

**Benton County Planning Board**

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Rick Williams, Member  
Bob Bracy, Member  
Sean Collyge, Member



**Benton County Development Department  
Planning Division**

905 NW 8<sup>th</sup> Street  
Bentonville, AR 72712  
Phone: (479) 464-6166  
Fax: (479) 464-6170  
E-mail: Derek.Linn@bentoncountyar.gov

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## **MINOR SUBDIVISION REVIEW PLANNER'S TECHNICAL ADVISORY COMMITTEE REPORT**

### **Wisener Minor Subdivision (Section 5.4.1) Miller Church Rd., Bentonville**

#### **EXECUTIVE SUMMARY**

On October 5, 2016 the applicant provided a minor subdivision application with intent to process a tract split in Benton County.

Typically reviewed administratively by Staff, the minor subdivision process intends to give relief to property owners wishing to split tracts that comply with minimum standards as provided in Chapter 5.4. The minor subdivision is the application vehicle for tract splits, lot splits, and similar requests. With the subject request, the subject project's parent parcel will exceed the maximum number of splits that may be reviewed administratively as outlined in code referenced herein. Therefore, the project is being reviewed by the Planning Board per non-compliance with the following minimum standards as provided in 5.4.1:

- 2. Divided Only up to five Tracts – A minor subdivision shall be deemed to occur when real estate is divided into five (5) or less tracts or parcels.*
- 3. Restriction on division – Concurrent lot splits of the same parcel shall be prohibited to prevent a series of lot splits on the same parcel. In circumstances where a series of tract splits would result in more than two (2) parcels, it may be reviewed as a major subdivision to the satisfaction of the Planning Board.*

The applicant is requesting review of a minor subdivision by the planning board. **The specific request is to split a 27.363-acre parent tract into two tracts, with 12.845 and 14.518 acres each.**

**PROJECT INFORMATION**

**Owner:** Wisener Living Revocable Trust, Jeffrey and Rebecca; Belin Family Trust, George and Phyllis

**Applicant:** Engineering Services, Inc.

**Address of subject property:** Non-addressed, Miller Church Rd

**Parcel ID:** 18-09646-001

**Parcel Size:** 27.363 +/- acres

**Current Land Use/Status:** Agricultural

**Proposed Land Use:** Agricultural/Residential

**Request:** The applicant is requesting review of a minor subdivision by the planning board, as clarified in the executive summary above. **The specific request is to split a 27.363-acre parent tract into two tracts, with 12.845 and 14.518 acres each.**

**Background information:** An interdepartmental review form was sent on October 10, 2016 to the following: Planning Division, Health Dept., Road Dept., Building Dept., Fire Marshal, Administrator of General Services, Assessor's GIS Manager, Administrator of Public Safety, and Benton County E-911 Administration.

**Attachments:** The following drawings and documents are attached:

1. Vicinity Graphic
2. Site Graphic
3. Survey

**CONCLUSION**

Finding in favor of the minor subdivision request would allow the subject 27.363-acre parent tract to be split into two tracts, with 12.845 and 14.518 acres each.

