



Planning Commission Regular Meeting Agenda

Date: Monday, September 9, 2024
Time: 4:30 PM

Location: Bella Vista District Court
2483 Forest Hills Blvd

Planning Commission regular meetings are live streamed and archived for your convenience. View the meeting at its scheduled time or after at:
<https://bit.ly/bvmeetingslive>.

I. Call to Order

II. Roll Call

Members: Daniel Ellis, PE, Chairman; Doug Farner, Vice-Chairman; Gail Klesen, Secretary; Clayton Sedberry, JB Portillo; Susan Duell, and Linda Lloyd.

III. Consideration of Minutes

A. Regular Meeting Minutes - August 12, 2024

IV. Public Input

V. Unfinished Business

VI. New Business

- A. WVR-2024-55329: A waiver request associated with PLA-2024-54234 regarding 20 foot front drainage and utility easement at 8 Manchester Drive; Parcels: 16-09059-000 and 16-09060-000; Applicant Melissa Wells; Presented by Planner Hyatt
- B. PLA-2024-54234: A property line adjustment of Lots 5 and 6, Block 5 of the Coventry Subdivision, creating new Lots 5A and 6A of the Coventry Subdivision; Parcels: 16-09059-000 and 16-09060-000; Applicant Melissa Wells; Presented by Planner Hyatt

VII. Committee Reports

VIII. Open Discussion

IX. Announcements

- A. The City Council Work Session will be Monday, September 16, 2024 at 5:30 pm.
- B. The City Council Regular Meeting will be on Monday, September 23, 2024 at 6:00 pm.
- C. The Planning Commission Work Session will be Thursday, October 3, 2024 at 4:30 pm.
- D. The Board of Zoning Adjustment meeting will be on Monday, October 14, 2024 at 4:30 pm directly followed by the Planning Commission regular meeting.

X. Adjournment



Planning Commission Regular Meeting Minutes

August 12, 2024
2483 Forest Hills Blvd

I. CALL TO ORDER

Chairman Ellis called the meeting to order at 4:43 PM; immediately upon the adjournment of the Board of Zoning Adjustment meeting.

II. ROLL CALL

Members Present: Daniel Ellis, PE, Chairman; Doug Farner, Vice-Chairman; Gail Klesen, Secretary; Clayton Sedberry; JB Portillo; Susan Duell, and Linda Lloyd.

Member Absent: none.

III. CONSIDERATION OF MINUTES

A. Regular Meeting Minutes – July 8, 2024

On a motion by Mr. Farner, and a second by Ms. Duell, the July 8, 2024 minutes were approved by a voice vote.

IV. PUBLIC INPUT

- A. Chairman Ellis opened the public input session.
- B. Chairman Ellis closed the public input session.

V. UNFINISHED BUSINESS

A. WVR-2024-54672: A waiver request associated with LSD-2024-54538 on pedestrian accommodation installation requirements at 504 Memorial Drive; Parcel 16-40224-000; Applicant Cathy Barnes; Presented by Planner Workman.

1. Planner Workman presented the report in the staff packet
2. Mr. Farner questioned the length of the pedestrian accommodation.
3. Ms. Workman answered 771' on the east side, 749' on the west side.
4. Mr. Ellis questioned "the waiver we are being asked to approve is a partial waiver, they are providing pedestrian accommodations on the opposite side of the road, instead of on their side of the road?"
5. Ms. Robertson confirmed, "It would be a waiver with a condition. They get the waiver of the code so long as they do provide it on the other side."
6. Mr. Farner questioned, "Just so we are clear, we are talking about a waiver for the pedestrian accommodations to be put on the opposite side of Memorial Dr. where the chapel is?"
7. Ms. Workman answered "Correct with a crossing so pedestrians can access the site"
8. Chuck Bell, Bell Construction Solutions was present to represent Cooper Chapel Board of Directors. "I hate to do this to you, but when I went through the sidewalk (plans)... I

did that in good faith, but I didn't do it with the direction of the board of directors... I know we can't talk about money but that's just what it is going to be about... We are going to have to go with the complete waiver without the sidewalk or we just won't be able to do the project."

9. A discussion was held regarding the waiver request.
10. Mr. Kelley provided "Quit talking about how expensive it is. Because that's going to make it even harder to get what they want."
11. A motion to approve the waiver on pedestrian accommodations was made by Mr. Farner and a second was made by Mr. Sedberry.

