O-17-69

ORDINANCE NO. _____

AN ORDINANCE APPROVING A REQUEST FOR WAIVER OF SCREENING AND LANDSCAPING BUFFER REQUIREMENTS FOR CERTAIN REAL PROPERTY LOCATED AT 3118 HIGHWAY 391 NORTH IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, a request has been made seeking a waiver of certain screening and landscaping buffer requirements for property located at 3118 Highway 391 N (on the southeast corner of the Hwy. 391 N and Barton Road intersection) in the City of North Little Rock, Arkansas (see letter with site map from Marlar Engineering Company attached hereto as Exhibit "A"); and

WHEREAS, the applicant, Marlar Engineering Co., Inc., appeared before the North Little Rock Planning Commission at a regularly scheduled meeting thereof held on August 8, 2017, and requested a waiver of Section 15.5B of the North Little Rock Zoning Ordinance (Ord. 7697) for landscaping and tree buffers on the South and East property lines of the property due to existing below ground utilities (i.e. electric, fiber optic and sewer) located on the south property line and the current presence of trees acting as a buffer on the east property line; and

WHEREAS, the waiver of the buffer requirements was reviewed and supported by the Planning Commission at its August 8, 2017 meeting (6 affirmative votes; 3 absent) with the Commission directing that the waiver request be sent to City Council for approval.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That a waiver of screening and landscaping buffer requirements for the south and east property lines of property located at 3118 Highway 391 North (on the southeast corner of its intersection with Barton Road) in the City of North Little Rock, Arkansas, is hereby approved. *See* maps attached hereto as Exhibits "B" and "C" and incorporated herein by reference.)

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 3: That the provisions of this Ordinance are hereby declared to be severable and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 4: It is hereby found and determined that the existing trees on the south property line of the subject property provide an adequate buffer between the properties, and the current presence of several utility facilities on the east property line prohibit screening and landscaping buffers; that the waiver of buffer requirements as provided for herein is immediately necessary in order to insure the proper and orderly growth of this land and the proper and orderly growth of the City of North Little Rock, Arkansas, and being necessary for the immediate preservation of the public health, safety and welfare, THEREFORE, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED:

APPROVED:

Mayor Joe A. Smith

SPONSOR:

Council Member Maurice Taylor

ATTEST:

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b

FILED 11:09 A.M. _____ P.M.
By City Atty Jason Carter
DATE 9-5-17

Diane Whitbey, City Clerk and Collector
North Little Rock, Arkansas

RECEIVED BY K. Thomas

MARLAR ENGINEERING CO., INC.
Consulting Civil Engineers & Land Surveyors
5318 John F. Kennedy Boulevard
North Little Rock, Arkansas 72116

Michael P. Marlar, P.E., PLS
Sarah Waggoner
Jason Bouwknegt
Jack Fleming, Hydrologist

AUG. 28, 2017

City of North Little Rock
300 Main Street
North Little Rock, AR 72114

RE: SCREENING & LANDSCAPING BUFFER WAIVER
Tract 1, Valentine Addition
Cambridge Franchise Group

Dear Mayor Joe Smith & Aldermen,

Please accept this letter to serve as our application for the above referenced submittal. We wish to be placed on the Sept. 11, 2017 City Council Agenda. The owner would like to request a waiver of Section 15.5B of the City of North Little Rock Zoning Ordinance concerning the South and East property lines for the following reasons:

- Because of existing and proposed site conditions, there will not be adequate space for the planting of trees and shrubs. The proposed back of curb for the valentine road drive is 6' from the property line. Within this 6' of open space, there exist numerous above and below ground utilities including electric, fiber optic and sanitary sewer. For these reasons, landscaping along the south property line other than sodding is not practical.
- Also the property to the South is a semi truck service center in which we have to give an easement to Barton Road.
- Along the east property line there is already trees that act as a buffer between the properties and there is no construction near there. For our proposed project, the nearest construction will be the gravel parking lot for semi trucks that is 240 feet from the east property line.

Sincerely,
Marlar Engineering Co., Inc.

