



BELLA VISTA

A place to call home

COMMUNITY DEVELOPMENT
SERVICES DEPARTMENT
616 WEST LANCASHIRE BLVD
BELLA VISTA, AR 72715

PLANNING COMMISSION REGULAR MEETING

DATE: OCTOBER 10, 2016 AT 6:30 P.M.
LOCATION: BELLA VISTA CITY HALL CONFERENCE ROOM
101 TOWN CENTER
BELLA VISTA, AR 72714

AGENDA

I. CALL TO ORDER

II. ROLL CALL

Members: Daniel Ellis, PE, Chairman; Doug Farner, Vice-Chairman; Jaime Kemp, Secretary;
Don Robinson; Gail Klesen; Shawki Al-Madhoun, PE; Theresa Neal.

III. MINUTES

A. Minutes from previous meeting: September 12, 2016

IV. UNFINISHED BUSINESS

None

V. NEW BUSINESS

- A. **RZN-2016-24110:** Rezone property from R-1 to C-1; Parcels 16-07274-000 and 16-70183-001; 5 Bella Vista Way; Pat M. Cooper (Gene Groseclos)
- B. **PLA-2016-24145:** Property Line Adjustment with new easements; Parcel 15-70066-000; 53 Cold Cave Drive; C Street Properties (Robert Caster)
- C. **IS-2016-24146:** Incidental Subdivision (lot split) in planning area with new easements; Parcel 18-07197-006; 8770 Spanker Creek Road; Zachary & Erin Kennedy (Robert Caster)

VI. OPEN DISCUSSION

VII. ANNOUNCEMENTS

- A. Next City Council Work Session will be held Monday, October 17, 2016, at 5:30 PM in the Bella Vista City Hall Conference Room at 101 Town Center.
- B. Next City Council Regular Session will be held Monday, October 24, 2016, at 6:30 PM in the Bella Vista American Legion Hall at 1889 Bella Vista Way.
- C. Next Planning Commission Work Session will be held on Thursday, November 3, 2016, at 4:30 PM in the Bella Vista City Hall Conference Room at Town Center.

VIII. ADJOURNMENT

6:30 P.M.

MONDAY, OCTOBER 10, 2016



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COMMUNITY DEVELOPMENT
SERVICES DEPARTMENT
616 WEST LANCASHIRE BLVD
BELLA VISTA, AR 72715
PHONE: (479) 268-4980

DATE: OCTOBER 10, 2016
TO: PLANNING COMMISSION; APPLICANT REPRESENTATIVE
RE: RZN-2016-24110
PARCELS: 16-07274-000 AND 16-70183-001
CHANGE ZONING FROM R-1 to C-1

STAFF REPORT

Owner:	Pat M. Cooper 903 North 47 th Street Rogers, AR 72756	Parcels:	16-07274-000 & 16-70183-001
		Location:	5 Bella Vista Way
Filing Date:	September 9, 2016	Project:	RZN-2016-24110

NOTE: In rezoning requests, the Planning Commission’s role is to provide a recommendation to the City Council on the proposed amendment to the Zoning Map. The Planning Commission determination on the application is **NOT** final. This item will be forwarded to the City Council with the Planning Commission’s recommendation on October 10, 2016.

Description of Request: This 1.81 acre area in the north-central part of town is currently in use as a bed and breakfast. The applicant request that the zoning of these parcels be changed from R-1, Single Family Residential, to C-1, Neighborhood Commercial in order to allow for other potential uses in the future. A letter from the applicant is included in the packet.

Legal Notifications: Municipal Code Part II Chapter 109 Section 40(d)(2) requires the applicant for a conditional use to notify the public by three methods. At this time, the following have been completed.

- **Certified Letters:** Twenty-five (25) green receipts have been received by Staff. By October 7, 2016, twenty-three (23) postcards had been returned to the applicant by the adjacent property owners.
- **Certificate of Publication:** The legal ad was published in the Democrat-Gazette on September 25, 2016. The Affidavit of Publication was supplied to Staff by October 7, 2016.
- **Sign Posted:** Staff will confirm that the sign is placed on the property on October 3, 2016.

Public Input: Staff has received a letter from Elaine Rosen, 6 Naworth Circle, who is concerned about how a change of the zoning to C-1 will affect her property values as well as the potential for additional noise to come from the new use. Ms. Rosen’s letter is included next to the applicant’s letter for you to review.

Surrounding Zoning and Use: The parcels adjacent to these parcels are either currently zoned as Open Space, P-1, or designated as Highway 71 right-of-way. Nearby parcels to the north and east of the Open Space are designated as R-1, Single Family Residential while the parcel across Highway 71 is designated as I-1, Light Industrial. A vicinity map is included in the packet.

Future Land Use: The current land use plan calls for this area to remain Low Density Residential. The Master Street plan classifies Bella Vista Way, or Highway 71, as a major arterial. A vicinity map is included in the packet.

Comparison of Uses: The following table provides a comparison of R-1 uses to C-1 uses that are either permitted (P) by right or only as a conditional use (C). If the box is blank, then that type of use is not permitted.

**STAFF REPORT
RZN-2016-24110**

TYPE OF USE	R-1	C-1
Accessory building, nonresidential	P	P
Accessory building, residential	P	P
Adult day care center		P
TYPE OF USE	R-1	C-1
Animal clinic or hospital		P
Animal - domestic or household	P	P
Animal - grooming		P
Animal - boarding, kennels, rescue, or shelter		C
Apiculture	P	
Arboretum or botanical garden	C	P
Art gallery, museum or similar public use	C	P
ATM machine		P
Banks and financial institutions		P
Bar, lounge or tavern		C
Beauty salons, barbers and spas		P
Bed and breakfast		P
Blueprinting, photocopying, and similar reproductive service		C
Breeding facility		C
Boathouses	P	P
Building services including janitorial services, floor waxing, and office cleaning		P
Catering service		P
Cemetery or mausoleum	C	C
Chickens, hobby	P	
Child care facility		P
Community center: public	C	P
Community welfare or health center		P
Convalescent/maternity/nursing home		P
Convenience store		C
Club, public or private		C
Delivery service		C
Detective or protective service		P
Diaper service		C
Drafting service		P
Docks and dockside recreational improvements	P	P
Drugstore or pharmacy		P
Dry goods store		P
Dry-cleaning, pickup or self-service		P
Duplex		P

