



Planning Commission Regular Meeting Agenda

Date: Monday, October 14, 2024

Location: Bella Vista District Court

Time: Immediately upon the
adjournment of the Board of Zoning
Adjustment Meeting at 4:30 PM.

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 - September 9, 2024

IV. Public Input

V. Unfinished Business

VI. New Business

- A. **Public Hearing RZN-2024-55647:** A request to rezone a 6.30-acre portion of the subject site from R-1 Single-Family Residential to C-1 Neighborhood Commercial; located east of the intersection of Nature Trail Lane and W. Lancashire Boulevard; Parcel 16-70260-003; Applicant Bella Vista POA; Presented by Active Transportation Manager Workman.
- B. **Public Hearing RZN-2024-55729:** A request to rezone a 2.65 acre portion of the subject property from R-1 Single Family Residential to C-1

Neighborhood Commercial near 2 Kingsdale Lane; Parcel 16-03465-000; Applicant Tom Judson with the Bella Vista POA; Presented by Senior Planner Hyatt.

- C. **Public Hearing RZN-2024-55458:** A request to rezone a 2.36 acre portion of the subject site from R-1 Single Family Residential to C-1 Commercial near the intersection of Trafalgar Rd. and Leyland Dr.; Parcel 16-18693-000; Applicant Tom Judson BVPOA; Presented by Planner LaRue.
- D. **WVR-2024-55799:** A waiver request on pedestrian accommodation installation, access drive width, internal drive 90° intersection, internal drive aisle width, and minor arterial access drive separation requirements for a proposed redevelopment located at 101 Chelsea Road; Parcel 16-40660-000; Applicant Matt Dungan; Presented by Active Transportation Manager Workman
- E. **WVR-2024-55902:** A waiver request on tree and landscape preservation requirements for residential lots serviced by sanitary sewer for a proposed redevelopment located at 36 Westmorland Drive; Parcel 16-32188-000; Applicant Dakota Riggins; Presented by Senior Planner Hyatt.
- F. Bylaws Update; Presented by Director Robertson

VII. Committee Reports

VIII. Open Discussion

IX. Announcements

- A. The City Council Work Session will be Monday, October 21, 2024 at 5:30 pm.
- B. The City Council Regular Meeting will be on Monday, October 28, 2024 at 6:00 pm.
- C. The Planning Commission Work Session will be Thursday, October 31, 2024 at 4:30 pm.
- D. The Board of Zoning Adjustment meeting will be on Tuesday, November 12, 2024 at 4:30 pm directly followed by the Planning Commission regular meeting.

X. Adjournment



**Planning Commission
Regular Meeting Minutes**

September 9, 2024
2483 Forest Hills Blvd

I. CALL TO ORDER

Chairman Ellis called the meeting to order at 4:30 PM

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 – August 12, 2024*

On a motion by Ms. Klesen, and a second by Ms. Portillo, the August 12, 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

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 Dr; Parcels 16-09059-000 and 16-09060-000; Applicant Melissa Wells; Presented by Planner Hyatt.

- 1. Planner Hyatt presented the staff report included in the packet.
- 2. Discussion was had about the waiver and the front setback intent.
- 3. Applicant, Ryan Blue, was present for questions.
- 4. A motion to approve the waiver was made by Mr. Farner and a second was made by Ms. Klesen.
 - Clayton Sedberry – Y
 - Gail Klesen - Y
 - Linda Lloyd - Y
 - Doug Farner - Y
 - JB Portillo - Y
 - Susan Duell - Y
 - Daniel Ellis - Y
 - Motion Approved 7 - 0

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

1. Planner Hyatt presented staff report included in the packet.
2. A motion to approve the property line adjustment was made by Ms. Portillo and a second was made by Ms. Lloyd.

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

None.

IX. ANNOUNCEMENTS

A summary of upcoming meetings was announced.

IIX. ADJOURNMENT

Chairman Ellis adjourned the meeting at 4:35 pm.

SUBMITTED BY:

Sarah Costa, Planning Technician
City of Bella Vista

APPROVED AND ACCEPTED THIS 14TH DAY OF OCTOBER, 2024:

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

Gail Klesen, Secretary
Bella Vista Planning Commission



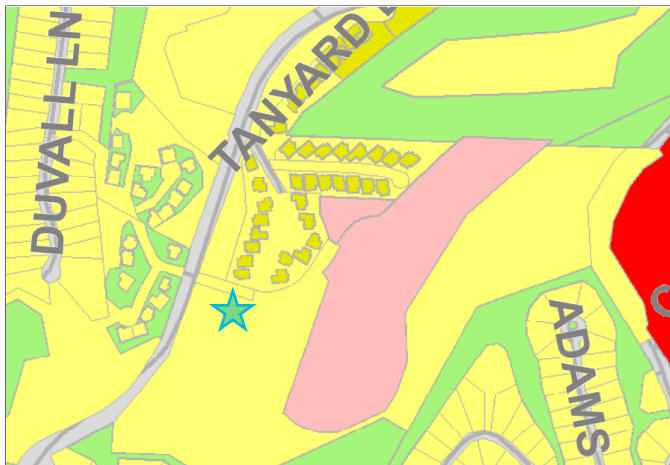
Meeting Information:

2483 Forest Hills Blvd
October 14, 2024 at 4:30 pm

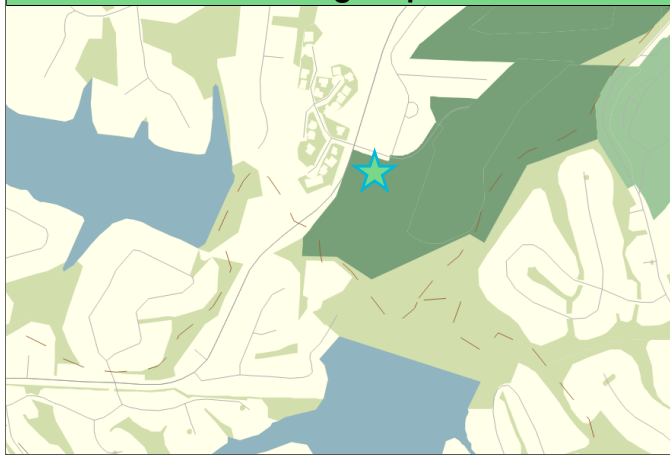
Reviewer:

Megan Workman
Trails and Active
Transportation Manager

Project Number	RZN-2024-55647
Applicant	Bella Vista POA
Address/Location	Near E. Lancashire Boulevard & Nature Trail Lane
Current Zoning	R-1, Single-Family Residential
Site Area	6.30 acres
Nature of Request	Requesting to Rezone from R-1 to C-1



Zoning Map



Future Land Use

Property Description

This property is situated east of the intersection of W. Lancashire Boulevard and Nature Trail Lane and is located on Parcel #16-70260-003; Area 4 of the Bella Vista Golf Course Final Plat L-159 in the Benton County book of records.

Request

Per Sec. 109-40(c), the applicant is requesting to rezone 6.30 acres of the 27.91-acre parent parcel from R-1, Single-Family Residential to C-1 Neighborhood Commercial.

Background

The subject area serves as the parking lot for visitors of the Tanyard Creek Nature Trail. Established prior to zoning code creation, the existing use is considered legal non-conforming, as off-street parking is not permitted within the R-1 District. The subject area is not impacted by the floodplain. Adjacent land use includes the following types: commercial recreation, single-family and two-family residential to the north, commercial recreation to the east, conservation to the south, and conservation and single-family residential to the west. The 2040 Comprehensive Plan recommends open space/golf course at this location. Staff finds the schedule of permitted uses within the C-1 District have the ability to support the future land use recommendation. The C-1 District is designed to be residential adjacent, intended to provide for development of small-scale office, retail and commercial developments serving primarily local needs in a location convenient to the supporting residential area. Neighborhood Commercial bulk and area regulations have been met. The proposed area contains 6.30 acres with width and depth measures exceeding 100 feet.

Public Comment

See below.

Legal Notifications

The applicant sent the required certified mail on September 18, 2024. Staff posted a public hearing notice in the Weekly Vista on September 25, 2024. Staff posted a public hearing sign on site on October 4, 2024.

Recommendation

Staff recommends approval of this rezone request.

Appendix A of Zoning Code: Table of Permitted Uses: "C" states that the use is allowed with a conditional use permit. "P" states that that use is permitted by right. Any of these uses shown in the C-1 column would be allowed by right (P) or conditionally (C). See the chart below for reference.

Residential Uses	R-1	C-1
Duplex		P
Single-Family	P	P
Townhouse		
Civic Uses	R-1	C-1
Administration	C	P
Cemetery	C	C
Clubs	C	P
College	C	C
Convalescent Services	C	P
Cultural Services	C	C
Day Care	P	P
Education	C	P
Emergency		C
Group Care	P	P
Guidance Services		C
Health Care	C	C
Hospital	C	P
Maintenance Facility		
Parks	P	P
Postal Services		P
Public Assembly	C	P
Recreation	C	C
Religious Assembly	C	P
Safety	P	P
Office Uses	R-1	C-1
General		P
Financial		P
Medical		P
Commercial Uses	R-1	C-1
Ag Services		
Auctioneering		
Auto		
Bed & Breakfast	C	P
Business Support		P
Trade School		P
Campground		
Commercial Recreation		P

Commercial Cont.	R-1	C-1
Communications		
Pharmacy		C
Construction		
Consumer		P
Storage		C
Equipment Rental/Repair		
Food Sales		P
Funeral	C	P
Gaming		
Laundry		P
Liquor		P
Lodging		P
Pawnshop		P
Personal Improvement		P
Personal Services		P
Pet Services		P
RV Storage		
Restaurants		P
Retail		P
Surplus		
Taverns		C
Trade Services		
Travel Center		
Vehicle Storage		
Veterinary		C
Parking Uses	R-1	C-1
Off-Street Parking		P
Parking Structure		
Industrial Uses	R-1	C-1
Custom		
Recycling		
Office Warehouse		
Misc. Uses	R-1	C-1
Communications Tower	C	C
Medical Marijuana		C

Sec. 109-40 – Zoning Ordinance Amendments

- a) *Authority.* The city council shall have the authority to enact amendments to the text or map of this chapter in accordance with the provisions of this section. Such action may be initiated by the city council, on the recommendation of the planning commission or on petition from a property owner. Before action is taken in regard to any amendment of the ordinance, the planning commission or its staff, shall review the case and give a recommendation. However, nothing in this section shall be construed to limit the city council's authority to recall the ordinances and resolutions by a vote of the majority of the council.
- b) *Guidelines for decision making.* The city council may consider several recommendations and planning documents when attempting to make a decision on the granting of an amendment. Such guidelines may be derived from recommendations from the planning commission or the planning staff; use of provisions of the any existing, master street plan, land use plan, capital improvements plan, or community facilities plan; as well as any other document created to provide required public facilities necessary to protect the public interest. A disapproval by the city council of an amendment shall be final for one year and the same application may not be reinitiated until the expiration of that deadline.
- c) *Procedure for amendments; property owners.*
 - 1. *Application.* An application giving the legal description of the property involved and both the current and requested zoning classification for the property shall be submitted to the planning commission by the owner or his agent pursuant to the city development calendar. The petition shall also include a statement and diagram explaining why the proposed changes will not conflict with the surrounding land uses. The owner shall submit a complete written legal description of the property with the application.
 - 2. *Public notification and hearing.* The planning commission shall hold a public hearing on the proposed amendment. Public notification for property owner-initiated zoning ordinance amendments shall occur pursuant to subsections [109-45\(d\)\(1\)](#) through (3) before such an application may be reviewed by the planning commission.

Sec. 109-41 – Appeals to City Council

- a) *Notice of appeal.* Any decision by the planning commission regarding a rezoning or conditional use permit may be appealed to the city council. In order to make an appeal, the aggrieved party shall file a notice of appeal with the city clerk within 30 days of the planning commission's final action. The notice of appeal shall be filed on forms and in a format prescribed by the planning commission. As a minimum, however, the applicant shall provide the following information:
 - a. Summary of any reasons provided by the planning commission concerning the decision made in the case;
 - b. Reasons the applicant of the appeal contends that the planning commission erred in its decision;
 - c. Reasons the applicant of the appeal believes that the public health, safety, welfare, and morals would be better served if the planning commission's action were reversed; and
 - d. Any new and pertinent information bearing on the case which may not have been available or have been overlooked by the planning commission or which may have come to light following the meeting at which the planning commission made its decision.
- b) *City council action.* Appeals to the city council shall be de novo (brand new); however, they shall first be considered on the record of the public hearing and planning commission meeting at which the original case was heard and the original decision made. Based on this review, the city council may affirm the planning commission's decision, reverse it, or send the case back to the planning commission for further study and re-certification. If new information is placed before the council that, in the opinion of the council, would affect the planning commission's decision, the council may refer the case back to the planning commission for further study, including the new information, and recertification.



August 16, 2024

RE: 16-70260-003 Nature Trail Lane

Bella Vista Planning Commission and City Council

The Property Owners Association is requesting the rezoning of a portion of a parcel on Nature Trail Lane from R-1 to C-1. Specifically, we would like to rezone the parking lot, plus extra land in case we decide to enlarge the parking lot.

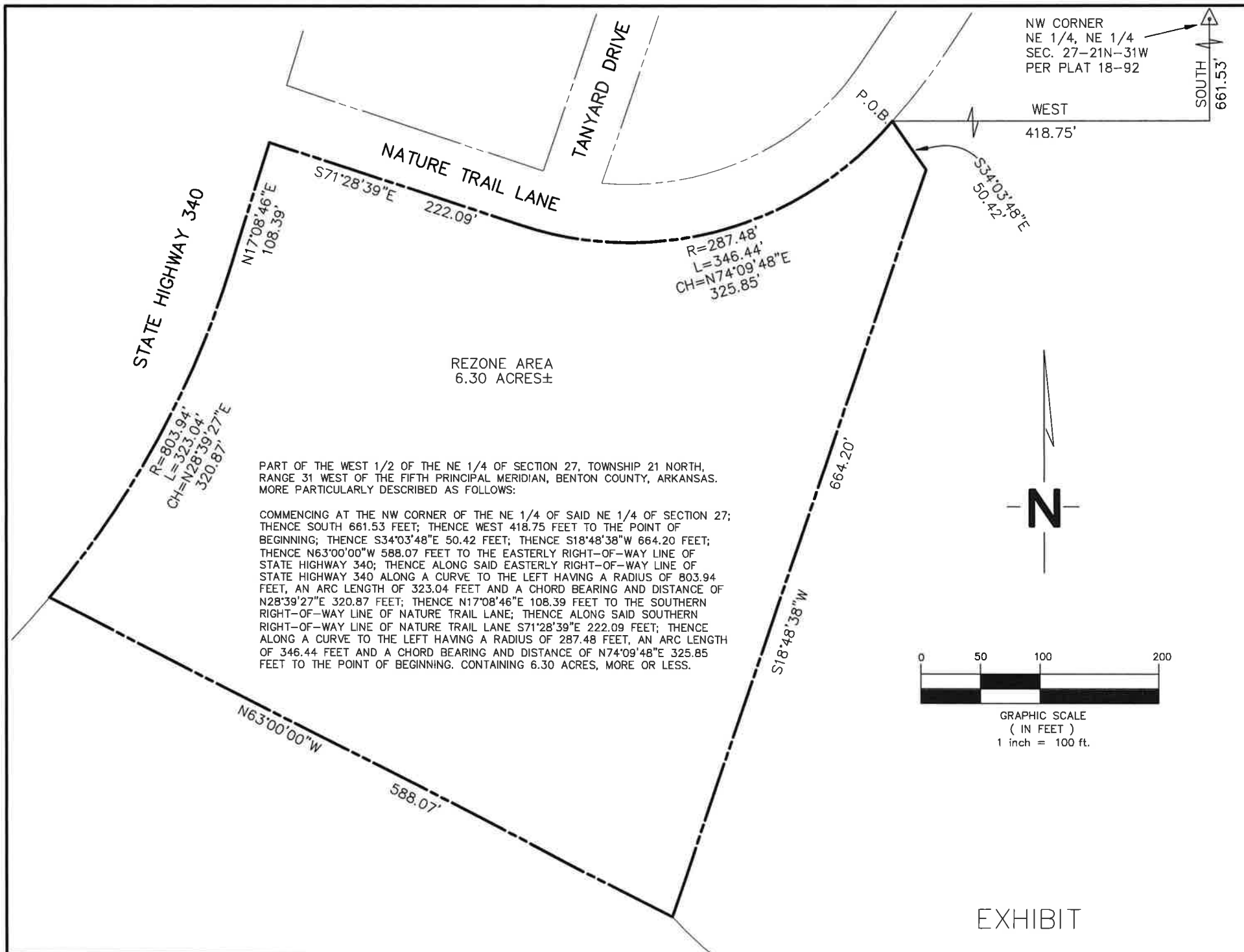
Given the historical and current use of the parcel, C-1 would be a more appropriate zoning. Additionally, it is in the community's best interest that this land is not used for residential purposes (R-1). Aside from the possible expansion of the parking lot, the POA has no additional plans for this area.

Signed,

A handwritten signature in blue ink, appearing to read "Tom Judson".

Tom Judson

Chief Executive Officer



Page 10 of 63

CERTIFICATE OF SURVEYING ACCURACY:

I, JONATHAN B. HANMER, HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A BOUNDARY SURVEY MADE OR VERIFIED BY ME, ALL MONUMENTS REQUIRED ACTUALLY EXIST AND ARE CORRECTLY SHOWN HEREON AND THAT ALL SURVEYING REQUIREMENTS OF THE HOT SPRINGS SUBDIVISION REGULATIONS HAVE BEEN COMPLIED WITH.

10-19-17
DATE OF EXECUTION
JONATHAN B. HANMER
ARKANSAS PROFESSIONAL
SURVEYOR NO. 1524

CERTIFICATE OF OWNER

WE, THE UNDERSIGNED, OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN CERTIFY THAT WE SUBDIVIDE BY LOT SPLIT AND DO HEREBY SUBDIVIDE BY LOT SPLIT SAID REAL ESTATE IN ACCORDANCE WITH THIS PLAT.

10-24-17
DATE OF EXECUTION
COOPER COMMUNITIES, INC.
203 N 47TH ST
ROGERS AR 72756-9622

SOURCE OF TITLE D.R. PAGE 359
INSTRUMENT NO. 188

LEGEND

- COMPUTED POSITION
- FOUND MONUMENT AS NOTED
- SET 5/8" REBAR W/CAP PS 1524
- PROPERTY LINE
- CENTERLINE OF ROAD
- RIGHT-OF-WAY
- APPROXIMATE "40" LINE
- EASEMENT
- APPROXIMATE FLOOD ZONE A (SEE NOTE 4)
- ROAD DEDICATION
- 50' CROSS ACCESS EASEMENT

TRACT DESCRIPTION

A PART OF THE NORTH 1/2 OF THE NORTHEAST 1/4 AND A PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4, SECTION 27, TOWNSHIP 21 NORTH, RANGE 31 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 27, THENCE NORTH 0°00'00" EAST, 13.11 FEET; THENCE NORTH 90°00'00" WEST, 288.46 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 44°04'15" WEST, 76.18 FEET; THENCE SOUTH 31°59'53" WEST, 247.47 FEET; THENCE SOUTH 0°55'43" EAST, 275.02 FEET; THENCE SOUTH 70°13'11" WEST, 573.68 FEET; THENCE SOUTH 29°01'50" WEST, 662.69 FEET; THENCE NORTH 61°23'03" WEST, 114.36 FEET; THENCE SOUTH 65°08'35" WEST, 828.82 FEET; THENCE NORTH 57°36'31" WEST, 315.62 FEET; THENCE NORTH 87°59'48" WEST, 273.82 FEET; THENCE NORTH 2°50'58" EAST, 224.13 FEET TO THE EASTERLY RIGHT-OF-WAY OF WEST LANCASTIRE BOULEVARD; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING 3 COURSES: 1) THENCE NORTH 52°05'08" EAST, 129.24 FEET; 2) THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 803.94 FEET, AN ARC LENGTH OF 490.25 FEET, A CHORD WHICH BEARS NORTH 34°36'57" EAST, FOR A DISTANCE OF 482.89 FEET; 3) THENCE NORTH 17°08'46" EAST, 108.39 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF NATURE TRAIL LANE; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY THE FOLLOWING 2 COURSES: 1) THENCE SOUTH 71°27'00" EAST, 222.09 FEET; 2) THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 287.49 FEET, AN ARC LENGTH OF 65.99 FEET, A CHORD WHICH BEARS SOUTH 78°02'33" EAST, FOR A DISTANCE OF 65.85 FEET; THENCE NORTH 52°25'53" EAST, LEAVING SAID SOUTHERLY RIGHT-OF-WAY, 50.00 FEET TO THE NORTHERLY RIGHT-OF-WAY OF SAID NATURE TRAIL LANE; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY THE FOLLOWING 4 COURSES: THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 237.48 FEET, AN ARC LENGTH OF 246.31 FEET, A CHORD WHICH BEARS NORTH 65°40'09" EAST, FOR A DISTANCE OF 235.42 FEET; 2) THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 412.36 FEET, AN ARC LENGTH OF 90.08 FEET, A CHORD WHICH BEARS NORTH 36°55'46" EAST, FOR A DISTANCE OF 89.90 FEET; 3) THENCE NORTH 31°42'01" EAST, 88.56 FEET; 4) THENCE NORTH 34°06'29" EAST, 12.57 FEET; THENCE NORTH 21°48'18" WEST LEAVING SAID RIGHT-OF-WAY, 114.55 FEET; THENCE NORTH 1°19'51" WEST, 102.89 FEET; THENCE SOUTH 87°15'07" EAST, 334.73 FEET; THENCE SOUTH 87°15'08" EAST, 29.35 FEET; THENCE SOUTH 44°21'03" WEST, 135.47 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF NATURE TRAIL LANE; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY THE FOLLOWING 4 COURSES: 1) THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 170.00 FEET, AN ARC LENGTH OF 179.56 FEET, A CHORD WHICH BEARS SOUTH 64°19'39" WEST, FOR A DISTANCE OF 171.33 FEET; 2) THENCE SOUTH 34°06'25" WEST, 70.34 FEET; 3) THENCE SOUTH 31°42'01" WEST, 87.42 FEET; 4) THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 589.24 FEET, AN ARC LENGTH OF 111.82 FEET, A CHORD WHICH BEARS SOUTH 36°57'16" WEST, FOR A DISTANCE OF 111.65 FEET; THENCE SOUTH 34°04'46" EAST LEAVING SAID SOUTHERLY RIGHT-OF-WAY, 50.81 FEET; THENCE SOUTH 18°47'52" WEST, 864.22 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 250.00 FEET, AN ARC LENGTH OF 284.50 FEET, A CHORD WHICH BEARS SOUTH 69°56'05" EAST, FOR A DISTANCE OF 273.23 FEET; THENCE NORTH 65°21'25" EAST, 249.93 FEET; THENCE NORTH 33°45'39" EAST, 85.15 FEET; THENCE NORTH 19°02'50" EAST, 169.10 FEET; THENCE NORTH 14°32'28" WEST, 237.66 FEET; THENCE NORTH 31°53'40" EAST, 647.50 FEET; THENCE NORTH 48°38'37" EAST, 538.95 FEET; THENCE SOUTH 87°25'29" EAST, 22.52 FEET; THENCE SOUTH 86°37'43" EAST, 381.28 FEET TO THE POINT OF BEGINNING, CONTAINING 27.91 ACRES, MORE OR LESS.



