



Planning Commission & Board of Adjustment

Pea Ridge City Hall
975 Weston Street
April 7, 2026 | 6:00 p.m.

- I. Call to Order
- II. Roll Call
- III. Review Minutes
 1. March 3, 2026 Planning Commission
- IV. Announcements
- V. Public Hearings
 1. Article 15 Subdivision Regulations - Text Amendment
- VI. Old Business
- VII. New Business
 1. Article 15 Subdivision Regulations - Text Amendment
- VIII. Other Business
- IX. Board of Adjustments
 1. Cedillo - Variance
- X. Adjourn



STAFF REPORT

Title 15 Text Amendment

Request:

Approval of an ordinance amending the Subdivision Regulations of the City of Pea Ridge to address deficiencies in our policies and procedures for approving, laying out, and reviewing subdivisions.

History:

Recent subdivisions that have come through the City's process for review and approval brought to light inadequate and outdated policies and procedures codified throughout Title 15. A full review of the entirety of the Subdivision Regulations has yielded the proposed changes.

Purpose of Amendment:

The proposed amendment addresses seven main parts:

1. The removal of the preference for a fee-in-lieu for public improvements, instead adding a preference for the developer to perform the improvements where applicable.
2. Amendments to the processes and procedures, clarifying decision-making authority and responsibilities between staff, Planning Commission, and the City Council.
3. Reassessment of fees and costs associated with subdivision requests. Reduction in fees coupled with codification of reimbursement of 3rd party review expenses, such as through our contracted engineer.
4. Reduction in minimum block length and clarification on how block length is measured. This provides more concrete avenues to requiring adequate connectivity within and between proposed or undeveloped properties.
5. Lowering restrictions for what type of public ways lots need to front to allow for creative use of land and housing choices not currently in Pea Ridge.
6. Updated references to outside documents and institutions such as ARDOT, ADEQ, and the city's adopted street sections.
7. Spelling, grammar, and formatting.

These amendments represent the necessary updates and addresses the 'low-hanging fruit' on a short term basis. Further revisions will be presented with a future proposed Unified Development Ordinance that combines the functions and requirements of Zoning and Subdivisions.

Recommendation

Staff recommends adopting the amended Title 15 as presented.

TITLE 15

SUBDIVISION REGULATIONS

Chapters:

- 15.04 Subdivision Regulations
- 15.08 Final Plats ~~A~~Accepted, Approved & Confirmed

CHAPTER 15.04

SUBDIVISION REGULATIONS

Sections:

- 15.04.01 General provisions and definitions
- 15.04.02 Administration and enforcement
- 15.04.02.1 Vacation of easements and rights-of-way
- 15.04.03 Definitions
- 15.04.04 Review and approval process
- 15.04.05 Incidental subdivisions
- 15.04.06 Improvements and design standards
- 15.04.07 Utilities

15.04.01 General provisions and definitions

A. **PURPOSE** These Subdivision Regulations are intended to set forth the procedures, requirements, and minimum standards governing the subdivision of land within the city of Pea Ridge and shall be administered in the following manner:

1. To promote the public health, safety, and general welfare of the citizens of the city of Pea Ridge
2. To provide adequate air, open space, drainage, transportation, public utilities, and other needs
3. To assist in the orderly, efficient, and coordinated development of land in accordance to the adopted Comprehensive Plan, ~~and~~ Zoning Ordinance, and Atlas
4. To ensure conformance of subdivision development with public improvement plans
5. To establish a beneficial relationship of the land and building uses with the municipal street system which will minimize traffic congestion and provide adequate pedestrian-non-motorized traffic circulation

6. To protect and conserve the value of buildings and improvements and to minimize adverse impact on adjoining or nearby properties
7. To improve the aesthetics and welfare of the community by enforcing reasonable design standards
8. To ensure proper legal descriptions and monumenting of subdivided lands
9. To encourage the wise use and management of natural resources and to provide adequate and safe recreational areas of natural beauty and topography within the community
10. To ensure the development and maintenance of a healthy, attractive, and efficient community that provides for the conservation and protection of its natural and human resources.

B. **AUTHORITY** The regulations herein for the subdividing and developing of land within the corporate limits of Pea Ridge are adopted in accordance with the provisions of ACA 14-56-401 through 426.

C. **JURISDICTION** These regulations shall apply to all forms of subdividing as defined herein and shall be applicable to all land within the city of Pea Ridge (Ord. No. 579, Sec. 1).

D. **APPLICABILITY** These regulations and development standards shall apply to the following:

1. **Subdivision** A subdivision as defined in 15.04.03.
2. **Previous division** Any lot, tract, or parcel of land resulting from or created by the division of land within the city's jurisdiction as defined in subsection C on or after July 24, 1976, pursuant to or otherwise eligible for division under the provisions of Ord. No. 67 of the city.
 - a. **Variance** When application of these regulations pursuant to the subsection D.2 causes undue hardship or inequitable imposition on the subdivider, the Planning Commission may consider a variance.
 - b. **Procedure** Written petition stating fully the grounds for the variance shall be made to the Planning Commission which shall decide to grant or deny same. If granted, the Planning Commission may proscribe any conditions or restrictions it deems necessary or appropriate in the public interest.
3. **Property line adjustments** A transfer of adjustment of a property line which does not create a separate, new lot.
4. **Large scale developments** All large-scale developments except for single family residences.

5. **Dedications** The dedication of any street, alley, or other right-of-way through any land.

E. **SEVERABILITY** It is hereby declared to be the intention of the City Council that the following provisions of these regulations be severable:

1. If any court of competent jurisdiction shall adjudge any provisions of these regulations to be invalid, ~~such judgment shall not affect any other provision of these regulations to be invalid,~~ such judgment shall not affect any other provision of these regulations that is not specifically included in such judgment.
2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of these regulations to a particular subdivision of land, such judgment shall not affect the application of such provisions to any other subdivision of land that is not specifically included in such judgment.

F. **INTERPRETATION** In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements for the promotion of the public health, safety, and general welfare. Where the conditions imposed by any provisions of these regulations upon the subdivision of land are either more restrictive or less restrictive than comparable conditions imposed by any other applicable law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.

These regulations are not intended to abrogate any easement, covenant, or any other private agreement, provided that where the regulations of this ordinance are more restrictive or impose higher standards or regulations than such easements, covenants, or other private agreement, the requirement of these regulations shall govern.

No subdivision of land which was not lawfully existing at the time of the adoption of these regulations shall be made lawful solely by reason of the adoption of these regulations, and to the extent that such subdivision of land is in conflict in any manner with the requirements of these regulations, such subdivision of land remains unlawful hereunder.

G. **AMENDMENT** for the purpose of promoting the public health, safety, and general welfare, the Planning Commission may recommend amendments to these regulations, for which a public hearing shall be held, and a fifteen (15) day advance notification is published in a local newspaper of general circulation. Following such hearing, the City Council may adopt the amendment(s) as recommended by the Planning Commission. Provided, however, the City Council may, upon a majority vote of its entire membership, amend these regulations without the necessity of following the procedure prescribed in ACA 14-56-422. (Ord. No. 372, Sec. 1.)

15.04.02 Administration and enforcementA. **ADMINISTRATION**

1. **Planning Department** The Planning Department staff shall administer the rules and regulations herein.
2. **Planning Commission** The Planning Commission shall review and approve preliminary plats and make recommendations to the City Council concerning zoning and subdivision regulations and development proposals.
- ~~2.3.~~ **City Council** The City Council shall review and accept final plats and dedications of easements and rights-of-way.

B. **CONFORMANCE TO COMPREHENSIVE PLAN** It is hereby declared to be the policy of the city of Pea Ridge to consider the subdivision of land and the subsequent development of subdivided plat as subject to the control of the city pursuant to the Comprehensive Plan, primarily the Land Use and Master Street Plan, for the orderly, planned, and efficient development of the city. The various elements of the Comprehensive Plan, including the location of streets, parks, playgrounds, schools, and other public sites and appropriate land uses, shall be designed to conform with minimum zoning and building regulations for the area in which the proposed subdivision is located.

C. **APPROVALS REQUIRED** No subdivider proposing to make or having made a subdivision within the city of Pea Ridge shall proceed with any construction work, including grading, on the proposed subdivision before obtaining Pre-Construction approval from city staff, or a Grading Permit approval from city staff to begin surface work, a Certificate of Preliminary Plat approval from the Planning Commission. Prior to obtaining from the ~~Planning Commission~~ City Council a Certificate of Final Plat approval and prior to the acceptance and filing of said plat with the County Recorder, the subdivider shall not convey title to any lot, nor allow construction on any lot not necessary for obtaining final plat approval. (Ord. No. 417, Sec. 1.)

D. **CONCURRENT REGULATIONS AND AGENCIES** In addition to the requirements established herein, all subdivision plats shall comply with all other applicable rules, regulations, and laws including but not limited to the following:

1. **City regulations and requirements** Comprehensive Plan, Zoning Ordinance, building regulations, and other pertinent city ordinances
2. **Other agencies** Benton County Health Department, Arkansas State Health Department, Arkansas Department of Environmental Quality, and Arkansas Department of Transportation, and other local, state, and federal agencies

E. **INSPECTIONS**

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1. **Notification** The subdivider shall notify the city twenty-four (24) hours in advance of the placement of storm drainage pipe, subgrade preparation, curb and gutter construction, crushed stone base course, and street pavement. No work shall proceed until approval has been given by the city.

2. **Inspection criteria** The appropriate city ~~agency department(s)~~ shall inspect for any defects or deficiencies in installed improvements and the conformity of improvements to the final engineering plans and specifications accepted by the city.
3. **Failed inspection** If the inspection reveals defects and/or deficiencies, the appropriate city ~~agency departments(s)~~ shall notify the subdivider and the subdivider's engineer in writing. The subdivider shall, at his/her expense, correct such defects and/or deficiencies prior to the subsequent stage of construction or expiration of any bond or letter of credit.
4. **Correction of defects and/or deficiencies** When such defects and/or deficiencies have been corrected, the subdivider shall notify the city of Pea Ridge in writing that improvements are again ready, and ~~a final~~ inspection shall be conducted.
5. **Completion of improvements** When the improvements have been properly completed, the ~~authorized agent~~ engineer of record of the subdivider shall submit a letter to the city certifying improvements and installations have been made in accordance with the approved construction plans, specifications, drawing, and standards established by the city and that such improvements are functional ~~ing properly~~. (Ord. No. 372, Sec. 2.)
6. **Certified technician** A certified technician for inspection shall be provided by the engineer. The certified technician for inspection shall submit weekly reports to the city on Monday, and it will address the work performed on all aspects of the improvements of the previous week. ~~Minor subdivisions are exempt from this requirement.~~ (Ord. No. 391, Sec. 1.)
7. **Final Inspections** ~~Final~~ inspections must be completed ~~five-ten (\$10)~~ days prior to a regularly scheduled Planning Commission meeting. If a re-inspection is required, a minimum of forty-eight (48) ~~hours-~~ hours' notice must be given to the inspector, and a re-inspection fee of Two Hundred Fifty Dollars (\$250.00) will be assessed upon the party requesting the inspection beginning with the second re-inspection and any re-inspection thereafter. This regulation applies to all ~~final-~~ preliminary plat inspections. (Ord. No. 391, Sec. 2.)
8. **Special meeting** If a subdivider requests a special meeting of the Planning Commission and/or City Council, the subdivider shall bear all costs to the city associated with administering such a meeting, including, but not limited to, commissioner and council pay, staff time, and noticing requirements. (Ord. No. 391, Sec. 3.)

F. **VARIANCES** When strict enforcement of the regulations herein causes an undue hardship on the subdivider, the Planning Commission may consider a variance. The Planning Commission may impose conditions to the variance to ensure compliance and to protect adjacent property.

1. **Consideration** Under no circumstances shall a variance be granted because of a personal or financial hardship. A variance must demonstrate the following:
 - a. **Special conditions** Special conditions and circumstances are peculiar to the land involved and are not applicable to other lands.
 - b. **Deprivation of rights** The literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties within the same area.
 - ~~e.~~ ~~**Resulting actions** The special conditions and circumstances do not result from the actions of the applicant.~~
 - ~~c.~~ **Special privileges** Granting the variance will not confer on the applicant any special privilege(s) that is denied to others by these regulations.
 - ~~e.~~ **Non-conforming uses** No non-conforming use or structure of neighboring lands in the same zoning district or conforming or non-conforming uses or structures within another zoning district shall be considered grounds for the issuance of a variance.
 - ~~f.~~ **Public health, safety, and welfare** Granting the variance request will not cause a detriment to the public health, safety, and welfare or be injurious to other property in the area.

2. **Procedure** No variance shall be granted except upon written petition by the subdivider when the preliminary plat is ~~filed~~submitted. Under exceptional circumstances the Planning Commission may grant variances at the time of final plat approval. The petition shall state fully the grounds for the variance and all the facts upon which the petition is made. In granting the variance, the Commission shall prescribe any conditions that it deems necessary to or desirable in the public interest.

G. **ENFORCEMENT** It shall be the duty of the city's departmental inspectors to enforce these regulations. When directed, the City Attorney shall initiate appropriate legal action to enforce the provisions of this ordinance and/or the standards referred to herein.

In order to carry out the purposes of these regulations and to assure the orderly development of land after the effective date of these regulations, the following shall apply:

1. **Building permits** No building permit will be issued by the Building ~~Inspection Office~~Department for any structure on any lot in a subdivision that has not received final plat approval from the Planning Commission and the City Council, or that is in violation of the provisions of this ordinance or the standards referred to herein, unless a parcel of property

Commented [KS1]: See PRWU, Building

was established by deed prior to July 24, 1976. (Ord. No. 417, Sec. 2.)

2. **Utilities** No permanent utilities will be activated until the city accepts the improvements, or until a performance bond or letter of credit has been tendered and accepted by the City Council.
3. **Recording** No plat of any subdivision shall be submitted to nor accepted by the County Recorder for filing of record until it is approved by the Planning Commission and accepted by the City Council, except as provided in Section #####. Until the plat is recorded, no utility (public or private) shall provide, extend, or authorize the extension of permanent service to any lot, building, or structure.
4. **Conveyance** No conveyance by metes and bounds of tracts or lots included within the definition of subdivision shall be made without compliance with the applicable provisions of this ordinance.

H. **PENALTY** Any person who shall violate any of the provision of this ordinance, or who shall fail to comply with any provisions hereof shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine not to exceed Two Hundred Fifty Dollars (\$250.00). Each day that such violation continues shall constitute a separate offense and shall be punishable accordingly.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, engineer, agent, or other person, who commits, participates in, or maintains such violation may be found guilty of a separate offense and suffer the penalties herein provided. (Ord. No. 372, Sec. 2.)

~~15.04.02.1~~ 15.04.02.01 Vacation of easements and rights-of-way Applicant shall submit an application to the Planning Department. The application and process shall consist of the following:

1. *Application.* Completed and signed application form as provided by the Planning Department.
2. *Fees and costs.* Applicant is responsible for (1) payment of a Two-hundred Dollar (\$200) application fee; (2) costs of providing notice to adjoining property owners and affected utilities; (3) costs of publication in the newspaper; and, (4) recording at the ~~clerk's~~ Circuit Clerk's County Recorder's office. Such costs for the newspaper publication and recording fees shall be reimbursed to the City within thirty (30) days of receipt of invoice.
3. *Petition.* A signed petition to vacate street, ~~or~~ alley, or any other public right-of-way or any public easement, to include but not be limited to access, drainage, and utility easements.
4. *Plat of record.* A certified or photostatic copy of the portion of the plat on record in the ~~Circuit Clerk's~~ Circuit Clerk's County Recorder's office that shows the proposed area to

be vacated, together with the lot and block numbers of each lot that abuts the proposed area to be vacated.