TYPE OF USE	R-1	C-1
Dwelling, accessory	P	P
Dwelling, single-family	P	P
Dwelling, two-family		P
Dwelling, multifamily (3 units or more)		P
Electric regulating substation	C	C
Financial institution		P
Food products: retail as primary use and baking and cooking as secondary use		P
Funeral home		C
Golf courses, clubhouse	C	
Greenhouse, residential or commercial		C
Health studio or spa		P
Home occupation	P	
Hospital		
Household cleaning services		P
Insurance agencies		P
Newspaper offices/print shop		C
Office, general		P
Park, public or private	P	P
Pet shop		P
Photography studio		P
Public buildings, government services	C	C
Public safety facilities	C	C
Public utilities facilities	C	C
Recreational facilities, indoor		P
Religious facilities	C	C
Restaurant		P
Retail store, products		P
School facility	C	C
Service office (acct., dentist)		P
Shelter		P
Studio: cultural, broadcasting and recording		P
Temporary uses	C	C
Water filtration plant, pump station, elevated storage, treatment, plant, or reservoir	C	C
Wind generators and pumping equipment	C	C
Wireless telecommunications facilities (cell tower)	C	C

STAFF REPORT
RZN-2016-24110

Staff Recommendations for Approval: Staff recommends *approval* of RZN-2016-24110 from R-1 to C-1 due to its proximity to Highway 71 as well as the steep topography that separates the these parcels from the next closest R-1 designated parcels.

Planning Commission Recommendation to City Council: Approve Deny



August 31, 2016

Community Development Services Department
Attn: Jennifer Bonner, Senior Planner
616 Lancashire Blvd.
Bella Vista, AR 72715

Re: Pat M. Cooper - rezoning application

Dear Jennifer,

As has been mentioned in our previous conversations about this particular rezoning, it was the initial intention to apply to rezone the property to allow its potential use to include, but not be limited to, a bed and breakfast or other uses delineated in the permitted uses of a C-1, Neighborhood Commercial District.

The subject property is separated from other residential property by Common Property and has natural screening between it and the residential property located in Carlisle Subdivision. It is located on the US Highway 71 with one entire side of the property occupying highway frontage.

Based in part on the property location, visibility and proximity to the highway, it is my considered opinion that the designation of the property as C-1 would be entirely appropriate

Please do not hesitate to contact me if you have additional questions or concerns.

Regards,


Gene Groseclos

October 3, 2016

City of Bella Vista
Community Development Services Department
306 Town Center West
Bella Vista AR 72714

Re: Rezoning 5 Bella Vista Way from R-1 to C-1

Dear Planning Commission,

I am writing to express my adamant objection to rezoning 5 Bella Vista Way from R-1 to C-1. My home is approximately 300 feet from this property. Approval to rezone this parcel will directly and negatively affect my property and the surrounding residential area.

My primary concern is R-1 property values are significantly reduced when adjacent to C-1 zoning. I previously owned a home within a similarly close range to a school/recreational facility and the value of my home was approximately 20% lower than identical/comparable homes located further away from the facility. Due to this experience, when I purchased my home in Bella Vista, I was careful to avoid any home near Commercial zones. If this zoning change is approved, the ability to sell existing homes in the surrounding area would be significantly impacted and the likelihood of other property owners further developing their unimproved residential lots within close proximity to this parcel will also be negatively impacted.

Coupled with this concern is once this one parcel is zoned C-1, the precedence has been set for additional landowners in the adjacent area to seek commercial zoning, which would further reduce residential property values in the area as a direct result of being in such close proximity to a high density of commercial land use.

Among my other concerns is the potential noise a C-1 use of this parcel may create. Due to the geography (see graphics on last page), noise from both the highway and this property carries up to Naworth Lane and Circle as well as other surrounding area properties. The notice from Cooper provides no information regarding how the land will be developed. Although the intended use at this time may not generate noise, the developments allowed within a C-1 zone offers a wide a scope of use which do create a lot of noise. Having lived near C-1 zoning uses such as day-care facilities, parks, schools and multi-family housing in the past, I know first-hand how much noise various C-1 properties can generate.

During the 9 years I have lived in my home on Naworth Circle, in addition to the road noise off Highway 71, I have repeatedly been subjected to significant noise generated at 5 Bella Vista Way zoned as R-1. For example, numerous dogs were kept in the kennels and their barking/yelping would wake me up well before dawn and again be heard in the evening (I came to call them "the Hounds of Baskerville"). At other times I have heard the drone of gatherings held at the home. I have also been subjected to the sound of construction machinery, chain saws, and voices of workers which carried up into the surrounding neighborhood – it sounded as if the dogs, machinery and workers were in my backyard.

In addition, if trees along this property are thinned out or removed, there will be little to no sound barrier whatsoever which will allow even more road noise and other sounds to be carried up the hills to surrounding homes. Therefore, I am very concerned about the high likelihood of additional loss of peace and quiet enjoyment of my property and environment due to commercial use of this land. Cooper's request for rezoning should not be a priority over the surrounding property owners' right to peace and quiet enjoyment of their property and environment.

Another concern is about light pollution generated by non-residential use of the property. We enjoy our dark streets and the beautiful night skies - lights from buildings and parking lots associated with any C-1 development will destroy this benefit which comes from living in northwest Bella Vista.

While I acknowledge Bella Vista could benefit from additional commercial business, the west side of Highway 71, directly below the large number of residential properties, is not well suited for commercial zoning because these residential home and land owners will be fundamentally negatively affected. Consideration and protection of the surrounding property owners' personal investments in the area, coupled with their right to quiet enjoyment of their homes and yards, should be of the highest priority.

