

ORDINANCE NUMBER 2012-31

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF BRYANT TO REZONE CERTAIN PROPERTY FROM R-X TO C-2.

BE IT ORDAINED BY THE CITY COUNCIL OF BRYANT, ARKANSAS;

Section 1. That certain real property described more fully below is hereby rezoned from a classification of R-X to C-2 located in Ward 4.

Section 2. The comprehensive zoning ordinance and map of the City of Bryant is hereby amended to reflect the change of zoning classification set out in Section 1.

Section 3. The property affected by this ordinance is described as:

All that part of the Northwest Quarter of Section 27, Township 1 South, Range 14 West, Saline County, Arkansas, more particularly described as follows:

Commencing at a found 3" glo aluminum monument accepted as the Northwest corner of the said Northwest Quarter Section 27; thence South 03 Degrees 15 Minutes 08 Seconds West a distance of 488.90 feet to a found 1" pipe and the point of beginning; thence South 02 Degrees 24 Minutes 04 Seconds West a distance of 140.84 feet to a found 1" pipe; thence South 88 Degrees 49 Minutes 54 Seconds East a distance of 711.64 feet to a found 2" pipe in the West right-of-way line of Arkansas State Highway No. 183 (Reynolds Road); thence North 49 Degrees 58 Minutes 29 Seconds West along said road right-of-way line a distance of 82.88 feet to a found right-of-way marker; thence North 55 Degrees 38 Minutes 25 Seconds West along said road right-of-way line a distance of 140.82 feet to a found right-of-way marker; thence North 42 Degrees 56 Minutes 25 Seconds West along said road right-of-way line a distance of 16.95 feet to a found 5/8" rebar; thence North 88 Degrees 52 Minutes 54 Seconds West leaving said road right-of-way line a distance of 514.43 feet to the point of beginning, containing 1.99 acres of land, more or less, subject to a 20' easement as shown hereon.

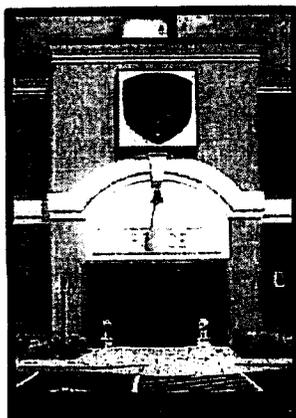
Section 4. This ordinance shall be effective from and after October 27, 2012.

Dated: Sept. 27, 2012

Approved: _____

Mayor Jill Dabbs

Attest: Heather D. Kizer
Heather Kizer, City Clerk



City of Bryant
Planning Commission
September 10, 2012

Request for C-2 Highway
Commercial District at 1905
Reynolds Road

Applicant/Owner: Spears Huffman, PLLC (applicant) for Gail Lee Gustafson and James Lester Fauver (owners).

Request: Rezone a 1.99 acre tract fronting on Reynolds Road from R-X Mixed Use District to C-2 Highway Commercial District.

Location: 1905 Reynolds Road

Proposed Use: Not Specified

Site Characteristics: The site is characterized by a steep elevation drop from Reynolds Road. Most of the site exhibits mature trees and heavy vegetation. The front of the lot (adjacent to Reynolds Road) is bisected diagonally by a 24" water line and easement. This will impact the placement of any future permanent structures. The site contains a single family residence and outbuilding at the rear of the lot. The house does not appear to be occupied.

Adjacent Zoning/Land Use:

Direction	Existing Zoning	Use
North	C-2	Vacant
East	C-2 (across Reynolds)	Commercial
South	R-X	Mixed residential
West	PUD	Commercial/storage

Area Street System:

Street	Existing	Use
Reynolds Road	4-lane arterial (with center turn lane)	Arterial

Comprehensive Growth Plan: The Comprehensive Growth Plan depicts a "mixed use" corridor along this portion of Reynolds Road. This district is described as being "predominantly commercial uses with structures that should enhance the visual aesthetic of the city". This request for commercial zoning is consistent with recent rezoning along this corridor (see area rezoning).

Area Zoning History: The adjacent lot to the north of this site was rezoned last year to C-2 as well.

