O-21-70

ORDINANCE NO. _____

AN ORDINANCE WAIVING CERTAIN SECTIONS OF ARTICLE 15 OF THE SUBDIVISON ORDINANCE (ORDINANCE NO. 7946) AND SECTION 7.2.3 OF THE ZONING ORDINANCE (ORDINANCE NO. 9263) FOR PROPERTY LOCATED AT 700 DIXIE STREET TO ALLOW THE WAIVER OF STREET IMPROVEMENTS AND LANDSCAPING; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, application was duly made by Thomas R. Pownall of Thomas Engineering Company, 3810 Lookout Road, North Little Rock, Arkansas 72116, seeking a waiver of street improvements and landscaping restrictions for property located at 700 Dixie Street (see letter from Mr. Pownall and maps attached hereto respectively as Exhibit A and B); and

WHEREAS, the North Little Rock Planning Commission voted to require the items requested to be waived (6 affirmative votes; 3 absent) at a regularly scheduled meeting thereof held on July 13, 2021; and

WHEREAS, the applicant seeks waiver of Sections 15.4, 15.5, 15.8 and 15.11 of Ordinance No. 7946 and Section 7.2.3 of Ordinance No. 9263 for the property located at 700 Dixie Street.

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

SECTION 1: That the following Section 15.4 of the Ordinance No. 7946 ("the Subdivision Ordinance") is hereby waived for 700 Dixie Street, more particularly described as Lots 1 and 2 of the Clifton Industrial Addition to the City of North Little Rock, Pulaski County, Arkansas:

> **Section 15.4 – Curbs and Gutters:** Curbs and gutters shall conform to the following:
>
> A. Curbs and gutters shall be installed on all streets except as this regulation may direct.
>
> B. Installations shall be in accordance with standards adopted by the City Council.

SECTION 2: That the following Section 15.5 of the Subdivision Ordinance is hereby waived for 700 Dixie Street:

> **Section 15.5 – Sidewalks:** Sidewalks shall conform to the following:
>
> A. Sidewalks shall be installed per the requirements of this regulation and the Master Street Plan.

B. Installation shall be in accordance with ADA standards and approved by the City Engineer.

SECTION 3: That the following Section 15.8 of the Subdivision Ordinance is hereby waived for 700 Dixie Street:

Section 15.8 – Storm Drainage: Storm drainage shall conform to the following:

A. Every subdivision shall be served by storm drainage facilities including drains, sewers, catch basins, culverts, and other facilities.

B. All drainage facilities shall be so designed to serve the entire drainage area.

C. All surface water drainage shall be transported to existing storm sewers or to drainage facilities approved by the City Engineer.

D. Inlet spacing shall be at a maximum spacing of 500 feet.

SECTION 4: That the following Section 15.11 of the Subdivision Ordinance is hereby waived for 700 Dixie Street:

Section 15.11 – Street Lights.

A. Residential Streets and Subdivisions – Street lights shall be installed at every intersection and spaced approximately at 200 food intervals within the block. Street lights shall be installed within street right-of-ways. Street lights within the block should be near the common, side yard lot lines.

B. Commercial and Industrial Subdivisions – Street lights shall be installed at every intersection and spaced approximately at 200 food intervals within the block. Street lights shall be installed within the street right-of-way.

C. Payment – Street lights shall be at the cost of the developer with a plan designed by the NLR Electric Department. Developers are responsible for a set fee per street light installed. A bond may be provided allowing the delay of installation to expedite a building permit or issuance of a final plat.

D. Relocation – Any relocation of street lights shall be at the cost of the developer.

SECTION 5: That the following Section 7.2.3 of Ordinance No. 9263 ("the Zoning Ordinance") is hereby waived for 700 Dixie Street.

Section 7.2.3 – Street Trees

A. Trees from Table B shall be spaced every thirty (30) feet to achieve the required number of trees; trees from Table C shall be spaced every twenty-five (25) feet; or trees from Table D shall be used if beneath overhead power lines and spaced every fifteen (15) feet

B. Trees shall be irrigated by an automatic underground irrigation system.

C. Trees shall be two and one-half (2.5) inch caliper or greater at the time of planting. Caliper shall be measured at three (3) feet above the ground surface.

D. Only trees from the approved planting list will count toward any requirements, unless approved by the Planning Commission.