5. *Plat of proposed vacation.* A sketch or illustration that clearly depicts and provides an accurate legal description of what is being requested to be vacated. Include the location of all easements and show existing utilities.
6. *Ownership.* Proof of ownership of all property owners abutting the right-of-way or easement to be vacated.
7. *Consent of property owners.* Written consent of all property owners abutting the right-of-way or easement to be vacated.
8. *Consent from utilities.* Written consent from all utilities affected by the right-of-way or easement to be vacated.
9. *Sign posting on or adjacent to property.* The City will cause a sign to be placed on or adjacent to the subject property announcing a public hearing at least fifteen (15) days prior to the public hearing.
10. *Review and approval.* City staff will review the request and [make a recommendation to](#) approve, approve with comments, or deny the request for a vacation. The City Council shall make the final determination on approval of vacations, after publication and hearing, by adopting an ordinance stating that the legal description as provided by the applicant and verified by the City is vacated. The submission deadline for ~~public hearing shall be a minimum of thirty days prior to the hearing date.~~ [vacations shall follow the submittal schedule for rezonings published by the City.](#)
11. *Recording.* The City Clerk shall file the ordinance vacating the street, easement, alley, or right-of-way with the County Recorder's office. (Ord. No. 747, Sec. 1)

15.04.03 Definitions Definitions not specified in this article are to be interpreted based on customary usage in municipal planning and engineering practices.

Access A way or means that provides ~~vehicular and/or pedestrian~~ [motorized and/or non-motorized](#) ingress to and/or egress from a property.

Alley, Public A minor, permanent, public access used primarily for ~~vehicular~~ [motorized](#) access to the ~~back-rear~~ or the side of properties abutting a street. [Alley's may be used for trail or other connections as adopted through the City's Master Street Plan and/or Master Trails Plan.](#)

Alley, Private [An alley neither dedicated to nor maintained by the City.](#)

Arterial street See "Street classification"

Authorized agent An architect, attorney, builder, subdivider or other person(s) legally empowered to act on behalf of other persons.

Berm An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

Bill of assurance A document containing the limitations and restrictions placed upon a subdivision by the subdivider.

Block An area of land surrounded by public highways, streets, wet streams, railroad rights-of-ways, parks, or similar facilities.

Bond Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the city.

Building Any structure used or intended for supporting or sheltering any use or occupancy.

Building line A line parallel to the lot line, imaginary or otherwise, that indicates the setback. Within the setback area, no part of the principal building may be constructed except uncovered porches, stoops, and steps.

Buffer A continuous area of land set aside along the perimeter of a lot, parcel, or tract in which landscaping is used to provide a transition between spaces and to reduce the environmental and aesthetic impact that one type of land use may impose on another.

City The city of Pea Ridge, Benton County, Arkansas.

City Attorney, City Clerk, City Engineer, City Building Official, City Planning Director, City Planning Commission, Mayor A professional retained by the city, an official elected or appointed to a position, or a duly authorized representative of an official.

Collector street See "Street classification."

Comprehensive Plan A composite of the mapped and written proposals recommending the physical development of the community which shall have been adopted by the Planning Commission and City Council.

Contour intervals Topographic map lines that represent elevation of land. May also be referred to as 'contours.'

Corner lot A platted lot with at least two adjacent sides abutting intersecting streets or

unimproved right-of-way for a future street. Adjacent sides abutting public or private alleys, public or private trails, or other public space other than a street or right-of-way intended for a future street, shall not be contribute to determining a corner.

Covenant A private agreement between ~~the a~~ buyer, and its successors and assigns, and a seller, and its successors and assigns, that asserts legal requirements on the use of ~~the~~ land. Covenants are typically contained in the property deed or otherwise formally recorded. Enforcement is by legal action initiated by private individuals, or an association thereof, not by the eCity.

County Recorder The County Recorder of Benton County, Arkansas.

Cul-de-sac A local street having one end open to traffic and being permanently terminated by a vehicular turnaround.

Dead-end street A street having one end open to traffic and is ~~permanently~~ terminated at the opposite end, either permanently or in anticipation of future connectivity.

Dedication Land and improvements offered to and accepted by the eCity for public use, control, and maintenance.

Deed A legal document conveying ownership of real property.

Developer A person, firm, or corporation undertaking the development ~~on a subdivision~~ of improvements on some piece of land real property.

Development Any man-made change in improved and unimproved real estate property including but not limited to constructing buildings or other structures, drilling, dredging, filling, grading, paving, excavation, or storage of equipment or materials.

Double frontage lot A lot with street frontage on two opposite sides.

Drainage-way An approved means, natural or man-made, for removing or providing for the removal of surface water.

Dwelling unit A building or portion thereof designed for residential occupancy.

Easement The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.

Engineer A person duly authorized under the provisions of the Arkansas Engineering Registration Act to practice the profession of engineering in the state of Arkansas.

Federal Emergency Management Agency (FEMA) The independent federal agency

that, in addition to carrying out other activities, oversees the administration of the National Flood Insurance Program.

Final plat The final application proposal submitted by a subdivider to the Planning Commission. The final plat should include all recommended changes to the preliminary plat. Signed approval of the final plat by the [Planning Commission and](#) City Council, along with certification of title, [certification of engineering accuracy, stamp and signature of the engineer or surveyor registered in the state of Arkansas](#), and filing of the plat, means the legal creation of a subdivision.

Flood A general and temporary condition of partial or complete inundation of normally dry land caused from the overflow of inland or tidal water or the unusual and rapid accumulation of runoff or surface waters.

Floodplain A geographical area susceptible to periodic inundation from overflow of natural waterways and determined as to extent by the Federal Emergency Management Agency (FEMA).

Floodway The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the surface water elevation more than a designated height.

Frontage ~~¶~~The edge of a lot bordering a street [or right-of-way](#).

Frontage street/road See "Street, frontage."

Grading the act of [disturbing or](#) moving ground or soil to adjust elevation or slope.

Improvement plans The engineering drawings showing types of materials and construction details for the physical structures and facilities, excluding [single- and two-family](#) dwelling units, to be installed in conjunction with the development of a subdivision.

Improvements Facilities which aid in land development. Improvements include [but are not limited to](#) streets; sewer, water mains and storm drains; curbs, gutters, and sidewalks; streetlights, fire hydrants, and other required [infrastructure or](#) amenities.

Incidental subdivision the division of land in which the review process is expedited [and the need for improvements is limited.](#) ~~Incidental subdivisions include lot splits and minor subdivisions (Refer to 14.04.05)~~

~~Incidental subdivisions include lot splits and minor subdivisions (Refer to 14.04.05)~~

Inspection Examination of work, completed or in-progress, that evaluates the integrity of the work and its compliance with code and/or contract requirements.

Land surveyor A person who is registered in the state of Arkansas to make land surveys.

Lot A piece of land divided from a larger tract.

Lot, corner See "Corner lot."

Lot split A division of land creating only one new lot.

Minor subdivision A division of land into four (4) or fewer lots and which does not require dedications, vacations, reservations, changes in alignment of easements of rights-of-way, or extensions of utilities (Refer to 15.04.05.)

Commented [SP2]: Compare with the definition of Subdivision and the language of 15.04.05.

Commented [SP3]: I think this should be 15.04.05.

Off-site improvement Any part of a street, surface drainage system, water system, or sanitary sewer system, which is to be installed on property located outside the proposed development. (Refer to 14.04.06 (K).)

Parcel A piece of land or group of lots under a single ownership or control. A parcel ~~is usually~~ may be viewed as a single unit for development purposes. [Parcels are administered by the Benton County Assessor.](#)

Paving width The portion of a street available for ~~vehicular~~ motorized traffic and is the distance from back-of-curb to back-of-curb.

Planned Zoning Development (PZD) A zoning development management approach to physical growth which may combine housing, commercial, light manufacturing, and open space uses all in the same zone while maintaining an overall density comparable to conventional development. [A PZD may also set forth a separate table of uses and other standards regulating lot area and width, among other regulations.](#)

Planning Commission The Planning Commission of the city of Pea Ridge, Arkansas.

Plat A drawing of a subdivision, showing the number and dimensions of lots, public rights-of-way, easements, and other improvements.

~~Preliminary p~~ **Preliminary Plat, Preliminary** The formal application proposal submitted by a subdivider to the Planning Commission. The preliminary plat shows the [proposed subdivided](#) of property, [including, but not limited to](#), lots, streets, utilities, [open space](#), and easements.

Private street See "Street, private."

Property line adjustment An adjustment of a property line which does not create a

separate, new lot. A property line adjustment may or may not dedicate right-of-way or utility easements.

Right-of-way An area of land reserved or dedicated for a street, [alley](#), [trail](#), walk, drainage~~way~~, or other public purposes.

Setback The required minimum horizontal distance between the building line and the related front, side, or rear property line.

Shall A mandatory directive.

Sketch Plan A pre-application proposal submitted by a subdivider to the Planning Department staff. The Planning Department will provide information to the subdivider concerning policies and regulations, offer advice to the subdivider in order to avoid unnecessary costs and delays, and ~~preempt~~ [anticipate](#) any potential conflicts and problems.

Split, lot See "Lot split."

~~**Street, Boundary** A street, together with its right-of-way, that abuts a property.~~

~~**Street** A strip of land, including the entire right-of-way, intended primarily as a means of vehicular and pedestrian travel which may also be used to provide space for sewers, public utilities, trees, and sidewalks.~~

Street classification

Major Arterial A street or road of considerable continuity which serves or is intended to serve as a principal trafficway between separate areas, districts, communities, or densely developed areas and is the main means of access to the primary street system, [state highways](#), or expressway.

Minor Arterial A street or road of considerable continuity which serves or is intended to serve as a principal trafficway between separate areas, districts, communities, or densely developed areas, and is among the main means of access within the city street ~~system, but~~ [system but](#) is not so designed to provide the same level of throughput as a Major Arterial.

~~**Boundary** A street that abuts a property.~~

Collector A street which, in addition to serving abutting properties, intercepts local streets, connects with community facilities, and carries neighborhood traffic to major and minor arterial street systems. [Such streets may act as secondary trafficways to facilitate the movement of motorized and non-motorized traffic throughout the City.](#)

Local Minor streets used primarily to provide access within a property and to an abutting property.

Street, frontage A street that provides access between a major roadway and a lot, parcel, or tract.

Street, private ~~A street that is neither dedicated to nor maintained by the City. A right-of-way or easement in private ownership not dedicated or maintained as a public street.~~

Street, Public A strip of land, together with its right-of-way, intended primarily as a means of motorized and non-motorized travel which may also be used to provide space for sewers, public utilities, trees, and sidewalks, among other public purposes.

Subdivider A person, firm, corporation, or any agent thereof dividing or proposing to divide land so as to constitute a subdivision. The term subdivider includes the subdivider, owner, and authorized agent. The subdivider ~~is occasionally~~ may be referred to herein as the applicant.

Subdivision The division of ~~land-real property for the purpose of sale, lease or development.~~ (Ord. No. 391, Sec. 4.)

~~**Tract** Land under single ownership or control. A tract usually covers a substantial acreage and has the potential to be subdivided into lots.~~

Use A purpose to which land is committed.

Variance an exception from the strict application of the provisions of this ordinance. (Ord. No. 372, Sec. 3.)

15.04.04 Review and approval process Subdividers must follow the subdivision review process when subdividing land within the city of Pea Ridge. The sequential steps of the review process are the pre-application conference, preliminary plat review, and final plat review.

A. **PRE-APPLICATION CONFERENCE** The subdivider is strongly encouraged to meet informally with the Planning Department by scheduling a pre-application conference. No fee is collected for this service, nor is a conference required prior to official application.

1. **Purpose** The purpose of the pre-application conference is to provide information to the subdivider concerning policies and regulations, to offer advice to the subdivider in order to avoid unnecessary costs and delays, and to ~~preempt~~ anticipate any potential conflicts and problems. Items discussed at the conference include but are not limited to the following: general character of the proposed development, zoning, utility service, street requirements, flooding, emergency services, and drainage.

B. **PRELIMINARY PLAT** The subdivider must obtain preliminary plat approval from the Planning Commission and improvement plan approval from the city before proceeding with any grading and construction work. The process for the

preliminary plat includes the submission of an application package by the applicant and review by the Planning Commission. (Ord. No. 661, Section 1). (Ord. No. 765, Sec. 1)

1. **Submission requirements.** The subdivider or authorized agent shall submit an application package to the Planning Department containing the following:
 - a. Application
 - ~~b. Letter of transmittal~~
 - ~~b. One (1) electronic copy in Adobe Portable Document Format (PDF) emailed to the city (Refer to subsection E for information required on plat) and~~
 - c. ~~One (1) electronic copy in CAD file format, georeferenced, emailed to Pea Ridge Water Utilities.~~
 - d. One (1) copy of required documents (Refer to subsection E for list of documents)
 - e. Fee (Refer to subsection D) (Ord. No. 375, Sec. 1; Ord. No. 632, Sec. 1; Ord. No. 661, Section 1; Ord. No. 765, Sec. 1).

[An application deficient with regard to any of the above items is deemed incomplete and will not be accepted, reviewed, or placed on an agenda until each requirement is met.](#)

2. **Improvement plans**
 - a. **Submission requirements** At the time of or subsequent to submission of the preliminary plat package, the subdivider or authorized agent shall submit to the Planning Department the following:
 - (1) Letter of transmittal
 - (2) One (1) digital copy of plans in PDF format (Refer to subsection E for information required on plans)
 - (3) One (1) digital copy of required documents in PDF format (Refer to subsection E for list of documents).

- b. **Health Department approval** The subdivider or engineer shall submit water and sewer plans to the County and/or State Health Department for approval regardless of whether public or private systems are used. No water, sewer, and/or utility work shall start until approval has been granted by the Health Department.
- c. ~~Changes—Amendments after Preliminary Plat approval~~ Changes—Substantial amendments that impact the layout, lots, streets, or other easements and rights-of-way shall require Planning Commission approval prior to the start of construction in the affected area.
3. **Review** Review of a preliminary plat is an administrative function of the Planning Commission and is non-discretionary. After the Planning Commission has reviewed the Preliminary Plat and has considered staff recommendations during the Planning Commission meeting, the Commission has ninety (90) days from date of receipt of a complete application package to approve, disapprove, or approve conditionally. If no decision is made within the ninety (90) days, the Preliminary Plat is deemed approved unless the applicant stipulates in writing to the Planning Commission that additional time is acceptable.
4. **Disapproval** Within two (2) weeks after the Planning Commission's decision, the Planning Department shall send the applicant a written statement of the reasons for disapproval.
5. **Approval** ~~Within two (2) weeks after the Planning Commission's decision, the applicant shall receive a signed copy of the Preliminary Plat and improvement plans.~~ The Planning Commission's approval of the Preliminary Plat is deemed as an authorization to proceed with the scheduling of a Pre-Construction meeting, preparation of the final plat, ~~the installation of improvements,~~ and the staking out of streets, lots, and blocks. Approval of a Preliminary Plat shall not consequentially guarantee approval of the Final Plat.
6. **Conditional approval** Within two (2) weeks after the Planning Commission's decision, the Planning Department shall send the applicant a signed copy of the Preliminary Plat and improvement plans along with a written statement of any required changes and/or additions or other conditions of approval.
- ~~7. **Expiration** To officially approve the Preliminary Plat, the Chairman of the Planning Commission shall sign the Certificate of Preliminary Plat approval that is included on the plat. The Certificate Approval of a preliminary plat shall expire twelve (12) months from date of approval unless an extension is granted by the Planning Commission. If the Preliminary Plat expires, further development work shall require approval of another Preliminary Plat.~~
- ~~7. (12) months from date of approval unless an extension is granted by the Planning Commission. If the Preliminary Plat expires, further development work shall~~

~~require approval of another Preliminary Plat~~

8. **Extension** Before the last day of the twelve (12) months from date of approval, the applicant may request, in writing, an extension of Preliminary Plat approval. The Planning Commission may grant ~~an~~ one extension up to twelve (12) months providing, in the opinion of the Planning Commission, that sufficient work is complete with regard to the required improvements on the property. No more than one extension shall be granted. The Planning Commission may waive the fee for an extension if the extension is not a result of the applicant's actions.

