O-21-34

ORDINANCE NO. ____

AN ORDINANCE REPEALING ORDINANCE NO. 9234 TO REVOKE A CONDITIONAL USE FOR CERTAIN REAL PROPERTY LOCATED AT 909 WEST 35TH STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, on April 13, 2020, the City Council of the City of North Little Rock, Arkansas ("the City") adopted Ordinance No. 9234 (attached hereto as Exhibit A), granting a conditional use of land to allow an upholstery business at 909 West 35th 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. 9234, adopted April 13, 2020, granting a conditional use of land to allow an upholstery business at certain real property located at 909 West 35th Street is hereby repealed and the conditional use granted therein is hereby revoked.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.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

EXHIBIT
tabbies
A

O-20-33

ORDINANCE NO. 9234

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW AN UPHOLSTERY BUSINESS IN A C-L ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 909 WEST 35TH STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, application was duly made by Sam Emmerling, 109 Village Creek Court, North Little Rock, Arkansas 72116, seeking a conditional use for property located at 909 West 35th Street to allow an upholstery business, which application was duly considered and approved (6 affirmative votes, 3 absent) by the North Little Rock Planning Commission at a regularly scheduled meeting thereof, held on March 10, 2020.

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

SECTION 1: That a conditional use is approved for an upholstery business in a C-L zone for the subject real property located at 909 West 35th Street in the City of North Little Rock, Pulaski County, Arkansas, being more particularly described as follows:

The East 1.5-feet of Lot 9 and all of Lot 10, Block 19, Booher's Addition to the, City of North Little Rock, Pulaski County, Arkansas (See maps attached hereto collectively as Exhibit A).

SECTION 2: That this conditional use shall be subject to the following:

1. Meet the Fire Marshal's requirements on storage of flammable materials.
2. Any structures located on the lot shall meet all applicable Federal, State, County, and City requirements and codes.
3. Business license to be issued after Planning Staff confirmation of requirements.
4. Business license holder 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 3: That all ordinances or parts of ordinance in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 4: 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 5: It is hereby found and determined that an upholstery business as described herein is compatible with other businesses in the area and that the conditional use is immediately necessary in order to insure the proper and orderly growth and development 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:

4-13-20

APPROVED:

Joe A. Smith

Mayor Joe A. Smith

SPONSOR:

Debi Ross

Council Member Debi Ross

ATTEST:

Diane Whitbey

Diane Whitbey, City Clerk

Beth White

Council Member Beth White

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 Amy Fields, City Atty

DATE 3-17-2020

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

RECEIVED BY _____

EXHIBIT
A

Conditional Use # 2020-03

Zoning Map

1 inch = 100 feet

0 50 100 200 Feet

N W E S

Date: 1/29/2020

Map is not to survey accuracy

Conditional Use # 2020-03

Ortho Map

1 inch = 20 feet

0 10 20 40 Feet

N W E S

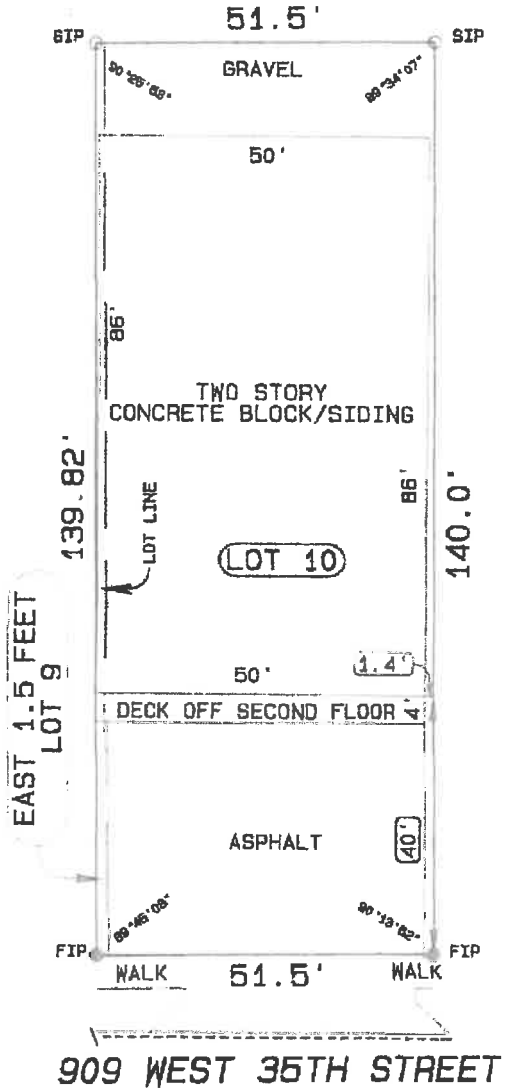
Date: 1/29/2020

Map is not to survey accuracy

JAMES L. BUTLER
PROFESSIONAL LAND SURVEYOR
10411 HIGHWAY #107
SHERWOOD, AR 72120
PH.501-753-4965 FAX 501-833-2161

-N-

SCALE : 1" = 20'
DATE : SEPTEMBER 19, 2018



909 WEST 35TH STREET

REGISTERED
STATE OF ARKANSAS
SIGNATURE
JAMES L. BUTLER
PROFESSIONAL LAND SURVEYOR

LEGAL DESCRIPTION :

The East 1.5 feet of Lot 9, and all of Lot 10, Block 19, BOOHER'S ADDITION, to the City of North Little Rock, Pulaski County, Arkansas.

CERTIFICATION:

This is to certify that I have surveyed the above described land and that all corners are marked and located in accordance with existing monuments in the vicinity. This certification is for and limited to the parties named hereon.

Note : This survey is subject to all/any easements, building lines, rights of way or restrictions that may exist. No research for such conducted by this surveyor.

For the use and benefit of :

AL-JOY PROPERTIES, LLC.
ALL AMERICAN TITLE & ABSTRACT, L.L.C.

FIP DENOTES FOUND IRON PIN
SIP DENOTES SET IRON PIN