

ORDINANCE NO. 1746

AN ORDINANCE REZONING A PART OF BLOCK 157,
R & A SURVEY IN THE CITY OF EUREKA SPRINGS,
ARKANSAS, FROM R-1, VICTORIAN RESIDENTIAL
TO C-1, VICTORIAN COMMERCIAL

WHEREAS, a Petition was duly filed with the City Council of Eureka Springs, Arkansas, requesting a reclassification of zoning from R-1, Victorian Residential, to C-1, Victorian Commercial, of the following described real property located in Eureka Springs, Arkansas, to-wit:

Lots numbered 13, 14, and 15, Block 157,
Riley's (R & A) Survey and Lots being on the
South side of First Street, Southwest from
Spring Street, City of Eureka Springs,
Carroll County, Arkansas.

WHEREAS, a hearing was held before the Planning Commission of the City of Eureka Springs, Arkansas, on December 12, 1996, and said Planning Commission recommended approval of the rezoning of the above described lands.

WHEREAS, notice that a public hearing would be conducted by the Planning Commission of Eureka Springs, Arkansas, was duly published, and at the time set forth therein all persons present were afforded an opportunity to be heard on the question, and it was ascertained that it would be in the best interests of the City of Eureka Springs for the aforesaid lands to be developed according to the uses established in the C-1 Victorian Commercial portion of the zoning code.

BE IT THEREFORE ORDAINED BY THE CITY COUNCIL OF EUREKA SPRINGS, ARKANSAS, THAT:

Section 1: The City of Eureka Springs, Arkansas, hereby amends the land use plan of its Zoning Ordinance by withdrawing the former classification of R-1, Victorian Residential, and substituting therefor the land use classification of C-1, Victorian Commercial, for all of the heretofore described lands.

Section 2: A copy of this Ordinance, duly certified by the City Recorder, shall be recorded in the deed records of the Ex-Officio Recorder for the Western District, Carroll County, Arkansas.

Section 3: This Ordinance shall be in full force and effect thirty (30) days after publication.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, ON THIS 11th DAY OF FEBRUARY, 1997.

APPROVED:

Barbara O'Harris
Barbara O'Harris, Mayor

ATTEST:

Mary Ann Lee
Mary Ann Lee, City Clerk

MEMO

January 2, 1997

TO: Mayor O'Harris, Members of the City Council, Mary Ann Lee, Jay Miner, Don Young, Planning Commissioners

RE: Application for Rezoning Lots 13, 14 and 15, Block 157, Riley and Armstrong Survey, less and except the North 8 feet of Lot 13, said lots being on the south of First Street.

Applicant, Jerold L. Weaver, Trustee of the Vera Lee Weaver Trust, wishes to Rezone from R-1, Victorian Residential, to C-1, Victorian Commercial.

RECOMMENDATION: The Planning Commission recommends that the lots in question be rezoned as requested.

A Public Hearing was held on Thursday, December 11, 1996, pursuant to notices duly published in the Eureka Springs Times-Echo. Attorney Alan D. Epley appeared on behalf of the applicant and submitted that the location of these lots, i.e., to the east of the former police department building and City Hall, makes the use thereof more commercial than residential. There is a small building that straddles the lot line between Lots 14 & 15 that was used as an ice house at one time.

Two individuals from the community spoke in opposition, claiming that the Planning Commission did not have the authority to make a recommendation since we were operating without a comprehensive plan. Mr. Epley responded by saying that the collection of zoning ordinances defining zoning districts and land uses were, in fact, the plan. Mr. Richie added that the Planning Commission had completed work on the new Vision Plan and had been using the principles found in that Plan to guide it in all of its decisions over the past year. Mr. Richie went on to state that the members of the Planning Commission, past and present, have looked at the effect any of its decisions had on the entire community.

During the discussion by the commissioners, the general feeling was that the property is, by its location, more commercial in nature than residential. There was concern about extending the line for commercial districts all the way to Armstrong Street, particularly since the Commission in the recent application of Richard Smith made a strong point of keeping a belt of residentially-zoned property along Armstrong.

DECISION: The Commission voted 4-1-0 to recommend the rezoning. Commissioner Richie voted against it solely because of his concern about creating an opportunity for property owners along Armstrong to ask for rezoning. Commissioner Richie indicated that otherwise the request was appropriate.

COMMENTS: Now that the work on the Vision Plan has been completed, the Planning Commission will have as one of its primary goals in 1997 the implementation of a formal planning process, having the Commission acting proactively to develop policies. We strongly recommend the Council taking another look at the Budget to see if there is any possibility of funding for the hiring of a planner. And, since by now all of you have had an opportunity of looking at our Vision Plan, we further recommend that the Council follow our lead by adopting the Plan. It, along with the current zoning ordinances, will give us guidelines to embark on a more active planning program. Keep in mind that a plan such as this is not set in concrete and is not intended to be the final word. It will, however, allow us to grow and develop with a sense of who and what we are-- this is the very essence of a plan.