Revised Agenda:
Added Approval of both
March 10, 2026 & March 31, 2026
Meeting Minutes

Combined Committee of the Whole & City Council Meeting Agenda
April 14, 2026
6:00 PM
Bentonville City Hall

About the Committee of the Whole and City Council Meeting:

- This meeting begins with the Committee of the Whole, which is used for information sharing and Council discussion. No votes are taken and public comment is not accepted during this meeting. After the Committee of the Whole meeting is adjourned, the City Council meeting begins. This is where the Council will hear public comment and take official action, such as voting on agenda items.

How to Watch Online:

- Residents may watch the meeting live without registering via the City of Bentonville's YouTube channel. Watching online allows viewers to observe the meeting but does not include the ability to provide public comment.
- A recording of the meeting will be posted on the City's website after the meeting concludes.
- https://www.youtube.com/@cityofbentonvillearkansasg5096

Public Participation:

- Residents may provide public comment during the City Council portion of the meeting. Public comment is limited to three minutes per speaker.
- To help ensure an orderly meeting, registration is required for residents who wish to speak, whether attending in person or virtually.
- In-person speakers must register in advance using this link: Registration Link
- Virtual speakers must register in advance by 12:00 p.m. on April 14, 2026, using the following link: Registration Link.

Council Questions/Discussion Concerning the Business Meeting

Call to Order

Pledge of Allegiance

Moment of Silence

Roll Call

Approval of Minutes: March 10, 2026 & March 31, 2026

I. Committee of the Whole

1. **Consent Agenda Discussion** — **Informational**

II. New Business - Public Comment to be Heard with Agenda Item

1. **Proclamation Recognizing "National Public Safety Telecommunicator Week"** — **Proclamation**

   Proclamation recognizing the Bentonville Emergency Communications Center for "National Public Safety Telecommunicator Week" — April 12–18, 2026.

2. **Proclamation Recognizing "National Animal Control Officer Appreciation Week"** — **Proclamation**

   Proclamation recognizing the Bentonville Animal Services employees during "National Animal Control Officer Appreciation Week"- April 12-18, 2026.

3. **Resolution Approving the Purchase of Evidence Storage System from Patterson Pope, Inc.** — **Resolution**

   A Resolution authorizing the purchase of police department evidence shelving and storage solutions from Patterson Pope, Inc through participation in the Sourcewell Cooperative (Co-Op) contract #110923-SPC-2024 for $159,064.84 (estimated 9.50% taxes included). This is a 2026 budgeted item. No budget adjustment is needed.

4. **Resolution Entering into an Agreement with ESRI for GIS Software** — **Resolution**

   Authorizing an agreement with Environmental Systems Research Institute for renewing a 3 year Enterprise Agreement for GIS Software for city departments. No budget adjustment is needed.

5. **Resolution Extending the Display of Artwork by Tim Ernst at City Hall** — **Resolution**

   A Resolution to extend the temporary display of artworks titled "Hawksbill Crag" and "Roark Bluff" by photographer Tim Ernst on public property in City Hall at no cost to the city. No budget adjustment is needed.

6. **Public Hearing and Ordinance Vacating an Alley Right of Way (VAC26-0004)** — **Ordinance***

   Public Hearing and approval of an Ordinance vacating an Alley Right of Way Vacation located between Lot 76 and Lot 174 of the Original Town of Bentonville Subdivision (VAC26-0004).

7. **Resolution Setting a Public Hearing for Right of Way Vacation (VAC26-0005)** — **Resolution**

   Approve Resolution to set a Public Hearing for April 28, 2026 for a Right of Way Vacation located at Lot 76 of the Bentonville Original Subdivision (VAC26-0005).

8. **Resolution Setting a Public Hearing for a Utility Easement/Access Easement Vacation (VAC26-0009)** — **Resolution**

   Approve Resolution to set a Public Hearing for April 28, 2026 for a Utility Easement/Access Easement Vacation located at Lot 37 of Clarendon Heights Subdivision (VAC26-0009).

9. **Resolution Setting a Public Hearing for a Utility Easement Vacation (VAC26-0012)** — **Resolution**

Approve Resolution to set a Public Hearing for April 28, 2026 for a Utility Easement Vacation located at Block 3, Lots 11-12 of Fairfield Addition (VAC26-0012).

10. **Resolution Setting a Public Hearing for a Utility Easement Vacation (VAC26-0015)** — **Resolution**

Approve Resolution to set Public Hearing for April 28, 2026 for a Utility Easement Vacation located at 503 Crooked Road (VAC26-0015).

11. **Resolution Setting a Public Hearing for a Utility Easement Vacation (VAC26-0022)** — **Resolution**

Approve Resolution to set a Public Hearing for April 28, 2026 for a Utility Easement Vacation crossing multiple parcels-01-00254-000, 01-00262-000 and 01-00256-000 (VAC26-0022).

12. **Resolution Setting a Public Hearing for a Utility Easement Vacation (VAC26-0024)** — **Resolution**

Approve Resolution to set a Public Hearing for April 28, 2026 for a Utility Easement Vacation located at Block 2, Lot 8 of Robbinaire Heights (VAC26-0024).

13. **Appointment of Beckie Seba as Ex-Officio to the Active Transportation Advisory Board** — **Appointment**

City Council approval of Mayor Orman's recommendation to appoint Beckie Seba, as ex-officio member to the Active Transportation Advisory Board.

14. **Resolution to Enter into an Agreement with Your Total Fitness Shop for Fitness Equipment** — **Resolution**

A Resolution authorizing Mayor and Clerk to enter into an agreement with Your Total Fitness Shop, in the amount of $107,392.13, for the purchase of fitness equipment for the Bentonville Community Center. No budget adjustment is needed.

15. **Resolution Authorizing the Payment of Sales Tax on Purchase of Two (2) Husqvarna Robotic Mowers** — **Resolution**

A Resolution authorizing the remittance of sales tax for the purchase of two Husqvarna Robotic Mowers from Turf and Soil Management. No budget adjustment is needed.

16. **Resolution to Award Bid IFB-26-01 for a 2026 Cab and Chassis to Industrial Truck Equipment** — **Resolution**

Resolution to award bid IFB-26-01 for one 2026 4x4 Crew Cab and Chassis with Dump Body, Snow Plow, and Material Spreader in the amount of $120,978.00. No budget adjustment is needed.

17. **Resolution Approving Mayor Signing a Quitclaim Deed with Lorane, LLC** — **Resolution**

Staff recommends approval for the Mayor to sign the quitclaim deed. Quitclaim deed would revise a mistake from WACO title when recording a Warranty Deed for Right-of-Way purchased by the City of Bentonville. No budget adjustment is needed.

18. **Resolution to Declare Various Items as Surplus for Landfill Disposal or Other Disposition** — **Resolution**

A Resolution declaring various items as surplus, rendered worthless by damage or prolonged use, to be disposed of in the landfill. No budget adjustment is needed.

III. Utility Board

1. **Resolution Authorizing the Payment of Sales Tax on Purchase of Forklift** — **Resolution**

A resolution authorizing the remittance sales tax for the purchase of a heavy duty forklift from Wiese. On March 31, 2026, Council approved the purchase of 1 heavy duty forklift in the amount of $108,840.00. Sales tax in the amount of $10,339.80 was inadvertently excluded from this purchase. Use of a Co-op is allowed pursuant to Arkansas State Statute 19-11-249; Purchasing performed an evaluation of 053024, determining that the solicitation was in line with both Arkansas State Statute and the City's Purchasing Policy. No budget adjustment is needed.

IV. Planning

1. **Lot Split - Lots 3-5 of Little Osage Farms Addition - 2303 SW Birch Street (LS26-0002)** — **Ordinance***

The Planning Commission voted 7-0, recommending approval.

An Ordinance Accepting A Lot Split Of Lot 1 Of Little Osage Farms Addition Creating New Lots 3-5 Of Little Osage Farms Addition To The City Of Bentonville, Arkansas; And For Other Purposes.

2. **Final Plat - Walmart Campus Subdivision, Phase 21 - 1601 SE 10th Street (FP25-0010)** — **Ordinance***

The Planning Commission voted 7-0, recommending approval.

An Ordinance Accepting A Final Plat Of Lot 1 Of Walmart Campus Subdivision, Phase 21 To The City Of Bentonville, Arkansas; And For Other Purposes.

3. **Property Line Adjustment - Lot 33, Block 6 of Fairview Heights Addition - 203 NW J Street (PLA25-0016)** — **Ordinance***

The Planning Commission voted 7-0, recommending approval.

An Ordinance Accepting A Property Line Adjustment Of Lots 13-16, Block 6 Of Fairview Heights Addition Creating New Lot 33, Block 6 Of Fairview Heights Addition To The City Of Bentonville, Arkansas; And For Other Purposes.

4. **Lot Split - Lot 42 of Clark's Addition - 215 SW F Street (LS26-0005)** — **Ordinance***

The Planning Commission voted 7-0, recommending approval.

An Ordinance Accepting A Lot Split Of Lot 3 Of Clark's Addition Creating New Lot 42 Of Clark's Addition To The City Of Bentonville, Arkansas; And For Other Purposes.

5. **Lot Split - Lots 1 & 2 of Plumley's Place - 6979 Piercy Rd (LS25-0038)** — **Ordinance***

The Planning Commission voted 7-0, recommending approval.

An Ordinance Accepting A Lot Split Of Parcel 01-08215-100 Creating New Lots 1 & 2 Of Plumley's Place To The City Of Bentonville, Arkansas; And For Other Purposes.

6. **Rezoning - Inclusion Reality, LLC - R-1, Low-Density Single-Family Residential to DN-4, Downtown Mixed-Use Residential - 906, 908, & 1000 SE 10th Street. (RZ26-0008)** **Ordinance***

The Planning Commission voted 7-0, recommending approval.

An Ordinance Changing Real Estate In The City Of Bentonville, Arkansas, From Its Present Zoning Classification Of R-1, Low Density Single Family Residential To DN-4, Downtown Mixed-Use Residential; And For Other Purposes.

7. **Rezoning - Pacific Avenue Real Holdings, LLC - R-1, Low-Density Single-Family Residential to DN-3, Downtown High Density Residential - 1813 SE Crouch Street (RZ26-0009)** **Ordinance***

The Planning Commission voted 7-0, recommending approval.

An Ordinance Changing Real Estate In The City Of Bentonville, Arkansas, From Its Present Zoning Classification Of R-1, Low Density Single Family Residential To DN-3, Downtown High Density Residential; And For Other Purposes.

8. **Rezoning - Phillips - R-1, Low-Density Single-Family Residential to DN-3, Downtown High Density Residential - 309 SE B Street (RZ26-0010)** **Ordinance***

The Planning Commission voted 7-0, recommending approval.

An Ordinance Changing Real Estate In The City Of Bentonville, Arkansas, From Its Present Zoning Classification Of R-1, Low Density Single Family Residential To DN-3, Downtown High Density Residential; And For Other Purposes.

9. **Rezoning - Chen & Ehret Real Holdings, LLC - R-1, Low-Density Single-Family Residential to DN-3, Downtown High Density Residential - 1105 Convair St (RZ26-0011)** **Ordinance***

The Planning Commission voted 7-0, recommending approval.

An Ordinance Changing Real Estate In The City Of Bentonville, Arkansas, From Its Present Zoning Classification Of R-1, Low Density Single Family Residential To DN-3, Downtown High Density Residential; And For Other Purposes.

10. **Rezoning - Marvin Gardens Real Holdings, LLC - R-1, Low-Density Single-Family Residential to DN-3, Downtown High Density Residential - 2202/2204 Douglas Street (RZ26-0012)** **Ordinance***

The Planning Commission voted 6-1, recommending approval.

An Ordinance Changing Real Estate In The City Of Bentonville, Arkansas, From Its Present

Zoning Classification Of R-1, Low Density Single Family Residential To DN-3, Downtown High Density Residential; And For Other Purposes.

11. **Rezoning - LoxBlox, LLC - R-1, Low-Density Single-Family Residential to DN-3, Downtown High Density Residential - 1005 Lockheed Street (RZ26-0013)** **Ordinance***

The Planning Commission voted 7-0, recommending approval.

An Ordinance Changing Real Estate In The City Of Bentonville, Arkansas, From Its Present Zoning Classification Of R-1, Low Density Single Family Residential To DN-3, Downtown High Density Residential; And For Other Purposes.

12. **Rezoning - Pennsylvania Ave Real Holdings, LLC - R-1, Low-Density Single-Family Residential to DN-3, Downtown High Density Residential - 1306 Lockheed Street (RZ26-0014)** **Ordinance***

The Planning Commission voted 7-0, recommending approval.

An Ordinance Changing Real Estate In The City Of Bentonville, Arkansas, From Its Present Zoning Classification Of R-1, Low Density Single Family Residential To DN-3, Downtown High Density Residential; And For Other Purposes.

13. **Rezoning - Pennsylvania Ave Real Holdings, LLC - R-1, Low-Density Single-Family Residential to DN-3, Downtown High Density Residential - 1202 Lockheed Street (RZ26-0015)** **Ordinance***

The Planning Commission voted 7-0, recommending approval.

An Ordinance Changing Real Estate In The City Of Bentonville, Arkansas, From Its Present Zoning Classification Of R-1, Low Density Single Family Residential To DN-3, Downtown High Density Residential; And For Other Purposes.

14. **Rezoning - Ultra Homes, LLC - R-1, Low-Density Single-Family Residential to R-2, Medium Density Two Family and Townhome Residential - North of Southwest Anglin Road (RZ26-0016)** **Ordinance***

The Planning Commission voted 7-0, recommending approval.

An Ordinance Changing Real Estate In The City Of Bentonville, Arkansas, From Its Present Zoning Classification Of R-1, Low Density Single Family Residential To R-2, Medium Density Two Family and Townhome Residential; And For Other Purposes.

15. **Rezoning - Kuhlman Properties, LLC - A-1, Agriculture to C-3, Mixed-Use Commercial - 804 SW 12th Street. (RZ26-0020)** **Ordinance***

The Planning Commission voted 7-0, recommending approval.

An Ordinance Changing Real Estate In The City Of Bentonville, Arkansas, From Its Present Zoning Classification Of A-1, Agricultural To C-3, Mixed-Use Commercial; And For Other Purposes.

16. **A Resolution Approving A Development Agreement For The Central And Battlefield Project - (LSD24-0034 / PP24-0006)** **Resolution**

The Planning Commission voted 7-0 on March 17th, recommending approval.

A Resolution Approving A Development Agreement For The Central And Battlefield Project; And For Other Purposes.

17. **An Ordinance Adopting The Bentonville Community Code** **Ordinance***

The Planning Commission voted 7-0 on March 17th, recommending approval.

An Ordinance Adopting The Bentonville Community Code Pursuant To Arkansas Code Annotated §14-56-301; And For Other Purposes.

18. **An Ordinance Adopting The Bentonville Zoning Map** **Ordinance***

The Planning Commission voted 7-0, recommending approval.

An Ordinance Adopting The Bentonville Zoning Map Pursuant To Arkansas Code Annotated §14-56-301; And For Other Purposes

19. **An Ordinance Adopting The Downtown Neighborhood Overlay District Map** **Ordinance***

The Planning Commission voted 7-0, recommending approval.

An Ordinance Adopting The Downtown Neighborhood Overlay District Map And Regulations Pursuant To Arkansas Code Annotated §14-56-301; And For Other Purposes

20. **An Ordinance Adopting the Downtown Center Overlay District Map** **Ordinance***

The Planning Commission voted 7-0, recommending approval.

A Ordinance Adopting The Downtown Center Overlay District Map And Regulations Pursuant To Arkansas Code Annotated §14-56-301; And For Other Purposes

V. Other Business/Announcements/Comments

Adjournment

Public Comments Concerning Matters of City Related Business

City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	4/14/2026	**Submitted By:**	Chief Ray Shastid
Phone:	479-271-3170	**For Department(s):**	Police
Email:	ray.shastid@bentonville.arkansas.gov		

Item Type (Check all that apply)

☑ **Informational** ☐ **Bid Award** ☐ **Enter into an Agreement** ☐ **Change Order**
☐ **Recognizing Funds** ☐ **Budget Adjustment** ☐ **Waiver of Bid** ☐ **Emergency Clause**
☐ **Ordinance** ☐ **Resolution** ☑ **Informational**

Title, Recommendation & Justification

Title:	Proclamation Recognizing "National Public Safety Telecommunicator Week"
Action Recommendation & Justification:	Proclamation recognizing the Bentonville Emergency Communications Center for "National Public Safety Telecommunicator Week"- April 12-18, 2026.
Additional Comments for Consideration (Optional):	Attachment: Proclamation
Amount for Approval:	$

Budget Impact

Is this Item Budgeted? ☐ **YES** ☐ **NO** ☑ **ITEM HAS NO COST** ☐ **OTHER:**_____

Budget Adjustment *(to be completed by Finance when applicable)*

		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		

Fund(s) Impacted (check all that apply) ☐ **General Fund** ☐ **Utility Fund** ☐ **Street Fund** ☐ **Other(s):**_____

Budget Impact Notes for Consideration (Optional):

PROCLAMATION

WHEREAS: Emergencies can occur at any time that require police, fire or emergency medical services; and

WHEREAS: When an emergency occurs, the prompt response of police officers, firefighters and paramedics is critical to the protection of life and preservation of property; and

WHEREAS: The safety of our police officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the City of Bentonville Emergency Communications Center; and

WHEREAS: The Bentonville Emergency Communications Center, in the last year, handled 110,840 telephone calls and dispatched 59,459 total police and fire/ems calls for service; and

WHEREAS: Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and

WHEREAS: Public Safety Telecommunicators are the single vital link for our police officers and firefighters by monitoring their activities by radio, providing them information, and ensuring their safety; and

WHEREAS: Public Safety Telecommunicators of the City of Bentonville have contributed substantially to the apprehension of criminals, suppression of fires, and treatment of patients; and

WHEREAS: Each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year.

NOW, THEREFORE, I Stephanie Orman, Mayor of the City of Bentonville do hereby proclaim the week of April 12-18, 2026, as **"National Public Safety Telecommunicators Week"** in the City of Bentonville, Arkansas, in honor of the men and women whose diligence and professionalism keep our city and citizens safe.

Given this 14th day of April, 2026, in Bentonville, in the great State of Arkansas, in the United States of America.

[redacted]

Stephanie Orman, Mayor
City of Bentonville

CITY OF BENTONVILLE CORPORATE SEAL ARKANSAS

City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	4/14/2026	**Submitted By:**	Chief Ray Shastid
Phone:	479-271-3170	**For Department(s):**	Police
Email:	ray.shastid@bentonville.arkansas.gov		

Item Type (Check all that apply)

☑ **Informational** ☐ **Bid Award** ☐ **Enter into an Agreement** ☐ **Change Order**
☐ **Recognizing Funds** ☐ **Budget Adjustment** ☐ **Waiver of Bid** ☐ **Emergency Clause**
☐ **Ordinance** ☐ **Resolution** ☑ **Informational**

Title, Recommendation & Justification

Title:	Proclamation Recognizing "National Animal Control Officer Appreciation Week"
Action Recommendation & Justification:	Proclamation recognizing the Bentonville Animal Services employees during "National Animal Control Officer Appreciation Week"- April 12-18, 2026.
Additional Comments for Consideration (Optional):	Attachment: Proclamation
Amount for Approval:	$

Budget Impact

Is this Item Budgeted? ☐ **YES** ☐ **NO** ☑ **ITEM HAS NO COST** ☐ **OTHER:**_____

Budget Adjustment *(to be completed by Finance when applicable)*

		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		

Fund(s) Impacted (check all that apply) ☐ **General Fund** ☐ **Utility Fund** ☐ **Street Fund** ☐ **Other(s):**_____

Budget Impact Notes for Consideration (Optional):

PROCLAMATION

WHEREAS: The National Animal Care and Control Association has designated April 12-18, 2026, as National Animal Control Officer Appreciation Week; and

WHEREAS: Animal Control Officers and Animal Care Staff are dedicated to helping pets and people in the community every day; and

WHEREAS: Various federal, state, and local government officials throughout the country take this time to recognize, thank, and commend all Animal Control Officers and Animal Care Staff for the dedicated services they provide to the citizens, public safety, and public service agencies across the nation; and

WHEREAS: Animal Control Officers and Animal Care Staff provide essential functions to the city pertaining to animal welfare and care, safeguarding public health through disease prevention and enforcement, and educating the public on responsible pet ownership for our community; and

WHEREAS: City of Bentonville recognizes and commends the work done by the employees of Bentonville Animal Services, and specifically recognize the following employees for the many dedicated and long hours of service they perform in providing the highest and most efficient level of customer service to the residents of our community: Shannon Gabbard, Tylor Shambles, Logan Weber, Emily Kerns, Kristin Teague, and Kim Roberts.

NOW, THEREFORE, I, Stephanie Orman, Mayor of the City of Bentonville, do hereby proclaim the week of April 12-18, 2026, as **"National Animal Control Officer Appreciation Week"** in the City of Bentonville, Arkansas, in honor of the men and women whose diligence and professionalism keep our city and citizens safe.

Given this 14th day of April 2026, in Bentonville, in the great State of Arkansas, in the United States of America.

[redacted]

Stephanie Orman, Mayor
City of Bentonville

City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	4/14/2026	**Submitted By:**	Chief Ray Shastid
Phone:	479-271-3170	**For Department(s):**	Police Department
Email:	ray.shastid@bentonville.arkansas.gov		

Item Type (Check all that apply)

☐ Informational ☐ Bid Award ☑ Enter into an Agreement ☐ Change Order
☐ Recognizing Funds ☐ Budget Adjustment ☐ Waiver of Bid ☐ Emergency Clause
☐ Ordinance ☑ Resolution ☐ Informational

Title, Recommendation & Justification

Title:	Resolution Approving the Purchase of Evidence Storage System from Patterson Pope, Inc.
Action Recommendation & Justification:	A Resolution authorizing the purchase of police department evidence shelving and storage solutions from Patterson Pope, Inc through participation in the Sourcewell Cooperative (Co-Op) contract #110923-SPC-2024 for $159,064.84 (estimated 9.50% taxes included). This is a 2026 budgeted item. No budget adjustment is needed.
Additional Comments for Consideration (Optional):	The shelving solutions and all attachments/accessories were budgeted for $160,000.00. Price is turnkey and includes all materials, freight and installation by Patterson Pope, Inc. whom are Spacesaver factory trained installers. This is a budgeted item for 2026.
Amount for Approval:	**$** 159,064.84

Budget Impact

Is this Item Budgeted? ☑ **YES** ☐ **NO** ☐ **ITEM HAS NO COST** ☐ **OTHER:**_____

Budget Adjustment *(to be completed by Finance when applicable)*

		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		

Fund(s) Impacted (check all that apply) ☐ **General Fund** ☐ **Utility Fund** ☐ **Street Fund** ☐ **Other(s):**_____

Budget Impact Notes for Consideration (Optional):

MEMORANDUM

PURCHASING AND COMPLIANCE DEPARTMENT

TO: ADMINISTRATION

FROM: Tanya Moore, Purchasing Agent, Purchasing and Compliance Department

DATE: April 1, 2026

SUBJECT: Evidence Storage System Sourcewell Cooperative

The Purchasing and Compliance Department has reviewed the documentation provided by the Police Department for the purchase of evidence shelving and storage solutions from Patterson Pope, Inc through participation in the Sourcewell Cooperative contract #110923-SPC-2024 for $159,064.84 (estimated 9.50% taxes included).

Based on the review of contract documentation, pricing verification, and cooperative purchasing compliance, the Purchasing and Compliance Department confirms that the request complies with the City of Bentonville's Purchasing Policy, Section 4.6, for Cooperative Purchases Meeting or Exceeding the Council Threshold and is allowed pursuant to Arkansas State Statute 19-61-802.

Please feel free to contact me with any questions.

Tanya Moore
Purchasing Agent
(479) 271-3115
Tmoore@bentonvillear.com

Sourcewell Awarded Contract
Contract # 110923-SPC

Spacesaver

INFO SHEET

SOURCEWELL

Spacesaver Corporation proudly partners with Sourcewell, a government agency serving the United States and Canada, to offer Sourcewell members a competitive bid contract. Sourcewell is a cooperative contract for state and local agencies, K-12, universities and colleges, nonprofits, and tribal government to purchase from awarded vendors. As a cooperative contract, Sourcewell is working for both buyers (members) and vendors.

Spacesaver is the innovator in storage solutions from high-density mobile and secure storage for government and public safety, to new ideas that can streamline library and museum operations and campus solutions. Join Sourcewell at no cost and access Spacesaver's competitively-priced storage solutions to start saving time, money, and resources today.

To learn more about Spacesaver or to find a local authorized dealer, visit **www.spacesaver.com**.

To learn more about Sourcewell or to become a member, visit **www.sourcewell-mn.gov**.

SPACESAVER'S SOURCEWELL CONTRACT INFORMATION

CONTRACT NUMBER: 110923-SPC

EFFECTIVE DATE: 12/21/2023 -12/29/2027

PRODUCTS: All Spacesaver Manufactured Products; excluding ActivRAC® Stainless Steel

SOURCEWELL MEMBERSHIP OPEN TO:

- State & Local Government Entities
- All Education: Private & Public
- Nonprofits (Tax Exempt Organization)
- Tribal Government
- Canadian Provinces
- Canadian Healthcare Entities

VALUE OF BEING A SOURCEWELL MEMBER

- The formal contracting process is satisfied on your behalf - proven process eliminates low-bid, low-quality results.
- No cost, obligation, or liability to be a member.
- A legal and easier purchasing process - ensuring best use of time and money.
- Contracts are requested, awarded, and regulated by a municipal agency and governed by a publicly elected board of directors.
- Sourcewell maintains all procurement documentation for you, a complete procurement file is posted on the website.
- Sourcewell is a government entity committed to helping its members succeed in fulfilling its own public service missions.
- The opportunity to purchase the very best products, equipment, and services through nationally solicited contacts.













Spacesaver designs and manufactures storage solutions for U.S. and Canadian Sourcewell members in a variety of markets, including high-density mobile storage, secure storage for military applications, government and public-sector safety, and develops new ideas that can streamline education, libraries, museums, and nonprofit organization operations.

Spacesaver®

Spacesaver Corporation
1450 Janesville Avenue
Fort Atkinson, WI 53538-2798
800.492.3434
www.spacesaver.com

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STUFF MADE **SIMPLE.**

PROPOSAL

Copyright ©2025 Patterson Pope, Inc. This material is proprietary and confidential, and the disclosure reproduction by photography, film, blueprint or otherwise or incorporation into any information retrieval system without first receiving written approval from Patterson Pope, Inc. is expressly prohibited by law.

ABOUT PATTERSON POPE

Who We Are
(Our Essence)

We keep things simple. We tell the truth, we keep our word, we do the right thing - because it's simpler that way. People like us, trust us and buy from us because we are free from guile. We work hard, we have fun, we go home to our families. **We keep things simple.**

What We Do
(Our Mission)

We take the complicated and make it simple. Your records, your stuff, your space – all simplified. If it's in your organization and you can touch it, **we help you store it, track it and retrieve it** using less space and time than you ever thought possible.

Where We Are
(Our Footprint)

Alabama
Birmingham

Florida
Boca Raton
Clearwater
Jacksonville
Miami
Orlando
Santa Rosa Beach
Tampa

Georgia
Atlanta

Kentucky
Louisville

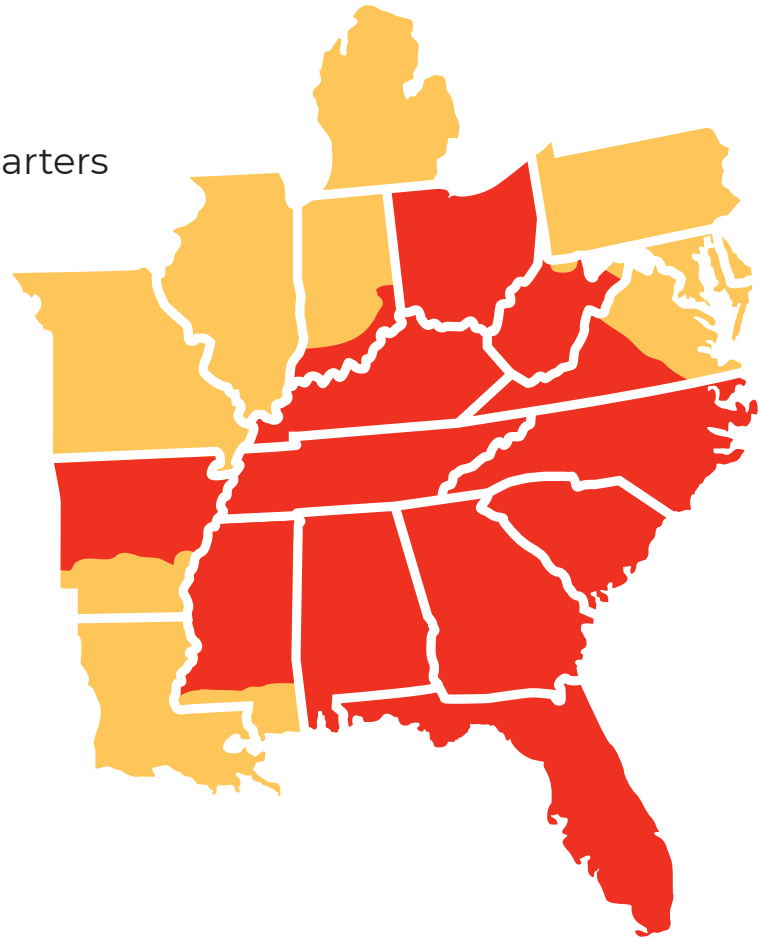
North Carolina
Charlotte / Headquarters
Greensboro
Raleigh

Ohio
Cincinnati
Cleveland
Columbus

South Carolina
Charleston

Tennessee
Knoxville
Memphis
Nashville

Virginia
Roanoke



`

Proposal

patterson·pope
SPACE MADE SIMPLE.

Mailing Address:

PO BOX 790138
CHARLOTTE, NC 28206

Quote #: Q-347979-321
Drawing Ver: 347979 1B Sourcewell
Date: 2026-03-11
Expires On: 2026-04-10

See invoice for remit to address.

Install To
Bentonville, AR- Police
Chief Ray Shastid
908 SE 14th Street
Bentonville AR 72712

Bill To
Bentonville, AR- Police
Ray Shastid
908 SE 14th Street
Bentonville AR 72712

SALESPERSON	EMAIL	DELIVERY METHOD	PAYMENT METHOD
Paul Myers	pmyers@pattersonpope.com		Net 10

GROUP NAME	DESCRIPTION	NET TOTAL
Spacesaver Wheelhouse MA Mobile System	Attn: Chief Ray Shastid. Pretax Selling Price $145,264.69 on Sourcewell Contract #110923-SPC-2026. Please refer to Drawing #347979-1B for details. Spacesaver wheelhouse mechanical assist mobile systems for Evidence Storage Room storage. Price is turnkey and includes all materials, freight, and installation by Patterson Pope whom are Spacesaver factory trained installers. Customer will select from Spacesaver standard colors at a later date. Current lead time is 14 to 15 weeks from the date that we receive order.	$ 145,264.69

Sub Total:	$ 145,264.69
Tax, if applicable, will be added to final invoice	
Grand Total:	**$ 145,264.69**

THANK YOU FOR YOUR BUSINESS!

Important Proposal Notes

Sales Tax estimate of 9.50% would be an estimate of $13,800.15 for a Total Grand Total of $159,064.84

Applicable sales tax and final shipping charges will be added to the invoice if not indicated above.

ESTIMATED TARIFF: If your order includes items that has tariffs associated with purchase, we are including the estimated tariff (duty/tax) as of this proposal. If at time of entry into the US there is no additional tariff, you will not be charged.

If TAX EXEMPT - Please provide Tax Exemption Certificate along with Purchase Order or Signed Quote

INFO REGARDING STORAGE FEES: The customer acknowledges that they will be responsible for Storage Fees of $50 per pallet, per month, incurred 30 days after the ship date that are related to a delay in an installation date due to a customer's request or a site related project delay

Patterson Pope requires a purchase order (or signed quote) for each individual accepted quote.

Please provide sign off on final drawing(s). Indicate color choices on your PO.

Patterson Pope offers custom manufactured solutions to fit your unique space. For this reason no product can be ordered until a representative from Patterson Pope is able to field verify all dimensions.

Signature below indicates acceptance of this proposal and of the attached terms and conditions.

Signature: _____ Effective Date: _____/_____/_____

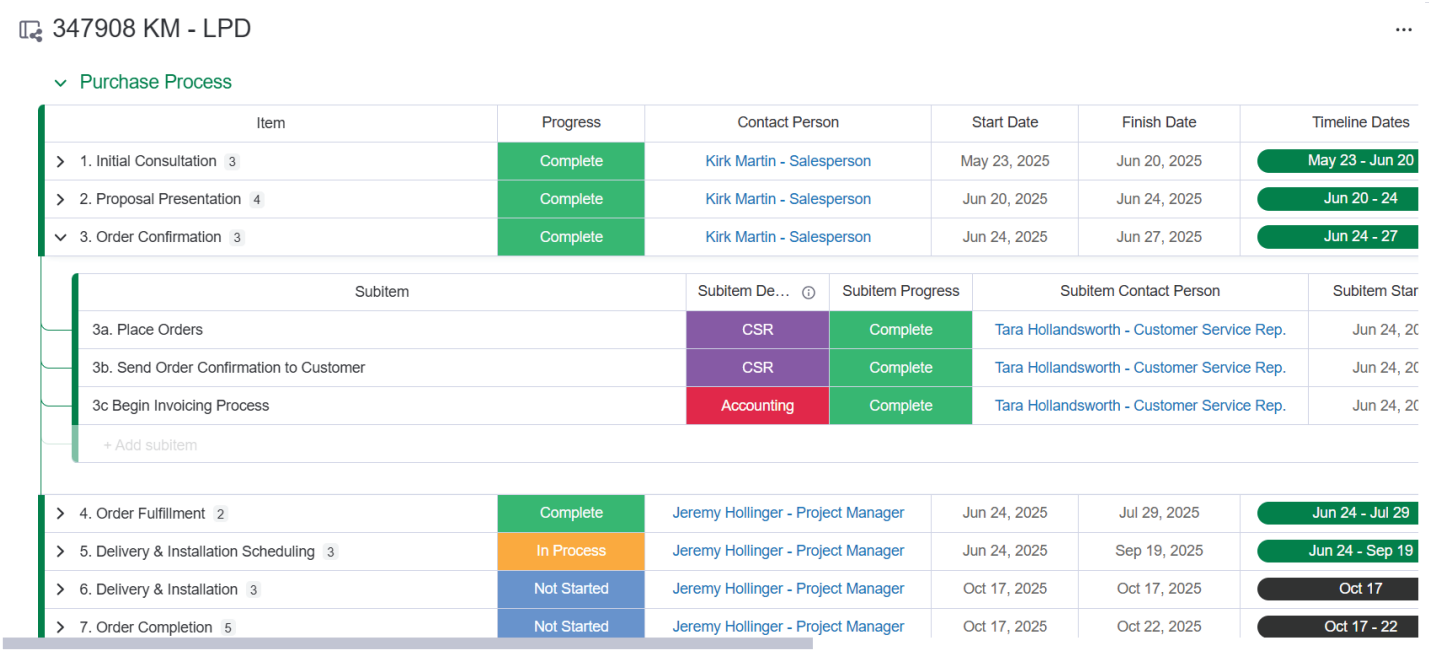
Name (Print): _____ Title: _____

Please sign and email to Paul Myers at pmyers@pattersonpope.com.

THANK YOU FOR YOUR BUSINESS!

CUSTOMER BUYING EXPERIENCE BOARD

Along with your proposal you have access to a **Customer Buying Experience Board**. This sample shows you our process and keeps you updated every step of the way.



Item	Progress	Contact Person	Start Date	Finish Date	Timeline Dates
1. Initial Consultation 3	Complete	Kirk Martin - Salesperson	May 23, 2025	Jun 20, 2025	May 23 - Jun 20
2. Proposal Presentation 4	Complete	Kirk Martin - Salesperson	Jun 20, 2025	Jun 24, 2025	Jun 20 - 24
3. Order Confirmation 3	Complete	Kirk Martin - Salesperson	Jun 24, 2025	Jun 27, 2025	Jun 24 - 27

Subitem	Subitem De…	Subitem Progress	Subitem Contact Person	Subitem Star
3a. Place Orders	CSR	Complete	Tara Hollandsworth - Customer Service Rep.	Jun 24, 2(
3b. Send Order Confirmation to Customer	CSR	Complete	Tara Hollandsworth - Customer Service Rep.	Jun 24, 2(
3c Begin Invoicing Process	Accounting	Complete	Tara Hollandsworth - Customer Service Rep.	Jun 24, 2(
+ Add subitem				

4. Order Fulfillment 2	Complete	Jeremy Hollinger - Project Manager	Jun 24, 2025	Jul 29, 2025	Jun 24 - Jul 29
5. Delivery & Installation Scheduling 3	In Process	Jeremy Hollinger - Project Manager	Jun 24, 2025	Sep 19, 2025	Jun 24 - Sep 19
6. Delivery & Installation 3	Not Started	Jeremy Hollinger - Project Manager	Oct 17, 2025	Oct 17, 2025	Oct 17
7. Order Completion 5	Not Started	Jeremy Hollinger - Project Manager	Oct 17, 2025	Oct 22, 2025	Oct 17 - 22

How to place your order

BEFORE SENDING THE PO:

If your **proposal has expired**, please request an updated quote from your P2 Sales Representative.

Patterson Pope **requires either a Signed Quote or Proposal OR a formal Purchase Order (signed by a company principal)** before we can place an order with our vendors.

Please sign a **copy of the drawing and return with your signed proposal or PO** as accepted.

Include **color selections** with PO. Steel & Laminate. Your P2 sales representative can provide you with samples & color charts upon request.

If your quote includes locks (doors, drawers, etc), please indicate **which should be keyed alike and which should be keyed differently**.

If your quote includes lockers, please include your desired **numbering sequence**.

If applicable, please indicate your **hardware selections**. Your P2 sales representative can provide you with options and samples.

Please provide the **names and all contact information of the individuals P2 should contact for scheduling your installation**. Indicate the primary contact.

Please provide the address of the **installation location**.

Please indicate the **date you would prefer the installation to begin**.

Would you like the installation to take place **during or after normal business hours**? (May impact the selling price if not proposed accordingly)

AFTER THE PO IS SENT:

You will receive an **Acknowledgment Email** and then a few days later, an **installation survey** from P2 Operations. Please complete this survey at your earliest convenience – within 3 business days.

You will receive confirmation from P2 with expected install dates based on vendor lead times.

You will receive a call 1 week before your installation is scheduled to begin to confirm install information.

Patterson Pope Terms and Conditions The following terms and conditions shall apply to any Deliverables (defined herein) provided by Patterson Pope, Inc. ("Company") to Client.

1. **Acceptance and Agreement:** The provisions on the pricing page, the purchase order and these Terms and Conditions (collectively, the "Agreement") constitute the entire agreement between Company and Client and supersede all other communications between the parties, whether written or oral, regarding the products and services described in this Agreement ("Deliverables"). The terms of this Agreement are expressly limited to those provided herein, and no purported modification, addition, or waiver of the provisions hereof shall be binding on Company for any purposes unless contained in writing, signed by an authorized representative of Company. The provisions hereof shall be deemed to have been accepted by Client's acceptance of all or any part of the Deliverables. All orders or any changes to such orders shall be subject to acceptance by Company. Change orders requested after receipt of Client purchase order may also incur additional charges. If, for any reason, Client cancels the order, any cancellation, restocking and handling charges will be invoiced. Future purchase orders (or similar engagement documents) and associated pricing pages may reference these Terms and Conditions, and by such reference, these Terms and Conditions shall be incorporated therein.

2. **Payment and Pricing:** Pricing quoted on the pricing page supersedes all previously quoted prices and is good for 60 days from the date of this Agreement. The pricing page may or may not include applicable sales or other taxes required by law; such taxes will be billed to Client and are Client's sole responsibility. This system has been custom designed and will be specially manufactured for your unique requirements. A non-refundable down payment of 40% is due upon order, 30% is due at the time of shipment and 30% is due at the time of completion. Client shall have no authority to assert any offsets or discounts against any payment due, except as expressly agreed to by Company in the pricing page or other signed writing. Client represents and warrants to Company that it is solvent at the time this Agreement is made. Client hereby grants a security interest in the product Deliverables to secure payment to Company and consents to Company filing a financing statement to perfect such security.

3. **Space Requirements:** This system has been specially designed to meet Client's specific requirements; as such, most of the equipment is manufactured on a "per job" basis. Client shall allow Company's representative(s) reasonable access to Client's facilities to confirm whether the space where the Deliverables will be installed matches Client's representations. In the event that the space cannot be field verified before the Deliverables must be ordered and the actual space does not match what had been previously represented, Client is responsible for any delays and additional costs incurred to reconfigure the Deliverables to fit actual space (i.e. extra material, labor, and freight). Notwithstanding any field verification by Company, it is Client's responsibility to be certain the space is suitable for the installation of this equipment (i.e. adequate fire protection and floor load capacity).

4. **Acceptance:** Client shall accept the Deliverables which conform to the requirements of specifications under this Agreement. All claims for errors, shortages, or damage ("Non-conformance") must be made in writing to the respective Account Representative within ten (10) days of Client's receipt of any Deliverables, and Company shall have a reasonable period of time, based on the severity and complexity of the Non-conformance, to correct the Non-conformance. If Client uses the Deliverables before acceptance or fails to promptly notify Company of any Non-conformance then the Deliverables shall be considered accepted by the Client.

5. **Freight and Shipping:** Freight and shipping terms are detailed on the pricing page. In the event that Client or one of its agents refuses delivery for whatever reason on or after the estimated delivery date, Client will be responsible for the payments in accordance to Section 2 and the pricing page in addition to any supplemental storage charges incurred by Company as a result of the delay *unless* the delay is caused by Company, one of its manufacturers, freight carriers, subcontractors, and/or any other agent acting on Company's behalf.

6. **Storage Fees:** As part of the Sales Agreement, Patterson Pope agrees to provide 30 days of storage at no cost. After 30 days storage fees will accrue and become billable to customers for any customer related delay or site related delay that results in a change in the installation date.

7. **Limited Warranty:** Company warrants its installation services under the Agreement shall be performed with reasonable care in a diligent and competent manner. Company's sole obligation under this warranty shall be to correct any Non-conformance, provided that Client gives Company written notice within ten (10) days after installation is completed. Company does not warrant and is not responsible for any product Deliverables or third party services. Client agrees to look to the third party manufacturer or vendor (and not Company) with respect to all claims regarding such third party products or services as its sole and exclusive remedy. *This section is Company's only warranty concerning the product and service Deliverables, and is made expressly in lieu of, and to disclaim, all other warranties and representations, express or implied, including any implied warranties of merchantability, non-infringement, or fitness for a particular purpose, or otherwise.*

8. **Limitation of Remedy and Liability:** *The maximum liability of Company and Company's principals, directors, officers, agents, employees, personnel, affiliates and their partners shall be the fees Company actually receives under the Agreement for the portion of work giving rise to the liability. In no event shall any of the above be liable to Client or any third party for any indirect, special, incidental, consequential, exemplary or punitive damages of any kind whatsoever in connection with the agreement, including but not limited to lost profits, loss of business opportunity, lost savings, and loss of business information.* Client will bear the risk of loss or damage to, or theft of, any Deliverables once delivery has been made to the Client. Any action against Company must be brought within twelve (12) months after the cause of action arises. Neither party shall be liable for any delays or failures in performance due to circumstances beyond its reasonable control, including but not limited to, strikes, riot, war, fire, flood, storm, explosion, accident, or other acts of God. This contract shall be construed in accordance with the laws of the State of North Carolina (without regard to its choice of law provisions). Claims arising out of or requiring the interpretation of this Agreement shall be brought and litigated exclusively in courts located within Mecklenburg County, North Carolina, or if a federal court, the court whose district includes Mecklenburg County, North Carolina. This Agreement may not be assigned without prior written consent; provided, however, Company may assign this Agreement in whole or in part, without the Client's consent, in connection with a merger, acquisition, corporate reorganization, or sale of substantially all of the Company's assets, and Client agrees that Company shall be released from any further obligations under this Agreement upon such assignment.

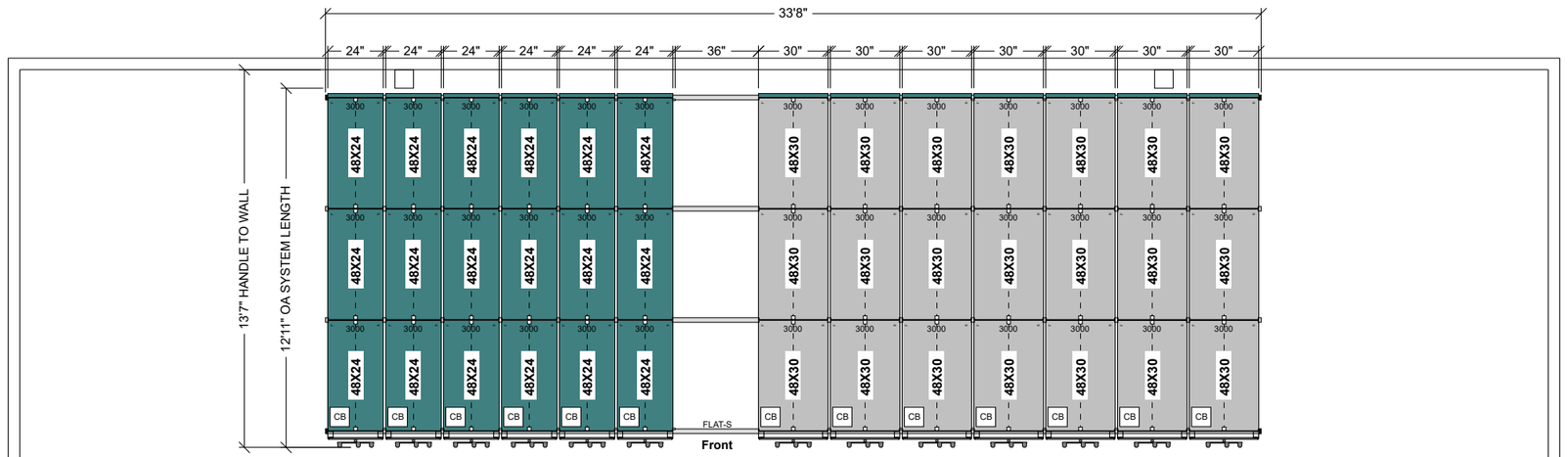
Patterson Pope, Inc. Date

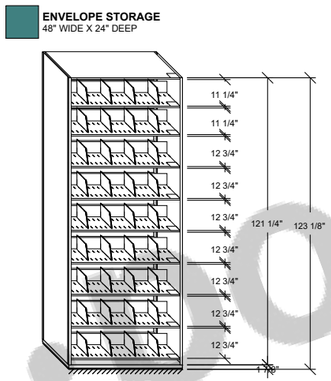
CLIENT Date

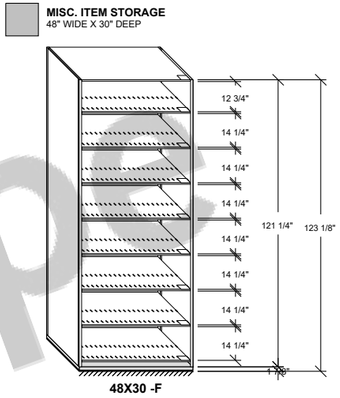
(This Agreement may be signed in counterparts and by facsimile or electronic signature by an authorized representative.)

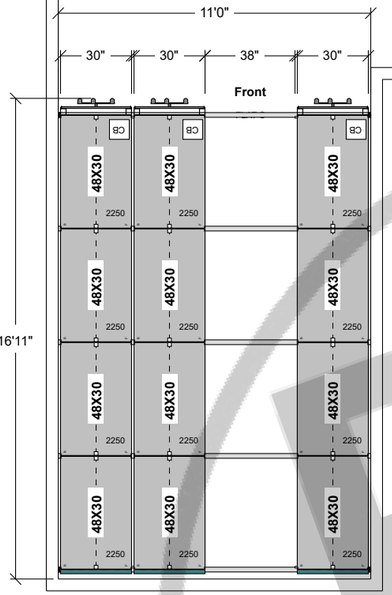
Purchase Order #_____

patterson·pope
pattersonpope.com









WHEELHOUSE SYSTEM CHARACTERISTICS	
GUIDANCE	DUAL FLANGE
RAIL TYPE	FLOORLESS ANTI-TIP W/ SHIMS
END PANELS	HIGH PRESSURE LAMINATE
DRIVE TYPE	MECHANICAL ASSIST
SWEEP	NONE
SAFETY	NONE
FLOOR/RAMP	NONE (FLOORLESS)
STATIONARY UNITS	SITTING ON FLOOR
FLOOR COVERING	BY OTHERS

SHELVING CHARACTERISTICS	
TYPE	4-POST
UPRIGHTS	ALL CLOSED
DOUBLE UNITS	FULL DEPTH
UPRIGHT HEIGHT	121-1/4"
NO. OF OPENINGS	9 OR 8
DIVIDERS PER OP.	FILE / 4 (ENV. STORAGE ONLY)
FRONT BASE	NONE - MOBILE SUPPORT
SHELF TYPE	SLOTTED FILE / SOLID TOP
SUPPORT TYPE	FILE SUPPORT
REF. SHELVES	NONE
BACK PANELS	LOCATION DENOTED BY "X"

DRAWING LEGEND	
	SHELVING ON MOBILE CARRIAGES
	STATIC SHELVING ON RAISED PLATFORM
	STATIC SHELVING ON FLOOR
	DOUBLE FACE SHELVING SECTION

SPACESAVER WHEELHOUSE SURFACE MOUNTED FLOORLESS RAIL NOTES:
WHFL RAIL IS DESIGNED TO BE USED ON NORMAL INDUSTRIAL FLOORS WITH NO LEVELING REQUIRED PROVIDED THE FLOOR LEVELNESS MEETS THE FOLLOWING SPECIFICATIONS:
1/8" OVER ANY 2' RUN OF RAIL.
1/4" OVER ANY 12' RUN OF RAIL.
1/8" FROM PERPENDICULAR POINTS ON ADJACENT RAILS.
3/8" TOTAL VARIATION ACROSS ALL RAILS

NEVER INSTALL SURFACE MOUNT OR RECESSED RAIL ON FLOOR WITH:
FLOOR DRAINS.
DRAMATIC SLOPES.
INSUFFICIENT FOUNDATIONS OR SUBFLOOR MATERIAL.



©COPYRIGHT 2025

50 YEARS OF STUFF

Project Name: BENTONVILLE, AR PD - EVIDENCE ROOM

Salesperson: MYERS,PAUL

Scale: 3/16" = 1'

Rev level:

Project #: 347979 1B

Drawn by: K. CROWDER

Date Printed: 03/03/2026

APPROVAL
This drawing Approved By:

Dated

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RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT FOR THE PURCHASE OF AN EVIDENCE STORAGE SYSTEM FROM PATTERSON POPE, INC. IN THE AMOUNT OF ONE-HUNDRED FIFTY-NINE THOUSAND SIXTY-FOUR DOLLARS AND EIGHTY-FOUR CENTS ($159,064.84); AND FOR OTHER PURPOSES.

WHEREAS, The City of Bentonville Police Department desires to purchase evidence shelving and storage solutions from Patterson Pope, Inc. through participation in the Sourcewell Cooperative contract #110923-SPC-2024 for One-Hundred Fifty-Nine Thousand Sixty-Four Dollars and Eighty-Four Cents ($159,064.84) (estimated 9.50% taxes included).

WHEREAS, no budget adjustment is needed as this is a 2026 budgeted item.

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

Section 1: The Mayor and City Clerk are authorized to enter into an agreement with Patterson Pope, Inc. to purchase an evidence storage system in the amount of One-Hundred Fifty-Nine Thousand Sixty-Four Dollars and Eighty-Four Cents ($159,064.84) (estimated 9.50% taxes included).

Section 2 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

PASSED and APPROVED this _____ day of _____, 2026.

APPROVED:

_____
STEPHANIE ORMAN, MAYOR

ATTEST:

_____
MALORIE MARRS, CITY CLERK

City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	3/14/2026	**Submitted By:**	Dennis Hayes
Phone:	479-271-3127	**For Department(s):**	All Departments
Email:	dhayes@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational ☐ Bid Award ☑ Enter into an Agreement ☐ Change Order
☐ Recognizing Funds ☐ Budget Adjustment ☐ Waiver of Bid ☐ Emergency Clause
☐ Ordinance ☑ Resolution ☐ Informational

Title, Recommendation & Justification

Title:	Resolution Entering into an Agreement with ESRI for GIS Software
Action Recommendation & Justification:	Authorizing an agreement with Environmental Systems Research Institute for renewing a 3 year Enterprise Agreement for GIS Software for city departments. No budget adjustment is needed.
Additional Comments for Consideration (Optional):	Funding for this first year of Agreement is included in 2026 budget. Payments would be made annually: Year 1 ($60,300.00) / 2026, Year 2 ($60,300.00) / 2027, and Year 3 ($60,300.00) / 2028. Sole Source documentation and memo attached.
Amount for Approval:	**$** 180,900.00

Budget Impact

Is this Item Budgeted? ☑ YES ☐ NO ☐ ITEM HAS NO COST ☐ OTHER:_____

Budget Adjustment *(to be completed by Finance when applicable)*

		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		

Fund(s) Impacted (check all that apply) ☑ General Fund ☑ Utility Fund ☑ Street Fund ☐ Other(s):_____

Budget Impact Notes for Consideration (Optional):

City of Bentonville

Memo

To: Stephanie Orman, City Council

From: Dennis Hayes

cc: Bonnie Bridges, Patrick Johndrow, Purchasing

Date: 3/31/2026

Re: ESRI ENTERPRISE LICENSE AGREEMENT (ELA)

Attached is the ESRI Enterprise License Agreement (ELA). This is the software that we utilize to provide all our GIS and mapping services both web based and internal. With this ELA, the city can be provided with uncapped use for staff of most of ESRI's software products, extensions, technical support, new software releases, patches, updates, and training. This is a renewal of previous 3-year agreement approved by staff and city council in 2023 (Resolution 03-28-23E)

The agreement has a three-year term costing $180,900. The cost of the ELA is $60,300 per year. Funding for Year 1 (2026) has been included in the 2026 Budget. No budget Adjustments required.

Respectfully,

Dennis Hayes

MEMORANDUM

PURCHASING AND COMPLIANCE DEPARTMENT

TO: ADMINISTRATION

FROM: Tanya Moore, Purchasing Agent, Purchasing and Compliance Department

DATE: March 31, 2026

SUBJECT: Sole Source Justification ESRI GIS Software

The Purchasing and Compliance Department has reviewed the documentation provided by the Information Technology Department for the renewal of a 3 year Enterprise Agreement for GIS Software for city departments.

Based on the review of contract documentation, sole-source verification, and purchasing compliance, the Purchasing and Compliance Department confirms that the request complies with the City of Bentonville's Purchasing Policy, Section 4.4, for Sole Source Purchases.

Please feel free to contact me with any questions.

Tanya Moore
Purchasing Agent
(479) 271-3115
Tmoore@bentonvillear.com

SOLE SOURCE LETTER

Environmental Systems Research Institute, Inc. (Esri)
380 New York Street
Redlands, CA 92373

DATE: January 12, 2021

TO: Whom It May Concern

FROM: Jackie Ricks, Esri Contracts and Legal Services

RE: **Sole Source Justification for Enterprise Agreement (EA)**

This letter confirms Esri, as owner and manufacturer, is the sole source provider of all U.S. domestic Enterprise Agreements. While some products are available through value-added resellers on a unit priced basis, Esri is the only source that can grant a right to copy and deploy products in an Enterprise Agreement. An EA is a bundled package for licensing software, maintenance, and online services for redistribution within the organization. Esri products are provided with a special grant to copy and deploy specified quantities of capped items and unlimited quantities of items without a cap, during the term of the EA.

If you have further questions, please feel free to call me at our Contracts and Legal Services Department at 909-793-2853, extension 1990.

Sincerely,

[redacted]

Jackie Ricks
Contract Coordinator
esri
Contracts & Legal Services Dept.
380 New York Street
Redlands, CA 92373
Voice 909.793.2853 Ext. 1-1990
jricks@esri.com

Quotation # Q-565979

Date: February 2, 2026

Environmental Systems Research Institute, Inc.
380 New York St
Redlands, CA 92373-8100
Phone: (909) 793-2853
DUNS Number: 06-313-4175 CAGE Code: 0AMS3

Customer # 203043 Contract # ENTERPRISE AGREEMENT

City of Bentonville
GIS Information Technology Dept
221 S Main St
Bentonville, AR 72712-5962

To expedite your order, please attach a copy of this quotation to your purchase order.
Quote is valid from: 2/2/2026 To: 5/3/2026

ATTENTION: Jim Wheeless
PHONE: (479) 271-5926
EMAIL: jwheeless@bentonvillear.com

Material	Qty	Term	Unit Price	Total
193206	1	Year 1	$60,300.00	$60,300.00
Populations of 50,001 to 100,000 Small Government Enterprise Agreement Annual Subscription				
193206	1	Year 2	$60,300.00	$60,300.00
Populations of 50,001 to 100,000 Small Government Enterprise Agreement Annual Subscription				
193206	1	Year 3	$60,300.00	$60,300.00
Populations of 50,001 to 100,000 Small Government Enterprise Agreement Annual Subscription				

Subtotal:	$180,900.00
Sales Tax:	$0.00
Estimated Shipping and Handling (2 Day Delivery):	$0.00
Contract Price Adjust:	$0.00
Total:	$180,900.00

Esri may charge a fee to cover expenses related to any customer requirement to use a proprietary vendor management, procurement, or invoice program.

For questions contact:	Email:	Phone:
Emilio Pinero	epinero@esri.com	(909) 793-2853

The items on this quotation are subject to and governed by the terms of this quotation, the most current product specific scope of use document found at https://assets.esri.com/content/dam/esrisites/media/legal/product-specific-terms-of-use/e300.pdf, and your applicable signed agreement with Esri. If no such agreement covers any item quoted, then Esri's standard terms and conditions found at https://go.esri.com/MAPS apply to your purchase of that item. If any item is quoted with a multi-year payment schedule, Esri may invoice at least 30 days in advance of each anniversary date without the issuance or a Purchase Order, and Customer is required to make all payments without right of cancellation. Third-party data sets included in a quotation as separately licensed items will only be provided and invoiced if Esri is able to provide such data and will be subject to the applicable third-party's terms and conditions. If Esri is unable to provide any such data set, Customer will not be responsible for any further payments for the data set. US Federal government entities and US government prime contractors authorized under FAR 51.1 may purchase under the terms of Esri's GSA Federal Supply Schedule. Supplemental terms and conditions found at https://www.esri.com/en-us/legal/terms/state-supplemental apply to some US state and local government purchases. All terms of this quotation will be incorporated into and become part of any additional agreement regarding Esri's offerings. Acceptance of this quotation is limited to the terms of this quotation. Esri objects to and expressly rejects any different or additional terms contained in any purchase order, offer, or confirmation sent to or to be sent by buyer. Unless prohibited by law, the quotation information is confidential and may not be copied or released other than for the express purpose of system selection and purchase/license. The information may not be given to outside parties or used for any other purpose without consent from Esri. Delivery is FOB Origin for customers located in the USA.

Quotation # Q-565979

Date: February 2, 2026

Environmental Systems Research Institute, Inc.
380 New York St
Redlands, CA 92373-8100
Phone: (909) 793-2853
DUNS Number: 06-313-4175 CAGE Code: 0AMS3

Customer # 203043 Contract # ENTERPRISE AGREEMENT

City of Bentonville
GIS Information Technology Dept
221 S Main St
Bentonville, AR 72712-5962

ATTENTION: Jim Wheeless
PHONE: (479) 271-5926
EMAIL: jwheeless@bentonvillear.com

To expedite your order, please attach a copy of this quotation to your purchase order.
Quote is valid from: 2/2/2026 To: 5/3/2026

If you have made ANY alterations to the line items included in this quote and have chosen to sign the quote to indicate your acceptance, you must fax Esri the signed quote in its entirety in order for the quote to be accepted. You will be contacted by your Customer Service Representative if additional information is required to complete your request.

If your organization is a US Federal, state, or local government agency; an educational facility; or a company that will not pay an invoice without having issued a formal purchase order, a signed quotation will not be accepted unless it is accompanied by your purchase order.

In order to expedite processing, please reference the quotation number and any/all applicable Esri contract number(s) (e.g. MPA, ELA, SmartBuy, GSA, BPA) on your ordering document.

BY SIGNING BELOW, YOU CONFIRM THAT YOU ARE AUTHORIZED TO OBLIGATE FUNDS FOR YOUR ORGANIZATION, AND YOU ARE AUTHORIZING ESRI TO ISSUE AN INVOICE FOR THE ITEMS INCLUDED IN THE ABOVE QUOTE IN THE AMOUNT OF $_____, PLUS SALES TAXES IF APPLICABLE. DO NOT USE THIS FORM IF YOUR ORGANIZATION WILL NOT HONOR AND PAY ESRI'S INVOICE WITHOUT ADDITIONAL AUTHORIZING PAPERWORK.

Please check one of the following:

___ I agree to pay any applicable sales tax.

___ I am tax exempt, please contact me if exempt information is not currently on file with Esri.

_____ _____
Signature of Authorized Representative **Date**

_____
Name (Please Print)

_____
Title

The quotation information is proprietary and may not be copied or released other than for the express purpose of system selection and purchase/license. This information may not be given to outside parties or used for any other purpose without consent from Environmental Systems Research Institute, Inc. (Esri).

Any estimated sales and/or use tax reflected on this quote has been calculated as of the date of this quotation and is merely provided as a convenience for your organization's budgetary purposes. Esri reserves the right to adjust and collect sales and/or use tax at the actual date of invoicing. If your organization is tax exempt or pays state tax directly, then prior to invoicing, your organization must provide Esri with a copy of a current tax exemption certificate issued by your state's taxing authority for the given jurisdiction.

Esri may charge a fee to cover expenses related to any customer requirement to use a proprietary vendor management, procurement, or invoice program.

For questions contact:	**Email:**	**Phone:**
Emilio Pinero	epinero@esri.com	(909) 793-2853

The items on this quotation are subject to and governed by the terms of this quotation, the most current product specific scope of use document found at https://assets.esri.com/content/dam/esrisites/media/legal/product-specific-terms-of-use/e300.pdf, and your applicable signed agreement with Esri. If no such agreement covers any item quoted, then Esri's standard terms and conditions found at https://go.esri.com/MAPS apply to your purchase of that item. If any item is quoted with a multi-year payment schedule, Esri may invoice at least 30 days in advance of each anniversary date without the issuance or a Purchase Order, and Customer is required to make all payments without right of cancellation. Third-party data sets included in a quotation as separately licensed items will only be provided and invoiced if Esri is able to provide such data and will be subject to the applicable third-party's terms and conditions. If Esri is unable to provide any such data set, Customer will not be responsible for any further payments for the data set. US Federal government entities and US government prime contractors authorized under FAR 51.1 may purchase under the terms of Esri's GSA Federal Supply Schedule. Supplemental terms and conditions found at https://www.esri.com/en-us/legal/terms/state-supplemental apply to some US state and local government purchases. All terms of this quotation will be incorporated into and become part of any additional agreement regarding Esri's offerings. Acceptance of this quotation is limited to the terms of this quotation. Esri objects to and expressly rejects any different or additional terms contained in any purchase order, offer, or confirmation sent to or to be sent by buyer. Unless prohibited by law, the quotation information is confidential and may not be copied or released other than for the express purpose of system selection and purchase/license. The information may not be given to outside parties or used for any other purpose without consent from Esri. Delivery is FOB Origin for customers located in the USA.

Esri Use Only:
Cust. Name _____
Cust. # _____
PO # _____
Esri Agreement # _____

SMALL ENTERPRISE AGREEMENT
COUNTY AND MUNICIPALITY GOVERNMENT
(E214-3)

This Agreement is by and between the organization identified in the Quotation (**"Customer"**) and **Environmental Systems Research Institute, Inc.** (**"Esri"**).

This Agreement sets forth the terms for Customer's use of Products and incorporates by reference (i) the Quotation and (ii) the Master Agreement. Should there be any conflict between the terms and conditions of the documents that comprise this Agreement, the order of precedence for the documents shall be as follows: (i) the Quotation, (ii) this Agreement, and (iii) the Master Agreement. This Agreement shall be governed by and construed in accordance with the laws of the state in which Customer is located without reference to conflict of laws principles, and the United States of America federal law shall govern in matters of intellectual property. The modifications and additional rights granted in this Agreement apply only to the Products listed in Table A.

Table A
List of Products

Uncapped Quantities (annual subscription)

ArcGIS Enterprise Software and Extensions ArcGIS Enterprise (Advanced and Standard) ArcGIS Monitor ArcGIS Enterprise Extensions: ArcGIS 3D Analyst, ArcGIS Spatial Analyst, ArcGIS Geostatistical Analyst, ArcGIS Network Analyst, ArcGIS Data Reviewer	**ArcGIS Enterprise Additional Capability Servers** ArcGIS Image Server **ArcGIS Online User Types** ArcGIS Online Viewer User Type **ArcGIS Enterprise User Types** ArcGIS Enterprise Viewer User Type

Capped Quantities (annual subscription)

ArcGIS Online User Types		**ArcGIS Enterprise User Types**	
ArcGIS Online Contributor User Type	30	ArcGIS Enterprise Contributor User Type	30
ArcGIS Online Mobile Worker User Type	150	ArcGIS Enterprise Mobile Worker User Type	150
ArcGIS Online Creator User Type	150	ArcGIS Enterprise Creator User Type	150
ArcGIS Online Professional User Type	40	ArcGIS Enterprise Professional User Type	40
ArcGIS Online Professional Plus User Type	40	ArcGIS Enterprise Professional Plus User Type	40
ArcGIS Pro (Add-on Apps) for ArcGIS Online Creator or Professional User Type		**ArcGIS Pro (Add-on Apps) for ArcGIS Enterprise Creator or Professional User Type**	
ArcGIS 3D Analyst, ArcGIS Data Reviewer, ArcGIS Geostatistical Analyst, ArcGIS Network Analyst, ArcGIS Publisher, ArcGIS Spatial Analyst, ArcGIS Workflow Manager, ArcGIS Image Analyst	40 each	ArcGIS 3D Analyst, ArcGIS Data Reviewer, ArcGIS Geostatistical Analyst, ArcGIS Network Analyst, ArcGIS Publisher, ArcGIS Spatial Analyst, ArcGIS Workflow Manager, ArcGIS Image Analyst	40 each
ArcGIS Online Apps and Other		**ArcGIS Enterprise Apps and Other**	
ArcGIS Location Sharing for ArcGIS Online	40	ArcGIS Location Sharing for ArcGIS Enterprise	40
ArcGIS Online Service Credits	100,000	ArcGIS Advanced Editing User Type Extension for ArcGIS Enterprise	30

Other Benefits

Number of Esri User Conference registrations provided annually	4
Number of Tier 1 Help Desk individuals authorized to call Esri	4
Five percent (5%) discount on all individual commercially available instructor-led training classes at Esri facilities purchased outside this Agreement	

Customer may accept this Agreement by signing and returning the whole Agreement with (i) the Quotation attached, (ii) a purchase order, or (iii) another document that matches the Quotation and references this Agreement ("**Ordering Document**"). **ADDITIONAL OR CONFLICTING TERMS IN CUSTOMER'S PURCHASE ORDER OR OTHER DOCUMENT WILL NOT APPLY, AND THE TERMS OF THIS AGREEMENT WILL GOVERN.** This Agreement is effective as of the date of Esri's receipt of an Ordering Document, unless otherwise agreed to by the parties ("**Effective Date**").

Term of Agreement: Three (3) years

This Agreement supersedes any previous agreements, proposals, presentations, understandings, and arrangements between the parties relating to the licensing of the Products. Except as provided in Article 4—Product Updates, no modifications can be made to this Agreement.

Accepted and Agreed:

_____
(Customer)

By: _____
Authorized Signature

Printed Name: _____

Title: _____

Date: _____

CUSTOMER CONTACT INFORMATION

Contact: _____

Address: _____

City, State, Postal Code: _____

Country: _____

Quotation Number (if applicable): _____

Telephone: _____

Fax: _____

E-mail: _____

1.0—Additional Definitions

In addition to the definitions provided in the Master Agreement, the following definitions apply to this Agreement:

"Case" means a failure of the Software or Online Services to operate according to the Documentation where such failure substantially impacts operational or functional performance.

"Deploy", "Deployed" and "Deployment" mean to redistribute and install the Products and related Authorization Codes within Customer's organization(s).

"Fee" means the fee set forth in the Quotation.

"Maintenance" means Tier 2 Support, Product updates, and Product patches provided to Customer during the Term of Agreement.

"Master Agreement" means the applicable master agreement for Esri Products incorporated by this reference that is (i) found at https://www.esri.com/en-us/legal/terms/full-master-agreement and available in the installation process requiring acceptance by electronic acknowledgment or (ii) a signed Esri master agreement or license agreement that supersedes such electronically acknowledged master agreement.

"Product(s)" means the products identified in Table A—List of Products and any updates to the list Esri provides in writing.

"Quotation" means the offer letter and quotation provided separately to Customer.

"Technical Support" means the technical assistance for attempting resolution of a reported Case through error correction, patches, hot fixes, workarounds, replacement deliveries, or any other type of Product corrections or modifications.

"Tier 1 Help Desk" means Customer's point of contact(s) to provide all Tier 1 Support within Customer's organization(s).

"Tier 1 Support" means the Technical Support provided by the Tier 1 Help Desk.

"Tier 2 Support" means the Esri Technical Support provided to the Tier 1 Help Desk when a Case cannot be resolved through Tier 1 Support.

2.0—Additional Grant of License

2.1 Grant of License. Subject to the terms and conditions of this Agreement, Esri grants to Customer a personal, nonexclusive, nontransferable license solely to use, copy, and Deploy quantities of the Products listed in Table A—List of Products for the Term of Agreement (i) for the applicable Fee and (ii) in accordance with the Master Agreement.

2.2 Consultant Access. Esri grants Customer the right to permit Customer's consultants or contractors to use the Products exclusively for Customer's benefit. Customer will be solely responsible for compliance by consultants and contractors with this Agreement and will ensure that the consultant or contractor discontinues use of Products upon completion of work for Customer. Access to or use of Products by consultants or contractors not exclusively for Customer's benefit is prohibited. Customer may not permit its consultants or contractors to install Software or Data on consultant, contractor, or third-party computers or remove Software or Data from Customer locations, except for the purpose of hosting the Software or Data on Contractor servers for the benefit of Customer.

3.0—Term, Termination, and Expiration

3.1 Term. This Agreement and all licenses hereunder will commence on the Effective Date and continue for the duration identified in the Term of Agreement, unless this Agreement is terminated earlier as provided herein. Customer is only authorized to use Products during the Term of Agreement. For an Agreement with a limited term, Esri does not grant Customer an indefinite or a perpetual license to Products.

3.2 No Use upon Agreement Expiration or Termination. All Product licenses, all Maintenance, and Esri User Conference registrations terminate upon expiration or termination of this Agreement.

3.3 Termination for a Material Breach. Either party may terminate this Agreement for a material breach by the other party. The breaching party will have thirty (30) days from the date of written notice to cure any material breach.

3.4 Termination for Lack of Funds. For an Agreement with government or government-

owned entities, either party may terminate this Agreement before any subsequent year if Customer is unable to secure funding through the legislative or governing body's approval process.

3.5 Follow-on Term. If the parties enter into another agreement substantially similar to this Agreement for an additional term, the effective date of the follow-on agreement will be the day after the expiration date of this Agreement.

4.0—Product Updates

4.1 Future Updates. Esri reserves the right to update the list of Products in Table A—List of Products by providing written notice to Customer. Customer may continue to use all Products that have been Deployed, but support and upgrades for deleted items may not be available. As new Products are incorporated into the standard program, they will be offered to Customer via written notice for incorporation into the Products schedule at no additional charge. Customer's use of new or updated Products requires Customer to adhere to applicable additional or revised terms and conditions in the Master Agreement.

4.2 Product Life Cycle. During the Term of Agreement, some Products may be retired or may no longer be available to Deploy in the identified quantities. Maintenance will be subject to the individual Product Life Cycle Support Status and Product Life Cycle Support Policy, which can be found at https://support.esri.com/en/other-resources/product-life-cycle. Updates for Products in the mature and retired phases may not be available. Customer may continue to use Products already Deployed, but Customer will not be able to Deploy retired Products.

5.0—Maintenance

The Fee includes standard maintenance benefits during the Term of Agreement as specified in the most current applicable Esri Maintenance and Support Program document (found at https://www.esri.com/en-us/legal/terms/maintenance). At Esri's sole discretion, Esri may make patches, hot fixes, or updates available for download. No Software other than the defined Products will receive Maintenance. Customer may acquire maintenance for other Software outside this Agreement.

a. Tier 1 Support

1. Customer will provide Tier 1 Support through the Tier 1 Help Desk to all Customer's authorized users.

2. The Tier 1 Help Desk will be fully trained in the Products.

3. At a minimum, Tier 1 Support will include those activities that assist the user in resolving how-to and operational questions as well as questions on installation and troubleshooting procedures.

4. The Tier 1 Help Desk will be the initial point of contact for all questions and reporting of a Case. The Tier 1 Help Desk will obtain a full description of each reported Case and the system configuration from the user. This may include obtaining any customizations, code samples, or data involved in the Case.

5. If the Tier 1 Help Desk cannot resolve the Case, an authorized Tier 1 Help Desk individual may contact Tier 2 Support. The Tier 1 Help Desk will provide support in such a way as to minimize repeat calls and make solutions to problems available to Customer's organization.

6. Tier 1 Help Desk individuals are the only individuals authorized to contact Tier 2 Support. Customer may change the Tier 1 Help Desk individuals by written notice to Esri.

b. Tier 2 Support

1. Tier 2 Support will log the calls received from Tier 1 Help Desk.

2. Tier 2 Support will review all information collected by and received from the Tier 1 Help Desk including preliminary documented troubleshooting provided by the Tier 1 Help Desk when Tier 2 Support is required.

3. Tier 2 Support may request that Tier 1 Help Desk individuals provide verification of information, additional information, or answers to additional questions to

supplement any preliminary information gathering or troubleshooting performed by Tier 1 Help Desk.

4. Tier 2 Support will attempt to resolve the Case submitted by Tier 1 Help Desk.

5. When the Case is resolved, Tier 2 Support will communicate the information to Tier 1 Help Desk, and Tier 1 Help Desk will disseminate the resolution to the user(s).

6.0—Endorsement and Publicity

This Agreement will not be construed or interpreted as an exclusive dealings agreement or Customer's endorsement of Products. Either party may publicize the existence of this Agreement.

7.0—Administrative Requirements

7.1 **OEM Licenses.** Under Esri's OEM or Solution OEM programs, OEM partners are authorized to embed or bundle portions of Esri products and services with their application or service. OEM partners' business model, licensing terms and conditions, and pricing are independent of this Agreement. Customer will not seek any discount from the OEM partner or Esri based on the availability of Products under this Agreement. Customer will not decouple Esri products or services from the OEM partners' application or service.

7.2 **Annual Report of Deployments.** At each anniversary date and ninety (90) calendar days prior to the expiration of this Agreement, Customer will provide Esri with a written report detailing all Deployments. Upon request, Customer will provide records sufficient to verify the accuracy of the annual report.

8.0—Ordering, Administrative Procedures, Delivery, and Deployment

8.1 **Orders, Delivery, and Deployment**

a. Upon the Effective Date, Esri will invoice Customer and provide Authorization Codes to activate the nondestructive copy protection program that enables Customer to download, operate, or allow access to the Products. If this is a multi-year Agreement, Esri may invoice the Fee up to thirty (30) calendar days before the annual anniversary date for each year.

b. Undisputed invoices will be due and payable within thirty (30) calendar days from the date of invoice. Esri reserves the right to suspend Customer's access to and use of Products if Customer fails to pay any undisputed amount owed on or before its due date. Esri may charge Customer interest at a monthly rate equal to the lesser of one percent (1.0%) per month or the maximum rate permitted by applicable law on any overdue fees plus all expenses of collection for any overdue balance that remains unpaid ten (10) days after Esri has notified Customer of the past-due balance.

c. Esri's federal ID number is 95-2775-732.

d. If requested, Esri will ship backup media to the ship-to address identified on the Ordering Document, FOB Destination, with shipping charges prepaid. Customer acknowledges that should sales or use taxes become due as a result of any shipments of tangible media, Esri has a right to invoice and Customer will pay any such sales or use tax associated with the receipt of tangible media.

8.2 **Order Requirements.** Esri does not require Customer to issue a purchase order. Customer may submit a purchase order in accordance with its own process requirements, provided that if Customer issues a purchase order, Customer will submit its initial purchase order on the Effective Date. If this is a multi-year Agreement, Customer will submit subsequent purchase orders to Esri at least thirty (30) calendar days before the annual anniversary date for each year.

a. All orders pertaining to this Agreement will be processed through Customer's centralized point of contact.

b. The following information will be included in each Ordering Document:

(1) Customer name; Esri customer number, if known; and bill-to and ship-to addresses
(2) Order number
(3) Applicable annual payment due

9.0—Mergers, Acquisitions, or Divestitures

If Customer is a commercial entity, Customer will notify Esri in writing in the event of (i) a consolidation, merger, or reorganization of Customer with or into another corporation or entity; (ii) Customer's acquisition of another entity; or (iii) a transfer or sale of all or part of Customer's organization (subsections i, ii, and iii, collectively referred to as "**Ownership Change**"). There will be no decrease in Fee as a result of any Ownership Change.

9.1 If an Ownership Change increases the cumulative program count beyond the maximum level for this Agreement, Esri reserves the right to increase the Fee or terminate this Agreement and the parties will negotiate a new agreement.

9.2 If an Ownership Change results in transfer or sale of a portion of Customer's organization, that portion of Customer's organization will transfer the Products to Customer or uninstall, remove, and destroy all copies of the Products.

9.3 This Agreement may not be assigned to a successor entity as a result of an Ownership Change unless approved by Esri in writing in advance. If the assignment to the new entity is not approved, Customer will require any successor entity to uninstall, remove, and destroy the Products. This Agreement will terminate upon such Ownership Change.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A THREE (3) YEAR AGREEMENT WITH ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC., IN THE AMOUNT OF ONE HUNDRED EIGHTY THOUSAND NINE HUNDRED DOLLARS ($180,900.00), FOR CITYWIDE GIS SOFTWARE; AND FOR OTHER PURPOSES.

WHEREAS, Environmental Systems Research, Institute, Inc. (ESRI), is the sole source provider of this software;

WHEREAS, this complies with the City's Purchasing Policy; and

WHEREAS, this is a budgeted item.

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

Section 1: The Mayor and City Clerk are authorized to enter into a three (3) year agreement with ESRI, in the amount of one hundred eighty thousand nine hundred dollars ($180,900.00), for city wide GIS software;

Section 2 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Resolutions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

PASSED AND APPROVED this_____ day of _____, 2026.

APPROVED:

_____
Stephanie Orman, MAYOR

ATTEST:

_____
Malorie Marrs, CITY CLERK

City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	4/14/2026	**Submitted By:**	Shelli Kerr
Phone:	479-271-6822	**For Department(s):**	Planning/Public Art Advisory Board
Email:	shelli.kerr@bentonville.ar.gov		

Item Type (Check all that apply)

☐ Informational ☐ Bid Award ☐ Enter into an Agreement ☑ Change Order
☐ Recognizing Funds ☐ Budget Adjustment ☐ Waiver of Bid ☐ Emergency Clause
☐ Ordinance ☑ Resolution ☐ Informational

Title, Recommendation & Justification

Title:	Resolution Extending the Display of Artwork by Tim Ernst at City Hall
Action Recommendation & Justification:	A Resolution to extend the temporary display of artworks titled "Hawksbill Crag" and "Roark Bluff" by photographer Tim Ernst on public property in City Hall at no cost to the city. No budget adjustment is needed.
Additional Comments for Consideration (Optional):	The Public Art Advisory Board recommended approval to extend the display on March 19, 2026. The original proposal and addendum to the agreement are attached. OzArt, owner of the two pieces, offered to extend the display for another year to expire on May 31, 2027.
Amount for Approval:	$ 0

Budget Impact

Is this Item Budgeted? ☐ YES ☐ NO ☑ ITEM HAS NO COST ☐ OTHER:_____

Budget Adjustment *(to be completed by Finance when applicable)*

		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		

Fund(s) Impacted (check all that apply) ☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s):_____

Budget Impact Notes for Consideration (Optional):

From: noreply@civicplus.com
To: Shelli Kerr
Subject: Online Form Submittal: Public Art Proposal
Date: Wednesday, April 3, 2024 1:18:58 PM

Public Art Proposal

Proposal for Public Art

Type of Proposal	Unsolicited Proposal
Date	4/3/2024
Is the project a collaboration among multiple artists?	No
Is the project curated by someone or an organization other than the artist?	Yes

1) ARTIST INFORMATION

Complete this section with the primary artist's information. If this is a collaborative project with multiple artists, we will reach out for additional information on the other artists.

Name	OZ Art NWA
Address	PO Box 2850
City	Bentonville
State	AR
Zip Code	72712
Email Address	emiller@ozartnwa.com
Phone Number	4796162375
Upload artist resume / CV	City hall.pdf
Artist portfolio	City hall_1.pdf
Artist website	*Field not completed.*

2) CURATOR CONTACT INFORMATION

Complete this section with the primary contact of the curator of this project, if applicable. If the project is being submitted by the artist, proceed to Section 3) Artwork Details.

Name	*Field not completed.*
Title	*Field not completed.*
Organization Name	*Field not completed.*
Street Address	*Field not completed.*
City	*Field not completed.*
State	*Field not completed.*
Zip Code	*Field not completed.*
Email Address	*Field not completed.*
Phone Number	*Field not completed.*
3) ARTWORK DETAILS	
Title of artwork	Hawksbill Crag and Roark Bluff
Medium	photo on canvas
Height	25
Width and depth	33
Can the artwork be scaled smaller or larger?	No
Description of artwork	See attached listing
Upload description of artwork	City hall_2.pdf
Upload image of artwork	City hall_3.pdf
4) INSTALLATION AND MAINTENANCE	
Is the proposal for temporary or	Temporary

permanent display?	
If temporary, what is the requested display period?	1 year
Is the artwork already complete?	Yes
If yes, artwork is complete, is it currently on display?	No
If artwork is currently on display, when will it be available?	*Field not completed.*
If no, artwork is not complete, how much time is needed for fabrication?	Not applicable
Is the artwork best suited for indoor or outdoor display?	Indoor
Is a foundation required to install the artwork?	No
If a foundation is required, indicate the size and shape needed.	*Field not completed.*
Does the artwork require access to electricity?	No
Does the artwork require access to water?	No
What is the life expectancy of the artwork?	11 or more years
Are there any special maintenance needs for	No

this artwork?	
If there are maintenance needs, please describe here.	*Field not completed.*
5) BUDGET & FUNDING	
(a) Material costs	0
Describe materials costs.	0
(b) Production costs	0
Describe production costs.	0
(c) Installation costs	0
Describe installation costs.	0
(d) Total fabrication budget	0
(e) Artist's fee	0
(f) Travel costs	0
(g) Total budget	0
What is the planned funding for this proposal?	Private funding.

Email not displaying correctly? View it in your browser.



TIM ERNST
Hawksbill Crag, 2016
Photo on canvas
24.125 x 31.875 x 1.375 ″
Framed: 25.38 x 33.13 x 2 ″
ST2016-013



TIM ERNST
Roark Bluff, 2016
Photo on canvas
36.125 x 24 x 1.375 ″
Framed: 37.38 x 25.38 x 3 ″
ST2016-017



ELEVATOR ROOM

IN CASE OF FIRE
DO NOT USE
ELEVATORS

USE STAIRS

ADDENDUM TO PUBLIC ART AGREEMENT

TEMPORARY INSTALLATION

"Hawksbill Crag" and "Roark Bluff"

by Tim Ernst

I. **The Parties.** This addendum hereby becomes part of the Public Art Agreement (the "Agreement") between the City of Bentonville, Arkansas, ("City") and OZ Art, LLC ("Curator") for *"Hawksbill Crag" and "Roark Bluff"* by Tim Ernst ("Artwork") to be installed temporarily on public property in City Hall, 305 SW A Street, Bentonville, Arkansas ("Display Site") dated April 30, 2024.

II. **Amendment(s). City and Curator agree that the Section 2 of Agreement shall be amended and replaced in its entirety as follows:**

2. Display Period. The Display Period shall begin upon completion of installation which shall be no later than **June 1, 2024,** and shall remain on display until **May 31, 2027,** unless both parties agree to a longer display period.

All other terms and conditions of the Agreement shall remain the same. This Addendum shall go into effect on the date executed by the last of the undersigned parties.

CURATOR:

_____
Christine Franco, Vice President
OZ Art, LLC

_____
Date

CITY OF BENTONVILLE:

_____
Stephanie Orman, Mayor
City of Bentonville

_____
Date

APPROVED AS TO FORM AND LEGALITY:

_____
Bonnie Bridges, Staff Attorney
City of Bentonville

_____
Date

RESOLUTION NO. _____

A RESOLUTION EXTENDING THE TEMPORARY DISPLAY OF ARTWORKS TITLED "HAWKSBILL CRAG" AND "ROARK BLUFF" BY PHOTOGRAPHER TIM ERNST, ON PUBLIC PROPERTY IN BENTONVILLE CITY HALL, AT NO COST TO THE CITY; AND FOR OTHER PURPOSES.

WHEREAS, Bentonville City Council endorsed the temporary installation of artworks titled "Hawksbill Crag" and "Roark Bluff" by photographer Tim Ernst on public property in City Hall at no cost to the city on April 23, 2024;

WHEREAS, Oz Art NWA, the owner of the artworks, offered to extend the display for another year; and

WHEREAS, the Public Art Advisory Committee recommended approval of the extension on March 19, 2026.

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

Section 1: That the City Council of the City of Bentonville, Arkansas hereby endorses the extension of the display of artworks titled "Hawksbill Crag" and "Roark Bluff" by photographer Tim Ernst on public property in City Hall;

Section 2: That Oz Art NWA, owner of the artworks, will continue to lend the artworks to the City of Bentonville for another year at no cost to the City;

Section 3: That Oz Art NWA, owner of the artworks, will be responsible for installing, insuring, maintaining, and deinstalling both artworks;

Section 4 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 5 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Resolutions are repealed to the extent of such conflict.

PASSED and APPROVED this _____ day of _____, 2026.

APPROVED

_____

Stephanie Orman, Mayor

ATTEST:

_____

Malorie Marrs, City Clerk

City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	4/14/2026	**Submitted By:**	Tracy Billings
Phone:	479-696-0229	**For Department(s):**	Planning
Email:	tbillings@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational ☐ Bid Award ☐ Enter into an Agreement ☐ Change Order
☐ Recognizing Funds ☐ Budget Adjustment ☐ Waiver of Bid ☐ Emergency Clause
☑ Ordinance ☐ Resolution ☐ Informational

Title, Recommendation & Justification

Title:	Public Hearing and Ordinance Vacating an Alley Right of Way (VAC26-0004)
Action Recommendation & Justification:	Public Hearing and approval of an Ordinance vacating an Alley Right of Way Vacation located between Lot 76 and Lot 174 of the Original Town of Bentonville Subdivision (VAC26-0004).
Additional Comments for Consideration (Optional):	
Amount for Approval:	$ 0

Budget Impact

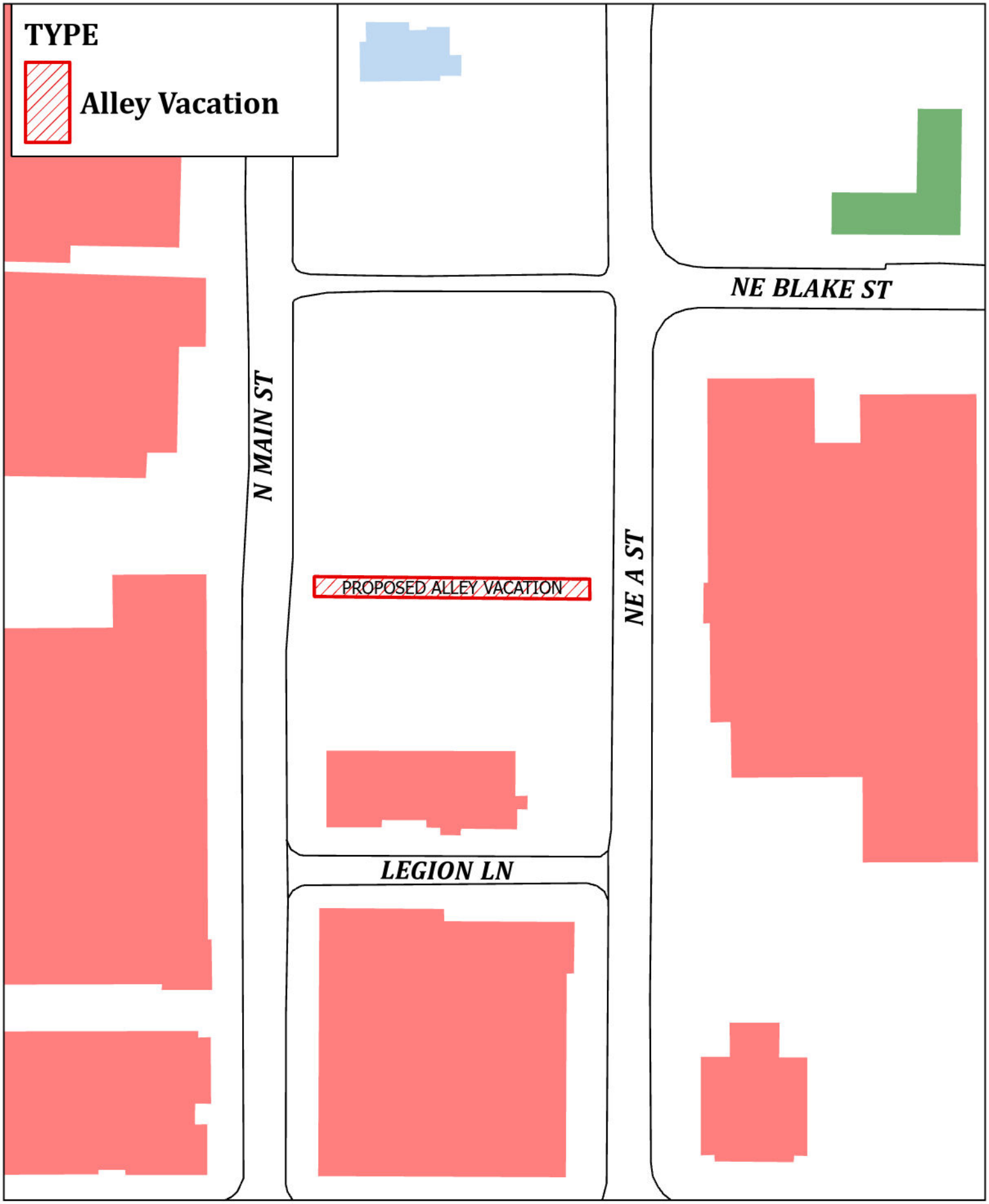
Is this Item Budgeted? ☐ YES ☐ NO ☐ ITEM HAS NO COST ☐ OTHER:_____

Budget Adjustment *(to be completed by Finance when applicable)*

		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		

Fund(s) Impacted (check all that apply) ☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s):_____

Budget Impact Notes for Consideration (Optional):



VAC26-0004
Proposed Alley Vacation
216 AND 220 NORTH MAIN LLC

ORDINANCE NO_____

AN ORDINANCE VACATING ALLEY RIGHT OF WAY LOCATED BETWEEN LOT 76 AND LOT 174 OF ORIGINAL TOWN OF BENTONVILLE SUBDIVISION OF THE CITY OF BENTONVILLE, ARKANSAS, BENTON COUNTY ARKANSAS (VAC26-0004).

WHEREAS, a petition was filed with the City Council of the City of Bentonville, Arkansas, by 216 and 220 North Main LLC 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:

BOOK 2008 PAGE 335 NORTH ALLEY VACATION
A tract of land located in Section 30, Township 20 North, Range 30 West, also being the alley depicted South of the subject tract in Plat Book 2008 Page 335 in the public records of Benton County, Arkansas, and being described by metes and bounds as follows:

COMMENCING at a mag nail set at the Northwest Corner of Lot 174 of the Bentonville Original Subdivision per Plat Book 2008 Page 335;
THENCE along the North Line of said Lot 174, South 87°50'51" East, 1.63 feet to the POINT OF BEGINNING;
THENCE along the East Right-of-Way of North Main Street, North 01°29'22" East, 12.00 feet to the Southwest Corner of the Right-of-Way dedication conveyed in Plat Book 4 Page 247;
THENCE South 87°52'31" East, 163.48 feet to a 1/2-inch rebar found at the Southeast Corner of the West half of Lot 76 of the Bentonville Original Subdivision;
THENCE along the West Right-of-Way of Northeast A. Street, South 01°01'54" West, 12.08 feet to the Northeast Corner of Lot 174 of the Bentonville Original Subdivision per Plat Book 2008 Page 335;
THENCE along the North Line of said Lot 174, North 87°50'51" West, 163.57 feet to the POINT OF BEGINNING, containing 1,969 square feet or 0.05 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 right of way.

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 the alley right of way designated as follows:

BOOK 2008 PAGE 335 NORTH ALLEY VACATION
A tract of land located in Section 30, Township 20 North, Range 30 West, also being the alley depicted South of the subject tract in Plat Book 2008 Page 335 in the public records of Benton County, Arkansas, and being described by metes and bounds as follows:

COMMENCING at a mag nail set at the Northwest Corner of Lot 174 of the Bentonville Original Subdivision per Plat Book 2008 Page 335;
THENCE along the North Line of said Lot 174, South 87°50'51" East, 1.63 feet to the POINT OF BEGINNING;
THENCE along the East Right-of-Way of North Main Street, North 01°29'22" East, 12.00 feet to the Southwest Corner of the Right-of-Way dedication conveyed in Plat Book 4 Page 247;
THENCE South 87°52'31" East, 163.48 feet to a 1/2-inch rebar found at the Southeast Corner of the West half of Lot 76 of the Bentonville Original Subdivision;
THENCE along the West Right-of-Way of Northeast A. Street, South 01°01'54" West, 12.08 feet to the Northeast Corner of Lot 174 of the Bentonville Original Subdivision per Plat Book 2008 Page 335;
THENCE along the North Line of said Lot 174, North 87°50'51" West, 163.57 feet to the POINT OF BEGINNING, containing 1,969 square feet or 0.05 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.

The above and foregoing ordinance was passed, approved, and adopted the _____ day of _____, 2026 at a regular meeting of the City Council of the City of Bentonville, Arkansas.

_____
Malorie Marrs, City Clerk
Bentonville, Arkansas

_____
Stephanie Orman, Mayor
City of Bentonville, Arkansas

City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	4/14/2026	**Submitted By:**	Tracy Billings
Phone:	479-696-0229	**For Department(s):**	Planning
Email:	tbillings@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational ☐ Bid Award ☐ Enter into an Agreement ☐ Change Order
☐ Recognizing Funds ☐ Budget Adjustment ☐ Waiver of Bid ☐ Emergency Clause
☐ Ordinance ☑ Resolution ☐ Informational

Title, Recommendation & Justification

Title:	Resolution Setting a Public Hearing for Right of Way Vacation (VAC26-0005)
Action Recommendation & Justification:	Approve Resolution to set a Public Hearing for April 28, 2026 for a Right of Way Vacation located at Lot 76 of the Bentonville Original Subdivision (VAC26-0005).
Additional Comments for Consideration (Optional):	
Amount for Approval:	$ 0

Budget Impact

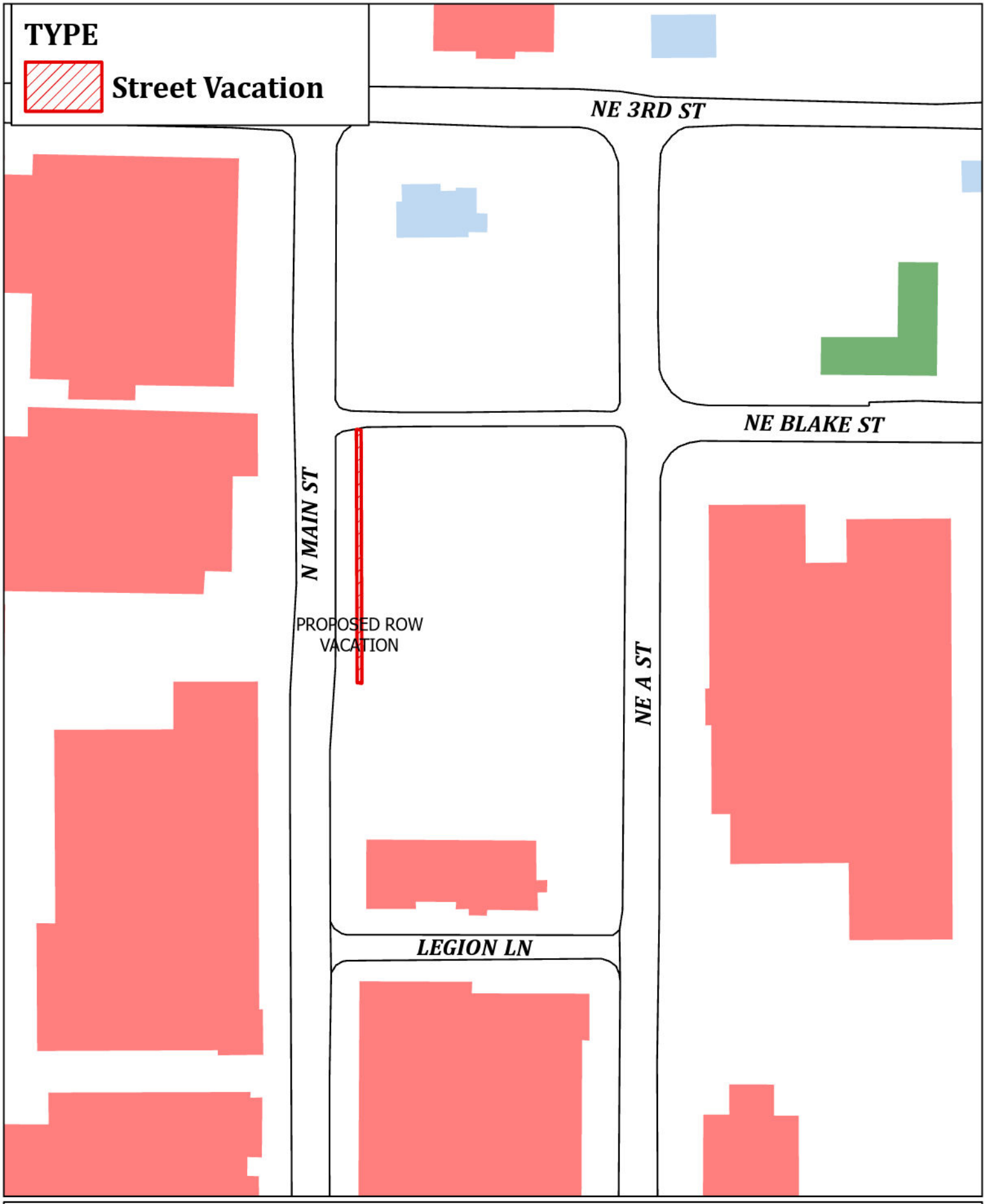
Is this Item Budgeted? ☐ YES ☐ NO ☐ ITEM HAS NO COST ☐ OTHER:_____

Budget Adjustment *(to be completed by Finance when applicable)*

		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		

Fund(s) Impacted (check all that apply) ☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s):_____

Budget Impact Notes for Consideration (Optional):



N
W E
S

VAC26-0005
Proposed ROW Vacation
N. Main St

RESOLUTION NO._____

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

WHEREAS, a petition was filed with the City Council of Bentonville, Arkansas by 216 and 220 North Main LLC requesting a right of way vacation (VAC26-0005) within the City of Bentonville, Arkansas be vacated, which said right of way easement is described as follows:

BOOK 4 PAGE 247 RIGHT-OF-WAY VACATION
A tract of land located in Section 30, Township 20 North, Range 30 West, also being the Right-of-Way dedication depicted in Plat Book 4 Page 247 in the public records of Benton County, Arkansas, and being described by metes and bounds as follows:

BEGINNING at a 5/8-inch rebar with cap LS1789 set at the Southwest Corner of the West half of Lot 76 of the Bentonville Original Subdivision;
THENCE along the South Line of the Right-of-Way dedication conveyed in Plat Book 4 page 247, North 87°50'51" West, 3.35 feet;
THENCE along the West Line of said dedication, North 01°29'22" East, 169.11 feet;
THENCE departing said West Line along the North Line of said dedication, South 88°19'27" East, 2.93 feet to the Northwest corner of a part of Lot 76 of the Bentonville Original Subdivision;
THENCE along the West Line of said part of Lot 76, South 01°20'58" West, 169.14 feet to the POINT OF BEGINNING, containing 531 square feet or 0.01 acres, more or less.

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

NOW, THEREFORE, BE IT RESOLVED, by the City of Bentonville, Arkansas, that the petition to close the above described right of way easement is set for a hearing April 28, 2026 at 6:00 p.m. in the City Council Chambers 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 _____ 2026 at a regular meeting of the City Council of the City of Bentonville, Arkansas.

_____
Malorie Marrs, City Clerk
Bentonville, Arkansas

_____
Stephanie Orman, Mayor
City of Bentonville, Arkansas

City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	4/14/2026	**Submitted By:**	Tracy Billings
Phone:	479-696-0229	**For Department(s):**	Planning
Email:	tbillings@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational ☐ Bid Award ☐ Enter into an Agreement ☐ Change Order
☐ Recognizing Funds ☐ Budget Adjustment ☐ Waiver of Bid ☐ Emergency Clause
☐ Ordinance ☑ Resolution ☐ Informational

Title, Recommendation & Justification

Title:	Resolution Setting a Public Hearing for a Utility Easement/Access Easement Vacation (VAC26-0009)
Action Recommendation & Justification:	Approve Resolution to set a Public Hearing for April 28, 2026 for a Utility Easement/Access Easement Vacation located at Lot 37 of Clarendon Heights Subdivision (VAC26-0009).
Additional Comments for Consideration (Optional):	
Amount for Approval:	$ 0

Budget Impact

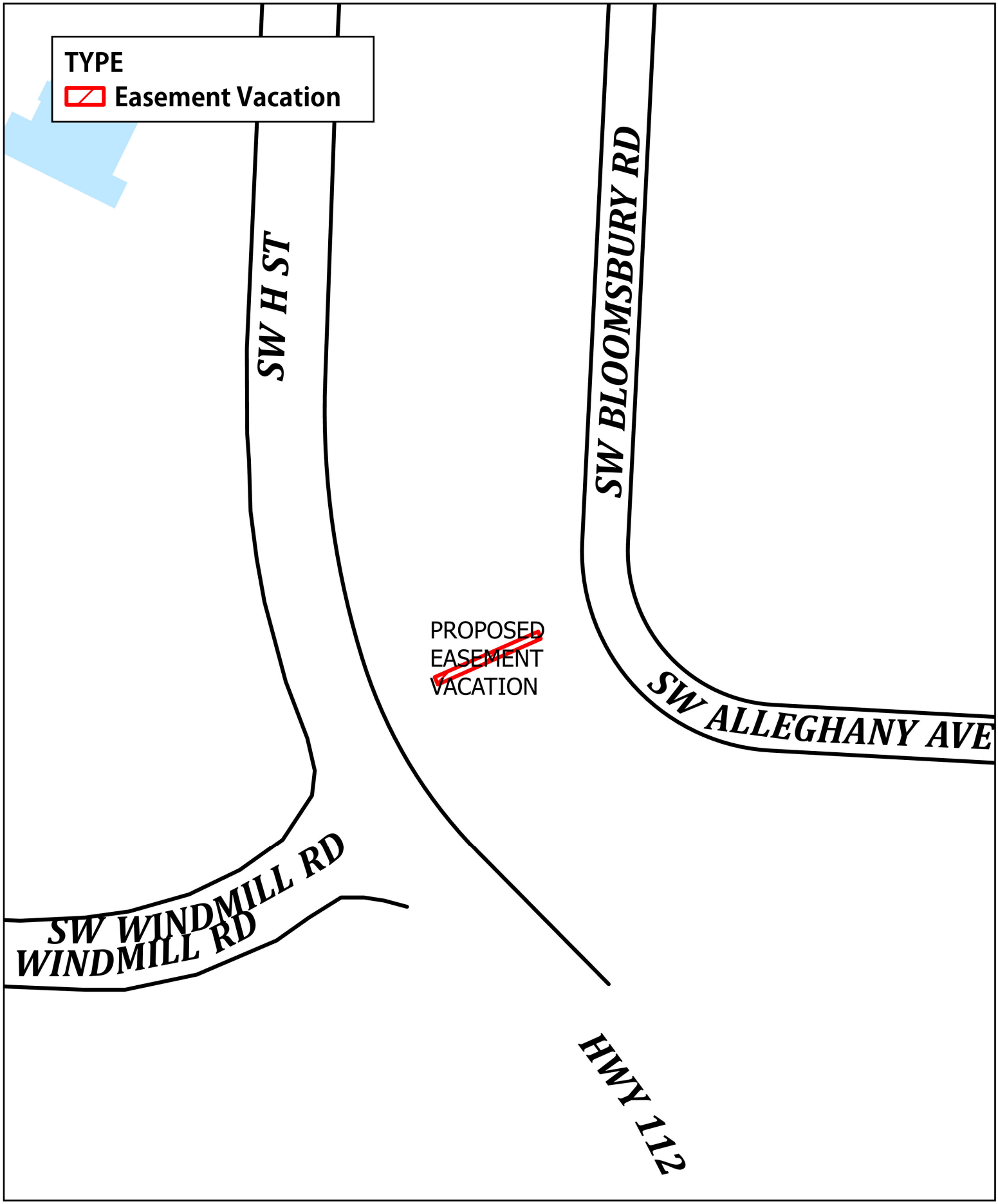
Is this Item Budgeted? ☐ YES ☐ NO ☐ ITEM HAS NO COST ☐ OTHER:_____

Budget Adjustment *(to be completed by Finance when applicable)*

		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		

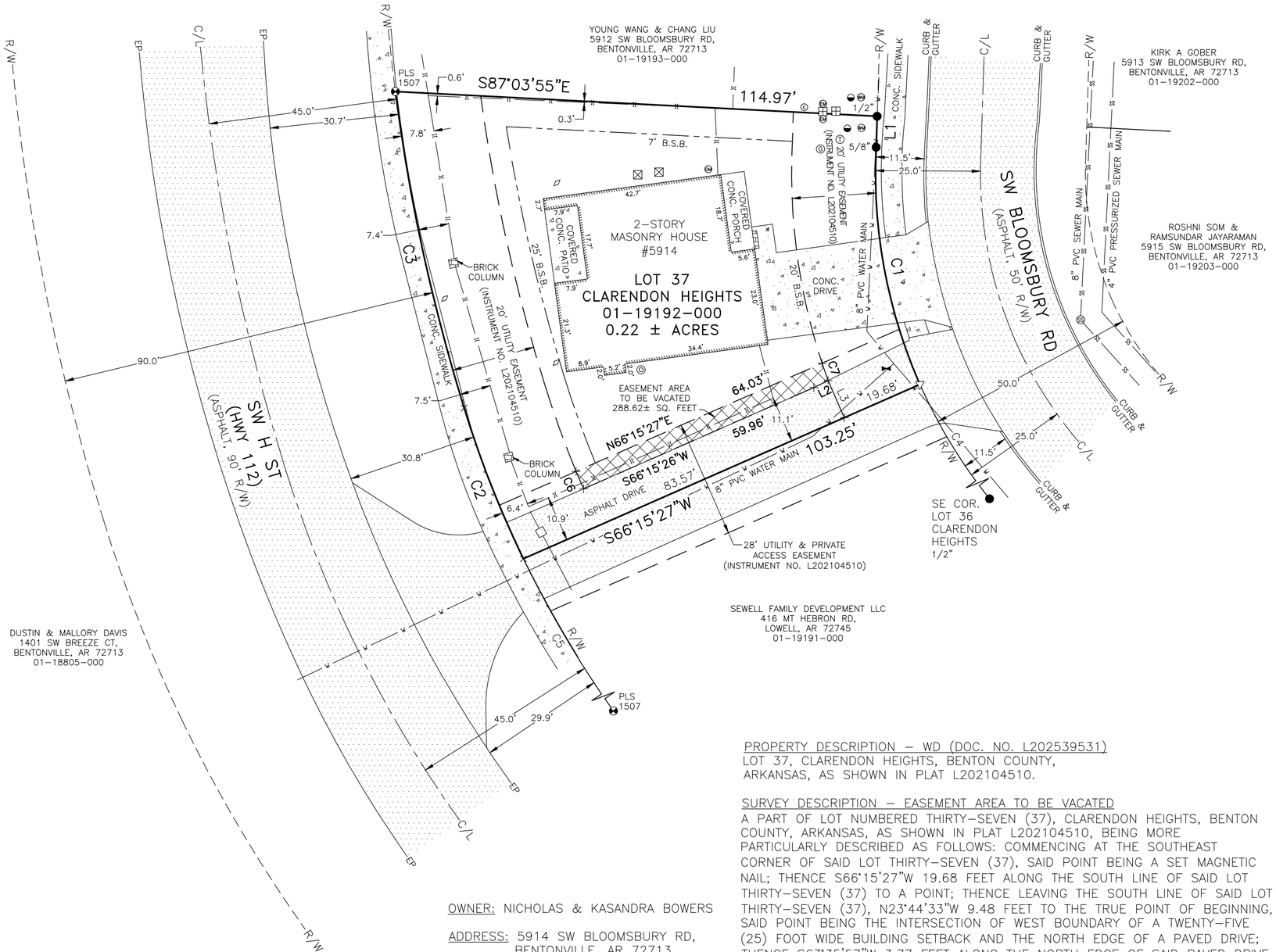
Fund(s) Impacted (check all that apply) ☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s):_____

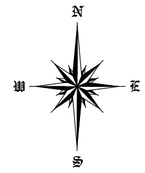
Budget Impact Notes for Consideration (Optional):



N
W E
S

VAC26-0009
Utility Easement Vacation
5914 SW Bloomsbury Rd.





0 20 40 60

1" = 20'



VICINITY MAP

LEGEND

AC UNIT	FIBER OPTICS SIGN	SATELLITE DISH
BACKFLOW VALVE	FIRE HYDRANT	SEPTIC TANK LID
BOLLARD POST	FIRE SPRINKLER	SET ALUMINUM MONUMENT
BUGGY AXLE	FLAG POLE	SET COTTON SPINDLE
CABLE BOX	GAS PEDESTAL	SET STAKE ON LINE
CABLE TV PEDESTAL	GAS METER	SET 1/2" IRON REBAR
CHISELED 'X'	GAS REGULATOR	SET MAG NAIL
COMPUTED POINT	GENERATOR	SHUT-OFF VALVE
CONC. MONUMENT	GROUND LIGHT	STONE MONUMENT
C.O.E. MONUMENT	IRRIG. CONTROL VALVE	STORM DRAIN MANHOLE
DOWN GUY	JUNCTION BOX	STREET SIGN
DRAIN GRATE	LAMP POST	T-POST
ELECTRIC BOX	MAIL BOX	TELEPHONE BOX
ELECTRIC METER	PARKING SIGN	TELEPHONE PEDESTAL
ELECTRIC PEDESTAL	PAY PHONE	TEMPORARY BENCHMARK
EXIST. BRASS CAPPED MON.	POWER POLE	TRAFFIC SIGNAL BOX
EXIST. COTTON SPINDLE	PROPANE TANK	TRANSFORMER BOX
EXISTING IRON PIPE	RAILROAD SPIKE	TREE
EXISTING IRON REBAR	READING	WATER LINE SIGN
EXISTING NAIL	RIGHT OF WAY MONUMENT	WATER METER
FENCE POST	SANITARY SEWER CLEANOUT	WATER SPIGOT
EXIST. IRON IN CONCRETE	SANITARY SEWER MANHOLE	WATER VALVE

CENTERLINE ROAD	EASEMENT LINE
RIGHT-OF-WAY LINE	BUILDING SETBACK LINE
BARBED-WIRE FENCE	OVERHEAD ELECTRIC LINE
CHAIN-LINKED FENCE	UNDERGROUND ELECTRIC LINE
PRIVACY FENCE	GAS LINE
GATE	SANITARY SEWER LINE
MAJOR CONTOUR INTERVAL	STORM SEWER LINE
MINOR CONTOUR INTERVAL	TELEPHONE LINE
BUILDING LINE	WATER LINE
FIBER-OPTICS LINE	PROPERTY LINE
DITCH/WATER LINE	

PROPERTY DESCRIPTION – WD (DOC. NO. L202539531)
LOT 37, CLARENDON HEIGHTS, BENTON COUNTY,
ARKANSAS, AS SHOWN IN PLAT L202104510.

SURVEY DESCRIPTION – EASEMENT AREA TO BE VACATED
A PART OF LOT NUMBERED THIRTY-SEVEN (37), CLARENDON HEIGHTS, BENTON COUNTY, ARKANSAS, AS SHOWN IN PLAT L202104510, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT THIRTY-SEVEN (37), SAID POINT BEING A SET MAGNETIC NAIL; THENCE S66°15'27"W 19.68 FEET ALONG THE SOUTH LINE OF SAID LOT THIRTY-SEVEN (37) TO A POINT; THENCE LEAVING THE SOUTH LINE OF SAID LOT THIRTY-SEVEN (37), N23°44'33"W 9.48 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING THE INTERSECTION OF WEST BOUNDARY OF A TWENTY-FIVE (25) FOOT WIDE BUILDING SETBACK AND THE NORTH EDGE OF A PAVED DRIVE; THENCE S63°35'57"W 3.77 FEET ALONG THE NORTH EDGE OF SAID PAVED DRIVE TO A POINT; THENCE S66°15'26"W 59.96 FEET ALONG THE NORTH EDGE OF SAID PAVED DRIVE TO A POINT ON THE EAST BOUNDARY OF A TWENTY (20) FOOT WIDE UTILITY EASEMENT, SAID POINT BEING ON A 238.43 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST; THENCE LEAVING THE NORTH EDGE OF SAID PAVEMENT AND RUNNING NORTHWESTERLY 4.52 FEET ALONG SAID CURVE AND EASEMENT LINE, THE CHORD FOR WHICH BEING N23°04'23"W 4.52 FEET, TO A POINT ON THE NORTH BOUNDARY OF A TWENTY-EIGHT (28) FOOT WIDE UTILITY & PRIVATE ACCESS EASEMENT; THENCE N66°15'27"E 64.03 FEET ALONG THE NORTH LINE OF SAID EASEMENT TO A POINT ON THE WEST BOUNDARY OF A TWENTY-FIVE (25) FOOT WIDE BUILDING SETBACK, SAID POINT BEING ON A 145.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST; THENCE SOUTHEASTERLY 4.36 FEET ALONG SAID CURVE AND SETBACK LINE, THE CHORD FOR WHICH BEING S19°03'51"E 4.36 FEET, TO THE POINT OF BEGINNING, CONTAINING 288.62 SQUARE FEET, MORE OR LESS.

OWNER: NICHOLAS & KASANDRA BOWERS

ADDRESS: 5914 SW BLOOMSBURY RD,
BENTONVILLE, AR 72713
PARCEL NO. 01-19192-000

CURRENT ZONING: R-1

SETBACKS:
FRONT...20 FEET
SIDE...25 FEET
REAR...7 FEET

LINE	BEARING	DISTANCE
L1	S01°50'16"W	7.38'
L2	S63°35'57"W	3.77'
L3	N23°44'33"W	9.48'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	125.00'	58.01'	57.49'	S10°26'52"E	26°35'22"
C2	258.37'	38.66'	38.62'	N21°26'33"W	8°34'20"
C3	449.20'	77.28'	77.18'	N12°15'07"W	9°51'26"
C4	125.00'	64.02'	63.32'	S38°38'58"E	29°20'41"
C5	253.50'	84.42'	84.03'	S35°21'02"E	19°04'52"
C6	238.43'	4.52'	4.52'	N23°04'23"W	1°05'14"
C7	145.00'	4.36'	4.36'	S19°03'51"E	1°43'28"

PLAT NOTES:

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 POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF MAKING OF THIS SURVEY; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS OR OTHER LAND USE REGULATIONS; AND ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.

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

THIS SURVEY MEETS OR EXCEEDS THE CURRENT "ARKANSAS MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AND PLATS".

DECLARATION IS MADE TO THE ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY.

ALL UTILITIES APPEAR TO BE LOCATED ALONG SW BLOOMSBURY RD & THE SOUTH SIDE OF THE SUBJECT PROPERTY.

SHEET 1 OF 1

JOB NO. 25302-II

REVISIONS

DATE	DESCRIPTION	BY

ARA
118 S. COLLEGE AVENUE
FAYETTEVILLE, ARKANSAS 72701
479 444 8784
1 888 549 8784
oralandsurvey@gmail.com

Alan Reid & ASSOCIATES
PROFESSIONAL
LAND SURVEYORS
BOUNDARY
TOPO

DRAFTSMAN	DF
DATE	01/02/2026
CHECKED	–
SCALE	1" = 20'
SHEET SIZE	18"x 24"

NICHOLAS & KASANDRA BOWERS
5914 SW BLOOMSBURY RD, BENTONVILLE, AR 72713
PARCEL NO. 01-19192-000

EASEMENT VACATION – BENTONVILLE, ARKANSAS

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 Nicholas Bowers requesting a utility/access easement vacation (VAC26-0009) within the City of Bentonville, Arkansas be vacated, which said utility/access easement is described as follows:

SURVEY DESCRIPTION - EASEMENT AREA TO BE VACATED
A PART OF LOT NUMBERED THIRTY-SEVEN (37), CLARENDON HEIGHTS, BENTON COUNTY, ARKANSAS, AS SHOWN IN PLAT L202104510, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT THIRTY-SEVEN (37), SAID POINT BEING A SET MAGNETIC NAIL; THENCE S66°15'27"W 19.68 FEET ALONG THE SOUTH LINE OF SAID LOT THIRTY-SEVEN (37) TO A POINT; THENCE LEAVING THE SOUTH LINE OF SAID LOT THIRTY-SEVEN (37), N23°44'33"W 9.48 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING THE INTERSECTION OF WEST BOUNDARY OF A TWENTY-FIVE (25) FOOT WIDE BUILDING SETBACK AND THE NORTH EDGE OF A PAVED DRIVE; THENCE S63°35'57"W 3.77 FEET ALONG THE NORTH EDGE OF SAID PAVED DRIVE TO A POINT; THENCE S66°15'26"W 59.96 FEET ALONG THE NORTH EDGE OF SAID PAVED DRIVE TO A POINT ON THE EAST BOUNDARY OF A TWENTY (20) FOOT WIDE UTILITY EASEMENT, SAID POINT BEING ON A 238.43 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST; THENCE LEAVING THE NORTH EDGE OF SAID PAVEMENT AND RUNNING NORTHWESTERLY 4.52 FEET ALONG SAID CURVE AND EASEMENT LINE, THE CHORD FOR WHICH BEING N23°04'23"W 4.52 FEET, TO A POINT ON THE NORTH BOUNDARY OF A TWENTY-EIGHT (28) FOOT WIDE UTILITY & PRIVATE ACCESS EASEMENT; THENCE N66°15'27"E 64.03 FEET ALONG THE NORTH LINE OF SAID EASEMENT TO A POINT ON THE WEST BOUNDARY OF A TWENTY-FIVE (25) FOOT WIDE BUILDING SETBACK, SAID POINT BEING ON A 145.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST; THENCE SOUTHEASTERLY 4.36 FEET ALONG SAID CURVE AND SETBACK LINE, THE CHORD FOR WHICH BEING S19°03'51"E 4.36 FEET, TO THE POINT OF BEGINNING, CONTAINING 288.62 SQUARE FEET, MORE OR LESS.

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

NOW, THEREFORE, BE IT RESOLVED, by the City of Bentonville, Arkansas, that the petition to close the above described utility/access easement is set for a hearing April 28, 2026 at 6:00 p.m. in the City Council Chambers 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 _____ 2026 at a regular meeting of the City Council of the City of Bentonville, Arkansas.

_____
Malorie Marrs, City Clerk
Bentonville, Arkansas

_____
Stephanie Orman, Mayor
City of Bentonville, Arkansas

City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	4/14/2026	**Submitted By:**	Tracy Billings
Phone:	479-696-0229	**For Department(s):**	Planning
Email:	tbillings@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational ☐ Bid Award ☐ Enter into an Agreement ☐ Change Order
☐ Recognizing Funds ☐ Budget Adjustment ☐ Waiver of Bid ☐ Emergency Clause
☐ Ordinance ☑ Resolution ☐ Informational

Title, Recommendation & Justification

Title:	Resolution Setting a Public Hearing for a Utility Easement Vacation (VAC26-0012)
Action Recommendation & Justification:	Approve Resolution to set a Public Hearing for April 28, 2026 for a Utility Easement Vacation located at Block 3, Lots 11-12 of Fairfield Addition (VAC26-0012).
Additional Comments for Consideration (Optional):	
Amount for Approval:	$ 0

Budget Impact

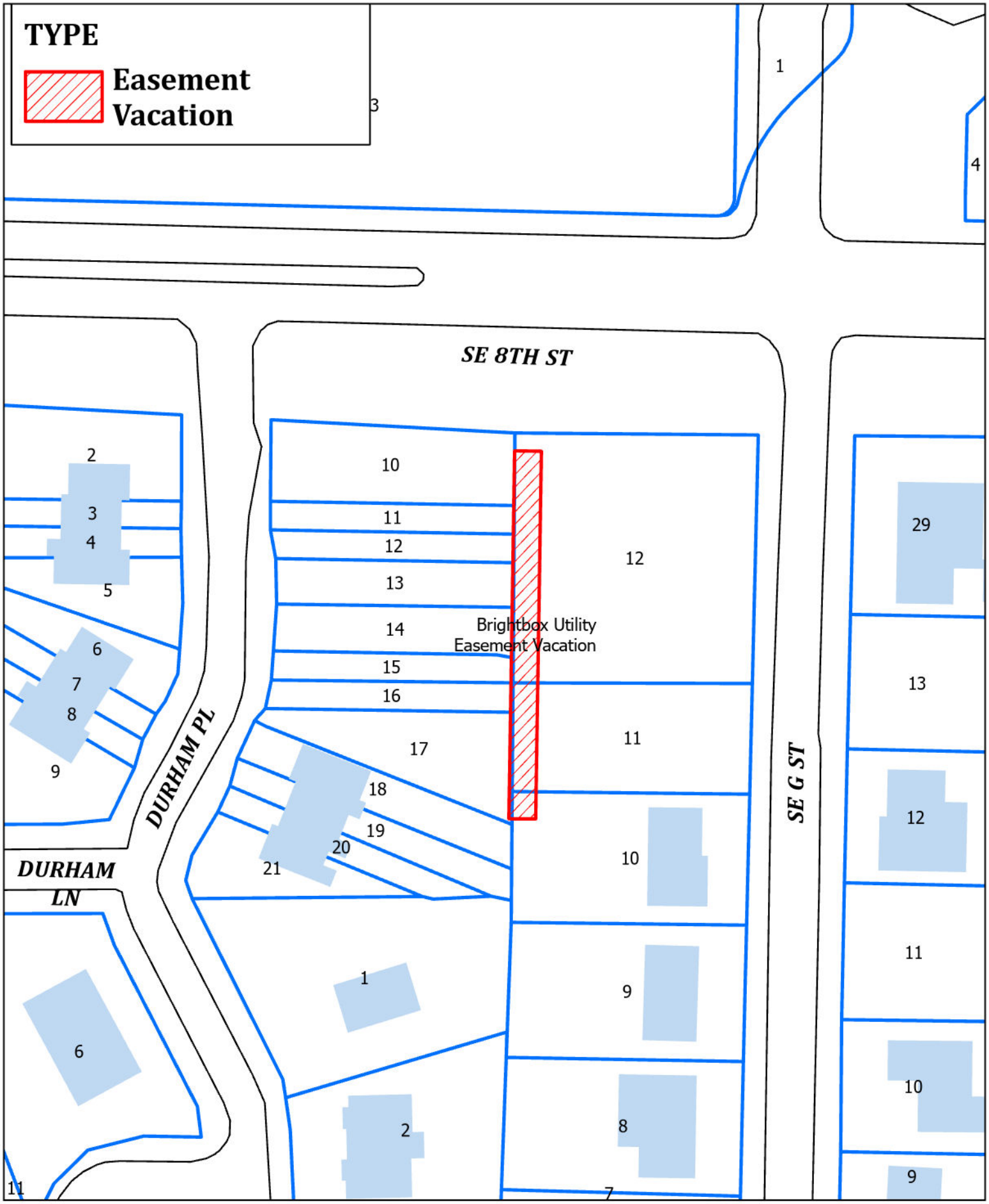
Is this Item Budgeted? ☐ YES ☐ NO ☐ ITEM HAS NO COST ☐ OTHER:_____

Budget Adjustment *(to be completed by Finance when applicable)*

		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		

Fund(s) Impacted (check all that apply) ☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s):_____

Budget Impact Notes for Consideration (Optional):



VAC26-0012
Brightbox Utility Easement Vacation
802 SE G 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 Brightbox, LLC requesting a utility easement vacation (VAC26-0012) within the City of Bentonville, Arkansas be vacated, which said utility easement is described as follows:

A 15-foot Utility Easement along the West side of Lot 11 & 12, Block 3 of Fairfield Addition to the City of Bentonville as shown on Play Book O Page 351 in the public records of Benton County, Arkansas, and being described by metes and bounds as follows:

COMMENCING from a set 5/8-inch rebar with cap LS1618, also being the Northwest Corner of said Lot 12;
THENCE along the West Boundary of said Lot 12 South 02°29'47" West, 10.00 feet to the **POINT OF BEGINNING**;
THENCE leaving said West Boundary South 87°30'51" East, 15.00 feet;
THENCE South 02°29'47" West, 205.90 feet to the South Boundary of Lot 11 as shown on the aforementioned Plat;
THENCE along said South Boundary North 88°03'27" West, 15.00 feet to a set 5/8-inch rebar with cap LS1618, also being the Southwest Corner of said Lot 11;
THENCE leaving said South Boundary North 02°29'47" East, 206.04 feet to the **POINT OF BEGINNING** containing **3,090** square feet or **0.07** acres, more or less.

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

NOW, THEREFORE, BE IT RESOLVED, by the City of Bentonville, Arkansas, that the petition to close the above described utility easement is set for a hearing April 28, 2026 at 6:00 p.m. in the City Council Chambers 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 _____ 2026 at a regular meeting of the City Council of the City of Bentonville, Arkansas.

_____
Malorie Marrs, City Clerk
Bentonville, Arkansas

_____
Stephanie Orman, Mayor
City of Bentonville, Arkansas

City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	4/14/2026	**Submitted By:**	Tracy Billings
Phone:	479-696-0229	**For Department(s):**	Planning
Email:	tbillings@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational ☐ Bid Award ☐ Enter into an Agreement ☐ Change Order
☐ Recognizing Funds ☐ Budget Adjustment ☐ Waiver of Bid ☐ Emergency Clause
☐ Ordinance ☑ Resolution ☐ Informational

Title, Recommendation & Justification

Title:	Resolution Setting a Public Hearing for a Utility Easement Vacation (VAC26-0015)
Action Recommendation & Justification:	Approve Resolution to set Public Hearing for April 28, 2026 for a Utility Easement Vacation located at 503 Crooked Road (VAC26-0015).
Additional Comments for Consideration (Optional):	
Amount for Approval:	$ 0

Budget Impact

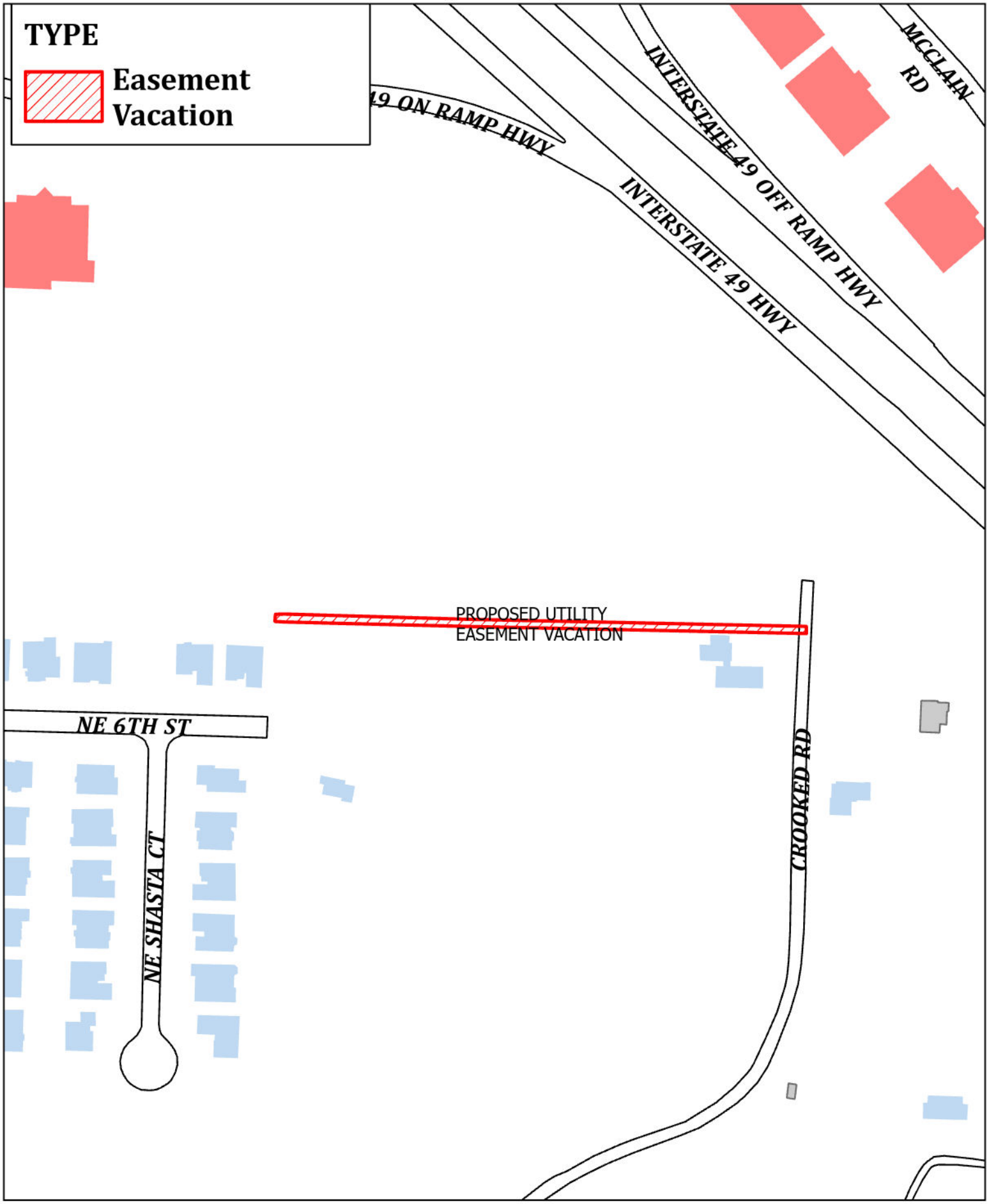
Is this Item Budgeted? ☐ YES ☐ NO ☐ ITEM HAS NO COST ☐ OTHER:_____

Budget Adjustment *(to be completed by Finance when applicable)*

		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		

Fund(s) Impacted (check all that apply) ☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s):_____

Budget Impact Notes for Consideration (Optional):



N
W E
S

VAC26-0015
Proposed Easement Vacation
503 CROOKED RD

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 Gale Ventures, LLC requesting a utility easement vacation (VAC26-0015) within the City of Bentonville, Arkansas be vacated, which said utility easement is described as follows:

Book 615, Page 927 Easement Description
All that tract or parcel of land, being situated in Bentonville, Benton County, Arkansas, being the 10-foot water line easement described in Book 615, Page 927, Benton County Clerk Records, being a portion of the South 1/2 of the Northeast 1/4 of Section 28, Township 20 North, Range 30 West, Fifth Principal Meridian, and being more particularly described as follows:

Beginning at the Southeast Corner of the Southwest 1/4 of the Northeast 1/4 of said Section 28; Thence, along the south line of said 1/4 of 1/4 Section, North 86°51'57" West a distance of 250.00 feet to the northeast corner of Lot 14 of the Final Plat of Blueberry Heights, Block 2, Lots 1 to 35 as described in Plat Book 3, Page 493, Benton County Clerk Records;

Thence, along said north line of Lot 14, North 86°33'01" West a distance of 13.27 feet;

Thence, along the east line of the property now or formerly of ALWF Lands LLC as described in Instrument Number L202436798, Benton County Clerk Records, North 02°34'37" East a distance of 10.00 feet;

Thence, the following four (4) courses:
1) South 86°33'01" East a distance of 13.39 feet;
2) South 86°51'57" East a distance of 249.95 feet;
3) South 87°09'54" East a distance of 468.53 feet;
4) South 02°50'06" West a distance of 10.00 feet to the south line of the Southeast 1/4 of the Northeast 1/4 of said Section 28;

Thence, along the south line of said 1/4 of 1/4 Section, North 87°09'54" West a distance of 468.56 feet to the Point of Beginning, and containing an area of 7,318 square feet, more or less.

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

NOW, THEREFORE, BE IT RESOLVED, by the City of Bentonville, Arkansas, that the petition to close the above described utility easement is set for a hearing April 28, 2026 at 6:00 p.m. in the City Council Chambers 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 _____ 2026 at a regular meeting of the City Council of the City of Bentonville, Arkansas.

_____	_____
Malorie Marrs, City Clerk	**Stephanie Orman, Mayor**
Bentonville, Arkansas	**City of Bentonville, Arkansas**

City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	4/14/2026	**Submitted By:**	Tracy Billings
Phone:	479-696-0229	**For Department(s):**	Planning
Email:	tbillings@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational ☐ Bid Award ☐ Enter into an Agreement ☐ Change Order
☐ Recognizing Funds ☐ Budget Adjustment ☐ Waiver of Bid ☐ Emergency Clause
☐ Ordinance ☑ Resolution ☐ Informational

Title, Recommendation & Justification

Title:	Resolution Setting a Public Hearing for a Utility Easement Vacation (VAC26-0022)
Action Recommendation & Justification:	Approve Resolution to set a Public Hearing for April 28, 2026 for a Utility Easement Vacation crossing multiple parcels-01-00254-000, 01-00262-000 and 01-00256-000 (VAC26-0022).
Additional Comments for Consideration (Optional):	
Amount for Approval:	$ 0

Budget Impact

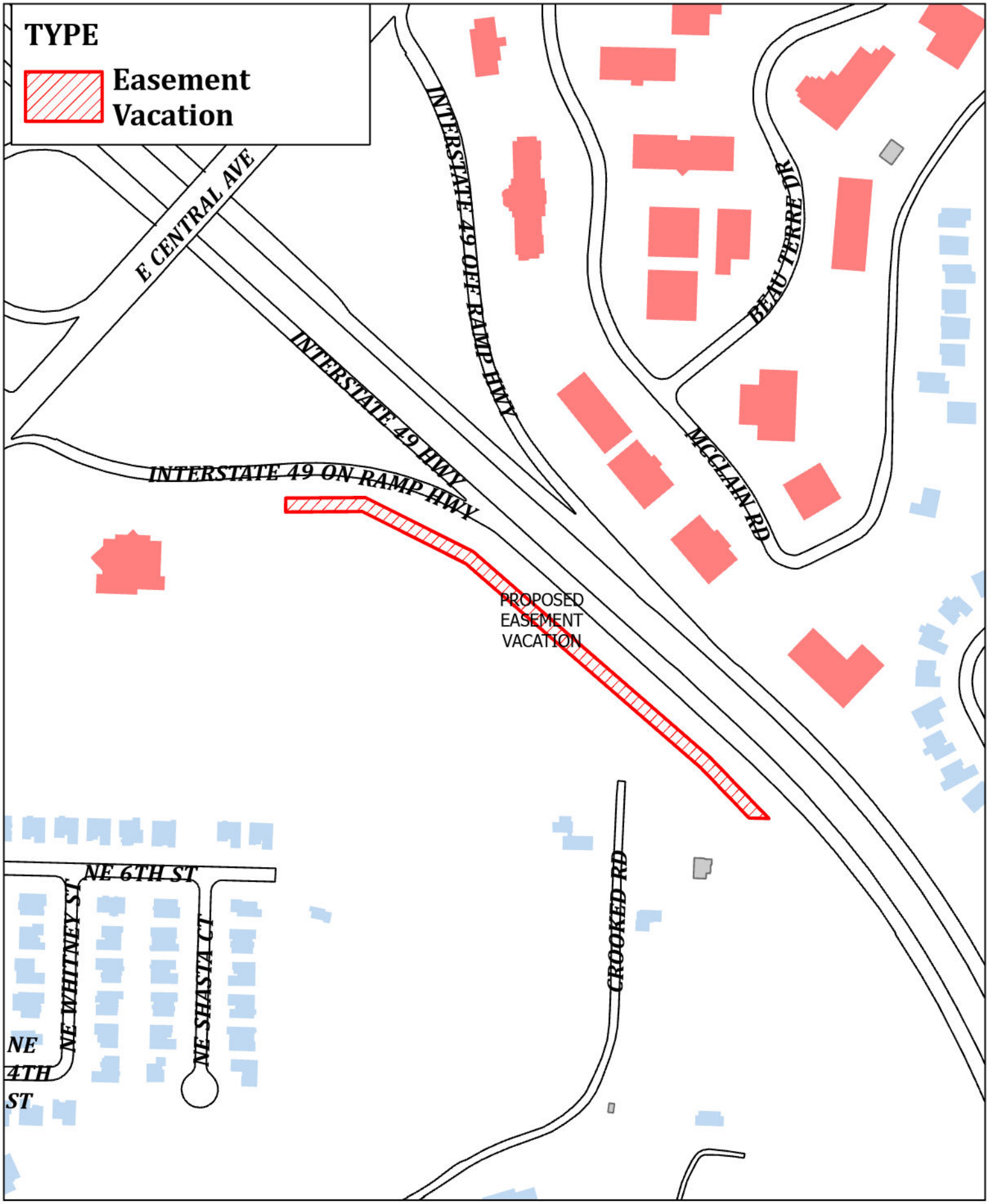
Is this Item Budgeted? ☐ YES ☐ NO ☐ ITEM HAS NO COST ☐ OTHER:_____

Budget Adjustment *(to be completed by Finance when applicable)*

Account Number (ORG-OBJECT)	Account Description	$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description	$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description	$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description	$ Expense	$ Revenue

Fund(s) Impacted (check all that apply) ☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s):_____

Budget Impact Notes for Consideration (Optional):



N
W E
S

VAC26-0022
Proposed Easement Vacation
500 CROOKED RD

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 Gale Ventures, LLC requesting a utility easement vacation (VAC26-0022) within the City of Bentonville, Arkansas be vacated, which said utility easement is described as follows:

Instrument Number 93 39641 Easement Description

All that tract or parcel of land, being situated in Bentonville, Benton County, Arkansas, being the 30-foot gas line easement described in Instrument Number 93 39641, Benton County Clerk Records, being a portion of the South 1/2 of the Northeast 1/4 of Section 28, Township 20 North, Range 30 West, Fifth Principal Meridian, and being more particularly described as follows:
Commencing at the Southwest Corner of the Southeast 1/4 of the Northeast 1/4 of said Section 28; Thence, along the south line of said 1/4 of 1/4 Section, South 87°09'54" East a distance of 745.57 feet to the Point of Beginning;
Thence, the following four (4) courses:
1) North 42°19'14" West a distance of 150.81 feet;
2) North 47°25'22" West a distance of 669.89 feet;
3) North 61°43'56" West a distance of 248.66 feet;
4) North 88°44'34" West a distance of 165.18 feet to the east line of the property now or formerly of ALWF Lands LLC as described in Instrument Number L202436798, Benton County Clerk Records;
Thence, along said east property line, North 02°34'37" East a distance of 30.01 feet to the south right-of-way line of Interstate 49, also known as U.S. Highway 71;
Thence, along said right-of-way line the following four (4) courses:
1) South 88°44'34" East a distance of 171.69 feet;
2) South 61°43'56" East a distance of 259.63 feet;
3) South 47°25'22" East a distance of 674.99 feet;
4) South 42°19'14" East a distance of 182.31 feet to the south line of the Southeast 1/4 of the Northeast 1/4 of said Section 28;
Thence along the south line of said 1/4 of 1/4 Section, North 87°09'54" West a distance of 42.54 feet to the Point of Beginning, and containing an area of 37,847 square feet, more or less.

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

NOW, THEREFORE, BE IT RESOLVED, by the City of Bentonville, Arkansas, that the petition to close the above described utility easement is set for a hearing April 28, 2026 at 6:00 p.m. in the City Council Chambers 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 _____ 2026 at a regular meeting of the City Council of the City of Bentonville, Arkansas.