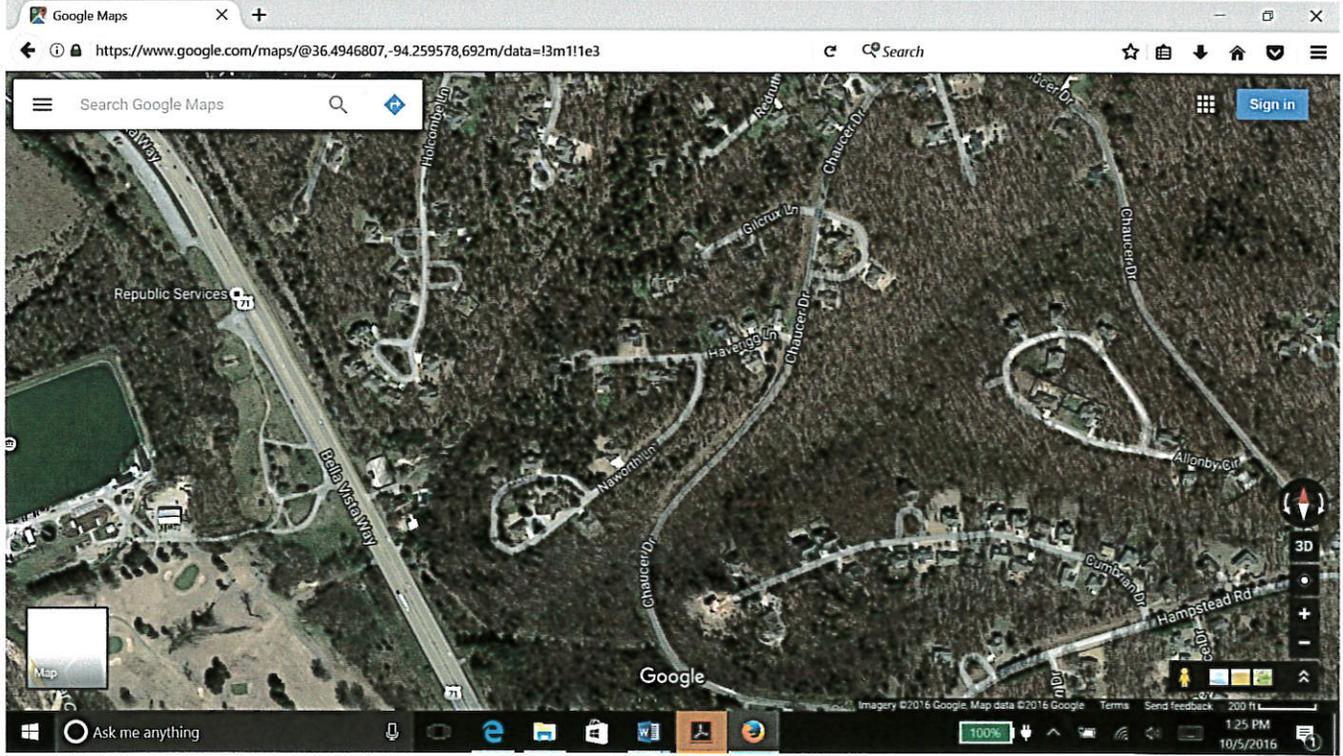
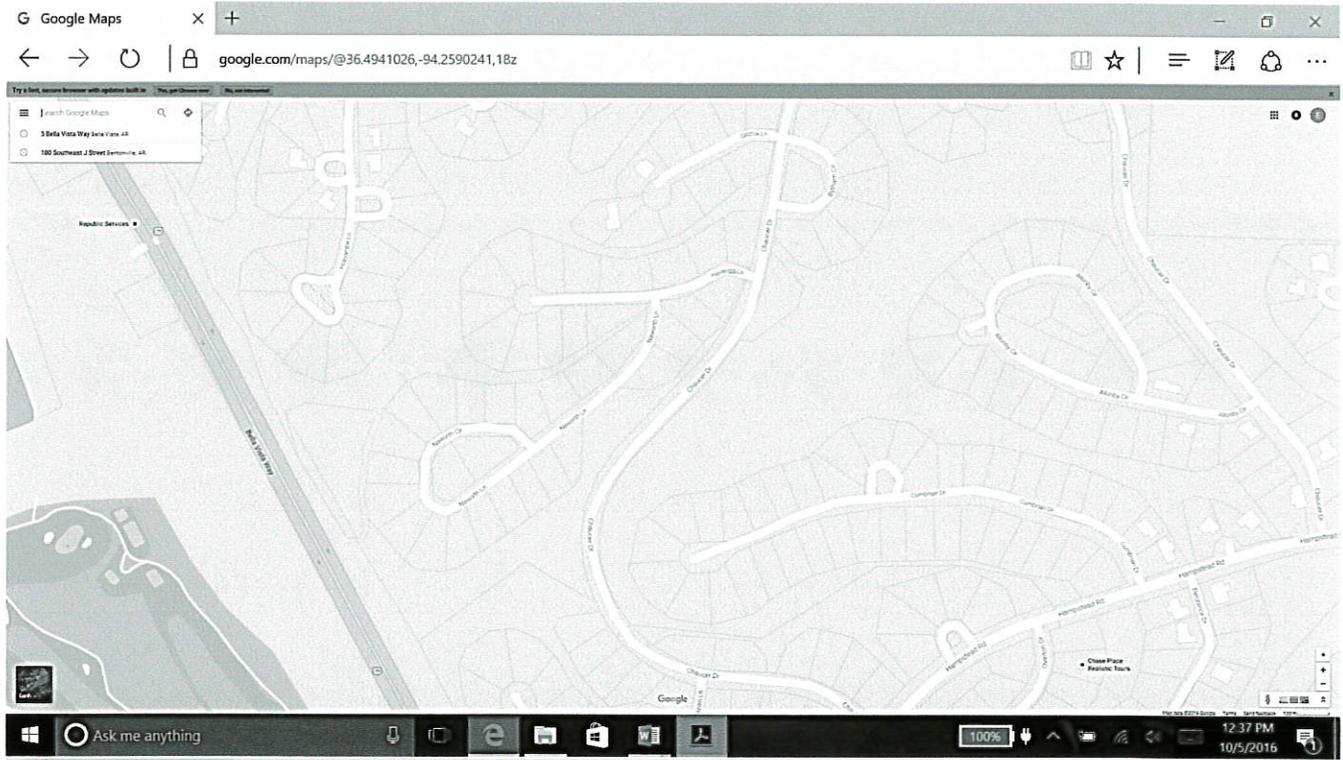
For these reasons, I respectfully submit my adamant objection to Cooper's request for rezoning of this parcel.