VICINITY MAP (NOT TO SCALE)

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N31° 42' 01"E	88.56'
L2	N34° 06' 29"E	12.57'
L3	S34° 06' 25"W	70.34'
L4	S31° 42' 01"W	87.42'

CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD DISTANCE
C1	412.36'	90.08'	N36° 55' 46"E	89.90'
C2	170.00'	179.56'	S64° 19' 35"W	171.33'
C3	589.24'	111.82'	S36° 57' 16"W	111.65'
C4	237.48'	54.50'	S78° 02' 33"E	54.38'
C5	287.49'	65.99'	S78° 02' 33"E	65.85'
C6	237.48'	246.31'	N65° 40' 09"E	235.42'

GENERAL SURVEYOR'S NOTES

- THIS PLAT REPRESENTS A BOUNDARY SURVEY OF THE CERTAIN PROPERTY AS OWNED BY COOPER COMMUNITIES, INC. KNOWN AS BENTON COUNTY PARCEL ID NUMBER 16-70260-000, KNOWN AS COOPER COMMUNITIES, INC. PARCEL 162.
- THE FOLLOWING DOCUMENTS WERE USED IN THE CONSTRUCTION OF THIS PLAT:
 - RECORD PLAT OF DRIVING RANGE SUBDIVISION, LOT 1, BLOCK 1, BY THOMAS F. COSTELLO, PS 1286, DATED JULY 9, 2015, RECORDED IN BOOK 2015, PAGE 488, OF THE RECORDS OF THE BENTON COUNTY CIRCUIT CLERK.
 - RECORD PLAT OF TANYARD CREEK COURTS, BLOCK 2, LOTS 11, 13-15, BY MAURICE ROGERS, PS 352, DATED AUGUST 2, 1994, RECORDED IN PLAT BOOK 28, PAGE 287, OF THE RECORDS OF THE BENTON COUNTY CIRCUIT CLERK.
 - RECORD PLAT OF TANYARD CREEK COURTS, BLOCK 3, LOTS 10, 12, 14, BY MAURICE ROGERS, PS 352, DATED APRIL 24, 1995, RECORDED IN PLAT BOOK 28, PAGE 108, OF THE RECORDS OF THE BENTON COUNTY CIRCUIT CLERK.
 - RECORD PLAT OF TANYARD CREEK COURTS, BLOCK 3, LOT 6, BY MAURICE ROGERS, PS 352, DATED SEPTEMBER 15, 1995, RECORDED IN PLAT BOOK 29, PAGE 131, OF THE RECORDS OF THE BENTON COUNTY CIRCUIT CLERK.
 - RECORD PLAT OF TANYARD DRIVE, FROM HIGHWAY 340 TO ACCESS TO TANYARD RECREATION AREA, BY MAURICE ROGERS, PS 352, DATED SEPTEMBER 6, 1994, RECORDED IN PLAT BOOK 27, PAGE 38, OF THE RECORDS OF THE BENTON COUNTY CIRCUIT CLERK.
 - RECORD PLAT OF STAFFORD SUBDIVISION, BLOCK 7, BY MAURICE ROGERS, PS 352, DATED FEBRUARY 3, 1995, RECORDED IN PLAT BOOK 27, PAGE 272, OF THE RECORDS OF THE BENTON COUNTY CIRCUIT CLERK.
 - RECORD PLAT OF WIMBLEDON SUBDIVISION, BLOCKS 1 AND 2, BY JAMES F. GORE, PS 93, DATED SEPTEMBER 9, 1971, RECORDED IN PLAT BOOK M, PAGE 151, OF THE RECORDS OF THE BENTON COUNTY CIRCUIT CLERK.
 - ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT RIGHT-OF-WAY MAP AND PLAN AND PROFILE FOR HIGHWAY 340, JOB NO. 9-522.
- BEARINGS ARE BASED ON THE PLAT REFERENCED IN NOTE 2A.
- A PORTION OF THIS PROPERTY LIES IN FLOOD ZONE A PER FLOOD INSURANCE RATE MAP PANEL NUMBER 05007C0060J REWISED SEPTEMBER 28, 2007. APPROXIMATE FLOOD ZONE SHOWN, BASED ON GRAPHICAL AND MAP SCALING.
- UTILITY LOCATIONS ARE BASED ON ABOVE GROUND STRUCTURES ONLY.
- NO INDEPENDENT RESEARCH WAS PERFORMED FOR EASEMENTS OR OTHER MATTERS OF FACT OR RECORD WHICH MAY BE REVEALED BY AN ACCURATE AND COMPLETE TITLE SEARCH.
- ENVIRONMENTAL AND SUBSURFACE CONDITIONS WERE NOT EXAMINED AS A PART OF THIS SURVEY.
- THIS PROPERTY IS LOCATED WITHIN THE CITY BELLA VISTA, ARKANSAS AND IS SUBJECT TO THE RESTRICTIONS FOR ZONING. THE FOLLOWING SETBACKS APPLY:
 - MINIMUM FRONT SETBACK FROM ALL PROPERTY LINES SHALL BE TWENTY FEET (20'), UNLESS OTHERWISE STATED ON THE SUBDIVISION PLAT.
 - A MINIMUM SIDE SETBACK OF FIFTEEN FEET (15') SHALL BE ESTABLISHED PARALLEL TO ALL STREET RIGHT-OF-WAY LINES.
 - A MINIMUM SIDE SETBACK OF TEN FEET (10') SHALL BE ESTABLISHED PARALLEL TO SIDE PROPERTY LINES, UNLESS OTHERWISE STATED ON THE SUBDIVISION PLAT.
 - A MINIMUM REAR SETBACK OF FIFTEEN FEET (15') SHALL BE ESTABLISHED PARALLEL TO REAR PROPERTY LINES, UNLESS OTHERWISE STATED ON THE SUBDIVISION PLAT.
 - ALONG BODIES OF WATER, LOTS OR PARCELS WITH ACCESS TO BODIES OF WATER SHALL HAVE AT LEAST TWENTY-FIVE FOOT (25') SETBACK FROM THE WATER'S EDGE IN WHICH NO PRIMARY OR ACCESSORY STRUCTURES MAY BE BUILT, EXCEPT AS PROVIDED IN SECTION 109-185.
- RIGHT-OF-WAY OF HIGHWAY 340 IS BASED PLAT REFERENCED IN NOTE 2H.

NOTES CONSTITUTING A PART OF THIS PLAT AND TO BE READ IN CONNECTION WITH THE PLAT AND ALL PROPERTY REFLECTED THEREON

COOPER COMMUNITIES, INC. HEREINAFTER REFERRED TO AS "DEVELOPER", (FORMERLY NAMED COOPER ACQUISITION CORPORATION AND SUCCESSOR IN INTEREST TO THE PREDECESSOR COOPER COMMUNITIES, INC., AND JOHN A. COOPER COMPANY BY REASON OF MERGERS, THE SAID JOHN A. COOPER COMPANY FORMERLY BEING NAMED CHEROKEE VILLAGE DEVELOPMENT COMPANY, INC.) JOINED BY COOPER, INC., THE OWNER OF ALL REAL ESTATE REFLECTED BY THIS PLAT, AND THE PLAT IS FILED FOR RECORD SUBJECT TO THE FOLLOWING PROVISIONS:

- AT 10:00 O'CLOCK A.M. ON THE 18TH DAY OF MAY, 1965, THE DEVELOPER, JOINED BY BELLA VISTA COUNTRY CLUB (NOW BELLA VISTA VILLAGE PROPERTY OWNERS ASSOCIATION, INC.) A NON-PROFIT CORPORATION FILED IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER IN AND FOR BENTON COUNTY, ARKANSAS, A DECLARATION WHICH DECLARATION IS THERE RECORDED IN BOOK 373, PAGE 08 ET SEQ.
- THIS PLAT IS FILED CONTEMPORANEOUSLY WITH THE FILING OF THE SUPPLEMENTAL DECLARATION OF COVENANTS AND RESTRICTIONS, EXECUTED BY THE DEVELOPER WHICH HAS THE EFFECTS OF BRINGING THE LANDS REFLECTED UPON THE PLAT WITHIN THE PROVISIONS OF THE DECLARATION AFORESAID FILED FOR RECORD ON MAY 18, 1965, AFORESAID, AND LIKEWISE THE DECLARATION FILED FOR RECORD ON MAY 18, 1965 AFORESAID, IN ITS ENTIRETY IS BY REFERENCE MADE A PART OF THIS PLAT; THE PROVISIONS OF THE DECLARATION AFORESAID SHALL CONTROL AS TO THE PLAT EXCEPT ONLY AS TO THE PROVISIONS HEREON CONTAINED.
- ALL ROADS AND STREETS REFLECTED UPON THE PLAT ARE DEDICATED TO THE CITY OF BELLA VISTA, ARKANSAS.
- UNLESS SHOWN OTHERWISE ON THE PLAT, ALL LOTS HAVE A 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.
- ALL LANDS REFLECTED SHALL BE DESIGNATED COMMON PROPERTY AS DEFINED IN THE AFORESAID DECLARATION.
- UTILITY AND DRAINAGE EASEMENTS ARE RESERVED BY THE DEVELOPER UPON ALL PROPERTY COVERED BY THE PLAT PURSUANT TO ARTICLE IV OF THE DECLARATION AFORESAID AND SPECIFICALLY DESIGNATED ON THE PLAT.
- 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.
- DEVELOPER, ITS SUCCESSORS AND ASSIGNS, HEREBY RESERVE A PERPETUAL BLANKET EASEMENT, PRIVILEGE AND RIGHT IN, UPON, OVER AND ACROSS THE COMMON PROPERTIES REFLECTED HEREON, IF ANY, FOR PURPOSE OF CONSTRUCTING AND MAINTAINING SUCH ROADS, STREETS OR HIGHWAYS AS IT SHALL DETERMINE TO BE NECESSARY OR DESIRABLE IN ITS SOLE DISCRETION, INCLUDING SUCH CUTS, GRADING, LEVELING, FILLING, DRAINING, PAVING, BRIDGES, CULVERTS, RAMPS, AND ANY OR ALL OTHER ACTIONS OR INSTALLATIONS WHICH IT DEEMS NECESSARY OR DESIRABLE FOR SUCH ROADS, STREETS OR HIGHWAYS TO BE SUFFICIENT FOR ALL PURPOSES OF TRANSPORTATION AND TRAVEL. THE WIDTH AND LOCATIONS OF THE RIGHT OF WAY FOR SUCH ROADS, STREETS OR HIGHWAYS SHALL BE WITHIN THE SOLE DISCRETION OF DEVELOPER, ITS SUCCESSORS AND ASSIGNS, PROVIDED, HOWEVER, THAT DEVELOPER, ITS SUCCESSORS AND ASSIGNS, WILL USE ITS BEST EFFORTS CONSISTENT WITH ITS PURPOSE TO LESSEN ANY DAMAGE OR INCONVENIENCE TO IMPROVEMENTS WHICH HAVE THEREFORE BEEN LOCATED UPON THE PROPERTY. DEVELOPER, ITS SUCCESSORS AND ASSIGNS FURTHER RESERVE THE UNRESTRICTED AND SOLE RIGHT AND POWER OF DESIGNATING SUCH ROADS, STREETS OR HIGHWAYS AS PUBLIC OR PRIVATE AND OF ALIENATING AND RELEASING THE PRIVILEGES, EASEMENTS AND RIGHTS RESERVED HEREIN.

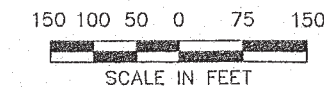
NATURE TRAIL LANE ROAD DEDICATION

A PART OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4, SECTION 27, TOWNSHIP 21 NORTH, RANGE 31 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 27, THENCE NORTH 0°00'00" EAST, 13.11 FEET; THENCE NORTH 90°00'00" WEST, 288.46 FEET; THENCE NORTH 86°37'43" WEST, 381.28 FEET; THENCE NORTH 87°25'29" WEST, 22.52 FEET; THENCE NORTH 87°19'01" WEST, 435.81 FEET; THENCE SOUTH 44°21'03" WEST, 358.28 FEET; THENCE NORTH 87°15'08" WEST, 29.35 FEET; THENCE NORTH 87°15'07" WEST, 334.73 FEET; THENCE SOUTH 1°19'51" WEST, 102.89 FEET; THENCE SOUTH 21°48'18" EAST, 114.55 FEET TO THE NORTHERLY RIGHT-OF-WAY OF NATURE TRAIL LANE; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY THE FOLLOWING 4 COURSES: 1) THENCE SOUTH 34°06'29" WEST, 12.57 FEET; 2) THENCE SOUTH 31°42'01" WEST, 88.56 FEET; 3) THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 412.36 FEET, AN ARC LENGTH OF 90.08 FEET, A CHORD WHICH BEARS SOUTH 36°55'46" WEST, FOR A DISTANCE OF 89.90 FEET; 4) THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 237.48 FEET, AN ARC LENGTH OF 246.31 FEET, A CHORD WHICH BEARS SOUTH 65°40'09" WEST, FOR A DISTANCE OF 235.42 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 52°25'53" WEST, 50.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF NATURE TRAIL LANE; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY THE FOLLOWING 2 COURSES: 1) THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 287.49 FEET, AN ARC LENGTH OF 65.99 FEET, A CHORD WHICH BEARS SOUTH 78°02'33" WEST, FOR A DISTANCE OF 65.85 FEET; 2) THENCE NORTH 71°27'00" EAST, 222.09 FEET; THENCE NORTH 17°08'46" EAST LEAVING SAID SOUTHERLY RIGHT-OF-WAY, 50.02 FEET TO THE NORTHERLY RIGHT-OF-WAY OF NATURE TRAIL LANE; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY THE FOLLOWING 2 COURSES: 1) THENCE SOUTH 71°27'00" EAST, 223.31 FEET; 2) THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 237.48 FEET, AN ARC LENGTH OF 54.50 FEET, A CHORD WHICH BEARS SOUTH 78°02'33" EAST, FOR A DISTANCE OF 54.38 FEET TO THE POINT OF BEGINNING, CONTAINING 0.32 ACRES, MORE OR LESS.

DATED THIS 24th DAY OF October 2017.

COOPER COMMUNITIES, INC., DEVELOPER

BY: *[Signature]*
SEAL: PRESIDENT
BELLA VISTA PROPERTY OWNERS ASSOCIATION, INC.
BY: *[Signature]*
PRESIDENT



STATE SURVEYOR'S FILING CODE: 500-21N-31W-0-27-104-04-1524

REV. # | REV. DATE | BY | REVISIONS

Design	BY	DATE
Drawn	AJA	10/17
Checked	JPH	10/17
Survey	AJA	8/17
Fid.Bk. #	2784	
Rev. #	0	

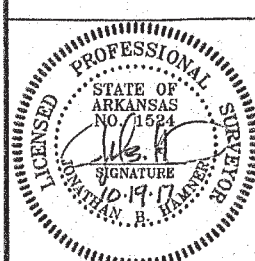
B&F PROJ. 7-3021-4001
FILE NAME: 162
ISSUE DATE: 10/19/17

SCALE
1"=150'

1
1



928 AIRPORT ROAD
HOT SPRINGS, AR 71913
(PH) 501-767-2386
(FAX) 501-767-6859
(EMAIL) info@bfneng.com



BOUNDARY SURVEY (PARCEL 162)
A PART OF THE N 1/2 OF THE NE 1/4, AND A PART OF THE SW 1/4 NE 1/4, SEC 27, T21N, R31W
COOPER COMMUNITIES, INC.

ARKANSAS

BELLA VISTA

Megan Workman

From: Megan Workman
Sent: Tuesday, October 8, 2024 12:49 PM
To: Megan Workman
Subject: FW: comment on hearing /tanyard creek rezoning

From: janis <janis.siemers@gmail.com>
Sent: Tuesday, October 8, 2024 11:15 AM
To: Planning Division <planning@bellavistaar.gov>
Subject: comment on hearing /tanyard creek rezoning

[WARNING: External Email] Do not click links or open attachments unless you trust the sender.

Greetings,

please accept my comment on the
October meeting 14th about Tanyard creek rezoning:

The tragedy of the commons is an economic theory that describes the overuse and destruction of a shared resource due to individuals acting in their own self-interest.

The theory is based on the idea that individuals will exploit a resource to maximize their own benefit without considering the long-term consequences for everyone involved

please if rezoned to C-1 consider the benefits to the local people of Bella vista especially the surrounding neighborhood.

possibly could you write in special conditions or limits to make sure the neighborhood is protected from later misuse of the zoning?

more traffic from outside that area would reduce the beauty of the nature park. and cause the tragedy of the commons.

i know that many of the local residents in our neighborhood do NOT walk the nature park anymore due to high traffic and too many dogs there. These are the people who pay \$40/month for these amenities.

(its difficult to provide comments when we do not even know what the intentions are.)

thank you for listening to our comments.

Megan Workman

From: Justin Madison <justin@justinternet.com>
Sent: Wednesday, October 9, 2024 2:51 PM
To: Megan Workman
Cc: Julie Madison; Planning Division
Subject: Re: Zone change from R1 to C1

[WARNING: External Email] Do not click links or open attachments unless you trust the sender.

Hello Megan,

We are the owners of 2 Tanyard lane. We received notice of a meeting Oct 14 concerning rezoning an area of land behind our home to C1 from R1. (Parcel 16-70260-003) We are NOT in favor of this being passed. Our current R1 zoning protects and enhances our property values, protects open space, guarantees adequate air, light, and privacy to our home, and most importantly will maintain the appearance and quality of life in the future. Thank you for your sincere consideration.

Justin and Julie Madison

From: julie justinternet.com <julie@justinternet.com>
Date: Thursday, September 7, 2023 at 4:12 PM
To: Megan Workman <mworkman@bellavistaar.gov>
Cc: justin justinternet.com <justin@justinternet.com>
Subject: Re: Zone change from R1 to C1

Thank you.

Get [Outlook for Android](#)

From: Megan Workman <mworkman@bellavistaar.gov>
Sent: Thursday, September 7, 2023 12:27:35 PM
To: julie justinternet.com <julie@justinternet.com>
Cc: justin justinternet.com <justin@justinternet.com>
Subject: RE: Zone change from R1 to C1

Good afternoon,

I have received your public comment; a copy will be included in the staff report published on Friday, September 8, 2023.

