____

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

WHEREAS, a petition was duly filed with the City Council of Bentonville, Arkansas by Morrsion Shipley requesting a utility easement vacation (VAC21-0009) within the City of Bentonville, Arkansas be vacated, which said utility easement is described as follows:

A part of a twenty-foot (20') Grading, Drainage, and Utility Easement filed for record at Book 2009 Page 45864 also being part of Lot 6, Eversole Addition filed for record at Plat Book 2011 Page 120, Benton County, Arkansas and more particularly described as follows:

Commencing at five-eighths inch (5/8") rebar with PS 1304 cap marking the Southwest Corner of Lot 6, Eversole Addition: thence South 87°43'45" East along the south line of Lot 6, a distance of 10.84 feet to the Point of Beginning; thence North 20°28'58" West a distance of 111.37 feet; thence North 25°20'22" West a distance of 301.26 feet; thence North 69°28'49" East a distance of 10.04 feet to the corner of said 20' utility easement; thence along said utility easement the following courses and distances: South 25°20'22" East a distance of 300.84 feet, South 20°28'58" East a distance of 114.28 feet to the west line of an Arkansas Western Gas Easement filed for record at Book 94 Page 23959; thence along said gas easement, South 02°36'25" West a distance of 1.58 feet to the south line of Lot 6, Eversole Addition; thence North 87°43'45" West a distance of 10.17 feet to the Point of Beginning.

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

NOW, THEREFORE, BE IT RESOLVED, by the City of Bentonville, Arkansas, that the petition to close the above described utility easement is set for a hearing on June 8, 2021 at 6:00 p.m. in the City Council Room of the City of Bentonville, Arkansas, and the Bentonville City Clerk and Recorder is directed to give notice of this meeting by publication as set forth by Ark. Code Ann. Section 14-301-302(c).

The above and foregoing resolution was passed, approved and adopted the _____ day of _____ 2021 at a regular meeting of the City Council of the City of Bentonville, Arkansas.

_____
Kirby Romines, City Clerk
Bentonville, Arkansas

_____
Stephanie Orman, Mayor
City of Bentonville, Arkansas

Agenda Item Form

Date of City Council Meeting	**5/25/2021**
Department	**ENGINEERING**
Submitted by	**TRACY BILLINGS**
Phone	**(479) 696-0229**

Item Type: Resolution to set public hearing

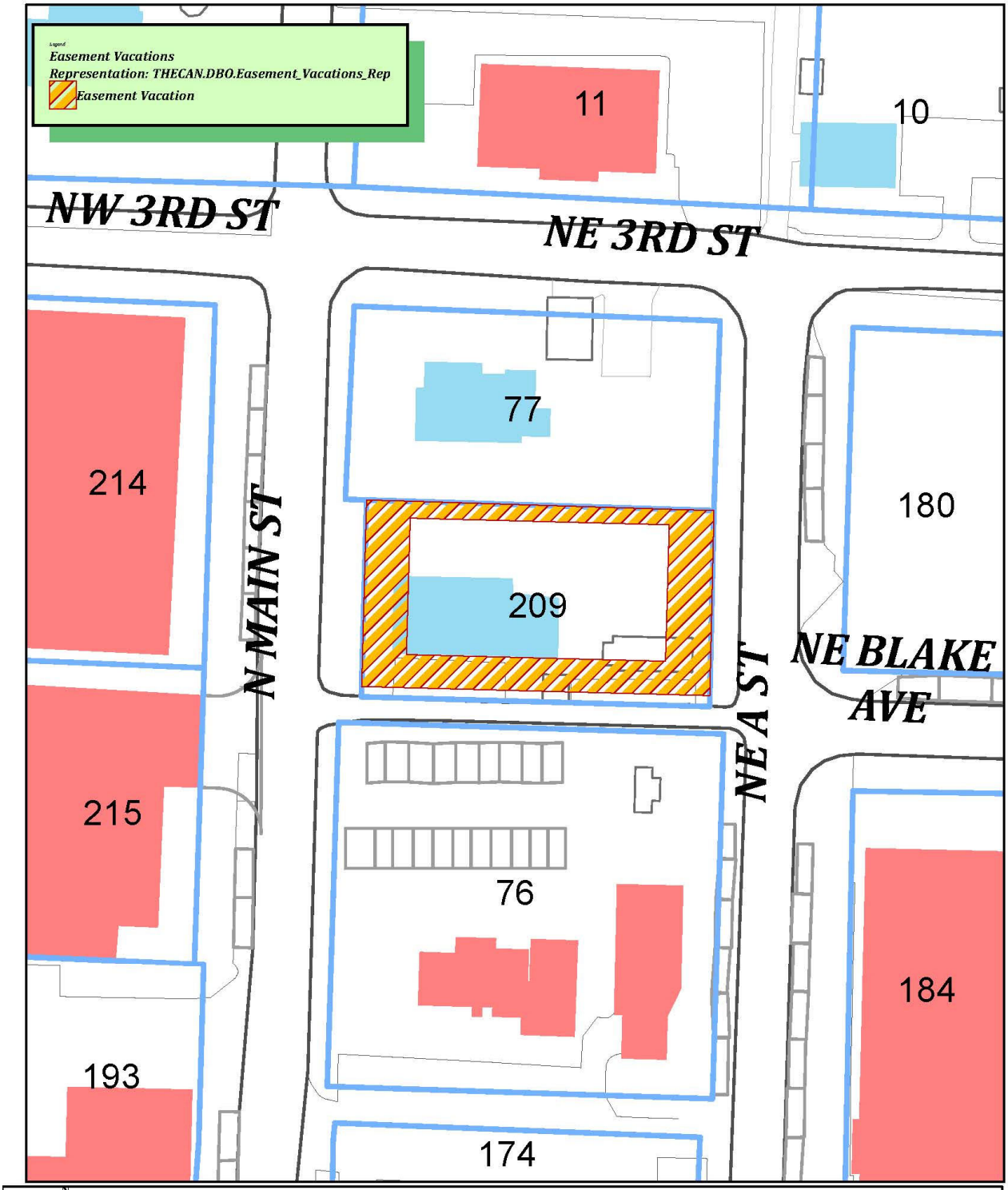
☐ Budget Adjustment	☐ Change Order	☐ Informational	☐ Ordinance	☑ Resolution	☐ Bid Award