Sincerely,

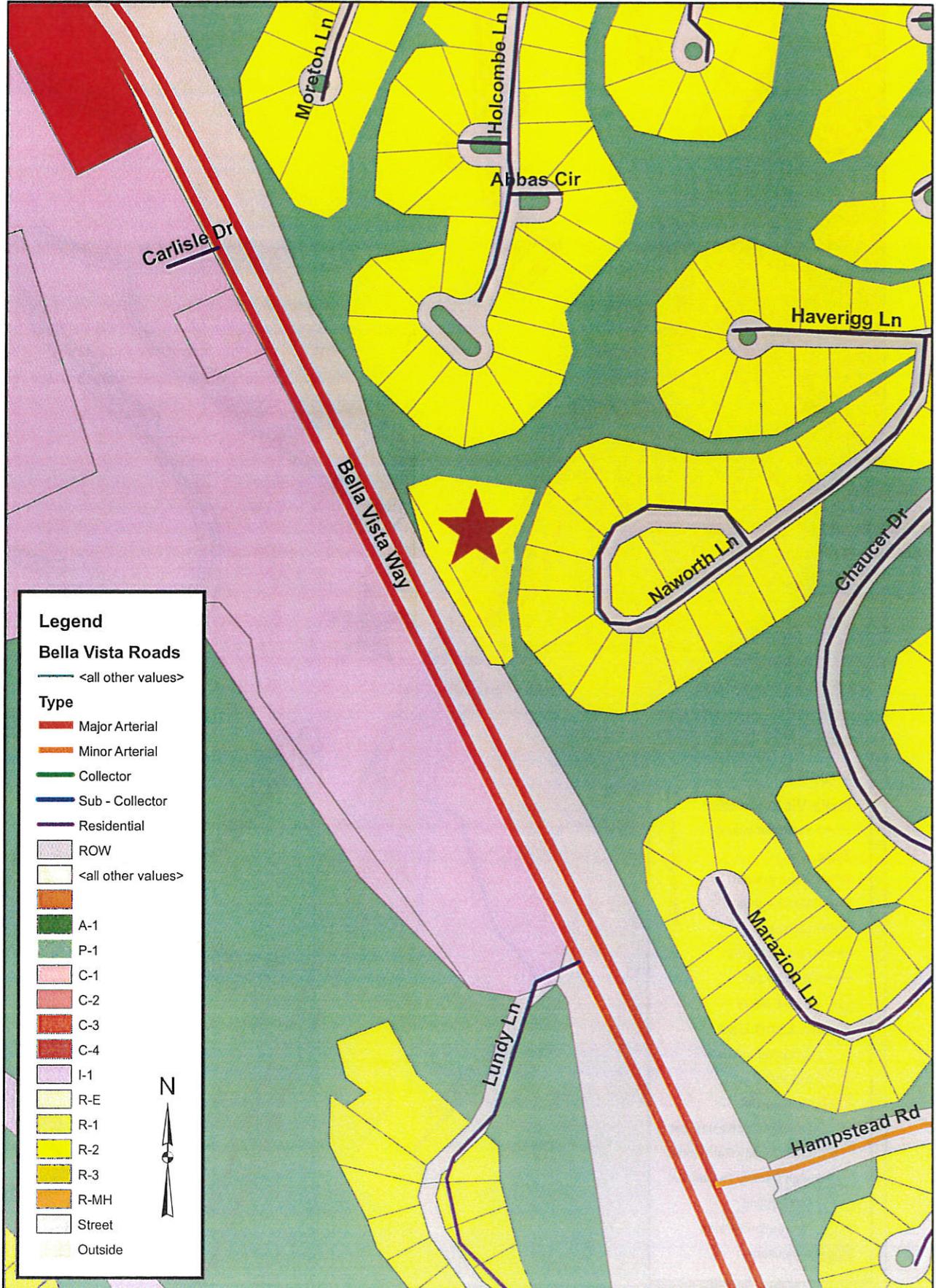


Elaine C Rosen
6 Naworth Circle

The 5 Bella Vista Way property extends directly behind and/or below the west end of Naworth Lane/Circle and Holcombe Lane. Additionally, the homes located along this ridge on either side (eg Haverigg Lane) will be affected.



Current Zoning





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DEPARTMENT OF COMMUNITY
DEVELOPMENT SERVICES
616 WEST LANCASHIRE BOULEVARD
BELLA VISTA, AR 72715
PHONE: (479) 268-4980

DATE: OCTOBER 10, 2016
TO: OWNERS; AND SURVEYOR OF RECORD
RE: PROPERTY LINE ADJUSTMENT IN PLANNING AREA FOR 53
COLD CAVE DRIVE; BENTONVILLE, AR 72712

STAFF REPORT

Owner: C Street Properties
P.O. Box 1860
Bentonville, AR 72712

Site Address: 53 Cold Cave Drive
Bella Vista, AR 72714

Surveyor: Caster & Associates Land Surveying, Inc.
c/o Robert Caster
2715 Southeast "I" Street; Suite 5
Bentonville, AR 72712

Location: Lots 3 through 7 Block 6
4th Revised Map of Bella Vista

Parcel: 15-70066-000

Filed: September 9, 2016

Permit: PLA-2016-24145

Project Description: The owners are combining 5 lots into a single parcel and then splitting off the bluff along the east side of the lot. When our process is complete, they plan to transfer title of the future non-buildable lot 12 to the Bentonville/Bella Vista Trailblazers. A copy of the plat showing the location of the new property line between these parcels is attached.

Since easements are required to be dedicated, the Planning Commission must review the project under Municipal Code Section 107-128. The Planning Commission must recommend approval, approval with conditions, or disapproval to City Council. Approval of a plat by the City Council does not constitute acceptance by the public of any dedications unless those action are also taken by the City Council.

Outstanding Comments:

1. Please provide document reference for the asphalt path (trail) if contained in an easement or right-of-way **OR** create an additional non-buildable lot (#13) that contains the entire path.
2. The utility "sign-off" on the plat for the Water and Sewer Department needs to be for the Bella Vista POA.
3. The Certificate of Approval removal of all references to the Director of the Community Development Services Department.

Staff Recommendations for Approval: Staff recommends **approval** of this item with the following provisions.

- Acceptance of the revised plat by the Owner(s).
- Acceptance of the revised plat by the Utilities (as confirmed by placement of signature by each).
- Acceptance of the revised plat by City Council.

