



**BOARD OF ADJUSTMENT
AGENDA
January 13, 2016**

I. Call to Order

II. Approval of Minutes

III. New Business:

- 1. Berns Capital, LLC** **Variance***
Southwest 'B' Street & Southwest 4th Street (southwest corner of intersection)
 - Density Variance in D-E, Downtown Edge Zoning Designation

- 2. Skaggs** **Variance***
4403 Southwest Beech Lane
 - Rear Setback Variance in R-1, Single Family Zoning Designation

IV. Other Business

V. Adjournment

Board of Adjustment
Minutes
December 9, 2015

Meeting called to order at 5:00 p.m. by Joe Haynie, Chairman.

Present: Joe Haynie, Sam Pearson, Jan Holland, Rustin Chrisco and Rick Rogers

Motion by Pearson, seconded by Haynie to approve the minutes of November 25, 2015 as written.
Approved 5-0

New Business:

Item #1

Diedra Robinson: (15-11000036) Variance Request, 616 Northwest 2nd Street, Zoned R-1.

The applicant has submitted a street facing garage setback variance in the R-1, Single Family Residential zoning district. The current minimum setback for a street facing garage is 30' from the property lines. The applicant is requesting a 10' variance to allow the proposed street facing garage to be placed 20' from the western property line. 6.74' of additional right-of-way will be dedicated along Northwest 'F' Street.

Opened public hearing

Representative for the applicant, Dan Gauw spoke in favor of the variance.

No other public comment

Approved 4-0-1 abstain

Other Business:

Election of officer

- Chairperson

Motion by Haynie, seconded by Holland to nominate Rustin Chrisco for chairperson

Approved 4-0

- Vice Chair

Motion by Pearson, seconded by Holland to nominate Rick Rogers as vice-chair.

Approved 4-0

- Secretary

Motion by Rogers, seconded by Christo to nominate Jan Holland

Approved 4-0

Meeting adjourned

Diane Shastid

BOA STAFF REPORT

16-11000001 –Berns Capital, LLC – Density

TO: Bentonville Board of Adjustment Members
THRU: Troy Galloway, AICP, Community Development Director
FROM: Jon Stanley, Planner
BOA DATE: January 13, 2016

GENERAL INFORMATION:

Representative: Newell Development (Jake Newell)

Applicant: Berns Capital, LLC

Location: Southwest 'B' Street & Southwest 4th Street (southwest corner of intersection)

Existing Zoning: D-E, Downtown Edge

Existing Land Use: Mixed Use

REQUEST: Variance

Density Variance		
	Regulation	Request
Article 401. Sec 401.8-B.C.1 Density Requirements for D-E, Downtown Edge	18 Dwelling Units per Acre Max.	Request of: 35.29 units per acre Variance of : 17.29 units per acre

SURROUNDING ZONING:

Direction	Zoning
North	R-1, Single Family Residential
South	R-1, Single Family Residential
East	R-O, Residential Office
West	R-1, Single Family Residential

BACKGROUND:

The applicant has submitted a variance requests to the zoning code for property located in the D-E, Downtown Edge zoning classification to allow the construction of six (6) townhomes. The applicant is requesting that 35.29 units per acre be allowed which is a variance of 17.29 units per acre from the 18 units per acre allowed by ordinance.

PUBLIC COMMENT:

Staff HAS NOT received public comment regarding this request.

CONDITIONS OF APPROVAL:

If approved, the following condition(S) shall apply:

1. The approved variance shall be for the proposed 6 townhomes only, as provided by the applicant within this application.
2. A Large Scale Development will be required to be submitted and approved by the planning commission.

To: City of Bentonville Board of Adjustment

Re: SW B infill housing for Newell Development

Newell Development is seeking to Develop six townhouses on the SE corner of SW 4th and B. These townhouses will add a very needed affordable product type to the core of downtown. This townhouse project conforms to the future land use of the the SW quadrant and arts district. In the future property to the north of this project will be a commercial development and property to the east will be a bank. This project maximizes the corner for single family housing but overshoots the allowable the density per City of Bentonville's zoning. Newell Development had two options when looking to get this project approved. The first is to rezone to Downtown Core. Upon speaking with staff this would not work because core would allow for commercial uses and our project will be the bridge from commercial to denser residential development. The second option is to get a variance for density. This option seems most realistic. Newell Development is trying to bridge gap between downtown core properties and a downtown edge residential street. The downtown edge zoning does not allow for the density needed to make this townhouse project feasible.

