

## **ORDINANCE NO. 2024-6**

### **AN ORDINANCE AMENDING ORDINANCE NO. 296, AS AMENDED, WITH REFERENCE TO ZONING WITHIN THE CITY LIMITS OF THE CITY OF MOUNTAIN HOME, ARKANSAS, RELATIVE TO CHANGING AREA ZONED AS RESIDENTIAL R-2 TO RESIDENTIAL R-4**

**WHEREAS**, a proper petition was filed by a property owner requesting a map change in zoning; said petition was submitted to the Planning Commission of the City of Mountain Home, Arkansas; notice of said petition and public hearing thereon was published in a newspaper having local circulation as required by Ordinance; a public hearing was held, and all remonstrances were heard, after which the Planning Commission recommended the property described herein be rezoned.

### **THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MOUNTAIN HOME, ARKANSAS:**

The following real estate in Baxter County, Arkansas be, and it hereby is changed in zoning from Residential R-2 to Residential R-4:

*Part of the NE¼ of the NW¼ and part of the NW¼ of the NE¼ of Section 4, Township 19 North, Range 13 West, City of Mountain Home, Baxter County, Arkansas, described as follows: Starting at the center North 1/16 corner of said Section 4, a Baxter County monument as shown on R.S. Inst. 155-2012, thence North 00° 43' 38" West for a distance of 25.34 feet to a point on North line of Coley Drive and the point of beginning; thence North 87° 37' 10" West for a distance of 51.43 feet along said North line of Coley Drive the following courses: Thence North 87° 37' 10" West for a distance of 174.64 feet to a point; thence leaving street run thence North 01° 50' 20" East for a distance of 263.07 feet; thence North 01° 49' 06" East for a distance of 325.01 feet; thence North 01° 48' 45" East for a distance of 665.46 feet to a point on South line of Arkansas Avenue; thence South 87° 34' 12" East for a distance of 379.86 feet along South line of Arkansas Avenue to a point; thence leaving street run thence South 00° 00' 00" East for*

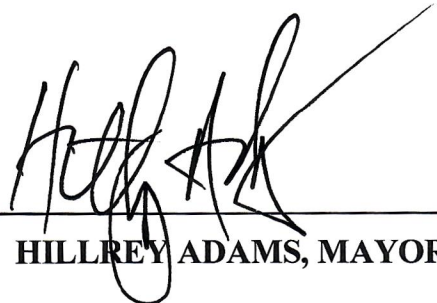
*a distance of 1113.19 feet to a point on the North line of Lot 20 of Park Hill Estates; thence North 88° 01' 29" West for a distance of 73.63 feet to the NW corner of said Lot 20; thence South 00° 01' 17" West for a distance of 139.77 feet along the West line of Lot 20 to a point on North line of Coley Drive; thence North 87° 58' 37" West for a distance of 119.89 feet to the point of beginning, together with and subject to covenants, easements and restrictions of record. Said property contains 11.26 acres, more or less.*

The above description includes Lots 1, 23, 24, 25 and part of Lots 21 and 22 of Park Hill Estates, an apparent unrecorded subdivision.

The above described property is located between Coley Drive and Arkansas Avenue, East of City of Mountain Home and Multiple Listing properties.

**WHEREAS**, this Ordinance is necessary to permit the best use of the property and to permit the immediate commencement of construction on the property, an emergency is hereby declared to exist pertaining to the rezoning of the property, and this Ordinance shall be in full force and effect from and after its passage and publication.