Megan Workman

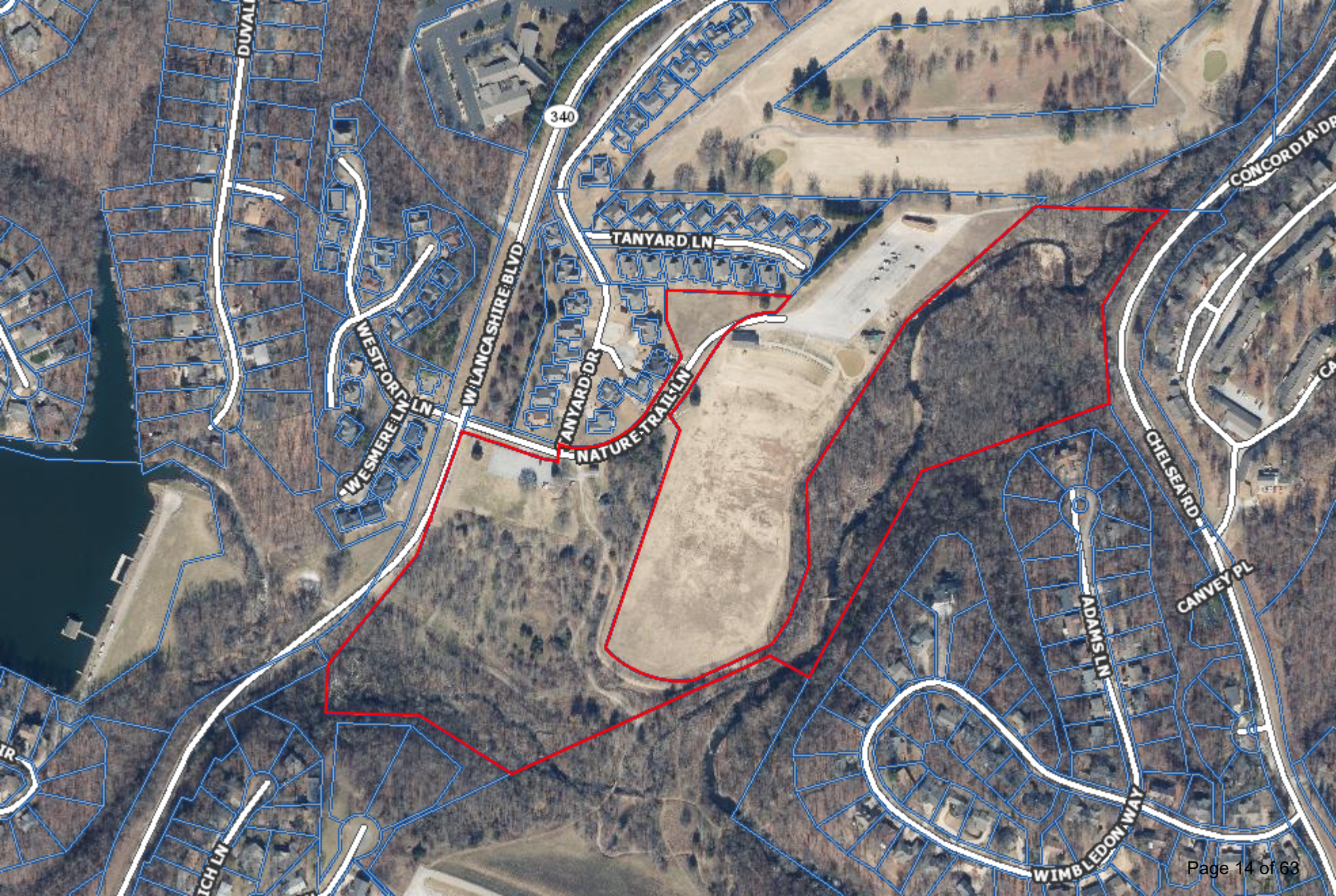
Planner, City of Bella Vista

(479) 268-4980 Ext. 609

[Appointment Booking](#)

Community Development Services

616 W. Lancashire Blvd, Bella Vista, AR





Meeting Information:

2483 Forest Hills Blvd
October 14, 2024

Reviewer:

Christopher Hyatt
Senior Planner

Property Description

This property is located just West of 71 and is located on Parcel #16-03465-000 along Kingsdale Lane.

Request

Per Sec. 109-40(c), the applicant is requesting to rezone their property from R-1 Single-family Residential to C-1 Neighborhood Commercial to consolidate the existing land uses surrounding this parcel.

Background

Per the most recently adopted Zoning Map, this parcel is zoned as R-1 Single-Family Residential. However, it has been a parking lot providing a land use that is not residential in nature prior to the establishment of Bella Vista's zoning ordinance.

The parcel is currently surrounded by the following zoning districts: R-1, Single-Family Residential to the North and South, however it should be noted that the property to the North surrounds an R-3, Multi-family Residential district and the property to the South is part of the Kingsdale golf course. C-1, Neighborhood Commercial is located to the East and West. Surrounding land uses include: commercial recreation, recreation center, retail, restaurant, and off-street parking. By right, off-street parking is only allowed in commercial and industrial districts. Rezoning this parcel to C-1 will bring the rest of the portion of Parcel 16-03465-000 into compliance with off street parking regulations and use type, while also consolidating the area to match the zoning for the rest of the parking lot that is situated across a different parcel.

Public Comment

None at the time of this report.

Legal Notifications

The applicant sent the required certified mail on 9/23/24. Staff posted a public hearing notice in the Democrat Gazette on 9/29/24. Staff posted a public hearing sign on site on 10/4/24.

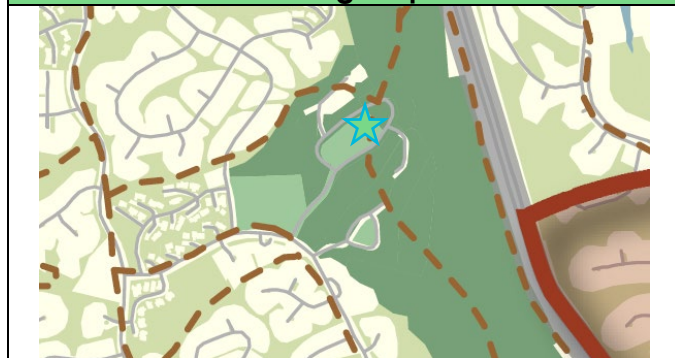
Recommendation

Based on the analysis above, staff recommends approval of this rezone request.

Project Number	RZN-2024-55729
Applicant	Bella Vista POA
Address/Location	2 Kingsdale Lane
Current Zoning	R-1, Single-Family Residential
Site Area	2.65 acres
Nature of Request	Requesting to Rezone the parcel from R-1 to C-1



Zoning Map



Future Land Use

Appendix A of Zoning Code: Table of Permitted Uses: "C" states that the use is allowed with a conditional use permit. "P" states that that use is permitted by right. Any of these uses shown in the C-1 column would be allowed by right (P) or conditionally (C). See the chart below for reference.

Residential Uses	R-1	C-1
Duplex		P
Single-Family	P	P
Townhouse		
Civic Uses	R-1	C-1
Administration	C	P
Cemetery	C	C
Clubs	C	C
College	C	C
Convalescent Services	C	P
Cultural Services	C	C
Day Care	P	P
Education	C	P
Emergency		C
Group Care	P	P
Guidance Services		C
Health Care	C	C
Hospital	C	P
Maintenance Facility		
Parks	P	P
Postal Services		P
Public Assembly	C	P
Recreation	C	C
Religious	C	P
Safety	C	P
Office Uses	R-1	C-1
General		P
Financial		P
Medical		P
Commercial Uses	R-1	C-1
Ag Services		
Auctioneering		
Auto		
Bed & Breakfast	C	P
Business Support		P
Trade School		P
Campground		
Commercial Recreation		P

Commercial Cont.	R-1	C-1
Communications		
Pharmacy		C
Construction		P
Consumer		P
Storage		C
Equipment Rental/Repair		
Food Sales		P
Funeral	C	P
Gaming		
Laundry		P
Liquor		P
Lodging		P
Pawnshop		P
Personal Improvement		P
Personal Services		P
Pet Services		P
RV Storage		
Restaurants		P
Retail		P
Surplus		
Taverns		C
Trade Services		
Travel Center		
Vehicle Storage		
Veterinary		C
Parking Uses	R-1	C-1
Off-Street Parking		P
Parking Structure		P
Industrial Uses	R-1	C-1
Custom		
Recycling		
Office Warehouse		
Misc. Uses	R-1	C-1
Communications Tower	C	C
Medical Marijuana		C

Sec. 109-40 – Zoning Ordinance Amendments

- a) *Authority.* The city council shall have the authority to enact amendments to the text or map of this chapter in accordance with the provisions of this section. Such action may be initiated by the city council, on the recommendation of the planning commission or on petition from a property owner. Before action is taken in regard to any amendment of the ordinance, the planning commission or its staff, shall review the case and give a recommendation. However, nothing in this section shall be construed to limit the city council's authority to recall the ordinances and resolutions by a vote of the majority of the council.
- b) *Guidelines for decision making.* The city council may consider several recommendations and planning documents when attempting to make a decision on the granting of an amendment. Such guidelines may be derived from recommendations from the planning commission or the planning staff; use of provisions of the any existing, master street plan, land use plan, capital improvements plan, or community facilities plan; as well as any other document created to provide required public facilities necessary to protect the public interest. A disapproval by the city council of an amendment shall be final for one year and the same application may not be reinitiated until the expiration of that deadline.
- c) *Procedure for amendments; property owners.*
 - 1. *Application.* An application giving the legal description of the property involved and both the current and requested zoning classification for the property shall be submitted to the planning commission by the owner or his agent pursuant to the city development calendar. The petition shall also include a statement and diagram explaining why the proposed changes will not conflict with the surrounding land uses. The owner shall submit a complete written legal description of the property with the application.
 - 2. *Public notification and hearing.* The planning commission shall hold a public hearing on the proposed amendment. Public notification for property owner-initiated zoning ordinance amendments shall occur pursuant to subsections [109-45\(d\)\(1\)](#) through (3) before such an application may be reviewed by the planning commission.

Sec. 109-42 – Appeals to City Council

- a) *Notice of appeal.* Any decision by the planning commission regarding a rezoning or conditional use permit may be appealed to the city council. In order to make an appeal, the aggrieved party shall file a notice of appeal with the city clerk within 30 days of the planning commission's final action. The notice of appeal shall be filed on forms and in a format prescribed by the planning commission. As a minimum, however, the applicant shall provide the following information:
 - a. Summary of any reasons provided by the planning commission concerning the decision made in the case;
 - b. Reasons the applicant of the appeal contends that the planning commission erred in its decision;
 - c. Reasons the applicant of the appeal believes that the public health, safety, welfare, and morals would be better served if the planning commission's action were reversed; and
 - d. Any new and pertinent information bearing on the case which may not have been available or have been overlooked by the planning commission or which may have come to light following the meeting at which the planning commission made its decision.
- b) *City council action.* Appeals to the city council shall be de novo (brand new); however, they shall first be considered on the record of the public hearing and planning commission meeting at which the original case was heard and the original decision made. Based on this review, the city council may affirm the planning commission's decision, reverse it, or send the case back to the planning commission for further study and re-certification. If new information is placed before the council that, in the opinion of the council, would affect the planning commission's decision, the council may refer the case back to the planning commission for further study, including the new information, and recertification.



August 19, 2024

RE: 16-03465-000 Kingsdale Parking Lot

Bella Vista Planning Commission and City Council

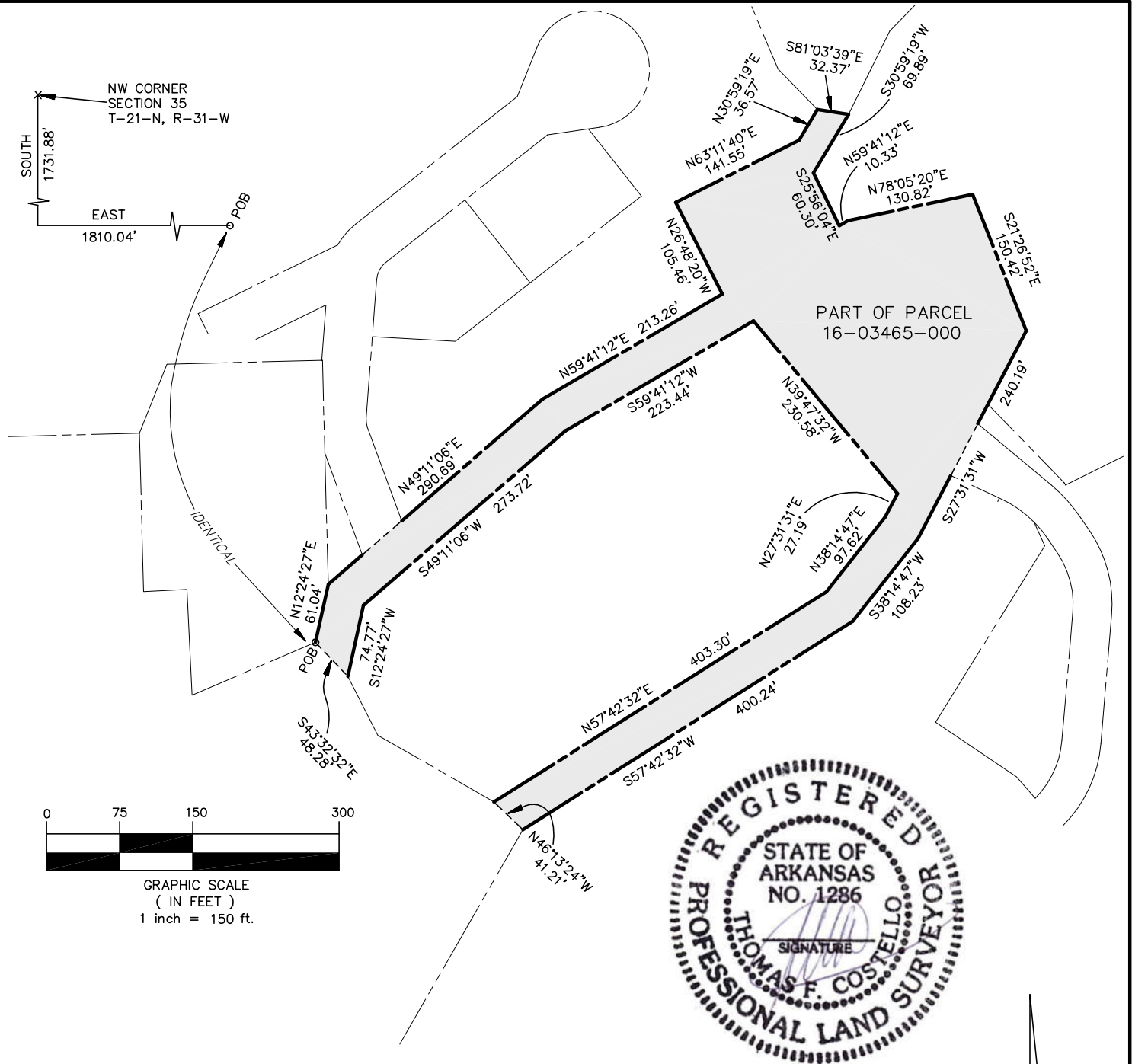
The Property Owners Association is requesting the rezoning of a parcel at Kingsdale Parking Lot from R-1 to C-1. Since the clubhouse to the north and the parking lot to the southwest are both zoned C-1, it would make sense to have this parking lot zoned in the same manner. This parking lot is used specifically for commercial purposes.

Thank you for your consideration.

Signed,

Tom Judson

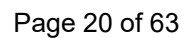
Chief Executive Officer



PART OF THE NW 1/4 OF SECTION 35, TOWNSHIP 21 NORTH, RANGE 31 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS. MORE PARTICULARLY DESCRIBED AS FOLLOW:

COMMENCING AT THE NW CORNER OF SAID SECTION 35; THENCE SOUTH 1731.88 FEET; THENCE EAST 1810.04 FEET TO THE POINT OF BEGINNING; THENCE N12°24'27"E 61.04 FEET; THENCE N49°11'06"E 290.69 FEET; THENCE N59°41'12"E 213.26 FEET; THENCE N26°48'20"W 105.46 FEET; THENCE N63°11'40"E 141.55 FEET; THENCE N30°59'19"E 36.57 FEET; THENCE S81°03'39"E 32.37 FEET; THENCE S30°59'19"W 69.89 FEET; THENCE S25°56'04"E 60.30 FEET; THENCE N59°41'12"E 10.33 FEET; THENCE N78°05'20"E 130.82 FEET; THENCE S21°26'52"E 150.42 FEET; THENCE S27°31'31"W 240.19 FEET; THENCE S38°14'47"W 108.23 FEET; THENCE S57°42'32"W 400.24 FEET; THENCE N46°13'24"W 41.21 FEET; THENCE N57°42'32"E 403.30 FEET; THENCE N38°14'47"E 97.62 FEET; THENCE N27°31'31"E 27.19 FEET; THENCE N39°47'32"W 230.58 FEET; THENCE S59°41'12"W 223.44 FEET; THENCE S49°11'06"W 273.72 FEET; THENCE S12°24'27"W 74.77 FEET; THENCE N43°32'32"W 48.28 FEET TO THE POINT OF BEGINNING. CONTAINING 2.65 ACRES, MORE OR LESS.

09/19/2024







Meeting Information:

2483 Forest Hills Blvd
Oct. 3rd, 2024 at 4:30 pm

Reviewer:

Conner LaRue,
Planner

Property Description

This property is located southeast of the Leyland Dr. and Trafalgar Rd. intersection. It is located within Parcel #16-18693-000.

Request

Per Sec. 109-40(c), the applicant is requesting to rezone a portion of their property (metes and bounds herein) from R-1 Single Family to C-1 Neighborhood Commercial.

Background

Per the most recently adopted Zoning Map, this parcel is zoned as R-1 Single Family. The Master Street Plan shows Trafalgar Rd. as a minor arterial street and Leyland Dr. as a residential street. The area is currently surrounded by the following commercial use types: residential, religious (civic), and utility (civic/commercial).

The most recently adopted Comprehensive Plan's Future Land Use map shows the property as a future residential lot. The C-1 District requires that lots be a minimum of 1 acre in size, be at least 100' wide, be 100' deep, and be accessible via major thoroughfare (such as 340). All of these items have been met with this 2.36 proposed rezone area.

The district purpose notes that C-1 is intended to provide small to medium scale office, retail, and commercial developments. *Staff will note, it is unclear whether or not the Tract A and Tract B is platted as provided. There was a recent replat in 2022 that was not approved by the Planning Commission. The previous plat shows this area as two reserved property lots. The plat will need to go through an incidental subdivision with the Planning Commission to bring it to compliance prior to any development review.*

Public Comment

None at the time of this report.

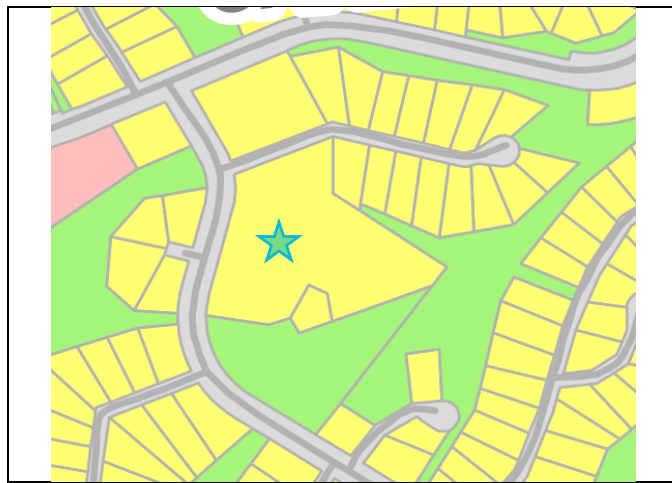
Legal Notifications

The applicant sent the required certified mail on 9/24/24. Staff posted a public hearing notice in the Weekly Vista on 9/25/24. Staff will post a public hearing sign on site 10/4/24.

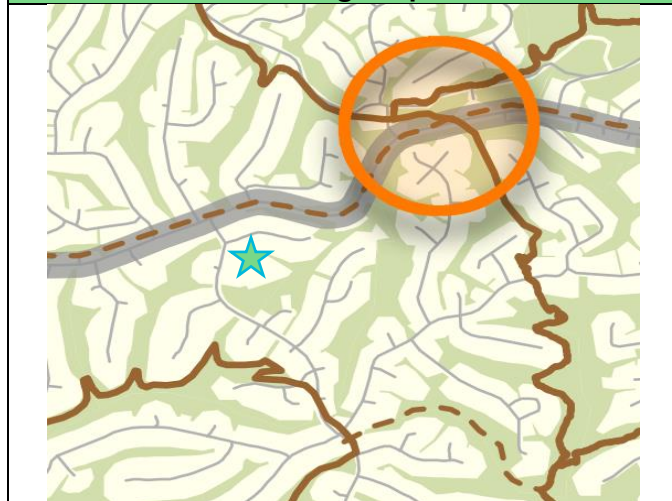
Recommendation

Staff recommends approval of this rezone request as the proposed zoning is aligned with the overall need of more commercial allowance within the 2040 Comp Plan, and is aligned with the adjacent nonresidential uses such as an existing water tower to the east and an existing church to the south. Additionally, this site has direct access to a minor arterial.

Project Number	RZN-2024-55458
Applicant	Tom Judson POA
Address/Location	Near Trafalgar and Leyland
Current Zoning	R-1 Single Family
Site Area	2.36 acres
Nature of Request	Requesting to Rezone the parcel from R-1 to C-1



Zoning Map



Future Land Use

Appendix A of Zoning Code: Table of Permitted Uses: "C" states that the use is allowed with a conditional use permit. "P" states that that use is permitted by right. Any of these uses shown in the C-1 column would be allowed by right (P) or conditionally (C). See the chart below for reference.