Newell Developments goal is to provide single and multi -family housing in walk able/ bike able locations close to Bentonville's Core. We are committed to working within the cities framework to provide roof tops and create unique places. This project we believe will continue to help the SW quadrant thrive.

Best Regards

Newell Development

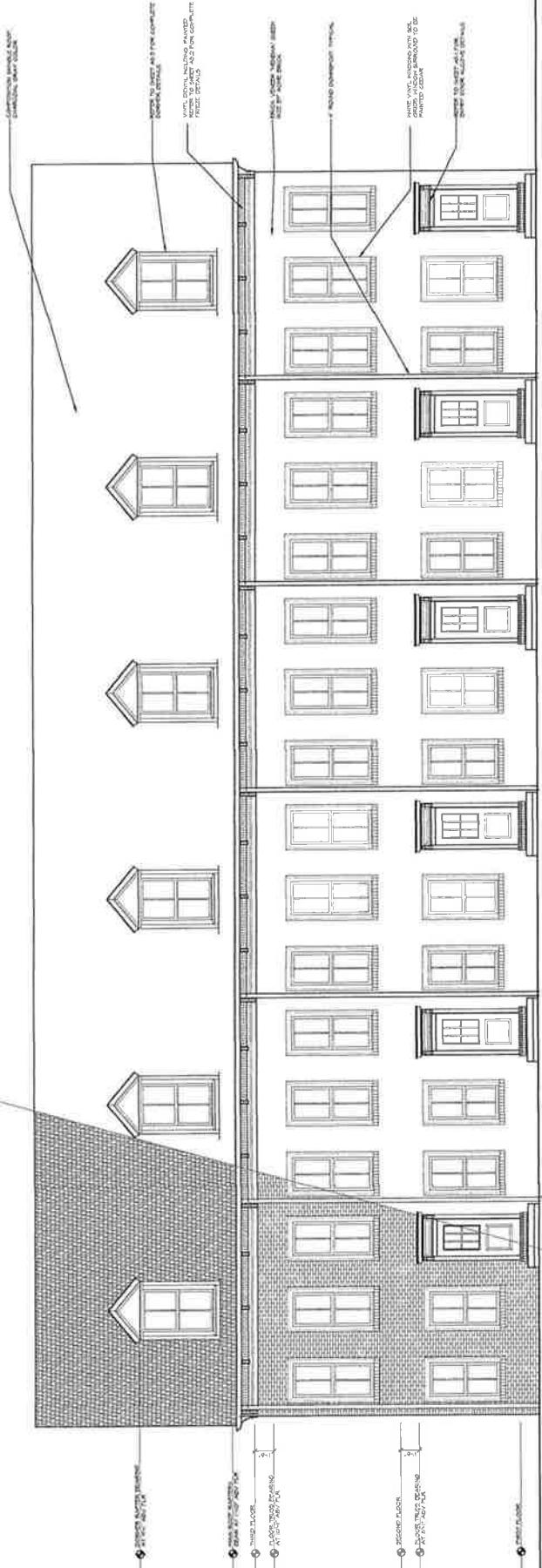
A2.1

FRONT ELEVATION

100 W. CENTER ST.
1 DECEMBER 2015

1 REAR ELEVATION

SCALE: 1/4" = 1'-0"



B STREET
BENTONVILLE
NRBILL DEVELOPMENT
TEL. 479.225.3997

CLASSIC AMERICAN HOUSES, LLC
100 W. CENTER ST.
FAIRBURN, GA 30209
PHONE: 770.462.2228
EMAIL: SALES@CAHARCHITECT.COM

A2.2

NO. 1001

DATE

10/20/2018

JOB NO.

1001

DATE

10/20/2018

JOB NO.

1001

DATE

10/20/2018

JOB NO.