**Prepared by: Derek Linn, Senior County Planner**

**Reviewed by: Kevin M. Gambrill, AICP – Director of Planning  
Taylor Reamer - Planning Division Manager**



Bella Vista

BELLA VISTA

Subject Tract to be split

Not a part

Centerton

Bentonville

12680 MILLER CHURCH RD

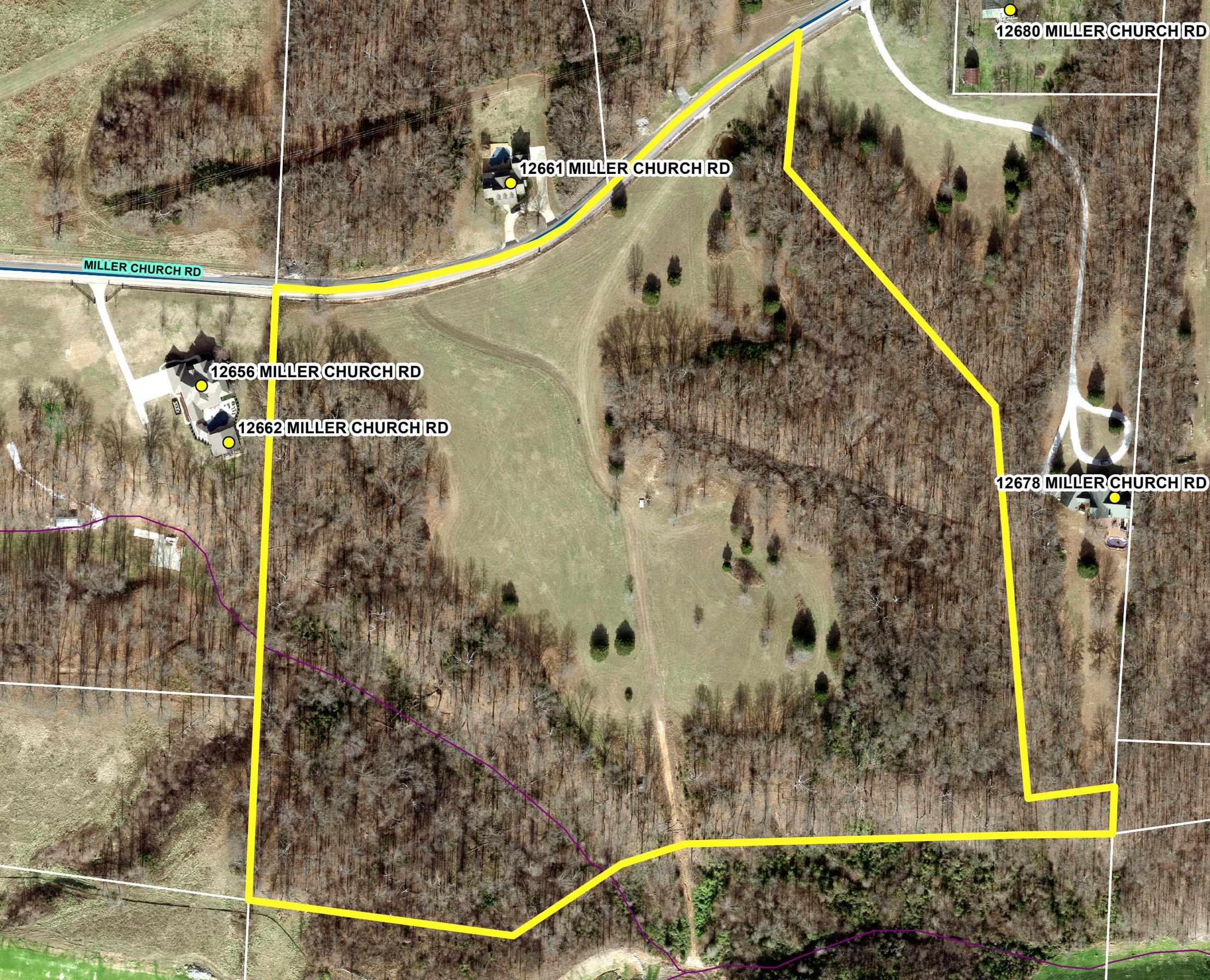
12661 MILLER CHURCH RD

MILLER CHURCH RD

12656 MILLER CHURCH RD

12662 MILLER CHURCH RD

12678 MILLER CHURCH RD



# MINOR SUBDIVISION

FOR

## JEFFREY WISENER

IN

## BENTON COUNTY, ARKANSAS

WORK ORDER #

### 16359

**SURVEY DESCRIPTION - PARENT TRACT :**

A PART OF THE WEST HALF (W 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION FIFTEEN (15), TOWNSHIP TWENTY (20) NORTH, RANGE THIRTY-ONE (31) WEST OF THE FIFTH PRINCIPAL MERIDIAN, BENTON COUNTY ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE SOUTHWEST CORNER OF THE SW 1/4 OF THE NW 1/4 OF SAID SECTION 15, SAID POINT BEING A FOUND IRON PIN; THENCE ALONG THE WEST LINE OF THE NW 1/4 OF SAID SECTION 15, N02°34'57"E A DISTANCE OF 992.37 FEET TO THE **POINT OF BEGINNING**, SAID POINT BEING ON THE NORTHERLY RIGHT OF WAY LINE OF XX XXXXXX XX AND A FOUND AHTD ALUMINUM MONUMENT; THENCE CONTINUING ALONG SAID WEST LINE OF THE NW 1/4, N02°34'57"E A DISTANCE OF 972.82 FEET TO THE CENTERLINE OF MILLER CHURCH AND A FOUND IRON PIN; THENCE LEAVING SAID WEST LINE AND ALONG SAID CENTERLINE, S87°22'09"E A DISTANCE OF 66.38 FEET TO A FOUND IRON PIN; THENCE N83°59'14"E A DISTANCE OF 92.69 FEET TO A FOUND IRON PIN; THENCE N75°57'21"E A DISTANCE OF 169.13 FEET TO A FOUND IRON PIN; THENCE N68°56'45"E A DISTANCE OF 75.20 FEET TO A FOUND IRON PIN; THENCE N59°26'14"E A DISTANCE OF 56.78 FEET TO A FOUND IRON PIN; THENCE N45°45'35"E A DISTANCE OF 79.02 FEET TO A FOUND IRON PIN; THENCE N45°05'53"E A DISTANCE OF 141.72 FEET TO A FOUND IRON PIN; THENCE N50°34'10"E A DISTANCE OF 101.82 FEET TO A FOUND IRON PIN; THENCE N55°58'41"E A DISTANCE OF 142.90 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE LEAVING SAID CENTERLINE, S04°01'55"W A DISTANCE OF 227.82 FEET TO A FOUND IRON PIN; THENCE S42°25'13"E A DISTANCE OF 487.68 FEET TO A FOUND IRON PIN; THENCE S05°12'03"E A DISTANCE OF 613.70 FEET TO A FOUND IRON PIN; THENCE N81°43'35"E A DISTANCE OF 135.12 FEET TO THE EAST LINE OF THE SW 1/4 OF THE NW 1/4 OF SAID SECTION 15 AND A FOUND IRON PIN; THENCE ALONG SAID EAST LINE, S02°44'25"W A DISTANCE OF 90.69 FEET TO