**PASSED THIS 16<sup>TH</sup> DAY OF MAY, 2024.**

  
HILLREY ADAMS, MAYOR

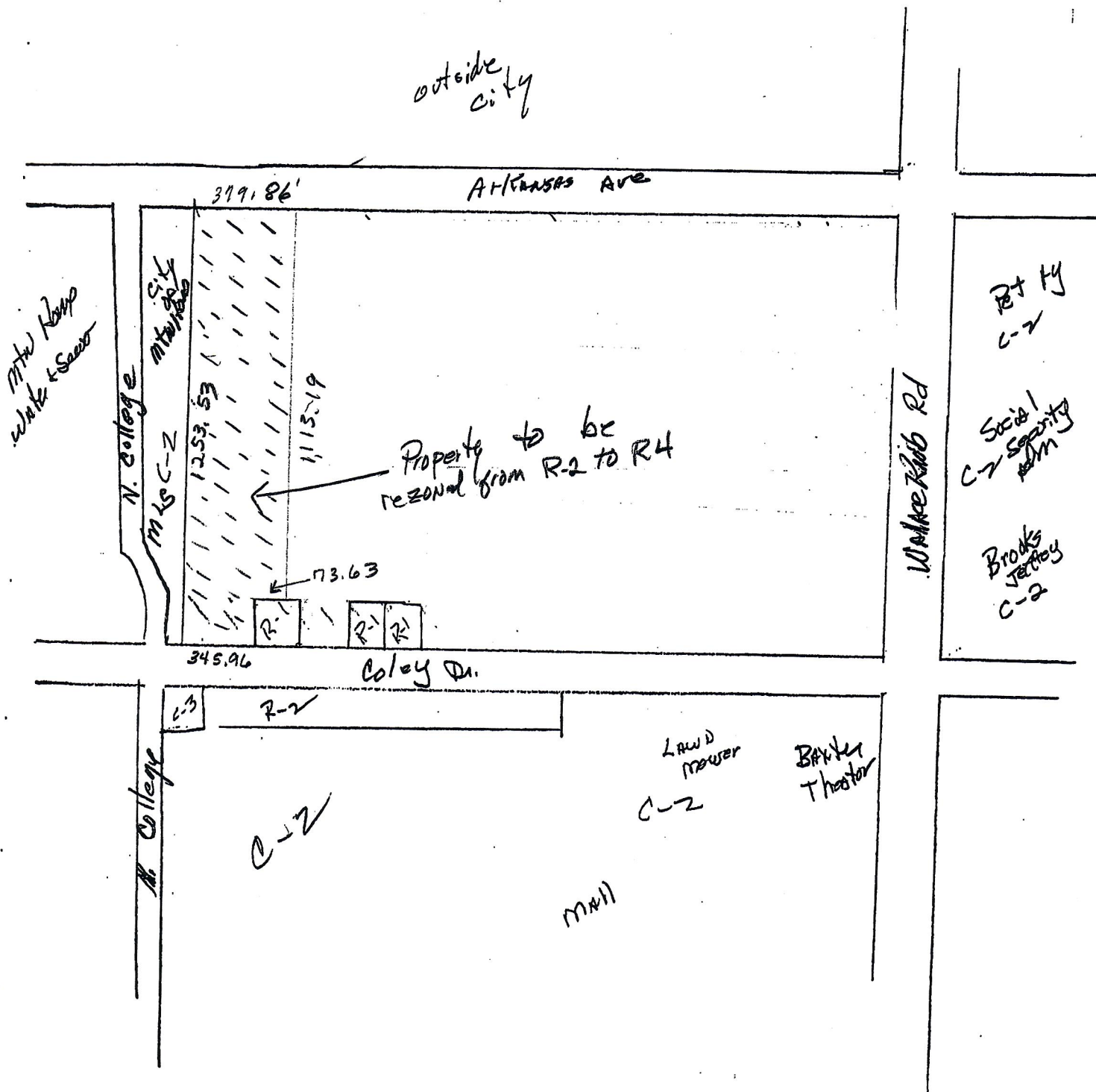
**ATTEST:**



**SCOTT LILES, CITY CLERK**



Exhibit "A"





SKETCH PLAN OF  
**WINTERS, LLC**



### LEGEND

- BOUNDARY LINE
- = ADJACENT LOT LINES
- = SETBACK LINES
- FOUND IRON PIPE
- = FOUND REBAR
- = SET 1-1/4" IRON PIPE W/ PS #1637 CAP
- = EXISTING WATER METER
- = WATER VALVE
- ◆ FIRE HYDRANT
- ▲ TELEPHONE PEDESTAL
- EXISTING SANITARY SEWER MANHOLE
- = EXISTING SEWER LINE
- = EXISTING WATER LINE
- = EXISTING OVERHEAD ELECTRICAL LINE
- POWER POLE

### DESCRIPTION

A PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER AND A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 19 NORTH, RANGE 13 WEST, BAXTER COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

[illegible]

CONTAINING IN ALL 490.555 SQ. FT. OR 11.26 ACRES, MORE OR LESS.  
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD

### SURVEYOR'S NOTES

1. THIS BOUNDARY SURVEY WAS PREPARED FOR WINTERS, L.C.  
NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS SURVEYOR FOR  
EASEMENTS, RESTRICTIONS, RESERVATIONS OR RIGHTS-OF-WAY AFFECTING THE  
PROPERTY.  
2. SUBJECT PROPERTY LIES IN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE 600 YEAR  
FLOODPLAIN AS SHOWN ON FIRM #000 INSURANCE RATE MAP # 000025213 - E. MAI  
EFFECTIVE DATE: DECEMBER 31, 2016.  
3. SUBJECT PROPERTY IS CURRENTLY ZONED FUD-R#4. ZONING IS DEFINED AS:  
PLANNED UT DEVELOPMENT. THE SURROUNDING PROPERTY IS ZONED R#4.  
BUILDING SETBACKS FOR FUD-R#4 ARE:  
FRONT = 30' SIDE = 25' REAR = 25'  
4. THE FOLLOWING DOCUMENTS WERE USED TO PREPARE THIS SURVEY:  
A. SURVEY PREPARED BY CHARLES LESTER, PS #1204, DATED 03/27/2023,  
RECORDED AS INSTRUMENT ALJ27007879, PUBLIC RECORDS OF BAXTER  
COUNTY, AT MOUNTAIN HOME, ARKANSAS.  
B. SURVEY PREPARED BY CHARLES LESTER, PS #1204, DATED 05/24/2023,  
RECORDED AS INSTRUMENT ALJ23035491, PUBLIC RECORDS OF BAXTER  
COUNTY, AT MOUNTAIN HOME, ARKANSAS.

### OWNER'S CERTIFICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF PROPERTY AS DESCRIBED HEREON  
THAT WE ADOPT THE PLAN OF SUBDIVISION AND DEDICATE THE PERPETUAL USE OF ALL  
STREETS AND EASEMENTS AS NOTED.

WINTERS, LLC  
NAME: BRANDON WINTERS  
TITLE: MANAGER

**SURVEYOR'S CERTIFICATION**

I HEREBY CERTIFY THAT BENCHMARK LAND SURVEYING, INC. HAS THIS DATE MADE A BOUNDARY SURVEY OF THE ABOVE DESCRIBED PROPERTY AS SHOWN HEREON AND THAT SAID SURVEY IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THERE ARE NO APPARENT ABOVE-GROUND ENCROACHMENTS OTHER THAN AS SHOWN ON STATED HEREON, AND THAT THIS SURVEY WAS MADE IN ACCORDANCE WITH THE ARKANSAS MINIMUM STANDARDS FOR LAND SURVEYING PRACTICES IN EFFECT ON THIS DATE.

DATE OF BOUNDARY SURVEY 04/09/2021

CURVE DATA					
CURVE NO.	ANGLE	RADIUS	LENGTH	CHORD BEARING	DISTANCE
C1	27°24'52"	51.00'	240.70'	S 69°57'10" E	71.86'
C2	45°12'6"	37.00'	29.19'	N 23°17'37" W	28.44'
C3	27°14'52"	51.00'	24.25'	N 31°32'10" W	24.03'
C4	48°35'05"	51.00'	43.25'	N 06°22'49" E	41.96'
C5	33°04'24"	51.00'	29.44'	S 67°11'02" E	29.03'
C6	48°28'54"	51.00'	43.15'	S 06°14'04" E	41.88'
C7	27°14'52"	51.00'	24.25'	S 31°17'50" W	24.03'
C8	45°12'26"	37.00'	29.19'	S 22°39'03" W	26.44'
C9	30°17'35"	51.00'	268.19'	N 68°57'10" W	50.00'
C10	71°17'27"	51.00'	63.46'	S 24°55'14" E	59.44'
C11	53°03'22"	51.00'	47.23'	N 69°53'09" W	45.56'
C12	71°00'16"	31.00'	63.20'	N 25°11'29" E	59.23'

LINE NO.	BEARING	DISTANCE
L1	S 67°50'17" E	30.00'
L2	S 79°18'31" E	33.18'
L3	N 79°41'21" E	35.49'

**BENCHMARK LAND SURVEYING, INC.**  
LAND SURVEYING - CONSTRUCTION LAYOUT SERVICES  
2500 ALEXANDER DR., SUITE A  
P.O. BOX 1921 • JONESBORO, AR 72403  
FAX: 870-336-2050 PH: 870-336-2059

### SKETCH PLAN

WINTERS, LLC

A PART OF THE NE1/4 AND PART OF THE NW1/4  
SECTION 4 - T19N - R13W  
BAXTER COUNTY, ARKANSAS



DATE:	BY:	DESCRIPTION:
04/26/2024	AJ	SHOW BOTH PHA
04/29/2024	AJ	REVISE SIDE SETB

550-784-1597 • 404-731-0515  
WWW.CO-OPANALOGS.COM • S&P R:

## NOTICE

NOTICE is hereby given that a petition has been filed with the Planning Commission and City Council of Mountain Home, Arkansas, by the owner of the following described property situated in Baxter County, Arkansas, to-wit:

Part of the NE $\frac{1}{4}$  of the NW $\frac{1}{4}$  and part of the NW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 4, Township 19 North, Range 13 West, City of Mountain Home, Baxter County, Arkansas, described as follows: Starting at the center North 1/16 corner of said Section 4, a Baxter County monument as shown on R.S. Inst. 155-2012, thence North 00° 43' 38" West for a distance of 25.34 feet to a point on North line of Coley Drive and the point of beginning; thence North 87° 37' 10" West for a distance of 51.43 feet along said North line of Coley Drive the following courses: Thence North 87° 37' 10" West for a distance of 174.64 feet to a point; thence leaving street run thence North 01° 50' 20" East for a distance of 263.07 feet; thence North 01° 49' 06" East for a distance of 325.01 feet; thence North 01° 48' 45" East for a distance of 665.46 feet to a point on South line of Arkansas Avenue; thence South 87° 34' 12" East for a distance of 379.86 feet along South line of Arkansas Avenue to a point; thence leaving street run thence South 00° 00' 00" East for a distance of 1113.19 feet to a point on the North line of Lot 20 of Park Hill Estates; thence North 88° 01' 29" West for a distance of 73.63 feet to the NW corner of said Lot 20; thence South 00° 01' 17" West for a distance of 139.77 feet along the West line of Lot 20 to a point on North line of Coley Drive; thence North 87° 58' 37" West for a distance of 119.89 feet to the point of beginning, together with and subject to covenants, easements and restrictions of record. Said property contains 11.26 acres, more or less.

The above description includes Lots 1, 23, 24, 25 and part of Lots 21 and 22 of Park Hill Estates, an apparent unrecorded subdivision.

The above described property is located between Coley Drive and Arkansas Avenue, East of City of Mountain Home and Multiple Listing properties.

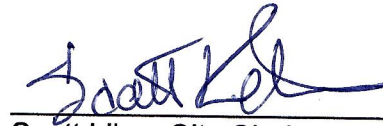
Said petition seeks the rezoning of the property from Residential R-2 to Residential R-4.

The hearings related to said petition will be held as follows:

1. The Planning Commission will hear objections and make its determination on said petition at the City Hall on April 9, 2024, at 1:00 p.m.

2. The City Council will make its determination on said petition at the City Hall on April 18, 2024, at 6:00 p.m.

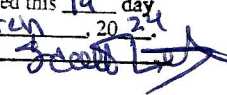
The petitioner is Winters, LLC, the record owner of the property, and it has named Ted H. Sanders to act for it in this proceeding.



Scott Liles, City Clerk

**ONE PUBLICATION:**

March 20, 2024

City of Mountain Home  
File Marked this 14 day  
of March, 20 24  
City Clerk, 





## **PETITION**

TO: PLANNING COMMISSION  
CITY OF MOUNTAIN HOME  
MOUNTAIN HOME, ARKANSAS

MAYOR AND CITY COUNCIL  
CITY OF MOUNTAIN HOME  
MOUNTAIN HOME, ARKANSAS

The petitioner, Winters, LLC, by and through its counsel, Ted H. Sanders, hereby petitions you to rezone certain residential property described below. The petitioner requests that the property be rezoned from Residential R-2 to Residential R-4. The property to be rezoned is described below, to-wit:

Part of the NE $\frac{1}{4}$  of the NW $\frac{1}{4}$  and part of the NW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 4, Township 19 North, Range 13 West, City of Mountain Home, Baxter County, Arkansas, described as follows: Starting at the center North 1/16 corner of said Section 4, a Baxter County monument as shown on R.S. Inst. 155-2012, thence North 00° 43' 38" West for a distance of 25.34 feet to a point on North line of Coley Drive and the point of beginning; thence North 87° 37' 10" West for a distance of 51.43 feet along said North line of Coley Drive the following courses: Thence North 87° 37' 10" West for a distance of 174.64 feet to a point; thence leaving street run thence North 01° 50' 20" East for a distance of 263.07 feet; thence North 01° 49' 06" East for a distance of 325.01 feet; thence North 01° 48' 45" East for a distance of 665.46 feet to a point on South line of Arkansas Avenue; thence South 87° 34' 12" East for a distance of 379.86 feet along South line of Arkansas Avenue to a point; thence leaving street run thence South 00° 00' 00" East for a distance of 1113.19 feet to a point on the North line of Lot 20 of Park Hill Estates; thence North 88° 01' 29" West for a distance of 73.63 feet to the NW corner of said Lot 20; thence South 00° 01' 17" West for a distance of 139.77 feet along the West line of Lot 20 to a point on North line of Coley Drive; thence North 87° 58' 37" West for a distance of 119.89 feet to the point of beginning, together with and subject to covenants, easements and restrictions of record. Said property contains 11.26 acres, more or less.

The above description includes Lots 1, 23, 24, 25 and part of Lots 21 and 22 of Park Hill Estates, an apparent unrecorded subdivision.

The property is located between Coley Drive and Arkansas Avenue, East of City of Mountain Home and Multiple Listing properties. The rezoning of this property will not conflict

with the surrounding land uses because of multiple zoning classifications that exist in the vicinity. A diagram of the property and vicinity is attached hereto and marked Exhibit "A". It is the opinion of the petitioner that this property is no longer practical or desirable for Residential R-2 use.

The petitioner herein is Winters, LLC, and it has authorized Ted H. Sanders to act on its behalf in the prosecution of this petition.

WINTERS, LLC, PETITIONER

BY: \_\_\_\_\_

Ted H. Sanders

P. O. Box 2308

Mountain Home, AR 72654

Its Attorney

City of Mountain Home  
File Marked this 14 day  
of March, 2024  
City Clerk, Scott