1001

DATE

10/20/2018

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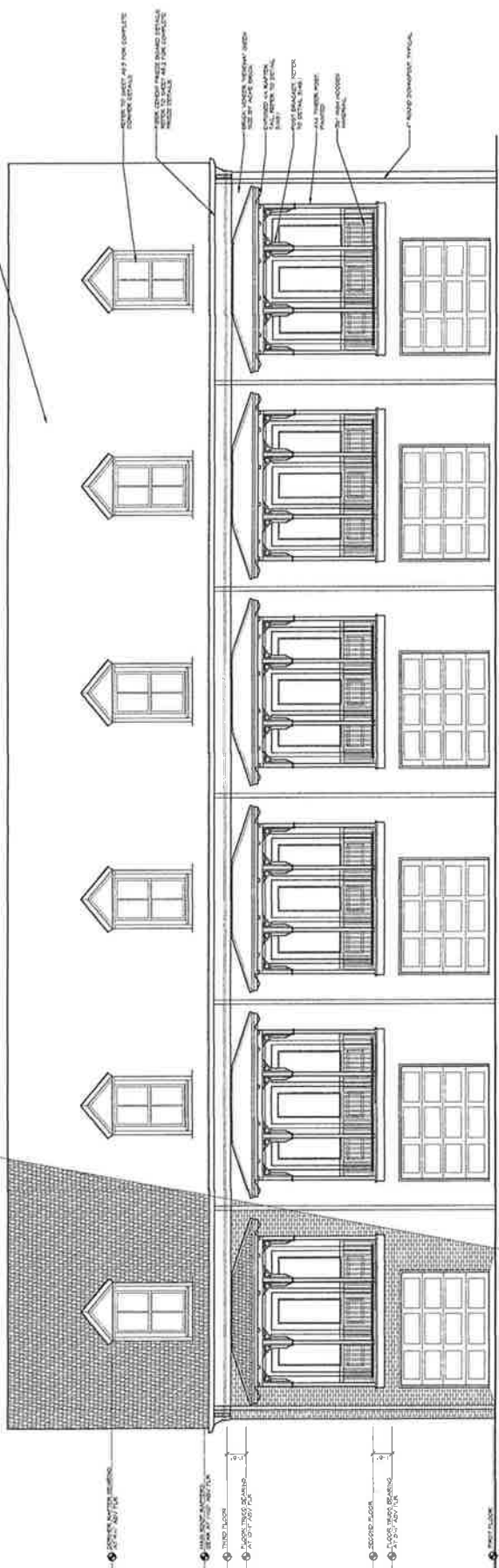
JOB NO.

1001

DATE

10/20/2018

1 REAR ELEVATION SCALE 1/4" = 1'-0"



BRICK FINISH TO MATCH EXISTING

STUCCO FINISH TO MATCH EXISTING

REAR PORCH TO MATCH EXISTING

REAR WINDOW TO MATCH EXISTING

REAR DOOR TO MATCH EXISTING

REAR GABLE WINDOW TO MATCH EXISTING

REAR GABLE FINISH TO MATCH EXISTING

REAR GABLE ROOF TO MATCH EXISTING

REAR GABLE TRIM TO MATCH EXISTING

REAR GABLE SHINGLES TO MATCH EXISTING

REAR GABLE SIDING TO MATCH EXISTING

REAR GABLE BRICK TO MATCH EXISTING

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CLASSIC AMERICAN HOUSE, LLC
 100 W. CENTER ST. SUITE 300
 FAYETTEVILLE, AR 72701
 PHONE: 479-422-2222 FAX: 479-422-2222

