

ORDINANCE NO. 2016 - _____

CITY OF CAVE SPRINGS, BENTON COUNTY, ARKANSAS

AN ORDINANCE FOR REZONING; A LOT-SPLIT AND REZONING OF AN ORIGINAL TRACT CONTAINING 5.68 ACRES ZONED A-1 GENERAL AGRICULTURAL DISTRICT. THE LOT-SPLIT CONSISTED OF TWO (2) NEWLY CREATED TRACTS, WITH TRACT 1 CONTAINING 4.98 ACRES REZONED TO AN A-2 SUBURBAN AGRICULTURAL DISTRICT AND TRACT 2 CONTAINING 0.55 ACRES REZONED TO A C-2 GENERAL AND HIGHWAY COMMERCIAL ZONING DISTRICT.

WHEREAS, applications for both a Lot-Split and a Rezoning were filed with the Planning and Development Department of City of Cave Springs, Arkansas, on the 14th day of July 2016 by Roderick G. and Kathleen I. Wallis, requesting a Lot-Split (CSLS-16-04) and the approval of a Rezoning (CSZ-16-07) of an original tract containing 5.68 acres currently zoned A-1 General Agricultural District. The Lot-Split will consist of two (2) newly created tracts with proposed Tract 1 containing 4.98 acres that will be rezoned to an A-2 Suburban Agriculture Zoning District and proposed Tract 2 containing 0.55 acres will be rezoned to a C-2 General and Highway Commercial Zoning District, to legally operate a Household Repair Service for an upholstery business. In conjunction with the Planning Commission requests, the applicants have also requested an additional approval of one (1) variance (CSBZA-16-05) from the Board of Zoning Adjustment (BZA) for Lot Width from the required two-hundred (200) linear feet to a requested thirty (30) linear feet along Shores Avenue for proposed Tract 1, where the applicants currently reside; and

WHEREAS, after due notice, as required by law, at a regular meeting held August 2, 2016, at the time and place mentioned in all notifications, heard by all persons desiring to be heard on the question and as ascertained of the requested Lot-Split and Rezoning, the Cave Springs Planning Commission (CSPC), voted unanimously recommending APPROVAL to the City Council of Cave Springs of the following; Lot-Split and Rezoning request by the owners and applicants, Robert D. and Rhoda C Barenberg, for real estate described to-wit:

CSLS-16-04 and CSZ-16-07 | Wallis:

The applicants, Roderick G. and Kathleen I. Wallis, request a Lot-Split (CSLS-16-04) and the approval of a Rezoning (CSZ-16-07) of an original tract containing 5.68 acres currently zoned A-1 General Agricultural District. The Lot-Split will consist of two (2) newly created tracts with proposed Tract 1 containing 4.98 acres that will be rezoned to an A-2 Suburban Agriculture Zoning District and proposed Tract 2 containing 0.55 acres will be rezoned to a C-2 General and Highway Commercial Zoning District

ADDRESS:	568 Shores Avenue, Cave Springs, AR 72718
PARENT PARCEL:	05-10104-000
STR:	Section 31, Township 19 North, Range 30 West
PARENT TRACT LEGAL:	A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE SOUTHWEST CORNER OF SAID 40 ACRE TRACT AND RUNNING , THENCE N02°49'01"E 179.65' TO A FOUND IRON PIN BEING THE TRUE POINT OF BEGINNING AND

RUNNING THENCE N02°49'01"E 656.63' TO A FOUND IRON PIN, THENCE S86°52'23"E 323.44' TO A FOUND IRON PIN , THENCE S02°49'41"W 836.57', THENCE N86°49'17"W 193.27', THENCE N02°58'02"E 180.00' TO A FOUND IRON PIN , THENCE N 86°58'40" W 130.49' TO THE POINT OF BEGINNING. CONTAINING 5.67 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY

PARENT LOT SIZE: 5.68 acres (247,421 ft²)

Tract 1 | Rezone to A-2 Suburban Agricultural District:

A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE SOUTHWEST CORNER OF SAID 40 ACRE TRACT AND RUNNING , THENCE N02°49'01"E 179.65' TO A FOUND IRON PIN BEING THE TRUE POINT OF BEGINNING AND RUNNING THENCE N 02°49'01"E 656.63' TO A FOUND IRON PIN, THENCE S86°52'23"E 323.44' TO A FOUND IRON PIN , THENCE S02°49'41"W 836.57', THENCE N86°49'17"W 30.00' TO A SET NAIL, THENCE N03°02'30"E 179.84' TO A SET IRON PIN ,THENCE N86°45'51"W 163.50' TO A FOUND IRON PIN, THENCE N86°58'40"W 130.49' TO THE POINT OF BEGINNING. CONTAINING 4.98 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

Tract 2 | Rezone to C-2 General and Highway Commercial District:

A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE SOUTHWEST CORNER OF SAID 40 ACRE TRACT AND RUNNING THENCE S86°49'17"E 130.00' TO THE TRUE POINT BEGINNING AND RUNNING THENCE N02°58'02"E 180.00' TO A FOUND IRON PIN , THENCE S86°45'51"E 163.50' TO A SET IRON PIN , THENCE S03°02'30"W 179.84' TO A SET NAIL , THENCE N86°49'17"W 163.27' TO THE POINT OF BEGINNING. CONTAINING 0.55 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

Right-Of-Way Dedication:

A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED

AS FOLLOWS, TO-WIT: COMMENCING AT THE SOUTHWEST CORNER OF SAID 40 ACRE TRACT AND RUNNING THENCE S86°49'17"E 130.00' TO THE TRUE POINT OF BEGINNING AND RUNNING THENCE N02°58'02"E 32.49', THENCE S86°50'47"E 193.19', THENCE S02°49'41"W 32.57', THENCE N86°49'17"W 193.27', TO THE POINT OF BEGINNING. CONTAINING 0.14 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

NOW, THEREFORE, be it enacted by the City Council of the City of Cave Springs as follows;

Section 1. That the above described real estate be APPROVED for a Lot-Split (CSLS-16-04) and a Rezoning (CSZ-16-07) of an original tract containing 5.68 acres zoned A-1 General Agricultural District. The Lot-Split will consist of two (2) newly created tracts with proposed Tract 1 containing 4.98 acres that will be rezoned to an A-2 Suburban Agriculture Zoning District and proposed Tract 2 containing 0.55 acres will be rezoned to a C-2 General and Highway Commercial Zoning District, to legally operate a Household Repair Service for an upholstery business, as requested; unanimously recommended by the Cave Springs Planning Commission (CSPC); That upon the conclusion of a properly advertised public hearing and meaningful deliberation, the City Council of Cave Springs, by unanimous vote, did APPROVE the above styled applications and request, Done this 9th day of August, 2016:

Section 2. This ordinance shall have full force and effect from and after its passage. Any ordinance or parts thereof in conflict with this ordinance are hereby repealed and declared invalid.

Section 3. The Official Zoning Map of the City of Cave Springs, Benton County, Arkansas is hereby amended to reflect the Lot-Split and Rezoning.

PASSED AND APPROVED this 9th day of August, 2016:

APPROVED:

Travis Lee, Mayor

ATTEST:

Kimberly Hutcheson, City Recorder | Treasurer
(SEAL)