

ORDINANCE NO. 6329

AN ORDINANCE AMENDING THE MALVERN AND JAMES PLANNED DEVELOPMENT (PD) BY ADDING FOOD SERVICE RESTAURANT WITH DRIVE-UP AS A PERMITTED USE; APPROVING A MINOR SITE PLAN CHANGE; AND FOR OTHER PURPOSES.

WHEREAS, Planning Commission duly advertised and held a public hearing on March 12, 2020, voted 7-0 to accept staff report findings and to recommend amending Malvern and James Planned Development to add Food Service/Restaurant with Drive-Up as a permitted use and approving a minor site plan revision.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the City of Hot Springs, Arkansas, as follows:

SECTION 1. Zoning Amendment. That the following described Malvern and James Planned Development (PD) shall include Food Service / Restaurant with Drive-Up as a permitted use:

Commence at the SW corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 10, Township 3 South, Range 19 West; thence North along the West line of said Section 10 for 330 feet to the point of beginning; thence continue North along said West line for 707.1 feet; thence East for 213 feet; thence N 85° E for 214 feet more or less to the Westerly right-of-way line of U.S. Highway No. 270; thence Southeasterly and along the said right-of-way line for 150 feet more or less; thence N 58° 18' E for 248.8 feet to the Southeast corner of Lot No. 1, Block No. 3 of Indiandale Subdivision, Unit 1; thence S 31° 25' W and along the Westerly right-of-way line of Cherokee Drive for 120 feet; thence continue on said right-of-way line on a curve South and East for 112.6 feet thence N 67° 57' E for 22.1 feet; thence S 23° 54' E for 146 feet to the North line of Lot No. 72 of Meadow Wood Subdivision; thence N 69° 42' E and along the said lot line for 138 feet to the Northeast corner of said Lot 72; thence Southerly along the East line of said lot 72 for 218 feet to the Southeast corner thereof; thence Easterly along the North right-of-way line of Park Ridge Drive for 172.1 feet; thence South for 50 feet to the Northeast corner of Lot No. 37 of Meadow Wood Subdivision; thence continue South and along the East line of Lots 37 and 36 to the North right-of-way line of James Drive thence continue South to the South right-of-way line of James Drive; thence East and along the said South right-of-way line for 327 feet more or less; thence S 1° 30' W for 194.8 feet; thence West and parallel with the South line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ said Section 10 to the Westerly right-of-way line of U.S. Highway No. 270; thence Northwest and along said Highway 270 right-of-way line to the intersection with the South right-of-way line of Hollywood Lane: thence along the said South right-of-way line of Hollywood Lane West; thence South; thence West to a point that is 598 feet East of the West line of said Section 10; thence North for 206 feet more or less; thence West for 598 feet back to the point of beginning.

SECTION 2. That development at 1875 Malvern Avenue shall be subject to these conditions:

1.) All construction and construction activity are to be accomplished in strict accordance with all applicable approval conditions and with the minimum standards, codes, rules and regulations and policies as may now or hereafter be required or enacted by the City of Hot Springs, the State of Arkansas, and/or the United States of America, including the Arkansas Fire Prevention Code, whether or not submitted for staff review or Planning Commission approval; and

2.) At 1875 Malvern Avenue, dumpster pad, gate, and screening shall be constructed according to Hot Springs Code §9-1-11 (c) and §16-2-65 (7) as indicated on Exhibit A.

3.) At 1875 Malvern Avenue, a separate sign permit shall be applied for and obtained prior to the construction and installation of any proposed sign on the subject property.

SECTION 3. That Exhibit A, attached, shall be the approved PD site plan for 1875 Malvern Avenue.

SECTION 4. Issuance of Permits. That no permits shall be issued until the effective date of this ordinance.

PASSED: April 7, 2020

APPROVED: [Signature]
PAT McCABE, MAYOR

ATTEST: [Signature]
HARMONY MORRISSEY, CITY CLERK

APPROVED AS TO LEGAL FORM: [Signature]
BRIAN W. ALBRIGHT, CITY ATTORNEY

ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF GARLAND

SUBSCRIBED AND SWORN to before me this 7th day of April, 2020

[Signature]
NOTARY PUBLIC

My Commission Expires: 11.04.2029