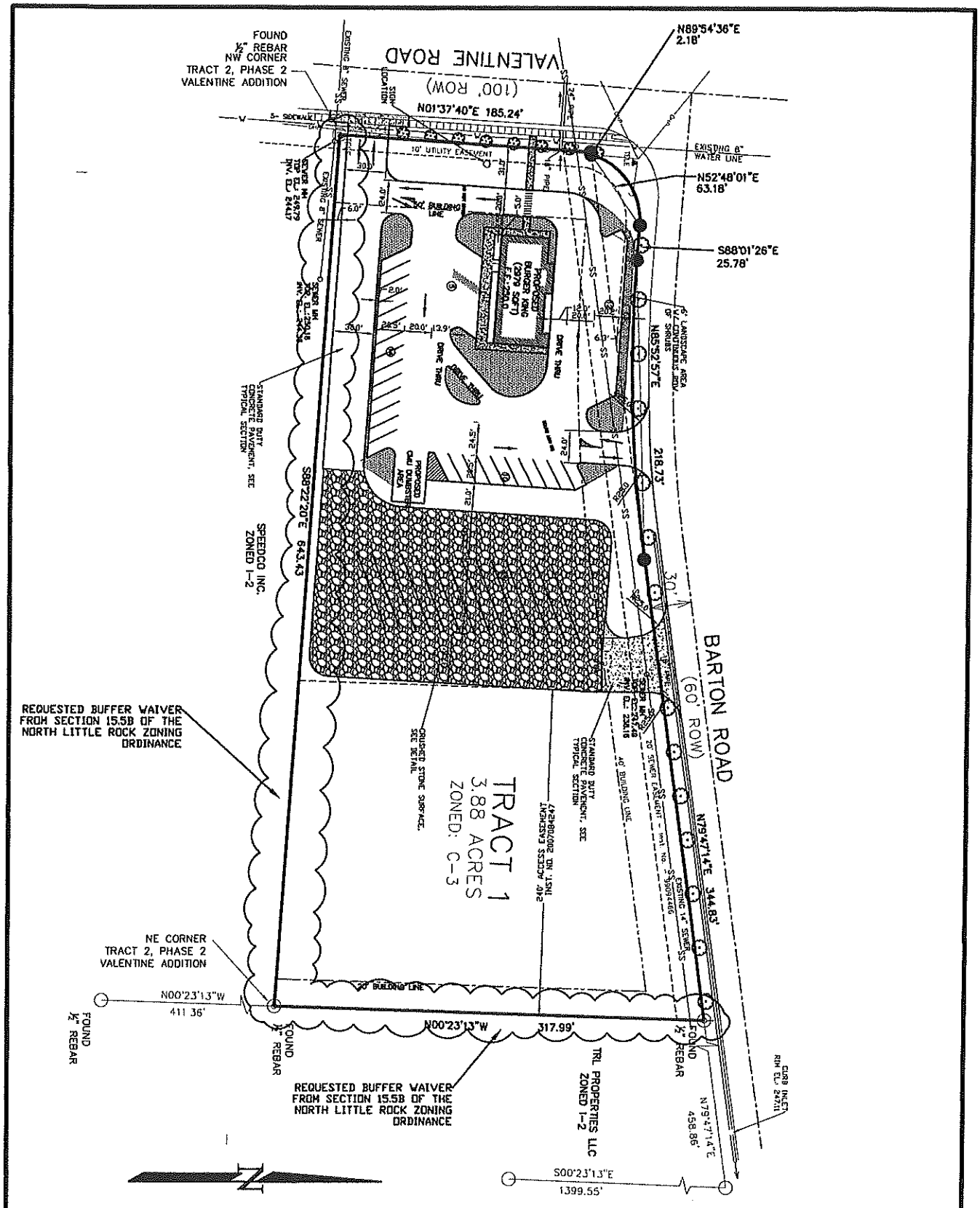
Mike Marlar, PE
President

MPM/jb

Enclosures

EXHIBIT
"A"