_____
Malorie Marrs, City Clerk
Bentonville, Arkansas

_____
Stephanie Orman, Mayor
City of Bentonville, Arkansas

City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	4/14/2026	**Submitted By:**	Tracy Billings
Phone:	479-696-0229	**For Department(s):**	Planning
Email:	tbillings@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational ☐ Bid Award ☐ Enter into an Agreement ☐ Change Order
☐ Recognizing Funds ☐ Budget Adjustment ☐ Waiver of Bid ☐ Emergency Clause
☐ Ordinance ☑ Resolution ☐ Informational

Title, Recommendation & Justification

Title:	Resolution Setting a Public Hearing for a Utility Easement Vacation (VAC26-0024)
Action Recommendation & Justification:	Approve Resolution to set a Public Hearing for April 28, 2026 for a Utility Easement Vacation located at Block 2, Lot 8 of Robbinaire Heights (VAC26-0024).
Additional Comments for Consideration (Optional):	
Amount for Approval:	$ 0

Budget Impact

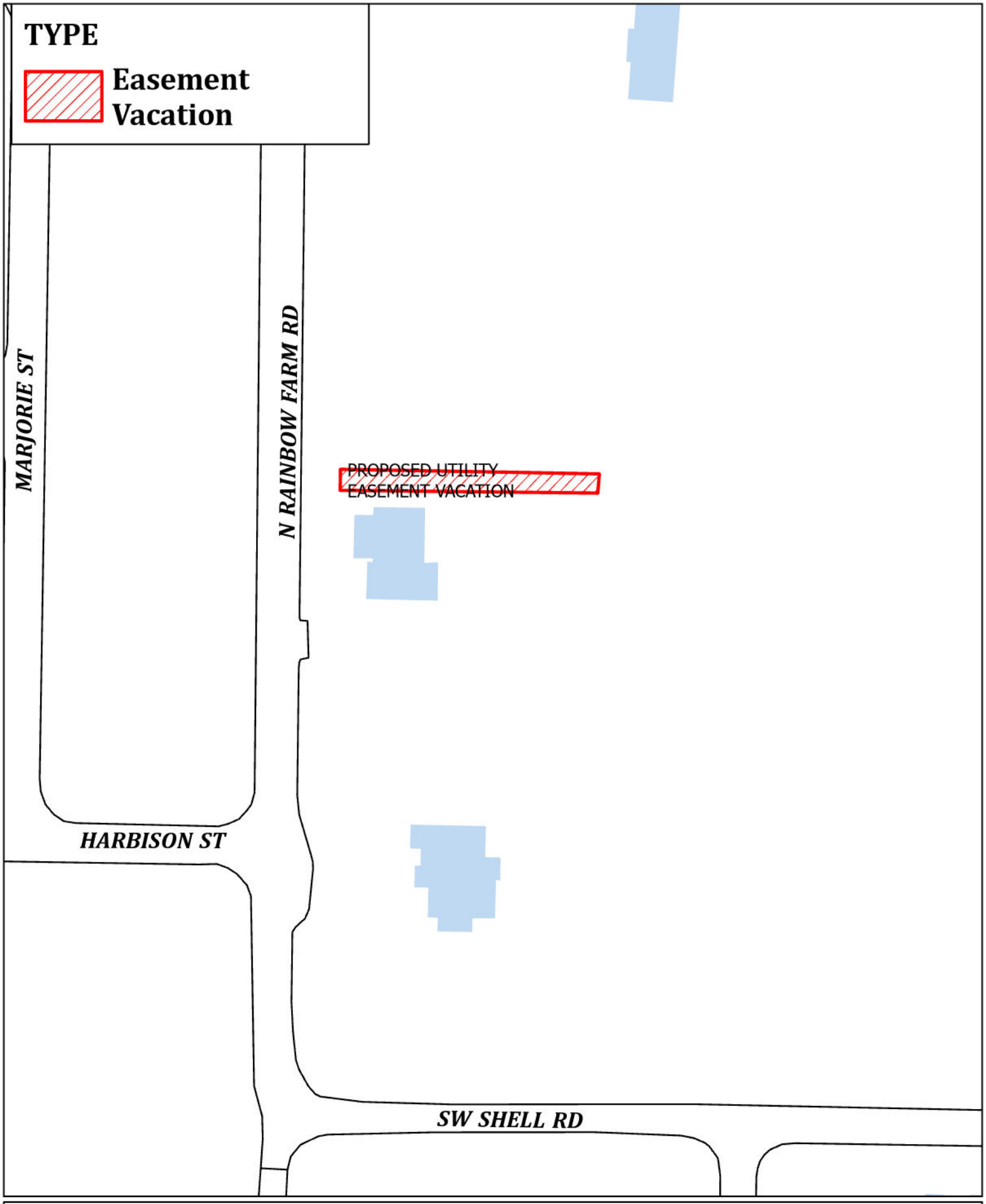
Is this Item Budgeted? ☐ YES ☐ NO ☐ ITEM HAS NO COST ☐ OTHER:_____

Budget Adjustment *(to be completed by Finance when applicable)*

		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		

Fund(s) Impacted (check all that apply) ☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s):_____

Budget Impact Notes for Consideration (Optional):



N
W E
S

VAC26-0024
Proposed Easement Vacation
3601 N RAINBOW FARM RD

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 DHARINI JAYARAMAN requesting a utility easement vacation (VAC26-0024) within the City of Bentonville, Arkansas be vacated, which said utility easement is described as follows:

A portion of the platted utility easement located along the north side of Lot 8, Block 2, Robbinaire Heights Subdivision, in the City of Bentonville, Benton County, Arkansas, as shown on the plat recorded as Replat P4-297 in the records of Benton County, Arkansas.

Said easement being a 15 foot of the 30-foot wide utility easement lying along and adjacent to the north property line of Lot 8, extending across said lot as shown on the recorded subdivision plat. This instrument vacates and abandons that portion of the 15-foot utility easement located along the north boundary of Lot 8, Block 2, Robbinaire Heights, within the City of Bentonville, Benton County, Arkansas.

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 April 28, 2026 at 6:00 p.m. in the City Council Chambers 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 _____ 2026 at a regular meeting of the City Council of the City of Bentonville, Arkansas.

_____
Malorie Marrs, City Clerk
Bentonville, Arkansas

_____
Stephanie Orman, Mayor
City of Bentonville, Arkansas

City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	4/14/2025	**Submitted By:**	Josh Stacey
Phone:	479-418-8653	**For Department(s):**	Parks
Email:	jstacey@bentonvillear.com		

Item Type (Check all that apply)

☑ Informational ☐ Bid Award ☐ Enter into an Agreement ☐ Change Order
☐ Recognizing Funds ☐ Budget Adjustment ☐ Waiver of Bid ☐ Emergency Clause
☐ Ordinance ☐ Resolution ☑ Informational ☑ Appointment

Title, Recommendation & Justification

Title:	Appointment of Beckie Seba as Ex-Officio to the Active Transportation Advisory Board
Action Recommendation & Justification:	City Council approval of Mayor Orman's recommendation to appoint Beckie Seba, as ex-officio member to the Active Transportation Advisory Board.
Additional Comments for Consideration (Optional):	
Amount for Approval:	$ 0

Budget Impact

Is this Item Budgeted? ☐ YES ☐ NO ☑ ITEM HAS NO COST ☐ OTHER:_____

Budget Adjustment *(to be completed by Finance when applicable)*

		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		

Fund(s) Impacted (check all that apply) ☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s):_____

Budget Impact Notes for Consideration (Optional):

April 14, 2026

To: City Council Members & City Clerk

From: Mayor Stephanie Orman

Subject: Appointment of Beckie Seba as the Ex-Officio City Council Member Representative to the Active Transportation Advisory Board

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I recommend Beckie Seba for appointment to the City of Bentonville's Active Transportation Advisory Board as the Ex-Officio City Council Member. There is no term limit for the Ex-Officio City Council Representative on this board.

SO

Stephanie Orman

City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	4/14/2026	**Submitted By:**	Greg Hughes
Phone:	479-696-0204	**For Department(s):**	Parks & Recreation
Email:	ghughes@bentonvillear.com		

Item Type (Check all that apply)

☐ **Informational** ☐ **Bid Award** ☑ **Enter into an Agreement** ☐ **Change Order**

☐ **Recognizing Funds** ☐ **Budget Adjustment** ☐ **Waiver of Bid** ☐ **Emergency Clause**

☐ **Ordinance** ☑ **Resolution** ☐ **Informational**

Title, Recommendation & Justification

Title:	Resolution to Enter into an Agreement with Your Total Fitness Shop for Fitness Equipment
Action Recommendation & Justification:	A Resolution authorizing Mayor and Clerk to enter into an agreement with Your Total Fitness Shop, in the amount of $107,392.13, for the purchase of fitness equipment for the Bentonville Community Center. No budget adjustment is needed.
Additional Comments for Consideration (Optional):	This agreement is utilizing Sourcewell Contract #052324-TRU. Your Total Fitness Shop has provided Sourcewell pricing for all items on the attached quote under Sourcewell Contract #052324-TRU.
Amount for Approval:	**$** 107,392.13

Budget Impact

Is this Item Budgeted? ☑ **YES** ☐ **NO** ☐ **ITEM HAS NO COST** ☐ **OTHER:**_____

Budget Adjustment *(to be completed by Finance when applicable)*

Account Number (ORG-OBJECT)	Account Description	$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description	$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description	$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description	$ Expense	$ Revenue

Fund(s) Impacted (check all that apply) ☐ **General Fund** ☐ **Utility Fund** ☐ **Street Fund** ☐ **Other(s):**_____

Budget Impact Notes for Consideration (Optional):

Memo

To: City Council, Mayor Orman

Thru: David Wright, Parks and Recreation, Director

From: Greg Hughes, Parks and Recreation, Recreation Services Manager

Date: 3/31/2026

Re: Bentonville Community Center Fitness Equipment – Your Total Fitness Shop

Parks and Recreation Staff request Council's approval of a resolution to Enter into an Agreement with Your Total Fitness Shop for the Purchase of Fitness Equipment at the Bentonville Community Center. The price of this purchase is $107,395.90. This is a budgeted expense.

After an extensive market and product analysis, Bentonville Parks and Recreation staff found that True Fitness Equipment will be the best option for the center's cardiovascular fitness equipment replacement needs. Your Total Fitness Shop is the sole sales and service provider in the state of Arkansas for True Fitness Equipment.

Your Total Fitness Shop is locally owned and operated out of Rogers, AR and will be able to provide quick and efficient service to the equipment. This is an added benefit. In the past, the company we worked with would schedule technicians from Tulsa or Kansas City. By working with this local company, we should reduce downtime significantly if equipment needs repair.

The total cost of the fitness equipment is $107,392.13 and is fully budgeted. Your Total Fitness Shop provided Sourcewell pricing on all items listed on the attached quote under Sourcewell Contract #052324-TRU.

I believe that entering into this agreement will offer the residents of Bentonville valuable and quality equipment at the Bentonville Community Center. If you have questions concerning this item, please email me at ghughes@bentonvillear.com or call 479.696.0204.

Attachments:
YTFS Fitness Equipment Quote
Sole Source Letter

Your Total Fitness Shop

4608 West Walnut, Suite C
Rogers, AR 72756

Quote

Date	Estimate #
12/29/2025	5053

Name / Address
Bentonville Community Center 1101 SW Citizens Circle Bentonville, AR 72712

P.O. No.	Terms	Rep	Project
	50% Down 50% ...		

Item	Description	Qty	Cost	Sale	Total
TC1035016	TRUE Apex Treadmill - UNITE 16" Touchscreen No Tuner	2	8,644.00		17,288.00
TC1I35016	TRUE Alpine Runner Incline Trainer - UNITE 16" Touchscreen No Tuner	3	8,774.00		26,322.00
VC1035016	TRUE Palisade Climber - UNITE 16" Touchscreen No Tuner	2	8,644.00		17,288.00
TC1S35016	TRUE Stryker Slat Treadmill - UNITE 16" Touchscreen No Tuner	2	14,299.00		28,598.00
T6Pro	NuStep T6Pro	1	6,270.00		6,270.00
800SSC-19	True 800SS Club Stretch Cage	1	2,309.00		2,309.00
Freight Delive...	Freight, Delivery, Installation & Set-up ($6500 Value) - FREE		0.00		0.00
	Agency Information: City of Bentonville Sourcewell Member ID: 93163 Sourcewell Contract: 052324-TRU				
	Total Sales Tax for Bentonville Sales		9,317.13		9,317.13

Total $107,392.13

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH YOUR TOTAL FITNESS SHOP, IN THE AMOUNT OF ONE HUNDRED SEVEN THOUSAND THREE HUNDRED NINETY-TWO DOLLARS AND THIRTEEN CENTS ($107,392.13), FOR THE PURCHASE OF FITNESS EQUIPMENT AT THE BENTONVILLE COMMUNITY CENTER; AND FOR OTHER PURPOSES.

WHEREAS, exercise equipment is needed for the Bentonville Community Center;

WHERAS, this purchase is being made from Your Total Fitness Shop (YTFS), through participation in the Sourcewell Cooperative Contract #052324-TRU which is in line with the City's Purchasing Policy; and

WHEREAS, no budget adjustment is necessary.

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

Section 1: The Mayor and City Clerk are authorized to enter into an agreement with YTFS, for the purchase of fitness equipment, in the amount of one hundred seven thousand three hundred ninety-two dollars and thirteen cents ($107,392.13);

Section 2 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Provisions: A11 Ordinances, Resolutions, Orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

PASSED and APPROVED this_____day of _____, 2026.

APPROVED:

_____
STEPHANIE ORMAN, MAYOR

ATTEST:

_____
MALORIE MARRS, CITY CLERK

City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	4/14/2026	**Submitted By:**	Creek Wenger-Maintenance Manager
Phone:	479-271-3109	**For Department(s):**	Parks and Recreation
Email:	cwenger@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational ☐ Bid Award ☑ Enter into an Agreement ☐ Change Order
☐ Recognizing Funds ☐ Budget Adjustment ☐ Waiver of Bid ☐ Emergency Clause
☐ Ordinance ☑ Resolution ☐ Informational

Title, Recommendation & Justification

Title:	Resolution Authorizing the Payment of Sales Tax on Purchase of Two (2) Husqvarna Robotic Mowers
Action Recommendation & Justification:	A Resolution authorizing the remittance of sales tax for the purchase of two Husqvarna Robotic Mowers from Turf and Soil Management. No budget adjustment is needed.
Additional Comments for Consideration (Optional):	On March 10, 2026, Council approved the purchase of 2 mowers in the amount of $49,391.56. Sales tax in the amount of $4,689.35 was inadvertently excluded from this purchase. This purchase was made through TIPS Contract #24010401 which was reviewed by Purchasing for compliance.
Amount for Approval:	**$** 4,689.35

Budget Impact

Is this Item Budgeted? ☑ **YES** ☐ **NO** ☐ **ITEM HAS NO COST** ☐ **OTHER:**_____

Budget Adjustment *(to be completed by Finance when applicable)*

		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		

Fund(s) Impacted (check all that apply) ☐ **General Fund** ☐ **Utility Fund** ☐ **Street Fund** ☐ **Other(s):**_____

Budget Impact Notes for Consideration (Optional):

Budgeted in account 105030-47410 in the amount of $44,000. The difference in cost will be funded by savings on other capital items within this account.

Memo

To: City Council, Mayor Orman

Thru: David Wright, Parks and Recreation Director

From: Creek Wenger, Parks and Recreation Maintenance Manager

Date: February 9, 2026

Re: Council approval of a resolution authoring the Mayor enter into an agreement with Turf and Soil Management to purchase two Husqvarna Robotic Mowers in the total amount of $49,391.56 through TIPS Contract #24010401.

Council approval of a resolution authoring the Mayor enter into an agreement with Turf and Soil Management to purchase two Husqvarna Robotic Mowers in the total amount of $49,391.56 through TIPS Contract #24010401. This is a 2026 budgeted item**.**

The mowers will maintain common turf areas at the sports field complexes, allowing Parks Maintenance staff to reallocate labor hours toward field-specific maintenance and preparation without compromising field aesthetics or established standards.

The Husqvarna Robotic Mowers feature EPOS™ satellite-based, wire-free technology, GPS-guided navigation, and a randomized cutting pattern for even, high-quality mowing. They are designed for complex terrain, including slopes up to 70%, and include anti-theft alarms, weather resistance, quiet operation, and remote management via the Automower® Connect App.

Fully autonomous operation reduces labor and saves time, promotes healthier turf, and is eco-friendly due to battery-powered, emission-free operation. Approval of this purchase will increase efficiency, optimize staff resources, and ensure consistent, high-quality field conditions.

For any questions, please contact Creek Wenger at cwenger@bentonvillear.com.

MEMORANDUM

PURCHASING AND COMPLIANCE DEPARTMENT

TO: ADMINISTRATION

FROM: Tanya Moore, Purchasing Agent, Purchasing and Compliance Department

DATE: March 2, 2026

SUBJECT: Parks and Recreation Department Turf and Soil Management

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The Purchasing and Compliance Department has reviewed the documentation provided by the Parks and Recreation Department for the purchase of 2 (two) Husqvarna Robotic Mowers in the total amount of $49,391.56 under TIPS Contract # 24010401.

Based on the review of contract documentation, pricing verification, and cooperative purchasing compliance, the Purchasing and Compliance Department confirms that the request complies with the City of Bentonville's Purchasing Policy, Section 4.6, for Cooperative Purchases Meeting or Exceeding the Council Threshold.

Please feel free to contact me with any questions.

Tanya Moore
Purchasing Agent
(479) 271-3115
Tmoore@bentonvillear.com

Turf Equipment Quotation

Invoice to:
City of Bentonville
Chris Flores
401 NE Moberly Ln., Bentonville Ar 72712
Phone #:479-271-3109
Email:cflores@bentonvillear.com

Ship to:
City of Bentonville
Chris Flores
401 NE Moberly Ln., Bentonville Ar 72712
Phone #:479-271-3109
Email:cflores@bentonvillear.com

Equipment…
Products…
Service…

Date: 4/2/2026

Turf and Soil Management, LLC
1209 S. Parkway Drive
Alvarado, Texas 76009
(817)854-1210
www.turfandsoil.net

Chris Koulovatos
Territory Manager
T&S Management, LLC
405-668-4772
chrisk@turfandsoil.net

Qty	Manufacturer	Model	Description	Price Each	Total
1	**Husqvarna**	970749905	CEORA 546 EPOS W/ BRUSH US,CA	$24,950.00	$24,950.00
1	**Husqvarna**	970614405	CEORA RZ 43L, CUTTING DECK	$10,100.00	$10,100.00
1	**Husqvarna**	970468105	CHARGING STATION CEORA CS4	$2,350.00	$2,350.00
1	**Husqvarna**	970656705	550 AUTOMOWER	$5,299.00	$5,299.00
1	**Husqvarna**	970468205	EPOS REFERENCE	$1,000.00	$1,000.00
3	**Husqvarna**	536930910	CEORA Low Cut Disc	$180.00	$540.00
1	**Husqvarna**	599805312	Blade Set Automower Enhanced HSS 300 pcs	$1,000.00	$1,000.00

Setup					
1	T&S	103	New Equipment Setup Fee (550H) - Onboarding and 2 Followup Site Visits	$1,000.00	$1,000.00
1	T&S	103	New Equipment Setup Fee (Ceora) - Onboarding and 2 Followup Site Visits	$1,500.00	$1,500.00
Recurring Monitoring Fee - (Pro-rated and term each calendar year)					
1	T&S	100	Multiple Unit - Annual Health Monitoring Fee/Recurring Charged Annually	$500.00	$500.00
Installation Fees					
8	T&S	100	*Installation Labor/Hour	$140.32	$1,122.56
			**Excludes Site Contruction and Infrastructure Needs*		

BARONESS
Quality on Demand

Quote Summary	
Sub Total Products	$45,239.00
Sub Total Setup Fees	$2,500.00
Sub Total Monitoring Fees (First Year - Pro-Rated)	$500.00
Sub Total Installation Fees	$1,122.56
Final Proposal Sub Total	$49,361.56
Sales Tax(9.5%)	$4,689.35
Final Proposal Total	$54,050.91

GENERAL CONDITIONS/ PARTIES/CONTRACT ACCEPTANCE:

As used herein Buyer shall be defined to be the Purchaser described on the first page of this Agreement/Invoice. Seller shall be defined to mean Turf and Soil Management, LLC. Any written or oral purchase order received by Seller from Buyer shall be construed as a written acceptance of Seller's offer to sell and shall be billed in accordance with the terms and conditions of Sale set forth herein. Seller's acceptance of this order is expressly conditioned on Buyer's consent to the terms and conditions of Sale contained herein. The terms and conditions of Sale contained herein shall prevail over any conflicting or different terms in Buyer's oral or written purchase order unless Buyer notifies Seller in writing of its objections within ten (10) days of receipt of Seller's acknowledgment. Buyer's standard terms of purchase will not be considered a counter offer to Seller's terms and conditions of Sale. The failure of Seller to object to any provisions and conflict herewith, further contained on Buyer's purchase order or otherwise, shall not be construed as a waiver of the provisions hereof nor an acceptance thereof.

All quotations are made for prompt acceptance and any terms quoted are subject to change without notice after thirty (30) days from the quotation unless otherwise noted on the quotation. Any quotation for any product or services is made subject to prior Sale. All prices quoted, shown or invoiced are in U.S. Dollars and are FOB Seller's point of shipment. Any cost for banking charges resulting from electronic funds transfers or similar such charges as a result of Buyer's choice of method of payment shall be borne and paid for by Buyer. All amounts due to Seller from Buyer are payable in Alvarado, Johnson County, Texas and shall be due net thirty (30) days from date of invoice, unless otherwise stated. Buyer agrees that any past due amount shall bear interest from due date until paid at the lesser amount of 18% per annum or the maximum non-usurious rate of interest permitted by applicable laws in effect, from time to time.

Seller shall use every effort, as conditions permit, to make shipment as scheduled. However, Seller shall not be responsible for any loss or damage to Buyer resulting from deviations in the shipping schedule, whether due to Acts of God, orders bearing priority ratings established pursuant to law, differences with workmen, local labor shortages, shortages of product sources or failure of raw materials, supplies, fuel, power or transportation, breakdown of equipment or any other causes beyond Seller's reasonable control or any such other cause not expressly enumerated herein, which is out of Seller's reasonable control. Seller shall have such additional time as required to perform as may be reasonably necessary under the circumstances and shall have the right to apportion products among its customers in such a manner as Seller, in its sole discretion, may consider to be equitable. In no event shall Seller be liable for any consequential damages or labor costs resulting from failure or delay in shipment. If the product being provided to Buyer requires drawings, procedures, standards or other material for approval, shipping schedules will be calculated from the time such approvals are received by Seller. Any inspections or testing required may affect product production and/or delay shipment accordingly.

In consideration of the purchase of the goods hereunder, Buyer assumes all risks inherent in the operation and use of such goods or equipment and releases Seller from any claim for bodily injury (including death) resulting therefrom or damage to Buyer's property resulting from or arising in connection with Buyer's use or possession of the goods purchased. Buyer further agrees to assume the entire liability for, defense of and to pay, indemnify and hold Seller harmless from any and all claims for damage to property or bodily injury (including death) resulting from the use, operation of or possession of such goods or equipment, whether or not it be held or claimed that such damage or injury resulted, in whole or in part, from Seller's negligence, from the defective conditions of such goods being purchased, strict liability or otherwise.

Customer Acceptance

`

Pricing: Product Quoted from TIPS Contract # 24010401

Name

Taxes: Tax Exempt

Delivery: 60 Days ARO

Title

Payment Terms: Net 30 Days ARO

Date

Warranty: Manufacturers' Stated

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE REMITTANCE OF SALES TAX ON THE PURCHASE OF (2) ROBOTIC MOWERS, IN THE AMOUNT OF FOUR THOUSAND SIX HUNDRED EIGHTY-NINE DOLLARS AND THIRTY-FIVE CENTS ($4,689.35); AND FOR OTHER PURPOSES.

WHEREAS, on March 10, 2026, Council approved the purchase of two (2) Husqvarna robotic mowers from Turf and Soil Management, in the amount of forty-nine thousand three hundred ninety-one dollars and fifty-six cents ($49,391.56);

WHEREAS, sales tax was inadvertently excluded from the purchase price; and

WHEREAS, this is a 2026 budgeted item.

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

Section 1: The Mayor and City Clerk are authorized to remit sales tax, in the amount of four thousand six hundred eighty-nine dollars and thirty-five cents ($4,689.35), on the purchase of two (2) robotic mowers;

Section 2 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Resolutions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

PASSED AND APPROVED this_____ day of _____, 2026.

APPROVED:

_____
Stephanie Orman, MAYOR

ATTEST:

_____
Malorie Marrs, CITY CLERK

City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	4/14/2026	**Submitted By:**	Daniel Clardy
Phone:	479-271-3130	**For Department(s):**	Street
Email:	daniel.clardy@bentonville.ar.gov		

Item Type (Check all that apply)

☐ Informational ☑ Bid Award ☐ Enter into an Agreement ☐ Change Order
☐ Recognizing Funds ☐ Budget Adjustment ☐ Waiver of Bid ☐ Emergency Clause
☐ Ordinance ☑ Resolution ☐ Informational

Title, Recommendation & Justification

Title:	Resolution to Award Bid IFB-26-01 for a 2026 Cab and Chassis to Industrial Truck Equipment
Action Recommendation & Justification:	Resolution to award bid IFB-26-01 for one 2026 4x4 Crew Cab and Chassis with Dump Body, Snow Plow, and Material Spreader in the amount of $120,978.00. No budget adjustment is needed.
Additional Comments for Consideration (Optional):	This unit is a scheduled replacement under the 2026 Street Department Budget Account 203810-47420, Budget line item description "DC - (Replacement) of 3810-35 - 2015 Crew Truck". Approved 2026 budget is $175,000.00. Industrial Truck was the lowest bidder.
Amount for Approval:	$ 120,978.00

Budget Impact

Is this Item Budgeted? ☑ YES ☐ NO ☐ ITEM HAS NO COST ☐ OTHER:_____

Budget Adjustment *(to be completed by Finance when applicable)*

		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		

Fund(s) Impacted (check all that apply) ☐ General Fund ☐ Utility Fund ☑ Street Fund ☐ Other(s):_____

Budget Impact Notes for Consideration (Optional):

CITY OF BENTONVILLE, ARKANSAS PURCHASING AND COMPLIANCE DEPARTMENT

FORMAL SEALED BID TABULATION

Date of Bid Opening:	3/10/26	Time of Bid Opening:	1:00 PM CST	IFB-26-01 RE-BID

Solicitation Title: 2026 or Newer 4X4 Crew Cab and Chassis with Dump Body and Snow Plow RE-BID

				Bidders:	Grand Truck Equipment		Industrial Truck Equipment	
Line Item	Estimated Quantity	Unit of Measure	Description		Unit Price	Extended Price	Unit Price	Extended Price
1	1	EA	(1) 2026 or Newer 4x4 Crew Cab and Chassis with Dump Body, Snowplow, and Material Spreader.		$128,972.00	$128,972.00	$120,978.00	$120,978.00
				Total Bid Price	$128,972.00		$120,978.00	

purchasing@bentonvillear.com - (479) 271-3115

TABULATION VERIFICATION

[redacted]

Michelle Gaudern
Purchasing and Compliance Specialist

[redacted]

Purchasing Agent

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH INDUSTRIAL TRUCK EQUIPMENT FOR THE PURCHASE OF A 2026 CAB AND CHASSIS IN THE AMOUNT OF ONE-HUNDRED TWENTY THOUSAND NINE-HUNDRED SEVENTY-EIGHT DOLLARS ($120,978.00); AND FOR OTHER PURPOSES.

WHEREAS, Industrial Truck Equipment is the lowest responsive bidder for bid IFB-26-01;

WHEREAS, this contract covers the purchase of a 2026 4x4 Crew Cab and Chassis with Dump Body, Snow Plow, and Material Spreader;

WHEREAS, this will be paid with budgeted funds and no budget adjustment is needed.

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

Section 1: The Mayor and City Clerk are authorized to enter into a contract with Industrial Truck Equipment for the purchase of a 2026 Cab and Chassis with dump body, snow plow, and material spreader in the amount of One-Hundred Twenty Thousand Nine-Hundred Seventy-Eight Dollars ($120,978.00).

Section 2 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

PASSED and APPROVED this _____ day of _____, 2026.

APPROVED:

_____
STEPHANIE ORMAN, MAYOR

ATTEST:

_____
MALORIE MARRS, CITY CLERK

City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	4/14/2026	**Submitted By:**	Dan Weese
Phone:	479-426-2050	**For Department(s):**	Transportation/ Street
Email:	dweese@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational ☐ Bid Award ☐ Enter into an Agreement ☐ Change Order
☐ Recognizing Funds ☐ Budget Adjustment ☐ Waiver of Bid ☐ Emergency Clause
☐ Ordinance ☑ Resolution ☐ Informational

Title, Recommendation & Justification

Title:	Resolution Approving Mayor Signing a Quitclaim Deed with Lorane, LLC
Action Recommendation & Justification:	Staff recommends approval for the Mayor to sign the quitclaim deed. Quitclaim deed would revise a mistake from WACO title when recording a Warranty Deed for Right-of-Way purchased by the City of Bentonville. No budget adjustment is needed.
Additional Comments for Consideration (Optional):	
Amount for Approval:	$ 0

Budget Impact

Is this Item Budgeted? ☐ YES ☐ NO ☑ ITEM HAS NO COST ☐ OTHER:_____

Budget Adjustment *(to be completed by Finance when applicable)*

		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		

Fund(s) Impacted (check all that apply) ☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s):_____

Budget Impact Notes for Consideration (Optional):

After recording please return to:
Waco Title Company
2592 S. 48th St.
Springdale, AR 72762

QUITCLAIM DEED
(Corporation)

File #: **2315635-137**

KNOW ALL MEN BY THESE PRESENTS:

That, the City of Bentonville, Arkansas, a municipal corporation Grantor for and in consideration of the sum of ---TEN AND 00/100--- DOLLARS---($10.00)---and other good and valuable consideration in hand paid by **Lorane, LLC, an Arkansas limited liability company** herein after Grantee, the receipt of which is hereby acknowledged, do hereby grant, convey, and quitclaim unto Grantee, and Grantees heirs and assigns forever, all of Grantors' right, title, interest, equity and estate in the following lands lying in the County of **Benton** and the State of **Arkansas** to-wit:

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the same unto said Grantee and unto Grantees heirs and assigns forever, with all appurtenances thereunto belonging.

Prepared under the supervision of
Buckley Bridges, Attorney
2592 S. 48th St.
Springdale, AR. 72762

EXHIBIT "A"

Lot 5, Rainbow Lane Addition to the City of Bentonville, Benton County, Arkansas, as shown in Plat Record 11, Page 187.

LESS AND EXCEPT: Part of Lot 5, Rainbow Lane Addition to the City of Bentonville, located in the SW/4 of the NE/4 of Section 7, Township 19 North, Range 30 West, Benton County, Arkansas, more particularly described as follows: Commencing at a RR spike found at the Center Quarter Corner of said Section 7; thence along the West line of said SW/4 of the NE/4, North 02°36'06" East a distance of 39.89 feet to the Northern right of way of Highway 12 as established by Highway 12 right of way agreement dated November 15, 1949; thence along said Northern Right of Way, South 87°11'26" East a distance of 663.42 feet to the West line of Lot 5 as shown on the Rainbow Lane Addition plat as filed in Benton County and the POINT OF BEGINNING; thence along said West line North 02°39'23" East a distance of 19.62 feet to the Northern Right of Way of Highway 12 as established be AHTD Job 090251; thence along said Northern Right of Way to the following bearings and distances: South 86°54'06" East a distance of 101.97 feet; South 03°05'54" West a distance of 10.00 feet; South 87°34'40" East a distance of 218.11 feet to the East line of said Lot 5; thence along said East line, South 02°40'43" West a distance of 10.58 feet to the Northern Right of Way of Highway 12 as established by Rainbow Lane Addition plat, filed for record June 23, 1987; thence along said Northern Right of Way, North 87°11'26" West a distance of 320.00 feet to the point of beginning and containing 0.09 acres, more or less, as shown on AHTD plans, referenced as Job 090251.

ALSO LESS AND EXCEPT: Part of Lot 5, Rainbow Lane Addition to the City of Bentonville, as shown on Plat record 11 at Page 187, which is also part of the SW 1/4 of the NE 1/4 of Section 7, Township 19 North, Range 30 West, Benton County, Arkansas, and being more particularly described as follows: Beginning at a point on the Northerly right of way line of S.W. Regional Airport Blvd., as established by ARDOT Job 090521, said point being the SE corner of Parcel No. 01-05018-000; thence North 87°34'40" West a distance of 218.11 feet to a point on said right of way; thence North 03°05'54" East a distance of 3.69 feet to a point on the Northerly right of way line of S.W. Regional Airport Blvd., as established by Bentonville Job PIIP22-0029; thence South 88°14'28" East a distance of 98.40 feet to a point on said right of way; thence South 87°15'49" East a distance of 119.70 feet to a point; thence South 02°40'43" West a distance of 4.17 feet to the point of beginning, and containing 0.02 acres, more or less, of 958 square feet, more or less, as shown on plans referenced as Job PIIP22-029.

WITNESS ____ hand(s) and seal(s) on this _____ **day of** _____, **20**___.

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

GRANTEE OR AGENT: _____

GRANTEE SIGNATURE: _____

GRANTEE'S ADDRESS: _____

_____

The City of Bentonville, Arkansas

By: _____

ACKNOWLEDGMENT

STATE OF _____)
) SS.
COUNTY OF_____)

BE IT REMEMBERED, that on this day came before the undersigned, a Notary Public, duly commissioned, qualified and acting, within and for the said County and State, and appeared in person the within named _____, Authorized signor for The City of Bentonville, Arkansas, a municipal corporation, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he/she had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this _____ day of _____, 20____.

_____
Notary Public

My commission expires:

_____

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO SIGN A QUITCLAIM DEED TO LORANE, LLC; AND FOR OTHER PURPOSES.

WHEREAS, the need has arisen for the City of Bentonville to sign a Quitclaim Deed to fix an error in a legal description provided by Waco Title from when the City purchased a Right of Way.

WHEREAS, no budget adjustment is necessary.

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

Section 1: The Mayor and City Clerk are authorized to sign a Quitclaim Deed to Lorane, LLC in order to correct a mistake in the legal description from a previously purchased right of way to the City.

Section 2 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

PASSED and APPROVED this _____ day of _____, 2026.

APPROVED:

_____
STEPHANIE ORMAN, MAYOR

ATTEST:

_____
MALORIE MARRS, CITY CLERK

City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	4/14/2026	**Submitted By:**	Lisa Babington
Phone:	479-271-5966	**For Department(s):**	Administration
Email:	mayor.assistant@bentonville.ar.gov		

Item Type (Check all that apply)

☐ Informational ☐ Bid Award ☐ Enter into an Agreement ☐ Change Order
☐ Recognizing Funds ☐ Budget Adjustment ☐ Waiver of Bid ☐ Emergency Clause
☐ Ordinance ☑ Resolution ☐ Informational

Title, Recommendation & Justification

Title:	Resolution to Declare Various Items as Surplus for Landfill Disposal or Other Disposition
Action Recommendation & Justification:	A Resolution declaring various items as surplus, rendered worthless by damage or prolonged use, to be disposed of in the landfill. No budget adjustment is needed.
Additional Comments for Consideration (Optional):	See attached list for more details on the items to be declared as surplus and disposed of in the landfill or by other means, rendered worthless by damage or prolonged use. Estimated disposal fees are covered in the 2026 budget for Administration. These items have already gone to public auction and did not sell.
Amount for Approval:	$ 0

Budget Impact

Is this Item Budgeted? ☑ YES ☐ NO ☐ ITEM HAS NO COST ☐ OTHER:_____

Budget Adjustment *(to be completed by Finance when applicable)*

		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		

Fund(s) Impacted (check all that apply) ☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s):_____

Budget Impact Notes for Consideration (Optional):

None

EXHIBIT "B"

AFFIDAVIT FOR DISPOSAL OF PROPERTY BY AUCTION OF THE BENTONVILLE ADMINISTRATION DEPARTMENT WHICH HAS BEEN DEEMED OBSOLETE AND SURPLUS

I, Dennis Hayes, Director, City of Bentonville Information Technology, do hereby certify that the following property of the Bentonville Administration Department has become obsolete, is surplus and no longer used by the City, and it is now appropriate to dispose of said property by public or internet auction as specified under Ark. Code Ann. § 14-54-302(e)(1). I hereby certify that I will be responsible for overseeing that the property is to be disposed of by landfill or other appropriate means. The records listed in this exhibit contain a description of the property to be affected.

1. Printer Toners
2. Scrap Metal
3. Desk
4. Desk Book Case
5. Book Case
6. Pod Wall Cabinet
7. APC Wall Mount Rack
8. IBM 9406-801 S/N: 10-F6D7F
9. 55" TV
10. APC rack mount Battery backup
11. APC Wall Mount Rack
12. Rack mount cable mgmt
13. Plastic rack mount cable mgmt
14. Rack mount severs Power edge 1850 s/n: 1WR8S91
15. Rack mount severs Power edge 2950 s/n: J0G9ZB1
16. IBM Batter Back Up
17. IBM I series server s/n:53P1363 H63361
18. Scanner

EXHIBIT "B"

19.HP Laserjet pro M402dn Printer
20.TV 35”
21.Aluminum 2 post network rack
22.Vizio 22" TV

Name: Dennis Hayes [redacted] Date: 4/2/2026

Notary Publ[redacted] Date: 4/2/2026

Commission Expires: 5/24/2026

JANICE L. HOPKINS NOTARY PUBLIC ARKANSAS BENTON COUNTY 12348330 EXPIRES 5-24-2026

RESOLUTION NO._____

A RESOLUTION AUTHORIZING CERTAIN CITY DEPARTMENTS TO DISPOSE OF PROPERTY, RENDERED WORTHLESS BY DAMAGE OR PROLONGED, IN THE LANDFILL OR BY OTHER AVAILABLE MEANS; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Bentonville has determined that the items identified in Exhibit "A" have been rendered worthless by damage or prolonged use;

WHEREAS, upon being approved as such, these items will be disposed of in the landfill or other available means; and

WHEREAS, this Resolution is in accordance with Ark. Code Ann. § 14-54-302.

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

Section 1: The City of Bentonville declares that the items contained in the attached Exhibit "A" have been rendered worthless by damage or prolonged use and will be disposed of in the landfill or through other available means;

Section 2: A record of all items that are disposed of shall be maintained;

Section 3 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 4 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

PASSED AND APPROVED THIS_____ DAY OF _____, 2026.

APPROVED:

_____

Stephanie Orman, MAYOR

ATTEST:

_____

Malorie Marrs, CITY CLERK

Exhibit “A”

ATT Building Surplus

Description	Information	Approximate #
Printer Toners	2 Magenta 2 Yellow 2 Cyan 1 Black	7
Scrap Metal	Pallets	2
Desk	Broken	1
Desk Book Case		1
Book Case		1
Pod Wall Cabinet	Broken	1
APC Wall Mount Rack		1
IBM 9406-801 S/N: 10-F6D7F		1
55" TV	Broken	1
APC rack mount Battery backup	Broken	1
APC Wall Mount Rack		1
Rack mount cable mgmt		1
Plastic rack mount cable mgmt		1
Rack mount severs Power edge 1850 s/n: 1WR8S91		1
Rack mount severs Power edge 2950 s/n: J0G9ZB1		1
IBM Batter Back Up		1
IBM I series server s/n:53P1363 H63361		1
Scanner	Broken	1
HP Laserjet pro M402dn Printer	Broken	1
TV 35"	Broken	2
Aluminum 2 post network rack		1
Vizio 22" TV	Broken	2

City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	4/14/2026	**Submitted By:**	Travis Matlock
Phone:	479-271-5941	**For Department(s):**	Electric
Email:	tmatlock@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational ☐ Bid Award ☐ Enter into an Agreement ☐ Change Order
☐ Recognizing Funds ☐ Budget Adjustment ☐ Waiver of Bid ☐ Emergency Clause
☐ Ordinance ☑ Resolution ☐ Informational

Title, Recommendation & Justification

Title:	Resolution Authorizing the Payment of Sales Tax on Purchase of Forklift
Action Recommendation & Justification:	A resolution authorizing the remittance sales tax for the purchase of a heavy duty forklift from Wiese. On March 31, 2026, Council approved the purchase of 1 heavy duty forklift in the amount of $108,840.00. Sales tax in the amount of $10,339.80 was inadvertently excluded from this purchase. Use of a Co-op is allowed pursuant to Arkansas State Statute 19-11-249; Purchasing performed an evaluation of 053024, determining that the solicitation was in line with both Arkansas State Statute and the City's Purchasing Policy. No budget adjustment is needed.
Additional Comments for Consideration (Optional):	This is a 2026 budgeted item.
Amount for Approval:	**$** 10,339.80

Budget Impact

Is this Item Budgeted? ☑ **YES** ☐ **NO** ☐ **ITEM HAS NO COST** ☐ **OTHER:**_____

Budget Adjustment *(to be completed by Finance when applicable)*

		$ Expense	**$** Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	**$** Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	**$** Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	**$** Revenue
Account Number (ORG-OBJECT)	Account Description		

Fund(s) Impacted (check all that apply) ☐ **General Fund** ☐ **Utility Fund** ☐ **Street Fund** ☐ **Other(s):**_____

Budget Impact Notes for Consideration (Optional):

MEMORANDUM

PURCHASING AND COMPLIANCE DEPARTMENT

TO: ADMINISTRATION

FROM: Tanya Moore, Purchasing Agent, Purchasing and Compliance Department

DATE: March 12, 2026

SUBJECT: Caterpillar DP70P2 Forklift Sourcewell Cooperative

The Purchasing and Compliance Department has reviewed the documentation provided by the Electric Utilities Department for the purchase of 1 Caterpillar DP70P2 Forklift in the amount of $99,340.00 under Sourcewell Contract 053024-MCF.

Based on the review of contract documentation, pricing verification, and cooperative purchasing compliance, the Purchasing and Compliance Department confirms that the request complies with the City of Bentonville's Purchasing Policy, Section 4.6, for Cooperative Purchases Meeting or Exceeding the Council Threshold and is allowed pursuant to Arkansas State Statute 19-61-802.

Please feel free to contact me with any questions.

Tanya Moore
Purchasing Agent
(479) 271-3115
Tmoore@bentonvillear.com

QUOTATION PREPARED FOR	
Customer:	City of Bentonville
Contact:	Amy Smith
Address:	501 SW 28th St Bentonville, AR 72712
Phone:	479-271-3145
Quote#:	Q-36631-T6W6F

PREPARED BY	
Date:	Friday, March 6, 2026
Sales Rep:	Jay Boston
Address:	4773 N Thompson St Springdale, AR 72764
Direct Phone:	479-751-1102
Mobile:	479-225-3833
Fax:	479-751-0218

CATERPILLAR MODEL: DP70P2 SOURCEWELL PRICING

QTY	CATEGORY	DESCRIPTION
1	**CHASSIS**	15,500 lb Capacity ICP Diesel - DP70P (w/ Kubota V3800 55 KW)
1	**MAST**	118''MFH/94.4''OALH/8.1''Simplex. .
1	**FORKS**	Fork L: 60'' x 6'' x 2.75''
1	**RATINGS & STANDARDS**	UL Approved
1	**POWERTRAIN**	Two Speed Powershift Transmission
1	**POWERTRAIN**	Kubota V3800 4-Cylinder Diesel Engine
1	**SIDESHIFTER**	Integral Side shifter -Hook on type for VM Mast
1	**DRIVE WHEELS / TIRES**	Dual Solid Pneumatic Tires - Front
1	**WARRANTY**	Standard Warranty - 12 Months, 2000 Hours Full Coverage; 24 Months; 4000 Hours Powertrain
1	**STEER WHEELS / TIRES**	Solid Pneumatic Tires - Rear
1	**LOAD BACKREST**	Load Backrest for Standard Carriage, H:1000mm [STD]
1	**HYDRAULIC ACTIVATION**	3 Spool Valve [STD]
1	**OVERHEAD GUARD**	Standard Overhead Guard
1	**SPECIAL APPLICATIONS**	Presence Detection System
1	**SPECIAL APPLICATIONS**	CCV Heater [STD]
1	**SPECIAL APPLICATIONS**	Hydraulic Oil Cooler
1	**SPECIAL APPLICATIONS**	Large Capacity Battery [STD]
1	**WARNING / LIGHT**	Backup Alarm [STD]
1	**WARNING / LIGHT**	LED Lamps - Rear Combination and Back-Up
1	**WARNING / LIGHT**	Headlamp LED [STD]
1	**SEAT**	Full Suspension Vinyl Seat
1	**ACCESSORIES**	Rear view mirror - Large Size

SUMMARY FOR CATERPILLAR MODEL: DP70P2

UNITS:	1
PRICE PER UNIT:	$99,340
TOTAL:	$99,340

FREIGHT: FOB FACTORY (FREIGHT ESTIMATE $9,500)

PROPOSAL SUMMARY

EQUIPMENT DESCRIPTION	UNITS	PER UNIT	TOTAL
Caterpillar DP70P2 - 15,500 lb Capacity ICP Diesel - DP70P (w/ Kubota V3800 55 KW)	1	$99,340	$99,340
TOTAL INVESTMENT:	**1**		**$99,340**

Agency Information:

City of Bentonville

Sourcewell Member ID: 93163

Manufacturer Sourcewell Contract number: 053024-MCF

BY SIGNING THIS PROPOSAL ("ORDER"), UNDERSIGNED AGREES TO PAY FOR AND AUTHORIZES WIESE TO PROCEED WITH THE SALE OF PRODUCTS AND SERVICES DESCRIBED IN THIS PROPOSAL, IN ACCORDANCE WITH THE ATTACHED TERMS AND CONDITIONS

Order Approved and Accepted by:
City of Bentonville
AUTHORIZED SIGNER

AUTHORIZED SIGNATURE	TITLE
PRINTED NAME	DATE ACCEPTED
	PURCHASE ORDER NUMBER

WIESE TERMS AND CONDITIONS

PROPOSAL VALIDITY PERIOD: Unless otherwise indicated on the proposal, written proposals by Wiese USA, Inc. shall expire automatically seven (7) days after the date appearing on the proposal unless Wiese USA, Inc. receives and accepts Customer's order within that period.
STANDARD TERMS: Net 10 days, subject to credit approval. Lease rates are subject to credit approval/documentation. Freight, surcharges, and applicable taxes may apply. Wiese Terms and Conditions are subject to change.
CANCELLATION OR CHANGES : Customer agrees to pay costs and expenses, up to 100% of the order value, incurred as a result of any cancellation or change.
WARRANTY: To the extent permitted, Wiese will pass to Customer any applicable manufacturer's warranty of the Products, and makes no other warranties express or implied. Used Equipment is sold "as is" unless noted otherwise in this proposal.
MISCELLANEOUS: Customer represents that it shall possess and will maintain all applicable and required permits, licenses, approvals, registrations, consents and certificates.
ENTIRE AGREEMENT: This Order constitutes the entire agreement between the parties . Any modification must be made in writing and approved by both parties. Any service work to be performed by Wiese is subject to separate terms and conditions.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO PAY THE SALES TAX ON THE PURCHASE OF A HEAVY DUTY FORKLIFT FROM WIESE IN THE AMOUNT OF TEN THOUSAND THREE-HUNDRED THIRTY-NINE DOLLARS AND EIGHTY CENTS ($10,339.80); AND FOR OTHER PURPOSES.

WHEREAS, Council approved the purchase of a heavy duty forklift from Wiese in the amount of One-Hundred Eight Thousand Eight-Hundred Forty Dollars ($108,840.00), but sales tax in the amount of Ten Thousand Three-Hundred Thirty-Nine Dollars and Eighty Cents ($10,339.80) was inadvertently left out of the resolution to make said purchase.

WHEREAS, no budget adjustment is necessary.

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

Section 1: The Mayor and City Clerk are authorized to pay the sales tax on the purchase of the heavy duty forklift in the amount of Ten Thousand Three-Hundred Thirty-Nine Dollars and Eighty Cents ($10,339.80).

Section 2 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

PASSED and APPROVED this _____ day of _____, 2026.

APPROVED:

_____
STEPHANIE ORMAN, MAYOR

ATTEST:

_____
MALORIE MARRS, CITY CLERK

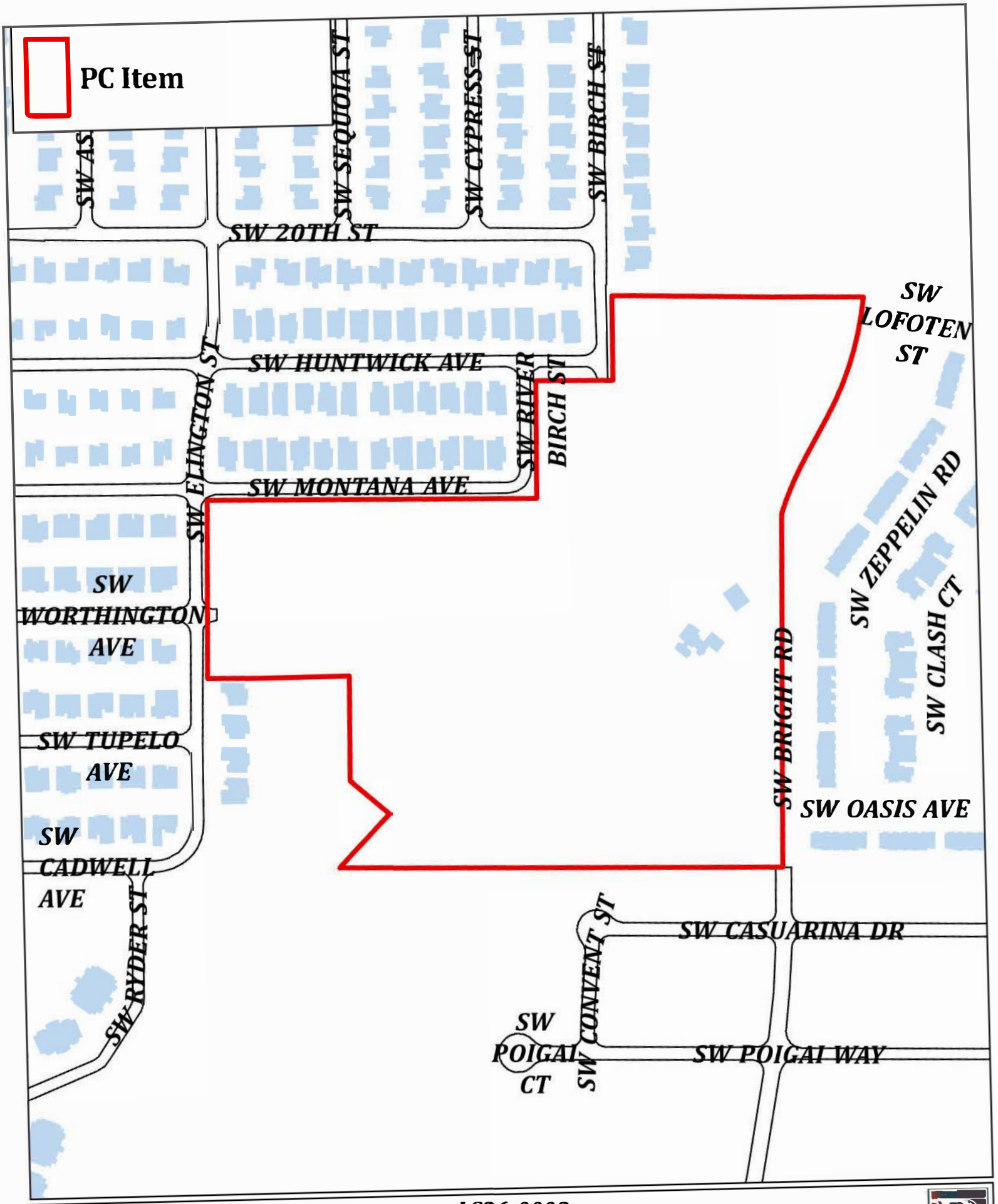
Consent Agenda Item

For the City Council meeting on April 14, 2026

Details

Lot Split, Lot 1, Little Osage Farms Addition, Creating Lots 3, 4, & 5 of Little Osage Farms Addition. 2303 Southwest Birch Street, LS26-0002.

A Lot Split of Lot 1, Little Osage Farms Addition, Creating Lots 3, 4, & 5 of Little Osage Farms Addition. The plat is dedicating two separate utility easements along the eastern property line of Lot 5.



LS26-0002
Creating Lots Lots 3-5 Little Osage Farms Addition
2303 SW BIRCH ST

CERTIFICATE OF AUTHORIZATION
COA CERTIFICATE NUMBER: 3049

BASIS OF BEARINGS: ARKANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NAD 83

LOT SPLIT OF LOT 1
CREATING LOTS 3, 4 & 5
LITTLE OSAGE FARMS ADDITION
2303 SW BIRCH STREET
BENTONVILLE, BENTON CO., AR.

OWNERSHIP INFORMATION:
LITTLE OSAGE FARMS LLC
2303 SW BIRCH ST.
BENTONVILLE AR 72713

PARENT TRACT - SURVEY DESCRIPTION:

PART OF LOT 1, LITTLE OSAGE FARMS ADDITION, AS SHOWN IN PLAT BOOK 2016 PAGE 610 OF THE BENTON COUNTY RECORDS, BEING A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE/4 SW/4), **AND** PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER (NW/4 SE/4), ALL IN SECTION 1, TOWNSHIP 19 NORTH, RANGE 31 WEST, IN THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID NE/4 SW/4; THENCE S 87°02'06" E ALONG THE NORTH LINE OF THE NW/4 SE/4 A DISTANCE OF 195.13 FEET; THENCE LEAVING SAID NORTH LINE ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 723.50 FEET, A CENTRAL ANGLE OF 23°03'36", AN ARC LENGTH OF 291.19 FEET, AND A CHORD BEARING AND DISTANCE OF S 19°42'37" W, 289.23 FEET; THENCE S 31°14'25" W A DISTANCE OF 103.28 FEET; THENCE ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 800.52 FEET, A CENTRAL ANGLE OF 28°27'20", AN ARC LENGTH OF 397.57 FEET, AND A CHORD BEARING AND DISTANCE OF S 17°00'45" W, 393.50 FEET; THENCE S 02°47'05" W A DISTANCE OF 411.83 FEET; THENCE ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 723.50 FEET, A CENTRAL ANGLE OF 01°35'48", AN ARC LENGTH OF 20.16 FEET, AND A CHORD BEARING AND DISTANCE OF S 03°34'58" W, 20.16 FEET; THENCE S 04°22'52" W A DISTANCE OF 110.90 FEET; THENCE ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 819.57 FEET, A CENTRAL ANGLE OF 01°45'35", AN ARC LENGTH OF 25.17 FEET, AND A CHORD BEARING AND DISTANCE OF S 03°29'31" W, 25.17 FEET TO A POINT ON THE SOUTH LINE OF THE NE/4 SW/4; THENCE N 87°09'22" W ALONG SAID SOUTH LINE A DISTANCE OF 977.04 FEET; THENCE LEAVING SAID SOUTH LINE N 44°44'49" E A DISTANCE OF 163.31 FEET; THENCE N 48°02'12" W A DISTANCE OF 118.64 FEET; THENCE N 02°25'52" E A DISTANCE OF 242.54 FEET; THENCE N 87°26'53" W A DISTANCE OF 325.53 FEET; THENCE N 02°33'07" E A DISTANCE OF 412.47 FEET; THENCE S 87°24'00" E A DISTANCE OF 760.07 FEET; THENCE N 02°25'21" E A DISTANCE OF 271.71 FEET; THENCE S 87°24'00" E A DISTANCE OF 178.55 FEET; THENCE N 02°25'21" E A DISTANCE OF 192.42 FEET TO A POINT ON THE NORTH LINE OF SAID NE/4 SW/4; THENCE S 87°07'09" E ALONG SAID NORTH LINE A DISTANCE OF 391.51 FEET TO THE POINT OF BEGINNING, WITH AN AREA OF 1240052.94 SQUARE FEET, OR 28.468 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

NEW LOT 3 - SURVEY DESCRIPTION:

PART OF LOT 1, LITTLE OSAGE FARMS ADDITION, AS SHOWN IN PLAT BOOK 2016 PAGE 610 OF THE BENTON COUNTY RECORDS, BEING A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE/4 SW/4), **AND** PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER (NW/4 SE/4), ALL IN SECTION 1, TOWNSHIP 19 NORTH, RANGE 31 WEST, IN THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID NE/4 SW/4; THENCE S 87°02'06" E ALONG THE NORTH LINE OF THE NW/4 SE/4 A DISTANCE OF 195.13 FEET; THENCE LEAVING SAID NORTH LINE ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 723.50 FEET, A CENTRAL ANGLE OF 23°03'36", AN ARC LENGTH OF 291.19 FEET, AND A CHORD BEARING AND DISTANCE OF S 19°42'37" W, 289.23 FEET; THENCE S 31°14'25" W A DISTANCE OF 103.28 FEET; THENCE ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 800.52 FEET, A CENTRAL ANGLE OF 28°27'20", AN ARC LENGTH OF 397.57 FEET, AND A CHORD BEARING AND DISTANCE OF S 17°00'45" W, 393.50 FEET; THENCE S 02°47'05" W A DISTANCE OF 320.20 FEET; THENCE N 57°39'41" W A DISTANCE OF 494.20 FEET; THENCE S 42°28'03" W A DISTANCE OF 98.99 FEET; THENCE S 30°56'07" W A DISTANCE OF 332.98 FEET; THENCE S 44°52'46" W A DISTANCE OF 163.09 FEET TO A POINT ON THE SOUTH LINE OF THE NE/4 SW/4; THENCE N 87°09'22" W ALONG SAID SOUTH LINE A DISTANCE OF 221.18 FEET; THENCE LEAVING SAID SOUTH LINE N 44°44'49" E A DISTANCE OF 163.31 FEET; THENCE N 48°02'12" W A DISTANCE OF 118.64 FEET; THENCE N 02°25'52" E A DISTANCE OF 242.54 FEET; THENCE S 87°26'53" E A DISTANCE OF 269.93 FEET; THENCE N 02°36'00" E A DISTANCE OF 411.97 FEET; THENCE S 87°24'00" E A DISTANCE OF 164.26 FEET; THENCE N 02°25'21" E A DISTANCE OF 271.71 FEET; THENCE S 87°24'00" E A DISTANCE OF 178.55 FEET; THENCE N 02°25'21" E A DISTANCE OF 192.42 FEET TO A POINT ON THE NORTH LINE OF THE NE/4 SW/4; THENCE S 87°07'09" E ALONG SAID NORTH LINE A DISTANCE OF 391.51 FEET TO THE POINT OF BEGINNING, WITH AN AREA OF 758616.83 SQUARE FEET, OR 17.415 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

NEW LOT 4 - SURVEY DESCRIPTION:

PART OF LOT 1, LITTLE OSAGE FARMS ADDITION, AS SHOWN IN PLAT BOOK 2016 PAGE 610 OF THE BENTON COUNTY RECORDS, BEING A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE/4 SW/4), SECTION 1, TOWNSHIP 19 NORTH, RANGE 31 WEST, IN THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NE/4 SW/4; THENCE S 02°47'04" W ALONG THE EAST LINE THEREOF A DISTANCE OF 462.21 FEET; THENCE N 87°24'00" W A DISTANCE OF 731.39 FEET TO THE POINT OF BEGINNING; THENCE S 02°36'00" W A DISTANCE OF 411.97 FEET; THENCE N 87°26'53" W A DISTANCE OF 595.46 FEET; THENCE N 02°33'07" E A DISTANCE OF 412.47 FEET; THENCE S 87°24'00" E A DISTANCE OF 595.80 FEET TO THE POINT OF BEGINNING, WITH AN AREA OF 245532.78 SQUARE FEET, OR 5.637 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

NEW LOT 5 - SURVEY DESCRIPTION:

PART OF LOT 1, LITTLE OSAGE FARMS ADDITION, AS SHOWN IN PLAT BOOK 2016 PAGE 610 OF THE BENTON COUNTY RECORDS, BEING A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE/4 SW/4), SECTION 1, TOWNSHIP 19 NORTH, RANGE 31 WEST, IN THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NE/4 SW/4; THENCE S 02°47'04" W A DISTANCE OF 1317.60 TO THE SOUTHEAST CORNER THEREOF; THENCE N 87°09'22" W ALONG THE SOUTH LINE THEREOF A DISTANCE OF 38.68 FEET TO THE POINT OF BEGINNING; THENCE N 87°09'22" W ALONG SAID SOUTH LINE A DISTANCE OF 755.86 FEET; THENCE LEAVING SAID SOUTH LINE N 44°52'46" E A DISTANCE OF 163.09 FEET; THENCE N 30°56'07" E A DISTANCE OF 332.98 FEET; THENCE N 42°28'03" E A DISTANCE OF 98.99 FEET; THENCE S 57°39'41" E A DISTANCE OF 494.20 FEET; THENCE S 02°47'05" W A DISTANCE OF 91.63 FEET; THENCE ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 723.50 FEET, A CENTRAL ANGLE OF 01°35'48", AN ARC LENGTH OF 20.16 FEET, AND A CHORD BEARING AND DISTANCE OF S 03°34'58" W, 20.16 FEET; THENCE S 04°22'52" W A DISTANCE OF 110.90 FEET; THENCE ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 819.57 FEET, A CENTRAL ANGLE OF 01°45'35", AN ARC LENGTH OF 25.17 FEET, AND A CHORD BEARING AND DISTANCE OF S 03°29'31" W, 25.17 FEET TO THE POINT OF BEGINNING, WITH AN AREA OF 235903.33 SQUARE FEET, OR 5.416 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.



VICINITY MAP - 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 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, AND ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE COMMITMENT MAY DISCLOSE.
2. BASIS OF BEARINGS: ARKANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NAD 83.
3. DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS 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. FOR MORE INFO VISIT WWW.BENTONVILLEPLANNING.COM OR CALL THE PLANNING DEPARTMENT AT (479) 271-3122.
6. 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. NO ABSTRACT OF TITLE OR TITLE COMMITMENT WERE FURNISHED THE SURVEYOR. THERE MAY EXIST OTHER DOCUMENTS OF RECORD WHICH WOULD AFFECT THIS PARCEL.
7. 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.
8. THIS SURVEY DOES NOT PROVIDE SURVEY CONTROL FOR FUTURE CONSTRUCTION.
9. ALL STRUCTURES MUST MAINTAIN A MINIMUM OF 20' CLEARANCE FROM ALL ELECTRIC LINES.
10. B.E.U.D.'S 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 B.E.U.D. 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. NO B.E.U.D. ELECTRICAL EQUIPMENT MAY BE LOCATED BEHIND A FENCE.
11. NO RESIDENTIAL LOT SHALL BE PERMITTED DIRECT ACCESS TO A COLLECTOR OR ARTERIAL STREET. ALL RESIDENTIAL SUBDIVISION DEVELOPMENT CONTIGUOUS TO A COLLECTOR OR ARTERIAL STREET SHALL ORIENT FRONTAGE TO A LOCAL STREET, AND BACK OF THE PROJECT, WITHOUT ACCESS TO THE SAID MAJOR STREETS.
12. 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.
13. SIDEWALKS SHALL BE THE RESPONSIBILITY OF THE BUILDER/OWNER AT THE TIME OF BUILDING PERMIT ISSUANCE. ALL SIDEWALKS SHALL BE INSTALLED BY THE TIME FRAMES SET FORTH IN 900.08 OF THE STREET SPECIFICATIONS.
14. OWNER/DEVELOPER SHALL COORDINATE WITH ALL LOCAL UTILITIES TO ENSURE THAT EACH LOT HAS WATER, SEWER, AND ELECTRIC SERVICE.
15. THERE MAY NOT BE FENCES OR ANY OTHER STRUCTURES BUILT IN ANY DRAINAGE EASEMENTS.
16. WE HEREBY GRANT TO THE CITY OF BENTONVILLE A BLANKET AVIGATION EASEMENT OVER THE ENTIRETY OF THIS LOT SPLIT PURSUANT TO MUNICIPAL CODE SECTION 401.12.

FLOOD CERTIFICATION:

I CERTIFY THAT I HAVE EXAMINED THE OFFICIAL FLOOD INSURANCE HAZARD RATE MAP PANEL NO. 05007C0255K (EFFECTIVE DATE 06/05/2012) AND LOMR 21-06-0748P (EFFECTIVE DATE 03/28/2022) AND FOUND A PORTION OF THE DESCRIBED PROPERTY HEREON LIES IN ZONE "AE", AN AREA WITHIN THE 100-YEAR FLOOD PLAIN, AND PART LIES IN DESIGNATED RIVERINE R4SBC PER N.W.I. WETLANDS 2023. FLOOD ZONES SHOWN BY GRAPHIC PLOTTING ONLY.

CERTIFICATE OF OWNERSHIP AND DEDICATION:

WE THE UNDERSIGNED, OWNER(S) 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: _____

_____
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 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. 1370
STATE OF ARKANSAS

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 THE SAID RULES AND REGULATIONS.

DATE OF EXECUTION: _____

SIGNED _____
PLANNING COMMISSION CHAIRPERSON

SIGNED _____
MAYOR, CITY OF BENTONVILLE

SIGNED _____
CITY CLERK, CITY OF BENTONVILLE

CITY OF BENTONVILLE PROJECT #LS26-0002

CASTER & ASSOCIATES
LAND SURVEYING, INC.
2715 SE "I" Street, Suit 5
Bentonville, AR 72712
(479) 268-4464

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

SCALE: 1" = 100' | DATE: 03/24/2026

LOT SPLIT OF LOT 1
CREATING LOTS 3, 4, & 5
LITTLE OSAGE FARMS ADDITION

2303 SW BIRCH STREET
BENTONVILLE, BENTON CO., AR.

JOB #	DRAWN BY:	CHK'D BY:	PAGE
25-022	ASG	RJC	1 OF 2

CERTIFICATE OF AUTHORIZATION
COA CERTIFICATE NUMBER: 3049

BASIS OF BEARINGS: ARKANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NAD 83

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	723.50'	291.19'	289.23'	S 19°42'37" W	023°03'36"
C2	800.52'	397.57'	393.50'	S 17°00'45" W	028°27'20"
C3	723.50'	20.16'	20.16'	S 03°34'58" W	001°35'48"
C4	819.57'	25.17'	25.17'	S 03°29'31" W	001°45'35"

SW BIRCH ST.
LOCAL - 50' R.O.W. (2004-1244)

P.N. 01-11668-000
ARC CONSTRUCTION & DEVELOPMENT INC
LOT 265 - WINDWOOD SUB. PH 4

P.O.B.
PARENT TRACT
& NEW LOT 3
NE CORNER
NE/4 SW/4
SECTION 1
T19N-R31W
N:741624.70
E:655300.68

P.N. 01-08652-000
PAV HOLDINGS LLC
PT LOT 4 - BEEN ADD.

S 87°07'09" E
391.51'

S 87°02'06" E
195.13'

20' U.E.
(2007-533)

50' ACCESS EASE.
(2016-39921)

LOCAL - 50' R.O.W. (L201803622)

N 02°25'21" E
192.42'

SW HUNTWICK AVE.

45.72'

S 87°24'00" E
178.55'

50' R.O.W.

20' U.E.
(2007-533)

ELINGTON VILLAGE SUBDIVISION
PLAT INSTRUMENT #L201803622

LOCAL - 50' R.O.W. (L201803622)

SW HUNTWICK AVE.

N 02°25'21" E 271.71'

20' WATER/SEWER EASEMENT (2017-8895)

GRAVEL DRIVE

NEW LOT 3
758,616.83 SQ. FT.
17.415 ACRES ±
ZONE: A-1

462.21'
S 02°47'04" W 515.43'
PROPERTY LINE REMOVED PER THIS PLAT

103.28'
S 37°14'25" W

C1

1265

50' R.O.W.

LOCAL - 50' R.O.W. (L201803622)

SW MONTANA AVE.

S 87°24'00" E 760.07'

595.80'

164.26'

N 87°24'00" W 567.13'

10' WATER/SEWER EASEMENT (2017-8895)

P.O.B.
NEW LOT 4

DRAINAGE EASEMENT
(2017-5612)

LOCAL - 50' R.O.W. (2007-875)

SW ELINGTON STREET

N 02°33'07" E 412.47'

DRAINAGE EASEMENT
(2017-5612)

PARENT TRACT
1,240,052.96 SQ. FT.
28.468 ACRES ±
P.N. 01-17765-000
& P.N. 01-00824-011

N 02°36'00" E 411.97'

NEW LOT LINE PER THIS PLAT

NEW LOT 4
245,532.78 SQ. FT.
5.637 ACRES ±
ZONE: A-1

1263

C2

METAL BARN

42.47'

GRAVEL DRIVE

P.N. 01-00824-010
BEDROCK SW PARNELL LLC

50' R.O.W.

40' D.E.
(2007-533)

20' U.E.
(2016-610)

N 87°26'53" W 595.46'

325.53'

269.93'

NEW LOT LINE PER THIS PLAT

1261

99.55'

2303 SW BIRCH ST.
2 STORY HOUSE

SW BRIGHT RD.
PROPOSED COLLECTOR - 70' R.O.W. (L202331395)

320.20'

S 02°47'05" W 411.83'

S 02°47'04" W 802.17'

P.N. 01-15682-000
MITTAL REALTY LLC
2303 ELINGTON ST.
LOT 134 - THORNBROOK VILLAGE SUBDIVISION, PHASE 1

THORNBROOK VILLAGE SUBDIVISION

20' U.E.
(2007-533)

98.99'
N 42°28'03" E

NEW LOT LINE PER THIS PLAT

S 57°39'41" E 494.20'

20' SEWER EASE.
(2010-2411)

N 02°25'52" E 242.54'

N 45°02'12" W
118.64'

NEW LOT LINE PER THIS PLAT

N 30°56'07" E 332.98'

P.N. 01-17333-000
TRAILS AT RAINBOW CURVE
LOT 1 - TRAILS AT RAINBOW CURVE ADD.

163.31'
N 44°44'49" E

N 44°52'46" E 163.09'

NEW LOT 5
235,057.15 SQ. FT.
5.396 ACRES ±
ZONE: A-1

UTILITY EASEMENT
(PER THIS PLAT)

91.63'

UTILITY EASEMENT
(PER THIS PLAT)

C3

S 04°22'52" W
110.90'

P.N. 01-17765-001
BENTONVILLE BELLA VISTA TRAILBLAZERS ASSOCIATION INC.

P.O.B.
NEW LOT 5

C4

SE CORNER
NE/4 SW/4

538.68'
N 87°09'22" W

221.18'

N 87°09'22" W 977.04'

755.86'

LOT 25

LOT 22

LOT 16

LOT 17

LOT 18

LOT 19

LOT 20

LOT 21

LOT 15

P.N. 01-20652-000
PAGAN INCORPORATION

POIGAI ESTATES SUBDIVISION, PHASE 3
PLAT INSTRUMENT #L202504603

LEGEND

- FOUND REBAR
- SET REBAR (PROPOSED)
- SANITARY/SEWER MANHOLE
- WELL
- WATER METER
- PROPERTY LINE
- RIGHT-OF-WAY
- CENTERLINE
- GRAVEL
- EASEMENT
- FENCE LINE
- CENTERLINE - LITTLE OSAGE CREEK TRIBUTARY 2
- REGULATORY FLOODWAY - FLOOD ZONE AE
- FLOOD ZONE AE
- 0.2% CHANCE FLOOD ZONE X
- B.L.E. LINE

OWNERSHIP INFORMATION:
LITTLE OSAGE FARMS LLC
2303 SW BIRCH ST.
BENTONVILLE AR 72713

FLOOD CERTIFICATION:

I CERTIFY THAT I HAVE EXAMINED THE OFFICIAL FLOOD INSURANCE HAZARD RATE MAP PANEL NO. 05007C0255K (EFFECTIVE DATE 06/05/2012) AND LOMR 21-06-0748P (EFFECTIVE DATE 03/28/2022) AND FOUND A PORTION OF THE DESCRIBED PROPERTY HEREON LIES IN ZONE "AE", AN AREA WITHIN THE 100-YEAR FLOOD PLAIN, AND PART LIES IN DESIGNATED RIVERINE R4SBC PER N.W.I. WETLANDS 2023. FLOOD ZONES SHOWN BY GRAPHIC PLOTTING ONLY.

100 0 50 100 200 400

SCALE: 1" = 100 FEET

CITY OF BENTONVILLE PROJECT #LS26-0002

CASTER & ASSOCIATES
LAND SURVEYING, INC.
2715 SE "I" Street, Suit 5
Bentonville, AR 72712
(479) 268-4464

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

SCALE: 1" = 100' | DATE: 03/24/2026

LOT SPLIT OF LOT 1
CREATING LOTS 3, 4, & 5
LITTLE OSAGE FARMS ADDITION

2303 SW BIRCH STREET
BENTONVILLE, BENTON CO., AR.

JOB #	DRAWN BY:	CHK'D BY:	PAGE
25-022	ASG	RJC	2 OF 2

ORDINANCE NO._____

AN ORDINANCE ACCEPTING A LOT SPLIT OF LOT 1 OF LITTLE OSAGE FARMS ADDITION CREATING NEW LOTS 3-5 OF LITTLE OSAGE FARMS ADDITION TO THE CITY OF BENTONVILLE, ARKANSAS; AND FOR OTHER PURPOSES.

(PROJECT NUMBER: LS26-0002)

WHEREAS, pursuant to the provisions of the Land Development Code of the Bentonville Municipal Code, the lot split of LOT 1 OF LITTLE OSAGE FARMS ADDITION creating new LOTS 3-5 OF LITTLE OSAGE FARMS ADDITION to the City of Bentonville, Benton County, Arkansas, was submitted to the Bentonville Planning Commission on April 7, 2026;

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

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 1 OF LITTLE OSAGE FARMS ADDITION creating new LOTS 3-5 OF LITTLE OSAGE FARMS 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;

Section 3 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 4 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED AND APPROVED this_____ day of _____, 2026.

APPROVED:

_____

Stephanie Orman, Mayor

ATTEST:

_____

Malorie Marrs, City Clerk

	Final Plat - Walmart Campus Subdivision, Phase 21
	1601 SE 10th Street
	PC Date: 4/7/2026

Staff Report Details

Project Number	(FP25-0010)
Applicant / Current Owner	Brittany Gillen, CEI Engineering / Walmart
Site Area	+/- 5.01 Acres
Current Zoning	PUD, Planned Unit Development
Requested Zoning	
Current Future Land Use Map Designation	Regional Center & Urban Neighborhood
Requested Future Land Use Map Designation	
Development Type / Use	
Related projects	PUD20-0002

Property Description

Final Plat of Lot 1, Walmart Campus Subdivision, Phase 21, FP25-0010.

A final plat of Walmart Campus Subdivision, Phase 21. No dedications are being made per this plat. This includes the area of Office Building number 8.

Project Details

Relationship to the Community Plan

Public Comment

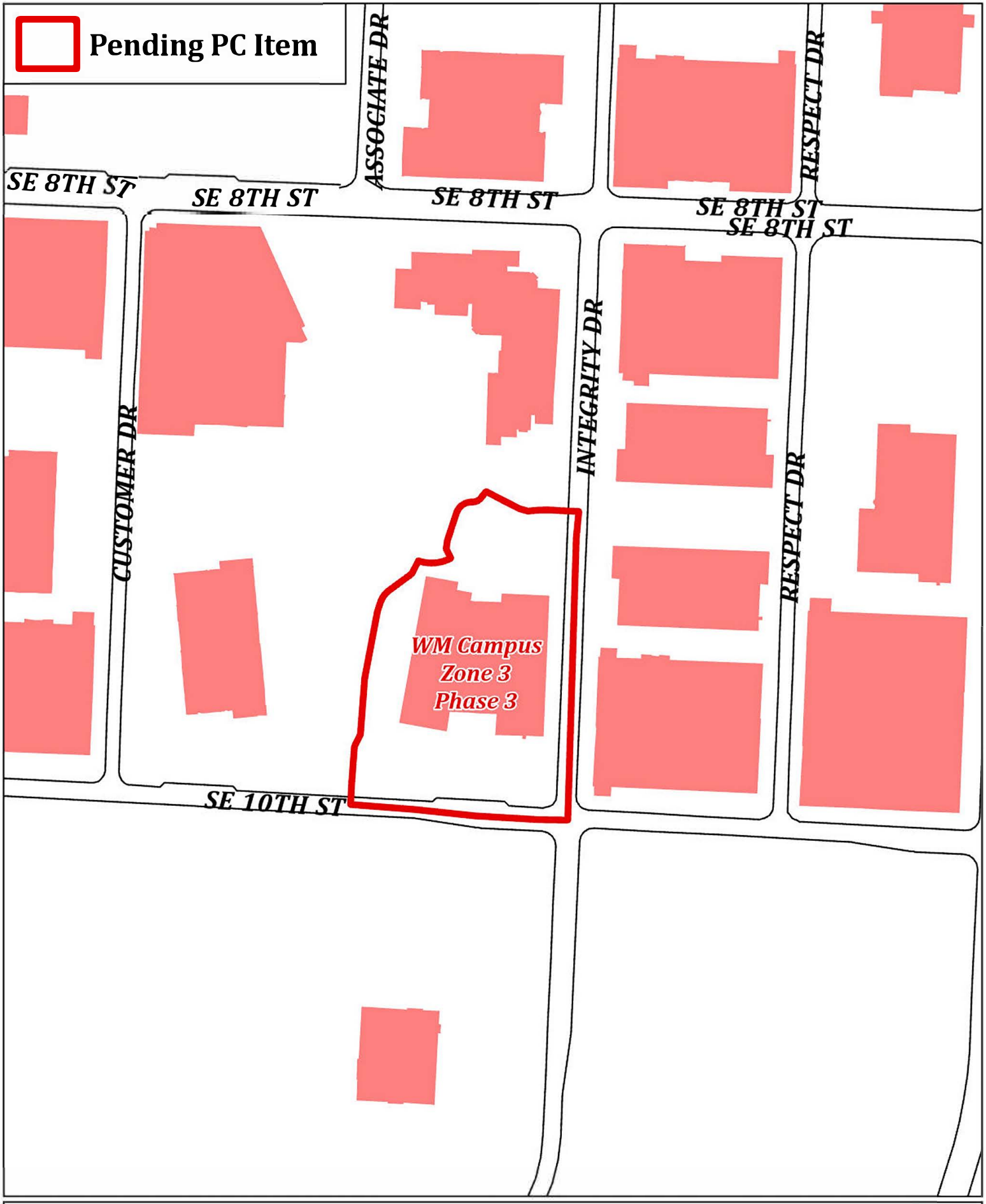
Public Comment

Has Staff received Public Comment at the time of this report? : **No**

Analysis / Waivers

Conclusion

Additional Details



N
W E
S

FP25-0010
WM Campus Phase 21

Final Plat of Lot 1, Walmart Campus Subdivision, Phase 21 Walmart Campus

1106 SE 5TH St

Bentonville, Benton County, Arkansas

GENERAL NOTES:

1. This plat represents a Final Plat of Part of Lot 1 and part of a vacated street of Wal-Mart Subdivision No. 1 per Plat Book P2, Page 691 in the public records of Benton County, Arkansas.
2. Every document of record reviewed and considered as a part of this survey is noted hereon. Only the documents noted hereon were supplied to the surveyor.
3. Declaration is made to the original purchaser of the survey and those listed in the certification for the use of this transaction only and is not transferable to any additional or subsequent owners.
4. Basis of Bearings: All bearings shown hereon are grid based on Arkansas State Plane Coordinate System, NAD83, North Zone, as established by a Static observation processed through OPUS.
5. This survey is valid only if the drawing includes the seal and signature of the surveyor.
6. This survey meets the current Arkansas Standards of Practice for Property Boundary Surveys and Plats.
7. The locations of underground utilities as shown hereon are based on above ground structures as were visible at the time of survey, and/or from record drawings provided to the surveyor. The location of underground utilities/structures may vary from locations shown hereon. No excavations were made during the progress of this survey to locate underground utilities/structures.
8. The contractor is advised to contract the 811 One-Call Center before any construction begins, depending on the state 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 contract all non-members as well as the One-Call System.
9. The contractor must determine that proposed structures are clear of all boundary lines, easements, and meet building setback requirements before construction begins.
10. By scaled map location and graphical plotting only. This property is located unshaded Zone "X" which are areas determined to be outside the 0.2% annual chance floodplain determined by the National Flood Insurance Program, Flood Insurance Rate Map for Benton County, Arkansas.
    Map Number: 05007C0255K
    Map Revised: June 5, 2012
11. No attempt was made to show the zoned building setback lines graphically on the survey. The assignment, vacation, or orientation of setbacks that impact the usage rights of the property are determined by the local governing jurisdictional agency. Setback dimensions will be based on the orientation of the building(s) to be constructed as approved.
12. 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.bentonville planning.com or call the Planning Department @ 479-271-3122.
13. Sidewalks shall be the responsibility of the builder/owner at time of building permit issuance. All sidewalks shall be installed by the timeframes set forth in 900.08 of the Street Specifications
14. There may not be fences or any other structures built in any drainage easements.
15. 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.
16. Owner is to contact New Service coordinator (479-271-3139) to discuss electric service prior to beginning any construction. Failure to contact BEUD prior to construction will result in delays to get electric service.
17. All structures must maintain minimum of 20' clearance from all electric lines.
18. BEUD's 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 require the developer to pay for the cost of BEUD to relocate the equipment to the lot line.
19. 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 (wire and elbows) and labor and material to move the equipment to the new lot line.
20. Relocation of any existing electrical facilities shall be at the owner's expense.
21. Owner/Developer shall coordinate with all local utilities to insure that each lot has water, sewer and electric service.
22. Subject areas are subject to public utility, drainage, and emergency access easements as shown at Deed Instrument #L202110326.
23. No residential lot shall be permitted direct access to a collector, minor, or major arterial street. All residential subdivision development contiguous to a collector, minor, or major arterial street shall orient frontage to a local street, and back of the project, without access to the said major streets.
24. There are no waivers, variances and/or conditional uses at the time of preparing this plat.
25. The buildings contained in the area of this final plat fall within Zone C of the Municipal Airport Overlay District pursuant to Bentonville Municipal Code Section 401.12.
26. The platted area falls within Zone 4 of the Walmart Campus PUD at the time of submittal.



VICINITY MAP

NOT TO SCALE

Latitude: 36°21'42"N
Longitude: 94°11'41"W

Owner:

Parcel #01-09122-000
Wal-Mart Stores Inc.
WAL MART PROPERTY TAX DEPT
PO BOX 8050 MS 0555
BENTONVILLE AR 72712-8050
Contact: Joe Allbright, (479) 273-4000

Surveyors:

CEI Engineering Associates, Inc.
2600 NE 11th ST, Suite 300
Bentonville, AR 72712
Phone: (479) 273-9472
Fax:(479) 271-0536
Surveyor: Dustin Riley, Arkansas PLS#1618

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: _____

Name & Address: Wal-Mart Stores Inc. _____

_____

Print Name: _____

Source of Title: D.R. 1996, Page 68430

Subscribed and sworn before me, this _____ day of _____, 20_____.

_____ _____

Notary Public My Commission Expires

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.

Date of Execution: _____

Signed: _____
Bentonville Planning Commission Chairman

Signed: _____
Mayor, City of Bentonville

Signed: _____
City Clerk, City of Bentonville

CERTIFICATE OF AUTHORIZATION — CEI Engineering Associates, Inc. No. 118 — ARKANSAS ENGINEER

CERTIFICATE OF SURVEYING ACCURACY:

I, Dustin Riley, 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 of Execution: 3.4.2026

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

REVISION

NO.	DESCRIPTION	DATE
1	1st Sub. Comments	07/22/2025

ATLAS PAGE: 404

City of Bentonville Project # FP25-0010

State Survey Code: 500-20N-30W-0-32-200-04-1618

CIVIL ENGINEERING ▪ LANDSCAPE ARCHITECTURE ▪ LAND SURVEYING ▪ PLANNING

BENTONVILLE | DALLAS | FRESNO | HOUSTON | JACKSONVILLE | MINNEAPOLIS | PHILADELPHIA | PHOENIX

© 2025 CEI ENGINEERING ASSOCIATES, INC.

DRAWING LOCATION - S:\31000\31470\DRAWINGS\SURVEY\31470PP-0908.DWG -- SAVED BY - WPIERSON

CEI ENGINEERING ASSOCIATES, INC.
3108 SW REGENCY PKWY
BENTONVILLE, AR 72712
PHONE: (479) 273-9472
FAX: (479) 273-0844
CORPORATE TBPLS FIRM #10031500

3030 LBJ FREEWAY, SUITE 100
DALLAS, TX 75234
PHONE: (972) 488-3737
FAX: (972) 488-6732

Final Plat of Lot 1, Phase 21
Walmart Campus
1106 SE 5TH St
Bentonville, Benton County, Arkansas

REGISTERED PROFESSIONAL LAND SURVEYOR — STATE OF ARKANSAS — No. 1618 — DUSTIN RILEY — SIGNATURE

PROFESSIONAL OF RECORD	DGR
DESIGNER	WAP
FIELD WORK	CSS
CEI PROJECT NUMBER	31470
DATE	7/22/2025
REVISION	REV-1

Cover Sheet

SHEET TITLE

SHEET NUMBER

1 OF 2

Legend

- Boundary Line
- Adjoining Boundary Line
- Centerline
- Section Line
- Easement Line
- Found 5/8" Rebar "LS#1618"
- Set 5/8" Rebar "LS#1618"
- Found Nail "LS#1618"
- Set Mag Nail w/Washer "LS#1618"
- Drainage Manhole (DMH)
- Sewer Manhole (SMH)
- Telephone Manhole (TMH)
- Grate Inlet (GI)
- R/W — Right-of-Way
- Access Easement (AE) per Deed Inst. #L202110326

0 60' 90' 120'
SCALE IN FEET

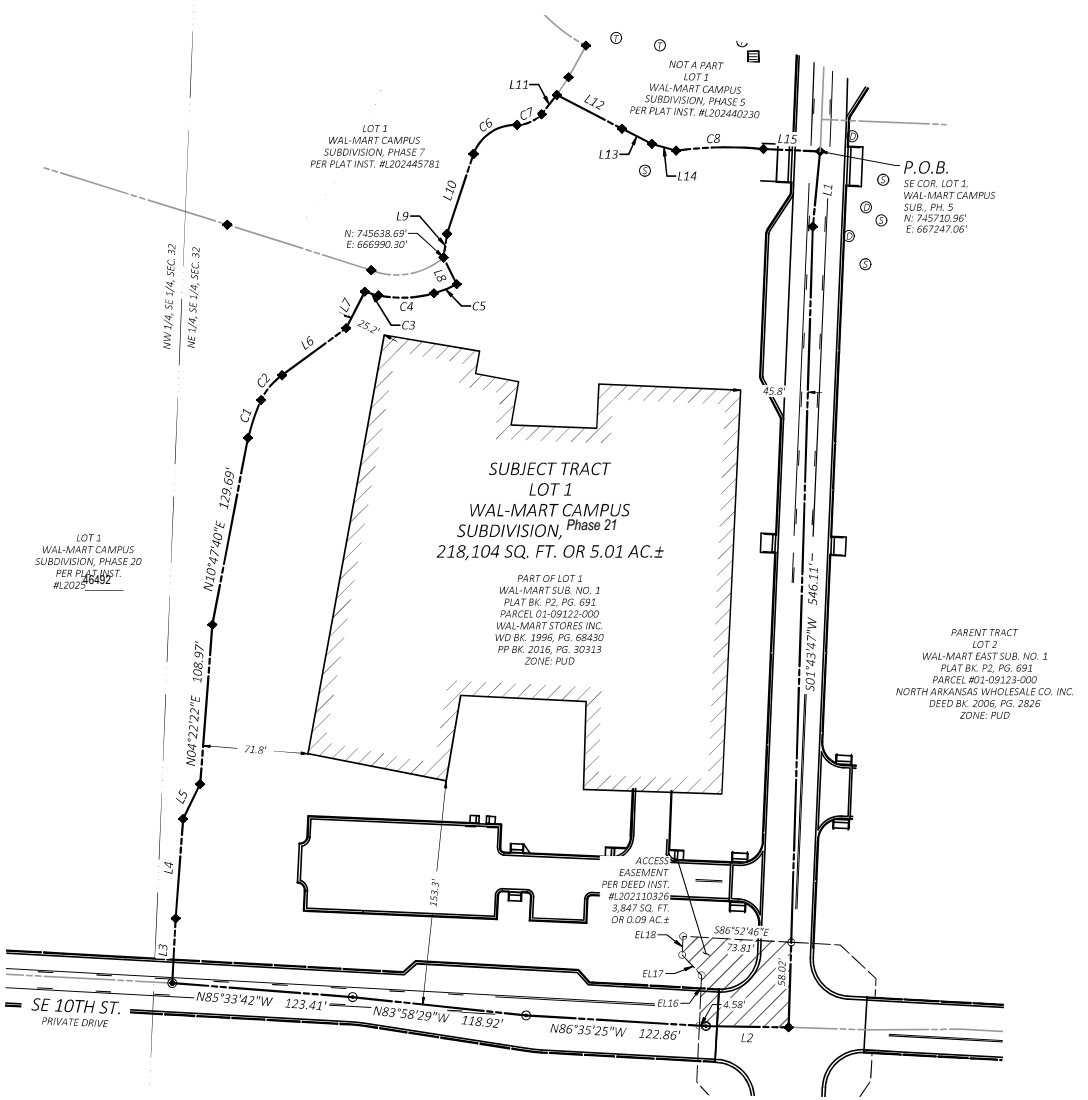
Property Curve Table					
Curve #	Radius	Length	Delta	Chord Bearing	Chord Distance
C1	182.26'	27.35'	8°35'54"	N18°58'58"E	27.33'
C2	46.51'	22.40'	27°35'43"	N40°16'58"E	22.19'
C3	79.35'	9.62'	6°56'41"	S74°46'50"E	9.61'
C4	79.35'	38.28'	27°38'27"	N87°55'37"E	37.91'
C5	79.35'	16.75'	12°05'51"	N68°03'28"E	16.72'
C6	31.07'	38.14'	70°20'30"	N56°20'38"E	35.79'
C7	23.09'	18.61'	46°11'14"	N66°32'58"E	18.11'
C8	266.78'	59.64'	12°48'30"	N88°56'29"E	59.51'

Property Line Table		
Line #	Direction	Length
L1	S05°34'40"W	51.55'
L2	N89°09'04"W	56.36'
L3	N03°07'15"E	44.17'
L4	N04°15'47"E	67.98'
L5	N26°04'14"E	26.41'

Property Line Table		
Line #	Direction	Length
L6	N53°43'24"E	54.21'
L7	N27°03'24"E	27.99'
L8	N26°13'43"W	20.28'
L9	N08°20'28"E	16.25'
L10	N18°16'40"E	57.42'

Property Line Table		
Line #	Direction	Length
L11	N38°28'59"E	16.76'
L12	S62°38'47"E	49.99'
L13	S63°01'55"E	22.87'
L14	S74°32'11"E	17.18'
L15	S87°31'55"E	38.74'

Easement Line Table		
LINE	BEARING	DISTANCE
EL16	N02°35'43"E	34.35'
EL17	N43°28'13"W	19.29'
EL18	N03°07'14"E	12.61'



PARENT TRACT DESCRIPTIONS:

Lots 1 and Part of a Vacated Street, Wal-Mart Subdivision Number 1, per Plat Book P2, Page 691 in the public records of Benton County, Arkansas.

LOT 1 DESCRIPTION:

Part of Lot 1, Wal-Mart Subdivision No. 1 per Plat Book P2, Page 691 in the public records of Benton County, Arkansas and being described by metes and bounds as follows:

BEGINNING at a 5/8-inch rebar with cap LS1618 found the Southeast Corner of Lot 1, Wal-Mart Campus Subdivision, Phase 5 per Plat Instrument #L202440230;
THENCE along the West Line of Lot 1, Wal-Mart Campus Subdivision, Phase 18 per Plat Instrument #L2025 30282 South 05°34'40" West, 51.55 feet to a 5/8-inch rebar with cap LS1618;
THENCE continuing along said West Line, South 01°43'47" West, 546.11 feet to a 5/8-inch rebar with cap LS1618 found on the Centerline of a Private Drive;
THENCE along said Centerline the following four (4) courses:
1. *North 89°09'04" West, 56.36 feet to a magnail with washer LS1618;*
2. *North 86°35'25" West, 122.86 feet to a magnail with washer LS1618;*
3. *North 83°58'29" West, 118.92 feet to a magnail with washer LS1618;*
4. *North 85°33'42" West, 123.41 feet to a magnail with washer LS1618 found at the Southeast Corner of Lot 1, Wal-Mart Campus Subdivision, Phase 20 per Plat Instrument #L2025 46492;*

THENCE along the East Line of said Lot 1 the following thirteen (13) courses:
1. *North 03°07'15" East, 44.17 feet to a 5/8-inch rebar with cap LS1618;*
2. *North 04°15'47" East, 67.98 feet to a 5/8-inch rebar with cap LS1618;*
3. *North 26°04'14" East, 26.41 feet to a 5/8-inch rebar with cap LS1618;*
4. *North 04°22'22" East, 108.97 feet to a 5/8-inch rebar with cap LS1618;*
5. *North 10°47'40" East, 129.69 feet to a 5/8-inch rebar with cap LS1618;*
6. *Northerly along the arc of a curve to the right 27.35 feet, having a radius of 182.26 feet, through a central angle of 08°35'54", having a chord bearing and distance of North 18°58'58" East, 27.33 feet to a 5/8-inch rebar with cap LS1618;*
7. *Northeasterly along the arc of a curve to the right 22.40 feet, having a radius of 46.51 feet, through a central angle of 27°35'43", having a chord bearing and distance of North 40°16'58" East, 22.19 feet to a 5/8-inch rebar with cap LS1618;*
8. *North 53°43'24" East, 54.21 feet to a 5/8-inch rebar with cap LS1618;*
9. *North 27°03'24" East, 27.99 feet to a 5/8-inch rebar with cap LS1618;*
10. *Easterly along the arc of a curve to the left 9.62 feet, having a radius of 79.35 feet, through a central angle of 06°56'41", having a chord bearing and distance of South 74°46'50" East, 9.61 feet to a 5/8-inch rebar with cap LS1618;*
11. *Easterly along the arc of a curve to the left 38.28 feet, having a radius of 79.35 feet, through a central angle of 27°38'27", having a chord bearing and distance of North 87°55'37" East, 37.91 feet to a 5/8-inch rebar with cap LS1618;*
12. *Easterly along the arc of a curve to the left 16.75 feet, having a radius of 79.35 feet, through a central angle of 12°05'51", having a chord bearing and distance of North 68°03'28" East, 16.72 feet to a 5/8-inch rebar with cap LS1618;*
13. *North 26°13'43" West, 20.28 feet to a 5/8-inch rebar with cap LS1618 found on the East Line of Lot 1, Wal-Mart Campus Subdivision, Phase 7 per Plat Instrument #L202445781;*

THENCE along said East Line the following five (5) courses:
1. *North 08°20'28" East, 16.25 feet to a 5/8-inch rebar with cap LS1618;*
2. *North 18°16'40" East, 57.42 feet to a 5/8-inch rebar with cap LS1618;*
3. *Northeasterly along the arc of a curve to the right 38.14 feet, having a radius of 31.07 feet, through a central angle of 70°20'30", having a chord bearing and distance of North 56°20'38" East, 35.79 feet to a 5/8-inch rebar with cap LS1618;*
4. *Northeasterly along the arc of a curve to the left 18.61 feet, having a radius of 23.09 feet, through a central angle of 46°11'14", having a chord bearing and distance of North 66°32'58" East, 18.11 feet to a 5/8-inch rebar with cap LS1618;*
5. *North 38°28'59" East, 16.76 feet to a 5/8-inch rebar with cap LS1618 found on the South Line of Lot 1, Wal-Mart Campus Subdivision, Phase 5;*

THENCE along said South Line the following five (5) courses:
1. *South 62°38'47" East, 49.99 feet to a 5/8-inch rebar with cap LS1618;*
2. *South 63°01'55" East, 22.87 feet to a 5/8-inch rebar with cap LS1618;*
3. *South 74°32'11" East, 17.18 feet to a 5/8-inch rebar with cap LS1618;*
4. *Easterly along the arc of a curve to the right 59.64 feet, having a radius of 266.78 feet, through a central angle of 12°48'30", having a chord bearing and distance of North 88°56'29" East, 59.51 feet to a 5/8-inch rebar with cap LS1618;*
5. *South 87°31'55" East, 38.74 feet to the POINT OF BEGINNING containing 218,104 square feet or 5.01 acres, more or less.*

CERTIFICATE OF AUTHORIZATION
CEI Engineering Associates, Inc. No. 118
ARKANSAS ENGINEER

ATLAS PAGE: 404

City of Bentonville Project # FP25-0010

State Survey Code: 500-20N-30W-0-32-200-04-1618

CEI Solutions for Land and Life

CEI ENGINEERING ASSOCIATES, INC.
3108 SW REGENCY PKWY
BENTONVILLE, AR 72712
PHONE: (479) 273-9472
FAX: (479) 273-0844
CORPORATE TBPLS FIRM #10031500

3030 LBJ FREEWAY, SUITE 100
DALLAS, TX 75234
PHONE: (972) 488-3737
FAX: (972) 488-6732

Final Plat of Lot 1, Phase 21 Walmart Campus

1106 SE 5TH St
Bentonville, Benton County, Arkansas

REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF ARKANSAS
No. 16181
DUSTIN RILEY
SURVEYOR

PROFESSIONAL OF RECORD	DGR
DESIGNER	WAP
FIELD WORK	CSS
CEI PROJECT NUMBER	31470
DATE	7/22/2025
REVISION	REV-1

Final Plat
SHEET TITLE

SHEET NUMBER
2 OF 2

DRAWING LOCATION - S:\31000\31470\DRAWINGS\SURVEY\SURVEY31470PP GF08.DWG - SAVED BY - WPIERSON

© 2025 CEI ENGINEERING ASSOCIATES, INC.

ORDINANCE NO._____

AN ORDINANCE ACCEPTING A FINAL PLAT OF LOT 1 OF WALMART CAMPUS SUBDIVISION, PHASE 21 TO THE CITY OF BENTONVILLE, ARKANSAS; AND FOR OTHER PURPOSES.

(PROJECT NUMBER: FP25-0010)

WHEREAS, pursuant to the provisions of the Land Development Code of the Bentonville Municipal Code, the final plat of LOT 1 OF WALMART CAMPUS SUBDIVISION, PHASE 21 to the City of Bentonville, Benton County, Arkansas, was submitted to the Bentonville Planning Commission on April 7, 2026;

WHEREAS, said final plat is attached hereto as Exhibit "A";

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

WHEREAS, the final plat 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 final plat should be approved.

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

Section 1: That the final plat of LOT 1 OF WALMART CAMPUS SUBDIVISION, PHASE 21 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 final plat by certifying said acceptance on the approved final plat;

Section 3 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 4 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED AND APPROVED this_____ day of _____, 2026.

APPROVED:

_____

Stephanie Orman, Mayor

ATTEST:

_____

Malorie Marrs, City Clerk

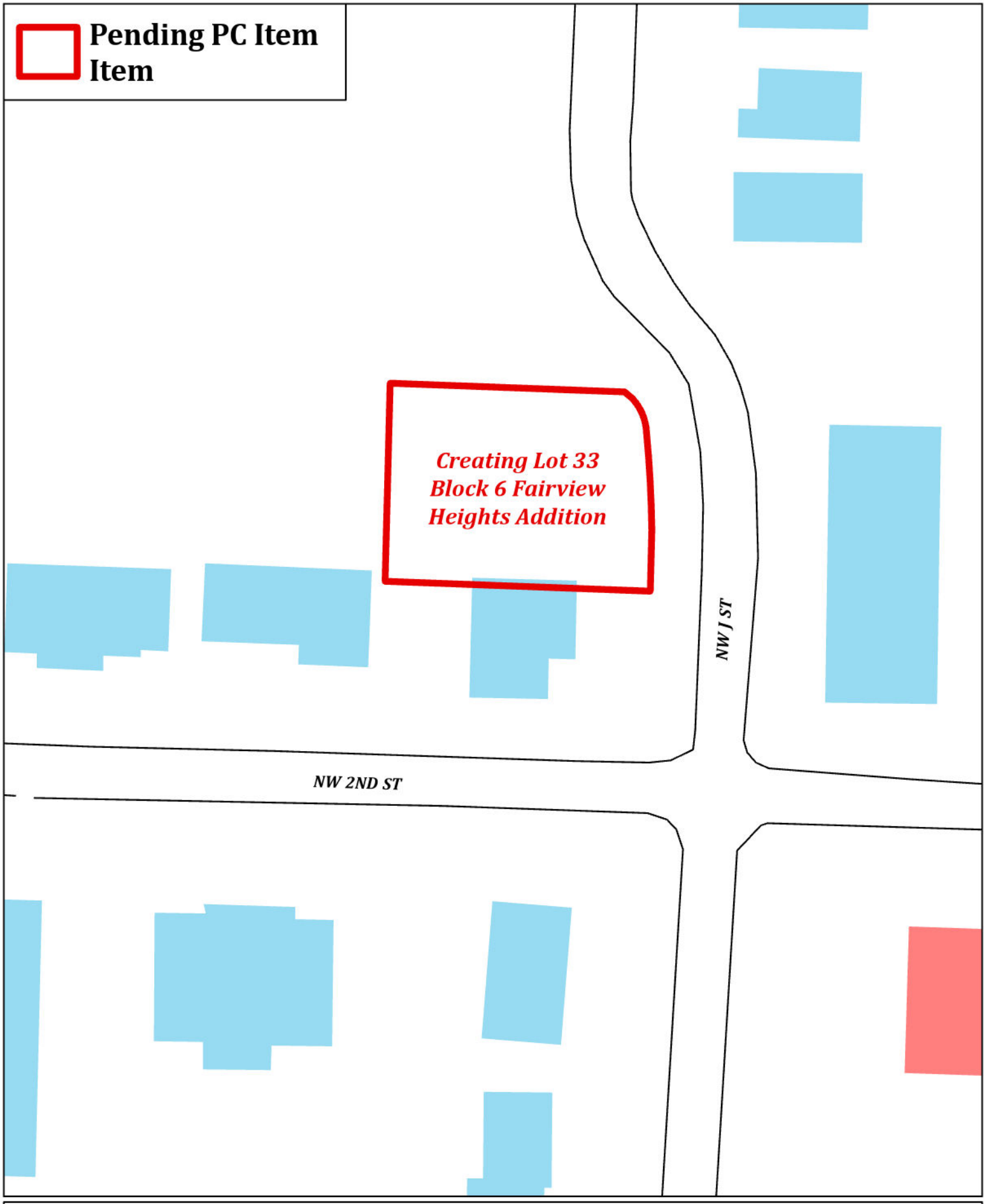
Consent Agenda Item

For the City Council meeting on April 14, 2026

Details

Property Line Adjustment, Lots 13, 14, 15, & 16 of Block 6, Fairview Heights Addition, Creating Lot 33, Block 6 of Fairview Heights Addition. 203 Northwest J Street, PLA25-0016.

Property Line Adjustment of Lots 13, 14, 15, & 16 of Block 6, Fairview Heights Addition, Creating Lot 33, Block 6 of Fairview Heights Addition. The plat is dedicated 130.66 square feet of right-of-way along Northwest J Street. This lot does not have direct access to sewer.



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PLA25-0016
Creating Lot 33 Block 6 Fairview Heights Addition
203 NW J ST

PROPERTY LINE ADJUSTMENT ON A PART OF LOTS 13, 14, 15 & 16 CREATING NEW LOT 33, BLOCK 6, FAIRVIEW HEIGHTS ADDITION

ADJACENT LAND OWNERS

1) HARRIS, JAMES
NW J ST
BENTONVILLE, AR
PARCEL #01-02620-000
LOT 27, BLOCK 2 - FAIRVIEW HEIGHTS ADDITION
ZONED: R-1

2) REVALSKI, RYAN S & JENNIFER
204 NW J ST
BENTONVILLE, AR
PARCEL #01-05292-000
LOT 1, BLOCK 2 - BROOKHOLLOW PARK SUBDIVISION
ZONED: R-ZL

3) BRISTLECONE ASSET MANAGEMENT LLC
202 NW J ST
BENTONVILLE, AR
PARCEL #01-02790-000
LOT 1 - HATCHERS SUBDIVISION
ZONED: R-1

4) COSTALDI, JESSICA R & PAYNE, JACOB
201 NW J ST
BENTONVILLE, AR
PARCEL #01-02652-000
A PART OF LOTS 13, 14, 15 & 16, BLOCK 6 - FAIRVIEW HEIGHTS ADDITION
ZONED: R-1

5) CLARK, ANTHONY JAMES & DEANNA JEAN
1204 NW 2ND ST
BENTONVILLE, AR
PARCEL #01-02650-000
A PART OF LOTS 10, 11, 12 & 13, BLOCK 6 - FAIRVIEW HEIGHTS ADDITION
ZONED: R-1

FIELD WORK:
APRIL 29 & 30, 2025
MAY 1 & 2, 2025
JANUARY 9, 2026

BASIS OF BEARING:
GPS OBSERVATION - AR NORTH ZONE
NAD83(2011) HORIZONTAL DATUM

REFERENCE DOCUMENTS:
1) PLAT OF SURVEY FILED IN BOOK L2018 AT PAGE 44872
2) PLAT OF SURVEY FILED IN BOOK P3 AT PAGE 821
3) PLAT OF SURVEY FILED IN BOOK Y AT PAGE 145
4) PLAT OF SURVEY FILED IN BOOK Y AT PAGE 239
5) PLAT OF SURVEY FILED IN BOOK V AT PAGE 223
6) PLAT OF SURVEY FILED IN BOOK 29 AT PAGE 169
7) PLAT OF SURVEY FILED IN BOOK 4 AT PAGE 244
8) PLAT OF SURVEY FILED IN BOOK 8 AT PAGE 184
9) PLAT OF SURVEY FILED IN BOOK P3 AT PAGE 545
10) PLAT OF SURVEY FILED IN BOOK X AT PAGE 63
11) PLAT OF SURVEY FILED IN BOOK Z AT PAGE 227
12) PLAT OF SURVEY DATED 07/26/22, PREPARED BY BATES AND ASSOCIATES FOR MARK HANEY; JOB #22-172
13) REVISED PLAT OF BROOKHOLLOW PARK SUBDIVISION FILED IN BOOK 16 AT PAGE 30
14) FINAL PLAT OF FIARVIEW HEIGHTS ADDITION FILED IN BOOK D AT PAGE 18
15) SCRIVENER'S AFFIDAVIT FILED IN BOOK 2016 AT PAGE 4610
16) FIDUCIARY WARRANTY DEED FILED IN BOOK 2015 AT PAGE 32078
17) BENEFICIARY DEED FILED IN BOOK L2020 AT PAGE 55058

PROPERTY ZONED:
R-1
-ZONE C(3) OUTER SAFETY ZONE (OSZ)
-ZONE A(1) RUNWAY PROTECTION ZONE (RPZ)

BUILDING SETBACK NOTE:
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

SURVEY DESCRIPTIONS:

PARCEL #01-02651-000 EXISTING BENEFICIARY DEED DESCRIPTION (B. L2020, P. 55058):
THE NORTH 75 FEET OF LOTS 13, 14, 15, & 16 IN BLOCK 6, FAIRVIEW HEIGHTS ADDITION, BENTONVILLE, BENTON COUNTY, ARKANSAS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

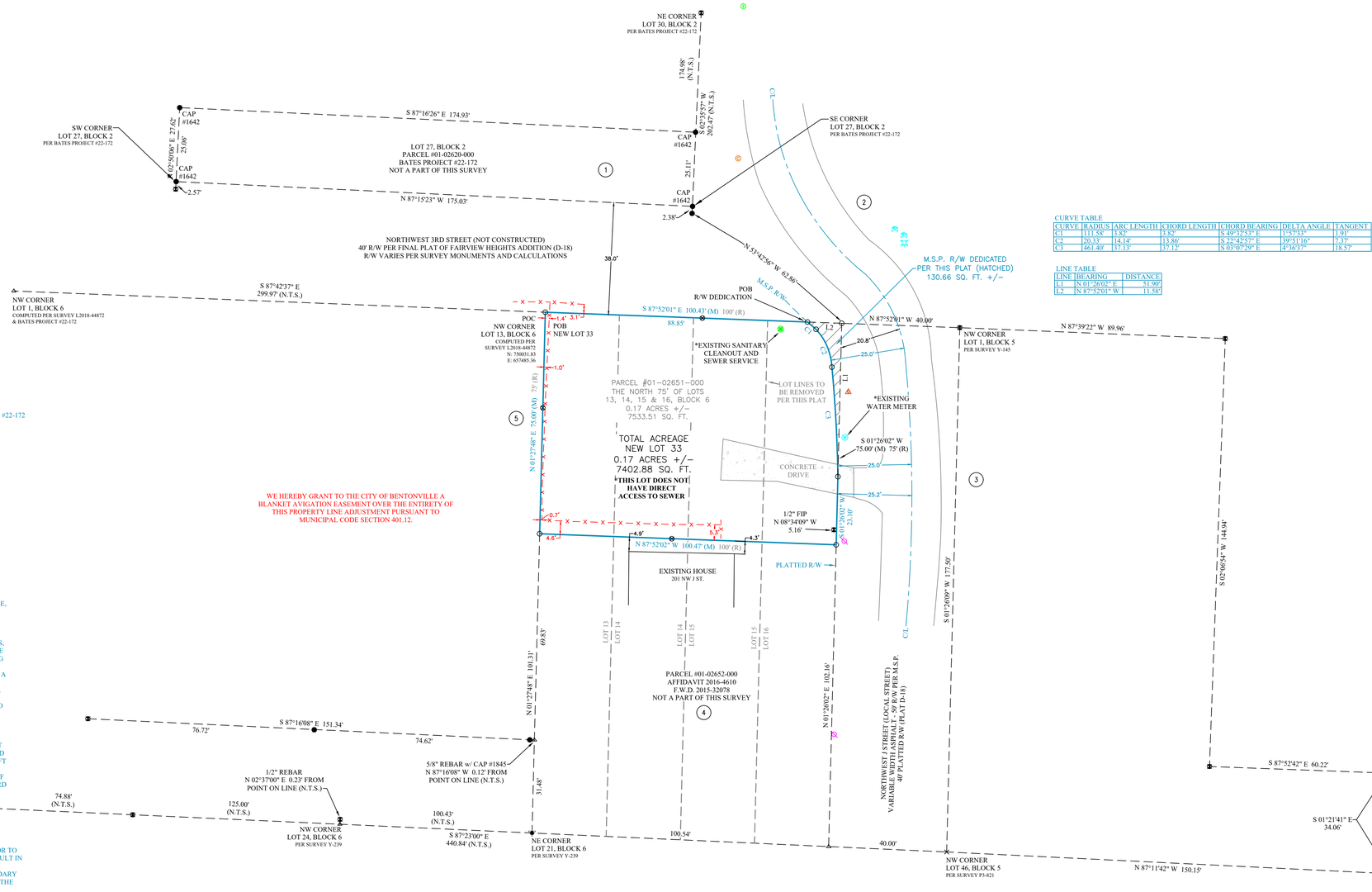
NEW LOT 33 DESCRIPTION:
A PART OF LOTS 13, 14, 15 AND 16, BLOCK 6, FAIRVIEW HEIGHTS ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 13 AND RUNNING THENCE S87°52'01"E 88.85' TO THE WEST MASTER STREET PLAN RIGHT-OF-WAY OF NORTHWEST J STREET, THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING:ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 111.58' FOR A CHORD BEARING AND DISTANCE OF S49°32'53"E 3.82', ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 20.33' FOR A CHORD BEARING AND DISTANCE OF S22°42'57"E 13.86', ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 461.40' FOR A CHORD BEARING AND DISTANCE OF S03°07'29"E 37.12', THENCE S01°26'02"W 23.10', THENCE LEAVING SAID RIGHT-OF-WAY N87°52'02"W 100.47', THENCE N01°27'48"E 75.00' TO THE POINT OF BEGINNING, CONTAINING 0.17 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

MASTER STREET PLAN RIGHT-OF-WAY DEDICATION PER THIS PLAT:
A PART OF LOT 16, BLOCK 6, FAIRVIEW HEIGHTS ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS S87°52'01"E 88.85' FROM THE NORTHWEST CORNER OF LOT 13 OF SAID BLOCK 6 AND RUNNING THENCE S87°52'01"E 11.58', THENCE S01°26'02"W 51.90', THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 461.40' FOR A CHORD BEARING AND DISTANCE OF N03°07'29"W 37.12', THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 20.33' FOR A CHORD BEARING AND DISTANCE OF N22°42'57"W 13.86', THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 111.58' FOR A CHORD BEARING AND DISTANCE OF N49°32'53"W 3.82', TO THE POINT OF BEGINNING, CONTAINING 130.66 SQUARE FEET MORE OR LESS.

BEUD NOTES:
1. 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.
2. BEUD'S 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.
3. ALL STRUCTURES MUST MAINTAIN MINIMUM OF 20' CLEARANCES FROM ALL ELECTRIC LINES.
4. IT IS THE RESPONSIBILITY OF THE DEVELOPER TO COORDINATE WITH THE NEW SERVICE COORDINATOR @ 479-271-3139 TO DETERMINE IF EQUIPMENT IS IN CONFLICT.
5. 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.

PLAT NOTES:
1) RECORD (R) DISTANCES ARE SHOWN PER BENEFICIARY DEED L2020-55058 & THE FINAL PLAT OF FAIRVIEW HEIGHTS ADDITION (D-18) WHERE POSSIBLE.
2) SOME FEATURES AND/OR SYMBOLS ON THIS PLAT MAY BE SHOWN OUT OF SCALE FOR VISUAL CLARITY.
3) THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES, GIS, AND/OR UTILITY MAPS PROVIDED BY LOCAL UTILITY COMPANIES. NOT ALL UTILITY COMPANIES MAY HAVE RESPONDED TO OUR REQUEST FOR MAPS AND/OR INFORMATION. ALL UTILITY LINES APPEARING ON THIS PLAT, AS WELL AS THOSE THAT MAY EXIST UNDERGROUND NEED TO BE VERIFIED PRIOR TO DOING ANY TYPE OF EXCAVATION OR DESIGN. SOME UTILITY LINES MAY ALSO EXIST THAT WERE NOT SHOWN ON THIS PLAT.
4) SIDEWALKS SHALL BE THE RESPONSIBILITY OF THE BUILDER/OWNER AT TIME OF BUILDING PERMIT ISSUANCE. ALL SIDEWALKS SHALL BE INSTALLED BY THE TIMEFRAMES SET FORTH IN 900.08 OF THE STREET SPECIFICATIONS.
5) OWNER/DEVELOPER SHALL COORDINATE WITH ALL LOCAL UTILITIES TO INSURE THAT EACH LOT HAS WATER, SEWER AND ELECTRIC SERVICE.
6) 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.
7) THERE MAY NOT BE ANY FENCES OR ANY OTHER STRUCTURES BUILT IN ANY DRAINAGE EASEMENTS.
8) THERE ARE NO WAIVERS, VARIANCES, OR CONDITIONAL USES BEING REQUESTED WITH THIS PROJECT.
9) NO RESIDENTIAL LOT SHALL BE PERMITTED DIRECT ACCESS TO A COLLECTOR OR ARTERIAL STREET. ALL RESIDENTIAL SUBDIVISION DEVELOPMENT CONTIGUOUS TO A COLLECTOR OR ARTERIAL STREET SHALL ORIENT FRONTAGE TO A LOCAL STREET, AND BACK OF THE PROJECT, WITHOUT ACCESS TO THE SAID MAJOR STREETS.
10) THIS PROPERTY IS LOCATED IN ZONE C (3) OUTER SAFETY ZONE (OSZ) AND ZONE A (1) RUNWAY PROTECTION ZONE (RPZ) - CITY OF BENTONVILLE MUNICIPAL AIRPORT.

FLOOD CERTIFICATION:
NO PORTION OF THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE "A" OR "AE" AS DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR BENTON COUNTY, ARKANSAS. (FIRM PANEL #05007C0255K. DATED 6/5/2012)



CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT
C1	111.58'	3.82'	3.82'	S 49°32'53" E	1°57'33"	1.91'
C2	20.33'	14.14'	13.86'	S 22°42'57" E	39°51'16"	7.37'
C3	461.40'	37.13'	37.12'	S 03°07'29" E	4°36'37"	18.57'

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 01°26'02" E	51.90'
L2	N 87°52'01" W	11.58'

CERTIFICATE OF SURVEYING ACCURACY:
I, DERRICK L. THOMAS, 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 PROPERTY BOUNDARY SURVEYS AND PLANS HAVE BEEN MET.

DATE OF EXECUTION: _____

SIGNED: _____
REGISTERED LAND SURVEYOR NO. 1642 - STATE OF ARKANSAS

OWNER'S CERTIFICATION:
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 :_____

SOURCE OF TITLE: W.D. L2020255058

SUBSCRIBED AND SWORN BEFORE ME, THIS ____ DAY OF _____, 2026.

_____
NOTARY PUBLIC

PROPERTY OWNER:
ALICE HANEY
203 NW J ST
BENTONVILLE, AR 72712
markhaneynwa@gmail.com
(479)-442-9350

ATLAS PAGE
360

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 THE SAID RULES AND REGULATIONS.

DATE OF EXECUTION: _____

SIGNED _____
BENTONVILLE PLANNING
COMMISSION CHAIRMAN

SIGNED_____
MAYOR, CITY OF BENTONVILLE

SIGNED_____
CITY CLERK, CITY OF BENTONVILLE

CERTIFICATE OF AUTHORIZATION
BATES & ASSOCIATES, INC.
#335
ARKANSAS ENGINEER

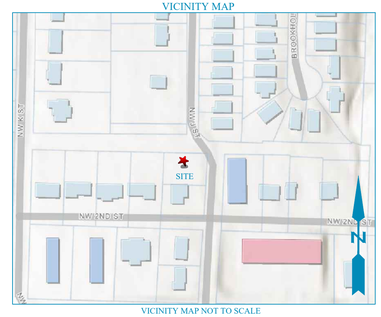
0' 20' 40' 60'
GRAPHIC SCALE (IN FEET)
1 Inch = 20ft.

I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS THE 9TH DAY OF JANUARY, 2026.

REGISTERED
STATE OF ARKANSAS
DERRICK L. THOMAS
SURVEYOR
PROFESSIONAL LAND SURVEYOR
DRAFT

DATE:
IF THE SIGNATURE ON THIS SEAL IS NOT AN ORIGINAL AND NOT BLUE IN COLOR THEN IT SHOULD BE ASSUMED THAT THIS PLAT MAY HAVE BEEN ALTERED. THE ABOVE CERTIFICATION SHALL NOT APPLY TO ANY COPY THAT DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE.

VICINITY MAP



VICINITY MAP NOT TO SCALE

BENTONVILLE PROJECT #PLA25-0016

RECORDING NUMBER/DATE				
DATE	6-11-25	8-18-25	3-9-26	3-20-26
SUBMITTAL #	#1	#2	#3	#4

(R) RECORD BEARING & DISTANCE
(M) MEASURED BEARING & DISTANCE
FOUND 5/8" REBAR
SET 1/2" REBAR w/ CAP "BATES 335"
FOUND 1/2" REBAR
FOUND CHISELED "X" IN CONC.
COMPUTED POINT
SET WOOD STAKE ON PROPERTY LINE

BOUNDARY LINE (MEASURED)
PLAT LINE
TIE LINE
CENTERLINE OF ROAD
RIGHT-OF-WAY
FENCE

CABLE PEDESTAL
POWER POLE
SANITARY SEWER MH
CLEANOUT
FIRE HYDRANT
GAS VALVE
ADJ. LAND OWNER

LEGEND:
THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING.

BATES
Engineers - Surveyors
7230 S. Pleasant Ridge Dr - Fayetteville, Arkansas 72704 - 479.442.3590

BATES & ASSOCIATES, INC. - Copyright 2026
This survey was conducted for the private purposes of persons whose name(s) appear on this plat. This plat is not to be used for any purpose by any person other than those named without written consent of Bates & Associates, Inc. Surveyor has made no independent search of the records of any public office or private entity and Bates & Associates, Inc. assumes no responsibility for the existence of easements, covenants or restrictions which may affect the property unless noted otherwise on this plat. Bates & Associates, Inc. assumes no responsibility for any use of this survey except those uses represented by the purpose of Bates & Associates, Inc. of the probability of location.

FOR USE AND BENEFIT OF:
ALICE HANEY

ADDRESS:
NORTHWEST J STREET
BENTONVILLE, ARKANSAS

DATE: 1/20/26
SCALE: 1"=20'
DRAWN BY: Th
SURVEYED: BA
CHECKED: DT
REVISED:
COA #335

A PART OF LOTS 13, 14, 15 & 16
FAIRVIEW HEIGHTS ADDITION

DRAWING #25-067

ORDINANCE NO. _____

AN ORDINANCE ACCEPTING A PROPERTY LINE ADJUSTMENT OF LOTS 13-16, BLOCK 6 OF FAIRVIEW HEIGHTS ADDITION CREATING NEW LOT 33, BLOCK 6 OF FAIRVIEW HEIGHTS ADDITION TO THE CITY OF BENTONVILLE, ARKANSAS; AND FOR OTHER PURPOSES.
(PROJECT NUMBER: PLA25-0016)

WHEREAS, pursuant to the provisions of the Land Development Code of the Bentonville Municipal Code, the property line adjustment of LOTS 13-16, BLOCK 6 OF FAIRVIEW HEIGHTS ADDITION creating new LOT 33, BLOCK 6 OF FAIRVIEW HEIGHTS ADDITION to the City of Bentonville, Benton County, Arkansas was submitted to the Bentonville Planning Commission on April 7, 2026;

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

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 13-16, BLOCK 6 OF FAIRVIEW HEIGHTS ADDITION creating new LOT 33, BLOCK 6 OF FAIRVIEW HEIGHTS 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;

Section 3 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 4 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED AND APPROVED this_____ day of _____, 2026.

APPROVED:

_____
Stephanie Orman, Mayor

ATTEST:

_____
Malorie Marrs, City Clerk

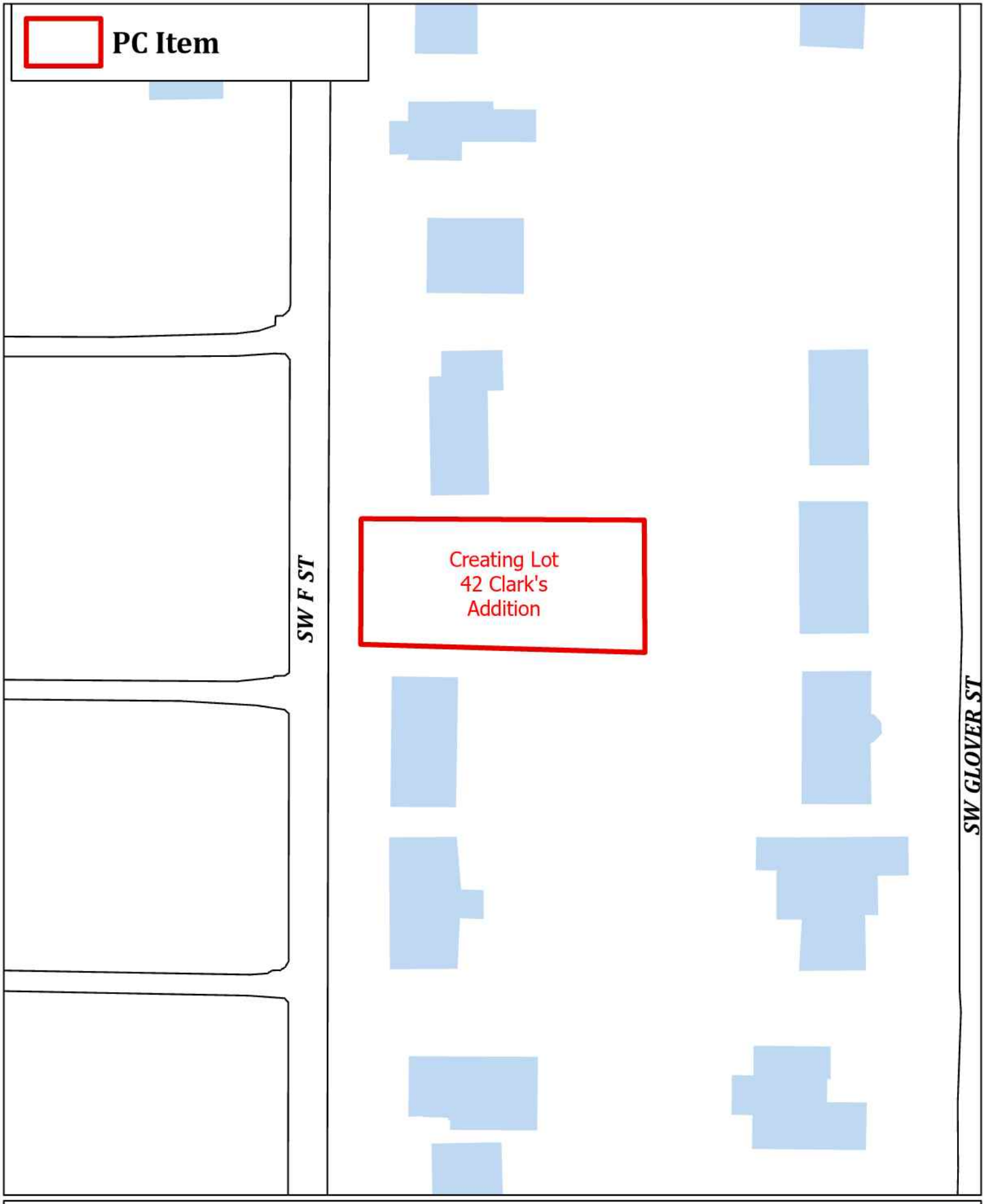
Consent Agenda Item

For the City Council meeting on April 14, 2026

Details

Lot Split: Part of Lot 3 of Clark's Addition, Creating Lot 42, of Clark's Addition. 215 Southwest F Street, LS26-0005.

A Lot Split of Part of Lot 3 of Clark's Addition, Creating Lot 42, of Clark's Addition. The parcel is zoned DN-2 and is dedicating a 15-foot utility easement along SW F Street.



LS26-0005
Creating Lot 42 Clarks Addition
215 SW F ST

LOT SPLIT
PART OF LOT 3
CREATING LOT 42 OF CLARK'S ADDITION
BENTONVILLE, ARKANSAS

OWNER/DEVELOPER:
AP RE Development
Allan Pinkerton
P.O. Box 2591 Bentonville, AR. 72712
(417) 644-8136
apreanddevelopment@outlook.com

SURVEY NOTES:

1. Every document of record reviewed and considered as a part of this survey is noted hereon. Only the documents noted hereon were supplied to the surveyor.
2. 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.
3. This plat represents a boundary survey of the parcel recorded in Deed Records, Instrument No. L202150294 in the records of the Circuit Clerk 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 (301) referencing City of Bentonville Control Monument No. 1A.
6. Basis of Elevation: NAVD88, referencing City of Bentonville Control Monument No. 1A.
7. Record bearings and distances shown are per Deed Instrument No. L202150294 unless noted otherwise.
8. This survey is valid only if the drawing includes the seal and signature of the surveyor.
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. This property is zoned DN-2 (Downtown Medium Density Residential). 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.
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. The locations of underground utilities as shown hereon are based on such above ground structures as were visible at the time of survey, and/or from record drawings provided to the surveyor. The location of underground utilities/structures may vary from locations shown hereon. No excavations were made during the progress of this survey to locate underground utilities/structures.
15. 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.
16. Sidewalks shall be the responsibility of the builder/owner at the tie of building permit issuance. All sidewalks shall be installed by the timeframe set forth in 900.08 of the street specifications.
17. 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.
18. Owner/Developer shall coordinate with all local utilities to ensure that each lot has water, sewer and electric.
19. 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.
20. All structures must maintain a minimum of 20' clearances from all electric lines and no BEUD Electrical Equipment may be located behind a fence.
21. BEUD's 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 results 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.
22. It is the responsibility of the developer to coordinate with the New Service Coordinator @ 479-271-3139 to determine if equipment is in conflict.
23. Is is the responsibility of the developer to pay any costs associated with moving equipment. This includes but is not limited to any costs associated with loss of equipment (wire and elbows) and labor and materials to move the equipment to the new lot line.
24. There my not be any fences or any other structures built in any drainage easement.
25. No BEUD Electrical Equipment may be located behind a fence.

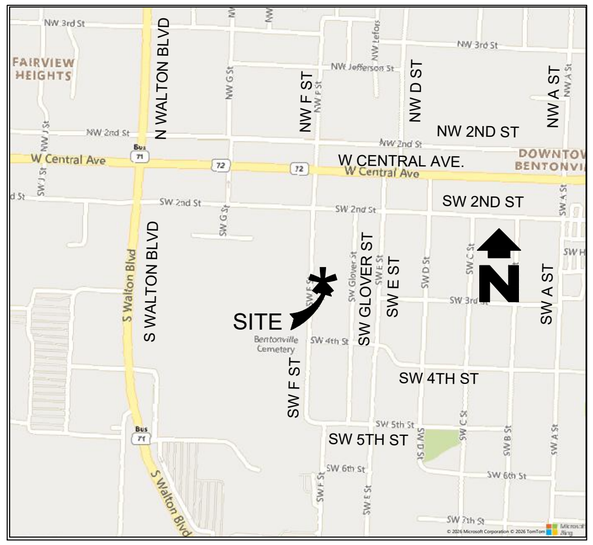
PROJECT NOTES:

There are no waivers, variances, and/or conditional uses at the time of preparing this plat or plan.

We hereby grant to the City of Bentonville a blanket Avigation Easement over the entirety of this Lot Split pursuant to Municipal Code Section 401.12.

No residential lot shall be permitted direct access to a collector or arterial street. All residential subdivision development contiguous to a collector or arterial street shall orient frontage to a local street, and back of the project, without access to the said major streets.

All sidewalks shall be installed by the timeframes set forth in 900.08 of the Street Specifications



VICINITY MAP
N.T.S.

ATLAS PAGE # 403B

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:_____

Print Name and Address:_____

State of Arkansas
County of Benton
Subscribed and sworn before me this _____ day of _____, 2026.

My commission expires:_____

DEED DESCRIPTION L202150294:

The South 65 feet of Lot 3, Clark's Addition, to the the City of Bentonville, Benton County, Arkansas, as shown on plat filed in deed book "L" at page 166.
Subject to any restrictions, conditions, covenants, rights of way, and easements now of record.

LOT 42 DESCRIPTION BY THIS PLAT (DN2 ZONING):

Part of Lot 3, Clark's Addition, to the the City of Bentonville, Benton County, Arkansas, as shown on plat filed in deed book "L" at page 166 and being more particularly described as follows:

Beginning at found 1/2" rebar at the Southeast corner of said Lot 3; thence N88°18'02"W 141.02 feet to a found 1/2" open top pipe at the Southwest corner of said lot 3 on the East Right of Way of SW F Street; thence N01°39'33"E 68.76 feet along said East Right of Way to a found 5/8" rebar with cap AR 1002; thence leaving said East Right of Way S87°18'39"E 140.97 feet to a found 5/8' rebar with cap AR 1002 at the Southeast corner of Lot 25 Clark's Addition; thence S01°35'26"W 66.33 feet to the Point of Beginning and containing 9523 Sq. Ft. or 0.22 Acres more or less and subject to all Rights-of-Way, Easements and Restrictive Covenants of record of fact.

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 the said rules and regulations.

Date of Execution: _____

Signed:_____
Bentonville Planning Commission Chairman

Signed:_____
Mayor City of Bentonville

Signed:_____
City Clerk, City of Bentonville

SURVEYOR'S CERTIFICATE:

I, Grant E. 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 Property Boundary Surveys and Plans have been met.

Date of Execution: _____

_____
Grant E. Nevill
Registered Land Surveyor
State of Arkansas
Registration No. 1636

SURVEYOR
Sand Creek Engineering and Surveying
1610 NW 12th St
Bentonville, AR. 72712
(479) 464-9282

SAND CREEK
Engineering and Land Surveying
Bentonville, Arkansas (479) 464-9282

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

REGISTERED
STATE OF ARKANSAS
GRANT E. NEVILL
PROFESSIONAL LAND SURVEYOR
PRELIMINARY

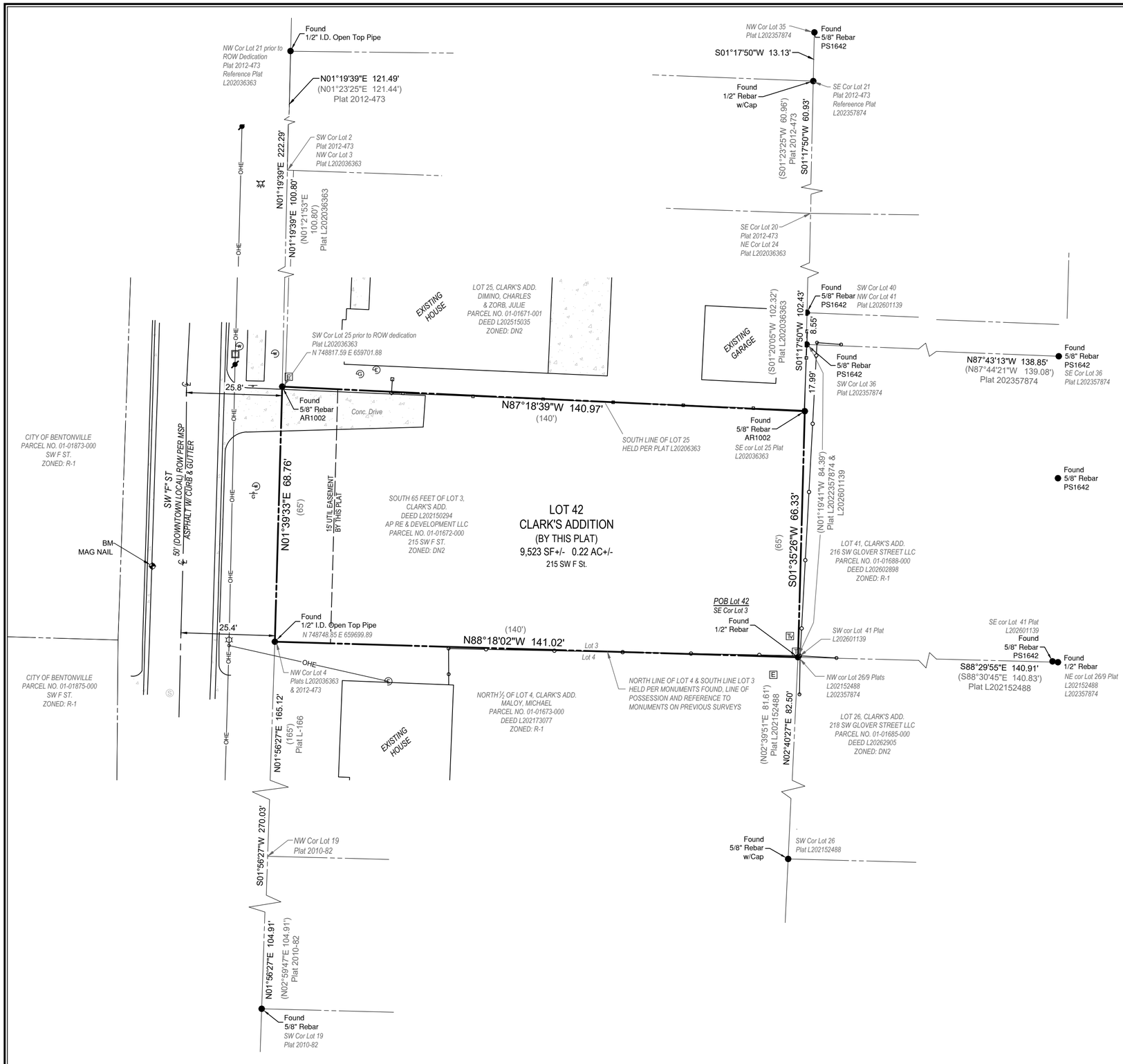
REVISIONS

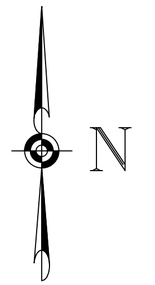
NO.	DATE	DESCRIPTION
1	2-26-26	INITIAL SUBMITTAL
2	3-17-26	2nd SUBMITTAL

SCE PROJECT #: 23030
DATE: 2-26-26
SHEET: 1 OF 2

City of Bentonville Project No.:
LS26-0005

State Filing Code:
500-20N-30W-0-31-410-04-1636





20' 0 20'

SCALE: 1" = 20'

BASIS OF BEARINGS:
NAD 83 AR, NORTH ZONE

SITE LEGEND

- MONUMENT SET (AS NOTED)
- MONUMENT FOUND (AS NOTED)
- BENCH MARK
- UTILITY POLE
- UTILITY POLE W/LIGHT
- SIGN
- GAS SIGN
- GAS METER
- WATER METER
- ELECTRIC METER
- SANITARY SEWER MANHOLE
- ELECTRICAL RISER
- CABLE RISER
- TELEPHONE RISER
- TELEPHONE VAULT
- PROPERTY LINES
- ADJOINING PROPERTY LINE
- EASEMENT LINE
- RIGHT-OF-WAY LINE
- OVERHEAD ELECTRIC LINE
- FENCE (CHAINLINK)
- FENCE (WOOD)
- CONCRETE

(XXX°XX'XX"X XX.XX')

RECORD DATA
DEED L202150294 /
PLAT L-166
UNLESS NOTED OTHERWISE

REVISIONS

NO.	DATE	DESCRIPTION
1	2-26-26	INITIAL SUBMITTAL
2	3-17-26	2nd SUBMITTAL

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 05007C0255K. Revised date June 05, 2012.

BENCHMARK:

"Mag" Nail in seam of curb pan located on the West side of SW "F" St. approx. 38' Northwest of the Northwest corner of subject lot.
Northing: 748769.23'
Easting: 659666.90'
Elev: 1300.32'

LOT 3, CLARK'S ADDITION SURVEY NOTE:

Per Deeds L202007199 (North 100 feet, Lot 3 prior to Lot Split 202036363) and L202150294 (South 65 feet, Lot 3) AP RE & Development LLC had complete ownership of Lot 3 as shown on Plat "L", Page 166.

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

SURVEYOR
Sand Creek Engineering and Surveying
1610 NW 12th St
Bentonville, AR. 72712
(479) 464-9282

City of Bentonville
Project No.:
LS26-0005

State Filing Code:
500-20N-30W-0-31-410-04-1636

OWNER/DEVELOPER:
AP RE Development
Allan Pinkerton
P.O. Box 2591 Bentonville, AR. 72712
(417) 644-8136
apreanddevelopment@outlook.com

SHEET: LOT SPLIT

PROJECT: PART OF LOT 3 CREATING LOT 42 OF CLARK'S ADDITION BENTONVILLE, ARKANSAS

REGISTERED
STATE OF ARKANSAS
NO. 16336
SIGNATURE
GRANT NEVILL
PROFESSIONAL LAND SURVEYOR

SAND CREEK
Engineering and Land Surveying
Bentonville, Arkansas (479) 464-9282

PLS:	GEN
CAD:	MJH
FIELD:	MS
SCE PROJECT #:	23030
DATE:	2/26/26
SHEET:	2 OF 2

ORDINANCE NO._____

AN ORDINANCE ACCEPTING A LOT SPLIT OF LOT 3 OF CLARK'S ADDITION CREATING NEW LOT 42 OF CLARK'S ADDITION TO THE CITY OF BENTONVILLE, ARKANSAS; AND FOR OTHER PURPOSES.

(PROJECT NUMBER: LS26-0005)

WHEREAS, pursuant to the provisions of the Land Development Code of the Bentonville Municipal Code, the lot split of LOT 3 OF CLARK'S ADDITION creating new LOT 42 OF CLARK'S ADDITION to the City of Bentonville, Benton County, Arkansas, was submitted to the Bentonville Planning Commission on April 7, 2026;

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

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 3 OF CLARK'S ADDITION creating new LOT 42 OF CLARK'S ADDITION to the City of Bentonville, Arkansas, should be and the same is hereby accepted and approved for all purposes;

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

Section 3 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 4 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED AND APPROVED this_____ day of _____, 2026.

APPROVED:

_____

Stephanie Orman, Mayor

ATTEST:

_____

Malorie Marrs, City Clerk

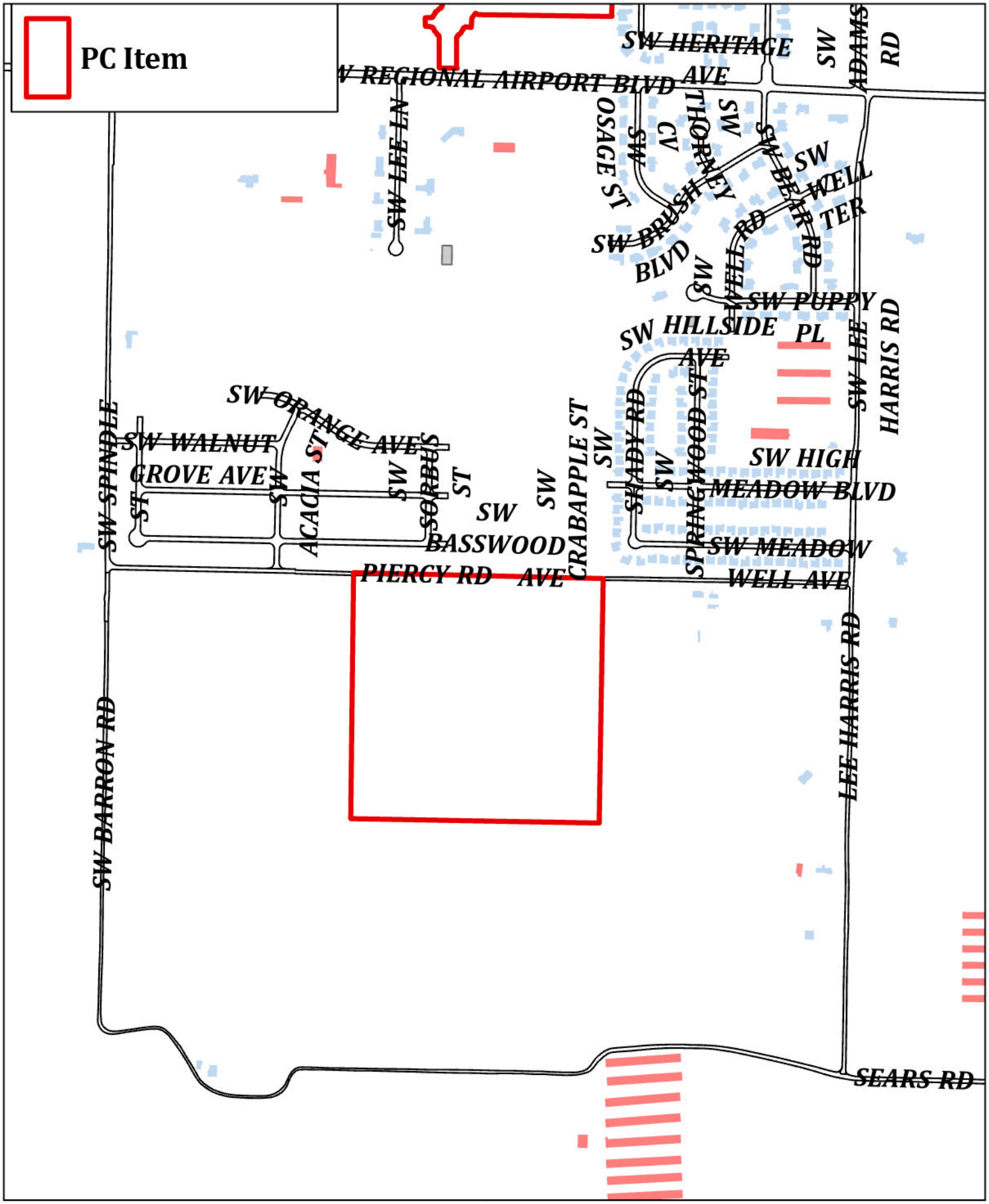
Consent Agenda Item

For the City Council meeting on April 14, 2026

Details

Lot Split: Creating New Lots 1 & 2 of Plumley's Place. 6979 Piercy Rd, LS25-0038.

A Lot Split creating new lots 1 & 2 of Plumley's Place. The parcel is zoned A-1, and the plat is dedicating +/- 1.1 acres of Right of Way, and a 25-foot Utility Easement along Piercy Road. The plat is also dedicating a variable width Utility Easement at the northwest corner of Lot 1, and a 31.5-foot Access easement on the west side of the property from Lot 1 to Lot 2.



