O-20-98

ORDINANCE NO. ____

AN ORDINANCE GRANTING A WAIVER OF SIDEWALK RESTRICTIONS OF SECTION 9.11 OF THE SUBDIVISION ORDINANCE FOR CERTAIN REAL PROPERTY LOCATED ON VAN STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, on May 29, 2007, the City passed the North Little Rock Ordinance No. 7946 ("Subdivision Ordinance"), adopting regulations to control the development and subdivision of land; and

WHEREAS, a request has been made by Thomas Engineering Company, 3810 Lookout Road, Arkansas 72116, to waive certain Subdivision Ordinance restrictions for property located on Van Street in the City of North Little Rock, Arkansas (See letter from Thomas R. Pownall from Thomas Engineering Company dated October 14, 2020 attached hereto as Exhibit A and survey attached hereto as Exhibit B); and

WHEREAS, the North Little Rock Planning Commission voted to require the items requested to be waived (7 affirmative votes, 2 absent) at a regularly scheduled meeting thereof held on October 13, 2020; and

WHEREAS, the applicant seeks waiver of the sidewalk restrictions of Section 9.11 of Ordinance No. 7946 (the "Subdivision Ordinance") to construct the applicant's proposed development without sidewalks.

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. 7946 ("the Subdivision Ordinance") is hereby waived for Van Street, more particularly described as Lot 2 of the Koppers Addition in the City of North Little Rock, Pulaski County, Arkansas, to waive sidewalk requirements:

> **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SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.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: That it is hereby found and determined that the above mentioned restrictions for Van Street are 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:

Linda Robinson

Council Member Linda Robinson

Maurice Taylor

Council Member Maurice Taylor

ATTEST:

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/kt

FILED 11:15 A.M. _____ P.M.

By Amy Fields

DATE 10-20-20

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

RECEIVED BY

EXHIBIT
tabbies
A

THOMAS ENGINEERING COMPANY
civil engineers land surveyors
3810 LOOKOUT RD NORTH LITTLE ROCK, AR 72116 (501)753-4463
NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS

October 14, 2020

Honorable Joe A. Smith, Mayor
&
City of North Little Rock Council Members
300 Main Street
North Little Rock, AR 72119

RE: Plat of Lot 2, Koppers Addition
Sidewalk Waiver Request

Dear Mayor Smith and Council Members:

Please accept this letter to serve as our application to be placed on the October 26th, 2020, City of North Little Rock City Council Agenda regarding a waiver of the sidewalks associated with the platting and development of Lot 2, Koppers Addition. The sidewalk requirement is along the west side of Van Street. Our request is based on the following:

1. Installing a sidewalk along the west side of Van Street will adversely affect the existing tree and bush growth buffering Koppers' property and the residential property to the east. The growth acts as both a visual and sound buffer. Please note we will be adding additional trees along Van Street as required by landscape code.
2. Installing the sidewalk will adversely affect the side drainage ditch running along the west side of Van Street.
3. The City does not require sidewalks within industrial subdivisions. Koppers' property is zoned I-3 (industrial), and we feel this request is reasonable given the platting and subdivision of this industrial property could be interpreted as an industrial subdivision.

Applicant: Thomas R. Pownall, Thomas Engineering Company
3810 Lookout Road
North Little Rock, AR 72116
501-753-4463

Owner: Koppers Industries, Inc
2201 Edmonds Street
North Little Rock, AR 72117

Also Included with this letter is a map showing the area to be platted and the nearest sidewalks in the area.

We appreciate your consideration in this matter.

Respectfully,

Thomas R. Pownall, P.E.
Vice President

waiving 9.11.A
7 yes, 2 absent 10/13
Robinson?

EXHIBIT

B

tabbies