Residential Uses	R-1	C-1
Duplex		P
Single-Family		P
Townhouse		
Civic Uses	R-1	C-1
Administration		P
Cemetery	P	C
Clubs	P	C
College		C
Convalescent Services		P
Cultural Services		C
Day Care		P
Education		P
Emergency		C
Group Care		P
Guidance Services		C
Health Care		C
Hospital		P
Maintenance Facility		
Parks	P	P
Postal Services		P
Public Assembly		P
Recreation	P	C
Religious		P
Safety	P	P
Utilities	C	C
Office Uses	R-1	C-1
General		P
Financial		P
Medical		P
Commercial Uses	R-1	C-1
Ag Services		
Auctioneering		
Auto		
Bed & Breakfast		P
Business Support		P
Trade School		P
Campground		
Commercial Recreation		P

Commercial Cont.	R-1	C-1
Communications		
Pharmacy		C
Construction		P
Consumer		P
Storage		C
Equipment Rental/Repair		
Food Sales		P
Funeral		P
Gaming		
Laundry		P
Liquor		P
Lodging		P
Pawnshop		P
Personal Improvement		P
Personal Services		P
Pet Services		P
RV Storage		
Restaurants		P
Retail		P
Surplus		
Taverns		C
Trade Services		
Travel Center		
Vehicle Storage		
Veterinary		C
Parking Uses	R-1	C-1
Off-Street Parking		P
Parking Structure		P
Industrial Uses	R-1	C-1
Custom		
Recycling		
Office Warehouse		
Misc. Uses	R-1	C-1
Communications Tower	C	C
Medical Marijuana		C

Sec. 109-40 – Zoning Ordinance Amendments

- a) *Authority.* The city council shall have the authority to enact amendments to the text or map of this chapter in accordance with the provisions of this section. Such action may be initiated by the city council, on the recommendation of the planning commission or on petition from a property owner. Before action is taken in regard to any amendment of the ordinance, the planning commission or its staff, shall review the case and give a recommendation. However, nothing in this section shall be construed to limit the city council's authority to recall the ordinances and resolutions by a vote of the majority of the council.
- b) *Guidelines for decision making.* The city council may consider several recommendations and planning documents when attempting to make a decision on the granting of an amendment. Such guidelines may be derived from recommendations from the planning commission or the planning staff; use of provisions of the any existing, master street plan, land use plan, capital improvements plan, or community facilities plan; as well as any other document created to provide required public facilities necessary to protect the public interest. A disapproval by the city council of an amendment shall be final for one year and the same application may not be reinitiated until the expiration of that deadline.
- c) *Procedure for amendments; property owners.*
 - 1. *Application.* An application giving the legal description of the property involved and both the current and requested zoning classification for the property shall be submitted to the planning commission by the owner or his agent pursuant to the city development calendar. The petition shall also include a statement and diagram explaining why the proposed changes will not conflict with the surrounding land uses. The owner shall submit a complete written legal description of the property with the application.
 - 2. *Public notification and hearing.* The planning commission shall hold a public hearing on the proposed amendment. Public notification for property owner-initiated zoning ordinance amendments shall occur pursuant to subsections [109-45\(d\)\(1\)](#) through (3) before such an application may be reviewed by the planning commission.

Sec. 109-42 – Appeals to City Council

- a) *Notice of appeal.* Any decision by the planning commission regarding a rezoning or conditional use permit may be appealed to the city council. In order to make an appeal, the aggrieved party shall file a notice of appeal with the city clerk within 30 days of the planning commission's final action. The notice of appeal shall be filed on forms and in a format prescribed by the planning commission. As a minimum, however, the applicant shall provide the following information:
 - a. Summary of any reasons provided by the planning commission concerning the decision made in the case;
 - b. Reasons the applicant of the appeal contends that the planning commission erred in its decision;
 - c. Reasons the applicant of the appeal believes that the public health, safety, welfare, and morals would be better served if the planning commission's action were reversed; and
 - d. Any new and pertinent information bearing on the case which may not have been available or have been overlooked by the planning commission or which may have come to light following the meeting at which the planning commission made its decision.
- b) *City council action.* Appeals to the city council shall be de novo (brand new); however, they shall first be considered on the record of the public hearing and planning commission meeting at which the original case was heard and the original decision made. Based on this review, the city council may affirm the planning commission's decision, reverse it, or send the case back to the planning commission for further study and re-certification. If new information is placed before the council that, in the opinion of the council, would affect the planning commission's decision, the council may refer the case back to the planning commission for further study, including the new information, and recertification.



August 1, 2024

RE: 16-18693-000 Trafalgar Road and Leyland Drive

Bella Vista Planning Commission and City Council

With the growth we have seen on the east side of our community, the POA Water Utility will need to construct an additional water tower in the near future to service this portion of our community.

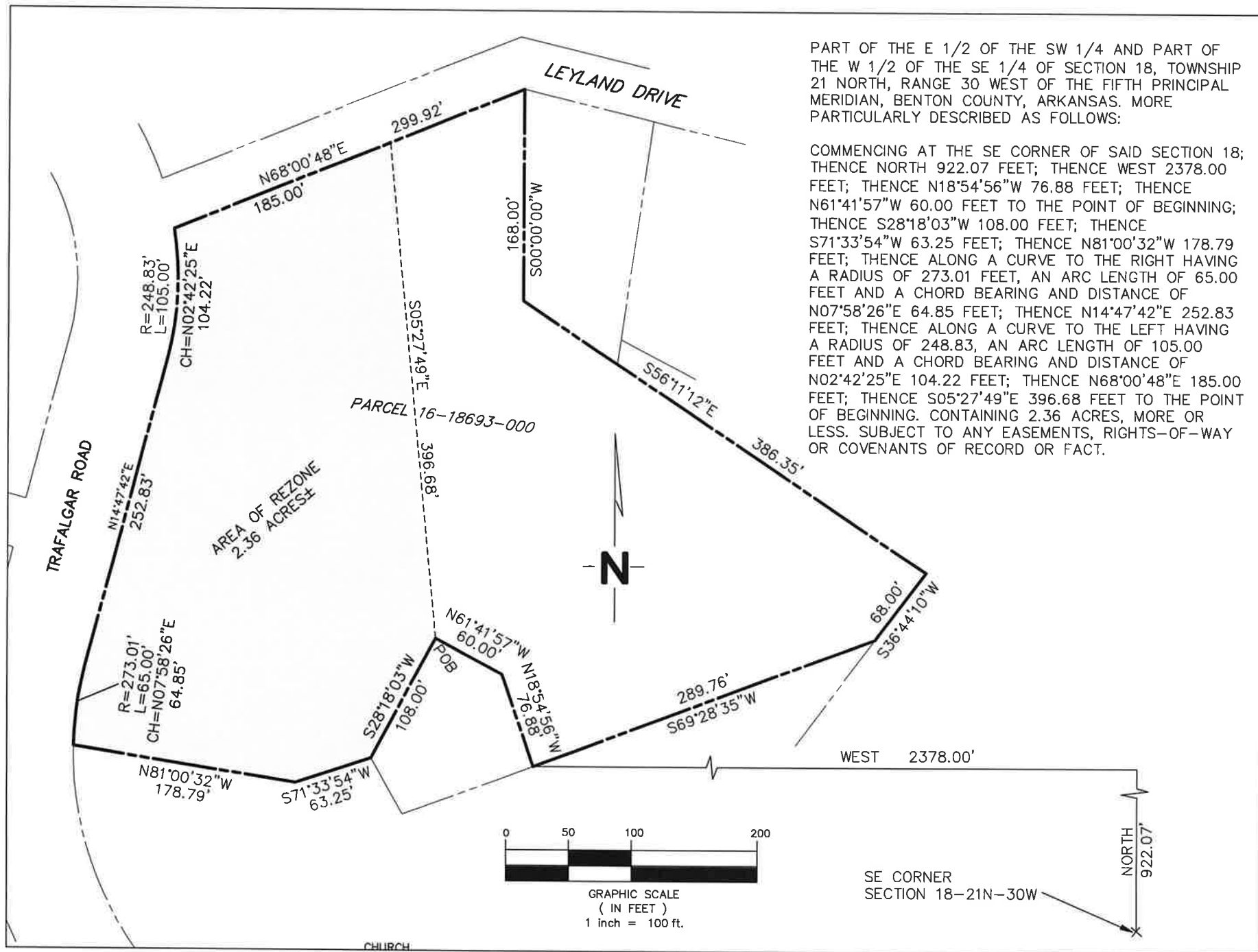
Last year, the POA requested rezoning of this parcel, but we were denied this request. One of the concerns that was brought up at that time was the need for a “buffer” between the C-1 parcel and the R-1 lots located to the east. Due to this concern, we are asking for only the western portion of the parcel to be rezoned to C-1, with no changes made to the eastern portion of the parcel. A survey is included in the application to clarify the portion of the parcel the POA would like to rezone.

Thank you for your attention to this issue.

Signed,

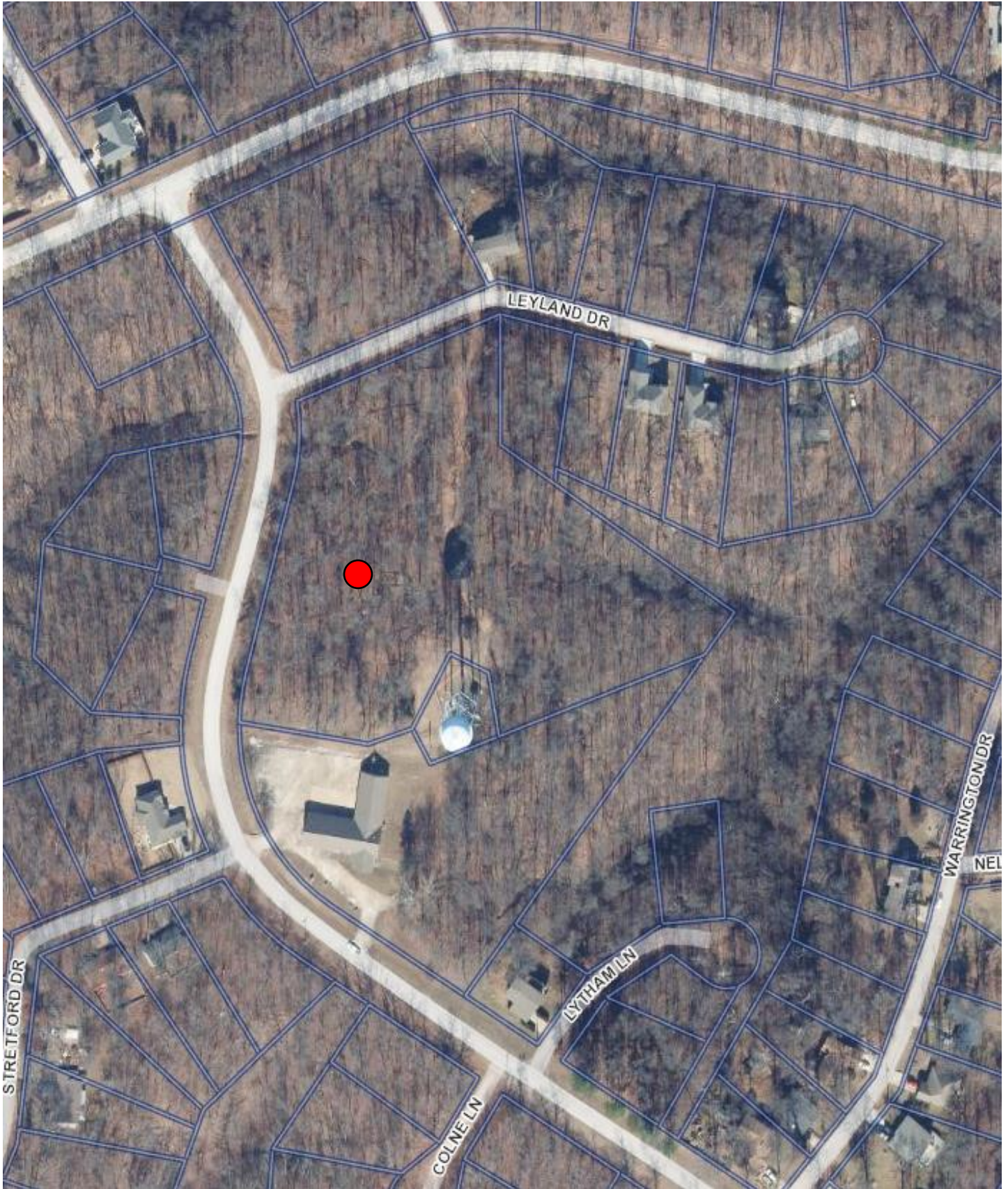
A handwritten signature in blue ink, appearing to read "Tom Judson".

Tom Judson
Chief Executive Officer



PART OF THE E 1/2 OF THE SW 1/4 AND PART OF THE W 1/2 OF THE SE 1/4 OF SECTION 18, TOWNSHIP 21 NORTH, RANGE 30 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SE CORNER OF SAID SECTION 18; THENCE NORTH 922.07 FEET; THENCE WEST 2378.00 FEET; THENCE N18°54'56"W 76.88 FEET; THENCE N61°41'57"W 60.00 FEET TO THE POINT OF BEGINNING; THENCE S28°18'03"W 108.00 FEET; THENCE S71°33'54"W 63.25 FEET; THENCE N81°00'32"W 178.79 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 273.01 FEET, AN ARC LENGTH OF 65.00 FEET AND A CHORD BEARING AND DISTANCE OF N07°58'26"E 64.85 FEET; THENCE N14°47'42"E 252.83 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 248.83, AN ARC LENGTH OF 105.00 FEET AND A CHORD BEARING AND DISTANCE OF N02°42'25"E 104.22 FEET; THENCE N68°00'48"E 185.00 FEET; THENCE S05°27'49"E 396.68 FEET TO THE POINT OF BEGINNING. CONTAINING 2.36 ACRES, MORE OR LESS. SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY OR COVENANTS OF RECORD OR FACT.



This Instrument Prepared By and Please Return To:

Gene Groseclos
Cooper Communities, Inc.
903 North 47th Street
Rogers, AR 72756

SPECIAL WARRANTY DEED

STATE OF ARKANSAS)

ss

COUNTY OF BENTON)

KNOW ALL PERSONS BY THESE PRESENTS THAT:

COOPER COMMUNITIES, INC., an Delaware corporation (hereinafter called "Grantor"), for and in consideration of the sum of Ten and no/100 Dollars (\$10.00) and other good and valuable consideration in hand paid by **BELLA VISTA VILLAGE PROPERTY OWNERS ASSOCIATION, INC., an Arkansas non-profit corporation**, (hereinafter called "Grantee"), has GRANTED, SOLD AND CONVEYED and by these presents does GRANT, SELL AND CONVEY unto Grantee that certain real property situated in Benton County, Arkansas and more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes, together with Grantor's rights and interests in all improvements, structures and fixtures, if any, located thereon, and all rights, titles and interests of Grantor appurtenant thereto (all of the above-described properties being hereafter collectively referred to as the "Property"). This conveyance is made and accepted subject to (a) taxes and special assessments due on or before the date of purchase (b) zoning laws and regulations and ordinances of municipal and other governmental authorities, if any, affecting the Property, and (c) the matters set forth on Exhibit "B" attached hereto and made a part hereof for all purposes (all of the foregoing being hereinafter collectively referred to as the "Permitted Encumbrances").

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantee, its successors and assigns forever, and subject to the Permitted Encumbrances, Grantor does hereby bind itself, its successors and assigns, to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

GRANTEE ACKNOWLEDGES AND AGREES THAT EXCEPT FOR THE WARRANTIES OF TITLE SET FORTH HEREIN GRANTOR HAS NOT MADE, AND GRANTOR HEREBY SPECIFICALLY DISCLAIMS, ANY WARRANTY, GUARANTY OR REPRESENTATION, ORAL OR

WRITTEN, PAST, PRESENT, OR FUTURE, OF, AS TO, OR CONCERNING (i) THE NATURE AND CONDITION OF THE PROPERTY, INCLUDING, WITHOUT LIMITATION, THE WATER, SOIL AND GEOLOGY, AND THE SUITABILITY THEREOF AND OF THE PROPERTY FOR ANY AND ALL ACTIVITIES AND USES WHICH GRANTEE MAY ELECT TO CONDUCT THEREON; (ii) THE EXISTENCE, NATURE AND EXTENT OF ANY RIGHT-OF-WAY, LEASE, RIGHT TO POSSESSION OR USE, LIEN, ENCUMBRANCE, LICENSE, RESERVATION, CONDITION OR OTHER MATTER AFFECTING TITLE TO THE PROPERTY, AND (iii) THE COMPLIANCE OF THE PROPERTY OR ITS OPERATION WITH ANY LAWS, ORDINANCES OR REGULATIONS OF ANY UNINCORPORATED VILLAGE, GOVERNMENTAL OR OTHER BODY. GRANTEE ACKNOWLEDGES THAT HAVING BEEN GIVEN THE OPPORTUNITY TO INSPECT THE PROPERTY, GRANTEE IS RELYING SOLELY ON ITS OWN INVESTIGATION OF THE PROPERTY AND NOT ON ANY INFORMATION PROVIDED BY GRANTOR. GRANTEE FURTHER ACKNOWLEDGES THAT ANY INFORMATION PROVIDED WITH RESPECT TO THE PROPERTY WAS OBTAINED FROM A VARIETY OF SOURCES AND GRANTOR (i) HAS NOT MADE ANY INDEPENDENT INVESTIGATION OR VERIFICATION OF SUCH INFORMATION AND (ii) MAKES NO REPRESENTATIONS OR WARRANTIES AS TO THE ACCURACY OR COMPLETENESS OF SUCH INFORMATION. GRANTEE ACCEPTS THE PROPERTY, AND ACKNOWLEDGES THAT THE CONVEYANCE OF THE PROPERTY TO GRANTEE IS MADE BY GRANTOR, ON AN "AS IS, WHERE IS, AND WITH ALL FAULTS" BASIS. GRANTEE EXPRESSLY ACKNOWLEDGES THAT, EXCEPT AS OTHERWISE SPECIFIED HEREIN GRANTOR MAKES NO WARRANTY OR REPRESENTATION OF ANY KIND, ORAL OR WRITTEN, EXPRESS OR IMPLIED, OR ARISING BY OPERATION OF LAW, INCLUDING, BUT NOT LIMITED TO, ANY WARRANTY OF CONDITION, HABITABILITY, MERCHANTABILITY OR FITNESS FOR A PARTICULAR USE OR PURPOSE, WITH RESPECT TO THE PROPERTY.

FURTHER AND WITHOUT ANY WAY LIMITING ANY OTHER PROVISION CONTAINED HEREIN EXCEPT AS OTHERWISE EXPRESSLY PROVIDED HEREIN, GRANTOR MAKES NO REPRESENTATION OR WARRANTY WITH RESPECT TO THE PRESENCE ON OR BENEATH THE PROPERTY (OR ANY PARCEL IN PROXIMITY THERETO) OF HAZARDOUS SUBSTANCES OR MATERIALS WHICH ARE CATEGORIZED AS HAZARDOUS OR TOXIC UNDER ANY LOCAL, STATE OR FEDERAL LAW, STATUTE, ORDINANCE, RULE OR REGULATION PERTAINING TO ENVIRONMENTAL OR SUBSTANCE REGULATION, CONTAMINATION, CLEANUP OR DISCLOSURE AND SHALL HAVE NO LIABILITY TO GRANTEE THEREFORE. GRANTEE ACKNOWLEDGES THAT GRANTEE'S OPPORTUNITY FOR INSPECTION AND INVESTIGATION OF THE PROPERTY (AND OTHER PARCELS IN PROXIMITY THERETO) HAS BEEN ADEQUATE TO ENABLE GRANTEE TO MAKE GRANTEE'S OWN DETERMINATION WITH RESPECT TO THE PRESENCE ON OR BENEATH THE PROPERTY (AND OTHER PARCELS IN PROXIMITY THERETO) OF SUCH HAZARDOUS SUBSTANCES OR MATERIALS, AND EXCEPT AS OTHERWISE EXPRESSLY PROVIDED HEREIN, GRANTEE ACCEPTS THE RISK OF THE PRESENCE OF ANY SUCH SUBSTANCES OR MATERIALS.

GRANTEE'S AGREEMENT TO, AND ACKNOWLEDGEMENT OF, THE VARIOUS MATTERS SPECIFIED IN THIS SPECIAL WARRANTY DEED SHALL BE CONCLUSIVELY EVIDENCED BY GRANTEE'S ACCEPTANCE HEREOF.

EXECUTED to be effective for all purposes as of the 28th day of October 2021.

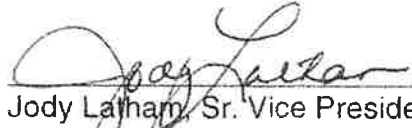
GRANTOR:
COOPER COMMUNITIES, INC.

ATTEST:



Gene Groseclos, Assistant Secretary

By:



Jody Latham, Sr. Vice President

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.

Grantee/Affiant or Agent

STATE OF ARKANSAS)

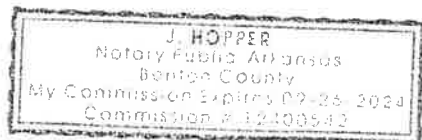
ss:

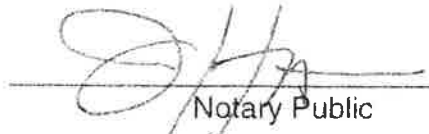
ACKNOWLEDGEMENT

COUNTY OF BENTON)

On this day before me, a Notary Public duly qualified, commissioned and acting within and for said County and State, appeared in person the within named Jody Latham, Sr. Vice President, and Gene Groseclos, as Assistant Secretary, to me personally well known, who stated that they were duly authorized in their respective capacities to execute the foregoing instrument for and on behalf of said corporation, and further stated and acknowledged that they had so signed, executed and delivered said foregoing 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 28th day of October 2021.