C. **FINAL PLAT** When the requirements of Subsection B have been satisfied and the Preliminary Plat approval remains valid, the subdivider or authorized agent may submit to the Planning Department a Final Plat application package for review and approval by the Planning Commission. (Ord. No. 794, Sec. 1)

1. **Submission requirements.** Before the preliminary plat expires ~~and at least fifteen (15) days prior to the regularly scheduled Planning Commission meeting,~~ the subdivider or authorized agent shall submit an application package to the Planning Department containing the following:
 - a. Application
 - b. ~~Letter of transmittal~~
 - c. One (1) electronic copy in Adobe Portable Document Format (PDF) ~~emailed to the city~~ (Refer to subsection E for information required on plat)
 - d. One (1) copy of as-built drawings submitted to the city ~~by email via~~ in Adobe Portable Document Format (PDF) ~~and~~
 - e. One (1) electronic copy of as-built ~~drawings~~ in CAD file format, georeferenced, ~~emailed to Pea Ridge Water Utilities.~~ As-built drawings shall depict an accurate account of the construction. Construction plans which are “rubber-stamped” and submitted for purposes of as-built drawings are not acceptable.
 - f. Written certification from the engineer of record that all improvements: (1) are complete; and (2) meet the requirements of the approved construction drawings with no unapproved, ~~material substantial amendments~~ changes.
 - g. Fee (Refer to subsection D) (Ord. No. 632, Sec. 2; Ord. No. 661, Sec. 3; Ord. No. 765, Sec. 3; Ord. No. 794, Sec. 1).
2. **Review** The Planning Commission has ninety (90) days from date of receipt of a complete application package to approve, disapprove, or approve conditionally; otherwise, the Final Plat shall be deemed approved. The Planning Commission or City Council may disapprove any Final Plat submission where ~~material~~ substantial, unapproved deviations were made from the previously approved Preliminary Plat. If the applicant wants to develop only a portion of the property for which the Preliminary Plat was approved, he/she must submit a written request to the Planning Department, and the Planning Commission may grant approval of a Final Plat for said portion alone during a regularly scheduled meeting, unless such Preliminary Plat was approved with phases. (Ord. No. 765, Sec. 3).

Disapproval Within two (2) weeks after the Planning Commission's decision, the Planning Department shall send a written statement of the

reasons for disapproval.

Approval Within two (2) weeks after the Planning Commission's decision, the applicant shall furnish three (3) paper copies with wet signatures and stamps to the City for the collection of city official signatures. Within five (5) business days, the applicant shall receive said three copies with signatures from necessary city officials. Approval of the Final Plat will not constitute the acceptance by the public of any dedication of public improvements and lands. (Ord. No. 794, Sec. 3)

Certification of completion Before the Final Plat is recorded with the County Recorder, the City Council must officially accept all dedications of utilities, public improvements and lands for public use along with ~~other agreements~~ other agreements and requirements that the Planning Commission contingently applied to the Final Plat approval. The City Council must receive the written certification of completion from the engineer of record, required by 15.04.04.C.1.e, prior to accepting any public dedication. (Ord. No. 579, Sec. 3; Ord. No. 794, Sec. 4).

3. **Recording** Within two (2) weeks after City Council's approval of the Final Plat and acceptance of the public dedications, the subdivider or authorized agent shall record the Final Plat with the County Recorder. The subdivider or authorized agent shall send one (1) copy to the Tax Assessor and shall send two (2) filed copies of the final Plat on minimum 18 x 24 paper to the Planning Department. (Ord. No. 632, Sec. 2.)
4. **Maintenance bond for streets improvements** Before the final plat is recorded with the Benton County Clerk and Recorder's office, the city must receive a bond guaranteeing the work performed upon all street improvements, including, but not limited to the street base, the pavement, the curb and gutter, and the streetlights. The amount of the bond will be equal to, or greater than fifty percent (50%) of the total cost of all street improvements and will be for a period of eighteen (18) months. The cost of these improvements will be certified to the city by the developer's engineer and reviewed by the ~~city's engineer~~ City Engineer. The bond must be payable to the city of Pea Ridge and must meet the City Attorney's approval as to form, sufficiency, and manner of execution. The bond must be secured by collateral that is acceptable to the city. Should a warranty or maintenance issue with the street improvements arise, the city may present the developer with the opportunity to make the necessary repairs to the improvements. However, at all times, the city retains the right to collect the specified amount from the bond and perform the necessary repairs itself. (Ord. No. 579, Sec. 4).

- 5. **Maintenance bond for water and sewer improvements** Before the final plat is recorded with the Benton County Clerk and Recorder’s office, the city must receive a bond guaranteeing the work performed upon all water and sewer improvements. The amount of the bond will be equal to, or greater than, fifty percent (50%) of the total cost of all water and sewer improvements and will be for a period of twelve (12) months. The cost of these improvements will be certified to the city by the developer’s engineer and reviewed by Pea Ridge Water Utilities. The bond must be payable to the city of Pea Ridge and must meet the City Attorney’s approval as to form, sufficiency, and manner of execution. The bond must be secured by collateral that is acceptable to the city. Should a warranty or maintenance issue with the water and sewer improvements arise, the city may present the developer with the opportunity to make the necessary repairs to the improvements. However, at all times, the city retains the right to collect the specified amount from the bond and perform the necessary repairs itself. (Ord. No. 579, Sec. 4).

- 6. **Walk-through inspection and bond release** Thirty (30) days prior to the expiration of term of the maintenance bonds, described in subparagraphs (a) and (b) of this subsection, the City Inspector shall conduct a walk-through inspection of all street, water, sewer, drainage, and other public improvements. Should maintenance issues be discovered during this walkthrough inspection, the developer shall be notified and given the opportunity to correct those issues. At all times the city retains the right to collect the specified amount from the bond and perform the necessary repairs itself. No bond or security shall be released by the city until a successful walk-through inspection has been completed. Upon satisfactory completion of the walk-through inspection by the City Inspector and after the specified bond term has expired, the bond shall be voided, and any unused amount from the bond shall be refunded to the developer. (Ord. No. 579, Sec. 4).

D. **Schedule of fees** The following fees [and reimbursements](#) are required for plat approval under the provisions of this ordinance.

Fees:

Preliminary Plat review	\$400 + \$10 per lot over fifty (50) lots <u>\$250</u>
Final Plat review	\$400
Lot split/minor subdivision	\$250 <u>\$200</u>
Extension of Preliminary Plat approval	\$400 + \$10 per lot over fifty (50) lots <u>\$100</u>

Final re-inspection	\$250-00 per re-inspection required
Minor subdivision weekly inspection (Ord. No. 391, Sec. 6.)	\$25-00 per inspection

Reimbursements:

For all projects requiring review reviewed by the City Engineer, all engineering review expenses associated with said review shall be invoiced to the applicant and reimbursed to the city prior to Planning Commission approval. Reimbursement may be a condition of approval at the discretion of the Planning Commission.

For all projects requiring a public hearing or public notice, all expenses related to such noticing, including but not limited to the cost of advertising the hearing in the local paper, shall be invoiced to the applicant and reimbursed to the city prior to placement on the Planning Commission agenda-approval. Reimbursement may be a condition of approval at the discretion of the Planning Commission.

E. **Proposed Design**

Items Submitted with Plat

	Preliminary Plat	Improvement Plans & Specs	Final Plat
Application	x		x
Letter of transmittal	*	*	*
Fees	x		x
Draft copy of bill of Assurance, if available, describing the proposed covenants, restrictions and conditions	x		
Copy of Bill Assurance, if adopted, including but not limited to the following: <ul style="list-style-type: none"> • Dedication of streets, alleys, parks and other public lands • Establishment of easements • Covenants, restrictions, privileges and conditions • Procedures for amending Bill of Assurance which shall state the city's involvement • Procedures for amending Bill of Assurance which shall state the city's involvement • Reference to the approval of the Final Plat 		x	
Letter from each utility company stating that service lines in the proposed subdivision have been installed or shall be installed to the satisfaction of the city of Pea Ridge lines in the proposed subdivision have been installed or shall be installed to the satisfaction of the city of Pea Ridge			x
Certified Percolation Test for each lot if disposal is not with city utilities	x	x	
State Health Department approval of water supply system if not connected to public system			x
As-Built Drawing: one (1) electronic copy in PDF format			x

Items Included on Plats

Applicant Information

	Preliminary Plat	Improvement Plans & Specs	Final Plat
Name of subdivision	x	x	x
Name and address of owner of record	x	x	x
Name and address of subdivider	x	x	x
Name and address of surveyor or engineer	x	x	x

General Items

Quality: neat and legible; n No patching pasting or other modifications and attachments	x	x	x
Good quality, acid free paper or Mylar for hard copies, PDF and/or CAD format for digital copies	x		x
Margins: top, bottom and right: ½ "; left: 1 ½ "			x
North arrow	x	x	x
Graphic scale: no smaller than 1" = 100'	x		x
Date of document	x		x
Key <u>or overall</u> map required when more than one sheet is used for a plat. The entire subdivision shall be shown at a smaller scale on the first sheet.	x		x
Vicinity map showing location and acreage of subdivision	x		x
Current zoning classification of the proposed subdivision and the adjacent land	x		x
<u>Minimum 2-inch by 2-inch borderless area set aside at the top right corner for recording information.</u>			x

Existing items

Existing streets, buildings, easements, utilities, culverts, <u>contours</u> , and other permanent items on and adjacent to the <u>tract property</u> .	x	x	x
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Natural Features

	Preliminary Plat	Improvement Plans & Specs	Final Plat
Contour intervals: <ul style="list-style-type: none"> •Not more than two (2) feet where the overall average slope is less than 4% grade •Not more than five (5) feet where the overall average slope is greater than 4% grade 	x	x	
Natural features including but not limited to the following: wooded areas, bodies of water, drainage channels, etc., e...	x	x	
Direction of flow of all watercourses entering and exiting the tract	x	x	
Drainage area above the point of entry	x	x	
Downstream drainage channels/drainage structures substantially impacted by the proposed subdivision	x	x	
Comparison of rate of storm water flow before and after improvement (rate after improvement shall near zero increase from current, natural rate)	x	x	
Drainage Report from a certified engineer		x	
Flood areas: <ul style="list-style-type: none"> •Boundary of areas subject to flooding •Finished minimum floor elevations and existing lot elevations on each lot for FEMA designated 100-year floodplains 	x	x	x

Survey Information

**Preliminary Improvement Final
Plat Plans & Specs Plat**

Legal description of the tract property showing boundary lines, bearings and distances	x		x
Dimensions meet standards <u>as follows</u> : <ul style="list-style-type: none"> • <u>Dimensions</u>: feet and decimals of a foot — <u>Angles</u>: True bearings and degrees, minutes and seconds • <u>Dimensions</u> from all angle points • <u>Curves</u>: Distances based on arc dimensions • <u>Dimensions</u> from all points of curves • <u>Curves</u> dimensioned from centerline of street • <u>Curve</u> lengths for all curved lots Acreage to nearest one-tenth of an acre 	x	x	x
Rights-of-way, streets, and alleys with dimensions	x		x
Lot lines with dimensions	x		x
All setbacks with dimensions	x		x
Sidewalks with dimensions	x		x
Easements with dimensions and purpose noted on plans	x		x
<u>A note included prescribing A</u> all building setbacks are designated drainage and utility easements	x		x

(Ord. No. 822, Sec. 1)

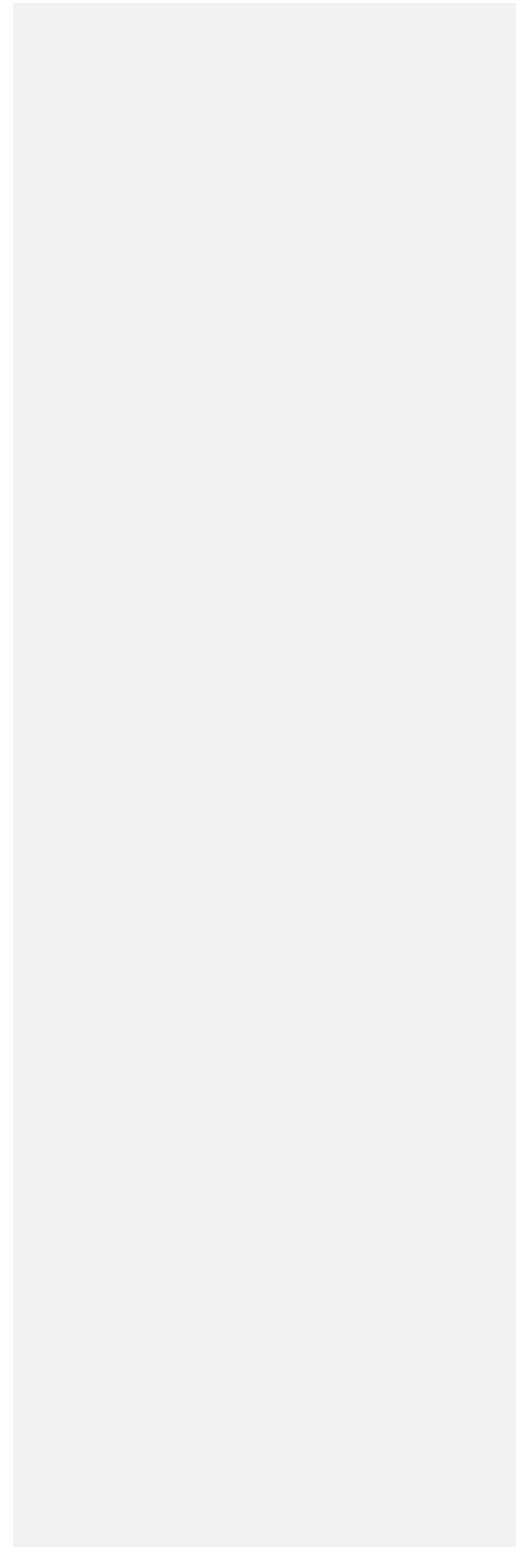
Proposed Design

**Preliminary Improvement Final
Plans & Specs Plat**

Lot and block numbers in accordance with a systematic numbering system	x		x
<u>Proposed N</u> names of all streets <u>following City naming procedures</u>	x		x
<u>Finish Floor Elevation (FFE) for each buildable lot</u>		x	x
911 Addresses <u>from Benton County Central Command</u>			x
Open space	x		x
Dedicated land for public use	x		x
Land for non-residential use where applicable	x		x
Screening where applicable	x		x

