O-21-32

ORDINANCE NO. ____

AN ORDINANCE REPEALING ORDINANCE NO. 8862 TO REVOKE A CONDITIONAL USE FOR CERTAIN REAL PROPERTY LOCATED AT 2400 WEST 58TH STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, on November 28, 2016, the City Council of the City of North Little Rock, Arkansas ("the City") adopted Ordinance No. 8862 (attached hereto as Exhibit A), granting a conditional use of land to allow offices with warehouse space at 2400 West 58th Street in North Little Rock; and

WHEREAS, Article 8, Section 8.1.3(C) of the North Little Rock Zoning Ordinance (Ordinance No. 9263) provides that applicants who are granted a conditional use must obtain a business license from the City within one year from date of approval, and failure to obtain a permit within the allotted time will result in notice of termination of the conditional use; and

WHEREAS, the owner of the above mentioned real property has not obtained a business license for the conditional use, and the North Little Rock Planning Department has mailed the owner a notice of revocation of their conditional use; and

WHEREAS, a legal advertisement of notice of a public hearing held April 13, 2021 at 4:00 p.m. was placed in the newspaper for a revocation hearing at the North Little Rock Planning Commission meeting; and

WHEREAS, the North Little Rock Planning Commission approved revocation of the conditional use (7 affirmative; 2 absent) on April 13, 2021.

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

SECTION 1: That Ordinance No. 8862, adopted November 28, 2016, granting a conditional use of land to allow offices with warehouse space at certain real property located at 2400 West 58nd Street is hereby repealed and the conditional use granted therein is hereby revoked.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.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 no business license was obtained for a granted conditional use, and there is an immediate need to revoke the conditional use in order to comply with the North Little Rock Zoning Ordinance and to return the herein stated real property to its original status in order to insure the proper and orderly growth of this land and 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 Terry C. Hartwick

SPONSORS:

Terry C. Hartwick

Mayor Terry C. Hartwick

ATTEST:

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/kt

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

By A. Fields

DATE 4.20.21

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

RECEIVED BY S. Usserg

EXHIBIT

tabbies

A

O-16-83

ORDINANCE NO. 8862

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED AT 2400 WEST 58TH STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM O-1 TO C-3 CLASSIFICATION BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; ADOPTING AN AMENDED LAND USE PLAN FOR THE SUBJECT PROPERTY; GRANTING A CONDITIONAL USE TO ALLOW OFFICES WITH WAREHOUSE SPACE IN A C-3 ZONE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, application was duly made by North Little Rock School District, 2700 Poplar Street, North Little Rock, AR 72115, seeking a zoning reclassification and a conditional use of the herein described land to allow offices with warehouse space, which application was duly considered and approved (7 affirmative votes; 2 absent) by the North Little Rock Planning Commission at a regularly scheduled meeting thereof held on November 8, 2016; and

WHEREAS, the City adopted the North Little Rock Land Use Plan with amended land use maps in December 2002 (Ordinance No. 7507); and

WHEREAS, a revised Land Use Plan for the property herein described and being located at 2400 West 58th Street in North Little Rock, Arkansas, from Single Family to Community Shopping, was approved (7 affirmative votes; 2 absent) by the North Little Rock Planning Commission at a regularly scheduled meeting thereof held on November 8, 2016.

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

SECTION 1: That Ordinance No. 7697 of the City of North Little Rock, Arkansas is hereby amended by changing the classification of certain lands from O-1 to C-3 classification to allow offices with warehouse space on said property located 2400 West 58th Street in North Little Rock, Pulaski County, Arkansas, and more particularly described as follows:

Tract I:
Part of the SW ¼ NE ¼ of Section 16, Township 2 North, Range 12 West, now in the City of North Little Rock, Arkansas, more particularly described as follows, to-wit: Starting at an iron pin which is the Northeast corner of the said SW ¼ NE ¼; thence South 89 degrees 42 minutes West along the North line of said SW ¼ NE ¼ for 220 feet to an iron pin which is the point of beginning; thence South 00 degrees 10 minutes West for 565.85 feet to an iron pin; thence North 89 degrees 37 minutes West for 178.5 feet to an iron pin; thence South 8

degrees 19 minutes West for 41.45 feet to an iron pin; thence North 88 degrees 00 minutes West for 74.2 feet to an iron pin; thence North 2 degrees 10 minutes East for 75 feet to an iron pin; thence North 75 degrees 19 minutes West for 76.7 feet to an iron pin; thence North 64 degrees 18 minutes 30 seconds West for 21.8 feet to an iron pin; thence North 61 degrees 48 minutes West for 95.2 feet to a iron pin; thence North for 454.25 feet to an iron pin on the North line of said SW ¼ NE ¼; thence North 89 degrees 42 minutes East along the said North line for 435.4 feet to the point of beginning, containing 5.43 acres, more or less, according to a survey made on July 8, 1963, by A. H. Thomas, Professional Engineer 848.

Tract II:
Part of the E ½ of the SW ¼ NE ¼ of Section 16, Township 2 North, Range 12 West, in the City of North Little Rock, Arkansas, more particularly described as: Beginning 591 feet South of a point which is 556 feet West of the Northeast corner of the SW ¼ NE ¼; thence East 75 feet; thence North 75 feet; thence Northwesterly to a point which is 92 feet North of the point of beginning; thence South 92 feet to the point of beginning. ALSO DESCRIBED, according to Survey made by A. H. Thomas, R.P.E. 848, on September 17, 1963, as: Part of the SW ¼ NE ¼ Section 16, Township 2 North, Range 12 West, more particularly described as: Starting at an iron pin which is the Northeast corner of the said SW ¼ NE ¼; thence South 89 degrees 42 minutes West along the North line of said SW ¼ NE ¼ for 220 feet to an iron pin; thence South O degrees 10 minutes West for 555.85 feet to an iron pin; thence North 89 degrees 3 minutes West for 178.5 feet to an iron pin; thence South 8 degrees 19 minutes West for 41.45 feet to an iron pin; thence North 88 degrees O minutes West for 74.2 feet to an iron pin which is the point of beginning; thence North 2 degrees 10 minutes East for 75 feet to an iron pin; thence North 75 degrees 19 minutes West for 76.7 feet to an iron pin; thence South 2 degrees 13 minutes West for 92 feet to an iron pin; thence South 88 degrees O minutes East 75.0 feet to the point of beginning, containing 0.14 acres, more or less.

(See Exhibit "A" and "B" attached hereto.)

SECTION 2: That the Land Use Plan for the subject property described in Section 1 above is hereby amended as reflected on the map attached hereto as Exhibit "C" and incorporated herein by reference.

SECTION 3: That a conditional use is approved for offices with warehouse space in a C-3 zone for the herein described property subject to the following:

a) Applicant must meet all applicable Federal, State, County and City requirements.
b) A business license may be issued after inspection by Planning Staff and confirmation that all requirements have been met.

c) The applicant/owner understands that failure to comply with these conditions may result in loss of the Conditional Use and/or loss of Business License and/or removal of Electric Power Meter.

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 provisions shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 6: It is hereby found and determined that the City benefits from commercial development within its boundaries, that the rezoning and conditional use of the above-described land as provided for herein to allow offices with warehouse space will not be detrimental to or interfere with other occupants in the area and is immediately necessary in order to insure the proper and orderly growth of this land and 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:

Steve Baxter

Alderman Steve Baxter

ATTEST:

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

C. Jason Carter, City Attorney

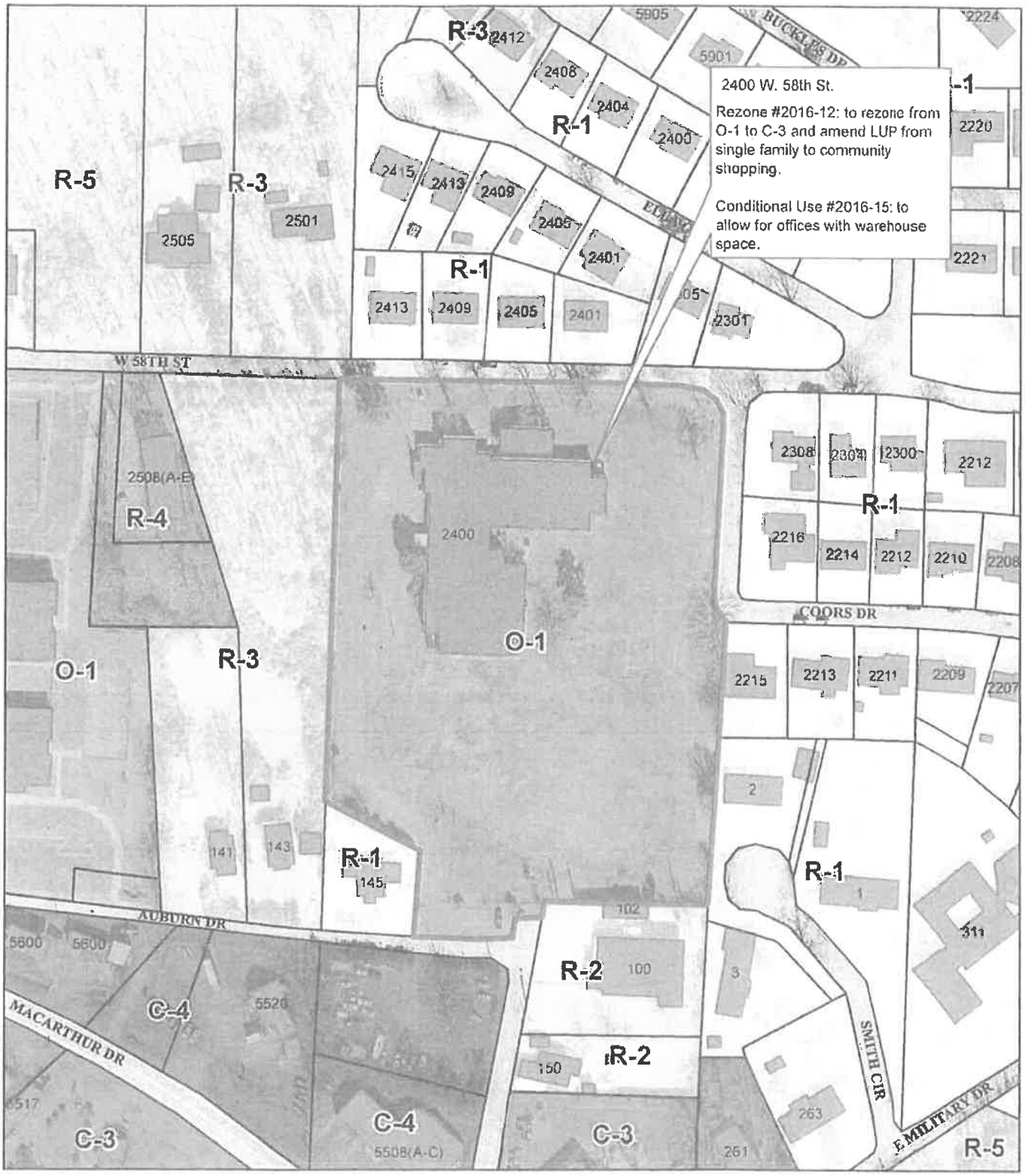
PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b

FILED 11:45 A.M. _____ P.M.
By Attorney Carter
DATE 11/22/11

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

RECEIVED BY T. McGraw

Rezone Case #2016-12 and Conditional Use #2016-15



1 inch = 150 feet

0 75 150 300

Date: 10/12/2016

Zoning Map

EXHIBIT "A"