Recommendation/Suggested Action ***(Enter recommendation in space below):***

Resolution setting a public hearing for June 8, 2021 for a Utility Easement Vacation requested for 224 North Main Street, Bentonville Original (VAC21-0010).

Estimated Cost	**$**
Is this Item Budgeted?	☐ Yes ☑ No

If no, please explain how item will be funded ***(briefly explain in space below)*** **:**


Legend
Easement Vacations
Representation: THECAN.DBO.Easement_Vacations_Rep
Easement Vacation
11
10
NW 3RD ST
NE 3RD ST
77
214
N MAIN ST
209
180
NE A ST
NE BLAKE AVE
215
76
184
193
174
1 inch = 54 feet
VAC 21-0004
Chrisco Easement Vacation
224 N. Main St.

RESOLUTION NO._____

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

WHEREAS, a petition was duly filed with the City Council of Bentonville, Arkansas by Rustin Chrisco requesting a utility easement vacation (VAC21-0010) within the City of Bentonville, Arkansas be vacated, which said utility easement is described as follows:

Easements to be released on Lot 209 of the Original Town of Bentonville, Arkansas as shown on Plat Record L201810373:

The West 20.00 feet of said Lot 209 as shown on Plat L201810373, LESS AND EXCEPT the South 5.00 feet thereof.

The East 20.00 feet of said Lot 209 as shown on Plat L201810373, LESS AND EXCEPT the South 5.00 feet thereof.

The North 15.00 feet of the South 20.00 feet of said Lot 209 as shown on Plat L201810373.

The North 7.00 feet of said Lot 209 as shown on Plat L201810373

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

NOW, THEREFORE, BE IT RESOLVED, by the City of Bentonville, Arkansas, that the petition to close the above described utility easement is set for a hearing on June 8, 2021 at 6:00 p.m. in the City Council Room of the City of Bentonville, Arkansas, and the Bentonville City Clerk and Recorder is directed to give notice of this meeting by publication as set forth by Ark. Code Ann. Section 14-301-302(c).

The above and foregoing resolution was passed, approved and adopted the _____ day of _____ 2021 at a regular meeting of the City Council of the City of Bentonville, Arkansas.

_____
Kirby Romines, City Clerk
Bentonville, Arkansas

_____
Stephanie Orman, Mayor
City of Bentonville, Arkansas

Agenda Item Form

Date of City Council Meeting	**5/25/2021**
Department	**Airport**
Submitted by	**Chuck Chadwick**
Phone	**(479) 418-8675**

Item Type: (*Check Applicable Item Type*)					
☐ Budget Adjustment	☐ Change Order	☐ Informational	☐ Ordinance	☑ Resolution	☐ Bid Award

Recommendation/Suggested Action ***(Enter recommendation in space below)*:**

Resolution authorizing the Mayor and City Clerk to execute a Lease between the City of Bentonville, as Lessor and QWH Properties, LLC , or its assigns, as Lessee, for a hangar site located at the Bentonville Municipal Airport.

Estimated Cost	**0**
Is this Item Budgeted?	☐ Yes ☑ No

If no, please explain how item will be funded ***(briefly explain in space below)*** **:**

No funding necessary.

MEMORANDUM RELATING TO THE BENTONVILLE MUNICIPAL AIRPORT LAND LEASE AGREEMENT WITH QWH PROPERTIES, LLC.