A FOUND AHTD ALUMINUM MONUMENT; THENCE LEAVING SAID EAST LINE, S88°25'24"W A DISTANCE OF 660.61 FEET TO A FOUND AHTD ALUMINUM MONUMENT; THENCE S72°28'48"W A DISTANCE OF 103.75 FEET TO A FOUND AHTD ALUMINUM MONUMENT; THENCE S56°22'29"W A DISTANCE OF 201.81 FEET TO A FOUND AHTD ALUMINUM MONUMENT; THENCE N82°17'21"W A DISTANCE OF 413.91 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 27.362 ACRES (1,191,902.3 SQUARE FEET), MORE OR LESS, SUBJECT TO THE RIGHT OF WAY OF MILLER CHURCH ROAD ON THE NORTH SIDE THEREOF AND ALL RIGHTS OF WAY, EASEMENTS OR RESTRICTIVE COVENANTS OF RECORD OR FACT.

**SURVEY DESCRIPTION -TRACT 1 :**

A PART OF THE WEST HALF (W 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION FIFTEEN (15), TOWNSHIP TWENTY (20) NORTH, RANGE THIRTY-ONE (31) WEST OF THE FIFTH PRINCIPAL MERIDIAN, BENTON COUNTY ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE SOUTHWEST CORNER OF THE SW 1/4 OF THE NW 1/4 OF SAID SECTION 15, SAID POINT BEING A FOUND IRON PIN; THENCE ALONG THE WEST LINE OF THE NW 1/4 OF SAID SECTION 15, N02°34'57"E A DISTANCE OF 992.37 FEET TO THE **POINT OF BEGINNING**, SAID POINT BEING ON THE NORTHERLY RIGHT OF WAY LINE OF XX XXXXXX XX AND A FOUND AHTD ALUMINUM MONUMENT; THENCE CONTINUING ALONG SAID WEST LINE OF THE NW 1/4, N02°34'57"E A DISTANCE OF 972.82 FEET TO THE CENTERLINE OF MILLER CHURCH AND A FOUND IRON PIN; THENCE LEAVING SAID WEST LINE AND ALONG SAID CENTERLINE, S87°22'09"E A DISTANCE OF 66.38 FEET TO A FOUND IRON PIN; THENCE N83°59'14"E A DISTANCE OF 92.69 FEET TO A FOUND IRON PIN; THENCE N75°57'21"E A DISTANCE OF 169.13 FEET TO A FOUND IRON PIN; THENCE N68°56'45"E A DISTANCE OF 75.20 FEET TO A FOUND IRON PIN; THENCE N59°26'14"E A DISTANCE OF 56.78 FEET TO A FOUND IRON PIN; THENCE LEAVING SAID CENTERLINE, S02°34'04"E A DISTANCE OF 269.32 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE S14°01'39"E A DISTANCE OF 741.02 FEET TO A FOUND AHTD ALUMINUM MONUMENT; THENCE S72°28'48"W A DISTANCE OF 103.75 FEET TO A FOUND AHTD ALUMINUM MONUMENT; THENCE S56°22'29"W A DISTANCE OF 201.81 FEET TO A FOUND AHTD ALUMINUM MONUMENT; THENCE N82°17'21"W A DISTANCE OF 413.91 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 12.845 ACRES (559,523.6 SQUARE FEET), MORE OR LESS, SUBJECT TO THE RIGHT OF WAY OF MILLER CHURCH ROAD ON THE NORTH SIDE THEREOF AND ALL RIGHTS OF WAY, EASEMENTS OR RESTRICTIVE COVENANTS OF RECORD OR FACT.