B STREET BROWNSTONES
 B STREET
 BENTONVILLE
 NEWELL DEVELOPMENT
 TEL 479.225.3997

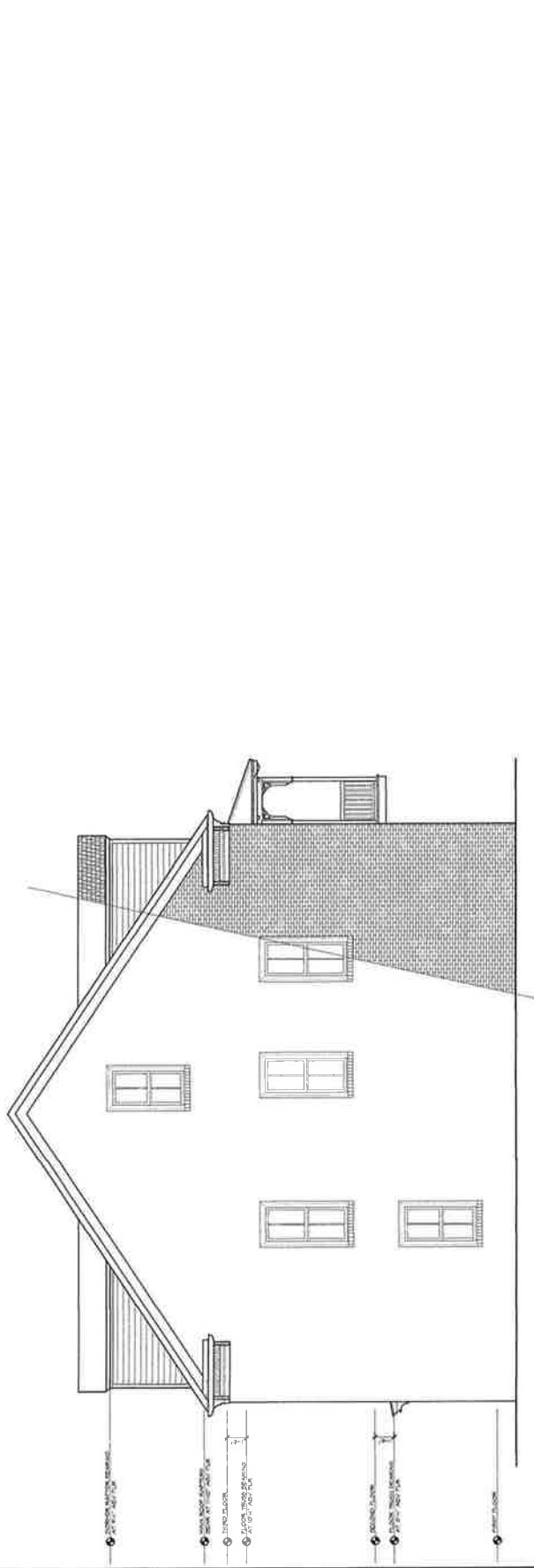
CLASSIC AMERICAN HOUSE, LLC
 100 W. CENTER ST. STE 300
 FAVRETTVILLE, VA 22701
 PHONE: 434.833.8333 EMAIL: SALES@CLASSICHOUSE.COM

B STREET BROWNSTONES
 NEWELL DEVELOPMENT
 TEL: 479.225.3997

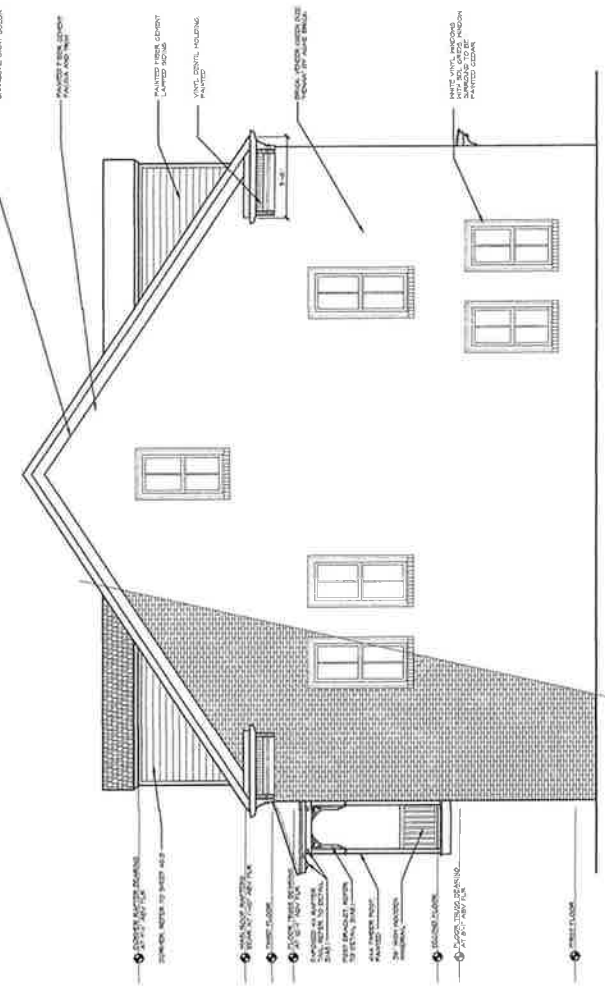
B STREET
 BENTONVILLE
 AR

JOB NO.: 15018
 DATE: 1/28/2015

A2.3
 SIDE ELEVATION



2 NORTH SIDE ELEVATION
 SCALE: 1/4" = 1'-0"



1 NORTH SIDE ELEVATION
 SCALE: 1/4" = 1'-0"

- 1 FRONT PORCH DOOR
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BOA STAFF REPORT

