ORDINANCE NO. - 09-12-2019

CITY OF ELKINS, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE REZONING APPROXIMATELY 91.73 ACRES OF REAL PROPERTY LOCATED IN THE VICINITY OF 1032 N. CENTER STREET, FROM SINGLE FAMILY RESIDENTIAL (R-1) TO SINGLE FAMILY RESIDENTIAL/PUD (R-1/PUD).

WHEREAS, an Application for Rezoning was filed with the City of Elkins by Rausch Coleman Homes, requesting that the City of Elkins to rezone approximately 91.73 acres of real property located in the vicinity of 1032 N. Center Street, City of Elkins, Arkansas described therein and herein from Single Family Residential (R-1) to Single Family Residential/PUD (R-1/PUD); and

WHEREAS, after due notice as required by law, the Elkins Planning Commission, at the time and place mentioned in the notice held a public hearing, heard all persons desiring to be heard on the question of the proposed rezone and has ascertained that the rezoning requested should be approved and has recommended approval to the Elkins City Council; and

WHEREAS, the Elkins City Council has determined that the proposed PUD is in the public interest and will enhance public welfare, and that the requested rezoning of the land should be adopted as recommended by the Planning Commission.

NOW THEREFORE, BE IT ENACTED, by the City Council of the City of Elkins, as follows:

Section 1. The City of Elkins hereby changes the zone classification from Single Family Residential (R-1) to Single Family Residential/PUD (R-1/PUD) for certain real property located in the vicinity of 1032 N. Center Street. The specific legal description of the property to be rezoned is contained in the Planned Unit Development (PUD) document which is attached hereto as Exhibit "A". The requirements of the PUD document shall govern the development and shall supersede the City of Elkins development requirements where they are in conflict.

Section 2. In addition to the requirements and conditions found in the PUD documents, attached as Exhibit "A", the following requirements and conditions shall apply to the PUD as referenced herein:

1. The proposed development must proceed through the City's Subdivision Process and is subject to all subdivision and zoning regulation not otherwise noted in this PUD Submittal.

2. This approval shall generally conform to the PUD Document and Subdivision Layout and Phasing Plan provided by the applicant and attached to this staff report. Minor deviations in the layout and phasing are expected and acceptable as the design work and project engineering are finalized in Preliminary Plat.

3. The parking area proposed for the park shall be hard surface pavement, designed and constructed per standard engineering methods (to be approved by the city). The parking shall be completed with Phase 2.

4. A. Phasing of the Reconfiguration Areas of Stokenbury Farms (Original) Detention Ponds shall be determined at Preliminary Plat.

   B. Phasing of greenspace in Area 4 (11.28 acres) shall be determined at Preliminary Plat.

5. Page 5 of the PUD booklet submitted by Rausch Coleman for this project shall further clarify specifically which streets on this PUD concept plan will not contain on-street parking facilities. This should be re-written in a way that is conceptually binding even if minor layout adjustments occur between PUD approval and Preliminary Plat approval for the appropriate phase.

6. The PUD document shall delineate that portion of the common property which will be maintained by the Property Owners' Association ("POA").

Section 3. That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of the conflict, and if any portion of this ordinance shall be found to be invalid or illegal for any reason, the remaining portions of this ordinance shall remain in full effect.

Section 4. The official zoning map of the City of Elkins, Arkansas is hereby amended to reflect the zoning change provided in Section 1 hereof.

PASSED AND APPROVED this 12th day of SEPTEMBER, 2019.

APPROVED:

L. BRUCE LEDFORD, Mayor

ATTEST:

DELIA FOSTER, City Clerk