LS25-0038
Creating Lots 1 and 2 Plumley's Place
6979 PIERCY RD

GENERAL NOTES:

- BASIS OF BEARINGS: GRID NORTH, STATE PLANE COORDINATE SYSTEM, ARKANSAS NORTH ZONE (0301), NAD 83 (2011)(EPOCH:2010.0000), BASED ON RT KINEMATIC GNSS OBSERVATIONS DERIVED FROM A STATIC GNSS BASE AND OPUS POST-PROCESSED SOLUTION, HAVING PUBLISHED VALUES OF: LATITUDE 36°18'27.8443" N; LONGITUDE 94°17'18.4157" W; AND A COMPUTED COMBINED SCALE FACTOR (GRID TO GROUND) OF 1.0000388257.
- GRID NORTH CONVERGENCE: AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 21, ROTATE FROM GRID NORTH 01°20'07.3" TO THE LEFT FOR TRUE (GEODETIC) NORTH.
- FLOOD INFORMATION: BASED UPON REVIEW OF NFIP FIRM, BENTON COUNTY, ARKANSAS, AND INCORPORATED AREAS, MAP NUMBER 05007C0245K, EFFECTIVE DATE JUNE 5, 2012, AND BY GRAPHIC PLOTTING ONLY, THAT PART OF THE SUBJECT PROPERTY LIES WITHIN: ZONE X, OR AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOOD PLAIN. APPROXIMATE LOCATION OF BLE FLOOD AREA EXTENTS SHOWN HEREON PER CITY OF BENTONVILLE GIS MASTER MAP.
- EVERY RECORDED DOCUMENT REVIEWED AND CONSIDERED AS A PART OF THIS SURVEY IS NOTED HEREON. SURVEYOR HAS NOT MADE A THOROUGH INVESTIGATION OR INDEPENDENT SEARCH FOR ANY EASEMENTS OR OTHER ENCUMBRANCES OR FACTS THAT AN ACCURATE, COMPLETE AND CURRENT TITLE SEARCH AND/OR TITLE COMMITMENT WOULD DISCLOSE. OTHER DOCUMENTS OF RECORD, RIGHTS, OR FACTS, MAY EXIST AND AFFECT THIS SUBJECT PROPERTY.
- SUBSURFACE OR ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY.
- EXISTING UTILITIES SHOWN HEREON WERE LOCATED BY REASONABLE VISUAL OBSERVED SURFACE IMPROVEMENTS, UNLESS NOTED OTHERWISE. NO ATTEMPT HAS BEEN MADE TO LOCATE OR DEPICT ANY UNDERGROUND UTILITIES FOR THIS SURVEY. THE ACTUAL LOCATION OF UNDERGROUND UTILITIES MAY NEED TO BE VERIFIED TO DETERMINE WHAT RIGHTS, IF ANY, THAT MAY EXIST.
- 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 WITH-IN THE RIGHT-OF-WAY. WORK IN RIGHT-OF-WAY MAY REQUIRE A SEPARATE PERMIT.
- OWNER/DEVELOPER SHALL COORDINATE WITH ALL LOCAL UTILITIES TO ENSURE THAT EACH LOT HAS WATER, SEWER AND ELECTRIC SERVICE.
- SIDEWALKS SHALL BE THE RESPONSIBILITY OF THE BUILDER/OWNER AT TIME OF BUILDING PERMIT ISSUANCE.
- THERE MAY NOT BE FENCES OR ANY OTHER STRUCTURES BUILT IN ANY DRAINAGE EASEMENTS.
- WE HEREBY GRANT TO THE CITY OF BENTONVILLE A BLANKET AVIGATION EASEMENT OVER THE ENTIRETY OF THIS LOT SPLIT PURSUANT TO MUNICIPAL CODE SECTION 401.12.
- SETBACKS SHALL BE PER THE CURRENT ZONING DISTRICT AS STATED IN THE MOST RECENT CITY OF BENTONVILLE ZONING CODE. FOR MORE INFO VISIT HTTP://WWW.BENTONVILLEPLANNING.COM/ OR CALL THE PLANNING DEPARTMENT 479-271-3122.
- THERE ARE NO WAIVERS, VARIANCES AND/OR CONDITIONAL USES AT THE TIME OF PREPARING THIS PLAT OR PLAN.
- NO RESIDENTIAL LOT SHALL BE PERMITTED DIRECT ACCESS TO A COLLECTOR OR ARTERIAL STREET. ALL RESIDENTIAL SUBDIVISION DEVELOPMENT CONTIGUOUS TO A COLLECTOR OR ARTERIAL STREET SHALL ORIENT FRONTAGE TO A LOCAL STREET, AND BACK OF THE PROJECT, WITHOUT ACCESS TO THE SAID MAJOR STREETS.
- 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.
- ALL SIDEWALKS SHALL BE INSTALLED BY THE TIMEFRAMES SET FORTH IN 900.08 OF THE STREET SPECIFICATIONS
- THERE MAY NOT BE FENCES OR ANY OTHER STRUCTURES BUILT IN ANY DRAINAGE EASEMENTS.
- THERE ARE NO EXISTING WETLANDS ON SITE PER JURISDICTIONAL DETERMINATION STUDY DONE BY HABITAT ARCHITECTS MARCH 2024

PARENT TRACT DESCRIPTION:

THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 19 NORTH, RANGE 31 WEST OF THE FIFTH PRINCIPAL MERIDIAN, ALL IN BENTON COUNTY, ARKANSAS.

LOT 1 DESCRIPTION:

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE 1/4 SW 1/4) OF SECTION 21, TOWNSHIP 19 NORTH, RANGE 31 WEST OF THE FIFTH PRINCIPAL MERIDIAN, ALL IN BENTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A TWO INCH (2") ALUMINUM MONUMENT STAMPED PS 1834 ACCEPTED AS THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 21.

THENCE ALONG GRID BEARINGS, SOUTH 02 DEGREES 30 MINUTES 39 SECONDS WEST FOR A DISTANCE OF 35.05 FEET TO A FIVE-EIGHTHS INCH (5/8") REBAR WITH PS 1834 CAP TO THE POINT OF BEGINNING.

THENCE SOUTH 02 DEGREES 30 MINUTES 39 SECONDS WEST FOR A DISTANCE OF 516.49 FEET TO A FIVE-EIGHTHS INCH (5/8") REBAR WITH PS 1834 CAP ON THE EAST BOUNDARY OF THE NORTHEAST QUARTER SOUTHWEST QUARTER, SECTION 21.

THENCE DEPARTING FROM SAID EAST BOUNDARY OF THE NORTHEAST QUARTER SOUTHWEST QUARTER, SECTION 21, NORTH 87 DEGREES 04 MINUTES 31 SECONDS WEST FOR A DISTANCE OF 1,198.84 FEET TO A FIVE-EIGHTHS INCH (5/8") REBAR WITH PS 1834 CAP.

THENCE NORTH 02 DEGREES 55 MINUTES 29 SECONDS EAST FOR A DISTANCE OF 510.20 FEET TO A FIVE-EIGHTHS INCH (5/8") REBAR WITH PS 1834 CAP.

THENCE SOUTH 87 DEGREES 22 MINUTES 35 SECONDS EAST FOR A DISTANCE OF 1,195.13 FEET TO THE POINT OF BEGINNING, CONTAINING 14.11 ACRES, MORE OR LESS.

LOT 2 DESCRIPTION:

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE 1/4 SW 1/4) OF SECTION 21, TOWNSHIP 19 NORTH, RANGE 31 WEST OF THE FIFTH PRINCIPAL MERIDIAN, ALL IN BENTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A TWO INCH (2") ALUMINUM MONUMENT STAMPED PS 1834 ACCEPTED AS THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 21.

THENCE ALONG GRID BEARINGS, SOUTH 02 DEGREES 30 MINUTES 39 SECONDS WEST FOR A DISTANCE OF 551.54 FEET TO A FIVE-EIGHTHS INCH (5/8") REBAR WITH PS 1834 CAP TO THE POINT OF BEGINNING.

THENCE SOUTH 02 DEGREES 30 MINUTES 39 SECONDS WEST FOR A DISTANCE OF 767.15 FEET TO A TWO-INCH ALUMINUM MONUMENT STAMPED PS 1005 MARKING THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER SOUTHWEST QUARTER, SECTION 21.

THENCE NORTH 87 DEGREES 14 MINUTES 16 SECONDS WEST FOR A DISTANCE OF 1,315.33 FEET TO A TWO-INCH ALUMINUM MONUMENT STAMPED PS 1005 MARKING THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER SOUTHWEST QUARTER, SECTION 21.

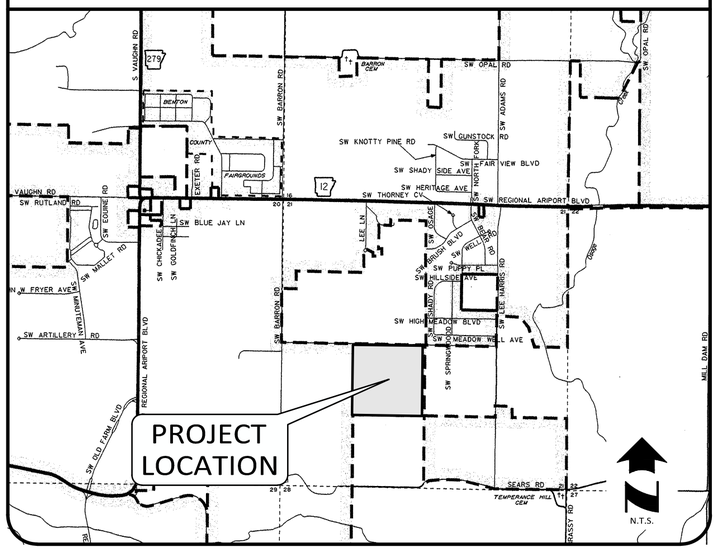
THENCE NORTH 02 DEGREES 36 MINUTES 57 SECONDS EAST ALONG THE WEST BOUNDARY OF THE NORTHEAST QUARTER SOUTHWEST QUARTER, SECTION 21, FOR A DISTANCE OF 1,280.45 FEET TO A FIVE EIGHTHS INCH REBAR WITH PS 1834 CAP.

THENCE DEPARTING SAID QUARTER LINE, SOUTH 87 DEGREES 22 MINUTES 35 SECONDS EAST FOR A DISTANCE OF 117.84 FEET TO A FIVE-EIGHTHS INCH REBAR WITH PS 1834 CAP.

THENCE SOUTH 02 DEGREES 55 MINUTES 29 SECONDS WEST FOR A DISTANCE OF 510.20 FEET TO A FIVE EIGHTHS INCH REBAR WITH PS 1834 CAP.

THENCE SOUTH 87 DEGREES 04 MINUTES 31 SECONDS EAST FOR A DISTANCE OF 1,198.84 FEET TO THE POINT OF BEGINNING, CONTAINING 24.57 ACRES, MORE OR LESS.

VICINITY MAP



LEGEND

- Section Line
- Quarter Section Line
- Quarter Quarter Section Line
- Boundary Line
- Adjacent Boundary Line
- Right of Way Line
- Road Centerline
- Easement Line
- Ex. Fence Line
- Ex. Ditch Line
- Set 5/8" Rebar w/ PS# 1913 Cap
- Set Mag Nail w/ PS# 1913 Washer
- Ex. Rebar / Rod
- Ex. Nail
- Ex. Monument
- Access Easement Dedicated Per This Plat
- Utility Easement Dedicated Per This Plat
- Right-of-Way Dedicated Per This Plat

ZONING - AGRICULTURAL DISTRICT (A-1)			
BUILDING SETBACKS			
FRONT	SIDE		REAR
	INTERIOR	EXTERIOR	
30'	30'	30'	30'

PIERCY ROAD RIGHT OF WAY DESCRIPTION:

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE 1/4 SW 1/4) OF SECTION 21, TOWNSHIP 19 NORTH, RANGE 31 WEST OF THE FIFTH PRINCIPAL MERIDIAN, ALL IN BENTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A TWO INCH (2") ALUMINUM MONUMENT STAMPED PS 1834, ACCEPTED AS THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 21.

THENCE ALONG GRID BEARINGS, SOUTH 02 DEGREES 30 MINUTES 39 SECONDS WEST FOR A DISTANCE OF 35.05 FEET TO A FIVE-EIGHTHS INCH (5/8") REBAR WITH PS 1834 CAP.

THENCE NORTH 87 DEGREES 22 MINUTES 35 SECONDS WEST A DISTANCE OF 1,312.97 FEET TO A FIVE-EIGHTHS INCH (5/8") REBAR WITH PS 1834 CAP ON THE WEST LINE OF THE NORTHEAST QUARTER SOUTHWEST QUARTER, SECTION 21.

THENCE ALONG SAID QUARTER LINE, NORTH 02 DEGREES 36 SECONDS 57 MINUTES EAST FOR A DISTANCE OF 38.74 FEET TO A MAG SPIKE NAIL AND WASHER STAMPED PS 1834 MARKING THE NORTHWEST CORNER OFTHE NORTHEAST QUARTER SOUTHWEST QUARTER, SECTION 21.

THENCE ALONG THE NORTH LINE OF THE NORTHEAST QUARTER SOUTHWEST QUARTER SECTION 21, SOUTH 87 DEGREES 12 MINUTES 54 SECONDS EAST FOR A DISTANCE OF 1,312.91 FEET TO THE POINT OF BEGINNING, CONTAINING 1.112 ACRES, MORE OR LESS.

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 DEDICATE TO THE USE OF THE PUBLIC THE STREETS, ALLEYS, DRIVES, EASEMENTS, ETC. AS SHOWN ON SAID PLAT.

DATE OF EXECUTION: _____

SIGNED: _____

STATE OF ARKANSAS

COUNTY OF _____

SWORN AND SUBSCRIBED BEFORE ME THIS DAY _____ OF _____, 2026.

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 _____
BENTONVILLE PLANNING COMMISSION CHAIRMAN

SIGNED _____
MAYOR CITY OF BENTONVILLE

SIGNED _____
CITY CLERK, CITY OF BENTONVILLE

CERTIFICATE OF SURVEYING ACCURACY:

I, JOSHUA BEMBENEK, 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 OF EXECUTION: MARCH 13, 2026

PRELIMINARY
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.
RELEASE DATE:
03/13/2026
FOR REVIEW & COMMENT

CERTIFICATE OF AUTHORIZATION
HALFF ASSOCIATES, INC.
No. 1470
ARKANSAS

SIGNED: _____
REGISTERED LAND SURVEYOR
NO. 1834
STATE OF ARKANSAS

Arkansas Plat Code: 500-19N-31W-0-21-310-04-1834

Filing Block

SURVEYOR
HALFF
2407 SE COTTONWOOD ST.
BENTONVILLE, AR 72712
CONTACT: JOSHUA BEMBENEK, P.L.S.
TELEPHONE: (479) 579-3983

OWNER/DEVELOPER
RLP DEVELOPMENTS, LLC
1111 N LEE AVENUE, STE 400
BENTONVILLE, AR 72712
CONTACT: RUSS PLUMLEY
TELEPHONE: (479) 530-2337

halff
2407 SE COTTONWOOD ST.
SUITE 1
BENTONVILLE, AR 72712
TEL. (479) 273-2209

CREATING NEW LOTS 1 & 2 OF PLUMLEY'S PLACE

BENTONVILLE, ARKANSAS

CITY PROJECT # LS25-0038

LOT SPLIT

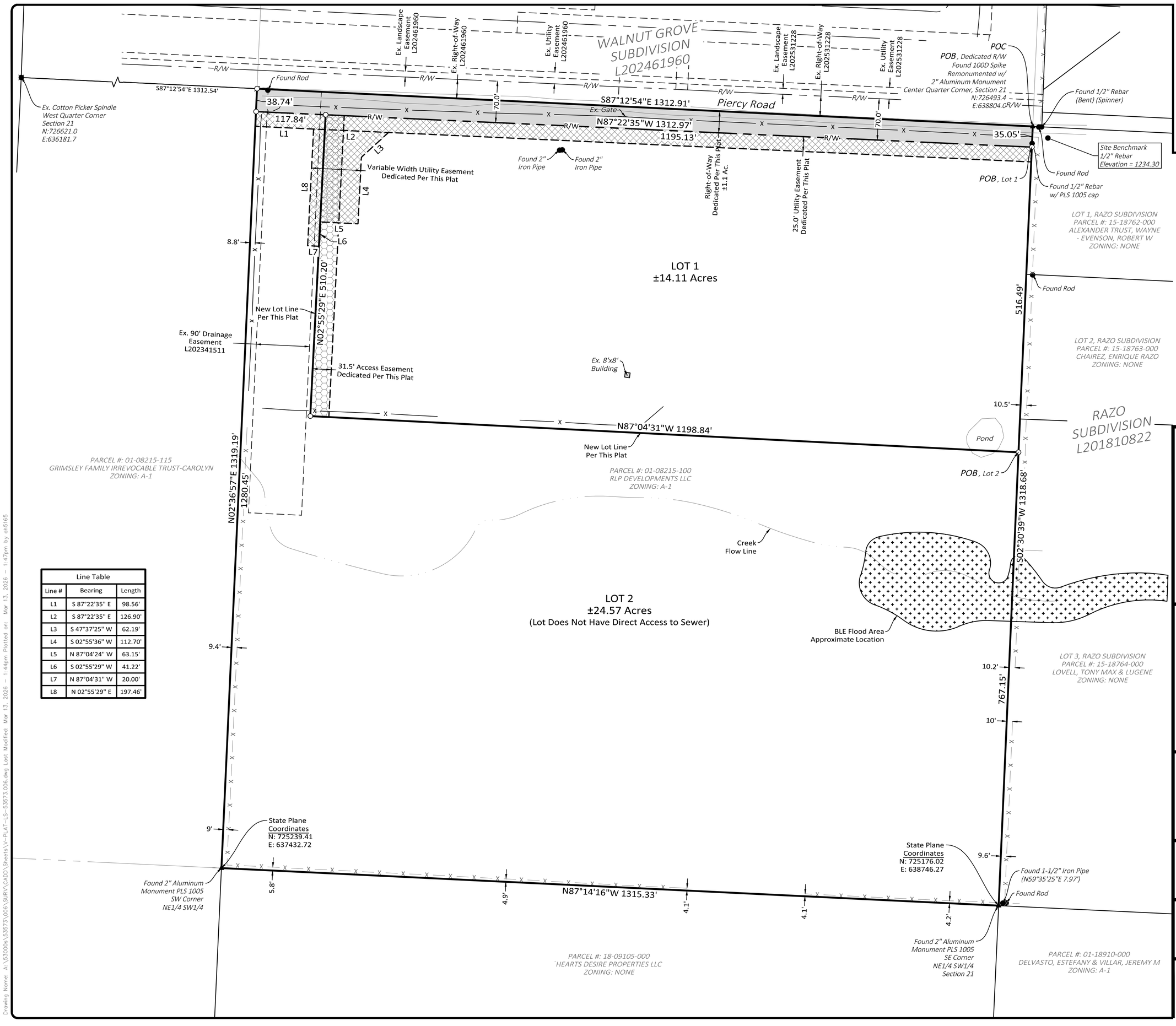
SECTION 21, T-19-N, R-31-W

Revisions

Drawn By:	JDS	Vert. Scale:	-
Approved By:	JBB	Horiz. Scale:	1" = 100'
Date:	03.13.2026	Plot Scale:	1
Project No.:	53573.006	DWG Name:	LOT SPLIT

SHEET 1 of 2

Drawing Name: A:\53000s\53573\006\SURV\CADD\Sheets\V--PLAT--LS--53573.006.dwg Last Modified: Mar 13, 2026 -- 1:44pm Plotted on: Mar 13, 2026 -- 1:46pm by ah5165



Line Table		
Line #	Bearing	Length
L1	S 87°22'35" E	98.56'
L2	S 87°22'35" E	126.90'
L3	S 47°37'25" W	62.19'
L4	S 02°55'36" W	112.70'
L5	N 87°04'24" W	63.15'
L6	S 02°55'29" W	41.22'
L7	N 87°04'31" W	20.00'
L8	N 02°55'29" E	197.46'

Filing Block

100 0 100
Scale in Feet

PRELIMINARY FOR REVIEW

halff
2407 SE COTTONWOOD ST.
SUITE 1
BENTONVILLE, AR 72712
TEL. (479) 273-2209

CREATING NEW LOTS 1 & 2 OF PLUMLEY'S PLACE

BENTONVILLE, ARKANSAS

CITY PROJECT # LS25-0038

LOT SPLIT

SECTION 21, T-19-N, R-31-W

Revisions

Drawn By:	**JDS**	Vert. Scale:	**-**
Approved By:	**JBB**	Horiz. Scale:	**1" = 100'**
Date:	**03.13.2026**	Plot Scale:	**1**
Project No.:	**53573.006**	DWG Name:	**LOT SPLIT**

SHEET **2** of 2

Drawing Name: A:\53000s\53573\006\SURV\CADD\Sheets\V-PLAT_LS_53573.006.dwg Last Modified: Mar 13, 2026 – 1:44pm Plotted on: Mar 13, 2026 – 1:47pm by ah5165

ORDINANCE NO._____

AN ORDINANCE ACCEPTING A LOT SPLIT OF PARCEL 01-08215-100 CREATING NEW LOTS 1 & 2 OF PLUMLEY'S PLACE TO THE CITY OF BENTONVILLE, ARKANSAS; AND FOR OTHER PURPOSES.

(PROJECT NUMBER: LS25-0038)

WHEREAS, pursuant to the provisions of the Land Development Code of the Bentonville Municipal Code, the lot split of PARCEL 01-08215-100 creating new LOTS 1 & 2 OF PLUMLEY'S PLACE to the City of Bentonville, Benton County, Arkansas, was submitted to the Bentonville Planning Commission on April 7, 2026;

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

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 PARCEL 01-08215-100 creating new LOTS 1 & 2 OF PLUMLEY'S PLACE 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;

Section 3 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 4 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED AND APPROVED this_____ day of _____, 2026.

APPROVED:

_____

Stephanie Orman, Mayor

ATTEST:

_____

Malorie Marrs, City Clerk

	Rezoning - Inclusion Reality, LLC - R-1, Low-Density Single-Family Residential to DN-4, Downtown Mixed-Use Residential
	906, 908, & 1000 SE 10th Street.
	PC Date: 4/7/2026

Staff Report Details

Project Number	(RZ26-0008)
Applicant / Current Owner	Ecological Design Group / Inclusion Realty LLC
Site Area	+/- **[.75]** Acres
Current Zoning	R-1, Low Density Single Family Residential
Requested Zoning	DN-4, Downtown Mixed-Use Residential
Current Future Land Use Map Designation	Urban Neighborhood
Requested Future Land Use Map Designation	N/A
Development Type / Use	
Related projects	

Property Description

The subject property is located at 906, 908, & 1000 SE 10th Street. The property is presently zoned R-1, Low Density Single Family Residential with a Future Land Use Map designation of Urban Neighborhood. The property has direct access to SE 10 Street, a Downtown Collector per the Master Street Plan. Surrounding districts include DN-2, Downtown Medium Density Residential to the west, R-1, Low Density Single Family Residential to the south, east and north, PRD, Planned Residential Development to the north, and R-3, Medium-High Density Multifamily Residential to the northwest. The properties directly surrounding the subject property to the north, east, and west are all designated as Urban Neighborhood, while the properties to the south (rear) are designated as Walkable Neighborhood.

Project Details

The applicant requested a rezoning of the properties from R-1, Low Density Single Family Residential to DN-4, Downtown Mixed Use Residential, which keeps the property in compliance with the Future Land Use Map and Zoning Alignment Policy under Standard Review. In recent years, fourteen properties within a quarter-mile of the subject property have been rezoned from R-1, Low Density Single Family Residential to denser zoning districts. In their narrative, the applicant states that the requested zoning would allow for development of additional housing in a compact footprint without altering the nature and feel of this

Project Details

predominately single-family neighborhood. The applicant further states the proposed rezoning supports the vision and policies of the Community Plan, as it supports housing diversity, walkability, and moderate infill development.

Relationship to the Community Plan

The subject property is designated as Urban Neighborhood on the Future Land Use Map and is surround by Urban Neighborhood on the north, east, and west, and is adjacent to Walkable Neighborhood to the south. Rezoning the property to DN-4 would bring this property into alignment with the Future Land Use Map and Zoning Alignment Policy under standard review. The Community Plan defines Urban Neighborhood as the city's highest intensity neighborhoods, defined primarily by multi-family buildings and townhomes but with some single family and smaller commercial uses mixed in. A rezone to DN-4 would support the goals of the Urban Neighborhood place type which includes promoting housing diversity and reduces the amount of land needed for growth and use diversification.

Public Comment

Has Staff received Public Comment at the time of this report? : **No**

Analysis / Waivers

The applicant requested a rezoning of the properties from R-1, Low Density Single Family Residential to DN-4, Downtown Mixed Use Residential, which keeps the property in compliance with the Future Land Use Map and Zoning Alignment Policy under Standard Review. In their narrative, the applicant states that the requested zoning would allow for development of additional housing in a compact footprint without altering the nature and feel of this predominately single-family neighborhood. The applicant further states the proposed rezoning supports the vision and policies of the Community Plan, as it supports housing diversity, walkability, and moderate infill development. The applicant states there are no proposed immediate sales after rezoning, and that the property is intended to be developed.

Consistency

The proposed DN-4 zoning district is consistent with the adopted Future Land Use Map under **Standard Review** and is consistent with the Community Plan's guiding principal of thoughtful growth. (If the new code is adopted, a DN-4 zone would translate to T5.1 in the Urban Neighborhood place type. A T5.1 zone would also be consistent with the Future Land Use Map under Enhanced Review). Additionally, a rezone from R-1 to DN-4 would bring the property into compliance with the Zoning Alignment Policy, where an R-1 zoning district is not appropriate in an Urban Neighborhood Place Type.

Impact

The impact of this rezone on the community, if developed under the proposed DN-4 zone, would be an increase in density as the applicant states.

Compatibility

Surrounding properties are designated as Urban Neighborhood and have zoning classifications of DN-2, Downtown Medium Density Residential, R-1, Low Density Single Family Residential, PRD, Planned Residential Development, and R-3 Medium-High Density Multifamily Residential. This would not be the first rezone in this area. Some of the nearby rezones were rezoned from R-1, Low Density Single Family Residential to DN-3, Downtown Medium Density Residential. The subject property is less than 250 feet

Analysis / Waivers

from an Arterial (SE J St.).

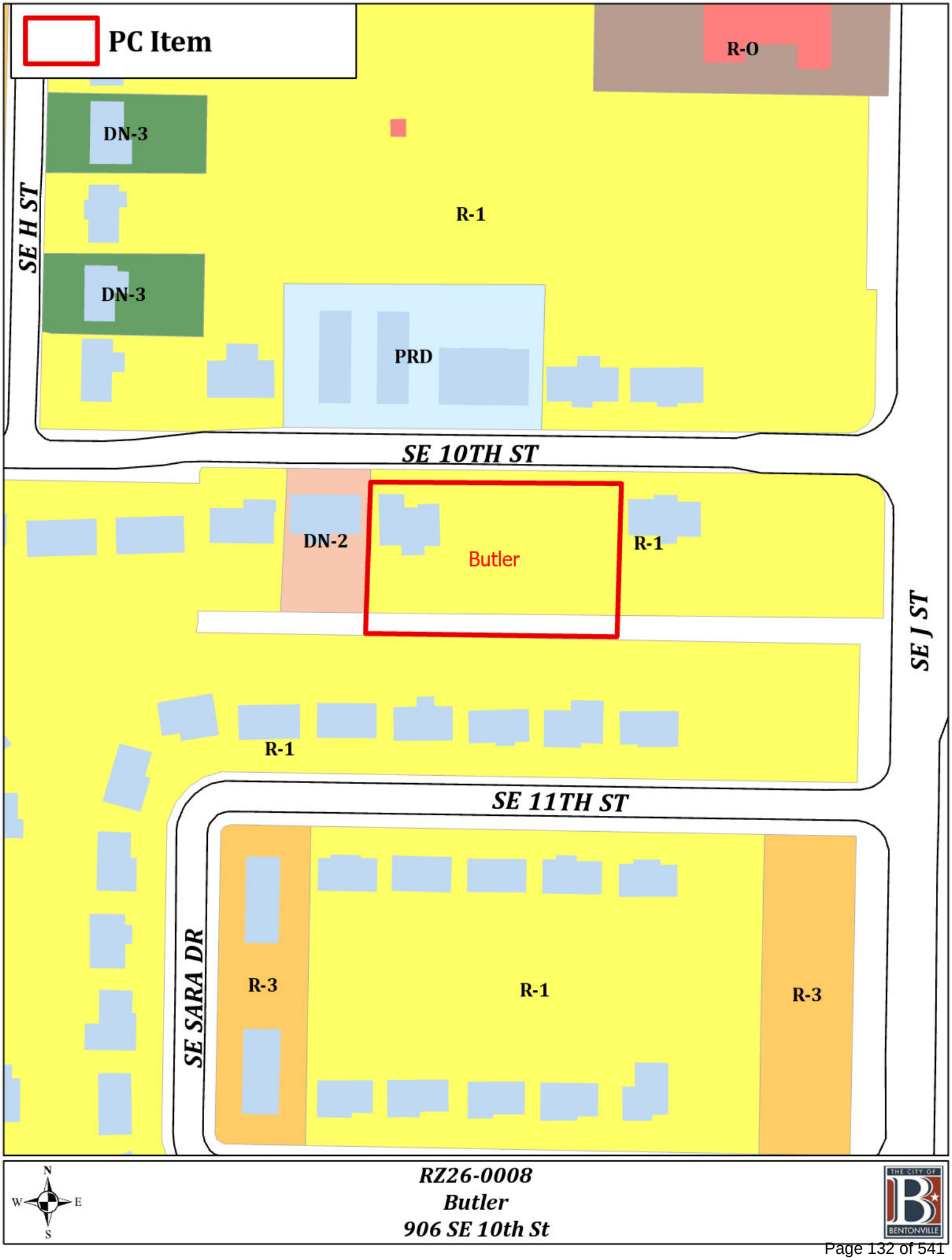
Intensity
The subject property is located within the Urban Neighborhood place type, which includes some of the city's highest intensity residential zoning types. A DN-4 zoning district allows for single-family, two-family, townhomes, and multifamily.

Orderly Transition
This rezone request supports an orderly transition of land use and allows for thoughtful development that aligns with the City's growth while maintaining visual and social cohesion.

Conclusion

Staff recommend approval as the application is consistent with the goals of the community plan and alignment policy.

Additional Details



RZ26-0008
Butler
906 SE 10th St

E | D | G

February 13, 2026

City of Bentonville Planning Commission
Community Development Building
305 SW A Street
Bentonville, Arkansas 72712

Re: ***Soma Flats Rezoning Request***

To the City of Bentonville Planning Commission:

On behalf of Inclusion Reality LLC, Ecological Design Group (EDG) is submitting this rezone request for the parcels: 01-01189-000, 01-01190-000, 01-01191-000.

The property is currently zoned R1; Low Density Single-family Residential. The requested change in zoning is to accommodate a higher intensity zoning district, DN-4: Downtown Mixed-use Residential. There are no proposed immediate sales after rezoning – the property is intended to be developed. The Future Land Use map identifies this property as Urban Neighborhood which allows for increased neighborhood density and local commerce through the development of multi-family housing and mixed-use structures.

The DN-4 Downtown Mixed-use Residential zoning would allow additional housing in a compact footprint, reducing the amount of land needed for housing developments without altering the nature and feel of this predominantly single-family neighborhood.

Proposed Use

The request for (DN-4) Downtown Mixed-use Residential zoning is to allow the property to be developed with uses that are both compatible and complementary to existing and planned uses in the neighborhood. These neighboring uses include single-family housing to the south and east, multi-family townhouses to the north, and a vacant lot zoned as DN-2 to the west.

Signage

At this time, no signage is planned beyond signage as allowed by City Code.

Traffic

The property has vehicular access to SE 10th Street to the north, which is classified as a Downtown Collector. SE 10th St has close access to SE J St that has capacity to accommodate the traffic generated by the proposed development. In addition to vehicular access, the property is both walkable and bikeable. Proximity to retail, restaurants, and offices makes this an ideal location for residential units.

Availability of Water and Sewer

A 6" water main is located on SE 10th Street and an 8" sewer main is located to the southern side of the property. Additionally, there is a fire hydrant across SE 10th Street. The design team has already discussed water/sewer demands and availability through preliminary sewer study coordination with Bentonville Water Utilities.

E | D | G

Future Land Use Map and Zoning Districts Alignment Policy

This request to rezone the subject parcels to DN-4 (Downtown Mixed-use Residential) is appropriate and meets the criteria outlined in the Future Land Use Map and the Zoning Districts Alignment Policy. The proposed rezoning is consistent with the vision and policies of the Community Plan, as it supports housing diversity, walkability, and moderate infill development that aligns with long-term planning goals. The impact on surrounding land use is minimal, given that the area is already developed with a mix of residential types and is well-connected by pedestrian infrastructure. The rezoning is compatible with recent development activity in the area, which has trended toward small-scale, higher-density housing solutions that respect neighborhood scale. In terms of intensity, DN-4 falls within a reasonable range compared to adjacent zones and maintains a balanced transition.

Respectfully submitted,

E C O L O G I C A L D E S I G N G R O U P



Katelynn Hopkins, PE

LEGAL DESCRIPTION

Parcel #01-01189-000
LOT 4, BLOCK 2, OF B-W HEIGHTS SUBDIVISION TO THE CITY OF BENTONVILLE, ARKANSAS AS SHOWN ON THE PLAT OF RECORD RECORDED PLAT RECORD BOOK K, AT PAGE 156, ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF BENTON COUNTY, ARKASAS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

Parcel #01-01190-000
LOT 5, BLOCK 2, OF B-W HEIGHTS SUBDIVISION TO THE CITY OF OF BENTONVILLE, ARKANSAS AS SHOWN ON THE PLAT OF RECORD RECORDED PLAT RECORD BOOK K, AT PAGE 156, ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF BENTONV COUNTY, ARKANSAS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

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TABLE 2.1 PLACE TYPE CORRELATION WITH ZONING DISTRICTS

Place Type	Zones Allowed													
	T2.1	T2.2	R-1	T3.1	T3.2	T4.1	T4.2	T5.1	T5.2	T6.1	GC	LI	LFI	MH
Centers														
Regional Center							SR	SR	SR	SR	ER	ER		
City Center							SR	SR	ER					
Neighborhood Center						SR	SR	ER						
Neighborhoods														
Urban Neighborhood					SR	SR	SR	ER						
Walkable Neighborhood				SR	SR	SR	ER							
Traditional Neighborhood			SR	SR	SR									
Suburban Neighborhood			SR	SR	ER									ER
Corridors														
Urban Corridor							SR	SR	SR	ER	ER			
Walkable Corridor							SR	SR	ER		ER			
Suburban Corridor								SR			SR	ER		ER
Recreation														
Outdoor Entertainment	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER
Parks and Public Spaces	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER
Specialized														
Rural and Estates	SR	ER		ER										ER
Industry and Technology											SR	SR	ER	
Civic and Institutional	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER

SR: Standard review applies in accordance with Sec. 50-709(e) Review criteria. Zoning district is appropriate for place type.

ER: Enhanced review applies in accordance with Sec 50-709(e) Review criteria. Zoning district may be appropriate for the place type with a positive compliance review.

Blank: Zoning district is not appropriate for place type and will not be considered for rezoning.

Alignment Table

Place Types listed in order presented in Ch. 4 of Community Plan

SR = Standard Review applies (Sec. D.2); Zoning District is appropriate for the Place Type.

ER = Enhanced Review applies, (Sec. D.3); Zoning District may be appropriate for the Place Type with additional review.

Blank = No action, Sec. D.4; Zoning District is not appropriate for the Place Type.

Zoning District		A1	RE	R1	R2	R3	R4	DN1	DN2	DN3	DN4	DE	DC	C1	C2	C3	I1	I2
Place Type																		
Centers	Regional Center										SR	SR	SR			SR		
	City Center										SR	SR	ER			SR		
	Neighborhood Center										SR	SR		SR		ER		
Neighborhoods	Urban Neighborhood								SR	SR	SR	ER				ER		
	Walkable Neighborhood				ER	ER	ER	SR	SR	SR	ER							
	Traditional Neighborhood			SR				SR	ER									
	Suburban Neighborhood			SR	ER			ER										
Corridors	Urban Corridor											SR	ER			SR		
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	Parks and Public Spaces	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER
Specialized	Rural and Estates	SR	SR	ER														
	Industry and Technology														SR		SR	ER
	Civic and Institutional	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER
Remaining Districts:		**PUD/PRD** should follow the review criteria as established in the Zoning Code for PRD/PUD.																
		R-C2, R-C3, RZL and RO districts are not consistent with the Place Types of the Future Land Use Map and rezoning requests to these districts are not supported.																

ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL TO DN-4, DOWNTOWN MIXED-USE RESIDENTIAL; AND FOR OTHER PURPOSES.
(PROJECT NUMBER: RZ26-0008)

WHEREAS, Inclusion Realty, LLC duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL 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:

PARCEL #01-01189-000 LOT 4, BLOCK 2, OF B-W HEIGHTS SUBDIVISION TO THE CITY OF BENTONVILLE, ARKANSAS AS SHOWN ON THE PLAT OF RECORD RECORDED PLAT RECORD BOOK K, AT PAGE 156, ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF BENTON COUNTY, ARKASAS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD. PARCEL #01-01190-000 LOT 5, BLOCK 2, OF B-W HEIGHTS SUBDIVISION TO THE CITY OF OF BENTONVILLE, ARKANSAS AS SHOWN ON THE PLAT OF RECORD RECORDED PLAT RECORD BOOK K, AT PAGE 156, ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF BENTONV COUNTY, ARKANSAS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD. PARCEL #01-01191-000 LOT 6, BLOCK 2, OF B-W HEIGHTS SUBDIVISION TO THE CITY OF BENTONVILLE, ARKANSAS AS SHOWN ON THE PLAT OF RECORD RECORDED PLAT RECORD BOOK K, AT PAGE 156, ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF BENTON COUNTY, ARKANSAS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY RECORD;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held April 7, 2026 in the Council Chambers of the City of Bentonville;

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, LOW DENSITY SINGLE FAMILY RESIDENTIAL 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-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-4, DOWNTOWN MIXED-USE RESIDENTIAL and upon the adoption of the Bentonville Community Code, DN-4 will translate to T5.1, Town Center Low, in the Urban Neighborhood Place Type, to be used in accordance with the city zoning laws and state laws;

Section 2 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED AND APPROVED this_____ day of _____, 2026.

APPROVED:

_____
Stephanie Orman, Mayor

ATTEST:

_____
Malorie Marrs, City Clerk

Rezoning - Pacific Avenue Real Holdings, LLC - R-1, Low-Density Single-Family Residential to DN-3, Downtown High Density Residential

1813 SE Crouch Street

PC Date: 4/7/2026

Staff Report Details

Project Number	(RZ26-0009)
Applicant / Current Owner	Pacific Avenue Real Holdings, LLC
Site Area	+/- **[.21]** Acres
Current Zoning	R-1, Low-Density Single-Family Residential
Requested Zoning	DN-3, Downtown High Density Residential
Current Future Land Use Map Designation	Walkable Neighborhood
Requested Future Land Use Map Designation	N/A
Development Type / Use	Single-family residential
Related projects	N/A

Property Description

The subject property is located at 1813 SE Crouch Street. The property is presently zoned R-1, Low-Density Single-Family Residential with a future land use map designation of Walkable Neighborhood. The applicant is requesting DN-3, Downtown High Density Residential to bring a nonconforming zone into conformity with the future land use place type. **The existing zone will translate to R-1 and the proposed zone will translate to T4.2 under the zoning map translation.**

Project Details

The applicant has requested a rezoning of the property from R-1 to DN-3, which is consistent with the Zoning Alignment Policy under **standard review.** The property is currently zoned R-1 and is adjacent to R-1 homes to the east, south, and west, and the Walmart campus PUD to the north.

Relationship to the Community Plan

The property is designated as Walkable Neighborhood on the Future Land Use Map and is surrounded by

Relationship to the Community Plan

Walkable Neighborhood and Recreation to the north. This property is currently not in alignment with the FLUM, and rezoning to DN-3 would require standard review. The Community Plan defines Walkable Neighborhood as being made up of compatibly-scaled single-family homes, townhomes, and apartment buildings in a neighborhood setting. A rezone to DN-3 would support the goals of the Walkable Neighborhood place type by providing an opportunity for a variety of housing options, limited non-residential good and services and by supporting walking and biking as viable transportation alternatives.

Public Comment

Has Staff received Public Comment at the time of this report? : **Yes**

Analysis / Waivers

The applicants state in their narrative that they are requesting a zoning change from R-1 to DN-3. The reason for requesting a zoning change is to improve future development potential. The alignment policy calls for the Standard Review to consider the following elements:

Consistency

This rezone is consistent with the Walkable Neighborhood place type under Standard Review.

Impact

The proposed zone change is considerable in light of the upcoming zoning map amendments since R-1 translates to R-1 and DN-3 translates to T4.2 under the new code. If the new zoning code and map are not adopted, the impact will be largely be in the allowable uses, as DN-3 would allow for multi-family and townhouses on this lot and smaller setbacks that allow greater buildable area to counter the arterial right-of-way on SE 14th Street. T4.2 would allow for up to 12 dwellings per building and a maximum height of 50ft (4 stories).

Compatibility

This lot is surrounded by R-1 to the east, south, and west and PUD to the north. With SE 14th street being an Arterial per the master street plan, this rezone would allow for future mixed use along a busy corridor increasing walkability and convenience. With the adoption of the new code and zoning map, this property will be automatically rezoned to T4.2 which allows for limited retail and commercial space as well as a variety of housing options. While a change in use from single-family residential may disrupt the current neighborhood pattern, it would support the City's long-term planning goals and would be a good fit for the Arterial frontage.

Intensity

The proposed zone, DN-3, is adjacent to existing R-1 to the south. This rezone request of DN-3 would translate to T4.2 and the adjacent R-1 would stay R-1 after the adoption of the new zoning map. DN-3/T4.2 has a much higher intensity and more variety of uses than R-1.

Orderly Transition

This rezone would facilitate a gradient of zoning intensity from the PUD and arterial street frontage to the north and the evolving Walkable Neighborhood to the south. The difference between these zones would initially create an abrupt change of intensity; however, this neighborhood has potential to redevelop to accommodate higher intensity zones than R-1.

Conclusion

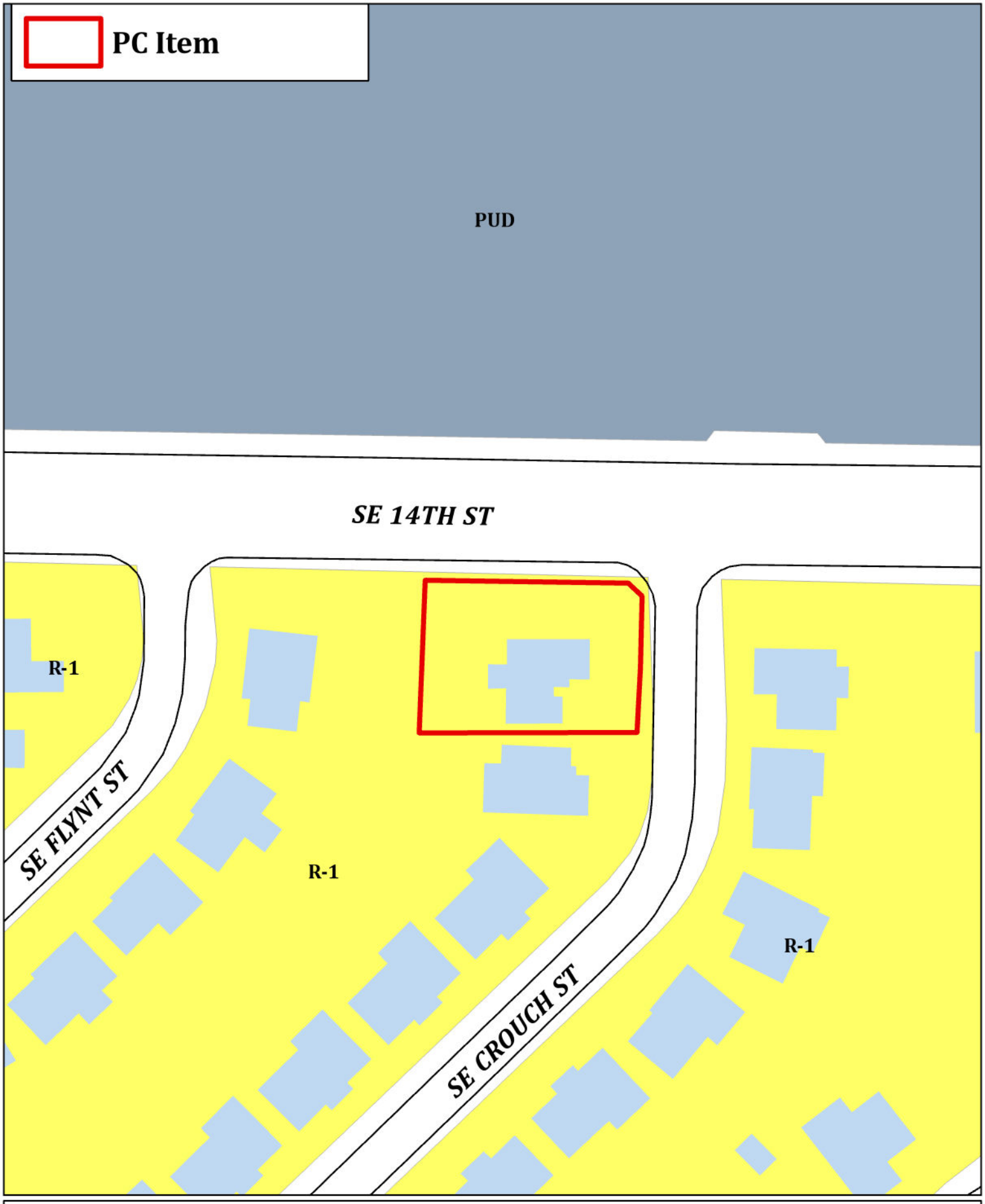
The Bland Valley subdivision has not been rezoned above R-1 to date. This request may be premature as it only fits with the place type under an enhanced review under the new code. If the planning commission believes that the neighborhood is ready for transition, this property would be a good place to start as it abuts the arterial roadway and could serve the subdivision with limited goods and services within walking

Conclusion

distance as allowed for under the T4.2 zone.

Additional Details

Water/Sewer Comments:
BWU supports as proposed rezoning matches FLUM.



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W E
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RZ26-0009
Ehret
1813 SE CROUCH ST

The property located at 1813 SE Crouch Street is currently zoned R-1 Low Density Residential. We are formally requesting a rezoning to DN-3 Downtown Medium-High Density Residential to better align with the character, corridor conditions, and ongoing growth of the area. The current property owner is Pacific Ave Real Holdings, LLC, and there are no planned or proposed sales of the property at this time.

The purpose of this rezoning request is to allow development standards that are more appropriate for a property with frontage along SE 14th Street, a primary arterial corridor and gateway into Bentonville. Due to the visibility and traffic exposure associated with this frontage, the existing R-1 setbacks and development standards are not well suited to the site's location. Rezoning to DN-3 will allow more favorable and context-appropriate setbacks that better address the corridor, improve site design, and support reinvestment consistent with surrounding properties.

The subject property is located in an area that reflects a transition from traditional single-family interior lots to corridor-oriented development. The proposed DN-3 zoning is consistent with the City's Future Land Use Map designation for walkable, connected neighborhoods. This classification supports moderate residential density in locations where infrastructure, access, and proximity to amenities make it appropriate.

The requested zoning does not introduce incompatible or heavy commercial uses. Rather, DN-3 maintains a residential character while allowing flexibility in building placement and setbacks to respond to arterial frontage conditions. This ensures compatibility with the surrounding neighborhood while acknowledging the property's visibility and corridor context.

The property is adequately served by existing infrastructure, including public water, sewer, and emergency services. No major utility extensions are anticipated. The site's location within an established service area makes it well equipped to accommodate development consistent with DN-3 standards without placing undue burden on public facilities.

Rezoning this property represents an appropriate and efficient use of land given its arterial frontage and surrounding zoning pattern. The request supports an orderly transition of land use by reinforcing corridor-based development rather than maintaining low-density standards designed for interior neighborhood lots.

In conclusion, the request to rezone 1813 SE Crouch Street from R-1 Low Density Residential to DN-3 Downtown Medium-High Density Residential aligns with the City of Bentonville's Future Land Use Map, supports appropriate setbacks, and promotes reinvestment consistent with the growth of the area. We are committed to ensuring that any future development complements the surrounding neighborhood while supporting the City's long-term planning goals.

Alignment Table

Place Types listed in order presented in Ch. 4 of Community Plan

SR = Standard Review applies (Sec. D.2); Zoning District is appropriate for the Place Type.

ER = Enhanced Review applies, (Sec. D.3); Zoning District may be appropriate for the Place Type with additional review.

Blank = No action, Sec. D.4; Zoning District is not appropriate for the Place Type.

Zoning District		A1	RE	R1	R2	R3	R4	DN1	DN2	DN3	DN4	DE	DC	C1	C2	C3	I1	I2
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Neighborhoods	Urban Neighborhood								SR	SR	SR	ER				ER		
	Walkable Neighborhood				ER	ER	ER	SR	SR	SR	ER							
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Recreation	Outdoor Entertainment	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER
	Parks and Public Spaces	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER
Specialized	Rural and Estates	SR	SR	ER														
	Industry and Technology														SR		SR	ER
	Civic and Institutional	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER
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		R-C2, R-C3, RZL and RO districts are not consistent with the Place Types of the Future Land Use Map and rezoning requests to these districts are not supported.																

TABLE 2.1 PLACE TYPE CORRELATION WITH ZONING DISTRICTS

Place Type	Zones Allowed													
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Corridors														
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Walkable Corridor							SR	SR	ER		ER			
Suburban Corridor								SR			SR	ER		ER
Recreation														
Outdoor Entertainment	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER
Parks and Public Spaces	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER
Specialized														
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Industry and Technology											SR	SR	ER	
Civic and Institutional	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER

SR: Standard review applies in accordance with Sec. 50-709(e) Review criteria. Zoning district is appropriate for place type.

ER: Enhanced review applies in accordance with Sec 50-709(e) Review criteria. Zoning district may be appropriate for the place type with a positive compliance review.

Blank: Zoning district is not appropriate for place type and will not be considered for rezoning.

NOTICE OF INTENT TO REZONE

ID: RZ26-0009

Pacific Ave Real Holdings, LLC has requested the Bentonville Planning Commission to set a public hearing date to consider rezoning the following property from:

R-1, Low Density Single Family Residential to DN-3, Downtown High Density Residential

The legal description of the property is:

Lot 13, Block 7, Bland Valley Estates, a subdivision to the City of Bentonville, Arkansas, as shown in Plat book 0 on Pages 228 and 229, Less and Except: starting at the Southwest corner of Lot 13, Block 7 Bland Valley Estates to the City of Bentonville, thence North 01°10'41" East along the West Line of Lot 13 Block 7, Bland Valley Estates a distance of 101.54 feet to a point on the Southerly proposed right of way line of State Highway 102 for THE POINT OF BEGINNING; thence continue North 01°10'41" East along the West line of Lot 13 Block 7, Bland Valley Estates, a distance of 4.16 feet to a point on the Southerly existing right of way line of State Highway 102; thence South 88°46'32" East along said existing right of way line a distance of 150.00 feet to a point on the Westerly existing right of way line of Crouch street; thence South 01°14'28" West along said existing right of way line a distance of 14.16 feet to a point on the Southerly proposed right of way line of State Highway 102; thence North 45°58'07" West along said proposed right of way a distance of 14.72 feet to a point; thence North 88°46'32" West along said proposed right of way line a distance of 139.20 feet to the point of beginning as set out in document 92-2905.

The common description of the property is: 1813 Crouch St. Bentonville, AR

The Public Hearing will be held on April 7, 2026, at 5:00 pm, at:

Bentonville City Hall
305 SW A St.
Bentonville, AR 72712

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. You can attend online by going to bentonvillear.com/592/Agendas-Minutes
2. Express your opinion in writing to the Planning Commission. You may mail this or deliver it to the City of Bentonville Planning Department located at City Hall.
3. Use the bottom of this form to express our opinion by checking the appropriate box. This may also be mailed or delivered to the Bentonville City Hall.

For more information, call the Bentonville Planning Department at (479) 271-3122 or email at planning@bentonvillear.com.

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

☐ I have no objections to the rezoning
☒ I object to the rezoning because:

This will add to traffic Congestion that is already a problem getting out of Neighborhood.

[redacted] 1807 Crouch

Signature & Physical Address

Signature & Physical Address

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

☐ I have no objections to the rezoning
☒ I object to the rezoning because: I am against Rezoning of this neighborhood.

I do not want apartments & high density housing moving into this neighborhood. Its already to busy with traffic & noise.

[redacted]

Signature & Physical Address

Signature & Physical Address

1806 Crouch st, Bentonville, Ar 72712

ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL TO DN-3, DOWNTOWN HIGH DENSITY RESIDENTIAL; AND FOR OTHER PURPOSES.
(PROJECT NUMBER: RZ26-0009)

WHEREAS, Pacific Avenue Real Holdings, LLC duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-3, DOWNTOWN HIGH DENSITY RESIDENTIAL to be used in accordance with city zoning laws and state laws, which property is described as follows:

LOT 13, BLOCK 7, BLAND VALLEY ESTATES, A SUBDIVISION TO THE CITY OF BENTONVILLE, ARKANSAS, AS SHOWN IN PLAT BOOK 0 ON PAGES 228 AND 229, LESS AND EXCEPT: STARTING AT THE SOUTHWEST CORNER OF LOT 13, BLOCK 7 BLAND VALLEY ESTATES TO THE CITY OF BENTONVILLE, THENCE NORTH 01°10'41" EAST ALONG THE WEST LINE OF LOT 13 BLOCK 7, BLAND VALLEY ESTATES A DISTANCE OF 101.54 FEET TO A POINT ON THE SOUTHERLY PROPOSED RIGHT OF WAY LINE OF STATE HIGHWAY 102 FOR THE POINT OF BEGINNING; THENCE CONTINUE NORTH 01°10'41" EAST ALONG THE WEST LINE OF LOT 13 BLOCK 7, BLAND VALLEY ESTATES, A DISTANCE OF 4.16 FEET TO A POINT ON THE SOUTHERLY EXISTING RIGHT OF WAY LINE OF STATE HIGHWAY 102; THENCE SOUTH 88°46'32" EAST ALONG SAID EXISTING RIGHT OF WAY LINE A DISTANCE OF 150.00 FEET TO A POINT ON THE WESTERLY EXISTING RIGHT OF WAY LINE OF CROUCH STREET; THENCE SOUTH 01°14'28" WEST ALONG SAID EXISTING RIGHT OF WAY LINE A DISTANCE OF 14.16 FEET TO A POINT ON THE SOUTHERLY PROPOSED RIGHT OF WAY LINE OF STATE HIGHWAY 102; THENCE NORTH 45°58'07" WEST ALONG SAID PROPOSED RIGHT OF WAY A DISTANCE OF 14.72 FEET TO A POINT; THENCE NORTH 88°46'32" WEST

ALONG SAID PROPOSED RIGHT OF WAY LINE A DISTANCE OF 139.20 FEET TO THE POINT OF BEGINNING AS SET OUT IN DOCUMENT 92-2905;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held April 7, 2026 in the Council Chambers of the City of Bentonville;

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, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-3, DOWNTOWN HIGH DENSITY RESIDENTIAL.

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

Section 1: That the above described real property is hereby changed from its present zoning classification of R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-3, DOWNTOWN HIGH DENSITY RESIDENTIAL and upon the adoption of the Bentonville Community Code, DN-3 will translate to T4.2, Neighborhood Node, in the Walkable Neighborhood Place Type, to be used in accordance with the city zoning laws and state laws;

Section 2 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED AND APPROVED this_____ day of _____, 2026.

APPROVED:

ATTEST: **Stephanie Orman, Mayor**

Malorie Marrs, City Clerk

Rezoning - Phillips - R-1, Low-Density Single-Family Residential to DN-3, Downtown High Density Residential

309 SE B Street

PC Date: 4/7/2026

Staff Report Details

Project Number	(RZ26-0010)
Applicant / Current Owner	Joanna Phillips
Site Area	+/- **[.17]** Acres
Current Zoning	R-1, Low-Density Single-Family Residential
Requested Zoning	DN-3, Downtown High Density Residential
Current Future Land Use Map Designation	Urban Neighborhood
Requested Future Land Use Map Designation	N/A
Development Type / Use	Single-family residential
Related projects	N/A

Property Description

The subject property is located at 309 SE B Street. The property is presently zoned R-1, Low-Density Single-Family Residential, with a future land use map designation of Urban Neighborhood. The applicant is requesting DN-3, Downtown High Density Residential to bring a nonconforming lot into conformity with Future Land Use Plan and to have smaller setbacks for more buildable area. **The existing zone will translate to R-1 and the proposed zone will translate to T4.2.**

Project Details

The applicant has requested a rezoning of the property from R-1 to DN-3, which is consistent with the Zoning Alignment Policy under **standard review.** The property is currently zoned R-1 and is adjacent to R-1 to the east, south, and west and DN-2 to the north. All surrounding uses are single-family residential.

Relationship to the Community Plan

The property is designated as Urban Neighborhood on the Future Land Use Map and is surrounded by Urban Neighborhood and is in close proximity to City Center to the west. This property is currently not in

Relationship to the Community Plan

alignment with the FLUM, and the rezoning request for DN-3 is consistent with the future land use map alignment policy under a standard review. The Community Plan defines Urban Neighborhood as being made up of multi-family buildings and townhomes but with some single-family and smaller commercial uses mixed in. A rezone to DN-3 would support the goals of the Urban Neighborhood place type for future redevelopment.

Public Comment

Has Staff received Public Comment at the time of this report? : **Yes**

Analysis / Waivers

The applicant requested a zoning change from R-1 to DN-3. The reason for requesting a zoning change is to make property improvements which involve expanding the existing footprint. The alignment policy calls for the Standard Review to consider the following elements:

Consistency

This rezone is consistent with the Community plan for the Urban Neighborhood place type under Standard Review.

Impact

Once the new zoning code is adopted DN-3 will translate to T4.2, Neighborhood Node, which allows for a variety of housing types from single family detached to 12 dwellings per building and limited non-residential which is appropriate for the Urban Neighborhood place type. Under the current code, DN-3 allows for smaller setbacks compared to R-1 with a 10ft rather than 20ft exterior side setback which is beneficial for a corner lot. Once the property translates to T4.2 the side street setback would become 8ft.

Compatibility

This lot is surrounded by DN-2 to the north and R-1 to the east, south, and west. The property is outside of the draft downtown neighborhood overlay and there are recently constructed townhomes to the south of SE 4th, north of the trail (LSD23-0021).

Intensity

The proposed zone, DN-3, is a mid level intensity for the standard review zones within the place type.

Orderly Transition

The proposal continues the transition from the City Center (higher intensity place type) to the east. The property to the north is proposed to translate to T4.1, again an orderly transition as we lower intensity moving north toward the Traditional Neighborhood place type.

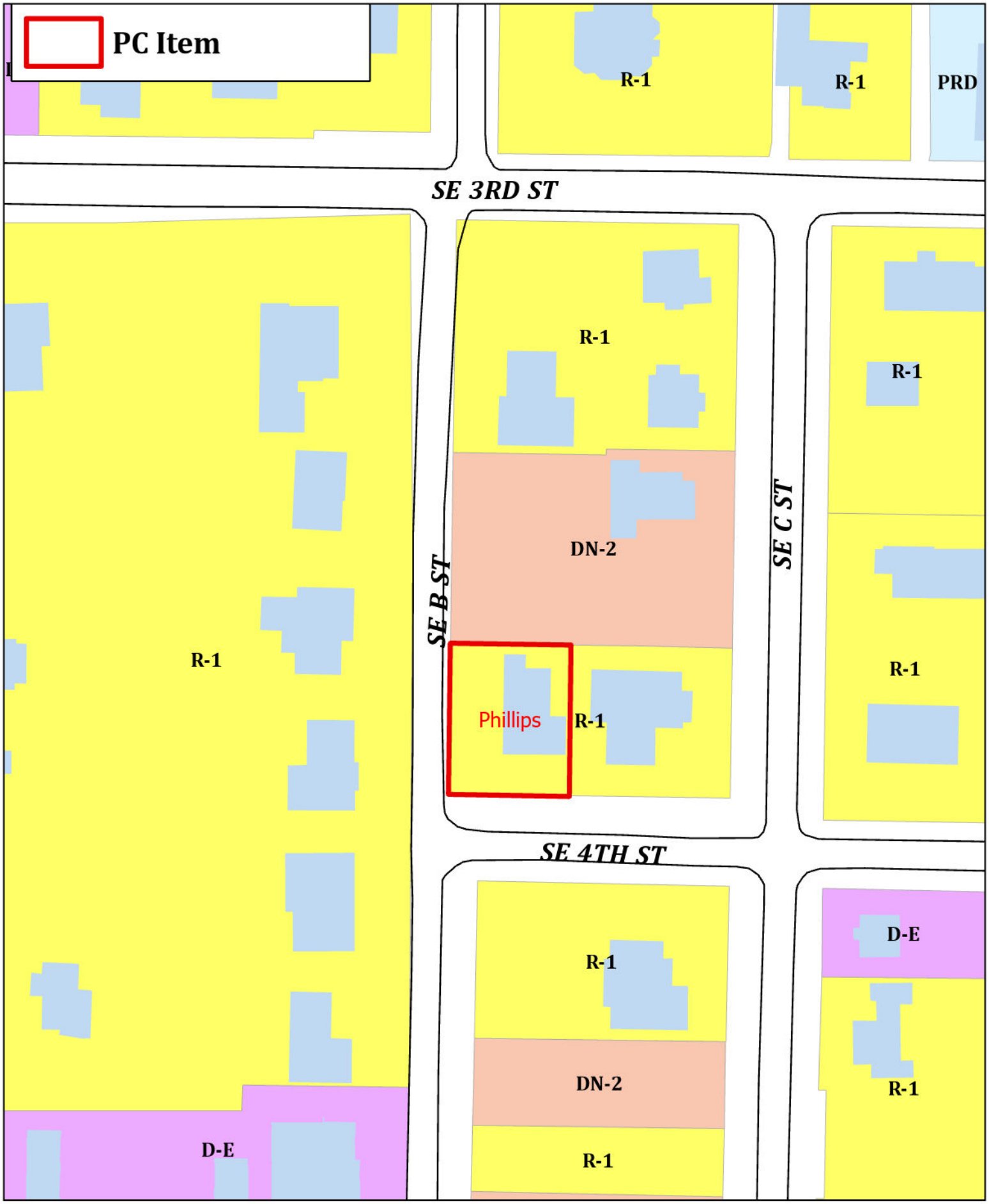
Conclusion

Staff recommends approval as the application is consistent with the goals of the community plan and alignment policy under standard review.

Additional Details

Water/Sewer Comments:

BWU supports this rezone.



RZ26-0010
Phillips
309 SE B ST

ARA

Alan Reid
& ASSOCIATES
PROFESSIONAL
LAND
SURVEYORS
BOUNDARY
TOPO
GPS

March 3rd, 2026

City of Bentonville- Planning Commission & City Council
305 SW A Street
Bentonville, AR 72712

Re: Revision from Feb. 19th, 2026 Letter / Rezone Request at 309 SE "B' Street, Bentonville, AR 72712
Benton County Parcel 01-00544-000 / Owner, Joanna Phillips / ARA job 26002
Request R-1 to be changed to DN-3

Dear Planners,

This submittal is for a rezone request for property located at:
309 SE "B" Street, Bentonville, AR 72712.
The Benton County parcel number assigned to the property is 01-00544-000. Ms. Joanna Phillips is the owner of the property; she has authorized Alan Reid & Associates to represent her interest in taking the rezone request through the City of Bentonville review / approval process. Currently the property is zoned R-1; the request is to change that to DN-3 in order expand the existing building footprint, the setbacks for DN-3 are more favorable to the development plan than the existing zoning in place; it is also in keeping with the Bentonville Land Use plan.

Following are some criteria that were considered when putting together the zoning request:

1) The Bentonville Land Use plan shows the subject property as "Neighborhood Urban", which supports a higher intensity use of the land "Urban Neighborhoods are the city's highest intensity neighborhoods, defined primarily by multi-family buildings and townhomes but with some single family and smaller commercial uses mixed in...". It is reasonable that the owners would like to maximize the use of their property, if appropriate; and they feel that it is. **The definition stated above (higher intensity use with an insertion of commercial nearby) from Bentonville "Neighborhood Urban" Land Use definitions is consistent with what is being asked for.**

   >There is a transition in zoning in the area (higher intensity) as demonstrated a few doors down East from the subject property under discussion, the NW corner of SE "4th" Street & SE "D" Street (townhomes) with a zoning of D-E (Downtown Edge) and that zoning is mirrored across the street to the South

   >Also, a few blocks East of the subject property under discussion, commercial property exists allowing for a diverse urban fabric.

118 S. College Avenue Fayetteville, Arkansas 72701 479 444 8784 1 888 549 8784 Fax 479 444 0964

2) There is not any known negative impact on the community. It is the intention of the property owner to renovate the existing structure (309 SE "B" St.) with an addition. There will be a visual change on the corner; but, development within city guidelines takes place on a regular basis.
3) There is no foreseen incompatibility issue, the property is still intended to be used for residential purposes.
4) The intensity of the development on the lot will increase (larger building foot print); but, it is not anticipated to be out of line with the surrounding context.
5) The zoning request supports an orderly transition/ development pattern as it has taken into account the Bentonville Land Use plan and considers the use/intensity compatible and appropriate for the neighborhood.

In regard to other criteria to consider in a zoning request, there is not an additional drain on public utilities and/ or a negative impact on circulation of people and goods as a result of the requested zoning change. There is also no known negative impact to the efficiency and economy of the development process. This rezoning request is simply to achieve the best use of land and has been studied to be appropriate in the overall context of an evolving neighborhood. Thank you for your consideration.

Please contact our office with any questions regarding the project.

Best regards,

[redacted]

Alan Reid

Professional Land Surveyor

118 S. College Avenue Fayetteville, Arkansas 72701 479 444 8784 arasurveying@sbcglobal.net

Alignment Table

Place Types listed in order presented in Ch. 4 of Community Plan

SR = Standard Review applies (Sec. D.2); Zoning District is appropriate for the Place Type.

ER = Enhanced Review applies, (Sec. D.3); Zoning District may be appropriate for the Place Type with additional review.

Blank = No action, Sec. D.4; Zoning District is not appropriate for the Place Type.

Zoning District		A1	RE	R1	R2	R3	R4	DN1	DN2	DN3	DN4	DE	DC	C1	C2	C3	I1	I2
Place Type																		
Centers	Regional Center										SR	SR	SR			SR		
	City Center										SR	SR	ER			SR		
	Neighborhood Center										SR	SR		SR		ER		
Neighborhoods	Urban Neighborhood								SR	SR	SR	ER				ER		
	Walkable Neighborhood				ER	ER	ER	SR	SR	SR	ER							
	Traditional Neighborhood			SR				SR	ER									
	Suburban Neighborhood			SR	ER			ER										
Corridors	Urban Corridor											SR	ER			SR		
	Walkable Corridor										SR	ER		SR		ER		
	Suburban Corridor													SR	ER			
Recreation	Outdoor Entertainment	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER
	Parks and Public Spaces	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER
Specialized	Rural and Estates	SR	SR	ER														
	Industry and Technology														SR		SR	ER
	Civic and Institutional	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER
Remaining Districts:		**PUD/PRD** should follow the review criteria as established in the Zoning Code for PRD/PUD.																
		R-C2, R-C3, RZL and RO districts are not consistent with the Place Types of the Future Land Use Map and rezoning requests to these districts are not supported.																

TABLE 2.1 PLACE TYPE CORRELATION WITH ZONING DISTRICTS

Place Type	Zones Allowed													
	T2.1	T2.2	R-1	T3.1	T3.2	T4.1	T4.2	T5.1	T5.2	T6.1	GC	LI	LFI	MH
Centers														
Regional Center							SR	SR	SR	SR	ER	ER		
City Center							SR	SR	ER					
Neighborhood Center						SR	SR	ER						
Neighborhoods														
Urban Neighborhood					SR	SR	SR	ER						
Walkable Neighborhood				SR	SR	SR	ER							
Traditional Neighborhood			SR	SR	SR									
Suburban Neighborhood			SR	SR	ER									ER
Corridors														
Urban Corridor							SR	SR	SR	ER	ER			
Walkable Corridor							SR	SR	ER		ER			
Suburban Corridor								SR			SR	ER		ER
Recreation														
Outdoor Entertainment	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER
Parks and Public Spaces	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER
Specialized														
Rural and Estates	SR	ER		ER										ER
Industry and Technology											SR	SR	ER	
Civic and Institutional	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER

SR: Standard review applies in accordance with Sec. 50-709(e) Review criteria. Zoning district is appropriate for place type.

ER: Enhanced review applies in accordance with Sec 50-709(e) Review criteria. Zoning district may be appropriate for the place type with a positive compliance review.

Blank: Zoning district is not appropriate for place type and will not be considered for rezoning.

NOTICE OF INTENT TO REZONE

Joanna Phillips, represented by Alan Reid & Associates has requested the Bentonville Planning Commission to set a public hearing date to consider rezoning the following property from

R-1 to DN-3

The legal description of the property is as follows:

A PART OF OUTLOT 2 OF ARMSTRONG'S SUBDIVISION OF RAILROAD ADDITION, BENTONVILLE, BENTON COUNTY, ARKANSAS, BEING A PART OF THE NORTHEAST QUARTER (NE1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION THIRTY-ONE (31), TOWNSHIP TWENTY (20) NORTH, RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MERIDIAN, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION THIRTY-ONE (31); THENCE S02°35'00"W 969.33 FEET; THENCE N87°19'41"W 110.00 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING AN EXISTING IRON REBAR IN CONCRETE; THENCE S02°14'14"W 97.40 FEET TO AN EXISTING IRON REBAR; THENCE N87°22'53"W 77.74 FEET TO AN EXISTING IRON REBAR; THENCE N02°18'20"E 97.21 FEET TO AN EXISTING IRON REBAR; THENCE S87°31'32"E 77.62 FEET TO THE POINT OF BEGINNING, CONTAINING 0.17 ACRES, MORE OR LESS.

The common description of the property is: 309 SE "B" STREET, BENTONVILLE, AR 72712

The public hearing will be held April 7th, 20 26 at 5:00 p.m. It will be held at 305 S.W. "A" Street.

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

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

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

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

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

I would prefer that single family homes stay prevelant on B St. The taller building creates shade I don't want. I prefer permanent residents.

306 SE B. St.

[redacted]

Signature and Physical Address

Signature and Physical Address

Bentonville AR
72712

NOTICE OF INTENT TO REZONE

Joanna Phillips, represented by Alan Reid & Associates has requested the Bentonville Planning Commission to set a public hearing date to consider rezoning the following property from

R-1 to DN-3

The legal description of the property is as follows:

A PART OF OUTLOT 2 OF ARMSTRONG'S SUBDIVISION OF RAILROAD ADDITION, BENTONVILLE, BENTON COUNTY, ARKANSAS, BEING A PART OF THE NORTHEAST QUARTER (NE1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION THIRTY-ONE (31), TOWNSHIP TWENTY (20) NORTH, RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MERIDIAN, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION THIRTY-ONE (31); THENCE S02°35'00"W 969.33 FEET; THENCE N87°19'41"W 110.00 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING AN EXISTING IRON REBAR IN CONCRETE; THENCE S02°14'14"W 97.40 FEET TO AN EXISTING IRON REBAR; THENCE N87°22'53"W 77.74 FEET TO AN EXISTING IRON REBAR; THENCE N02°18'20"E 97.21 FEET TO AN EXISTING IRON REBAR; THENCE S87°31'32"E 77.62 FEET TO THE POINT OF BEGINNING, CONTAINING 0.17 ACRES, MORE OR LESS.

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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:

- [x] I / we have no objections to the rezoning.
- [ ] I / we object to the rezoning because:

[redacted]

Signature and Physical Address

Signature and Physical Address

301 SE B STREET
BENTONVILLE, AR, 72712

ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL TO DN-3, DOWNTOWN HIGH DENSITY RESIDENTIAL; AND FOR OTHER PURPOSES.
(PROJECT NUMBER: RZ26-0010)

WHEREAS, Joanna Phillips 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, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-3, DOWNTOWN HIGH DENSITY RESIDENTIAL to be used in accordance with city zoning laws and state laws, which property is described as follows:

> PART OF OUTLOT 2 OF ARMSTRONG'S SUBDIVISION OF RAILROAD ADDITION, BENTONVILLE, BENTON COUNTY, ARKANSAS, BEING A PART OF THE NORTHEAST QUARTER (NE1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION THIRTY-ONE (31), TOWNSHIP TWENTY (20) NORTH, RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MERIDIAN, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION THIRTY-ONE (31); THENCE S02°35'00"W 969.33 FEET; THENCE N87°19'41"W 110.00 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING AN EXISTING IRON REBAR IN CONCRETE; THENCE S02°14'14"W 97.40 FEET TO AN EXISTING IRON REBAR; THENCE N87°22'53"W 77.74 FEET TO AN EXISTING IRON REBAR; THENCE N02°18'20"E 97.21 FEET TO AN EXISTING IRON REBAR; THENCE S87°31'32"E 77.62 FEET TO THE POINT OF BEGINNING, CONTAINING 0.17 ACRES, MORE OR LESS;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held April 7, 2026 in the Council Chambers of the City of Bentonville;

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, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-3, DOWNTOWN HIGH DENSITY RESIDENTIAL.

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

Section 1: That the above described real property is hereby changed from its present zoning classification of R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-3, DOWNTOWN HIGH DENSITY RESIDENTIAL upon the adoption of the Bentonville Community Code, DN-3 will translate to T4.2, Neighborhood Node, in the Urban Neighborhood Place Type, to be used in accordance with the city zoning laws and state laws;

Section 2 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED AND APPROVED this_____ day of _____, 2026.

APPROVED:

_____

Stephanie Orman, Mayor

ATTEST:

_____

Malorie Marrs, City Clerk

Rezoning - Chen & Ehret Real Holdings, LLC - R-1, Low-Density Single-Family Residential to DN-3, Downtown High Density Residential

1105 Convair St

PC Date: 4/7/2026

Staff Report Details

Project Number	(RZ26-0011)
Applicant / Current Owner	Chen & Ehret Real Holdings, LLC
Site Area	+/- **.32** Acres
Current Zoning	R-1, Low Density Single Family Residential (R-1 in proposed BCC)
Requested Zoning	DN3, Downtown High Density Residential (T4.2 in proposed BCC)
Current Future Land Use Map Designation	Walkable Neighborhood
Requested Future Land Use Map Designation	N/A
Development Type / Use	
Related projects	LS23-0022, RZ23-0033

Property Description

The subject property is located at 1105 Convair Street. The current zoning of the property is R-1, Low Density Single Family Residential with a Future Land Use Map designation of Walkable Neighborhood. The adjacent properties directly to the north, south, east, and west, are zoned R-1, while properties to the southwest and northeast are zoned R-2, Medium Density Two Family and Townhome Residential. The Place Type in all surrounding properties is Walkable Neighborhood, where R-1 is an inappropriate zoning district and R-2 is an enhanced review zoning district. The property has direct access to Convair Street, which is a local street according to the Master Street Plan. Three other properties in the neighborhood have rezoned to DN-3 in 2025 (2303 E Douglas St, 2305 Douglas St, and 1001 Convair St).

Project Details

The applicant has requested a rezoning of the property from R-1 Low Density Single Family Residential (R-1 in proposed BCC) to DN-3 Downtown High Density Residential (T4.2 in proposed BCC). With a Place Type of Walkable Neighborhood, a rezone request of DN-3 is under standard review (enhanced review in proposed BCC).

Relationship to the Community Plan

The applicant is requesting a standard review rezone. The Bentonville Community Plan states that Walkable neighborhoods should have a high degree of diversity in housing types. A DN-3 zoning district allows various housing types by right, such as single-family attached and townhomes. Furthermore, the property is located within a few hundred feet of a major job center, which could allow for more alternative modes of transportation, such as walking or biking, making the area more of a "Walkable Neighborhood".

Public Comment

Has Staff received Public Comment at the time of this report? : **Yes**

Analysis / Waivers

The applicants are requesting that the property located at 1105 Convair Street be rezoned from R-1 to DN-3, which is a standard review rezone request under the Future Land Use Map and Zoning Districts Alignment policy. In the new code, a DN-3 district in a Walkable Neighborhood place type will translate to T4.2, which is proposed to be an enhanced review rezone request. The applicant states that there are no proposed plans for sales of the property.

Consistency
The proposed DN-3 zoning district is consistent with the adopted Future Land Use Map under Standard Review and is consistent with the Community Plan's guiding principle of thoughtful growth. (If the new code is adopted, a DN-3 zone would translate to a T4.2 in a Walkable Neighborhood Place Type). R-1 is not an appropriate zoning district for Walkable Neighborhood. Therefore, a rezone from R-1 to DN-3 for the subject property would help to bring the neighborhood into conformity with the Zoning Alignment Policy and the goals of the Bentonville Community Plan.

Impact
The impact of this rezone on the community, if developed under the proposed DN-3 zone, would be to maintain a residential character while providing increased diversity in housing types, as the applicant states.

Compatibility
The neighborhood currently mainly consists of single-family residential homes. However, there are multiple properties across the street and to the northeast of the property that are currently being developed into duplex and single-family attached homes. The DN3 zoning district allows for single family, duplex, and townhome development and are compatible building types within this neighborhood that is currently in a transitional period.

Intensity
The most intense zone allowed with a Standard Review on the properties directly to the north, south, east, and west (Walkable Neighborhood Place Type) is DN-3, Downtown High Density Residential. DN-3 is a medium zone on the intensity scale. Therefore, a proposed DN-3 rezone is within a reasonable level of intensity among the adjacent properties.

Orderly Transition
The subject property is located in the middle of a Walkable Neighborhood place type. There are properties interspersed throughout the neighborhood zoned as both R-2, and DN-3. Therefore, it is advisable to view this rezone request in the context that the neighborhood is in a period of transition, where the city will continue to see future properties rezoned and redeveloped to conform with the Walkable Neighborhood

Analysis / Waivers

place type designation. This rezone request supports an orderly transition of land use and allows for thoughtful development that aligns with the City's growth while maintaining visual and social cohesion.

Standard Review Criteria
DN-3 is likely to implement the Walkable Neighborhood Place Type, which calls for a diverse set of housing types besides just single family homes. Additionally, a DN-3 zone is likely to result in development compatible with the Place Type of nearby properties, including duplexes, apartments, and single family homes.

Conclusion

Staff supports the application. This is a neighborhood in transition. There are a number of DN-3 zones recently approved and the proximity to jobs makes a compelling case for the additional housing that the translated T4.2 zone allows for.

Additional Details



N
W E
S

RZ26-0011
Chen & Ehret Real Holdings, LLC
1105 Convair St

THE CITY OF BENTONVILLE

The property located at 1105 Convair Street is currently zoned R-1 Low Density Residential. We are formally requesting a rezoning to DN-3 Downtown Medium-High Density Residential to better align with the continued growth and evolving development pattern of the surrounding area. The current property owner is Chen & Ehret Real Holdings, LLC, and there are no planned or proposed sales of the property at this time.

The purpose of this rezoning request is to allow for future reinvestment and development that aligns with the City's long-term planning goals while introducing greater housing diversity within the neighborhood.

The proposed DN-3 zoning is consistent with the City of Bentonville's Future Land Use Plan. This area is identified as part of a walkable and connected community near downtown, making it appropriate for moderate-density residential development. This designation supports the City's vision of encouraging housing options that are centrally located, pedestrian-friendly, and within close proximity to amenities, transportation corridors, and employment centers.

Rezoning to DN-3 does not introduce incompatible commercial or industrial uses. Rather, it maintains a residential character while providing flexibility in housing types and site design that reflects the evolving nature of the neighborhood. DN-3 offers an appropriate transition between traditional low-density residential areas and nearby properties that are experiencing reinvestment and incremental increases in density.

The site is served by existing public infrastructure, including water, sewer, and emergency services. The presence of established utilities ensures that any future development can be supported without requiring significant expansion of public facilities or infrastructure upgrades.

This request represents a responsible approach to infill development within an already serviced and developing area of Bentonville. By allowing moderate-density residential zoning in a location that supports walkability and connectivity, the proposal advances the City's goals of sustainable growth, housing diversity, and orderly urban development.

In conclusion, rezoning 1105 Convair Street from R-1 Low Density Residential to DN-3 Downtown Medium-High Density Residential aligns with Bentonville's planning framework and supports thoughtful reinvestment within the neighborhood.

TABLE 2.1 PLACE TYPE CORRELATION WITH ZONING DISTRICTS

Place Type	Zones Allowed													
	T2.1	T2.2	R-1	T3.1	T3.2	T4.1	T4.2	T5.1	T5.2	T6.1	GC	LI	LFI	MH
Centers														
Regional Center							SR	SR	SR	SR	ER	ER		
City Center							SR	SR	ER					
Neighborhood Center						SR	SR	ER						
Neighborhoods														
Urban Neighborhood					SR	SR	SR	ER						
Walkable Neighborhood				SR	SR	SR	ER							
Traditional Neighborhood			SR	SR	SR									
Suburban Neighborhood			SR	SR	ER									ER
Corridors														
Urban Corridor							SR	SR	SR	ER	ER			
Walkable Corridor							SR	SR	ER		ER			
Suburban Corridor								SR			SR	ER		ER
Recreation														
Outdoor Entertainment	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER
Parks and Public Spaces	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER
Specialized														
Rural and Estates	SR	ER		ER										ER
Industry and Technology											SR	SR	ER	
Civic and Institutional	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER

SR: Standard review applies in accordance with Sec. 50-709(e) Review criteria. Zoning district is appropriate for place type.

ER: Enhanced review applies in accordance with Sec 50-709(e) Review criteria. Zoning district may be appropriate for the place type with a positive compliance review.

Blank: Zoning district is not appropriate for place type and will not be considered for rezoning.

Alignment Table

Place Types listed in order presented in Ch. 4 of Community Plan

SR = Standard Review applies (Sec. D.2); Zoning District is appropriate for the Place Type.

ER = Enhanced Review applies, (Sec. D.3); Zoning District may be appropriate for the Place Type with additional review.

Blank = No action, Sec. D.4; Zoning District is not appropriate for the Place Type.

Zoning District		A1	RE	R1	R2	R3	R4	DN1	DN2	DN3	DN4	DE	DC	C1	C2	C3	I1	I2
Place Type																		
Centers	Regional Center										SR	SR	SR			SR		
	City Center										SR	SR	ER			SR		
	Neighborhood Center										SR	SR		SR		ER		
Neighborhoods	Urban Neighborhood								SR	SR	SR	ER				ER		
	Walkable Neighborhood				ER	ER	ER	SR	SR	SR	ER							
	Traditional Neighborhood			SR				SR	ER									
	Suburban Neighborhood			SR	ER			ER										
Corridors	Urban Corridor											SR	ER			SR		
	Walkable Corridor										SR	ER		SR		ER		
	Suburban Corridor													SR	ER			
Recreation	Outdoor Entertainment	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER
	Parks and Public Spaces	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER
Specialized	Rural and Estates	SR	SR	ER														
	Industry and Technology														SR		SR	ER
	Civic and Institutional	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER
Remaining Districts:		**PUD/PRD** should follow the review criteria as established in the Zoning Code for PRD/PUD.																
		R-C2, R-C3, RZL and RO districts are not consistent with the Place Types of the Future Land Use Map and rezoning requests to these districts are not supported.																

NOTICE OF INTENT TO REZONE

ID: RZ26-0011

Chen & Ehret Real Holdings has requested the Bentonville Planning Commission to set a public hearing date to consider rezoning the following property from: R-1, Low Density Single Family Residential to DN-3, Downtown High Density Residential
The legal description of the property is:

Lot 19, Skyview Acres, a subdivision to the City of Bentonville, Benton County, Arkansas, as shown in Plat Book E on Page 38.

The common description of the property is: 1105 Convair St. Bentonville, AR

The Public Hearing will be held on April 7, 2026, at 5:00 pm, at:

Bentonville City Hall
305 SW A St.
Bentonville, AR 72712

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. You can attend online by going to bentonvillear.com/592/Agendas-Minutes
2. Express your opinion in writing to the Planning Commission. You may mail this or deliver it to the City of Bentonville Planning Department located at City Hall.
3. Use the bottom of this form to express our opinion by checking the appropriate box. This may also be mailed or delivered to the Bentonville City Hall.

For more information, call the Bentonville Planning Department at (479) 271-3122 or email at planning@bentonvillear.com.

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

☒ I have no objections to the rezoning
☐ I object to the rezoning because:

[redacted] 1202 Convair St now 1108 Convair [redacted]

Signature & Physical Address *Signature & Physical Address*

ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL TO DN-3, DOWNTOWN HIGH DENSITY RESIDENTIAL; AND FOR OTHER PURPOSES.
(PROJECT NUMBER: RZ26-0011)

WHEREAS, Chen and Ehret Real Holdings, LLC duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-3, DOWNTOWN HIGH DENSITY RESIDENTIAL to be used in accordance with city zoning laws and state laws, which property is described as follows:

LOT 19, SKYVIEW ACRES, A SUBDIVISION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN IN PLAT BOOK E ON PAGE 38;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held April 7, 2026 in the Council Chambers of the City of Bentonville;

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, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-3, DOWNTOWN HIGH DENSITY RESIDENTIAL.

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

Section 1: That the above described real property is hereby changed from its present zoning classification of R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-3, DOWNTOWN HIGH DENSITY RESIDENTIAL and upon the adoption of the Bentonville Community Code, DN-3 will translate to T4.2, Neighborhood Node, in the Walkable Neighborhood Place Type, to be used in accordance with the city zoning laws and state laws;

Section 2 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED AND APPROVED this_____ day of _____, 2026.

APPROVED:

_____
Stephanie Orman, Mayor

ATTEST:

_____
Malorie Marrs, City Clerk

Rezoning - Marvin Gardens Real Holdings, LLC - R-1, Low-Density Single-Family Residential to DN-3, Downtown High Density Residential

2202/2204 Douglas Street

PC Date: 4/7/2026

Staff Report Details

Project Number	RZ26-0012
Applicant / Current Owner	Marvin Gardens Real Holdings, LLC
Site Area	+/- **0.37** Acres
Current Zoning	R-1, Low Density Single Family Residential (R-1 in proposed BCC)
Requested Zoning	DN-3, Downtown High Density Residential (T4.2 in proposed BCC)
Current Future Land Use Map Designation	Walkable Neighborhood
Requested Future Land Use Map Designation	D/A
Development Type / Use	Residential
Related projects	

Property Description

The subject property is a existing duplex located at 2202/2204 Douglas Street. The current zoning of the property is R-1, Low Density Single Family Residential with a Future Land Use Map designation of Walkable Neighborhood. The adjacent properties directly surrounding 2202/2204 Douglas are zoned R-1, while properties to the northeast, south and west are zoned DN-3, Downtown High Density Residential and R-2, Medium Density Two Family and Townhome Residential. The place type of all surrounding properties is Walkable Neighborhood, where R-1 is a district that does not align with our Future Land Use Alignment Table. The property has direct access to Douglas Street, which is a local street according to the Master Street Plan. The subject property has direct access to SE 14th Street a quarter-mile to its south.

Project Details

The applicant has requested a rezoning of the property from R-1, Low Density Single Family Residential (R-1 in proposed BCC) to DN-3, Downtown High Density Residential (T4.2 in proposed BCC). With a place type of Walkable Neighborhood, a rezone request to DN-3 is under Standard Review (Enhanced Review in proposed BCC).

Relationship to the Community Plan

The applicant is requested a Standard Review rezone. The Bentonville Community Plan states that Walkable Neighborhoods should have diverse housing options. A DN-3 zoning district allows various housing types by right including single-family attached and townhomes. Additionally, the subject property is located within a few hundred feet of a major job center, which would allow for more alternative modes of transportation like walking or biking.

Public Comment

Has Staff received Public Comment at the time of this report? : **No**

Analysis / Waivers

The applicant is requesting that the property located at 2202/2204 Convair Street be rezoned from R-1 to DN-3, which is a Standard Review rezone request under the Future Land Use Map and Zoning Districts Alignment policy. In the new code, a DN-3 district in a Walkable Neighborhood place type will translate to T4.2, which is proposed to be an Enhanced Review rezone request under the new code. The applicant states there are no proposed plans for sale of the property.

Consistency
The proposed DN-3 zoning district is consistent with the adopted Future Land Use Map under Standard Review and is consistent with the Community Plan's guiding principle of thoughtful growth. (If the new code is adopted, a DN-3 zone would translate to a T4.2 in a Walkable Neighborhood Place Type). R-1 does not align with the City's Zoning Alignment policy for the Walkable Neighborhood place type. Therefore, a rezone from R-1 to DN-3 for the subject property would help to bring the neighborhood into conformity with the Zoning Alignment Policy and the goals of the Bentonville Community Plan.

Impact
The impact of this rezone on the community, if developed under the proposed DN-3 zone, would be to maintain a residential character while providing increased diversity in housing types, as the applicant states.

Compatibility
The neighborhood currently mainly consists of single-family residential homes. However, there are multiple properties across the street and to the northeast of the property that are currently being developed into duplex and single-family attached homes. The DN3 zoning district allows for single family, duplex, and townhome development and are compatible building types within this neighborhood that is currently in a transitional period.

Intensity
The most intense zone allowed with a Standard Review on the properties directly to the north, south, east, and west (Walkable Neighborhood Place Type) is DN-3, Downtown High Density Residential. DN-3 is a medium zone on the intensity scale. Therefore, a proposed DN-3 rezone is within a reasonable level of intensity among the adjacent properties.

Orderly Transition
The subject property is located in the middle of a Walkable Neighborhood place type. There are properties interspersed throughout the neighborhood zoned as both R-2, and DN-3. Therefore, it is advisable to view this rezone request in the context that the neighborhood is in a period of transition, where the city will continue to see future properties rezoned and redeveloped to conform with the Walkable Neighborhood

Analysis / Waivers

place type designation. This rezone request supports an orderly transition of land use and allows for thoughtful development that aligns with the City's growth while maintaining visual and social cohesion.

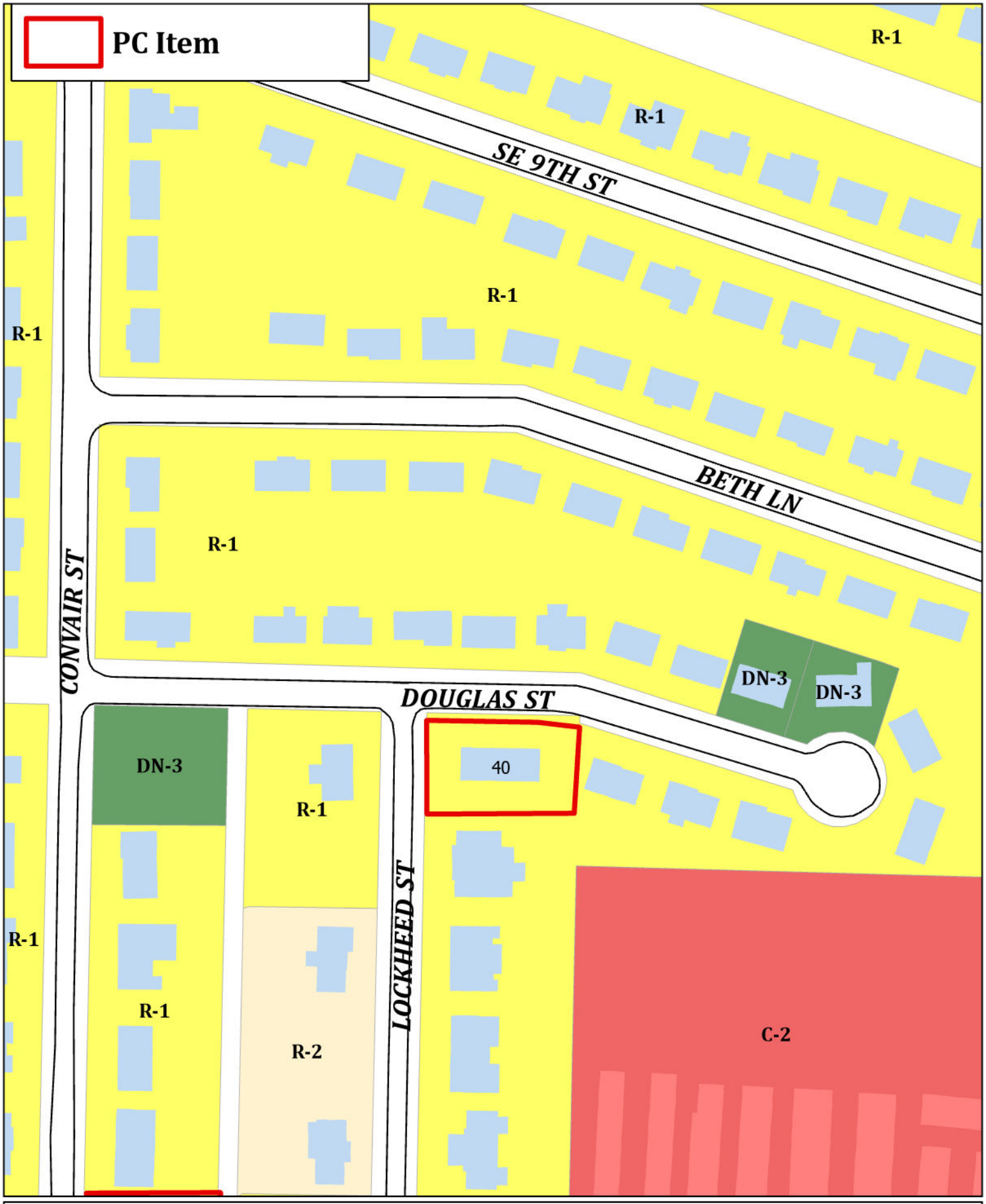
Standard Review Criteria

DN-3 is likely to implement the Walkable Neighborhood Place Type, which calls for a diverse set of housing types besides just single family homes. Additionally, a DN-3 zone is likely to result in development compatible with the Place Type of nearby properties, including duplexes, apartments, and single family homes.

Conclusion

Staff supports the application. This is a neighborhood in transition. There are a number of DN-3 zones recently approved and the proximity to jobs makes a compelling case for the additional housing that the translated T4.2 zone allows for.

Additional Details



N
W E
S

RZ26-0012
Marvin Gardens, LLC
2202 DOUGLAS ST

The property located at 2202 and 2204 Douglas Street is currently zoned R-1 Low Density Residential. We are formally requesting a rezoning to DN-3 Downtown Medium-High Density Residential to better align the zoning designation with both the existing use of the property and the continued growth of the area. The current property owner is Marvin Gardens Real Holdings, LLC, and there are no planned or proposed sales of the property at this time.

The property currently contains a duplex structure that predates the current zoning regulations and is considered a legal nonconforming use under the existing R-1 designation. While the duplex has historically operated in this manner, the underlying zoning does not accurately reflect the current use or the development pattern of the surrounding neighborhood. The purpose of this rezoning request is to bring the property into zoning conformity and facilitate the development of single-family and single-family attached homes, providing a more diverse housing option within the community.

The planned development at 2202/2204 Douglas Street is fully consistent with both the existing zoning framework in the surrounding area and the City's Future Land Use Plan. As identified in the Future Land Use Plan, this neighborhood is designated as a "walkable community," making it an appropriate location for moderate-density residential development. This designation supports the City's vision of connected, pedestrian-friendly neighborhoods that are in close proximity to amenities, transportation corridors, and employment centers.

Our intention is to remove the existing structures, which are aging and no longer conducive to long-term reinvestment. In their place, we propose to construct a single-family home and a single-family attached home that introduce desirable housing types bridging the gap between traditional detached single-family homes and more intense multifamily development. These housing options provide attainable, centrally located opportunities while maintaining a residential character that complements the surrounding area.

There will be no signage placed on the property, preserving the residential appearance of the neighborhood and minimizing visual impact. The site has convenient access to existing public infrastructure, including water and sewer services located within Douglas Street. The availability of established utilities makes the property well suited for the proposed development and ensures essential services can be provided without significant upgrades or expansion.

In conclusion, this rezoning request for 2202/2204 Douglas Street to DN-3 Downtown Medium-High Density Residential represents an opportunity to eliminate an existing nonconforming condition while continuing the pattern of responsible infill development within an evolving neighborhood. By providing appropriately scaled housing in a walkable and centrally located area, this project supports the City of Bentonville's goals of sustainable growth, housing diversity, and orderly urban development. We are committed to ensuring the development complements the surrounding neighborhood while meeting the needs of future residents and respecting the character of the community.

ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL TO DN-3, DOWNTOWN HIGH DENSITY RESIDENTIAL; AND FOR OTHER PURPOSES.
(PROJECT NUMBER: RZ26-0012)

WHEREAS, Marvin Gardens Real Holdings, LLC duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-3, DOWNTOWN HIGH DENSITY RESIDENTIAL to be used in accordance with city zoning laws and state laws, which property is described as follows:

> LOT 40, SKYVIEW ACRES SUBDIVISION, TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN ON PLAT RECORD E, AT PAGE 38.AND PART OF A VACATED ALLEY LYING ON THE EAST SIDE OF SKYVIEW ACRES SUBDIVISION, BENTONVILLE, ARKANSAS, AS SHOWN ON PLAT RECORD E, AT PAGE 38, FURTHER DESCRIBED AS:BEGINNING AT THE SE CORNER OF LOT 40, SKYVIEW ACRES; THENCE NORTH 100 FEET TO THE NE CORNER OF LOT 40, SKYVIEW ACRES; THENCE EAST 20 FEET; THENCE SOUTH 100 FEET; THENCE WEST 20 FEET TO THE POINT OF BEGINNING;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held April 7, 2026 in the Council Chambers of the City of Bentonville;

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, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-3, DOWNTOWN HIGH DENSITY RESIDENTIAL.

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

Section 1: That the above described real property is hereby changed from its present zoning classification of R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-3, DOWNTOWN HIGH DENSITY RESIDENTIAL upon the adoption of the Bentonville Community Code, DN-3 will translate to

T4.2, Neighborhood Node, in the Walkable Neighborhood Place Type, to be used in accordance with the city zoning laws and state laws;

Section 2 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED AND APPROVED this_____ day of _____, 2026.

APPROVED:

_____
Stephanie Orman, Mayor

ATTEST:

_____
Malorie Marrs, City Clerk

Rezoning - LoxBlox, LLC - R-1, Low-Density Single-Family Residential to DN-3, Downtown High Density Residential

1005 Lockheed Street

PC Date: 4/7/2026

Staff Report Details

Project Number	(RZ26-0013)
Applicant / Current Owner	Loxblox LLC / Jill Ehret
Site Area	+/- **[0.37]** Acres
Current Zoning	R-1, Low Density Single Family Residential (R-1 in BCC)
Requested Zoning	DN-3, Downtown High Density Residential (T4.2 in BCC)
Current Future Land Use Map Designation	Walkable Neighborhood
Requested Future Land Use Map Designation	
Development Type / Use	
Related projects	RZ26-0014, RZ26-0015

Property Description

The subject property is located at 1005 Lockheed Road. The current zoning of the property is R-1, Low Density Single Family Residential with a Future Land Use Map designation of Walkable Neighborhood. Adjacent properties are zoned C-2 (east), R-1 (north and south), and R-2 (across the street to the west). The surrounding Place Types are Regional Center (east) and Walkable Neighborhood (everywhere else). The property has direct access to Lockheed Street, which is a local street according to the Master Street Plan. Three other properties in the neighborhood have rezoned to DN-3 in 2025 (2303 E Douglas St, 2305 Douglas St, and 1001 Convair St). The applicant is also requesting for two other properties on Lockheed Street to be rezoned from R-1 to DN-3 (see RZ26-0014 and RZ26-0015).

Project Details

The applicant has requested a rezoning of the property from R-1 Low Density Single Family Residential (R-1 in the proposed BCC) to DN-3 Downtown High Density Residential (T4.2 in the proposed BCC). With a Place Type of Walkable Neighborhood, a rezone request of DN-3 is under standard review (enhanced review in the proposed BCC).

Relationship to the Community Plan

The applicant is requesting a standard review rezone. The Bentonville Community Plan states that Walkable neighborhoods should have a high degree of diversity in housing types. A DN-3 zoning district allows various housing types by right, such as single-family attached and townhomes. Furthermore, the property is located within a few hundred feet from Walmart Campus, a major job center, which could allow for more alternative modes of transportation, such as walking or biking.

Public Comment

Has Staff received Public Comment at the time of this report? : **No**

Analysis / Waivers

The applicants are requesting that the property located at 1005 Lockheed Street be rezoned from R-1 to DN-3, which is a standard review rezone request under the zoning alignment policy. In the new code, a DN-3 district in a Walkable Neighborhood place type will translate to T4.2, which is proposed to be an enhanced review rezone request. The applicant states that there are no proposed development plans or sales of the property. However, there is currently a duplex in the R-1 zoned property, which is an existing nonconforming use.

Consistency
The proposed DN-3 zoning district is consistent with the adopted Future Land Use Map under Standard Review and is consistent with the Community Plan's guiding principle of thoughtful growth. (If the new code is adopted, a DN-3 zone would translate to a T4.2 in a Walkable Neighborhood Place Type). Additionally, because a rezone from R-1 to DN-3 would bring the property into compliance with the Zoning Alignment Policy, where an R-1 zoning district is not appropriate in a Walkable Neighborhood Place Type.

Impact
The impact of this rezone on the community, if developed under the proposed DN-3 zone, would be a low increase in density as the applicant states, given that the R-1 property already has a duplex on the site.

Compatibility
While the properties to the south and north are zoned R-1, these lots are duplexes, which is a nonconforming use for R-1 lots. Additionally, the lots across the street consist of single-family homes. The Place Type for these properties to the north, south, and across the street to the west is Walkable Neighborhood, and R-1 is not an appropriate zoning district for this Place Type. Therefore, a rezone from R-1 to DN-3 for the subject property (which also has a Place Type of Walkable Neighborhood) would help to bring the neighborhood into conformity with the Zoning Alignment Policy and the goals of the Bentonville Community Plan.

Intensity
The most intense zone allowed with a Standard Review on the properties to the east (Regional Center Place Type) is C-3, Mixed-Use Commercial. The most intense zone allowed with a Standard Review on the properties to the west, north, and south (Walkable Neighborhood Place Type) is DN-3, Downtown High Density Residential. DN-3 is a medium intensity zone on the Intensity Scale, while C-3 is one of the highest. Therefore, a zone of DN-3 could provide a reasonable level of intensity among the adjacent properties.

Orderly Transition
The subject property is located on the edge of the Walkable Neighborhood Place Type, while the properties

Analysis / Waivers

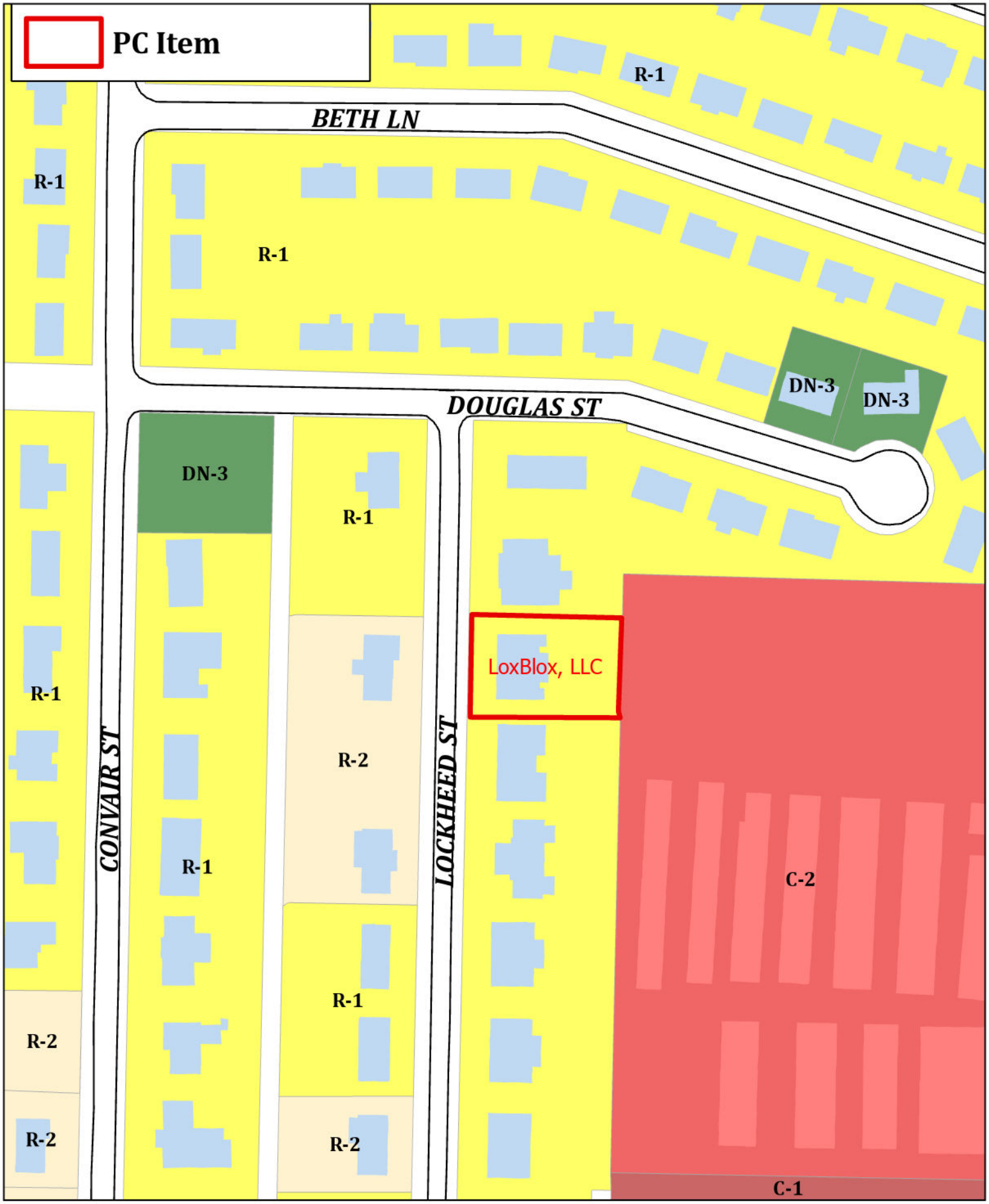
directly east have a Place Type of Regional Center. According to the Community Plan, where a subject property is within a Neighborhood Place Type, higher intensity zones should be located at the edges of the Place Type when the property lies adjacent to a Center Place Type. The highest intensity zone allowed in the Walkable Neighborhood Place Type is DN-4, which is an enhanced review rezone, and the highest standard review rezone in Walkable Neighborhood is DN-3. Therefore, DN-3 provides a reasonable transition between the Walkable Neighborhood and Regional Center Place Types.

Standard Review Criteria
DN-3 is likely to implement the Walkable Neighborhood Place Type, which calls for a diverse set of housing types besides just single family homes. Additionally, a DN-3 zone is likely to result in development compatible with the Place Type of nearby properties, including duplexes, apartments, and single family homes.

Conclusion

Staff supports the application. This is a neighborhood in transition. There are a number of DN-3 zones recently approved and the proximity to jobs makes a compelling case for the additional housing that the translated T4.2 zone allows for.

Additional Details



RZ26-0013
LoxBlox, LLC
1005 LOCKHEED ST

The property located at 1005 A & B Lockheed Street is currently zoned R-1 Low Density Residential. We are formally requesting a rezoning to DN-3 Downtown Medium-High Density Residential to better align the zoning designation with the existing use and the continued growth of the surrounding area. The current property owner is LoxBlox, LLC, and there are no planned or proposed sales of the property at this time.

The property currently contains a duplex structure that predates current zoning regulations and is considered a legal nonconforming use under the existing R-1 designation. While the structure has historically operated as a duplex, the current zoning classification does not accurately reflect this use. The purpose of this rezoning request is to bring the property into conformity with the City's zoning ordinance and to ensure long-term compliance and reinvestment stability.

The proposed DN-3 zoning is consistent with the development pattern and Future Land Use Plan for the area. This neighborhood is identified as part of a walkable and connected community near downtown Bentonville, where moderate-density residential development is appropriate and encouraged. DN-3 supports housing diversity while maintaining a residential character compatible with surrounding properties.

Rezoning the property will eliminate the existing nonconformity and provide regulatory clarity moving forward. It will allow improvements, maintenance, and potential reinvestment in the structure without the limitations that accompany nonconforming status. This supports orderly development and aligns zoning with actual land use conditions.

The duplex use represents a moderate increase in density that is already present and functioning within the neighborhood. The request does not introduce a new intensity of use but rather formalizes what currently exists. As such, the impact on the surrounding area will remain consistent with current conditions.

The site is served by existing public infrastructure, including water, sewer, and emergency services. The availability of established utilities ensures that the property can continue to function efficiently without requiring additional public investment or infrastructure expansion.

In conclusion, the request to rezone 1005 A & B Lockheed Street from R-1 Low Density Residential to DN-3 Downtown Medium-High Density Residential is a corrective and forward-looking measure. It brings the property into alignment with its existing use, supports housing diversity, and advances the City of Bentonville's goals of sustainable growth and orderly urban development. We respectfully request favorable consideration of this rezoning application.

ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL TO DN-3, DOWNTOWN HIGH DENSITY RESIDENTIAL; AND FOR OTHER PURPOSES.
(PROJECT NUMBER: RZ26-0013)

WHEREAS, LoxBlox, LLC duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-3, DOWNTOWN HIGH DENSITY RESIDENTIAL to be used in accordance with city zoning laws and state laws, which property is described as follows:

LOT 42, SKYVIEW ACRES SUBDIVISION, BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN IN PLAT BOOK "E" ON PAGE 38;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held April 7, 2026 in the Council Chambers of the City of Bentonville;

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, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-3, DOWNTOWN HIGH DENSITY RESIDENTIAL.

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

Section 1: That the above described real property is hereby changed from its present zoning classification of R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-3, DOWNTOWN HIGH DENSITY RESIDENTIAL and upon the adoption of the Bentonville Community Code, DN-3 will translate to T4.2, Neighborhood Node, in the Walkable Neighborhood Place Type, to be used in accordance with the city zoning laws and state laws;

Section 2 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED AND APPROVED this_____ day of _____, 2026.

APPROVED:

_____
Stephanie Orman, Mayor

ATTEST:

_____
Malorie Marrs, City Clerk

Rezoning - Pennsylvania Ave Real Holdings, LLC - R-1, Low-Density Single-Family Residential to DN-3, Downtown High Density Residential

1306 Lockheed Street

PC Date: 4/7/2026

Staff Report Details

Project Number	(RZ26-0014)
Applicant / Current Owner	Pennsylvania Avenue Real Holdings LLC / Jill Ehret
Site Area	+/- **[0.32]** Acres
Current Zoning	R-1, Low Density Single Family Residential (R-1 in proposed BCC)
Requested Zoning	DN-3, Downtown High Density Residential (T4.2 in proposed BCC)
Current Future Land Use Map Designation	Walkable Neighborhood
Requested Future Land Use Map Designation	
Development Type / Use	
Related projects	RZ26-0013, RZ26-0015

Property Description

The subject property is located at 1306 Lockheed Street. The current zoning of the property is R-1, Low Density Single Family Residential with a Future Land Use Map designation of Walkable Neighborhood. Directly adjacent properties are zoned R-1 in all directions, with a few properties on the block being zoned R-2, Medium Density Two Family and Townhome Residential. The surrounding properties' Place Types are Walkable Neighborhood, where R-1 is an inappropriate zoning district and R-2 is an enhanced review zoning district. The property has direct access to Lockheed Street, which is a local street according to the Master Street Plan. Three other properties in the neighborhood have rezoned to DN-3 in 2025 (2303 E Douglas St, 2305 Douglas St, and 1001 Convair St). The applicant is also requesting for two other properties on Lockheed Street to be rezoned from R-1 to DN-3 (see RZ26-0013 and RZ26-0015).

Project Details

The applicant has requested a rezoning of the property from R-1 Low Density Single Family Residential (R-1 in the proposed BCC) to DN-3 Downtown High Density Residential (T4.2 in the proposed BCC). With a Place Type of Walkable Neighborhood, a rezone request of DN-3 is under standard review (enhanced review rezone request in proposed BCC).

Relationship to the Community Plan

The applicant is requesting a standard review rezone. The Bentonville Community Plan states that Walkable neighborhoods should have a high degree of diversity in housing types. A DN-3 zoning district allows various housing types by right, such as single-family attached and townhomes. Furthermore, the property is located within a few hundred feet from Walmart Campus, a major job center, which could allow for more alternative modes of transportation, such as walking or biking, making the area more of a "Walkable Neighborhood".

Public Comment

Has Staff received Public Comment at the time of this report? : **Yes**

Analysis / Waivers

The applicants are requesting that the property located at 1306 Lockheed Street be rezoned from R-1 to DN-3, which is a standard review rezone request under the zoning alignment policy. In the new code, a DN-3 district in a Walkable Neighborhood place type will translate to T4.2, which is proposed to be an enhanced review rezone request. The applicant states that there are no proposed plans for sales of the property. However, the applicants do mention plans to construct single-family or single-family attached homes on the property.

Consistency
The proposed DN-3 zoning district is consistent with the adopted Future Land Use Map under Standard Review and is consistent with the Community Plan's guiding principle of thoughtful growth. (If the new code is adopted, a DN-3 zone would translate to a T4.2 in a Walkable Neighborhood Place Type). Additionally, a rezone from R-1 to DN-3 would bring the property into compliance with the Zoning Alignment Policy, where an R-1 zoning district is not appropriate in a Walkable Neighborhood Place Type.

Impact
The impact of this rezone on the community, if developed under the proposed DN-3 zone, would be a low increase in density as the applicant states, given that the R-1 property already has a single-family building on the site.

Compatibility
The properties to the west, north, and east are zoned R-1 with a Place Type of Walkable Neighborhood. Additionally, the property to the south is zoned R-1 with a Place Type of Walkable Corridor. R-1 is not an appropriate zoning district for either Place Type. Therefore, a rezone from R-1 to DN-3 for the subject property (which also has a Place Type of Walkable Neighborhood) would help to bring the neighborhood into conformity with the Zoning Alignment Policy and the goals of the Bentonville Community Plan.

Intensity
The most intense zone allowed with a Standard Review on the properties directly to the north, east, and west (Walkable Neighborhood Place Type) is DN-3, Downtown High Density Residential. Additionally, the most intense zone allowed with a Standard Review on the property direct to the south (Walkable Corridor Place Type) is C-1, Neighborhood Commercial. DN-3 is a medium zone on the intensity scale while C-1 is one of the most intense zones. Therefore, a proposed DN-3 rezone is within a reasonable level of intensity among the adjacent properties.

Orderly Transition
The subject property is located on the edge of a Walkable Neighborhood Place Type, with Walkable

Analysis / Waivers

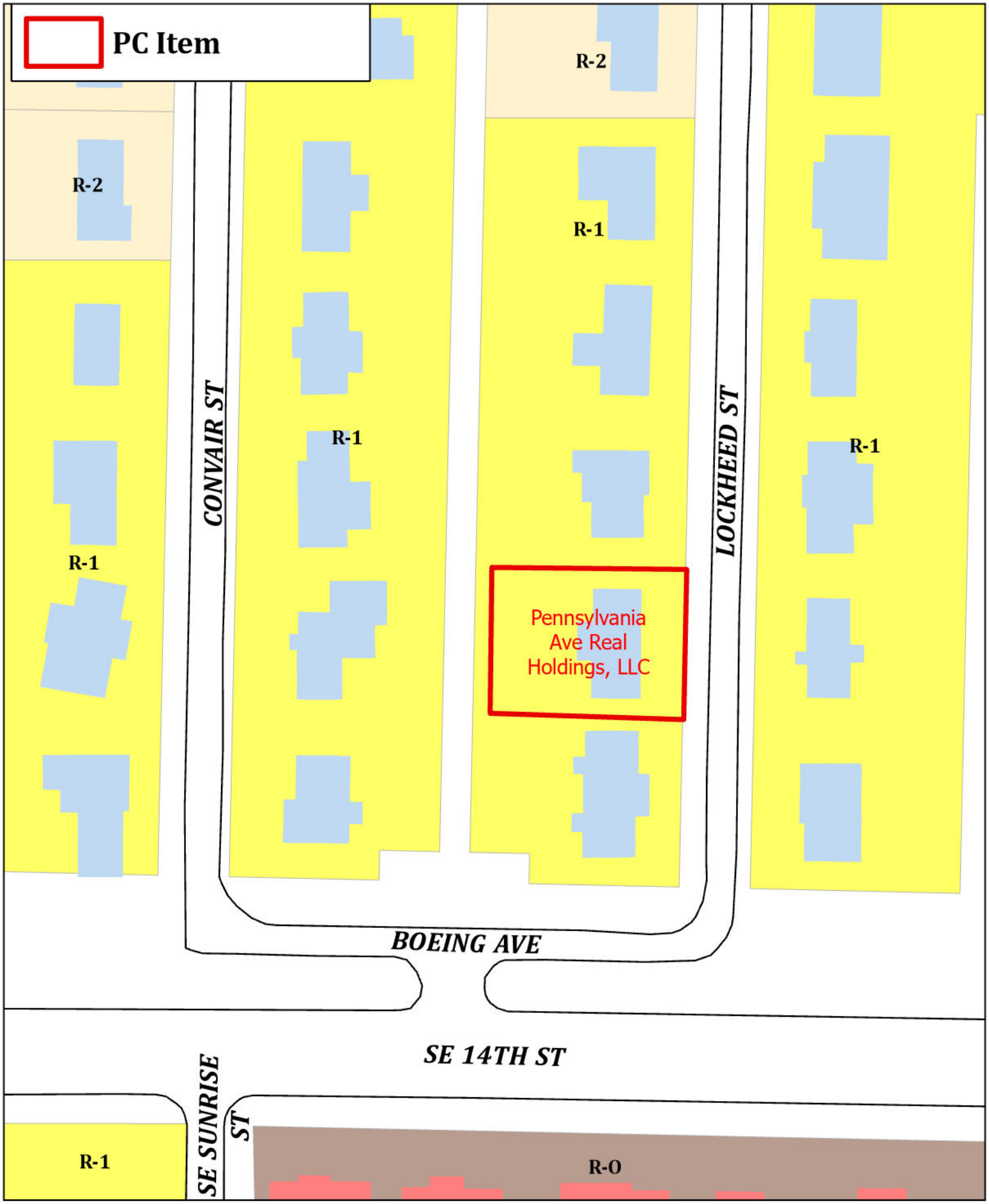
Corridor being directly south of the property. According to the Community Plan, the most intense zones should be on the edges of the Neighborhood Place Type when adjacent to a Corridor Place Type. The highest intensity zone allowed in the Walkable Neighborhood Place Type under Standard Review is DN-3. Therefore, a zone of DN-3 provides an orderly transition between Place Types.

Standard Review Criteria
DN-3 is likely to implement the Walkable Neighborhood Place Type, which calls for a diverse set of housing types besides just single family homes. Additionally, a DN-3 zone is likely to result in development compatible with the Place Type of nearby properties, including duplexes, apartments, and single family homes.

Conclusion

Staff supports the application. This is a neighborhood in transition. There are a number of DN-3 zones recently approved and the proximity to jobs makes a compelling case for the additional housing that the translated T4.2 zone allows for.

Additional Details



RZ26-0014
Pennsylvania Ave Real Holdings, LLC
1306 LOCKHEED ST

The property located at 1306 Lockheed Street is currently zoned R-1 Low Density Residential. We are formally requesting a rezoning to DN-3 Downtown Medium-High Density Residential to better align with the needs and continued growth of the area. The current property owner is Pennsylvania Avenue Real Holdings, LLC, and there are no planned or proposed sales of the property at this time. The purpose of this rezoning request is to facilitate the development of single-family and single-family attached homes, providing a more diverse housing option within the community.

The planned development at 1306 Lockheed Street is fully consistent with both the existing zoning framework in the surrounding area and the City's Future Land Use Plan. As identified in the future land use plan, this neighborhood is designated as a "walkable community," making it an appropriate location for moderate-density residential development. This designation supports the City's vision of connected, pedestrian-friendly neighborhoods that are in close proximity to amenities, transportation corridors, and employment centers.

Our intention is to remove the existing structure, which is aging and no longer conducive to long-term reinvestment. In its place, we propose to construct single-family and single-family attached homes that will introduce desirable housing types that bridge the gap between traditional detached single-family homes and more intense multifamily development. These housing options provide attainable, centrally located opportunities while maintaining a residential character that complements the surrounding area.

The development aims to contribute positively to the neighborhood by offering high-quality, modern homes in an area that continues to experience thoughtful revitalization. These homes will provide additional housing opportunities for residents who desire to live in a central location while also supporting the City's broader goal of increasing density in appropriate and planned areas.

There will be no signage placed on the property, preserving the residential appearance of the neighborhood and minimizing visual impact. The site has convenient access to existing public infrastructure, including water and sewer services located within Lockheed Street. The availability of established utilities makes the property well suited for the proposed development and ensures essential services can be provided without significant upgrades or expansion.

In conclusion, this rezoning request for 1306 Lockheed Street to DN-3 Downtown Medium-High Density Residential represents an opportunity to continue the pattern of responsible infill development within an evolving neighborhood. By providing single-family and single-family attached homes in a walkable and centrally located area, this project supports the City of Bentonville's goals of sustainable growth, housing diversity, and orderly urban development. We are committed to ensuring the development complements the surrounding neighborhood while meeting the needs of future residents and respecting the character of the community.

NOTICE OF INTENT TO REZONE

Pennsylvania Ave Real Holdings, LLC has requested the Bentonville Planning Commission to set a public hearing date to consider rezoning the following property from

R-1, Low Density Single-Family Residential to DN-3, Downtown High Density Residential

The legal description of the property is as follows:

Legal DescriptionLot 28, Skyview Acres, to the City of Bentonville, Benton County, Arkansas, as shown on Plat Record "E" at Page 38.

The common description of the property is: 1306 Lockheed St. Bentonville, AR

The public hearing will be held April 7, 20 26 at 5:00 p.m. It will be held at 305 S.W. "A" Street.

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

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

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

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

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

WE NEED TO OBJECT WITH THIS REZONING #1 BENTONVILLE DOES NOT HAVE A (DN-3) CODE. #2 THE INFASTRUCTURE AND design of OUR STREETS WOULD BE FIRST & FOREMOST of CONCERN

[redacted] 1303 LOCKHEED ST — Signature and Physical Address

[redacted] 1303 LOCKHEED ST — Signature and Physical Address

DUE TO OUR STREET "CANNOT" SUPPORT ANY ADDED TO THE ALREADY INCREASED TRAFFIC FLOW WE ARE EXPERIANCING A LOT'S OR HIGH OCCUPANCY RESIDENTIAL IS APPROVED [redacted]

PLANNING CASE #2023-128

?

ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL TO DN-3, DOWNTOWN HIGH DENSITY RESIDENTIAL; AND FOR OTHER PURPOSES.
(PROJECT NUMBER: RZ26-0014)

WHEREAS, Pennsylvania Ave Real Holdings, LLC duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-3, DOWNTOWN HIGH DENSITY RESIDENTIAL to be used in accordance with city zoning laws and state laws, which property is described as follows:

LOT 28, SKYVIEW ACRES, TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN ON PLAT RECORD "E" AT PAGE 38;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held April 7, 2026 in the Council Chambers of the City of Bentonville;

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, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-3, DOWNTOWN HIGH DENSITY RESIDENTIAL.

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

Section 1: That the above described real property is hereby changed from its present zoning classification of R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-3, DOWNTOWN HIGH DENSITY RESIDENTIAL and upon the adoption of the Bentonville Community Code, DN-3 will translate to T4.2, Neighborhood Node, in the Walkable Neighborhood Place Type, to be used in accordance with the city zoning laws and state laws;

Section 2 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED AND APPROVED this_____ day of _____, 2026.

APPROVED:

_____
Stephanie Orman, Mayor

ATTEST:

_____
Malorie Marrs, City Clerk

Rezoning - Pennsylvania Ave Real Holdings, LLC - R-1, Low-Density Single-Family Residential to DN-3, Downtown High Density Residential

1202 Lockheed Street

PC Date: 4/7/2026

Staff Report Details

Project Number	(RZ26-0015)
Applicant / Current Owner	Pennsylvania Avenue Real Holdings LLC / Jill Ehret
Site Area	+/- **[0.32]** Acres
Current Zoning	R-1, Low Density Single Family Residential (R-1 in proposed BCC)
Requested Zoning	DN-3, Downtown High Density Residential (T4.2 in proposed BCC)
Current Future Land Use Map Designation	Walkable Neighborhood
Requested Future Land Use Map Designation	
Development Type / Use	
Related projects	RZ26-0013, RZ26-0014

Property Description

The subject property is located at 1202 Lockheed Street. The current zoning of the property is R-1, Low Density Single Family Residential with a Future Land Use Map designation of Walkable Neighborhood. The adjacent properties directly to the north, west, and across Lockheed Street to the east are zoned R-1, while the property directly to the south is zoned R-2, Medium Density Two Family and Townhome Residential. The Place Type in all surrounding properties is Walkable Neighborhood, where R-1 is an inappropriate zoning district and R-2 is an enhanced review zoning district. The property has direct access to Lockheed Street, which is a local street according to the Master Street Plan. Three other properties in the neighborhood have rezoned to DN-3 in 2025 (2303 E Douglas St, 2305 Douglas St, and 1001 Convair St). The applicant is also requesting for two other properties on Lockheed Street to be rezoned from R-1 to DN-3 (see RZ26-0013 and RZ26-0014).

Project Details

The applicant has requested a rezoning of the property from R-1 Low Density Single Family Residential (R-1 in proposed BCC) to DN-3 Downtown High Density Residential (T4.2 in proposed BCC). With a Place Type of Walkable Neighborhood, a rezone request of DN-3 is under standard review (enhanced review in proposed BCC).

Relationship to the Community Plan

The applicant is requesting a standard review rezone. The Bentonville Community Plan states that Walkable neighborhoods should have a high degree of diversity in housing types. A DN-3 zoning district allows various housing types by right, such as single-family attached and townhomes. Furthermore, the property is located within a few hundred feet from Walmart Campus, a major job center, which could allow for more alternative modes of transportation, such as walking or biking, making the area more of a "Walkable Neighborhood".

Public Comment

Has Staff received Public Comment at the time of this report? : **No**

Analysis / Waivers

The applicants are requesting that the property located at 1202 Lockheed Street be rezoned from R-1 to DN-3, which is a standard review rezone request under the zoning alignment policy. In the new code, a DN-3 district in a Walkable Neighborhood place type will translate to T4.2, which is proposed to be an enhanced review rezone request. The applicant states that there are no proposed plans for sales of the property. However, the applicants do mention plans to construct single-family attached homes on the property.

Consistency
The proposed DN-3 zoning district is consistent with the adopted Future Land Use Map under Standard Review and is consistent with the Community Plan's guiding principle of thoughtful growth. (If the new code is adopted, a DN-3 zone would translate to a T4.2 in a Walkable Neighborhood Place Type). R-1 is not an appropriate zoning district for Walkable Neighborhood. Therefore, a rezone from R-1 to DN-3 for the subject property would help to bring the neighborhood into conformity with the Zoning Alignment Policy and the goals of the Bentonville Community Plan.

Impact
The impact of this rezone on the community, if developed under the proposed DN-3 zone, would be a low increase in density as the applicant states, given that the plan for the property is to build single-family attached homes.

Compatibility
The properties to the north and west of the subject property have been developed as single-family homes. The property to the south is zoned R-2 and has been split (LS24-0041), setting the stage for potential single-family attached development. Additionally, the properties across the street to the east were developed as duplexes. Given the applicants' stated intention to develop the lot as a single-family attached home, this would be compatible with recent surrounding development.

Intensity
The most intense zone allowed with a Standard Review on the properties directly to the north, east, and west (Walkable Neighborhood Place Type) is DN-3, Downtown High Density Residential. Additionally, the most intense zone allowed with a Standard Review on the property direct to the south (Walkable Corridor Place Type) is C-1, Neighborhood Commercial. DN-3 is a medium zone on the intensity scale while C-1 is one of the most intense zones. Therefore, a proposed DN-3 rezone is within a reasonable level of intensity among the adjacent properties.

Analysis / Waivers

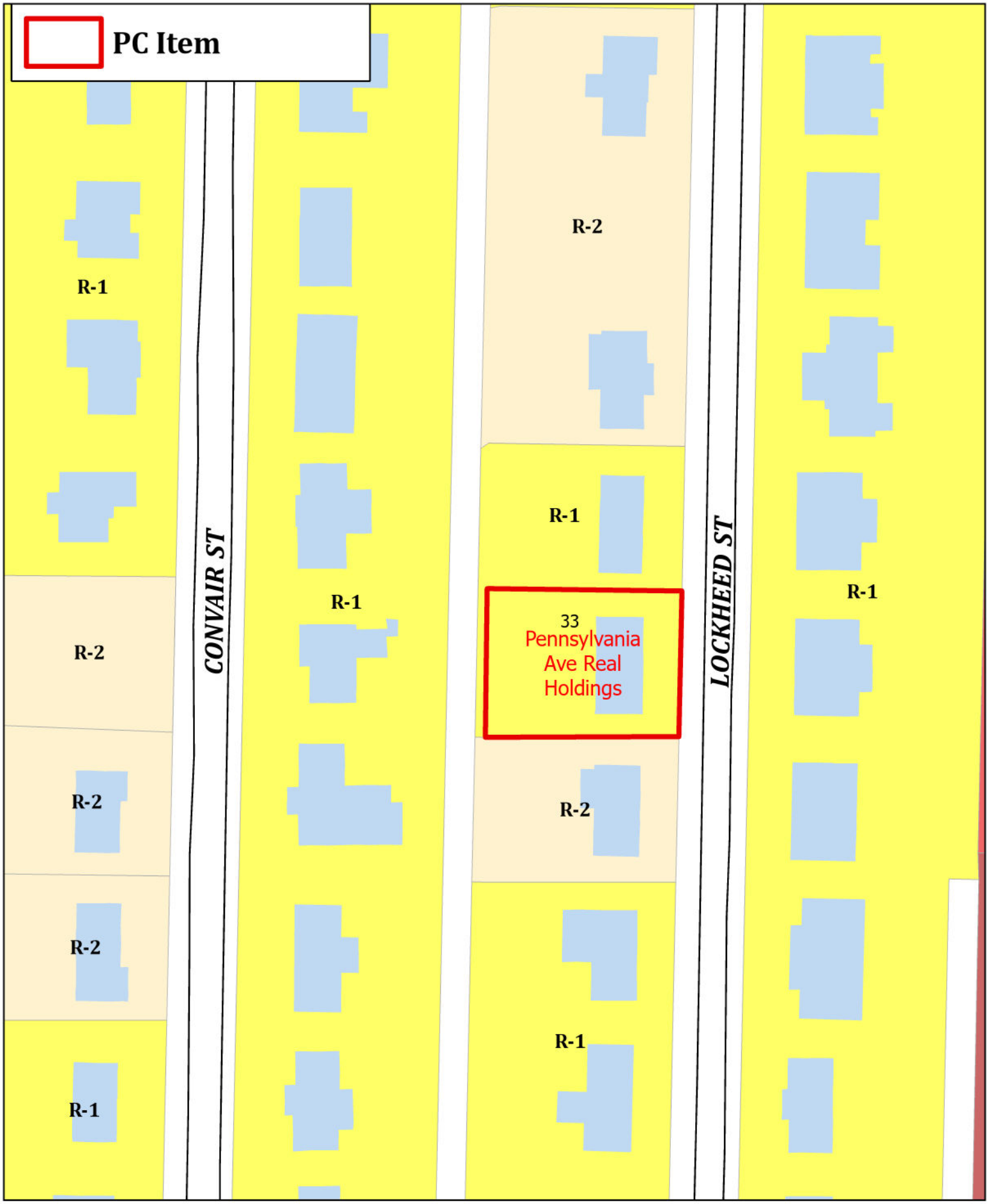
Orderly Transition
The subject property is located on the edge of a Walkable Neighborhood Place Type, with Walkable Corridor being directly south of the property. According to the Community Plan, the most intense zones should be on the edges of the Neighborhood Place Type when adjacent to a Corridor Place Type. The highest intensity zone allowed in the Walkable Neighborhood Place Type under Standard Review is DN-3. Therefore, a zone of DN-3 provides an orderly transition between Place Types.

Standard Review Criteria
DN-3 is likely to implement the Walkable Neighborhood Place Type, which calls for a diverse set of housing types besides just single family homes. Additionally, a DN-3 zone is likely to result in development compatible with the Place Type of nearby properties, including duplexes, apartments, and single family homes.

Conclusion

Staff supports the application. This is a neighborhood in transition. There are a number of DN-3 zones recently approved and the proximity to jobs makes a compelling case for the additional housing that the translated T4.2 zone allows for.

Additional Details



RZ26-0015
Pennsylvania Ave Real Holdings, LLC
1202 LOCKHEED ST

The property located at 1202 Lockheed Street is currently zoned R-1 Low Density Residential. We are formally requesting a rezoning to DN-3 Downtown Medium-High Density Residential to better align with the continued growth and evolving character of the surrounding area. The current property owner is Pennsylvania Avenue Real Holdings, LLC, and there are no planned or proposed sales of the property at this time.

The purpose of this rezoning request is to facilitate the development of single-family attached homes, providing a more diverse housing option within the community while remaining consistent with the residential character of the neighborhood.

The planned development at 1202 Lockheed Street is consistent with the City of Bentonville's Future Land Use Plan and the established development pattern in the area. This neighborhood is identified as part of a walkable, connected community near downtown, making it appropriate for moderate-density residential development. The requested DN-3 zoning supports the City's vision of encouraging housing diversity in areas that have access to infrastructure, transportation corridors, and proximity to amenities.

Our intention is to remove the existing structure, which is aging and not conducive to long-term reinvestment, and replace it with thoughtfully designed single family and single-family attached homes. This housing type provides an appropriate transition between traditional detached single-family homes and higher-density urban development. It offers an attainable and centrally located housing option while maintaining a compatible residential scale.

The development will contribute positively to the neighborhood by introducing high-quality, modern homes in an area that continues to experience revitalization and reinvestment. These homes will provide additional opportunities for residents seeking to live in Bentonville while supporting the City's broader goal of concentrating density in appropriate, serviced locations.

There will be no signage placed on the property, preserving the residential character and minimizing visual impact. The site is served by existing public infrastructure, including water and sewer utilities within Lockheed Street and surrounding rights-of-way. The presence of established infrastructure makes the property well suited for the proposed development and ensures that essential services can be provided without significant expansion of public facilities.

In conclusion, the request to rezone 1202 Lockheed Street from R-1 Low Density Residential to DN-3 Downtown Medium-High Density Residential represents a responsible and logical step in the continued evolution of this neighborhood. The proposed development supports housing diversity, walkability, and sustainable growth consistent with Bentonville's planning objectives. We are committed to ensuring that the project complements the surrounding area while meeting the needs of future residents.

ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL TO DN-3, DOWNTOWN HIGH DENSITY RESIDENTIAL; AND FOR OTHER PURPOSES.
(PROJECT NUMBER: RZ26-0015)

WHEREAS, Pennsylvania Ave Real Holdings, LLC duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-3, DOWNTOWN HIGH DENSITY RESIDENTIAL to be used in accordance with city zoning laws and state laws, which property is described as follows:

LOT 33 IN SKYVIEW ACRES SUBDIVISION, BENTONVILLE, AS SHOWN ON PLAT RECORD E AT PAGE 38;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held April 7, 2026 in the Council Chambers of the City of Bentonville;

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, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-3, DOWNTOWN HIGH DENSITY RESIDENTIAL.

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

Section 1: That the above described real property is hereby changed from its present zoning classification of R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-3, DOWNTOWN HIGH DENSITY RESIDENTIAL and upon the adoption of the Bentonville Community Code, DN-3 will translate to T4.2, Neighborhood Node, in the Walkable Neighborhood Place Type, to be used in accordance with the city zoning laws and state laws;

Section 2 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED AND APPROVED this_____ day of _____, 2026.

APPROVED:

_____
Stephanie Orman, Mayor

ATTEST:

_____
Malorie Marrs, City Clerk

Rezoning - Ultra Homes, LLC - R-1, Low-Density Single-Family Residential to R-2, Medium Density Two Family and Townhome Residential

North of Southwest Anglin Road

PC Date: 4/7/2026

Staff Report Details

Project Number	(RZ26-0016)
Applicant / Current Owner	Ultra Homes LLC / Clint Karstetter
Site Area	+/- **[21]** Acres
Current Zoning	R-1, Low Density Single Family Residential (R-1 in the new code)
Requested Zoning	R-2, Medium Density Two Family and Townhome Residential (T4.1 in the new code)
Current Future Land Use Map Designation	Walkable Neighborhood & Neighborhood Center
Requested Future Land Use Map Designation	
Development Type / Use	
Related projects	PP24-0003, RZ24-0014

Property Description

The subject property is located north of Southwest Anglin Road, west of Ginn Road. The current zoning of the property is R-1, Low Density Single Family Residential with a Future Land Use Map designation of Walkable Neighborhood and Neighborhood Center. The adjacent property to the north is zoned R-2 and the adjacent property to the east and west is zoned R-1. The property to the south is not within Bentonville city limits and does not have a zoning designation. Surrounding place types include Walkable Neighborhood (north, east, and west), Rural and Estates (south), and Neighborhood Center (east). The subject property has street frontage along SW Anglin Rd, which is an arterial road according to the Master Street Plan.

Project Details

The applicant has requested a rezoning of the property from R-1 Low Density Single Family Residential (R-1 in proposed BCC) to R-2 Medium Density Two Family and Townhome Residential (T4.1 in proposed BCC). The rezone request of R-2 is an enhanced review in the Walkable Neighborhood Place Type and blank in the Neighborhood Center Place Type (T4.1 is a standard review rezone for both place types in the proposed BCC).

Relationship to the Community Plan

The applicant is requesting an enhanced review rezone for most of the subject property. The Bentonville Community Plan states that Walkable neighborhoods should have a high degree of diversity in housing types. An R-2 zoning district (translates to T4.1 in new code) allows various housing types by right, such as single family, single-family attached, two-family, and townhouses.

Existing Alignment Policy issues

A portion of the property (see exhibit "A") is within the Neighborhood Center Place Type. The existing alignment policy calls for zoning districts that are more intense zones than the requested R-2. However, R-2 translates to T4.1 and this zone is consistent with the Neighborhood Center place type under a standard review as shown in Table 2.1 of the new code.

Public Comment

Has Staff received Public Comment at the time of this report? : **No**

Analysis / Waivers

The applicants are requesting that the property located north of Southwest Anglin Road (west of Ginn Road) to be rezoned from R-1 to R-2 (which will translate to T4.1 in the new code). Most of the subject property has a place type of Walkable Neighborhood, which makes this an enhanced review rezone request under the current zoning alignment policy. However, a small portion of the subject property has a place type of Neighborhood Center, where R-2 is not an appropriate zone. Under the new code, T4.1 is proposed to be a standard review rezone request in both place types.

Consistency

Under the current zoning alignment policy, R-2 is an enhanced review rezone request for most of the subject property (Walkable Neighborhood place type). If the new code is adopted, an R-2 zone would translate to T4.1, which is a standard review rezone in both place types. R-1 is not an appropriate zoning district for Walkable Neighborhood or Neighborhood Center. Therefore, a rezone from R-1 to R-2 for the subject property would help to bring the neighborhood into conformity with the Zoning Alignment Policy and the goals of the Bentonville Community Plan (for the portion of the subject property that is Walkable Neighborhood).

Impact

The impact of this rezone on the community, if developed under the proposed R-2 zone, would be a low increase in density, as the applicant states.

Compatibility

The preliminary plat to the north is under construction, which is being developed for single-family and duplex lots (PP24-0003, RV PS Subdivision Phase 1 and 2). The property to the west is a vacant lot, which sets the stage for future Walkable Neighborhood place type development. South of SW Anglin Rd and east of Ginn Rd are unincorporated portions of Benton County. Given the directly adjacent single family and duplex lots being constructed to the north, an R-2 zoning district is compatible with recent surrounding development.

Intensity

The most intense zone allowed with a Standard Review on the properties directly to the north and west (Walkable Neighborhood Place Type) is DN-3, Downtown High Density Residential. Additionally, the most intense zone allowed with a Standard Review on the property direct to the east (Neighborhood Center

Analysis / Waivers

Place Type) is C-1, Neighborhood Commercial. DN-3 is a medium zone on the intensity scale while C-1 is one of the most intense zones. Therefore, a proposed R-2 rezone (medium to low intensity) is within a reasonable level of intensity among the adjacent properties.

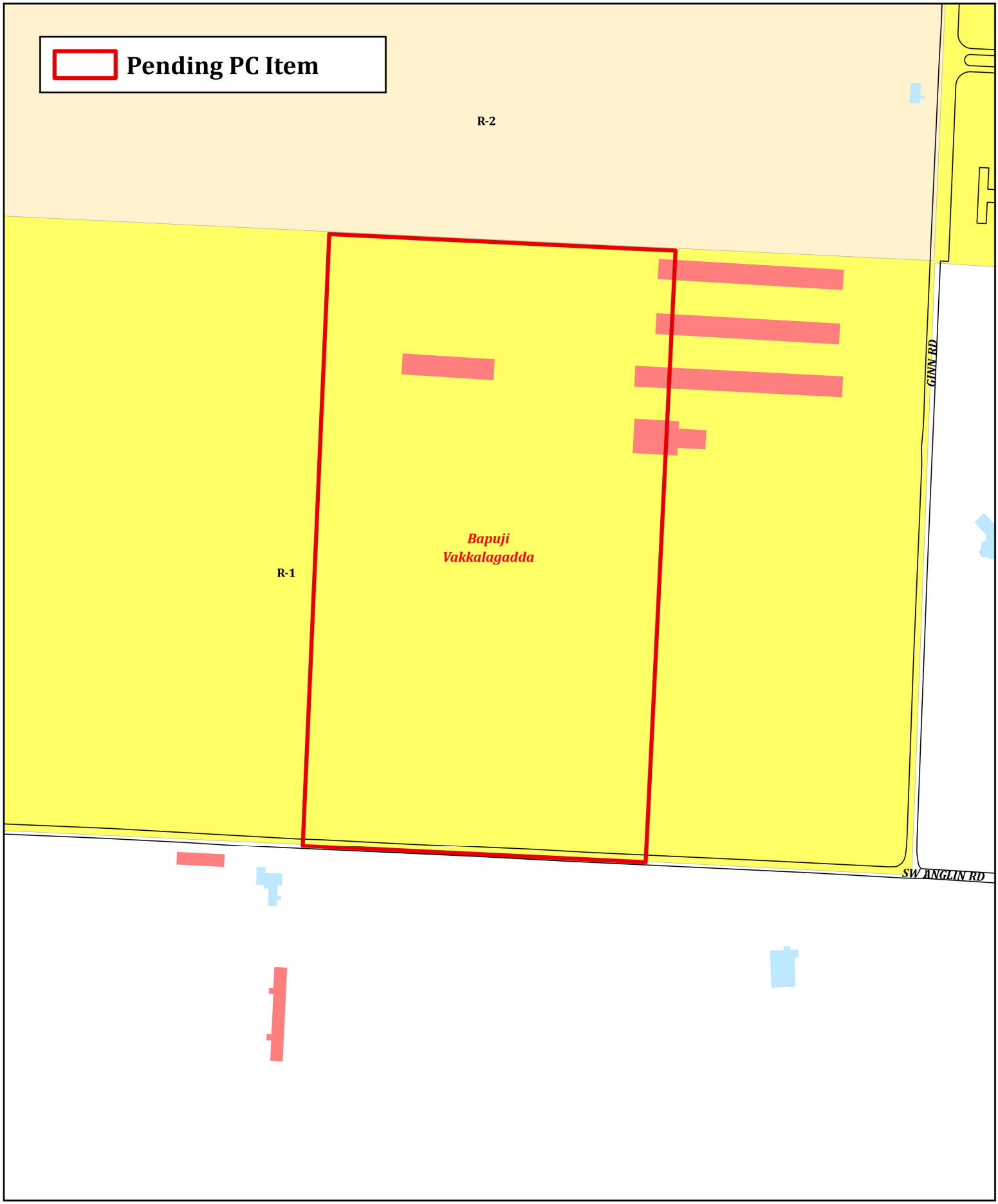
Orderly Transition
The subject property is located on the edge of a Walkable Neighborhood Place Type, with Neighborhood Center being part of and directly east of the subject property. According to the Community Plan, the most intense zones should be on the edges of the Neighborhood Place Type when adjacent to a Center Place Type. The highest intensity zone allowed in the Walkable Neighborhood place type under standard review is DN-3 in the current code (and T4.1 in the new code). In the new code, T4.1 is the highest SR zone in Walkable Neighborhood and the lowest SR zone in Center Neighborhood, so this would provide the most orderly transition between place types.

Enhanced Review Criteria
R-2 (T4.1) is likely to implement the Walkable Neighborhood Place Type, which calls for a diverse set of housing types besides just single family homes. Additionally, an R-2 (T4.1) zone is likely to result in development compatible with the Place Type of nearby properties, including duplexes and single family homes. According to the applicant, the property is just over a mile from the proposed Master Greenway Trail. The applicant also states that the property is 1-1.5 miles from several job sites, such as the Walmart Distribution Center and other factories and outlets near SW Rainbow Farm Rd and SW Regional Airport Blvd. The property is adjacent to vacant land and near two arterial roads.