MEMORANDUM TO: Bentonville City Council

MEMORANDUM FROM: Chuck Chadwick, Airport Manager

DATE: May 13, 2021

This is a request for a Resolution Authorizing the Mayor and City Clerk to enter into a Land Lease Agreement with QWH PROPERTIES, LLC.

QWH PROPERTIES, LLC, seeks to construct a hangar on the northwest side of the Bentonville Municipal Airport. I have negotiated this contract with Quintin Hilburn. Quintin Hilburn is the Managing Member of QWH PROPERTIES, LLC (QWH). This lease has an annualized lease rate of $1.10 per square feet involving approximately 12,000 square feet, more or less. Most recent airport land leases at Bentonville Municipal Airport have involved an annualized lease rate of approximately $.21 per square feet.

This lease is on the same property as was the subject of a $1.00 per square foot lease involving CPS Ventures, LLC, last year. You may recall that CPS chose to exercise an "out" clause at the end of 2020 and forfeited the rents paid during 2020 in the amount of $6,000.00. One of the main differences in the present lease with QWH and the lease with CPS is that CPS had an option to terminate the lease early on. That option is not available in the existing lease and lease payment will be paid upon acceptance and thereafter during the entirety of the Lease Term. The initial annual lease will be approximately $13,200.00 with increases thereafter based upon the CPI not to exceed 2% per year.

I am familiar with the purpose and effect of the Lease Document as it relates to the interest of the City of Bentonville and more specifically the Bentonville Municipal Airport. I believe the Lease Agreement is in the best interest of the City of Bentonville and the Bentonville Municipal Airport. I ask for approval of the associated Resolution.

BENTONVILLE MUNICIPAL AIRPORT
LAND LEASE AGREEMENT

THIS LEASE AGREEMENT entered into this _____day of _____, 2021, with an Effective Date of July 1, 2021 the City of Bentonville, hereinafter referred to as "Lessor," and QWH Properties, LLC, an Arkansas Limited Liability Corporation, or its assigns, hereinafter referred to as "Lessee."

WHEREAS, the Lessor does intend to lease certain real property consisting of approximately 12,000 square feet plus or minus 10%, identified as:

See Legal Description attached as Exhibit A and/or as may be reflected in an appropriate Addendum.

NOW, THEREFORE, the Parties hereto agree as follows:

1. LEASEHOLD. The Lessor does hereby grant, demise and lease unto Lessee certain premises as set out in the attached Exhibit A (the Leased Premises) situated in Benton County, Arkansas, within the boundaries of the Bentonville Municipal Airport. Said property being described more particularly as the "footprint" reflected in Exhibit A under a portion of a Building to be constructed on the Leased Premises and property adjacent to the Leased Premises owned by Lessee (Lessee Property). The Leased Premises is defined as the real property described on Exhibit A located underneath and including the hangar building located thereon, which Lessee proposes to erect.

1.1 ADDENDUM FOR CLARIFYING LEGAL DESCRIPTION AND CORRECTED SOUARE FOOTAGE. The parties hereto acknowledge as of the execution of this Lease Agreement that a specific meets and bounds legal description has not been obtained. The parties understand and recognize the general area which will be utilized to build the Building. However, they further recognize that there is a high likelihood that this Lease Agreement shall need to be modified by an Addendum for the purpose of clarifying the legal description and corrected square footage of the Leased Premises. In that regard, the parties hereto agree that any Addendum for the purpose of clarifying the legal description and corrected square footage of the Leased Premises, may be done by written agreement between the Lessee and by the Mayor and attested to by the City Clerk on behalf of the Lessor, without bringing said Addendum before the City Council for additional approval.

2. TERMS AND CONDITIONS. Lessee agrees to comply with and abide by all terms and conditions set forth in this original Agreement of Lease.

3. TERM.

3.1 This lease's initial term is for a term of thirty-five (35) years beginning on July 1, 2021, and ending at 11:59 p.m., June 30, 2056, unless sooner terminated as herein provided. Lessee shall also have two (2) consecutive five (5) year options to and extend the Lease. Lessee shall comply with the terms set forth in paragraph 3.2 hereafter to be entitled to exercise the extension.

3.2 TERMS CONCERNING OPTIONS TO EXTEND. Lessee shall be entitled to extend this Lease Agreement pursuant to paragraph 3.1 above upon compliance with the following terms and conditions:

3.2.1 a) Lessee's compliance with all terms and conditions set forth in this Land Lease Agreement;

b) Lessee shall provide Lessor with written notice of Lessee's intent to exercise said option(s) at least six (6) months, but no greater than twelve (12) months prior to the expiration of the initial thirty-five (35) year term and each subsequent option period thereafter.

c) BUILDING MATERIALS AND METHODS.