Notary Public

Return to: Cooper Communities, Inc.
Cooper Realty Investments, Inc.
903 North 47th Street
Rogers, AR 72756
Attention Gene Groseclos

THIS INSTRUMENT PREPARED BY:
Legal Dept. Cooper Communities, Inc.
903 North 47th Street
Rogers, AR 72756

EXHIBIT A**TRACT 'A'**

PART OF THE E 1/2 OF THE SW 1/4 AND PART OF THE W 1/2 OF THE SE 1/4 OF SECTION 18, TOWNSHIP 21 NORTH, RANGE 30 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS. ALSO BEING SHOWN AS RESERVED PROPERTIES ON THE RECORD PLAT OF LANCASHIRE SUBDIVISION AS RECORDED IN PLAT BOOK 'I' AT PAGE 11. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SE CORNER OF SAID SECTION 18; THENCE NORTH 922.89 FEET; THENCE WEST 2373.52 FEET TO THE POINT OF BEGINNING; THENCE N18°53'15"W 76.88 FEET; THENCE N61°40'16"W 60.00 FEET; THENCE S28°19'44"W 108.00 FEET; THENCE S71°35'35"W 63.25 FEET; THENCE N80°55'17"W 179.02 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF TRAFALGAR ROAD; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF TRAFALGAR ROAD THE FOLLOWING COURSES: ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 273.80 FEET, AN ARC LENGTH OF 64.50 FEET AND A CHORD BEARING AND DISTANCE OF N07°51'18"E 64.35 FEET; THENCE N14°47'42"E 252.83 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 248.83 FEET, AN ARC LENGTH OF 105.00 FEET AND A CHORD BEARING AND DISTANCE OF N02°42'25"E 104.22 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF LEYLAND DRIVE; THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY LINE TRAFALGAR ROAD AND ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF LEYLAND DRIVE N67°57'24"E 299.17 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE OF LEYLAND DRIVE S00°00'00"W 168.00 FEET; THENCE S56°17'05"E 387.45 FEET; THENCE S36°45'51"W 68.00 FEET; THENCE S69°30'16"W 289.76 FEET TO THE POINT OF BEGINNING. SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY OR COVENANTS OF RECORD OR FACT.

TRACT 'B'

PART OF THE SE 1/4 OF THE SW 1/4 OF SECTION 19, TOWNSHIP 21 NORTH, RANGE 30 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS. BEING PART OF THE PARCEL SHOWN AS 6.49 ACRE RESERVED PROPERTIES ON THE RECORD PLAT OF TRAFALGAR SUBDIVISION AS RECORDED IN PLAT BOOK 'I' AT PAGE 61. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SE CORNER OF SAID SECTION 19; THENCE WEST 3663.40 FEET; THENCE SOUTH 113.78 FEET TO A POINT ON THE RIGHT-OF-WAY LINE OF SANDHURST DRIVE, SAID POINT BEING THE NW CORNER OF LOT 24, BLOCK 4 OF BERKSHIRE SUBDIVISION; THENCE N28°47'27"E 418.37 FEET; THENCE N58°43'30"W 159.50 FEET TO THE POINT OF BEGINNING; THENCE S79°58'56"W 98.14 FEET TO THE LAKE ANN BOUNDARY; THENCE ALONG SAID LAKE ANN BOUNDARY N05°45'59"W 96.78 FEET; THENCE LEAVING SAID LAKE ANN BOUNDARY S53°19'32"E 132.63 FEET TO THE POINT OF BEGINNING.

EXHIBIT B

1. Any defect, lien, encumbrance, adverse claims, or other matter that appear in the Public Records.
2. General and special taxes for the year 2021 and subsequent years which are not yet due and payable. Taxes for the year 2019 and prior years are paid.
3. Encroachments, violations, variations, overlaps, boundary line disputes, and any matters which would be disclosed by an accurate survey and inspection of the premises.
4. Rights or claims of parties in possession not shown by the Public Records.
5. Easements, or claims of easements, not shown by the Public Records or which would be disclosed by an accurate survey and inspection of the premises.
6. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
7. Taxes or special assessments, if any, which are not shown as existing liens by the Public Records.
8. Loss arising from and/or resulting from oil, gas and/or all other minerals, conveyed, retained, leased, assigned or any other activity concerning the sub-surface rights or ownership, including but not limited to the right of ingress or egress for said sub-surface purposes.
9. Loss arising from Judgments and Liens of record in any United States District Court in the State of AR.
10. Loss arising from security interest evidenced by Financing Statements and Liens filed of record as of the effective date hereof, under the Arkansas Uniform Commercial Code in the State of Arkansas.
11. Loss resulting from any dues, fees, levies and/or assessments which become due and payable to Lancashire Property Owners Association.
12. Reservations, Restrictions, Easements, Dedications, Right of Ways and Setback Lines as may be shown upon the recorded plat of said Subdivision/Addition, filed for record in Plat Record Book "I" at Page 11 of the Records of Benton County, Arkansas. (Tract A)
13. Reservations, Restrictions, Easements, Dedications, Rights of Way and Setback lines as may be set forth in Protective Covenants and/or Bill of Assurances recorded in Record Book 373 at Page 08, Amended in Instrument No. 93-8028 and Supplemental Covenants in Record Book 390 at Page 540 of the Records of Benton County, Arkansas. (Tract A)

14. Reservations, Restrictions, Easements, Dedications, Right of Ways and Setback Lines as may be shown upon plat of survey dated March 23, 2021 by Costello Land Surveying, Thomas F. Costello, RPLS # 1286. (Tract A)
15. Rights of Public and others to use that portion of subject property, if any, lying within the roadway on West side of subject property. (Tract A)
16. Reservations, Restrictions, Easements, Dedications, Right of Ways and Setback Lines as may be shown upon the recorded plat of said Subdivision/Addition, filed for record in/as Instrument No. L202150565 of the records of Benton County, AR. (Tract B)
17. Reservations, Restrictions, Easements, Dedications, Right of Ways and Setback Lines as may be shown upon the recorded plat of said Subdivision/Addition, filed for record in Plat Record Book "I" at Page 61 of the Records of Benton County, Arkansas. (Tract B)
18. Reservations, Restrictions, Easements, Dedications, Rights of Way and Setback lines as may be set forth in Protective Covenants and/or Bill of Assurances recorded in Record Book 373 at Page 08, Amended in Instrument No. 93 8028 and Supplemental Covenants in Record Book 394 at Page 88 of the Records of Benton County, Arkansas. (Tract B)



STATE OF ARKANSAS
DEPARTMENT OF FINANCE AND ADMINISTRATION
MISCELLANEOUS TAX SECTION
P.O. BOX 896, LITTLE ROCK, AR 72203-0896

Real Estate Transfer Tax Stamp

Proof of Tax Paid



File Number: 2112070-112

Grantee: BELLA VISTA POA
Mailing Address: 98 CLUBHOUSE DR
BELLA VISTA AR 727150000

Grantor: COOPER COMMUNITIES INC.,
Mailing Address: 903 N 47TH ST
ROGERS AR 727560000

Property Purchase Price: \$69,500.00
Tax Amount: \$231.00
County: BENTON
Date Issued: 11/18/2021
Stamp ID: 1523247104

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

Grantee or Agent Name (printed): Bella Vista POA

Grantee or Agent Name (signature): WACO Title as Agent Date: 11/18/21

Address: _____

City/State/Zip: _____



CERTIFICATE OF RECORD
STATE OF ARKANSAS, COUNTY OF BENTON
I hereby certify that this instrument was
Filed and Recorded in the Official Records
in **Doc Num L202186333**
11/18/2021 09:27:21 AM
Brenda DeShields
BENTON COUNTY Circuit Clerk & Recorder



Meeting Information:

2483 Forest Hill Blvd
October 14, 2024 at 4:30 pm

Reviewer:

Megan Workman
Trails & Active Transportation Manager

Property Description

This property is situated in central Bella Vista; located on Parcel #16-40660-000; Lot 77, Block 1 of the Fenchurch Subdivision; south of the intersection of Chelsea Road, a minor arterial, and Fenchurch Drive, a non-classified street.

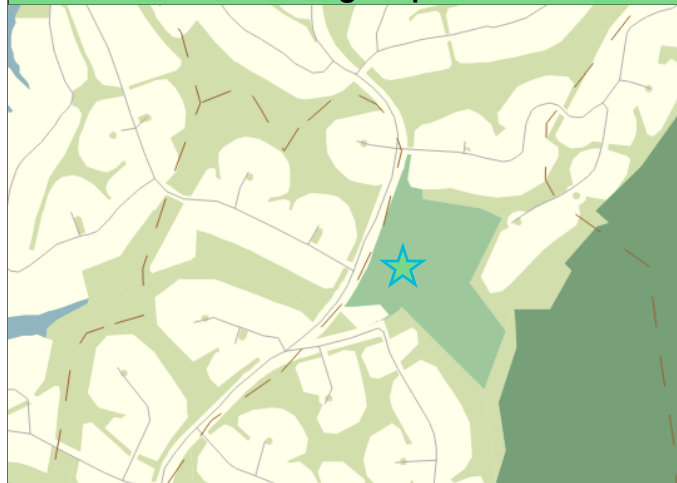
Regulation

Sec. 107-250(m). requires the installation of pedestrian accommodations for all large-scale developments; Sec. 107-315(a)(2)(b). requires a minimum access drive width of 20' for minor arterial adjacent properties; Sec. 107-315(b)(1). requires a 90° intersection for internal drive aisles; Sec. 107-315(b)(2). Stipulates a minimum width of 20' for one-way and 24' for two-way internal drive aisles; Sec. 107-317(b)(2). requires a minimum of 250' of separation between an access drive located on a minor arterial and another intersecting street.

Project Number	WVR-2024-55799
Applicant	Sam Degenhard
Address/Location	101 Chelsea Road
Current Zoning	C-1, Neighborhood Commercial
Site Area	12.15 Acres
Nature of Request	Seeking multiple waivers of the development ordinance.



Zoning Map



Future Land Use

Request

The applicant is requesting waivers from the above referenced sections for proposed redevelopment known as Camp Fire Ranch.

Background

Sec. 107-313(a) stipulates parking facilities and access management shall be provided in accordance with the standards provided in Article XI. for any existing development that is altered in a way that enlarges or increases capacity by adding or creating dwelling units, guest rooms, floor area or seats. The applicant proposes an internal renovation of the existing structure that will result in an increase in the number of dwelling units within. A large-scale development review will be required for this proposal, which will require the installation of pedestrian accommodations along Chelsea Road. The existing access drive is approximately 17 feet wide. The existing two-way internal drive aisle is approximately 12 feet wide on the northwest side. Two parking spaces located on the south side intersect at less than 90° with the drive aisle. The existing drive is located less than 250-feet from the intersection of Fareham Lane and Fenchurch Drive.

Public Comment

None at the time of this report.

Outstanding Technical Comments

None at the time of this report.

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.

Applicant:
Campfire Ranch Little Sugar
PO Box 7056
Gunnison, CO 81230

Project Location:
101 Chelsea Road
Bella Vista, AR 72715

Date: 25 September 2024

To: City of Bella Vista Planning Commission and Planning Department

RE: Waiver Application for 101 Chelsea Road

Dear Planning Commissioners,

We, as the authorized agent for the owners of 101 Chelsea Road, are submitting this narrative and the attached documentation as a request to maintain existing characteristics of the property and therefore, waive certain adjustments that would be required under current City of Bella Vista regulations and ordinances.

Project Overview

This property was developed in the early 1980s for George and Boyce Billingsley, who were key figures in the growth and development of the City of Bella Vista. They commissioned E Fay Jones to design the house on this property. Since the 1990s, this property operated as the Inn at Bella Vista under the careful stewardship of Beverly and Bill Williams.

This is a beloved property that has hosted guests and return visitors for decades. We plan to continue the property's hospitality use and will be submitting for the necessary permits to restore the interior of the structure, improve the interior layout for guests, and repair items on the house's exterior and around the parking areas.

With these improvements, the property will be most accurately classified as a Lodging use, rather than a Bed and Breakfast. The property is zoned C-1 (Neighborhood Commercial) so these are both permitted uses. The structure was previously configured with 7 bedrooms and rented 5 of those to guests. The proposed configuration will include 9 bedrooms that can be rented. The new bedrooms will be created from existing spaces within the structure; no square footage will be added.

Requested Sections to Waive

Chapter 107 – Article IX:

Section 107-250 (m) – pedestrian accommodations

Chapter 107 – Article XI:

Section 107-315 (a2) – access drive width

Section 107-315 (b1) – internal drive aisles

Section 107-315 (b2) – internal drive aisles

Section 107-317 (b2) – distance from intersections

Reasoning for Waiver Request

We are requesting a waiver from the regulations noted above since compliance with these specific sections would substantially alter the character of this property in a way that would make it less compatible with the surrounding neighborhood.

This property is unique within the City of Bella Vista, in terms of its zoning classification, its long-term type of use, and its lot size within a residential neighborhood. The property has been used in a way that is compatible with an E Fay Jones design aesthetic, and we want to continue that tradition. As viewed from the street and from the exterior of the structure, we believe the current look and feel should be maintained. We are able to comply with most sections of the current regulations regarding off-street parking and loading, parking lot design, and bicycle parking, as well as maintaining use and site configuration that is in compliance with the existing C-1 zoning.

However, compliance with the requested waiver sections would require the removal of mature trees and landscaping, a change of the property's street frontage that would not match any other property along this section of Chelsea Road, and would create an aesthetic clash between the existing residential feel of the structure and the new, commercial feel of the parking and driveway area.

Specific Hardship Conditions

In specific request for the waiver from Chapter 107 – Article IX, Section 107-250, this section would require upgraded pedestrian access along the frontage of 101 Chelsea Road. We believe that this upgrade would not be compatible with the surrounding neighborhood. Chelsea Road is primarily residential in character and does not include paved sidewalks, paved trails, or street lighting. If these elements were required to be added, they would not connect to any other pedestrian access. They would also differentiate this property's street frontage from all the others along Chelsea Road, in a way that is not advantageous to neighboring residents.

Regarding the request for waiver from the Chapter 107 – Article XI sections around the access drive and access drive location, we feel that an adjustment to either the size or location of the access drive would not be beneficial to the surrounding neighborhood or and is not necessary to improve traffic flow. The access drive has been in this location for over 40 years and the property has been used by transient guests for decades seemingly without concern. Shifting the access drive to a more central location on the 'block' would require the removal of mature trees and landscaping that screen the parking area and the structure from the road, and would result in a steeper internal driveway.

The request for waiver from the Chapter 107 – Article XI sections would also avoid reconfiguring internal drive aisles and parking areas in a way that would damage the character of this property. In particular, a widening of the internal driveway would require the removal of all the existing mature trees alongside the driveway. We do not believe this adjustment is necessary since the property has been safely accessed with a hospitality use for decades. In addition, compliance with this section would cause environmental damage and would reduce the landscape screening between the driveway and parking areas and the neighboring property.

With the unique size of this property within the neighborhood (~12.5 acres), the internal drive aisles and parking areas do not pose a risk to surface runoff to neighboring properties. The current configuration is tightly integrated with the site's landscaping and is in alignment with the design vision from E Fay Jones. Compliance with parking design standards that have been put in place since the property's construction would disrupt the cohesive aesthetic between the structure and the site, and would require the removal of substantial amounts of landscaping and mature trees.

Conclusion

In conclusion, we request that a waiver from these specific regulations be granted for 101 Chelsea Road. We will comply with most aspects of the updated city regulations through the permitting and site plan review process, however compliance with the sections noted above would substantially alter the character of the property in a way that would make this place less compatible with the surrounding area.

Granting this waiver would not be injurious to other property in the area since this property has been used in this same manner for decades. In addition, since this area is developed and we are not requesting any reconfiguration of the parcel, this waiver would not prevent orderly subdivision of other land in the area.

We appreciate your time and consideration of this request.

Thank you,

Samuel Degenhard, CEO

A handwritten signature in black ink, appearing to be 'SD' with a stylized flourish extending from the end.

Managing Member, Campfire Sugar LLC

Exhibits of Existing Conditions



Image 1. Character of structure and existing internal drive and parking area



Image 2. Existing access drive with mature trees alongside



Image 3. Landscaping adjacent to existing parking areas

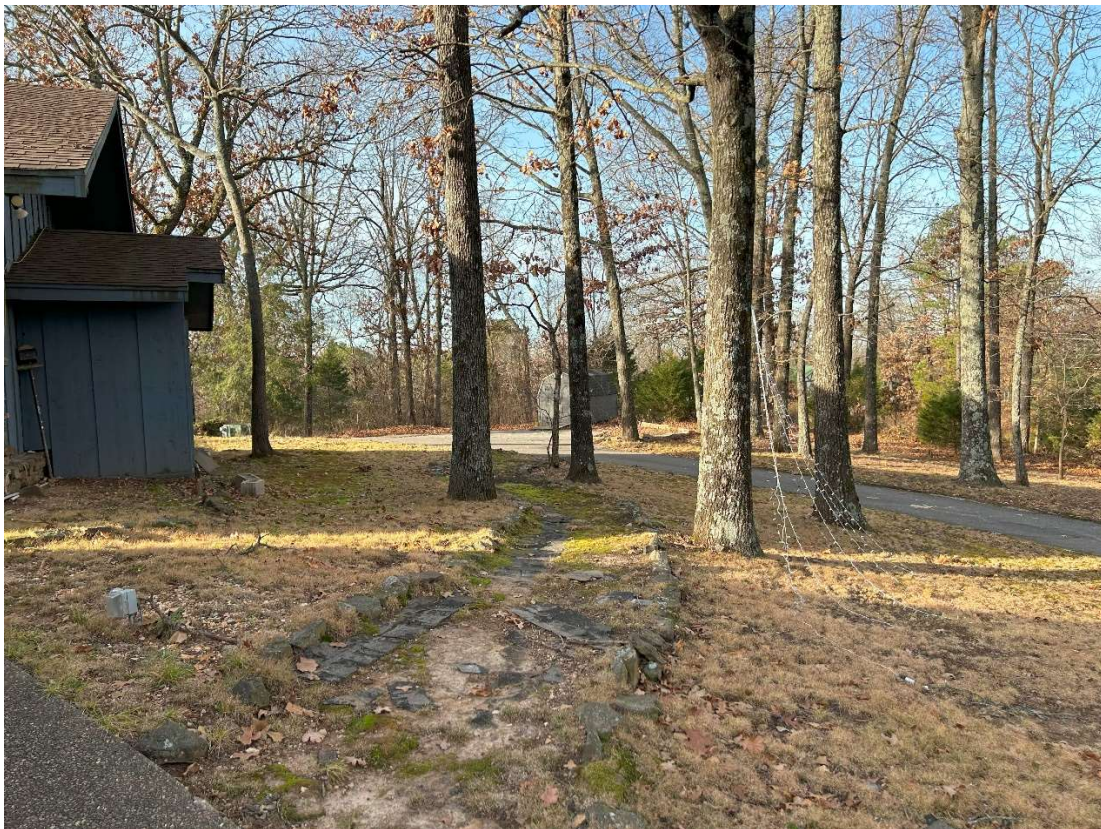


Image 4. Landscaping and mature trees adjacent to existing internal drive aisles

Sheet Number	Sheet Name
T-001	TITLE SHEET
A-010	SITE PLAN - EXISTING
A-011	SITE PLAN - NEW
A-110	FIRST FLOOR PLAN - EXISTING
A-111	FIRST FLOOR PLAN - DEMOLITION
A-112	FIRST FLOOR PLAN - NEW
A-120	SECOND FLOOR PLAN - EXISTING
A-121	SECOND FLOOR PLAN - DEMOLITION
A-122	SECOND FLOOR PLAN - NEW
A-210	FIRST FLOOR RCP - EXISTING
A-211	FIRST FLOOR RCP - NEW
A-220	SECOND FLOOR RCP - EXISTING
A-221	SECOND FLOOR RCP - NEW
A-510	TRIM DETAILS

TRADE (ARCH, MECH, PLUMBING, ELEC.)
DRAWING TYPE (PLAN, SECTION, ETC.)
BUILDING ID (HOUSE, CARPORT)
A-010 ← NUMBER IN SEQUENCE

PROJECT INFO:

ADDRESS: 101 Chelsea Road, Bella Vista, AR, 72715
Parcel #16-40660-000

PROJECT SCOPE DESCRIPTION:

Remodel and restoration of the previous Inn at Bella Vista, which has operated as a Bed and Breakfast for several decades.

No additional enclosed or conditioned square footage is proposed.

Exterior work on the structure is limited to siding and roofing repair and replacement, exterior painting and staining, and a replacement of the current elevated deck.

Exterior site work might include: landscape replacement and new planting, irrigation system maintenance, pool and pool deck maintenance, asphalt driveway and parking area repairs and resurfacing, and new outdoor firepits, softscape, and seating.