JB Portillo – Y

Susan Duell - N

Clayton Sedberry - Y

Gail Klesen - Y

Linda Lloyd - Y

Doug Farner - Y

Daniel Ellis - N

Motion Approved 5 – 2

B. LSD-2024-54538: A large-scale development for a proposed 1,085 square-foot operation building to be located at 504 Memorial Drive; Parcel 16-40224-000; Applicant Cathy Barnes; Presented by Planner Workman.

1. Planner Workman presented the report in the staff packet.
2. A motion to approve the large-scale was made by Ms. Klesen and a second was made by Mr. Farner.

Susan Duell – Y

Clayton Sedberry - Y

Gail Klesen - Y

Linda Lloyd - Y

Doug Farner - Y

JB Portillo - Y

Daniel Ellis - Y

Motion Approved 7 – 0

VI. NEW BUSINESS

A. LSD-2023-51885: A request for a six-month extension on the issued development permit for the Razorback Greenway Extension Phase III from Mercy Way to Riordan Road; Presented by Planner Robertson.

1. Planner Robertson presented the letter that was included in the staff packet.
2. Applicant, Luke Jost representing Crafton Tull was present for questions.
3. A motion to approve the extension of the large scale was made by Ms. Portillo and a second was made by Ms. Duell.

Clayton Sedberry – Y

Gail Klesen - Y

Linda Lloyd - Y

Doug Farner - Y

JB Portillo - Y

Susan Duell - Y

Daniel Ellis - Abstain
Motion Approved 6 - 0 with 1 abstain.

B. LSD-2024-52811: A request for a six-month extension on the issued development permit for the Republic Services Maintenance Building proposal at 36 Bella Vista Way; Presented by Planner Hyatt.

1. Planner Hyatt presented the letter that was included in the staff packet.
2. Applicant, Stephen Brown representing Republic Services was present for questions.
3. A motion to approve the extension of the large scale was made by Mr. Sedberry and a second was made by Mr. Farner.

Gail Klesen – Y

Linda Lloyd - Y

Doug Farner - Y

JB Portillo - Y

Susan Duell - Y

Clayton Sedberry - Y

Daniel Ellis - Y

Motion Approved 7 – 0

VII. COMMITTEE REPORTS

None.

VIII. OPEN DISCUSSION

- A. Planner Robertson announced that the mid-project update from Freese & Nichols will be given a week from today at 5:30 in the training room.

IX. ANNOUNCEMENTS

A summary of upcoming meetings was announced.

IIX. ADJOURNMENT

Chairman Ellis adjourned the meeting at 5:07 pm.

SUBMITTED BY:

Sarah Costa, Planning Technician
City of Bella Vista

APPROVED AND ACCEPTED THIS 9TH DAY OF SEPTEMBER, 2024:

Daniel Ellis, P.E., Chairman
Bella Vista Planning Commission

Gail Klesen, Secretary
Bella Vista Planning Commission



Meeting Information:

2483 Forest Hills Blvd
September 9, 2024 4:30pm

Reviewer:

Christopher Hyatt
Planner

Project Number	WVR-55329 & PLA-54234
Applicant	Melissa Wells
Address/Location	8 Manchester Drive
Current Zoning	R-1 Single Family Residential
Site Area	.56 acres
Nature of Request	Waiver Request and Property Line Adjustment between Lots 5 and 6 Coventry Subdivision



Zoning Map



Future Land Use

Property Description

This property is located in the eastern area of Bella Vista City Limits and is located on Parcel #16-09059-000 and 16-09060-000. Lots 5 and 6, Block 5, Coventry Subdivision.

Regulation

Sec. 107-249(c)(1)(b) states that easements of at least 20 feet shall be provided along all front and rear property lines. Sec. 107-126 provides four options for incidental subdivisions: lot splits, minor subdivisions, property line adjustments, and correction plats.

Request

The applicant is requesting a waiver of 107-249(c)(1)(b) for the front property line of new lot 6A on the proposed property line adjustment between lots 5 and 6, creating new Lots 5A (+/- .55 acres) and 6A (+/- .59 acres).