Lessee agrees to use high quality materials in the construction of the hangar building and the improvements therein, including but not limited to a minimum of 26 gauge metal sheeting for roof and walls. Additionally, the hangar buildings will be insulated with four-inch vinyl reinforced insulation. The hangar doors will be an aircraft quality, bottom rolling hangar door with motorized assistance or a horizontally bi-fold door with electric motor assist with cables and/or straps. To protect the long-term integrity of the building, the hangar door will be properly weather-stripped to protect against rain, snow, sand, birds and other animals.

Lessee shall install in the hangar, R-panel style liner panels along the bottom 6-foot of the interior of all exterior walls. This addition will help protect against insulation deterioration and damage, allowing for longer life of the product.

The building will have a conference room and restrooms. All materials for those rooms will be of high quality standard building materials and with the highest quality of craftsmanship. The hangar will have polished concrete or epoxy coating for the flooring materials.

The exterior of the building will include landscaping on the street side as may be allowed and/or required by City of Bentonville Planning Department.

d) MAINTENANCE UPKEEP AND INSPECTION.

For the life of the improvements/building(s), on at least an annual basis, the Lessee shall perform a complete and thorough building inspection and needed repair, including, but not limited to the roof, the exterior walls, doors, hangar floor, interior improvements and all mechanical fixtures such as HVAC, heater, water heater, door motors and door hardware, with appropriate check lists and repair list for review by Lessor at Lessor's request.

e) FIRST RIGHT OF REFUSAL TO RENEW.

No later than sixty (60) days prior to the expiration of this Lease Agreement, the Lessee shall be entitled to first right of refusal to renew said lease upon expiration. Said rental rate and terms shall be based on the then present day valuation of the property and improvements thereon, at the best most valuable appraisal in favor of the Bentonville Municipal Airport for the then present best use analysis. For purposes of reversion, renewing the lease does not extend the reversion of the property to the Lessor as set in Paragraph 10 herein.

4. LEASE PAYMENT. Lessee shall pay to the City of Bentonville an annual rental based on the square foot of total leased ground space. The rate charged per foot shall be $1.10 per square foot. Leased ground space totals (12,000) twelve thousand square feet (subject to addendum as set forth above and as may be needed once specific plans are completed). Said rental is to be paid in advance in yearly installments on the FIRST business day of each year. If the initial calendar year of the lease is less than 12 months the Lessee will pay a pro-rata payment to cover the first partial year, within 10 days of the effective date of this lease. Beginning January 1, 2031, and for each subsequent year thereafter, the rent shall be increased annually in accordance with positive changes in the Consumer Price Index (CPI) published each April as compared to the previous April, provided, however, that no single annual increase shall exceed two percent (2%). Additionally, in no way shall the rent decrease from year to year, unless specifically by way of written amendment to this Lease Agreement. The Consumer Price Index refers to the Consumer Price Index for all urban consumers (CPI-U), U.S. City Average All Items Index.

4.1 TAXES. Lessee shall pay all ad valorem taxes and assessments upon the Leased Premises and upon all personal property located upon the Leased Premises, which are assessed during the lease term. Lessee acknowledges that it is anticipated that the ad valorem taxes and assessments will come in the name of the City of Bentonville, or some City entity such as the Bentonville Municipal Airport. That

from time to time the Leased Property and improvements thereon may be reassessed and the taxes and special assessments associated with the Lease Property may increase or decreased accordingly. The Lessee is aware that certain procedures/laws/ordinances are in place whereby the taxpayer may appeal an assessment or reassessment. Lessee understands and agrees that the Lessor is under no duty to give notice to Lessee of such action nor to protect Lessee in anyway associated with such assessment or reassessment, that the burden is fully on the Lessee to make itself aware of all matters associated therewith and to protect itself as may be necessary from time to time. Accordingly, Lessee shall have the right to contest by appropriate proceedings the amount or validity of any tax or assessment which Lessee is obligated to pay in accordance with the provisions hereof.

4.2 ASSIGNMENTS & SUB-LEASES. This agreement, in whole or any part thereof may not be assigned or transferred by Lessee unless such action receives prior approval by the Lessor, which such approval cannot be unreasonably withheld.

5. INSURANCE. Lessee shall obtain & maintain property insurance coverage for the repair or replacement of the leasehold, the Building and any adjacent improvements. The City of Bentonville will be listed as an additional insured on the policy and as a "Loss Payee" as its interest may appear on the policy, giving consideration of Lessor's residual interest in all improvements thereon, with any proceeds received by Lessor to be utilized as provided in paragraph 10.1. The Lessee will provide proof of this insurance upon request and keep the policy in effect during the term of the lease. Lessee acknowledges that it is the Lessee's sole responsibility to maintain insurance on any personal property if desired.

