

AN ORDINANCE REZONING A PART OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHWEST QUARTER (NW1/4), SECTION 24, TOWNSHIP 20 NORTH, RANGE 26 WEST, IN THE CITY OF EUREKA SPRINGS, ARKANSAS, CONTAINING 23.53 ACRES, MORE OR LESS, FROM A, AGRICULTURE, TO C-2, CONTEMPORARY COMMERCIAL.

WHEREAS, a Petition was duly filed with the City Council of Eureka Springs, Arkansas, requesting a reclassification of zoning from A, Agriculture, to Contemporary Commercial, C-2, of the following described property located in Eureka Springs, Arkansas, to-wit:

A part of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section 24, Township 20 North, Range 26 West, Carroll County, Arkansas, more particularly described as follows: Beginning at the Southeast corner of the NW1/4 of the NW1/4 of said Section 24; thence South 89°02'21" West 1305.56 feet to the Southwest corner of said forty; thence with West side of said forty North 01°05'37" West 628.46 feet; thence South 45°32'40" East 120.04 feet; thence South 38°10'26" East 154.85 feet; thence South 58°51'51" East 130.16 feet; thence South 74°51'45" East 76.18 feet; thence North 83°05'22" East 91.06 feet; thence North 62°14'20" East 120.02 feet; thence South 83°47'48" East 112.60 feet; thence North 00°57'16" West 618.36 feet; thence North 89°10'56" East 211.30 feet; thence North 01°05'00" West 281.91 feet; thence North 89°59'37" East 422.69 feet; thence South 01°05'18" East 1271.55 feet to the point of beginning and containing 23.52 acres, more or less.

WHEREAS, a hearing was held before the Planning Commission of the City of Eureka Springs, Arkansas, on February 17th, 1994, and said Planning Commission recommended approval of the rezoning of the above described lands; and

WHEREAS, notice that a public hearing would be conducted by the Planning Commission of the City 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 interest of the City of Eureka Springs for the aforesaid lands to be developed according to the uses established in the C-2, Contemporary Commercial portion of the Eureka Springs zoning code; and

WHEREAS, more than 51% of the owners of the area which is the subject of this Ordinance, have petitioned this Council for the purpose of rezoning the above described property,

BE IT THEREFORE ORDAINED BY THE CITY COUNCIL OF THE CITY 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 A, Agriculture, and substituting therefore the land use classification of C-2, Contemporary Commercial, for all of the heretofore described land.

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

Section 3: The provisions of this Ordinance are hereby declared to be severable. In the event that any part of this Ordinance shall be held to be unenforceable or invalid

by a court of competent jurisdiction, such holding shall not render the remainder of this Ordinance to be unenforceable or invalid.

Section 4: All ordinances and parts of ordinances, resolutions and parts of resolutions and minute orders in conflict with this Ordinance are hereby repealed.

Section 5: This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED AND ORDAINED BY THE CITY OF EUREKA SPRINGS, ARKANSAS, ON THIS 12th DAY OF April, 1994.

APPROVED:

Louise O. Berry
Louise Berry, Mayor

ATTEST:

Juanita S. Barner
Juanita S. Barner, City Clerk

(Seal)

**city of eureka
springs**

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eureka springs, arkansas 72632

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**PLANNING COMMISSION/
BOARD OF ZONING ADJ.**

