

ORDINANCE NO. 2016-02

City of Bella Vista, Arkansas

AN ORDINANCE AMENDING THE CITY OF BELLA VISTA ZONING ORDINANCE AND MAP BY REZONING CERTAIN LANDS COMMONLY KNOWN AS THE BELLA VISTA MARINA AND YACHT CLUB (PARCEL #16-70284-004) LOCATED AT 101 MARINA DRIVE FROM R-1 TO C-2, DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES

WHEREAS, pursuant to the provisions of the City of Bella Vista Zoning Ordinance, the City Council has found that certain hereinafter described lands are better suited for C-2, Light Commercial, than R-1, Residential Single Family, zoning; and

WHEREAS, the City Council has determined that the public interest and welfare will be enhanced by the requested rezoning; and

WHEREAS, the City of Bella Vista Planning Commission conducted a public hearing on June 8, 2015, to hear all interested parties to the rezoning request.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLA VISTA, ARKANSAS:

Section 1: That the City of Bella Vista Zoning Ordinance and Map should be amended as provided herein.

Section 2: That the following land located in the City of Bella Vista should hereinafter be zoned C-2, Light Commercial and that said land is described in Book 692 on Page 159 as follows:

A parcel of land lying in the SW 1/4 of the NE 1/4 (5.272 acres +/-), the NW 1/4 of the SE 1/4 (0.690 acres +/-), of Section 30, Township 21 North, Range 31 West of the Fifth Principal Meridian, Benton County, Arkansas, being more particularly described as follows:

Beginning at a point 2657.88 feet North and 1776.06 feet West of the Southeast corner of said Section 30 (Arkansas State Plane Coordinates of North 782,178.941 feet and East 1,321,189.916 feet); thence S 86°04'57" W 192.32 feet; thence, N 40°25'20" W 35.47 feet; thence, N 33°42'55" W 97.20 feet; thence N 23°50'20" W 134.77 feet; thence N 6°26'58" W 106.98 feet; thence N 4°47'39" W 115.22 feet; thence N 19°41'04" E 25.38 feet; thence N 66°48'21" W 38.56 feet; thence N 30°53'47" 32.88 feet; thence N 1°40'10" W 20.93 feet; thence N 50°26'14" E 516.98 feet; thence Southwestwardly along the arc of a curve to the right 21.63 feet, said curve having a radius of 136.48 feet and a delta angle of 9°04'48"; thence S 22°50'24" W 54.77 feet; thence Southeastwardly along the arc of a curve to the left 338.36 feet; said curve having a radius of 310.49 feet and a delta angle of 62°26'19"; thence S 39°35'55" E 168.66 feet; thence S 50°24'05" W 68.12 feet; thence S 5°01'27" E 210.62; thence S 50°24'05" W 131.80 feet to the point of beginning, containing 5.962 acres more or less.

Section 3: EMERGENCY CLAUSE. That the need to rezone this property is critical to the continuing economic development of the City and necessary for the preservation of the public health, safety, peace and welfare. Therefore, an emergency is hereby declared to exist, and this Ordinance shall take full force and effect from and after its passage and approval as provided by law.

Motion to adopt made by: Alderman Anderson, second by Alderman King

Ayes: 5

Nays: 0

Passed and adopted this 25th day of January, 2016.

Approved: _____
/S/ Mayor Peter Christie

ATTEST:

/S/ Wayne Jertson
Clerk

APPROVED AS TO FORM:

/S/ Jason B. Kelley, Staff Attorney

Prepared by: Christopher Suneson, PLA, Director of Community Development Services

**BUSINESS OF THE CITY COUNCIL
BELLA VISTA, AR**

MEETING DATE: January 25, 2016 – Regular Meeting

AGENDA ITEM:

ITEM TITLE: An Ordinance Amending the City of Bella Vista Zoning Ordinance and Map by Rezoning Certain Lands Commonly Known as the Bella Vista Marina and Yacht Club (Parcel #16-70284-004) Located at 101 Marina Drive From R-1 to C-2, and For Other

SUBMITTED BY: Christopher Suneson, PLA

SUMMARY EXPLANATION: The Bella Vista Village Property Owner's Association has requested to rezone the Bella Vista Marina and Yacht Club property from R-1, Single Family Residential to C-2, Light Commercial.