6. USE OF THE LEASED PREMISES.

6.1 The development and/or use of any Leased Premises located within the current or future boundaries of the Bentonville Municipal Airport shall be consistent with the most recent Airport Master Plan and Airport Minimum Standards and any future amendments or additions thereto, if any. Lessee agrees that all uses of the Leased Premises must be approved by the Lessor and shall be predominantly for aviation use. All future structure additions shall be subject to prior approval by Lessor. In the event that Lessee uses the property for purposes other than the purposes stated above, then Lessee shall be deemed to be in default of this agreement.

6.2 The Lessee, within twelve (12) months of the Effective Date, shall submit to City Staff or the Airport Advisory Board a conceptual plan with elevations of the proposed building project. Said conceptual plan shall include a minimum of a hangar building in the approximate size of 12,000 square feet +/- 10%. Additionally, no later than eighteen (18) months from the Effective Date, the Lessee shall submit conceptual plans of sufficient nature as is required by the City of Bentonville planning department.

No later than twenty-four (24) months from the Effective Date, the Lessee shall utilize all reasonable and best efforts to commence the construction process and begin the site preparation and construction of the required hangar building as set forth herein. Lessee further agrees to use due diligence to complete the construction on all phases of the improvements thereon.

6.3 Tenant's Right to Terminate Lease. In the event the Tenant complies with all large scale development and building requirements of the City of Bentonville in force as of the Effective Date of this Lease, and Lessor fails or otherwise refuses to approve said development and construction, and said refusal continues for a period of one year, Tenant shall have the right to terminate this Lease without further penalty or rents due. This paragraph is conditioned on the Tenant having met all of its obligations required pursuant to the large scale development and building requirements of the City of Bentonville in force as of the Effective Date of this Lease.

6.4 Activity on Leased Premises. Lessee agrees to not conduct or permit to be conducted any activity on the Leased Premises which would interfere with or be a hazard to flight of aircraft either to or from the Airport, or interfere with the ground movement of aircraft at the Airport, or interfere with air

navigation and communication facilities serving the Airport. Lessee agrees that no structure will be erected or natural objects created on the Leased Premises that would constitute a hazard to air navigation.

6.5 Mechanic's or Materialmen's Liens. The Lessee agrees that during the Term of this Lease no mechanic's or materialmen's liens affecting the Leased Premises or any improvements thereon shall be suffered to arise, and that in the event any such lien does arise, the Lessee shall promptly discharge or bond over same, and if default in the payment thereof shall continue for forty-five (45) days after receipt of written notice of such lien and demand for its discharge or the posting of a bond given to the Lessor by Lessee, then the Lessor shall have the right and privilege, at its option, to pay the same, and the amount so paid, including expenses, shall at the option of the Lessor be additional rental due from the Lessee payable within thirty (30) days, but in no way shall said payment exceed that date that the next succeeding rental payment with interest thereon at the rate of eight percent (8%) per annum from the date on which such payment was made; provided, however, that if the Lessee denies the validity or amount of any asserted mechanic's or materialmen's lien on the Leased Premises or any improvement thereon, the Lessee, at its expense, shall have a reasonable opportunity to contest such validity by appropriate legal proceedings and Lessor shall assist Lessee in prosecuting such contest, including but not limited to, providing necessary information, including necessary documents, and permitting Lessee to contest in the name of Lessor if required by any existing or hereinafter enacted law, regulation or procedure. It is agreed by the parties hereto that as between the parties hereto, in the event of such contest the Lessee shall be responsible for all litigation costs including court fees and costs, attorney fees, discovery costs, travel costs, and any and all other costs whatsoever, with Lessee holding Lessor harmless thereon.

6.6 THIS SECTION INTENTIONALLY LEFT BLANK.

6.7 UTILITIES. Lessee shall be responsible for utilities to the leasehold. Initial utility service to the Leased Premises will be the responsibility of the Lessee and negotiations for terms of utility provision are a matter between the lessee and each individual service provider including the City of Bentonville. Lessee shall pay all initial tie-in costs and all monthly ongoing fees for such utilities.

6.8 REPAIRS MAINTENANCE AND APPEARANCE.

(a) Except as otherwise provided in this Lease, Lessee shall at all times during the term of this lease agreement, at Lessee's expense, keep and maintain in good repair and safe condition the Leased Premises and it's improvements, equipment and appurtenances, both inside and outside, structural and nonstructural, whether or not necessitated by wear, tear, obsolescence or defects, latent or otherwise. When used herein. The term "repairs" shall include all necessary replacements, renewals, alterations, additions and betterment's. Lessee will at all times keep the leasehold free and clean of all trash, refuse and fire hazards.

(b) The necessity for and adequacy of repairs to the Leased Premises, pursuant to subparagraph (a) hereof, shall be measured by the standard which is appropriate for improvements of similar construction and also shall meet the requirements of being in good working and operating condition.