No new fences are proposed.

No new retaining walls are proposed.

APPLICABLE CODES:

- Arkansas Fire Prevention Code, 2012 edition.
- NFPA 70, National Electrical Codes, 2008 edition.
- Arkansas Energy Code for New Building Construction, 2004 edition, which is based on the 2003 International Energy Conservation Code.
- Arkansas Fuel Gas Code, 2006 edition.
- Arkansas Mechanical Code, 2003 edition.
- Arkansas Plumbing Code, 2006 edition.

ZONING:

Zoning C-1 (Neighborhood Commercial)

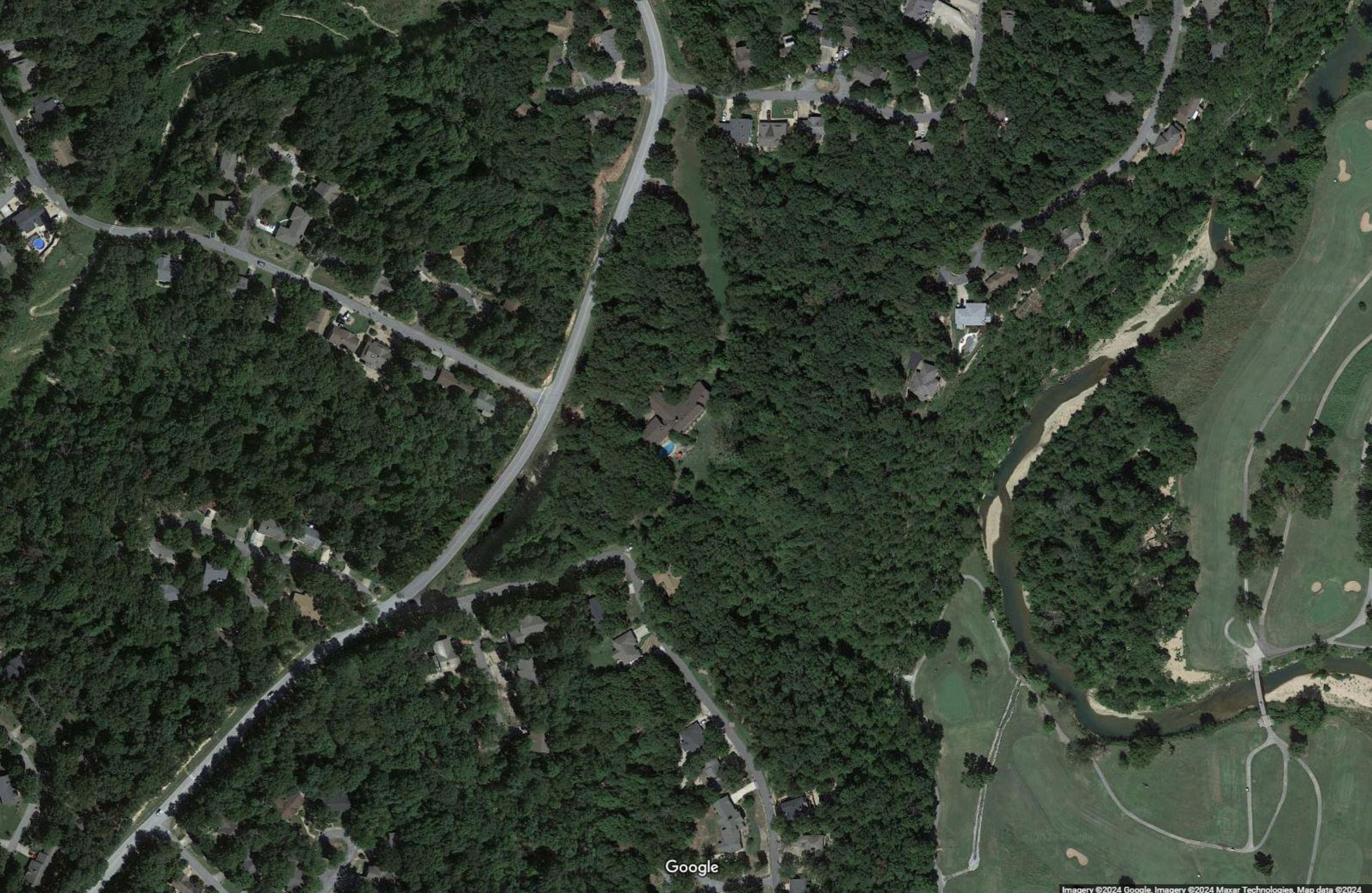
ZONING REGULATIONS (Sec. 109-80):

- (1) Lot and area requirements:
- a. The minimum lot size shall be no less than 43,560 square feet (1.0 acre) in size.
 - b. The minimum street frontage shall be no less than one hundred feet (100').
 - c. The minimum lot width shall be no less than one hundred feet (100'). Lot width is measured at the building setback.
 - d. The minimum lot depth shall be no less than one hundred feet (100').
 - e. At least twenty-five percent (25%) of the parcel area shall be left undeveloped as green space.
 - f. Maximum lot coverage shall be no more than sixty percent (60%) of the parcel area.
- (2) Setback requirements:
- a. Minimum front setback from all property lines shall be fifty feet (50').
 - b. A minimum side setback of twenty-five feet (25') shall be established parallel to all street right-of-way lines.
 - c. A minimum side setback of twenty feet (20') shall be established parallel to side property lines that are adjacent to a non-residential district.
 - d. A minimum side setback of twenty-five feet (25') shall be established parallel to side property lines that are adjacent to a residential district.
 - e. A minimum separation of at least ten feet (10') shall be maintained between buildings within a single development.
 - f. A minimum rear setback of twenty feet (20') shall be established parallel to rear property lines that are adjacent to a non-residential district.
 - g. A minimum rear setback of twenty-five feet (25') shall be established parallel to rear property lines that are adjacent to a residential district.
- (3) Height requirements. Maximum forty feet (40').

REQUESTED ALLOWABLE USE(S):

The property has been used as a Bed and Breakfast for several decades. In addition to the current Bed and Breakfast use, the following permitted uses are requested with this remodel:

- Lodging
- Food Sales
- Liquor Sales



ABBREVIATIONS

CL	CENTER LINE
B.O.B.	BOTTOM OF BEAM
B.W.	BOTH WAYS
C.B.	CATCH BASIN
CONC.	CONCRETE
DRWG.	DRAWING
EL.	ELEVATION
EQ.	APPROVED EQUAL
F.D.G.T.	FIXED DOUBLE GLASS TEMPERED
F.F.E.	FINISH FLOOR ELEVATION
F.P.H.B.	FROST PROOF HOSE BIB
F.S.G.T.	FIXED SINGLE GLASS TEMPERED
G.F.I.	GROUND FAULT INTERRUPTER
GYP.	GYPSUM
N.I.C.	NOT IN CONTRACT
N.T.S.	NOT TO SCALE
O.C.	ON CENTER
PLY.	PLYWOOD
R.C.P.	REFLECTED CEILING PLAN
R.O.	ROUGH OPENING
SIM.	SIMILAR
STL.	STEEL
T.O.B.	TOP OF BEAM
T.O.S.	TOP OF SLAB
T.O.W.	TOP OF WALL
TYP.	TYPICAL
WD.	WOOD

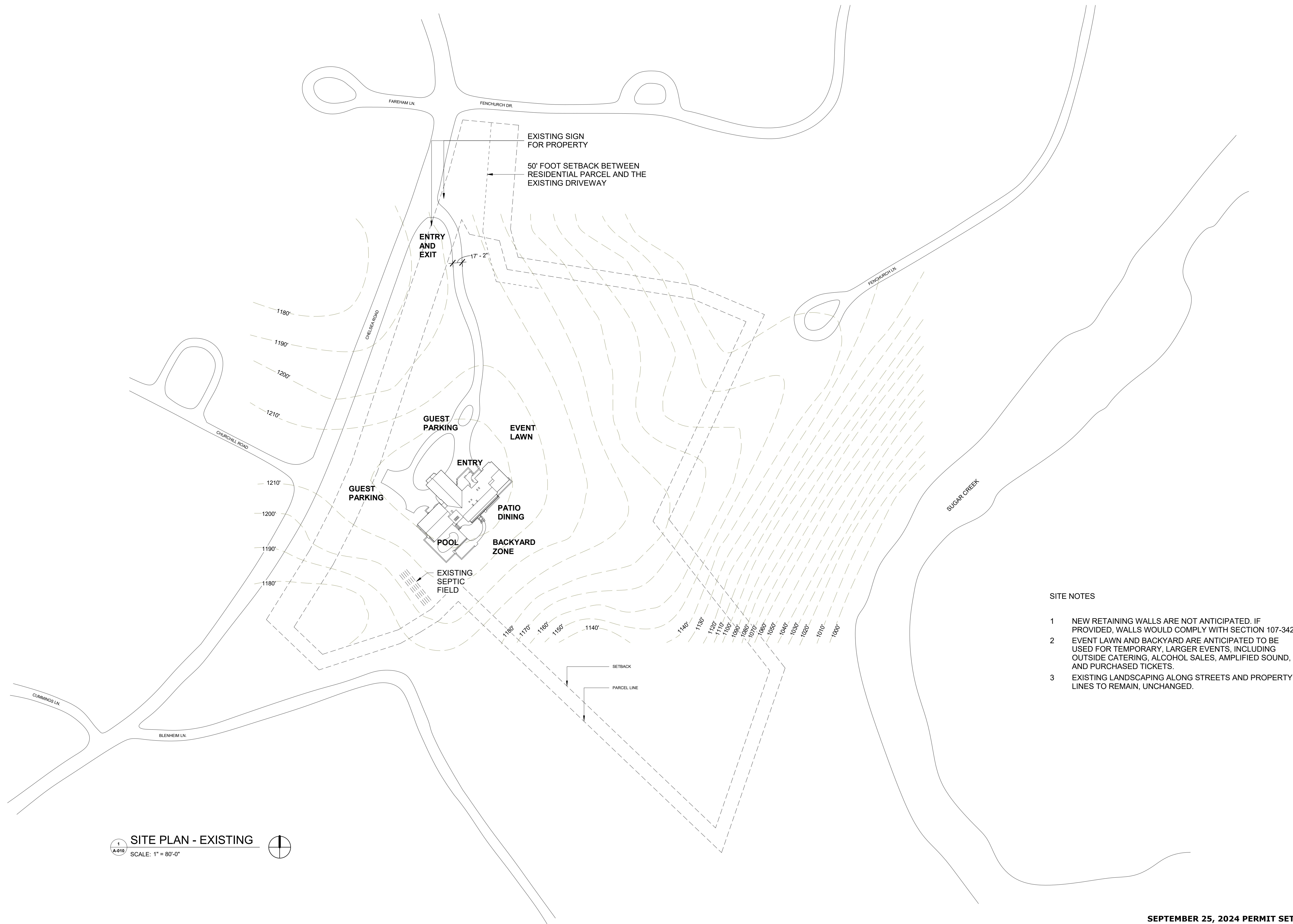
SEPTEMBER 25, 2024 PERMIT SET

RENOVATION FOR 101 CHELSEA ROAD

T-001

BELLA VISTA, ARKANSAS

COPYRIGHT © 2024 JENNINGS + SANTA-RITA ARCHITECTS, PLLC



1 SITE PLAN - EXISTING
A-010 SCALE: 1" = 80'-0"

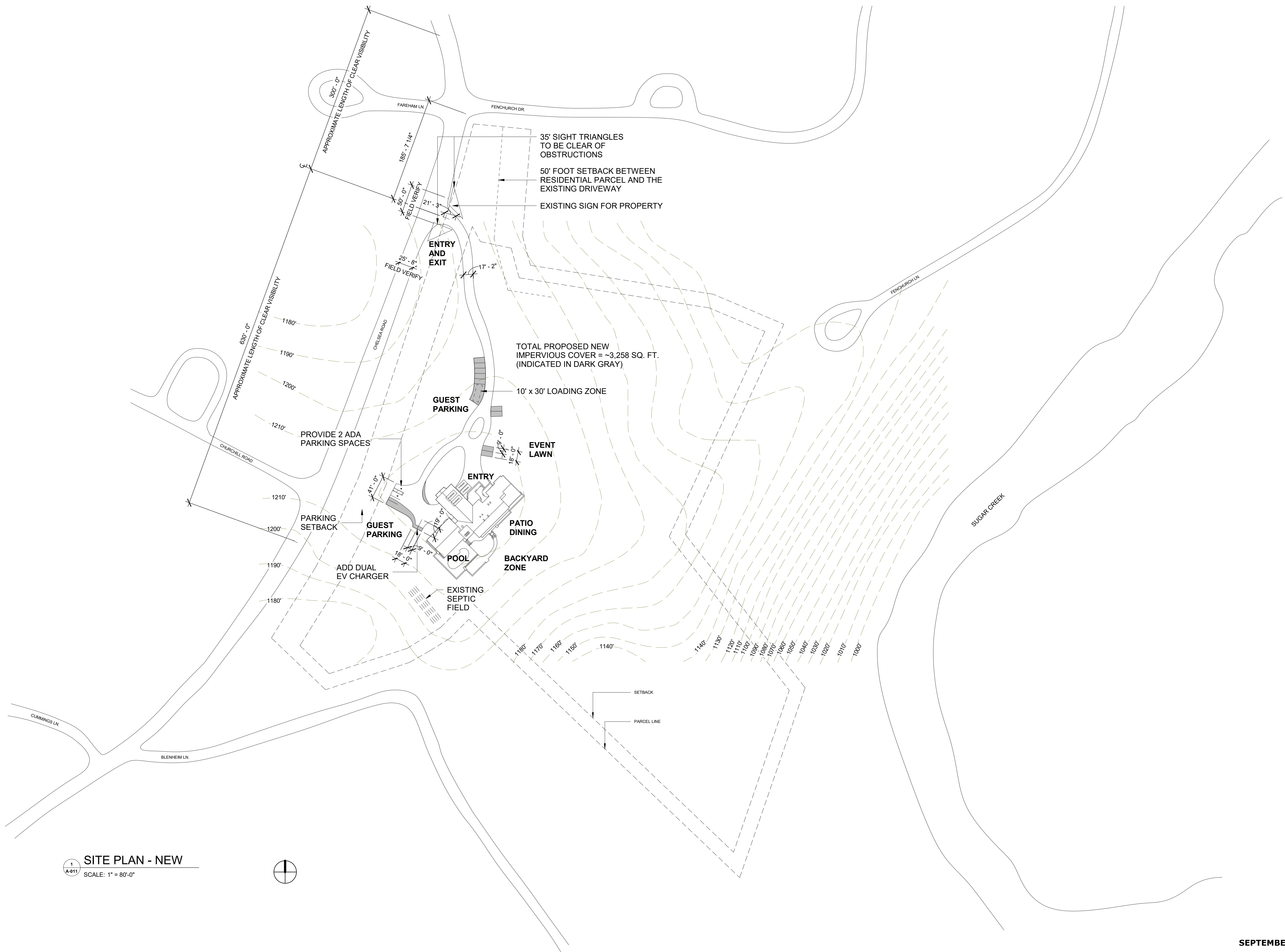
SEPTEMBER 25, 2024 PERMIT SET

RENOVATION FOR 101 CHELSEA ROAD

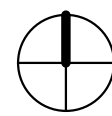
BELLA VISTA, ARKANSAS

A-010

COPYRIGHT © 2024 JENNINGS + SANTA-RITA ARCHITECTS, PLLC



1 SITE PLAN - NEW
A-011
SCALE: 1" = 80'-0"



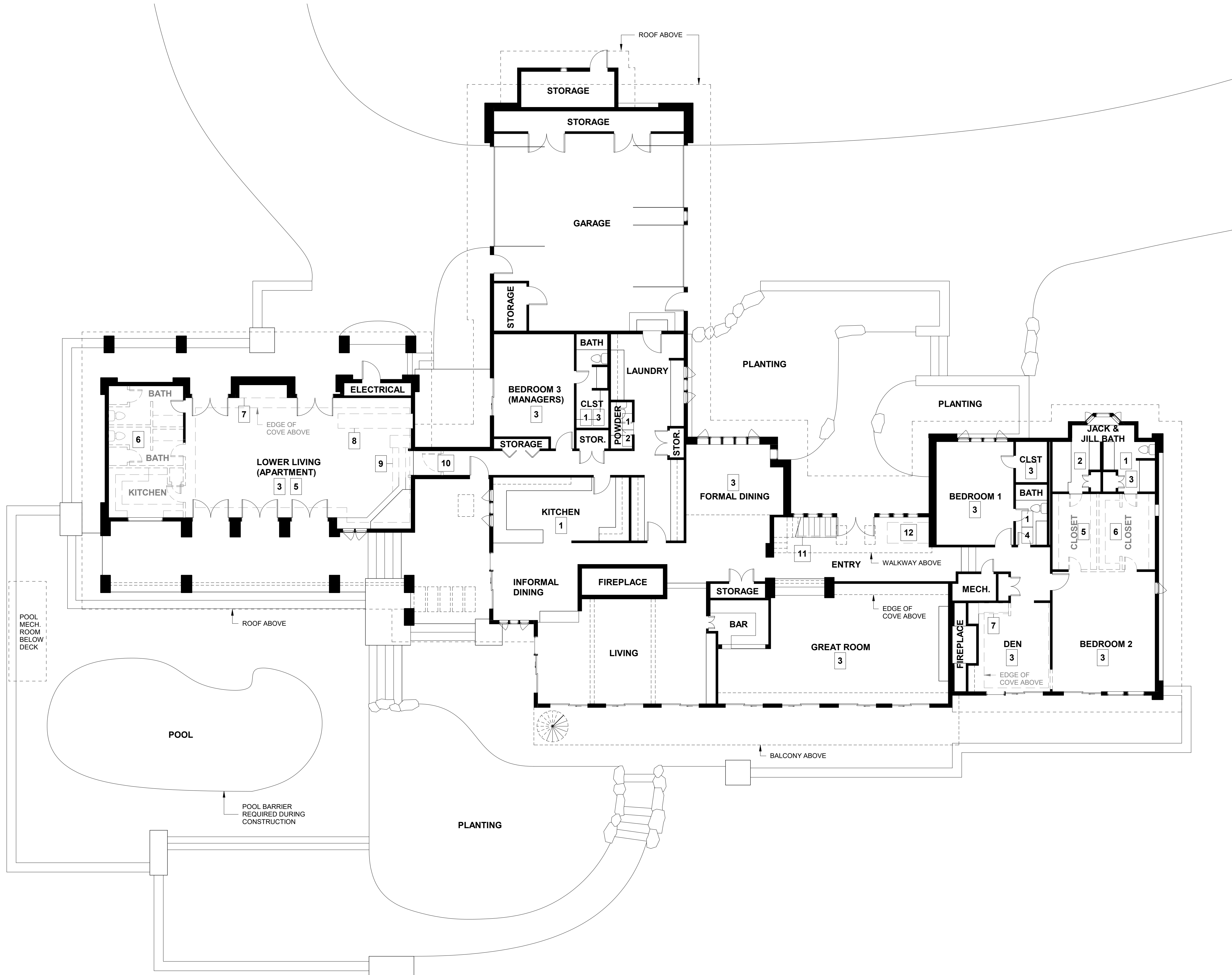
RENOVATION FOR 101 CHELSEA ROAD

BELLA VISTA, ARKANSAS

SEPTEMBER 25, 2024 PERMIT SET

A-011

COPYRIGHT © 2024 JENNINGS + SANTA-RITA ARCHITECTS, PLLC



- DEMOLITION KEY NOTES
- 1 REMOVE PLUMBING FIXTURES (TO BE REPLACED WITH UPDATED FIXTURES)
 - 2 REMOVE CABINETRY (TO BE REPLACED WITH NEW)
 - 3 REMOVE ALL FINISHES
 - 4 REMOVE FLOORING ONLY
 - 5 REMOVE DOWN TO THE STUDS, WIRING, PLUMBING, DUCTWORK, DATA, OUTLETS, AND SWITCHES TO REMAIN IN THEIR EXISTING LOCATIONS
 - 6 REMOVE NON-STRUCTURAL INTERIOR FRAMING, ALONG WITH ITEMS FROM NOTE #4
 - 7 REMOVE MILLWORK
 - 8 SAW CUT CONCRETE SLAB, FOR NEW PLUMBING
 - 9 REMOVE WING FROM EXISTING FIREPLACE STONE HEARTH
 - 10 REMOVE NON-STRUCTURAL FRAMING AND DOOR
 - 11 EXISTING GUARDRAIL TO BE REMOVED AND REPLACED
 - 12 REMOVE RECESSED WATER FEATURE
 - 13 REMOVE BATHTUB, TO BE REPLACED BY WALK-IN SHOWER. TILE SURROUND TO REMAIN