Background

Currently the lot line separating lots 5 and 6 sits inside the boundary of the existing home located on lot 6 (Parcel 16-09060-000). The proposed property line adjustment will shift the lot line between the two lots away from the existing home, bringing it outside of both the new property line and 7.5 foot side easement. However, due to the proximity of the home to the front property line at approximately 9.1 feet, a newly established 20-foot front easement would sit inside of the existing home.

Manchester Drive is classified as a sub-collector per the Master Street Plan and right-of-way requirements have been previously met. All R-1 lot requirements are being met with this request. Various drainage and utility easements are dedicated per this plat.

Public Comment

None at the time of this report.

Outstanding Technical Comments

None at the time of this report.

Recommendation

Staff recommends approval of the property line adjustment so long as the Planning Commission approves the waiver request.

Sec. 107-35 Waiver Review Requirements

When, by the strict interpretation of Chapter 107, an applicant incurs undue restrictions on the physical property to be subdivided or developed, a waiver for such requirements may be granted by the planning commission. **Under no circumstance** should a waiver be granted because of a personal hardship or for personal or emotional reasons. Waivers shall not be granted based strictly on financial hardship. A waiver is determined by the strict interpretation and enforcement of the rules and regulations upon a given piece of property to be subdivided or developed. No waiver shall be granted unless the planning commission finds all of the following:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provision of these regulations would deprive the applicant of the reasonable use of this land.
2. That the waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant.
3. That the granting of the waiver will not be detrimental to the public health, safety and welfare or injurious to other property in the area.
4. That the granting of the waiver will not have the effect of preventing the orderly subdivision of other land in the area in accord with the provision of these regulations.

Four affirmative votes of the planning commission's authorized membership shall be necessary for the passage of any waiver.

Sec. 107-35 Waiver Review Procedures

- Under exceptional circumstances, the planning commission may grant waivers at the time of final plat approval.
- In granting the waiver, the planning commission shall prescribe any conditions that it deems necessary to or desirable in the public interest.
- In considering the petition for a waiver, the planning commission shall take into account the nature of the proposed use of land involved, existing uses of land in the area, proximity to public utilities, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such waiver upon traffic conditions and upon the public health, safety and general welfare in the vicinity.
- The findings of the planning commission, together with the specific facts upon which findings are based, shall be incorporated into the official minutes of the planning commission meetings at which such waiver is granted. Waivers may be granted only when in harmony with the general purpose and intent of these regulations.

Sec. 107-128 Incidental Subdivision Review and Approval

Planning Commission Approval:

1. Applicability. The planning commission shall approve, approve with conditions, or disapprove any incidental subdivision that is not being administratively approved as set forth in section 107-128(a) of this section.
2. Action. Within 60 days of receipt of the complete plat from the applicant, the planning commission shall take action on the incidental subdivision. If the plans are approved with conditions, the conditions shall be set forth in written form to the owner/developer. The signature of the owner/developer on the form setting forth the conditions of approval shall be deemed his agreement to comply with said conditions, whereupon a building permit may be issued. Disapproval of the plat shall be transmitted to the applicant with the reasons therefor within 15 days after the meeting at which the plat was disapproved.
3. Any incidental subdivision that dedicates street rights-of-way or easements to the public that has been approved by the planning commission shall constitute acceptance of said dedication.
4. Approval signatures. All planning commission approvals of incidental subdivisions shall be signified by the signature of the planning commission chairman upon the development plan.

Sec. 107-130 Incidental Subdivision Review Criteria

Approval or disapproval of incidental subdivisions shall be given based on the following threshold guidelines:

5. No new street or alley is required or proposed.
6. No vacation of streets, alleys, setback lines, access control or easements is required or proposed.
7. Such action will not result in any significant increases in public service requirements, nor will interfere with maintaining existing public service levels.
8. There is adequate street right-of-way as required by these regulations and the master street plan.
9. All easement requirements have been satisfied.
10. All lots created by such split or readjustment shall have access on a public street.
11. No substandard sized lots or parcels shall be created.
12. No waivers or variances from these regulations are requested.