**SURVEY DESCRIPTION -TRACT 2 :**

A PART OF THE WEST HALF (W 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION FIFTEEN (15), TOWNSHIP TWENTY (20) NORTH, RANGE THIRTY-ONE (31) WEST OF THE FIFTH PRINCIPAL MERIDIAN, BENTON COUNTY ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE SOUTHWEST CORNER OF THE SW 1/4 OF THE NW 1/4 OF SAID SECTION 15, SAID POINT BEING A FOUND IRON PIN; THENCE ALONG THE WEST LINE OF THE NW 1/4 OF SAID SECTION 15, N02°34'57"E A DISTANCE OF 992.37 FEET TO A FOUND AHTD ALUMINUM MONUMENT; THENCE LEAVING SAID WEST LINE, S82°17'21"E A DISTANCE OF 413.91 FEET TO A FOUND AHTD ALUMINUM MONUMENT; THENCE N56°22'29"E A DISTANCE OF 201.81 FEET TO A FOUND AHTD ALUMINUM MONUMENT; THENCE N72°28'48"E A DISTANCE OF 103.75 FEET TO THE **POINT OF BEGINNING**, SAID POINT BEING A FOUND AHTD ALUMINUM MONUMENT; THENCE N14°01'39"W A DISTANCE OF 741.02 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE N02°34'04"W A DISTANCE OF 269.32 FEET TO THE CENTERLINE OF MILLER CHURCH AND A FOUND IRON PIN; THENCE ALONG SAID CENTERLINE, N45°45'35"E A DISTANCE OF 79.02 FEET TO A FOUND IRON PIN; THENCE N45°05'53"E A DISTANCE OF 141.72 FEET TO A FOUND IRON PIN; THENCE N50°34'10"E A DISTANCE OF 101.82 FEET TO A FOUND IRON PIN; THENCE N55°58'41"E A DISTANCE OF 142.90 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE LEAVING SAID CENTERLINE, S04°01'55"W A DISTANCE OF 227.82 FEET TO A FOUND IRON PIN; THENCE S42°25'13"E A DISTANCE OF 487.68 FEET TO A FOUND IRON PIN; THENCE S05°12'03"E A DISTANCE OF 613.70 FEET TO A FOUND IRON PIN; THENCE N81°43'35"E A DISTANCE OF 135.12 FEET TO THE EAST LINE OF THE SW 1/4 OF THE NW 1/4 OF SAID SECTION 15 AND A FOUND IRON PIN; THENCE ALONG SAID EAST LINE, S02°44'25"W A DISTANCE OF 90.69 FEET TO A FOUND AHTD ALUMINUM MONUMENT; THENCE LEAVING SAID EAST LINE, S88°25'24"W A DISTANCE OF 660.61 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 14.517 ACRES (632,378.7 SQUARE FEET), MORE OR LESS, SUBJECT TO THE RIGHT OF WAY OF MILLER CHURCH ROAD ON THE NORTH SIDE THEREOF AND ALL RIGHTS OF WAY, EASEMENTS OR RESTRICTIVE COVENANTS OF RECORD OR FACT.



VICINITY MAP  
N.T.S.

BY  
ENGINEERING SERVICES INC.