Conclusion

Staff recommends approval of the rezone due to the consistency of the rezone within the place types as a standard review, as identified in Table 2.1 of the Bentonville Community Code.

Additional Details



N
W E
S

RZ26-0016
Bapuji Vakkalagadda
SW Anglin Rd.

karstetter johnston

155 E Fantinel Dr., Suite D

Tontitown, AR 72762

March 3, 2026

Bentonville Planning
Bentonville, AR

RE: Parcel 01-00828-545 Rezoning Narrative

1.1. The current zoning is R-1 Single Family and the requested zoning R-2 Medium Density Single-family Residence

1.2. Ultra Homes LLC owns the property.

1.3. Ultra Homes LLC to sell to Skylight Homes LLC for development.

1.4. Allow more flexibility for the lot uses to align with the main thoroughfare.

1.5. Property west is zoned R-1. Property north is zoned R-2. Property East is zoned R-1. As a mix of single and multi-family dwellings, this will fit in well with surrounding properties.

1.6. The addition of a small development of the lot would have a minimal impact on the existing traffic counts.

1.7. The proposed signage would be a building-mounted sign or a monument sign that aligns with the city's codes and ordinances. The exact nature of the sign is unknown at this time will adapt to city comments.

1.8. Appearance would be in a style appropriate for the development and within the city code.

1.9. Water is available on-site with a 8" water line on the south side of property. Sewer is available with a 21" line running along the northwest of the property.

Enhanced Review Response:

1.Requested Rezone to R-2 does align with the Future Land Use Map which has the property shown as Neighborhood Urban, MapLabel is Neighborhood Walkable.

2.As stated above, adjoining property to the north is zoned R-2.

3. Adjoining property to the north is zoned R-2.

4. While property is 1.10 miles to a Master Greenway Trail, Tier 2 on Priority; there is an existing 5' sidewalk located .32 miles directly East at SW Pawhuska Street. Public transit Fixed route is 3.58 miles away, however Ozark Regional Transit has a system in place for "ORT On-Demand" providing flexible transit options.

5. Walmart Distribution Center #7842 is 1.5 miles from site, while Walmart Print Solutions, VIP Outlet, Return Pro and eko Capture Factory are all 1.3 miles from

© karstetter johnston 2025

site.

6. Adjacent property West is currently vacant land, however it is zoned R1. It is owned by the same developer as this site and a project has been submitted for preliminary plat review in conjunction with this site as Single-Family. A portion of this Rezoning is being presented as Duplexes; for a more varied site and to conform more closely with the Future Land Use a portion of this site as Center Neighborhood, R2 would be a good zoning buffer should a high density happen in the future at the Southeast corner at Ginn & Anglin Roads.

7. We believe the rezone request is consistent with the development pattern in the area with small R-2 zone adjacent to the North.

8. The proposed rezone does further advance the goals stated in the Comprehensive Plan due to designations of the Future Zoning Map and creating a buffer to a Center Neighborhood.

LEGAL DESCRIPTION APPENDIX A

PARCEL: 01-00828-545
TRACT 2 OF INSTRUMENT NUMBER L202409309: THE WEST 1/2 OF THE SEI/4 SW 1/4 OF SECTION 9, TO\/\/NSHIP IS NORTH, RANGE 31 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT N87°13'03“W 658.00 FEET FROM THE SE CORNER OF THE SEI/4 SW 1/4 OF SAID SECTION 9; THENCE N87°13'03“W 658.00 FEET; THENCE N02°29'09"E 1321.90 FEET, THENCE S87°15’06”E 658.15 FEET; THENCE S02°29’32”W 1322.29 FEET TO THE POINT OF BEGINNING.

PARCEL: 01-00828-548
TRACT 3 OF INSTRUMENT NUMBER L202409309: THE EAST 1/2 OF THE SEI/4 SW 1/4 OF SECTION 9, TOWNSHIP 19 NORTH, RANGE 31 WEST, BENTON COUNTY, ARKANSAS. BEING MORE PARTICULARLY DESCRIBED AS FOLLOW S: BEGINNING AT THE SE CORNER OF THE SE1/4 SW1/4 OF SAID SECTION 9; THENCE N87°13’03"W 658.00 FEET; THENCE N02°29’32"E 1322.29 FEET; THENCE S87°15’06"E 658.15 FEET; T H ENCE S02°29’55"W 1322.68 FEET TO THE POINT OF BEGINNING.

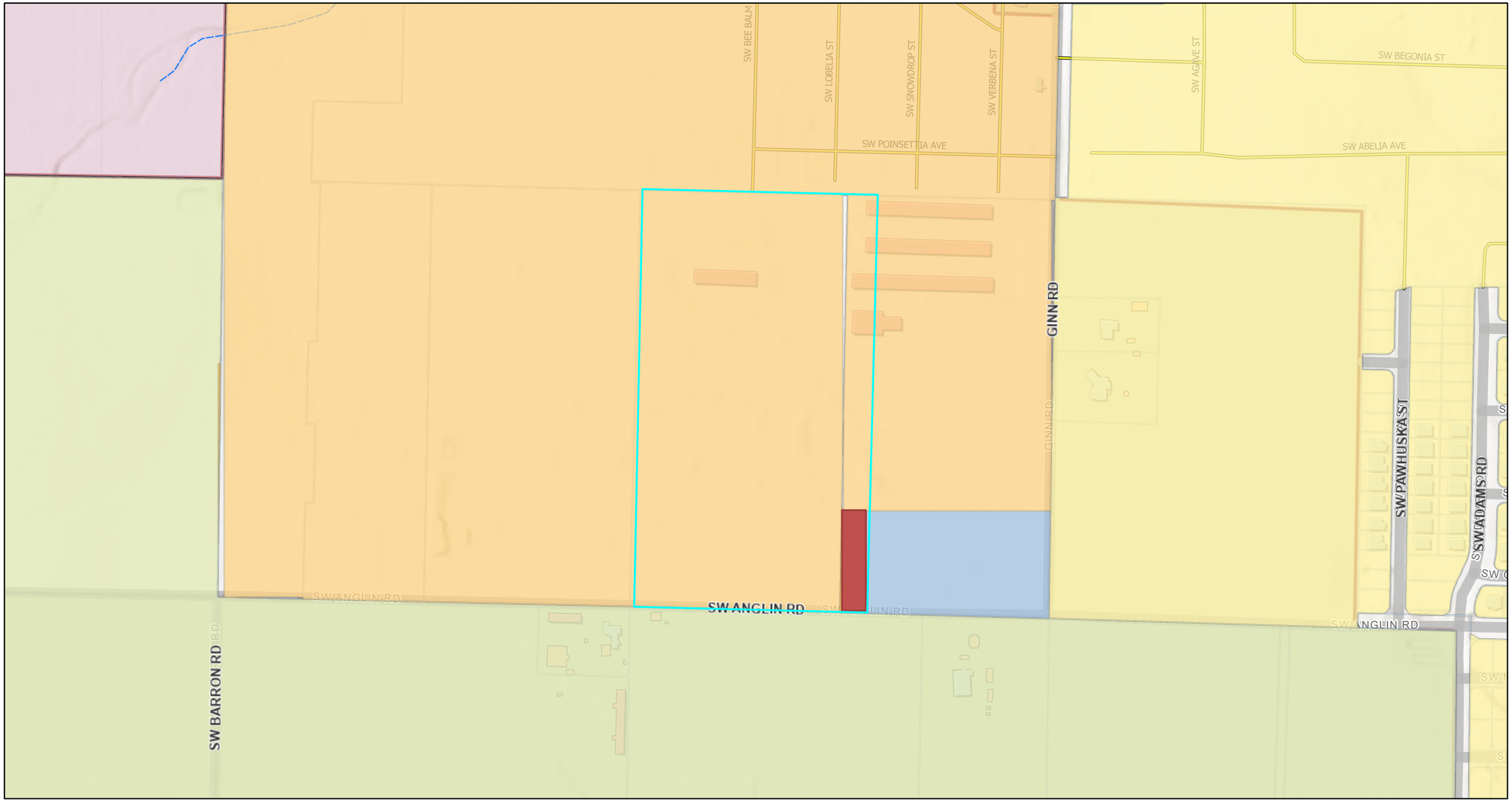
Prepared by Paula McClane with KJ Civil Engineering.

Clint Karstetter, PE

Principal, Civil Engineer

© karstetter johnston 2025

Exhibit "A" .61 AC portion of RZ26-0016 within the Neighborhood Center Place Type



3/26/2026, 4:36:44 PM

2025 Land Use Plan

- Neighborhood Suburban
- Neighborhood Walkable
- Neighborhood Urban
- Other Rural and Estates
- Center Neighborhood
- Tax Parcels

1:4,514

0 0.04 0.09 0.18 mi

0 0.05 0.1 0.2 km

Sources: Esri, Vantor, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap, and the GIS user community, COBGIS

Generated by Print Service on GIS Site

ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL TO R-2, MEDIUM DENSITY TWO FAMILY AND TOWNHOME RESIDENTIAL; AND FOR OTHER PURPOSES. (PROJECT NUMBER: RZ26-0016)

WHEREAS, Ultra Homes, LLC duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to R-2, MEDIUM DENSITY TWO FAMILY AND TOWNHOME RESIDENTIAL to be used in accordance with city zoning laws and state laws, which property is described as follows:

PARCEL: 01-00828-545 TRACT 2 OF INSTRUMENT NUMBER L202409309: THE WEST 1/2 OF THE SEI/4 SW 1/4 OF SECTION 9, TO\/\/NSHIP IS NORTH, RANGE 31 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT N87°13'03“W 658.00 FEET FROM THE SE CORNER OF THE SEI/4 SW 1/4 OF SAID SECTION 9; THENCE N87°13'03“W 658.00 FEET; THENCE N02°29'09"E 1321.90 FEET, THENCE S87°15’06”E 658.15 FEET; THENCE S02°29’32”W 1322.29 FEET TO THE POINT OF BEGINNING. PARCEL: 01-00828-548 TRACT 3 OF INSTRUMENT NUMBER L202409309: THE EAST 1/2 OF THE SEI/4 SW 1/4 OF SECTION 9, TOWNSHIP 19 NORTH, RANGE 31 WEST, BENTON COUNTY, ARKANSAS. BEING MORE PARTICULARLY DESCRIBED AS FOLLOW S: BEGINNING AT THE SE CORNER OF THE SE1/4 SW1/4 OF SAID SECTION 9; THENCE N87°13’03"W 658.00 FEET; THENCE N02°29’32"E 1322.29 FEET; THENCE S87°15’06"E 658.15 FEET; THENCE S02°29’55"W 1322.68 FEET TO THE POINT OF BEGINNING.;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held April 7, 2026 in the Council Chambers of the City of Bentonville;

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, LOW DENSITY SINGLE FAMILY RESIDENTIAL to R-2, MEDIUM DENSITY TWO FAMILY AND TOWNHOME 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, LOW DENSITY SINGLE FAMILY RESIDENTIAL to R-2, MEDIUM DENSITY TWO FAMILY AND TOWNHOME RESIDENTIAL and upon the adoption of the Bentonville Community Code, R-2 will translate to T4.1, Neighborhood General, in the Walkable Neighborhood and Neighborhood Center Place Types, to be used in accordance with the city zoning laws and state laws;

Section 2 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED AND APPROVED this_____ day of _____, 2026.

APPROVED:

_____

Stephanie Orman, Mayor

ATTEST:

_____

Malorie Marrs, City Clerk

	Rezoning - Kuhlman Properties, LLC - A-1, Agriculture to C-3, Mixed-Use Commercial
	804 SW 12th Street.
	PC Date: 4/7/2026

Staff Report Details

Project Number	(RZ26-0020)
Applicant / Current Owner	Jill Ehret / Kuhlman Properties, LLC
Site Area	+/- **[.63]** Acres
Current Zoning	A-1, Agriculture
Requested Zoning	C-3, Mixed-Use Commercial
Current Future Land Use Map Designation	Regional Center
Requested Future Land Use Map Designation	N/A
Development Type / Use	
Related projects	

Property Description

The subject property is located at 804 SW 12th Street (this is a temporary address assigned by the City's GIS Department). The property is presently zoned A-1, Agriculture with a Future Land Use Map designation of Regional Center. The property has direct access to SW 12th Street, a Local per the Master Street Plan. Surrounding districts include C-2, General Commercial to north, south, east, and west, I-2, Heavy Industrial to the west, and A-1, Agriculture to the south. The land use designation of the properties that directly surround the subject property is Regional Center.

Important Note: Under the proposed BBC code adoption, the subject property's current C-3 zoning would translate to T5.2, which carries a maximum buildable height of 96 feet. However, the property falls within the Municipal Airport Overlay District (Zone A), which imposes an independent height ceiling that supersedes the base zoning allowance. Applying the Zone A slope formula — one foot of allowable height for every 34 feet of horizontal distance from the end of the runway primary surface — and given the property's approximate distance of 3,000 feet, the effective maximum height is approximately 88 feet.

Project Details

The applicant has requested a rezoning of the property from A-1, Agriculture to C-3, Mixed-Use

Project Details

Commercial, which brings the property into alignment with the Future Land Use and Zoning Alignment Policy under standard review. In their narrative, the applicant states that they are requesting this rezone with the intention of developing the property as professional office space and residential.

Relationship to the Community Plan

The subject property is designated and Regional Center on the Future Land Use Map and is surrounded by Regional Center on all sides. Rezoning the property to C-3, Mixed-Use Commercial would bring this property into alignment with the Future Land Use Map under standard review. The Community Plan describes Regional Center as typical hubs of concentrated white collar employment, together with smaller businesses - like restaurants, office supplies, and other services - that support them, along with concentrated housing in close proximity to abundant jobs. A rezone to C-3 would support the goals of the Regional Center place type.

Public Comment

Has Staff received Public Comment at the time of this report? : **Yes**

Analysis / Waivers

The applicant has requested a rezoning of the property from A-1, Agriculture to C-3, Mixed-Use Commercial, which brings the property into alignment with the Future Land Use and Zoning Alignment Policy under standard review. In their narrative, the applicant states that they are requesting this rezone with the intention of developing the property as professional office space and residential. The applicant further states rezoning this property to C-3 will promote orderly development consistent with the surrounding area.

Consistency
The proposed C-3 zoning district is consistent with the adopted Future Land Use Map under Standard Review and is consistent with the Community Plan's guiding principle of thoughtful growth. (If the new code is adopted, a C-3 zone would translate to T5.2 in the Regional Center place type. A T5.2 zone would also be consistent with the Future Land Use Map under Standard Review). Additionally, a rezone from A-1 to C-3 would bring the property into compliance with the Zoning Alignment Policy, where an A-1 zoning district is not appropriate in a Regional Center Place Type.

Impact
The impact of this rezone on the community, if developed under the proposed C-3 zone, would be an increase in density as the applicant states. Given the proximity to the I St. corridor, future development will likely be accommodated by existing infrastructure.

Compatibility
Surrounding properties are designated as Regional Center and have zoning classifications of C-2, General Commercial, I-2, Heavy Industrial, and A-1, Agriculture. The subject property is located on an arterial (SW I St), and the existing development in the area is office, commercial, and industrial make-up.

Intensity
The subject property is located within the Regional Center place type, which includes some of the city's highest intensity commercial and residential zoning types.

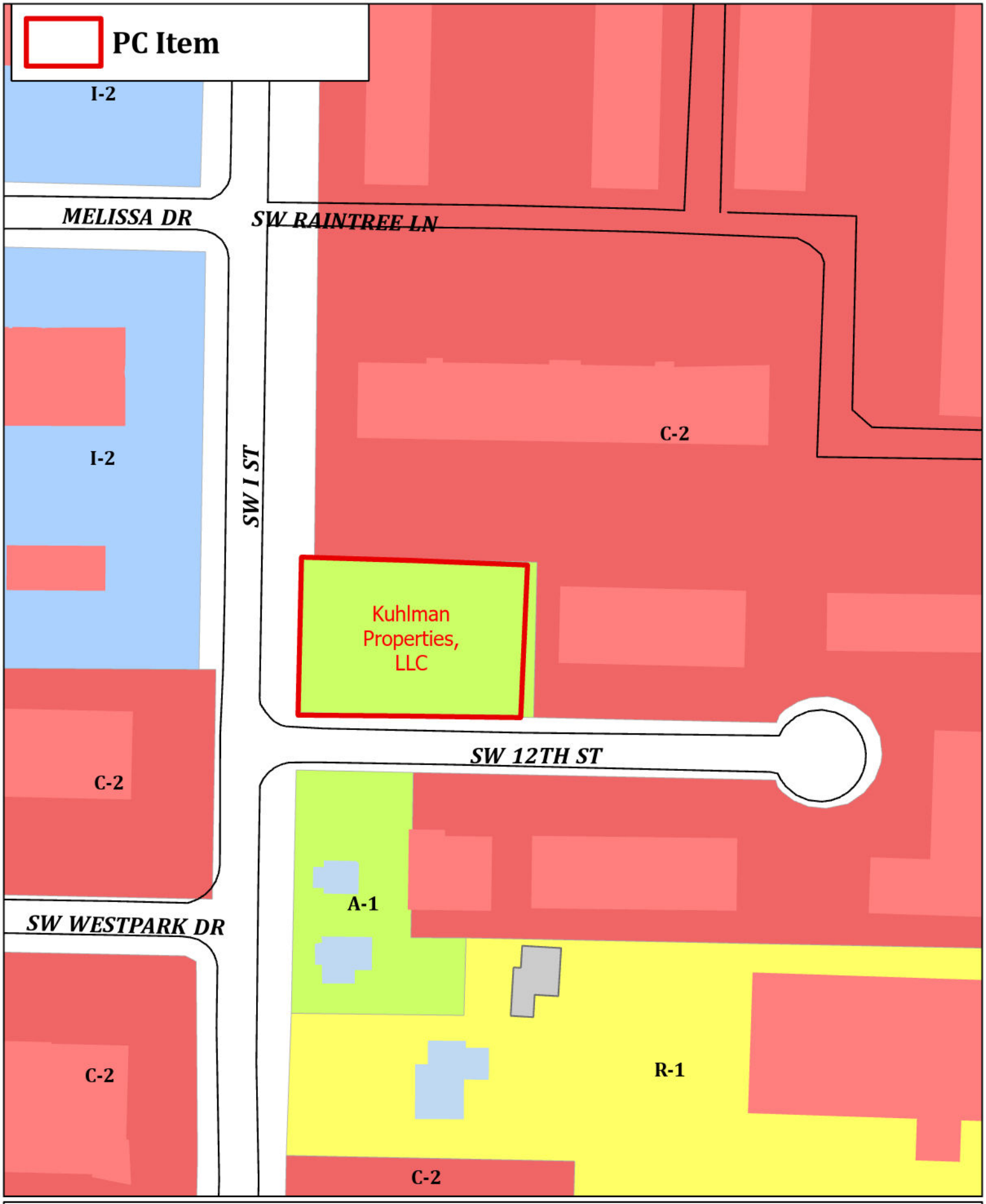
Analysis / Waivers

Orderly Transition
This rezone request supports an orderly transition of land use and allows for thoughtful development that aligns with the City's growth while maintaining visual and social cohesion.

Conclusion

Staff recommend approval as the application is consistent with the goals of the community plan and alignment policy.

Additional Details



N
W E
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RZ26-0020
Kuhlman Properties
804 SW 12th St

We would formally like to request a rezoning of the property located at 1107 SW I Street, Bentonville, Arkansas, owned by Kuhlman Properties, LLC, from AG – Agricultural to C-3 Commercial. There are no planned or proposed sales of the property at this time. The purpose of this request is to align the zoning designation with surrounding properties and the continued commercial growth occurring within this area of Bentonville.

The subject property is located within a corridor that has transitioned from low-intensity uses to predominantly commercial development. Adjacent and nearby properties are zoned C-2 Commercial, and the requested rezoning represents a logical continuation of the established land use pattern. The existing AG zoning no longer reflects the character of surrounding development or the anticipated future growth of the area.

The requested rezoning is consistent with the City of Bentonville Future Land Use Plan, which supports commercial development, reinvestment, and coordinated growth along I St. Rezoning the property will promote orderly development consistent with existing conditions and long-range planning objectives.

The intent of this request is to develop the property as professional office space and residential, providing business and employment opportunities that complement surrounding commercial uses. Office development represents a low-impact commercial use that is compatible with adjacent properties and contributes positively to the economic vitality of the community while maintaining appropriate scale and intensity for the corridor.

The property is located along the established I St. corridor capable of accommodating commercial traffic volumes. Use is not expected to create traffic impacts beyond those already anticipated for this commercially zoned area. Access, parking, and internal circulation will be designed in accordance with City of Bentonville development standards during the site plan review process.

All future signage will comply with the City of Bentonville Sign Ordinance applicable to C-3 Commercial zoning districts. The development will be designed to complement surrounding properties through quality architecture, landscaping, lighting, and site design that enhances the visual character of the corridor.

Municipal water and sanitary sewer services are available to the property, with infrastructure accessible along SW I Street and SW 12th Street. The project will connect to existing City utilities as approved through the engineering and development review process, ensuring adequate infrastructure capacity to support the proposed office development.

This request does not introduce a new land use pattern but instead formalizes zoning consistent with surrounding properties and established development trends. Approval of this rezoning will allow the property to develop in a manner compatible with adjacent uses while supporting Bentonville's continued growth and economic development objectives.

TABLE 2.1 PLACE TYPE CORRELATION WITH ZONING DISTRICTS

Place Type	Zones Allowed													
	T2.1	T2.2	R-1	T3.1	T3.2	T4.1	T4.2	T5.1	T5.2	T6.1	GC	LI	LFI	MH
Centers														
Regional Center							SR	SR	SR	SR	ER	ER		
City Center							SR	SR	ER					
Neighborhood Center						SR	SR	ER						
Neighborhoods														
Urban Neighborhood					SR	SR	SR	ER						
Walkable Neighborhood				SR	SR	SR	ER							
Traditional Neighborhood			SR	SR	SR									
Suburban Neighborhood			SR	SR	ER									ER
Corridors														
Urban Corridor							SR	SR	SR	ER	ER			
Walkable Corridor							SR	SR	ER		ER			
Suburban Corridor								SR			SR	ER		ER
Recreation														
Outdoor Entertainment	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER
Parks and Public Spaces	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER
Specialized														
Rural and Estates	SR	ER		ER										ER
Industry and Technology											SR	SR	ER	
Civic and Institutional	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER

SR: Standard review applies in accordance with Sec. 50-709(e) Review criteria. Zoning district is appropriate for place type.

ER: Enhanced review applies in accordance with Sec 50-709(e) Review criteria. Zoning district may be appropriate for the place type with a positive compliance review.

Blank: Zoning district is not appropriate for place type and will not be considered for rezoning.

Alignment Table

Place Types listed in order presented in Ch. 4 of Community Plan

SR = Standard Review applies (Sec. D.2); Zoning District is appropriate for the Place Type.

ER = Enhanced Review applies, (Sec. D.3); Zoning District may be appropriate for the Place Type with additional review.

Blank = No action, Sec. D.4; Zoning District is not appropriate for the Place Type.

Zoning District		A1	RE	R1	R2	R3	R4	DN1	DN2	DN3	DN4	DE	DC	C1	C2	C3	I1	I2
Place Type																		
Centers	Regional Center										SR	SR	SR			SR		
	City Center										SR	SR	ER			SR		
	Neighborhood Center										SR	SR		SR		ER		
Neighborhoods	Urban Neighborhood								SR	SR	SR	ER				ER		
	Walkable Neighborhood				ER	ER	ER	SR	SR	SR	ER							
	Traditional Neighborhood			SR				SR	ER									
	Suburban Neighborhood			SR	ER			ER										
Corridors	Urban Corridor											SR	ER			SR		
	Walkable Corridor										SR	ER		SR		ER		
	Suburban Corridor													SR	ER			
Recreation	Outdoor Entertainment	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER
	Parks and Public Spaces	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER
Specialized	Rural and Estates	SR	SR	ER														
	Industry and Technology														SR		SR	ER
	Civic and Institutional	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER
Remaining Districts:		**PUD/PRD** should follow the review criteria as established in the Zoning Code for PRD/PUD.																
		R-C2, R-C3, RZL and RO districts are not consistent with the Place Types of the Future Land Use Map and rezoning requests to these districts are not supported.																

NOTICE OF INTENT TO REZONE

ID: RZ26-0020

Kuhlman Properties, LLC has requested the Bentonville Planning Commission to set a public hearing date to consider rezoning the following property from:

A-1, Agriculture to C-3, Mixed-Use Commercial

The legal description of the property is:

Lots 12 and 13, Belle Heights, an addition to the City of Bentonville, Benton County, Arkansas, as shown in Plat Record M at page 232.

The common description of the property is: 804 SW 12th St. Bentonville, AR

The Public Hearing will be held on April 7, 2026, at 5:00 pm, at:

Bentonville City Hall
305 SW A St.
Bentonville, AR 72712

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. You can attend online by going to bentonvillear.com/592/Agendas-Minutes
2. Express your opinion in writing to the Planning Commission. You may mail this or deliver it to the City of Bentonville Planning Department located at City Hall.
3. Use the bottom of this form to express our opinion by checking the appropriate box. This may also be mailed or delivered to the Bentonville City Hall.

For more information, call the Bentonville Planning Department at (479) 271-3122 or email at planning@bentonvillear.com.

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

☑ I have no objections to the rezoning
☐ I object to the rezoning because:

[redacted]

Signature & Physical Address
800 S.W. 12th Bentonville AR

Signature & Physical Address

NOTICE OF INTENT TO REZONE

ID: RZ26-0020

Kuhlman Properties, LLC has requested the Bentonville Planning Commission to set a public hearing date to consider rezoning the following property from: A-1, Agriculture to C-3, Mixed-Use Commercial

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For more information, call the Bentonville Planning Department at (479) 271-3122 or email at planning@bentonvillear.com.

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

☑ I have no objections to the rezoning
☐ I object to the rezoning because:

[redacted] 808 S.W. 14th
Signature & Physical Address

[redacted] 1301 S.W. I St.
Signature & Physical Address

NOTICE OF INTENT TO REZONE

ID: RZ26-0020

Kuhlman Properties, LLC has requested the Bentonville Planning Commission to set a public hearing date to consider rezoning the following property from:

A-1, Agriculture to C-3, Mixed-Use Commercial

The legal description of the property is:

Lots 12 and 13, Belle Heights, an addition to the City of Bentonville, Benton County, Arkansas, as shown in Plat Record M at page 232.

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305 SW A St.
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1. Attend the public hearing and express your views. You can attend online by going to bentonvillear.com/592/Agendas-Minutes
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3. Use the bottom of this form to express our opinion by checking the appropriate box. This may also be mailed or delivered to the Bentonville City Hall.

For more information, call the Bentonville Planning Department at (479) 271-3122 or email at planning@bentonvillear.com.

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

- [x] I have no objections to the rezoning
- [ ] I object to the rezoning because:

[redacted]

Signature & Physical Address

1001 MELISSA

Signature & Physical Address

ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF A-1, AGRICULTURAL TO C-3, MIXED-USE COMMERCIAL; AND FOR OTHER PURPOSES.
(PROJECT NUMBER: RZ26-0020)

WHEREAS, Kuhlman Properties, LLC duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of A-1, AGRICULTURAL to C-3, MIXED-USE COMMERCIAL to be used in accordance with city zoning laws and state laws, which property is described as follows:

LOTS 12 AND 13, BELLE HEIGHTS, AN ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN IN PLAT RECORD M AT PAGE 232;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held April 7, 2026 in the Council Chambers of the City of Bentonville;

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

WHEREAS, the Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification of A-1, AGRICULTURAL to C-3, MIXED-USE COMMERCIAL.

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

Section 1: That the above described real property is hereby changed from its present zoning classification of A-1, AGRICULTURAL to C-3, MIXED-USE COMMERCIAL and upon adoption of the Bentonville Community Code, C-3 will translate to T5.2, Town Center High, in the Regional Center Place Type, to be used in accordance with the city zoning laws and state laws;

Section 2 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED AND APPROVED this_____ day of _____, 2026.

APPROVED:

_____
Stephanie Orman, Mayor

ATTEST:

_____
Malorie Marrs, City Clerk

	A Resolution Approving A Development Agreement For The Central And Battlefield Project
	PC Date: 3/17/2026

Staff Report Details

Project Number	(LSD24-0034 / PP24-0006)
Applicant / Current Owner	
Site Area	
Current Zoning	
Requested Zoning	
Current Future Land Use Map Designation	
Requested Future Land Use Map Designation	
Development Type / Use	
Related projects	PUD22-0002

Property Description

Project Details

The development agreement for the project outlines the roles and responsibilities for the developer and the city for the various infrastructure needed to support the project.

The PUD (PUD22-0002) was approved on 4/4/23 and amended by the planning commission on 5/20/25 to remove two roundabouts and to recharacterize the north south road along the easterly property line as a private road with a public access easement, parallel parking, built to public standards with the following improvements to be 100% developer funded:

1. The private north / south road.
2. A new signal at the northerly terminus of the private road and any necessary improvements to be determined at large scale or preliminary plat approval.
3. Half-width improvements along the project for both Battlefield and Central.

Project Details

This development agreement, after extensive negations, has further modified City/Developer obligations as outlined in the development agreement.

Relationship to the Community Plan

Public Comment

Has Staff received Public Comment at the time of this report? : **No**

Analysis / Waivers

Conclusion

Additional Details

To: Bentonville City Council
From: Tyler Overstreet, Planning Director
Date: April 14, 2026
Subject: E Central and Battlefield Development Agreement

Overview

This Development Agreement ("Agreement") was included in City Council's approval of PUD22-0002. It outlines a partnership and cost share between the City and the developer to construct the associated public infrastructure needed to serve the area. The agreement distinguishes between:

- Usual and customary improvements to be constructed by the developer as required by City Code; and
- Larger, area-wide transportation improvements, beyond what would be required from the traffic study for the project, that involve cost-sharing and City participation.

A central component of the Agreement is a Fee-in-Lieu contribution of $2,997,309.98 paid by the developer prior to construction, in place of constructing certain major off-site transportation improvements.

Key Transportation Improvements

The agreement addresses several major infrastructure elements in this corridor, based on the approved PUD, including:

- Roundabouts at East Central/New Road and Battlefield/New Road
- East Battlefield Road improvements (aligned with planned bond projects)
- Construction of New Road connecting East Central to Battlefield
- Associated right-of-way dedication and utility relocation

The developer is responsible for on-site and customary improvements, while the City leads construction of larger regional improvements, supported in part by the Fee-in-Lieu, land donation, and partial reimbursement of property acquisition.

Key Policy Consideration: Flexibility in Infrastructure Delivery

One of the most important aspects of this agreement is how it preserves the City's flexibility in delivering the best transportation solution over time.

- The Fee-in-Lieu is not tied to constructing specific improvements, but may be applied to:
  - The listed improvements (e.g., roundabouts or roadway upgrades), or
  - Other public infrastructure projects that provide a comparable public benefit.
- The agreement explicitly allows the City to:
  - Adapt to changing conditions, including traffic patterns and nearby development
  - Modify or forego specific improvements if better solutions emerge
  - Retain and reallocate funds even if originally proposed improvements are not constructed

This structure of this Agreement is intentional and reflects the reality that this area is still developing. Rather than mandating that funds only be used for currently approved infrastructure, the Agreement ensures that funds can be directed toward the best infrastructure solution for the City as surrounding properties develop and transportation needs evolve.

Additional Notable Provisions

- The project will be developed in phases, as approved by Planning Commission, with flexibility for future addendums.
- The City retains responsibility for off-site land acquisition, with partial reimbursement from developer, and coordination of larger infrastructure projects.
- The agreement ensures that Certificates of Occupancy are not delayed due to City-led infrastructure timing, supporting predictable project delivery. This gives the City the ability to install temporary traffic controls necessary to maintain an adequate level of service for the surrounding roadway network, as buildings come online, if the approved larger infrastructure projects are not complete.

Conclusion

This Development Agreement:

- Secures significant upfront funding for infrastructure
- Clearly allocates responsibilities between the developer and the City
- Provides the City with long-term flexibility to deliver the most appropriate transportation improvements as the corridor develops

Staff has collaborated, across multiple departments, to prepare this Development Agreement pursuant to the requirement of approval for PUD22-0002. There is no City money specifically budgeted for this project. The City's cost under this Agreement is planned to be allocated in Street Fund.

Respectfully,

Tyler Overstreet, AICP
Bentonville Planning

RESOLUTION NO. _____

A RESOLUTION APPROVING A DEVELOPMENT AGREEMENT FOR THE CENTRAL AND BATTLEFIELD PROJECT; AND FOR OTHER PURPOSES.

WHEREAS, The City of Bentonville ("City") approved Uncommon Developer's ("Developer") PUD22-0002 for the Central and Battlefield Project on April 11, 2023 with the amendment of both parties entering into a Development Agreement;

WHEREAS, City and Developer have negotiated said Agreement, to set forth the roles and responsibilities of the parties related to the PUD22-0002 Central and Battlefield Project; and

WHEREAS, the City's cost will be set aside in Street Fund.

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

Section 1: The Mayor and City Clerk are authorized to execute the Development Agreement, attached as Exhibit "A" for PUD22-0002;

Section 2 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

PASSED and APPROVED this _____ day of _____, 2026.

APPROVED:

_____
STEPHANIE ORMAN, MAYOR

ATTEST:

_____
MALORIE MARRS, CITY CLERK

DEVELOPMENT AGREEMENT
East Central and Battlefield Planned Unit Development

This DEVELOPMENT AGREEMENT (this "Master Development Agreement") is made as of the ____ day of _____, 2026 (the "Effective Date"), by and between the CITY OF BENTONVILLE, ARKANSAS, with offices at 305 S.W. A Street, Bentonville, Arkansas 72712 ("City") and 2606 E. CENTRAL, LLC., a California limited liability company, with offices at 9220 Winnetka Ave., Chatsworth, CA 91311 ("2606"). City and 2606 shall collectively be referred to herein as the "Parties" and singularly a "Party."

RECITALS

W I T N E S S E T H

WHEREAS, 2606 is the owner of certain real property in the City of Bentonville, County of Benton, State of Arkansas, as more completely described in Exhibit "A" attached hereto and made a part hereof (the "Property");

WHEREAS, the City is the owner or anticipated future owner of certain real property, rights of way, and easements in and around the Property (the "City Property");

WHEREAS, 2606 desires to develop the Property as a mixed use development pursuant to a planned unit development approved by the City Council for the City on April 11, 2023 (the "Project). The Project is expected to include certain street, trail, sidewalk, utility, and storm water public improvements (the "Improvements") as may be required by City Code;

WHEREAS, the City has determined that the Improvements will provide material and long term financial and economic benefits to the City, efficiencies in the operations and delivery of City services to residents, increased health, safety, and general welfare of the City's residents, improved aesthetic value of City Property, and increased quality of life for the City's residents, and that these benefits will exist independent and separate from 2606's intended development and use of the Project;

WHEREAS, the Parties acknowledge that the nature, scope, and cost of construction of some of the Improvements, if undertaken, would or may (a) not be required by City Code or usually and customarily made, performed, maintained, or funded by a developer such as 2606, (b) may require the acquisition of property that is not a part of the Property (the "Offsite Lands") and, therefore, not be under or subject to the control of 2606, and therefore some cost sharing between the Parties is appropriate. An illustration, together with a legend describing the obligations of the City and 2606 is attached hereto as Exhibit "B" and incorporated herein by reference;

WHEREAS, 2606, through its representative, met with the Mayor and other heads of City departments and learned of specific terms, provisions, and revisions to prior drafts of this agreement that they required, which are incorporated herein; and

WHEREAS, the Parties desire to enter into this Master Development Agreement to set forth their mutual responsibilities, obligations and understandings herein.

NOW, THEREFORE, for and in consideration of the mutual exchange of the covenants and agreements hereinafter set forth, the sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. **Incorporation of Recitals**. The Recitals set forth above are material provisions of this Master Development Agreement and are incorporated herein.

2. **Master Development Agreement and Addendums**. The Parties acknowledge and agree that the Project will be developed by 2606 in phases which shall involve the City and may be subject to further addendums to this Master Development Agreement, as such addendums may hereinafter be entered into between the City, 2606, and such other third parties as the Parties deem necessary (each an "Addendum" and collectively "Addendums"). Each Addendum shall be subject to the terms of this Master Development Agreement unless otherwise stated in the Addendum. This Master Development Agreement and each Addendum are referred to herein as the "Development Agreement", and along with all plats, planned unit development plans and filings, large scale development plans, covenants, restrictions, right of way grants, conveyances, easements, maintenance agreements, use agreements, land use plans, and related final submissions made by 2606 and approved by the City regarding the Project, including any amendments or modifications thereto, collectively referred to herein as the "Project Documents".

3. **Large Scale Development: Usual and Customary Improvements, Extraordinary Improvements, Scope, and Cost Sharing**.

Except as may otherwise be provided by payment of the Fee in Lieu described below, 2606 shall construct all usual and customary improvements required as part of the approval of the Project's Large Scale Development Plan ("LSDP Improvements"). The LSDP Improvements shall include usual and customary one-half (1/2) street improvements and utility relocations together with the following:

A. Fee in Lieu of Improvements

1. Certain improvements may, at the City's discretion, be satisfied by 2606 through the payment of a Fee in Lieu of Performance, (hereafter "Fee in Lieu") in the form of a cash payment to the City in the total amount of $2,997,309.98 (the components of the Fee in Lieu are shown on Exhibit "B"). Payment of this Fee in Lieu shall be in lieu of directly constructing certain specific improvements hereafter defined, including, specifically, the East Central Roundabout, any medians in East Central leading to the East Central Roundabout from the West, the East Battlefield Road roundabout, and the East Battlefield Road half-street improvements (collectively the "Fee In Lieu Improvements"). The City may apply this Fee in Lieu toward construction of the improvements identified herein as its responsibility, to the Fee In Lieu Improvements, or to other public infrastructure projects providing comparable public benefit. 2606 waives the statutory five (5) year refund period. Payment of the Fee in Lieu will be made in full prior to the Pre-Construction meeting. Approval of this Development Agreement and acceptance by the City of the Fee in Lieu shall not exempt 2606 from payment of any other development, impact, or permitting fees customary to development under the Bentonville City Code.

If, as a result of alternative traffic solutions arising as a part of other developments in the area, any part of the Fee In Lieu Improvements are not constructed by the City, the City may retain the Fee in Lieu or any part thereof.

B. East Central Roundabout

If the City requires a large roundabout at the intersection of East Central Blvd. and New Road (the "East Central Roundabout"), the parties shall cost-share as follows:

1. **2606's Obligations**

   a. Dedicate a sufficient area of the Property to accommodate the portion of the roundabout located on the Property, as shown in Exhibit "B" attached hereto and incorporated herein by reference.

   b. Pay the Fee in Lieu.

2. **City's Obligations**

   a. Acquire any necessary offsite land on the East side of East Central Blvd., to accommodate either the East Central Roundabout or the traffic signal, as applicable, as shown on Exhibit "B", as applicable, through negotiation or eminent domain.

   b. Acquire 32.17 sq. ft of off-site lands from the church to the north. 2606 will reimburse the City for the cost of this land acquisition.

   c. Construct the East Central Roundabout using the Fee in Lieu funds and such other public funds as may be required.

   d. The City reserves the right to not construct the roundabout or traffic light if alternative traffic solutions are implemented, and to retain the Fee in Lieu funds in such event.

C. East Battlefield Road Half-Street Improvements

The City shall construct improvements to both the North and South sides of East Battlefield Road in conformity with a previously approved municipal bond project, or as the City may otherwise deem required as a result of alternative traffic solutions arising as a part of other developments in the area. The City may use the funds, paid to it by 2606 as a part of the Fee in Lieu, to construct these improvements. As stated above, payment of the Fee in Lieu shall relieve 2606 of the duty to perform half-street improvements along East battlefield Road.

D. Battlefield Roundabout

If the City requires a roundabout at the intersection of New Road and East Battlefield Road ("Battlefield Roundabout"), the parties shall cost-share as follows:

1. **2606 shall**:

   a. Dedicate a sufficient area of the Property to accommodate the portion of the roundabout located on the Property, as shown in Exhibit "B" attached hereto and incorporated herein by reference.

   b. Pay the Fee in Lieu.

2. **The City shall**:

a. Design and construct its scheduled bond improvements along the north and south sides of East Battlefield Road as referenced above.

b. Acquire any necessary offsite land on the South side of East Battlefield Road to accommodate the Battlefield Roundabout as shown on Exhibit "B", as applicable, through negotiation or eminent domain. The City may use part of the Fee in Lieu for this purpose.

c. Construct the Battlefield Roundabout using the Fee in Lieu funds and such other public funds as may be required.

d. The City reserves the right to not construct the Battlefield Roundabout if alternative traffic solutions are implemented, and to retain the Fee in Lieu funds in such event.

E. New Road Construction

2606 shall, at its sole cost and expense, dedicate sufficient property, valued at $1,297,357.55 as of this date, and construct thereupon the New Road as shown on Exhibit "B", connecting to East Central Blvd. and the Battlefield Roundabout described above. The New Road shall be a public street built to City code standards. If alternative traffic solutions are implemented which do away with both the East Central Roundabout and the Battlefield Roundabout this New Road may remain private and will not be required to be constructed to public street standards.

F. Other Improvements

2606 shall construct all other usual and customary improvements typically required of a similarly situated developer as part of its Large Scale Development Plan, pursuant to the Bentonville City Code.

G. Utility Relocations at East Central Blvd. and New Road

2606 shall relocate utilities on 2606's side of E. Central as necessitated by Code and construction of the intersection of East Central Blvd. and New Road, including if said intersection is constructed as a roundabout.

H. Other Utility Service Installations

2606 shall perform all other usual and customary utility relocations, and install all other utility services, typically required of a developer of a project of this nature.

4. **Scheduling**. The Parties will work cooperatively together to coordinate construction of the Project and the efficient progression of same, including the construction of the roundabouts.

5. **Phasing**. Construction of improvements to the Property shall be performed in phases as approved by the Planning Commission as part of the Large Scale Development Plan.

6. **Certificates of Occupancy**. The City will issue Temporary Certificates of Occupancy for each building within the Project as same is completed, completes building inspection, and is functional, (including parking and temporary access or temporary traffic controls as may be necessary) in conformity with phasing approved by the Planning Commission. Issuance of Temporary Certificates of Occupancy

will not be delayed due the City's own delays in completion of its work as required herein and the City shall, as necessary, perform such improvements as may be required within the scope of the Fee in Lieu to assure that the 2606 development is functional and ready for final inspection according to the phasing schedule of 2606 as may be approved by the Planning Commission.

7. **No Implied Obligation**. It is expressly agreed that nothing contained in this Development Agreement shall be construed to contain a covenant, either expressed or implied, by 2606 to either commence the construction of a building or other improvements upon the Property.

8. **Notices**. All notices and other communications required or permitted to be given hereunder shall be in writing and shall be mailed by certified or registered mail, return receipt requested and postage prepaid, or reputable overnight delivery service with proof of delivery, addressed as follows:

If to City:	City of Bentonville 1000 SW 14th St. Bentonville, Arkansas 72712
With a copy to:	City Staff Attorney City of Bentonville 305 SW A St. Bentonville, Arkansas 72712
If to 2606:	2606 E. Central, LLC. 9220 Winnetka Ave. Chatsworth, CA 91311 Attn: Leon Benrimon
With a copy to:	Watkins, Boyer, Gray & Curry, PLLC 1106 W. Poplar St. Rogers, Arkansas 72756 Attn: Bill Watkins

Notice shall be deemed to have been given upon receipt. Refusal of delivery for any reason shall be deemed receipt.

9. **Modification**. No modification of this Development Agreement shall be valid or binding unless such modification is in writing, duly dated, approved by the City Council of the City of Bentonville, and signed by the Parties.

10. **No Partnership and Third Party Rights**. This Development Agreement does not create any obligation or relationship such as a partnership, joint venture, or other similar legal relationship under the laws of any state or the federal government. Any correspondence or other references to "partners" or other similar terms will not be deemed to alter, amend or change the relationship between the parties hereto unless there is a formal written agreement specifically detailing the rights, liabilities, and obligations of the parties as to a new, specifically defined legal relationship. Nothing in the Project or Large Scale Development

Plan documents is intended, or shall be deemed, to confer any rights upon any person who is not a party to thereto.

11. **Non-Exclusive, No-Bid and Independent Contractor**. 2606 may cause the work on the Project Improvements to be performed on an exclusive, or non-exclusive basis. To the fullest extent provided by Law and as further agreed to between the City and 2606 in any Addendum, 2606 shall be entitled to perform work on the Project Improvement, including but not limited to any work on the improvements along East Battlefield Road that are a part of the scheduled bond Improvements to the Property, without the obligation for public bidding. 2606 retains the right to contract with others in the business of providing work on the Project Improvements as 2606 determines from time to time and may assign work to others for the Project Improvements as 2606 determines in 2606's sole discretion. 2606 and the City enter into this Development Agreement and any Project Documents as independent contractors and at arms' length. Neither 2606 nor the City has the right, and shall not seek, to exercise any control over the other party, its employees, or its agents. Each Party shall be solely responsible for hiring, firing, promoting, demoting, rates of pay, benefits, and other terms and conditions in regard to its own employees and subcontractors. Neither City nor any of City's employees or agents may be considered 2606's agents or employees for any purpose and have no authority to act or purport to act on 2606's behalf. Neither City nor its employees or agents are entitled to receive any benefits, including, but not limited to, salary, vacation pay, sick leave, retirement benefits, social security, workers' compensation, health, disability, unemployment, and stock options, that 2606 may provide to its employees.

12. **Successors and Assigns**. 2606 and the City respectively bind themselves, their partners, successors, and assigns to the other party hereto and to the partners, successors, and assigns to such other party in respect to the covenants, agreements, and obligations contained herein. 2606 may sell, lease, transfer, or assign 2606's interest in all or any portion of the Property and the rights under, in whole or in part, to a successor developer, either affiliated or unaffiliated with 2606, without the consent of City. Further, 2606 may conditionally assign the Project Documents (i.e., the approved planned unit development, this Agreement, and the Large Scale Development Plan), in whole or in part, to any lender to 2606 (*i.e.,* contingent on 2606's default under the applicable loan documents) and may assign the Project Documents, in whole or in part to any parent, subsidiary, or affiliate of 2606 or any successor in interest to 2606 by virtue of a merger, acquisition, or otherwise. City hereby agrees to execute any and all documents which may be reasonably requested by any construction or permanent lender, including the assignment of the Project Documents, in whole or in part, and the City shall be bound thereby.

13. **No Public Dedication**. Except to the extent expressly set forth in the Project Documents, specifically the Large Scale Development Plan, no other portion of the Property is hereby, or deemed to be, dedicated to the City, or otherwise dedicated for public use.

14. **Choice of Law; Forum**. This Development Agreement shall be interpreted and construed in accordance with the laws of the State of Arkansas, and any dispute with respect to it and the rights and duties thereby created shall be litigated Benton County, Arkansas. The term "Law" as used herein shall include the laws of the State of Arkansas.

16. **Dispute Resolution; Mediation and Litigation**.

A. **Mediation**.

(1) In the event of any dispute between the Parties relating to the subject matter of this Agreement, the Parties will negotiate informally in good faith and in a fair and honest manner in an attempt to resolve the dispute. If any such dispute remains unresolved for a period of fifteen (15) days, either party thereafter may demand that the other party engage in formal mediation.

(2) If formal mediation is demanded, the parties will forthwith select a third-party mediator with formal training in mediation and will proceed to mediation at the earliest possible time. No legal action (except emergency injunctive action and then only to the extent immediately necessary) will be taken by any party hereto against any other party unless and until at least sixty (60) days have expired since mediation was demanded.

(3) Costs of the mediation will be borne equally by the parties, unless it is ultimately determined by a court of competent jurisdiction that a party has acted in bad faith, in which case, the costs of the mediation will be borne solely by that person.

B. **Litigation**. The Parties shall not resort to litigation without first putting forth good faith efforts to resolve the dispute.

16. **Incorporation of Recitals, Addendum and Exhibits**. The recitals set forth above, the future Addendums referred to herein and the exhibits attached hereto are hereby incorporated herein by reference as if set forth in full in the body of this Master Development Agreement.

17. **Counterparts**. This Development Agreement may be executed in one or more counterparts, all of which shall be deemed one and the same agreement. Any counterpart delivered by, or on behalf of, either party hereto by fax transmission or other electronic delivery of an image file reflecting the execution thereof: (1) may be relied on by the other party as if the document were a manually signed original, and (2) will be binding on the signing party.

18. **Waiver**. City and 2606 waive all claims against each other for consequential damages arising out of or relating to this Development Agreement. This mutual waiver includes damages incurred by a Party for rental expenses, for losses of use, income, profit, financing, business and reputation, and for loss of management or employee productivity or of the services of such persons. This mutual waiver is applicable, without limitation, to all consequential damages due to either party's termination of all or any part of this Development Agreement.

19. **Mutual Cooperation**. The Parties agree that the purpose of this Development Agreement is to provide for an efficient and cost effective development of the Project. The Parties shall and shall cause their respective, employees, subsidiaries, affiliates, subcontractors, and consultants providing work or otherwise involved in the Project to cooperate with each other in connection with the Project to provide for the most efficient and cost effective development of the Project.

20. **Attorney Fee Awards**. In the event that efforts at mediation have failed or concluded and it is then necessary for either party to bring any action or proceeding in a court of competent jurisdiction against the other under the Development Agreement, costs and expenses, including court costs and reasonable attorneys' fees shall be allocated according to law and as awarded by the Court.

21. **Enforceability**. If any term, covenant, or condition of the Development Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the

remainder of the Development Agreement, or the application of such terms, covenants, or conditions to persons or circumstances, other than those as to which are held invalid or unenforceable, shall not be affected thereby, and each and every remaining term, covenant or condition of the Development Agreement shall be valid and enforced to the fullest extent permitted by law.

22. **Headings**. Article, section, and paragraph headings are for convenience only and may not be construed as part of the Master Development Agreement, any Addendums, or as a limitation on the scope of the particular sections.

23. **Open Records (FOIA) Requests**. In the event City receives a request under the Arkansas Freedom of Information Act of 1967, or other similar federal or state laws ("FOIA Laws"), for information regarding the Project Documents, prior to the City's disclosure of any information the City shall promptly notify 2606 of such request to provide 2606 one (1) business day in which to obtain a court order or applicable exemption to such disclosure. In no event shall City disclose information which is protected or exempt from disclosure under applicable FOIA Laws.

24. **Entire Agreement**. This Development Agreement contains the entire agreement of the parties, and all prior communications, oral or written, are without any force and effect as it is the specific intent of the parties that this Agreement alone sets forth the terms on which the parties have mutually agreed. Each party specifically agrees that it enters into this Development Agreement based on its own understanding of the terms hereof and does not rely, in whole or in part, on any interpretation or representation of the other party. Each party agrees that this Development Agreement is the result of good faith arm's length negotiations. ANY REPRESENTATION OF 2606'S AGENTS OR ANY THIRD PARTY WHICH IS NOT INCORPORATED IN THIS MASTER DEVELOPMENT AGREEMENT SHALL NOT BE BINDING UPON 2606 AND SHOULD BE CONSIDERED AS UNAUTHORIZED. This Development Agreement shall not be amended or added to in any way except by written instruments executed by both Parties and their respective successors in interest.

IN WITNESS WHEREOF, this Master Development Agreement has been executed on the date above written.

SIGNATURE PAGE TO FOLLOW

East Battlefield Project Development Agreement
Signature page

CITY:

CITY OF BENTONVILLE,
ARKANSAS

By: _____
Name: _____
Title: Mayor

Attest:

_____
City Clerk

2606:

2606 E. CENTRAL, LLC,
a California limited liability company

By: _____
Name: _____
Title: _____

EXHIBIT "A"

THE PROPERTY

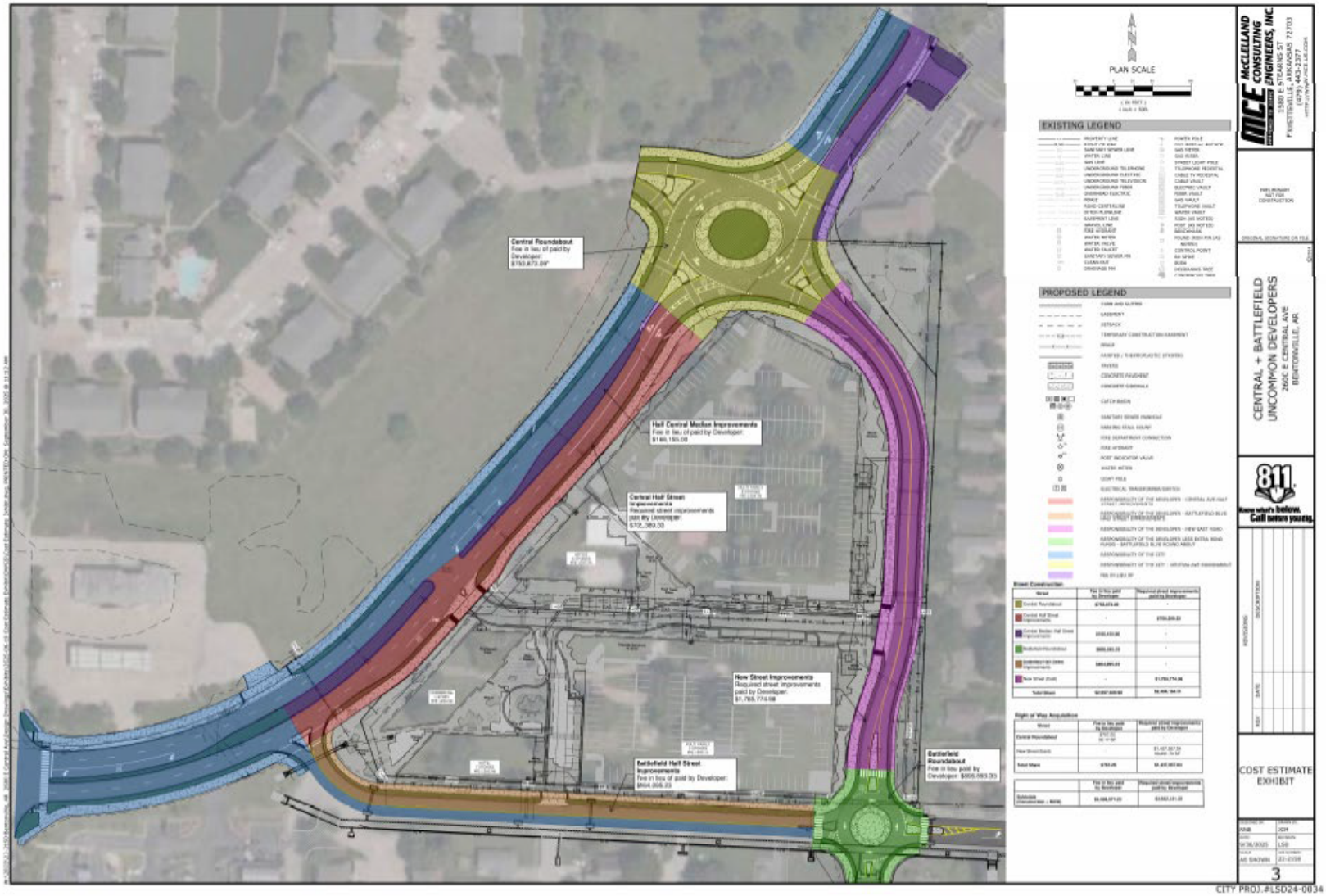
PART OF THE SE 1/4, SW 1/4, SECTION 28, TOWNSHIP 20 NORTH, RANGE 30 WEST, FIFTH PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SE 1/4, SW 1/4; THENCE N87°15'02"W 138.60 FEET TO A SET MAG NAIL WITH WASHER PLS 1759 FOR THE POINT OF BEGINNING; THENCE N87°15'02"W 310.00 FEET TO A SET 5/8" MAG NAIL WITH WASHER PLS 1759; THENCE N02°27'56"E 30.00 FEET TO THE NORTH RIGHT OF WAY OF E BATTLEFIELD BLVD; THENCE ALONG SAID NORTH RIGHT OF WAY, N88°35'17"W 337.46 FEET TO A FOUND 2" ALUMINUM MONUMENT PLS 406; THENCE N70°39'14"W 60.12 FEET TO A FOUND 2" ALUMINUM MONUMENT PLS 406; THENCE N18°41'01"W 72.38 FEET TO A SET 5/8" REBAR WITH CAP PLS 1759 ON THE EASTERLY RIGHT OF WAY OF E CENTRAL AVE. (AR HWY 72); THENCE ALONG SAID EASTERLY RIGHT OF WAY, N40°31'24"E 52.32 FEET TO A SET 5/8" REBAR WITH CAP PLS 1759; THENCE 55.14 FEET ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 05°00'35", A RADIUS OF 630.61 FEET, A LONG CHORD THAT BEARS N44°04'48"E, 55.12 FEET TO A SET 5/8" REBAR WITH CAP PLS 1759; THENCE N41°50'12"E 81.59 FEET TO A SET 5/8" REBAR WITH CAP PLS 1759; THENCE DEPARTING SAID EASTERLY RIGHT OF WAY, S87°25'38"E 385.44 FEET TO A FOUND 5/8" REBAR; THENCE N02°44'15"E 202.59 FEET TO A FOUND 5/8" REBAR; THENCE N87°26'24"W 220.46 FEET TO A SET 5/8" REBAR WITH CAP PLS 1759 ON THE EASTERLY RIGHT OF WAY OF E CENTRAL AVE. (AR HWY 72); THENCE ALONG SAID EASTERLY RIGHT OF WAY, N41°50'12"E 396.52 FEET TO A SET 5/8" WITH CAP 1759; THENCE DEPARTING SAID RIGHT OF WAY, S88°15'36"E 194.25 FEET TO A FOUND 1/2" REBAR; THENCE S02°33'38"W 767.00 FEET TO THE POINT OF BEGINNING, CONTAINING 308,177 SQUARE FEET OR 7.07 ACRES, MORE OR LESS. SUBJECT TO ANY EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD OR FACT.

AND

PART OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 28, TOWNSHIP 20 NORTH, RANGE 30 WEST IN BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS BEGINNING AT A POINT 363.60 FEET WEST OF AND 247.30 FEET NORTH OF THE SOUTHEAST CORNER OF SAID SE 1/4 OF THE SW 1/4, THENCE WEST 385.95 FEET TO THE EAST RIGHT-OF-WAY OF ARKANSAS STATE HIGHWAY NO. 72; THENCE WITH SAID RIGHT-OF-WAY N 39° 31' E 261.60 FEET; THENCE LEAVING SAID RIGHT-OF-WAY EAST 221.20 FEET; THENCE SOUTH 203.20 FEET TO THE POINT OF BEGINNING, CONTAINING 1.416 ACRES, MORE OR LESS AND SUBJECT TO THE RIGHT OF-WAY OF ARKANSAS STATE HIGHWAY NO. 72. SURVEY 5-175

EXHIBIT "B"

Project Improvements and Cost Share



11

2600 E Central Avenue - Public Improvements
Opinion of Probable Costs
Prepared by McClelland Consulting Engineers, Inc
MCE Project: # 22-2150

McCLELLAND CONSULTING ENGINEERS, INC.
DESIGNED TO SERVE

1. CENTRAL ROUNDABOUT (DEVELOPER - FEE IN LIEU OF TRAFFIC SIGNAL)					
ITEM	ITEM DESCRIPTION	UNIT	QUANTITY	UNIT COST	EXTENDED COST
STREET IMPROVEMENTS					
1	ACT 291- Trench and Excavation Safety Systems	LS	1	$ 5,000.00	$ 5,000.00
2	Roadway Construction Control	LS	1	$ 6,750.00	$ 6,750.00
3	Erosion Control	LS	1	$ 6,759.90	$ 6,759.90
4	Traffic Control	LS	1	$ 27,039.61	$ 27,039.61
5	Mobilization	LS	1	$ 33,799.51	$ 33,799.51
				Sub-total	$ 79,349.02
MISCELLANEOUS CONSTRUCTION					
1	(4" Depth) Concrete Sidewalk	SY	250	$ 100.00	$ 25,000.00
2	Wheelchair Ramps	SY	18	$ 100.00	$ 1,800.00
3	24" White Thermoplastic Pavement Marking	LF	522	$ 16.50	$ 8,613.00
4	12" White Thermoplastic Pavement Marking	LF	96	$ 11.00	$ 1,056.00
5	Pavement Marking (Word)	EA	2	$ 500.00	$ 1,000.00
6	Pavement Marking (Arrow)	EA	4	$ 420.00	$ 1,680.00
7	Concrete Curb (Type A)	LF	340	$ 100.00	$ 34,000.00
8	Concrete Truck Apron	SY	27	$ 200.00	$ 5,400.00
9	Landscape Allowance	EA	1	$ 10,000.00	$ 10,000.00
				Sub-total	$ 88,549.00
TRAFFIC SIGNAL EQUIPMENT					
10	SYSTEM LOCAL CONTROLLER TS2-TYPE 2 (8 PHASES) + CABINET	EA	1	$ 29,954.58	$ 29,954.58
11	E-NET CABLE (EXTERIOR CAT 5)	LF	1,004	$ 4.00	$ 4,016.00
12	BATTERY BACKUP SYSTEM	EA	1	$ 9,929.00	$ 9,929.00
13	TRAFFIC SIGNAL HEAD, LED, (3 SECTION, 1 WAY)	EA	13	$ 2,100.00	$ 27,300.00
14	TRAFFIC SIGNAL HEAD, LED, (5 SECTION, 1 WAY)	EA	2	$ 2,900.00	$ 5,800.00
15	COUNTDOWN PEDESTRIAN SIGNAL HEAD, LED	EA	4	$ 1,481.93	$ 5,927.72
16	TRAFFIC SIGNAL CABLE (5C/12 A.W.G.)	LF	1,307	$ 4.00	$ 5,228.00
17	TRAFFIC SIGNAL CABLE (20C/12 A.W.G.)	LF	490	$ 6.16	$ 3,018.40
18	ELECTRICAL CONDUCTORS-IN-CONDUIT (1C/8 A.W.G., E.G.C.)	LF	378	$ 4.00	$ 1,512.00
19	ELECTRICAL CONDUCTORS-IN-CONDUIT (1C/12 A.W.G., E.G.C.)	LF	194	$ 2.20	$ 426.80
20	ELECTRICAL CONDUCTORS-IN-CONDUIT (2C/6 A.W.G.)	LF	41	$ 4.50	$ 184.50
21	ELECTRICAL CONDUCTORS FOR LUMINAIRES	LF	682	$ 3.02	$ 2,059.64
22	NON-METALLIC CONDUIT (2")	LF	14	$ 65.00	$ 910.00
23	NON-METALLIC CONDUIT (3")	LF	450	$ 70.00	$ 31,500.00
24	CONCRETE PULL BOX (TYPE 2 HD)	EA	7	$ 1,535.32	$ 10,747.24
25	TRAFFIC SIGNAL MAST ARM AND POLE WITH FOUNDATION (26')	EA	1	$ 41,536.42	$ 41,536.42
26	TRAFFIC SIGNAL MAST ARM AND POLE WITH FOUNDATION (36')	EA	2	$ 53,000.00	$ 106,000.00
21	TRAFFIC SIGNAL MAST ARM AND POLE WITH FOUNDATION (56')	EA	1	$ 85,600.00	$ 85,600.00
22	LED LUMINAIRE ASSEMBLY	EA	8	$ 5,500.00	$ 44,000.00
23	TRAFFIC SIGNAL PEDESTAL POLE WITH FOUNDATION	EA	2	$ 7,500.00	$ 15,000.00
24	SERVICE POINT ASSEMBLY (2 CIRCUITS)	EA	1	$ 11,000.00	$ 11,000.00
25	18" STREET NAME SIGN	EA	2	$ 1,145.43	$ 2,290.86
26	VIDEO DETECTOR (IP)	EA	6	$ 6,000.00	$ 36,000.00
27	VIDEO MONITOR (CLR)	EA	1	$ 2,000.00	$ 2,000.00
28	VIDEO PROCESSOR, EDGE CARD IP (2 CAMERA)	EA	3	$ 11,000.00	$ 33,000.00
29	VEHICLE DETECTOR RACK (16 CHANNEL)	EA	1	$ 2,500.00	$ 2,500.00
				Sub-total	$ 517,441.16
OPINION OF PROBABLE COST (DEVELOPER PORTION)					$ 685,339.18
CONTINGENCY @ 10% (DEVELOPER PORTION)					$ 68,533.92
OPINION OF PROBABLE COST + CONTINGENCY (DEVELOPER PORTION)					$ 753,873.09

2600 E Central Avenue - Public Improvements
Opinion of Probable Costs
Prepared by McClelland Consulting Engineers, Inc
MCE Project: # 22-2150

McCLELLAND CONSULTING ENGINEERS, INC.
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3. CENTRAL HALF STREET IMPROVEMENTS (DEVELOPER)					
ITEM	ITEM DESCRIPTION	UNIT	QUANTITY	UNIT COST	EXTENDED COST
STREET IMPROVEMENTS					
1	ACT 291- Trench and Excavation Safety Systems	LS	1	$ 15,000.00	$ 15,000.00
2	Roadway Construction Control	LS	1	$ 6,283.25	$ 6,283.25
3	Erosion Control	LS	1	$ 8,377.94	$ 8,377.94
4	Traffic Control	LS	1	$ 25,133.81	$ 25,133.81
5	Mobilization	LS	1	$ 30,666.20	$ 30,666.20
				Sub-total	$ 85,461.20
EARTHWORKS					
6	Clearing, Grubbing ard Demolition	LS	1	$ 50,000.00	$ 50,000.00
7	Undercut and Backfill (Allowance)	CY	52	$ 100.00	$ 5,200.00
8	Rock Excavation (Allowance)	CY	25	$ 400.00	$ 10,000.00
9	Unclassified Excavation (Plan Quantity)	CY	631	$ 60.00	$ 37,860.00
10	Select Fill (Plan Quarrity)	CY	389	$ 36.00	$ 14,004.00
11	Embankment (Plan Quantity)	CY	319	$ 28.00	$ 8,932.00
12	Subgrade Preparation (Plan Quantity)	SY	647	$ 3.00	$ 1,941.00
13	4" Topsoil Placement	CY	25	$ 6.00	$ 150.00
				Sub-total	$ 128,087.00
STORM DRAINAGE					
14	18" RCP (Inside Roadway), Class III	LF	35	$ 200.00	$ 7,000.00
15	18" RCP (Outside Roadway), Class III	LF	130	$ 200.00	$ 26,000.00
16	24" RCP (Outside Roadway), Class III	LF	600	$ 300.00	$ 180,000.00
17	Quadruple Combination Inlet	EA	1	$ 30,000.00	$ 30,000.00
				Sub-total	$ 243,000.00
BASE AND PAVING					
18	Tack Coat	GAL	135	$ 4.00	$ 540.00
19	Mineral Aggregate in ACHM Base (1 1/2")	TON	188	$ 93.20	$ 17,521.60
20	Asphalt Binder (PG-64-22) in ACHM Base Course (1 1/2")	TON	9	$ 655.00	$ 5,895.00
21	Mineral Aggregate in ACHM Binder (1")	TON	107	$ 101.00	$ 10,807.00
22	Asphalt Binder (PG-64-22) in ACHM Binder Course (1")	TON	6	$ 487.00	$ 2,922.00
23	Mineral Aggregate in ACHM Surface (1/2")	TON	116	$ 130.00	$ 15,080.00
24	Asphalt Binder (PG-64-22) in ACHM Surface Course (1/2")	TON	7	$ 293.00	$ 2,051.00
				Sub-total	$ 54,816.60
MISCELLANEOUS CONSTRUCTION					
25	Concrete Driveway	SY	166	$ 175.00	$ 29,050.00
26	Solid Sodding	SY	220	$ 10.00	$ 2,200.00
27	Traffic Drums	EA	13	$ 28.50	$ 370.50
28	(6" Depth) Concrete Trail	SY	564	$ 150.00	$ 84,600.00
29	Concrete Combination Curb & Gutter (1'-6")	LF	409	$ 35.00	$ 14,315.00
30	Wheelchair Ramps	SY	5	$ 150.00	$ 750.00
31	Pavement Marking (Word)	EA	1	$ 500.00	$ 500.00
32	Pavement Marking (Arrow)	EA	2	$ 420.00	$ 840.00
				Sub-total	$ 132,625.50
OPINION OF PROBABLE COST (DEVELOPER PORTION)					$ 643,990.30
CONTINGENCY @ 10% (DEVELOPER PORTION)					$ 64,399.03
OPINION OF PROBABLE COST + CONTINGENCY (DEVELOPER PORTION)					$ 708,389.33

2600 E Central Avenue - Public Improvements
Opinion of Probable Costs
Prepared by McClelland Consulting Engineers, Inc
MCE Project: # 22-2150

McCLELLAND CONSULTING ENGINEERS, INC.
DESIGNED TO SERVE

5. NEW STREET (EAST)					
ITEM	ITEM DESCRIPTION	UNIT	QUANTITY	UNIT COST	EXTENDED COST
STREET IMPROVEMENTS					
1	ACT 291- Trench and Excavation Safety Systems	LS	1	$ 10,000.00	$ 10,000.00
2	Roadway Construction Control	LS	1	$ 16,375.00	$ 16,375.00
3	Erosion Control	LS	1	$ 16,336.88	$ 16,336.88
4	Traffic Control	LS	1	$ 65,347.52	$ 65,347.52
5	Mobilization	LS	1	$ 81,684.40	$ 81,684.40
				Sub-total	$ 189,743.80
EARTHWORKS					
6	Clearing, Grubbing and Demolition	LS	1	$ 50,000.00	$ 50,000.00
7	Unclassified Excavation (Plan Quantity)	CY	3,583	$ 60.00	$ 214,980.00
8	Select Fill (Plan Quantity)	CY	1,814	$ 36.00	$ 65,304.00
9	Embankment (Plan Quantity)	CY	1,726	$ 28.00	$ 48,328.00
10	Subgrade Preparation (Plan Quantity)	SY	2,720	$ 3.00	$ 8,160.00
11	4" Topsoil Placement	CY	110	$ 6.00	$ 660.00
				Sub-total	$ 387,432.00
STORM DRAINAGE					
12	18" RCP (Inside Roadway), Class III	LF	54	$ 200.00	$ 10,800.00
13	18" RCP (Outside Roadway), Class III	LF	463	$ 200.00	$ 92,600.00
14	24" RCP (Outside Roadway), Class III	LF	667	$ 300.00	$ 200,100.00
15	Junction Box	EA	7	$ 11,000.00	$ 77,000.00
16	Quadruple Combination Inlet	EA	6	$ 30,000.00	$ 180,000.00
17	Quadruple Combination Inlet with Box	EA	2	$ 38,000.00	$ 76,000.00
				Sub-total	$ 636,500.00
BASE AND PAVING					
18	Aggregate Base Course (Class 7)	TON	952	$ 42.25	$ 40,222.00
19	Tack Coat	GAL	553	$ 4.00	$ 2,212.00
20	Mineral Aggregate in ACHM Surface (1/2")	TON	460	$ 130.00	$ 59,800.00
21	Asphalt Binder (PG-64-22) in ACHM Surface Course (1/2")	TON	27	$ 293.00	$ 7,911.00
				Sub-total	$ 110,145.00
MISCELLANEOUS CONSTRUCTION					
22	Concrete Driveway	SY	161	$ 175.00	$ 28,175.00
23	Solid Sodding	SY	986	$ 10.00	$ 9,860.00
24	(4" Depth) Concrete Sidewalk	SY	480	$ 100.00	$ 48,000.00
25	(6" Depth) Concrete Trail	SY	960	$ 150.00	$ 144,000.00
26	Concrete Combination Curb & Gutter (1'-6")	LF	1,535	$ 35.00	$ 53,725.00
27	Wheelchair Ramps	SY	2	$ 150.00	$ 300.00
28	4" White Thermoplastic Pavement Marking	LF	55	$ 4.00	$ 220.00
29	4" Yellow Thermoplastic Pavement Marking	LF	3,500	$ 4.00	$ 14,000.00
30	12" White Thermoplastic Pavement Marking	LF	16	$ 11.00	$ 176.00
31	24" White Thermoplastic Pavement Marking	LF	70	$ 16.50	$ 1,155.00
				Sub-total	$ 299,611.00
OPINION OF PROBABLE COST					$ 1,623,431.80
CONTINGENCY @ 10%					$ 162,343.18
OPINION OF PROBABLE COST + CONTINGENCY					$ 1,785,774.98

2600 E Central Avenue - Public Improvements
Opinion of Probable Costs
Prepared by McClelland Consulting Engineers, Inc
MCE Project: # 22-2150

McCLELLAND CONSULTING ENGINEERS, INC.
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6. BATTLEFIELD HALF STREET IMPROVEMENTS (DEVELOPER)					
ITEM	ITEM DESCRIPTION	UNIT	QUANTITY	UNIT COST	EXTENDED COST
STREET IMPROVEMENTS					
1	ACT 291- Trench and Excavation Safety Systems	LS	1	$ 15,000.00	$ 15,000.00
2	Roadway Construction Control	LS	1	$ 5,000.00	$ 5,000.00
3	Erosion Control	LS	1	$ 4,868.23	$ 4,868.23
4	Traffic Control	LS	1	$ 19,472.90	$ 19,472.90
5	Mobilization	LS	1	$ 24,341.13	$ 24,341.13
				Sub-total	$ 68,682.25
EARTHWORKS					
6	Clearing, Grubbing and Demolition	LS	1	$ 50,000.00	$ 50,000.00
7	Undercut and Backfill (Allowance)	CY	29	$ 100.00	$ 2,900.00
8	Rock Excavation (Allowance)	CY	50	$ 400.00	$ 20,000.00
9	Unclassified Excavation (Plan Quantity)	CY	352	$ 60.00	$ 21,120.00
10	Select Fill (Plan Quantity)	CY	217	$ 36.00	$ 7,812.00
11	Embankment (Plan Quantity)	CY	365	$ 28.00	$ 10,220.00
12	Subgrade Preparation (Plan Quantity)	CY	361	$ 3.00	$ 1,083.00
13	4" Topsoil Placement	CY	38	$ 6.00	$ 228.00
				Sub-total	$ 113,363.00
STORM DRAINAGE					
13	18" RCP (Inside Roadway), Class III	LF	18	$ 200.00	$ 3,600.00
14	Double Combination Inlet	EA	2	$ 30,000.00	$ 60,000.00
				Sub-total	$ 63,600.00
BASE AND PAVING					
15	Portland Cement Concrete Base (5.5" Uniform Thickness)	SY	361	$ 105.00	$ 37,905.00
16	Portland Cement Concrete Base (6" Uniform Thickness)	SY	103	$ 125.00	$ 12,875.00
17	Tack Coat	GAL	160	$ 4.00	$ 640.00
18	Mineral Aggregate in ACHM Surface (1/2")	TON	207	$ 130.00	$ 26,910.00
19	Asphalt Binder (PG-64-22) in ACHM Surface Course (1/2")	TON	13	$ 293.00	$ 3,809.00
				Sub-total	$ 82,139.00
MISCELLANEOUS CONSTRUCTION					
20	Concrete Driveway	SY	154	$ 150.00	$ 23,100.00
21	Water	MGAL	1	$ 550.00	$ 550.00
22	Solid Sodding	SY	339	$ 10.00	$ 3,390.00
23	Concrete Island	SY	10	$ 135.00	$ 1,350.00
24	Signs	SF	50	$ 6.25	$ 312.50
25	Traffic Drums	EA	50	$ 28.50	$ 1,425.00
26	Barricades	LF	16	$ 21.00	$ 336.00
27	(4" Depth) Concrete Sidewalk	SY	600	$ 100.00	$ 60,000.00
28	Concrete Combination Curb & Gutter (1'-6")	LF	927	$ 35.00	$ 32,445.00
29	4" White Thermoplastic Pavement Marking	LF	783	$ 4.00	$ 3,132.00
30	Pavement Marking (Arrow)	EA	4	$ 420.00	$ 1,680.00
				Sub-total	$ 127,720.50
OPINION OF PROBABLE COST (DEVELOPER PORTION)					$ 421,904.75
CONTINGENCY @ 10% (DEVELOPER PORTION)					$ 42,190.48
OPINION OF PROBABLE COST + CONTINGENCY (DEVELOPER PORTION)					$ 464,095.23

2600 E Central Avenue - Public Improvements
Opinion of Probable Costs
Prepared by McClelland Consulting Engineers, Inc
MCE Project: # 22-2150

McCLELLAND CONSULTING ENGINEERS, INC.

7. BATTLEFIELD ROUNDABOUT (DEVELOPER)					
ITEM	ITEM DESCRIPTION	UNIT	QUANTITY	UNIT COST	EXTENDED COST
STREET IMPROVEMENTS					
1	ACT 291- Trench and Excavation Safety Systems	LS	1	$ 15,000.00	$ 15,000.00
2	Roadway Construction Control	LS	1	$ 8,000.00	$ 8,000.00
3	Erosion Control	LS	1	$ 7,820.61	$ 7,820.61
4	Traffic Control	LS	1	$ 31,282.42	$ 31,282.42
5	Mobilization	LS	1	$ 39,103.03	$ 39,103.03
				Sub-total	$ 101,206.06
EARTHWORKS					
6	Clearing, Grubbing and Demolition	LS	1	$ 50,000.00	$ 50,000.00
7	Undercut and Backfill (Allowance)	CY	80	$ 100.00	$ 8,000.00
8	Rock Excavation (Allowance)	CY	50	$ 400.00	$ 20,000.00
9	Unclassified Excavation (Plan Quantity)	CY	969	$ 60.00	$ 58,140.00
10	Select Fill (Plan Quantity)	CY	596	$ 36.00	$ 21,456.00
11	Embankment (Plan Quantity)	CY	280	$ 28.00	$ 7,840.00
12	Subgrade Preparation (Plan Quantity)	SY	993	$ 3.00	$ 2,979.00
13	4" Topsoil Placement	CY	27	$ 6.00	$ 162.00
				Sub-total	$ 168,577.00
STORM DRAINAGE					
14	18" RCP (Inside Roadway), Class III	LF	75	$ 200.00	$ 15,000.00
15	Quadruple Combination Inlet	EA	3	$ 30,000.00	$ 90,000.00
				Sub-total	$ 105,000.00
BASE AND PAVING					
16	Portland Cement Concrete Base (5.5" Uniform Thickness)	SY	56	$ 105.00	$ 5,880.00
17	Portland Cement Concrete Base (6" Uniform Thickness)	SY	86	$ 125.00	$ 10,750.00
18	Tack Coat	GAL	331	$ 4.00	$ 1,324.00
19	Mineral Aggregate in ACHM Base (1 1/2")	TON	272	$ 93.20	$ 25,350.40
20	Asphalt Binder (PG-64-22) in ACHM Base Course (1 1/2")	TON	12	$ 655.00	$ 7,860.00
21	Mineral Aggregate in ACHM Binder (1")	TON	162	$ 101.00	$ 16,362.00
22	Asphalt Binder (PG-64-22) in ACHM Binder Course (1")	TON	8	$ 487.00	$ 3,896.00
23	Mineral Aggregate in ACHM Surface (1/2")	TON	300	$ 130.00	$ 39,000.00
24	Asphalt Binder (PG-64-22) in ACHM Surface Course (1/2")	TON	18	$ 293.00	$ 5,274.00
				Sub-total	$ 115,696.40
MISCELLANEOUS CONSTRUCTION					
25	Water	MGAL	1	$ 550.00	$ 550.00
26	Solid Sodding	SY	239	$ 10.00	$ 2,390.00
27	Concrete Island	SY	122	$ 135.00	$ 16,470.00
28	Concrete Truck Apron	SY	236	$ 150.00	$ 35,400.00
29	(4" Depth) Concrete Sidewalk	SY	104	$ 100.00	$ 10,400.00
30	(6" Depth) Concrete Trail	SY	464	$ 150.00	$ 69,600.00
31	Concrete Curb (Type A) (Roundabout - Central Island)	LF	167	$ 75.00	$ 12,525.00
32	Concrete Combination Curb & Gutter (1'-6")	LF	640	$ 50.00	$ 32,000.00
33	Wheelchair Ramps	SY	31	$ 150.00	$ 4,650.00
34	4" White Thermoplastic Pavement Marking	LF	25	$ 4.00	$ 100.00
35	4" Yellow Thermoplastic Pavement Marking	LF	616	$ 4.00	$ 2,464.00
36	6" White Thermoplastic Pavement Marking	LF	80	$ 4.30	$ 344.00
37	8" White Thermoplastic Pavement Marking	LF	76	$ 4.30	$ 326.80
38	8" Yellow Thermoplastic Pavement Marking	LF	98	$ 4.30	$ 421.40
39	18" Pavement Marking	LF	40	$ 16.50	$ 660.00
40	24" White Thermoplastic Pavement Marking	LF	180	$ 16.50	$ 2,970.00
41	Pavement Marking (Word)	EA	4	$ 500.00	$ 2,000.00
42	Pavement Marking (Arrow)	EA	5	$ 420.00	$ 2,100.00
43	Channel Post Sign Support (U-1)	EA	8	$ 103.00	$ 824.00
44	Standard Signs	SF	108	$ 24.00	$ 2,592.00
45	Rectangular Rapid Flashing Beacons	EA	2	$ 12,000.00	$ 24,000.00
46	Flexible Bollards (Mini Roundabout)	EA	4	$ 5,000.00	$ 20,000.00
				Sub-total	$ 242,787.20
OPINION OF PROBABLE COST					$ 733,266.66
CONTINGENCY @ 10%					$ 73,326.67
OPINION OF PROBABLE COST + CONTINGENCY					$ 806,593.33

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2600 E Central Avenue - Public Improvements
Opinion of Probable Costs
Prepared by McClelland Consulting Engineers, Inc
MCE Project: # 22-2150

McCLELLAND CONSULTING ENGINEERS, INC.
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8. CENTRAL MEDIAN HALF STREET IMPROVEMENTS (DEVELOPER)					
ITEM	ITEM DESCRIPTION	UNIT	QUANTITY	UNIT COST	EXTENDED COST
MISCELLANEOUS CONSTRUCTION					
1	Water	MGAL	1	$ 550.00	$ 550.00
2	Solid Sodding	SY	800	$ 10.00	$ 8,000.00
3	Concrete Combination Curb & Gutter (1'-6")	LF	2,850	$ 50.00	$ 142,500.00
				Sub-total	$ 151,050.00

OPINION OF PROBABLE COST	$	151,050.00
CONTINGENCY @ 10%	$	15,105.00
OPINION OF PROBABLE COST + CONTINGENCY	$	166,155.00

	An Ordinance Adopting The Bentonville Community Code
	PC Date: 4/7/2026

Staff Report Details

Project Number	2026-501
Applicant / Current Owner	
Site Area	
Current Zoning	
Requested Zoning	
Current Future Land Use Map Designation	
Requested Future Land Use Map Designation	
Development Type / Use	
Related projects	

Property Description

Project Details

Summary of Major Changes since the March 17, 2026 Planning Commission Meeting

Table 2.1 Place Type Correlation - T6 (10 stories) now requires an enhanced review in all Place Types.
Table 3.1 Zoning Mix for Subdivisions – Conformed the table to Table 2.1 and adjusted percentages for the zoning districts accordingly.
Section 50-308 Off-Site Infrastructure Improvements - Removed "drainage improvements" from off-site improvement list as they are a function of the drainage manual.
Table 4.1 - Adjusting parking setbacks in:
T4.1 from 20' behind the front setback to 25'.
T4.2 from 20' behind the front setback to 25' (or behind the building).
Table 4.2 District Use Matrix – added a use category for public parks (allowed in all zoning districts)
Land Development 50-502(b)(3) – Block size – clarified that the minimum block length is 150'.
Civic Spaces Section 50-502(e) Increased acreage threshold for required civic spaces from six to ten

Project Details

(10) acres and increased the civic space exemption for projects less than 20 acres within ½ mile of a park (this exemption was formerly for projects up to 10 acres).
Section 50-504(e) Parking Structure Setback – eliminated the design standard as the setback is controlled by Table 4.1
Section 50-504(f)(5) Garage Door locations – clarified that the prohibition of street facing garage doors is for commercial and industrial buildings.
Section 50-602 (h)(3) Sidewalk requirements – clarified that sidewalks are required for all new streets
Section 50-904 Use Classifications – Added a definition of a public park
Section 50-504 (c)(4) Required Active Uses–

Adjusted Required active uses to make clear that the active use requirement only applies in T5/T6 where the applicant is seeking to meet the glazing requirements;
Specified that living, dining, or kitchen spaces meet the active use requirement for ground floor residential units;
Allowed ground-floor art or merchandise display areas to count as active use;
Listed spaces that do not qualify as active-use space to clarify intent (such as parking, loading, service areas, storage utility and restrooms).

Relationship to the Community Plan

Public Comment

Has Staff received Public Comment at the time of this report? : **No**

Analysis / Waivers

Conclusion

Additional Details



PLAN
BENTONVILLE

Bentonville, Arkansas

Community Code

04/1/2026

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ARTICLE 50-1 GENERAL PROVISIONS

SEC . 50-101 . TITLE

(a) The title of this Chapter is the “Bentonville Community Code of the City of Bentonville, Arkansas” (BCC).

(b) This Chapter is also referred to as “BCC” and “this Code” throughout.

(c) This Code consists of the text provided in this Chapter and the zoning districts referenced in City of Bentonville Official Zoning Map, available through the Planning Department or on the City’s website.

SEC . 50-102 . AUTHORITY

(a) The City of Bentonville adopts these regulations under the authority granted by the General Assembly of the State of Arkansas, as outlined in Arkansas Code Annotated (A.C.A.) §14-56-402 through §14-56-425.

SEC . 50-103 . APPLICABILITY

(a) This Chapter applies to all land and structures within the city limits of Bentonville, Arkansas (City), including any areas annexed into the City after its adoption.

(b) If there are contradictions of regulations within this Code, the most restrictive standards apply.

SEC . 50-104 . INTERPRETATIONS

(a) Interpreting regulations

(1) Terms are interpreted as follows:

a. Definitions in Article 50-9 Terminology apply in place of any other definition of the same term.

b. Terms not defined in Article 50-9 Terminology are defined by the latest edition of the Merriam-Webster Dictionary.

c. This Code follows Plain Language Guidelines, as published by the United States General Services Administration.

d. The term “rule” or “rules” refers to both “regulations” and “standards” collectively.

e. The term “must” is equal to “shall” for standard requirements.

f. The term “follow” or “following” indicates that all rules listed or referred to apply.

g. The term “residentially zoned district” indicates R-1, T3.1, T3.2, and T4.1, inclusive.

(2) Numbers, tables, diagrams, and illustrations are interpreted as follows:

a. Numerical standards control over graphic representations.

b. Where a fractional number occurs, numbers of 0.5 or greater are rounded up to the next whole number, and numbers less than 0.5 are rounded down.

c. A blank cell in a table means that the use or condition is not allowed.

d. Tables, which may include text, diagrams, and illustrations, are regulatory.

e. Figures are examples only and not regulatory.

(3) References to the Director mean:

a. The Planning Director; or

b. A designee of the Planning Director.

(4) A reference to any titled position includes that position's duly authorized designee.

(5) Abbreviated terms are expanded in Sec 50-903 Abbreviations.

(b) Interpreting district boundaries

(1) Where zoning district boundary location on the Official Zoning Map is uncertain or unclear, the following rules apply:

a. Zoning district boundaries are assigned to entire parcels of land.

b. District assignments are determined by parcel ID as maintained in the City of Bentonville Geographic Information System (GIS) and apply to the entire parcel as established through a professional boundary survey. Inquiries regarding parcel assignments should be directed to the Planning Department.

c. Any land annexed into the City without an assigned zoning district at the time of annexation, or otherwise not assigned a zoning district, is deemed to be assigned to the T2.1 District.

d. District boundaries that do not follow parcel lines are interpreted as follows:

1. Boundaries following streets, alleys, railroads, streams, rivers, or lakes are interpreted as following the center lines of those features;

2. Boundaries following City limit lines are interpreted as following the official City limit lines;

3. Boundaries following lot lines or future lot lines are interpreted as following those features;

4. Distances not specifically indicated on the Official Zoning Map are determined by using the map scale; and

5. Where a boundary cannot be determined by any of the above methods, the Planning Commission is authorized to determine the location of the boundary.

(c) Measurements

(1) Horizontal distances

a. Distances are measured in a straight line between the nearest points of the subject lots, parcels, or structures, unless otherwise specified.

b. Where a property line, street right-of-way, or public easement lies between two uses or structures, the measurement is made from the nearest point of each boundary line.

c. Curved boundaries are measured along the arc.

d. Distances are measured in a straight line from the building or leased space to the lot line of the protected use.

SEC . 50-105 . PURPOSE AND INTENT

(a) The purpose of this Article is to implement Bentonville's Community Plan by establishing the legal foundation, authority, and structure of this Code.

(b) The intent of this Article is to support development that reflects the City's vision across multiple geographic and physical scales:

(1) Purpose generally:

a. To promote public health, safety, and general welfare;

b. To protect the character of established neighborhoods, historic districts, and sensitive natural areas; and

c. To fulfill the vision established in the Future Land Use Plan, which directs the desired future character and intensity of each part of the City.

(2) Purpose at the City scale:

a. To promote compact and mixed-use development in the form of centers and neighborhoods;

b. To design new developments for pedestrians, cyclists, and automobiles;

c. To limit the amount and scale of districts focused on single uses;

d. To encourage a variety of housing options and price points, accommodating different ages and income levels;

e. To provide daily activities within walking or biking distance of homes whenever feasible;

f. To ensure streets are interconnected, distributing car traffic and shortening travel distances for all users;

g. To design streets that accommodate pedestrians, cyclists, vehicles, trees, and utilities adequately and safely;

h. To coordinate water, sewer, and electrical systems with development, providing safe drinking water, effective collection and treatment of wastewater, and a dependable electrical supply while minimizing long-term maintenance costs; and

i. To distribute parks and civic spaces of various sizes and functions throughout the city, within walking or biking distance of most homes.

(3) Purpose at the block and building scale:

a. To enhance pedestrian comfort and encourage slower driving speeds by framing street edges with landscaping and buildings;

b. To prioritize pedestrian and cyclist safety while accommodating vehicle access; and

c. To enhance public safety by following Crime Prevention Through Environmental Design (CPTED) principles.

ARTICLE 50-2 FUTURE LAND USE PLAN

SEC. 50-201 . PURPOSE AND INTENT

(a) The purpose of this Article is to establish the relationship between the Bentonville Community Code and the City's adopted Future Land Use Map (FLUM).

(b) The intent of this Article is to ensure that development decisions support the long-term vision for growth, land use, and community character established in the Community Plan. The standards in this Article are intended to govern zoning map amendments, subdivision patterns, and infrastructure investments in a coordinated and transparent manner.

SEC . 50-202 . COMPLIANCE WITH THE FUTURE LAND USE PLAN

(a) The Bentonville City Council has adopted the Future Land Use Map (FLUM) through Res. No 02/11/25M.

(b) Zoning districts are limited by the FLUM place type, as regulated by Table 2.1 Place Type Correlation with Zoning Districts.

SEC . 50-203 . PLACE TYPES AND ZONING

(a) Zoning district assignment is evaluated for appropriateness based upon the assigned Future Land Use Category, referred to as place type, as specified in Table 2.1 Place Type Correlation with Zoning Districts.

(b) Place types define the intended form, scale, and character of different areas. They serve as a bridge between the community's vision and the zoning standards needed to support it. The place types are described in the Community Plan.

(c) Standard Review (SR), as assigned in Table 2.1 Place Type Correlation with Zoning Districts, means a zoning district is conforming to the place type and subject to Sec. 50-708(e)(1) Standard review criteria.

(d) Enhanced Review (ER), as assigned in Table 2.1 Place Type Correlation with Zoning Districts, means a zoning district may potentially conform within the place type, but a careful evaluation of the surrounding area is required for approval, subject to Sec. 50-709(e)(2) Enhanced review criteria.

(e) Blank cells in Table 2.1 Place Type Correlation with Zoning Districts mean a zoning district is nonconforming will not create the intended place type and will not be considered for rezoning.

TABLE 2.1 PLACE TYPE CORRELATION WITH ZONING DISTRICTS

Place Type	Zones Allowed													
	T2.1	T2.2	R-1	T3.1	T3.2	T4.1	T4.2	T5.1	T5.2	T6.1	GC	LI	LFI	MH
Centers														
Regional Center							SR	SR	SR	ER	ER	ER		
City Center							SR	SR	ER					
Neighborhood Center						SR	SR	ER						
Neighborhoods														
Urban Neighborhood					SR	SR	SR	ER						
Walkable Neighborhood				SR	SR	SR	ER							
Traditional Neighborhood			SR	SR	SR									
Suburban Neighborhood			SR	SR	ER									ER
Corridors														
Urban Corridor							SR	SR	SR	ER	ER			
Walkable Corridor							SR	SR	ER		ER			
Suburban Corridor								SR	ER		SR	ER		ER
Recreation														
Outdoor Entertainment	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER
Parks and Public Spaces	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER
Specialized														
Rural and Estates	SR	ER		ER										ER
Industry and Technology											SR	SR	ER	
Civic and Institutional	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER

SR: Standard review applies in accordance with Sec. 50-709(e) Review criteria. Zoning district is appropriate for place type.

ER: Enhanced review applies in accordance with Sec 50-709(e) Review criteria. Zoning district may be appropriate for the place type with a positive compliance review.

Blank: Zoning district is not appropriate for place type and will not be considered for rezoning.

ARTICLE 50-3 LAND DEVELOPMENT

SEC . 50-301 . PURPOSE AND INTENT

(a) This Article guides the development of minor subdivisions, major subdivisions, and large sites to ensure orderly growth and land use, despite differences in development type, process, and timing, by applying the design standards in Sec. 50-502. Land Development according to the site size and development approach.

(b) The intent of this Article is to:

(1) Implement the Community Plan;

(2) Apply rules to subdivisions, non-subdivided development, and sites of different sizes to result in similar built outcomes, all of which achieve the intent of Sec. 50-502. Land Development;

(3) Rely on the rules in Article 50-4 Zoning to direct building and site design, ensuring consistency in zoning districts across the City;

(4) Allow phased development to adjust over time while upholding these goals; and

(5) Ensure that these goals cannot be circumvented through multiple land divisions.

SEC . 50-302 . APPLICABILITY

(a) General requirements

(1) All subdivisions and land divisions must comply with this Article. These rules apply to any action that creates, modifies, or reconfigures lots, blocks, streets, or public improvements.

(2) All proposed uses of the site must comply with the zoning standards in Article 50-4 Zoning and the design standards in Article 50-5 Design Standards.

(3) All development must comply with applicable engineering, stormwater, and erosion control requirements in the City of Bentonville Stormwater Pollution Prevention and Erosion Control Ordinance, City of Bentonville Street Specification, Stormwater Management and Drainage Manual, and all other requirements of the Bentonville Municipal Code.

(4) All development must comply with Sec. 50-511. Natural Resource Protection.

(5) Development must follow one of the paths listed in subsection (c) Development types, based on project type and the functional outcome of the proposal, including whether the development creates, enables, or relies upon multiple legal lots or public streets intended to serve future lots.

(6) Any development proposal intended to create, or reasonably expected to result in, multiple legal lots, tracts, or parcels shall comply with the subdivision procedures of this Article, regardless of whether development plan approval is also required.

(b) Exemptions

(1) The following are exempt from this Article, but remain subject to Article 50-4 Zoning and Article 50-5 Design Standards:

a. Residential development of no more than four (4) dwelling units on a single lot of record that does not require off-site public improvements;

b. Agricultural buildings that meet the zoning requirements for the site;

c. Accessory structures that meet zoning requirements and do not require utility extension;

d. Non-residential changes of use, additions, or exterior alterations with less than ten thousand (10,000) square feet of cumulative land disturbance that do not require subdivision or new buildings;

e. Projects eligible for review solely through permit-level review under Sec. 50-721. Permits; or

f. Projects that are otherwise exempt under this Code.

(2) Projects exempt from this Article must still be reviewed as part of a building permit or other applicable permit to confirm compliance with zoning, access, and design standards.

(c) Development types

(1) Development must follow one of the following sections, based on the scope and type of work proposed:

a. Sites not being subdivided that are not exempt under subsection (b) Exemptions must follow Sec. 50-303. Development Plans;

b. Lot splits, property line adjustments, and lot combinations must follow Sec. 50-304. Minor Subdivisions;

c. Sites being subdivided must follow Sec. 50-305. Major Subdivisions;

d. Sites involving phased development must follow Sec. 50-306. Phasing; or

e. Sites involving campus plans must follow Sec. 50-307 Campus Development Plan.

SEC . 50-303 . DEVELOPMENT PLANS

(a) General

(1) Rules vary by site size, as specified in subsections (d) Sites 3 acres or less, (e) Sites over 3 and under 6 acres, and (f) Sites 6 acres and larger.

(2) Development plans are reviewed as small-scale or large-scale development under Article 50-7 Administration, based on subsections (b) and (c).

(3) Development plans are reviewed according to the thresholds in subsections (d) through (h).

(4) Development plan approval does not authorize the creation, conveyance, or recordation of legal lots.

(5) Any proposal intended to result in multiple legal lots shall comply with the applicable subdivision procedures of this Article.

a. Where a development plan proposes or would reasonably result in seven (7) or fewer lots, the lots may be created through a minor subdivision in accordance with Sec. 50-304 Minor Subdivision, following development plan approval.

b. Where a development plan proposes or would reasonably result in more than seven (7) lots, a preliminary plat is required. The Director may authorize concurrent review of the development plan and preliminary plat in accordance with Article 50-7 Administration.

(6) Condominiums, or horizontal and vertical property regimes, must comply with applicable state law.

(7) The following rules apply :

a. The following subsections explain how Sec. 50-502. Land Development applies to organize the overall development into blocks, streets, and major driveways, and civic space;

b. Rules related to buildings and specific site design follow Article 50-4 Zoning, which may be to the overall site or through future lots, following subsection (e) Future lots;

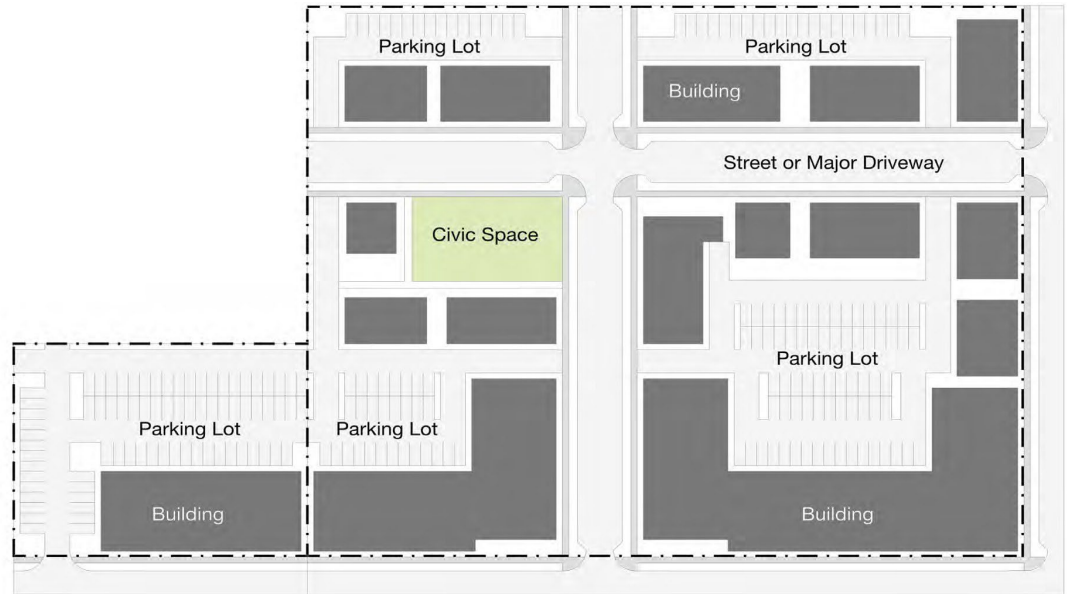
c. Sec. 50-506. Overlay Districts applies when a site is located within an overlay district;

d. Streets and alleys must follow Sec. 50-602. Street Design;

e. Major driveways must follow the dimensional standards for streets in Sec. 50-602. Street Design; and

f. Sec. 50-509. Tree Preservation, Sec. 50-511. Natural Resource Protection, Sec. 50-510. Landscape, Screening, and Buffering, Sec. 50-606. Communications Equipment, and the City's Flood Damage Prevention Code apply to all sites.

FIGURE 3.1 DEVELOPMENT PLAN



Site less than 3 acres See (d) Sites 3 acres or less	Site 3 to 6 acres See (e) Sites over 3 and under 6 acres

(b) Small-scale development

(1) Small-scale development is used for any development that meets all of the following:

a. One (1) acre or less of land disturbance; and

b. Does not require off-site public improvements.

(2) The Director may waive the requirement if the work clearly follows a previously approved plan or permit.

(3) See Sec. 50-704 Small-Scale Development Process for development review procedures.

(c) Large-scale development

(1) Large-scale development applies to any development that does not qualify as small-scale development, including but not limited to development that:

a. Have a land disturbance exceeding one (1) acre; or

b. Requires off-site public improvements.

(2) See Sec. 50-705. Large-Scale Development Process for review procedures.

(d) Sites 3 acres or less

(1) Circulation

a. Through lots must add a connection through the site, based on the lot width:

1. Less than 400 feet wide: No through connection required;
2. 400 to 600 feet wide: One (1) mid-block trail or major driveway;
3. 600 feet or wider: at least one (1) major driveway; and
4. Mid-block trail must follow the design standards in Sec. 50-502 (4) Mid-block trails.

b. Circulation outside of the site must be extended:

1. Streets that end at the site boundary must be extended with a major driveway or street through the site;
2. Trails that end on the site must be extended following Sec. 50-604. Trails and Bikeways;
3. Parking lot drive aisles that end on the site must be connected to an internal driveway; and
4. Where the Master Street Plan shows a street through or along the site, it must be provided as specified in Sec. 50-502 (c) (2) Street network.

(2) Future Lots

a. Where a street or major driveway is provided through the site, buildings must be sited according to subsection (g) Future lots.

b. All rules in Article 50-4 Zoning apply, evaluated for each future lot or for the site as a whole if there are no future lots.

(e) Sites over 3 and under 6 acres

(1) Circulation

a. Circulation must be provided through the site to abutting streets and properties, except to developed properties, as follows:

1. At least one (1) major driveway is required;
2. A mid-block trail is required if the distance between the major driveway and property lines exceeds five hundred (500) feet; and
3. Mid-block trail must follow the design standards in Sec. 50-502 (4) Mid-block trails.

b. Circulation outside of the site must be extended:

1. Streets that end at the site boundary must be extended with a major driveway or street through the site;
2. Trails that end on the site must be extended with a dedicated bicycle facility, following Sec. 50-604. Trails and Bikeways;
3. Parking lot drive aisles that end on the site must be connected to an internal driveway; and
4. Where the Master Street Plan shows a street through or along the site, it must be provided as specified in Sec. 50-502 (c) (2) Street network.

(2) If contiguous open space greater than one-half acre is provided, excluding any required buffers, it must follow Sec. 50-502 (e) Civic space standards.

(3) Buildings must be sited according to subsection (g) Future lots.

(4) In GC and the Suburban Corridor place type, build-to area requirements under Table 4.1 Zone Standards do not apply.

(f) Sites 6 acres and larger

(1) A connected circulation network is required, using major driveways or streets, as specified by Sec. 50-502 (c) Circulation network.

(2) Civic space is required as specified in Sec. 50-502 (e) Civic space standards.

(3) A future lot layout is required following subsection (g) Future lots.

(4) Future lots must be organized into future blocks, following subsection (h) Future blocks.

(5) In GC and the Suburban Corridor place type:

a. Up to 50% of major driveways, by center line length, may be designated service streets; and

b. The build-to area requirements under Table 4.1 Zone Standards do not apply along service streets.

(g) Future lots

(1) The intent of future lots is to ensure that sites not formally subdivided have similar built outcomes to sites that are subdivided, by applying design standards consistently.

(2) Future lots are used to apply rules from Article 50-4 Zoning, such as building setbacks, to sites not formally subdivided but reviewed through Sec. 50-705. Large-Scale Development Process.

(3) Future lots do not establish legal lots, do not imply subdivision approval, and shall not be recorded. Legal subdivision of land shown as future lots shall require approval and recording of a plat in accordance with this Article.

(4) A future lot layout must be provided, as shown in Figure 3.2 Future Blocks and Lots.

(5) The future lot layout must meet the requirements specified in Sec. 50-502 (d) Lot layout.

(6) Site design and vertical construction must comply with Article 50-4 Zoning standards using future lot lines shown on the future lot layout as though they are actual lot lines.

(h) Future blocks

(1) The intent of future blocks is to ensure that sites not formally subdivided provide similar circulation networks as sites that are subdivided, by applying design standards consistently.

(2) Future blocks divide the site to provide external and internal circulation, equivalent to streets and trails in subdivisions, as shown in Figure 3.2 Future Blocks and Lots.

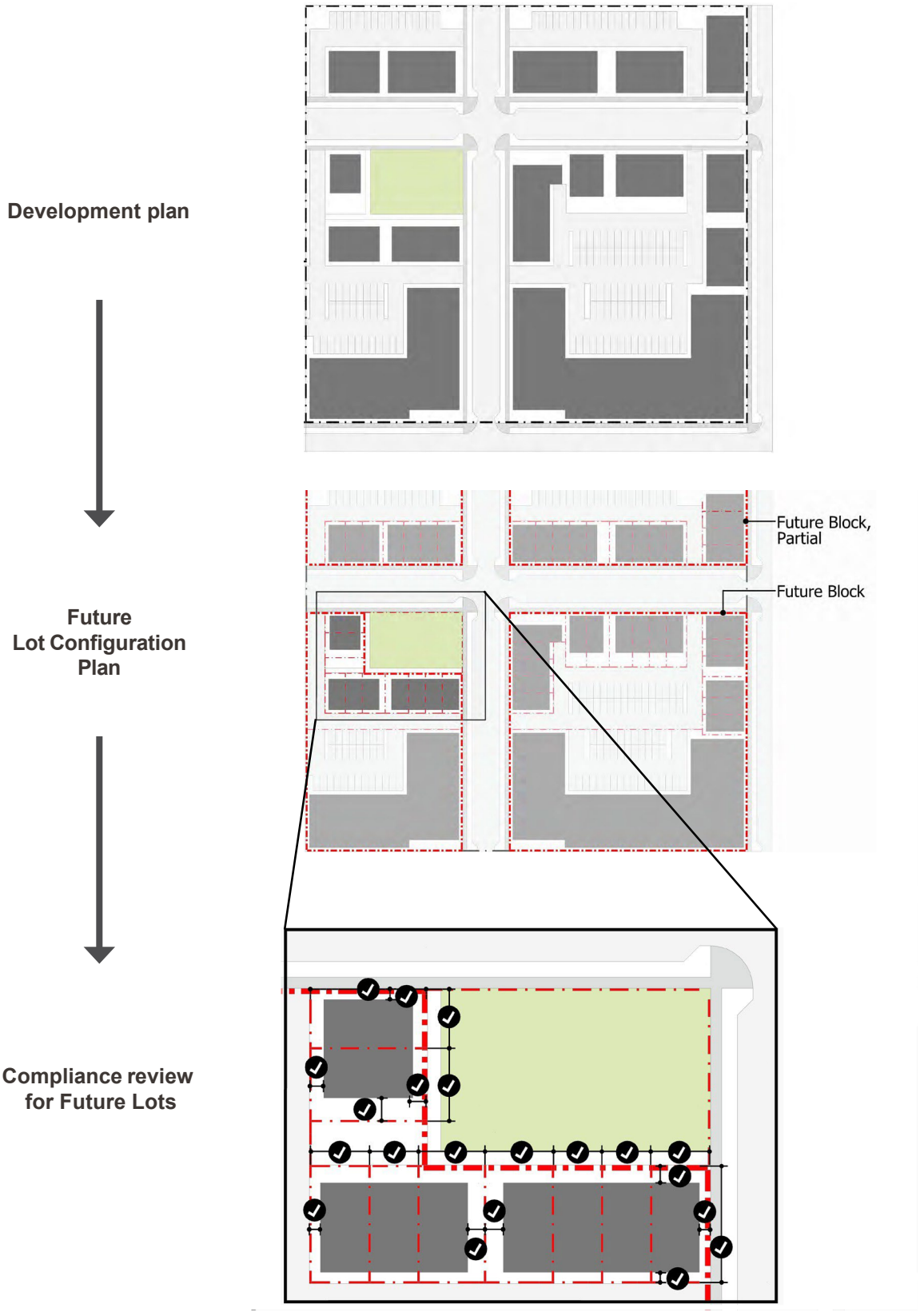
(3) Future blocks are not binding for future ownership or legal subdivision.

(4) All development must be within future blocks, other than development allowed in civic spaces.

(5) Future blocks must follow the standards for blocks in Sec. 50-502 (b) Blocks.

(6) The Director may exempt a site from providing future blocks in accordance with Sec. 50-716. Administrative Adjustments and Waivers and Table 7.2 Administrative Adjustment Criteria.

FIGURE 3.2 FUTURE BLOCKS AND LOTS



SEC . 50-304 . MINOR SUBDIVISIONS

(a) Applicability

(1) Minor subdivisions include lot splits, property line adjustments, and lot combinations that create no more than seven (7) lots or tracts.

(b) General

(1) The Director is responsible for determining whether a subdivision requires public improvements. That determination governs whether a preliminary plat and construction documents are required.

(2) See Sec. 50-706. Minor Subdivision Process for development review procedures.

(c) Lot splits, property line adjustments, and lot combinations

(1) Lot splits cannot be used to avoid subdivision regulations.

(2) A parcel may only be split into a maximum of seven (7) lots or tracts in a five (5)-year period.

a. Parcels that have been split in the maximum amount according to the above restriction, may be further divided through the major subdivision process according to Sec. 50-305. Major Subdivisions.

(3) Each lot resulting from a split, adjustment, or combination must follow Sec. 50-502 (d) Lot layout.

(4) Any utility easements, eligible for vacation, may be vacated and new or expanded utility easements may be required.

(5) Where the Master Street Plan shows a new street on the site, and if an existing street stub abuts the site, the lot layout must comply with Sec. 50-502 (c) (2) Street network, except block size requirements. Adequate right-of-way must be dedicated to meet the requirements of the Master Street Plan.

(6) No lot splits are permitted if they result in a land locked property.

(7) The lot split must not conflict with:

a. Neighboring land use or transportation patterns; or

b. Any plans adopted by the City.

(8) All lots must have direct access to public water, sewer, and electric, or an approved source of water and sewer.

(9) Applications must follow Sec. 50-706 Minor Subdivision Process.

SEC . 50-305 . MAJOR SUBDIVISIONS

(a) Applicability

(1) Major subdivisions include all other divisions of land not eligible as minor subdivisions.

(b) General

(1) Building permits and development plan approvals may be obtained after a final plat has been approved and filed.

a. Where early-building permits are proposed prior to final plat approval, applicants must comply with the provisions of Sec. 50-707 (d) Early-build permits.

b. The Director may authorize concurrent review of a development plan and preliminary plat according to Sec. 707(f) Concurrent review of subdivision and development applications.

(2) Major subdivisions may be rezoned in advance of, or concurrent with a subdivision following subsection (b) Subdivision zoning.

(3) The Director is responsible for determining whether a subdivision requires public improvements according to Sec. 50-308 Off-Site Infrastructure Improvements and Sec. 50-724 Public Improvements and Dedications. That determination governs whether a preliminary plat and construction documents are required.

(4) See Sec. 50-707. Major Subdivision Process for development review procedures.

(c) Subdivision zoning

(1) Major subdivisions may require multiple zones, by size:

a. Less than twenty (20) acres: May choose to rezone to one (1) or multiple zones;

b. Between twenty (20) and forty (40) acres: Must include two (2) or more zones; and

c. Between forty (40) and one hundred sixty (160) acres: Must include three (3) or more zones, except in Urban Corridor, Walkable Corridor, Suburban Corridor, Regional Center, and Suburban Neighborhood place types which only require two (2) zones.

(2) Zoning approval may be obtained ahead of subdivision.

(3) Zones must be assigned following these rules:

a. Each lot must be assigned only one (1) zone;

b. All lots must be assigned zones consistent with the FLUM place type;

c. Civic space and open space must be zoned with Transect Zones;

d. Zone transitions should occur across alleys or along streets, not across streets, as illustrated in Figure 3.3 Zone Transitions;

e. Transect zones must not transition by more than one (1) main category (like T3 to T4);

f. Sites over forty (40) acres must follow the zoning mix requirements in Table 3.1 Zoning Mix for Subdivisions over 40 Acres; and

g. Within Neighborhood Center place type, zones must be assigned following the rules below, as shown in Figure 3.4 Zone Transitions for Neighborhood Center Place Types:

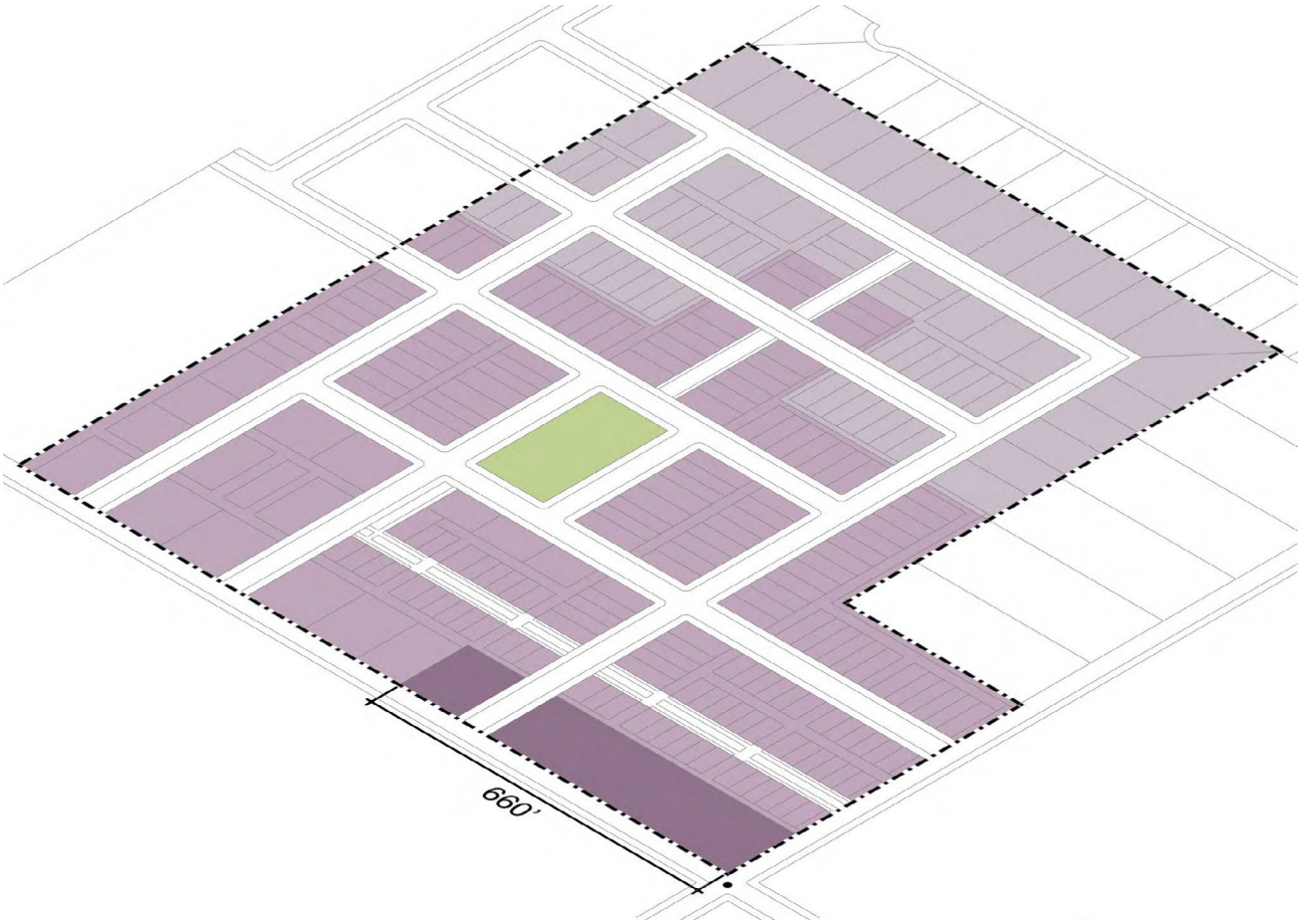
1. T5 is limited to lots within six hundred sixty (660) feet of an arterial or collector intersection; and

2. T5 or T4 must be assigned to all lots abutting existing arterials or collectors.

FIGURE 3.3 ZONE TRANSITIONS



FIGURE 3.4 ZONE TRANSITIONS FOR NEIGHBORHOOD CENTER PLACE TYPES



T3 T3 Zone T4 T4 Zone T5 T5 Zone

TABLE 3.1 ZONING MIX FOR SUBDIVISIONS OVER 40 ACRES

Place Type	Zones Allowed												
	T2.1	T2.2	R-1	T3.1	T3.2	T4.1	T4.2	T5.1	T5.2	T6	GC	LI	LFI
Centers													
Regional Center	E						20% max.	60% max.	60% max.	ER	ER	ER	
City Center							40% max.	No max.	ER		E		
Neighborhood Center						20% max.	60% max.	ER					
Neighborhoods													
Urban Neighborhood	E				20% max.	40% max.	60% max.	ER					
Walkable Neighborhood				20% max.	40% max.	60% max.	ER						
Traditional Neighborhood			40% max.	60% max.	60% max.								
Suburban Neighborhood			40% max.	No max.	ER								
Corridors													
Urban Corridor	E						40% max.	No max.	No max.	ER	ER		
Walkable Corridor							60% max.		ER				
Suburban Corridor									ER		No max.	20% max.	
Recreation													
Outdoor Entertainment	ER												
Parks & Public Spaces													
Specialized													
Rural and Estates	No max.	ER		ER									
Industry and Technology	E										No max.	No max.	ER
Civic and Institutional	ER												

SR: Standard review applies in accordance with Sec. 50-708(e)(1) Standard review criteria. Zoning district is appropriate for place type.
ER: Enhanced review applies in accordance with Sec 50-708(e)(2) Enhance review criteria. Zoning district may be appropriate for the place type with a positive compliance review.
E: Zone only applies to existing lots, not available for rezoning.

SEC . 50-306 . Phasing

(a) General

(1) Development may be phased to coordinate construction over time.

(2) Any development or subdivision proposed to be constructed in phases shall include a phasing plan at the time of development plan or preliminary plat application.

(3) Phasing plans are approved by the Planning Commission concurrently with development plan or preliminary plat approval.

(4) Submittal of a phasing plan after development plan or preliminary plat approval is considered a major revision and requires approval by the Planning Commission following Sec. 50-723 Duration, Expiration and Amendment of Approvals.

(5) All off-site public improvements must be completed within the first phase.

(6) Each phase must meet the requirements for streets, utilities, stormwater, and civic space without reliance on undeveloped phases.

(7) Areas intended to satisfy civic space minimum standards must not be deferred to later phases unless approved by the Planning Commission.

(8) Approval of a phasing plan authorizes the City to administer each phase as a separate project for purposes of permitting, inspection, fee assessment, financial guarantees, and acceptance of improvements.

(9) Phasing requirements differ according to development type:

a. Development plans follow subsection (c) Site phasing; and

b. Subdivisions follow subsection (d) Subdivision phasing.

(b) Temporary improvements

(1) Temporary improvements may be allowed to ensure safe and functional infrastructure in early phases, provided they:

a. Maintain emergency access and circulation;

b. Do not conflict with later phases; and

c. Are clearly identified in the phasing plan.

(2) Examples of allowed temporary improvements may include:

a. Temporary turnarounds or hammerheads;

b. Temporary drainage systems that connect to future permanent infrastructure;

c. Temporary utility stubs and easements to serve early phases; and

d. Gravel or paved surface treatments for future street corridors.

(3) The phasing plan must include details and time lines for removal or conversion of temporary infrastructure to permanent systems.

(4) Temporary improvements may require financial surety or guarantees under Sec. 50-724. Public Improvement and Dedication to ensure completion.

(c) Site phasing

(1) Site phasing may involve building different parts of the site in sequence or completing portions of the work in stages within the same area.

(2) Phasing plans must indicate:

a. Site and phase boundaries;

b. Public improvements to be completed with each phase;

c. Utility extensions, stormwater systems, and shared infrastructure to support each phase;

d. Sequencing and estimated timing of phases, including anticipated start and completion dates;

e. Civic space locations, sizes, and types, with a description of how open space will be proportionally provided with each phase;

f. Building location, size, and use for buildings to be constructed with each phase; and

g. Circulation for each phase, demonstrating safe access to all buildings for pedestrians, bicycles, and vehicles.

(3) Phasing must prioritize building construction along existing streets and new civic spaces to the greatest extent possible.

(4) Phasing plans are approved concurrently with development plan approval.

(5) Each approved phase shall be processed as a separate project for purposes of pre-construction review, fee assessment, bonding, inspections, and issuance of certificates of occupancy.

(6) Phasing plan modifications that alter phase boundaries, sequencing, or required improvements may be approved by the Director, unless such modification materially increases impacts or defers required infrastructure, in which case Planning Commission approval is required.

(d) Subdivision phasing

(1) Phasing plans must indicate:

a. Subdivision and phase boundaries;

b. Public improvements to be completed with each phase;

c. Utility extensions, stormwater systems, and shared infrastructure to support each phase;

d. Sequencing and estimated timing of phases, including anticipated start and completion dates; and

e. Civic space locations, sizes, and types, with a description of how open space will be proportionally provided with each phase.

(2) Phasing plans are approved concurrently with preliminary plat approval.

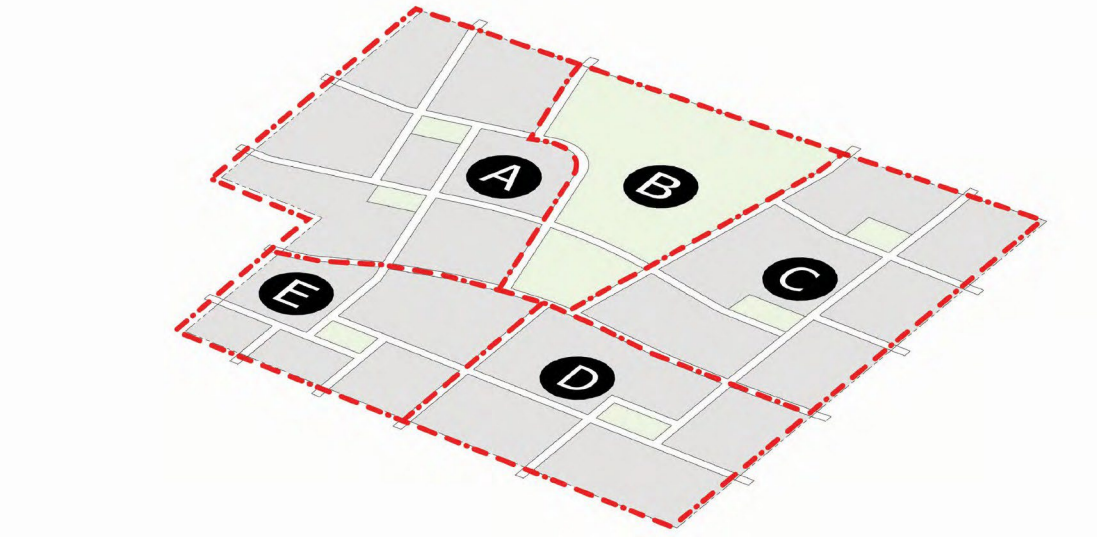
(3) Phasing plan modifications require approval by the Director.

(4) Final plat approval and recording shall be required for each phase.

(5) Each approved phase shall be processed as a separate project for purposes of pre-construction review, fee assessment, bonding, inspections, and issuance of certificates of occupancy.

(6) Phasing plan modifications shall be processed as amendments to approved plans in accordance with Sec. 50-723 Duration, Expiration and Amendment of Approvals.

FIGURE 3.5 PHASING ILLUSTRATION



Letter A, C, D, E: Phase
Letter B: Civic space, developed alone or with other phases

Figure depicting a phasing plan divided into 4 phases plus a large civic space. The phasing plan indicates the main circulation network and most prominent civic space in each phase.

(e) Enforcement of phasing schedules

(1) The Director may suspend further development activity in any phase if the applicant fails to meet the phasing schedule without good cause.

(2) A delay that results in expiration of a development approval is governed by Sec. 50-723. Duration, Expiration, and Amendment of Approvals. Any reactivation after expiration must follow the resubmittal or extension process in that section, in addition to the revised phasing plan required by subsection (2).

SEC. 50-307 CAMPUS DEVELOPMENT PLAN

(a) Applicability

(1) Campus development plans are available for any development that elects to apply the alternative standards in Sec. 50-507. Campus Development Standards.

(2) To qualify for this process, the development must:

a. Include an institutional or corporate anchor use; and

b. Contain a minimum of 8 acres under unified ownership or long-term control.

(b) Review. See Sec. 50-708. Campus Development Plan Review for development review procedures.

SEC. 50-308 OFF-SITE INFRASTRUCTURE IMPROVEMENTS

(a) On-site versus off-site improvements

(1) On-site improvements are adjacent to or within a project site; such as widening the street along the project street frontage, constructing interior streets and utilities, etc. as required by this Code.

(2) Off-site improvements are not adjacent or interior to a project; such as the extension of an off-site sewer line to the property boundary or an off-site intersection improvement, as determined by this section.

(b) Required off-site infrastructure improvements

(1) Off-site improvements are required where they are roughly proportional and bear a rational nexus to the impacts of the proposed development. The developer must install on and off-site improvements where the need for such improvements is created by the proposed development.

(c) Standards applicable

(1) On and off-site improvements required must be made according to City standards. The developer is responsible for that portion of the cost of off-site improvements with a rational nexus and is roughly proportional to the impacts of the development.

(d) Proportionate share for off-site improvements

(1) At the time of development approval, the approval body will determine whether the proposed development creates or contributes to the need for off-site improvements and whether there is an essential nexus and rough proportionality between the impacts of the development and the off-site improvements required.

(2) In determining that portion of the cost of off-site improvements which is the developer's responsibility, the approval body may consider:

a. The relative demand generated by the proposed development as compared to the total anticipated demand on the improvement at build-out;

b. Acreage within the development as a percentage of the acreage reasonably expected to benefit from the improvement;

c. Trip generation, utility demand, frontage, or other industry-recognized methodologies appropriate to the type of improvement; or

d. Any combination of the above, supported by competent evidence as documented in the applicant's submitted analysis.

(3) The applicant shall provide a written analysis demonstrating:

a. The nature and extent of the development's impact on the off-site improvement;

b. The methodology used to calculate the development's proportionate share; and

c. Supporting data, studies, or industry-recognized standards upon which the calculation is based.

(4) The approval body shall review the applicant's submitted analysis and any other required studies and shall make written findings to determine whether the proposed proportionate share reasonably reflects the impacts of the development. If the approval body determines that the submitted methodology does not reasonably reflect the impacts of the development, it may require revision of the analysis prior to approval.

(e) Necessity for off-site improvements

(1) Streets

a. When a proposed development has access to paved streets only by way of substandard or unimproved streets leading from the development to the paved streets, the developer is responsible for contributing their proportionate share of the cost to improve the substandard streets to city standards with a minimum pavement width of twenty (20) feet.

b. Street widening, intersection improvements, and/or new street construction off-site may be required to address traffic impacts identified in a traffic impact analysis based on the rough proportionality and rational nexus of the impacts of the project.

(2) Curbs and gutters.

a. Curbs and gutters off-site may be required to address drainage and/or stormwater impacts based on the rough proportionality and rational nexus to impacts of the project. Curbs and gutters according to existing City standards and specifications as adopted by the City Council.

(3) Utilities

a. Off-site utility improvements, such as extensions of new infrastructure or upgrades to existing infrastructure, are required whenever a development causes the need for such improvements.

(4) Sidewalks

a. Sidewalks may be required to be installed off-site to connect to the nearest sidewalk network based on the rough proportionality and rational nexus of the impacts of the development.

(5) Alleys

a. Alleys may be required to be extended off-site to connect to an existing public street within the same block to provide access, service circulation, or block connectivity, based on the rough proportionality and rational nexus of the impacts of the development.

(6) Other infrastructure improvements

a. Other infrastructure improvements may be required where the need for such improvements is created by the proposed development as determined by the Planning Commission, based on an essential nexus and rough proportionality to the impacts of the development.

(f) Delayed Improvements

(1) The approval body may determine a required on-site or off-site improvement may be delayed or payment-in-lieu contributed in accordance with Sec. 50-724 Public Improvements and Dedications.

(g) Waiver

(1) A waiver of off-site improvements may be granted in accordance with Sec. 50-716 Administrative Adjustments and Waivers.

(h) Performance Guarantee

(1) At or prior to the pre-construction conference with the City, the developer shall provide a performance guarantee in accordance with Sec. 50-724 Public Improvements and Dedication.

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ARTICLE 50-4 ZONING

SEC . 50-401 . PURPOSE AND INTENT

(a) This Article sets the rules for how land and buildings can be used and arranged in Bentonville through zoning districts. These zoning rules are intended to protect public health, safety, and general welfare.

(b) Bentonville uses two types of zoning districts and a series of overlay districts:

(1) Transect Districts, which focus on how buildings relate to each other to form safe, walkable streets and neighborhoods, from rural areas to the center of downtown.

(2) Special Purpose Districts, which are used for areas that need specific rules based on their function, such as large campuses and industrial areas.

(3) Overlay Districts, which provide additional standards for specific locations, including two (2) overlays for the downtown area and two (2) overlays for the airport area, to guide development and protect the character and function of those areas. Standards are located in Sec. 50-506. Overlay Districts.

(c) Transect districts intend to:

(1) Support historic neighborhoods and downtown areas;

(2) Guide growth in the form of walkable, bikeable, drivable, and transit-friendly places;

(3) Help new building fit in with its surroundings;

(4) Protect rural and natural areas by encouraging compact development;

(5) Align the intensity of development with appropriate infrastructure investment, so that more urban transect zones help lower long-term costs for streets and utilities by supporting compact, efficient service delivery.

(d) Special Purpose Districts intend to:

(1) Set aside space for businesses and services that depend on driving or large format operations;

(2) Support campuses that are designed around walking and biking; and

(3) Make sure uses are appropriately located and follow rules to fit in with the surrounding context.

SEC . 50-402 . TRANSECT DISTRICTS

(a) The City utilizes the following transect districts for zoning, shown on the City of Bentonville Official Zoning Map:

(1) T2.1: Rural;

(2) T2.2: Rural Node;

(3) T3.1: Neighborhood Edge;

(4) T3.2: Neighborhood Transition;

(5) T4.1: Neighborhood General;

(6) T4.2: Neighborhood Node;

(7) T5.1: Town Center Low;

(8) T5.2: Town Center High; and

(9) T6: Urban Center.

(b) Rules may specify district names using a main category (like T3 or T5) and sometimes a sub-category (like T3.1 or T5.2). They apply as follows:

(1) If only the main category is listed, like T4, the rule applies to all sub-categories under it: T4.1 and T4.2;

(2) If both the main and sub-category are listed, like T4.2, the rule applies only to that specific district, not to T4.1;

(3) If a rule includes a mix, like "T4 and T3.2", apply each part individually: it applies to T4.1 and T4.2, and also to T3.2, but not to T3.1;

(4) Rules may include transect districts along with special purpose districts, or specify only one or the other; and

(5) Rules that do not specify a transect district or special purpose district apply to all districts.

SEC . 50-403 . SPECIAL PURPOSE DISTRICTS

(a) The City utilizes the following special purpose districts for zoning, shown on the City of Bentonville Official Zoning Map:

(1) R-1: Suburban Single-Family;

(2) GC: General Commercial;

(3) LI: Light Industrial;

(4) LFI: Large Format Industrial; and

(5) MH: Manufactured Housing.

(b) Rules may include special purpose districts along with transect districts, or specify only one or the other.

(c) Rules that do not specify a transect district or special purpose district apply to all districts.

SEC . 50-404 . OVERLAY DISTRICTS

(a) Overlay districts apply additional design rules to specific areas of the City to protect character, guide redevelopment, or address special conditions.

(b) Overlay districts are shown on the Bentonville Official Zoning Map.

(c) Because overlay districts regulate design rather than use, their standards are located in Article 50-5 Design Standards, Sec. 50-506. Overlay Districts.

(d) The following overlay districts are established:

(1) Bentonville Municipal Airport Overlay; and

(2) Northwest Arkansas National Airport Overlay.

SEC . 50-405 . STANDARDS FOR ZONING DISTRICTS

(a) General

(1) All development must follow these sections in Article 50-5 Design Standards:

a. Sec. 50-503. Site Design related to driveways, walkways, parking, and similar site specifics;

b. Sec. 50-504. Vertical Construction related to building and fence design and placement;

c. Sec. 50-505. Zone Transitions specifying transition rules between different districts;

d. Sec. 50-506. Overlay Districts specifying rules for overlay districts;

e. Sec. 50-508. Signs;

f. Sec. 50-509. Tree Preservation and Sec. 50-510. Landscape, Screening, and Buffering for landscape requirements, materials, and installation; and

g. Sec. 50-511. Natural Resource Protection specifying rules for natural resources and hazards.

(2) Table 4.1 Zone Standards provides a summary of the basic rules for each zoning district.

(3) Rules for the use of properties and buildings are found in Sec. 50-406. Use Standards.

(4) Lot splits and other land subdivisions must follow the rules of Article 50-3 Land Development.

(5) Sites one (1) acre or larger may have additional rules imposed in Article 50-3 Land Development.

(6) Setbacks, lot width, building footprint, and impervious area may be available for administrative adjustment under Sec. 50-716. Administrative Adjustments and Waivers.

(b) Height

(1) Maximum height

a. The maximum allowed height for buildings and other structures is regulated by both:

1. A maximum number of stories; and

2. A maximum overall height in feet ("not-to-exceed" height), as established by zoning district and listed in Table 4.1 Zone Standards.

b. Height is measured according to the rules in subsection (2) Height measurement.

1. Maximum heights in single-family zoning districts are also capped by maximum feet.

c. The following features are allowed to extend above the maximum overall height, provided they comply with the limitations below and do not include habitable floor area unless expressly allowed:

1. Chimneys, up to four (4) feet above the roof ridge or parapet;

2. Rooftop equipment on flat roofs, up to six (6) feet above the parapet, if:

i. It is set back at least ten (10) feet from the edge; and

ii. It is screened from view along public sidewalks.

3. Parapets, up to four (4) feet above a flat roof or above the eave of a sloped roof;

4. Elevator overruns and bulkheads necessary to house mechanical equipment;

5. Stair enclosures providing roof access, up to ten (10) feet above the flat roof; and

6. Limited rooftop habitable space is permitted on buildings with flat roofs in T4, T5, and T6 zoning districts, subject to the following standards:

i. No more than one (1) additional level of habitable space is permitted above the primary roof plane;

ii. The rooftop level shall not exceed twelve (12) feet in height, measured from the roof surface to the top of the roof or parapet of the rooftop level;

iii. The total floor area of rooftop habitable space shall not exceed four hundred (400) square feet; and

iv. The rooftop level shall be set back a minimum of ten (10) feet from all roof edges.

v. The rooftop level shall be designed to minimize visibility from public streets through setbacks, roof form, and architectural integration with the primary structure.

7. Special architectural features, including but not limited to clock towers, steeples, bell towers, and decorative parapets, may exceed the maximum overall building height if approved as an administrative adjustment pursuant to Sec. 50-716. Administrative Adjustments and Waivers and Table 7.2

Administrative Adjustment Criteria.

(2) Height measurement

a. Height is measured:

1. From the average sidewalk grade along the building frontage for buildings located within a build-to area.
2. From the average existing grade plane surrounding the building for buildings located outside a build-to area.
3. At each street frontage for buildings on corner lots or through-lots.
4. For the purposes of this Section, the grade plane shall be calculated as the average of the existing ground elevation adjoining the building at all exterior walls.
5. Building height may be evaluated using multiple grade plane calculations when requested by the applicant or required by staff for sites where the difference in existing grade across a building footprint exceeds ten (10) feet or buildings greater than one hundred (100) feet in length.

b. Height measured by number of stories:

1. A story is defined as a level of a building between finished floor surfaces that contains occupiable space.
2. The total number of stories is counted vertically from the grade plane used for height measurement to the highest occupied floor level.
3. Mezzanines exceeding forty (40) percent of the floor area of the level below are counted as an additional story.
4. Stories located entirely below grade do not count toward building height, provided they extend no more than four (4) feet above finished grade.
5. Finished attics under sloped roofs are not counted as a story if:
   i. The attic floor area does not exceed thirty (30) percent of the floor area below; and
   ii. The space does not exceed the maximum overall height in feet.

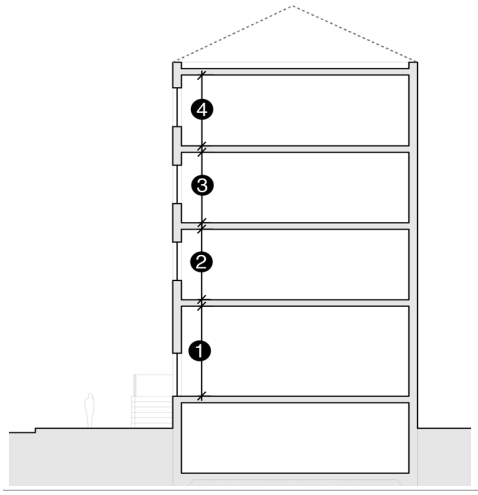
c. Height measured by feet:

1. Overall building height is measured to the highest point of the roof structure, as illustrated in Figure 4.1, Height Measurement.
2. The measured height shall not exceed the maximum overall height in feet listed in Table 4.1 Zone Standards, regardless of the number of stories provided.

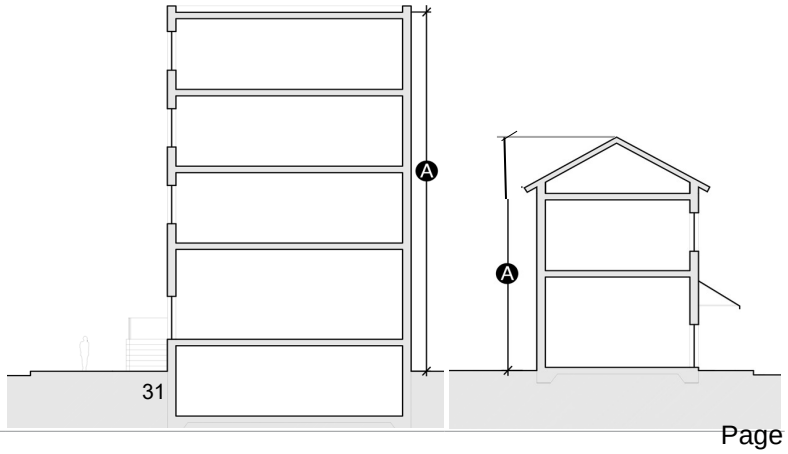
d. A minimum ground floor height applies where specified in Table 4.1 Zone Standards.

FIGURE 4.1 HEIGHT MEASUREMENT

Height measurement in stories



Height measurement in feet



(c) Setbacks

(1) Minimum Setbacks

a. Buildings must be set back from lot lines as listed in Table 4.1 Zone Standards.

b. Parking within buildings must be set back from lot lines following parking setbacks in Table 4.1 Zone Standards. Additional parking structures rules are in Sec. 50-504 (e) Parking structures.

c. The location of each setback is determined as follows, and shown in Figure 4.2 Setbacks for Typical Lot Conditions and Figure 4.3 Setbacks for Special Lot Conditions:

1. Front Setback: Measured from the front lot line, typically the side with the street address, or from a trail or civic space if applicable, as determined by the Director;
2. Side Street Setback: Measured from any street-facing lot line that is not the front;
3. Side Setback: Measured from lot lines shared with neighboring properties, with the following considerations:

i. If the side lot line borders an alley, the alley setback applies;

ii. If the zoning standard allows zero (0) feet or another number (e.g., zero (0) ft. or six (6) ft. min.), you may:

(i) Use zero (0) feet for attached buildings; or

(ii) Use the larger minimum setback if the building is not attached.

iii. In T4 zones, side setbacks of zero (0) feet are only allowed for attached townhomes. End units must provide the larger minimum setback listed for the zone.

4. Alley Setback: Measured from any lot line bordering an alley, a shared parking area, or an access easement providing vehicle access to the lot; and
5. Rear Setback: Measured from the rear lot line, usually opposite the front lot line. If the rear lot line borders an alley, the alley setback applies.

d. If a street or alley is located within an easement or right-of-way that overlaps the lot boundary, the setback is measured from the edge of the easement or right-of-way, not the property line.

e. Utility and other easements may require additional setbacks beyond the minimums listed.

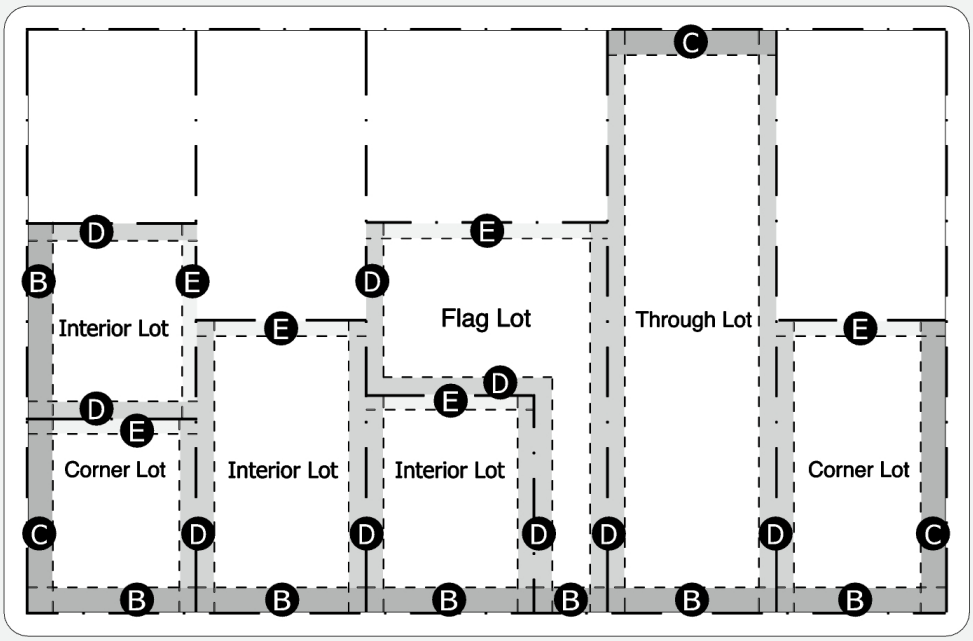
f. Setbacks are measured from lot lines to the foundation, wall finishes, eaves, and other projections are not allowed within easements.

g. Setbacks as required by Table 4.1 Zone Standards may be reduced from the minimum setback if approved as an administrative adjustment according to Sec. 50-716. Administrative Adjustments and Waivers and Table 7.2 Administrative Adjustment Criteria.