(Ord. No. 822, Sec. 2)

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Improvements

Preliminary Plat Improvement Plans & Specs Final Plat

Tract Sketch plan for entire tract property when proposed subdivision is a portion of the tract a larger parcel or lot.		X	
Improvement plans for all facilities and utilities		X	
Source of water supply		X	
Fire hydrants, at a spacing meeting the most recently adopted International Fire Code and International Building Code		X	
Wastewater connections/extensions to public utility		X	
Cross sections of all streets and centerline profiles of street grades		X	
Cross sections of sidewalks		X	
Drains and drainage ways: location, size, & material		X	
Cross sections and centerline profiles of all drains and drainage ways		X	

Certificate of Preliminary Plat Approval

<p>Each preliminary plat submitted shall have printed thereon a certificate of preliminary plat approval:</p> <p>This Plat has been given Preliminary Plat Approval only and has not been approved for recording as a public record. This certificate shall expire on _____ (date)</p> <p>Date of Execution: _____</p> <p>Chairman, Pea Ridge Planning Commission</p>			
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Certificate of Owner and Dedication of Public Rights-of-Way/Easements

Preliminary Plat Improvement Plans & Specs Final Plat

<p>Each Final Plat submitted shall have printed thereon a certificate of owner:</p> <p>I/We, the undersigned, Owner(s) of the Real Estate shown and described herein, do hereby certify that I/We am/are the sole owner(s) of the herein platted property and have caused said property to be surveyed and platted and do hereby dedicate all Rights-of-Way and Utility, Drainage (excluding ponds), and Conservation Easements, as shown, to the public for the installation, operation, maintenance, and replacement of streets, public and franchise utilities, and drainage systems. Easements designated as utility easements or "UE" are for the above or below ground facilities and appurtenances of public and franchise utilities according to the 'Utility Corridor' Section of the Pea Ridge Water Facilities Manual, Rev. 2/23 or later, in Section 7A-Design Recommendations. The respective utility companies shall have right of ingress and egress to said easements, the right to prohibit the erection of buildings or structures within said easements, and the right to remove or trim trees, hedges or shrubs that may interfere with or endanger said utilities. Any improvements installed within the Utility Easements are installed at the risk of the installer, as they are subject to being removed without replacement should it be necessary for any public or franchised utility to undertake construction or maintenance within the Utility Easement. No other statements on this plat or hereinafter recorded shall grant any utility special, exclusive, or additional privileges within designated public easements.</p> <p>_____ Printed Name/Company</p> <p>_____ Owner Signature and title</p> <p>_____ Date</p>			<p>x</p>
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State of Arkansas County of _____ Sworn to and subscribed before me this _____ day of _____, 20 _____. Notary Public _____ My Commission Expires: _____				
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(Ord. No. 852, Sec. 1)

Certificate of Final Plat Approval

Each final plat submitted shall have printed thereon a certificate of final plat approval: Pursuant to the Pea Ridge 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 said rules and regulations. Date of Execution: _____ _____ Chairman, Pea Ridge Planning Commission _____ Mayor, City of Pea Ridge				x
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Certificate of Survey Accuracy

**Preliminary Improvement Final
Plat Plans & Specs Plat**

Each plat submitted shall have printed thereon a certificate of survey accuracy: I, _____, hereby certify that this plat correctly represents a boundary survey made by me and all monuments shown hereon actually exist and their location, size, type, and material are shown correctly. Date of Execution: _____ <hr/> Registered Land Surveyor State of Arkansas Registration No: _____	x		x
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Certificate of Preliminary Engineering Accuracy

In accordance to state statutes each set of plan(s) submitted shall have printed thereon a certificate of preliminary engineering accuracy: I, _____, hereby certify that this plan correctly represents a plan made under my direction and complies with the engineering requirements set forth in the Pea Ridge Subdivision Regulations and Pea Ridge Drainage Manual . Date of Execution: _____ <hr/> Registered Engineer State of Arkansas Registration No: _____		x	
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-Incidental subdivisions

A. **APPLICABILITY** Incidental subdivisions shall include the following:

- 1. **Lot split** A division of land creating only one new lot. An original lot, parcel or tract shall be split no more than three times under this provision. Any split beyond the three permitted shall be reviewed as a Preliminary Plat.
- 2. **Minor subdivisions** A division of land into four (4) or fewer lots. All subdivision regulations shall apply to minor subdivisions except for the following:
 - a. Minor subdividers shall not be required to provide an on-site certified technician for inspection. Instead, the Building Official shall weekly inspect work performed on all improvements of minor subdivisions. A Twenty-Five Dollars (\$25.00) fee shall be charged for each inspection.
 - b. Minor subdivision may follow the administrative review process detailed in subsection B of this section. (Ord. No. 391, Sec. 7.)
- 3. **Property line adjustment** A property line ~~(s)~~ or lines is/are relocated but ~~does not create an additional lot~~ no new or additional lot is created. A property line adjustment may or may not dedicate right-of-way and/or utility easements.

Commented [SP4]: Compare with definition of Minor Subdivision.

Commented [SP5]: The fee amount should be reviewed.

B. **REVIEW AND APPROVAL** Incidental subdivision shall be expedited by consolidating the preliminary and final plat review into a single review process. However, if deemed necessary, an incidental subdivision may be required to follow the formal review process of both a preliminary and final plat review.

- 1. **Submission requirements** The subdivider or authorized agent shall submit an application package to the Planning Department containing the following:
 - a. Application
 - ~~b. Letter of transmittal~~
 - ~~e-b.~~ One (1) copy of the Final Plat in a digital PDF format.
 - ~~d-c.~~ One (1) copy of required documents (Refer to subsection E of 15.04.04 – Plat Checklist for list of documents).
 - ~~e-d.~~ Fee (Refer to subsection D of 15.04.04 – Schedule of Fees). (Ord. No. 375, Sec. 2; Ord. No. 632, Sec. 4.)

2. **Administrative review**

- a. **Applicability** the Planning Director may review and

administratively approve all incidental subdivisions if no dedications, ~~variations~~variances, reservations, changes in alignment or extension of utilities are being proposed.

- b. **Action** Within two (2) weeks of receipt of the ~~Final Plat~~Incidental Subdivision, the Planning Director shall disapprove, approve, or approve conditionally said plat.
 - (1) **Disapproval** The Planning Director shall send the applicant a written statement of the reasons for disapproval.
 - (2) **Approval** The Planning Director shall send the applicant a written statement of ~~the approval~~approval.
 - (3) **Conditional approval** The Planning Director shall send the applicant a written statement of required changes and/or additions. The applicant shall ~~send return~~ a copy of the letter with his/her signature accepting the conditions to the Planning Department.

3. **Planning Commission approval**

- a. **Applicability** The Planning Commission shall review all incidental subdivisions that are not being administratively approved as set forth in subsection B.2.
- b. **Action** Within forty-five (45) days of receipt of the Final Plat, the Planning Commission shall disapprove, approve, or approve conditionally said plat.
 - (1) **Disapproval** Within two (2) weeks after the Planning Commission's decision, the Planning Department shall send the applicant a written statement of the reasons for disapproval.
 - (2) **Approval** Within two (2) weeks after the Planning Commission's decision, the applicant shall provide to the city three (3) paper copies of the approved plat for city official signatures. The applicant shall receive three (3) signed copies of the plat within five (5) days of city's receipt of said plats.
 - (3) **Conditional approval** Within two (2) weeks after the Planning Commission's decision, the applicant shall provide to the city three (3) paper copies of the approved plat for city official signatures. The applicant shall receive three (3) signed copies of the plat within five (5) days of city's receipt of said plats, as well as a written statement of any conditions of approval which requires the applicant's signature.

4. **City Council approval** Any incidental subdivision that dedicates rights-of-way or easements shall require approval by the City Council.
5. **Recording** If the Final Plat is approved by the Planning Commission and the City Council, the applicant shall record the Final Plat with the County Recorder and shall send one (1) filed copy of the Final Plat on a minimum 18 x 24 paper to the Planning Department (Ord. No. 632, Sec. 5.).
6. **Criteria** Decisions shall be based on the following:
 - a. Proposed subdivision complies with the ~~standards as~~standards described herein.
 - b. No new street or alley is required or proposed.
 - c. No vacation of streets, alleys, setback lines, access control, or easements is required or proposed.
 - d. Such action of approval will not result in any significant increases in public service requirements, nor will interfere with maintaining existing public service levels.
 - e. There is adequate ~~street~~right-of-way as required by these regulations.
 - f. All easement requirements have been satisfied
 - g. All created lots shall have access to a public street.
 - h. No variance is requested
(Ord. No. 372, Sec. 5.)

15.04.05 Improvements and design standards

A. **SUITABILITY OF LAND FOR PLATTING** Land unsuitable for ~~residential-~~human occupancy due to flooding or other topographical conditions shall not be platted for any use that may increase the danger to health, life, or property; or may aggravate erosion or flood hazard. When such land is in the proposed plat, it shall be set aside for such land uses that will not be affected by periodic flooding or unsuitable topographic conditions unless adequate corrective measures are formulated by the subdivider and approved by the Planning Commission.

B. **FLOODPLAIN DEVELOPMENT** Land may not be platted and subdivided except in conformance with the Drainage regulations as set out in Ch. 11.06. The city will not be financially liable for any damages due to flooding. The Preliminary and Final Plat of any subdivision, wholly or partially, occurring in the 100-year floodplain, as designated by the Federal Emergency Management Agency (FEMA), shall contain finished minimum floor elevations and existing lot elevations on each lot. (Ord. No. 401, Sec. 2.)

C. **LAND FOR PUBLIC USE** Where proposed community or public facilities of the Comprehensive Plan are located, in whole or in part, in a proposed subdivision, the Planning Commission, City Council, or public board shall require that land for those public facilities be

reserved as a condition of Preliminary Plat approval. Such reservations shall be referred to the appropriate public board, commission, or body having jurisdiction or financial responsibility to permit the opportunity to acquire said sites either through purchase, taking an option, or the filing of condemnation proceedings under the power of eminent domain. The reservation shall not extend over a period of more than twelve (12) months following the date of approval of the Preliminary Plat by the Planning Commission or the subdivision process shall continue without regard for the proposed community or public facilities.

D. RESPONSIBILITY OF COSTS

1. **Streets** The subdivider is responsible for the construction of streets not to exceed thirty-six (36) feet between the backs of curbs. The thirty-six (36) foot wide street is recognized as the standard collector street within the city. The city shall be responsible for costs of widths in excess of thirty-six (36) feet.
 - a. **Local streets** The subdivider shall finance all local streets.
 - b. **Collector streets** The subdivider shall dedicate right-of-way sufficient for a collector street section as adopted by the city, and pay for the construction of collector streets as part of the subdivision shall finance no less than the cost to construct a local street.
 - c. **Existing boundary streets** When the proposed subdivision abuts an existing street that does not have curb and gutter; does not meet the city's standards of width and construction; and is not included in the city's impact fee plan, the subdivider shall provide payment in lieu of improvements to upgrade the street to the design standards provided in 15.04.06. Subdivider shall pay no less than one-half of the construction costs, improve their half-street portion to include no less than pavement and stormwater swales.
 - d. **New boundary streets**
 - (1) **Shown on Master Street Plan** For boundary streets that are in agreement with the Master Street Plan, the subdivider shall dedicate right-of-way sufficient for the street section indicated on the Master Street Plan and shall finance pay no less than one-half of the construction costs and dedicate no less than one-half of the required right of way, the cost to construct one-half of a local street section. Subsequently, the city shall construct such boundary street within seven (7) years from date of Final Plat approval or shall return the full amount of escrowed money plus interest to the subdivider.
 - (2) **Not shown on Master Street Plan** If the Planning

Commission deems a boundary street (not shown on the Master Street Plan) as unavoidable, the subdivider shall provide for the entire right-of-way ~~and pay for all construction costs for the street section determined by the Planning Commission.~~

~~e. Access streets Service or frontage streets used for access to or within the subdivision are the subdivider's responsibility to construct.~~

~~f.e. Arterial streets Arterial street design and construction may be handled on a participation basis.~~

~~g.f. Street name signs The subdivider shall pay for street name signs and their installation.~~

2. **Sidewalks** The subdivider shall pay for all sidewalks on common properties such as property set aside for future HOA or POA use, drainage or detention lots, or other such lots that are unbuildable or will not be developed. All other sidewalks shall be constructed with an approved building permit.
3. **Storm drainage system** The subdivider shall pay for drainage systems within the subdivision including facilities to handle water flowing into and out of the subdivision from adjacent lands. The city may participate in the cost of oversize storm sewer lines. The design characteristics of each development and its provisions for drainage shall also be considered when calculating major drainage improvements.
4. **Water supply system** The subdivider shall pay for the installation of water lines within the development and the connection to the public water system.
5. **Sewer system** The subdivider shall pay for the installation of sewerage lines within the development and the connection to the public sewerage system.
6. **Other** The subdivider shall pay for all other costs not specified in this section.

E. **BLOCKS**

1. **Configuration** The length, width and shape of blocks shall be determined by the following:
 - a. Provision of adequate building sites suitable to the special needs of the type of use proposed
 - b. Zoning requirements as to lot sizes and dimensions
 - c. Needs for convenient access, circulation, and control and safety of street traffic
 - d. Limitations and opportunities of topography

2. **Size** The permitted length of a block is between ~~four hundred two hundred~~ (4200) feet and ~~one thousand three hundred and twenty nine hundred and fifty~~ (1,320,950) feet. Blocks over ~~one thousand six hundred and sixty~~ (1,000,660) feet in length may require a public connection including, but not limited to, a sidewalk, trail, or alley, within a dedicated easement of not less than fifteen (15) feet in width including a paved connection not less than five (5) feet in width. Block lengths greater than nine hundred and fifty (950) feet shall be considered by Planning Commission on a case-by-case basis, and shall be reviewed along the following criteria:
- a. Topographical features
 - b. Utility or other public facility conflict
 - c. Likelihood adjoining property will be developed or redeveloped
 - d. Connectivity with existing street network and future street network in the Master Street Plan or approved preliminary plats
- ~~2-3.~~ **Measurement** Block length shall be measured by the distance, centerline to centerline, from one intersection to the next.
- ~~3-4.~~ **Business and residential uses** Such uses shall have a width suitable for the intended purpose with due allowances for on- and off-street parking and loading facilities.
- ~~4-5.~~ **Residential use** Residential blocks shall have sufficient width to provide two (2) tiers of lots of appropriate depths except lots fronting a major street or topographical constraints in which case the Planning Commission may approve a single tier of lots and lesser block length.