Ward: 4



210 S.W. 3rd Street
 Bryant, AR 72022
 PHONE: 501-847-5559 ext. #505
 FAX: 501-847-5332
 EMAIL: ljones@cityofbryant.com

APPLICATION FOR CHANGE IN ZONING DISTRICT BOUNDARIES

Property Owner
 Name/Signature: Gail Lee Gustafson and James Lester Fauver

Spouse
 Name/Signature: _____

Property Address: 1905 Reynolds Road, Bryant, AR

Legal Description: Part of the NW 1/4 of the NW 1/4, Sec 27-1S-14 W
Saline County, AR described on Exhibit A attached

Existing Zoning
 Classification: R-X

Requested Zoning
 Classification Change: (-)

Plat of Property
 Is Attached: yes

Vicinity Map of
 Property is attached: yes

The undersigned property owner designates the following agent or attorney to represent the applicant at all hearings:

See attached letter

Name	Address	City	State	Phone No.
------	---------	------	-------	-----------

Property Owner Signature _____

Spouse Signature _____

Property Owner Mailing Address	City	State	Zip
--------------------------------	------	-------	-----

Phone: _____

Spears | Huffman

LAW FIRM

Don Spears
dspears@spearshuffman.com

113 S. Market Street
Benton, Arkansas 72015
Phone 501.315.0092
Fax 800.748.5786

Bryan Huffman †
bhuffman@spearshuffman.com

†Also licensed in Arizona

July 12, 2012

City of Bryant Planning Commission
210 S. W. 3rd Street
Bryant, Arkansas 72022

Re: 1905 Reynolds Road, Bryant, Arkansas

Dear Commission,

Enclosed you will find the completed Application for Change in Zoning District Boundaries that I am filing today on behalf of Gail Lee Gustafson and James Lester Fauver who are the record owners of 1905 Reynolds Road, Bryant, Arkansas. Ms Gustafson and Mr. Fauver are asking that the property owned by them at that address be re-zoned from R-X to C-2. I have also enclosed a letter from the owners giving our office full authority to act on their behalf along with a copy of the typed legal description, the plat and vicinity map of the property and our firm's check for \$125.00 as the application fee for this re-zone.

Most of the land surrounding this property has already been zoned C-2 and the owners believe it is the highest and best use for the property.

I am aware that we are to send letters to property owners within 300 feet of any boundary of the property stating that the hearing will be held August 6, 2012 at 6:00 p.m. in the Boswell Community Center in Bryant. Those letters will be sent out by the 18th day of July.

If there are any questions or problems involved with the application please contact me or my secretary, Martha Gilbert, immediately.

Sincerely,

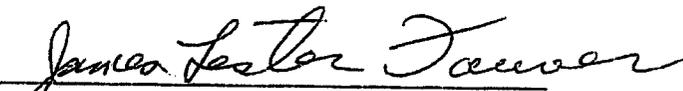

Donald M. Spears

DMS/mg
Enclosures: as stated

TO WHOM IT MAY CONCERN:

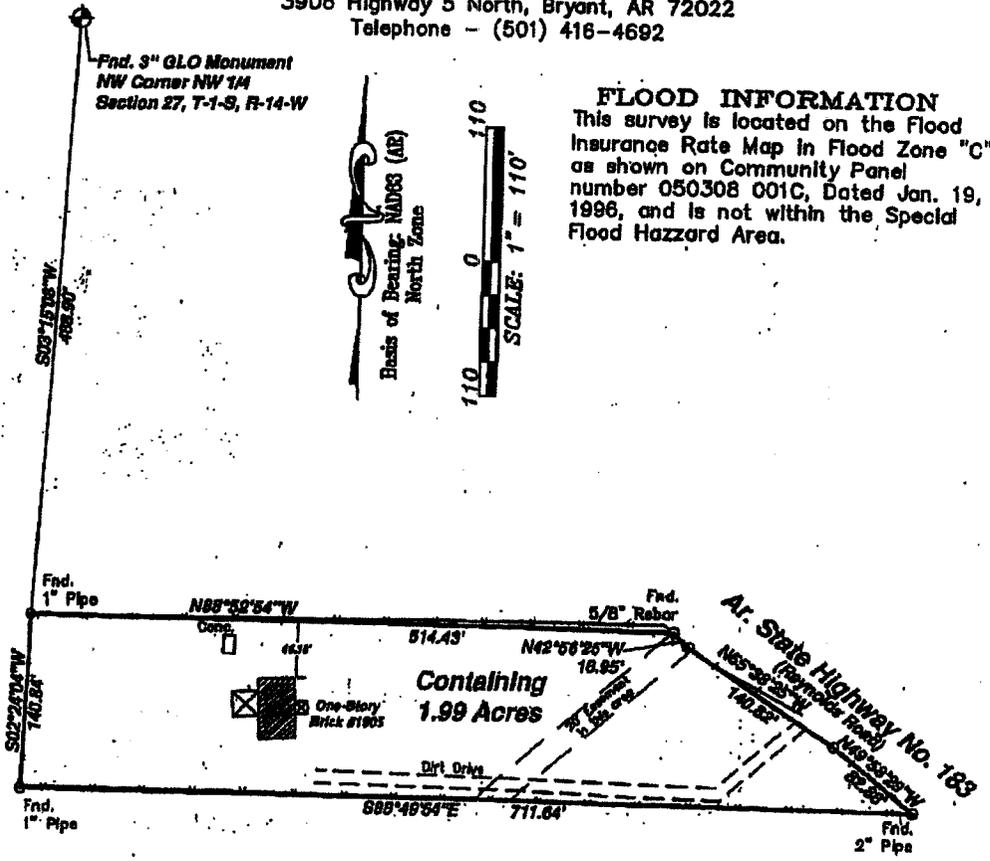
We, the owners of the real estate located at 1905 North Reynolds Road in Bryant, Arkansas, have hired Spears Huffman, PLLC to represent us in the rezoning of the land. Don Spears, Bryan Huffman and their employees have full authority to act on our behalf in regard to any paperwork or appearances that may be required by the City of Bryant, Arkansas to accomplish this rezoning.