N W E S

Rezone Case #2016-12 and Conditional Use #2016-15

NLR Community Planning

Ortho Map

1 inch = 75 feet

0 37.5 75 150

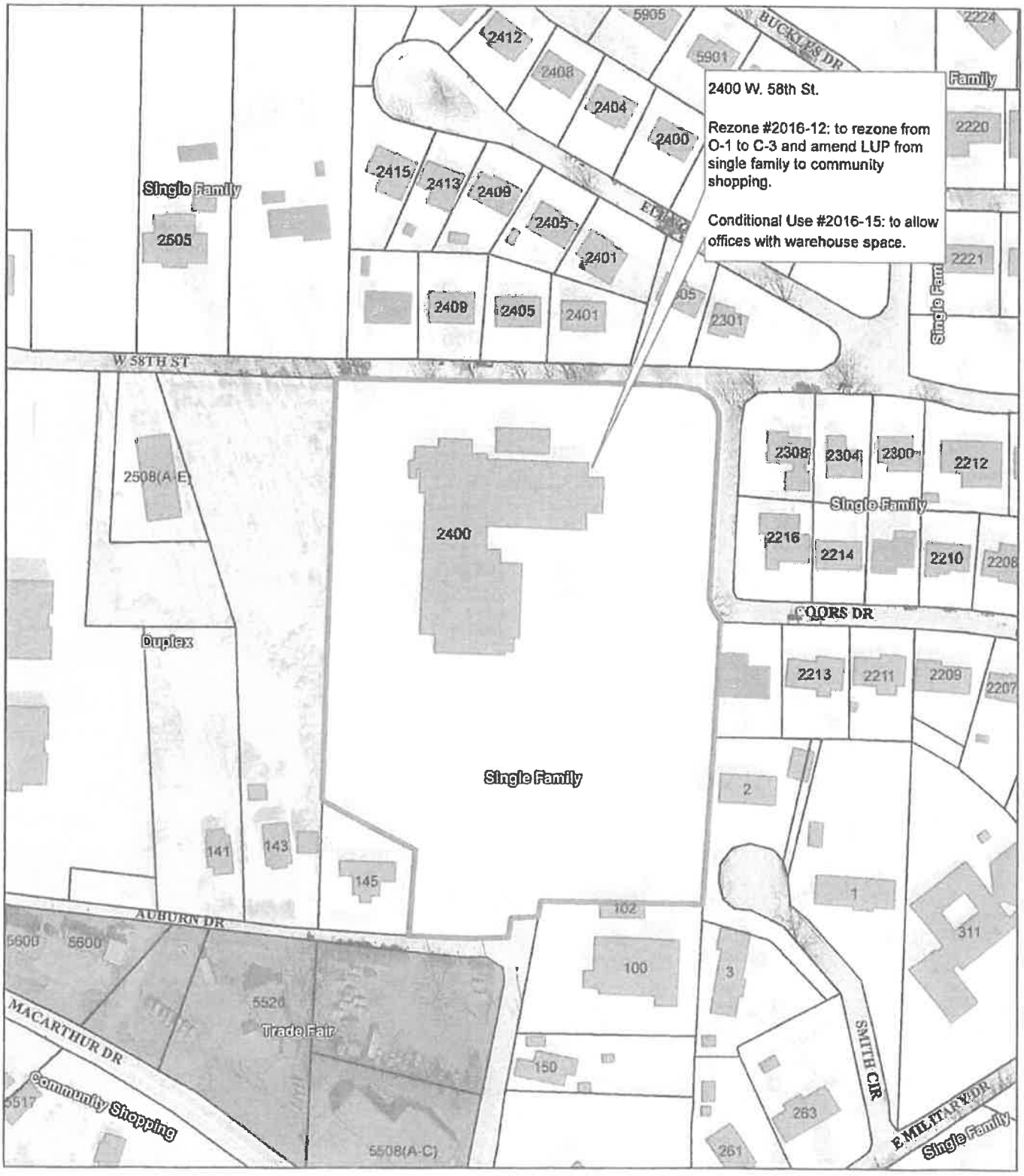
EXHIBIT

"B"

N W E S

Date: 10/12/2016

Rezone Case #2016-12 and Conditional Use #2016-15



1 inch = 150 feet

0 75 150 300

Date: 10/27/2016

Land Use Map

EXHIBIT "C"