16-11000002 –Skaggs – Rear Setback Variance

TO: Bentonville Board of Adjustment Members
THRU: Troy Galloway, AICP, Community Development Director
FROM: Jon Stanley, Planner
BOA DATE: January 13, 2016

GENERAL INFORMATION:

Representative: RLP Investments (Jonathan Million)

Applicant: Kendra Skaggs

Location: 4403 Southwest Beech Lane

Existing Zoning: R-1, Single Family Residential

Existing Land Use: Mixed Use

REQUEST: Variance

Density Variance		
	Regulation	Request
Article 401. Sec 401.7.C.3-c Minimum Setback Requirements for R-1, Single Family Residential	25' minimum rear setback	Request of: 20' Variance of : 5'

SURROUNDING ZONING:

Direction	Zoning
North	R-1, Single Family Residential
South	R-1, Single Family Residential
East	R-1, Single Family Residential
West	R-1, Single Family Residential

BACKGROUND:

The applicant has submitted a variance request to the Rear Setback for property located in the R-1, Single Family Residential zoning classification to allow for the construction of a covered deck. The applicant is requesting a 20' rear setback be allowed which is a variance of 5' from the 25' required by ordinance. The 15' utility easement that is located along the rear property line will not be impacted by the construction of the covered deck and will not hinder public or private utility services.

PUBLIC COMMENT:

Staff HAS NOT received public comment regarding this request.

CONDITIONS OF APPROVAL:

If approved, the following condition(S) shall apply:

1. The approved variance shall be for the proposed covered deck on the rear of the home only, as provided by the applicant within this application.

Variance Request – 4403 SW Beech

Bentonville, AR 72712

Board of Adjustments Committee Members,

We are coming to you today in hopes of a variance request approval to construct a handicap accessible deck/ramp at 4403 SW Beech in the Willowbrook Farms Subdivision. As you can see from the attached survey, our proposed deck would encroach into the back non-buildable space portion of the lot at approximately 18' 5'

As you may or may not be aware, 4403 SW Beech backs up to approximately 140' of greenspace that will never be built on due to the space being in a flood plain. The occupants of the home have a disabled/wheelchair bound young daughter named Polina. (Please see attached letter from her mother in regards to Polina's past and current condition.) We have made the house handicap accessible (wider doors, custom showers, tile throughout, custom cabinets and vanities, etc..) so that Polina would be able to enjoy all the amenities, much as a child does that does not have a handicap.

As you will see from the attached survey, there is a 15' utility easement in the back of the property. Our proposed deck/ramp will not be encroaching into the utility easement. The proposed construction would not hinder any utility companies, or cause any obstacles for neighbors or the City of Bentonville. The only obstacle that we would face after constructing the deck would be keeping the smile off of Polina's face when she is enjoying her beautiful back yard to the fullest extent like other non-handicap children.

So in conclusion, we hope that you can see the need to construct this deck and ramp for Polina and the occupants of 4403 SW Beech. We will not be of any hindrance to any utility companies, city ordinances, or surrounding neighbors in the subdivision.

Sincerely,



Kendra Skaggs

Owner – 4403 SW Beech

Russ Plumley, President

RLP Investments, Inc.





Jonathan Million <jonathan.million@gmail.com>

Fwd: Please forward to Jonathan

Kendra Skaggs <kendra.knight@sbcglobal.net>
To: "jonathan.million@gmail.com" <jonathan.million@gmail.com>

Wed, Dec 9, 2015 at 8:03 AM

Sent from my iPhone

Begin forwarded message:

From: Kendra Skaggs <kendra.knight@sbcglobal.net>
Date: December 9, 2015 at 6:52:54 AM CST
To: DeAnne Edwards <dandaedwards@sbcglobal.net>
Subject: Please forward to Jonathan

To Whom It May Concern:
Re: 4403 Beech Ln Utility Easement

Polina Skaggs is an 8-year-old little girl born with myelomeningocele, more commonly known as Spina Bifida. She was "refused" at birth by her mother and became an orphan of the Russian Federation. She was not given a shunt to drain the fluid on her brain because it was believed she would not survive the Hydrocephalus, saving money and time to care for her. However, she proved them wrong. She was born a fighter.