(c) Lessee agrees to reimburse Lessor for all sums and expenses incurred in the repairs or maintenance required pursuant to subparagraph (b) above as a result of failure by Lessee to maintain or repair the Leased Premises as required.

(d) Section 6.8 shall be in addition to and be deemed to be interpreted in such a manner to be in the best interest of the Lessor.

6.9 ALTERATIONS AND IMPROVEMENTS. Lessee shall be entitled to make alterations, additions and improvements to the Leased Premises necessary and desirable for the operation of the Leased Premises. Lessee shall not be entitled to make any significant or material alterations, additions or changes

to the exterior of the Leased Premises without Lessor's prior written consent. Lessee acknowledges and agrees that all such alterations, additions and improvements, shall become the property of the City of Bentonville, Arkansas, upon the expiration and/or termination of the lease agreement, subject to the provisions of Paragraph 9, the DEFAULT paragraph below.

7. WAIVER. The waiving of any one or more breaches of the terms or provisions contained herein by the Lessor or Bentonville Airport Advisory Board shall not be deemed a waiver of any other breaches of the terms of provisions.

8. TIME OF THE ESSENCE. It is understood that time is of the essence of this lease agreement.

9. DEFAULT. In the event the Lessee defaults under the terms of the agreement, this lease may be terminated by the Bentonville City Council pursuant to the following:

9.1 Lessor shall give written notice by certified mail, return receipt requested, of default simultaneously to Lessee as well as any assignee, any mortgagee or beneficiary of Lessee's leasehold interest in the Leased Premises and improvements thereon who are known to the Lessor.

9.2 No default shall be deemed to exist unless Lessee fails to cure said default within thirty (30) days after mailing of written notice thereof, provided, however, that if Lessee fails to cure same within said thirty (30) days, the mortgagee or beneficiary of Lessee's said leasehold interest shall have an additional twenty (20) days after the end of said thirty (30) days period within which to cure same. As to any curing of a default (other than payment of rent) which would reasonably require a greater period of time for curing than is provided for above, if the Lessee shall, within the time stipulated, commence such curing and diligently pursue same, then, the above time period may be extended to allow Lessee reasonable opportunity to do so.

9.3 Lessee shall have the right to contest, in good faith, the existence of any default alleged to have occurred or alleged to exist, and in the event Lessee so elects, the time period for curing any such alleged default shall be extended until thirty (30) days after a final judgment has been entered in a court having jurisdiction over such contest.

9.4 Following the period for curing or contesting a default provided above, the Bentonville City Council may give written notice by certified mail, return receipt requested, of Lessor's exercise of its right to declare this lease forfeited, terminated, null, and void. Upon such notice, subject to the provisions of paragraph 9.5 below, Lessee agrees to vacate the Leased Premises immediately and to forfeit all claims, rights, and property interest in this lease agreement, the Leased Premises property and all improvements thereon. Should it become necessary for Lessor to resort to judicial process to enforce the terms of this agreement, or reclaim possession of the Leased Premises, Lessee agrees to pay a reasonable attorney's fee, court costs and any and all costs of litigation including but not limited to costs of depositions, exhibits, witness fees and all other reasonable expenses incurred by the Lessor.

9.5 Unless mutually agreed otherwise, in the event of a termination of this lease pursuant to a default (or other events described in the lease) Lessee shall comply as follows: Lessee shall relinquish the Leased Premises and improvements thereon to Lessor such that Lessor shall become the owner of the entire Building and improvements.

10. REVERSION. It is covenanted and agreed that all of Lessee's right, title and interest in any buildings and improvements remaining on the Leased Premises at the expiration of the Term of this Lease or termination of this Lease, as set forth herein, shall at such time be and become the property of Lessor. Until such expiration or termination of this Lease, all right, title and interest in any buildings and improvements on the Leased Premises shall reside in Lessee; provided, however, that during the Term of this Lease for purposes of Paragraphs 5, 10, 10.1, 11, and condemnation awards, Lessor shall be deemed to have at the applicable time an undivided residual interest in the fair market value of any buildings and improvements on the Leased Premises equal to the sum of

one-forty-fifth (1/45) of the fair market value for each year of the Term of the Lease, but this provision shall in no way affect Lessee's or any mortgagee's rights to receive any proceeds or other consideration on the sale, sublease or other transfer of the Leased Premises .

10.1 Use of Insurance Proceeds. In the event of damage or destruction to the Leased Premises or improvements thereon by fire or other insured casualty or otherwise, proceeds from such insurance, subject to the prior rights of mortgagees and/or other security holders, if any, shall be used toward restoring the Leased Premises and improvements thereto, but if Lessee does not rebuild in the event of substantial damage or destruction, to pay the Lessor sufficient sums as to make Lessor whole pursuant to the Lessor's undivided accrued residual interest in the fair market value of any buildings and/or improvements so damaged or destructed, unless Lessor and Lessee mutually agree to some other use or distribution of the proceeds.