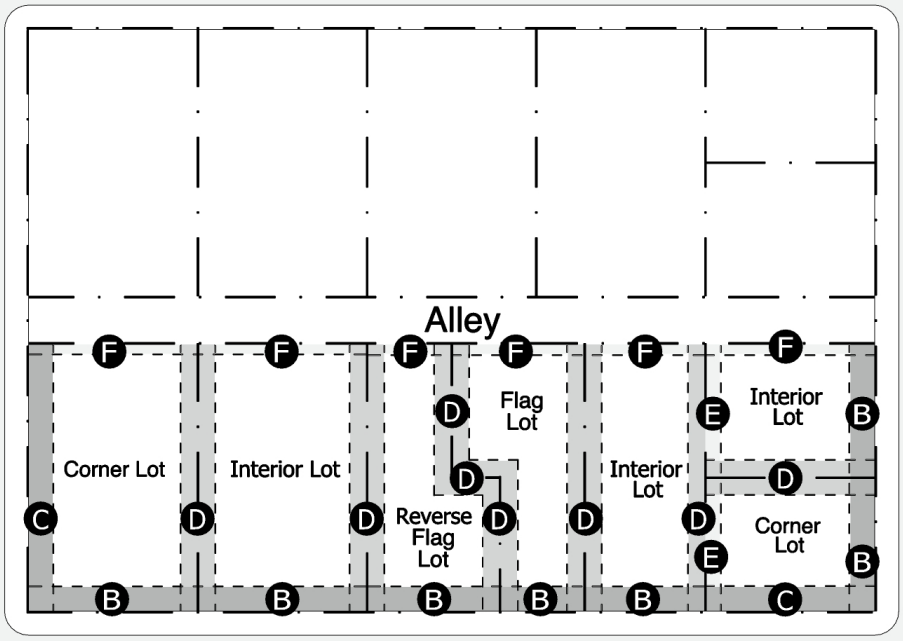
(2) Pools, Patios, Decks, and Accessory Structures

a. Minimum setbacks are as listed in Table 4.1 Zone Standards.

FIGURE 4.2 SETBACKS FOR TYPICAL LOT CONDITIONS



Setbacks for common lot conditions without an alley

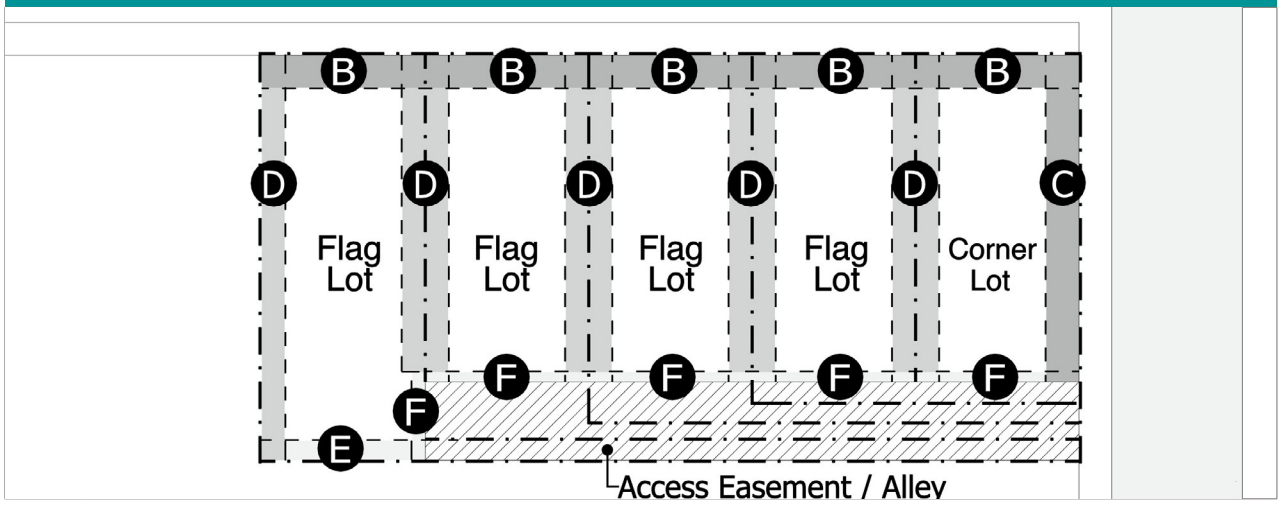


Setbacks for common lot conditions with an alley

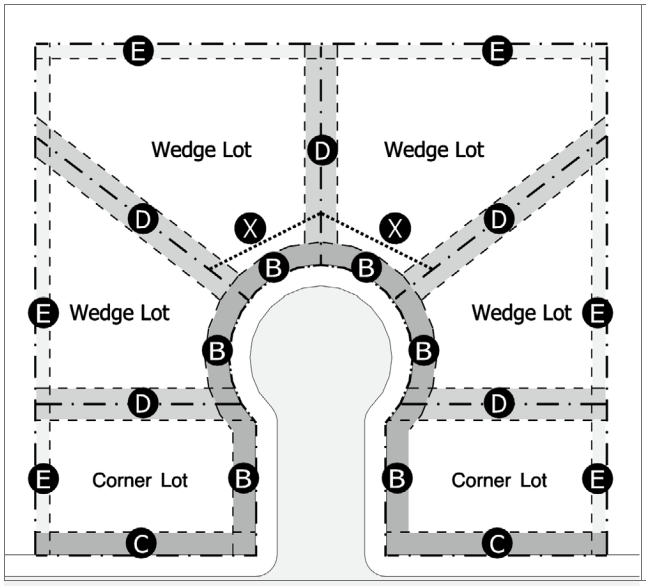
A	Buildable Area (white)	D	Side Setback (interior) [1]
B	Front Setback [1]	E	Rear Setback [1]
C	Side Street Setback [1]	F	Alley Setback [1]

[1] Utility easements and fire access standards may increase or otherwise modify setbacks.

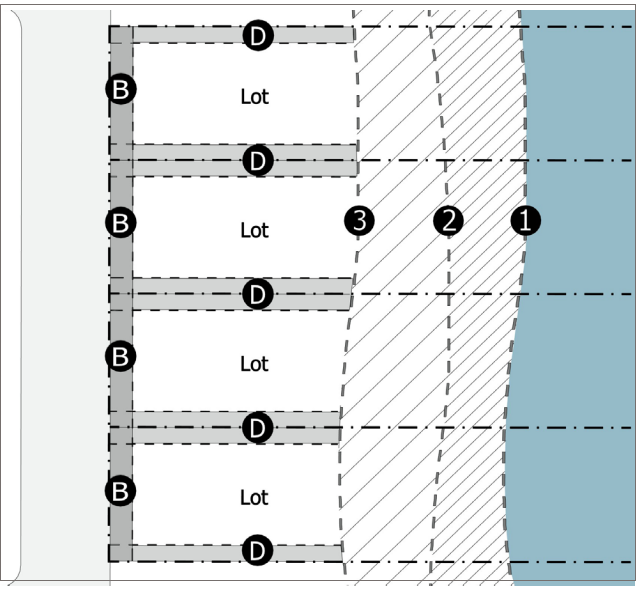
FIGURE 4.3 SETBACKS FOR SPECIAL LOT CONDITIONS



Setbacks for trail fronting lots with utility access flag lots



Setbacks from cul-de-sac



Setbacks from water bodies7

A	Buildable Area (white)	D	Side Setback (interior) [1]
B	Front Setback [1]	E	Rear Setback [1]
C	Side Street Setback [1]	F	Alley Setback [1]
X	Wedge setback is the greater of B or where the lot is fifty (50) feet wide tangent to the wedge (X). [1]		
1	Floodway	2	Flood Hazard Area
3	Base Flood Elevation		

The closest boundary of #1, #2, or #3 serves as the Rear Setback or Side Setback, as appropriate.

[1] Utility easements and fire access standards may increase or otherwise modify setbacks.

(3) Maximum Setbacks

a. If a maximum front or side street setback is listed in Table 4.1 Zone Standards, it establishes a build-to area between the minimum and maximum, as shown in Figure 4.4 Build-to Area.

b. In T5 and T6 zoning districts, buildings must occupy at least seventy percent (70%) of the width of the build-to area. This percentage does not include side setbacks, side street setbacks, driveways, or forecourts, as shown in Figure 4.5 Build-to Area Occupation.

c. The maximum front setback may be exceeded when a forecourt is located along the front lot line or at the corner of a corner lot, as long as these conditions are met:

1. The forecourt area is no larger than one thousand eight hundred (1,800) square feet in T5 and T6;
2. The forecourt area is no larger than three thousand two hundred (3,200) square feet in T4;
3. The forecourt width is no more than forty percent (40%) of the lot width;
4. Corner forecourts have buildings along two (2) sides;
5. Interior forecourts have building along three (3) sides;
6. Any building sides that face the forecourt must meet minimum entry, glazing, and active use requirements; and
7. At least sixty percent (60%) of the forecourt surface must be paved.

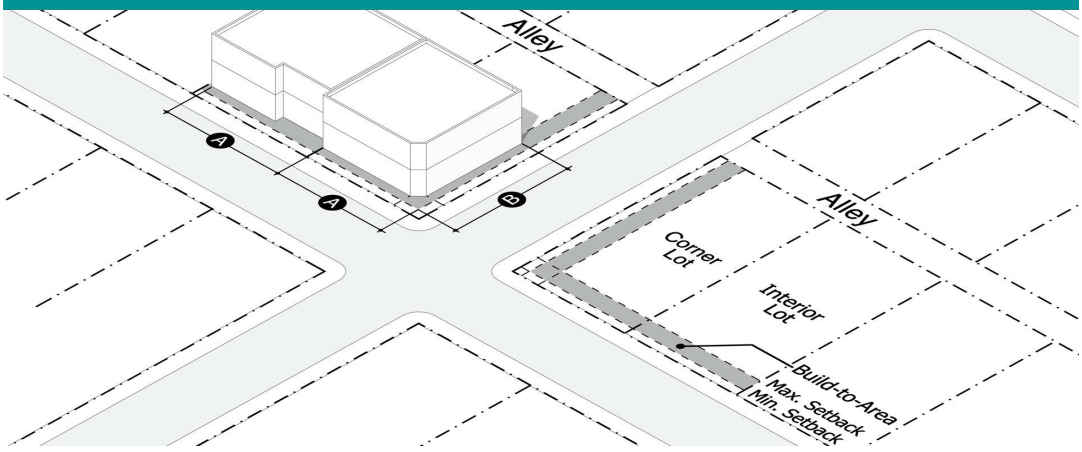
d. If an utility or access easement is deeper than the maximum setback, the setback is adjusted to be two (2) feet behind the edge of the easement.

e. Where front parking is allowed under Sec. 50-503 (h) Car parking and circulation, the maximum setback is measured as two (2) feet from the interior edge of the front parking area. The front parking area includes the sidewalk and planting area as well as parking and drive aisles.

f. Flag lots with a front or side street lot width less than sixty (60) feet are exempt from the relevant maximum setback requirement and build-to area occupation.

g. Institutions and places of assembly may exceed the maximum front setback if approved as an administrative adjustment under Sec. 50-716. Administrative Adjustments and Waivers.

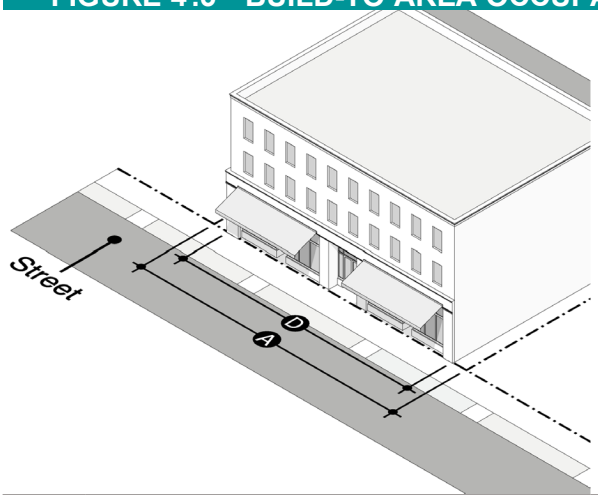
FIGURE 4.4 BUILD-TO AREA



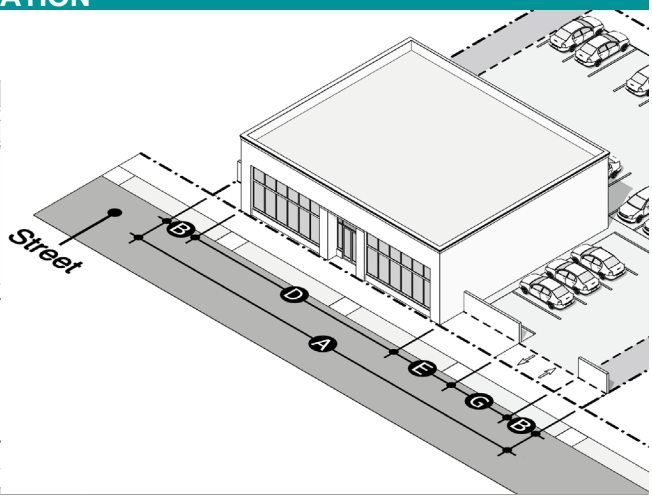
A Building within the Front build-to area

B Building within the Side Street build-to area

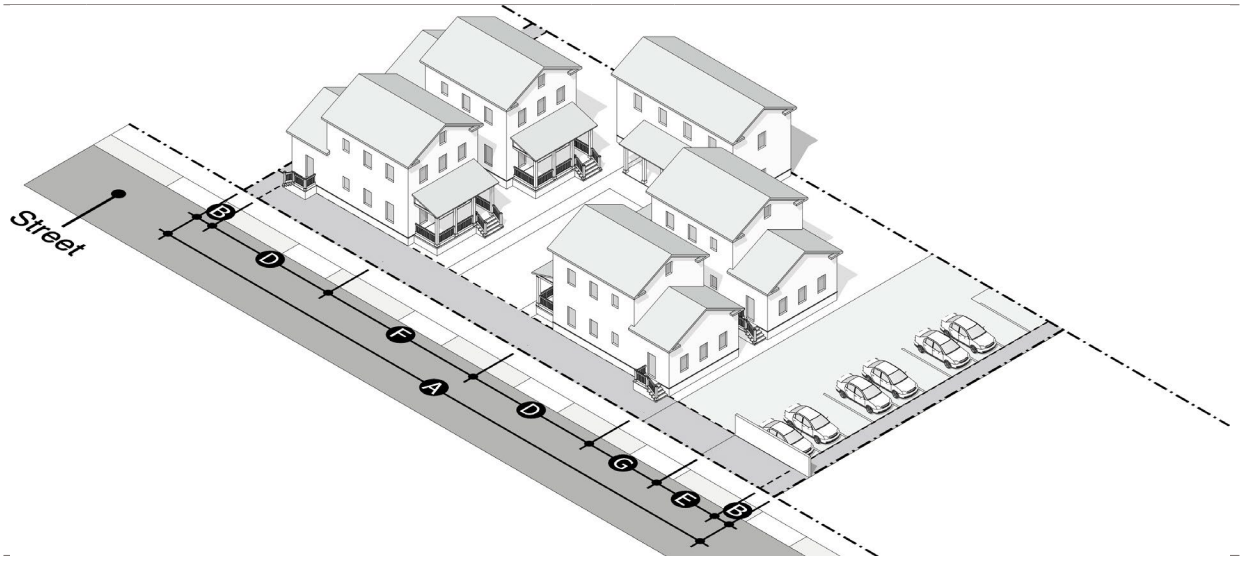
FIGURE 4.5 BUILD-TO AREA OCCUPATION



Example with Alley
(approximately ninety percent [90%])



Example with Driveway
(approximately eighty-five percent [85%])

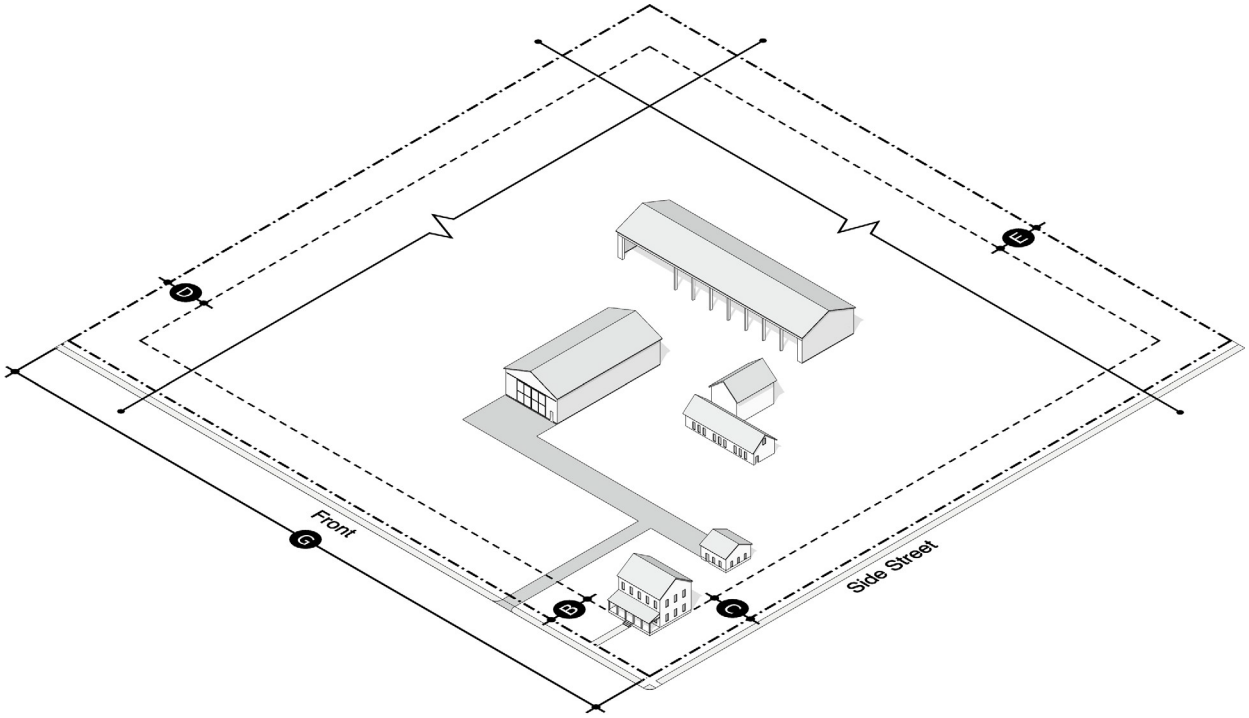


Interior Forecourt Example with Driveway (approximately ninety percent [90%])

A	Lot Width	E	Build-to Area without a Building
B	Required Setbacks	F	Forecourt
C	[reserved]	G	Driveway
D	Building in the Build-to Area	Occupation % = D / (A - B - F - G)	

TABLE 4.1 ZONE STANDARDS

T2.1: RURAL



T2.1 applies to rural areas with large lots, few homes, and mostly open space or agriculture. It is used for very low-intensity development. In some cases, this zoning is temporary until the land is ready to be rezoned to match the City's long-term growth plan.

Buildings

Location*		Height	
A Building Footprint	30% max.	Buildings	3 stories max. not to exceed 40 ft., farm buildings exempt
B Front Setback [1]	30 ft. min.		
C Side Street Setback [1]	30 ft. min.		
D Side Setback [1]	30 ft. min.		
E Rear Setback [1]	30 ft. min.		
Accessory Structures and Pools	Not allowed within setbacks		

T2.1: RURAL

Building Elevations

Required Entries		Required Glass	
Entry Frequency	N/A	Ground Floor	N/A
Required Active Uses		Upper Floor	N/A
N/A			

Site Design

Lot Size		Parking Location	
G Lot Area	5 acres min.	H Front Setback	50 ft. min.
Fencing and Walls		J Side Street Setback	30 ft. min.
See Sec. 50-510 (e) Fences and walls.		K Side Setback	30 ft. min.
Impervious Areas		L Rear Setback	30 ft. min.
Impervious Area	45% max.		

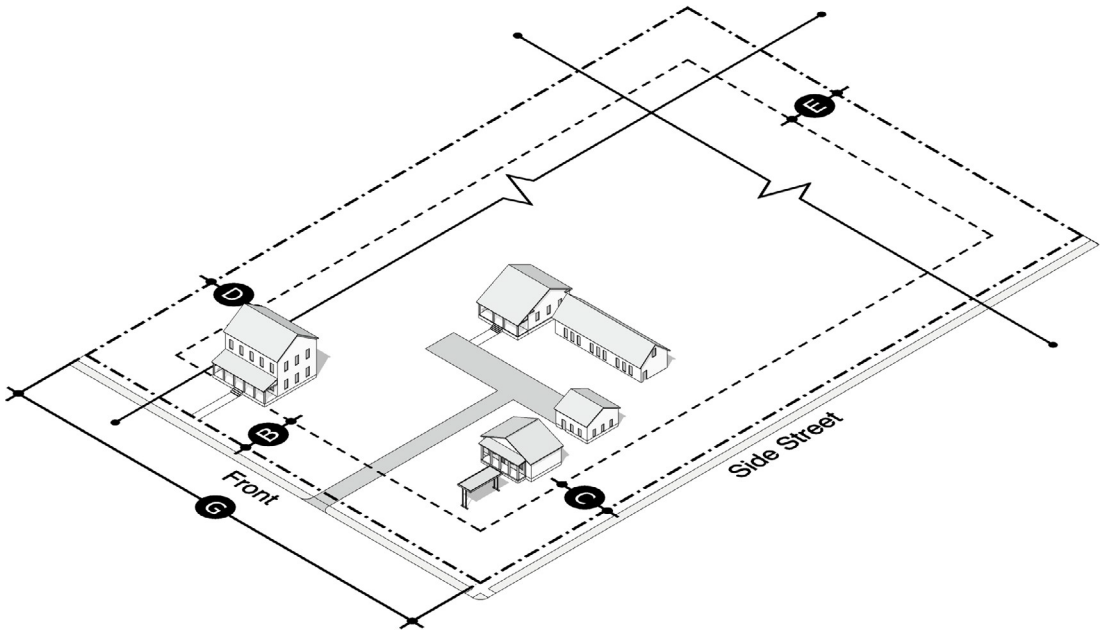
Uses

See Sec. 50-406. Use standards

Notes

[1] Utility easements and fire access standards may increase or otherwise modify setbacks.

T2.2: RURAL NODE



T2.2 provides a location for small shops, services, and civic uses that support surrounding rural neighborhoods and farms. Development is limited in scale and designed to fit the rural landscape, forming a small cluster of services and amenities.

Buildings

Location*	
A Building Footprint	30% max.
B Front Setback [1]	15 ft. min.
C Side Street Setback [1]	15 ft. min.
D Side Setback [1]	15 ft. min.
E Rear Setback [1]	25 ft. min.
Accessory Structures and Pools	Not allowed within setbacks

Height	
Buildings	3 stories max. not to exceed 40 ft., farm buildings exempt

T2.2: RURAL NODE

Building Elevations

Required Entries	
Entry Frequency	N/A

Required Glass	
Ground Floor	N/A
Upper Floor	N/A

Required Active Uses

N/A

Site Design

Lot Size	
G Lot Area	1 acre min.

Fencing and Walls

See Sec. 50-510 (e) Fences and walls

impervious Areas

Impervious Area	45% max.

Parking Location	
H Front Setback	30 ft. min.
J Side Street Setback	15 ft. min.
K Side Setback	15 ft. min.
L Rear Setback	15 ft. min.

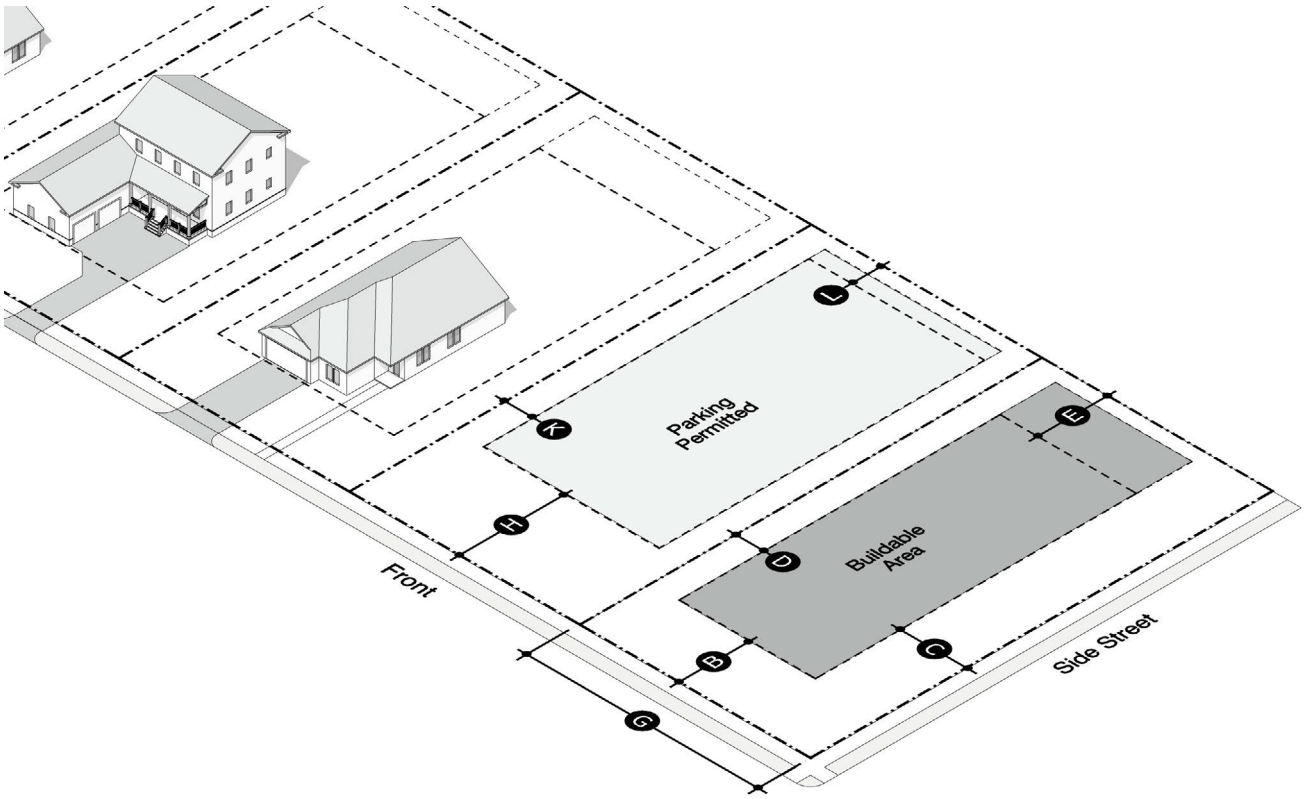
Uses

See Sec. 50-406. Use standards

Notes

[1] Utility easements and fire access standards may increase or otherwise modify setbacks.

R-1: SUBURBAN SINGLE-FAMILY



R-1 is a residential zone for neighborhoods with larger lots and single-family homes where parking is almost exclusively accessed from the street. Nonresidential uses are not allowed, other than home occupations as otherwise allowed by this code.

Buildings

Location*

A	Building Footprint	40% max. / 45% max. corner lot
B	Front Setback [1]	20 ft. min.
C	Side Street Setback [1]	20 ft. min.
D	Side Setback [1]	7 ft. min.
E	Rear Setback [1]	25 ft. min.
F	Alley Setback [1]	15 ft. from the alley centerline
	Accessory Structures and Pools	Not allowed in front or side street setbacks, 7 ft. min. for all other setbacks

Height

Buildings	36 ft. max.

R-1: SUBURBAN SINGLE-FAMILY

Building Elevations

Required Entries	
Entry Frequency	N/A

Required Glass	
Ground Floor	N/A
Upper Floor	N/A

Required Active Uses

N/A

Site Design

Lot Size	
G Lot Width	60 ft. min.
Lot Area	6,000 sq. ft.

Fencing and Walls

See Sec. 50-510 (e) Fences and walls

impervious Areas

Impervious Area	75% max.

Parking Location	
H Front Setback	20 ft. min.
J Side Street Setback	20 ft. min.
K Side Setback	7 ft. min.
L Rear Setback	12 ft. min.
M Alley Setback	0 ft. min.

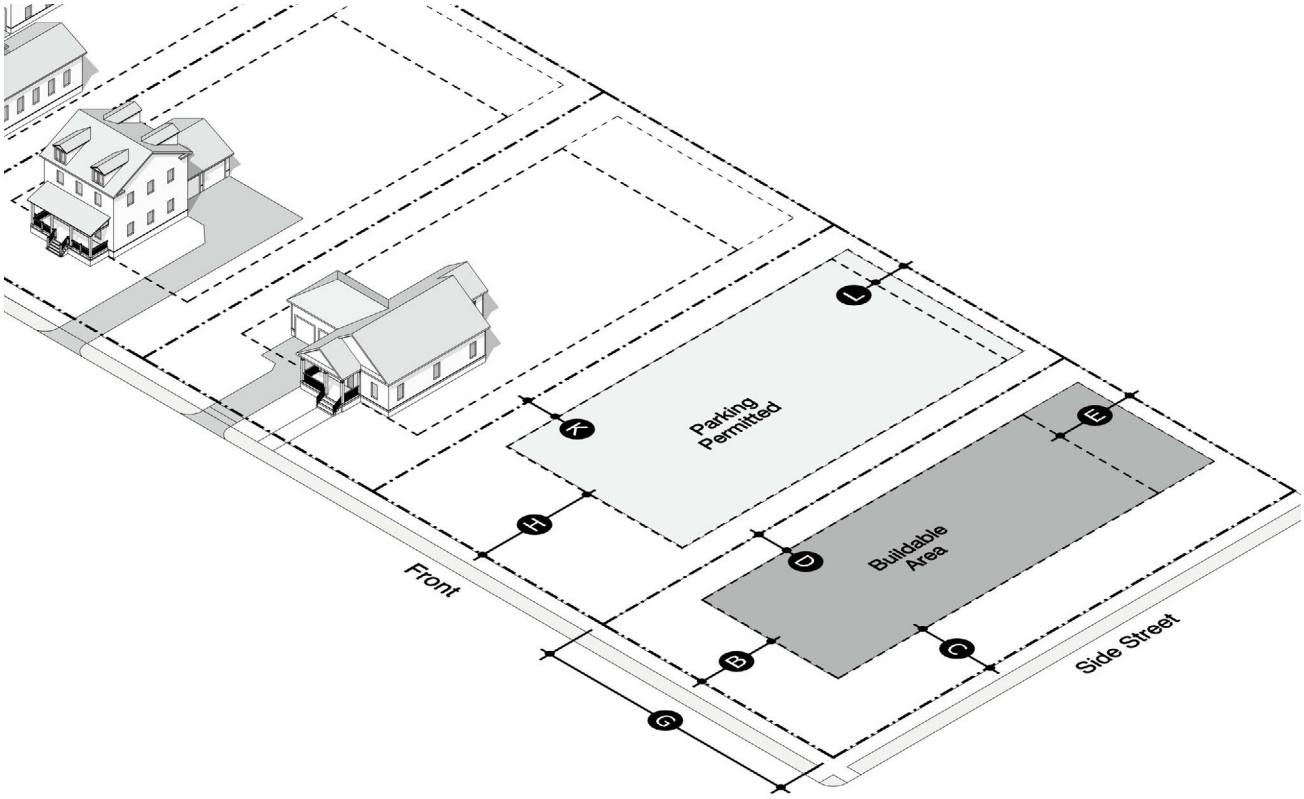
Uses

See Sec. 50-406. Use standards

Notes

[1] Utility easements and fire access standards may increase or otherwise modify setbacks.

T3.1: NEIGHBORHOOD EDGE



T3.1 is a residential zone for low-intensity neighborhoods with single-family homes on medium to large lots. Parking is normally accessed from the street.

Buildings

Location*

A	Building Footprint	50% max.
B	Front Setback [1]	15 ft. min.
C	Side Street Setback [1]	12 ft. min.
D	Side Setback [1]	7 ft. min.
E	Rear Setback [1]	25 ft. min.
F	Alley Setback [1]	15 ft. from the alley centerline, min.
	Accessory Structures and Pools	Not allowed in front or side street setbacks, 7 ft. min. for all other setbacks

Height

Buildings	36 ft. max.

T3.1: NEIGHBORHOOD EDGE

Building Elevations

Required Entries	
Entry Frequency	N/A

Required Glass	
Ground Floor	N/A
Upper Floor	N/A

Required Active Uses

N/A

Site Design

Lot Size	
G Lot Width	60 ft. min. no alley 50 ft. min. with alley

Fencing and Walls

See Sec. 50-510 (e) Fences and walls

Impervious Areas	
Impervious Area	80% max.

Parking Location	
H Front Setback	20 ft. min.
J Side Street Setback	12 ft. min.
K Side Setback	7 ft. min.
L Rear Setback	12 ft. min.
M Alley Setback	0 ft. min.

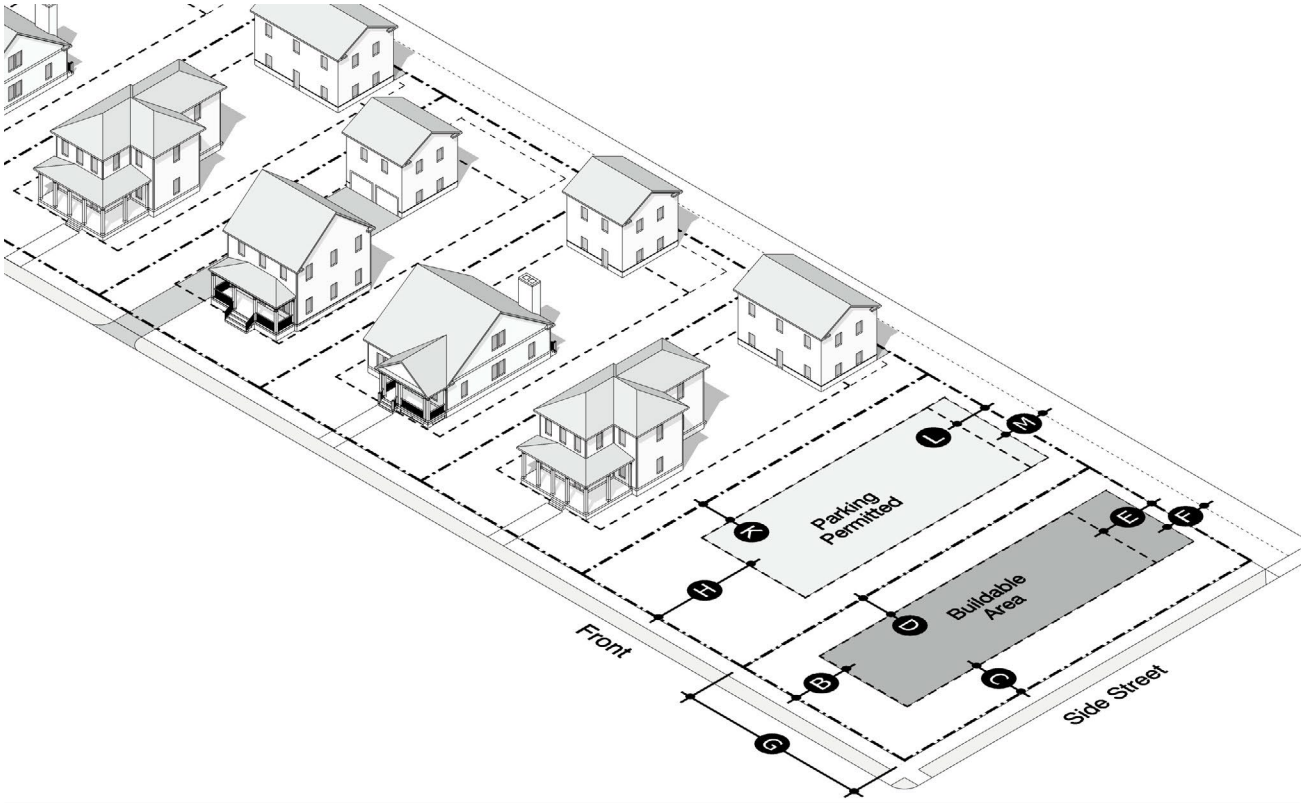
Uses

See Sec. 50-406. Use standards

Notes

[1] Utility easements and fire access standards may increase or otherwise modify setbacks.

T3 .2: NEIGHBORHOOD TRANSITION



T3.2 is a residential zone for low to medium-intensity neighborhoods with single-family homes on medium-sized lots. Parking may be accessed from the street or from alleys.

Buildings

Location*		Height	
A Building Footprint	55% max.	Buildings	36 ft. max.
B Front Setback [1]	15 ft. min., 25 ft. max.	Parking Structures	N/A
C Side Street Setback [1]	12 ft. min.	Ground Floor Height	N/A
D Side Setback [1, 2]	0 ft. or 7 ft. min.		
E Rear Setback [1]	15 ft. min.		
F Alley Setback [1]	15 ft. from the alley centerline, min.		
Accessory Structures and Pools	Not allowed in front or side street setbacks, 7 ft. min. for all other setbacks		

T3 .2: NEIGHBORHOOD TRANSITION

Building Elevations

Required Entries	
Entry Frequency	N/A

Required Glass	
Ground Floor	N/A
Upper Floor	N/A

Required Active Uses

N/A

Site Design

Lot Size	
G Lot Width [3]	50 ft. min. no alley 40 ft. min. with alley

Fencing and Walls

See Sec. 50-510 (e) Fences and walls

Impervious Areas	
Impervious Area	80% max.

Parking Location	
H Front Setback	30 ft. min.
J Side Street Setback	12 ft. min.
K Side Setback	7 ft. min.
L Rear Setback	12 ft. min.
M Alley Setback	0 ft. min.

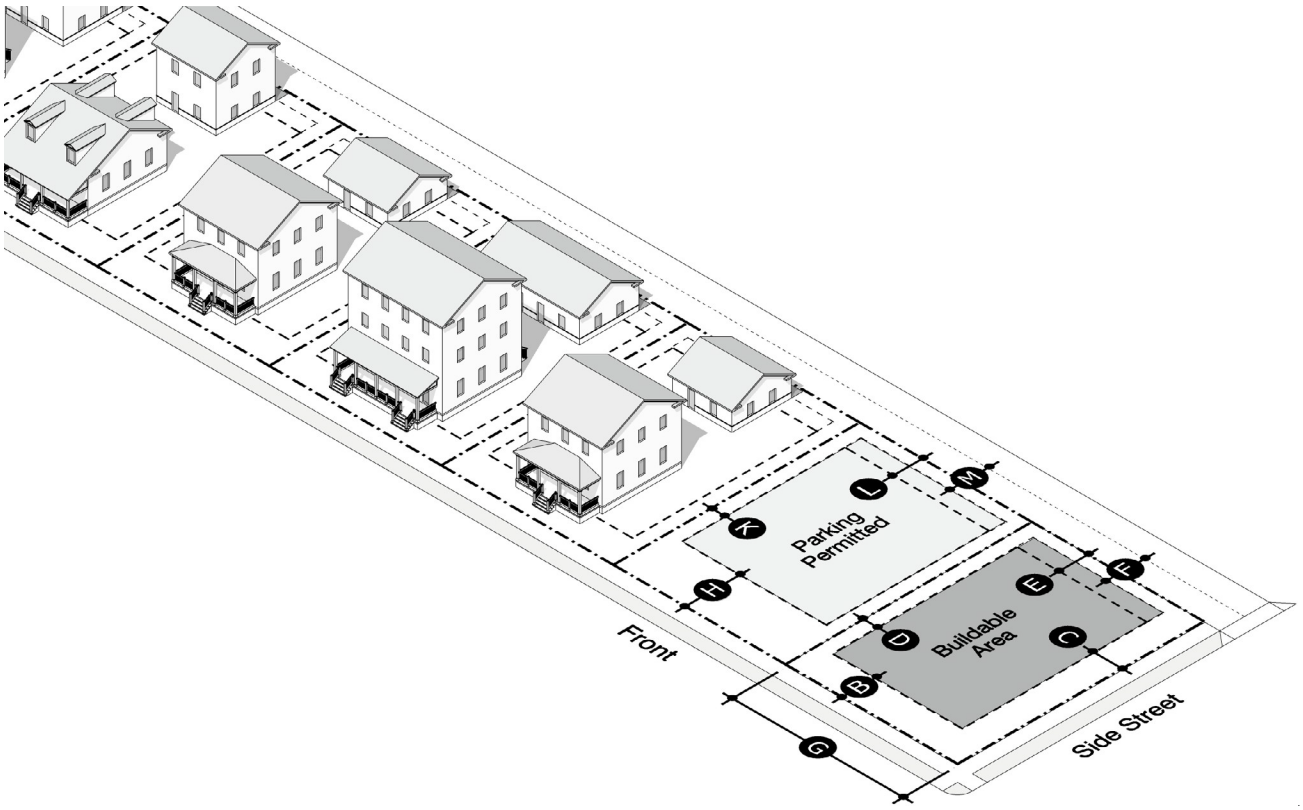
Uses

See Sec. 50-406. Use standards

Notes

[1] Utility easements and fire access standards may increase or otherwise modify setbacks.
[2] Building walls or a shared party-wall may be built without a setback with a side yard use easement for detached buildings; however, walls set back from the property line must be set back at least seven (7) feet.
[3] Lot width of a single unit of an attached single-family structure (townhome) on a lot with an alley may be twenty (20) ft. min.

T4.1: NEIGHBORHOOD GENERAL



T4.1 is a residential zone for medium-intensity neighborhoods with blended density, including townhomes, and small-scaled lodging. Parking is normally accessed from alleys and occasionally from the street.

Buildings

Location*

A	Building Footprint [1]	65% max.
B	Front Setback [1]	12 ft. min., 20 ft. max.
C	Side Street Setback [1]	12 ft. min.
D	Side Setback [1, 2]	0 ft. or 7 ft. min.
E	Rear Setback [1]	15 ft. min.
F	Alley Setback [1]	15 ft. from the alley centerline
	Accessory Structures and Pools	Not allowed in front or side street setbacks, 7 ft. min. for all other setbacks

Height

Buildings	3 stories max. not to exceed 40 ft.
Parking Structures	N/A
Ground Floor Height	N/A

T4.1: NEIGHBORHOOD GENERAL

Building Elevations

Required Entries	
Entry Frequency	N/A

Required Glass	
Ground Floor	15% min.
Upper Floor	15% min.

Required Active Uses

N/A

Site Design

Lot Size		
G	Lot Width	40 ft. min. no alley 20 ft. min. with alley 55 ft. max. per dwelling

Parking Location		
H	Front Setback	25 ft. min.
J	Side Street Setback	12 ft. min.
K	Side Setback	7 ft. min.
L	Rear Setback	6 ft. min.
M	Alley Setback	0 ft. min.

Fencing and Walls

See Sec. 50-510 (e) Fences and walls

Impervious Areas	
Impervious Area	85% max.

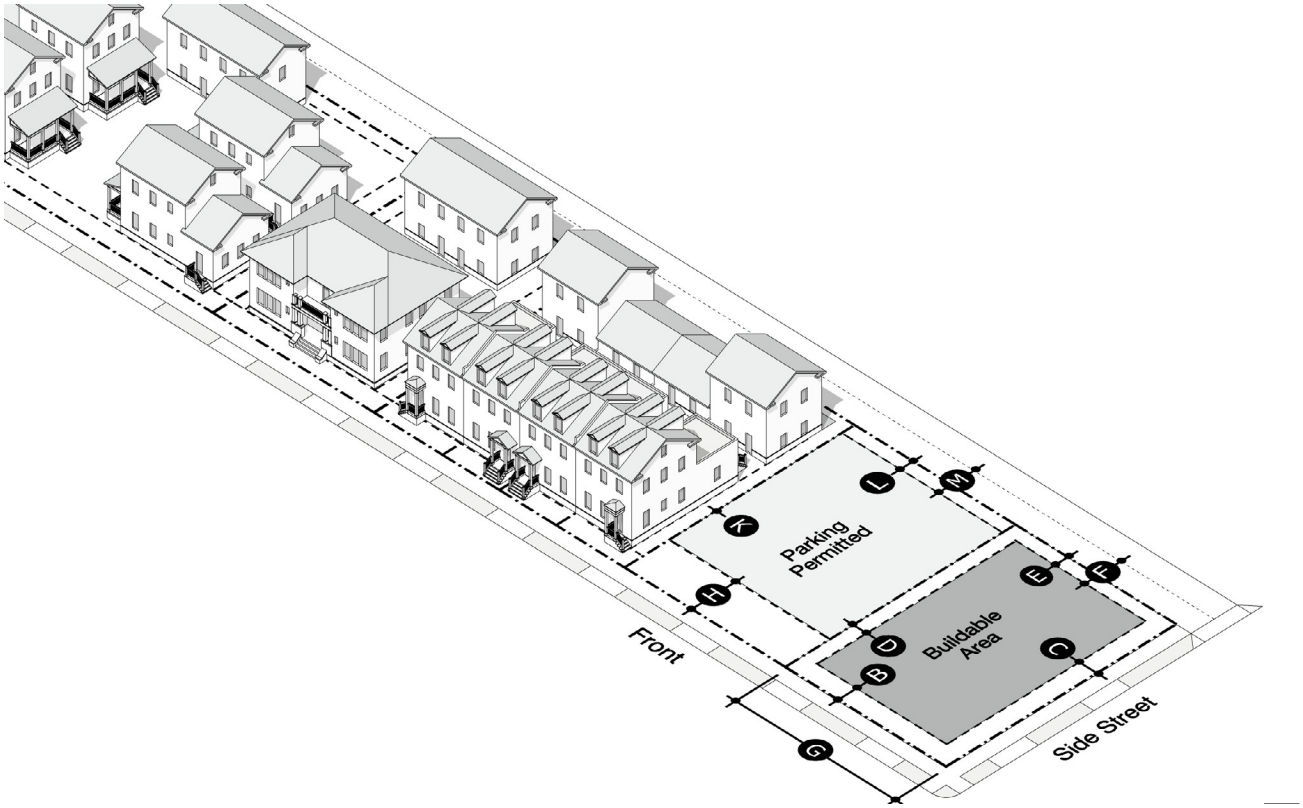
Uses

See Sec. 50-406. Use standards

Notes

[1] Utility easements and fire access standards may increase or otherwise modify setbacks.
[2] Building walls or a shared party-wall may be built without a setback with a side yard use easement for detached buildings; however, walls set back from the property line must be set back at least seven (7) feet.

T4 .2: NEIGHBORHOOD NODE



T4.2 is a primarily residential zone for medium to high-intensity neighborhoods, allowing a range of residential types, small-scale lodging, and limited small-scale businesses. Parking is normally accessed from alleys and occasionally the streets.

Buildings

Location*

A	Building Footprint	75% max.
B	Front Setback [1]	0 ft. min., 16 ft. max.
C	Side Street Setback [1]	8 ft. min.
D	Side Setback [1, 2]	0 ft. or 7 ft. min.
E	Rear Setback [1]	15 ft. min.
F	Alley Setback [1]	15 ft. from the alley centerline
	Accessory Structures and Pools	Not allowed in front or side street setbacks, 7 ft. min. for all other setbacks

Height

Buildings	4 stories max. not to exceed 50 ft.
Parking Structures	N/A
Ground Floor Height	N/A

T4 .2: NEIGHBORHOOD NODE

Building Elevations

Required Entries	
Entry Frequency	N/A

Required Glass	
Ground Floor	50% min. Commercial 15% min. other uses
Upper Floor	15% min.

Required Active Uses

N/A

Site Design

Lot Size		
G	Lot Width	40 ft. min. no alley 18 ft. min. with alley 45 ft. max. per dwelling

Parking Location		
H	Front Setback	25 ft. min. or behind building
J	Side Street Setback	8 ft. min.
K	Side Setback	2 ft. min.
L	Rear Setback	6 ft. min.
M	Alley Setback	0 ft. min.

Fencing and Walls

See Sec. 50-510 (e) Fences and walls

Impervious Areas	
Impervious Area	90% max.

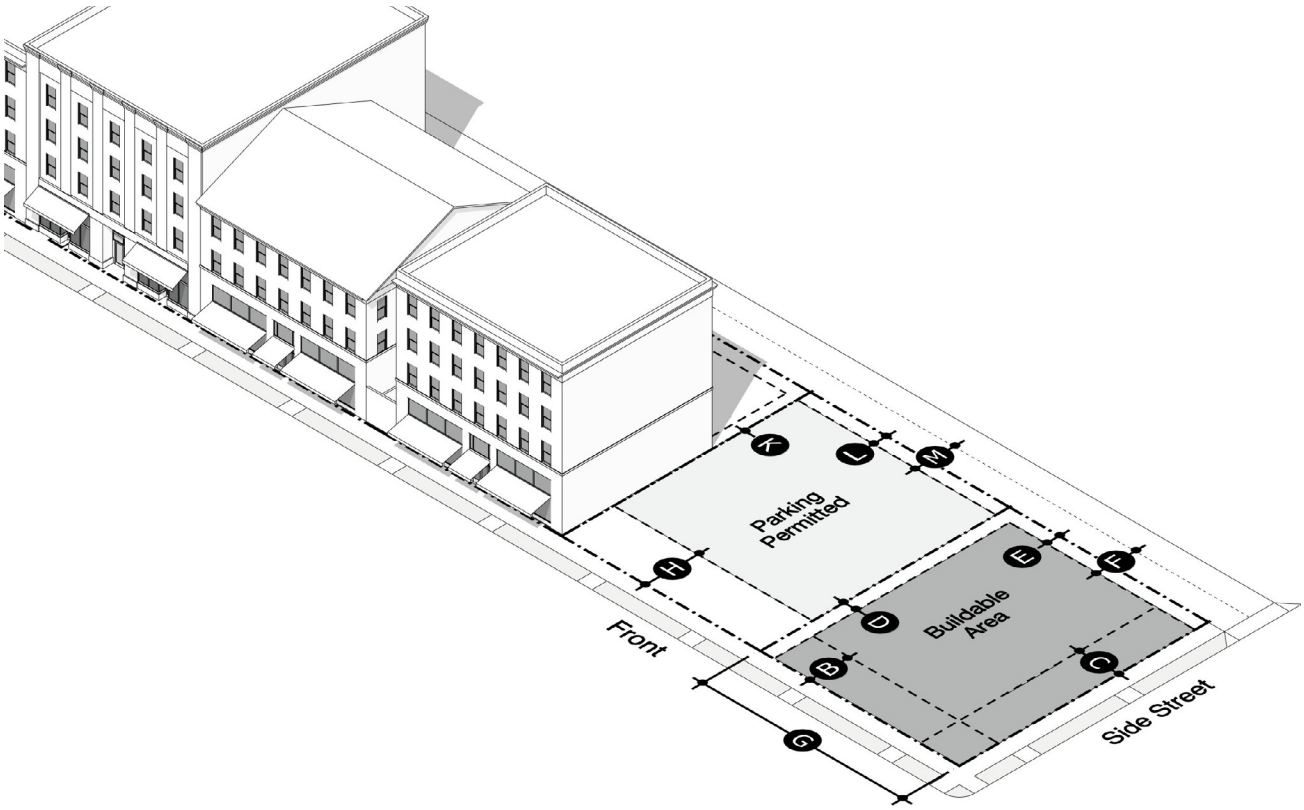
Uses

See Sec. 50-406. Use standards

Notes

[1] Utility easements and fire access standards may increase or otherwise modify setbacks.
[2] Building walls or a shared party-wall may be built without a setback with a side yard use easement for detached buildings; however, walls set back from the property line must be set back at least seven (7) feet.

T5.1: TOWN CENTER LOW



T5.1 is for walkable areas with a mix of shops, restaurants, and other non-residential uses, along with multi-family housing and townhomes.

Buildings

Location*		Height	
A Building Footprint	85% max.	Buildings	4 stories max. not to exceed 60 ft.
B Front Setback [1, 2]	12 ft. max.	Parking Structures	35 ft. max.
C Side Street Setback [1, 2]	12 ft. max.	Ground Floor Height	12 ft. to 25 ft.
D Side Setback [1, 2, 3]	0 ft. or 7 ft. min.		
E Rear Setback [1, 2]	5 ft. min.		
F Alley Setback [1, 2]	15 ft. from the alley centerline		
Accessory Structures and Pools	Not allowed within minimum setbacks		

T5.1: TOWN CENTER LOW

Building Elevations

Required Entries	
Entry Frequency	60 ft. min. Commercial 100 ft. min. other uses

Required Active Uses
See Sec. 50-504(c)(4) Required active uses.

Required Glass	
Ground Floor	50% min. Commercial 25% min. other uses
Upper Floor	15% min.

Site Design

Lot Size	
G Lot Width	No minimum. 25 ft. max. per dwelling

Fencing and Walls
See Sec. 50-510 (e) Fences and walls

Impervious Areas	
Impervious Area	100% max.

Parking Location	
H Front Setback	30 ft. min. or behind building
J Side Street Setback	12 ft. min. or behind building
K Side Setback	0 ft. min.
L Rear Setback	5 ft. min.
M Alley Setback	0 ft. min.

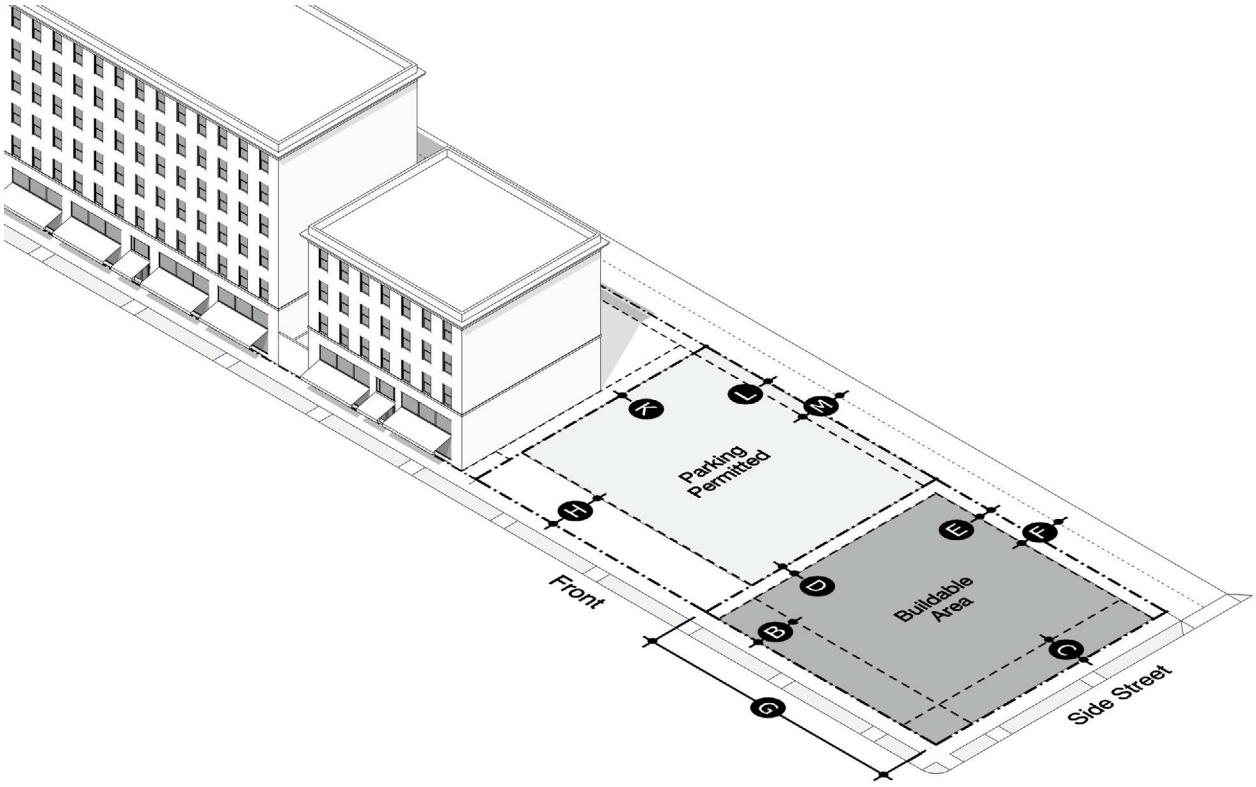
Uses

See Sec. 50-406. Use standards

Notes

[1] Utility easements and fire access standards may increase or otherwise modify setbacks.
[2] Sec 50-505 Zone Transitions may modify setbacks and heights.
[3] Building walls or a shared party-wall may be built without a setback with a side yard use easement for detached buildings; however, walls set back from the property line must be set back at least seven (7) feet.

T5.2: TOWN CENTER HIGH



T5.2 is a walkable district with a broad mix of uses in moderately tall buildings. It reflects the look and feel of downtown Bentonville and supports new active, compact places.

Buildings

Location*		Height	
A Building Footprint	90% max.	Buildings	6 stories max. not to exceed 96 ft.
B Front Setback [1, 2]	12 ft. max.	Parking Structures	50 ft. max.
C Side Street Setback [1, 2]	12 ft. max.	Ground Floor Ceiling Height	12 ft. to 25 ft.
D Side Setback [1, 2, 3]	0 ft. or 7 ft. min.		
E Rear Setback [1, 2]	5 ft. min.		
F Alley Setback [1, 2]	15 ft. from the alley centerline		
Accessory Structures and Pools	Not allowed within minimum setbacks		

T5.2: TOWN CENTER HIGH

Building Elevations

Required Entries	
Entry Frequency	60 ft. min. Commercial 100 ft. min. other uses

Required Glass	
Ground Floor	50% min. Commercial 25% min. other uses
Upper Floor	15% min.

Required Active Uses

See Sec. 50-504(c)(4) Required active uses.

Site Design

Lot Size	
G Lot Width	No minimum. 25 ft. max. per dwelling

Fencing and Walls

See Sec. 50-510 (e) Fences and walls

Impervious Areas	
Impervious Area	100% max.

Parking Location	
H Front Setback	30 ft. min. or behind building
J Side Street Setback	12 ft. min. or behind building
K Side Setback	0 ft. min.
L Rear Setback	0 ft. min.
M Alley Setback	0 ft. min.

Uses

See Sec. 50-406. Use standards

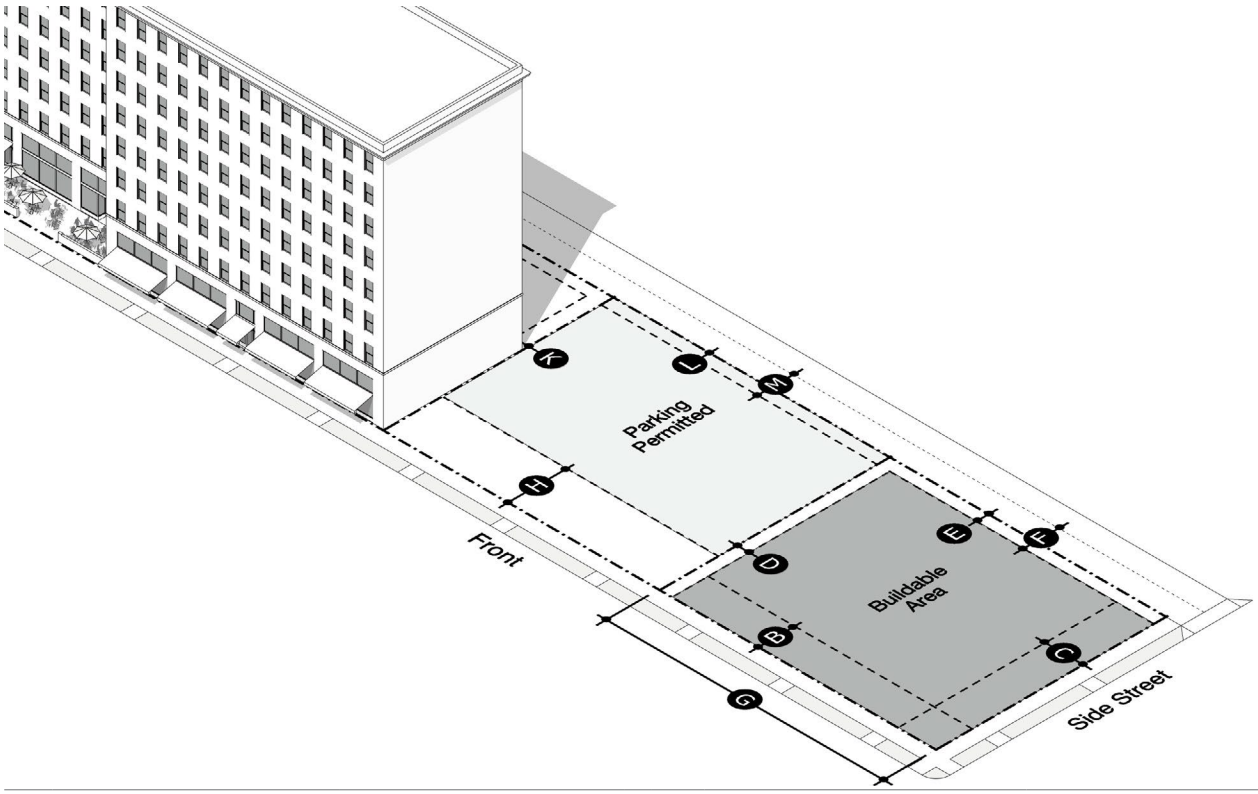
Notes

[1] Utility easements and fire access standards may increase or otherwise modify setbacks.

[2] Sec 50-505 Zone Transitions may modify setbacks and heights.

[3] Building walls or a shared party-wall may be built without a setback with a side yard use easement for detached buildings; however, walls set back from the property line must be set back at least seven (7) feet.

T6: URBAN CENTER



T6 is the highest-intensity district in the City, focused on employment, entertainment, and large-format multi-family housing within vibrant, walkable areas.

Buildings

Location*		Height	
A Building Footprint	100% max.	Buildings	10 stories max. not to exceed 160 ft.
B Front Setback [1, 2]	12 ft. max.	Parking Structures	70 ft. max.
C Side Street Setback [1, 2]	12 ft. max.	Ground Floor Height	12 ft. to 25 ft.
D Side Setback [1, 2, 3]	0 ft. or 7 ft. min.**		
E Rear Setback [1, 2]	5 ft. min.		
F Alley Setback [1, 2]	15 ft. from the alley centerline		
Accessory Structures and Pools	Not allowed within minimum setbacks		

T6: URBAN CENTER

Building Elevations

Required Entries	
Entry Frequency	60 ft. min. Commercial 100 ft. min. other uses

Required Active Uses

See Sec. 50-504(c)(4) Required active uses.

Required Glass	
Ground Floor	50% min. Commercial 25% min. other uses
Upper Floor	15% min.

Site Design

Lot Size	
G Lot Width	No minimum. 20 ft. max. per dwelling

Fencing and Walls

See Sec. 50-510 (e) Fences and walls

Impervious Areas	
Impervious Area	100% max.

Parking Location	
H Front Setback	30 ft. min. or behind building
J Side Street Setback	12 ft. min. or behind building
K Side Setback	0 ft. min.
L Rear Setback	0 ft. min.
M Alley Setback	0 ft. min.

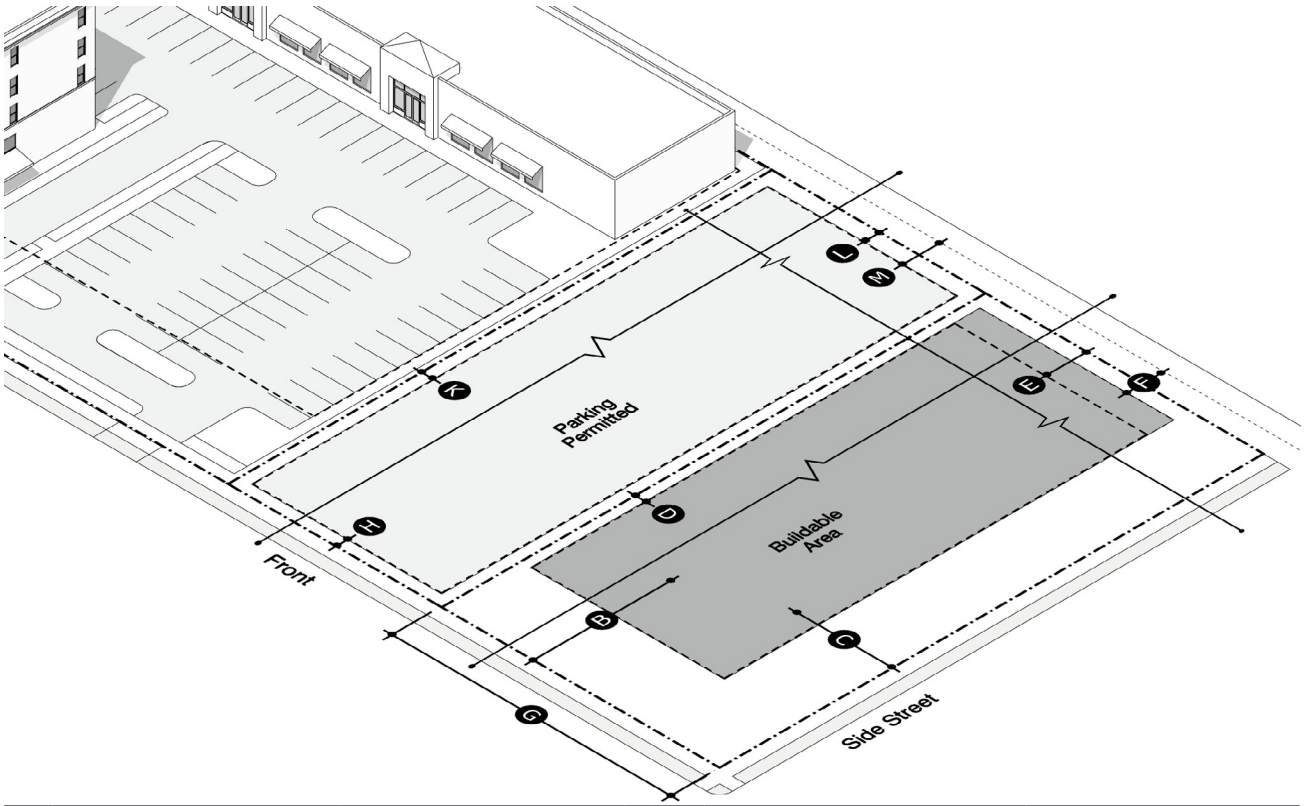
Uses

See Sec. 50-406. Use standards

Notes

[1] Utility easements and fire access standards may increase or otherwise modify setbacks.
[2] Sec 50-505 Zone Transitions may modify setbacks and heights.
[3] Building walls or a shared party-wall may be built without a setback with a side yard use easement for detached buildings; however, walls set back from the property line must be set back at least seven (7) feet.

GC: GENERAL COMMERCIAL



The GC district includes primarily low-scale commercial development in a strip format. The standards allow existing conditions to continue while encouraging infill of underutilized areas with more active uses.

Buildings

Location*

A	Building Footprint [3]	60% max./80% max.**
B	Front Setback [1, 3]	12 ft. min./8 ft. min.**
C	Side Street Setback [1, 3]	12 ft. min./8 ft. min.**
D	Side Setback [1]	7 ft. min.
E	Rear Setback [1]	20 ft. min.
F	Alley Setback [1]	15 ft. from the alley centerline
	Accessory Structures and Pools	Not allowed within setbacks

Height

Buildings	4 stories max. not to exceed 60 ft.
Parking Structures	50 ft. max.
Ground Floor Height	N/A

GC: GENERAL COMMERCIAL

Building Elevations

Required Entries	
Entry Frequency	N/A

Required Glass	
Ground Floor	25% min.
Upper Floor	15% min.

Required Active Uses

N/A

Site Design

Lot Size	
G Lot Width	50 ft. min.

Fencing and Walls

See Sec. 50-510 (e) Fences and walls

Impervious Areas

Impervious Area [3]	90% max./100% max.

Parking Location	
H Front Setback	5 ft. min.
J Side Street Setback [2]	12 ft. min./8 ft. min.
K Side Setback	7 ft. min.
L Rear Setback	5 ft. min.
M Alley Setback	0 ft. min.

Uses

See Sec. 50-406. Use standards

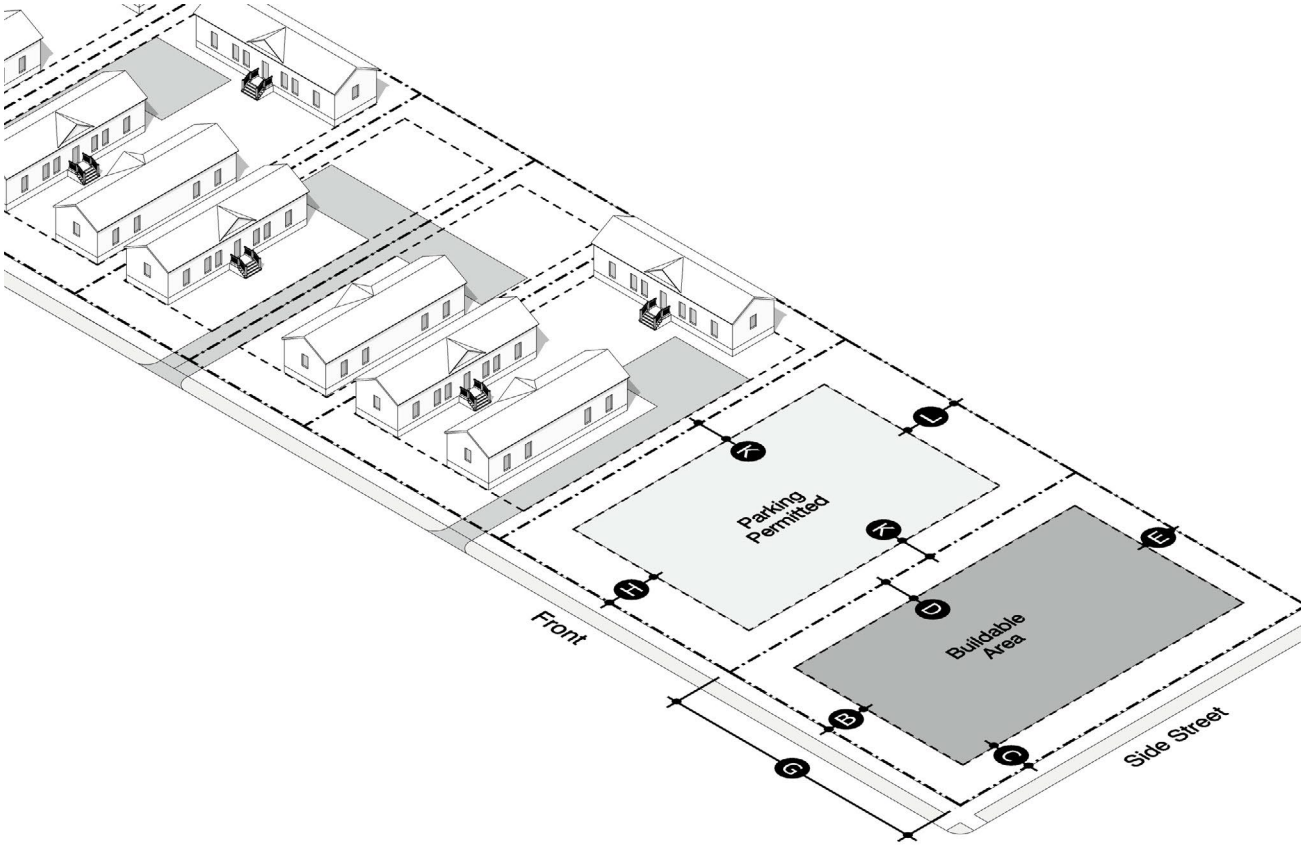
Notes

[1] Utility easements and fire access standards may increase or otherwise modify setbacks.

[2] Sec 50-505 Zone Transitions may modify setbacks and heights.

[3] Standards are adjusted for as follows:
(1) Setbacks are reduced where the site abuts or is across the street from GC, LI, or LFI.
(2) Building footprints are increased where the site abuts or is across the street from GC, LI, or LFI.
(3) Uses on the site other than Commercial, such as Lodging or Residential, are subject to the reduced setback and increased building footprint.
(4) Uses on the site other than Commercial are subject to minimum required glazing.
(5) An additional ten percent (10%) impervious surface is allowed for uses other than Commercial.

MH: MANUFACTURED HOME



MH allows medium-density residential development with manufactured homes. It supports both individual lots and manufactured home parks, which may permit up to three (3) homes per lot based on setbacks and lot coverage.

Buildings

Location*

A	Building Footprint	40% max.
B	Front Setback [1]	16 ft. min.
C	Side Street Setback [1]	16 ft. min.
D	Side Setback [1]	7 ft. min.
E	Rear Setback [1]	12 ft. min.
F	Alley Setback [1]	15 ft. from the alley centerline
	Accessory Structures and Pools	Not allowed within setbacks

Height

Buildings	36 ft.
Parking Structures	N/A
Ground Floor Height	N/A

MH: MANUFACTURED HOME

Building Elevations

Required Entries		Required Glass	
Entry Frequency	N/A	Ground Floor	N/A
Required Active Uses		Upper Floor	N/A
N/A			

Site Design

Lot Size		Parking Location	
G Lot Width	36 ft. min.	H Front Setback	20 ft. min.
Fencing and Walls		J Side Street Setback	16 ft. min.
See Sec. 50-510 (e) Fences and walls		K Side Setback	20 ft. min.
Impervious Areas		L Rear Setback	20 ft. min.
Impervious Area	75% max.	M Alley Setback	0 ft. min.

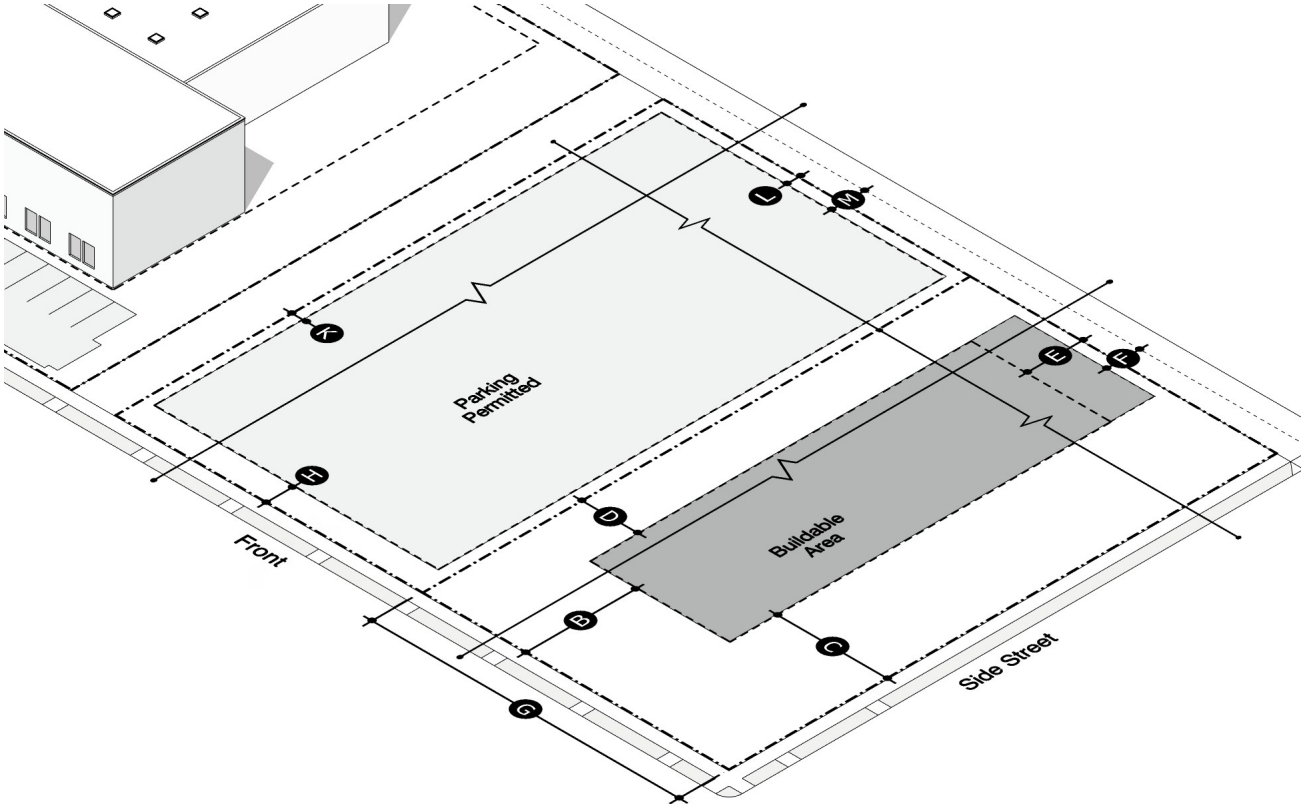
Uses

See Sec. 50-406. Use standards

Notes

[1] Utility easements and fire access standards may increase or otherwise modify setbacks.

LI: LIGHT INDUSTRIAL



LI is an industrial and employment district for uses that have limited off-site impacts and can be located near or within mixed-use areas without conflict.

Buildings

Location*

A	Building Footprint	50% max. / 80% max.**
B	Front Setback	30 ft. min. / 8 ft. min.**
C	Side Street Setback	30 ft. min. / 8 ft. min.**
D	Side Setback	20 ft. min. / 12 ft. min.**
E	Rear Setback	20 ft. min.
F	Alley Setback	15 ft. from the alley centerline
	Accessory Structures	Not allowed within setbacks

Height

Buildings	60 ft. max.
Parking Structures	N/A
Ground Floor Height	N/A

LI: LIGHT INDUSTRIAL

Building Elevations

Required Entries	
Entry Frequency	N/A

Required Glass	
Ground Floor	N/A / 25% min.[3]
Upper Floor	N/A / 25% min.[3]

Required Active Uses

N/A

Site Design

Lot Size	
G Lot Width	50 ft. min.

Fencing and Walls

See Sec. 50-510 (e) Fences and walls

Impervious Areas	
Impervious Area	80% max. / 100% max.**

Parking Location	
H Front Setback	20 ft. min.
J Side Street Setback	30 ft. min. / 8 ft. min.[2]
K Side Setback	5 ft. min.
L Rear Setback	5 ft. min.
M Alley Setback	0 ft. min.

Uses

See Sec. 50-406. Use standards

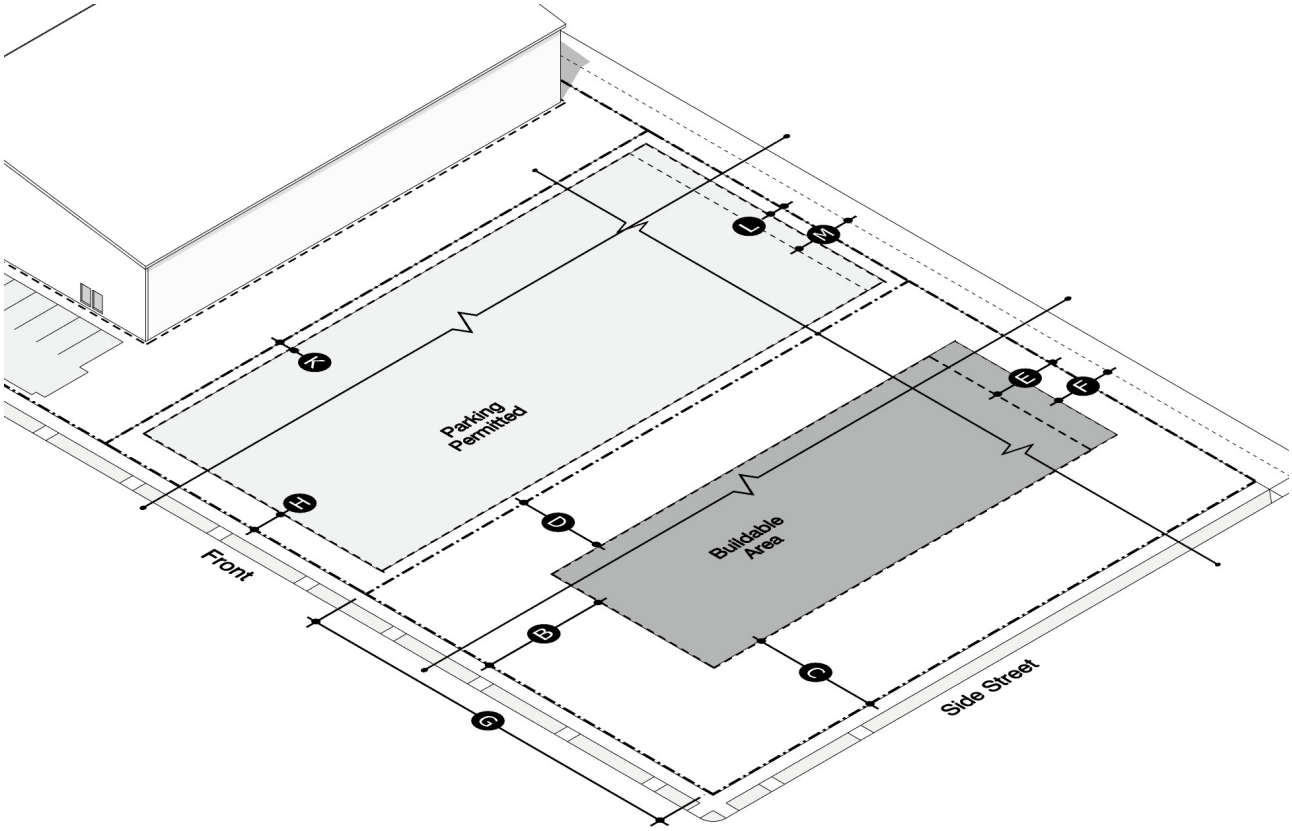
Notes

[1] Utility easements and fire access standards may increase or otherwise modify setbacks.

[2] Sec 50-505 Zone Transitions may modify setbacks and heights.

[3] Standards are adjusted for as follows:
(1) Setbacks are reduced where the site abuts or is across the street from GC, LI, or LFI.
(2) Building footprints are increased where the site abuts or is across the street from GC, LI, or LFI.
(3) Uses on the site other than Industrial and Manufacturing, such as Lodging or Retail, are subject to the reduced setback and increased building footprint.
(4) Uses on the site other than Industrial and Manufacturing are subject to minimum required glazing.
(5) An additional 20% impervious surface is allowed for uses other than Industrial and Manufacturing.

LFI: LARGE FORMAT INDUSTRIAL



LFI is an industrial district for uses with limited off-site impacts but require separation from other uses, typically involving large buildings, warehousing, distribution, and the frequent movement of goods and materials.

Buildings

Location*

A	Building Footprint	50% max.
B	Front Setback [1, 2]	30 ft. min.
C	Side Street Setback [1, 2]	30 ft. min.
D	Side Setback [1, 2]	50 ft. min.
E	Rear Setback [1, 2]	50 ft. min.
F	Alley Setback [1, 2]	30 ft. from the alley centerline
	Accessory Structures	30 ft. min. from lot lines

Height

Buildings	60 ft. max.
Parking Structures	N/A
Ground Floor Height	N/A

LFI: LARGE FORMAT INDUSTRIAL

Building Elevations

Required Entries	
Entry Frequency	N/A

Required Glass	
Ground Floor	N/A
Upper Floor	N/A

Required Active Uses

N/A

Site Design

Lot Size	
G Lot Width	100 ft. min.

Fencing and Walls

See Sec. 50-510 (e) Fences and walls

Impervious Areas

Impervious Area	80% max.

Parking Location	
H Front Setback	20 ft. min.
J Side Street Setback	30 ft. min.
K Side Setback	20 ft. min.
L Rear Setback	20 ft. min.
M Alley Setback	0 ft. min.

Uses

See Sec. 50-406. Use standards

Notes

[1] Utility easements and fire access standards may increase or otherwise modify setbacks.
[2] Sec 50-505 Zone Transitions may modify setbacks and heights.

SEC . 50-406 . USE STANDARDS

(a) Public use exception

(1) Purpose. To recognize that certain public facilities and services are essential for community health, safety, and welfare, and may be located where needed to serve the public interest.

(2) Applicability.

a. Public uses and infrastructure, including utilities, streets, stormwater facilities, and similar systems, are permitted in all zoning districts when determined necessary for the benefit of the community as a whole.

b. Such uses must comply with applicable design standards in Article 50-5 Design Standards and any technical or construction requirements adopted by the City.

(b) Uses

(1) Uses are listed in Table 4.2 District Use Matrix, indicated by:

a. "■" = Allowed without additional restrictions;

b. "R" = Allowed, but must meet the extra conditions in subsection (c) Specific use restrictions; and

c. Blank cell = Not allowed.

(2) Allowed uses may be combined on the same property or in the same building.

(3) Uses are defined in Sec. 50-904 Use Classifications.

(4) Unlisted uses that are not specifically prohibited by local, state, or federal law:

a. Are allowed if the Director determines that a similar use is listed, using the most recently published North American Industry Classification System (NAICS) as a guide, the rules for which apply to the unlisted use.

TABLE 4.2 DISTRICT USE MATRIX

Use	Use reg. Sec. 50-406	T2.1	T2.2	R-1	T3.1	T3.2	T4.1	T4.2	T5.1	T5.2	T6	MH	GC	LI	LFI
Agriculture															
Agricultural processing, packaging, and warehousing	(c) (4)	R												R	R
Auction yard		■													■
Commercial dairy, poultry, and swine production	(c) (4)	R													R
Commercial greenhouse		■	■										■	■	
Farming and ranching		■	■												
Feedlot	(c) (13)														R
Grain storage		■												■	■
Medical marijuana cultivation facility	(c) (22)	R	R											R	R
Stable		■	■												
Stockyard	(c) (13)	R													R
Urban Farm								■	■	■			■	■	■
Commercial															
Adult oriented businesses	(c) (3)												R	R	R
Aquarium			■						■	■	■		■	■	■
Animal shelter or kennel	(d)	■	■										R	■	■
Automobile sales	(c) (5)									R	R		■	■	■
Automobile service	(c) (6)												R	■	■
Car wash	(c) (6)		■						R	R	R		■	■	■
Child care	(c) (7)			R	R	R	R	R	R	R	R	R	R	R	
Commercial laundry	(c) (8)								R	R	R		■	■	■
Crematorium	(c) (10)														R
Dry cleaners	(c) (11)							R	■	■	■		■	■	■
Food and beverage	(c) (14)	R	R					R	■	■	■		■	■	■
Funeral home	(c) (15)							R	■	■	■		■	■	
Gas station	(c) (16)		■						R	R	R		■	■	■

■: Allowed use
R: Use subject to additional restrictions, see (c) Specific use restrictions

Use	Use reg. Sec. 50-406	T2.1	T2.2	R-1	T3.1	T3.2	T4.1	T4.2	T5.1	T5.2	T6	MH	GC	LI	LFI
Commercial (continued)															
Hospital									■	■	■		■	■	■
Medical housing: assisted, extended, or rehabilitation								■	■	■	■		■	■	
Medical marijuana dispensary	(c) (22)		R					R	R	R	R		R	R	R
Medical services: out-patient care										■	■		■	■	
Medical services: substance abuse treatment													■	■	
Office	(c) (23)							R	■	■	■		■	■	■
Outdoor vendor	(c) (27)								R	R	R		R	R	R
Parking, structured									■	■	■		■	■	■
Parklets	(c)(28)								R	R					
Retail, including pharmacies	(c) (29)		R					R	■	■	■		■	■	■
Self-storage	(c) (32)		■										R	■	■
Service (personal or professional)	(c) (33)	■	■					R	■	■	■		■	■	■
Entertainment															
Adult entertainment	(c) (3)													R	R
Event venue	(c) (12)	R	R					R	■	■	■		■	■	
Golf course		■	■										■	■	■
Indoor entertainment facility	(c) (19)		■					R	■	■	■		■	■	■
Outdoor entertainment facility	(c) (26)		■							R	R		■	■	■
Industrial (specific use restrictions are listed by this section title, not for each use)															
Electric substation														■	■
Ground transportation terminal														■	■
Industrial, heavy	(c) (20)														R
Industrial, light	(c) (20)									R	R		R	R	R
Recycling or salvage facility	(c) (30)														R
Sewage treatment facility		■	■											■	■

■: Allowed use
R: Use subject to additional restrictions, see (c) Specific use restrictions

Use	Use reg. Sec. 50-406	T2.1	T2.2	R-1	T3.1	T3.2	T4.1	T4.2	T5.1	T5.2	T6	MH	GC	LI	LFI
Industrial (continued)															
Solar energy system	(c) (34)	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Solid waste disposal	(c) (35)														R
Warehouse and distribution	(c) (37)												R	R	R
Water supply facility		■	■											■	■
Wind energy, large	(c)(38)	R													R
Wind energy, small	(c) (39)	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Wireless communication	(c) (40)	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Institutional (specific use restrictions in (c)(21) are listed by this section title, not for each use)															
Convention or exhibition facilities									■	■	■		■	■	
Cultural (library, museum, gallery)			■	■	■	■	■	■	■	■	■		■	■	
Emergency services								■	■	■	■		■	■	■
Government facilities								■	■	■	■		■	■	■
Public Park		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Religious assembly		■	■	■	■	■	■	■	■	■	■	■	■	■	
School: K-12		■	■	■	■	■	■	■	■	■	■		■	■	
School: post-secondary									■	■	■		■	■	
Lodging															
6 rooms or less		■	■					■	■	■	■		■		
7 to 12 rooms			■					■	■	■	■		■		
More than 12 rooms									■	■	■		■		
Campground or recreational Vehicle (RV) Park	(c) (31)	R	R												
Residential															
Home occupation	(c) (18)	R	R	R	R	R	R	R	R	R	R	R			
Accessory dwelling (ADU)	(c) (2)	R	R	R	R	R	R	R	R						
Group home	(c) (17)	R	R	R	R	R	R	R	R	R	R	R	R	R	
Manufactured home		■	■									■			
Cottage court	(c) (9)				R	R	R	R							

■: Allowed use
R: Use subject to additional restrictions, see (c) Specific use restrictions

Use	Use reg. Sec. 50-406	T2.1	T2.2	R-1	T3.1	T3.2	T4.1	T4.2	T5.1	T5.2	T6	MH	GC	LI	LFI
Residential (continued)															
1 dwelling detached	(c) (24)	■	■	R	R	R	■	■							
1 dwelling attached (townhomes)	(c) (25)					R	R	■	■	■			■		
2 dwellings per building	(c) (36)					R	■	■	■						
3 to 4 dwellings per building							■	■	■	■	■		■		
5 to 8 dwellings per building								■	■	■	■		■	■	
9 to 12 dwellings per building								■	■	■	■		■	■	
13 or more dwellings per building									■	■	■		■	■	

■: Allowed use
R: Use subject to additional restrictions, see (c) Specific use restrictions

(c) Specific use restrictions

(1) The following restrictions apply when a use is identified with an "R" in Table 4.2 District Use Matrix.

(2) Accessory dwelling

a. One (1) accessory dwelling unit (ADU) is allowed by right on any lot that contains a principal residential structure. In the T2, R-1, and T3 zoning districts, ADU's are only allowed on lots that contain a single-family residential structure.

b. An ADU may be attached, detached, or interior to the principal dwelling.

c. The gross floor area of an ADU must not exceed one thousand (1,000) square feet or seventy-five percent (75%) of the floor area of the principal dwelling, whichever is less.

d. No additional parking spaces are required for an ADU. If parking is provided, no more than one (1) off-street parking space may be added for the ADU, and it must be paved.

e. The ADU must be served by the existing principal dwelling's sewer and water connections and water meter. The water meter size must not be increased solely to serve the ADU.

f. The ADU or the land on which it is located must be located on the same property as the principal dwelling and must not be subdivided or separated in ownership from the principal dwelling or the lot.

g. An ADU must meet the front and side street setbacks of the zoning district. An ADU must meet all other setback requirements or be setback a minimum of seven (7) feet, whichever is less.

h. No portion of the ADU is allowed within any easement.

(3) Adult oriented businesses

a. This subsection applies to adult retail, adult service, adult entertainment, and other sexually oriented business specified in Arkansas Code § 14-1-301 et seq.

b. Adult oriented businesses must be separated from protected uses by at least:

1. One thousand five hundred (1,500) feet from any dwelling, residential zoning district, child care facility, religious institution or place of worship, park, playground, or public trail access point; and

2. Two thousand five hundred (2,500) feet from another adult oriented business.

c. If a protected use locates closer to an adult-oriented business than the required separation distance, the adult-oriented business is not required to relocate.

d. Adult oriented businesses must not display adult material or merchandise where it can be seen from outside.

(4) Agricultural processing, packaging, warehousing, including commercial dairy, poultry, and swine production

a. Subject to performance standards, see subsection (d) Performance standards.

(5) Automobile sales

a. In T5:

1. Outdoor storage and sales of vehicles are not allowed between front and side street property lines and the nearest building; and

2. Outdoor storage and sales of vehicles must be set back from lot lines according to the rules for parking areas according to Sec. 50-503 (h) Car parking and circulation.

b. In T6:

1. Outdoor storage and sales of vehicles is not allowed.

(6) Automobile service and car wash

a. Outdoor storage of vehicles is not allowed between front and side street property lines and the nearest building. See Table 4.1 Zone Standards and Sec. 50-503 (h) Car parking and circulation

b. Outdoor storage of vehicles must be shielded from view by a street screen, following Sec. 50-510 (d) Screening and buffering.

c. Garage bays must comply with the location standards in Sec. 50-504(f)(5) Garage door location.

d. Car wash

1. Location standards

i. Car washes are not permitted on lots abutting existing R-1, T3.1, T3.2, T4.1, or T4.2 lots.

ii. Queuing lanes must be located behind the building relative to the front and side street. Property line

2. Car washes are subject to subsection (d) Performance standards.

(7) Child care

a. Child-care family home must comply with Ark Code 20-78-201, et, seq.

1. Capacity.

i. Registered homes may care for up to five (5) children total.

ii. Licensed homes may care for up to sixteen (16) children total.

iii. The provider's preschool children must be counted in that total.

2. Operator and dwelling

i. The operator must be the resident;

ii. If renting, keep the owner's written consent on site; and

iii. The home must meet all building, fire, health, and sanitation codes.

3. Traffic safety
    i. Homes on four-lane streets must add one (1) drop-off bay.
    ii. The bay must let cars exit forward, not backward.
    iii. Planning and Engineering staff must approve the bay design.
4. A licensed child care family home must comply with all standards above, as well as the following additional requirements:
    i. The home must meet the provisions for an accessory commercial home occupation as specified in subsection (18) c.
    ii. The applicant must provide verification of a Fire Department inspection.

b. Licensed child care center

1. A licensed child care center, including commercial child care, pre-schools, kindergartens, and nurseries, must comply with the following:
    i. The center must operate from a structure that is commercial in nature or within a religious facility.
    ii. The center must meet all licensing requirements of the State of Arkansas.
    iii. The center must comply with all dimensional and area standards for the zoning district where it is located.

(8) Commercial laundry

a. The square footage of commercial laundry facilities is limited to three thousand (3,000) sq. ft.

(9) Cottage courts

a. Lot and building standards

1. A cottage court lot must be a minimum area of ten thousand (10,000) sq. ft. in T3.1.
2. A cottage court must contain no more than twelve (12) dwellings per site or four (4) dwellings per site in - T3.1.
3. Cottage court dwelling units may be attached or detached in T4.
4. Home occupations are allowable uses within cottage court dwelling units.
5. Minimum setbacks between detached dwellings must be ten (10) feet minimum.
6. Dwellings must face and be oriented toward the shared open space.
7. Dwellings located along the perimeter of the site must also include a primary façade and entry facing any abutting public streets.
8. Each dwelling must include a usable front porch facing the shared open space or street.

b. Shared open space

1. The shared open space must include at least four hundred (400) square feet per dwelling, with no dimension less than twenty (20) feet.
2. Shared open space must be centrally located and directly accessible from each dwelling.
3. Private open space may be provided for individual dwellings and must include a minimum area of two hundred fifty (250) square feet with no dimension less than ten (10) feet.
4. Fencing in private open space must not exceed six (6) feet in height.

c. Access and circulation

1. Pedestrian paths must connect all dwellings to the shared open space and to public sidewalks or trails.
2. Vehicle access must occur from a shared drive or alley.
3. Parking areas must be located behind or beside dwellings and may not be placed between dwellings and the shared open space.

d. Design and materials

1. Building design must maintain architectural consistency among units, including roof pitch, materials, and porch type.
2. Exterior materials must meet the standards for durable construction in Sec. 50-504 (f) (3) Required materials.
3. Roofs and façades visible from public streets must be designed with equal finish quality on all sides.

(10) Crematorium

a. Subject to performance standards, see subsection (d) Performance standards.

(11) Dry cleaners

a. Subject to performance standards , see subsection (d) Performance standards.
b. The square footage is limited to two thousand (2,000) sq. ft..

(12) Event venue

a. Limited to a maximum assembly space of three thousand (3,000) sq. ft. in T2.2 and T4.2.
b. Subject to subsection (d) Performance standards.

(13) Feedlots and stockyards

a. Subject to subsection (d) Performance standards.

(14) Food and beverage

a. Tenant space is limited to one thousand six hundred (1,600) sq. ft. maximum.

(15) Funeral home

a. Subject to performance standards, see subsection (d) Performance standards.
b. Parking areas are limited to thirty (30) parking spaces, maximum.

(16) Gas station

a. Pumps and canopies are not allowed between buildings and the front and side street property lines.
b. Canopy clearance is limited to fourteen (14) feet maximum.
c. Canopies must not exceed the eave or parapet height of the main building.

(17) Group homes

a. A group home for up to eight (8) unrelated residents, plus necessary live-in staff, is allowed wherever detached dwellings are allowed.
b. Residents must function as a single housekeeping unit.
c. Individuals whose tenancy would pose a direct threat to the health or safety of others, or cause substantial physical damage to the property of others, are not allowed.
d. Group homes must be located with reasonable access to public or shared transportation and support services such as social service providers, employment agencies, and medical care.

e. Parking must meet the requirements for detached dwellings and include any additional spaces needed for staff and visitors.

f. The Fire Department must approve the use of the structure as a group home prior to occupancy.

g. Group homes must comply with all applicable state and federal requirements.

(18) Home occupations

a. Home occupations are divided into two (2) categories:

1. Standard home occupations involve only the residents of the household and no more than one (1) customer at a time.
2. Accessory commercial units involve employees who do not reside on the premises and customers who visit the site.

b. Standard home occupations are limited as follows:

1. Must not exceed twenty-five percent (25%) of the dwelling;
2. No more than one customer may visit the home at a time;
3. No non-resident employees; and
4. Business signage is not allowed.

c. Accessory commercial units are limited as follows:

1. Not allowed in the R-1 or T3 districts.
2. The following commercial uses are allowed:
   i. Office
   ii. Retail (excluding alcohol sales)
   iii. Services (personal and professional)
   iv. Food and Beverage (excluding alcohol sales)
3. Must comply with the Building Code for live/work or mixed-use occupancy classification.
4. Must be located on the first floor of the dwelling if attached, or in a single-story detached structure.
5. The use may be attached or detached from the primary dwelling.
6. The total floor area devoted to the business must not exceed forty-nine percent (49%) of the floor area of the primary structure or one thousand (1,000) square feet, whichever is less.
7. A maximum of five (5) individuals not residing on the premises, whether customers or employees, may be present at a time.
8. Hours of operation are limited to 7:00 a.m. through 10:00 p.m.
9. The business must not create noise, odor, vibration, or light perceptible beyond the property line.
10. Outdoor work, storage, or display of goods is prohibited.
11. Business signage is limited to one non-illuminated sign, not exceeding nine (9) square feet in area.
12. Parking for the business must be accommodated within the site without expanding impervious area or converting required residential parking.

d. The following uses are not allowed:

1. Repair, commercial storage or assembly of vehicles, equipment, and large appliances;
2. Dispatch facilities;
3. Labor pools;
4. Employment agencies;
5. Warehousing;
6. Animal sales or kennels; or
7. Merchandise warehousing, packing, and shipping, except for small-scale storage, packing, and shipping of home-produced items shipped directly to customers.

e. The following apply to all home occupations:

1. The dwelling and site must remain residential in appearance and primary use;
2. Home occupations are subject to performance standards, see subsection (d) Performance standards;
3. Outdoor equipment not typically found or used for domestic household use is not allowed; and
4. Residential trash and recycling volumes and facilities may not be materially exceeded.

(19) Indoor entertainment

a. Building area is limited to three thousand (3,000) sq. ft. per floor maximum in T4.2.

b. Subject to Sec. 50-407 (d) Performance standards.

(20) Industrial and manufacturing

a. Subject to performance standards, see subsection (d) Performance standards.

b. Light manufacturing: Outdoor storage of materials and products is limited to fifteen percent (15%) of the associated building area.

(21) Reserved

(22) Medical marijuana facilities

a. All medical marijuana facilities must comply with distance separation requirements and the licensing requirements and rules established under § 8 of Arkansas Amendment 98.

(23) Office

a. Building area is limited to six thousand (6,000) sq. ft. per floor maximum in T4.2.

(24) One dwelling, detached

a. In R-1, T3.1, and T3.2 buildings are limited to one (1) per lot, maximum.

(25) One dwelling, attached

a. In T3.2 buildings are limited to one (1) per lot and a total of two (2) dwellings, maximum.

b. In T4.1 buildings are limited to four (4) dwellings per lot, maximum.

(26) Outdoor entertainment facility

a. In T5 and T6 on-site surface parking is limited to sixty (60) spaces, maximum.

b. A noise impact assessment must be completed by a professional acoustic engineer. The assessment must identify noise levels prior to, after construction, and identify sound attenuation measures that ensure the venue will comply with Art. 58-V Noise.

c. Installation of sound attenuation measures as recommended in the noise impact assessment.

d. Subject to subsection (d) Performance standards.

(27) Outdoor and mobile food vendors

a. Permits are required as specified in Sec. 50-718 (f) Outdoor vendor permit.

b. Outdoor vendors: private property

1. Outdoor vendors are allowed only in T5, T6, GC, and industrial zones.
2. No more than one (1) outdoor vendor is allowed per lot. More than one (1) vendor on a lot constitutes an Outdoor Vendor Park.
3. Outdoor vendors must have written property owner permission.
4. The vendor area must not exceed nine hundred (900) square feet and must be on a hard-surfaced area.

c. Outdoor vendor parks

1. Outdoor Vendor Parks are allowed in T5, T6, GC, and industrial zones and are not allowed in residential zones.
2. Outdoor Vendor Parks are permitted as a small-scale development or large-scale development based upon the area. See Sec. 50-704. Small-Scale Development Process and Sec. 50-705. Large-Scale Development Process.
3. Each vendor within the park must have its own outdoor vendor permit.

d. Outdoor vendors: public property and right-of-way

1. Outdoor vendors on public property are only allowed within special outdoor vendor districts designated by the City Council, in parks as authorized by the Parks and Recreation Director, or other city property as authorized by the Mayor.
2. The Town Square Outdoor Vendor District is established from NE/NW 3rd St. to SE/SW 3rd St., and NW/SW A St. to NE/SE B St. This does not include the A Street Promenade, which is a park managed by Bentonville Parks and Recreation.
3. Vendors in the Town Square must use a hand cart, push cart, or pedal cart no larger than eight (8) feet long, four (4) feet wide, and six (6) feet high, on a paved surface.
4. No more than one (1) permit per vendor is allowed within the district.
5. Vendors must relocate or adjust operations as required for special events organized by Downtown Bentonville Inc. or City of Bentonville.

e. Location restrictions for outdoor vendors. No outdoor vendor may operate:

1. Within ten (10) feet of a street intersection, crosswalk, driveway, bus stop, fire hydrant, or fire escape;
2. Within fifteen (15) feet of a building entrance;
3. Within fifty (50) feet of a driveway to a police or fire station or a principal public entrance to a food service business not owned by the vendor;
4. On a median or grass area;
5. In a public parking space or lot, unless expressly allowed; or
6. Where pedestrian flow is obstructed; a four (4)-foot clear passageway must be maintained at all times.

f. Hours and mobility

1. Outdoor vendors may operate only from 7:00 AM to 10:00 PM.
2. The vendor unit must be mobile, movable, and not a permanent structure.

g. Mobile food vendors: additional standards

1. Vending may only occur from streets where on-street parking is allowed.
2. Vending is not allowed within five hundred (500) feet of a school during school hours and one (1) hour before or after.
3. Mobile food vendors may operate only between 10:00 AM and thirty (30) minutes before sunset.
4. All vehicles must include safety equipment as required, including convex mirrors, slow signals, signage, and must vend only from the right side.
5. Vending must not occur with customers in the roadway.

(28) Parklets

a. Parklets are allowed in T5 zones where the establishment abuts a public street with on-street parking.

b. Permits are required as specified in Sec. 50-718 (b) Encroachment permit.

c. Conditions.

1. No signs or advertising are allowed on the parklet.
2. The establishment must release and indemnify the City from any liability for injury or property damage related to use of the parklet.
3. The establishment must inspect and report defects, keep the area clean, and maintain the parklet in good condition.
4. The establishment must maintain general liability insurance with a minimum of one million dollars ($1,000,000.00) in coverage and must name the City as an additional insured. If serving alcohol, liquor liability insurance is also required. Policies must remain current and cannot be cancelled without at least ten (10) days' prior written notice to the City.
5. Parklets must be designated non-smoking.
6. Alcoholic beverages may only be served or consumed in the parklet if fully compliant with ABC licensing.
7. Parklets may be used during the establishment's normal hours of operation but must close no later than 1:00 AM. When the business is closed, the parklet must be available for public use.
8. The establishment must keep all parklet elements in good condition and promptly repair or replace worn or damaged elements.
9. The City may conduct periodic inspections for compliance.
10. The establishment must comply with the minimum design standards in subsection e. Minimum design standards.
11. The parklet must comply with all applicable Building and Fire Codes.

d. Minimum design standards

1. Size:

i. Length: Limited to the frontage length of the business, unless written permission is provided by the abutting property owner to extend.

ii. Width: Limited to the area between the curb and travel lane.

2. Location:

i. Must maintain at least a one (1)-foot buffer from travel lanes.

ii. Must not be within twenty (20) feet of an intersection.

iii. Must maintain at least a four (4)-foot buffer from abutting parking stalls, with wheel stops.

iv. Must not block fire hydrants, utilities, accessible parking, or other critical infrastructure.

v. Must not interfere with sight visibility; sight lines must meet AASHTO requirements.

3. Design:

i. Must be temporary and removable.

ii. Must include a continuous barrier along the travel lane, up to forty-two (42) inches high.

iii. Must use durable, weather-resistant, and slip-resistant materials.

iv. Must be ADA compliant with a flush transition, sixty (60)-inch turning space, and sixty (60)-inch wide entrance.

v. Must remain open air, with no walls or permanent enclosures; umbrellas, awnings, or canopies are allowed but must maintain seven (7) feet of clearance above the sidewalk.

vi. Must not block stormwater drainage.

e. Revocation. The City may revoke an encroachment permit if:

1. The establishment violates any part of this Section or the permit;
2. The encroachment creates a safety hazard;
3. A City ordinance, state, or federal law is violated;
4. The establishment or its employees are convicted of serving alcohol to minors;
5. The parklet is not adequately maintained; or
6. The City initiates an infrastructure project requiring removal of the parklet.
7. The establishment may appeal to the City Council within fourteen (14) days of notice of revocation.

(29) Retail

a. Building area is limited to three thousand (3,000) sq. ft. per floor maximum in T4.2 and T2.2

(30) Recycling or salvage

a. Subject to performance standards, see subsection (d) Performance standards.

(31) Recreational Vehicle (RV) park

a. Location:

1. A recreational vehicle park is not allowed within two hundred (200) feet of a residential zoning district.

b. Site suitability.

1. The site must be suitable for temporary occupancy and may not contain conditions related to soil, drainage, topography, or surrounding land uses that create hazards to occupants or adjacent properties.

c. Density.

1. The maximum density is fifteen (15) recreational vehicle sites per acre.

d. Site layout.

1. Recreational vehicles and accessory structures must be separated from each other by a minimum of ten (10) feet. No recreational vehicle may be located closer than five (5) feet to an internal site boundary.

e. Access.

1. The site must have vehicular access from an improved public street. Parks with more than twenty-five (25) sites must provide at least two (2) vehicular access points. Parks with more than one hundred (100) sites must provide at least three (3) vehicular access points.

f. Accessory uses.

1. Accessory uses customarily associated with recreational vehicle parks are allowed.
2. Convenience services, if provided, must be limited to park occupants and may not exceed five percent (5%) of the gross site area or present a commercial appearance visible from outside the park.

g. Screening.

1. Where a recreational vehicle park abuts a residential zoning district, screening must be provided in accordance with Sec. 50-510 (d) Screening and buffering.

h. Length of stay.

1. Occupancy of a single recreational vehicle within the same park may not exceed three (3) months within any twelve (12) month period.

(32) Self-storage

a. Self-storage must follow Sec. 50-504. Vertical Construction and Sec. 50-503. Site Design.

b. Individual storage unit roll-up and garage doors must meet the requirements of Sec. 50-504(f)(5) Garage door location or be screened from front and side street property lines. Screening is subject to Sec. 50-510 (d) Screening and buffering.

c. Single story self-storage buildings must be set back from front and side street property lines a minimum of one hundred (100) feet .

d. Multi-story self-storage buildings must have must have

an active use on the ground floor, such as the rental office, at the main pedestrian entry, no less than five hundred (500) sq. ft. in area.

(33) Service

a. Tenant area is limited to two thousand (2,000) sq. ft., maximum .

b. Outdoor storage of materials is not allowed.

(34) Solar energy systems

a. Roof-mounted systems:

1. May extend up to five (5) feet above sloped roofs, measured along the slope;
2. May extend up to ten (10) feet above flat roofs; and
3. Must not extend beyond the roof line on any side.

b. Wall-mounted systems:

1. Wall-mounted systems must be flush-mounted unless architecturally integrated.

c. Ground-mounted accessory use systems:

1. Must not be located within front and side street setbacks or on required landscape buffers;
2. Must be screened according to Sec. 50-510 (d) Screening and buffering when visible from a public street or abutting residential property;
3. Are limited to fifteen (15) feet above ground; and
4. Must not exceed ten percent (10%) of lot area.

d. Principal solar energy facilities:

1. Allowed only in the T2.1, LI, and LFI districts;
2. Must be located at least one hundred (100) feet from any residential zoned lots;
3. A landscape buffer according to Sec. 50-510 (d) Screening and buffering must be provided along any edge visible from public rights-of-way or residential property;
4. Glare must be minimized through use of anti-reflective coatings; and
5. Decommissioning must occur within six (6) months of discontinuation of use. A decommissioning plan and financial assurance may be required as a condition of approval.

e. Downtown Bentonville

1. Only rooftop solar panels are allowed in Downtown.
2. Rooftop solar panels are subject to the following compatibility standards:

i. Roof-mounted systems must be placed on roof slopes not visible from the primary street, or set back so they are not visible from the public sidewalk;

ii. Panels must be parallel to the roof surface and use mounting hardware that minimizes visual bulk;

iii. For flat roofs, equipment must be screened by the parapet or otherwise not visible from surrounding streets;

iv. Visible components such as inverters or conduit must be painted to match the building surface and be located away from street-facing façades; and

v. Solar systems must not obstruct or alter historic architectural features such as cornices, chimneys, or window openings.

(35) Solid waste disposal

a. Facilities must be located at least one thousand (1,000) feet from any residential zoning district, school, park, or public trail.

b. All waste handling and storage activities must be enclosed or screened from view and must not emit dust, odors, or airborne debris beyond the site boundary.

c. Access must be provided from an arterial or collector street. Haul routes must avoid residential areas where feasible.

d. Stormwater runoff must be managed in compliance with the City of Bentonville Drainage Criteria Manual and applicable Arkansas Department of Environmental Quality (ADEQ) requirements.

e. The operator must maintain all required permits from ADEQ and provide a copy to the City upon request.

(36) Two dwellings per building

a. In T3.2 buildings are limited to one (1) per lot, maximum.

(37) Warehouse and distribution

a. Buildings must be located a minimum of one hundred (100) feet from lots zoned R-1, T3, or T4.

b. Loading docks, service bays, and outdoor storage areas must be screened from streets and residential uses abutting the site by a solid fence or wall and a continuous landscape buffer according to Sec. 50-510 (d) Screening and buffering.

c. Vehicle access must be provided from an arterial or collector street. Truck circulation must not pass through or face residential streets.

(38) Wind energy, large

a. Systems must comply with subsection (d) Performance standards.

b. Systems must comply with applicable FAA and electrical code requirements.

(39) Wind energy, small

a. Systems must be set back from all property lines a distance equal to or greater than the total system height.

b. Maximum tower height is eighty (80) feet in non-residential districts and fifty (50) feet in residential districts.

c. Towers must be monopole or architecturally integrated. Guy-wired towers are not allowed.

d. Systems must comply with applicable FAA and electrical code requirements.

e. Systems must not produce noise, glare, or vibration detectable at the property line.

(40) Wireless communication cellular towers

a. 5G Equipment.

1. 5G equipment must be integrated into new stealth monopoles, be mounted on buildings, or existing communications towers.

2. 5G equipment and stealth monopoles are not subject to the remainder of this section.

b. Other Wireless Towers.

1. Towers must be set back at least two hundred percent (200%) of the tower height from any residential zoning district or existing dwelling.

2. Collocation on existing towers, utility poles, or buildings is required if available. A new tower must demonstrate that no existing facility can accommodate the equipment. Approval of the appropriate utility director is required.

3. Towers must be designed to accommodate at least three (3) carriers unless otherwise justified.

4. All equipment and ground facilities must be screened with a solid fence and a continuous landscape buffer according to Sec. 50-510 (d) Screening and buffering.

5. Towers must not be illuminated except as required by the FAA.

6. Abandoned towers must be removed within six (6) months of discontinuation of use.

(d) Performance standards

(1) The following environmental and operational standards apply to all uses where indicated. Property owners and operators are responsible for ensuring compliance and mitigating off-site impacts.

(2) Noise and vibration.

a. Noise and vibration must comply with Article 58-V Noise.

(3) Radioactivity.

a. The emission of any radioactive material or radiation is not allowed.

(4) Electrical disturbance.

a. Electrical interference that affects the operation of off-site equipment, including communications or navigation systems, is not allowed.

(5) Flammable or explosive materials.

a. The use, storage, handling, or production of flammable or explosive materials must comply with applicable fire codes and must not create hazardous conditions.

(6) Air pollution.

a. Emissions of smoke, dust, vapors, or other air pollutants must comply with standards established by the Arkansas Division of Environmental Quality.

(7) Glare or heat.

a. Visible glare or radiant heat that is discernible without instruments at or beyond the property line is not allowed.

(8) Odor.

a. Emission of odorous gases or vapors that are discernible without instruments at or beyond the property line is not allowed, except as associated with food & beverage and food service and preparation incidental to other uses.

(9) Dust, dirt, or particulate matter.

a. Discharge into the air of dust, dirt, ash, or other particulate matter from activities or stored materials that is discernible without instruments at or beyond the property line is not allowed.

(10) Liquid contaminants.

a. Discharge of any contaminant into a public sewer, private sewage system, natural stream, or the ground that pollutes water, interferes with treatment, or causes hazardous or offensive by-products is not allowed.

(11) Hazardous materials.

a. Hazardous materials must be stored and handled in compliance with applicable fire and environmental codes, and must be contained to prevent accidental release into the air, soil, or drainage systems.

ARTICLE 50-5 DESIGN STANDARDS

SEC . 50-501 . PURPOSE AND INTENT

(a) This Article sets the design rules for development at all scales and sizes, including, but not limited to, subdivisions, site design, buildings, signs, landscape, and special areas. The goal is to bring all rules together to create walkable, attractive, and environmentally responsible places that fit well with their surroundings and make efficient use of public resources.

(b) These rules are intended to:

(1) Locate buildings, parking, walkways, and open space in ways that match the area's character;

(2) Create street networks that spread out traffic and provide good emergency access;

(3) Organize sites into blocks that follow a pattern similar to Downtown Bentonville, making it easier to walk, bike, or drive short distances to destinations;

(4) Connect walking, biking, and driving routes throughout the City;

(5) Design open spaces for everyday use and recreation as part of the overall site layout;

(6) Locate trees along streets to provide shade and manage stormwater runoff;

(7) Protect existing trees and add new landscaping and stormwater features to each site;

(8) Ensure smooth transitions between different zoning districts without the need for wide buffers;

(9) Make parking areas safe, pleasant, and supportive of good street design;

(10) Encourage lasting, high-quality development that benefits the community and public health; and

(11) Apply the same rules to both subdivided and non-subdivided sites to ensure a consistent development pattern across the City.

SEC . 50-502 . LAND DEVELOPMENT

(a) Utilities

(1) Utilities and utility easements must be provided following Sec. 50-605. Utility Location Standards.

(b) Blocks

(1) General

a. Block requirements apply to sites six (6) acres and larger.

(2) Arrangement

a. Development sites must be divided into blocks, except:

1. Sites zoned T2, LI, or LFI;
2. Parks, civic spaces, and open spaces; and
3. Site area is within two hundred (200) feet of abutting properties.

b. Each block must meet the size requirements in subsection (3) Block size.

c. Block perimeters must follow existing streets.

d. See subsection (c) Circulation network for additional rules for street and trail connections that affect block size and arrangement.

(3) Block size

a. Streets, civic spaces, and trails, excluding mid-block trails, delineate the sides of blocks, known as the block perimeter.

b. A block's size is the total length around its perimeter, as shown in Figure 5.1 Block Size.

c. Block size cannot be more than two thousand (2,000) feet in length, unless an exception applies as defined in Table 7.2 Administrative Adjustment Criteria.

d. If a non-exempt block is longer than five hundred (500) feet on any side, a mid-block trail must be added through the block following subsection (4) Mid-block trails.

e. Block length must be one hundred fifty (150) feet or greater on all sides.

f. Blocks must be deep enough to accommodate two (2) lots.

g. Rear lot lines may not face the edge of a block.

(4) Mid-block trails

a. Mid-block trails provide walking and biking access through long blocks. They must divide the block along its longest dimension, as shown in Figure 5.2 Mid-Block Trails.

b. In GC, this rule may be satisfied with a pedestrian walkway through parking areas.

c. Mid-block trails are not required in T2, R-1, T3.1, LI, and LFI.

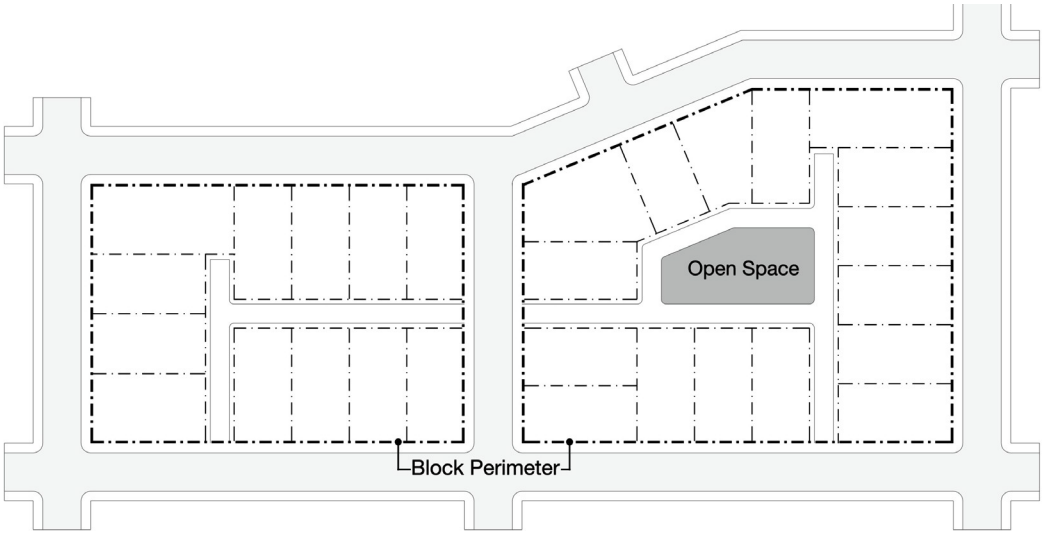
d. Mid-block trails must meet the design standards in Sec. 50-604. Trails and Bikeways. The minimum width of the easement, tract, or right-of-way may be reduced if adherence to other design standards is demonstrated.

(5) Alleys

a. Alleys are required where specified in subsection (d) Lot layout.

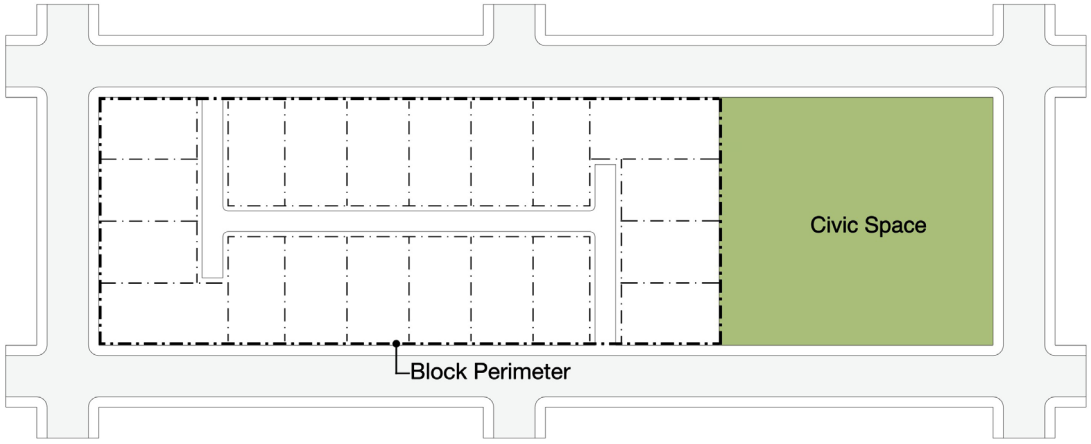
b. Alleys must follow the rules in Sec. 50-602 (m) Alleys.

FIGURE 5.1 BLOCK SIZE



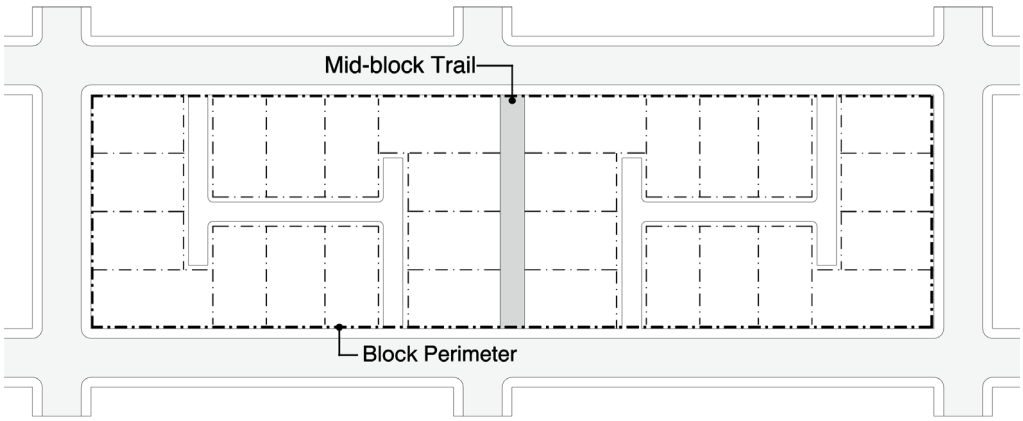
Block Size: Typical Blocks

FIGURE 5.1 BLOCK SIZE

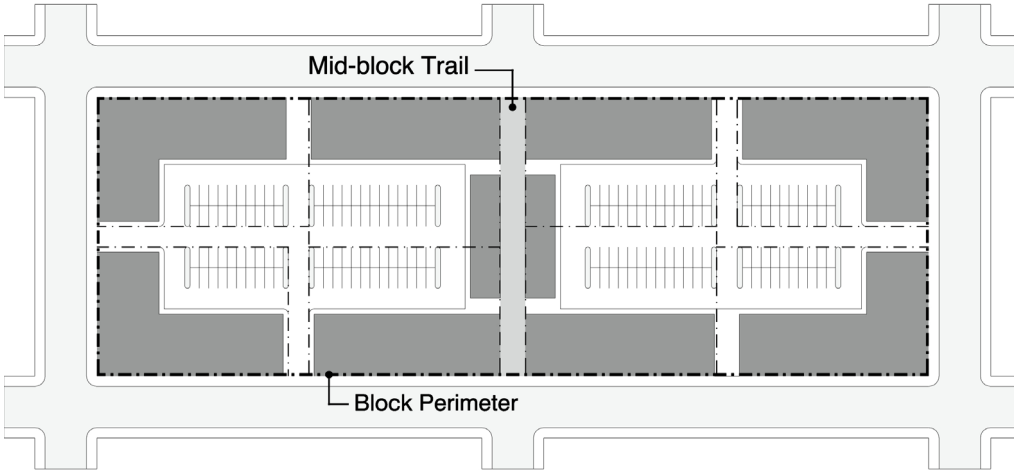


Block Size: Blocks Including Civic Space

FIGURE 5.2 MID-BLOCK TRAILS



Mid-block trail through a typical residential block.



Mid-block trail through a typical commercial or mixed-use block.

(c) Circulation network

(1) General

a. All development must include a connected circulation network for walking, biking, and driving throughout the site.

b. The circulation network must connect with existing streets, walkways, and trails, and connect to neighboring undeveloped properties.

c. The circulation network must be located between blocks and may include:

1. Streets, which must make up at least fifty percent (50%) of the circulation network (by center line length);
2. Special streets, such as shared streets, festival streets, and green streets, for up to fifty percent (50%); and
3. Trails, for up to fifty percent (50%), not including mid-block trails.

d. For development that is not subdivided, major driveways must be laid out like streets. The term "street" in this Article includes both streets and major driveways, except where major driveways are referred to specifically.

(2) Street network

a. The street network includes existing and new streets created as part of the development.

b. All streets must connect with other streets, except where allowed in Sec. 50-502 (c) (6) Cul-de-sac.

c. The street network must create blocks that comply with the rules in Sec. 50-502 (b) Blocks.

d. Streets must follow the design standards in Sec. 50-602. Street Design.

e. Intersections must follow the Bentonville Street Specifications.

f. Streets shown in the Master Street Plan must be built, including:

1. Right-of-way dedication and all street and utility improvements;
2. The alignment shown, except the Director may approve a shift in alignment if the street meets the connections on ether side of the property; and
3. The cross-section shown in the Master Street Plan with details compliant with Sec. 50-602. Street Design.

g. Streets must connect to and extend:

1. To existing streets that end at property boundaries and those opposite the site; and
2. To property boundaries following Sec. 50-502 (c) (5) External connections.

h. Street connections must provide transitions for changes in the location, size, or number of sidewalks, travel lanes, parking lanes, and medians.

i. Streets must meet at or near right angles, within fifteen (15)-degrees of perpendicular, except:

1. Streets may meet at Y-intersections as long as no angle is less than ninety (90)-degrees.

j. Street and commercial driveway intersections must:

1. Line up across from each other; or
2. Be offset by at least one hundred fifty (150) feet, measured from center line to center line; except where a permanent median separates the connections.

k. Only one (1) offset intersection is allowed for every six (6) blocks along a street unless an exception applies as defined in Table 7.2 Administrative Adjustment Criteria.

(3) Bicycle and trail network

a. The bicycle and trail network includes:

1. Shared-use trails for both pedestrians and cyclists;
2. Dedicated bike lanes; and
3. Bike routes marked for shared use with vehicles.

b. All trails and bicycle facilities must follow Sec. 50-604. Trails and Bikeways.

c. All development must provide:

1. Bicycle facilities specified in the Bike and Pedestrian Master Plan; or
2. Extension through the site of any bicycle facility that ends at property boundaries and those opposite the site.

d. Small and medium sites (less than six (6) acres):

i. No additional bicycle facilities are required.

e. Large sites (six (6) acres and larger):

i. Sites with through streets must provide at least one (1) through bicycle facility for every four (4) through streets in each direction; and

ii. Sites without through streets must provide access to existing streets at the site boundary at a rate of one (1) bicycle facility for every one thousand three hundred twenty (1,320) feet of site length along existing streets.

(4) Pedestrian network

a. The pedestrian network includes sidewalks, trails, and dedicated pedestrian walkways.

b. It must provide an access route to the entrance of every building where people live or work.

c. It must connect to existing sidewalks and trails at the edges of the site.

d. It must meet the American's with Disability Act requirements for accessibility.

e. Where the pedestrian network crosses driveways, drive aisles, or alleys, the sidewalk, trail, or walkway must appear continuous, as demonstrated in Table 6.3 Alley Apron.

f. The Director may require additional walkways to close gaps in the pedestrian network as controlled by Table 7.2 Administrative Adjustment Criteria.

(5) External connections

a. External connections must be provided to neighboring properties as listed in this section and shown in Figure 5.3 External Connections.

b. External connections must be provided along property boundaries at least every six hundred sixty (660) feet.

c. External connections include:

1. Streets or major driveways, compliant with Sec. 50-602. Street Design;
2. Front parking lanes following Sec. 50-503 (h) (9) Car parking location; and
3. Trails, following Sec. 50-502 (b) (4) Mid-block trails.

d. Trails can make up no more than fifty percent (50%) of the required external connections.

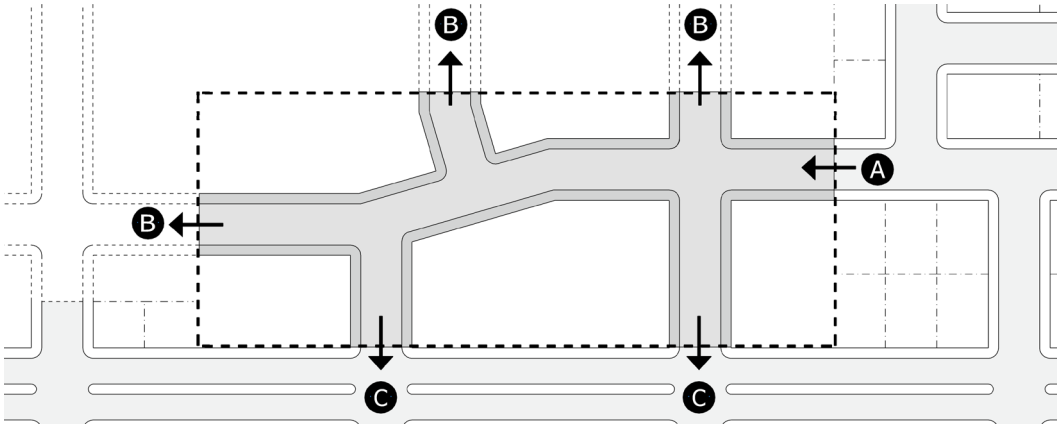
e. Required external connections may be modified based on a written determination by the Planning Commission that strict compliance is infeasible based on one or more of the following criteria:

1. The required connection is infeasible due to location within a mapped floodway, slopes exceeding twenty percent (20%) across the required connection area, or other documented physical barriers that make construction impracticable;
2. A traffic impact analysis demonstrates that the required connection would result in a significant increase in traffic volumes on adjacent, residential streets beyond their functional classification capacity and such increase cannot be mitigated through traffic calming, street design modifications, or operational controls;
3. An existing principal building occupies the full width of the required connection;
4. The adjacent parcel is fully developed in a manner that prevents logical extension or connection;
5. The parcel width or depth is insufficient to accommodate a compliant block and required connection; or
6. The site is zoned T2, LI, or LFI, and the operational characteristics of the use make through-connections impracticable.

f. Where vehicular connection is exempted under (e), the Planning Commission may still require a pedestrian or bicycle connection or an emergency access connection.

g. An access easement must be granted to the City and recorded with the deed providing cross access for all abutting properties.

FIGURE 5.3 EXTERNAL CONNECTIONS



A Street and trail stubs abutting site boundaries continued within the site.

B Street and trail stubs made to abutting properties.

C Street and trail stubs made to abutting streets, except where restricted by natural features.

(6) Cul-de-sacs

a. Cul-de-sacs are not allowed except where one or more of the following conditions exist:

1. Natural features described in Sec. 50-511. Natural Resource Protection, limit where streets can be located;
2. The site is too narrow for a full block and neighboring properties are already developed,

preventing a street connection; or

3. The Arkansas Department of Transportation (ARDOT) does not allow a new connection to a state highway.

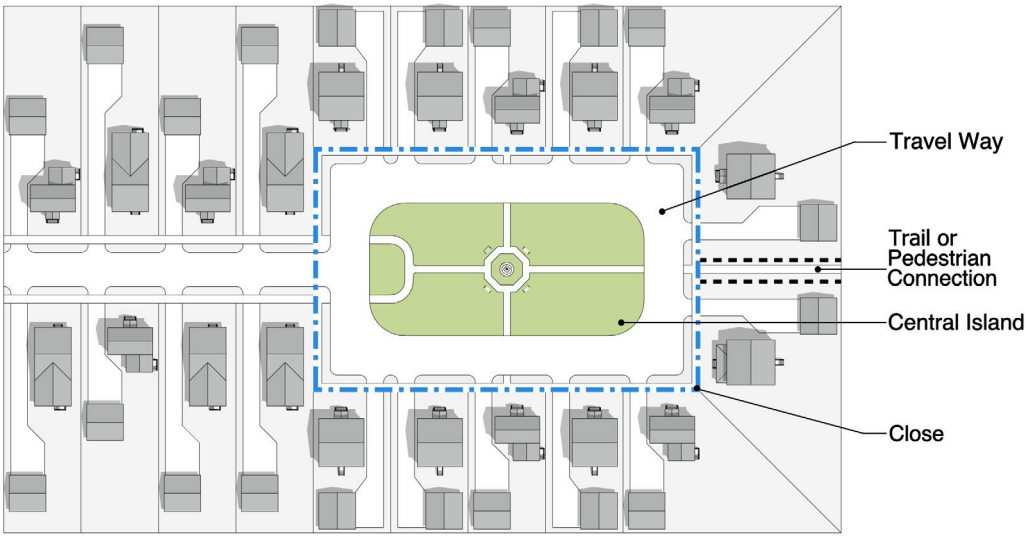
b. Urban districts. In the T4, T5, and T6 districts, any allowed cul-de-sac must follow a close layout, as shown in Figure 5.4 Cul-de-Sacs, and meet the following standards:

1. At least one hundred (100) feet between property lines in all directions;
2. The street border must continue around the cul-de-sac, including street trees;
3. A landscaped central island must be provided with trees, benches, walkways, or other usable features that serve as an amenity to nearby homes; and
4. A trail or pedestrian walkway that continues the sidewalk or trail network beyond the cul-de-sac, connecting to abutting streets, properties, or trails, wherever feasible.
5. The cul-de-sac may provide civic space in alignment with pocket park requirements in Table 5.1 Civic Space Types.

c. All other districts. In all other districts, a cul-de-sac may follow a close layout or a conventional layout, subject to the following standards:

1. Cul-de-sacs must be no longer than six hundred sixty (660) feet, measured from the nearest intersecting street to the center of the cul-de-sac;
2. The cul-de-sac must have a minimum diameter of ninety-six (96) feet to the back of curb, or as required by the Fire Code; and
3. A trail or pedestrian walkway must continue the sidewalk or trail network beyond the cul-de-sac, connecting to abutting streets, properties, or trails, wherever feasible.

FIGURE 5.4 CUL-DE-SACS



(d) Lot layout

(1) All land being developed must be divided into lots, except streets, alleys, civic space, and open space.

(2) Sites zoned LI or LFI do not need to be divided into lots.

(3) All lots must:

a. Meet or exceed the minimum lot width and lot area for their zoning district, as applicable;

b. Be able to meet all rules in Article 50-4 Zoning.

c. Be at least forty (40) feet deep;

d. Have at least one (1) lot line along a street, civic space, or trail;

e. Have vehicular access from an alley, street, or shared parking area; and

f. Have direct access to utilities.

(4) Rear lot lines are not allowed along streets or civic spaces.

(5) Lots that are less than forty (40) feet wide must have vehicular access from an alley, side street, or shared access easement.

(6) New through lots are only permitted when:

a. The block cannot meet the block size limit in Sec. 50-502(b) Blocks and no standard lot layout will fit the site;

b. One of the streets is an arterial where driveways are not permitted and all access will come from the lower speed street;

c. The Master Street Plan shows one (1) of the streets as a corridor where new frontage is not allowed; or

d. The plat provides a rear yard buffer of the required depth along the street that will not receive access, along with a recorded easement that prohibits future driveways.

(7) New flag lots are allowed in the following instances:

a. Utility access flag lots are allowed in all districts;

b. Flag lots are allowed in T2, T3, and T4.1 zoning districts; and

c. Reverse flag lots are allowed in T4 and T5 zoning districts.

(e) Civic space standards

(1) Required civic space

a. Developments must include civic space as follows:

1. Sites under ten (10) acres: No civic space is required;

2. Site over ten (10) acres: Must include at least five percent (5%) civic space;

3. Sites over thirty (30) acres: Must include at least one (1) separate civic space for every thirty (30) acres; and

4. Distribution: When more than one (1) civic space is required, they must be spaced out so that every lot is within two thousand six hundred forty (2,640) feet of one (1), as shown in Figure 5.5 Civic Space Distribution.

5. Sites less than twenty (20) acres within 1/2 mile of a public park may have civic space requirements removed by the Director.

b. All required civic spaces must follow the standards in subsection (2) Minimum civic space standards.

c. Additional open space is allowed, however any open space larger than 1/2 acre must follow subsection (2) Minimum civic space standards.

d. Sites zoned entirely LI, LFI, and T2 do not have to provide civic space.

e. Lots zoned T2, LI, LFI, and GC are excluded from the civic space distribution requirements.

(2) Minimum civic space standards

a. To count towards the civic space requirement, spaces must meet the design and dimensional rules in Table 5.1 Civic Space Types and the landscape requirements of Table 5.20 Civic Space Landscaping.

b. The Director may approve other types of civic space if they meet the purpose and function of

another civic space type.

c. Civic space landscaping must follow the requirements of Sec. 50-510 (h) Civic space landscape.

d. Civic space proportion and minimum dimension are measured as follows:

1. Rectangular in shape: the proportion is the ratio of width to length and the minimum dimension is the lesser of the width and length;
2. Triangular in shape: the proportion is the ratio of the base to the altitude and the minimum dimension is the altitude; and
3. Irregular in shape: the proportion is measured with an inscribed rectangle, as shown in Figure 5.6 Irregular Civic Space Sides and Proportion, and the minimum dimension is the shortest side.

e. Sides of a civic space are separated by corners with an angle of one hundred thirty-five (135)-degrees or less, as shown in Figure 5.6 Irregular Civic Space Sides and Proportion.

f. Civic spaces may include stormwater features, if they follow subsection (4) Stormwater in civic spaces.

g. For subdivided sites, required civic spaces must be located on a dedicated lot or tract and must be protected by a public use deed restriction.

h. Civic spaces must be maintained by the property owner or an established property owners' association or homeowners' association, unless dedication is accepted by the City.

(3) Alternative civic spaces

a. The Director may approve alternative civic space elements and meet the functional intent of this section. These may include green roofs, stormwater features, or other designs that are integrated into a building or infrastructure system.

b. Green roofs may count toward civic space if they meet all of the following:

1. Include at least twenty-five percent (25%) planted area and provide seating or gathering features such as benches, shade structures, or paved overlooks; and
2. Include a contiguous usable area of at least two thousand (2,000) square feet, with a minimum of fifty percent (50%) of that area providing unobstructed access for people to sit, walk, or gather.

c. Land dedicated for a public school may count toward the civic space requirement if the site is publicly accessible outside of school hours and provides outdoor gathering or recreation areas.

(4) Stormwater in civic spaces

a. Stormwater storage and treatment is limited within civic space by the ranges specified in Table 5.7 Civic Space Types and as follows:

1. Maximum storm water area is calculated as a percentage of the area of the surrounding civic space.
2. Open water is measured as the mean water level.

b. The design of storage and treatment areas must follow these rules:

1. Areas not continually under water must be shared-use for recreation when dry;
2. All furnishings must be anchored;
3. Stormwater areas must be accessible and may not be enclosed by fences or walls;
4. Stormwater areas must be located within a drainage easement;
5. Subject to maintenance by a POA; and

6. Tree canopy coverage requirements exclude stormwater areas.

c. Integrated green roof and stormwater systems may count toward both civic space and stormwater requirements if they meet all of the following:

1. Retain at least one inch of rainfall from a twenty-four (24)-hour storm event, calculated based on the entire vegetated area of the roof; and
2. Include overflow controls and meet any applicable City engineering standards for stormwater detention or quality.

(5) Community Gardens in Civic Spaces

a. Community gardens may be included in parks, greens, squares, greenways, and pocket parks.

b. Limited to:

1. Fifty percent (50%) of pocket park area; and
2. Twenty percent (20%) of all other civic spaces.

c. Must include a water supply.

d. Must have at least seventy-five (75%) noon-time solar exposure.

FIGURE 5.5 CIVIC SPACE DISTRIBUTION

A Site A (Requires 2 civic spaces)

B Public park (outside of sites)

C Site C (Requires 2 civic spaces)

D Site D (Requires 1 civic space)

E Site E (Requires 1 civic space)

This figure depicts multiple adjacent sites surrounding an existing public park, each of which is required to provide their own, distributed civic spaces.

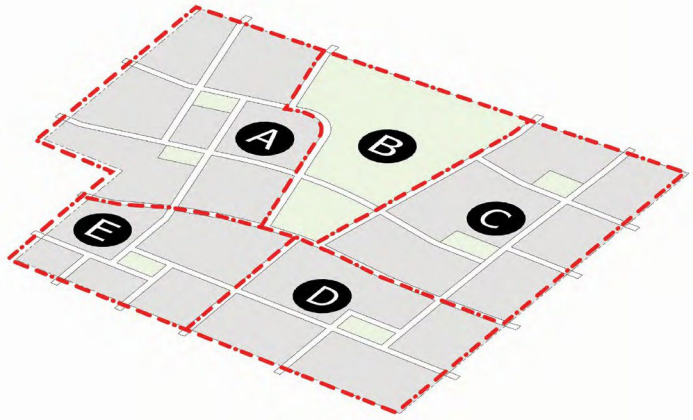
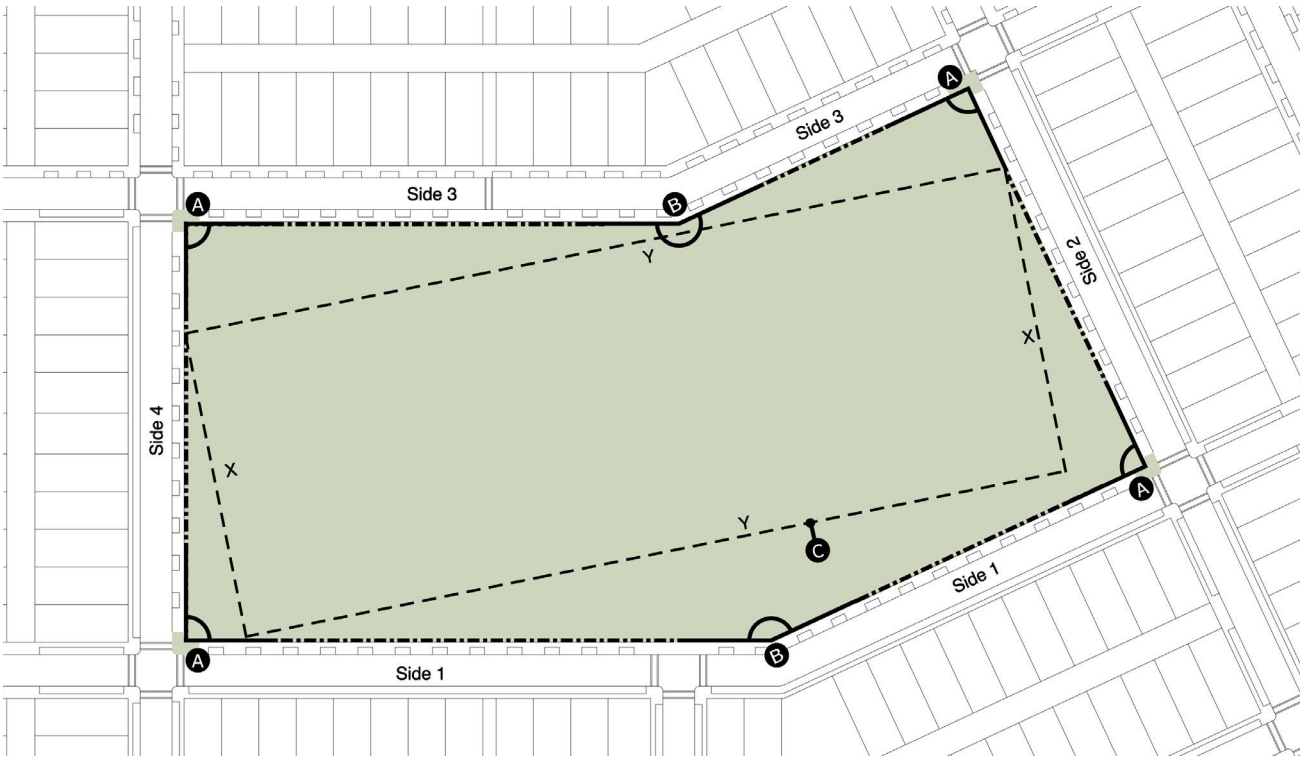


FIGURE 5.6 IRREGULAR CIVIC SPACE SIDES AND PROPORTION



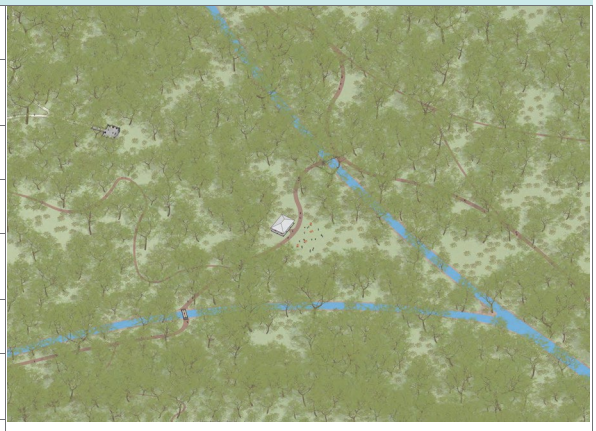
Sides of a civic space are between corners that meet at an angle less than one hundred thirty-five (135)-degrees. Civic space proportion is the ratio of rectangle inscribed in the civic space in the form of X:Y (e.g. 1:4)

A	Corner separating two (2) sides	X	Short side of the inscribed rectangle
B	Corner not separating two (2) sides	Y	Long side of the inscribed rectangle
C	Rectangle measured for proportion		

TABLE 5.1 CIVIC SPACE TYPES

Conservation Park

Zoning District	Any
Size	1/2 ac. min., 80 ft. min. in width.
Proportion	N/A
Edge condition	N/A
Surface	Planted, pervious paths and maintenance roads.
Buildings	Pavilions and picnic areas.
Storm Water Type	Natural systems retention and detention
Storm Water Area	100% max.
Open Water	60% max.