HALL BOOTH SMITH, P.C.
ATTORNEYS AT LAW

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Office: 479.391.6200
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www.hallboothsmith.com

July 18, 2024

City of Bella Vista
Planning Commission
101 Town Center
P.O. Box 5655-72714
Bella Vista, AR 72714

RE: Request for Waiver for front easement of Lot 6, Block 5, Manchester Drive, Bella Vista
PLA54234

Dear Commissioners:

Please accept this letter as a request from Section 107-249(c)(1)(b); specifically, a waiver from the requirement of a 20 foot easement at the front of the property. The property in question is in regards to Lot 6, Block 5, Manchester Drive, Bella Vista, Arkansas: 8 Manchester Drive, Bella Vista, Arkansas. The property owners, Wesley and Melissa Wells, have requested to adjust the boundary line between lots 5 and 6 so that the boundary line no longer encroaches upon their driveway and retaining wall. A new survey of lots 5 and 6 has been prepared and presented. Lot 5 is a vacant lot; however, lot 6 contains the residence of Wesley and Melissa Wells at 8 Manchester Drive. The home was built in 2006, prior to the City's existence, and stands 9.1 feet from the property line. Thus, an easement of twenty (20) feet would encroach upon and encompass a portion of their residence. Therefore, the Wells' request a waiver of the twenty (20) foot easement requirement, found in Section 107(c)(1)(b), for Lot 6, Block 5, Manchester Drive, Bella Vista, Arkansas. Thank you for your consideration of this request.

Sincerely,

Ryan P. Blue
Attorney at Law

Melissa Wells - owner

ROGERS, AR

SURVEY NOTES:

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

SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, TITLE EVIDENCE, ZONING RESTRICTIONS, OR ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE. THERE MAY EXIST EASEMENTS, RIGHTS-OF-WAY OR COVENANTS NOT SHOWN OR NOTED HEREON.

CERTIFICATION IS MADE TO THE ORIGINAL PURCHASER OF THE SURVEY AND IS NOT TRANSFERABLE.

BASIS OF BEARINGS: ARKANSAS STATE PLANE GRID NAD-83, NORTH ZONE.

COUNTY JUDGMENT/COURT RECORDS WERE NOT EXAMINED AS A PART OF THIS SURVEY.

ONLY ABOVE GROUND OBSERVED UTILITIES WERE LOCATED. OTHER UTILITIES MAY EXIST NOT NOTED OR SHOWN HEREON. UNDERGROUND UTILITIES SHOWN ARE PER PAINT MARKINGS, FOUND FLAGS, DESIGN DRAWINGS, OR OTHER DRAWINGS PROVIDED THE SURVEYOR. LOCATIONS MAY VARY FROM THOSE SHOWN HEREON.

PERTAINING TO #24,42,43,44,45 OF CITY PLAN REQUIREMENTS. SURVEYOR DOES NOT KNOW THE HISTORY OF THE PROPERTY AND IS UNWARE OF ANY OF THE ITEMS LISTED AND HAS NOT BEEN FURNISHED A SITE ENVIRONMENTAL EVALUATION REPORT.

SETBACKS SHOWN GRAPHICALLY ARE PER PLAT 'L' AT PAGE 8

EXISTING DEVELOPER'S 7.5' UTILITY & DRAINAGE EASEMENTS SHOWN ARE PER PLAT 'L' AT PAGE 8

BUILDING SETBACKS PER R-1 ZONING

SETBACK REQUIREMENTS:

- A. MINIMUM FRONT SETBACK FROM ALL PROPERTY LINES SHALL BE 20 FEET, UNLESS OTHERWISE STATED ON THE SUBDIVISION PLAT.
B. A MINIMUM SIDE SETBACK OF 15 FEET SHALL BE ESTABLISHED PARALLEL TO ALL STREET RIGHT-OF-WAY LINES.
C. A MINIMUM SIDE SETBACK OF SEVEN AND ONE-HALF FEET SHALL BE ESTABLISHED PARALLEL TO SIDE PROPERTY LINES, UNLESS OTHERWISE STATED ON THE SUBDIVISION PLAT.
D. A MINIMUM REAR SETBACK OF 15 FEET SHALL BE ESTABLISHED PARALLEL TO REAR PROPERTY LINES, UNLESS OTHERWISE STATED ON THE SUBDIVISION PLAT.
E. ALONG BODIES OF WATER, LOTS OR PARCELS WITH ACCESS TO BODIES OF WATER SHALL HAVE AT LEAST 25 FOOT SETBACK FROM THE WATER'S EDGE IN WHICH NO PRIMARY OR ACCESSORY STRUCTURES MAY BE BUILT, EXCEPT AS PROVIDED IN SECTION 109-185.