Gail Lee Gustafson


James Lester Fauver

KITTLER-ROBERTS GROUP, LLP

3908 Highway 5 North, Bryant, AR 72022
Telephone - (501) 416-4692



LEGAL DESCRIPTION

ALL THAT PART OF THE NW 1/4 SECTION 27, TOWNSHIP 1 SOUTH, RANGE 14 WEST, SALINE COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND 3" GLO ALUM. MONU. ACCEPTED AS THE NW CORNER OF THE SAID NW 1/4 SECTION 27; THENCE SOUTH 03 DEGREES 15 MINUTES 08 SECONDS WEST A DISTANCE OF 488.90 FEET TO A FOUND 1" PIPE AND THE POINT OF BEGINNING;

THENCE SOUTH 02 DEGREES 24 MINUTES 04 SECONDS WEST A DISTANCE OF 140.84 FEET TO A FOUND 1" PIPE; THENCE SOUTH 88 DEGREES 49 MINUTES 54 SECONDS EAST A DISTANCE OF 711.84 FEET TO A FOUND 2" PIPE IN THE WEST RIGHT-OF-WAY LINE OF ARKANSAS STATE HIGHWAY NO. 183 (REYNOLDS ROAD); THENCE NORTH 49 DEGREES 58 MINUTES 29 SECONDS WEST ALONG SAID ROAD RIGHT-OF-WAY LINE A DISTANCE OF 82.88 FEET TO A FOUND R/W MARKER; THENCE NORTH 55 DEGREES 38 MINUTES 25 SECONDS WEST ALONG SAID ROAD RIGHT-OF-WAY LINE A DISTANCE OF 140.82 FEET TO A FOUND R/W MARKER; THENCE NORTH 42 DEGREES 56 MINUTES 25 SECONDS WEST ALONG SAID ROAD RIGHT-OF-WAY LINE A DISTANCE OF 16.95 FEET TO A FOUND 5/8" REBAR; THENCE NORTH 88 DEGREES 52 MINUTES 54 SECONDS WEST LEAVING SAID ROAD RIGHT-OF-WAY LINE A DISTANCE OF 514.43 FEET TO THE POINT OF BEGINNING, CONTAINING 1.99 ACRES OF LAND, MORE OR LESS, SUBJECT TO A 20' EASEMENT AS SHOWN HEREON.

I certify that the above described property has been surveyed, corner monuments have been established in accordance with existing monumentation in the area, and improvements are as shown. This certification is limited to the parties shown hereon.

Date: 6/12/2012
Scale: 1"=110'
Property Address: #1905 Reynolds Road, Bryant, AR 72022
For Use & Benefit of: Mark McCaslin, and Baxley-Penfield-Moudy





LOCATION MAP

Zoning

Applicant

1905 N. Reynolds Rd.

Requested Action

Rezoning
 Zoning: R-X
 Future Land Use District: S-1



BRYANT PLANNING COMMISSION

WHEREAS, the Bryant Planning Commission has considered the rezoning of certain property in Bryant, Arkansas from a classification of R-X (Residential - Mixed Use) to C-2 (Highway Commercial District) for which a public hearing was held on September 10, 2012, authorized by Act 185 of the 1957 General Assembly, as amended.

NOW, THEREFORE, BE IT RESOLVED by the Bryant Planning Commission that said property is hereby adopted for a classification of C-2 located in Ward 4 and will be submitted to the Bryant City Council in said form.

PASSED this 10th day of September, 2012.



Jim Erwin, Chairman