



BENTONVILLE CITY COUNCIL AGENDA

**Committee of the Whole Tuesday April 10, 2007 6:00 p.m. City Hall
Council Chambers 115 West Central**

**Regular City Council Mtg. Tuesday April 10, 2007 6:00 p.m. City Hall
Council Chambers 115 West Central**

Call to Order

Pledge of Allegiance

Moment of Silence – For our Military Forces.

Invocation: Don Morrow of First Christian Church

Roll Call

Approval of Minutes: March 27, 2007

AGENDA

1. Planning:

1a. **Rodney and Kathy Brown, Linda Parnell and Joley Casey, The Arbors at Deer Crossing, 2302 SW “I” Street, Zoning Request from A-1 and R-3 to PRD.**

The planning commission voted 4-0-1 recommending approval.

The applicant has submitted a concept plan for a PRD containing 23.4 acres located at 2302 SW I St. The property in question is currently zoned A-1 and R-3. If approved the concept plan shows a density of 5.5 units per acre.

The concept plan shows that 86 living units will be constructed in the first five phases and that an additional 22 units will be constructed in the sixth phase. The concept plan shows a clubhouse with 47% of the development dedicated to green space. There will be three different building layouts, a duplex, a fourplex and a cathedral four plex.

The development will be accessed primarily by a public road system with reduced right-of-way width. Also there is a planned walking trail.

1b. **Jonathan Smith, Lot Split, TYL Addition, 203 South Walton Blvd, Zoned C-2.**

The planning commission voted 5-0 recommending approval.

The applicant has submitted a lot split request to plat unplatted property into a subdivision as required by ordinance. Per this lot split new utility easements are being dedicated. No new right-of-way is required.

1c. **Vacation-Bentley and Dina Harrell, 204 SE Georgetown Street, Public Hearing and Ordinance**

THE EAST 15' OF A 25' UTILITY AND DRAINAGE EASEMENT ALONG THE WESTERN PORTION OF LOT 3, BLOCK 6, OF COLLEGE PLACE SUBDIVISION AS PLATTED WITHIN BOOK PAGE 4, PAGE 768 AT THE BENTON COUNTY RECORDERS OFFICE.

1d. **Moratorium on Banners in Downtown Redevelopment District**

The planning commission voted 5-0 recommending approval.

Background:

Sec. 801.11 B. Banners in Downtown Redevelopment District of the Chapter 14 Zoning Code governs banners that are strung across streets on the downtown redevelopment district. The Electric Department installs such banners and has determined that the manner of attaching banners is not satisfactory.

Purpose:

The purpose of this ordinance is to temporarily stop the display of banners in the downtown redevelopment district, particularly those installed by the Electric Department across Central Avenue and NE 2nd Street, until a more appropriate method of installation is available.

1e. **Trail Review Process**

The planning commission voted 5-0 recommending approval.

Background:

The City adopted a Master Trail Plan on February 14, 2006 with Resolution No. 2-14-06G that guides trail development within the City. One of the strategies in that plan states "Develop a process for reviewing and approving trail projects." The attached ordinance is proposed to implement that strategy by identifying the review process.

Purpose:

The purpose of this ordinance is to ensure trail construction does not create adverse impacts, particularly in regards to drainage and utilities.

Description:

The proposed ordinance requires that all trails that are to be constructed, whether by the city or another entity, go through the in-house large scale development review process for administrative approval. Trails that are approved as part of a large-scale development or preliminary plat are not required to go through this process.

1f. **Guarantee Amendments and Large Scale Development Final**

The planning commission voted 5-0 recommending approval.

Background:

Currently, the city allows either a letter of credit or a cashier's check to guarantee incomplete work associate with a preliminary plat in order to obtain final plat approval. The way letters of credit are designed does not allow for adequate time to complete the required improvements.

Also, Article 1800 of the Subdivision Code is titled "Certificate of Occupancy" but is actually the requirements for a final inspection for large scale development.

Purpose:

The purpose of the proposed ordinance is to eliminate the letter of credit for improvement guarantees to allow for more adequate time to complete improvements and to clarify the requirements of a Large Scale Development Final Inspection.

Description:

The ordinance eliminates the use of letters of credit for guarantees; moves the process and requirements associated with maintenance letters of credit and guarantees into the Administration section of the Subdivision Code; and moves the requirements labeled as "Certificate of Occupancy" into the Large Scale Development section of the Subdivision Code.

Both the maintenance letter of credit and the guarantee of improvements are required by noon the Friday before the Planning Commission meeting at which the item will be heard.

1g. **Retaining Walls Review Process and Regulations**

The planning commission voted 5-0 recommending approval.

Background:

The city does not current regulate, review or inspect retaining walls. Failure of retaining walls has resulted in great expense to private property owners and could create a safety hazard.

Purpose:

The purpose of the retaining wall regulations is to establish a process for reviewing plans for and inspecting retaining walls to reduce adverse impacts to the interest of public health, safety and welfare.

Description:

The attached retaining wall ordinance establishes an application process to request construction of a retaining wall. The ordinance applies to all retaining walls over four (4) feet in height, with the exception of those designed as part of the primary structure; shown on an approved large scale development or preliminary plat; or those that are part of a public capital improvement project.

General Requirements:

- A professional engineer is required to design and inspect retaining walls where 1.5 times the height of the wall encroaches into the adjacent setback; or for any retaining wall adjacent to a public right-of-way.
- The distance between terraced walls must be same as the height of the highest wall.

- Slopes greater than 1:1 must also meet these regulations.
2. An ordinance adopting the 2005 National Electric Code, or latest edition, and local amendments.
 3. Council adoption of an ordinance authorizing the execution of a master note purchase agreement to provide financing of the costs of street improvements; authorizing the issuance of the 2nd promissory note under the master note purchase agreement.
 4. Authorize a change in the number of Corporal positions in the Uniform Division from three to six. This would increase the probability that a supervisor would be on duty at all times. This would not be three new positions, but, changing three Officer slots to Corporals.
 5. This is a revised 2007 Overlay list for informational purposes only.
 6. Award bid to Landers McClardy Ford for a 2008 1-ton cab and chassis for the Water Department in the amount of \$28,473.70. Budgeted amount \$32,000.00.
 7. Approval of Change Order #1 on the SE "C" (Blackwell) project, adding an item and three (3) days to the contract for additional undercut & placement of select fill and placement of geotextile fabric in the amount of \$13,845.25.
 8. Approval of Change Order #3 on the NW 3rd Phase 1 (NW Yukon Trail to Walton Blvd.) project, adding items and Fourteen (14) days to the contract to relocate a 12" water line that is in conflict with new drainage structures for the project in the amount of \$29,356.
 9. A resolution setting a public hearing concerning a taxicab license for Hotel Executive Transportation for May 8, 2007.
 10. Approval of the Resolution granting approval to apply for grant funds through the Safe Routes to School program offered by the Arkansas State Highway and Transportation Department.
 11. An ordinance prohibiting smoking in City of Bentonville Parks. Kelsey Atwood is a local student who has proposed this ordinance to promote fresh air for Bentonville Parks. She will be at the Council Meeting to present. The Parks Advisory Board supports the ordinance.