11. TERMINATION OF USE. In the event that the Bentonville Airport facility and property are no longer used for aviation purposes, the City of Bentonville or its assigns may purchase the remaining leasehold interest from Lessee at fair market value or as may otherwise be agreed upon by the parties at that time.

12. MORTGAGING OF LEASEHOLD. Lessee is hereby given the absolute right without the Lessor's consent to mortgage its interest in the Leased Premises, provided that no such mortgage shall extend to or affect the fee, the reversionary interest, or the estate of Lessor in and to the land and improvements erected thereon.

12.1 Notification. Upon the execution and recordation of any such leasehold mortgage or deed of trust, the Lessor shall be notified in writing by Lessee that such leasehold mortgage or deed of trust has been so given and executed by the Lessee, and Lessor shall also be furnished with the address to which Lessee desires copies of notices to be mailed; and Lessor hereby agrees that it will thereafter mail to such assignee of this Lease, guarantor of any indebtedness secured by this Lease, mortgagee or beneficiary under a leasehold mortgage or deed of trust or other security agreement, a duplicate copy of any and all notices in writing which the Lessor may from time to time give to or serve upon the Lessee under and pursuant to the terms and provisions of this Lease.

13. GOVERNMENTAL REQUIREMENTS GENERALLY. Lessee shall comply with all governmental requirements applicable to Lessee's use and operation of the Leased Premises. Further Lessor and Lessee agree that this Lease is made subject to, all rules and requirements of the FAA. Lessee agrees to observe and obey all reasonable uniformly applied rules and regulations adopted by Lessor with respect to use of the Airport, and all applicable federal, state and local governmental rules, regulations, advisory circulars and opinions.

14. INDEMNITY. Lessor shall not be liable for any personal injury to the Lessee or to its officers, agents, employees, invitees, licensees or to any other occupant of any part of the Leased Premises, or for any damage to any property of Lessee or of any other occupant of any part of the Leased Premises, irrespective of how such injury or damage may be caused, whether from action of the elements or occupants of adjacent properties. In the event an action, claim or suit is commenced against Lessor as a result of any such personal injury or damage occurring on the Leased Premises, Lessee agrees to hold Lessor harmless from any liability or responsibility therefor, including attorney's fees and all litigation costs of the action.

15. NOTICES. Whenever by the terms of this Lease, notice shall or may be given either to the Lessor or to the Lessee, such notice shall be in writing and shall be sent by United States registered or certified mail, return receipt requested, with adequate prepaid postage.

If intended for the Lessor, addressed to:

City of Bentonville, Attn: Mayor
305 SW "A" Street
Bentonville, AR 72712

With a Copy To:
City of Bentonville, Attn: Staff Attorney
1000 SW 14th Street
Bentonville, AR 72712

If intended for the Lessee, addressed to: Quintin Hilburn
2107 East Kenwood Street_____
Siloam Springs, AR 72761

Or to such address or addresses as may from time to time hereafter be designated by like notice from either party to the other. The time of giving of such notice when sent by U.S. mail shall be deemed to be the time when the same is received or delivery refused as shown by the return receipt.

16. GRAMMATICAL USAGE. Whenever used herein, the singular number shall include the plural, the plural the singular, and any gender all genders in any place in which the context so requires.

17. ENTIRE AGREEMENT. Unless modified or supplemented in writing and signed by the party or parties to be charged, this lease constitutes the entire agreement between the parties. Except as previously mentioned, any other understandings, agreements or negotiations are deemed merged herein and shall be interpreted in accordance with the law of the State of Arkansas.

18. JURISDICTION AND VENUE. Jurisdiction and Venue for all litigation concerning this lease agreement shall be Benton County, Arkansas.

WITNESS the execution hereof, by the parties hereto, in any number of counterpart copies each of which counterpart copies shall be deemed as an original for all purposes, as of the effective day and year first above written.

APPROVED: BENTONVILLE AIRPORT ADVISORY BOARD

By: _____
Chairman, Richard Ham

LESSOR: CITY OF BENTONVILLE,

By: _____
Stephanie Orman, Mayor

ATTEST:

_____
Kirby Romines, City Clerk

LESSEE: QWH Properties, LLC

By: _____
Quintin Hilburn, Managing Member

ACKNOWLEDGMENT

State of Arkansas)
) ss.
County of _____)

On this day before me, a Notary Public, duly commissioned, qualified and acting within and for the County and State aforesaid, personally appeared the within named Quintin Hilburn, to me well known, who acknowledged himself to be the Managing Member of QWH Properties, LLC, the Lessee in the above and foregoing Lease Agreement, and that he, in such capacity, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of said limited liability company by himself as such officer.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this _____ day of _____, 2021.