HEIGHT REQUIREMENTS = MAXIMUM 40 FEET.

FLOOD NOTE

THE HEREON DESCRIBED PROPERTY IS LOCATED WITHIN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS DETERMINED BY SCALING FROM THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP FOR BENTON COUNTY, ARKANSAS, MAP NUMBER: 05007C0080 J. MAP EFFECTIVE DATE: SEPTEMBER 28, 2007.

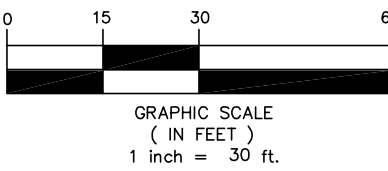
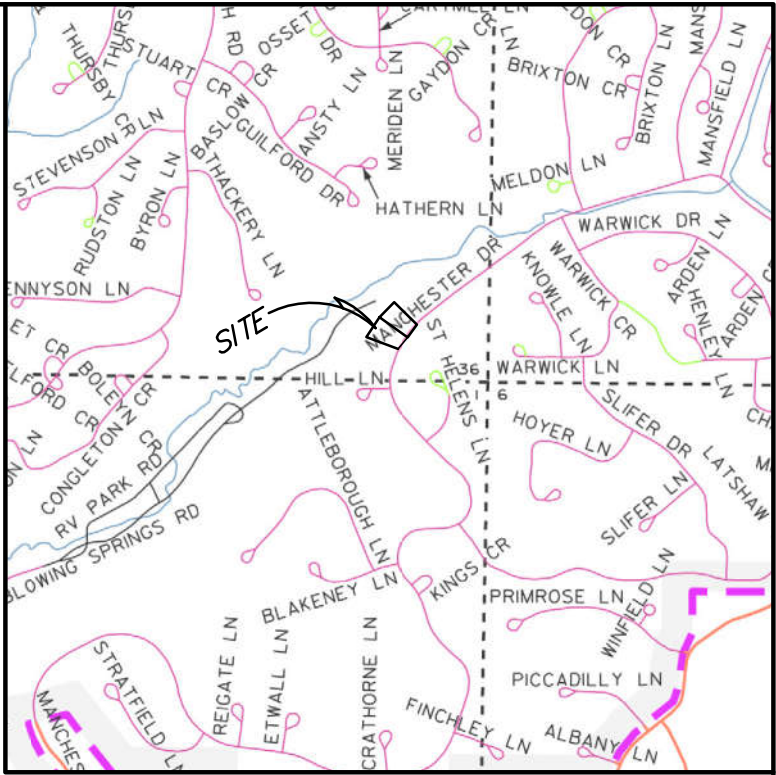
ADJUSTED LOT 6A DESCRIPTION:

ALL OF LOT 6 AND PART OF LOT 5, BLOCK 5, COVENTRY SUBDIVISION, BELLA VISTA, BENTON COUNTY, ARKANSAS, AS SHOWN IN PLAT "L" AT PAGE 8. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SE CORNER OF SAID LOT 5; THENCE N68°06'58"W 218.80 FEET TO THE SW CORNER OF SAID LOT 5; THENCE N29°31'25"E 137.55 FEET TO THE SW CORNER OF SAID LOT 6 AND THE POINT OF BEGINNING; THENCE N37°39'38"E 132.00 FEET TO THE NW CORNER OF SAID LOT 6; THENCE S50°58'22"E 206.21 FEET TO THE NE CORNER OF SAID LOT 6 AT A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF MANCHESTER DRIVE; THENCE ALONG SAID RIGHT-OF-WAY LINE OF MANCHESTER DRIVE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 686.12 FEET, AN ARC LENGTH OF 117.39 FEET AND A CHORD BEARING AND DISTANCE OF S34°40'21"W 117.25 FEET TO THE ADJUSTED SE CORNER OF LOT 6A; THENCE LEAVING SAID RIGHT-OF-WAY LINE N55°02'07"W 212.50 FEET TO THE POINT OF BEGINNING. CONTAINING 0.59 ACRES OR 25,867 SQUARE FEET, MORE OR LESS. SUBJECT TO ANY EASEMENTS, RIGHT-OF-WAY OR COVENANTS OF RECORD OR FACT.