Green

Zoning District	T3, T4, T5
Size	1/2 ac. min.
Proportion	1:8 max.
Edge condition	Right-of-way required on at least one side.
Surface	Planted, 20% max impervious.
Storm Water Type	Local retention and conveyance
Storm Water Area	60% max. shared-use
Open Water	30% max.



Square

Zoning District	T4, T5, T6, GC
Size	A minimum dimension of 74 ft. on 2 sides.
Proportion	1:5 max.
Edge condition	Rights-of-way required on two sides minimum.
Surface	50% max. impervious
Buildings	Pavilions, rest rooms, storage, performance support.
Storm Water Type	Local retention and conveyance
Storm Water Area	60% max. shared-use
Open Water	20% max.



TABLE 5.1 CIVIC SPACE TYPES

Plaza

Zoning District	T5, T6, GC
Size	A minimum dimension of 40 ft. on one side.
Proportion	1:4 max.
Edge condition	Rights-of-way required on 2 sides minimum.
Surface	50% min. paved, 80% max. impervious
Buildings	Pavilions, storage, rest rooms, food service, vending, performance support.
Storm Water Type	Sub-grade and surface storage
Storm Water Area	100% max. sub-grade, 20% max. surface
Open Water	20% max.



Greenway

Zoning District	Any
Size	50 ft. min. in width, 1,000 ft. min. in length.
Proportion	N/A
Edge condition	Rights-of-way or trail required on one side minimum.
Surface	Planted, 20% max. impervious
Storm Water Type	Local and regional retention and conveyance
Storm Water Area	90% max. shared-use
Open Water	60% max.



Pocket Park

Zoning District	R1, T3, T4, T5, T6
Size	2,000 sq. ft. min., 8,000 sq. ft. max.
Proportion	1:5 max.
Edge condition	Rights-of-way required on one side minimum.
Surface	Planted, 30% max. impervious
Storm Water Type	Local retention and conveyance
Storm Water Area	50% max. shared-use
Open Water	20% max.



SEC . 50-503 . SITE DESIGN

(a) Impervious surfaces

(1) Impervious surface is the percentage of the lot that is covered by buildings, paving, and any other surfaces that are not permeable to water.

(2) Impervious surface is limited as follows:

a. For each lot: By the amounts specified in Table 4.1 Zone Standards;

b. Within flood hazard areas: Following Sec. 50-511. Natural Resource Protection and the City's Flood Damage Prevention Code;

c. Within civic spaces: By the amounts specified in Table 5.1 Civic Space Types;

d. Within open spaces (other than civic spaces): Ten percent (10%), maximum; and

e. Sites larger than one (1) acre in T5 and T6: Ninety percent (90%), maximum.

(3) If a site has a future lotting plan, impervious surface is limited for each future lot, civic space, open space, and flood hazard area separately.

(b) Stormwater drainage connection

(1) All new property improvements must be designed to drain to an approved stormwater collection system or public street with enough capacity to accept the flow.

(2) Site grading, storm drains, and any other drainage systems must comply with the City's Stormwater Management and Drainage Manual.

(c) Required landscaping

(1) Site landscape requirements are located in Sec. 50-510 (f) Site landscape.

(d) Public art

(1) Applicability

a. Public art may be provided as part of site design in any zoning district where site amenities are allowed or required.

(2) Standards

a. Public art may include sculpture, murals, integrated architectural features, or similar artistic elements that are permanently installed and visible from public or semi public spaces.

(3) Location

a. Public art may be located within plazas, courtyards, civic spaces, landscaped areas, building forecourts, or similar site features.

b. Public art may be located within the public right-of-way only when approved by the City and when consistent with applicable right-of-way requirements.

(4) Incentives for public art

a. Permanent artwork that is clearly visible from a public street or space may be credited toward required street or civic space furnishings if approved during plan review.

b. Incentives

1. Projects meeting the eligibility requirements in c. Eligibility may receive one (1) of the following incentives:

i. A reduction of up to ten percent (10%) in the minimum required off-street parking spaces, rounded down to the nearest whole number;

ii. A five percent (5%) increase in maximum allowed lot coverage in districts where maximum lot coverage applies; or

iii. Priority review of the plan upon a complete submittal.

2. No more than one (1) incentive may be applied per project. Incentives are granted at the time of plan review and recorded as part of the approval.

c. Eligibility

1. Eligible development types. Incentives may be applied only to the following development types:

i. New non-residential or mixed-use buildings with a gross floor area of five thousand (5,000) square feet or more;

ii. Multi-building commercial or mixed-use sites greater than one (1) acre; or

iii. Civic or institutional developments open to the public, regardless of size.

2. Minimum value of public art.

i. The installed public art must represent a minimum investment equal to at least one-half percent (0.5%) of the total project construction cost, documentation submitted with the plan.

3. Artwork standards. To be eligible, the public art must:

i. Be designed or fabricated by a professional artist, design team, or architect;

ii. Be original, site-specific work, not mass-produced;

iii. Be located outdoors in an area visible from a public right-of-way or civic space; and

iv. Not include signage elements.

(e) Pedestrian walkways

(1) Walkways must connect to the broader network of sidewalks and trails required by Sec. 50-502. Land Development.

(2) Walkways must connect all building entries where people live or work to sidewalks along streets.

(3) Walkways must connect all on-site dedicated parking areas with building entries and perimeter sidewalks.

(4) Walkways within parking areas are required, following subsection (h) Car parking and circulation.

(5) Walkway must meet the following specifications:

a. Walkways must meet ADA accessibility standards;

b. Walkways must be at least five (5) feet wide;

c. Walkways must be constructed of concrete or unit pavers; and

d. Alternative materials may be allowed as an administrative adjustment under Sec. 50-716. Administrative Adjustments and Waivers, subject to the following:

1. Asphalt walkways in LI and LFI districts; or

2. Gravel or pervious walkways if they meet ADA compliance standards.

(f) Trails and bicycle facilities

(1) If The Bike & Pedestrian Master Plan shows a trail or pathway through the site, it must be provided as specified in the plan.

(2) Additional trails and bicycle facilities are optional. If provided, they must follow Sec. 50-604. Trails and Bikeways.

(g) Bicycle parking

(1) Required bicycle parking

a. Bicycle parking must be provided following Table 5.3 Required Bicycle Parking, but must always provide a minimum of four (4) spaces for the uses listed in Table 5.3.

b. Required bicycle spaces must follow the rules in subsection (2) Bicycle parking location.

(2) Bicycle parking location

a. General

1. Bicycle parking must be located on the same lot or future lot as the use being served.
2. Bicycle storage within dwelling units does not count toward required spaces.
3. Bicycle racks and corrals within streets count towards required short-term spaces. Only racks and corrals on the same side of the street and along lot lines count toward required spaces.
4. Lots with multiple uses may provide required spaces separately or together.

b. Short-term space locations:

1. May be within streets along lot lines;
2. On-site, within fifty (50) feet of a publicly accessible building entry along a street or trail, or distributed among entries if there are multiple;
3. On-site, up to fifty percent (50%) may be within two hundred (200) feet of a publicly accessible building entry, connected by a pedestrian walkway; and
4. If spaces are not visible from sidewalks or trails, signs must be posted indicating their location.

c. Long-term space locations:

1. May be indoors, within a lobby, common area, clubhouse, storage room, or garage;
2. Outdoors, within a covered structure, parking structure, or other area covered for weather protection;
3. Within two hundred (200) feet of a building entry accessible to the intended users; and
    i. Secured by walls or fencing with doors or gates that are access restricted; or
    ii. Within bicycle lockers.

d. Spaces within parking structures:

1. Must be located within fifty (50) feet of a pedestrian entrance to the parking structure or stairwell, with access to a ground floor pedestrian entrance; and

2. Must be located on the ground floor, except where building entrances, accessible to the intended users, are located on a different floor of the parking structure.

e. Entertainment and Institutional uses:

1. Alternative locations for required short-term and long-term bicycle parking may be approved as an administrative adjustment under Sec. 50-716. Administrative Adjustments and Waivers and Table 7.2.

(3) Bicycle parking design

a. Bicycle parking installation must provide:

1. A paved surface, including pavers, with a slope no more than three percent (3%);
2. Access to a sidewalk, trail, or common area within a building;
3. At least six (6) feet of vertical clearance;
4. Bicycle space size and spacing as follows, and as shown in Table 5.2 Bicycle Parking Dimensions:

i. Each space must provide a clear area six (6) feet long by two (2) feet wide;

ii. Racks must be spaced at least thirty (30) inches apart along the width of parking spaces, overlapping the parking spaces up to eighteen (18) inches; and

iii. Lengthwise, one side of the parking space must have at least four (4) feet of clear space between the parking space and any obstruction.

5. The following spacing between the full bicycle space dimension and obstructions:

i. At least five (5) feet from fire hydrants;

ii. At least four (4) feet from loading zones, bus stop signs, or shelters;

iii. At least three (3) feet from driveways, manholes, benches, trash receptacles, and buildings;

iv. At least two (2) feet from utility meters, landscaped areas; and

v. At least one (1) foot from walls, curbs, and any other obstructions;

6. No overlap with ADA paths;
7. Secure anchoring with tamper-resistant hardware; and
8. Long-term bicycle parking must include one accessible power outlet for at least twenty percent (20%) of spaces.

b. Bicycle racks design must follow these rules:

1. Must be an inverted “U”/hoop rack;
2. Must have a minimum tube diameter of 1.9 inches;
3. Must be galvanized, powder coated, or coated with another weather-proof surface;
4. Must be a maximum height of thirty-six (36) inches;
5. Must comply with the Association of Pedestrian & Bicycle Professionals (APBP) bicycle parking guidelines, including:

i. Must accept multiple bicycle frame sizes and styles;

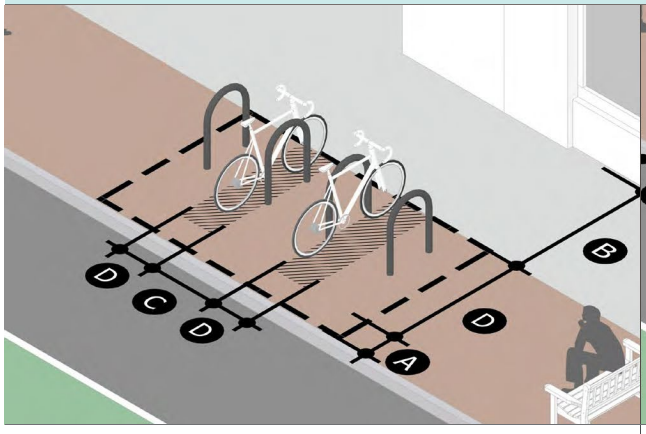
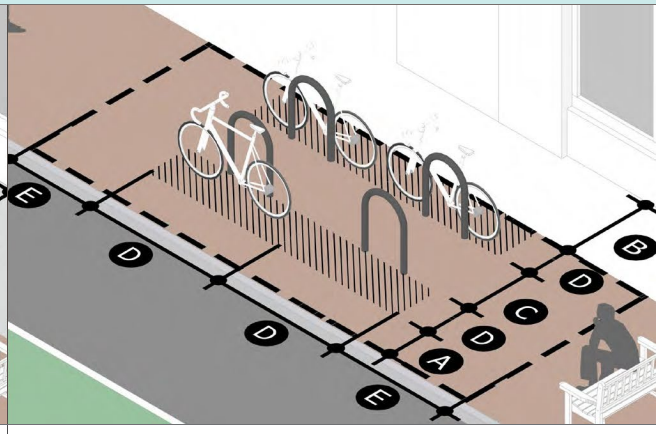
ii. Must accommodate the use of cable and U-type locks;

iii. Must support a bicycle frame at two (2) points above the wheel hubs to allow the frame and at least one (1) wheel of the bicycle to be locked to the rack without lifting the bicycle onto the device;

iv. Must be easy to understand and operate, with no moving parts.

c. High-density racks such as vertical and two (2)-tier racks may be approved by the Director for long-term spaces. Two (2)-tier racks must include lift assist for upper-tier spaces.

TABLE 5.2 BICYCLE PARKING DIMENSIONS

Bicycle Racks Perpendicular to the Curb	Bicycle Racks Parallel to the Curb
	
A. Required setback from curbs & obstructions	**B**. No overlap with ADA paths allowed
C. Minimum spacing between racks	**D**. Minimum bicycle space dimension

Minimum Bicycle Space Dimensions

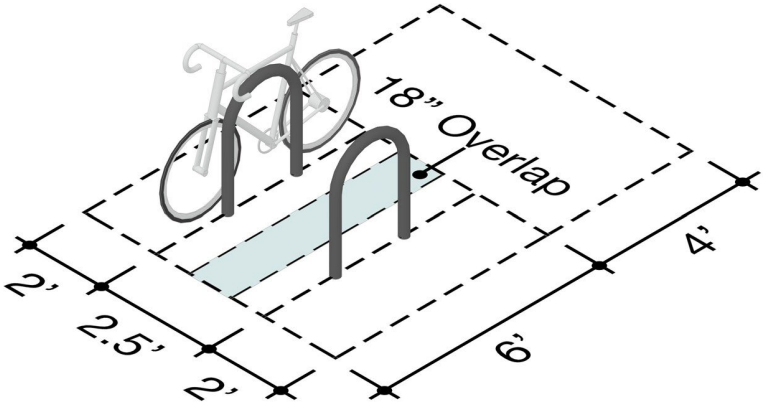


TABLE 5.3 REQUIRED BICYCLE PARKING

Commercial	Short Term	Long Term
Food and beverage	0.5 spaces / 1,000 square feet	
Child care	1 space / 1,000 square feet	
Office, including medical	0.2 space / 1,000 square feet	50% of required short term spaces when more than 12 spaces
Retail, including pharmacies	0.25 space / 1,000 square feet	
Institutional and Entertainment	**Short Term**	**Long Term**
Convention or exhibition facilities	0.25 spaces / 1,000 square feet	0.1 spaces / 1,000 square feet
Place of Assembly (indoor or outdoor entertainment, theater, performing arts, event venue, religious assembly)	0.2 spaces / 1,000 square feet	
School: K-12	8 spaces + 0.25 / 1,000 square feet	
School: post-secondary	0.5 space / 1,000 square feet	
Lodging	**Short Term**	**Long Term**
12 rooms or less	0.5 spaces per bedroom	
More than 12 rooms	0.25 spaces per bedroom, up to 20 spaces	0.25 spaces per bedroom, up to 20 spaces
Residential	**Short Term**	**Long Term**
5 - 8 dwellings per building	0.5 spaces per dwelling	0.75 spaces per dwelling
More than 8 dwellings per building	0.25 spaces per unit up to 30 spaces	0.25 spaces per unit
All Other	For any use not listed, the Director may make a determination of similarity to a listed use or combination of uses.	

(h) Car parking and circulation

(1) Single-site development

a. Major driveways must follow Sec. 50-502 (c) Circulation network and are treated like streets for the purpose of this Section.

b. Only major driveways are allowed to connect to public streets, not individual driveways for future lots, except for sites where major driveways are not required.

(2) Driveway location

a. Driveways providing access for cars to the lot must be located following Table 5.4 Driveway Access Location, and as follows:

1. In T2 a driveway may connect along the front lot line;
2. In GC, LI, and LFI, a driveway may connect along the front lot line in addition to other allowed connections if the site is wider than four hundred (400) feet;
3. Driveways are not allowed parallel to a front or side street lot line within the setback area, except front parking areas, where allowed in subsection (9) Car parking location;
4. Driveways must align across streets, or be offset at least one hundred fifty (150) feet between centerlines, except where a permanent median separates the driveways;
5. Driveway centerlines must be separated from intersection rights-of-way as specified in Table 5.5 Driveway Spacing from Intersections;
6. Driveway centerlines must be separated from other driveways as specified in Table 5.6 Driveway Spacing from other Driveways, except
7. The maximum number of driveway connections for a single property along the same street is as specified in Table 5.7 Maximum Driveways Along a Lot Line; and
8. Additional driveways and adjusted locations may be allowed by administrative adjustment under Sec. 50-716. Administrative Adjustments and Waivers and Table 7.2 Administrative Adjustment Criteria.

b. Shared driveways between abutting lots are encouraged.

c. For shared driveways, an access easement must be recorded with the deed that:

1. Provides cross access for all abutting properties; and
2. Defines the maintenance responsibility of property owners.

d. Looped and circular driveways within front or side street setbacks are only allowed in:

1. T2, R-1, T3 where lots are equal to or greater than two hundred (200) feet in width;
2. Schools in any zoning district; and
3. Within a forecourt, as specified in Sec. 50-405 (c) (3) Maximum setbacks.

e. Driveways and parking areas must be designed to only allow forward movement of vehicles exiting the site, except for single, two (2)-unit, and three (3)-unit dwellings.

f. Individual residential driveways are not allowed along collectors or arterials, except along new collectors approved for new subdivisions.

TABLE 5.4 DRIVEWAY ACCESS LOCATION

Lot Type	Available Access	Driveway Location
All Lot Types	Alley	Connect to the alley.
	Shared Parking Lot or Major Driveway	Connect to the shared parking lot; Connect along the side street lot line; or Connect along the front lot line if it is the only option.
	Only Front Lot Line	Connect along the front lot line.
Additional Conditions		
Corner	Only Along Streets	Connect along the street with a lower functional classification, or the side street lot line if streets are the same classification.
Through	Along 2 Streets	Connect along the street with a lower functional classification.
	Along 3 Streets	Connect along the street with a lower functional classification, or the side street lot line if streets are the same classification.
Flag and reverse Flag	Along 2 Streets	Connect along the street with a lower functional classification, or the side street lot line if streets are the same classification.
Utility Access Flag	Shared Driveway	Connect along the shared driveway.

TABLE 5.5 DRIVEWAY SPACING FROM INTERSECTIONS

Spacing By Street Functional Classification		intersecting Street		
		Local	Collector	Arterial
Street The Driveway Connects To	Local	50 ft. min.	50 ft. min.	100 ft. min.
	Collector	100 ft. min.	100 ft. min.	250 ft. min.
	Arterial	250 ft. min.	250 ft. min.	250 ft. min.

TABLE 5.6 DRIVEWAY SPACING FROM OTHER DRIVEWAYS

Street Design Speed	<25	30	35	40	45	50	55
Minimum Spacing	50 ft.	100 ft.	150 ft.	200 ft.	250 ft.	300 ft.	350 ft.
Driveways with Acceleration or Deceleration Lanes	400 ft. minimum spacing to any other driveway						

TABLE 5.7 MAXIMUM DRIVEWAYS ALONG A LOT LINE

Maximum Driveways	1	2	3	4	5
Length of Lot Line	up to 200 ft.	201 - 600 ft.	601 - 1,000 ft.	1,001 - 1,500 ft.	> 1,500 ft.

(3) Driveway curb cuts

a. All driveway curb cuts require a right-of-way permit from Engineering, except as otherwise approved as part of a development plan or subdivision.

b. Curb cut radius:

1. Major driveways follow Sec. 50-602. Street Design.
2. Where intersecting with local streets and within Downtown, follow alley apron standards in Table 6.3 Alley Apron.
3. Where intersecting with collector or arterial streets, a fifteen (15) foot curb return radius is required.
4. Increased radii may be approved by administrative adjustment under Sec. 50-716. Administrative Adjustments and Waivers and Table 7.2 Administrative Adjustment Criteria.

(4) Driveway width

a. Driveway width is limited, following Table 5.8 Driveway Width.

b. Additional driveway width may be approved as an administrative adjustment under Sec. 50-716. Administrative Adjustments and Waivers and Table 7.2 Administrative Adjustment Criteria.

TABLE 5.8 DRIVEWAY WIDTH

Zone	Connecting To	Maximum Driveway Width
All Zones	Alleys	N/A
	Shared Parking Lots	
R-1, T2, T3	Any Lot Line	18 feet wide, for lots less than 50 feet wide; 20 feet wide, for lots 50 to 69 feet wide; and 24 feet wide, for lots 70 feet or wider.
T4 , T5, T6	Any Lot Line, One-way	11 feet wide, each lane, up to 2 lanes; and limited within the building setback area.
	Any Lot Line, Two-way	11 feet wide, each lane, up to 3 lanes ; and limited within the building setback area.
GC, LI, LFI	Any Lot Line, One-way	24 feet wide, and a minimum of 16 feet wide.
	Any Lot Line, Two-way	Between 24 and 40 feet wide; and A 4 foot wide median must separate opposing directions if the driveway exceeds 2 lanes.

(5) Drive-throughs

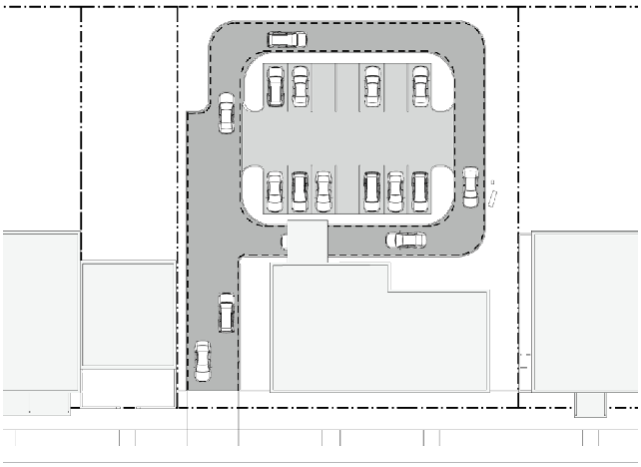
a. Drive-throughs are only allowed for commercial uses in T5, GC, LI, and LFI.

b. Drive-through lanes, windows, and equipment are not allowed between the building and the front or side street property line, as illustrated in Figure 5.7 Drive-Through Layout.

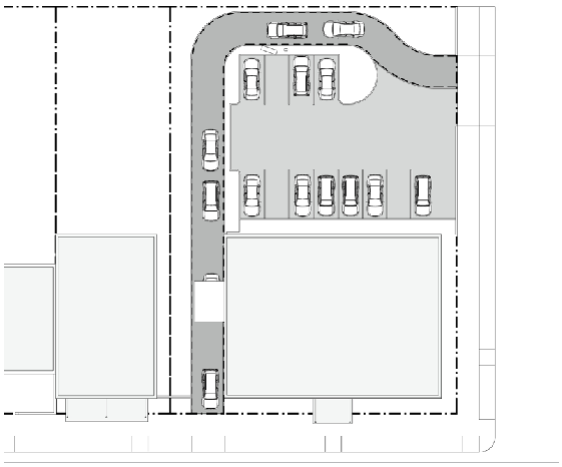
c. Drive-through lanes must not block sidewalks or other pedestrian walkways.

d. Any drive-through structure - such as canopies, windows, or other equipment - must be set back at least twenty (20) feet from the front of the building.

FIGURE 5.7 DRIVE-THROUGH LAYOUT



Example of a compliant mid-block drive-through



Example of a compliant corner drive-through

(6) Required car parking

a. Car parking must be provided in the amounts required in Table 5.9 Minimum Car Parking.

b. Only spaces that follow subsection (9) Car parking location count towards required car parking.

c. Residential uses in the Traditional Neighborhood place type on the FLUM require two (2) parking spaces for each dwelling.

d. Parking required for multiple uses within the same building or site are added together for the total site requirement.

e. The amount of car parking required may be reduced following subsection (7) Car parking reductions.

f. Applicants may opt to submit a parking study, prepared by a licensed professional, subject to the approval of the Planning Commission, in lieu of the required parking minimums.

g. Sites within parking management districts must follow parking management district rules and are exempt from required car parking in this section.

TABLE 5.9 MINIMUM CAR PARKING

Use	T2	R-1	T3	T4	T5	T6	GC	LI	LFI	MH
Commercial [1]										
Child care		2					3			
Food and beverage	4			2			5			
Gas station	4						3			
Hospital							1 per bed			
Medical services							3			
Office, including medical				1			3			
Retail, including pharmacies	4			1			4	3		
Service (personal or professional)	4			1			4	3		
Entertainment [1]										
Indoor entertainment facility	Lesser of 4 or 25% of maximum occupancy				2		Lesser of 4 or 25% of maximum occupancy			
Outdoor entertainment facility										
Theater, excluding drive-in										
Industrial and Manufacturing [1]										
Manufacturing							1.75			
Warehouse and distribution							0.5			
Institutional [1]										
Convention or exhibition facilities					Lesser of 4 or 25% of maximum occupancy					
Cultural (library, museum, gallery)	4	4	4	4	3		4			
Event venue	Lesser of 4 or 25% occupancy	4		Lesser of 4 or 25% occupancy	3		4 or 25% of maximum occupancy			
Religious assembly										
School: K-12	Grades 1-9: 1 per classroom + 1 per employee Grades 10-12: greater of 1 per 3 full-time students or 1 per 6 seats in the largest auditorium All: Stacking space for buses and vehicles must be provided Except in T5 and T6									
School: post-secondary							Greater of 3/1000 or 1 space per 3 students			

TABLE 5.9 MINIMUM CAR PARKING

Use	T2	R-1	T3	T4	T5	T6	GC	LI	LFI	MH
Lodging [2]										
12 rooms or less	1			1			1			
More than 12 rooms							1.1			
Residential [3]										
1 dwelling detached	2			1						
1 dwelling attached (town homes)			1							
2 dwellings per building			1							
3 dwellings per building				1						
4 or more dwellings per building				1			1.5			
Cottage court		1								

[1] **Non-residential uses**: spaces for every one thousand (1,000) square feet of net building area.
[2] **Lodging uses**: spaces for each guest room, with restaurants and meeting rooms counted separately.
[3] **Residential uses**: spaces for each dwelling.

(7) Car parking reductions

a. The required number of car parking spaces may be reduced in several ways. These reductions can be combined when more than one applies.

b. State-licensed assisted living and senior independent living facilities parking requirements are reduced by fifty percent (50%).

c. Sites near the Northwest Arkansas Razorback Greenway or the loop trail described in the Connecting Bentonville Master Plan may reduce parking based on distance:

1. ⅛ of a mile: Parking requirements are reduced by twenty percent (20%); and
2. ¼ of a mile: Parking requirements are reduced by ten percent (10%).

d. Sites near a premium transit stop may reduce parking based on distance:

1. ⅛ of a mile: No parking is required;
2. ¼ of a mile: Parking requirements are reduced by fifty percent (50%); and
3. ½ of a mile: Parking requirements are reduced by twenty-five (25%).

e. Parking may be reduced by up to ten percent (10%) for providing bike parking above minimum requirements at a rate of one (1) car parking space for every four (4) short term bike parking spaces or 1 car parking space for every 2 long term bike parking spaces.

f. Parking may be reduced by up to ten percent (10%) for the purposes of tree preservation, subject to the requirements of Sec. 50-509. Tree Preservation.

g. Parking requirements may be reduced when two (2) or more uses share the same parking area when:

1. The shared parking must serve uses on the same site or in the same shared facility;
2. Shared parking must follow the Urban Land Institute's Shared Parking Handbook which accounts for different peak hours of use; and

3. A shared use contract between the two (2) properties must be in a form acceptable to the Director and Staff Attorney.

(8) Car parking maximum

a. Off-street car parking spaces may not exceed the following maximums, calculated as a percentage of the minimum required car parking spaces:

1. T2, T3, R-1, LFI: n/a; and
2. T4, T5, T6, GC, LI: One hundred fifty percent (150%) for buildings up to sixty thousand (60,000) square feet and one hundred twenty-five percent (125%) for buildings greater than sixty thousand (60,000) square feet.

(9) Car parking location

a. Parking in the following locations counts toward required car parking:

1. On the same site as the related use;
2. On-street, in established, built out parking lanes along the edges of the site;
3. Off-street parking within six hundred sixty (660) feet of the site. A shared parking agreement must be executed and approved by the Staff Attorney and Planning Department; and
4. Parking provided by a parking management district.

b. Parking lots must follow the rules in subsection (10) Parking lot design.

c. Parking structures must follow the rules in Sec. 50-504 (b) Parking structures.

d. Off-street parking areas must be follow setback rules in Table 4.1 Zone Standards, except:

1. If the parking lot is shared between abutting properties, no setback is required from the shared lot line; and
2. Parking structures must set back as specified in Sec. 50-504 (b) Parking structures.

e. Parking is not allowed between the front and side street property lines and the nearest building, except in these situations:

1. GC, LI, and LFI zones are exempt;
2. Sites within the Suburban Corridor future land use category are exempt; and
3. Front parking areas, described in the following subsection, are allowed for sites in Urban Corridor and Walkable Corridor future land use categories, only if located along streets where no on-street parking exists.

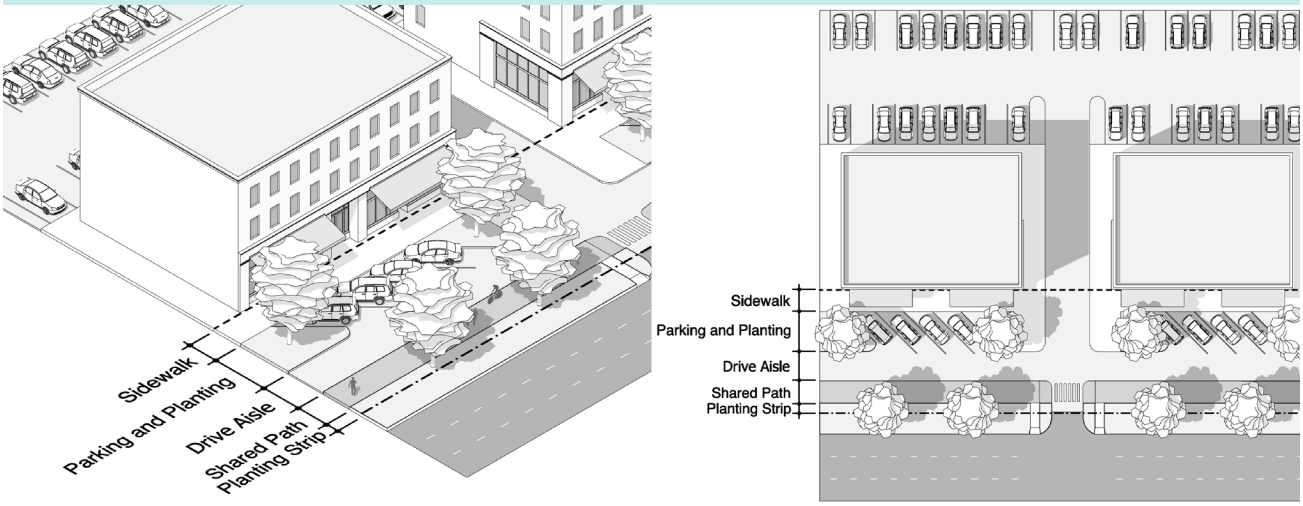
f. If a front parking area is allowed, it must follow these rules:

1. Parking may be located between buildings and the street, as shown in Figure 5.8 Front Parking Lane Layout; Parking setback requirements in Table 4.1 Zone Standards do not apply;
2. The front parking area must be set back six (6) to twelve (12) feet from the right-of-way. This setback must be landscaped and include street trees no more than fifty (50) feet apart;
3. The front parking area cannot be more than sixty (60) feet deep and must include:
   i. A shared path for bikes and pedestrians, at least ten (10) feet wide;
   ii. A drive aisle;
   iii. One (1) row of parallel or angled parking; and
   iv. A border with a planting strip and sidewalk, following Sec. 50-602. Street design. Planting may be placed between angled parking instead of in a separate strip.

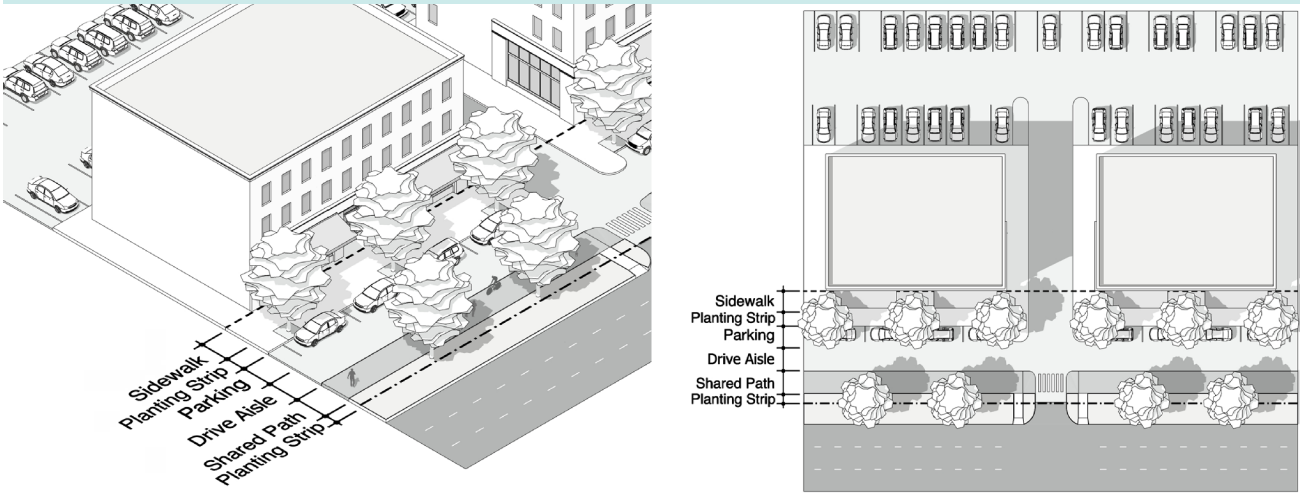
4. Parking spaces and drive aisles must follow Table 5.10 Parking Space and Aisle Dimensions; and
5. A sidewalk and planting strip must be provided between the front parking area and buildings. These must comply with the rules in Sec. 50-602. Street design.

FIGURE 5.8 FRONT PARKING LANE LAYOUT

Front parking lane with angled parking



Front parking lane with parallel parking



(10) Parking lot design

a. All parking lots must follow these general rules:

1. ADA accessibility standards must be met for all parking spaces and walkways;
2. Parking space and aisle sizes must follow Table 5.10 Parking Space and Aisle Dimensions;
3. Parking lots must be paved, except that crushed gravel may be used in T2 districts; and
4. Landscaping requirements are located in Sec. 50-510 (g) Parking lot landscape.

TABLE 5.10 PARKING SPACE AND AISLE DIMENSIONS

Angle of Parking	Aisle: One-Way, Single Loaded	Aisle: One-Way, Double Loaded	Aisle: Two-Way, Double Loaded
90 Degrees	20 ft. min.	22 ft. min.	24 ft. min.
60 Degrees	18 ft. min.	18 ft. min.	22 ft. min.
45 Degrees	14 ft. min.	14 ft. min.	20 ft. min.
Parallel	10 ft. min.	10 ft. min.	20 ft. min.
Standard Stall	9 ft. wide min.		
Compact Stall	7.5 ft. wide min.		
Parallel Stall	7 ft. wide min.		

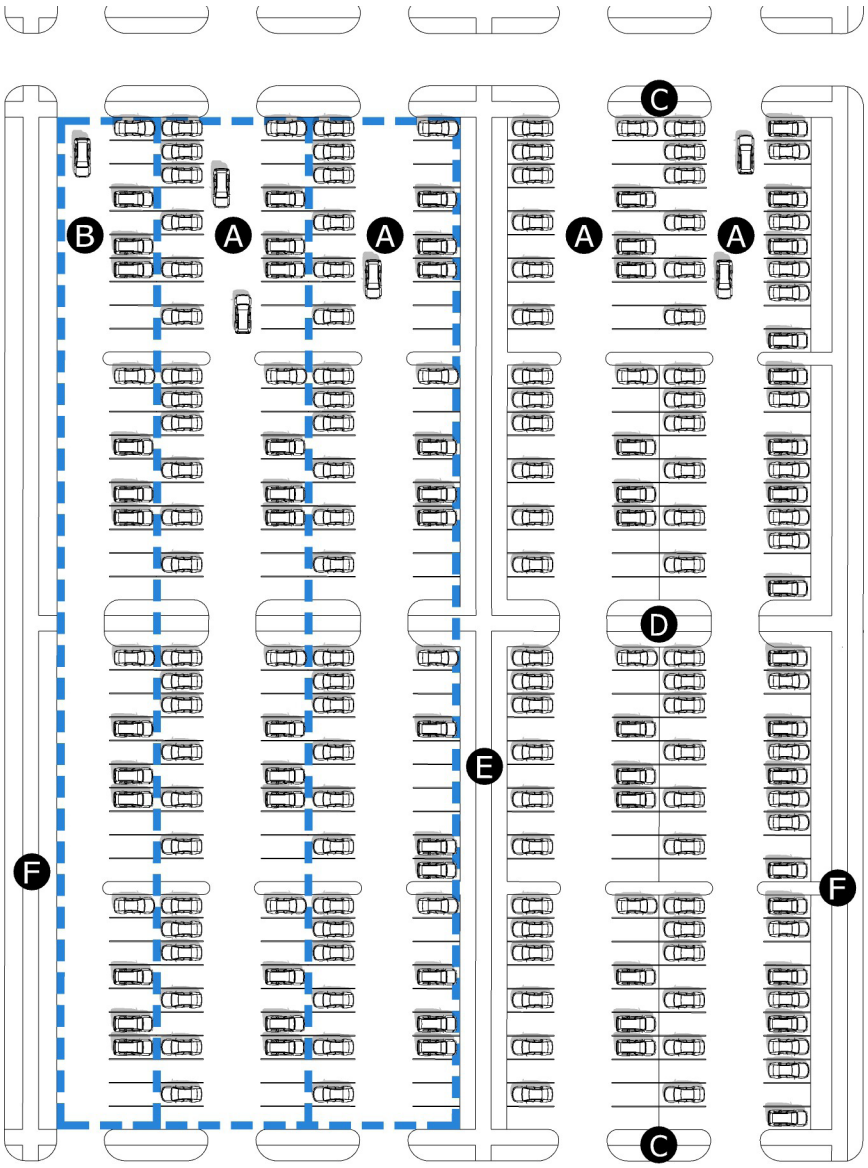
b. Parking lots with more than twenty (20) spaces:

1. Wheel stops are required where parking spaces end on walkways or landscaped areas.
2. Drive aisle connections or stubs must be provided:
   i. To neighboring undeveloped properties, and to any abutting T4, T5, T6, and GC properties with parking lots;
   ii. At least once every three hundred (300) feet of parking lot length along shared property lines; and
   iii. Within a recorded access easement.
3. Pedestrian walkways, landscape areas, and trees must be included within parking lots:
   i. As specified in Table 5.11 Required Walkways and Planting in Parking Lots; and
   ii. As shown in Figure 5.9 Illustrated Walkways and Planting in Parking Lots.
4. In T3 and T4 zones, the total number of required parking lot trees is increased by twenty-five percent (25%).
5. Landscape areas within parking lots must be designed to accept stormwater runoff unless otherwise approved by the Transportation Director.

TABLE 5.11 REQUIRED WALKWAYS AND PLANTING IN PARKING LOTS

Location	Walkways	Landscape Area	Trees required
Exterior Landscaping			
Side and rear lot lines		10 ft. wide, min. Ground cover and continuous hedge, at least 6 ft. high at maturity	At least 1 tree every 40 ft. within the landscape areas.
Side street lot lines	Connecting to the sidewalk, every 3 rows or 20 spaces along a row, and at least 1 connection		
Front lot lines		15 ft. wide, min. Ground cover and hedge per street screen requirement	
Interior Landscaping			
Between every 10 spaces		8 ft. wide, min. Ground cover or LID	1 for each required landscape area
Between every 20 spaces	Crossing rows, at least 5 ft. wide	8 ft. wide, min., both sides of the walkway Ground cover or LID	
Between every 3 rows	Along the row, at least 5 ft. wide		At least 1 tree every 50 ft. on both sides of the walkway.
At the end each row	Crossing rows, at least 5 ft. wide	8 ft. wide, min. Ground cover or LID	2 for each landscape area

FIGURE 5.9 ILLUSTRATED WALKWAYS AND PLANTING IN PARKING LOTS



- **A** Parking row - double-loaded
- **B** Parking row - single-loaded
- **C** Planter and walkway at the end of aisles
- **D** Planter and walkway every 20 spaces
- **E** Planter and walkway between every 3 rows
- **F** Planter required along lot lines in addition to walkway and planting along the street

(11) Loading location

a. Sites in the T2 zoning district are exempt from these loading rules.

b. Loading areas on private property must follow these rules:

1. Must be placed behind the building, away from the front lot line;
2. Must be set back at least twenty (20) feet from side streets; and
3. Must be screened from view using a street screen, as described in Sec. 50-510 (d) Screening and buffering.

c. If site constraints disallow loading on the private property, a dedicated loading area may be placed along a side street, only if:

1. It is the least visible and least disruptive alternative option; and
2. The loading area is no longer than thirty (30) feet.

d. A dedicated loading area may be placed along the front street, subject to approval by the Planning Commission.

(i) Outdoor lighting

(1) Exemptions

a. The following light types are exempt from the requirements of this section:

1. Lighting for one (1)- and two (2)-dwelling residential uses;
2. Navigation lights, such as those required for airports, heliports, and radio or television towers;
3. Temporary emergency lighting, used by police, fire fighting, or medical personnel for as long as the emergency exists;
4. Temporary or periodic events approved by the City, such as parades or festivals;
5. Illuminated signs in compliance with Sec. 50-508. Signs;
6. Security lights of up to one thousand six hundred (1,600) lumens when controlled by a motion sensor that turns the light off no later than twelve (12) minutes after activation;
7. Emergency lighting required by the City of Bentonville's adopted Building Code;
8. Lighting of flags displaying governmental bodies;
9. Streetlights; and
10. Lighting by combustion sources, such as gas lamps and fire pits.

(2) General

a. Fixtures must be designed, located, and maintained to prevent direct illumination from extending beyond the boundaries of the property on which they are located.

b. Illumination levels must not exceed 2.0 footcandles at the property line of any lot zoned T2, R-1, or T3.

c. Fixtures must be permanently fixed to prevent tampering or redirection of the light source.

d. Fixtures must direct lighting downward.

e. Fixtures exceeding one thousand one hundred (1,100) lumens must include cutoff or full cutoff shielding, as defined by IESNA.

f. The source of illumination must not be visible from beyond the property line.

g. Searchlights are not allowed for events or advertising purposes.

(3) Outdoor recreation

a. This subsection applies to lighting of outdoor play and performance areas.

b. Cutoff is not required; however, it is encouraged.

c. Glare control packages, such as louvers and shields, are required to direct light onto play, performance, and seating areas only.

d. Lighting must be turned off no later than one (1) hour after the conclusion of the last event or upon park closure, whichever occurs later.

(4) Accent lighting

a. Landscape accent lighting:

1. Accent lighting directed onto landscaping is allowed;
2. All non-cutoff luminaires must be shielded and directed so that light is only focused on the landscaped area; and
3. Luminaires must not be visible from any pedestrian or vehicular egress.

b. Building mounted accent lighting:

1. Accent lighting attached to building facades, structures, or architectural elements is allowed;
2. All non-cutoff luminaires must be shielded and directed toward only the area being illuminated; and
3. Fixtures may be used to illuminate vertical building surfaces if the bulb is shielded with an opaque surface that prevents horizontal light emissions.

c. Ground mounted accent lighting:

1. Ground-mounted lighting for buildings must be directed only onto the building surface;
2. Direct light emissions must not be visible above the roof line or beyond the edge of the building;
3. Upward-aimed fixtures must be:
   i. Fully shielded;
   ii. Confined by eaves, roofs, or overhangs; and
   iii. Located as close to the illuminated building as possible.
4. Spotlight bulbs or lamps must not be visible from a pedestrian or vehicular egress.

d. Pole mounted accent lighting:

1. Pole-mounted accent lighting for the purpose of illuminating buildings is not allowed.

e. Pedestrian walkway accent lighting:

1. Allowed when mounted no more than forty-two (42) inches above the walkway grade.

f. Neon and light emitting diode (LED) lighting:

1. Neon or LED lighting used in signs is subject to Sec. 50-508. Signs and is exempt from this subsection; and
2. Neon or LED accent lighting is allowed to highlight architectural elements of nonresidential structures, subject to the following:
   i. Fixtures must be mounted on or affixed to non-reflective surfaces;
   ii. All direct illumination must remain within the boundaries of the property; and

iii. Total accent lighting is limited to:

(i) One (1) linear foot of lighting per linear foot of illuminated façade; and

(ii) A maximum of seventy-five percent (75%) of the building's total façade length.

g. Strands of individual, low-intensity, white, or warm white decorative lights are allowed to illuminate outdoor spaces during normal business hours.

(j) Mechanical equipment, waste, and storage

(1) Mechanical equipment, waste containers, and open storage are not allowed:

a. Between the front or side street lot line and the nearest building;

b. Within 25 feet of R-1 and T3 properties; or

c. In flood hazard areas.

(2) The following elements must be screened following the rules in Sec. 50-510 (d) Screening and buffering:

a. Mechanical equipment, waste, and open storage areas screened from view along sidewalks and from T2, R-1, T3, and T4 properties; and

b. Above-ground utility equipment located within a front or side setback or located between the building and a front or side street lot line.

(3) Rooftop mechanical equipment must be screened from view along sidewalks and from T2, R-1, T3, and T4 properties.

(4) Exhaust vents and waste rooms within buildings are not allowed along front lot lines.

SEC . 50-504 . VERTICAL CONSTRUCTION

(a) Building placement

(1) Minimum and maximum setbacks are specified in Sec. 50-405. Standards for Zoning Districts.

(2) Building height is limited as specified in Sec. 50-405. Standards for Zoning Districts.

(b) Flood hazard areas

(1) New enclosed buildings must follow the requirements of the Flood Damage Prevention requirements.

(c) Building footprint limits

(1) The maximum amount of the lot that buildings can cover is limited as a percentage of the total lot area, listed in Table 4.1 Zone Standards.

(d) Building projections

(1) Certain building features may extend (or project) into minimum setbacks and build-to areas as shown in Table 5.21 Encroachment Examples, and as follows:

a. Projections are measured outward from the face of the building, and the allowed depth may be partially or entirely within the setback or build-to area;

b. Up to two (2) feet: Roof overhangs, cornices, trim around doors and windows, and decorative elements on the façade;

c. Up to four (4) feet: Balconies, bay windows, and awnings over residential windows;

d. Up to six (6) feet: Stoops and ground-floor display windows in non-residential buildings;

e. Up to ten (10) feet: Porches, as long as the porch is at least five (5) feet deep; and

f. Up to the lot line:

1. Steps attached to stoops or porches; and
2. Galleries and awnings over non-residential windows, if they are at least six (6) feet deep.

b. Projections into easements require an encroachment permit. See Sec. 50-718 (d) Encroachment permit.

c. Projections are not allowed into neighboring properties.

(2) Encroachment into rights-of-way

a. Any feature that extends into an easement or the public right-of-way requires an encroachment permit, following Sec. 50-718 (d) Encroachment permit and must meet the vertical clearance requirements of BEUD and BWUD Specifications.

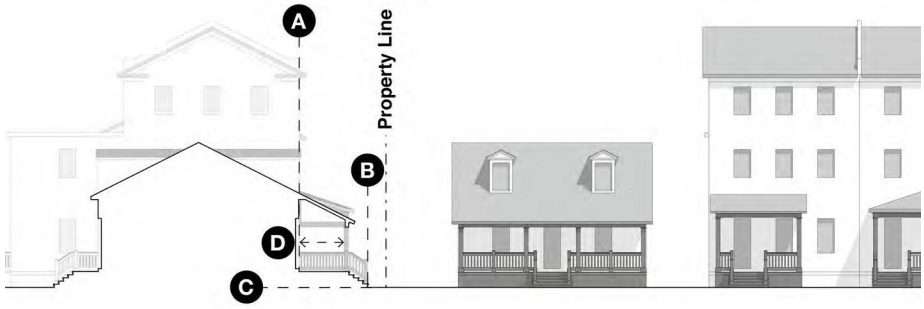
b. Galleries and awnings may extend into the right-of-way if they meet the following:

1. Minimum vertical clearance of eight (8) feet above sidewalks;
2. Minimum vertical clearance of ten (10) feet above trails;
3. Minimum horizontal setback of two (2) feet from trails;
4. Minimum depth of eight (8) feet for galleries and six (6) feet for awnings; and
5. A clear ADA path is maintained within the right-of-way.

c. Balconies may encroach up to four (4) feet into the right-of-way if there is a minimum vertical clearance of thirteen (13) feet above the sidewalk.

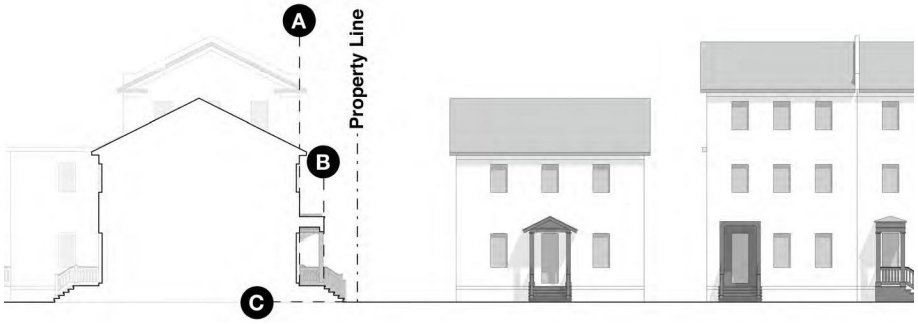
FIGURE 5.10 ENCROACHMENT EXAMPLES

Porch Encroachment into the Front Setback



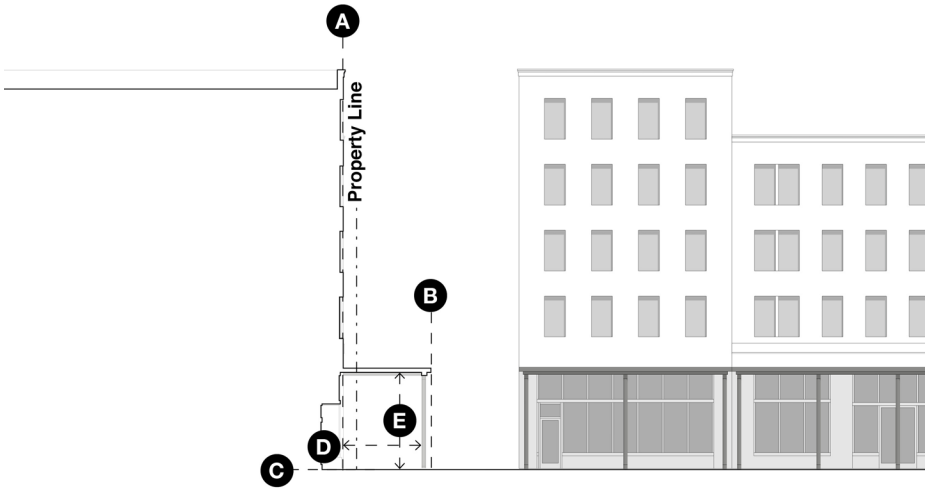
- A Minimum setback
- B Encroachment of porch
- C Sidewalk grade
- D Minimum depth required for porches that encroach into a setback.

Stoop Encroachment into the Front Setback



- A Minimum setback
- B Encroachment of stoop
- C Sidewalk grade

Gallery Encroachment into the Right-of-Way



- A Building setback, within the build-to area
- B Gallery encroachment into the right-of-way
- C Sidewalk grade
- D Minimum gallery depth
- E Minimum clearance above sidewalks

(e) Parking structures

(1) Setbacks

a. Parking structures must follow the parking setback rules listed in Table 4.1 Zone Standards, along with the additional rules in this section.

b. Parking structures may be located within the build-to area if they meet the following:

1. At least eighty percent (80%) of the sides facing the build-to area are lined with ground floor active uses following Sec. 50-504 (c) (4) Required active uses; and
2. Portions of the parking structure facade that are not lined with other uses are screened as follows:
   i. The facade must be at least fifty percent (50%) opaque or match the average opacity of other attached building facades above the ground floor, whichever is greater; and
   ii. Openings must be sized and arranged to be consistent with the windows of other attached building facades.
3. The Planning Commission may permit an alternative facade screen based upon architectural or artistic merit.

c. If a parking structure is set back behind the build-to area, it must be screened by other buildings that meet all of the following:

1. Screen the structure for at least seventy percent (70%) of the width of the front build-to area;
2. Screen the structure for at least fifty percent (50%) of the width of the side street build-to area; and
3. Include active uses as specified in Sec. 50-504 (c) (4) Required active uses.

(2) Height

a. Freestanding parking structures must comply with the maximum height in feet listed in Table 4.1 Zone Standards for the zoning district in which they are located.

b. Parking structures that are fully lined by other uses or screened by buildings along the build-to area may have a height equal to

1. The maximum height for parking structures in Table 4.1 Zone Standards, or
2. The eave height (sloped roof) or parapet height (flat roof) of the lowest liner use or screening building, whichever is greater.

c. Parking structures that are vertically stacked with other uses must comply with the following:

1. The maximum overall building height in feet permitted for the zoning district; and
2. The maximum number of building stories permitted for the zoning district.
3. In T5.2, T6, and GC, all parking levels combined may count as a single building story for the purpose of determining compliance with subsection (c)(2). In all other zoning districts, each level of parking stacked with other uses shall count as a building story.

d. Under no circumstance may parking be used to increase the permitted number of stories or exceed the maximum overall building height in feet.

(3) Screening

a. Parking structures must be screened according to Sec. 50-510 (d) Screening and buffering.

(f) Building elevations

(1) Required entrances

a. Buildings located within thirty (30) feet of front or side street lot lines must include at least one entrance from the sidewalk, based on the frequency listed in Table 4.1 Zone Standards.

b. Required entrances must provide interior access to the building and be clearly visible from the sidewalk.

c. Side street entrances are not required when:

1. The building's length along the side street is less than seventy-five (75) feet; and

2. Required entrances are provided along the front lot line.

(2) Required glass

a. Building walls (elevations) located within thirty (30) feet of and facing towards front or side street lot lines or front parking areas must meet the minimum glass requirements listed in Table 4.1 Zone Standards.

b. Glass area is calculated as illustrated in Figure 5.11 Glass Area Calculations and as follows:

1. Glass area is measured separately for each building elevation and each floor;

2. The elevation area is measured between the finished floor and finished ceiling;

3. The full rough opening of each window or storefront system counts toward the glass area; and

4. Doors that have at least seventy-five percent (75%) glass also count toward the glass area, including their full rough opening.

c. The following do not count toward the glass requirement:

1. Tinted, mirrored, reflective glass; or other glass with a Visible Light Transmittance (VLT) less than sixty percent (60%); and

2. Glass covered by graphics, solid films, or screening materials, unless allowed as part of Sec. 50-508. Signs.

d. Blank walls (without glass) within the build-to area are limited to forty (40) feet long per floor, except in LI and LFI.

(3) Required materials

a. Purpose

1. To ensure developments use durable, high-quality exterior materials that contribute to the long-term value, character, and visual continuity of the City.

b. Base requirements

1. All exterior walls must be clad in durable materials.

2. The following materials are considered durable and permitted as primary materials:

i. Brick, natural stone, cast stone;

ii. Natural or architectural concrete;

iii. High-quality architectural metals (aluminum composite, copper, bronze)

iv. Marble and granite; and

v. Fiber cement board and wood siding with a minimum twenty-five (25)-year warranty, but are only permitted in T2, R-1, T3, and T4 zoning districts.

3. No more than two (2) primary materials may be used on any one (1) façade.
4. Materials must return at least twenty-four (24) inches around corners and architectural projections.
5. Materials must be used consistently and wrap all sides of the building visible from public view.

c. Prohibited materials
   1. The following materials are prohibited
      i. Masonite;
      ii. Vinyl siding;
      iii. Non-architectural CMU;
      iv. T-111 or similar sheet siding;
      v. Plywood;
      vi. Metal panel thinner than 24 gauge;
      vii. Exterior Insulation Finish System (EIFS); or
      viii. Faux stone or brick veneers with exposed edges.

d. Alternative materials or configurations may be requested from the Planning Commission if the alternative:
   1. Meets or exceeds performance standards for durability, weather resistance, impact resistance, and manufacturer warranty, as documented in product cut sheets or technical data;
   2. Does not introduce any prohibited materials or colors; and
   3. Meets the purpose and intent of this Article.

e. All vents, gutters, downspouts, flashing, electrical conduits, etc. shall be painted to match or compliment the color of the adjacent surface.

f. Bright or saturated colors are only permitted as an accent.

(4) Required active uses

a. In T5 and T6 zones, glass used to meet the minimum ground-floor glass requirements listed in Table 4.1 Zone Standards must include active uses.

b. Active use space must:
   1. Extend a minimum of twelve (12) feet in depth from the façade; and
   2. Be designed for regular occupancy and pedestrian-facing activity.

c. Active uses include, but are not limited to:
   1. Entrances, lobbies, or reception areas;
   2. Shared spaces in multi-tenant buildings;
   3. Merchandise or product display areas;
   4. Dining areas or food preparation areas;
   5. Manufacturing production or preparation areas;
   6. Spaces for performances or events;
   7. Meeting rooms, living rooms, or other gathering areas;
   8. Spaces for art galleries or art exhibitions; or

9. Any other space intended for regular use and frequent occupancy, as determined by the Director.

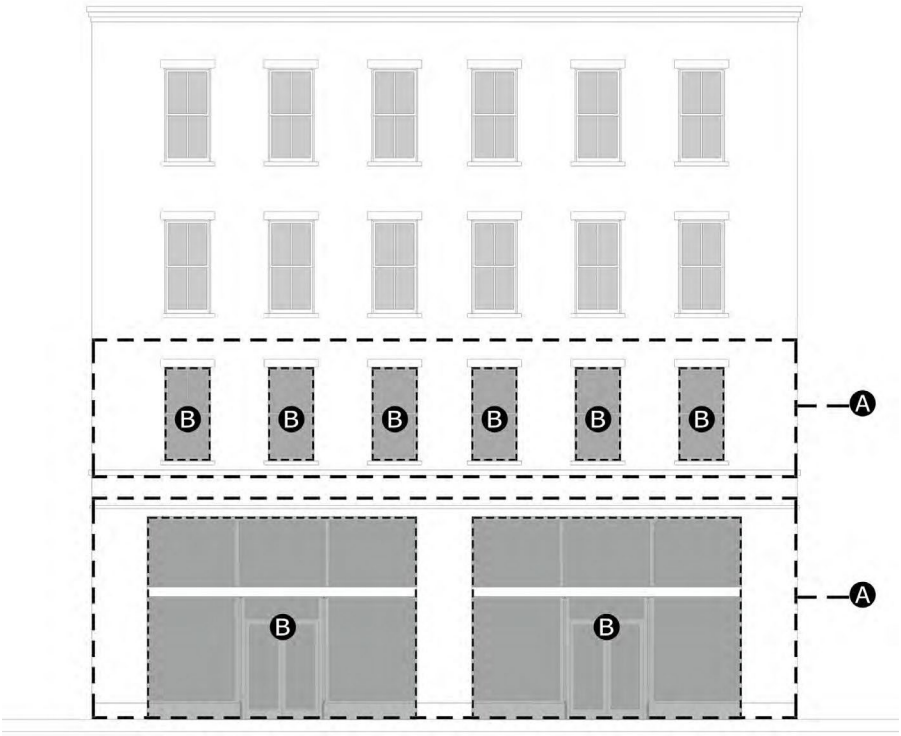
d. Display frontage elements may be counted as an active use, even if they do not meet the minimum depth requirement of subsection (b) provided that:

1. The space is designed for the visual display of art, merchandise, or similar content intended to engage pedestrians;
2. The depth of the display is at least three (3) feet; and
3. The display area is directly visible from the street.

e. The following spaces do not qualify as active use space for purposes of satisfying required glass:

1. Parking, loading, or service areas;
2. Storage, mechanical, utility rooms, or restrooms; or
3. Any other space not intended for regular use and frequent occupancy, as determined by the Director.

FIGURE 5.11 GLASS AREA CALCULATIONS



A	Area of elevation	Required glass is calculated for each floor separately: B / A
B	Area of glass	

(5) Garage door location

a. New commercial and industrial buildings are not allowed to orient garage doors or bays toward a front or side street property line. This restriction does not apply to existing buildings where garage bays are repurposed for non-automotive functions.

SEC . 50-505 . ZONE TRANSITIONS

(a) Conditions requiring transitions

(1) The standards of this Section apply when:

a. Properties zoned T6, GC, LI, or LFI abut lots zoned R-1, T3, and T4;

b. Properties zoned T5 abut lots zoned R-1 and T3.

(2) The required landscape buffers and expanded setbacks in this section do not apply where the GC, LI, or LFI property is developed with residential uses.

(b) Setback transitions

(1) Buildings must comply with the minimum side or rear setback of the abutting zoning district along shared lot lines.

(2) Additional setback distance is required as follows:

a. In GC and LI, buildings must be set back 20 feet more than the required minimum when

abutting R-1, T3, or T4.

b. LFI, buildings must be set back 50 feet more than the required minimum when abutting R-1, T3, or T4.

(c) Landscape buffer transitions

(1) A landscape buffer is required along shared lot lines where different zoning districts abut, as specified in Sec. 50-510 (d) Screening and buffering and Table 5.18 Buffer Requirement by Adjacency.

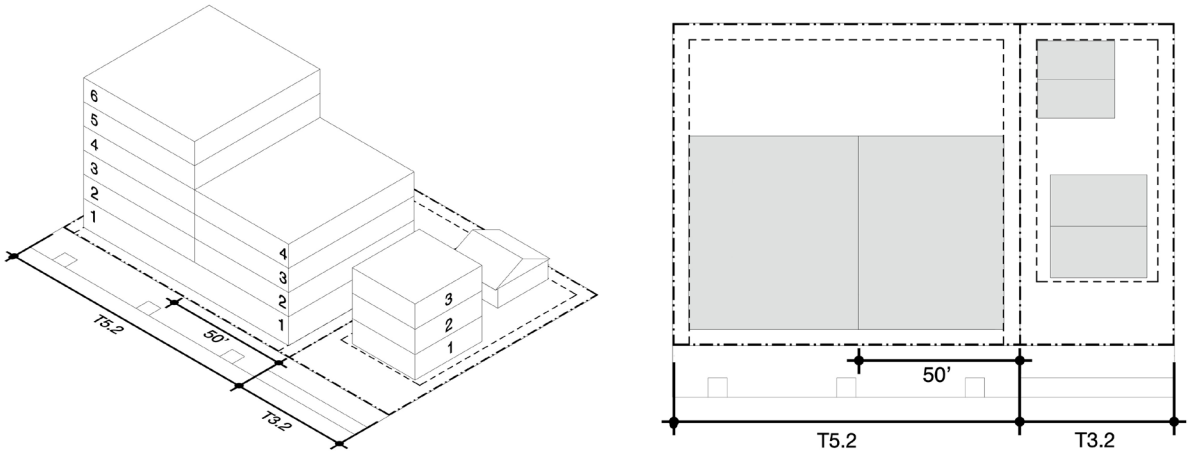
(d) Transition in height

(1) Height transitions are required as illustrated in Figure 5.12 Height Transition Examples and specified in Table 5.12 Height Transitions.

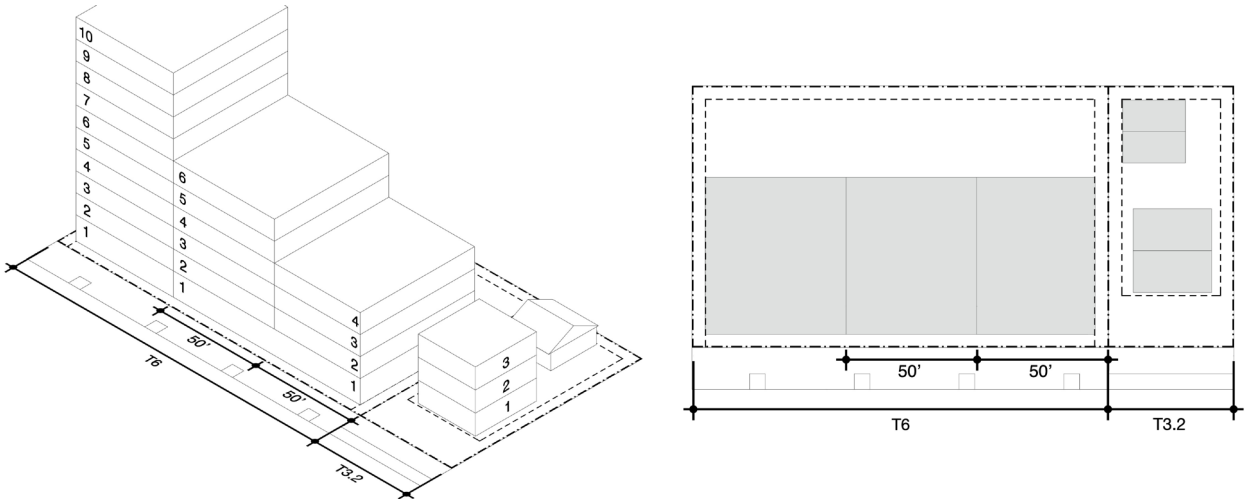
TABLE 5.12 HEIGHT TRANSITIONS

	Subject Lot		
Abutting Lot	T5.1, GC	T5.2	T6
R-1	Limited to R-1 maximum height within fifty (50) feet	Limited to R-1 maximum height within fifty (50) feet. Between fifty (50) and one hundred (100) feet, two additional stories, not to exceed thirty (30) additional feet are allowed above the R-1 height maximum height.	
T3	No limitation	Limited to the maximum height of the abutting lot plus one (1) story, not to exceed fifteen (15) additional feet, within fifty (50) feet	The T5.2 limitation applies within fifty (50) feet. Between fifty (50) and one hundred (100) feet, two (2) additional stories, not to exceed thirty (30) additional feet, are allowed above the T5.2 limitation.
T4			

FIGURE 5.12 HEIGHT TRANSITION EXAMPLES



Example of T5.2 abutting T3



Example of T6 abutting T3

SEC . 50-506 . OVERLAY DISTRICTS

(a) Applicability

(1) Overlay districts apply only to properties located within the boundaries of each overlay, as shown on the Official Zoning Map.

(2) Overlay districts may establish use limitations, height restrictions, design requirements, or other rules that are specific to the overlay area.

(3) Overlay district rules supersede rules elsewhere in this Code if they conflict.

(b) Bentonville Municipal Airport Overlay (BMAO)

(1) Purpose and intent

a. To protect the Bentonville Municipal Airport and public safety by managing building height, land use, and lighting near airport flight paths.

b. To reduce risks to aircraft operations, prevent hazardous land use near the airport, and maintain long-term compatibility between airport activity and surrounding development.

(2) Applicability

a. The overlay applies to all properties located within the airport's designated approach, transitional, horizontal, and conical surfaces.

b. These boundaries are shown on the Official Bentonville Municipal Airport Zoning Map, adopted by reference and kept on file with the City of Bentonville.

(3) Height limits

a. Structure must not exceed fifty (50) feet in height above ground unless the FAA issues a determination of no hazard to air navigation.

b. Structures must not exceed the height limit established for the airport surface area in which they are located, based on FAA regulations and the Official Bentonville Municipal Airport Zoning Map.

c. If a structure exceeds a regulated airport surface, the City may install and maintain warning lights or markings on the structure, consistent with FAA guidance. These improvements are installed at the City's expense.

(4) Land use restrictions

a. Uses must not:

1. Cause electronic interference with aircraft communication or navigation;
2. Make it harder for pilots to see airport lighting;
3. Produce glare, light, smoke, or air pollution that affects visibility; or
4. Attract birds or wildlife in a way that creates a risk to aircraft.

b. Residential and other noise-sensitive uses are only allowed if all of the following conditions are met:

1. Building design must include soundproofing that reduces indoor noise levels by at least thirty (30) decibels;
2. Plans must include documentation showing how the sound reduction will be achieved;
3. An avigation easement given to the city and must be recorded before permits are issued; and
4. A plat attachment or separate recorded notice must inform current and future owners about overflight activity and potential aircraft noise.

(5) Administrative procedures

a. Applicants must file FAA Form 7460-1 to determine whether a proposed structure would affect airspace near the airport.

b. A determination of no hazard to air navigation from the FAA will be required before the City approves a development application.

(c) Northwest Arkansas National Airport Overlay (XNAO)

(1) Purpose and intent

a. To protect the XNAO from encroachment by incompatible uses and to ensure safe aircraft operations and public safety.

b. To regulate height, lighting, glare, and land use around the airport, and to reduce hazards such as electronic interference, visual obstructions, and wildlife attraction.

(2) Applicability

a. This overlay applies to all land within the 4 mapped zones surrounding XNAO: the Runway Protection Zone, Inner Safety and Turning Zone, Outer Safety Zone, and Traffic Pattern Zone.

b. The Official XNAO Zones Map is adopted by reference and maintained in the City's GIS.

c. When a property lies within more than one (1) zone, the more restrictive height or land use standard applies.

(3) Overlay zones

a. Zone 1: Runway Protection Zone (RPZ)

1. This zone includes the area immediately beyond runway ends.
2. All uses are not allowed.
3. The area must remain open and undeveloped and must be located entirely on airport-owned property.

b. Zone 2: Inner Safety and Turning Zone (ISTZ)

1. This zone includes a sixty (60)-degree wedge extending approximately five thousand (5,000) feet beyond the RPZ.
2. All uses allowed in the base zoning district are allowed unless specifically listed as not allowed.
3. Conditional uses in the base zoning district remain conditional unless not allowed.
4. The following uses are not allowed:

i. Places of public assembly not designed for airport use, such as schools, child care, theaters, and religious facilities;

ii. Residential dwellings, including all housing types;

iii. Correctional facilities and jails;

iv. Transmission towers or stations;

v. Wind turbines;

vi. Mining;

vii. Solid waste disposal facilities;

viii. Storage of bulk hazardous or flammable materials;

ix. Contractor yards and salvage or storage yards;

x. Storage yards for oxides, coal, stone, concrete mixing supplies or asphalt plants; or

xi. Wireless communication facilities.

c. Zone 3: Outer Safety Zone (OSZ)

1. This zone extends approximately five thousand (5,000) feet beyond Zone 2 and is centered on the runway.
2. Use permissions and prohibitions are the same as Zone 2.
3. All disallowed uses listed in Zone 2 also apply in this zone.

d. Zone 4: Traffic Pattern Zone (TPZ)

1. This zone includes the airspace approximately six thousand (6,000) feet on either side of the runway and follows the same arc as the ISTZ.
2. No specific land uses are disallowed in this zone, but general provisions apply.

(4) General development standards for zones 1–4

a. No building or surface material may cause glare visible to pilots.

b. No lighting may blink, flash, or direct light upward in a way that could be mistaken for airport lights.

c. No structure or activity may impair visibility near the airport, including emissions of smoke, steam, or other visual obstructions.

d. No use may cause electrical interference with airport navigation or communication systems.

e. Any use that may attract birds or other wildlife is not allowed in Zones 1, 2, or 3.

f. All noise-sensitive uses, including housing, schools, hospitals, and places of worship, must be soundproofed to reduce indoor noise by at least thirty (30) decibels.

g. An avigation easement must be granted to the appropriate parties and recorded prior to permit approval. Plat notices must also disclose potential airport impacts.

(5) Height limitations

a. All structures must comply with the FAA Height Hazard Zoning Ordinance prepared by the Northwest Arkansas Regional Airport Authority.

b. A height certificate issued by the FAA must be submitted with development applications within the overlay.

SEC . 50-507 . CAMPUS DEVELOPMENT STANDARDS

(a) Purpose and intent

(1) To provide flexible development standards for large-scale institutional or corporate campuses.

(2) To support cohesive master planning, shared infrastructure, and long-term phasing that would not be possible under conventional development regulations.

(3) To enable walkable, functional, and coordinated campuses that serve as employment or institutional anchors.

(4) To create well-shaped public and semi-public spaces, maintain essential connectivity, and provide alternatives to conventional platting and circulation patterns.

(b) Applicability

(1) The standards in this section apply only to developments approved through the campus development plan process described in Article 50-7 Administration. To qualify, a development must meet all of the following criteria:

a. The site must be at least eight (8) acres in size;

b. The project must include an institutional or corporate anchor;

c. The site must be under unified ownership or long-term control; and

d. The development must be guided by a coordinated plan for internal circulation and open space.

(c) Modifications

(1) Development standards in this subsection may be modified or replaced as part of a campus development plan approved by the Planning Commission.

(2) Connectivity

a. Required pedestrian, bicycle, and emergency access routes must be maintained throughout the site.

b. A connected internal street network must be provided even if public street standards are not used.

(3) Street design

a. Internal streets are subject to the general standards of Article 50-5 Design Standards.

b. Streets may be privately owned and may use custom cross-sections if they provide appropriate access for all users and connect to the public street network.

(4) Lot and frontage standards

a. Lots within the campus are not required to front a public street.

b. Lot lines may follow utility, leasing, or operational boundaries and are not subject to minimum lot size or setback requirements if the overall development meets the intent of this section.

(5) Building orientation and entry

a. Buildings must face streets, internal open spaces, courtyards, or pedestrian pathways.

b. Primary entrances are not required to face a public street but must be clearly identifiable from the internal circulation network.

(6) Parking and transportation

a. Minimum parking requirements do not apply, but a parking management plan is required.

b. Parking location and layout must not dominate pedestrian circulation or detract from shared open spaces.

(7) Access management

a. Driveway spacing, internal access design, and service vehicle routing may vary from standard requirements.

b. A coordinated access plan must be approved as part of the campus development plan.

(8) Lighting

a. Lighting standards may be met through a site-wide plan that addresses:

1. Intensity;
2. Cut-off; and
3. Uniformity across campus areas, including pedestrian paths and parking facilities.

(9) Phasing

a. Campus development may be phased over time.

b. Public improvements and open space may be delivered in phases according to thresholds or triggers established in the approved plan.

(10) Design

a. Campus development plans must demonstrate:

1. A connected internal network for pedestrian, bicycle, vehicular, emergency, and service circulation;
2. Compatibility and appropriate transitions at the edges of the site;
3. A coordinated landscape and open space plan that defines clear relationships between buildings;
4. Building placement that shapes meaningful public or semi-public spaces appropriate to the campus context; and
5. Cohesive utility, grading, and stormwater strategies at the site level.

SEC . 50-508 . SIGNS

(a) Purpose and intent

(1) To limit the size, number, location, and appearance of signs for pedestrian and traffic safety, and preserve community character.

(2) To set rules about how signs are built, where they go, and how big they are.

(b) Applicability

(1) This Section applies to all signs on private property, public property, and in the right-of-way, unless clearly exempted.

(2) All signs require a permit, except as specified in subsection (d) Signs allowed without a permit.

(3) Sign permit requirements are specified in Sec. 50-721 (h) Sign permit.

(4) Signs that do not comply with this Section, or are not allowed, may be removed by the City or require correction, as explained in Article 50-7 Administration.

(c) General rules

(1) Interpretation

a. Where a term, sign type, or dimensional standard is not clearly defined, the Director may issue a written interpretation to clarify the rules.

b. If a sign type isn't listed, the Planning Commission will determine the closest matching sign type based on its size, shape, structure, and how it's displayed.

c. Signs located within previously approved and zoned Planned Residential Developments (PRDs) shall be regulated in accordance with the standards applicable to the T4 zoning district.

d. Signs located within previously approved and zoned Planned Unit Developments (PUDs) shall be regulated in accordance with the standards applicable to the T5 zoning district.

(2) Height measurement

a. Sign height is measured from the finished grade at the base of the sign to the top of the sign.

b. For roof signs, height is measured from the top of roof deck to the top of the sign.

(3) Area measurement

a. Sign area is measured as the total surface within a continuous rectangle that encloses all parts of the sign, including logos, symbols, and background elements that frame the message.

b. Supporting structures such as poles or base elements are not included in the area calculation unless they are internally lit or used to convey a message.

c. For double-faced signs placed back-to-back, only one (1) face is counted if the two (2) faces are identical and separated by no more than twenty-four (24) inches.

(4) Location

a. Signs must be entirely within private property, unless stated otherwise.

b. Signs must be at least five (5) feet from utility lines and easements.

c. Signs placed within or extending into the public right-of-way or public property require an encroachment permit as required by Sec. 50-718 () Encroachment permit and are subject to the following:

1. Signs are not allowed in utility easements without coordination and approval by all utility departments and parties; and

2. Signs must be located at least two (2) feet from curbs, ramps, driveways, light poles, street signs, transit stops, trails, and shared-use paths.

d. Signs must not:

1. Block doors, windows, or fire escapes;
2. Interfere with traffic control devices, pedestrian movement, or visibility at intersections, driveways, or crosswalks;
3. Project into a sight triangle, as defined by the Arkansas Department of Transportation;
4. Impair visibility for pedestrians, cyclists, or drivers; or
5. Attach to fences, utility poles, light poles, street furniture, or landscaping.

e. Sign location must meet these minimum vertical clearances:

1. Eight (8) feet above pedestrian walkways;
2. Ten (10) feet above bicycle routes; and
3. Thirteen and a half (13.5) feet above driveways.

(5) Reserved

(6) Construction and maintenance

a. Signs must be constructed of durable, weather-resistant materials.
b. Signs must be installed safely and follow building and electrical codes.
c. Structural elements must remain plumb and securely anchored.
d. Signs must be kept in good condition, free from rust, rot, peeling paint, cracking, fading, or structural damage.
e. Sign faces must be legible and free of obscured or missing lettering, panels, or components.
f. Sign must remain structurally safe and sound.
g. Electrical signs must function as designed, with no exposed wiring or broken illumination.
h. Landscaping at the base of a sign, if required, must be maintained in healthy condition and replaced as needed in accordance with Sec. 50-510. Landscape, Screening, and Buffering.

(7) Enforcement

a. Once installed, a sign that is not compliance with subsection (6) Construction and maintenance must be repaired or removed within ten (10) business days of written notice from the City.
b. If the responsible party fails to act within ten (10) business days, the City may remove the sign at the owner's or tenant's expense.
c. Abandoned signs must be removed or updated with a new sign or sign face within ninety (90) days of abandonment.

(8) Illegal signs

a. The City may issue a notice of violation and require correction or removal within ten (10) business days.
b. If corrective action is not taken, the City may remove the sign and recover costs from the responsible party.

(9) Artwork exemption

a. Displays are not considered signs if they meet the definition of artwork in Sec. 2-550 of the Bentonville Municipal Code; and

(d) Signs allowed without a permit

(1) Signs specified in this subsection don't need a permit if they comply with the listed rules and subsection (c) General rules.

(2) Building-integrated and incidental signs

a. Signs or plaques on a building wall, up to one (1) square foot in area and not lit.

b. Signs integrated into building design, projecting up to one (1) inch, and not independently lit.

c. Signs on vending machines, fuel pumps, ATMs, or other similar fixtures, up to six (6) square feet and contained within the fixture.

(3) Temporary signs not requiring a permit

a. Posters or printed boards up to fifteen (15) square feet and five (5 feet) tall.

b. Worksite signs required by OSHA or state agencies.

c. Yard signs displayed no more than seven (7) consecutive days, up to eight (8) square feet and five (5) feet tall.

d. Construction signs up to thirty-two (32) square feet, displayed after a building permit is issued and removed before occupancy.

e. A-frame and other movable signs used only during business hours in T5 or T6, removed during bad weather and located to preserve a clear path of travel of five (5) ft. min. These are allowed in other zoning districts if not visible from a public street.

(4) Government and utility signs

a. Signs installed by a government agency or public utility.

b. Signs installed under a franchise agreement with the City or other government agency.

(5) Signs on vehicles

a. Signs displayed on buses, taxis, and other vehicles legally operating as common carriers are allowed if:

1. The vehicle is in use for a business and not just to display the sign;
2. The sign is painted or applied;
3. The sign does not project beyond the vehicle;
4. The sign does not cover more than forty percent (40%) of windows; and
5. The vehicle is not parked in the same location for more than two (2) days just to display the sign.

(6) Window signs

a. Painted, applied, or hanging signs located inside a window.

b. Vinyl appliqués must be individual letters or images, without solid backgrounds, not exceeding forty percent (40%) of the window area.

(7) Maintenance work

a. Repainting, repairing, changing copy, or fixing signs without changing their size, structure, or electrical.

b. Replacing damaged parts with identical materials.

c. Covering signs temporarily during repairs. Covers may not include new sign content.

(e) Signs that are not allowed

(1) Signs that visually simulate or could be confused with official government signage.

(2) Signs that cause electrical or radio interference with emergency communications or navigation.

(3) Signs that use flashing or blinking lights, beacons, rotating elements, or chasing lights.

(4) Pole signs.

(5) Rotating or revolving signs.

(6) Hand-held signs displaying a commercial message.

(7) Portable message center signs.

(8) Off-site commercial message signs.

(9) Signs in public ROW without proof of an encroachment permit per Sec. 50-718 (d) Encroachment permit.

(10) Mobile billboards.

(11) Wind-animated devices like banners, bow flags, feather flags, spinners, streamers, or pennants, when visible from public streets.

(12) Inflatable signs or figures, including tethered balloons or gas-inflated objects.

(13) Signs with exposed bulbs over twenty-five (25) watts, metal halide lighting over seventy-five (75) watts, or projecting light or glare onto a public streets or neighboring properties.

(14) Signs mounted on vehicles or trailers, other than those allowed under (5) Signs on vehicles.

(f) Signs allowed with a permit

(1) Signs must follow the rules in Table 5.13 Sign Standards and in this subsection.

(2) Temporary signs

a. Posters or printed boards more than fifteen (15) square feet or five (5) feet tall.

b. Banners for temporary events, displayed for up to fourteen (14) days before and two (2) days after. Signs for on-site events, holidays, or sales, displayed up to fourteen (14) days before and two (2) days after.

c. Up to four (4) temporary signs are allowed each calendar year for each tenant or property.

(3) Billboards

a. Location

1. Billboards are only allowed within seventy-five (75) feet of the Interstate 49 right-of-way between Exit 85 (southbound entrance ramp) and Exit 86 (southbound exit ramp).

2. Billboards must be outside of required building setbacks.

3. Billboards are not allowed on rooftops or within railroad rights-of-way.

4. Billboards must be freestanding.

b. Spacing

1. Billboards must be spaced at least two thousand six hundred forty (2,640) feet from any other billboard.
2. Billboards must not be within two hundred fifty (250) feet of properties zoned R-1, T3, or T4.
3. Billboard must be at least one hundred fifty (150) feet from a signalized intersection.

c. Size and Height

1. Maximum height is forty-five (45) feet above finished grade.
2. Maximum sign area is four hundred eighty (480) square feet per sign face.
3. Up to two (2) faces are allowed per sign, visible from the same direction.
4. Back-to-back billboard signs must:
    i. Be no more than four (4) feet apart on average and three (3) feet at the closest point; and
    ii. Form an angle no greater than forty-five (45) degrees.
5. The sign structure must not extend beyond the edges of the sign face.
6. Skirting, framing, or support structure surrounding the sign face are not allowed.

d. Replacement of Static Billboards with Digital Billboards

1. New digital billboards are only allowed if they replace legally nonconforming static billboards.
2. For every one (1) square foot of new digital sign, at least two and a half (2.5) square feet must be removed. Multiple billboards may be removed to accommodate a new digital sign.
3. The sign face area of any new digital billboard must not exceed the area of the smallest billboard removed.
4. Billboard removal must follow this priority:
    i. Nonconforming signs on Walton Boulevard;
    ii. Double-decker billboards located within City limits; and
    iii. Other nonconforming billboards on the same roadway as the digital sign.
5. All removal and replacement rules must be met before a new digital billboard is allowed.

e. Landscaping at Billboard Base

1. Must include at least two (2) large canopy trees.
2. Plants removed or trimmed within the public right-of-way must follow Arkansas Department of Transportation regulations.
3. All landscaping must comply with Sec. 50-510. Landscape, Screening, and Buffering.

f. Maintenance

1. Billboards must be maintained and repaired, and display components must be replaced.
2. Billboards may not be expanded, raised, or relocated unless done so in full compliance with this Section.

(4) Corner sign

a. Allowed only at an exterior building corner where two (2) building walls meet, and each wall faces a public street.

b. May project up to four (4) feet from the wall of the building. An encroachment permit per Sec. 50-718 (d) Encroachment permit is required if projection encroaches into an easement or public right-of-way.

(5) Ground sign

a. The bottom edge must be within two (2) feet of the sidewalk grade.

b. Signs adjacent to I-49, between Exit 85 and Exit 86, may be up to seventy (70) feet tall and one hundred (100) square feet.

c. Ground signs in T2.1, R-1, T3, and T4 are only allowed for institutional uses.

d. Ground signs in T2.2 are only allowed for institutional uses and gas stations.

(6) Marquee sign

a. Marquee signs consist of a horizontal canopy and a vertical sign element above, each subject to separate rules in Table 5.13 Sign Standards.

(7) Projecting sign

a. Must be attached to the wall of a building.

b. May extend up to four (4) feet from the wall.

1. If extending into the right-of-way proof of an encroachment permit per Sec. 50-718 (c) Encroachment permit is required.

(8) Roof sign

a. Only allowed on buildings over three (3) stories.

b. Structure must not be visible from sidewalks.

c. Must not extend beyond the edge of the building.

d. In T5, the sign area is limited to one hundred (100) square feet plus twenty-five (25) square feet for each floor above three (3) stories.

(9) Subdivision sign

a. Can be ground signs or attached to entry walls.

b. An encroachment permit per Sec. 50-718 (c) Encroachment permit is required if subdivision sign encroaches into an easement or public right-of-way.

(10) Wall sign

a. Must project no more than twelve (12) inches from the wall, unless on a sloped canopy roof.

b. Must be at least six (6) inches from building corners, except where signs on two (2) building walls connect.

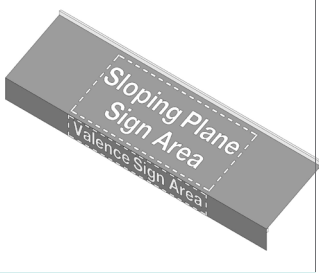
TABLE 5.13 SIGN STANDARDS

Permanent Signs

Awning

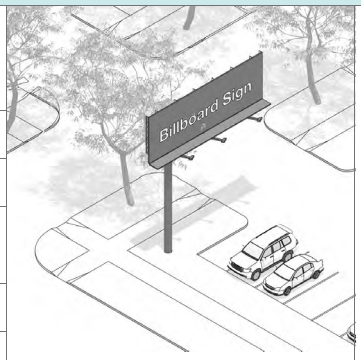
Zoning District	T4, T5, T6, GC, LI, LFI
Height (max.)	N/A
Number (max.)	1 per awning face
Area (max.)	32 sq. ft.
Copy Height (max.)	10 in.
Sign regulation	

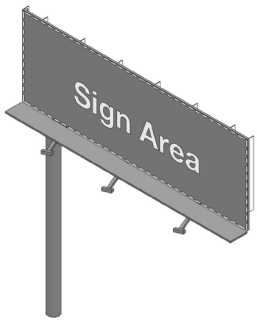




Billboard

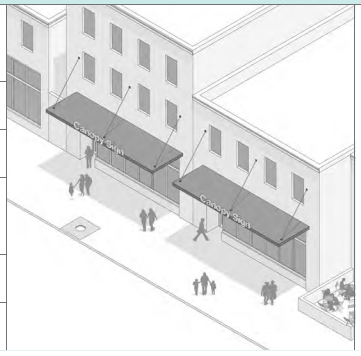
Zoning District	Restricted in: T6, GC, LI, LFI
Height (max.)	45 ft.
Number (max.)	See (3) Billboards
Area (max.)	480 sq. ft.
Copy Height (max.)	N/A
Sign regulation	Sec. 50-508(f)(3)

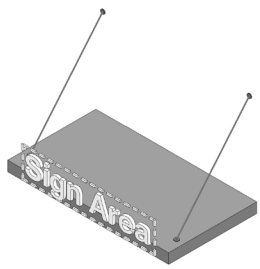




Canopy

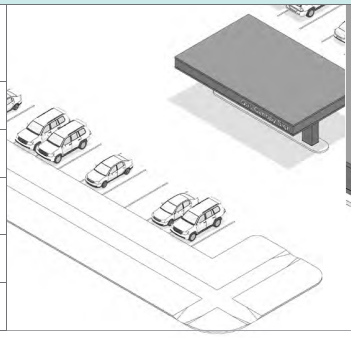
Zoning District	T5, T6, GC, LI, LFI
Height (max.)	N/A
Number (max.)	1 per entry
Area (max.)	2 sq. ft. per linear ft. and 12 sq. ft.
Copy Height (max.)	30 in.
Sign regulation	





Canopy for Gas Station

Zoning District	T5, T6, GC, LI, LFI
Height (max.)	N/A
Number (max.)	1 per face
Area (max.)	25 sq. ft.
Copy Height (max.)	30 in.
Sign regulation	



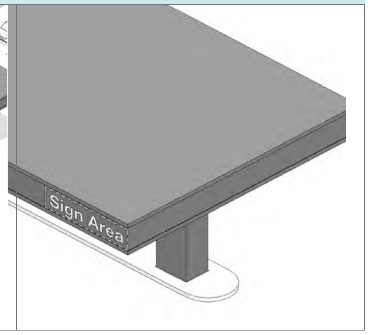
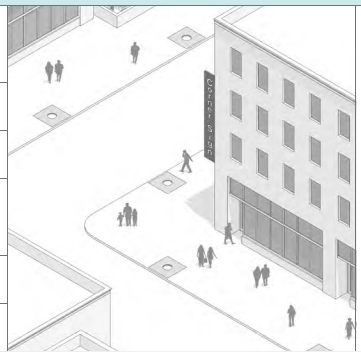


TABLE 5.13 SIGN STANDARDS

Permanent Signs

Corner

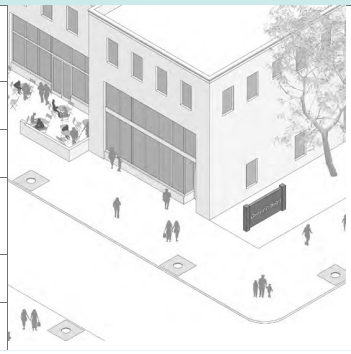
Zoning District	T5, T6, GC, I, LI, LFI
Height (max.)	6 ft. above eave or parapet
Number (max.)	1 per building
Area (max.)	40 sq. ft.
Copy Height (max.)	N/A
Sign regulation	Sec. 50-508(f)(4)

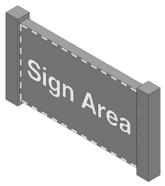




Ground – single tenant

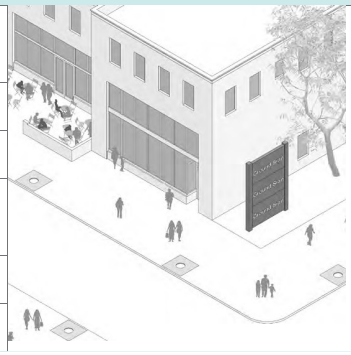
Zoning District	T5, T6, GC, , LI, LFI Restricted in: T2, R1, T3, T4
Height (max.)	12 ft.
Number (max.)	1 per frontage
Area (max.)	60 sq. ft.
Copy Height (max.)	30 in.
Sign regulation	Sec. 50-508(f)(5)

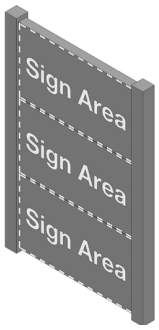




Ground – multi-tenant

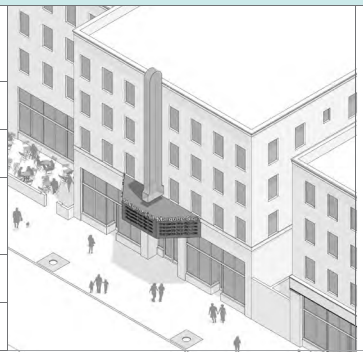
Zoning District	T5, T6, GC, LI, LFI
Height (max.)	12 ft.
Number (max.)	1 per frontage
Area (max.)	120 sq. ft.
Copy Height (max.)	30 in.
Sign regulation	Sec. 50-508(f)(5)





Marquee (canopy)

Zoning District	T5, T6, GC, LI, LFI
Height (max.)	N/A
Number (max.)	1 per building
Area (max.)	120% of face
Copy Height (max.)	N/A
Sign regulation	Sec. 50-508(f)(6)



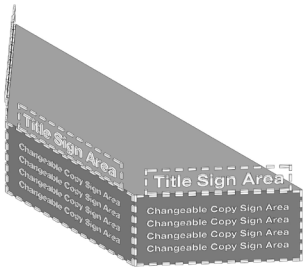
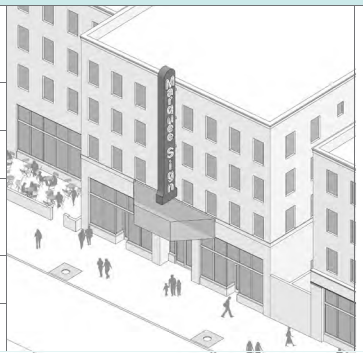


TABLE 5.13 SIGN STANDARDS

Permanent Signs

Marquee (vertical)

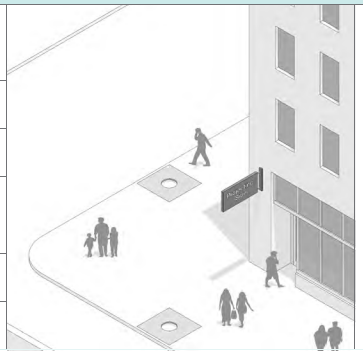
Zoning District	T5, T6, GC, LI, LFI
Height (max.)	6 ft. above eave or parapet
Number (max.)	1 per building
Area (max.)	120% of face
Copy Height (max.)	N/A
Sign regulation	Sec. 50-508(f)(6)





Projecting

Zoning District	T4, T5, T6, GC, LI, LFI
Height (max.)	N/A
Number (max.)	1 per ground floor tenant
Area (max.)	6 sq. ft. per side
Copy Height (max.)	8 in.
Sign regulation	Sec. 50-508(f)(7)

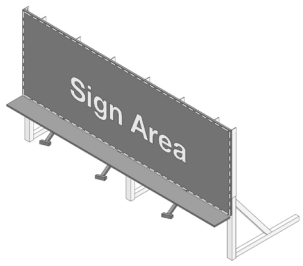




Roof

Zoning District	T6, GC, LI, LFI Restricted in: T5
Height (max.)	15 ft.
Number (max.)	1 per parcel
Area (max.)	200 sq. ft.
Copy Height (max.)	N/A
Sign regulation	Sec. 50-508(f)(8)





Subdivision

Zoning District	R1, T3, T4, LI, LFI
Height (max.)	Ground or wall sign
Number (max.)	1 per subdivision
Area (max.)	24 sq. ft.
Copy Height (max.)	N/A
Sign regulation	Sec. 50-508(f)(9)

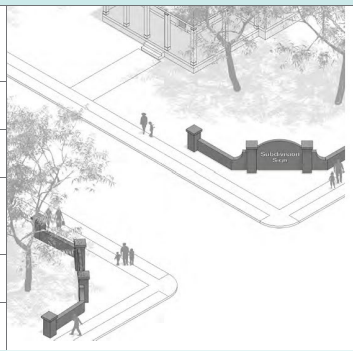




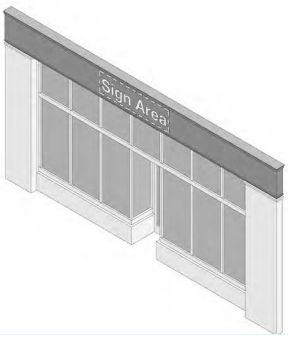
TABLE 5.13 SIGN STANDARDS

Permanent Signs

Wall

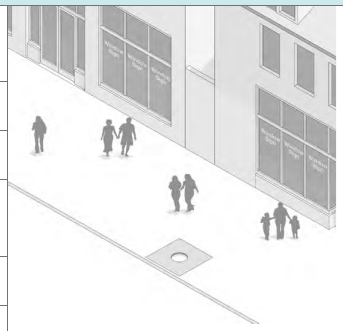
Zoning District	All Districts
Height (max.)	N/A
Number (max.)	1 per tenant and 1 per frontage
Area (max.)	15% of wall area for the building, or suite
Copy Height (max.)	N/A
Sign regulation	Sec. 50-508(f)(10)





Window

Zoning District	T4, T5, T6, GC, LI, LFI
Height (max.)	N/A
Number (max.)	1 per window
Area (max.)	40% of window area
Copy Height (max.)	N/A
Sign regulation	Sec. 50-508(d)(6)



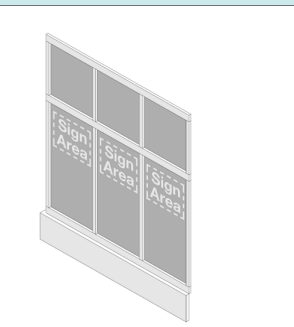
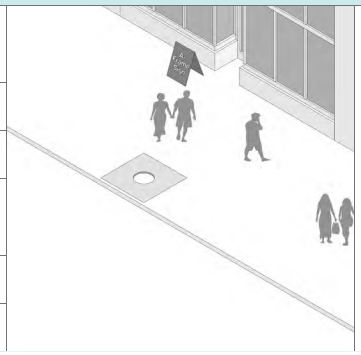


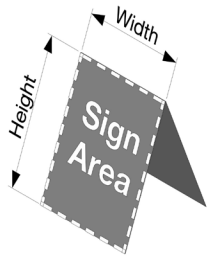
TABLE 5.13 SIGN STANDARDS

Temporary Signs

A-frame

Zoning District	T4, T5, T6,
Height (max.)	42 in.
Number (max.)	1 per ground floor tenant
Area (max.)	30 in. wide and 42 in. high
Copy Height (max.)	N/A
Sign regulation	Sec. 50-508(d)(3)

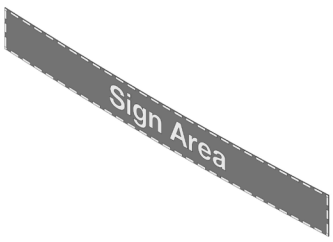




Banner

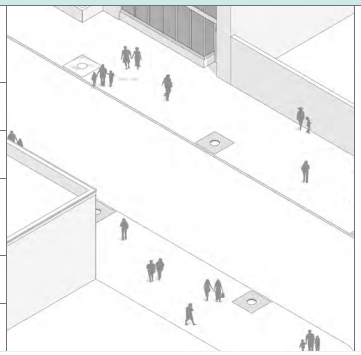
Zoning District	T4, T5, T6, GC, LI, LFI
Height (max.)	20 ft.
Number (max.)	1 per tenant
Area (max.)	25 sq. ft.
Copy Height (max.)	18 in.
Sign regulation	Sec. 50-508(f)(2)





Construction

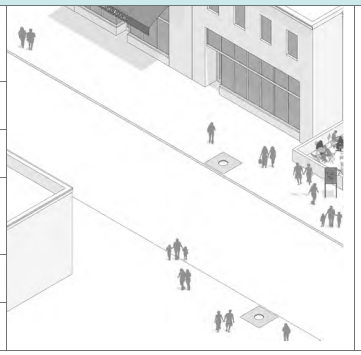
Zoning District	All Districts
Height (max.)	15 ft.
Number (max.)	1 per lot
Area (max.)	32 sq. ft.
Copy Height (max.)	N/A
Sign regulation	Sec. 50-508(d)(3)





Event ground sign

Zoning District	All Districts
Height (max.)	4 ft.
Number (max.)	4 per parcel
Area (max.)	12 sq. ft.
Copy Height (max.)	N/A
Sign regulation	Sec. 50-508(f)(2)





(g) Lighting

(1) Lighting must not cause glare or interfere with traffic control devices, street lighting, or pedestrian visibility.

(2) Externally lit signs must use top-mounted, fully shielded lighting aimed only at the sign face.

(3) Internal lighting is only allowed for window signs, wall signs, and digital billboard signs.

(4) Internally lit signs must have an opaque background and translucent copy.

(5) Neon is only allowed for window and marquee signs.

(6) Lighting must not blink, flash, pulsate, rotate, or strobe.

(7) Exposed bulbs must not exceed three hundred (300) lumens, except metal halide bulbs in marquee signs which may be up to four hundred (400) lumens.

(8) Low-pressure sodium, high-pressure sodium, and mercury vapor lights are not allowed.

(h) Electronic message centers (EMCs)

(1) Where allowed

a. Only allowed as part of ground signs and digital billboards.

b. Only allowed in GC, LI, and LFI zones, and the I-49 billboard corridor.

c. Must be at least two hundred fifty (250) feet from any residentially property.

d. Must be at least one hundred fifty (150) feet from signalized intersections.

e. Must be:

1. Two thousand five hundred (2,500) feet from another EMC on the same side of the street; and
2. One thousand (1,000) feet from another EMC on the opposite side of the street.

(2) Size and design

a. Only one (1) EMC is allowed per sign.

b. Must be less than fifty percent (50%) of the total sign area.

c. Must be integrated into the sign face and framed by a solid, opaque, and unlit border.

d. Must be mounted flush with the sign structure and not protrude beyond its face.

(3) Operation

a. Messages must remain static for at least eight (8) seconds.

b. Transitions between messages must be instant, without animation, motion, flashing, or fading.

c. Backgrounds may only change when the message changes.

d. Must turn off or display a solid black screen in case of failure.

e. Chasing messages are not allowed on EMC billboards.

f. Must include ambient light sensors and be set to automatically dim.

(i) Nonconforming signs

(1) See Sec. 50-808 Nonconforming Signs.

SEC . 50-509 . TREE PRESERVATION

(a) Purpose and intent

(1) To preserve and protect Bentonville's existing tree canopy.

(2) To reduce erosion, mitigate heat island effects, provide wildlife habitat, increase property values, and contribute to the community's identity and character.

(3) To retain existing trees where feasible during development.

(4) To ensure tree preservation is considered early in the site design process.

(5) To recognize that limited utility-related trimming may be necessary for public safety and service continuity, while ensuring such activity respects the goals of long-term canopy health.

(6) This section works along with Sec. 50-510. Landscape, Screening, and Buffering to promote a healthy and diverse urban forest.

(b) Applicability

(1) This section applies to all preliminary plats and development plans, including public and private projects.

(2) This section does not apply to individual single-family and two-family dwellings on existing lots.

(c) Tree preservation plan required

(1) A Tree Preservation Plan must be submitted concurrently with any required Landscape Plan when the site contains Significant Trees as defined in subsection (d) Significant trees.

(2) The Tree Preservation Plan must include:

a. Identification of location, species and DBH of trees proposed for preservation, removal, and trees impacted by grading or utility installation;

b. Dimension of tree protection zone required in subsection (g) Tree protection during construction; and

c. Location and description of tree protection fencing required in subsection (g) Tree protection during construction

(d) Significant trees

(1) The following are considered significant trees and are subject to the requirements of this Chapter:

a. Any existing tree meeting the size thresholds in Table 5.14, except species listed in Table 5.22 Plant Species Not Allowed;

b. Tree species endangered or threatened as identified by the U.S. Fish and Wildlife Service; and

c. Trees within areas described in Sec. 50-511. Natural Resource Protection.

TABLE 5.14 SIGNIFICANT TREE SIZE THRESHOLDS

Type	Significant Size
Large and medium-height species	eight (8) inches DBH or greater
Short-height species	four (4) inches DBH or greater

(e) Tree removal

(1) Significant trees must not be removed from the site without approval by the Director, and requires one of the following findings:

a. The tree poses a risk to public safety or property;

b. The tree interferes with utilities, grading, or structural improvements within buildable areas and cannot reasonably be accommodated through alternative site design, grading modification, or utility relocation;

c. The tree is a prohibited species listed in Table 5.22 Plant Species Not Allowed;

d. Tree removal is required by the BEUD Director or the BWUD Director; or

e. The tree is dead, dying, or fatally diseased, as documented by a certified arborist.

(2) Replacement is required for all removed significant trees following the rules in subsection (i) Tree mitigation and replacement except when removal is necessary for public safety, prohibited species removal, or trees that are dead, dying, or fatally diseased.

(f) Tree preservation credit

(1) Preserved trees may be credited toward required trees in Sec. 50-510. Landscape, Screening, and Buffering according to Table 5.15 Tree Preservation Credits.

(2) Credits are only available for healthy, approved species protected in accordance with this section.

TABLE 5.15 TREE PRESERVATION CREDITS

DBH of Preserved Tree	Credit toward Required Trees
4–7.9 inches	2 trees
8–17.9 inches	4 trees
18–23.9 inches	6 trees
24–29.9 inches	8 trees
30+ inches	10 trees

(g) Tree protection during construction

(1) All trees identified for preservation must be protected during construction using methods below, including:

a. Establish Tree Protection Zone at one (1) ft. radius for each one (1) inch of trunk diameter (DBH).

b. Tree protection fencing at the Tree Protection Zone;

c. Root pruning and soil compaction prevention where grading occurs within proximity;

d. Trunk protection with wooden planks or other durable wrap materials if fencing is located closer than four feet from the trunk; and

e. Durable signage clearly stating purpose of tree protection fencing.

(2) Protective measures must be installed prior to construction and remain in place until final inspection.

(3) Damage to preserved trees due to noncompliance may result in stop work orders and require mitigation. For purposes of this section, ‘damage’ means:

a. Removal, injury, or death of a preserved tree;

b. Disruption or compaction of the Tree Protection Zone;

c. Failure to maintain fencing, barriers, or approved protection methods; or

d. Canopy die-back or structural failure attributable to construction activity.

(4) Authority and inspection

a. The Director or a qualified arborist designated by the City determines whether damage has occurred.

b. The City may conduct site inspections to document the condition of preserved trees before, during, and after construction.

(5) Responsibility for costs

a. The permit holder is responsible for the cost of any additional inspections or monitoring needed to confirm compliance.

b. The City may require a financial guarantee or surety at the time of approval to cover these costs.

(h) Disallowed activities

(1) The following actions are not allowed within the Tree Protection Zone of a tree designated for preservation:

a. Grading or excavation deeper than six (6) inches;

b. Trenching for utilities unless specifically approved as part of a Tree Preservation Plan;

c. Storing equipment or materials;

d. Discharging fluids or waste; and

e. Attaching signage, lighting, or fencing to trees.

(2) Tree topping is not allowed. All pruning must follow ANSI A300 Tree Care Standards.

(i) Tree mitigation and replacement

(1) When tree preservation is not feasible or required trees are removed, replacement must occur at the ratios in Table 5.15 Tree Preservation Credits.

(2) Replacement trees must comply with the species and planting standards in Sec. 50-510. Landscape, Screening, and Buffering.

(3) The Director may authorize off-site planting, or the Planning Commission may accept a fee in lieu, in accordance with Section 50-724(f) Fee-in-lieu of construction, where on-site replacement is not physically feasible due to:

a. Existing buildings, utilities, drainage facilities, or easements that occupy or restrict the required planting area;

b. A site area of less than ten thousand (10,000) square feet that lacks sufficient unpaved surface to accommodate the required trees or landscaping; or

c. Slope conditions exceeding twenty percent (20%) where planting would compromise soil stability or drainage.

SEC . 50-510 . LANDSCAPE, SCREENING, AND BUFFERING

(a) Purpose and intent

(1) To protect and enhance the visual, environmental, and functional quality of development by requiring the thoughtful placement of trees, shrubs, and ground cover throughout each site.

(2) To support stormwater management, reduce urban heat, provide shade, buffer incompatible uses, and improve the overall appearance of the City.

(3) To reinforce the character of different zoning districts by regulating landscape design in a context-sensitive manner.

(4) To integrate landscape with parking, pedestrian areas, and buildings to support walkability and reduce impacts on neighboring properties.

(5) To preserve existing trees by providing credit toward planting requirements.

(b) Applicability

(1) This section applies to all public and private development, including new construction, redevelopment, and improvements within rights-of-way.

(2) The Director may waive or adjust some or all requirements for renovations, additions, or modifications according to Sec. 50-716. Administrative Adjustments and Waivers and Table 7.2 Administrative Adjustment Criteria.

(c) Existing landscape

(1) Native vegetation must be preserved where feasible and may reduce required planting where it meets or exceeds the functional intent of this section.

(2) Landscape plans must identify all existing trees and significant vegetation.

(3) Preservation of existing trees and removal of significant trees are subject to Sec. 50-509. Tree Preservation.

(d) Screening and buffering

(1) Screening and buffering is required to inhibit view and noise from streets and neighboring properties as specified in Table 5.16 Screening Requirements.

(2) Screen and buffer types are specified in Table 5.16 Screening Requirements.

(3) Street screens are required elsewhere in the Code, following the standards in this section, and:

a. Vehicular openings are limited to a maximum width of thirty (30) feet;

b. Trail openings are limited to a maximum width of sixteen (16) feet; and

c. Pedestrian openings are limited to a maximum width of eight (8) feet.

(4) Additional requirements apply to zone transitions following Sec. 50-505. Zone Transitions.

(5) Required buffer trees may be grouped or irregularly spaced, but tree separation must not exceed sixty (60) feet along the buffer.

TABLE 5.16 SCREENING REQUIREMENTS

Use	Location or Application	Type	Additional Standards
Street Screens	Screening parking areas	C	Fencing may be within three (3) feet of the property line or aligned with the building setback.
	Screening outdoor use areas	D	Fencing must be aligned with the building setback.
Parking Structures	Front and side street lot lines	E	Only if the structure is not behind a liner or other building.
	Side and rear lot lines	F	Only if the structure is within sixty (60) feet of T2, R-1, T3, or T4 zones.
Utility Pedestals and Minor Ground-mounted Equipment	Sidewalks or pedestrian walkways within 10 feet	A	Only where located within a front or side street setback area. Type A or alternative screening method approved by the applicable Utility Director. Must not block access to utility equipment.
Mechanical Equipment	Front and side street lot lines	A	Only where located within twenty (20) feet of a front or side street lot line.
	Side and rear lot lines	B	Only where located within twenty (20) feet of a lot line shared with T2, R-1, T3, or T4.
Loading & Service Area	Front and side street lot lines	C	Only if not behind a building.
	Side and rear lot lines	D	Only if not behind a building.
Open Storage Areas	All lot lines	D	Only where located within forty (40) feet of a lot line and not behind buildings. Fencing must be opaque and aligned with the building setback.
Dumpster and Refuse Areas	All lot lines	D	Must be fully enclosed with a masonry wall on three sides, and an opaque gate on the fourth

TABLE 5.17 SCREEN AND BUFFER TYPES

Type	Buffer Width	Ornamental Metal Fence	Masonry Wall	Evergreen Hedge	Trees
A				4 ft. high, minimum	
B				6 ft. high, minimum	
C		3 to 4 feet high	3 to 4 feet high	4 ft. high, minimum	
D		6 to 8 feet high	6 to 8 feet high	6 ft. high, minimum	
E	6’ minimum		3 to 4 feet high	4 ft. high, minimum	1 every 50 linear ft., min.
F	10' minimum			6 ft. high, minimum	
G	25' minimum			6 ft. high, minimum	2 every 40 linear ft., min., alternating spacing in two rows
H	25’ minimum		6 to 8 feet high	6 ft. high, minimum	

(6) Zone transition landscape buffers.

a. Buffers must meet the configuration standards in Table 5.17 Screen and Buffer Types.

1. Buffer widths and trees are required as listed.
2. Other elements listed in Table 5.17 are not cumulative.
3. A buffer must include any one (1) of the following at the specified heights:

i. A continuous masonry wall that meets the required height;
ii. A metal or wood fence combined with evergreen planting or hedge; or
iii. An evergreen hedge.

b. Landscape buffers must:

1. Be located on the newly developing property;
2. Include continuous evergreen hedges with one row per twenty (20) feet of buffer width; and
3. Include ground cover to cover all exposed soil.

c. 2 other trees may substitute one (1) canopy tree, up to fifty percent (50%) of the required tree count.

d. Natural drainage ways or existing vegetation may be substituted for required buffers when the feature is at least twenty (20) feet wide and provides at least eighty percent (80%) of the required visual screening.

TABLE 5.18 BUFFER REQUIREMENT BY ADJACENCY

Proposed Development	Existing Adjacent Zoning								
	T2	R-1	T3	T4	T5	T6	GC	LI	LFI
T2		E	E	F	G	G	G	G	G
R-1	E			E	F	G	G	G	H
T3	E			E	F	G	G	G	H
T4	F	E	E		E	F	F	I	H
T5	G	F	F	E		E	F	F	H
T6	G	G	G	F	E			E	H
GC	G	G	G	F	F				F
LI	G	G	G	G	F	E			E
LFI	G	H	H	H	H	J	H	E	

(e) Fences and walls

(1) General

a. This Section applies to all fences, walls, gates, and related structures on private property.

b. Fence permitting, variances, and administrative relief procedures are addressed in Article 50-7 Administration.

c. Fences and walls must not:

1. Block drainage or alter the flow of stormwater;
2. Block access to utility equipment; or
3. Be placed closer than five (5) feet from current or proposed right-of-way. An administrative waiver to three (3) feet may be approved according to Sec. 50-716. Administrative Adjustments and Waivers and Table 7.2 Administrative Adjustment Criteria.

d. Fences and walls must comply with the Arkansas Department of Transportation Clear Zone requirements and must not obstruct sight triangles at intersections or driveways.

e. Fence and wall locations and terminology is illustrated in Figure 5.15 Fence and Wall Locations.

(2) Materials and features

a. All fences and walls must be constructed with durable materials and be kept in good repair.

b. Fences and walls must not be constructed of scrap materials, debris, or other hazardous material.

c. Fences must be installed with the finished side facing outward toward abutting property or right-of-way.

d. Gates must not swing into public rights-of-way, alleys, or trails.

e. Barbed wire, razor wire, and electrified fences are not allowed except where specified in subsection (3) Specific standards by zoning district.

f. Chain link fences are not allowed for frontage fencing.

(3) Specific standards by zoning district

a. T2

1. Fences and walls are limited to four (4) feet in height within forty (40) feet of any lot line and twelve (12) feet elsewhere.
2. Barbed wire and electrified fences are not allowed within forty (40) feet of any lot line.
3. Fences and walls in T2 are exempt from other provisions of this section.

b. R-1, T3, and T4

1. Frontage fences and walls between a building and a sidewalk are allowed up to four (4) feet high.
2. Privacy and security fences and walls are allowed up to six (6) feet high.

c. T5, T6, GC, and LI

1. Frontage fencing is not allowed in T5 and T6, except:

i. Outdoor dining or other outdoor uses:

(i) Fences or walls are allowed up to four (4) feet high; and

(ii) Building or tenant entrances must remain accessible.

ii. Forecourts:

(i) Fences or walls are allowed up to eight (8) feet high enclosing forecourts;

(ii) At least twenty-five percent (25%) transparency is required above four (4) feet;

(iii) An opening is required, providing pedestrian access; and

(iv) Gates must be at least fifty percent (50%) transparent.

2. Privacy and security fences and walls are allowed up to eight (8) feet high.

d. LFI

1. Fences are limited to eight (8) feet high and must be set back at least ten (10) feet from the sidewalk.

(4) Retaining walls and landscape walls

a. Height:

1. Retaining and landscape walls are allowed up to four (4) feet in height anywhere within a lot, measured from the bottom of the footing to the top of the wall, and do not require a retaining wall permit.

2. Retaining walls greater than four (4) feet in height shall be designed by a Professional Engineer licensed in the State of Arkansas, and require a retaining wall permit in accordance with Sec. 50-721(j) Retaining wall permit.

3. Retaining walls along street frontages shall not exceed four (4) feet in height unless terraced or incorporated into building design.

b. Location:

1. Retaining walls shall not obstruct required sight triangles at intersections or driveways.

2. Retaining walls shall not impede the normal flow of stormwater.

3. Retaining walls located within utility or drainage easements require approval from the applicable department.

c. Retaining walls shall be designed and constructed to prevent instability, erosion, or drainage impacts on adjacent property. The property owner constructing the wall is responsible for maintaining the wall and preventing damage to neighboring property.

d. Retaining walls greater than eight (8) feet in height require a waiver from Planning Commission in accordance with Sec. 50-716. Administrative Adjustments and Waivers.

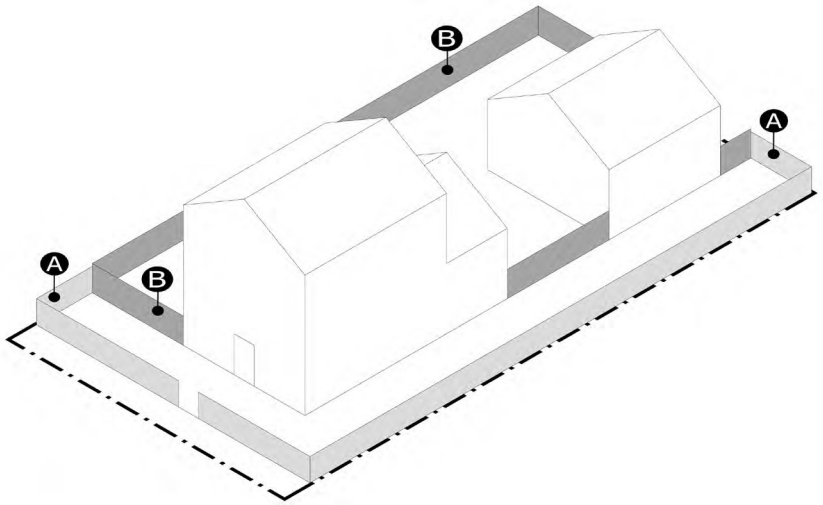
e. Terraced retaining walls:

1. Terraced retaining walls may be used to achieve greater grade changes and are encouraged where feasible to reduce visual mass.

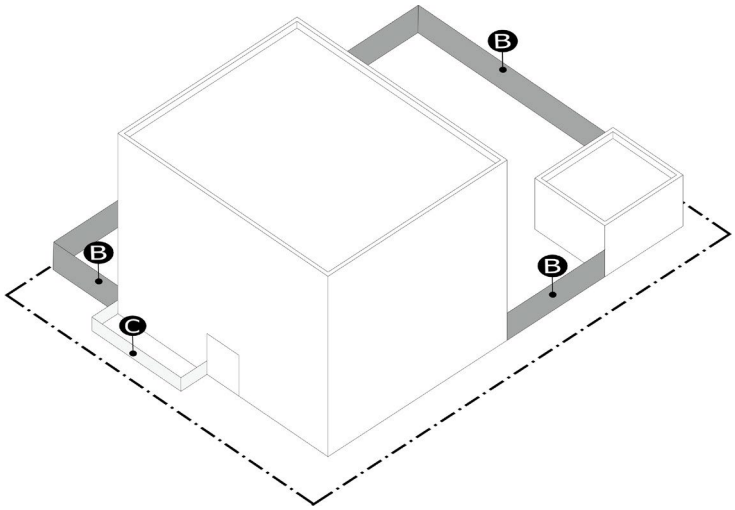
2. Where terraced walls are used, each wall must be separated by a minimum horizontal distance equal to the height of the lower wall.

3. Multiple retaining walls will be considered a single retaining wall for the purposes of height measurement.

FIGURE 5.15 FENCE AND WALL LOCATIONS



Fence and wall locations for a corner lot in T3 and T4, depicting frontage fencing along street-facing lot lines and privacy and security fencing on other lot lines and in line with buildings.



Fence and wall locations for a corner lot in T5 and T6, depicting privacy and security fencing at side and rear lot lines and in line with buildings and fencing of outdoor uses in the frontage.

A Frontage Fencing

B Privacy and Security Fencing

C Fencing for Dining or other Outdoor Uses

(f) Site landscape

(1) Landscaping must be provided following Table 5.19 Site Landscaping.

(2) All pervious areas must include ground cover, mulch, shrubs, trees, or other allowed plants.

(3) All landscaping must follow the utility spacing requirements found in BWU and BEUD Specifications.

(4) Existing trees must be preserved following Sec. 50-509. Tree Preservation.

(5) Required trees may be clustered instead of evenly spaced, provided the total number of trees required by this section is provided.

(6) Tree location may be adjusted to avoid conflict with utilities or preserved vegetation, subject to approval by the Director.

TABLE 5.19 SITE LANDSCAPING

Zone	Location	Landscape
T2		
R-1 **T3**	Front and side street setbacks	Must be landscaped; and Must include at least 2 trees for every 50 feet; no less than 2 trees.
T4.1	Front and side street setbacks	Must be landscaped; and Must include at least 1 tree for every 50 feet; no less than 1 tree.
T4.2	Front and side street setbacks	If deeper than 5 ft. must be landscaped; and Must include at least 1 tree for every 50 feet; no less than 1 tree.
T5 **T6**	Front and side street setbacks	If landscaped, must include at least 1 tree for every 60 feet.
	Other pervious areas	Must include at least 1 tree for every contiguous 1,800 sq.ft. of pervious areas other than front and side street setbacks.
GC **LI** **LFI**	Front and side street setbacks	Must be landscaped; and Must include at least 1 tree for every 50 feet; no less than 1 tree.
	Overall site	At least 15% of the site must be landscaped, including: • 2 shrubs for every 250 sq.ft. of landscaped area; and • 2 trees for every 500 sq.ft. of landscaped area.
	Along arterial streets	Except where front parking areas are used, a buffer is required: • Landscaped, at least 20 feet wide along the arterial; and • At least 1 shade tree for every 30 feet; no less than 1 tree.
MH	Front and side street setbacks	Must be landscaped; and Must include at least 2 trees for every 50 feet of front and side street lot line length.
	Overall site	Must include at least 1 tree for every 4,000 sq.ft. of site area.

(g) Parking lot landscape

(1) Landscaping is:

a. Required if parking lots are within twenty (20) feet of a lot line;

b. Is not required along shared lot lines if parking lots are shared between properties; and

c. Required landscaping must follow Table 5.11 Required Walkways and Planting in Parking Lots and as shown in Figure 5.9 Illustrated Walkways and Planting in Parking Lots.

(h) Civic space landscape

(1) All civic spaces must meet the landscape standards of this section and the applicable requirements of Table 5.20 Civic Space Landscaping, and Sec. 50-502 (e) Civic space standards.

(2) Landscape design must reinforce the civic space type, enhance pedestrian comfort, and provide shade through canopy trees and other plantings suited to the intended level of activity and use.

TABLE 5.20 CIVIC SPACE LANDSCAPING

Civic space type	Required landscape
Conservation park	Preservation of existing tree canopy.
Green	40% min. tree canopy coverage at maturity.
Square	30% min. tree canopy coverage at maturity.
Plaza	20% min. tree canopy coverage at maturity.
Greenway	20% min. tree canopy coverage at maturity.
Pocket park	40% min. tree canopy coverage at maturity.

(i) Plant materials

(1) Allowed plants

a. Trees must be selected from the Table 5.21 Approved Tree Species.
b. The Fire Marshall may restrict mature tree height to a maximum of twenty-five (25) feet, including street trees, where aerial access is required.

(2) Plants not allowed

a. Species in Table 5.22 Plant Species Not Allowed are not allowed.
b. Species deemed invasive by the Arkansas Natural Heritage Commission are not allowed and must be removed if existing.
c. Plants with spines, thorns, or needles that may present hazards are not allowed in rights-of-way or within two (2) feet of front and side street facing property lines.

(3) Size at time of planting

a. Shade trees must be at least two and a half (2.5)-inch caliper and six (6) feet tall.
b. Ornamental trees must be at least two (2)-inch caliper and six (6) feet tall.
c. Evergreen trees must be at least eight (8) feet tall.
d. Shrubs must be at least three (3)-gallon container size and eighteen (18) inches tall.

(4) Tree diversity

a. No more than fifty percent (50%) of new trees may be of the same species.
b. No more than twenty-five percent (25%) of new trees may be ornamental trees.
c. At least ten percent (10%) of new trees must be evergreen species, except in T5 and T6.

(5) Mulch and ground cover

a. Mulch must be organic and applied in at least a four (4) foot diameter ring around trees and to a depth of three (3) to four (4) inches.
b. Mulch must not be mounded around tree trunks.
c. Artificial turf and gravel are not allowed within required landscape areas.
d. Rock used as ground cover is limited to twenty-five percent (25%) of required landscape areas.

TABLE 5.21 APPROVED TREE SPECIES			Zones		Location					
Common Name	Scientific Name	Usage	Height	T2 - 4, R1 R1	T5-6, GC,	Under Utilities	Plazas & Hardscapes	Greens & Greenways	Medians & Parking Lots	Riparian Buffers
American Basswood	Tilia Americana	Shade Tree	L				■	■	■	
American Beech	Fagus grandirolia	Shade Tree	L					■		
American Elm	Ulmus americana	Shade Tree	L	■	■			■		■
American Holly	Ilex opaca	Ornamental, Screening	M			■	■	■	■	
American Horn-beam / Ironwood	Carpinus caroliniana	Ornamental	S	□	□	■	■	■	■	
American Smoketree	Corinus obovatus	Ornamental	M	□	■	■	■	■	■	
Autumn Brilliance Serviceberry	Amelanchier x grandiflora	Ornamental	S			■	■	■	■	■
Bald Cypress	Taxodium distichum	Ornamental, Wet Sites	L	■	■		■	■		■
Bitternut Hickory	Carya cordiformis	Shade Tree	L				■			■
Black Cherry	Prunus serotina	Wildlife	L					■		
Black Gum / Tupelo	Nyssa sylvatica	Shade Tree	L	■	■		■	■		■
Black Walnut	Juglans nigra	Shade Tree	L					■		
Black Willow	Salix nigra	Wet sites, Erosion	M			■		■		■
Blackhaw Viburnum	Viburnum prunifolium	Ornamental, Screening	S		□	■				
Black Hickory	Carya texana	Shade Tree	M					■		
Black Oak	Quercus velutina	Shade Tree	L	■	■		■	■	■	
Blackjack Oak	Quercus marilandica	Shade Tree, Poor Soils	M				■			
Bur Oak	Quercus macrocarpa	Shade Tree	L		■			■		
Carolina Buckthorn	Rhamnus caroliniana	Ornamental, Screening	S	□	□	■		■	■	

■ Allowed for specified use or application; all listed species allowed for private property.
□ Allowed as a street tree only if needed for utility clearances.

Common Name	Scientific Name	Usage	Height	T2 - 4, R1 R1	T5-6, GC,	Under Utilities	Plazas & Hardscapes	Greens & Greenways	Medians & Parking Lots	Riparian Buffers
Carolina Willow	Salix caroliniana	Wet Sites, Erosion	S			■				■
Chinquapin Oak	Quercus muehlenbergii	Shade Tree	L	■	■			■		
Common Witchhazel	Hamamelis virginiana	Ornamental	S			■		■		
Cucumber Magnolia	Magnolia acuminata	Shade Tree	L					■		
Downy Serviceberry	Amelanchier arborea	Ornamental	S	□	□	■			■	
Eastern Redbud	Cercis canadensis	Ornamental	M	□	■	■		■	■	■
Flowering Dogwood	Cornus florida	Ornamental	S	□	□	■		■	■	
Fringe Tree	Chionanthus virginicus	Ornamental, Screening	S	□	□	■	■			
Green Hawthorn	Crataegus viridis	Ornamental, Screening	M					■	■	
Hop Hornbeam	Ostrya virginiana	Ornamental	M	■			■	■	■	
Kentucky Coffeetree	Gymnocladus dioicus	Shade Tree	L					■	■	
Littlehip/Pasture Hawthorn	Crataegus spathulata	Ornamental, Screening	S					■	■	
London Planetree	Platanus x acerifolia	Shade Tree	L	■	■		■	■	■	■
Missouri Willow	Salix eriocephala	Wet Sites, Wildfire	S			■		■		■
Mockernut Hickory	Carya tomentosa	Shade Tree	L					■		
Nigra American Arborvitae	Thuja occidentalis	Ornamental, Screening	M				■	■		
Northern Catalpa	Catalpa speciosa	Shade Tree	M				■	■	■	
Northern Red Oak	Quercus rubra	Shade Tree	L	■				■		
Ohio Buckeye	Aesculus glabra	Shade Tree	M				■	■		

■ Allowed for specified use or application; all listed species allowed for private property.
□ Allowed as a street tree only if needed for utility clearances.

Common Name	Scientific Name	Usage	Height	T2 - 4, R1 R1	T5-6, GC,	Under Utilities	Plazas & Hardscapes	Greens & Greenways	Medians & Parking Lots	Riparian Buffers
Overcup Oak	Quercus lyrata	Shade Tree, Wet Sites	M	■				■		■
Pawpaw	Asimina triloba	Ornamental, Fruit Tree	S			■	■	■		
Pecan	Carya illinoinensis	Shade Tree, Nut Tree	L					■		
Persimmon	Diospyros virginiana	Shade Tree, Fruit Tree	M					■		■
Pignut Hickory	Carya glabra	Shade Tree	L	■	■			■		
Pin Oak	Quercus palustris	Shade Tree	L	■	■		■	■	■	■
Pondcypress	Taxodium ascendens	Shade Tree	L	■	■		■	■	■	■
Possumhaw	Ilex decidua	Ornamental, Wildfire	S	□		■	■	■	■	
Post Oak	Quercus stellata	Shade Tree, Drought	L				■	■	■	
Red Chokeberry	Aronia arbutifolia	Ornamental, Screening	S		□	■				
Red Buckeye	Aesculus pavia	Ornamental, Wildlife	S				■	■		
Red Maple	Acer rubrum	Shade Tree	L	■				■	■	■
River Birch	Betula nigra	Ornamental. Erosion Control	M				■	■		■
Sassafras	Sassafras albidum	Ornamental, Wildfire	M					■		
Scarlet Oak	Quercus coccinea	Shade Tree	L				■	■	■	
Shagbark Hickory	Carya ovata	Shade Tree	L					■	■	
Shortleaf Pine	Pinus echinata	Wildlife	L					■		
Shumard Oak	Quercus shumardii	Shade Tree	L	■	■			■		
Silky Dogwood	Cornus obliqua	Ornamental, Screening	S			■				■
Smooth Alder	Alnus serrulata	Screening, Wet Sites	S					■		■
Soapberry	Sapindus saponaria var. drummondii	Shade Tree	M					■		

■ Allowed for specified use or application; all listed species allowed for private property.
□ Allowed as a street tree only if needed for utility clearances.

Common Name	Scientific Name	Usage	Height	T2 - 4, R1 R1	T5-6, GC,	Under Utilities	Plazas & Hardscapes	Greens & Greenways	Medians & Parking Lots	Riparian Buffers
Southern Catalpa	Catalpa bignonioides	Shade Tree	M				■	■	■	
Southern Magnolia	Magnolia grandiflora	Shade Tree	L				■	■	■	
Southern Red Oak	Quercus falcata	Shade Tree, Drought	L	■	■			■		
Southern Sugar Maple	Acer floridanum	Shade Tree	M	■			■	■	■	
Swamp Chestnut Oak	Quercus michauxii	Shade Tree	L	■				■		■
Swamp White Oak	Quercus bicolor	Shade Tree, Floodplains	L	■				■		■
Sweet-Bay Magnolia	Magnolia virginiana	Ornamental, Screening	S	■	■	■				
Sweetgum, fruitless	Liquidambar styraciflua 'Rotundiloba'	Shade Tree	L	■	■		■	■	■	■
Sycamore	Platanus occidentalis	Shade Tree, Floodplains	L					■		■
Texas Redbud "Oklahoma"	Cercis canadensis texensis	Ornamental	S		□	■		■		
Thornless Honeylocust	Gleditsia triancanthose	Shade Tree	L	■	■		■	■		
Trident Maple	Acer buergerianum	Shade Tree	L	■	■		■	■	■	
Tulip Poplar	Liriodendron tulipifera	Shade Tree	L					■		
Umbrella Magnolia	Magnolia tripetala	Ornamental	M		□	■		■		
Water Tupelo	Nyssa aquatica	Wet Sites, Wildfire	L					■		■
White Oak	Quercus alba	Shade Tree	L	■	■		■	■		
Yellowwood	Cladrastis kentuckea	Shade Tree	M	■	■		■	■	■	

■ Allowed for specified use or application; all listed species allowed for private property.
□ Allowed as a street tree only if needed for utility clearances.

TABLE 5.22 PLANT SPECIES NOT ALLOWED

Common Name	Scientific Name
Asian Wisteria	Wisteria sinensis/ floribunda
Bamboo	Phyllostachys spp.
Bigleaf Periwinkle	Vinca major
Black locust	Robinia pseudoacacia
Bradford pear	Pyrus calleryana
Burning Bush	Euonymus alatus
Bush Honeysuckle	Lonicera maackii
Callery pear	Pyrus calleryana
Chinese privet	Ligustrum sinense
English Ivy	Hedera helix
Glossy privet	Ligustrum lucidum
Japanese Honeysuckle	Lonicera japonica
Kudzu	Pueraria montana
Littleleaf Periwinkle	Vinca minor
Mimosa	Albizia julibrissin
Multiflora rose	Rosa multiflora
Princess Tree	*Paulownia tomentosa*
Russian olive	Elaeagnus angustifolia
Siberian elm	Ulmus pumila
Silver maple	Acer saccharinum
Tree-of-heaven	Ailanthus altissima
Winter Creeper, Creeping Euonymus	Euonymus fortune

(j) Landscape installation

(1) General

a. All tree and plant installation must follow ANSI Z60.1 American Standard for Nursery Stock and ANSI A300 Tree Care Standards.

b. All landscaping must meet the clearance requirements in the BWUD and BEUD Specifications.

c. Materials specified in landscape plans may be substituted with other approved materials of the same type (trees, shrubs, ground cover) if the new material is reported to the Department and verified for compliance prior to planting.

d. The Director may authorize off-site planting, or the Planning Commission may accept a fee-in-lieu, in accordance with Section 50-724(f) Fee-in-lieu of construction, where on-site planting is not physically feasible due to:

1. Existing buildings, utilities, drainage facilities, or easements that occupy or restrict the required planting area;
2. A site area of less than ten thousand (10,000) square feet that lacks sufficient unpaved surface to accommodate the required trees or landscaping; or
3. Slope conditions exceeding twenty percent (20%) where planting would compromise soil stability or drainage.

(2) Planting beds

a. All landscaping must be planted within designated planting beds.

b. Planting beds must include amended soil to support healthy root development, as determined by the applicant's landscape architect.

c. Sod must be removed from the planting bed before installation.

d. After planting, all bare soil within the bed must be covered with mulch.

e. Sod is allowed in tree lawns and parking lot tree islands only when no other plant material is included in those areas.

(3) Soil and drainage preparation

a. All planting areas must be excavated to a depth of three (3) feet and backfilled with sandy loam topsoil.

b. Where water does not drain at a minimum rate of six (6) inches within twenty-four (24) hours, an underdrain must be installed or the area must be re-excavated and replaced with well-draining soil.

(4) Non-vegetative materials

a. Stone, gravel, rock beds, and other non-vegetative materials:

1. May only be used as accent features;
2. Do not count toward required landscape; and
3. May not be used for more than twenty percent (20%) of the total landscaped area.

b. Artificial turf and artificial plants are not allowed, except in the following cases:

1. Active recreation sports fields; and
2. Non-residential sites where artificial turf is used for less than twenty percent (20%) of the total landscaped area.

(5) Tree planting and protection

a. Trees must be balled and burlapped.

b. Trees must be spaced to accommodate their mature canopy spread.

c. Trees must be planted with the root flare slightly above finished grade.

d. Trees must not be planted:

1. Within three (3) feet of a fire hydrant;
2. Within five (5) feet of underground utilities; or
3. Within ten (10) feet of doors to above-ground utility equipment, or within three (3) feet of equipment walls.

e. Street trees may be staked only when necessary to ensure upright growth. Stakes must be removed within twelve (12) months or at the end of the next growing season.

f. During construction, trees must be protected from mechanical injury, trunk damage, and root zone compaction as follows:

1. Tree trunks must be protected using wooden planks or other durable wrap materials where construction occurs within four (4) feet of the trunk;
2. Root zones must be protected from compaction by fencing, matting, or mulch berms to prevent the use of heavy machinery in those areas;
3. Where roots are exposed or cut, clean pruning cuts must be made with sharp tools to promote healing; and
4. Construction material, equipment, and waste must not be stored or staged within the tree protection zone.

(6) Irrigation

a. Hose bibs must be located within one hundred (100) feet of all landscape areas, except where a permanent irrigation system is provided.

(7) Landscape maintenance

a. All required on-site trees and landscaping must be maintained by the property owner in a healthy and weed-free living condition.

b. Maintenance of street trees shall be the responsibility of the adjacent property owner, unless:

1. The street trees are located within the City's published Street Tree Maintenance Area;
2. The street trees are located within a median on arterial or collector streets;
3. There is emergency tree work required on arterial or collector streets;
4. BEUD or BWUD assesses the need for utility line clearance, tree maintenance, or removal; or
5. The owner has provided an alternate maintenance agreement acceptable to the Director and Staff Attorney.

c. Removal of trees required by this Chapter requires a tree removal permit in accordance with Sec. 50-721(e) Land disturbance permit and replacement in accordance with subsection (d).

d. Replacement of required trees:

1. Trees required by this chapter that are removed through an approved tree removal permit must be replaced at a ratio of one (1) replacement tree for each tree removed.
2. Trees removed without prior tree removal permit approval must be replaced at a ratio of two (2) replacement trees for each tree removed.
3. Replacement trees must comply with the species and planting size requirements of subsection (i) Plant materials.
4. Replacement must occur within sixty (60) days of notification by the City, except when this timing falls during winter, in which case planting must occur before the end of April.

e. Street trees must be pruned to maintain a minimum vertical clearance of eight (8) feet above sidewalks and trails and fourteen (14) feet above streets. Pruning must preserve natural tree structure and avoid damage to the tree leader, trunk, or major limbs.

f. Landscaping that dies or becomes diseased or damaged must be removed and replaced with equivalent species within sixty (60) days of notification by the City, except when this timing falls during winter, in which case planting is required before the end of April.

g. Tree topping is not allowed. Trees must be maintained using proper pruning techniques as established by the most current ANSI A300 “Standards for Tree Care”.

h. Rope, wire, signs, posters, handbills, or other items must not be attached to any tree, except rope lights or temporary support used to stabilize a young or damaged tree or limb.

i. A note must be included on all landscape plans stating the following:

1. “All plant material must be maintained in a healthy living condition. Any plant material that dies must be replaced.”
2. “Tree topping is not allowed. Trees must be pruned in accordance with ANSI A300 Standards for Tree Care.”
3. “Healthy trees must not be removed except where approved by the Director. Trees must be maintained using approved pruning methods as described in ANSI A300.”

SEC . 50-511 . NATURAL RESOURCE PROTECTION

(a) Purpose and intent

(1) To ensure that natural features are documented, protected, and incorporated into site design where feasible.

(2) To reduce environmental degradation, stormwater impacts, and off-site disturbance by requiring context-sensitive development practices at all scales.

(b) Special flood hazard areas and base level engineering

(1) Any new development or substantial redevelopment in Special Flood Hazard Areas and additional areas identified in the Base Level Engineering data requires a land disturbance permit, which functions as the floodplain development permit, in accordance with Sec. 50-721(e) Land disturbance permit. See the City's Flood Damage Prevention Code.

(c) Wetlands

(1) When Bentonville GIS indicates there may be wetlands on the site or when the Transportation Director has reason to believe wetlands are present on the site, an assessment must be prepared by a qualified environmental consultant certifying the presence or absence of wetlands.

(2) If wetlands are present:

a. Wetland boundaries must be shown on all development plans; and

b. A jurisdictional determination must be requested from the United States Army Corps of Engineers.

(3) If development will impact wetlands, a permit from the United States Army Corps of Engineers must be obtained before a land disturbance permit is issued.

(d) Steep grades

(1) Existing grades greater than thirty percent (30%) are considered unbuildable. They must be designated as open space or included within new lots.

(2) New lots containing steep grades must include enough buildable land outside those areas to accommodate a habitable structure that complies with the setback and zoning requirements of Article 50-4 Zoning.

(e) Natural resource areas

(1) Identification and evaluation

a. Areas of contiguous forest, woodland, or natural landscape located within a development site must be identified and evaluated as part of the site analysis for potential eligibility under subsection (f) Conservation development.

b. Natural resource areas include:

1. Contiguous areas at least ½ acre in size.
2. Forests and woodlands:
    i. Include naturally occurring tree canopy and understory vegetation; and
    ii. Have not been substantially altered by development, grading, or clear-cutting.
3. Natural landscapes:
    i. Are free from noxious weeds;
    ii. Composed of native or non-invasive plants of any origin; and
    iii. May include natural lawns, pollinator gardens, rain gardens, meadow vegetation, prairie gardens, native planting, and other managed ecological landscapes.

(2) Preservation and protection

a. Development that avoids disturbance of identified natural resource areas may qualify for incentives under subsection (f) Conservation development.

b. To qualify for incentives, the preserved area must be:

1. Retained in its natural state with minimal disturbance, allowing only selective thinning for health or safety; and
2. Protected by a conservation easement, deed restriction, or other binding instrument recorded with the property.

(3) Petition for new areas

a. Applicants may petition for the designation of new natural resource areas to qualify for the incentives of subsection (f) Conservation development

(4) Mitigation of disturbance

a. If preservation of a natural resource area is not feasible, the applicant must submit a mitigation plan that demonstrates how development will:

1. Limit grading and soil disturbance;
2. Minimize canopy or vegetation fragmentation; and
3. Provide replacement planting or habitat restoration equal to the area disturbed.

(f) Conservation development

(1) Purpose

a. Conservation development encourages preservation of natural forests, woodlands, and natural landscapes by allowing flexible site design and providing measurable development incentives.

(2) Eligibility

a. Development that avoids disturbance of areas defined in this section may qualify for incentives if the area is:

1. At least one-half (1/2) acre in size;
2. Retained in its natural state with minimal disturbance; and
3. Protected by a conservation easement, deed restriction, or other binding instrument recorded with the property.

(3) Incentives

a. For qualifying areas, the following calculations may be determined at the site level rather than the individual lot level, exclusive of rights-of-way:

1. Lot coverage;
2. Impervious surface; and
3. Setbacks.

b. Sites that preserve natural resources in accordance with this section may count those areas toward up to one hundred percent (100%) of the site's required civic space, using the Conservation Park civic space type under Table 5.1 Civic Space Types.

ARTICLE 50-6 STREETS, TRAILS, AND UTILITIES

SEC . 50-601 . PURPOSE AND INTENT

(a) This Article sets the rules for street and trail design and the location of utilities, in coordination with the surrounding built environment.

