

ORDINANCE NO. 154

**AN ORDINANCE GRANTING A DEVIATION
FROM THE REQUIREMENTS OF ORDINANCE 21
TO ALLOW THE DEVELOPER OF RIVERSIDE
ESTATES SUBDIVISION TO CREATE A LANDSCAPE
BUFFER ALONG BLUE SPRINGS ROAD;
TO DECLARE AN EMERGENCY AND FOR
OTHER PURPOSES**

WHEREAS, the City Council of Goshen adopted Ordinance 21 on October 8, 2002 and thereby established the public policy requiring that no tract of land in the City shall have a minimum area less than two acres, except those which existed prior to the adoption of Ordinance 21; and

WHEREAS, the City Council of Goshen, by resolution, has declared that Goshen, Arkansas is a Tree City and thereby seeks to promote the planting of trees to enhance and maintain the beauty of the City; and

WHEREAS, Riverside Estates is a subdivision being developed within the City with frontage and its entrance along Blue Springs Road; and

WHEREAS, the preliminary plat for the first phase of Riverside Estates provided for 72 lots each of them at least two acres in area; and

WHEREAS, the preliminary plat was approved on January 9, 2018 and thereafter the Council suggested that the developer consider realigning the lots closest to Blue Springs Road to provide a landscape buffer between the subdivision and the road; and

WHEREAS, the developer has presented a revised plat which provides for common areas of green space adjacent to Blue Springs Road on which a landscape buffer can be placed and in which plat a number of lots were replatted, with seven (7) of those residential lots now have an area less than two acres and three lots which are to be deeded to the Property Owners Association also have an area less than two acres; and

WHEREAS, the Council finds that the benefit of creating additional green space with trees and landscaping justifies reducing the size of seven (7) of the residential lots in phase one of Riverside Estates below the two acre minimum as provided in Ordinance 21.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GOSHEN, ARKANSAS:

SECTION 1: DEVIATION GRANTED: Riverside Estates of Goshen, LLC, the developer

of Riverside Estates is granted a deviation from the requirements of Ordinance 21 based upon the following conditions: specifically Lots 50 through 54, 69 and 70 upon which residences can be built of Riverside Estates are hereby approved to be less than two acres; and Lots 1, 45, 71 and 72 shall be deeded to the Property Owners Association with a restriction in such deed to preclude them from ever having a residence being built upon them and require them to be green space, except in the case of Lot 45 which may be used by the POA for tennis courts or other amenities as the POA may determine are appropriate, which deed restriction shall run with the land and be binding on any successors or assigns.

SECTION 2: PLAT APPROVED: The revised preliminary plat with increased green space as presented by the developer of Riverside Estates is hereby approved. The Mayor is authorized to sign the revised preliminary plat approved hereby.

SECTION 3: LANDSCAPING PLAN: The Developer shall create a tree planting and landscaping plan for the entire area of green space of Riverside Estates which fronts Blue Springs Road. Before implementing this landscaping plan, the Developer shall present it to the Planning Commission for approval.

SECTION 4: NON-PRECEDENTIAL EFFECT: This Ordinance, while it is binding upon the Riverside Estate development, shall not bind any future City Council to grant a similar deviation for any other development. Any such requests in the future shall be considered based upon the facts and circumstances presented at that time.

SECTION 5: EMERGENCY CLAUSE: Because the City Council requested the Developer of Riverside Estates to consider replatting the subdivision to create more green space to create a landscape buffer with trees along Blue Springs Road and because the Developer has already begun the construction of the infrastructure pursuant to the preliminary plat previously approved by the City Council, time is of the essence to permit the Developer to implement the changes contained in the revised plat. This action is necessary to advance the purposes behind the designation of Goshen as a Tree City and without acting immediately, this opportunity will be lost. This matter is such pressing business that it is viewed that an immediate solution is necessary thereby creating an emergency. It is hereby declared that based upon the conditions set forth herein, an emergency exists and this Ordinance, being necessary for the immediate protection of the health, safety, and welfare of the citizens of Goshen, Arkansas, shall be in effect immediately upon its passage, approval, and publication.

PASSED AND APPROVED this 14th day of August, 2018.



Max Poye, Mayor

ATTEST:



Sharon Baggett, City Recorder

APPROVED AS TO FORM:



Charles L. Harwell, City Attorney

ROLL CALL VOTE ADOPTING THE ORDINANCE

Names Of Those Voting YEA

Paula Anderson
Andy Bethell
Cathy Oliver
Lanny Samuels
Dick Seddon

Absent

Brian Buell

Names Of Those Voting NAY

None

ROLL CALL VOTE ADOPTING THE EMERGENCY CLAUSE

Names Of Those Voting YEA

Paula Anderson
Andy Bethell
Cathy Oliver
Lanny Samuels
Dick Seddon

Absent

Brian Buell

Names Of Those Voting NAY

None