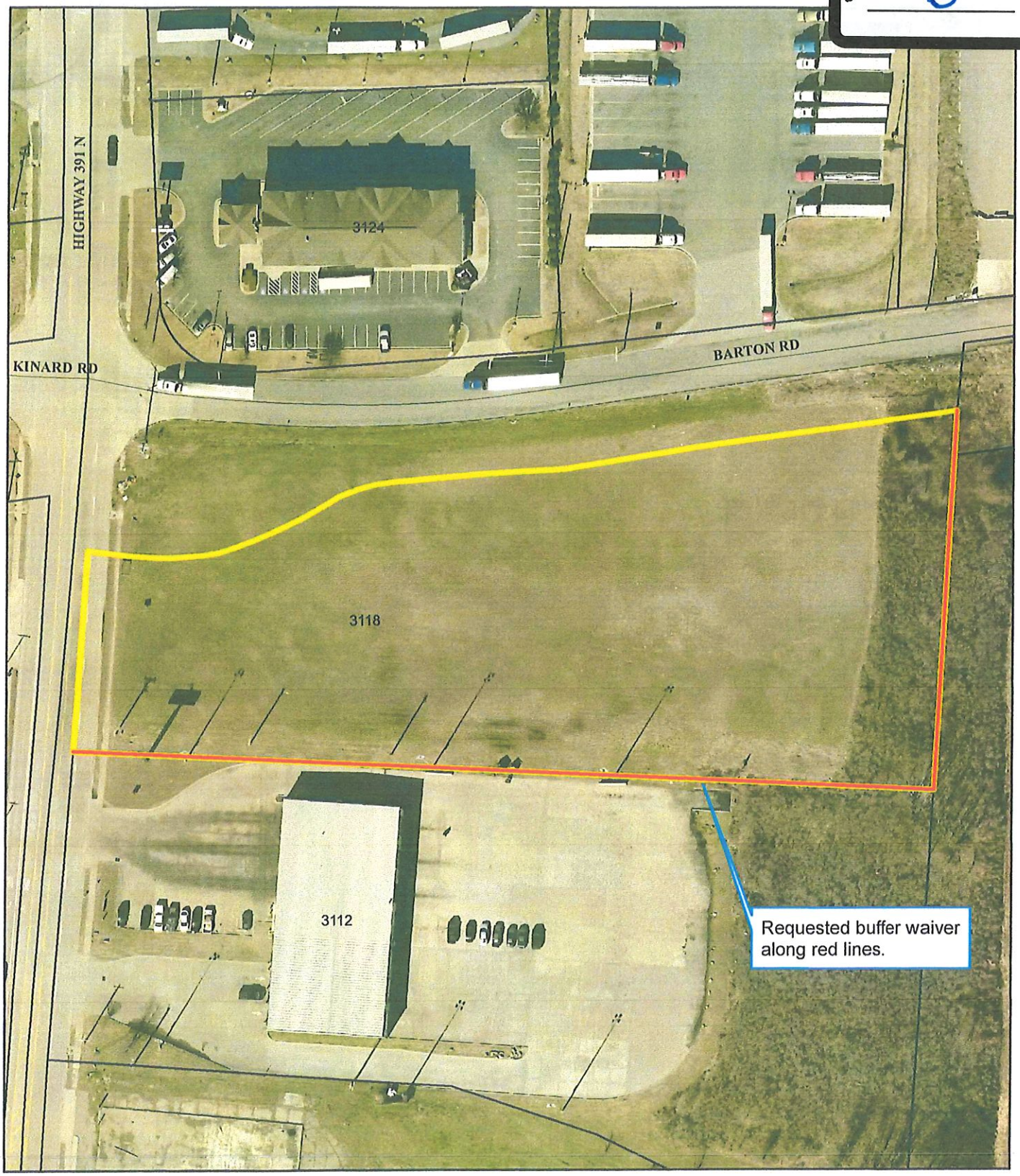
MARLAR ENGINEERING CO., INC.
Consulting Civil Engineers & Land Surveyors
5318 JOHN F. KENNEDY BOULEVARD
NORTH LITTLE ROCK, ARKANSAS 72116
PHONE (501) 753-1987 FAX (501) 753-1993 WWW.MARLAR-ENG.COM



DRAWN BY:	DATE:	JOB NUMBER:
JGB	AUG. 2017	17-32
APPROVED BY:	SCALE:	REVISION NUMBER:
MPM	1" = 100'	0

Public Hearing Case # 2017-14

EXHIBIT "B"