(b) These rules are intended to:

(1) Design streets that are safe and efficient for all users in a balance that fits the area's land use;

(2) Create a connected street network that enhances mobility for all users, reduces congestion, and supports a walkable and bikeable City;

(3) Coordinate the location of public and franchise utilities with street design, planting areas, and building frontages to minimize conflicts and support long-term maintenance; and

(4) Apply the same rules to both subdivided and non-subdivided sites to ensure a consistent development pattern across the City.

SEC . 50-602 . STREET DESIGN

(a) Applicability

(1) Streets and alleys within new subdivisions and developments must follow this section.

(2) Streets depicted on the Master Street Plan are not subject to this section.

(3) Major driveways must comply with the applicable street design standards of this Section, except as expressly modified by subsection (n) Major driveway allowances, as follows:

a. All dimensions, features, and locations of travel lanes, parking lanes, medians, on- and off-street bicycle facilities, curbing, parkways, sidewalks, and special requirements;

b. Street design speed, centerline radius, sight distance, and other geometric design constrains;

c. Signage and striping requirements;

d. Planting, lighting, and street furniture;

e. Right-of-way width may be as depicted along future blocks if not dedicated as a street;

f. Drainage may be designed for the overall large-scale application; and

g. Any additional rules applicable for public streets that are not followed will disqualify future dedication as a public street until remedied and approved by the Transportation Director.

(b) General

(1) The following standards and documents apply in addition to this section. Where in conflict, the Transportation Director will determine the applicable requirements in accordance with the purpose and intent of this section:

a. The Bentonville Street Specifications;

b. The Bentonville Stormwater Management and Drainage Manual;

c. The Americans with Disabilities Act (ADA);

d. Standards from Arkansas Department of Transportation (ARDOT), where applicable; and

e. National Association of City Transportation Officials (NACTO) guidelines.

(2) Streets to be dedicated to the City are subject to Sec. 50-724. Public Improvement and Dedication.

(3) Transitions between streets must ensure safe and logical connections.

(4) Transitions between zoning districts affect streets as follows:

a. Both sides of a street must follow the same zoning district standard and transition at the same locations along the street length;

b. Where zoning districts differ on two (2) sides of a street, rules for the most intense zoning district apply;

c. Where zoning districts differ along the side of a block:

1. Rules for the most intense zoning district assigned to lots along the side of the block may be used for the full side of the block; or

2. Rules may transition along each side of the block up to two (2) times, and all segments must follow the rules of the most intense zoning district assigned to adjacent lots.

d. Transition in rules that affect the roadway must be approved by the Transportation Director.

(5) At least sixteen and a half (16.5) feet of vertical clearance must be maintained above the roadway of all streets. Clearance may be higher at intersections with ARDOT right-of-ways.

(6) Alleys must follow the rules in (m) Alleys.

(c) Street standards

(1) Street design must follow the rules below, generally organized by the elements shown in Figure 6.1 Elements of a Street:

a. Roadway

1. Roadway in general: subsection (d) Roadway;

2. Travel lanes: subsection (e) Travel lanes;

3. On-street Parking: subsection (g) On-street parking;

4. On-street bikeways: Sec. 50-604. Trails and Bikeways;

5. Medians: subsection (f) Medians and center turning lanes and the Bentonville Street Specifications;

6. Turn lanes, effective radius (curb return radius), traffic islands, horizontal and vertical alignment, cross slope, knuckles, round-abouts, and construction specifications: Bentonville Street Specifications; and

7. Lanes must contain all its intended uses and not overlap.

b. Border

1. Parkway: subsections (k) Parkways, (9) Shared-use paths must follow the rules in Sec. 50-604. Trails and Bikeways., and (j) Lighting;

2. Sidewalk: subsection (h) Sidewalks, shared-use paths, and crosswalks; and

3. Off-street bikeways: Sec. 50-604. Trails and Bikeways.

(2) Street design must be based on one of the following:

a. The design standards in Table 6.1 Street Standards, as is appropriate for the street location;

b. A street design specified in the Bentonville Street Specifications; or

c. An alternative to the required street design may be approved as an administrative adjustment under Sec. 50-716. Administrative Adjustments and Waivers.

(3) Right-of-way must be provided sufficient to accommodate all minimum standards in this section and may be larger than the minimum size listed in Table 6.1 Street Standards.

FIGURE 6.1 ELEMENTS OF A STREET

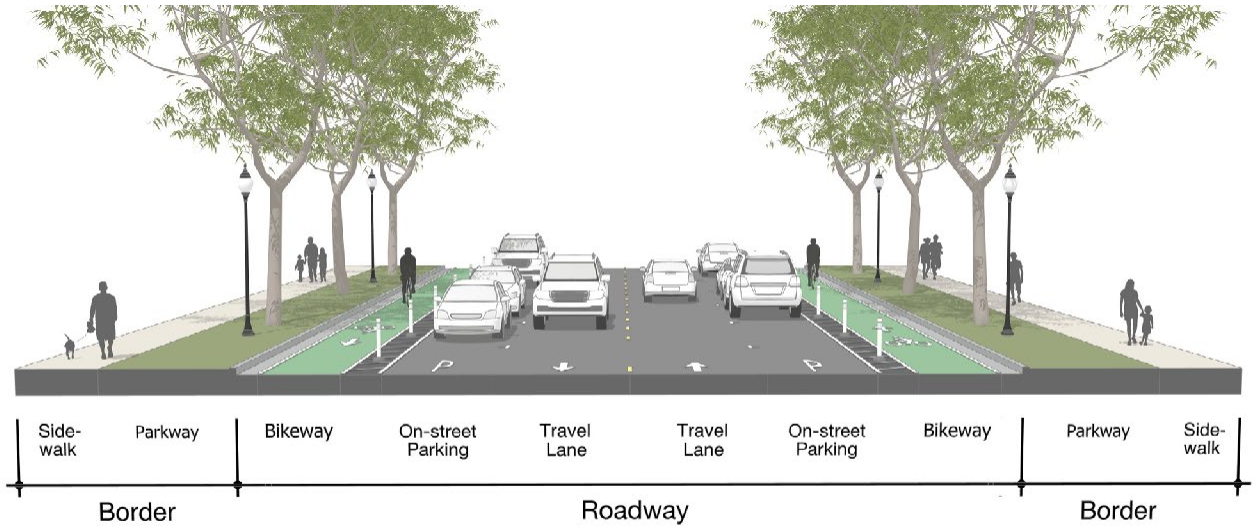
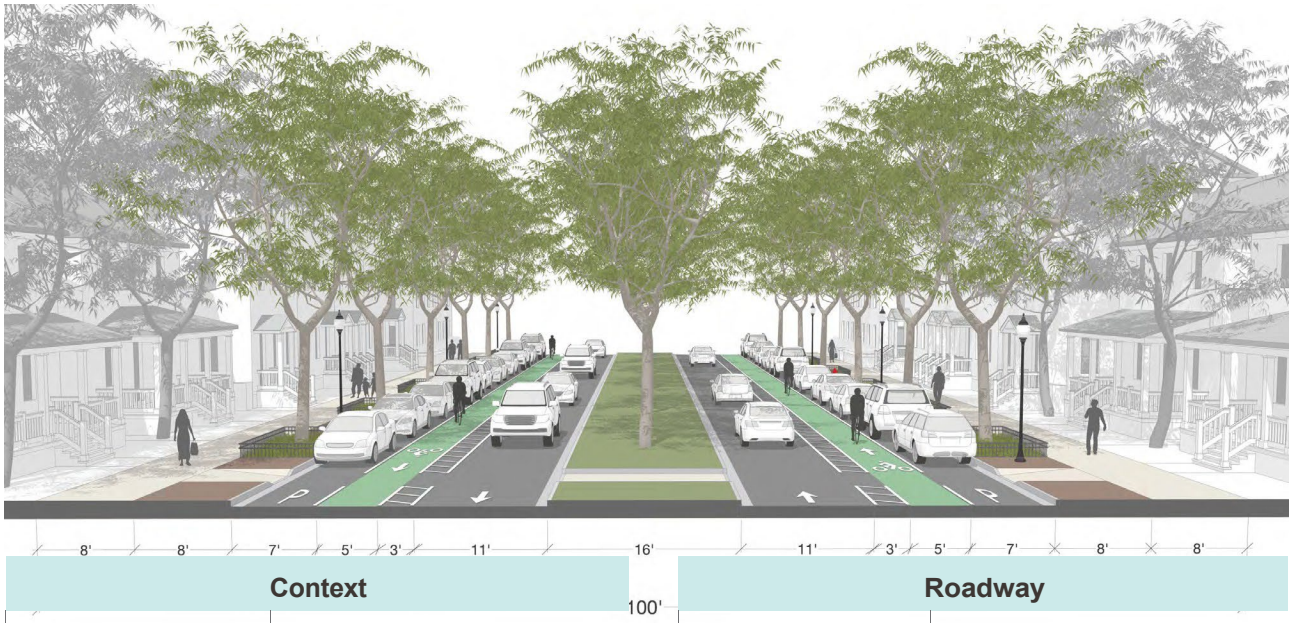


TABLE 6.1 STREET STANDARDS: Walkable Avenue



Context	
Place Type	All
Zoning District	All
Right-of-Way (feet, minimum)	R1, T3, T4, GC, LI, LFI: 90 T5, T6: 100
Design Speed (mph, maximum)	25-30
Border	
Parkway	6 ft. min., see (k) Parkways
Sidewalk (feet, minimum)	Both sides R1, T3, LI, LFI: 6 T4, GC: 8 T5, T6: 12
Off-street Bikeways	Optional

Roadway	
Travel Lanes	2
Travel Lane Width (feet, maximum)	10; 11 for transit and curb-adjacent lanes
Turning Lane (feet, maximum)	12; Within the median
Median (feet, minimum)	14
On-street Parking	Parallel or angled, both sides
On-street Bikeways	Buffered lane required
Centerline radius (feet minimum)	333 (2% cross-slope) 353 (3% cross-slope)
Curb Type	Vertical
Effective radius (feet minimum)	40
Special Requirements	
Angled parking requires Transportation Director approval	

TABLE 6.1 STREET STANDARDS: Walkable Connector



Right-of-Way (feet, minimum)	R1, T3, LI, LFI: 70 T4, T5, T6: 80
Design Speed (mph, maximum)	25-30
Border	
Parkway	6 ft. min., see (k) Parkways
Sidewalk (feet, minimum)	Both sides R1, T3, LI, LFI: 6 T4: 8 T5, T6: 10
Off-street Bikeways	Optional

Turning Lane (feet, maximum)	12; May be within the median
Median (feet, minimum)	14; Optional
On-street Parking	Parallel, both sides
On-street Bikeways	Optional; parallel route required if on-street is not provided
Centerline radius (feet minimum)	333 (2% cross-slope) 353 (3% cross-slope)
Curb Type	Vertical
Effective radius (feet minimum)	35
Special Requirements	

TABLE 6.1 STREET STANDARDS: Mixed-use Street



Context	
Place Type	Centers, Corridors
Zoning District	T4, T5, T6, GC
Right-of-Way (feet, minimum)	T4, GC: 65 T5, T6: 70
Design Speed (mph, maximum)	20-25
Border	
Parkway	6 ft. min., see (k) Parkways
Sidewalk (feet, minimum)	Both sides T4: 8 T5, T6: 10 GC: 6
Off-street Bikeways	Optional

Roadway	
Travel Lanes	2
Travel Lane Width (feet, maximum)	10; 11 for transit and curb-adjacent lanes
Turning Lane (feet, maximum)	None
Median (feet, minimum)	None
On-street Parking	Parallel or angled, both sides
On-street Bikeways	Optional
Centerline radius (feet minimum)	107 (2% cross-slope) 111 (3% cross-slope)
Curb Type	Vertical
Effective radius (feet minimum)	25
Special Requirements	

TABLE 6.1 STREET STANDARDS: Neighborhood Bikeway



Context	
Place Type	Centers, Corridors, Neighborhoods
Zoning District	All
Right-of-Way (feet, minimum)	R1, T3, T4, GC, LI, LFI: 75 T5, T6: 80
Design Speed (mph, maximum)	20
Border	
Parkway	6 ft. min., see (k) Parkways
Sidewalk (feet, minimum)	Both sides R1, T3, LI, LFI: 6 T4, GC: 8 T5, T6: 10
Off-street Bikeways	On or off-street required

Roadway	
Travel Lanes	2
Travel Lane Width (feet, maximum)	10; 11 for transit, in LFI, and curb-adjacent lanes
Turning Lane (feet, maximum)	None
Median (feet, minimum)	None
On-street Parking	Parallel, both sides
On-street Bikeways	On or off-street required
Centerline radius (feet minimum)	107 (2% cross-slope) 111 (3% cross-slope)
Curb Type	Vertical
Effective radius (feet minimum)	25
Special Requirements	

TABLE 6.1 STREET STANDARDS: Neighborhood Street



Context	
Place Type	Neighborhoods
Zoning District	All
Right-of-Way (feet, minimum)	R1, T3, T4, GC: 60 T5, T6: 65
Design Speed (mph, maximum)	20
Border	
Parkway	6 ft. min., see (k) Parkways
Sidewalk (feet, minimum)	Both sides R1, T3: 5 T4, GC: 6 T5: 8 T6: 10
Off-street Bikeways	Optional

Roadway	
Travel Lanes	2
Travel Lane Width (feet, maximum)	10
Turning Lane (feet, maximum)	None
Median (feet, minimum)	None
On-street Parking	Parallel, one or both sides
On-street Bikeways	Optional
Centerline radius (feet minimum)	107 (2% cross-slope) 111 (3% cross-slope)
Curb Type	Vertical
Effective radius (feet minimum)	25
Special Requirements	

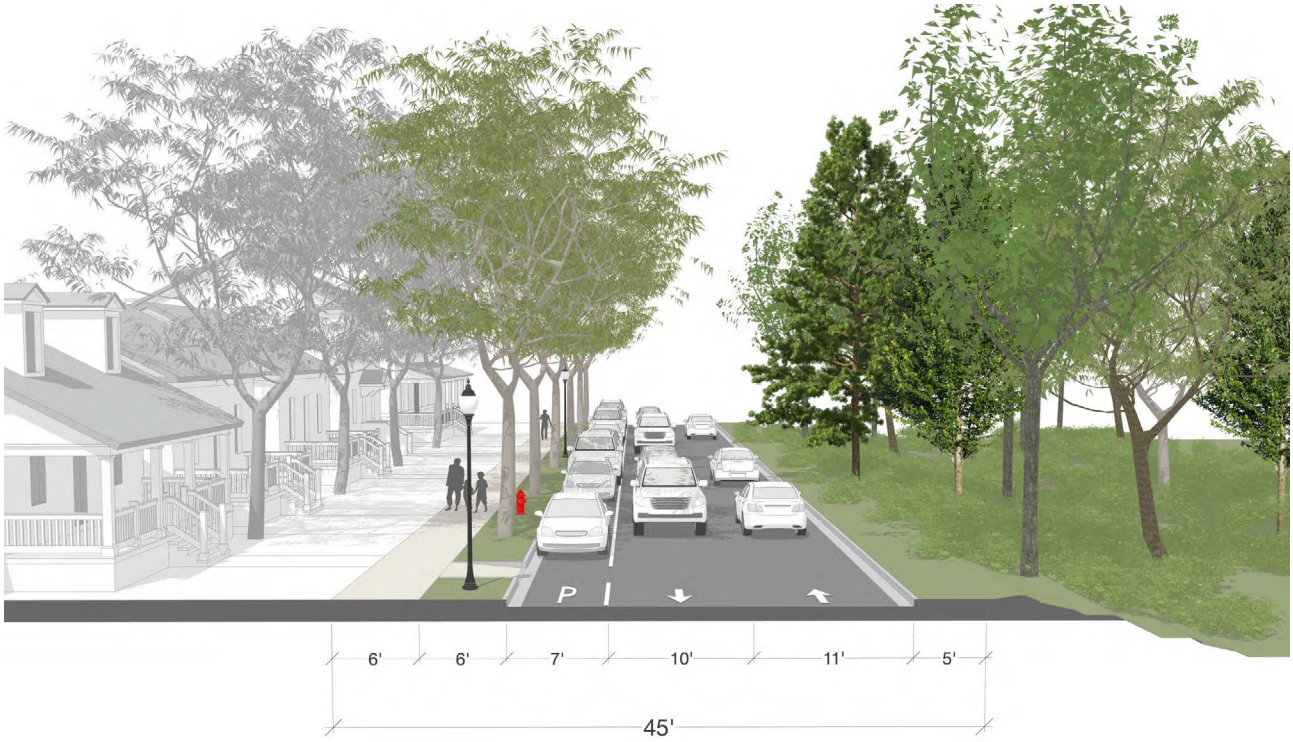
TABLE 6.1 STREET STANDARDS: Small Neighborhood Street



Context	
Place Type	Neighborhoods
Zoning District	R1, T3, T4, T5
Right-of-Way (feet, minimum)	R1, T3, T4: 55 T5: 60
Design Speed (mph, maximum)	20
Border	
Parkway	6 ft. min., see (k) Parkways
Sidewalk (feet, minimum)	Both sides R1, T3: 5 T4: 6 T5: 8
Off-street Bikeways	Optional

Roadway	
Vehicle Lanes	2
Travel Lanes	10; 11 for curb-adjacent lanes
Travel Lane Width (feet, maximum)	None
Median (feet, minimum)	None
On-street Parking	Parallel, one side only
On-street Bikeways	Shared lane optional
Centerline radius (feet minimum)	107 (2% cross-slope) 111 (3% cross-slope)
Curb Type	Vertical
Effective radius (feet minimum)	25
Special Requirements	

TABLE 6.1 STREET STANDARDS: Neighborhood Drive



Context	
Place Type	Neighborhoods
Zoning District	R1, T3, T4, T5
Right-of-Way (feet, minimum)	45
Design Speed (mph, maximum)	20
Border	
Parkway	6 ft. min., see (k) Parkways
Sidewalk (feet, minimum)	One side R1, T3: 5 T4: 6
Off-street Bikeways	Optional

Roadway	
Vehicle Lanes	2
Travel Lanes	10; 11 for curb-adjacent lanes
Travel Lane Width (feet, maximum)	None
Median (feet, minimum)	None
On-street Parking	Parallel, one side only
On-street Bikeways	Shared lane optional
Centerline radius (feet minimum)	107 (2% cross-slope) 111 (3% cross-slope)
Curb Type	Vertical
Effective radius (feet minimum)	25
Special Requirements	
The side without a sidewalk must be along civic space, open space, R1, or T3.1	

TABLE 6.1 STREET STANDARDS: Neighborhood Side Street



Context	
Place Type	Neighborhoods
Zoning District	R1, T3, T4
Right-of-Way (feet, minimum)	45
Design Speed (mph, maximum)	20
Border	
Parkway	6 ft. min., see (k) Parkways
Sidewalk (feet, minimum)	Both sides R1, T3: 5 T4: 6
Off-street Bikeways	Optional

Roadway	
Vehicle Lanes	2
Travel Lanes	10; 11 for curb-adjacent lanes
Travel Lane Width (feet, maximum)	None
Median (feet, minimum)	None
On-street Parking	Parallel optional
On-street Bikeways	Shared lane optional
Centerline radius (feet minimum)	107 (2% cross-slope) 111 (3% cross-slope)
Curb Type	Vertical
Effective radius (feet minimum)	25
Special Requirements	

(d) Roadway

(1) Design Speed

a. The design speed for streets as specified in Table 6.1 Street Standards.

b. Design speed should be equal to the target and posted speeds.

(2) Dead-end Streets

a. Temporary dead-end streets are only allowed on streets that have no direct access from adjoining property.

b. Temporary dead-end streets must be fully constructed to the property line and provide temporary road closure signage per MUTCD.

c. Where temporary dead-end streets exceed one hundred fifty (150) feet in length, a temporary turnaround must be constructed to the shape and dimensions required by the fire code.

d. Temporary turnarounds must be entirely within an access easement or street right-of-way. The easement may be vacated by the City when the easement is no longer necessary.

(e) Travel lanes

(1) The number and width of travel lane widths must follow Table 6.1 Street Standards and the following:

a. Where “transit only” is specified in the table, the larger travel lane size is required for lanes providing access to transit vehicles;

b. Curb-adjacent travel lanes must be at least eleven (11) feet, measured to the vertical curb; and

c. At least twenty (20) feet clear width must be provided within the roadway between barriers such as parking lanes and curbs, except where narrower dimensions are approved by the Technical Advisory Committee under Sec. 50-716. Administrative Adjustments and Waivers.

(2) When travel lanes abut a curb, they are measured to the face of the gutter pan.

(f) Medians and center turning lanes

(1) Medians must follow Table 6.1 Street Standards.

(2) Center medians and continuous center turning lanes require approval from the Transportation Director.

(g) On-street parking

(1) Parking lane type must follow Table 6.1 Street Standards.

(2) On-street parking must be set back from the approach or departure of:

1. Controlled intersections: Thirty (30) feet;
2. Crosswalks (marked or unmarked): Twenty (20) feet; and
3. Mid-block crossings: Twenty (20) feet or five (5) feet if mid-block crossings include a curb extension locating the crossing at the travel lane.

(3) Parking lanes are measured to the vertical curb when they are curb-adjacent.

(4) Parallel parking must follow:

a. Lane width: Seven (7) feet, except:

1. T6, GC, and LFI zones: parking lanes may be eight (8) feet wide;

b. Stall length: between twenty-two (22) and twenty-six (26) feet long for each space; and

c. Parking lanes are measured to the face of curb and include the gutter pan.

(5) Angled parking must follow:

a. Angle: Thirty (30)-degree or forty-five (45)-degree;

b. Stall width: Eight and a half (8.5) feet;

c. Stall length: Nineteen (19) feet; and

(6) Accessible spaces must follow ADA.

(7) Curbs along on-street parking are limited to six (6) inches high.

(h) Sidewalks, shared-use paths, and crosswalks

(1) Applicability.

a. Sidewalk construction is required for any of the following:

1. New residential, commercial or industrial construction;

2. Small-scale or large-scale development;

3. All exterior roadways and common or non-buildable lots for preliminary plats ;

4. The expansion of an existing building or site that totals fifty (50%) or more of the gross area of the existing building or site; or

5. The creation of new dwelling units.

(2) Exemptions.

a. This subsection does not apply to:

1. Interior alterations that do not add dwellings;

2. T2.1 zoned lots

3. Accessory dwelling unit construction;

4. Parcels with greater than one hundred fifty (150) linear feet of street frontage used as single-family or two-family; or

5. ArDOT determination that a sidewalk is not allowed within state right-of-way.

(3) Requirement.

a. Where a property abuts a public street identified on the Master Street Plan as requiring sidewalks, or a new street is constructed in accordance with this Chapter, a sidewalk must be constructed along the frontage of the site as part of development and right-of-way dedicated per the Master Street Plan, or as required by this Chapter.

b. Sidewalks must connect to existing or planned sidewalk networks where feasible.

(4) Sidewalk widths must meet the greater of the required sidewalk width of the Master Street Plan or the following minimums:

a. T6: Ten (10) feet;

b. T5 and GC: Eight (8) feet;

c. T4 and LI: Six (6) feet; and

d. T3, R-1, T2, and LFI: Five (5) feet.

(5) Property owners may request to pay a fee-in-lieu of sidewalk construction in accordance with Sec. 50-721(f) Fee-in-lieu and subject to the criteria below:

a. Construction of the sidewalk is not physically feasible due to site constraints, such as

topography, floodway or drainage facilities, existing mature trees or natural features identified for preservation, or other constraints not created by the applicant;

b. The sidewalk would not connect to an existing public sidewalk network within 1/4 mile along the same block face or corridor, and construction would not create a functional pedestrian route;

c. The proposed sidewalk would be further than 1/2 mile walking distance from pedestrian sidewalk generators such as parks, schools, trail access points, civic facilities, transit stops, or commercial uses; or

d. The sidewalk segment is planned to be constructed as part of an adopted City capital improvement project.

(6) At driveways and alleys, sidewalks must:

a. Maintain a continuous pedestrian surface across all driveway and alley aprons;

b. Remain consistent in width, elevation, and surface material across the full width of the alley or driveway crossing; and

c. Where alley grades require a slope transition, vertical alignment must be ramped outside the pedestrian path or integrated into a detectable warning zone.

(7) Crosswalks must be provided at all controlled intersection quadrants.

(8) Where two streets intersect at an offset of less than two hundred (200) feet, a single set of crosswalks must serve the combined quadrants.

(9) Crosswalks must be clearly marked and constructed with high-visibility materials, as specified in the Bentonville Street Specifications.

(10) Shared-use paths must follow the rules in Sec. 50-604. Trails and Bikeways.

(i) Street furnishings

(1) General requirements

a. Street furnishings must be located within:

1. The parkway, as defined in subsection (k) Parkways; or

2. Private property directly abutting the street.

b. Furnishings must be durable and secured to prevent movement, except:

1. Moveable seating is allowed as long as it is secured outside of business hours.

c. Street furnishing must follow subsection (l) Use of rights-of-way.

d. The quantity or placement of required street furnishings may be adjusted as an administrative adjustment under Sec. 50-716. Administrative Adjustments and Waivers.

(2) Required furnishings

a. Street furnishings are required for all large-scale developments and subdivision streets along T5-T6 lots.

b. At a minimum, each development must include:

1. One (1) bench or other fixed seating element per two hundred (200) liner feet of street;

2. One (1) trash and recycling receptacle for each intersection; and

3. Bicycle racks must be provided as required in subsection (g) Bicycle parking.

c. The following are allowed but not required:

1. Planters;

2. Information kiosks; and

3. Wayfinding elements.

(j) Lighting

(1) The purpose of this section is to ensure pedestrian-scale lighting that supports safety, visibility, walkability, and neighborhood character while maintaining consistency with the standards and specifications of the Bentonville Electric Utilities Department (BEUD).

(2) Pedestrian lighting must be provided at the following minimum frequencies:

a. In T2, R-1, T3, T4, and GC, at intersections mid-block locations, and additional locations where specified by BEUD to meet the intent of this subsection; and

b. In LI and LFI at intersections and additional locations where specified by BEUD to meet the intent of this subsection

c. In T5 and T6: no more than sixty (60) feet between fixtures, located on both sides of the street.

(3) Light poles must comply with the following maximum heights:

a. T2, R-1, T3, and T4: Twelve (12) feet;

b. T5, T6, GC, LI, and LFI: Sixteen (16) feet; or

c. Alternative heights may be approved by BEUD where necessary due to utility, safety, constructability, or standard equipment specifications, provided the intent of this subsection is met.

(4) All lighting fixtures must:

a. Use LED lamps;

b. Be shielded to prevent uplighting;

c. Be shielded or diffused to prevent direct view of the light source; and

d. Have a maximum color temperature of three thousand (3,000) kelvin.

(5) Pedestrian lighting is required along all sidewalks, shared-use paths, and pedestrian walkways, including those not located in the right-of-way.

(6) All lighting must be coordinated with BEUD subject to the following:

a. BEUD shall provide the location and placement of fixtures and related infrastructure within the right-of-way.

b. Luminaires, poles, foundations, conduit, and installation specifications shall comply with BEUD standards and specifications, as amended.

c. The cost and availability of luminaires, poles, and related materials are subject to change.

(7) Alternative lighting materials, technologies, or installations may be approved as an administrative adjustment under Sec. 50-716. Administrative Adjustments and Waivers.

(k) Parkways

(1) The parkway is located between the curb and sidewalk or in another location approved by the Planning Director if utilities or design constraints exist.

(2) Street trees must be provided within the parkway at a maximum spacing of fifty (50) feet, unless:

a. Utilities prohibit planting or require greater spacing; or

b. In T5 or T6, awnings, canopies, or galleries fully cover the parkway.

(3) Parkway design must follow Table 6.2 Parkway Requirements.

(4) Parkway width is measured from the back of curb to the sidewalk.

(5) Parkway trees and landscaping must comply with Sec. 50-510. Landscape, Screening, and

Buffering, and:

a. Trees must be specified as Street Trees within Table 5.21 Approved Tree Species; and

b. Trees located below overhead utilities must be selected for overhead utility compliance.

(6) Where street trees are not allowed within the right-of-way due to utility conflicts, trees must be located on private property immediately abutting the street or be offset with a fee-in-lieu in accordance with Sec. 50-721(f) Fee-in-lieu.

TABLE 6.2 PARKWAY REQUIREMENTS

Standard Tree Well	
Zoning District	T6, T5, GC
Tree Well Width	5.5 ft. min.
Tree Well Length	5.5 ft. min.
Surface: Between Tree Planters	Hardscaped: Matching the sidewalk, using unit pavers, or using pervious pavement
Surface: Tree Planter	Rubberized mulch or expandable grate



Long Tree Well	
Zoning District	T6, T5, T4, GC
Tree Well Width	5.5 ft. min.
Tree Well Length	12-20 ft.
Surface: Between Tree Planters	Hardscaped: Matching the sidewalk, using unit pavers, or using pervious pavement
Surface: Tree Planter	Landscaped, ground cover with tree guards, or rain gardens and LID treatments.



Continuous Planter	
Zoning District	T2, R-1, T3, T4, GC, LI, LFI
Planter Width	5.5 ft. min.
Planter Length	Continuous
Surface: Between Tree Planters	Landscaped; Intermittent rain gardens and LID treatments are allowed



(l) Use of right-of-ways

(1) Use of the public right-of-way requires an encroachment permit in accordance with Sec. 50-721(c) Encroachment permit, including but not limited to:

a. Use of on-street parking spaces for purposes other than vehicle parking;

b. Placement of street furnishings in the parkway; and

c. Use of sidewalks or areas between curb and property line for private or commercial activity.

(2) A-frame signs placed within the parkway do not require a permit, provided they comply with Sec. 50-508. Signs.

(3) Sight triangles must be maintained at intersections and driveways, following the Bentonville Code Bentonville Street Specifications.

(4) A clear pedestrian path at least five (5) feet wide must be maintained along the sidewalk.

(5) Retail or commercial furnishings placed in the right-of-way must be:

a. Removed or stored indoors between 12:00 a.m. and 6:00 a.m.; and

b. Positioned to avoid blocking access to building entrances, crosswalks, fire hydrants, and utilities.

(6) Any other use of the public right-of-way is subject to the review and approval of the Transportation Director and may be subject to revocation in the interest of public safety or accessibility.

(m) Alleys

(1) Design

a. Right-of-way or access easement width must be:

1. Twenty-eight (28) feet; or

2. Twenty (20) feet by administrative adjustment under Sec. 50-716. Administrative Adjustments and Waivers.

b. Pavement must meet the following minimum widths:

1. Where solid waste, utility, and fire access are required, excluding aerial access: at least twenty (20) feet;

2. Where aerial fire access is required: at least twenty-six (26) feet;

3. T2, R1, T3, T4: at least twelve (12) feet;

4. T5, T6: at least sixteen (16) feet; and

5. All others: at least sixteen (16) feet, or as approved by administrative adjustment under Sec. 50-716. Administrative Adjustments and Waivers.

c. The interior radius of pavement must be:

1. Personal vehicle access only: at least fifteen (15) feet; and

2. Fire, solid waste, and utility access: at least thirty-five (35) feet.

d. Alley design speed is 5-10 mph.

e. Drainage may be provided:

1. All zones: using a V-shaped section, sloping towards the middle of the alley, with a two percent (2%) cross slope; or
2. T2, T3, T4: using a crown section in combination with Low Impact Design features, as approved by administrative adjustment under Sec. 50-716. Administrative Adjustments and Waivers.

f. Dead-end alley segments must be:

1. No longer than four (4) abutting lots;
2. At least thirty (30) feet wide; and
3. Paved at least six (6) feet wider than the required minimum but no more than thirty (30) feet.

g. Additional fire access requirements:

1. Design must follow the Arkansas Fire Code to support apparatus access; and
2. 1- and 2-unit dwellings are not allowed fire access from the alley if there is a street abutting the lot, except as approved by the Fire Marshall.

h. Alleys providing fire or solid waste access must be designed to not require a fire apparatus or solid waste vehicles to turn around.

i. Parking is not allowed within alleys, except where striped parking spaces are provided, and:

1. They meet the stall and aisle rules in Table 5.10 Parking Space and Aisle Dimensions;
2. They do not intrude into minimum alley pavement areas; and
3. They do not block vehicles, solid waste trucks, or fire apparatus.

(2) Street intersections

a. Alley intersections with streets must be within fifteen (15) degrees of perpendicular.

b. Alley design at intersections must follow Table 6.3 Alley Apron.

c. All alleys must include a paved apron.

d. Parking accessed from an alley must be set back at least twenty (20) feet from the alley apron.

(3) Existing Alleys

a. Where a development abuts an existing, legally established alley that is less than the required right-of-way or pavement width, the developer shall:

1. Improve the portion of the alley abutting the site to the maximum feasible width within existing right-of-way or easement; and
2. Construct pavement meeting the minimum width of this Section to the extent physically possible without acquisition of off-site property.

b. A developer shall not be required to dedicate additional right-of-way or acquire off-site property to widen an existing alley unless such widening is required through subdivision or development plan approval in accordance with Sec. 50-308 Off-Site Infrastructure Improvements and Sec. 50-724 Public Improvements and Dedications.

c. Improvements shall not preclude future widening to the full standard if adjacent properties redevelop.

(4) Mid-block Alleys

a. Where a development abuts an alley that does not connect to a public street within the same block, the developer shall:

1. Construct the full required pavement width along the portion of the alley abutting the site;
2. Install a compliant alley apron; and
3. Extend the required pavement width at least twenty (20) feet beyond the alley apron into the corridor.

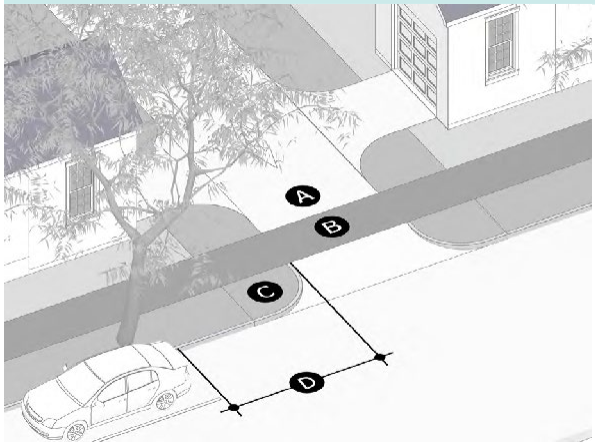
b. The developer shall not be required to construct the alley beyond their property frontage nor acquire off-site property unless:

1. The extension would directly connect the alley to a public street within the same block; and
2. The extension is reasonably proportional to the impact of the development as determined under Sec. 50-308 Off-Site Infrastructure Improvements and Sec. 50-724 Public Improvements and Dedications.

c. Nothing in this subsection shall require off-site property acquisition except where required as part of a subdivision or development plan approval.

TABLE 6.3 ALLEY APRON

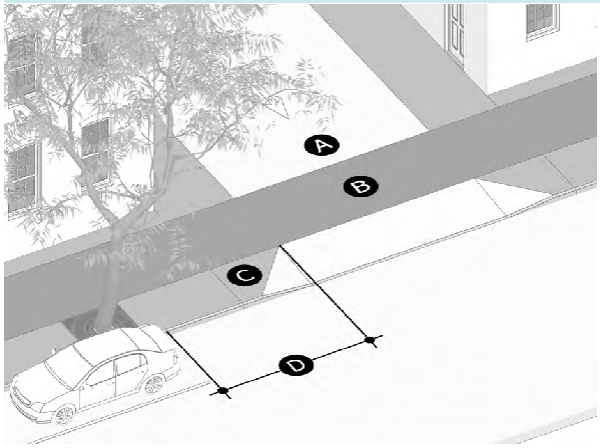
Neighborhood Alley



- **A** Alley pavement must be 20 ft. min. at the alley apron and extend at that width for at least 20 ft. into the alley.
- **B** Where the sidewalk crosses the alley apron, it must be maintained in material, width, and elevation across the alley apron.
- **C** The apron must have a 10 to 15 ft. curb return radius.
- **D** Parking must be set back a minimum of 20 ft. from the alley pavement at the alley apron.

Allowed Zones: T2, T3, T4

Mixed-Use and Non-residential Alley



- **A** Alley pavement must be 20 ft. min. at the alley apron and extend at that width for at least 20 ft. into the alley.
- **B** Where the sidewalk crosses the alley apron, it must be maintained in material, width, and elevation across the alley apron.
- **C** The alley apron may have a 5 ft. taper or a 5 ft. curb return radius.
- **D** Parking must be set back a minimum of 20 ft. from the alley pavement at the alley apron.

Allowed Zones: T5, T6, GC, LI, LFI

(n) Major driveway allowances and modifications

(1) The purpose of this section is to recognize that major driveways are private circulation facilities that may be required to function similarly to public streets for purposes of connectivity, access, and safety, while allowing appropriate flexibility in design standards to reflect private ownership, site-specific conditions, and development context. It is the intent of this section to:

a. Ensure safe and functional circulation for vehicles, pedestrians, bicycles, and emergency services;

b. Support walkable urban form and connectivity objectives; and

c. Avoid requiring private facilities to meet all standards applicable to public streets where such standards are unnecessary or impracticable.

(2) Applicability

a. This section applies to major driveways required or approved under this Code.

b. Major driveways are not public streets unless and until formally dedicated and accepted by the City.

c. Except as modified by this section, major driveways shall comply with the applicable street design standards of Article 50-6.

(3) General Allowance Authority

a. The Director, through the Technical Advisory Committee (TAC), may approve alternative designs or reduced standards for major driveways where it is determined that the proposed design:

1. Provides equivalent or superior safety performance;
2. Maintains adequate emergency access;
3. Supports pedestrian and bicycle circulation appropriate to the development context; and
4. Does not preclude future connectivity or planned circulation improvements.

b. Approval under this subsection shall not be construed as a waiver unless expressly stated.

(4) Specific allowances for major driveways

a. The following allowances may be applied to major driveways without requiring a waiver, unless otherwise noted:

1. *Design speed.* Design speeds may be reduced below the minimums in Table 6.1 where geometric design, access spacing, and pedestrian priority support traffic calming objectives.
2. *Travel lanes.* Minimum curb-adjacent travel lane widths may be reduced to ten (10) feet where fire access requirements are satisfied.
3. *Parking configuration.* Parking adjacent to major driveways may follow the parking layout, stall dimensions, and aisle widths in Table 5.10 Parking Space and Aisle Dimensions, in lieu of on-street parking standards, subject to this subsection.

i. Dimensional standards.

a. Parking stall dimensions shall comply with Table 5.10.
b. Travel lane widths within the major driveway may be adjusted to the required parking aisle widths in Table 5.10.

ii. Permitted parking configurations. The following parking configurations may be permitted along major driveways where consistent with site design and circulation:

a. Parallel parking;
b. Angled parking thirty [30]-degree or forty-five [45]-degree; or
c. Perpendicular parking ninety [90]-degree, where maneuvering space and sight distance are adequate.

iii. Limitations.

a. Parking along major driveways shall not obstruct required fire access routes, loading zones, or pedestrian crossings.
b. Parking configurations that would be prohibited on a public street may be permitted on a major driveway, provided the major driveway is not dedicated as a public street.

4. *Medians and Turn Lanes.* Medians and continuous center turn lanes may be approved administratively as part of site or construction plan review, without separate discretionary approval, where traffic operations warrant.
5. Street Furnishings

i. Required street furnishings may be:

a. Relocated to civic spaces or private frontage zones; or
b. Omitted where pedestrian volumes are low.

ii. Furnishings shall not obstruct emergency access or required clear zones.

6. Lighting

i. Pedestrian lighting spacing may be increased where pedestrian activity is limited.
ii. Lighting design shall prioritize pedestrian safety at crossings, building entrances, and conflict points.

7. Parkways and Landscaping
    i. Where a major driveway is private, required parkway elements may be located:
        a. Within private frontage zones;
        b. Within public access easements; or
        c. On private property immediately adjacent to the travel way.
    ii. Tree spacing and planting requirements may be adjusted to reflect utility constraints and site conditions.
8. Reduced Easement Width.
    i. Where a major driveway is not dedicated as a public street, it may instead be dedicated within a public easement. The required right-of-width may be reduced to the minimum width easement necessary to accommodate the approved facility cross-section, including:
        a. Travel lanes;
        b. Parking lanes, where permitted;
        c. Required sidewalks or shared-use paths;
        d. Drainage facilities; and
        e. Utility corridors approved as part of the development.
    ii. The easement width shall be sufficient to ensure safe operation, emergency access, and long-term functionality of the major driveway, as determined through TAC review.
9. Prohibited Uses of Allowances. Allowances under this section shall not be used to:
    i. Eliminate required connectivity;
    ii. Reduce emergency access below minimum safety standards;
    iii. Circumvent subdivision, public improvement, or dedication requirements; or
    iv. Avoid future dedication obligations where dedication is expressly required by this Code.
10. Relationship to Public Streets and Dedication
    i. Approval of a major driveway under this section does not constitute:
        a. Acceptance of a public street;
        b. A commitment to future dedication; or
        c. A finding that the facility meets all public street standards.
    ii. Any future request for dedication shall require compliance with the standards in effect at the time of dedication.
    iii. Major driveways required by this Code for access and circulation require the dedication.

SEC . 50-603 . PUBLIC STREET IMPROVEMENTS

(a) Purpose

(1) To establish consistent rules for public street improvements required along the frontage of development sites.

(2) To ensure that all new development contributes to a complete and connected public street network, consistent with the adopted Master Street Plan and street design standards.

(3) To support safe, multi-modal access for vehicles, pedestrians, and cyclists.

(b) Applicability

(1) This section applies to all development sites along an existing or proposed public street.

(2) This section does not apply to streets within subdivisions or major driveways.

(3) All public street improvements are subject to Streets to be dedicated to the city are subject to Sec. 50-724. Public Improvement and Dedication.

(c) Required frontage improvements

(1) Development along public streets must include street improvements from the street centerline to the edge of the property line, along the entire property.

(2) The Planning Commission may require the developer to construct the full street and any off-site improvements if needed for safety, circulation, or access in accordance with Sec. 50-308 Off-Site Infrastructure Improvements and Sec. 50-724 Public Improvements and Dedications.

(3) Required improvements include:

a. Curb and gutter;

b. Pavement widening, where the existing street does not meet minimum width;

c. Sidewalks and planting strips;

d. Street lighting and street trees;

e. ADA-accessible ramps at corners or crossings; and

f. Any bicycle or trail facilities required by The Bike & Pedestrian Master Plan.

(4) Improvements must match the street type and cross-section identified on the Master Street Plan or Sec. 50-602. Street Design.

(5) If the Master Street Plan does not identify the street type, the appropriate section must be selected from Sec. 50-602. Street Design based on place type and zoning district.

(6) Where existing rights-of-way cannot accommodate Master Street Plan, Sec. 50-602. Street Design, or Bentonville Street Specifications standards, an alternative streetscape design may be approved by the Planning Commission.

(d) Right-of-way dedication

(1) Right-of-way must be dedicated in accordance with the Master Street Plan and to accommodate the required improvements.

(2) Right-of-way dedication may extend beyond the street edge to include trails or utility corridors.

(3) Dedication must be made by plat or by separate instrument, as approved by the City legal department.

SEC . 50-604 . TRAILS AND BIKEWAYS

(a) Trail design standards

(1) If a trail is identified in the Bike & Pedestrian Master Plan:

a. Trail design must follow the standards specified in the plan, including the trail, landscaping, intersection crossings, lighting, and wayfinding; and

b. Trail signage and construction must follow the Bentonville Street Specifications.

(2) All other trails and shared-use paths must meet the following design standards:

a. Design elements listed in Table 6.4 Trail Design Standards are required;

b. Must be placed within a dedicated tract or easement, providing adequate space for all design elements and future maintenance needs;

c. Must include a paved shared-use path for walking and biking. The TAC may approve the use of pervious materials by administrative adjustment under Sec. 50-716. Administrative Adjustments and Waivers;

d. Where trails follow utility corridors or follow utility access roads provisions must be made to accommodate access and maintenance of the utility;

e. Must include lighting along the trail. Light temperature must be 3000K or less; and

f. Street crossings must include:

1. Curb ramps, complaint with ADA standards;
2. “Special emphasis” crosswalk markings; and
3. Crosswalk signage, compliant with the Manual on Uniform Traffic Control Devices.

TABLE 6.4 TRAIL DESIGN STANDARDS

Design Element	Zone	Requirement
Easement, Tract or right-of-Way	MH, T2, T3, R-1, T4	At least 20 feet wide.
	T5, T6, GC, LI, LFI	At least 30 feet wide.
Trail or Shared-use Path	MH, T2, T3, R-1, LI, LFI	At least 10 feet wide.
	T4, GC	At least 12 feet wide.
	T5, T6	At least 14 feet wide.
Trees	All	1 for every 50 feet of trail length, may be clustered.
Landscape	MH, T2, T3, R-1, T4	At least 4 feet wide on both sides of the trail and no less than 10 feet in total width. Must include ground cover and shrubs.
	T5, T6, GC, LI, LFI	At least 5 feet wide on both sides of the trail and no less than 16 feet in total width. May be up to 60% paved and must include ground cover and shrubs where unpaved.
Seating	All	1 bench for every 500 feet of trail length, may be clustered.
Lighting	All	At every intersection between the trail and another right-of-way. Additional lights are required at a spacing determined by BEUD.

(b) Bikeways

(1) If an on-street bicycle facility is identified in the Bike & Pedestrian Master Plan:

a. Facility design must follow the standards specified in master plan, including the facility, buffering or separation, intersection crossings, lighting, and wayfinding;

b. If facility design is not specified in the master plan, it must meet the requirements of this section; and

c. Trail signage and construction must follow the Bentonville Street Specifications.

(2) Trails and shared-use paths, other than sidepaths, must follow Sec. 50-604. Trails and Bikeways.

(3) All bikeways must meet the dimensional and design requirements of Table 6.5 Bikeways and Bentonville Street Specifications.

(4) The alignment of bikeways in existing plans may differ from the plan to respond to site conditions, provided the network connects to all adjacent facilities and is approved by the TAC.

(5) The TAC may require a specific bikeway type or alignment within the site to ensure integration with the citywide bicycle network.

(6) Bikeways must be constructed of smooth, durable paving, clearly demarcated, and designed to minimize conflicts with pedestrians and vehicles.

(7) Curb-adjacent bicycle facility width is measured to the vertical curb.

(8) Manholes, drains, and other obstructions should not be located in bikeways.

TABLE 6.5 BIKEWAYS

Type	District	Functional Classification	Posted Speed (mph, max.)	ADT (max.)	Width (feet, min.)	Separation		Special Standards
Shoulder or Edge Lane	Rules by FHWA Bikeway Selection Guide; Requires approval from County Engineer, TAC, and Planning Commission							
Shared Lane	All	Local	20	2,000	10, max.			Lane width on yield streets may exceed the maximum
Advisory Lane	All	Local	25	3,000	7			
Conventional Lane	T2, T3, T4	Local	30	5,000	5			
	T5, T6, GC, LI, LFI				6			
Buffered Lane	T2, R1, T3, T4	Local, Collector	35	6,000	5	Paint, Flexible post	3 ft. min.	
	T5, T6, GC, LI, LFI				6			
Separated Lane (1-way)	All	Local, Collector	45		7	Grade, Flexible Post, Inflexible Barrier, Parking, Raised Island	2 ft. min.	
Separated Lane (2-way)	All	Local, Collector	45		12			
Sidepath	All				12	By Parkway Rules		

SEC . 50-605 . UTILITY LOCATION STANDARDS

(a) Applicability

(1) This section applies to all public and franchise utility lines, structures, and appurtenances located within or adjacent to public right-of-ways, alleys, and easements.

(2) Utility placement must be coordinated with:

a. Rules and guidelines in BEUD Electric Specifications;

b. Rules and guidelines in BWUD Specifications;

c. Street and alley design rules in Sec. 50-602. Street Design and the Bentonville Street Specifications; and

d. Street trees and planting areas required by Sec. 50-510. Landscape, Screening, and Buffering and Sec. 50-511. Natural Resource Protection.

(b) Utility Location standards

(1) General

a. Utilities located on private property must be within an easement dedicated to the City. Easement width may vary depending on specific or existing site conditions as approved by the BWUD or BEUD Director.

b. Easements must be provided in accordance with Sec. 50-724. Public Improvement and Dedication.

c. Easements and accommodations for existing or planned utilities may be required by the BEUD Director or BWUD Director.

d. Additional easements and utilities may be required based on site location, size, development program, and adjacent uses.

e. Utility easements and specifications may increase setbacks and restrict encroachments specified in Article 50-4 Zoning.

(2) Typical location

a. Utility layout concepts

1. Utilities should be located in accordance with the utility layout concepts shown in Figure 6.3 Typical Utility Locations, which reflect the City's preferred approach to utility coordination, relative separation, and efficient use of right-of-way and easement. The diagrams communicate functional relationships, coordination principles, and separation requirements among utilities rather than prescribe exact, fixed locations.

2. Utility placement may vary as necessary to address site-specific conditions, constructability, or operational needs, provided the overall coordination intent is maintained and adequate access for construction, operation, maintenance, and servicing is preserved, as determined by the BEUD Director and BWUD Director.

b. Approval

1. All utility layouts are subject to final approval by the BEUD Director and BWUD Director.

c. Utilities located within alleys, non-street right-of-ways, or infill development

1. Where a proposed development seeks to locate electric, water, sewer, or other utilities within an alley or other non-street right-of-way, or where utility placement is proposed as part of infill development that may be constrained by existing infrastructure, access, or surrounding development, the Director shall require completion of a Infrastructure coordination conference in accordance with Article 50-7 Administration.

2. The Director is responsible for coordinating and convening the Infrastructure coordination

conference and for identifying the City departments, utilities, and agencies required to participate.

3. Utility placement in these contexts shall be permitted only where the BEUD Director and BWUD Director determine that sufficient access for construction, operation, maintenance, and servicing can be provided and that the proposed layout is compatible with surrounding development and infrastructure.

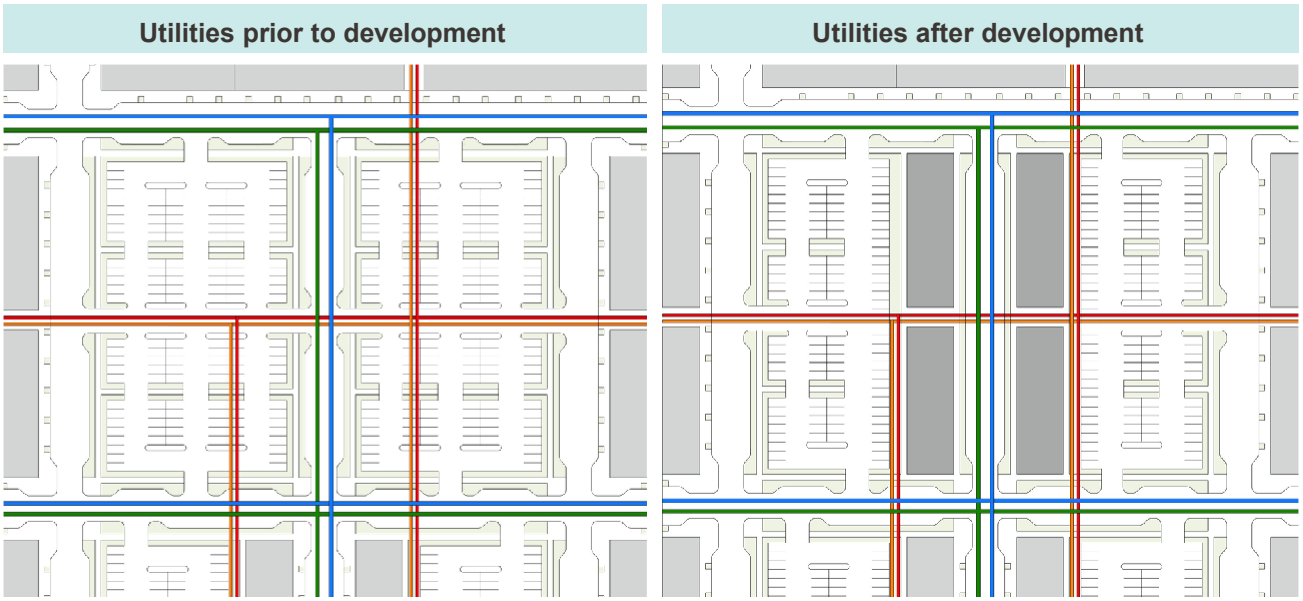
(3) Developments using major driveways and future lots

a. The purpose of this section is to ensure that Utility locations in developments utilizing major driveways shall be designed to:

1. Ensure safe, reliable utility access and long-term maintenance;
2. Preserve the ability to develop future lots as shown on the approved development plan as depicted in Figure 6.2; and
3. Avoid utility placements that would require relocation or redesign during future development phases.

b. Public utilities proposed outside of public streets, major driveways, or other primary circulation corridors as depicted in Figure 6.3 shall require review through a Infrastructure coordination conference prior to approval.

FIGURE 6.2 UTILITY LOCATION IN DEVELOPMENTS USING MAJOR DRIVEWAYS



(4) Preserved trees

a. Where utility installation occurs in proximity to preserved trees, all work must comply with the construction protection measures specified in Sec. 50-509. Tree Preservation, unless conflicts cannot be avoided. This includes:

1. Avoiding trenching or excavation within the critical root zone unless specifically approved in the Tree Preservation Plan;
2. Using directional boring, root-sensitive excavation, or hand trenching where conflicts cannot be avoided;
3. Installing tree protection fencing, implementing soil compaction prevention, and applying root pruning methods consistent with approved preservation practices; and

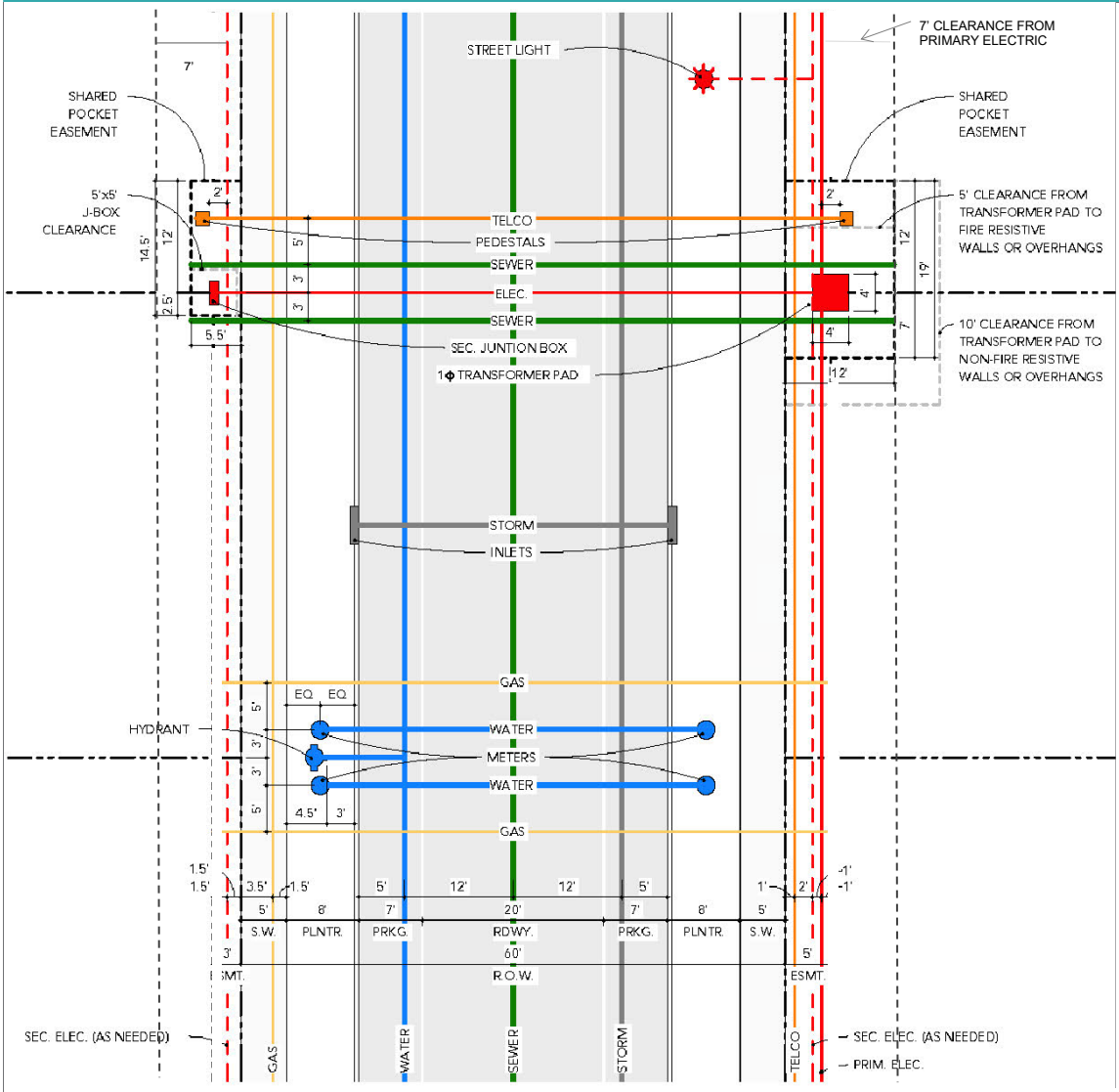
4. A modified tree protection strategy, subject to the approval of the Director, BEUD Director, and BWUD Director, to minimize harm and preserve long-term health of the tree to the greatest extent practicable.

b. Where compliance with these standards is infeasible due to utility service requirements, the Planning Director may approve removal of the tree consistent with Sec. 50-509. (e) Tree Removal.

FIGURE 6.3 TYPICAL UTILITY LOCATIONS

FIGURE 6.3 TYPICAL UTILITY LOCATIONS

1. 34ft Roadway without Alley

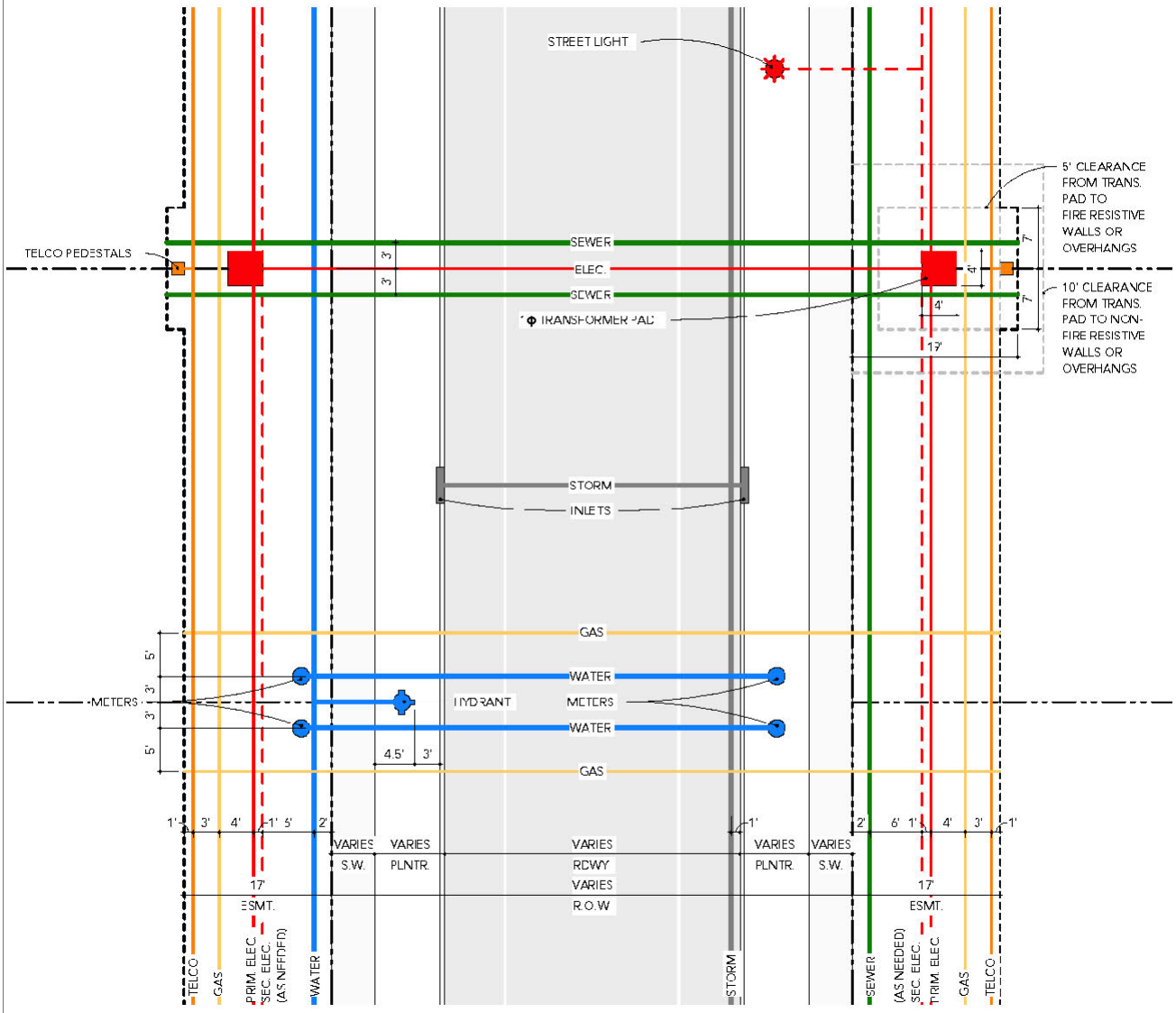


Notes

- 60 ft right-of-way depicted with 34 ft vertical curb-to-curb with on-street parking both sides.
- Fire access accommodated from street, aerial access may require an alternative layout.
- Stripe parking lane to disallow parking in proximity to fire hydrants.
- Electric and telecom service are accommodated within utility easements on private property.
- Additional pocket easement depicted for telecom pedestals, confirm easement dimension and construction type.
- Locate streetlight transformer in park strip.
- Coordinate street tree requirements with utility locations and minimum setbacks.
- Site conditions, load conditions, and existing or planned utilities may require additional easements.
- Foundations required to be set back seven (7) feet minimum from primary electric lines.
- Final utility alignment must be approved by BEUD and BWUD.

FIGURE 6.3 TYPICAL UTILITY LOCATIONS

2. Roadway without Alley, Water & Sewer in Easement

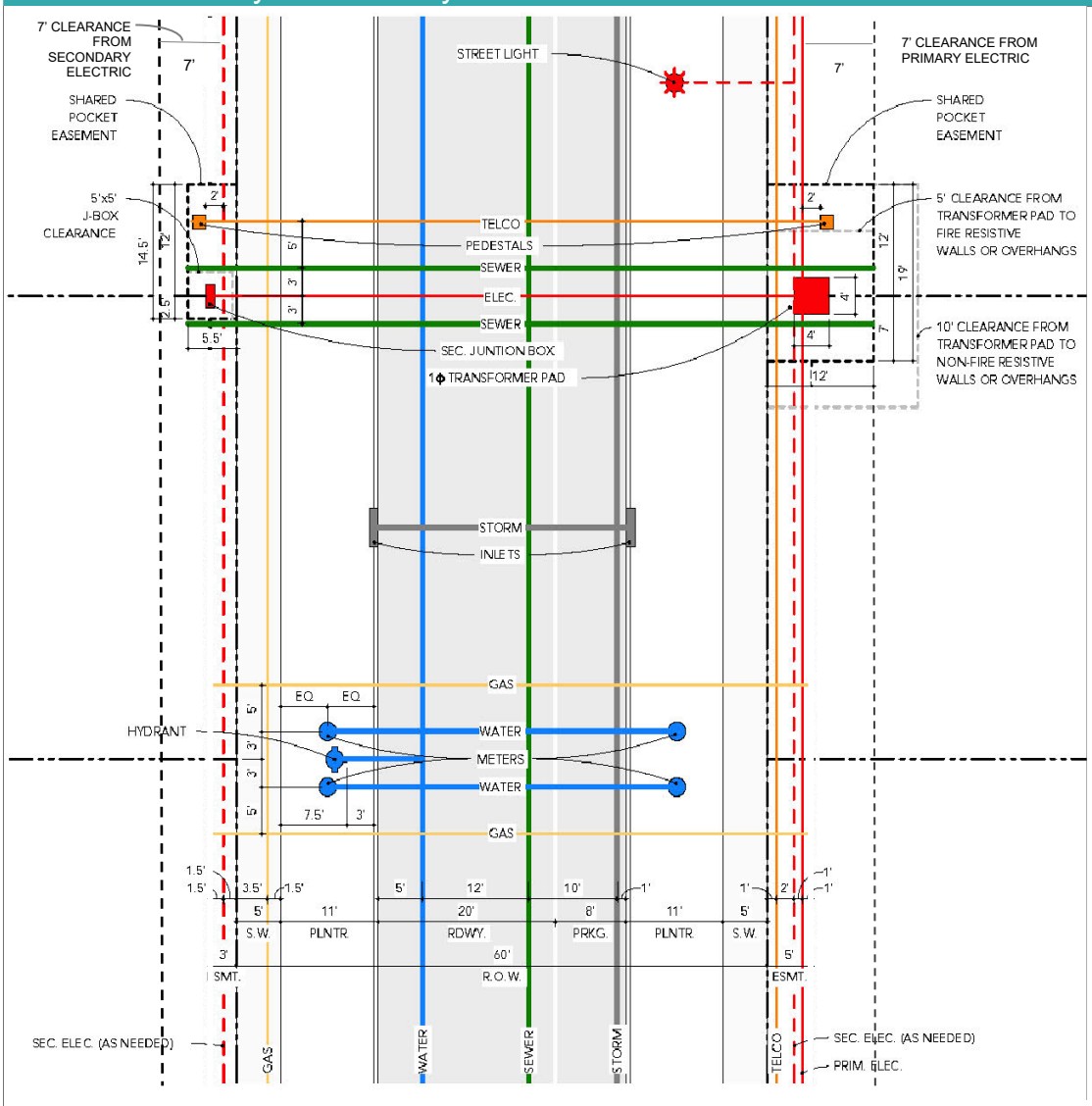


Notes

- 60 ft right-of-way depicted with 34 ft vertical curb-to-curb with on-street parking both sides. Right-of-way width and roadway width may vary.
- Fire access accommodated from street, aerial access may require an alternative layout.
- Stripe parking lane to disallow parking in proximity to fire hydrants.
- All utilities are located within easements on private property, except fire hydrants.
- Additional pocket easement depicted for telecom pedestals, confirm easement dimension and construction type.
- Coordinate street tree requirements with utility locations and minimum setbacks.
- Site conditions, load conditions, and existing or planned utilities may require additional easements.
- Foundations required to be set back seven (7) feet minimum from primary electric lines.
- Final utility alignment must be approved by BEUD and BWUD.

FIGURE 6.3 TYPICAL UTILITY LOCATIONS

3. 28 ft Roadway without Alley

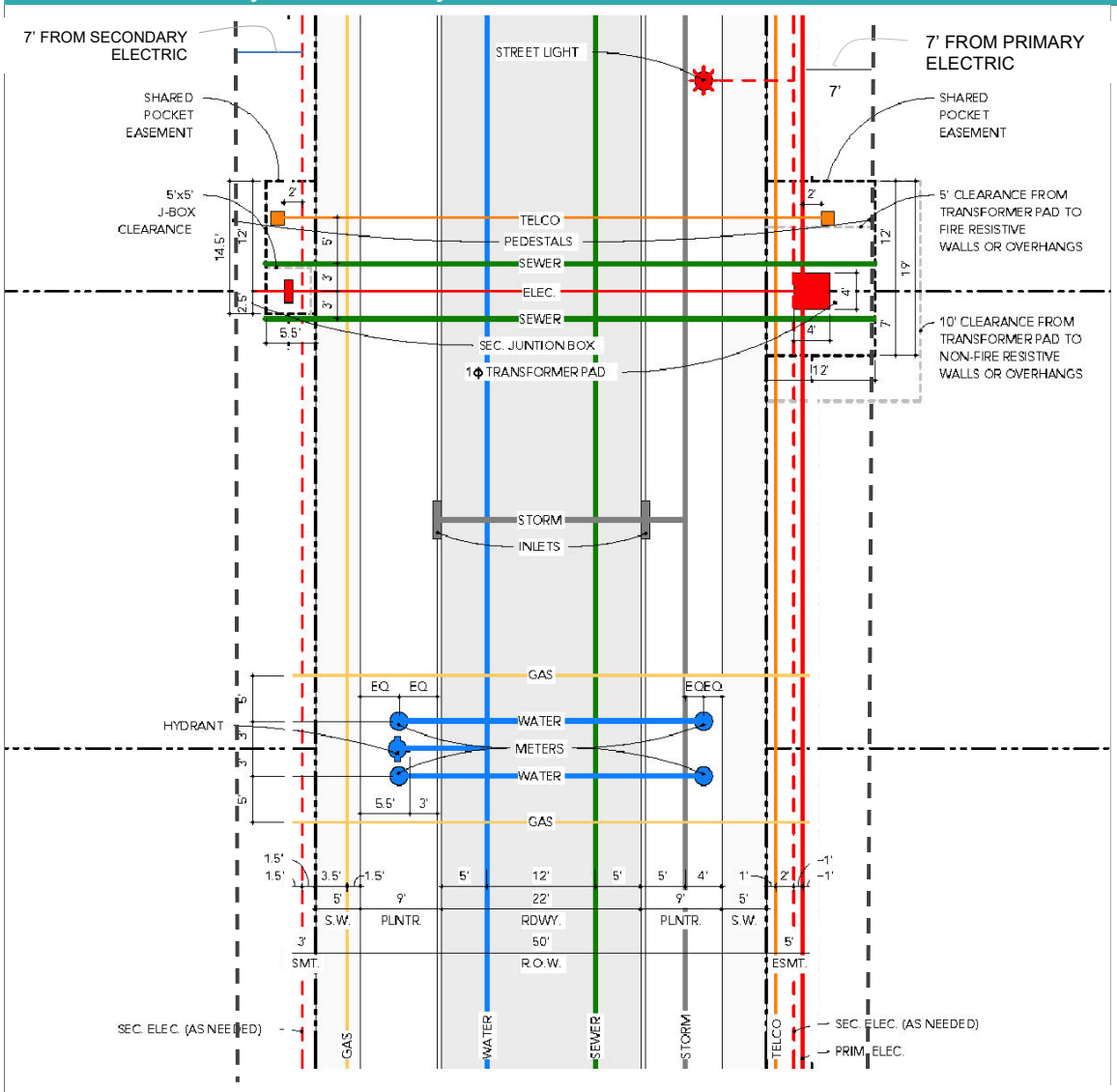


Notes

- 60 ft right-of-way depicted with 28 ft vertical curb-to-curb with on-street parking on one side.
- Fire access accommodated from street, aerial access may require an alternative layout.
- Stripe parking lane to disallow parking in proximity to fire hydrants.
- Electric and telecom service are accommodated within utility easements on private property.
- Additional pocket easement depicted for electric and telecom pedestals, confirm easement dimension and construction type.
- Locate streetlight transformer in park strip.
- Coordinate street tree requirements with utility locations and minimum setbacks.
- Site conditions, load conditions, and existing or planned utilities may require additional easements.
- Foundations required to be set back seven (7) feet minimum from primary electric lines.
- Final utility alignment must be approved by BEUD and BWUD.

FIGURE 6.3 TYPICAL UTILITY LOCATIONS

4. 22 ft Roadway without Alley



Notes

- 50 ft right-of-way depicted with 22 ft vertical curb-to-curb with no on-street parking.
- Fire access accommodated from street, aerial access may require an alternative layout.
- Electric and telecom service are accommodated within utility easements on private property.
- Secondary electric service located under sidewalk, locate streetlight transformer in park strip.
- Additional pocket easement depicted for electric and telecom pedestals, confirm easement dimension and construction type.
- Coordinate street tree requirements with utility locations and minimum setbacks.
- Site conditions, load conditions, and existing or planned utilities may require additional easements.
- Foundations required to be set back seven (7) feet minimum from primary electric lines.
- Final utility alignment must be approved by BEUD and BWUD.

SEC . 50-606 . COMMUNICATIONS EQUIPMENT

(a) Purpose and intent

(1) To regulate the placement, design, and lighting of communications towers and antennas in order to minimize visual impacts, ensure compatibility with surrounding development, and protect public health and safety.

(2) To allow communications services while ensuring equipment is visually unobtrusive, appropriately integrated with surrounding context, and safely maintained over time.

(b) Applicability

(1) This section applies to all towers, antennas, and supporting telecommunications equipment within the City.

(2) The BEUD Director may waive one (1) or more of these standards upon determining that the location, surrounding context, or project scope does not require visual or operational mitigation.

(3) All separation requirements of the BEUD Electric Specifications and BWUD Specifications must be met.

(c) Lighting

(1) Towers must be illuminated only when required by the FAA or other applicable regulatory authority.

(2) When lighting is required, it must:

a. Comply with the minimum specifications established by the applicable regulatory authority; and

b. Be designed to minimize glare and disturbance to surrounding properties.

(3) Security lighting or motion-activated lighting at the base of a tower or within a telecommunications facility must:

a. Be fully shielded; and

b. Prevent light spillover onto adjacent lots or public right-of-ways.

(d) Stealth and camouflage

(1) Towers and antennas must be designed using stealth techniques or camouflage to reduce visibility and integrate with their surroundings.

(2) Towers must:

a. Be finished with galvanized steel, wood laminate, or a neutral paint color; and

b. Comply with any FAA standards related to marking or lighting.

(3) All buildings, shelters, and ground-mounted equipment associated with telecommunications facilities must be designed to blend with surrounding structures or vegetation, using materials, colors, and architectural detailing consistent with adjacent development.

(4) If an antenna is mounted on a structure other than a tower, including a building or utility structure, the antenna and all visible support equipment must:

a. Match or closely complement the color of the supporting structure; and

b. Be mounted in a manner that minimizes visual prominence and avoids silhouette against the sky.

(e) Maintenance and removal

(1) All communications equipment must be maintained in a clean, structurally sound, and operational condition.

(2) Any facility that is damaged or no longer in use must be repaired, replaced, or removed within ninety (90) days of notification by the City.

(3) If a tower or antenna is unused or abandoned for a continuous period of twelve (12) months, it must be removed by the facility owner, service provider, or property owner.

(4) Upon removal, the site must be restored to its prior condition or to a condition consistent with adjacent development, including the removal of foundations, fencing, and other supporting infrastructure unless otherwise approved by the Director.

SEC . 50-607. ADDRESSING AND STREET NAMING

(a) Applicability

(1) This section applies to:

a. The naming of public and private streets;

b. The assignment of address numbers; and

c. The labeling of units, suites, or floors.

(2) These standards apply to all development within the City, including:

a. New subdivisions;

b. Site developments;

c. Multifamily and commercial projects; and

d. Existing properties subject to renaming or renumbering.

(b) Official Street Map and City Grid Centroid

(1) The City's directional and address grid is centered at the intersection of Main Street and Central Avenue, which serves as both the directional grid centroid and the address grid centroid. From this point, the north–south centerline extends east–west and the east–west centerline extends north–south to the City limits and addressing boundary.

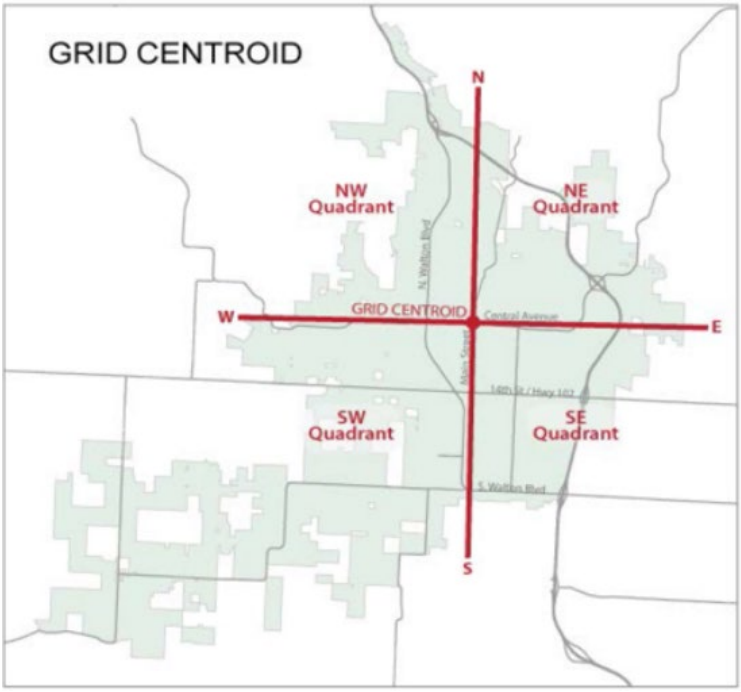
(2) All street address numbering begins at this centroid, increasing outward in all directions, with each block ranging from 100–199 and continuing sequentially to the City limits.

(3) Based on this centroid, the City is divided into four quadrants: NE, NW, SE, and SW.

(4) The public GIS Master Map shall serve as the authoritative reference for street names and addresses within the City.

(5) It must be updated upon approval of plats or master plan developments.

FIGURE 6.4 GRID CENTROID



(c) Authority

(1) The GIS Coordinator, or designee, is responsible for:

a. Assigning addresses and street names;

b. Maintaining the authoritative GIS Master map;

c. Reviewing proposed names and numbers;

d. Resolving conflicts; and

e. Initiating or processing name or number changes.

(d) Street naming standards

(1) General requirements

a. Street names will be updated and confirmed before final plat approval and coordinated and assigned during the large-scale development process.

(2) Street naming

a. Proposed names must be submitted on the preliminary plat.

b. Names must be approved by the GIS Department pursuant to this Code.

c. Duplicate or phonetically similar names are not allowed.

d. Street names may not include directional or type confusion (such as Northglen Drive).

e. Streets that align with existing named streets must use the same name.

f. Loop streets must include an appropriate suffix such as “Loop,” “Circle,” or “Court.” At the discretion of the assigned designee, this requirement may be waived when it is determined that the loop should retain the name of the street from which it originates or with which it is primarily aligned.

g. Street names honoring individuals require a proclamation by City Council.

h. Alleys must be named and addressed in accordance with these standards and must use the suffix 'Alley'.

i. Full street names, including the suffix and directional (prefix) are limited to a maximum of seventeen (17) characters in length.

j. Numeric street names must use the appropriate numeric suffix (e.g., 1st, 2nd, 3rd, 4th).

k. Streets that are also designated state or federal highways may be identified by a local street name in conjunction with the highway designation on the Official Street Address Map.

(3) Street name components

a. All streets must have directional prefixes that follow the approved abbreviations:

1. North: N
2. South: S
3. East: E
4. West: W
5. Northeast: NE
6. Northwest: NW
7. Southeast: SE
8. Southwest: SW

b. Suffixes must match the direction of the street:

1. East–West streets: Avenue or Boulevard
2. North–South streets: Road or Street

(4) Renaming

a. Renaming may be initiated by the City Council, Planning Commission, Mayor, GIS Department, or the public following the below process.

b. Requests must include:

1. A completed application; and
2. Signatures from one hundred percent (100%) of abutting property owners, with at least eighty percent (80%) in support.

c. Requests must be reviewed by City departments and by the Traffic Safety and Signage Committee.

(e) Address formatting

(1) General.

a. Every habitable or substantial structure must be assigned an address.

b. Accessory structures and minor features will not receive separate addresses.

c. Final addresses, other than corner lots, and street names will be assigned before final plat approval or building permit issuance.

d. Suite and unit numbers are assigned as part of the project approval process or at commercial tenant infill for pre-existing structures.

e. Only whole numbers may be used. Fractions, letters, and decimals are not allowed.

f. Even numbers are placed on the right side of the street and odd numbers are placed on the left side, in relation to the centroid.
g. Corner lots must receive one (1) address based on the location of the front door.

(2) Labels

a. Labels are assigned as follows:
   1. Main address (M)
   2. Suite (STE)
   3. Apartment (APT)

(3) Commercial Addressing

a. Suites in commercial buildings are numbered from 1 to 99, or by floor using 100-level ranges.
b. Suite numbers are assigned based on building parity and layout.
c. In a suite split, the next available number is used, regardless of odd–even pattern.
d. Address spacing must allow for future splits or tenant changes.

(4) Multifamily addressing

a. Multifamily buildings must be assigned a main address and unit numbers.
b. Units must be numbered sequentially, increasing from the centroid.
c. When floors are stacked, unit numbers must correspond to the floor:
   1. First floor: 100–199; and
   2. Second floor: 200–299, and so on.
d. Duplexes must be assigned one (1) main address with numbered units.
e. Townhomes must receive separate street addresses, not unit numbers.
f. The official address for apartments or condominiums is the main address plus the unit number.

(5) Readdressing

(1) When renumbering is necessary, it must follow the same standards.
(2) Corner lots must receive one address based on the location of the front door.

(g) Address display

(1) Addresses must be posted on all buildings as required by the Fire Code.
(2) If not visible from the street, a secondary sign must be installed at the point of access.

(h) Enforcement

(1) Inspectors will confirm address compliance at final inspection. A certificate of occupancy or compliance will not be issued unless the correct address is posted and matches City records.

ARTICLE 50-7 ADMINISTRATION

SEC. 50-701. PURPOSE AND INTENT

(a) To establish the procedures for review and approval of development activities and enforce the rules in this Code.

(b) To protect the public interest through consistent and thorough review of development proposals.

(c) To provide clear and predictable review processes that comply with Arkansas State Statutes and other laws.

(d) To establish the responsibility and authority of decision-making bodies and city staff.

SEC. 50-702. APPLICABILITY

(a) Any development activity regulated by this Code, or any change affecting features of the development site subject to its standards, may require review and approval as specified in this article.

SEC. 50-703. APPROVAL BODIES

(a) Review responsibilities

(1) Each application is subject to the review responsibilities identified in Table 7.1 Approval Authority.

(2) The roles of City Council, Planning Commission, and Board of Adjustment in this section and Table 7.1 Approval Authority apply only to decisions and recommendations required by this Code.

(3) Nothing in this section changes, limits, or expands the duties of these bodies under state law or other provisions of City code.

(4) Applications are routed to the appropriate departments, staff reviewers, or approval bodies based on the type of request and applicable technical requirements.

(5) The Director is responsible for determining application completeness and assigning routing based on this section and the approval bodies schedules.

(6) When an application includes multiple components requiring different approvals, review bodies may consider them concurrently or consecutively, as determined by the Director.

(b) Technical Advisory Committee

(1) Establishment and purpose

a. The City of Bentonville hereby establishes a Technical Advisory Committee (TAC) to review as an interdepartmental staff body responsible for integrated technical review of development applications.

b. The purpose of the TAC is to ensure coordinated application of adopted codes, standards, and specifications and to provide clear, consolidated staff feedback to applicants and decision-making bodies.

(2) Authority and Function

a. TAC is administrative and technical in nature. The TAC does not act as a legislative or quasi-judicial body unless expressly authorized by this Code.

b. The TAC is responsible for:

1. Reviewing development applications for technical compliance with applicable codes, standards, and adopted manuals;

2. Conducting pre-application conferences, infrastructure coordination conferences, and pre-construction conferences;
3. Reviewing and approving construction documents as authorized by this Code;
4. Reviewing and approving minor subdivisions as authorized by this Code; and
5. Providing written technical findings, comments, and recommendations for applications requiring Planning Commission or City Council action.

(3) Composition

a. The TAC consists of representatives from the following City departments and utilities:
   1. Planning;
   2. Transportation;
   3. Building and Fire Safety;
   4. Bentonville Electric Utility Department (BEUD); and
   5. Bentonville Water Utility Department (BWUD).

b. Each department or utility shall designate one (1) or more qualified representatives with authority to speak on behalf of the department.

c. The Director may request participation by additional City departments or agencies, when an application involves subject matter within their jurisdiction or expertise. Such participation does not alter approval authority under this Code.

(4) Administration

a. The Planning Director serves as Chair of the TAC and is responsible for:
   1. Scheduling TAC meetings;
   2. Establishing agendas and priorities;
   3. Coordinating interdepartmental review;
   4. Requesting participation by additional departments when appropriate; and
   5. Documenting and consolidating staff comments and recommendations.

b. TAC meetings shall be held in accordance with the published TAC schedule and submission deadlines.

(c) Planning Director

(1) The Director is responsible for administering and enforcing this Code, including:
   a. Determining application completeness and eligibility;
   b. Coordinating application routing and development review;
   c. Reviewing and approving permits where authorized;
   d. Making determinations on administrative adjustments where authorized; and
   e. Providing staff support to the Planning Commission and Board of Adjustment.

(2) The Director may refer an application to a higher approval body where authorized by this Code or where necessary to ensure compliance with applicable standards.

(3) The Director may require consolidated review where multiple applications or permits are proposed in a manner that would circumvent the intent of this Article.

TABLE 7.1 APPROVAL AUTHORITY

Application or Action	Applicable Department Director	Technical Advisory Committee	Planning Commission	City Council	Board of Adjustment
Administrative Actions					
Permits	Approve				Appeal
Plans					
Small-scale Development	Review	Approve	Appeal		
Large-scale Development		Review	Approve	Appeal	
Campus Development Plan		Review	Approve	Appeal	
Subdivision of Land					
Minor Subdivisions		Review	Approve	Appeal	
Preliminary Plat		Review	Approve	Appeal	
Final Plat		Review	Approve and Accept Dedications	Appeal	
Amendments					
Rezoning		Review	Recommend	Adopt	
BCC Amendment		Review	Recommend	Adopt	
FLUM Amendment		Review	Recommend	Adopt	
Land Actions					
Annexation		Review	Recommend	Adopt	
Independent Dedications		Review		Accept	
Vacation		Review	Recommend	Adopt	
Relief and Exceptions					
Administrative Adjustment	Approve		Appeal		
Variance		Review			Approve
Waivers		Review	Approve	Appeal	

SEC . 50-704 . SMALL-SCALE DEVELOPMENT PROCESS

(a) Purpose and applicability

(1) Small-scale development review applies to development plans classified as small-scale development pursuant to Sec. 50-303(b) Small-scale development.

(2) The purpose of small-scale development review is to evaluate site-specific development proposals that do not establish a new street or block framework and that are limited in scale, intensity, or complexity.

(b) Pre-application review

(1) Pre-application review is required prior to submitting a small-scale development plan and shall be conducted in accordance with Sec. 50-714 Pre-Application Review.

(2) Infill development shall comply with the infrastructure coordination conference requirements of Sec. 50-714 Pre-Application Review, regardless of scale.

(3) Completion of pre-application review does not constitute approval or guarantee application completeness.

(c) Plan submittal

(1) A small-scale development application, small-scale development application fee, and plan shall be submitted in accordance with the requirements in the City's published Development and Submittal Guide.

(2) If the scope of work is limited, the Director may allow a reduced set of plans showing only the affected features.

(3) At a minimum, the small-scale development plan must demonstrate meeting the review criteria is subsection (f).

(d) Plan Review

(1) The TAC shall review complete small-scale development applications for compliance with this Code, according to subsection (f) Review criteria.

(e) Administrative Action

(1) The TAC may approve, approve with conditions, or deny a small-scale development plan.

(2) The TAC's decision is final unless appealed in accordance with subsection (i) Appeals.

(3) The Director may refer a small-scale development application to the Planning Commission for review and decision where the Director determines that the proposal:

a. Raises policy considerations;

b. Requires interpretation of Code standards; or

c. Is otherwise appropriate for Planning Commission review.

(f) Review criteria

(1) A small-scale development may be approved upon finding that the submission:

a. Meets all applicable rules in this Code;

b. Complies with zoning, access, and site design standards in Articles 50-4 Zoning and 50-5 Design Standards;

c. Keeps public infrastructure demands within existing capacity;

d. Protects trees and landscaping as required;

e. Meets all applicable codes and utility and engineering specifications;

f. Keeps or improves pedestrian and vehicle circulation; and

g. Meets utility spacing and alignment rules.

(g) Administrative adjustments and waivers

(1) Applicants may request an administrative adjustment under Sec. 50-716. Administrative Adjustments and Waivers if the site cannot meet all regulations due to physical constraints.

(2) All requests must follow the limits, criteria, and process in Sec. 50-716 Administrative Adjustments and Waivers.

(h) Effect of approval

(1) Approval confirms that the site meets zoning, design, and utility rules.

(2) Approval is valid for eighteen (18) months from the date of issue unless extended.

(3) Approval does not waive compliance with other required permits or inspections.

(4) If construction plans are not required, applicants may move forward with permitting once the small-scale development is approved.

(5) If construction plans are required, approval is the authorization to apply for pre-construction review according to Sec. 50-715. Pre-construction Review.

(i) Appeals

(1) Any person aggrieved by the final action on a small-scale development may file an appeal in accordance with Sec. 50-718 Appeals.

SEC . 50-705 . LARGE-SCALE DEVELOPMENT PROCESS

(a) Purpose and applicability

(1) Large-scale development review applies to development plans classified as large-scale development pursuant to Sec. 50-303(c) Large-scale development.

(2) The purpose of large-scale development review is to evaluate and approve the overall development framework for complex or multi-phase projects, including the street and block network, infrastructure layout, stormwater approach, and general development pattern, prior to subdivision, permitting, and construction.

(b) Pre-application review

(1) Pre-application review is required prior to submitting a large-scale development plan and shall be conducted in accordance with Sec. 50-714 Pre-Application Review.

(2) For infill development, the infrastructure coordination conference required by Sec. 50-714 Pre-Application Review shall occur prior to the pre-application conference.

(3) Completion of pre-application review does not constitute approval or guarantee application completeness.

(c) Plan submittal

(1) A large-scale development application, large-scale development application fee, and plan shall be submitted in accordance with the requirements in the City's published Development and Submittal Guide.

(2) At a minimum, a large-scale development plan shall demonstrate compliance with applicable standards and review criteria in subsection (f) Review criteria.

(d) Plan Review

(1) The TAC will review complete large-scale development applications for technical compliance with this Code and applicable engineering, utility, and infrastructure standards, based on the criteria in subsection (f) Review criteria.

(2) The TAC shall provide written comments and a recommendation to the Planning Commission for consideration as part of its review and approval.

(3) TAC review does not constitute approval of a large-scale development plan.

(e) Planning Commission Action

(1) The Planning Commission will review the application based on subsection (f) Review criteria and take action in accordance with state law and adopted Planning Commission bylaws..

(f) Review criteria

(1) A development plan may be approved upon finding that:

a. The plan complies with zoning, access, and site design standards in Articles 4 and 5;
b. The plan conforms to the Master Street Plan and Future Land Use Plan;
c. Streets are depicted as required by this Code;
d. Street connections are consistent with this Code and the Master Street Plan;
e. The proposed street typologies support the intended place type and land use;
f. If the site requires a traffic study, one has been provided;
g. Blocks meet the standards of Sec. 50-502 (b) Blocks;
h. Hypothetical blocks, if applicable, are laid out in accordance with the standards of this Code;
i. Adequate areas are reserved for utilities, drainage, and park space;
j. Lot area, setbacks, and parking location meet the standards of Table 4.1 Zone Standards; and
k. Future lots, if applicable, comply with dimensional and use requirements of this Code.

(g) Administrative adjustments and waivers

(1) Applicants may request an administrative adjustment under Sec. 50-716. Administrative Adjustments and Waivers if the site cannot meet all regulations due to physical constraints.

(2) All requests must follow the limits, criteria, and process in Sec. 50-716 Administrative Adjustments.

(h) Effect of approval

(1) Approval of a large-scale development plan constitutes entitlement of the development framework and authorizes the applicant to proceed to pre-construction review in accordance with Sec. 50-715 Pre-construction Review, as applicable.

(2) Approval does not constitute approval of construction plans or authorize commencement of construction.

(3) All construction plans, public improvements, and guarantees shall comply with Sec. 50-715 Pre-construction Review and Sec. 50-724 Public Improvements and Dedications prior to construction.

(4) Any modification to an approved large-scale development plan shall be processed in accordance with Sec. 50-723 Duration, Expiration and Amendment of Approvals.

(5) Approval is subject to the duration, expiration, and extension provisions of Sec. 50-723 Duration, Expiration and Amendment of Approvals.

(i) Appeals

(1) Any person aggrieved by the final action on a large-scale development may file an appeal in accordance with Sec. 50-718 Appeals.

SEC . 50-706 . MINOR SUBDIVISION PROCESS

(a) Purpose and applicability

(1) Minor subdivision review applies to minor subdivisions pursuant to Sec. 50-304 Minor Subdivisions.

(2) The purpose of minor subdivision review is to provide a streamlined process for the review and approval of limited and low-complexity land divisions, while ensuring that resulting lots can be served by adequate access, utilities, drainage, and public infrastructure, and that subdivision regulations are not used to circumvent development, public improvement, or design requirements of this Code.

(b) Plan submittal

(1) A minor subdivision application, minor subdivision application fee, and plan shall be submitted in accordance with the requirements in the City's published Development and Submittal Guide .

(2) At a minimum, the minor subdivision shall demonstrate meeting the review criteria is subsection (e) Review criteria.

(c) Plan review

(1) The TAC shall review complete minor subdivision applications for compliance with this Code, according to subsection (e) Review criteria.

(d) Administrative action

(1) The TAC may approve, approve with conditions, or deny a minor subdivision.

(2) The Director may refer a minor subdivision application to the Planning Commission for review and decision where the Director determines that the proposal:
a. Raises policy considerations;
b. Requires interpretation of Code standards;

d. Requires waivers, or

e. Is otherwise appropriate for Planning Commission review.

(e) Review criteria

(1) A minor subdivision may be approved upon finding that the plan:

a. Meets all applicable rules in this Code;

b. Complies with zoning, access, and site design standards in Articles 4 and 5;

c. Keeps public infrastructure demands within existing capacity;

d. Protects trees and landscaping as required;

e. Meets all applicable utility and engineering specifications;

f. Keeps or improves pedestrian and vehicle circulation; and

g. Meets utility spacing and alignment rules.

(f) Administrative adjustments

a. Applicants may request an administrative adjustment under Sec. 50-716. Administrative Adjustments if the site cannot meet all regulations due to physical constraints.

b. All requests must follow the limits, criteria, and process in Sec. 50-716 Administrative Adjustments.

(g) Effect of Approval

a. Approval authorizes the applicant to proceed to pre-construction review in accordance with Sec. 50-715 Pre-construction Review, where construction plans are required.

b. Approval does not constitute approval of construction plans or authorize commencement of construction.

c. Approval does not waive compliance with other required permits, inspections, or approvals.

d. Approval is subject to the duration, expiration, and amendment provisions of Sec. 50-723 Duration, Expiration, and Amendment of Approvals.

(h) Appeal

a. Any person aggrieved by the final action on a minor subdivision may file an appeal in accordance with Sec. 50-718 Appeals.

(i) Recording

a. No minor subdivision may be recorded until:

1. All required public improvements have been constructed and accepted or a financial guarantee has been approved by the Director; and
2. All conditions of approval have been satisfied.

b. All minor subdivisions must be submitted to the City for recording within thirty (30) days of approval.

SEC 50-707 MAJOR SUBDIVISION PROCESS

(a) Purpose and Applicability

(1) Major subdivision review applies to major subdivisions pursuant to Sec. 50-305 Major Subdivisions.

(2) The purpose of major subdivision review is to evaluate and approve the overall development framework for complex or multi-phase projects, including the street and block network, infrastructure layout, stormwater approach, and general development pattern, prior to large scale development, permitting, and construction.

(b) Pre-application review

(1) A pre-application meeting with the TAC is required before preliminary plat submittal. The meeting will determine eligibility under Sec. 50-305. Major Subdivisions and confirm any additional information needed for review.

(2) If the Director determines that the subdivision requires public improvements, the applicant must obtain approval of the following:

a. A preliminary plat in accordance with subsection (c) Preliminary plats;

b. Public improvement plans in accordance with Sec. 50-724. Public Improvement and Dedication; or

c. A final plat in accordance with subsection (e) Final plats.

(c) Preliminary plat

(1) Plan submittal

a. The preliminary plat application, preliminary plat application fee, and plans shall be submitted in accordance with the requirements in the City's published Development and Submittal Guide .

b. At a minimum, the preliminary plat shall demonstrate meeting the review criteria is subsection (c)(4) Review criteria.

(2) Plan Review

a. The TAC will review complete preliminary plat applications for technical compliance with this Code and applicable engineering, utility, and infrastructure standards, based on the criteria in subsection (c)(4) Review criteria.

b. The TAC shall provide written comments and a recommendation to the Planning Commission for consideration as part of their review and approval.

c. TAC review does not constitute approval of a preliminary plat.

(3) Planning Commission Action

a. The Planning Commission will review the application based on the criteria in subsection (c)(4) Review criteria and take action in accordance with state law and Planning Commission bylaws .

(4) Review criteria

a. A preliminary plat may be approved upon finding that it:

1. Conforms to the requirements of this Code;
2. Complies with zoning, access, and site design standards in Articles 4 and 5;
3. Results in lots of a size, shape, and arrangement suitable for the proposed development; and
4. Is consistent with the adopted Future Land Use Plan.

(5) Administrative adjustments and waivers

a. Applicants may request administrative adjustments and waivers in accordance with under Sec. 50-716. Administrative Adjustments and Table 7.2 Administrative Adjustment Criteria.

(6) Effect of approval

a. Approval of a preliminary plat confirms compliance with this Code and authorizes application for construction document approval according to Sec. 50-715. Pre-construction Review. It does not authorize conveyance of any lot or guarantee final plat approval.

(7) Appeal

a. Any person aggrieved by the final action on a preliminary plat may file an appeal in accordance with Sec. 50-718 Appeals.

(d) Early-build permits

(1) A building permit may be issued prior to final plat approval only if the following conditions are met:

a. A preliminary plat is approved for the subdivision.

b. The early-build occurs within the first phase of the preliminary plat.

c. The developer has executed an early-build development agreement with the City.

(2) No early-build permit may be issued until:

a. A temporary or permanent access road is installed, inspected, and approved. The road must:

1. Provide access for emergency, utility, and inspection vehicles;
2. Be capable of supporting a minimum vehicle weight of eighty-six thousand (86,000) pounds;
3. Meet applicable City specifications and the Arkansas Fire Prevention Code; and
4. Be constructed within 0.10 feet of approved grading and thickness values.

b. The Stormwater Pollution Prevention Plan is implemented and maintained.

c. The following infrastructure systems and any crossings are installed, inspected, and approved:

1. Sanitary sewer;
2. Stormwater;
3. Water;
4. Contractor-installed electrical infrastructure; and
5. Fire protection service.

d. Each lot proposed for early-build permits is staked by a licensed surveyor and remains staked through foundation inspection.

e. The engineer of record requests and passes an early-build inspection by the Planning Department.

(3) Electric and sewer services must not be connected to any structure until the final plat is recorded.

a. Permanent connections must be completed prior to yard line inspection.

b. BEUD electric infrastructure will not be installed until the final plat is recorded.

c. All contractor-installed electric infrastructure must be in place prior to final plat approval.

(4) No Certificate of Occupancy may be issued for any early-build home until the final plat is recorded with the Benton County Recorder's Office.

(5) The City may deny an early-build permit if:

a. Any requirement of this subsection is not met; or

b. The developer has a prior record of non-compliance or misuse of early-build approvals.

(6) The developer or property owner is responsible for the cost of repairs to public infrastructure resulting from early-build activity.

(e) Final plats

(1) Plan submittal

a. The final plat must be submitted while the approved preliminary plat remains valid.

b. The final plat application, final plat application fee, and plans shall be submitted in accordance with the requirements in the city's published Development and Submittal Guide .

c. At a minimum, the final plat shall demonstrate meeting the review criteria is subsection (e)(4) Review criteria.

(2) Plan review

a. The TAC will review complete final plat applications for technical compliance with this Code and applicable engineering, utility, and infrastructure standards, based on the criteria in

subsection (e)(4) Review criteria.

b. The TAC shall provide written comments and a recommendation to the Planning Commission for consideration as part of their review and approval.

c. TAC review does not constitute approval of a final plat.

(3) Planning Commission action

a. The Planning Commission will review the application based on the criteria in subsection (e)(4) Review criteria and take action according to state law and Planning Commission bylaws .

(4) Review criteria

a. The final plat must conform to the approved preliminary plat, if one was required. If not required, the final plat must:

1. Comply with all applicable standards of this Code;
2. Result in lots suitable for the proposed use; and
3. Be consistent with the Future Land Use Plan.

(5) Appeal

a. Any person aggrieved by the final action on final plat may file an appeal in accordance with Sec. 50-718 Appeals.

(6) Dedications and improvements

a. The City Council delegates authority to the Planning Commission to accept dedications of public improvements, easements, and right-of-ways upon final plat approval.

(7) Effect of approval

a. Approval of a final plat confirms compliance with this Code and authorizes recordation of the plat once all conditions of approval have been satisfied and required public improvements have been constructed or guaranteed in accordance with this Code.

b. Approval of a final plat does not authorize grading, construction, sale, transfer, or conveyance of any lot until the plat is recorded.

c. Approval of a final plat by the Planning Commission does not constitute acceptance of public improvements, easements, or right-of-ways. Acceptance occurs only in accordance with Sec. 50-724. Public Improvement and Dedication.

d. All conditions of approval and all required guarantees remain in effect after final plat approval and continue to apply until released or satisfied in accordance with this Code.

e. Final plat approval does not create a vested right to develop property except as expressly provided by state law.

f. If a final plat is not recorded within the time required by subsection (8) Recording, the approval is void and a new application is required.

(8) Recording

a. No final plat may be recorded until:

1. All required public improvements have been constructed and accepted or a financial guarantee has been approved by the Director; and
2. All conditions of approval have been satisfied.

b. All plats must be submitted to the City for recording within thirty (30) days of approval

(f) Concurrent review of subdivision and development applications

(1) Purpose and intent

a. The purpose of this subsection is to allow coordinated review of subdivision and development applications where efficiency can be achieved without altering required approval sequencing, infrastructure obligations, or construction authorization thresholds.

(2) Applicability

a. Concurrent review may be requested when a preliminary plat includes lots or tracts that may require large-scale development or small-scale development application(s).

(3) Review procedure

a. The preliminary plat and associated development application may be reviewed concurrently by staff, the TAC, and the Planning Commission.

b. Each application shall be evaluated against its respective approval criteria and standards.

c. Conditions of approval may be coordinated across applications to ensure consistency.

(4) Effect of approval

a. Approval of a preliminary plat and a development application under concurrent review does not, by itself, authorize construction of site-specific development regulated under a large-scale or small-scale development approval.

b. The preliminary plat may proceed to pre-construction in accordance with Sec. 50-715 Pre-construction Review and upon approval begin construction of subdivision improvements authorized by the approved preliminary plat, including streets, utilities, and other public improvements, subject to compliance with Sec. 50-724 Public Improvement and Dedications and issuance of required permits.

c. Pre-construction conferences, approval of construction documents, or commencement of site-specific development work under an approved large-scale or small-scale development shall not occur until:

i. The final plat is recorded; and

ii. Required public improvements serving the platted lots are installed, accepted, or secured in accordance with Sec. 50-724 Public Improvement and Dedications.

d. Development approvals granted under this subsection shall not expire while the subdivision approval remains valid. Upon recordation of the final plat, the large-scale development approval period shall commence in accordance with Sec. 50-723 Duration, Expiration and Amendment of Approvals.

(5) The Director may require applications to be processed separately if the scale, infrastructure complexity, phasing, or coordination needs of the project warrant independent review.

(g) Violations

(1) It is a violation of this Code for any person to subdivide land or adjust legal lot boundaries without first obtaining subdivision approval under this section.

SEC . 50-708 . CAMPUS DEVELOPMENT PLAN PROCESS

(a) Purpose and relationship to other approvals

(1) A campus development plan is an optional, framework-level entitlement that may be used in conjunction with a large-scale development, a preliminary plat, or both, to allow the use of alternative development standards authorized by Sec. 50-507, Campus Development Standards.

(2) A campus development plan may be submitted:

a. Concurrently with a large-scale development application or preliminary plat; or

b. Prior to submission of a large-scale development application or preliminary plat.

(3) Approval of a campus development plan does not, by itself, authorize subdivision, permitting, or construction, and does not replace any other approvals required by this Code.

(b) Pre-application review

(1) Pre-application review is required prior to submittal and shall be conducted in accordance with Sec. 50-714 Pre-Application Review, including coordinated technical review by the TAC.

(2) Pre-application review shall confirm eligibility under Sec. 50-507 Campus Development Standards, and identify any additional information required for plan review.

(3) Completion of pre-application.

(c) Plan submittal

(1) A campus development plan application, campus plan application fee, and plan shall be submitted in accordance the requirements in the City's published Development and Submittal Guide .

a. The applicant must submit an eligibility and intent packet that includes the following:

1. A letter of intent describing the proposed campus concept and purpose;
2. A legal description or boundary survey of the campus area;
3. Documentation of property ownership for all parcels within the proposed campus;
4. A statement of unified control that demonstrates coordinated management of the campus through a binding agreement, ownership entity, or other enforceable mechanism responsible for maintaining shared infrastructure and ensuring compliance with this Code; and
5. A conceptual plan demonstrating which standards are proposed to be modified in accordance with Sec. 50-507. Campus development standards.

(2) The plan must demonstrate it meets the review criteria in subsection (f) Review criteria.

(d) Plan Review

(1) The TAC will review complete campus development plan applications for technical compliance with this Code and applicable engineering, utility, and infrastructure standards, based on the criteria in subsection (f) Review criteria.

(2) The TAC shall provide written comments and a recommendation to the Planning Commission for consideration as part of their review and approval.

(3) TAC review does not constitute approval of a campus development plan.

(e) Planning Commission Action

(1) The Planning Commission will review the application based on the criteria in subsection (f) Review criteria and take action in accordance with state law and Planning Commission bylaws .

(f) Review criteria

(1) No campus development plan may be approved unless the TAC finds that:

a. Internal circulation is adequate for all modes of travel and connects logically to the surrounding street network;

b. Shared open space is provided and framed by building placement in a manner consistent with the purpose of Sec. 50-502 (e) Civic space standards;

c. Phasing is coordinated and supported by the timely extension of infrastructure;

d. The proposal meets the intent of Sec. 50-507. Campus development standards and is consistent with the Future Land Use Plan.

(g) Administrative adjustments and waivers

(1) Applicants may request administrative adjustments and waivers in accordance with Sec. 50-716. Administrative Adjustments and Waivers and Table 7.2 Administrative Adjustment Criteria.

(h) Effect of approval

(1) Approval of a campus development plan authorizes the use of alternative development standards in Sec. 50-507 Campus Development Standards, subject to compliance with the approved campus framework and phasing plan.

(2) Approval does not authorize subdivision, permitting, or construction except as allowed by subsequent approvals under this Code.

(3) Approval of a campus development plan establishes the governing framework for subsequent large-scale development, subdivision, and site plan approvals within the campus area.

(4) Approval is subject to the duration, expiration, and amendment provisions of Sec. 50-723 Duration, Expiration, and Amendment of Approved Plans.

(5) Approval of a campus development plan authorizes the use of alternative development standards in Sec. 50-507. Campus Development Standards and remains valid so long as development proceeds in accordance with the approved phasing plan.

(i) Appeal

(1) Any person aggrieved by the final action of a campus development plan may file an appeal in accordance with Sec. 50-718 Appeals.

SEC . 50-709 . REZONING

(a) Applicability

(1) A rezoning application may be filed by:

a. A property owner or authorized representative;

b. The Director,

c. The Planning Commission; or

d. The City Council.

(b) Application submittal

(1) A rezoning application and rezoning application fee shall be submitted in accordance with the requirements in the City's published Development and Submittal Guide .

(c) Relationship with future land use map

(1) The Future Land Use Map identifies adopted place types across the City.

(2) Rezonings must conform to Table 2.1 Place Type Correlation with Zoning Districts, which classifies proposed zoning districts as Standard Review (SR), Enhanced Review (ER), or Nonconforming in Sec. 50-203 Place Types and Zoning.

(3) These classifications determine the level of review in subsection (e) Review criteria.

(d) Acceptance and processing by Director

(1) If a proposed zoning district is not identified in Table 2.1 Place Type Correlation with Zoning Districts for the relevant place type, the application will not be processed.

(2) The Future Land Use Map must be amended before a rezoning may proceed for such districts.

(3) The Director will review the Future Land Use Map annually to identify areas that may require amendment.

(4) Property owners whose applications were set aside due to a Future Land Use Map conflict may appear at the annual public hearing to request a Future Land Use Map amendment.

(5) Notice of the annual hearing must be provided in accordance with Sec. 50-720. Public Hearings.

(e) Review criteria

(1) Standard Review Criteria (SR).

a. For districts labeled "SR" in Table 2.1 Place Type Correlation with Zoning Districts, the proposed district must:

1. In the case of Transect Districts:

i. Establish an orderly transition of intensity from the center to the edge of the place type; and

ii. Be within one (1) transect degree of the zoning of adjacent properties, except where:

- Significant natural barriers separate properties;
- A street classified as an arterial separates the sites; or
- The subject property is less than six hundred (600) feet deep, abuts an arterial, and is proposed for T5.1 or T5.2.

2. In the case of Special Purpose Districts:

i. Be supported by adequate infrastructure; and

ii. Demonstrate that the current zoning is unlikely to result in appropriate development.

b. If the request applies to a site larger than forty (40) acres, the proposed zoning mix must comply with Table 3.1 Zoning Mix for Subdivisions over 40 Acres.

(2) Enhanced Review Criteria (ER).

a. For districts labeled "ER" in Table 2.1 Place Type Correlation with Zoning Districts, the proposed district must:

1. Meet the review criteria in subsection (e)(1) Standard Review Criteria; and

2. Review must consider the following, in total, to determine the appropriateness of the requested zoning district:

i. The proposed zone will not result in exceeding existing or planned utility capacity for the place type.

ii. The property lies on a place type boundary and the requested district matches a district applied on either side of that boundary.

iii. The property is within one quarter (1/4) mile of transit, a four (4)-lane road, or a shared use trail, and additional travel demand can be served by existing infrastructure.

iv. The property is within one (1) mile of a job center that supports alternatives to

driving.

v. The property is adjacent to vacant land and the requested district sets a clear pattern for compatible future development.

vi. The request is consistent with the surrounding development pattern.

vii. The request advances the goals of the Comprehensive Plan.

(f) Public hearing

(1) The Planning Commission must hold a public hearing before making a recommendation.

(2) The City Council must hold a public hearing before taking final action.

(3) Notice must be provided in accordance with Sec. 50-720 Public Hearings .

(g) Planning Commission action

(1) Following the public hearing, the Planning Commission will review the application based on the criteria in Subsection (e) Review criteria and make a recommendation to City Council in accordance with state law and Planning Commission bylaws.

(h) City Council action

(1) Following the public hearing, City Council will review the application based on the criteria in subsection (e) Review criteria and take action in accordance with state law.

(j) Appeal

(1) Any person aggrieved by the final action of a Zoning Map Amendment request may file an appeal in accordance with Sec. 50-718 Appeals.

SEC . 50-710 . BENTONVILLE COMMUNITY CODE AMENDMENTS

(a) Applicability

(1) An amendment to this Code may be initiated by:

a. The Director;

b. The Planning Commission; or

c. The City Council.

(b) Review criteria

(1) In reviewing and deciding on a proposed amendment, the Planning Commission and City Council must consider whether:

a. The proposed amendment corrects an error or inconsistency or responds to a changing condition;

b. The proposed amendment is consistent with the Future Land Use Plan and the stated purpose of this Code; and

c. The proposed amendment serves the public interest and promotes good planning and development practices.

(c) Public hearing

(1) A public hearing must be held by the Planning Commission before any recommendation is forwarded to the City Council.

(2) Notice of the hearing must be provided in accordance with Sec. 50-720 Public Hearings.

(3) Courtesy notice may be provided by the Director, as described in Sec. 50-720. Public Hearings.

(d) Planning Commission action

(1) Following a public hearing, the Planning Commission will make a recommendation to City Council in accordance with state law and Planning Commission bylaws

(e) City Council action

a. If the Planning Commission recommends approval with modifications, the City Council must consider the modifications .

b. After deliberation, City Council will take action in accordance with state law...

SEC . 50-711 . FUTURE LAND USE PLAN AMENDMENTS

(a) Applicability

(1) A review of the Future Land Use Plan may be initiated by:

a. The Director;

b. The Planning Commission; or

c. The City Council.

(a) Periodic review

(1) The Planning Commission must review the Future Land Use Plan periodically to ensure continued alignment with public needs and planning objectives.

(2) Following review, the Planning Commission may recommend amendments to the City Council.

(b) Review criteria

(1) In considering an amendment to the Future Land Use Plan, the Planning Commission must consider whether the amendment:

a. Promotes fiscal and environmental sustainability;

b. Responds to changing conditions or needs; and

c. Advances the public health, safety, and welfare.

(c) Public hearing

(1) A public hearing must be held by the Planning Commission before any recommendation is forwarded to the City Council.

(2) Notice of the hearing must be provided in accordance with Sec. 50-720 Public Hearings.

(3) Courtesy notice may be provided by the Director, as described in Sec. 50-720. Public Hearings.

(d) Planning Commission action

(1) After the public hearing, the Planning Commission will review in accordance with (c) Review criteria and take action in accordance with state law and Planning Commission bylaws

(e) City Council action

(1) If the Planning Commission recommends approval with modifications, the City Council must consider the modifications.

(2) After deliberation, City Council will take action in accordance with state law.

SEC . 50-712 . ANNEXATIONS

(a) Applicability

(1) This section applies to voluntary annexation petitions filed under state law, including Arkansas Code § 14-40-609 and § 14-40-601 et seq.

(b) Pre-application coordination

(1) Applicants must meet with Planning, Engineering, and Utilities staff to review service availability, zoning options, and infrastructure needs.

(2) A conceptual zoning plan and infrastructure map may be requested prior to submittal.

(c) Application submittal

(1) The annexation application and annexation application fee shall be submitted in accordance with the requirements in the City's published Development and Submittal Guide and as required by state law.

(d) Public hearing

(1) A public hearing may be held in accordance with A.C.A. §§ 14-40-101 — 14-40-2202, when required by state law.

(e) Review criteria

(1) Annexation applications are reviewed based on the following criteria:

a. Whether the proposed annexation aligns with the Future Land Use Plan and growth policies;
b. Whether the property is contiguous to the existing City limits and capable of being served efficiently;
c. Whether existing or planned infrastructure can support the annexation without creating capacity or access issues;
d. Whether utility extensions or improvements are feasible and coordinated with master plans;
e. Whether transportation connections can be extended or improved to maintain continuity; and
f. Whether the annexation would unreasonably burden city services or staff capacity.

(f) Technical Advisory Committee review

(1) The TAC will review the application for completeness and provide findings related to:

a. Public service provision;
b. Utility capacity;
c. Street network connectivity; and
d. Service delivery timing.

(g) Planning Commission action

(1) The Planning Commission will review the application in accordance with subsection (e) Review criteria and will make a recommendation to City Council in accordance with state law and Planning Commission bylaws.

(h) City Council action

(1) After deliberation, City Council will take action in accordance with state law.

(i) Future land use and zoning

(1) Future land use may be assigned through the same ordinance, if not already assigned.
(2) Zoning may be assigned through the same ordinance or in a separate zoning map amendment.
(3) If zoning is not assigned and is undeveloped, it will be assigned T2.1 upon annexation.
(4) If zoning is assigned separately, it must be initiated concurrently and follow the rezoning process in Sec. 50-709. Zoning Map Amendments.

SEC . 50-713 . VACATIONS

(a) Applicability

(1) This section applies whenever an easement, street, alley, or public right-of-way, or any portion thereof, is proposed for vacation or release from public use within the corporate boundaries of the City.

(2) The City retains exclusive control over its public right-of-ways and may vacate or abandon them only by ordinance.

(3) No vacation or abandonment is valid unless:

a. A recommendation is provided by the Planning Commission; and

b. An ordinance is adopted by the City Council.

c. When a vacation alters property boundaries or changes the configuration of platted lots, the applicant submits a Property Line Adjustment (PLA) application consistent with Sec. 50-304. Minor Subdivisions.

(b) Authority to file

(1) An application for a vacation may be filed by:

a. The owner of property abutting the right-of-way to be vacated;

b. The Director on behalf of the City; or

c. The Planning Commission.

(c) Application submittal

(1) A vacation application and vacation application fee shall be submitted in accordance with the requirements in the City's published Development and Submittal Guide.

(2) If the applicant is a private property owner, written consent from all owners of properties abutting the right-of-way must be submitted with the application.

(3) The Director may require additional documentation, such as title or survey data, to verify ownership or easement boundaries.

(d) Review criteria

(1) In reviewing a proposed vacation, the Director, Planning Commission, and City Council must consider whether:

a. All adjacent properties retain legal and physical access to a public street;

b. The vacation does not create a block or street pattern in violation of Sec. 50-502. Land Development or Sec. 50-511. Natural Resource Protection;

c. The vacation does not create or extend a dead-end street or alley without a turnaround meeting City standards;

d. The right-of-way proposed for vacation is not designated for future improvement on the Master Street Plan; and

e. No public infrastructure or utility easement may be vacated or disrupted unless:

1. The infrastructure or utility line has been abandoned and is no longer in service; or

2. An alternative alignment or facility is already constructed or secured by easement; and

3. All affected providers confirm in writing that the vacation will not reduce service reliability, access for maintenance, or system capacity.

(e) Planning Commission action

(1) The Commission will make a recommendation to the City Council in accordance with state law and Planning Commission bylaws.

(f) City Council action

(1) The City Council will hold a public hearing in accordance with A.C.A § 14-301-302.

(2) The City Council must consider the recommendation of the Planning Commission and will take action in accordance with state law.

(3) The City may condition approval on the reservation of easements or infrastructure access.

SEC. 50-714 PRE-APPLICATION REVIEW

(a) Purpose and intent

(1) The purpose of pre-application review is to provide applicants with early, informal guidance regarding applicable plans, policies, and regulations prior to formal application submittal.

(2) Pre-application review is intended to:
a. Identify known site constraints and regulatory issues early in the process;
b. Reduce unnecessary costs, redesign, and delays; and
c. Clarify the applicable development review process and approval path.

(3) Pre-application review occurs prior to entitlement review and does not include review of construction-ready drawings.

(b) Types of pre-application review

Pre-application review may include one (1) or more of the following meetings, as applicable:

(1) **Conceptual meeting**

a. The conceptual meeting is the initial step in the development review process.

b. The applicant may present a preliminary development concept.

c. Planning staff will:

1. discuss general zoning and land use considerations;

2. summarize the applicable development review processes; and

3. identify required next steps in the pre-application process.

(2) **Infrastructure coordination conference**

a. The purpose of the infrastructure coordination conference is to identify known technical constraints, infrastructure considerations, and required interdepartmental coordination prior to preparation of detailed plans or formal application materials. The conference is intended to reduce avoidable delays, conflicts, and redesign during subsequent pre-application, entitlement, and construction review stages.

b. A infrastructure coordination conference may be required when the Director determines that a proposed development involves one or more of the following conditions:

1. Infill development where existing infrastructure, access, or surrounding development may materially affect feasibility or constructability;

2. Placement or relocation of electric, water, sewer, or other utilities within an alley or other non-street right-of-way; or

3. Other site, infrastructure, or operational conditions that, in the Director's judgment, require early interdepartmental technical coordination to identify constraints, applicable standards, or required sequencing.

c. Timing and sequencing

1. A infrastructure coordination conference occurs after a conceptual meeting, if required, and prior to a pre-application conference.
2. Completion of a required infrastructure coordination conference is a prerequisite to scheduling a pre-application conference.
3. The conference does not constitute an application, approval, denial, or vested right.

d. Procedure

1. The infrastructure coordination conference is conducted by the TAC and coordinated by the Director.
2. Discussion is limited to applicable technical standards, known infrastructure constraints, utility placement and access considerations, and required interdepartmental coordination.
3. The Director shall identify and request participation from the City departments, utilities, or agencies necessary to address the subject matter of the proposed development.

e. Effect

1. Outcomes of the infrastructure coordination conference shall be documented and may inform subsequent staff guidance and review.
2. Guidance provided during the conference is advisory and does not bind the City to a future decision or approval.

(3) **Pre-application conference**

a. A pre-application conference is required for development types as assigned in this Article.

b. The pre-application conference is conducted as a TAC meeting and provides coordinated, multi-departmental review.

c. Discussion typically includes zoning and land use, utilities, street and access requirements, drainage and stormwater considerations, and other site-specific or policy issues relevant to the proposed development.

(c) Sequencing of pre-application review

(1) Pre-application review shall generally occur in the following order, as applicable:
a. Conceptual meeting;
b. Infrastructure coordination conference, where required; and
c. Pre-application conference.

(2) Completion of required pre-application review shall occur prior to formal application submittal.

(d) Procedures

(1) Pre-application meetings shall be scheduled and conducted in accordance with published City policies, procedures, and published schedules.

(2) No fees shall be charged for pre-application review unless otherwise adopted by the City Council.

(e) Effect of pre-application review

(1) Pre-application review is advisory and non-binding.

(2) Discussion or feedback provided during pre-application review shall not be construed as approval, denial, or endorsement of any subsequent application.

(3) Participation in pre-application review does not:
a. Guarantee application completeness;
b. Establish vested rights; or
c. Limit the City's authority to apply adopted regulations at the time of application review.

SEC . 50-715 . PRE-CONSTRUCTION REVIEW

(a) Applicability

(1) Pre-construction review applies to approved small-scale development, large-scale development, and preliminary plat applications when construction plans are required prior to site work, grading, or construction.

(b) Authorization to submit construction plans

(1) Following approval of a small-scale development under Sec. 50-704 Small-Scale Development Process, a large-scale development under Sec. 50-705 Large-Scale Development Process , or a preliminary plat under Sec. 50 706 Subdivision Process, the applicant may submit construction plans for City review when required by this Code.

(c) Construction plan submittal

(1) Construction plans, when required, must be submitted in accordance City's published Development and Submittal Guide.

(2) An applicable development or subdivision approval is required prior to construction plan submittal.

(d) Review process

(1) Pre-construction review is an administrative review conducted by City staff to resolve outstanding technical comments, coordinate utility service design, and align approved development plans with construction level documents prior to the start of site work.

(e) Pre-construction conference

(1) A pre-construction conference is required prior to commencement of grading, site work, or construction unless waived by the Director.

(2) The pre-construction conference may be scheduled only after all of the following have occurred:

a. All City departmental review comments have been addressed to the satisfaction of the reviewing departments;

b. Building Inspections and the Fire Department have provided preliminary acceptance of architectural plans, when applicable;

c. All required outside agency approvals have been submitted; and

d. All required fees, fees in lieu, and performance guarantees have been paid.

(f) Effect of pre-construction review

(1) At the conclusion of the pre-construction conference, City staff may stamp construction plans and identify required permits, inspections, and conditions applicable to construction.

(2) Authorization to proceed is limited to permits issued and does not waive compliance with this Code or other applicable regulations.

(g) Phase-specific pre-construction review

(1) Where a development is approved with an adopted phasing plan, construction plans shall be submitted, reviewed, and approved on a phase-by-phase basis unless the applicant elects, at their option, to submit a consolidated construction plan set covering multiple phases.

(2) Each phase submitted for construction shall be assigned a separate project number and shall include all construction documents necessary to fully construct that phase in accordance with the approved development framework and phasing plan.

(3) Where a consolidated construction plan set is approved, construction activity shall remain limited to the phase or phases authorized to proceed, and inspection and enforcement shall be based on the approved phase boundaries.

(4) Construction of any phase shall be limited to the plans approved for that phase.

SEC . 50-716 . ADMINISTRATIVE ADJUSTMENTS AND WAIVERS

(a) Purpose

(1) The purpose is to provide a clear and consistent process for limited modifications to the standards of this Code where strict application would create unintended hardship or prevent reasonable design solutions.

(2) This section distinguishes between:

a. Administrative adjustments, reviewed and decided by technical staff; and

b. Planning Commission waivers, reviewed and decided by the Planning Commission.

(3) Neither administrative adjustments nor waivers change the allowed uses of land or the required process for development review.

(b) Intent

(1) To allow flexibility where strict application of a standard would produce outcomes that conflict with the goals of this Code.

(2) This section is intended to:

a. Address physical or regulatory site constraints;

b. Accommodate established engineering or design practices;

c. Preserve natural features or existing infrastructure;

d. Support coordinated streetscape or utility design; and

e. Maintain consistency with the Future Land Use Plan and the purpose of the zoning district.

(3) This section does not permit exceptions based on personal preference, project cost, or routine design choices.

(c) Applicability

(1) Administrative adjustments may only be requested for the standards listed in Table 7.2 Administrative Adjustment Criteria.

(2) Planning Commission waivers may only be requested for standards identified in:

a. Art. 50-3 Land Development;

b. Art. 50-5 Design Standards except Sec. 50-505 Zone Transitions, Sec. 50-506 Overlay Districts or Sec. 50-508 Signs which are variances approved by the Board of Adjustment; or

c. Art. 50-6 Streets, Trails and Utilities.

(3) Neither process will:

a. Change the list of allowed or restricted uses;

b. Modify or waive procedural requirements, including application types, notice, or hearing procedures;

c. Authorize any type of development otherwise not allowed by this Code; or

d. Override conditions of approval from a previous rezoning, variance, or development approvals.

(4) An administrative adjustment is not required if the proposed development complies with all applicable standards.

(5) Where both an administrative adjustment and a waiver could apply, the Director determines which process is appropriate based on the scale of deviation and the approving authority for the underlying application.

(d) Administrative adjustments

(1) Approval criteria and findings

a. The adjustment is the minimum modification necessary to accommodate a physical constraint or to achieve a coordinated design outcome.

b. The adjustment is consistent with the intent of the applicable standard and the purpose of the zoning district.

c. The adjustment does not create adverse impacts on surrounding properties, infrastructure, or the public realm.

d. The adjustment does not reduce pedestrian access, frontage conditions, or emergency access, unless expressly allowed by Table 7.2 Administrative Adjustment Criteria.

e. The adjustment complies with all numeric limits and conditions in Table 7.2 Administrative Adjustment Criteria.

f. The adjustment will not adversely affect public health, safety, or welfare, or such impacts have been mitigated.

g. The request demonstrates compliance with all criteria in this subsection and all limits and conditions in Table 7.2 Administrative Adjustment Criteria.

h. The review authority may require documentation or technical studies to demonstrate compliance with these criteria.

(2) Authority and procedure

a. The Director or the TAC as listed in Table 7.2 Administrative Adjustment Criteria serves as the review authority.

1. Requests are reviewed concurrently with the underlying development or subdivision application.

2. Decisions are final unless appealed under Sec. 50-718. Appeals.

(3) Effect of approval

a. An approved adjustment remains valid only for the duration of the underlying approval under Sec. 50-723. Duration, Expiration and Amendment of Plan Approvals.

b. Expiration of the underlying approval voids any associated adjustment.

(e) Planning Commission waivers

(1) Approval criteria

a. The waiver is the minimum modification necessary to accommodate a physical constraint or achieve a coordinated design outcome;

b. Strict application of the standard would create undue hardship or practical difficulty not caused by the applicant:

c. The waiver is consistent with the intent of the applicable section and the overall purpose of this Code;

d. The waiver does not create adverse impacts on surrounding properties, infrastructure, or the public realm;

e. The waiver does not reduce public safety, access, or environmental protection; and

f. Any impacts are fully mitigated through design, conditions, or equivalent improvements.

(2) Procedure

a. Requests must be submitted in accordance with the City's published Development and Submittal Guide;

b. Requests may be reviewed concurrently with the underlying development or subdivision application, or as separate project applications.

(3) Effect of approval

a. A granted waiver remains valid for the duration of the underlying approval under Sec. 50-723 Duration, Expiration and Amendment of Plan Approvals;

b. Expiration of the underlying approval voids any associated waiver.

TABLE 7.2 ADMINISTRATIVE ADJUSTMENT CRITERIA

BCC SECTION	STANDARD	MAXIMUM ADJUSTMENT	APPROVAL AUTHORITY	ADDITIONAL CONDITIONS
Sec. 50-303(f)(6)	Future block exemption	Full exemption	Planning Director	Allowed where the site is too narrow for two compliant streets, or all neighboring sites are developed, or streets or trails on abutting sites cannot be extended through site. Also allowed if the site has an existing street along only one boundary and is less than 200 ft. wide along that street
Sec. 50-406(c)(3)g	Front setback for institutional use	Up to 100% increase	Planning Director	Allowed only to permit a civic entry and gathering area.
Table 4.1	Front or side street setback	10%	Planning Director	Allowed only to maintain alignment with existing structures along the block frontage
Table 4.1	Side setback	Up to 2 ft.	Planning Director	Allowed if all exterior walls, eaves, and overhangs that project into 5 ft. fire separation distance are rated per latest adopted building and fire safety codes.

BCC SECTION	STANDARD	MAXIMUM ADJUSTMENT	APPROVAL AUTHORITY	ADDITIONAL CONDITIONS
Table 4.1	Lot width	10 ft.	Planning Director	Allowed only where irregular shape, easements, or civic frontage limit buildable width
Table 4.1	Lot coverage	10%	Planning Director	Allow if lot is unusually shaped or access is restricted
Table 4.1	Building footprint	10%	Planning Director	Allowed only for buildings with public entries on two or more façades or structured parking
Table 4.1	Parking setback	20%	Planning Director	Allowed if garage is internalized and 12 feet wide or less
Sec. 50-502(b)(3)	Block size	100%	TAC	Allowed if an existing building exceeds the maximum block size. Allowed if site is zoned T2, LI, or LFI. Allowed for topography, rail, limited access road, or highway adjacency, floodway adjacency, slopes over 20%, or lack of connections to adjacent parcels
Sec. 50-502(c)(6)	Cul-de-sac layout	50% lot width reduction	TAC	Allowed if topography prevents wider lots
Sec. 50-502(c)(2)k	Offset intersections	Elimination	Planning Director	Only allowed where the design speed or posted speed limit of the roadway is 25 mph or less
Sec. 50-502(c)(4)	Pedestrian network	Full block sidewalk	Planning Director	May be required if project exceeds 30% of the block length
Sec. 50-503(e)(5)	Walkway materials	Substitution	Planning Director	Allowed as asphalt walkways in LI and LFI Districts or in all other districts where ADA-compliant gravel/pervious materials are used
Sec. 50-503(g)(2)e	Entertainment and institutional bicycle parking location	Alternative	Planning Director	Allowed in alternate location if it supports secure and sheltered storage for the duration and frequency of events.
Sec. 50-503(h)(2)	Driveway maximum number	No fixed limit	TAC	Requires a traffic study that demonstrates separate ingress and egress are necessary
Sec. 50-503(h)(3)	Curb cut radius	Up to 100% increase	TAC	Requires turning templates for large design vehicles.
Sec. 50-503(h)(4)	Driveway width	Up to 20% wider	TAC	Requires a traffic study that demonstrates the need to accommodate high traffic volumes or large design vehicles.

BCC SECTION	STANDARD	MAXIMUM ADJUSTMENT	APPROVAL AUTHORITY	ADDITIONAL CONDITIONS
Sec. 50-510(b)(2)	Landscape standards	Full exemption	Planning Director	Allowed for small-scale applications if the area of disturbance is less than 25% of the total site area; if existing landscaping meets at least 75% of the required plant quantity; or required planting is not physically feasible due to existing buildings, utilities, or drainage facilities.
Sec. 50-510(e)(1)	Fence setback	Two (2) feet	TAC	Allowed if no existing or planned utility corridor exists.
Sec. 50-510(e)	Fence height	Two (2) feet	Planning Director	Allowed when topographical, utility, or other contextual constraints or conditions exist
Sec. 50-602(c)(2)	Street design	Alternative	TAC	Must be necessary to provide sufficient traffic capacity; result in better safety performance following professional standards; accommodate a physical constraint; or reflect an established best practice that achieves equal or better transportation, safety, and design outcomes.
Sec. 50-602(e)(1)c	Travel lane clear width	Full exemption	TAC	Must provide sufficient access for emergency services; and increase roadway safety.
Sec. 50-602(i)(1)d	Street furnishing quantity and placement	No fixed limit	Planning Director	Only if one of the following conditions are met: • The site includes a civic space that incorporates equivalent furnishings; • The site is constrained by existing grade or permanent improvements; or • The alternative design provides equal or greater pedestrian comfort and public benefit
Sec. 50-602(j)(7)	Lighting materials or technology	Substitution	TAC	Only if standard materials are unavailable
Sec. 50-602(m)(1)a	Alley ROW width	Minimum 20 feet	TAC	Only if emergency access, utility access, fire service, and solid waste service are not limited by the narrower width.

BCC SECTION	STANDARD	MAXIMUM ADJUSTMENT	APPROVAL AUTHORITY	ADDITIONAL CONDITIONS
Sec. 50-602(m)(1)b	Alley pavement width	Reduction to 12 feet	TAC	Only if emergency access, utility access, fire service, solid waste service, and property access are not limited by the narrower width.
Sec. 50-602(m)(1)e	Alley drainage	Crown section and LID features permitted	TAC	Only if the change maintains compliance with stormwater requirements or improves current stormwater capacity
Sec. 50-604(a)(2)c	Pervious materials	Alternative material	TAC	Only if the material complies with ADA standards and can support service vehicles requiring access.

SEC. 50-717. VARIANCES

(a) The Board of Adjustment (BOA) may grant a variances from Article 50-4 Zoning, Sec. 50-505 Zone Transitions, Sec. 50-506 Overlay Districts, or Sec. 50-508 Signs. .

(b) The BOA may not grant a variance to:

(1) Allow a use not allowed in a zoning district; or

(2) Override conditions of approval or requirements imposed by another decision-making body; or

(c) Decision-Making Criteria

(1) The BOA must find that:

a. Strict application of this Code would create undue hardship due to unique physical circumstances of the property;

b. The hardship is not self-imposed;

c. The variance is the minimum relief necessary;

d. No reasonable alternatives exist to avoid the need for a variance; and

e. The variance is consistent with the purpose and intent of this Code.

(d) Board of Adjustment action

(1) Following a public hearing held in accordance with Sec. 50-720. Public Hearings, the BOA will take action in accordance with state law and adopted BOA bylaws.

SEC. 50-718. APPEALS

(a) Applicability

(1) This section governs appeals of any final administrative or quasi-judicial decision made under this Code, including interpretations by the Director, other Directors, site-plan determinations, variances, and subdivision decisions.

(b) Submittal

(1) Appeals must be submitted in writing with the Director within fifteen (15) business days of the date of the interpretation or decision.

(c) Procedure

(1) Appellate bodies are specified in Table 7.1 Approval Authority.

(2) The appellate body must presume the original decision correct.

(3) The appellant bears the burden of proof to show error.

(d) Judicial review

(1) Any person aggrieved by a final decision of the Board of Adjustment or City Council may seek judicial review in Benton County Circuit Court in accordance with Ark. Code § 14-56-425.

SEC . 50-719. REVIEW PROCEDURES

(a) Filing and completeness

(1) The Director must publish and maintain a checklist of minimum submittal requirements for each application type in the city's published Development and Submittal Guide. The Director may revise the checklist as needed to reflect current standards.

(2) At the time of application, the applicant must submit all materials and fees required by the checklist. Incomplete applications will not be reviewed.

(3) The Director will conduct a completeness review within a reasonable time frame. If the application is complete and all fees are paid, the application is accepted for processing.

(4) If the application is incomplete or fees are unpaid, the Director will notify the applicant of deficiencies. The applicant must correct the deficiencies within thirty (30) days or the application will be considered withdrawn.

(b) Resubmittals and review priority

(1) The Director may collect resubmittal fees in accordance with the adopted fee schedule.

(2) The Director may prioritize review of applications that are resubmitted promptly and completely in the interest of efficient review and quality development.

(c) Application routing

(1) The Director is responsible for determining which applications are routed to TAC, Planning Commission, Board of Adjustment, or City Council pursuant to this Code.

(2) Applications involving multiple actions may be reviewed concurrently or consecutively, as determined by the Director.

(3) Applications may be paused at any stage to obtain additional information or clarification.

(d) Review sequencing

(1) Development plan, subdivision, or construction document applications may not proceed until required prior approvals have been granted, unless early review is authorized by the TAC or Director.

(2) Where allowed by this Code, the TAC may authorize concurrent review of related applications.

(e) Project and permit sequencing

(1) The purpose of this section is to establish clear sequencing requirements for land disturbance, construction plan approval, building permits, and certificates of occupancy, while allowing flexibility for different development types, including subdivided and non-subdivided development.

(2) No permit authorizing site or vertical construction shall be issued unless the property is lawfully eligible under one (1) of the following conditions:

a. The property is part of a recorded plat approved in accordance with this Code; or

b. The project is subject to an approved development plan that does not create or propose multiple legal lots, unless otherwise specified in this Section.

(3) Land disturbance permits

a. A land disturbance permit may be issued only after one (1) of the following has occurred:

1. Approval of a small-scale development or large-scale development;

2. Approval of a preliminary plat; or

3. Approval of a stand-alone land disturbance permit.

b. Issuance of a land disturbance permit authorizes only the land disturbance activities expressly approved and does not authorize vertical construction, installation of public improvements, or creation of legal lots.

c. Issuance of a land disturbance permit does not establish a legal lot of record, authorize subdivision, or waive future platting requirements.

(4) Approved construction plans (pre-construction review)

a. Approved construction plans are required prior to installation of public improvements or civil site work beyond authorized land disturbance.

b. Where a project includes or results in subdivision of land, construction plans shall not be approved and stamped until:

1. A preliminary plat has been approved by the Planning Commission and received approval through pre-construction review; or

2. For development plans, concurrent review has been authorized, provided that authorization to proceed with construction is expressly conditioned on final plat or minor subdivision recordation prior to completion.

(5) Building permits

a. Building permits may be issued only when one (1) of the following applies:

1. The structure is located on a lot created by a recorded plat;

2. The structure is part of an approved development plan on a single, unsubdivided site with no subdivision proposed;

3. The structure is part of an approved development plan that proposes seven (7) or fewer lots, provided that:

1. Construction plans have been approved;

2. An application for Minor Subdivision has been submitted; and

3. No Certificate of Occupancy shall be issued until the Minor Subdivision has been approved and recorded.

(6) Certificate of occupancy.

a. A Certificate of Occupancy shall not be issued unless:

1. Required public improvements have been fully constructed, inspected, and accepted, unless deferred in accordance with Sec. 50-724 Public Improvements and Dedications; and

2. Any required subdivision plat has been approved and recorded.

(7) *Director authority*.

a. The Director is authorized to determine:

1. Whether a subdivision is required, proposed, or pending;

2. Whether proposed sequencing complies with the concurrency provisions expressly permitted in this Section; and

3. Whether proposed sequencing complies with this Article and Sec. 50-724 Public Improvements and Dedications.

b. Such determinations shall not be used to circumvent subdivision, public improvement, or dedication requirements.

SEC 50-720 PUBLIC HEARINGS

(a) Notice required

(1) Notice is required for all public hearings before the Planning Commission, Board of Adjustment, or City Council and will include published, mailed, posted, and optional courtesy notice as specified below.

(2) Notice method per hearing type is in accordance with Table 7.3 Notification Responsibility.

(b) Published notice

(1) Must be published in a newspaper of general circulation in the City of Bentonville;

(2) Must be published at least fifteen (15) business days prior to the hearing; and

(3) Must include the case number, applicant name, subject location, hearing date, time, and place.

(c) Mailed notice

(1) Must be sent to all property owners within the boundaries of the subject site and within two hundred (200) feet of the property lines;

(2) Owner information must be based on the most recent Benton County Assessor's records;

(3) Notice must be sent by certified mail and postmarked at least fifteen (15) business days prior to the hearing; and

(4) Applicant is responsible for preparing and mailing notice unless otherwise authorized by the Director.

(d) Posted notice

(1) Must be placed on the subject property at least fifteen (15) business days prior to the hearing;

(2) Must be visible from all abutting public rights-of-way;

(3) Signage must include project name, case number, hearing date, and time; and

(4) The number, size, and location of signs will be sufficient to fulfill these requirements as determined by the Director.

(e) Proof of notice

(1) The applicant must submit proof of mailing and an affidavit of posting before the hearing.

(2) The Director may cancel or refuse to schedule a hearing if notice requirements are not met.

(f) Responsible Party

(5) In all zoning or land-development applications requiring a public hearing, notice responsibilities are according to Table 7.3 Notification Responsibility.

TABLE 7.3 NOTIFICATION RESPONSIBILITY

HEARING TYPE	NOTICE METHOD	CITY RESPONSIBILITY	APPLICANT RESPONSIBILITY
Rezoning	Certified mail to property owners within 200 ft.	Review mail receipts, document compliance	Applicant mails and pays for certified owner list and certified-mail postage/fees
	Certified mail to the School District Board of Directors	Review mail receipts, document compliance	Applicant mails and pays for certified owner list and certified-mail postage/fees
	Newspaper advertisement in Arkansas Democrat-Gazette	Staff places ad at least 15 business days prior to hearing; approves content and timing	Applicant pays ad costs (billed via application process)
	Site-posted public hearing sign	Staff oversees sign placement not fewer than 15 business days before hearing	City provides and installs signs; Applicant pays for sign production and placement (billed via application process)
Variance	Newspaper advertisement	Staff places ad at least 7 days before hearing, reviews format and timing	Applicant pays advertisement cost (billed via application process)
	Site-posted hearing sign	Staff verifies and supervises installation not fewer than 7 days before hearing	Applicant provides, installs, and pays for sign production and placement (billed via application process)

(g) Courtesy notice

(1) Courtesy notice may be distributed by the City or applicant at their discretion.

(2) Formats may include mailed flyers, email newsletters, or digital platforms.

(3) Courtesy notice does not replace required notice and may not be used to cure deficiencies in required notice.

(h) Public hearings

(1) Hearings must follow published agendas and conform to Arkansas Law.

(2) A quorum must be present for the body to conduct business.

(3) The applicant must be given an opportunity to present, and the public must be given an opportunity to comment.

SEC . 50-721 . PERMITS

(a) General provisions

(1) The permits and approvals in this section apply to specific activities that may occur independently or in connection with an approved development, subdivision, or master plan.

(2) These permits ensure that construction, site work, public right-of-way use, and other activities are performed in a safe, orderly, and legally compliant manner.

(3) Nothing in this section replaces the requirement to obtain any primary land use approval where otherwise required by this Code.

(4) Unless otherwise stated, all permits expire if work is not started within six (6) months of issuance or completed within one (1) year, unless extended by the Director in accordance with Sec. 50-723 Duration, Expiration, and Amendment of Approvals.

(5) Payment of all applicable fees is required when the application is received.

(b) Building and Demolition permits

(1) A building permit is required according to the requirements of the Bentonville Municipal Code, Chapter 14 and is subject to the adopted Building Codes.

(2) A demolition permit is required according to the requirements of the adopted Building Codes and the current policies and procedures of the Building and Fire Safety Division.

(c) Encroachment permit

(1) An encroachment permit is required for any private use or structure that extends into or occupies the public right-of-way or a public easement.

(2) Uses and structures requiring a permit

a. Encroachment permits apply to, but are not limited to:

1. Awnings, canopies, balconies, bay windows, overhangs, marquees, signs, and similar building projections.
2. Parklets, sidewalk cafés, outdoor seating, and other furnishings within the right-of-way.
3. Private utilities, planters, landscaping features, fences, and other permanent or semi-permanent elements placed in a public right-of-way or easement.

(3) Application requirements

a. All applications must include:

1. A site plan or detailed drawing showing the location, dimensions, and design of the proposed encroachment;
2. Documentation demonstrating that utilities, drainage facilities, or other public infrastructure will not be adversely affected;
3. Proof of liability insurance naming the City as an additional insured, if the encroachment presents a liability risk; and
4. An agreement to indemnify the City from claims related to the encroachment.

b. Applications for parklets must also include:

1. A completed permit form provided by the City;
2. A letter of support from any adjacent property owner if the parklet extends beyond the responsible establishment's frontage;
3. A detailed drawing or rendering showing seating, railings, barriers, planting, or other

parklet features;

4. A signed Encroachment Agreement with the City, including all terms specified in Sec. 50-602(l) Use of rights-of-way and Sec. 50-407(c)(28) Parklets.

