O-20-20

**ORDINANCE NO. ____**

**AN ORDINANCE GRANTING A WAIVER OF THE SIDEWALK REQUIREMENTS OF SECTION 12.21 OF THE ZONING ORDINANCE AND SECTION 9.11 OF THE SUBDIVISION ORDINANCE FOR CERTAIN REAL PROPERTY LOCATED ALONG WHITE OAK DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

WHEREAS, a request has been made by Holloway Engineering, 200 Casey Drive, Maumelle, Arkansas 72113, to waive certain Zoning Ordinance and Subdivision Ordinance requirements for property located along White Oak Drive in the City of North Little Rock, Arkansas (See letter from Roland Csege from Holloway Engineering dated January 31, 2020 attached hereto as Exhibit A); and

WHEREAS, the applicant seeks waiver of the sidewalk requirement of Section 12.21.B.1 of Ordinance No. 7697 ("the Zoning Ordinance") and waiver of the sidewalk requirement of Section 9.11.A of Ordinance No. 7946 ("the Subdivision Ordinance").

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

SECTION 1: That the following section of Ordinance No. 7697 ("the Zoning Ordinance") shall be waived for the subject property:

**Section 12.21 – Sidewalks**

B. Sidewalks shall be required as follows:

1. Sidewalks are required on both sides of local, collector and arterial streets in commercial and residential areas.

SECTION 2: That the following section of Ordinance No. 7946 ("the Subdivision Ordinance") shall be waived for the subject property:

**Section 9.11 – Sidewalks**

Sidewalks shall be a minimum of 5 feet wide and shall be installed within the dedicated right-of-way adjacent to the property line. Sidewalks shall be required as follows:

A. Both sides of local, collector, and arterial streets in commercial and residential areas.

SECTION 3: That the above mentioned sections are hereby waived for property along White Oak Drive, more particularly described as follows:

Lots 1-4, Phase 3, White Oak Village, City of North Little Rock, Pulaski County, Arkansas (see map attached hereto as Exhibit B).

SECTION 4: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 5: 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 6: That it is hereby found and determined that the requirement to build a sidewalk at the above mentioned property is to be waived, and the immediate passage of this Ordinance is necessary in order to insure the proper and orderly growth and development of this land and 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:

Ron Harris

Council Member Ron Harris

ATTEST:

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/cf

FILED 10:50 A.M. _____ P.M.

By A. Fields

DATE 2-18-20

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

RECEIVED BY S. Lisserf

**HOLLOWAY ENGINEERING**
**SURVEYING & CIVIL DESIGN**

200 Casey Drive, Maumelle, AR 72113 | Work: 501.851.3366

January 31, 2020

Mayor Joe Smith
North Little Rock City Council
City Hall
300 Main Street
P.O. Box 5757
North Little Rock, AR 72119

RE: Waiver of Sidewalks for White Oak Village, Phase 3, Lots 1-4, North Little Rock, AR

Dear Mayor Smith and City Council Members,

We are asking for a variance of the sidewalk requirement along White Oak Drive in front of proposed lots 1-4 from Prospect Trail. Please see attached exhibit.

Due to the steep running slope of the road the only potential design that would meet ADA standards would go too deep into the lots 1-4. Also, the sidewalks cannot be placed in the Right-of-Way and it would be cost prohibitive.

We would like to be placed on the February 10th City Council Agenda.

If you have any questions please call me at 501-851-3366.

Sincerely,

Roland Csege

EXHIBIT
A.

EXHIBIT

B.

# Public Hearing Case # 2020-05

Ortho Map

1 inch = 100 feet

0 50 100 200 300 Feet

N W E S

Date: 2/7/2020