SECTION 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 7: 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 8: That it is hereby found and determined that the waiver of the above-described street improvements as provided for herein is to be in the best interests of the City, 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 Terry C. Hartwick

SPONSOR:

Linda Robinson

Council Member Linda Robinson

ATTEST:

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/kt

FILED 10:52 **A.M.** _____ **P.M.**

By Amy Fields, CA

DATE 7/20/21

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

RECEIVED BY _____

EXHIBIT
A

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

July 14, 2021

Mr. Shawn Spencer, Director
North Little Rock Planning Department
120 Main Street
North Little Rock, AR 72114

Ms. Amy Fields
City Attorney
North Little Rock City Attorney's Office
116 Main Street
North Little Rock, Arkansas 72114

RE: Lot 1 & 2, Clifton Industrial Addition
700 & 710 Dixie Street
1/2 Street Improvements Variance Request

Dear Ms. Fields and Mr. Spencer:

Please accept this letter as our request for a variance associated with the ½ street improvements of Dixie Street and Progress Street along the street frontage of proposed Lots 1 & 2, Clifton Industrial Addition. The owner of the property is platting the facility into two lots with each lot containing a building. This way each building can operate independently of each other. No improvements are proposed on the property. We wish to be placed on the July 26th, 2021 City Council Agenda. Our requests is as follows:

1. Variance of the required ½ street improvements of Dixie Street and Progress Street, including street, drainage, curb & gutter, sidewalk, street trees, and street lights, for the street frontage of Lots 1 & 2, Clifton Industrial Addition.

The following items are included with this submittal letter:

1. Plat of subject property

Please feel free to contact me with any questions.

Sincerely,

Thomas R. Pownall, P.E.
Vice President

EXHIBIT

tabbies

B

Public Hearing Case # 2021-18

NLR Community Planning

Ortho Map

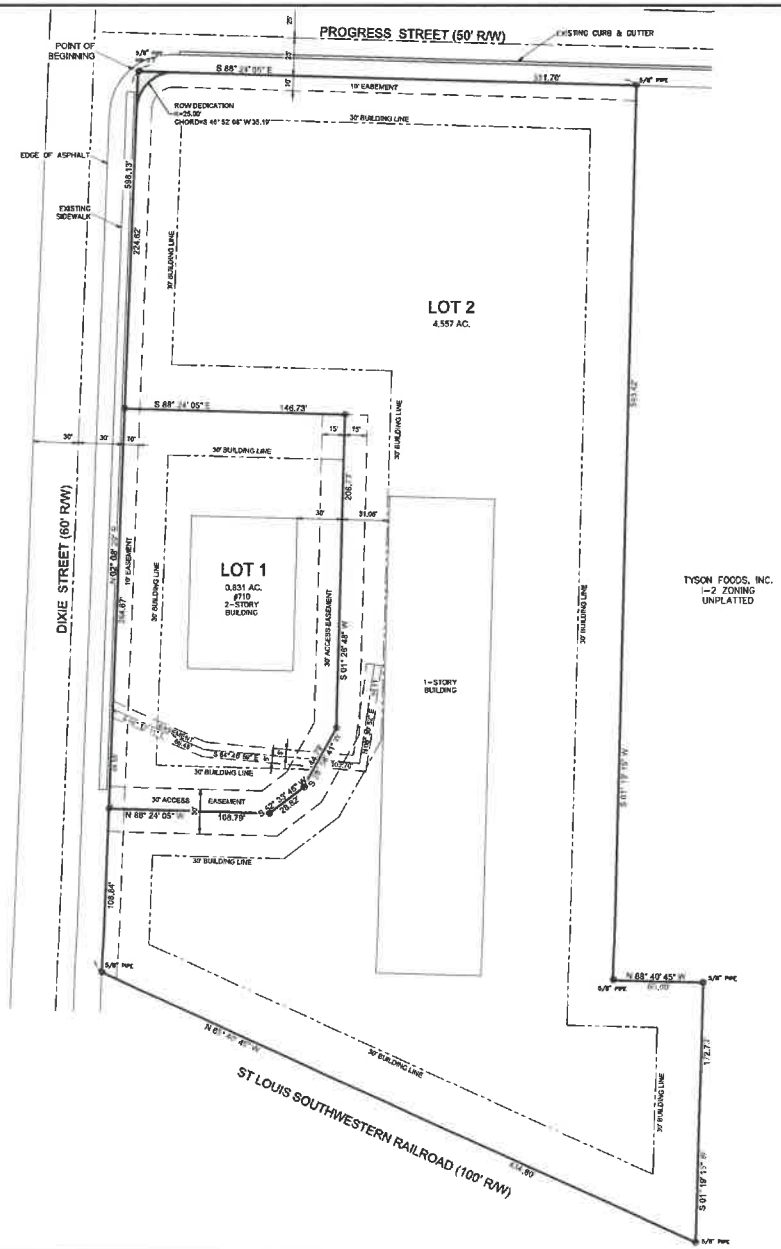
1 inch = 100 feet

0 50 100 200 300 Feet

N W E S

Date: 7/14/2021

VICINITY MAP



LEGEND

- SHOWS EXISTING STREETS.
- SHOWS RIGHT-OF-WAY DEDICATION
- SHOWS ACCESS EASEMENT
- SHOWS SEWER, UTILITY AND DRAINAGE EASEMENT.
- SHOWS 5/8" PIPE WITH CAP PLS 1215
- SHOWS SURVEY MARKER AS DESCRIBED