LEGEND

- SET 1/2" REBAR
● FOUND 1/2" REBAR OR AS NOTED
● FOUND 1/2" LS#1286
--- PROPERTY LINE
--- UTILITY & DRAINAGE EASEMENT
--- BUILDING SETBACK LINE PER PLAT L-8
--- EXISTING OVERHEAD UTILITY LINE
--- EXISTING UNDERGROUND WATER LINE
--- EXISTING UTILITY POLE WITH GUY ANCHOR
--- PLATTED OR DEED BEARING OR DISTANCE
--- EXISTING MAILBOX
--- EXISTING SEWER VALVE
--- EXISTING WATER METER
--- RIGHT-OF-WAY



NOTES CONSTITUTING A PART OF THIS LOT LINE ADJUSTMENT-REPLAT AND TO BE READ IN CONNECTION WITH THE LOT LINE ADJUSTMENT ("REPLAT") AND ALL PROPERTY REFLECTED THEREON

BY DEVELOPER, LLC, A DELAWARE LIMITED LIABILITY COMPANY, HEREINAFTER REFERRED TO AS DEVELOPER, (SUCCESSOR BY ASSIGNMENT OF DEVELOPER RIGHTS BY COOPER COMMUNITIES, INC. FORMERLY NAMED COOPER ACQUISITION CORPORATION AND SUCCESSOR IN INTEREST TO JOHN A. COOPER COMPANY BY REASON OF MERGERS, THE SAID JOHN A. COOPER COMPANY FORMERLY BEING NAMED CHEROKEE VILLAGE DEVELOPMENT COMPANY, INC.), FILED IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER IN AND FOR BENTON COUNTY, ARKANSAS, THE FOLLOWING PLAT DESIGNATING CERTAIN LANDS REFLECTED THEREON BLOCKS 1 THRU 6, INCLUSIVE, COVENTRY SUBDIVISION, BELLA VISTA VILLAGE, BENTON COUNTY, ARKANSAS, WHICH PLAT WAS THERE RECORDED ON JUNE 8, 1970, IN BOOK L, PAGE 8.