Polina never received the care she needed in Russia. She lived in a baby house until age four when she was transferred to a home for "invalid children." She never had a visitor until I arrived in Sept 2012. I found her malnourished and neglected. She needed multiple surgeries and clearly had severe vision problems, likely caused by the hydrocephalus.

After a battle with the Russian government, I was able to bring her home in February of 2013. The glasses they sent her with had a prescription of -1.5. She is still working up to her needed prescription of -10. She has had 16 surgeries on her feet, knees, and internal organs in the past 2 years. Through it all, she has proven to be a fighter.

Polina goes to Willowbrook Elementary and attends a regular 2nd grade classroom. She is involved in iNFiNiTi Cheer Flawless. She goes to 5 therapy appointments a week between fine motor, sensory, large motor and vision needs. Someone knows her everywhere we go. She's a spark of electricity that brings joy to so many.

We have been living in a one bedroom upstairs apartment for nearly a year now while saving money and building a handicapped accessible home for Polina so that she can be independent in caring for her personal needs. Medically, she needs to stop crawling around the house due to skin breakdown and other orthopedic reasons. This house will allow her to do that.

The last step in completing this house is a deck with a ramp that will allow Polina to be outside in her wheelchair and a new device just purchased that will allow her to be in her feet. It's a walking wheelchair of sorts.

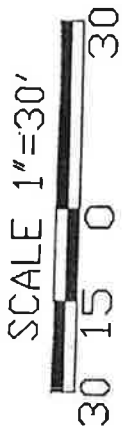
Vitamin D is an important element for her bone health and the best, most natural way for her to get that is from the sun. You see, when I brought Polina to the U.S., both of her legs had been severely broken. The right one hadn't ever healed and the bones weren't even connected at the knee.

Polina deserves this independence and the best chance at life that both my love and money can provide. When you put limitations on any child, you ruin their future. We are working hard to remove those limitations and open up Polina's future.

Anything you can do to help is greatly appreciated.