LEGAL DESCRIPTION

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 2 NORTH, RANGE 11 WEST, PULASKI COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A 5/8" IRON PIPE AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF DIXIE STREET AND THE SOUTH RIGHT OF WAY LINE OF PROGRESS STREET;
THENCE S 88°24'05" E ALONG SAID SOUTH RIGHT OF WAY LINE OF PROGRESS STREET FOR 331.76 FEET;
THENCE S 01°19'15" W FOR 593.82 FEET;
THENCE N 88°40'45" W FOR 60.00 FEET;
THENCE S01°19'15" W FOR 172.73 FEET TO A 5/8" IRON PIPE ON THE NORTH RIGHT OF WAY LINE OF THE ST. LOUIS SOUTHWESTERN RAILROAD;
THENCE N 65°40'45" W ALONG SAID RAILROAD RIGHT OF WAY LINE FOR 434.80 FEET TO A 5/8" IRON PIPE AT THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF ST. LOUIS RAILROAD WITH THE EAST RIGHT OF WAY LINE OF DIXIE STREET;
THENCE N 02°08'20" E ALONG SAID EAST RIGHT OF WAY LINE OF DIXIE STREET FOR 598.13 FEET TO THE POINT OF BEGINNING.
CONTAINING 234,832.09 S.F. OR 5.391 ACRES, MORE OR LESS.

GENERAL NOTES

1. PLAT CONTAINS 234,832.09 S. F. OR 5.391 ACRES, MORE OR LESS.
2. THIS PROPERTY IS ZONED I-2.
3. THIS PLAT IS NOT IN THE 100 YEAR FLOOD PLAIN AS PER FLOOD INSURANCE RATE MAP No. 05023S 0054 G. DATED JULY 6, 2015.
4. BASIS OF BEARINGS: ARKANSAS STATE PLANE COORDINATES NORTH ZONE (FAGIS)

CERTIFICATE OF SURVEYING ACCURACY

I, JOHN R. POWNALL, HEREBY CERTIFY THAT THIS PLAT REPRESENTS A BOUNDARY SURVEY MADE BY ME AND THAT BOUNDARY MARKERS SHOWN HEREON ACTUALLY EXIST AND THEIR LOCATIONS, TYPE AND MATERIAL ARE CORRECTLY SHOWN.

DATE _____ JOHN R. POWNALL RLS 1215

CERTIFICATE OF ENGINEERING ACCURACY

I, JOHN R. POWNALL, HEREBY CERTIFY THAT THIS PLAT REPRESENTS A PLAN MADE BY ME, AND THAT IT MEETS ALL THE ENGINEERING REQUIREMENTS OF THE NORTH LITTLE ROCK SUBDIVISION RULES AND REGULATIONS.

DATE _____ JOHN R. POWNALL PE 4685

CERTIFICATE OF OWNER

WE, THE UNDERSIGNED, OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREON, HEREBY CERTIFY THAT WE HEREBY LAY OFF, PLAT, AND SUBDIVIDE SAID REAL ESTATE IN ACCORDANCE WITH THIS PLAT.

DATE _____ NAME _____

CERTIFICATE OF FINAL APPROVAL

PURSUANT TO THE NORTH LITTLE ROCK SUBDIVISION RULES AND REGULATIONS, AND ALL OF THE CONDITIONS OF APPROVAL HAVING BEEN COMPLETED, THIS DOCUMENT IS HEREBY ACCEPTED. THIS CERTIFICATE IS HEREBY EXECUTED UNDER THE AUTHORITY OF SAID RULES AND REGULATIONS.

DATE _____ NORTH LITTLE ROCK PLANNING COMMISSION

PLAT OF
LOTS 1 & 2
CLIFTON INDUSTRIAL ADDITION

AND DEDICATION OF RIGHT-OF-WAY AS SHOWN HEREON
IN
THE CITY OF NORTH LITTLE ROCK
AND IN
SE1/4 SECTION 31
TOWNSHIP 2 NORTH, RANGE 11 WEST
PULASKI COUNTY, ARKANSAS

OWNER & SUBDIVIDER:

THE CLIFTON FAMILY LIMITED LIABILITY LIMITED PARTNERSHIP 501-960-9086

LICENSED PROFESSIONAL SURVEYOR — STATE OF ARKANSAS NO. 1215 — JOHN R. POWNALL — SIGNATURE

CERTIFICATE OF AUTHORIZATION — THOMAS ENGINEERING CO. — No. 94 — ARKANSAS

STATE OF ARKANSAS — REGISTERED PROFESSIONAL ENGINEER — No. 4685 — JOHN R. POWNALL

GRAPHIC SCALE

(IN FEET)
1 inch = 40 ft.

THOMAS ENGINEERING COMPANY
3810 LOOKOUT ROAD, N. LITTLE ROCK, AR. 72116
TEL: 501-753-4463 FAX: 501-753-6814

PLAT OF
LOTS 1 & 2
CLIFTON INDUSTRIAL ADDITION
NORTH LITTLE ROCK, ARKANSAS

APPROVED	DRAWN BY	DATE	SHEET NO.
	MJC	5/16/21	1
SCALE 1" = 40'			

CLIFTON INDUSTRIAL ADD LOT 1 & 2-2021-0028.dwg

PLOTTED: 6/16/2021