F. **LOTS**

1. **Relationship to street or right-of-way** Every lot shall front on, ~~or abut,~~ or have access to a public street, alley, trail, green, or other public accessible space except for a Planned Zoning Development (PZD) where additional frontage options, including but not limited to, private streets, alleys, greens, or other publicly accessible space may prevail subject to Planning Commission's approval.
2. **Double frontage** Lots, other than corner lots, fronting on two (2) streets, shall not be platted except under exceptional circumstances, in which case building lines shall be established on both frontages, and a prohibition on right of access to any collector, minor arterial, or major arterial, must be recorded on the Final Plat.
3. **Buffer** A buffer of at least ten (10) feet wide with no vehicular access shall be placed along the abutting street or other disadvantageous use in all new residential subdivisions. At the discretion of the Planning Commission, the subdivider may substitute an ornamental wall or fence for a planting screen. Screening easements shall be indicated on the plats.
4. **Size** Except as provided herein, the minimum lot dimensions shall conform to the requirements of the Zoning Ordinance for all land within the planning area. ~~No lot shall be more than three (3) times as deep as it is wide.~~
5. **Non-residential use** Depth and width of properties reserved or laid out for business or commercial purposes shall be adequate to provide for the off-street parking and loading facilities, additional setback abutting residential uses, and buffer requirements required for the type of use and development.
6. **Building setbacks** (Refer to the Pea Ridge Zoning Ordinance for building setbacks by zoning district.)
7. **Floodway** A minimum building setback line of not less than twenty-five (25) feet shall be from any 100-year floodway boundary (FEMA).
8. **Drainage** Every lot shall ~~slope to a street or drainage easement.~~ be graded to provide positive drainage away from all structures and toward a public street, approved drainage easement, or other drainage facility shown on the approved subdivision drainage plan. Lot grading shall not direct surface runoff onto adjacent lots in a manner that creates a nuisance or drainage problem. Where practical, the finished floor elevation of residential structures should be designed to be between twelve (12) inches to twenty-four (24) inches above the adjacent street top-of-curb elevation to promote positive drainage unless otherwise approved by the City Engineer or his/her designee.

G. **STREETS**

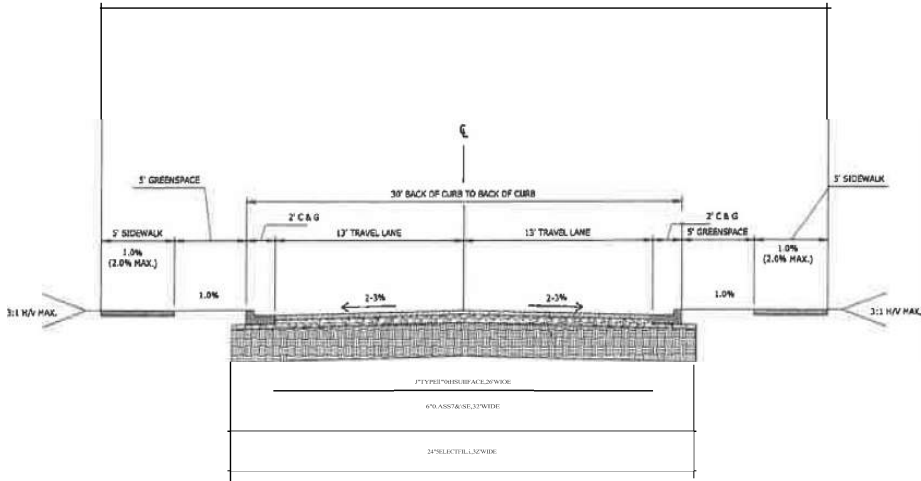
1. **Summary of Street Requirements** Refer to accompanying sections for detailed information.

Summary Street and Sidewalk Requirements

	Local	Collector	Minor Arterial	Major Arterial
Paving width (minimum) Back of curb to back of curb	2530'	36'25'	478'	5960'
Right-of-way width (minimum)	50'	60'- 70'	80'	90' -100'
Grade (maximum)	12%	10%	9%	8%
Sight distance (minimum at crest)	150'	200'	325'	475'
Minimum horizontal radius at centerline (normal crown)	150'	450'	900'	1400'
Minimum horizontal tangent distance between reverse	50'	200'	300'	400'
Street offsets (minimum)	125'	250'	None	None
Sidewalks (minimum)	(2) 5' 3' min clearance from curb	(1) 5' <u>with</u> 3' min clearance from curb	(1) 5' <u>with</u> 3' min clearance from curb	(1) 5' <u>with</u> 3' min clearance from curb
<u>Trail or multi-use path (minimum)</u>	<u>None</u>	<u>(1) 10' with 3' minimum clearance from curb</u>	<u>(1) 10' with 3' minimum clearance from curb</u>	<u>(1) 10' with 3' minimum clearance from curb</u>

(Ord. No. 701, Sec. 1)

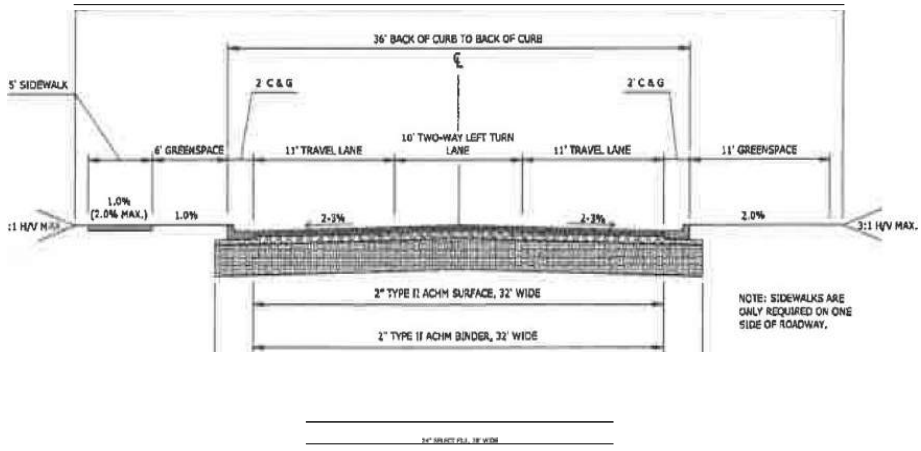
Typical Section can be found on the City of Pea Ridge website, under "Planning".



TYPICAL SECTION - LOCAL ROAD

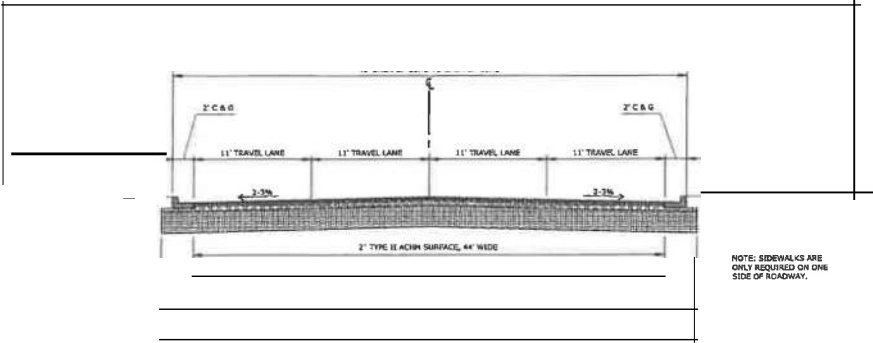
http://www.txdot.gov/ftp/pub/roadway_dept/standards/roadway/2009/09-01-stds/2009-01-stds.pdf

NOTE: SELECT FILL REQUIREMENT, GRADES AND TECHNICAL SPECIFICATION AS DESCRIBED OTHERWISE.



TYPICAL SECTION COLLECTOR ROAD

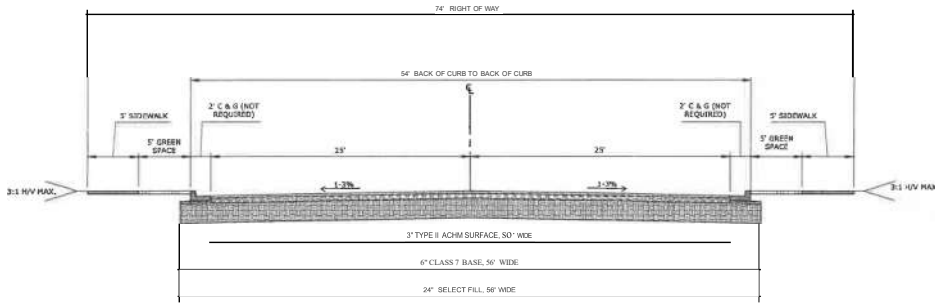
NOTE: ALL STREETS AND HIGHWAYS TO BE CONSTRUCTED
FOR THE CITY OF PASADENA SHALL BE AS SHOWN.
NOTE: SEE SUBJECT PLAN REQUIREMENTS UNDER GEOMETRICAL
DESIGNATION FOR CURVES AND GRADES.



TYPICAL SECTION - MINOR ARTERIAL ROAD

NOTE - ALL STREETS TO BE CONSTRUCTED PER THE CITY OF PLAZA'S SUBDIVISION CODE CHAPTER 16

NOTE 2 - SELECT FILL REQUIREMENT UNLESS GEOTECHNICAL INVESTIGATION RECOMMENDS OTHERWISE



TYPICAL SECTION - CUL-DE-SAC

NOTE 1 - ALL STREETS AND SIDEWALKS TO BE CONSTRUCTED PER THE CITY OF PLAZA'S SUBDIVISION CODE CHAPTER 16

NOTE 2 - SELECT FILL REQUIREMENT UNLESS GEOTECHNICAL INVESTIGATION RECOMMENDS OTHERWISE

(Ord. No. 579, Sec. 5; Ord. No. 701, Sec. 1.)"

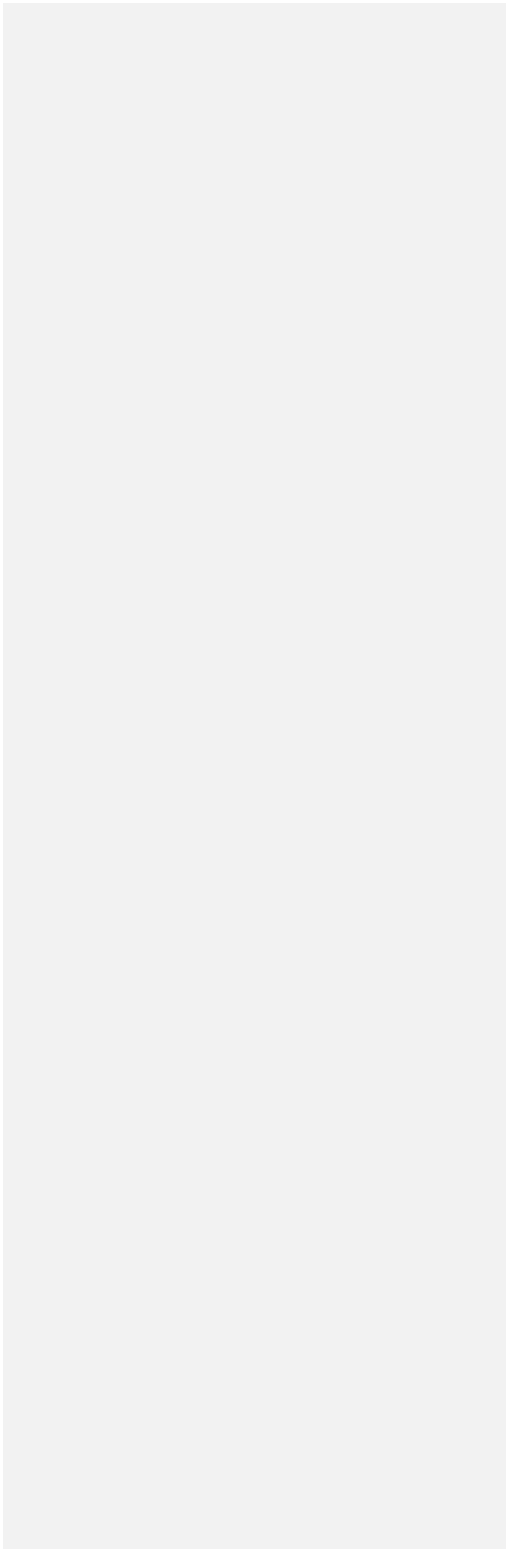
~~All streets in industrial and commercial zones must meet the requirements for collector streets.~~

2. **Access** A publicly dedicated street shall serve every subdivision. Every lot or parcel within a subdivision shall have access to a publicly dedicated street, [alley, trail, green, or other public accessible space](#) or in the case of a PZD, access to a public street by means of a Planning Commission-approved option. All lots shall front on public streets except for PZD's where the Planning Commission may approve additional options. In an effort to avoid congestion on city streets and to ensure the safe flow of traffic, any access from [subdivision lots](#) and private drives onto collector, major arterial, and minor arterial streets ~~should be limited~~ [is expressly prohibited](#). (Ord. No. 391, Sec. 8.)
3. **Design** The proposed street layout shall relate to traffic volume,^z population densities,^z and patterns of existing and proposed land use and road systems. Local streets shall be designed to conform with topography where possible,^z to encourage connectivity,^z to discourage through traffic,^z to accommodate efficient drainage and utility systems,^z and to protect the public health, safety,^z and welfare. The rectangular, gridiron street pattern does not need to be adhered; curvilinear streets are encouraged in order to enhance a layout and to slow traffic. In business areas, streets are planned based on grouping of buildings, provision of alleys, truck loading and maneuvering areas, fire protection and walking, and parking areas in order to avoid conflicts of movement between the various types of traffic.
4. **Future through streets** Future through streets shall extend to the boundary lines of the subdivision unless prevented by topography or other physical conditions or unless, in the opinion of the Planning Commission, such extensions are deemed unnecessary or undesirable for the coordination of the layout of the subdivision with the existing layout or with the most advantageous future development of adjacent property. For partially subdivided land, the subdivider shall provide a proposed plan of future streets for the unsubdivided portion of land.
5. **Proposed streets** Proposed streets shall extend to and match the widths of existing streets (not in excess of thirty-six feet) which may require the dedication of additional right-of-way.
6. **Access control** The subdivider shall not retain a parcel, or tract of land lying between a boundary street and a property line in order to avoid instances where abutting properties are prevented access.
7. **Lots fronting major streets** Residential and non-residential lots fronting a non-local street may be required to have a frontage road, [alley, or other means](#) to access such lots.
- ~~8. **Dwelling units served by a street**~~

Number of Single-Family Units Served by a Street

S-20

N	N	N
#	#	i
#	#	s
b	b	t
e	e	a
r	r	#
e	e	e
f	f	e
S	S	b
i	t	e
#	r	t
g	e	W
t	e	e
e	t	e
F	s	#
a	S	S
#	e	t
i	r	r
t	v	e
y	i	e
D	#	t



	→	
- 4 4	→	→
5 - + 0 0	→ 4	→ 0 0 f e e + k*
0 + - 2 4 0	→	→ 0 0 f e e + k*

Commented [SP6]: I have a recollection that this needs to be changed to contemplate fire code requirements. For some reason, the number 30 is coming to mind. We need to talk with Clint.