Community Planning

Ortho Map

1 inch = 100 feet

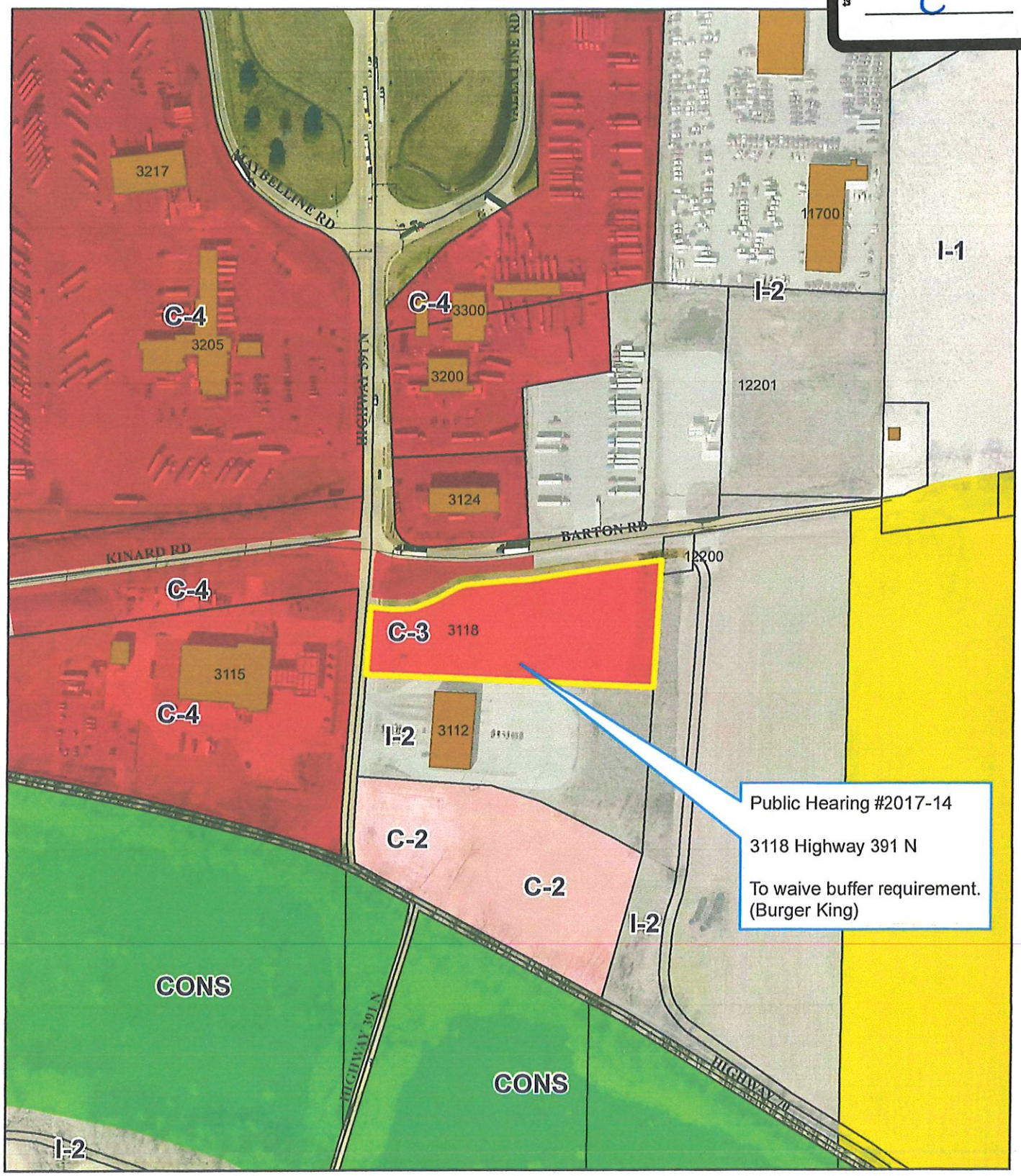
0 50 100 200 300 Feet

N W E S

Date: 8/31/2017

Public Hearing Case # 2017-14

EXHIBIT "C"



Zoning Map

1 inch = 300 feet

0 150 300 600 900 Feet

N W E S

Date: 8/31/2017