The property promises 5.96 acres along the eastern shore of Loch Lomond, and is located at 101 Marina Drive. The structure has previously been utilized as a restaurant facility, and become a legal, non-conforming use when the zoning ordinance and map were adopted in 2010. The applicant is seeking to rezone the property so that development approvals are facilitated in the future for a wide range of uses. Following is a comparative table of uses between R-1 and C-2 zoning districts:

TYPE OF USE	R-1	C-2
Legend: "P" = Permitted Use, "C" = Conditional Use		
Accessory building, non-residential	P	P
Accessory building, residential	P	P
Accessory use		P
Adult day care center		P
Animal clinic or hospital		P
Animal - domestic or household	P	P
Animal - grooming		P
Animal - boarding, kennels, rescue, or shelter		C
Apiculture	P	
Appliance repair		P
Arboretum or botanical garden	C	P
Arena/auditorium		C
Armored car service		P
Art gallery, museum or similar public use	C	P
ATM machine		P
Auctioneer		P
Banks and financial institutions		P
Bar, lounge or tavern		P
Beauty salons, barbers and spas		P
Bed and breakfast		P
Blueprinting, photocopying, and similar reproductive service		P
Breeding facility		C
Boathouses	P	P

TYPE OF USE	R-1	C-2
Legend: “P” = Permitted Use, “C” = Conditional Use		
Boat rental or storage		C
Building materials, retail sales		P
Building services including janitorial services, floor waxing, and office cleaning		P
Bus, truck, sales, service, rental repair, storage		C
Car wash		C
Carting, crating, express handling, moving, or storage		C
Catering service		P
Cemetery or mausoleum	C	C
Chickens, hobby	P	
Child care facility		P
Community center: public	C	P
Community welfare or health center		P
Construction equipment office or sales		P
Convalescent / maternity / nursing home		P
Convenience store		P
Club, public or private		C
Crematory		C
Delivery service		P
Detective or protective service		P
Diaper service		C
Disinfecting, deodorizing, or exterminating service		C
Drafting service		P
Docks and dockside recreational improvements	P	P
Drugstore or pharmacy		P
Dry goods store		P
Dry-cleaning, pickup or self-service		P
Duplex		P
Dwelling, accessory	P	C
Dwelling, single-family	P	P
Dwelling, two-family		P
Dwelling, multifamily (3 units or more)		P
Electric regulating substation	C	C
Financial institution		P
Fire extinguisher service		C
Food products: retail as primary use and baking and cooking as secondary use		P
Funeral home		P
Golf courses, clubhouse	C	
Greenhouse, residential or commercial		P
Hardware store		P
Hardware, industrial sales		C
Health studio or spa		P
Home occupation	P	
Hospital		P
Hotel/motel		P
Household cleaning services		P
Insurance agencies		P
Laboratory, dental or medical		P
Laboratory, manufacturing		C
Laboratory, research		P
Manager/caretaker residence		C
Newspaper offices/print shop		P
Office, general		P
Parking facility (as principal use)		C
Park, public or private	P	P

TYPE OF USE	R-1	C-2
Legend: "P" = Permitted Use, "C" = Conditional Use		
Pet shop		P
Photography studio		P
Plumbing, electrical, air conditioning, heating sales and service		P
Public buildings, government services	C	C
Public safety facilities	C	C
Public utilities facilities	C	C
Recreational facilities, indoor		P
Recreational facilities, outdoor		C
Religious facilities	C	C
Restaurant		P
Restaurant, drive-in		P
Retail store, products		P
School facility	C	C
Service office (acct., dentist)		P
Service station/gas station		C
Shelter		P
Studio: cultural, broadcasting and recording		P
Temporary uses	C	C
Theater		P
Water filtration plant, pump station, elevated storage, treatment, plant, or reservoir	C	C
Wind generators and pumping equipment	C	C
Wireless telecommunications facilities (cell tower)	C	C

ATTACHMENT: ORDINANCE ☒ RESOLUTION ☐ OTHER ☒

RECOMMENDATION: The Planning Commission recommended approval of the requested C-2 zoning at their January 11, 2016, regular meeting. **The administration is recommending waiving of the typical three (3) readings and approval of this ordinance.**

ACTION REQUESTED:
Motion to adopt ☐