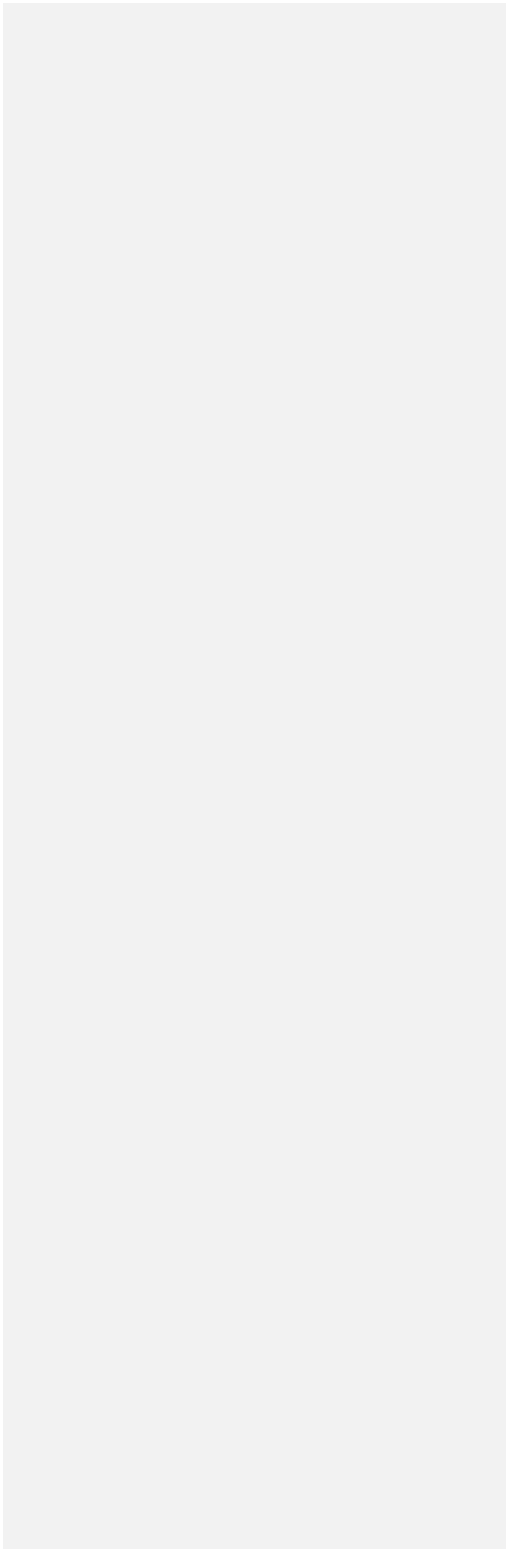
2	3	4
4		0
+		0
-		f
e		e
r		e
m		t
e		#
r		
e		

Number of Multi-Family Units

Served by a Street

N	N	N	N
#	#	+	+
m	m	s	s
b	b	t	t
e	e	#	#
r	r	#	#
e	e	e	e

f	f	e	e
M	S	b	B
u	t	e	u
t	r	t	i
t	e	w	t
i	e	e	d
-	t	e	i
F	s	n	n
a	S	S	S
m	e	t	f
i	r	r	r
t	v	e	e
y	i	e	m
D	n	t	S
w	S	s	t
e	D	(r
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i	t	n	t
n	t	i	(
S	i	m	m
U	n	u	a



0		t	e
		t	t
4	3	3	
t		0	
e		f	
f		e	
t		e	
e		t	
f		t	
e		t	

*Measured from centerline to centerline
of street right-of-way.

9-8. **Widths** Subdivisions ~~and large-scale developments~~ shall dedicate sufficient right-of-way to bring substandard streets into compliance.

- a. **Right-of-way widths (minimum)**
 - Local: fifty (50) ft.
 - Collector: sixty (60) ft.
 - Cul-de-sac: one hundred twenty (120) ft. (Refer to subsection G.13 of 15.04.06)
 - Alley: twenty (20) ft. (Refer to subsection G.14 of 15.04.06)
- b. **Paving widths (minimum)** (measured from back of curb to back of curb)
 - Local: thirty (30) ft.
 - Collector: thirty-six (36) ft.
 - Cul-de-sac: twenty-five (25) ft; no curb and gutter required

Alley: (Refer to subsection G.13 of 15.04.06)
 sixteen (16) ft. (Refer to subsection G.14 of
 15.04.06)

~~10.9.~~ **Grades (maximum)**

Local: ~~twelve percent~~
~~percent~~ (10~~2~~%) Collector: ten
 percent (10%)

Street grades along gutters shall be 1.5 percent or greater unless approved
 by ~~the~~ city engineer.

~~11.10.~~ **Horizontal clearances to obstructions** On all streets ~~and/or sidewalks~~, a
 minimum clearance of one and one-half (1.5) feet shall be provided
 between the curb face and obstructions. Such obstructions shall include
 but not be limited to utility poles, lighting poles, ~~fences~~, and fire hydrants
 but does not include mail boxes.

~~12.11.~~ **Intersections**

- a. **Angles** Intersecting streets shall be at right angles (90 degrees)
 where possible and shall not be less than seventy-five (75) degrees.
- b. **Offsets** Street offset requirements are as follows:
 - (1) Local streets: centerline offsets of no less than one hundred
 twenty-five (125) ft.
 - (2) Collector streets: centerline offset of no less than two
 hundred fifty (250) ft.
 - (3) Arterial streets: No offsets are permitted.
- c. **Sight distances** At all intersections, nothing shall be erected,
 planted, located or allowed that would impede a motorist's vision
 between the height of two and one-half (2.5) ft and ten (10) ft.
 above the highest elevation of the road surface cross section of the
 intersecting streets. The unobstructed area described is formed by
 running twenty-five feet in each direction from the right-of-way
 boundary line. Refer to Figure 4-D.
- d. **Curb radii**
 Where the angle of street intersection is less than ninety (90)
 degrees, the Planning Commission may require a greater radius.
 The minimum requirements for curb radii are as follows:
 - (1) Local streets: twenty-five (25) ft.
 - (2) Collector streets intersecting collectors and arterials:
 thirty-one (31) ft.
- e. **Property line radii** The property line corner at a street
 intersection shall have a radius of at least twenty-five (25) ft.
 Where the angle of street intersection is less than ninety (90)
 degrees, the Planning Commission may require a greater radius.

Cul-de-sac Cul-de-sacs shall occur on local streets only. Cul-de-sacs shall be used only when the land cannot otherwise be reasonably subdivided ~~because as~~ cul-de-sacs reduce the number of connections and route choices for travelers and emergency services available to other subdivisions and streets. Where cul-de-sacs are ~~utilized~~proposed, pedestrian and bicycle pathways shall be provided to adjacent properties, unless in the opinion of the Planning Commission, such pathways are deemed unnecessary. Temporary dead-end streets designed to provide future connections to adjacent properties may, in the opinion of the Planning Commission, require a temporary turnaround easement. A proper drainage system shall be provided. The right-of-way radius shall not be less than sixty (60) ft. The paving radius shall not be less than fifty (50) ft. from back of curb to back of curb. The paving width shall not be less than twenty-five (25) ft. from back of curb to back of curb. The maximum length for a cul-de-sac (measured from center of radius to centerline of intersecting street) shall not exceed ~~one thousand one hundred twenty-nine hundred and fifty (1,129,50)~~ ft. All lots on cul-de-sacs shall have no less than ~~eighty-sixty (8060)~~ ft. of width at the ~~building line~~front setback line. Refer to Figure 4-E.

~~13-12.~~ **Alleys** Alleys may be required at the rear of all lots used for non-residential purposes in order to accommodate access for service and emergency vehicles. Alleys that provide access to rear garages are encouraged in residential areas. In residential areas, the minimum paving width shall not be less than sixteen (16) ft. and the minimum right-of-way width shall not be less than twenty (20) ft. All alleys shall be surfaced with asphalt, concrete, or gravel, provided gravel is properly contained by concrete ribbon curb and approaches into said alley are an all-weather, hard surface designed to prevent washing out. All alleys shall meet the minimum street requirements with the exception that curbs and gutters are not required, unless graveled where a ribbon curb would be required. No parking lanes shall be provided in alleys. Rear setbacks shall be measured from the centerline of alleys.

~~14-13.~~ **Street name signs** Street name signs shall be placed on one (1) corner of each street intersection in conformance with the specifications adopted by the city. The Planning Commission has the authority to determine the street names and require changes to proposed names.

~~15-14.~~ **Street paving construction**

- a. **Notification** The Pea Ridge Street Department shall be notified twenty-four (24) hours prior to soil compaction test and to placement of any fill and paving material; drainage structures; curb and gutter. The subgrade shall be approved by the Pea Ridge Street Department prior to installation of curb and gutter and/or

- placement of crushed stone.
- a. ~~Material Submittals / Standards~~ All materials and construction standards shall conform to the Arkansas Department of Transportation (ARDOT) Standard Specifications for Highway Construction, latest edition, unless otherwise approved by the City Engineer. Submittals for all construction materials shall be submitted to the City for review and approval prior to installation. No materials shall be installed until the required submittals have been reviewed and approved by the City.
- b. **Earthwork equipment** Earthwork equipment shall include appropriate type and size to achieve the specified compaction.
- c. **Thickness (minimum)**

Street Paving Thickness

Type of Street	Concrete	Asphalt Surface Course	Asphalt Binder Course Base	Crushed Stone
Local	6"	3"	None	6"
Alleys	6"	2"	None	4"
Collector	6"	2"	2"	6"
Minor Arterial	6"	2"	2"	6"
Major Arterial	Formal Design Recomm.			

- ~~d. **Grading and subgrade preparation**—All materials and standards shall conform to the Arkansas State Highway and Transportation Department's *Standard Specifications for Highway Construction*, 2003 edition or as amended. Streets shall be shaped and graded in accordance to the approved street plans. Soft, yielding sections of subgrade shall be removed and replaced in six (6) inch maximum lifts and compacted to the required density. Fill material shall be approved by the Pea Ridge Street Department prior to application.~~
- d. No topsoil or organic material is permitted as fill material. Prior to placement of crushed stone base course, the subdivider shall contact the street department to observe testing for the minimum required density of subgrade by an approved laboratory and to verify that the subgrade is free of soft spots and is unyielding to equipment being used. Streets shall be shaped and graded in accordance with the approved street construction plans. Soft, yielding, or otherwise unsuitable subgrade materials shall be removed and replaced with suitable fill material placed in lifts not

exceeding six (6) inches and compacted to the required density. All fill materials and compaction shall be evaluated and approved by a licensed geotechnical engineer or qualified soils testing laboratory retained by the developer. Testing and certification of compaction shall be performed by the testing laboratory at the developer's expense.
No topsoil or organic material shall be used as fill material. Prior to placement of the crushed stone base course, the developer shall notify the Pea Ridge Street Department so the City may observe testing verifying that the subgrade meets the required density and is free of soft spots or yielding areas.

- c. **Asphalt street standards** ~~All materials and standards shall conform to the Arkansas State Highway and Transportation Department's *Standard Specifications for Highway Construction*, 2003 edition or as amended. All references below are to said document. All materials and construction standards shall conform to the Arkansas Department of Transportation (ARDOT) Standard Specifications for Highway Construction, latest edition, unless otherwise approved by the City Engineer. References below correspond to sections within the ARDOT Standard Specifications.~~
- (1) ~~Base course~~ **Base course** ~~The base course shall consist of crushed stone in accordance with Section 303 and shall meet the requirements of a Class 7 as specified in Table 303.1. Construction requirements shall meet the standards specifications in Section 303.03.~~ **The base course shall consist of crushed stone meeting the requirements of Class 7 aggregate in accordance with Section 303. Construction shall conform to the requirements of Section 303.03.**
 - (2) ~~Surface course~~ **Binder course** ~~The surface course shall consist of asphalt concrete hot mix and conform to the properties for a Type 3 as specified in Table 407.1. Materials of construction requirements shall be accordance with Sections 409 and 410.~~ **The binder course shall consist of asphalt concrete hot mix meeting the requirements in accordance with Table 406-1. Construction shall conform to Sections 409 and 410.**
 - (3) ~~Binder course~~ **Surface course** ~~The binder course shall consist of asphalt concrete hot mix and conform to the properties for a Type 2 as specified in Table 406.1. Construction requirements shall be in accordance with Sections 409 and 410.~~ **The surface course shall consist of**

asphalt concrete hot mix meeting the in accordance with Table 407-1. Construction shall conform to Sections 409 and 410.

- f. **Concrete street standards** ~~All materials and standards shall conform to the Arkansas State Highway and Transportation Department's Standard Specifications for Highway Construction, 2003 edition or as amended. Refer to Section 501 of said document for required materials and Section 502 for reinforcement and dowel requirements. All materials and construction standards shall conform to the Arkansas Department of Transportation (ARDOT) Standard Specifications for Highway Construction, latest edition, unless otherwise approved by the City Engineer. Concrete pavement materials shall comply with the requirements of Section 501 of the ARDOT Standard Specifications. Reinforcement, dowels, and related construction requirements shall comply with Section 502.~~
- g. **Alleys** Alleys shall be paved with concrete, ~~or asphalt,~~ or gravel with ribbon curbs. Alleys may have a center depression in order to channel water longitudinally to a street and/or storm drainage system.

16-15. Affected roads These regulations apply to any road which a subdivision encompasses or borders and excludes roads listed on the impact fee list of roads. (Ord. No. 391, Sec. 9.)

H. **SIDEWALKS**

- 1. **Location within the right-of-way** Sidewalks shall be located within the dedicated public right-of-way adjacent to the property line unless as otherwise specified in this section. Where deviation may be necessary due to topographical or other conflict, the nearest portion of any sidewalks shall be located no less than three (3) ft from back of curb. Such deviation shall be reviewed by the Planning Commission.
- 2. **Side of the streets**
 - a. **Local streets** Sidewalks shall be required on both sides of the street.
 - b. **Collector streets** Sidewalks on one side, and a trail section no narrower than ten (10) feet on the opposing side of a collector street are required unless, in the opinion of the Planning Commission, trails on both sides of the street will protect public health, safety and welfare and will facilitate pedestrian safety and access. The determination as to which side a trail is located on shall be reviewed by the Active Transportation Coordinator or

Commented [SP7]: Should this requirement be flexible? What about when when sidewalks and pedestrian ways adjoin or are combined? What about on major arterial streets? I don't like walking on a sidewalk adjoining the back of the curb when cars are flying past at 45-50 mph, especially from behind me. Example: In Bentonville walking between Walgreen's (at 14th & Walton) and the new Starbucks development to the north is unnerving. The new sidewalk (in front of Starbucks is offset and feels safe), while the old sidewalk makes you fearful. I prefer that we not recreate this scenario in Pea Ridge on Highway 72.

the Planning Director and approved by the Planning Commission.

- c. **Major and minor arterial streets** Sidewalks shall be required on one side of the street, and a trail section no narrower than ten (10) feet on the opposing side of a collector street are required unless, in the opinion of the Planning Commission, trails on both sides of the street will protect public health, safety and welfare and will facilitate pedestrian safety and access. The determination as to which side a trail is located on shall be reviewed by the Active Transportation Coordinator or the Planning Director and approved by the Planning Commission.

3. Width

- a. **Residential sidewalks** Five (5) ft. wide minimum.
- b. **Non-residential sidewalks** Five (5) ft. wide, unless, in the opinion of the Planning Commission, wider sidewalks will protect the public health, safety, and welfare and will facilitate pedestrian safety and access. (Ord. No. 579, Sec. 6).
- c. **Trails** Ten (10) ft. wide, unless the Planning Commission finds wider trails are required to protect the public health, safety, and welfare and will facilitate pedestrian safety and access.

4. Design

- a. **ADA** All sidewalks shall conform to the "Americans with Disabilities Act" (ADA) requirements and specifications.
- b. **Alignment** Sidewalks or trails are to be installed in a straight line unless, the Planning Commission ~~finds a~~ finds a non-linear alignment would protect, enhance, or highlight a natural feature or features or is inclusive of an aesthetic design. Any deviations shall first be considered in the direction away from the street before considering a deviation in the direction towards the street. Deviations shall detour pedestrians no further than 300 feet from the path of the roadway.
- c. **Connections** Sidewalks shall connect with existing sidewalks on adjoining properties in order to create continuity for pedestrian flow throughout the community and shall be graded in a way to facilitate future connection to the adjoining property.