Kendra Skaggs
Carter & Polina's Mom
SPED Teacher, Bentonville High School

Sent from my iPhone



S.W. BEECH LANE

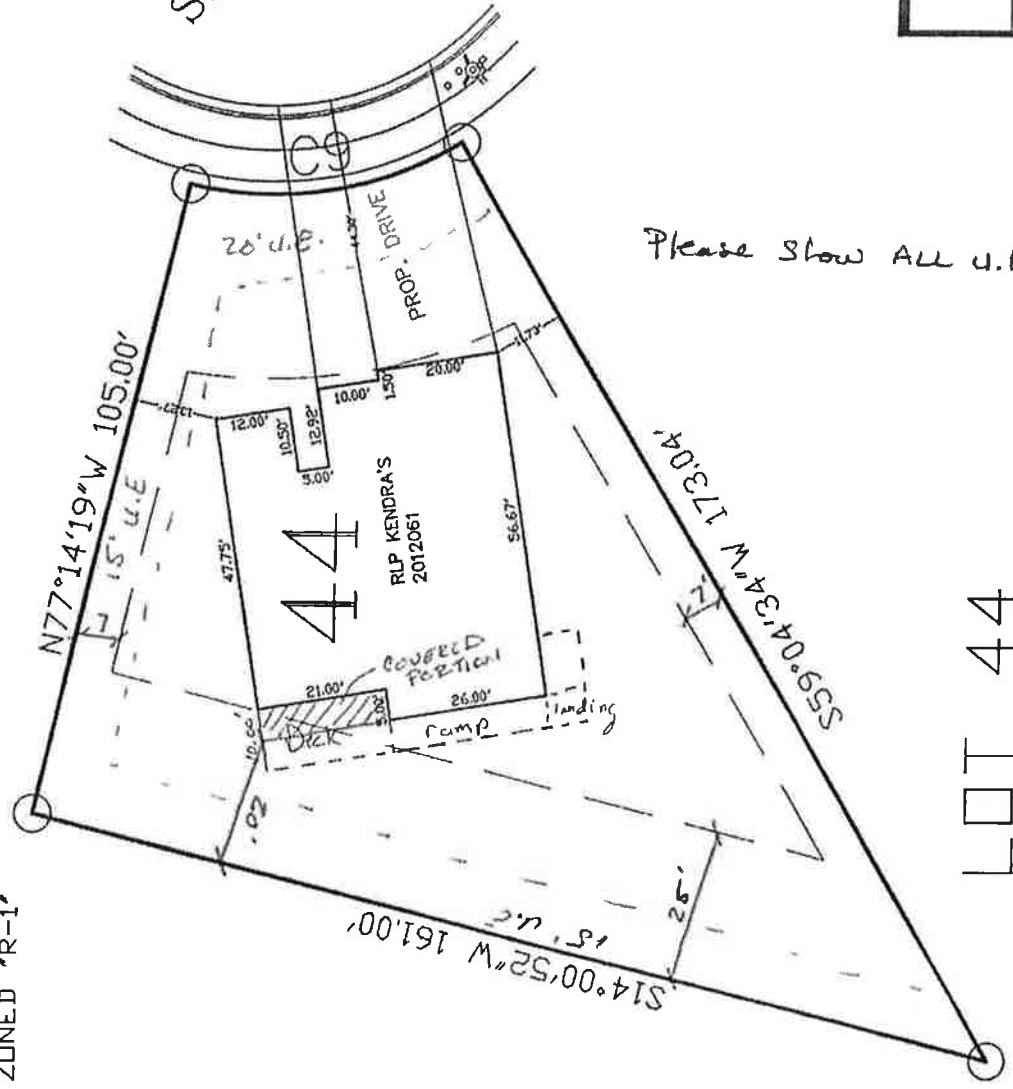
11,907 sq. ft.
0.27 acres

4403 S.W. BEECH LANE

BUILDER:			
RLP DEVELOPMENT			
PLOT PLAN			
SCALE	DATE	JOB	SHEET
1"=30'	6-1-15	2012061	1

LEGEND

- FOUND IRON PIN
- BUILDING SETBACK
- 30' FRONT
- 7' SIDE
- 25' REAR
- ZONED 'R-1'



LOT 44
WILLOWBROOK FARMS SUBD.

PROPERTY DESCRIPTION

LOT 1-4 OF WILLOWBROOK FARMS SUBDIVISION PHASE 1 (1687 ACRES) IN BENTONVILLE, ARKANSAS AS FOUND ON THE FINAL PLAT FILED ON JANUARY 22, 2013 AND FOUND AT PLAT RECORD BOOK 208 AT PAGE 46.

AS-20 IN THE COUNTY OF BENTON, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS THE NE 1/4 OF SECTION 10, T8N, R18E, S18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100, 102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000.

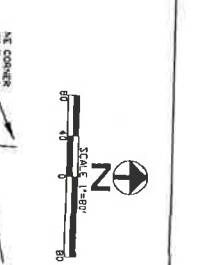
REBAR
FRONT REBAR 30 FEET
SIDE REBAR 29 FEET
BACK REBAR 29 FEET
TOTAL REBAR 88 FEET

FLOOD CERTIFICATION
A PART OF THIS PROPERTY LIES WITHIN ZONE "A" OR "AE" AS FOUND ON FEMA MAP NO. 090070205 K EFFECTIVE DATE JUNE 5, 2012.
ZONING
THIS PROPERTY IS ZONED: R-1