1 FIRST FLOOR PLAN - DEMOLITION
A-111 SCALE: 1/8" = 1'-0"

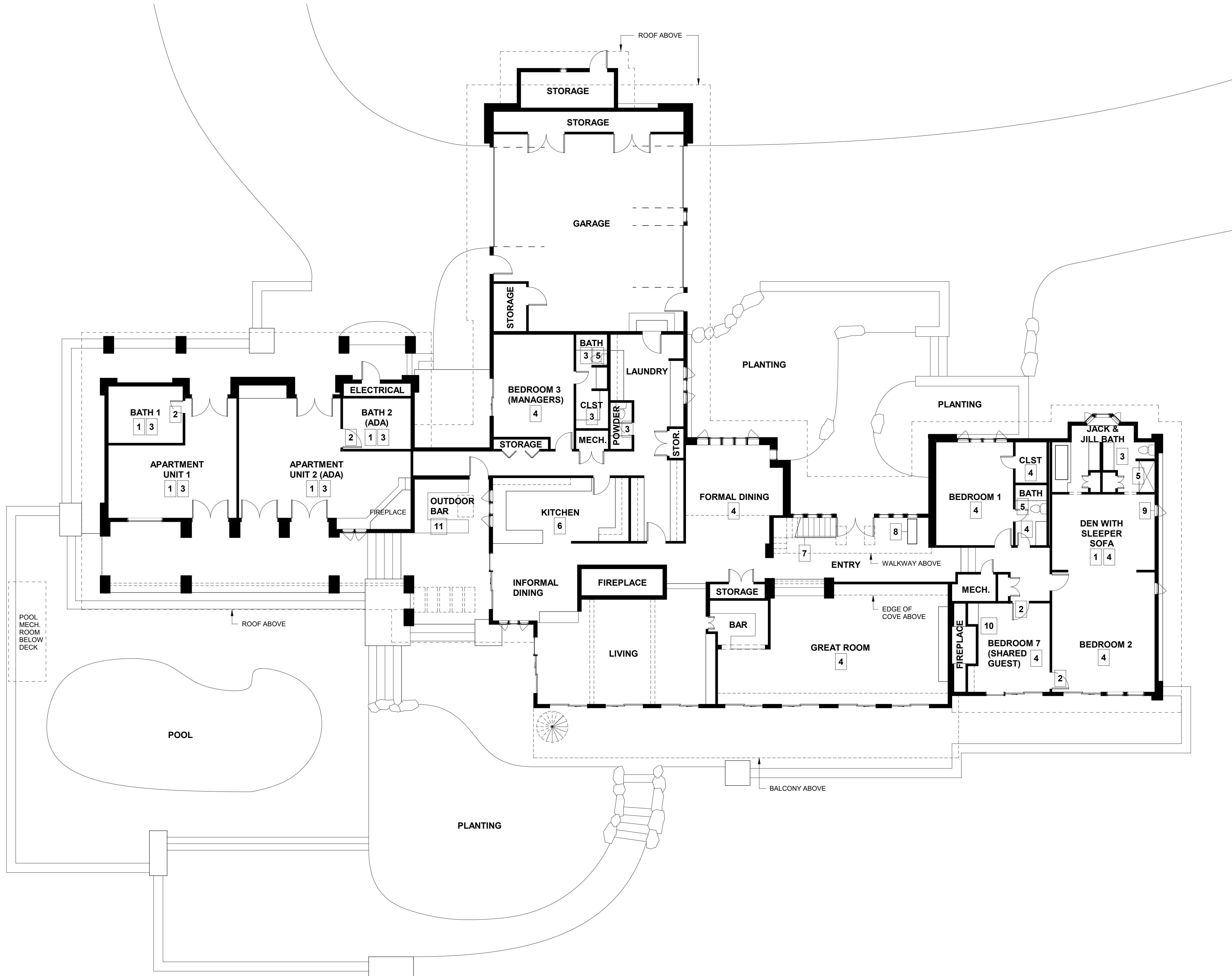
SEPTEMBER 25, 2024 PERMIT SET

RENOVATION FOR 101 CHELSEA ROAD

A-111

BELLA VISTA, ARKANSAS

COPYRIGHT © 2024 JENNINGS + SANTA-RITA ARCHITECTS, PLLC



- NEW FLOOR PLAN KEY NOTES
- 1 ALL NEW DRYWALL, ACOUSTIC INSULATION, TEXTURE AND PAINT
 - 2 NEW ROUGH OPENING AND DOOR
 - 3 ALL NEW FINISHES (FLOOR AND WALLS), CABINETRY, COUNTERTOP, AND DECORATIVE FIXTURES
 - 4 NEW FLOORING AND PAINT
 - 5 NEW GLASS SHOWER ENCLOSURE AND PLUMBING FIXTURES
 - 6 NEW COUNTERTOPS, REFINISH AND REPAIR CABINETS, UPGRADE APPLIANCES
 - 7 NEW GUARDRAIL
 - 8 NEW CONCIERGE / CHECK-IN DESK (PROVIDE ALLOWANCE)
 - 9 NEW EXTERIOR WINDOW, TO MATCH EXISTING
 - 10 MODIFY EXISTING MILLWORK, TO MATCH EXISTING
 - 11 NEW OUTDOOR BAR, INCLUDING BASE CABINETS, COUNTERTOP, SINK GRILL, ICE BIN, AND TRASH PULL-OUT
 - 12 REBUILT EXTERIOR WOOD DECK, WOOD GUARDRAIL AND SPIRAL EGRESS STAIRS, UNCOVERED

1 FIRST FLOOR PLAN - NEW
A-112 SCALE: 1/8" = 1'-0"

SEPTEMBER 25, 2024 PERMIT SET

RENOVATION FOR 101 CHELSEA ROAD

BELLA VISTA, ARKANSAS

A-112

COPYRIGHT © 2024 JENNINGS + SANTA-RITA ARCHITECTS, PLLC

- DEMOLITION KEY NOTES
- 1 REMOVE PLUMBING FIXTURES (TO BE REPLACED WITH UPDATED FIXTURES)
 - 2 REMOVE CABINETRY (TO BE REPLACED WITH NEW)
 - 3 REMOVE ALL FINISHES
 - 4 REMOVE FLOORING ONLY
 - 5 REMOVE DOWN TO THE STUDS. WIRING, PLUMBING, DUCTWORK, DATA, OUTLETS, AND SWITCHES TO REMAIN IN THEIR EXISTING LOCATIONS
 - 6 REMOVE NON-STRUCTURAL INTERIOR FRAMING, ALONG WITH ITEMS FROM NOTE #4
 - 7 REMOVE MILLWORK
 - 8 SAW CUT CONCRETE SLAB, FOR NEW PLUMBING
 - 9 REMOVE WING FROM EXISTING FIREPLACE STONE HEARTH
 - 10 REMOVE NON-STRUCTURAL FRAMING AND DOOR
 - 11 EXISTING GUARDRAIL TO BE REMOVED AND REPLACED
 - 12 REMOVE RECESSED WATER FEATURE
 - 13 REMOVE BATHTUB, TO BE REPLACED BY WALK-IN SHOWER. TILE SURROUND TO REMAIN



1 SECOND FLOOR PLAN - DEMOLITION
A-121 SCALE: 1/4" = 1'-0"

RENOVATION FOR 101 CHELSEA ROAD

BELLA VISTA, ARKANSAS

SEPTEMBER 25, 2024 PERMIT SET

A-121

COPYRIGHT © 2024 JENNINGS + SANTA-RITA ARCHITECTS, PLLC

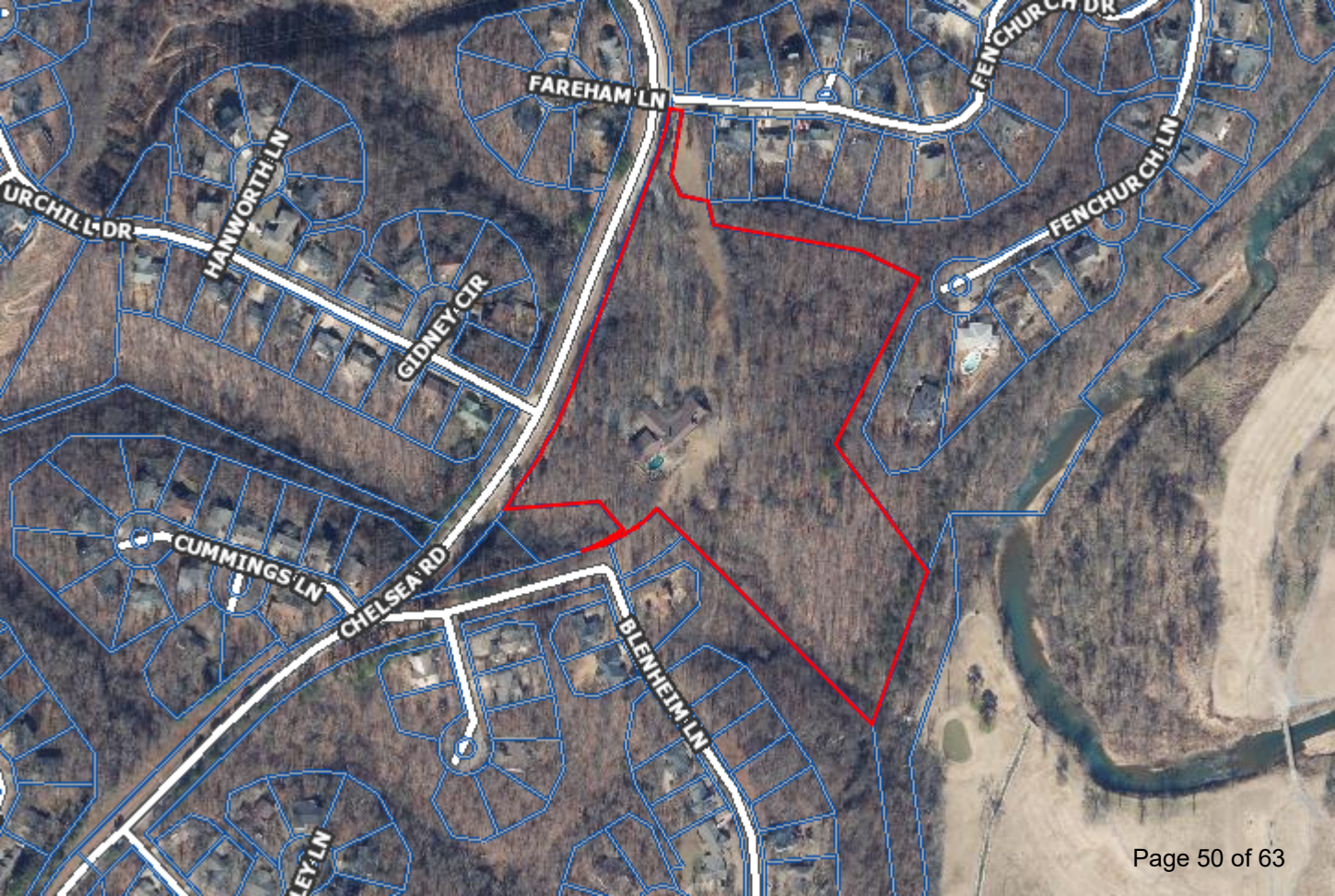
- 1 ALL NEW DRYWALL, ACOUSTIC INSULATION,
TEXTURE AND PAINT
- 2 NEW ROUGH OPENING AND DOOR
- 3 ALL NEW FINISHES (FLOOR AND WALLS),
CABINETY, COUNTERTOP, AND DECORATIVE
FIXTURES
- 4 NEW FLOORING AND PAINT
- 5 NEW GLASS SHOWER ENCLOSURE AND
PLUMBING FIXTURES
- 6 NEW COUNTERTOPS, REFINISH AND REPAIR
CABINETS, UPGRADE APPLIANCES
- 7 NEW GUARDRAIL
- 8 NEW CONCIERGE / CHECK-IN DESK (PROVIDE
ALLOWANCE)
- 9 NEW EXTERIOR WINDOW, TO MATCH EXISTING
- 10 MODIFY EXISTING MILLWORK, TO MATCH
EXISTING
- 11 NEW OUTDOOR BAR, INCLUDING BASE
CABINETS, COUNTERTOP, SINK GRILL, ICE BIN,
AND TRASH PULL-OUT
- 12 REBUILT EXTERIOR WOOD DECK, WOOD
GUARDRAIL AND SPIRAL EGRESS STAIRS,
UNCOVERED



RENOVATION FOR 101 CHELSEA ROAD

A-122

Page 49 of 63





Meeting Information:

2483 Forest Hill Blvd
October 14, 2024

Reviewer:

Christopher Hyatt
Senior Planner

Project Number	WVR-2024-55902
Applicant	Dakota Riggins
Address/Location	36 Westmorland Drive
Current Zoning	R-1 Single Family Residential
Site Area	.39 acres
Nature of Request	Seeking a waiver of Sec. 107-380



Zoning Map



Future Land Use Plan

Property Description

This property is located in the northeast area of Bella Vista City Limits and is located on Parcel #16-32188-000. Lot 25, Block 2. Westmorland Subdivision.

Regulation

Development Code Sec. 107-380(g) requires single-family residential lots serviced by sanitary sewer to preserve a minimum of 25% of the existing natural vegetation and tree canopy.

Request

The applicant is requesting to waive the minimum 25% preservation requirement for a single-family residential lot.

Background

Ordinance 2023-46 went into effect in November of 2023 in an effort to reduce tree canopy and natural vegetation loss where possible by requiring a percentage of the lot be protected during development based on the zoning designation at the recommendation of the Planning Commission. The ordinance does allow for an administrative variance for up to 5% if an undue hardship is found. On July 5th, Staff approved GEC Permit 54141 showing 25% of the natural vegetation to be preserved as required. However, 5 weeks after issuance, a failed GEC inspection notice was given for the clearing and on August 13th, Planning was made aware that the applicant cleared just short of the entire lot, leaving no natural vegetation or trees on the downslope. A stop work order was then placed on the property after Planning confirmed via inspection of the lot. Due to the amount cleared, this request fell outside of the administrative review criteria. Currently the lot is sitting cleared and un-stabilized.

Public Comment

None at the time of this report.

Recommendation

As requested by the Planning Commission at the Work Session, Staff is proposing the following conditions of approval: the applicant must plant a minimum of three (3) native shade trees, six (6) native ornamental trees, and establish ground cover with hydroseed or sod within the previously approved 25% preservation area.

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.

FROM THE DESK OF

DAKOTA RIGGIN

September 16, 2024

To whom it may concern,

We, Diamond Ridge Inc, comes before you asking for forgiveness and grace as we accidentally cleared too much of our lot that we are building on. We are in the process of construction at 36 Westmoreland Dr. and our lot clearing subcontractor wasn't fully aware of the newer ordinance that was put place to leave at least 25% of the lot undisturbed.

However, with that being said, when my subcontractor was in the clearing process, he noticed an extreme amount of broken limbs, dead trees, and destruction from the previous weather events that occurred a few weeks prior to clearing.

We have not been able to move forward with our project in two months and we are hoping to get this handled so we can keep going with progress. We are very sorry for the inconvenience and we will ensure this will never happen again on any lot that we are developing in your city.

Sincerely,

Dakota Riggins
Owner
Diamond Ridge Inc.

CONTACT

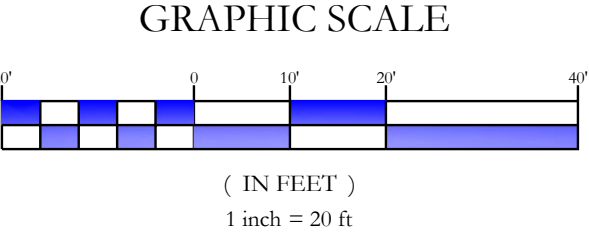
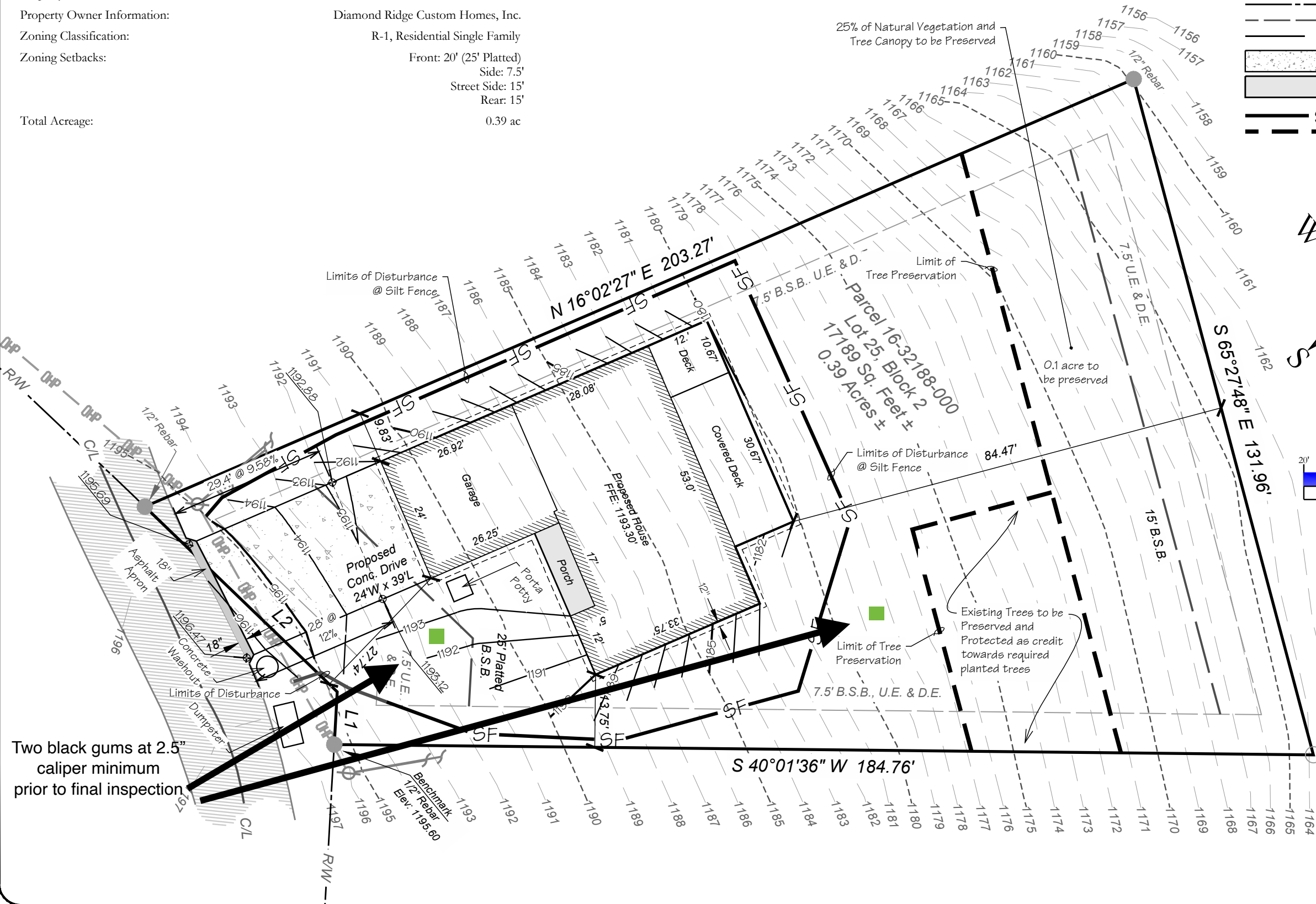
PO BOX 622 PRAIRIE GROVE, AR 72753 | 479-409-7332 | DAKOTA@DIAMONDRIDGEINC.COM

Site Information:

Benton County Assessor Parcel Number: 16-32188-000
Benton County 911 Admin Assigned Address: 36 Westmorland Dr
Property Information: Lot 25, Block 2, Westmorland Subdivision
Property Owner Information: Diamond Ridge Custom Homes, Inc.
Zoning Classification: R-1, Residential Single Family
Zoning Setbacks: Front: 20' (25' Platted)
Side: 7.5'
Street Side: 15'
Rear: 15'
Total Acreage: 0.39 ac

Proposed Features:

Feature	Description
	Property Line
	Right-Of-Way Line
	Easement / Setback Line
	Street / Drive Centerline
	Concrete Pavement
	Patio
	Silt Fence
	Limit of Tree Preservation



Two black gums at 2.5" caliper minimum prior to final inspection.