1. WESLEY WELLS AND MELISSA WELLS, HUSBAND AND WIFE AND OWNERS OF LOTS 5 AND 6, BLOCK 5, COVENTRY SUBDIVISION, BELLA VISTA VILLAGE, CITY OF BELLA VISTA, BENTON COUNTY, ARKANSAS, REFLECTED HEREON, NOW JOINED BY THE CITY OF BELLA VISTA, THE BELLA VISTA VILLAGE ARCHITECTURAL CONTROL COMMITTEE ("ACCC"), AND THE DEVELOPER, HEREBY REPLAT THE LOTS REFLECTED HEREON FOR THE PURPOSE OF MOVING THE COMMON SIDE LOT LINE BETWEEN LOTS 5 AND 6, THEREBY DECREASING THE ACREAGE OF LOT 5 AND INCREASING THE ACREAGE OF LOT 6 AND REDESIGNATING LOT 5 AND LOT 6 AS LOT 5A AND LOT 6A, RESPECTIVELY, (HEREINAFTER THE "REPLAT").
2. THE DEVELOPER'S PREDECESSOR IN INTEREST (CHEROKEE VILLAGE DEVELOPMENT COMPANY, INC.) JOINED BY BELLA VISTA VILLAGE PROPERTY OWNERS ASSOCIATION, FORMERLY BELLA VISTA COUNTRY CLUB, A NON-PROFIT CORPORATION, EXECUTED ON THE 18TH DAY OF MAY, 1965, A DECLARATION WITH PROTECTIVE COVENANTS ATTACHED THERETO AS EXHIBIT 1 AND FORMING A PART OF SAID DECLARATION, WHICH DECLARATION WAS FILED FOR RECORD AT 10:00 O'CLOCK A.M. ON THE 18TH DAY OF MAY, 1965, IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER IN AND FOR BENTON COUNTY, ARKANSAS, WHICH IS THERE RECORDED IN BOOK 373, PAGE 08 ET SEQ. ("DECLARATION"). ON JUNE 8, 1970, THE DEVELOPER'S PREDECESSOR IN INTEREST (JOHN A. COOPER COMPANY) FILED IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER IN AND FOR BENTON COUNTY, ARKANSAS, A PLAT OF COVENTRY SUBDIVISION, FOR BLOCKS 1 THRU 6, INCLUSIVE, WHICH PLAT IS THERE RECORDED IN RECORD BOOK L, PAGE 8 ("ORIGINAL PLAT"). ON JUNE 8, 1970, THE DEVELOPER'S PREDECESSOR IN INTEREST (JOHN A. COOPER COMPANY) FILED IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER IN AND FOR BENTON COUNTY, ARKANSAS A SUPPLEMENTAL DECLARATION OF COVENANTS AND RESTRICTIONS FOR BELLA VISTA VILLAGE FOR BLOCKS 1 THRU 6, INCLUSIVE, COVENTRY SUBDIVISION, BELLA VISTA VILLAGE, ARKANSAS IN BOOK 417, PAGE 227 ("SUPPLEMENTAL DECLARATION"), WHICH HAD THE EFFECT OF BRINGING THE LANDS REFLECTED ON THE ORIGINAL PLAT AND THE REPLAT WITHIN THE PROVISIONS OF THE AFORESAID DECLARATION. THE AFORESAID DECLARATION, SUPPLEMENTAL DECLARATION, AND ORIGINAL PLAT AND PLAT NOTES ARE IN THEIR ENTIRETY BY REFERENCE MADE A PART OF THE REPLAT. THE PROVISIONS THEREOF SHALL APPLY AS TO THE REPLAT; HOWEVER, IN THE EVENT THERE IS A CONFLICT BETWEEN TERMS OF THE DECLARATION, SUPPLEMENTAL DECLARATION, THE ORIGINAL PLAT OR ORIGINAL PLAT NOTES, AND THE REPLAT REFLECTED HEREON, THE TERMS OF THE REPLAT SHALL CONTROL.

3. UTILITY AND DRAINAGE EASEMENTS ARE RESERVED BY THE DEVELOPER UPON ALL PROPERTY COVERED BY THE REPLAT PURSUANT TO ARTICLE IV OF THE DECLARATION AFORESAID UNLESS SPECIFICALLY DESIGNATED OTHERWISE ON THE REPLAT OR IN THE REPLAT NOTES.
4. UNLESS SHOWN OTHERWISE ON THE REPLAT, ALL LOTS HAVE A NON-EXCLUSIVE AND SUBORDINATE SEVEN AND ONE-HALF FOOT UTILITY AND DRAINAGE EASEMENT (RESERVED BY THE DEVELOPER) ON THE INTERIOR OF ALL LOT LINES, SUCH EASEMENTS TO BE PARALLEL WITH THE CORRESPONDING LOT LINE.
5. SETBACK LINES AS PRESCRIBED BY THE ARCHITECTURAL CONTROL COMMITTEE AND THE CITY OF BELLA VISTA SHALL CONTROL AS TO CONSTRUCTION OF ANY STRUCTURES UPON THE PROPERTIES REFLECTED THEREON, SUBJECT, HOWEVER, TO THE PROVISIONS OF THE DECLARATION AFORESAID.
6. UTILITY AND DRAINAGE EASEMENTS LOCATED ADJACENT TO THE ORIGINAL LOT LINE SEPARATING LOTS 5 AND 6, BLOCK 5, COVENTRY SUBDIVISION ("LOT LINE REMOVED"), PREVIOUSLY RESERVED BY THE DEVELOPER PURSUANT TO ARTICLE IV OF THE DECLARATION AFORESAID AND SHOWN ON THE ORIGINAL PLAT SHALL BE VACATED BY A SEPARATE INSTRUMENT AND REPLACED WITH SEVEN AND ONE-HALF FOOT UTILITY AND DRAINAGE EASEMENTS ADJACENT AND PARALLEL TO THE RE-PLATTED COMMON SIDE LOT LINE SEPARATING LOT 5A AND LOT 6A, BLOCK 5, COVENTRY SUBDIVISION ("ADJUSTED LINE"), SAID EASEMENTS TO BE PARALLEL TO THE ADJUSTED LOT LINE OF LOT 5A AND LOT 6A, BLOCK 5, COVENTRY SUBDIVISION.
7. IN THE EVENT IT BECOMES NECESSARY TO AMEND THE REPLAT SUBSEQUENT TO THE RECORDATION HEREOF FOR CORRECTION OF SCRIVENER ERROR OR ERRORS HEREON, THE DEVELOPER HEREBY RESERVES THE RIGHT TO DO SO, PROVIDED, HOWEVER, THAT ANY SUCH AMENDMENT SHALL NOT IN ANY MANNER AFFECT ANY THEN OWNER OF THE LANDS REFLECTED HEREON WITHOUT THE JOINDER THEREOF.
8. THE DEVELOPER JOINS IN THE REPLAT OF LOT 5 AND LOT 6, BLOCK 5, COVENTRY SUBDIVISION, BELLA VISTA VILLAGE, BENTON COUNTY, ARKANSAS INTO LOT 5A AND LOT 6A, BLOCK 5, COVENTRY SUBDIVISION, BELLA VISTA VILLAGE, BENTON COUNTY, ARKANSAS, RESPECTIVELY, FOR THE SOLE PURPOSE OF ITS RELOCATION OF ITS RESERVED UTILITY AND DRAINAGE EASEMENTS AS HEREIN DESCRIBED AND AS SHOWN ON THE REPLAT AND FOR THE SOLE PURPOSE OF AGREEING TO ANY CHANGES CREATED HEREBY IN LOCATION OF UTILITY AND DRAINAGE EASEMENTS RESERVED TO SAID DEVELOPER PURSUANT TO ARTICLE IV OF THE DECLARATION AFORESAID.