OCTOBER 10, 2016
1

FLOOD CERTIFICATION:

I CERTIFY THAT I HAVE EXAMINED THE F.I.A. OFFICIAL FLOOD INSURANCE HAZARD RATE MAP PANEL NO. 05007C0090J (EFFECTIVE DATE SEPTEMBER 28,2007) AND FOUND THE DESCRIBED PROPERTY HEREON LIES IN ZONE 'X', AN AREA HAVING NO SPECIAL FLOOD HAZARDS.

PARENT TRACT:

LOTS 3, 4, 5, 6 AND 7, BLOCK 6 OF THE 4TH REVISED MAP OF BELLA VISTA, CITY OF BELLA VISTA, BENTON COUNTY, ARKANSAS, AS SHOWN IN PLAT BOOK 'W', PAGE 4 OF THE BENTON COUNTY RECORDS.

CERTIFICATE OF OWNERSHIP AND DEDICATION:

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

DATE OF EXECUTION: _____
 PRINT NAME: _____
 SIGNATURE: _____
 ADDRESS: _____

STATE OF ARKANSAS)
 COUNTY OF BENTON)
 ON THIS DAY BEFORE THE UNDERSIGNED, A NOTARY PUBLIC DULY QUALIFIED AND ACTING IN AND FOR THE COUNTY AND STATE AFORESAID, PERSONALLY APPEARED _____ SATISFACTORILY PROVEN TO BE THE PERSON(S) WHOSE NAME(S) APPEARS AS THE OWNER(S) IN THE FOREGOING INSTRUMENT, AND STATED THAT HE/SHE/they HAS/HAVE EXECUTED THE SAME FOR THE CONSIDERATION, USES AND PURPOSES THEREIN STATED.
 IN WITNESS WHEREOF, I HEREBY SET MY HAND AND ON THIS _____ DAY OF _____ 20____

NOTARY PUBLIC _____
 MY COMMISSION EXPIRES: _____

CERTIFICATE OF APPROVAL:

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

DATE OF EXECUTION: _____
 SIGNED _____ BELLA VISTA MAYOR
 SIGNED _____ DIRECTOR OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

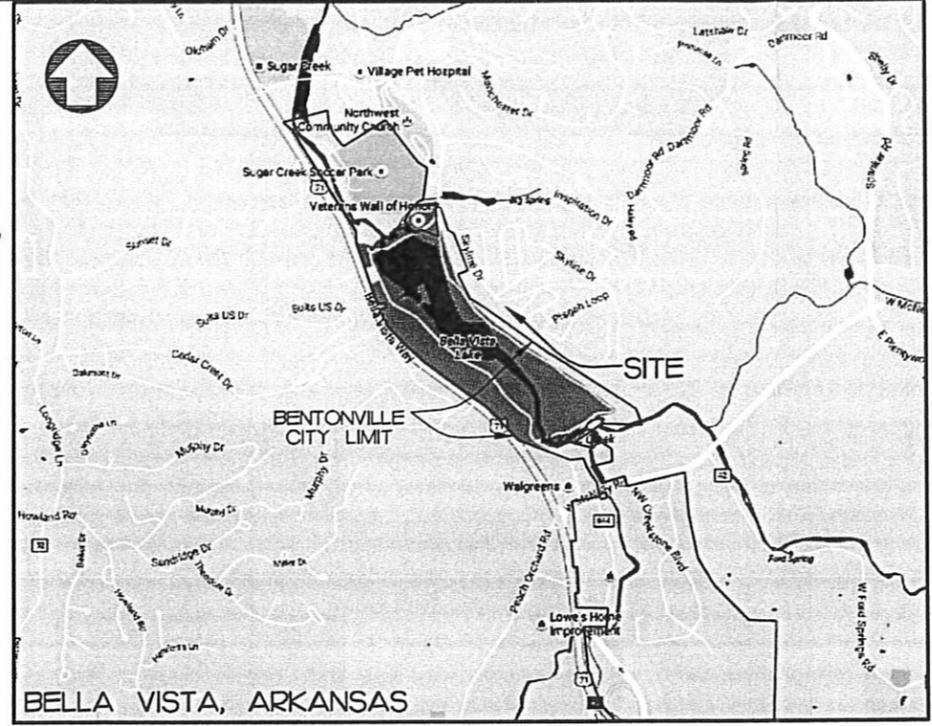
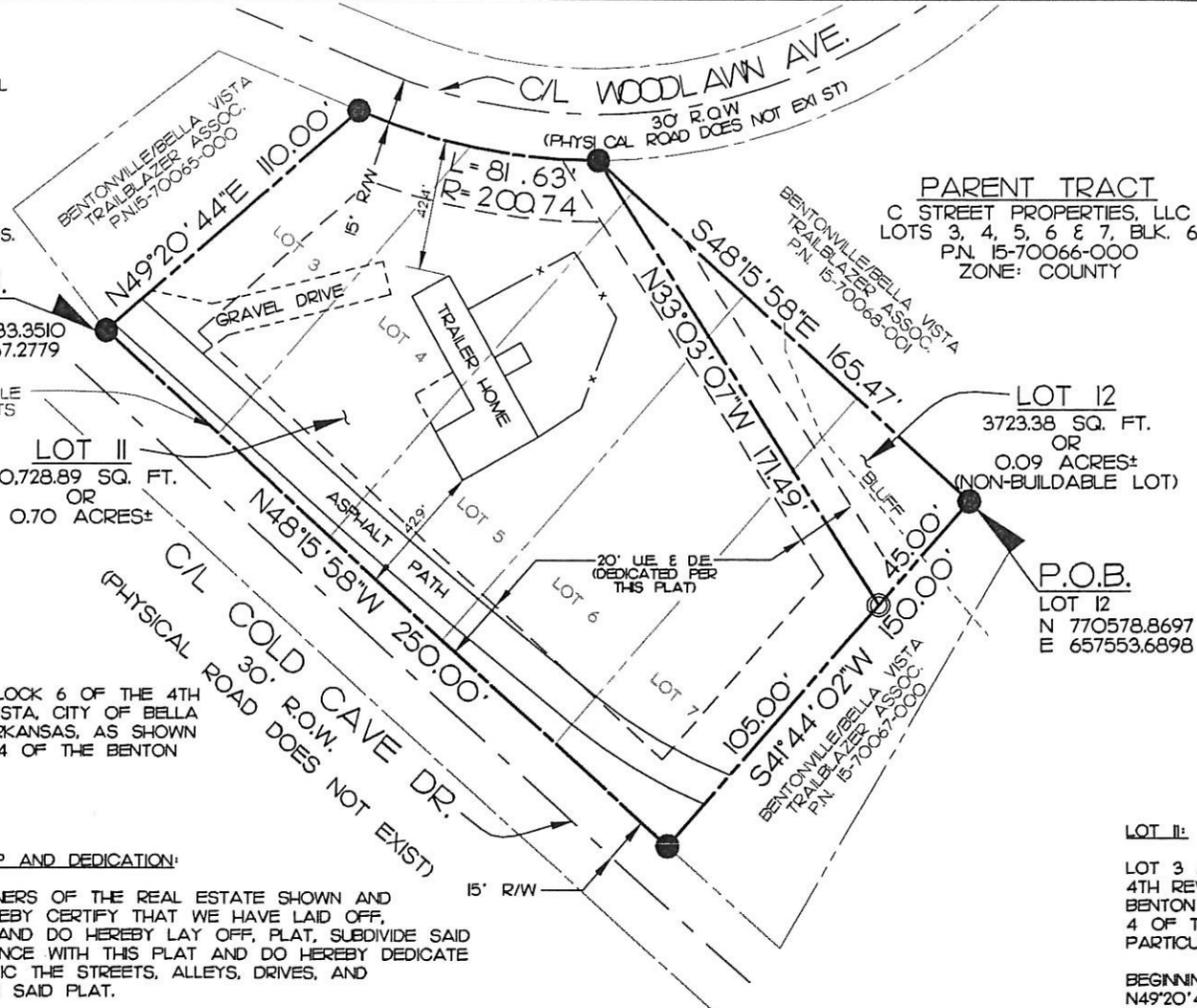
CARROLL ELECTRIC ACCEPTANCE:
 THIS _____ DAY OF _____ 20____
COX COMMUNICATIONS ACCEPTANCE:
 THIS _____ DAY OF _____ 20____
AT&T ACCEPTANCE:
 THIS _____ DAY OF _____ 20____
WATER & SEWER DEPARTMENT:
 THIS _____ DAY OF _____ 20____