Feb. 18, 1994

To Mayor Louise Berry, Members of City Council

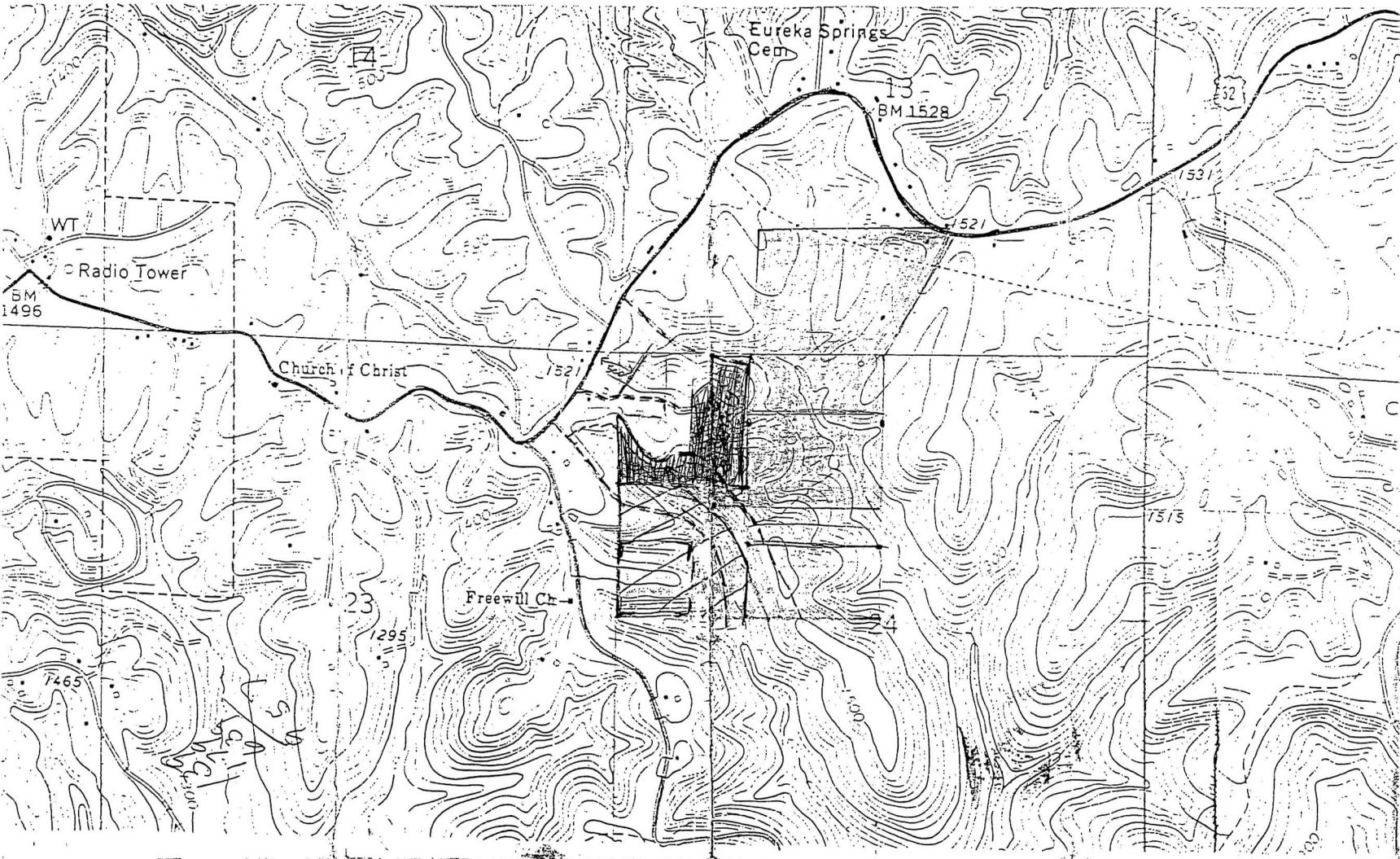
The Planning Commission/Board of Zoning Adjustment recommends the rezoning of approximately 24 acres on Highway 62 East, adjoining the Western Sizzlin Steak House and Four Runners Inn property, owned by Ronald E. (Rocky) Whitely from Agriculture to C-2, Contemporary Commercial.

A public hearing on Mr. Whitely's request was held during the regular meeting of the Planning Commission/Board of Zoning Adjustment Thursday, Feb. 17, 1994.

The only public comment in opposition to the re-zoning was from Robert Miller, 1 Washington Street, who feels the city is operating without a master plan and should not allow development to continue in a haphazardly fashion.

Commission members voted 6-0-0 in favor of recommending the rezoning. There is one vacancy on the Commission.

Mary Jean Sell,
Admin. Liaison



Whitely property
Proposed rezoning