(4) General standards

a. All encroachments must be structurally sound, properly anchored if required, and maintained in good condition.

b. Encroachments must not block or restrict safe pedestrian or vehicle movement.

c. Encroachments must not block access to public utilities, fire hydrants, fire escapes, transit stops, accessible parking spaces, or other public infrastructure.

d. A minimum clear pedestrian path of five feet must be maintained along all sidewalks at all times.

e. Encroachments must not obstruct sight triangles or interfere with utilities, drainage, or street trees.

f. Encroachments must comply with all applicable design standards of Sec. 50-602. Street Design, and any relevant state or federal visibility or safety requirements.

(5) Parklet standards

a. Parklets must meet the requirements of Sec. 50-406(c)(28) Parklets.

(6) Maintenance and operation

a. The permit holder must maintain all encroachments in good repair and safe condition.

b. The area surrounding the encroachment must be kept clean and free of litter, debris, or hazards.

c. If the encroachment is removed, the right-of-way or easement must be restored to its original condition, to the satisfaction of the Transportation Director.

d. Parklet permit holders must:

1. Maintain the parklet in good, clean, and safe condition at all times;

2. Keep all furniture, planters, railings, and other elements in good repair and free of hazards; and

3. Remove snow and ice where applicable.

(7) Insurance and indemnity

a. All permit holders must maintain liability insurance in an amount acceptable to the City and name the City as an additional insured.

b. The permit holder must release, defend, and indemnify the City from any claims or damages arising from the installation, use, or operation of the encroachment, including parklets.

(8) Duration, renewal, and revocation

a. An encroachment permit remains valid for the period specified in the approval or, for parklets, one (1) year from the date of approval.

b. Renewal

1. The permit may be renewed annually if the permit holder remains in compliance with all requirements.

2. Renewal applications must be submitted before the current permit expires.

c. Revocation

1. The City may revoke an encroachment permit if the encroachment becomes unsafe, fails to comply with permit conditions, interferes with public use or maintenance, or otherwise

violates this Code or any other law;

2. Upon revocation, the permit holder must remove the encroachment and restore the area to the satisfaction of the Transportation Director.
3. A decision to revoke may be appealed under Sec. 50-718. Appeals.

(d) Fence permit

(1) A fence permit is required prior to construction and replacement of all applicable fences and walls, except those shown on an approved preliminary plat or large-scale development.

(2) Application requirements.

a. All applications must include:

1. A site plan or detailed drawing showing the location and dimension of the following:

i. property lines;

ii. existing structures;

iii. existing or proposed pool or spas;

iv. existing fencing on or adjacent to the property that is to remain in place.

v. existing fence that will be replaced.

vi. new fencing.

b. A written description of the proposed fence height and the type of construction (i.e. wood privacy, wrought iron, brick, etc.), and any requests for administrative adjustment in accordance with Sec. 50-714 Administrative Adjustments and Waivers.

c. A cut sheet or photo of the fence style, labeling the side of the fence that is the finished surface.

(3) Standards.

a. Fences and walls must be installed in compliance with the fence regulations in Sec. 50-510 (e) Fences and walls and with the information shown on the approved site plan and fence permit application form.

b. Fences and walls must be maintained in good repair and structurally sound.

(e) Land disturbance permit

(1) **Purpose and Intent.**

a. The purpose of this section is to regulate land disturbance activities in order to protect public safety, drainage systems, water quality, public infrastructure, and adjacent property. This section establishes a unified permitting framework for grading, excavation, filling, stockpiling, and related earth-moving activities.

(2) **Applicability.** A land disturbance permit is required prior to commencement of any activity that:

a. Disturbs more than ten thousand (10,000) square feet of land area;

b. Disturbs land within a drainage easement, stormwater facility, floodplain, or public right-of-way;

c. Removes required trees in accordance with Sec. 50-510(j) Landscape installation;

d. Alters, obstructs, regrades, or redirects drainage conveyance serving public infrastructure or adjacent property; or

e. Requires erosion or sediment control measures under the City's Stormwater Pollution Prevention and Erosion Control Standards ordinance or applicable state or federal permits.

(3) **Permit types.**

a. Land disturbance activity authorized under this section shall be issued under one or more of the following permit types, as applicable:

1. Full grading permit;
2. Limited grading permit;
3. Floodplain development permit;
4. Temporary storage or material stockpiling approval; or
5. Tree removal permit.

b. Each permit type is subject to the requirements of this section unless expressly stated otherwise.

(4) **Default Classification**.

a. Any land disturbance activity not associated with an approved development plan, preliminary plat, or other specific land disturbance permit type shall be classified as Full Grading.

b. Limited Grading may be approved in accordance with subsection (7).

(5) **Floodplain development permit**

a. A floodplain development permit is required for any development or land disturbance activity regulated under the City's Flood Damage Prevention Code, the Stormwater Management and Drainage Manual, and applicable FEMA standards.

b. When disturbance qualifying under subsection (2) occurs in a Special Flood Hazard Area or Base Level Engineering (BLE) area within the City, the floodplain development permit shall be issued in conjunction with a land disturbance permit, pending separate application and review of the permit. The floodplain development permit requires a separate fee when issued in conjunction with a land disturbance permit.

c. Approval of a floodplain development permit does not waive compliance with grading, erosion control, or stabilization requirements of this section.

(6) **Full grading permit**

a. *Applicability*. A full grading permit is required for:

1. Stand-alone grading or earthwork not tied to an approved development plan or preliminary plat;

2. Land alteration exceeding the thresholds in subsection (2); or

3. Any land disturbance not qualifying for Limited Grading.

b. *Authorization*. A full grading permit only authorizes grading, excavation, filling, and related earthwork activities, subject to approved plans and conditions. A full grading permit does not authorize construction of foundations, vehicular use areas, utilities, or structures. Full authorization to begin work is subject to an approved pre-construction meeting.

c. *Requirements*.

1. A full grading permit application shall include, but is not limited to:

2. A grading and drainage plan prepared by a licensed professional (Civil Engineer, Architect, Landscape Architect, or similar professional);

i. Required erosion and sediment control plans; and

ii. Applicable state or federal stormwater permits;

(7) **Limited grading permit**

a. *Purpose.* A limited grading permit allows restricted land disturbance after Planning Commission approval and prior to final development or subdivision approvals under narrowly defined circumstances.

b. *Eligibility*. The Director, in consultation with the City Engineer, may approve a limited grading permit only when:

1. The underlying development has received discretionary approval;

2. The approved plans do not contain unresolved waivers, variances, or relief affecting grading; and

3. The applicant demonstrates a hardship or timing constraint outside normal development sequencing.

c. *Limitations*.

1. Limited Grading authorizes earthwork only and does not permit construction of foundations, vehicular use areas, utilities, or structures.

2. Grading shall be limited to areas and quantities expressly approved.

d. *Duration*. A limited grading permit shall expire within six (6) months unless, prior to expiration, the associated development or subdivision receives approval of construction plans through the applicable development review process, or the permit is extended by the Director. Full authorization to begin work is subject to an approved pre-construction meeting.

(8) **Temporary storage and stockpiling approval**

a. Temporary storage or stockpiling of soil, aggregate, or construction materials exceeding incidental construction activity requires approval under this section. Any stockpile greater than one (1) acre requires a full grading permit.

b. Such approval may be issued as a standalone authorization or in conjunction with a grading permit. A temporary storage or material stockpiling permit must be issued separate from a large-scale development or preliminary plat if said storage is not included within the limits of disturbance for the parent project.

c. Approval shall specify:

1. Location and duration;

2. Required erosion and sediment control measures; and

3. Restoration and stabilization requirements upon removal.

(9) **Tree removal permit**

a. *Applicability.* A tree removal permit is required prior to the removal of any tree required or credited under Sec. 50-510 Landscape, Screening, and Buffering when such removal is not part of an approved development plan, preliminary plat, or land disturbance permit.

b. *Scope.* A tree removal permit authorizes the removal of specific trees identified in the permit application and approved by the Director.

c. *Approval criteria.* The Director may approve a tree removal permit when the removal will not reduce required landscaping below the minimum standard of Sec. 50-510 Landscape, Screening, and Buffering.

d. *Replacement.* Removal authorized under this permit is subject to the replacement requirements in Sec. 50-510(j)(7)(d).

e. *Exemptions.* A tree removal permit is not required for:

1. Emergency removal necessary to address an immediate threat to life or property; or
2. Utility maintenance or clearance authorized by BEUD or BWUD.

(10) **Inspections and Enforcement**

a. Land disturbance sites are subject to inspection at any time and regular intervals for compliance with the City's Stormwater Pollution Prevention and Erosion Control Standards ordinance.

b. Failure to comply with approved plans or permit conditions constitutes a violation subject to enforcement under this Code.

(f) Outdoor vendor permit

(1) An outdoor vendor permit is required for:

a. Any person or business that sells goods or food from a temporary stand, cart, or vehicle at a fixed outdoor location or as part of an outdoor vendor park.

b. Outdoor vending is allowed according to Sec. 50-406(c)(27) Outdoor and mobile food vendors.

c. Outdoor vending on private property must comply with all applicable setbacks, lot coverage, and parking standards in Article 50-4 Zoning.

d. Outdoor vending within the public right-of-way must comply with the requirements for encroachments in subsection (c) Encroachment permit.

(2) An outdoor vendor permit is not required for:

a. Sidewalk sales lasting three (3) or fewer consecutive days and keeping four (4) feet clear for pedestrian passage.

b. Temporary nonprofit fundraisers lasting five (5) or fewer days.

c. Merchants operating under an approved outdoor market or event permit.

d. Children's lemonade stands.

e. Goods temporarily placed on sidewalks during ordinary deliveries.

(3) An application for an outdoor vendor permit must include:

a. A completed application form provided by the City.

b. The applicant's name, address, contact information, proof of identity, and a current photograph.

c. A description of the goods or food to be sold.

d. A site plan showing the vending location and all distances to property lines, sidewalks, streets, and adjacent buildings.

e. Written consent from the property owner if vending on private property.

f. Proof of notice to adjacent property owners if vending near a residential zone.

g. For food sales, a valid Benton County Health Department certificate.

h. Proof of valid driver's licenses for all drivers, if using a vehicle.

i. Proof of A&P tax registration, if applicable.

j. Any other information needed to demonstrate compliance with this Chapter.

(4) Duration and Renewal

a. A permanent outdoor vendor permit expires each year on December 31.

b. A temporary outdoor vendor permit expires on the date specified on the permit.

c. Renewal applications must be submitted before expiration. Applications submitted after

expiration will be processed as new permits.

(5) Suspension or Revocation

a. The Director may suspend or revoke a permit if:

1. The permit was obtained by fraud or misrepresentation.
2. The vendor violates any part of this BCC or the conditions of the permit.
3. The vendor creates a nuisance or hazard to public health or safety.
4. Revocation is subject to the appeal procedures in Sec. 50-718. Appeals.

(g) Right-of-way permit

(1) A right-of-way permit is required for:

a. All work performed within the public right-of-way that is not associated with a defined project in this Chapter.

b. Curb cuts for residential driveways.

c. Removal of trees or planting trees within the public right-of-way.

(2) General Standards

a. Right-of-way permit application must be submitted in compliance with Appendix C Street Specifications, Sec 200.12 Permits.

(h) Sign permit

(1) Sign permits apply to:

a. All new permanent signs.

b. All new temporary signs not exempted under Sec. 50-508 (d) Signs allowed without a permit.

c. Any modification to an existing sign that changes its size, structure, location, illumination, or height.

(2) Signs exempt from permit requirements

a. Signs that do not require a sign permit are listed in Sec. 50-508 (d) Signs allowed without a permit.

(3) General standards

a. All signs must comply with the design, size, height, setback, clearance, illumination, location, construction and maintenance standards in Sec. 50-508. Signs.

b. Signs located within a public right-of-way require an encroachment permit in accordance with Sec. 50-721(c) Encroachment permit in addition to a sign permit.

(4) Applications for sign permits must include:

a. A site plan or scaled drawing showing the sign's location on the lot or building;

b. Elevation drawings showing sign dimensions, design, lettering, and any structural supports;

c. Details of any illumination, including type, brightness levels, shielding, and illustration of sign appearance at night;

d. Details of the sign materials;

e. The business registry number, if applicable;

f. For EMCs, documentation demonstrating compliance with brightness and timing standards; and

g. For signs projecting into a public right-of-way, proof of a valid encroachment permit per Sec. 50-721(c) Encroachment permit.

(i) Temporary use permit

(1) A temporary use permit is required for:

a. Temporary structures such as trailers or other buildings used during construction, sales offices, or staging;

b. Seasonal outdoor sales lots, including holiday tree sales, fireworks stands, or similar uses;

c. Temporary contractor yards, staging areas, or stockpiles associated with allowed construction;

d. Planned activities or special events that may exceed the noise standards in Article 58-V Noise; and

e. Other activities determined by the Director to be temporary and to have potential impact on the surrounding area.

(2) A permit is not required for:

a. Temporary uses or structures that are specifically regulated under another section of this Code; or

b. Uses that are integral to an active, valid building permit, and do not involve a separate structure or off-site impact.

(3) Applications must include:

a. A description of the proposed temporary use, including duration, hours of operation, and anticipated activities;

b. A site plan showing the location of any structures, parking areas, signage, fencing, or utility connections;

c. A statement describing measures to minimize impacts on surrounding uses, traffic, drainage, and pedestrian circulation;

d. Evidence of any required state or county health permits, if applicable.

(4) Standards for Approval

a. The temporary use must be compatible with surrounding land uses and not create traffic, noise, lighting, or safety problems;

b. Adequate parking and access must be provided;

c. The site must be restored to its original condition or better at the end of the temporary use period;

d. All structures and equipment must comply with applicable building, fire, and health codes.

(5) Duration

a. Temporary use permits are valid for up to six (6) months unless otherwise specified in the permit;

b. One (1) extension may be approved by the Director for up to six (6) additional months if the applicant demonstrates good cause and compliance with all conditions.

(6) Additional Requirements

a. The Director may require a surety to ensure site cleanup and restoration;

b. The Director may impose conditions to address noise, lighting, signage, or screening;

c. Temporary signs must comply with Sec. 50-508. Signs;

d. The Director may refer a temporary use permit to the Planning Commission for review if there is a question whether the proposed use can meet the standards for approval in subsection (4) Standards for Approval; and

e. Permits may be revoked if the use creates a hazard, nuisance, or violates permit conditions.

(j) Retaining wall permit

(1) A retaining wall permit is required for the construction, replacement, or extension of any retaining wall greater than four (4) feet in height, measured from the bottom of the footing on the lower side of the wall to the top of the wall.

(2) Retaining walls greater than four (4) feet in height shall be designed and certified by a Professional Engineer licensed in the State of Arkansas.

(3) Applications for a retaining wall permit shall include:

a. A site plan showing the location of the retaining wall relative to property lines, structures, easements, and rights-of-way;

b. The height and length of the proposed wall;

c. Construction details, including cross-sections and footing design;

d. Existing and proposed grades above and below the wall;

e. Engineered, certified drawings that demonstrate structural stability and proper drainage; and

f. Any additional information determined necessary by the City Engineer or Chief Building Official.

(4) Retaining walls requiring a permit shall be subject to inspection by the City to verify compliance with the approved permit and applicable construction standards.

(5) Retaining walls shall be constructed in accordance with:

a. The approved permit documents;

b. The requirements of Sec. 50-510(e) Fences and walls

c. Applicable building and engineering codes; and

d. City engineering specifications.

SEC . 50-723 . DURATION, EXPIRATION, AND AMENDMENT OF APPROVALS

(a) Purpose

(1) To establish consistent time limits for all approvals granted under this Article, and to specify when an approval expires, how extensions may be granted, what effect expiration has on subsequent applications, and how amendments to approvals are processed.

(b) Applicability

(1) This section applies to all development and subdivision applications approved under this Chapter.

(2) When a specific approval type in this Chapter sets a shorter duration, the shorter time period controls.

(3) Expiration under this section does not apply to rezoning or text amendments approved by the City Council.

(c) General duration

(1) Unless otherwise stated in this Code, an approval remains valid for twelve (12) months from the date of final action by the approving authority.

(2) The approval expires automatically at the end of that period if:

a. A pre-construction meeting has not been scheduled and held when required;

b. Construction or authorized site work has not begun; or

c. Any required permits, signatures, or recording actions have not been completed.

(3) Upon expiration, the applicant must submit a new application under the standards and procedures in effect at the time of new submittal.

(d) Extensions

(1) Eligibility. An applicant may request an extension before the expiration date of an approval.

(2) Administrative approvals. The Director may grant one (1) extension of up to six (6) additional months upon a written request showing good cause for the delay.

(3) Approvals by the Planning Commission. The Planning Commission may grant one (1) extension of up to twelve (12) additional months upon a written request showing substantial progress on required improvements or other good cause.

(4) Limitation. Only one (1) extension will be granted for any approval.

(5) Effect of denial. If an extension is denied, the approval expires immediately upon the original expiration date.

(e) Post-expiration effect

(1) When an approval expires, all associated permits, agreements, or conditions tied to that approval become void.

(2) Any further development or construction requires a new application.

(3) The City may rely on any existing public improvements or easements that were completed and accepted prior to expiration.

(f) Recording and minor subdivisions

(1) For minor subdivisions, approval expires if the minor subdivision is not recorded within the time required by Sec. 50-707(e)(8) Recording.

(2) Recording after expiration requires full resubmittal and review under current standards.

(g) Amendments to Approved Plans

(1) Approved plans may be modified through amendments in accordance with this subsection, provided the underlying approval remains valid under this section.

(2) Amendments are intended to allow reasonable flexibility during implementation while preserving the development framework, infrastructure assumptions, and public improvements relied upon during approval.

(3) *Classification of Amendments.* Amendments shall be classified as Minor Amendments or Major Amendments based on their scope, impact, and consistency with the approved development framework.

(4) *Minor Amendments.* Minor Amendments are changes that do not materially alter the approved development framework or the assumptions relied upon during discretionary approval.

a. Examples include, but are not limited to: Minor adjustments to building footprints or architectural elements; minor utility alignment refinements that remain within approved corridors; revisions to grading or drainage that do not affect overall system capacity, flow paths, or downstream impacts; changes to construction details that do not affect public infrastructure, access, or safety; and phase-specific adjustments that do not affect shared infrastructure or future phases.

b. The Director may approve Minor Amendments administratively.

c. Approval of a Minor Amendment does not reset or extend the duration of the underlying approval.

(5) *Major Amendments.* Major Amendments are changes that materially alter the approved development framework, infrastructure assumptions, or conditions of approval.

a. Examples include, but are not limited to: changes to street layouts, block structure, or access points; modifications affecting the capacity, location, or sequencing of public improvements; changes to stormwater systems that affect detention, conveyance, or downstream impacts; changes that alter approved phasing in a manner affecting infrastructure delivery or timing; increases in intensity or land use not contemplated during approval; or revisions that would have required additional findings during the original discretionary review.

b. Major Amendments require approval by the same body that approved the original application, unless otherwise specified by this Code.

c. Approval of a Major Amendment may reset the duration of the approval, as determined by the approving authority at the time of action.

(6) *Construction Plan Revisions.* Approved construction plans represent the technical implementation of an approved development framework. Construction plan revisions shall be evaluated for consistency with the underlying approval.

a. The Director has the authority to classify construction plan revisions as Minor or Major Amendments.

b. Construction plan revisions shall not be used to circumvent required platting, development approval, or public improvement requirements. Revisions that alter the development framework shall be processed as Major Amendments.

(7) *Relationship to expiration.*

a. Submission of a complete application for a Major Amendment prior to expiration shall suspend expiration of the original approval until the amendment is acted upon.

b. Minor Amendments do not suspend or extend expiration deadlines.

c. Upon expiration of an approval, no further amendments may be approved unless expressly authorized by this Code.

SEC . 50-724 . PUBLIC IMPROVEMENT AND DEDICATION

(a) Applicability

(1) This section applies to any development or subdivision for which the City requires on-site or off-site public improvements pursuant to this code, including but not limited to:

a. Streets, alleys, sidewalks, and related facilities;

b. Water, sewer, and storm drainage facilities;

c. Street lighting, street trees, and planting strips;

d. Utility easements and public access easements; and

e. Parks or open space required for public use.

(b) Improvement plans

(1) *Public improvement plan required.* Where required by the Director, based on the scope and nature of the development and in consultation with the TAC, a Public Improvement Plan must be submitted and approved prior to construction of any public infrastructure.

(2) *Coordinated review.* When a preliminary plat or development plan includes public improvements, the Public Improvement Plan must be submitted as part of the same review process, using a coordinated and consistent set of documents.

(3) *Standards.* All Public Improvement Plans must conform to Appendix C and all applicable standards and specifications.

(4) *Revisions.* The TAC, acting through its member departments, may require revisions to Public Improvement Plans to ensure compliance with applicable standards prior to approval.

(c) Construction and inspection

(1) All public improvements must be constructed by the developer or applicant in accordance with approved plans.

(2) Construction must not begin until the Public Improvement Plan is approved and all necessary permits are issued.

(3) The City, through applicable departments, will inspect improvements during and after construction to verify compliance. The applicant is responsible for coordinating inspections.

(d) Acceptance and dedication

(1) No public improvement will be accepted by the City until it has been inspected and approved.

(2) Dedications of public rights-of-way, easements, utilities, and improvements must be shown on the construction plans and accepted by the City.

(3) The Planning Commission is authorized to accept dedications on behalf of the City unless City Council approval is required by law.

(4) Approved as-built drawings and record documentation shall be submitted and approved prior to acceptance of any public improvement, in accordance with departmental specifications.

(e) Timing of improvements

(1) *General requirement.* Required public improvements shall be fully constructed, inspected, and accepted prior to final plat recording, issuance of a Certificate of Occupancy, or final inspection, as applicable, unless deferred in accordance with this section.

(2) *On-Site and off-site improvements secured by performance surety***.** When public improvements required by this Code and located within the public right-of-way or off-site are approved for deferral by the Director, such improvements shall be either:

a. Constructed prior to commencement of on-site construction as a separate project or phase; or
b. Secured by an approved performance surety prior to the pre-construction meeting.

(3) *Deferred completion items.* Upon determination by the Director, in consultation with the applicable Department Head, that remaining work is eligible for deferral, limited completion items may be secured through a completion guarantee prior to final plat recording, issuance of a Certificate of Occupancy, or final inspection, as applicable.

a. *Eligible completion items.* Completion guarantees may be accepted only for limited items where all required systems are otherwise complete, operational, and legally functional, including:

1. Minor or cosmetic construction items;
2. Adjustment of appurtenances to final grade;
3. Weather-delayed landscaping;
4. Minor corrective work to existing infrastructure;
5. Submission of approved as-built drawings and record documentation; and
6. Other limited items that, from a technical and operational standpoint, do not impair the safe, functional, or lawful operation of the development, as determined by the applicable Department Head.

b. *Ineligible Items.* Completion guarantees shall not be accepted in lieu of construction for improvements necessary for safe access, utility service, drainage, emergency response, or legal occupancy.

(f) Fee-in-Lieu of Construction.

(1) *Authorization.* Where construction of a required public improvement is authorized to be delayed pursuant to Article 3 and this section, the Planning Commission may approve the payment of a fee-in-lieu of constructing the improvement.

(2) *Approval Authority and Findings*. Approval of a fee-in-lieu is discretionary and requires action by the Planning Commission. In approving a fee-in-lieu, the Planning Commission shall make written findings that:

a. Construction of the required improvement is impracticable, premature, or not in the public interest at the time of development; and

b. The fee-in-lieu bears a rational nexus and rough proportionality to the impacts of the development.

(3) *Amount of Fee.* The fee-in-lieu shall equal 125 percent (125%) of the City's estimated cost to complete the improvements, based on an engineer's estimate, reviewed by the City Engineer or applicable Department, and accepted by the Planning Commission. The Planning Commission may approve a lesser amount if they determine a reduced amount is appropriate based on scope or timing.

(4) *Timing of Payment*. An approved fee-in-lieu shall be paid prior to final plat recording, issuance of a Certificate of Occupancy, or commencement of construction, as applicable.

(5) *Use of Funds*. Fees collected in lieu of construction shall be used for the same general type of public improvement and may be expended at any location within the City, provided the improvement serves the same general public infrastructure system impacted by the development, is consistent with adopted capital improvement plans, and is expended within seven (7) years of the date of collection, unless otherwise agreed.

(6) *Satisfaction of Obligation*. Payment of an approved fee-in-lieu satisfies the applicant's obligation to construct the specific improvement for which the fee was imposed, and no performance or completion guarantee shall be required for that improvement.

(g) Performance and completion guarantees

(1) *Performance surety for public improvements.* Public improvements located within the public right-of-way or off-site and approved for deferral under subsection (e)(2) shall be secured by a performance surety prior to the pre-construction meeting.

a. Acceptable forms include a performance bond, irrevocable letter of credit, cashier's check, or other financial security approved by the Director and the City Legal Department.

b. The amount shall be not less than 150 percent (150%) of the City's estimated cost to complete the improvements, based on an engineer's estimate prepared by the engineer of record, reviewed by the City Engineer, and accepted by the Director.

c. A performance surety required under this section is a continuing obligation and shall remain in full force and effect until the guaranteed public improvements have been fully constructed, inspected, and accepted by the City in accordance with this Code.

d. The performance surety shall not expire by passage of time and may be released only upon written authorization by the Director following certification of completion by the City Engineer and final acceptance by the City.

(2) *Completion guarantees.* Deferred completion items approved under subsection (e)(3) shall be secured by a cash or cash-equivalent guarantee, including a cashier's check, irrevocable letter of credit, or other security approved by the Director and the City Legal Department.

a. The amount shall be not less than 150 percent (150%) of the City's estimated cost to complete the improvements, based on an engineer's estimate prepared by the engineer of record, reviewed by the City Engineer, and accepted by the Director.

b. The completion guarantee shall have an initial term of sixty (60) days.

c. The Director, in consultation with the applicable Department Head, may approve one (1) extension not to exceed sixty (60) additional days upon a showing of good cause.

d. Funds may be deposited with the City and held until completion.

e. If the applicant fails to complete the guaranteed items within the approved term, the City may use the funds to complete the work.

f. The applicant remains responsible for any costs exceeding the amount of the guarantee.

(3) *Release of Guarantees.*

a. *Certificate of Completion*. To request release of a performance or completion guarantee, the applicant's engineer of record shall submit a written certification to the Director stating that the required improvements or guaranteed items have been completed in accordance with approved plans and are complete and functional.

b. *Final Inspection.* Final inspection shall be conducted by the Director and applicable departments, coordinated through the TAC.

c. *Release of Guarantee.* Upon certification of completion by the City Engineer and approval of the final inspection, the Director shall authorize release of the performance or completion guarantee and, as applicable, reimbursement or return of the financial security.

(h) Maintenance Guarantee

(1) Upon acceptance of public improvements, the applicant shall provide a maintenance guarantee to ensure proper performance during the maintenance period.

(2) The maintenance guarantee shall equal twenty-five percent (25%) of the City's estimated replacement cost, as determined by the City Engineer based on an engineer's estimate prepared by the engineer of record.

(3) The guarantee shall remain in effect for a minimum of one (1) year from the date of acceptance and until released in writing by the Director.

(4) If deficiencies are not corrected, the City may draw upon the maintenance guarantee to complete necessary repairs.

(5) A maintenance guarantee is not required for public improvements constructed by the City, under contract with the City, or for public facilities or public uses where the City retains ownership and maintenance responsibility, as determined by the Director.

(i) Tree and landscape survival

(1) Where trees or other landscaping are installed in fulfillment of a public improvement requirement, the applicant must maintain the installed plant material for a minimum of three (3) years.

(2) A minimum survival rate of ninety percent (90%) is required at the end of the maintenance period.

(3) The City may require a separate tree or landscape bond or deposit to ensure compliance.

SEC . 50-725 . ENFORCEMENT AND PENALTIES

(a) Authority

(1) The Director is authorized to enforce the provisions of this Code and to initiate corrective action for any violation.

(2) City departments, including Building Safety, Engineering, Code Enforcement, and Legal, may support enforcement efforts as coordinated by the Director.

(3) Nothing in this section limits the City's authority to enforce other applicable laws or to pursue civil or criminal penalties as provided by law.

(b) Violations

(1) A violation of this Code includes, but is not limited to:

a. Initiating construction, land disturbance, or site modifications without required approvals;

b. Installing signage, landscaping, utilities, or structures not shown on approved plans or not in compliance with BEUD or BWU specifications;

c. Failing to install or maintain required public or private improvements;

d. Removing or damaging protected trees or landscaping without approval;

e. Occupying a site or building in violation of use, parking, or access requirements; or

f. Failing to comply with a condition of approval or decision by the Planning Commission, City Council, Board of Adjustment, TAC, or Planning Director.

(c) Notice and correction

(1) Upon identifying a violation, the Director must provide written notice to the responsible party describing:

a. The nature of the violation;

b. The Code section(s) violated;

c. Required corrective action; and

d. A deadline for compliance.

(2) Notice may be provided in person, by mail, or by posting on the subject property.

(3) Failure to correct the violation within the specified time frame may result in additional penalties or legal action.

(d) Remedies and penalties

(1) The City may pursue one (1) or more of the following remedies for any violation of this Code:

a. Withholding of permits, approvals, or inspections until the violation is corrected;

b. Revocation of permits or approvals granted in error or obtained through misrepresentation;

c. Removal or abatement of noncompliant development or improvements at the owner's expense;

d. Assessment of civil penalties as authorized by ordinance or state law;

e. Filing of legal action in a court of competent jurisdiction to compel compliance.

(2) Each day that a violation continues constitutes a separate offense.

(e) Stop work orders

(1) The Director or Building Official may issue a stop work order if any regulated activity is occurring in violation of this Code.

(2) The order must specify the violation and the conditions that must be met before work may resume.

(3) No work may resume until the violation has been resolved and the order is lifted in writing by the Director.

(f) Appeals

(1) Any person aggrieved by an enforcement action may appeal the decision in accordance with Sec. 50-718. Appeals.

ARTICLE 50-8 NONCONFORMITIES

SEC . 50-801 . PURPOSE AND INTENT

(a) The purpose of this Article is to establish rules for the continued use, maintenance, modification, or replacement of structures, uses, and sites that were legally established but no longer conform to the standards of this Chapter.

(b) The intent is to allow lawful nonconforming conditions to continue under limited circumstances while promoting eventual compliance with current development standards.

SEC . 50-802 . APPLICABILITY

(a) This Article applies to any use, structure, lot, site, or sign that was lawfully established but no longer conforms to one or more requirements of this Chapter as a result of adoption or amendment of this Code or rezoning of the subject property.

SEC . 50-803 . CONTINUATION

(a) Any nonconforming use, structure, lot, site, or sign that was lawfully established before the effective date of this Code or any amendment remains legal and may continue subject to the standards of this Article.

(b) Nonconforming status runs with the land and is not affected by a change in ownership, tenancy, or management, provided that the use or structure continues without interruption and is not expanded or modified except as allowed by this Article.

SEC . 50-804 . NONCONFORMING USES

(a) A nonconforming use may not be expanded, changed to another nonconforming use, or resumed after discontinuance, except as provided in this section.

(1) A nonconforming use that is discontinued or ceases for a period of twelve (12) consecutive months loses its nonconforming status and may not be reestablished.

(2) A use that is removed or replaced with a conforming use may not revert to nonconforming status.

SEC . 50-805 . NONCONFORMING STRUCTURES

(a) A nonconforming structure may be maintained or repaired but may not be enlarged, expanded, or moved unless doing so:

(1) Does not increase the degree of nonconformity;

(2) Increases conformity with this Code; or

(3) Is approved by administrative adjustment under Sec. 50-716. Administrative Adjustments and Waivers.

(b) If a nonconforming structure is damaged or destroyed by more than fifty percent (50%) of its replacement value, it may only be reconstructed if brought into full compliance with this Code. The Director may allow reconstruction to its prior condition if:

(1) The damage occurred through no fault of the owner; and

(2) Reconstruction begins within twelve (12) months of the event.

SEC . 50-806 . NONCONFORMING LOTS

(a) A lot that does not meet the minimum area, width, or depth requirements of its zoning district may be developed if it was lawfully established and was not created through a violation of subdivision or zoning regulations.

(b) Development on a nonconforming lot must meet all other applicable requirements of this Code.

SEC . 50-807 . NONCONFORMING SITES

(a) A site that does not meet current standards for landscaping, screening, parking, access, or lighting may continue in use but must be brought into conformity:

(1) Upon construction of a new building or a building expansion of more than twenty-five percent (25%) of floor area or lot coverage;

(2) Upon a change in use requiring a higher parking ratio or more intense site treatment; or

(3) As required through development permit.

(b) The Director may approve phasing of improvements or partial compliance where full compliance is not feasible, based on available space or physical constraints.

SEC . 50-808 . NONCONFORMING SIGNS

(a) Any sign that was lawfully established before the effective date of this Code and does not conform to current standards may continue subject to Sec. 50-508. Signs.

(b) Which signs can remain

(1) A nonconforming sign may remain in place if it is:

a. Properly maintained in safe and good condition;

b. Not abandoned, altered, or enlarged in a way that increases its nonconformity; and

c. Located on property where the associated use remains active.

(2) EMC signs that become nonconforming due to changes in brightness or timing standards may remain in use, provided:

a. They are equipped with dimming and default-off settings; and

b. They do not exceed the illumination limit in Sec. 50-508(h) Electronic message centers (EMCs).

(c) What can be done to a sign

(1) Normal maintenance and routine repair are allowed, including repainting, electrical updates, and replacement of sign face panels, only if:

a. It is not enlarged or structurally altered; and

b. Lighting is not added.

b. The sign copy may be changed as long as the sign structure and overall configuration are not changed.

(d) When it must be removed

(1) A nonconforming sign must be removed if any of the following occur:

(2) The sign is structurally damaged by more than fifty percent (50%) of its replacement value as determined by the average of three commercial estimates;

a. The principal use on the property is discontinued for one hundred eighty (180) consecutive days;

b. The principal use on the property is demolished;

c. The sign is moved, altered, or reconstructed in ways that increase its nonconformity; or

d. The sign becomes abandoned, in which case it must be removed or the display replaced within sixty (60) days.

(3) A sign is considered abandoned when:

a. The sign structure is deteriorated and structurally unsafe; or

b. The sign is left blank for sixty (60) or more consecutive days.

SEC . 50-809 . LOSS OF NONCONFORMING STATUS

(a) A nonconforming use, structure, or site loses its legal status when:

(1) It is discontinued or abandoned for twelve(12) or more consecutive months;

(2) It is voluntarily removed or replaced with a conforming use or structure;

(3) It is damaged or destroyed by more than fifty percent (50%) and not rebuilt within twelve (12) months; or

(4) A permit is issued for construction or renovation that brings the condition into compliance.

SEC . 50-810 . MODIFICATION OR EXPANSION

(a) A nonconforming use, structure, or site may not be expanded or modified unless:

(1) The expansion increases conformance with this Code; or

(2) The expansion is minor and approved by administrative adjustment under Sec. 50-716. Administrative Adjustments and Waivers.

(b) An variance is required for any expansion of floor area, lot coverage, or impervious surface by more than ten percent (10%).

SEC. 50-811. LEGACY PLANNED DEVELOPMENTS (PUD/PRD)

(a) Purpose and Applicability

(1) This Article applies solely to properties that received approval as a Planned Unit Development (PUD) or Planned Residential Development (PRD) prior to the effective date of this Code.

(2) Such approved developments may continue and may be amended only in accordance with this section. No new PUD or PRD zoning districts may be established.

(3) The provisions of this Article govern amendments, phasing, enforcement, expiration, and revocation of approved PUD and PRD master site plans and associated zoning ordinances.

(b) Pre-application review

(1) A pre-application meeting is required prior to submittal for an amendment to a previously approved PRD or PUD and shall be conducted in accordance with Sec. 50-714 Pre-Application Review.

(2) At this meeting, the following information and data shall be considered:

a. Boundaries of the property;

b. Existing easements and covenants affecting the property;

c. Physical characteristics such as drainage, topography, vegetation, and existing structures;

d. Development characteristics such as surrounding land uses, existing streets, and availability of utilities; and

e. Elements of the proposed layout amendment, including land uses, open spaces, densities, traffic flow, and estimated impacts.

(3) City staff shall furnish written comments intended to inform preparation of an amendment application.

(c) Plan submittal

(1) The application shall consist of a request to amend the approved master site plan and associated zoning ordinance that includes:

a. Completed application form;

b. Filing fee;

c. Copy of Land Deed;

d. Amended master site plan;

e. Written description addressing:

1. Consistency with the intent of the originally approved PUD/PRD;

2. Proposed land uses and land area allocation;

3. Proposed zoning and development standards (as previously approved and as proposed to be amended);

4. Structural design (if modified);

5. Consistency with applicable amendment review criteria; and

6. Phasing schedule, if applicable

f. At a minimum, the amendment shall demonstrate meeting the review criteria in subsection (f) Review Criteria .

(d) Plan Review

(1) The Director shall determine whether proposed amendments constitute a minor or major amendment.

(2) *Minor Amendments*. Amendments that meet the following conditions are considered minor amendments and may be approved administratively by the TAC:

a. Number of dwelling units does not change by more than five percent (5%);

b. Common open space is not reduced or substantially relocated;

c. Non-residential area is not increased by more than five percent (5%) or substantially relocated; or

d. Minor infrastructure layout changes.

(3) *Major Amendments.* Amendments that do not meet the conditions for a minor amendment shall be processed as a major amendment must be approved by Planning Commission.

(e) Public Hearing and Notice

(1) A public hearing shall be held for major amendments to approved PUDs or PRDs.

(2) The process shall follow that of Zoning Map Amendments in accordance with Sec. 50-708. Zoning Map Amendments.

(3) Notice must be provided in accordance with Sec. 50-717 Public Hearings.

(f) Review Criteria

(1) An amendment to a PRD/PUD may be approved upon finding that the amendment:

a. Meets the intent and purpose of the originally approved PUD or PRD;

b. Maintains harmony with surrounding development;

c. Does not adversely affect neighboring properties beyond impacts previously evaluated;

d. Keeps infrastructure demands within existing capacity; and

e. Meets the City's published review criteria for PUD/PRDs.

(g) Action

(1) The TAC, for minor amendments, and Planning Commission, for major amendments, shall review all amendments in accordance with the criteria in subsection (f) Review criteria.

(2) Following approval of the amendment, the applicant may proceed with platting or large-scale development, which shall conform to the approved amended master site plan.

(3) Development shall follow the master site plan exactly.

(h) Phasing and Development Schedule

(1) Phasing of an approved PUD or PRD may be permitted.

(2) All existing phasing provisions remain applicable, including:

a. Phasing Boundaries;

b. Construction Schedules;

c. Proportional open space delivery; and

d. Enforcement authority of the Community Development Director.

(i) Guarantee of Completion

(1) Before approval of the final development plan, the planning commission shall require a contract with safeguards satisfactorily to the commission guaranteeing completion of the development plan for any single phase in a period to be specified by the commission, but which period shall not exceed five (5) years unless extended by the commission.

(j) Revocation

(1) The Planning Commission may recommend revocation of an approved PUD or PRD under the following circumstances:

a. Failure to submit a final development plan;

b. Failure to secure building permits;

c. Failure to adhere to approved phasing schedules;

d. Disproportionate delivery of open space; or

e. Failure to construct common facilities as approved.

(2) Upon revocation, the zoning designation shall be void and a zoning map amendment is required.

(k) Expiration

(1) An approved PUD or Planned Residential Development PRD shall expire if the Planning Director determines that no development activity has occurred within a continuous period of one (1) year following approval or following the most recent development activity.

a. Development activity shall include, but is not limited to, the approval of a plat, issuance of a building permit, or commencement of construction consistent with the approved master site plan.

(2) If an approved PUD or PRD expires, no further development activity shall occur until the areas proposed for development are rezoned in accordance with this UDC.

ARTICLE 50-9 TERMINOLOGY

SEC. 50-901. PURPOSE AND INTENT

(a) The purpose of this Article is to provide clear and consistent definitions for all technical and regulatory terms used throughout the Bentonville Community Code.

(b) The intent is to ensure consistent application of standards, reduce ambiguity, and support legally sound interpretation and enforcement. When definitions in this Article conflict with those found elsewhere in the Bentonville Code of Ordinances, the definitions in this Article control for the purposes of interpreting the Bentonville Community Code.

SEC. 50-902. GENERAL

(a) Terms defined by Arkansas state statute, federal law, or other officially adopted documents are incorporated by reference unless otherwise defined in this Article.

(b) All other technical or regulatory terms used in this Code are defined in this Article to support consistency across administrative processes, development standards, and site design requirements. This includes definitions of roles, submittals, street elements, and compliance-related issues.

(c) Terms used to define measurements are defined in this Article and control how such measurements are taken. Where a dimensional standard includes modifiers like “minimum,” “maximum,” or “average,” the modifier is enforceable. Unless otherwise stated, measurements are taken to the nearest quarter of a foot.

(d) If a term is not defined in this Article, it is interpreted as follows:

(1) First, by reference to the Bentonville Code of Ordinances;

(2) If not defined there, by applicable Arkansas statutes or model development regulations; and

(3) If still undefined, by the commonly accepted meaning found in the most recent edition of Merriam-Webster’s Collegiate Dictionary.

(e) The Planning Director is responsible for determining the interpretation of any undefined or ambiguous term subject to guidance from the City Legal Department. Final interpretations may be appealed as provided in Sec. 50-718. Appeals.

SEC. 50-903. ABBREVIATIONS

(a) The following list expands abbreviated terms used throughout this document:

AASHTO: American Association of Highway Transportation Officials. An association comprised of highway and transportation departments of states and territories of the United States. See the AASHTO website.

ADA: Americans with Disabilities Act. A federal law passed by the United States Congress in 1990.

ADEQ: Arkansas Department of Environmental Quality. A department of the State of Arkansas government.

ADT: Average Daily Traffic. A standard measure of daily vehicle traffic on a street.

ADU: Accessory Dwelling Unit. Separately defined under in Sec. 50-904. Use Classifications.

ANSI: American National Standards Institute. An organization that administers and coordinates conformity with many voluntary standards adopted by governments and businesses in the United States. See the ANSI website.

ARDOT: Arkansas Department of Transportation. A department of the State of Arkansas government.

AR: Arkansas.

ATM: Automated Teller Machine, as commonly defined.

BCC: Bentonville Community Code. This document.

BEUD: Bentonville Electric Utility Department. A department of the City of Bentonville.

BFE: Base Flood Elevation. The elevation to which floodwater is anticipated to rise during the base flood, as established by FEMA and shown on the Flood Insurance Rate Map.

BMAO: Bentonville Municipal Airport Overlay. An overlay zoning district that applies zoning rules to areas near and within the takeoff and landing approaches of the Bentonville municipal airport.

BMP: Best Management Practice. Physical, structural, or operational measures used to reduce the volume, rate, or pollutant load of stormwater runoff and improve water quality.

BWUD: Bentonville Water Utility Department. A department of the City of Bentonville.

CPTED: Crime Prevention Through Environmental Design. An approach that uses the design and management of the built environment to reduce crime and the fear of crime. See the International CPTED Association.

DBH: Diameter at Breast Height. A standard measurement of tree trunk caliper.

DCO: Downtown Center Overlay. An overlay zoning district that applies zoning rules specifically to the central portion of downtown Bentonville.

DNO: Downtown Neighborhood Overlay. An overlay zoning district that applies zoning rules specifically to neighborhood areas adjacent to downtown Bentonville.

EMC: Electronic Message Center. A type of digital sign or digital component of other sign types.

ER: Enhanced Review. A rezoning review process emphasizing the need to consider property context and compatibility, detailed in Sec. 50-708. Zoning Map Amendments.

FAA: Federal Aviation Administration. An agency of the United States Department of Transportation.

FEMA: Federal Emergency Management Administration. An agency of the United States Department of Homeland Security.

FHWA: Federal Highway Administration. A division of the United States Department of Transportation. See the FHWA website.

FLUM: Future Land Use Map. A policy document of the City of Bentonville required by the State of Arkansas.

FT: Foot. A standard unit of measure.

GIS: Geographic Information System. A computer-based tool used for digital mapping and data collection and analysis. The City of Bentonville maintains data such as the zoning map in GIS.

HOA: Home Owners Association. A private, non-profit organization that governs a residential community like a subdivision or condominium building. It may collect dues from members to maintain common areas and enforces community rules.

IN: Inch. A standard unit of measure.

ISTZ: Inner Safety and Turning Zone. An area within the XNAO.

ITE: Institute of Transportation Engineers. An association comprised of transportation professionals within the United States. See the ITE website.

L: Large. A comparative measurement.

LED: Light Emitting Diode. An electronic component that produces light.

LID: Low-Impact Development. A stormwater management strategy that uses natural processes to assist in stormwater conveyance, storage, and treatment.

M: Medium. A comparative measurement.

MAX: Maximum. The greatest extent of a numeric regulation.

MIN: Minimum. The least extent of a numeric regulation.

MPH: Miles Per Hour. A standard measure of vehicle speed.

MUTCD: Manual on Uniform Traffic Control Devices. A collection of standards for signs, signals, and markings along streets and trails, published by FHWA.

N/A: Not applicable.

NACTO: National Association of City Transportation Officials. An association comprised of city transportation departments in the United States. See the NACTO website.

NE: Northeast. A compass direction.

NW: Northwest. A compass direction.

OSZ: Outer Safety Zone. An area within the XNAO.

POA: Property Owners Association. A private, non-profit organization that governs a residential community like a subdivision or condominium building. It may collect dues from members to maintain common areas and enforces community rules.

ROW: Right-of-way. A delineation of property owned by the City of Bentonville most commonly associated with streets and alleys.

RPZ: Runway Protection Zone. An area within the XNAO.

S: Small. A comparative measurement.

SE: Southeast. A compass direction.

SR: Standard Review. A rezoning review process for conditions that are anticipated to be contextually appropriate, detailed in Sec. 50-708. Zoning Map Amendments.

SW: Southwest. A compass direction.

SQ.FT.: Square foot. A standard unit of measure.

TAC: Technical Advisory Committee. A committee established in this code that reviews some development applications.

TIA: Traffic Impact Analysis. A study of the vehicular traffic anticipated from a proposed use and its impact on surrounding and nearby streets and uses.

TMD: Transportation Demand Management. A set of strategies to reduce the amount of driving necessary to reach a destination.

TPZ: Traffic Pattern Zone. An area within the XNAO.

USDA: United States Department of Agriculture. A department of the United States federal government.

ULI: Urban Land Institute. An association of real estate, development, and planning professionals in the United States.

VLT: Visible Light Transmittance. The amount of light that is able to pass through and object.

XNA: Northwest Arkansas National Airport. See the XNA website.

XNAO: Northwest Arkansas National Airport Overlay. An overlay zoning district that applies zoning rules to areas near and within the takeoff and landing approaches of XNA.

SEC . 50-904 . USE CLASSIFICATIONS

(a) All use classifications referenced in this Code are defined in this Article. These include general use categories, specific use types, and those subject to additional standards under Sec. 50-407. Use Standards.

(b) Uses within the agriculture category are defined as follows:

Agriculture means the use of land for farming, dairying, pasturage, apiculture (bees), aquaculture (fish, mussels), horticulture, floriculture, viticulture (grapes), or animal and poultry husbandry; this includes the necessary accessory uses for packing, treating, or storing the products from these activities.

Agricultural processing, packaging, and warehousing means a facility which involves the operation(s) of processing, preparing or packaging, agricultural products which are not grown on the site.

Auction yard means a place in which the public may consign livestock for sale by auction open to public bidding.

Commercial dairy, poultry, and swine production means a farm that raises animals for profit in a rural location and has the potential of causing a nuisance if not properly maintained.

Commercial greenhouse means a building used for the growing of plants, all or part of which are sold at retail or wholesale.

Farming and ranching means a tract on which the principal use is the raising of, or the concentrated feeding of, livestock, fowl, or any other edible animals, the sale of such animals or the sale of products derived from such animals; does not include dairies.

Feedlot means a tract on which the principal use is the raising of, or the concentrated feeding of, livestock, fowl, or any other edible animals, the sale of such animals, or the sale of products derived from such animals; does not include dairies.

Grain storage means facilities used to store agricultural products for commercial purposes often ser-ing multiple farms or producers. It may involve processing, grading, or packaging. Examples include large grain elevators and cooperative storage facilities.

Medical housing means a residential use of long, and short-term occupation, which may be licensed by the Arkansas Department of Health, to provide 24-hour non-acute medical services and supportive care on the premises. Medical housing includes congregate living health facilities, skilled nursing homes, residential mental health facilities, and hospice care. Any floor area used for office workspace accommodating the administration of medical services and supportive care shall be incidental to the residential use. Supportive housing: medical care facilities may include dwelling units, common dining areas, or other community rooms.

Medical marijuana cultivation facility is defined as specified by the Arkansas Medical Marijuana Commission.

Stable means a structure or land use in or on which equines are kept for sale or hire to the public. Breeding, boarding, or training of equines may also be conducted.

Stockyard means an enclosure or structure designed or used for holding livestock for purposes of sale or transfer by auction, consignment or other means.

Urban farm means publicly or privately owned land used for the cultivation of fruits, vegetables, plants, flowers, or herbs for sale within a zoning district other than T2 Rural.

(c) Uses within the commercial category are defined as follows:

Commercial means any activity, trade, or business engaged in for profit. Commercial does not include multi-family residential development, short-term rentals, or home-based businesses.

Adult oriented businesses is as defined by the State of Arkansas.

Aquarium means an establishment where aquatic collections of living organisms are kept and exhibited.

Animal Shelter or Kennel: A public or private facility including outside runs for enclosure of animals, especially stray or unlicensed pets, or for pets being boarded for short periods of time, where more than five (5) or more animals, more than four (4) months of age are kept.

Automobile sales means a retail or wholesale establishment selling and/or renting automobiles, trucks and vans, trailers, motorcycles, and scooters with internal combustion engines. May also include repair shops and the sales of parts and accessories, incidental to vehicle dealerships. Does not include: the sale of auto parts/accessories separate from a vehicle dealership (see “Auto Parts Sales”); manufactured home, recreational vehicle, or watercraft sales (see “Manufactured Home, RV and Boat Sales”); tire recapping establishments (see “Vehicle Services”); businesses dealing exclusively in used parts, (see “Recycling - Scrap and Dismantling Yards”); or “Service Stations,” which are separately defined.

Automobile service means any building, structure, or improvements to land used for the repair and maintenance of automobiles, motorcycles, trucks, buses, or similar vehicles including, but not limited to, body, fender, muffler, or upholstery work, oil change and lubrication, painting, tire services and sales, and towing services.

Car wash means a facility for washing or steam cleaning passenger automobiles (including a self-service operation), operating either as a separate facility or when installed and operated in conjunction with another use, and which installation includes equipment customarily associated with a car wash and is installed solely for the purpose of washing and cleaning automobiles.

Child care means a commercial establishment which provides for the care and supervision of six or more children away from their own homes for less than twenty-four (24) hours per day

Commercial laundry means a place where washing, drying, or ironing of clothes is done other than a self-service laundry.

Crematorium means a building fitted with the proper appliances for the purposes of the cremation of human remains and includes everything incidental or ancillary thereto.

Dry cleaners means retail establishments where customers drop off and pick up clothing, using chemical solvents for cleaning

Food and beverage means any and all edible refreshments, including alcoholic beverages and water, when furnished, prepared, or served by a restaurant, hotel, dining room, snack bar, or other like place of business.

Funeral home means establishments engaged in undertaking services such as preparing the dead for burial and arranging and managing funerals. Definition does not include “crematory” which is separately defined.

Gas station means a facility for furnishing fuels and lubricating oils or materials for use in operation and maintenance of motor vehicles.

Hospital means a facility engaged primarily in providing in-patient diagnostic services and extensive medical treatment, including surgical and other hospital services. These establishments have an organized medical staff, in-patient beds, and equipment and facilities to provide complete health care. May include on-site accessory clinics and laboratories, abortion clinics as authorized in A.C.A § 12-18-103 and § 20-9-302, accessory retail uses and emergency heliports, and on-site ambulance dispatch facilities.

Medical housing: assisted, extended or rehabilitation means a residential use that provides long-term or short-term dwelling for individuals who require ongoing medical care, medical supervision, or recovery-related support, and where such care is provided on-site or in direct coordination with licensed medical professionals or medical facilities.

Medical marijuana dispensary is defined as specified by the Arkansas Medical Marijuana Commission.

Medical services: outpatient care means a facility other than a hospital where medical, mental health, surgical, and other health services are provided on an outpatient basis. Examples of these uses include:

a. Medical offices with four (4) or more licensed practitioners and/or medical specialties;

b. Out-patient care facilities;

c. Urgent care facilities; and

d. Other allied health services.

Medical services: substance abuse treatment means a facility where the primary activity is the treatment and care of persons suffering from mental or emotional disorders or substance abuse.

Office means a facility for the transaction of general business, including medical offices with three (3) or less licensed practitioners and/or medical specialties, excluding retail sales and manufacturing.

Outdoor vendor means any vending stand, mobile food vehicle, or any other device designed for the purpose of displaying, exhibiting, carrying, transporting, storing, selling, or offering for sale any food, beverages, goods, wares, or merchandise.

Outdoor vendor park means a site that contains more than one (1) outdoor vendor on a regular basis as the principal use of the land.

Parking, structured, means a single or multi-level structure intended for the use of vehicular parking, as opposed to an uncovered surface parking lot. This definition includes both stand-alone parking garages and structured parking as incorporated into a building, the primary purpose of which is not parking (i.e., rooftop or basement parking areas).

Pharmacy means an establishment substantially devoted to the compounding and/or sale of prescription medicines and drugs, supplies, and equipment. This definition does not include medical marijuana dispensaries or medical marijuana cultivation facilities, which are defined separately and consistent with

§ 8 of Amendment 98 of the Arkansas Constitution.

Retail means premises available for the commercial sale of merchandise, prepared foods, and pharmacies, but excluding manufacturing.

Self-storage means a storage facility with separate storage units or cubicles that are intended to be leased by the public.

Service (personal or professional) means establishments providing non-medical services to individuals as a primary use. Examples of these uses include:

a. Barber and beauty shops;

b. Dry cleaning pick-up stores with limited equipment;

c. Laundromats (self-service laundries);

d. Locksmiths;

e. Tailors;

f. Day spas; and

g. Tattoo studios.

(d) Uses within the entertainment category are defined as follows:

Entertainment means any activity provided for the amusement, recreation, or pleasure of the public.

Adult entertainment means a theater, nightclub, bar, restaurant, or similar commercial establishment that regularly features:

a. Individuals appearing in a state of nudity;

b. Live performances characterized by exposure of specified anatomical areas or sexual activities; or

c. Films or visual media that depict such areas or activities.

Event venue means a building or site available for hire to individuals or organizations for private events, including, but not limited to, weddings, receptions, parties, banquets, and meetings.

Golf course means a tract of land designed and maintained for the playing of golf, including fairways, greens, tees, and customary accessory features.

Indoor entertainment facility means establishments providing indoor recreational activities for a fee or admission charge, including:

a. Bowling alley;
b. Coin-operated amusement arcade;
c. Night club;
d. Electronic game arcade (video games, pinball);
e. Ice skating and roller skating;
f. Pool and billiard room as primary use;
g. Movie theater; and
h. Live theater.

This use does not include adult entertainment or adult oriented businesses, which are separately defined. Eight or more electronic games or coin-operated amusements in any establishment, or a premises where fifty percent (50%) or more of the floor area is occupied by amusement devices, are considered an electronic game arcade as described above; seven (7) or fewer machines are not considered a land use separate from the primary use of the site.

Outdoor entertainment facility means a facility for various outdoor recreational activities for a fee or admission charge. Examples include:

a. Amusement and theme park;

b. Go-cart track;

c. Golf driving range;

d. Miniature golf course;

e. Water slide;

f. Drive-in movie theater; and

g. Live outdoor theater.

May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, including bars and restaurants, video game arcades, etc. Does not include golf courses, which are separately defined.

(e) Uses within the industrial category are defined as follows:

Industrial means a facility and surrounding yard designed primarily for the preparation and production of products from raw materials. May include an area for wholesaling, storage, packaging, display, distribution, and those retail uses accessory to the operations.

Electric substation means a facility used for the transmission and distribution of electric power, or communications, provided that such facilities have no office, business, commercial, maintenance, or storage yard operations.

Ground transportation terminal means a facility for the transfer of passengers and goods between vehicles and between modes of transportation, or the receiving, shipping, and temporary storage or housing of vehicles.

Industrial, heavy means the fabrication of products in a manner not consistent with light manufacturing.

Industrial, light means the fabrication of products within buildings which does not include explosive or highly flammable materials, produce discernible noise or odor outside of buildings, and does not include outdoor storage areas exceeding specified limitations.

Recycling or salvage facility means a facility for receiving, sorting, storing, and reconditioning appliances, building materials, and any other salvaged or reclaimed materials.

Sewage treatment facility means a facility designed for the treatment of sewage that is provided and maintained by the county, municipality, or a utility company which a governmental agency has specifically approved as acceptable.

Solar energy system means an energy system which converts solar energy to usable thermal, mechanical, chemical, or electrical energy to meet all or a significant part of a structure's energy requirements.

Solid waste disposal means the entire process of storage, collection, transportation, processing, and disposal of solid wastes by any city, authority, county or any combination thereof, or by any person engaging in such a process as a business. Uses include, but are not limited to, solid waste disposal and garbage or trash: Assembly, incineration, or processing.

Warehouse and distribution means a use engaged in indoor storage of manufactured products, supplies and equipment characterized by frequent heavy trucking activities or nuisances such as dust, noise, and odors, but not involved in manufacturing or production. This definition does not include the "bulk storage of highly flammable materials", which has its own definition.

Water supply facility means a facility operated by a public utility for the pumping, storage, treatment, and distribution of water to buildings and properties.

Wind energy, large means a wind energy conversion system used primarily to generate power for off-site consumption, more than 100kW, consisting of one (1) or more wind turbines and associated accessory facilities.

Wind energy, small means a wind energy conversion system used primarily to generate power for on-site consumption, 100 kW or less, consisting of a wind turbine, tower, base, and associated control or conversion electronics.

Wireless communications: cell tower means any structure that is designed and constructed for the primary purpose of supporting one (1) or more antennas, including lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. This term is not intended to describe buildings or other structures that have been constructed primarily for a purpose other than supporting one (1) or more antennas, despite the fact that such structure may currently, or in the future, actually support one (1) or more antennas.

(f) Uses within the institutional category are defined as follows:

Institutional use means a facility devoted to serving the public. It is unique in that the primary objective of uses is the provision of services, frequently on a non-profit basis, rather than the sale of goods or services.

Convention or exhibition facilities means multipurpose commercial facilities with multiple assembly, meeting, and/or exhibit rooms or spaces and related support facilities, such as full kitchens, offices, and lodging for the primary purpose of hosting business and professional conferences, conventions, meetings, and trade shows.

Cultural means a permanent facility substantially engaged in the arts or cultural heritage, including museums, art galleries, theaters, performing arts centers, libraries, and historic sites.

Emergency services means facilities operated by public agencies for public safety and emergency services, including fire stations, police and sheriff stations, ambulatory service, and including related ad-ministrative facilities and interim incarceration facilities. Does not include “governmental service facility” which is separately defined.

Gallery means a building or space where artwork is exhibited and sometimes sold.

Government facilities means land uses that are publicly owned or operated for public benefit. Government facilities include a wide range of uses from police stations to city offices and libraries.

Library means a place in which literary, musical, artistic, or reference materials, such as books, manuscripts, newspapers, recordings, or films, are kept for use but not for sale, and which allows access to members of the public.

Museum means a nonprofit, noncommercial establishment operated as a repository or a collection of natural, historic, scientific, or literary curiosities, or objects of interest or works of art.

Performing arts means forms of art based upon live human performance, such as music, dance, or theater.

Public Park means a park that is open to the public at no charge that offers passive and active recreation areas that may include playgrounds, picnic areas, small open or practice fields, specialized facilities such as full-size sports fields and courts, swimming pools, and shelters.

Religious assembly means a building or space used for religious worship, including accessory uses such as Sunday school classrooms, social halls, and administrative offices.

School: K-12 means a building where education of children of elementary, middle school, or high school age takes place.

School: post-secondary means institutions of higher education that typically offer a range of educational programs and degrees beyond high school level, including accessory uses like dormitories, sports facilities, and research centers. Examples include colleges and universities, trade schools, and vocational programs.

(g) Uses within the lodging category are defined as follows:

Lodging means a structure containing guest rooms which are used, rented, or hired for sleeping purposes and customary lodging services, including maid services, the furnishing and upkeep of furniture and bed linens, and telephone and desk service, by transient guests. Related ancillary uses may include, but shall not be limited to, conference and meeting rooms, restaurants, bars, and recreational facilities. Lodging is divided into the following tiers for zoning purposes:

a. Six (6) rooms or less;

b. Seven (7) to twelve (12) rooms; and

c. More than twelve (12) rooms.

Campground or recreational Vehicle (RV) Park means temporary outdoor accommodation, typically in tents, travel trailers, or recreational vehicles. This type of use may include accessory facilities such as a manager's office, restrooms, showers, and laundry facilities.

(h) Uses within the residential category are defined as follows:

Residential means the use of a lot or structure for dwelling purposes, which includes related accessory uses like home occupations and private garages.

Home occupation means a business, profession, or trade conducted within a residential building that is incidental to the residential use and does not alter the character of the dwelling or residential character of the site.

Accessory dwelling (ADU) means a self-contained and independently accessed living unit on the same parcel as a single-family dwelling of greater square footage that includes its own cooking, sleeping, and sanitation facilities, or as defined by the State of Arkansas.

Group home means a residential living arrangement defined and regulated under applicable state or federal law, including the Fair Housing Act and the Americans with Disabilities Act, that provides housing for persons entitled to protection under those laws.

Manufactured home or dwelling means a dwelling unit constructed in a factory in accordance with and meeting the definitions set forth in the Federal Manufactured Home Construction and Safety Standards, 24 C.F.R. pt. 3280, promulgated by the United States Department of Housing and Urban Development under the authority of 42 U.S.C. 5401 et. seq., as it existed on January 1, 1976 and as defined in the Arkansas State Statute Sec. 20-25-102.

Cottage court means four (4) or more detached dwellings arranged around a shared open space, each unit with its own separate entrance oriented towards the shared courtyard.

Dwelling means a building or portion of a building designed or used for human habitation that contains permanent provisions for living, sleeping, cooking, and sanitation.
For zoning purposes, dwellings are regulated in the following categories:

a. One (1) dwelling detached;
b. One (1) dwelling attached (townhomes);
c. Two (2) dwellings per building;
d. Three (3) to four (4) dwellings per building;
e. Five (5) to eight (8) dwellings per building;
f. Nine (9) to twelve (12) dwellings per building; and
g. Thirteen (13) or more dwellings per building.

SEC . 50-905 . DEFINITIONS

Access means a legal means of entering or existing a property for pedestrians, vehicles, emergency services, or utility service.

Accessory building means a structure located on the same property as a principal structure and used in a way that is incidental to the principal use. Accessory buildings do not contain uses listed in the use table. For example, a storage shed, detached garage without an ADU, or guest suite that does not qualify as an ADU.

Accessory Use means a use that (1) is subordinate in area, extent and purpose to the principal use, (2) contributes to the comfort, convenience or necessity of the principal use, and (3) is located on the same lot and in the same zoning district as the principal use.

Addition means any construction that increases the size or footprint of a building.

Adjacent means nearby but not directly abutting. This includes properties or buildings separated by a right-of-way, easement, another building, or by fewer than four (4) intervening properties.

Adjacent grade means the vertical elevation of a surface within five (5) feet of a building or structure.

Administrative adjustment means a practice, design, or dimension that does not meet a standard of this Code but may be approved by the identified City staff when site or application conditions meet the specified criteria.

Aggrieved party means a person with a legal or property interest that is directly and adversely affected by a decision under this Code, in a way that is different from the general public.

Airport facilities means a landing facility for fixed or rotary winged aircraft containing a minimum of sixty (60) acres, subject to the FAA's requirements of safety and the applicant securing air space utilization from the FAA.

Alley means a service way that provides vehicle access to abutting properties.

Alley apron means the transition area between alley paving and the sidewalk, parkway, curbing, and pavement of a street.

Alteration means any change, addition, or modification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams, or girders the consummated act of which may be referred to herein as "altered" or "reconstructed".

Appeal means a request for review of a final interpretation or administrative decision made by the Director or other reviewing body, in accordance with the procedures of this Code.

Application means a complete request submitted by a property owner, applicant, or authorized agent for review under the procedures of this Code.

Attached building means a building that shares a continuous wall, roof, floor, or other structural element with an adjacent building.

Awning means an overhead protective structure that projects from a wall or roof structure of the building that is constructed to allow pedestrians or vehicles to pass under or as a decorative embellishment.

Beacon means a stationary or revolving light which flashes or projects illumination (single or multicolored) in any manner that has the effect of attracting or diverting attention, with exceptions for certain required safety lighting.

Bicycle parking, long term means parking for a duration exceeding two (2) hours, typically associated with residents or employees, as well as attendees of long-duration special events.

Bicycle parking, short term means parking for a duration less than two (2) hours, typically associated with customers of retail or service businesses, residential visitors, and most assembly-use attendees.

Block means a group of properties bounded on all sides by streets, civic space, water bodies, or other physical barriers.

Buffer means a strip of land designed to separate or protect one land use, waterway, or natural feature from another.

Building means any structure used or intended for supporting or sheltering any use or occupancy.

Buildable area means the space remaining for construction on a lot after the minimum area requirements (yards, setbacks, lot coverage) have been met.

Building frontage means the facade of a building facing a frontage line, typically including the primary entrance.

Building setback means the area of a property between a lot line and a building facade that must remain clear of permanent structures, except for allowed encroachments.

Canopy means:

a. A permanent structure or architectural projection of rigid construction over which a covering is attached that provides weather protection, identity, or decoration, most commonly associated with building entry covering and attached signs;

b. A permanent freestanding overhead protective structure that is constructed to allow pedestrians and vehicles to pass under, that is supported by columns extending to the ground, most commonly associated with gas stations; and

c. See tree canopy when associated with trees and landscaping.

Certificate of occupancy means the official certification that a structure complies with the zoning ordinance, building code, and all other adopted regulations, and may be occupied.

Chasing lights means a sequence of lighting effects on a sign or display in which individual light elements are illuminated in time-sequenced succession, creating the illusion of movement or directional light flow (sometimes also referred to as a chaser effect).

Civic space means an open space intended for active of passive recreational use and gathering that complies with specific design requirements.

Commercial waste means any waste produced by commercial, institutional, or industrial operations, excluding domestic sewage.

Compliance means the condition of meeting the requirements, procedures, or conditions established by this Code or by a decision made under its authority.

Conceptual drainage framework means an engineered plan that shows the locations, types, and approximate sizes of proposed drainage/conveyance facilities (including bioswales, wetponds, or other water quality facilities).

Conceptual utility framework means a utility map submitted with the preliminary plat, consisting of a schematic drawing (with the subdivision plat as background) showing all water and sanitary sewer lines in the subdivision and connections outside the subdivision.

Condominium means a property arrangement where each owner posseses their individual unit (such as an apartment, townhouse, or commercial space) and shares possesion of common areas (like hallways, roofs, parking areas, green space, or utilities) with other owners usually through an association.

Conservation Park (civic space) means an area designated to preserve significant natural open space areas, wildlife habitats, riparian corridors, and unique geological features. Development is restricted to minimal public access improvements such as trails and interpretive signage.

Construction plan means detailed design drawings and specifications used for construction of streets, sidewalks, curbs, utilities, and other site improvements.

Corner lot means a property located at the intersection of two (2) streets that do not share a common center line.

Curb return radius means the curved edge of a street corner that connects the curb lines of intersecting streets, measured either as the actual curb or as the effective path traced by turning vehicles.

Deciduous tree means a woody plant that sheds its leaves seasonally.

Dedication means land or improvements offered to the city, county, or state and accepted by them for public use, ownership, or maintenance.

Detached building means a building that shares no wall, roof, floor, or other structural element with

another building.

Defined channel or **bed** means an area that shows clear evidence of the passage of water over time, including a visible path or depression.

Development means the process of:

a. Converting land to a new purpose by constructing buildings or other improvements; or

b. Expanding or altering existing improvements.

Driveway means a travel-way installed, owned, and maintained by a property owner or other private party, not part of the City street system, and intended to provide access to and from a property.

Driveway apron means the transition area between a driveway and the sidewalk, parkway, curbing, and pavement of a street.

Dwelling means any room or group of rooms within a structure forming a single habitable unit with facilities intended for living, sleeping, cooking, and sanitation by one household.

Dwelling unit means a measure of the number of dwellings in a building, on a lot, or within a development.

Easement means a grant by a property owner allowing the public, a utility, or another party to use part of the property for a specific purpose.

Eave means a projecting overhang at the lower border of a roof and extending from a building wall or support.

Encroach means to extend a structural or decorative building element into a required setback, easement, right-of-way, or above a maximum height limit.

Encroachment means any structural element or feature that extends into a setback, easement, right-of-way, or above a height limit.

Erosion control means temporary or permanent practices designed to prevent or reduce soil erosion and sedimentation during or after land disturbance activities.

Façade means the exterior face of a building facing or visible from a frontage line.

Farm building means a structure used for agricultural operations on a rural lot. Farm buildings include barns, equipment sheds, grain storage, livestock shelters, and similar structures used for crop production or animal husbandry. They do not include dwellings or buildings used for commercial processing, retail sales, or industrial activities.

Fence means a structure made of posts, boards, wire, metal, or similar materials that marks a boundary or encloses an area. A fence is mostly open to view and does not retain soil.

Fencing means fences or walls constructed to marks a boundary or encloses an area, not used to support a building or enclose interior space.

Festival street means a portion of public right-of-way designated by the City for recurring temporary closure to vehicular traffic for the purpose of hosting pedestrian-oriented public events, festivals, and community activities. Designated festival streets are intended to facilitate frequent special uses of the street without requiring individual special event permits for each occurrence.

Final plat means an engineering drawing, certified for accuracy by a land surveyor or civil engineer, that reflects the final conditions of a subdivision and is submitted for recording.

Flood hazard area means land subject to special flood hazard or other high-risk flooding, including areas adjacent to high-risk flood zones.

Floodplain as defined in Art. 34-V Flood Damage Prevention.

Floodway as defined in Art. 34-V Flood Damage Prevention.

Floor area means the total gross area on all floors as measured to the outside surfaces of the exterior walls, excluding crawl spaces, garages, carports, breezeways, attics without floors, and open porches, balconies, and terraces.

Forecourt means an area along a frontage line where a recessed building or portion of a building creates an outdoor space partially enclosed by building walls. Forecourts are commonly used for entries, outdoor dining, landscaped amenity space, or to provide access to multiple spaces or uses in a single building or collection of buildings.

Front lot line means the property line that runs along the frontage or right-of-way of the street to which the property is addressed.

Frontage means the area between a building facade and street or civic space, inclusive of its varying built and planted components.

Frontage line means the property boundary adjacent to a street or civic space, as distinguished from internal or side property lines.

Future land use map means a land planning policy document adopted by the City and required by the State of Arkansas.

Gallery means an encroachment where the facade is aligned close to the frontage line with an attached cantilevered shed or lightweight colonnade overlapping the sidewalk.

Garage means an accessory building, including carports, or part of a primary building used primarily for storage of motor vehicles. Commercial garages may also include service, repair, rental, or sales of motor vehicles, separately regulated for automobile sales and automobile service use categories.

Grade means the vertical elevation of a plane or surface from a given basepoint.

Green (civic space) means a medium-sized public space available for unstructured recreation, circumscribed by building facades or natural areas, its landscape consisting of grassy areas and trees, naturalistically disposed and requiring only limited maintenance.

Green street means a street or right-of-way that integrates green infrastructure (such as street trees, bio retention, permeable paving, swales, or other low-impact stormwater devices) to manage stormwater runoff and enhance environmental performance of the street.

Greenway (civic space) means a linear open space that runs along multiple blocks, typically used for passive recreation and active transportation, often connecting with the bikeway network.

Groundwater means water located below the surface of the ground, including water that percolates into or out of subsurface soils or rock.

Hazardous material means any material, substance, or waste identified or specified as hazardous in Code of Federal Regulations, Title 40, Chapter I.

Hedge means a fence or boundary formed by closely growing bushes or shrubs.

Impervious surface means any surface that does not allow water to infiltrate into the ground, including but not limited to rooftops, asphalt, concrete, and compacted gravel.

Improvements means permanent additions to or enhancements of property that increase its functional or capital value. Improvements include, but are not limited to: streets, parking, grading, drainage structures, sidewalks, curbs, gutters, utility lines, bridges, landscaping, and buildings.

Infill Development means development, redevelopment, or expansion occurring on property located within an

area characterized by existing buildings, streets, utilities, and other urban infrastructure, where the site is surrounded by or adjacent to previously developed land.

Infiltration means the process by which water on the ground surface enters the soil.

Interior lot means a lot which is bounded by abutting properties or alleys alongside and rear lot lines.

Kiosk means a small structure affixed to a permanent foundation housing an accessory use, not necessarily related to the main use, for giving information, retailing goods, or providing services.

Landscaping means the placement, planting, and maintenance of trees, shrubs, grass, and other plant materials.

Landscape architect means a person who holds a license to practice landscape architecture in the State of Arkansas.

Liner building means a building that lines frontages (e.g. sidewalks and civic spaces) with active ground floor uses and hides other non-active uses (e.g. parking garages, theaters, and storage). Liner buildings are typically shallower in depth than other buildings but may also describe a normal building that shields blank walls and other non-active building areas from frontages.

Loading space means an unobstructed, hard-surfaced area located outside of the public right-of-way, intended for the standing, loading, or unloading of trucks and trailers.

Long-term bicycle parking means parking for a duration exceeding two (2) hours, typically associated with residents or employees, as well as attendees of long-duration special events.

Lot means a parcel of land legally described in a recorded deed or plat, with access from a public right-of-way, access easement, or approved private street.

Lot area means the total horizontal area within a legally defined parcel.

Lot combination means the creation of one (1) legal lot by merging two (2) or more existing, contiguous lots.

Lot coverage means the percentage of a parcel's area that is occupied by the footprint of principal and accessory buildings.

Lot line means the boundary line of a parcel of land.

Lot split means the creation of two (2) or more legal lots by dividing one existing lot.

Lot width means the horizontal distance between side lot lines, measured at the front building setback line.

Major driveway means a driveway within a private development site, including commercial driveways, that provides vehicular and pedestrian access within the site and connects to public streets and adjacent sites, designed and located to function like a street.

Median means a raised or painted area that separates lanes of traffic moving in opposite directions and may include landscaping, pedestrian refuge areas, or other design elements.

Mid-block means an area, lot, or feature located in the interior portion of a block, away from intersections.

Multi-family dwelling means a structure that contains three (3) or more dwelling units that share common walls or floor/ceilings with one (1) or more units. The land underneath the structure is not divided into separate lots.

Native means any species of plant indigenous to Northwest Arkansas.

New construction means a new building or structure on a vacant site, as well as a major reconstruction or addition to an existing building, the scope of the work to distinguishes new construction from minor repairs or alterations is as specified in Article 50-8 Nonconformities.

Nonconforming sign means a sign that was lawfully established but does not comply with the current signs standards of this Chapter.

Nonconforming structure means a building or structure that was lawfully established but does not comply with current development standards of this Chapter.

Nonconforming use means a use of land, building, or structure that was lawfully established but does not conform to the use regulations of the applicable zoning district.

Nonconformity means a condition, use, structure, or lot that was lawfully established but does not conform to the current requirements of this Chapter.

Nonresidential means a building or use not intended for dwelling purposes.

Obstruction means any object, material, or vegetation that blocks, hinders, or restricts the safe and free use of public areas. The definition can vary slightly depending on the context, such as street and sidewalk access, visibility at intersections, or emergency access for fire and life safety.

Off-street parking means a parking space located outside of the public right-of-way with permanent access to a public street.

Open space means any area of a property dedicated to recreation, preservation of natural features, stormwater management, or pedestrian connectivity. Open space includes civic space but is not limited to only civic space.

Ordinance means a piece of legislation enacted by a municipal authority.

Ornamental tree means a tree planted primarily for qualities such as flowers, fruit, and attractive foliage or shape.

Overlay district means a zoning district that is mapped over one (1) or more underlying zoning districts and that modifies or supplements the regulations of those underlying districts.

Owner means the person or entity holding legal title to a property or their authorized representative or agent.

Parcel means a tract of land under single ownership, bounded by property lines.

Park means area characterized by open space typically utilized for leisure activities.

Parking lot means any hard-surfaced area designed for vehicular access and parking, including access drives, aisles, and individual parking spaces.

Pedestrian network means the system of sidewalks, paths, trails, and crossings that provides continuous and safe access for people walking or using mobility devices.

Permeable pavement means a paving material designed to allow stormwater to infiltrate through the surface into the soil below.

Permit means written authorization issued by the City allowing a specific use, activity, or improvement in accordance with this Code.

Plan means a fully dimensioned drawing showing all elements of a proposed development.

Plan set means the complete package of documents submitted for review, including drawings, narratives, calculations, exhibits, and submittal forms as required by the Director.

Plat means an engineering drawing certified by a land surveyor or engineer that defines property boundaries and includes details for subdivision and development.

Platted means legally described and recorded on a final plat approved by the City and filed with the Benton County Circuit Clerk.

Play equipment means a manufactured, natural structure, or device that is specifically designed for children's recreational play in parks, civic spaces, schools, and other public or private settings.

Plaza (civic space) means a mostly paved civic space common to higher intensity zones, often used for gathering, outdoor dining, and community events.

Pocket park (civic space) means a small open space intended to provide active or passive recreation opportunities and act as a gathering space.

Porch means an open air area appended to a building, with floor and roof but no walls facing frontages.

Preliminary plan means a drawing that includes all required information necessary to illustrate pro-posed development features and how the site responds to physical conditions.

Preliminary plat means an engineering drawing certified by a land surveyor or civil engineer that provides all necessary data to illustrate a proposed subdivision.

Premium transit means public transportation that is either fixed guideway (e.g. light rail), bus rapid transit, or buses with a peak-hour service frequency of 10 (ten) minutes or less.

Principal use means the use which fulfills the primary function of an establishment, institution, household, or other entity.

Principal building means the building in which the primary use of a property is conducted.

Private street means a travel way that is privately constructed, owned, and maintained, and not part of the City street system, intended to provide access to and from a property.

Project boundary means the outermost edge of the subject property included in a development or application.

Property Line Adjustment means a transfer or adjustment of a property line which does not create a separate, new lot.

Public improvement means any infrastructure element required by this Code to be constructed and dedicated to the City, including but not limited to streets, sidewalks, water, sewer, drainage, and street trees.

Rain garden means a shallow, vegetated area designed to capture, absorb, and treat stormwater runoff from impervious surfaces.

Retaining wall means a structure that holds back soil or rock from a building/structure/area; prevents downslope movement or erosion; or provides support for vertical or near-vertical grade changes.

Rezone means the process of changing the zoning designation of a parcel.

Right-of-way means the land (and interest in land) dedicated to or acquired by the city or county for public use, including streets, alleys, sidewalks, parkways, drainage, utilities, and related public infrastructure. It includes the area on, above, and below the surface as necessary for public use.

Riparian buffer means a vegetated area located adjacent to a stream, river, lake, or other water body that is intended to protect water quality, stabilize banks, reduce erosion, and preserve natural functions.

Sanitary sewer means a system of pipes, conduits, and other infrastructure that carries domestic sewage and industrial waste from buildings to a sewage treatment plant. Stormwater, surface water, and groundwater are not intentionally admitted to this system.

Screening means a method of visually separating one (1) use or area from another by fencing, walls, landscaping, or other architectural or vegetative means.

Shade tree means a deciduous tree planted primarily for its high crown of foliage or overhead canopy.

Shared street means a space that is shared by people using all modes of travel. The design encourages extremely low vehicle speeds and volumes. Shared streets are often curbless, providing pedestrians with freedom of movement and creating optimal spaces for special events. They can support a variety of land uses, including commercial, entertainment, dining, and residences. Shared Streets should include strategically defined edges and zones, and unique paving materials where feasible.

Shared-use path means a paved path physically separated from vehicular lanes and designed for joint use by pedestrians and cyclists.

Shop front means a private frontage typical for retail use, with substantial ground-floor glazing and a building entrance located at sidewalk grade, aligned close to the frontage line.

Short-term bicycle parking means parking for a duration less than two (2) hours, typically associated with customers of retail or service businesses, residential visitors, and most assembly-use attendees.

Sidepath means a shared facility for walking and biking located parallel to but physically separated from the street or roadway.

Sidewalk means a walkway improved with approved material located in the public right-of-way generally parallel to abutting property for pedestrian use.

Sign means any object or structure that can be seen from outside and is used to show, advertise, or draw attention to a person, place, product, service, event, or business. This includes words, pictures, symbols, colors, lighting, or similar visual features. Signs include the following permitted types:

a. **A-frame sign** means a temporary, portable, freestanding sign composed of two (2) sign faces hinged at the top or attached back-to-back in a triangular (“A”) shape that is capable of standing on its own without external support.

b. **Awning sign** means a sign mounted to awnings of cloth, canvas, vinyl, or other appropriate materials and are of the same or similar material as the awning.

c. **Banner** means a temporary sign made of cloth, canvas, fabric, or other light pliable material with or without a structural frame that is either mounted to or suspended from a building, pole, or other structure.

d. **Billboard** means a freestanding sign owned by a person, corporation, or other entity that engages in the business of selling or donating the display space on that sign.

e. **Bow flag** means a type of temporary sign composed of lightweight, flexible material mounted on a vertical support pole, designed to wave or flutter in the wind and draw attention to a business, product, service, event, or location.

f. **Canopy sign** means a sign attached to the horizontal face or underside of a canopy. Canopy signs include signs that are painted on, affixed to, or otherwise integrated with the canopy surface and are distinct from wall, projecting, or free-standing signs.

g. **Canopy gas station sign** means a sign face affixed to or integral to a gas station canopy.

h. **Construction sign** means a temporary sign placed on the site of a construction project that identifies the project and the principal parties involved, including owners, contractors, architects, engineers, subcontractors, and material suppliers, where the sign is located on the same property as the construction activity.

i. **Corner sign** means a sign that is installed on the corner of a building and is intended to be viewed from more than one (1) direction. Corner signs are generally oriented at an approximate forty-five (45) degree angle toward the intersection.

j. **Event ground sign** means a temporary, ground-mounted sign placed for the purpose of identifying, directing traffic to, or providing information about a specific event, festival, fair, or community gathering, and displayed on or near the property where the event occurs for a limited period of time.

k. **Feather flag** means A vertical, portable temporary sign composed of lightweight fabric or similar flexible material mounted on a single supporting pole or staff, allowing the fabric to hang or wave in the wind; such signs are often referred to as feather banners, banner flags, or

swooper flags.

l. **Ground sign (multi-tenant)** means a freestanding sign permanently supported by the ground (without attachment to any building or canopy) that identifies or advertises two (2) or more tenants located on the same property where the sign is located.

m. **Ground sign (single tenant)** means a freestanding sign permanently supported by the ground (without attachment to any building or canopy) that identifies or advertises only a single tenant located on the same property where the sign is located.

n. **Marquee sign (canopy)** means a sign which is painted on, attached to, or supported by a canopy.

o. **Marquee sign (vertical)** means a marquee sign that is mounted on the face of a marquee or canopy with its major display dimension oriented vertically (i.e., the height exceeds the width) and attached to or supported by the marquee structure.

p. **Mobile billboard** means a mobile unit that carries, transports, or displays a sign or advertising message for the primary purpose of advertising, whether attached to a vehicle, trailer, bicycle, or similar mobile device.

q. **Pennant** means a temporary sign made of flexible material and generally longer than it is wide, often triangular in shape, and intended to move in the wind, typically displayed alone or in series on a rope or string.

r. **Pole sign** mean a permanent sign supported with one (1) or more uprights or braces placed in or upon the ground and detached from any building or structure that does not qualify as a Ground Sign.

s. **Portable message center sign** means a movable sign that contains changeable copy, where the message can be updated or altered by manual changeable letters, panels, or electronic display, and is not permanently affixed to a building or structure.

t. **Poster / printed board** means a temporary sign composed of printed or other material that is attached or affixed to a building, signboard, or other permitted structure; information is intended to be displayed for a temporary period and may include notices of events, public meetings, elections, or other short-term messaging.

u. **Projecting sign** means a sign attached to, painted on, or erected with the display surface perpendicular to the plane of the wall. Projecting signs do not include awning, canopy, marquee, or freestanding signs.

v. **Roof sign** means an identification sign (or portion) located on, or extending over the roof line, supported by the roof or by an independent structural frame.

w. **Spinner** means a sign or sign-like device composed of lightweight materials and mounted so that it is designed to spin or rotate in the wind, creating motion for the purpose of attracting attention.

x. **Streamer** means a type of temporary sign composed of lightweight, flexible material (such as fabric, plastic, or similar), suspended from a pole, line, or other support, designed to move or flutter in the wind and attract attention.

y. **Subdivision sign** means a sign that identifies and enhances perceptual entry points into a particular residential subdivision.

z. **Temporary sign** means any sign fabricated of paper, plywood, fabric, window whitewash or other light, impermanent materials, and intended to be displayed for a limited duration. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign is not regarded as temporary.

aa. **Wall sign** means a sign attached to, painted on, or erected against the exterior wall of a building with the display surface parallel to the plane of the wall. Wall signs do not include canopy, projecting, or freestanding signs.

ab. **Window sign** means a sign painted on, applied to, attached to, or placed inside a window or glazed area for the purpose of being viewed from outside the building. Window signs do not include interior displays or merchandise that are not intended primarily as signs.

ac. **Worksite sign** means a temporary sign, stating the names of individuals/firms connected with the project, or any safety information related to the project, placed on the premises where construction/repair/renovation is in progress.

ad. **Yard sign** means a temporary sign supported by the ground independent of any other structure.

Significant tree means a tree that meets the criteria established in Sec. 50-509.

Single-family means a detached dwelling.

Site means the land or water area where any facility or activity is located or proposed to be located.

Special street means a street designed that provides access to a limited selection of users such as pedestrian-only streets, is designed to function both as a normal street for vehicles and as a temporary, flexible public space for special events, or in any other manner that provides intermittent or limited access to one (1) or more user - vehicles, public transit, pedestrians, or bicycles. The A Street Promenade is an example of a special street.

Square (civic space) means an open space that is mostly landscaped, consisting of paths, lawns, and trees, formally arranged.

Sound attenuation means a reduction in sound intensity, strength, or volume as it travels from a source to a receiver. It is the process of using engineering or physical methods to reduce the impact of sound that includes techniques like absorption, reflection, barriers, or dissipation naturally over distance.

Stoop means an encroachment where the facade is aligned close to the front lot line with the first story elevated from the sidewalk for privacy, with an exterior stair and landing at the entrance.

Storm drainage means all surfaces, structures, and systems that contribute to or convey stormwater.

Stormwater means runoff resulting from precipitation.

Stream means a flow of surface water sufficient to produce a defined channel or bed.

Street means the entire width of public or private right-of-way designed for both vehicular and pedestrian movement and access to properties.

Street screen means a freestanding wall or fence built along the frontage line or aligned with a building façade to visually screen parking or service areas from the street.

Temporary use means land uses that are not permanent in nature and often include, but are not limited to, carnivals, circus, tent revivals, real estate sales offices, construction facilities, special sales events, community events, private special events, and Christmas tree stands.

Through lot means a property that has frontage on two (2) streets, other than corner lots.

Topping means the practice of removing large portions of the tree's crown without regard to proper pruning techniques, which can significantly damage the tree's health. Topping is an inappropriate pruning practice that contrasts with acceptable methods like crown reduction or removing safety hazards.

Townhome means a single dwelling within a dedicated entrance that shares one wall with another single dwelling or two (2) opposite walls with additional single dwellings.

Transect means a cross-section of the environment that illustrates the range of physical and ecological conditions from rural to urban. In this Code, the rural-to-urban transect is divided into six (6) zones, each describing the intended physical form and land use intensity.

Transect district means a zoning district mapped in accordance with this Code that applies the

standards of one of the rural-to-urban transect zones.

Tree canopy means the collection of branches, leaves, and sometimes flowers or fruits that form the upper part of a group of trees. When you look up at a group of trees, the branches and leaves that create a sort of roof or covering overhead make up the tree canopy. It provides shade, homes for birds and other animals, and adds beauty to the outdoor environment.

Tree canopy coverage means the area covered by the canopy of trees on a lot, tract, or parcel.

Two-family dwelling means a building that contains two primary dwelling units on one lot. The units must share a common wall or common floor/ceiling.

Understory means vegetation that grows beneath the main tree canopy.

Unit paver means modular, interlocking units (e.g., brick, concrete, or stone) that form a paved surface without continuous poured concrete or asphalt.

Vacation means the act of rescinding (canceling) all or part of a recorded subdivision plat or designation of public right-of-way, including legal descriptions and grants of easements.

Violation means any failure, refusal, or neglect to comply with any provision of this Code.

Wall means one of the sides of a room or building connecting floor and ceiling or foundation and roof. A wall may also be a free-standing feature on a site, erected for privacy, sound deflection, security, aesthetic, or other purpose. A wall which is not part of a building is constructed of masonry and is considered a permanent feature of the site.

Waiver means an official mechanism that allows City staff or legislative bodies to grant exceptions to regulations, fees, or requirements under specific circumstances, often to prevent undue hardship or to serve a broader public purpose.

Wastewater means any water or liquid waste discharged from a facility, excluding uncontaminated stormwater.

Wetland means land that is inundated or saturated by surface or groundwater often enough to support vegetation typically adapted to saturated soil conditions.

Woodland means an area characterized by a more or less dense and extensive tree cover; more particularly, a plant community predominantly of healthy trees and other woody vegetation, well-stocked and growing more or less closely together.

Yard means the portions of a lot not allowed to be built upon due to setbacks (front, side, rear, and alley yards associated with setbacks) or portions of a lot which are not built upon (interior yard), other than fencing, decks, paving, pools, and other elements that may be allowed.

Zoning district means a mapped area of the City in which specific land uses and development standards are applied according to this Code.

Zoning district boundary means the mapped line that separates one (1) zoning district from another.

PLAN
BENTONVILLE

ORDINANCE NO. _____

AN ORDINANCE ADOPTING THE BENTONVILLE COMMUNITY CODE PURSUANT TO ARKANSAS CODE ANNOTATED §14-56-301; AND FOR OTHER PURPOSES

WHEREAS, City Council adopted the Future Land Use Map and updates of Chapter 2 and Chapter 4 of the Bentonville Community Plan with Resolution No. 02-11-25M on February 11, 2025;

WHEREAS, the City hired DPZ CoDesign to create a unified development code to implement the adopted Future Land Use Map and Community Plan; and

WHEREAS, the City has published the Bentonville Community Code for public review, held a public hearing on February 17, 2026, and has provided adequate notice per state statutes.

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

Section 1: That Bentonville Municipal Code Chapter 50 Land Development and Subdivisions is hereby repealed and replaced with the Bentonville Community Code of the City of Bentonville, Arkansas, as attached in *Exhibit A: Bentonville Community Code* which is herein established by the Planning Commission and the City Council pursuant to Ark. Code Ann. §14-56-301, three copies of which are on file with the City Clerk and which is hereby adopted by reference as though it were copied herein fully;

Section 2: That Bentonville Municipal Code Ch. 106, Appendix A Zoning Code and Appendix B Land Development Code should be and are hereby repealed;

Section 3 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed;

Section 4 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict; and

Section 5: That this Ordinance shall be in full force and effect thirty (30) days from and after the date of its passage. The provisions of this Ordinance shall apply to all development projects for which a pre-application conference has not occurred prior to the date of passage or within sixty (60) days following date of passage.

PASSED and APPROVED this _____day of _____, 2026.

APPROVED:

ATTEST:

_____
Stephanie Orman, Mayor

_____
Malorie Marrs, City Clerk

	An Ordinance Adopting The Bentonville Zoning Map
	PC Date: 3/17/2026

Staff Report Details

Zoning Translation

Bentonville's current zoning map consists of 24 different zones (though planning staff only supports rezone requests for 19 of these zoning districts: A-1, R-E, R-1, R-2, R-3, R-4, DN-1, DN-2, DN-3, DN-4, D-C, D-E, C-1, C-2, C-3, I-1, I-2, PUD, and PRD). As part of the adoption of the new zoning code, the City is proposing to transition from these 24 existing zoning districts to 16 new zoning districts. Certain zoning districts will remain unchanged in the translation, such as R-1, PUD, and PRD. All other existing districts will be translated into a new zoning district in accordance with the adopted Future Land Use Map.

Using a property's assigned Place Type from the Future Land Use Map, each current zoning district will be converted to one of the new zoning districts that most closely implements the Place Type (see the Translation Table). An assigned Place Type establishes the intended development pattern and intensity for that area. In some places, the translation is Place Type dependent, meaning that the same zoning district may convert differently depending on the assigned Place Type. For example, a DN-1 zoning district translates to T3.2 in the Urban Neighborhood Place Type and T3.1 in the Traditional Neighborhood Place Type. In other cases, the translation is uniform citywide. For example, all R-1 properties remain R-1 and all properties currently zoned A-1 or R-E will convert to T2.1, regardless of the Place Type.

For the cases that do not have a translation shown on the table, city staff carefully reviewed each property and manually assigned a zoning district based on the current zone and nearby context. This applied to all properties within the Outdoor Entertainment, Parks and Public Spaces, and Civic and Institutional place types (that were not A-1, R-E, R-1, PUD, or PRD, which have citywide translations).

Batch Rezone Requests

Using the map available on planbentonville.com, applicants could request a zone that differed from the proposed translation shown on the zoning map, (as long as they were consistent with Table 2.1, identifying which zones are envisioned with the place type under standard review). The survey could be started by clicking on a parcel and filling out the pop-up, which included fields to provide a signed property owner consent form, a warranty deed showing current ownership of the property, the requested zoning district, contact information, and any comments the applicant wished to provide. Any rezone requests that did not include a property owner consent form and warranty deed were not considered. Planning staff reviewed each request considering the zoning alignment policy (Table 2.1 in the new code), neighborhood context, and other relevant information about the property (such as active projects). In reviewing the batch rezone requests, staff took a conservative approach and recommended only those rezonings that were consistent with the Future Land Use Map and unlikely to generate significant neighborhood impact, particularly given that the batch process did not include the standard mailed notice to surrounding property owners.

- Rezone requests depicted as **Recommended** are rezones that staff felt comfortable recommending to Planning Commission as requested.
- Requests depicted as **Adjusted** are rezones that staff did not feel comfortable recommending to

Staff Report Details

Planning Commission as requested, but felt comfortable with an alternative recommendation. For these requests, staff reached out to the listed contact to check if the applicants still wanted to move forward with the request with the adjusted recommendation.

- Lastly, requests depicted as **Not Recommended** are rezones that staff did not feel comfortable supporting to Planning Commission as requested or with an amended request.

Each request is shown as a list in the "Batch Rezone Requests" attachment and shown on the zoning map.

New Zoning Districts

T2.1 - Rural
T2.2 - Rural Node
T3.1 - Neighborhood Edge
T3.2 - Neighborhood Transition
T4.1 - Neighborhood General
T4.2 - Neighborhood Node
T5.1 - Town Center Low
T5.2 - Town Center High
T6.1 - Urban Center
R-1 - Suburban Single-Family
GC - General Commerical
LI - Light Industrial
LFI - Large Format Industrial
MH - Manufactured Home
PRD - Planned Residential Development
PUD - Planned Unit Development

Property Description

Project Details

Relationship to the Community Plan

Public Comment

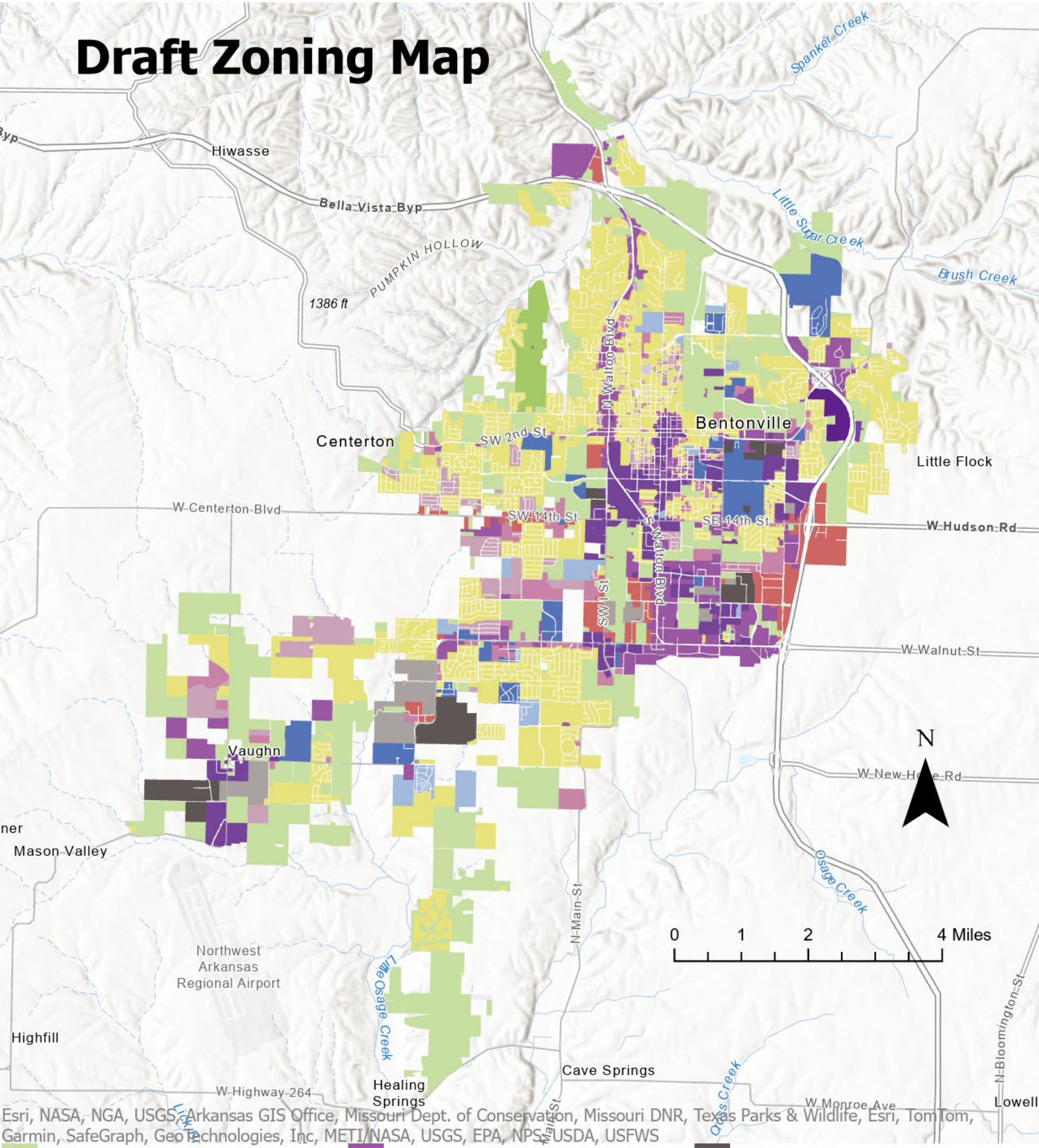
Has Staff received Public Comment at the time of this report? : **Yes**

Analysis / Waivers

Conclusion

Additional Details

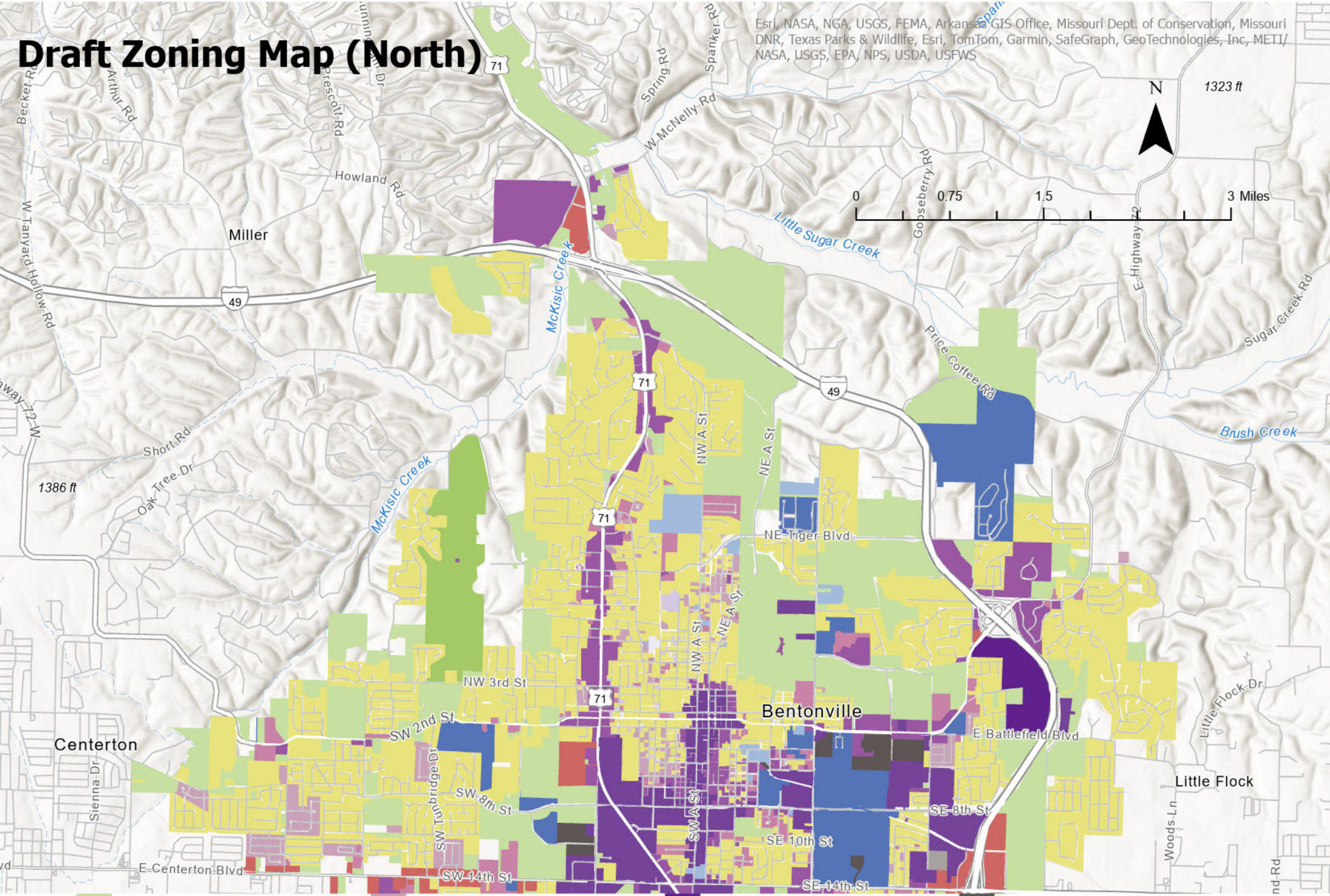
Draft Zoning Map



Esri, NASA, NGA, USGS, Arkansas GIS Office, Missouri Dept. of Conservation, Missouri DNR, Texas Parks & Wildlife, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA, USFWS

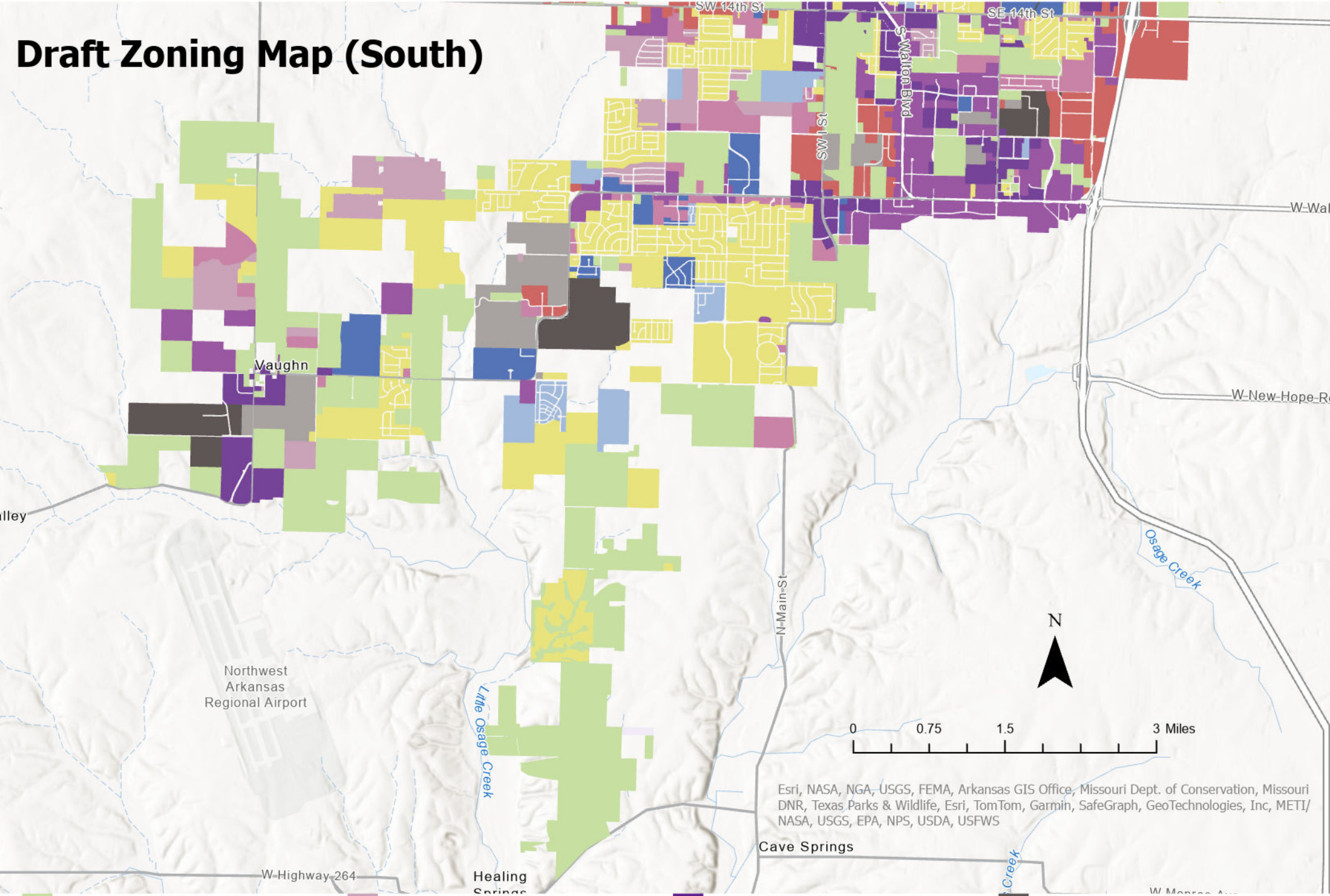
- T2.1 - Rural
- T2.2 - Rural Node
- T3.1 - Neighborhood Edge
- T3.2 - Neighborhood Transition
- T4.1 - Neighborhood General
- T4.2 - Neighborhood Node
- T5.1 - Town Center Low
- T5.2 - Town Center High
- T6.1 - Urban Center
- R1 - Suburban Single Family
- GC - General Commercial
- LI - Light Industrial
- LFI - Large Format Industrial
- PRD - Planned Residential Development
- PUD - Planned Unit Development
- MH - Manufactured Home

Draft Zoning Map (North)



- T2.1 - Rural
- T2.2 - Rural Node
- T3.1 - Neighborhood Edge
- T3.2 - Neighborhood Transition
- T4.1 - Neighborhood General
- T4.2 - Neighborhood Node
- T5.1 - Town Center Low
- T5.2 - Town Center High
- T6.1 - Urban Center
- R1 - Suburban Single Family
- GC - General Commercial
- LI - Light Industrial
- LFI - Large Format Industrial
- PRD - Planned Residential Development
- PUD - Planned Unit Development
- MH - Manufactured Home

Draft Zoning Map (South)



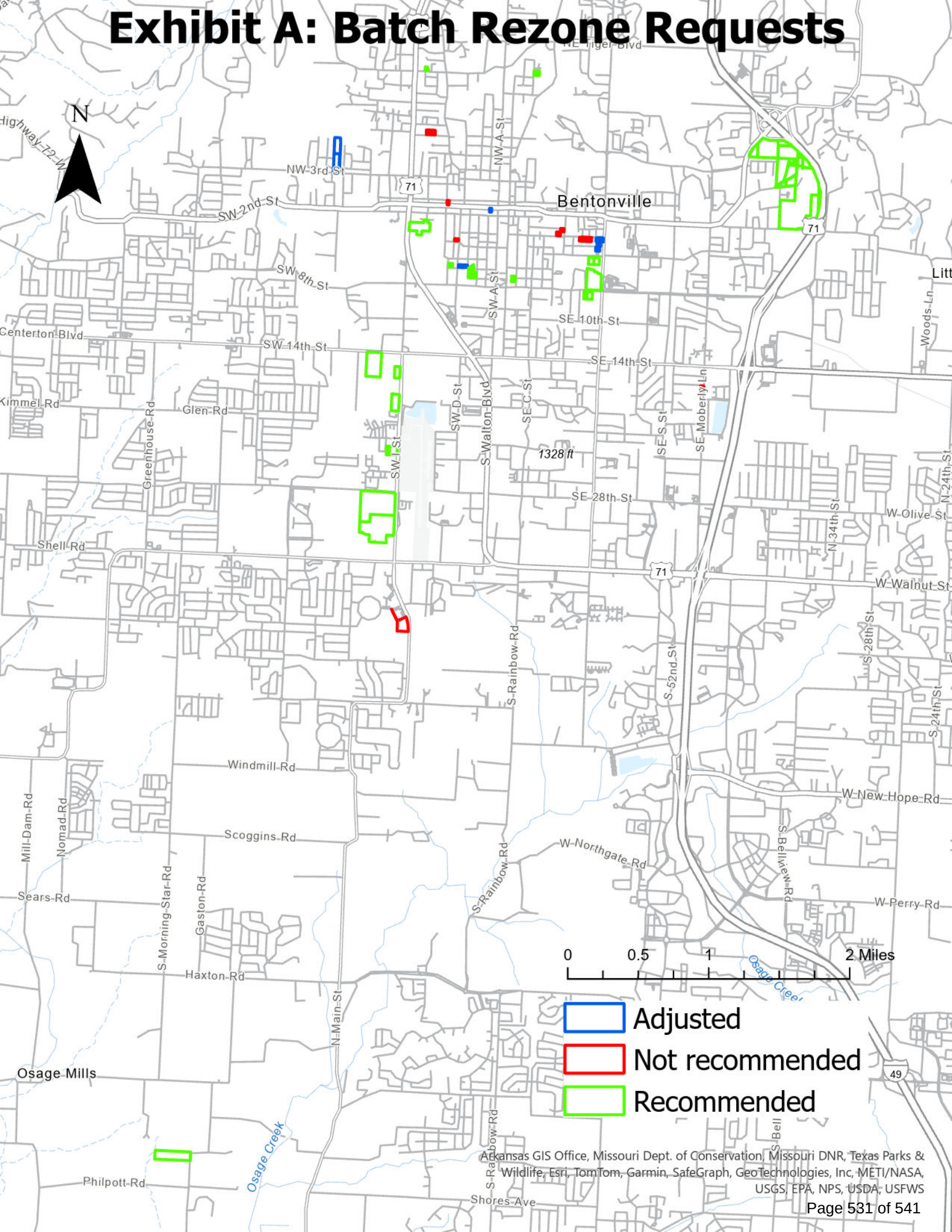
- T2.1 - Rural
- T2.2 - Rural Node
- T3.1 - Neighborhood Edge
- T3.2 - Neighborhood Transition
- T4.1 - Neighborhood General
- T4.2 - Neighborhood Node
- T5.1 - Town Center Low
- T5.2 - Town Center High
- T6.1 - Urban Center
- R1 - Suburban Single Family
- GC - General Commercial
- LI - Light Industrial
- LFI - Large Format Industrial
- PRD - Planned Residential Development
- PUD - Planned Unit Development
- MH - Manufactured Home

	Regional Center	City Center	Neighborhood Center	Urban Neighborhood	Walkable Neighborhood	Traditional Neighborhood	Suburban Neighborhood	Urban Corridor	Walkable Corridor	Suburban Corridor	Industrial & Technology	Rural & Estates
A1	T2.1	T2.1	T2.1	T2.1	T2.1	T2.1	T2.1	T2.1	T2.1	T2.1	T2.1	T2.1
RE	T2.1	T2.1	T2.1	T2.1	T2.1	T2.1	T2.1	T2.1	T2.1	T2.1	T2.1	T2.1
R1	R1	R1	R1	R1	R1	R1	R1	R1	R1	R1	R1	R1
R2		T4.2	T4.1		T4.1		T4.1		T4.2		T5.1	T4.1
R3	T5.1		T4.2	T4.2	T4.2	T4.2	T4.2	T5.1	T4.2	T5.1	T5.1	T4.2
R4	T5.2			T5.1	Review on map		T4.2	T5.2				
DN1				T3.2	T3.2	T3.1	T3.1					
DN2				T4.1	T4.1	T3.2						
DN3				T4.2	T4.2							
DN4	T5.1	T5.1	T5.1	T5.1	Review on map							
DE	T5.1	T5.1	T5.1	T5.1	T5.1	T5.1		T5.1	T5.1			
DC	T5.2	T5.2		T5.2	T5.2			T5.2				
C1	T5.2		T5.1	T5.1	T5.1				T5.1	Review on map	GC	
C2	T5.2		T5.1	T5.1	T5.1			T5.1	T5.1	GC	GC	GC
C3	T5.2	T5.2	T5.1	T5.1	T5.1			T5.2			GC	
I1	LI							LI	LI		LI	
I2	LFI			LFI					LFI		LFI	
RO			T4.2	T4.2	T4.2	T4.2	T4.2	T5.1	T4.2	T5.1		
RZL				T4.1	T4.1	T4.1	T4.1					
RC2				T4.1	T4.1							
RC3		T5.1										

Parcel	Physical Address	Proposed Zone	Requested	Staff Proposal	PC Proposal	Status
01-00248-501	Blueberry Ln	T2.1	T6.1	T6.1	T6.1	Recommended
01-00248-540	Blueberry Ln	T2.1	T6.1	T6.1	T6.1	Recommended
01-00254-000	I-49	T2.1	T6.1	T6.1	T6.1	Recommended
01-00256-000	Crooked Rd	T2.1	T6.1	T6.1	T6.1	Recommended
01-00260-000	500 Crooked Rd	T2.1	T6.1	T6.1	T6.1	Recommended
01-00262-000	Crooked Rd	T2.1	T6.1	T6.1	T6.1	Recommended
01-00289-001	3401 Blueberry Ln	T2.1	T6.1	T6.1	T6.1	Recommended
01-00291-000	503 Crooked Rd	R1	T6.1	T6.1	T6.1	Recommended
01-00292-000	301 Crooked Rd	T2.1	T6.1	T6.1	T6.1	Recommended
01-00293-000	Crooked Rd	T2.1	T6.1	T6.1	T6.1	Recommended
01-00295-000	3301 Blueberry Ln	T2.1	T6.1	T6.1	T6.1	Recommended
01-00296-000	Crooked Rd	T2.1	T6.1	T6.1	T6.1	Recommended
01-00297-000	3203 Blueberry Ln	T2.1	T6.1	T6.1	T6.1	Recommended
01-00298-000	Crooked Rd	T2.1	T6.1	T6.1	T6.1	Recommended
01-00328-000	E Battlefield Blvd	T2.1	T6.1	T6.1	T6.1	Recommended
01-00552-000	608 SE A St	T5.1	T5.2	T5.2	T5.2	Recommended
01-00553-000	702 SE A St	T5.1	T5.2	T5.2	T5.2	Recommended
01-00554-000	704 SE A St	T5.1	T5.2	T5.2	T5.2	Recommended
01-00703-000	1019 SE 8th St	LFI	T5.2	T5.2	T5.2	Recommended
01-00810-000	SW I St	T2.1	T5.2	T5.2	T5.2	Recommended
01-00826-000	2602 SW I St	T2.1	GC	GC	GC	Recommended
01-00826-006	SW I St	T2.1	T4.2	T4.2	T4.2	Recommended
01-01076-000	207 W Central Ave	R1	T5.1	T4.2	T4.2	Adjusted
01-01704-000	308 SW E St	T3.2	T4.2	T3.2	T3.2	Not recommended
01-01890-000	112 SE F St	R1	T5.1	T4.1	R1	Not recommended
01-01892-000	605 SE 3rd St	R1	T5.1	T4.1	R1	Not recommended
01-01893-000	603 SE 3rd St	R1	T5.1	T4.1	R1	Not recommended
01-02333-000	808 Tiger Blvd	T4.2	T5.1	T5.1	T5.1	Recommended
01-02422-001	604 SW C St	T5.1	T5.2	T5.2	T5.2	Recommended
01-02422-002	606 SW C St	T5.1	T5.2	T5.2	T5.2	Recommended
01-02471-000	1008 SE 3rd St	R1	T5.1	T4.2	T4.2	Adjusted
01-02472-000	1010 SE 3rd St	R1	T5.1	T4.2	T4.2	Adjusted
01-02473-000	1012 SE 3rd St	R1	T5.1	T4.2	T4.2	Adjusted
01-02475-000	1011 SE 4th St	R1	T5.1	T4.2	T4.2	Adjusted
01-02476-000	1009 SE 4th St	R1	T5.1	T4.2	T4.2	Adjusted
01-02485-000	902 SE 3rd St	T5.1	T5.2	T5.1	T5.1	Not recommended
01-02486-000	904 SE 3rd St	R1	T5.2	R1	R1	Not recommended
01-02487-000	906 SE 3rd St	R1	T5.2	R1	R1	Not recommended
01-02487-001	908 SE 3rd St	T4.2	T5.2	T4.2	T4.2	Not recommended
01-02488-000	1002 SE 3rd St	R1	T5.2	R1	R1	Not recommended
01-02715-000	515 SW F St	R1	T4.2	T4.2	T4.2	Recommended
01-02716-000	519 SW F St	R1	T4.2	T4.2	T4.2	Recommended
01-02722-000	SW E St	R1	T5.1	T4.2	T4.2	Adjusted
01-02723-000	528 SW D St	R1	T5.1	T4.2	T4.2	Adjusted
01-02727-000	406 SW 6th St	T5.1	T5.2	T5.2	T5.2	Recommended
01-02728-000	405 SW 6th St	T5.1	T5.2	T5.2	T5.2	Recommended
01-02728-001	406 SW 6th St	T5.1	T5.2	T5.2	T5.2	Recommended
01-02728-002	408 SW 7th St	T5.1	T5.2	T5.2	T5.2	Recommended
01-02728-003	406 SW 7th St	T5.1	T5.2	T5.2	T5.2	Recommended
01-02744-000	1010 SE 4th St	R1	T5.1	T4.2	T4.2	Adjusted
01-02745-000	1008 SE 4th St	R1	T5.1	T4.2	T4.2	Adjusted
01-03218-000	610 W Central Ave	R1	T3.2	R1	R1	Not recommended
01-03324-000	1109 SW 14th St	T2.1	T5.2	T5.2	T5.2	Recommended
01-03377-000	710/712 NW 7th St	T4.1	T4.2	T4.1	T4.1	Not recommended
01-03378-000	804 NW 7th St	T4.1	T4.2	T4.1	T4.1	Not recommended
01-03379-000	806 NW 7th St	T4.1	T4.2	T4.1	T4.1	Not recommended

01-04102-000	1514 SW I St	T2.1	T5.2	T5.2	T5.2	Recommended
01-04280-000	2406 SE 16th St	R1	T5.1	R1	R1	Not recommended
01-04624-000	1202 Fillmore St	R1	T4.1	T4.1	T4.1	Recommended
01-04625-000	1204 Fillmore St	R1	T4.1	T4.1	T4.1	Recommended
01-04866-000	904 SE 8th St	LFI	T5.2	T5.2	T5.2	Recommended
01-04867-000	902 SE 8th St	LFI	T5.2	T5.2	T5.2	Recommended
01-05107-001	1004 SE 5th St	LFI	T5.2	T5.2	T5.2	Recommended
01-05107-002	1000 SE 5th St	LFI	T5.2	T5.2	T5.2	Recommended
01-05116-000	2806 E Central Ave	T5.1	T6.1	T6.1	T6.1	Recommended
01-05118-000	2812 E Central Ave	T2.1	T6.1	T6.1	T6.1	Recommended
01-08217-915	11010 Murdock Rd	T2.1	T3.1	T3.1	T3.1	Recommended
01-15865-000	SW Eden Brooke St	T2.1	GC	GC	GC	Recommended
01-15866-000	SW I St	T2.1	GC	GC	GC	Recommended
01-16610-002	SW I St	T4.2	T5.1	T5.1	T4.2	Not recommended
01-18380-000	1602 NW 3rd St	R1	T3.2	T3.1	T3.1	Adjusted
01-18380-001	1602 NW 3rd St	R1	T3.2	T3.1	T3.1	Adjusted
01-18381-000	1602 NW 3rd St	R1	T3.2	T3.1	T3.1	Adjusted
01-18382-001	1602 NW 3rd St	R1	T3.2	T3.1	T3.1	Adjusted
01-20548-000	307 S Walton Blvd	T4.2	T5.2	T5.2	T5.2	Recommended

Exhibit A: Batch Rezone Requests



ORDINANCE NO. _____

A ORDINANCE ADOPTING THE BENTONVILLE ZONING MAP PURSUANT TO ARKANSAS CODE ANNOTATED §14-56-301; AND FOR OTHER PURPOSES.

WHEREAS, City Council adopted the Future Land Use Map and updates of Chapter 2 and Chapter 4 of the Bentonville Community Plan with Resolution No. 02-11-25M on February 11, 2025;

WHEREAS, the City hired DPZ CoDesign to create a unified development code and zoning map to implement the adopted Future Land Use Map and Community Plan; and

WHEREAS, the City has published the Bentonville Zoning Map for public review and has provided adequate notice per state law.

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

Section 1: That the Bentonville Zoning Map of the City of Bentonville, Arkansas, as attached in *Exhibit A: Bentonville Zoning Map* which is herein established by the Planning Commission and the City Council pursuant to Ark. Code Ann. §14-56-301, three copies of which are on file with the City Clerk and which is hereby adopted by reference as though it were copied herein fully;

Section 2 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed;

Section 3 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict; and

Section 4 – Effective Date: That this Ordinance shall be in full force and effect thirty (30) days from and after the date of its passage. The provisions of this Ordinance shall apply to all development projects for which a pre-application conference has not occurred prior to the date of passage or within sixty (60) days following date of passage. Property owners shall have ninety (90) days from and after the date of passage of this Ordinance to file with the Planning Department a written objection to the zoning district classification assigned to their property.

PASSED and APPROVED this _____day of _____, 2026.

APPROVED:

_____

Stephanie Orman, Mayor

ATTEST:

_____

Malorie Marrs, City Clerk

Consent Agenda Item

For the City Council meeting on April 14, 2026

Details

The Downtown Neighborhood Overlay is proposed to ensure the new housing near the downtown center is compatible with the surrounding neighborhood pattern in terms of building size, orientation, and spacing.

- **Setbacks:** Front and side setbacks must match or fall between setbacks of the existing structures on the block, not to exceed 20'.
- **Height:** New construction is limited to *the lower of* 1-story higher than the average height of buildings on the same block or the base zoning height limit. One story is defined not to exceed 12 feet for the purpose of this section.
- **Lot combinations** are limited to no more than 2 original platted lots (unless otherwise approved by the Commission).
- **Rezone requests** above T3.2 are not considered.

ORDINANCE NO. _____

A ORDINANCE ADOPTING THE DOWNTOWN NEIGHBORHOOD OVERLAY DISTRICT MAP AND REGULATIONS PURSUANT TO ARKANSAS CODE ANNOTATED §14-56-301; AND FOR OTHER PURPOSES.

WHEREAS, City Council adopted the Future Land Use Map and updates of Chapter 2 and Chapter 4 of the Bentonville Community Plan with Resolution No. 02-11-25M on February 11, 2025;

WHEREAS, the City hired DPZ CoDesign to create a unified development code and zoning map to implement the adopted Future Land Use Map and Community Plan;

WHEREAS, the City has adopted the Bentonville Zoning Map and the Bentonville Community Code; and

WHEREAS, the City wishes to provide additional protection in historic neighborhoods.

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

Section 1: That the Bentonville Zoning Map of the City of Bentonville, Arkansas, be amended by adding the Downtown Neighborhood Overlay District as shown in the attached *Exhibit A: Downtown Neighborhood Overlay District Map*, three copies of which are on file with the City Clerk and which is hereby adopted by reference as though it were copied herein fully;

Section 2: That the Bentonville Community Code be amended as shown in the attached *Exhibit B: Downtown Neighborhood Overlay District Regulations*, three copies of which are on file with the City Clerk and which is hereby adopted by reference as though it were copied herein fully;

Section 3 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed;

Section 4 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict; and

Section 5: That this Ordinance shall be in full force and effect thirty (30) days from and after the date of its passage. The provisions of this Ordinance shall apply to all development projects for which a pre-application conference has not occurred prior to the date of passage or within sixty (60) days following date of passage.

PASSED and APPROVED this _____day of _____, 2026.

APPROVED:

ATTEST:

_____
Stephanie Orman, Mayor

_____
Malorie Marrs, City Clerk

Exhibit A: Downtown Neighborhood Overlay District

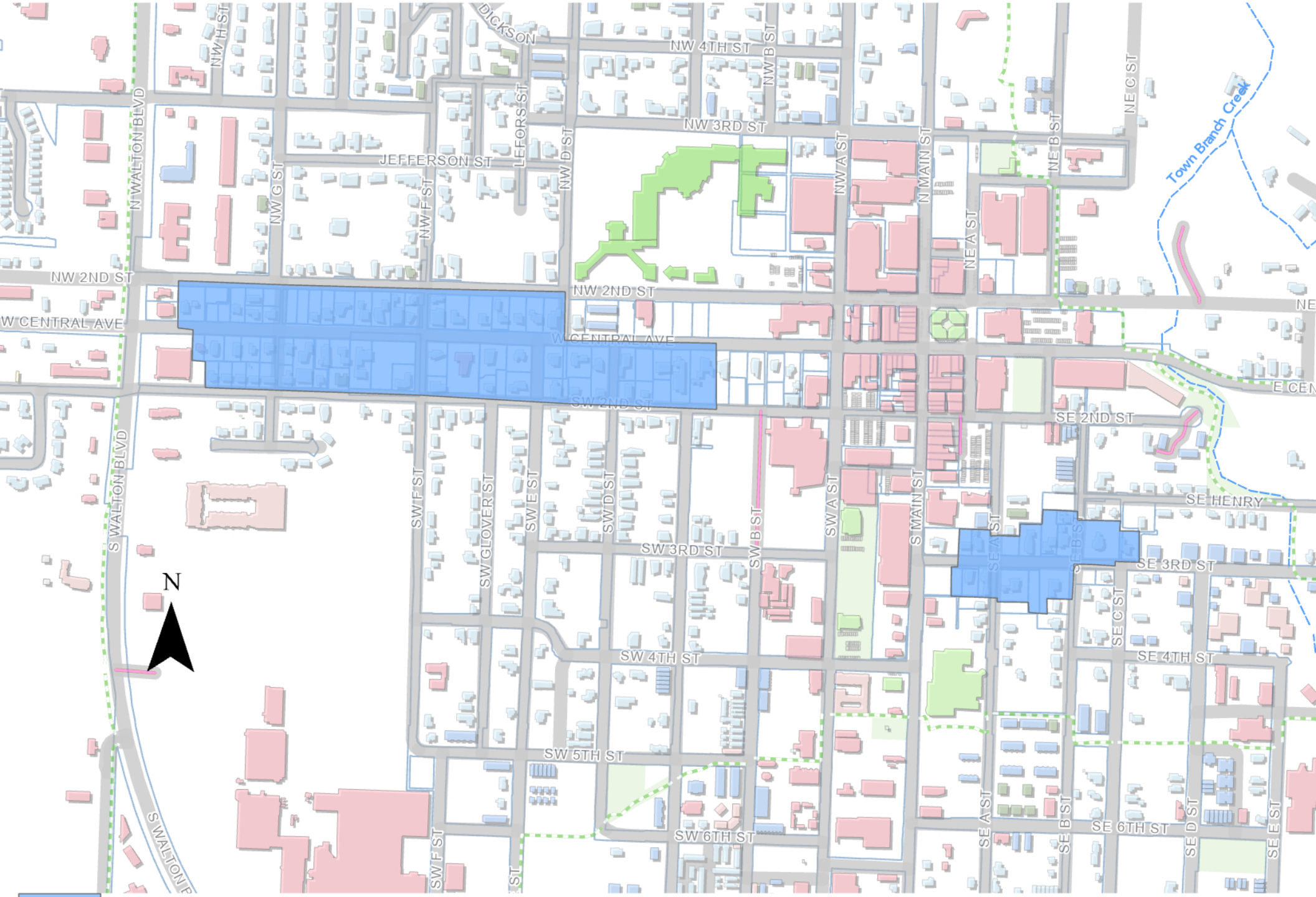


Exhibit B

Downtown Neighborhood Overlay District Regulations

To be added to Sec. 50-404 Overlay Districts (d):

(1) Downtown Neighborhood Overlay;

To be added to Sec. 50-506 Overlay Districts of the Bentonville Community Code:

(c) Downtown Neighborhood Overlay (DNO)

(1) Purpose and intent

a. To allow new development of a wide variety of housing types near the downtown center.

b. To ensure that new building size, orientation, and spacing are compatible with the surrounding neighborhood pattern.

(2) Requirements

a. Front and side street setbacks shall align with the established pattern of existing buildings on the same block face, as shown in Figure 5.14 Downtown Neighborhood Setbacks. New buildings shall not be required to exceed a front or side street setback of twenty (20) feet, regardless of the established pattern.

b. Building height is limited to the lower of:

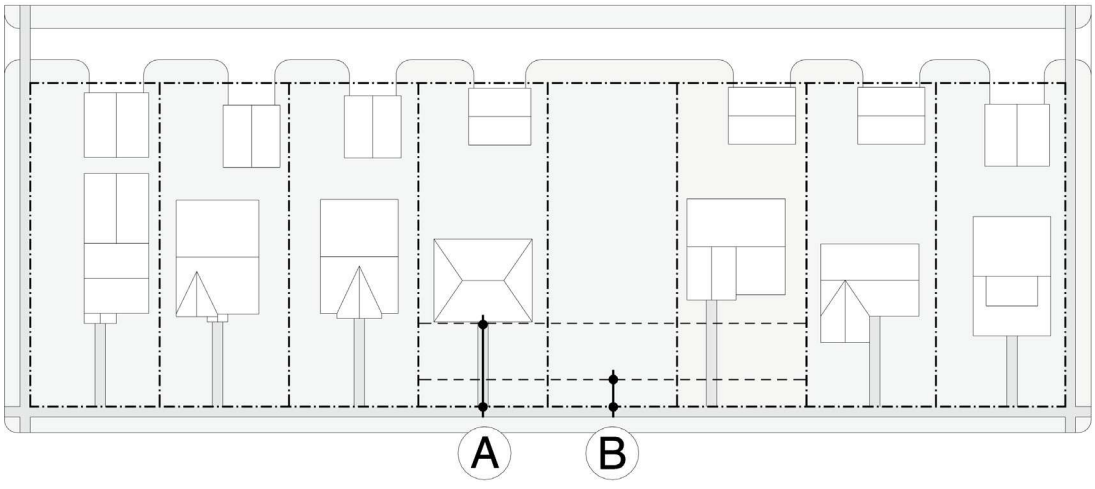
1. One story, not to exceed twelve (12) feet, higher than the average height of buildings on the same block; and

2. The base zone height limit.

c. Lot combinations are limited to no more than two (2) original platted lots, unless otherwise approved by the Planning Commission.

d. Rezonings above T3.2 will not be considered.

FIGURE 5.14 DOWNTOWN NEIGHBORHOOD SETBACKS



A Adjusted setback, to match existing buildings

B Minimum setback for the base zoning district

Consent Agenda Item

For the City Council meeting on April 14, 2026

Details

The Downtown Overlay district proposes additional requirements for those properties within the downtown area (within the boundary of the map) to ensure new buildings maintain the quality of exterior materials reflected in historic downtown buildings, and to ensure ground floor commercial opportunities and design standards for shopfronts maintain compatibility with historic downtown buildings:

- **Heights** are limited in T5.2 to 80' and T5.1 to 50' (outside the overlay they are 96' and 60' respectively).
- **Chamfered corners** are allowed when less than 20' on the diagonal.
- **Forecourts** are permitted to be set back from the "build to" line.
- **Materials:** street and trail facing facades must be of brick, stone or plaster with one primary material per elevation; secondary materials are limited to architectural detail elements.
- **Ground floors** must be 12' and designed to accommodate retail or other active uses.
- **Doors, windows and shop fronts**: must be recessed 2.25 inches with 4" separations, sills projecting downwards; 60% of the width of the tenae space must be glass / shopfront.
- **Awnings (fabric) and canopies (metal):** If proposed, must project 6' and 4' from the exterior wall respectively and be 8' above the sidewalk. (Shop fronts must be of a unified design, incorporating doors, transoms, signage, awnings or canopies)

ORDINANCE NO. _____

A ORDINANCE ADOPTING THE DOWNTOWN CENTER OVERLAY DISTRICT MAP AND REGULATIONS PURSUANT TO ARKANSAS CODE ANNOTATED §14-56-301; AND FOR OTHER PURPOSES.

WHEREAS, City Council adopted the Future Land Use Map and updates of Chapter 2 and Chapter 4 of the Bentonville Community Plan with Resolution No. 02-11-25M on February 11, 2025;

WHEREAS, the City hired DPZ CoDesign to create a unified development code and zoning map to implement the adopted Future Land Use Map and Community Plan;

WHEREAS, the City has adopted the Bentonville Zoning Map and the Bentonville Community Code; and

WHEREAS, the City wishes to provide additional protection for the historic downtown commercial area.

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

Section 1: That the Bentonville Zoning Map of the City of Bentonville, Arkansas, should be and is hereby amended by adding the Downtown Center Overlay District as shown in the attached *Exhibit A: Downtown Center Overlay District Map*, three copies of which are on file with the City Clerk and which is hereby adopted by reference as though it were copied herein fully;

Section 2: That the Bentonville Community Code should be and is hereby amended as shown in the attached *Exhibit B: Downtown Center Overlay District Regulations*, three copies of which are on file with the City Clerk and which is hereby adopted by reference as though it were copied herein fully;

Section 3 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed;

Section 4 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict; and

Section 5: That this Ordinance shall be in full force and effect thirty (30) days from and after the date of its passage. The provisions of this Ordinance shall apply to all development projects for which a pre-application conference has not occurred prior to the date of passage or within sixty (60) days following date of passage.

PASSED and APPROVED this _____day of _____, 2026.

APPROVED:

ATTEST:

_____
Stephanie Orman, Mayor

_____
Malorie Marrs, City Clerk

Exhibit A: Downtown Center Overlay District

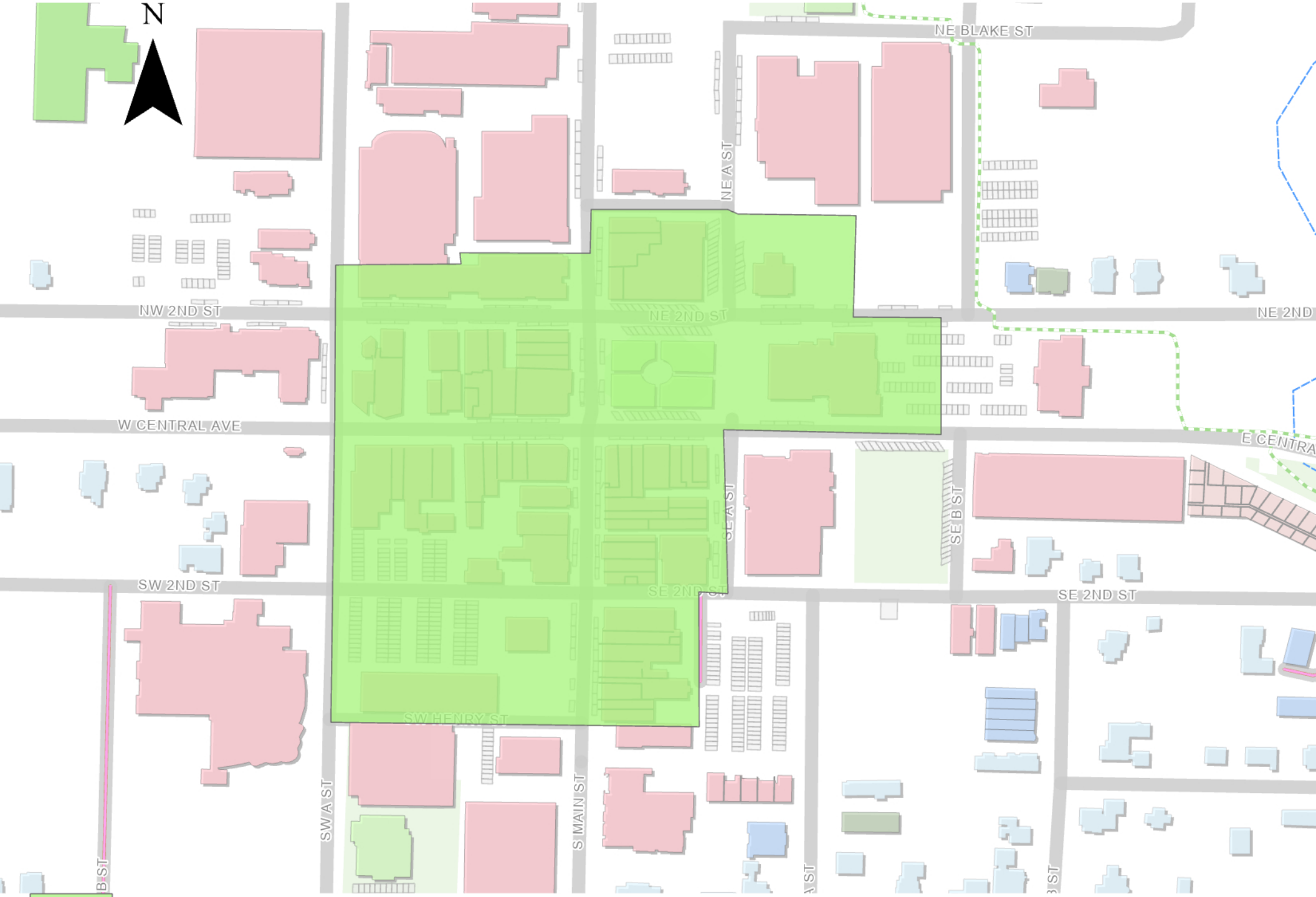


Exhibit B

Downtown Center Overlay District Regulations

To be added to Sec. 50-404 Overlay Districts (d):

(1) Downtown Center Overlay;

To be added to Sec. 50-506 Overlay Districts of the Bentonville Community Code:

(b) Downtown Center Overlay (DCO)

(1) Purpose and intent

a. To ensure new buildings maintain the quality of exterior materials reflected in historic downtown buildings.

b. To ensure that the downtown center retains ground floor commercial opportunities.

c. To establish minimum standards for windows, doors, shop fronts, and building attachments in order to maintain compatibility with historic downtown buildings.

(2) Building height

a. The maximum height of T5.2 zoned properties is eighty (80) feet.

b. The maximum height of T5.1 zoned properties is fifty (50) feet.

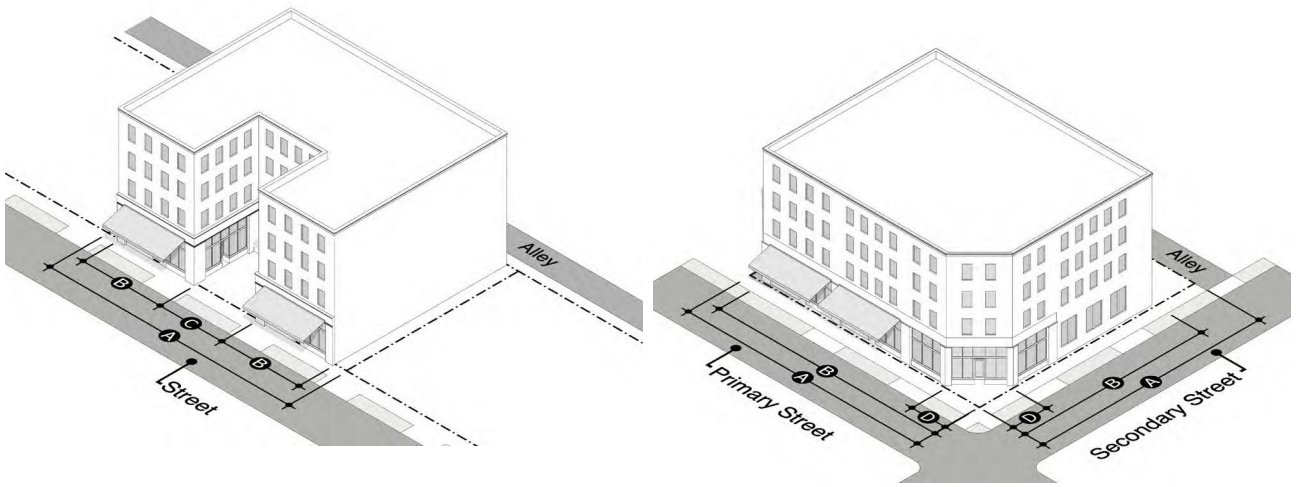
c. All other zoning districts heights shall be per Table 4.1 Zone Standards.

(3) Building placement

a. Forecourts do not contribute to build-to area requirements, see Figure 5.13 Downtown Build-to Conditions.

b. Corner entry chamfers count toward the required build-to area only if they are less than twenty (20) feet wide along both property lines.

FIGURE 5.13 DOWNTOWN BUILD-TO CONDITIONS



A Lot width	C Forecourt width does not contribute to build-out
B Facade build-out	D Corner chamfer contributes to build-out

(4) Materials

a. Exterior walls along streets and mid-block trails must be finished with brick, stone, or plaster.

b. Only one (1) primary material may be used for each elevation.

c. Additional materials are limited to:

1. Attachments such as awnings, galleries, and bay windows; and

2. Architectural details such as a water table, coining, pilasters, eaves, or as a lintel across window and door openings.

(5) Ground floors

a. All buildings must be constructed to accommodate active uses at the ground story along streets, whether such a use is established at the time of construction or not, in accordance with Sec. 50-504(c)(4) Required active uses.

b. The ground level story must be at least twelve (12) feet high.

(6) Windows and doors

a. Windows and doors must be recessed at least two and a quarter (2.25) inches from the exterior surface of the wall.

b. Windows must be separated by a minimum of four (4) inches if multiple windows are grouped.

c. Window sills must project outward from the exterior surface of the wall.

(7) Shop fronts

a. Shop fronts must be composed as a unified design, incorporating doors, transoms, signage, awnings, or canopies.

b. Shop fronts must include a continuous bulkhead between twelve (12) and thirty-six (36) inches in height.

c. Shop front glass must comprise at least sixty percent (60%) of the width of the tenant space.

d. Security devices, if installed, must be placed inside the glass.

(8) Awnings and canopies

a. Awnings and canopies must comply with the standards of Sec. 50-504 (5) Building projections and (6) Encroachment into rights-of-way.

b. Awnings are subject to these rules:

1. Must be made of fabric;

2. Must include a valence flap;

3. Must not include side panels; and

4. Must project at least of six (6) feet from the exterior wall.

c. Canopies are subject to these rules:

1. Must be made of metal;

2. Must be at least six (6) inches thick; and

3. Must project at least four (4) feet from the exterior wall.

d. Awnings and canopies must be installed between transom and display windows where transoms are present.

e. Awnings and canopies must maintain a clearance of at least eight (8) feet above the sidewalk.

f. Awnings and canopies must be set back a minimum of two (2) feet from the curb.

g. Awnings and canopies must span at least eighty (80%) of the width of the tenant space.