DEVELOPER
BY DEVELOPER, LLC

BY:
Brenda Anderson, Agent

DATED THIS _____ DAY OF _____, 2024

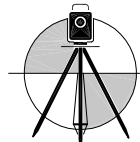
BELLA VISTA VILLAGE ARCHITECTURAL CONTROL COMMITTEE APPROVAL:

THE BELLA VISTA VILLAGE ARCHITECTURAL CONTROL COMMITTEE HEREBY APPROVES THE RESUBDIVISION OF THE ABOVE MENTIONED LOTS AS SHOWN HEREON.

BY:
CHAIR
DATED THIS _____ DAY OF _____, 2024

500-21N-31W-0-36-220-04-1286

LOT LINE ADJUSTMENT PLAT
ADJUSTING THE PROPERTY LINE BETWEEN
LOTS 5 & 6, BLOCK 5
COVENTRY SUBDIVISION
BELLA VISTA, BENTON COUNTY, ARKANSAS
- TO BE KNOWN AS -
LOTS 5A & 6A, BLOCK 5
COVENTRY SUBDIVISION
BELLA VISTA, BENTON COUNTY, ARKANSAS



Costello Land Surveying
4342 E. STATE HIGHWAY 90
PINEVILLE, MO. 64856
(417) 226-4524

SHEET 1 OF 1 | DRAWING: BNDY | FIELD DATE: 02/02/24 | JOB NO. 24011



I, Thomas Costello, 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: 07/24/2024
Registered Land Surveyor No. 1286

ORIGINAL LOT 5 DESCRIPTION: (DEED 2016-66384)

LOT 5, BLOCK 5, COVENTRY SUBDIVISION, BELLA VISTA, BENTON COUNTY, ARKANSAS, AS SHOWN IN PLAT "L" AT PAGE 8.

ORIGINAL LOT 6 DESCRIPTION: (DEED 2016-61534)

LOT 6, BLOCK 5, COVENTRY SUBDIVISION, BELLA VISTA, BENTON COUNTY, ARKANSAS, AS SHOWN IN PLAT "L" AT PAGE 8.

CITY OF BELLA VISTA

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

SIGNED:
BELLA VISTA PLANNING CHAIRPERSON

DATE OF EXECUTION: _____

REV. 6-18-24 DEVELOPER NOTES
REV. 6-14-24 CITY & DEVELOPER REVIEW COMMENTS

REV. 7-24-24 AGAIN MORE REVISIONS PER CITY
REV. 7-04-24 NOTES & CITY COMMENTS
REV. 6-26-24 PER CITY COMMENTS