CLARE LENGTH (FEET)	GRID	GRID LENGTH
16.87		
0.31		
17.18		
TOTAL DEVELOPED ACRES		

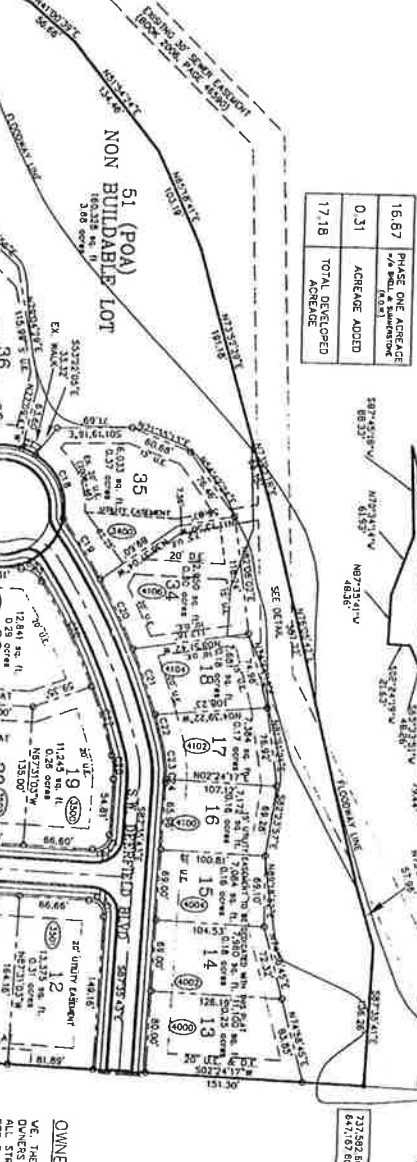
NOTE

BLANK SPACES ON ANY OTHER STRUCTURE MAY BE BUILT TO THE MAXIMUM ALLOWED HEIGHT AND AREA. ALL WORK SHALL BE COMPLETED AT THE END OF HOME CONSTRUCTION PER 3. WITHIN FINISH FLOOR ELEVATION FOR LOTS SHALL BE AT LEAST ONE FOOT (1') ABOVE THE CURB. ALL NEW EXTERIOR DOOR THRESHOLDS SHALL BE LOCATED BY THIS PLAT AND THIS PLAT ARE TO BE MAINTAINED BY THE POA AND IS NOT TO BE CHANGED. EXISTING UTILITIES FOUND IN PLAT BOOK 208 ARE SHOWN AS SHOWN BY A DOCUMENT FILED IN BOOK 48 W/RE AMENDED BY A DOCUMENT FILED IN BOOK 158.



CLARE TABLE

CLARE LENGTH (FEET)	GRID	GRID LENGTH
16.87		
0.31		
17.18		
TOTAL DEVELOPED ACRES		



LAND SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT ON THE 23rd DAY OF MARCH 2013 THE HEREIN PLATED AND DESCRIBED SURVEY WAS MADE BY ME OR UNDER MY SUPERVISION AND THAT THE HEREIN PLATED AND DESCRIBED SURVEY WAS MADE IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE BOARD OF LAND SURVEYORS OF THE STATE OF ARKANSAS. THE SURVEY WAS MADE BY ME OR UNDER MY SUPERVISION AND THAT THE SURVEY WAS MADE IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE BOARD OF LAND SURVEYORS OF THE STATE OF ARKANSAS.

David B. Pugh
DAVID B. PUGH, R.L.S. #1533



Engine Paul-Hugh-Circuit Clerk
Benton County, AR
1660 N. State St.
Bentonville, AR 72716
501-771-2375
02/17/2013 2:57 PM
Total Fees: \$15.00
Book 2013 Page 278
Plat Book 188 Above
02/17/2013



OWNERS' DEDICATION

WE, THE UNDERSIGNED, DO HEREBY SWEAR THAT WE ARE THE SOLE OWNERS OF THE HEREIN DESCRIBED PROPERTY AND WE DO HEREBY DEDICATE ALL STREETS AND EASEMENTS FOR USE BY THE GENERAL PUBLIC AND FOR THE INSTALLATION OF UTILITIES.

SUBSCRIBED AND SWORN BEFORE ME THIS 16th DAY OF May, 2013
David Stovall
NOTARY PUBLIC - ARKANSAS
BENTON COUNTY - #12345678
My Comm. Expires Feb. 14, 2016

PLANNING COMMISSION ACCEPTANCE

THIS FINAL PLAT IS HEREBY ACCEPTED THIS 16th DAY OF April, 2013 BY THE PLANNING COMMISSION OF THE CITY OF BENTONVILLE, ARKANSAS.
Chairman: *David Stovall*

CITY COUNCIL ACCEPTANCE

THIS FINAL PLAT AND THE LAND DEDICATED FOR STREETS AND OTHER PUBLIC USES IS HEREBY ACCEPTED THIS 16th DAY OF April, 2013 BY THE CITY COUNCIL OF THE CITY OF BENTONVILLE, ARKANSAS.
City Clerk: *David Stovall*

FINAL PLAT REMISSIONS

NO.	BY	DATE
1	CITY	4-8-13

WILLOWBROOK FARMS SUBDIVISION PHASE 1 LOTS 5-51 BENTONVILLE, ARKANSAS

PREPARED BY: RJP DEVELOPMENT LLC
1660 N. STATE ST.
BENTONVILLE, AR 72716
501-771-2375

REVISIONS

NO.	BY	DATE	DESCRIPTION
1	CITY	4-8-13	