CONSULTING ENGINEERS  
SPRINGDALE, ARKANSAS  
PHONE: 479-751-8733  
FAX: 479-751-8746  
WWW.ENGINEERINGSERVICES.COM

**SURVEYOR'S NOTES:**

THIS SURVEY IS VALID ONLY IF THE DRAWING INCLUDES THE ORIGINAL SEAL AND SIGNATURE OF THE SURVEYOR. THE ORIGINAL SIGNATURE, IF NOT BLUE IN COLOR, IS NOT VALID.

**FEMA FLOOD PLAIN ZONE:**

THIS PROPERTY IS WITHIN THE FLOOD PLAIN ZONE 'X', (NO SHADING) DESIGNATED AS AN AREA DETERMINED TO BE OUTSIDE OF 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON THE F.I.R.M. MAP # 05007C0070 J, PANEL 70 OF 560, BENTON COUNTY, ARKANSAS & INCORPORATED AREAS. EFFECTIVE DATE: SEPTEMBER 28, 2007.

**UTILITIES:**

THE UTILITY INFORMATION, IF ANY SHOWN HEREON, IS BASED ON ABOVE GROUND FEATURES ONLY.

**REFERENCES:**

EVERY DOCUMENT OF RECORD REVIEWED AND CONSIDERED AS A PART OF THIS SURVEY IS NOTED BELOW. THE SURVEYOR RESEARCHED OR WAS PROVIDED NECESSARY DEEDS, RIGHT-OF-WAY MAPS, AND OTHER PERTINENT INFORMATION AS SHOWN BELOW. THE SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR COURT CASE DECREES, ADVERSE POSSESSION CLAIMS, SUBSURFACE RIGHTS OR OWNERSHIP, ENCUMBRANCES, OR RESTRICTIVE COVENANTS.

ALL RECORDS LISTED BELOW ARE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF BENTON COUNTY, ARKANSAS UNLESS OTHERWISE NOTED.

- A. **SPECIAL WARRANTY DEED:** JEFFREY AND REBECCA WISENER AND GEORGE AND PHYLLIS BELIN, DATED MAY 6, 2009, RECORDED MAY 26, 2011, BOOK 2011, PAGE 26682.
- B. **WARRANTY DEED WITH CONTROL OF ACCESS:** ARKANSAS STATE HIGHWAY COMMISSION, DATED NOVEMBER 27, 2007, RECORDED NOVEMBER 28, 2007, BOOK 2007, PAGE 48184.
- C. **PLAT OF SURVEY:** BY PHILLIPS LAND SURVEYING FOR JERRY WILLIAMS DATED OCTOBER 14, 2002, RECORDED OCTOBER 15, 2002, PLAT BOOK 2002, PAGE 197.

**SURVEYOR'S DECLARATION:**

I HEREBY DECLARE THAT I HAVE THIS DAY COMPLETED A SURVEY OF THE ABOVE DESCRIBED PROPERTY. THE PROPERTY LINES AND CORNER MONUMENTS ARE TO THE BEST OF MY KNOWLEDGE AND ABILITY, CORRECTLY ESTABLISHED, AND THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN ON THIS PLAT. I FURTHER DECLARE THAT THIS SURVEY MEETS THE CURRENT "MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS", PER THE STATE OF ARKANSAS.

S. CRAIG DAVIS, L.P.S. NO. 1156, AR.

DATE

**OWNER/DEVELOPER:**

JEFFREY & REBECCA WISENER LIVING REVOCABLE TRUST & GEORGE E. BELIN FAMILY TRUST  
100 DEVON GREEN  
BENTONVILLE, AR 72712

**SURVEYOR:**

ENGINEERING SERVICES, INC.  
1207 S. OLD MISSOURI ROAD  
P.O. BOX 282  
SPRINGDALE, AR 72762

**WORK ORDER #:**

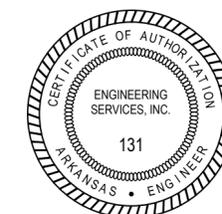
16359

**COUNTY ZONING:**

NONE

**SETBACKS:**

FRONT - 25' (FROM RIGHT OF WAY)  
SIDE - 10'  
REAR - 10'