NOTES:
 1. BASIS OF BEARINGS: PLAT BOOK P2, PAGE 769 OF THE BENTON COUNTY RECORDS.
 2. REFERENCE PLAT: BELLA VISTA ORIGINAL, BK. 'W', PAGE 4.
 3. DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
 4. THIS SURVEY IS VALID ONLY IF THE DRAWING INCLUDES THE SEAL AND SIGNATURE OF THE SURVEYOR.
 5. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP, TITLE EVIDENCE, OR ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE COMMITMENT MAY DISCLOSE.

SURVEYOR'S CERTIFICATE:
 I CERTIFY THAT I HAVE COMPLETED A SURVEY OF THE ABOVE DESCRIBED PROPERTY. THE PROPERTY LINES AND CORNER MONUMENTS ARE TO THE BEST OF MY KNOWLEDGE AND ABILITY, CORRECTLY ESTABLISHED, AND THERE ARE NO VISIBLE ENCROACHMENTS EXCEPT AS SHOWN ON THIS PLAT. THIS SURVEY MEETS THE CURRENT 'MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS', PER THE STATE OF ARKANSAS.

 ROBERT J. CASTER, PLS. NO.1370, ARKANSAS DATE _____

CERTIFICATE OF AUTHORIZATION
 COA CERTIFICATE NUMBER: 3049

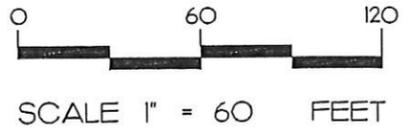
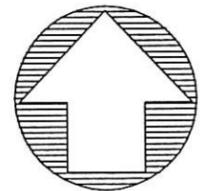


VICINITY MAP (N.T.S.)

RECORDING INFORMATION

LEGEND

- FOUND REBAR/PIPE
- SET 1/2" REBAR W/CAP, LS 1370
- PROPERTY LINE
- - - CENTER LINE
- - - SECTION LINE



CASTER & ASSOCIATES
 LAND SURVEYING, INC.
 2715 SE 1st Street, Suite 5
 Bentonville, AR 72712
 Telephone 479-268-4464



SCALE: 1" = 60'		DATE: 9-8-16	
LOT SPLIT LOTS 3, 4, 5, 6 & 7, BLK. 6 4TH REVISED MAP OF BELLA VISTA CREATING LOTS 11 AND 12			
53 COLD CAVE DRIVE BELLA VISTA, BENTON COUNTY, ARKANSAS			
JOB # 16-129	DRAWN BY: ASD	CHK'D BY: RJC	PAGE 1 OF 1



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DEPARTMENT OF COMMUNITY
DEVELOPMENT SERVICES
616 WEST LANCASHIRE BOULEVARD
BELLA VISTA, AR 72715
PHONE: (479) 268-4980



DATE: OCTOBER 10, 2016
To: OWNERS; AND SURVEYOR OF RECORD
RE: LOT SPLIT IN PLANNING AREA FOR 8770 SPANKER CREEK ROAD; BENTONVILLE, AR 72712

STAFF REPORT

Owners: Zachary R. & Erin K. Kennedy 8770 Spanker Creek Road Bentonville, AR 72712	Location: NE ¼ of SE ¼ in Section 5 Township 20 North Range 30 West
Surveyor: Caster & Associates Land Surveying, Inc. c/o Robert Caster 2715 Southeast "I" Street; Suite 5 Bentonville, AR 72712 Office: (479) 268-4464	Parcel: 18-07197-006 Filed: September 9, 2016 Permit: IS-2016-24146

