

**ORDINANCE NO. 199**

**AN ORDINANCE REZONING 180 N CHURCH ST, PARCEL #770-17502-000, FROM RESIDENTIAL DISTRICT (R-1) TO GENERAL COMMERCIAL DISTRICT (B-2) AND THEREBY AMENDING THE ZONING MAP OF THE CITY OF GOSHEN**

**WHEREAS**, the Planning Commission of the City of Goshen, Washington County, Arkansas gave notice required by law and set a hearing date of October 5, 2021, for hearing the matter of a petition of Brian W. Buell and Donna W. Buell, to rezone 180 N. Church St., Parcel #770-18502-000, from Residential (R-1) to General Commercial district (B-2); and

**WHEREAS**, after notice required by law, the Goshen Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommended to the City Council that 180 N. Church St., Parcel #770-17502-000, should be rezoned from Residential (R-1) to General Commercial District (B-2) in that the purpose of the Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Goshen would suffer irreparable harm and damage, would be substantially deprived of the use of their property; and

**WHEREAS**, although the Planning Commission voted to recommend the property to be rezoned from Residential (R-1) to General Commercial District (B-2); and

**WHEREAS**, the Goshen City Council held its meeting on October 12, 2021, heard from the public once again and at said special meeting voted to rezone 180 N. Church St., Parcel #770-17502-000, from Residential (R-1) to General Commercial District (B-2); and

**WHEREAS**, the legal description of the property rezoned by vote the City Council is the following:

*A PART OF THE SOUTHWEST QUARTER (SW ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION THIRTY-TWO (32), TOWNSHIP SEVENTEEN (17) NORTH, RANGE TWENTY-EIGHT (28) WEST OF THE FIFTH PRINCIPAL MERIDIAN, WAHSINTON COUNTY, ARKANSAS, BEING MORE*

PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID 40 ACRE TRACT, SAID POINT BEING AN EXISTING STONE MONUMENT; THENCE S02° 35' 32" W 141.00 FEET (DEED=148.5 FEET) ALONG THE WEST LINE OF SAID 40 ACRE TRACT TO THE TRUE POINT OF BEGINNING, SAID POINT BEING IN ARKANSAS HIGHWAY 45 AND FROM WHICH A SET ½" REFERENCE IRON BEARS N85° 08' 03" E 94.12 FEET, SAID POINT OF BEGINNING ALSO BEING THE SOUTHWEST CORNER OF LAND PARCEL 770-17494-002 AS DESCRIBED IN DOCUMENT 2017-38022 AND SHOWN ON A SURVEY RECORDED AS DOCUMENT 2017-8173 OF THE LAND RECORDS OF WASHINGTON COUNTY, ARKANSAS, THENCE N 85° 08' 03" E 674.98 FEET ALONG THE SOUTH LINE OF SAID LAND PARCEL 770-17494-002 TO A SET ½" IRON REBAR AT A POINT WHICH IS THIRTY (30) FEET WEST OF THE HASH CREEK SPRING BRANCH; THENCE S 37° 04' 44" E 146.23 FEET PARALLEL WITH AND THIRTY (30) FEET EQUIDISTANT FROM THE CENTER OF SAID BRANCH TO A SET ½" IRON REBAR; THENCE N 78° 49' 15" E 152.26 FEET ALONG THE SOUTH LINE OF LAND PARCEL 770-17495-000 TO AN EXISTING IRON REBAR; THENCE S01° 49' 53" W 106.99 FEET ALONG THE WEST LINE OF LAND PARCEL 770-17498-002 TO AN EXISTING IRON REBAR; THENCE S85° 00' 01" W 920.29 FEET ALONG THE NORTH LINE OF GOSHEN LEISURE HEIGHTS SUBDIVISION, GOSHEN, ARKANSAS, TO A SET ½" IRON REBAR ON THE WEST LINE OF SAID 40 ACRE TRACT; THENCE N02° 35' 32" E 217.20 FEET TO THE POINT OF BEGINNING, CONTAINING 3.99 ACRES, MORE OR LESS. THE ABOVE DESCRIBED 3.99 ACRE TRACT BEING SUBJECT TO THE RIGHT-OF-WAY OF ARKANSAS HIGHWAY 45, CHURCH STREET AND ANY OTHER EASEMENTS AND/OR RIGHTS-OF-WAY WHETHER OR NOT OF RECORD.

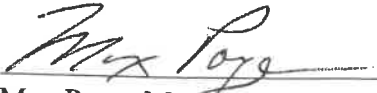
**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GOSHEN:**

**SECTION 1:** That Ordinance No. 35, the Amendments thereto, and the Zoning Map adopted thereby pertaining thereto of the City of Goshen, Arkansas, should be and the same is hereby amended to rezone the above described property from Residential (R-1) to General Commercial District (B-2).

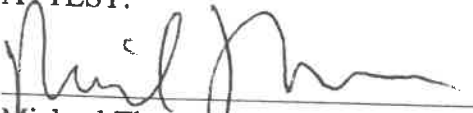
**SECTION 2:** That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

**SECTION 3: EMERGENCY CLAUSE:** It is hereby declared that in order to not delay or impede any possible approved commercial development in the City of Goshen, an emergency exists and this ordinance, being necessary for the immediate benefit of the City of Goshen and its citizens through approved commercial development, shall be effective immediately upon its passage.

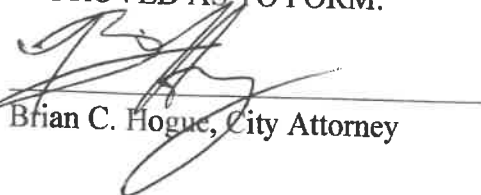
PASSED AND APPROVED this 9th day of November, 2021.

  
Max Poye, Mayor

ATTEST:

  
Michael Thompson, City Recorder

APPROVED AS TO FORM:

  
Brian C. Hogue, City Attorney

## **ROLL CALL VOTE ADOPTING THE ORDINANCE**

### Names of those voting YEA

Paula Anderson

Bill Hewat

Colton Martin

Birch Wright

### Names of those voting NAY

John Vaillancourt

### Absent

Jamie VanBecelaere

## **ROLL CALL ADOPTING THE EMERGENCY CLAUSE**

### Names of those voting YEA

Paula Anderson

Bill Hewat

Colton Martin

Birch Wright

John Vaillancourt

### Names of those voting NAY

### Absent

Jamie VanBecelaere