Grading, Erosion Control Plan

FIRM:

BLEW

Surveying | Engineering | Environmental

5102 S. Pinnacle Hills Pkwy
Rogers, Arkansas 72758

Office: (479) 443-4506
www.BLEWINC.com

Certificate of Authorization № 1534

DRAWN BY: A. Tewell	DATE: 2024-04-25	JOB NUMBER: 24-1596
------------------------	---------------------	------------------------

DRAWING NAME:
24-1596 Civil 001.dwg

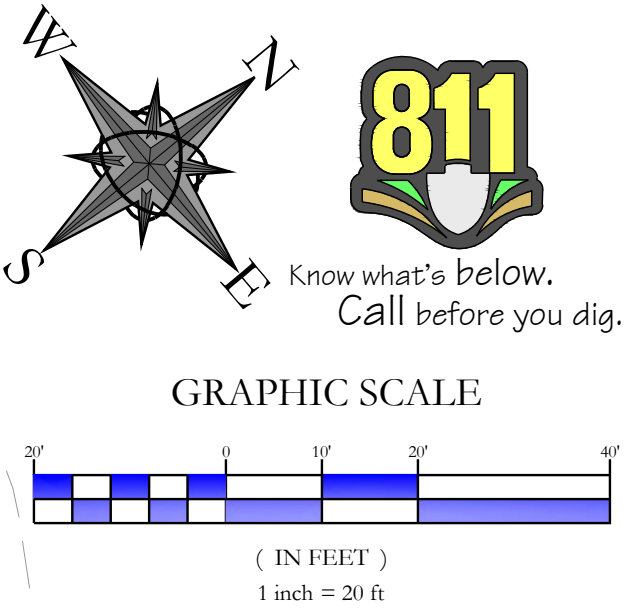
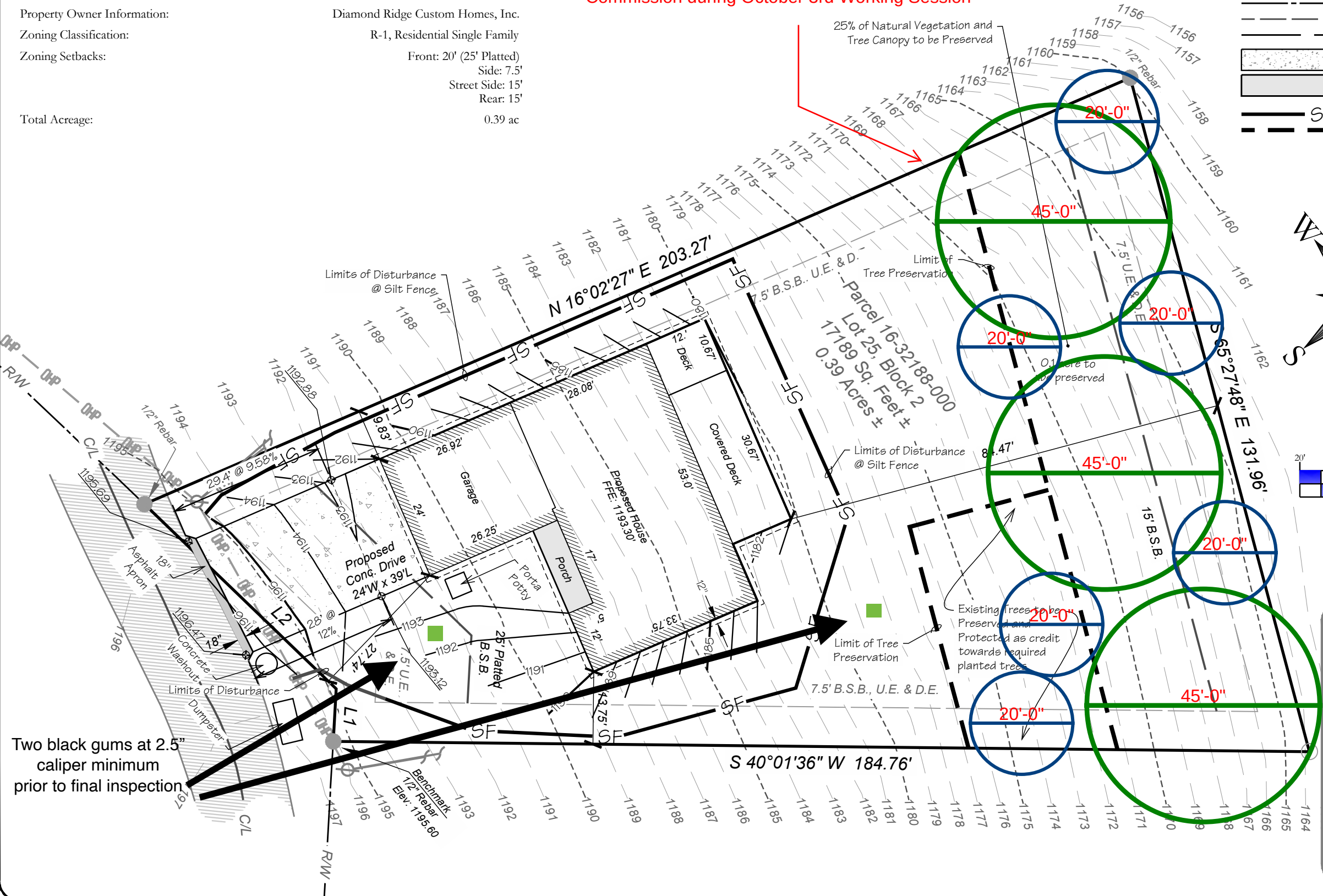
Site Information:

Benton County Assessor Parcel Number: 16-32188-000
Benton County 911 Admin Assigned Address: 36 Westmorland Dr
Property Information: Lot 25, Block 2, Westmorland Subdivision
Property Owner Information: Diamond Ridge Custom Homes, Inc.
Zoning Classification: R-1, Residential Single Family
Zoning Setbacks: Front: 20' (25' Platted)
Side: 7.5'
Street Side: 15'
Rear: 15'
Total Acreage: 0.39 ac

*Example plan based on comments from Planning Commission during October 3rd Working Session

Proposed Features:

Feature	Description
	Property Line
	Right-Of-Way Line
	Easement / Setback Line
	Street / Drive Centerline
	Concrete Pavement
	Patio
	Silt Fence
	Limit of Tree Preservation



Two black gums at 2.5" caliper minimum prior to final inspection

Miscellaneous Notes

COMPLETED FIELD WORK:
AUGUST 15, 2024

REFERENCE DOCUMENTS:

1. WARRANTY DEED FILED AS INSTRUMENT NO. L202402986.
2. SUBDIVISION PLAT FILED IN PLAT BOOK "I" AT PAGE 214.

SOME FEATURES SHOWN ON THIS PLAT MAY BE SHOWN OUT OF SCALE FOR CLARITY

DIMENSIONS ON THIS PLAT ARE EXPRESSED IN FEET AND
DECIMAL PARTS THEREOF UNLESS OTHERWISE NOTED.
MONUMENTS WERE FOUND AT POINTS WHERE INDICATED.

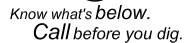
BY GRAPHIC PLOTTING ONLY, NO PORTION OF THIS PROPERTY IS IN ZONE "A" OR "AE" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 05007C0080J WHICH BEARS AN EFFECTIVE DATE OF 09/28/2007 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT OF ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT PROPERTY: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF SURVEY; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS OR OTHER LAND USE REGULATIONS; AND ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.

Utility Notes

THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES ONLY. THE SURVEYOR WAS NOT PROVIDED WITH UNDERGROUND PLANS OR SURFACE GROUND MARKINGS TO DETERMINE THE LOCATION OF ANY SUBTERRANEAN USES.

BEFORE DIGGING IN THIS AREA,
CALL "ONE CALL" 811 FOR FIELD
LOCATIONS (REQUEST FOR
GROUND MARKINGS) OF
UNDERGROUND UTILITY LINES



Zoning & Setbacks

CURRENT ZONING:
R-1, RESIDENTIAL SINGLE FAMILY

BUILDING SETBACKS:

FRONT: 20' ***
SIDE: 7.5' ***
STREET SIDE: 15'
REAR: 15' ***

*** - UNLESS OTHERWISE STATED ON THE
SUBDIVISION PLAT

CONTACT:

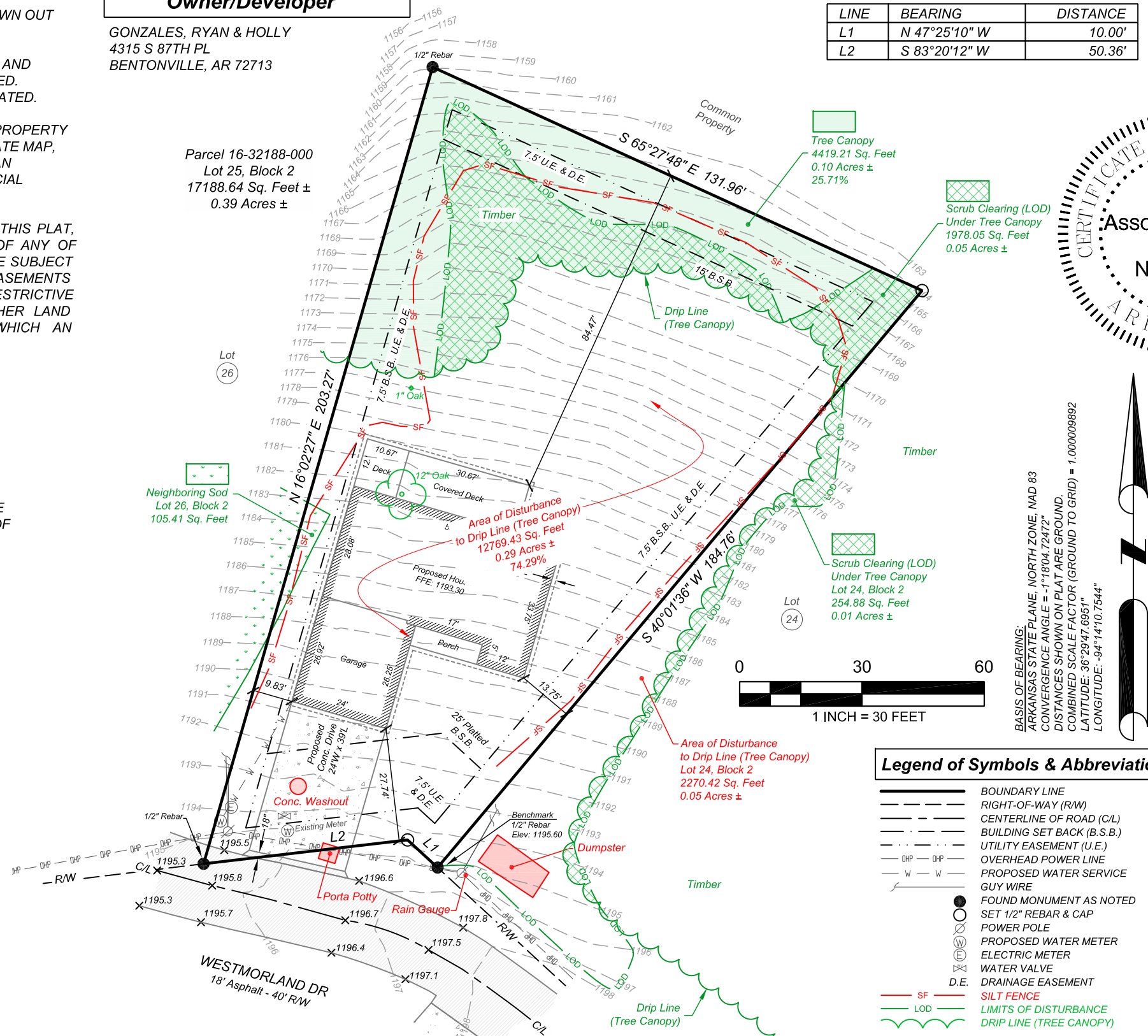
CITY OF BELLA VISTA COMMUNITY DEVELOPMENT
616 W. LANCASHIRE BLVD. | PO BOX 5655
BELLA VISTA, AR 72715
479-268-4980

Survey Description

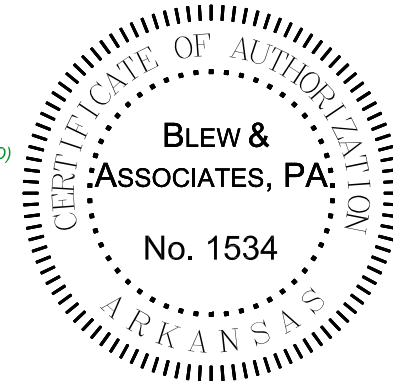
LOT 25, BLOCK 2, WESTMORLAND SUBDIVISION,
BELLA VISTA (FORMERLY BELLA VISTA VILLAGE), BENTON
COUNTY, ARKANSAS, AS SHOWN ON PLAT RECORDED IN/AS
PLAT BOOK "I", PAGE 214.

Owner/Developer

GONZALES, RYAN & HOLLY
4315 S 87TH PL
BENTONVILLE, AR 72713



LINE	BEARING	DISTANCE
L1	N 47°25'10" W	10.00'
L2	S 83°20'12" W	50.36'



FIRM:

BLEW & ASSOCIATES, PA
CIVIL ENGINEERS & LAND SURVEYORS

3825 N. SHILOH DRIVE
FAYETTEVILLE, ARKANSAS 72703
OFFICE: 479.443.4506
FAX: 479.582.1883
www.BLEWINC.com

Certificate of Authorization № 1534

DRAWN BY & DATE: <i>W.L. 8/21/2024</i>	REVIEWED BY: <i>W.L.</i>	SURVEYED BY: <i>R.S.</i>
---	-----------------------------	-----------------------------

COUNTY & STATE: <i>BENTON COUNTY, ARKANSAS</i>	JOB NUMBER: <i>24-1596.03</i>
---	--------------------------------------

LOCATION:
36 WESTMORLAND DR, BELLA VISTA, AR 72715

FOR THE USE AND BENEFIT OF:

DIAMOND RIDGE
CUSTOM HOMES, INC.











Bella Vista Planning Commission

Rules of Order and Procedure

City of Bella Vista Planning and Development Department

As Adopted on October 14, 2024

BY LAWS

A. Membership and Organization

1. The Planning Commission shall consist of seven (7) members appointed by the Mayor, and approved by the City Council. The members shall be qualified electors in the City, and be qualified by knowledge or experience to act upon matters pertaining to the physical, social, and economic development of the City. **The Planning Commission shall also sit as the Board of Adjustment.**
2. The Commission shall elect a Chairman, Vice-Chairman, and Secretary annually at the first regular meeting in the month of March. All elected officers may succeed themselves.
3. Vacancies in offices of Chairman, Vice-Chairman, or Secretary shall be filled immediately by regular election procedures.
4. The Chairman shall preside at all meetings and public hearings of the Commission; shall decide all points of order or procedures; and shall have the duties normally conferred by Procedural Rules for Municipal Officials, published by the Arkansas Municipal League.
5. The Vice-Chairman or Secretary, in that order, shall assume the duties of the Chairman in his absence.
6. All members shall be qualified electors residing in the city, and shall not hold any other municipal office or appointment, except membership on the board of zoning adjustment.
7. The Planning and Development Director, or his or her designee, shall be responsible for notifying all members of the Commission of regular and special meetings.

B. Meetings

1. The regular meetings of the Planning Commission shall be held on the second Monday of each month, unless no business is pending. All regularly scheduled meetings shall be held at 4:30 PM or immediately upon the adjournment of the Board of Zoning Adjustment meeting, at a location announced by the Planning and Development Director, or his or her designee. In the event of conflict with holidays or other events, the time and date of said meeting may be changed. Consistent with the requirements of the Arkansas Freedom of Information Act, any meeting of the Planning Commission may be conducted via video conferencing technology (Zoom, Go To Meeting, etc.). Such video conferencing technology shall permit audience viewing and participation to the fullest extent permitted at in-person meetings. The decision to conduct any meeting of the Planning Commission via video conferencing technology may be made by the Chairman, in consultation with the Mayor, when usage of video conferencing technology is necessary to preserve the public peace, health, or safety.
2. Each session of the Planning Commission shall be governed by procedures set forth in Procedural Rules for Municipal Officials, published by the Arkansas Municipal League.
3. Each session of the Planning Commission shall be a public meeting.
4. Public hearings shall be held on all proposed plans, ordinances, and regulations, including amendments thereto. Notice of public hearings shall be published in a newspaper of general circulation in the city, at least one (1) time fifteen (15) days prior to the hearing. Following a public hearing, any proposed plans, ordinances, and regulations may be recommended as presented or in modified form to the City Council. Public hearings shall also be held on rezone requests, conditional use permits and variances (while sitting as the Board of Zoning Adjustment). Additional noticing of these public hearings may be required per the local zoning ordinance such as a posted notice and/or written notice.
5. A quorum consists of four (4) members. Four (4) affirmative votes of the Commission's authorized membership shall be necessary for passage of any item. The Chairman shall have full voting status. No meeting shall be held for the transaction of any business if a quorum is not present.
6. Members should advise the planning staff before the meeting date if they expect to be absent or late.
7. Should a member have a conflict of interest with regard to any agenda item, he/she shall leave the room prior to presentation, discussion, and deliberation, and shall not return until after voting on the measure has taken place.
8. The order of business at all regular meeting shall be as follows:
 - i. Call to Order;
 - ii. Consideration of Minutes;
 - iii. Public Input;
 - iv. Unfinished Business;
 - v. New Business;
 - vi. Committee Reports;



Bella Vista Planning Commission

Rules of Order and Procedure

City of Bella Vista Planning and Development Department

- vii. Open Discussion;
- viii. Announcements, and
- ix. Adjournment.

C. Public Input Procedures

1. At regular Planning Commission meetings, members of the audience will be offered an opportunity to speak to the Planning Commission during the Public Input portion on the agenda. Each participant will be timed and limited to five (5) minutes to speak. Upon speaking to the Planning Commission, the participant shall first state their name and address for the record followed by their public input. Repetitive comments should be avoided and all input should be addressed to the Planning Commission as a whole and not to any particular Commissioner.

D. Public Hearing Procedures

1. For requests or proposals requiring an individual public hearing, applicants shall appear in his or her own behalf or be represented by an authorized agent at the hearing. In the absence of any appearance by the applicant or agent, and in such cases as the Commission feels necessary, an application may be deferred until the next regular meeting if the application is not represented. For staff proposals, the Planning and Development Director, and/or his or her designee, shall represent the proposal.
2. The order of the hearing, and allowed speaking times, shall be as follow:
 - i. Planning and Development Director's (and/or staff designee's) report;
 - ii. Applicant's address to Planning Commission (or other city staff for staff proposals);
 - iii. Interested public opinions, with a maximum of five (5) minutes to speak for each person present; and
 - iv. Staff and/or Applicant's response or rebuttal. *Planning Commissioners may interject questions after each phase, or may hold them until the end of the public hearing.*
3. After the public hearing but prior to deliberations on each case, the Planning Commission reserves the right to defer action on the case until the next regularly scheduled meeting, if necessary.
4. The applicant may withdraw his or her application or appeal at any time prior to the decision of the Planning Commission.
5. After the public hearing, the Planning Commission shall deliberate the case and reach a final decision or recommendation to City Council depending on the request or proposal.

E. Purpose, Powers, and Duties of the Planning Commission

1. The general purpose of the Planning Commission is to: Prepare, or have prepared, a plan of the municipality; receive and make recommendations on public and private proposals for development; prepare and administer planning regulations; prepare and transmit to the legislative body recommended ordinances implementing plans; and advise and counsel the city government and other public bodies.
2. The duties of the Planning Commission include:
 - i. Promote public interest in, and understanding of, the long-term coordinated municipal planning; prepare a work program and make comprehensive studies of the present conditions and the probable future growth of the municipality and its neighboring territory; prepare and maintain a map showing the general location of streets, public ways, and public property and the boundaries of the area within the territorial jurisdiction for which it will prepare plans, ordinances, and regulations. The map shall be known as the planning area map.
 - ii. Prepare plans. The plans may include, but shall not be limited to: A master street plan; a land use plan; and a comprehensive plan.
 - iii. Prepare and recommend to City Council development related ordinances and regulations as are deemed necessary to carry out the intent of the plans, or of parts thereof.
 - iv. Review and approve or disapprove project and development proposals after plan adoption. No public way, ground, or open space; public building or structure; publicly or privately owned public utility line or terminal or transportation line or terminal; or public development or redevelopment or renewal project shall be acquired, constructed, or authorized unless such a project, proposal, or development has been submitted to the commission for review, recommendation, and approval as to its conformity with the plan.
 1. The commission's disapproval of a proposal submitted to it may be overruled only by a recorded vote of two-thirds ($\frac{2}{3}$) of the full membership of the submitting or authorizing body.
 2. Failure of the commission to act within sixty (60) days of the submission of the proposal shall be deemed approval unless further time is allowed by the submitting public board, commission, or body.



Bella Vista Planning Commission

Rules of Order and Procedure

City of Bella Vista Planning and Development Department

- v. Review waiver requests of the land development ordinance including but not limited to Subdivision and Development ordinances and Flood Damage Prevention.
- vi. Other duties as prescribed by the local ordinance.

F. Employees

- 1. The Planning and Development Director, or his or her designee, shall serve as staff for the Commission.

G. Reports

- 1. The commission, via staff, shall make periodic reports to the mayor and city council covering their investigations, transactions, and recommendations, and such other reports relative thereto, as it may deem proper or as requested by the mayor or city.

H. Committees

- 1. The Chairman may appoint such committees as deemed advisable to expedite the regular administration of planning regulations, ordinances, and plans, etc., as may be adopted by the Commission and the City Council, and shall assign each committee specific duties and functions.

I. Required Signatures

- 1. The Chairman and Secretary of the Planning Commission shall affix their signatures to all plans, ordinances, and other legal documents approved by the Planning Commission.
- 2. The date of recommendation shall be placed on all plans, ordinances, and legal documents recommended for approval by the Planning Commission.

J. Records

- 1. The staff for the Planning Commission shall be responsible for the maintenance of the files of all studies, plans, reports, documents, recommendations, and minutes of all meetings, including public hearings, which the Commission undertakes in discharging its duties and responsibilities. The vote of each member upon each question, if absent, or failing to vote shall be reflected in records of the Commission's proceedings.
- 2. All records of the Planning Commission shall be public records.
- 3. No change shall be made to the Rules of Order and Procedure of the Planning Commission except by affirmative vote of a majority of the authorized membership of the Commission.

APPROVED AND ACCEPTED THIS 14TH DAY OF OCTOBER, 2024.

Daniel Ellis, PE, Chairman
Bella Vista Planning Commission

Gail Klesen, Secretary
Bella Vista Planning Commission