5. Construction

- a. **Subgrade** All sidewalks shall be constructed on a compacted subgrade which is free of dust pockets, ruts, and other defects. The

- Planning Commission or street department supervisor may require four (4) inches of base if the subgrade is not compacted.
- b. **Compressive strength** All sidewalks shall be constructed of Portland cement concrete with a minimum twenty-eight day compressive strength of three thousand (3,000) pounds per square inch.
 - c. **Thickness** Sidewalk thickness shall be four (4) inches.
 - d. **Slope** All sidewalks shall be constructed with a minimum transverse slope of one-fourth (1/4) inch per foot.
 - e. **Expansion joints** All sidewalks shall have expansion joints spaced no farther than twenty-five (25) ft. apart.
 - f. **Transverse joints** All sidewalks shall have transverse joints at five (5) ft. intervals and one-fourth (1/4) wide. Joint depth shall be one (1) inch.
 - g. **Finish** All sidewalks shall have a "broom" finish.
6. **Waiver** The Planning Commission may waive the sidewalk requirements in the following cases:
- a. Where sidewalks are not deemed necessary for public safety or where topographical or other conditions make their installation and use impractical, [however keeping in consideration that ADA allows sidewalks at the same grade as the street.](#)
 - b. Where the subdivision designer has submitted for review a proposed sidewalk plan that provides more direct and safer movement of pedestrian traffic.
 - c. Where sidewalks are made unnecessary by alternative pedestrian systems with low traffic volume
 - d. Where no public benefit results from the installation of sidewalks.
7. **Time of installation** Sidewalks, as required in this subsection, shall be installed and maintained to the original specifications in order to receive a certificate of occupancy from the city of Pea Ridge. (Ord. No. 579, Sec. 6).
- a. **After Final Plat approval** If the subdivider or builder chooses to complete the sidewalks within dedicated areas after Final Plat approval, in order to avoid damage to sidewalks by heavy equipment during construction, he/she must provide a cash deposit or a performance bond/letter of credit. (Refer to subsection C.5.C of 15.04.05)
 - b. **Before Final Plat approval** If the subdivider chooses to complete the sidewalks prior to Final Plat approval, they shall maintain sidewalks to original specification in order to receive a Certificate of Occupancy.

I. EASEMENTS

1. **Open space** Easements shall be considered as an opportunity for an open space system for adjoining subdivisions via pedestrian trails and bicycle pathways.
2. **Widths** Easement widths shall be in conformance to the requirements as dictated by the city of Pea Ridge for the intended purposes.
3. **Encroachment** No building or structure shall be erected over or within an easement unless an encroachment agreement is approved by the City Council.
4. **Utility easement** In all new residential subdivisions, all utilities including storm water, cable television, electrical and telephone distribution systems, or other services shall be laid underground. It shall be the responsibility of the subdivider to initiate any request for exception to the laying of underground utilities. Utility easements shall be at least twenty (20) feet wide and shall be established at the front, rear and along other such lot lines as to provide continuity of alignment from block to block.
5. **Drainage easement** Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, a drainage easement shall be provided conforming substantially to the lines of the watercourse and shall be adequate for intended purpose. It is desirable for the banks of an open channel to be landscaped. [Maintenance responsibilities of and within drainage easements is retained by the property owner.](#)

J. STORMWATER DRAINAGE

1. **Drainage Regulations** All subdivision development must be done in conformance with the Drainage Regulations as set out in ~~Ch. 11.06~~ [the Pea Ridge Drainage Manual. \(Ord. 811\)](#)
2. **Drainage ditches** No open drainage channels shall be constructed within the area dedicated as public streets and alleys. Whenever drainage ditches exist or are installed, such ditches shall have concrete bottoms and sidewalls designed to retain their original design characteristics and designed so they can at all times be kept clean and easily maintained.
- ~~3. **Curb and gutter** Curb and gutters shall be installed on all public streets. Installation shall be in accordance with the city's specifications. Curbs shall be six (6) inch high curbs and twenty four (24) inches wide. The method of construction of the curb and gutter shall be in conformance with methods provided in Item 634 of the Arkansas State Highway and Transportation Department's 2003 edition of the Standard Specifications for Highway Construction, or the latest edition. Curb and gutter shall be installed on all public streets. Construction shall conform to the requirements of Item 634 of the Arkansas Department of Transportation (ARDOT) Standard Specifications for Highway Construction, latest edition, unless otherwise~~

approved by the City Engineer. Curbs shall be six (6) inches in height with a minimum gutter width of eighteen (18) inches. Expansion joints shall be of one-half (1/2) inch premolded material and be provided at each side of drainage structures, at the ends of the radii at intersections and cul-de-sacs, and along the length of the curb and gutter at one hundred and ninety-five (195) foot spacing.

3.4.

~~4.~~ **Construction** All storm drainage pipes shall be reinforced concrete pipe (RCP) Class III (or higher) or high-performance polypropylene pipe (PP) from back-of-curb to back-of-curb in City right-of-way for local and ~~minor~~ collector designated roads unless otherwise specifically approved by the City Engineer. High-density polyethylene pipe (HDPE) may be used behind the curb within the City right-of-way for local and collector designated roads. All storm drainage pipes shall be reinforced concrete pipe (RCP) Class III (or higher) ~~or high-performance polypropylene pipe (PP)~~ in City right-of-way for ~~collector~~, minor arterial, and major arterial designated roads unless otherwise specifically approved by the City Engineer. ~~Outside of the City Right of Way, only high-density polyethylene (HDPE), corrugated metal pipe (CMP), reinforced concrete pipe (RCP) Class III (or higher) or high-performance polypropylene pipe (PP) may be used unless otherwise specifically approved by the City Engineer. Expansion joints shall be of one half (1/2) inch premolded material and be provided at each side of drainage structures, at the ends of the radii at intersections and cul-de-sacs, and along the length of the curb and gutter at one hundred (100) foot spacing.~~ Storm drainage pipes, ditches, and drainage structures shall be free of sediments, trash, debris, and ponding water before Final Plat approval. (Ord. No. 401, Sec. 3; Ord. No. 663, Sec. 1.)

5.

K. **OFF-SITE IMPROVEMENTS** The developer may be required to install off-site improvements where the need for such improvements is created in whole or in part by the proposed development. An off-site improvement shall mean all or any part of a street, surface drainage system, water system, or sanitary sewer system, which is to be installed on property located outside the proposed development.

Any required off-site improvements shall be installed according to city specifications. The developer shall be required to bear the portion of the cost of off-site improvements which bears a rational nexus to the needs created by the proposed development. (Ord. No. 372, Sec. 6.)

15.04.06 Utilities

A. **GENERAL**

1. **Coordination** The subdivider shall coordinate with the city of Pea Ridge and other local utility companies the design, supply and installation of all

utilities serving the subdivision within the city of Pea Ridge.

2. **Specifications** All utilities shall comply with the city of Pea Ridge utility specifications.
3. **Location of utilities** Utilities within a subdivision shall be located within the dedicated public rights-of-way or appropriately dedicated easements.
4. **Utility installation after street paving** If stubs to the property lines are not installed, connections between the lots and the utility lines shall be made without breaking into the street surface where possible.
5. **Underground** All utility wires, lines, and/or cables in new subdivisions utilized by electric and/or telecommunications companies shall be placed underground. Overhead wires, supporting structures, and associated structures of temporary nature which provide temporary service are exempt from this requirement.

B. WATER SUPPLY

1. **Design** The water supply and distribution system shall be designed to provide the anticipated water consumption within the subdivision including fire protection. Sound engineering methods shall be used to design the system.
2. **Connection** Where a public water supply is available within the city limits, the subdivider shall install or have installed a system of water mains and connect to such supply.
3. **Fire hydrants** Fire hydrants shall be required in all subdivisions and shall be installed by the subdivider. They shall be located as to adequately protect each lot within the subdivision. The maximum distance between fire hydrants shall no more than the maximum distance stated in the most recently adopted International Fire Code and/or International Building Code.

C. SANITARY SEWAGE DISPOSAL

1. **Design** The sewage collection system shall be designed to handle the anticipated flow of sewage from within the subdivision including development of future sections of the same subdivision and adjacent areas within the same drainage basin or pump station service area. Recognized engineering design criteria in accordance with the requirements of the State Department of Health and the city of Pea Ridge utility specifications shall be utilized to design the system.
2. **Connection** Where a public sanitary sewer is available within the planning jurisdiction, the subdivider shall install a system of sewer lines and provide connection to each lot. Connection to the city's sanitary sewer system shall be required except where the Planning Commission determines that such connections will require unreasonable expenditure

- when compared with other methods of appropriate sewage disposal.
- 3. **Installation before street paving** Such sanitary sewage system shall be installed prior to the installation of the street pavement.
- 4. **Surface discharge** Any surface discharge of storm water shall be in accordance with requirements of the Arkansas Department of Energy and Environment. The downstream drainage route for any surface discharge shall be shown on the plat to the point of connection to a natural drainage bed. (Ord. No. 372, Sec. 7.)
- 5. **Inspection** All sewer lines installed as part of an improvement shall be inspected by camera, at the expense of the subdivider, at no cost to the city, prior to final plat approval. (Ord. No. 391, Sec. 11.)

D. **PRIVATE WATER SUPPLY, SEPTIC TANKS AND ABSORPTION SYSTEMS**

1. **Tests and documentation**

- a. **Sanitary sewer** Where public sanitary sewer is not accessible, a certificate or letter from the State Health Department shall be submitted to the Planning Department showing the results of soil morphology or percolation tests for septic tanks and a statement as to the ability of soil to absorb water. The letter or certificate must state that the septic tank meets the requirements of the State Health Department.
 - b. **Water supply** Where a water supply system is not available, a letter from the County Health Department shall be submitted to the Planning Department providing the recommended depth of wells if ~~known, and~~ known and stating that the well meets the requirements of the County Health Department. If the well depth is unknown, the subdivider shall sink a test well to enable the county health officer to evaluate the adequacy of the individual well water supply.
2. **Compliance** Whenever an on-site septic tank and an absorption system or water supply is to be provided, such facilities shall be installed by the builders of the improvements in accordance with regulations and in compliance with the standards of the State and County Department of Health.

E. **STREET LIGHTING** Street lighting shall be required within all subdivisions within the city's corporate limits in accordance with the standards and spacing prescribed. Lights shall be installed at least one per intersection and a maximum of three hundred (300) feet apart.

1. **Design** Street light fixtures shall conform to the following specifications and design criteria:

Pole

- a. Type- direct burial
- b. Construction materials – fiberglass
 - (1) coatings – polyurethane (tested in accordance with ASTM G-53)
- c. Shaft length – 24 ft.
- d. Diameter:
 - (1) top – 2.9 inches
 - (2) base – 6.6 inches
- e. Mounting height – 20 ft.
- f. Shaft length – 24 ft.
- g. Handhold:
 - (1) location from base – 66 inches
 - (2) shape – oval
 - (3) size – 2.5 inches x 5 inches
- h. Conductor entrance:
 - (1) number – 2 each
 - (2) location from base – 24 inches
 - (3) size – 1.5 inches
- i. Color – gray or black

Shielding

- a. Type – pole top
- b. Construction materials – die-cast aluminum housing, spun aluminum hood
- c. Power wattage – 175 minimum
- d. Reflector – choice of glass, acrylic or polycarbonate
- e. Effective projected area (illumination) – 1.3 sq. ft.
- f. Voltage – 120V
- g. Color – gray or black

2. **Connection** The subdivider shall coordinate with the city of Pea Ridge and the company providing electric power to the subdivision for installation of the street light fixtures and connection of service to the street light fixtures. (Ord. No. 544, Sec. 1.)

CHAPTER 15.08

FINAL PLAT ACCEPTED, APPROVED & CONFIRMED SECTIONS:

Sections:

~~15.08.01 Plats Accepted~~

15.08.01
confirmed:

~~Plats Accepted~~The following are hereby accepted, approved and

- Final Plat of Hazelton Heights Phase 1 Subdivision, Pea Ridge, Benton County, Arkansas. (Ord. No. 664, Sec. 1)
- Final Plat of FOX SPUR Phase 1 Subdivision, Pea Ridge, Benton County, Arkansas (Ord. 667, Sec. 1)
- Final Plat of Hazelton Heights Phase II Subdivision, Pea Ridge, Benton County, Arkansas (Ord. No. 681, Sec. 1)
- Final plat of Elkhorn Ridge Subdivision, Phase IV, Pea Ridge, Benton County, Arkansas (Ord. No. 686, Sec. 1)
- Final Plat of FOX SPUR Phase II Subdivision, Pea Ridge, Benton County, Arkansas (Ord. No. 687, Sec. 1)
- Final Plat of Belmont Reserve Subdivision; 7.86 acres across the old High School off of Pickens Road, Pea Ridge, Arkansas (Ord. No. 698, Sec. 1)
- Final Plat of Marilyn’s Orchard Phase 1 Subdivision, Pea Ridge, Benton County, Arkansas (Ord. No. 719, Sec. 1)
- Final Plat of Arlington Phase 1 Subdivision, Pea Ridge, Benton County, Arkansas (Ord. No. 720, Sec. 1)
- Final Plate of Prairie Lea Subdivision, Pea Ridge, Benton County, Arkansas (Ord. No. 721, Sec. 1)

- Final Plat of ARLINGTON PHASE 1B Subdivision, Pea Ridge, Benton County, Arkansas (Ord. No. 723, Sec. 1)
- Final Plat of ARLINGTON PHASE 1- 25.79 acres on the corner of Hwy 72 East and It'll Do Road, Pea Ridge, Arkansas (Ord. No. 739, Sec. 1)
- Final Plat of PEA RIDGE COMMONS PHASE 1 (Lots 2, 3, 4, 5 and 6) along with the utility and drainage improvements and easements on Lot 8, Pea Ridge, Benton County, Arkansas. 4.93 acres on the south side of Hwy 72 East between the Pea Ridge Police Department and Ryan Road. (Ord. No. 740, Sec. 1)
- That the Final Plat of AVALON PHASE 1 Subdivision, Pea Ridge, Benton County, Arkansas, as herein described, be and the same is hereby accepted, approved and confirmed. 25.79 acres on the corner of Hwy 72 East and It'll Do Road in Pea Ridge, AR (Ord. No. 739, Sec. 1)
- That the Final Plat of PEA RIDGE COMMONS PHASE 1 (Lots 2, 3, 4, 5 and 6), along with the utility and drainage improvements and easements on Lot 8, Pea Ridge, Benton County, Arkansas, as herein described and depicted on the attached illustration, be and the same is hereby accepted, approved and confirmed: 4.93 acres on the south side of Hwy 72 East between the Pea Ridge Police Department and Ryan Road in Pea Ridge, AR, along with the utility and drainage improvements and easements to the back depth of the property on the east side of Ryan Road.(Ord. No. 740, Sec. 1)
- That the Final Plat of Marilyn's Orchard Phase 2 Subdivision, Pea Ridge, Benton County Arkansas, as herein described, be and the same is hereby accepted, approved and confirmed: Part of the SE ¼ of NE ¼ and part of NE ¼ of SE ¼ of S2, T20N, R30W (Ord. No. 745, Sec. 1)
- That, subject to the terms set forth in the attached Indemnity Agreement signed by Franklin Miller, individually, and on behalf of MP Development, LLC, on February 1, 2022, the final plat of Elkhorn Ridge Subdivision, Phase V, Pea Ridge, Benton County, Arkansas, as herein described, be and the same is hereby accepted, approved and confirmed: Part of the NE A, S2, T-20-N, R-30-W (Ord. No. 753, Sec. 1)