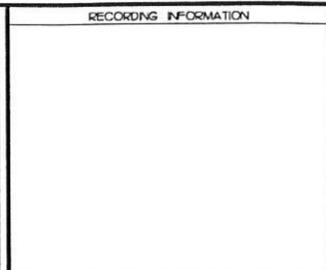
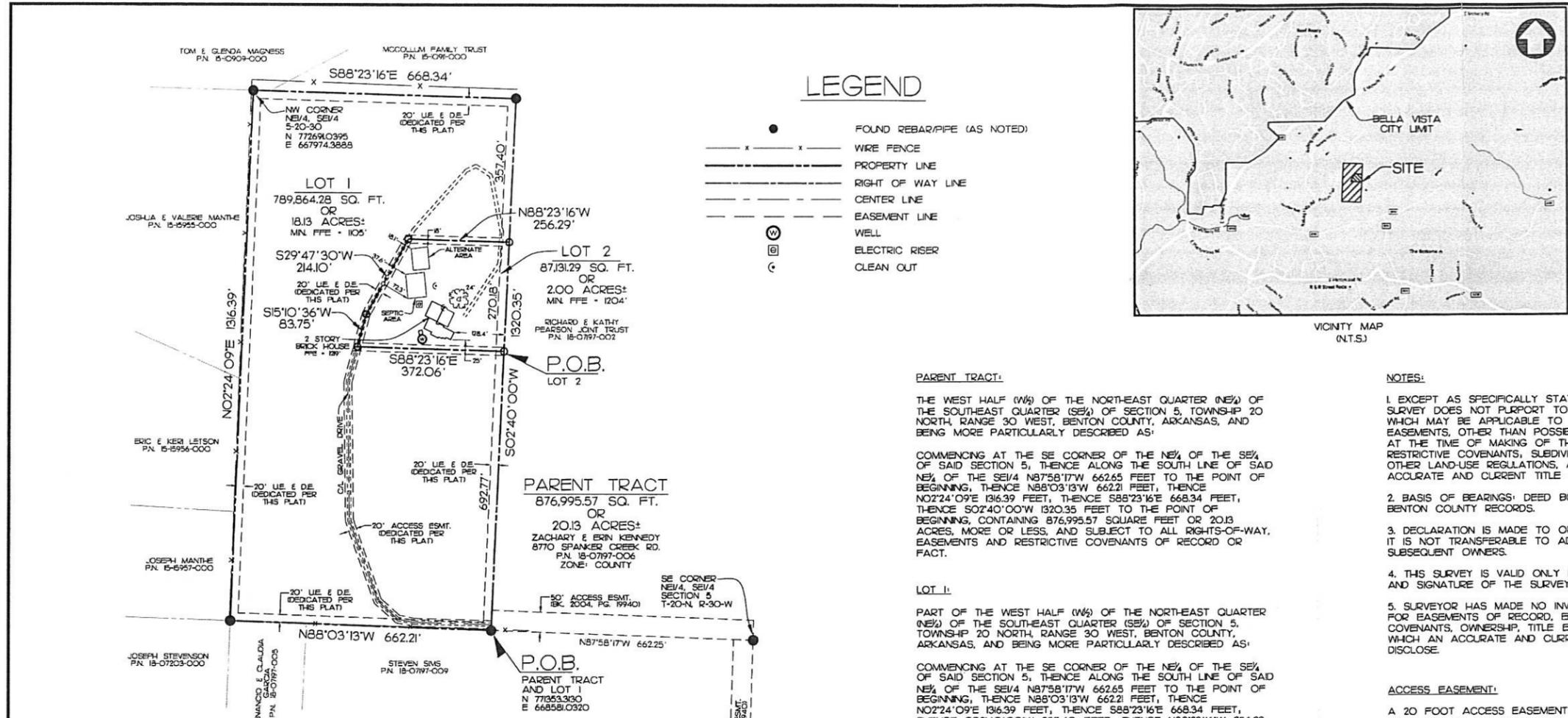
Project Description: The owners are splitting the land for purposes related to refinancing of the house. A copy of the plat showing the location of the new property line between these parcels is attached. Since easements are required to be dedicated, the Planning Commission must review the project under Municipal Code Section 107-128. The Planning Commission must recommend approval, approval with conditions, or disapproval to City Council. Approval of a plat by the City Council does not constitute acceptance by the public of any dedications unless those action are also taken by the City Council.

Outstanding Comments:

1. The Certificate of Approval removal of all references to the Director of the Community Development Services Department.

Staff Recommendations for Approval: Staff recommends **approval** of this item with the following provisions.

- Acceptance of the revised plat by the Owner(s).
- Acceptance of the revised plat by the Utilities (as confirmed by placement of signature by each).
- Acceptance of the revised plat by City Council.



LEGEND

- FOUND REBAR/PIPE (AS NOTED)
- x --- WIRE FENCE
- PROPERTY LINE
- RIGHT OF WAY LINE
- CENTER LINE
- EASEMENT LINE
- ⊙ WELL
- ⊕ ELECTRIC RISER
- CLEAN OUT

RECORDING INFORMATION

PARENT TRACT:

THE WEST HALF (1/2) OF THE NORTH-EAST QUARTER (NE1/4) OF THE SOUTH-EAST QUARTER (SE1/4) OF SECTION 5, TOWNSHIP 20 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SE CORNER OF THE NE1/4 OF THE SE1/4 OF SAID SECTION 5; THENCE ALONG THE SOUTH LINE OF SAID NE1/4 OF THE SE1/4 N87°58'17"W 662.65 FEET TO THE POINT OF BEGINNING, THENCE N88°03'13"W 662.21 FEET, THENCE N02°24'09"E 1316.39 FEET, THENCE S88°23'16"E 668.34 FEET, THENCE S02°40'00"W 1320.35 FEET TO THE POINT OF BEGINNING, CONTAINING 876,995.57 SQUARE FEET OR 20.13 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

LOT 1:

PART OF THE WEST HALF (1/2) OF THE NORTH-EAST QUARTER (NE1/4) OF THE SOUTH-EAST QUARTER (SE1/4) OF SECTION 5, TOWNSHIP 20 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SE CORNER OF THE NE1/4 OF THE SE1/4 OF SAID SECTION 5; THENCE ALONG THE SOUTH LINE OF SAID NE1/4 OF THE SE1/4 N87°58'17"W 662.65 FEET TO THE POINT OF BEGINNING, THENCE N88°03'13"W 662.21 FEET, THENCE N02°24'09"E 1316.39 FEET, THENCE S88°23'16"E 668.34 FEET, THENCE S02°40'00"W 357.40 FEET, THENCE N88°23'16"W 256.29 FEET, THENCE S29°47'30"W 214.10 FEET, THENCE S15°10'36"W 83.75 FEET, THENCE S88°23'16"E 372.06 FEET, THENCE S02°40'00"W 692.77 FEET TO THE POINT OF BEGINNING, CONTAINING 789,864.28 SQUARE FEET OR 18.13 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