_____ My Commission Expires:
Notary Public

GARVER
BENTONVILLE
MUNICIPAL AIRPORT
BENTONVILLE, ARKANSAS
HANGAR EXHIBIT
JOB NO. 13A13196
DATE JUNE 2019
DESIGNED BY ATW
DRAWN BY GJT
DRAWING NUMBER
EXH
SHEET NUMBER
X
PROPOSED TAXILANES
PROPOSED HANGAR
PROPOSED HANGAR
PROPOSED HANGAR
OFFICE SPACE
TSA
TOFA
ROFA
PL
65'
20'
50' (TYP.)
170'

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A BENTONVILLE MUNICIPAL AIRPORT LAND LEASE AGREEMENT WITH QWH PROPERTIES, LLC, OR ITS ASSIGNS.

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

Section 1: That the Mayor and City Clerk be and are hereby authorized to enter into a Bentonville Municipal Airport Land Lease Agreement with QWH PROPERTIES, LLC, or its assigns; as outlined in the agreement attached hereto as Exhibit "A".

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

PASSED and APPROVED this _____day of _____, 2021.

APPROVED:

_____
Stephanie Orman, Mayor

ATTEST:

_____
Kirby Romines, City Clerk

Agenda Item Form

Date of City Council Meeting	**5/25/2021**
Department	**Fire**
Submitted by	**Brent Boydston**
Phone	**(479) 271-5927**

Item Type: (*Check Applicable Item Type*)					
☐ Budget Adjustment	☐ Change Order	☐ Informational	☑ Ordinance	☐ Resolution	☐ Bid Award

Recommendation/Suggested Action *(Enter recommendation in space below)*:

Ordinance requesting a Waiver of Bid to Henry Schein Medical in the amount of $45,000.00 for the purchase of medical supplies for the ambulance service.

Estimated Cost	**45,000.00**
Is this Item Budgeted?	☑ Yes ☐ No
If no, please explain how item will be funded *(briefly explain in space below)* **:**	

Waiver of Bid Request

Date of City Council Meeting	**5/25/2021**
Department	**Fire**
Submitted by	**Brent Boydston**
Phone	**(479) 271-5927**

Vendor	**Henry Schein Medical**
Total Cost	**$ 45,000.00**

Description of Purchase *(This should include a detailed description of the type of material, equipment or service that is being requested including make, model, year & options if applicable. Enter details in space below):*

Medical supplies to be used on the ambulances.

Justification *(Enter justification in space below):*

Significant research performed by the Fire Department and reviewed with the Purchasing Department has shown that the direct purchase of medical supplies from Henry Schein Medical is the most cost-effective and reliable way to purchase these items. Due to state contract pricing being much higher than the direct purchase prices, requirements for case purchasing and inflated prices when formally contracted, and the volatility of the market for the items, it has been determined to be neither practicable or feasible to solicit competitive bids.

Inter-office Memorandum

To: Mayor Orman and City Council
From: Brent Boydston, Fire Chief
CC: Camille Thompson, Staff Attorney, Gladys Shoemake, Purchasing Manager, Jake Harper, Finance Director
Date: May 25, 2021
Re: Purchasing EMS supplies directly through Henry Schein

To ensure financial efficiency, the Fire Department closely monitors and evaluates purchasing practices for routine EMS supplies. Considerations include the ability to acquire compatible and proprietary medical supplies, 12-month minimum medication expiration dating, individual item purchasing, and shipping and handling fees.

Recent cost analysis considered sourcing and procurement comparisons between Henry Schein and other EMS medical supply vendors such as Bound Tree, McKesson, Cardinal, BuyEMP and the MMCAP state contract. Although Henry Schein participates under the MMCAP state contract, state pricing of Henry Schein items are significantly higher. EMS supplies under the state contract are extremely limited and those that are included require case purchasing. Case purchasing often leads to excessive waste, since medical supplies are packaged with expiration dates and often expire before use. Our findings confirm the most cost-effective method remains direct purchasing through Henry Schein Medical.

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE MAYOR AND THE CITY CLERK TO PURCHASE MEDICAL SUPPLIES FROM HENRY SCHEIN MEDICAL AND WAIVING THE REQUIREMENT OF COMPETITIVE BIDDING.

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

Section 1: That the Mayor and City Clerk be and are hereby authorized to purchase medical supplies from Henry Schein Medical for the City of Bentonville Ambulance Service in an amount not to exceed $45,000.00.

Section 2: Because of the need to acquire compatible and proprietary medical supplies to meet the department's specific requirements, and because of the varied and individualized requirements in purchasing medical supplies, and because the items on state bid are limited, priced significantly higher and require bulk purchase, it would be neither practical nor feasible to advertise for competitive bidding, and that requirement is herein waived.

PASSED and APPROVED this _____ day of _____, 2021.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY CLERK