- That, subject to the terms set forth in the attached Indemnity Agreement signed by Randy Roth, individually, and on behalf of Roth Family Inc., on April 5, 2022, the final plat THE GREENS AT SUGAR CREEK, Pea Ridge, Benton County Arkansas, as herein described, be and the same is hereby accepted, approved and confirmed: Part of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$; Part of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$; Part of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$; Part of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$; and Part of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of S7, T-20-N, R- 29-W (Ord. No. 762, Sec. 1)
- That, subject to the terms set forth in the attached Indemnity Agreement signed by Tom Seay, individually, and on behalf of Winter Park Partners, on April 12, 2022, the final plat Avalon subdivision, phase 2, Also, including area of Phase 3 per legal description, Pea Ridge, Benton County Arkansas, as herein described, be and the same is hereby accepted, approved and confirmed: Part of the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of S35 and Part of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of S34, T-21-N, R-30-W (Ord. No. 763, Sec. 1)
- The Final Plat of Walnut Hill Phase 1 Subdivision, Pea Ridge, Benton County, Arkansas, as herein described, be and the same is hereby accepted, approved and confirmed: Part of the N $\frac{1}{2}$ of the NW $\frac{1}{4}$ and Part of the called N 30 acres of the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ of S26, T-21-N, R-30-W (Ord. No. 769, Sec. 1)
- The Final Plat of Sedona Rose Phase 1 Subdivision, Pea Ridge, Benton County, Arkansas, as herein described, be and the same is hereby accepted, approved and confirmed: Part of the SW $\frac{1}{4}$ of S26, T-21-N, R- 30-W of the Fifth Principal Meridian, Benton County, Arkansas (Ord. No. 770, Sec. 1)
- The Final Plat of ARLINGTON PHASE 2 Subdivision, Pea Ridge, Benton County, Arkansas, as herein described, be and the same is hereby accepted, approved and confirmed: Part of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and a Part of S25, T-21-N, R-30-W (Ord. No. 775, Sec. 1)
- The Final Plat of Saratoga Subdivision, Pea Ridge, Benton County, Arkansas, as herein described, be and the same is hereby accepted, approved and confirmed: Part of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of S35, T-21-N, R-30-W (Ord. No. 779, Sec. 1)

- The Final Plat of Stephanie Estates, Pea Ridge, Benton County, Arkansas, as herein described, be and the same is hereby accepted, approved and confirmed: Part of the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of S29, T-21-N, R-29-W of the Fifth Principal Meridian in Benton County, Arkansas (Ord. No. 809, Sec. 1)
- The Final Plat of Sedona Rose Phase 2, Pea Ridge, Benton County, Arkansas, as herein described, be and the same is hereby accepted, approved and confirmed: Part of the SW $\frac{1}{4}$ of S26, T-21-N, R-30-W of the Fifth Principal Meridian, Benton County, Arkansas (Ord. No. 810, Sec. 1)
- The Final Plat of Walnut Hill Phase II, Pea Ridge, Benton County, Arkansas, as herein described, be and the same is hereby accepted, approved and confirmed: Part of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, and NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of S26, T-21-N, R-30-W of the Fifth Principal Meridian, in the City of Pea Ridge, Benton County, Arkansas. Also being a portion of Tracts 1 and 2 of a Tract split according to the Plat thereof recorded as document no. L202013531. (Ord. No. 812, Sec. 1)
- The Final Plat of Wellington Hills Phase I Subdivision, Pea Ridge, Benton County, Arkansas, as herein described, be and the same is hereby accepted, approved, and confirmed: Part of the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and a Part of the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of S25, T-21-N, R-30-W, Fifth Principal Meridian, Benton County, Arkansas (Ord. No. 819, Sec. 1)
- The Final Plat of Yorktown PH 1, Pea Ridge, Benton County, Arkansas, has herein described, be and the same is hereby accepted, approved, and confirmed: Part of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of S31 and Part of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of S32, all being located in T-21-N, R-29-W (Ord. No. 839, Sec. 1)
- The Final Plat of Yorktown PH 2, Pea Ridge, Benton County, Arkansas, as herein described, be and the same is hereby accepted, approved and confirmed: Part of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of S32, T-21-N, R-29-W (Ord. No. 842, Sec. 1)
- The Final Plat of Walnut Hill Phase 3 Subdivision, Pea Ridge, Benton, County, Arkansas, as herein described, be and the same is hereby accepted, approved and confirmed: Part of Tract 1 and 2 of Plat record L202012777 same being a Part of the N $\frac{1}{2}$ of the NW $\frac{1}{4}$ and Part of the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ of S26; Also, Part of the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of S27 all in T-21-N, R-30-W (Ord. No. 844, Sec. 1)

S-23

- The Final Plat of Wellington Hills Phase II Subdivision, Pea Ridge, Benton County, Arkansas, as herein described, be and the same is hereby accepted, approved and confirmed: Part of the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of S25, T-21-N, R-30-W, Fifth Principal Meridian (Ord. No. 858, Sec. 1)
- The Final Plat of Walnut Hill Phase 4 Subdivision, Pea Ridge, Benton County, Arkansas, as herein described, be and the same is hereby accepted, approved and confirmed: Part of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of S27 and Part of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of S26, all in T-21-N, R-30-W of the Fifth Principal Meridian (Ord. No. 867, Sec. 1)
- The Final Plat of Concord, Pea Ridge, Benton County, Arkansas, as herein described, be and the same is hereby accepted, approved and confirmed: Part of the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of S29, T-21-N, R-29-W (Ord. No. 868, Sec. 1)



STAFF REPORT

Cedillo Variance

Location:	Lot 11 Weston Loop
Current Zoning:	R-2, Medium Density Residential
Land Use Designation:	WN, Walkable Neighborhood
Owner/Applicant:	Sixto Cedillo/Kinxton Cedillo
Property size:	+/- 0.27 acres

Request: Sixto Cedillo/Kinxton Cedillo is requesting a variance of seven (7) feet, four (4) and 7/16 inches from the required twenty-five (25) foot front setback requested from Section 14.04.05 District Regulations, Section 1 Agriculture and Residential Districts, (c) Lot, yard, and height regulations.

Vicinity Map (illustrative only):



Property Description

The subject property is located at the east end of Weston Loop, Lot 11, being parcel number(s) 13-02095-000. The property is presently zoned R-2, Medium Density Residential, with a Future Land

Use designation of WN, Walkable Neighborhood. Adjacent zoning districts include R-2, Medium Density Residential to the North and West; R-3, High Density Residential to the South; and R-1, Low Density Residential to the East. Adjacent land use designations include WN, Walkable Neighborhood in all directions. The property is presently vacant. This property has direct access to Weston Loop.

Analysis

The applicant demonstrates that special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district; that literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these regulations; that special conditions and circumstances do not result from the actions of the applicant; and that granting the variance requested will not confer on the applicant any special privilege that is denied by the zoning regulations to other lands, structures, or buildings in the same district.

The subject property is uniquely situated in several ways. First, the property has frontage on half of a cul-de-sac. While cul-de-sacs are not abnormal in residential subdivisions, nor in the R-2 zoning district, a lot having half of a cul-de-sac as frontage is unusual. Second, the lot in question was originally platted to be used for detention/retention of this development, however, that ended up not being used for such purposes. The lot was originally designed not to have a structure on it, yet now it sits unusable due to this design. No special privilege is being granted as a variance would allow development of this lot in a similar fashion to other property zoned R-2.

No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

The applicant has not cited any nonconformities nor properties in other zoning districts in making this request.

The Board of Zoning Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of land, building, or structure.

The applicant has requested a variance of 7' 4-7/16". They have also included a sketch of a proposed site layout demonstrating the feasibility of their request.

The Board of Zoning Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of these zoning regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The request is consistent with the purpose and intent of the zoning regulations. The granting of this variance would permit the development of this property in a similar fashion to development of other properties zoned R-2. Being that this is a variance for a front setback at the end of a street on a cul-de-sac, the impact to the public welfare and neighboring property is negligent.

In granting any variance, the Board of Zoning Adjustment may prescribe appropriate conditions and safeguards that it deems necessary or desirable. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these regulations.

The board may consider attaching any conditions rationally related to the request and appropriate with the scope and impact of such a variance.

Under no circumstances shall the Board of Zoning Adjustment grant a variance to allow a use not permissible under the terms of these zoning regulations in the district involved, or any use expressly, or by implication, prohibited by the terms of these regulations in said district.

The applicant is not requesting a variance to use.

Supplemental Information

Use Definitions: Ch. 14.04.05 District Regulations

R-2, Medium Density Residential. This district is intended to accommodate single-family residential uses on moderately sized, medium density lots of at least 8000 square feet. This is the smallest lot size for areas that are exclusively for single-family purposes, and the availability of public sanitary sewer shall be a requirement for R-2 zoning.

Future Land Use Categories:

WALKABLE NEIGHBORHOOD (WN)

The Walkable Neighborhood area consists of multiple housing types, with a focus on pedestrian connectivity to amenities and services in the surrounding area. Housing can include single-family detached, single-family attached, and small multi-unit residential (4 units or less).

NOTES

1. DISCLAIMER

This plan set is deemed as informational plans only, although owners and / or contractors may use this plan for construction purposes at their discretion and liability. This plan may have missing information vital to the success of the construction of this building. Plans should be reviewed carefully by building contractors and / or owners and have the understanding that these plans are basic informational plans only and that the construction contractor(s) are ultimately responsible for any and all information expressed or assumed on these plans and therefore understands and agrees to not hold Southern Craft Co., LLC liable.

2. FRAMED WALL CONSTRUCTION

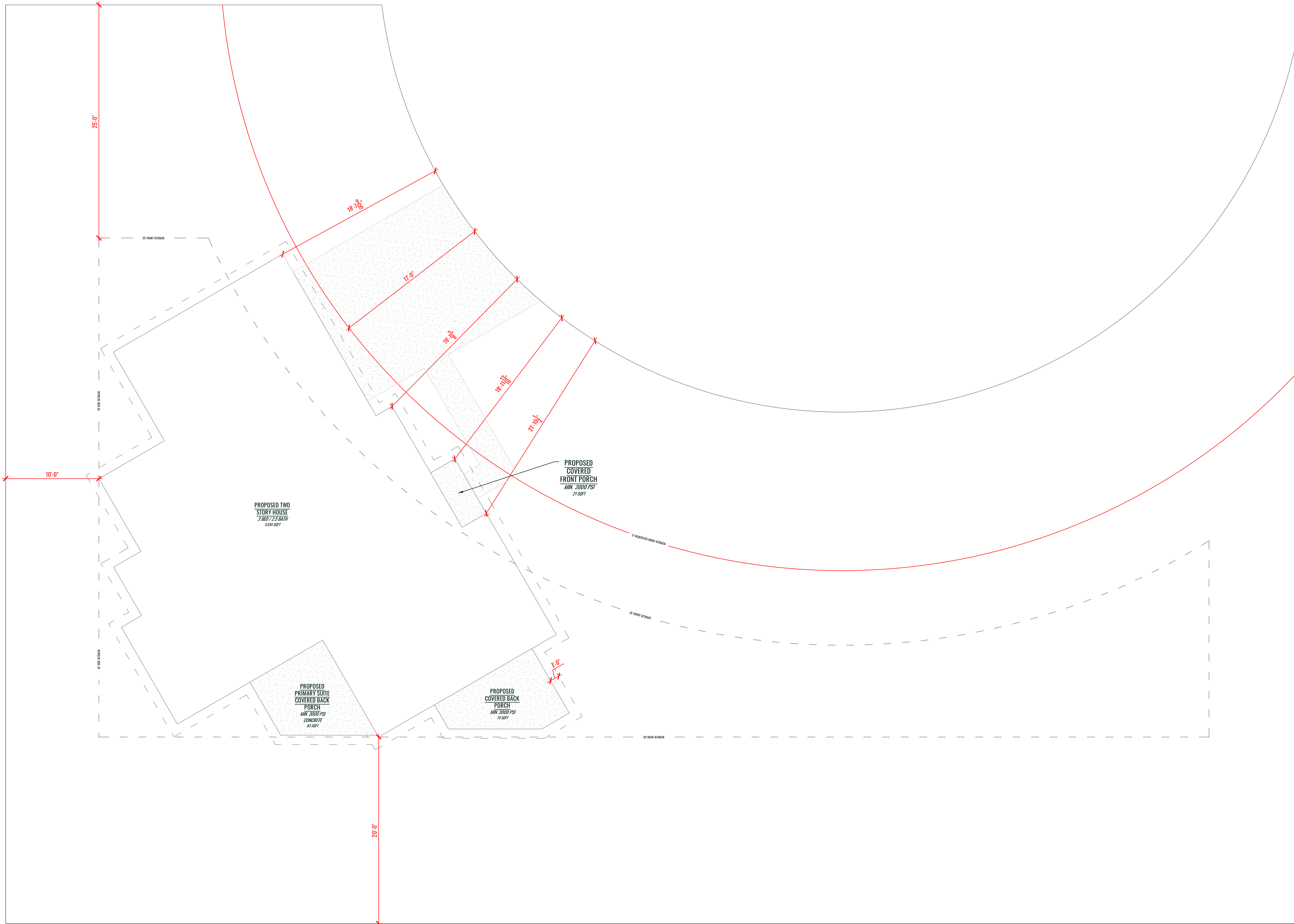
This plan set is designed with 2 X 4 insulated exterior walls, 2 X 6 plumbing and pocket door walls and 2 X 4 interior walls. The total thickness of the 2 X 6 walls are as follows: $\frac{1}{2}$ " OSB sheathing or drywall, 2 X 6 (5 $\frac{1}{2}$ "), $\frac{1}{2}$ " OSB sheathing or drywall = total thickness of 6 $\frac{1}{2}$ ". The total thickness of the 2 X 4 walls are as follows: $\frac{1}{2}$ " OSB sheathing or drywall, 2 X 4 (3 $\frac{1}{2}$ "), $\frac{1}{2}$ " OSB sheathing or drywall = total thickness of 4 $\frac{1}{2}$ ".

3. DOOR AND WINDOW SCHEDULE

All doors and windows can be read in the following manner to determine sizing and swing: first two numbers = width in feet and inches, last two numbers = height in feet and inches. For example, a 3'6" LH door would measure as 36" wide x 80" tall and be a left hand swing.

4. ABBREVIATIONS

- AHU = air handling unit
- CLST = closet
- DBL = double doors
- DW = dishwasher
- ELEC = electrical
- HVAC = heating, venting and air conditioning
- LH = left hand door swing
- MICRO = microwave
- REF = refrigerator
- RH = right hand door swing
- SNG HUNG = single hung window
- WH = water heater tank



SOUTHERN CRAFT CO., LLC

Bella Vista, Arkansas

p: 417.434.1542

e: contact@bysoutherncraft.com

STAGE: **Concept Design**

CLIENT:

PROJECT:

DRAWN: **Southern Craft Co., LLC**

FILE:

REVISION:

DATE:

SCALE:

SHEET: