

CITY OF OZARK

REZONING COMMUNITY LIAISON FORM

The Petitioner, LOUIE L. McELHANEY  
does hereby petition the Ozark Planning Commission to rezone the following  
described property from R-4 to C-2. If such rezone  
involves a plat or subdivision, such rezone shall be accompanied by a plat of  
the property. Other cases shall have a survey or map of the location, such as  
a plat.

LEGAL DESCRIPTION:

SEE ATTACHED MARKED EXHIBIT "A"

The street address of the property is: 1205 W COMMERCIAL OZARK, AR.

The proposed new use of the property shall be: A RESTAURANT

VARIANCE OR OTHER USE

If the applicant is applying for a variance or special use permit, the above infor-  
mation must be accompanied by a description of such special use or the need  
for such variance.

The petitioner also signs to the fact that he/she has received a copy of the  
Zoning Ordinance.

LoUIE L. McELHANEY  
Petitioner

AGENT FOR:  
LOUIE L. McELHANEY

Approved by:

- Mayor
- Building Inspector
- Water Manager
- Electric Utility
- Natural Gas Utility

Vernon McDaniel  
[Signature]  
[Signature]  
[Signature]

## NOTICE OF PUBLIC HEARING

Notice is hereby given that the Ozark Planning Commission will hold a public hearing on a request from R-4 to C-2 zoning in the City of Ozark. Property hereafter described:

Part of Block 29 Fleeman's Addition to the Town of Ozark, Franklin County, Arkansas being more particularly described as follows:

Beginning at a set rebar w/cap marking the Northwest Corner of Block 29, Fleeman Addition to the Town of Ozark, said point being on the South right of way line of US Highway 64. Thence along the North line of said Block 29 and along said right of way line, South 84 degrees 16 minutes 00 seconds East, 274.96 feet to a set rebar w/cap marking the Northeast Corner of said Block 29, said point being on the West right of way line of 12<sup>th</sup> Street. Thence along the East line of said Block 29 and along said 12<sup>th</sup> Street right of way line, south 108.92 feet to an existing rebar. Thence leaving said East line of Block 29 and said right of way line, North 87 degrees 22 minutes 44 seconds West, 99.95 feet to an existing rebar. Thence South 00 degrees 19 minutes 35 seconds West, 104.40 feet to the South line of Block 29, Fleeman's Addition, said point of being on the North right of way line of Main Street. Thence along the south line of Block 29 and along said Main Street right of way line, North 84 degrees 14 minutes 59 seconds West, 99.20 feet to a set rebar w/cap. Thence leaving said South line and said right of way line, North 00 degrees 02 minutes 49 seconds East, 110.01 feet to a set rebar w/cap. Thence North 84 degrees 15 minutes 37 seconds West, 74.91 feet to a set rebar w/cap on the East line of block 29, Fleeman's Addition, said point of being on the East right of way line of 13<sup>th</sup> Street. Thence along said West line of Block 29 and along said right of way line, North 108.77 feet to the Point of Beginning, containing 0.94 of an acre and subject to Alley rights of way and any Easements of Record. Physical address 1205 W Commercial Street.

Notice is hereby given that the public hearing will be held at 7:00 p.m. on Thursday, the 5th of March 2009, at the City Offices at City Hall in Ozark Arkansas.

Louie L. McElhaney  
Petitioner

Virginia Brown  
P&Z Chairman

**PROPERTY DESCRIPTION**

Part of Block 29, Fleeman's Addition to the Town of Ozark, Franklin County, Arkansas being more particularly described as follows:

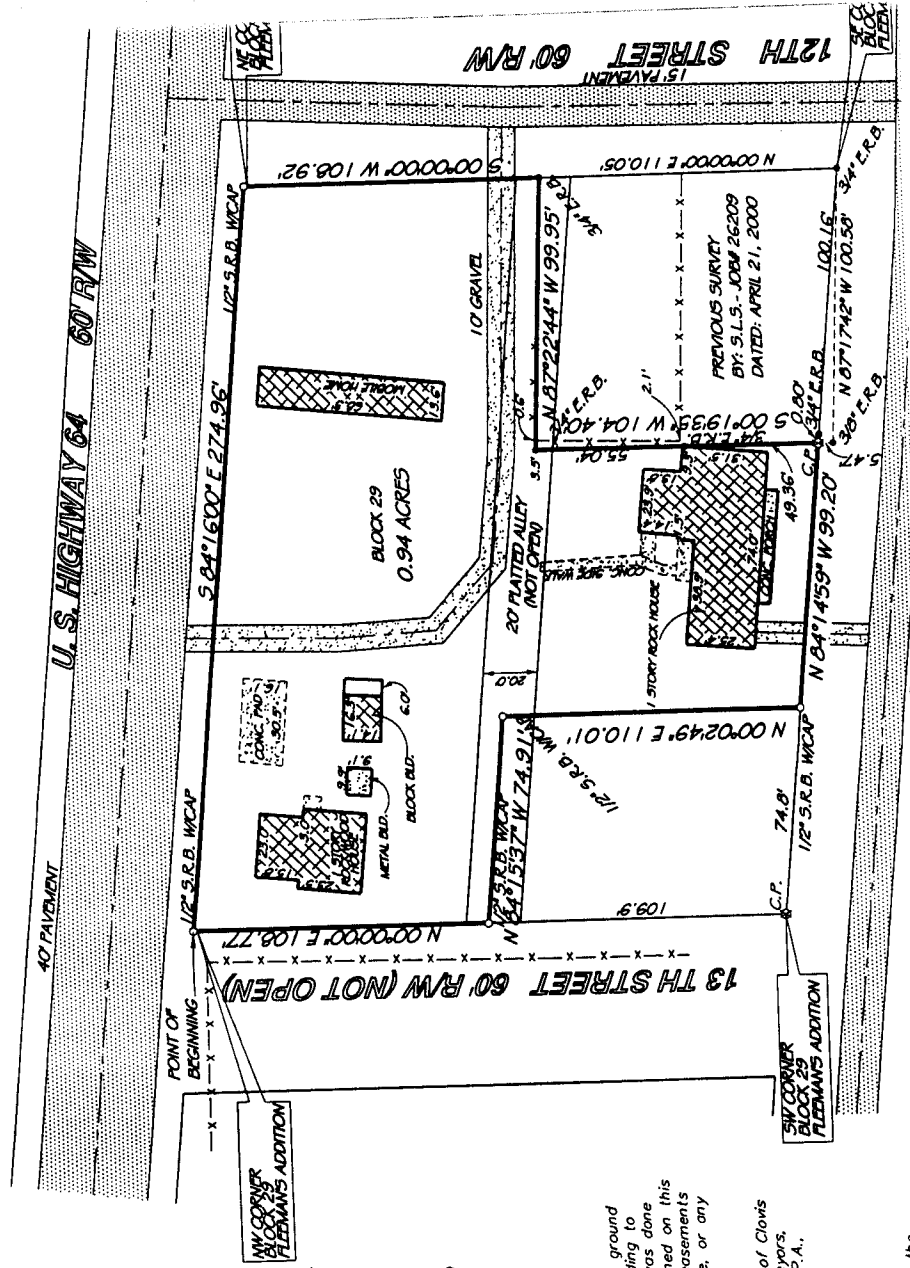
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**SURVEYOR'S NOTE:** This survey was done to mark the corners on the ground and to show observed structures. Utilities located if Requested according to utility company records, and or above ground inspection. This survey was done from description furnished to us or instruction from the person(s) named on this plat. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts which an accurate and current title search my disclose.

**SURVEYOR'S NOTE:** This survey was conducted under the supervision of Clovis W. Satterfield, No. 0147, or Ricky Hill, No. 1443, Satterfield Land Surveyors, P.A., Certificate of Authorization No. 718, Satterfield Land Surveyors, P.A., 1-(479)-632-3565 Hwy. 71 North, P.O. Box 640, Alma, AR 72921

*Satterfield Land Surveyors P.A., Copyright 2009*

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LoUIE L. McELHANEY  
Petitioner

AGENT FOR:  
LOUIE L. McELHANEY

Approved by:

- Mayor
- Building Inspector
- Water Manager
- Electric Utility
- Natural Gas Utility

Vernor McDaniels

Bob Kelley  
Bob Kelley

The City Clerk acknowledges the receipt of \$ 100.00 for the fee for rezone.

\_\_\_\_\_  
City Clerk

Feb. 18 2009

Virginia Brown  
Zarb Planning & Zoning Com.

This will serve as notice to petition  
the Zarb planning & zoning Com. to change  
the zoning at 1205 West Commercial from  
R-4 to C2

Thank you  
Louie P. McElhoney  
executor of estate of  
Chester H. McElhoney

Louie P. McElhoney

Janet Fredendall



**ORDINANCE NO. 2009-06**

**AN ORDINANCE AMENDING THE ZONING REGULATIONS AND ZONING MAPS OF THE CITY OF OZARK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

WHEREAS, the Ozark Planning Commission conducted a public hearing on March 5, 2009, at which the proposed Amendment was discussed with members of the public; and,

WHEREAS, the public hearing was advertised in a paper of general circulation in the City of Ozark at least fifteen (15) days prior to the meeting; and,

WHEREAS, the City Council has heard the report and recommendation of the Ozark Planning Commission as to the Amendment of the Ozark Zoning Regulations and maps; that said property is owned by Louie L McElhaney.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OZARK, ARKANSAS:**

**SECTION 1:** That the zoning regulations and map of the City of Ozark shall be amended to reflect that the zoning of the following described property located in the Ozark District of Franklin County, Arkansas is modified from R-4 to C-2 to-wit:

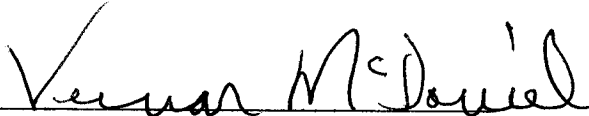
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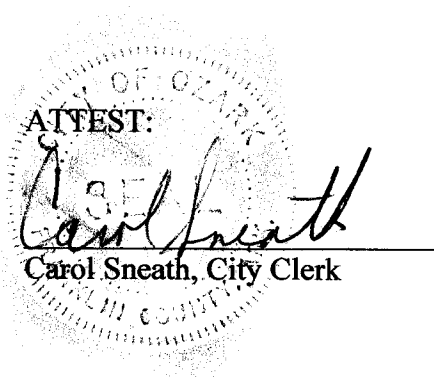
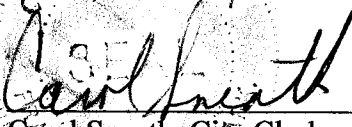
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SECTION 2: All Ordinances, parts of Ordinances or Regulations in conflict herewith are hereby repealed.

SECTION 3: That the lack of C-2 zoning at the above-described location has resulted in conditions which are detrimental to the City of Ozark and its citizens. An emergency is therefore declared and this Ordinance being necessary for the preservation of public peace, health and safety shall be in full force and effect from and after its passage.

PASSED this 9<sup>th</sup> day of March 2009.

  
Vernon McDaniel, Mayor of Ozark

  
ATTEST:  
  
Carol Sneath, City Clerk

STATE OF ARKANSAS, COUNTY OF FRANKLIN  
OZARK DISTRICT  
FILED FOR RECORD THE 16 DAY OF April  
2009 AT 2:10 O'CLOCK P. M. AND RECORDED  
IN BOOK 103 PAGE 272  
WILMA GRAGG - BRUSHWOOD  
CIRCUIT CLERK AND RECORDER  
BY Carol Cord D.C.