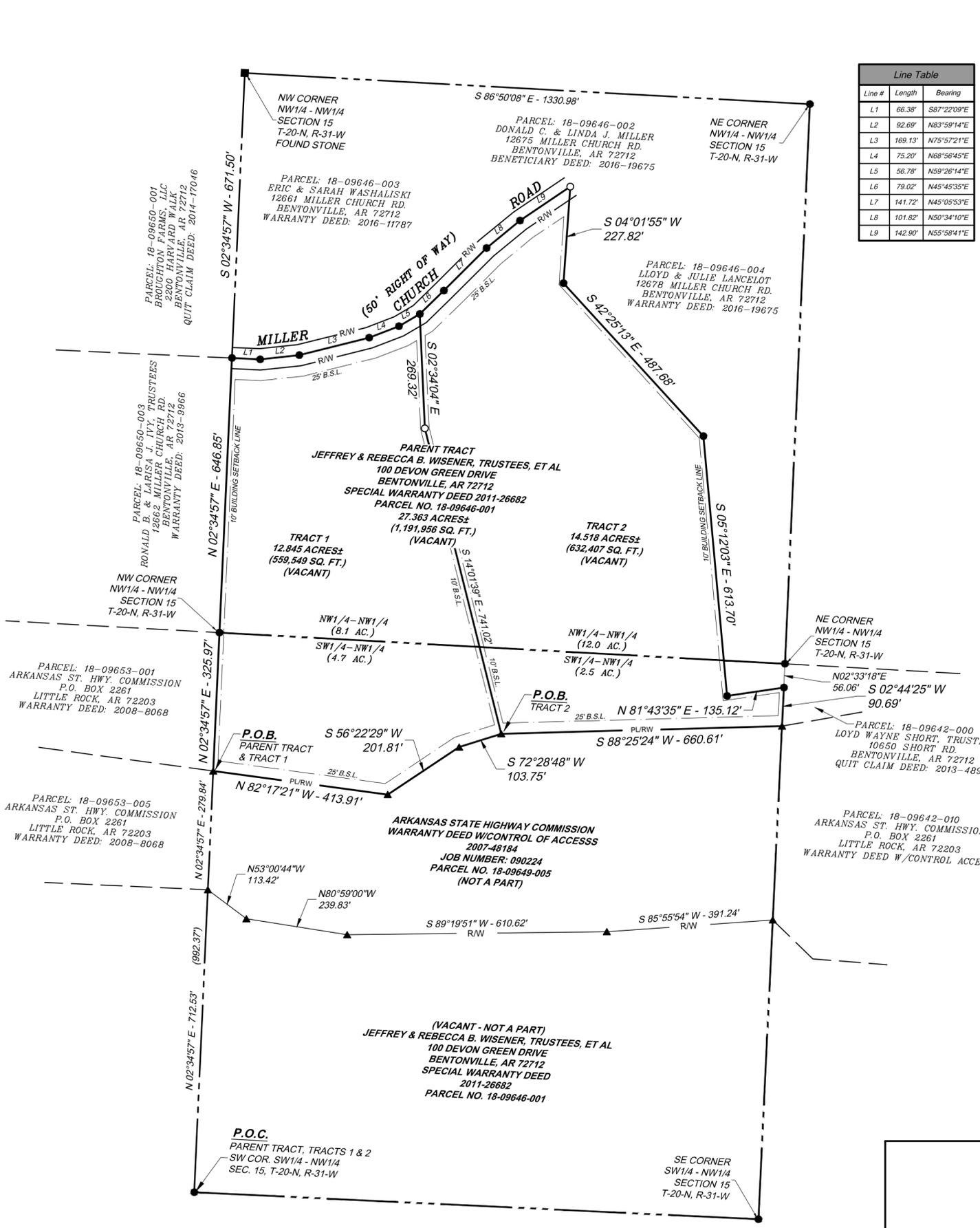


RECORDING INFORMATION

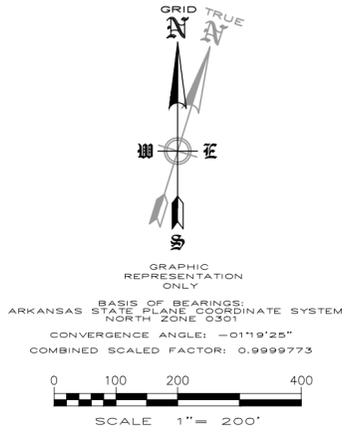
SHEET 1 of 2

NOTE: SHEET 1 INCOMPLETE WITHOUT SHEET 2

PLAT CODE: 500-20N-31W-0-15-400-04-1156



Line #	Length	Bearing
L1	66.38'	S87°22'09"E
L2	92.69'	N83°59'14"E
L3	169.13'	N75°57'21"E
L4	75.20'	N88°56'45"E
L5	56.78'	N59°26'14"E
L6	79.02'	N45°45'35"E
L7	141.72'	N45°05'53"E
L8	101.82'	N50°34'10"E
L9	142.80'	N55°58'41"E