LOT 2:

PART OF THE WEST HALF (1/2) OF THE NORTH-EAST QUARTER (NE1/4) OF THE SOUTH-EAST QUARTER (SE1/4) OF SECTION 5, TOWNSHIP 20 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SE CORNER OF THE NE1/4 OF THE SE1/4 OF SAID SECTION 5; THENCE ALONG THE SOUTH LINE OF SAID NE1/4 OF THE SE1/4 N87°58'17"W 662.65 FEET, THENCE N02°40'00"E 692.77 FEET TO THE POINT OF BEGINNING, THENCE N88°23'16"W 372.06 FEET, THENCE N15°10'36"E 83.75 FEET, THENCE N29°47'30"E 214.10 FEET, THENCE S88°23'16"E 256.29 FEET, THENCE S02°40'00"W 270.18 FEET TO THE POINT OF BEGINNING, CONTAINING 87,312.29 SQUARE FEET OR 2.00 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

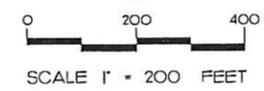
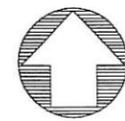
NOTES:

1. EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF MAKING OF THIS SURVEY, BUILDING SETBACK LINES, RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS, ZONING OR OTHER LAND-USE REGULATIONS, AND ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE COMMITMENT MAY DISCLOSE.
2. BASIS OF BEARINGS: DEED BOOK 2004, PAGE 19940 OF THE BENTON COUNTY RECORDS.
3. DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
4. THIS SURVEY IS VALID ONLY IF THE DRAWING INCLUDES THE SEAL AND SIGNATURE OF THE SURVEYOR.
5. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP, TITLE EVIDENCE, OR ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE COMMITMENT MAY DISCLOSE.

ACCESS EASEMENT:

A 20 FOOT ACCESS EASEMENT BEING A PART OF THE WEST HALF (1/2) OF THE NORTH-EAST QUARTER (NE1/4) OF THE SOUTH-EAST QUARTER (SE1/4) OF SECTION 5, TOWNSHIP 20 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, AND THE CENTER LINE OF SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SE CORNER OF THE NE1/4 OF THE SE1/4 OF SAID SECTION 5; THENCE ALONG THE SOUTH LINE OF SAID NE1/4 OF THE SE1/4 N87°58'17"W 662.65 FEET, THENCE N02°40'00"E 1432 FEET TO THE POINT OF BEGINNING, THENCE N88°24'17"W 196.32 FEET, THENCE N78°42'07"W 40.94 FEET, THENCE N48°52'56"W 68.22 FEET, THENCE N97°43'08"W 21.84 FEET, THENCE N00°47'34"W 343.21 FEET, THENCE N15°10'36"E 90.38 FEET TO THE POINT OF TERMINATION, CONTAINING 19,018.42 SQUARE FEET OR 0.44 ACRES, MORE OR LESS.



STATE SURVEY CODE: 500-20N-30W-0-05-210-04-1370

CERTIFICATE OF OWNERSHIP AND DEDICATION:

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

DATE OF EXECUTION: _____

PRINT NAME: _____

SIGNATURE: _____

PRINT NAME: _____

SIGNATURE: _____

ADDRESS: _____

STATE OF ARKANSAS)
COUNTY OF BENTON)

ON THIS DAY BEFORE THE UNDERSIGNED, A NOTARY PUBLIC DULY QUALIFIED AND ACTING IN AND FOR THE COUNTY AND STATE AFORESAID, PERSONALLY APPEARED _____ SATISFACTORILY PROVEN TO BE THE PERSON(S) WHOSE NAME(S) APPEAR(S) AS THE OWNER(S) IN THE FOREGOING INSTRUMENT, AND STATED THAT HE/SHE/THEY HAS/HAVE EXECUTED THE SAME FOR THE CONSIDERATION, USES AND PURPOSES THEREIN STATED.

IN WITNESS WHEREOF, I HERELIANTO SET MY HAND AND ON THIS _____ DAY OF _____ 20____

NOTARY PUBLIC _____
MY COMMISSION EXPIRES: _____

CERTIFICATE OF APPROVAL:

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

DATE OF EXECUTION: _____

SIGNED _____ BELLA VISTA MAYOR

SIGNED _____ DIRECTOR OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

CARROLL ELECTRIC ACCEPTANCE:
THIS _____ DAY OF _____ 20____

COX COMMUNICATIONS ACCEPTANCE:
THIS _____ DAY OF _____ 20____

AIRTEL ACCEPTANCE:
THIS _____ DAY OF _____ 20____

WATER & SEWER DEPARTMENT:
THIS _____ DAY OF _____ 20____

FLOOD CERTIFICATION:

I CERTIFY THAT I HAVE EXAMINED THE F.I.A. OFFICIAL FLOOD INSURANCE HAZARD RATE MAP PANEL NO. 050070090J (EFFECTIVE DATE SEPTEMBER 28, 2007) AND FOUND THE DESCRIBED PROPERTY HEREON LIES IN ZONE 'X', AN AREA HAVING NO SPECIAL FLOOD HAZARDS.

CERTIFICATE OF SURVEY ACCURACY:

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

ROBERT J. CASTER, P.L.S. NO.1370, ARKANSAS _____ DATE _____

CERTIFICATE OF AUTHORIZATION
COA CERTIFICATE NUMBER: 3049

CASTER & ASSOCIATES
LAND SURVEYING, INC.
2715 SE 'I' Street, Suite 5
Bentonville, AR 72712
Telephone 479-268-4464



SCALE: 1" = 200'		DATE: 9-8-16	
LOT SPLIT FOR ZACHARY KENNEDY			
8770 SPANKER CREEK ROAD BENTON COUNTY, ARKANSAS			
JOB # 16-156	DRAWN BY: ASD	CHECK'D BY: RJC	PAGE 1 OF 1