LEGEND	
	PROPERTY LINE
	PROPERTY LINE & RIGHT-OF-WAY
	SECTION LINE
	40 ACRE LINE
	ADJACENT OWNER
	RIGHT-OF-WAY
	BUILDING SETBACK LINE (B.S.L.)
	P.O.C. POINT OF COMMENCEMENT
	P.O.B. POINT OF BEGINNING
	IPF - IRON PIN FOUND (AS NOTED)
	FOUND STONE
	FOUND AHTD ALUMINUM MONUMENT
	IPS - IRON PIN SET w/ CAP "PLS 1156"

**OWNER'S CERTIFICATION AND DEDICATION:**  
 WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE SOLE OWNERS OF THE HEREON PLATTED PROPERTY, THAT WE HAVE CAUSED THE LAND DESCRIBED HEREON TO BE SURVEYED, DIVIDED, PLATTED AND DO HEREBY DEDICATE ALL STREETS AND UTILITY EASEMENTS FOR THE USE OF THE GENERAL PUBLIC AND FOR THE INSTALLATION OF UTILITIES, AND ALL ACCESS EASEMENTS FOR PRIVATE USE.

\_\_\_\_\_  
JEFFREY WISENER DATE \_\_\_\_\_

\_\_\_\_\_  
REBECCA WISENER DATE \_\_\_\_\_

\_\_\_\_\_  
GEORGE BELIN DATE \_\_\_\_\_

\_\_\_\_\_  
PHYLLIS BELIN DATE \_\_\_\_\_

STATE OF ARKANSAS  
 BENTON COUNTY  
 SUBSCRIBED AND SWORN BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016

MY COMMISSION EXPIRES: \_\_\_\_\_  
 \_\_\_\_\_  
 NOTARY PUBLIC

**STATEMENT OF NON-ASSURANCE FROM DEPARTMENT OF HEALTH:**  
 APPROVAL OF THIS PLAT DOES NOT CARRY ANY ASSURANCES THAT THE TRACT OR TRACTS WILL QUALIFY FOR A SEPTIC SYSTEM PERMIT FROM THE ARKANSAS HEALTH DEPARTMENT.

**STATEMENT OF NON-BUILDABILITY:**  
 APPROVAL OF THIS PLAN DOES NOT IN ANY WAY INDICATE THAT ANY OF THE LOTS (OR TRACTS) ON THE PLAN ARE BUILDABLE ACCORDING TO THE PLANNING REGULATIONS OF BENTON COUNTY, ARKANSAS, NOR AN ENDORSEMENT BY THE PLANNING BOARD OF SAID BUILDABILITY OF SAID LOTS.

**BENTON COUNTY PLANNING APPROVAL**  
 THE PLANNING BOARD, BASED ON AN APPROVAL GRANTED TO THE APPLICANT ON \_\_\_\_\_, 2016, HEREBY ENDORSES THIS PLAN AS MEETING ALL OF THE REQUIREMENTS OF A TRACT SPLIT.

\_\_\_\_\_  
 AUTHORIZED REPRESENTATIVE DATE \_\_\_\_\_  
 PLANNING DEPARTMENT



RECORDING INFORMATION



PLAT CODE: 500-20N-31W-0-15-400-04-1156

**MINOR SUBDIVISION  
 FOR JEFFREY WISENER  
 BENTON COUNTY, ARKANSAS**

SCALE: 1"=200' DATE: October 5, 2016 DRAWN BY: SCD  
**ENGINEERING SERVICES, INCORPORATED  
 SPRINGDALE, ARKANSAS**

© COPYRIGHT 2013, ENGINEERING SERVICES, INC. 131-2016 9:01 AM  
 2100 SURVEY MASTER FOLDER12 DIAL 30 SURVEY PROJECTS\4359-4377  
 WISENER\0309-0307 WISENER 1-3.dwg W.O.# 16359 SHEET 2 OF 2

NOTE: SHEET 2 INCOMPLETE WITHOUT SHEET 1